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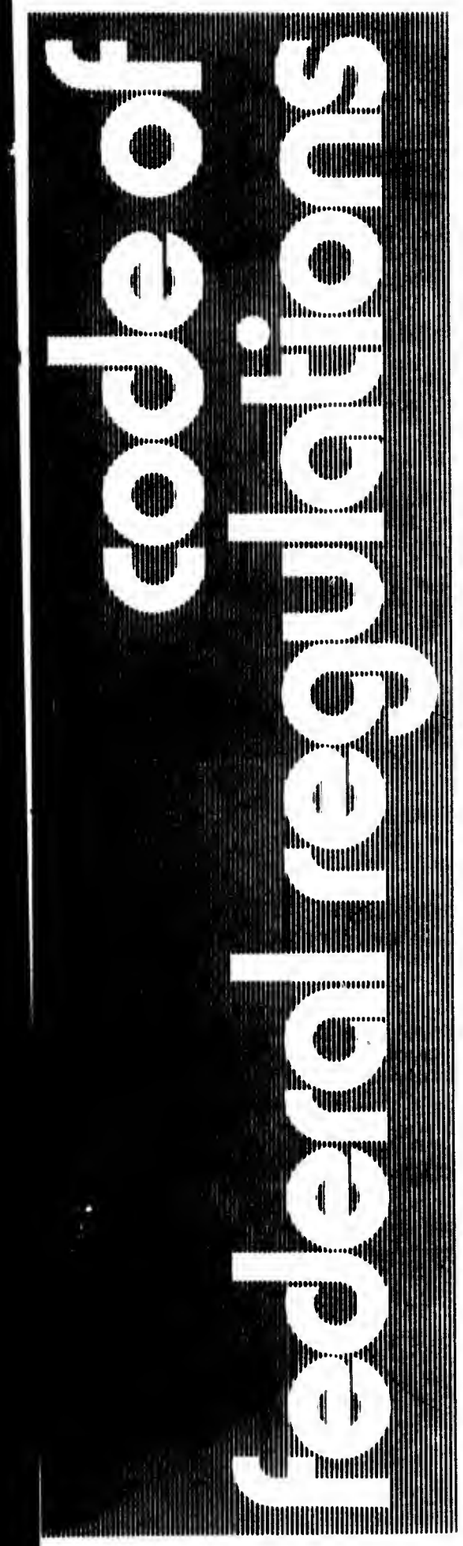
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422.125	(e)(2) revised	50998
422.201	Revised	53791
422.203	Revised	53791
422.205	Revised	53792
422.210	Revised	53792
422.406	(a) introductory text revised; (a)(4) added	50998
422.412	Revised	50998
422.428	Revised	50998
422.434	(c) added	*3642
422.436	Revised	50999
422.440	Revised	50999
422.444	Revised	51000
422.448	Revised	51000
422.452	Revised	51000

Chapter V—Employment and Training Administration, Department of Labor

601.6	(b) and (c) amended	*4724
601.8	Amended	*4724
601.9	Amended	*4724
602	Heading revised	48250
602.1	(g) removed	48250
	(a) amended	*4724
602.5	Revised	48250
602.9	Removed	*4724
602.10	(b) revised	35169
602.10a	(f) revised	35169
602.10b	(a)(1) revised	35170
602.15	Amended	*4724
602.18	(a) amended	*4724
602.21	Removed	*4724
603	Heading revised	*4724
603.1	Amended	*4724
603.2	(a) amended	*4724
603.3	Revised	*4724
603.5	Amended	*4724
604.1	(d) revised	48250
604.2	(b) and (c) revised	*4724
604.4	Revised	48250
604.5	Amended	*4724
605	Removed	48250
609.9	Revised	18997
	(c)(4) corrected	20582
609.23	(c) and (d) added	18998
614.19	Revised	16967
	Revised	*1459
620.3	(a) introductory text revised	15004
640	Added	30465
651	Added	*4724
652	Heading added	*4724
653	Added	48250
653.100—653.115	(Subpart B) Added	*4727
653.200	(b) amended	56306
653.201	Amended	56306
653.213	(b) amended	56306
653.214	(d) amended	56306
653.221	(a)(7)(i) amended; (e) and (g) removed; (f) redesignated as (e)	56306
653.224	(d) amended	56306
653.230	(f)(2) introductory text amended	56306
654	Heading added	*4731
655	Heading added	*4731

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656	Redesignated and revised from 29 CFR 60; eff. 2-18-77	*3441
658	Added	*4731

Chapter VI—Employment Standards Administration, Department of Labor

701.201	Revised	*3848
701.301	(a)(5) revised	*3848
702.101	Revised	*3848
725.124	(d) revised	41912
725.451	Revised	41912
725.460	Revised	41912
725.473A	Added	41913
725.474	Revised	41913
741	(Subchapter C) Removed and part redesignated as 41 CFR Part 60-741	16147

Chapter VIII—Joint Board for the Enrollment of Actuaries

901.13	Added	49971

Title 20—*Proposed Rules:*

401		16561, 31228, 51425, 55556
404		26705, 26930, 31229, 34060, 35861, 35862, 53042
405		22835, 26930, 31229, 35197, 40495, 43917, 46321, 49499, 52065, 52067, 55718 *4966
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416		26705, 26930, 31229, 35862, 44192, 53042 *2079, 3316, 5367
422		21647, 31228, 55556
602		25017
614		53048
625		49808
651		44014, 48746
653		44014, 48746
655		*4670
656		48938
658		44014, 48746
701		34294
702		34294
725		18868, 20894, 34792, 36219
901		20424, 22101, 25914

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

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1.1	(c) revised	38618
1.1a	Revised	*4697
1.7—1.16	Redesignated as Part 501 and revised	38619
1.8d	(c)(4) effective date extended to 10-31-76	14178
	(d) revised	46585
	(f) revised	*4697
1.10	(b)(14) amended	14179
1.18	(d) revised	51000
1.322	(c) and (d) revised	50420
	(c) and (d) effective date corrected	51588
1.700	(b) revised	16551
2.1—2.25	(Subpart A) Revised	*4697
2.30	Correctly designated as 2.308	*1459
2.48	Amended	26636
2.49	Added	32738
2.51	Amended	26636
2.52	Amended	32886
2.53	Amended	26636
2.57	Amended	26636
2.66	(a) amended	24262
2.68	(a) amended	24262
2.73	Amended	26636
2.75	Amended	32886
2.100-2.191	(Subpart B) Revised	51720
2.120—2.175	(Subparts H and M) Redesignated as Part 5 (see redesignation table) and republished	24262
2.121	(k) and (l) revised	14179
2.171	Amended	14508
2.175	Amended	18291
2.200—2.209	(Subpart C) Added	26639
2.300-2.373	(Subpart D) Added	52153
2.308	Correctly designated	*1459
2.340	(c)(13)(ii) corrected	*1459
	(c)(17)(ii) amended	*4436
2.371	(f) corrected	*1459
2.401-2.406	(Subpart E) Added	48261
2.500-2.520	(Subpart F) Added	48262
2.600-2.621	(Subpart G) Added	48264
3.78	Removed	44381
3.93	Redesignated as 509.15 and revised	38640
3.207	Added	51002
4.40	(a) and (c) revised	*3108
4.42	(a)(4) and (5) revised	*3108
4.47	(d) revised	*3108
4.53	Revised	*3108
4.80	(b) revised	46586
4.86	Revised	*3109
4.90	Redesignated as 4.91 and revised; new 4.90 added	46586
4.91	Redesignated from 4.90 and revised	46587
4.100	(c)(6) revised	*3109

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4.109 Existing text designated as (a); (b) added	*3109
4.111 (c)(3)(vi) revised	*3109
5 Redesignated from 2.120—2.175 (Subparts H and M) (see redesignation table) and republished	24262
5.21 (a) revised	34597
(d) added	55509
5.22 (a) and (d) revised	34597
5.28 Revised	33249
5.30 (a) and (b) revised	51589
5.31 Revised	51590
5.35 Revised	34597
5.36 Revised	51591
5.39 (a) and (b) revised	51590
5.40 Introductory text revised	34597
5.53 Added	51591
5.100 Amended	28261
5.115 Amended	34598
6.1 (a)(3) removed	21768
6.4 (a)(2) amended	24262
(a)(2) amended	*4712
7.43 (a)(2) amended	24262
8.12 Revised	*4712
8.13 Removed	*4712
8.14 Removed	*4712
8.18 Revised	*4712
8.19 Revised	*4712
8.20 Removed	*4712
8.21 Amended	26636
Removed	*4712
8.27 (b) amended	48265
8.28 (b) revised	48265
8.33 (a) amended	48265
8.301 (b)(2)(ii) amended	38618
8.306 (c)(2)(ii) amended	38618
8.501 (a) table amended	41854, 41855
(g) amended	41856
(a), (b), (c), (f), and (g) amended	41857
(e) removed; (f) and (g) amended	41859
(g) amended	48730, 48731
(b) amended	51003–51008
(c) amended	51592
(b) amended	51593
(b) and (c) amended	51594
(b) amended	51595
(g) amended	52444
(b) amended	52445
(g) amended	52446
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8.502 (d) amended	41854
(d)(3) amended	41855
(g) added	41859
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(b)(3) and undesignated text following amended	51004
8.503 (c) removed	41854
(a) amended	51003, 51004
8.510 (c) revised	41854
8.4023 Added	52445
8.4072 Added	51006
(a)(1) and (b) revised	55509
8.4103 Added	41855
Effective date confirmed	56307
8.4116 Added	51005
8.4125 Added	51595
8.4128 Added	51593
8.4152 (a), (c), and (d) revised	51007
8.4177 Added	51003
8.4178 Added	51592
8.4179 Added	51004
8.4182 Added	51008
8.7034 Added	52445
8.7061 Added	51594
8.7102 Added	51007
8.7163 Added	41855
Effective date confirmed	56307
8.7179 Added	51006
8.7192 Added	51595
8.7195 Added	51593
8.7222 Added	51007
8.7223 Added	51594
8.7257 Added	51003
8.7258 Added	51592
8.7259 Added	51004
8.7262 Added	51008
8.8007 Added	48730
8.8008 Added	48731
8.8009 Added	52446
8.8010 Added	52444
9.63 Revised	41855
9.106 Removed	51007
9.130 Revised	51003
9.131 Revised	51005
9.134 Removed	51008
9.162 Revised	51006
9.176 Revised	51596
9.179 Revised	51593
9.230 Removed	51594
9.240 Revised	52445
9.270 Revised	51008
9.307 Revised	51592
9.411 Removed	51595
10 Redesignated in part as Part 564 and revised	38641
10.2 Revised	*4712
10.5 (l) added	48266

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11.1 (b) revised	33252
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(e) revised	*4713
11.2 (b) revised	33252
Technical correction	36310
17.10 (c)(13) revised; (c)(5)(i) and (ii), (16), (17), and (e) effective date stayed in part	45542
17.20 (b) effective date stayed in part	45543
17.40 (b) effective date stayed in part	45543
17.60 Added	46851
25.1 Revised	21446
25.2 Revised	21446
25.3 Revised	21447
26.3 (c) revised	17382
Effective date confirmed	38497
26.4 (b) revised	17382
Effective date confirmed	38497
27.1 (o)(4) revised	32887
27.2 (d)(2) introductory text revised	32887
27.10 (d)(2) introductory text revised	32887
27.20 (b) and (d)(2) introductory text revised	32887
27.40 (d)(1) amended	32887
27.45 (b), (c)(2)(i), and (d)(2) introductory text revised	32887
27.54 Revised	21770
27.55 (a)(1) revised	21770
27.70 (b) revised	32888
27.101 Revised	45545
27.102 Revised	45545
29.1 Effective date confirmed	16551
31.1 Effective date confirmed	14180
Effective date (labeling) postponed to 10-31-76	14180
51 Technical correction	18411
51.10 Revised	16455
51.11 Revised	16456
51.15 Removed	16457
51.16 Removed	16457
53.40 Revised	24345
53.41 Revised	24346
80.1 Revised	46170
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90 Redesignated as Part 508 and revised	38637
90.2 (a) revised	*4713
100.2 Revised	*4713
102.1 Redesignated as 503.20 and revised	38627
102.2 Redesignated as 503.22 and revised	38627
Revised	*4713
102.5 Effective date established, 1-1-78	*761
102.11 Effective date established, 1-1-78	*761
121 Technical correction	22267
121.1—121.41 Redesignated as 570.3—570.38 and revised	38644
121.1 (f), (h), (i), and (k) revised; (l) and (m) added	53604
121.3 Revised	53605
121.14 Added	53605
121.40 (c)(6) added	53606
(c)(1) revised	*4713
121.41 (d) added	53606
(b)(1) revised	*4713
121.51—121.71 Redesignated as 571.1—571.232 and revised	38647
121.55 Revised	*4713
121.56 Removed	*4713
121.57 Removed	*4713
121.58 Removed	*4713
121.59 Removed	*4713
121.60 Removed	*4713
121.61 Removed	*4713
121.62 Removed	*4713
121.63 Removed	*4713
121.64 Removed	*4713
121.65 Removed	*4713
121.66 Removed	*4713
121.67 Removed	*4713
121.68 Removed	*4713
121.69 Removed	*4713
121.70 Removed	*4713
121.71 Removed	*4713
121.72 Redesignated as 570.15 and revised	38645
(b) revised	*4713
121.73 Redesignated as 571.235 and revised	38652
Removed	*4713
121.74 Redesignated as 571.130 and revised	38650
Revised	*4713
121.75 Redesignated as 570.17 and revised	38645
121.101 Except table in (d) and (e) through (i) redesignated as 582.1 and revised	38657
(e)(1) through (g) redesignated as 582.10—582.60 and revised	38659
(d) redesignated as 582.1005—582.7724 and revised	38663
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(d) table, (h), and (i) amended	53612
(d) table amended	53607, 53610, 53613, 53618, 53619
(h) amended	53614
(e) table amended	53615, 53617, 53620

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121.102 Redesignated as 582.99 and revised	38663
121.104 (a) amended; (b)(1) through (3) added	53606
(g)(6) and (7) added	53608
(g)(19) added	53609
(g)(20) added	53610
(g)(27) added	53612
(g)(26) added	53613
(g)(13) added	53615
(g)(8) added	53617
(g)(18) added	53618
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121.105 (a) amended; (b)(1) through (3) added	53606
(f)(4) added	53609
(f)(2) added	53612
(f)(3) added	53614
121.106 (d)(6)(ii) revised	19210
121.201—121.329 Redesignated as Part 573 and revised	38652
121.1001 (b) amended	38618
121.1019 (a)(2) amended; (a)(3) and (4), (c)(3) and (4), and (d) added	19934
121.1148 (a)(17) and (b)(3) added; (b) introductory text and (c)(1) revised; (c)(4) amended	21447
(e) added	23945
121.1186 Revised	20874
121.1221 Heading, introductory text, and (c)(6) revised; (d) added	38767
121.1238 (b) introductory text and (a) revised	16798
121.1244 Heading and introductory text revised	53981
121.1255 Added	45546
121.1268 Added	43715
121.2010 Added	23945
121.2501 (b) revised	35170
(a)(3)(iv) added; (c) table amended; (d)(5) revised	*3302
121.2505 (c) and (d) amended	14181
(c) amended	55509
121.2506 (a)(2)(ii) amended	16458
121.2507 (e) added	23946
121.2514 (h) added	23946
(b)(3)(xxxii) amended	34598
121.2520 (c)(5) table amended	35170, 41422, 44381, 53475
Technical correction	46587
121.2526 (a)(5) table amended	22812
(e) added	23946
(a)(5) amended	31529
(a)(5) table amended	34742
(b)(2) amended	34943
(a)(5) Technical correction	39740
(b)(2) table amended	41421
(e) amended	44690
121.2536 (n) added	23946
121.2543 (d) added	23946
121.2547 (b)(18) and (c)(13) added	14509
(b)(17) and (c)(12) added	32580
(b)(19) and (c)(14) added	49482
(b)(20) and (c)(15) added	53001
(b)(21) and (c)(16) added	53475
121.2562 (i) added	23946
121.2566 (b) amended	14182, 8810, 45547
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121.2569 (d) added	23946
(b)(3) table amended	41421
121.2571 (b)(2) table amended	53475
121.2573 Amended	26568
121.2576 (b) amended	53981
121.2577 (c) added	23946
121.2591 (e) added	23946
(a)(5) amended	45547
121.2597 (e) added	23946
121.2599 (e) added	44690
121.2600 (e) added	23946
121.2614 (c) added	23946
121.2616 Revised	16798
121.2622 (e) added	41422
Technical correction	46587
121.2625 (f) added	23946
121.2627 (e) added	23946
121.2628 (b)(2) revised	34598
121.2629 (e) added	23946
Revised	*1460
121.2633 (e) added	23946
121.2634 (f) added	23946
121.2638 Added	14182
(a) corrected	15844
121.4000 (c) introductory text revised	*4713
121.4001 (c) revised	*1462
121.4010 Added	23946
122.1 Redesignated as 509.3 and revised	38640
122.10 Redesignated as 509.30 and revised	38640
123 Redesignated as 193	26568
123.100 (d) added	23379
123.212 Added	14732
123.251 Added	17893
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125.1—125.3 Revised	46174
125.4 Removed	46176
125.5 (e) amended	46176

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128b Redesignated as Part 507 and revised	38618
193 Redesignated from 123	26568
193.10 Added	28952
193.235 Added	32888
193.284 Revised	31530
193.301 Revised	47231
Corrected	51009
201.122 (b) amended; (c) added	15844
202.1 (j)(5) added	48266
207.21 Revised	48099
207.22 (a) revised	48099
207.35 (a) revised	48099
210.3 (c)(1) and (2) revised	52617
211.40 (j)(1) revised	16933
225 Revised	52618
290.35 (b) CFR correction	26854
310.200 (a) and (c) revised; (e) added	32582
(b) revised	*4714
310.303 (b) revised	*4714
310.304 (b) revised	28263
310.500 (e) revised	43137
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310.503 (d)(3) and (f)(5) revised	35171
(f)(5) revised	42947
310.505 (b)(4), (f), (h)(1), (i)(2), (j)(1) and (2), and (k)(5) revised	28263
310.513 Added	26845
312.1 (c)(1) and (4) and (d) revised	48266
(g) revised; (j) added	51590
312.9 (c)(2) revised	48266
314.1 (a) revised	51590
(c)(2) amended	*1[illegible]48
314.14 (a) revised	*3109
314.111 (a)(8) added	*1634
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314.115 (c)(5) added	*1634
Introductory text revised	*4714
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314.200 Revised	*4714
314.201 Added	*4716
314.202 Removed	*4716
314.203 Removed	*4716
314.204 Removed	*4716
314.205 Removed	*4716
314.206 Removed	*4716
314.220 Removed	*4716
314.221 Removed	*4716
314.222 Removed	*4716
314.230 Removed	*4716
314.231 Removed	*4716
314.232 Removed	*4716
314.235 Revised	*4716
320 Added	*1634
Technical correction	*5349
320.1 (a) added	*1648
320.21—320.31 (Subpart B) Added	*1648
330.13 Added	32582
404.6103 (k)(6)-1(c) corrected	*2313
429.50 Revised	48267
430.4 (a)(40) added	14183
(a)(43) added	49482
430.5 (a)(56) and (b)(56) added	14183
(a)(59) and (b)(59) added	49482
430.6 (b)(59) added	14183
(b)(12) revised	44381
(b)(61) added	49483
430.20 (c), (d)(10)(v), (e), and (f) amended	26636
Revised	51731
431.1 (c)(8)(iv) amended; (c)(11) revised	46852
431.52 Revised	48267
431.53 (b)(1) amended	14183
(b) introductory text, (b)(1) and (b)(2) revised	18291
433.2 (c) and (d) revised	48267
433.12 (b)(4) revised; (b)(5) added	48267
433.13 (b) revised	48267
433.14 (b) revised	48267
433.15 (b) revised	48267
433.16 (b) revised	48268
436.1 (b) revised	46852
436.20 (e)(1)(i)(c) revised	46852
436.33 (b) table amended	49483
436.35 (c) table amended	14183
436.100 (a)(2) revised	34743
436.104 (a) revised	34743
436.105 (a) revised	34743
(b) table amended	48099
436.106 (a) and (b) tables amended	49483
436.209 (c) amended	24883
436.301 (a)(1) revised	18509
436.304 (f) amended	24704
436.314 Added	14183
436.315 Added	14184
440.5 (a)(1)(i) revised	42649
440.9a (a)(1)(i) amended	42649
444.6 Added	49483
444.206 Added	49483
444.442h Added	14186
444.942b (a)(1) revised	56307
448.25 (a)(1)(v) revised	24883
448.220b Removed	48100
450.24 Added	14184
(b)(4)(ii) corrected	15844
450.224 Added	14185

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452.125a Heading and (a)(2) revised; (a)(1) amended	51596
452.125d Added	51596
452.135c (a)(1) revised	24884
460.1 (d) added	35061
460.6 (a)(12) and (13) and (b)(13) added; (c)(3) and (d) tables and (e)(1)(ii) amended	53476
460.16 Added	53476
501 Redesignated from 1.7—1.16 and revised	38619
501.2 (f) revised	*4716
503 Redesignated from Part 102 and revised	38627
503.22 Revised	*4716
505.10 Amended	38768
507 Redesignated from Part 128b and revised	38628
508 Redesignated from Part 90 and revised	38637
508.19 (a) revised	*4717
509.3 Redesignated from 122.1 and revised	38640
509.15 Redesignated from 3.93 and revised	38640
509.30 Redesignated from 122.10 and revised	38641
510 Technical correction	36650
510.302 (a) revised	35844
510.305 Added	36203
510.455 Added	32215
510.600 (c)(1) and (2) amended	14187, 14188, 14367, 14732, 21186, 22266, 28264, 30326
(c)(2) revised	34743
(c)(1) and (2) amended	39022, 48100, 51009, 53002, 55175
(c)(1) and (2) amended	*3838
511.1 (c)(1) and (4), (d)(2), and undesignated paragraph following (b)(5) revised	48268
514.2 Introductory text amended	36203
514.11 (f) introductory text revised	*3109
514.201 Revised	*4717
514.202 Removed	*4717
514.203 Removed	*4717
514.204 Removed	*4717
514.205 Removed	*4717
514.206 Removed	*4717
514.210 Revised	48268
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514.221 Removed	*4717
514.222 Removed	*4717
514.230 Removed	*4717
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514.232 Removed	*4717
514.235 Revised	*4717
520.300a (c)(5) revised	*3838
520.300b (c)(5) revised	*3838
520.300c (c)(5) revised	*3838
520.540b (b)(2) amended	55175
520.580 (c)(1) revised	14187, 28264, 29667
(d)(1) revised	32889
(c)(1) revised	39022, 51009
520.622b (c)(3)(i) and (ii) revised	28265
520.1010 Added	52446
520.1100 (c)(2) and (d)(2) removed	42948
520.1242c (a) and (d)(2) revised	48731
520.1468 Added	14188
520.1540 (c) revised	48100
520.1720a (b)(2) amended	55175
520.2043 (c)(5) revised; (c)(6) added	27722
520.2260b (d) added	24999
520.2301 Removed	*1462
520.2362 (c) amended	53477
520.2380b (e)(1) revised	47424
520.2482 Added	24884
520.2610 (b) revised	14188
522 Effective date corrected	33882
522.163 (c) revised	27316
522.540 Revised	28265
(c) added	31531
(c)(1) revised	41913
(a)(2) revised; (d) added	43896
522.562 Added	30326
522.640 (b) and (d) revised	52051
522.740 Heading, (a), (b), and (d)(2) and (3) revised	43400
522.900 Added	45547
522.1044 (c)(3) added	32889
522.1060 Redesignated as 522.1060a; new 522.1060 heading added	48732
522.1060a Redesignated from 522.1060	48732
522.1060b Added	48732
522.1222b (e)(1) revised	*3838
522.1372 Added	*5349
522.1468 Added	14188
522.1610 Added	27034
522.1620 (c) revised	32583
522.1680 (b) revised	24347
522.1720 (b)(1) amended	55175
522.1822 Added	27033

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522.1890 Added	36018
522.2012 Added	26854
522.2662 (a) and (c)(1) revised	26854
(c)(2)(iii) added	24884
(c)(2)(i) revised; (c)(2)(ii) amended	28265
524.920 (c)(5) revised	16656
524.1044 Added	14189
524.1044a Added	14189
524.1044c Added	14188
524.2620 (a) and (b) redesignated as (a)(1) and (2) and republished; (b)(1) and (2) added	56307
540.103b Added	*5350
540.107a (c)(3)(i) revised	18652
540.107e (c)(4)(i)(b) revised	30326
540.207a (c)(4)(iv) added	14189
540.274e (a)(1)(ii) amended	52052
540.814 (c)(2)(ii) and (3)(ii) removed	*1462
540.814a (c)(3)(v) amended	14189
(c) revised	*1462
540.874b Removed	38768
540.874c Removed	38768
540.874d Removed	52052
546.110c (c)(2) revised; (c)(5)(iii) and (iv) added	23948
546.180c (c)(5)(i)(*a*) and (ii) removed	37103
548.314a (b)(2) amended	*3838
548.314b (c)(2) amended	*3838
555 Effective date corrected	33882
555.110a (c)(1)(i) and (ii) revised	32583
(c)(2)(ii) amended	55175
555.110c (c)(2) revised	31531
(c)(2) amended	55175
555.111 Added	49972
555.210 (a)(1) amended; (c)(2) revised	30590
(c)(2) amended	55175
555.310c (c)(2) amended	*3838
556.170 Revised	53003
556.347 Added	44382
558.55 (e)(1) and (2) corrected	14367
(e)(2)(iii) table amended	16933
558.58 (e)(1) corrected	14367
(e) table corrected	16550
(e)(1)(i) table amended	16933
(e)(1)(ii) table amended	53002
558.78 (a) added; (e)(1)(i) and (ii) revised	14367
558.95 (e)(1)(ii), (iii), (iv), and (v) amended	16933
558.105 (f)(1)(x)(b) amended	53002
558.115 (e)(1) (i) and (ii) revised	*761
558.175 (e)(1)(ii)(b) and (v)(b) amended	53002
558.185 (b)(2) and (f)(1)(ii) amended	*1463
558.195 (g) revised	53003
(g)(1) table corrected	*2312
558.225 (a) and (e)(1)(ii) amended	52051
558.311 Added	44382
(e) revised	49484
558.325 (b), (e), and (f)(1) introductory text revised	26855
(f)(2) redesignated as (f)(3) and introductory text revised; new (f)(2) added	26855
558.355 (b)(7) and (f)(3)(iii) revised	41081
(f)(1)(iii)(b) amended	53002
558.367 Added	36810
558.450 (e)(2) added	28514
(e)(1) table amended	47425
558.485 (a) revised	15323
(d)(2)(i) and (ii) revised	*762
558.515 (f)(2) added	28514
(f)(1)(vii)(b) amended	53002
558.625 (b)(47) added	14732
(b)(27) revised	16656
(b)(48) added	22267
(b)(49) added	21186
(b)(39) amended	48732
558.630 (b)(3) revised; (b)(6) added	30327
(b)(3) revised	34943
561.20 Existing text designated as (a); (b) through (d) added	28952
561.195 Text designated as (a); (b) added	15324
561.231 Revised	21187
561.233 Added	14732
561.234 Added	28790
561.235 Revised	21345
561.253 Added	26680
(a) and (b) redesignated as (a)(1) and (b)(1); (b)(1) amended; (a)(2) and (b)(2) added	40100
(a)(1) correctly designated	43896
(b)(1) amended	52052
561.280 (b) redesignated as (a); new (b), (c) and (d) added	31530
561.281 Revised	47231
Corrected	51009
561.305 Added	19211
561.320 Revised	19301
564 Redesignated from Part 10 and revised	38641
564.5 Revised	*4717
564.17 (l) added	*4717

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570 Redesignated from certain sections in Part 121 and revised 38644
570.15 (b) revised *4717
570.35 (c)(1) introductory text revised *4717
570.38 (b)(1) revised *4717
571 Redesignated from certain sections in Part 121 and revised 38647
571.110 Revised *4717
571.120 Removed *4717
571.130 Revised *4717
571.200 Removed *4718
571.202 Removed *4718
571.203 Removed *4718
571.204 Removed *4718
571.205 Removed *4718
571.206 Removed *4718
571.208 Removed *4718
571.210 Removed *4718
571.212 Removed *4718
571.214 Removed *4718
571.220 Removed *4718
571.221 Removed *4718
571.222 Removed *4718
571.230 Removed *4718
571.232 Removed *4718
571.235 Removed *4718
573 Redesignated from certain sections in Part 121 and revised 38652
573.1020 Corrected 48100
582 Redesignated from certain sections in Part 121 and revised 38657
601.4 Revised *4718
601.5 Revised *4718
601.6 (c) removed; remaining text redesignated as 601.12 and revised; new 601.6 added *4718
601.7 Added *4718
601.8 Added *4718
601.9 Added *4718
601.12 Redesignated from 601.6 ..... *4718
601.22 Revised *4718
601.40 Removed *4718
601.41 Removed *4718
601.42 Removed *4718
601.43 Removed *4718
601.44 Removed *4718
610 Technical correction 15690
610.13 (b) (2) and (3) revised 41424
610.20 (a) table amended 18295
610.21 Table amended 18295

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610.53 Amended 40101
620.6 (a) revised 35480
620.13 (c)(2) amended 18295
620.30—620.36 (Subpart D) Added 18295
620.33 (b) and (c)(2) revised 46587
630.35 (a)(3) revised 43400
630.70 (b) revised 51010
630.73 Introductory text and (b)(2) revised; (a) removed 51010
630.74 (a) and (f) revised; (b) removed 51010
630.84 (c) revised 51011
640.7 Effective date postponed to 11-8-76 27034
(b) revised 35062
640.11 (a) removed; (b) and (c) redesignated as (a) and (b) 18292
640.16 (a) revised 18292
640.17 Amended 18292
640.26 (g) and (h) revised 35062
640.51 (c)(7) revised 35062
640.69 (b) corrected 14367
640.70 (b) revised 27034
Effective date postponed to 11-8-76 27034
(a)(8) revised 35062
700.18 Added 26845
701.3 Effective date stayed 53477
(b) and (e) revised *4718
701.100 (a) through (j) effective date 9-3-76 32584
809.30 (a) revised *4719
1000.50 (Subpart C) Added 30328
(a)(2) corrected 31812
1002.61 (a)(1) removed; (a)(2)—(a)(5) redesignated as (a)(1)—(a)(4) and revised; (c)(1) revised 27316
1003.11 Undesignated paragraph following (a) added 48269
1003.31 (d) added 48269
1004.6 Amended 48269
1210.30—1210.33 (Subpart D) Heading revised 48269
1210.30 Revised 48269
1210.31 Removed; new 1210.31 redesignated from 1210.63 48269
1210.32 Removed 48269
1210.33 Removed 48269
1210.40–1210.44 (Subpart E) Removed 48269
1210.50–1210.59 (Subpart F) Removed 48269
1210.60–1210.62 (Subpart G) Removed 48269
1210.63 Redesignated as 1210.31 48269
1220.40 (a) revised; eff. 5-1-76 27317

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1301.55 (b) and (c) redesignated as (c) and (d); new (b) added 21448
1301.72 (b) revised 16460
(b) introductory text and (b)(4)(v) corrected 17382
1303.12 (f) added 28515
Technical correction 31812
1304.22 (a)(10) added 28515
1308 Technical correction 17382
1308.11 (b) and (d) amended 43401
1308.12 (b)(1) revised 26568
(b)(1) and (c) amended 43401
1308.13 (c) amended 43401
1308.14 (b) amended 43402
(b)(19) added 55176
1308.22 Table revised 16552
Table amended 53477
1308.24 (i) table amended 14190, 21346, 28515, 52867
1308.32 (a) and (b) amended 16460
(b) corrected 17382

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1 ..... 14382, 14769, 16819, 20688, 34051; 51036, 52070, 52071, 52481
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2 ..... 14769, 16819, 26924, 30136, 31228, 35855, 40190, 46606
3e 51206
..... *1486, 5367
4 ..... 22581, 35282
6 35282
8 ..... 41860, 50002, 51206, 56332
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11 ..... 24896, 30027
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18 ..... 15702, 46873, 56333
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19 ..... 20690, 24603
27 45582
31 14193
36 ..... 16470, 19347, 46606
51 ..... 16475, 18315
90 ..... 30442, 41436
102 ..... 36509, 37593, 42678, 47491, 49504
121 ..... 15029, 41435, 48125, 51206, 53622
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125 ..... 37595, 49504
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128d 24897, 28990, 30027
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128e 14526, 19988
128f 27000, 35532, 43179

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201 38188
207 ..... 17754, 22835, 29709
212 ..... 22202, 25911, 38515
310 ..... 14888, 15026, 16819, 17755, 17922, 17926, 20414, 43108, 47492, 53630, 54495
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314 51206
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341 ..... 38312, 46009
369 ..... 47492, 52070, 52071
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430 ..... 14384, 51206
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431 51206
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432 39328
436 ..... 14384, 19347, 19348, 20414, 24899, 28228, 29413, 40168, 49504
440 ..... 14384, 19348, 27082
442 30349
444 ..... 20414, 29151
446 ..... 40168, 49504
448 ..... 19349, 29413
452 ..... 27083, 48125
500 ..... 25911, 32434, 34052, 52070, 52071
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510 ..... 19906, 34884, 39329, 52482
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514 ..... 50003, 51206
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526 ..... 34884, 39329
540 ..... 28313, 34884, 39329
544 39765
556 ..... 19906, 34884, 39329
558 ..... 19906, 34884, 39329
606 ..... 18095, 19349, 21493
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700 ..... 15026, 16819
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740 ..... 52070, 52071
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801 ..... 16756, 18862, 35282, 52070, 52071
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809 ..... 37458, 46009
812 ..... 35282, 40190
1000 ..... 18863, 44421
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1303 14398
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1308 ..... 14885, 16487, 19227, 31553, 42957, 54604
1309 ..... 51086, 55558
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1311 ..... 14399, 16487

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TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

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6.14 (a)(1) and (c) revised 29100
6a.10 Revised 30114
16 Added 13912
41.1 Amended *2501
41.6 (h) added 22560
42.1 Amended 54927
Amended *2501
42.12 (b) revised 54927
42.20 Amended 54927
42.21 Amended 54927
42.23 (a) amended 54927
42.24 (a) and (b) amended 54927
42.25 (a) and (b) amended 54927
42.26 Amended 54927
42.34 (a) amended 54927
42.37 Removed 54928
42.50 Amended 54928
42.51 Amended 54928
42.52 Amended 54928
42.55 Amended 54928
42.60 (a) revised 54928
42.61 (a) introductory text and (3)(i) amended; (a)(3)(iii) removed; (a)(3)(iv) redesignated as (a)(3)(iii) 54928,
42.62 (b)(2)(ii) removed; (b)(2)(iii) redesignated as (b)(2)(ii); (c) revised 54928
42.63 (a) amended 54928
42.64 (a) amended 54928
42.65 Added 54928
42.91 (a)(14(ii)(*d*) revised (a)(14)(i) amended; (a)(14)(iii) added; (a)(24) revised 37574, 54928
42.124 (a)(2) and (3) amended 54929
42.125 (a) and (b) amended 54929
61.3 (c) revised 30114
61.5 (d)(1) revised 30114
64 Added 36203
102 Technical correction 34743
102.21—102.27 (Subpart B) Added 31548
130 Added 40608

Chapter II—Agency for International Development, Department of State

201.65 (n) removed 48732
201.72 (b)(1) and (4) amended 48732
211 Revised 47919
216 Added 26914

Chapter V—United States Information Agency

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503.6 (c)(1)(i) and (ii) revised 35480
505.15 Revised 41425

Chapter VI—United States Arms Control and Disarmament Agency

602.41 (a) and (d) revised; (b) removed 53982
603 Added 19102
606.735–71 (a) revised 33550
606.735–72 (a) amended 33550

Chapter IX—Foreign Service Grievance Board

Chapter established 26919
901 Added 26919
902 Added 26920
903 Added 26920
904 Added 26920
905 Added 26920
906 Added 26921
907 Added 26922
908 Added 26922

Chapter X—Inter-American Foundation

1003 Added 19211

Chapter XI—International Boundary and Water Commission, United States and Mexico, United States Section

1101 Added 19625

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42 ..... 37591, 45571, 52485
64 29410
93 54495
..... *5086
121 56333
123 56333
124 56333
130 33446
505 ..... 30029, 54003
707 ..... *5086
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903 22829
904 22829
905 22829
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908 22831
1004 56828
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TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

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130 Revised 27962
140.604 (c) corrected 15690
140.703 (f) amended 45547
Amended 49484
140.704 (a) and (b) amended 49484
140.900—140.922 (Subpart I) Appendix A amended 48516
160.101—160.105 (Subpart A) Revised 54169
160.201—160.204 (Subpart B) Redesignated as 160.301—160.307 (Subpart C); new 160.201—160.205 (Subpart B) added 54169
160.301—160.307 (Subpart C) Redesignated from 160.201—160.204 (Subpart B) 54169
200 Added 53982
230.301—230.313 (Subpart C) Added 28270
Appendix A form revised 46294
230.305 (c) and (d) revised 46293
230.401—230.415 (Subpart D) Added 34239
Appendixes A through D added 34245
260 Revised 44034
260.401—260.411 (Subpart D) Revised 50646
420 Revised 31531
420.300—420.310 (Subpart C) Added 33441
450.100—450.122 (Subpart A) Appendix amended 18235
470 Effective date confirmed 26856
Heading revised; existing test redesignated as 470.101—470.117 (Subpart A) and Appendixes A to C 51396
470.307 Revised 51396
473 Removed 26856
520 Added 55176
522 Added 55176
524 Added 55177
530 Added 55177
540 Added 55178
542 Added 55178
544 Added 55179
560 Added 55179
625 Revised *6
625.3 (a)(11) footnote designation corrected; (c)(3) and (e) footnote designations added *3642
625 Appendix A amended *3642

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630.304 (b) revised 33253
630.501—630.519 (Subpart E) Revised 22813
630.513 (d) corrected 24347
630.901—630.903 (Subpart I) Added 43139
633.207 (e) amended 36204
635.101—635.128 (Subpart A) Appendix A removed 36204
635.115 Removed 36204
635.116 Removed 36204
635.117 Removed 36204
635.401—635.413 (Subpart D) Added 36204
637.101—637.111 (Supart A) Revised 18072
650.601—650.613 (Subpart F) Added 18297
655.201—655.213 (Subpart B) Redesignated and revised as Part 920 52447
655.407 (c) amended 36206
655.502 (d) added 53003
655.507 Amended 53003
Amended *4835
655.605 (c)(3) amended 36206
655.606 (b) corrected 23380
(a) amended 36206
655.608 (d) amended 36206
655.801—655.805 (Subpart H) Added 28477
655.803 (a) corrected 31532
656 Revised 26215
658.7 (a), (c)(1) and (2) revised 49808, 49811
660.213 Revised 31197
661 Interim regulation 21637
Comment time extended 31197, 33280
Added 52449
663 Revised 23380
712.204 (g)(3) revised 24347
712.702 (d) revised 24347
712.801—712.805 (Subpart H) Revised *8
740 Revised 48682
740.57 (b)(4) amended 54756
740.78 (b)(3) corrected 51396
740.118 (a)(5)(vi) through (xi) redesignated as (a)(6) through (11) 54756
740 Appendix A corrected 51396
750.302 (a) revised; (b) text designated as (b)(1); (b)(2) added 31198
750.306 (c) added 31198
750.501—750.503 (Subpart E) Added 45827

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772 Revised	16936
920 (Subchapter J) Redesignated and revised from 655.201–655.213 (Subpart B)	52447

Chapter II—Highway Safety Program Standards, Department of Transportation

1204 Supplement C amended	23948
1215 Added	54170
1250 (Subchapter C and Part) Added	23949

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1–820 (Ch. I)	52703
476	42221
620	56207
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665	46877
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TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

10 Revised	33910
16.1 (e) revised	13917
16.2 (b)(2) and (3) revised	13917
16.6 (a)(1) revised	44556
24 Revised	*5305
35 Revised	28878
35.3 (a) revised	*5043
35.12 (a) revised	*5043
35.60—35.65 (Subpart F) Added	*5043
42.55 (d)(3) revised	*5044
42.65 Revised	46994
52 Added	41874
58.2 (b) revised; (c) removed	26856
58.3 Amended	20522
58.20 Added	20523
82 Redesignated as Part 3500	22560

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

Chapter heading revised	40465
200.84b Amended	29141
200.93 Revised	52450
200.95 (a) amended	29141
200.109 (a)(5) revised	*5044
200.110 Amended	29141
200.111 (b) amended	29141
200.116 (d) amended	29141
200.118 (e) amended	29141
(e)(1) revised	*5044
200.128 Revised	52450
Revised	*5044
200.129 Revised	52450
200.517 Amended	42185
200.520 Revised	42185
200.522 Revised	42185
200.933 Incorporation by reference	*3839
201.12 (c) and (e) revised	*3839
(b) revised	*5046
201.520 (b) revised	*5045
201.521 Removed	*5045
201.522 Removed	*5045
201.1500—201.1530 (Subpart D) Added	*5046
202 Removed	44162
203.7 (a)(7) redesignated as (a)(8); new (a)(7) added	49734
203.9 Revised	49734
203.20 (a) revised	14509, 46302
203.23 (a) amended; (b) redesignated (c); new (b) added	49734
203.25 Revised	49734
203.26 Revised	49734
203.45 Added	42949
203.54 Amended	49734
203.74 (a) revised	14509, 46302
203.251 (j) amended	49734
203.257 Amended	49734
203.258 Added	49734
203.261 Amended	49734
203.330 Revised	49734
203.332 Revised	49734
203.340–203.342 Undesignated center heading revised	49735
203.340 Revised	49735
203.341 Redesignated as 203.402a and amended	49735
203.342 Revised	49735
203.343 Added	49735
203.350a Revised	49735
203.355 Revised	49735

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203.375 Redesignated as 203.378 and (b) amended	49735
203.377 Added	49735
203.378 Redesignated from 203.375 and (b) amended	49735
203.379 Heading and introductory text revised; (b)(3) amended	49735
203.380 Amended	49736
203.381 Revised	43095
203.389 (o) added	49736
203.402 (f) and (g) amended	49736
203.402a Redesignated from 203.341 and amended	49735
203.405 Revised	32216
203.436 Added	42949
203.479 Revised	32216
203.500–203.662 (Subpart C) Added	49736
203.554 Revised	*762
203.556 Revised	*762
205.18 Added	14861
207.1 (j) added	14861
207.4 (a)(2), (b), and (c)(1) revised	41880
207.19 (c)(6) revised	41516, 56793
207.26a Added	*764, 2954
207.32a (b)(1) and (b)(2)(ii)(A) revised; (c), (e), and (f) amended; (j)(4) and (k) added	19935
(b)(2) introductory text, and (b)(2)(i) and (ii)(A) revised	41880
(b)(1) and (k) revised; (f) introductory text, (c), and (e) amended; (j)(4) added	45828
207.33 (b)(1) and (2) revised	41880
207.259 (a) revised	19936
(e)(6) revised	32216
(a) revised	45829
213.3 (h) added	14861
213.7 (a)(2), (d)(1), and (g) revised	41880
213.27 (e) revised	41516, 56793
213.34a Added	*765, 2954
213.511 (a) revised	14509, 46302
220.507 (a), (b) and (c)(1) revised	41880
220.830 Revised	32216
221.1 (a) amended	42949
221.10 (a) revised	51011
221.11 (a) revised	51011
221.251 (a) amended	42949
221.508a Added	14861
221.514 (a)(1), (b), and (c)(1) revised	41881
221.537 (a) revised; (d) removed; (e) redesignated as (d)	40465
221.542 (a) revised	41517, 56793
221.548a Added	*765, 2954
231.3 (a) revised	41881
231.5 Revised	41881
231.6 (a) revised	41881
231.10c Added	*766, 2954
232.17 Added	14861
232.56 (a) revised	41517, 56793
234.29 (a) revised	14509, 46302
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234.255 (a) amended; (b) revised	42949
234.259 Added	42949
234.525 (b) revised	41881
234.530 (a) and (b)(1) revised	41881
235.1 (a) amended	42949
235.2 (d) revised	43140
235.10 (a) revised	51011
235.25 (a)(1) revised; (b) amended	51011
235.30 (a) revised	51012
235.35 (a) removed; (b) revised	43140
235.38 (h) added	43140
235.201 (a) amended	42949
235.330 Revised	51012
236.12 (a)(1), (b), and (c)(1) revised	41882
236.55 Revised	42950
236.70 (a) revised	40466
241.110 (b)(4) added	*3162
241.125 Revised	*3162
241.140 (a) revised; (c) added	41517, 56793
(c) revised	*3162
242.16 Added	14861
242.61 Revised	41517, 56793
244.10 (j) added	14861
244.95 (a) revised; (b) and (c) removed; (d) redesignated as (b) and revised	41518, 56793
250 Added	43070
260 Added	34609
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280.402 (b)(1) amended ---- *961
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280.607 (a)(1) amended ---- *961
280.611 (c)(1) introductory text and (2) amended; (c)(1)(ii), (iii) and (d)(iii) revised ---- *961
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570.300 Revised ---- 48476
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570.306 (e)(3) revised; (e)(4) and undesignated final text removed ---- *5313
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2205.80—2205.83 (Subpart H) Added 32359

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3282.205 (d) revised 24970
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3282.362 (a)(1)(v) amended; (c)(2)(i)(C) revised *2580
3282.366 Added *2580
3282.401—3282.416 (Subpart I) Revised *2580
3282.401 (c) added 24972
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3500 Added 22560, 22704
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3500.6 (a) corrected 23673
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11.305 Revised 47235
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(bb) corrected 54487
43h.1 (a) and (j) revised; (o) added 32421
43h.4 (a) and (b) revised 32422
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43h.6 Revised 32422
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183.18 Introductory text and (e) amended; (d) revised 50648
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1.165–3 (b)(2) revised 55710
1.166 (g) redesignated as (h) and revised; new (g) added 53480
1.166–4 (d) revised 53481
1.170–2 (c)(1)(i) and (2)(iv) revised 34026
1.170A–9 (e)(10) through (14) added 50650
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1.172 (b)(1)(A)(i) and (B) and note revised; (b)(1)(E) through (G) and (b)(3)(E)(F) added 53481
1.172–4 (a)(1)(ii) revised; (a)(1)(viii) and (ix) added 53481
1.214 Heading and note revised 15404
1.214–1 (a)(1) and (2) revised 15404
1.214A—1.214A–5 Revised 15404
1.341–6 (b)(1), (2)(i) and (iii), and (3), (h)(4), and (n) revised; (o) amended 18811
1.358 Amended 26569
1.358–4 Revised 26569
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1.368–2 (b) and (c) revised 26570
1.401–1 (b)(5)(i) and (ii) amended 34619
1.401–5 Heading and text amended 42653
1.401–12 (k) revised 34619
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1.401(a)–11 Added *1466
1.401(a)–14 Added 42651
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1.401(a)–15 Added 42650
1.401(b) Added 42653
1.401(b)–1 Added 42653
1.408–1 (d)(4) added 53322
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1.453–9 (c)(1) revised 18812
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1.512(a) (4) added; note revised 44393
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1.992–2 (a)(1)(i) amended 20655
1.992–3 (a)(4) revised 20655
1.994–1 (c)(6)(v), (e)(3)(i) through (iv), (e)(5)(i) and (iii), and (e)(6) revised; (e)(5)(v) added 43142
1.995–5 (b)(5)(i) amended 20655
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1.1348—1.1348–3 Added 55337
1.1372 (e)(5)(C) and note revised 13918
1.1372–4 (b)(1) introductory text, (5)(iv)(*a*) and (x) revised; (b)(5)(xi) added 13918
1.1403 (b)(3) added; note revised 34026
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1.6015(b)–1 (a), (b), and (c) revised 34027
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1.6033–2 Form 990 filing date deferred 17546
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1.6072–1 (a) and (c) revised 33263
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1.6654–1 (a)(1) and (4) revised; (c) amended 34029
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20.2039–1 (a) revised	14514
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25.2517 (a)(3) and note revised	34628
25.2517–1 (b)(1)(iii) revised; (c)(1) amended	34628
25.6323 (a) through (e) and historical note revised; (f) through (i) added	35496
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31.3401(e)–1 (b) amended	26217
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31.3402(n)–1 (b) amended	26217
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31.6302(c)–2 (a)(1) and (2) amended	19632
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41.4482(a)–1 Revised	*2671
48.4041 (b) through (e), and historical note revised; (f), (g), and (h) added	*2671
48.4041–6 Revised	*2671
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183.61	Revised	*2681
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209.133	Added	28953
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235	Heading corrected	54487
236	Removed	52454
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69.23	Revised	41089
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3104.0-5—3104.8 Revised 45566
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3302.3-2 (a) amended 48738
3303.5 (a) revised 53019
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3500.0-5 (d) through (g) revised 56644
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3501.1-4 (b)(1) (i) and (ii) revised *4451
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3502.9 Heading revised *4452
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3503.3-1 (b)(1) revised *4452
3503.3-2 (b)(1) added 56645
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3507.0-1—3507.5 (Subpart 3507) Added *4458
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3523.2-1 (b)(1) redesignated as (b)(1) heading and (b)(1)(i); (b)(1)(ii) and (iii) added 56646

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3524.2–1 Revised *4453
3525.1—3525.19 (Subpart 3525) Added *4453
3720.0–1—3720.0–5 (Subpart 3720) Removed 50257
3721.1 (Subpart 3721) Removed 50257
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3833.0–1—3833.5 (Subpart 3833) Added *5300
4115.2–1 (k)(1)(i), (ii) and (iv) revised *778
4125.1–1 (m)(1)(iii) added *779
9239.0–3 (b)(3) revised *4460
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74.3 Amended 44552
74.20 Introductory text revised 44552
74.23 (b) revised 44552
74.24 (b) and (c) revised; (d) removed 44553
74.150—74.159 (Subpart P) Revised 44553
99.32 Heading and (b) revised; (c) amended *4460

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103 Appendix C revised 51603
112 Revised 50777
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144 Revised 51957
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177.73 Revised 54488
177.77 (b) and (c) revised 54488
182a Added 47163
185.14 (c) revised *3842
185.24 (c) revised *3842
185.54 (c) revised *3842
185.64 (c) revised *3843
193 Added *1192
196.3 Amended 44860
196.5 (b) amended 44860
196.12 Amended 44680
196.13 (a) amended 44860

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205.146 (d) redesignated as (e); new (d) added 55346
224 Revised 47688
228 Revised *5848
228.24 (a)(3) revised; (b) added 55670
228.26 (a) and (c) amended; (f) added 55671
228.29 (c) added 55671

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228.35 (c) added 55671
228.40 (c) added 55671
228.41 (d) added 55671
228.42 (c) and (d) added 55671
228.44 (b) added 55672
228.48 Added 55672
228.51 (c) added 55672
228.52 (c)(3) added 55672
228.55 Removed 55672
228.56 (b) revised 55672
228.60 (d) revised; (e)(2)(i) republished; (e)(2)(ii) added 55672
228.61 (a), (c) and (d) revised 55672
228.63 Added 55673
228.100—228.102 (Subpart J) Added 55673
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233.90 (a) revised *3307
248.3 (b) (1), (2), and (3) revised; (b) (4), (5), and (6) redesignated as (b) (7), (8), and (9); new (b) (4), (5), and (6) added *2686
248.21 (a)(2) revised *2687
249.10 (d)(3) added *4125
250.30 (a)(2)(i) and (iii) and (b)(1) revised 51402
(a)(3)(iii)(B)(*1*) and (*4*), (a)(3)(iv) introductory text and (A) amended 53994
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Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare

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303 Heading revised 55348
303.0 Revised 55348
304.29 Added *3843
305 Added 55348

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare.

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580—581 (Subchapter F) Heading revised 49094
581 Added 49094

Chapter VIII—Civil Service Commission

801.202 Appendix A amended 47938, 48739

Chapter X—Community Services Administration

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1005.8 (b)(3) added 48739
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1060 Part heading revised 44860
1061 Part heading revised 44860
1061.31–1—1061.31–6 (Subpart) Added 52876
1062 Part heading revised 44860
1067 Part heading revised 44860
1067.30–1—1067.30–5 (Subpart 1067.30) Added 56197
1068 Part heading revised 44860
1068.6 Authority citation revised *3165
1068.23–1—1068.23–4 (Subpart) Added *3165
1069 Part heading revised 44860
1069.3–4 (a)(2) revised 50825
1069.4–1—1069.4–5 (Subpart 1069.4) Revised 50825
1070 Part heading revised 44860
1071 Part heading revised 44860
1075 Part heading revised 44860
1076 Part heading revised 44860
1078 Part heading revised 44860

Chapter XII—ACTION

1209 Added; redesignated and revised from Part 1221 53483
1221 Removed; redesignated and revised as Part 1209 53483

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1336 Added *3785
1340 Heading and authority citation revised 53663
1340.1–2 (h) revised 53663
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1340.2–2 Revised 53663
1340.2–3 Revised 53663
1340.4–1—1340.4–4 (Subpart D) Added 54763
1351 Added 54297
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1387 Added *5287

Chapter XVI—Legal Services Corporation

1611 Added 51606
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Chapter XVIII—Harry S. Truman Scholarship Foundation

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35.30–20 (a) introductory text revised *5963
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195.13–1 (b) added *5964
195.17–1 (Subpart 195.17) Added *5965

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195.19–1 (Subpart 195.19) Added *5965
195.27–1 Amended *5965
195.35–10 (b) amended *5965
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207 Added 50259
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297—298 (Subchapter D) Heading revised 44403
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0.84 Redesignated as 0.83; new 0.84 redesignated from 0.85 and (f) added 53327
0.85 Redesignated as 0.84; new 0.85 redesignated from 0.86 53327
0.86 Redesignated as 0.85; new 0.86 redesignated from 0.87 and (d) revised 53327
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0.88 Redesignated as 0.87; new 0.88 redesignated from 0.89 53327
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1.1101—1.1120 (Subpart G) Suspended 56647
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1.1115 (c)(6) revised *3167
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Subtitle A—Office of the Secretary of Transportation

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1.23 (a) amended	44042
1.45 (a)(10) added	45011
1.47 (f) revised	48122
1.49 (q), (r), and (u) revised	56327
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1.64 Revised	44042
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1 Appendix A amended	44043
25 Appendix A tables revised	*13
91 Added	54770
99 Revised	*3119
99.735–11 (a)(2) amended	*5359
99.735–15 (a) and (c)(2) amended	*5359
99.735–35 (b) amended	*5359
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171.7 (d)(1) amended	52300
171.8 Amended	57020
171.15 (a)(4) revised	57020
172.100 (c) and (h) introductory texts amended; (c)(7) revised	57020
172.101 Revised	57021
172.201 (a)(1) and (a)(1)(ii) revised	57067
172.203 (e) and (g)(1) revised; (g)(2) removed; (g)(3) redesignated as (g)(2)	57067
172.204 (a) introductory text revised	57067
172.304 Heading revised	57067
172.306 Heading and (a)(1) revised	57067
172.312 (a) introductory text revised	57067
172.328 Revised	57067
172.330 (a) introductory text, (c)(1) and (2), and (d) revised; (e) added	57067
172.400 (b)(6) revised	57067
172.406 (a) amended	57067
172.504 (a) and (c)(1) revised; (a) tables amended	57067
172.508 (a) revised	57068
172.512 (a) revised and table removed; (b) amended	57068
172.514 (a) amended	57068
172 Appendix B amended	57068
173 Authority citation revised	55878
173.6 (b)(3) revised	57068
173.8 (b) amended	57068
173.22 (a) revised	*2689
173.29 Revised	57068
173.33 (c) removed; (d) through (l) redesignated as (c) through (k)	57068
173.64 (a)(5) revised	55876
173.66 (c) revised	50263
173.68 (a)(1) revised	50263
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173.119 (m)(5) revised	50263
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173.124 (a)(3) revised	55876
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173.141 (a)(7) revised	50263
173.145 (a)(7) revised	50263
173.182 (c)(3) and (4) added	55877
173.208 (a)(2) added	50263
173.217 (a)(5) revised; (a)(6) amended	57069
173.224 (a)(3) and (4) revised	55877
173.232 (c)(6) revised	57069
173.244 (c) removed	57069
173.245 (a) (29) and (31) revised	50263
173.247 (a)(2) added	55877
173.247a (a)(3) added	50263
173.249 (b) introductory text amended	57069
173.252 (g)(1) revised	55877
173.262 (a)(12) added	50263
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173.263 (a)(15) and (17) revised	50263
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173.271 (a)(11) revised	50264
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173.276 (a) introductory text revised	57069
173.277 (a)(7) added	50264
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(a) introductory text revised	57069
173.289 (a)(2) introductory text and (i) revised	55877
173.294 Heading and (a) introductory text revised	57069
173.299 (a)(2) revised	50264
173.300 (b) introductory text revised	57069

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173.306 (e)(1)(i) revised	50264
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173.314 (c) Note 12 and (e) revised	55877
173.315 (a)(1) Note 11 revised	55878
(a)(1) amended; (a)(1) notes 14 and 15 revised	57069
173.332 (d) revised	57070
173.336 (a)(3) revised	50264
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173.343 (a) introductory text revised	57070
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173.354 (a)(4) revised	57070
173.358 (a)(5) revised; (a)(13) added	55878
173.359 (a)(6) and (b)(5) revised; (a)(15) and (b)(11) added	55878
173.360 (a)(5) added	55878
173.364 (a)(2) revised	50264
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173.366 (b)(3) added	55878
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173.386 (d) introductory text amended	57070
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176.905 (c) amended; (i) introductory text revised; (i)(2) removed; (i)(3), (4), and (5) redesignated as (i)(2), (3), and (4); (1) added	57072
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501.3 Introductory text and (a)(1)(i) amended; (b)(6) redesignated as (c); new (b)(6) added; eff. 9-22-76	47933
501.7 (c) introductory text and (1) revised; (c)(2) and (3) redesignated as (c)(3) and (4); new (c)(2) added; eff. 9-22-76	47933
501.8 (e)(1) and (f)(2) revised; eff. 9-22-76	47934
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571.106-74 Std. No. 106-74 amended; eff. 11-26-76	52055
571.108 Std. No. 108 amended; eff. 11-1-76	46437
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571.109 Std. No. 109 Appendix A amended; eff. 2-22-77	*3844
571.111 Standard No. 111 amended; eff. 2-26-77	56813
571.116 Std. No. 116 amended; eff. 9-1-78	54944
571.121 Std. No. 121 amended; eff. 11-26-76	52057
571.208 Std. No. 208 amended; eff. 1-19-77	*5071
571.219 Std. No. 219 amended; eff. 12-16-76	54946
571.222 Std. No. 222 amended; eff. 4-1-78	54945
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1033.1240 (e) revised	48343
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1033.1242 (e) revised	48344
1033.1245 Revised	52696
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(a)(5) and (o) through (s) added; (b)(2), (5)(54) and (k)(5) removed 55692
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1125 Appendixes I and II amended 55694
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1254 Added 44045
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TITLE 50—WILDLIFE AND FISHERIES

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(i) amended *2076
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17.21 Republished 53033
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17.31 Republished *2967
17.40 (c) added 45994
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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 46527, Oct. 21, 1976)

RESERVATIONS: DEAN L. SMITH, 523-5282

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list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Table of Effective Dates and Time Periods—January 1977

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.
Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.
In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)
A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
January 3	January 18	February 2	February 17	March 4	April 4
January 4	January 19	February 3	February 18	March 7	April 4
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January 28	February 14	February 28	March 14	March 29	April 28
January 31	February 15	March 2	March 17	April 1	May 2

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS
(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT
AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT
Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office

DOD—DEFENSE DEPARTMENT
AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

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DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Office of Hazardous Materials Operations
OPSO—Office of Pipeline Safety Operations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

A&TBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register
OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
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4	3.20
5	4.90
6	.95
7 Parts:	
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52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
1200–1499	4.50
1500–end	6.90
8	2.40
9	6.80
10 Parts:	
0–199	4.60
200–end	4.90
12 Parts:	
1–299	11.00
300–end	7.50
13	3.60
14 Parts:	
1–59	5.30
60–199	5.60
200–1199	6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	6.80
Finding Aids	3.05

CFR Unit (Rev. as of April 1, 1976):

Title	Price
17	$6.00
18 Parts:	
1–149	4.85
150–end	$4.10
19	5.65
20 Parts:	
1–399	2.45
400–end	7.50
21 Parts:	
1–9	2.60
10–199	5.20
200–299	2.10
300–499	5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
23	4.55
24 Parts:	
0–499	6.65
500–end	6.90
25	5.25
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2–29	4.05
30–39	3.45
40–299	5.40
300–499	3.60
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CFR Unit (Rev. as of July 1, 1976):

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29 Parts:	
0–499	7.30
1900–1919	7.55
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30	4.80
31	5.65
32 Parts:	
1–39 (V.I) (Rev. 11/1/75)	5.80
(V.II) (Rev. 11/1/75)	7.40
(V.III) (Rev. 11/1/75)	5.10
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400–589	5.20
590–699	3.10
700–799	7.85
800–999	6.05
1000–1399	2.20
1400–1599	3.65
1600–end	1.95
32A	2.90
33 Parts:	
1–199	6.20
200–end	5.85
35	3.50
36	3.40
37	2.20
38	7.20
39	2.75
40 Parts:	
0–49	3.15
50–59	6.80
60–99	5.70
100–399	4.50
400–end	6.70
41 Chapters:	
1–2	5.70
3–6	5.90
7	1.85
8	1.80
9	4.35
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19–100	3.55
101–end	6.80
CFR Index	$3.20

CFR Unit (Rev. as of Oct. 1, 1976):

Title	Price
42	$5.95
43 Parts:	
1–999	3.10
1000–end	6.00
45 Parts:	
1–99	3.45
200–499	3.15
46 Parts:	
1–29	2.15
30–40	2.20
41–69	4.00
70–89	2.10
90–109	1.95
110–139	1.90
140–165	4.00
166–199	2.65
200–end	7.25
47 Parts:	
0–19	3.80
80–end	6.20
49 Parts:	
1–99	2.05
1000–1199	3.95
1300–end	3.60

Editorial note: Publication of the following CFR volumes has been delayed. As each volume is released to print, an announcement will be made on the back cover of the FEDERAL REGISTER:

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22	
29 (Parts 500–1899)	
32 (Parts 1–39, Vols. I, II, and III)	
34	
41 (Chapter 18—Retain 1974 edition)	
49 (Parts 100–199)	

1977 Issuances

Title	Price
6 (Cover only, retain 1976 edition)	
11	

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENT AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Papaya Regulation 7]

PART 928—PAPAYAS GROWN IN HAWAII

Limitation of Shipments

This regulation establishes quality and size requirements for Hawaiian papayas during the period January 1 through December 31, 1977. It requires all Hawaiian papayas handled to grade at least Hawaii No. 1 grade, except that the allowable tolerances for defects would be more restrictive for papayas for export destinations during April 1 through December 31, 1977. Fruit handled in export channels shall be of pyriform shape and weigh at least 10 ounces during the period January 1 through March 31, 1977, and 11 ounces during the remainder of 1977. Fruit handled in intrastate channels shall weigh at least 14 ounces ex-

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cept such fruit grading Hawaii Fancy shall weigh at least 16 ounces.

Notice was published in the FEDERAL REGISTER issue of December 3, 1976 (41 FR 53035) that the Department was giving consideration to a proposed regulation for handling of papayas grown in Hawaii, pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The Papaya Administrative Committee estimates that 1977 production of Hawaiian papayas will total 57.5 million pounds, 20 percent more than the estimated record large 1976 crop. Fresh sales are expected to total 50.0 million pounds and the remaining 7.5 million processed. Instate fresh sales are projected at 14.0 million pounds for 1977, compared to 13.2 million estimated for 1976. It is anticipated that out-of-state sales will amount to 72 percent of the total fresh sales in 1977 and reach a record large 36.0 million pounds, 7.2 million more than in 1976.

The regulation is based upon an appraisal of the prevailing supply and market situation for papayas. It is concluded that the regulation is appropriate for said supply and market conditions expected to prevail during the effective period of the regulation and, consistent with the objectives of the act, will assure consumers of an adequate supply of acceptable quality papayas and tend to maintain grower returns at a level consistent with the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Papaya Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of papayas will be regulated only through December 31, 1976, by current Regulation 6, and, in order to effectuate the declared policy of the act, this regulation should be effective not later than January 1, 1977, to provide continuity of regulation; (2) this regulation is the same as that which was specified in the notice (41 F.R. 53035), to which no exceptions were submitted; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date thereof.

§ 928.307 Papaya Regulation 7.

(a) During the period January 1 through December 31, 1977, no handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of this part) to any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of a size which individually weigh not less than 14 ounces: *Provided*, That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(b) During the period January 1 through March 31, 1977 no handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of this part) to any export destination unless said papayas grade at least Hawaii No. 1: *Provided*, That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(c) During the period April 1 through December 31, 1977 no handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of this part) to any export destination unless said papayas grade at least Hawaii No. 1, except that the allowable tolerances for defects shall be 5 percent: *Provided*, That not more than 3 percent shall be permitted for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: *Provided further*, That such papayas shall be of pyriform shape and weigh not less than 11 ounces each.

(d) When used herein "Hawaii Fancy", "Hawaii No. 1" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 Subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 27, 1976, to become effective January 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-38421 Filed 12-30-76;8:45 am]

PART 928—PAPAYAS GROWN IN HAWAII

Subpart—Rules and Regulations

This amendment of the rules and regulations under marketing agreement and Order No. 928, regulating the handling of papayas grown in Hawaii, prescribes additional terms and conditions with respect to the handling of immature papayas.

Notice was published in the FEDERAL REGISTER issue of December 6, 1976 (41 F.R. 53346) that the Department was giving consideration to a proposed amendment, hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 928.141–928.160) effective pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii, hereinafter referred to as the "order". This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The amendment to the rules and regulations was unanimously recommended by the Papaya Administrative Committee, established under the order as the agency to administer its terms and provisions. Immature papayas which otherwise grade Hawaii No. 1 are currently permitted to be handled in authorized outlets. However, the provision is set to expire on December 31, 1976, for the market outlets of California, Oregon, and Washington. This amendment would continue through March 31, 1977, inclusion of these markets as authorized outlets and include the provision that handling of immature papayas in all specified outlets otherwise meet the quality and size requirements effective under the order during that time period. The committee reports that it has not had sufficient time to assess whether the West Coast markets should be opened indefinitely to immature papayas, which are used by certain ethnic groups in cooking. It must be determined that adequate control can be exercised to assure that immature papayas are not handled for uses and in markets designed for mature papayas. Therefore, the committee recommended the additional time period as indicated.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Papaya Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that amendment of said rules and regulations, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of immature papayas in specified outlets is currently permitted only through December 31, 1976, and, in order to effectuate the declared policy of the act, this amendment should be effective not later than January 1, 1977, to provide a continuity of this provision; (2) this amendment is the same as that which was specified in the notice (41 FR 53346), to which no exceptions were submitted; and (3) compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date thereof.

Section 928.152 is revised by amending paragraphs (a)(3) and (a)(4). As amended § 928.152 reads as follows:

§ 928.152 Maturity exemption.

(a) • • •

(3) Immature papayas are papayas which do not meet the maturity requirements of the State of Hawaii Department of Agriculture's Wholesale Standards for Hawaii-Grown Papayas (Subsection 5.32) but otherwise meet the requirements of at least Hawaii No. 1 grade, are of pyriform shape and weigh not less than 10 ounces each for export destinations, and for destinations within the production areas weigh at least 14 ounces for Hawaii No. 1 papayas and 16 ounces for papayas handled as Hawaii Fancy grade.

(4) Outlets authorized by the committee for resale of papayas specified in this section are the State of Hawaii, and during the period January 1, 1977, through March 31, 1977, the States of California, Oregon, and Washington.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 27, 1976, to become effective January 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-38422 Filed 12-30-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program for Milk

On November 4, 1976, a notice was published in the FEDERAL REGISTER (41 FR 48540) inviting comments concerning the fourth quarter (January 1–March 31, 1977) of the 1976–77 price support program for milk. Responses received contained recommendations with regard to the level of support and certain other provisions of the dairy price support program. All comments and recommendations were carefully considered.

The United States Department of Agriculture has announced that the support price for manufacturing milk will remain unchanged at $8.26 per hundredweight for the fourth quarter (January 1–March 31, 1977) of the 1976–77 marketing year. The support is provided through purchases by Commodity Credit Corporation (CCC) of dairy products under the price support program.

Paragraph (a)(1) of 7 CFR § 1430.282 is amended to read as follows:

§ 1430.282 Price support program for milk.

(a)(1) The general level of prices to producers for milk will be supported from April 1, 1976 through September 30, 1976, at $8.13 per hundredweight for manufacturing milk and from October 1, 1976 through March 31, 1977, at $8.26 per hundredweight for manufacturing milk.

• • • • • •

(Sec. 201, 401, 63 Stat. 1052, 1054, as amended; sec. 4(d), 62 Stat. 1070, as amended (7 U.S.C. 1446, 1421, 15 U.S.C. 714b(d).))

Signed at Washington, D.C. on: December 23, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-38420 Filed 12-30-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z, Docket No. R-0048]

PART 226—TRUTH IN LENDING

Amendments to Regulation Z to Implement the Consumer Leasing Act

In FR Doc. 76-30336 appearing at page 45537 in the FEDERAL REGISTER of Friday, October 15, 1976, the following changes should be made:

1. On page 45538 the language of § 226.1(c) is corrected by adding the words "or lessor" between the words "assignee of an original creditor" and "where the" and between the words "original creditor" and "has violated."

2. On page 45539 the language of § 226.6(d) is corrected by (a) adding the words "or lessors" between the words "more creditors" and "make a joint disclosure" and (b) changing the word "and" between the words "of § 226.8" and "paragraph" to "or."

3. On page 45539 the language of § 226.6(g) is corrected by adding the words "or leased property" after the words "preservation of collateral" in footnote 6.

4. On page 45539 the language of § 226.10(h) is corrected by substituting the notation "§ 226.10(g)" for the words "paragraph (g) of this section" between the words "under" and "such" and after the words "to be disclosed under."

5. On page 45540 § 226.15(a) is corrected by adding the word "accurately" between the words "applicable," and "make."

6. On page 45540 § 226.15(b)(5) is corrected by substituting the notation "§ 226.15(b)(13)" for the notation "§ 226.15(b)(15)(i)" after the words "disclosed under."

7. On page 45540 § 226.15(b)(9) is corrected by substituting the notation "§ 226.15(b)(2)" for the words "paragraph (b)(2) of this section."

8. On page 45540 § 226.15(b)(11) is corrected by substituting the word "what" for the word "which" between the words "at" and "price".

9. On page 45540 § 226.15(b)(15)(iii) is corrected by substituting the notation "§ 226.15(b)(15)(ii)" for the words "paragraph (b)(15)(ii) of this section."

Board of Governors of the Federal Reserve System, December 22, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-38405 Filed 12-30-76; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2852]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Haleakala Motors, Ltd.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–40 Exaggerated as regular and customary; 13.155–55 Government requirements; § 13.205 Scientific or other relevant facts; § 13.285 Value. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108–40 Federal Trade Commission Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements; § 13.1740 Scientific or other relevant facts; § 13.1775 Value.—Prices: § 13.1778 Additional costs unmentioned; § 13.1805 Exaggerated as regular and customary; § 13.1815 Government requirements. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 Prices; 13.1882-10 Additional prices unmentioned; § 13.-1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the matter of Haleakala Motors, Ltd., a corporation. Consent order requiring a Wailuka, Maui, Hawaii, automobile dealer, among other things to cease altering any invoices or other documents containing manufacturer's suggested retail price information; misrepresenting suggested retail prices; and including on extension stickers, any charges not specifically itemized.

The order to cease and desist, including, further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent Haleakala Motors, Ltd., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of new automobiles in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Altering in any manner, invoices, stickers or other original documents or copies thereof, which contain manufacturer's suggested retail price information, where such price has been established by a manufacturer pursuant to 15 U.S.C., Section 1231, et seq., except for relabeling as provided in 15 U.S.C., Section 1233(c).

2. Contradicting or negating, orally or in writing, directly or by implication,

[1] Copies of the Complaint and Decision and Order filed with the original document.

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any information disclosed by a manufacturer pursuant to 15 U.S.C., Sec. 1232.

3. Misrepresenting, orally or in writing, directly or by implication, that respondent has incurred charges attributable to a new automobile which are in addition to those itemized, or accounted for, on the Monroney Sticker label for such automobile.

4. Including in the amounts contained in any representation of charges imposed by respondent in addition to those charges itemized or acounted for on the Monroney Sticker label, any amounts not attributable to a specifically-itemized additional imposed charge.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in said corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That respondent forthwith distribute a copy of this Order to each of its operating divisions, and to all present and future employees engaged in the advertising, offering for sale, pr sale of new automobiles.

Commissioner Dole did not participate.

The Decision and Order was issued by the Commission November 15, 1976.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.76-38442 Filed 12-30-76;8:45 am]

[Docket C-2853]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Medical Service Corporation of Spokane County, et al.

Subpart—Combining or conspiring: § 13.405 To discriminate unfairly or restrictively in general; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements, § 13.533–65 Renegotiation and/or amendment of contracts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45))

In the Matter of Medical Service Corporation of Spokane County, a corporation, and Medical Service Bureau of Spokane County, an association.

Consent order requiring a Spokane, Wash., operator of a "Blue Shield" health care payment plan and an association of participating physicians, among other things to cease boycotting health maintenance organizations (HMO's), HMO physicians or other physicians who practice on other than a fee-for-service basis.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

It is ordered, that the following definitions shall apply in this Order.

A. "MSB" means respondent Medical Service Bureau of Spokane County, its successors and assigns, its officers and directors, and all the members thereof as of January 1, 1976, individually and collectively.

B. "MSC" means respondent Medical Service Corporation of Spokane County, its successors and assigns, and its officers, directors, and members.

C. "Participating physician" means a physician who is paid or reimbursed by MSC for service rendered to an MSC subscriber or policyholder (including covered dependents), pursuant to a participating physician agreement with MSC.

D. "Health maintenance organization" means a health care payment plan which compensates physicians by a prepayment method, as opposed to the fee-for-service method.

II

It is further ordered, that neither MSC nor MSB shall directly or indirectly enter into, adhere to, promote or follow any course of conduct, practice or policy, or any agreement or understanding which (a) discriminates against any health maintenance organization, or (b) discriminates against any lawfully practicing physician, or excludes any lawfully practicing physician from being a participating physician in MSC, by reason of the fact that such physician practices medicine, in whole or in part, on other than a fee-for-service basis, or by reason of the fact such physician is associated in any way with a health maintenance organization.

III

It is further ordered, that within 60 days following the date of issuance of this Order MSC shall revise its Charter and By-Laws and MSB shall revise its By-Laws to conform with the requirements of this Order.

IV

It is further ordered, that MSC shall mail a copy of this Order and of the Complaint in this proceeding to each trustee, member, and officer of MSC and to each person who was a member of MSB as of January 1, 1976.

V

It is further ordered, that nothing in this Order shall be construed to exempt MSC or MSB from compliance with the antitrust laws or the Federal Trade Commission Act, and that the fact that any activity is not prohibited by this Order shall not bar a challenge to it under such laws and statute.

VI

It is further ordered, that MSB and MSC shall, within sixty (60) days after service upon it of this Order, and that MSC annually for each of the five (5) years thereafter shall file or cause to be filed with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this Order.

VII

It is further ordered, that MSC notify the Commission at least thirty (30) days prior to any proposed change in MSC such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation which may affect compliance obligations arising out of this Order.

The Decision and Order was issued by the Commission December 3, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-38399 Filed 12-30-76;8:45 am]

[Docket 8959-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

RSR Corporation

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 7, 38 Stat. 731, as amended (15 U.S.C. 18).)

In the Matter of RSR Corporation, a corporation.

Order requiring a Dallas, Texas, producer of secondary lead products, among other things to divest itself, within one (1) year, of the assets of Quemetco, Inc., excluding the acquired facility located in Seattle, Washington, and the capital derived from the sale of its acquired interest in the facility located in the Republic of Mexico. Further, the order prohibits respondent from acquiring any domestic lead producing company for a period of ten (10) years without prior F.T.C. approval.

The order of divestiture, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

It is ordered, that Respondent, RSR Corporation (hereinafter "RSR"), a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, shall divest all assets, title, properties, interest, rights and privileges, of whatever nature, tangible and intangible, including without limitation all buildings, machinery, equipment, raw material reserves, inventory, customer lists, trade names, trademarks, and other property of whatever description acquired by RSR as a result of its acquisition of Quemetco, Inc. (hereinafter "Quemetco") together with all additions and improvements to Quemetco which have been added to Quemetco subsequent to the acquisition except that the acquired facility located in Seattle, Washington and the capital derived from the sale of the acquired interest in the facility located in the Republic of Mexico are excluded from divistiture by this Order. Such divestiture shall be absolute, shall be accomplished no later than one (1) year from the service of this Order, and shall be subject to the prior approval of the Federal Trade Commission.

II

It is further ordered, that such divestiture shall be accomplished absolutely to an acquirer approved in advance by the Federal Trade Commission so as to transfer Quemetco as a going business and a viable, competitive, independent concern engaged in the manufacture, production, distribution and sale of secondary lead, secondary lead alloys and lead products.

III

It is further ordered, that pending any divestiture required by this Order, Respondent shall not knowingly cause or permit the deterioration of the assets and properties specified in Paragraph I in a manner that impairs the marketability of any such assets and properties. Respondent may but shall not be required to make capital expenditures for the improvement of any such assets and properties.

IV

It is further ordered, that pursuant to the requirements of Paragraph I, none of the stock, assets, properties, rights, privileges and interests of whatever nature, tangible or intangible, acquired or added by RSR, shall be divested, directly or indirectly, to anyone who is at the time of the divestiture an officer, director, employee or agent of, or under the control, direction or influence of RSR, or anyone who owns or controls, directly or indirectly more than one (1) percent of the outstanding shares of the capital stock of RSR or to anyone who is not approved in advance by the Federal Trade Commission.

V

It is further ordered, that, for a period commencing on the effective date of this Order and continuing for ten (10) years from and after the date of completing the divestiture required by this Order, RSR shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, assets, any interest in or any interest of, any domestic concern, corporate or noncorporate, engaged in the manufacture, production, distribution or sale of secondary lead, secondary lead alloys and lead products, nor shall RSR enter into any arrangement with any such concern by which RSR obtains the market share, in whole or in part, of such concern in the above described product lines.

VI

It is further ordered that on the first anniversary date of the effective date of this Order and on each anniversary date thereafter until the expiration of the prohibitions in Paragraph V of this Order, RSR shall submit a report in writing to the Federal Trade Commission listing all acquisitions, mergers and agreements to acquire or merge made by RSR; the date of each such acquisition, merger or agreement; the products involved and such additional information as may from time to time be required.

VII

It is further ordered, that within thirty (30) days from the effective date of this Order and every sixty (60) days thereafter until it has fully complied with Paragraph I of this Order, RSR shall submit a verified report in writing to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying or has complied therewith. All such reports shall include, in addition to such other information and documentation as may hereafter be requested, (a) a specification of the steps taken by RSR to make public its desire to divest Quemetco with the exception of the Seattle, Washington facility, (b) a list of all persons or organizations to whom notice of divestiture has been given, (c) a summary of all discussions and negotiations together with the identity and address of all interested persons or organizations, and (d) copies of all reports, internal memoranda, offers, counteroffers, communications and correspondence concerning said divestiture.

VIII

It is further ordered, That RSR shall notify the Commission at least thirty (30) days prior to any proposed changes which may affect compliance obligations arising out of the Order, such as dissolution, assignment or sale resulting in the emergence of successor corporations, and that this Order shall be binding in any such successor.

The Final Order was issued by the Commission December 2, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-38398 Filed 12-30-76;8:45 am]

[Docket 8998-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Soundtrack Chevell Industries, Inc., et al.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45))

In the Matter of Soundtrack Chevell Industries, Inc., a corporation, and individuals known as William F. Temple, Gene Temple, and Helen Temple, individually and as officers, or former officer, of said corporation, and Lonnie Temple, individually and as former salesman of said corporation.

Order dismissing complaint issued against two individual respondents, Lonnie and Gene Temple, in a case involving alleged deceptive acts and practices in the talent promotion business. The complaint was dismissed for lack of public interest.

By order of the Commission dated April 22, 1975, 85 F.T.C. 794, the complaint against individual respondent Tommie Tubb was dismissed. Commissioners Hanford and Nye dissenting.

On October 7, 1976, the Commission issued a consent order, 41 FR 52660, 88 F.T.C. , prohibiting two of the officers of the corporate respondent, William F. Temple and Helen Temple, from engaging in the talent promotion business, and proscribed certain acts and practices found to be in violation of section 5 of the Federal Trade Commission Act.

The order of dismissal as to Lonnie and Gene Temple is as follows:

ORDER DISMISSING COMPLAINT

This matter is before the Commission on the certification by the Administrative Law Judge of a request by respondent Gene Temple that counsel be appointed to represent him in this matter. This request comes after completion of complaint counsel's case-in-chief, a similar request filed shortly before the hearing began having been denied as untimely. The Administrative Law Judge recommends that the renewed request be granted.

Upon review of the present papers and those submitted on the numerous prior occasions since issuance of the complaint that this case had been before us, we are of the view that continuation of these proceedings would not be in the public interest. Accordingly, on our own motion, we direct that the complaint be dismissed as against the two remaining respondents, Lonnie and Gene Temple.

By direction of the Commission, Commissioner Dole dissenting.

DISSENTING STATEMENT OF COMMISSIONER DOLE

I dissent from the dismissal of the complaint. I believe that further proceedings are in the public interest for the reasons indicated in the Commission's Order Denying Motions to Dismiss the Complaint as to Lonnie and Gene Temple, May 11, 1976. Instead of dismissing the complaint, I would have granted respondent Gene Temple's request for appointed counsel.

Issued: December 17, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-38397 Filed 12-30-76;8:45 am]

[1] Copies of the Complaint and Decision and Order filed with the original document.

[1] Copies of the Complaint, Initial Decision, Final Order and Opinion filed with the original document.

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Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. RM77-7; Order No. 559]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Report of Industrial Electric Generating Capacity—Form No. 12C and Form No. 4 (Industrial)

Issued December 23, 1976.

This order revises the frequency of reporting by industrial (non-utility) generating plants on FPC Form No. 12C and Form No. 4 (Industrial).

At present, all industrial power plants with an installed generating capacity of five megawatts or more are required to file Form No. 4 (Industrial) on the tenth of each month showing net generation for the previous calendar month and the installed capacity on the last day of the calendar month by type of prime mover. Also, at present, all industrial power plants with an installed generating capacity of less than five megawatts are required to file Form No. 12C annually on May 1 showing annual net generation for the previous calendar year and the installed capacity on the last day of the calendar year by type of prime mover.

The revision consists of changing the generating level at which industrial power plants may file annually Form No. 12C instead of monthly on Form 4 from five megawatts to ten megawatts. Because of the declining proportion of industrial generation to total generation in the United States, the Commission considers it feasible to change the criterion for submission of annual reports from five megawatts to ten megawatts without significant loss of accuracy in its statistical summaries. The Commission believes that a substantial reduction in the reporting burden on respondents with small power plants will be achieved.

Henceforth, industrial power plants with an installed generating capacity of less than ten megawatts will be only required to file Form No. 12C, annually on May 1, showing annual net generation for the previous calendar year and the installed generating capacity on the last day of the previous calendar year by type of prime mover. All industrial power plants with an installed generating capacity of ten megawatts or more will continue to be required to file Form No. 4 (Industrial) on the tenth of each month showing net generation for the previous calendar month and the installed generating capacity on the last day of the previous calendar month by type of prime mover.

The Commission finds: (1) It is appropriate and in the public interest in administering Part II of the Federal Power Act to revise the requirements of reporting on Form No. 12C and Form No. 4 (Industrial).

(2) Good cause exists that the provisions of this order become effective upon issuance.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly Sections 202(a), 309 and 311 (49 Stat. 848, 858–859; 16 U.S.C. 824(a), 825h, 825j), orders:

(A) Section 141.24, Part 141, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 141.24 Form No. 4 (Industrial), Monthly report of industrial generation of electric energy.

This form is designed to obtain information concerning the net generation of electric energy and installed nameplate capacity of industrial plants by type of prime mover.

As of January 1, 1977, industrial plants with an installed generating capacity of ten megawatts or more shall file Form No. 4 (Industrial) with the Commission on the tenth of each month showing net generation for the previous calendar month and the installed generating capacity on the last day of the previous calendar month by type of prime mover.

(B) Section 141.54, Part 141, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 141.54 Form No. 12C, Industrial electric generating capacity (limited information).

This form is designed to obtain information concerning the net generation of electric energy and installed nameplate capacity of industrial plants by type of prime mover.

As of January 1, 1977, industrial plants with an installed generating capacity of less than ten megawatts shall file Form No. 12C with the Commission on May 1 each year showing net generation for the previous calendar year and the installed generating capacity on the last day of the previous calendar year by type of prime mover.

(C) The revisions prescribed herein shall be effective upon issuance of this order.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38437 Filed 12-30-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FHWA Docket No. 76-17]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 625—DESIGN STANDARDS FOR HIGHWAYS

Design Criteria; Interim Regulation

Purpose. This revision of 23 CFR Part 625 serves a twofold purpose. First, the list of design criteria has been expanded to include all applicable documents; and, second, the design criteria have been regrouped into the five phases of highway construction to which they relate. The design criteria had been formerly grouped into categories of various document types.

The Federal Highway Administration is revising design standards for highways by issuing an interim regulation which updates and expands the material contained in the existing regulation.

Provisions of § 625.5(b) of this regulation provide latitude in the geometric design of resurfacing, restoration, and rehabilitation (R–R–R) projects. This is not a change from the provisions of § 625.4(b) of the former Part 625 regulation. Modification of the geometric design standards for inclusion in this regulation for R–R–R projects will be addressed by a separate notice of proposed rulemaking procedure in order to give special attention to this limited subject area.

In that this material is a matter relating to a grant program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553(a)(2)) requiring notice of proposed rulemaking opportunity for public participation and delay in effective date are inapplicable. However, because of public interest in this matter, interested parties and government agencies are encouraged to submit written comments, views, or data concerning this interim regulation to: Federal Highway Administration, Room 4230, Docket No. 76–17, 400 7th Street, S.W., Washington, D.C. 20590 by February 17, 1977. It is requested that comments be specifically directed to individual items to which said comments relate and it will be appreciated if they are sent in triplicate. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., Monday through Friday. Material thus submitted will be considered and evaluated in determining any changes to this interim regulation. Until such time as further changes are made, the regulation as here set forth shall remain in effect.

Title 23 CFR Part 625 is revised to read as follows:

Sec.
625.1 Purpose.
625.3 Standards, Specifications, Policies, Guides, and References.
625.5 Approvals.

Appendix A—Documents cited in Part 625.

AUTHORITY: 23 U.S.C. 109, 315, and 402, 49 CFR 1.48(b).

§ 625.1 Purpose.

The purpose of this regulation is to designate those standards, specifications, policies, guides, and references that are acceptable to the Federal Highway Administration (FHWA) for application in the geometric and structural design and traffic control features of highways.

§ 625.3 Standards, Specifications, Policies, Guides, and References.

The following[1] are approved by the FHWA for application on Federal-aid projects. This regulation does not establish Federal standards for work that is not federally funded, however, the safety related criteria of the referenced standards are established as goals for developing State and local safety programs for all public highways as required by Highway Safety Program Standard 12, 23 CFR 1204.4.

(a) *Roadway and Appurtenances.* (1) A Policy on Geometric Design of Rural Highways, AASHO 1965.[2]

(2) A Policy on Design of Urban Highways and Arterial Streets, AASHO 1973.[2]

(3) Geometric Design Standards for the National System of Interstate and Defense Highways, AASHO 1967.[2]

(4) Geometric Design Guide for Local Roads and Streets, AASHO 1970.[2] In the application to low volume roads and streets minimum values may be applied except that use of design speeds less than 30-miles per hour or the retention of bridges narrower than approach traveled way width are not acceptable.

(5) Geometric Design Standards for Highways Other Than Freeways, AASHO 1969.[2]

(6) Recommended Practices for Railroad-Highway Grade Crossing Warning Systems, Bulletin No. 7, Association of American Railroads, 1974.[3]

(7) Procedures for Abatement of Highway Traffic Noise and Construction Noise, FHWA, 23 CFR 772.

(8) A Policy on the Accommodation of Utilities on Freeway Rights-of-Way, AASHO 1969.[2]

(9) A Policy on U-Turn Median Openings on Freeways, AASHO 1960.[2]

(10) A Policy on Access Between Adjacent Railroads and Interstate Highways, AASHO 1960.[2]

(11) A Policy on Design Standards for Stopping Sight Distance, AASHO 1971.[2]

(12) An Informational Guide for Roadway Lighting, AASHTO 1976.[2]

(13) Policy on Interstate System Projects, FHWA, FHPM 6–3–2–4, (IM 21–1–62).[4]

(14) Policy on Interstate System Projects, FHWA, FHPM 6–3–2–4 (CM 5–9–67).[4]

(15) Policy on Interstate System Projects, FHWA, FHPM 6–3–2–4 (IM 21–1–67).[4]

(16) Interim Guide for Design of Pavement Structures, AASHO 1972. Pavement design may be based upon procedures and practices of individual agencies that by past performance have proved satisfactory for the pertinent conditions, however, the FHWA will use this guide to evaluate the adequacy of the design proposed.[2]

(17) Skid Accident Reduction Program, FHWA, FHPM 6–2–4–3, (IM 21–2–73).[4]

(18) Guidelines for Skid Resistant Pavement Design, AASHTO 1976.[2]

(19) Erosion and Sediment Control on Highway Construction Projects, FHWA, 23 CFR 650, Subpart B.

(20) Hydraulic Design of Highway Encroachments on Flood Plains, FHWA, 23 CFR 650, Subpart A.

(21) Highway Design and Operational Practices Related to Highway Safety, Report on the Special AASHTO Traffic Safety Committee, AASHTO 1974.[2]

(b) *Bridges and Structures.* (1) Standard Specifications for Highway Bridges, Eleventh Edition, AASHO 1973, and Interim Specifications, Bridges, AASHTO 1974, 1975, and 1976.[2]

(2) Standard Specifications for Movable Highway Bridges, AASHO 1970.[2]

(3) Standard Specifications for Welding of Structural Steel Highway Bridges, AASHTO 1974.[2]

(4) Reinforcing Steel Welding, Code AWS D12.1–75.[5]

(5) Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, AASHTO 1975.[2]

(6) A Guide for Protective Screening of Overpass Structures. AASHO 1969.[2]

(c) *Traffic Control.* (1) Manual on Uniform Traffic Control Devices for Streets and Highways, FHWA 1971, and Errata and Official Rulings on Requests, Vol. I–VII, FHWA.[6]

(2) Traffic Control Devices on Federal-Aid and Other Streets and Highways, FHWA, 23 CFR 655, Subpart F.

(3) Standard Alphabets for Highway Signs, FHWA, 1966 Edition, Reprinted May 1972.

(4) Traffic Surveillance and Control, FHWA, 23 CFR 655, Subpart D.

(5) Motorist Aid Systems, FHWA. 23 CFR 655, Subpart G.

(6) Pavement Marking Demonstration Program, FHWA, 23 CFR 920.

(7) National Standards for Signs Giving Specific Information in the Interest of the Traveling Public, FHWA, 23 CFR 655, Subpart C.

(d) *Materials.* (1) General Materials Requirements, FHWA, 23 CFR 635, Subpart D.

(2) Standard Specifications for Transportation Materials and Methods of Sampling and Testing, AASHTO 1974, Volume I and Volume II.[2]

(3) Sampling and Testing of Materials and Construction, FHWA, 23 CFR 637, Subpart B.

(e) *Other.* Highway Definitions, AASHO 1968.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register on November 17, 1975, and October 27, 1976. These documents are on file in the Federal Register Library.

§ 625.5 Approvals.

(a) *Project plans, specifications, and estimates* that are found to be in conformance with the design standards, specifications, policies, and guides as enumerated in § 625.3 of this part are acceptable for approval for Federal-aid funding. When there is a conflict between any of the documents enumerated in § 625.3 of this part, the latest standard, policy, specification or guide will govern.

(b) *Exceptions.* (1) Approval within the delegated authority provided by FHWA Order 1–1,[4] may be given to designs on a project basis which do not conform to the minimum design criteria set forth in the standards listed herein under the following conditions:

(i) Traffic engineering and/or safety projects that do not require reconstruction of the roadway and to which the foregoing standards, specifications, policies, and guides do not apply.

(ii) Projects involving experimental features; and

(iii) Other projects where unusual conditions warrant that exceptions be made.

(2) The determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatability with adjacent section of unimproved roadway, and the probable time before reconstruction of the section due to increased traffic demands.

(c) Federal-aid projects being approved for construction where curbs are provided shall include curb ramps at all pedestrian crosswalks and other provisions, as may be appropriate for physically handicapped persons.

APPENDIX A

DOCUMENTS CITED IN PART 625

1. These documents may be reviewed at the Department of Transportation Library, Room 2200, DOT Headquarters Building, 400–7th Street S.W., Washington, D.C. 20590.
2. American Association of State Highway and Transportation Officials, 341 National Press Building, Washington, D.C. 20045.
3. Association of American Railroads, American Railroads Building, Washington, D.C. 20036.
4. These documents are available for inspection and copying as provided in 49 CFR Part 7, Appendix D.
5. American Welding Society, 2501 N.W. 7th Street, Miami, Florida 33125.
6. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Highway Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Effective date: January 11, 1977.

Issued: December 21, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator.

[FR Doc.76-38400 Filed 12-30-76;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

Land Services Facilities

Purpose. The purpose of this document is to issue final regulations establishing policy guidelines within the right-of-way acquisition process for Federal participation in the costs of land service facilities designed to provide or restore access to projects affected by a highway facility.

In the November 17, 1975, edition of the FEDERAL REGISTER (40 FR 53236)

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the Federal Highway Administration (FHWA) published interim guidelines to be utilized in evaluating the need for and the participation of Federal funds in the costs of land service facilities.

Comments, views, and data concerning the interim regulations were solicited from interested parties and Government agencies. General notice of proposed rulemaking was not required because the material published related to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

The majority of the comments favored the addition of social and environmental criteria for justification of public use land service facilities. In the final regulations, the section explaining these criteria has been shortened, and more emphasis has been placed on the fact that adequate consideration of the need for this type of land service facility is expected to be a part of the State highway department's normal project development process.

Comments were received which questioned the reason for the deletion of the previous requirement for the FHWA's approval of land service facilities. This approval requirement was not retained because the FHWA is committed to the minimization of program requirements which are not legislatively mandated. In both the interim and the final regulations, the controls on building land service facilities would be contained in the State's procedures which are approved by the FHWA.

The final regulation contains a single provision for the FHWA's prior consideration of a land service facility. This provision, 23 CFR § 712.805(c)(1), applies in exceptional circumstances where a proposed private use land service facility cannot be justified on the basis of economics, but access is warranted due to some public interest aspect.

Most of the comments on the interim regulations were related to the concept of private use land service facilities. Except for those situations covered by § 712.805(c)(1) of this Title, the construction of private use land service facilities must be justified on the basis of economics. This regulation establishes a method for estimating the cost of a proposed land service facility on the basis of crossing a hypothetical minimum type two-lane highway facility regardless of the type of highway actually proposed for construction. This is known as the common cost method. Since land service facilities which cross over or under highways are costly to construct, a number of State highway departments indicated that the actual cost of providing a facility should be used to determine mitigation of damages. The regulation does not preclude a State from utilizing an actual cost policy—it merely creates an alternate method for determining Federal participation in mitigation of damages.

The express purpose for providing the common cost basis in this regulation was to relieve the property owner of the burden of paying the actual cost of land service facilities on highways of more than two lanes. A property owner should not have to suffer the loss of access to a portion of his property and the disruption or cessation of his business operation because the cost of building a land service facility over or under a four-lane or six-lane highway exceeds the severance damages of his property or, stated more simply, because his property was severed by an Interstate highway instead of a secondary road.

A number of the comments concerning the common cost basis indicated a general lack of understanding as to its proper use. That portion of the regulation has been reorganized in an effort to illustrate the concept and use of the common cost basis more clearly.

It should be emphasized that the general policies section of this part promotes the design and construction of land service facilities to serve more than one property. The private use land service facility is not and should not be the norm. We do believe, however, that in those circumstances where a private use land service facility appears to be the only reasonable means of restoring access, the common cost basis provided in this part is a more equitable manner of determining mitigation of damages than is actual cost.

The largest response was elicited by the provision of § 712.804, paragraph (b)(4), which stated that land service facilities designed for private use and benefit were to be programed as right-of-way items. Many State highway and transportation agencies reported that they generally program land service facilities as construction items. The major objection is that it will cost the State highway department a great deal of time and money to break out and charge all of the costs attendant to the construction of a land service facility to the right-of-way program and cost account. Objections to this provision were also based upon the fact that private land service facilities programed as right-of-way items would be ineligible for Federal-aid participation on projects where Federal aid is requested only in construction costs.

The land service facility guidelines apply if Federal funds participate in any portion of the project costs. This provision was included in the interim regulation because private use land service facilities are provided in mitigation of severance damages. Damages of this type are right-of-way cost items. To allow land service facilities designed for private use to be programed as construction items would amount to payment of just compensation, or a portion of the just compensation, for a property with Federal-aid construction funds. The provision has been retained in the final regulation as § 712.805(c)(4).

It should be noted that the State highway departments do have the option of programing a land service facility as a line item on a combined construction right-of-way project. This option is available even when the only right-of-way item to be programed on such a combined project is the parcel which the land service facility will serve. The choice of this method of programing may relieve the State highway departments of the burden of the extra cost of providing private use land service facilities on projects where the State highway department is primarily concerned with securing Federal participation in construction costs.

Pursuant to the Department of Transportation Policies to Improve Analysis and Review of Regulations (41 FR 16200), the Secretary of Transportation has been notified that these regulations are expressly mandated by statute or have minimal impact.

The Federal Highway Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Chapter 1 of Title 23, Code of Federal Regulations, is hereby amended by adding a new Subpart H—Land Service Facilities—to Part 712—The Acquisition Function.

Effective date: January 7, 1977.

Issued on: December 21, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator.

Chapter I, 23 CFR Part 712, Subpart H is revised to read as follows:

Subpart H—Land Service Facilities

Sec.
712.801 Purpose.
712.803 Applicability.
712.805 Policies.

AUTHORITY: 23 U.S.C. 315, 105(a) and 114; 49 CFR 1.48(b).

SUBPART H—LAND SERVICE FACILITIES

§ 712.801 Purpose.

The purpose of this regulation is to establish policy guidelines within the right-of-way acquisition process for Federal participation in the costs of land service facilities designed to provide or restore access to properties affected by a highway facility.

§ 712.803 Applicability.

The provisions of this regulation apply where Federal funds are participating in any part of the cost of a highway project.

§ 712.805 Policies.

(a) *General.* (1) The construction of highways occasionally changes access conditions in a manner which may seriously inconvenience the general public as well as the private property owner. Land service facilities such as private roads, frontage roads, sidewalks and pedestrian separations, and combination drainage and vehicular or stock passes may be incorporated into the highway design in order to reduce the disruptive effect the highway may have on a particular community, on recreational activities and wildlife, or on the

operation of a farm, ranch, or other business which the highway location severs.

(2) Whenever practicable, land service facilities should be designed and located to service more than one property or purpose. Whenever land service facilities are provided to serve more than one property owner, the rights of each owner to use the facility must be granted in a recordable legal instrument.

(3) Efforts should be made to utilize or extend existing land service facility structures to the extent appropriate. Where there are existing facilities over or under a Federal-aid highway, Federal funds may participate in the construction of similar land service facilities to cross added parallel lanes provided land use and land use patterns have not changed in a manner which diminishes the need for such a facility.

(b) *Public use and benefit.* (1) The construction of land service facilities which are designed for public use, or to provide access for multiple landowners shall be justified as a part of the normal design development process.

(2) Justification for incorporating land service facilities designed for public use into the highway design includes, but is not limited to considerations such as: highway safety, access to recreation areas, police and fire protection, preservation or enhancement of area economy, equitable treatment of property owners, servicing utility facilities, restoration of local vehicular or animal circulation, conservation and development of natural resources (including wildlife) and other environmental considerations.

(c) *Private use and benefit.* (1) Land service facilities designed for restoration of access to and within a privately owned property shall be justified primarily on the basis of economics. In exceptional cases where the land service facility is not justified economically, but it is believed that access is nevertheless in the public interest, the recommendation and justification for perpetuation to access are to be submitted to the FHWA for prior consideration.

(2) The actual cost of providing a land service facility to cross under or over a highway may vary widely, depending on the type and width of the highway to be built. A common cost basis may be used for comparative purposes in determining mitigation of damages to a property in these cases. The basis may apply regardless of the actual cost of the proposed structure. The basic economic formula consists of the following computations:

(i) Based on substantiated before-and-after estimates, determine the difference between the current fair market value of the property without the proposed facility and the current fair market value with the proposed facility.

(ii) The difference determined in paragraph (c)(2)(i) of this section would then be compared with the current estimated construction costs of a land service facility required to cross over or under a hypothetical two-lane highway calculated in accordance with the following criteria:

(A) The structural elements of the cross section of the structure are to be the State's design standard or typical section for the specific service to be provided, and

(B) For comparison purposes only, the dimensions of the cross section elements used to establish the maximum length of overcrossing or undercrossing structure will be those provided for in the State's minimum design standards for the particular highway class, with the following limitations: pavement width shall not exceed 24 feet (±7.32 metres), shoulder width 10 feet (±3.05 metres), depth of cover 8 feet (±2.44 metres), and fill slopes not to be flatter than 2:1.

(iii) Generally, if the hypothetical construction costs calculated according to paragraph (c)(2)(ii)(A) and (B) of this section exceed the difference determined in paragraph (c)(2)(i) of this section, the proposed land service facility cannot be considered to be economically justified.

(3) When proposed highway structures which have been determined to be necessary under applicable design standards are modified for combination highway and private use as a land service facility, the structure costs to be utilized in the economic comparison should not include those costs required to meet the highway design needs.

(4) Participation in private use land service facilities is based on the inclusion of a right-of-way item in an approved Federal-aid program as defined in Part 630, Subpart A, of this Chapter. Land service facilities designed for private use and benefit may be included in a construction project as a right-of-way item of cost.

(5) Federal funds may participate in payments made to the property owner based upon the appraised value without the land service facility. Federal funds shall not participate in the payment to the property owner of the estimated construction costs of a land service facility justified under this regulation in lieu of the actual construction of such a facility.

[FR Doc.76-38451 Filed 12-30-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 210—FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Credit Payments

On August 4, 1976, there was published in the FEDERAL REGISTER (41 FR 32605; correction published at 41 FR 35855; extension of time to comment published at 41 FR 37117) a notice of proposed rulemaking to amend Part 210, entitled "Federal Recurring Payments Through Financial Organization By Means Other Than By Check", of Title 31 of the Code of Federal Regulations. The substantive proposals were an amendment to the existing § 210.7(e), and the addition of a new § 210.10. The purpose of the former was to clarify the duties and liabilities of a financial organization on its receipt of a credit payment containing erroneous information, and of the latter, to prescribe procedures for collecting from the financial organization the amount of credit payments received after a recipient's or beneficiary's death or legal incapacity.

Interested parties were given 45 days to comment on the proposed amendments. Numerous comments were received from financial trade associations, financial organizations, interested Federal agencies, and the Federal Reserve System. The Treasury Department considered all of these comments and, in several instances, modified the proposed amendment based on these comments.

The principal differences between the final amendment and the proposed amendment are:

1. At the end of the proposed new § 210.7(e) was added the following sentence: "A credit to any other account by a financial organization will constitute a breach of its warranty made by reason of § 210.7(h)." Any failure of the financial organization to comply with Part 210 in its handling of credit payments constitutes a breach of the warranty in § 210.7(h) and renders the financial organization liable as provided therein. Thus, the above addition is optical rather than substantive, and was added because several commenters—failing to make the § 210.7(h) deduction—expressed an uncertainty as to the liability of a financial organization which credits an account other than that designated by the recipient.

2. The first sentence of the proposed § 210.10(e) has been revised to read: "If the financial organization has not fully complied with the demand made under paragraphs (c) or (d) of this section. * * *" As proposed, this section conditioned the Treasury's request for a Federal Reserve debit on the failure to return the amounts demanded in § 210.10 (c), or (d). These paragraphs provide for notices demanding the full amount of credit payments outstanding, with a provision that the financial organization can comply with these notices by returning a lesser amount, calculated pursuant to § 210.9(a). The use of the phrase "amount demanded" in proposed § 210.10 (e), however, had the undesired effect of requiring Federal Reserve debits where a financial organization has complied with paragraph (c) or (d) notices but—in taking advantage of the § 210.9(a) limited liability provision—has not returned the full amount demanded. The intended purpose of § 210.10(e) was to effect a debit to the applicable Federal Reserve account only in the amount of the financial organization's liability under 210.9(a), and the amendment has been revised to accomplish this purpose. It should be noted, however, that the financial organization's liability is not re-

duced to the amount provided in § 210.9 (a)(3) (i), and (ii), unless it has affirmatively shown its compliance with the three conditions of § 210.9(a) (1), (2), and (3).

3. Several commenters queried whether the written notice under § 210.10(a) would contain the type of account, the "transit number" of the financial organization (or a branch thereof) to which the credit payments were sent, and a description of the recurring payment for which the credit payment was made. The notice being prepared by the Treasury Department will contain this and other identifying information. The amendment as revised has added these items to the listing of information to be included in the § 210.10(a) notice.

4. The last sentence of the proposed § 210.10(b) has been rewritten to make clear that the program agency's collection effort need not include a setoff against other than a current entitlement.

Since the amendment to be adopted adds no new liability but merely provides a procedure for collecting an existing liability, and because credit payments are now being issued, making the collection procedures immediately necessary, the Department of the Treasury hereby finds that good cause exists for making this amendment effective immediately.

Accordingly, Part 210 Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations is, as of the date of January 3, 1977, amended as follows:

.1. § 210.7(e) is amended to read:

§ 210.7 Financial organizations.

* * * * *

(e) A financial organization receiving a credit payment shall credit the amount of such credit payment to the account indicated by the depositor account number information specified in the credit payment. If the financial organization is unable to credit the amount of a credit payment to the account indicated by the depositor account number information in the credit payment because such an account does not exist on its books, or because in processing the credit payment it has reason to believe the account indicated by the depositor account number information in the credit payment is not the account designated by the recipient, it shall either:

(1) Return the credit payment to the Federal Reserve Bank with a statement identifying the reason therefor, or

(2) Credit the amount of the credit payment to the account designated by the recipient.

A credit to any other account by a financial organization will constitute a breach of its warranty made by reason of § 210.7(h).

2. The existing § 210.10 is renumbered § 210.11 and the following is the text of a new § 210.10:

§ 210.10 Collection Procedures.

The amount for which a financial organization is accountable under § 210.9 shall be collected as follows:

(a) For each type of recurring payment, the Department of the Treasury shall send a written notice ("first notice") to the financial organization which shall include the name of the recipient and any beneficiary, the depositor account number, type of account, type of recurring payment, the date of death or legal incapacity, the routing number of the financial organization, and a list of credit payments which have payment dates after the event of death or legal incapacity and which have not been returned pursuant to § 210.7(f)(3). On receipt of this notice, the financial organization shall immediately return to the Treasury Department the amount remaining in the account up to the total amount of credit payments listed in the notice. If the amount returned is less than the total amount listed in the notice, the financial organization shall, to the extent available, provide the name and address of all persons who withdrew funds from the account after the date the first credit payment listed in the notice was credited to the account.

(b) Based on the information received from the financial organization pursuant to paragraph (a) of this section, the program agency shall attempt to collect the difference between the amount returned and the aggregate amount of all credit payments listed in the first notice from the person(s) who withdrew any moneys from the account subsequent to the date of credit of the first payment listed in the first notice. To the extent permitted by law, this attempt shall include deducting this amount from payments to be made by the program agency to such persons under a current entitlement.

(c)(1) If a financial organization has not complied with paragraph (a) of this section within 30 days from the date of the first notice, the Treasury Department shall send a follow-up notice to the first notice to such financial organization demanding that the first notice be complied with.

(2) If the financial organization has not complied with paragraph (a) of this section within 15 days from the date of the follow-up notice, the Department of the Treasury shall send a second notice to such financial organization demanding prompt payment of the total amount of credit payments listed in the first notice. To comply with this demand, the financial organization shall return to the Department of the Treasury either the full amount demanded, or a lesser amount equal to its liability pursuant to § 210.9(a)(3) (i) and (ii), with evidence that the conditions in § 210.9(a) (1), (2) and (3) have been complied with.

(d) If a financial organization has complied with paragraph (a), but the total amount of credit payments listed in the first notice has not been returned by the financial organization pursuant to paragraph (a) of this section, or collected by the program agency pursuant to paragraph (b) of this section, the Department of the Treasury shall send a second notice to such financial organization demanding the prompt payment of the amount listed in the first notice less the amount returned in accordance with paragraph (a) of this section and collected in accordance with paragraph (b). To comply with this demand, the financial organization shall return to the Department of the Treasury either the amount demanded, or a lesser amount equal to the total amount of credit payments received within 45 days after the event of death or legal incapacity plus the amount, if any, recovered pursuant to § 210.9(a)(3) (and any amount then in the account). If the lesser amount is returned, the financial organization shall also provide a statement to the effect that it has met the conditions of § 210.9(a) (2) and (3).

(e) If a financial organization has not fully complied with the demand made pursuant to paragraphs (c) or (d) of this section within 30 days from the date of the second notice issued thereunder, the Department of the Treasury will instruct the appropriate Federal Reserve Bank that an amount, equal to the amount due and unreturned under paragraphs (c) or (d) of this section, is to be debited to the account on the Federal Reserve Bank's books maintained or utilized by the financial organization for the purpose of receiving credit payments under this Part, and is to be credited to the general account of the United States Treasury. By its action in receiving credit payments under this Part, a financial organization shall be deemed to authorize such debit to the account it maintains or utilizes on the books of the Federal Reserve Bank for the purpose of receiving credit payments, as provided in the foregoing sentence. A designated correspondent, in authorizing a financial organization to utilize such designated correspondent's account on the books of the Federal Reserve Bank for the purpose of receiving the amount of credit payments under this Part, shall be deemed to authorize such debit to the account it maintains or utilizes on the books of the Federal Reserve Bank for the purpose of receiving credit payments, as provided herein.

Dated: December 27, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-38440 Filed 12-30-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-220]

PART 40—CADETS OF THE COAST GUARD

Appointment of Cadets

This amendment to the regulations for eligibility for admission to the Coast Guard Academy changes the restriction on prior marriages. The amendment provides that an individual must be unmarried at the time of the appointment and have no legal obligations resulting from a prior marriage. Present regulations require that a candidate be unmarried and never have been married.

Because of the need for timely response to applicants seeking admission to the Coast Guard Academy, and because this amendment is intended to relax a restrictive rule, notice and public rulemaking procedure and effective date requirements contained in 5 U.S.C. 553 (b)(3)(B) and (d) are omitted.

In consideration of the foregoing, Part 40 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 40.3 [Amended]

In § 40.3(d), by striking the first sentence, and inserting the sentence "A candidate must be unmarried at the time of appointment and have no legal obligation resulting from a prior marriage." in place thereof.

(14 U.S.C. 182, 632 and 633; 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b).)

Effective date: This amendment becomes effective on January 3, 1977.

Dated: December 23, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.76-38433 Filed 12-30-76;8:45 am]

[CGD 76-145]

PART 159—MARINE SANITATION DEVICES

Certification of Certain No Discharge Type Devices

The Coast Guard is amending its marine sanitation device regulations by adding a new section that certifies certain no discharge type devices. All no discharge type devices installed on vessels before January 30, 1975, are already considered certified. This new section certifies no discharge type devices with certain characteristics.

The new § 159.12a does not apply to all no discharge type devices (Type III devices as defined § 159.3). To be certified without meeting the testing requirements and certification procedures in Part 159, a Type III device must be used only for the storage of sewage and flush water and meet the Environmental Protection Agency Standard in 40 CFR 140.3(a) and in § 159.53(c).

Devices certified under the new § 159.12a may not be labeled under § 159.16; however, any person may have his device labeled if it meets the requirements of Part 159.

The Coast Guard is promulgating this amendment without a Notice of Proposed Rulemaking. A notice is unnecessary because the amendment does not change the equipment required, and the devices certified still must be no discharge type.

This amendment is effective when published in the FEDERAL REGISTER as it relieves a restriction by certifying certain devices without the testing requirements.

An assessment to determine whether there is any impact upon the human environment has been made in accordance with the National Environmental Policy Act, Guidelines from the President's Council on Environmental Quality (40 CFR 1500 et seq.), DOT Order 5610.1B of 30 September 1974, and USCG Commandant Instruction 16475.1 (Old number 5922.10B) of 1 July 1975. This proposal is not a major federal action and does not significantly affect the human environment.

In consideration of the foregoing, Part 159 of Title 33, Code of Federal Regulations is amended as follows:

§ 159.5 [Amended]

1. By amending § 159.5 by adding the words "or § 159.12a" after reference "§ 159.12" at the end of paragraphs (a), (b)(1), and (c)(1).

§ 159.7 [Amended]

2. By amending § 159.7 by adding the words "or § 159.12a" after reference "§ 159.12" at the end of paragraphs (a), (b)(1), and (c)(1).

3. By adding a new § 159.12a to read as follows:

§ 159.12a Certification of certain Type III devices.

(a) The purpose of this section is to provide regulations for certification of certain Type III devices.

(b) Any Type III device is considered certified under this section if—

(1) It is used solely for the storage of sewage and flushwater at ambient air pressure and temperature; and

(2) It is in compliance with § 159.53(c).

(c) Any device certified under this section need not comply with the other regulations in this part except as required in paragraphs (b)(2) and (d) of this section and may not be labeled under § 159.16.

(d) Each device certified under this section which is installed aboard an inspected vessel must comply with § 159.97.

(Sec. 312(b)(1), 86 Stat. 971 (33 U.S.C. 1322 (b)(1)), 49 CFR 1.45(b) and 1.46 (l) and (m).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date: This amendment will become effective on January 3, 1977.

Dated: December 23, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.76-38434 Filed 12-30-76;8:45 am]

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Title 34—Government Management

CHAPTER I—OFFICE OF MANAGEMENT AND BUDGET

Establishment of Chapter

Chapter I of Title 34 is hereby established to read as set forth above.

Executive Order 11893, dated December 31, 1975, transferred certain functions of the General Services Administration to the Office of Management and Budget (OMB) and resulted in the disestablishment of the Office of Federal Management Policy in GSA. Responsibility for many of the Federal Management Circulars (FMC's), which are codified in Parts 200 through 282, was transferred to OMB as a result of the above Executive order.

Former Parts 200, 211, 212, 213, 234, 236, 251, 252, 253, 254, 255, 256 and 257 are removed from Chapter II. The applicability of these parts is under review by the Office of Management and Budget and will be republished in Chapter I as determined necessary by the Office of Management and Budget.

Effective date: January 3, 1977.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-38170 Filed 12-30-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment A-25]

SUBCHAPTER A—GENERAL

PART 101-1—INTRODUCTION

FPMR Temporary Regulations

This regulation authorizes the issuance of FPMR temporary regulations with an effective period usually of not more than 12 months.

1. The table of contents for Part 101-1 is amended as follows:

Sec.
101-1.103 FPMR temporary regulations.

Subpart 101-1.1—Regulation System

2. Section 101-1.103 is revised as follows:

§ 101-1.103 FPMR temporary regulations.

(a) FPMR temporary regulations are authorized for publication when time or exceptional circumstances will not permit promulgation of an amendment to the Code of Federal Regulations and if the regulation will be effective for a period of 12 months or less except as provided in § 101-1.103(b), below. These temporary regulations will be codified before the designated expiration date or their effective period will be extended if it is determined that conversion to permanent form cannot be accomplished within the specified time frame.

(b) FPMR temporary regulations may have an effective period of more than 12 months when:

(1) Delegations of authority to other agencies for specific purposes are required, as in public utility representation cases; or

(2) Codification is not anticipated or is not considered practicable. In these instances a maximum time limit of 2 years will be assigned.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C 486(c))

Effective date: This regulation is effective January 3, 1977.

The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 16, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-38393 Filed 12-30-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Appendix A—Schedule of Moving Expense Allowances; Individuals and Families

Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To insure statewide uniformity among all agencies operating under the Act, Federal Management Circular 74-8 (34 CFR Part 233, Appendix A) provides in paragraph 4.1 that the schedule shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

49 CFR 25.153 of the regulations of the Office of the Secretary, implementing the Uniform Act, directs the Federal Highway Administration to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semiannually. The purpose of this amendment is to revise the current schedule, which was published on June 17, 1976 (41 FR 24588), to reflect changes in the moving expense schedules of the following States:

Table I—Personalty—Delaware, Michigan, New Hampshire, and New Jersey; Table II—Mobile Homes—Nevada and New Hampshire.

These changes will become effective on January 1, 1977.

Issued: December 28, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Table I--Personalty

State	Occupant provides furniture: Number of rooms of furniture										Occupant does not provide furniture	
	1	2	3	4	5	6	7	8	9	10	First room	Each additional room
Alabama	60	95	130	165	200	235	270	300	.....		20	15
Alaska	75	150	200	250	275	300	.....				15	15
Arizona	50	100	150	200	250	300	.....				25	15
Arkansas	70	110	150	190	230	270	300	.....			40	20
California	75	100	150	200	250	300	.....				25	15
Colorado	70	110	150	190	230	270	300	.....			20	15
Connecticut	50	90	140	170	230	260	300	.....			15	15
Delaware	60	100	140	180	220	260	300	.....			25	15
District of Columbia	100	135	170	210	250	290	300	.....			35	15
Florida	60	90	120	150	180	210	240	270	300	....	20	10
Georgia	55	95	130	170	200	260	300	.....			30	10
Guam	48	85	120	168	205	240	300	.....			10	10
Hawaii	65	100	135	175	215	255	295	300	.....		45	30
Idaho	60	100	140	180	220	260	300	.....			20	10
Illinois	50	100	150	200	250	300	.....				25	15
Indiana	50	90	125	160	195	230	265	300	.....		25	15
Iowa	55	105	150	190	225	255	280	300	.....		25	10
Kansas	60	120	180	240	300	.....					30	10
Kentucky	50	90	130	170	210	250	290	300	.....		20	15
Louisiana	50	85	120	155	190	225	260	300	.....		40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	80	110	145	185	230	275	300	.....			20	10
Massachusetts	60	130	150	190	225	250	275	300	.....		25	15
Michigan	65	130	180	240	300	.....					50	10
Minnesota	65	95	125	150	175	200	225	250	275	300	25	10
Mississippi	75	100	160	210	260	300	.....				40	20
Missouri	50	100	150	200	250	300	.....				25	10
Montana	55	85	115	145	175	200	225	250	275	300	25	15
Nebraska	50	100	150	200	250	300	.....				30	10
Nevada	50	100	150	200	250	300	.....				25	15
New Hampshire	50	100	125	150	175	200	225	250	275	300	25	15
New Jersey	80	140	195	245	300	.....					25	15
New Mexico[1]	105	155	205	255	300	.....					(See end of table)	
New York	75	110	150	190	225	250	275	300	.....		25	15
North Carolina	60	95	130	165	200	235	270	300	.....		25	20
North Dakota	60	100	125	150	175	200	225	250	275	300	25	10
Ohio	50	100	150	200	250	300	.....				30	10
Oklahoma	50	85	120	155	190	225	260	300	.....		40	15
Oregon	60	100	140	180	220	260	300	.....			15	15
Pennsylvania	60	105	150	195	240	285	300	.....			20	20
Puerto Rico	75	105	135	165	195	225	250	275	300	....	25	25
Rhode Island	50	90	125	150	175	200	225	250	275	300	25	10
South Carolina	95	125	165	205	235	250	270	300	.....		15	10
South Dakota	75	130	175	210	240	290	300	.....			40	10
Tennessee	75	100	150	200	250	300	.....				25	15
Texas	50	85	120	150	185	220	260	300	.....		25	15
Utah	75	100	130	155	180	210	240	270	300	....	25	15
Vermont	50	90	125	150	175	200	225	250	275	300	25	10
Virginia	60	80	120	160	200	240	280	300	.....		30	10
Virgin Islands	105	150	195	240	275	300	.....				35	35
Washington[2]	70	120	150	180	210	240	270	300	.....		20	10
West Virginia[3]	60	100	140	180	220	260	300	.....			25	10
Wisconsin	50	90	130	170	210	240	270	300	.....		25	15
Wyoming	50	85	120	150	185	225	265	300	.....		30	15

[1] Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	9 Rooms	10 Rooms
$45	$86	$107	$128	$149	$170	$191	$212	$233	$254

to a maximum of $300.

[2] For mobile homes (whether or not occupant provides furniture):

First room	Each additional room
$50	$25

[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

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Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

State	Miles: More than	Miles: But not more than	Area (Square feet): More than	Area (Square feet): But not more than	Width (Feet): More than	Width (Feet): But not more than	Allowance (Dollars)
Alabama			0	200			100
			200	400			150
			400	600			200
			600	800			280
			800				300
Alaska	All trailers						300
Arizona			0	300			150
			300	400			200
			400	500			250
			500				300
Arkansas					0	12	200
					12	14	250
					14		300
California[1]					0	8	(see 1-end of table)
					8		
Colorado[2]					0	12	250
					12		300
Connecticut[3]					0	8.5	100
					8.5	10.5	150
					10.5	12.5	200
					12.5		250
Delaware			0	400			100
			400	600			150
			600	800			200
			800	1,000			250
			1,000				300
Florida			0	200			100
			200	400			150
			400	600			200
			600	850			250
			850				300
Georgia			0	400			95
			400	500			125
			500	600			185
			600	850			245
			850				300
Guam			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
Hawaii			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
Idaho			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Illinois	0	24			0	8.5	100
					8.5	10.5	150
					10.5	12.5	200
					12.5		250
	24	50			0	8.5	150
					8.5	10.5	200
					10.5	12.5	250
					12.5		300

See footnotes at end of table.

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

State	Miles: More than	Miles: But not more than	Area (Square feet): More than	Area (Square feet): But not more than	Width (Feet): More than	Width (Feet): But not more than	Allowance (Dollars)
Indiana					0	8.5	150
					8.5	10.5	185
					10.5	12.5	250
					12.5		300
Iowa	0	25			0	8	130
					8	10	150
					10	12	180
					12		230
	25	50			0	8	140
					8	10	170
					10	12	200
					12		300
Kansas			0	200			80
			200	400			160
			400	600			240
			600				300
Kentucky[2]					0	8	240
					8	10	285
					10	12	300
Louisiana					0	10	150
					10	12	175
					12	14	225
					14		275
Maine					0	8	150
					8	10	200
					10	12	250
					12		300
Maryland			0	200			110
			200	400			140
			400	600			165
			600	800			195
			800	1,000			220
			1,000	1,200			250
			1,200				300
Massachusetts			0	200			80
			200	400			140
			400	600			200
			600				300
Michigan					0	8	145
					8	10	230
					10	12	280
					12		300
Minnesota[2]	0	10			0	10	125
					10	12	135
					12	14	150
					14		175
	10	25			0	10	130
					10	12	140
					12	14	155
					14		185
	25	50			0	10	140
					10	12	150
					12	14	175
					14		200

See footnotes at end of table.

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

State	Miles: More than	Miles: But not more than	Area (Square feet): More than	Area (Square feet): But not more than	Width (Feet): More than	Width (Feet): But not more than	Allowance (Dollars)
Mississippi			0	300			150
			300	400			200
			400	500			250
			500				300
Missouri			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Montana[2]					0	10	135
					10	12	150
					12	14	175
					14		225
Nebraska			0	400			100
			400	600			150
			600	800			200
			800	1,000			250
			1,000				300
Nevada			0	400			150
			400	500			200
			500	600			250
			600				300
New Hampshire	All Mobile Homes						300
New Jersey			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
New Mexico[2,4]	0	20			0	8.5	141
					8.5	10.5	181
					10.5	12.5	191
					12.5		231
	20	50			0	8.5	161
					8.5	10.5	191
					10.5	12.5	206
					12.5		246
New York			0	300			100
			300	500			150
			500	700			200
			700	800			250
			800				300
North Carolina[2,5]					0	10	105
					10	12	140
					12		200
North Dakota			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300

See footnotes at end of table.

Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

State	Miles: More than	Miles: But not more than	Area (Square feet): More than	Area (Square feet): But not more than	Width (Feet): More than	Width (Feet): But not more than	Allowance (Dollars)
Ohio[2]	0	10	0	320			130
			320	500			150
			500	840			170
			840	1,120			205
			1,120				250
	10	25	0	320			135
			320	500			155
			500	840			190
			840	1,120			220
			1,120				275
	25	50	0	320			145
			320	500			165
			500	840			200
			840	1,120			250
			1,120				300
Oklahoma					0	10	150
					10	12	175
					12	14	225
					14		275
Oregon			0	200			100
			200	600			200
			600				300
Pennsylvania			0	300			130
			300	500			225
			500	800			275
			800				300
Rhode Island					0	8	225
					8	10	250
					10	12	275
					12		300
South Carolina[2]					0	10	140
					10	12	150
South Dakota					0	10	230
					10	12	270
					12		300
Tennessee[2]					0	10	100
					10		150
Texas					0	8.5	165
					8.5	10.5	210
					10.5	12.5	255
					12.5	14.5	300
Utah[2]	0	10			0	8	140
					8	10	145
					10	12	165
					12		200
	10	25			0	8	145
					8	10	155
					10	12	175
					12		225

See footnotes at end of table.

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Subtitle A--Office of the Secretary of Transportation

Table II--Mobile Homes

State	Miles More than	Miles But not more than	Area (Square feet) More than	Area (Square feet) But not more than	Width (Feet) More than	Width (Feet) But not more than	Allowance (Dollars)
Utah--Continued	25	50			0	8	150
					8	10	160
					10	12	190
					12		250
Vermont[6]					0	8	155
					8	10	185
					10	12	215
					12		250
Virginia			0	200			150
			200	400			200
			400	600			250
			600	800			300
Washington[7]			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
West Virginia			0	300			100
			300	450			150
			450	550			225
			550				300
Wisconsin					0	8	150
					8	10	200
					10	12	250
					12		300
Wyoming[2]					0	8.5	135
					8.5	10.5	165
					10.5	12.5	185
					12.5		220

[1]Width to 8' Length 40'.....$200
Length 40'+.....$300
Width over 8' Length 40'.....$300
Length 40'+.....$300

[2]$300 for double trailer.

[3]Plus $50 for expandable trailer.

[4]Escort fee included.

[5]Personalty Only

Width	Under 10 feet	10 feet	12 feet and over	Doubles
	$40	$50	$70	$100

[6]$50 for extras.

[7]Personalty Only
First room.....$50
Each additional room.....$25

[FR Doc.76-38383 Filed 12-30-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC–C–3437 (Sub-No. 6)]

PART 1047—EXEMPTIONS

Philadelphia International Airport, Philadelphia, Pa.—Exempt Zone

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 3d day of July 1975.

It appearing, That by petition filed September 17, 1974, Scari's Delivery Service, Inc., of Wilmington, Del., requests the Commission specifically to determine, pursuant to 49 CFR 1047.40(c), the zone surrounding Philadelphia International Airport, Philadelphia, Pa., within which motor transportation of property is incidental to transportation by air and exempt from the Commission's economic regulation under section 203(b)(7a) of the Interstate Commerce Act;

It further appearing, That pursuant to section 553 of the Administrative Procedure Act, notice of the filing of the petition was published in the FEDERAL REGISTER on October 10, 1974, and persons desiring to participate in the proceeding were invited to file representations; and that initial representations in the proceeding were filed by Scari's Delivery Service, Inc., Air Cargo, Inc., on behalf of 23 certificated scheduled airlines of the United States, Pinto Trucking Service, Inc., and jointly by Air Freight Motor Carriers Conference and six named motor carriers;

It further appearing, That the above-described pleadings have been considered, and division 1 has made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That section 1047.40 of the Code of Federal Regulations be, and it is hereby, amended by the addition thereto of paragraphs (d)(3) and (d)(4) as follows:

§ 1047.40 Motor transportation of property incidental to transportation by aircraft.

* * * * * * *

(d) * * *

(3) *Philadelphia International Airport (Philadelphia, Pa.).* The area surrounding the Philadelphia International Airport at Philadelphia, Pa., within which the transportation by motor vehicle, in interstate or foreign commerce, of property having a prior or subsequent movement by air, which transportation otherwise meets the requirements of section 1047.40(a) of this part, is exempt from economic regulation by the Interstate Commerce Commission pursuant to section 203(b)(7a) of the Interstate Commerce Act, includes Greenwich, N.J., points in New Castle County, Del., and those points in Pennsylvania and New Jersey within 25 miles of either the Philadelphia International Airport or the city limits of Philadelphia, Pa.

(4) *Greater Wilmington Airport (Wilmington, Del.).* The area surrounding the Greater Wilmington Airport near Wilmington, Del., within which the transportation of motor vehicle, in interstate or foreign commerce, of property having a prior or subsequent movement by air, which transportation otherwise meets the requirements of § 1047.40(a) of this part, is exempt from economic regulation by the Interstate Commerce Commission pursuant to section 203(b)(7a) of the Interstate Commerce Act, includes those points with 25 miles of either the Greater Wilmington Airport or the city limits of Wilmington, Del. [52 Stat. 1029, 49 U.S.C. 303(b)(7a); 52 Stat. 1237, 49 U.S.C. 304(a)(6); 56 Stat. 285, 80 Stat. 383; 49 U.S.C. 1003, 5 U.S.C. 553, 559.]

It is further ordered, That this order shall become effective on September 4, 1975, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing the attached notice with the Director, Office of the Federal Register.

By the Commission, Division 1.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-38476 Filed 12-30-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15264]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne Interim Standard Microwave Landing System Converter Equipment; Correction

A document amending Part 37 of the Federal Aviation Regulations by adding a new Technical Standard Order (TSO) concerning Airborne Interim Standard Microwave Landing System Converter Equipment (TSO–C93, § 37.203) was published in the FEDERAL REGISTER on October 26, 1976, (41 FR 46843; FR Doc. 76–31195). The preamble of the amendment indicated that the voltage standing wave ratio specified in paragraph 3.9 of the Federal Aviation Standard contained in the TSO was changed from the 1.7:1 originally proposed to 2.2:1. This intended change inadvertently was not reflected in the rule.

Therefore, that document (41 FR 46843; FR Doc. 76–31195) is corrected by striking the number "1.7:1" in paragraph 3.9 of the Federal Aviation Standard contained at the end of § 37.203 and inserting the number "2.2:1" in its place.

Issued in Washington, D.C., on December 27, 1976.

WILLIAM J. SULLIVAN,
Acting Director,
Flight Standards Service.

[FR Doc.76-38479 Filed 12-30-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER–980, Docket 29913 Amdt. 25]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Implementing a CAB/SEC Single Reporting System and Updating the Accounting and Reporting Provisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. December 23, 1976.

Effective: January 1, 1977.

Adopted: December 23, 1976.

In a Notice of Proposed Rulemaking dated October 12, 1976, (EDR–308, 41 FR 46324), the Board proposed to amend Part 241 of its Economic Regulations so as to establish a CAB/SEC single reporting system, incorporate into the accounting and reporting requirements new provisions which reflect recent changes in generally accepted accounting principles (GAAP), and eliminate the detailed reporting required in the area of deferred income taxes.

Pursuant to this notice, comments were received from Delta Air Lines, Inc. (Delta), The Flying Tiger Line Inc. (Flying Tiger), Hughes Air Corporation d/b/a Hughes Airwest (Airwest), National Airlines, Inc. (National), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), Southern Airways, Inc. (Southern), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and World Airways, Inc. (World).

Generally speaking, the carriers commended the Board's comprehensive efforts to reduce the number of differences between its own accounting and reporting requirements and those of the Securities and Exchange Commission. The carriers also expressed strong support for the Board's concomitant effort to keep abreast of recent changes in generally accepted accounting principles and to identify and eliminate accounting and reporting requirements that are no longer necessary. There were, however, some disagreements with certain specific provisions of the proposed rule and recommendations for certain editorial changes. The comments received were quite detailed and the recommendations set forth in comments reflected a considerable expenditure of time and effort. These efforts to improve the quality of the rulemaking process are greatly appreciated.

The Board believes very strongly that one set of financial statements can be made to serve the regulatory needs of the CAB and the SEC, and eliminate the public confusion which results from different presentations of financial statements. The needs of the two agencies, and for that matter, the general public are not so dissimilar that they cannot be accommodated by the same financial statements derived from a single data base. The economies introduced by ER–948, adopted March 19, 1976, support our judgments regarding the viability of a single data base and represented the first

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step in reducing the costs of supplying different financial statements to the CAB, on the one hand, and the SEC, on the other.

In our view, a single reporting system which emanates from a common data base represents the second step in a logical progression in the reduction of costs associated with supplying the regulatory agencies with information by eliminating redundancies. The final rule is consistent with this theme and the schedules made a part of the single reporting system can be used as a part of reports filed with both the CAB and SEC, thereby reducing carrier burden.

We are aware, however, that some carriers will elect not to use the single reporting system for asthetic reasons. Among these carriers there is a feeling that the single reporting system forms provide more information than is necessary to satisfy the SEC and the general public. While these carriers will still benefit from the updated accounting provisions, the burdens of duplicative reporting they bear by having to file two different balance sheets and income statements will not be attributable to regulatory demands. They will be, in essence, burdens of choice.

Upon consideration of the comments received, the Board has decided to adopt certain portions of the proposed amendments effective January 1, 1977, and to defer other portions pending further consideration. Except as modified herein, we will make final the provision for a CAB/SEC single reporting system comprised of five schedules which we are advised by the SEC can be used in annual SEC reports[2] and all those portions of the proposed rule which would incorporate recent changes in generally accepted accounting principles. Action will be deferred on four schedules which had been contemplated as a part of the CAB/SEC single reporting system in the original proposal as well as on the implementation of the single reporting concept for all but one of the quarterly reports.

The Board will, for the reasons stated hereinafter, make provisions for an annual single CAB/SEC reporting system which includes: Schedule B–1, "Balance Sheet"; Schedule P–1.1, P–1.2, "Statement of Operations"; Schedule B–12, "Statement of Changes in Financial Position"; Schedule B–3, "Statement of Changes in Stockholder's Equity"; and Schedule B–2, "General Notes to Financial Statements." In addition, we are advised by the SEC that Schedule B–1 can also be used in quarterly reporting to the SEC. The Board will also incorporate, with some modification, the proposed accounting changes which relate to foreign currency translations and marketable equity securities and eliminate the detailed reporting required in the area of deferred income taxes.

CAB/SEC SINGLE REPORTING SYSTEM

The decision to implement the CAB/SEC single reporting system reflects a determination made in light of carrier comments that the benefits of single reporting, present and ftuure, outweigh the initial burden which would result from the accounting and reporting changes made in the final rule. Carriers who avail themselves of the single reporting system will have their burdens reduced in the long run by those features which will enable them to use CAB Form 41 schedules as a part of their SEC filing. In addition, those carriers who do not avail themselves of the single reporting system will derive benefit from the minimization of differences between CAB regulations and report forms on the one hand and generally accepted accounting principles on the other. More specifically, carriers who file consolidated financial statements with the SEC will obtain benefits from the amendments in the final rule because it will become easier to consolidate the transportation entity into the other entities which comprise the report.

As with any new system, the Board anticipates that the tangible benefits of this new concept will grow as carriers become more familiar with the changes. Thus the Board was not persuaded by World's comments that few carriers will actually benefit from the changes proposed in EDR–308.

Two other carriers, Northwest and Southern, expessed opposition to the adoption of the single reporting system. Northwest's objections were based upon the belief that the proposed changes in CAB accounting and reporting requirements would be burdensome to the carriers and unacceptable to the SEC. Southern stated, inter alia, that the changes to their internal automated accounts linking system would require a large expenditure of manpower and machine time.

Both Northwest's and Southern's comments upon the reporting burden should be mollified somewhat by the decision not to finalize, in this rulemaking, modifications to all nine of the schedules originally contemplated in EDR–308. Moreover, the Board is confident that Northwest's objections with respect to SEC acceptability will be put to rest in the more detailed discussions that follow; particularly when it is understood that these changes are not intended to supplant SEC requirements. At the outset, we do acknowledge that Schedules B–3 and B–12 will have to be retyped by carriers for submission to the SEC. The CAB requires these schedules filed for the fourth quarter to encompass the activities of a single quarter while the SEC requires its counterpart to encompass the activities of all four quarters. However, we do not anticipate that this will create a significant burden because the reported data will already be available from the preceding quarterly reports in the exact format needed for submission to the SEC.

Southern's comments which relate the proposed changes to their internal accounting systems suggest an inflexibility which in itself could be considered burdensome. If inflexibility exists in fact, and the Board is not now convinced that it does exist, such an inflexibility should not be used as the basis for a decision which would affect all other carriers. The absence of similar comments by other carriers has not indicated that Southern's suggested inflexibility is a common circumstance. As a result, the Board was not persuaded by Southern's comments that the burdens would be excessive.

In order to facilitate discussion of the carrier comments, the major objections raised and suggestions made by the respondents will be discussed under separate captions below.

A. *Fiscal Year versus Calendar Year.* At present, there are three carriers who conduct their business on a fiscal year rather than calendar year basis. National, one of these three carriers, indicated in their comments that the proposed rule would require them to generate year-end data twice whether or not they choose to avail themselves of the single reporting system. They say that this would be attributable to the submission of year-end data to the SEC at the close of the fiscal year and year-end data to the CAB at the close of the calendar year. As a result, they contend that the adoption of EDR–308 as proposed would place an unfair burden on National. As an alternative, National suggests that fiscal year carriers be permitted to file CAB year-end schedules at the close of their fiscal year instead of the close of the calendar year and, in addition, be permitted the same 90-day period in which to file the schedules which the proposed regulation would allow calendar year carriers.[3]

The National comment deals with a long-standing provision of Part 241 which requires air carriers to maintain an accounting year which coincides with the calendar year. Over the years, exceptions to this practice have been permitted with the understanding that, for CAB reporting purposes, the carrier would remain subject to the Board's reporting requirements as if it were maintaining its books on a calendar-year basis. As a result, much of National's objection relates to annual CAB schedules which are not a part of the single reporting system. These schedules would not be filed twice as National apparently presupposes.[4] To the extent National's objections do relate to schedules which will form a part of the single reporting system, it should be noted that the proposal to include Schedule B–46, "Long-Term and Short-Term Nontrade Debt," in the single reporting system has been deferred. Moreover, the requirements applicable to Schedule B–2, "General Notes to Financial Statements," have been amended to preclude the possibility of duplicative reporting burden (this is discussed in detail under another caption). As can be seen, much of the burden pointed out by National is either not attributable to EDR–308 or will ze diminished in the final rule.

We are well aware of the fact that the SEC does not place similar accounting year constraints upon its registrants. However, the Board is not persuaded by National's comments to change its calendar year reporting policy and we remain of the view that the interests of comparatively, timely analysis, and early dissemination of carrier data are best served by maintaining a common accounting year. National's suggestions, to this extent, will not be incorporated into the final rule.

B. *Notes to Financial Statements.* Northwest and TWA objected to the proposed incorporation of SEC footnote disclosure requirements into the reporting instructions for CAB Schedule B–2, "General Notes to Financial Statements," a schedule applicable to all carriers. They pointed out that SEC footnote disclosure requirements are far more extensive than current CAF footnote disclosure requirements and would, therefore, result in an increased burden upon those carriers who do not intend to avail themselves of the benefits of the single reporting system. As an alternative, TWA suggests that carriers be permitted to comply with the Schedule B–2 requirement by submitting a photocopy of the notes to financial statements which accompany their consolidated SEC 10–K reports.

We are in agreement with Northwest's assertion that the SEC footnote disclosure requirements are more encompassing than current CAB requirements and that a considerable burden attaches itself to the preparation of SEC footnotes. For this reason, the Board has decided to amend the reporting requirements for Schedule B–2 so that it will apply only to those carriers who could utilize the SEC/CAB single reporting system whether they elect to use it or not. In addition, the final rule will permit air carriers who are on a fiscal year basis to file this schedule at the end of the quarter nearest to the end of the reporting carrier's fiscal year.[5]

While all carriers will remain subject to the filing requirements of quarterly Schedule P–2, "Notes to CAB Form 41 Report," those carriers who filed schedule B–2 will not be obligated to report those items which were already included on schedule P–2. In this regard, we have noted that footnotes provided on schedule P–2 in the past have varied greatly between carriers. Accordingly, we have clarified that the informative footnote disclosure on this schedule shall conform at the end of each carrier's fiscal year, with the requirements contained in generally accepted accounting principles. Therefore, this disclosure will be no less than that reported either on the carrier's annual report or to SEC.

C. *Year-to-date versus Twelve-months to-date.* Delta, Flying Tiger, and Northwest mentioned that there was an inconsistency between the format of Schedule P–1.1/P–1.2, "Statement of Operations," and the data required by the SEC. They stated that the schedule proposed in EDR–308 would require twelve-months-to-date information while the SEC requires year-to-date information—essentially an accumulation of the financial results of operations since the close of the preceding business year.

In the final rule, this incongruity will be remedied by adding a third column to schedule P–1.1 and schedule P–1.2. The third column will provide for the reporting of fiscal year-to-date results and, for the fourth quarter of the carrier's fiscal year, the additional column will be used to report the results of the prior year so that comparative data can be presented in the same schedule at year end. Indeed since most, if not all, air carriers are already accumulating and maintaining year-to-date information for reporting to the SEC or for internal management purposes, the inclusion of such data in a third column would obviously represent a minimal burden for the carriers.

D. *Restatements of Prior Periods and Earnings per Share.* Delta suggested that the Board should go one step further with its single reporting system and permit restatement of prior period financial statements. Such an action, they stated, would bring the Board's accounting requirements into still greater alignment with GAAP and SEC requirements.

Until now the regulations have not permitted carriers to restate the financial results of operations of prior periods. This is attributable to the analytical problems created by the loss of specific data which often accompanies such restatements. Because of the precision that is required for regulatory purposes, the Board is unwilling to grant a blanket permission to restate the results of prior periods even though such restatements under GAAP are rare. However, the Board is willing to treat requests for permission to restate prior period results, just as it would any other waiver request.

On another subject which deals with reporting the results of operations, it was noted that SEC requirements include computations of earnings per share on a quarterly basis. The carriers should be aware of the fact that computations of earnings per share need be reported only when Schedule P–1.1/P–1.2 is used in reporting to the SEC. Carriers should also be aware of the fact that for quarterly reporting to the SEC in the 10–Q report, additional columns will be necessary in order to provide comparative quarterly data and comparative year-to-date data. The carriers must comply with this SEC requirement by their own means. Again we emphasize that this single reporting system is not intended to have CAB schedules satisfy all SEC requirements; rather, it is designed to permit dual use in every instance where the formats permit dual use. In any event, carriers will still be required to use their own initiative in complying with SEC requirements for reporting, such as certification by an independent accountant, which go beyond those of the CAB.

E. *Reconciliation Required by Part 248.* In connection with the submission of audit and reconciliation reports required by Part 248 of the Board's Economic Regulations, Northwest points out that differences between CAB Form 41 Schedules B–1, "Balance Sheet" and P–1.2, "Statement of Operations" and balance sheets and income statements contained in annual audit reports may occur whether or not the carriers choose to avail themselves of the single reporting system. We acknowledge that differences may occur between these reports and, accordingly, the applicability of Part 248 will be unchanged by this rule. It is still our intention, however, to relieve carriers from filing the audit and reconciliation reports where the financial statements filed with the Board and those contained in the audit report are identical for all intents and purposes. We will entertain waiver requests in such cases where carriers decide to initiate a policy of presenting identical balance sheets and income statements.

F. *Other Clarifications.* In addition to the foregoing, several other matters surfaced during our review of the comments, in light of SEC and CAB regulations, which deserve mention. First, it should be noted that an apparent inconsistency between Part 241 and GAAP which deals with commitments and contingent liabilities has been corrected in the final rule. Commitments and contingent liabilities will be footnoted and an appropriate indication will be made on the face of Schedule B–1, "Balance Sheet."

Further clarification has been added to the accounting provisions which deal with valuation reserves, tax rates used in income tax provisions, and accounting for foreign nontransport subsidiary companies.

The Board is also aware that matters such as the capitalization of interest and the use of Account 1870, "Property Acquisition Adjustment," may pose obstacles to future use of the single reporting system. However, a review of annual report reconciliation statements indicates that adjustments in these areas for published financial statements have not been necessary. As a result, we do not believe any immediate changes are necessary. Nevertheless, these matters are now re-

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[1] This regulation updated the Board's accounting and reporting requirements by incorporating recent changes in generally accepted accounting principles into Part 241.

[2] In a letter from Mr. George A. Fitzsimmons, Secretary of the SEC, dated September 1, 1976, which was included as Exhibit A in EDR–308, the Commission indicated that it will accept CAB Form 41 schedules specifically designed for inclusion in SEC annual Form 10–K and quarterly Form 10–Q reports filed under the Securities Exchange Act of 1934, as amended.

[3] Current regulations permit carriers a 90-day period in which to file calendar year-end reports provided that certain preliminary schedules are filed on or before their prescribed due dates. This same provision was carried into the proposed rule without change.

[4] The schedules normally filed at calendar year end, such as Schedule B–44 "Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies," would be filed only once a year regardless of the single reporting system.

[5] This should remove National's objections to duplicate reporting on Schedule B–2 which was discussed earlier in this Preamble and provide a form of relief more acceptable to the Board than TWA's suggestion.

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ceiving active consideration and any inconsistencies between the Board's regulations and generally accepted accounting principles which arise will be resolved on a case by case basis.

Northwest also raised a number of other technical and editorial issues which have been remedied in the final rule such as the use of the word "reserve" where the use of the word "allowance" is more widely accepted, the erroneous reference in proposed section 2–7 as it was set forth in EDR–308, and the clarifications with respect to the account used to record improvements to leased buildings. In other instances Northwest made suggestions which the Board did not feel were necessary such as the elimination of accounts 92.1, 92.2, and 92.3 in accounting for income taxes and the establishment of asset subaccounts in another instance. Nevertheless, all of the more detailed comments of Northwest have been taken into consideration in the development of the final rule.

FOREIGN CURRENCY TRANSACTIONS

Northwest and TWA objected to that portion of the proposed rule which would require each asset, liability, revenue or expense denominated in a foreign currency to be translated into U.S. dollars based upon exchange rates in effect at the transaction date. Northwest and TWA both pointed out that the requirement contemplated in the proposed Section 2–3 (b) would be impractical in view of the thousands of daily transactions conducted by international air carriers.

Upon further consideration, the Board believes that there is merit in the assertion that translation into U.S. dollars at each transaction date would be impractical. As a result, the final rule will permit air carriers to utilize an average exchange rate for those assets and liabilities translated at current rates, provided that the average rates used are determined on a monthly basis. Since the use of an average exchange rate is not precluded by Financial Accounting Standards Board Opinion No. 8 (FASB Statement No. 8), there will be no inconsistency between the Board's final rule and generally accepted accounting principles as currently applied.

Also in connection with foreign currency translations, Airwest and Northwest objected to the proposed treatment of all gains or losses from foreign exchange translations as nonoperating gains or losses. They pointed out that this treatment is a significant departure from the current regulations which categorize such gains or losses as operating items and expressed the view that the current operating classification is more appropriate. In support of their contentions, they indicate that current and routine losses from foreign exchange fluctuations have been traditionally considered a normal cost of doing business. Going still further, Airwest appeared to advocate the treatment of all translation gains or losses as operating.

The Board has been persuaded by the comments of Northwest to reinstate in the final rule an objective account in the operating expense category which will be used to record gains or losses from current and routine fluctuations in foreign exchange rates. The account provided in the nonoperating category will continue to be used to record gains or losses from abnormal and nonroutine fluctuations and gains or losses arising from long-term debt transactions. Thus, the Board has not accepted the position which Airwest advocated, principally because it ignores the distortions which can result from large and, therefore, abnormal fluctuations.

MARKETABLE EQUITY SECURITIES

Northwest pointed out that in the establishment of valuation accounts, the final rule should establish a valuation account for CAB Account 1100, "Short-term Investments" similar to that provided by the proposed establishment of CAB Account 1530.2, "Allowance for Unrealized Gain or Loss on Marketable Securities." Otherwise, Northwest indicates that there may be some confusion as to whether or not Account 1530.2 would serve as the valuation for both current and noncurrent marketable equity securities.

After reflecting on this point, it has been decided that there is no need to establish within the formal account structure of Part 241 separate valuation allowance accounts such as 1530.2 in either the current or noncurrent category. The requirement to carry marketable equity securities at the lower of aggregate cost or market value determined at the balance sheet date makes valuation allowances implicit within the account provided and this is viewed as being sufficient for our needs. Consistent with the thrust of FASB Statement No. 12, changes in the valuation allowance for a marketable equity securities portfolio included in current assets shall be included in the determination of net income by recording them in Account 8188.3, "Net Unrealized Gain or Loss on Marketable Securities." Also in the final rule and consistent with FASB Statement No. 12 is a provision for accumulated changes in the valuation allowance for a marketable equity securities portfolio included in noncurrent assets to be recorded in the equity section in Account 2950, "Net Unrealized Loss on Noncurrent Marketable Securities." Realized gains or losses as proposed will be recorded in Account 8188.4, "Net Realized Gain or Loss on Marketable Equity Securities."

It is proposed in EDR–308 that these changes should be made effective January 1, 1977, in order that the single reporting schedules be made available for the carriers' benefit in reporting to the SEC in calendar year 1977. It is important to accomplish a transition of this type so as to encompass an entire accounting year and thereby avoid the inconsistencies that would result from a change in accounting procedures during an accounting year. Therefore, so that the carriers can take full advantage of the scaling down of accounting and reporting changes included herein, we find good cause to make this rule effective on less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective January 1, 1977, as follows:

1. Amend the Table of Contents of the Uniform System of Accounts and Reports by revising the titles of Section 2–6 Federal income tax accruals, Section 2–7 Delayed items, Section 5–5 Deferred charges, and Section 5–8 Deferred credits so that the list in pertinent part reads:

* * * * *

2–5 Liability accruals.
2–6 Income tax accruals.
2–7 Extraordinary items, discontinued operations, prior period adjustments, and accounting changes.
2–8 Unaudited items.

* * * * *

2–12 Acquisition and valuation of assets.
2–13 Establishment of allowances.
2–14 Depreciation and amortization.

* * * * *

5–4 Property and equipment depreciation and overhaul.
5–5 Other assets.
5–6 Current liabilities.
5–7 Noncurrent liabilities.
5–8 Deferred credits and commitments and contingent liabilities.
5–9 Stockholder equity.

* * * * *

2. Amend Section 03—Definitions for Purposes of This System of Accounts and Reports to insert new definitions and to revise existing definitions as follows:

A. By revising the definition of *"Cost, book"* to read:

Cost, book—the amount at which an asset is recorded in an account without the deduction of amounts in related allowances or other accounts.

B. By revising the definition of *"Cost, depreciated"* to read:

Cost, depreciated—the cost of property and equipment less the related allowances for depreciation.

C. By adding a new definition immediately following *"Equipment"* to read:

Equity security—any instrument representing ownership shares (for example, common, preferred, and other capital stock), or the right to acquire (for example, warrants, rights, and call options) or dispose of (for example, put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

D. By adding two new definitions immediately following *"Expense, capital stock"* to read:

Exposed net asset position—the excess of assets that are measured or denominated in foreign currency and translated at the current rate over liabilities that are measured or denominated in foreign currency and translated at the current rate.

Exposed net liability position—the excess of liabilities that are measured or denominated in foreign currency and translated at the current rate over assets that are measured or denominated in foreign currency and translated at the current rate.

E. By adding three new definitions immediately following *"Flight stage"* to read:

Foreign currency transactions—transactions (for example, sales or purchases of goods or services or loans payable or receivable) whose terms are stated in a currency other than the currency of the United States.

Foreign currency translation—the process of expressing amounts denominated or measured in one currency in terms of another currency by use of the exchange rate between the two currencies.

Forward exchange contract (forward contract)—an agreement to exchange at a specified future date currencies of different countries at a specified rate (the forward rate). The purpose of a forward contract may be to hedge either a foreign currency commitment or a foreign currency exposed net asset position or exposed net liability position or to speculate in anticipation of a gain.

F. By revising the definition of *"Group basis (in depreciation accounting)"* to read:

Group basis (in depreciation accounting)—a plan under which (1) depreciation is based upon the application of a single depreciation rate to the total book cost of all property included in a given depreciable property and equipment account or class, despite differences in service life of individual items of property and equipment, (2) the full original cost, less any salvage realized, of an item of depreciable property or equipment retired is charged to the allowance for depreciation regardless of the age of the item, and (3) no gain or loss is recognized on the retirement of individual items of property or equipment.

G. By adding three new definitions immediately following *"Mail, priority"* to read:

Marketable (as applied to an equity security)—an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (that is, those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the later case, the quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. Restricted stock (that is, securities for which sale is restricted by a governmental or contractual requirement) does not meet this definition. However, if any portion of such restricted stock can reasonably be expected to qualify for sale within one year, such securities are not considered restricted.

Market price—the price (see also the definition of Marketable—as applied to an equity security) of a single share or unit of a marketable equity security.

Market value (equity security)—aggregate market price of all shares or units of each marketable equity security in the portfolio. When an air carrier has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

H. By adding a new definition immediately following *"Modification"* to read:

Net Unrealized gain or loss, marketable equity securities portfolio—represents the difference between the market value of marketable equity securities and their aggregate cost at any given date.

I. By adding a new definition immediately following *"Property (as applied to traffic)"* to read:

Realized gain or loss, marketable equity security—the difference between the net proceeds from the sale of a marketable equity security and its cost.

J. By adding a new definition immediately following *"Unit basis (in depreciation accounting)"* to read:

Valuation allowance, marketable equity securities portfolio—the net unrealized loss (the amount by which aggregate cost exceeds market value) in that portfolio.

3. Amend Section 1–9—Conversion of this System of Accounts and Reports by revising paragraphs (b), (c), and (d) to read in pertinent part as follows:

Sec. 1–9 Conversion of this system of accounts and reports.

* * * * * *

(b) Any adjustments of allowances for depreciation, * * *

(c) Any allowance accumulated for obsolescence of flight equipment spare parts and assemblies shall be divided between the portion applicable to flight equipment expendable parts and flight equipment rotable parts and shall be recorded in the applicable allowance accounts.

(d) Any provision of this system of accounts respecting allowances for depreciation, or other valuation of assets, shall be made applicable as at the effective date of this regulation to all assets then existing as well as to assets subsequently acquired against which the accrual of allowances would be appropriate.

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4. Amend Section 2–1—Basis of Allocation between Entities by revising paragraph (c) to read in pertinent part as follows:

Sec. 2–1 Basis of allocation between entities.

* * * * * *

(c) For purposes of this section, investments by the air carrier in resources or facilities used in common by the regulated air carrier activity and those transport-related revenue services defined as separate nontransport ventures under section 1–6(b) shall not be allocated between such entities but shall be reflected in total in the appropriate accounts of the entity which predominantly uses the facility or resource. Where the entity of predominate use is a nontransport venture, the air carrier shall reflect the investment in account 1520, Advances to Associated Companies.

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5. Amend Section 2–3—Transaction in Foreign Currencies by revising the text to read as follows:

Sec. 2–3 Transactions in foreign currencies.

(a) All accounts provided herein shall be stated in terms of United States dollars.

(b) At each transaction date, each asset, liability, revenue, or expense arising from a transaction denominated in a foreign currency shall be translated into United States dollars by use of the exchange rate in effect at that date, and shall be recorded at that dollar amount. If the translation of each transaction is impractical, the use of an average exchange rate for the period will be permitted provided that the results obtained do not differ materially from those that would be achieved through the use of a daily rate.

(c) At the balance sheet date for each quarterly accounting period, recorded dollar balances representing cash and amounts owed by or to the carrier that are denominated in a foreign currency shall be adjusted to reflect the current rate of foreign exchange. In addition, debt securities held by the carrier that are essentially equivalent to notes receivable shall also be adjusted to reflect the current rate of exchange.

(d) At the balance sheet date for each quarterly accounting period, assets carried at market whose current market price is stated in a foreign currency shall be adjusted to the equivalent dollar market price at the balance sheet date (that is, the foreign currency market price at the balance sheet date multiplied by the current rate).

(e) Translation of accounts in foreign statements that are carried at exchange prices shall be in a manner that retains their measurement bases as follows:

(1) Accounts carried at prices in past exchanges shall be translated at historical rates; and

(2) Accounts carried at prices in current purchase or sales exchanges or future exchanges shall be translated at the current rate.

(f) Exchange gains and losses which result from the application of the pro-

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visions of paragraphs (a), (b), (c), (d) and (e) of this section shall be included in determining net income for the accounting period in which the rate changes. Such gains or losses which result from normal, routine, current fluctuations in rates of foreign exchange shall be charged to Accounts 6876 or 6976, Foreign Exchange Gains and Losses. Gains or losses of a nonroutine abnormal character and gains or losses which rise from long-term debt principal and interest transactions shall be charged to account 8185, Foreign Exchange Gains and Losses. See paragraph (h) for circumstances under which a gain or loss on a foreign currency transaction may be deferred.

(g) A gain or loss applicable to a forward exchange contract shall be included in determining net income by charging account 8185 for the accounting period in which the rate changes if the gain or loss pertains to a forward contract that is intended to be a:

(1) Hedge of a foreign currency exposed net asset or net liability position;

(2) Hedge of a foreign currency commitment that does not meet the following conditions:

(i) The life of the forward contract extends from the foreign currency commitment date to the anticipated transaction date or a later date,

(ii) The forward contract is denominated in the same currency as the foreign currency commitment and for an amount that is the same or less than the amount of the foreign currency commitment,

(iii) The foreign currency commitment is firm and uncancelable; or,

(3) Speculation.

(h) A gain or loss shall be deferred and included in the measurement of the dollar basis of the related foreign currency transaction if the gain or loss pertains to a forward contract that is intended to be a hedge of an identifiable foreign currency commitment that meets all of the conditions described in paragraph (g)(2) (i) through (iii) of this section. Losses on a forward contract shall not be deferred, however, if deferral could lead to recognizing losses in later periods.

6. Amend Section 2–5—Liability Accruals by revising the text to read as follows:

Sec. 2–5 Liability accruals.

(a) Charges shall be made against income and accruals made only if it is probable that an asset has been impaired or a liability incurred at the end of the reporting period and the amount of the asset impairment or liability can be reasonably estimated.

(b) Where obligation has accrued in accounting for pension cost, deferred compensation, vacation pay, and other employment-related costs, an estimate may be made of the currently existing liability on such actuarial or other bases as can be justified from available information, provided that balances are re-evaluated and adjusted at least once each accounting year to accurately reflect the true detriment (or cost) to the air carrier.

7. Amend Section 2–6—Income Tax Accruals by revising the text of paragraphs (a), (b), and (e) as follows:

Sec. 2–6 Income tax accruals.

(a) All income taxes shall be accrued by proportionate charges or credits to income in each calendar quarter and shall reflect the application of the effective tax rate expected to be applicable for the full year exclusive of tax related to significant unusual or extraordinary items that are separately disclosed or included net of tax in the reporting period. The interperiod tax allocation method shall be applied for all material timing differences between pretax accounting income and taxable income.

(b) The tax effect of timing differences which increase or decrease taxes currently payable shall be recognized in balance sheet account 2340, Deferred Income Taxes. Any resulting net debit balance in this account shall be treated for statement purposes as a special subaccount in balance sheet account 1890, Other Assets. In effecting these accruals, records with respect to deferred taxes (including foreign, state, and local taxes based upon income) shall be maintained in accordance with the provisions of balance sheet account 2340, Deferred Income Taxes.

• • • • •

(e) At the option of the air carrier, investment tax credits may be treated as a reduction of income tax expense in the year they are actually realized (flow-through method) or they may be deferred and amortized over the useful life of the property to which it relates and they shall be accounted for in accordance with the provisions of balance sheet accounts 2130, Accrued Taxes, 2340, Deferred Income Taxes, and 2345, Deferred Investment Tax Credits.

8. Amend Section 2–7—Extraordinary Items, Discontinued Operations, Prior Period Adjustments, and Accounting Changes by revising the last sentence of paragraph (e) to read as follows:

Sec. 2–7 Extraordinary items, discontinued operations, prior period adjustments, and accounting changes.

• • • • •

(e) • • • For the purposes of this system of accounts and reports, discontinued nontransport operations shall refer to the disposal of investor controlled companies and the cessation of nontransport operations, the results of which are accounted for through profit and loss objective accounts 86, 87, and 88.2.

9. Amend Section 2–10—Capitalization of Interest by revising paragraph (a) and (d) to read as follows:

Sec. 2–10 Capitalization of interest.

(a) Interest may be capitalized on funds actually committed as equipment purchase deposits or actually used to finance the construction or acquisition of operating property from the date the funds are first so employed to the date the property is ready for use: *Provided*, That the capitalization will be limited in both time and amount to the reasonable requirements of such funds and that it may include interest on funds set aside and carried in balance sheet account 1550 Special Funds—Other and account 1685 Equipment Purchase Deposits and Advance Payments for a period not to exceed 6 months in advance of the date they are scheduled under a legally binding contract to be committed for payment to the manufacturer or contractor.

• • • • •

(d) Interest capitalized under paragraph (a) or (b) of this section 2–10 shall be charged to the balance sheet account in which the funds are carried (1550, 1685, 1689, or 1830) and credited to profit and loss subaccount 83.4–Interest Capitalized—Credit or, imputed interest, to profit and loss subaccount 83.1–Imputed Interest Capitalized—Credit. Interest capitalized under paragraph (a) of this section shall be recorded in such a manner as to facilitate audit and, upon completion of the project, shall be transferred to subaccounts of the appropriate property balance sheet accounts as a cost of the related asset. When imputed interest is capitalized, a concurrent entry shall be recorded by debiting profit and loss subaccount 83.2–Imputed Interest Deferred—Debit and crediting balance sheet account 2390 Other Deferred Credits which shall be cleared to profit and loss subaccount 83.3–Imputed Interest Deferred—Credit periodically as the amount of such interest in the asset accounts is written off.

• • • • •

10. Amend Section 2–11—Accounting for Transactions in Gross Amounts by revising paragraph (a) to read in pertinent part as follows:

Sec. 2–11 Accounting for transactions in gross amounts.

(a) All assets and liabilities shall be stated in balance sheet presentations in gross values, provided that all depreciation, provisions for uncollectible accounts and other valuation allowances shall be offset against the class of asset to which related. • • •

• • • • •

11. Amend Section 2–12—Acquisition and Valuation of Assets by revising paragraph (a) to read as follows:

Sec. 2–12 Acquisition and valuation of assets.

(a) • • •

• • • • •

(2) Spare parts and materials of a class for which the accrual of allowances for loss in value • • •

(3) The carrying amount of a marketable equity securities portfolio shall be the lower of its aggregate cost or market value, determined at the balance sheet date. The amount by which aggregate cost of the portfolio exceeds market value shall be accounted for as a valuation allowance. (See paragraph (a)(6) of this section.)

(4) Marketable equity securities owned by a carrier shall be grouped into separate portfolios according to the current or noncurrent classification of the securities for the purpose of comparing aggregate cost and market value to determine carrying amount.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent (accounts 1100 and 1530, respectively), the security shall be transferred between the corresponding portfolios at the lower of its cost or market value at the date of transfer. If market value is less than cost, the market value becomes the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income by charging account 8188.4

(6) Changes in the valuation allowance for a marketable equity securities portfolio included in current assets shall be included in the determination of net income of the period in which they occur by charging account 8188.3. Accumulated changes in the valuation allowance for a marketable equity securities portfolio included in noncurrent assets shall be included in the equity section of the balance sheet and shown separately in account 2950.

(7) For those marketable securities for which the effect of a change in carrying amount is included in stockholders' equity rather than in net income, a determination must be made as to whether a decline in market value below cost as of the balance sheet date of an individual security is other than temporary. If the decline is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis and the amount of the write-down shall be accounted for as a realized loss by charging account 8188.4. The new cost basis shall not be changed for subsequent recoveries in market value.

12. Amend Section 2–13—Establishment of allowances by changing the title and revising the text to read in pertinent part as follows:

Sec. 2–13 Establishment of allowances.

(a) Provisions for allowances covering loss contingencies, which are not accruable because it is less than probable that an asset has been impaired or a liability has been incurred as of the report date and/or the amount of the loss cannot be reasonably estimated, are permitted as an appropriation of retained earnings and shall be maintained as a subaccount of 2900 Retained Earnings. When accrued losses and related costs are incurred, they shall not be charged to the appropriation and at no time shall the appropriation be transferred in whole or in part to income.

(b) All allowances shall be classified in • • •

(c) [Reserved]

(d) Additional allowances over those prescribed in this system of accounts may be established for the purpose of allocating expense charges between calendar quarters of each accounting year in accordance with operations performed, in the event such expenditures are part of a specific program to which the air carrier is demonstrably committed and are of sufficient magnitude to significantly distort the financial results of the current quarter if expensed directly. Each air carrier shall submit, for approval by the Civil Aeronautics Board, a plan for each such equalization allowance which shall set forth the proposed accounting and rates of accrual. Such plans shall provide for the liquidation of each expense allocation allowance at the close of each accounting year. Allocation allowances shall not be used in respect to tions of which spread over a cycle of longer than one year. (See section 22(d) or 32(d), as applicable.)

13. Amend Section 2–14—Depreciation and Amortization by revising paragraph (a) to read in pertinent part as follows:

Sec. 2–14 Depreciation and amortization.

(a) Depreciation shall be calculated by the air carrier in such a manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate allowances, and shall be based • • •

• • • • • •

14. Amend Section 2–15—Contingent assets and contingent liabilities by revising the text to read as follows:

Sec. 2–15 Contingent assets and contingent liabilities.

Contingent assets and contingent liabilities shall not be included in the body of the balance sheet but shall be explained in the footnotes to the financial statements.

15. Amend Section 2–18—Transactions between Members of an Affiliated Group by revising paragraphs (b), (c), and (d) to read in pertinent part as follows:

Sec. 2–18 Transactions between members of an affiliated group.

• • • • •

(b) • • • Where the services and assets received by the regulated activity of the air carrier are not marketed by the affiliated supplier to the general public under a prevailing price list, the charges recorded by the air carrier activity for such services and assets shall be the lower of their cost to the originating activity of the affiliated group, less all applicable valuation allowances, or their estimated fair market value. In the case of charges against income for services received, as distinguished from charges for property and equipment or other assets acquired, any difference in the amount recorded and the consideration given by the air carrier shall be entered in subaccount 88.1 Intercompany Transaction Adjustment—Credit or in subaccount 89.1 Intercompany Transaction Adjustment—Debit. In the case of property and other assets acquired, any difference between the amount recorded and the consideration given by the air carrier shall be entered in appropriate subaccounts of account 1870 Property Acquisition Adjustment, paralleling subaccount 88.1 Intercompany Transaction Adjustment—Credit and subaccount 89.1 Intercompany Transaction Adjustment—Debit, and shall be cleared to such income accounts through periodic amortization at rates coinciding with those applied to other associated assets.

(c) The cost, less all associated valuation allowance accumulations, of services and assets sold by or transferred from the regulated activity of an air carrier to other activities of an affiliated group shall be charged by the air carrier to either applicable incidental services or capital gain income accounts, as appropriate. Where such services and assets are reflected in tariffs filed with the Board or in price lists held out to the general public, the associated revenues shall be recorded at the rates, fares or charges contained therein in the appropriate incidental services, capital gains or air transport income accounts. Where no tariff or prevailing price list is applicable, the associated revenue shall be recorded at the higher of cost or estimated fair market value of the asset or service involved. Any difference between the revenue so recorded and the agreed consideration to the air carrier shall be recorded in subaccount 88.1 Intercompany Transaction Adjustment—Credit or subaccount 89.1 Intercompany Transaction Adjustment—Debit.

(d) • • • Any difference between the income tax so recorded and the amount at which settlement is to be made shall be recorded in subaccount 88.1 Intercompany Transaction Adjustment—Credit or in subaccount 89.1 Intercompany Transaction Adjustment—Debit, as is appropriate.

• • • • •

16. Amend Section 3—Chart to Balance Sheet Accounts to read as follows:

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BALANCE SHEET CLASSIFICATIONS

Section 3—Chart of Balance Sheet Accounts

Name of account	General classification	
Current assets:		
Cash	1010	
Short-term investments	1100	
Notes receivable	1200	
Accounts receivable	1270	
Allowance for uncollectible accounts	1290	
Spare parts and supplies	1300	
Allowance for obsolescence—Spare parts and supplies	1311	
Prepaid items	1410	
Other current assets	1420	
Investments and special funds:	1510	
Investments in associated companies	1510. [1]	
Investments in investor controlled companies	1510. [2]	
Investments in other associated companies	1520	
Advances to associated companies	1530	
Other investments and receivables	1550	
Special funds	1600–1700	
Property and equipment	Operating	Nonoperating
Airframes	1601	1701
Airframes	1601. [1]	1701. [1]
Unamortized airframe overhauls	1601. [2]	1701. [2]
Aircraft engines	1602	1702
Aircraft engines	1602. [1]	1702. [1]
Unamortized aircraft engine overhauls	1602. [2]	1702. [2]
Improvements to leased flight equipment	1607	1707
Flight equipment rotable parts and assemblies	1608	1708
Airframe parts and assemblies	[1] 1608. [1]	[1] 1708. [1]
Aircraft engine parts and assemblies	[1] 1608. [5]	[1] 1708. [5]
Other parts and assemblies	[1] 1608. [9]	[1] 1708. [9]
Flight equipment	1609	1709
Allowance for depreciation:		
Airframes	1611	1711
Aircraft engines	1612	1712
Improvements to leased flight equipment	1617	1717
Flight equipment rotable parts and assemblies	1618	1718
Flight equipment airworthiness allowance	[1] 1629	[1] 1729
Equipment	1630	1730
Furniture, fixtures and office equipment	1636	1736
Improvements to leased buildings and equipment	1639	1739
	General classification	
Buildings	1640	1740
Maintenance buildings and improvements	1640. [1]	1740. [1]
Other buildings and improvements	1640. [9]	1740. [9]
Ground property and equipment	1649	1749
Allowance for depreciation:	1650	1750
Equipment	1654	1754
Improvements to leased buildings and equipment	1656	1756
Furniture, fixtures and office equipment	1660	1760
Buildings	1660. [1]	1760. [1]
Maintenance buildings and improvements	1660. [9]	1760. [9]
Other buildings and improvements		
Allowance for depreciation of flight equipment and ground property and equipment, and amortization of overhaul and airworthiness costs	1668	1768
Land	1679	1779
Equipment purchase deposits and advance payments	1685	1785
Construction work in progress	1689	1789
	General classification	
Other assets:	1820	
Long-term prepayments	1830	
Unamortized developmental and preoperating costs	1840	
Unamortized debt expense	1870	
Property acquisition adjustment	1880	
Intangible assets	1890	
Other assets	2000	
Current liabilities:		
Current maturities of long-term debt	2005	
Notes payable:	2015	
Banks	2021	
Other	2025	
Trade accounts payable	2110	
Accounts payable—other	2120	
Accrued salaries, wages	2125	
Accrued vacation liability	2130	
Accrued interest	2140	
Accrued taxes	2160	
Dividends declared	2190	
Air traffic liability		
Other current liabilities		

Name of account	General classification
Noncurrent liabilities:	
Long-term debt	2210
Advances from associated companies	2240
Pension liability	2250
Stock purchase plan liability	2260
Other noncurrent liabilities	2290
Deferred credits:	
Deferred income taxes	2340
Deferred investment tax credits	2345
Other deferred credits	2380
Commitments and contingent liabilities:	
Stockholders' equity:	
Preferred stock	2820
Common stock	2840
Subscribed and unissued stock	2860
Additional capital invested	2880
Premium on capital stock	2880. [1]
Discount on capital stock	2880. [2]
Other capital stock transactions	2880. [3]
Retained earnings	2900
Net unrealized loss on noncurrent marketable equity securities	2950
Treasury stock	2960

[1] Prescribed for group II and group III air carriers only.
[2] At the option of the air carrier, these accounts may be assigned Nos. 2629 and 2729, respectively, for accounting purposes.

NOTE.—Digits to right of decimals and italicized codes established for CAB control purposes only.

17. Amend Section 5—Balance Sheet Account Groupings as follows:

A. By revising paragraph (a) of section 5–2 Investments and Special funds to read:

Sec. 5–2 Investments and special funds.

(a) Include in this classification long-term investments in securities, securities which are not readily marketable, funds set aside for specific purposes or involving restrictions preventing current use, contract performance deposits and other securities, receivables, or funds not available for current operations.

* * * * *

B. By revising paragraph (e) of section 5–3 to read:

Sec. 5–3 Property and equipment.

* * * * *

(e) Operating and nonoperating property and equipment * * *

* * * * *

(2) The cost of additions, betterments, improvements and modifications shall be charged to the balance sheet account in which the property or equipment to which related is carried. (See section 2–9 for applicable accounting policy.) The cost of parts and appurtenances removed, and the allowance for depreciation applicable thereto, shall be treated as for retired property and accounted for accordingly.

* * * * *

(4) If property and equipment is acquired as part of a business from another air carrier through consolidation, merger, or reorganization, pursuant to a plan approved by the Civil Aeronautics Board, the costs and related allowances for depreciation as carried on the books of the predecessor company at the date of transfer shall be entered by the acquiring air carrier in the appropriate accounts prescribed for recording investments in tangible assets. Any difference between the purchase price of the property and equipment acquired and its depreciated cost at date of acquisition shall be recorded in balance sheet account 1870 Property Acquisition Adjustment. Property acquired from an associated company shall also be accounted for in accordance with this paragraph unless otherwise approved by the Board.

(5) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise, of equipment depreciated on a unit basis, the air carrier shall credit the accounts in which the costs related to the property or equipment are carried with the balances thereof; charge the related allowances for depreciation with the balances applicable to the property disposed of; and charge the cash proceeds of the sale or the value of salvaged material to the appropriate asset accounts. Where the sales price or salvage value less the cost of dismantling differs from the costs related to the property less accrued allowances for depreciation, such difference shall be recorded in the appropriate capital gain or loss accounts.

(6) Upon disposal by sale, retirement, abondonment, dismantling, or otherwise of property or equipment depreciated on a group basis, the air carrier shall credit the account in which the property or equipment is carried, and charge the related allowance for depreciation with the original cost thereof, less any salvage realized, regardless of the age of the item. No gain or loss is recognized on the retirement of individual items of property or equipment depreciated on a group basis. However, the proceeds from sales of scrapped parts and assemblies, which (are accumulated and sold in lots for nominal amounts and without identification of the individual items, shall be credited to profit and loss account 18 Other Transport-Related Revenues and Expenses.

(7) If property is retired or disposed of as a result of major accident or other casualty, the costs related to such property, less accrued allowances for depreciation, shall be charged to balance sheet account 1890 Other Assets pending adjustments and settlement of insurance. The resulting profit or loss, after reflecting adjustments for insurance coverage shall be recorded as a capital gain or loss. If the air carrier has no option but to accept replacement by an equivalent unit, the book cost and accrued allowance for depreciation applicable to the unit disposed of shall be assigned to the new property or equipment. Where the air carrier has the option in settlement to select between replacement in kind and cash or its equivalent, the air carrier shall account for the property or equipment disposed of in accordance with subparagraph (5) or (6) of this section 5–3(e). Any property or equipment purchased in replacement shall be recorded pursuant to subparagraph (1) of this section 5–3(e).

(8) When property and equipment owned by the air carrier is applied as part payment of the purchase price of new property and equipment, the new property and equipment shall be recorded at its full purchase price provided an excessive allowance is not made for assets traded in, in lieu of price adjustments or discounts on the purchase price of assets acquired. The difference between the depreciated cost of assets applied as payment and the amount allowed therefor shall be treated as retirement gain or loss. When used tangible property is exchanged for other used tangible property and no other form of consideration is involved, the book cost less related allowance for depreciation of the property given in exchange shall be assigned to the property received. When the consideration consists of both cash or its equivalent and tangible property, and the cash or its equivalent is less than 25 percent of the fair market value of the total consideration, the entire transaction is to be treated as an exchange of property. The cost of the properties received by each party shall be the book cost less related allowance for depreciation of the properties given in exchange, plus or minus the cash, or the cash value of any other consideration, paid or received. Capital gain or loss is not to be recorded on the books of either party, except to the extent that the additional cash or other consideration received exceeds the depreciated book cost of the properties given. When the additional cash, or the cash value of other consideration, is at least 25 percent of the fair market value, the transaction shall be treated as a purchase and sale. The property received by each party shall be entered on the books at its fair market value and the net increase or decrease in asset values resulting from the transaction shall be treated as capital gain or loss.

(9) The cost of property and equipment acquired shall, upon acquisition, be recorded in the appropriate classification specifically established for such property and equipment; *Provided*, That when operating property and equipment acquired requires conditioning or modification before placing in air transport or its transport-related services, the cost thereof and related conditioning and modification costs shall be accumulated in balance sheet account 1689 Construction Work in Progress. The total accumulated cost shall be transferred to the appropriate operating property and equipment account coincidentally with the placing of the property and equipment into regular air transport or transport-related services.

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(10) When operating property or equipment is retired from air transportation or transport-related operations and retained by the air carrier, its cost, together with applicable allowances for depreciation, shall be transferred to balance sheet classification 1700 Nonoperating Property and Equipment. If property is transferred for exclusive use of nontransport divisions, the cost less related allowances for depreciation shall be recorded in balance sheet account 1520 Advances to Associated Companies.

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C. By revising section 5–4 to read in pertinent part:

Sec. 5–4 Property and equipment depreciation and overhaul.

(a) The balance sheet classification "allowance for depreciation" shall include the accumulation of all provisions for losses occurring in property and equipment from use and obsolescence. For example, it shall include allowances for depreciation established to record current lessening in service value due to wear and tear from use and the action of time and the elements, as well as losses in capacity for use or service occasioned by obsolescence, supersession, discoveries, change in popular demand, or the requirement of public authority. Residual values and rates for accrual of depreciation shall be calculated to prevent charging excessive or inadequate expense or the accumulation of inadequate or excessive allowances.

• • • • • •

(d) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute the estimated depreciable cost to operating expense accounts and other accounts over the estimated service life of the property and equipment in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate allowances (see section 2–14(a)) and fully recognize the extent to which all expenditures attaching to property and equipment are otherwise recoverable through income charges and disposal proceeds.

• • • • • •

(f) Airframe and aircraft engine overhauls shall be expensed directly as performed when this will produce a relatively equitable allocation of total maintenance costs between accounting years. In the event that direct expensing of overhauls will distort maintenance expense charges between calendar quarters, allowances may be established to equalize or distribute maintenance expense charges between calendar quarters of each accounting year in accordance with operations performed consistent with provisions of section 2–13(d). For the purposes of this system of accounts and reports, an airframe or aircraft engine "overhaul" shall be deemed to encompass the total of those inspections or replacements of major components performed in phrases, or in one operation, as are required to be performed at specified maximum periodic intervals by the Civil Air Regulations to recertify that airframes or aircraft engines are in a completely airworthy condition. Costs which attach to the routine replacement of minor drawal from line service, to maintain airframes and aircraft engines, performed on a recurrent but not scheduled basis, or on a scheduled basis without withdrawal from line srevice, to maintain airframes and aircraft engines in an operating condition, shall not be considered to be "overhauls" and shall be expensed directly as ordinary recurrent maintenance. Extraordinary costs of material amounts associated with the renewal of major structural parts of airframes and aircraft engines beyond the scope of normal period overhauls, or which are incurred at periodic intervals approximating the depreciable service life of the airframe and aircraft engine types to which related, shall not be considered overhauls. Such costs shall be accounted for as restoration of assets chargeable to the related property accounts. The cost of components removed, together with related allowance, shall be treated as retired property and accounted for accordingly. In the event identification of the cost of the components removed is not feasible, the costs incurred in substituting components may be charged against the related allowance for depreciation

(g) The accounting procedures • • •

(1) When the period benefited by the performance of an overhaul is greater than one accounting year and overhauls are scheduled in such a manner that the direct expensing of overhauls as performed will not result in an equitable allocation of total maintenance expense between accounting years, the costs of such overhauls shall be deferred and amortized over the period benefited. An overhaul permits the use of an airframe or aircraft engine for subsequent additional periods in conformity with overhaul procedures approved by the Federal Aviation Administration. The period benefited by an overhaul is the authorized interval until the related overhaul procedures are required to be performed again. The costs of airframe and aircraft engine overhauls shall not be accrued in advance by charges to maintenance expense before the costs are incurred; except that, allowances for equalization may be established pursuant to section 2–13(d) to distribute expense charges between calendar quarters of each accounting year in accordance with operations performed.

• • • • • •

(5) Upon retirement of owned airframes or aircraft engines, the applicable unamortized overhaul costs shall be transferred, along with the cost and related allowances for depreciation of the property retired, to profit and loss subaccount 88.5 Capital Gains and Losses—Operating Property or 88.6 Capital Gains and Losses—Other.

• • • • • •

D. By revising the title and paragraph (a) of section 5–5 to read.

Sec. 5–5 Other assets.

(a) Include in this classification all debit balances in general clearing accounts, including charges held in suspense pending receipt of information necessary for final disposition, prepayments chargeable against operations over a period of years, capitalized expenditures of an organizational or developmental character, unamortized debt expense, property acquisition adjustments, the cost of patents, copyrights and miscellaneous intangibles, and other noncurrent assets which cannot be recorded elsewhere within the chart of accounts.

E. By revising paragraphs (a) and (b) of section 5–7 to read:

Sec. 5–7 Noncurrent liabilities.

(a) This classification shall include all debts or obligations the liquidation or payment of which is not reasonably expected to require the use within one year of existing resources of a type which are properly classifiable as current assets or the creation of current liabilities. Noncurrent liabilities shall include mortgages, bonds and debentures maturing more than one year from the date of the bayance sheet, and other obligations not payable within twelve months. Expense on long-term debt assumed by the air carrier shall be recorded as a deferred charge and discounts or premiums on nontrade debt should be recorded as a deduction from or addition to the face amount of the liability through the use of a subaccount in the account used to record the liability. Subaccounts shall be maintained in such a manner as to enable identification of each discount or premium with the debt issue to which it relates. Such discounts or premiums shall be amortized through profit and loss account 84 Amortization of Debt Discount Premium and Expense on a basis which applies a constant rate of interest to the balance outstanding at the beginning of each quarter. When debt securities are issued with warrants to purchase stock, the portion of the proceeds attributable to the warrants shall be accounted for as paid-in capital by crediting account 2890 Additional Capital Invested.

(b) In cases where debt coming due within 12 months is to be refunded, or where payment is to be made from assets of a type not properly classifiable as current, the amount payable shall not be removed from this classification. In addition, this classification shall include short-term debt obligations when both the intent to refinance the short-term obligations on a long-term basis is established and the ability to consummate this refinancing can be demonstrated.

• • • • • •

F. By revising the title and text of section 5–8 to read:

Sec. 5–8 Deferred credits and commitments and contingent liabilities.

(a) Include in the deferred credit classification all credit balances in general clearing accounts, including credits held in suspense pending receipt of information necessary for final disposition.

(b) Deferred credits having a definite time incidence shall be amortized over the periods to which they apply.

(c) Include in the commitments and contingent liabilities classification all anticipated losses from commitments or contingencies that are not accruable under the conditions presented in section 2–5 Liability accruals but for which there is a reasonable possibility that a loss has been incurred. The nature and extent of these commitments and contingencies shall be disclosed in a footnote.

G. By revising section 5–9 to read:

Sec. 5–9 Stockholder equity.

(a) This general classification shall include all items which record the aggregate interests of holders of the air carrier's stock in assets owned by the air carrier.

(b) The general classification "Stockholders' Equity," shall be subdivided between that portion representing direct contributions of the stockholders, or "Total Paid-In Capital," that portion representing income retained from the operation of the air carrier, or "Retained Earnings," that portion representing the valuation allowance net unrealized loss applicable to the noncurrent portion of marketable equity securities, or "Net Unrealized Loss on Noncurrent Marketable Equity Securities," and that portion, "Treasury Stock," representing the cost to the air carrier of capital stock issued by the air carrier which has been reacquired and is held for disposition.

(c) The "Total Paid-In Capital" classification shall be subdivided between "Total Capital Stock," which shall include the par or stated value of capital stock issued or the cash value of the consideration actually received in case of stock having no par or stated value, and "Additional Capital Invested," which shall include the excess (premium) or deficiency (discount) of the cash value of the consideration received from the issue of any capital stock having par or stated value, donations by stockholders, adjustments of capital resulting from reorganization or recapitalization, and gains or losses from reacquisition and resale or retirement of the air carrier's capital stock.

(d) The records supporting the entries in the accounts included in the "Additional Capital Invested" balance sheet classification shall be maintained with sufficient particularity to identify amounts applicable to each series and class of stock affected.

(e) Discount applicable to a particular class or series of capital stock shall not be offset against premiums applicable to another class or series of capital stock. At the option of the air carrier discount applicable to a particular class or series of stock may be offset against premiums related to that class or series of stock.

(f) Losses arising from the reacquisition and resale or retirement of the air carrier's capital stock may be allocated between "additional capital invested" for the same issue of capital stock and "retained earnings." Gains on treasury stock shall be credited to "Additional Capital Invested."

(g) The "Retained Earnings" balance sheet classification shall reflect the balance of net profits, income, and gains of the air carrier from the date of incorporation after deducting losses, and distributions to stockholders. In cases where a deficit has been absorbed by a reduction of "Additional Capital Invested" as a result of a restatement of capital stock or retained earnings, a new retained earnings account shall be established, dated to show that it runs from the effective date of the restatement and this dating shall be disclosed in financial statements until such time as the effective date no longer possesses special significance.

18. Amend Section 6—Objective Classification of Balance Sheet Elements to read as follows:

Section 6 Objective Classification of Balance Sheet Elements

CURRENT ASSETS

1010 Cash.

(a) Record here all general and working funds available on demand as of the date of the balance sheet which are not formally restricted or earmarked for specific objectives. Funds deposited for special purposes which are to be satisfied within one year shall be included in account 1100 Short-term Investments and funds restricted as to general availability, which are not offset by current liabilities, shall be included in account 1550 Special Funds.

(b) Each air carrier shall subdivide this account in such manner that the balance can be readily segregated as between balances in United States currency and the balances in each foreign currency.

1100 Short-Term Investments.

(a) Record here the cost of short-term investments such as special deposits and United States Government securities, any other temporary cash investments, and the allowance for unrealized gain or loss on current marketable equity securities.

(b) Special deposits for more than one year, not offset by current liabilities, shall not be included in this account but in account 1550 Special Funds.

(c) This account should be charged or credited for discount or premium on United States Government securities or other securities which should be amortized to profit and loss account 80 Interest Income.

1200 Notes Receivable.

(a) Record here current notes receivable including those from associated companies, company personnel, and all other sources.

(b) Balances of notes payable to associated companies shall not be offset against amounts carried in this account. Balances with associated companies which are not normally settled currently shall not be included in this account but in balance sheet account 1520 Advances to Associated Companies.

1270 Accounts Receivable.

(a) Record here current accounts receivable including those due from the United States Government, foreign governments, associated companies, company personnel, and other amounts due for the performance of air transportation.

(b) Amounts due from the United States Government shall be maintained in such fashion as will clearly and separately identify service mail pay receivables, subsidy receivables and other than mail transportation receivables.

(c) Amounts due for the performance of air transportation shall include gross amounts due whether settled through airline clearing houses or with individual carriers. Amounts payable collected as agent shall not be credited to this account, but should be included in account 2190 Other Current Liabilities.

(d) Balances payable to associated companies shall not be offset against amounts carried in this account. Balances with associated companies which are not normally settled currently shall not be included in this account but in balance sheet account 1520 Advances to Associated Companies.

1290 Allowance for Uncollectible Accounts.

(a) Record here accruals for estimated losses from uncollectible accounts.

(b) All accounts against which allowances have been established shall be examined quarterly for the purpose of redetermining the basis of accruals to be applied to subsequent accounting periods and the reasonableness of allowances already provided.

1300 Spare and Supplies.

(a) Record here the cost of:

(1) Flight equipment replacement parts of a type which ordinarily would be recurrently expended and replaced rather than repaired and reused;

(2) Unissued fuel inventories for use in the overall or system operations of the carrier. Adjustments of inventories for aircraft fuel due to retroactive price increases and decreases shall not be entered in this account but in profit and loss account 45, Aircraft Fuels and Oils; and

(3) Unissued and unapplied materials and supplies held in stock such as unissued shop materials, expendable tools, statinery and office supplies, passenger service supplies, and resturant and food service supplies.

(b) Costs paid by the air carrier such as transportation charges and customs duties; excise, sales, use and other taxes;

special insurance; and other charges applicable to the cost of spare parts and supplies shall be charged to this account when they can be definitely allocated to specific items or units of property. If such costs cannot be so allocated, or if of minor significance in relation to the cost of such property, the amounts thereof may be charged to balance sheet account 1890 Other Assets and cleared either by a suitable "loading charge" as the parts are used or by current charges to appropriate expense or property accounts: *Provided*, That the method of application does not cause material distortion in operating expenses from one accounting period to another.

(c) Reusable spare parts and supplies recovered in connection with construction, maintenance, or retirement of property and equipment shall be included in this account at fair and reasonable values but in no case shall such values exceed original cost. Recoveries of normally repairable and reusable parts of a type for which losses in value may be covered on a practical basis through valuation allowance provisions shall be included in this account on an original cost basis. Scrap and nonusable parts, expensed from this account and recovered, shall be included at net amounts realizable therefrom with contra credit to the expense accounts initially charged.

(d) The cost of rotable parts and assemblies of material value included in this account which ordinarily are repaired and reused and possess a service life approximating that of the primary property types to which related shall not be recorded in this account but in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies. For purposes of identifying rotable parts and assemblies of insignificant unit value which may be included in this account, a reasonable maximum unit value limitation may be established.

(e) Any losses sustained or gains realized upon the abandonment or other disposition of flight equipment expendable parts shall be taken up as capital gains or losses in the periods in which sustained or realized. (See balance sheet account 1311).

(f) Items in this account shall be charged to appropriate expense accounts as issued for use. Profit and loss on sales of inventory items as a routine service to others shall be included in profit and loss accounts 14 General Service Sales—Associated Companies, or 16 General Service Sales—Outside, and the parts sold shall be removed from this account at full cost.

(g) Materials and supplies held in small supply and purchased currently may be charged to appropriate expense accounts when purchased.

(h) An allowance for inventory adjustment applicable to materials and supplies is prohibited. Items in this account shall be charged to appropriate expense accounts as issued for use.

(i) Subaccounts shall be established within this account for the separate recording of each class or type of spar parts and supplies.

1311 Allowance for Obsolescence—Spare Parts and Supplies.

(a) Accruals shall be made to this account when allowances are established for losses in the value of expendable parts. The accruals to this account shall be made by charges to profit and loss account 73 Provisions for Obsolescence and Deterioration—Expendable Parts. Records shall be maintained with sufficient detail to permit association of the allowances with each class or type of expendable parts.

(b) The accruals to this account shall be based upon a predetermination by the air carrier of that portion of the total inventory of each class and type of expendable parts against which an allowance for loss is to be accrued. Expendable parts issued for use in operations shall be charged to operating expenses as issued and shall not be charged to this account. If at the end of any calendar year the amount of the allowance exceeds the product of the applicable inventory for the year determined consistently on a year-end or average basis, and the sum of the standard percentage accrual rates for all prior years including the current, the allowance shall be adjusted downward by the amount of the excess. Such adjustments shall be charged to this account and credited to profit and loss account 73 Provisions for Obsolescence and Deterioration—Expendable Parts.

(c) Where changing conditions necessitate a revision or adjustment in rates of accrual, such revision or adjustment shall be made applicable to current and subsequent accounting periods and shall not be applied retroactively to prior accounting periods. Following retirement of airframe or aircraft engine types to which related, any balance remaining in this account shall be offset against related balances carried in balance sheet account 1300 Spare Parts and Supplies and the net cleared to profit and loss accounts 88.5 Capital Gains and Losses—Operating Property or 88.6 Capital Gains and Losses—Other.

(d) In accordance with the provisions of section 22(d) or 32(d), as applicable, each air carrier shall file with the Civil Aeronautics Board a statement fully describing its plans of accounting for allowances for obsolescence and deterioration of expendable parts. The required statement shall indicate for each class or type of parts the predetermined level of the inventory against which an allowance is being accrued and shall fully explain the bases of the estimated losses and the rate of allowance accrual.

1410 Prepaid Items.

Record here prepayments of obligations which if not paid in advance would require the expenditure of working capital within one year, such as prepaid rent, insurance, taxes, interest, etc. Unexpired insurance and miscellaneous prepayments applicable to periods extending beyond one year where significant in amount shall be charged to balance sheet account 1820 Long-Term Prepayments.

1420 Other Current Assets.

Record here current assets not provided for in balance sheet accounts 1010 to 1410, inclusive.

INVESTMENTS AND SPECIAL FUNDS

1510 Investments in Associated Companies.

(a) Record here net investments in associated companies.

(b) In accordance with the provisions of section 22(d) or 32(d), as applicable, a statement shall be filed with the Civil Aeronautics Board which fully explains the procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or vice versa.

(c) This account shall be subdivided by all air carrier groups as follows:

1510.1 Investments in Investor Controlled Companies.

Record here the cost of investments in investor controlled companies, except as provided in section 5–2(c), plus the equity in undistributed earnings or losses since acquisition. In the event dividends are declared by such companies, the air carrier shall credit this account for its share in dividends declared and debit balance sheet account 1270 Accounts Receivable. This account shall separately state: (a) The cost of such investments at date of acquisition and (b) the equity in undistributed earnings or losses since acquisition.

1510.2 Investments in Other Associated Companies.

Record here the cost of investments in associated companies other than investor controlled companies. Cost shall represent the amount paid at the date of acquisition without regard to subsequent changes in the net assets through earnings or losses of such associated companies, except as provided in section 5–2(c).

1520 Advances to Associated Companies.

(a) Record here advances, loans, and other amounts not settled currently with investor controlled and other associated companies and nontransport divisions. Balances receivable from and payable to different associated companies and different nontransport divisions shall not be offset.

(b) In the case of nontransport divisions three subaccounts shall be maintained: (1) Net investment; (2) current net profit or loss; and (3) current accounts receivable or payable between the air carrier and the nontransport division.

(c) Each nontransport division shall be accounted for separately in net amounts receivable which shall be included in this account or net amounts payable which shall be included in balance sheet account 2240 Advances from Associated Companies.

1530 Other Investments and Receivables.

Record here notes and accounts receivable not due within one year, investments in securities issued by others, and the allowance for unrealized gain or loss on noncurrent marketable equity securities. Securities held as temporary cash investments shall not be included in this account but in balance sheet account 1100 Short-Term Investments. Investments in and receivables from associated companies which are not settled currently shall be included in balance sheet account 1510 Investments in Associated Companies and 1520 Advances to Associated Companies, respectively.

1550 Special Funds.

Record here special funds not of a current nature and restricted as to general availability. Include items such as sinking funds, cash and securities posted with courts of law, employee's funds for purchase of capital stock, pension funds under the control of the air carrier and equipment purchase funds.

OPERATING PROPERTY AND EQUIPMENT

1601 Airframes.

(a) Record here the total cost to the air carrier of airframes of all types and classes, as provided in section 5–3, together with the full complement of instruments, appurtenances and fixtures comprising complete airframes including accessories necessary to the installation of engines and flight control and transmission systems, except as specifically provided otherwise in accounts 1602 and 1607. Also record here in separate subaccounts and costs of airframe overhauls accounted for on a deferral and amortization basis as provided in section 5–4(g).

(b) Airframes designed to permit multiple payload configurations shall be recorded in this account at the total cost of the maximum complement of instruments, appurtenances, and fixtures used in the air carrier's operations.

(c) This account shall be subdivided as follows by all air carriers:

1601.1 Airframes.
1601.2 Unamortized Airframe Overhauls.

1602 Aircraft Engines.

(a) Record here the total cost to the air carrier of complete units of aircraft engines of all types and classes, as provided in section 5–3, together with a full complement of accessories, appurtenances, parts, and fixtures comprising fully assembled engines as delivered by the engine manufacturer ready for operation in test but without the accessories necessary to its installation in airframes. Also record here in separate subaccounts the costs of aircraft engine overhauls accounted for on a deferral and amortization basis as provided in section 5–4(g).

(b) This account shall be subdivided as follows by all air carriers:

1602.1 Aircraft Engines.
1602.2 Unamortized Aircraft Engine Overhauls.

1607 Improvements to Leased Flight Equipment.

Record here the total cost to the air carrier incurred in connection with modification, conversion or other improvements to leased flight equipment as provided in section 5–3. Also record here in separate subaccounts the costs of airframe and aircraft engine overhauls of leased aircraft accounted for on a deferral and amortization basis as provided in section 5–4(g).

1608 Flight Equipment Rotable Parts and Assemblies.

(a) Record here the total cost to the air carrier of all spare instruments, parts, appurtenances and subassemblies related to the primary components of flight equipment units provided for in balance sheet accounts 1601 through 1607, inclusive, as provided in section 5–3. This account shall include all parts and assemblies of material value which are rotable in nature, are generally reserviced or repaired, are used repeatedly and possess a service life approximating that of the property type to which they relate. Items of an expendable nature which generally may not be repaired and reused, shall not be recorded in this account but in account 1300 Spare Parts and Supplies. Except for recurrent service sales, flight equipment parts recorded in this account shall be accounted for in accordance with the instructions related to property and equipment generally and shall not be charged to operating expense as retired. Profit or loss on sales of parts as a routine service to others shall be included in profit and loss account 14 General Service Sales—Associated Companies, or 16 General Service Sales—Outside, and parts sold shall be removed from this account at full cost irrespective of any allowance for depreciation which has been provided.

(b) This account shall be subdivided as follows by Group II and Group III air carriers:

1608.1 Airframe Parts and Assemblies.
1608.5 Aircraft Engine Parts and Assemblies.
1608.9 Other Parts and Assemblies.

1609 Flight Equipment

This classification is established only for purposes of control by the Civil Aeronautics Board and shall reflect the total cost of property and equipment of all types and classes used in the in-flight operations of aircraft.

1629 Flight Equipment Airworthiness Allowances.

(a) Record here accumulated provisions for overhauls of flight equipment as provided in section 5–4 (f) and (g).

(b) Separate subaccounts shall be established for recording accumulated provisions related to each type of airframe and aircraft engine, respectively.

NOTE.—At the option of the air carrier the number "2629" may be assigned to this account for accounting purposes. However, for purposes of reporting on CAB Form 41, the balance in this account shall be reported under account "1629."

1630 Equipment.

Record here the total cost to the air carrier of ground equipment to include the following:

(a) Equipment assigned to aircraft or active line operations as opposed to items held in stock for servicing passengers, as provided in section 5–3, such as broilers, bottleware, dishes, food boxes, thermos jugs, blankets, first aid kits, etc. Spare items shall be carried in balance sheet account 1300 Spare Parts and Supplies and shall be charged directly to expense upon withdrawal from stock for replacing original complements.

(b) Equipment used in restaurants and kitchens, as provided in section 5–3.

(c) Equipment of all types and classes, as provided in section 5–3, used in enplaning and handling traffic and in handling aircraft while on ramps, including motorized vehicles used in ramp service. Classes of equipment used interchangeably between handling aircraft on ramps and in maintaining aircraft may be classified in accordance with normal predominant use.

(d) Nonairborne equipment of all types and classes, as provided in section 5–3, used in meteorological and communication services which is not a part of buildings.

(e) Equipment of all types and classes, as provided in section 5–3, including motorized vehicles used in engineering and drafting services and in maintaining, overhauling, repairing and testing other classes of property and equipment.

(f) Property and equipment of all types and classes, as provided in section 5–3, used in ground and marine transportation services.

(g) Property and equipment of all types and classes, as provided in section 5–3, used in storing and distributing fuel, oil and water, such as fueling trucks, tanks, pipelines, etc.

(h) All other ground equipment of all types and classes, as provided in section 5–3, such as medical, photographic, and employee's training equipment, and airport and airway lighting equipment.

1636 Furniture, Fixtures and Office Equipment.

Record here the total cost to the air carrier of furniture, fixtures and office equipment of all types and classes, wherever used or located, as provided in section 5–3.

1639 Improvements to Leased Buildings and Equipment.

Record here the total cost to the air carrier incurred in connection with modification, conversion, or other im-

provements to leased buildings and equipment.

1640 Buildings.

Record here the total cost to the air carrier of owned buildings, structures and equipment and related improvements, as provided in section 5–3. Each air carrier shall maintain the following subaccounts in which the values fairly assignable to maintenance and other operations shall be separately recorded:

1640.1 Maintenance Buildings and Improvements.
1640.9 Other Buildings and Improvements.

1649 Ground Property and Equipment.

This classification is established only for purposes of control by the Civil Aeronautics Board and shall reflect the total cost of property and equipment of all types and classes other than flight equipment, equipment purchase deposits and advance payments, land, and work in progress.

1668 Allowance for Depreciation of Flight Equipment and Ground Property and Equipment and Amortization of Overhaul and Airworthiness Costs.

(a) Record in accounts 1611 and 1618, inclusive, and 1650 through 1660, inclusive, accruals for depreciation of flight equipment and ground property and equipment.

(b) As set forth in section 3, Chart of Balance Sheet Accounts, separate accounts shall be established for depreciation allowances to parallel balance sheet accounts 1601 through 1608 established for recording the cost of flight equipment and accounts 1630 through 1640 established for recording the cost of ground property and equipment.

(c) This account shall be used as a control account and shall reflect the total amounts recorded in balance sheet accounts 1611 through 1618 and 1650 through 1660 in addition to account 1629 Flight Equipment Airworthiness Allowance.

1679 Land.

Record here the initial cost and the cost of improving land, as provided in section 5–3.

1685 Equipment Purchase Deposits and Advance Payments.

Record here the amount of purchase deposits and advance payments made to acquire operating property and equipment under outstanding purchase commitments. Funds set aside but not deposited or used as advance payments should not be included in this account but in Account 1550 Special Funds.

1689 Construction Work in Progress.

(a) Record here the direct and indirect costs to the air carrier accumulated to the date of the balance sheet in connection with constructing and readying for installation in operations, for property and equipment of all types and classes as provided in section 5–3. Where properly includable in the property and equipment classification, record here also the accumulated costs for uncompleted overhauls of airframes, aircraft engines, or other material units of property.

(b) At the option of the air carrier this account may be used as a clearing account for recording the cost of property and equipment acquisitions prior to a distribution thereof to the appropriate property accounts, whether or not conditioning or modification is necessary before placing in service.

NONOPERATING PROPERTY AND EQUIPMENT

1700 Nonoperating Property and Equipment.

The total cost to the air carrier of nonoperating property and equipment and related allowances for depreciation shall be recorded in balance sheet accounts 1701 through 1789 which, as set forth in section 3, Chart of Balance Sheet Accounts, parallel those established above, balance sheet accounts 1601 through 1689, for recording the cost of operating property and equipment.

OTHER ASSETS

1820 Long-Term Prepayments.

Record here prepayments of obligations applicable to periods extending beyond one year such as payments on leased property and equipment and other payments and advances for rents, rights, or other privileges.

1830 Unamortized Developmental and Preoperating Costs.

(a) Record here costs accumulated and deferred by the air carrier pertaining to the development of new routes or extension of existing routes, preparation for operation of new routes subsequent to certification by the Civil Aeronautics Board, the integration of new types of aircraft or services, and other preparations for substantial alterations in operational characteristics.

(b) Costs chargeable to this account shall include items directly related to each specific developmental or preoperating project, such as travel and incidental expenses, legal expenses, flight crew training expenses, and regulatory proceedings expenses. Expenses which would be otherwise incurred in the normal air transport operations conducted by the air carrier during the current accounting period shall not be allocated to developmental or preoperating projects and charged to this account. Nor shall this account be credited for revenues from aircraft flights of a developmental or preoperating character the operating costs of which are charged to this account. Any such revenues shall be included in the profit and loss account for the respective type of revenue. This account shall include charges for only those costs associated with projects directed at obtaining new operating authority or expanding the physical capacity of the air carrier and shall not include costs incurred for the purpose of generating revenues through rate adjustment. Accordingly, costs associated with regulatory proceedings involving route awards or amendments, whether successful or unsuccessful to the carrier, shall be included in this account whereas costs associated with regulatory proceedings involving rate or other revenue generation matters shall be charged to appropriate expense accounts.

(c) Records shall be established for new routes or extensions of existing routes to record separately: (1) Costs incurred in acquiring or applying for the routes, including all costs incurred prior to certification by the Board and inauguration of service by the air carrier, and (2) costs incurred after revenue operations begin over the new routes or extensions.

(d) Subclassifications shall be established to record for each developmental project the period covered and the purpose of each item of expense. Each air carrier shall classify the costs of all projects included in this account between: (1) Those related and contributing to the normal air transportation services currently conducted by the air carrier; (2) those related to services conducted by the air carrier which are extraneous to or are not otherwise related to the air transportation services currently conducted; and (3) those held in suspense pending status determination in terms of possible contribution to the air transportation services and inauguration of the service or operation to which related.

(e) Amounts included in this account which contribute to or protect the position of the normal air transportation services currently conducted by the carrier shall be amortized to profit and loss account 74 Amortization, unless otherwise approved or directed by the Civil Aeronautics Board. Other amounts included in this account shall be amortized or charged to profit and loss account 89.9 Other Miscellaneous Nonoperating Debits.

1840 Unamortized Debt Expense.

(a) Record here the expense related to the assumption by the air carrier of debt of all types and classes. Amounts recorded in this account shall be amortized to profit and loss account 84 Amortization of Debt Discount, Premium and Expense.

(b) This account shall not include the excess of the par value of debt securities over the cash value of consideration received. Instead, discounts shall be recorded in a subaccount of the related liability.

1870 Property Acquisition Adjustment.

(a) Record here the difference between the purchase price to the air carrier of property and equipment acquired as a part of a business from another air carrier through consolidation, merger, or reorganization, pursuant to a plan approved by the Civil Aeronautics Board, and the depreciated cost to the predecessor company at date of acquisition. Record here also such differences relating to purchases of property and

equipment from associated companies unless other treatment is approved by the Board. Separate subaccounts shall be established to record the amounts applicable to each such acquisition.

(b) Balances in this account shall be amortized by charges to profit and loss account 89.9 Other Miscellaneous Nonoperating Debits unless otherwise directed or approved by the Civil Aeronautics Board.

(c) When charges are made to this account, each air carrier shall file a statement of accounting procedures with the Civil Aeronautics Board in accordance with section 22(d) or 32(d), as applicable. The required statement shall include an explanation of the charges and the air carrier's proposed plan for writeoff or amortization.

(d) The foregoing instructions do not apply to purchases of individual units of property or equipment from another air carrier when such acquisitions do not require approval of the Civil Aeronautics Board.

1880 Intangible assets.

Record here the cost of leaseholds, patents, copyrights and other intangible properties, rights and privileges acquired as part of a business from other air carriers and other intangible assets not provided for elsewhere. This account shall be subdivided to reflect the nature of each intangible asset included in this account. Amortization of each intangible asset recorded in this account shall be effected in accordance with a plan filed with the Civil Aeronautics Board. (See section 5–5.)

1890 Other assets.

(a) Record here other assets and deferred charges not provided for elsewhere.

(b) Record here debits, the proper final disposition of which cannot be effected until additional information has been received. This account shall include the accumulated cost of labor, materials and outside services used in the process of manufacturing flight equipment expendable parts and materials and supplies for stock, the accumulated cost of jobs in process for others, and projects to be charged to expense upon completion.

(c) This account shall be charged with property loss and other costs related to casualties and credited with recoveries from purchased insurance and salvage. A debit or credit balance in this account related to property retired as a result of a casualty shall be recorded in profit and loss account 88.5 Capital Gains and Losses—Operating Property or 88.6 Capital Gains and Losses—Other; however, any balances related to property not retired or to other casualties shall be recorded in profit and loss account 58 Injuries, Loss and Damage. Proceeds from purchased insurance for property damage, received prior to repair of such damage, shall not be credited to this account but to balance sheet account 2390 Other Deferred Credits pending repair. The records for each major casualty shall be kept in such manner as to clearly disclose insurance recoveries and the total costs, which shall include charges for the depreciated cost of property damaged or destroyed, costs for clearing wrecks and damaged property and equipment, including salaries and wages for the repair thereof, and payments for damages to property of others. The cost of casualties shall not be charged directly against retained earnings or appropriations thereof, but shall be cleared through the applicable profit and loss accounts in accordance with the foregoing.

CURRENT LIABILITIES

2000 Current maturities of long-term debt.

Record here the face value or principal amount of debt securities issued or assumed by the air carrier which is payable within 12 months of the balance sheet date unless such debt is to refinance, or where payment is to be made from assets of a type not properly classifiable as current.

2005 Notes payable—banks.

Record here the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness payable on demand or within one year to a bank or another financial institution with the exception of current maturities of long-term debt which should be included in account 2000.

2015 Notes payable—other.

Record here the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness payable on demand or within one year to an associated company or party other than a financial institution.

2021 Trade accounts payable.

Record here all accounts payable within one year which accrued from generally recognized trade practices.

2025 Accounts payable—other.

Record here all accounts payable within one year which are not provided for in accounts 2000 to 2021, inclusive.

2110 Accrued salaries, wages.

Record here amounts accrued for unpaid compensation to personnel, which have been charged to profit and loss or capitalized, as compensation for the period in which accrued.

2120 Accrued vacation liability.

(a) Record here accruals of liabilities for personnel vacations. All vacation policies, plans, or agreements whether oral or written shall be accounted for on an accrual basis whenever a lag exists between vacations earned and vacations taken, thereby resulting in a liability against the carrier under the applicable policy, plan or agreement.

(b) This account shall be credited and the applicable personnel compensation expense account concurrently charged with the cost of any lag between vacations accrued and vacations taken. Accruals may be based upon standard rates of lag, if such standard rates are verified by physical inventory and adjusted accordingly at least once each calendar year. Adjustments of balances in this account shall be cleared to applicable compensation expense accounts. (See section 2–5 for applicable accounting policy.)

(c) Each air carrier shall file a statement with the Board fully describing the accounting procedures followed in accruing liability for personnel vacations. This statement shall include such information as (1) bases of accrual; (2) whether the accruals are made pursuant to a labor agreement, individual contract, or a company policy; and (3) whether the accruals cover all employees or certain categories only. (See section 22(d) or 32(d), as applicable.)

2125 Accrued interest.

Record here interest payable within one year for all outstanding obligations.

2130 Accrued taxes.

(a) Record here accruals for currently payable income and other forms of taxes which constitute a charge borne by the air carrier as opposed to those collected as an agent for others. Provisions for deferred taxes shall be accrued in accordance with the provisions of section 2–6 Income Tax Accruals.

(b) At the option of the air carrier, investment tax credits may be treated as a reduction of income tax expense in the year they are actually realized (flow-through method) or they may be deferred and amortized over the useful life of the property to which it relates (deferred method).

(c) Air carriers electing to account for the investment tax credit by the flow-through method shall credit profit and loss subaccount 91.2 Investment Tax Credits Utilized or profit and loss account 97 Income Taxes Applicable to Extraordinary Items and debit this account with the amount of investment tax credit utilized in the current accounting period.

(d) Air carriers electing to account for the investment tax credit by the deferred method shall, concurrent with the above entry set forth in subsection (c), debit profit and loss subaccount 93.1 Investment Tax Credits Deferred or profit and loss account 97 Income Taxes Applicable to Extraordinary Items and Credit balance sheet account 2345 Deferred Investment Tax Credits with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credits deferred in account 2345 shall be amortized to profit and loss subaccount 93.2 Amortization of Deferred Investment Tax Credits over the service life of the related property.

(e) The amount of any potential investment tax credit applicable to property placed in service during each accounting year and not used as an offset against tax liability or the deferred income tax balance as provided in section

6–2340 shall be debited to a memorandum account under balance sheet account 2390 Other Deferred Credits titled "Investment Tax Credits Available" and shall be credited to a memorandum account also under balance sheet account 2390 "Unrealized Investment Tax Credits." As investment tax credits are utilized in the reduction of tax liabilities or deferred taxes, these two memorandum accounts shall be adjusted to reflect the balance of unused and unexpired credits.

(f) Each air carrier shall disclose in the footnotes of its CAB Form 41 for each calendar quarter whether utilized credits are accounted for by the flow-through method or the deferred method. The method selected shall be consistently followed by the carrier.

2140 Dividends declared.

Record here in separate subdivisions for each class and series of capital stock, all dividends declared but unpaid on capital stock.

2160 Air traffic liability.

(a) Record here balances representing the value of unused transportation sold. Transportation sold includes both sales for transportation to be provided by the air carrier and transportation to be provided by another air carrier.

(b) Earned revenue, determined by the yield or average fare method or by the sales-lift-match method, shall be consistently and periodically cleared by debit to this account, and by credit to the appropriate profit and loss revenue account. Amounts receivable for transportation to be provided by the air carrier shall be debited to balance sheet account 1270 Accounts Receivable.

(c) Carriers who determine earned revenue on a yield or average fare method may not accrue income during the accounting year in anticipation of a favorable annual physical inventory determination, nor for unused or unpresented tickets.

(d) Subaccounts to this account shall be established to record balances pertaining to passenger and cargo transportation sold, respectively, and separately to sales in scheduled and nonscheduled services.

(e) In accordance with the provisions of section 22(d) or section 32(d), as applicable, a statement shall be filed with the Board which fully explains the accounting methods and bases of clearing to income, both earned revenue and the revenue that is derived from unused or unredeemed transportation sales.

2190 Other current liabilities.

Record here current and accrued liabilities, including amounts payable collected as an agent, not provided for in accounts 2110 to 2160, inclusive.

NONCURRENT LIABILITIES

2210 Long-term debt.

Record here the face value or principal amount of debt securities issued or assumed by the air carrier and held by other than associated companies, which has not been retired or cancelled and is not payable within 12 months of the balance sheet date, except as provided in section 5–7.

2240 Advances from associated companies.

Record here net amounts due associated companies and nontransport divisions for notes, loans and advances which are not settled currently. Balances payable to and receivable from different associated companies shall not be offset.

2250 Pension liability.

Record here the liability of the air carrier under employee pension plans, to which either or both employees and the air carrier contribute, if the plan is administered by the air carrier.

2260 Stock purchase plan liability.

Record here the liability for installments received on capital stock from company personnel who are not bound by legally enforceable subscription contracts.

2290 Other noncurrent liabilities.

Record here noncurrent liabilities not provided for in balance sheet accounts 2210 to 2260, inclusive, such as accruals for personnel dismissal liability, and accruals of other demonstrable miscellaneous noncurrent liabilities.

DEFERRED CREDITS

2340 Deferred income taxes.

(a) Record here credits and debits representing the net tax effect of material timing differences originating and reversing in the current accounting period giving appropriate recognition to the portion of investment tax credits which would have been allowed if taxes were based on pretax accounting income by a reduction of the deferred tax provision. Loss carryforwards shall be accounted for in accordance with section 2–6(d).

(b) This account shall be credited or debited as appropriate and profit and loss subaccount 92.1 Current Provision for Deferred Taxes or profit and loss account 97 Income Taxes Applicable to Extraordinary Items shall be credited or debited each quarter with the income elements for which the related income tax effect is deferred. The tax effects of timing differences may be computed individually or by similar groups of timing differences. The tax effect of timing for similar groups may be computed using separate computations for the tax effect of originating differences at current rates and for the tax effect of reversing differences at tax rates in effect at the beginning of the period; or, a single computation, at current tax rates for the net cumulative effect of both originating and reversing differences. The method chosen shall be consistently applied from period to period.

(c) This account shall be credited or debited as appropriate and profit and loss subaccount 92.2 Application of Taxes Deferred shall be credited or debited each quarter with deferred tax amounts previously accrued which are allocable to income of the current period.

(d) Upon adjustment or elimination of the income element for which income taxes are deferred, the related deferred tax balance included in this account shall be correspondingly adjusted or eliminated by a credit or debit as appropriate to profit and loss account 92.3 Adjustment of Deferred Taxes.

(e) Any net debit balance in this account shall be treated for statement purposes as a special subaccount of balance sheet account 1890 Other Assets.

(f) All adjustments shall be effected through appropriate credits or debits to profit and loss subaccount 92.3 Adjustment of Deferred Taxes. Full explanation of each adjustment shall be set forth in the footnotes to CAB Form 41 for the period in which the adjustment is made.

2345 Deferred investment tax credits.

Record here investment tax credits utilized as reduction of tax liabilities, when the carrier exercises the option to defer such credits for amortization over the service life of the related equipment (see section 6–2130).

2390 Other deferred credits.

Record here credits, not provided for elsewhere, the proper final disposition of which cannot be effected until additional information has been received.

COMMITMENTS AND CONTINGENT LIABILITIES

The existence of commitments or contingent liabilities shall be disclosed as prescribed in section 5–8 by inserting the footnote reference to schedule B–2 or P–2 on Schedule B–1, "Balance Sheet," immediately following the title "Commitments and Contingent Liabilities."

STOCKHOLDERS' EQUITY

2820 Preferred stock.

Record here in separate subdivisions for each class and series, the par or stated value of preferred capital stock issued or in the case of no-par stock without stated value, the full consideration received.

2840 Common stock.

Record here in separate subdivisions for each class and series, the par or stated value of common stock issued or in case of no-par stock without stated value, the full consideration received.

2860 Subscribed and unissued stock.

Record here in separate subdivisions for each class and series, the par or stated value, or the subscription price in the case of stock without par or stated value, of legally enforceable subscriptions to the capital stock of the air carrier.

2890 Additional capital invested.

(a) Record herein separate subdivisions for each class and series, the difference between the price at which capital stock is sold and the par or stated value of the stock; gains or losses arising from the reacquisition and the resale or retirement of each class and series of capital stock; donations; the excess of retained earnings capitalized over par or stated value of capital stock issued; adjustments in capital resulting from reorganization or recapitalization; and proceeds attributable to detachable stock purchase warrants related to debt issues. This account shall also include balances of contributions to the business enterprise of individual proprietors or partners.

(b) Each air carrier shall maintain the following subaccounts:

2890.1 *Premium on capital stock.* Record here in separate subdivisions for each class and series of capital stock issued the excess of the cash value of consideration received over the par or stated value and accrued dividends of stock issued together with assessments against stockholders representing payments required in excess of par or stated value.

2890.2 *Discount on capital stock.* Record here in separate subdivisions for each class and series of capital stock issued, the excess of the par or stated value over the cash value of consideration received, less accrued dividends. Discounts applicable to a particular class and series of capital stock may be offset against premiums from the same class and series of capital stock. Discounts and premiums on different classes and series of capital stock shall not be offset. The air carrier may, at its option, record in this subaccount commissions and expenses incurred in the issuance of capital stock and may charge balance sheet account 2900 Retained Earnings to the extent capital stock expense may exceed any existing balance of paid-in capital over the par or stated value of capital stock.

2890.3 *Other Capital Stock Transactions.* Record here in separate subdivisions for each class and series, the balance of credits arising from the reacquisition and resale or cancellation of capital stock, credits arising from a reduction in the par or stated value of capital stock or the net balance of credits or debits resulting from other paid-in capital transactions such as proceeds attributable to detachable stock purchase warrants related to debt issues, not provided for elsewhere, which is identified with a particular class and series of capital stock.

2900 Retained Earnings.

(a) Record here the net income or loss from operations of the air carrier and dividends declared on capital stock.

(b) This account shall not be charged with dividends on treasury stock. If a dividend is not payable in cash, the values entered in this account shall be completely described.

(c) Delayed credits or charges to income shall not be entered in this account directly but in appropriate profit and loss accounts.

(d) Net income or loss accounted for during the current fiscal year shall not be entered in this account until the close of the fiscal year. Individual proprietorships or partnerships may clear net income or loss accounted for during the year directly to balance sheet account 2890 Additional Capital Invested, or optionally, to this account for subsequent transfer to balance sheet account 2890 Additional Capital Invested.

2950 Net Unrealized Loss on Noncurrent Marketable Equity Securities.

Record here the changes in the valuation of marketable equity securities included in noncurrent assets. Such changes shall be reflected in this account to the extent the balance in this account represents a net unrealized loss as of the current balance sheet date.

2990 Treasury Stock.

(a) Charge here the cost of capital stock issued by the air carrier reacquired by it and not retired or canceled. Capital credits or debits resulting from the resale or retirement of capital stock held in this account shall be recorded as prescribed in paragraph (f) of section 5–9 Stockholder Equity.

(b) Separate records shall be established for each class and series of capital stock held in this account.

19. Amend *Section 7—Chart of Profit and Loss Accounts* to read in pertinent part as follows:

PROFIT AND LOSS CLASSIFICATION

Section 7—Chart of Profit and Loss Accounts

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
OPERATING REVENUES AND EXPENSES			
Transport revenues:			
• • • • • • • •			
01.2 Passenger—Coach	31,32	31,32	31,32
05 Mail:			
05.1 Priority	31,32	31,32	31,32
05.2 Nonpriority	31,32	31,32	31,32
05.3 Foreign	31,32	31,32	31,32
06 Property:			
• • • • • • • •			
06.3 Excess passenger baggage	31,32	31,32	31,32
07 Charter:			
07.1 Passenger	32	32	32
07.2 Property	32	32	32
19 Air transport—Other:			
19.1 Reservation cancellation fees	31,32	31,32	31,32
19.2 Miscellaneous operating revenues	31,32	31,32	31,32
08 Public service revenues (subsidy)	48	48	48
Transport-related revenues and expenses:			
09 In-flight sales:			
• • • • • • • •			
75.9 General ground property	70	70	70
76 Foreign exchange gains and losses	69	68	68
77 Uncleared expense credits			
• • • • • • • •			
NONOPERATING INCOME AND EXPENSE			
80 Interest income	81	81	81
81 Interest on long-term debt	81	81	81
82 Other interest	81	81	81
83 Capitalized interest:			
83.1 Imputed interest capitalized—Credit	81	81	81
83.2 Imputed interest deferred—Debit	81	81	81
83.3 Imputed interest deferred—Credit	81	81	81
83.4 Interest capitalized—Credit	81	81	81
84 Amortization of debt discount, premium and expense:			
84.1 Amortization of discount and expense on debt	81	81	81
84.2 Amortization of premium on debt	81	81	81
85 Foreign exchange gains and losses	81	81	81
87 Equity in income of investor controlled companies	81	81	81
89 Other nonoperating income and expense—Net:			
86.0 Income from nontransport ventures	81	81	81
88.1 Intercompany transaction adjustment—Credit	81	81	81
88.2 Dividend income	81	81	81
88.3 Net unrealized gain or loss on marketable equity securities	81	81	81
88.4 Net realized gain or loss on marketable equity securities	81	81	81
88.5 Capital gains and losses—Operating property	81	81	81
88.6 Capital gains and losses—Other	81	81	81
88.7 Unapplied cash discounts	81	81	81
88.9 Other miscellaneous nonoperating credits	81	81	81
89.1 Intercompany transaction adjustment—Debit	81	81	81
89.9 Other miscellaneous nonoperating debits	81	81	81
INCOME TAXES			
• • • • • • • •			

20. Amend Section 8—General by revising paragraph (d)(5) to read as follows:

• • • • • •

(d) • • •

• • • • • •

(5) *Discontinued operations.* This primary classification (9600) shall include earnings and losses of discontinued nontransport operations and gains or losses from the disposal of which are customarily accounted for through profit and loss objective accounts 86, 87 and 88.2 (see sec. 2-7(e)).

21. Amend Section 10—Functional Classification—Operating Expenses of Group I Air Carriers by revising functional classification 5400 Maintenance to read in pertinent parts as follows:

5400 Maintenance.

• • • • • •

(e) Each Group I air carrier shall maintain the following subfunctions:

5200 *Direct Maintenance.*

a. This subfunction shall include the costs of labor, materials and outside services consumed directly in periodic maintenance operations and the maintenance and repair of property and equipment, of all types and classes, regardless of the location at which incurred, exclusive of costs specifically identified with maintenance property and equipment expenses in balance sheet accounts 1630 Equipment, 1639 Improvements to Leased Buildings and Equipment, and 1640.1 Maintenance Buildings and Improvements which shall be included in subfunction 5300 Maintenance Burden.

• • • • • •

5300 *Maintenance Burden.*

a. This subfunction shall include all overhead or general expenses which are specifically identified with activities involved in periodic maintenance operations and the maintenance and repair of property and equipment of all types and classes, including the cost of direct labor, materials and outside services identified with the maintenance and repair of maintenance property and equipment included in balance sheet accounts 1630 Equipment, 1639 Improvements to Leased Buildings and Equipment, and 1604.1 Maintenance Buildings and Improvements. It shall include expenses specifically related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operations records, and the scheduling, controlling, planning and supervision of maintenance operations.

b. • • •

c. This subfunction shall include only those expenses attributable to the current air transport operations of the air carrier. Maintenance burden associated with capital projects of the air carrier, other than overhauls of airframes and aircraft engines, shall be allocated thereto in accordance with the provisions of section 2-9(b). Maintenance burden incurred in common with services to other companies and operating entities shall be allocated thereto on a pro rata basis unless such services are so infrequent in performance or small in volume as to result in no appreciable demands upon the air carrier's maintenance facilities. When overhauls of airframes or aircraft engines are as a consistent practice accounted for on an accrual basis instead of expensed directly, maintenance burden shall be allocated thereto on a pro rata basis. Standard burden rates may be employed for quarterly allocations of maintenance burden provided the rates are reviewed at the close of each fiscal year, at least. When the actual burden rate for teh year differs materially from the standard burden rate applied, adjustment shall be made to reflect the actual cost incurred for the full accounting year. Allocations of maintenance burden to capital projects, and service sales to others shall be effected through the individual maintenance burden objective accounts, except that the air carrier may effect such allocations by credits to profit and loss account 77 Uncleared Expense Credits under circumstances in which the use of that account will not undermine the significance of the individual maintenance burden objective accounts in terms of the expense levels associated with the air carrier's air transport services. Maintenance burden allocated to overhauls shall be credited to profit and loss subaccounts 5372.2 or 5372.7 Airworthiness Allowance Charges. In accordance with the provisions of section 22(d) or 32(d), as applicable, each air carrier shall file with the Civil Aeronautics Board a statement in which procedures followed in allocating maintenance burden between current transport services, overhauls, capital projects and outside services are fully explained.

22. Amend Section 11—Functional Classification—Operating Expenses of Group II and Group III Air Carriers by revising functional classification 5400 Maintenance to read in pertinent parts as follows:

5400 Maintenance.

• • • • • •

(e) Both Group II air carriers and Group III air carriers shall maintain the following subfunctions:

5200 *Direct Maintenance.*

a. This subfunction shall include the costs of labor, materials and outside services consumed directly in periodic maintenance operations and the maintenance and repair of property and equipment of all types and classes, regardless of the location at which incurred, exclusive of maintenance property and equipment included in balance sheet accounts 1630 Equipment, 1639 Improvements to Leased Buildings and Equipment, and 1640.1 Maintenance Buildings and Improvements, which shall be included in subfunction 5300 Maintenance Burden.

• • • • • •

5300 *Maintenance Burden.*

a. This subfunction shall include all overhead or general expenses used directly in the activities involved in periodic maintenance operations and the maintenance and repair of property and equipment of all types and classes, including the cost of direct labor, materials and outside services used in the maintenance and repair of maintenance property and equipment included in balance sheet accounts 1630 Equipment, 1639 Improvements to Leased Buildings and Equipment, and 1640.1 Maintenance Buildings and Improvements. It shall include expenses related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operation records, and the scheduling, controlling, planning and supervision of maintenance operations.

b. • • •

c. This subfunction shall include only those expenses attributable to the current air transport operations of the air carrier. Maintenance burden associated with capital projects of the air carrier, other than overhauls of airframes and aircraft engines, shall be allocated thereto in accordance with the provisions of section 2-9(b). Maintenance burden incurred in common with services to other companies and operating entities shall be allocated thereto on a pro rata basis unless such services are so infrequent in performance or small in volume as to result in no appreciable demands upon the air carrier's maintenance facilities. When overhauls of airframes or aircraft engines are as a consistent practice accounted for on an accrual basis instead of expensed directly, maintenance burden shall be allocated thereto on a pro rata basis. Standard burden rates may be employed for quarterly allocations of maintenance burden provided the rates are reviewed at the close of each fiscal year, at least. When the actual burden rate for the year differs materially from the standard burden rate applied, adjustment shall be made to reflect the actual costs incurred for the full accounting year. Allocations of maintenance burden to capital projects, and service sales to others shall be effected through the individual maintenance burden objective accounts, except that the air carrier may effect such allocations by credits to profit and loss account 77 Uncleared Expense Credits under circumstances in which the use of that account will not undermine the significance of the individual maintenance burden objective accounts in terms of the expense levels associated with the air carrier's air transport services. Maintenance burden allocated to overhauls shall be credited to profit and loss subaccounts 5372.2 or 5372.7 Airworthiness Allowance Charges. In accordance with the provisions of section 22(d) or 32(d), as applicable, each air carrier shall file with the Civil Aeronautics Board a statement in which procedures followed in allocating maintenance burden between current transport services, overhauls, capital projects and outside services are fully explained.

23. Amend Section 12—Objective Classification—Operating Revenues and Expenses as follows:

A. By revising paragraph (a) of account 01 Passenger to read:

01 Passenger.

(a) Record here revenue from the transportation of passengers by air, including infants transported at reduced fares, berth charges, surcharges for premium services and other similar charges. Revenue from airline employees, officers and directors, or other persons, except for ministers of religion, who are traveling under reduced-rate transportation authorized by section 403(b) of the Federal Aviation Act and Part 223 of the Board's Economic Regulations, as well as revenue from travel agents, cargo agents and tour conductors traveling at reduced fares, and revenues from service charges for passengers traveling on a nonrevenue basis shall be recorded in objective account 19 Air Transport—Other.

B. By deleting account 02 United States Mail and account 03 Foreign Mail and inserting in their place between account 01 Passenger and account 06 Property a new account entitled 05 Mail to read:

05 Mail.

(a) Record here revenue from both the transportation by air of United States mail at service mail rates established by the Civil Aeronautics Board and the transportation by air of mail other than United States mail.

(b) Fines and penalties imposed by the United States Government and foreign governments in connection with the carriage of mail shall not be charged to this account but to profit and loss account 89.9 Other Miscellaneous Nonoperating Debits.

(c) This account shall be subdivided as follows by all air carrier groups:

05.1 *Priority.*

Record here revenue from United States mail bearing postage at rates established specifically for air mail service or mail moving at service transportation rates equivalent to those established for mail bearing the full air mail postage.

05.2 *Nonpriority.*

Record here revenue from United States mail moving at service transportation rates lower than those established for mail bearing postage established specifically for air mail service.

05.3 *Foreign.*

Record here revenue from the transportation by air of mail other than United States mail.

C. By revising the title of account 07 Charter and Special to read as follows:

07 Charter.

D. By changing the account title of account 08 Section 406 Subsidy to read as follows:

08 Public Service Revenues (Subsidy).

E. By revising the last sentence of paragraph (b) of account 14 General Service Sales to read as follows:

14 General Service Sales.

• • • • • •

(b) • • • Maintenance parts, materials or supplies sold as a service to others shall be charged to this account at cost without adjustment of related obsolescence or depreciation allowances.

F. By revising the title of account 19 Other Operating Revenues and paragraph (b) to read as follows:

19 Air Transport—Other.

• • • • • •

(b) Revenues derived from sightseeing, aerial photography, advertising, or other special flights shall not be included in this account but in account 07 Charter.

• • • • • •

G. By revising account 40 Legal Fees and Expenses to read as follows:

40 Legal Fees and Expenses.

Record here expenditures incurred for legal services by counsel retained on a fee basis and related expenses reimbursed or borne directly by the air carrier and other expenses incurred directly by the air carrier for legal supplies not obtainable from the air carrier's general stationery stock. This account shall not be charged with legal fees or expenses incurred in connection with claims occasioned by accidents or other casualties. Such charges shall be accumulated in balance sheet account 1890 Other Assets and cleared to profit and loss account 58 Injuries, Loss and Damage upon settlement of insurance claims. Nor should this account include fees or expenses related to developmental projects. Such expenses shall be included, as appropriate, in profit and loss account 89.9 Other Miscellaneous Nonoperating Debits or balance sheet account 1830 Unamortized Developmental and Preoperating Costs.

H. By revising account 41 Professional and Technical Fees and Expenses to read as follows:

41 Professional and Technical Fees and Expenses.

Record here fees and expenses, other than legal fees and expenses, incurred for outside professional and technical services which are reimbursed or borne directly by the air carrier. This account shall not include fees or expenses related to developmental projects. Such expenses shall be included, as appropriate, in profit and loss account 89.9 Other Miscellaneous Nonoperating Debits or balance sheet acount 1830 Unamortized Developmental and Preoperating Costs.

I. By revising account 54 Inventory Adjustments to read as follows:

54 Inventory Adjustments.

Record here adjustments for overage, shortage or shrinkage of inventories carried in balance sheet account 1300 Spare Parts and Supplies. Adjustment of aircraft fuel and oil inventories due to retroactive price increases and decreases shall not be included in this account but in profit and loss account 45 Aircraft Fuels and Oils. Gains or losses from retirements of materials and supplies shall not be recorded in this account but in profit and loss account 88.5 Capital Gains and Losses—Operating Property.

J. By revising account 56 Insurance—Traffic Liability as follows:

56 Insurance—Traffic Liability.

Record here the cost of purchased insurance covering liability for injuries, loss and damage to passengers and cargo.

K. By revising the first sentence of paragraph (a) for account 57 Employee Benefits and Pensions to read:

57 Employee Benefits and Pensions.

(a) Record here all costs for the benefit or protection of employees including all pension expenses whether for payments to or on behalf of retired employees or for accruals or annuity payments to provide for pensions; and all expenses for accident, sickness, hospital, and death benefits to employees or the cost of insurance to provide these benefits. • • •

L. By revising account 58 Injuries, Loss and Damage to read as follows:

58 Injuries, Loss and Damage.

Record here the remainder of gains, losses or costs resulting from accidents, casualties or mishandlings, after offsetting insurance recoveries, as accumulated until finally determined, in balance sheet account 1890 Other Assets. This account shall not include gains or losses from retirement of property and equipment resulting from casualties. Such gains or losses shall be recorded in appropriate capital gains or losses accounts.

M. By revising account 66 Uncollectible Accounts to read as follows:

66 Uncollectible Accounts.

Record here losses from uncollectible accounts and allowance provisions and adjustments thereto, for such losses. When allowances for uncollectible accounts are established, losses as realized shall be charged against such allowances and shall not be charged to this account.

N. By revising paragraph (a) of account 69 Taxes—Other Than Payroll to read as follows:

69 Taxes—Other Than Payroll.

(a) Record here all taxes levied against the air carrier not otherwise provided for including nonrefundable aircraft fuel and oil taxes. Interest and penalties on delinquent taxes shall not be charged to this account but to profit and loss accounts 82 Other Interest and 89.9 Other Miscellaneous Nonoperating Debits, respectively.

• • • • • •

O. By revising paragraph (b) of account 72 Aircraft Overhauls to read in pertinent part as follows:

72 Aircraft Overhauls.

• • • • • •

(b) • • •

72.1 *Airworthiness Allowance Provisions—Airframes.*

• • • • • •

72.2 *Airworthiness Allowance Charges—Airframes (Credit).*

Record here credits for airframe overhaul costs incurred in the current period which have been charged against related airworthiness allowances.

72.6 *Airworthiness Allowance Provisions—Aircraft Engines.*

• • • • • •

72.7 *Airworthiness Allowance Charges—Aircraft Engines (Credit).*

Record here credits for aircraft engine overhaul costs incurred in the current period which have been charged against related airworthiness allowances.

P. By revising account 73 Provisions for Obsolescence and Deterioration—Expendable Parts to read as follows:

73 Provisions for Obsolescence and Deterioration—Expendable Parts.

(a) Where allowances for loss in value of flight equipment expendable parts are established, provisions for accruals to such allowances shall be charged to this account and credited to balance sheet account 1311 Allowance for Obsolescence in accordance with the provisions of that account.

(b) This account shall be subdivided as follows by all air carrier groups:

73.1 *Current provisions.* Record here provisions during the current period for losses in value of expendable parts.

73.2 *Inventory decline credits.* Record here credits applicable to the current period for any adjustments for excess inventory allowance levels determined pursuant to section 6-1311.

Q. By revising paragraph (b) of account 74 Amortization to read in pertinent part as follows:

74 Amortization.

• • • • • •

(b) • • •

74.1 *Developmental and preoperating expenses.* Record here amortization of the cost of projects carried in balance sheet account 1830 Unamortized Developmental and Preoperating Costs as approved or directed by the Civil Aeronautics Board.

74.2 *Other intangibles.*

• • • • • •

R. By revising subparagraphs 75.8 and 75.9 of account 75.5 Depreciation—Other Flight Equipment in pertinent part to read:

75.8 *Depreciation—maintenance equipment and hangars.* Record here provisions for depreciation of maintenance property and equipment included in balance sheet accounts 1630 Equipment, 1639 Improvements to Leased Buildings and Equipment, and 1640.1 Maintenance Buildings and Improvements.

75.9 *Depreciation—general ground property.* Record here provisions for depreciation of property and equipment included in balance sheet accounts 1630 through 1640, exclusive of provision for depreciation of maintenance property and equipment included in account 75.8.

S. By revising the title and description of account 76 Foreign Exchange Fluctuation Adjustments to read:

76 Foreign exchange gains and losses.

Record here gains or losses from transactions involving currency translations resulting from normal, routine, current fluctuations in rates of foreign exchange in accordance with provisions of section 2–3. Gains or losses of a nonroutine abnormal character and gains or losses which arise from long-term debt principal and interest transactions shall not be entered in this account but in a profit and loss account 85, Foreign Exchange Gains and Losses.

23. Amend Section 14—Objective Classification—Nonoperating Income and Expense to read in its entirety as follows:

Section 14—objective classification—nonoperating income and expense.

80 Interest income.

(a) Record here interest income from all sources. This account shall include as an increase or reduction of interest received the proportionate amortization of any discount or premium on the purchase price of securities of others held by the air carrier.

(b) This account shall not include interest on securities issued or assumed by the air carrier and subsequently reacquired.

81 Interest on long-term debt.

Record here interest on all classes of debt which are scheduled to mature more than one year from the date of the current balance sheet.

82 Other interest.

Record here interest on all classes of debt which are scheduled to mature within one year from the date of the current balance sheet.

83 Capitalized interest.

(a) Record here all interest which is capitalized pursuant to section 2–10 and charged to asset accounts.

(b) This account shall be subdivided as follows by all air carrier groups:

83.1 *Imputed interest capitalized—Credit.* Record here credits related to imputed interest capitalized and recorded in assets accounts.

83.2 *Imputed interest deferred—debit.* Record here debits related to imputed interest deferred in balance sheet account 2380 Other Deferred Credits.

83.3 *Imputed interest deferred—credit.* Record here periodic credits for imputed interest, cleared to this account as the amount of such interest in the asset accounts is written off.

83.4 *Interest capitalized—Credit.* Record here interest which is capitalized and recorded in asset accounts.

84 Amortization of debt discount, premium and expense.

(a) Record here for all classes of debt the amortizations of premium, discount, and expense on short-term and long-term obligations.

(b) This account shall be subdivided as follows by all air carrier groups:

84.1 *Amortization of discount and expense on debt.*

84.2 *Amortization of premium on debt.*

85 Foreign exchange gains and losses.

Record here gains and losses from transactions involving currency translations resulting from nonroutine abnormal changes in rates of foreign exchange and gains or losses which arise from translations of long-term debt principal and interest transactions in accordance with provisions of section 2–3.

86 Income from nontransport ventures.

Included under account 89 Other Non-Operating Income and Expense—Net.

87 Income from investor controlled companies.

Record here the equity in the current earnings or losses of investor controlled companies. Dividends declared on the stock of such companies shall not be included in this account as income but shall be entered in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies as a return on investment.

89 Other nonoperating income and expense—net.

(a) Record here all debits and credits of a nonoperating character which are not otherwise provided for in this section.

(b) This account shall be subdivided as follows by all air carrier groups:

86.0 *Income from nontransport ventures.* (a) Record here the gross revenues and expenses applicable to operations not reasonably considered as incidental to the commercial air transport services of the accounting entity; rents from nonoperating properties used by others; income or loss from nontransport divisions; and other income or loss from activities of the air carrier which are extraneous to the air transport and incidental services of the accounting entity.

(b) This account shall include revenues and expenses applicable to nonscheduled transport services performed for the defense establishment when and as separate reports for such services are required in accordance with section 21 or 31, as applicable, Introduction to System of Reports. Where the foregoing transport services are not required to be separately reported, gross revenues from such services shall be included in profit and loss account 07 Charter, or other appropriate revenue account, and gross expenses shall be included in the appropriate operating expense functions.

88.1 *Intercompany transaction adjustment—Credit.* Record here all intercompany credits for any differences between amounts at which transactions between the air carrier and its nontransport divisions or associated companies are initially recorded and are to be settled as provided under section 2–18.

88.2 *Dividend income.* Record here income from dividends declared on stocks of other than investor controlled companies. Dividends declared on stock of investor controlled companies shall not be included in this account but shall be entered in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies.

88.3 *Net unrealized gain or loss on marketable equity securities.* Record here the net unrealized gain or loss on the valuation of marketable equity securities pursuant to the provisions of section 2–12.

88.4 *Net realized gain or loss on marketable equity securities.* Record here the net realized gain or loss on the valuation of marketable equity securities pursuant to the provisions of section 2–12.

88.5 *Capital gains and losses—operating property.* Record here gains or losses on retirements of operating property and equipment, flight equipment expendable parts, or miscellaneous materials and supplies sold or otherwise retired in connection with a general retirement program as opposed to incidental sales performed as a service to others.

88.6 *Capital gains and losses—other.* Record here gains or losses not required to be reported in accounts 88.3, 88.4 and 88.5 such as gains or losses on retirement of nonoperating property and equipment and investments in other than marketable equity securities.

88.7 *Unapplied cash discounts.* Record here cash discounts on routine purchases of materials, repair parts or supplies. Cash discounts on classes of assets included in property and equipment accounts shall not be recorded in this account but shall be applied as a reduction of the cost of such accounts.

88.9 *Other miscellaneous nonoperating credits.* Record here all credits of a nonoperating character not provided for otherwise, such as royalties from patents and gains from reacquisition and retirement or resale of debt securities issued by the air carrier.

89.1 *Intercompany transaction adjustment—Debit.* Record here all intercompany debits for any differences between amounts at which transactions between the air carrier and its nontransport divisions or associated companies are initially recorded and are to be settled as provided under section 2–18.

89.9 *Other miscellaneous nonoperating debits.* Record here all debits of a nonoperating character not provided for otherwise, such as fines or penalties imposed by governmental authorities; costs related to property held for future use; donations for charitable, social or community welfare purposes; losses on reacquired and retired or resold debt securities of the air carrier; losses on uncollectible nonoperating receivables; or accruals to allowance for uncollectible nonoperating receivables. This account shall be charged with the amortization of amounts carried in balance sheet account 1870 Property Acquisition Adjustment, unless otherwise approved or directed by the Civil Aeronautics Board.

24. Amend Section 15—Objective Classification—Income Taxes for Current Period by revising paragraph (a) of account 93 Investment Tax Credits Deferred and Amortized to read as follows:

93 Investment tax credits deferred and amortized.

(a) Record here investment tax credits of the current period which are transferred to balance sheet account 2345 Deferred Investment Tax Credits in accordance with the provisions of balance sheet account 2130 Accrued Taxes. This account shall also include amounts for previously deferred investment tax credits amortized during the current period.

• • • • • •

25. Amend Section 17—Objective Classification—Extraordinary Items by revising account 96 Extraordinary Items to read as follows:

96 Extraordinary items.

Record here material items characterized by their unusual nature and infrequent occurrence as provided in section 2–7(b). Events or transactions which are material and either unusual or nonrecurring, but not both, shall not be recorded in this account but should be disclosed on CAB Form 41 Schedule P–2 and identified both as to their nature and financial effects.

26. Amend Section 22—General Reporting Instructions as follows:

A. By revising the list of reporting schedules in paragraph (a) so that the list in pertinent part reads:

Schedule No.	Schedule title	Filing frequency
•	•	•
B–1	Balance sheet	Monthly.
B–2	Notes to financial statements	Annually.
B–3	Statement of changes in stockholders' equity	Quarterly.
B–4	Allowance for uncollectible accounts; accounts with investor controlled companies, other associated companies and nontransport divisions.	Do.
B–5	Property and equipment	Do.
•	•	•
B–8(a)	• • •	
B–10	Unamortized developmental and preoperating costs	Quarterly.
B–12	Statement of changes in financial position	Do.
B–13	Summary of projected financial commitments and related deposits	Do.
•	•	•
B–46	Long-term and short-term nontrade debt	Do.
P–1.1	Statement of operations	Quarterly.
P–1.2	Statement of operations	Do.
P–1(a)	Interim statement of operations	Monthly.
P–2	Notes to CAB Form 41 report	Quarterly.
P–2(a)	Revenue market report	Do.
•	•	•
P–3(a)	Income taxes	Do.
P–4	Transport-related revenues and expenses; explanation of extraordinary items and cumulative effect of accounting changes on prior years; explanation of prior period adjustments and dividends declared.	Do.
P–5.1	Aircraft operating expenses—Group I air carriers	Do.

• • • • •

B. By revising the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) so that the list in pertinent part reads:

Due dates of schedules in CAB Form 41 report

Due date: [1]	Schedule No.
January 20	P–12, P–12(a).
January 30	B–1, P–1(a), P–13, T–1, T–2, T–3, T–6, T–7, T–41.
February 10 [2]	A, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b).
February 20	P–12, P–12(a).
March 1	B–1, P–1(a), P–13, T–1, T–7.
March 20	P–12, P–12(a).
March 30	A–2, B–1, B–2, [3] B–41, B–43, B–44, B–46, P–1(a), P–13, G–41, G–42, G–43, G–44, T–1, T–7.
April 20	P–12, P–12(a).
April 30	B–1, P–1(a), P–13, T–1, T–2, T–3, T–6, T–7.
May 10	A, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b).
May 20	P–12, P–12(a).
May 30	B–1, P–1(a), P–13, T–1, T–7.
June 20	P–12, P–12(a).
June 30	B–1, P–1(a), P–13, T–1, T–7.
July 20	P–12, P–12(a).
July 30	B–1, P–1(a), P–13, T–1, T–2, T–3, T–6, T–7.
August 10	A, A–1, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b).
August 20	P–12, P–12(a).
August 30	B–1, P–1(a), P–13, T–1, T–7.
September 20	P–12, P–12(a).

Due date: [1]	Schedule No.
September 30	B-1, P-1(a), P-13, T-1, T-7.
October 20	P-12, P-12(a).
October 30	B-1, P-1(a), P-13, T-1, T-2, T-3, T-6, T-7, T-41.
November 10	A, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b).
November 20	P-12, P-12(a).
November 30	B-1, P-1(a), P-13, T-1, T-7.
December 20	P-12, P-12(a).
December 30	B-1, P-1(a), P-13, T-1, T-7.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to March 30, if preliminary schedules are filed at the Board by February 10.

[3] Air carriers reporting to the Securities and Exchange Commission on other than a calendar year basis shall be permitted to submit schedule B-2 90 days after the end of the calendar quarter nearest to the end of the reporting air carrier's fiscal year.

C. In paragraph (d), subparagraph (3) is deleted and subparagraphs (4), and (8) are revised to read as follows:

• • • • •

(3) (Reserved.)

(4) Procedures for establishment of expense allocation allowances, as prescribed by section 2-13(d).

• • • • •

(8) Procedures for the accrual of obsolescence and deterioration allowances for flight equipment expendable parts, as required by section 6-1311(d).

• • • • •

D. By revising paragraph (i) to read:

(i) All changes in accounting methods having a material impact upon the particular financial elements involved, and all changes in methods of computing and reporting traffic and capacity statistics having a material impact upon the particular statistic involved shall be adequately explained and identified in the report first reflecting such changes. Such explanations related to financial position or financial results shall be made on CAB Form 41 schedule P-2. Changes in methods for computing or reporting traffic and capacity statistics shall be identified and explained on a separate sheet attached to the first report affected. (See sec. 2-16.) The reporting requirements shall not be construed, in any sense, as relieving the air carrier of the responsibility for conforming its procedures to those otherwise prescribed in this system of accounts and reports.

E. By adding a new paragraph (k) to read:

• • • • •

(k) Schedules B-1, B-2, B-3, B-12, P-1.1, and P-1.2 have been designed to permit submission to the Securities and Exchange Commission (SEC) for inclusion in SEC Form 10-K Item 10 for parent company air carriers accounting for subsidiaries using the equity method and other air carriers filing unconsolidated reports. In addition, schedule B-1 has been designed for inclusion in SEC Form 10-Q. The option of submitting these schedules to the SEC shall be available provided that all other SEC reporting and disclosure requirements, such as certification by an independent public accountant, are satisfied when these schedules are included in SEC Form 10-K or 10-Q.

27. Amend Section 23—Certification and Balance Sheet Elements as follows:

A. Revise paragraph (c) and add a new paragraph (d) to the reporting instructions for Schedule B-1 Balance Sheet to read:

• • • • •

(c) Individual proprietors or partners shall report the aggregate capital contributed by the proprietor or partners in account 2890 Additional Capital Invested.

(d) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission (SEC). (See section 22(k).) Comparative data need not be submitted when this schedule is not used for submission to the SEC. In all instances data fo rthe current period shall be presented in the left column.

B. Revise the title and reporting instructions for schedule B-2 to read:

Schedule B-2—General Notes to Financial Statements

(a) This schedule shall be filed annually by route air carriers required to provide such data to the Securities and Exchange Commission (SEC) and shall be submitted at the end of the calendar quarter nearest to the end of the reporting air carrier's fiscal year.

(b) Footnotes included on this schedule shall conform with the requirements of the Securities and Exchange Commission Regulation S-X Article 3 Rules of General Application Rule 3-16 General notes to financial Statements.

(c) To facilitate the submission of this schedule, a photocopy of the footnotes submitted to SEC can be provided in lieu of schedule B-2. This photocopy shall be clearly marked with the air carrier's name and the period for which filed in the upper right corner and should be designated "CAB Form 41 Schedule B-2" in the lower right corner.

C. Revise the title and reporting instructions for schedule B-3 to read:

Schedule B-3—Statement of Changes in Stockholder's Equity

(a) This schedule shall be filed by all route air carriers.

(b) Amounts reported as Balance at end of period for each account shall agree with corresponding amounts reported on Schedule B-1 "Balance Sheet."

(c) Individual proprietors or partners shall reflect the name of the proprietor or each partner at the head of the columns captioned "Class of Stock" and the balance of contributions to the business entity by the proprietor or each partner shall be reflected in these columns. The total contributions by all partners shall be reflected in the column captioned "Additional Capital Invested—Account 2890."

(d) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submission to the Securities and Exchange Commission (SEC). (See section 22(k).) Comparative data need not be submitted when this schedule is not used for submission to the SEC. In all instances data for the current period shall be presented in the lower portion of the schedule.

D. Revise the title and paragraph (b) and add a new paragraph (f) to the reporting instructions for schedule B-4 to read:

Schedule B-4—Allowance for Uncollectible Accounts; Accounts with Investor Controlled Companies, Other Associated Companies and Nontransport Divisions

• • • • •

(b) Each allowance for uncollectible accounts shall be separately identified in the indicated section of this schedule. Columns 1 and 2 shall reflect the account number and the description of the asset against which each allowance is provided. The balance of each allowance as at the end of each quarter shall agree with the corresponding amount reported on schedule B-1—Balance Sheet.

• • • • •

(f) The totals reported in column 3 and column 7 "Advances" shall correspond with the amounts reported on schedule B-1 in accounts 1520 Advances to Associated Companies and 2240 Advances from Associated Companies, respectively.

E. Revise paragraphs (f), (g), and (h) of the reporting instructions for schedule B-5 to read:

Schedule B-5—Property and Equipment

• • • • •

(f) Column 6, "Transfers between Other Accounts" shall reflect the cost of assets reclassified as between property and equipment and other balance sheet accounts during the current quarter and identification of the contra-accounts affected by the transfer. Credit transfers shall be indicated by an asterisk (*). The cost of property and equipment and the related balances in allowances for depreciation and airworthiness at the end of each quarter shall agree with corresponding amounts reported on Schedule B-1—Balance Sheet.

(g) Column 8, "Allowance for Depreciation—Regulatory Components" shall include the accumulation of all provisions for losses due to use and obsolescence computed in accordance with such standards as may be or are prescribed for regulatory purposes. Column 9, "Allowance for Depreciation—Other Components" shall reflect the difference between the amounts in columns 8 and 10 of this schedule. Column 10, "Allowance for Depreciation—Carrier Total" shall include the accumulations of all provisions for losses due to use and obsolescence accrued by carrier management for accounting purposes.

(h) In calculating the "Allowance for Depreciation" any change in the estimated useful lives or in the residual value of depreciable assets shall be effective as of the beginning of the fiscal or calendar period during which the change is adopted.

F. Revise paragraph (j) of the reporting instructions for schedule B-7 to read:

Schedule B-7—Airframes and Aircraft Engines Acquired

• • • • •

(j) Columns 12 and 15, "Allowance for Depreciation" and "Flight Equipment Airworthiness Allowance," respectively, shall include the amount of such allowances applicable to property and equipment transferred from nontransport divisions.

G. Revise paragraph (f) of the reporting instructions for schedule B-7(a) Reinvestment of Flight Equipment Capital Gains to read:

• • • • •

(f) This schedule shall include a separate memorandum summary of the reequipment funds in account 1550 Special Funds or 1685 Equipment Purchase Deposits and Advance Payments, under benefit of section 406(d) of the Act. The summary shall list the date of sale or other disposition from which the gain was derived and the related balance remaining in account 1550 or 1685.

H. Revise paragraph (1) of the reporting instructions for schedule B-7(b) Flight Equipment Acquired to read:

(1) Column 14, "Allowance for Depreciation" shall include the amount of such allowance applicable to property and equipment transferred from nontransport divisions.

I. Revise paragraphs (f), (g) and (h) of the reporting instructions for schedule B-8 Property and Equipment Retired to read:

• • • • •

(f) Column 10, "Realization" shall reflect the proceeds from disposition, including any insurance proceeds.

(g) Column 12, "Gain or Loss" shall, in aggregate for retirements of all property and equipment together with gain or loss on sale of securities, agree with amounts reflected by the air carrier on schedule P-3 in profit and loss subaccounts 88.5 Capital Gains and Losses—Operating Property and 88.6 Capital Gains and Losses—Other.

(h) Column 13, "Disposition," shall reflect the name of the person or organization to which airframes and aircraft engines are sold or a notation as to the nature of the retirement and the account to which any depreciated cost has been charged if not sold. Items included in accounts 1607, 1608, 1707, and 1708, sold as a part of airframe or aircraft engine sales transactions, shall also be identified by the name of the buyer. Other sales of items included in these accounts shall be reported in a separate group in aggregate for each property account affected, while all ground property dispositions shall be reported in a single aggregate and need not be identified by names of the buyers.

J. Revise paragraphs (d), (f), and (h) of the reporting instructions for schedule B-8(a) to read:

(d) Column 8, "Net Amount of Gain" shall reflect the net of column 5 minus columns 6 and 7.

• • • • •

(f) Columns 10 and 11 shall reflect the date and amount of each gain deposited in a re-equipment fund for reinvestment in flight equipment. Such deposits shall be recorded in account 1550 Special Funds.

• • • • •

(h) This schedule shall include a separate memorandum summary of the reequipment funds in account 1550 Special Funds, under benefit of section 406(d) of the Act. The summary shall list the date of sale or other disposition from which the gain was derived and the related balance remaining in account 1550.

K. Revise the title of Schedule B-10—Developmental and Preoperating Costs to read:

Schedule B-10—Unamortized Developmental and Preoperating Costs

L. Revise the title and paragraphs (c) and (d) and add a new paragraph (e) to the reporting instructions for schedule B-12 to read:

Schedule B-12—Statement of Changes in Financial Position

• • • • •

(c) In determining working capital generated by operations, net income as reported in item 9899 on Schedule P-1.1 and Schedule P-1.2 shall be increased by expenses not requiring working capital in the current period and shall be decreased by income not generating working capital in the current period such as gains on property retirements and undistributed earnings of subsidiaries. Those items which do not generate working capital in the current period shall be included net on line 6 "Other." If the amount reported on line 6, line 12, or line 18 exceeds 5 percent of the total sources or applications, a footnote shall be added to this schedule disclosing the component amounts.

(d) Generally, all items shall be reported in gross amounts. Items not resulting in net working capital changes such as exchanges of bonds or capital stock for fixed assets shall be reported as a source of working capital from the incurrence of debt or issuance of stock and a concurrent application of working capital for the asset acquisition. Likewise, the conversion of debt for capital stock shall be reported as a source of working capital for capital stock issued and an application of working capital for the debt retired.

(e) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submission to the Securities and Exchange Commission. (See section 22(k).) Comparative data need not be submitted when this schedule is not used for submission to the SEC. In all instances data for the current period shall be presented in the left column.

M. Revise paragraphs (c) and (f) of the reporting instructions for Schedule B-41—Investments Held by, or for the Account of, Respondent to read:

• • • • •

(c) Column 1 shall reflect the name of each associated company (investor controlled and other) and the name of each other than associated company who is the issuer of securities held by the air carrier. This column shall also reflect the name of each other than associated company from which noncurrent notes and accounts receivable are due to the air carrier.

• • • • •

(f) Column 4, "Cost," shall reflect the cost of investments to the carrier. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity or Book Value," shall agree in aggregate with the corresponding amount in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies. The cost of investments in other associated companies shall agree in total with corresponding amounts reflected in balance sheet subaccount 1510.2 Investments in Other Associated Companies and account 1530 Other Investments and Receivables, respectively.

• • • • •

N. Revise paragraphs (g), (h), (k), and (l) of the reporting instructions for schedule B-43 to read:

• • • • •

(g) Column 9, "Allowance for Depreciation" shall include the accumulations of all provisions for losses due to use and obsolescence as recorded in balance sheet accounts 1611 Allowance for Depreciation—Airframes and 1612 Allowance for Depreciation—Aircraft Engines.

(h) Column 10, "Depreciated Cost" shall reflect Cost (column 8) less Allowance for Depreciation (column 9).

• • • • •

(k) Column 13, "Flight Equipment Airworthiness Allowances or Maintenance Liability" shall include amounts accumulated for owned airframes and aircraft engines in account 1629 Flight Equipment Airworthiness Allowances and amounts accumulated for leased airframes and aircraft engines in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities.

(l) Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Allowance for Depreciation—Airframes;

1602 Aircraft Engines; 1612 Allowance for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Allowances. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 13.

O. Revise paragraphs (l) and (m) of the reporting instructions for Schedule B–44—Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies to read:

• • • • •

(l) Column 8 shall reflect the net of any current year adjustments with each company listed in column 1 which pertain to settlements of prior years and which are recorded in asset accounts 1200, 1270, 1510, 1520, or 1890, or liability accounts 2025, 2240, and/or 2290.

(m) Column 9 shall reflect, for each company or other organization, reflected in column 1, the aggregate of the settlements established which should equal the sum of amounts shown in columns 4 and 5 adjusted by the net of amounts shown in columns 6, 7, and 8. The amounts in this column shall conform with the balance of accruals for the year, before liquidation, to accounts 2025, 2240, and/or 2290, with respect to resource acquisitions and accounts 1200, 1270, 1510, 1520, or 1890, with respect to resource dispositions, for each company or other organization, reflected in column 1, and as reflected at year-end in Schedule B–4—Allowance for Uncollectible Accounts; Accounts With Investor Controlled Companies, Other Associated Companies and Nontransport Divisions.

• • • • •

P. Revise the title and paragraph (l) of the reporting instructions for Schedule B–46—Long-Term and Short-Term Non-Trade Debt to read:

Schedule B–46—Long-Term and Short-Term Nontrade Debt.

• • • • •

(l) For route air carriers, the total in column 6 shall reflect the balance outstanding as at the end of the reporting period in account 2210 Long-Term Debt and the total in column 7 the sum of the balances outstanding in accounts 2000 Current Maturities of Long-Term Debt, 2005 Notes Payable—Banks, and 2015 Notes Payable—Others on Schedule B–1.

28. Amend Section 24—Profit and Loss Elements as follows:

A. Revise the titles and reporting instructions to schedules P–1.1 and P–1.2 to read:

Schedule P–1.1—Statement of Operations—Group I Air Carriers.

Schedule P–1.2—Statement of Operations—Group II and Group III Air Carriers.

(a) Schedule P–1.1 shall be filed by each Group I route air carrier and schedule P–1.2 shall be filed by each Group II air carrier and each Group III air carrier.

(b) Separate statements of operation shall be filed for each separate operating entity of the air carrier and for the overall, or system, operations of the air carrier.

(c) Data reported on this schedule shall conform with the instructions pertaining to profit and loss classifications within this Uniform System of Accounts and Reports.

(d) Data reported in the "12-Months-to-Date" column shall represent for each individual item the sum of amounts reported in the "Quarter" column for the current and next previous three quarters. Data reported in the year-to-date column shall represent, for the first three quarters of the air carrier's fiscal or calendar year, amounts from the beginning of the carrier's fiscal or calendar year to the end of the quarter for which the schedule is being submitted. For the fourth quarter of the air carrier's fiscal or calendar year, the year-to-date column should be used for the comparative presentation of data for the prior year.

(e) Earnings per share data shall be filed on a quarterly basis by those air carriers that are required to file such data with the Securities and Exchange Commission.

(f) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission. (See section 22(k).)

B. Revise the reporting instructions to Schedule P–2—Notes to Income Statement by changing the title and instructions to read:

Schedule P–2—Notes to Form 41 Report.

(a) This schedule shall be filed quarterly by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity and for the overall or system operations of the air carrier.

(c) All substantive matters which may influence materially interpretations or conclusions in regard to the financial condition or the earnings position of the air carrier which are not clearly identified in the body of the Form 41 report or which represent information that cannot be expressed adequately in monetary terms shall be completely and clearly stated in this schedule and cross-referenced to the affected account or accounts. The informative disclosure on this schedule for the system operations of the air carrier shall conform, at the end of each carrier's fiscal or calendar year, with the footnotes prepared for audited financial statements.

(d) The amounts and estimated delivery dates of any purchase commitments of material size and not of a recurrent routine character shall be explained on this schedule. In the case of commitments involving flight equipment, the amount for each equipment type may be given in total, including any engines, airframes and spares; but the number of airframes and the number of engines by type shall be given, as well as the estimated delivery date for each complete aircraft. Reports on commitments other than for flight equipment are required only in the December 31 report of each calendar year.

(e) This schedule shall reflect at the end of each calendar quarter amounts reported in balance sheet accounts 1550 Special Funds and 1685 Equipment Purchase Deposits and Advance Payments representing funds segregated, or on deposit with manufacturers, for the purchase of equipment, including any capitalized interest thereon. (See section 2–10 Capitalization of Interest.)

(f) The conversion from the cost method to the equity method of carrying investments in investor controlled companies shall be explained on this schedule. Any change in the basis of accounting for investments in investor controlled companies and other associated companies, (*e.g.*, change from associated to investor controlled company or vice versa) shall be noted here and reported as required by section 22(d).

(g) Each air carrier shall include on this schedule a description of each interruption in air transport operations, the aggregate effect of which is ten (10) percent or more of the scheduled revenue plane-miles which, except for the interruption, would have been operated during the month or either of two consecutive months affected. The information to be reported for each such interruption in operations shall consist of: (1) For the report period in which partial or complete interruption first occurs, the nature of the interruption and dates of partial and/or complete cessation of operations, as applicable; (2) for each report period until full resumption of operations, an estimate of the revenue plane-miles canceled in each month of the quarter because of the interruption; and (3) for the report period in which scheduled operations are resumed, dates of partial and/or complete resumption, as applicable.

(h) Each air carrier having currently effective deferred air freight tariffs on file with the Board shall report information with respect thereto covering the current quarter as follows: (1) Number of shipments enplaned; (2) weight of shipments enplaned (tons to one decimal place); (3) ton-miles carried (000); and (4) revenues earned.

(i) Dividends declared in the current period on stocks of investor controlled companies shall be noted on this schedule.

(j) Revenue from airline employees, officers and directors, or other persons, except for ministers of religion, who are traveling under reduced-rate transportation authorized by section 403(b) of the Federal Aviation Act and Part 223 of the Board's Economic Regulations as well as travel agents, cargo agents and tour conductors traveling at reduced fares (included in Account 3919 on Schedule P–1.1 or P–1.2) and related nonrevenue passenger miles (included in item K160 on Schedule T–1(a)) shall be reported in this schedule on a quarterly basis.

(k) Disclosures presented on Schedule B–2—Notes to Financial Statements need not be duplicated on the Schedule P–2 submitted during the same quarter.

C. Revise paragraphs (c) and (d) of the reporting instructions of Schedule P–3 to read:

(c) Transport revenues shall reflect the aggregate revenues from each indicated class of traffic carried in both scheduled and nonscheduled services. The sum of the subdivisions of each objective account shall agree with the corresponding amounts reported in Schedule P–1—Statement of Operations. In the event the air carrier performs irregular transport services, in addition to charter and special services and scheduled services, separate sets of this schedule shall be filed for the reporting of scheduled transport services and for nonscheduled transport services, respectively, and the service to which each report applies shall be entered in the box at the head of each of the two amount columns following "Period Ended."

(d) Depreciation and Amortization, and Nonoperating Income and Expense (Net), respectively, shall reflect the indicated detail applicable to the corresponding amounts reported in Schedule P–1—Statement of Operations.

D. Revise the reporting instructions of Schedule P–3(a) to read:

Schedule P–3(a)—Income Taxes.

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Report in accounts 91.1 through 93.2, respectively, the amount for each as reflected in the books of account. Accounts 93.7, 93.8, and 93.9 shall reflect income taxes for the current period, income taxes on extraordinary items, and total income taxes, respectively. Lines 1 through 16 shall reflect a memorandum allocation of income taxes and investment tax credits as between operating profit and loss and nonoperating income and expense (net). Before computing the allocation, operating profit and loss (line 1) and nonoperating profit and loss (line 9) shall be adjusted as indicated for the impact of interest expense (lines 2 and 10). Income taxes on operating income and nonoperating income, thus adjusted, shall be allocated on the basis of the proportion of each to the total and entered on lines 4 and 12, respectively. Investment tax credits allocated to the cost of service and amortizations thereof shall be entered on lines 5 and 6 and those *not* allocated to the cost of service shall be entered on lines 13 and 14.

E. Revise the reporting instructions for Schedule P–4 by changing the title and revising the text to read:

Schedule P–4—Transport-Related Revenues and Expenses; Explanation of Extraordinary Items and Cumulative Effect of Accounting Changes on Prior Years; Explanation of Dividends Declared.

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Transport-related operations shall be reported in this schedule in conformance with instructions in section 9–4800, Transport-Related Revenues and sections 10–7100 and 11–7100 Transport-Related Expenses.

(d) The amount reported for account 08 Public Service Revenues (Subsidy) and the totals of the transport-related gross revenues and gross expenses reported in accounts 09 through 18 shall agree with the corresponding amounts reported in accounts 4808, 4898, and 7100, respectively, on schedule P–1.

(e) Each extraordinary item shall be fully identified and reported in gross amount in this schedule.

(f) Extraordinary credits to income during the current accounting period shall be identified in positive amounts and any extraordinary debits to income shall be identified by asterisks (*).

(g) Extraordinary items and extraordinary income tax credit and debit items shall be reported separately.

(h) The net of extraordinary items and the net of extraordinary income tax items reported on this schedule shall agree with corresponding amounts reported on schedule P–1.

(i) Prior Period Adjustments and dividends declared shall be fully explained in the bottom section of this schedule. If a dividend is not payable in cash, the values of amounts declared shall be completely described.

F. By revising paragraph (j) of the reporting instructions for Schedule P–12—Fuel Inventories and Consumption to read:

• • • • • •

(j) The beginning inventory of this schedule shall be the ending inventory of the prior period. Differences shall be properly annotated and reconciled.

29. Amend Section 32—General Reporting Instructions as follows:

A. By revising the list of reporting schedules in paragraph (a) so that the list in pertinent part reads:

Schedule No.	Schedule title	Filing frequency
•	• • • • • •	•
B–1	Balance sheet	Quarterly.
B–2	Notes to financial statements	Annually.
B–3	Statement of changes in stockholders' equity	Quarterly.
B–7	Airframes and aircraft engines acquired	Do.
•	• • • • • •	•
B–8	• • •	
B–10	Unamortized developmental and preoperating costs	Quarterly.
B–11	Aging of receivables	Monthly.
B–12	Statement of changes in financial position	Quarterly.
B–13	Summary of projected financial commitments and related deposits	Do.
•	• • • • • •	•
B–46	Long-term and short-term nontrade debt	Do.
P–1.1	Statement of operations	Quarterly.
P–1.2	Statement of operations	Do.
P–2	Notes to CAB Form 41 report	Do.
P–3.1	Transport revenues	Do.
P–4	Transport-related revenues and expenses; explanation of extraordinary items and cumulative effect of accounting changes on prior years; explanation of prior period adjustments and dividends declared.	Do.
P–5.1	Aircraft operating • • •	Do.
•	• • • • • •	•

B. By revising the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) so that the list in pertinent part reads:

Due dates of schedules in CAB Form 41 report

Due date: [1]	Schedule No.
January 20	P–12, P–12(a).
January 30	B–11, T–3.1, T–6.
February 10 [2]	A, B–1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b).
February 20	P–12, P–12(a).
March 1	B–11, T–3.1.
March 20	P–12, P–12(a).
March 30	A–2, B–2, [3] B–11, B–41, B–43, B–44, B–46, G–41, G–42, G–43, G–44, T–3.1.
April 20	P–12, P–12(a).
April 30	B–11, T–3.1, T–6.
May 10	A, B–1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b).
May 20	P–12, P–12(a).
May 30	B–11, T–3.1.
June 20	P–12, P–12(a).
June 30	B–11, T–3.1.
July 20	P–12, P–12(a).
July 30	B–11, T–3.1, T–6.
August 10	A, A–1, B–1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b).
August 20	P–12, P–12(a).
August 30	B–11, T–3.1.
September 20	P–12, P–12(a).
September 30	B–11, T–3.1.
October 20	P–12, P–12(a).
October 30	B–11, T–3.1, T–6.

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Due date: [1]	*Schedule No.*
November 10	A, B-1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-11(a), P-11(b).
November 20	P-12, P-12(a).
November 30	B-11, T-3.1.
December 20	P-12, P-12(a).
December 30	B-11, T-3.1.

[1] Due dates falling on a Saturday, Sunday or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to March 30, if preliminary schedules are filed at the Board by February 10.

[3] Air carriers reporting to the Securities and Exchange Commission on other than a calendar year basis shall be permitted to submit schedule B-2 90 days after the end of the calendar quarter nearest to end of the reporting carrier's fiscal year.

* * * * *

C. In paragraph (d) subparagraph (2) is deleted and subparagraphs (3) and (7) are revised; paragraph (i) is revised and a new paragraph (k) is added to read:

(d) * * *

* * * * *

(2) (Reserved.)

(3) Procedures for establishment of expense allocation allowances, as prescribed by section 2-13(d).

* * * * *

(7) Procedures for the accrual of obsolescence and deterioration allowances for flight equipment expendable parts, as prescribed by section 6-1311(d).

* * * * *

(i) All changes in accounting methods having a material impact upon the particular financial elements involved and all changes in methods of computing and reporting traffic and capacity statistics having a material impact upon the particular statistics involved shall be adequately explained and identified in the report first reflecting such changes. Such explanations related to financial position or financial results shall be made on schedule P-2 "Notes to CAB Form 41 Report." Changes in methods for computing or reporting traffic and capacity statistics shall be identified and explained on a separate sheet attached to the first report affected. (See sec. 2-16). The reporting requirements shall not be construed, in any sense, as relieving the supplemental air carrier of the responsibility for conforming its procedures to those otherwise prescribed in this system of accounts and reports.

* * * * *

(k) Schedules B-1, B-2, B-3, B-12, P-1.1, and P-1.2 have been designed to permit submission to the Securities and Exchange Commission (SEC) for inclusion in SEC Form 10-K Item 10 for parent company air carriers accounting for subsidiaries using the equity method and other air carriers filing unconsolidated reports. In addition, schedule B-1 has been designed for inclusion in SEC Form 10-Q. The option of submitting these schedules to the SEC shall be available provided that all other SEC reporting and disclosure requirements, such as certification by an independent public accountant, are satisfied when these schedules are included in SEC Form 10-K or 10-Q.

30. Amend Section 33—Certification and Balance Sheet Elements as follows:

A. Revise paragraph (c) and add a new paragraph (d) to the reporting instructions for Schedule B-1 Balance Sheet to read:

(c) Individual proprietors or partners shall report the aggregate capital contributed by the proprietor or partners in account 2890 Additional Capital Invested.

(d) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission. (See section 32(k).) Comparative data need not be submitted when this schedule is not used for submission to the SEC. In all instances data for the current period shall be presented in the left column.

B. Revise the title and reporting instructions for schedule B-2.1 to read:

Schedule B-2—General Notes to Financial Statements. (a) This schedule shall be filed annually by supplemental air carriers required to provide such data to the Securities and Exchange Commission (SEC) and shall be submitted at the end of the calendar quarter nearest to the end of the reporting air carrier's fiscal year.

(b) Footnotes included on this schedule shall conform with the requirements of the Securities and Exchange Commission Regulation S-X Article 3 Rules of General Application Rule 3-16 General notes to financial statements.

(c) To facilitate the submission of this schedule, a photocopy of the footnotes submitted to SEC can be provided in lieu of schedule B-2. This photocopy shall be clearly marked with the air carrier's name and the period for which filed in the upper right corner and should be designated "CAB Form 41 Schedule B-2" in the lower right corner.

C. By adding the title and reporting instructions for schedule B-3 to read:

Schedule B-3—Statement of Changes in Stockholder's Equity. (a) This schedule shall be filed by all supplemental air carriers.

(b) Amounts reported as balance at end of period for each account shall agree with corresponding amounts reported on Schedule B-1 "Balance Sheet."

(c) Individual proprietors or partners shall reflect the name of the proprietor or each partner at the head of the columns captioned "Class of Stock" and the balance of contributions to the business entity by the proprietor or each partner shall be reflected in these columns. The total contributions by all partners shall be reflected in the column captioned "Additional Capital Invested-Account 2890."

(d) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission. (See section 32(k).) Comparative data need not be used for submission to the SEC. In all instances data for the current period shall be presented in the lower portion of the schedule.

D. Revise paragraph (i) of the reporting instructions for schedule B-7 to read:

(i) Columns 12 and 15, "Allowance for Depreciation" and "Flight Equipment Airworthiness Allowance", respectively, shall include the amount of such allowance applicable to property and equipment transferred from nontransport divisions.

E. Revise paragraphs (f) and (g) of the reporting instructions for schedule B-8 to read:

(f) Column 10, "Realization" shall reflect the proceeds from disposition including any insurance proceeds.

(g) Column 13, "Disposition," shall reflect the name of the person or organization to which airframes and aircraft engines are sold or a notation as to the nature of the retirement and the account to which any depreciated cost has been charged if not sold. Items included in accounts 1607, 1608, 1707, and 1708, sold as part of an airframe or aircraft engine sales transaction, shall also be identified by the name of the buyer. Other sales of items included in these accounts shall be reported in a separate group in aggregate for each property account affected, while all ground property dispositions shall be reported in a single aggregate and need not be identified by names of the buyers.

F. Revise the title of the reporting instruction for Schedule B-10 Developmental and Preoperating Costs to read:

Schedule B-10—Unamortized Developmental and Preoperating Costs. G. Revise the title and paragraphs (b) and (c), and add a new paragraph (d) of the reporting instructions for schedule B-12 to read:

Schedule B-12—Statement of Changes in Financial Position

* * * * *

(b) In determining working capital generated by operations, net income as reported in item 9899 on Schedule P-1.1 or Schedule P-1.2 shall be increased by expenses not requiring working capital in the current period and shall be decreased by income not generating working capital in the current period such as gains on property retirements and undistributed earnings of subsidiaries. Those items which do not generate working capital in the current period shall be included net on line 6 "Other." If the amount reported on line 6, line 12, or line 18 exceeds 5 percent of the total sources or applications, a footnote shall be added to this schedule disclosing the component amounts.

* * * * *

(d) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission. (See section 32(k).) Comparative data need not be submitted when this schedule is not used for submission to the SEC. In all instances data for the current period shall be presented in the left column.

H. Revise paragraphs (c) and (f) of the reporting instructions for Schedule B-41—Investments Held by, or for the Account of, Respondent to read:

(c) Column 1 shall reflect the name of each associated company (investor controlled and other) and the name of each other than associated company who is the issuer of securities held by the air carrier. This column shall also reflect the name of each other than associated company from which noncurrent notes and accounts receivable are due to the air carrier.

* * * * *

(f) Column 4 "Cost" shall reflect the cost of investments to the carrier. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity or Book Value" shall agree in aggregate with the corresponding amount in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies. The cost of investments in other associated companies and other than associated companies shall agree in total with corresponding amounts reflected in balance sheet subaccount 1510.2 Investments in Other Associated companies and account 1530 Other Investments and Receivables, respectively.

I. Revise paragraphs (e), (f), (i) and (j) of the reporting instructions for schedule B-43 to read:

(e) Column 9, "Allowance for Depreciation" shall include the accumulations of all provisions for losses due to use and obsolescence as recorded in balance sheet account 1669 Allowance for Depreciation.

(f) Column 10, "Depreciated Cost" shall reflect Cost (column 8) less Allowance for Depreciation (column 9).

* * * * *

(i) Column 13, "Flight Equipment Airworthiness Allowances or Maintenance Liability" shall include amounts accumulated for owned airframes and aircraft engines in account 1629 Flight Equipment Airworthiness Allowances and amounts accumulated for leased airframes and aircraft engines in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities.

(j) Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Allowance for Depreciation—Airframes; 1602 Aircraft Engines; 1612 Allowance for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Allowance. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 13.

J. Revise paragraphs (l) and (m) of the reporting instructions for schedule B-44 to read:

(l) Column 8 shall reflect the net of any current year adjustments with each company listed in column 1 which pertain to settlements of prior years and which are recorded in asset accounts 1200, 1270, 1510, 1520, or 1890; or liability accounts 2025, 2240, and/or 2290.

(m) Column 9 shall reflect, for each company or other organization, reflected in column 1, the aggregate of the settlements established which should equal the sum of amounts shown in columns 4 and 5 adjusted by the net of amounts shown in columns 6, 7, and 8. The amounts in this column shall conform with the balance of accruals for the year, before liquidation, to accounts 2025, 2240, and/or 2290 with respect to resource acquisitions, and accounts 1200, 1270, 1510, 1520 or 1890 with respect to resource dispositions, for each company or other organization, reflected in column 1.

K. Revise the title and paragraph (l) of the reporting instructions for schedule B-46 to read:

Schedule B-46—Long-Term and Short-Term Nontrade Debt

* * * * *

(l) For supplemental air carriers, the total in column 6 shall reflect the balance outstanding as at the end of the reporting period in account 2210 Long-Term Debt and the total in column 7 the sum of the balances outstanding in accounts 2000 Current Maturities of Long-Term Debt, 2005 Notes Payable-Banks, and 2015 Notes Payable-Others on schedule B-1.

31. Amend Section 34—Profit and Loss Elements as follows:

A. Revise the reporting instructions to schedules P-1.1 and P-1.2 to read:

Schedule P-1.1—Statement of Operations—Group I Air Carriers

Schedule P-1.2—Statement of Operations—Group II and Group III Air Carriers

(a) Schedule P-1.1 shall be filed by each Group I supplemental air carrier and schedule P-1.2 shall be filed by each Group II supplemental air carrier.

(b) Data shall be reported only in the column headed "Quarter." Cumulative "12 Months to Date" and "Year to Date" information is not required from supplemental air carriers but is acceptable if the report is used for submission to the Securities and Exchange Commission as explained in section 32(k). The caption "operation" is not applicable to supplemental air carriers.

(c) Data reported on this schedule shall conform with the instructions pertaining to profit and loss classifications within this Uniform System of Accounts and Reports.

(d) Data reported in the "12 Months to Date" column shall represent for each individual item the sum of amounts reported in the "Quarter" column for the current and next previous three quarters.

(e) Earnings per share data shall be filed on a quarterly basis by those air carriers required to file such data with the Securities and Exchange Commission.

(f) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission. (See section 32(k).)

B. Revise the reporting instructions to Schedule P-2—Notes to Income Statement by changing the title and instructions to read:

Schedule P-2—Notes to Form 41 Reports. (a) This schedule shall be filed quarterly by all supplemental air carriers.

(b) All substantive matters which may influence materially interpretations or conclusions in regard to the financial condition or the earnings position of the air carrier which are not clearly identified in the body of the Form 41 report or which represent information that cannot be expressed adequately in monetary terms shall be completely and clearly stated in this schedule and cross-referenced to the affected account or accounts. The informative disclosure on this schedule shall conform, at the end of each carrier's fiscal or calendar year, with the footnotes prepared for audited financial statements.

(c) The amounts and estimated delivery dates of any purchase commitments of material size and not of a recurrent routine character shall be explained on this schedule. In the case of commitments involving flight equipment, the amount for each equipment type may be given in total, including any engines, airframes and spares; but the number of airframes and the number of engines by type shall be given, as well as the estimated delivery date for each complete aircraft. Reports on commitments other than for flight equipment are required only in the December 31 report of each calendar year.

(d) The conversion from the cost method to the equity method of carrying investments in investor controlled companies shall be explained on this schedule. Any change in the basis of accounting for investment in investor controlled companies and other associated companies, (*e.g.*, change from associated to investor controlled company or vice versa) shall be noted here and reported as required by section 32(d).

(e) Amounts of adjustments resulting from the physical verification of passenger revenue accounting practices required by section 2-17 shall be reported herein for the quarter in which the adjustment takes place.

(f) Balances in subaccounts 87 and 88.2 of profit and loss account 8100 as reported on the P-1 schedules, together with dividends declared in the current period on the stocks of investor con-

trolled companies, shall be noted on this schedule.

(g) Disclosure presented on Schedule B–2—Notes to Financial Statements need not be duplicated on schedule P–2 submitted during the same quarter.

C. Revise paragraph (d) of the reporting instructions to Schedule P–3.1 Transport Revenues to read:

(d) The sum of the subdivisions of each objective account reported in this schedule shall agree with the corresponding amounts reported in Schedule P–1—Statement of Operations.

D. Revise the reporting instructions for schedule P–4 by changing the title and revising the text to read:

Schedule P4—Transport-Related Revenues and Expenses; Explanation of Extraordinary Items and Cumulative Effect of Accounting Changes on Prior Years; Explanation of Dividends Declared

(a) This schedule shall be filed by all Group II supplemental air carriers.

(b) Transport-related operations shall be reported in this schedule in conformance with instructions in section 9–4800, Transport-Related Revenues and sections 10–7100 and 11–7100 Transport-Related Expenses.

(c) The amounts reported for account 08 Public Service Revenues (Subsidy) and the totals of transport-related gross revenues and gross expenses reported in accounts 09 through 18 shall agree with the corresponding amounts reported in accounts 4808, 4898, and 7100, respectively, on schedule P–1.

(d) Each extraordinary item shall be fully identified and reported in gross amount in this schedule.

(e) Extraordinary credits to income during the current accounting period shall be identified in positive amounts and any extraordinary debits to income shall be identified by asterisks (*).

(f) Extraordinary items and extraordinary income tax credit and debit items shall be reported separately.

(g) The net of extraordinary items and the net of extraordinary tax items reported on this schedule shall agree with corresponding amounts reported on schedule P–1.

(h) Prior period adjustments and dividends declared shall be fully explained in the bottom section of this schedule. If a dividend is not payable in cash, the values of amounts declared shall be completely described.

E. Revise paragraph (j) of the reporting instructions for Schedule P–12—Fuel Inventories and Consumption to read:

(j) The beginning inventory of this schedule shall be the ending inventory of the prior period. Differences shall be properly annotated and reconciled.

32. Amend CAB Form 41 schedules to reflect the foregoing changes in accounting, as shown in the exhibits attached hereto and made a part hereof as follows:*

Schedule No.	*Exhibit*
B–1	A
B–2	B
B–3	C
B–4(a)	D
B–4(b)	E
B–5	F
B–7	G
B–7(b)	H
B–8	I
B–10	J
B–11	K
B–12	L
B–43	M
B–46	N
P–1.1	O
P–1.2	P
P–1(a)	Q
P–2	R
P–2(a)	S
P–3	T
P–3(a)	U
P–4	V
P–5.1	W
P–5.2	X
P–6	Y
P–7	Z
P–8	AA

(Sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 766; 49 U.S.C. 1324, 1377.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–38458 Filed 12–30–76;8:45 am]

*CAB Form 41 schedules filed as part of original document.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Implementation of Legislation Amending the Price-Anderson Act

On December 31, 1975, H.R. 8631 was enacted as Pub. L. 94–197. This legislation modifies and extends for ten years (to August 1, 1987) the present Price-Anderson Act.[1] The Price-Anderson Act established a system of Government indemnity and license conditions requiring certain licensees to have financial protection designed to compensate the public for damages caused by nuclear incidents. On March 18, 1976, a notice of intent to amend 10 CFR Part 140 to implement the provisions of Pub. L. 94–197 was published in the FEDERAL REGISTER (41 FR 11327). The purpose of that notice was to invite recommendations in the form of written comments and suggestions from interested persons.

The Commission received a number of comments on the notice. After consideration of the comments and other factors involved, on September 20, 1976, the Commission published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 40511) to implement provisions of Pub. L. 94–197. Only thirteen comments were received in response to the proposed rule. Of these comments few differed with the substance of the proposed rule. Most of the comments raised questions of interpretation or clarification.

1. By December 31, 1976, the Commission must establish at some level in the range of $2 million to $5 million, the amount of the retrospective premium to be assessed against each licensee required to maintain financial protection.

The Commission proposed establishing the retrospective premium at $5 million per facility per incident. Of the thirteen comments received in connection with the proposed rule, only two addressed this issue. One commenter recommended that the retrospective premium be established in the range of $2 million to $3 million so as not to impair the ability of utilities to acquire new capital while the other suggested a sliding premium schedule under which the retrospective premium would not reach $5 million until 1983.

The Commission has considered these comments. When the Commission proposed establishing the retrospective premium at $5 million, these same concerns were carefully evaluated. To obtain advice on the financial impact that retrospective premiums of $2 million to $5 million would have on different size utilities, the Commission staff engaged the services of an outside consultant. Based upon his analysis, Dr. Ronald Melicher, Associate Professor of Business, University of Colorado, concluded that a retrospective premium assessment of $5 million per reactor would not have a significant financial impact on representative small, medium and large size utilities. By analyzing the cash flow of representative utilities as well as the impact of a $5 million retrospective premium on interest coverage and earnings per share, Dr. Melicher concluded that the representative utilities studied would have financial resources that would be more than adequate to cover a $5 million retrospective premium assessment for reactors currently operating, under construction, or being planned. The Commission agreed with Dr. Melicher's conclusions. None of the comments received on this question refuted the conclusions of the Melicher study.

The Commission has concluded that there are considerations that favor establishing the retrospective premium at $5 million. First, while such a premium would not present any undue financial burden on any size utility, it would ensure the termination of Government indemnity at the earliest feasible date. Further, a $5 million retrospective premium would result in the maximum financial protection available to pay public liability claims and, therefore, a limit of liability in the event of a nuclear incident at the highest amount permitted by Pub. L. 94–197. For these reasons, the Commission is establishing the retrospective premium at $5 million per reactor per incident.

2. Pub. L. 94–197 authorized the Commission to establish a maximum amount which the aggregate retrospective premiums charged for each facility within one calendar year may not exceed. Congress viewed the establishment of such a maximum as serving to remove retrospective premium assessements as a potential open-ended liability and as providing assurance to publicly owned utilities that retrospective premium assessments would not be construed as the lending of credit prohibited by some state constitutions.

Two of the commenters discussed this question. The comments recommended that based on the remote probability of more than a single nuclear incident occurring in any calendar year the maximum amount be set equal to a single retrospective premium per facility. Further, the comments also expressed the belief that contrary to the interpretation adopted by the Commission, the maximum amount was meant to limit the liability of a utility in a calendar year rather than the total payments for charges made by the insurance pools in a calendar year.

The Commission has considered these arguments. While the Commission agrees that the probability of even a single nuclear incident in a calendar year is quite remote, there is another purpose to be served by setting the maximum amount at more than just equal to one assessment per facility. If a nuclear incident did result in public liability claims, payment of many of these claims would presumably be made within the months following the incident. However, if the incident occurred near the end of the calendar year, a number of claims could be carried over for payment in a subsequent year. Further, since one could reasonably expect that public liability claims could be filed many years after the nuclear incident occurred—especially in view of the Act's provision that, in the event of an extraordinary nuclear occurrence, suits may be brought for up to twenty years after the date on which the incident occurred—this could result in claims being settled many years after the year in which the nuclear incident occurred. In order to ensure that funds would exist to pay all of the delayed claims for an earlier incident, as well as the claims that could arise from a nuclear incident in a given year, it is necessary to establish the maximum amount at greater than just a single retrospective premium per facility.

The Commission does not agree with the interpretation that the purpose of the maximum amount was to limit the liability of the utility to a fixed amount, but believes that its purpose was only to limit the retrospective premiums the utility would be required to pay in any one year. Because each utility would know beforehand the maximum amount of retrospective premiums it would be required to pay in any one calendar year, premium assessments are then prevented from becoming an open-ended charge in any one year. The Commission believes this is the purpose of establishing a maximum amount. The maximum amount does not in any way limit the number of incidents or the liability for these incidents for which a utility may be charged retrospective premiums. For the reasons discussed above, the Commission has concluded that the maximum amount of deferred premiums charged for each facility within one calendar year be established at $10 million per facility. However, this provision is clarified so as to eliminate any ambiguities present in the proposed rule as to whether the maximum aggregate represented the amount charged the utility or the liability (whether charged in that year or not) accrued by the utility.

3. Pub. L. 94–197 authorizes the Commission to establish amounts less than the standard retrospective premiums for individual facilities on the basis of such factors as the facility's size, location and other factors pertaining to the hazard. In the notice of proposed rule making, the Commission did not propose the establishment of lower retrospective premiums for individual facilities. It did not appear that development of premiums less than the standard retrospective premium would increase the protection provided to the public.

In view of the foregoing and since none of the comments on the proposed rule addressed this question, the Commission is not establishing lower retrospective premiums for individual facilities.

4. The Commission is directed by Pub. L. 94–197 to establish requirements necessary to assure that following a nuclear incident deferred premiums will be paid as called for. One of the comments received on this issue suggested that a separate guarantee of premiums is not necessary because the Commission reviews a licensee's financial stability at various stages of the licensing process. Further, it was stated that the use of any type of guarantee would impede a licensee's line of credit and increase electricity costs. While the Commission recognizes these arguments, the success of the retrospective premium assessment program is dependent upon the likelihood that the retrospective premiums would be available when needed. The Commission believes, therefore, that utilities should provide some form of independent assurance not based on previous statements that they would not default on their obligations.

It was for this reason that the Commission proposed rules which established requirements for such guarantees. A licensee would be afforded the opportunity to meet these guarantee requirements by providing through any one of a number of alternative methods the amount of $10 million for each large power reactor it would be licensed to operate. The alternatives would be:

1. Surety bonds;
2. Letters of credit;
3. Revolving credit/term loan arrangements;
4. Maintenance of escrow deposits of government securities;
5. Annual certified financial statement showing either that a cash flow (i.e., cash available to a company after all operating expenses, taxes, interest charges, and dividends have been paid) can be generated and would be available for payment of retrospective premiums within three (3) months after submission of the statement, or a cash reserve or a combination of cash flow and cash reserve; and
6. Such other type of guarantee approved by the Commission.

Two of the comments received in connection with this question suggested that in those cases where as its guarantee a utility chooses to file certified annual financial statements demonstrating the adequacy of cash flow, the Commission not treat dividends as a reduction of cash flow. While on the one hand, the Commission recognizes that creditor claims such as claims for payment of deferred premiums have a clear priority over payment of dividends, the nonpayment of dividends by a utility is an extreme step. Therefore, the Commission believes it desirable to take the more conservative approach of requiring a utility to provide proof of cash flow for $10 million after dividends have been paid.

None of the comments received that address the issue of guarantees of retrospective premiums point up either the unavailability of any of the guarantees or any problems with the methods of guarantee that the Commission has proposed. In view of the foregoing, the Commission is establishing requirements for such guarantees and licensees will be afforded the opportunity to provide any one of the stated alternative methods for assuring the payment of these premiums. The effective rule is modified slightly, however, to clarify that all methods of guarantee are with respect to $10 million and not just the cash flow method.

5. Pub. L. 94–197 authorizes the Commission to provide reinsurance or otherwise guarantee the payment of retrospective premiums in the event that the resources of the nuclear liability insurance pools are not sufficient to absorb defaults by licensees in payment of the retrospective premiums and if licensee guarantees fail. In the Commission's notice of proposed rule making, provisions were inserted in indemnity agreements providing that any amount paid by the Commission to cover defaulted retrospective premiums would create an immediate lien in favor of the United States upon the licensee's property. In addition, it was proposed that provisions be inserted in indemnity agreements to require licensees defaulting in the payment of retrospective premiums to provide certified financial statements to the Commission. After reviewing these statements, the Commission would then determine whether a licensee were financially able to reimburse the Commission for payments made on the licensee's behalf. If a determination were made that a licensee was financially able to reimburse the Commission, the licensee would be given 120 days to do so. Any reimbursement not made during this period could result in a thirty-day suspension of the license and possible termination of the license by the Commission.

[1] 42 U.S.C. 2210 and pertinent subsections in 42 U.S.C. 2014.

The Commission continues to believe that these lien provisions offer the greatest assurance of reimbursement for payments made because of any defaults in retrospective premiums. While the creation of liens upon a licensee's assets does not offer absolute assurance of reimbursement to the Commission (since these liens could be subordinate to other creditors' claims), such liens could provide a valuable tool for reimbursement of any Government payment.

The only comment received on this issue suggested that licensees defaulting in the payment of retrospective premiums should be given 180 to 270 days instead of 120 days to reimburse the Commission. The Commission has considered this suggestion, but believes that the additional time for reimbursement is not necessary in view of the fact that a licensee will probably not, in the first instance, be called upon to pay retrospective premiums for some months after a nuclear incident. When this period between the nuclear incident and the call for payment is added to the 120 day period a licensee has in which to pay the defaulted retrospective premiums, sufficient time to repay the Commission is considered to be provided. To extend the period beyond this is not considered reasonable.

6. Pub. L. 94–197 authorized the Commission to reduce the annual indemnity fee of $30 per thermal megawatt capacity imposed on each reactor licensee in reasonable relation to increases in financial protection required above a level of $60 million.

The Commission has proposed establishing a five-tiered schedule which both adheres to the intent of Pub. L. 94–197 to reduce fees in reasonable relation to increases in financial protection, and is relatively simple to administer. The schedule also reflects the view that, as ultimate guarantor of the retrospective premium and as evaluator of the financial ability of reactor licensees to pay such retrospective premiums, the Government should levy a minimum fee for such services even if there is no indemnity obligation. No comments were received on this issue.

Therefore, the indemnity fee schedules which the Commission will establish for reactors are as follows:

(a) For indemnification of $500 million to $400 million inclusive, a fee of $30.00 per year per thousand kilowatts of thermal capacity authorized in the license;

(b) For indemnification from $399 million to $300 million inclusive, a fee of $24.00 per year per thousand kilowatts of thermal capacity authorized in the license;

(c) For indemnification from $299 million to $200 million inclusive, a fee of $18.00 per year per thousand kilowatts of thermal capacity authorized in the license;

(d) For indemnification from $199 million to $100 million inclusive, a fee of $12.00 per year per thousand kilowatts of thermal capacity authorized in the license;

(e) For indemnification from $99 million to $1 million inclusive, a fee of $6.00 per year per thousand kilowatts of thermal capacity authorized in the license.

No fee would be less than $100 per annum for any nuclear reactor. This minimum fee would continue to be levied after indemnity is phased out, in consideration of the Government's ultimate role as guarantor of the retrospective premium. For those instances in which a certified financial statement is provided as a guarantee of payment of deferred premiums, a fee of $1,000 or the indemnity fee, whichever is greater, would be required. This reflects the additional effort that would be required of the Commission to evaluate this guarantee option as opposed to options where third parties are providing the guarantee of payment of the retrospective premium for licensees.

7. The Commission proposed exercising its discretionary authority to require persons licensed to possess plutonium in the amount of 5 kilograms or more[1] and persons licensed to process plutonium in the amount of 1 kilogram or more[1] for use in plutonium processing and fuel fabrication plants to maintain financial protection in the amount of $125 million. Indemnity coverage would be extended to such licensees.

All three comments received that addressed this issue disagreed with the Commission and recommended that in view of the limited operating experience with these types of commercial facilities the Commission either not establish financial protection requirements for these licensees or establish interim requirements of $20 million. The Commission has considered these suggestions, but believes that there are definite benefits to be derived by establishing financial protection requirements at $125 million. First is the basic thrust of the Price-Anderson Act itself—namely, that the public should be assured compensation for damages resulting from those segments of the nuclear industry that may involve significant consequences. With the basic financial protection layer and Government indemnity resulting in a combined coverage of $560 million, the public would be adequately assured availability of funds for payment of claims resulting from nuclear incidents associated with the possession or use of significant quantities of plutonium at plutonium processing and fuel fabrication plants. Second, several licensees in the plutonium processing and fuel fabrication industry already maintain the maximum amount of financial protection available from private sources (currently $125 million). Third, the Commission has been advised that those licensees who currently buy less than $125 million in nuclear insurance would pay a maximum additional premium of less than $40,000 per year to obtain $125 million in coverage. The Commission believes that such an additional premium is not unreasonable. In view of the foregoing, the Commisison is establishing financial protection requirements of $125 million for those persons licensed to possess 5 kilograms or more[1] of plutonium and those persons licensed to process 1 kilogram or more[1] of plutonium for use in plutonium processing and fuel fabrication plants. The Commission is also establishing a $5,000 per year indemnity fee for these licensees. The proposed rule has been modified slightly to clarify that the determining factor with respect to the Commission's requirement that a licensee maintain $125 million in financial protection and be indemnified by the Commission is the quantity of plutonium that a person is licensed to possess rather than the actual quantity that is currently in the licensee's possession.

The Commission along with other interested persons has recognized that there may be a need to further exercise its discretionary authority to extend Price-Anderson coverage to other materials licensees. The Commission will continue to consider the possible extension of its discretionary authority to such materials licensees.

This rule does not contain any provisions implementing (or interpreting) the amendments to H.R. 8631 introduced by Senator Hathaway, agreed to by the Senate, and contained in Pub. L. 94–197 regarding exclusion of the costs of investigating and settling claims from funds used for the payment of claims.

Although establishment of the retrospective premium and certain other proposed changes in 10 CFR Part 140 must be accomplished by December 31, 1976, the Commission proposes that these changes be made effective on August 1, 1977, so as to afford the Commission, the insurance pools and the licensees reasonable opportunity to implement these changes.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 140 are published as a document subject to codification.

1. Section 140.2 is amended by adding a new paragraph (a)(3) to read as follows:

§ 140.2 Scope.

(a) • • •

• • • • • •

(3) To each person licensed pursuant to Part 70 of this chapter to possess and use plutonium in a plutonium processing and fuel fabrication plant.

• • • • • •

2. In § 140.3, paragraphs (h) through (j) are redesignated as paragraphs (i) through (k), and a new paragraph (h) is added to read as follows:

§ 140.3 Definitions.

• • • • • •

(h) "Plutonium processing and fuel fabrication plant" means a plant in which the following operations or activities are conducted:

(1) Operations for manufacture of reactor fuel containing plutonium, where the license or licenses authorize the possession of either five or more kilograms of plutonium, excluding that contained in sealed sources and welded or otherwise sealed unirradiated or irradiated fuel rods, at the site of the plant or authorize the processing of one or more kilograms of plutonium, excluding that contained in sealed sources and welded or otherwise sealed unirradiated or irradiated fuel rods, at the plant, including any of the following processes: (i) preparation of fuel material; (ii) Formation of fuel material into desired shapes; (iii) Application of protective cladding; (iv) Recovery of scrap material; and (v) Storage associated with such operations; or

(2) Research and development activities involving any of the operations described in paragraph (h)(1) of this section, except for research and development activities where the operator is licensed to possess or use plutonium in amounts less than those specified in paragraph (h)(1).

• • • • • •

§ 140.5 [Amended].

§ 140.6 [Amended].

3. In §§ 140.5 and 140.6. the phrase "Director of Nuclear Reactor Regulation" is deleted and the phrase "Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate," is substituted therefor.

4. In § 140.7, paragraph (a) is revised and a new paragraph (c) is added to read as follows:

§ 140.7 Fees.

(a) Each reactor licensee shall pay a fee to the Commission based on the following schedule:

(1) For indemnification from $500 million to $400 million inclusive, a fee of $30 per year per thousand kilowatts of thermal capacity authorized in the license;

(2) For indemnification from $399 million to $300 million inclusive, a fee of $24 per year per thousand kilowatts of thermal capacity authorized in the license;

(3) For indemnification from $299 million to $200 million inclusive, a fee of $18 per year per thousand kilowatts of thermal capacity authorized in the license;

(4) For indemnification from $199 million to $100 million inclusive, a fee of $12 per year per thousand kilowatts of thermal capacity authorized in the license;

(5) For indemnification from $99 million to $1 million inclusive, a fee of $6 per year per thousand kilowatts of thermal capacity authorized in the license.

Provided, however, That no fee shall be less than $100 per annum for any nuclear reactor. Such fee shall be due for the period beginning with the date on which the applicable indemnity agreement is effective and shall be paid in accordance with billing instructions received from the Commission. The various levels of indemnity fees are set forth in the schedule in this paragraph. The amount of indemnification for determining indemnity fees will be computed by subtracting from the statutory limit of liability the amount of financial protection required of the licensee. In the case of licensees subject to the provisions of § 140.11(a)(4), this total amount shall be the amount, as determined by the Commission, of the financial protection available to licensees at the close of the calendar year preceding the one in which the fee becomes due. For those instances in which a certified financial statement is provided as a guarantee of payment of deferred premiums in accordance with § 140.21(e), a fee of $1000 or the indemnity fee, whichever is greater, shall be required.

• • • • • •

(c) Each person licensed to possess and use plutonium in a plutonium processing and fuel fabrication plant shall pay to the Commission a fee of $5,000 per year for indemnification. This fee shall be due for the period beginning with the date on which the applicable indemnity agreement is effective and shall be paid in accordance with billing instructions received from the Commission.

5. Section 140.10 is revised to read as follows:

§ 140.10 Scope.

This subpart applies to applicants for and holders of licenses issued pursuant to Part 50 of this chapter authorizing operation of nuclear reactors, except licenses for the conduct of educational activities issued to, or applied for, by persons found by the Commission to be nonprofit educational institutions and except persons found by the Commission to be Federal agencies. This subpart also applies to persons licensed to possess and use plutonium in a plutonium processing and fuel fabrication plant.

6. In § 140.11, the term "financial protection" is deleted wherever it appears in paragraph (b) and replaced by the term "primary financial protection", and paragraph (a)(4) is revised to read as follows:

§ 140.11 Amounts of financial protection for certain reactors.

(a) • • •

• • • • • •

(4) In an amount equal to the sum of $125,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges) for each nuclear reactor which is licensed to operate and which is designed for the production of electrical energy and has a rated capacity of 100,000 electrical kilowatts or more: *Provided, however,* that under such a plan for deferred premiums charged for each nuclear reactor which is licensed to operate, no more than $5 million with respect to any nuclear incident and no more than $10 million within one calendar year shall be charged.

7. A new § 140.13a is added to read as follows:

§ 140.13a Amount of financial protection required for plutonium processing and fuel fabrication plants.

(a) Each holder of a license issued pursuant to Part 70 of this chapter to possess and use plutonium at a plutonium processing and fuel fabrication plant is required to have and maintain financial protection in the form specified in § 140.14 in the amount of $125 million. Proof of financial protection shall be filed with the Commission in the manner in § 140.15 prior to issuance of the license under Part 70 of this chapter.

(b) In any case, when a person is authorized pursuant to Part 70 of this chapter to possess and use plutonium at two or more plutonium processing and fuel fabrication plants at the same location, the total financial protection required of the licensee for all such plants is the highest amount which would otherwise be required for any one of those plants: *Provided, however,* that such financial protection covers all such plants at the location.

8. Section 140.14(a)(2) is revised to read as follows:

§ 140.14 Types of financial protection.

(a) • • •

• • • • • •

(2) Adequate resources to provide the financial protection required by § 140.11, § 140.12, § 140.13 or § 140.13a; or

• • • • • •

§ 140.18 [Amended].

9. In § 140.18(a), the phrase "Director of Nuclear Reactor Regulation" is deleted and the phrase "Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate" is substituted therefor.

10. Section 140.20 is revised to read as follows:

§ 140.20 Indemnity agreements and liens.

(a) The Commission will execute and issue agreements of indemnity pursuant to the regulations in this part or such other regulations as may be issued by the Commission. Such agreements, as to any licensee, shall be effective on:

(1)(i) The effective date of the license (issued pursuant to Part 50 of this chapter) authorizing the licensee to operate the nuclear reactor involved; or (ii) the effective date of the license (issued pursuant to Part 70 of this chapter) authorizing the licensee to possess and store special nuclear material at the site of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license for the reactor, whichever is earlier. No such agreement, however, shall be effective prior to September 26, 1957; or

(2) August 1, 1977 or the effective date of the license (issued pursuant to Part 70 of this chapter) authorizing the licensee

[1] Excluding that contained in sealed sources and welded or otherwise sealed unirradiated or irradiated fuel rods.

to possess and use plutonium at the site of the plutonium processing and fuel fabrication plant for processing in that plant, whichever date is later.

(b) If the licensee fails to pay assessed deferred premiums, the Commission reserves the right to pay those premiums on behalf of the licensee and to recover the amount of such premiums from the licensee.

(c) The Commission shall require the immediate submission of financial statements by those licensees who indicate, after an assessment of the retrospective premium by the insurance pools, that they will not pay the assessment. Such financial statements shall include, as a minimum, exhibits indicating internally generated funds from operations and accumulated retained earnings. Subsequent submission of financial statements by such licensees may be requested by the Commission, as required.

(d) If premiums are paid by the Commission as provided in paragraph (b) of this section, payment by the Commission shall create a lien in the amount paid in favor of the United States upon all property and rights to property, whether real or personal, belonging to such licensee. The lien shall arise at the time paymentis made by the Commission and shall continue until the liability for the amount (or a judgment against the licensee arising out of such liability) is satisfied or becomes unenforceable. The Commission will issue a certificate of release of any such lien if it finds that the liability for the amount has been fully satisfied or has become legally unenforceable.

(e) If the Commission determines that the licensee is financially able to reimburse the Commission for a deferred premium payment made in its behalf, and the licensee, after notice of such determination by the Commission fails to make such reimbursement within 120 days, the Commission will take appropriate steps to suspend the license for 30 days. The Commission may take such further action as is necessary if reimbursement is not made within the 30-day suspension period including but not limited to termination of the operating license.

(f) (1) (i) The general form of indemnity agreement to be entered into by the Commission with reactor licensees who furnish financial protection in the form of the nuclear energy liability insurance policy set forth in Appendix A is contained in § 140.92, Appendix B. The general form of indemnity agreement to be entered into by the Commission with reactor licensees who furnish financial protection in the form specified in § 140.14(a) (2) is set forth in § 140.93, Appendix C.

(ii) The general form of indemnity agreement to be entered into by the Commission with persons licensed to possess and use plutonium in a plutonium processing and fuel fabrication plant and who furnish financial protection in the form of the nuclear energy liability insurance policy set forth in Appendix A[1] is contained in § 140.107, Appendix G. The general form of indemnity agreement to be entered into by the Commission with such licensees who furnish financial protection in the form specified in § 140.14(a) (2) is set forth in § 140.108, Appendix H.

(2) The form of indemnity agreement to be entered into by the Commission with any particular licensee under this subpart shall contain such modifications of the applicable form in §§ 140.92, 140.93, 140.107 and 140.108, Appendices B, C, G and H, as are provided for in applicable licenses, regulations or orders of the Commission.

(3) Each licensee who has executed an indemnity agreement under this subpart shall enter into such agreements amending such indemnity agreement as are required by applicable licenses, regulations, or orders of the Commission.

11. A new § 140.21 is added to read as follows:

§ 140.21 Licensee guarantees of payment of deferred premiums.

Each licensee required to have and maintain financial protection for each nuclear reactor as determined in § 140.11(a) (4) shall at the issuance of the license and annually, on the anniversary of the date on which the indemnity agreement is effective, provide evidence to the Commission that it maintains one of the following types of guarantee of payment of deferred premiums in an amount of $10 million for each reactor he is licensed to operate:

(a) Surety bond,

(b) Letter of credit,

(c) Revolving credit, term loan arrangement,

(d) Maintenance of escrow deposits of government securities,

(e) Annual certified financial statement showing either that a cash flow (i.e., cash available to a company after all operating expenses, taxes, interest charges, and dividends have been paid) can be generated and would be available for payment of retrospective premiums within three (3) months after submission of the statement, or a cash reserve or a combination of cash flow and cash reserve, or

(f) Such other type of guarantee as may be approved by the Commission.

12. A new § 140.22 is added to read as follows:

§ 140.22 Commission guarantee and reimbursement agreements.

Each licensee required to have and maintain financial protection for each nuclear reactor as determined in § 140.11 (a) (4) shall execute an indemnity agreement with the Commission that provides for the payment by the Commission of deferred premiums not paid by the licensee and reimbursement of the Commission by the licensee. The general forms of agreement to be entered into by the Commission and licensees are set forth in § 140.92, Appendix B and § 140.93, Appendix C.

13. A new Article VIII is added in § 140.92, Appendix B, to read as follows:

§ 140.92 Appendix B—Form of indemnity agreement with licensees furnishing insurance policies as proof of financial protection.

* * * * *

ARTICLE VIII

1. If the licensee fails to pay assessed deferred premiums, the Commission reserves the rigth to pay those premiums on behalf of the licensee and to recover the amount of such premiums from the licensee.

2. The Commission shall require the immediate submission of financial statements by those licensees who indicate, after an assessment of the retrospective premium by the insurance pools, that they will not pay the assessment. Such financial statements shall include, as a minimum, exhibits indicating internally generated funds from operations and accumulated retained earnings. Subsequent submission of financial statements by such licensees may be requested by the Commission, as required.

3. If premiums are paid by the Commission as provided in paragraph 1, payment by the Commission shall create a lien in the amount paid in favor of the United States upon all property and rights to property, whether real or personal, belonging to such licensee. The lien shall arise at the time payment is made by the Commission and shall continue until the liability for the amount (or a judgment against the licensee arising out of such liability) is satisfied or becomes unenforceable. The Commission will issue a certificate of release of any such lien if it finds that the liability for the amount has been fully satisfied or has become legally unenforceable.

4. If the Commission determines that the licensee is financially able to reimburse the Commission for a deferred premium payment made in its behalf, and the licensee, after notice of such determination by the Commission fails to make such reimbursement within 120 days, the Commission will take appropriate steps to suspend the license for 30 days. The Commission may take any further action as necessary if reimbursement is not made within the 30-day suspension period including, but not limited to, termination of the operating license.

14. A new Article VIII is added in § 140.93, Appendix C, to read as follows:

§ 140.93 Appendix C—Form of indemnity agreement with licensees furnishing proof of financial protection in the form of licensee's resources.

* * * * *

ARTICLE VIII

1. If the licensee fails to pay assessed deferred premiums, the Commission reserves the right to pay those premiums on behalf of the licensee and to recover the amount of such premiums from the licensee.

2. The Commission shall require the immediate submission of financial statements by those licensees who indicate, after an assessment of the retrospective premium by the insurance pools, that they will not pay the assessment. Such financial statements shall include, as a minimum, exhibits indicating internally generated funds from operations and accumulated retained earnings. Subsequent submission of financial statements by such licensees may be requested by the Commission, as required.

3. If premiums are paid by the Commission as provided in paragraph 1, payment by the Commission shall create a lien in the amount paid in favor of the United States upon all property and rights to property, whether real or personal, belonging to such licensee. The lien shall arise at the time payment is made by the Commission and shall continue until the liability for the amount (or a judgment against the licensee arising out of such liability) is satisfied or becomes unenforceable. The Commission will issue a certificate of release of any such lien if it finds that the liability for the amount has been fully satisfied or has become legally unenforceable.

4. If the Commission determines that the licensee is financially able to reimburse the Commission for a deferred premium payment made in its behalf, and the licensee, after notice of such determination by the Commission fails to make such reimbursement within 120 days, the Commission will take appropriate steps to suspend the license for 30 days. The Commission may take any further action as necessary if reimbursement is not made within the 30-day suspension period including, but not limited to, termination of the operating license.

15. A new section 140.107, Appendix G, is added to read as follows:

§ 140.107 Appendix G—Form of indemnity agreement with licensees processing plutonium for use in plutonium processing and fuel fabrication plants and furnishing insurance policies as proof of financial protection.

This Indemnity Agreement No. ------ is entered into by and between ---------- (hereinafter referred to as the "licensee") and the United States Nuclear Regulatory Commission (hereinafter referred to as the "Commission") pursuant to subsection 170c of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and Section 201 of the Energy Reorganization Act of 1974, as amended.

ARTICLE I

As used in this agreement:

1. "Byproduct material," "person," "source material," "special nuclear material," and "extraordinary nuclear occurrence" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

2. Except where otherwise specifically provided, "amount of financial protection" means the amount specified in Item 2a and b, of the Attachment annexed hereto as modified by paragraph 6, Article II, with respect to common occurrences.

3. (a) "Nuclear incident" means any occurrence including an extraordinary nuclear occurrence, or series of occurrences at the location or in the course of transportation causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the radioactive material.

(b) Any occurrence, including an extraordinary nuclear occurrence, or series of occurrences causing bodily injury, sickness, disease or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of:

1. The radioactive material discharged or dispersed from the location over a period of days, weeks, months or longer and also arising out of such properties of other material defined as "the radioactive material" in any other agreement or agreements entered into by the Commission under subsection 170c or k of the Act and so discharged or dispersed from "the location" as defined in any such other agreement, or

ii. The radioactive material in the course of transportation and also arising out of such properties of other material defined in any other agreement entered into by the Commission pursuant to subsection 170c or k of the Act as "the radioactive material" and which is in the course of transportation shall be deemed to be a common occurrence. A common occurrence shall be deemed to constitute a single nuclear incident.

4. "In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the U.S. territorial limits during transit from one person licensed by the Commission to another person licensed by the Commission, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

(a) With respect to transportation of the radioactive material to the location, such transportation is not by predetermination to be interrupted by the removal of the material from the transporting conveyance for any purpose other than the continuation of such transportation to the location or temporary storage incidental thereto:

(b) The transportation of the radioactive material from the location shall be deemed to end when the radioactive material is removed from the transporting conveyance for any purpose other than the continuation of transportation or temporary storage incidental thereto;

(c) "In the course of transportation" as used in this agreement shall not include transportation of the radioactive material to the location if the material is also "in the course of transportation" from any other "location" as defined in any other agreement entered into by the Commission pursuant to subsection 170c or k of the Act.

5. "Person indemnified" means the licensee and any other person who may be liable for public liability.

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; (2) claims arising out of an act of war; and (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

7. "The location" means the location described in Item 4 of the Attachment hereto.

8. "The radioactive material" means (a) any source, special nuclear, or byproduct material which (1) is both used or to be used in, or is processed or to be processed by, the licensee's plutonium processing and fuel fabrication plant or plants and is subject to the license or licenses designated in the Attachment hereto, or (2) is produced as the result of the operation of said plant or plants or (b) any source, special nuclear, or byproduct material which is waste or contamination from material described in paragraph 8(a). The words "used or to be used" and "processed or to be processed" in this paragraph cover source, special nuclear or byproduct material which is "in the course of transportation" as used in the agreement or is received at the plant for use or processing in the plant but which is, in fact, for any reason, not so used or processed.

9. "United States" when used in a geographical sense includes all Territories and possessions of the United States, the Canal Zone and Puerto Rico.

ARTICLE II

1. At all times during the term of the license or licenses designated in Item 3 of the Attachment hereto, the licensee will maintain financial protection in the amount specified in Item 2 of the Attachment and in the form of the nuclear energy liability insurance policy designated in the Attachment. If more than one license is designated in Item 3 of the Attachment, the licensee agrees to maintain such financial protection until the end of the term of that license which will be the last to expire. The licensee shall, notwithstanding the expiration, termination, modification, amendment, suspension or revocation of any license or licenses designated in Item 3 of the Attachment, maintain such financial protection in effect until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in subparagraph 4(b), Article I, or until the Commission authorizes the termination or the modification of such financial protection. The Commission will not unreasonably withhold such authorization.

2. In the event of any payment by the insurer or insurers under a policy or policies specified in Item 5 of the Attachment hereto which reduces the aggregate limit of such policy or policies below the amount of financial protection, the licensee will promptly apply to his insurers for reinstatement of the amount specified in Item 2a of the Attachment (without reference to paragraph b of Item 2) and will make all reasonable efforts to obtain such reinstatement. In the event that the licensee has not obtained reinstatement of such amount within ninety days after the date of such reduction, and in the absence of good cause shown to the contrary, the Commission may issue an order requiring the licensee to furnish financial protection for such amount in another form.

3. Any obligations of the licensee under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability, together with any public liability satisfied by the insurers under the policy or policies designated in the Attachment hereto, shall not in the aggregate exceed the amount of financial protection with respect to any nuclear incident, including the reasonable costs of investigating and settling claims and defending suits for damage.

4. The obligations of the licensee under this agreement shall apply only with respect to nuclear incidents occurring during the term of this agreement.

5. Upon the expiration or revocation of any license designated in Item 3 of the Attachment, the Commission will enter into an appropriate amendment of this agreement with the licensee reducing the amount of financial protection required under this Article; provided, that the licensee is then entitled to a reduction in the amount of financial protection under applicable Commission regulations and orders.

6. With respect to any common occurrence,

(a) If the sum of the limit of liability of any Nuclear Energy Liability-Property In-

[1] The form of the nuclear energy liability insurance policy for these licensees will be the subject of pertinent endorsements after discussion with the insurance pools.

surance Association policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Nuclear Energy Liability-Property Insurance Association exceeds $96,875,000, the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and $96,875,000 as the limit of liability of the Nuclear Energy Liability-Property Insurance Association policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Nuclear Energy Liability-Property Insurance Association;

(b) If the sum of the limit of liability of any Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters exceeds $28,125,000, the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and $28,125,000 as the limit of liability of the Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters;

(c) If any of the other applicable agreements is with a person who has furnished financial protection in a form other than a nuclear energy liability insurance policy (facility form) issued by Nuclear Energy Liability-Property Insurance Association or Mutual Atomic Energy Liability Underwriters, and if also the sum of the amount of financial protection established under this agreement and the amounts of financial protection established under all other applicable agreements exceeds $125,000,000, the obligations of the licensee shall not exceed a greater proportion of $125,000,000 than the amount of financial protection established under this agreement bears to the sum of such amount and the amounts of financial protection established under all other applicable agreements.

(d) As used in this paragraph 6, Article II and in Article III, "other applicable agreements" means each other agreement entered into by the Commission pursuant to subsection 170c or k of the Act in which agreement the nuclear incident is defined as a "common occurrence." As used in this paragraph 6, Article II, "the obligations of the licensee" means the obligations of the licensee, under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability, together with any public liability satisfied by the insurers under the policy or policies designated in the Attachment, and the reasonable costs of investigating and settling claims and defending suits for damage.

7. The obligations of the licensee under this Article shall not be affected by any failure or default on the part of the Commission or the Government of the United States to fulfill any or all of its obligations under this agreement. Bankruptcy or insolvency of any person indemnified other than the licensee, or of the estate of any person indemnified other than the licensee, shall not relieve the licensee of any of its obligations hereunder.

ARTICLE III

1. The Commission undertakes and agrees to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability.

2. With respect to damage caused by a nuclear incident to property of any person legally liable for the nuclear incident, the Commission agrees to pay to such person those sums which such person would have been obligated to pay if such property had belonged to another; provided, that the obligation of the Commission under this paragraph 2 does not apply with respect to:

(a) Property which is located at the location described in Item 4 of the Attachment or at the location described in Item 3 of the declarations attached to any nuclear energy liability insurance policy designated in Item 5 of the Attachment;

(b) Property damage due to the neglect of the person indemnified to use all reasonable means to save and preserve the property after knowledge of a nuclear incident;

(c) If the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle and containers used in such transportation;

(d) The radioactive material.

3. The Commission agrees to indemnify and hold harmless the licensee and other persons indemnified as their interest may appear, from the reasonable costs of investigating, settling and defending claims for public liability.

4.(a) The obligations of the Commission under this agreement shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article), and such reasonable costs described in paragraph 3 of this Article as in the aggregate exceed the amount of financial protection.

(b) With respect to a common occurrence, the obligations of the Commission under this agreement shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article), and to such reasonable costs described in paragraph 3 of this Article, as in the aggregate exceed $125,000,000.

5. The obligations of the Commission under this agreement shall apply only with respect to nuclear incidents occurring during the term of this agreement.

6. The obligations of the Commission under this and all other agreements and contracts to which the Commission is a party shall not, with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lowest: (a) $500,000,000; (b) $560,000,000 less the amount of financial protection required under this agreement; or (c) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under this agreement and all other applicable agreements.

7. The obligations of the Commission under this agreement, except to the licensee for damage to property of the licensee, shall not be affected by any failure on the part of the licensee to fulfill its obligations under this agreement. Bankruptcy or insolvency of the licensee or any other person indemnified, or of the estate of the licensee or any other person indemnified, shall not relieve the Commission of any of its obligations hereunder.

ARTICLE IV

1. When the Commission determines that the United States will probably be required to make indemnity payments under the provisions of this agreement, the Commission shall have the right to collaborate with the licensee and other persons indemnified in the settlement and defense of any claim and shall have the right (a) to require the prior approval of the Commission for the settlement or payment of any claim or action asserted against the licensee or other person indemnified for public liability or damage to property of persons legally liable for the nuclear incident which claim or action the licensee or the Commission may be required to indemnify under this agreement; and (b) to appear through the Attorney General of the United States on behalf of the licensee or other person indemnified, take charge of such action and settle or defend any such action. If the settlement or defense of any such action or claim is undertaken by the Commission, the applicant shall furnish all reasonable assistance in effecting a settlement or asserting a defense.

2. Neither this agreement nor any interest therein nor claim thereunder may be assigned or transferred without the approval of the Commission.

ARTICLE V

The parties agree that they will enter into appropriate amendments of this agreement to the extent that such amendments are required pursuant to the Atomic Energy Act of 1954, as amended, or licenses, regulations or orders of the Commission.

ARTICLE VI

The licensee agrees to pay the Commission such fees as are established by the Commission pursuant to regulations or others of the Commission.

ARTICLE VII

The term of this agreement shall commence as of the date and time specified in Item 6 of the Attachment and shall terminate at the time of expiration of that license specified in Item 3 of the Attachment, which is the last to expire; provided that, except as may otherwise be provided in applicable regulations or orders of the Commission, the term of this agreement shall not terminate until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in paragraph 4(b), Article I. Termination of the term of this agreement shall not affect any obligation of the licensee or the Commission under this agreement with respect to any nuclear incident occurring during the term of this agreement.

UNITED STATES NUCLEAR REGULATORY COMMISSION

ATTACHMENT

INDEMNITY AGREEMENT NO.

Item 1—Licensee.

Item 2—Amount of financial protection. a. b. With respect to any nuclear incident, the amount specified in Item 2a of this Attachment shall be deemed to be (i) reduced to the extent that any payment made by the insurer or insurers under a policy or policies specified in Item 5 of this Attachment reduces the aggregate amount of such insurance policies below the amount specified in Item 2a and (ii) restored to the extent that, following such reduction, the aggregate amount of such insurance policies is reinstated.

Item 3—License number or numbers.

Item 4—Location.

Item 5—Insurance Policy No.(s).

Item 6—The indemnity agreement designated above, of which this Attachment is a part, is effective as of 12:01 a.m., on the _____ day of __, 19__.

For the U.S. Nuclear Regulatory Commission.

For _____

By _____

Dated at Bethesda, Maryland, the _____ day of _____ 19__.

16. A new section 140.108, Appendix H, is added to read as follows:

§ 140.108 Appendix H—Form of indemnity agreement with licensees possessing plutonium for use in plutonium processing and fuel fabrication plants and furnishing proof of financial protection in the form of the licensee's resources.

This Indemnity Agreement No. _____ is entered into by and between _____ (hereinafter referred to as the "licensee") and the United States Nuclear Regulatory Commission (hereinafter referred to as the "Commission") pursuant to subsection 170c of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and Section 201 of the Energy Reorganization Act of 1974, as amended.

ARTICLE I

As used in this agreement:

1. "Byproduct material," "person," "source material," "special nuclear material," and "extraordinary nuclear occurrence" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission.

2. "Amount of financial protection" means the amount specified in Item 2 of the Attachment annexed hereto.

3.(a) "Nuclear incident" means any occurrence including an extraordinary nuclear occurrence, or series of occurrences at the location or in the course of transportation causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the radioactive material.

(b) Any occurrence, including an extraordinary nuclear occurrence, or series of occurrences causing bodily injury, sickness, disease or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of

i. The radioactive material discharged or dispersed from the location over a period of days, weeks, months or longer and also arising out of such properties of other material defined as "the radioactive material" in any other agreement or agreements entered into by the Commission under subsection 170c or k of the Act and so discharged or dispersed from "the location" as defined in any such other agreement, or

ii. The radioactive material in the course of transportation and also arising out of such properties of other material defined in any other agreement entered into by the Commission pursuant to subsection 170c or k of the Act as "the radioactive material" and which is in the course of transportation shall be deemed to be a common occurrence. A common occurrence shall be deemed to constitute a single nuclear incident.

4. "In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside U.S. territorial limits during transit from one person licensed by the Commission to another person licensed by the Commission, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

(a) With respect to transportation of the radioactive material to the location, such transportation is not by predetermination to be interrupted by the removal of the material from the transporting conveyance for any purpose other than the continuation of such transportation to the location or temporary storage incidental thereto;

(b) The transportation of the radioactive material from the location shall be deemed to end when the radioactive material is removed from the transporting conveyance for any purpose other than the continuation of transportation or temporary storage incidental thereto;

(c) "In the course of transportation" as used in this agreement shall not include transportation of the radioactive material to the location if the material is also "in the course of transportation" from any other "location" as defined in any other agreement entered into by the Commission pursuant to subsection 170c or k of the Act.

5. "Person indemnified" means the licensee and any other person who may be liable for public liability.

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; (2) claims arising out of an act of war; (3) claims for loss of, or damage to, or loss of use of (a) property which is located at the location and used in connection with the licensee's possession, use, or transfer of the radioactive material, and (b) if the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle, containers used in such transportation, and the radioactive material.

7. "The location" means the location described in Item 4 of the Attachment hereto.

8. "The radioactive material" means (a) any source, special nuclear, or byproduct material which (1) is both used or to be used in, or is processed or to be processed by, the licensee's plutonium processing and fuel fabrication plant or plants and is subject to the license or licenses designated in the Attachment hereto, or (2) is produced as the result of the operation of said plant or plants or (b) any source, special nuclear, or byproduct material which is waste or contamination from material described in paragraph 8(a). The words "used or to be used" and "processed or to be processed" in this paragraph cover source, special nuclear or byproduct material which is "in the course of transportation" as used in the agreement or is received at the plant for use or processing in the plant but which is, in fact, for any reason, not so used or processed.

9. "United States" when used in a geographical sense included all Territories and possessions of the United States, the Canal Zone and Puerto Rico.

ARTICLE II

1. The licensee undertakes and agrees to indemnify and hold harmless all persons indemnified, as their interest may appear, from public liability.

2. With respect to damage caused by a nuclear incident to property of any person legally liable for the incident, the licensee agrees to pay to such person those sums which such person would have been obligated to pay if such property had belonged to another; provided, that the obligation of the licensee under this paragraph 2 does not apply with respect to:

(a) Property which is located at the location and used in connection with the licensee's possession, use or transfer of the radioactive material;

(b) Property damage due to neglect of the person indemnified to use all reasonable means to save and preserve the property after knowledge of a nuclear incident;

(c) If the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle and containers used in such transportation; and

(d) The radioactive material.

3. Any obligations of the licensee under paragraphs 1 and 2 of this Article, and subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability shall not in the aggregate exceed the amount of financial protection with respect to any nuclear incident, including the reasonable costs of investigating and settling claims and defending suits for damage.

4. The obligations of the licensee under this agreement shall apply only with respect to nuclear incidents occurring during the term of this agreement.

5. Upon the expiration or revocation of any license designated in Item 3 of the Attachment, the Commission will enter into an appropriate amendment of this agreement with the licensee reducing the amount of financial protection required under this Article; provided, that the licensee is then entitled to a reduction in the amount of financial protection under applicable Commission regulations and orders.

6. With respect to any common occurrence, if the sum of the amount of financial protection established under this agreement and the amount of financial protection established under all other applicable agreements exceeds $125,000,000, the obligations of the licensee described in paragraph 3 of this Article shall not exceed a greater proportion of $125,000,000 than the amount of financial protection established under this agreement bears to the sum of such amount and the amounts of financial protection established under all other applicable agreements. As used in this paragraph, and in Article III, "other applicable agreements" means each other agreement entered into by the Commission pursuant to subsection 170c or k of the Act in which agreement the nuclear incident is defined as a "common occurrence."

7. The obligations of the licensee under this Article shall not be affected by any failure or default on the part of the Commission or the Government of the United States to fulfill any or all of its obligations under this agreement. Bankruptcy or insolvency of any person indemnified other than the licensee, or of the estate of any person indemnified other than the licensee, shall not relieve the licensee of any of its obligations hereunder.

ARTICLE III

1. The Commission undertakes and agrees to indemnify and hold harmless the licensee

and other persons indemnified, as their interest may appear, from public liability.

2. With respect to damage caused by a nuclear incident to property of any person legally liable for the nuclear incident, the Commission agrees to pay to such person those sums which such person would have been obligated to pay if such property had belonged to another; provided, that the obligation of the Commission under this paragraph 2 does not apply with respect to:

(a) Property which is located at the location and used in connection with the licensee's possession, use or transfer of the radioactive material;

(b) Property damage due to the neglect of the person indemnified to use all reasonable means to save and preserve the property after knowledge of a nuclear incident;

(c) If the nuclear incident occurs in the course of transportation of the radioactive material, the transporting vehicle and containers used in such transportation;

(d) The radioactive material.

3. The Commission agrees to indemnify and hold harmless the licensee and other persons indemnified as their interest may appear, from the reasonable costs of investigating, settling and defending claims for public liability.

4. (a) The obligations of the Commission under this agreement shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article), and such reasonable costs described in paragraph 3 of this Article as in the aggregate exceed the amount of financial protection.

(b) With respect to a common occurence, the obligations of the Commission under this agreement shall apply only with respect to such public liability, such damage to property of persons legally liable for the nuclear incident (other than such property described in the proviso to paragraph 2 of this Article), and to such reasonable costs described in paragraph 3 of this Article, as in the aggregate exceed $125,000,000.

5. The obligations of the Commission under this agreement shall apply only with respect to nuclear incidents occurring during the term of this agreement.

6. The obligations of the Commission under this and all other agreements and contracts to which the Commission is a party shall not, with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lowest: (a) $500,000,000; (b) $560,000,000 less the amount of financial protection required under this agreement; or (c) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under this agreement and all other applicable agreements.

7. The obligations of the Commission under this agreement, except to the licensee for damage to property of the licensee, shall not be affected by any failure on the part of the licensee to fulfill its obligations under this agreement. Bankruptcy or insolvency of the licensee or any other person indemnified, or of the estate of the licensee or any other person indemnified shall not relieve the Commission of any of its obligations hereunder.

ARTICLE IV

1. When the Commission determines that the United States will probably be required to make indemnity payments under the provisions of this agreement, the Commission shall have the right to collaborate with the licensee and other persons indemnified in the settlement and defense of any claim and shall have the right (a) to require the prior approval of the Commission for the settlement or payment of any claim or action asserted against the licensee or other person indemnified for public liability or damage to property of persons legally liable for the nuclear incident which claim or action the licensee or the Commission may be required to indemnify under this agreement; and (b) to appear through the Attorney General of the United States on behalf of the licensee or other person indemnified, take charge of such action and settle or defend any such action. If the settlement or defense of any such action or claim is undertaken by the Commission, the applicant shall furnish all reasonable assistance in effecting a settlement or asserting a defense.

2. Neither this agreement nor any interest therein nor claim thereunder may be assigned or transferred without the approval of the Commission.

ARTICLE V

The parties agree that they will enter into appropriate amendments of this agreement to the extent that such amendments are required pursuant to the Atomic Energy Act of 1954, as amended, or licenses, regulations or orders of the Commission.

ARTICLE VI

The licensee agrees to pay the Commission such fees as are established by the Commission pursuant to regulations or orders of the Commission.

ARTICLE VII

The term of this agreement shall commence as of the date and time specified in Item 5 of the Attachment and shall terminate at the time of expiration of that license specified in Item 3 of the Attachment, which is the last to expire; provided that, except as may otherwise be provided in applicable regulations or orders of the Commission, the term of this agreement shall not terminate until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in paragraph 4(b), Article I. Termination of the term of this agreement shall not affect any obligation of the licensee or the Commission under this agreement with respect to any nuclear incident occurring during the term of this agreement.

UNITED STATES NUCLEAR REGULATORY COMMISSION

ATTACHMENT

INDEMNITY AGREEMENT NO.

Item 1—Licensee.
Item 2—Amount of financial protection.
Item 3—License number or numbers.
Item 4—Location.
Item 5—The indemnity agreement designated above, of which this Attachment is a part, is effective as of 12:01 a.m., on the ____ day of ------ 19--.

Dated at Bethesda, Maryland, the ____ day of -------- 19--.

For the U.S. Nuclear Regulatory Commission.
For
By ----------

Effective date: The foregoing amendments become effective on August 1, 1977.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 170, Pub. L. 85-256, 71 Stat. 576, Pub. L. 94-197, 89 Stat. 1111 (42 U.S.C. 2210); Sec. 201, Pub. L. 93-438, as amended. 88 Stat. 1242, 89 Stat. 415 (42 U.S.C. 5841).)

Dated at Washington, D.C. this 29th day of December, 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-38480 Filed 12-29-76;2:39 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FARM CREDIT ADMINISTRATION

[12 CFR Part 604]

GOVERNMENT IN THE SUNSHINE ACT

Meetings of Federal Farm Credit Board

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed additions to its regulations which would implement the provisions of the Government in the Sunshine Act (5 U.S.C. 552b). These proposed additions would (1) define terms used therein, (2) request notification from the public of intention to attend an open meeting, (3) clarify that this addition applies only to meetings of the Federal Board, (4) declare that, unless otherwise specified, every meeting of the Federal Board shall be open to the public, (5) state the basis for closing a meeting to the public, (6) provide for the announcement of meetings, (7) state how a meeting shall be closed, (8) require the keeping of records of closed meetings, (9) state to whom requests for information shall be addressed.

Prior to adoption of these proposed additions, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than February 14, 1977, to W. M. Harding, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of the Director of Information, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is proposed to be amended by adding a new Part 604—Meetings of the Federal Farm Credit Board to Subchapter A—Administrative Provisions, as follows:

PART 604—MEETINGS OF THE FEDERAL FARM CREDIT BOARD

Sec.
604.300 Definitions.
604.305 Notice of public observation.
604.310 Scope of application.
604.315 Open meetings.
604.320 Exemptive provisions.
604.325 Announcement of meetings.
604.330 Closure of meetings.
604.335 Record of closed meetings or closed portion of a meeting.
604.340 Requests for information.

AUTHORITY: 5 U.S.C. 552b.

§ 604.300 Definitions.

(a) For purposes of this part:

(1) The term "agency" means any agency, as defined in 5 U.S.C. 552b(e) which includes the Farm Credit Administration, headed by a collegial body composed of two or more individual members, a majority of whom are appointed by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency;

(2) The term "Board" means the Federal Farm Credit Board, which is a collegial body that functions as a unit composed of thirteen individual members, twelve appointed by the President with the advice and consent of the Senate, and one appointed by the Secretary of Agriculture;

(3) The term "member" means any one of the thirteen members of the Board;

(4) The term "meeting" means the deliberations of at least seven (quorum) members of the Board where such deliberations determine or result in joint conduct or disposition of official Farm Credit Administration business;

(5) The terms "exempt meeting" and "exempt portion of a meeting" mean, respectively, a meeting or that part of a meeting designated as provided in § 604.330 as closed to the public by reason of one or more of the exemptive provisions listed in § 604.320.

(6) The term "open" meeting means a meeting or portion of a meeting which is not an exempt meeting or an exempt portion of a meeting; and

(7) The term "public observation" means the right of any member of the public to attend and observe, but not participate or interfere in any way in an open meeting of the Board, within the limits of reasonable and comfortable accommodations made available for such purpose by the Farm Credit Administration.

§ 604.305 Notice of public observation.

(a) A member of the public is not required to give advance notice to the Farm Credit Administration of an intention to exercise the right of public observation of an open meeting of the Board. However, in order to permit the Farm Credit Administration to determine the amount of space and number of seats which must be made available to accommodate individuals who desire to exercise the right of public observation, such individuals are requested to give notice to the Farm Credit Administration at least two business days before the start of the open meeting of the intention to exercise such right.

(b) Notice of intention to exercise the right of public observation may be given in writing, in person, or by telephone to the official designated in § 604.340.

(c) Individuals who have not given advance notice of intention to exercise the right of public observation will not be permitted to attend and observe the open meeting of the Board if the available space and seating are necessary to accommodate individuals who gave advance notice of such intention to the Farm Credit Administration

§ 604.310 Scope of application.

The provisions of this Part 604 apply to meetings of the Board, and do not apply to conferences or other gatherings of employees of the Farm Credit Administration who meet or join with ohers, except at meetings of the Board, to deliberate official agency business.

§ 604.315 Open meetings.

(a) Every meeting of the Board shall be open to public observation except as provided in § 604.330.

§ 604.320 Exemptive provisions.

(a) Except in a case where the Board determines otherwise, a meeting or portion of a meeting may be closed to public observation where the Board determines that the meeting or portion of the meeting is likely to:

(1) Disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of the Farm Credit Administration;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552) provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) consti-

tute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Farm Credit Administration;

(9) Disclose information the premature disclosure of which would (A) significantly endanger the stability of any Farm Credit bank or association supervised by the Farm Credit Administration; or (B) be likely to significantly frustrate implementation of a proposed action of the Farm Credit Administration, provided said Administration has not already disclosed to the public the content or nature of its proposed action, or is not required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) Specifically concern participation by the Farm Credit Administration in a civil action or proceeding or otherwise involving a determination on the record after an opportunity for a hearing.

§ 604.325 Announcement of meetings.

(a) The Board meets beginning at 8:30 a.m. in the offices of the Farm Credit Administration, 490 L'Enfant Plaza, Washington, D.C. on the first Monday of February, April, June, August, October and December, except that if any such Monday is a holiday, the meeting begins at the same hour and place on the first full business day thereafter.

(b) At any duly called meeting held previous to any meeting scheduled as provided in paragraph (a) of this section, the Board may fix a different time and place for a subsequent meeting.

(c) For any meeting of the Board which is fixed as provided in (b) of this section, the Farm Credit Administration shall, at the earliest practicable time, make information available for public inspection in its offices, or pursuant to telephonic or written requests, concerning the time and place fixed for such subsequent meeting.

(d) At the earliest practicable time, which is estimated to be not later than eight days before the beginning of a meeting of the Board, the Farm Credit Administration shall make available for public inspection in its offices, or pursuant to telephonic or written requests, the subject matter of the meeting except to the extent that such information is exempt from disclosure under the provisions of § 604.320.

§ 604.330 Closure of meetings.

(a) The majority of the meetings of the Board are exempt meetings, or a portion or portions of a majority of the meetings of the Board are exempt portions of such meetings, by reason of § 604.320(a) (4), (8), (9)(A), or (10). An exempt meeting or an exempt portion of a meeting shall be closed to the public when at least seven members of the Board vote by a recorded vote of the Board at the beginning of the exempt meeting or exempt portion of a meeting to close such meeting or such exempt portion, and the General Counsel, Farm Credit Administration publicly certifies that, in his or her opinion, the meeting or portion of a meeting may be closed to the public stating each relevant exemptive provision listed in § 604.320.

(b) A copy of the vote of the Board to close a meeting or an exempt portion thereof reflecting the vote of each member on the question, and a copy of the certification of General Counsel, shall be made available for public inspection in the offices of the Farm Credit Administration, or pursuant to telephonic or written requests.

(c) A copy of the certification of General Counsel, together with a statement from the presiding officer of the meeting setting forth the time and place of an exempt meeting or an exempt portion of a meeting which was closed and the persons present shall be retained by the Farm Credit Administration for a period of at least two years after the date of such closed meeting or closed portion of a meeting.

§ 604.335 Record of closed meetings or closed portion of a meeting.

(a) The Farm Credit Administration shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each closed meeting or closed portion of a meeting, except that in the case of a meeting or portion of a meeting closed to the public pursuant to § 604.320 (a)(4), (8), (9)(A), or (10), the Farm Credit Administration shall maintain either such transcript, recording, or a set of minutes.

(b) Any minutes so maintained shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any action shall be identified in the minutes.

(c) The Farm Credit Administration shall promptly make available to the public, in its offices, the transcript, electronic recording, or minutes, of the discussion of any item on the agenda of a closed meeting, or closed portion of a meeting, except for such item or items of discussion which the Farm Credit Administration determines to contain information which may be withheld under § 604.320. Copies of such transcript or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription.

(d) The Farm Credit Administration shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each closed meeting or closed portion of a meeting for a period of two years after the date of such closed meeting or closed portion of a meeting.

(e) All actions required or permitted by this section to be undertaken by the Farm Credit Administration shall be by or under the authority of the Deputy Governor, Office of Administration.

§ 604.340 Requests for information.

Requests to the Farm Credit Administration for information about the time, place, and subject matter of a meeting, whether it or any portion thereof is closed to the public, and any requests for copies of the transcript or minutes, or of a transcript of an electronic recording of a closed meeting, or closed portion of a meeting, to the extent not exempt from disclosure by the provisions of § 604.320, shall be addressed to the Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578.

W. M. HARDING,
Governor, Farm Credit Administration.

[FR Doc.76-38407 Filed 12-30-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. RM77-8]

PHYSICAL REMOVAL OF EMERGENCY FACILITIES

Proposed Deletion of Requirement

DECEMBER 27, 1976.

Notice is hereby given pursuant to Section 553 of Title 5 of the U.S. Code and Sections 7 and 16 of the Natural Gas Act (56 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(e); and 56 Stat. 830, 15 U.S.C. 717o) that the Commission proposes to amend §§ 157.22 and 157.29 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by revising paragraph (d) of § 157.22 and paragraph (b) of § 157.29 to delete therefrom the requirement that all facilities constructed to implement the emergency operations contemplated in either of those two sections must be promptly removed after expiration of the exempt period of operation, and by revising paragraphs (b) and (c) of § 157.29 to change the time period within which applications for certificates to retain in place emergency-type facilities must be filed from "within 15 days of the commencement of deliveries" to "prior to the expiration of the exempt period."

Sections 157.22 and 157.29 allow natural gas pipelines and natural gas producers, respectively, to undertake certain otherwise jurisdictional activities without obtaining certificate authority therefor for a period of 60 days to assure maintenance of adequate natural gas service where such service is, or is threatened to be, interrupted or curtailed. The emergency provisions of § 157.22 have their genesis in Order No. 148 issued February 10, 1949, in Docket No. R-110. Promulgating what was then § 157.14, the Commission sought to relieve administrative burden and allow for immediate pipeline response to emergency situations. The emergency provisions promulgated in Order No. 148 contemplated the prompt removal of facilities at the expiration of the period of the emergency unless application was filed for certificate to retain such facilities. Order No. 163 (issued July 28, 1952, in Docket No. R-120), amending the emergency provisions of § 157.22, deleted the provision for the retention of emergency-type facilities beyond the 60-day period of exemption; and in that regard Order No. 193 (16 FPC 497 (1956)) followed Order No. 163 in promulgating § 157.29. In 1970, in recognition of impending gas shortages, the Commission amended both §§ 157.22 and 157.29 in Order No. 418 (44 FPC 1574 (1970)). Among other things the amendments provided again that facilities constructed under the emergency provisions of the Regulations may, be retained in place upon proper application with the Commission.

Since the shortage of gas continues, the need to encourage utilization of the Commission's emergency procedures continues also. The Commission is concerned that the provisions in §§ 157.22 and 157.29 requiring prompt removal of facilities may unnecessarily discourage the use of these emergency procedures. The "prompt removal" provisions may necessitate duplication of effort, as emergency-type facilities are installed, removed, then installed again as a subsequent emergency arises. Moreover, the "prompt removal" provision is not necessary to insure continuing Commission oversight over jurisdictional facilities since the provisions of §§ 157.22 and 157.29 require that an application must be filed with the Commission in order to retain emergency-type facilities in place. Thus, the "prompt removal" provision may unnecessarily raise a question of violation of the Regulations.

Concurrently, the Commission proposes to amend § 157.29 to be consistent with 157.22. In order No. 418 the Commission brought §§ 157.22 and 157.29 "into harmony"; but in Opinion No. 699-B, the Commission changed the timing of the required application for retention of facilities installed pursuant to 157.29 to "within 15 days of the commencement of deliveries under this Section" rather than "prior to the expiration of the exempt period provided herein." The Commission finds that distinction between § 157.22 and § 157.29 is no longer necessary.

Accordingly, it is proposed to amend § 157.22 by revising paragraph (d) thereof to read as follows:

§ 157.22 Exemption of temporary acts and operation.

* * * * *

(d) Emergency operations undertaken without certificate authorization pursuant to paragraph (a) of this Section shall be discontinued upon the expiration of the 60-day period. In the national emergency, emergency operations shall be discontinued upon the expiration of the 6 months' period or any extension thereof ordered by the Commission. Each person undertaking any such construction or operation, pursuant to this section of the regulations desiring to retain such facilities in place shall file an application for a certificate of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission prior to the expiration of the exempt period provided herein.

* * * * *

It is further proposed to amend § 157.29 by revising paragraphs (b) and (c) thereof to read as follows:

§ 157.29 Exemption of Emergency Sales or Transportation.

* * * * *

(b) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. Each person undertaking any such construction or operation, pursuant to this Section desiring to retain such facilities in place shall file an application for a certificate of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission prior to the expiration of the exempt period provided herein.

(c) No emergency sale or transportation of natural gas in interstate commerce undertaken pursuant to the authority of this Section shall be extended beyond the sixty (60) day period unless the seller shall have filed an application for a permanent or temporary certificate pursuant to 18 CFR 2.56(a), 2.70(b)(3), 2.75, or 157.28 prior to the expiration of the sixty (60) day period. Any such continuation of deliveries at a rate in excess of the rate prescribed in § 2.56(a) (18 CFR 2.56(a)) will be subject to refund if the rate is in excess of the rate finally found to be appropriate by the Commission.

* * * * *

It is proposed that the above amendments would be effective 30 days after the date of promulgation.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 25, 1977, data, views, comments, or suggestions, in writing, concerning all or part of the amendments proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The Staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38438 Filed 12-30-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Requirement of Returns for Political Organizations

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue. Attention: CC:LR:T, Washington, D.C. 20224, by February 17, 1977. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9).

Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by February 17, 1977. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue

Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of sections 10 (b) and (f) of the Act of January 3, 1975 (Pub. L. 93-625, 88 Stat. 2119) relating to the requirements of returns by political organizations.

The proposed regulations provide that for taxable years beginning after December 31, 1974, organizations to which section 527 is applicable with political organization taxable income as defined in section 527(c)(1) must file an income tax return. Such return shall be made on Form 1120-POL.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 10 (b) and (f) of the Act of January 3, 1975 (Pub. L. 93-625, 88 Stat. 2119), such regulations are amended as follows:

Paragraph 1. Section 1.6012 is amended by adding new subsection (a)(6) and by revising the historical note as follows:

§ 1.6012 Statutory provisions; persons required to make returns of income.

Sec. 6012. *Persons required to make returns of income*—(a) *General rule.* Returns with respect to income taxes under subtitle A shall be made by the following:

* * * * * *

(6) Every political organization (within the meaning of section 527(e)(1)), and every fund treated under section 527(g) as if it constituted a political organization, which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year.

(Sec. 6012 as amended by Sec. 72(a), Technical Amendments Act 1958 (72 Stat. 1660); Sec. 206(b)(1), Rev. Act. 1964 (78 Stat. 40); Sec. 941, Tax Reform Act 1969 (83 Stat. 726); Sec. 10(b), Act of Jan. 3, 1975 (Pub. L. 93-625, 88 Stat. 2119))

Par. 2. Section 1.6012-6 is added as follows:

§ 1.6012-6 Returns by political organizations.

(a) *Requirement of return*—(1) *In general.* For taxable years beginning after December 31, 1974, every political organization described in section 527(e)(1), and every fund described in section 527(f)(3) or section 527(g), and every organization described in section 501(c) and exempt from tax under section 501(a) shall make a return of income within the time provided in section 6072(b) with respect to corporations, if a tax is imposed on such an organization or fund by section 527(b).

(2) *Taxable years beginning after December 31, 1971, and before January 1, 1975.* For taxable years beginning after December 31, 1971, and before January 1, 1975, any political organization which would be described in section 527(e)(1) if such section applied to such years shall not be required to make a return if such organization would not be required to make a return under paragraph (a)(1) of this section.

(b) *Form of return.* The return required by an organization or fund upon which a tax is imposed by section 527(b) shall be made on Form 1120-POL.

[FR Doc.76-38465 Filed 12-28-76;4:57 pm]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Iowa Grain Inspection Point

Statement of considerations. The Davenport Grain Exchange, Inc., Davenport, Iowa, has requested that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Davenport, Iowa, be transferred to the Eastern Iowa Grain Inspection and Weighing Services, Inc., on December 31, 1976.

Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa, has applied for designation (in accordance with section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act) to operate as an official agency at Davenport, Iowa. This application does not preclude other interested persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate as an official agency at Davenport, Iowa, pursuant to the requirements set forth in section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE.—Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Since the Davenport Grain Exchange, Inc., will be terminating official grain inspection services on December 31, 1976, the Eastern Iowa Grain Inspection and Weighing Service, Inc., will be given an interim designation as the official agency at Davenport, Iowa, effective December 31, 1976, in accordance with section 26.101(a)(2) of the regulations (7 CFR 26.101(a)(2)) under the Act in order to continue orderly inspection services at Davenport, Iowa. The interim designation will remain in effect until the final determination of the proposed transfer of designation.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official agency at Davenport, Iowa.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than February 2, 1977. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: December 28, 1976.

DONALD E. WILKINSON,
Interim Administrator.

[FR Doc.76-38463 Filed 12-30-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27557]

TRANSATLANTIC FAK CONTAINER AND CHARTER FREIGHT RATES INVESTIGATION

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above entitled matter, assigned to be held on January 6, 1977, (41 FR 56213, December 27, 1976) is hereby postponed to January 24, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., December 27, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-38454 Filed 12-30-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORIES

Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1977 the Annual Retail Trade Survey, which has been conducted each year since 1951 (except 1954) under title 13, United States Code, sections 182, 224, and 225. This survey is conducted to collect data covering year-end inventories, purchases, and annual sales of retail trade establishments. This survey, which would provide data for 1976, is the only continuing source available on a comparable classification and a timely basis for use as a benchmark for developing retail inventory estimates.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than February 2, 1977.

Reports will be required only from a selected sample of firms operating retail establishments in the United States, with probability of selection based on their sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director of the Bureau of the Census within 30 days of this notice.

Dated: December 28, 1976.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

[FR Doc.76-38414 Filed 12-30-76;8:45 am]

Domestic and International Business Administration

LAMONT-DOHERTY GEOLOGICAL OBSERVATORY, ET AL.

For Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used in being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before January 24, 1977.

Amended regulations issued under cited Act. (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00059. Applicant: Lamont-Doherty Geological Observatory—Columbia University, Palisades, NY 10964. ARTICLE: ANAC Tiltmeter System Model 300 [Consisting of two

units; the Model 305 Precision Tilt Transducer and the model 301 Tilt Indicator.] Manufacturer: Dept. of Physics, University of Queenland, Australia. Intended to be used for investigations of the tilt phenomena as associated with earthquakes. Application received by Commissioner of Customs: December 1, 1976.

Docket number: 77-00060. Applicant: Univeresity of California, Biochemistry Department, 401 Biochemistry Building, Berkeley, California 94720. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research projects:

(1) Studies of nucleic acids by electron microscopy using protein free spreading techniques for DNA, DNA fragments and DNA-enzyme complexes.

(2) Studies of cellular structures (e.g., active transport of amino acids in thin setcions of the bacterium *Salmonella typhimurium*, biochemical and morphological changes in the sexual mating reactions of yeast, biosynthesis of the spore coat in wild type and spore defective mutants contractile proteins in cytokinesis and mitosis, bacterial membranes and their flagellar attachment sites), and

(3) Structural studies employing unstained or negatively stained preparations viewed in darkfield as well as bright field.

The article will also be used for instruction in specimen preparative techniques required for specified research projects and for individual and small group instruction in the operation of the electron microscope and associated techniques. Application received by Commissioner of Customs: December 9, 1976.

Docket number: 77-00061. Applicant: University of Kentucky, Department of Pathology, Albert B. Chandler Medical Center, Lexington, Kentucky 40506. Article: Electron Microscope, Model EM400 and accessories. Manufacturer: Philips Electronics Instrument NVD, The Netherlands. Intended use of article: The article is intended to be used for the following investigations:

(1) Studies of renal pathology and pathogenesis of disease,

(2) Studies of cellular abnormalities resulting from drug administration,

(3) Studies of changes in enzyme localization in kidney cells as a means of trying to understand mechanisms by which anuria form in acute renal failure.

(4) Studies of the association of viruses with human tumors and their preliminary viral diagnosis.

(5) Detailed studies of the complex tubular structures which are found in human endometrial cells with the aim of trying to understand the role of this complex channel system in the physiology of these cells.

(6) Studies of the effects of vincristine and vinblastine on rat ovaries and testes.

(7) Study of the role of microtubules and actin-like filaments in dividing cells in culture and the means by which the cell regulates the polymerization, localization and activities of these structures.

(8) Studies of hypercalcemia and hypokalemia at the cellular level in cultured cells.

(9) Studies of large numbers of specimens for purposes related to surgical pathology.

In addition, the article will be used for the training of graduate students, and Pathology residents and students taking special programs in Pathology in fine structure analysis and techniques in pathological diagnosis. Application received by Commissioner of Customs: December 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-38461 Filed 12-30-76;8:45 am]

NEW YORK STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00268. Applicant: State University of New York at Binghamton, Dept. of Biological Sciences, Vestal Parkway East, Binghamton, N.Y. 13901. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for a variety of ultrastructural studies in different organisms by graduate studies, staff members, and faculty of the Department of Biological Sciences. The main areas of research to be pursued are the following:

1. Comparative ultrastructure of mammalian and amphibian liver.
2. Glomerular lesions occurring in rodents with renal disease.
3. Mitochondrial development in insect flight muscle.
4. Subunit structure of F_1 ATPase.
5. Morphological purity of sub-cellular fractions from porcine thyroid gland.
6. Ultrastructure of the photosynthetic apparatus of Cyanobacteria (blue-green algae).
7. Fine structure of the cell membrane of iron-oxidizing Thiobacilli.
8. Morphology of the vaginal and uterine linings of the mouse during the estrous cycle and pregnancy.
9. Ultrastructural response of blue-green algae to environmental parameters.
10. Ultrastructural changes in chlorella vulgaris when cell growth is uncoupled from cell division.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 9, 1974).

Reasons: This application is a resubmission of Docket Number 75-00566-33-46040 which was denied without prejudice to resubmission on September 29, 1975 for information deficiencies. In Question 8 of the application, the applicant is required to list all specifications of the foreign article which are alleged to be pertinent to the intended use of the article (within the meaning of Subsection 301.2(n) of the regulations) and to be unmatched in available domestic instruments.

The applicant's response to Question 8 is summarized below: (1) *Resolution.* Although the guaranteed point to point [pt.] resolution of the article (4Å) and the [Adam David Company's Model] EMU-4C(5Å) are not significantly different, the relative ease and reliability withwhich the guaranteed resolution can be achieved is quite different.

(2) *Beam Current.* Although the beam current is stated [by the Department of Health, Education, and Welfare (HEW)] to be not pertinent, the article achieves comparable illumination [to the EMU-4C] at similar magnifications without use of excessive high beam currents which can cause specimen damage making them unuseable for work at high magnifications.

(3) *Alignment.* The article has relative simplicity of alignment compared to a more complex alignment procedure for the EMU-4C.

(4) *Similarity to the EM 100.* The article has similarity to a presently used EM 100 in construction, design and operation which provides for a quick and easy transfer between the two instruments without the necessity for considerable retraining which would be required if the EMU-4C was used.

(5) *Plate Numbering Device.* The article has a plate numbering device that prints up to six digits which will prevent mixup of individual plates by a single electron microscope technician.

(6) *Service Record.* The article has an outstanding unmatched service record which proves the article is an extremely reliable instrument with few costly repairs and little downtime.

The applicant's intended purposes involves a significant quantity of research. In addition, the applicant intends to use the article for educational purposes in four courses. Three of these courses are for graduate students (one involves independent projects, often as a preliminary experience with the tissue or organisms which will be used in their thesis research; one is a basic course and one involves advanced techniques). In the remaining course an electron microscope will be demonstrated to (not used by) advanced undergraduates. In connection with the applicant's educational

program, we note that the applicant has a medium resolution electron microscope which will also be used for teaching. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C manufactured by the Adam David Company. HEW advises in its memorandum dated April 22, 1975 that this application be denied because the applicant provides no pertinent specification (within the meaning of Subsection 301.2(n) of the regulations) upon which duty-free entry could be based. As to the specific allegations of the applicant, in the order listed above, the following is noted:

(1) *Resolution.* The applicant, in discussing the issue of resolution, makes conflicting statements relating to this requirement. (For example: "• • • Our research and educational needs are for an instrument capable of at least 5Å or better; "• • • In those research projects involving substructure of macromolecules and membranes • • • an instrument capable of routine resolution of at least 4Å is required; "• • • Inquiries from users of both instruments have indicated that a routine resolution of 3.5Å or less is obtained only with difficulty in the EMU-4C while in the EM 201C routine resolution of 3.5Å can be obtained even by students. • • •".) We note that the determination of scientific equivalency is based upon comparison of the guaranteed pertinent specifications of the article and the most closely comparable domestic instrument in accordance with Subsection 301.11 of the regulations. In its recommendation relating to the applicant's initial submission (Docket Number 75-00566-33-46040) HEW found the guaranteed resolution of the EMU-4C not scientifically different for the applicant's work from that of the article. The description of the applicant's purposes were not changed in this resubmission. Further, the applicant appears to accept HEW's prior findings. As to the issue of resolution in this submission HEW again advises that resolution better than that guaranteed by the EMU-4C is not pertinent. In addition, HEW advises that the relative ease with which the guaranteed resolution of the EMU-4C and the article are routinely obtained is dependent on the level of maintenance and reliability factors. These factors, HEW advises, are cost-related and are not pertinent. (Further information pertaining to such factors is provided in the discussion of Item (6) below.) Accordingly, we find that the relative ease and reliability with which the guaranteed resolution can be achieved is not pertinent. HEW also advises that simplicity may be involved but neither instrument is a simple one [article vs. EMU-4C].

(2) *Beam currents.* The beam current meter on an electron microscope measures the total current delivered by the power supply. This is not a direct measurement of the electrons per unit area (current density or illumination) impinging on the specimen. Only a small fraction of this current actually falls on the specimen. For example, in the EMU-4C a large portion of this current (which can be varied by the operator) is used in the electronic regulator for high voltage control and another large portion is removed by the condenser aperture system. If one important source of specimen damage, the contamination rate, is not considered, it is the electrons per unit area that hit the specimen (illumination) that contributes to specimen damage rather than beam current. (We note that specifications for the EMU-4C show that the contamination rate is 0.0017Å/sec. which compares favorably with 0.01Å/sec. for the article.) Thus HEW advised in its memorandum on Docket Number 75-00566-33-46040, the initial submission, which cites identical purposes to those cited in this submission, that beam current is not a pertinent feature. In this submission, HEW advises that relative beam current figures have little meaning as indicators of specimen damage in the absence of corresponding data on the spot-size at the specimen. In this connection, we note that the foreign article provides a spot-size of 6 microns with its single condenser system whereas the EMU-4C provides a 2 to 32 micron spot-size (which can be varied to 6 microns if desired) with its double condenser system. HEW also advises that with a sensitive specimen, beam current is normally kept as low as possible while still providing the minimum illumination for viewing and photography. HEW notes that since phosphor screens (or film) have similar efficiency in either instrument, the minimum illumination condition is similar when the number of electrons per unit area is similar. Finally, HEW advises that it does not observe a scientifically significant difference in beam current per unit area at the specimen.

In this connection, we note that the applicant has indicated that comparable illumination at various magnifications can be achieved on the two instruments. We further note that at equal illumination specimen damage should be proportional to beam diameter. At any rate the EMU-4C can be adjusted to the same illumination and spot-size as the foreign article. Under these conditions damaging effect on the specimen is equivalent.

(3) *Alignment.* HEW advises that ease of alignment is a convenience which is not pertinent. We note that HEW has previously advised that neither the article nor the Model EMU-4C is a simple instrument.

(4) *Similarity to EM 100.* HEW advises that similarity to an existing instrument is a convenience which is not pertinent.

(5) *Plate numbering device.* HEW advises that the design of the plate numbering device is a convenience which is not pertinent. We note that its use by a single technician is a cost-related matter which is not pertinent within the meaning of Subsection 301.2(n) of the regulations.

(6) *Service record.* HEW advises that relative service records, dependability, reliability, or projections thereof, are cost-related matters which are not pertinent.

In general, information which can lead to a direct quantitative comparison of the reliability (i.e., ability to conform to specifications without excessive breakdown) of two instruments is almost never available. When a specification is "guaranteed" the manufacturer is stating, in effect that the necessary steps have been taken to verify ability to meet this obligation. Thus a guaranteed specification presupposes a determination of reliability to some "engineered-in" degree. Customarily, manufacturers neither issue quantitative specifications on reliability nor guarantee reliability. Moreover, the reliability of a single instrument can, and frequently does, improve abruptly with time (for example, as the manufacturer gains experience and makes minor modifications dictated by such experience).

No two instruments of the same model supplied by the same manufacturer will have identical records insofar as reliability is concerned and a documented history of poor reliability does not mean that such performance will not vastly improve with the very next instrument (and subsequent instruments) produced. Without strong and substantive supporting evidence in the record that the reliability of two instruments were measurably different and the difference in reliability precluded performance of the work intended, reliability could not be considered a justifiable basis for duty-free entry under Pub. L. 89-651. While reputations with respect to reliability which are derived from subjective, word-of-mouth allegations or even personal experience may, reasonably or otherwise, enter into a person's decision to buy a particular instrument, such a yardstick could not serve as a clear-cut, objective basis for duty-free entry.

Moreover, we would reemphasize that reliability is considered a cost-related consideration for duty-free entry purposes which by regulation and by Congressional intent is not a sufficient basis for the granting of duty-free entry.

For the foregoing reasons, we find that the Model EMU-4C electron microscope, was of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-38408 Filed 12-30-76;8:45 am]

Foreign-Trade Zones Board

[Order No. 113]

PORT EVERGLADES AUTHORITY, FT. LAUDERDALE, FLA.

Resolution and Order Approving Application for a Foreign-Trade Zone in Port Everglades, Broward County, Florida; Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

RESOLUTION AND ORDER

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18,

1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Port Everglades Authority, a Florida public corporation, filed with the Foreign-Trade Zones Board (the Board) on June 30, 1976, requesting a grant of authority for establishing, operating and maintaining a foreign-trade zone in Port Everglades, County of Broward, Florida, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application.

Since the proposal involves an industrial park type zone that envisages the construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

FOREIGN-TRADE ZONES BOARD, WASHINGTON, D.C.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN PORT EVERGLADES, FLORIDA

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u), (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Port Everglades Authority (hereinafter referred to as "the Grantee"), has made application (filed June 30, 1976) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Port Everglades, Broward County, Florida;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 25, at the location mentioned above and more particularly described on the maps and drawings accompanying the application requesting authority for a foreign-trade zone in Port Everglades, Florida, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Elliot L. Richardson, at Washington, D.C., this 27th day of December 1976 pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD
ELLIOT RICHARDSON,
Chairman and Executive Officer.

Attest:
JOHN J. DUPONT,
Executive Secretary.

[FR Doc.76-38462 Filed 12-30-76;8:45 am]

Maritime Administration

[Docket No. S-532]

ALBATROSS TANKER CORP.

Application

Notice is hereby given that Albatross Tanker Corporation, One Chase Manhattan Plaza, New York, New York 10005, has filed an application dated December 15, 1976, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1977, unless extended, to operate the *SS Erna Elizabeth*, 34,865 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural comodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural comodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessel named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before January 14, 1977, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by the vessels of U.S. registry is inadequate, and (2) whether the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11 504 Operating-Differential Subsidy (ODS).)

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: December 28, 1976.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.76-38471 Filed 12-30-76;8:45 am]

PATENT AND TRADEMARK OFFICE ADVISORY COMMITTEE

Meeting

The Patent and Trademark Office Advisory Committee will meet from 10:00 a.m. to 5 p.m. on February 4, 1977, in Room 3–11C28 (Commissioner's Conference Room), Patent and Trademark Office, Crystal Plaza Building 3, Arlington, Virginia. This committee was established on December 15, 1975 to advise the Patent and Trademark Office on matters concerning the patent system and the administration of the Office. The agenda for the Februray 4 meeting is:

(1) Status report on Patent and Trademark Office studies and activities concerning topics previously considered by the Committee.

(2) Further consideration of a system of reexamination of issued patents, including a draft recommendation of this subject.

(3) Problems of the independent inventor and small business patentee.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first-come first-served basis. A period will be set aside for oral comments or questions by public observers of 3 minutes per individual on each of the agenda items. More extensive comments or questions should be submitted in writing before February 2. Other public statements may be submitted at any time before or after the meeting.

Copies of the minutes will be available on request 45 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Herbert C. Wamsley, Office of the Commissioner of Patents and Trademarks, Washington, D.C. 20231, telephone: 703–557–3071; or to the Executive Secretary, David B. Allen, Office of Legislation and International Affairs, Patent and Trademark Office, Washington, D.C. 20231, telephone: 703–557–3065.

Dated: December 20, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved.

BETSY-ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-38401 Filed 12-30-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MACAU

Establishing Control Levels for Certain Cotton and Man-Made Fiber Textile Products

DECEMBER 29, 1976.

On March 3, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Portugal concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Macau to the United States over a period of three years beginning on January 1, 1975. The agreement was amended by an exchange of notes, dated August 4 and August 17, 1976, to establish, inter alia, specific levels of restraint for Categories 22/23, 41/42/43/62 (pt.) and 218/219/224 (pt.), in addition to those previously designated for Categories 49, 50/51, 221, 222, 223, part of 224, and 229 for the agreement year beginning on January 1, 1977.

Accordingly, there is published below a letter of December 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton and man-made fiber textile products in Categories 22/23, 41/42/43/62 (pt.) 49, 50/51, 218/219/224 (pt.), 221, 222, 223, 224 (pt.), and 229, produced or manufactured in Macau, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977, be limited to the designated levels.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DECEMBER 29, 1976

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1977 and for the twelve-month period extending through December 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 22/23, 41/42/43/62 (pt.) 49 and 50/51 and man-made fiber textile products in Categories 218/219/224 (pt.), 221, 222, 223, part of 224, and 229, produced or manufactured in Macau, in excess of the following levels of restraint:

Category	*Twelve-Month Level of Restraint*	
22/23	2,125,000	square yards
41/42/43/62 (pt.)[1]	410,392	dozen (of which not more than 185,938 dozen shall be in Cat. 41/42 and not more than 239,913 dozen shall be in Cat. 43/62 (pt.))
49	67,159	dozen
50/51	215,690	dozen
218/219/224 (pt.)[2]	9,824,589	square yards equivalent (of which not more than 109,149 dozen shall be in Cat. 218 and not more than 50,366 dozen shall be in Cat. 224 (pt.))[3]
221	82,718	dozen
222	163,010	dozen
223	140,784	dozen
224 (pt.)[4]	223,900	pounds
229	152,823	dozen

[1] In Category 62, only T.S.U.S.A. Nos.: 380.0027, 382.0002, 382.0026, 382.0605, 382.0610, 382.3904 and 382.6904.

[2] In Category 224, only T.S.U.S.A. Nos.: 382.0455 and 382.7879.

[3] The factor for converting dozens to equivalent square yards for T.S.U.S.A. Nos. 382.0455 and 382.7879 is 15.69.

[4] All T.S.U.S.A. Numbers in Cat. 224 except those listed in footnote 2.

In carrying out this directive, entries of cotton and man-made fiber textile products in all of the foregoing categories except Categories 22/23, 41/42/43/62 (pt.) and 218, produced or manufactured in Macau, which have been exported to the United States prior to January 1, 1977, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1976. In the event the levels of restraint established for these goods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Entries of cotton textile products in Categories 22/23 and 41/42/43/62 (pt.) and man-made fiber textile products in Category 218, which have been exported to the United Stats prior to January 1, 1977, shall not be subject to this directive.

Cotton textile products in Categories 22/23 and 41/42/43/62 (pt.) and man-made fiber textile products in Category 218 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the

foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010), as amended on December 30, 1975 (40 F.R. 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foregin affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.76-38473 Filed 12-30-76;8:45 am]

POLISH PEOPLE'S REPUBLIC

Establishing Import Levels for Certain Cotton Textile Products

DECEMBER 29, 1976.

On November 6, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Polish People's Republic concluded a bilateral textile agreement concerning exports of cotton textiles and cotton textile products from the Polish People's Republic to the United States over a three-year period beginning on January 1, 1975 and extending through December 31, 1977. Among the provisions of the agreement are those establishing designated consultation levels for cotton textile products in Categories 36, 41, 42, 43, 48, 49 and 62 for the twelve-month period beginning on January 1, 1977.

Accordingly, there is published below a letter of December 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Categories 36, 41, 42, 43, 48, 49, and 62, produced or manufactured in the Polish People's Republic, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning on January 1, 1977, be limited to the designated levels. The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DECEMBER 29, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of November 6, 1975, between the Governments of the United States and the Polish People's Republic, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1977 and for the twelve-month period extending through December 31, 1977, entry into the United States for consumption of cotton textile products in Categories 36, 41, 42, 43, 48, 49 and 62, produced or manufactured in Poland, in excess of the following levels of restraint:

Category	*Twelve-Month Level of Restraint*
36	217,391 numbers
41	207,354 dozen
42	276,472 dozen
43	414,708 dozen
48	20,000 dozen
49	55,385 dozen
62	326,087 pounds

In carrying out this directive, entries of cotton textile products in the foregoing categories, produced or manufactured in Poland and exported to the United States prior to January 1, 1977, shall not be subject to this directive. However, entries of cotton textile products in Category 48, produced or manufactured and exported from Poland between December 7 and December 31, 1976, shall continue to be subject to the directive of December 2, 1976.

Cotton textile products in Categories 36, 41, 42, 43, 48, 49 and 62, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448 (b) before the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Committee for the Implementation of Textile Agreements.

[FR Doc.76-38472 Filed 12-30-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 6645

Clock, Wall, Battery, 6645-00-935-4243.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the above commodity from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed addition may be filed with the Committee on or before February 3, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-38439 Filed 12-30-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from December 20 through December 23, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (February 14, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Lowell Planning Unit, Clearwater N.F., Idaho County, Idaho, December 22: The proposed action is the selection and implementation of a land use plan for the Lowell Unit, Lochsa Ranger District, Clearwater National Forest, Idaho. The planning unit includes 152,600 gross acres of which 147,000 acres are National Forest and 5,200 acres are private land. Eight alternatives are presented for the allocation of resources and specification of management direction. There exists a wide range of environmental effects among the alternatives. (342 pages). (ELR Order No. 61775.)

Tiak Unit Plan, Ouachita N.F., McCurtain County; Okla., December 22: The proposed action is to manage, administer and utilize the forest resources of the 43,133-acre Tiak Planning Unit, Ouachita National Forest, from October 1, 1976 to September 30, 1986. Major actions involved are regenerating commercial timber stands on 7,434 acres, thinning timber stands on 7,434 acres, thinning timber on 16,800 acres, improving wildlife habitat, providing additional dispersed recreation to meet needs of expected recreation users, and constructing 48 miles and reconstructing 39 miles of roads. Effects will result on soils, water quality, vegetation, wildlife and forest aesthetics. (53 pages). (ELR Order No. 61777.)

Badger-Jordon Unit Plan, Hood N.F., Wasco and Hood Counties, Oreg., December 20: Proposed is a land use management plan for the Badger-Jordon Planning Unit, Mt. Hood National Forest. The plan applies to approximately 58,000 acres within the National Forest boundary, of which 21,200 acres were inventoried by the Forest Service and reported in the final EIS for Roadless and Undeveloped Areas filed in October, 1973. Unavoidable adverse effects include increases in water, litter, and noise pollution, and increased risk of fire from more use and a fuels buildup (215 pages). (ELR Order No. 61772.)

Huston Park Sub-Unit, Medicine Bow N.F., Carbon County, Wyo., December 20: Proposed is a revised land management plan for the 63,560 acre Huston Park Sub-Unit, Medicine Bow National Forest. The area has been divided into three management units with the primary resource values being a function of natural capability, managed suitability, resource availability and relative public needs. Adverse effects include the potential loss of wilderness characteristics within the 13,240 acres that could be developed for a variety of other resources and uses (75 pages). (ELR Order No. 61770.)

SOIL CONSERVATION SERVICE

Draft

Little Auglaize River Watersheds, several counties; Ohio, December 20: Proposed are projects for watershed protection, flood prevention, and drainage in Mercer, Putnam, and Van Wert Counties, Ohio. Due to project and area similarities, three adjacent watershed work plans (Little Auglaize River, Middle Branch, and Prairie Hoaglin Branch) are jointly covered in this statement. Of the 185.2 miles of channel work planned, 31.5 miles have been completed. Structural measures remaining to be installed consist of 153.7 miles of channel work. Channel construction will disturb 847 acres of woody vegetation, 1,590 acres of cropland, and 26 acres of other land (145 pages). (ELR Order No. 61768.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Coastal Energy Impact Program, Rules & Regs., December 20: The proposed action consists of promulgating rules and regulations governing administration of the Coastal Energy Impact Program (CEIP) established by Section 308 of the Coastal Zone Management Act as amended. The CEIP provides financial assistance to meet the needs of coastal states and local communities resulting from specified activities, and improves the decision-making process for managing the social, economic, and environmental consequences resulting from coastal energy activity. Adverse impacts will be localized, and will be limited to those associated with actual operation of public facilities to be financed under 308 (b) and (d) (35 pages). Comments made by: CEQ, USDA, DOC, HEW, DOI, DOT, EPA, FPC, NRC, State and local agencies, and concerned citizens. (ELR Order No. 61767.)

DEPARTMENT OF DEFENSE
ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWP-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

North Point Park/Marina, San Francisco County; Calif., December 21: Proposed is the construction of a major commercial/recreational complex at the Port of San Francisco's northern waterfront. The project will include restaurants, retail shops, a marina, a parking garage, and open space/park areas adjacent to and including Piers 37, 38, and 41. Adverse effects include increased local traffic, sedimentation from the construction of breakwaters, and air, water, and noise pollution (San Francisco District) (219 pages). (ELR Order No. 61774.)

Dalles to Vancouver Channel, Columbia River, Oregon, and Washington, December 22: Proposed is the continued maintenance of the navigation channel between Vancouver and The Dalles (River Mile 106 to River Mile 190) on the Columbia River to a 17-foot depth and 300-foot width, and continuation of the present permit process in the same area. Included is the maintenance of pile dikes and other small navigation projects conducted by the Corps of Engineers within the project area. Locations of previous and future dredge and disposal sites are outlined. Adverse effects include removal of river bottom habitat and organisms (Portland District) (75 pages). (ELR Order No. 61776.)

Final

Muskegon Harbor, Mitigation of Shore Damage, Muskegon County, Mich., December 21: This project entails the establishment and maintenance of seven beach nourishment supply sites to provide immediate and continued relief to damage shore areas in the vicinity of Muskegon Harbor, Michigan. Approximately 70,000 cubic yards of sediment will be dredged from the harbor mouth and deposited in seven selected sites. Benthos at the nourishment sites will be smothered and operations would cause temporary migration of fish due to turbidity, small losses of benthic life at the dredging site, and temporary construction disruption. (Detroit District) (210 pages). Comments made by: USDA, DOC, AHP, EPA, EPC, DOT, DOI, State and local agencies, and concerned citizens. (ELR Order No. 61773.)

Dunkirk Harbor Navigation Improvements, Chautaugua County, N.Y., December 22: The proposed project for small-boat harbor improvements at Dunkirk Harbor includes the construction of two rubble-mound breakwaters and a footbridge, the dredging of four channels and one mooring basin, and the removal of 83,000 cubic yards of bottom sediments. Adverse impacts will be the elimination of 4.7 acres of bottom habitat; the disturbance of 12.6 acres of benthic habitat; the disruption of recreational activities during dredging; and increased noise, dust, odors, turbidity, and traffic during construction (Buffalo District) (235 pages). Comments made by: USCG, USDA, DOT, EPA, DOI, and DOC. (ELR Order No. 61779.)

FEDERAL ENERGY ADMINISTRATION

Draft

Naphtha Allocation—SNG Production, Indiana Gas, Marion County, Ind., December 23: Proposed is an allocation of naphtha feedstock of approximately 3.8 million barrels per year to the Indiana Gas Company for operation of its proposed synthetic natural gas (SNG) plant in Pike Township, a rural suburb of Indianapolis, Indiana. The allocation would enable construction of the plant with a completion date projected for late 1979. With an expected SNG output of 20,-820,000 Mcf per year, this plant will provide approximately 20 percent of the total gas supply available to Indiana Gas when in operation. Twenty-five acres of open fields and woods will be committed to industrial use (125 pages). (ELR Order No. 61781.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Bent Tree Planned Unit Development, Dade County, Fla., December 20: The proposed project is a 320-acre Planned Unit Development in Dade County, Florida. The development will contain approximately 1095 town house units, 196 quadraplex units, and 247 single family detached cluster residences, for a total of 1925 residential units. There will be recreational facilities consisting of two lakes, tot lots, a school-park site, and common green areas. There will also be a commercial site near the center of the development. Adverse effects include noise and air pollution. (95 pages). (ELR Order No. 61765.)

Section 104(b)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Supplement

Crawford Heights, Martins Ferry (S-1), Belmont County, Ohio, December 22: This statement supplements a final EIS filed with CEQ in September 1976. The supplemental information pertains to comments submitted on the project by the Sunset Heights Community Center dated May 14, 1976 (50 pages). (ELR Order No. 61778.)

V 42 1 JAN 3 77 UM

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard Chais, Supervisory Attorney Advisor for the Environmental Staff, Room 2370, 12th St. and Constitution Ave., NW, 202-343-2086.

Draft

E. Cooper & Berkeley RR Co., Berkeley County Line, Berkeley County, S.C., December 20: Proposed is the granting of authority to South Carolina Public Railways Commission, in behalf of the East Cooper and Berkeley Railroad Company, to construct and operate a line of railroad between a connection with a mainline of the Seaboard Coast Line Railroad at State Junction, located at milepost 393 between Cordesville and Bethera, S.C., and the property of Amoco Chemical Corporation, a distance of 15.5 miles, all within Berkeley County, South Carolina. Construction of this line will require the commitment of approximately 221 acres of undeveloped land. (150 pages). (ELR Order No. 61766.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Supplement

3 Mile Island Nuclear Sta. Unit 2 (S-2), Dauphin County, Pa., December 23: This supplement proposes the continuation of construction permit CPPR-66 and the issuance of operating license to Metropolitan Edison Co., Jersey Central Power and Light Co., and the Pennsylvania Electric Co. for the operation of the Three Mile Nuclear Station, Unit 2 near Harrisburg, Pennsylvania. The Unit has a designed thermal rating of 2772 megawatts and a maximum electrical output of 959 megawatts. Two natural draft cooling towers are utilized for dissipating the waste heat from the closed cycle cooling system. (130 pages). (ELR Order No. 61780.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-481 Extension, Collamer Int.-Bear Rd. Int., Onondaga County, N.Y., December 20: Proposed is the construction of Interstate 481 Extension, a 4-lane divided expressway 5.4 miles long connecting Collamer Interchange at Exit 34A of the New York State Thruway to the Bear Road Interchange with Interstate 81. The project is located in the towns of DeWitt and Cicero. Adverse effects include increased noise and air pollution levels. Displacement of businesses and families will also result (Region 4). (200 pages.) (ELR Order No. 61769.)

Final

Fourth and Fifth Streets, Newport, Campbell County, Ky., December 20: The proposed project consists of the improvement of Fourth and Fifth Streets from Washing to Linden Avenues in Newport, Kentucky. The recommended alternative would widen both streets to a 36-ft. cross-section, providing 2 travel lanes and one parking lane, and would provide for offstreet parking by widening Ader Alley and by building an offstreet parking lot. Negative impacts include destruction of 60 trees, relocation of 24 family units, and the purchase of 20 property parcels (Region 4) (191 pages.). Comments made by: HEW, EPA, DOC, DOI, State and local agencies, and concerned citizens. (ELR Order No. 61771.)

Supplement

I-66, 4-lane Multi-Model Concept (S-3), Arlington and Fairfax Counties, Va., December 20: This statement supplements a final EIS filed with CEO in July 1974 and updates a draft Supplement filed with CEO in June 1976. The proposed project is a 4-lane limited access highway/multi-mode concept located in the corridor originally designed for the construction of I-66. This 9.6-mile section would connect a 32-mile section of I-66 west of the Beltway with the Theodore Roosevelt Bridge across the Potomac River into the District of Columbia. Negative impacts include the severance of 32 local streets, and the taking of .35-acre of Bon Air Park, 7.47 acres of Falls Church City Park, and .9-acre of George Mason High School (Region 3). (2 volumes.) (ELR Order No. 61764.)

DAVID W. TUNDERMAN,
Acting General Counsel.

[FR Doc.76-38436 Filed 12-30-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

IDAHO NATIONAL ENGINEERING LABORATORY

Public Hearing Concerning Draft Environmental Statement Regarding Waste Management Operations

On Tuesday, July 6, 1976, the Energy Research and Development Administration (ERDA) announced in the FEDERAL REGISTER (41 FR 27778) the issuance of its draft environmental impact statement (DES) ERDA-1536, "Waste Management Operations, Idaho National Engineering Laboratory, Idaho." That notice also requested that comments concerning the DES from interested individuals, organizations and governmental agencies be sent to ERDA by October 4, 1976, and announced that a public hearing would be conducted in connection with the DES.

Notice is hereby given that the public hearing concerning the Des and the INEL waste management program is scheduled to commence at 9 a.m. on February 1, 1977, at the Ramada Inn, 850 Lindsey Boulevard, Idaho Falls, Idaho. Additionally, a second hearing will be conducted beginning at 9 a.m. February 3, 1977, at the Rodeway Inn, 29th and Chinden, Boise, Idaho.

The purpose of the hearings is to afford further opportunity for public comment regarding the draft statement and for the furnishing of any additional information which will assist ERDA in determining the future of the waste management program at INEL. In order to sharpen and focus the major issues for discussion and examination at the hearing, ERDA will make available a staff statement summarizing and addressing those points raised in the written comments on the draft environmental statement which are believed to be of major importance.

The hearings will be conducted by a three-man Presiding Board chaired by Mr. John B. Farmakides, Chairman of the ERDA Board of Contract Appeals. The other two members of the Board will be Dr. G. Victor Beard, Salt Lake City, Utah; and Dr. Herbert M. Parker, Richland, Washington. Two members of the Board will constitute a quorum if one member is the Chairman.

Persons, organizations or governmental agencies wishing to appear and make a presentation are encouraged to become "full participants" in the proceedings by filing with Mr. W. H. Pennington, Director, Office of NEPA Coordination, ERDA, Mail Station E-201, Washington, D.C. 20545 (301-353-4241), not later than the close of business on January 21, 1977, a notice of intention to participate. The notice shall set forth: (1) The name and address of the participant; (2) the location (Idaho Falls or Boise) at which the appearance will be made; (3) the nature of the participant's interest in the proceeding, or his organizational affiliation; (4) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (5) the names and addresses of all witnesses to be produced at the hearing by the participant and a summary of the substance of the proposed testimony; and (6) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule the full amount of time requested by full participants (those who file a timely notice) subject to the imposition of such reasonable time limits as may be consistent with orderly procedures and as will assure other full participants a meaningful opportunity to present their views.

Persons, organizations, or governmental agencies wishing to participate but who do not file a timely notice as specified herein, may notify Mr. Pennington before the hearing or the Presiding Board during the hearing of their desire to make a presentation. Such parties shall be admitted as "limited participants" and shall be heard at such times as the Presiding Board shall permit for a period of not more than 15 minutes each, unless the Presiding Board, in its discretion, allows additional time.

The public hearings will be legislative rather than adjudicatory in nature. Formal discovery, subpoena of witnesses, cross-examination of participants, testimony under oath and similar formal procedures appropriate to a trial-type hearing will not be provided. Participants may, but need not, be represented by counsel. Participants and their counsel will reference and produce, on request of the Presiding Board, the documents on which they rely.

The agency will make available appropriate witnesses to explain the background and purpose of the INEL waste management program and the contents of the draft environmental statement and to respond to appropriate questions. Questions may be posed to participants (including ERDA staff members), during the course of the hearing by other participants (including ERDA staff members) and the Presiding Board, either orally or in writing provided that: (a) All questioning shall be subject to the control and discretion of the Presiding Board, (b) questions shall be permitted from participants who have not provided advance notice of their participation only to the extent that they are relevant to the issues identified in the staff statement, and (c) any participant (including ERDA staff members) may elect to answer any such questions either orally at the hearing or subsequently in writing submitted to the Presiding Board before the close of the hearing record, which shall be determined by the Board.

Consistent with the full and true disclosure of the facts, duplicative, redundant, irrelevant, or otherwise unproductive testimony or questioning will not be permitted and the Presiding Board will impose suitable restrictions to that end. The Presiding Board is authorized to take appropriate action to control the course of the hearing including authority to maintain order; rule on offers of, and receive, evidence; dispose of procedural requests or similar matters; allocate among participants the time available for presentation; provide for consolidation of presentations, as appropriate; examine participants or witnesses; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Presiding Board.

In addition to controlling the course of the hearings, the Presiding Board may examine participants in order to elicit fuller information, probe sensitive issues, and discover the bases and sources of views, so as to produce a satisfactory record upon which the agency may evaluate the concerns of the interested public.

A transcript of the hearing will be made. The record of the hearing shall consist of the transcript, all documents received into the record by the Presiding Board, and a Report of the Presiding Board as provided below. The record will be placed in the ERDA public document rooms noted below as soon as practical after the close of the hearing where it will be available for inspection by members of the public.

After the close of the hearing record, the Presiding Board shall render its Report and forward it, together with the record to the Administrator. These documents will be considered in the preparation of the final environmental statement and in making determinations concerning the waste management operations program at INEL. The Report shall be based upon the Presiding Board's review of the draft environmental statement and the hearing record and shall: (a) Identify those unresolved issues raised at the hearing which the Presiding Board deems to be critical to future decisions concerning the Program, and (b) present the recommendations of the Presiding Board concerning the treatment of these issues in the final environmental statement in a maner which will promote informed decisionmaking. In discharging its function, however, the Presiding Board shall not undertake to resolve issues or render judgment concerning the course of the Program.

Copies of ERDA-1536, the written comments as received, and the staff statement are available for public inspection at the following ERDA public document rooms:

ERDA Headquarters, 20 Massachusetts Avenue, Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Copies of the staff statement can be obtained from Mr. Pennington or the Idaho Operations Office at 550 Second Street, Idaho Falls, Idaho 83401.

Dated at Germantown, Maryland, this 28th day of December.

For the Energy Research and Development Administration.

Dated: December 28, 1976.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-38441 Filed 12-30-76;8:45 am]

ENERGY CONSERVING CONSUMER PRODUCTS

Meeting

The Energy Research and Development Administration (ERDA) announces the first of a planned series of meetings to acquaint the public and potential contractors with ERDA's national program to develop energy conserving appliances and building related consumer products and technologies. This meeting will be Thursday, February 3, 1977, 8:30 a.m. to 5:00 p.m. at the Quality Inn Capitol Hill; 415 New Jersey Avenue, N.W.; Washington, D.C.

Subjects that will be discussed include appliances, lighting systems, space heating and cooling equipment, insulating materials, other consumer products, and problems involved in identifying and overcoming market barriers that may impede commercial production and widespread consumer acceptance. ERDA personnel will explain a decentralized management plan under which three ERDA National Laboratories, as well as Headquarters staff, will manage research projects.

Persons planning to attend or those seeking further information about the meeting should contact:

Eldon G. Ehlers, Consumer Products and Technology Branch, Office of Conservation, Energy Research and Development Administration, Washington, D.C. 20545, Telephone: (202) 376-4590.

Dated: December 28, 1976.

GENE G. MANNELLA,
Acting Assistant Administrator for Conservation.

[FR Doc.76-38478 Filed 12-30-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 665-3]

APPROVAL OF STATE IMPLEMENTATION PLANS—CALIFORNIA

Required Plan Revision

INTRODUCTION

In this notice the EPA Regional Administrator for Region IX finds that the California State Implementation Plan for the attainment and maintenance of the national ambient air quality standards is substantially inadequate by failing to demonstrate attainment and/or maintenance of the standards in certain geographic areas. The Regional Administrator requires that the State submit revisions to the plan for each identified air quality maintenance area. The Regional Administrator has formally notified the Governor of this matter in a letter dated December 15, 1976.

BACKGROUND

On March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of national ambient air quality standards (NAAQS). On June 18, 1973 (39 FR 15834) and subsequently amended on May 8, 1974 (39 FR 16343), EPA published requirements that States must identify those areas [referred to as Air Quality Maintenance Areas (AQMA)] which, due to current air quality and/or projected growth rate, may have potential for exceeding any NAAQS within the next 10-year period. The State of California proposed nine areas as AQMAs and held a public hearing on the proposed identification. The California Air Resources Board subsequently adopted the AQMA identifications and transmitted the identifications to EPA. EPA reviewed the submittal, found it approvable, and on July 10, 1974 (39 FR 25330), proposed to approve the State's identifications. On September 9, 1975 (40 FR 41942) EPA published approval of the AQMAs identified by California. Table I lists the AQMAs and the pollutants that may have potential for exceeding any NAAQS within the next 10-year period.

Table I

AQMA	Pollutant(s) for which AQMA is identified				
	O_3	CO	NO_x	SO_2	TSP
1. Sacramento Valley	×	×			
2. San Diego air basin	×	×			×
3. San Francisco Bay area air basin	×			×	×
4. San Joaquin and Stanislaus Counties [1]	×				×
5. Fresno County	×				×
6. Kern County	×	×			×
7. Tulare County					×
8. South coast air basin: [2] Santa Barbara, Ventura, Metropolitan Los Angeles.	×	×	×	×	×
9. Southeast desert	×				

[1] San Joaquin County and Stanislaus County have agreed to submit AQMA plans for their county.
[2] Because of recent action taken by the California Air Resources Board and the California Legislature (AB 250) the south coast air basin will prepare 3 separate AQMA plans.

In designating AQMAs, EPA encouraged local governments to develop locally acceptable plans for attainment and maintenance of NAAQS. Such plans are expected to be submitted as formal revisions to the State Implementation Plan.

In the State of California, the Air Resources Board initiated aggressive efforts by local decisionmakers, environmental interest groups, the business community, and the public to address the problems identified in the AQMA designations (except the Tulare AQMA). EPA is supporting these State/local efforts through technical and financial assistance. The California AQMA planning process is divided into two phases. During Phase I all areas, except Tulare AQMA, formed a policy task force which performed a confirming analysis to validate the pollutants and boundaries. Based on that confirmation, each policy task force proceeded to prepare work plans for developing the AQMA plan. The policy task force also selected an agency or group of agencies which will undertake the tasks identified in the work plan, and will develop a program for adoption and implementation of the AQMA plan. Phase II of the California process is the development, adoption and implementation of the AQMA plan.

As noted above, the exception to this process is the particulate plan development for Tulare County AQMA. The California Air Resources Board determined that the particulate problem is valley-wide (San Joaquin, Stanislaus, Fresno, Kern and Tulare Counties) and could best be evaluated by the State. Therefore, the Air Resources Board has assumed responsibility for developing a valley-wide work plan that (1) defines what further efforts are needed to be performed before a meaningful AQMA plan for particulate matter can be begun, and (2) identifies the resources and timeframe necessary for such efforts. After the Air Resources Board has evaluated effective strategies for controlling particulate matter in the valley, they will then propose these strategies as revisions to the local Phase II agencies for inclusion in their AQMA plans.

While the California Air Resources Board process was in its early stages, the California Legislature passed the Lewis Air Quality Management Act (AB–250), which mandates that an air quality management plan for the Los Angeles metropolitan area be developed by February, 1979. The new law specifies that if NAAQS cannot be achieved by 1980, then the plan shall contain a compliance schedule for achieving standards at the earliest possible date. EPA has considered the timeframe of this act in establishing the required submittal dates for the AQMA plans.

EPA's basic charge to the State and local policy task forces is that maintenance planning is not a meaningful activity until standards are attained; therefore, attainment is a requirement of the California AQMA planning process. Both EPA and the State recognize that the majority of the severe air pollution problems in California are significantly affected by mobile sources and industrial expansion, and may require long-term land use and transportation controls for both attainment and maintenance of standards. The Agency believes that implementation of the needed strategies and measures will best be achieved through the AQMA planning process.

On July 12, 1976 (41 FR 28603), EPA notified the Governor of California of deficiencies in the State Implementation Plan (SIP) control strategies for certain categories of stationary sources and requested SIP revisions by July 1, 1977. The request for revisions was based on an analysis that shows the SIP was substantially inadequate for expeditious attainment and maintenance of NAAQS. Regarding a SIP revision for other control measures such as transportation and land use controls, EPA stated that a specific submittal date for a revision could not be estimated at that time. It was further stated that a determination would be made in December 1976 after development and initial implementation of AQMA Phase II work plans. The purpose of this FEDERAL REGISTER is to notify the Governor of specific submittal dates for the AQMA plans.

DISCUSSION OF ACTION

The Regional Administrator of EPA's Region IX finds that the State-submitted implementation plan remains inadequate for attainment and maintenance of the NAAQS for the nine AQMAs (see Table I).

The Regional Administrator bases this decision on the findings of the Phase I reports (confirming analyses that validate the pollutants and boundaries for AQMAs) and the EPA analyses prepared for these areas in July, 1976.

These Phase I reports and analyses are available for inspection at EPA Regional Office, 100 California Street, San Francisco, California 94111; the EPA Contact Office, 300 North Los Angeles Street, Los Angeles, California 90012; and the EPA Public Information Reference Unit, room 2922, 401 "M" Street, S.W., Washington, DC 20460.

SIP REVISION REQUEST

Because of these identified inadequacies in regulations, the Regional Administrator hereby requires the State to submit the AQMA plans as indicated in Table II.

Table II

AQMA	*Submittal date for AQMA plans* [1]
1. Sacramento Valley	Oct. 31, 1978
2. San Diego air basin	Dec. 31, 1978
3. San Francisco Bay area air basin.	Oct. 31, 1978
4. San Joaquin and Stanislaus Counties.[2]	Do.
5. Fresno County	Do.
6. Kern County	Do.
7. Tulare County	Do.
8. South Coast Air Basin: [3]	
Santa Barbara	Do.
Ventura	Do.
Metropolitan Los Angeles.	June 30, 1979
9. Southeast desert	Do.

[1] These submittal dates include time for the State to hold public hearings as necessary and for A–95 clearinghouse review.
[2] San Joaquin County and Stanislaus County will each submit an AQMA plan for their county.
[3] Because of recent action taken by the California Air Resources Board and the California Legislature (AB–250) the south coast air basin will prepare 3 separate AQMA plans.

EPA requests the State to revise its implementation plan for the identified AQMAs, pollutants, and the attainment and maintenance dates as identified in Tables I and II included in this notice. These AQMA plans shall demonstrate that the measures, rules and regulations contained in the plans are adequate to provide for the attainment and maintenance of the national standards, for each pollutant which the AQMA has been designated The plans shall provide for attainment and maintenance for 20 years. The plan revisions must be prepared, adopted and submitted in accordance with the requirements of 40 CFR 51 subparts A and B. In addition, the State must prepare these AQMA plans in accordance with more detailed requirements of subpart D of 40 CFR 51, which were published in the FEDERAL REGISTER of May 3, 1976. These requirements do include provisions for deviations which must be requested by the State and approved by EPA, or may be initiated by EPA.

This notice requires the State to submit to the EPA Regional Administrator, Region IX, within 90 days after publication of this notice, a letter identifying the steps the State will take to develop the revisions to its implementation plan and the designated agencies responsible for the development of AQMA plans, in accordance with the time schedule listed in Table II of this notice. The State has partially compiled with this requirement. On November 19, 1976 the State submitted, to EPA, Phase II work plans and the designated lead agencies for Sacramento, Stanislaus, Fresno, and Kern AQMAs. Failure by the State to submit a letter of intent within the allotted 90 days for the remaining AQMA plans will be considered by EPA as an indication that no additional plan revisions will be forthcoming from the State. In this case, EPA will prepare to promulgate a federal plan to attain and maintain national standards.

All of the applicable State Implementation Plan remains in effect until the plan revisions are submitted by the State to EPA and are approved or until EPA promulgates additional regulations.

The need for a plan revision is based upon a technical finding of the Regional Administrator which shows that the control strategy in the State Implementation Plan is substantially inadequate for expeditious attainment and maintenance of NAAQS and needs to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. Also, opportunity for public participation will be provided at the regional level, during the AQMA plan development. If EPA must propose and promulgate its own regulations, EPA will provide opportunity for written comments and, if the State held no hearings on the revisions, will provide opportunity for a public hearing.

(Sections 110(a)(2)(H), and 110(c). Clean Air Act, as amended, (42 U.S.C. 1857c–5(a)(2)(H), and 1857c–5(c))).

Date: December 15, 1976.

PAUL DE FALCO, JR.,
Regional Administrator.
Region IX.

[FR Doc.76–38388 Filed 12–30–76;8:45 am]

[FRL 665–2]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE, SUBCOMMITTEE ON SCIENTIFIC CRITERIA FOR ENVIRONMENTAL LEAD

Open Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Subcommittee on Scientific Criteria for Environmental Lead of the Science Advisory Board will be held at 9:00 a.m. on January 31, 1977, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. This is the first meeting of the Subcommittee.

The purpose of the meeting will be to provide advice and consultation on air quality criteria for atmospheric lead and, specifically, to review and comment on a draft document entitled, "Air Quality Criteria for Atmospheric Lead," External Review Draft, November 1976, prepared by the Agency's Office of Research and Development.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, DC 20460, by c.o.b. January 24, 1977. Please ask for Ms. Carol Luszcz.

The telephone number is (703) 557–7720.

DECEMBER 27, 1976.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

[FR Doc.76–38391 Filed 12–30–76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

Adoption of Additional Routine Uses

Notice is hereby given that, pursuant to 5 U.S.C. 301 and 552a and 42 U.S.C. 2000e–12(a), the Equal Employment Opportunity Commission (hereinafter, the Commission) hereby adopts additional routine uses for all of its systems of records except system EEOC–3, Charge of Discrimination Case Files. At 41 FR 51069 (November 19, 1976), the Commission published notice of the proposed adoption of additional routine uses for all Commission systems of records except system EEOC–3, Charge of Discrimination Case Files. The period for comment having expired without comment from the public, the Commission adopts the following routine uses for all of its systems of records, except system EEOC–3:

APPENDIX—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

Adoption of these routine uses is necessary: (1) To facilitate transfers of information to various law enforcement entities for the performance of their law enforcement functions; (2) to facilitate transfers of information to the Civil Service Commission in accordance with the CSC's responsibility for evaluation and oversight of Federal personnel management; and (3) to facilitate transfers of information to the General Services Administration, pursuant to GSA's agreement to provide administrative services to the Commission.

In addition, at 41 FR 51069 (November 19, 1976), the Commission also published notice that it proposed to adopt additional routine uses for system EEOC–7, Employee Pay and Leave Records. The period for comment having expired without comment from the public, the Commission hereby adopts the following routine uses for system EEOC–7:

1. Routine uses of records maintained in this system include providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Chairman. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to

a written request from an appropriate city official to the Chairman.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, 5 U.S.C. 552a, Pub. L. 93-579.

2. Records maintained in this system may be disclosed, as necessary, to employees of the Educational Systems Corporation for research purposes only to study the effects of providing day-care services on the job productivity and worker satisfaction of Commission employees.

Adoption of the routine uses for EEOC-7 designated number one (1) is necessary to facilitate release to pertinent State and local taxing jurisdictions of information relevant to the assessment and verification of an employee's State and local tax liability.

Adoption of the routine use for EEOC-7 designated number two (2) is necessary to facilitate transfer of pay and leave records to the Educational Systems Corporation for research purposes only to complete the above described day-care services study.

Signed at Washington, D.C., this 23rd day of December, 1976.

ETHEL BENT WALSH,
Vice Chairman.

[FR Doc.76-38396 Filed 12-30-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

INTERNATIONAL ENERGY PROGRAM; VOLUNTARY AGREEMENT AND PLAN OF ACTION

Meetings

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163) notice is hereby provided of the following meetings.

I. A meeting of the Group of Reporting Companies to the International Energy Agency (IEA) will be held on January 11 and 12, 1977, at the Pier 66 Hotel, 2301 S.E. 17th Street Causeway, Ft. Lauderdale, Florida, beginning at 9:30 a.m. on January 11.

The agenda for the meeting is as follows:

1. Opening Comments.
2. Results of Fall 1976 IEA Allocation Systems Test.
   (a) Test Results—Data Base.
   (b) Test Results—Emergency Data System Allocation Calculations.
   (c) Test Results—Balancing of Allocation Rights and Obligations.
   (d) Test Results—Reporting Companies' Voluntary Phase 2 Offers.
   (e) Test Results—National Emergency Sharing Organizations.
   (f) Test Results—Technical Facilities.
   (g) Test Results—U.S./EEC Antitrust Requirements.
   (h) Test Results—ISAG Organization and Staffing.
3. Closing Comments.

II. A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on January 12-14, 1977, at the Pier 66 Hotel, 2301 S.E. 17th Street Causeway, Ft. Lauderdale, Florida. The meeting will begin at 9:00 a.m. on January 12, or thereafter on January 12 or 13 following conclusion of the meeting of the Group of Reporting Companies to the IEA which is scheduled for January 11 and 12, 1977, at the same location.

The agenda for the meeting is as follows:

1. Opening Remarks.
2. Revision of test appraisal report dated November 17, 1976, reflecting further comments, if any, by Reporting Companies at the January 11-12 debriefing meeting.
3. Discussion of the Fall 1976 allocation systems test, including:
   (a) Definition of base period.
   (b) Effective date of allocation calculations (demand restraint).
   (c) Revision of Questionnaire A reporting instructions and formats including transshipment volumes, unallocated oil (open destination), intra-IEA product movements, reporting of Japanese and U.S. data, and data cutoff dates.
   (d) Handling of intra-IEA import/export imbalances.
   (e) Revision of instructions for reporting Phase II offers.
   (f) Further development of IEA facilities required for ISAG.
   (g) Contingency IEA staffing plan.
   (h) Modification of ISAG organization paper of June 30, 1976.
   (i) Development of ISAG reference library in the Secretariat.
   (j) Other areas.
4. Establishment and scope of Subcommittee A expert group to assist the Secretariat in further development of data processing, data handling, and communication areas as a result of experience gained in the test.
5. Future Subcommittee A work program.
6. Next meeting date/location.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., December 27, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-38453 Filed 12-28-76;2:47 pm]

FEDERAL POWER COMMISSION

[Docket Nos. ER76-854 and ER77-84]

BOSTON EDISON CO.

Order Accepting Rate Schedule for Filing, Granting Waiver of Notice Provisions, Permitting Rate Schedule To Become Effective Subject to Refund, and Consolidating Proceedings

DECEMBER 27, 1976.

On August 12, 1976, Boston Edison Company (Edison) tendered for filing in Docket No. ER76-854 its Contract Demand Service Tariff, which was developed for one of its full requirements customers, the Town of Reading, Massachusetts (Reading). Reading was then considering the purchase of unit power from Edison's Pilgrim nuclear unit. The rate developed for that proposed service was based on cost of service support developed by Edison for its general rate increase proceeding in Docket No. ER76-90. By order issued September 22, 1976, the Commission, *inter alia*, accepted for filing Edison's tender, set procedures for the hearing on the lawfulness of the terms and conditions of said tender, and made the rate level of said tender subject to the outcome of the Docket No. ER76-90 proceeding.

On November 29, 1976, Edison tendered for filing in Docket No. ER77-84 a rate schedule for non-firm transmission service.[1] The service proposed therein is for Reading's purchase of unit power from Edison's Pilgrim nuclear unit. In its submittal, Edison indicated that it will not oppose consolidation of this submittal with the proceeding involved in Docket No. ER76-854. Further, Edison requests waiver of the Commission's Regulations to permit the tendered rate schedule to become effective November 1, 1976. As a condition of such waiver, Edison agrees to make the revenues collected under its tendered rate schedule subject to refund pending a final Commission decision on the merits of the proposed rate schedule. The request for waiver under the conditions set forth by Edison seems appropriate for carrying out the public interest and, therefore, will be granted by the Commission. Additionally, the proceedings in Docket Nos. ER76-854 and ER77-84 appear to be interrelated and, therefore, since they contain common questions of law and fact, should be consolidated for purposes of hearing and decision.

The Commission finds: (1) The rate schedule tendered by Edison on November 29, 1976, in Docket No. ER77-84, has not been shown to be just and reasonable and consequently may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause exists to accept for filing the rate schedule tendered by Edison on November 29, 1976, in Docket No. ER77-84, to grant Edison's request for waiver of the notice requirements, and to permit the rate schedule to be made effective, all as hereinafter ordered.

(3) Good cause exists to consolidate the proceedings in Docket Nos. ER76-854 and ER77-84 for purposes of hearing and decision.

The Commission orders: (A) The rate schedule tendered by Edison on November 29, 1976, in Docket No. ER77-84 is hereby accepted for filing.

(B) Edison's request for waiver of the notice provisions is hereby granted and the rate schedule tendered November 29, 1976, in Docket No. ER77-84 is hereby permitted to be effective as of November 1, 1976, subject to refund.

(C) The proceedings in Docket Nos. ER76-854 and ER77-84 are hereby consolidated for purposes of hearing and decision.

[1] Designated as: Boston Edison Co. Rate Schedule FPC No. 111

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38429 Filed 12-30-76;8:45 am]

[Docket No. RI76-129]

BYRON OIL INDUSTRIES, INC.

Order Setting Matter for Hearing, Establishing Procedures and Granting Intervention

DECEMBER 27, 1976.

On May 26, 1976, Byron Oil Industries, Inc. (Byron) filed a petition for special relief in Docket No. RI76-129 pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure, and Section 2.56a(g) of the Commission's General Policies and Interpretations. Byron seeks a rate higher than the applicable national rate ceiling for sales of natural gas to Northern Natural Gas Company (Northern) which is being resold and delivered to Panhandle Eastern Pipeline Company (Panhandle) pursuant to Commission authorization in Docket No. CP76-248. The subject gas is produced from the Wattenberg Field, Weld and Adams Counties, Colorado.

Byron was issued a small producer certificate in Docket No. CS76-49. The currently effective contract between Byron and Northern provides for Byron to collect the adjusted national rate provided by 43 C.F.R. § 2.56a(f) for sales of residue gas. The relief requested would increase the rate to $3.08 per Mcf. Byron has no contractual authorization for the increased rate, inasmuch as Northern, the buyer, has not agreed to pay $3.08 per Mcf. Therefore, Byron in its request for special relief must rely upon the Sierra-Doctrine[1] to sanction a rate in excess of its contract rate. Byron must show that its contract rate is so low as to adversely affect the public interest. (*Federal Power Commission* v. *Sierra Pacific Power Company*, 350 U.S. 348, 355 (1956)).

Byron alleges that the total costs associated with the production of the subject gas exceed the rate established in Section 2.56a(a)(1). All of Byron's wells are classified as *Oil Wells* on the well completion reports filed with the State of Colorado, and the wells are producing significant amounts of oil and condensate in addition to the natural gas. This situation creates questions as to which costs should be considered, and which method of allocation of costs should be used, in making a determination of the just and reasonable rate for the subject gas.

Byron's petition was noticed on June 8, 1976. On June 17, 1976, Northern filed a timely petition to intervene requesting that a formal hearing be held. Panhandle filed an untimely petition to intervene on June 28, 1976.

In light of the factual and legal issues raised by Byron's application, this proceeding should be set for hearing in order to provide Byron and other interested parties an opportunity to present evidence on the issues raised and on any other matters considered relevant to the proceeding.

The Commission finds: (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) Good cause exists to grant Northern's and Panhandle's petitions to intervene.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R. Chapter 1), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to resolve the issues raised by Byron's petition.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. § 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Byron and all intervenors supporting Byron shall file their direct testimony and evidence on or before January 26, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on February 15, 1977, at 9:30 A.M. EST, in a hearing room at the address noted in Ordering Paragraph (A).

(E) Northern and Panhandle are permitted to intervene in the above entitled proceeding, subject to the rules and regulations of the Commission: *Provided, however*, that their participation shall be limited to matters affecting their asserted rights and interests specifically set forth in their petitions for leave to intervene; and *Provided, further*, that the admission of Northern and Panhandle in the manner provided shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered in this proceeding, and that they agree to accept the record as it now stands.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38430 Filed 12-30-76;8:45 am]

[1] *Federal Power Commission* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[Docket No. CP77-80]

COLORADO INTERSTATE GAS CO.

Application

DECEMBER 22, 1976.

Take notice that on December 7, 1976, Colorado Interstate Gas Company (Applicant), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-80, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authority to construct and operate certain facilities to establish an additional delivery point for deliveries of natural gas to Natural Gas Pipeline Company of America (NGPL) in Wheeler County, Texas, and to reimburse NGPL for the cost of taping its Buffalo Wallow Lateral pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is requesting authority to construct and operate facilities to enable it to purchase natural gas produced from the Lott Area of Wheeler County, Texas, and to deliver such gas to NGPL at a mutually agreeable point to be established on NGPL's system in Section 3, Camp County School Survey, Wheeler County, Texas. It is stated that these deliveries will apply toward Applicant's existing contract sales obligation to NGPL under Applicant's FPC Rate Schedule F-1 and thereby free an equivalent amount of gas on Applicant's pipeline system for delivery to other customers.

Applicant proposes to construct and operate a sales meter station adjacent to NGPL's pipeline, a wellhead meter and dehydrator and approximately 1.85 miles of 6-inch pipeline to connect the Lott Area well to the NGPL pipeline. Applicant estimates construction costs to be $129,323. Applicant further proposes to reimburse NGPL for the cost of its line tap. Applicant states that the maximum capacity through the proposed facilities and delivery point would be 20,000 Mcf per day. It is further stated that Applicant's initial supply, to be purchased from the CIG Exploration, Inc., a wholly owned subsidiary of the Applicant, would be about 3,100 Mcf per day. Applicant further indicates that its current supply consists of one well, Luther Willis No. 1, but that additional wells are being drilled in the Lott Area and increased supplies are anticipated.

Applicant states that certain facility limitations and the decline in deliveries from West Panhandle Field gas supply sources have made it difficult for Applicant to make deliveries of gas to NGPL near Fritch Texas, the major delivery point under Applicant's service agreement with NGPL. Deliveries through the proposed delivery point and facilities would be credited against Applicant's total delivery obligation to NGPL and thereby mitigate the existing delivery problem and assist Applicant's effort to meet other existing contractual entitlements, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed to the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-38425 Filed 12-30-76;8:45 am]

[Docket No. ER76-320]

CONNECTICUT LIGHT AND POWER CO.

Order Denying Motions To Reject and to Enlarge Suspension Period

DECEMBER 23, 1976.

By order issued June 17, 1976, the Commission deferred ruling on a motion to reject filed by the Connecticut Municipal Group on May 5, 1976, and a motion requesting a longer suspension filed by Bozrah Light and Power Company (Bozrah). These pleadings and the Connecticut Light and Power Company's response are described fully in the June 17, 1976, order. The basis for the relief requested was the alleged understatement of the impact of CL&P's R-3 rates as indicated by the difference between the percentage increase estimated by the filing and that actually experienced in billing. On October 4, 1976, the Connecticut Municipal Group filed a motion for emergency relief.

Our review [1] indicates that the requested relief should be denied. Having carefully analyzed the various billing data supplied to the Commission, together with the various pleadings and comments received in reference to this matter, we find that CL&P is correct in its contention that the differences between the percentage increases in rates resulting from a comparison of selected Period II actual and estimated billing data is due to the characteristics of its prior fuel adjustment clause under the R-2 rate. The R-2 fuel clause did not provide for the recovery of fuel costs associated with nuclear generation and purchases, nor for the recovery of certain fossil fuel related energy purchases.[2] The R-3 fuel clause, on the other hand, does permit recovery of nuclear-related fuel costs as well as certain purchase power costs not previously recognized.[3]

Thus, the R-3 fuel clause is markedly more capable than the R-2 fuel clause of tracking fuel cost changes which result from changes in CL&P's mix of energy sources (i.e., fossil, nuclear, and purchased power). During Period II actual operations, CL&P's reliance on nuclear generation, nuclear purchases, and net interchange purchases increased significantly over that estimated for Period II in CL&P's rate application filing. The R-2 rates under estimated Period II data thereby exhibited a greater fuel cost recovery than would have been actually incurred. The differences in percentage increases were therefore the result of the greater differentials in fuel cost recoveries (as between the R-2 and R-3 rates) under the actual conditions of Period II as compared with the estimated conditions of Period II as filed. As discussed previously, these differences in fuel cost recoveries are the function of the differences in design of the fuel clauses contained in the R-2 and R-3 rates. Further, review of the actual and estimated billing data demonstrates that the average revenue in mills per kwh actually billed under the R-3 rate for the months March through June 1976, inclusive, was less than that estimated by CL&P.

Accordingly, we find no basis for rejecting CL&P's filing. The Commission may summarily reject a filing when it is not in proper form or order or where the filing raises no dispute of fact but only a question of law which does not require ventilation of underlying facts or administrative policy. *Municipal Light Boards v. F.P.C.*, 450 F. 2d 1341 (D.C. Cir. 1971). We find no such factors present here.

Furthermore, we find that good cause does not exist to warrant lengthening the two month suspension period originally imposed. Length of suspension is a matter within the Commission's discretion. *Municipal Light Boards v. F.P.C.*, supra. This discretionary decision is based upon the various facts presented by the filing, one of which is, of course, the impact of the proposed rate increase. A factor involved in evaluating the impact of a proposed rate increase is the ability of the utility's ratepayer to assess and to pass along the increased costs to its customers. We find that CL&P's wholesale customers have had ample opportunity to evaluate each of the provisions of CL&P's R-3 rate so as to determine the impact on their monthly bills and to make due provision for recovering such purchased power costs from their customers upon resale.

The Commission finds: Good cause does not exist to reject CL&P's filing nor to lengthen the suspension period previously ordered.

The Commission orders:

(A) The motions to reject are hereby denied.

(B) The motions requesting enlargement of suspension period are hereby denied.

(C) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A—PLEADINGS, COMMENTS, AND DATA SUBMITTALS

Date received, 1976:

1. May 5	Motion of Connecticut Municipal Group to reject rate filing.
2. May 7	Motion of Bozrah requesting 5 mo suspension.
3. May 20	Response of C.L. & P. to (1) above.
4. May 28	Answer of Connecticut Municipal Group to (2) above.
5. June 8	Response of General Dynamics, Corp., Electric Boat Division joining in (1) above.
6. June 15	Supplement to (4) above.
7. June 16	Response of Pfizer, Inc., supporting (1) above.
8. June 16	Reply of C.L. & P. to (5) above.
9. June 16	Letter from Congressman Christopher J. Dodd.
10. July 2	Response of C.L. & P. to Commission's June 17, 1976 order and to (6), (7), and (9) above.
11. July 6	Motion by Congressman Christopher J. Dodd requesting Commission to consider C.L. & P's May billing data.
12. July 13	Answer of Connecticut Municipal Group to (10) above.
13. July 26	Filed C.L. & P's billing determinants for month of June 1976.
14. Aug. 16	Filed C.L. & P's billing determinants for month of July 1976.
15. Aug. 23	2d Supplement to (4) above.
16. Aug. 30	Response of C.L. & P. to (15) above.

[1] Comprehensive of the various pleadings, comments and submissions of data as listed in Appendix A hereto.

[2] Consistent with Section 35.14 of the Commission's Regulations prior to amendment by Order No. 517.

[3] In compliance with Order No. 517 issued November 13, 1974, in Docket No. R-479.

Date received, 1976:

17. Sept. 22	Filed C.L. & P. billing determinants for month of August 1976, et al.
18. Sept. 24	Letter from Congressman Christopher J. Dodd.
19. Oct. 4	Motion of Connecticut Municipal Group for emergency relief.
20. Oct. 7	Errata sheet to (19) above.
21. Oct. 8	Joint response of General Dynamics Corp., et al., in support of (19) above.
22. Oct. 8	Telegram of Bozrah requesting immediate suspension.
23. Oct. 12	Concurrence of Congressman Christopher J. Dodd in (19) above.
24. Oct. 15	Response of C.L. & P. to (19), (21), and (23) above.
25. Nov. 8	Filed data requested by Secretary's letter of Oct. 29, 1976.
26. Dec. 6	Supplement to (19) above.
27. Dec. 13	Response of C.L. & P. to (26) above.

[FR Doc.76-38428 Filed 12-30-76;8:45 am]

[Docket No. CP76-393]

EAST TENNESSEE NATURAL GAS CO.

Petition To Amend

DECEMBER 22, 1976.

Take notice that on December 6, 1976, East Tennessee Natural Gas Company (Petitioner), Tenneco Building, P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-393 a petition to amend the Commission's order of October 15, 1976, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act, so as to authorize changes in the storage volumes originally approved in said docket, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is authorized by the Commission's order of October 15, 1976 in said docket to render an interim storage service for a limited period of one year to eleven of its customers. It is stated that gas for storage is made available to Petitioner from the eleven customers' 1976 summer allocation. These volumes are transported to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for storage by Consolidated Gas Supply Corporation (Consolidated), it is stated. It is further stated that withdrawal from storage and redelivery of storage volumes is made upon the request of each customer. It is indicated that transportation from storage is made to Tennessee by Consolidated and then to Petitioner who redelivers to each of the eleven customers.

Petitioner seeks authorization to change storage volumes to the levels indicated in the following chart:

Customer	Original total storage volume (1,000 ft³)	New total storage volume (1,000 ft³)	Change (1,000 ft³)
Chattanooga Gas Co.	200,000	210,500	+10,000
Colonial Natural Gas Co.	100,000	50,000	−50,000
City of Fayetteville, Tenn.	3,000	0	−3,000
City of Lewisburg, Tenn.	3,000	2,000	−1,000
City of Loudon, Tenn.	2,000	0	−2,000
Natural Gas Utility District of Hawkins County, Tenn.	5,000	5,000	0
Roanoke Gas Co.	100,000	50,000	−50,000
Sevier County Utility District of Sevier County, Tenn.	12,000	0	−12,000
City of Sweetwater, Tenn.	4,000	0	−4,000
United Cities Gas Co.	50,000	50,000	0
Volunteer Natural Gas Co.	21,000	25,000	+4,000
Total	500,000	401,500	−98,500

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38377 Filed 12-30-76;8:45 am]

[Docket No. ER77-90]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Order Accepting Proposed Rate Schedules, Instituting a Section 206 Investigation, Granting Waiver of Order 517, and Establishing Procedures

DECEMBER 27, 1976.

On December 1, 1976, Holyoke Water Power Company (HWP) tendered for filing proposed Supplement No. 3 to Supplement No. 4 to its Electric Service Agreement with the City of Chicopee, Massachusetts (FPC Rate Schedule No. 5), and HWP also tendered for filing on behalf of Holyoke Power and Electric Company (HP&E) proposed Supplement No. 2 to Supplement No. 4 to an Electric Service Agreement between HP&E and the Town of South Hadley, Massachusetts (FPC Rate Schedule No. 4).[1] HWP states that based on a 1977 test year period the proposed rate increase would generate additional revenue for both companies totaling $3,202,000 or 32.8%. In addition, HWP and HP&E request that the Commission waive the requirement that a fuel clause in conformity with Order 517 be implemented by January 1, 1977. For the reasons hereinafter stated, the Commission shall accept the proposed rate schedules for filing, institute a Section 206 investigation, and grant waiver of the requirements of Order 517.

Public notice of the filing was issued on December 9, 1976, with responses due on or before December 20, 1976. A subsequent order will be issued addressing any petitions to intervene filed in this docket.

The agreements with South Hadley and Chicopee are for fixed terms, until September 30, 1981, and November 30, 1979, respectively, but both agreements also contain clauses which permit a unilateral filing with the appropriate regulatory agency. Thus, although the contracts are fixed term contracts they are not fixed rate contracts, since each contract specifically permits unilateral changes in the rates within the terms of the contract. The Commission by orders issued August 9, 1974, and October 9, 1974, in Docket No. E-8843, determined that both the Chicopee and South Hadley Agreements are most reasonably interpreted as requiring prospective relief from the date of a final decision. We are satisfied that our construction of the agreements give effect to the expressed intentions of the parties as evidenced by the contractual language.

Therefore, a proper contractual basis exists for the institution of a Section 206 investigation and the Company, at the hearing hereinafter ordered, shall have the burden of establishing that the proposed rate change is just and reasonable. The burden of proof described by the Supreme Court in *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. 348 (1956), would not apply to this proceeding because the contract obviously contemplates that the Commission may order a change in rates should either party unilaterally make a timely request for such change; that is, the rates are not fixed for the term of the contract, only the manner in which such a change may be effected is contractually established.[2]

[1] The Northeast Utilities owns the entire capital stock of Holyoke Water Power Company. The Holyoke Power and Electric Company is a wholly-owned subsidiary of Holyoke Water Power Company, and the two companies' operations are integrated.

[2] See, Indiana and Michigan Electric Company, Docket No. E-7740, issued June 3, 1974.

In addition, HWP and HP&E request that the Commission waive the requirement that a fuel clause in conformity with Order 517 be implemented by January 1, 1977, and permit the effectiveness of the fuel adjustment clause amendments filed herewith to be suspended or delayed for the same period as the remainder of the rate schedule amendments. The Commission in Docket No. ER76-252 granted HWP a waiver of Order 517 for one year until December 31, 1976. This was done because HWP was contractually barred from filing for further rate increases until the fall of 1976 and HWP would incur additional capacity costs when Millstone 2 (Nuclear Generating Unit) became operational in November 1975, whereas a fuel clause conforming to Order 517 would automatically flow through the decreased nuclear energy costs. In the instant proceeding, HWP asserts that if the Commission were to require HWP and HP&E to put into effect on January 1, 1977, a fuel clause in conformity with Order 517 but at the same time suspend or otherwise delay the effectiveness of the remainder of the Supplements until some later date, substantial additional benefits will flow through to the wholesale customers as a result of the operation of Millstone Unit 2 without any corresponding sharing by such wholesale customers of the additional costs associated with Unit 2.

In view of the above, we conclude that it may be unreasonable for the wholesale customers of HWP and HP&E to receive the benefits of the lower fuel costs associated with Millstone Unit 2 without at the same time bearing their share of capacity costs of Millstone Unit 2. However, it should be remembered that the parties contractually agreed that rate relief was to be prospective from the date of a final decision. However, we will waive the requirement that a fuel clause in conformity with Order 517 be implemented by January 1, 1977, and require the effectiveness of a fuel adjustment clause which conforms to Order 517 to be simultaneous with a final decision on the justness and reasonableness of the proposed rates in this docket.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter into an investigation under Section 206 of the Federal Power Act concerning the justness and reasonableness of the rates and charges contained in the proposed Supplements to the Electric Service Agreements with the City of Chicopee and the Town of South Hadley, Massachusetts.

(2) Good cause exists to waive the requirement that a fuel clause in conformity with Order 517 be implemented by January 1, 1977.

The Commission orders: (A) HWP's proposed Supplement No. 3 to Supplement No. 4 to the Electric Service Agreement with the City of Chicopee, Massachusetts is hereby accepted for filing and its effective date deferred pending Commission review of the justness and reasonableness of the proposed rates. HP&E's proposed Supplement No. 2 to Supplement No. 4 to the Electric Service Agreement with the Town of South Hadley, Massachusetts is hereby accepted for filing and its effective date deferred pending Commission review of the justness and reasonableness of the proposed rates.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, and the Regulations under the Federal Power Act, an investigation concerning the justness and reasonableness of the rates proposed to be charged in HWP, and HP&E proposed Supplements to the Electric Service Agreements with the City of Chicopee and the Town of South Hadley, Massachusetts is hereby initiated.

(C) Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before May 13, 1977. (See Administrative Order No. 157.)

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in the proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) The requirement that a fuel clause in conformity with Order 517 be implemented by January 1, 1977, is hereby waived, and the effectiveness of a fuel adjustment clause which conforms to Order 517 shall be simultaneous with a final decision on the justness and reasonableness of the proposed rates in this docket.

(G) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38431 Filed 12-30-76;8:45 am]

[Docket No. ER77-75]

NEW ENGLAND POWER CO.

Order Accepting for Filing and Suspending Proposed Tariff Changes, Providing for Hearing and Deferring Establishment of Procedures, and Granting Intervention

DECEMBER 22, 1976.

On November 23, 1976, New England Power Company (NEPCO) tendered for filing proposed changes in its "Service Agreement for Primary Service for Resale" with its affiliate, Narragansett Electric Company (Narragansett).[1] The filing also includes a Certificate of Concurrence by Narragansett.[2] For the reasons hereinafter stated, we shall accept the proposed changes for filing, suspend their effectiveness for one month and establish hearing procedures to determine their lawfulness.

The tariff changes proposed herein would decrease the credits allowed Narragansett to offset the charges for the full requirements service provided to it by NEPCO. These credits are pursuant to a contractual arrangement under which Narragansett's generation and transmission facilities are made available to NEPCO and are paid for by means of monthly credits (G&T Credits) to the purchased power bill which NEPCO renders to Narragansett. The proposed changes would decrease the G&T Credits by $584,500 annually, based on the twelve month period ending December 31, 1977. NEPCO requests that the proposed tariff changes be made effective as of January 1, 1977.

Public notice of the subject filing was issued on December 2, 1976, with protests or petitions to intervene due on or before December 10, 1976.

On December 10, 1976, the NEPCO Customer Rate Committee and various customers of NEPCO[3] (collectively "NEPCO Customers") filed a joint pleading setting forth their (1) protest of the proposed changes; (2) petition to intervene; (3) request for a five month suspension; and (4) request for consolidation with Docket No. ER77-97.

On December 13, 1976, a joint petition to intervene was received from the Attorney General of Rhode Island, the Rhode Island Division of Public Utilities and Carriers, and the Rhode Island Consumers' Council (collectively "Rhode Island Group").

Our review indicates that the proposed tariff changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall suspend the proposed tariff changes until February 1, 1977, and enter upon a hearing concerning their lawfulness.

It is noted that the purchased power cost to NEPCO represented by the G&T Credit to Narragansett is an item in the cost-of-service claimed by NEPCO in support of the "R-11" general rate change filed by NEPCO on December 6, 1976, in Docket No. ER77-97. Accordingly, with a view towards the possibility of consolidating these proceedings we shall defer establishing hearing procedures pending action on Docket No. ER77-97. The NEPCO Customers and Rhode Island Group shall be permitted to intervene in Docket No. ER77-75.

The Commission finds: (1) Good cause exists to accept for filing the tariff changes proposed in Docket No. ER77-75 and to suspend the use thereof for one month until February 1, 1977, when they may become effective subject to refund.

(2) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of NEPCO's tariff and Narragansett's Rate Schedule No. 38, as proposed to be revised herein.

(3) Good cause exists to defer establishing hearing procedures pending Commission action on Docket No. ER77-97.

(4) Good cause exists to allow the NEPCO Customers and the Rhode Island Group to intervene in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of NEPCO's FPC Electric Tariff and Narragansett's Rate Schedule No. 38, as proposed to be revised by the subject filing.

(B) Pending a hearing and final decision thereon, NEPCO's filing in Docket No. ER77-75 is hereby accepted for filing and suspended for one month, to become effective on February 1, 1977, subject to refund.

(C) The establishment of hearing procedures is hereby deferred pending Commission action on NEPCO's "R-11" filing in Docket No. ER77-97.

(D) The NEPCO Customers and Rhode Island Group are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38426 Filed 12-30-76;8:45 am]

[1] Designated as: New England Power Company, Third Revised Sheet No. 4, Superseding Second Revised Sheet No. 4, Under FPC Electric Tariff Vol. No. 1, Schedule No. IV.

[2] Designated as: Narragansett Electric Company, Supplement No. 3 to Rate Schedule FPC No. 38.

[3] Included in this group are the Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury Sterling, Templeton, Wakefield, and West Boylston, together with Littleton, New Hampshire, and the Manchester Electric Company, and the New Hampshire Electric Cooperative, Inc.

[Docket No. ER77-86]

SOUTHERN COMPANY SERVICES, INC.

Order Accepting for Filing and Suspending Proposed Rate Schedule Changes, Providing for Hearing and Establishing Procedures

DECEMBER 27, 1976.

On November 30, 1976, Southern Company Services, Inc. (Agent) filed a new Intercompany Interchange Contract[1] dated November 3, 1976, superseding its annually revised 1950 contract with its operating affiliates in the Southern Company public utility holding company system.

The subject Intercompany Interchange Contract among the affiliates of the Southern Company System is similar to the identically named Contract of October 16, 1950, which was the subject of annual filings to reflect changing load and capacity conditions among the parties. The annual filing intended to apply to anticipated load and capacity conditions in 1974 was set for hearing and investigation by Commission order dated May 8, 1974, in Docket No. E-8514. Subsequent filings intended to provide for anticipated conditions in 1975 and 1976 were suspended for one day to become effective January 2, 1975, and January 2, 1976, respectively, subject to refund in accordance with the outcome of the proceedings in Docket No. E-8514.[2]

The instant submittal, with a proposed effective date of January 1, 1977, like the Contract which it is superseding, provides for coordinated generation of the parties, establishes entitlements of the various parties to integrated pool capacity and specific charges for capacity deficiencies, pool energy and transmission facilities equalization.

Southern Company Services, Inc. has requested a waiver of the requirement of Section 35.13 of the Commission's regulations calling for the filing of Statements A through P. The company contends that such a filing requirement is inappropriate to the type of agreement involved in this submittal. A waiver appears warranted.

The Commission's review indicates that the proposed rate schedule filed herein by Southern Company Services, Inc. has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission shall therefore suspend the proposed rates for one day and shall establish hearing procedures.

The Commission finds: (1) Good cause exists to accept for filing Southern Company Services, Inc.'s proposed increased rates dated November 30, 1976, and to suspend those rates for one day until January 2, 1977, when they may be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

(2) Good cause exists for granting a waiver of the requirement of Section 35.13 of the Commission's regulations, calling for the filing of Statements A through P.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Southern Company Services, Inc.'s rate schedule as proposed to be revised herein.

The Commission orders: (A) Pending a hearing and decision thereon, the proposed rate schedule is hereby accepted for filing and suspended from operation for one day, to become effective January 2, 1977, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the justness and reasonableness of the subject rate increase.

(C) Waiver of the requirement that Statements A through P be filed pursuant to Section 35.13 of the Commission's regulations is hereby granted.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall convene a prehearing conference in this proceeding on April 8, 1977, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Southern Company Services, Inc. shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(F) Pursuant to Section 35.13(s)(i), Southern Company Services, Inc., shall file, on or before March 8, 1977, testimony and exhibits of such composition, scope and form as will constitute its case-in-chief in these proceedings: Provided, however, that nothing in this paragraph shall require Southern Company Services, Inc. to file Statements A through P.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] See Attachment for designations.

[2] Orders dated December 31, 1974, and December 31, 1975, in Docket Nos. E-9133 and ER76-302 respectively.

ATTACHMENT

Designations

(1) Southern Company Services, Inc., Rate Schedule FPC No. 46, (Supersedes FPC No. 45, as supplemental) intercompany interchange contract.
(2) Supplement No. 1 to Rate Schedule FPC No. 46, appendix A (procedures).
(3) Supplement No. 2 to Rate Schedule FPC No. 46, schedules and support schedules.

Concurrences in 1, 2, and 3 above:

Alabama Power Company, Rate Schedule FPC No. 140, (Supersedes FPC No. 61).
Gulf Power Company, Rate Schedule FPC No. 62, (Supersedes FPC No. 61).
Georgia Power Company, Rate Schedule FPC No. 769, (Supersedes FPC No. 795).
Mississippi Power Company, Rate Schedule FPC No. 120, (Supersedes FPC No. 118).

[FR Doc.76-38432 Filed 12-30-76;8:45 am]

[Docket No. CI75-767]

SOUTHWESTERN REFINING CO., INC. (OPERATOR), ET AL.

Order Granting Motion for Reconsideration

DECEMBER 27, 1976.

On June 30, 1975, Southwestern Refining Company, Inc. (Operator), et al., (Southwestern) applied for a producer certificate to continue sales to Tennessee Gas Pipeline Company (Tennessee) from acreage in the La Jara Field, Hidalgo County, Texas, at the national rate. These sales had formerly been made under a small producer certificate at a contract rate well above the applicable area ceiling rate for large producers. In its application Southwestern stated that it was acquired by Kerr-McGee Corporation (Kerr-McGee) on February 22, 1974.

By letter order of September 30, 1975, the Commission issued a temporary certificate effective nunc pro tunc from February 22, 1974, at the area ceiling rate set in Opinion No. 595 rather than the higher contract rate. Southwestern was permitted to collect the national rate set in Opinion No. 699–H as of June 30, 1975, only for certain sales from its 9,900' sand which was drilled and completed after January 1, 1973.

On November 3, 1975, Southwestern filed an untimely application for rehearing requesting amendment of the temporary certificate to authorize the following rates:

(1) the above ceiling contract rate for the sixteen month period from February 22, 1974, the date on which Southwestern lost its small producer status, to June 30, 1975, when Southwestern filed for the higher national rate and first informed the Commission that it was no longer a small producer;

(2) the national rate, per Opinion No. 699–H, for all sales made after June 30, 1975, rather than for sales only from acreage developed after January 1, 1973.

On November 24, 1975, Southwestern filed a supplement to its application for rehearing. In a letter of the Secretary dated December 3, 1975, and sent by direction of the Commission, Southwestern was informed that the untimely application for rehearing was being considered by the Commission, but that it would be treated as a motion for reconsideration.

These sales were made originally under a specific rate schedule and a twenty year contract executed on November 23, 1954. That rate schedule was cancelled by a Commission order of July 14, 1972, in Docket No. CS72–919, that issued a blanket small producer certificate to Southwestern. The sales contract would have expired on February 5, 1975. However, a first contract amendment of August 6, 1971, extended the term to August 1983, increased the sales price from 13¢ to 19¢ per Mcf, and required the sellers to install new compression facilities, rework an existing well or drill a new well, and attempt sand fracture of another existing well. A second amendment of October 1, 1973, increased the contract price to 45¢ plus annual 1¢ escalations, added an area rate clause, and specifically required the sellers to drill and additional well to a greater depth.

In its supplemental application of November 24, 1975, Southwestern argues that it should be permitted to collect its contract rate, which exceeds the area ceiling rate, after it lost its small producer status, because that contract rate was set in a contract amendment executed on October 1, 1973, while Southwestern held a valid small producer certificate. As support, Southwestern cites Section 157.40(d) of the Regulations, 18 C.F.R. 157.40(d). That subpart requires producers to file separate certificate applications and rate schedules upon termination of their small producer exemptions, but also states that "* * * the exemption will still be effective as to those [sales] made under contracts dated prior to such termination." We have concluded that the subject sales remain covered by the small producer certificate. Southwestern became a large producer because its stock was acquired by a large producer. But, sales covered under Southwestern's small producer certificate prior to the stock acquisition, such as the subject sale, retained their small producer status after such acquisition pursuant to Section 157.40(d). As a result, Southwestern is authorized under its small producer certificate to collect its contract rate for the sale to Tennessee prior to July 27, 1976, but thereafter is limited to its contract rate or the applicable just and reasonable ceiling prescribed in Order No. 553, whichever is lower.

In view of the foregoing, it is clear that there was no need for a temporary certificate here and we shall vacate it.

Southwestern also raises a vintaging question concerning its eligibility for the national rate under Opinion No. 699–H. It notes that the original sales contract would have expired on February 6, 1975, but that the first contract amendment of August 6, 1971, extended the term of the contract to August 1, 1983. Also, the second contract amendment added an area rate clause providing for an automatic increase to the highest prevailing rate.

Section 2.56a(a)(2)(iii) of the Regulations, which was added on Opinion 699–H, issued December 4, 1974, in Docket No. R–389–B, mimeo at 40–44, made eligible for the national rate all sales under contracts which renewed prior contracts that expired on or after January 1, 1973. Under the vintaging concepts established in Opinion No. 639, 48 F. P. C. 1299 (1972), Southwestern's contract amendment of August 6, 1971, which extended the term of the original contract from 1975 through 1983, is considered the functional equivalent of a separate renewal contract. Therefore, under the rollover concept in Opinion Nos. 639 and 699–H, Southwestern would be entitled to the national rate as of the expiration of the original contract on February 6, 1975.

The Commission further finds: Good cause has been shown to grant the application for reconsideration filed by Southwestern on November 3, 1975, as supplemented by Southwestern's filing of November 24, 1975, and to vacate the temporary producer certificate issued to Southwestern on September 30, 1975, as hereafter ordered.

The Commission orders:

(A) Southwestern's application for reconsideration, filed on November 3, 1975, and supplemented by a further filing of November 24, 1975, is hereby granted.

(B) The Commission's letter order of September 30, 1975, issuing a temporary certificate to Southwestern in the above-entitled proceeding is vacated.

(C) Southwestern is authorized to continue its sales to Tennessee from the La Jara Field, Hidalgo County, Texas, under the small producer certificate issued to it on July 14, 1972, in Docket No. CS72–919.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38424 Filed 12-30-76;8:45 am]

[Docket No. CP69–213]

UNITED GAS PIPE LINE CO.

Petition To Amend

DECEMBER 22, 1976.

Take notice that on December 9, 1976, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP69–213 a petition to amend the Commission's order issued May 6, 1969 in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the petitioner to sell natural gas to Gas Utility District No. 1 of Winn Parish, Louisiana (District No. 1), the successor in interest to Mississippi Gas Corporation (Mississippi) all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by the Commission's order issued May 6, 1969 in said docket it was authorized to sell to Mississippi a maximum daily quantity of 218 Mcf of natural gas. It is indicated that the authorized delivery of the subject gas is made through metering facilities constructed on Petitioner's 30-inch Agua Dulce-Sterlington main line in Section 27, Township 13 North, Range 4 West, Winn Parish, Louisiana. It is further indicated that subject gas serves the Winn Parish communities of Mill, Gansville and Tannehill, Louisiana.

Petitioner states that it has been informed of the sale of Mississippi to District No. 1 and seeks authorization to continue its sale of natural gas to Mississippi's successor in interest. Petitioner states that no change in volume authorized or point of deliver is requested. The sales would be made under a service agreement entered into between Petitioner and District No. 1 and dated August 10, 1976, it is indicated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-38427 Filed 12-30-76;8:45 am]

FEDERAL RESERVE SYSTEM

FORT SAM HOUSTON BANKSHARES, INC.

Acquisition of Bank

Fort Sam Houston BankShares, San Antonio, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Northern Hills Bank of San Antonio, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 19, 1977.

Board of Governors of the Federal Reserve System, December 22, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-38404 Filed 12-30-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 19; Case No. 19611]

VIRGINIA STATE CORP. COMMISSION

Proposed Intervention in Electric Rate Design Investigation

The General Services Administration seeks to intervene in a proceeding before the Virginia State Corporation Commission concerning a rule making investigation to consider the reform of electric utility rate structures. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

On March 3, 197, the Virginia State Legislature adopted House Joint Resolution No. 123, which calls upon the Virginia State Corporation Commission to consider "reform of electric utility rate structures," especially time of usage rates and load management practices. Adoption of alternative rate structure proposals could substantially impact the utility costs of the Federal executive agencies of the United States Government.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, telephone (202) 566–0750, on or before February 2, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

[Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)]

Dated: December 20, 1976.

WALLACE H. ROBINSON, Jr.,
Acting Administrator of General Services.

[FR Doc.76-38395 Filed 12-30-76;8:45 am]

Federal Supply Service

GSA BULLETINS FPMR H–27 AND H–28

Actions Required of Federal Agencies by Pub. L. 94–519 for Issuance

Notice is hereby given of the issuance of GSA Bulletins FPMR H–27 and H–28 to alert Federal agencies at an early date of certain requirements imposed by Pub. L. 94–519. That Law, enacted October 17, 1976, amended the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus personal property to the States and local organizations for public purposes, and for other purposes.

Heads of Federal agencies will receive the bulletins through normal distribution channels but the timely notice of the information therein warrants their immediate publication.

Dated: December 17, 1976.

WALLACE H. ROBINSON, Jr.,
Commissioner, Federal Supply Service.

GSA BULLETIN FPMR H–27 UTILIZATION AND DISPOSAL

To: Heads of Federal agencies.
Subject: Annual report required by Pub. L. 94–519.

1. *Purpose.* This bulletin provides advance information regarding Pub. L. 94–519 which requires each executive agency to submit an annual report to the Administrator of General Services effective for fiscal year 1978.

2. *Expiration date.* This bulletin expires on September 30, 1977.

3. *Background.* Pub. L. 94–519, enacted October 17, 1976, among other things, amended section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) by adding a new subsection (e) which requires each executive agency to submit an annual report to the Administrator with respect to personal property "(1) obtained as excess property or as personal property determined to be no longer required for the purposes of the appropriation from which it was purchased, and (2) furnished in any manner whatsoever within the United States to any recipient other than a Federal agency, the acquisition cost, categories of equipment, recipient of all such property, and such other information as the Administrator may require."

4. *General.* a. In compliance with Pub. L. 94–519, the regulations of GSA will be amended to provide in 41 CFR 101–43 that the annual report required by the Act shall be submitted by each executive agency to the General Services Administration (FW), Washington, DC 20406, as soon as possible after the close of each fiscal year, but in no event later than December 31 following the close of each fiscal year. The first annual report will be for fiscal year 1978, and will include personal property obtained as excess property, or as property determined to be no longer required for the purposes of the appropriation from which it was purchased, and subsequently furnished in any manner whatsoever within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, to any recipient other than a Federal agency.

The report should not include surplus property approved by GSA for donation under the provisions of 41 CFR 101–44. Negative reports will be required.

b. The report, in letter form, will include the name and address of each recipient and the total Government acquisition cost of all property furnished to that recipient identified by two-digit Federal supply classification group, and the purpose or purposes for which property was furnished to the recipient; e.g., cost-reimbursement type contractor, fixed-fee type contractor, or project grantee.

c. Further, Pub. L. 94–519 requires the Administrator of General Services to submit a report to the Senate and to the House of Representatives summarizing and analyzing the reports of the executive agencies.

5. *Agency action.* Pending codification of the provisions of Pub. L. 94–519 in 41 CFR 101, agency heads are urged to ensure that adequate record-keeping systems are developed and maintained to provide the re-

quired data regarding the furnishing of personal property to non-Federal agency recipients.

6. *GSA assistance.* Additional information pertaining to GSA implementation of Pub. L. 94–519 may be obtained from the General Services Administration (FW), Washington, DC 20406; or by calling the Office of Personal Property Disposal (FW), Federal Supply Service, telephone (703) 557–1756.

GSA BULLETIN FPMR H–28
UTILIZATION AND DISPOSAL

To: Heads of Federal agencies.

Subject: Reporting excess personal property in the possession of Federal agency grantees.

1. *Purpose.* This bulletin provides information regarding the statutory requirements for Federal agencies to report to the General Services Administration on personal property items acquired from excess sources in the possession of their grantees.

2. *Expiration date.* This bulletin expires on September 30, 1977.

3. *General.* Section 3 of Pub. L. 94–519, enacted on October 17, 1976, amended section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) by adding a new subsection (d) which limits the ability of Federal agencies to transfer excess personal property to grantees, effective as of October 17, 1977. Transitional requirements affecting excess personal property transferred to grantees prior to October 17, 1977, are stated in section 5 of Pub. L. 94–519, as follows: "Sec. 5. Notwithstanding any other provision of law, and except as the Administrator of General Services may otherwise provide on recommendation of the head of an affected Federal agency, excess personal property acquired by a Federal agency pursuant to the authority of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and furnished to and held by a grantee of such agency prior to the effective date of this Act * * * under grants made pursuant to programs established by law shall be regarded as surplus property. The Administrator of General Services upon receipt of a certification by the head of an agency that the property is being used by the grantee for the purposes for which it was furnished shall transfer title to the property to the grantee. The grantor agency shall survey Federal property acquired from excess sources in the possession of its grantees and shall notify the Administrator of General Services, not later than two hundred and forty days from the date of enactment of this Act, of those items of property which are being used by each grantee for the purpose for which it was furnished, and those items which are not being used by each grantee. If the property is not being so used, the Administrator shall transfer such property to an appropriate State agency, upon its request, for distribution in accordance with subsection 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)). Property not so transferred shall be otherwise disposed of pursuant to the provisions of that Act."

4. *Agency action.* Under the provisions of Pub. L. 94–519, the notifications to the Administrator of General Services required by section 5 must be submitted prior to June 14, 1977 (240 days from the date of enactment). Those notifications should identify each grantee and provide a description of the items of property furnished to the grantee together with the original acquisition cost of each item. When an agency notifies GSA that items of excess property furnished to a grantee prior to June 14, 1977, are being used for the purposes for which they are furnished and the head of the granting agency so certifies, the Administrator upon receipt of the certification will take appropriate action to effect the vesting of title to the property in the grantee. When an agency notifies GSA that the items of excess property furnished to a grantee prior to June 14, 1977, are not being used for the purposes for which they were furnished, the Administrator will take appropriate action to donate or otherwise dispose of the property. Agencies are urged to initiate necessary procedures in order to be in compliance with the requirements set forth in the Act.

5. *GSA assistance.* Additional information pertaining to GSA implementation of Pub. L. 94–519 may be obtained from the General Services Administration (FW), Washington, DC 20406; or by calling the Office of Personal Property Disposal (FW), Federal Supply Service, telephone (703) 557–1756.

[FR Doc.76–38394 Filed 12–30–76;8:45 am]

National Archives and Records Service

ANNUAL REPORT OF THE PRESIDENT ON FEDERAL ADVISORY COMMITTEES

Availability of Publications and Microfilm

PUBLICATIONS

The following publications are available to the general public through the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402:

Publications

Title	GPO stock No.	GPO catalog No.	Price
1st Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1972.	041–00100087–9	PR37.12(973)	$1.25
2d Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1973.	[1] 2202–0042	PR37.12(973–2)	1.55
3d Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1974.	041–001–0099–2	PR38.12(974)	2.15
Membership Index of the 3d Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1974.	052–070–02892–1	Y4.G74/6:A1D9/74	15.50
4th Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1975.	040–000–00345–2	PR38.10(975)	2.00
Membership Index of the 4th Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1975.	052–070–03682–6	Y4.G74/6:A1D9/75	14.00

[1] Out of stock.

The above listed annual reports are available to Federal government sources through the Committee Management Secretariat, Office of Management and Budget (OMB), Washington, DC 20503 (telephone 202–395–5193). The membership index of the third and fourth annual report are not available except through the GPO.

MICROFILM

The following 16mm microfilm is available to Federal government sources and the general public through the Publications Sales Branch, Office of Educational Programs, National Archives and Records Service, Washington, DC 20408 (telephone 202–523–3164) at a cost of $12.00 per roll.

Title	Micro copy No.
First Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1972 (3 rolls).	A–1199–10 A–1199–11 A–1199–12
Compilation of Agency Submissions for the Second Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1973 (3 rolls).[1]	A–1199–14 A–1199–15 A–1199–16
Compilation of Agency Submissions for the Third Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1974 (2 rolls).[1]	A–1199–1 A–1199–2
Membership Index of the Third Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1974 (2 rolls).	A–1199–3 A–1199–4
Compilation of Agency Submissions for the Fourt Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1975 (3 rolls).[1]	A–1199–5 A–1199–6 A–1199–7
Membership Index of the Fourth Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1975 (1 roll).	A–1199–8

[1] Contains copy of the annual report.

The microfilm material is also available for viewing at the reading rooms of the central and regional offices of the National Archives and Records Service (41 CFR 105–61.51, Location of records and hours of use).

Dated: December 23, 1976.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.76–38392 Filed 12–30–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

TEACHER CORPS PROJECTS

Final Criteria for Selection of Applications

Pursuant to the authority contained in Part B–1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255–1258, as amended, 20 U.S.C. 1101–1107a); the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, issues the criteria set forth below as the basis on which applications submitted for Teacher Corps projects will be judged. Assistance under this program will be subject to Part 100a of Title 45 of the Code of Federal Regulations.

On Wednesday, August 11, 1976, proposed criteria were published in the FEDERAL REGISTER. Comments, suggestions or objections from interested persons were requested at that time. None have been received. The required waiting period having been completed, the criteria are issued in final form without change.

Any questions concerning these funding criteria should be directed to Mr. Russell Wood, Deputy Director, Teacher Corps, U.S. Office of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202, telephone: 202–245–0355.

Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)) these criteria have been transmitted to the Congress concurrently with the publications of this document in the FEDERAL REGISTER. That section provides that documents subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: November 29, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

Approved: December 22, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.489 Teacher Corps—Operations and Training.)

I. CRITERIA FOR THE SELECTION OF TEACHER CORPS PROJECT APPLICATIONS

In addition to the criteria set forth in 45 CFR 100a.26(b), the following criteria will also be used as a basis for approving applications for Teacher Corps projects and in determining the amount of the award under approved applications:

(A) *Instructional program.* The extent to which the proposed instructional program provides:

(i) Training options designed to enable Teacher Corps interns, teacher aides, and experienced teachers to provide individualized classroom instruction;

(ii) Adequate means for evaluating their competencies; and

(iii) Training to prepare these persons to serve in schools in areas having concentrations of low income families.

These low income areas are determined in accordance with Section 103 of Title I of the Elementary and Secondary Act of 1965, as amended. The training will relate to such matters as identifying children with learning and behavioral problems, diagnosing their special needs, and prescribing learning activities to meet those needs.

(20 U.S.C. 1101, 1103.)

(B) *Community based education.* The extent to which the application sets forth opportunities for involvement of parents of children to be served by the proposed project in decision-making, planning, development, implementation, and evaluation of the project. There must be evidence that this participation has occurred during the development of the application and that provision is made for developing the capabilities of parents, residents in the community, and secondary education and college students to serve as part-time tutors or full-time instructional assistants in the project (including, where appropriate, provision for university courses). There must be procedures for adequate dissemination of program plans and evaluation to parents and the public.

(20 U.S.C. 1101, 1103, 1231d.)

(C) *Institutional adoption.* The extent to which the project is designed so that the successful elements of the project can be incorporated into the overall instructional program of the applicant institution or agency.

(20 U.S.C. 1101, 1103.)

(D) *Needs analysis.* Whether the retraining of experienced teachers and teacher aides, and the training of teacher interns, will be based on an analysis of the learning needs of children from low income families.

(20 U.S.C. 1101, 1103.)

(E) *Multi-cultural consideration.* The extent to which the application supports activities that are responsive to the diverse cultures represented by the proposed project's target populations, and relates to the needs of the communities and students to be served by the Teacher Corps project. In applications for projects in areas where the target population is predominantly from one culture, there must be an indication of the extent to which the project will increase the children's knowledge of their own culture and other cultures as well.

(20 U.S.C. 1101, 1103.)

(F) *Diagnostic-prescriptive teaching.* The extent to which the application contains provisions for training in:

(i) Skills needed to identify special learning problems;

(ii) Skills needed to diagnose particular learning needs; and

(iii) Skills needed to prescribe programs to meet these learning problems and needs.

The application must show how these skills can be applied to all children to be served by the project and to improve the educational opportunities in the regular classroom for children with learning and behavioral problems. This must be an integral part of the program design for all projects.

(20 U.S.C. 1101, 1103.)

(G) *School-staff focus.* The extent to which the proposed retraining of experienced teachers and teacher aides will be available to the entire educational staff of each school receiving a Teacher Corps intern team.

(20 U.S.C. 1101, 1103.)

(H) *Field based instruction.* The extent to which appropriate aspects of the instruction for experienced teachers and teacher aides, teacher interns, or community volunteers, will be carried out in the school served by the project and the local community rather than at the participating college or university.

(20 U.S.C. 1101, 1103.)

(I) *Collaborative decision-making.* The extent to which the application indicates that a school-community council for each participating school exists or will be developed to respond to the needs and wishes of those directly involved with the project (such as Teacher Corps members, staff, trainees, school administrators, and members of the community) and to those less directly involved (such as teacher unions, State Educational Agencies and other organizations which may influence or be affected by the project).

(20 U.S.C. 1101, 1103.)

(J) *Intern teams.* The extent to which the application sets forth a team organization which will be able to operate effectively in carrying out the purposes of the project. An intern team (except as otherwise determined by the Commissioner) consists of 4 interns led by an experienced teacher who is the team leader. There is one team for each Teacher Corps project.

(20 U.S.C. 1103.)

(K) *Local needs.* The extent to which the project has special characteristics which take account of local conditions (such as population density, housing patterns, etc.).

(20 U.S.C. 1101, 1103.)

(L) *Equitable geographical distribution.* The extent to which approval of the project would further the equitable geographical distribution of projects, including proportional representation among urban and rural areas.

(20 U.S.C. 1101, 1103.)

(M) *Management and evaluation plans.* The extent to which plans for program organization, management, and evaluation are set forth. Data collection procedures must be described based on program goals, performance criteria, and regular program review.

(20 U.S.C. 1101, 1103.)

II. DEMONSTRATION REQUIREMENTS

Collectively, Teacher Corps projects should represent a coherent effort to demonstrate to all local educational agencies and communities the potential for training and retraining approaches. Therefore, each application for a Teacher Corps project must combine:

(i) The meeting of local educational needs and concerns, with

(ii) A demonstration project for the training of teacher interns and the retraining of experienced teachers and teacher aides that could have wider applicability than the local project.

To achieve this coherence and broader impact, the demonstration project must adopt one of the following broadly defined strategies:

(A) ***The training complex.*** This strategy is designed to provide training and retraining of educational personnel at a

site located within or near the schools, and where a school program for children is to be conducted. The institution of higher education and the local educational agency establish the training complex where teacher interns and experienced teachers and teacher aides are to be trained and retrained. This is intended to become a permanent structure for training and retraining educational personnel for the local educational agency. Applications may show diversity in the features of a training complex, but they must describe plans for the direct involvement of training personnel from the institution of higher education at the training complex with school officials and the trainees, and a wide use of community and local educational agency resources for the development and delivery of both training and retraining.

(20 U.S.C. 1101, 1103.)

(B) *Competency-based teacher education.* This strategy specifies in advance what effective teachers should be able to do when the training is completed. It then measures their achievements by observing their work with children in a school. The training for experienced teachers, teacher interns, teacher aides, and community volunteers is delivered through sequential modules based on increasing their levels of competencies. Applications must describe how the proposed project will:

(i) Objectively define the needed competencies based on analysis of training and retraining needs;

(ii) Develop systematic management processes so that persons in training or retraining can evaluate their own learning needs and achievements;

(iii) Provide alternative modes of instruction to help trainees achieve the needed competencies relating to the improvement of educating students; and

(iv) Direct the use of university and other program resources towards meeting the needs of teacher interns, experienced teachers, teacher aides, and community volunteers within the local educational agencies served by the project.

(20 U.S.C. 1101, 1103.)

(C) *Training for implementing alternative school designs.* In local educational agencies where alternative school designs are planned, this strategy may be chosen to demonstrate, through a Teacher Corps project, a program of training teacher interns and retraining experienced teachers and teacher aides for implementing such an innovation. Applications must:

(i) Contain assurances that the local educationonal agency is already committed to an alternative design and that the institution of higher education involved in the Teacher Corps project will be able to demonstrate appropriate training and retraining activities;

(ii) Limit Teacher Corps resources to training and retraining, and provide evidence that locally controlled resources are committed to suporting other aspects of the project; and

(iii) Demonstrate a viable alternative strategy for improving the education of low income children by improving both the skills of educational personnel and the conditions under which education takes place.

(20 U.S.C. 1101, 1103.)

(D) *Interdisciplinary training approaches.* This strategy should be chosen by those applicants who wish to demonstrate a training program for teacher interns and the retraining of experienced teachers and teacher aides that involves the participation in teacher education of representatives from various academic disciplines (such as the liberal and fine arts, physical and natural sciences, social sciences, and humanities). The approach selected must be aimed at increasing the educational opportunities of low income children by enriching and reorganizing the base of knowledge and experience for planning and managing learning activities. Applications must emphasize that there has been collaborative planning by representatives of diverse disciplines and that the proposed training and retraining is responsive to the cultural and community values of the families of the children to be served. Applications must also emphasize how and to what extent interrelationships among educational agencies and institutions (such as universities and local educational agencies) and other community institutions are to be improved by their choice of this strategy.

(20 U.S.C. 1101, 1103.)

(E) *Training for the systematic adaption of research findings.* There is presently available, in immediately usable form, a substantial body of research results which has proven effective and is relevant to learning and educational processes for schools serving low income populations. This research represents a vast potential resource which, as yet, has not been organized into systemic or overall program demonstrations. These research findings can be incorporated into the design of Teacher Corps programs for the training of teacher interns and the retraining of experienced teachers and teacher aides by identifying training objectives, selecting approaches to training and evaluation, creating instructional materials and activities or adapting existing materials to new situations. Applications selecting this strategy must:

(i) Identify and describe the validated research findings that will be incorporated into a demonstration program of teacher intern training and the retraining of experienced teachers and teacher aides, and show the relationship of these research findings to the educational problems addressed by the application;

(ii) Indicate a plan for the systematic application of these findings to activities of practicing educational personnel; and

(iii) Show how the proposed program, based on these findings, will have applicability to other local educational agencies, and to educational groups, as a demonstration project.

(20 U.S.C. 1101, 1103.)

[FR Doc.76-38464 Filed 12-30-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D76-465]

REGION V (CHICAGO) PROPERTY DISPOSITION COMMITTEES

Redelegation of Authority

The Assistant Secretary for Housing has established a Regional Office Property Disposition Committee in each Regional Office and redelegated authority to the Committees through a redelegation of authority and assignment of functions published at 35 FR 4022 (March 3, 1970) as amended by 35 FR 16102 (October 14, 1970) and 36 FR 14229 (July 31, 1971) and further amended by 41 FR 26946 (June 30, 1976).

SECTION A. AUTHORITY OF THE REGIONAL OFFICE PROPERTY DISPOSITION COMMITTEE

The Regional Office Property Disposition Committee for Region V has been redelegated the authority to pass upon and determine the action to be taken with respect to the disposition program for public offering by competitive bids of any property acquired by the Secretary, located within its respective jurisdiction, in connection with multifamily housing under any title of the National Housing Act (12 U.S.C. 1701, et seq.), college housing under Title IV of the Housing Act of 1950 (12 U.S.C. 1749–1749c), housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), and nonresidential property under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b). The disposition programs for such properties shall include the terms of sale, manner of financing and where appropriate, the terms, amounts, interest rates, and amortization plans of mortgages taken as security, and any special provisions in connection with the sale of such properties, together with a statement of the Finding of the Environmental Clearance required under HUD Handbook 1390.1. The disposition program shall also include the carrying out of appropriate advertisement for each public offering: *Provided*, That in all cases where the minimum acceptable sales price is determined to be in excess of $300,000, the program of advertisement shall be carried out by the Office of Property Disposition, Office of Housing.

SECTION B. ESTABLISHMENT OF AN AREA OFFICE PROPERTY DISPOSITION COMMITTEE IN EACH AREA OFFICE IN REGION V AND REDELEGATION OF AUTHORITY.

An Area Office Property Disposition Committee is hereby established in each Area Office in Region V and redelegated all powers and authorities of the Regional Office Property Disposition Committee within the jurisdiction of the Area Office. The Area Office Property Disposition Committee shall consist of the following members: Area Director, Chairman; Deputy Area Director, Housing Management Division; Director, Housing Production and Mortgage Credit Division/Chief Underwriter; Director, Community Planning and Development Division; Director, Equal Opportunity Division; Area Counsel; and such other members as the Area Director shall designate in writing. The Chief, Property Disposition Branch/Chief, Loan Management and Property Disposition Branch shall serve the Committee in an advisory capacity and, except in the event of a tie vote, shall be a non-voting member.

SECTION C. ESTABLISHMENT OF AN INSURING OFFICE PROPERTY DISPOSITION COMMITTEE IN EACH INSURING OFFICE IN REGION V AND REDELEGATION OF AUTHORITY.

An Insuring Office Property Disposition Committee is hereby established in each Insuring Office in Region V and redelegated all powers and authorities of the Regional Property Disoposition Committee within the jurisdiction of the Insuring Office. The Insuring Office Property Disposition Committee shall consist of the following members: Insuring Office Director, Chairman; Deputy Insuring Office Director; Director, Housing Management Division; Chief Underwriter; Equal Opportunity Specialist; Community Planning and Development Specialist or Environmental Control Officer, where such position(s) exist; and such other members as the Insuring Office Director shall designate in writing. The Chief, Property Disposition Branch shall serve the Committee in an advisory capacity and, except in the event of a tie vote, shall be a non-voting member.

SECTION D. PROCEDURES

The following procedures shall apply to the Regional Office, Area Office, and Insuring Office Committees:

1. The Committees shall meet at the call of the Chairman or Acting Chairman. Any Committee action must be taken at a meeting of the Committee and must be approved by a majority vote of all members of the Committee, whether present or not. The Committee shall maintain written minutes of each meeting. Such minutes shall be dated, consecutively numbered, and shall be signed by each member attending the meeting, indicating either an affirmative or negative vote. Copies of all executed minutes together with a copy of each approved disposition program shall be submitted to the Director, Office of Property Disposition, Office of Housing, within three working days following the meeting of the Committee, and to the Regional Administrator for disoposition programs approved by other than the Regional Office Committee.

2. The minutes of the meeting and disposition program approved by the Committee shall constitute the basis of the public offering and acceptance or rejection of bids and the execution of all documents and instruments relating and incident thereto, including instruments of conveyance.

3. In order to carry out the functions of the Committee, the Chairman is authorized to execute any deed, deed of release, assignment and satisfaction of mortgage, contract or purchase (installment contract of purchase), offer acceptance, or other form of contract sale, or other instrument relating to such properties or any interest therein acquired by the Secretary.

4. Any employee who has been formally designated to serve in an acting capacity for a member of the Committee in connection with his Departmental duties shall serve as a member of the Committee in the absence of such member.

SECTION E. EXERCISE OF REDELEGATED AUTHORITY

This redelegation of authority shall not be construed to modify or otherwise affect the administrative or supervisory powers of the Regional Administrator, Area Directors, or Insuring Office Directors, or any of them, to whom a delegate is responsible.

(Redelegation of Authority by the Assistant Secretary for Housing effective February 7, 1970 [35 FR 4022, March 3, 1970] as amended by 35 FR 16102, October 14, 1970, and 36 FR 14229, July 31, 1971, and further amended by 41 FR 26946, June 30, 1976.)

Effective date: This redelegation of authority shall be effective December 6, 1976.

DON MORROW,
Regional Administrator.

[FR Doc.76-38457 Filed 12-30-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

REDDING DISTRICT MULTIPLE USE ADVISORY BOARD MEETING

Meeting Cancellation

Notice is hereby given that the Redding District Multiple Use Advisory Board of the Bureau of Land Management meeting, as published on Friday, December 17, 1976, p. 55244, Volume 41 of the FEDERAL REGISTER, is cancelled. This meeting will be scheduled at a later date.

STANLEY D. BUTZER,
District Manager.

[FR Doc.76 38444 Filed 12-30-76;8:45 am]

Geological Survey

SAN JUAN BASIN, NEW MEXICO

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94–377, August 4, 1976), Federal lands within the State of New Mexico have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(31) NEW MEXICO

San Juan Basin (New Mexico) Known Recoverable Coal Resource Area; April 30, 1974; 1,846,535 acres.

A diagram showing the boundaries of the area classified has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

Dated: December 22, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-38446 Filed 12-30-76;8:45 am]

PINE HILLS, MONTANA

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94–377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Pine Hills (Montana) Known Recoverable Coal Resource Area; February 12, 1975; 17,807 acres.

A diagram showing the boundaries of the area classified has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225.

Dated: December 22, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-38445 Filed 12-30-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-47]

CHAPPERAL COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Chapperal Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Pikesville, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner has consulted with MESA Technical Support Center, and continues to experiment with canopy installations. In this regard, Petitioner's greatest problem in extending use of canopies has been operator acceptance; Petitioner has been able to gain no significant experience with prototype canopies at the mine covered by this petition because of refusal of miners to operate the equipment. This subjective reaction is predictable in situations of seams 42 inches in height and under, but is extremely difficult to deal with because of the provisions of Article III, section (i) of the National Bituminous Coal Wage Agreement of 1974, which allows individual miners to withdraw from conditions which they believe to be abnormal and dangerous by following certain procedures.

2. In its mine, Petitioner operates a working section in seam heights of 32 to 41 inches. Petitioner uses continuous miners with associated roof bolters, scoops and shuttle cars with heights from 27 to 39 inches.

3. Petitioner asserts that to apply the standard set forth in 30 CFR 75.1710-1 to its miners would result in a diminution of safety to its employees. Reasons for this diminution are set out in the following paragraphs.

4. Petitioner is constantly encountering undulations in the height of its coal seam. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged, thereby creating a greater risk of roof fall.

5. Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure proper vision and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have created certain dangerous conditions:

(a) Crammed and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor vision causes operator to put his head outside the equipment, which exposes him to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause equipment clearance to be inadequate and cause collisions with the top, shearing roof bolts, damaging cross beams, and destroying equipment and roof support.

6. In an effort to solve problems of equipment modification, Petitioner knows of consultations had with the MESA Technical Support Center, which it believes to be considering the type of problems described herein. Petitioner does not know of results from such consultations. In addition, Petitioner, as is common in the industry, is in repeated and frequent consultation with vendors on equipment problems, and knows that vendors with whom it has consulted are unable to solve the problems described herein.

7. Existence of the cab itself becomes a hazard in seams, or in portions of a seam, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape to an operator faced with a roof or rib fall in a confined space.

8. Much of the equipment used in this mine was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

9. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710-1 as applied to date because of the variations described above. The standard prescribes time limits for use of canopies based upon maximum height within mines. If the standard becomes immediately applicable throughout the mine, Petitioner is forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to separate sections in its mine, Petitioner is faced with a vague situation as its mining uncovers new conditions. Petitioner is then faced with little time to comply, or where compliance is impossible as described herein, his mine may be rendered worthless.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director, Office of Hearings and Appeals.

DECEMBER 21, 1976.

[FR Doc.76-38447 Filed 12-30-76;8:45 am]

[Docket No. M 76X629]

TILDEN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Tilden Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located near Pound, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches.

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The average height of Petitioner's coal seam is 42 inches, and the average height of the equipment is 36 inches.

2. Shuttle cars in low coal (under 30 inches) are not required to have canopies. Since the coal seam Petitioner is working varies in size, it is reluctant to put canopies on its shuttle cars.

3. Petitioner's main concern, however, is the safety of its men. When a shuttle car has a canopy, the operator is supposed to remain seated and underneath the canopy. In normal daily usage, though, the operator leans outside the shuttle car in order to determine surface conditions and direction, and thereby endangers himself and nearby workers. Petitioner anticipates that, due to the uneven surface inside its mine, shuttle cars, loaders, and roof bolting machines will not have sufficient roof clearance. Very often Petitioner has had to cut bottom out in order to allow passage for the machinery as it is now, without the canopies. Petitioner fears that roof bolts may be knocked loose and roof falls may occur.

4. A copy of this letter and the petition will be posted at Petitioner's mine and copies will be sent to the Office of the Solicitor.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 2, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director, Office of Hearings and Appeals.

DECEMBER 21, 1976.

[FR Doc.76-38448 Filed 12-30-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

GOVERNMENT IN THE SUNSHINE

Additional Agenda Item

At its meeting of December 28, 1976, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with proposed 19 C.F.R. 201.38, voted to add the following item to its agenda for the meeting of December 28, 1976:

8. Sugar (Inv. TA-201-16)—Motion to reconsider Commission action denying M-249—(see action jacket GC-76-159).

Chairman Minchew, and Commissioners Moore, Ablondi and Leonard voted that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible. Vice Chairman Parker and Commissioner Bedell were not present for the vote. The Commission directed the issuance of this notice at the earliest practicable time.

By order of the Commission:

Issued: December 28, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-38412 Filed 12-30-76;8:45 am]

[USITC SE-76-7]

GOVERNMENT IN THE SUNSHINE

Commission Meeting for January 6, 1977

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on January 6, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Agenda of meetings for week of January 17, 1977;
2. Minutes of December 21, 23, and 28, 1976;
3. Reclosable plastic bags (Inv. 337-TA-22)—vote;
4. Discussion with the Director of Investigation and Chief, Financial Management, re the status of travel funds and the FY 78 budget;
5. Reorganization;
6. Any other items left over from previous agenda;

At 3 p.m., e.s.t.:

7. Footwear (Inv. TA-201-18)—discussion and vote on remedy and approval of report.

If you have any questions concerning the agenda for the January 6, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 CFR 201.39(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: December 28, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-38469 Filed 12-30-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

VISITING FELLOWSHIP PROGRAM

Submission of Concept Papers Deadline

Notice is hereby given that the deadline for submission of concept papers on Statistics topics under LEAA's 1976-1977 Visiting Fellowship Program is extended from November 15, 1976 to January 31, 1977. Concept papers on all other topics will be included in LEAA's present review cycle.

The Visiting Fellowship Program supports a community of criminal justice scholars at the National Institute of Law Enforcement and Criminal Justice, the National Justice Information and Statistics Service and the National Institute for Juvenile Justice and Delinquency Prevention in Washington, D.C.

Fellowship recipients come to the Nation's Capital to work on projects of their own design for periods of three months to two years. The emphasis is on creative, independent research on major issues relating to crime prevention and control and the administration of justice. Interaction with LEAA staff and criminal justice professionals is encouraged through informal discussions, seminars, and conferences.

The Visiting Fellowship Program is open to highly qualified persons in the criminal justice professions or the academic community seeking support on projects related to law enforcement and criminal justice.

Each fellow is selected on the basis of past work either in an academic position or a professional career, the potential impact of the project, the quality and feasibility of the research methodology, and the feasibility of conducting the project in the Washington, D.C. area. Project periods are flexible, but should not begin before July 1, 1977.

Researchers and practitioners are encouraged to take advantage of the extended deadline to submit concept papers on proposed research in statistics and statistical methodology for consideration under the 1977-1978 Program. Concept papers should include details on the re-

search topic, the project's scope, methodology, estimated cost and time necessary to complete the research.

For further information, please contact: Ms. Ann B. Goetcheus, Planning and Evaluation Staff, National Criminal Justice Information and Statistics Service, LEAA, U.S. Department of Justice, 521 12th Street NW, Washington, D.C. 20531, (202) 376-2626.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-38450 Filed 12-30-76;8:45 am]

CRIMINAL JUSTICE NATIONAL MINORITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Minority Advisory Council on Criminal Justice will meet Friday and Saturday, January 28-29, 1977, in Miami, Florida. The meeting is scheduled to convene at 12:00 noon on January 28th at the Sheraton Four Ambassadors Hotel, Pan American Room, 801 South Bayshore Drive, Miami, Florida. The meeting is scheduled to run half day on Friday and all day on Saturday, January 29th.

Discussion at the meeting will focus on new contract procedures, hiring of researchers/writers, soliciting position papers, on-going needs assessment and site selection for all future meetings.

The meeting will be open to the public.

For further information, please contact:

Lewis W. Taylor, Special Assistant, Office of the Administrator, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, DC 20531, 202/376-3936.

JAY A. BROZOST,
Attorney Advisor,
Office of General Counsel.

[FR Doc.76-38449 Filed 12-30-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19816; 70-5943]

AMERICAN ELECTRIC POWER COMPANY, INC.

Proposed Issue and Sale of Common Stock Pursuant to Dividend Reinvestment Plan; Exception From Competitive Bidding

DECEMBER 22, 1976.

Notice is hereby given that American Electric Power Company, Inc., ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50(a)(1) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction:

AEP proposes to issue and sell from time to time through April 30, 1978, up to 2,000,000 shares of its authorized but unissued common stock, par value $6.50 per share, pursuant to a Dividend Reinvestment and Stock Purchase Plan ("Plan"). The proceeds of the sale will be used, pursuant to Commission authorization (HCAR No. 19597, June 30, 1976), to make additional equity investments in or capital contributions to AEP's operating subsidiaries and to repay short-term debt.

The Plan will be administered by Morgan Guaranty Trust Company of New York, which will make purchases of shares as agent for the participants, and all holders of record of AEP's common shares will be eligible to participate. Participants in the Plan will be able to: (a) have cash dividends on their shares of common stock automatically reinvested on each quarterly dividend payment date in shares of additional common stock at a price equal to 95% of the average of the daily high and low sales prices of the common stock of AEP (as published in The Wall Street Journal in its report of "NYSE—Composite Transactions") for the period of five trading days ending on such dividend payment date or, if the New York Stock Exchange is closed on the dividend payment date, the period of five trading days immediately preceding the dividend payment date (such average is hereinafter referred to as the "Current Market Price Average"); or (b) reinvest their cash dividends as previously described and, in addition, make optional cash payments (up to a maximum of $3,000 per quarter) to invest in shares of additional common stock on each dividend payment date at a price equal to 100% of the Current Market Price Average; or (c) continue to receive cash dividends on shares registered in their names and invest only optional cash payments. A participant in the Plan may change options at any time. Dividends on shares credited to a participant's account under the Plan will be reinvested in shares of additional common stock at 95% of the Current Market Price Average. No brokerage commissions or service charges will be paid by participants in connection with purchases under the Plan. All costs of administration of the Plan will be paid by AEP. A participant will be able to withdraw from the Plan at any time upon written notice. Upon withdrawal, the participant will be issued a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share.

Participants will retain all voting rights relating to shares purchased under the Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. It is stated that no service charge or commission will be paid by participants in connection with purchases under the Plan. There may, however, be a brokerage fee payable in connection with a transfer of shares to participants withdrawing from the Plan.

The Plan will replace AEP's existing Automatic Dividend Reinvestment Plan (the "Old Plan") pursuant to which cash dividends and/or optional cash payments of participating stockholders are reinvested, through open market purchases, in Common Stock of AEP by Morgan Guaranty Trust Company of New York, as agent. Participants in the Old Plan pay brokerage commissions and a service charge with each purchase. AEP believes that the provisions of the new Plan are more favorable to shareholders than the provisions of the Old Plan; and therefore shareholders who are enrolled in the Old Plan will be automatically enrolled in the Plan, and shares credited to their accounts under the Old Plan will be carried over to their account under the Plan, unless a participant in the Old Plan withdraws by giving written notice to the Agent, not later than March 8, 1977.

AEP states that the transaction is excepted from the competitive bidding requirements of the Act by virtue of Rule 50(a)(1). Since the number of shares which any shareholder may purchase under the Plan by reinvestment of cash dividends will be, like his dividend, proportionate to his holdings, the preemptive right of each shareholder will be maintained. AEP also states that since optional cash payments will be applied to the purchase of shares only to the extent such common stock is offered to and not purchased by holders of shares of common stock with their cash dividends and at a price always higher than the price offered to such holders, preemptive rights will have been satisfied as to such shares issued under the Plan.

A statement of the expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 13, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-38415 Filed 12-30-76;8:45 am]

[Release No. 34-13103; File No. SR-Amex-76-30]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) (the "Act"), notice is hereby given that on December 13, 1976, the above-entitled self-regulatory organization filed with the Securities and Exchange Commission (the "Commission") a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend its Constitution and Rules to reflect the establishment of a new clearing agency, National Securities Clearing Corporation ("NSCC") which, upon the effectiveness of its registration with the Commission, will assume the operations of the American Stock Exchange Clearing Corporation ("ASECC"). The proposed amendments substitute the ASECC Division of NSCC for ASECC in the various provisions of the Amex Constitution and Rules.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

A proposal to combine the operations of ASECC, a subsidiary of Amex, Stock Clearing Corporation, a subsidiary of the New York Stock Exchange, and National Clearing Corporation, a subsidiary of the National Association of Securities Dealers, into a new clearing agency, NSCC, was submitted to the Commission in the form of an application (Form CA-1) for the registration of NSCC as a clearing agency, on March 29, 1976, pursuant to Section 17A of the Act. The proposed amendments which are the subject of this notice are designed to make the provisions of the Amex Constitution and Rules consistent with the transfer of the clearing agency business of ASECC to NSCC when the registration of NSCC becomes effective.

The proposed amendments are designed to further the mandate expressed in Section 17A of the Act to facilitate the establishment of a national system for the clearance and settlement of securities transactions.

No formal comments were solicited or received from members, participants or others with respect to the proposed rule changes since the registration of NSCC has been the subject of public comment and of hearings before the Commission.

The Amex has determined that the proposed rule amendments will not impose any burden on competition.

On or before February 7, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 24, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

[FR Doc.76-38418 Filed 12-30-76;8:45 am]

[Release No. 9579; (812-4045)]

CARDINAL FUND, INC.

Filing of Application Pursuant to Section 17(b) of the Act for an Order Exempting a Proposed Transaction From Section 17(a) of the Act

DECEMBER 22, 1976.

Notice is hereby given that The Cardinal Fund, Inc. ("Cardinal"), 51 North High Street, Columbus, Ohio 43215, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end investment company, filed an application on October 19, 1976 and amendments thereto on November 16 and November 24, 1976, for an order pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the proposed sale by Cardinal of 53,000 shares of Common Stock of Brodhead-Garrett Co. ("B-G") to The Ohio Company ("TOC"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Cardinal is an Ohio corporation organized in 1966 under the name of Knowledge Communication Fund, Inc. TOC, a registered broker-dealer organized as an Ohio corporation, is presently serving as the investment adviser to Cardinal.

Cardinal represents that it owns 53,000 shares of B-G, part of which was acquired through a merger with Ohio Capital Fund, Inc. in 1975 and the remainder of which was acquired through agency transactions with TOC in 1968 and 1969. Cardinal states that 40,000 of these shares are held as restricted securities. It is stated that TOC has been a market maker in the shares of B-G, and that TOC has been the only broker-dealer involved in market making activities with any degree of consistency. According to the application, TOC owns beneficially 439,368 shares, or 36.97% of the 1,188,501 outstanding shares of B-G, with an additional 2.59% of the outstanding shares of B-G being owned by TOC's Profit Sharing Plan and Trust and by its Pension Plan and Trust. Cardinal represents that Mr. Donald C. Fanta, an officer and director of TOC as well as a director of both Cardinal and B-G, owns approximately .084% of the outstanding shares of B-G.

Cardinal and TOC have entered into an Agreement of Sale ("Agreement") dated October 6, 1976 providing for the sale by Cardinal of 53,000 shares of B-G to TOC for $8.125 per share. Cardinal represents that the Agreement was approved by a majority of Cardinal's Board of Directors, including a majority of the directors not considered to be interested persons of Cardinal as defined in the Act. The Agreement provides that the sale is conditioned upon approval of the transaction by the shareholders of Cardinal and upon the granting of the application by the Commission.

Section 2(a)(3) of the Act defines "affiliated person" of an investment company to mean any investment adviser thereof.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to Section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Cardinal asserts that market developments in the shares of B-G during recent years together with the operating experience of B-G has made the shares

held by Cardinal increasingly difficult to value. As of October 2, 1976, the Board of Directors of Cardinal valued B–G at $8.00 per share. According to the application, Cardinal's Board of Directors is of the opinion that a sale of B–G will be beneficial to Cardinal in that it will eliminate from the portfolio securities which are not liquid and which are difficult to value.

On April 22, 1976, Cardinal, in anticipation of a possible tender offer by B–G, engaged Robert W. Baird & Co. Incorporated ("Baird") to conduct an independent appraisal of the 53,000 shares. In this regard, Baird was asked whether a sale by Cardinal of 53,000 shares of B–G to TOC at $8.125 per share was fair. Baird stated that their appraised value of B–G as of September 30, 1976, was $7.50 per share before applying a discount for the lack of marketability of B–G, and that the offer of $8.125 per share of B–G was both fair and reasonable. On October 2, 1976, Cardinal's Board of Directors unanimously resolved, based upon the Baird appraisal, that a sale of the 53,000 shares of B–G to TOC at a price of $8.125 per share was fair and reasonable under the circumstances, and authorized Cardinal's President to enter into the Agreement with TOC.

According to the application, TOC, as a market maker in B–G, entered month-end bids of $9.25 per share on 100 share lots of B–G from March, 1975 to June, 1976, at which time TOC stopped entering bids. It is represented that TOC advised Cardinal that it discontinued bidding on B–G because of the request for an independent appraisal. The application states that TOC has not made a final decision on whether it will resume making a market for B–G after its proposed purchase of Cardinal's shares is consummated.

It is represented in the application that in 1976 TOC purchased the following amounts of B–G shares for its Investment Account and Trading Account:

Date	Number of shares	Price per share
INVESTMENT ACCOUNT		
Jan. 6, 1976	500	$9.25
Do	[1] 11,202	9.00
TRADING ACCOUNT		
Jan. 12, 1976	100	9.25
Mar. 10, 1976	100	9.25
Mar. 18, 1976	2,900	8.25
Mar. 24, 1976	300	9.25
May 5, 1976	400	9.25
June 11, 1976	600	9.00
June 23, 1976	1,000	8.50
Do	600	8.50

[1] Purchased from The Ohio Co. Profit Sharing Plan and Trust.

It is asserted that Cardinal and TOC are presently unaware of any plan involving the sale, merger or other disposition or reorganization of B–G, or of any plan by B–G to acquire more than nominal amounts of its own shares. Cardinal submits that, under the circumstances, the granting of the requested exemption from the provisions of Section 17(a) of the Act so as to permit the proposed sale is appropriate in that the terms of the proposed transaction, including the price to be paid for the B–G shares, are reasonable and fair and do not involve overreaching on the part of any person concerned.

Notice is further given that any interested person may, not later than January 17, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-38416 Filed 12-30-76;8:45 am]

[Release No. 9581; 812-4050]

CASH MANAGEMENT TRUST OF AMERICA

Filing of Application Pursuant to Section 6(c) of the Act for Exemption From the Provisions of Section 19(b) of the Act and Rule 19b–1 Thereunder

DECEMBER 22, 1976.

Notice is hereby given that The Cash Management Trust of America ("Applicant"), 611 West Sixth Street, Los Angeles, California 90017, an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 29, 1976, pursuant to Section 6(c) of the Act, for an order of exemption from the provisions of Section (19b) of the Act and Rule 19b–1 thereunder which limit the distribution of long-term capital gains to not more than once in any one taxable year. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a Massachusetts business trust organized on February 27, 1976, to invest in a portfolio of "money market" instruments maturing in one year or less, including securities of the United States Government, its agencies and instrumentalities, certificates of deposit of large commercial banks savings institutions, commercial paper, corporate notes and bonds, and repurchase agreements. Applicant's investment objective is to provide income to investors, while preserving capital and maintaining liquidity.

It is stated in the application that all net income of the Applicant as determined by State Street Bank and Trust Company, Applicant's Transfer Agent, will be declared each day as a dividend on Applicant's shares, payable to all shareholders who held shares of Applicant at the close of business on the previous day. Dividends will be paid monthly in the form of additional shares of Applicant unless a shareholder elects to receive the dividends in cash. Applicant submits that by declaring daily dividends of all accumulated net income the net asset value of each share of Applicant will normally remain constant.

Applicant represents that, for purposes of calculating dividends, daily net income consists of (i) all interest income accrued on Applicant's investments (including any discount or premium ratably amortized to the date of maturity); (ii) minus all actual and accrued liabilities of Applicant, including interest, taxes and other expense items, amounts determined and declared as dividends or distributions, and any reserve for contingent or undetermined liabilities, all determined in accordance with generally accepted accounting principles; and (iii) plus or minus all realized and unrealized gains or losses on Applicant's investments.

Section 19(b) of the Act provides, in part, that it shall be unlawful for any registered investment company to distribute long-term capital gains more often than once every twelve months in contravention of the rules and regulations prescribed by the Commission. Rule 19b–1 under Section 19(b) of the Act prohibits the distribution by a registered investment company of more than one long-term capital gain dividend in any one taxable year of the company. Applicant points to Investment Company Act Release No. 6834 announcing the adoption of Rule 19b–1, wherein, it asserts, the indicated principal purposes of Rule 19b–1 are: (a) to prevent shareholders from confusing dividends of interest income with distributions of capital gains; (b) to relieve investment company managers from pressure to frequently realize such gains; (c) to mitigate improper sales practices related to the distribution of such gains; and (d) to eliminate the administrative expenses relating to quarterly or semi-annual capital gains distribution.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that the requested exemption is appropriate in this case because it does not expect to realize any substantial amount of long-term capital gains given the nature of its investment policies and considering the types of securities which are permissible investments for Applicant. It is represented that Applicant will clearly delineate the nature of any such distribution in the monthly check or in the quarterly statement of account which Applicant will send to each shareholder. Applicant claims that its objective of seeking to provide investors with a way to earn income on their cash reserves while preserving capital and maintaining liquidity by investing in a portfolio of money market instruments maturing in one year or less relieves any pressure to seek long-term capital gains. It is also claimed that there is no measureable value in promoting Applicant by emphasizing increased earnings through the realization of long-term capital gains in light of Applicant's stated investment objectives. Applicant submits that any increase in administrative expenses caused by the distribution of long-term capital gains would be wholly insignificant to it, considering that daily computation of net income and declaration of dividends and periodic reports reflecting payments will be undertaken in any event.

Applicant states that it wishes to maintain a constant net asset value by declaring any long-term capital gains when realized as part of a daily income dividend. It is submited that, because of the unique nature of Applicant, no material interest of investors is served by restricting the frequency of long-term capital gains distributions.

Notice is further given that any interested person may, not later than January 17, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such comunication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-38417 Filed 12-30-76;8:45 am]

[Release No. 34-13098; File No. SR-PHLX 76-19]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 14, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

(Deletions bracketed, additions italicized)

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX) proposes to make the following clarifying amendments to its options rules:

1. Rule 999(a) applicability. The Rules in this Part shall be applicable to the trading on the Exchange in option contracts issued by the Options Clearing Corporation, the terms and conditions of such contracts, the exercise and settlement thereof, the handling of orders, and the conduct of accounts and other matters related to options trading [,]. [shall be subject to By-Laws and Rules of the Corporation as hereafter set forth] *Except to the extent that specific Rules this Part govern* or unless the context otherwise requires, the provisions of the By-Laws and all other Rules and Policies of the Board of Governors shall be applicable to the trading on the exchange of option contracts.

2. The deletion of the definitions of "Regular Member", "Options Member", "Options Privileges", "Options Fee", and "Options Access" from Rule 999(b) and renumbering of the remaining definitions.

3. Deletion of the word options when it modifies "member organization" in Rules 1000–1003, 1005, 1013, 1014, 1016, 1018, 1020–1023, 1025, 1027, 1028, 1030, 1032, 1034, 1040, 1041, 1043–1047, 1055, 1056, 1070, 1073–1076.

4. Deletion of references to the expiration date prevailing prior to January 1976 in Rules 999(b) and 1046(b).

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of most of the proposed amendments is to eliminate the specific ambiguity created by the use of the term "options member organization" because many of the options rules impose obligations and restrictions on a broader class than is reflected by such term. Certain definitions have been eliminated or changed for the same reason. In addition, the proposed rule change amends Rule 999(a) "Applicability" solely for the purpose of clarifying the language in that section.

The proposed rule change relates to the capacity of the PHLX to carry out the purposes of the Act and to enforce compliance by its members and persons associated with its members, with the Act, and the rules and regulations thereunder.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

PHLX does not believe that the proposed rule change would impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within on or before February 2, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1976.

[FR Doc.76-38419 Filed 12-30-76;8:45 am]

[Release No. 13104, SR-AMEX-76-12]

AMERICAN STOCK EXCHANGE

Order Approving Proposed Rule Change

DECEMBER 23, 1976.

On March 25, 1976, the American Stock Exchange (the "Amex") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. That proposed rule change was amended on May 27, 1976; June 24, 1976; July 23, 1976; August 24, 1976; September 1, 1976; October 19, 1976; and December 13, 1976, respectively. The original proposed rule change would have expanded the number of underlying stocks upon which the Amex would be authorized to approve call option trading from the present number of 60 call option classes to 100 call option classes. As amended on December 13, 1976, the Amex requested that the proposed rule change be considered as two separate proposals: an initial proposal to expand by the addition of twenty option classes and a second proposal to expand at a later, unspecified time by the addition of twenty more options classes.

Notice of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 12334 (April 12, 1976)), and notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication in the FEDERAL REGISTER (41 Fed. Reg. 16523 (April 9, 1976)).

The Commission finds that the amended proposed rule change seeking the addition of an initial twenty classes of options is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that such proposed rule change filed with the Commission on March 25, 1976, as amended on December 13, 1976, to provide for the addition of twenty additional authorized option classes, be, and it hereby is approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-38470 Filed 12-30-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration announces the meeting dates and relevant information for the Annual Meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held January 20–22, 1977, at the Sheraton Motor Inn, Silver Spring, Maryland, beginning at 1 p.m. January 20.

For further information contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. Code 202/426-0411. Attendance by the public will be limited to space available.

Purpose—This Committee reviews currently approved standards, guides and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices (MUTCD), the national standard for all classes of highways. Revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda—The meeting agenda will include reports and recommendations of the chairmen of the technical subcommittees on signs, signals, pavement markings, traffic controls for construction and maintenance areas, and traffic controls for bicycle facilities. Recommendations from the subcommittees on proposed additions to or revisions in current traffic control device standards will be discussed and action taken relative to providing appropriate advice to the Federal Highway Administration on these matters. Current projects under development include additions to the MUTCD covering traffic control devices for bicycle facilities and railroad/highway grade crossings.

JAMES J. CROWLEY,
Director,
Office of Traffic Operations.

[FR Doc.76-38452 Filed 12-30-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 77-21]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Certain Steel Carts and Racks Used for the Transportation of Truck Covers Designated as Instruments of International Traffic

DECEMBER 27, 1976.

It has been established to the satisfaction of the U.S. Customs Service that certain steel carts and racks used together for the transportation of truck covers are substantial, are suitable for and capable of repeated use, and are used in significant numbers in international traffic. The carts measure 88 inches in length by 83 inches in width, and the racks, which are placed on the carts, measure 70 inches in length, 82 inches in width, and 108 inches in height. An identification number will be etched into the steel of each cart and rack, and each cart and rack will be marked "Made in USA by Hop'Cap, Inc."

Under the authority of section 10.41a (a)(1), Customs Regulations (19 CFR 10.41a(a)(1)), I hereby designate the above-mentioned steel carts and racks as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These articles may be released under the procedures set forth in section 10.41a, Customs Regulations (19 CFR 10.41a). (102415)

(BOR-7-07)

J. P. TEBEAU,
Director, Carriers, Drawback and Bonds Division.

[FR Doc.76-38460 Filed 12-30-76;8:45 am]

Fiscal Service

BANKERS FIRE & CASUALTY INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds; Liquidation

Bankers Fire & Casualty Insurance Company, St. Petersburg, Florida, formerly held a Certificate of Authority as an acceptable surety on Federal bonds. The company was last listed as an acceptable surety at 39 FR 26364, July 18, 1974. The company's authority was terminated by the Department of the Treasury, effective June 30, 1975. Notice of the termination was published in the FEDERAL REGISTER of June 18, 1975, on page 25696.

There is reprinted below a copy of a notice issued by the Florida Department of Insurance, indicating the company is now being liquidated. Please note that the notice stipulates all claims against the company must be filed on or before May 13, 1977.

Questions concerning claims against the company may be directed to the Receiver, Bankers Fire & Casualty Insurance Company, Post Office Box 110, Tallahassee, Florida 32302. Proof-of-claim forms cannot be reproduced and may be obtained from the same office.

Questions concerning this notice may be directed to the Insurance Company Audit Branch, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-5978. An information notice containing additional information concerning filing claims will be distributed to Federal agencies by the same office.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

DECEMBER 12, 1976.

TO: All policyholders, creditors, obligees, and claimants having business with Bankers Fire and Casualty Insurance Company.

The Circuit Court of the Second Judicial Circuit, Leon County, Florida, on May 12, 1976 found Bankers Fire and Casualty Insurance Company insolvent and entered an order directing the Florida Department of Insurance, as Receiver, to liquidate the business of the company.

All insurance policies, bonds, surety contracts and other contracts of insurance of Bankers Fire and Casualty Insurance Company were canceled by Court Order, effective 12:01 a.m., June 12, 1976, except that policies or contracts of insurance with normal expiration dates prior thereto and policies terminated by insureds or lawfully cancelled by the insurer before such date, shall stand cancelled as of such earlier date.

The Court Order provides that all persons having claims against the assets of Bankers Fire and Casualty Insurance Company must present such claims to the Receiver on or before May 13, 1977 or such claims will be forever barred. Any and all claims, including those presented to Bankers Fire and Casualty Insurance Company prior to its having been placed in receivership, must be filed or refiled on Proof of Claim forms provided by the Receiver.

Requests for forms for filing claims and any inquiries regarding this receivership should be addressed: Receiver, Bankers Fire and Casualty Insurance Company, Post Office Box 110, Tallahassee, Florida 32302.

[FR Doc.76-38413 Filed 12-30-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 225]

ASSIGNMENT OF HEARINGS

DECEMBER 28, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36420, Joint-Line Routing of Coal, CR and LN RR'S now being assigned January 25, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C. for pre-hearing conference.

MC-F 12873, Motor Dispatch, Inc.—Investigation of Control—Loudon Lines, Inc., and Lincoln Express and Freight Lines, Inc. and MC-C 9130, Loudon Lines, Inc., Lincoln Express and Freight Lines, Inc., and Motor Dispatch, Inc.—Investigation and Revocation of Certificates and Certificards of Registration now assigned February 3, 1977 at Chicago, Illinois are now being cancelled indefinitely.

MC 141082, Door-To-Door Limousine, Inc. now being assigned the 23rd day of March, 1977 (3 days) at Hartford, Connecticut for continued hearing in a hearing room to be later designated.

MC 134599 (Sub-No. 146), Interstate Contract Corporation, now assigned February 2, 1977 at Washington, D.C., is canceled and transferred to Modified Procedure.

MC 115841 (Sub-No. 522), Colonial Refrigerated Transportation, Inc., now assigned January 24, 1977, at Cincinnati, Ohio is postponed to March 21 (1 week), at Cincinnati, Ohio; in a hearing room to be later designated.

FD 27421, Southern Pacific Transportation Company—Common Use of Terminal Facilities—Union Pacific Railroad Company and Burlington Northern, Inc., now assigned for Pre-hearing Conference on January 24, 1977, at Washington, D.C. is postponed to January 25, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114273 (Sub-No. 252), CRST, Inc., now being assigned February 3, 1977 (2 days) at Chicago, Illinois; in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

No. 36446, Kansas City Power & Light Company v. Kansas City Southern Railway Company, et al. now assigned January 11, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C. is now postponed indefinitely.

MC 116763 Sub 345, Carl Subler Trucking, Inc., now being assigned March 7, 1977 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-38468 Filed 12-30-76;8:45 am]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL.

Exemption Under Provision of Rule 19 of Mandatory Car Service Rules

DECEMBER 28, 1976.

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka & Santa Fe Railway Co.
Reporting Marks: ATSF
Bessemer & Lake Erie Railroad Co.[1]
Reporting Marks: BLE
The Baltimore & Ohio Railroad Co.
Reporting Marks: BO
Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP SPS
The Chesapeake & Ohio Railway Co.
Reporting Marks: CO-PM
Chicago Rock Island & Pacific Railroad Co.
Reporting Marks: RI-ROCK
Chicago, West Pullman & Southern Railroad Co.
Reporting Marks: CWP
The Denver & Rio Grande Western Railroad Co.
Reporting Marks: DRGW
Detroit & Mackinac Railway Co.
Reporting Marks: D&M-DM
Elgin, Joliet & Eastern Railway Co.
Reporting Marks: EJE
Illinois Terminal Railroad Co.
Reporting Marks: ITC
Louisville & Nashville Railroad Co.
Reporting Marks: CIL-L&N-MON-NC
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Co.
Reporting Marks: MKT
Missouri Pacific Railroad Co.
Reporting Marks: CEI-MI-MP-TP
Southern Railway Co.
Reporting Marks: CG-NS-SA-SOU
St. Louis-San Francisco Railway Co.
Reporting Marks: SLSF
SOO Line Railroad Co.
Reporting Marks: SOO
Union Pacific Railroad Co.
Reporting Marks: UP
Western Maryland Railway Co.
Reporting Marks: WM

Effective 12:01 a.m., December 15, 1976, and continuing in effect until further order of this Commission.

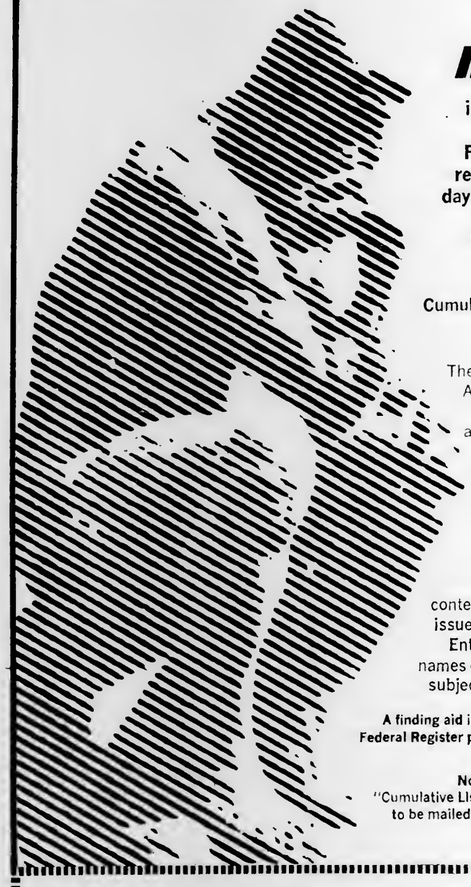
Issued at Washington, D.C., December 8, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-38467 Filed 12-30-76;8:45 am]

[1] Addition.

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BOOK 2:
PART II (Sec.1)
PAGES
299–554

federal register

BOOK 2 OF 3 BOOKS

MONDAY, JANUARY 3, 1977

PART II (Section 1)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

14 CFR PARTS 71, 73, AND 75

Compilation of Regulations

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 76-WA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Compilation of Regulations

The purpose of this compilation is to combine all amendments and pending amendments issued in 1976 to Parts 71, 73 and 75 of the Federal Aviation Regulations which have been published by the Administrator of the Federal Aviation Administration in the FEDERAL REGISTER prior to November 29, 1976. Pending amendments are listed below the appropriate sections and include the effective date and FEDERAL REGISTER citations.

Minor editorial corrections have been included to clarify existing airspace descriptions; however, no substantive changes or revision of airspace designations have been effected thereby. Therefore, compliance with the notice and public procedure requirements of 5 U.S.C. 553 are unnecessary and for that reason this action may be made effective immediately.

In consideration thereof, this action is effective 0901 GMT, November 29, 1976.

Issued in Washington, D.C., on November 29, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-36965 Filed 12-30-76;8:45 am]

TITLE 14 - AERONAUTICS AND SPACE
CHAPTER I - FEDERAL AVIATION ADMINISTRATION
SUBCHAPTER E - AIRSPACE
PARTS 71, 73, 75
DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS, SPECIAL USE AIRSPACE, JET ROUTES, AREA HIGH ROUTES

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SUBPART A - GENERAL

§ 71.1 Applicability.

(a) The airspace assignments described in Subparts B and C are designated as Federal airways.

(b) The airspace assignments described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control areas, and reporting points, as described in the appropriate subpart.

(c) The airspace assignments described in Subpart K of this part are designated as terminal control areas.

(d) The airspace assignments described in Subpart J are designated as area low routes.

§ 71.3 **Classification of Federal Airways.**

Federal airways are classified as follows:

(a) Colored Federal airways:

(1) Green Federal airways.

(2) Amber Federal airways.

(3) Red Federal airways.

(4) Blue Federal airways.

(b) VOR Federal airways.

§ 71.5 **Extent of Federal airways.**

(a) Each Federal airway is based on a centerline that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and -

(i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at each navigational aid and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.

(3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid it includes the additional airspace within lines diverging at angles of 4.5° from the centerline extending from the associated navigational aid to a line perpendicular to the centerline at the termination point.

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend beyond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Hawaii have no upper limits. Variations of the lower limits of an airway are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the segment of an airway between adjoining navigational aids or intersections; and

(2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

(d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the corresponding segment of the main VOR Federal airway are separated by 15°.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.6 **Extent of area low routes.**

(a) Each area low route is based on a centerline that extends from one waypoint to another waypoint (or through several waypoints) specified for that area low route. An area low route does not include the airspace of a prohibited area. All mileages specified in connection with area low routes are nautical miles.

(b) Unless otherwise specified in Subpart J, the following apply:

(1) Except as provided in subparagraph (2) of this paragraph, each area low route includes, and is limited to, that airspace within parallel boundary lines 4 or more miles on each side of the route centerline as described in the middle column of the following table, plus that additional airspace outside of those parallel lines and within lines drawn outward from those parallel lines at angles of 3.25°, beginning at the distance from the tangent point specified in the right-hand column of the following table:

Miles from reference facility to tangent point	Miles from centerline to parallel lines	Miles from tangent point along parallel lines to vortices of 3.25° angles
Less than 17	4	51.
17 to, but not including 27	4	50.
27 to, but not including 33	4	49.
33 to, but not including 38	4	48.
38 to, but not including 43	4	47.
43 to, but not including 47	4	46.
47 to, but not including 51	4	45.
51 to, but not including 55	4	44.
55 to, but not including 58	4	43.
58 to, but not including 61	4	42.
61 to, but not including 63	4	41.
63 to, but not including 66	4	40.
66 to, but not including 68	4	39.
68 to, but not including 70	4	38.
70 to, but not including 72	4	37.
72 to, but not including 74	4	36.
74 to, but not including 76	4	35.
76 to, but not including 78	4	34.
78 to, but not including 79	4	33.
79 to, but not including 81	4	32.
81 to, but not including 83	4	31.
83 to, but not including 84	4	30.
84 to, but not including 86	4	29.
86 to, but not including 87	4	28.
87 to, but not including 88	4	27.
88 to, but not including 89	4	26.
89 to, but not including 91	4	25.
91 to, but not including 92	4	24.
92 to, but not including 93	4	23.
93 to, but not including 94	4	22.
94 to, but not including 95	4	21.
95 to, but not including 96	4	19.
96 to, but not including 97	4	18.
97 to, but not including 98	4	17.
98 to, but not including 99	4	15.
99 to, but not including 100	4	13.
100 to, but not including 101	4	11.
101 to, but not including 102	4	8.
102 to, but not including 105	4	0 (i.e., at tangent point).
105 to, but not including 115	4.25	0 (i.e., at tangent point).
115 to, but not including 125	4.50	0 (i.e., at tangent point).
125 to, but not including 135	4.75	0 (i.e., at tangent point).
135 to, but not including 145	5.00	0 (i.e., at tangent point).
145 to, but not including 150	5.25	0 (i.e., at tangent point).

(2) Each area low route, whose centerline is at least 2 miles, and not more than 3 miles from the reference facility, includes, in addition to the airspace specified in subparagraph (1) of this paragraph, that airspace on the reference facility side of the centerline that is within lines connecting the point that is 4.9 miles from the tangent point on a perpendicular line from the centerline through the reference facility, thence to the edges of the boundary lines described in subparagraph (1) of this paragraph, intersecting those boundary lines at angles of 5.15°.

(3) Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the route segments until they meet.

(4) Where the widths of adjoining route segments are unequal, the following apply:

(i) If the tangent point of the narrower segment is on the route centerline, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point of the narrower route segment, until intersecting the boundary of the narrower segment.

(ii) If the tangent point of the narrower segment is on the route centerline extended, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point until reaching the point where the narrower segment terminates or changes direction, or until intersecting the boundary of the narrower segment.

(5) Where an area low route terminates, it includes that airspace within a circle whose center is the terminating waypoint, and whose diameter is equal to the route segment width at that waypoint, except that an area low route does not extend beyond the domestic/oceanic control area boundary.

(6) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the route segment between adjoining waypoints used in the description of the route.

(7) The airspace of an area low route within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

§ 71.7 **Control areas.**
Control areas consist of the airspace designated in Subparts B, C, E, and J, but do not include the continental control area. Unless otherwise designated, control areas include the airspace between a segment of a main VOR Federal Airway and its associated alternate segments with the vertical extent of the area corresponding to the vertical extent of the related segment of the main airway.

§ 71.9 **Continental Control Area**
The Continental Control Area consists of the airspace of the 48 contiguous States, the District of Columbia and Alaska, excluding the Alaska peninsula west of longitude 160°00'00" W., at and above 14,500 feet M.S.L., but does not include -
(a) The airspace less than 1,500 feet above the surface of the earth; or
(b) Prohibited and restricted areas, other than restricted areas listed in Subpart D of this part.

§71.11 **Control Zones**
The control zones listed in Subpart F of this part consist of controlled airspace which extends upward from the surface of the earth and terminates at the base of the continental control area. Control zones that do not underlie the continental control area have no upper limit. A control zone may include one or more airports and is normally a circular area with a radius of 5 miles and any extensions necessary to include instrument approach and departure paths.

§71.12 **Terminal Control Areas**
The terminal control areas listed in Subpart K of this part consist of controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to operating rules and pilot and equipment requirements specified in Part 91 of this chapter. Each such location is designated as a Group I, Group II, or Group III terminal control area, and includes at least one primary airport around which the terminal control area is located.

§ 71.13 **Transition Areas.**
The transition areas listed in Subpart G consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 **Positive Control Areas.**
The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft.

§ 71.17 **Reporting Points.**
(a) The reporting points listed in Subpart I consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with §91.125.
(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.
(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 **Bearings: Radials: Miles.**
(a) All bearings and radials in this Part are true, and are applied from point of origin.
(b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles. all mileages in this Part are stated as statute miles.

SUBPART B - COLORED FEDERAL AIRWAYS

§ 71.101 **Designation.**

The airspace assignments described in this subpart are designated as Colored Federal Airways.

§71.103 **Green Federal Airways.**

G-7 From Fort Davis, Alaska, RBN, Norton Bay, Alaska, RBN; 46 miles, 57 miles, 55 MSL, Bishop, Alaska, NDB; INT Bishop NDB 089° and Chena, Alaska, RBN 269° bearings; Chena RBN.

G-8 From Shemya, Alaska, RBN, 20 AGL Adak, Alaska, RBN; 20 AGL Nikolski, Alaska, RBN; 20 AGL Driftwood Bay, Alaska, RBN; 20 AGL INT Cold Bay, Alaska, LOM 253° and Cape Sarichef, Alaska, NDB 344° bearings; 20 AGL Cold Bay LOM; King Salmon, Alaska, LOM; Big Mountain, Alaska, RBN; Kachemak, Alaska, RBN; Wildwood, Alaska, RBN; INT of a bearing of 034° from Wildwood RBN and a bearing of 254° from Campbell Lake, Alaska, RBN; Campbell Lake RBN; INT Campbell Lake RBN 032° and Skwentna, Alaska, RBN 111° bearings; Glenallen, Alaska, RBN; INT Glenallen RBN 052° and Nabesna, Alaska, RBN 252° bearings; Nabesna RBN.

AMENDMENTS 9/9/76 41 F. R. 29093 (Changed)

G-9 From Oscarville, Alaska, RBN 35 miles, 125 miles, 55 MSL, Sparrevohn, Alaska, RBN; 24 miles, 29 miles, 53 MSL, 14 miles, 10,500 MSL, 42 miles, 12,500 MSL, to Campbell Lake, Alaska, RBN.

G-11 From INT Cold Bay, Alaska, LOM 041° and Port Moller, Alaska, NDB 313° bearings, 20 AGL via Port Heiden, Alaska, RBN; 174 Miles 85 MSL, 37 miles 20 AGL, to Woody Island, Alaska, RBN.

AMBER FEDERAL AIRWAYS

§71.105 **Amber Federal Airways.**

A-1 From Sandspit, British Columbia, Canada, RBN via Sitka, Alaska, RBN; 31 miles 12 AGL, 50 miles 48 MSL, 112 miles 20 MSL, Ocean Cape, Alaska, RBN; INT Ocean Cape RBN 283° and Hinchinbrook, Alaska, RBN 106° bearings; Hinchinbrook RBN; INT Hinchinbrook RBN 286° and Campbell Lake, Alaska, RBN 123° bearings; Campbell Lake RBN; Skwentna, Alaska, RBN; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RBN; Takotna River, Alaska, RBN; 24 miles 12 AGL, 53 miles, 55 MSL, 46 miles 40 MSL, North River, Alaska, RBN; 52 miles 12 AGL, 51 miles 25 MSL, to Fort Davis, Alaska, RBN. The airspace within Canada is excluded.

AMENDMENTS 9/9/76 41 F. R. 29093 (Changed)

A-2 From Burwash, Yukon Territory, Canada, RBN, 88 miles; 40 miles, Nabesna, Alaska, RBN; Delta, Junction, Alaska, RBN; Chena, Alaska, RBN; Evansville, Alaska, NDB; 69 miles 12 AGL, 102 miles 95 MSL, 117 miles 12 AGL, to Browerville, Alaska, RBN. The airspace within Canada is excluded.

A-3 From Evansville, Alaska, NDB, to Put River, Alaska, NDB.

A-4 From Evansville, Alaska, NDB via Umiat, Alaska, NDB to Put River, Alaska, NDB.

A-6 From Chandalar Lake, Alaska, NDB via Umiat, Alaska, NDB to Browerville, Alaska, NDB.

A-10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.

A-15 From Bthelda, British Columbia, Canada, NDB via Nichols, Alaska, NDB; 41 miles 12 AGL, 42 miles 52 MSL, 32 miles 12 AGL Petersburg, Alaska, NDB; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; Burwash, Yukon Territory, Canada, RBN;
Nabesna, Alaska, RBN; Delta Junction, Alaska, RBN; Chena, Alaska, RBN; Chandalar Lake, Alaska, NDB; Put River, Alaska, NDB; Oliktok, Alaska, RBN. The airspace within Canada is excluded (Joins Canadian high level airway No. 502).

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RED FEDERAL AIRWAYS

§71.107 Red Federal Airways.

R-27 From Summit, Alaska, RBN; Julius, Alaska, RBN; Chena, Alaska, RBN.

R-39 From Oscarville, Alaska, RBN; Aniak, Alaska, RBN; 25 miles, 89 miles, 55 MSL, Takotna River, Alaska, RBN; 28 miles, 64 miles, 45 MSL, Minchumina, Alaska, RBN; Julius, Alaska, RBN; Chena, Alaska, RBN.

R-40 From Woody Island, Alaska, RBN; 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Kachemak, Alaska, RBN; to Campbell Lake, Alaska, RBN.

R-50 From Bishop, Alaska, NDB via Bear Creek, Alaska, NDB; to Chena, Alaska, NDB.

R-75 From Vancouver, British Columbia, Canada, RBN via White Rock, British Columbia, Canada, RBN; Abbotsford, British Columbia, Canada, RBN; Cultus Lake, British Columbia, Canada, RBN; to Princeton, British Columbia, Canada, RBN, excluding the portion within Canada,

R-99 From Big Mountain, Alaska, RBN Iliamna, Alaska, RBN; INT Iliamna RBN 145° and Big Mountain RBN 080° bearings.

R-103 From Wildwood, Alaska, NDB, via INT Wildwood NDB 112° and Campbell Lake, Alaska, 206° bearings; 49 miles 12 AGL, 58 miles 85 MSL, 39 miles 12 AGL, Wessels, Alaska, NDB.

AMENDMENTS 9/9/76 41 F. R. 29093 (Changed)

BLUE FEDERAL AIRWAYS

§71.109 Blue Federal Airways.

B-12 From Takotna River, Alaska, NDB, 24 miles 12 AGL, 54 miles 55 MSL, 35 miles 12 AGL, via Bishop, Alaska, NDB; 68 miles 12 AGL, 88 miles 55 MSL, 37 miles 12 AGL, to Hotham, Alaska, NDB.

B-25 From INT Hinchinbrook, Alaska, NDB 206° and Wessels, Alaska, NDB 296° bearing via Hinchinbrook NDB; 38 miles 12 AGL, 12 miles 95 MSL, 60 miles 12 AGL Glenallen NDB; Delta Junction, Alaska, NDB.

B-26 From Campbell Lake, Alaska, NDB, via Peters Creek, Alaska, NDB; Summit, Alaska, NDB; INT Summit NDB 007° and Chena, Alaska, NDB 218° bearings; Chena NDB; Yukon River, Alaska, NDB; 86 miles 12 AGL, 75 miles 115 MSL, 56 miles 12 AGL, to Barter Island, Alaska, NDB.

B-27 From Woody Island, Alaska, RBN, 45 miles 12 AGL, 68 miles 95 MSL, King Salmon, Alaska, LOM; 53 miles, 84 miles, 70 MSL,
Oscarville, Alaska, RBN; 46 miles, 173 miles, 30 MSL, Fort Davis, Alaska, RBN; 35 miles, 89 miles, 55 MSL, Hotham, Alaska, NDB.

B-28 From Prince Rupert, B. C., Canada, NDB, via Nichols, Alaska, NDB; 42 miles 12 AGL, 99 miles 55 MSL, 29 miles 12 AGL to Sitka, Alaska, NDB. The airspace within Canada is excluded.

B-37 From Petersburg, Alaska, NDB, via Elephant, Alaska, NDB; Cape Spencer, Alaska, NDB, to INT Cape Spencer, NDB 273° and Ocean Cape, Alaska, NDB 139° bearings.

B-38 From Sitka, Alaska, NDB, via Elephant, Alaska, NDB; Haines, Alaska, NDB, to Whitehorse, Y. T., Canada RBN. The airspace within Canada is excluded.

B-40 From the Haines, Alaska RBN, Robinson, Yukon Territory, Canada, RBN, excluding the portion within Canada.

B-79 From Sandspit, B. C., Canada, NDB, to Nichols, Alaska, NDB. The airspace within Canada is excluded.

SUBPART C - VOR FEDERAL AIRWAYS

§ 71.121 Designation
The airspace assignments described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

§71.123 Domestic VOR Federal Airways.

V-1 From Jacksonville, Fla., via Charleston, S. C.; Myrtle Beach, S. C.; INT Myrtle Beach 031° and Kinston, N. C., 214° radials; Kinston, including an east alternate from Myrtle Beach to Kinston via Wilmington, N. C.; Cofield, N. C.; including an east alternate segment from Kinston to Cofield via the intersection of Kinston 050° and Cofield 186° radials; Norfolk, Va.;
Cape Charles, Va.; INT Cape Charles 006° and Salisbury, Md., 206° radials; Salisbury; Waterloo, Del.; INT Waterloo 024° and Coyle, N. J., 216° radials; to coyle, excluding the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston, S. C. The portion within R-5002 is excluded.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed) Corr: 41 F. R. 20650

V-2 From Seattle, Wash., Ellensburg, Wash., including a south alternate via INT Seattle 123° and Ellensburg 274° radials; Moses Lake, Wash.; Spokane, Wash., including a north alternate from Seattle to Spokane via Wenatchee, Wash., and Ephrata, Wash.; Mullan Pass, Idaho, including a north alternate via INT Spokane 073° and Mullan Pass 291° radials, and also a south alternate, via INT Spokane 109° and Mullan Pass 260° radials; 5 miles, 53 miles, 91 MSL, Missoula, Mont.; 6 miles, 84 MSL, Drummond, Mont.; 11 miles, 84 MSL, Helena, Mont.; INT Helena 119° and Bozeman, Mont., 338° radials; Bozeman; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont., including an N alternate from Helena, 21 miles, 10 miles 105 MSL, 115 MSL INT Helena 089° and Billings 301° radials, 35 miles 100 MSL, to Billings, excluding the airspace between the main and this N alternate; 19 miles, 79 miles, 49 MSL, Miles City, Mont., including an N alternate from Billings, 19 miles, 49 MSL INT Billings 057° and Miles City 269° radials, 42-miles, 49 MSL, to Miles City; 24 miles, 90 miles, 55 MSL, Dickinson, N. Dak.; 10 miles, 60 miles, 38 MSL, Bismarck, N. Dak., including an N alternate from Dickinson, 10 miles 38 MSL INT Dickinson 078° and Bismarck 290° radials, 28 miles, 38 MSL, to Bismarck; 14 miles, 62 miles, 34 MSL Jamestown, N. Dak., including an N alternate from Bismarck 14 miles, 65 miles, 34 MSL, Jamestown; 7 miles, 43 miles, 28 MSL, Fargo, N. Dak., including an N alternate from Jamestown 7 miles, 46 miles, 28 MSL, Fargo; Alexandria, Minn., including a N alternate, Minneapolis, Minn.; Nodine, Minn., including a N alternate; Lone Rock, Wis., including a south alternate via INT Nodine 150° and Lone Rock 286° radials; Madison, Wis.; Milwaukee, Wis.;
Muskegon, Mich., including a S alternate via INT Milwaukee 102° and Muskegon 252° radials; Lansing, Mich., including a S alternate from Muskegon to Lansing via INT Muskegon 154° and Grand Rapids, Mich., 284° radials and Grand Rapids (7 miles wide, 3 miles north and 4 miles south of centerline Grand Rapids to Lansing; Salem, Mich., including a N alternate via INT Lansing 091° and Salem 308° radials; INT Salem 083° and Aylmer, Ont., Canada 260° radials; Aylmer; INT Aylmer 087° and Buffalo, N. Y., 259° radials; Buffalo; Rochester, N. Y., including a north alternate via INT of Buffalo 045° and Rochester 273° radials; Syracuse, N. Y., including a N alternate via INT Rochester 064° and Syracuse 283° radials; Utica, N. Y.; Albany, N. Y.; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; Boston, Mass. The airspace within Canada is excluded.

V-3 From Key West, Fla., INT Key West 086° and Miami, Fla., 205° radials; INT Miami 205° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Palm Beach, Fla., including an E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; Vero Beach, Fla., including an E alternate via INT Palm Beach 358° and Vero Beach 143° Ormond Beach, Fla.; INT Ormond Beach 345° and Brunswick 175° radials; Brunswick, Ga.; Savannah, Ga.; Vance, S.C.; Florence, S.C.; Pinehurst, N.C.; Raleigh-Durham, N.C.; INT
Raleigh 016° and Flat Rock, Va., 214° radials; Flat Rock; Gordonsville, Va.; Linden, Va.; Front Royal, Va.; Martinsburg, W. Va.; Westminster, Md.; Modena, Pa.; Solberg, N. J.; Carmel, N. Y.; Hartford, Conn.; INT Hartford 044° and Boston, Mass., 251° radials;
Boston; INT Boston 015° and Pease, N. H. 185° radials; Pease; INT Pease 004° and Augusta, Maine, 228° radials; Augusta; Bangor, Maine; INT Bangor 039° and Houlton, Maine, 203° radials; Houlton; Presque Isle, Maine. The portion outside the United States has no upper limit except that the portion of the E alternate between Jacksonville and Savannah extends up to but does not include 18,000 feet MSL. The airspace within R-2921 and R-2922 is excluded.

AMENDMENTS 9/9/76 41 F. R. 29091 (Changed)
AMENDMENTS 11/4/76 41 F.R. 38761 (Changed)
AMENDMENTS 11/4/76 41 F.R. 47913 (Changed)
PENDING AMENDMENT
In V-3 "Pinehurst, N. C.;" is deleted and "Sandhills, N. C.;" is substituted therefor.
AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

V-4 From Neah Bay, Wash., RBN, Port Angeles, Wash.; INT Port Angeles 090° and Seattle, Wash., 329° radials; Seattle; Yakima, Wash., including a south alternate from Seattle to Yakima via INT Seattle 163° and McChord, Wash., 096° radials and INT McChord 096° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; Pendleton, Oreg.; Baker, Oreg; Boise, Idaho, including a south alternate; INT Boise 130° and Burley, Idaho, 292° radials; Burley, including a north alternate from Boise 25 miles, 25 miles 90 MSL, 95 MSL INT Pocatello, Idaho, 286° and Burley 323° radials, Burley, excluding the airspace between the main and this alternate airway; Malad City, Idaho; 35 miles, 58 miles, 115 MSL, Rock Springs, Wyo., including an S alternate from Malad City, 20 miles, 68 miles 115 MSL, via Fort Bridger, Wyo., to Rock Springs, excluding the airspace between the main and this S alternate; 20 miles, 39 miles, 95 MSL, Cherokee, Wyo.; Laramie, Wyo.; Denver, Colo., including a north alternate from Laramie to Denver via Gill, Colo.; INT Denver 103° and Thurman, Colo., 274° radials; Thurman, Colo.; including a north alternate via INT Denver 088° and Thurman 292° radials; 50 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.; INT Hill City 097° and Salina, Kans., 284° radials; Salina, including a S alternate via Hays, Kansas.; Topeka, Kans., including a N alternate from the INT of Salina 080° and Manhattan, Kans., 213° radials to Topeka via Manhattan and the INT of Manhattan 078° and Topeka 293° radials; Kansas City, Mo., including a S alternate via INT Topeka 099° and Kansas City 231° radials; Hallsville, Mo.; St. Louis, Mo.; Troy, Ill.; Centralia, Ill.; Evansville, Ind., including a S alternate; Louisville, Ky., including a N alternate via INT Evansville 068° and Louisville 280° radials; Lexington, Ky., including a N alternate via INT Louisville 081° and Lexington 303° radials and also a S alternate via INT Louisville 114° and Lexington 251° radials; Newcombe, Ky.; Charleston, W. Va.; Elkins, W. Va., including a S alternate via INT Charleston 083° and Elkins 228° radials; Kessel, W. Va.; Front Royal, Va.; to Armel, Va. The airspace within R-6705 is excluded.

AMENDMENTS 3/25/76 41 F. R. 3733 (Changed)
AMENDMENTS 5/20/76 41 F. R. 12277 (Changed)
AMENDMENTS 5/20/76 41 F. R. 16452 (Changed)

V-5 From Jacksonville, Fla.; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma; Dublin, Ga., Athens, Ga.; INT Athens 340° and Anderson, S. C., 274° radials; INT Anderson 274° and Chattanooga, Tenn., 127° radials, including a west alternate from Dublin via Macon, Ga., INT Macon 349° and Norcross, Ga., 150° radials; Norcross; Chattanooga; Nashville, Tenn., including an east alternate via INT Chattanooga 332° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an east alternate from Nashville to New Hope via INT Nashville 034° and New Hope 202° radials; Louisville, Ky.; Cincinnati, Ohio; Appleton; Ohio; Mansfield, Ohio; Cleveland, Ohio; London, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 1/29/76 40 F. R. 56884 (Changed)
PENDING AMENDMENT
In V-5, "From Jacksonville, Fla.; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma; Dublin, Ga.; Athens, Ga.; INT Athens 340° and Electric City, S. C., 274° radials; INT Electric City 274° and Chattanooga, Tenn., 127° radials, including a west alternate from Dublin via Macon, Ga.;" is deleted and "From Jacksonville, Fla.; INT Jacksonville 318° and Alma. Ga., 150° radials; Alma; INT Alma 342° and Dublin, Ga., 167° radials; Dublin; Athens, Ga.; INT Athens 340° and Electric City, S. C., 274° radials; INT Electric City 274° and Chattanooga, Tenn., 127° radials, including a west alternate from Alma; INT Alma 311° and Vienna, Ga., 123° radials, Vienna; Macon, Ga.;" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed); Corr. 41 F. R. 49805

V-6 From Oakland, Calif.; INT Oakland 039° and Sacramento, Calif., 212° radials; Sacramento, including a south alternate via INT Oakland 077° and Sacramento 194° radials; Lake Tahoe, Calif.; Reno, Nev., including a N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° radials; Lovelock, Nev., including a south alternate from Reno to Lovelock via Hazen, Nev.; Battle Mountain, Nev., including a north alternate; INT Battle Mountain 062° and Wells, Nev., 256° radials; Wells; 5 miles, 40 miles, 98 MSL, 85 MSL Lucin, Utah; 43 miles, 85 MSL, Ogden, Utah; 11 miles, 50 miles, 105 MSL, Fort Bridger, Wyo.; Rock Springs, Wyo.; 20 miles, 39 miles 95 MSL, Cherokee, Wyo.; 39 miles, 27 miles 95 MSL, Medicine Bow, Wyo.; INT Medicine Bow 106° and Sidney, Nebr., 291° radials; Sidney, North Platte, Nebr.; Grand Island, Nebr.; Omaha, Nebr.; Des Moines, Iowa, including a S alternate; Iowa City, Iowa, including a S alternate via INT Des Moines 112° and Iowa City 252° radials; Davenport, Iowa; INT Davenport 087° and DuPage, Ill., 255° radials; to DuPage. From INT Chicago Heights, Ill., 358° and South Bend, Ind., 271° radials; South Bend, Ind.; INT South Bend 092° and Waterville, Ohio, 288° radials; Waterville; Cleveland, Ohio, including a S alternate via INT Waterville 108° and Cleveland 252° radials; Youngstown, Ohio, including a north alternate via INT Cleveland 081° and Youngstown 285° radials; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; Allentown, Pa., excluding the portion within R-4803 and R-4813

V-7 From Miami, Fla.; via INT of Miami 279° and Fort Myers, Fla., 121° radials; Fort Myers, including an east alternate from Miami via INT of Miami 316° and Fort Myers 096° radials to Fort Myers; Lakeland, Fla.; Cross City, Fla.; Greenville, Fla.; Dothan, Ala., including a W alternate from Cross City to Dothan via INT Cross City 287° and Marianna, Fla., 141° radials and Marianna; INT Dothan 333° and Montgomery, Ala., 129° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 177° radials; Birmingham; including an east alternate via INT of Montgomery 357° and Birmingham 139° radials; Muscle Shoals, Ala., including an E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a W alternate via Birmingham 300° and Muscle Shoals 178° radials; Graham, Tenn.; Nashville, Tenn.; Central City, Ky.; including an east alternate; Evansville, Ind.; INT Evansville 015° and Lewis, Ind., 198° radials; Lewis; Terre Haute, Ind., including a W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 217° radials; Lafayette, Ind.; Chicago Heights, Ill.; INT Chicago Heights 358° and Green Bay, Wi., 166° radials, including an east alternate via INT Chicago Heights 013° and Milwaukee, Wi., 137° radials to the INT Milwaukee 137° and Chicago-O'Hare 019° radials; Green Bay, Wi.; Menominee, Mi.; Marquette, Mich.; including an east alternate via Escanaba, Mich. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V-8 From INT Seal Beach, Calif., 266° and Los Angeles, Calif., 236° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) Hector, Calif.; Goffs, Calif.; INT Goffs 033° and Morman Mesa, Nev., 196° radials; Morman Mesa, including a N alternate from Seal Beach to Morman Mesa via Pomona, Calif., Daggett, Calif., and Las Vegas, Nev.; Bryce Canyon, Utah, Hanksville, Utah, including a south alternate; Grand Junction, Colo., including a south alternate via INT of Hanksville 087° and Grand Junction 232° radials and also a north alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° radials; 33 miles, 130 MSL Kremmling, Colo., including a south alternate from Grand Junction 33 miles, 21 miles, 127 MSL, 120 MSL INT Grand Junction 074° and Kremmling 228° radials, 28 miles, 120 MSL, 130 MSL to Kremmling; 9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, Denver, Colo.; Akron, Colo.; including a south alternate via Denver, 103° and Akron 241° radials; Hayes Center, Nebr., including a north alternate via INT Akron 063° and Hayes Center 276° radials and also a south alternate via INT Akron 094° and Hayes Center 246° radials; Grand Island, Nebr., including a N alternate via INT Hayes Center 059 and Grand Island 273° radials, and also a S alternate; Omaha, Nebr.; Des Moines, Iowa; Iowa City, Iowa; Moline, Ill.; Joliet, Ill.; Chicago Heights, Ill.; Goshen, Ind.; Findlay, Ohio; Mansfield, Ohio; Briggs, Ohio; Bellaire, Ohio; INT Bellaire 107° and Grantsville, Md., 285° radials; Grantsville; Martinsburg, W. Va.; to Washington, D. C., including a north alternate from Grantsville to the INT of Hagerstown, Md., 157° and the Martinsburg 130° radials via Hagerstown. The portion outside the United States has no upper limit.

AMENDMENTS 7/15/76 41 F. R. 15837 (Changed)

V-9 From Leeville, La., via INT Leeville, 333° and New Orleans, La., 181° radials; New Orleans; McComb, Miss., including an E alternate from New Orleans to McComb via Picayune, Miss.; Jackson, Miss., including an E alternate and also a W alternate via INT McComb 348° and Jackson 199° radials; Greenwood, Miss., including an E alternate and also a W alternate; Memphis, Tenn., including an E alterante and also a W alternate; Malden, Mo., including a W alternate; Farmington, Mo.; St. Louis, Mo.; Capital, Ill.; Pontiac, Ill.; INT Pontiac 008° and Joliet, Ill., 316° radials; INT Rockford. Ill.. 136° and Milwaukee, Wis., 209° radials; Milwaukee; Oshkosh, Wis.; Green Bay, Wis.; Iron Mountain, Mich., including an east alternate from Green Bay to Iron Mountain via Menominee, Mich.; Houghton, Mich.; including an E alternate via Marquette, Mich.

V-10 From Pueblo, Colo., 18 miles, 48 miles, 60 MSL, Lamar, Colo.; Garden City, Kans.; Dodge City, Kans.; Hutchinson, Kans., including a N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway; Emporia, Kans.; Napoleon, Mo., including a N alternate via INT Emporia 050° and Topeka, Kans., 099° radials; Kirksville, Mo., including a N alternate via INT Napoleon 005° and Kansas City 060° radials; Burlington, Iowa; Bradford, Ill.; to Chicago, O'Hare, Ill. From INT Chicago Heights, Ill., 358° and South Bend, Ind., 271° radials; South Bend; Litchfield, Mich.; Carleton, Mich.; INT Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; Youngstown; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa. The airspace within Canada is excluded.

AMENDMENTS 9/9/76 41 F. R. 29094 (Changed)

V-11 From Brookley, AL.; Greene County, MS., including a west alternate from Brookley via Mobile, AL., to Greene County; Laurel, Miss.; including an east alternate from the INT of Mobile 356° and Greene County 142° radials via the INT of Mobile 356° and Laurel 109° radials to Laurel; Jackson, MS. From Memphis, Tenn., Dyersburg, Tenn., including a W alternate via INT Memphis 001° and Dyersburg 235° radials, and an E alternate via the INT Memphis 045° and Dyersburg 182° radials; Cunningham, Ky.; including an E alternate and a W alternate via INT Dyersburg 006° and Cunningham 224° radials; Evansville, Ind., including an east alternate; Indianapolis, Ind., including an E alternate from Evansville to Indianapolis via INT Evansville 046° and Bloomington, Ind., 205° radials, Bloomington, INT of Bloomington 025° and Indianapolis 185° radials; Marion, Ind.; Fort Wayne, Ind.; Salem, Mich.; 6-miles wide to INT Salem 052° and Windsor, Ont., Canada 335° radials.

V-12 From Gaviota, Calif., Santa Barbara, Calif.; INT Santa Barbara 109° and Fillmore, Calif., 268° radials; Fillmore; Palmdale, Calif.; 38 miles, 6 miles wide, Hector, Calif.; 12 miles, 38 miles, 85 MSL, 14 miles, 75 MSL, Needles, Calif.; 45 miles, 34 miles, 95 MSL, Prescott, Ariz.; Winslow, Ariz.; 30 mi. 85 MSL Zuni, N. Mex.; Albuquerque, N. Mex., including a south alternate via INT Zuni 104° and Albuquerque 253° radials; Otto, N. Mex.; Anton Chico, N. Mex., including a S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials; Tucumcari, N. Mex.; Amarillo, Tex., including a south alternate and also a north alternate via INT Tucumcari 071° and Amarillo 286° radials; Gage, Okla., including a north alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials, and also a south alternate via INT Amarillo 072° and Gage 215° radials; Anthony, Kans.; Wichita, Kans.; Emporia, Kans.; Napoleon, Mo.; Columbia, Mo.; Foristell, Mo., including a S alternate from INT Jefferson City, Mo., 308° and Columbia 276° radials via Jefferson City to the INT of Jefferson City 042° and Columbia 104° radials; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.;
Richmond, Ind.; Dayton, Ohio; Appleton, Ohio, including a N alternate from Dayton to Appleton via INT Dayton 068° and Rosewood, Ohio, 083° radials; Newcomerstown, Ohio; Allegheny, Pa.; Johnstown, Pa.;
Harrisburg, Pa., including a S alternate from Johnstown to Harrisburg via St. Thomas, Pa.

AMENDMENTS 5/20/76 41 F. R. 7088 (Changed) Corr: 41 F. R. 14883
AMENDMENTS 9/9/76 41 F. R. 29094 (Changed)

V-13 From McAllen, Tex., via Harlingen, Tex.; INT Harlingen
033° and Corpus Christi, Tex., 178° radials; 27 miles standard width, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; including a W alternate from Harlingen via INT Harlingen 006°and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E and 3 miles W of centerline). Corpus Christi; INT Corpus Christi 039° and Palacios, Tex., 241° radials; Palacios;
Humble, Tex., Lufkin, Tex.; including an east alternate from Humble via Daisetta, Tex., to Lufkin;
Shreveport, La., including an E alternate; Texarkana, Ark., including a W alternate via INT Shreveport 275° and Texarkana 184° radials; Rich Mountain, Okla.; Fort Smith, Ark.; INT Fort Smith 006° and Fayetteville, Ark.. 190° radials; Fayetteville, including a W alternate from Rich Mountain to Fayetteville via INT Rich Mountain 006° and Fayetteville 205° radials; Neosho, Mo.; Butler, Mo.; Napoleon, Mo.; INT Napoleon 336° and St. Joseph, Mo., 132° radials; Lamoni, Iowa, Des Moines, Iowa, including a W alternate; Mason City, Iowa, including
a W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; and excluding the airspace above 9,000 feet MSL between Des Moines and Fort Dodge; Farmington, Minn.; Grantsburg, Wis., including a W alternate from
Mason City to Grantsburg via INT Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and W alternate; Duluth, Minn., including an E alternate; 36 miles, 35 MSL Thunder Bay, Ontario, Canada. The airspace outside the United States is excluded.

AMENDMENTS 5/20/76 41 F. R. 11275 (Changed)
AMENDMENTS 9/9/76 41 F. R. 29094 (Changed)
PENDING AMENDMENT
In V-13 "including a W. alternate from Harlingen via INT Harlingen 006° and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E. and 3 miles W. of centerline). Corpus Christi;" is deleted, and "including a W. alternate from Harlingen, 23 miles 7 miles wide (3 miles E. and 4 miles W. of centerline), 4 miles 8 miles wide, via INT Harlingen 006° and Corpus Christi 193° radial; 34 miles standard width, 37 miles 7 miles wide (4 miles E. and 3 miles W. of centerline), to Corpus Christi;" is substituted therefor.
AMENDMENTS 12/30/76 41 F.R. 47227 (Changed)

V-14 From Roswell, N. Mex., via Lubbock, Tex.; Childress, Tex., including a S alternate via INT Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, Okla., including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 079° and Tulsa 228° radials; Neosho, Mo., including a N alternate and also a S alternate via INT Tulsa 087° and Neosho 223° radials; Springfield, Mo., including a S alternate via INT Neosho 074° and Springfield 210° radials; Vichy, Mo., including a N alternate; Foristell, Mo.; St. Louis, Mo.; Vandalia, Ill.; Terre Haute, Ind.;
Indianapolis, Ind., including a S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; Muncie, Ind.; Findlay, Ohio; Cleveland, Ohio; Jefferson, Ohio, Erie, Pa., including a N alternate from
Cleveland to Erie via INT Cleveland 049° and Jefferson 279° radials; Dunkirk, N. Y.; Buffalo; Geneseo, N. Y., Georgetown, N. Y.;
INT Georgetown 093° and Albany, N. Y. 270° radials; Albany; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; INT Gardner 128° and Boston, Mass., 251° radials; Boston. The airspace within R-5207 and Canada is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)
AMENDMENTS 5/20/76 41 F. R. 7088 (Changed)

V-15 From Scholes, Tex., via Hobby, Tex.; Humble, Tex.; Navasota, Tex.; College Station, Tex., including a west alternate from Hobby to College Station via INT Hobby 290° and College Station 151° radials; Waco, Tex., including a W alternate via INT College
Station 307° and Waco 173° radials; Scurry, Tex.; Blue Ridge, Tex., including an east alternate via INT Scurry 023° and Blue Ridge 153° radials; Ardmore, Okla.; Okmulgee, Okla., including an E alternate; INT Okmulgee
048° and Neosho, Mo., 223° radials; Neosho. From St. Joseph, Mo., via INT St. Joseph 343° and Neola, Iowa, 157° radials; Neola; INT Neola 322° and Sioux City, Iowa, 159° radials; Sioux City; INT Sioux City 340° and Sioux Falls, S. Dak., 169° radials; Sioux Falls, including an E alternate; Huron, S. Dak., including a west alternate from Sioux Falls to Huron via Mitchell, S. Dak.; Aberdeen, S. Dak., including a W alternate; 18 miles, 89 miles, 42 MSL, Bismarck, N. Dak.; Minot, N. Dak.

V-16 From Los Angeles, Calif., Ontario, Calif.; Palm Springs, Calif.; Blythe, Calif.; 21 miles, 60 miles, 55 MSL, Buckeye, Ariz.; Phoenix, Ariz.; INT Phoenix 161° and Casa Grande, Ariz., 105° radials; Tucson, Ariz.; Cochise, Ariz., including a S alternate via INT Tucson 122° and Cochise 257° radials; Columbus, N. Mex.; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radial; Salt Flat, Tex.; Wink, Tex.; Wink 066° and Big Spring, Tex., 260° radials; Big Spring, including a S alternate from Wink to Big Spring via Midland, Tex.; Abilene, Tex.; Millsap, Tex.; Acton, Tex.; Scurry, Tex., including a south alternate; Quitman, Tex.; Texarkana, Ark., Pine Bluff, Ark.;
Memphis, Tenn., including a S alternate; Jacks Creek, Tenn., including a N alternate via INT Memphis 045° and Jacks Creek 260° radials; Graham, Tenn., including a S alternate from Memphis to Graham via INT Memphis 078° and Graham 238° radial; Nashville, Tenn., including a north alternate
from Jacks Creek to Nashville via INT Jacks Creek 049° and Nashville 286° radials; INT Nashville 102° and Hinch Mountain, Tenn., 285° radials; Hinch Mountain; including a north alternate via INT Nashville 085° and Hinch Mountain 301° radials; Knoxville,Tenn., including a S alternate via INT Hinch Mountain
100° and Knoxville 243° radials; Holston Mountain, Tenn., including a S alternate from Knoxville to Holston Mountain via Snowbird, Tenn.; Pulaski, Va., including a N alternate from Knoxville to Pulaski via INT Knoxville 050° and Blackford, Va., 246° radials and Blackford; Roanoke, Va.; Lynchburg, Va.; including a S alternate via INT Pulaski 094° and Lynchburg 253° radials; Flat Rock, Va.; Richmond, Va.; INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.; Millville, N. J.; Coyle, N. J.; Kennedy, N. Y.; Deer Park, N. Y.;
Riverhead, N. Y.; Norwich, Conn.; Boston, Mass. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded.

V-17 From Brownsville, Tex., via Harlingen, Tex.; McAllen, Tex.; 29 miles 12 AGL, 34 miles 25 MSL, 37 miles 12 AGL; Laredo, Tex.; Cotulla, Tex.; INT Cotulla 041° and San Antonio, Tex., 202° radials; San Antonio, including a E alternate via INT Cotulla 041° and San Antonio 183° radials
to San Antonio via INT San Antonio 042° and Austin, Tex., 229° radials; Austin, including an east alternate via INT San Antonio 057° and Austin 173° radials; and also including a west alternate via INT San Antonio 002° and Austin 244° radials; Waco, Tex., including an east alternate via INT Austin 041° and Waco 173° radials; Acton, Tex.;
Bridgeport, Tex.; Duncan, Okla. INT Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City; Gage, Okla., including a W alternate via INT Oklahoma City 282° and Gage 153° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal, Kans.; Goodland, Kans.

V-18 From Millsap, Tex.; via greater Southwest, Tex.; INT Greater Southwest 090° and Quitman, Tex., 260° radials; Quitman; Shreveport, La., including a S alternate via INT Quitman 109° and Shreveport 246° radials; Monroe, La., including a N alternate and also a S alternate; Jackson, Miss., including a N alternate and also a S alternate;
Meridian, Miss., including a S alternate; Tuscaloosa, Ala.; Birmingham, Ala.;
Talladega, Ala.; Atlanta, Ga.; INT Atlanta 089° and Augusta, Ga., 278° radials; Augusta, including a north alternate from Birmingham to Augusta via Rome, Ga., INT Rome 060° and Anderson, S. C., 274° radials; INT Anderson 274° and Athens, Ga., 340° radials; Athens, and INT Athens
109° and Augusta 294° radials; INT Augusta 103° and Charleston, S. C., 296° radials; Charleston, including a S alternate from Augusta to Charleston via INT Augusta 148° and Allendale, S. C., 273° radials, and Allendale, excluding the airspace within R-6004.

V-19 From Newman, Tex., via INT Newman 286° and Truth or Consequences, N. Mex., 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, N. Mex., 189° radials; Socorro; Albuquerque, N. Mex., including a W alternate via INT Socorro 343° and Albuquerque 199° radials, and also an E alternate via INT Socorro 015° and Albuquerque 160° radials; INT Albuquerque 036° and Santa Fe, NM., 245° radials; Santa Fe, including a west alternate via INT Albuquerque 019° and Santa Fe 268° radials; Las Vegas, N. Mex.; Cimarron, N. Mex., Pueblo, Colo., including an E alternate via
INT Cimarron 053° and Pueblo 176° radials; Kiowa, Colo.; Denver; Cheyenne, Wyo.;
Casper, Wyo., including an E alternate from Cheyenne to Casper via INT Cheyenne 002° and Douglas, Wyo., 152° radials and Douglas; 5 miles, 45 miles 71 MSL, Crazy Woman, Wyo.; Sheridan, Wyo., including an E alternate; 21 miles, 35 miles 75 MSL, Billings, Mont., including an E alternate from Sheridan 21 miles, 38 miles, 75 MSL, to Billings; 38 miles, 72 MSL INT Billings 347° and Lewistown, Mont., 104° radials; Lewistown; Great Falls, Mont., including a W alternate via INT Lewistown 274° and Great Falls 122° radials.

AMENDMENTS 1/29/76 40 F. R. 55829 (Changed)

V-20 From Reynosa, Mex., via McAllen, Tex.; INT McAllen 038° and Corpus Christi, Tex., 178° radials; 10 miles 8 miles wide, 37 miles 7 miles wide (3 miles E and 4 miles W of Centerline), Corpus Christi; INT Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios; Hobby, Tex.; Beaumont, Tex.; Lake Charles, La.; including a north alternate via INT Beaumont 056° and Lake Charles 272° radials; Lafayette, La., including a N alternate via INT Lake Charles 064° and Lafayette 285° radials; New Orleans, La., including a S alternate from Lafayette to New Orleans via Tibby, La.; INT New Orleans 070° and Gulfport, Miss., 247° radials; Gulfport; Mobile, Ala., including a N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate; INT Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including a S alternate via INT Mobile 063° and Monroeville 216° radials; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga.; INT Columbus 068° and Athens, Ga., 195° radials; Athens; Electric City, S. C.; Spartanburg, S. C., including a north alternate from Montgomery to Spartanburg via INT Montgomery 029° and Chattanooga, Tenn., 189° radials; INT Chattanooga 189° and Rome, Ga., 252° radials; Rome; INT Rome 060° and Toccoa, Ga., 258° radials, and Toccoa; Greensboro, N. C.; South Boston, Va.; INT of Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including Richmond, Va.; INT Richmond 039° and Brooke, Va., 132° radials; INT Patuxent, Md., 228° and Nottingham, Md., 174° radials; Nottingham. The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-21 From INT Seal Beach, Calif., 250° and Los Angeles, Calif., 207° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline), Hector, Calif.; Boulder City, Nev., including a W alternate from INT Hector 226° and Daggett, Calif., 187° radials to INT Daggett 062° and Hector 047° radials via Daggett; Morman Mesa, Nev.; 30 miles, 52 miles, 95 MSL Milford, Utah, including an E alternate via INT of Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, to Milford, excluding the airspace between the man and this E alternate airway; Delta, Utah; Fairfield, Utah; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Idaho Falls, Idaho; INT of Idaho Falls, 030° and DuBois, Idaho, 157° radials; DuBois; Dillon, Mont.; Whitehall, Mont.; Helena, Mont.; Great Falls, Mont.; Cut Bank, Mont., including a W alternate Helena direct Cut Bank; INT Cut Bank 348° radial and the United States/Canadian border.

V-23 From Mission Bay, Calif., Oceanside, Calif.; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; Gorman, Calif., Bakersfield, Calif.; Fresno, Calif.; 53 miles, 6 miles wide, Linden, Calif.; Sacramento, Calif., including a W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; INT Sacramento 346° and Red Bluff, Calif., 158° radials; Red Bluff; 58 miles, 95 MSL Fort Jones, Calif.; Medford, Oreg., including an east alternate via INT Fort Jones 041° and Medford 157° radials; Eugene, Oreg.; Portland, Oreg., including an east alternate and including a west alternate from Fort Jones to Portland via INT Fort Jones 340° and Roseburg, Oreg., 174° radials, Roseburg, INT Roseburg 355° and Corvallis, Oreg., 195° radials, Corvallis, and Newberg, Oreg.; 20 miles, 45 MSL INT Portland 350° and Seattle, Wash., 197° radials; 21 miles, 45 MSL, Seattle, including an east alternate from Portland to Seattle via direct radials; Paine, Wash.; Bellingham, Wash.; via INT Bellingham 290° radial to the United States/Canadian border.

V-24 From Aberdeen, S. Dak., Watertown, S. Dak., including a N alternate; Redwood Falls, Minn.; Rochester, Minn.; Lone Rock, Wis., including a S alternate from Rochester to Lone Rock via Waukon, Iowa.

V-25 From Mission Bay, Calif.; Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Seal Beach, Calif., 186° radials, via Seal Beach, 6 miles wide, to INT Seal Beach 287° and Los Angeles 138° radials; INT Los Angeles 261° and Ventura, Calif., 144° radials; 6 miles wide, Ventura; 6 miles wide, INT Ventura 331° and Santa Barbara, Calif., 109° radials; Santa Barbara; Paso Robles, Calif., Salinas, Calif., including an E alternate via INT Paso Robles 342° and Salinas 131° radials; INT Salinas 310° and Woodside, Calif., 158° radials; Woodside; San Francisco, Calif.; INT San Francisco 304° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, Calif., 147° radials; 28 miles, 24 miles, 85 MSL, 18 miles, 75 MSL, Red Bluff, Calif.; 53 miles, 95 MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181 radials; 19 miles, 95 MSL, Klamath Falls; 21 miles, 77 miles, 90 MSL, Redmond, Oreg.; The Dalles, Oreg.; Yakima, Wash., including an east alternate via INT The Dalles 051° and Yakima 183° radials; Ellensburg, Wash., including a west alternate via INT Yakima 305° and Ellensburg 191° radials; Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States and the airspace more than 3 miles NE of the airway centerline between Seal Beach and INT of Seal Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2511, R-2520, and W-289 is excluded. The airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

V-26 From Grand Junction, Colo.; via Meeker, Colo.; Cherokee, Wyo.; Casper, Wyo.; 14 miles, 25 miles 75 MSL, 92 miles 90 MSL, Rapid City, S. Dak.; 43 miles, 35 MSL Philip, S. Dak.; 56 miles, 35 MSL, Pierre, S. Dak., including a north alternate; 26 miles, 41 miles, 35 MSL, Huron, S. Dak.; Redwood Falls, Minn., including a S alternate; Flying Cloud, Minn.; INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; Eau Claire, including a south alternate from Redwood Falls to Eau Claire via Farmington, Minn.; Wausau, Wis.; Green Bay, Wis.; INT Green Bay 116° and White Cloud, Mich., 302° radials; White Cloud; Lansing, Mich.; Salem, Mich.; INT Salem 139° and Cleveland, Ohio, 309° radials; Cleveland. The airspace within Canada is excluded.

AMENDMENTS 11/4/76 41 F.R. 35059 (Changed); Corr. 41 F.R. 44688
PENDING AMENDMENT
In V-26 "Salem, Mich.;" is deleted and "Salem, Mich., including a north alternate via INT Lansing 103° and Salem 308° radials;" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-27 From Mission Bay, Calif., INT Mission Bay 319° and Santa Catalina, Calif., 099° radials; Santa Catalina; 6 miles wide, Ventura, Calif.; 6 miles wide, INT Ventura 331° and Fillmore, Calif., 268° radials; INT Fillmore 268° and Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT San Luis Obispo 308° and Big Sur, Calif., 157° radials; Big Sur; INT Big Sur 325° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, CA., 147° radials; Ukiah; Fortuna, CA., including a west alternate from Ukiah 17 miles, 77 miles, 53 MSL, Fortuna, excluding the airspace between the main and the west alternate; Crescent City, CA., including a west alternate from Fortuna to Crescent City, excluding the airspace between the main and the west alternate; 31 miles, 32 miles, 59 MSL, North Bend, Oreg.; Newport, Oreg.; 39 miles, 30 miles, 45 MSL, Astoria, Oreg.; including an east alternate via INT of Newport 016° and Astoria 157° radials; Hoquiam, Wash., including a west alternate via INT Astoria 309° and Hoquiam 182° radials; Seattle, Wash., including an east alternate from Astoria to Seattle via Olympia, Wash., and INT Olympia 010° and Seattle 249° radials. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520, and W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The portion outside the United States has no upper limit.

V-28 From Oakland, Calif., INT Oakland 077° and Linden, Calif., 246° radials; Linden; INT Linden 046° and Reno, Nev., 208° radials; Reno.

V-29 From Snow Hill, Md., Salisbury, Md.; Kenton, Del.; New Castle, Del.; Modena, Pa.; Pottstown, Pa.; East Texas, Pa.; Wilkes-Barre, Pa.; Binghamton, N. Y.; Syracuse, N. Y.; Watertown, N. Y.; INT Watertown 033° and Massena, N. Y., 241° radials; Massena.

AMENDMENTS 3/25/76 41 F. R. 1890 (Changed)

V-30 From Milwaukee, Wis., INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman, including a S alternate via INT Milwaukee 121° and Pullman 282° radials; Litchfield, Mich.; Waterville, Ohio; Cleveland, Ohio; Akron, Ohio; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; East Texas, Pa.; INT East Texas 103° and Solberg, N. J., 255° radials; Solberg.

V-31 From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; Nottingham. From Baltimore, Md.; Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Elmira, N. Y.; INT Elmira 357° and Rochester, N. Y., 125° radials; Rochester; INT Rochester 289° and Kleinburg, Ont., 133° radials; Kleinburg. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-32 From Battle Mountain, Nev.; Elko, Nev.; Bonneville, Utah, including a north alternate from Elko to Bonneville via Wells, Nev.; 37 miles, 85 MSL, Salt Lake City, Utah; 17 miles, 45 miles, 105 MSL, Fort Bridger, Wyo.

V-33 From Harcum, Va., INT Harcum 003° and Nottingham, Md., 174° radials; Nottingham. From Baltimore, Md., Harrisburg, Pa.; Philipsburg, Pa.; Keating, Pa.; Bradford, Pa.; Buffalo, N. Y.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed)

V-34 From Kleinburg, Ont., INT Kleinburg 113° and Rochester, N. Y., 309° radials; Rochester; Ithaca, N. Y.; Hancock, N. Y.; Carmel, N. Y.; INT Carmel 093° and Riverhead, N. Y., 046° radials. The airspace within Canada and R-5207 is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-35 From Key West, Fla., INT Key West 086° and Bimini, Bahamas, 215° radials; INT Bimini 215° and Miami, Fla., 147° radials; Miami; INT
of Miami 279° and Fort Myers, FL., 137° radials; Fort Myers, including a west alternate from the INT of Miami 147° and Biscayne Bay, Fl. 262° radials, via INT of the Biscayne Bay 262° and Fort Myers 137° radials, to the INT of the Miami 279° and Fort Myers 137° radials; St. Petersburg, Fla., including a W alternate; INT St. Petersburg 350° and
Cross City, Fla., 168° radials; Cross City, including an E alternate via Gainesville, Fla., and also a W alternate via INT St. Petersburg 316° and Cross City 185° radials; Greenville, Fla.; Albany, Ga.; Macon, Ga.; including a west alternate via INT Albany 013° and Macon 240° radials; INT Macon 005° and Athens, Ga., 195° radials; Athens; Electric City, S. C.; Sugarloaf Mountain, N. C.; Holston Mountain,
Tenn., including a west alternate via INT Sugarloaf Mountain 301° and Holston Mountain 209° radials; Blackford, Va.; Charleston, W. Va., including an E
alternate via Bluefield, W. Va.; INT Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa., including a west alternate from Morgantown to Johnstown via INT Morgantown 010° and Johnstown 260° radials; Tyrone, Pa.; Philipsburg, Pa.; Stonyfork, Pa.; Elmira,
N. Y.; Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-36 From Sault Ste Marie, Mich., to the INT of the Sault Ste Marie 110° radial and the United States/Canadian border. From Toronto, Ont., via INT Toronto 141° and Buffalo, N. Y., 312° radials; Buffalo; Elmira, N. Y.; Lake Henry, Pa.; INT Lake Henry 136° and Sparta, N. J., 290° radials; Sparta; Kennedy, N. Y. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-37 From Jacksonville, Fla.; Brunswick, Ga.; Savannah, Ga.; Allendale, S.C.; Columbia, S.C.; Fort Mill, S.C.; Pulaski, Va., Elkins, W. Va.; Morgantown, W. Va.; INT Morgantown
336° and Ellwood City, Pa., 177° radials; Ellwood City; Erie, Pa.; to Ash, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 11/4/76 41 F.R. 38761 (Changed)

V-38 From Moline, Ill., via INT Moline 082° and Peotone, Ill., 281° radials; Peotone; Fort Wayne, Ind.; Findlay, Ohio; INT
Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Parkersburg, W. Va.; Elins, W. Va.; Gordonsville, Va.; Richmond, Va.; Harcum, Va.; Cape Charles, Va.

AMENDMENTS 7/15/76 41 F. R. 15837 (Changed)

V-39 From Pinehurst, N. C., South Boston, Va.; Gordonsville, Va.; Linden, Va.; including an E alternate via Casanova, Va.; Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa.; to East Texas, Pa. From Chester, Mass.; Gardner, Mass.; Concord, N. H.; INT Concord 052° and Augusta, Maine, 228° radials; Augusta; Millinocket, Maine; Presque Isle, Maine; Mont Joli, Quebec, Canada, excluding the portion within Canada.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)
PENDING AMENDMENT
In V-39 "From Pinehurst, N. C.;" is deleted and "From Sandhills, N. C.;" is substituted therefor.
AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

V-40 From Cleveland, Ohio, Briggs, Ohio; INT Briggs 077° and Youngstown, Ohio, 177° radials.

V-41 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Youngstown.

V-42 From Flint, Mich.; via INT Flint 133° and Windsor, Ont., 320° radials; Windsor; Cleveland, Ohio; to Akron, Ohio. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-43 From Appleton, Ohio, via Tiverton, Ohio; Briggs, Ohio; Youngstown, Ohio; including a west alternate from Tiverton via INT Tiverton 040° and Akron, Ohio, 233° radials; Akron to Youngstown; including an E alternate from Briggs via INT Briggs 057° and Youngstown 177° radials to Youngstown; Erie, Pa.; INT Erie 043° and Buffalo, N. Y., 259° radials; to Buffalo.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-44 From Foristell, Mo.; Centralia, Ill.; Samsville, Ill.; Nabb, Ind.; Falmouth, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; INT Kenton 086° and Atlantic City, N. J., 236° radials; Atlantic City; INT Atlantic City 048° and Deer Park, N. Y., 209° radials; Deer Park. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within R-5002 more than 3 nmi W of the airway centerline above 9,000 feet MSL is excluded.

AMENDMENTS 5/20/76 41 F. R. 7088 (Changed)

V-45 From New Bern, N. C., Kinston, N. C.; Raleigh-Durham, N. C.; INT Raleigh-Durham 275° and Greensboro, N. C., 105° radials; Greensboro; INT Greensboro 334° and
Hickory, N. C., 049° radials; Pulaski, Va.; Bluefield, W. Va.; Charleston, W. Va. From INT Waterville, Ohio. 085° and Cleveland, Ohio, 335° radials; Waterville;
Jackson, Mich.; Lansing, Mich.; Saginaw, Mich.; Alpena, Mich., including a west alternate via INT Saginaw 353° and Alpena 232° radials; Saulte Ste. Marie, Mich. The airspace within R-5502 is excluded.
The airspace from Alpena to 30 miles north of Alpena at and above 10,000 feet MSL is excluded during the time that the Collins Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-46 From Deer Park, N. Y., Riverhead, N. Y.; Hampton, N. Y.; INT Hampton 083° and Nantucket, Mass., 255° radials; Nantucket. The airspace below 2,000 feet MSL outside the United States is excluded.

V-47 From Little Rock, Ark.; via Walnut Ridge, Ark.; Malden, Mo.; Cunningham, Ky.; Evansville, Ind.; Nabb, Ind.; Cincinnati, Ohio; Rosewood, Ohio; Findlay, Ohio, including a W alternate
via INT Rosewood 309° and Findlay, Ohio, 218° radials; Waterville, Ohio; INT Waterville 353° and Salem, Mich., 197° radials; Salem; to the INT Salem 021° and Flint, Mich., 088° radials.

V-48 From Ottumwa, Iowa, Burlington, Iowa; Peoria, Ill.; Pontiac, Ill.

V-49 From Birmingham, Ala.; Decatur, Ala.;
including an east alternate via INT Birmingham 013° and Decatur 130° radials and a west alternate via INT Birmingham 335° and Decatur 205° radials; Graham, Tenn.; INT Graham 006° and Bowling Green, Ky., 230° radials; Bowling Green, including an east alternate from Decatur to Bowling Green via Nashville, Tenn.; Mystic, Ky.; Nabb, Ind.

V-50 From Pawnee City, Nebr.,
via St. Joseph, Mo.; including a S alternate from Pawnee City to St. Joseph via INT Pawnee City 122° and Kansas City, Mo., 310° radials, and INT Kansas City 310° and St. Joseph 178° radials; Kirksville, Mo.; Quincy, Ill.; Capital, Ill.; Decatur, Ill.;
Terre Haute, Ind.; Indianapolis, Ind.; Dayton, Ohio, including a N alternate from Indianapolis to Dayton via Muncie, Ind.
The airspace at and above 10,000 feet MSL from Quincy to Capital is excluded during the time that the Howard MOA is activated by NOTAM.

AMENDMENTS 9/9/76 41 F. R. 30104 (Changed)

V-51 From Key West, Fla., INT Miami, Fla., 222° and Biscayne Bay, Fla. 262° radials; Biscayne Bay; Miami; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; INT Pahokee 009° and Vero Beach, Fla., 193° radials; Vero Beach, including an east alternate
from Biscayne Bay to Vero Beach via INT Biscayne Bay 348° and Vero Beach 178° radials; Ormond Beach, Fla.; INT Ormond Beach 345° and Jacksonville, Fla., 155° radials; Jacksonville; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma, including an E alternate; Dublin, Ga.; Athens, Ga.; INT Athens, Ga., 340° and Harris, Ga., 148° radials; Harris; Hinch Mountain, Tenn., including a west alternate from the INT Anderson, S. C., 274° and Athens 340° radials to Hinch Mountain via INT Anderson 274° and Hinch Mountain 160° radials; Livingston, Tenn.; Louisville, Ky., including an E alternate and also a W alternate from Livingston to Louisville via INT Livingston 333° and New Hope, Ky., 165° radials and New Hope; Nabb, Ind.; Shelbyville, Ind.; INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette; Chicago Heights, Ill. The airspace within R-2921 and R-2922 is excluded.

AMENDMENTS 11/4/76 41 F.R. 38761 (Changed)
AMENDMENTS 11/4/76 41 F.R. 47913 (Changed)
PENDING AMENDMENT
In V-51, "Jacksonville; INT Jacksonville 319° and Alma, Ga., 148° radials, Alma; including an E alternate; Dublin Ga.," is deleted and "Jacksonville; INT Jacksonville 318° and Alma, Ga., 150° radials, Alma; INT Alma 342° and Dublin, Ga., 167° radials, Dublin," is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-52 From Des Moines, Iowa; Ottumwa, Iowa; Quincy, Ill.; St. Louis, Mo.; Troy, Ill.; INT Troy 099° and Evansville, Ind., 311° radials; Evansville, Ind.

V-53 From Charleston, S. C., INT Charleston 296° and Columbia, S. C., 153° radials; Columbia; Spartanburg, S. C.; Sugarloaf Mountain, N. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.; Louisville, Ky.; INT Louisville 333° and Indianapolis, Ind., 170° radials; Indianapolis; INT Indianapolis 312° and Lafayette, Ind., 159° radials; Lafayette; INT Lafayette 313° and Peotone, Ill., 152° radials; to Peotone.
The airspace within R-3401B is excluded.

V-54 From Waco, Tex., Scurry, Tex.; Quitman, Tex.; Texarkana, Ark.; INT Texarkana 052° and Little Rock, Ark., 235° True radials; Little Rock, including a N alternate via INT Texarkana 037° and Hot Springs, Ark., 225° radials and Hot Springs; Memphis, Tenn., including a N alternate; Muscle Shoals, Ala., including a N alternate via INT Memphis 078° and Muscle Shoals 293° radials and also a S alternate via Holly Springs, Miss., and INT Holly Springs 099° and Muscle Shoals 255° radials; Huntsville, Ala., including a N alternate via INT Muscle Shoals 067° and Huntsville 282° radials; Chattanooga, Tenn., including a N alternate; Harris, Ga.; Spartanburg, S. C., Fort Mill, S. C.

V-55 From Dayton, Ohio; Fort Wayne, Ind.; Goshen, Ind.; South Bend, Ind.; Keeler, Mich.; Pullman, Mich.; Muskegon, Mich.; INT Muskegon 327° and Green Bay, Wis., 116° radials; Green Bay; Stevens Point, Wis.; INT Stevens Point 281° and Eau Claire, Wis., 107° radials; Eau Claire; Grantsburg, Wis.; Brainerd, Minn.; Park Rapids, Minn.; Grand Forks, N. Dak.

V-56 From Meridian, Miss., Kewanee, Miss.; Cahaba, Ala.; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga.; INT Columbus 087° and Macon, Ga., 266° radials; Macon; Augusta, Ga.; Columbia, S. C., including a south alternate via INT of Augusta 103° and Columbia 236° radials; Florence S. C.; Fayetteville, N. C., 41 miles 15 MSL, INT Fayetteville 098° and New Bern, N. C., 256° radials; New Bern.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed)

V-57 From Lexington, Ky., to Falmouth, Ky.

V-58 From Philipsburg, Pa.; Williamsport, Pa.; INT Williamsport 079° and Lake Henry, Pa., 265° radials; Lake Henry; INT Lake Henry 078° and Kingston, N. Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford; INT Hartford 130° and Providence, R. I., 212° radials.

V-59 From Pulaski, Va., Beckley, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; Briggs, Ohio.

V-60 From Albuquerque, N. Mex., via Otto, N. Mex., including a S alternate via INT Albuquerque 103° and Otto 253° radials; Las Vegas, N. Mex.

V-62 From Gallup, N. Mex.; INT Gallup 089° and Santa Fe, N. Mex., 268° radials; Santa Fe; Anton Chico, N. Mex.; Texico, N. Mex.; Lubbock, Tex.; Abilene, Tex.; INT Abilene 096° and Acton, Tex., 264° radials; Acton.

V-63 From Blue Ridge, Tex., via McAlester, Okla.; Fayetteville, Ark., Springfield, Mo.; Hallsville, Mo.; Quincy, Ill.; Burlington, Iowa; Moline, Ill.; Davenport, Iowa; Rockford, Ill.; Janesville, Wis.; Milwaukee, Wis.; Oshkosh, Wis.; Stevens Point, Wis.; Wausau, Wis.; Rhinelander, Wis., to Houghton, Mich.
The airspace at and above 10,000 feet MSL from Quincy to 32 miles north, is excluded during the time that the Allen MOA is activated by NOTAM.

AMENDMENTS 9/9/76 41 F. R. 30104 (Changed)

V-64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Seal Beach, Calif., 266° radials; Seal Beach; Thermal, Calif.; Blythe, Calif. The portion outside the United States has no upper limit.

V-65 From the INT Kansas City, Mo., 310° and St. Joseph, Mo., 178° radials; St. Joseph; Lamoni, Iowa.

V-66 From Mission Bay, Calif., Imperial, Calif.; 13 miles, 24 miles, 25 MSL, Yuma, Ariz.; 12 miles, 35 MSL INT Yuma 089° and Gila Bend, Ariz. 261° radials; 46 miles, 35 MSL, Gila Bend; Tucson, Ariz.; Douglas, Ariz.; INT Douglas 064° and Columbus, N. Mex., 277° radials; Columbus; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radials; 6 mi. wide, INT El Paso 109° and Hudspeth 287° radials; 6 mi. wide, Hudspeth; Pecos, Tex.; Midland, Tex.; Hyman, Tex.; INT Hyman 074° and Abilene, Tex., 251° radials; Abiline; INT Abilene 066° and Bridgeport, Tex., 248° radials; Bridgeport; Blue Ridge, Tex., including a north alternate via INT Bridgeport 069° and Blue Ridge 285° radials; Sulphur Springs, Tex.; Texarkana, Ark., including a north alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a south alternate via INT Sulphur Springs 090° and Texarkana 240° radials. From Tuscaloosa, Ala., Brookwood, Ala.; LaGrange, Ga.; INT LaGrange 120° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 195° radials; Athens; Fort Mill, S. C.; Raleigh-Durham, N. C., including a south alternate from Athens, Ga., to Raleigh-Durham via INT Athens 092° and Greenwood, S. C., 240° radials, Greenwood and Pinehurst, N. C.; Franklin, Va., excluding the airspace above 13,000 feet MSL from the INT of Tucson, Ariz., 122° and Cochise, Ariz., 257° radials to the INT of Douglas, Ariz., 064° and Columbus, NM., 277° radials.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed)
PENDING AMENDMENT
In V-66 "and Pinehurst, N. C.;" is deleted and "and Sandhills, N. C.;" is substituted therefor.
AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

V-67 From Cunningham, Ky.; Marion, Ill.; Centralia, Ill.; INT Centralia 010° and Vandalia, Ill., 162° radials; Vandalia; Capital, Ill.; Burlington, Iowa; Iowa City, Iowa; Cedar Rapids, Iowa; Waterloo, Iowa; Rochester, Minn., including an east alternate.
The airspace at and above 10,000 feet MSL from Capital to 28 miles south of Burlington is excluded during the time that the Allen MOA is activated by NOTAM.
AMENDMENTS 9/9/76 41 F. R. 30104 (Changed)

V-68 From Albuquerque, N. Mex., via INT Albuquerque 120° and Corona, N. Mex., 311° radials; Corona, including a N alternate via INT Albuquerque 103° and Corona 328° radials and also a S alternate via INT Albuquerque 160° and Corona 278° radials; 41 mi. 85 MSL, Roswell, N. Mex., including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, Roswell; Hobbs, N. Mex., including a S alternate; INT Hobbs 120° and Midland, Tex., 312° radials; Midland, including a S alternate via INT Hobbs 136° and Midland 283° radials; San Angelo, Tex., including a S alterante via INT Midland 128° and San Angelo 278° radials; Junction, Tex., including a S alternate via INT San Angelo 181° and Junction 310° radials; San Antonio, Tex., including a south alternate via INT Junction 144° and San Antonio 290° radials.

V-69 From Shreveport, La., via INT Shreveport 084° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate via INT Shreveport 084° and El Dorado 233° radials; Pine Bluff, Ark.; INT Pine Bluff 040° and Walnut Ridge, Ark., 187° radials; Walnut Ridge; Farmington, Mo., Troy, Ill.; Capital, Ill.; Pontiac, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-70 From Corpus Christi, Tex., via INT Corpus Christi 054° and Palacios, Tex., 226° radials, Palacios; Scholes, Tex.; Sabine Pass, Tex.; Lake Charles, La.; Lafayette, La.; Baton Rouge, La., including a N alternate via INT Lafayette 012° and Baton Rouge 264° radials; Picayune, Miss.; Greene County, Miss.; Monroeville, Ala.; INT Monroeville 073° and Eufaula, Ala., 258° radials; Eufaula; Vienna, Ga.; to Allendale, S. C.
The portion of this airway above 9,000 feet MSL between the INT of Vienna 066° and Dublin, Ga., 122° radials and the INT of Allendale 247° and Augusta, Ga., 148° radials is excluded.

V-71 From Baton Rouge, La., via Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La., including a W alternate and also an E alternate via INT Natchez 341° and Monroe 105° radials; El Dorado, Ark.; Hot Springs, Ark.; INT Hot Springs 358° and Harrison, Ark., 176° radials; Harrison; Springfield, Mo., including a W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate; Butler, Mo.; Topeka, Kans.; Pawnee City, Nebr.; INT Pawnee City 334° and Lincoln, Nebr., 146° radials; Lincoln; Columbus, Nebr.; O'Neill, Nebr.; Winner, S.D.; Pierre, S.D.; Bismarck, N.D.

AMENDMENTS 11/4/76 41 F.R. 34010 (Changed)

V-72 From Fayetteville, Ark., Dogwood, Mo.; Maples, Mo.; Farmington, Mo.; Centralia, Ill.; Bible Grove, Ill.; Mattoon, Ill.; to Bloomington, Ill. From Rosewood, Ohio, Mansfield, Ohio; INT Mansfield 098° and Akron, Ohio, 233° radials; Akron; Youngstown, Ohio; Tidioute, Pa.; Bradford, Pa.; INT Bradford 078° and Elmira, N. Y., 252° radials; Elmira; Binghamton, N. Y., Rockdale, N. Y.; Albany, N. Y.; Cambridge, N. Y.; INT Cambridge 063° and Keene, N. H., 336° radials.
The airspace at and above 8,000 feet MSL between Maples and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.
The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.
AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)
AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-73 From Wichita, Kans., Hutchinson, Kans.; INT Hutchinson 025° and Salina, Kans., 184° radials; Salina, including an east alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials.

V-74 From Garden City, Kans.; Dodge City, Kans.; Anthony, Kans.; Pioneer, Okla., including a north alternate via INT Anthony 097° and Pioneer 334° radials; Tulsa, Okla., including a N alternate via INT Pioneer 094° and Tulsa 319° radials; Fort Smith, Ark., including a N alternate via INT Tulsa 087° and Fort Smith 318° radials and a S alternate from Pioneer to Fort Smith via Okmulgee, Okla.;
6 miles, 7 miles wide (4 miles north and 3 miles south of centerline)
Little Rock, Ark., including a N alternate and also a S alternate via INT Fort Smith 133° and Little Rock 278° radials; Pine Bluff, Ark., including a N alternate via INT Little Rock 137° and Pine Bluff 006° radials.

V-75 From Morgantown, W. Va.; Bellaire, Ohio; Briggs, Ohio; Cleveland, Ohio.

V-76 From Lubbock, Tex., via INT Lubbock 188° and Big Spring, Tex., 286° radials; Big Spring, including a N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this N alternate; Hyman, Tex.; San Angelo, Tex.; Llano, Tex.;
Austin, Tex., including a south alternate via INT Llano 134° and Austin 279° radials; and also a north alternate via INT Llano 096° and Austin 314° radials; Industry, Tex., including
a north alternate via INT Austin 090° and Industry 305° radials;
INT Industry 101° and Hobby, Tex., 290° radials; Hobby, including a S alternate from Industry to Hobby via Eagle Lake, Tex.

V-77 From San Angelo, Tex., via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT Wichita Falls 028° and Oklahoma City, Okla., 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Pioneer, OK., including an E alternate via INT Oklahoma City 037° and Pioneer 186° radials; Wichita, Kans.; INT Wichita 037° and
Topeka, Kans., 236° radials; Topeka; St. Joseph, Mo.; Lamoni, Iowa; Des Moines, Iowa; Newton, Iowa; Waterloo, Iowa; to Waukon, Iowa.

V-78 From Huron, S. Dak., Watertown, S. Dak., including a S alternate; Darwin, Minn.; Minneapolis, Minn.; Eau Claire, Wis.; Rhinelander, Wis.; Iron Mountain, Mich.; Escanaba, Mich.; Schoolcraft County, Mich.; Pellston, Mich.; to Alpena, Mich.
The airspace northeast of the Alpena 316° radial from Alpena to 25 miles north of Alpena at and above 10,000 feet MSL is excluded during the time that the Collins Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-80 From Akron, Colo., North Platte, Nebr.

V-81 From Midland, Tex., via Lubbock, Tex.; Plainview, Tex.; Amarillo, Tex., including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, Tex., including a west alternate via INT Amarillo 301° and Dalhart 157° radials; Tobe, Colo.; Pueblo, Colo.; Colorado Springs, Colo.; Denver, Colo.

V-82 From Baudette, Minn., Bemidji, Minn.; Brainerd, Minn.; Minneapolis,
Minn.; Farmington, Minn.; Rochester, Minn.; Nodine, Minn.; Dells, Wis.; INT Dells 097°
and Timmerman, Wis., 322° radials; 6 mi. wide Timmerman.

V-83 From Carlsbad, N. Mex., via Roswell, N. Mex.; 40 miles, 85 MSL Corona, N. Mex., including an E alternate INT Roswell 335° and Corona 124° radials, 85 MSL Corona; Otto, NM., Santa Fe, NM., including an east alternate via INT Otto 019° and Santa Fe 117° radials; Taos, NM.;
Alamosa, Colo.; INT Alamosa 074° and Pueblo, Colo., 191° radials; Pueblo; INT Pueblo 004° and Colorado Springs, Colo., 153° radials; Colorado Springs, Colo.; Kiowa, Colo.

AMENDMENTS 1/29/76 40 F. R. 55829 (Changed)

V-84 From Northbrook, Ill.; Pullman,
Mich.; Lansing, Mich.; Flint, Mich.; Peck, Mich.; London, Ont., Canada; Buffalo, N. Y.; Geneseo, N. Y.; INT Geneseo 091° and Syracuse, N. Y., 242° radials; Syracuse. The airspace within Canada is excluded.

V-85 From Medicine Bow, Wyo., via Casper, Wyo., including a west alternate via INT Medicine Bow 336° and Casper 216° radials; 29 miles, 48 miles 77 MSL, to Riverton, Wyo.

V-86 From Butte, Mont., Whitehall, Mont.; Bozeman, Mont.; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont.; 32 miles, 35 miles, 75 MSL, Sheridan, Wyo.; 20 miles, 45 miles, 70 MSL, 63 miles, 80 MSL, Rapid City, S. Dak.

V-87 From San Francisco, CA., INT San Francisco 359° and Napa, CA., 182° radials; Napa; INT Napa 004° and Maxwell, Calif., 188° radials; Maxwell; Red Bluff, Calif.

V-88 From Tulsa, Okla., INT Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo., including a south alternate from
INT Springfield 058° and Forney (AAF), Mo., 266° radials; Forney (AAF), INT Forney (AAF) 046° and Vichy 216° radials; INT Vichy 091° and St. Louis, Mo., 171° radials, excluding that portion within R-4501A.
The airspace at and above 8,000 feet MSL between Vichy and the INT Vichy 091° and St. Louis, Mo., 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.
AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-89 From INT Denver, Colo., 207° and Kiowa, Colo., 246° radials; Denver; Cheyenne, Wyo., including an east alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° radials; Chadron, including an E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

V-90 From Litchfield, Mich., via INT Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT Windsor 083° and Dunkirk, N. Y., 266° radials; Dunkirk. The airspace within Canada is excluded.
AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-91 From Riverhead, N. Y., INT Riverhead 344° and Pawling, N. Y., 139° radials; Pawling; INT Pawling 342° and Albany, N. Y., 181° radials; Albany;
Glens Falls, N. Y.; INT Glens Falls 032° and Burlington, Vt., 187° radials; Burlington; Plattsburgh, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-92 From Joliet, IL., Chicago Heights, IL.; Goshen, IN.; Waterville, OH.; Mansfield, OH.; Tiverton, OH.; Newcomerstown, OH.; Bellaire, OH.; INT Bellaire 107° and Grantsville 285° radials; Grantsville; Front Royal, VA.

V-93 From Patuxent River, Md., INT Patuxent 013° and Baltimore, Md., 122° radials; Baltimore; Lancaster, Pa.; including an E alternate via the INT of Baltimore 034° and Lancaster 181° radials;
Wilkes-Barre, Pa.; Lake Henry, Pa.; Pawling, N. Y.; Chester, Mass.; Keene, N. H.; Concord, N. H.; Kennebunk, Maine; INT Kennebunk 045° and Bangor, Maine, 220° radials; Bangor; Princeton, Maine; INT Princeton 057° radial and the United States/Canadian border.

V-94 From Blythe, CA.; INT Blythe 094° and Gila Bend, AZ., 299° radials; Gila Bend; Casa Grande, AZ.; 55 miles, 74 miles, 95 MSL, San Simon, AZ.; Deming, NM.;
Newman, Tex., including a S alternate via INT Deming 119° and Newman 271° radials; Salt Flat, Tex., including a north alternate via INT Newman 091° and Salt Flat 312° radials; Wink, Tex.; Midland, Tex.; Hyman, Tex.; Tuscola, Tex.; Acton, Tex.; Scurry, Tex.; Gregg County, Tex.; Elm Grove,
La.; Monroe, La.; Greenville, Miss., including a W alternate; INT Greenville 036° and Memphis, Tenn., 205° radials; to Memphis. The airspace within R-5103A is excluded.

V-95 From Gila Bend, Ariz., INT Gila Bend 096° and Phoenix, Ariz., 204° radials; Phoenix; 49 miles, 40 miles, 95 MSL, Winslow, Ariz., including a west alternate from Phoenis, INT Phoenix 006° and Winslow 224° radials; 52 miles, 95 MSL, Winslow; 66 miles, 39 miles, 125 MSL, Farmington, N. Mex. From Gunnison, Colo., 15 miles, 125 MSL, 12 miles, 145 MSL, 22 miles, 157 MSL, 23 miles, 135 MSL, 9 miles, 128 MSL, Kiowa, Colo.
The airspace 14,000 feet MSL and above is excluded from 23 NM northeast of Phoenix to 22 NM southwest of Winslow on V-95 and from 23 NM north of Phoenix to 26 NM southwest of Winslow on V-95W, from 1300 GMT, to 0200 GMT Monday through Friday, and other times as advised by a Notice to Airmen.
AMENDMENTS 9/9/76 41 F. R. 30104 (Changed)

V-96 From Indianapolis, Ind., Kokomo, Ind.; Fort Wayne, Ind.; Waterville, Ohio; Windsor, Ontario, Canada, excluding the portion within Canada.

V-97 From Miami, Fla.; La Belle, Fla.; St.
Petersburg, Fla.; Tallahassee, Fla., including a west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City, Fla., 201° radials via INT St. Petersburg 316° and Cross City 201° radials; Albany, Ga.; Atlanta, Ga.; INT Atlanta 001° and Knoxville, Tenn., 197° radials; Knoxville; London, Ky., including an E alternate via INT Knoxville 013° and London 141° radials;
Lexington, Ky.; Cincinnati, Ohio, including a W alternate via INT Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT London 004° and Lexington 107° radials and Falmouth, Ky.; Shelbyville, Ind., INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette, including a W alternate from Shelbyville to Lafayette via Indianapolis, Ind., and INT Indianapolis 344° and Shelbyville 313° radials and INT Shelbyville 313° and Lafayette 136° radials; to Chicago Heights, Ill. From Chicago-O'Hare, Ill.; INT Chicago-O'Hare 316° and Janesville, Wis., 112° radials; Janesville;
INT Janesville 294° and Lone Rock, Wis., 147° radials; Lone Rock; Nodine, Minn.; Minneapolis, Minn. The airspace below 2,000 feet MSL outside the United States is excluded.

V-98 From INT Litchfield, Mich., 126° and Carleton, Mich., 249° radials; Carleton; Windsor, Ont., Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; Maseena, N. Y.; St. Jean, Quebec, Canada. The airspace within Canada is excluded.

PENDING AMENDMENT
In V-98 "INT Litchfield, Mich., 126° and Carleton, Mich. 249° radials; Carleton;" is deleted and "Carleton, Mich.," is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-99 From Bridgeport, Conn.; to Hartford, Conn.

V-100 From Medicine Bow, Wyo., Scottsbluff, Nebr.; Alliance, Nebr.; Ainsworth, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; INT Rockford 082° and Northbrook, Ill., 290° radials; Northbrook; INT Northbrook 095° and Keeler, Mich., 271° radials; Keeler; Litchfield, Mich.; Carleton, Mich.

PENDING AMENDMENT
In V-100 "Carleton, Mich." is deleted and "INT Litchfield 104° and Carleton, Mich., 258° radials; Carleton." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-101 From Gill, Colo., via Hayden, Colo.; Vernal, Utah; 25 miles, 25 miles 120 MSL, 22 miles 145 MSL, 20 miles 125 MSL, Salt Lake City, Utah; Ogden, Utah;
61 miles, 26 miles, 109 MSL, Burley, Idaho; INT Burley 344° and Pocatello, Idaho, 286° radials.

V-102 From Salt Flat, TX., via Carlsbad, NM., including a south alternate via INT Salt Flat 085° and Carlsbad 220° radials; Hobbs, NM.; Lubbock, TX.; Guthrie, TX.; Wichita
Falls, Tex., including a S alternate via INT Guthrie 103° and Wichita Falls 247° radials.

V-103 From Greensboro, N. C., Roanoke, Va.; Elkins, W. Va.; Clarksburg, W. Va.; Bellaire, Ohio; INT Bellaire 327° and Akron, Ohio, 181° radials; Akron, Ohio; INT Akron 312° and Windsor, Ontario, Canada 134° radials; INT Windsor 134° and Salem, Mich., 117° radials; Salem. The airspace within Canada is excluded.

V-104 From Ottawa, Ontario, Canada, INT Ottawa 095° and Massena, N. Y., 330° radials; Massena; Plattsburgh, N. Y. The airspace within Canada is excluded.

V-105 From Tucson, AZ., INT Tucson 298° and Casa Grande, AZ., 145° radials; Casa Grande; Phoenix, AZ.; Prescott, Ariz.; 25 miles, 22 miles, 85 MSL, Boulder City, Nev.; Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 85 MSL INT Prescott 319° and Peach Springs, Ariz., 134° radials, 8 miles, 85 MSL, Peach Springs, INT Peach Springs 305° and Las Vegas 081° radials, to Las Vegas; INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 105 MSL Beatty; 105 MSL Coaldale, Nev.; 82 miles 110 MSL, to Reno, Nev., including an east alternate from Coaldale, 110 MSL via Mina, Nev., 110 MSL INT Mina 300° and Reno 135° radials, Reno.

V-106 From Johnstown, Pa.; INT Johnstown 068° and Selinsgrove, Pa., 259° radials; Selinsgrove; INT Selinsgrove 067° and Wilkes-Barre, Pa., 237° radials; Wilkes-Barre; Lake Henry, Pa., Pawling, N. Y.; Barnes, Mass.; Gardner, Mass.; Manchester, N. H.; Kennebunk, Maine.

V-107 From Los Angeles, Calif., INT Los Angeles 061° and Santa Monica, Calif., 093° radials; Santa Monica; INT Santa Monica 276° and Fillmore, Calif., 163° radials; Fillmore; Avenal, Calif.; Los Banos, Calif.; Oakland, Calif., including an E alternate via INT Los Banos 317° and Oakland 110° radials; Point Reyes, Calif.; INT Point Reyes 306° and Ukiah, Calif., 172° radials. The portion outside the United States has no upper limit.

V-108 From Santa Rosa, Calif., via Napa, Calif.; INT Napa 131° and Concord, Calif., 276° radials; 7 miles wide (4 miles N and 3 miles S of centerline), Concord; Linden, Calif. From Colorado Springs, Colo.; Hugo, Colo.; 74 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.

AMENDMENTS 1/29/76 40 F. R. 53232 (Changed)
AMENDMENTS 1/29/76 40 F. R. 55829 (Changed)

V-109 From Los Banos, CA., Stockton, CA.; INT Stockton 267° and Oakland, CA., 077° radials; Oakland.

V-110 From Deming, N. Mex., Truth or Consequences, N. Mex.

V-111 From Big Sur, Calif., via Salinas, Calif.; to INT Salinas 028° and Stockton, Calif., 164° radials.

AMENDMENTS 5/20/76 41 F. R. 12278 (Rewritten)

V-112 From Astoria, Oreg., 44 miles; 15 miles, 6-mile wide, Portland, Oreg.; The Dalles, Oreg.; INT of The Dalles 101° and Pendleton, Oreg., 254° radials; Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, Wash., including a W alternate from Pendleton via Pasco, Wash., 35 miles, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, to Spokane, and an east alternate from Pendleton via INT Pendleton 090° and Walla Walla, Wash., 215° radials, Walla Walla, 22 miles, 48 miles, 45 MSL, to Spokane; 47 miles, 105 MSL Cranbrook, British Columbia, Canada, excluding the portion within Canada.

V-113 From San Luis Obispo, Calif., Paso Robles, Calif.; Priest, Calif.; Los Banos, Calif.; Stockton, Calif.; Linden, Calif.; INT Linden 046° and Reno, Nev. 208° radials; Reno; 42 miles, 24 miles, 115 MSL, 95 MSL Sod House, Nev.; 67 miles, 95 MSL, 85 MSL Rome, Oreg.; 61 miles, 85 MSL, Boise, Idaho; Salmon, Idaho; Butte, Mont.; Helena, Mont.; to Lewistown, Mont.

AMENDMENTS 7/15/76 41 F. R. 17372 (Changed)
AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-114 From Amarillo, Tex., via Childress, Tex., including a S alternate; Wichita Falls, Tex., including a S alternate via INT Childress 120° and Wichita Falls 262° radials; INT Wichita Falls 117° and Blue Ridge, Tex., 285° radials; Blue Ridge; Quitman, Tex.; Gregg County, Tex.; Alexandria, La., including a north alternate from Gregg County to Alexandria via Shreveport, La., and
INT Shreveport 176° and Alexandria 302° radials; INT Baton Rouge, LA., 307° and Lafayette, LA., 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline) Baton Rouge; New Orleans, LA., including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials, excluding the portion within R-3801B, R-3801C and R-3801D.

V-115 From Crestview, Fla., INT Crestview 001° and Montgomery, Ala., 204° radials; Montgomery; INT Montgomery 308° amd Birmingham, Ala., 177° radials; Birmingham; Chattanooga, Tenn., including an E alternate via INT Birmingham 097° and Gadsden,
Ala., 233° radials, Gadsden and INT Gadsden 042° and Chattanooga 214° radials; Knoxville, Tenn., including a West alternate via INT Chattanooga 028° and Knoxville 243° radials; Whitesburg, Ky.; Charleston, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; INT Newcomerstown 038° and Franklin, Pa., 239° radials; Franklin; Tidioute, Pa.; Jamestown, N. Y.; Buffalo, N. Y.
The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-116 From INT Kansas City, Mo., 076° and Nepoleon, Mo. 005° radials via Macon, Mo.; Quincy, Ill.; Peoria, Ill.; to Joliet, Ill. From INT Keller, Mich.,
256° and Knox, Ind., 335° radials; Keeler; Jackson, Mich.; INT
Jackson 084° and Salem, Mich., 254° radials; Salem; Windsor, Ontario, Canada; INT Windsor 100° and Erie, Pa., 275° radials; Erie; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; INT Lake Henry 110° and Deer Park, N. Y., 296° radials; Deer Park. The airspace within Canada is excluded.
The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.
The airspace at and above 10,000 feet MSL from Quincy to 26 miles southwest of Peoria is excluded during the time that the Allen MOA is activated by NOTAM.
AMENDMENTS 5/20/76 41 F. R. 10418 (Changed)
AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)
AMENDMENTS 9/9/76 41 F. R. 29094 (Changed)
AMENDMENTS 9/9/76 41 F. R. 30104 (Changed)

V-117 From Parkersburg, W. Va.; Bellaire, Ohio; INT Bellaire 044° and Newcomerstown, Ohio, 099° radials.

V-118 From Medicine Bow, Wyo., 23 miles 85 MSL, Laramie, Wyo.; Cheyenne, Wyo.

V-119 From Newcombe, Ky., Henderson, W. Va.; Parkersburg, W. Va.; INT Parkersburg 067° and Indian Head, Pa., 254° radials; Indian Head; Clarion, Pa.; Bradford, Pa.; Wellsville, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

V-120 From Mullan Pass, Idaho, 5 miles, 55 miles, 95 MSL, 43 miles, 125 MSL, Great Falls, Mont., Lewistown, Mont., including a N alternate INT Great Falls 074° and Lewistown 308° radials; 41 miles, 72 miles, 85 MSL, Miles City, Mont., 48 miles, 109 miles, 90 MSL, 38 MSL Dupree, S. Dak.; 60 miles, 38 MSL, Pierre, S. Dak.; Mitchell, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; to Waterloo, Iowa, including a north alternate via INT Mason City 106° and Waterloo 323° radials.

AMENDMENTS 5/20/76 41 F. R. 12277 (Changed)

V-121 From Medford, Oreg., INT Medford 352° and Roseburg, Oreg., 127° radials; Roseburg; North Bend, Oreg.; Eugene, Oreg.; Redmond, Oreg.; including a N alternate via Eugene 069° and Redmond 281° radials; Kimberly, Oreg.; Baker, Oreg.; McCall, Idaho; Salmon, Idaho; to Dillon, Mont.

V-122 From Crescent City, Calif., Medford, Oreg.; 22 miles, 75 MSL INT Medford 117° and Klamath Falls, Oreg., 282° true radials; 6 miles, 75 MSL Klamath Falls; 21 miles, 90 MSL Lakeview, Oreg.; to Rome, Oreg.

V-123 From INT Washington, D. C., 065° and Baltimore, Md., 197° radials; via INT Washington, D. C., 065° and Woodstown, N. J., 230° radials; Woodstown; INT Woodstown 043° and Robbinsville, N. J., 239° radials; Robbinsville; INT Robbinsville 044° and LaGuardia, N. Y., 209° radials; LaGuardia; INT LaGuardia 034° and Carmel, N. Y., 188° radials; Carmel.

V-124 From Blue Ridge, Tex., via Paris, Tex.; Hot Springs, Ark.; Little Rock, Ark.; Memphis, Tenn.

V-126 From Chicago Heights, Ill., Goshen, Ind.; Waterville, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; Huguenot, N. Y.
The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MDA) is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-127 From Capital, Ill., INT Capital 013° and Bradford, Ill., 159° radials; Bradford; Polo, Ill.; Rockford, Ill.; including an E alternate from Bradford to Rockford via INT Bradford 033° and Rockford 136° radials.

PENDING AMENDMENT

In V-127 "From Capital, Ill., INT Capital 013° and Bradford, Ill., 159° radials; Bradford" is deleted and "From Bradford. Ill." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-128 From Peotone, Ill., via INT
Peotone 152° and Indianapolis, Ind., 312° radials; Indianapolis; INT Indianapolis 137° and Cincinnati, Ohio, 290° radials; Cincinnati; York, Ky.; Charleston, W. Va.; Casanova, Va.

V-129 From Capital, Ill., Peoria, Ill.; Davenport, Iowa; Dubuque, Iowa; INT Dubuque 348° and Nodine, Minn., 150° radials, Nodine, including a W alternate from Dubuque to Nodine via Waukon, Iowa; Eau Claire, Wis.; Duluth, Minn.; Hibbing, Minn., including an E alternate; International Falls, Minn., including a W alternate from Hibbing, INT Hibbing 319° and International Falls 182° radials to International Falls; INT International Falls 335° radial and the United States/Canadian border.
The airspace at and above 10,000 feet MSL from Capital to 25 miles north, is excluded during the time that the Allen MOA is activated by NOTAM.

AMENDMENTS 9/9/76 41 F. R. 30104 (Changed)
AMENDMENTS 11/4/76 41 F.R. 37098 (Changed)

V-130 From Albany, N. Y., via Hartford, Conn.; Norwich, Conn.; Martha's Vineyard, Mass.; to Hvannis, Mass.

V-131 From McAlester, Okla., via Okmulgee, Okla.; Tulsa, Okla.; Chanute, Kans.; Topeka, Kans.

V-132 From Cheyenne, Wyo.; Akron, Colo.; 17 miles, 49 miles, 59 MSL, Goodland, Kans.; 50 miles, 97 miles, 65 MSL, Hutchinson, Kans.; INT Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT Chanute 100° and Springfield, Mo., 276° radials; Springfield; INT Springfield 058° and Forney, Mo., 266°; Forney; INT Forney 086° and Maples, Mo., 052° radials, excluding that portion within R-4501A.

V-133 From Fort Mill, S. C., Barretts Mountain, N. C.; Charleston, W. Va.; Zanesville, Ohio; Tiverton, Ohio; Mansfield,
Ohio; INT Mansfield 346° and Salem, Mich., 139° radials; Salem; Flint, Mich.; Saginaw, Mich.;
Traverse City, Mich., Escanaba, Mich.; Marquette, Mich.; Houghton, Mich.; 10 miles, 26 MSL Thunder Bay, Ontario, Canada. The airspace within Canada is excluded.

V-134 From Fairfield, Utah, via Carbon, Utah; Grand Junction, Colo.; 33 miles 12 AGL, 21 miles 127 MSL, 16 miles 120 MSL, 123 miles 12 AGL to Denver, Colo.; including a south alternate from INT Kremmling, Colo. 135° and Denver 257° radials via INT Kremmling 135° and Denver 232° radials to Denver.

V-135 From Yuma, Ariz., Blythe, Calif.; Parker, Calif.; 5 miles, 24 miles, 55 MSL, Needles, Calif.; Goffs, Calif.; 84 miles, 105 MSL Beatty, Nev.; 105 MSL INT Beatty 326° and Tonopah, Nev., 198° radials; to Tonopah, excluding the airspace above 9,000 feet MSL between Yuma and Parker, and the airspace above 10,000 feet MSL between Parker and Needles. The airspace within R-4807 is excluded.

AMENDMENTS 3/25/76 41 F. R. 4507 (Changed)

V-136 From Pulaski, Va., INT Pulaski 094° and South Boston, Va., 295° radials; South Boston; Raleigh-Durham, N. C.; Fayetteville, N. C.; to Myrtle Beach, S. C. The airspace at and above 7,000 feet MSL from 17 miles south to 38 miles south of Fayetteville is excluded during the time that the Gamecock A Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-137 From Imperial, Calif., INT Imperial 350° and Thermal, Calif., 122° radials; Thermal; Palm Springs, CA.; Palmdale, CA.; Gorman, CA.; Avenal, CA.; Priest, CA.; Salinas, CA., excluding the airspace above 7,000 feet MSL, between Imperial and the intersection of the Thermal 122° and the Julian, CA., 055° radials.
The airspace within R-2521 is excluded.

V-138 From Riverton, Wyo., 35 mi. 80 mi. 107 MSL, 16 mi. 85 MSL, via Medicine Bow; Cheyenne, Wyo., including a N alternate via INT Medicine Bow 106° and Cheyenne 330° radials; Sidney, Nebr. From Grand Island, Nebr., 1200 feet AGL INT of Grand Island 099° and Lincoln, Nebr., 267° true radials; 1,200 feet AGL Lincoln; 1,200 feet AGL INT of Lincoln 040° and Neola, Iowa, 253° true radials; Neola; Fort Dodge, Iowa; Mason City, Iowa; to Waukon, Iowa.

V-139 From Florence, S. C., via Wilmington, N. C.; New Bern, N. C.; INT of New Bern 006° and Norfolk, Va., 209° radials;
Norfolk; Cape Charles, Va.; Snow Hill, Md.; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; INT Hampton 059° and Providence, R. I.; 212° radials; Providence; 6 miles wide, Whitman, Mass.; INT Whitman 041° and Manchester, N. H., 130° radials; Kennebunk, Maine. The airspace below 2,000 feet MSL outside
the United States, the airspace below 3,000 feet MSL between the Kennedy, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed) Corr: 41 F. R. 20650

V-140 From Amarillo, Tex., via Sayre, Okla., including a N alternate via INT Amarillo 072° and Sayre 288° radials; Kingfisher, Okla.; INT Kingfisher 072° and Tulsa, Okla., 261° radials; Tulsa; Fayetteville, Ark., including a N alternate via INT Tulsa 059° and Fayetteville 284° radials; Harrison, Ark., Walnut Ridge, Ark.; Dyersburg, Tenn.; Nashville, Tenn., Livingston, Tenn., including a south alt ~ate via INT Nashville 085° and Livingston 232° radials; London, Ky., including a north alternate from Nashville to London via INT Nashville 049° and London 258° radials; Whitesburg, Ky., Bluefield W. Va.; INT of Bluefield 071° and Montebello, Va., 250° radials; Montebello; to Casanova, Va.

V-141 From Nantucket, Mass., Hyannis, Mass.; Boston, Mass.; INT Boston 015° and Manchester, N. H. 117° radials; Manchester; Concord, N. H.; Lebanon, N. H.; Burlington, Vt.; to Massena, N. Y.

V-142 From INT Atlanta, Ga., 128° and Augusta, Ga., 263° radials; to Augusta.

V-143 From Fort Mill, S. C., Greensboro, N. C.; Lynchburg, Va.; Montebello, Va.; Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa.; including an S alternate via Westminster, Md.; Pottstown, Pa.; Yardley, Pa.

V-144 From Peotone, Ill., via Fort Wayne,
Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Linden, Va.; to INT Linden 104° and Casanova, Va., 348° radials.

AMENDMENTS 9/9/76 41 F. R. 27957 (Changed)

V-145 From Utica, N. Y., INT Utica 303° and Watertown, N. Y., 171° radials; Watertown; INT Watertown 358° radial and the United States/Canadian border.

V-146 From Putnam, Conn.; Providence, R. I.; Martha's Vineywrd, Mass.; Nantucket, Mass.

V-147 From Pottstown, Pa., via East Texas, Pa.; Wilkes-Barre, Pa.; Elmira, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

AMENDMENTS 3/25/76 41 F. R. 1890 (Changed)

V-148 From Kiowa, Colo.; Thurman, Colo.; 65 MSL INT
Thurman 067° and Hayes Center, Nebr., 246° radials; Hayes Center, Nebr.; North Platte, Nebr.; O'Neill, Nebr., Sioux Falls, S. Dak.; Redwood Falls, Minn., including a S alternate, Minneapolis, Minn.

V-149 From INT Allentown, Pa. 147° and Solberg, N. J., 227° radials; Allentown, Pa.; Lake Henry, Pa.

V-150 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; Sacramento, Calif.

V-151 From Providence, R. I., Gardner, Mass.; Keene, N. H.; Lebanon, N. H., including a W alternate via INT Keene 336° and Lebanon 214° radials; Montpelier, Vt., including an E alternate via Lebanon 005° and Montpelier 112° radials; Burlington, Vt.

V-152 From St. Petersburg, Fla., Orlando, Fla., including a N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also a S alternate via Lakeland, Fla.; Ormond Beach, Fla., including a S alternate via INT Orlando 049° and Ormond Beach 161° radials.

V-153 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; Stillwater; Lake Henry, Pa.; Hancock, N. Y.; Georgetown, N. Y.; Syracuse, N. Y.

V-154 From Rome, Ga., via INT Rome 166° and Macon, Ga., 301° radials; Macon; via Dublin, Ga.; INT of Dublin 122° and Savannah, Ga., 279° radials; to Savannah.

AMENDMENTS 1/29/76 40 F. R. 56884 (Changed)

V-155 From Columbus, Ga., via Augusta, Ga.; Chesterfield, S. C.; Pinehurst, N. C.; Raleigh-Durham, N. C.; Lawrenceville, Va.;
INT Lawrenceville 034° and Flat Rock, Va.; 171° radials; Flat Rock; to Brooke, Va. The airspace within R-6602 is excluded.
PENDING AMENDMENT
In V-155 "Pinehurst, N. C.;" is deleted and "Sandhills, N. C.;" is substituted therefor.
AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

V-156 From Cedar Rapids, Iowa, via Moline, Ill.; Bradford, Ill.; Peotone, Ill.; INT Peotone 098° and Knox, Ind.; 238° radials; Knox; South Bend, Ind.; to Kalamazoo, Mich.

V-157 From Key West, Fla., Miami, Fla.; La Belle, Fla., including a W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Waycross, Ga.; Alma, Ga.; Allendale, S. C.; Vance, S. C.; Florence, S. C. From Kinston, N. C., Rocky Mount, N. C.; Lawrenceville, Va.; Richmond, Va.; INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.; New Castle, Del.; Robbinsville, N. J.; Colts Neck, N. J.; to Kingston, N. Y. The airspace within R-6602 is excluded.

V-158 From Mason City, Iowa, INT Mason City 106° and Dubuque, Iowa, 293° radials; Dubuque; Polo, Ill.
The airspace within R-3302 is excluded.

AMENDMENTS 5/20/76 41 F. R. 12277 (Changed)

V-159 From Miami, Fla., INT Miami 343° and Palm Beach, Fla., 222° radials; Palm Beach; INT Palm Beach 326° and Vero Beach, Fla., 178° radials; Vero Beach; Orlando, Fla., including an E alternate via INT Vero Beach 341° and Orlando 123° radials; Ocala, Fla.
Cross City, Fla.; Greenville, Fla.; including an east alternate from Ocala to Greenville via Gainesville, Fla., excluding that airspace above 7,000 feet MSL between Gainesville and Greenville;
Albany, Ga.; Eufaula, Ala.; Tuskegee, Ala.; Birmingham, Ala.; Hamilton, Ala.; Holly Springs, Miss., including an east alternate from Birmingham to Holly Springs via INT
Birmingham 313° and Holly Springs 099° radials; Memphis, Tenn., including a west alternate from Hamilton to Memphis via INT Hamilton 273° and Memphis 136° radials; Walnut Ridge, Ark.; Dogwood, Mo.; Springfield, Mo.; Napoleon, Mo.; INT Napoleon 336° and St. Joseph, Mo., 132° radials; St. Joseph; INT St. Joseph 328° and Omaha, Nebr., 155° radials; Omaha;
Sioux City, Iowa, including a west alternate via INT Omaha
320° and Sioux City 174° radials; Yankton, S. Dak.; Mitchell, S. Dak.
AMENDMENTS 9/9/76 41 F. R. 29094 (Changed)

V-160 From Denver, Colo.; INT Denver 045° and Sidney, Nebr., 230° radials; Sidney.

V-161 From Bridgeport, Tex., via Ardmore, Okla.; Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; Butler, Mo.; Napoleon, Mo.; Lamoni, Iowa; Des Moines, Iowa; Mason City, Iowa; Rochester, Minn., including a W alternate via INT Mason City 023° and Rochester 243° radials; INT Rochester
356° and Minneapolis, Minn., 116° radials; Minneapolis; Brainerd, Minn.; Grand Rapids, Minn.; International Falls, Minn.; to Winnipeg, Manitoba, Canada, excluding the portion within Canada.
AMENDMENTS 9/9/76 41 F. R. 29094 (Changed)

V-162 From INT Clarksburg, W. Va., 135° and Elkins, W. Va., 098° radials; Clarksburg. From INT Martinsburg, W. Va., 130° and Harrisburg, Pa., 204° radials; via Harrisburg;
East Texas, PA., including a S alternate via INT Harrisburg 087° and East Texas 225° radials; Allentown, PA.; Huguenot, NY.; INT Huguenot 032° and Pawling, NY., 259° radials to Pawling. The airspace within R-5802 is excluded.

AMENDMENTS 11/4/76 41 F.R. 37098 (Changed)

V-163 From Matamoros, Mex., via Brownsville, Tex.; INT of Brownsville 358° and Corpus Christi, Tex., 178° radials; 27 miles standard width, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; including a W alternate from Brownsville via INT of Brownsville 338° and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E and 3 miles W of centerline), to Corpus Christi;
Three Rivers, Tex., including a west alternate via INT Corpus Christi 296° and Three Rivers 165° radials; INT Three Rivers 345° and San Antonio 168° radials; San Antonio, including a west alternate; INT San Antonio 002° and Lometa, Tex., 173° radials; Lometa, including a W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° radails and Llano; Millsap, Tex., including an E alternate from Lometa to Millsap via Acton, Tex.; Bridgeport, Tex.; Ardmore, Okla.; INT
Ardmore 342° and Oklahoma City, Okla., 154° radials; to Oklahoma City, including a W alternate via INT Ardmore 327° and Oklahoma City 180° radials.
The airspace within Mexico is excluded.

V-164 From Toronto, Ont., via Toronto 172° and Buffalo, N. Y., 294° radials; Buffalo; Wellsville, N. Y.; Stonyfork, Pa.; Williamsport, Pa.; INT Williamsport 129° and East Texas, Pa., 315° radials; East Texas.
The airspace within Canada is excluded.
AMENDMENTS 3/25/76 40 F. R. 58624 (Changed) Corr: 41 F. R. 1890

V-165 From Mission Bay, Calif., INT Mission Bay 270° and Oceanside, Calif., 177° radials; Oceanside; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; INT Los Angeles 357° and Lake Hughes, Calif., 154° radials; Lake Hughes; INT Lake Hughes 344° and Bakersfield, Calif., 137° radials; Bakersfield; Porterville, Calif.; INT Porterville 339° and Fresno, Calif., 140° radials; Fresno; 68 miles, 50 miles, 131 MSL, Reno, Nev.; 40 miles, 7 miles, 115 MSL, 87 miles, 135 MSL, Lakeview, Oreg.; 5 miles, 72 miles, 90 MSL, Redmond, Oreg.; 16 miles, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, Newberg, Oreg.; 32 miles, 45 MSL INT Newberg 355° and Olympia, Wash., 195° radials; Olympia; INT Olympia 010° and Seattle, Wash., 249° radials; Seattle.

V-166 From Parkersburg, W. Va., Clarksburg, W. Va.; Kessel, W. Va.; Martinsburg, W. Va.; Westminster, Md.; New Castle, Del.; Woodstown, N. J.; Sea Isle, N. J.

V-167 From Hancock, N. Y.; INT Hancock 120° and Kingston, N. Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford; INT
Hartford 081° and Providence, R. I., 270° radials; Providence; INT Providence 101° and Hyannis, Mass., 224° radials; Hyannis. The airspace below 2,000 feet MSL outside the United States is excluded.

V-168 From Birmingham, Ala., to INT Birmingham 113° and Talladega, Ala., 179° radials; LaGrange, Ga.

V-169 From Tobe, Colo., 69 MSL Hugo, Colo.; 38 miles, 67 MSL, Thurman, Colo.; Akron, Colo.; Sidney, Nebr.; Scottsbluff, Nebr.; Chadron, Nebr.; Rapid City, S. Dak.; Dupree, S. Dak.; Bismarck, N. Dak. The airspace within R-4701 is excluded.

V-170 From Aberdeen, S. Dak., Sioux Falls, S. Dak.; Worthington, Minn.; Fairmont, Minn.; including a N alternate via INT Worthington 064° and Fairmont 285° radials; Rochester, Minn.; Nodine, Minn.,
Dells, Wis.; INT Dells 097° and Milwaukee, Wis., 307° radials; Milwaukee;
INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman; Salem, Mich. From Erie, Pa., Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; INT Ravine 125° and Modena, Pa., 318° radials; Modena. The airspace within R-5802 is excluded.
The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)
PENDING AMENDMENT
In V-170 "Modena" is deleted and "Modena; New Castle, Del.; INT New Castle 222° and Andrews, Md., 060° radials; to INT Andrews 060° and Baltimore, Md., 165° radials." is substituted therefor.
AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

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V-171 From Louisville, Ky., Lewis, Ind., including an E alternate from Louisville to Lewis via INT Louisville 312° and Bloomington 153° radials, and Bloomington; Danville, Ill.; Peotone, Ill.; INT Peotone 281° and Joliet, Ill., 173° radials; Joliet.; Rockford, Ill.;
Lone Rock, Wis.; Nodine, Minn.; INT Nodine 298° and Farmington, Minn., 124° radials; Farmington; Darwin, Minn.; Alexandria, Minn.; INT Alexandria 321° and Grand Forks, N. Dak., 152° radials; Grand Forks; Roseau, Minn.

V-172 From Denver, Colo., INT Denver 061° and Hayes Center, Nebr., 276° radials; INT Hayes Center 276° and North Platte, Nebr. 245° radials; North Platte; INT North Platte 073° and Wolbach, Nebr., 266° radials;
Wolbach; Neola, Iowa; Newton, Iowa; Cedar Rapids, Iowa; Polo, Ill.; INT Polo 088° and DuPage, Ill., 283° radials; DuPage; Chicago-O'Hare, Ill.; INT Chicago-O'Hare
091° and South Bend, Ind., 290° radials; South Bend.

V-173 From Capital, IL., via INT Capital 058° and Peotone, IL., 218° radials; INT Peotone 218° and Roberts, IL., 008° radials; INT Roberts 008° and Joliet, IL., 067° radials; Kedzie, IL., RBN.

V-174 From York, Kv., Henderson, W. Va.; Elkins, W. Va.; to Front Royal, Va.

AMENDMENTS 9/9/76 41 F. R. 27957 (Changed)

V-175 From Malden, Mo.; Vichy, Mo.; Hallsville, Mo., including a west alternate via INT Vichy 321° and Hallsville 183° radials; Macon, Mo.; Kirksville, Mo.; Des Moines, Iowa; Sioux City, Iowa; Worthington, Minn.; Redwood Falls, Minn.; Alexandria, Minn.; Park Rapids, Minn.; Bemidji, Minn.; Roseau, Minn.
The airspace at and above 8,000 feet MSL from 43 miles northwest of Malden to Vichy is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-176 From Pontiac, Mich., to INT Pontiac 100° and Windsor, Ontario, Canada, 057° radials, excluding the portion within Canada.

V-177 From DuPage, Ill., via Janesville, Wis.; Madison, Wis.; Stevens Point, Wis., including a west alternate via Dells, Wis.; Wausau, Wis.; Duluth, Minn., including a west alternate via Hayward, Wis.; to Ely, Minn., excluding the airspace 10,000 feet MSL and above Duluth to Ely.

V-178 From Vichy, Mo.; Farmington, Mo.; Cape Girardeau, Mo.; Cunningham, Ky.; including a north alternate from Farmington to Cunningham via INT Farmington 115° and Cunningham 306° radials; and also a south alternate from Farmington to Cunningham via INT Farmington 145° and Cunningham 276° radials; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W. Va.
The airspace at and above 8,000 feet MSL between Vichy and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-179 From Dublin, Ga., to INT Dublin 309° and Augusta, Ga., 263° radials.

V-180 From International Falls, Minn., to Dryden, Ontario, Canada, NDB, excluding that airspace within Canada.

V-181 From Kirksville, Mo., Lamoni, Iowa; Omaha, Nebr.; Norfolk, Nebr.; Yankton, S. Dak.; Sioux Falls, S. Dak., including a W alternate via INT Yankton 016° and Sioux Falls 230° radials; Watertown, S. Dak., including an east alternate; 34 miles, 24 miles, 34 MSL, Fargo, N. Dak., including an east alternate; Grand Forks, N. Dak., including an east alternate via INT Fargo 004° and Grand Forks 152° radials;
Pembina, N. Dak.; INT Pembina 356° radial and the United States/Canadian border.

V-182 From Portland, Oreg., The Dalles, Oreg.; Baker, Oreg.

V-183 From Santa Barbara, Calif., Bakersfield, Calif.

V-184 From Erie, Pa., Tidioute, Pa.; INT Tidioute 154° and Philipsburg, Pa., 296° radials; Philipsburg; Harrisburg, Pa.; INT Harrisburg 132° and Modena, Pa., 274° radials; Modena; INT Modena 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J.; Millville, N. J.; Atlantic City, N. J.
The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-185 From Savannah, Ga.; Augusta, Ga.; Greenwood, S. C.; Sugarloaf Mountain, N. C.; Snowbird, Tenn.; INT Snowbird 301° and Knoxville, Tenn., 069° radials; Knoxville, including an E alternate from Sugarloaf Mountain to Knoxville via INT Sugarloaf Mountain 329° and Knoxville 069° radials. The airspace within R-6004 is excluded.

V-186 From Fillmore, Calif., Van Nuys, Calif.; Ontario, Calif.

V-187 From Albuquerque, N. Mex., via Farmington, N. Mex.; including an E alternate via INT Albuquerque 345° and Farmington 138° radials; 50 miles, 62 miles 115 MSL, Grand Junction, Colo.,
including a west alternate from Farmington, Cortez, Colo., Dove Creek, Colo., 17 miles, 28 miles 115 MSL, to Grand Junction, excluding the airspace between the main and west alternate; 75 miles, 50 miles, 112 MSL, Rock Springs, Wyo., including a west alternate from Grand Junction 45 miles 103 MSL, 14 miles 85 MSL, Vernal, Utah, 20 miles, 110 MSL, Rock Springs, excluding the airspace between the main and this west alternate; 20 miles, 37 miles 95 MSL, INT Rock Springs 026° and Riverton, Wyo., 180° radials; Riverton; Boysen Reservoir, Wyo.; 9 miles, 78 miles, 105 MSL, Billings, Mont., including a west alternate from Boysen Reservoir, 9 miles, 56 miles, 91 MSL, via Cody, Wyo., Billings, excluding the airspace between the main and this west alternate; 40 miles, 75 MSL INT Billings 317° and Great Falls, MT., 122° radials; Great Falls; Missoula, MT.; Lewiston, ID.; Pasco, WA.

V-188 From Carleton, Mich., Jefferson, Ohio; Tidioute, Pa.; Slate Run, Pa.; Williamsport, Pa.; Wilkes-Barre, Pa.; INT Wilkes-Barre 094° and Sparta, N. J., 290° radials; Sparta. The airspace within Canada is excluded.
The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Operations Area (MOA) is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-189 From Rocky Mount, N. C., Franklin, Va.; Hopewell, Va.

V-190 From Phoenix, Ariz., 54 miles, 19 miles, 95 MSL, 59 miles, 115 MSL St. Johns, Ariz., including a north alternate via INT Phoenix 051° and St. Johns 263° radials; Albuquerque,
N. Mex., including a south alternate via INT St. Johns 085° and Albuquerque 229° radials; Las Vegas, N. Mex.; 19 mi., 72 mi. 90 MSL, Dalhart, TX.; 14 mi., 36 mi. 60 MSL, Gage, OK.; INT Gate 059° and Pioneer, OK., 280° radials; Pioneer; INT Pioneer 094° and Bartlesville, OK., 256° radials; Bartlesville; INT
Bartlesville 075° and Oswego, Kans., 233° radials; Oswego; INT Oswego 085° and Springfield, Mo., 261° radials; Springfield; Maples, Mo.; Farmington, Mo., Marion, Ill.; Evansville, Ind.
The airspace at and above 8,000 feet MSL between Maples and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-191 From Troy, Ill.; Decatur, Ill.; Roberts, Ill.; INT Roberts 008° and Joliet, Ill., 067° radials; Northbrook, Ill.; INT Northbrook 332° and Milwaukee, Wis., 182° radials; Milwaukee; Oshkosh, Wis.; Rhinelander, Wis.; Ironwood, Mich.; including an east alternate; to Duluth, Minn.

V-192 From Champaign, Ill.; Terre Haute, Ind.

V-193 From INT Pullman, Mich., 243° and South Bend, Ind., 310° radials; Pullman; INT Pullman 029° and White Cloud, Mich., 168° radials; White Cloud; Traverse City, Mich., including a W alternate via Manistee, Mich.; Pellston, Mich.; Sault Ste. Marie, Mich.

V-194 From Lafayette, La., via Baton Rouge, La.; McComb, Miss.; INT McComb 055° and Meridian, Miss., 221° radials; Meridian. From Liberty, N. C., via Raleigh-Durham, N. C.; Rocky Mount,
N. C.; Cofield, N. C.; INT Cofield 077° and Norfolk, Va., 209° radials.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed)

V-195 From Oakland, Calif., INT Oakland 004° and Williams, Calif., 191° radials; Williams; INT Williams 002° and Red Bluff, Calif., 158° radials; Red Bluff; Fortuna, Calif.

V-196 From Utica, N. Y., Saranac Lake, N. Y.; Plattsburgh, N. Y.

V-197 From Ontario, Calif.; Pomona, Calif.; Palmdale, Calif.; INT Palmdale 314° and Bakersfield, Calif., 137° radials; Bakersfield, excluding the airspace more than 3 miles northeast of the centerline from Palmdale to 30 miles northwest.

V-198 From San Simon, Ariz., Columbus, N. Mex.; El Paso, Tex., 6 mi. wide, INT El Paso 109° and Hudspeth, Tex., 287° radials; 6 mi. wide, Hudspeth; 29 mi., 38 mi. 82 MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° radials; 18 mi. 82 MSL, Fort Stockton; 20 mi., 116 mi. 55 MSL, Junction, Tex.; San Antonio, Tex.; Eagle Lake, Tex.; Hobby, Tex.; INT Hobby 090° and Sabine Pass, Tex., 265° radials; Sabine Pass; White Lake, La.; Tibby, La.; Harvey, La., 69 miles,
33 miles, 25 MSL, Brookley; INT Brookley 056° and Crestview 266° radials; Crestview; Marianna, Fla.; Tallahassee, Fla.;
Greenville, Fla.; Taylor, Fla.; to Jacksonville, Fla.

V-199 From San Francisco, Calif. INT San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; 17 miles, 23 miles 85 MSL, 18 miles 75 MSL, Red Bluff, Calif. The portion outside the United States has no upper limit.

V-200 From Ukiah, Calif., Williams, Calif.; Reno, Nev. From Fairfield, Utah, 10 miles, 35 miles 125 MSL, Myton, Utah; 30 miles 79 MSL, 31 miles, 98 MSL Meeker, Colo.; 37 miles, 26 miles, 140 MSL, 130 MSL, Kremmling, Colo., including an N alternate via Hayden, Colo.;
9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, Denver, Colo.

V-201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; Los Angeles; Palmdale, Calif. The portion outside the United States has no upper limit.

V-202 From Cochise, Ariz., via San Simon, Ariz.; Silver City, N. Mex.; Truth or Consequences, N. Mex.

V-203 From Norwich, Conn., Chester, Mass.; INT Chester 293° and Albany, N. Y., 139° radials; Albany; Saranac Lake, N. Y.; Massena, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-204 From Hoquiam, Wash., Olympia, Wash.; INT Olympia 114° and Yakima, Wash., 271° radials; Yakima.

V-205 From Sparta, N. J.; INT Sparta 023° and Pawling, N. Y., 238° radials; Pawling; INT Pawling 076° and Boston, Mass., 251° radials; to Boston.

V-206 From Napoleon, Mo., via Kirksville, Mo., to Ottumwa, Iowa.

AMENDMENTS 9/9/76 41 F. R. 29094 (Rewritten)

V-207 From Denver, Colo., Gill, Colo.; including a W alternate via INT Denver 359° and Gill 224° radials; to Scottsbluff, Nebr.

V-208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Santa Catalina, Calif., 355° radials; 7 miles wide (3 miles E and 4 miles W of centerline) Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif. Twentynine Palms, Calif.; 20 miles, 24 miles 73 MSL, Needles, Calif.; Peach Springs, Ariz. From Myton, Utah, 79 MSL, via Vernal, Utah, 25 miles, 105 MSL, Cherokee, Wyo., excluding the airspace above 10,000 feet MSL between Twentynine Palms and Needles.
The airspace within R-2503 and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 3/25/76 41 F. R. 4507 (Changed)

V-209 From Mobile, Ala., INT Mobile 356° and Hattiesburg, Miss., 080° radials; 10 mi.; 6 mi. wide Kewanee, Miss.; 7 mi. wide (4 mi. on N, 3 mi. on S and within 4.5° of centerline) Brookwood, Ala.; Birmingham, Ala.

V-210 From Los Angeles, Calif., INT Los Angeles 083° and Pomona, Calif., 240° radials; Pomona; INT Daggett, Calif., 229° and Hector, Calif., 263° radials; Hector; Goffs, Calif.; 13 miles, 23 miles 71 MSL, 85 MSL, Peach Springs, Ariz.; Grand Canyon, Ariz.; Tuba City, Ariz.; 10 mi. 90 MSL, 91 mi. 105 MSL, Farmington, N. Mex.; Alamosa, Colo., including a south alternate via INT Farmington 086° and Alamosa 232° radials; INT Alamosa 074° and Lamar, Colo., 250° radials; 40 miles, 51 miles, 65 MSL, Lamar; 13 miles, 79 miles, 55 MSL, Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City; INT Oklahoma City 109° and Okmulgee, Okla., 241° radials; Okmulgee. From Indianapolis, Ind., Muncie, Ind.;
Rosewood, Ohio; Tiverton, Ohio; Briggs, Ohio; INT Briggs 044° and Akron, Ohio, 088° radials; INT Akron 088° and Youngstown, Ohio, 116° radials; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa.; INT Revloc 096° and Harrisburg, Pa., 289° radials; Harrisburg; Lancaster, Pa.; INT Lancaster 095° and Yardley, Pa., 255° radials; to Yardley.

V-211 From INT Alamosa, Colo., 232° and Durango, Colo., 110° radials via Durango; INT of Durango 286° and Cortez, Colo., 115° radials; Cortez, Colo., excluding the airspace below 1,200 feet above the surface.

V-212 From San Antonio, Tex., via INT San Antonio 089° and Industry, Tex., 233° radials; Industry; Navasota, Tex.; Lufkin, Tex.; Alexandria, La.; McComb, Miss.

V-213 From Myrtle Beach, S. C., via Wilmington, N. C.; INT Wilmington 352° and Rocky Mount, N. C., 191° radials; Rocky Mount;
Hopewell, Va.; INT Hopewell 019° and Brooke, Va., 132° radials; Patuxent River, Md.; Kenton, Del.; Woodstown, N. J.; INT Woodstown 043° and Robbinsville, N. J. 239° radials; Robbinsville.

V-214 From Kokomo, Ind., via Marion, Ind.; Muncie, Ind.; Richmond, Ind.; INT Richmond 097° and Appleton, Ohio, 236° radials; INT Appleton 236°
and Zanesville, Ohio, 274° radials; Zanesville; Bellaire, Ohio; INT Bellaire, 108° and Indian Head, Pa., 254° radials; Indian Head; Martinsburg, W. Va.

V-215 From INT Muskegon, Mich., 208° and Pullman, Mich., 261° radials; Muskegon; White Cloud, Mich.; to Gaylord, Mich.

V-216 From Lamar, Colo., Hill City, Kans.; Mankato, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Ottumwa, Iowa; Iowa City, Iowa; INT Iowa City 062° and Janesville, Wis., 240° radials; Janesville; INT Janesville 076° and Muskegon, Mich., 252° radials; Muskegon; Saginaw, Mich.; Peck, Mich., including a southern alternate via INT Saginaw 131° and Peck 270° radials; Kleinburg, Ont., Canada. The airspace within Canada is excluded.

V-217 From Chicago-O'Hare, IL.; INT Chicago-O'Hare 019° and Milwaukee, WI., 137° radials; INT Chicago Heights, Ill., 358° and Milwaukee 121° radials; Milwaukee; Green Bay, Wis.; Rhinelander, Wis.; Duluth, Minn.; Hibbing, Minn.; Baudette, Minn.; INT Baudette 313° and Winnipeg, Manitoba, 117° radials; to Winnipeg. The airspace within Canada is excluded. In addition, the portion of this airway which lies within the Beaver MOA is excluded during the times the Beaver MOA is activated.

AMENDMENTS 11/4/76 41 F.R. 37098 (Changed); Corr. 41 F.R. 44688

V-218 From Grand Rapids, Minn., via Minneapolis, Minn.; Waukon, Iowa; to Rockford, Ill. From Keeler, Mich., via Lansing, Mich.; Pontiac, Mich.; INT Pontiac 112° and Windsor, Ont., 320° radials; Windsor; INT Windsor 134° and Akron, Ohio, 312° radials; to Akron. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-219 From Hayes Center, Nebr., INT Hayes Center 059° and Wolbach, Nebr., 251° radials; Wolbach; Norfolk, Nebr.; Sioux City, Iowa; Fairmont, Minn.; Mankato, Minn.; Farmington, Minn.

V-220 From Kremmling, Colo., 12 miles, 130 MSL, 32 miles, 147 MSL, 8 miles, 115 MSL INT Kremmling 081° and Denver, Colo., 334° radials; Akron, Colo., INT Akron 094° and McCook, Nebr., 264° radials; McCook; INT McCook 072° and Grand Island, Nebr., 241° radials; Kearney, Nebr.; Hastings, Nebr.; Columbus, Nebr.

V-221 From Bible Grove, Ill., via INT Bible Grove 087° and Bloomington, Ind., 253° radials; Bloomington; Shelbyville, Ind.; Muncie, Ind.; Fort Wayne, Ind.; Litchfield, Mich.; Jackson, Mich.; INT Jackson 084° and Salem, Mich., 254°
radials; Salem; INT Salem 083° and Erie, Pa., 290° radials; Erie. The airspace within Canada is excluded.

V-222 From El Paso, Tex., via Salt Flat, Tex.; Fort Stockton, Tex.; 20 miles, 116 miles, 55 MSL, Junction, Tex.; INT Junction 112° and San Antonio, Tex., 334° radials; San Antonio; INT San Antonio 074° and Industry, Tex., 264° radials; Industry; INT Industry 101° and Humble 259° radials; Humble; Beaumont, Tex.;
Lake Charles, La.; McComb, Miss.; Hattisburg, Miss.; Monroeville, Ala.; Montgomery, Ala.; LaGrange, Ga.; to INT LaGrange 048° and Columbus, Ga., 010° radials. From INT Toccoa, Ga., 222° and Harris, Ga., 187° radials via Toccoa;
Sugarloaf Mountain, N. C.; Barretts Mountain, N. C.; Lynchburg, Va.; INT Lynchburg 058° and Brooke, Va., 230° radials; Brooke; to INT Brooke 045° and Richmond, Va., 009° radials; including an N alternate from Lynchburg via Gordonsville, Va.

V-223 From Flat Rock, Va.; to INT Flat Rock 005° and Brooke, Va., 300° radials.

V-224 From Marquette, Mich.; to Schoolcraft County, Mich.

V-225 From Key West, Fla., 30 miles, 72 miles, 17 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles, 77 miles 17 AGL to Fort Myers; La Belle, Fla.; Vero Beach, Fla. The portion of V-225 E alternate outside the United States has no upper limit.

V-226 From INT Franklin, Pa., 175° and Clarion, Pa., 222° radials; Clarion, Pa.; Keating, Pa.; Williamsport, Pa., Wilkes-Barre, Pa.; Stillwater, N. J.; INT Stillwater 110° and Sparta, N. J., 194° radials.

V-227 From Lafayette, Ind., via Roberts, Ill.; Pontiac, Ill.; INT Pontiac 332° and Rockford, Ill., 179° radials; to Rockford.

V-228 From Northbrook, Ill., INT Northbrook 111° and South Bend, Ind., 290° radials; South Bend, including a N alternate via INT Northbrook 095° and South Bend 310° radials.

V-229 From Atlantic City, N. J., via INT Atlantic City 048° and Kennedy, N. Y., 195° radials; Kennedy; Madison, Conn.; Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 195° radials; Gardner, excluding that airspace above 7,000 feet MSL between INT Atlantic City 048° and Kennedy 195° radials to Kennedy. The airspace below 2,000 feet MSL outside the United States is excluded.

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; Salinas; Los Banos, Calif., including a south alternate via INT Salinas, Calif., 100° and Los Banos, Calif., 245° radials; Fresno, Calif.; Friant, Calif.; INT Friant 040° and Bishop, Calif., 338° radials; to Bishop. The portion outside the United States has no upper limit.
PENDING AMENDMENT
In V-230 "INT Friant 404° and Bishop, Calif., 338° radials; to Bishop." is deleted and "to Mina, Nev." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-231 From Burley, Idaho, via Salmon, Idaho; Missoula, Mont.; to Kalispell, Mont.

V-232 From INT of the Cleveland, Ohio, 024° and the Chardon, Ohio, 281° radials, via Chardon; Franklin, Pa.; Keating, Pa.; Milton, Pa.; to INT Milton 099° and Stillwater, N. J., 172° radials.

V-233 From Capital, IL., via Roberts, IL.; Knox, IN.; Goshen, IN.; Litchfield, MI.; Lansing, MI.; Mount Pleasant, Mich.; INT Mount Pleasant 351° and Gaylord, Mich., 207° radials; Gaylord; to Pellston, Mich.; including a west alternate from Mount Pleasant to Pellston via Traverse City, Mich.

V-234 From Anton Chico, N. Mex.; INT Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; 32 miles, 74 miles, 65 MSL, Hutchinson, Kans.; Emporia, Kans.; Butler, Mo.; Vichy, Mo.; INT Vichy 091° and Centralia, Ill., 253° radials; Centralia.
The airspace at and above 8,000 feet MSL between Vichy and the INT of Vichy 091° and St. Louis, Mo., 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-235 From Fairfield, Utah, 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger. From Rock Springs, Wyo., 20 miles, 41 miles, 95 MSL, 37 miles, 107 MSL, to Casper, Wyo.

V-236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; Ogden.

V-237 From Needles, Calif., 25 miles, 24 miles 71 MSL, Boulder City, Nev.; INT Boulder City 347° and Las Vegas, Nev., 081° radials; Las Vegas.

V-238 From Maples, Mo.; Troy, Ill.
The airspace at and above 8,000 feet MSL between Maples and the INT of Maples 052° and Farmington, Mo., 327° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-239 From Forney, Mo., INT Forney 358° and Hallsville, Mo., 183° radials; Hallsville.

V-240 From New Orleans, La., via INT New Orleans 085° and Harvey, La., 065° radials; INT Brookley, Ala., 246° and Mobile, Ala., 224° radials; to Mobile.

V-241 From Mobile, Ala., via Crestview, Fla.; INT Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga.; to the INT Columbus 010° and LaGrange, Ga., 048° radials; including a west alternate from Dothan via INT Dothan 002° and LaGrange 191° radials, and LaGrange.

V-242 From International Falls, Minn., to Atikokan, Ontario, Canada, NDB, excluding that airspace within Canada.

V-243 From Jacksonville, FL., INT Jacksonville 319° and Waycross, GA., 126° radials; Waycross; Vienna, GA., including an E alternate via Alma, Ga., and INT Alma 320° and Vienna 104° radials; LaGrange; INT LaGrange 342° and Chattanooga, Tenn., 189° radials; Chattanooga; Bowling Green, Ky.; Lewis, Ind.
PENDING AMENDMENT
In V-243, "From Jacksonville, Fla., INT Jacksonville 319° and Waycross, Ga., 126° radials, Waycross, Vienna, Ga., including an E alternate via Alma, Ga., and INT Alma 320° and Vienna 104° radials;" is deleted and "From Jacksonville, Fla., INT Jacksonville 318° and Waycross, Ga., 126° radials, Waycross; Vienna, Ga.;" is substituted therefor.
AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-244 From Oakland, CA., INT Oakland 077° and Stockton, CA., 267° radials; Stockton, including a S alternate INT Oakland 110° and Stockton 246° radials; 76 miles 12 AGL, 27 miles 145 MSL, 59 miles 12 AGL, Coaldale, Nev.; Tonopah, Nev.; 40 miles 115 MSL Wilson Creek, Nev.; 28 miles 115 MSL, Milford, Utah, Hanksville, Utah; 63 miles, 13 miles 140 MSL, 36 miles 115 MSL, Montrose, Colo.; Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, Pueblo, Colo.; 18 miles, 48 miles, 60 MSL; Lamar, Colo.; 20 miles, 116 miles 65 MSL, Hays, Kans.; Salina, Kans. The airspace within R-2531 is excluded.

AMENDMENTS 3/25/76 41 F. R. 1055 (Changed)

V-245 From Alexandria, La., via Natchez, Miss.; Jackson, Miss.; Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.

V-246 From Nodine, Minn., INT Nodine 055° and Stevens Point, Wis., 255° radials; to Stevens Point.

V-247 From Douglas, Wyo., 90 miles 75 MSL, to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., Avenal, Calif.; Bakersfield, Calif.

V-249 From Sparta, N. J., INT Sparta, N. J., 023° and DeLancey, N. Y., 131° radials; DeLancey; Utica, N. Y.

V-250 From O'Neill, Nebr.; Yankton, S. Dak.; Worthington, Minn.; Mankato, Minn.

V-251 From Decatur, Ill., via Champaign, Ill.; Danville, Ill.; Lafayette, Ind.

V-252 From Buffalo, N. Y., Geneseo, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.

V-253 From Fairfield, Utah, INT Fairfield 326° and Salt Lake City, 265° radials; 24 miles, 85 MSL Bonneville; 5 miles, 85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, Twin Falls, Idaho; Boise, Idaho; 42 miles; 99 MSL McCall, Idaho; 11 miles 99 MSL, 33 miles 115 MSL, Lewiston, Idaho; Pullman, Wash.; Spokane, Wash.

V-255 From Garden City, Kans., to Hays, Kansas.

V-256 From Pioneer, Okla., to Hutchinson, Kans.

V-257 From Pheonix, Ariz., Prescott, Ariz.; INT Prescott 003° and Grand Canyon, Ariz., 211° radials; Grand Canyon; 38 miles 12 AGL, 40 miles 125 MSL, 26 miles 12 AGL, Bryce Canyon, Utah; INT Bryce Canyon 338° and Delta, Utah, 186° radials, Delta; 39 miles, 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, Malad City; Pocatello, Idaho; DuBois, Idaho; Dillon, Mont.; Butte, Mont.; 22 miles, 85 MSL INT Butte 002° and Helena, Mont., 272° radials; INT Helena 272° and Great Falls, Mont., 222° radials; Great Falls; 73 miles, 56 MSL, Havre, Mont.
The airspace within R-6401 and R-6403 is excluded.

V-258 From Charleston, W. Va., Beckley, W. Va.; INT Beckley 125° and Roanoke, Va., 288° radials; Roanoke; INT Roanoke 145° and Danville, Va., 320° radials; Danville.

V-259 From Fort Mill, S. C., Holston Mountain, Tenn.

V-260 From Charleston, W. Va., Rainelle, W. Va.; Roanoke, Va., Lynchburg, Va.; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; Franklin, Va.; to Cofield, N.C.
AMENDMENTS 7/15/76 41 F. R. 17878 (Changed) Corr: 41 F. R. 20650
AMENDMENTS 11/4/76 41 F.R. 34586 (Changed)

V-226 From INT Franklin, Pa., 175° and Clarion, Pa., 222° radials; Clarion, Pa.; Keating, Pa.; Williamsport, Pa., Wilkes-Barre, Pa.; Stillwater, N. J.; INT Stillwater 110° and Sparta, N. J., 194° radials.

V-227 From Lafayette, Ind., via Roberts, Ill.; Pontiac, Ill.; INT Pontiac 332° and Rockford, Ill., 179° radials; to Rockford.

V-228 From Northbrook, Ill., INT Northbrook 111° and South Bend, Ind., 290° radials; South Bend, including a N alternate via INT Northbrook 095° and South Bend 310° radials.

V-229 From Atlantic City, N. J., via INT Atlantic City 048° and Kennedy, N. Y., 195° radials; Kennedy; Madison, Conn.; Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 195° radials; Gardner, excluding that airspace above 7,000 feet MSL between INT Atlantic City 048° and Kennedy 195° radials to Kennedy. The airspace below 2,000 feet MSL outside the United States is excluded.

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; Salinas; Los Banos, Calif., including a south alternate via INT Salinas, Calif., 100° and Los Banos, Calif., 245° radials; Fresno, Calif.; Friant, Calif.; INT Friant 040° and Bishop, Calif., 338° radials; to Bishop. The portion outside the United States has no upper limit.
PENDING AMENDMENT
In V-230 "INT Friant 404° and Bishop, Calif., 338° radials; to Bishop." is deleted and "to Mina, Nev." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-231 From Burley, Idaho, via Salmon, Idaho; Missoula, Mont.; to Kalispell, Mont.

V-232 From INT of the Cleveland, Ohio, 024° and the Chardon, Ohio, 281° radials, via Chardon; Franklin, Pa.; Keating, Pa.; Milton, Pa.; to INT Milton 099° and Stillwater, N. J., 172° radials.

V-233 From Capital, IL., via Roberts, IL.; Knox, IN.; Goshen, IN.; Litchfield, MI.; Lansing, MI.; Mount Pleasant, Mich.; INT Mount Pleasant 351° and Gaylord, Mich., 207° radials; Gaylord; to Pellston, Mich.; including a west alternate from Mount Pleasant to Pellston via Traverse City, Mich.

V-234 From Anton Chico, N. Mex.; INT Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; 32 miles, 74 miles, 65 MSL, Hutchinson, Kans.; Emporia, Kans.; Butler, Mo.; Vichy, Mo.; INT Vichy 091° and Centralia, Ill., 253° radials; Centralia.
The airspace at and above 8,000 feet MSL between Vichy and the INT of Vichy 091° and St. Louis, Mo., 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-235 From Fairfield, Utah, 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger. From Rock Springs, Wyo., 20 miles, 41 miles, 95 MSL, 37 miles, 107 MSL, to Casper, Wyo.

V-236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; Ogden.

V-237 From Needles, Calif., 25 miles, 24 miles 71 MSL, Boulder City, Nev.; INT Boulder City 347° and Las Vegas, Nev., 081° radials; Las Vegas.

V-238 From Maples, Mo.; Troy, Ill.
The airspace at and above 8,000 feet MSL between Maples and the INT of Maples 052° and Farmington, Mo., 327° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM.

AMENDMENTS 7/15/76 41 F. R. 20649 (Changed)

V-239 From Forney, Mo., INT Forney 358° and Hallsville, Mo., 183° radials; Hallsville.

V-240 From New Orleans, La., via INT New Orleans 085° and Harvey, La., 065° radials; INT Brookley, Ala., 246° and Mobile, Ala., 224° radials; to Mobile.

V-241 From Mobile, Ala., via Crestview, Fla.; INT Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga.; to the INT Columbus 010° and LaGrange, Ga., 048° radials; including a west alternate from Dothan via INT Dothan 002° and LaGrange 191° radials, and LaGrange.

V-242 From International Falls, Minn., to Atikokan, Ontario, Canada, NDB, excluding that airspace within Canada.

V-243 From Jacksonville, FL., INT Jacksonville 319° and Waycross, GA., 126° radials; Waycross; Vienna, GA., including an E alternate via Alma,
Ga., and INT Alma 320° and Vienna 104° radials; LaGrange; INT LaGrange 342° and Chattanooga, Tenn., 189° radials; Chattanooga; Bowling Green, Ky.; Lewis, Ind.
PENDING AMENDMENT
In V-243, "From Jacksonville, Fla., INT Jacksonville 319° and Waycross, Ga., 126° radials, Waycross, Vienna, Ga., including an E alternate via Alma, Ga., and INT Alma 320° and Vienna 104° radials;" is deleted and "From Jacksonville, Fla., INT Jacksonville 318° and Waycross, Ga., 126° radials, Waycross; Vienna, Ga.;" is substituted therefor.
AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-244 From Oakland, CA., INT Oakland 077° and Stockton, CA., 267° radials; Stockton, including a S alternate INT Oakland 110° and Stockton 246° radials; 76 miles 12 AGL, 27 miles 145 MSL, 59 miles 12 AGL, Coaldale, Nev.; Tonopah,
Nev.; 40 miles 115 MSL Wilson Creek, Nev.; 28 miles 115 MSL, Milford, Utah, Hanksville, Utah; 63 miles, 13 miles 140 MSL, 36 miles 115 MSL, Montrose, Colo.; Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, Pueblo, Colo.; 18 miles, 48 miles, 60 MSL, Lamar, Colo.; 20 miles, 116 miles 65 MSL, Hays, Kans.; Salina, Kans. The airspace within R-2531 is excluded.

AMENDMENTS 3/25/76 41 F. R. 1055 (Changed)

V-245 From Alexandria, La., via Natchez, Miss.; Jackson, Miss.; Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.
V-246 From Nodine, Minn., INT Nodine 055° and Stevens Point, Wis., 255° radials; to Stevens Point.

V-247 From Douglas, Wyo., 90 miles 75 MSL, to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., Avenal, Calif.; Bakersfield, Calif.

V-249 From Sparta, N. J., INT Sparta, N. J., 023° and DeLancey, N. Y., 131° radials; DeLancey; Utica, N. Y.

V-250 From O'Neill, Nebr.; Yankton, S. Dak.; Worthington, Minn.; Mankato, Minn.

V-251 From Decatur, Ill., via Champaign, Ill.; Danville, Ill.; Lafayette, Ind.

V-252 From Buffalo, N. Y., Geneseo, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.

V-253 From Fairfield, Utah, INT Fairfield 326° and Salt Lake City, 265° radials; 24 miles, 85 MSL Bonneville; 5 miles,
85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, Twin Falls, Idaho; Boise, Idaho; 42 miles; 99 MSL McCall, Idaho; 11 miles 99 MSL, 33 miles 115 MSL, Lewiston, Idaho; Pullman, Wash.; Spokane, Wash.

V-255 From Garden City, Kans., to Hays, Kansas.

V-256 From Pioneer, Okla., to Hutchinson, Kans.

V-257 From Pheonix, Ariz., Prescott, Ariz.; INT Prescott 003° and Grand Canyon, Ariz., 211° radials; Grand Canyon; 38 miles 12 AGL, 40 miles 125 MSL, 26 miles 12 AGL, Bryce Canyon, Utah; INT Bryce Canyon 338° and Delta, Utah, 186° radials,
Delta; 39 miles, 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, Malad City; Pocatello, Idaho; DuBois, Idaho; Dillon, Mont.; Butte, Mont.; 22 miles, 85 MSL INT Butte 002° and Helena, Mont., 272° radials; INT Helena 272° and Great Falls, Mont., 222° radials; Great Falls; 73 miles, 56 MSL, Havre, Mont.
The airspace within R-6401 and R-6403 is excluded.

V-258 From Charleston, W. Va., Beckley, W. Va.; INT Beckley 125° and Roanoke, Va., 288° radials; Roanoke; INT Roanoke 145° and Danville, Va., 320° radials; Danville.

V-259 From Fort Mill, S. C., Holston Mountain, Tenn.

V-260 From Charleston, W. Va., Rainelle, W. Va.; Roanoke, Va., Lynchburg, Va.; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; Franklin, Va.; to Cofield, N.C.
AMENDMENTS 7/15/76 41 F. R. 17878 (Changed) Corr: 41 F. R. 20650
AMENDMENTS 11/4/76 41 F.R. 34586 (Changed)

V-261 From Wichita, Kans., via INT Wichita 022° and Manhattan, Kans., 213° radials; to Manhattan.

V-262 From Peoria, Ill., Bradford, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-263 From Cimarron, N. Mex., Tobe, Colo., 54 miles, 69 MSL, Lamar, Colo.; 17 miles, 63 MSL Hugo, Colo.; Gill, Colo. From Pierre, S. Dak., Aberdeen, S. Dak.

V-264 From Los Angeles, Calif., INT Los Angeles 061° and Pomona, Calif., 269° radials; 6 miles wide, Pomona; Twentynine Palms, Calif., including a S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles, 28 miles 55 MSL, Parker, Calif. From Prescott, Ariz.; Winslow, Ariz.; St. Johns, Ariz.; 55 miles, 25 miles, 115 MSL, Socorro, N. Mex.; Corona, N. Mex.; 15 miles, 35 miles 105 MSL, Tucumcari, N. Mex.

V-265 From INT Washington, D. C., 043° and Westminster, Md., 179° radials; via Westminster; Harrisburg, Pa.; Phillipsburg, Pa.; Keating, N. Y.; Bradford, Pa.; Jamestown, N. Y.; Dunkirk, N. Y.

V-266 From Barretts Mountain, N. C., South Boston, Va.; Lawrenceville, Va.; Franklin, Va.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed)

V-267 From Biscayne Bay, Fla., Miami, Fla.; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; Orlando, Fla.; including an east alternate from Miami to Orlando via Palm Beach, Fla., and INT Palm Beach 326° and Orlando 162° radials; Jacksonville, Fla., including an E alternate from Orlando to INT Ormond Beach, Fla., 308° and Jacksonville 174° radials via Ormond Beach; INT Jacksonville 334° and Dublin, Ga., 151° radials; Dublin; Athens, Ga.; INT Athens 340° and Harris, Ga., 148° radials; Harris; Knoxville, Tenn.

PENDING AMENDMENT

In V-267, "INT Jacksonville 334° and Dublin, Ga., 151° radials, Dublin;" is deleted and "INT Jacksonville 333° and Dublin, Ga., 152° radials, Dublin;" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 45819 (Changed)

V-268 From INT Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials; Hagerstown, Md.; Westminster, Md.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; Kenton 086° and Sea Isle, N. J., 050° radials. The airspace within R-4001 and the airpace below 2,000 feet MSL outside the United States is excluded.

V-269 From Ely, Nev., 125 MSL INT Ely 007° and Bonneville, Utah, 272° radials; Wells, Nev.; Twin Falls, Idaho; Burley, Idaho; Pocatello, Idaho; to Salmon, Idaho.

V-270 From Erie, Pa., Jamestown, N. Y.; Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; DeLancey, N. Y.; Chester, Mass.

V-271 From Muskegon, Mich., Manistee, Mich.; to Escanaba, Mich.

V-272 From Dalhart, Tex., via Borger, Tex.; Sayre, Okla.; Oklahoma City, Okla., including a N alternate via INT Sayre 070° and Oklahoma City 282° radials and also a S alternate via INT Sayre 101° and Oklahoma City 242° radials; to McAlester, Okla.

V-273 From INT Sparta, N. J., 133° and Solberg, N. J., 051° radials; Sparta; INT Sparta 331° and Hancock, N. Y., 148° radials; Hancock; Georgetown, N. Y.; 6 mi. wide, Syracuse, N. Y.

V-274 From Pullman, Mich., Grand Rapids, Mich.; Saginaw, Mich.

V-275 From Cincinnati, Ohio, INT Cincinnati 006° and Dayton, Ohio, 207° radials; Dayton, including a W alternate from Cincinnati to Dayton via INT Cincinnati 336° and Richmond, Ind., 190° radials, and Richmond; INT Dayton 011° and Salem, Mich., 197° radials; Salem.

PENDING AMENDMENT

In V-275 "011° and Salem, Mich., 197°" is deleted and "007° and Salem, Mich., 202°" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-276 From Erie, Pa., via Franklin, Pa.; Clarion, Pa.; Tyrone, Pa.; INT Tyrone 096° and Ravine, Pa., 279° radials Ravine; Yardley, Pa.; Robbinsville, N. J.; INT Robbinsville 112° and Sea Isle, N. J., 050° radials. The airspace below 2,000 feet MSL outisde the United States is excluded.

V-277 From Rosewood, Ohio, Fort Wayne, Ind.; Keeler, Mich.

V-278 From Texico, N. Mex., via Plainview, Tex.; Guthrie, Tex.; Bridgeport, Tex.; Blue Ridge, Tex.; Paris, Tex.; Texarkana, Ark.; Monticello, Ark.; Greenville, Miss.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala., including a S alternate from Columbus to Birmingham via INT Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

V-279 From the Columbus, Ohio, RBN, INT Findlay, Ohio, 146° and Rosewood, Ohio, 045° radials; 7 miles wide (4 miles northeast and 3 miles southwest of the centerline) to Findlay.

V-280 From Ciudad Juarez, Mex., via El Paso, Tex.; INT El Paso 070° and Pinon, N. Mex., 219° radials; Pinon; Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 080° and Texico 216° radials; INT Texico 021° and Amarillo, Tex., 252° radials; Amarillo, including a south alternate from Texico to Amarillo via INT Texico 044° and Amarillo 252° radials; Gage, Okla.; INT Gage 025° and Hutchinson, Kans., 234° radials; Hutchinson; INT Hutchinson 062° and Topeka, Kans., 236° radials; to Topeka. The airspace within Mexico is excluded.

V-282 From Saranac Lake, N. Y., St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-285 From Indianapolis, Ind., via Kokomo, Ind.; including an E alternate via INT Indianapolis 038° and Kokomo 182° radials; Goshen, Ind.; INT of the Goshen 038° and the Kalamazoo, Mich., 191° radials; Kalamazoo; INT Kalamazoo 014° and Grand Rapids, Mich., 167° radials; Grand Rapids; to White Cloud, Mich.

V-286 From Elkins, W. Va., via Casanova, Va.; INT Casanova 142° and Brooke, Va., 300° radials; Brooke; to Cape Charles, Va.

AMENDMENTS 9/9/76 41 F. R. 27957 (Changed)

V-287 From Medford, Oreg., North Bend, Oreg.; Newberg, Oreg., including a west alternate from North Bend to Newberg via Newport, Oreg., and including an east alternate from Medford to the INT Corvallis, Oreg., 352° and Newberg 204° radials via Roseburg, Oreg., INT Roseburg 003° and Eugene, Oreg., 187° radials, Eugene, and Corvallis; Portland, Oreg., including an east alternate via INT Newberg 069° and Portland 196° radials; 20 miles, 51 miles, 45 MSL. Olympia, Wash.; INT Olympia 010° and Seattle, Wash., 329° radials; INT Seattle 329° and Port Angeles, Wash., 090° radials; Port Angeles, Neah Bay, Wash., RBN. The airspace within Canada is excluded.

V-288 From Lucin, Utah, 50 miles, 85 MSL, INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 50 miles, 105 MSL, Fort Bridger.

V-289 From Beaumont, Tex., via INT Beaumont 323° and Lufkin, Tex., 161° radials; Lufkin, including an E alternate; Gregg County, Tex.; Texarkana, Ark.; Fort Smith, Ark.; Harrison, Ark.; Dogwood, Mo.; Forney, Mo.; INT 046° and Vichy, Mo., 216° radials; to Vichy.

V-290 From Rainelle, W. Va., Montebello, Va.; Flat Rock, Va. From Franklin, Va., Elizabeth City, N. C.

V-291 From Albuquerque, N. Mex.; Gallup, N. Mex., including a north alternate via INT Albuquerque 303° and Gallup 089° radials; Winslow, Ariz.; Flagstaff, Ariz.; including a N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials.

V-292 From Sparta, N. J.; INT Sparta 082° and Carmel, N. Y., 232° radials; Carmel; Hartford, Conn.; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston.

V-293 From Grand Canyon, Ariz., via Page, Ariz.; INT Page 340° and Bryce Canyon, Utah; 120° radials; Bryce Canyon; Cedar City, Utah; 37 miles, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, Ely, Nev.; 125 MSL Elko, Nev.; 28 miles, 57 miles, 99 MSL, Twin Falls, Idaho; 37 miles, 33 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

AMENDMENTS 1/29/76 40 F. R. 58624 (Changed)

V-294 From Des Moines, Iowa, INT Des Moines 086° and Cedar Rapids, Iowa, 238° radials; Cedar Rapids; to Davenport, Iowa.

V-295 From Biscayne Bay, Fla., INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach, INT Vero Beach, 296° and Orlando, Fla., 162° radials; Orlando; INT Orlando 283° and Ocala, Fla., 156° radials; Ocala; Cross City, Fla.; to Tallahassee, Fla. The portion outside the United States has no upper limit.

V-296 From Fort Mill, S. C.; 27 MSL INT Fort Mill 093° and Fayetteville, N. C., 267° radials; 27 MSL Fayetteville; Wilmington, N. C.

V-297 From Johnstown, Pa.; INT Johnstown 315° and Clarion, Pa., 222° radials; INT Clarion 269° and Youngstown, Ohio, 116° radials; Akron, Ohio; INT Akron 298° and Carleton, Mich., 120° radials; Carleton; INT Carleton 334° and Saginaw, Mich., 182° radials; Saginaw; INT Saginaw 353° and Pellston, Mich., 164° radials; Pellston. The airspace within Canada is excluded.

V-298 From Yakima, Wash., via INT Yakima 129° and Pasco, Wash., 276° radials; Pasco; including a north alternate from Yakima to Pasco; Pendleton, Oreg., 74 miles, 43 miles 115 MSL, 99 MSL via McCall, Idaho; 41 mi. 99 MSL, 89 mi. 145 MSL, Dubois, Idaho; 68 mi., 130 MSL Dunoir, Wyo.; 62 miles 135 MSL, Boysen Reservoir, Wyo.; 9 miles, 34 miles 105 MSL, Casper, Wyo., including a south alternate from Dunoir 43 miles 130 MSL, 15 miles 110 MSL, via Riverton, Wyo., 19 miles, 48 miles 77 MSL, to Casper, excluding the airspace between the main and the south alternate.

AMENDMENTS 9/9/76 41 F. R. 29095 (Changed)
AMENDMENTS 11/4/76 41 F.R. 43134 (Changed)

V-299 From Los Angeles, Calif., INT Los Angeles 291° and Fillmore, Calif., 163° radials; Ventura, Calif.; Fillmore; to Gorman, Calif. The airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The portion outside the United States has no upper limit.

V-300 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. From Thunder Bay, Ontario, Canada, Sault Ste. Marie, Mich.; to Wiarton, Ont., Canada. From Sherbrooke, Quebec, Canada, 86 miles 52 MSL, Millincoket, Maine; Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Changed)

V-301 From Point Reyes, Calif., Santa Rosa, Calif.; Williams, Calif.

V-302 From Augusta, Maine, INT Augusta 123° and Bangor, Maine, 192° radials.

V-303 From Hot Springs, Ark., Fort Smith, Ark.

V-304 From Amarillo, Tex., via Borger, Tex.; Liberal, Kans., including a W alternate via INT Borger 354° and Liberal 234° radials; 15 miles, 79 miles 55 MSL, Lamar, Colo.

V-305 From El Dorado, Ark., Little Rock, Ark.

V-306 From Junction, Tex., via INT Junction 099° and Austin, Tex., 279° radials; Austin; Navasota, Tex.; INT Navasota 084° and Daisetta, Tex., 283° radials; Daisetta; including a south alternate from Navasota via Humble, Tex.; to Daisetta; Lake Charles, La., including a south alternate from Daisetta to Lake Charles via Beaumont.

V-307 From Neosho, Mo., via Oswego, Kans.; Chanute, Kans.; Emporia, Kans.; INT of Emporia 336° and Pawnee City, Nebr., 193° radials; Pawnee City; Omaha, Nebr., including a west alternate via INT Pawnee 003° and Omaha 226° radials.

V-308 From INT Kenton, Del., 217° and Sea Isle, N. J., 256° radials, via Sea Isle; INT Sea Isle 050° and Hampton, N. Y. 223° radials; Hampton; INT Hampton 059° and Norwich, Conn., 177° radials; Norwich; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

V-309 From Charleston, W. Va.; INT Charleston 034° and Morgantown, W. Va., 284° radials; Bellaire, Ohio.

V-310 From Louisville, Ky., London, Ky.; Holston Mountain, Tenn.; INT Holston Mountain 104° and Greensboro, N. C., 280° radials; Greensboro; INT Greensboro 105° and Raleigh-Durham, N. C., 275° radials; Raleigh-Durham; Rocky Mount, N. C.; Elizabeth City, N. C.

V-311 From the INT of Harris, Ga., 187° and Toccoa, Ga., 222° radials via INT Toccoa 222° and Electric City, S. C., 274° radials; Electric City; Greenwood; S. C.; Columbia, S. C.

AMENDMENTS 7/15/76 41 F. R. 20650 (Changed)

V-312 From Woodstown, NJ., INT Woodstown 065° and Coyle, NJ., 264° radials; Coyle; INT Coyle 090° and Sea Isle, NJ., 050° radials. The airspace within R-5002, the airspace below 2,000 feet MSL outside the United States, and the airspace above 8,000 feet MSL between Woodstown and Coyle is excluded.
PENDING AMENDMENT
In V-312 "From Woodstown, N.J.," is deleted and "From INT Andrews, Md., 060° and Baltimore, Md., 165° radials, via INT Andrews, 060° and Woodstown, N.J., 230° radials; Woodstown;" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

V-313 From Malden, Mo., Cape Girardeau, Mo.; Centralia, Ill.; Decatur, Ill.; Pontiac, Ill.

V-314 From Quebec, Province of Quebec, Canada, 99 miles 55 MSL, Millinocket, Maine; Princeton, Maine; St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-315 From Paris, Tex., Rich Mountain, Okla.

V-316 From Ironwood, Mich.; Marquette, Mich.; 15 miles, 100 miles 40 MSL, Sault Ste. Marie, Mich.; Sudbury, Ontario, Canada. The airspace within Canada is excluded.

V-318 From Quebec, Province of Quebec, Canada, 81 miles 65 MSL, 26 miles 85 MSL, Houlton, Maine. The airspace within Canada is excluded.

V-319 From Boysen Reservoir, Wyo., Worland, Wyo.; Cody, Wyo.

V-320 From Peck, Mich., Toronto, Ont., Canada. The airspace within Canada is excluded.

V-321 From Albany, Ga., via Columbus, Ga.; LaGrange, Ga.; INT LaGrange 342° and Gadsden, Ala., 124° radials; Gadsden; INT Gadsden 333° and Huntsville, Ala., 149° radials; Huntsville.

AMENDMENTS 1/29/76 40 F. R. 54425 (Changed)

V-322 From Concord, N. H., INT Concord, 022° and Berlin, N. H., 161° radials; Berlin, N. H.; Sherbrooke, Quebec, Canada. The airspace within Canada is excluded.

V-323 From Montgomery, Ala., via Eufaula, Ala.; Macon, Ga.; INT Macon 341° and Dublin, Ga., 309° radials; to INT Dublin 309° and Augusta, Ga., 263° radials.

AMENDMENTS 7/15/76 41 F. R. 17878 (Changed)

V-325 From Columbia, S. C.; Athens, Ga.; INT Athens 288° and Toccoa, Ga., 222° radials to INT Toccoa 222° and Harris, Ga., 187° radials. From INT Gadsden, Ala., 091° and Rome, Ga., 133° radials via Gadsden; Muscle Shoals, Ala., including an E alternate via INT Gadsden 318° and Decatur, Ala., 130° radials, and Decatur.

V-326 From Fillmore, Calif., INT Fillmore 163° and Van Nuys, Calif., 270° radials; Van Nuys.

V-327 From Phoenix, Ariz.; Flagstaff, Ariz.
The airspace 14,000 feet MSL and above is excluded from 23 NM north of Phoenix to 29 NM south of Flagstaff, from 1300 GMT to 0200 GMT, Monday through Friday, and other times as advised by a Notice to Airmen.

AMENDMENTS 9/9/76 41 F. R. 30104 (Changed)

V-328 From Jackson, Wyo., via Big Piney, Wyo.; 53 miles 95 MSL, Rock Springs, Wyo.; Hayden, Colo.; to Kremmling, Colo.

V-329 From INT Crestview, Fla., 091° and Eglin, Fla., 003° radials, INT Eglin 003° and Montgomery, Ala., 188° radials; Montgomery.

V-330 From INT Boise, Idaho, 130° and Mountain Home, Idaho, 084° radials; INT Mountain Home 084° and Burley, Idaho, 323° radials. From Idaho Falls, Idaho, Jackson, Wyo.

V-331 From Whitesburg, Ky., Newcombe, Ky.

V-333 From INT Rome, Ga., 133° and Gadsden, Ala., 091° radials via Rome; Chattanooga, Tenn.; Hinch Mountain. Tenn.; Lexington, Ky.

V-334 From San Jose, CA., INT San Jose 022° and Sacramento, CA., 194° radials; Sacramento.

V-335 From St. Louis, Mo.; INT St. Louis 171° and Marion, Ill., 290° radials; Marion.

V-336 From Ellensburg, Wash., to Ephrata, Wash.

V-337 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Akron, Ohio; INT Akron 328° and Windsor, Ontario, Canada, 116° radials; Windsor; 29 miles 7 miles wide (3 miles east and 4 miles west of centerline), INT Windsor 335° and Saginaw, Mich., 131° radials; Saginaw; Mount Pleasant Mich.; White Cloud, Mich., excluding the portion within Canada.

V-339 From Whitesburg, Ky., Falmouth, Ky.

V-340 From Fort Wayne, Ind., to Richmond, Ind.

V-341 From Cedar Rapids, Iowa, Dubuque, Iowa; Madison, Wis.; INT Madison 042° and Oshkosh, Wis., 208° radials; to Oshkosh.

V-342 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 244° radials; Princeton, excluding the airspace within Canada.

V-343 From Dubois, Idaho, Bozeman, Mont., 51 miles, 34 miles, 103 MSL, 84 MSL Drummond, Mont.

V-345 From Dells, Wis., INT Dells 321° and Eau Claire, Wis., 134° radials; to Eau Calire.

V-346 From St. Georges, Quebec, Canada, to Millinocket, ME., excluding the portion within Canada.

V-347 From Ironwood, Mich., to Houghton, Mich.

V-349 From Bellingham, WA., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

V-351 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 231° radials; Carmi, British Columbia, Canada, excluding the airspace within Canada.

V-352 From St. Georges, Quebec, Canada, to Houlton, ME., excluding the portion within Canada.

V-353 From Jackson, Mich., via INT Jackson 029° and Flint, Mich., 228° radials; to Flint.

V-355 From Bridgeport, Tex.; Wichita Falls, Tex.

V-357 From Baker, Oreg., via Walla Walla, Wash.; Moses Lake, Wash.; INT of Moses Lake 271° and Wenatchee, Wash., 132° radials; to Wenatchee; including a N alternate from Moses Lake via Ephrata, Wash., to Wenatchee.

V-358 From Waco, Tex., via Greater Southwest, Tex.; to Ardmore, Okla.

V-359 From Nuevo Laredo, Mex., to Laredo, Tex., excluding the airspace within Mexico.

V-360 From Sault Ste. Marie, Mich., via Sault Ste. Marie 110° Radial to INT of Sault Ste. Marie 110° and Midland 313° radials; Midland. The airspace within Canada is excluded.

V-365 From Burley, Idaho, via INT Burley 042° and Idaho Falls, Idaho, 248° radials; Idaho Falls; to INT Idaho Falls 030° and Dubois, Idaho, 100° radials.

V-371 From Lafayette, Ind., to Knox, Ind.

V-375 From Roanoke, Va., via Gordonsville, Va.; including a N alternate via the INT Roanoke 035° and Montebello, Va., 250° and Montebello, Va.; to INT Gordonsville 034° and Casanova, Va., 142° radials.

V-376 From Richmond, Va.; to INT Richmond 009° and Nottingham, Md., 238° radials. The airspace within R-6612 is excluded.

V-377 From Kessel, W. Va., via INT Kessel 055° and Hagerstown, Md., 267° radials; Hagerstown; to Harrisburg, Pa.

V-378 From Baltimore, Md., via INT Baltimore 034° and Modena, Pa., 236° radials; to Modena.

V-379 From Nottingham, Md.; to Kenton, Del.

V-380 From O'Neill, Nebr.; via Wolbach, Nebr.; Grand Island, Nebr.; Hastings, Nebr.; to Mankato, Kans.

AMENDMENTS 11/4/76 41 F.R. 34010 (Added)

PENDING AMENDMENT

V-381 From Bishop, Calif., to INT Bishop 337° and Friant, Calif., 040° radials.

AMENDMENTS 12/30/76 41 F.R. 45819 (Added)

V-420 From Green Bay, Wis.; Traverse City, Mich.; Gaylord, Mich.; to Alpena, Mich.

V-421 From Zuni, N. Mex., via Gallup, N. Mex.; Farmington, N. Mex.; Durango, Colo.; Gunnison, Colo.

V-422 From Chicago Heights, Ill., INT Chicago Heights 117° and Knox, Ind., 276° radials; Knox; Wolflake, Ind.; INT Wolflake 096° and Findlay, Ohio, 289° radials; Findlay.

V-423 From Williamsport, Pa., Binghamton, N. Y.; Ithaca, N. Y.; INT Ithaca 357° and Syracuse, N. Y., 210° radials; Syracuse.

V-424 From Napoleon, Mo., to Macon, Mo.

AMENDMENTS 9/9/76 41 F. R. 29094 (Rewritten)

V-425 From Brookley, Ala., INT Brookley 357° and Mobile, Ala., 048° radials.

V-426 From St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.

V-428 From Elmira, N. Y., Ithaca, N. Y.; Georgetown, N. Y.; Utica, N. Y.

V-429 From Cape Girardeau, Mo., Marion, Ill.; INT Marion 011° and Bible Grove, Ill., 207° radials; Bible Grove; Mattoon, Ill.; Champaign, Ill.; Roberts, Ill.; Joliet, Ill.; INT Joliet 351° and Chicago-O'Hare, Ill., 237° radials; Chicago-O'Hare.

V-430 From Cut Bank, Mont., 10 miles, 74 miles 55 MSL, Havre, Mont.; 14 miles, 100 miles 50 MSL, Glasgow, Mont.; INT Glasgow 100° and Williston, N. Dak., 263° radials, 22 miles, 33 miles 55 MSL, Williston; Minot, N. Dak.; Devils Lake, N. Dak.; Grand Forks, N. Dak.; Bemidji, Minn., including a north alternate via Thief River Falls, Minn.; Grand Rapids, Minn.; Duluth, Minn., including a N alternate from Grand Rapids, to Duluth via Hibbing, Minn., excluding the airspace between the main and this N alternate airway; Ironwood, Mich.; Iron Mountain, Mich.; to Escanaba, Mich.

V-431 From Boston, Mass., INT Boston 015° and Gardner, Mass., 097° radials; Gardner, Keene, N. H., Glens Falls, N. Y.; INT Glens Falls 286° and Albany, N. Y., 350° radials.

V-432 From Thermal, Calif., Parker, Calif.

V-433 From INT Washington, D. C., 065° and Baltimore, Md., 197° radials; via INT Washington, D. C., 065° and New Castle, Del., 222° radials; New Castle; Yardley, Pa.; INT Yardley 059° and La Guardia, N. Y., 231° radials;
La Guardia; INT La Guardia 049° and Bridgeport, Conn., 015° radials; INT Bridgeport 015° and Hartford, Conn., 268° radials.

V-434 From Ottumwa, Iowa, Moline, Ill.; Peoria, Ill.; Champaign, Ill.; Indianapolis, Ind.

V-435 From Rosewood, Ohio, via INT Rosewood 041° and Cleveland, Ohio, 252° radials; to Cleveland.

V-437 From Ormond Beach, Fla., Savannah, Ga.; Charleston, S.C.; Florence, S.C.

AMENDMENTS 11/4/76 41 F.R. 38761 (Changed)

V-439 From Dickinson, N. Dak., 13 miles, 62 miles, 40 MSL, Williston, N. Dak.

V-441 From St. Petersburg, Fla., INT St. Petersburg 010° and Ocala, Fla., 213° radials; Ocala, including an E alternate via INT St. Petersburg 040° and Ocala 171° radials.

V-442 From Hector, Calif., 12 miles, 38 miles 85 MSL, 14 miles 75 MSL, INT Needles, Calif., 272° and Goffs, Calif., 163° radials; INT Goffs 163° and Parker, Calif., 333° radials; Parker.
The airspace above 10,000 feet MSL between Parker and a point 45 miles northwest is excluded.

AMENDMENTS 3/25/76 41 F. R. 4507 (Changed)

V-443 From INT Newcomerstown, Ohio, 099° and Bellaire, Ohio, 044° radials; Newcomerstown, Ohio, Tiverton, Ohio; Cleveland, Ohio, including an E alternate via INT Tiverton 028° and Cleveland 138° radials; INT Cleveland 049° and Aylmer, Ont., Canada, 205° radials; Aylmer. The airspace within Canada is excluded.

V-445 From La Guardia, N. Y., INT La Guardia 034° and Hartford, Conn., 245° radials.

V-446 From Troy, Ill., INT Troy 099° and Centralia, Ill., 056° radials; Samsville, Ill.

V-447 From Montpelier, Vt., INT Montpelier 020° and Sherbrooke, Quebec, Canada, 217° radials; Sherbrooke.
The airspace within Canada is excluded.

V-448 From Portland, Oreg., Yakima, Wash., including a south alternate; Moses Lake, Wash., including a south alternate via the INT of the Yakima 129° and Ephrata, Wash., 203° radials to the INT of the Ephrata 203° and Moses Lake 231° radials; Spokane, Wash., 45 miles, 21 miles 75 MSL, 20 miles 80 MSL, Kalispell, Mont.

V-449 From Lake Henry, Pa.; DeLancey, N. Y.; Albany, N. Y.

V-450 From Green Bay, Wis.; Muskegon, Mich.; INT Muskegon 094° and Flint, Mich., 280° radials; Flint; INT Flint 088° and Peck, Mich., 237° radials.
The airspace at and above 10,000 feet MSL from 35 NM southeast of Green Bay to 33 NM northwest of Muskegon is excluded during the time that the Minnow Military Operations Area is activated by NOTAM.

AMENDMENTS 9/9/76 41 F. R. 24881 (Changed)

V-451 From INT Whitman, Mass., 177° and Providence, R. I., 118° radials, Whitman; Boston, Mass.

V-452 From Newport, Oreg.; Eugene, Oreg., via Klamath Falls, Oreg.; to Reno, Nev.

V-454 From Brookley, Ala.; Monroeville, Ala.; INT Monroeville 073° and Eufaula, Ala., 258° radials; INT Eufaula 258° and
Columbus, Ga., 219° radials; Columbus; INT Columbus 068° and Athens, Ga., 195° radials; INT Athens 195° and Greenwood, S. C., 240° radials; Greenwood. Fort Mill, S. C.; Liberty, N. C.; Lawrenceville, Va.; Hopewell, Va.

V-455 From New Orleans, La., via Picayune, Miss.; Hattiesburg, Miss., including an E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and also a W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° radials; 6 mi. wide, Meridian, including a W alternate via INT Hattiesburg 010° and Meridian 221° radials.

V-456 From Fort Dodge, Iowa, to Mankato, Minn.

AMENDMENTS 7/15/76 41 F. R. 20649 (Added)

V-458 From Santa Catalina, Calif., via Oceanside, Calif., Julian, Calif.; INT Julian 130° and Imperial, Calif., 272° radials; Imperial; 13 miles, 24 miles, 25 MSL, Yuma, Ariz., excluding the airspace within R-2503 and below 2,000 feet MSL outside the United States. The portion outside the United States has no upper limit.

V-459 From Seal Beach, Calif., Lake Hughes, Calif.; Porterville, Calif., Friant, Calif.; INT Friant 319° and Linden, Calif., 124° radials; Linden.

V-460 From Julian, Calif., INT Julian 055° and Blythe, Calif., 272° radials; Blythe.

V-461 From Gila Bend, Ariz., Buckeye, Ariz.

V-463 From INT Harris, Ga., 187° and Toccoa, Ga., 222° radials; to Harris, Ga.

V-464 From the INT of Windsor, Ont., Canada, 083° and Aylmer, Ont., Canada 235° radials, via Aylmer; Dunkirk, N. Y.; to Geneseo, N. Y. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 40 F. R. 58624 (Rewritten) Corr: 41 F. R. 1890

V-465 From Elko, Nev., Wells, Nev.; 12 miles; 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, Malad City, Idaho; 39 miles, 53 miles 124 MSL, Jackson, Wyo.; Dunoir, Wyo.; 14 miles, 45 miles, 137 MSL, Billings, Mont. From Miles City, Mont., Williston, N. Dak., including an E alternate.

V-467 From INT Kenton, Del., 217° and Sea Isle, N. J., 256° radials; INT Sea Isle 256° and Millville, N. J., 216° radials; Millville; INT Millville 037° and LaGuardia, N. Y., 209° radials; LaGuardia; Hartford, Conn.

V-469 From Danville, Va., via Lynchburg, Va.; INT Lynchburg 347° and Elkins, W. Va., 142° radials; to Elkins.

V-471 From INT Princeton, Maine, 208° and Bangor, Maine, 132° radials; Bangor; Millinocket, Maine; Houlton, Maine; INT Houlton 085° and the United States/Canadian border.

V-472 From Elizabeth City, N. C., via INT Elizabeth City 243° and Kinston, N. C., 029° radials; Kinston.

V-474 From INT Morgantown, W. Va., 010° and Johnstown, Pa., 260° radials; Indian Head, Pa.; St. Thomas, Pa.; INT St. Thomas 088° and Modena, Pa., 274° radials; Modena; INT Modena 095° and Woodstown, N. J., 043 radials.

V-475 From La Guardia, N. Y.; INT La Guardia 049° and Madison, Conn., 269° radials; Madison; Norwich, Conn.; Providence, R. I.; INT Providence 013° and Boston, Mass., 223° radials; Boston.

V-477 From Humble, Tex., via Leona, Tex.; including a west alternate via Navasota, Tex.; Scurry, Tex., including a W alternate via INT Leona 330° and Scurry 182° radials.

V-478 From Falmouth, Ky., Newcombe, Ky.; Beckley, W. Va.

V-483 From Carmel, N. Y.; DeLancey, N. Y.; Rockdale, N. Y.; INT Rockdale 325° and Syracuse, N. Y. 100° radials; Syracuse.

V-484 From INT Twin Falls, Idaho, 007° and Burley, Idaho, 323° radials, Twin Falls, 49 miles, 34 miles 114 MSL, Salt Lake City, Utah; 25 miles, 31 miles, 125 MSL, Myton, Utah; 14 miles, 79 MSL, 33 miles, 100 MSL, Grand Junction, Colo.; Gunnison, Colo., including a south alternate from Grand Junction to Gunnison via Montrose, Colo.; 13 miles, 112 MSL, 131 MSL INT Gunnison 110° and Alamosa, Colo., 339° radials; Alamosa.

V-485 From Ventura, Calif., 6 miles wide, INT Ventura 331° and Fellows, Calif., 142° radials; Fellows; Priest, Calif.; INT of Priest 322° and San Jose, Calif., 139° radials; San Jose. The airspace within W-289 and R-2520, the airspace within R-2519 more than 3 statute miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded.

V-487 From INT LaGuardia, N. Y., 034° and Carmel, N. Y., 188° radials; Carmel; Pawling, N. Y.; Cambridge, N. Y.; INT Cambridge 002° and Glens Falls, N. Y., 032° radials; Burlington, Vt.; INT Burlington 359° and St. Jean, Quebec, Canada, 158° radials; St. Jean. The airspace within Canada is excluded.

V-489 From Sparta, N. J.; INT Sparta 023° and Kingston 238° radials; Kingston, N. Y.; Albany, N. Y.; Glens Falls, N. Y.; Plattsburgh, N. Y.

V-490 From Utica, N. Y., Cambridge, N. Y.; Manchester, N. H.; INT Manchester 117° and Boston, Mass., 015° radials.

V-492 From St. Petersburg, Fla., La Belle, Fla.; INT La Belle 101° and Palm Beach, Fla., 272° radials; Palm Beach, including a north alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials.

V-493 From Livingston, Tenn., Lexington, Ky.; York, Ky.; Appleton, Ohio; Waterville, Ohio; Carleton, Mich.; INT Carleton 334° and Mt. Pleasant, Mich., 142° radials; to Mt. Pleasant.
From Menominee, Mich., to Rhinelander, Wis.

AMENDMENTS 3/25/76 41 F. R. 4013 (CHanged)

V-494 From Ukiah, Calif., INT Ukiah 147° and Santa Rosa, Calif., 325° radials; Santa Rosa; Sacramento, Calif.; INT Sacramento 038° and Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen.

V-496 From Utica, N. Y., via Glens Falls, N. Y.; Lebanon, N. H.; to Kennebunk, Maine.

V-497 From Kimberly, Oreg., 49 miles, 65 MSL, The Dallas, Oreg.

V-499 From Lancaster, Pa., to Binghamton, N. Y.

V-500 From Portland, Oreg., Newberg, Oreg.; 41 miles, 70 MSL Kimberly, Oreg.; 30 miles, 71 miles, 105 MSL, Boise, Idaho; 25 miles, 25 miles, 90 MSL, 26 miles, 95 MSL 22 miles, 25 miles, 70 MSL, Pocatello, Idaho.

V-501 From Martinsburg, W. Va., via Hagerstown, Md.; St. Thomas, Pa.; Philipsburg, Pa. From Wellsville, N. Y.; INT Elmira,
N. Y., 357° and Geneseo, N. Y., 091° radials.

V-516 From Liberal, KS., Anthony, KS.; Pioneer, OK.; Oswego, KS.

V-518 From Fillmore, Calif., INT Fillmore 102° and Ventura, Calif., 061° radials; INT Ventura 061° and Palmdale, Calif., 233° radials; Palmdale.

V-520 From Portland, Oreg., via The Dallas, Oreg.; Pasco, Wash.; Walla Walla, Wash.; to Lewiston, Idaho; Salmon, Idaho; Dubois, Idaho; to Jackson, Wyo.

V-524 From Laramie, Wyo., INT Laramie 069° and Scottsbluff, Nebr., 254° radials; Scottsbluff; North Platte, Nebr.

V-530 From Texico, N. Mex., Childress, Tex.

V-536 From North Bend, Oreg., INT North Bend 023° and Corvallis, Oreg., 235° radials; Corvallis; Redmond, Oreg., 32 miles, 58 miles, 71 MSL, Pendleton, Oreg.; Walla Walla, Wash.;
Pullman, Wash.; 27 miles, 85 MSL Mullan Pass, Idaho; 5 miles, 34 miles, 95 MSL Kalispell, Mont.; 20 miles, 41 miles, 115 MSL, Great Falls, Mont.

V-538 From Twentynine Palms, Calif., INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, Goffs; Las Vegas, Nev. The airspace within R-2501E is excluded.

§71.125 **Alaskan VOR Federal Airways.**

V-307 From Sandspit, B. C., Canada, to Annette Island, Alaska. The airspace within Canada is excluded.

V-309 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska. The airspace within Canada is excluded.

V-311 From Annette Island, Alaska, 42 miles 12 AGL, 99 miles 55 MSL, 31 miles 12 AGL, to Biorka Island, Alaska.

V-317 From Ethelda, British Columbia, Canada, NDB via Annette Island, Alaska; 42 miles 12 AGL, 42 miles 52 MSL, 15 miles 12 AGL Level Island, Alaska, including a W
alternate via INT Annette Island 311° and Level Island 164° radials; Sisters Island,
Alaska; to INT Sisters Island 272° and Yakutat, Alaska, 139° radials. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 41 F. R. 4254 (Changed)

V-319 From INT Sisters Island, Alaska, 272° and Yakutat, Alaska, 139° radials; 86 miles 20 MSL, 20 miles 12 AGL via Yakutat; Johnstone Point, Alaska; INT Johnstone Point 286° and Anchorage, Alaska, 117° radials; Anchorage; including a south alternate from Johnstone Point to Anchorage via INT Johnstone Point 271° and Anchorage 130° radials.

V-321 From Cape Newenham, Alaska, NDB via King Salmon, Alaska; to Homer, Alaska.

V-362 From Ethelda, British Columbia, Canada NDB via INT Sandspit, British Columbia, Canada 039° and Annette Island, Alaska, 167° radials to Annette Island. That airspace within Canada is excluded.

AMENDMENTS 3/25/76 41 F. R. 4254 (Added)

V-427 From King Salmon, Alaska, 103 miles 12 AGL, 29 miles 135 MSL, to INT King Salmon 042° and Anchorage, Alaska, 246° radials.

V-428 From Biorka Island, Alaska, via Sisters Island, Alaska; Haines, Alaska, NDB; to Whitehorse, Yukon Territory, Canada. The airspace within Canada is excluded.

V-435 From Homer, Alaska, to Kenai, Alaska.

V-436 From INT King Salmon, Alaska, 068° and Kenai, Alaska, 217° radials; via Kenai;
Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska, NDB; to Deadhorse, Alaska.

V-438 From Kodiak, Alaska, 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Homer, Alaska, including a west alternate from Kodiak 27 miles, 24 miles, 35 MSL, 33 miles, 55 MSL, to Homer; INT Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Big Lake, Alaska; Fairbanks, Alaska; 54 miles, 31 miles, 65 MSL, Fort Yukon, Alaska, including an east alternate from Fairbanks 54 miles, 34 miles, 65 MSL, to Fort Yukon and a west alternate: 89 miles, 52 miles 95 MSL, 27 miles 75 MSL Deadhorse, Alaska; to Barrow, Alaska.

V-440 From Seattle, Wash., Victoria, British Columbia, Canada. From Sandspit, British Columbia; 83 miles; 115 miles, 35 MSL, Biorka Island, Alaska; 31 miles, 50 miles 48 MSL, 108 miles, 20 MSL, Yakutat, Alaska; 50 miles, 105 miles, 75 MSL, Middleton Island, Alaska; 56 miles, 48 miles, 80 MSL, Anchorage, Alaska, including a south alternate from Middleton Island, 56 miles, 85 MSL INT Middleton Island 298° and Anchorage 163° radials; to Anchorage, excluding the airspace between the main and this south alternate; McGrath, Alaska; 23 miles, 54 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska; 52 miles, 51 miles, 25 MSL, Nome, Alaska. The airspace within Canada is excluded.

V-444 From Barrow, Alaska, 117 miles 12 AGL, 102 miles 95 MSL, 69 miles 12 AGL, Evansville, Alaska, NDB; Fairbanks, Alaska, including a south alternate via INT Bettles 155° and Fairbanks
397° radials; Big Delta, Alaska; Northway, Alaska; Burwash, Yukon Territory, Canada. The airspace within Canada is excluded.

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V-447 From Fairbanks, Alaska, to Chandalar Lake, Alaska, NDB.

AMENDMENTS 3/25/76 41 F. R. 4254 (Added)

V-452 From Nome, Alaska, via Moses Point, Alaska; 47 miles, 57 miles, 55 MSL, Galena, Alaska; Nenana, Alaska.

V-453 From King Salmon, Alaska, Dillingham, Alaska, including a south alternate via INT King Salmon 271° and Dillingham 120° radials; 38 miles, 60 MSL INT
Dillingham 308° and Bethel, Alaska, 143° radials; 50 miles, 60 MSL, Bethel.

AMENDMENTS 1/29/76 40 F. R. 57353 (Changed) Corr: 40 F. R. 59722

V-456 From Cold Bay, Alaska, 20 AGL King Salmon, Alaska, 053° 93 miles, 9 miles 125 MSL; INT King Salmon 053° and Kenai, Alaska, 239° radials, 46 miles 125 MSL, 10 miles 115 MSL, Kenai;
Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; Northway, Alaska.

V-462 From Cape Newenham, Alaska, NDB via Dillingham, Alaska; 35 miles, 45 MSL, 42 miles 100 MSL, 85 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage, Alaska.

V-473 From Level Island, Alaska, to Biorka Island, Alaska, via INT Level Island 277° and Biorka Island 127° radials.

V-480 From Bethel, Alaska, 105 miles, 89 miles, 55 MSL, McGrath, Alaska, 28 miles, 64 miles, 45 MSL, Nenana, Alaska; Fairbanks, Alaska.

V-481 From Johnstone Point, Alaska, via Gulkana, Alaska, including an E alternate; Big Delta, Alaska; to Fort Yukon, Alaska.

V-488 From Galena, Alaska, INT Galena 074° and Tanana, Alaska, 260° radials; Tanana, including a south alternate; Fairbanks, Alaska.

V-498 From McGrath, Alaska, 24 miles, 54 miles, 55 MSL, Galena, Alaska; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska.

V-504 From Nenana, Alaska; via Evansville, Alaska, NDB; to Deadhorse, Alaska.

V-506 From INT Kodiak, Alaska, 107° radial and northwest boundary Anchorage Oceanic Control Area at latitude 57°28" N., longitude 150°32" W.; 37 miles, 20 MSL, Kodiak; 45 miles, 68 miles, 95 MSL; King Salmon, Alaska; 51 miles, 84 miles, 70 MSL, Bethel, Alaska; 47 miles, 173 miles, 30 MSL, Nome, Alaska; 35 miles 12 AGL, 90 miles 55 MSL, 35 miles 12 AGL, Hotham, Alaska, NDB, including a west alternate; 69 miles 12 AGL, 129 miles 95 MSL, 93 miles 12 AGL, Barrow, Alaska.

V-508 From Middleton Island, Alaska, 56 miles, 58 miles, 85 MSL, Kenai, Alaska.

V-510 From McGrath, Alaska, INT McGrath 123° and Big Lake, Alaska, 294° radials; Big Lake.

V-515 From Gulkana, Alaska, via INT Gulkana 011° and Big Delta 139° radials; to Big Delta.

§71.127 **Hawaiian VOR Federal Airways.**

V-1 HAWAII From INT Upolu Point, Hawaii, 093° and Hilo, Hawaii 336° radials, INT Upolu Point 093° and Hilo 013° radials; Hilo.

V-2 HAWAII From South Kauai, Hawaii, Lihue, Hawaii, INT Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; Lanai, Hawaii, including a south alternate; INT Lanai 107° and Upolu Point, Hawaii, 305° radials; Upolu Point; INT Upolu Point 093° and Hilo, Hawaii, 336° radials; Hilo. The airspace within R-3104 is excluded.

V-3 Hawaii From INT Kamuela, Hawaii, 245° and Upolu Point, Hawaii, 211° radials, Kamuela; INT Kamuela 068° and Hilo, Hawaii, 336° radials.

V-4 HAWAII From INT Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials, 54 miles, 35 MSL, Koko Head; 15 miles, 25 MSL INT Koko Head 065° and Upolu Point, Hawaii, 002° radials.

V-5 Hawaii From Kona, Hawaii, INT Kona 338° and Maui, Hawaii, 179° radials, including a west alternate via INT Kona 323° and Maui 179° radials.

V-6 HAWAII From INT Molokai, Hawaii, 067° and Maui, Hawaii 331° radials, Maui; INT Maui 080° and Hilo, Hawaii, 336° radials; Hilo.

V-7 HAWAII From Kona, Hawaii, INT Kona 323° and Lanai, Hawaii, 140° radials; Lanai; Molokai, Hawaii.

V-8 HAWAII From INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials, Molokai; 30 miles, 25 MSL INT Molokai 067° and Upolu Point, Hawaii, 010° radials.

V-9 HAWAII From INT Lanai, Hawaii, 223° and Honolulu, Hawaii, 179° radials, 78 mi. 35 MSL, Honolulu. The airspace above FL-300 within W-321B is excluded.

V-11 HAWAII From INT Kona, Hawaii, 323° and Upolu Point, Hawaii 211° radials; Upolu Point; INT Upolu Point 349° and Maui, Hawaii, 080° radials; Maui; INT Maui 331° and Molokai, Hawaii, 091° radials; Molokai; INT Molokai 262° and Honolulu, Hawaii, 179° radials.

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V-12 HAWAII From INT Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials, 38 miles, 35 MSL, Honolulu; Koko Head, Hawaii, 14 miles, 25 MSL INT Koko Head 050° and Maui, Hawaii, 012° radials.

V-13 HAWAII From Lihue, Hawaii, INT Lihue 145° and Honolulu, Hawaii, 269° radials; INT South Kauai, Hawaii, 133° and Koko Head, Hawaii 254° radials; Koko Head, 14 miles, 25 MSL, INT Koko Head 050° and Molokai 015° radial and the Honolulu FIR/Oceanic CTA.

V-14 HAWAII From INT South Kauai, Hawaii, 271° radial and longitude 161°20'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; INT South Kauai 133° and Koko Head, Hawaii, 254° radials; Koko Head.

V-15 HAWAII From INT South Kauai, Hawaii, 288° radial and longitude 161°15'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; Honolulu, Hawaii; Koko Head, Hawaii; Molokai, Hawaii, Maui, Hawaii; INT Maui 095° and Hilo, Hawaii, 336° radials; Hilo; to INT Hilo 099° radial and the Honolulu FIR/Oceanic CTA.

V-16 HAWAII From Honolulu, Hawaii, INT Honolulu 179° and Lanai, Hawaii, 285° radial; Lanai; Upolu Point, Hawaii; INT Upolu Point 108° and Hilo, Hawaii, 013° radials; Hilo.

V-17 HAWAII From INT Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials; Maui.

V-19 HAWAII From Hilo, Hawaii, to INT Hilo 013° and Maui, Hawaii, 086° radials.

V-20 HAWAII From Honolulu, Hawaii, INT Honolulu 134° and Kona, Hawaii, 308° radials; Kona.

V-21 HAWAII From INT Honolulu, Hawaii, 179° and Lanai, Hawaii, 285° radials; Lanai; INT Lanai 107° and Hilo, Hawaii, 013° radials; to INT Upolu Point 093° radial and the Honolulu FIR/Oceanic CTA.

V-22 Hawaii From Maui, Hawaii, INT Maui 095° and Hilo, Hawaii, 321° radials; Hilo; to INT Hilo 078° radial and the Honolulu FIR/Oceanic CTA.

V-23 HAWAII From Upolu Point, Hawaii; INT Upolu Point 277° and Honolulu, Hawaii, 134° radials.

V-24 HAWAII From Lanai, Hawaii; Maui, Hawaii; to INT Maui 086° radial and the Honolulu FIR/Oceanic CTA.

V-25 HAWAII From Hilo, Hawaii, to INT Hilo 356° radial and the Honolulu FIR/Oceanic CTA.

SUBPART D - CONTINENTAL CONTROL AREA

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

R-2102 Fort McClellan, Ala.
R-2103 Fort Rucker, Ala.
R-2104A Huntsville, Ala.
R-2202A Big Delta, Alaska
R-2203A Eagle River, Alaska
R-2203B Eagle River, Alaska
R-2205 Yukon, Alaska
R-2211 Blair Lakes, Alaska
R-2301 Ajo, Arizona.
R-2303A Fort Huachuca, Arizona.
R-2303B Fort Huachuca, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.
R-2306A Yuma West, Ariz.
R-2306B Yuma West, Ariz.
R-2306C Yuma West, Ariz.
R-2307 Yuma, Arizona
R-2308A Yuma East, Ariz.
R-2308B Yuma East, Ariz.
R-2401 Fort Chaffee, Ark.
R-2402 Fort Chaffee, Ark.
R-2403A Little Rock, Ark.
R-2403B Little Rock, Ark.
R-2501N Bullion Mountains, Calif.
R-2501S Bullion Mountains, Calif.
R-2501E Bullion Mountains, Calif.
R-2501W Bullion Mountains, Calif. AMENDMENTS 11/4/76 41 F.R. 37101 (Added)
R-2502E Fort Irwin, Calif.
R-2502N Fort Irwin, Calif.
R-2503 Camp Pendleton, Calif.
R-2504 Camp Roberts, Calif.
R-2505 China Lake, Calif.
R-2507 Chocolate Mountains, Calif.
R-2508 California Complex.
R-2509 Cuddeback Dry Lake, Calif.
R-2510 El Centro, Calif.
R-2512 Holtville, Calif.
R-2513 Hunter-Liggett, Calif.
R-2515 Muroc Lake, Calif.
R-2519 Point Mugu, California
R-2521 Salton Sea, Calif.
R-2524 Trona, Calif.
R-2534A Point Arguello, Calif.
R-2534B Point Arguello, Calif.
R-2601 Fort Carson, Colo.
R-2602 Fort Carson, Colo.
R-2901A Avon Park, Fla.
R-2901B Avon Park, Fla.
R-2902A Cape Kennedy, Fla.
R-2903B Stevens Lake, Fla.
R-2907 Lake George, Fla.
R-2910 Pinecastle, Fla.
R-2914A Valparaiso, Fla.
R-2914B Valparaiso, Fla.
R-2915A Eglin AFB, Fla.
R-2915B Eglin AFB, Fla.
R-2915C Eglin AFB, Fla.
R-2918 Valparaiso, Fla.
R-2919A Valparaiso, Fla.
R-2919B Valparaiso, Fla.
R-3002F Fort Benning, Ga.
R-3004 Fort Gordon, Ga.
R-3005A Fort Stewart, Ga.
R-3005B Fort Stewart, Ga.
R-3202 Saylor Creek, Idaho
R-3401A Atterbury Reserve Forces Training Area, Ind.
R-3403 Jefferson Proving Ground, Ind.
R-3601A Brookville, Kans.
R-3602 Manhattan, Kans.
R-3701C Fort Campbell, Ky. AMENDMENTS 7/15/76 41 F. R. 29095 (Added)
R-3702A Fort Campbell, Ky. AMENDMENTS 7/15/76 41 F. R. 29095 (Added)
R-3702B Fort Campbell, Ky. AMENDMENTS 7/15/76 41 F. R. 29095 (Added)
R-3703C Fort Campbell, Ky. AMENDMENTS 7/15/76 41 F. R. 29095 (Added)
R-3704 Fort Knox, Ky.

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R-3801D Camp Claiborne, La.
R-3803A Fort Polk, La.
R-3803B Fort Polk, La.
R-3804A Fort Polk. La.
R-3804C Fort Polk, La.
R-4001A Aberdeen, Md.
R-4001B Aberdeen, Md.
R-4002 Bloodsworth Island, Md.
R-4005 Patuxent River, Md.
R-4006 Patuxent River, Md.
R-4105 No Man's Land Island, Mass.
R-4201 Camp Grayling, Mich.
R-4207 Upper Lake Huron, Mich.
R-4301 Camp Ripley, Minn.
R-4305 Lake Superior, Minn.
R-4401 Camp Shelby, Miss.
R-4501A Fort Leonard Wood West, Mo.
R-4803 Fallon, Nev.
R-4804 Twin Peaks, Nev.
R-4806 Las Vegas, Nev.
R-4810 Desert Mountains, Nevada
R-4812 Sand Springs, Nev.
R-4813 Carson Sink, Nev.
R-4816N Dixie Valley, Nev.
R-4816S Dixie Valley, Nev.
R-5103 McGregor, N. Mex.
R-5104A Melrose, N. Mex.
R-5104B Melrose, N. Mex.
R-5107A White Sands Proving Grounds, N. Mex.
R-5107C White Sands Proving Grounds, N. Mex.
R-5107D White Sands Proving Grounds, N. Mex.
R-5107E White Sands Proving Grounds, N. Mex.
R-5107F White Sands Proving Grounds, N. Mex.
R-5107G White Sands Proving Grounds, N. Mex.
R-5109A White Sands, N. Mex.
R-5109B White Sands, N. Mex.
R-5111A Elephant Butte, N. Mex. (East)
R-5111B Elephant Butte, N. Mex. (West)
R-5113 Socorro, N. Mex.
R-5201 Camp Drum, N. Y.
R-5203 Oswego, N. Y.
R-5306A Cherry Point, N. C.
R-5306B Cherry Point, N. C.
R-5306C Cherry Point, N. C.
R-5306D Cherry Point, N. C.
R-5306E Cherry Point, N. C.
R-5311B Fort Bragg, N. C.
R-5313 Long Shoal Point, N. C.
R-5314 Dare County, N. C.
R-5502 La Carne, Ohio
R-5503 Wilmington, Ohio
R-5504 Wilmington, Ohio
R-5601B Fort Sill, Okla.
R-5601C Fort Sill, Okla.
R-5601D Fort Sill, Okla.
R-5701 Boardman, Oreg.
R-6001 Fort Jackson, S. C.
R-6302A Fort Hood. Texas
R-6302B Fort Hood. Texas
R-6302C Fort Hood. Texas
R-6402 Dugway Proving Ground, Dugway, Utah
R-6404A Hill AFB Rangs South, Utah
R-6404B Hill AFB Range North, Utah
R-6404C Hill AFB Range East, Utah
R-6405 Wendover, Utah
R-6406 Wendover, Utah
R-6407 Dugway Proving Ground, Dugway, Utah
R-6413 Green River, Utah
R-6602 Camp Pickett, Va.
R-6604 Chincoteague Inlet, Va.
R-6606 Pendleton, Va.
R-6609 Tangier Island, Va.
R-6611 Dahlgren Complex, Va.
R-6613 Dahlgren Complex, Va.
R-6713C Whidbey Island, Wash.
R-6714A Yakima, Wash.
R-6714B Yakima, Wash.
R-6901 Camp McCoy, Wis.
R-6903 Sheboygan, Wis.
R-6904 Volk Field, Wis.
R-7001 Guernsey, Wyo.

AMENDMENTS 5/20/76 41 F. R. 12276 (Rewritten)
AMENDMENTS 5/20/76 41 F. R. 12276 (Rewritten)

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS

§ 71.161 **Designation of control areas associated with jet routes outside the continental control area.**
Unless otherwise specified, the airspace centered on each of the following jet route segments has a vertical extent identical to that of a Jet Route and a lateral extent identical to that of a Federal airway and is designated as a control area. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

Jet Route No. 37 From Hobby, Tex., to INT of Hobby 090° and New Orleans, La., 257° radials.

J-41 From Key West, Fla., to Tallahassee, Fla.

Jet Route No. 42 Robbinsville, N. J., to Hampton, N. Y.

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

Jet Route No. 55 from Sea Isle, N. J., to Putnam, Conn.

Jet Route No. 58 from New Orleans, La., to Sarasota, Fla.

Jet Route No. 62 From Nantucket, Mass., to the INT of the Nantucket 089° radial and the western boundary of the New York Oceanic Control Area.

Jet Route No. 63 From Kennedy, N. Y., to TUNNA INT.

Jet Route No. 79 From Ormond Beach, Fla., to Charleston, S. C.

Jet Route No. 86 From Humble, Tex., to Sarasota, Fla.

Jet Route No. 97 From Nantucket, Mass., to the INT of the Nantucket 157° radial and the western boundary of the New York Oceanic Control Area.

Jet Route No. 103 From Ormond Beach, Fla., to Savannah, Ga.

Jet Route No. 111 From Nome, Alaska, to SNOUT INT.

Jet Route No. 115, King Salmon, Alaska, to 160° W.

Jet Route No. 121: Norfolk, Va., to Hampton, N. Y.; Providence, R. I., to INT of Providence 045° and Boston, Mass., 066° radials.

Jet Route No. 122, from Galena, Alaska, to Nome, Alaska.

Jet Route No. 123, From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., to Kotzebue, Alaska.

Jet Route No. 125, From Kodiak, Alaska, to Anchorage, Alaska.

Jet Route No. 129, Nome, Alaska, to Kotzebue, Alaska.

Jet Route No. 133, From Biorka Island, Alaska, to Johnston Point, Alaska.
AMENDMENTS 1/29/76 40 F. R. 57353 (Rewritten)

Jet Route No. 150 From Robbinsville, N. J., via Hampton, N. Y.; Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials.

Jet Route No. 153 From Sea Isle, N. J., to SHADS INT.

Jet Route No. 174 From Hampton, N. Y., via Hyannis, Mass., to HERIN INT.

Jet Route No. 501, from Oakland, Calif., to Anchorage, Alaska.

Jet Route No. 502, from the United States/Canadian border to Annette Island, AK.

Jet Route No. 573 from Providence, R. I., to Kennebunk, Maine

§ 71.163 **Designation of additional control areas.**

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

Control 1141

That airspace within tangent lines from the circumference of a 5-mile radius circle centered at latitude 42° 23'23" N., longitude 70°59'10" W., to a 15-mile radius circle centered on the midway point of a direct line between latitude 42°23'23" N., longitude 70°59'10" W., and the Yarmouth, Nova Scotia, Canada,RBN to a 5-mile radius circle centered on the Yarmouth RBN and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42' 30" N., longitude 69°30'00" W.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42° 28'00" N., longitude 70°03'45" W.; thence to point of beginning; and that airspace extending upward from 2,000 feet MSL bounded by a line from: latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42° 23'45" N., longitude 70°03'45" W.; latitude 42°25'15" N., longitude 70°30'00" W.; latitude 42°26'15" N., longitude 70°30'00" W.; thence to the point of beginning; excluding the portion under the juriadiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., transition area, the portion below 2,000 feet MSL west of the 69°30'00" W., meridian of longitude and the portion below 5,500 feet MSL east of the 69°30'00" W., meridian of longitude.

Control 1142

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at latitude 42°21'30" N., longitude 70°41'25" W., to a 15-mile radius circle centered at latitude 42°02'00" N., longitude 68°00'00" W., and that airspace within lines drawn from latitude 42°16'00" N., longitude 68°00'00" W., thence to latitude 42°14'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to latitude 42°16'00" N., longitude 68°00'00" W., excluding the portion within the Boston Transition area, the airspace below 5,500 feet MSL E of longitude 68°00'00" W., and the airspace below 2,000 feet MSL W of longitude 68°00'00" W., except that airspace within the confines of Federal airways.

Control 1143

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket RBN and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

Control 1144

That airspace in the vicinity of Nantucket, Mass., within an area bounded by a line beginning at latitude 41°06'00" N., longitude 70°09'10" W., to latitude 41°25'35" N., longitude 70°09'35" W., to latitude 41°26'00" N., longitude 69°15'00" W., to latitude 41°46'00" N., longitude 68°00'00" W., to latitude 41°06'00" N., longitude 68°00'00" W., to the point of beginning, excluding the portion below 2,000 feet MSL except that airspace which lies within the confines of Federal airways.

Control 1145

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket RBN and the Kindley AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

Control 1146

That airspace within a 5 NM radius circle centered on the Nantucket, Mass., RBN and that airspace bounded by a line drawn from the tangent of the 5 NM radius circle centered on Nantucket RBN to latitude 42°05'20" N., longitude 68°00'00" W., thence to latitude 42°19'00" N., longitude 68°00'00" W., thence to latitude 43°00'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to the tangent of the 5 NM radius circle centered on the Nantucket RBN excluding that airspace outside the United States below 2,000 feet MSL W of longitude 68°00'00" W., and below 5,500 feet MSL E of longitude 68°00'00" W.

Control 1147

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N, Long. 73°45'00" W, to the circumference of a 15-mile radius circle centered at the INT of the 137° bearing from the Newark, N. J., RBN and the W boundary of the New York Oceanic Control Area, and that airspace bounded by a line beginning at latitude 40°02'15" N., longitude 73°13'45" W.; to latitude 40°05'45" N., longitude 73°09'15" W.; to latitude 39°26'35" N., longitude 72°24'25" W.; to the point of beginning. That airspace below 2,000 feet outside the confines of Federal airways is excluded.

Control 1148

That airspace within tangent lines drawn from the circumference of 5-mile radius circles centered on the Rainbow, N. J., RBN and at the INT of Rainbow RBN 135° bearing and the Atlantic Ocean-U. S. Coastline to a 15-mile radius circle centered on the INT of Rainbow RBN 135° bearing and the west boundary of the New York Oceanic Control area at latitude 37°43'00" N., longitude 73°00'00" W., and that airspace which is within 5 miles southwest of and parallel to the Sea Isle, N. J., VORTAC 134° radial, extending from Sea Isle to a point 40 miles southeast of Sea Isle. That airspace below 2,000 feet outside the United States is excluded.

Control 1149

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va.. VORTAC 088° radial at Long. 75° 32' 00" W. to the circumference of a 15-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial on the west boundary of the New York Oceanic Control Area at Lat. 36° 57' 30" N.. Long. 73° 00' 00" W.. excluding the portion below 2.000 feet MSL outside the United States.

Control 1154

That airspace extending upward from 5,000' MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from latitude 38°03'25" N., longitude 123°11'45" W.; to latitude 38°00'00" N., longitude 123°23'00" W.; to latitude 37°50'00" N., longitude 124°24'30" W.; to latitude 37°40'00" N., longitude 125°23'30" W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from latitude 38°50'00" N., longitude 126°11'05" W.; to latitude 38°52'00" N., longitude 125°52'30" W.; to latitude 39°00'00" N., longitude 123°56'30" W.; to latitude 39°02'55" N., longitude 123°22'00" W.

Control 1155

That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Luis Obispo, Calif., VORTAC 242° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U. S. coastline to the Oakland Oceanic CTA/FIR boundary.

Control 1156

That airspace extending upward from 5,000 feet MSL within 5 miles each side of the Mission Bay, Calif., VORTAC 262° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the VORTAC to its intersection with Control 1177.

Control 1169

That airspace within 5 miles either side of a line extending from the Kennedy, N. Y., VORTAC via the INT of the Kennedy VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Kennedy VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Kennedy VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1173

That airspace W of San Francisco, Calif., bounded by a line extending from latitude 37°40'00" N., longitude 125°23'30" W., to latitude 37°50'00" N., longitude 124°24'30" W., to latitude 38°00'00" N., longitude 123°23'00" W., to latitude 38°03'25" N., longitude 123°11'45" W., thence via the W edge of V-199 and V-27 to latitude 37°09'20" N., longitude 122°34'50" W., to latitude 36°16'00" N., longitude 124°26'00" W., to the point of beginning, excluding the portion below 2,500 feet MSL. The portion within W-513 is excluded between the hours of 0800 and 2000 p.s.t., Monday through Friday, and below 3,000 feet MSL within W-513 between the hours of 2000 and 0800 p.s.t., Monday through Friday.

Control 1176

That airspace extending upward from 2,000 feet MSL, within lines 5 miles each side of the Santa Barbara, Calif., VORTAC 247° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the east boundary of the Oakland Oceanic Control Area, excluding the portion east of longitude 120°30'00" W.

Control 1177

That airspace SW of Los Angeles. Calif.. bounded by a line beginning at Lat. 33°25'50" N. Long. 118°28' 50" W. thence to Lat. 33°19'00" N. Long. 118°21'45" W. thence to Lat. 32°44'30" N. Long. 119°07'00" W. thence to Lat. 31°41'00" N. Long. 120°15'00" W. thence to Lat. 31°18'40" N. Long. 121°11'30" W. thence to Lat. 31°54'00" N. Long. 121°34'30" W. thence to Lat. 32°10'45" N. Long. 120°16'15" W. thence to Lat. 32° 52'15" N. Long. 119°12'30" W. thence to point of beginning excluding the airspace below 5.000 feet MSL.

Control 1181

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

Control 1217
That airspace within tangent lines drawn from the circumference of a 5 mile-radius circle centered on the Woody Island, Alaska, RBN to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Woody Island RBN with the NW boundary of the Anchorage Oceanic Control Area. The airspace below 2,000 feet MSL outside the United States is excluded.

Control 1218
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Kachemak, Alaska, RBN to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Kachemak RBN with the NW boundary of the Anchorage Oceanic Control Area.

Control 1234
That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: latitude 58°07'00" N., longitude 160°00'00" W.; to latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'00" W.; to latitude 54°33'00" N., longitude 169°58'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; to latitude 57°46'00" N., longitude 161°46'00" W.; thence to point of beginning. The portion within R-2204 is excluded.

Control 1235
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Federal airways and the Kodiak, Alaska, transition area.

Control 1236
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°00'00" N., longitude 160°00'00" W.; to latitude 60°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483 and Control 1400.

Control 1238
That airspace extending upward from 14,500 feet MSL to FL 450 within an area bounded by a line beginning at latitude 60°57'00" N., longitude 165°17'00" W.; along the northern boundary of Control 1236 to latitude 60°17'00" N., longitude 168°42'00" W.; thence to latitude 62°35'00" N., longitude 175°00'00" W.; thence to latitude 65°00'00" N., longitude 168°58'23" W.; thence to latitude 68°00'00" N., longitude 168°58'23" W.; along the southern boundary of Control 1485 to latitude 68°00'00" N., longitude 165°30'00" W.; thence by a line 3 nautical miles from and parallel to the shoreline to the point of beginning, excluding that portion that lies within Continental Control Area, control areas, and transition areas at Nome and Kotzebue, Alaska.

Control 1310
That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VORTAC to the Middleton Island, Alaska, VORTAC, including the additional airspace between lines diverging at 4.5° angles from the centerline, extending SE from the Anchorage VORTAC and NW from the Middleton Island VORTAC and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each each side of a line extending from the Wessels, Alaska, RBN to the Sandspit, British Columbia, Canada, RBN; including that airspace between lines diverging at 5° angles from the centerline, extending southeast from the Wessels, Alaska, RBN and northwest from the Sandspit RBN, and which terminate at the intersecting points midway between Wessels and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States.

Control 1316
That airspace within 5 miles each side of the Los Angeles, Calif., VOR 264° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 264° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary, excluding the airspace below 5,000 feet MSL within W-289.

PENDING AMENDMENT
Control 1318
That airspace within 5 miles each side of the Los Angeles, Calif., VORTAC 249° radial extending from the VORTAC to the Wilba Fix (lat. 32°41'00"N., long. 122°03'00"W.) and between lines diverging at an angle of 5° from the 249° radial extending from the Los Angeles VORTAC to the Wilba Fix, excluding the airspace below 6,000 feet MSL within W-289.

AMENDMENTS 12/30/76 41 F.R. 48514 (Added)

Control 1400
That airspace within 5 miles each side of the 262° bearing from King Salmon, Alaska, LOM extending from the LOM to the Anchorage CTA/FIR boundary, and between lines diverging at an angle of 5° from the King Salmon LOM 262° bearing extending from the LOM to the Anchorage CTA/FIR boundary, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1401
That airspace within 5 miles each side of the 246° bearing from the King Salmon, Alaska, LOM extending from the LOM to long. 160°00'00" W., and between lines diverging at an angle of 5° from the King Salmon, LOM 246° bearing extending from the LOM to long. 160°00'00" W., excluding the airspace below 2,000 feet MSL outside the United States.

Control 1415
That airspace within parallel boundary lines 4 nmi each side of the Fortuna, Calif., VOR 270° radial including the additional airspace within lines diverging at angles of 4.5° from the centerline extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL W of longitude 124°30'00" W.

Control 1416
That airspace within 5 miles each side of the Fortuna, Calif., VORTAC 326° radial and the additional area between lines diverging at angles of 5° each side of the 326° radial, extending from the VORTAC to the Gateway Hemlock INT, excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

Control 1418
That airspace extending upward from 2,000 feet MSL centered on the Hoquiam, Wash., VORTAC 232° radial, 10 nmi in width at the VORTAC with each edge diverging at an angle of 5° with the centerline, extending from the VORTAC to the E boundary of the Oakland Oceanic Control Area and excluding the portion within W-460.

Control 1419
That airspace extending upward from 2,000 feet MSL within lines 5 miles each side of the Newport, Oreg., VORTAC 237° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the E boundary of the Oakland Oceanic control area, excluding the portion within the Newport, Oreg., transition area.

Control 1445
That airspace S of the United States-Canadian border and the Vancouver Flight Information Region within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL. The portion within W-601 is excluded.

Control 1483
That airspace within 5 miles each side of the 237° bearing from the Oscarville, Alaska, RBN; extending from the RBN to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the 237° bearing extending from the Oscarville RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2,000 feet MSL outside the United States.

Control 1485
That airspace extending upward from FL-230 bounded by a line beginning at latitude 68°00'00" N., longitude 168°58'23" W.; to latitude 72°00'00" N., longitude 158°00'00" W.; to latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 68°00'00" N., longitude 141°00'00" W.; to the point of beginning.

Control 1486
That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

Control 1487
That airspace extending upward from 14,500 feet MSL; to FL 450, within the area bounded by a line beginning at latitude 59°08'30" N., longitude 147°16'00" W., counterclockwise via the arc of a 172-mile radius centered on the Anchorage VORTAC to latitude 60°14'10" N., longitude 145°29'30" W., thence southeastward 3 nmi from and parallel to the U. S. coastline to latitude 54°40'00" N., longitude 132°56'00" W., thence to latitude 54°14'00" N., longitude 134°57'00" W., thence along the eastern boundary of the Anchorage Oceanic control area to the point of beginning. The portion within Control 1310 and the portion within Canada is excluded.

Barnegat, N. J.
That airspace extending upward from 2,000 feet MSL bounded on the northeast by the southwest boundary of Control 1147, on the southeast by the New York Oceanic CTA/FIR, on the southwest by the northeast boundary of Control 1148, on the northwest by the east boundary of Victor Airway 139, on the north by latitude 39° 44'00" N.

Bethany Beach, Del.
That airspace extending upward from 2,000 feet MSL bounded on the west by a line 3 nautical miles east of and parallel to the U. S. shoreline; on the northeast by the southwest boundary of Control 1148; and on the south by latitude 38°00'00" N.

Boardman, Oreg.
That airspace extending upward from 1200 AGL bounded on the northeast by the southwest edge of V-4, on the southeast and the southwest by the north edge of V-112, and on the northwest by the southeast edge of V-520; excluding the portion within Restricted Area R-5704 during its published hours of designation.

AMENDMENTS 11/4/76 41 F.R. 38762 (Added)

Bozeman, Mont.
From Bozeman, Mont., VOR, 10,700 MSL Livingston, Mont., VORTAC.

Browerville/Barter Island, Alaska
From the Browerville, Alaska, RBN, 12 AGL Lonely, Alaska, RBN; 12 AGL Oliktok, Alaska, RBN; 12 AGL Put River, Alaska, RBN; 12 AGL Barter Island, Alaska, RBN.

Brunswick, Maine
That airspace extending upward from 2,000 feet MSL W of longitude 69°30'00" W. and from 5,500 feet MSL E of longitude 69°30'00" W., bounded on the W and N by the Portland, Maine, and the Bangor, Maine, transition areas; on the E by the W boundary of the Moncton Flight Information Region; on the S by the N boundary of Control 1141; and on the SW between latitude 42°40'10" N., longitude 70°30'00" W., and latitude 42°45'00" N., longitude 70°37'00" W., by a line 3 nautical miles from and parallel to the U. S. shoreline.

Colville, Wash.
That airspace extending upward from 7,000 feet MSL bounded on the north by the United States/Canadian border, on the east by the west edge of V-112, on the south by lat. 48°00' N., and on the west by long. 119°00' W., excluding the Spokane, Wash., transition area. That airspace below 1,200 feet AGL is excluded.

AMENDMENTS 3/25/76 41 F. R. 1467 (Added)

Gulf of Mexico
That airspace extending upward from 1,200 feet MSL bounded by a line beginning at a point 3 nautical miles offshore at latitude 25°58'30" N., longitude 97°05'20" W., thence northward 3 nautical miles from and parallel to the shoreline to latitude 27°32'00" N., longitude 82°48'00" W., to latitude 27°43'00" N., longitude 83°45'30" W., to latitude 27°35'00" N., longitude 83°45'00" W., thence west along the north boundary of the Miami and Houston Oceanic Control Area to latitude 26°00'00" N., longitude 96°00'00" W., to point of beginning; excluding that airspace east of Corpus Christi, Tex., beginning at a point 3 nautical miles offshore at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97° 06'00" W., to a point 3 nautical miles offshore at latitude 27°11'20" N.

Hog Island, Va.
That airspace extending upward from 2,000 feet MSL bounded on the north by latitude 38°00'00" N.; on the northeast by the southwest edge of Control 1148; on the east by the New York Oceanic CTA/FIR; on the south by the north edge of Control 1149; on the west by longitude 75°30'00" W., and on the northwest by a line 3 nautical miles southeast of and parallel to the shoreline to the point of beginning.

Kirksville, Mo.
From Kirksville, Mo., VORTAC 12 AGL to Moline, Ill., VORTAC, and from Kirksville VORTAC 45 MSL to St. Louis, Mo., VORTAC.

Lakeview, Oreg.
That airspace extending upward from 10,500 feet MSL bounded on the north by latitude 44°00" N., on the east by a line extending from latitude 44°00" N., longitude 120°00" W., to the north edge of V-122 at longitude 119°00" W., on the south by the north edge of V-122, and on the west by the east edge of V-165.

AMENDMENTS 3/25/76 40 F. R. 59723 (Added)

Nantucket, Mass.
That airspace extending upward from 2,000 feet MSL bounded on the north by a line extending from lat. 41° 06'00" N., long. 69°55'30" W., easterly to 41°06'00" N., long. 68°00'00" W.; on the east by a line extending from lat. 41°06'00" N., long. 68°00'00" W., southerly to lat. 41°00'00" N., long. 68°00'00" W.; on the southeast by a line extending from lat. 41°00'00" N., long. 68°00'00" W. southwesterly to lat. 39°53'30" N., long. 68°57'00" W.; on the southwest by a line extending from lat. 39°53'30" N., long. 68°57'00" W. northwesterly to point of beginning.

Narragansett, R. I.
That airspace extending upward from 3,000 feet MSL bounded on the north by the south boundary of Control 1169; on the east by the southwest boundary of Control 1145, on the south by the New York Oceanic CTA/FIR, on the southwest by the northeast boundary of Control 1147, on the west by longitude 72°30'00" W., excluding those portions within the Fire Island, N. Y., South Island, N. Y., and Nantucket, Mass., transition areas.

Newport, Oreg.
That airspace extending upward from 5,000 feet MSL bounded on the north by the Vancouver Oceanic Control boundary, on the east by a line beginning at Lat. 48°30'00"N., Long. 124°44'00"W., thence extending southward 3 nautical miles west of and parallel to the shoreline, thence via the west edge of V-27W and V-27 to the Oakland ARTCC Flight Advisory Area, on the south by the Oakland ARTCC Flight Advisory Area, and on the west by the Oakland Oceanic Control boundary.

AMENDMENTS 11/4/76 41 F.R. 37099 (Added)

Olympic Peninsula, Wash.
That airspace extending upward from 5,500 feet MSL beginning at lat. 48°14' N., long. 124°45' W., to lat. 48° 00' N., long. 124°07' W., to lat. 47°38' N., long. 123°40' W., to lat. 47°15' N., long. 123°40' W., to lat. 47° 07' N., long. 124°11' W., to lat. 47°30' N., long. 124°21' W., to lat. 48°00' N., long. 124°45' W., to point of beginning. That airspace below 1,200 feet AGL is excluded.
AMENDMENTS 3/25/76 40 F. R. 59722 (Added)

Omak, Wash.
That airspace extending upward from 5500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata VOR; that airspace extending upward from 8500 feet MSL bounded on the north by the U.S./Canadian border, on the east by longitude 119°00' W., on the south by latitude 48°00' N., and on the west by a line from latitude 48°00' N., longitude 120°30' W.; to latitude 49°00' N., longitude 120°00' W., excluding that airspace below 1200 feet AGL.

Ottumwa, Iowa
From the Ottumwa, Iowa, VORTAC 12 AGL 26 miles, 50 MSL to Kansas City, Mo., VORTAC.

Patchogue, N. Y.
That airspace extending upward from 3,000 feet MSL bounded on the north by the south boundary of Control 1169, on the east by longitude 72°30'00" W., on the southwest by the northeast boundary of Control 1147; on the northwest by the east boundary of Victor Airway 139 excluding those portions within the Fire Island, N. Y., and South Island, N. Y., transition areas.

Pendleton, Va.
That airspace extending upward from 2,000 feet MSL bounded on the north by the south edge of Control 1149; on the east and southeast by the New York Oceanic CTA/FIR; on the southwest by the northeast edge of Control 1181; and on the west by longitude 75°30'00" W.

Rattlesnake, Wyo.
That airspace extending upward from 8,500 feet MSL bounded on the north by V-298S, on the east by Casper, Wyo., 1,200-foot transition area, on the south and southwest by a line 4 NM south and southwest and parallel to the Casper ILS west course and Riverton, Wyo., VOR 099° radial and on the west by the Riverton, Wyo., 1,200-foot transition area.

San Francisco, California
That airspace extending upward from 5,000 feet MSL bounded on the north by the Seattle ARTCC flight advisory area, on the east by the west edge of V-27W and V-199 to a point 3 nautical miles offshore, then via a line 3 nautical miles west of and parallel to the shoreline, on the south by the Santa Barbara Control Area and on the west by the Oakland Oceanic CTA/FIR boundary.

Santa Barbara, Calif.
That airspace extending upward from 5,000 feet MSL bounded on the northwest by a line extending from lat. 34° 30'00" N., long. 123°15'00" W., to lat. 35°26'30" N., long. 121°03'40" W., on the northeast by a line 3 nautical miles southwest of and parallel to the shoreline, on the southeast by a line 5 nautical miles southeast of and parallel to the Santa Catalina 048° and 228° true radials and the northwest boundary of Warning Area W-291, and on the southwest by the Oakland Oceanic CTA/FIR boundary.

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Sault Ste. Marie, Mich.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from the Thunder Bay, Ontario, Canada, RBN to the Sault Ste. Marie, Mich., RBN, including the additional airspace between lines diverging at 4.5° from the centerline at the Thunder Bay and Sault Ste. Marie RBNS and extending until they meet. Also that airpsace
extending upward from 1,200 feet AGL in an area bounded by a line beginning at lat. 46°48'45" N., long. 84° 33'00" W., to lat. 46°33'00" N., long. 85°01'40" W., to lat. 47°00'00" N., long. 86°25'30" W., to lat. 47°19' 40" N., long. 86°10'10" W., thence to the point of beginning. The airspace within Canada is excluded.

Sidney, Mont.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from latitude 47°41'00" N., longitude 104°06'15" W., to latitude 48°06'45" N., longitude 105°36'00" W.

South Atlantic
That airspace extending upward from 2,000 feet MSL, bounded on the south by latitude 24°00'00" N., and 27°00'00" N.; on the west and northwest by Control 1233, by a line from latitude 24°34'30" N., longitude 80°50'15" W., to latitude 24°45'45" N., longitude 80°48'15" W., and by a line 3 NM from and parallel to the shoreline; and on the northeast and east by Control 1181 and the New York and Miami Oceanic CTA/FIR.

South Florida
That airspace extending upward from 2,000 feet MSL bounded by a line beginning at lat. 27°32'00" N., long. 82° 48'00" W., thence southward 3 nautical miles from and parallel to the shoreline to lat. 24°45'40" N., long. 80° 43'20" W.; to lat. 24°00'00" N., long. 80°56'30" W.; to lat. 24°00'00" N., long. 83°10'00" W.; to lat. 27°35' 00" N., long. 83°45'00" W.; to lat. 27°43'00" N., long. 83°45'00" W.; thence to point of beginning.

Zuni, N. Mex.
From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radials.

71.165 Designation of control area extensions.
Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

Eniwetok Island
That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N., Long. 162°20'00" E).

SUBPART F - CONTROL ZONES

§ 71.171 **Designation.**
The parts of airspace described below are designated as control zones.

Abbotsford, British Columbia, Canada
That airspace within the area
bounded by a line beginning 48°57'30"N; 122°21'43"W, thence counter-clockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32"N: 122°21'43"W. to 49°02'00"N: 122°27'40"W, to 49°02'00"N; 122°33'45"W, to 48°57'30"N; 122°33'45"W, thence to the point of beginning excluding the airspace overlying the territory of Canada.

AMENDMENTS 7/29/76 41 F.R. 31524 (Rewritten)

Aberdeen, Md.
Within a 5-mile radius of the center, lat. 39°28'00"N., long. 76°10'00"W., of Phillips AAF; within 4.5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 8.5 miles northeast of the RBN. This control zone is effective from 0800 to 1630 hours, local time, Monday through Friday, excluding Federal legal holidays.

AMENDMENTS 1/2/76 41 F. R. 2 (Changed)
AMENDMENTS 5/20/76 41 F. R. 11274 (Rewritten)

Aberdeen, SD.
Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.) and within 3 miles each side of the Aberdeen VORTAC 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; within 2 miles each side of the Aberdeen VORTAC 312° radial, extending from the 5-mile radius zone to 9 miles northwest of the VORTAC.

Abilene, TX. (Municipal Airport)
Within a 5-mile radius of Abilene Municipal Airport (latitude 32°24'42" N., longitude 99°40'53" W.); within 2.5 miles west and 3 miles east of the Abilene ILS localizer north course, extending from the 5-mile radius zone to 6.5 miles north of the airport; within 2.5 miles west and 3 miles east of the Abilene ILS localizer south course extending from the 5-mile radius zone to 7.5 miles south of the airport; and within 2 miles each side of the Abilene VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Abilene, TX. (Dyess AFB), control zone.

Abilene, Tex. (Dyess AFB)
That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course; extending from the 5-mile radius zone to 8.5 miles S of the 5-mile radius zone; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile radius zone to 2 miles N of the VOR; and within 2 miles each side of the Abiline VORTAC 353° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

AMENDMENTS 12/9/75 40 F. R. 57353 (Rewritten)

Adak, Alaska
Within a 5-mile radius of the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.); within 2 miles each side of the 054° bearing from the Adak RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN, and within 2 miles each side of the Navy Adak TACAN 067° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN.

Akron, Colo.
Within a 5-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.) and within 4 miles each side of the Akron VORTAC 123° radial, extending from the 5-mile radius zone to 11 miles southeast of the VORTAC.

Akron, Ohio (Akron-Canton Airport)
Within a 5.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron Municipal Airport), control zone.

Akron, Ohio (Akron Municipal Airport)
Within a 5.5-mile radius of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 9/9/76 41 F. R. 22050 (Changed)

Alameda, Calif.
Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif., control zone.

Alamogordo, N. Mex.
Within a 5-mile radius of the Holloman Air Force Base Airport (latitude 32°51'04" N., longitude 106°06'05" W.); within 2 miles each side of the Holloman VOR 015° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the extended centerline of Runway 3 extending from the 5-mile radius zone to 4.5 miles northeast of the northeast end of Runway 3; within 2 miles each side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 4.5 miles south of the south end of Runway 15; within 2 miles each side of the extended centerline of Runway 21 extending from the 5-mile radius zone to 4.5 miles southwest of the southwest end of Runway 21; within 2 miles each side of the Holloman TACAN 349° radial extending from the 5-mile radius zone to 17.5 miles north of the TACAN; and within 2 miles each side of the VOR 350° radial extending from the 5-mile radius zone to 8 miles north of the VOR; excluding that portion within a 2-mile radius of the Alamogordo Municipal Airport (latitude 32°50'27" N., longitude 105°59'17" W.) and within a 2-mile radius of the Midway Airport (latitude 32°52'04" N., longitude 105°59'26" W.). The portion of this control zone within R-5107D extends upward to 22,000 feet MSL.
This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alamosa, Colo.
Within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.); within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of the 013° bearing from the Frontier Airlines NDB (latitude 37°26'36" N., longitude 105°51'12" W.) extending from the 5-mile radius zone to 10 miles northeast of the NDB; and within 2 miles each side of the Alamosa VORTAC 186° radial extending from the VORTAC to 10 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Albany, Ga. (Albany-Dougherty County Airport)
Within a 5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2.5 miles each side of Albany VORTAC 143° radial, extending from the 5-mile radius zone to 1 mile southeast of the VORTAC.

Albany, N. Y.
Within a 5-mile radius of the center 42°44'40" N., 73°48'15" W. of Albany County Airport, Albany, N. Y.; within 3.5 miles each side of the Albany VORTAC 354° radial extending from the 5-mile radius zone to 11.5 miles north of the VORTAC; within 4 miles each side of the Albany VORTAC 072° radial, extending from the 5-mile radius zone to 15 miles east of the VORTAC; within 2 miles each side of the extended centerline of Albany County Airport Runway 10, extending from the 5-mile radius zone to 5 miles west of the approach end of Runway 10; and within 3 miles each side of the Albany VORTAC 182° radial extending from the 5-mile radius zone to 11.5 miles south of the VORTAC.

AMENDMENTS 2/2/76 41 F. R. 4813 (Changed)

Albuquerque, N. Mex.
Within a 5-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 5.5 miles north of the airport coordinates; within 2 miles east and 3.5 miles west of the extended centerline of runway 17, extending from the 5-mile radius zone to 6 miles south of the airport coordinates; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC

AMENDMENTS 11/11/76 41 F. R. 49805 (Rewritten)

Alexandria, La. (England AFB)
That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the England RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials, extending from the 5-mile radius zone to 1.5 miles southeast of the VORTAC; within 2 miles each side of the Alexandria VORTAC 327° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles northwest of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles north of the airport; and within 2 miles each side of the extended centerline of Runway 36, extending from the 5-mile radius zone to 6.5 miles south of the airport.
This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alexandria, La. (Esler Regional Airport)
Within a 5-mile radius of Esler Regional Airport (latitude 31°23'45" N., longitude 92°17'40" W.), and within 3 miles each side of the Esler VOR 338° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR.

Alexandria, Minn.
Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC.

Alice, Tex.
That airspace within a 5-mil radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; and within 2 miles each side of the 134° bearing from latitude 27°44'20" N., longitude 98°01'46" W., extending from the 5-mile radius zone to 8 miles southeast of latitude 27°44'20" N., longitude 98°01'46" W.

Allentown, Pa.
Within a 5.5-mile radius of the center, 40°39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 042° bearing to a 103° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 103° bearing to a 209° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 209° bearing to a 291° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 042° bearing from the airport; within a 1.5-mile radius of the center, 40°34'13" N., 75° 29'19" W. of Allentown-Queen City Municipal Airport, Allentown, Pa.; within 2 miles each side of the Allentown-Bethlehem-Easton Airport localizer southwest course extending from the localizer to 1 mile northeast of the OM; within 3.5 miles each side of the Allentown VORTAC 178° and 358° radials, extending from 1 mile south to 5 miles north of the VORTAC; within 3 miles each side of the Allentown-Bethlehem-Easton Airport localizer northwest course, extending from the localizer to 8.5 miles northwest of the OM.

AMENDMENTS 7/15/76 41 F. R. 20648 (Changed) - Effective Date Changed 12/30/76 41 F. R. 27029
AMENDMENTS Effective Date Changed 11/4/76 41 F.R. 37099

Alliance, Nebr.
Within a 5-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); within 2½ miles each side of the Alliance VOR 304° radial, extending from the 5-mile radius zone to 6 miles northwest of the VOR; within 2½ miles each side of the Alliance VOR 150° radial, extending from the 5-mile radius zone to 6 miles southeast of the VOR; and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alma, Ga.
Within a 5-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.); within 3 miles each side of Alma VORTAC 146° radial, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

Alpena, Mich.
That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°04'50" N., longitude 83°33'35" W.); within 3 miles each side of the 360° bearing from the Alpena RBN, extending from the 5-mile radius to 8 miles north of the Alpena RBN; within 3 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius to 7½ miles north of the VORTAC; within 3 miles each side of the Alpena VORTAC 305° radial, extending from the 5-mile radius to 7 miles northwest of the VORTAC; and within 3 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alton, Ill.
Within a 5-mile radius of Civic Memorial Airport (latitude 38°53'30" N., longitude 90°03'00" W.); within 2½ miles each side of the 104° bearing from Civic Memorial Airport, extending from the 5-mile radius zone to 5½ miles east of the airport; and within 3 miles each side of the 009° bearing from Civic Memorial Airport; extending from the 5-mile radius zone to 7 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Altus, Okla.
Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 3.8 miles S of the 5-mile radius; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN, excluding that airspace within a 1½-mile radius of the Altus, Okla., Municipal Airport (latitude 34°41'57" N., longitude 99°20'21" W.).

Amarillo, Tex.
That airspace within a 5-mile radius of the Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Air Terminal Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

PENDING AMENDMENT
Anaheim, Calif. (Disneyland Heliport)
Within a 3-mile radius of Disneyland Heliport (latitude 33°48'40" N., longitude 117°55'30" W.), excluding that airspace within the Fullerton and Long Beach, California airport control zones. This control zone is effective during the time period of February 3, 1977 through February 12, 1977.

AMENDMENTS 2/3/77 41 F. R. 51392 (Added)

Anchorage, Alaska (Anchorage International Airport)
Within a 5-mile radius of the Anchorage International Airport (latitude 61°10'16" N., longitude 149°58'48" W.); within 2 miles each side of the Anchorage VORTAC 079° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Anchorage ILS localizer west course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.
AMENDMENTS 9/9/76 41 F.R. 32735 (Changed)

Anchorage, Alaska (Bryant AAF)
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the United States Government Flight Information Publication Supplement Alaska.

AMENDMENTS 7/15/76 41 F. R. 21183 (Rewritten)

Anchorage, Alaska (Merrill Field/Elmendorf AFB)
Within a 3-mile radius of Merrill Field (latitude 61°13' N., longitude 149°51' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15' N., longitude 149°49' W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

Anderson, Ind.
Within a 5-mile radius of Anderson Municipal Airport (lat. 40°06'30" N., long. 85°36'55" W.) and within 3.5 miles either side of the 298° bearing from Anderson Municipal Airport, extending from the 5-mile radius to 7.5 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Anderson, S. C.
Within a 5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.); within 1.5 miles each side of Electric City VORTAC 039° radial, extending from the 5-mile radius zone to 1.5 miles northeast of the VORTAC.

AMENDMENTS 7/15/76 41 F. R. 21629 (Changed)

Aniak, Alaska
Within a 5-mile radius of the Aniak Airport (latitude 61°35' N., longitude 159°32' W.); and within 2 miles each side of the 230° and 140° bearings from the Aniak RBN, extending from the 5-mile radius zone to 14 miles SW and 8 miles SE of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Ann Arbor, Mich.
Within a 5-mile radius of the Ann Arbor, Mich. Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding that portion which overlies the Detroit, Mich., Willow Run Airport control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Annette Island, Alaska
Within a 5-mile radius of the Annette Island Airport (latitude 55°02'34" N., longitude 131°34'14" W.); within 3 miles each side of the Annette Island VORTAC 170° radial, extending from the 5-mile radius zone to 12 miles south of the VORTAC, and within 2 miles each side of the Annette Island VORTAC 311° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Anniston, Ala.
Within a 5-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within 1 mile each side of the ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Appleton, Wis.
Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2½ miles each side of the 135°, 285° and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 5½ miles southeast, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Arcata, Calif.
Within a 5-mile radius of Arcata Airport (latitude 40°58'45" N., longitude 124°06'25" W.); and within 2 miles each side of the 219° bearing from the Arcata RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN.

Ardmore, Okla.
Within a 5-mile radius of Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 085° bearing from the Springton RBN extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Artesia, Miss.
Within a 5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48"N., long. 88°35'30"W.). This control zone is effective from 0530 to 2230 hours, local time, daily.

AMENDMENTS 9/9/76 41 F. R. 24882 (Added)

Asheville, N. C.
Within a 5-mile radius of Asheville Municipal Airport (lat. 35°26'04" N., long. 82°32'25" W.); within 2.5 miles each side of the 340° bearing from Broad River RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2 miles each side of Runway 16/34 extended centerlines, extending from the 5-mile radius zone to the Broad River and Biltmore RBNs.

Aspen, Colo.
Within a 5-mile radius of the Aspen-Pitkin County (Sardy Field) Airport (lat. 39°13'30" N., long. 106° 52'09" W.); within 3 miles each side of the 316° bearing from the Aspen Airport, extending from the 5-mile radius to 8.5 miles northwest of the Aspen Airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Astoria, Oreg.
Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'38" W.), within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 4.5 miles each side of the Astoria VOR 309° radial, extending from the 5-mile radius zone to 16 miles NW of the VOR.

Athens, Ga.
Within a 5-mile radius of Athens Municipal Airport (lat. 33°56'54" N., long. 83°19'37" W.); within 3 miles each side of Athens VORTAC 076° and 195° radials, extending from the 5-mile radius zone to 8.5 miles east and south of the VORTAC.

AMENDMENTS 1/29/76 40 F. R. 49095 (Changed)

Atlanta, Ga.
Within a 5-mile radius of The William B. Hartsfield Atlanta International Airport (lat. 33°38'31" N., long. 84°25'34" W.); within 2 miles each side of the Rex VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 8 localizer west course, extending from the 5-mile radius zone to the LOM.

Atlanta, Ga. (Charlie Brown County Airport)
Within a 5-mile radius of Charlie Brown County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within 2.5 miles each side of the 276° bearing from Bankhead RBN, extending from the 5-mile radius zone to 7.5 miles west of the RBN.

Atlanta, Ga. (Dobbins AFB/NAS Atlanta)
Within a 6-mile radius of Dobbins AFB/NAS Atlanta (Lat. 33°54'54"N., Long. 84°30'59"W.); within 1.5 miles each side of Dobbins TACAN 301° radial, extending from the 6-mile radius zone to 6.5 miles northwest of the TACAN; excluding the portion within the Atlanta, Ga., (Charlie Brown County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 11/4/76 41 F.R. 38760 (Rewritten)

Atlantic City, N. J.
Within a 5-mile radius of the center latitude 39°27'22" N., longitude 74°34'41" W. of NAFEC Atlantic City Airport, Atlantic City, N. J.; within 3 miles each side of the Atlantic City VORTAC 303° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 3-mile radius of the center latitude 39°21'35" N., longitude 74°27'28" W. of Atlantic City Municipal-Bader Field, Atlantic City, N J.; within 2 miles each side of the Atlantic City VORTAC 136° radial, extending from the VORTAC to the 3-mile radius zone and within 1.5 miles each side of a 283° bearing from a point latitude 39°21'43" N., longitude 74°27'46" W., extending from said point to 5.5 miles west.

Augusta, Ga.
Within a 5-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of Augusta ILS localizer south course, extending from the 5-mile radius zone to 0.5 miles north of the LOM; within a 5-mile radius of Daniel Field (latitude 33°27'55" N., longitude 82°02'25" W.); within 2 miles each side of Augusta VORTAC 135° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

Augusta, Maine
Within a 5-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine; within 3.5 miles each side of the Capital City, Maine RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the 5-mile radius zone to 10.5 miles northwest of the RBN and within 3.5 miles each side of the Augusta VORTAC 328° radial, extending from the 5-mile radius zone to 10.5 miles northwest of the VORTAC.
PENDING AMENDMENT
Augusta, Maine
Within a 5-mile radius of the center, (lat. 44°19'N., long. 69°48'W.) of Augusta State Airport, Augusta, Maine; within 4.5 miles each side of the Augusta, Maine, VORTAC 328° radial extending from the 5-mile radius zone to 12 miles northwest of the Augusta VORTAC, and within 3 miles each side of the Augusta, Maine, VORTAC 156° radial extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC.

AMENDMENTS 12/30/76 41 F. R. 27958 (Rewritten)

Aurora, Illinois
That airspace within a 5-mile radius of the Aurora Municipal Airport (latitude 41°46'20" N., longitude 88° 28'20" W.) and within 1½ miles either side of the DuPage VOR 217° radial extending from the 5-mile radius to 7½ miles NE of the Aurora Airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Austin, Tex. (Bergstrom AFB)
Within a 5-mile radius of Bergstrom AFB (latitude 30°11'45" N., longitude 97°40'35" W.); within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 5-mile radius zone to the LOM, excluding that portion within the Austin, Tex. (Robert Mueller Municipal Airport) control zone.

Austin, Tex. (Robert Mueller Municipal Airport)
Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 1.5 miles each side of the Austin VORTAC 304° radial extending from the 5-mile radius zone to 6 miles northwest of the Austin VORTAC; and within 1.5 miles each side of the Austin VORTAC 329° radial extending from the 5-mile radius zone to 6 miles northwest of the Austin VORTAC.

Baker, Oreg.
Within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.), and within 3 miles each side of the Baker VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC. This control zone is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bakersfield, CA.
Within a 5-mile radius of Meadows Field, Bakersfield, CA. (latitude 35°25'40" N., longitude 119°03'05" W.), within 1 mile each side of the Bakersfield ILS localizer northwest course, extending from the 5-mile radius zone to 11.5 miles northwest of the Bakersfield LOM and within 2 miles each side of the Bakersfield ILS localizer southeast course, extending from the 5-mile radius zone to the Bakersfield LOM.

Baltimore, Md. Baltimore-Washington International Airport
Within a 5-mile radius of the center 39°10'26" N., 76°40'12" W. of Baltimore Washington International Airport, Baltimore,
Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 304° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 304° bearing to a 125° bearing from the airport; within 3.5 miles each side of the Baltimore Washington International Airport
ILS localizer west course, extending from the 5-mile radius to 9 miles west of the localizer; within 3.5 miles each side of the centerline of Baltimore Washington International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 2 miles each side of the Baltimore Washington International Airport ILS localizer southeast
course, extending from the localizer to 4.5 miles southeast of the localizer; within 2 miles each side of the Baltimore VORTAC 314° radial, extending from the VORTAC to 10.5 miles northwest of the VORTAC.

AMENDMENTS 11/4/76 41 F.R. 33246 (Changed)

Baltimore. Md. Glenn L. Martin State Airport
Baltimore, Md. (Glenn L. Martin State Airport) Within a 5-mile radius of the center, 39°19'40"N., 76°24'57"W. of Glenn L. Martin State Airport, Baltimore, Md.; within 3 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 5 miles each side of a 17-mile radius arc of the Baltimore, Md. VORTAC, extending clockwise from the Baltimore, Md. VORTAC 030° radial to the Baltimore, Md. VORTAC 046° radial. This control zone is effective from 0700 to 2300 hours, local time, daily.
AMENDMENTS 11/4/76 41 F.R. 33246 (Changed); Corr: 41 F.R. 43134

Bangor, Maine
Within a 5-mile radius of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine; within 2.5 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; within a 1-mile radius of the center, lat. 44°53'56" N., long. 69°01'12" W. of Levant Private Landing Area, West Levant, Maine; within 3.5 miles each side of the Bangor ILS localizer southeast course, extending from the 5-mile radius zone to 11.5 miles southeast of the OM.

Bartlesville, Okla.
Within a 5-mile radius of the Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.), excluding the area north of latitude 36°46'00" N., and east of longitude 95°58'30" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Baton Rouge, La.
Within a 5-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 1 mile each side of the Baton Rouge ILS localizer southeast course extending from the 5-mile radius zone to 6.5 miles southeast of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile east of the VORTAC.

Battle Creek, Mich.
Within a 5-mile radius of Kellogg Field (latitude 42°18'31" N., longitude 85°14'57" W.) within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Beaufort, S. C.
Within a 5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 3.5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2.5 miles each side of the 042° bearing from Beaufort MCAS RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

Beaumont, Tex.
Within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.).

Beckley, W. Va.
Within a 6.5-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va., and within 3 miles each side of the Beckley VOR 284° radial extending from the 6.5-mile radius zone to 8.5 miles west of the VOR.

Bedford, Mass.
Within a 5-mile radius of Hanscom Airport (latitude 42°28'04" N., longitude 71°17'23" W.); within 2 miles each side of the Bedford ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the LOM; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 6 miles SW of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 5 extending from the 5-mile radius zone to 6 miles NE of the lift-off end of the runway; and within a 1-mile radius of Erickson Airport (latitude 42°27'50" N., longitude 71°31'00" W.).
This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Beeville, Tex.
That airspace within a 5-mile radius of NAAS Chase Field, Beeville, Tex. (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN.

Belleville, Ill.
Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

Bellingham, Wash.
Within a 5-mile radius of Bellingham International Airport (latitude 48°47'40" N., longitude 122°32'13" W.); within 2 miles each side of the Bellingham VORTAC 169° radial extending north from the 5-mile radius zone to 3 miles south of the VORTAC.

Bemidji, Minn.
Within a 5-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 1½ miles each side of the Bemidji VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC; and within 3½ miles each side of the 262° bearing from Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Benton Harbor, Mich.
Within a 5-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bethel, Alaska
Within a 5-mile radius of the Bethel Airport (latitude 60°46'54" N., longitude 161°50'05" W.); within 3 miles each side of the Bethel compass locator (ET) 023° bearing, extending from the 5-mile radius zone to 8.5 miles northeast of the compass locator; within 3 miles each side of the Bethel VORTAC 007° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; and within 3 miles each side of the Bethel VORTAC 214° radial, extending from the 5-mile radius zone to 9 miles southwest of the VORTAC.

Bettles, Alaska
Within a 5-mile radius of the Bettles Airport (latitude 66°54'57" N., longitude 151°31'31" W.); within 4 miles each side of the Evansville NDB 214° bearing extending from the 5-mile radius zone to 8.5 miles southwest of the NDB; and within 3 miles each side of the Bettles VORTAC 227° radial extending from the 5-mile radius zone to 9.5 miles southwest of the VORTAC.
This control zone is effective during dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the United States Government Flight Information Publication Supplement Alaska.

AMENDMENTS 3/25/76 41 F. R. 8337 (Changed)

Beverly, Mass. (Beverly Municipal Airport)
Within a 5-mile radius of Beverly Municipal Airport (latitude 42°35'06" N., longitude 70°55'06" W.), and within 3.5 miles each side of the 333° bearing from the Topsfield RBN, extending 8 miles northwest of the NDB. This control zone is effective from 0700 to 1900 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which, thereafter, will be continuously published in the Airmen's Information Manual.

Big Delta, AK.
That airspace within a 5-mile radius of the Allen AAF, Fort Greeley, AK., (latitude 63°59'37" N., longitude 145°43'08" W.) and within 4.5 miles each side of the Big Delta VORTAC 040° radial extending from the 5-mile radius zone to 11 miles northeast. This control zone is effective from 0600 to 2200 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Big Spring, Tex.
That airspace within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12'51" N., longitude 101° 31'24" W.); within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18'05" N., longitude 101°26'20" W.); within 2 miles each side of the Big Spring VORTAC 190° radial extending from the Webb AFB 5-mile radius zone to 1 mile S of the VORTAC; within 2 miles each side of the Big Spring VORTAC 151° radial extending from the Howard County Airport 5-mile radius zone to the VORTAC; within 3 miles each side of the Webb VORTAC 007° radial extending from the Webb AFB 5-mile radius zone to 8 miles N of the VORTAC; and within 3 miles each side of the Webb VORTAC 177° radial extending from the Webb AFB 5-mile radius zone to 8 miles S of the VORTAC. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Billings, Mont.
Within a 5-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.); within 4 miles each side of the Billings ILS west localizer course extending from the 5-mile radius zone to 8 miles west of the OM; within 3.5 miles each side of the Billings VORTAC 267° radial extending from the 5-mile radius zone to 8 miles west of the VORTAC; within 2 miles each side of the Billings VORTAC 095° radial extending from the 5-mile radius zone to 12 miles east of the VORTAC; and within 2 miles each side of the Billings ILS east localizer course extending from the 5-mile radius zone to Lockwood NDB.

Biloxi, Miss.
Within a 5-mile radius of Keesler AFB (latitude 30°24'39"N., longitude 88°55'26"W.); within 1.5 miles each side of Keesler TACAN 041° and 203° radials, extending from the 5-mile radius zone to 7 miles northeast and southwest of the TACAN; excluding the portion west of long. 89°00'00" W.
This control zone is effective from 0600 to 2300 hours, local time, daily.

AMENDMENTS 3/25/76 41 F. R. 5629 (Changed)
AMENDMENTS 9/9/76 41 F. R. 29093 (Changed)

Binghamton, N.Y.
Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'35" N., 75°58'46" W. within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

Birmingham, Ala.
Within a 5-mile radius of Birmingham Municipal Airport (latitude 33°33'50" N., longitude 86°45'30" W.); within 2 miles each side of Birmingham ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 3 miles each side of the 056° and 236° bearings from Roebuck RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

Bismarck, N. Dak.
Within a 5½-mile radius of Bismarck Municipal Airport (latitude 46°46'40" N., longitude 100°45'05" W.); and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5½-mile radius zone to 1 mile northwest of the OM.

Bloomington, Ill.
Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2½ miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 5-mile radius zone to 6½ miles northeast, east and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bloomington, Ind.
Within a 5-mile radius of Monroe County Airport (latitude 38°08'35" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VORTAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bluefield, WV.
Within a 5.5-mile radius of the center, lat. 37°17'45" N., long. 81°12'29" W., of Mercer County Airport, Bluefield, WV.; within a 7.5-mile radius of the center of the airport, extending clockwise from a 079° bearing from the airport to a 125° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 170° bearing from the airport to a 239° bearing from the airport; within 3 miles each side of the Bluefield VORTAC 047° radial, extending from the 5.5-mile radius zone to 9.5 miles northeast of the VORTAC and within 4.5 miles each side of the Bluefield VORTAC 224° radial, extending from the 5.5-mile radius zone to 17 miles southwest of the VORTAC.

Blythe, Calif.
Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

Blytheville, Ark.
Within a 5-mile radius of Blytheville AFB (lat. 35°57'50"N., long. 89°56'40"W.), within 3 miles each side of the Gosnell VOR 357° radial (lat. 35°57'03"N., long. 89°56'28"W.), extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 188° radial (lat. 35°57'23"N., long. 89°56'26"W.), extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

AMENDMENTS 7/15/76 41 F. R. 17878 (Rewritten)

Bogue, N.C.
Within a 5-mile radius of MCALF Bogue Field, N.C., (latitude 34°41'25"N., longitude 77°01'46"W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/4/76 41 F.R. 37098 (Added)

Boise, Idaho
Within a 5-mile radius of the Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'30" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial extending from the 5-mile radius zone to 12 miles northwest of the VORTAC, within 5 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius area to 12 miles southeast of the VORTAC; and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius area to 7 miles south of the VORTAC.

Boston, Mass.
Within an 8-mile radius of the Logan International Airport (latitude 42°21'55" N., longitude 71°00'05" W.).

Bowling Green, Ky.
Within a 5-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 4.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC.

Bozeman, Mont.
Within a 7-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.).

Bradford, Pa.
Within a 5-mile radius of the center 41°48'09" N., 78°38'27" W. of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the VORTAC to 10 miles southeast of the VORTAC.

Brainerd, Minn.
Within a 5-mile radius of Brainerd-Crow Wing County Airport (lat. 46°23'52"N., long. 94°08'12"W.); within 2½ miles each side of the 040° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 7 miles northeast of the airport; within 1½ miles each side of the 120° bearing from the airport extending from the 5-mile radius zone to 6 miles southeast of the airport; within 2½ miles each side of the 198° bearing from the airport extending from the 5-mile radius zone to 6 miles south of the airport; within 2½ miles each side of the 247° bearing from the airport extending from the 5-mile radius zone to 7 miles southwest of the airport; and within 1½ miles each side of the 302° bearing from the airport extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. This effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 9/9/76 41 F. R. 26567 (Rewritten)

Bremerton, Wash.
Within a 5-mile radius of Kitsap County Airport (latitude 47°29'35" N., longitude 122°45'35"W.), within 3 miles each side of the 209° bearing from the Kitsap RBN (latitude 47°29'48" N., longitude 122°45'36" W.) extending from the 5-mile radius to 8 miles SW of the RBN, and within 2 miles each side of the 028° bearing from the Kitsap RBN extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Bridgeport, Conn.
That airspace within a 5.5-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W. of the Igor J. Sikorsky Memorial Airport, Bridgeport, Conn., extending clockwise from a 008° bearing to a 058° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 058° bearing to a 276° bearing from the airport; within a 5.5-mile radius of the airport extending clockwise from a 276° bearing to a 311° bearing from the airport and within a 6-mile radius of the center of the airport extending clockwise from a 311° bearing to a 008° bearing from the airport. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Brookings, S. Dak.
That airspace within a 5-mile radius of Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 2.5 miles each side of the Brookings VOR 316° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR and within 2.5 miles each side of the Brookings VOR 118° radial extending from the 5-mile radius zone to 8.5 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Broomfield, Colo.
That airspace within a 5-mile radius of Jeffco Airport (latitude 39°54'30" N., longitude 105°06'50" W.). This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Brownsville, Tex.
That airspace overlying the United States within a 5-mile radius of Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.), within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, and within 2 miles each side of the Brownsville ILS localizer northwest course extending from the 5-mile radius zone to the OM.

Brunswick, Ga. (Malcolm-McKinnon Airport)
Within a 5-mile radius of Malcolm-McKinnon Airport (latitude 31°09'05" N., longitude 81°23'20" W.); within 1.5 miles each side of the Brunswick VOR 022° radial, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.).

Brunswick, ME.
Within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the 166° bearing of the Navy Brunswick UHF RBN (latitude 43°53'42" N., longitude 69°56'49" W.), extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of the Navy Brunswick TACAN 008° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding that airspace within a 1-mile radius of Topsham Airport, Topsham, ME., (latitude 43°56'55" N., longitude 69°59'50" W.).

Buffalo, N. Y.
Within a 5-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport, Buffalo, N. Y.; within 2 miles each side of the Greater Buffalo International Airport northeast localizer course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC excluding the portion within a 1-mile radius of Buffalo Airpark 42°51'45" N., 78°43'00" W.

Burbank, Calif.
Within a 5-mile radius of Hollywood-Burbank Airport, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), excluding the portion west of a line from latitude 34°16'00" N., longitude 118°25'55" W., to latitude 34°09'25" N., longitude 118°25'40" W., and the portion within a 1-mile radius of Whiteman Airpark, Pocoima, Calif. (latitude 34°15'35" N., longitude 118°24'45" W.).

Burley, Idaho
Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 3.5 miles each side of the Burley VORTAC 121° radial, extending from the 5-mile radius zone to 17.5 miles southeast of the VORTAC; within 3 miles each side of the Burley VORTAC 323° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; within 3 miles each side of the Burley VORTAC 301° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; and within 1.5 miles each side of the 036° bearing from the Burley Municipal Airport extending from the 5-mile radius zone to 8 miles northeast of the airport.

Burlington, Iowa
Within a 5-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); within 3 miles each side of the 293° radial of the Burlington VORTAC extending from the 5-mile radius zone to 2 miles northwest of the VORTAC.

Burlington, Vt.
Within a 7-mile radius of the center, 44°28'17" N., 73°09'13" W., of the Burlington International Airport, Burlington, Vermont.

Butte, MT.
Within a 5-mile radius of the Silver Bow County Airport, Butte, MT. (latitude 45°57'15" N., longitude 112° 29'50" W.) and within 2 miles each side of the Butte VORTAC 115° radial extending from the 5-mile radius zone to the VORTAC.

Calverton, N. Y.
Within a 5-mile radius of Peconic River Plant (Grumman) Airport, Calverton, N. Y. This control zone shall be effective from 0800 to 1730 hours, local time, Monday through Friday.

Camp Douglas, Wis.
Within a 5-mile radius of Volk Field, Camp Douglas, Wis. (latitude43°56'25" N., longitude 90°15'20" W.). and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and/or time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Camp Pendleton, Calif.
Within a 3-mile radius of Camp Pendleton, MCALF (latitude 33°18'04" N., longitude 117°21'06" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Camp Springs, Md.
Within a 5-mile radius of the center, 38°48'39" N., 76°52'02" W. of Andrews AFB, Camp Springs, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 7.5 miles north of the VORTAC; within 2.5 miles each side of the Andrews VORTAC 180° radial, extending from the VORTAC to 7 miles south of the VORTAC, excluding the portion within a 1-mile radius of the center 38°44'58" N., 76°55'58" W. of Hyde Field, Clinton, Md., excluding the west portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

Cape Girardeau, Mo.
Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 2½ miles each side of the Cape Girardeau VOR 194°, 036° and 279° radials, extending from the 5-mile radius to 6½ miles south-northeast and west of the VOR.

Carbondale, Ill.
Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.). This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Carlsbad, N. Mex.
Within a 5-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 337° and 157° radials extending from the 5-mile radius zone to 10 miles southeast of the VOR.

PENDING AMENDMENT
Carlsbad, N. Mex.
Within a 5-mile radius of Cavern City Air Terminal (lat. 32°20'14"N., long. 104°15'46"W.) and within 3.5 miles each side of the Carlsbad VOR 336° and 156° radials extending from the 5-mile-radius zone to 10 miles southeast of the VOR and 2.5 miles each side of the Carlsbad VOR 334° radial extending from the 5-mile-radius zone to 12.5 miles northwest of the VOR.

AMENDMENTS 12/30/76 41 F.R. 48513 (Rewritten)

Casper, Wyo.
That airspace within 5 miles each side of the Casper VORTAC 216° radial extending from the VORTAC to 33 miles southwest of the VORTAC and within 3 miles each side of the ILS localizer west course, extending from 1 mile east to 10 miles west of the Johnson LOM.

AMENDMENTS 11/4/76 41 F.R. 34010 (Rewritten)

Cedar City, Utah
Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N., longitude 113°05'59" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

Cedar Rapids, Iowa
Within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 3 miles each side of the Cedar Rapids VORTAC 094° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; and within 3 miles each side of the Cedar Rapids VORTAC 264° radial, extending from the 5-mile radius zone to 9 miles west of the VORTAC.

Chadron, Nebr.
Within a 5-mile radius of Chadron Municipal Airport (lat. 42°50'00" N., long. 103°05'50" W.); and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Chamblee, Ga.
Within a 5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial, extending from the 5-mile radius zone to 1 mile southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

Champaign, Ill.
Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 123°, 237° and 328° radials, extending from the 5-mile radius zone to 12 miles southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

Chandler, Ariz.
Within a 5-mile radius of Williams AFB (latitude 33°18'30" N., longitude 111°39'27" W.), within 3 miles each side of the Chandler VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles SE of the VORTAC, within 2 miles each side of the Chandler VORTAC 319° radial, extending from the 5-mile radius zone to 9 miles NW of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Chantilly, Va.
Within a 5.5-mile radius of the center, 38°56'40" N., 77°27'24" W., of Dulles International Airport; within a 6-mile radius of the center of the airport extending clockwise from a 063° bearing to a 160° bearing from the airport; within 2.5 miles each side of the Dulles International Airport runway 1R ILS localizer course, extending from the 5.5-mile radius zone to 0.5 miles north of the OM; within 2 miles each side of the extended centerline of Dulles International Airport runway 30, extending from the west end of runway 30 to 5.5 miles west and within 3.5 miles each side of the Dulles International Airport runway 19R ILS localizer course, extending from the 5.5-mile radius zone to 10 miles north of the OM.

Chanute, Kans.
Within a 5-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.).

Charleston, S. C.
Within a 5-mile radius of Charleston AFB/Municipal Airport (lat. 32°53'55" N., long. 80°02'20" W.); within 3.5 miles each side of Charleston VORTAC 018° and 332° radials, extending from the 5-mile radius zone to 10 miles north and northwest of the VORTAC; within 2.5 miles each side of Charleston VORTAC 135° radial, extending from the 5-mile radius zone to 5.5 miles southeast of the VORTAC; within 3.5 miles each side of Charleston VORTAC 211° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC.

Charleston, W. Va.
Within a 5.5-mile radius of the center, 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within a 6-mile radius of the center of the Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 2 miles each side of the extended centerline of Runway 5, extending from the 5.5-mile radius to 6.5 miles northeast of the lift-off end of Runway 5; within 1.5 miles each side of the extended centerline of Runway 14, extending from the 5.5-mile radius to 6.5 miles southeast of the lift-off end of Runway 14; within 2 miles each side of the Charleston VORTAC 081° radial, extending from the 5.5-mile radius to 2 miles east of the VORTAC; within 2 miles each side of the extended centerline of Runway 23 extending from the 5.5-mile radius to 6.5 miles southwest of the lift-off end of Runway 23 and within 2 miles each side of the extended centerline of Runway 32, extending from the 5.5-mile radius to 6.5 miles northwest of the lift-off end of Runway 32.

Charlotte, N. C.
Within a 5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'16" W.); within 3 miles each side of Charlotte VORTAC 003° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2 miles each side of Charlotte VORTAC 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the VORTAC; within 2 miles each side of Charlotte VORTAC 223° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VORTAC; within 2 miles each side of Charlotte ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM.

Charlotte Amalie, St. Thomas, V. I. (Harry S. Truman Airport)
Within a 6-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMS.

Charlottesville, VA.
Within a 5-mile radius of the center, lat. 38°08'25" N., long. 78°27'09" W., of Charlottesville-Albemarle Airport, Charlottesville, VA., and within 2.5 miles each side of the Charlottesville-Albermarle Airport ILS localizer southwest course, extending from the 5-mile radius zone to 2.5 miles northeast of the Charlottesville, Va., RBN.

AMENDMENTS 9/9/76 41 F. R. 24579 (Changed)

Chattanooga, Tenn.
Within a 5-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.); within 2 miles each side of Chattanooga ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles southwest of Daisy RBN; within 1 mile each side of Chattanooga ILS localizer south course, extending from the 5-mile radius zone to 0.5 mile north of Chattanooga VORTAC 263° radial.

Cherry Point MCAS, N. C.
The airspace within a 5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 76°53'00" W.); within 1.5 miles each side of the 316° bearing from Cherry Point RBN, extending from the 5-mile radius zone to 1.5 miles northwest of the RBN.

Chesterfield (Spirit of St. Louis), Mo.
Within a five mile radius of Spirit of St. Louis Airport (lat. 38°39'35"N., long. 90°38'45"W.); within 3½ miles each side of the 310° bearing extending from lat. 38°40'28"N., long. 90°37'40"W., to 9½ miles northwest of the coordinates; and within 5 miles each side of the coordinates 241° bearing, extending from the coordinates to 14½ miles SW of the coordinates. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/20/76 41 F. R. 17879 (Rewritten)

Cheyenne, Wyo.
Within a 5-mile radius of Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.) and within 2 miles each side of the Cheyenne ILS localizer E course, extending from the 5-mile radius zone to the OM.

Chicago, Ill. (Midway Airport)
Within a 5-mile radius of Chicago Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles each side of the Chicago Midway ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the Kedzie RBN; and within 2 miles each side of the Chicago Midway ILS localizer NW course extending from the 5-mile radius zone to the OM.

Chicago, Ill. (Meigs Airport)
Within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

Chicago, Ill. (O'Hare International Airport)
Within a 5-mile radius of O'Hare International Airport (latitude 41°58'57" N., longitude 87°54'25" W.); within 2 miles each side of the O'Hare International Airport runway 14R and 14L ILS localizer courses, extending from the 5-mile radius zone to 7 miles northwest of the airport; and within 2 miles each side of the O'Hare International Airport runway 32R and 32L ILS localizer courses, extending from the 5-mile radius zone to 7 miles southeast of the airport.

Chico, Calif.
Within a 5-mile radius of Chico Municipal Airport (lat. 39°47'45"N., long. 121°51'25"W.); within 3 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR and within 2 miles each side of the Chico Municipal Airport Runway 13 localizer northwest course extending from the 5-mile radius zone to 6.5 miles northwest of the airport, excluding the portion within a 1-mile radius of Ranchaero Airport, Chico, Calif., (lat. 39°43'10"N., long. 121°52'10"W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/20/76 41 F. R. 14883 (Rewritten)

Childress, Tex.
Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

China Lake, Calif.
Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

Chincoteague, Va.
Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles south of the VOR. This control zone is effective from 0730 to 1730 hours, local time, Monday through Friday, excluding Federal legal holidays.

Chino, Calif.
Within a 3-mile radius of Chino, Calif., Airport (lat. 33°58'30" N., long. 117°38'10" W.) and within 1.5 miles each side of the Ontario, Calif., VORTAC 303° radial, extending from the 3-mile radius area to 1 mile northwest of the VORTAC. This control zone shall be effective during the specific dates and times published in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Christiansted, St. Croix, V. I.
Within a 5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

Cincinnati, Ohio
Within a 5-mile radius of Cincinnati Municipal-Lunken Field Airport (latitude 39°06'14" N., longitude 84°25'18" W.) within 2 miles each side of Runway 20L ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; and within 1.5 miles each side of the 227° bearing from Lunken RBN, extending from the 5-mile radius zone to the RBN.

Clarksburg, WV.
Within a 5.5-mile radius of the center, lat. 39°17'44" N., long. 80°13'46" W. of Benedum Airport; within 3 miles each side of the Clarksburg VOR 219° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VOR; and within 2.5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 5.5-mile radius zone to 1 mile southwest of the OM. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

Cleveland, Ohio (Burke-Lakefront Airport)
Within a 5-mile radius of the Burke-Lakefront Airport (latitude 41°31'02" N., longitude 81°41'04" W.); within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion overlying the Cleveland, Ohio (Cleveland-Hopkins International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Cleveland, Ohio (Cleveland-Hopkins International Airport)
Within a 5-mile radius of the Cleveland-Hopkins International Airport (latitude 41°24'37" N., longitude longitude 81°50'56" W.).

Cleveland, Ohio (Cuyahoga County Airport)
Within a 5-mile radius of the Cuyahoga County Airport (latitude 41°34'00" N., longitude 81°29'30" W.); within 2½ miles each side of the 050° bearing from the Cuyahoga County RBN extending from the 5-mile radius zone to 5 miles northeast of the RBN, excluding the portion within the Cleveland, Ohio (Burke-Lakefront Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

Clinton, Okla. (Clinton-Sherman Airport)
Within a 5-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longtiude 99°12'00" W.), and within 2 miles each side of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from 7 miles north to 6 miles south of the ends of the runways. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Clovis, N. Mex.
Within a 6-mile radius of Cannon AFB, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 040° radial extending from the 6-mile radius zone to 9.5 miles northeast of the TACAN; within 2 miles each side of a 045° bearing from latitude 34°18'45" N., longitude 103°24'32" W., extending from the 6-mile radius zone to latitude 34°18'45" N., longitude 103°24'32" W.; within 2 miles each side of the Cannon AFB TACAN 230° radial extending from the 6-mile radius zone to 9.5 miles southwest of the TACAN, and within 2 miles each side of the Cannon AFB TACAN 232° radial extending from the 6-mile radius zone to 7 miles southwest of the TACAN. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Cocoa (Patrick AFB), FL.
Within a 5-mile radius of Patrick AFB (lat. 28°14'21" N., long. 80°36'28" W.). This control zone is effective from 0700 to 2300 hours, local time, daily.

Cody, Wyo.
Within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), and within 1.5 miles each side of the Cody, Wyo., VOR 202° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Cold Bay, Alaska
Within a 5-mile radius of the Cold Bay Airport (lat. 55°12'06" N., long. 162°43'28" W.); within 3 miles each side of the 339° bearing from the Cold Bay LOM, extending from the 5-mile radius zone to 10.5 miles north of the LOM, and within 5 miles west and 2.5 miles east of the Cold Bay VORTAC 150° radial, extending from the 5-mile radius zone to 18 miles south of the VORTAC.

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22'00" W.), within 2 miles each side of the College Station VOR 287° radial extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the College Station VOR 307° radial extending from the 5-mile radius zone to 9 miles northwest of the VOR, and within 2 miles each side of the College Station VOR 107° radial extending from the 5-mile radius zone to 10 miles east of the VOR.

Colorado Springs, Colo.
Within a 6-mile radius of City of Colorado Springs Municipal Airport, Colorado Springs, Colo., (latitude 38°48'35" N., longitude 104°42'20" W.); within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile radius zone to the VORTAC.

AMENDMENTS 1/21/76 41 F. R. 3074 (Changed)

Colorado Springs, Colo.
Within a 3-mile radius of USAF Academy Airstrip (latitude 38°58'15" N., longitude 104°49'00" W.). This control zone is effective from sunrise to 30 minutes after sunset.

Columbia, Mo. (Regional Airport)
Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.).

Columbia, S. C.
Within a 5-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W.); within 2 miles each side of Columbia ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

Columbus, Ga. (Columbus Metropolitan Airport)
Within a 5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55"N., long. 84°56'25" W.); within 1.5 miles each side of Columbus ILS localizer northeast course, extending from the 5-mile radius zone to the intersection of the Columbus VOR 102° radial; within 1.5 miles each side of Columbus VOR 149° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR; within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 6 miles southwest of the runway end; within 2 miles each side of Runway 12 extended centerline, extending from the 5-mile radius zone to 6 miles northwest of the runway end.

Columbus, Ga. (Lawson AAF)
Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from Lawson RBN, extending from the 5-mile radius zone to 6.5 miles southwest of the RBN; within 2 miles each side of Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM; excluding the portion within Columbus Metropolitan Airport control zone.

Columbus, Miss.
Within a 5-mile radius of Columbus AFB, Miss. (latitude 33°38'38" N., longitude 88°26'39" W.); within 1.5 miles each side of the ILS localizer northwest course, extending from the 5-mile radius zone to 5 miles northwest of the runway end; within 1.5 miles each side of the Caledonia TACAN 141° and 312° radials, extending from the 5-mile radius zone to 6.5 miles southeast and northwest of the TACAN.

This control zone is effective from 0600 to 1800 hours, local time, Monday thru Thursday; 0600 to 2000 hours, local time, Friday; 0900 to 1600 hours, local time, Saturday; 1000 to 1600 hours, local time, Sunday; and closed on Federal Holidays.
AMENDMENTS 7/15/76 41 F. R. 16794 (Changed)
AMENDMENTS 11/4/76 41 F.R. 36016 (Changed)

Columbus, Nebr.
Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'49" N., longitude 97°20'31" W.); and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending to 10.5 miles northwest of the VOR, and within 3.5 miles each side of the Columbus VOR 152° radial, extending to 10.5 miles southeast of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

AMENDMENTS 1/29/76 40 F. R. 57785 (Rewritten)

Columbus, OH. (Bolton Field)
Within a 3-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°08'12" W.) and 2 miles either side of the 213° bearing from the airport extending from the 3-mile radius to 4 miles southwest of the airport excluding a 1-mile radius of Columbus Southwest Airport (latitude 39°54'45" N., longitude 83°11'00" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, therefore, be continuously published in the Airman's Information Manual.

Columbus, Ohio (Lockbourne AFB)
Within a 5.5-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within 1.5 miles each side of the Lockbourne TACAN 042° radial, extending from the 5.5-mile radius zone to 7 miles northeast of the TACAN; within 1.5 miles each side of the Lockbourne TACAN 229° radial, extending from the 5.5-mile radius zone to 6 miles southwest of the TACAN; within a 1.5-mile radius of center, lat. 39°53' 11" N., long. 82°57'53" W. of South Columbus Airport, Columbus, Ohio.

Columbus, Ohio (Ohio State University Airport)
Within a 5-mile radius of the Ohio State University Airport (latitude 40°04'40" N., longitude 83°04'30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile radius zone to 8½ miles west and east of the airport, excluding that portion within the Columbus, Ohio (Port Columbus International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Columbus, Ohio (Port Columbus International Airport)
Within a 6-mile radius of the center lat. 39°59'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within 2 miles each side of the 094° bearing from the Grandview LOM, extending from the 6-mile radius zone to 2 miles east of the Grandview LOM and within a 1-mile radius of the center, lat. 39° 55'00" N., long. 82°54'00" W. of Price Field, Columbus, Ohio, excluding the portion that coincides with the Columbus, Ohio (Lockbourne AFB), control zone.

Concord, Calif.
Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.), within 2 miles each side of the Concord VOR 188° radial extending from the 3-mile radius zone to the VOR, effective from 0700 to 2300 hours, local time daily.

Concord, N. H.
Within a 5-mile radius of the center, 43°12'16" N., 71°30'07" W., of Concord Municipal Airport, Concord, New Hampshire; within 1.5 miles each side of the 337° bearing from the Epson, New Hampshire, NDB, 43°07'05" N., 71° 27'13" W., extending from the 5-mile radius zone to the Epson NDB.

Cordova, Alaska
Within a 5-mile radius of the Cordova (mile 13) airport, latitude 60°29'33" N., longitude 145°28'36" W.; within 2 miles each side of the 233° bearing from the Cordova (CDV) NDB extending from the 5-mile radius zone to the intersection of the 233° bearing from the Cordova (CDV) NDB and the Hinchinbrook, Alaska, RBN 106° bearing and within
2 miles each side of the Cordova localizer east course extending from the 5-mile radius zone to 10 miles east of the localizer.

Corpus Christi, Tex.
Within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 202° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the 5-mile radius zone to the OM.

Corpus Christi, Tex. (NALF Cabaniss Field)
Within a 5-mile radius of NALF Cabaniss Field (latitude 27°42'06" N., longitude 97°26'17" W.) excluding that airspace designated as the Corpus Christi (CRP) and Navy Corpus Christi (NGP) control zones. This control zone will be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
Effective hours, local time, will be: 0600-2200 Monday through Friday.

Corpus Christi NAS, Tex.
Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing extending from the 5-mile radius zone to the RBN;
within 2 miles each side of the Navy Corpus TACAN 326° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 119° radial, extending from the 5-mile radius zone to 6 miles southeast of the TACAN.

Cortez, Colo.
Within a 5-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.) and within 3 miles each side of the Cortez VOR 210° and 004° radials, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Cotulla, Tex.
That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99° 13'05" W.) and within 2 miles each side of the Cotulla VOR 266° radial extending from the 3-mile radius zone to 11 miles west of the VOR.

Covington, Ky.
Within a 5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 1.5 miles each side of Runway 36 ILS localizer south course, extending from the 5-mile radius zone to the LOM.

Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 1.5 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius zone to 5.5 miles south of the VORTAC.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Crestview, Fla.
Within a 5-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.); within 1.5 miles each side of Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5-mile east of the VORTAC.

Crossville, Tenn.
Within a 5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.) and within 2 miles each side of the Hinch Mountain VORTAC 334° radial extending from the 5-mile radius zone to 1.5 miles northwest of the VORTAC.

Crows Landing, Calif.
Within a 5-mile radius of NALF Crows Landing (latitude 37°24'35"N., longitude 121°06'40"W.) excluding the portion within a 1-mile radius of Patterson Field, Patterson, California (latitude 37°28'05"N., longitude 121°10'06"W.) This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

AMENDMENTS 11/4/76 41 F.R. 38761 (Added)

Cut Bank, Mont.
Within a 5-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 3½ miles each side of the Cut Bank VORTAC 150° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

Dalhart, Tex.
That airspace within a 5-mile radius of Dalhart Municipal Airport latitude 36°01'10" N., longitude 102°33'10" W.).

Dallas, Tex. (Addison Airport)
That airspace within a 5-mile radius of Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.); and within 2 miles each side of the Addison VOR 334° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR; excluding the portion S of a line from latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., to latitude 32°54'00" N., longitude 96°46'30" W.
This control zone is effective from 0600 to 2200 hours, local time, daily.

Dallas, Tex. (Love Field)
That airspace bounded by a line beginning at latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°56'30" N.; thence clockwise along the arc of a 5-mile radius circle centered at Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.) to latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., and continuing southeast along a line to latitude 32°54'00" N., longitude 96°46'30" W. until interception of the arc of a 5-mile radius circle centered at Addison Airport, southeast of Addison Airport; then clockwise along the arc of the 5-mile radius centered at Addison Airport to interception with and then clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to longitude 96°49'30" W., southeast of Love Field; thence south along longitude 96°49'30" W. to and counterclockwise along the arc of a 5-mile radius circle centered at Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.) until interception with and then northeast along a line drawn between latitude 32°39'35" N. longitude 96°54'15" W., and longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field, southwest of Love Field; thence clockwise along the arc of a 5-mile radius circle centered at Love Field to latitude 32°49'40" N., west of Love Field, to point of beginning; within 2 miles each side of the Love Field runway 31L ILS localizer southeast course, extending from the Love Field 5-mile radius zone to the OM; and excluding that airspace within the Dallas-Fort Worth, Tex. (Regional Airport), control zone.

Dallas, Tex. (NAS Dallas)
Within a 6-mile radius of NAS Dallas (lat. 32°44'00" N., long. 96°58'05" W.); within a 5-mile radius of Redbird Airport (lat. 32°40'50" N., long. 96°52'00" W.); excluding the portion within the Dallas-Fort Worth, Tex. (Regional Airport), and Dallas, Tex. (Love Field), control zones; and excluding the portion east of a line from latitude 32°37'00" N., longitude 96°56'00" W., to latitude 32°39'35" N., longitude 96°54'15" W., to latitude 32°48'00" N., longitude 96°53'45" W.

Dallas, Tex. (Redbird Airport)
That airspace within a 5-mile radius of Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.); and within 3.5 miles each side of the 165° bearing from the Redbird RBN extending from the 5-mile radius zone to 10 miles south of the RBN; excluding the portion west of a line from latitude 32°37'00" N., longitude 96° 56'00" W., to latitude 32°39'35" N., longitude 96°54'15" W., to latitude 32°48'00" N., longitude 96°53'49" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dallas-Fort Worth, Tex., Regional Airport
Within a 5-mile radius of Dallas/Fort Worth Regional Airport (lat. 32°53'53" N., long. 97°02'24" W.); within 2.5 miles west and 3.5 miles east of the runway 17R/35L ILS localizer courses extending from the 5-mile radius zone to the OMs, and within 2.5 miles each side of the runway 31 ILS localizer course extending from the 5-mile radius zone to the OM.

Danbury, Conn.
Within a 5-mile radius of the center latitude 41°22'15" N., longitude 73°29'00" W., of the Danbury Airport, Danbury, Conn., and within 2 miles each side of the Carmel VORTAC 038° radial extending from the 5-mile radius area to the Carmel VORTAC.
Within 2.5 statute miles each side of a 262° magnetic bearing from a point 41°25'05"N., 73°18'45"W., extending from the 5 statute mile radius zone to 3 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 41°19'22"N., 73°39'19"W., extending from the 5 statute mile radius zone to 3 statute miles east of said point.
This control zone is effective from 0700 to 2300 local time daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airmen's Information Manual.

AMENDMENTS 3/25/76 41 F. R. 5091 (Changed) CORR: 41 F. R. 11812

Danville, Ill.
That airspace within a 5-mile radius of Vermillion County Airport (lat. 40°11'54" N., long. 87°35'49" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Danville, Va.
Within a 5-mile radius of the center, lat. 36°34'30" N., long. 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 1.5 miles each side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., extending from said point to 5 miles north. This control zone is effective from 0600 to 2200 hours, local time, daily.

Davenport, Iowa
Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dayton, Ohio (James M. Cox-Dayton Municipal)
Within a 5-mile radius of the center, 39°53'57" N., 84°12'45" W. of James M. Cox-Dayton Municipal Airport. Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°54'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

Dayton, OH. (Wright-Patterson AFB)
Within a 5-mile radius of Wright-Patterson AFB (latitude 39°49'25" N., longitude 84°02'55" W.); within a 6-mile radius of the Springfield Municipal Airport (latitude 39°50'22" N., longitude 83°50'21" W.); within 3 miles each side of the 055° bearing from the airport extending from the 6-mile radius zone to 9 miles northeast and within 3 miles each side of the 243° bearing from the airport extending from the 6-mile radius zone to 8.5 miles southwest.

Daytona Beach, Fla.
Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.); within a 5-mile radius of Municipal Airport, Ormond Beach, Fla. (lat. 29°18'00" N., long. 81°06'49" W.); within 5 miles each side Ormond Beach VORTAC 256° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

Deadhorse, Alaska
Within a 5-mile radius of the Deadhorse Airport (latitude 70°11'40" N., longitude 148°28'05" W.); within a 5-mile radius of the Prudhoe Bay Airport (latitude 70°15'05" N., longitude 148°20'13" W.); within 3.5 miles each side of the Deadhorse VOR 255° radial extending from the 5-mile radius zone to 9.5 miles W of the VOR; within 3.5 miles each side of the Deadhorse VOR 081° radial extending from the 5-mile radius zone to 8.5 miles E of the VOR; within 3 miles each side of the Prudhoe Bay NDB 075° bearing extending from the 5-mile radius zone to 8.5 miles E of the NDB; and within 3 miles each side of the Prudhoe Bay NDB 259° bearing extending from the 5-mile radius zone to 8.5 miles W of the NDB.

Decatur, Ill.
Within a 5-mile radius of Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Del Rio, Tex.
Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.) within 3 miles each side of the Laughlin VORTAC 305° radial extending from the 5-mile radius zone to 7 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 315° radial extending from the 5-mile radius zone to 14 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Deming, N. Mex.
Within a 5-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

Denver, Colo.
Within a 9-mile radius of Stapleton International Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 4 miles each side of the Buckley ANGB VOR 152° radial extending from the 9-mile radius zone to 14 miles southeast of the VOR, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

Des Moines, Iowa
Within a 5-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'27" W.); and within 1 mile each side of the Des Moines ILS localizer northwest course, extending from the 5-mile radius zone to 11½ miles northwest of the OM.

Detroit, Mich.
Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

Detroit, Mich. (Metropolitan Wayne County Airport)
Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'07" N., longitude 83°20'55" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

Detroit, Mich. (Willow Run Airport)
Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

Devils Lake, N. Dak.
Within a 5-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54' 30" W.); within 3½ miles each side of the Devils Lake VORTAC 134° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 3½ miles each side of the Devils Lake VORTAC 324° radial extending from the 5-mile radius zone to 10 miles northwest of the VORTAC; and within 3 nautical miles each side of the 026° bearing from the Devils Lake Municipal Airport extending from the 5-mile radius zone to 7 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dickinson, N. Dak.
Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile radius area to 8 miles north of the VORTAC.

Dillingham, Alaska
Within a 5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); within 2 miles each side of the Dillingham VORTAC 025° radial extending from the 5-mile radius zone to 13.5 miles northeast of the Dillingham VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 5-mile radius zone to 9 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U. S. Government Flight Information Publication, Supplement Alaska.

Dodge City, Kans.
Within a 5-mile radius of Dodge City Municipal Airport (latitude 37°45'42" N., longitude 99°57'51" W.).

Dothan, Ala.
Within a 5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 4.5 miles each side of Dothan VORTAC 157° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VORTAC; within 3.5 miles each side of Dothan VORTAC 331° radial, extending from the 5-mile radius zone to 7.5 miles NW of the VORTAC.

Douglas, Ariz.
Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36' 10" W.) and within 2 miles each side of the Douglas VORTAC 333° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC.

Dover, Del.
Within a 5-mile radius of the center, lat. 39°07'30" N., long. 75°28'00" W. of Dover AFB, Dover, Del.; within 3 miles each side of the Dover TACAN 178° radial, extending from the 5-mile radius zone to 6.5 miles south of the TACAN; within 3 miles each side of the Dover TACAN 012° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN; within 3 miles each side of the Dover TACAN 132° radial, extending from the 5-mile radius zone to 6.5 miles southeast of the TACAN.

Du Bois, Pa.
Within a 5-mile radius of the center, 41°10'42" N., 78°53'50" W., of Du Bois-Jefferson County Airport, Du Bois, Pa.; within 3 miles each side of the Du Bois-Jefferson County Airport ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM; and within 2.5 miles each side of the Clarion, Pa., VORTAC 086° radial, extending from the 5-mile radius zone to 23 miles east of the Clarion, Pa., VORTAC.

Dubuque, Iowa
Within a 5-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'25" W.); within 3 miles each side of the Dubuque VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; and within 3 miles each side of the Dubuque VORTAC 126° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; within 3 miles each side of the Dubuque VORTAC 182° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Duluth, Minn.
Within a 6.5-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); and within 3 miles each side of the Duluth VORTAC 197° radial extending from the 6.5-mile radius zone to 11 miles south of the VORTAC.

Durango, Colo.
Within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.) and within 3 miles each side of the Durango VOR 224° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dyersburg, Tenn.
Within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 1.5 miles each side of the Dyersburg VORTAC 258° radial, extending from the 5-mile radius zone to the VORTAC, effective from 0600 to 2200 hours local time daily.

Eagle, Colo.
That airspace within a 3.5-mile radius of the Eagle County Airport (latitude 39°38'18" N., longitude 106° 54'51" W.) and within 3 miles north and 2.5 miles south of the 093° bearing from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'36" W.), extending from the 3.5-mile radius zone to 6 miles east of the RBN.

Eastover, S. C.
Within a 5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 2 miles each side of McEntire ANG TACAN 138° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

East St. Louis, Ill.
Within a 5-mile radius of the Bi State Parks Airport (latitude 38°34'30" N., longitude 90°10'00" W.) and within 3 miles each side of the 129° bearing from the airport extending from the 5-mile radius area to 8 miles southeast. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Eau Claire, Wis.
Within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); within 2½ miles each side of the 304° bearing from Eau Claire Municipal Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport; within 2½ miles each side of the 041° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 274° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles west of the airport.

Edwards AFB, Calif.
Within an 8-mile radius of Edwards AFB (latitude 34°54'20"N., longitude 117°52'58"W.).

AMENDMENTS 3/4/76 41 F. R. 9301 Rewritten

Eglin AFB, Fla.
Within a 5-mile radius of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.); within 1 mile each side of the ILS localizer southeast course, extending from the 5-mile radius zone to 4.5 miles southeast of the runway end; within
a 3-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); within 2 miles each side of the extended centerline of runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

Eglin AF Aux No. 3 (Duke Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 3 (Duke Field); (latitude 30°39'01" N., longitude 86°31'25" W.). The portion within a 5-mile radius of Bob Sikes Airport (latitude 30°46'47" N., longitude 86°31'21" W.) is excluded. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Eglin AF Aux No. 9 (Hurlburt Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within 2 miles each side of the Eglin VOR 285° radial, extending from the 5-mile radius zone to 1 mile west of the VOR; excluding the portion within Eglin AFB control zone.

El Centro, Calif.
Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the Imperial VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC. and within 2 miles each side of the Imperial VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.

El Dorado, Ark.
That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'45" W.).

Elizabeth City, N. C.
Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 188° radial, extending from the 5-mile radius zone to 10 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective from 0700 to 2200 hours, local time, daily.

Elkhart, Ind.
Within a 5-mile radius of the Elkhart Municipal Airport (latitude 41°43'11" N., longitude 85°59'41" W.), within 2 miles each side of the 264° bearing from the airport extending from the 5-mile radius zone to 8 miles west, excluding that airspace within a 1-mile radius of the Mishawaka Pilots Club Airport (latitude 41°39' 25" N., longitude 86°02'05" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Elkins, W. Va.
Within a 5-mile radius of the center, lat. 38°53'20" N., long. 79°51'24" W. of Elkins-Randolph County-Jennings Randolph Field,
Elkins, W. Va., and within 3 miles each side of the 011° bearing from the Randolph County RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN. This control zone is effective from sunrise to sunset, daily.

Elko, Nev.
Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W).

Elmira, N.Y.
Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W.; within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 10 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 28 extended westerly from the 5-mile radius zone for 4 miles.

El Monte, Calif.
Within a 3-mile radius of El Monte Airport (latitude 34°05'05" N., longitude 118°02'00" W.) and within 2 miles each side of the Pomona VORTAC 271° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

El Paso, Tex.
That airspace bounded by a line beginning at latitude 31°45'45" N., longitude 106°27'43" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°49'46" N., longitude 106°28'34" W.; thence clockwise along the arc of a 6-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°55'12" N., longitude 106°26'00" W.; to latitude 31°56'20" N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican border to point of beginning.

El Toro, CA.
Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 3.5 miles west and 3 miles east of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles south of the VOR, excluding the portions within the Santa Ana, CA, (Orange County), and Santa Ana (MCAS), CA., control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Emporia, Kansas
Within a 5-mile radius of the Emporia Kansas Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.); and 1.5 miles either side of the 010° bearing from the airport extending from the 5-mile radius to 6 miles north.

Enid, Okla.
That airspace within a 5-statute-mile radius of Vance AFB (latitude 36°20'20"N., longitude 97°55'00"W.) and within 3 statute miles west and 3 statute miles east of the Vance VORTAC (latitude 36°20'43"N., longitude 97°55'04"W.) 178.5 radial extending from the 5-statute-mile radius zone to the 7 DME fix; and within 4 statute miles west and 5 statute miles east of the Vance VORTAC 358.5° radial extending from the 5-statute-mile radius zone to the 6 DME fix; and within a 5-statute-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45"N., longitude 97°47'30"W.) and within 2 statute miles each side of the Woodring VOR (latitude 36°22'26"N., longitude 97°47'17"W.) 354.5° radial, extending from the 5-statute-mile radius zone to 8 statute miles north of the VOR; and within 2 statute miles east and 4 statute miles west of the Woodring VOR 184.5° radial, extending from the 5-statute-mile zone to 8 statute miles south of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

AMENDMENTS 12/11/75 40 F. R. 57666 (Rewritten)
AMENDMENTS 5/20/76 41 F. R. 9301 (Rewritten)

Ephrata, Wash.
Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.) and within 3 miles each side of the Ephrata VORTAC 043° and 223° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC. This control zone is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continously published in the Airman's Information Manual.

Erie, Pa.
Within a 5-mile radius of the center, lat. 42°04'53" N., long. 80°10'43" W. of Erie International Airport, Erie, Pa.; within a 6-mile radius area of the center of the airport, extending clockwise from a 060° bearing to a 235° bearing from the airport; within a 9.5 mile radius of the center of the airport, extending clockwise from a 090° bearing to a 175° bearing from the airport; within 3.5 miles each side of the Erie ILS localizer NE course extending from the 5-mile radius area to 8 miles NE of the OM.

Escanaba, Mich.
Within a 5-mile radius of Delta County Airport (latitude 45°43'25" N., longitude 87°05'56" W.); within 3 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east and west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Eugene, Oreg.
Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.), within 3 miles each side of the Eugene VORTAC 008° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2.5 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 9 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Evansville, Ind.
Within a 5-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°32'00" W.); and within 2 miles each side of the Evansville ILS localizer northeast course, extending from the 5-mile radius zone to 1 mile southwest of the OM.

Everett, Wash.
Within a 5-mile radius of the Snohomish County Airport (Paine Field), Wash. (latitude 47°54'40" N., longitude 122°16'50" W.), and within 3 miles each side of the Paine VOR 356° radial, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fairbanks, Alaska (Eielson AFB)
Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson localizer S course extending from the 5-mile radius zone to the Eielson outer marker; and within 2 miles SW and 3 miles NE of the Eielson TACAN 324° radial extending from the Eielson 5-mile radius zone to 6 miles NW of the TACAN.

Fairbanks, Alaska (Fairbanks International/Fort Wainwright AAF)
Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Fort Wainwright AAF (latitude 64°50'13" N., longitude 147°36'52" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to the outer marker; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 5 miles SW of the localizer antenna (latitude 64°48'11" N., longitude 147°53'01" W.); and within 2 miles each side of the Chena, Alaska, RBN 089° bearing, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RBN.

Fairfield, Calif.
Within a 5-mile radius of Travis AFB, Fairfield, Calif. (latitude 38°15'45" N., longitude 121°55'35" W.), and within 2 miles each side of the Travis VOR 229° radial, extending from the 5-mile radius zone NE to the VOR and 18 miles SW of the VOR.

Fairmont, Minn.
Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 2½ miles each side of the 132° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles southeast of the airport, and within 2½ miles each side of the 319° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fallon, Nev.
Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 139° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

Falmouth, Mass.
Within a 5-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within 2 miles each side of the extended centerline of Runway 5, extending from the 5-mile radius zone to 6 miles NE of the end of Runway 5; within 2 miles each side of the Otis TACAN 030° radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 5 miles SE of the end of Runway 14; within 2 miles each side of the Otis TACAN 139° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the extended centerline of Runway 23, extending from the 5-mile radius zone to 5 miles SW of the end of Runway 23; within 2 miles each side of the Otis TACAN 224° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN; within 2 miles each side of the extended centerline of Runway 32, extending from the 5-mile radius zone to 5 miles NW of the end of Runway 32; within 2 miles each side of the Otis TACAN 299° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Farewell, Alaska
Within a 5-mile radius of the Farewell Airport (latitude 62°30'30" N., longitude 153°52'30" W.); and within 3.5 miles each side of the 306° bearing from the Farewell RBN extending from the 5-mile radius zone to 8.5 miles northwest of the RBN. This control zone is effective from 0745 to 1545 local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication, Supplement Alaska.

Fargo, N. Dak.
Within a 7-mile radius of Hector Field (lat. 46°54'57" N., long. 96°48'53" W.); and within 2 miles each side of the Fargo VORTAC 009° radial, extending from the 7-mile radius zone to the VORTAC.

Farmingdale, N. Y.
Within a 5-mile radius of Republic Airport, Farmingdale, N. Y., (latitude 40°43'45" N., longitude 73°24'50" W.), extending clockwise from 065° bearing to the 270° bearing and within a 6-mile radius extending clockwise from the 270° to the 065° bearing from the airport. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

Farmington, N. Mex.
Within a 5-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.); and within 3 miles each side of the Farmington VORTAC 086° and 267° radials extending from the 5-mile radius zone to 8 miles east of the Farmington, N. Mex., VORTAC.

Fayetteville, Ark.
Within a 5.5-mile radius of Drake Field (latitude 36°00'13" N., longitude 94°10'12" W.), within 3 miles each side of the Drake VOR 325° radial extending from the 5.5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the Fayetteville ILS localizer north course 349° bearing extending from the 5.5-mile radius zone to 11.5 miles north of the localizer site (latitude 35°59'37.5" N., longitude 94°10'02" W.).

Fayetteville, NC.
Within a 5-mile radius of Fayetteville Municipal Airport (Grannis Field) (lat. 34°59'22" N., long. 78°52'52" W.); within 3 miles each side of Fayetteville VOR 015°, 080° and 233° radials, extending from the 5-mile radius zone to 8.5 miles north, east, and southwest of the VOR; excluding the portion within Simmons AAF control zone.

Findlay, OH.
Within a 5-mile radius of the Findlay Airport (latitude 41°00'40" N., longitude 83°40'30" W.) excluding that portion within a 1-mile radius of the Lutz Airport (latitude 40°57'42" N., longitude 83°35'43" W.) within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles south of the airport; within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles northeast of the airport; within a 6-mile radius of Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) and within 2 miles each side of the Findlay VORTAC 231° radial extending from the 5-mile radius zone to the Findlay, OH, Airport 5-mile radius zone.

Flagstaff, Ariz. (Pulliam Airport)
Within a 7-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'12" W.) and within 2 miles each side of the Flagstaff VOR 127° radial, extending from the 7-mile radius zone to 10 miles southeast of the VOR.

Flint, Mich.
Within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 43°57'55" N., longitude 83°44'30" W.), and within 2 miles each side of the Flint VORTAC 052° 075°, 187°, 218° [illegible] radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

Florence, S. C.
Within a 5-mile radius of Florence City-County Airport (lat. 34°11'17" N., long. 79°43'28" W.); within 3.5 miles each side of Florence VORTAC 049° and 229° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

Ft. Belvoir, Va.
Within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 1-mile each side of the Davison AAF localizer southeast course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the extended centerline of Runway 32, extending from the northwest end of Runway 32 to 5 miles northwest, excluding the portion within P-73.

Fort Bragg, N. C.
Within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and the portion southeast of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'50" W.

Fort Carson, Colo.
Within a 5-mile radius of Butts Army Airfield (latitude 38°40'46" N., longitude 104°45'41" W.), excluding the portion within the Colorado Springs, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Devens, Mass.
Within a 4-mile radius of the center of Devens AAF, Ft. Devens, Mass. (Lat. 42°34'15"N, Long. 71°36'20"W) excluding that portion within 1-mile radius of the center of Shirley Airport, Shirley, Mass. (Lat. 42°31'30"N, Long. 71°39'55"W). This control zone is effective from 0700 to 1900 hours, local time, daily.

AMENDMENTS 11/4/76 41 F.R. 35478 (Rewritten)

Fort Dodge, Iowa
Within a 5-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Eustis, Va.
Within a 5-mile radius of the center, lat. 37°07'45" N., long. 76°36'45" W., of Felker AAF, Fort Eustis, Va., and within 3 miles each side of the 323° bearing from the Felker AAF RBN, extending from the 5-mile radius zone to 8.5 miles northwest of the RBN, excluding the portion that coincides with the Newport News, Va., control zone. This control zone is effective from 0600 to 2300 hours, local time, daily.

Fort Huachuca, AZ.
Within a 5-mile radius of Libby AAF, Fort Huachuca, AZ. (latitude 31°35'00" N., longitude 110°20'30" W.), within 5 miles each side of the Libby AAF VOR 093° radial, extending from the VOR to 12 miles east of the VOR. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Knox, Ky.
Within a 5-mile radius of Godman AAF (lat. 37°54'27" N., long. 85°58'21" W.); within 3 miles each side of the 354° bearing from Fort Knox RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 001°, 172° and 324° radials, extending from the 5-mile radius zone to 8.5 miles north, south and northwest of the VOR.

Fort Lauderdale, Fla.
Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.); within 3 miles each side of Fort Lauderdale VOR 084°, 276° and 306° radials, extending from the 5-mile radius zone to 8.5 miles east, west, and northwest of the VOR.

Fort Lauderdale, Fla. (Executive Airport)
Within a 5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.); within 2 miles each side of the 084° bearing from Tropic RBN (lat. 26°11'08"N., long. 80°17'49"W.), extending from the 5-mile radius zone to 1.5 miles east of the RBN; excluding
the portion within Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.) control zone and
the portion northeast of a line 3 miles southwest of and parallel to Pompano Beach VOR 319° radial, and the portion east of Fort Lauderdale Executive Airport, north of a line 1 mile north of and parallel to the extended centerline of Runway 8/26.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/15/76 41 F. R. 17372 (Changed)

Fort Leonard Wood, Mo.
Within a 4-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 3 miles each side of the Forney AAF VOR 323° radial extending from the 4-mile radius zone to 7½ miles northwest of the VOR; and within 3 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 7½ miles southeast of the Forney AAF RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Lewis, Wash.
Within a 5-mile radius of Gray AAF, Fort Lewis, Wash. (latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Washington (McChord AFB) control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR 182° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Meade, MD.
Within a 5-mile radius of the center 39°05'04" N., 76°45'37" W. of Tipton AAF, Fort Meade, MD., and within 3 miles each side of a line bearing 091° from the Fort Meade RBN (lat. 39°05'04" N., 76°45'37" W.) extending from the 5-mile radius zone to 8 miles east of the RBN excluding that airspace that coincides with the Baltimore, MD., control zone and a 1-mile radius centered on Beltsville, MD. (USDA), Airport (39°01'27" N., 76°49'21" W.). This control zone shall be in effect from 0700 to 2200 hours, local time Monday through Friday and 0800 to 1600 hours, local time Saturdays, Sundays, and Federal holidays.

Fort Myers, Fla.
Within a 5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of Fort Myers VORTAC 062°, 213°, and 318° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southwest, and northwest of the VORTAC.

Fort Ord, Calif.
Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF.
This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Fort Polk, La.
That airspace within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 9 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 7 miles NW of the north fan marker. This control zone is effective during the dates and times established in advance by publication of Special Notices in the Airman's Information Manual.

Fort Riley, Kansas
Within a 5-mile radius of Marshall AAF, Fort Riley, Kansas (latitude 39°03'15" N., longitude 96°45'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Rucker, Ala.
Within a 7-mile radius of latitude 31°18'30" N., longitude 85°42'20" W.; within 3 miles each side of Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8.5 miles southwest of the VOR; within 2 miles each side of Cairns AAF Runway 36 extended centerline, extending from the 7-mile radius zone to 5 miles south of the runway end; within 3 miles each side of the 242° bearing from Lowe, Ala., NDB, extending from the 7-mile radius zone to 8.5 miles southwest of the NDB; within 3 miles each side of Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8.5 miles north of the VOR; within a 2-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.); within a 2-mile radius of Hooper, Ala. Army Stage Field (latitude 31°24'25" N., longitude 85°41'20" W.); excluding the portion within a 1.5-mile radius of Allen, Ala., Army Stage Field (latitude 31°13'50" N., longitude 85°38'40" W.), and the portion within R-2103.

Fort Smith, Ark.
Within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within 2 miles each side of the Fort Smith VORTAC 238° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Fort Smith ILS localizer east course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 5-mile radius zone to the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

Fort Stewart, Ga.
Within a 5-mile radius of Lyle H. Wright AAF (lat. 31°53'20"N., long. 81°33'45"W.); within 3 miles each side of the Wright TVOR 059° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the TVOR. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 1/29/76 40 F. R. 57203 (Changed)
AMENDMENTS 5/20/76 41 F. R. 16794 (Rewritten) Corr: 41 F. R. 24579

Fort Wayne, Ind.
Within a 5-mile radius of Baer Field (latitude 40°58'45" N., longitude 85°11'25" W.); within 3 miles each side of the Fort Wayne VORTAC 229° radial, extending from the 5-mile radius zone to 8½ miles southwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 320° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 038° radial, extending from the 5-mile radius zone to 8½ miles northeast of the VORTAC; and within 3½ miles each side of the Fort Wayne VORTAC 265° radial, extending from the 5-mile radius zone to 10 miles west of the VORTAC.

Fort Worth, Tex. (Carswell AFB)
That airspace within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 14 miles north;
within 2 miles each side of the Carswell ILS localizer S course extending from the 5-mile radius zone to 9 miles south of the airport;
within 2 miles each side of the Carswell AFB TACAN 194° radial extending from the TACAN to 11.5 miles south; excluding the portion east of longitude 97°24'00" W.

Fort Worth, Tex. (Meacham Field)
That airspace within a 5-mile radius of Meacham Field (latitude 32°49'00" N., longitude 97°21'35" W.); within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); and within 2 miles each side of the Meacham Field ILS localizer S course, extending from Meacham Field to 6 miles S; excluding the portion W of longitude 97°24'00" W.

Fort Yukon, Alaska
Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'59" W.) and within 3 miles south and 4.5 miles north of the Fort Yukon 076° radial extending from the 5-mile radius zone to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective from 0800 to 1700 hours local time daily or during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

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Franklin, Pa.
Within a 5-mile radius of the center, lat. 41°22'45" N., long. 79°51'40" W. of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa. VOR 360° and 180° radials extending from the 5-mile radius zone to 8.5 miles north of the VOR.
This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airman's Information Manual.

Fresno, Calif. (Chandler Municipal Airport)
Within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Chandler RBN extending from the 5-mile radius zone to 8 miles SW of the RBN and within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius zone to 1.5 miles S of the VORTAC, excluding the portion within the Fresno (Fresno Air Terminal) control zone.
This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/15/76 41 F. R. 27956 (Changed)

Fresno, Calif. (Fresno Air Terminal).
Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° radial, extending from the 5-mile radius zone to the VORTAC.

Fullerton, Calif.
Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20"N., longitude 117°58'45"W.) and within 2.5 miles each side of the Fullerton Municipal Airport Runway 24 centerline extended, extending from the 3-mile radius zone to 5.5 miles east of Runway 24 threshold, excluding the portion within the Long Beach, California control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/4/76 41 F.R. 38761 (Rewritten)

Gage, Okla.
Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), and within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC.

Gainesville, Fla.
Within a 5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.); within 1.5 miles each side of Gainesville VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

Galena, Alaska
Within a 5-mile radius of the Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena VORTAC 089° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles each side of the Galena VORTAC 269° radial extending from the 5-mile radius zone to 14 miles W of the VORTAC.

Galesburg, Ill.
Within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 2 miles each side of the Galesburg VOR 019° radial extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Galesburg VOR 214° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Gallup, N. Mex.
That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.), within 3.5 miles each side of the Gallup, N. Mex., VORTAC 242° and 062° radials extending from the 5-mile radius zone to a point 10.5 miles southwest of the VORTAC.

Galveston, Tex.
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N., long. 94°51'35" W.); and within 2 miles either side of the Scholes VORTAC 119° radial extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Garden City, Kans.
Within a 5-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), and within 2 miles each side of the 144° bearing from the Holcomb RBN, extending from the 5-mile radius zone to 2 miles southeast of the RBN; and within 2½ miles each side of the 004° radial of the Garden City VORTAC extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2½ miles each side of the 171° radial of the Garden City VORTAC extending from the 5-mile radius zone to 5 miles south of the VORTAC.

Gary, Ind.
Within a 5-mile radius of Gary Municipal Airport (latitude 41°36'54" N., longitude 87°24'37" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Glasgow, Mont. (Glasgow AFB)
Within a 5-mile radius of Glasgow AFB (latitude 48°25'21" N., longitude 106°31'55" W.); within 2 miles each side of the Cherry Creek TACAN 292° radial extending from the 5-mile radius zone to 7 miles northwest of the TACAN; and within 2½ miles north and 2 miles south of the Cherry Creek TACAN 125° radial extending from the 5-mile radius zone to 7 miles southeast of the TACAN.
This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Glasgow, Mont.
Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport; within 2½ miles each side of the Glasgow VOR 327° radial, extending from the 5-mile radius zone to 5½ miles northwest of the VOR; and within 2½ miles each side of the Glasgow VOR 127° radial, extending from the 5-mile radius zone to 5½ miles southeast of the VOR.

Glens Falls, N. Y.
Within a 5-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W., of Warren County Airport, Glens Falls, N. Y., extending clockwise from a 357° bearing to a 275° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 275° bearing to a 307° bearing from the airport; within a 7.5-mile radius of the center of the airport extending clockwise from a 307° bearing to a 357° bearing from the airport; within 2 miles each side of the Glens Falls VORTAC 005° radial extending from the VORTAC to 5.5 miles north of the VORTAC; and within 4 miles each side of the Glens Falls VORTAC 172° radial extending from the VORTAC to 12.5 miles south of the VORTAC.

Glenview, Ill.
Within a 5-mile radius of NAS Glenview (latitude 42°05'30" N., longitude 87°49'20" W.); within 2 miles each side of the Northbrook, Ill., VOR 162° and 140° radials extending from the Chicago, Ill., (O'Hare International Airport),and the Glenview, Ill., 5-mile radius zones to 3½ miles south and 3½ miles southeast of the VOR; two miles north and four miles south of the Northbrook VOR 071° radial, extending from 1 mile east to 6 miles east of the VOR; within 2 miles each side of the Northbrook VOR 070° radial, extending from 6 to 11 miles east of the VOR; within 2 miles each side of the 062° bearing from the Haley AAF, Fort Sheridan, Ill., RBN, extending from the RBN to 7 miles northeast of the RBN; within 2 miles each side of the 002° bearing from NAS Glenview RBN, extending from the 5-mile radius zone to 12 miles north of the RBN; and within 2 miles each side of the NAS Glenview TACAN 005° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding the area that overlies the Chicago, Ill. (O'Hare International Airport) control zone.

Goldsboro, N. C.
Within a 5-mile radius of Seymour Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 5-mile radius zone to 4.5 miles east of the TACAN; within 2 miles each side of Seymour Johnson TACAN 253° radial, extending from the 5-mile radius zone to 8.5 miles west of the TACAN.

Goodland, Kans.
Within a 5-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101° 41'55" W.).

Grand Canyon, Ariz. (Grand Canyon National Park Airport)
Within a 5-mile radius of Grand Canyon National Airport (lat. 35°57'16" N., long. 112°08'37" W.) and within 3 miles each side of the Grand Canyon VOR 211° radial, extending from the 5-mile radius zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Grand Forks, N. Dak. (Grand Forks Air Force Base)
Within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile NE of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

Grand Forks, N. Dak.(International Airport)
Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 2.5 miles each side of the Grand Forks VORTAC 012° radial, extending from the 5-mile radius zone to 6.5 miles north of the VORTAC and within 3 miles each side of the Grand Forks VORTAC 173° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

Grand Island, Nebr.
Within a 5-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 3 miles each side of the Grand Island VORTAC 303° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; and within 3 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8½ miles north of the VORTAC.

Grand Junction, Colo.
Within a 5-mile radius of Walker Field, Grand Junction, Colo. (lat. 39°07'05" N. Long. 108°31'10" W). and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the localizer.

Grand Rapids, Mich.
Within a 5-mile radius of Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.).

Grandview, Mo.
Within a 5-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within 2½ miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN, excluding the area north of latitude 38°52'30" N., and west of longitude 94°35'50" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Grant County, Wash.
Within a 5-mile radius of the Grant County Airport, Moses Lake, Washington (latitude 47°12'29" N., longitude 119°19'05" W.), within 2 miles each side of the Ephrata VORTAC 156° radial extending from the 5-mile radius to 3 miles southeast of the VORTAC, excluding the Ephrata, Washington, control zone, within 2 miles each side of the Grant County ILS localizer south course, extending from the 5-mile radius zone to the Pelican Radio Beacon, within 2.5 miles each side of the Moses Lake VOR 050° radial extending from the 5-mile radius zone to 15.5 miles northeast and within 4 miles each side of the Moses Lake VOR 063° radial extending from the 5-mile radius 14.8 miles northeast. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Great Falls, Mont. (International Airport)
Within a 5-mile radius of the Great Falls International Airport (latitude 47°29'00" N., longitude 111°22'03" W.) within 3½ miles each side of the Great Falls VORTAC 225° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC; within 3½ miles each side of the Great Falls VORTAC 045° radial, extending from the 5-mile radius zone to 19 miles northeast of the VORTAC.

Great Falls, Mont. (Malmstrom Air Force Base)
Within a 5-mile radius of the Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.); within 3½ miles each side of the Sand Coulee VOR 037° radial, extending from the 5-mile radius zone to 15½ miles northeast of the VOR; within 3½ miles each side of the Malmstrom AFB TACAN 227° radial, extending from the 5-mile radius zone to 7 miles southwest of the TACAN; excluding those portions within the Great Falls International Airport control zone.

AMENDMENTS 3/25/76 41 F. R. 12278 (Changed)

Green Bay, Wis.
That airspace within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis., (latitude 44°29'16" N., longitude 88°07'49" W.).

Greensboro, N. C.
Within a 5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N, longitude 79°56'34" W.); within 2 miles each side of Greensboro VORTAC 035° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of Greensboro ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile southeast of the LOM.

Greenville, Miss.
Within a 5-mile radius of the Greenville International Airport (lat. 33°29'05"N., long. 90°59'06"W.); within 3 miles each side of the Greenville VOR 358° radial extending from the 5-mile radius zone to 8.5 miles N of the VOR, effective from 0700 to 2200 hours, local time, daily.

AMENDMENTS 5/20/76 41 F. R. 8337 (Changed)

Greenville, S. C.
Within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); excluding the portion within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); effective from 0700 to 2300 hours local time daily.

Greenville, Tex.
Within a 5-mile radius of the Majors Field Airport (lat. 33°04'00"N., long. 96°03'45"W.). This control zone will be effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/15/76 41 F. R. 17373 (Added)

Greenwood, Miss.
Within a 5-mile radius of the Greenwood Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 2.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

Greenwood Village, Colo.
That airspace within a 5-mile radius of the Arapahoe County Airport (latitude 39°34'28" N., longitude 104°51'02" W.), and within 2.5 miles each side of the 335° bearing from the Englewood RBN extending from the 5-mile radius zone to 5 miles northwest of the RBN, excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airmen's Information Manual.

Greer, S. C. (Greenville-Spartanburg Airport)
Within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); excluding the portion within Greenville control zone.

AMENDMENTS 1/29/76 40 F. R. 49094 (Changed)

Grissom AFB, Ind.
Within a 5-mile radius of Grissom AFB (lat. 40°38'55"N., long. 86°09'10"W.).

AMENDMENTS 9/9/76 41 F. R. 24881 (Rewritten)

Groton, Conn.
Within a 4-mile radius of the center 41°19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Connecticut, within 2 miles each side of the Trumbull VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Trumbull VOR 190° radial extended from the 4-mile radius zone to 6.5 miles south of the VOR. Excluding that portion within a 1-mile radius of the center 41°15'15" N., 72°02'00" W. of the Elizabeth New York Airport. This control zone is effective from 0600 to 2300 hours daily, local time, and during specific dates and times established in advance by a Notice to Airmen.

Guam Island (Anderson AFB)
Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

Guam Island (NAS Agana)
Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E); within 4 miles each side of Agana VORTAC 244°R. (245° T.), extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, and within 1 mile northwest and 2 miles southeast of the Guam RBN 026° bearing, extending from the 5-mile radius zone
to 2 miles northeast of the RBN.

Gulfport, MS.
Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'28" N., long. 89°04'05" W.); within 3.5 miles each side of Gulfport VORTAC 050°, 129°, 213° and 319° radials, extending from the 5-mile radius zone to 9.5 miles northeast, southeast, southwest and northwest of the VORTAC; excluding that portion within the Biloxi, MS., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Gulkana, Alaska
Within a 5-mile radius of the Gulkana Airport (latitude 62°09'19" N., longitude 145°27'08" W.); within 3.5 miles each side of the Gulkana VORTAC 346° radial extending from the 5-mile radius zone to 11.5 miles N of the VORTAC; and within 3 miles each side of the Gulkana VORTAC 181° radial extending from the 5-mile radius zone to 8.5 miles S of the VORTAC.

Hagerstown, Md.
Within a 5-mile radius of the center, 39°42'27" N., 77°43'50" W., of Hagerstown Regional Airport, Hagerstown, Md.; within 3 miles each side of the Hagerstown, Md., VOR 239° radial and 059° radial, extending from 8.5 miles southwest of the VOR to 2 miles northeast of the VOR; within 3 miles each side of the Hagerstown, Md., VOR 084° radial, extending from the 5-mile radius zone to the VOR; within 4.5 miles each side of the Hagerstown Regional Airport ILS Runway 27 localizer course, extending from the localizer to 13.5 miles east of the localizer. This control zone is effective from 0600 to 2230 hours, local time, daily.

Hampton Roads, Va.
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the Langley AFB Runway 7 ILS localizer course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN.

Harlingen, Tex.
Within a 5-mile radius of Harlingen Industrial Airport (latitude 26°13'37" N., longitude 97°39'12" W.); and within 2 miles each side of the Harlingen VOR 117° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR. This part-time control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual. Tentative dates and times will be: From 0600 to 2200 local time of a daily basis.

Harrisburg, Pa.
Within a 6.5-mile radius of the center, 40°12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa.: within 2 miles each side of the extended centerline of Capital City Airport Runway 26, extending from the west end of Runway 26 to 6.5 miles west of the west end of Runway 26; within 2 miles each side of the Harrisburg, Pa., VORTAC 100° radial, extending from the 6.5-mile radius zone to 2.5 miles east of the VORTAC; excluding the portion that coincides with the Middletown, Pa., control zone east of the direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48"38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone.

Harrison, Ark.
Within a 5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 7.5-mile radius of the airport extending from the Harrison VOR 165° radial clockwise to the 230° radial, and within 1.5 miles each side of the Harrison VOR 140° radial extending from the 5-mile radius zone to the VOR.

Hartford, Conn.
Within a 5-mile radius of Hartford-Brainard Airport (lat. 41°44'10" N., long. 72°39'02" W.); within a 5-mile radius of Rentschler Field, East Hartford, Connecticut (lat. 41°45'10" N., long. 72°37'25" W.); within 3.5 miles each side of the Brainard (ADQ) NDB (lat. 41°42'51" N., long. 72°36'48" W.) 130° bearing from the NDB extending from the 5-mile radius zone to 7 miles southeast of the NDB; within 4.5 miles each side of the Hartford, Connecticut, VORTAC 327° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Hartford VOR 334° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 182° bearing from the Brainard NDB extending from the 5-mile radius zone to 7 miles south of the NDB and within 2 miles each side of the Hartford VOR 327° radial extending from the 5-mile radius zone to the VOR. This control zone is effective from 0700 to 2300 hours local time daily, and during specific dates and times established in advance by a Notice to Airmen.

Hastings, Nebr.
Within a 5-mile radius of Hastings, Nebr., Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport. The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Havre, Mont.
Within a 5-mile radius of City-County Airport (latitude 48°33'45" N., longitude 109°45'40" W.); within 3 miles each side of the Havre VOR 080° radial, extending from the 5-mile radius zone to 7 miles east of the VOR; and within 3 miles each side of the Havre VOR 287° radial, extending from the 5-mile radius zone to 7 miles west of the VOR.

Hayden, Colo.
Within a 5-mile radius of Yampa Valley Airport (latitude 40°28'53" N., longitude 107°13'08" W.), within 3.5 miles each side of the Hayden VOR 301° radial extending from the 5-mile radius zone to 11.5 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Hays, Kansas
Within a 5-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and within 2 miles each side of the Hays, Kansas, VOR 162° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Hayward, Calif.
Within a 5-mile radius of Hayward Air Terminal (latitude 37°39'30" N., longitude 122°06'15" W.), excluding the portion within the Oakland, Calif., control zone. This control zone is effective from 0600 to 0000 hours, local time, daily.

Hazleton, Pa.
Within a 5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within a 5.5-mile radius of the center of the airport extending clockwise from a 040° bearing to a 090° bearing from the airport; within 1.5 miles each side of the Hazleton VOR 082° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Hazleton VOR 084° radial, extending from 7 miles east of the VOR to 13.5 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Helena, MT.
Within a 5-mile radius of Helena County-City Airport (latitude 46°36'27" N., longitude 111°58'45" W.); within 2½ miles each side of the Helena VORTAC 102° radial extending from the 5-mile radius zone to 4½ miles east of the VORTAC.

Hibbing, MN.
That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50' 15" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC.

Hickory, N. C.
Within a 5-mile radius of Hickory Municipal Airport (latitude 35°44'30"N., longitude 81°23'20"W.); within 1 mile each side of the ILS localizer northeast course, extending from the 5-mile radius zone to the outer marker.

AMENDMENTS 5/20/76 41 F. R. 11273 (Rewritten)

Hillsboro, Oreg.
Within a 5-mile radius of Portland-Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'46" W.); within 2 miles each side of the Newburg VORTAC 007° radial, extending from the 5-mile radius area to 8 miles south of the airport; within 2 miles each side of the 039° bearing from the airport reference point, extending from the 5-mile radius area to 9.5 miles northeast of the airport; and within 3.5 miles each side of the 323° bearing from the airport reference point, extending from the 5-mile radius area to 16 miles northwest.

AMENDMENTS 2/12/76 41 F. R. 6237 (Changed) CORR: 41 F. R. 9859

Hilo, Hawaii
Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), and within 3.5 miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC.

Hobart, Okla.
Within a 5-mile radius of the Hobart Municipal Airport (latitude 34° 59' 20" N., longitude 99° 02' 55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

Hobbs, N. Mex.
That airspace within a 5-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13' 01" W.), and within 3.5 miles each side of the Hobbs VORTAC 222° radial, extending from the 5-mile radius zone to 10.5 miles SW of the VORTAC.

Hollywood, Fla.
Within a 3-mile radius of the North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); excluding the portion which coincides with the Fort Lauderdale and Miami, Fla., control zones. This control zone is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Homer, Alaska
Within a 5-mile radius of the Homer Airport (latitude 59°38'43" N., longitude 151°28'31" W.); within 2 miles each side of the 266° bearing from the Kachemak NDB extending from the 5-mile radius zone to 4.5 miles W of the NDB; and within 1.5 miles each side of the Homer localizer SW course extending from the 5-mile radius zone to 11 miles SW of the localizer antenna site (latitude 59°39'08" N., longitude 151°27'22" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the U. S. Flight Information Publication Supplement Alaska.

Homestead, Fla.
Within a 5-mile radius of Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.); within 2 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 5 miles southwest of the runway end.

Honolulu, Hawaii
Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.); within a 5-mile radius of NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu 5-mile radius zone; within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from the NAS Barbers Point 5-mile radius zone to 13 miles southwest of the Honolulu VORTAC.

Honolulu, Hawaii (Wheeler AFB)
Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

Hopkinsville, Ky.
Within a 5-mile radius of Campbell AAF (lat. 36°40'23"N., long. 87°29'27"W.); within 1.5 miles each side of the 224° bearing from Campbell RBN, extending from the 5-mile radius zone to 0.5 mile southwest of the RBN; within a 5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87° 24'52" W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within a 5-mile radius of Sabre Army Heliport, Ft. Campbell, Ky. (lat. 36°34'14"N. long. 87°28'50"W.).

AMENDMENTS 11/4/76 41 F.R. 37098 (Changed)

Hoquiam, Wash.
Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (lat. 46°58'15" N., long. 123°56'05" W.), within 1.5 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC and within 4 miles each side of the 081° radial, extending from the 5-mile radius zone to 20 miles east of the VORTAC.

Hot Springs, Ark.
Within a 9-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3 miles each side of the 248° bearing from the Hot Springs RBN extending from the 9-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Hot Springs, Va.
Within a 6-mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.

Houghton, Mich.
Within a 6-mile radius of Houghton County Memorial Airport (latitude 47°10'06" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Calumet RBN, extending from the 6-mile-radius zone to 6½ miles north of the RBN.

Houlton, Maine
Within a 4-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 016° radial extending from the 4-mile radius zone to 2 miles north of the VOR, excluding the airspace within Canada.

Houston, Tex. (Ellington AFB)
Within a 5-mile radius of Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.), within a 3-mile radius of Clear Lake City Stolport (latitude 29°33'27" N., longitude 95°08'21" W.), within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN, within 2 miles each side of the Hobby VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.) 5-mile radius zone to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Hobby VORTAC 126° radial extending from the William P. Hobby Airport 5-mile radius zone to 13.5 miles southeast of the VORTAC, excluding the portions within the Houston, Tex. (William P. Hobby), control zone.

Houston, Tex. (Intercontinental Airport)
That airspace within a 5-mile radius of Houston Intercontinental Airport (latitude 29°58'51" N., longitude 95°20'30" W.), within 2 miles each side of the Humble VORTAC 337° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC, within 2 miles each side of the Houston Intercontinental ILS localizer W course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Houston Intercontinental ILS localizer E course extending from the 5-mile radius zone to 7.5 miles E of the airport.

Houston, Tex. (William P. Hobby)
That airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.); within 2 miles each side of the the Houston William P. Hobby ILS localizer SW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Houston William P. Hobby ILS localizer NE course extending from the 5-mile radius zone to the Pasadena RBN, within 2 miles each side of the Hobby VORTAC 306° radial extending from the 5-mile radius zone to 6 miles NW of the VORTAC, within 2 miles each side of the Hobby VORTAC 025° radial extending from the 5-mile radius zone to 6 miles NE of the VORTAC, within 2 miles each side of the Hobby VORTAC 239° radial extending from the 5-mile radius zone to 6 miles SW of the VORTAC, within 2 miles each side of the Hobby VORTAC 142° radial extending from the 5-mile radius zone to 11.5 miles SE of the VORTAC, and within 2 miles each side of a 223° bearing from the Hobby DF station (latitude 29°38'48" N., longitude 95°16'42" W.) extending from the 5-mile radius zone to 8 miles SW of the DF station, excluding the portion E of a line from the intersecting point of 5-mile radius circles centered on William P. Hobby Airport and Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.) NE of William P. Hobby Airport, through the intersecting point of such 5-mile radius circles SE of William P. Hobby Airport, to latitude 29°32'00" N., longitude 95°15'00" W.

Huntington, W. Va.
Within a 6-mile radius of the center, latitude 38°22'00" N., longitude 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, West Virginia, and within 3.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 6-mile radius zone to 4.5 miles east of the Shoals, West Virginia, FM.

Huntsville, Ala.
Within a 5-mile radius of Huntsville-Madison County Jetport-Carl T. Jones (latitude 34°38'19" N., longitude 86°46'25" W.); within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of Capshaw RBN; within a 5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the 352° bearing from Whitesburg RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 356° bearing from Redstone RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2.5 miles each side of Runway 35 extended centerline, extending from the threshold to 5.5 miles south; within 2.5 miles each side of Runway 17 extended centerline, extending from the threshold to 6 miles north.

Huron, S. Dak.
Within a 5-mile radius of Huron Regional Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 1½ miles each side of the Huron VOR 134° radial, extending from the 5-mile radius zone to the VOR.

Hutchinson, Kans.
Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°06'56" N., longitude 97°51'37" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Hyannis, Mass.
Within a 5-mile radius of the center, 41°40'10" N., 70°16'45" W., of Barnstable Municipal Airport, Hyannis, Mass., and within 2 miles each side of the Hyannis VORTAC 227° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Idaho Falls, Idaho
Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 3.5 miles each side of the Idaho Falls VOR 223° radial extending from the 5-mile radius zone to 10.5 miles southwest of the VOR; within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 11 miles northeast of the VOR.

Iliamna, Alaska
Within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N., longitude 154°54'54" W.); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius zone to 9.5 miles southwest of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U. S. Government Flight Information Publication, Supplement Alaska.

Imperial Beach, Calif.
Within a 3-mile radius of NAS Imperial Beach (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of NAS Imperial Beach within the arc of a 6-mile radius circle centered in the Imperial Beach TACAN, extending counterclockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 288° radial to the United States/Mexican Flight Information Region Boundary, excluding the portion under the jurisdiction of Mexico; and that airspace east of a NAS Imperial Beach within the arc of a 6-mile radius circle centered on the Imperial Beach TACAN, extending clockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 065° radial to the United States/Mexican Border, excluding the portion east of longitude 117°01'00" W., when the San Diego, Calif. (Brown Field) control zone is effective.

Indianapolis, Ind.
Within a 5-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2 miles each side of the Indianapolis runway 4L ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 2 miles each side of the Indianapolis runway 31L ILS localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the OM; and within 2½ miles each side of the Indianapolis runway 22R ILS localizer northeast course, extending from the 5-mile radius zone to 14½ miles northeast of the OM.

International Falls, Minn.
Within a 5-mile radius of International Falls Airport (latitude 48°33'55" N., longitude 93°24'05" W.); within 2½ miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 7 miles southeast of the VOR; and within 2½ miles each side of the International Falls VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR, excluding the portion outside the United States.

Iron Mountain, Mich.
Within a 7-mile radius of Ford Airport (latitude 45°48'57" N., longitude 88°06'56" W.); within 3 miles each side of the Iron Mountain VORTAC 192° radial, extending from the 7-mile radius zone to 8 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Ironwood, Mich.
Within a 6½-mile radius of Gogebic County Airport (latitude 46°31'32" N., longitude 90°07'54" W.); within 3 miles each side of the Ironwood VORTAC 258° radial, extending from the 6½-mile radius zone to 8 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will be thereafter continuously published in the Airman's Information Manual.

Islip, N. Y.
Within a 5-mile radius of the center, 40°47'50" N., 73°06'01" W. of Islip-MacArthur Airport, Islip, N. Y.; within a 6-mile radius of the center of the airport extending clockwise from a 260° to 076° bearing from the airport; within 4 miles each side of the Islip-MacArthur Airport ILS localizer northeast course, extending from the localizer to a point 8.5 miles northeast of the localizer.

Ithaca, N. Y.
Within a 5-mile radius of the center, 42°29'29" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y., extending clockwise from a 196° bearing to a 329° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 329° bearing to a 081° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 081° bearing to a 137° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 137° bearing to a 170° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 170° bearing to a 196° bearing from the airport; within 3 miles each side of the Ithaca, N. Y., VORTAC 305° radial, extending from the VORTAC to 8.5 miles northwest of the VORTAC. This control zone is effective during specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

Jackson, Mich.
Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

Jackson, Miss.
Within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within 2.5 miles each side of Jackson VORTAC 157° and 160° radials, extending from the 5-mile radius zone to 20 miles SE and S of the VORTAC; within a 5-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 3 miles each side of the 008° bearing from Hawkins RBN, extending from the 5-mile radius zone to 8.5 miles N of the RBN; within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 5-mile radius zone to 0.5 mile S of the VORTAC; within a 5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.).

Jackson, Tenn.
Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2.5 miles each side of the McKellar VOR 206° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VOR.

Jacksonville, Fla. (Craig Municipal Airport)
Within a 5-mile radius of Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.); excluding the portion northeast of a line connecting the two points of intersection with a 5-mile radius circle centered on NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.) control zone.

Jacksonville, Fla. (International Airport)
Within a 5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

Jacksonville, Fla. (NAS Jacksonville)
Within a 5-mile radius of NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.); within 3 miles each side of Navy Cecil VOR 084° radial, extending from the 5-mile radius zone to the NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.) control zone.

Jacksonville, Fla. (NAS Cecil Field)
Within a 5-mile radius of NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); within 3.5 miles each side of Navy Cecil VOR 285° radial and the 285° bearing from Navy Cecil RBN, extending from the 5-mile radius zone to 11.5 miles west of the VOR and RBN; within 2 miles each side of Navy Cecil TACAN 184° radial, extending from the 5-mile radius zone to 14 miles south of the TACAN; within 1.5 miles each side of Navy Cecil TACAN 355° radial, extending from the 5-mile radius zone to 5.5 miles north of the TACAN.

Jacksonville, N. C.
Within a 5-mile radius of New River MCAS (latitude 34°42'25"N., longitude 77°26'35"W.); within 3 miles each side of the 226° bearing from New River RBN, extending from the RBN to 8.5 miles southwest of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the TACAN. This control zone is effective from 0700 hours, local time, to sunset, Monday through Friday; 0700 to 1200 hours, local time, Saturday; 1600 to 2000 hours, local time, Sunday, and closed on holidays.

AMENDMENTS 3/25/76 41 F. R. 1582 (Changed)

Jacksonville, N. C. (Albert J. Ellis Airport)
Within a 5-mile radius of Albert J. Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.); within 3 miles each side of the 045° and 220° bearings from Onslow RBN (lat. 34°49'43" N., long. 77°36'51" W.) extending from the 5-mile radius zone to 8.5 miles northeast and southwest of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT
Jacksonville, N.C. (Albert J. Ellis Airport)
Within a 5-mile radius of Albert J. Ellis Airport (Lat. 34°49'49"N., Long. 77°36'42"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/30/76 41 F.R. 40457 (Rewritten)

Jamestown, N. Y.
Within a 5-mile radius of the center, 42°09'07" N., 79°15'26" W., of Chautauqua County Airport, Jamestown, N. Y.; within 2 miles each side of the Jamestown, N. Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone is effective during specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

Jamestown, N. Dak.
Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 3 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile radius zone to 7.5 miles southeast of the VORTAC; and within 3 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Janesville, Wis.
Within a 5-mile radius of the Rock County Airport (latitude 42°37'12" N., longitude 89°02'28" W.); within 3 miles each side of a 125° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles southeast of the airport; and within 3 miles each side of a 321° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Jefferson City, MO.
Within a 5-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), and within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2.5 miles each side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°04'40" W.) and 2.5 miles each side of the 124° bearing from the Jefferson City RBN, extending from the 5-mile radius zone to 16 miles southeast of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

Johnston Island, Johnston Atoll
Within a 5-mile radius of the Johnston Island AFB, Johnston Atoll (latitude 16°44'19" N., longitude 169°31'12" W.); within 2 miles each side of the extended centerline of runway 05, extending from the 5-mile radius zone to 6.5 miles NE of the Johnston Island RBN, and within 2 miles each side of the 241° bearing from the Johnston Island RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN.

Johnstown, Pa.
Within a 5.5-mile radius of the center, lat. 40°19'00" N., long. 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 3.5 miles each side of the Johnstown VORTAC 044° radial, extending from the 5.5-mile radius zone to 10 miles northeast of the VORTAC; within 3 miles each side of the Johnstown VORTAC 216° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Johnstown VORTAC 320° radial, extending from the 5.5-mile radius zone to 10.5 miles northwest of the VORTAC. This control zone is effective from 0630 to 2330 hours, local time, daily.

Jonesboro, Ark.
Within a 5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3 miles each side of the Jonesboro VOR 048° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Joplin, Mo.
Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'05" N., longitude 94° 29' 55" W.).

Juneau, Alaska
Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

Kahului, Hawaii
Within a 5-mile radius of Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.); within 4 miles each side of the Maui VORTAC 038° radial, extending from the 5-mile radius zone to 14 miles northeast of the VORTAC; within 2 miles each side of the Maui VORTAC 201° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC and within 2 miles each side of the extended centerline of Runway 2/20, extending from the 5-mile radius zone to 11 miles south of the VORTAC.
This control zone is effective from 0600 to 2200 hours, local time, daily or during the specific date or time established by a Notice to Airmen, which thereafter will be continually published in the Pacific Chart Supplement.

Kalamazoo, Mich.
Within a 5-mile radius of the Kalamazoo Municipal Airport (latitude 42°14'07" N., longitude 85°33'10" W.; within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles north, south, and southwest of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer south course, extending from the 5-mile radius zone to the OM. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Kalispell, Mont.
Within a 5-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114° 15'16" W.); within 2 miles each side of the 035° bearing from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37" W.); extending from the 5-mile radius zone to 4 miles northeast of the NDB (12.5 miles southwest of the airport).

Kaneohe, Hawaii
Within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

Kansas City, Mo.
Within a 5-mile radius of the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°43' 30" W.) and within 1.5 miles either side of the 031° radial of the Riverside, Missouri, VOR extending from the 5-mile radius zone to 6 miles NE of the VOR; and within 1.5 miles either side of the 215° radial of the Riverside, Missouri, VOR extending from the 5-mile radius zone to 6 miles SW of the VOR; and within 2 miles either side of the 353° radial of the Riverside, Missouri, VOR extending from the 5-mile radius zone to 10.5 miles N of the VOR, excluding that area which overlies the Kansas City International Airport control zone.

Kansas City, Mo. (International Airport)
Within a 5-mile radius of the Kansas City International Airport (latitude 39°18'18" N., longitude 94°42'40" W.), and within 2 miles either side of the Rwy 9 ILS localizer west course extending from the 5-mile radius zone to the Rondell OM; and within 2 miles either side of the Rwy 19 ILS localizer north course extending from the 5-mile radius zone to 12 miles north of the Wyandotte OM; and within 1.5 miles either side of the 268° radial of the Kansas City VORTAC extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the Rwy 1 ILS localizer south course extending from the 5-mile radius zone to 1.5 miles south of the Wyandotte OM.

Ke-ahole, Kona, Hawaii
Within a 5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.) and within 1.5 miles each side of the Kona VORTAC 340° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

Kearney, Nebr.
Within a 5-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 3½ miles each side of the Kearney VOR 194° radial, extending from the 5-mile radius zone to 10½ miles south of the VOR; and within 3½ miles each side of the Kearney VOR 360° radial, extending from the 5-mile radius zone to 11½ miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Kenai, Alaska
Within a 5-mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 151°14'44" W.), and within 2 miles northwest and 2.5 miles southeast of the Kenai VORTAC 031° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC,

Ketchikan, Alaska
Within a 3-mile radius of the Ketchikan Airport (lat. 55°21'09" N., long. 131°42'22" W.) extending clockwise from the 316° bearing to the 136° bearing from the airport; with a 4-mile radius of the Ketchikan Airport extending clockwise from the 136° bearing to the 316° bearing from the airport; and within 1 mile each side of the Ketchikan localizer northwest/southeast courses extending from the radius zone to 8 miles northwest and 5.5 miles southeast of the Ketchikan localizer. This control zone is effective from 0600 to 2200 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Key West, Fla.
Within a 5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 3 miles each side of the 268° bearing from Fish Hook RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; within 4 miles each side of Key West VORTAC 309° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Key West NAS (Boca Chica) (lat. 24°34' 30" N., long. 81°41'15" W.); within 3.5 miles each side of the 251° bearing from Key West NAS UHF RBN, extending from the 5-mile radius zone to 10.5 miles west of the RBN.

Killeen, Tex.
Within a 5-mile radius of Fort Hood AAF (lat. 31°08'15" N., long. 97°42'50" W.); within a 4-mile radius of Killeen Municipal Airport (lat. 31°05'10" N., long. 97°41'05" W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); within 3.5 miles each side of the 341° bearing from the Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 5-mile radius zone to 11 miles north of the RBN.

King Salmon, Alaska
Within a 5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.), within 2.5 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 12.5 miles northwest of the VORTAC; and within 2 miles each side of the King Salmon VORTAC 132° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

Kingsville, Tex.
Within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 5-mile radius zone to 8 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° bearing, extending from the 5-mile radius zone to 7 miles S of the UHF RBN.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in Part 3 of the Airman's Information Manual.

AMENDMENTS 5/20/76 41 F. R. 11812 (Changed)

Kinston, N. C.
Within a 5-mile radius of Stallings Field (lat. 35°19'36" N., long. 77°37'02" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Kirksville, Mo.
Within a 5-mile radius of Clarence Cannon Memorial Airport (lat. 40°05'45" N., long. 92°32'50"W.). This control zone will be effective initially during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Klamath Falls, Oreg.
Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 4 miles east and 2 miles west of the Klamath Falls VORTAC 171° radial extending from the 5-mile radius zone to 8.5 miles south of the VORTAC, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

Knoxville, Tenn. (Downtown Island Airport)
Within a 5-mile radius of Downtown Island Airport (lat. 35°57'45" N., long. 83°52'30" W.); excluding the portion within the Knoxville control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Knoxville, Tenn.
Within a 5-mile radius of McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.); within 2 miles each side of Knoxville ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the LOM; within 1.5 miles each side of Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to 1.5 miles southwest of the VORTAC.

Kodiak, Alaska
Within a 5-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°29'19" W.), and within 3 miles north and 3.5 miles south of the Kodiak VORTAC 072° and 252° radials extending from the 5-mile radius zone to 9.5 miles east of the VORTAC.

Kotzebue, Alaska
Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska, (latitude 66°53'02" N., longitude 162°36' 05" W.), within 3 miles each side of the Hotham NDB extending from the 5-mile radius zone to 7 miles northeast of the NDB; within 3 miles each side of the Kotzebue VORTAC 278° radial extending from the 5-mile radius zone to 10 miles west of the VORTAC; and within 3 miles each side of the Kotzebue VORTAC 090° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC.
This control zone is effective from 0800 to 2400 hours local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Kwajalein Island, Marshall Islands
Within a 5-mile radius of the Bucholz AAF (lat. 08°43'32" N., long. 167°44'03" E.); within 2.5 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles west of the TACAN; and within 3.5 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 11 miles east of the RBN.
This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement.

La Crosse, Wis.
That airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15' 21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; and within 2½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR; and within 2 miles each side of the La Crosse ILS localizer north course, extending from the 5-mile radius zone to 9 miles north of the airport.

Lafayette, Ind.
Within a 5-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'06" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lafayette, La.
That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM.

Lake Charles, La.
That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.), within 2 miles each side of the Lake Charles VORTAC 259° radial extending from the VORTAC to 13 miles W of the VORTAC, within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 7.5 miles SE of the airport.

Lakehurst, N. J.
Within a 5-mile radius of the center 40°02'00" N., 74°21'00" W. of NAS Lakehurst, Lakehurst, N. J.; within 3 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

Lake Tahoe, Calif.
Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Lanai, Hawaii
Within a 5-mile radius of Lanai Airport (lat. 20°47'30" N., long. 156°57'00" W.). This control zone is effective during specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

Lancaster, Calif. (Fox Field)
Within a 5-mile radius of General William J. Fox Airfield (lat. 34°44'26" N., long. 118°13'04" W.), and within 2 miles each side of the Palmdale VORTAC 311° radial extending from the 5-mile radius zone to the Palmdale, Calif., 5-mile radius zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lancaster, Pa.
Within a 5-mile radius of the center, 40°07'16" N., 76°17'47" W., of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial, extending from the VORTAC to 8.5 miles west; within 3 miles each side of the Lancaster VORTAC 128° radial, extending from the VORTAC to 8.5 miles southeast; within 2 miles each side of the Lancaster VORTAC 055° radial, extending from the VORTAC to 5 miles northeast. This control zone is effective from 0700 to 2300 hours, local time, daily.

Lansing, Mich.
Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

Laramie, Wyo.
Within a 5-mile radius of General Brees Field, Laramie, Wyoming (lat. 41°18'50" N., long. 105°40'25" W.); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 4.5 miles each side of the Laramie VORTAC 126° radial, extending from the 5-mile radius zone to 20 miles southeast of the VORTAC.

Laredo, Tex.
Within a 5-mile radius of the Laredo Municipal Airport (latitude 27°32'40" N., longitude 99°27'40" W.); within 1.5 miles each side of the Laredo VORTAC 141° radial extending from the 5-mile radius area to 1 mile southeast; within a 5-mile radius of the Laredo International Airport (latitude 27°36'56" N., longitude 99°31'12" W.); within 1.5 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6" N., longitude 99°30'50.2" W.) to 7 miles northwest, excluding that portion outside the United States. This control will be effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/12/76 41 F. R. 1739 (Rewritten)

Las Vegas, Nev. (McCarran Field)
Within a 5-mile radius of McCarran Field (latitude 36°05'05" N., longitude 115°09'00" W.); within 2 miles southeast and 3 miles northwest of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles northwest and 3 miles southeast of the Las Vegas VORTAC 214° radial extending from the 5-mile radius zone to 6 miles southwest of the VORTAC; and within 2 miles each side of the Las Vegas VORTAC 268° radial extending from the 5-mile radius zone to 6.5 miles west of the VORTAC.

Las Vegas, Nev. (Nellis AFB)
Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

Las Vegas, N. Mex.
Within a 5-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial extending beyond the 5-mile radius zone to a point 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial extending beyond the 5-mile radius zone to a point 10 miles southwest of the VORTAC.

Latrobe, Pa.
Within a 5-mile radius of the center, lat. 40°16'39" N., long. 79°24'14" W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile radius zone to 1.5 miles southwest of the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0700 to 2200 hours, local time, daily.
PENDING AMENDMENT
Alter the text of the Latrobe, Pa., control zone by deleting "0700 to 2200 hours," and by substituting therefor, "0630 to 2200 hours,".
AMENDMENTS 2/24/77 41 F. R. 52048 (Changed)

LaVerne, Calif.
Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles south of the VOR. This control zone shall be effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lawton, Okla.
Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A.

Lebanon, N. H.
Within a 5-mile radius of the center, 43°37'41" N., 72°18'21" W., of Lebanon Regional Airport, Lebanon, NH.; within 3.5 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the Lebanon VOR 103° radial extending from the VOR to 3.5 miles east of the VOR and within 2 miles each side of the Lebanon VOR 134° radial extending from the VOR to 4 miles southeast of the VOR; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway, within 2 miles each side of the centerline of runway 7 extending 6 miles from the end of the runway.

Lemoore, Calif.
Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

Lewisburg, W. Va.
Within a 6-mile radius of the center, lat. 37°51'35" N., long. 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from a 110° bearing from the airport to a 275° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 275° bearing from the airport to a 040° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 040° bearing from the airport to a 110° bearing from the airport and within 3 miles each side of the Greenbrier Valley Airport ILS localizer southwest course, extending from the 6-mile radius arc to 8.5 miles southwest of the OM.
This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.

Lewiston, Idaho
Within a 5-mile radius of Lewiston-Nez Perce County Airport (lat. 46°22'29" N., long. 117°00'52" W.); and within 3 miles each side of the Lewiston-Nez Perce ILS localizer course, extending from the 5-mile radius zone to 16.5 miles east of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lewistown, Mont.
Within a 5-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 1.5 miles each side of the Lewistown VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

Lexington, Ky.
Within a 5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 1.5 miles each side of the ILS localizer northeast course, extending from the 5-mile radius zone to 5 miles northeast of the runway end.

Liberal, Kansas
Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lihue, Hawaii
Within a 5-mile radius of Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.) and within 2 miles each side of the Lihue VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC.

Limestone, Maine
Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 168° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

Lincoln, NE.
Within a 6-mile radius of Lincoln Airport (latitude 40°50'58" N., longitude 96°45'31" W.); and within 1.5 miles each side of the 325° track angle from the Runway 14 threshold extending from the 6-mile radius to 7 miles northwest of the Lincoln Airport; and within 2 miles each side of the Lincoln ILS localizer north course extending from the 6-mile radius to 14 miles north of the Lincoln Airport; and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-mile radius to 8 miles north of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles south of the Lincoln VORTAC excluding the airspace within a 1-mile radius of Arrow Airport (latitude 40°52' 00" N., longitude 96°39'15" W.).

Little Rock, Ark. (Adams Field)
Within a 5-mile radius of Adams Field (latitude 34°43'45" N., longitude 92°13'45" W.), within 1.5 miles each side of the ILS localizer southwest course extending from the 5-mile radius zone to the LOM, and within 3.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 12 miles northeast of the airport excluding the portion within the Little Rock, Ark. (Little Rock AFB), control zone.

Little Rock, Ark. (Little Rock AFB)
Within a 5-mile radius of Little Rock AFB (latitude 34°55'05" N., longitude 92°08'45" W.), within 1.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 1 mile east of the 5-mile radius, within 1.5 miles each side of the Jacksonville TACAN 076° radial extending from the 5-mile radius zone to 6.5 miles east of the TACAN, within 2 miles each side of the extended centerline of Runway 24 extending from the 5-mile radius zone to 6 miles southwest of the airport, and within 1.5 miles each side of the Jacksonville TACAN 241° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN.

Livermore, Calif.
Within a 3-mile radius of Livermore Municipal Airport (latitude 37°41'38" N., longitude 121°49'02" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continually published in the Airman's Information Manual.

Livingston, Mont.
That airspace within a 5-mile radius of Mission Field Airport (latitude 45°41'45" N., longitude 110°26'40" W.) and within 3 miles each side of the Livingston, Mont., VORTAC 340° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC.

London, Ky.
Within a 5-mile radius of London-Corbin Airport, Magee Field (lat. 37°05'15" N., long. 84°04'38" W.); within 2 miles each side of London VOR 030° radial, extending from the 5-mile radius zone to 10 miles northeast of the VOR within
3 miles each side of London VOR 202° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

Lone Rock, Wis.
Within a 5-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.); excluding the portion overlying and south of the Wisconsin River. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/29/76 40 F. R. 53231 (Added)

Long Beach, Calif.
Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.) within a 5-mile radius of NAS Los Alamitos, Calif. (latitude 33°47'30" N., longitude 118°02'50" W.); within 2 miles each side of the Long Beach ILS localizer NW course, extending from the Long Beach 5-mile radius zone to 5 miles NW of the localizer, excluding the portion within a 1-mile radius of Sunset Beach, Calif. Airport (latitude 33°43'08" N., longitude 118°02'13" W.).

Longview, Tex.
That airspace within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 5-mile radius zone to 7 miles NW of the VORTAC, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 5-mile radius zone to 9 miles southeast of the VORTAC, within 2 miles each side of the Gregg County ILS localizer NW course extending
from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Los Angeles, Calif. (Hawthorne Municipal Airport)
Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Los Angeles, Calif. (Los Angeles International Airport)
Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles each side of the Los Angeles Runway 25L ILS localizer east course, extending from the 5-mile radius zone to the Lima OM; within 2 miles each side of the Los Angeles VOR 096° radial, extending from the Hawthorne 3-mile radius zone to 4 miles E of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W., and excluding the portion within the Hawthorne Municipal Airport control zone, when it is effective.

Louisville, KY. (Bowman Field)
Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile radius zone to the VOR; within 3 miles each side of Bowman VOR 018°, 068°, 151° and 182° radials, extending from the 5-mile radius zone to 8.5 miles north, east, southeast and south of the VOR; excluding the portion within
Standiford Field control zone and the portion west of a line 1.5 miles east of and parallel to the Standiford Field ILS localizer north course.

Louisville, KY. (Standiford Field)
Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to the arc of a 5-mile radius circle centered on Bowman Field; within 1.5 miles north and 2 miles south of the ILS localizer east course, extending from the 5-mile radius zone to 1 mile east of the VOR; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the Nabb VOR 206° radial; within 2 miles each side of Louisville VOR 301° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Bowman Field control zone east of a line 1.5 miles east of and parallel to Standiford Field ILS localizer north course and the portion north of a line 1.5 miles north of and parallel to Standiford Field ILS localizer east course.

Lubbock, Tex. (Lubbock Regional Airport)
That airspace within a 5-mile radius of Lubbock Regional Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the Lubbock 5-mile
radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° and 116° radials, extending from the Lubbock 5-mile radius zone to 11.5 miles southeast of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

Lubbock, Tex. (Reese AFB)
That airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56" N., longitude 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 227° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 016° radial extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, within 2 miles each side of the Reese AFB ILS localizer north course extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, and within 2 miles each side of the Reese AFB TACAN 167° radial extending from the 5-mile radius zone to 9.5 miles south of the TACAN, excluding that portion which lies within the Lubbock Regional Airport control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

Lufkin, Tex.
That airspace within a 5-mile radius of Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.), within 2 miles each side of the Lufkin VOR 337° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the 153° bearing from the Lufkin DF station (latitude 31°13'57" N., longitude 94°45'15" W.) extending from the 5-mile radius zone to 8 miles SE of the DF station.

Lynchburg, VA.
Within a 5.5-mile radius of the center lat. 37°19'37" N., long. 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, VA.; within 3 miles each side of the Lynchburg, VA., VORTAC 021° and 201° radials extending from the 5.5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the Lynchburg, VA., VORTAC 023° radial extending from the 5.5-mile radius zone to 13 miles northeast of the VORTAC and within a 1.5-mile radius of the center lat. 37°22'40" N., long. 79°07'21" W. of Falwell Airport, Lynchburg, VA. This control zone is effective from 0700 to 2300 hours, local time, daily.

MacDill AFB, Fla.
Within a 5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 1.5 miles each side of MacDill AFB TACAN 216° radial, extending from the 5-mile radius zone to 6 miles soutnwest of the TACAN; within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); excluding the portion within Tampa, Fla. (International Airport), control zone.

Macon, Ga.
Within a 5-mile radius of Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 5.5 miles southwest of the runway end; within 3 miles each side of Macon VORTAC 316° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 3 miles each side of Macon VORTAC 140° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

Madison, Wis.
That airspace within a 5½-mile radius of the Truax Field Airport (latitude 43°08'15" N., longitude 89°20'10" W.); within 2½ miles each side of the Madison VOR 359° radial extending from the 5½ mile radius to 6 miles north of the VOR; and within 2½ miles each side of the Madison VOR 134° radial extending from the 5½-mile radius to 6 miles southeast of the VOR.

Manchester, N. H.
Within a 5-mile radius of the center, lat. 42°56'00" N., long. 71°26'21" W. of Grenier Field-Manchester Municipal Airport, Manchester, N. H.; within 2.5 miles each side of the 157° bearing from the Derry RBN, lat. 42°52'12" N., long. 71°23'52" W., extending from the 5-mile radius zone to 8.5 miles south of the RBN and within 2.5 miles each side of the Manchester VORTAC 325° radial, extending from the 5-mile radius zone to 13 miles northwest of the VORTAC. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.

Manhattan, Kans.
Within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40'05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the McDowell Creek RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans. control zone and the portion within R-3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Manistee, Mich.
Within a 5-mile radius of Manistee Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles west of the VOR; and within 2 miles each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Manitowoc, Wis.
Within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 313° radial extending from the 5-mile radius zone to 8 miles north of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

Mankato, Minn.
Within a 5-mile radius of Mankato Municipal Airport (lat. 44°13'25" N., long. 93°55'06" W.); within 2 miles each side of the Mankato VOR 166° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 3 miles each side of the Mankato VOR 329° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mansfield, Ohio
Within a 5-mile radius of the Mansfield-Lahm Municipal Airport (latitude 40°49'17" N., longitude 82°31'00" W.); and within 2 miles each side of the Mansfield VORTAC 307° radial extending from the 5-mile radius zone to 5.5 miles NW of the airport.

Marion, Ill.
Within a 5-mile radius of the Williamson County Airport (latitude 37°45'15" N., longitude 89°00'40" W.), within 2 miles each side of the Marion VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Marion VOR 209° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Marion, Ind.
Within a 5-mile radius of the Marion Municipal Airport (latitude 40°29'27" N., longitude 85°40'43" W.); and within 2.5 miles each side of the Marion VOR 042°, 211° and 320° radials; extending from the 5-mile radius to 6 miles northeast and northwest and 5.5 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Marquette, Mich. (K. I. Sawyer AFB)
Within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer S course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the K. I. Sawyer TACAN 015° radial extending from the 5-mile radius zone to 8 miles N of the TACAN.

Marquette, Mich. (Marquette County Airport)
Within a 5-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

Martha's Vineyard, Mass.
Within a 4-mile radius of Martha's Vineyard Airport (latitude 41°23'35" N., longitude 70°36'50" W.); within 2 miles each side of the Martha's Vineyard VOR 055° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the 040° bearing from the Edgartown RBN, extending from the 4-mile radius zone to 8 miles NE of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Martinsburg, Pa.
Within a 5-mile radius of the center, lat. 40°17'51" N., long. 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from a 090° bearing to a 137° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 137° bearing to a 163° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 163° bearing to a 258° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 323° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 323° bearing to a 065° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 090° bearing from the airport and within 3 miles each side of the Altoona, Pa., VOR 026° radial, extending from the VOR to 8.5 miles northeast of the VOR.

Martinsburg, W. Va.
Within a 5.5-mile radius of the center lat. 39°24'03" N., long. 77°59'09" W., of Eastern West Virginia Regional Airport, Martinsburg, W. Va.; within a 9.5-mile radius of the center of the airport, extending clockwise from a
230° bearing from the airport to a 269° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 285° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 285° bearing to a 315° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 315° bearing to a 003° bearing from the airport.

Marysville, Calif. (Beale AFB)
Within a 5-mile radius of Beale AFB (lat. 39°08'10"N., long. 121°26'05"W.), within 1.5 miles each side of the Beale TACAN 347° radial extending from the 5-mile radius zone to six miles north of the TACAN; and within 1.5 miles each side of the Beale TACAN 157° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN.

AMENDMENTS 7/15/76 41 F. R. 29663 (Rewritten)

Marysville, Calif. (Yuba County Airport)
Within a 5-mile radius of Yuba County Airport (latitude 39°05'50" N., longitude 121°34'00" W.); within 2 miles each side of the Marysville VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR and within 2 miles each side of the Marysville VOR 343° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within the Beale AFB control zone.

Mason City, Iowa
Within a 5-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.).

Massena, N. Y.
Within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

Mattoon, Ill.
Within a 5-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); within 4.5 miles each side of the Mattoon VOR 228° radial extending from the 5-mile radius zone to 11.5 miles southwest of the VOR; and within 3 miles each side of the Mattoon VOR 063° radial, extending from the 5-mile radius area to 8.5 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mayaguez, P. R.
Within a 5-mile radius of Mayaguez Airport (lat. 18'15'26" N., long. 67'08'58" W.); within 3 miles each side of Mayaguez VOR 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

Mayport, Fla. (NS Mayport)
Within a 5-mile radius of NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within 3 miles each side of the 057° bearing from the Navy Mayport RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN, excluding the portion southwest of a line connecting the two points of intersection with a 5-mile radius circle centered on Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.).

McAlester, Okla.
Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W).

McAllen, Tex.
Within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 10 miles east of the VOR and within 2 miles south and 1.5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius zone to 6 miles northwest of the VOR, excluding the portion outside the United States.

McComb, Miss.
Within a 5-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.); within 2 miles each side of McComb VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC.

McCook, Nebr.
That airspace within a 5-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 2 miles each side of the 120° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport; and within 2 miles each side of the 324° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

McGrath, AK.
That airspace within a 5-mile radius of the McGrath Airport (latitude 62°57'15" N., longitude 155°36'06" W.) and within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; and within 4 miles each side of the McGrath VORTAC 008° radial extending from the 5-mile radius zone to 13 miles north of the VORTAC.

Medford, Oreg.
That airspace within a 5-mile radius of the Medford-Jackson County Airport (latitude 42°22'15" N., longitude 122°52'20" W.), and within 2 miles W and 3 miles E of the Medford ILS localizer N course, extending from the 5-mile radius zone to 3 miles N of the OM.

Melbourne, Fla.
Within a 5-mile radius of the Melbourne Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within 3 miles each side of the Melbourne VOR 100° and 262° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VOR; within 3 miles each side of the 267° bearing from the Satellite RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the portion within the Cocoa (Patrick AFB), Fla. control zone.

Memphis, Tenn.
Within a 5-mile radius of the Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); excluding the portion within a 1-mile radius of Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

Memphis, Tenn. (NAS)
Within a 5-mile radius of Memphis NAS (lat. 35°21'15" N., long. 89°52'10" W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Menominee, Mich.
Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Merced, Calif.
Within a 5-mile radius of Castle Air Force Base, Merced, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.); within a 5-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.); and within 2 miles each side of the Castle TACAN 310° radial, extending from the Castle 5-mile radius circle to 6 miles NW of the TACAN.

Meridian, Miss. (Key Field)
Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the 011° and 012° bearings from Lauderdale RBN, extending from the 5-mile radius zone to 0.5 miles north of the RBN; within 2 miles each side of Meridian VORTAC 145° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

Meridian, Miss. (NAS Meridian)
Within a 5-mile radius of NAS Meridian (lat. 32°33'27" N., long. 88°33'33" W.); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 5-mile radius zone to 10.5 miles north of the RBN; within 1.5 miles each side of NAS Meridian TACAN 069° and 359° radials, extending from the 5-mile radius zone to 6 miles east and north of the TACAN; within 2 miles each side of NAS Meridian TACAN 194° radial, extending from the 5-mile radius zone to 9.5 miles south of the TACAN; within 2 miles each side of Runways 18L and 27 extended centerline, extending from the 5-mile radius zone to 4 miles north and east of the runway ends; within 2 miles each side of Runway 36L extended centerline, extending from the 5-mile radius zone to 5 miles south of the runway end.
This control zone is effective from 0600 to 2400 hours, local time, Monday through Friday; 0700 to 1700 hours, local time, Saturday, and 1200 to 2200 hours, local time, Sunday and Federal legal holidays.

Miami, Fla. (Dade-Collier Training and Transition Airport)
Within a 5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.).
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Miami, Fla. (International Airport)
Within a 5-mile radius of Miami International Airport (lat. 25°47'34" N., long. 80°17'10" W.); within 2 miles each side of Miami VORTAC 139° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 1.5 miles each side of Runway 9L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Portland RBN; within 1.5 miles each side of Runway 27L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Miami VORTAC 161° radial.

Miami, Fla. (Opa Locka Airport)
Within a 5-mile radius of Opa Locka Airport (latitude 25°54'26" N., longitude 80°16'48" W.); within 2 miles each side of the Miami VORTAC 110° radial, extending from the 5-mile radius zone to 5.5 miles east of the VORTAC; excluding the portion which coincides with the Miami (International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

Miami, Fla. (Tamiami Airport)
Within a 5-mile radius of the Tamiami Airport, Fla. (latitude 25°38'51" N., longitude 80°25'59" W.).

Middletown, Pa.
Within a 6-mile radius of the center, 40°11'34" N., 76°45'48" W., of the Harrisburg International Airport-Olmsted Field, Middletown, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 293° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 033° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 033° bearing to a 098° bearing from the airport; within 2 miles each side of the extended centerline of Harrisburg International Airport-Olmsted Field Runway 13, extending from the southeast end of Runway 13 to 6 miles southeast of the southeast end of Runway 13; excluding the portion that coincides with the Harrisburg, Pa., control zone west of direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa., 6.5-mile radius zone.

Midland, Tex.
Within a 5-mile radius of Midland Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and
within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

Midway Island
Within a 5-mile radius of Midway NS (Henderson Field) (lat. 28°11'55" N., long. 177°22'50" W.) and within 2.5 miles northwest and 4.5 miles southeast of the 240° bearing from the Midway RBN, extending from the 5-mile radius zone to 10.5 miles southwest of the RBN.

Miles City, Mont.
Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 3 miles each side of the 252° bearing from the Horton RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 3 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

Millville, N. J.
Within a 5-mile radius of the center, 39°22'00" N., 75°04'45" W. of Millville Municipal Airport, Millville, N. J.

Milton, Fla. (NAS Whiting Field (North))
Within a 5-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Milwaukee, Wis. (General Mitchell Field)
Within a 5-mile radius of General Mitchell Field (latitude 42°56'51"N., longitude 87°53'58" W.).

Milwaukee, Wis. (Timmerman Airport)
Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); and within 3 miles each side of Timmerman VOR 336° radial, extending from the 5-mile radius zone to 6½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mineral Wells, Tex.
Within a 5-mile radius of Mineral Wells Airport (latitude 32°46'59" N., longitude 98°03'34" W.) and within 3 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date will thereafter be continuously published in the Airman's Information Manual.

Minneapolis, Minn.
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile radius zone to one-half mile southwest of AP-OM.

Minneapolis, Minn. (Crystal Airport)
Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Minneapolis, Minn. (Flying Cloud)
Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airman's Information Manual.

Minot, N. Dak. (International Airport)
Within a 5-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 4 miles each side of the Minot VORTAC 129° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC; within 4 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 9½ miles west of the VORTAC; within 4 miles each side of the Minot VORTAC 327° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VORTAC; and within 4 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8½ miles east of the VORTAC, excluding the portion which overlies the Minot AFB control zone.

Minot, N. Dak. (Minot AFB)
Within a 5-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within 2½ miles each side of the Deering TACAN 113° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN; and within 2½ miles each side of the Deering TACAN 303° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN.

Miramar, Calif.
Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

Missoula, Mont.
Within a 5-mile radius of the Johnson-Bell Airport (latitude 45°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the Missoula VORTAC 312° radial extending from the 5-mile radius zone to 16.5 miles northwest of the VORTAC; within 5 miles each side of the Missoula VORTAC 302° radial extending from the VORTAC to 11 miles northwest of the VORTAC; within 2 miles each side of the Missoula VORTAC 172° radial extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

Mitchell, S. Dak.
Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); within 3 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 7½ miles southeast of the VOR; and within 3 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 7½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mobile, Ala. (Bates Field)
Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 1.5 miles each side of Mobile VORTAC 113° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

Mobile, Ala. (Aerospace Airport)
Within a 5-mile radius of Mobile Aerospace Airport (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 3.5 miles each side of Brookley VORTAC 150° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC. This control zone is effective from 0800 to 1900 hours, local time, daily.

Modesto, Calif.
Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif. (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 302° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Modesto VOR 122° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Moline, Ill.
Within a 5-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); and within 2 miles each side of the Quad City ILS localizer west course, extending from the 5-mile radius zone to the OM.

Molokai, Hawaii
Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the
VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Pacific chart supplement.

Monroe, La.
That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

Monterey, Calif.
Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'20" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, excluding the portion within the Fort Ord, Calif., control zone.

Montgomery, Ala.
Within a 6-mile radius of Dannelly Field (lat. 32°18'00"N., long. 86°23'36"W.); within 2 miles each side of Montgomery VORTAC 310° radial, extending from the 6-mile radius zone to 14.5 miles northwest of the VORTAC; within a 6-mile radius of Maxwell Air Force Base (lat. 32°22'48"N., long. 86°21'55"W.).

AMENDMENTS 7/15/76 41 F. R. 21628 (Rewritten) Corr: 41 F. R. 24882

Montpelier, Vt.
Within a 6-mile radius of the center, lat. 44°12'15" N., long. 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 3 miles each side of the Montpelier VOR 163° radial extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the centerline of Runway 23 extending from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

Montrose, Colo.
That airspace within a 5-mile radius of the Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), and within 4 miles each side of the Montrose, Colo., VOR 313° radial extending from the 5-mile radius zone to 14 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Morgantown, W. Va.
Within a 5.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W., of Morgantown Municipal Airport-Walter L. Hart Field,
Morgantown, W. Va., extending clockwise from a 220° bearing to a 030° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 040° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 075° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 075° bearing to a 105° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 140° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 202° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 202° bearing to a 220° bearing from the airport and within 2 miles each side of the 168° bearing from the Bobtown RBN, extending from the 5.5-mile radius arc to the RBN.

Morristown, N. J.
Within a 5-mile radius of the center, 40°47'58" N., 74°24'56" W., of Morristown Municipal Airport, Morristown, N. J., extending clockwise from a 339° bearing to a 229° bearing from the airport; within a 6-mile radius of the center of Morristown Municipal Airport, extending clockwise from a 229° bearing to a 339° bearing from the airport and within 3 miles each side of a 204° bearing from the Chatham, N. J., RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN, excluding a 1-mile radius of the center, 40°41'28" N., 74°32'08" W., of Somerset Hills Airport, Basking Ridge, N. J. This control zone is effective from 0630 to 2230 hours, local time, daily.

Mosinee, Wis.
Within a 5-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 1½ miles each side of the Wausau, Wis., VOR 219° radial, extending from the 5-mile radius zone to the VOR; within 3½ miles each side of the 242° bearing from Central Wisconsin Airport extending from the 5-mile radius zone to 10½ miles west of the airport; and within 3½ miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 5-mile radius zone to 10½ miles east of the airport, excluding the portion which overlies the Wausau, Wis., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Moultrie, Ga.
Within a 5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58"N., long. 83°48'15"W.); within 3 miles each side of Moultrie VOR 031° and 230° radials, extending from the 5-mile radius zone to 8.5 miles northeast and southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/15/76 41 F. R. 17372 (Rewritten)

Mountain Home, Idaho
Within a 5-mile radius of Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.); within 2 miles each side of the extended centerline of Runway 12, extending from the 5-mile radius zone to 7.5 miles SE of the SE end of Runway 12; within 2 miles each side of the extended centerline of Runway 30, extending from the 5-mile radius zone to 7.5 miles NW of the NW end of Runway 30; within 2 miles each side of the Mountain Home TACAN 129° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN, and within 2 miles each side of the Mountain Home TACAN 321° radial; extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Mountain View, Calif. (Moffett Field NAS)
Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 3-mile radius of Palo Alto, Calif. Airport (latitude 37°27'40" N., longitude 122°06'50" W.) within 2.5 miles southwest and 2 miles northeast of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN and within 2 miles each side of the San Jose VOR 319° radial, extending from the VOR to 8 miles northwest of the VOR, excluding the portion southeast of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W., and the portion within the Palo Alto control zone when it is effective.

Mount Clemens, Mich.
Within a 5-mile radius of Selfridge AFB (latitude 42°36'30" N., longitude 82°50'15" W.); within 2 miles each side of the Selfridge AFB ILS localizer north and south courses, extending from the 5-mile radius zone to 8 miles north and south of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will, hereafter, be continuously published in the Airman's Information Manual.

Mount Vernon, Ill.
Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'23" N., longitude 88°51'33" W.); within 4.5 miles each side of the Mount Vernon VOR 044° radial, extending from the 5-mile radius zone to 10.5 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Muncie, Ind.
Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'26" N., longitude 85°23'43" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile-radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile-radius zone to 10 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Muscle Shoals, Ala.
Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
Within a 5-mile radius of Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within 1.5 miles each side of the Muskegon VORTAC 272° radial, extending from the 5-mile radius zone to 1 milo west of the VORTAC; and within 1.5 miles each side of the ILS back course extending from the 5-mile radius zone to 10.5 miles northwest of the Muskegon County Airport ILS OM.

Myrtle Beach, S. C.
Within a 5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within 3 miles each side of Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT
The Myrtle Beach, S.C., control zone is amended by deleting "Myrtle Beach Airport" and substituting "Grand Strand Airport" therefor.

AMENDMENTS 12/30/76 41 F.R. 43514 (Changed)

Myrtle Beach AFB, S. C.
Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.); within 1.5 miles each side of Conway TACAN 355° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN; within 1 mile each side of Conway TACAN 348° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

Nantucket, Mass.
Within a 4-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.), and within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR.
This Control Zone is effective from 0600 to 2300 hours local time, daily or during specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 4/15/76 41 F. R. 15839 (Changed)

Napa, Calif.
Within a 3-mile radius of Napa County Airport (latitude 38°12'55" N., longitude 122°16'45" W.), from 0700 to 2300 hours, local time, daily.

Nashville, Tenn.
Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'50" W.); within 3.5 miles each side of Nashville VORTAC 109° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; excluding the portion within a 1-mile radius of Cornelia Fort Airpark (lat. 36°11'45" N., long. 86°42'00" W.).

Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.).

Nenana, Alaska
Within a 5-mile radius of the Nenana Airport (latitude 64°32°56" N., longitude 149°04'24" W.); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius zone to 8.5 miles southeast of the RBN. This control zone is effective during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Newark, N. J.
Within a 5-mile radius of the center, 40°41'40" N., 74°10'02" W., of Newark International Airport, Newark, N. J., extending clockwise from a 030° bearing to a 263° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 263° bearing to a 342° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 342° bearing to a 030° bearing from the airport; within 2 miles each side of the Newark International Airport Runway 4L ILS localizer course, extending from the 5-mile radius to 2.5 miles northeast of the Chelsea OM and within 3 miles each side of the Kennedy VORTAC 283° radial extending from 22 miles to 29 miles northwest of the VORTAC.

New Bedford, Mass.
Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.). This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a NOtice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Bern, N. C.
Within a 5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); within 2.5 miles each side of New Bern VOR 210° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

Newburgh, N. Y.
Within a 5-mile radius of the center, 41°30'10" N., 74°06'11" W., of Stewart Airport, Newburgh, N. Y., extending clockwise from a 066° bearing to a 209° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 209° bearing to a 249° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 249° bearing to a 315° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 315° bearing to a 066° bearing from the airport; within 3 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the VOR to 15 miles northwest of the VOR and within 4.5 miles each side of the Stewart VOR 085° radial, extending from the VOR to 11.5 miles east of the VOR, excluding the portion that coincides with the Poughkeepsie, N. Y., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

New Haven, Conn.
That airspace within a 5-mile radius of the center, latitude 41°15'51" N., longitude 72°53'15" W. of the Tweed-New Haven Airport, New Haven, Conn., extending clockwise from a 079° bearing to a 237° bearing from the airport; within a 5.5-mile radius of the center of the airport extending clockwise from a 237° bearing to a 357° bearing from the airport; and within a 6-mile radius of the center of the airport, extending clockwise from a 357° bearing to a 079° bearing from the airport. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Orleans, La. (New Orleans Airport)
Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.), excluding the portion W of longitude 90°04'03" W.

New Orleans, La. (New Orleans International Airport-Moisant Field).
Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the LOM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC, excluding that portion E of longitude 90°04'03" W.

New Orleans, La. (NAS New Orleans-Alvin Callender Field)
That airspace within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); within 2 miles each side of the 241° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN, within 2 miles each side of the 131° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles each side of the Harvey VOR 053° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Newport News, Va.
Within a 5-mile radius of the center, lat. 37°07'51" N., long. 76°29'35" W., of Patrick Henry International Airport, Newport News, Va., excluding the portion that coincides with the Hampton Roads, Va., control zone.

New York, N. Y. (John F. Kennedy International Airport)
Within a 5-mile radius of the center, 40°38'25" N., 73°46'41" W., of John F. Kennedy International Airport; within the area bounded by a line beginning at 40°36'16" N., 73°52'32" W., to 40°37'10° N., 73°54'55" W.; to 40°42'19" N., 73°51'07" W., to 40°41'23" N., 73°48'48" W., to the point of beginning; within 1.5 miles each side of the Kennedy VORTAC 106° radial, extending from the 5-mile radius zone to 6.5 miles east of the VORTAC; within 1.5 miles each side of the Kennedy VORTAC 207° radial, extending from the 5-mile radius zone to 5 miles southwest of the VORTAC; within 1.5 miles each side of the Kennedy VORTAC 134° radial, extending from the 5-mile radius zone to 5 miles southeast of the VORTAC.

New York, N. Y. (La Guardia Airport)
Within a 5-mile radius of the center, 40°46'36" N., 73°52'24" W. of La Guardia Airport; within 1.5 miles each side of a line bearing 124° from a point 40°46'20" N., 73°51'34" W., extending from said point to 5 miles southeast of said point.

Niagara Falls, N. Y.
Within a 5-mile radius of Niagara Falls International Airport (latitude 43°06'20" N., longitude 78°56'55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

Nome, Alaska
Within a 5-mile radius of the Nome Airport (lat. 64°30'46"N., long. 165°26'31"W.); and within 3 miles north and 4 miles south of the Nome VORTAC 107° and 287° radials, extending from the 5-mile radius zone to 8.5 miles east of the VORTAC.

Withdrawn 41 F. R. 10418 - comment period reopened until 4/15/76 AMENDMENTS 9/9/76 41 F. R. 29664 (Rewritten)

Norfolk, Nebr.
Within a 5-mile radius of Karl Stefan Memorial Airport (latitude 41°59'05" N., longitude 97°26'10" W.); and within 2 miles each side of the Norfolk VOR 022°, 144°, 195° and 318° radials, extending from the 5-mile radius zone to 8 miles southeast, south, northwest and northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Norfolk, Va. (Norfolk International)
Within a 5-mile radius of the center, 36°53'45"N., 76°12'15"W., of Norfolk International Airport, Norfolk, Va., excluding the northwest portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (NAS Norfolk), control zone.

AMENDMENTS 4/26/76 41 F. R. 17373 (Changed)

Norfolk, Va. (NAS Norfolk)
Within a 5-mile radius of the center, 36°56'15" N., 76°17'15" W. of NAS Norfolk, Norfolk, Va., excluding the southeastern portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (Norfolk International), control zone.

AMENDMENTS 4/26/76 41 F. R. 17373 (Changed)

North, S. C.
Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.
Within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W.); within 2 miles each side of the North Bend VORTAC 044° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC; and within 3 miles each side of the 241° bearing from the Empire LOM (latitude 43°23'42" N., longitude 124°18'33" W.), extending from the 5-mile radius zone to 7 miles southwest of the LOM.

North Las Vegas, Nev.
Within a 3-mile radius of the North Las Vegas Air Terminal (latitude 36°12'45" N., longitude 115°11'46" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/15/76 40 F. R. 5[illegible]

North Philadelphia, Pa.
Within a 5-mile radius of the center, 40°04'49" N., 75°00'45" W., of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 030° bearing to a 252° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 030° bearing from the airport, excluding the north portion subtended by a chord drawn between the points of intersection of the 6-mile radius zone with that portion of the Willow Grove, Pa., control zone 5-mile radius zone centered on Warminster NAF.

North Platte, Nebr.
Within a 5-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from the Bignell RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the 5-mile radius zone to 10 miles southeast of the airport.

Northway, Alaska
Within a 5-mile radius of Northway Airport (latitude 62° 57' N., longitude 141° 55' W.), and within 2 miles each side of Nabesna, Alaska, RBN 307° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN.

Norwood, Mass.
Within a 5-mile radius of the center (42°11'20" N., 71°10'15" W.) of Norwood Memorial Airport, Norwood, Mass.; within 3 miles each side of the 154° bearing and 334° bearing from the Stoughton, Mass., RBN (42°07'10"N., 71°07'41" W.) extending from the 5-mile radius zone to 8 miles southeast of the RBN and within 2 miles each side of the Whitman VORTAC 311° radial extending from the 5-mile radius zone to 2 miles northwest of the VORTAC, excluding the portion within the South Weymouth, Mass., control zone. This control zone is effective daily from 0800 to 2000 hours, local time, or during the specific times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Oak Grove, N. C.
Within a 5-mile radius of Oak Grove HOLF (Navy), N. C. (lat. 35°01'15" N., long. 77°15'12" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Oakland, Calif.
Within a 5-mile radius of Metropolitan Oakland International Airport (latitude 37°43'15" N., longitude 122°13'20" W.) excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda, Calif., control zone; within a 5-mile radius of Hayward Air Terminal, Hayward, Calif. (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Hayward control zone when it is effective.

Oceana, Va.
Within a 5-mile radius area of the center, lat. 36°50'00" N., long. 76°01'45" W. of NAS Oceana (Soucek Field); within 2 miles each side of the Navy Oceana TACAN 225° radial extending from the 5-mile radius zone to 10 miles southwest of the TACAN; within 3.5 miles each side of a 187° bearing from the Navy Oceana RBN extending from the 5-mile radius zone to 9 miles south of the RBN and within a 3-mile radius of the center of lat. 36°42'15" N., long. 76°08'00" W. of ALF Fentress.

Ogden, Utah (Hill AFB)
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

Ogden, Utah (Ogden Municipal Airport)
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°08'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0600 to 2200 hours, local time, daily.

Oklahoma City, Okla. (Tinker AFB)
That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 003° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; and within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius to 6 miles south of the VOR.

Oklahoma City, Okla. (Wiley Post Airport)
Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97°38'40" W.) within 2 miles each side of the Wiley Post ILS localizer north course extending from the 5-mile radius zone to the OM (latitude 35°37'33" N., longitude 97°38'50" W.); within 2 miles each side of the Oklahoma City VORTAC 050° radial extending from the 5-mile radius zone to the VORTAC; and excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.

Oklahoma City, Okla. (Will Rogers World Airport)
Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.); within 3 miles each side of the Oklahoma City runway 17R ILS localizer north course, extending from the 5-mile radius zone to the Tulakes, Okla., RBN; within 2 miles southwest and 3.5 miles northeast of the Oklahoma City VORTAC 105° radial extending from the 5-mile radius zone to the VORTAC; and within 3 miles each side of the Oklahoma City runway 35R ILS localizer south course extending from the 5-mile radius zone to the LOM (latitude 35°18' 36" N., longitude 97°35'17" W.), excluding that portion which coincides with the Oklahoma City (Wiley Post) control zone.

Olathe, Kans.
Within a 5-mile radius of the Johnson County, Kansas Airport (lat. 38°51'00" N., long. 94°44'15" W.); and within 2½ miles each side of the 183° bearing from Johnson County Airport, extending from the 5-mile radius zone to 6½ miles south of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Olympia, Wash.
Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 4 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 010° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Omaha, Nebr. (Eppley Field)
Within a 5-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); and within 2 miles each side of the Eppley Field ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the OM; and within 2 miles each side of the Eppley Field ILS localizer SE course extending from the 5-mile radius zone to 7 miles SE of the airport; and within 2 miles each side of the Omaha VORTAC 318° radial extending from the 5-mile radius zone to a point 7 miles SE of the airport.

Omaha, Nebr. (Offutt AFB)
Within a 5-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

PENDING AMENDMENT
Omaha, Nebr. (Offutt AFB)
Within a 5-mile radius of Offutt Air Force Base (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 310° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile NW of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer SE course, extending from the 5-mile radius zone 2.4 miles.

AMENDMENTS 12/30/76 41 F. R. 50806 (Rewritten)

Ontario, Calif.
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer east course extending from the 5-mile radius zone to 3 miles east of the OM, and within a 3-mile radius of Chino, Calif., and within 1.5 miles each side of the Ontario, Calif., VORTAC 303° radial, extending from the 3-mile radius zone to 1 mile NW of the VORTAC, excluding the portion within the Chino control zone when it is effective.

Orlando, Fla.(Herndon Airport)
Within a 5-mile radius of Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.); within 3 miles each side of Orlando VORTAC 125° and 315° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC; excluding the portion south of a line connecting the two points of intersection with a 5-mile radius circle centered on McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.).

Orlando, Fla. (Orlando Jetport at McCoy)
Within a 5-mile radius of Orlando Jetport at McCoy (lat. 28°25'55" N., long. 81°19'15" W.); within 2 miles each side of Orlando VORTAC 175° radial, extending from the 5-mile radius zone to 13.5 miles south of the VORTAC; excluding the portion within the Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.) control zone.

Oscoda, Mich.
Within a 5-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB VOR 240° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Wurtsmith AFB VOR 056° radial extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

Oshkosh, Wis.
Within a 5-mile radius of Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3 miles each side of the Oshkosh VOR 275° radial extending from the 5-mile radius zone to 9½ miles west of the VOR; and within 3 miles each side of the Oshkosh VOR 182° radial extending from the 5-mile radius zone to 9½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Ottumwa, Iowa
Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N, Long. 92°26'50" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

Owensboro, Ky.
Within a 5-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 3 miles each side of Owensboro VOR 222° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 3 miles each side of Owensboro VOR 352° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Oxnard, Calif. (Ventura County Airport)
Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.) and within 2 miles each side of the Ventura County Runway 25 localizer east course extending from the 5-mile radius zone to 2 miles east of the outer marker. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/25/76 41 F. R. 5271 (Rewritten)

Paducah, Ky.
Within a 5-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 3 miles each side of the 234° bearing from Paducah RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN.

Palacios, Tex.
That airspace within a 5-mile radius of Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'15" W.) and within 2 miles each side of the 323° bearing from the Palacios DF station (latitude 28°43'22" N, longitude 96°15'07" W.) extending from the 5-mile radius zone to 8 miles northwest of the DF station.

Palm Beach, Fla.
Within a 5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within 3 miles each side of the Palm Beach VORTAC 275° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; excluding that airspace within a 1.5-mile radius of Palm Beach County Park (Lantana) Airport (lat. 26°35'35" N., long. 80°05'10" W.).

Palmdale, Calif.
Within a 5-mile radius of Air Force Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118° 04'54" W.), within 3 miles each side of the ILS localizer east course, extending from the 5-mile radius zone to 7.5 miles east of the LOM, and within 2 miles south of and parallel to the Palmdale VORTAC 099° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Palm Springs, Calif.
Within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Palo Alto, Calif.
Within a 3-mile radius of Palo Alto Airport (latitude 37°27'39" N., longitude 122°06'50" W.) excluding the portion southeast of a line extending from latitude 37°25'14" N., longitude 122°08'30" W. to latitude 37°26'30" N., longitude 122°05'43" W. to latitude 37°29'10" N., longitude 122°04'08" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Palomar, Calif.
Within a 3-mile radius of Palomar Airport (latitude 33°07'40" N., longitude 117°16'45" W.); within 1.5 miles each side of the Oceanside VORTAC 134° radial extending from the 3-mile radius zone to 4.5 miles southeast of the VORTAC, and within 1.5 miles each side of the Palomar Runway 24 localizer east course extending from the 3-mile radius zone to 7.5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/25/76 41 F. R. 5271 (Rewritten)

Panama City, Fla.
Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Paris, Tex.
That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius to the VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously thereafter in the Airman's Information Manual.

Parkersburg, W. Va.
Within a 5-mile radius of the center, lat. 39°20'44" N., long. 81°26'16" W. of Wood County (Gill Rob Wilson Field) Airport, Parkersburg, W. Va.

Pasco, Wash.
That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 4 miles each side of the Pasco ILS localizer northeast course extending from the 5-mile radius zone to 10 miles northeast of the OM (46°18'41" North Latitude, 119°03'00" West Longitude) and within 3 miles each side of the Pasco VOR 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Paso Robles, Calif.
Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.).

Patuxent River, Md.
Within a 5-mile radius of the center, 38°17'15"N., 76°24'30"W., of Patuxent River NAS (Trapnell Field), Patuxent River, Md.; within 2 miles each side of the Patuxent VORTAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; within 2 miles each side of the Patuxent VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LF RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN; within a ½-mile radius of the center, 38°13'30" N., 76°26'30" W., of Park Hall, Md., Airport; and within a ½-mile radius of the center, 38°21'40" N., 76°24'15" W., of Chesapeake Ranch Airpark.

AMENDMENTS 8/19/76 41 F.R. 31524 (Changed)

Pellston, Mich.
Within a 5-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); within 2½ miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 5½ miles southeast of the airport; and within 5 miles each side of the Pellston VORTAC 238° radial extending from the airport to 21 miles southwest of the VORTAC.

Pendleton, Oreg.
Within a 5-mile radius of Pendleton Airport (latitude 45°41'42" N., longitude 118°50'25" W.), and within 2 miles each side of the Pendleton VORTAC 273° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

Pensacola, Fla.
Within a 5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to 8.5 miles south of Pickens RBN.

Pensacola, Fla. (NAS Saufley Field)
Within a 5-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 3 miles each side of the 214° bearing from NAS Saufley RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; excluding the portions within the Pensacola, Fla., and Pensacola NAS, Fla., control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Pensacola, NAS, Fla.
Within a 5-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 3 miles each side of the 134° bearing from NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile radius zone to 8.5 miles south of the RBN; within 1.5 miles each side of NAS Pensacola TACAN 193° and 235° radials, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN.

Peoria, Ill.
Within a 5-mile radius of the Greater Peoria Airport (lat. 40°39'47" N., long. 89°41'22" W.) and within 4.5 miles each side of the Greater Peoria Airport ILS localizer northwest course, extending from the 5-mile radius zone to 17.5 miles northwest of the airport.

Philadelphia, Pa.
Within a 5-mile radius of the center, 39°52'23" N., 75°14'58" W., of Philadelphia International Airport, Philadelphia, Pa.; within a 6-mile radius of the center of the airport extending clockwise from a 266° bearing to a 016° bearing from the airport; within 2.5 miles each side of the Philadelphia International Airport Runway 27R ILS localizer course, extending from the localizer to 6.5 miles east; within 2 miles each side of the Philadelphia International Airport Runway 9R ILS localizer course, extending from the 5-mile radius zone to 2 miles east of the OM; within 2.5 miles each side of the New Castle, Del., VORTAC 055° radial, extending from the 5-mile radius zone to 18.5 miles northeast of the VORTAC.

Philipsburg, Pa.
Within a 5-mile radius of the center, 40°53'00" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 248° bearing to a 031° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 098° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 187° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 187° bearing to a 248° bearing from the airport; and within 4 miles each side of a 327° bearing from a point 40°53'09" N., 78°05'06"W., extending from said point to a point 8.5 miles northwest.

Phoenix, Ariz. (Deer Valley)
Within a 3-mile radius of Deer Valley Airport (latitude 33°41'13" N., longitude 112°04'57" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.
AMENDMENTS 1/29/76 40 F. R. 54240 (Added)

Phoenix-Litchfield, Ariz.
Within a 4-mile radius of Phoenix-Litchfield Airport (latitude 33°25'25" N., longitude 112°22'30" W.), excluding the portion within the Phoenix, Ariz. (Luke Air Force Base) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) within 2 miles each side of the Luke TACAN 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles each side of the Luke TACAN 209° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the Luke TACAN. This control zone is effective from 0600 to 0000 hours local time daily.

Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

Pierre, S. Dak.
Within a 5-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); and within 1 mile each side of the Pierre ILS localizer northwest course extending from the 5-mile radius zone to 6 miles northwest of the airport.

Pine Belt, Miss.
Within a 5-mile radius of Pine Belt Regional Airport (lat. 31°28'03"N., long. 89°20'11.6"W.). This control zone is effective from 0530 to 1430 hours and from 1600 to 0100 hours, local time, daily.
AMENDMENTS 7/15/76 41 F. R. 21629 (Added)

Pine Bluff, Ark.
That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.) and within 2 miles each side of the Pine Bluff VORTAC 186° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Pittsburgh, Pa. (Allegheny County)
Within a 5-mile radius of the center lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 5-mile radius zone to 8.5 miles west of the RBN.

Pittsburgh, Pa. (Greater Pittsburgh International Airport)
Within an 8-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh International Airport, Pittsburgh, Pa.

Plainview, Tex.
Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

Plattsburgh, N. Y.
Within a 5-mile radius of the Plattsburgh AFB (Lat. 44°39'05" N, Long. 73°28'10" W); within a 5-mile radius of the Clinton County Airport (lat. 44°41'10" N, long. 73°31'10" W.); within 2 miles either side of the Valcour, New York TACAN 338° radial extending from the Clinton County Airport 5-mile radius zone to 12 miles N of the TACAN. Within 3 miles each side of the Clinton County Airport ILS localizer south course, extending from the localizer to 3 miles south of the OM.

AMENDMENTS 10/21/76 41 F.R. 45819 (Changed)

Pocatello, Idaho
Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC;
that airspace within 5 miles each side of the Pocatello VORTAC 225° radial extending from the 5-mile radius to 10½ miles southwest of the VORTAC excluding that airspace within a 1-mile radius of the American Falls Airport (latitude 42°48'00" N., longitude 112°49'30" W.), American Falls, Idaho.

Point Barrow, Alaska
Within a 5-mile radius of the Point Barrow AFS Airport (latitude 71°20'21" N., longitude 156°37'45" W.); within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport (latitude 71°17'11" N., longitude 156°46' 15" W.); within 3 miles each side of the Point Barrow RBN (PTR) 051° bearing extending from the 5-mile radius zone to 10 miles northeast of the RBN (PTR); within 2.5 miles each side of the Wiley RBN (IEY) 090° bearing, extending from the 5-mile radius zone to 10 miles east of the RBN; within 2.5 miles each side of the Wiley RBN (IEY) 226° bearing, extending from the 5-mile radius zone to 10 miles southwest of the RBN; and within 2.5 miles each side of the Wiley RBN (IEY) 270° bearing, extending from the 5-mile radius zone to 10.5 miles west of the RBN.

Point Mugu, Calif.
Within a 5-mile radius of NAS Point Mugu (lat. 34°07'05" N., long. 119°07'20" W.) and within the arc of a 12-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 200° radial to the 252° radial, excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

Pompano Beach, Fla.
Within a 5-mile radius of Pompano Beach Airpark (latitude 26°15'00" N., longitude 80°06'30" W.); within 3 miles each side of Pompano Beach VOR (latitude 26°14'52" N., longitude 80°06'32" W.) 319° radial, extending from the 5-mile radius zone to 5.5 miles northwest of the VOR; excluding the portion southwest of a line 3 miles southwest of and parallel to Pompano Beach VOR 319° radial, and the portion east of Fort Lauderdale Executive Airport, south of a line 1 mile north of and parallel to the extended centerline of Runway 8/26.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Ponca City, Okla.
Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.

Ponce, P. R.
Within a 5-mile radius of the Mercedita Airport, Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8½ miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMs.

Pontiac, MI.
Within a 5-mile radius of the Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 3 miles each side of the Pontiac VORTAC 116° and 272° radials, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC. This control zone is effective from 0600 to 2400 hours local time, daily.

Port Angeles, Wash.
Within a 5-mile radius of Williams R. Fairchild International Airport (latitude 48°07'10"N, longitude 123°29'44"W), including the airspace within 2 miles either side of the Port Angeles VOR 083° radial extending from the 5-mile radius zone to 4 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. Effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/4/76 41 F.R. 36490 (Rewritten)

Portland, Maine
Within a 5-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport, excluding the portion within a 1-mile radius of Oak Knoll Airport, Scarboro, Maine (43°35'21" N., 70°22'03" W.).
This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Portland, Oreg.
Within a 5-mile radius of Portland International Airport (lat. 45°35'21" N., long. 122°35'36" W.); within a 5-mile radius of the Portland-Troutdale Airport (lat. 45°33'00" N., long. 122°23'49" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 3.5 miles south of the VORTAC; within 2.5 miles each side of the Portland runway 10R ILS localizer west course, extending from the 5-mile radius zone to 1 mile west of the OM (lat. 45°37'28" N., long. 122°41'43" W.) and within 3 miles each side of the 119° and 299° bearings from the Lake LOM (lat. 45°32'38" N., long. 122°27'49" W.) extending from the 5-mile radius to 8 miles southeast of the LOM, excluding the portion within the Troutdale control zone when it is effective.

Portsmouth, N. H.
Within a 5-mile radius of Pease AFB, Portsmouth, N. H. (latitude 43°04'40" N., longitude 70°49'25" W.), within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the Pease AFB TACAN 142° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; within 2 miles each side of the Pease AFB TACAN 332° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN.

Poughkeepsie, N. Y.
Within a 5-mile radius of the center, 41°37'36" N., 73°52'59" W., of Dutchess County Airport, Poughkeepsie, N. Y., within 3.5 miles each side of the Kingston, N. Y., VORTAC 025° radial, extending from the VORTAC to 9.5 miles northeast of the VORTAC; within 2 miles each side of the Kingston, N. Y., VORTAC 230° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC;
and within 3.5 miles each side of the Kingston, N. Y., VORTAC 050° radial, extending from the VORTAC to 10.5 miles northeast of the VORTAC.

Prescott, Ariz.
Within a 6-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

Presque Isle, Maine
Within a 5-mile radius of Northern Maine Regional Airport (latitude 46°41'30" N., long. 68°02'30" W.); within 3.5 miles each side of the Presque Isle localizer course extending from the 5-mile radius zone to 10 miles south of the LOM; within 2 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Providence, R. I.
Within a 5-mile radius of Theodore Francis Green State Airport, Providence, R. I., (Lat. 41°43'30" N, Long. 71°25'48" W), and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

Pueblo, Colo.
Within a 6-mile radius of Pueblo Memorial Airport (lat. 38°17'30"N., long. 104°30'00"W.); within 2 miles each side of the Pueblo ILS localizer west course extending from the 6-mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 077° radial, extending from the 6-mile radius zone to 9.5 miles east of the VORTAC.
AMENDMENTS 9/9/76 41 F. R. 27957 (Rewritten)

Pullman, Wash.
Within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR 047° radial, extending from the 5-mile zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Quantico, Va.
Within a 5-mile radius of the center, lat. 38°30'15" N., long. 77°18'15" W., of Quantico MCAS (Turner Field) Quantico, Va.; within 2 miles each side of the Brooke, Va., VORTAC 013° radial, extending from the 5-mile radius zone to 1.5 miles north of the VORTAC and within 3 miles each side of the 183° bearing from the Quantico UHF RBN, extending from the 5-mile radius zone to 8.5 miles south of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/29/76 40 F. R. 53995 (Rewritten)

Quincy, Ill.
That airspace within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Quincy VORTAC 035° radial extending from the 5-mile radius zone to 12 miles northeast of the airport.

Raleigh, N. C.
Within a 5-mile radius of Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.); within 3.5 miles each side of Raleigh VORTAC 033°, 127° and 230° radials, extending from the 5-mile radius zone to 10.5 miles northeast, southeast and southwest of the VORTAC.

AMENDMENTS 11/4/76 41 F.R. 34586 (Changed)

Rapid City, S. Dak. (Ellsworth AFB)
Within a 5-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Regional Airport) control zone.

Rapid City, S. Dak. (Regional Airport)
Within a 5-mile radius of Rapid City Regional Airport (latitude 44°02'30" N., longitude 103°03'20" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

Rawlins, Wyo.
Within a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon.

Reading, Pa.
Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., extending clockwise from a 160° bearing to a 030° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 160° bearing from the airport; within 4.5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the 5-mile radius zone and 5.5-mile radius zone to 8.5 miles south of the OM; within 4 miles each side of a 161° bearing from a point 40°22'32" N., 75°57'57" W., extending from said point to 8.5 miles south; within 2.5 miles each side of a 301° bearing from a point of 40°23'00"N., 75°58'42"W., extending from said point to 5 miles northwest of said point; within 2 miles each side of a 352° bearing from a point 40°23'06"N., 75°57'48"W., extending from said point to 4.5 miles north of said point.

AMENDMENTS 7/15/76 41 F. R. 20160 (Changed)

Red Bluff, Calif.
Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15" N., longitude 122°14'50" W.), and within 2 miles each side of the Red Bluff VORTAC 167° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.

Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles west and 4 miles east of the Redding VOR 192° radial extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°34'26" N., longitude 122°19'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Redmond, Oreg.
Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 1.5 miles each side of the Redmond VORTAC 269° and 089° radials extending from the 5-mile radius zone to 1 mile west of the VORTAC.

Redwood Falls, Minn.
Within a 5-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

Reno, Nev. (Reno Municipal Airport)
Within a 5-mile radius of the Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.), and within 2 miles each side of the Reno ILS localizer N course, extending from the 5-mile radius zone to the Sparks, Nev., RBN, and within 2 miles each side of the Reno localizer S course, extending from the 5-mile radius zone to 11 miles S of the airport.

Renton, Wash.
That airspace bounded by a line beginning at latitude 47°32'10" N., longitude 122°12'40" W.; thence clockwise along an arc of a 3-mile radius circle centered on the Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°31'27" N., longitude 122°13'33" W., thence to point of beginning. This control zone is effective from 0700 to 2300 hours local time daily.

Rhinelander, Wis.
Within a 5-mile radius of Rhinelander-Oneida County Airport (latitude 45°37'54" N., longitude 89°27'35" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 7 miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; and within 2 miles each side of the Rhinelander VORTAC 058° radial extending from the 5-mile radius zone to 7 miles northeast of the VORTAC.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS Corr: 41 F. R. 52048

Richmond, Va.
Within a 5.5-mile radius of the center, lat. 37°30'16" N., long. 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va.; within 3.5 miles each side of the Richmond VORTAC 342° radial extending from the 5.5-mile radius zone to 10 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 359° radial extending from the 5.5-mile radius zone to 10 miles north of the VORTAC; within 3 miles each side of the Richmond VORTAC 065° radial extending from the 5.5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 134° radial extending from the 5.5-mile radius zone to 10 miles southeast of the VORTAC; and within 2 miles each side of the Richmond VORTAC 137° radial extending from the 5.5-mile radius zone to 10 miles southeast of the VORTAC.

Riverside, Calif. (March AFB).
Within a 5-mile radius of March AFB (latitude 33°52'50" N., longitude 117°15'30" W.); within 2 miles each side of the March AFB VOR 329° and 149° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the March AFB TACAN 325° radial, extending from the 5-mile radius zone to 5 miles NW of the TACAN.

Riverside, Calif. (Municipal Airport)
Within a 3-mile radius of the Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.), within 2 miles each side of the Riverside VOR 292° radial, extending from the 3-mile radius zone to 4.5 miles W of the VOR; within 2 miles each side of the Riverside VOR 103° radial, extending from the 3-mile radius zone to 7 miles E of the VOR; and within 2 miles each side of the Riverside VOR 108° radial, extending from the 3-mile radius zone to 5 miles E of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.), and the portion that coincides with the Riverside, Calif. (March AFB), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Riverton, Wyo.
Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.) within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 3 miles each side of the Riverton VOR 123° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Roanoke, Va.
Within a 7-mile radius of the center, 37°19'30" N., 79°58'35" W., of the Roanoke Municipal Airport, Roanoke, Va.; within an 8-mile radius of the center of the airport, extending clockwise from a 237° bearing to a 258° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 302° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 302° bearing to a 336° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 336° bearing to a 007° bearing from the airport and within 2.5 miles each side of the Roanoke Municipal Airport ILS localizer southeast course, extending from the localizer to 2 miles southeast of the OM.

Rochester, Minn.
Within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2 miles each side of the Rochester ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 029° radial, extending from 1 mile northeast of the VOR to 15 miles northeast of the VOR.

Rochester, N. Y.
Within a 5-mile radius of the center, 43°07'10" N., 77°40'15" W., of the Rochester Monroe County Airport, Rochester, N. Y.; within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Rochester VOR 026° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Rochester VOR 214° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR and within 2 miles each side of the Rochester ILS localizer east course extending from the 5-mile radius zone to the OM.

Rockford, Ill.
Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

Rock Springs, Wyo.
Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109° 04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5-mile radius zone to 9 miles east of the Thayer LOM (latitude 41°35'49" N., longitude 108°58'09" W.); within 3.5 miles each side of the Rock Springs VORTAC 102° radial, extending from the 5.5-mile radius zone to 11.5 miles east of the VORTAC, and within 3 miles each side of the Rock Springs VORTAC 271° radial, extending from the 5.5-mile radius zone to 17.5 miles west of the VORTAC.

Rocky Mount, N. C.
Within a 5-mile radius of Rocky Mount-Wilson Airport (lat. 35°51'17" N., long. 77°53'34" W.).

Rome, N. Y.
Within a 5-mile radius of the center, 43°13'45" N., 75°25'00" W., of Griffiss AFB, Rome, N. Y., and within 2 miles each side of bearing 135°/315° from a point 43°10'08" N., 75°19'08" W. extending from the 5-mile radius zone to 6 miles southeast of said point; within 2 miles each side of the Griffiss TACAN 306° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of a bearing 142° from the Rome, N. Y., ILS OM, extending from the OM to 4 miles SE of the OM.

Roosevelt Roads, P. R.
Within a 5-mile radius of NS Roosevelt Roads (lat. 18°15'05" N., long. 65°38'35" W.); within 3 miles each side of the 052° bearing from Roosevelt Roads RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

Roswell, N. M.
That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (latitude 33°17'59" N., longitude 104°31'48" W.); within 2 miles each side of the extended centerline of runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of runway 21.

Russell, Kans.
Within a 5-mile radius of Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.).

Sacramento, Calif. (Mather AFB)
Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.) within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB) 5-mile radius zone.

Sacramento, Calif. (McClellan AFB)
Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.), excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB) 5-mile radius zone.

Sacramento, Calif. (Sacramento Metropolitan Airport)
That airspace within a 5-mile radius of the Sacramento Metropolitan Airport (latitude 38°41'43" N., longitude 121°36'01" W.), and within 2 miles each side of the Sacramento Metropolitan Airport localizer (latitude 38°40'32" N., longitude 121°36'02" W.) N and S courses, extending from the 5-mile radius zone to 6 miles north and south of the airport; and including that airspace adjoining the McClellan AFB and Sacramento Municipal Airport control zones between latitude 38°41'43" N. and the Sacramento VORTAC 351° T radial.

Sacramento, Calif. (Sacramento Municipal)
Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45" N., longitude 121°29'35" W.), within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC and that airspace NE of the Sacramento Municipal Airport, extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento 064° radial and on the NW by a line 2 miles NW of and parallel to the Sacramento 033° radial.

Saginaw, Mich.
That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) and within 2½ miles each side of the Saginaw, Mich. VORTAC 030°, 146°, 233°, and 310° radius extending from the 5-mile radius zone to 6½ miles northeast, southeast, southwest, and northwest of the VORTAC.

St. Charles, Ill.
Within a 3-mile radius of Du Page County Airport, St. Charles, Ill. (latitude 41°54'45" N., longitude 88°14'35" W.); and within 2 miles either side of the Du Page VOR 069° radial, extending from the 3-mile radius zone to the VOR.

St. Joseph, Mo.
Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

St. Louis, Mo.
Within a 5-mile radius of St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 2 miles each side of the St. Louis International Airport Runway 24 ILS localizer southwest course, extending from the 5-mile radius zone to 10½ miles southwest of the OM; within 2 miles each side of the St. Louis VORTAC 142° radial; extending from the 5-mile radius zone to 7 miles northwest of the northwest end of the St. Louis International Airport Runway 12R; within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer northwest course, extending from the 5-mile radius zone to the Runway 12R OM; and within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer southeast course, extending from the 5-mile radius zone to 6 miles southeast of the Runway 12R localizer.

St. Paul, Minn.
Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93° 03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93° 01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

St. Petersburg, Fla.
Within a 5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41' 19" W.); within 2.5 miles each side of St. Petersburg VORTAC 343° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC.

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St. Petersburg, Fla. (Albert-Whitted Airport)
Within a 5-mile radius of the Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.); within 1.5 miles each side of the St. Petersburg VORTAC 159° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC, excluding the portion within the St. Petersburg and MacDill AFB control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Saipan Island
Within a 5-mile radius of Saipan International Airport (lat. 15°07'13"N., long. 145°43'49"E.) and within 3 miles each side of the Saipan RBN (lat. 15°06'46" N., long. 145°42'42" E.) 265° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN, and within 2 miles each side of the extended centerline of the east/west runway, extending from the 5-mile radius zone to 7.5 miles east of Saipan International Airport. This control zone is effective from 0600 to 1800, local time, daily and during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

AMENDMENTS 11/4/76 41 F.R. 38762 (Rewritten); Corr: 41 F. R. 50245

Salem, Oreg.
Within a 5 mile radius of McNary Field, Salem, Oregon. Latitude 44°54'35"N., Longitude 123°00'05"W., and within 2 miles each side of the Salem ILS localizer E course, extending from the 5 mile radius zone to the LOM; within 4 miles each side of the Salem ILS localizer W course, extending from the 5 mile radius zone to 15 miles west of the airport.

AMENDMENTS 11/4/76 41 F.R. 36016 (Rewritten)

Salina, Kansas
Within a 5-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 98°39'30" W.); within 1½ miles each side of the Salina VORTAC 192° radial, extending from the 5-mile radius zone to the VORTAC and within 2 miles each side of the Salina ILS localizer S course, extending from the 5-mile radius zone to 2½ miles N of the OM.

Salinas, Calif.
Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

Salisbury, Md.
Within a 5-mile radius of the center, lat. 38°20'21" N., long. 75°30'41" W. of Salisbury-Wicomico County Airport, Salisbury, Md.; within 3.5 miles each side of the Salisbury VORTAC 209° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC; within 3.5 miles each side of the Salisbury VORTAC 052° radial, extending from the 5-mile radius zone to 9.5 miles northeast of the VORTAC; within 1 mile each side of the Salisbury-Wicomico County Airport localizer northwest course, extending from the 5-mile radius zone to 5.5 miles northwest of the localizer; and within 3.5 miles each side of the Salisbury VORTAC 132° radial, extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

Salt Lake City, Utah
Within a 5-mile radius of the Salt Lake International Airport (latitude 40°47'10" N., longitude 111°58'00" W.) and within 2.5 miles each side of the Salt Lake City VORTAC 003° radial extending from the 5-mile radius zone to 2 miles north of the VORTAC.

San Angelo, Tex.
Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

San Antonio, Tex. (International Airport)
That airspace within a 5-mile radius of San Antonio International Airport (latitude 29°31'50" N., longitude 98°28'12" W.); within 2 miles each side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the San Antonio ILS localizer northwest course extending from the 5-mile radius zone to 1 mile southeast of the OM, within 2 miles each side of the San Antonio ILS localizer northeast course extending from the 5-mile radius zone to 6 miles northeast of the airport, and within 2 miles each side of the San Antonio ILS localizer southeast course extending from the 5-mile radius zone to 7 miles southeast of the localizer, and within 2 miles each side of a 132° bearing from the LOM extending from the 5-mile radius zone to 15.5 miles southeast of the LOM.

San Antonio, Tex. (Kelly AFB)
That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile radius zone to 2 miles north of the 5-mile radius zone; and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile radius zone to the TACAN.

AMENDMENTS 12/9/75 40 F. R. 57353 (Rewritten)

San Antonio, Tex. (Randolph AFB)
That airspace within a 5-mile radius of Randolph AFB (latitude 29°32'09" N., longitude 98°16'57" W.); within 2 miles each side of the LaVernia, Tex., VOR 329° and 338° radials, extending from the 5-mile radius zone to 1 mile northwest of the VOR, within 2 miles each side of the Randolph AFB TACAN 323° radial extending from the TACAN to 8 miles northwest, and within 2 miles each side of the Randolph AFB TACAN 156° radial extending from the TACAN to 8 miles southeast.

San Antonio, Tex. (Stinson Field)
Within a 3-mile radius of Stinson Field (latitude 29° 20' 15" N., longitude 98° 28' 20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

San Bernardino, Calif. (Norton AFB)
Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of Pettis NDB, excluding the portion within a 1-mile radius of the Redlands, Calif., Municipal Airport latitude 34°05'05"N., longitude 117°08'35"W.).

AMENDMENTS 11/4/76 41 F.R. 44687 (Changed)

San Carlos, Calif.
Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

San Clemente Island, Calif.
Within a 5-mile radius of NALF San Clemente (latitude 33°01'20" N., longitude 118°35'15" W.) extending upward from the surface to and including 5,000 feet MSL, excluding that airspace beyond 3 NM from and parallel to the shoreline. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

San Diego, Calif. (Brown Field)
Within a 3-mile radius of Brown Field Municipal Airport (latitude 32°34'22" N., longitude 116°58'47" W.), excluding that airspace west of longitude 117°01'00" W., and south of the United States/Mexican Border. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Diego, Calif. (Lindbergh Field)
Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32° 43' 58" N., longitude 117° 11' 14" W.); and within 2 miles each side of the Lindbergh ILS localizer E course, extending from the 5-mile radius zone to 7 miles east of the airport, excluding the portion S of a line extending from latitude 32°43'22" N., longitude 117°16'20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W.; and the portion N of latitude 32° 47' 00" N.

San Diego, Calif. (Montgomery Field)
Within a 3-mile radius of Montgomery Field (latitude 32°49'00" N., longitude 117°08'20" W.), excluding those portions within the NAS Miramar and San Diego (Lindbergh Field) control zones. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Diego, Calif. (NAS North Island)
Within a 5-mile radius of NAS North Island (latitude 32° 42' 00" N., longitude 117° 12' 35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N of a line from latitude 32° 43' 22" N., longitude 117° 17' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32°41'02" N., longitude 117°07'25" W., and the portion within the NAS Imperial Beach, Calif., control zone.

San Diego, Calif. (San Diego County-Gillespie Field)
Within a 3-mile radius of San Diego-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.) and within 1 mile each side of a 102° bearing from the end of Runway 27R, extending from the 3-mile radius zone to 5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Francisco, Calif.
Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22' 35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

San Jose, Calif.
Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion NW of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

San Jose, Calif. (Reid-Hillview Airport)
That airspace within a 3-mile radius of the Reid-Hillview Airport (latitude 37°19'55" N., longitude 121° 49'10" W.), excluding that portion within the San Jose control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Juan, P. R. (International Airport)
Within a 5-mile radius of Puerto Rico International Airport (lat. 18°26'48" N., long. 66°00'07" W.); within a 3-mile radius of Isla Grande Airport (lat. 18°27'33" N., long. 66°05'55" W.); within 5 miles each side of the San Juan VORTAC 058° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 3.5 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC; within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the San Pat RBN.

Santa Ana, Calif. (MCAS)
Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding that portion east and south of a line from latitude 33°43'55" N., longitude 117°47'00" W., to latitude 33°41'15" N., longitude 117°48'10" W., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Santa Ana, Calif. (Orange County Airport)
Within a 5-mile radius of Orange County Airport (latitude 33°40'32" N., longitude 117°52'15" W.) and within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, that portion east of a line extending from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°36'10" N., longitude 117°50'20" W. and that portion within the Santa Ana, Calif. (MCAS) control zone when it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Santa Barbara, Calif.
Within a 5-mile radius of Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.); within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the 5-mile radius zone to the OM.

Santa Fe, N. Mex.
Within a 6.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05' 25" W.).

Santa Maria, Calif.
Within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.); within 1.5 miles each side of the Santa Maria VOR 133° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VOR. This control zone is effective from 0700 to 2200 hours local time daily.

Santa Monica, Calif.
Within a 3-mile radius of Santa Monica Municipal Airport (latitude 34°00'57" N., longitude 118°27'00" W.); within 2 miles each side of the Santa Monica VOR 231° radial, extending from the 3-mile radius zone to 3 miles SW of the VOR; within 2 miles each side of the Santa Monica VOR 056° radial, extending from the 3-mile radius zone to 5 miles NE of the VOR, excluding the portion S of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airman's Information Manual.

Santa Rosa, Calif.
Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddington Airport (latitude 38°28'30" N., longitude 122°44'25" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Sarasota, Fla.
Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Sault Ste. Marie, Mich. (Kincheloe AFB)
Within a 5-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 2 miles each side of the Kincheloe AFB TACAN 143° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN; within 2 miles each side of the Kincheloe AFB TACAN 337° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Kincheloe AFB ILS localizer northwest course, extending from the 5-mile radius zone to the OM.

Sault Ste. Marie, Mich. (Municipal Airport)
Within the United States within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), and within 2 miles each side of the 129° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 8 miles SE of the RBN excluding the portion W of a line between the INTs of the 5-mile radius and the Sault Ste. Marie, Ontario, Canada, control zone.

Sault Ste. Marie, Ontario, Canada
Over the United States within a 5-mile radius of the Sault Ste. Marie Airport (latitude 46°29'00" N., longitude 84°31'00" W.), and within 2 miles each side of the Sault Ste. Marie ILS localizer NW course extending from the 5-mile radius zone to the OM, excluding the portion east of a line between the INTs of the 5-mile radius and the 5-mile radius of the Sault Ste. Marie, Mich., control zone.

Savannah, Ga.
Within a 5-mile radius of Savannah Municipal Airport (lat. 32°07'35" N., long. 81°12'05" W.); within a 5-mile radius of Hunter AAF (lat. 31°00'35" N., long. 81°08'45" W.).

Schenectady, N. Y.
Within a 5-mile radius of the center 42°51'15" N., 73°55'55" W. of Schenectady County Airport, Schenectady, N. Y.; within 2.5 miles each side of a 037° bearing from the Hunter RBN (42°51'13" N., 73°56'07" W.) extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2.5 miles each side of the Schenectady VOR (42°51'05" N., 73°56'05" W.) 030° radial extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the extended centerline of Runway 28, extending from the 5-mile radius zone to 9 miles west of the end of the runway and within 2 miles each side of the extended centerline of Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding the portion that coincides with the Albany, N. Y., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

Scottsbluff, Nebr.
Within a five-mile radius of the Scottsbluff County Airport (latitude 41°52'34" N., longitude 103°35'53" W.); and within two miles each side of the Scottsbluff VORTAC 259° radial extending from the five-mile radius zone to the VORTAC; and within two miles each side of the ILS localizer northwest course extending from the five-mile radius zone to seven miles northwest of the airport.

Scottsdale, Ariz.
Within a 5-mile radius of the Scottsdale Airport (latitude 33°37'05" N., longitude 111°54'55" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established and published in the Airman's Information Manual.

Seattle, Wash. (King County International Airport (Boeing Field))
That airspace bounded by a line beginning at latitude 47°34'10" N., longitude 122°12'40" W., to latitude 47°32'10" N., longitude 122°12'40" W., thence clockwise via an arc of a 3-mile radius circle centered on Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122° 09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122° 12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°29'20" N., longitude 122°13'33" W., to latitude 47°29' 20" N., longitude 122°23'10" W., thence clockwise along an arc of a 5-mile radius circle centered on King County International Airport (Boeing Field) latitude 47°31'45" N., longitude 122°18'00" W.) to point of beginning; within 2 miles each side of the 150° bearing from the Magnolia LOM, extending from the 5-mile radius arc to 2 miles southeast of the Magnolia LOM, excluding the portion within the Seattle, Wash. (Seattle-Tacoma International Airport), control zone, and the portion within the Renton, Wash., control zone when the Renton control zone is effective.

Seattle, Wash. (Seattle-Tacoma International Airport)
That airspace bounded by a line beginning at latitude 47°29'20" N., longitude 122°13'33" W., thence to latitude 47°28'09" N., longitude 122°13'33" W., thence to latitude 47°27'00" N., longitude 122°11'50" W., thence clockwise along the arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°29'20" N., longitude 122°23'10" W., thence to point of beginning, and within 2 miles each side of the 360° bearing from the Seattle-Tacoma ILS LOM, extending from the 5-mile radius arc to the LOM.

Sedalia, Mo.
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

Selma, Ala.
Within a 6-mile radius of Craig AFB (Lat. 32°20'32"N., Long. 86°59'15"W.). This control zone is effective from 0600 to 1800 hours, local time, Monday through Thursday; 0600 to 2000 hours, local time, Friday; 0900 to 1600 hours, local time, Saturday; 1000 to 1600 hours, local time, Sunday; and closed on holidays.

AMENDMENTS 11/4/76 41 F.R. 32735 (Rewritten)

Shemya, Alaska
Within a 5-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); within 2 miles each side of the 104° bearing from the Shemya RBN, extending from the RBN to 12 miles east of the RBN, and within 2 miles each side of the 284° bearing from the Shemya RBN, extending from the RBN to 8 miles west of the RBN. The portion within R-2204 is excluded.

Sheridan, Wyo.
Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; and within 4 miles each side of the Sheridan VORTAC 140° radial extending from the 5-mile radius zone to 24½ miles southeast of the VORTAC.

Shreveport, La. (Barksdale AFB)
That airspace within a 5-mile radius of Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Elm Grove VOR 330° radial extending from the 5-mile radius zone to 0.5 of a mile NW of the VOR; within 2 miles each side of the Barksdale TACAN 148° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN; excluding the portion within the Shreveport, La. (Shreveport Regional Airport) control zone and excluding the portion within the Shreveport, La. (Downtown Airport), control zone.

Shreveport, La. (Downtown Airport)
That airspace within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44' 40" W.), and within 2 miles each side of the Shreveport Downtown VOR 313° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, excluding the portion SE of a direct line between the two intersecting points of a 5-mile radius circle centered on Downtown Airport and Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.) and the portion within the Shreveport, La. (Shreveport Regional Airport) control zone.

Shreveport, La. (Shreveport Regional Airport)
That airspace within a 5-mile radius of the Shreveport Regional Airport (latitude 32°26'45" N., longitude 93°49'25" W.); and within 2 miles each side of the Greater Shreveport ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport.

Sidney, Nebr.
Within a 5-mile radius of Sidney Municipal Airport (lat. 41°05'55" N., long. 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Silver City, N. Mex.
Within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3 miles each side of the Silver City VOR 141° radial extending from the 5-mile radius zone to 9 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Simmons Army Air Field, N. C.
Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°56'06" W.); within 3 miles each side of Simmons VOR 085° radial, extending from the 5-mile radius zone to 8.5 miles east of the VOR; excluding the portion northwest of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'50" W.

Sioux City, Iowa
Within a 5-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2½ miles each side of the Sioux City VORTAC 140° and 320° radials, extending from the 5-mile radius zone to 6 miles southeast of the VORTAC.

Sioux Falls, S. Dak.
Within a 5-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 2 miles each side of the Sioux Falls VORTAC 156° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

Sitka, Alaska
Within a 5-mile radius of the Sitka Airport (lat. 57°02'55" N., long. 135°21'45" W.); within 2 miles each side of the Biorka Island VORTAC 029° and 209° radials, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC; within 2 miles each side of the Sitka RBN 027° and 207° bearings, extending from the 5-mile radius zone to 2 miles southwest of the RBN; and within 2.5 miles each side of the localizer northwest course, extending from the 5-mile radius zone to 14 miles northwest of the localizer.

South Bend, Ind.
Within a 5-mile radius of Michiana Regional Airport, South Bend, Ind. (Lat. 41°42'15" N., Long. 86°18' 50" W).

South Weymouth, Mass.
Within a 5-mile radius of South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.); within 2 miles each side of the 337° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the South Weymouth TACAN 073° radial extending from the 5-mile radius zone to 6 miles E of the TACAN.
This control zone is effective from 0700-2300 hours, local time, Monday through Thursday; 0700-2400 hours, local time, Friday; 0001-2400 hours, local time, Saturday; 0001-2300 hours, local time, Sunday; or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Spartanburg, S. C.
Within a 5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 2 miles each side of Spartanburg VORTAC 196° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; excluding the portion within the Greer (Greenville-Spartanburg Airport), S. C. control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

Spokane, Wash. (Fairchild AFB)
Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles southwest of the liftoff end of Runway 23; and within 4 miles northwest and 4.5 miles southeast of the Spokane VORTAC 048° and 228° radials extending from 3 miles northeast to 8 miles southwest of the VORTAC, excluding the portion east of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.

Spokane, Wash. (Felts Field)
That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.); within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC, and within 2 miles each side of the 086° bearing from the Fort LOM, extending from the 5-mile radius zone to the LOM, excluding the portion within the Spokane, Wash. (International) control zone.

Spokane, Wash. (International)
Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), within 2 miles each side of the Runway 21 centerline extended, extending from the 5-mile radius zone to 6 miles southwest of the lift-off end of Runway 21, and within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the VORTAC to 11 miles northeast of the VORTAC, excluding the portion west of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117° 36'00" W.

Springfield, Ill.
That airspace within a 5-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Capital ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Capital VORTAC 040° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of the Capital VORTAC 036° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; and within 2 miles each side of the Capital VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

Springfield, Mo.
Within a 5-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.) and within 2 miles W and 2.5 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

Stockton, Calif.
Within a 5-mile radius of Stockton Municipal Airport (latitude 37°53'39" N., longitude 121°14'14" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

Sumter, S. C.
Within a 5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 1.5 miles each side of Shaw AFB TACAN 033° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN: within 2 miles east side of Shaw AFB TACAN 215° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TACAN.

Syracuse, N. Y.
Within a 5-mile radius of the center, latitude 43°06'50" N., longitude 76°06'35" W., of Syracuse Hancock International Airport extending clockwise from a 200° bearing to a 160° bearing from the airport; within a 6.5-mile radius of the center of the airport extending clockwise from a 160° to a 200° bearing from the airport; within 2.5 miles each side of the Syracuse Hancock International Airport Runway 10 ILS localizer back course extending from the localizer to a point 5 miles west of the localizer and within 1.5 miles each side of the Syracuse VORTAC 300° radial extending from the 5-mile radius area to the VORTAC excluding that airspace within a 0.5-mile radius of the center, lat. 43°10'45" N., long. 76°07'30" W. of Michael Field, Cicero, N. Y.

Tacoma, Wash. (McChord AFB)
Within a 5-mile radius of McChord AFB (latitude 47°08'20" N., longitude 122°28'30" W.), excluding the portion SW of a line extending from latitude 47°09'12" N., longitude 122°35'15" W., to latitude 47°04'15" N., longitude 122°31'15" W.; within 2 miles each side of the McChord AFB VOR 182° radial, extending from the 5-mile radius zone to 7.5 miles S of the VOR.

Tacoma, Wash. (Tacoma Industrial Airport)
Within a 5-mile radius of Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion E of a line 2 miles E of and parallel to the 009° bearing from the Gray AAF RBN; within 2 miles each side of the 009° bearing from the Gray AAF RBN, extending from the 5-mile radius zone to 1 mile N of the RBN, excluding the portion within the McChord AFB control zone, and within 2 miles each side of the 187° bearing from the Crescent RBN (latitude 47°21'29" N., longitude 122°33'41" W.), extending from the 5-mile radius zone to 1 mile S of the RBN. The control zone will be effective during the times established in advance by a Notice to Airmen continuously published in the Airman's Information Manual.

Talkeetna, Alaska
Within a 5-mile radius of Talkeetna Airport (latitude 62°19'20" N., longitude 150°05'20" W.). This control zone is effective from 0800 to 2400 hours local time daily, or during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Tallahassee, Fla.
Within a 5-mile radius of Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within 1.5 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 1.5 miles south of the VORTAC; within 1 mile each side of the ILS localizer north course extending from the 5-mile radius zone to 1.5 miles south of the Joseph Intersection.

Tampa, Fla. (International Airport)
Within a 5-mile radius of Tampa International Airport (lat. 27°58'59" N., long. 82°31'38" W.); within 1.5 miles each side of St. Petersburg VORTAC 064° radial, extending from the 5-mile radius zone to 1 mile northeast of the VORTAC; excluding the portion within St. Petersburg control zone and the portion southeast of a line 2 miles north of and parallel to MacDill AFB ILS localizer northeast course.

Tanana, Alaska
That airspace within a 5-mile radius of the Ralph M. Calhoun Memorial Airport (latitude 65°10'30" N., longitude 152°06'32" W.)
and within 3.5 miles each side of the 251° bearing from the Bear Creek radio beacon, extending from the 5-mile radius zone to 11.5 miles west of the RBN, effective 0545 to 2145 hours, local time, daily or during the specific dates and times established in advance by Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Temple, Tex.
That airspace within a 5-mile radius of the Draughon-Miller Airport, Temple, Tex. (latitude 31°09'10" N., longitude 97°24'25" W.); and within 2 miles each side of the Temple, Tex., VOR 348° radial extending from the 5-mile radius zone to 11.5 miles N of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Terre Haute, Ind.
Within a 5-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 2 miles each side of the Terre Haute ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Terre Haute VORTAC 051° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; and within 2 miles each side of the Terre Haute VORTAC 230° radial, extending from the 5-mile radius zone to 19 miles southwest of the VORTAC.

Teterboro, N. J.
Within a 5-mile radius of the center, 40°50'57" N., 74°03'47" W. of Teterboro Airport, Teterboro, N. J.; within 3.5 miles each side of the Teterboro Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11 miles southwest of the OM; excluding the portion that coincides with the Newark, N. J., control zone.

Texarkana, Ark.
That airspace within a 5-mile radius of the Texarkana, Ark., Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.); and within 2 miles each side of the 129° radial of the Texarkana VORTAC extending from the 5-mile radius zone to 0.5 mile SE of the VORTAC.

Thermal, CA.
Within a 5-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.).

Thief River Falls, Minn.
Within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone will be effective during the times designated by a Notice to Airmen and continuously published in the Airman's Information Manual.

Titusville, Fla.
Within a 5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2922. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/4/76 41 F.R. 46433 (Changed)

Toledo, Ohio
Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localizer NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

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Tonopah, Nev.
Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.) and within 3.5 miles each side of the Tonopah VORTAC 115° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

Topeka, Kans. (Forbes AFB)
Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans.(Philip Billard Airport) control zone. This control zone will be effective as established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Topeka, Kans. (Philip Billard Airport)
Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone.

Torrance, CA.
Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), within 2 miles each side of the Los Angeles VORTAC 150° radial, extending from the 3-mile radius zone to 7 miles southeast of the VORTAC, and within 1 mile each side of the Torrance localizer course extending from the 3-mile radius zone to 5 miles southeast of the lift-off end of Runway 11L. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Traverse, City, Mich.
Within a 5-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); and within 3 miles each side of the Traverse City VORTAC 158° and 338° radials, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

Trenton, N. J.
Within a 5-mile radius of Mercer County Airport; Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40°12'00" N., longitude 74°48'55" W.).

Tri-City, Tenn.
Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); within 2 miles each side of Tri-City ILS localizer Northeast course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 042° and 222° bearings from Boone RBN, extending from the 5-mile radius zone to 11 miles southwest of the RBN.

Trinidad, Colo.
Within a 5-mile radius of Los Animas County Airport (latitude 37°15'35" N., longitude 104°20'21" W.), and within 2 miles each side of the 352° bearing from the Trinidad, Colo., RBN extending from the 5-mile radius zone to 8 miles north of the RBN.

Troutdale, Oreg.
That airspace bounded on the north by a 5-mile radius area centered on the Portland-Troutdale Airport (lat. 45°33'30" N., long. 122°23'49" W.), on the south and east by a line parallel to and 3 miles southwest and northeast of the 119° bearing from the Lake LOM (lat. 45°32'38" N., long. 122°27'49" W.), extending from the LOM to 8 miles southeast, and on the west by the 154° radial of the Portland VORTAC. This control zone shall be effective from 0700 to 2300 hours, local time daily.

Troy, Ala.
Within a 5-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Truth or Consequences, N. Mex.
That airspace within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° and 193° radials extending from the 5-mile radius zone to a point 9.5 miles north of the VORTAC.

Tucson, Ariz. (Davis-Monthan AFB)
Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.) excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS localizer SE course, extending from the 5-mile radius zone to the Davis-Monthan TACAN 139° radial 6.5 miles southeast of the TACAN.

Tucson, Ariz. (Tucson International Airport)
Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile radius zone to 15 miles west of the VORTAC; within 2 miles each side of the extended centerline of Runway 21L extending from the 5-mile radius zone to 5 miles southeast of the lift-off end of Runway 12L; within 2 miles northeast and 2.5 miles southwest of the extended centerline of Runway 30R extending from the 5-mile radius zone to 15.5 miles northwest of the lift-off end of Runway 30R, and within 2 miles southeast and 3 miles northwest of the extended centerline of Runway 21 extending from the 5-mile radius zone to 6.5 miles southwest of the lift-off end of Runway 21, excuding the portion subtended by a chord drawn between the points of INT of the Tucson International Airport 5-mile radius zone with the Davis Monthan-AFB 5-mile radius zone.

Tucumcari, N. Mex.
That airspace within a 6-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103° 35'15" W.); within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 033° radial extending beyond the 6-mile radius zone to a point 6.5 miles northeast of the VORTAC; and within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 078° radial extending beyond the 6-mile radius zone to a point 6.5 miles east of the VORTAC.

Tulsa, Okla.
That airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course, extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Tulsa ILS localizer S course, extending from the 5-mile radius zone to 0.5 mile N of the OM; and within 2 miles each side of the Tulsa VORTAC 268° Radial, extending from the 5-mile radius zone to the VORTAC.

Tulsa, Okla. (Riverside Airport)
Within a 5-mile radius of Riverside Airport (latitude 36°02'19" N., longitude 95°59'00" W.), within 2 miles each side of the Glenpool TVOR 349° radial extending from the 5-mile radius zone to the TVOR and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile radius zone to 21 miles southwest of the VORTAC. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Tupelo, MS.
Within a 5-mile radius of C. D. Lemons Municipal Airport (lat. 34°15'32" N., long. 88°45'32" W.); within 3 miles each side of Tupelo VOR 214° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR. This control zone is effective from 0700 to 2130 hours, local time, Monday through Friday; 0700 to 2000 hours, local time, Saturday, and 1100 to 2130 hours, local time, Sunday.

Tuscaloosa, Ala.
Within a 5-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 1.5 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 0.5 mile northeast of the OM.

Twin Falls, Idaho
Within a 5-mile radius of the Twin Falls City-County (Joslin Field), Idaho Airport (latitude 42°28'54" N., longitude 114°29'11" W.) within 5 miles each side of Twin Falls VORTAC 086° and 281° radials, extending from the 5-mile radius zone to 10.5 miles east and 10.5 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

Tyler, Tex.
That airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'15" N., longitude 95°23' 55" W.); within 2 miles each side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Tyndall AFB, Fla.
Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

Unalakleet, Alaska
Within a 5-mile radius of Unalakleet Airport (lat. 63°53'12" N., long. 160°47'42" W.); within 3.5 miles each side of the Unalakleet 225° radial, extending from the VORTAC to 12.5 miles southwest of the VORTAC, and within 3.5 miles each side of the North River, Alaska, RBN 290° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established in advance
by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Utica, N. Y.
Within a 5-mile radius of the center, lat. 43°08'45" N., long. 75°22'55" W. of Oneida County Airport, Utica, N. Y.; within 2 miles each side of the 317° bearing from the Clay RBN, extending from the 5-mile radius zone to 3 miles northwest of the RBN; within 2 miles each side of the Utica VORTAC 306° radial, extending from the 5-mile radius zone to 1 mile northwest of the VORTAC, excluding the portion within the Rome, N. Y., control zone.

Valdez, Alaska
Within a 3-mile radius of the Valdez Municipal Airport, latitude 61°07'58" N., longitude 146°14'24" W. This control zone is effective from 0800 to 1600 local time daily from mid-October to mid-May, and from 0600 to 2200 local time daily from mid-May to mid-October or during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U. S. Government Flight Information Publication Supplement Alaska.

Valdosta, Ga. (Moody AFB)
Within a 5-mile radius of Moody AFB (lat. 30°58'01"N., long. 83°11'27"W.); within 1.5 miles each side of Moody TACAN 007° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 1/29/76 40 F. R. 5720L (Changed)
AMENDMENTS 7/15/76 41 F. R. 18650 (Rewritten)

Valdosta, Ga. (Valdosta Municipal Airport)
Within a 5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'44" W.).

Vandenberg AFB, Calif.
Within a 5 mile radius of Vandenberg AFB, Lompoc, California (latitude 34°43'50"N, longitude 120°34'30"W); within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 5 miles radius zone to 8.2 miles southeast of the Vandenberg AFB TACAN and within 1 mile radius of Lompoc Airport (latitude 34°39'55"N, longitude 120°27'55"W) excluding that portion within R-2516. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

AMENDMENTS 9/9/76 41 F.R. 34011 (Rewritten)

Van Nuys, CA.
Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.), within 2.5 miles each side of the 350° radial of the Van Nuys VOR/DME facility extending from the 5-mile radius zone to 9.5 miles north of the facility, excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

Vernal, Utah
Within a 5-mile radius of Vernal Airport (latitude 40°26'30" N., longitude 109°30'50" W.), and within 3 miles each side of the Vernal VOR 157° radial, extending from the 5-mile radius zone to 8.5 miles S of the VOR. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Vero Beach, Fla.
Within a 5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.).

Vichy, MO.
Within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the 067° radial of the Vichy VORTAC extending from the 5-mile radius zone to 6½ miles northeast of the Vichy VORTAC.

Victoria, Tex.
Within a 5-mile radius of the Victoria County-Foster Airport (lat. 28°51'10" N., long. 96°55'20" W.) and within 3 miles each side of the Victoria, Tex., VOR 313° radial extending from the 5-mile radius zone to 10.5 miles northwest of the VOR.

Victorville, Calif.
Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.) and within 2 miles each side of the 005° radial of the George TACAN (latitude 34°35'40" N., longitude 117°23'20" W.) extending from the 5-mile radius zone to 9 miles north of the TACAN. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual

Visalia, Calif.
Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously in the Airman's Information Manual.

Waco, Tex.
That airspace within a 5-mile radius of Waco-Madison Cooper Airport (latitude 31°36'40" N., longitude 97°13'40" W.); within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM and within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.).

Waimea-Kohala, Hawaii
Within a 5-mile radius of the Waimea-Kohala Airport (latitude 20°00'17" N., longitude 155°40'16" W), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

Wake Island
Within a 5-mile radius of Wake Island Airport (lat. 19°16'50" N., long. 166°38'30" E.); within 3.5 miles each side of the Wake Island VORTAC 307° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 3.5 miles each side of the 281° bearing from the Wake Island RBN (AXX), extending from the 5-mile radius zone to 11.5 miles west of the RBN; within 3.5 miles each side of the 101° bearing from the Wake Island RBN (AWK), extending from the RBN to 11.5 miles east of the RBN; and within 4.5 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC.

Walla Walla, Wash.
Within a 5-mile radius of Walla Walla City-County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), within 3 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR and that airspace within an arc of a 14-mile radius circle centered on the Walla Walla VOR extending clockwise from a line 4 miles west to a line 4 miles southeast of and parallel to the Walla Walla VOR 354° and 036° radials.

Washington, D. C.
Within a 5-mile radius of the center, 38°51'07" N., 77°02'23" W., of Washington National Airport; within 1.5 miles each side of the Washington National Airport ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; within 2 miles each side of the Washington National Airport ILS localizer south course, extending from the 5-mile radius zone to the OM; within 2.5 miles each side of the extended centerline of Washington National Airport Runway 15, extending from the 5-mile radius zone to 5 miles southeast of the southeast end of the runway; within 2.5 miles each side of the extended centerline of Washington National Airport Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the northwest end of the runway; within 1.5 miles each side of the Washington VOR 320° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the VOR; within 2.5 miles each side of the Washington VOR 326° radial, extending from the 5-mile radius zone to 5.5 miles northwest of the VOR; within 2.5 miles each side of a 190° bearing from 38°55'13" N., 76°57'50" W., extending from said point to 5 miles south; excluding the portion within P-56, the east portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone, the portion of the southeast extension described by reference to the extended centerline of Washington National Airport Runway 15 that coincides with the Camp Springs, Md., control zone and the portion of the north extension described by reference to a 190° bearing from 38°55'13" N., 76°57'50" W., that coincides with the Camp Springs, Md., control zone.

Waterloo, Iowa
Within a 5-mile radius of Waterloo Municipal Airport (lat. 42°33'20" N., long. 92°24'00" W.); within 2½ miles each side of the Waterloo, Iowa, VORTAC 078° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC; and within 2½ miles each side of the Waterloo, Iowa, VORTAC 194° radial extending from the 5-mile radius zone to 6½ miles south of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 001° radial extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 316° radial extending from the 5-mile radius zone to 10½ miles northwest of the airport.

Watertown, N. Y.
That airspace within a 5-mile radius of the center 43°59'20" N., 76°01'20" W. of Watertown International Airport, Watertown, N. Y., and within 3 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

Watertown, S. Dak.
Within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 1.5 miles each side of the Watertown VORTAC 001° radial, extending from the 5-mile radius zone to 2.5 miles north of the VORTAC; and within 1 mile each side of the Watertown VORTAC 181° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

Waukesha, Wis.
Within a 5-mile radius of the Waukesha County Airport (latitude 43°02'25" N., longitude 88°14'00" W.); excluding a one-mile radius of Capitol Drive Airport (latitude 43°05'15" N., longitude 88°10'40" W.); within 2½ miles each side of the 272° bearing from the airport extending from the 5-mile radius area to 5.5 miles west. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Wausau, Wis.
Within a 5-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and within 2½ miles each side of the 142° bearing from the Wausau Municipal Airport extending from the 5-mile radius zone to 6 miles southeast.

Wenatchee, Wash.
Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (lat. 47°24'00" N., longitude 120°12'30" W.) and within 3 miles each side of the Wenatchee VOR 124° radial extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26'55" N., longitude 120°16'40" W.).

Westfield, Mass.
Within a 5-mile radius of the center 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass.; within 3 miles each side of the Barnes VOR 012° radial, extending from the 5-mile radius zone to 10 miles north of the VOR; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius zone to 7.5 miles northwest of the end of the runway, excluding the portion which coincides with the Westover, Mass., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

Westhampton Beach, NY.
Within a 5.5-mile radius of Suffolk County Airport (lat. 40°50'39" N., long. 72°37'49" W.), excluding that portion within the Calverton, NY., control zone. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

West Memphis, Ark.
Within a 5-mile radius of the Municipal Airport, West Memphis, Ark. (latitude 35°08'24" N., longitude 90°14'00" W.); within 3 miles each side of the 351° bearing from the West Memphis RBN (latitude 35°08'20" N., longitude 90°14'02" W.), extending from the 5-mile radius zone 8 miles north of the RBN; and within 3 miles each side of the 186° bearing from the West Memphis RBN, extending from the 5-mile radius zone to 8 miles south of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Westover, Mass.
Within a 5-mile radius of the center, 42°11'40" N., 72°32'15" W., Westover AFB, Chicopee Falls, Mass.; within 2 miles each side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; within 2 miles each side of Chicopee TACAN 028° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN and within 2 miles each side of the Westover AFB TACAN 221° radial extending from the 5-mile radius zone to 6 miles SW of the TACAN.

Weyers Cave, Va.
Within a 5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.), of Shenandoah Valley Airport, Weyers Cave, Va., and within 3.5 miles each side of the Shenandoah Valley Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11.5 miles southwest of the OM. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.

Wheeling, W. Va.
Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Whidbey Island, Wash.
Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 351° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

White Plains, N. Y.
Within a 5-mile radius of the center, 41°04'00" N., 73°42'33" W., of Westchester County Airport, White Plains, N. Y., extending clockwise from a 055° bearing to a 305° bearing from the airport; within a 6-mile radius of the center of the airport extending clockwise from a 305° bearing to a 055° bearing from the airport; and within 2 miles each side of the extended centerline of Runway 16, extending from the southeast end of Runway 16 to 4 miles southeast of the southeast end of Runway 16.

Wichita, Kans. (McConnell AFB)
Within a 5-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN; and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

Wichita, KS. (Wichita Municipal)
Within a 5-mile radius of the Wichita, KS., Municipal Airport (latitude 37°39'09" N., longitude 97°25'47" W.); and within 2 miles each side of the Wichita Municipal Airport ILS localizer north course, extending to 7.5 miles north, excluding that portion subtended by a chord drawn between the points of INT of the 5-mile-radius zone of the Wichita, KS., (McConnell AFB), 5-mile-radius control zone.

Wichita Falls, Tex.
That airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex., (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

Wilkes-Barre, Pa.
Within an 8-mile radius of the center, lat. 41°20'18" N., long. 75°43'29" W. of Wilkes-Barre-Scranton Airport, extending clockwise from a 235° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 025° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 050° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 050° bearing to a 210° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 210° bearing to a 235° bearing from the airport; within 3.5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer southwest course extending from the OM to 6 miles southwest of the OM and within 4 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer northeast course extending from the localizer to a point 11.5 miles northeast of the localizer.

Williamsport, Pa.
Within a 6-mile radius of the center, 41°14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 099° bearing to a 145° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 172° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 203° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 241° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 241° bearing to a 270° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 312° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 312° bearing to a 350° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 358° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 358° bearing to a 004° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 004° bearing to a 099° bearing from the airport; and within 4 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the MM to 8.5 miles east of the MM.

Williston, N. Dak. (Sloulin Airport)
Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 1½ miles each side of the Williston VOR 136° radial, extending from the 5-mile radius zone to 1½ miles southeast of the VOR; and within 2 miles each side of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius zone to 10 miles southeast of the airport.

Willoughby, OH.
Within a 5-mile radius of the Lost Nation Airport (latitude 41°40'45" N., longitude 81°23'45" W.); within 4 miles each side of the 088° bearing from the Lost Nation RBN extending from the 5-mile radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the RBN extending from the 5-mile radius zone to 8.5 miles west of the RBN; within 3 miles each side of the 050° radial of the Lost Nation TVOR extending from the 5-mile radius zone to 8.5 miles northeast of the TVOR; excluding the portion within the Cleveland, O.H. (Cuyahoga County Airport), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

Willow Grove, Pa.
Within a 5-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa., extending clockwise from a 347° bearing to a 253° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 253° bearing to a 347° bearing from the airport; within 3 miles each side of the Willow Grove TACAN 136° radial, extending from the TACAN to 7 miles southeast of the TACAN; within 3.5 miles each side of the Willow Grove TACAN 325° radial, extending from the 5-mile radius and 5.5-mile radius zones centered on Willow Grove NAS to 8.5 miles northwest of the TACAN; within 3.5 miles each side of a 330° bearing from the Willow Grove RBN, extending from the 5-mile radius and 5.5-mile radius zone centered on Willow Grove NAS to 10 miles northwest of the RBN; within a 5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa.; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 5-mile radius zone centered on Warminster NAF to 2 miles southwest of the VORTAC; within 3 miles each side of the Warminster TACAN 083° radial, extending from the 5-mile radius zone centered on Warminster NAF to 6 miles east of the TACAN, excluding the south portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa., control zone 6-mile radius zone and excluding that portion of the control zone southeast extension described by reference to the Willow Grove TACAN 136° radial that coincides with the North Philadelphia, Pa., control zone. This control zone is effective from 0700 to 2400 hours, local time, Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Wilmington, Del.
Within a 6-mile radius of the center 39°40'42" N., 75°36'27" W., of the Greater Wilmington Airport, Wilmington, Del.; within 3.5 miles each side of the New Castle, Del., VORTAC 281° radial extending from the 6-mile zone to 9.5 miles west of the VORTAC and within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the 6-mile radius zone to 9.5 miles southeast of the VORTAC.

Wilmington, N. C.
Within a 5-mile radius of New Hanover County Airport (latitude 39°16'15" N., longitude 77°54'05" W.).

Windsor Locks, Conn.
Within a 5-mile radius of the center lat. 41°56'19" N., long. 72°41'00" W., of Bradley International Airport, Windsor Locks, Conn.; within 3.5 miles each side of the Bradley International Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11.5 miles southwest of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway within 2 miles each side of the centerline of Runway 6 extended from the 5-mile radius zone to 5 miles from the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles from the end of the runway.

Wink, Tex.
Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.); within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

Winona, Minn.
Within a 5-mile radius of the Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); within 2½ miles each side of the 319° bearing from Winona Municipal-Max Conrad Field, extending from the 5-mile radius area to 6 miles northwest of the airport and within 3 miles each side of the 107° bearing from the Winona Municipal-Max Conrad Field extending from the 5-mile radius area to 6½ miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Winslow, AZ.
Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of an 8.5-mile radius circle centered on Winslow VORTAC, extending clockwise from a line 3.5 miles south of and parallel to the Winslow 277° radial to a line 3.5 miles north of and parallel to the Winslow 292° radial.

Winston-Salem, N. C.
Within a 5-mile radius of Smith Reynolds Airport (lat. 36°08'01" N., long. 80°13'22" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile radius zone to the LOM.

Worcester, Mass.
Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W).

Worland, Wyo.
Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and and within 3.5 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 12 miles north of the VOR.

Worthington, Minn.
That airspace within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'17" N., longitude 95° 35'01" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Wrightstown, N. J. (McGuire AFB)
Within a 5-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.), within 2 miles each side of the McGuire VOR 350° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the McGuire VOR 051° radial extending from the 5-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the McGuire VOR 180° radial extending from the 5-mile radius zone to 6 miles S of the VOR; and within 2 miles each side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to 8 miles southwest of the localizer.

Yakima, Wash.
Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 18.5 miles west of the Donald OM.

Yakutat, Alaska
Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and that airspace bounded on the northeast by a line 2 miles northeast of and parallel to the 315° bearing from the Ocean Cape, Alaska, RBN, on the east and southeast by the 5-mile radius zone, on the south by a line 3 miles south of and parallel to the 283° bearing from the Ocean Cape, Alaska, RBN, and on the west and northwest by the arc of an 8-mile radius circle centered on the Ocean Cape, Alaska, RBN.

Yankton, S. Dak.
That airspace within a 5-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97° 23'15" W.); within 2½ miles each side of the Yankton VOR 321° radial extending from the 5-mile radius to 7 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Youngstown, Ohio
Within a 5-mile radius of the center, lat. 41°15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within 2 miles each side of the extended centerline of Runway 5, extended from the 5-mile radius zone to 6 miles northeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 14, extended from the 5-mile radius zone to 5.5 miles southeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 23, extended from the 5-mile radius zone to 5.5 miles southwest of the center of the airport and within 1 mile each side of the Youngstown Municipal Airport localizer northwest course, extended from the 5-mile radius zone to 5.5 miles northwest of the center of the airport.

Yuma, Ariz.
Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36' 20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2.5 miles each side of the Yuma TACAN (latitude 32°38'48" N., longitude 114°36'46" W.) 037° radial, extending from the 5-mile radius zone to 8 miles northeast of TACAN.

Zanesville, Ohio
Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville, (latitude 39° 59' 10" N., longitude 81° 59' 00" W.).

SUBPART G - TRANSITION AREAS

§ 71.181 **Designation.**
The parts of airspace described below are designated as transition areas.

Aberdeen, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 39°28'00"N., long. 76°10'00"W., of Phillips AAF; within a 9.5-radius of the center of the airport, extending clockwise from a 260° bearing to a 010° bearing from the airport; within 3.5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of a 029° bearing from the Aberdeen, Md., RBN, extending from the RBN to 9.5 miles northeast of the RBN.

AMENDMENTS 5/20/76 41 F. R. 11274 (Rewritten)

Aberdeen, SD.
That airspace extending upward from 700 feet above the surface within a 15½-mile radius of the Aberdeen VORTAC; and within 5½ miles southwest and 9½ miles northeast of the Aberdeen VORTAC 131° radial, extending from the 15½-mile radius area to 21½ miles southeast of the VORTAC, and within 3½ miles southwest and 5 miles northeast of the Aberdeen VORTAC 312° radial, extending from the 15½-mile radius area to 22 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of the Aberdeen VORTAC; and within 6 miles northeast and 9½ miles southwest of the Aberdeen VORTAC 312° radial, extending from the 22½-mile radius area to 29 miles northwest of the VORTAC.

Abilene, Tex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°25'10" N., longitude 99°51'15" W., and within 8 miles east and 5 miles west of the Abilene ILS localizer south course extending from the OM to 12 miles south.

Ada, Okla.
That airspace extending upward from 700 feet AGL within a 5-mile radius of the Ada Municipal Airport (latitude 34°48'20" N., longitude 96°40'15" W.) and within 3.5 miles each side of the 139° bearing from the Ada RBN (latitude 34°48'30" N., longitude 96°40'23" W.) extending from the 5-mile radius area to 8.5 miles southeast of the RBN.

Adak, Alaska
That airspace extending upward from 700 feet above the surface within the arc of a 15-mile radius circle centered on the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.), extending clockwise from the 033° bearing to the 090° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Navy Adak TACAN 250° radial extending from the TACAN to 12 miles West of the TACAN.

Adrian, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Lenawee County Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 3 miles each side of the 221° bearing from the Lenawee County Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport.

Aguadilla, P. R.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Borinquen Airport (lat. 18°29'45" N., long. 67°08'00" W.); within a 10-mile radius of Mayaguez Airfield (lat. 18°15'26" N., long. 67° 08'58" W.).

Ahoskie, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tri-County Airport (lat. 36°17'56" N., long. 77°10'26" W.); within 2 miles each side of Cofield VORTAC 253° radial, extending from the 5-mile radius area to 8 miles west of the VORTAC.

PENDING AMENDMENT

Ahoskie, N.C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tri-County Airport (lat. 36°17'56"N., long. 77°10'26"W.); within 3 miles each side of the 171° bearing from the RBN (lat. 36°17'57"N., long. 77°10'33"W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 12/30/76 41 F.R. 44998 (Rewritten)

Aiken, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 3 miles each side of the 048° bearing from Aiken RBN (latitude 33°39'06" N., longitude 81°40'38" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN.

Ainsworth, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport.

Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°1[illegible]'15" W.), and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and [illegible] miles southwest of the Akron VORTAC 123° and 303° radials, extending from 20 miles southeast to 10 miles northwest [illegible] the VORTAC.

Akron, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, and within 5 miles each side of the Akron-Canton Airport south localizer course extending from the Akron-Canton Airport 8.5-mile radius area to 11.5 miles south of the Akron-Canton Runway 1 OM; within a 10-mile radius area of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio; within 5 miles each side of the Akron VORTAC 255° radial extending from the Akron Municipal Airport 10-mile radius area to the VORTAC; within a 6-mile radius of the center, lat. 41°12'35" N., long. 81°14'55" W. of Portage County Airport, Ravena, Ohio; within 1.5 miles each side of the Akron VORTAC 340° radial extending from the Portage County Airport 6-mile radius area to the VORTAC; within a 5-mile radius area of the center of lat. 41°08'45" N., long. 81°25'00" W. of Andrew W. Paton of Kent State University Airport, Kent, Ohio; within a 7-mile radius of the center, lat. 41°08'06" N., long. 81°45'36" W. of Freedom Field, Medina, Ohio, and within 4.5 miles south and 6.5 miles north of the Medina, Ohio, RBN (lat. 41°08'29" N., long. 81°38'46" W.) 084° and 264° bearings extending from 5.5 miles west to 11.5 miles east of the RBN.

Alabama
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama, including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portion within R-2101.

Alabaster, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (latitude 33°10'40" N., longitude 86°47'00" W.); within a 6.5-mile radius of Bessemer Airport (lat. 33° 18'49" N., long. 86°55'29" W.); excluding that portion which coincides with the Birmingham transition area.

Alamogordo, N. Mex.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (latitude 32°5104" N., longitude 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15.
This transition area will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alamosa, Colo.
That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Alamosa VORTAC 335° and 155° radials extending from 20 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC.
That airspace extending upward from 1,200 feet above the surface within 13 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC.
That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

Albany, Ga.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2 miles each side of Albany VORTAC 143° radial, extending from the 9.5-mile radius area to the VORTAC; within a 5.5-mile radius of Sylvester Airport (lat. 31° 33'25" N., long. 83°53'33" W.); within 3 miles each side of the 194° bearing from Sylvester RBN (lat. 31°33' 27" N., long. 83°53'34" W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN.

Albany, N. Y.
That airspace extending upward from 700 feet above the surface within the area bounded by a point on the Albany VORTAC 007° radial 23 miles north of the VORTAC, thence clockwise along the arc of a 23-mile radius circle centered on the Albany VORTAC to its point of intersection with the Albany VORTAC 037° radial, thence southwest along the Albany VORTAC 037° radial to a point 12 miles northeast of the VORTAC, thence clockwise along the arc of a 12-mile radius circle centered on the Albany VORTAC to its point of intersection with the arc of a 9-mile radius circle centered on the Schenectady VOR (42°51'05" N., 73°56'05" W.), thence clockwise along the arc of the 9-mile radius circle centered on the Schenectady VOR to its point of intersection with a line 2 miles south and parallel to the extended centerline of the Schenectady County Airport Runway 28, thence west along this parallel line to its point of intersection with the arc of a 13-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of this 13-mile radius circle to its point of intersection with the Schenectady VOR 342° radial, thence north along a line bearing 356° from this point to the point of intersection of this line and the arc of a 19-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of the 19-mile radius circle centered on the Schenectady VOR to its point of intersection with the arc of a 23-mile radius circle centered on the Albany VORTAC;
within 5 miles each side of the Albany VORTAC 072° radial, extending from the Albany VORTAC to 18.5 miles east of the VORTAC;
within a 6.5-mile radius of the center lat. 43°03'00" N., long. 73°51'30" W., of Saratoga County Airport, Saratoga Springs, N. Y., and within 5 miles each side of the Cambridge VORTAC 278° radial, extending from 43 miles west of the Cambridge VORTAC to the 6.5-mile radius area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 44°00' 00" N., long. 73°47'00" W.; to lat. 44°00'00" N., long. 73°16'00" W.; to lat. 43°47'00" N., long. 72°39'00" W.; to lat. 43°11'00" N., long. 72°39'00" W.; to lat. 42°02'00" N., long. 73°16'00" W.; to lat. 42°01'00" N., long. 74°30'00" W.; to lat. 43°19'00" N., long. 74°30'00" W.; to point of beginning.
PENDING AMENDMENT
The Albany, N. Y. 700-foot floor transition area is amended by deleting "and within 5 miles each side of the Cambridge VORTAC 278° radial," and substituting therefor, "and within 4 miles each side of the Cambridge, New York 279° radial,".
AMENDMENTS 12/30/76 41 F. R. 50244 (Changed)

Albany, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the University of Ohio Airport (latitude 39°12'38" N., longitude 82°13'53" W.).

Albert Lea, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Albert Lea Airport (latitude 43°40'52" N., longitude 93°22'04" W.); within 3 miles each side of the 356° bearing from the Albert Lea Municipal Airport extending from the 5½-mile radius to 8 miles north of the airport.

Albertville, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Albertville Municipal Airport (latitude 34°13'54" N., longitude 86°15'08" W.); within 3 miles each side of the 048° bearing from Saratoga RBN (latitude 34°15'00" N., longitude 86°13'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Albion, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°46'40" N., 74°56'55" W., of Albion Airport, Albion, N. J., and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N. J., transition area. This transition area is effective from sunrise to sunset, daily.

Albuquerque, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.) and within a 10.5-mile radius of Alameda Airport (latitude 35°11'30" N., longitude 106°40'00" W.).

Alexander City, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thomas C. Russell Field Airport (latitude 32°55'15" N., longitude 85°57'45" W.); within 3 miles each side of the 171° bearing from the Alexander City RBN (latitude 32°53'10" N., longitude 85°57'30" W.), extending from the 5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 1/29/76 40 F. R. 49095 (Changed)

Alexandria, La.
That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.), within a 7-mile radius of Esler Regional Airport (latitude 31°23'45" N., longitude 92°17'40" W.), and within 4 miles each side of the Esler VOR 155° radial extending from the Esler Regional Airport 7-mile radius area to 17 miles southeast of the VOR.

Alexandria, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexandria Airport (latitude 40°13'25" N., longitude 85°38'15" W.) excluding the portion which overlies the Anderson, Ind., transition area.

Alexandria, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 7-mile radius area to the VORTAC.

Algona, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Algona Municipal Airport (latitude 43°04'30" N., longitude 94°16'15" W.); and within 3.5 miles each side of the 297° bearing from the Algona Municipal Airport, extending from the 7-mile radius area to 11.5 miles northwest of the airport.

AMENDMENTS 3/25/76 41 F. R. 2377 (Rewritten)

Allegan, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Padgham Field Airport (latitude 42°31'55" N., longitude 85°49'45" W.); and within 2½ miles each side of the 072° radial of the Pullman VORTAC, extending from the 7-mile radius area to 22 miles east of the VORTAC, excluding the portion which overlies the Battle Creek, Michigan 700-foot floor transition area.

Allendale, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allendale County Airport (latitude 35°59'30" N., longitude 81°16'05" W.); within 2.5 miles each side of Allendale VOR 329° radial, extending from the 6-mile radius area to 8.5 miles northwest of the VOR.

Allentown, Pa.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the center, 40° 39'16" N., 75°26'11" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from a 311° bearing to a 001° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 001° bearing to a 028° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 028° bearing to a 311° bearing from the airport; within a 9-mile radius of the center, 40°34'13" N., 75°29'19" W. of Allentown-Queen City Municipal Airport, Allentown, Pa.; within 3.5 miles each side of the Allentown-Bethlehem-Easton Airport localizer southwest course, extending from the OM to 11 miles southwest of the OM; within 4.5 miles west and 6.5 miles east of the Allentown VORTAC 358° radial extending from the VORTAC to 17.5 miles north of the VORTAC; within 5 miles each side of the East Texas VORTAC 103° and 283° radials, extending from 1 mile east of the VORTAC to 8.5 miles west of the VORTAC; within 5 miles each side of the East Texas VORTAC 095° radial, extending from the 9-mile radius area to the East Texas VORTAC; within a 15-mile radius of the Allentown VORTAC extending clockwise from the Allentown VORTAC 358° radial to the Allentown VORTAC 104° radial; within 4.5 miles northeast and 6.5 miles southwest of the Allentown-Bethlehem-Easton Airport localizer northwest course, extending from the OM to 11.5 miles northwest of the OM.

AMENDMENTS 7/15/76 41 F. R. 20648 (Changed) - Effective Date Changed 12/30/76 41 F. R. 27029
AMENDMENTS Effective Date Changed 11/4/76 41 F.R. 37099

Alliance, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 10-mile radius area to 11 miles southeast of the airport.

Alliance, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 40°59'00" N., long. 81°02'30" W. of Miller Airport, Alliance, Ohio, and within a 5.5-mile radius of the center, lat. 40°54'22" N., long. 81°00'02" W. of Tri-City Airport, Sebring, Ohio.

Alma, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.). This transition area is effective from 0600 to 2200 hours, local time, daily.

Alma, Mich.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Gratiot Community Airport (latitude 43°19'15" N., longitude 84°41'12" W.); within 4 miles either side of a 267° bearing from Gratiot Community Airport extending from the 6.5-mile radius area to 15 miles west of the airport.

Almyra, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Almyra Municipal Airport (latitude 34°24'30" N., longitude 91°27'30" W.).

Alpena, Mich.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Alpena VORTAC; within 9½ miles west and 4½ miles east of the 360° bearing from the Alpena RBN, extending from the 17-mile radius area to 18½ miles north of the RBN; within 9½ miles west and 4½ miles east of the 346° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles north of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the 305° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles east and 4½ miles west of the Alpena VORTAC 186° radial extending from the 17-mile radius area to 18½ miles south of the VORTAC.

Alpine, Tex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of the Alpine Municipal Airport (latitude 30°23'00" N., longitude 103°41'00" W.) and extending 6.0 miles west and 9.5 miles east of the 023° bearing from the airport coordinates to a point 24.5 miles north of the airport coordinates.

AMENDMENTS 1/29/76 40 F. R. 57204 (Added) Corr: 41 F. R. 2075

Alva, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alva Municipal Airport (latitude 36°46'00" N., longitude 98°40'00" W.); within 2 miles each side of the 170° bearing from the Alva RBN (latitude 36°46'47" N., longitude 98°40'34" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Amarillo, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.).

Americus, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Souther Field (lat. 32°07'00" N., long. 84°11'30" W.); within 3 miles each side of the 041° bearing from Souther RBN (lat. 32°06'39" N., long. 84°11'07" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Ames, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.), and within 3 miles each side of the 127° bearing from Ames Municipal Airport, extending from the 5½-mile radius area to 7 miles southeast of the airport.

PENDING AMENDMENT

Anahuac, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chambers County Airport (latitude 29°46'12"N., longitude 94°39'51"W.) and within 3 miles each side of the 137° bearing from the Chambers County RBN (latitude 29°46'23"N., longitude 94°39'47"W.) extending from the 5-mile-radius area to 8.5 miles southeast of the RBN.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

Anchorage, Alaska
That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage International Airport (latitude 61°10'16" N., longitude 149°58'48" W.); that airspace extending upward from 1,200 feet above the surface within an 85-mile radius of the Anchorage VORTAC; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC, excluding the portions within the United States, Federal Airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

Anderson, Ind.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson Municipal Airport (lat. 40°06'30" N., long. 85°36'55" W.) and within 4 miles each side of the 298° bearing from the airport, extending from the 8.5-mile radius to 12 miles northwest of the airport; excluding the airspace that overlies the Muncie transition area.

Anderson, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.).

Andover, N. J.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 41° 00'00" N., 74°44'00" W. of Aeroflex-Andover Airport, Andover, N. J., extending clockwise from a 053° bearing to a 103° bearing from the airport, within a 9.5-mile radius of the center of the airport, extending clockwise from a 103° bearing to a 174° bearing from the airport; within an 8.5-mile radius of the center of the airport extending clockwise from a 174° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 295° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 295° bearing to a 053° bearing from the airport; within 1.5 miles each side of the Stillwater, N. J., VORTAC 083° radial, extending from the 7-mile radius area to the Stillwater, N. J., VORTAC.
That airspace extending upward from 1200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

Angola, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tri-State Airport (latitude 41°38'22" N., longitude 85°05'12" W.), and within 3 miles either side of the 239° bearing from the airport extending from the 7-mile radius to 8 miles southwest of the airport.

Aniak, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 230° bearing from the Aniak RBN extending from 8 miles SW to 18 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles NE and 8 miles SW of the 140° and 320° bearings from the Aniak RBN extending from 7 miles NW to 18 miles SE of the RBN.

Annette Island, Alaska
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Annette Island VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Nichols, Alaska, RBN 331° bearing, extending from the RBN to 28 miles NW of the RBN; and within 14 miles northeast and 22 miles southwest of the Annette Island VORTAC 150° radial, extending from the VORTAC to 30 miles southeast of the VORTAC; excluding the portion outside the United States.

AMENDMENTS 11/4/76 41 F.R. 34010 (Changed)

Anniston, Ala.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within a 12-mile radius of Talladega Municipal Airport (latitude 33°34'07" N., longitude 86°03'36" W.); within 9.5 miles southeast and 4.5 miles northwest of Talladega VORTAC 223° radial, extending from the 12-mile radius area to 18.5 miles southwest of the VORTAC; within 9.5 miles south and 4.5 miles north of the Talladega VORTAC 252° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within an 8-mile radius of St. Clair County Airport, Pell City, Ala. (lat. 33°33'22" N., long. 86°14'58" W.); excluding the portion within R-2101.

Annville, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 40°19'00"N., long. 76°32'15"W. of Millard Airport, Annville, Pa.; within an 8.5-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 148° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 148° bearing to a 180° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 230° bearing from the airport; and within 4.5 miles each side of the Harrisburg VORTAC 078° radial extending from the 5.5-mile radius area to 13 miles east of the VORTAC.

AMENDMENTS 5/20/76 41 F. R. 11274 (Added)

Anoka, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Gateway North Industrial Airport (latitude 45°13'50" N., longitude 93°26'40" W.); excluding that portion overlying the Minneapolis transition area.

Antigo, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Langlade County Airport (latitude 45°09'20" N., longitude 89°06'33" W.); within 3 miles each side of the 358° bearing from the airport extending from the 5-mile radius area to 8 miles north of the airport.

Apalachicola, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Apalachicola Municipal Airport (lat. 29°43'45" N., long. 85°01'45" W.); within 3 miles each side of the 322° bearing from Apalachicola RBN, extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

Arcata, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°08'52" W., on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., latitude 40°22'00" N., longitude 124°12'00" W., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 28-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V-27 to the south edge of V-195.

Ardmore, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.; and within 3.5 miles each side of the 168° bearing from the Downtown Ardmore NDB (latitude 34°09'20"N., longitude 97°07'35"W.) extending from the 5-mile-radius area to 11.5 miles south of the NDB.

AMENDMENTS 11/4/76 41 F.R. 37097 (Changed)

Arkadelphia, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Arkadelphia Municipal Airport (latitude 34°06'15" N., longitude 93°03'45" W.), and within 3.5 miles each side of the 216° bearing from the Arkadelphia RBN (latitude 34°03'19" N., longitude 93°06'17" W.) extending from the 6.5-mile radius area to 11.5 miles southwest of the RBN.

Arkansas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Arkansas.

Arkansas City/Winfield, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.); and within 5 miles each side of the 175° bearing from Strother Field, extending from the 7-mile radius area to 15 miles south to the airport.

Artesia, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Artesia Municipal Airport (lat. 32°50'58" N., long. 104°28'02" W.); and within 3.5 miles each side of the Artesia NDB (lat. 32°51'11" N., long. 104°27'34" W.) 152° bearing, extending from the 9.5-mile radius area to 12 miles south of the NDB; within 3.5 miles each side of the Artesia, N. Mex., NDB 296° bearing extending from the 9.5-mile radius area to 12 miles northwest of the NDB.

Asheboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Asheboro Municipal Airport (latitude 35°39'18" N., longitude 79°53'41" W.).

Asheville, N. C.
That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 9.5 miles east and 4.5 miles west of the ILS localizer south course, extending from Broad River RBN to 18.5 miles south of the RBN; within 5 miles each side of Sugarloaf Mountain VORTAC 230° radial, extending from the VORTAC to Broad River RBN; within 3 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8.5 miles north of the RBN.

Ashland, Ky.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ashland-Boyd County Airport (lat. 38°33'00" N., long. 82°44'15" W.); within 2.5 miles each side of York VORTAC 117° radial, extending from the 8-mile radius area to 0.5 mile east of the VORTAC; excluding the portion within Huntington, W. Va., transition area.

Ashland, Ohio
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Ashland County Airport (latitude 40°54'11" N., longitude 82°15'21" W.); within 3 miles each side of the 002° bearing from the airport extending from the 5½-mile radius area to 12 miles north of the airport, excluding that portion which overlies the Mansfield, Ohio, transition area.

Ashland, VA.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center (lat. 37°42'27" N., long. 77°26'11" W.) of Hanover County Municipal Airport, Ashland, VA., and within 2.5 miles each side of the Richmond, VA., VORTAC 336° radial, extending from the 5.5-mile radius area to 22 miles northwest of the VORTAC.

Ashland, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the John F. Kennedy Memorial Airport (lat. 46°32'59" N., long. 90°55'05" W.).

Ashtabula, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Ashtabula County Airport, Ashtabula, Ohio (lat. 41°46'40" N., long. 80°41'45" W.) and within 3.5 miles each side of the Jefferson VORTAC 243° radial extending from the 8-mile radius area to 11.5 miles southwest of the VORTAC.

Aspen, Colo.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 39°41'00" N., longitude 107°12'30" W., to latitude 39°31'30" N., longitude 107°25'00" W., to latitude 39°17'30" N., longitude 107°09'00" W., to latitude 39°10'24" N., longitude 106°56'04" W.; thence clockwise via a 5-mile arc from the Aspen-Pitkin County Airport (latitude 39°13'30" N., longitude 106°52'09" W.) to latitude 39°16'33" N., longitude 106°48'12" W., to latitude 39°27'30" N., longitude 107°01'00" W. to point of beginning.

Astoria, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Astoria VOR 309° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.) to 8 miles NW of the Fort Stevens FM (latitude 46°12'31" N., longitude 123°57'51" W.), and within 2 miles each side of the Astoria VOR 347° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 8 miles N of the VOR; within 4.5 miles north and 9.5 miles south of the Astoria VOR 268° radial, extending from the western edge of V-27 to a point 18.5 miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° radial, extending from the Fort Stevens fan marker to 12 miles northwest of the fan marker and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker.
That airspace extending upward from 4,500 feet MSL bounded on the northwest by the southeast edge of V-27E, on the east by the west edge of V-165, and on the south by the north edge of V-112.

Athens, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.).

Athens, Tenn.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of McMinn County Airport (lat. 35°23'45" N., long. 84°33'45" W.).

Athens, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jones Municipal Airport (latitude 32°10'00" N., longitude 95°50'00" W.); within an 8.5-mile radius of Lochridge Ranch Airport (latitude 31°59'21" N., longitude 95°57'03" W.); within 3.5 miles each side of the 176° bearing from the Athens RBN (latitude 32°09'35" N., longitude 95°49'50" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN; within 3 miles each side of a 211° bearing from the Athens RBN extending from the 5-mile radius area to the 8.5-mile radius area; and within 4.5 miles each side of the 356° bearing from the Lochridge Ranch RBN (latitude 32°03'48" N., longitude 95°57'27" W.) extending from the 8.5-mile radius area to 10.5 miles N of the RBN.

Atlanta, Ga.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of The William B. Hartsfield Atlanta International Airport (latitude 33°38'31" N., longitude 84°25'34" W.); within 4.5 miles north and 9.5 miles south of the 091° bearing from Bruce RBN, extending from the 15-mile radius area to 18.5 miles east of the RBN; within 9.5 miles northeast and 4.5 miles southwest of the 151° bearing from Jonesboro RBN, extending from the 15-mile radius area to 18.5 miles southeast of the RBN; within 9.5 miles south and 4.5 miles north of Atlanta ILS Runway 9R localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM; within a 10-mile radius of Charlie Brown County Airport (latitude 33°46'35" N., longitude 84°31'15" W.);within an 11.5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'54" N., longitude 84°30'59" W.); within 4 miles each side of the Dobbins TACAN 301° radial, extending from the 11.5-mile radius area to 11.5 miles northwest of the TACAN; within an 8.5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within a 6.5-mile radius of Falcon Field Airport, Peachtree City, GA. (latitude 33°21'23" N., longitude 84°34'07" W.); within a 6.5-mile radius of Griffin-Spaulding County Airport, Griffin, Ga. (latitude 33°13'30" N., longitude 84°16'30" W.).

Atlanta, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Atlanta Municipal Airport (latitude 33°06'10" N., longitude 94°11'40" W.) and within 3 miles each side of the 237° bearing from the NDB (latitude 33°06'13" N., longitude 94°11'25" W.) extending from the 5-mile radius area to a point 8 miles southwest of the NDB.

Atlantic, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Atlantic Municipal Airport (latitude 41°24'20" N., longitude 95°02'45" W.); and within 5 miles NE and 8 miles SW of the 313° bearing from the Atlantic, Iowa, RBN, extending from the RBN to 12 miles NW.

Atlantic City, N. J.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°27'25" N., 74°34'45" W. of Atlantic City Municipal (Pomona) Airport, Atlantic City, N. J., and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 NM offshore; on the SE by a line 3 NM offshore; and on the NE by the Atlantic City VORTAC 112° radial, within 8 miles SW and 5 miles NE of the Atlantic City ILS localizer NW course extending from the 12-mile radius area to 12 miles NW of the OM.

Atterbury, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB.

Auburn, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Auburn-Opelika Airport (latitude 32°36'52" N., longitude 85°25'52" W.).

AMENDMENTS 1/29/76 40 F. R. 53232 (Rewritten)

Auburn, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-De Kalb Airport (latitude 41°18'25" N., longitude 85°04'00" W.); and within 2½ miles each side of the Fort Wayne, Ind., VORTAC 016° radial, extending from the 5-mile radius area to the arc of a 17-mile radius circle centered on Bear Field (latitude 40°58'50" N., longitude 85°11'25" W.).

Auburn, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°03' 00" N., 70°17'00" W., of Auburn-Lewiston Municipal Airport; within 3 miles each side of the 204° and 024° bearing from the Poland Springs, Maine, NDB, 43°57'47" N., 70°20'14" W., extending from the 5-mile radius area to 9 miles southwest of the NDB; within 2 miles each side of the 048° bearing from the Poland Springs, Maine, NDB extending from the NDB to 13 miles northeast of the NDB.

Audubon, Iowa
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Audubon Municipal Airport (latitude 41°42'30" N., longitude 94°55'00" W.).

Augusta, Ga.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (lat. 32°22'10" N., long. 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within a 9-mile radius of Daniel Field (lat. 33°27'55" N., long. 82°02'25" W.); within a 7-mile radius of Thomson-McDuffie Airport, Thomson, Ga. (lat. 33°31'45" N., long. 82°31'00" W.); within 9.5 miles north and 4.5 miles south of the 090° bearing from McDuffie RBN (lat. 33°31'45" N., long. 82°26'30" W.), extending from the 7-mile radius area to 18.5 miles east of the RBN.

Augusta, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center of the Augusta State Airport (latitude 44°19'N., longitude 69°48'W.) and within 6.5 miles northeast and 9.5 miles southwest of the 328° bearing extending 24 miles northwest of the airport.

PENDING AMENDMENT

Augusta, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center of the Augusta State Airport, (lat. 44°19'N., long. 69°48'W.) and within 6.5 miles northeast and 9.5 miles southwest of the 328° radial of the Augusta VORTAC extending 24 miles northwest of the Augusta VORTAC, and within an 11.5-mile radius of the center of Waterville Robert LaFleur Airport (lat. 44°32'10"N., long. 69°40'30"W.), Waterville, Maine, and within 4.5 miles southwest and 9.5 miles northeast of the Augusta VORTAC 156° radial extending 19.0 miles southeast of the Augusta VORTAC; excluding that portion which coincides with the Wiscasset, Maine, 700-foot Transition Area.
AMENDMENTS 12/30/76 41 F. R. 27958 (Rewritten)

Aurora, Nebr.
That airspace extending upward from 700 feet above the surface within a 5 mile radius of Aurora Municipal Airport (lat. 40°53'34"N., long. 97°59'37"W.) and within 2 miles each side of the 110° radial of the Grand Island VOR, extending from the 5 mile radius to 7 miles west of the airport, excluding that portion which overlies the Grand Island, Nebraska, transition area and within 3 miles each side of the 358° bearing from the Aurora, Nebraska, NDB extending from the 5 mile radius to 8.5 miles north of the airport.
AMENDMENTS 11/4/76 41 F.R. 39738 (Rewritten)

Aurora, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 126° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 306° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

Austin, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport (latitude 43°40'00" N., longitude 92°56'00" W.); within 3 miles each side of the Austin VOR 350° radial extending from the 5-mile radius to 8 miles north of the VOR; and within 3 miles each side of the Austin VOR 175° radial extending from the 5-mile radius to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 21½-mile radius of the Austin Municipal Airport; excluding the portions which overlie the Rochester, Minn., Albert Lea, Minn., and Mason City, Iowa, transition areas.

Austin, Tex.
That airspace extending upward from 700 feet above the surface within a 16-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Bergstrom ILS localizer south course, extending from the 16-mile radius area to 12 miles south of the LOM.

Babylon, N. Y.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Republic Airport, Farmingdale, N. Y. (latitude 40°43'45" N., longitude 73°24'50" W.); within 4.5 miles northeast and 6.5 miles southwest of the Republic Airport ILS localizer northwest course, extending from the outer marker (latitude 40°46'35" N., longitude 73°28'59" W.) to 11.5 miles northwest of the outer marker; within 3.5 miles each side of a 155° bearing from the Babylon, N. Y., radio beacon extending from the 10-mile radius area to 11.5 miles southeast of the radio beacon; within 3.5 miles each side of a 165° bearing from the Babylon, N. Y., radio beacon extending from the 10-mile radius area to 11.5 miles southeast of the radio beacon; within a 9.5-mile radius of Grumman-Bethpage Airport (latitude 40°44'45" N., longitude 73°29'30" W.).

Bad Axe, MI.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Huron County Airport (latitude 43°47'00" N., longitude 82°59'00" W.); within 3 miles each side of the 023° and 215° bearings from the Huron County Airport extending from the 5-mile radius area to 8 miles northeast and southwest of the airport.

Bainbridge, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Decatur County Industrial Airport (latitude 30°58'15" N., longitude 84°38'00" W.); within 3 miles each side of Bainbridge VOR (latitude 30°58'30" N., longitude 84°37'10" W.) 092° and 356° radials, extending from the 6.5-mile radius area to 8.5 miles east and north of the VOR; within a 6.5-mile radius of Commodore Decatur Airport (latitude 30°54' 55" N., longitude 84°36'16" W.); within a 6.5-mile radius of Donalsonville Airport (latitude 31°01'00" N., longitude 84°52'30" W.).

Baker, Oreg.
That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138° and 317° radials extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V-298.

Bakersfield, CA.
That airspace extending upward from 700 feet above the surface within 4.5 miles each side of the Bakersfield ILS localizer southeast course, extending from an arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, CA. (latitude 35°25'40" N., longitude 119°03'05" W.) to 7 miles southeast of the LOM, within 4.5 miles each side of the Bakersfield VORTAC 144° radial, extending from an arc of a 5-mile radius circle centered on Meadows Field to 17.5 miles southeast of the VORTAC, within 4.5 miles each side of the Bakersfield ILS localizer northwest course, extending from an arc of a 5-mile radius circle centered on Meadows Field to 21.5 miles northwest of the LOM and within 4.5 miles each side of the Bakersfield VORTAC 338° radial, extending from the VORTAC to 13 miles north of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 36°00'00" N., on the east by longitude 118°45'00" W., on the south by latitude 35°05'00" N., and on the west by a line extending from latitude 35°05'00" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 119°30'00" W. to latitude 36°00'00" N., longitude 119°30'00" W.

Baltimore, Md.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°10' 26" N., 76°40'12" W., of Baltimore Washington International Airport, Baltimore, Md.; within a 15-mile radius arc of the
Baltimore VORTAC extending clockwise from the Baltimore VORTAC 230° radial to the 342° radial; within 3.5 miles each side of the centerline of Baltimore Washington International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 4.5 miles north and 6.5 miles south of the Baltimore Washington International Airport ILS
localizer west course, extending from the OM to 11.5 miles west of the OM; within an 8.5-mile radius of the center 39°19'40"N., 76°24'57"W. of Glenn L. Martin State Airport, Baltimore, Md.; within a 9-mile radius of the center of the airport, extending clockwise from a 239° bearing to a 256° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 256° bearing to a 270° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 320° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 348° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 007° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 007° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 027° bearing to a 054° bearing from the airport; within 3.5 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 3.5 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 5 miles each side of the Martin, Md. TACAN 317° radial, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 17.5 miles northwest of the TACAN.
AMENDMENTS 11/4/76 41 F.R. 33246 (Changed); Corr: 41 F.R. 43134

Bangor, Maine
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius arc of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile radius arc of Bangor International Airport, extending clockwise from 093° to 245°; within 3 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the VORTAC to 9 miles northwest of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Bangor International Airport ILS localizer southeast course, extending from the OM to 18.5 miles southeast of the OM; within a 5-mile radius of the center, lat. 44°57'15" N., long. 68°40'30" W. of De Witt Field-Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor VORTAC 052° radial extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to the VORTAC; within 4 miles each side of the Bangor VORTAC 050° radial, extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 25.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN lat. 45°00'24" N., long. 68°38'02" W., extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 10.5 miles northeast of the RBN; within 2 miles each side of the De Witt Field--Old Town Municipal Airport runway 22 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles south of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 33 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 15 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 5 miles southeast of the end of the runway.
and that airspace
extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°20'10" N., longitude 67°56'00" W., to latitude 44°18'30" N., longitude 67°56'00" W., to latitude 43°52'00" N., longitude 69°00'00" W., to latitude 43°48'00" N., longitude 69°03'00" W., to lat. 43°44'00" N., long. 69° 19'42" W.; to latitude 43°50'00" N., longitude 69° 18' 00" W..to latitude 43° 59' 00" N.. longitude 69° 16' 00" W., to latitude 44° 09' 00" N., longitude 69° 39' 00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine. VOR to latitude 44° 09' 00" N., longitude 69° 57' 00" W., to latitude 44° 03' 00" N., longitude 70° 06' 00" W., to latitude 43° 50' 00" N., longitude 70° 12' 00" W., to latitude 43° 55' 00" N., longitude 70° 28' 00" W., to latitude 44° 05' 00" N., longitude 70° 23' 00" W., to latitude 44° 12' 00" N., longitude 70° 10' 00" W., to latitude 44° 16' 00" N., longitude 70° 14' 00" W., to latitude 44° 39' 00" N., longitude 69° 47' 00" W., to latitude 44° 50' 00" N., longitude 69° 47' 00" W., to latitude 45° 12' 00" N., longitude 69° 23' 00" W., to latitude 45° 24' 00" N., longitude 68° 55' 00" W., to latitude 45° 30' 00" N., longitude 68° 31' 00" W., to latitude 45° 27' 00" N., longitude 68° 20' 00" W., to latitude 45° 33' 00" N., longitude 68° 16' 00" W., to latitude 45° 38' 00" N., longitude 67° 40' 30" W., thence via the United States/Canadian border latitude 44°47'45" N., longitude 66°53'00" W., thence by a line 3-nautical miles from and parallel to the U. S. shoreline to the point of beginning.

Baraboo, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'30" N., longitude 89°46'15" W.) and within an 11-mile radius of the Reedsburg Airport (latitude 43°31'44" N., longitude 89°59'06" W.).
PENDING AMENDMENT
Baraboo, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'30" N., longitude 89°46'15" W.); witin an 11-mile radius of the Reedsburg Airport (latitude 43°31'44" N., longitude 89°59'06" W.) and within a 10-mile radius of the Portage Airport (latitude 43°33'35" N., longitude 89°23'58" W.).

AMENDMENTS 2/24/77 41 F.R. 52047 (Rewritten)

Bardstown, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Samuels Field (lat. 37°48'55" N., long. 85°29'58" W.); within 3 miles each side of the 022° bearing from Bardstown RBN (lat. 37°50' 52" N., long. 85°29'00" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

Bar Harbor, ME.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (lat. 44°26'56" N., long. 68°21'42" W.) of the Bar Harbor Airport excluding that airspace previously designated as the Bangor, ME., 700-foot transition area. Within 4.5 miles west and 9.5 miles east of the Bar Harbor ILS localizer course extending from the 12.5-mile radius to 11.5 miles north of the Surry (BH) NDB.

Barnesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 00'10" N., long. 81°11'30" W., of the Bradfield Airport, Barnesville, Ohio.

Barnwell, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barnwell County Airport (lat. 33°15'26" N., long. 81°23'06" W.); within 3 miles each side of the 009° bearing from Barnwell RBN (lat. 33°15'31" N., long. 81°22'43" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 11/4/76 41 F.R. 38760 (Changed)

Bartlesville, Okla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.); within 5 miles each side of the Bartlesville VORTAC 176° radial extending from the 9-mile radius to 21½ miles south of the VORTAC; and within 3½ miles each side of the Bartlesville VORTAC 354° radial extending from the 9-mile radius to 12 miles north of the VORTAC; that airspace which lies within the State of Kansas extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 354° radial of the Bartlesville VORTAC extending from the VORTAC to 18½ miles north of the VORTAC.

Bastrop, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Memorial Airport (latitude 32°45'25" N., longitude 91°52'50" W.) and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC,and within 3 miles each side of the 159° bearing from the NDB (latitude 32°45'28" N., longitude 91°52'53" W.) extending from the 5-mile radius area to 8 miles southeast of the NDB.

Batavia, NY.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 43°01'45" N., long. 78°10'15" W. of Genesee County Airport, Batavia, NY., and within 2.5 miles each side of the Rochester, NY., VORTAC 257° radial, extending from the 5.5-mile radius area to 19.5 miles west of the VORTAC.

Batesville, Ark.
That airspace extending upward from 700 feet above the surface within a 15-statute mile radius of Batesville Regional Airport, Batesville, Ark. (latitude 35°43'44"N., longitude 91°38'32"W.); and within 3.5 miles each side of the 255° bearing from the Batesville NDB (latitude 35°42'13" N., longitude 91°45'03" W.), extending from the 15-mile radius area to 11.5-statute miles west of the NDB; excluding that portion which overlies the Heber Springs, Ark., transition area.

AMENDMENTS 9/21/76 41 F.R. 41153 (Changed)

Baton Rouge, La.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport; within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest; within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the Baton Rouge 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport and within a 5-mile radius of the False River Airpark (latitude 30°42'55" N., longitude 91°28'43" W.); within 2 miles each side of the 325° radial of the Baton Rouge VORTAC extending from the 5-mile radius area of the False River Airpark to the northwest ILS localizer extension.

Battle Creek, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport.

Battle Mountain, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°36'03" N., longitude 116°52'25" W.) and within 5 miles each side of the Battle Mountain VORTAC 218° radial, extending from the VORTAC to 16 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Battle Mountain 218° radial extending from the VORTAC to 23 miles southwest of the VORTAC, and within 6.5 miles south and 9 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 8 miles west to 18.5 miles east of the VORTAC.

Baudette, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'15" N., longitude 94°36'00" W.); within 3 miles each side of the 106° bearing from the Baudette International Airport extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 106° and 286° bearing from the Baudette International Airport, extending from 6 miles west to 18½ miles east of the airport; and within 5 miles each side of the 286° bearing from Baudette International Airport, extending from the airport to 12 miles west of the airport, excluding the portion outside the United States.

Baxley, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baxley Municipal Airport (lat. 31°42'50" N., long. 82°23'25" W.); within 2 miles each side of Alma VORTAC 029° radial, extending from the 5-mile radius area to 8 miles north of the VORTAC.

Bay City, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bay City Municipal Airport (lat. 28°58'23" N., long. 95°51'48" W.), excluding that portion within a 1-mile radius of Bay City Airport (lat. 28°58'41" N., long. 95°56'22" W.).

Bay Minette, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bay Minette Municipal Airport (lat. 30°52'20" N., long. 87°49'30" W.).

Bay St. Louis, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stennis International Airport (lat. 30°22'15" N., long. 89°27'16" W.).

Beatrice, Nebr.
That airspace extending upward from 700 feet above the surface within a six-mile radius of the Beatrice Municipal Airport (latitude 40°18'01" N., longitude 96°45'16" W.); and within five-miles each side of the Beatrice VOR 325° radial extending from the six-mile radius to 14 miles northwest of the VOR; that airspace extending upward from 1200 feet above the surface within twelve miles southwest and five miles northeast of the Beatrice VOR 325° radial extending from the VOR to 23 miles northwest of the airport excluding that portion which overlies the Lincoln, Nebraska, transition area.

Beaufort, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Beaufort-Morehead City Airport (latitude 34°44'00" N., longitude 76°39'45" W.); within 3 miles each side of the 306° bearing from the Morehead RBN (latitude 34°43'49" N., longitude 76°39'15" W.), extending from the 6.5-mile radius to 8.5 miles north of the RBN.

AMENDMENTS 3/25/76 41 F. R. 5629 (Added)

Beaufort, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the TACAN.

Beaumont, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), within a 5-mile radius of Beaumont Municipal Airport (latitude 30°04'15" N., longitude 94°13'00" W.), within 3 miles each side of the Beaumont ILS localizer southeast course extending from the 7-mile radius area to 13.5 miles southeast of the approach end of Jefferson County Airport Runway 29, and within 2.5 miles each side of the Beaumont ILS localizer northwest course extending from the 7-mile radius area to the 5-mile radius area.

Beaver Falls, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa., and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6-mile radius area to the VOR.

Beckley, W. Va.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va.; within a 14-mile radius of the center of Raleigh County Memorial Airport, extending clockwise from the 025° bearing to the 215° bearing from the airport and within 4.5 miles north and 9.5 miles south of the Beckley VOR 284° radial, extending from the VOR to 18.5 miles west of the VOR.

Bedford, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'25" N., long. 86°26'45" W.); within 5 miles each side of the Bloomington, Ind., VORTAC 156° radial, extending from the 6½-mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 302° bearing from Virgil I. Grissom Municipal Airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

Beeville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Chase Field (lat. 28°21'50" N., long. 97°39'40" W.); within 2 miles each side of the NAS Chase TACAN 129° and 321° radials extending from the 7-mile radius area to 10 miles northwest and southeast of the TACAN; within 2 miles each side of the 339° bearing from the NAS Chase RBN extending from the 7-mile radius area to 12 miles north of the RBN; within a 6.5-mile radius of Beeville Municipal Airport (lat. 28°22'00" N., long. 97°48'00" W.).

Bellaire, Mich.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport.

Bellefontaine, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Bellefontaine Airport (latitude 40°24'45" N., longitude 83°44'10" W.) and within 3 miles each side of the 049° bearing from the airport extending from the 6-mile radius area to 13 miles northeast of the airport.

Belleville, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

Belleville, Kansas
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belleville Municipal Airport (latitude 89°49'00" N., longitude 97°39'00" W.); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport.

PENDING AMENDMENT

Belleville, Kansas
That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Belleville Municipal Airport (lat. 39°49'04"N., long. 97°39'30"W.); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles north of the airport, within 3 miles each side of the 196° bearing from the Belleville Municipal Airport, extending from the 5 mile radius to 8.5 miles south of the airport.

AMENDMENTS 12/30/76 41 F.R. 43714 (Rewritten)

Bellingham, Wash.
That airspace extending upward from 700 feet above the surface bounded on the east by longitude 122°15'00" W., on the south by latitude 48°52'00" N., on the west and north by the United States/Canada border, and within 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from 21.5 to 24 miles south of the VORTAC; and within 3.5 miles north and 8 miles south of the 288° bearing from Lummi NDB (latitude 48°47'38" N., longitude 122°32'08" W.) extending from the NDB 11.5 miles west of the NDB.

Belzoni, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belzoni Municipal Airport (latitude 33°08'40" N., longitude 90°30'55" W.).

Bemidji, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 5 miles each side of the Bemidji VORTAC 135° radial, extending from the 7-mile radius area to 19½ miles southeast of the VORTAC; within 5 miles each side of the Bemidji VORTAC 318° radial, extending from the 7-mile radius area to 8 miles northwest of the VORTAC; and within 4½ miles north and 9½ miles south of the 262° bearing from Bemidji Municipal Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Bemidji VORTAC, extending from the 318° radial, clockwise to the 014° radial; within a 23½-mile radius of Bemidji VORTAC extending from the 014° radial clockwise to the 285° radial; within 4½ miles northeast and 9½ miles southwest of the Bemidji VORTAC 318° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bemidji VORTAC 135° radial, extending from the 23½-mile radius area to 30 miles southeast of the VORTAC.

Bend, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bend Municipal Airport (latitude 44°05'35" N., longitude 121°12'00" W.) and within 2 miles each side of the Redmond VORTAC 334° and 154° radials, extending from the 5-mile radius area to 1 mile northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Redmond VORTAC 334° radial, extending from the VORTAC to 12 miles northwest of the VORTAC.

Bennettsville, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bennettsville Airport (latitude 34°37'45" N., longitude 79°43'57" W.); within 3 miles each side of the 245° bearing from Bennettsville RBN (latitude 34°37'39" N., longitude 79°43'53" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN, excluding the portion within the Darlington, S. C., transition area.

Bennington, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°53'30" N., 73°14'50" W. of Bennington State Airport, Bennington, Vt., and within 2 miles each side of the Cambridge, N. Y., VOR 145° radial, extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

Benson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Benson Municipal Airport (latitude 45°20'00" N., longitude 95°39'00" W.); and within 3 miles each side of the 323° bearing from Benson Municipal Airport extending from the airport to 8 miles northwest of the airport.

Benton Harbor, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.), and within 2 miles each side of the ILS back course and Keller, Mich., VORTAC 266° radial extending from the 7-mile radius area to 12 miles west of the airport.

Berkeley Springs, WV.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the center (lat. 39°41'30" N., long. 78°09'45" W.) of Potomac Airpark, Berkeley Springs, WV., extending clockwise from the 062° bearing to the 167° bearing from the airport; within a 22.5-mile radius of Potomac Airpark, extending clockwise from the 167° bearing to the 215° bearing from the airport; within a 21.5-mile radius of Potomac Airpark, extending clockwise from the 215° bearing to the 266° bearing from the airport; within a 15.5-mile radius of Potomac Airpark, extending clockwise from the 266° bearing to the 304° bearing from the airport; within a 19.5-mile radius of Potomac Airpark, extending clockwise from the 304° bearing to the 342° bearing from the airport; within a 21.5-mile radius of Potomac Airpark, extending clockwise from the 342° bearing to the 023° bearing from the airport; within a 23.5-mile radius of Potomac Airpark, extending clockwise from the 023° bearing to the 062° bearing from the airport; within 2.5 miles each side of the Hagerstown VOR 268° radial, extending from the 14.5-mile radius to 1 mile west of the VOR, excluding the portion within the Hagerstown, MD., and and Martinsburg, WV., transition areas.

Berlin, N.H.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 44°34'35" N., 71°10'40" W. of Berlin Municipal Airport, Berlin, N. H.; within 2 miles each side of the Berlin Municipal Airport Runway 18 centerline, extended from the 8.5-mile radius area to 12 miles south of the end of the runway; within 2 miles each side of the Berlin Municipal Airport Runway 36 centerline, extended from the 8.5-mile radius area to 20.5 miles north of the end of the runway and within 4.5 miles west and 9.5 miles east of the Berlin, N. H. VOR (44°38'05" N., 71°11'12" W.) 355° radial, extending from the 8.5-mile radius area to 18.5 miles north of the VOR.
That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'00" N., 71°00'30" W. to 44°31'00" N.. 70°55'00" W. to 44°29'00" N.. 71°03'00" W. to 44°22'00" N.. 71°02'00" W. to 44°13'00" N.. 71°45'00" W. to 44°25'00" N.. 71°52'00" W. to 44°36'00" N.. 71°20'00" W. to 44°47'00" N.. 71°28'00" W. to point of beginning.

Berlin, N. J.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°49' 20" N., 74°53'35" W., of Kettlerun Airpark, Berlin, N. J., and within 2 miles each side of the Millville, N. J., VORTAC 011° radial, extending from the 7-mile radius area to 13 miles north of the VORTAC.

AMENDMENTS 3/25/76 41 F. R. 6237 (Added)

Bethel, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles each side of the Bethel VORTAC 007° radial, extending from the north control zone extension to 11.5 miles north of the VORTAC; from the southwest control zone extension to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Bethel VORTAC; and within 9.5 miles northwest and 4.5 miles southeast of the 023° bearing from BET localizer (latitude 60°46'08" N., longitude 161°50'39" W.) extending from the 20-mile radius area to 26 miles northeast of the BET localizer.

Biddeford, Maine
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Biddeford, Maine, Airport (lat. 43°27'55" N., long. 70°28'25" W.) extending clockwise from the 270° bearing to the 180° bearing; within a 10-mile radius extending from the 180° bearing clockwise to the 270° bearing excluding that airspace previously designated as the Sanford, Maine, 700-foot transition area.

Big Delta, Alaska
That airspace extending upward from 700 feet above the surface within 9.5 miles each side of the Big Delta VORTAC 220° and 040° radials extending from 2 miles southwest to 18.5 miles northeast of the Big Delta VORTAC; and within a 16.5-mile radius of the Big Delta VORTAC extending clockwise from the 309° radial to the 006° radial.

Big Mountain, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° and 229° bearings from the Big Mountain RBN, extending from 7 miles northeast to 13 miles southwest of the RBN.

Big Piney, Wyo.
That airspace extending upward from 700 feet above the surface within 5.5 miles southwest and 9.5 miles northeast of the Big Piney VOR 134° and 314° radials, extending from 4.5 miles northwest to 19 miles southeast of the VOR, and that airspace extending upwards from 1,200 feet above the surface within 9 miles southwest and 13.5 miles northeast of the Big Piney 134° and 314° radials, extending from 11.5 miles northwest to 24.5 miles southeast of the VOR.

Big Rapids, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Roben-Hood Airport latitude 43°43'13" N., longitude 85°29'52" W.) and within 5 miles each side of the White Cloud VOR 047° radial extending from an 8-mile radius area to the VOR, excluding the portion overlying the Reed City transition area.

Big Sandy, Tex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Ambassador Field (latitude 32°35'00"N., longitude 95°03'45"W.), and within 2.5 miles each side of the Big Sandy, Tex., Ambassador Field NDB 271° bearing extending from the 8.5-mile-radius area to a point 11.5 miles west of the NDB; within an 8.5-mile radius of Upshur County Airport, Gilmer, Tex. (latitude 32°41'57"N., longitude 94°56'55"W.) and an 8.5-mile radius of Holly Lake Ranch Airport, Hawkins, Tex. (latitude 32°41'46"N., longitude 95°12'36"W.).

AMENDMENTS 11/4/76 41 F.R. 38762 (Rewritten)

Big Spring, Texas
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°12'55" N., longitude 101°31'06" W.

Billings, Mont.
That airspace extending upward from 700 feet above the surface within a 29-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.); that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Logan Field Airport; that airspace extending upward from 6,700 feet MSL within a 46-mile radius of the Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial, excluding the portion that overlies V-2N; that airspace extending upward from 6,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the Billings VORTAC 057° radial clockwise to the southwest edge of V-19/86 excluding the portion that overlies V-2 and V-2N; that airspace extending upward from 10,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the southwest edge of V-19/86 clockwise to the Billings VORTAC 192° radial excluding the portions that overlie VOR Federal airways; that airspace extending upward from 8,200 feet MSL within a 46-mile radius of the Billings VORTAC extending from the Billings VORTAC 192° radial clockwise to the northwest edge of V-465 excluding the portions that overlie VOR Federal airways; that airspace extending upward from 8,700 feet MSL within a 46-mile radius of the Billings VORTAC extending from the west edge of V-465 clockwise to the south edge of V-2/86; that airspace extending upward from 7,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the south edge of V-2/86 clockwise to the southwest edge of V-2N excluding that portion of V-2/86 that has a 1,200-foot AGL floor; that airspace extending upward from 6,700 feet MSL within a 58-mile radius of the Billings VORTAC extending from the north edge of V-2N clockwise to the Billings VORTAC 008° radial excluding those portions of V-187 and V-19 that have 1,200-foot AGL floors.

Binghamton, N.Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport, 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Nimmons RBN. Within 5 miles each side of the Broome County Airport ILS localizer northwest course, extending from the localizer to 19 miles northwest of the localizer.

AMENDMENTS 4/29/76 41 F. R. 6237 (Changed)

Birch Hollow, Va.
That airspace extending upward from 700 feet above the surface within an area 7 miles east of and parallel to and 14 miles west of and parallel to the Martinsburg, W. Va., 140° radial extending between the Martinsburg, W. Va.. VORTAC and latitude 39°01'10" N., longitude 77°27'42" W.

Birmingham, Ala.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning; within 5 miles each side of Birmingham ILS localizer southwest course, extending from the 17-mile radius area to 11.5 miles southwest of the OM.

Bishop, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bishop VOR (latitude 37°22'37" N., longitude 118°21'56" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 12 miles northeast of the Bishop VOR 156° and 336° radials, extending from 10 miles northwest to 22 miles southeast of the VOR; that airspace extending upward from 12,500 feet MSL within 5 miles each side of the Bishop VOR 341° radial extending from the VOR to V-244, within 5 miles each side of a direct course between the Bishop VOR and Lida Intersection, 42 miles 12,500 feet MSL, 10,500 feet MSL Lida Intersection, and within 5 miles each side of a direct course between Bishop VOR and Beatty, Nev., VOR 80 miles 12,500 feet MSL, 10,500 feet MSL Beatty.

Bismarck, N. Dak.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Bismarck VORTAC; within a 20-mile radius of Bismarck VORTAC, extending from the Bismarck VORTAC 152° radial clockwise to the Bismarck VORTAC 182° radial; within 4½ miles north and 9½ miles south of the Bismarck VORTAC 105° radial extending from the 17-mile radius area to 18½ miles east of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bismarck ILS localizer southeast course, extending from the 17-mile radius area to 18½ miles southeast of the OM;
and within 4½ miles northeast and 9½ miles southwest of the Bismarck ILS localizer northwest course extending from the 17-mile radius area to 32 miles northwest of the OM.
that airspace extending upward from 1200 feet above the surface within a 22½-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 290° radial clockwise to the Bismarck VORTAC 082° radial and within a 33-mile radius of the Bismarck VORTAC extending from the Bismarck VORTAC 082° radial clockwise to the Bismarck VORTAC 290° radial.

Black River Falls, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Black River Falls Airport (Lat. 44°15'05" N., Long. 90°51'05" W.); and within 3 miles each side of the 098° bearing from the Black River Falls Airport, extending from the 6½-mile radius area to 8 miles east of the airport.

Blacksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 37°12'25" N., 80°24'30" W., of VPI Airport, Blacksburg, Va.; within 4 miles northwest and 3 miles southeast of the Pulaski VORTAC 064° radial, extending from the 6-mile radius area to 3 miles northeast of the Pulaski VORTAC; within 2 miles each side of the Runway 8
centerline extended from the 6-mile radius area to 7 miles east of the end of the runway; and within 2 miles each side of the Runway 30 centerline extended from the 6-mile radius area to 11 miles northwest of the end of the runway, excluding the portion within the Dublin, Va., transition area.

Blackstone, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF-Allen C. Perkinson Municipal Airport
(latitude 37°04'30" N., long. 77°57'45" W.) This transition area is effective from sunrise to sunset, daily.

Blanding, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°34'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC excluding that portion within R-6410 during the times that R-6410 is in use.

Block Island, R. I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Block Island State Airport (lat. 41°10'05" N., long. 71°34'40" W.).

Bloomington, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Bloomington Normal Airport; and within 3 miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 6½-mile radius area to 8 miles northeast, east and northwest of the VOR.

Bloomington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

Bloomsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center of Bloomsburg Municipal Airport, Bloomsburg, Pa., lat. 40°59'45"N., longitude 76°26'30"W., and within 3.5 miles each side of the Milton, Pa., VORTAC 099° radial, extending from the 7.5-mile radius area to 2.5 miles east of the VORTAC.

AMENDMENTS 8/12/76 41 F. R. 27029 (Changed)

Bluefield, WV.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 37°17'45" N., long. 81°12'29" W., of Mercer County Airport, Bluefield, WV.; within a 14.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 113° bearing from the airport; within a 17-mile radius of the center of the airport, extending clockwise from a 113° bearing to a 195° bearing from the airport; within a 23.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 248° bearing from the airport and within 3.5 miles each side of the Bluefield VORTAC 047° radial, extending from the 11-mile radius area to 11 miles northeast of the VORTAC.

Blythe, Calif.
That airspace extending upward from 700 feet above the surface within 3 miles each side of the Blythe VORTAC 264° radial, extending from the VORTAC to 9 miles W of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles S and 4.5 miles N of the Blythe VORTAC 264° radial, extending from the VORTAC to 18.5 miles W of the VORTAC; within 4.5 miles NW and 9.5 miles SE of the Blythe VORTAC 066° radial, extending from the VORTAC to 28 miles NE of the VORTAC; within 9 miles N and 10 miles S of the Blythe VORTAC 094° radial, extending from the VORTAC to 36 miles E of the VORTAC excluding the airspace within R-2306B and R-2308A, and that airspace within an arc of an 18-mile radius circle centered on the Blythe Airport (latitude 33°37'15" N., longitude 114°43'00" W.), extending clockwise from longitude 114°30'00" W. to the S edge of V-16.

Blytheville, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (lat. 35°57'50"N., long. 89°56'40"W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15"N., long. 89°49'45"W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (lat. 35°57'52"N., long. 89°49'35"W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended center line of Blytheville AFB Runways 18 and 36 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

AMENDMENTS 7/15/76 41 F. R. 17878 (Rewritten)

Boise, Idaho
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°56'00" N., longitude 116°33'00" W., direct to latitude 43°51'15" N., longitude 116°25'00" W., thence via a 21.5-radius arc, centered on the Boise VORTAC, clockwise to longitude 116°14'00" W., direct latitude 43°45'00" N., longitude 116°14'00" W., direct latitude 43°31'00" N., longitude 115°52'00" W., direct latitude 43°20'00" N., longitude 115°58'00" W., direct latitude 43°25'00" N., longitude 116°25'00" W., direct latitude 43°42'00" N., longitude 116°57'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius arc from Boise VORTAC extending clockwise from V-253 to V-4N, within a 40-mile radius arc of Boise VORTAC extending clockwise from the southeast edge of V-113 to V-500, that airspace 8 miles each side of Boise VORTAC 269° radial extending from the 40-mile radius arc to 57 miles west of the VORTAC, within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius arc to 75 miles northwest of the VORTAC, that airspace northwest of Boise bounded on the northwest by the McCall VORTAC 223° radial, on the east by the west edge of V-253 on the southwest by V-4; that airspace southeast of Boise extending upward from 9,000 feet MSL extending from the 35-mile arc bounded on the north by V-500, on the east by the southwest edge of V-293, on the south by the north edge of V-330 and on the southwest by the northeast edge of V-4; that airspace northeast of Boise extending upward from 11,500 feet MSL, bounded on the northeast by the southwest edge of V-293, on the south by the north edge of V-500, on the southwest by the 35-mile radius arc and on the west by the east edge of V-253.

Bolivar, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Bolivar-Hardeman County Airport (lat. 35°13'00"N., long. 89°03'00"W.); within 3 miles each side of the 192° bearing from the Hardeman RBN (lat. 35°12'47"N., long. 89°02'33"W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 5/20/76 41 F. R. 14878 (Added)

Bonneville, Utah.
That airspace SE of Bonneville extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°35'00" N., longitude 113°00'00" W., thence via longitude 113°00'00" W., to the S edge of V-32, thence via the S edge of V-32 to longitude 112°56'30" W., thence via longitude 112°56'30" W., to latitude 40°40'00" N., thence to point of beginning; and that airspace extending upward from 8,500 feet AMSL bounded on the S by latitude 40°35'00" N., on the W by longitude 113°51'00" W., on the N by the S edge of V-32 and on the E by longitude 113°00'00" W.

Boone, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'00" N., longitude 93°50'45" W.); and within 3 miles each side of the 338° bearing from Boone Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport.

Booneville, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jesse Viertel Airport (latitude 38°56'50" N., longitude 92°41'19" W.); and within 3 miles each side of the 011° bearing from the Jesse Viertel Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within an area north of the Jesse Viertel Airport bounded on the south by the north edge of V-4; on the northwest by the southeast edge of V-424; and on the northeast by the southwest edge of V-175, excluding the portion which overlies the Moberly, Missouri, transition area; and that airspace extending upward from 1,200 feet above the surface within an area south of the Jesse Viertel Airport bounded on the north by the southwest edge of V-125; on the east by the west edge of V-63, excluding the portion which overlies the Columbia, Missouri, transition area; on the south by the north edge of V-234; and on the west by the east boundary of the Sedalia, Missouri, transition area.

Borger, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR.

PENDING AMENDMENT
Boscobel, Wis.
That airspace extending upward from 700' above the surface within an 8½ mile radius of the Boscobel Airport (latitude 43°09'30" N., longitude 90°40'45" W).

AMENDMENTS 2/24/77 41 F. R. 52048 (Added)

Boston, Mass.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: latitude 42°53'00" N., longitude 71°05'00" W., to latitude 42°52'00" N., longitude 71°02'45" W., to latitude 42°54'00" N., longitude 71°00'15" W., to latitude 42°49'45" N., longitude 70°54'00" W., to latitude 42°48'15" N., longitude 70°55'30" W., to latitude 42°43'00" N., longitude 70°46'00" W., to latitude 42°30'00" N., longitude 70°48'00"W., to latitude 42°14'00" N., longitude 70°38'00" W., to latitude 41°59'00" N., longitude 70°48'00" W., to latitude 41°59'00" N., longitude 70°53'00" W., to latitude 42°03'00" N., longitude 71°10'00" W., to latitude 42°13'00" N., longitude 71°21'00" W., to latitude 42°21'00" N., longitude 71°25'00" W., to latitude 42°22'00" N., longitude 71°47'00" W., to latitude 42°27'00" N., longitude 71°55'00" W., to latitude 42°53'00" N., longitude 71°55'00" W., to latitude 42°45'00" N., longitude 71°38'25" W., to latitude 42°43'00" N., longitude 71°36'00" W., to latitude 42°40'00" N., longitude 71°35'00" W., to latitude 42°38'00" N., longitude 71°20'00" W., to latitude 42°43'00" N., longitude 71°15'00" W., to the point of beginning; and within 3.5 miles each side of the 154° bearing from the Stoughton, Mass., NDB, 42°07'10" N., 71°07'41" W., extending from the NDB to 10.5 miles southeast of the NDB.
that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at:
Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°45'00" N., longitude 70°37'00" W. to latitude 42°44'25" N., longitude 70°37'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°41'20" N., longitude 70°30'00" W. to latitude 42°15'20" N., longitude 70°30'00" W. to latitude 42°13'20" N., longitude 70°18'30" W. to latitude 41°53'30" N., longitude 70°56'30" W. to latitude 42°04'00" N., longitude 71°19'00" W. to latitude 41°56'35" N., longitude 71°26'00" W., thence counterclockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°47'45" N., longitude 71°46'40" W. to latitude 41°55'00" N., longitude 71°59'00" W. to latitude 42°05'00" N., longitude 72°00'00" W. to latitude 42°55'00" N., longitude 72°00'00" W. to latitude 42°43'00" N., longitude 71°40'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning, excluding the portion within the Taunton, Mass., transition area; and that airspace extending upward from FL 200 to FL 300, inclusive, east of Boston bounded by a line beginning at:
Latitude 42°24'30" N., longitude 70°15'30" W. to latitude 42°27'50" N., longitude 70°04'00" W. to latitude 42°25'30" N., longitude 70°04'00" W. to latitude 42°24'30" N., longitude 69°46'00" W. to latitude 42°21'30" N., longitude 69°30'00" W. to the point of beginning.

Boulder Junction, Wis.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Boulder Junction Airport (latitude 46°08'15" N., longitude 89°38'45" W.); and within 3 miles each side of the 049° bearing from the Boulder Junction Airport, extending from the 5½-mile radius area to 8 miles northeast of the airport.

Bowie, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowie Municipal Airport (latitude 33°36'15" N., longitude 97°46'27" W.), and within 2 miles each side of the Bridgeport VORTAC 359° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.

Bowling Green, Ky.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 4.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 11-mile radius area to 11 miles southwest of the VORTAC.

Bowman, N. D.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Bowman Municipal Airport (lat. 46°11'15"N., long. 103°25'15"W.); and that airspace extending upward from 1200 feet above the surface within 9.5 miles south and 4.5 miles north of the 311°T bearing from the Bowman NDB (lat. 46°10'26"N., long. 103°25'03"W.) extending from 6.5-mile radius area to 18.5 miles northwest; and within 9.5 miles north and 4.5 miles south of the 123°T bearing from the Bowman NDB extending from the 6.5-mile radius area to 18.5 miles southeast; and within 5 miles each side of the 212°T bearing from the Bowman NDB extending from the 6.5-mile radius area to 35 miles southwest; and within 5 miles each side of 034°T bearing from the Bowman NDB extending from the 6.5-mile radius area to the Dickinson, N. D., VORTAC.

AMENDMENTS 9/9/76 41 F. R. 24882 (Added)

Boyne Falls, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boyne Mountain Airport (latitude 45°10'03" N., longitude 84°55'30" W.); and within 4½ miles west and 9½ miles east of the 176° bearing from the Boyne Mountain Airport extending from the airport to 17½ miles south of the airport excluding that position which overlies the Gaylord, Mich., Bellaire, Mich., and Grayling, Mich., transition areas.

Bozeman, Mont.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.) and within 5.5 miles northeast and 9.5 miles southwest of the Bozeman ILS northwest localizer course extending from the 11-mile radius area to 28 miles northwest of Gallatin Field,
and that airspace extending upward from 9,000 feet MSL within 6 miles northeast and 10 miles southwest of the Bozeman VOR 338° radial extending from 10 miles northwest of the Bozeman VOR to 37.5 miles northwest of the VOR.

Bradford, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41° 48'09" N., 78°38'27" W., of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford Regional Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 5 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

Brainerd, Minn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Brainerd-Crow Wing County Airport (lat. 46°23'52"N., long. 94°08'12"W.); within 2 3/4 miles each side of the 120° radial of the Brainerd, VORTAC extending from the 9-mile radius area to 7½ miles southeast of the VORTAC; and within 2 3/4 miles each side of the Brainerd VORTAC 302° radial extending from the 9-mile radius area to 21 miles northwest of the VORTAC.

AMENDMENTS 9/9/76 41 F. R. 26567 (Rewritten)

Breckenridge, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stephens County Airport (latitude 32°43'01" N., longitude 98°53'34" W.) and within 3.5 miles each side of the 004° bearing from the Breckenridge RBN (latitude 32°44'50" N., longitude 98°53'27" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Brenham, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brenham Municipal Airport (latitude 30°12'57" N., longitude 96°22'34" W.) and within 3 miles each side of the 341° bearing from the NDB (latitude 30°13'16" N., longitude 96°22'40" W.) extending from the NDB to 8 miles northwest.

Brewton, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Brewton Municipal Airport (lat. 31°03'00" N., long. 87°04'00" W.); within 5 miles each side of Crestview, Fla., VORTAC 303° radial, extending from the 6.5-mile radius area to 16 miles northwest of the VORTAC.

Bridgeport, Conn.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, latitude 41°09'48" N., longitude 73°07'34" W., of the Igor I. Sikorsky Memorial Airport, Bridgeport, Conn., extending clockwise from a 013° bearing to a 055° bearing from the airport within a 8.5-mile radius of the center of the airport extending clockwise from a 055° bearing to a 248° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 248° bearing to a 291° bearing from the airport; within a 12.5-mile radius of the center of the airport extending clockwise from a 291° bearing to a 326° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 326° bearing to a 013° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Bridgeport, Conn., VOR 042° radial extending from the Bridgeport, Conn., VOR to 17.5 miles northeast of the Bridgeport, Conn., VOR; within an 8.5-mile radius of the center, latitude 41°15'51" N., longitude 72°53' 15" W., of the Tweed-New Haven Airport, New Haven, Conn.; within 5 miles southeast and 5 miles northwest of the Hartford, Conn., VORTAC 222° radial extending from 32 miles southwest of the Hartford, Conn., VORTAC to 14 miles southwest of the Hartford, Conn., VORTAC; within 5 miles northeast and 5 miles southwest of the Pawling, N. Y., VORTAC 138° radial extending from 31 miles southeast to 44 miles southeast of the Pawling, N.Y., VORTAC; within 5 miles northwest and 5 miles southeast of the Carmel, N. Y., VORTAC 065° radial extending from the Carmel, N. Y., VORTAC to 28 miles northeast of the Carmel, N. Y., VORTAC; within 5 miles north and 5 miles south of the Carmel, N. Y., VORTAC 093° radial extending from the Carmel, N. Y., VORTAC to 28 miles east of the Carmel, N. Y., VORTAC. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: latitude 41°31'00" N., longitude 73°30'00" W., to latitude 41°31'00" N., longitude 73°20' 00" W., to latitude 41°49'00" N., longitude 73°16'00" W., to latitude 41°31'00" N., longitude 72°46'00" W., to latitude 41°18'00" N., longitude 72°30'30" W., to latitude 41°00'00" N., longitude 72°45'00" W., to latitude 41°00'00" N., longitude 73°33'00" W., to latitude 41°10'00" N., longitude 73°33'00" W., to latitude 41° 20'00" N., longitude 73°23'00" W., to latitude 41°25'00" N., longitude 72°30'00" W., to point of beginning.

Brigham City, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 4.5 miles each side of the 205° T (188°M) bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

Brinkley, Ark.
That airspace extending upward from 700 feet above the surface within a 7-statute-mile radius of Frank Federer Memorial Airport, Brinkley, Ark. (lat. 34°52'45"N., long. 91°10'40"W.); and within 3.5 statute miles each side of the 030° bearing from Brinkley NDB (lat. 34°52'49"N., long. 91°10'43"W.), extending from the 7-mile radius area to 11.5 statute miles northeast of the NDB.

AMENDMENTS 7/15/76 41 F. R. 18289 (Added)

Brockport, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°10'53"N., 77°54'55"W., of Ledgedale Airpark, Brockport, N. Y.

AMENDMENTS 7/29/76 41 F. R. 24580 (Added)

Broken Bow, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Broken Bow Municipal Airport (latitude 41°26'05" N., longitude 99°38'25" W.); and within 3 miles each side of the 321° bearing from Broken Bow Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport.

Brookhaven, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookhaven Municipal Airport (lat. 31°36'20" N., long. 90°24'00" W.).

Brookings, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 316° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; within 9.5 miles southwest of the Brookings VOR 300° radial extending from the 9.5-mile radius area to 18.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Brookings VOR 118° radial extending from the 9.5-mile radius area to 18.5 miles southeast of the VOR.

Brooksville, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hernando County Airport (lat. 28°28'12" N., long. 82°27'30" W.); within 3 miles each side of the 276° bearing from Brooksville RBN (lat. 28°28'25" N., long. 82°27'00" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

Brownfield, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brownfield, Tex., Terry County Airport (latitude 33°10'29" N., longitude 102°11'29" W.) and within 3.5 miles each side of a 200° bearing from the Brownfield nondirectional beacon (latitude 33°10'45" N., longitude 102°11'30" W.) extending from the 5-mile radius area to 8 miles south of the radio beacon.

Brownsville, Tex.
That airspace overlying the United States extending upward from 700 feet above the surface within a 7-mile radius of the Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.).

Brownwood, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Brownwood Municipal Airport (latitude 31°47'40" N., longitude 98°57'25" W.); and within 2 miles each side of the Brownwood VOR 360° and 180° radials, extending from the 6-mile radius area to 8 miles N of the VOR.

Brunswick, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°23'20" W.); within a 5-mile radius of Jekyll Island Airport (lat. 31°04'00" N., long. 81°25'40" W.); within 5 miles each side of Brunswick VOR 215° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile radius areas to 8.5 miles south of the VOR; within an 8.5-mile radius of Brunswick-Golden Isles Municipal Airport (lat. 31° 15'32"N., long. 81°27'59"W.); within 3 miles each side of the Golden Isle localizer west course, extending from 8.5-mile radius area to 8.5 miles west of the LOM; excluding the portion outside the continental limits of the United States.

AMENDMENTS 7/15/76 41 F. R. 21629 (Changed)

Brunswick, ME.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of NAS Brunswick (lat. 43°53'35" N., long. 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 9-mile radius area to 12 miles south of the VOR.

Bryan, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°28'05" N., 84°30'25" W.) of Williams County Airport, Bryan, Ohio; within 2 miles each side of the Runway 25 centerline extended from the 7-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of a 068° bearing from the Bryan, Ohio, RBN (41°28'47" N., 84°27'58" W.) extending from the RBN to 8 miles east of the RBN, excluding the portion which coincides with the Defiance, Ohio, transition area.

Bryce Canyon, UT.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bryce Canyon Airport (latitude 37°42'00" N., longitude 112°09'30" W.) and within 2 miles each side of the Bryce Canyon, UT., VORTAC 085° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 9½ miles northwest of the Bryce Canyon VORTAC 240° and 060° radials, extending from 18½ miles southwest to 13 miles northeast of the VORTAC.

Buffalo, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport; within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 8 miles northwest and 5 miles southeast of the Greater Buffalo International Airport northeast localizer course extending from the OM to 12 miles northeast of the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 8-mile radius area to 8 miles southwest of the OM; within the arc of a 12-mile radius circle from 052° to 112° clockwise, centered on a point, 42°56'26" N., 78°44'11" W.; within an 8-mile radius of the center, 43°06'20" N., 78°56'55" W., of Niagara Falls International Airport; within 8 miles north and 5 miles south of the Niagara Falls International Airport localizer east course extending from the OM to 12 miles east of the OM; within 2 miles each side of the Niagara Falls International Airport localizer east course extending from the OM to the intersection of the localizer course and the Buffalo, N.Y. VORTAC 034° radial; within a 5.5-mile radius of the center latitude 43°01'15" N., longitude 78°29'08" W. of Akron Airport, Akron, N. Y.; within 2.5 miles each side of the Buffalo, N. Y., VORTAC 052° radial, extending from the 5.5-mile radius area to 17.5 miles northeast of the VORTAC; and within a 5-mile radius of Buffalo Airpark Airport, 42°51'45" N., 78°43'00" W.;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°21'00" N., longitude 78°00'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°41'00" N., longitude 79°19'30" W., thence via the United States/Canadian border to longitude 78°00'00" W., thence south along longitude 78°00'00" W., to the point of beginning, excluding the portion outside the United States.

Buffalo, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo Municipal Airport, Buffalo, Okla., (lat. 36°51'45"N., long. 99°37'00"W.), within 3.5 miles each side of the 005° bearing from the Buffalo NDB (lat. 36°51'48"N., long. 99°37'05"W.), extending from the 6-mile radius to 11.5 miles north of the NDB.

AMENDMENTS 9/9/76 41 F. R. 24581 (Added)

Buffalo, Wyo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo, Wyo., Airport (latitude 44°22'48" N., longitude 106°43'02" W.) and within 4.5 miles each side of the Crazy Woman, Wyo., VORTAC 332° radial, extending from the 6-mile radius area to 12 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5.5 miles southwest of the Crazy Woman VORTAC 332° radial, extending from 4 miles to 30 miles northwest of the VORTAC.

Bunkie, LA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bunkie Municipal Airport (latitude 30°57'25" N., longitude 92°14'02" W.).

Burbank, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34° 14' 00" N., longitude 118° 27' 00" W.; to latitude 34° 14' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 53' 30" W.; to latitude 34° 21' 30" N., longitude 118° 53' 00" W.; to latitude 34° 30' 30" N., longitude 118° 27' 00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 30' 00" N., longitude 118° 50' 00" W.; to latitude 34° 30' 00" N., longitude 118° 45' 00"W.; thence N along longitude 118° 45' 00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 117°43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 50' 00" W.; thence to point of beginning.

Burley, Idaho
That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121° radial extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292° radial, extending from the VORTAC to 19 miles west of the VORTAC; within that airspace bounded on the southwest by a line parallel to and 9.5 miles southwest of the Burley VORTAC 323° radial, on the northwest by an arc of a 53-mile radius circle centered on Burley VORTAC, on the north by a line parallel to and 10 miles north of V-500, on the east by a line parallel to and 11 miles east of Burley 344° radial; and within 2.5 miles southeast and 6 miles northwest of the 036° bearing from Burley Municipal Airport, extending 9.5 miles northeast of the Burley Airport;
that airspace extending upward from 1,200 feet above the surface north of Burley bounded by a line 8 miles northwest of, and parallel to V-365 extending from the Burley VORTAC to the south edge of V-500; that airspace northeast of Burley bounded on the northeast by V-500, on the southeast by V-269, on the northwest by V-365; that airspace east of Burley bounded on the north by V-269 on the east by an arc of a 28-mile radius circle, centered on the Burley VORTAC, on the southwest by V-4; that airspace southeast of Burley bounded on the north by V-4, on the southeast by arc of a 33.5-mile circle centered on the Burley Municipal Airport (latitude 42°32'29" N., longitude 113°46'27" W.) on the southwest by the northeast edge of V-101; that airspace southwest of Burley within 14 miles southeast of the Burley VORTAC 223° radial, extending from the VORTAC to the north edge of V-484.

Burlington, Iowa
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); and within 2 miles each side of the 293° radial of the Burlington VORTAC extending from the 8½-mile radius area to the Burlington VORTAC.

Burlington, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport (latitude 36°02'45" N., longitude 79°28'40" W.); within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC; within 3 miles each side of the 218° bearing from Burlington RBN (latitude 36°02'59" N., longitude 79°28'49" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion within the Liberty, N. C., transition area.

AMENDMENTS 1/29/76 40 F. R. 57444 (Changed)

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Burlington, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Center, (lat. 44°28'17"N., long. 73°09'12"W.), of Burlington International Airport, Burlington, Vt.; within 9.5 miles northeast and 4.5 miles southwest of the Burlington ILS northwest localizer course extending from the 10-mile radius area to 18.5 miles northwest of the Burlington LOM; excluding that airspace that coincides with Plattsburg, N. Y., and Highgate, Vt., Transition Areas.

AMENDMENTS 7/8/76 41 F. R. 27718 (Rewritten)

Burlington, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Burlington Municipal Airport (latitude 42°41'20" N., longitude 88°18'05" W.); and within 3 miles each side of the 101° bearing from the Burlington Municipal Airport extending from the 6½-mile radius area to 8 miles east of the airport.

Burnet, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddook Field (latitude 30°44'34" N., longitude 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (latitude 30°44'35" N., longitude 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

Burwell, Nebr.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Burwell Municipal Airport (latitude 41°46'35" N., longitude 99°08'55" W.); and within 3 miles each side of the 330° bearing from the Burwell Municipal Airport, extending from the 7½-mile radius area to 8 miles northwest of the airport.

Butler, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'20" N., longitude 94°20'25" W.); and within 2 miles each side of the Butler, Mo., VORTAC 079° radial, extending from the 5-mile radius area to the VORTAC.

Butler, Pa.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, lat. 40°46'45" N., long. 79°57'15" W. of Butler-Graham Airport, Butler, Pa., and within 3.5 miles each side of the 181° bearing from the Butler RBN, lat. 40°41'54" N., long. 79°57'14" W., extending from the 7.5-mile radius area to 11.5 miles south of the RBN.

Butte, MT.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Butte VORTAC and within 6 miles southwest and 10 miles northeast of the VORTAC 325° radial, extending from the VORTAC to 11 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the VORTAC 325° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC, and within 4½ miles west and 9½ miles east of the VORTAC 002° radial extending from the VORTAC to 18.5 miles north of the VORTAC, and within 10 miles north and 7 miles south of the Whitehall, Mont., VOR 096° and 276° radials, extending from 20 miles east of 19 miles west of the VOR.

Cadillac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'30" N., longitude 85°25'10" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

Cadiz, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Harrison County Airport (latitude 40°14'18" N., longitude 81°00'45" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 7-mile radius area to 8 miles northwest of the airport.

Cairo, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Cairo Airport (lat. 37°03'50"N., long. 89°13'15"W.); and within 3 miles each side of the 032° bearing from the airport extending from the 5½-mile radius to 8 miles northeast of the airport.

AMENDMENTS 5/13/76 41 F. R. 18289 (Rewritten)

Calverton, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Peconic River Plant (Grumman) Airport.,
(latitude 40°54'55" N., Longitude 72°47'35" W.).

Cambridge, Md.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°32'16" N., 76°01'47" W. of Cambridge Municipal Airport, Cambridge, Md.; and within 3 miles each side of the 145° bearing from the Cambridge, Md., RBN, 38°32'17" N., 76°01'56" W., extending from the 6.5-mile radius area to 8.5 miles southeast of the RBN.

Cambridge, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport (latitude 45°33'35" N., longitude 93°15'49" W.); and within 3 miles each side of the 173° bearing from the airport, extending from the 5-mile radius area to 8 miles south of the airport.

AMENDMENTS 12/11/75 40 F. R. 52608 (Added)

Cambridge, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport, Ohio (latitude 39°58'33" N., longitude 81°34'37" W.); and within 3 miles each side of the 214° bearing from the Cambridge Municipal Airport extending from the 5-mile radius to 8 miles southwest.

Camden, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (latitude 33°37'00" N., longitude 92°45'45" W.) and within 2 miles each side of the 012° bearing from the Camden RBN (latitude 33°37'15" N., longitude 92°45'45" W.), extending from the 5-mile radius area to 8 miles north of the RBN and 2.5 miles each side of the El Dorado, Ark., VORTAC (33°15'21.7" N., 92°44'37.6" W.) 356° radial extending from the 5-mile radius area to 20 miles north of the El Dorado VORTAC.

Camden, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (latitude 34°17'03" N., longitude 80°33'53" W.); within 3 miles each side of the 040° bearing from Camden RBN (latitude 34°17'02" N., longitude 80°33'42.5" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

Campbellsville, Ky.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Taylor County Airport (latitude 37°21'05"N., longitude 85°18'45"W.); within 3 miles each side of the 203° bearing from the Arista RBN (latitude 37°21'19" N., longitude 85°18'54" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB.

AMENDMENTS 1/29/76 40 F. R. 57204 (Added)
AMENDMENTS 3/25/76 41 F. R. 5385 (Changed)

Camp Douglas, Wis.
That airspace extending upward from 700 feet above the surface, within a 10-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 10-mile radius to 12 miles E of the VORTAC.

Camp McCoy, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the McCoy Army Air Field (latitude 43°57'15" N., longitude 90°44'15" W.), excluding that portion that overlies the La Crosse, Wisconsin, transition area.

Camp Pendleton, Calif.
That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 3 miles northwest of the Camp Pendleton TACAN (latitude 33°18'04" N., longitude 117°21'06" W.) 041° radial, extending from the TACAN to 18 miles northeast of the TACAN.

Camp Ripley, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ray S. Miller Army Air Field (latitude 46°05'00" N., longitude 94°21'10" W.).

Canadian, Tex.
That airspace extending upward from 700 feet above the surface within a 5.5-statute mile radius of Hemphill County Airport, Canadian, Tex. (lat. 35°53'45" N., long. 100°24'06" W.), including an extension from the 5.5-statute mile radius area to 8.5 statute miles southwest of the NDB and 3 statute miles either side of the 054° bearing to the NDB.

AMENDMENTS 3/25/76 41 F. R. 1582 (Added)

Cape Girardeau, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'31" N., longitude 89°34'15" W.); within 4.5 miles east and 9.5 miles west of the Cape Girardeau VOR 194° radial, extending from the 10-mile radius area to 18.5 miles south of the VOR, excluding the portion which overlies the Sikeston transition area.

Carlsbad, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 157° radial extending from the 7-mile radius area to 11 miles southeast of the VOR.

PENDING AMENDMENT

Carlsbad, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Cavern City Air Terminal (lat. 32°20'14"N., long. 104°15'46"W.) and within 3.5 miles each side of the Carlsbad VOR 156° radial extending from the 8.5-mile-radius area to 11 miles southeast of the VOR.

AMENDMENTS 12/30/76 41 F.R. 48513 (Rewritten)

Carmi, Ill.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Carmi Municipal Airport (latitude 38°06'00" N., longitude 88°09'00" W.); and within 3 miles either side of the 177° bearing from the airport extending from the 5.5-mile radius area to 8 miles from the airport.

AMENDMENTS 3/25/76 40 F. R. 59723 (Added)

Carrizo Springs, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dimmit County Airport (latitude 28°31'25" N., longitude 99°49'30" W.) and within 3 miles each side of the 124° bearing from the NDB (latitude 28°31'19" N., longitude 99°49'38" W.) extending from the NDB to 8.5 miles southeast.

Carroll, Iowa
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'20" W.); and within 3 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport.

Carrollton, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of West Georgia Regional Airport (latitude 33°37'47" N., longitude 85°09'13" W.); within 3 miles each side of the 169° bearing from Carrollton RBN (latitude 33°38'02" N., longitude 85°09'13" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

Carrollton, Ohio
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Carroll County-Tolson Airport (latitude 40°33'45" N., longitude 81°04'30" W.).

Cartersville, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cartersville Airport (latitude 34°07'30" N., longitude 84°51'00" W.).

Carthage, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Panola County Airport (latitude 32°10'21" N., longitude 94°17'51" W.) and within 3 miles each side of the Gregg County VORTAC (latitude 32°25'03.3" N., longitude 94°45'10.5" W.) 122° radial, extending from the 5-mile radius area to 25 miles southeast of the Gregg County VORTAC.

Casey, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casey Municipal Airport (latitude 39°18'00" N., longitude 88°00'15" W.); and within 3 miles each side of the 211° bearing from the airport extending from the 5-mile radius area to 8 miles southwest of the airport.

AMENDMENTS 3/25/76 40 F. R. 59723 (Added)

Casper, Wyo.
That airspace extending upward from 700 feet above the surface within a 27 mile radius of the Casper ASR (latitude 42°55'17"N., longitude 106°27'14"W.); and that airspace extending upward from 1200 feet above the surface within a 43 mile radius of the Casper ASR; within an area extending from the 43 mile radius circle to an arc of a 42 mile radius circle centered on the Casper VORTAC bounded on the north by the Casper VORTAC 060° radial and on the south by the Casper VORTAC 111° radial; and that airspace extending upward from 11,500 feet MSL, extending from the 43 mile radius circle to an arc of a 60 mile radius circle centered on the Casper VORTAC, bounded on the east by the west edge of V19 and on the south by the north edge of V298.

AMENDMENTS 11/4/76 41 F.R. 34010 (Rewritten)

Cedar City, Utah
That airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 184° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

Cedar Rapids, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 4½ miles north and 9½ miles south of the Cedar Rapids ILS localizer west course, extending from the OM to 18½ miles west of the OM; and within 4½ miles north and 9½ miles south of the Cedar Rapids VORTAC 264° radial, extending from the VORTAC to 18½ miles west of the VORTAC.

Cedar Springs, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Great Southern Airport (latitude 31°03'25" N., longitude 85°02'48" W.); within 2.5 miles each side of the Dothan VORTAC 115° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

Cedartown, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cornelius Moore Field (lat. 34°01'20" N., long. 85°08'50" W.); within 3 miles each side of Rome, Ga., VOR 009° and 189° radials, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within Rome, Ga., transition area.

Celina, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Lakefield Airport (latitude 40°29'03" N., longitude 84°33'37" W.); excluding that portion overlying the Wapakoneta, Ohio, transition area.

AMENDMENTS 3/25/76 41 F. R. 4255 (Rewritten)

Centerville, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Centerville Municipal Airport (latitude 35°50'15" N., longitude 87°26'45" W.); within 3 miles each side of Graham, Tenn., VOR 177° radial, extending from the 5.5-mile radius area to 8.5 miles south of the VOR.

Centralia, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR.

Centre, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Centre Municipal Airport (latitude 34°09'40" N., longitude 85°38'05" W.).

Chadron, Nebr.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR.

Champaign, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within a 5½-mile radius of the Illinois Airport, Urbana, Ill. (latitude 40°08'31" N., longitude 88°12'00" W.) and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC.

PENDING AMENDMENT

Champion, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°00'35"N., 79°19'20"W., of Seven Springs Airport, Champion, Pa.; within 3.5 miles each side of the Indian Head, Pa. VORTAC 218° radial, extending from the 6-mile radius area to 11.5 miles southwest of the Indian Head VORTAC. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 12/9/76 41 F.R. 40457 (Added)

Chantilly, Va.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 38°56' 40" N., 77°27'24" W., of Dulles International Airport, within 3 miles each side of the Armel, Va., VORTAC 292° radial, extending from the VORTAC to 20 miles west; within 5 miles west and 6.5 miles east of the Dulles International Airport Runway 19R ILS localizer course, extending from the OM to 13 miles north; within 6.5 miles east and 4.5 miles west of the Dulles International Airport Runway 19L ILS localizer course extending from 5.5 miles south of the OM to 11.5 miles north of the OM; within 5 miles each side of the Martinsburg, W. Va. VORTAC 176° radial, extending from 15 miles south of the VORTAC to 28.5 miles south of the VORTAC; within 6.5 miles west and 4.5 miles east of the Dulles International Airport Runway 1R localizer course, extending from the OM to 11.5 miles south; within an 8-mile radius of the center of Leesburg Municipal Airport (Godfrey Field), Leesburg, Va., 39°04'37" N., 77°33'25" W.; within a 6.5-mile radius of the center, 38°43'30" N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davis Field), Manassas, Va., within 2.5 miles each side of a 330° bearing from a point 38°43'36" N., 77°31'17" W., extending from said point to 9.5 miles northwest.

Chanute, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.).

Chariton, IA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Chariton Municipal Airport (latitude 41°01'00" N., longitude 93°21'30" W.); and within 3 miles each side of the 352° bearing from the Chariton Municipal Airport extending from the 5-mile-radius area to 8 miles north of the airport.

Charles City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (latitude 43°04'15" N., longitude 92°36'15" W.); and within 3 miles each side of the 311° bearing from Charles City Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Charleston, Mo.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Mississippi County Airport (latitude 36°50'22" N., longitude 89°21'42" W.); and within 3 miles each side of the 188° bearing from Charleston RBN (latitude 36°50'42" N., longitude 89°21'24" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN, excluding that portion overlying the Sikeston transition area.

Charleston, S. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Charleston AFB/ Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 3.5 miles each side of Charleston VORTAC 018°, 211°, and 332° radials, extending from the 9-mile radius area to 11.5 miles north; southwest and northwest of the VORTAC; within 3.5 miles each side of Charleston VORTAC 135° radial, extending from the 9-mile radius area to 10.5 miles southeast of the VORTAC; within a 6.5-mile radius of Johns Island Airport (lat. 32°42'00" N., long. 80°00'00" W.); within 3 miles each side of the 278° bearing from Johns Island RBN (lat. 32°42'09" N., long. 80°00'10" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

Charleston, WV.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, lat. 38°22'22" N., long. 81°35'35" W., of Kanawha Airport, Charleston, WV.; within 6.5 miles southwest and 5 miles northeast of a line bearing 321° from a point lat. 38°26'25" N., long. 81°39'50" W., extending from said point to 11.5 miles northwest; within 6.5 miles northeast and 5 miles southwest of a line bearing 141° from a point lat. 38°17'12" N., long. 81°30'30" W., extending from said point to 11.5 miles southeast; and within 8 miles northwest and 5 miles southeast of the Kanawha Airport ILS localizer northeast course, extending from the 14-mile radius area to 13 miles northeast of the OM.

Charlevoix, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Charlevoix Municipal Airport (latitude 45°18'17" N., longitude 85°16'08" W.) and within 3 miles each side of the 270° bearing from [illegible] the 5½-mile radius area to 8 miles west of the airport, and within 3 miles each side of the 69° bearing from Charlevoix Municipal Airport, extending from the 5½-mile radius area to 8 miles east of the airport.

Charlotte, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fitch H. Beach Airport (latitude 42°34'30" N., longitude 84°48'45" W.); and within 2 miles each side of the Lansing, Mich., VOR 209° radial, extending from the 6-mile radius area to the VOR, excluding the portion which overlies the Lansing, Mich., 700-foot floor transition area.

Charlotte, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 058° radial, extending from the 8.5-mile radius area to 14 miles northeast of the VORTAC; within 9.5 miles west and 4.5 miles east of Charlotte VORTAC 171° radial, extending from the 5.5 NM DME Fix to 24 miles south of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte VORTAC 223° radial, extending from the 5.5 NM DME Fix to 24 miles southwest of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within a 6.5-mile radius of Gastonia Municipal Airport, N. C. (latitude 35°12'00" N., longitude 81°09'05" W.); within a 6.5-mile radius of Rock Hill Municipal Airport, S. C. (latitude 34°59'05" N., longitude 81°03'30" W.); within a 7-mile radius of Jaars-Townsend Airport, Waxhaw, N. C. (latitude 34°51'50"N., longitude 80°44'50" W.); excluding the portion within Lancaster, S. C., transition area.

Charlotte Amalie, St. Thomas, V. I. (Harry S. Truman Airport)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Harry S. Truman Airport; within 9.5 miles west and 4.5 miles east of St. Thomas VOR 358° radial, extending from the 15-mile radius area to 18.5 miles north of the VOR.

Charlottesville, VA.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 38°08'25" N., long. 78°27'09" W. of Charlottesville-Albemarle Airport, Charlottesville, VA., extending clockwise from a 340° bearing to a 072° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 072° bearing to a 166° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 233° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 280° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 340° bearing from the airport and within 4.5 miles each side of the Charlottesville-Albemarle Airport ILS localizer southwest course, extending from the 13-mile radius arc to 11 miles southwest of the Charlottesville, Va., RBN.
AMENDMENTS 9/9/76 41 F. R. 24579 (Changed)

Chase City, Va.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of Chase City Municipal Airport, Chase City, Va. (lat. 36°47'18" N., long. 78°30'05" W.); and within 3 miles each side of a 179° bearing from the Chase City, Va., radio beacon (lat. 36°47'21" N., long. 78°30'05" W.), extending from the 5.5-mile radius area to 8 miles south of the radio beacon.

Chattanooga, Tenn.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.), extending clockwise from the 030° to the 210° bearing from Lovell Field; within a 19-mile radius of Lovell Field, extending clockwise from the 210° to the 030° bearing from Lovell Field; within a 6.5-mile radius of Hardwick Field, Cleveland, Tenn. (lat. 35°13'20" N., long. 84°49'58" W.); within 3 miles each side of the 224° bearing from Hardwick RBN (lat. 35°09'13" N., long. 84°54'21" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Cheraw, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cheraw Municipal Airport (latitude 34°42'45" N., longitude 79°57'35" W.); within 2 miles each side of the Chesterfield VOR 077° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the 251° bearing from the Cheraw RBN (lat. 34°44'47" N., long. 79°50'40" W.), extending from the 5-mile radius area to the RBN.

Cherokee, Wyo.
That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee, Wyo., VORTAC 261° radial extending from 8 miles east to 19 miles west of the VORTAC; and that airspace east of the Cherokee VORTAC within an arc of a 37-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by the south edge of V-4, excluding that airspace within the Rawlins, Wyo., transition area.

Cherokee Village, Ark.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cherokee Village Airport (latitude 36°15'49" N., longitude 91°33'55" W.), within 3.5 miles each side of the 223° bearing from the Cherokee Village RBN (latitude 36°15'55" N., longitude 91°33'45" W.) extending from the 8-mile radius area to 11 miles southwest of the RBN.

Cherry Point MCAS, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 76°53'00" W.); excluding the portion within the New Bern, N. C., transition areas.

AMENDMENTS 3/25/76 41 F. R. 5629 (Rewritten)

Chester, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

Chester, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chester Municipal Airport (lat. 34°47'18" N., long. 81°11'45" W.).

Chesterfield, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Spirit of St. Louis Airport (lat. 38°39'35"N., long. 90°38'45"W.), within 3½ miles each side of the 310° bearing from the lat. 38°40'28"N., long. 90°37'40"W. and extending from the 9-mile radius area to 12 miles northwest of the coordinates; within 5 miles each side of the coordinates 241° bearing, extending from the 9-mile radius area to 16½ miles southwest of the coordinates; and within 2½ miles each side of the Spirit of St. Louis ILS localizer west course, extending from the 9-mile radius area to 8 miles west of the OM, excluding the portion which overlies the St. Louis, Mo., 700-foot floor transition area.

AMENDMENTS 5/20/76 41 F. R. 17879 (Rewritten)

Chesterfield, Va.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 37° 24'25" N., 77°31'18" W. of Chesterfield County Airport, Chesterfield, Va., and within 2.5 miles each side of the Flat Rock, Va., VORTAC 117° radial, extending from the 5.5-mile radius area to 12.5 miles southeast of the VORTAC, within 1.5 miles each side of a 322° bearing from the Happy Hill, Va., RBN (37°20'00" N., 77°27'15"W.), extending from the 5.5-mile radius area to 0.5 miles northwest of the RBN.

AMENDMENTS 11/18/76 41 F.R. 43134 (Changed)

Cheyenne, Wyo.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-6, on the SE by V-207, on the SW by V-4N and on the NW by V-524, and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° radial, extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyo. transition area.

Chicago, Ill.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 42°29'00" N., longitude 88°30'00" W., to latitude 42°29'00" N., longitude 88°03'00" W., to latitude 42°40'00" N., longitude 88°03'00" W., to latitude 42°43'00" N., longitude 87°57'00" W., to latitude 42°30'00" N., longitude 87°35'00" W., to latitude 41°55'00" N., longitude 87°19'00" W., to latitude 41°38'00" N., longitude 87°19'00" W., to latitude 41°33'00" N., longitude 87°10'00" W., to latitude 41°28'00" N., longitude 87°14'00" W., to latitude 41°22'00" N., longitude 87°40'00" W., to latitude 41°22'00" N., longitude 88°30'00" W., to latitude 41°41'00" N., longitude 88°30'00" W., to latitude 41°53'00" N., longitude 88°50'00" W., to latitude 42°01'00" N., longitude 88°50'00" W., to latitude 42°01'00" N., longitude 88°40'00" W., to latitude 42°15'00" N., longitude 88°40'00" W., to latitude 42°15'00" N., longitude 88°25'00" W., to latitude 42°21'00" N., longitude 88°30'00" W., to point of beginning.

Chico, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport (latitude 39°43'10" N., longitude 121°52'10" W.

Chicopee Falls, Mass.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°11'40" N., 72°32'15" W., of Westover AFB, Chicopee Falls, Mass.; within 7 miles each side of the Chicopee Falls, Mass., ILS localizer NE course extending from the 12-mile radius area to 13 miles NE of the outer marker and within a 10-mile radius of the center, 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass., and within that airspace bounded by a line beginning at 42°11'30" N., 72°54'10" W. to 42°32'20" N., 72°49'20" W. to 42°30'00" N., 72°32'00" W. to 42°24'45" N.; 72°34'00" W. to 42°24'50" N.; 72°33'25" W. to 42°22'00" N.; 72°34'00" W., thence to the point of beginning; within a 6.5-mile radius of the center lat. 42°19'45" N., long. 72°37'00" W., of La Fleur Airport, Northampton, Mass.; within 3.5 miles each side of the Chester, Mass. VOR 082° radial, extending from the 6.5-mile radius area to the Chester, Mass. VOR, excluding the portion which coincides with the Hartford, Conn., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°55'00" N., 72°00'00" W. to 42°05'00" N., 72°00'00" W. to 41°55'00" N., 71°59'00" W. to 42°02'00" N., 72°07'00" W. to 42°02'00" N., 73°16'00" W. to 43°11'00" N., 72°39'00" W. to 43°05'00" N., 72°13'00" W. to point of beginning.

Childress, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.);

Chillicothe, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Chillicothe Municipal Airport (latitude 39°46'45" N., longitude 93°30'00" W.); and within 3 miles either side of the 337° bearing from the MHW facility extending from the 5-mile radius to 8.5 miles northwest, and that airspace extending upward from 1,200 feet above the surface 5 miles southwest and 9.5 miles northeast of the 337° bearing from the Chillicothe MHW facilty extending from 6.5 miles southeast to 18.5 miles northwest of the Chillicothe MHW facility, excluding that portion which overlies the Trenton, Missouri, transition area.

China Lake NAF, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the NAF China Lake TACAN 350° radial extending from 8 miles to 12 miles N of the TACAN and within 2 miles each side of the NAF China Lake TACAN 148° radial extending from 8 miles to 11 miles SE of the TACAN.

Chincoteague, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.).

Christiansted, St. Croix, V. I.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° radial, extending from the 8.5-mile radius area to 8.5 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles south and 4.5 miles north of the ILS localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM.

Cincinnati, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 9.5 miles east and 4.5 miles west of Runway 36 ILS localizer south course, extending from the 11.5-mile radius area to 18.5 miles south of the LOM; within 3 miles each side of Runway 9R ILS localizer west course, extending from the 11.5-mile radius area to 8.5 miles west of Burlington RBN; within a 12-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 3 miles each side of the 044° bearing from Lunken RBN, extending from the 12-mile radius area to 8.5 miles northeast of the RBN; within a 5½-mile radius of Clermont County Airport, Batavia, OH. (latitude 39°04'43" N., longitude 84°12'38" W.); within a 5-mile radius of the Blue Ash Airport, Cincinnati, OH. (latitude 39°14'59" N., longitude 84°23'14" W.) and within 3 miles each side of the 046° bearing from the Blue Ash Airport from the 5-mile radius area to 7 miles northeast.

Circleville, OH.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Pickaway County Memorial Airport (latitude 39°31'00" N., longitude 82°58'55" W.) excluding the portion which lies within the Lockbourne AFB transition area.

Claremont, N. H.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Claremont Municipal Airport (latitude 43°22'15" N., longitude 72°22'00" W.); within 6.5 miles south and 4.5 miles north of the Claremont NDB (latitude 43°21'50" N., longitude 72°17'57" W.), 097° and 277° bearings from the NDB, extending from 12 miles east to 6 miles west of the NDB, excluding that portion within the Lebanon, N. H., and Springfield, Vt., transition areas.

Clarinda, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clarinda Municipal Airport (latitude 40°43'30" N., longitude 95°01'30" W.); within 3 miles each side of the 169° bearing from the Clarinda Municipal Airport extending from the 5-mile radius to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 169° bearing of the Clarinda Municipal Airport to 18½ miles south of the airport.

Clarksburg, WV.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 39°17'44" N., long. 80°13'46" W., of Benedum Airport; within 5 miles each side of the Clarksburg VOR 219° radial, extending from the 8.5-mile radius area to 11.5 miles southwest of the VOR and within 5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 8.5-mile radius area to 10 miles northeast of the OM.

Clarksdale, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fletcher Field (latitude 34°17'45" N., longitude 90°30'50" W.); within 3 miles each side of the 010° and 163° bearings from the Clarksdale RBN (latitude 34°17'33" N., longitude 90°30'57" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN.

Clearfield, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41° 02'57" N., 78°24'53" W., of Clearfiedl-Lawrence Airport, Clearfield, Pa., within a 10-mile radius of the center of the airport, extending clockwise from a 134° bearing to a 238° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 238° bearing to a 057° bearing from the airport.

Clemson, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clemson-Oconee County Airport (latitude 34°40'22" N., longitude 82°53'07" W.); within 3 miles each side of the 099° bearing from the Oconee RBN (latitude 34°40'25" N., longitude 82°53'13" W.), extending from the 5-mile radius area to 8.5 miles east of the RBN;
within a 6.5-mile radius of Pickens County Airport (lat. 34°48'55" N., long. 82°41'55" W.); within 3 miles each side of the 229° bearing from Pickens RBN (lat. 34°48'32" N., long. 82°42'06" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion within Anderson transition area.

Cleveland, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cleveland Municipal Airport (lat. 33°45'30" N., long. 90°45'15" W.); within 3 miles each side of the 355° bearing from Renova RBN (lat. 33°48'25" N., long. 90°45'45" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

Cleveland, Ohio
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (41°24'30" N., 81°51'00" W.), of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 18-R centerline, extended from the 12.5-mile radius area to 14.5 miles south of the end of the runway; within 3 miles each side of the 230° bearing from the Gilbert, Ohio, RBN extending from the 12.5-miles radius area to 5 miles southwest of the RBN; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 28-R centerline, extended from the 12.5-mile radius area to 13 miles west of the end of the runway; within the area bounded by a line beginning at a point on the Cleveland, Ohio, VORTAC 041° radial 20 miles northeast of the VORTAC, thence along a line bearing 052° from this point to its intersection with the arc of a 15-mile radius circle centered on Lost Nation Airport, Willoughby, Ohio (41°41'00" N., 81°23'20" W.), thence clockwise along the arc of the 15-mile radius circle to its intersection with the arc of a 9-mile radius circle centered on Casement Airport, Painesville, Ohio (41°44'05" N., 81°13'25" W.), thence clockwise along the arc of the 9-mile radius circle to its intersection with the arc of a 7.5-mile radius circle centered on Concord Airpark, Painesville, Ohio (41°40'00" N., 81° 12'00" W.), thence clockwise along the arc of the 7.5-mile radius circle to its point of intersection with a line 2 miles east and parallel to the Chardon VORTAC 350° radial, thence south along this parallel line to its point of intersection with the Chardon VORTAC 080° radial, thence west along the Chardon VORTAC 080° radial to the Chardon VORTAC, thence southeast along the Chardon VORTAC 145° radial to a point 2 miles southeast of the VORTAC, thence southwest along a line 2 miles southeast and parallel to the Chardon VORTAC 235° radial commencing at the point of intersection of this parallel line and the Chardon VORTAC 145° radial to the point of intersection with the arc of a 5.5-mile radius circle centered on Chagrin Falls Airport, Chagrin Falls, Ohio (41°25'45" N., 81°19'50" W.), thence clockwise along the arc of the 5.5-mile radius circle to the point of intersection of the 5.5-mile arc with a line bearing 180° from a point 41°25'45" N., 81°19'50" W., thence direct to the intersection of a line bearing 126° from latitude 41°24'35" N., longitude 81°41'25" W., and the arc of a 12.5-mile radius circle centered on the Cleveland-Hopkins International Airport, thence to the point of beginning.

Cleveland, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cleveland Municipal Airport (latitude 30°21'30" N., longitude 95°00'29" W.), and within 2.5 miles each side of the Daisetta, Tex., VORTAC 298° radial extending from the 5-mile radius to 19.5 miles northwest of the VORTAC

Clifton, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hassell Field (lat. 35°23'00" N., long. 87°58'00" W.).

Clinton, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Clinton Municipal Airport (latitude 41°49'55" N., longitude 90°19'45" W.); within 2 miles each side of the Davenport VORTAC 043° radial, extending from the 7-mile radius area to the VORTAC; and within 8 miles southwest and 5 miles northeast of the 324° bearing from Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Clinton, Mo.
That airspace extending upward from 700 feet above the surface within 5 miles of the Clinton, Missouri, Airport (latitude 38°21'27" N., longitude 93°40'54" W.); within 3 miles each side of the 054° bearing from the Clinton Memorial Airport extending from the 5-mile radius to 8 miles northeast of the airport; and within 3 miles each side of the 217° bearing from the Clintom Memorial Airport extending from the 5-mile radius to 8 miles southwest of the airport.

Clinton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sampson County Airport (lat. 34°58'48" N., long. 78°21'48" W.); within 3 miles each side of the 247° bearing from Clinton RBN (lat. 34°58'31" N., long. 78°21'48" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Clinton, Okla. (Clinton-Sherman Airport)
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), and within 8 miles west and 5 miles east of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from the 8-mile radius area to 20 miles north and 18 miles south of the ends of the runways excluding the portion within the Hobart, Okla., and Elk City, Okla., transition areas.

Clinton, Okla. (Clinton Municipal Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clinton Municipal Airport (lat. 35°32'15" N., long. 98°56'00" W.), and within 3.5 miles each side of the 171° bearing from the Clinton RBN (lat. 35°32'00" N., long. 98°56'02" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Clintonville, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'52" W.).

Cloquet, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); within 3 miles each side of the 355° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius to 8 miles north of the airport; within 3 miles each side of the 175° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius area to 8 miles south of the airport.

Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of Cannon AFB, Clovis, N. Mex. (lat. 34°23'01" N., long.103°18'58" W.); within 7.5 miles north and 2 miles south of the Texico VORTAC 254° and 074° radials, extending from the 23-mile radius area to 1.5 miles east of the Texico VORTAC; and within 3.5 miles each side of the Portales NDB (lat. 34°10'45" N., long. 103°22'33" W.) 202° bearings extending from the 23-mile radius area to 12 miles south of the NDB.

Coaldale, Nev.
That airspace extending upward from 10,500 feet MSL within 9 miles northeast and 6 miles southwest of the Coaldale VORTAC 146° and 326° radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC.

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Coatesville, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°58' 40" N., 75°51'44" W., of Chester County, G. O. Carlson Airport, Coatesville, Pa., extending clockwise from a 024° bearing to a 231° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 231° bearing to a 024° bearing from the airport; within 3.5 miles each side of a 283° bearing from the Coatesville RBN (39°59'32" N., 75°56'32" W.), extending from the 6-mile radius arc to 11.5 miles west of the RBN; within 4.5 miles south and 6.5 miles north of the Modena VORTAC 095° and 275° radials, extending from 11.5 miles east to 5.5 miles west of the VORTAC; within 5 miles each side of the Modena VORTAC 293° radial extending from the VORTAC to 11 miles northwest of the VORTAC, excluding the portion that coincides with the Toughkenamon, Pa., transition area.

Cochise, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

Cochran, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cochran Airport (lat. 32°23'45" N., long. 83°16'45" W.); within 2.5 miles each side of Vienna VORTAC 046° radial, extending from the 5-mile radius area to 12.5 miles northeast of the VORTAC.

Cody, Wyo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 3 miles each side of the Cody VOR 022° and 202° radials, extending from the 8-mile radius area to 8.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9.5 miles east of the Cody VOR 022° and 202° radials, extending from 2.5 miles south to 18.5 miles north of the VOR.

Coffeyville, KS.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Coffeyville, KS., Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles either side of the 183° bearing from the airport extending from 7 miles to 8 miles south of the airport.

Colby, Kans.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (latitude 39°25'30" N., longitude 101°02'40" W.); and within 3 miles each side of the 017° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport.

Cold Bay, Alaska
That airspace extending upward from 1,200 feet above the surface within a 16.5-mile radius of the Cold Bay VORTAC, extending clockwise from the 253° radial to the 041° radial; within 7 miles southeast of the Cold Bay VORTAC 041° radial, extending from the VORTAC to 16.5 miles northeast of the VORTAC; within 7 miles south of the Cold Bay VORTAC 253° radial, extending from the VORTAC to 16.5 miles west of the VORTAC; within 5 miles west and 11.5 miles east of the Cold Bay VORTAC 335° radial, extending from the VORTAC to 20 miles north of the VORTAC, and within 8.5 miles west and 5 miles east of the Cold Bay VORTAC 150° radial, extending from 18 to 29 miles south of the VORTAC.

Coldwater, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County, Memorial Airport (latitude 41°56'05" N., longitude 85°02'55" W.), within 2 miles each side of the Litchfield, Mich. VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport.

College Station, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Easterwood Field (latitude 30°35'19" N., longitude 96°21'54" W.); within 2 miles each side of the College Station VORTAC 107° radial extending from the 5-mile radius area to 18 miles east of the VORTAC; within 3.5 miles each side of the College Station northwest localizer course extending from the 5-mile radius area to 13 miles northwest of the localizer site (latitude 30°35'59" N., longitude 96°21'48.3" W.); within 1.5 miles each side of the southeast localizer course extending from the 5-mile radius area to 7 miles southeast of the localizer site; within a 5-mile radius of Coulter Field (latitude 30°43'00" N., longitude 96°19'45" W.); within 2 miles each side of the College Station VORTAC 025° radial extending from the 5-mile radius area of Coulter Field to 15 miles northeast of the College Station VORTAC.

Colorado Springs, Colo.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of City of Colorado Springs Municipal Airport (lat. 38°48'35"N., long. 104°42'20"W.) and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of long. 104°52'00"W.; that airspace extending upward from 1200 feet above the surface bounded on the north by lat. 39°05'00"N., on the east by V-263 and V-169, on the south by lat. 38°30'00"N., on the west by a line from 38°30'00"N., 105°09'00"W., to 38°36'00"N., 105°08'00"W., to 38°40'00"N., 104°52'00"W., to 39°05'00"N., 104°52'00"W.; and that airspace extending upward from 11,700 feet MSL bounded on the north by lat. 39°05'00"N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial, on the east by long. 104°52'00"W., on the south by lat. 38°55' 00"N., and on the west by long. 105°20'00"W.

AMENDMENTS 1/21/76 41 F. R. 3074 (Changed)
AMENDMENTS 9/9/76 41 F. R. 27958 (Rewritten)

Columbia, Mo.
That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the E.W. Cotton Woods Memorial Airport (latitude 39°00'15" N., longitude 92°17'45" W.); and within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.); within 2½ miles each side of the Hallsville, Mo., VORTAC 193° radial extending from the 8½-mile radius area to 10 miles south of the VORTAC; excluding the portion which overlies the Jefferson City, Mo., 700-foot floor transition area.

Columbia, S. C.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W); within 9.5 miles southwest and 4.5 miles northeast of Columbia VORTAC 147° radial, extending from the 11-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles south and 4.5 miles north of Columbia ILS localizer west course, extending from the 11-mile radius area to 18.5 miles west of the LOM.

Columbus, Ga.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 10-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 1.5 miles each side, expanding in width to 5 miles each side of Columbus ILS localizer northeast course, extending from the intersection of the Columbus VOR 102° radial to 11.5 miles northeast; within 9.5 miles southwest and 4.5 miles northeast of Lawson AAF ILS localizer southeast course, extending from the 10-mile radius area to 12 miles southeast of Louvale RBN; within 9.5 miles southwest and 4.5 miles northeast of Columbus VOR 149° and 329° radials, extending from the 10.5-mile radius area to 18.5 miles northwest of the VOR; within 4 miles each side of Lawson VOR 339° radial, extending from the 10-mile radius area to 20.5 miles north of the VOR.

Columbus, Miss
That airspace extending upward from 700 feet above the surface within a 17.5-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within an 8-mile radius of Monroe County Airport (latitude 33°52'20" N., longitude 88°28'25" W.); within an 8-mile radius of Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 88°22'50" W.); within 4.5 miles north and 9.5 miles south of the Columbus VORTAC 281° radial, extending from the
VORTAC to 18.5 miles west; within an 8.5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48" N., long. 88°35'30" W.).

Columbus, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus, Nebraska, Airport and within 3.5 miles each side of the Columbus VOR 152° radial, extending from the 6-mile radius to 11.5 miles southeast of the VOR, and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending from the 6-mile radius to 11½ miles northwest of the VOR.

AMENDMENTS 1/29/76 40 F. R. 57785 (Rewritten)

Columbus, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°59'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within a 14-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within an 8-mile radius of the center, lat. 40°19'43" N., long. 82°31'32" W. of Mount Vernon Airport, Mount Vernon, Ohio; within an 8-mile radius of the center, lat. 40°01'29" N., long. 82°27'44" W. of Licking County Airport, Newark, Ohio; within a 7-mile radius of the center, lat. 40°04'40" N., long. 83°04'30" W. of Ohio State University Airport, Columbus, Ohio; within the arc of a 25-mile radius circle centered on a point located at lat. 39°59'59" N., long. 82°53'44" W., extending clockwise from the 048° bearing from this point to the 170° bearing from this point and within 3.5 miles each side of the 273° bearing from the Ohio State University RBN, lat. 40°04'47" N., long. 83°04'54" W., extending from the RBN to 11.5 miles west of the RBN; within a 6½-mile radius of Bolton Field (latitude 39° 54'07" N., longitude 83°08'12" W.);
within a 9-mile radius of Fairfield County Airport (latitude 39°45'21" N., longitude 82°39'27" W.).

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Columbus, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Columbus Airport (latitude 29°43'10" N., longitude 96°33'50" W.).

Colusa, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles E and 3.5 miles W of the Williams, Calif. VORTAC 015 radial, extending from the VORTAC to 11 miles N of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-23, on the S by the N edge of V-200 and on the W by the W edge of V-19[illegible].

Commerce, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Commerce Municipal Airport (latitude 33°17'36" N., longitude 95°53'46" W.) and within 2.5 miles each side of the Sulphur Springs, TX., VORTAC 286° radial extending from the 5-mile radius area to 14.5 miles west of VORTAC.

Concord, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°23'00" N., 71°11'50" W., to 43°09'00" N., 71°11'50" W., to 42°58'50" N., 71°01'00" W., to 42°53'00" N., 71°11'30" W., to 42°47'00" N., 71°09'00" W., to 42°38'00" N., 71°20'00" W., to 42°40'00" N., 71°35'00" W., to 42°43'00" N., 71° 36'00" W., to 42°45'00" N., 71°38'25" W., to 42°54'00" N., 71°57'00" W., to 43°06'00" N., 71°47'00" W., to 43°23'00" N., 71°47'00" W., to point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35' 00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning.

Concord, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Propst Airport (latitude 35°23'30" N., longitude 80°34'30" W.); within 2.5 miles each side of Charlotte VORTAC 060° radial, extending from the 5-mile radius area to 18 miles northeast of the VORTAC.

Connecticut
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

Connellsville, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39° 57'35" N., long. 79°39'25" W. of Connellsville Airport and within 9.5 miles northwest and 4.5 miles southeast of the 230° bearing from the Connellsville, Pa. RBN lat. 39°57'37" N., long. 79°39'16" W., extending from the RBN to 19.5 miles southwest of the RBN, excluding the portion that coincides with the Morgantown, W. Va., transition area.

Connersville, IN.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Mettel Airport (latitude 39°42'00" N.; longitude 85°08'00" W.), and within 3 miles each side of the 015° bearing from the Mettel Airport extending from the 6½-mile radius to 8 miles north of the airport; excluding that airspace designated at Richmond, IN.

Conrad, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Conrad Airport (latitude 48°10'10" N., longitude 111°58'30" W.); within 3.5 miles each side of the 060° bearing from the Conrad RBN (latitude 48°11'12" N., longitude 111°55'31" W.) extending from the 9-mile radius area to 12 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 4.5 miles southeast of the 060° bearing from the Conrad RBN extending from the RBN to 18.5 miles northeast of the RBN.

Conway, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Conway-Horry County Airport (lat. 33°49'13" N., long. 79°07'16" W.); within 3 miles each side of the 296° bearing from Horry RBN (lat. 33°49'54" N., long. 79°07'13" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN; excluding the portion that coincides with the Myrtle Beach transition area.

Cookeville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Putnam County Airport (latitude 36°11'45" N., longitude 85°29'15" W.); within 3 miles each side of the 331° bearing from Cookeville RBN (latitude 36°11'34" N., longitude 85°29'04" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

Cordele, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cordele Airport (latitude 31°59'15" N., longitude 83°46'24" W.).

Cordova, Alaska
That airspace extending upward from 700 feet above the surface within 6 miles northwest and 9.5 miles southeast of the 233° bearing from the Cordova (CDV) NDB extending from the intersection of the 233° bearing from the Cordova (CDV) NDB and Hinchinbrook, Alaska, RBN 106° bearing to 19 miles southwest; that airspace extending upward from 1,200 feet above the surface within 6 miles each side of the Cordova localizer east course extending from the localizer to 40 miles east; and within 5 miles each side of a line extending from the Johnstone Point VORTAC to the Cordova (CDV) NDB.

Corinth, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Roscoe Turner Airport (lat. 34°54'30" N., long. 88°36'00" W.); within 3 miles each side of the 185° and 346° bearings from Corinth RBN (lat. 34°54'39" N., long. 88°36'04" W.), extending from the 7-mile radius area to 8.5 miles south and north of the RBN.

Corning, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corning Municipal Airport (latitude 40°59'30" N., longitude 94°45'40" W.); and within 3 miles each side of the 359° bearing from the Corning Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport.

Corpus Christi, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 9-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within a 4-mile radius of the Sinton Airport (latitude 28°02'25" N., longitude 97°32'34" W.); within 2 miles each side of the Corpus Christi VORTAC 328° radial, extending from the 4-mile radius area to the VORTAC; within 2 miles each side of the Corpus Christi ILS localizer SE course, extending from the 6-mile radius area to 13 miles SE of the airport; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 9-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the NAS Corpus Christi 9-mile radius area to 12 miles SE of the TACAN.

Corry, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 41° 54'30" N., long. 79°38'30" W. of Lawrence Airport, Corry, Pa., and within 3 miles each side of the 305° bearing from the Corry RBN (lat. 41°54'44" N., long. 79°38'54" W.) extending from the 5-mile radius area to 8.5 miles northwest of the RBN.

Corsicana, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corsicana Municipal Airport (latitude 32°02'00" N., longitude 96°24'00" W.); within 3 miles each side of the Scurry, Tex., VORTAC 186° radial extending from the 5-mile radius area to 24 miles south of the VORTAC and within 3 miles each side of the 155° bearing from the Corsicana, Tex., RBN (latitude 32°02'00" N., longitude 96°24'00" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

Cortez, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.), within 3.5 miles each side of the Cortez VOR 184° and 004° radials extending from the 7-mile radius area to 11.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Cortez VOR 184° and 004° radials, extending from 8 miles south to 19 miles north of the VOR, and within 5 miles northeast of and parallel to the Dove Creek VORTAC 129° radial, extending from the VORTAC to 21 miles southeast of the VORTAC.

Cortland, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 42° 35'30" N., long. 76°13'00" W. of Cortland County Chase Field Airport, Cortland, N. Y., and within 6.5 miles north and 5 miles south of the Georgetown, N. Y., VORTAC 236° radial extending from the 9-mile radius area to the VORTAC.

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Corvallis, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (lat. 44°29'50"N., long. 123°17'10"W.) within 4.5 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 14 miles northeast of the VOR, within 5 miles west of the Corvallis VOR 014° radial, extending from the 7-mile radius area to 15 miles north of the VOR, within 5 miles each side of the Eugene, Oreg., VORTAC 345° radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180° radial, extending from the 7-mile radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oreg., Transition Area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029° and 209° radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

AMENDMENTS 7/15/76 41 F. R. 18650 (Rewritten)

Coshocton, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Richard Downing Airport (latitude 40°18'37" N., longitude 81°51'17" W.); and within a 7-mile radius of the Tri-City Airport (latitude 40°15'45" N., longitude 81°44'35" W.).

AMENDMENTS 3/25/76 41 F. R. 4254 (Rewritten)

Cotulla, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.); within 2 miles each side of the Cotulla VOR 266° radial extending from the 5-mile radius area to 14 miles west of the VOR; and within 8 miles north and 5 miles south of the Cotulla VOR 086° and 266° radials extending to 5 miles west and 12 miles east of the VOR.

Covington, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (latitude 33°37'54" N., longitude 83°51'07" W.); within 5 miles each side of Rex VORTAC 093° radial, extending from the 6.5-mile radius area to 34 miles east of the VORTAC.

Covington, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (lat. 35°35'15"N., long. 89°35'15"W.); within 3 miles each side of the 186° bearing from Covington RBN (lat. 35°35'22" N., long. 89°35'14" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 3/25/76 41 F. R. 3464 (Changed)

Cozad, Nebr.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cozad Municipal Airport (latitude 40°52'23" N., longitude 100°00'19" W.); within 3 miles each side of the Cozad NDB 301° bearing, extending from the 5-mile radius to 8 miles NW of the NDB.

Craig AFB Aux. (Vaiden), Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Craig AFB Aux. #1 (Vaiden), Ala., (latitude 32°30'35" N., longitude 87°23'06" W.); within 2.5 miles each side of the extended centerline of Runway 16, extending from the threshold to 10.5 miles north of the threshold.

Cranberry Lake, New York
That airspace extending upward from 1,200 feet above the surface beginning at the Saranac Lake, N. Y., VOR, thence southeast via the Saranac Lake VOR 134° radial to its point of intersection with the Burlington, Vermont. VORTAC 215° radial; thence southwest along the Burlington, Vermont, VORTAC 215° radial to its point of intersection with the Watertown, N. Y., VORTAC 123° radial; thence northwest along the Watertown VORTAC 123° radial to the Watertown VORTAC; thence northeast along the Watertown VORTAC 033° radial to its point of intersection with the Saranac Lake VOR 311° radial; thence southeast along the Saranac Lake VOR 311° radial to Saranac Lake VOR excluding the airspace in Canada.

Crawfordsville, IN.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Crawfordsville Municipal Airport (latitude 39°58'45" N., longitude 86°55'00" W.) and within 3 miles each side of the 217° bearing from the Crawfordsville Municipal Airport extending from the 5-mile radius to 8 miles southwest.

Crescent City, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius area to 9 miles northwest of the VORTAC and within 4 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius area to 10 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC, within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC and within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC and within 9.5 miles southwest and 4.5 miles northeast of the ILS localizer northwest course, extending from the threshold of Runway 11 to 25 miles northwest.

Creston, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41°01'05" N., longitude 94°21'35" W.); and within 3 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport.

Crestview, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.).

Creve Coeur, Mo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the St. Louis, Mo., VORTAC 190° radial, extending from 12 miles south to 25½ miles south of the VORTAC, excluding the portions which overlie the Chesterfield, Mo., and St. Louis, Mo., 700-foot floor transition areas.

Crookston, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Crookston Municipal Kirkwood Field Airport (latitude 47°50'30" N., longitude 96°37'15" W.); within 3 miles each side of the 303° bearing from the airport extending from the 5½-mile radius area to 8 miles northwest of the airport; within 3 miles each side of the Grand Forks VORTAC 108° radial extending from the 5½-mile radius area to 7½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 55 mile arc southeast of the Grand Forks VORTAC between V-430 and V-171 excluding the portion which overlies the Grand Forks, N. Dak., transition area.

Cross City, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (lat. 29°37'45" N., long. 83°06'15" W.); within 3.5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile radius area to 7.5 miles southeast of the VORTAC.

Crossett, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Crossett Municipal Airport (latitude 33°10'30" N., longitude 91°52'45" W.); and within 3 miles each side of the 056° bearing from the Crossett RBN (latitude 33°10'30" N., longitude 91°52'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Cross Keys, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°42'09"N., 75°01'48"W., of Cross Keys Airport, Cross Keys, N. J., and within 2 miles each side of the Woodstown, N. J., VORTAC 071° radial, extending from the 5-mile radius to 9 miles east of the Woodstown, N. J., VORTAC.

AMENDMENTS 7/29/76 41 F. R. 24580 (Added)

Crossville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 2 miles each side of the Hinch Mountain VORTAC 334° radial, extending from the 6.5-mile radius area to the VORTAC.

Crownpoint, N. Mex.
That airspace extending upward from 11,500 feet MSL within an area bounded on the north by a line beginning at lat. 35°56'20"N., long. 108°30'00"W., thence to lat. 36°11'00"N., long. 107°45'30"W.; bounded on the east by the west boundary of V-137; bounded on the south by the north boundary of V-62; and bounded on the west by the east boundary of V-421; excluding the portion which coincides with the Gallup, N. Mex., transition area.

AMENDMENTS 7/15/76 41 F. R. 21183 (Added)

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Crows Landing, CA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crows Landing ALF (latitude 37°24'35" N., longitude 121°06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, CA. (latitude 37°28'05" N., longitude 121°10'06" W.), and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 37°38'00" N., on the east by the west edge of V-109. on the southwest by the northeast edge of V-107 and on the west by longitude 121°31'00" W.

Cullman, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Folsom Field (lat. 34°15'57"N., long. 86°51'35"W.); within 3.5 miles northwest and 6.5 miles southeast of the 023° bearing of the Cole Spring RBN (lat. 34°20'24"N., long. 86°49'28"W.), extending from the 6.5-mile radius to 11.5 miles northeast of the RBN; excluding the portion that coincides with the Huntsville, Ala., transition area.
AMENDMENTS 7/15/76 41 F. R. 17372 (Added)

Culpeper, Va.
That airspace extending upward from 700 feet above the surface within the arc of a 6.5-mile radius circle centered on Culpeper Municipal Airport (lat. 38°31'20" N., long. 77°51'40" W.) Culpeper, Va., extending clockwise from a 245° bearing to a 090° bearing from the center of the airport; within the arc of a 5.5-mile radius circle centered on Culpeper Municipal Airport, extending clockwise from a 090° bearing to a 245° bearing from the center of the airport and within 2.5 miles each side of the Casanova VORTAC 178° radial, extending from the 6.5-mile radius arc to the VORTAC, excluding the portion that coincides with the Midland, Va., transition area.

Cumberland, Md.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 39°37'02" N., long. 78°45'45" W.) of Cumberland Municipal Airport, Cumberland, Md.; and within 3.5 miles each side of the 022° bearing from the Cumberland RBN (lat. 39°39'00" N., long. 78°44'48" W.) extending from the 8.5-mile radius area to 11.5 miles north of the RBN.

Cushing, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cushing Municipal Airport (latitude 35°57'00" N., longitude 96°46'30" W.), and within 3.5 miles each side of the 180° bearing from the Cushing RBN (latitude 35°53'24" N., longitude 96°46'30" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Cut Bank, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 9½ miles northeast and 4½ miles southwest of the Cut Bank VORTAC 150° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; and within a 12-mile radius of the Cut Bank VORTAC extending from a line 5 miles west of and parallel to the Cut Bank VORTAC 172° radial counterclockwise
to a line 5 miles northeast of and parallel to the Cut Bank VORTAC 150° radial.

Duggett, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Barstow-Daggett Airport (latitude 34°51'20" N., longitude 116°47'10" W.); within 2 miles each side of the 050° bearing from Barstow-Daggett Airport extending from the 3-mile radius area to 6 miles NE of the airport, and within 2 miles each side of the 090° bearing from the Barstow-Daggett Airport extending from the 3-mile radius area to 6.5 miles E of the airport.

Dalhart, Texas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dalhart Municipal Airport (latitude 36°01'10" N., longitude 102°33'10" W.), and within 2 miles each side of the Dalhart VORTAC 002° radial extending from the 9-mile radius area to 12 miles N of the VORTAC.

Dallas-Fort Worth, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°11'00" N., long. 97°27'00" W., thence to lat. 33°11'00" N., long. 97°19'00" W., to lat. 33°26'00" N., long. 97°15'00" W., to lat. 33°26'00" N., long. 97°07'00" W., to lat. 33°19'00" N., long. 97°06'00" W., to lat. 33°19'00"N., long. 96°57'00"W., to lat. 33°08'30"N., long. 96°36'00"W.; to lat. 33°08'30"N., long. 96°25'00"W.; to lat. 33°00'15"N., long. 96°25'15"W.; thence clockwise along the arc of a 5-mile radius circle centered at lat. 32°56'00"N., long. 96°26'00"W.; to lat. 32°51'30"N., long. 96°25'30"W.; to lat. 32°44'00"N., long. 96°26'00"W.; to lat. 32°34'00" N., longitude 96°37'00" W.; to latitude 32°29'00" N., longitude 96°32'00" W.; to latitude 32°25'00" N., longitude 96°38'00" W.; to latitude 32°31'00" N., longitude 96°44'00" W.; to latitude 32°29'00" N., longitude 97°01'00" W.; to latitude
32°23'00" N., longitude 97°05'00" W.; to latitude 32°16'30" N., longitude 97°25'30" W.; to latitude 32°19'30" N., longitude 97°33'00" W.; thence north along longitude 97°33'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.; to latitude 32°55'00" N., to latitude 33°13'00" N., longitude 97°56'
00" W.; to latitude 33°15'30" N., longitude 97°49'00" W.; to latitude 33°13'30" N., longitude 97°39'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°15'30" N., longitude 97°34'40" W., to latitude 33°12'00" N., longitude 97°31'30" W.; to point of beginning.
AMENDMENTS 7/15/76 41 F. R. 19621 (Changed) Corr: 41 F. R. 27029

Dalton, Ga.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Dalton Municipal Airport (lat. 34°43'00"N., long. 84°52'00"W.); within 5.5 miles southwest and 6.5 miles northeast of the 318° bearing from the Whitfield RBN (lat. 34°47'37"N., long. 84°56'53"W.), extending from the 14.5-mile radius area to 8.5 miles northwest of the RBN, excluding that portion that coincides with the Chattanooga, Tenn., transition area.

AMENDMENTS 7/15/76 41 F. R. 21629 (Changed)

Danbury, Conn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center latitude 41°22'15" N., longitude 73°29'00" W. of Danbury Airport, Danbury, Conn., extending clockwise from the 018° bearing from the center of the airport to the 288° bearing and within a 13-mile radius from the 288° bearing clockwise to the 018° bearing and within 3.5 miles each side of the Carmel VORTAC 218° radial extending from the 9-mile radius area to 11.5 miles southwest of the Carmel VORTAC.
Within 2.5 statute miles each side of a 262° magnetic bearing from a point 41°25'05" N., 73°18'45" W., extending from 1 statute mile west of said point to 9 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 41°19'22" N., 73°39'19" W., extending from 1 statute mile east of said point to 9 statute miles east of said point, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N. Y., 700-foot floor transition areas.

AMENDMENTS 3/25/76 41 F. R. 5091 (Changed)

Danielson, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W., of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 197° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

Danville, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Vermillion County Airport (lat. 40°11'54" N., long. 87°35'49" W.); and within 2 miles each side of the Danville VORTAC 196° radial extending from the 6½-mile radius to the VORTAC.

Danville, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 36°34'30" N., long. 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 8-mile radius area to 8.5 miles northeast of the VOR and within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 8-mile radius area to 8.5 miles southwest of the VOR; within 2.5 miles each
side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., extending from the 8-mile radius area to 11.5 miles north of said point.

Darby, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the North River, Alaska, RBN, extending from 32 miles to 52 miles W of the RBN.

Darlington, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Darlington County Airport (latitude 34°26'50" N., longitude 79°53'23" W.).

Davis, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of University Airport (latitude 38°31'55" N., longitude 121°47'10" W.).

Dayton, Ohio
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N.. 84°24'00" W. to 39°49'00" N., 84°27'00" W. to 40°04'00" N., 84°17'00" W. to the point of beginning.

Dayton, Ohio (Montgomery County)
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Montgomery County Airport (lat. 39°35'21" N., long. 84°13'21" W.), and within 3 miles each side of the Montgomery County VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the 027° radial extending from the 6-mile radius area to 8.5 miles northeast excluding the portions which overlie the Middletown and Dayton, Ohio, transition areas.

Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.); within a 6.5-mile radius of Municipal Airport, Ormond Beach, Fla. (lat. 29°18'00" N., long. 81°06'49" W.); within 3 miles each side of Ormond Beach VORTAC 256° radial
extending from the 6.5-mile radius area to 8.5 miles west of the VORTAC.

Deadhorse, Alaska
That airspace extending upward from 700 feet above the surface within 6.5 miles S and 9.5 miles N of the Deadhorse VOR 075° radial extending from the VOR to 20 miles E of the VOR; within 6.5 miles S and 10 miles N of the Deadhorse VOR 255° radial extending from the VOR to 25.5 miles W; and within a 16.5-mile radius of the Deadhorse VOR extending from the 099° radial clockwise to the 231° radial; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to 70°33'00" N., 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°14'00" N., longitude 146°00'00" W.; to 69°00'00" N., 148°00'00" W.; to 68°00'00" N., 148°00'00" W.; to 68° 00'00" N., 153°00'00" W.; thence to point of beginning.

Decatur, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.).

Deckerville, Mich.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Lamont Airport (latitude 43°34'35" N., longitude 82°39'10" W.); within 3 miles each side of the 076° bearing from the airport extending from the 5.5-mile radius area to 8.5 miles east of the airport; within 3 miles each side of the 285° bearing from the airport, extending from the 5.5-mile radius area to 8.5 miles west of the airport.

Decorah, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport.

Defiance, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Defiance Memorial Airport (latitude 41°20'15" N., longitude 84°25'45" W.); within 3.5 miles each side of the 303° bearing from the airport extending from the 6.5-mile radius area to 11.5 miles northwest of the airport.

DeLancey, N. Y.
That airsapce extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

De Land, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of De Land Municipal/ Sidney H. Taylor Field (lat. 29°04'03" N., long. 81°17'00" W.); excluding the portion within Daytona Beach transition area.

Delano, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Delano Municipal Airport (latitude 35°44'48" N., longitude 119°14'08" W.) and within 3 miles each side of the Bakersfield VORTAC 336° T radial, extending from the 3-mile radius area to 12 miles NW of the VORTAC.

Delaware
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Delaware including the offshore airspace within 3 nautical miles and parallel to the shoreline.

Del Rio, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of lat. 29°23'00"N., long. 100°50'15"W., and within 4.5 miles west and 9.5 miles east of the Laughlin VORTAC 148° radial extending from the 12-mile radius area to 22 miles southeast of the VORTAC and within 8.5 miles west and 6.5 miles east of the Laughlin VORTAC 315° radial extending from the 12-mile radius area to 18 miles northwest of the VORTAC, excluding the portion outside of the United States.

AMENDMENTS 7/15/76 41 F. R. 20160 (Rewritten)

Delta, UT.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39°23'00" N., longitude 112°30'35" W.), and that airspace extending upward from 1,200 feet above the surface within 9 miles southeast and 13.5 miles northwest of the Delta VOR 203° and 023° radials, extending from 12 miles northeast to 25.5 miles southwest of the VOR.

Deming, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

Demopolis, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Demopolis Municipal Airport (lat. 32°27'45" N., long. 87°57'05" W.).

Denison, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport.

Denver, Colo.
That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 31-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 194° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 194° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace northeast of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by the east edge of V-263 and latitude 39°05'00"
N., and on the west by longitude 104°00'00" W. excluding the airspace within Federal airways; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W.; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct to latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°26'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°30'00" N., longitude 105°33'00" W.

DeQueen, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sevier County Airport (latitude 34°02'44" N., longitude 94°23'58" W.) and within 3.5 miles each side of the 269° bearing from the DeQueen NDB (latitude 34°02'39" N., longitude 94°23'59" W.) extending from the 5-mile radius area to a point 10 miles west of the NDB.

De Quincy, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of De Quincy Industrial Airpark (lat. 30°26'17"N., long. 93°28'21"W.); within 2 miles each side of the Lake Charles VORTAC 313°T radial extending from the 5-mile radius area to 24.5 miles northwest of the VORTAC and within 3 miles either side of the 325°T bearing from the De Quincy NDB (lat. 30°26'06"N., long. 93°28'00"W.) extending from the 5-mile radius area to 8 miles northwest of the NDB.

AMENDMENTS 5/20/76 41 F. R. 11275 (Rewritten)

DeRidder, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.), and within 3.5 miles each side of the 347° bearing from the DeRidder RBN (latitude 30°50'00" N., longitude 93°20'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Des Moines, Iowa
That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" N., longitude 93°39'35" W.).; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 93°30'00" W., and the north edge of V-216; thence southwest along the north edge of V-216 to and north along longitude 95°00'00" W., to and east along the south edge of V-6S to the intersection of the south edge of V-6S and longitude 94°10'15" W.; thence southeast to latitude 40°56'30" N., longitude 93°54'00" W.; thence northeast to latitude 41°01'45" N., longitude 93°30'00" W.; thence south to the point of beginning.

Detroit, Mich.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°00'00" N., longitude 82°25'00" W., on the Canadian boundary to latitude 43°04'00" N., longitude 82°30'00" W., to latitude 42°53'00" N., longitude 83°00'00" W., to latitude 42°45'00" N., longitude 83°50'00" W., to latitude 42°30'00" N., longitude 83°50'00" W., to latitude 42°10'00" N., longitude 84°00'00" W., to latitude 42°00'00" N., longitude 83°30'00" W., thence east along the 42nd parallel to the Canadian boundary, thence along the Canadian boundary to point of beginning.

Detroit Lakes, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Detroit Lakes Municipal Airport (latitude 46°49'34" N., longitude 95°53'06" W.); within 3 miles each side of the Detroit Lakes VOR 315° radial extending from the 5-mile radius area to 7½ miles northwest of the VOR; within 3 miles each side of the 145° radial extending from the 5-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Detroit Lakes VOR 315° radial extending from the VOR to 18½ miles northwest; within 4½ miles southwest and 9½ miles northeast of the VOR 145° radial extending from the VOR to 18½ miles southeast, excluding that portion which overlies the Fargo, North Dakota, transition area.

Devils Lake, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

Dexter, Mo.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dexter Municipal Airport (latitude 36°46'30" N., longitude 89°56'30" W.).

Dickinson, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

Dickson, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dickson Municipal Airport (lat. 36°07'47" N., long. 87°25'48" W.).

Dillingham, Alaska
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); and that airspace within 2.5 miles each side of the Dillingham VORTAC 025° radial extending from the 8.5-mile radius zone to 15.5 miles northeast of the VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 8.5 mile radius zone to 9 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18-mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC.

Dillon, Mont.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Dillon Airport (lat. 45°15'20" N., long. 112°33'10" W.) and within 3 miles each side of the Dillon VORTAC 025° radial, extending from the 6-mile radius zone to 8.5 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Dillon VORTAC 025° radial, extending from the VORTAC to 24 miles northeast; and that airspace extending upward from 11,700 feet MSL within 7.5 miles west and 10.5 miles east of the Dillon VORTAC 168° and 348° radials extending from 4.5 miles north to 19.5 miles south of the VORTAC.

Dillon, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dillon County Airport (lat. 34°27'00" N., long. 79°22'00" W.); within 3 miles each side of the 233° bearing from the Dillon RBN (lat. 34°26'59" N., long. 79°22'10" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

District of Columbia
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the District of Columbia. The portion within P-56 is excluded.

Dixon, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

Dodge City, Kans.
That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the Dodge City Municipal Airport (latitude 37°45'42" N., longitude 99°57'51" W.).

Dothan, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 5 miles each side of Dothan VORTAC 157° radial, extending from the 8.5-mile radius area to 11.5 miles SE of the VORTAC; within 4.5 miles each side of Dothan VORTAC 331° radial, extending from the 8.5-mile radius area to 10.5 miles NW of the VORTAC; excluding the airspace within a 1.5-mile radius of Headland Minicipal Airport (latitude 31°21'45" N., longitude 85°18'30" W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Dothan VORTAC 350° radial; within a 6.5-mile radius of Wheelless Airport (lat. 31°13'35" N., long. 85°29'30" W.); excluding the portion northwest of Dothan VOR 237° radial.

Douglas, Ariz.
That airspace extending upward from 700 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Douglas VORTAC 333° radial extending from the VOR to 18.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC, within a 23-mile radius of the Douglas VORTAC extending clockwise from the southwest edge of V-66 to the southeast edge of V-66, and within 5 miles east and 8.5 miles west of the Douglas VORTAC 347° radial extending from the 23-mile radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

Douglas, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Douglas Municipal Airport (latitude 31°29'10" N., longitude 82°51'15" W.).

Douglas, Wyo.
That airspace extending upward from 8,500 feet MSL, bounded on the north by latitude 42°44'00" N., and the east by the Wyoming-Nebraska state boundary and V-169, on the southeast by V-89, on the south by V-100, on the west by V-19E and on the southwest by V-19E and V-247.

Dover, Del.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 39° 07'30" N., long. 75°28'00" W. of Dover AFB, Dover, Del.; within 3.5 miles each side of the Dover TACAN 178° radial, extending from the 9-mile radius area to 10.5 miles south of the TACAN; within 3.5 miles each side of the Dover TACAN 012° radial, extending from the 9-mile radius area to 10.5 miles north of the TACAN; within 3.5 miles each side of the Dover TACAN 132° radial, extending from the 9-mile radius area to 10.5 miles southeast of the TACAN; and within a 5-mile radius of the center, lat. 39°13'04" N., long. 75°35'56" W., of Delaware Airpark, Dover-Cheswold, Del.; and within 6.5 miles north and 4.5 miles south of the Kenton, Delaware VORTAC 078° and 258° radials extending from 5.5 miles west to 11.5 miles east of the VORTAC.

Dowagiac, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cass County Memorial Airport, (latitude 41°59'30" N., longitude 86°07'37" W.); within 2 miles each side of the Keeler, Michigan, 181° radial extending from the 7-mile radius area to the VOR, excluding the portion which overlies the South Bend, Indiana, transition area.

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Downingtown, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 39° 59'00" N., long. 75°44'30" W., of Bob Shannon Memorial Field, Downingtown, Pa., and within 6.5 miles northeast and 4.5 miles southwest of the Modena, Pa., VORTAC 320° radial and 140° radial, extending from 5.5 miles northwest to 11.5 miles southeast of the VORTAC. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 1/29/76 41 F. R. 3465 (Added)

Doylestown, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (latitude 40°20'20" N., longitude 75°07'20" W.) of Doylestown Airport, Doylestown, Pa.; within 8 miles northwest and 4.5 miles southeast of the 224° bearing and the 044° bearing from the Doylestown, Pa. RBN (latitude 40°19'59" N., longitude 75°07'21" W.), extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN; within 8 miles northwest and 4.5 miles southeast of the Solberg, N. J. VORTAC 229° radial, extending from 7.5 miles southwest of the VORTAC to 24.5 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphis, Pa., Pittstown, N. J. and Readington, N. J. transition areas.

Drew, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ruleville-Drew Airport (lat. 33°46'39" N., long. 90°31'27" W.).

Dublin, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Dublin Municipal Airport (lat. 32°33'55" N., long. 82°59'10" W.); within 2.5 miles each side of Dublin VORTAC 274° radial, extending from the 6-mile radius area to the VORTAC.

Dublin, VA.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 37°08'12" N., long. 80°40'50" W., of New River Valley Airport, Dublin, VA.; within a 23-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 272° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 272° bearing to a 291° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 314° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 015° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 015° bearing to a 060° bearing from the airport; within 5 miles each side of the Pulaski VORTAC 192° radial extending from the VORTAC to 11.5 miles south of the VORTAC, and within 5 miles each side of the 233° bearing from a point lat. 37°08'39" N., long. 80°40' 03" W., extending from said point to a point 16 miles southwest.

Dubois, Idaho
That airspace extending upward from 1,200 feet above the surface within 11 miles east and 7 miles west of the Dubois VOR 170° and 350° radials, extending from 10 miles north to 20 miles south of the VOR.

Du Bois, Pa.
That airspace extending upward from 700 feet above the surface within an 11.5 mile radius of the center, 41° 10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3.5 miles each side of the Du Bois ILS localizer northeast course extending from the 11.5-mile radius area to 11.5 miles northeast of the OM.

Dubuque, Iowa
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); and within 3 miles on either side of the Dubuque VORTAC 321° radial, extending from the VORTAC to 8 miles northwest of the airport reference point; and within 3½ miles on either side of the Dubuque VORTAC 131° radial, extending from the VORTAC to 15½ miles southeast of the airport reference point, and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W. along latitude 42°05' 00" N., to and N. along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC to and E. along the S. edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and SE. along the SW. edge of V-218, to and S. along longitude 89°55'00" W. to and SW along the NW edge of V-216, to 90°08'00" W., and S. to the N. edge of V-172, to and N. along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois.

Duluth, Minn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within a 17.5-mile radius of the Duluth International Airport, extending from the Duluth VOR 262° radial clockwise to the Duluth VOR 058° radial; within 4½ miles north and 9½ miles south of Duluth localizer west course, extending from 4 miles east to 18½ miles west of the OM; and within 4½ miles east and 9½ miles west of the Duluth VORTAC 023° radial, extending from the 17.5-mile radius area to 28 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within 8 miles northwest and 5 miles southeast of the Duluth VORTAC 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Duluth VORTAC 244° radial, extending from the 35-mile radius area to 41 miles southwest of the VORTAC; excluding the portions which overlie the Hibbing, Minn., and Cloquet, Minn., transition areas; and the State of Wisconsin.

Duncan, Okla.
That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of Halliburton Field (latitude 34°28'30" N., longitude 97°57'30" W.), and within 2 miles each side of the Duncan VOR 157° radial, extending from the 8.5-mile radius area to 7 miles southeast of the VOR.

Dunkirk, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 42°29' 30" N., 79°16'30" W., of Dunkirk Municipal Airport, Dunkirk, N. Y., and within a 13.5-mile radius of the center of the airport extending clockwise from a 022° to 232° bearing from the airport.

Durango, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the La Plata Airport (latitude 37°09'12" N., longitude 107°45'04" W.), and within 3.5 miles each side of the Durango VOR 224° radial, extending from the 7-mile radius area to 11.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 6 miles northwest of the Durango VOR 224° and 044° radials, extending from 8 miles northeast to 25 miles southwest of the VOR.

Durant, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eaker Field (latitude 33°56'30" N., longitude 96°24'00" W.), and within 3 miles each side of a 151° bearing from the Durant NDB (latitude 33°56'32" N., longitude 96°23'54" W.) extending from the 5-mile radius area to 9 miles SE of the NDB.

Dwight, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dwight Airport (latitude 41°08'05" N., longitude 88°26'30" W.); and within 3 miles either side of the 097° bearing from the airport extending from the 5-mile radius area to 3 miles from the airport.

Dyersburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 3 miles each side of the Dyersburg VORTAC 078° radial, extending from the 6.5-mile radius area to 8.5 miles east of the VORTAC.

Eagle, Colo.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 39°34'30" N., long. 106°25'00" W.; to lat. 39°45'30" N., long. 106°25'00" W.; to lat. 39°47'00" N., long. 107°05'00" W.; to lat. 39°41'00" N., long. 107°12'30" W.; to lat. 39°27'30" N., long. 107°01'00" W.; to lat. 39°33'30" N., long. 106°53'00" W.; to the point of beginning.

Eagle Lake, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Lake Airport (latitude 29°36'00" N., longitude 96°19'26" W.); and within 2 miles each side of the Eagle Lake VOR 007° radial extending from the 5-mile radius area to 8 miles N of the VOR.

Eagle Pass, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Pass Municipal Airport (latitude 28°42'00" N., longitude 100°28'45" W.) and within 3 miles each side of the 089° bearing from the Eagle Pass RBN (latitude 28°42'20" N., longitude 100°29'10" W.) extending from the 5-mile radius area to 8 miles east of the Eagle Pass RBN excluding the portion outside the United States.

Eagle River, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Municipal Airport (latitude 45°55'45" N., longitude 89°16'00" W.); and within 3 miles each side of the 037° bearing from Eagle River Municipal Airport extending from the 5-mile radius area to 7½ miles northeast of the airport.

East Hampton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°57' 36" N., 72°15'05" W., of East Hampton Airport, East Hampton, N. Y., extending clockwise from a 307° bearing to a 044° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 044° bearing to a 092° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 092° bearing to a 232° bearing from the airport; and within a 7-mile radius of the center of the airport extending clockwise from a 232° bearing to a 307° bearing from the airport.

East Liverpool, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbiana County Airport (latitude 40°40'24" N., longitude 80°38'30" W.); within 3 miles each side of the 070° bearing from the airport, extending from the 5-mile radius area to 8.5 miles east of the airport, excluding that portion which overlies the Beaver Falls, Pa., transition area.

Eastman, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.).

Easton, MD.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°48'30" N., long. 76°04'30" W. of Easton Municipal Airport, and within 3 miles each side of the 038° bearing from the Easton, MD., RBN, lat. 38°48'25" N., long. 76°04'05" W., extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

East St. Louis, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bi State Parks Airport (latitude 38°34'30" N., longitude 90°10'00" W.) and within 3 miles each side of the 129° bearing from the airport extending from the 7-mile radius area to 8 miles southeast.

East Stroudsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 41°02'08" N., 75°09'45" W., of Stroudsburg-Pocono Airpark, East Stroudsburg, Pa., extending clockwise from a 337° bearing to a 106° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 106° bearing to a 110° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 110° bearing to a 177° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 177° bearing to a 221° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 221° bearing to a 258° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 337° bearing from the airport; excluding the portion within the Mount Pocono, Pa., transition area.

AMENDMENTS 5/6/76 41 F. R. 18650 (Changed)

East Tawas, MI.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iosco County Airport (latitude 44°18'48" N., longitude 83°25'30" W.), excluding the portion which overlies the Oscoda, MI., transition area.

Eau Claire, Wis.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Eau Claire Municipal Airport (latitude 44°51'54" N., longitude 91°29'02" W.) and within 3½ miles each side of the Eau Claire ILS localizer northeast course extending from the 14-mile radius to 18 miles northeast of the airport; within 5 miles each side of the Eau Claire ILS localizer southwest course extending from the 14-mile radius to 15 miles southwest of the airport.

Ebensburg, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°27'40" N., 78°46'25" W., of Ebensburg Airport, Ebensburg, Pa.; within 2 miles each side of the Runway 24 centerline extended from the 6-mile radius area to 6 miles southwest of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of the Revloc, Pa., VORTAC 194° radial extending from the 6-mile radius area to the VORTAC, excluding the portion that coincides with the Johnstown, Pa., transition area.

Edenton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 3 miles each side of the 218° and 352° bearings from Edenton RBN (latitude 36°01'33" N., longitude 76°33'57" W.), extending from the 6.5-mile radius area to 8.5 miles southwest and north of the RBN.

Edwards AFB, Calif.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Edwards AFB (latitude 34°54'20"N., longitude 117°52'58"W.), within 2 miles SE and 8 miles NW of the Edwards AFB VORTAC 057° radial extending from the 15-mile radius area to 12.5 miles NE of the VORTAC.

AMENDMENTS 3/4/76 41 F. R. 9301 Rewritten

Effingham, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Effingham County Memorial Airport (lat. 39°04'15"N., long. 88°32'15"W.); within 1½ miles either side of the 344° radial of the Bible Grove VORTAC extending from the 5-mile radius to the Bible Grove VORTAC.

AMENDMENTS 7/15/76 41 F. R. 18289 (Rewritten)

Eglin AFB, Fla.
That airspace extending upward from 700 feet above the surface within 9-mile radii of Eglin AFB (lat. 30°29' 07" N., long. 86°31'35" W.), Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'01" N., long. 86°31'25" W.) and Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); excluding the portions within W-151, Crestview, Fla., transition area, and a 1.5-mile radius of Fort Walton Beach Airport (lat. 30°24'25" N., long. 86°49'40" W.).

El Campo, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (lat. 29°16'00"N., long. 96°19'30"W.); within a 5-mile radius of the El Campo Metro Airport (lat. 29° 11'00"N., long. 96°18'45"W.) and within 3 miles each side of the 184° bearing from the proposed NDB (lat. 29° 10'35"N., long. 96°19'11"W.) extending from the NDB to 8.5 miles south.

AMENDMENTS 7/15/76 41 F. R. 16794 (Rewritten)

El Centro, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Imperial VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the Imperial VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portion under the jurisdiction of Mexico.

El Dorado, Ark.
That airspace extending upward from 700 feet above the surface within 5 miles southeast and 8 miles northwest of the El Dorado VORTAC 059° radial, extending from the VORTAC to 12 miles northeast; within 5 miles each side of the 239° radial, extending from the VORTAC to 5 miles southwest; and within 2 miles each side of the 236° radial, extending from the VORTAC to 18 miles southwest.

Elizabeth City, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of the 128° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within 5 miles east and 3 miles west of Elizabeth City VOR 188° radial, extending from the 8.5-mile radius area to 12.5 miles south of the VOR; within 3 miles each side of Elizabeth City VOR 357° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR.

Elizabethtown, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elizabethtown-Hardin County Airport (lat. 37°45'13" N., long. 85°53'09" W.); within 2 miles each side of New Hope VOR 306° radial, extending from the 5-mile radius area to 9 miles northwest of the VOR; excluding the portion within Louisville transition area.

Elk City, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elk City Airport (latitude 35°25'40" N., longitude 99°23'45" W.); and within 3.5 miles each side of the 015° bearing from the Elk City NDB (latitude 35°25'33" N., longitude 99°23'52" W.) extending from the 5-mile radius area to 8 miles north of the NDB.

Elkhart, IN.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elkhart Municipal Airport (latitude 41°43'11" N., longitude 85°59'41" W.); and within 2 miles each side of the South Bend, IN., VORTAC 101° radial, extending eastward from the 5-mile radius area to 23 miles east of the VORTAC, and within 2 miles each side of the Goshen, IN., VORTAC 008° radial, extending south from the 5-mile radius area to 5 miles north of the Goshen VORTAC excluding the portion which overlies the South Bend, IN., 700-foot floor transition area.

Elkin, NC.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elkin Municipal Airport (lat. 36°16'40" N., long. 80°47'12" W.); within 3 miles each side of the 056° bearing from Zephyr RBN (lat. 36°18'47" N., long. 80°43'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Elkins, W. Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38° 53'20" N., long. 79°51'24" W. of Elkins-Randolph County-Jennings Randolph Field, Elkins, W. Va.; within 4 miles each side of the
Elkins VORTAC 098° radial extending from the 6.5-mile radius area to 1.5 miles east of the VORTAC and within 4.5 miles east and 9.5 miles west of the 011° bearing from the Randolph County RBN, extending from the RBN to 18.5 miles north of the RBN. This transition area is effective from sunrise to sunset, daily.

Elko, Nev.
That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by an arc of a 17-mile radius circle centered on the Elko VORTAC extending clockwise from the 091° to the 258° radial of the Elko VORTAC, and that airspace bounded on the northwest and north by V-6, on the southeast by V-465 and on the south by V-32.

Ellensburg, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowers Field (latitude 47°02'02" N., longitude 120°31'49" W.); within the arc of a 13-mile radius circle centered on the Ellensburg VORTAC, beginning at the 016° radial and extending clockwise to the 063° radial; within the arc of a 20.5-mile radius circle centered on the Ellensburg VORTAC beginning at the 063° radial and extending clockwise to the 221° radial; that airspace extending upward from 1,200 feet above the surface southwest of Ellensburg bounded on the north by V-2S, on the southeast by the Ellensburg VORTAC 221° radial, on the southwest by V-4.
AMENDMENTS 1/29/76 40 F. R. 57203 (Rewritten)

Elmira, N.Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport Elmira, N.Y., 42°09'37" N., 76°53'35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR; within 5 miles SE and 8 miles NW of the airport ILS NE localizer course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

El Paso, Tex.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) extending clockwise from the 261° to the 278° bearings from the El Paso International Airport; within a 9-mile radius of the Biggs AAF (latitude 31°50' 55" N., longitude 106°22'45" W.) extending clockwise from the 262° to the 029° bearings from the Biggs AAF; within 2 miles each side of the Newman, Tex., VORTAC 040° radial extending from the 9.5-mile radius area to 12 miles NE of the VORTAC; within a 15-mile radius of the El Paso International Airport extending clockwise from the 041° to the 161° bearings of the El Paso International Airport; thence via the United States/Mexican border to point of beginning.

El Rico, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of El Rico Airport (latitude 36°02'43" N., longitude 119°38'44" W.) and within 3 miles each side of the Avenal VORTAC 034° radial, extending from the 3-mile radius area to 24 miles NE of the VORTAC.

Ely, MN.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ely Municipal Airport (latitude 47°49'26" N., longitude 91°49'45" W.); and within 3 miles each side of the 112° bearing from the Ely Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport, and within 3 miles each side of the 305° bearing from Ely Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; that airspace extending upward from 1,200 feet above the surface within 9½ miles south and 4½ miles north of the 112° bearing from the Ely Municipal Airport extending from the airport to 18½ miles southeast of the airport, and within 9½ miles southwest and 4½ miles north of the 305° bearing of the Ely Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portion which overlies the prohibited areas P-205 and P-204.

Ely, NV.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, NV., VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Ely VOR 007° and 187° radials extending from 17 miles north to 2 miles south of the VOR and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles south of the VOR.

Elyria, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°20'40" N., 82°10'40" W., of Lorain County Regional Airport and within 3.5 miles each side of the Cleveland VORTAC 300° radial, extending from the 9-mile radius area to 9.5 miles northwest of the VORTAC, excluding the portion that coincides with the Cleveland, Ohio 700-foot transition area.

Emporia, Kansas
That airspace extending upward from 700 feet above the surface within 2 miles either side of the Emporia VORTAC 134° radial, extending from the 5-mile radius of the airport (latitude 38°20'00" N., longitude 96°11' 15" W.); to 8 miles southeast of the VORTAC and 5 miles either side of the 010° bearing from the airport extending from the 5-mile radius to 12.5 miles north.

Emporia, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, (36° 41'30" N., 77°29'30" W.) of Emporia Municipal Airport, Emporia, Va., extending clockwise from a 057° bearing to a 183° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 183° bearing to a 057° bearing from the airport and within 3 miles each side of a 135° bearing from the Emporia RBN (36°40'58" N., 77°28'57" W.) extending from the RBN to 8.5 miles southeast of the RBN.

Endicott, NY.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center lat. 42° 04'42" N., long. 76°05'49" W. of Tri-Cities Airport, Endicott, NY.; within a 10.5-mile radius of the center of the airport, extending clockwise from a 020° bearing to a 090° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 090° bearing to a 125° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 235° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 263° bearing from the airport and within 3.5 miles each side of the Binghamton, NY., VORTAC 340° radial, extending from the 10-mile radius area to 11.5 miles north of the VORTAC.

Enid, Okla.
That airspace extending upward from 700 feet above the surface within 10 miles E and W of Vance AFB runway 17R-35L, extending to 15 miles N and S of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 5 miles W and 8 miles E of the Woodring VOR 355° radial, extending from 2 miles SE of the VOR to 12 miles N of the VOR, and within 5 miles W and 8 miles E of the Woodring VOR 185° radial, extending from the VOR to 12 miles S.

Erie, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 42°04'53" N., long. 80°10'43" W. of Erie International Airport, Erie, Pa.; within a 15.5-mile radius of the center of the airport extending clockwise from a 074° bearing to a 221° bearing from the airport; within 4 miles each side of the Erie ILS localizer SW course, extending from the 8.5-mile radius area to 11 miles SW of the OM; within 5 miles each side of the Erie VORTAC 054° radial extending from the 8.5-mile radius area to 23.5 miles NE of the VORTAC.

Escanaba, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Delta County Airport (latitude 45°43'25" N., longitude 87°05'56" W.); that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of Escanaba VORTAC, excluding that portion which overlies the Marquette, Michigan, transition area and that portion south of the 45°45' parallel.

Estherville, Iowa
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Estherville Municipal Airport (latitude 43°25'00" N., longitude 94°44'45" W.); and within 3 miles each side of the 175° bearing from Estherville Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport.

Eufaula, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weedon Field (latitude 31°57'05" N., longitude 85°07'45" W.); within 4 miles each side of Eufaula VOR 014° radial, extending from the 6.5-mile radius area to 10 miles north of the VOR.

Eugene, Oregon
That airspace extending upward from 700 feet above the surface within a 21-mile radius of the Eugene VORTAC; that airspace extending upward from 1200 feet above the surface northeast of Eugene, bounded on the north by V-536, on the southeast by V-121N (proposed), on the southwest by the arc of the 21-mile radius circle, on the northwest by V-23E; that airspace east of Eugene bounded on the north by V-121 (proposed), on the east by latitude 122°30'00" W. on the southwest by V-452 and on the west by the arc of the 21-mile radius circle.

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Eunice, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eunice Airport (latitude 30°28'00" N., longitude 92°25'30" W.) and within 2 miles each side of the Lafayette VORTAC 310° radial extending from the 5-mile radius area to 6 miles southeast of the approach end of Runway 34.

Evadale, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (latitude 30°19'30" N., longitude 94°04'24" W.), and within 2 miles each side of the 150° bearing from the Evadale RBN (latitude 30°24'16" N., longitude 94°07'37" W.), extending from the 5-mile radius area to the RBN.

Evansville, Ind.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°31'45" W.); and within 2 miles each side of the Evansville VORTAC 060° radial, extending from the 10-mile radius area to the VORTAC.

Evergreen, Ala.
That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Middleton Field Airport (lat. 31°24'52"N., long. 87°02'29"W.)
AMENDMENTS 7/15/76 41 F. R. 21629 (Added)

Fairbanks, Alaska
That airspace extending upward from 700 feet above the surface within 9.5 miles W and 4.5 miles E of the Eielson localizer S course extending from the Eielson VOR to 18.5 miles S of the VOR; within 2 miles NW and 4.5 miles SE of the Fairbanks localizer NE course, extending from the Fairbanks outer marker to Fox RBN; within 4.5 miles SE and 9.5 miles NW of the Fairbanks localizer NE course extending from Fox RBN to 18.5 miles NE of the RBN; within 4.5 miles NW and 9.5 miles SE of the Fairbanks localizer SW course, extending from 5 miles SW of the localizer antenna (latitude 64°48'11" N., longitude 147°53'01" W) to 18.5 miles SW of the localizer antenna; within 4.5 miles N and 9.5 miles S of the Chena 089° bearing, extending from Chena RBN to 18.5 miles E of the RBN; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 68°00'00" N., longitude 153°00'00" W.; to 68°00'00" N., 144°00'00" W.; to 63°10'00" N., 144°00'00" W.; to 62°38'00" N., 145° 41'00" W.; to 62°45'00" N., 148°48'00" W.; to 62°59'00" N., 150°15'00" W.; to 63°00'00" N., 151°10'00" W.; to 64°00'00" N., 153°00'00" W.; to point of beginning, excluding the portion within Restricted Areas R-2202B and R-2206.

Fairfield, IL.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fairfield Airport (latitude 38°23'00" N., longitude 88°25'00" W.) and within 3 miles either side of the 179° bearing from the Fairfield Airport extending from the 5½-mile radius to 8 miles south of the airport.

Fairfield, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield-Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport.

Fairmont, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 3 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and within 3 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Fairmont Municipal Airport, extending from the airport to 18½ miles southeast of the airport; excluding the portion in Minnesota.

Fairmont, W. Va.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 39°26' 50" N., 80°10'00" W., of Fairmont Airport, Fairmont, W. Va., and within 5 miles each side of the Morgantown, W. Va., VORTAC 245° radial extending from the 8.5-mile radius area to 7.5 miles southwest of the VORTAC.

Fairview, Okla.
Within a 5-mile radius of the Fairview, Okla., Municipal Airport (latitude 36°17'12" N., longitude 98°28' 00" W.) and within 3.5 miles either side of the 360° bearing of the Fairview RBN (latitude 36°17'10" N., longitude 98°28'06" W.) extending from the 5-mile radius to 2.5 miles north.

Falfurrias, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brooks County Airport (latitude 27°12'15" N., longitude 98°07'15" W.) and within 3 miles each side of the 163° T bearing from the Brooks County RBN (latitude 27°12'23" N., longitude 98°07'24" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

Fallon, Nev.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of NAS Fallon TACAN and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°51'00" N., longitude 117°58'00" W.; to latitude 39°51'00" N., longitude 117°31'00" W.; to latitude 39°34'00" N., longitude 117°39°30" W.; to latitude 39°18'00" N., longitude 117°47'30" W.; to latitude 39°00'00" N., longitude 117°40'00" W., to point of intersection of a line 8 miles NE of and parallel to the Reno VORTAC 135° radial and the NE edge of V-105E, thence via a line 8 miles NE of and parallel to Reno 135° radial to longitude 119°00'00" W., to latitude 39°42'00" N., longitude 119°00'00" W. to latitude 40°01'00" N., longitude 118°19'00" W., to point of beginning, excluding that airspace below 1,500 feet AGL within R-4816N and that airspace within R-4816S extending upward from 500 feet AGL to and including 2,000 feet AGL which lies N of and within 1 nautical mile from U. S. Highway 50 between the intersections of Highway 50 with longtiude 118°25'30" W. and 118°09'50" W.; that airspace extending upward from 9,500 feet MSL extending from 23 to 44 miles SE of Fallon TACAN bounded on the NE by a line 10 miles NE of and parallel to the Fallon TACAN 139° radial and on the SW by the NE edge of V-105E. The 1,200 foot portion underlying the 9,500 foot MSL portion of the transition area is excluded.

Falmouth, Mass.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within a 6-mile radius of Barnstable Airport, Hyannis, Mass., (latitude 41°40'10" N., longitude 70°16'45" W.); within 5 miles NW and 8 miles SE of the Barnstable Airport ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within a 4-mile radius of the Chatham Airport, Chatham, Mass. (latitude 41°41'20" N., longitude 69°59'25" W.); within a 6-mile radius of Martha's Vineyard Airport, Martha's Vineyard, Mass., (latitude 41°23'35" N., longitude 70°36'50" W.), and within 5 miles NW and 8 miles SE of the Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Edgartown RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26'25" N., longitude 70°34'10" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°13'20" N., longitude 70°18'30" W., thence to latitude 42°10'50" N., longitude 70°03'00" W., to latitude 41°40'29" N., longitude 69°46'32" W., to latitude 41°38'00" N., longitude 69°45'10" W., to latitude 41°21'00" N., longitude 69°45'10" W., to latitude 41°09'00" N., longitude 70°00'00" W., to latitude 41°10'25" N., longitude 70°12'50" W., to latitude 41°04'00" N., longitude 70°42'30" W., to latitude 41°12'45" N., longitude 70°42'30" W., to latitude 41°21'00" N., longitude 70°48'00" W., to latitude 41°42'00" N., longitude 70°48'00" W., to latitude 41°53'30" N., longitude 70°56'30" W., thence to the point of beginning; and that airspace extending upward from 2,000 feet MSL bounded on the N by Control 1142, on the SE by Control 1143, and on the W by a line extending through latitude 41°40'29" N., longitude 69°46'32" W. and latitude 42°10'50" N., longitude 70°03'00" W., excluding the portion within the Nantucket, Mass., transition area.

Farewell, Alaska
That airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Farewell RBN 126° and 306° bearings, extending from 6 miles southeast to 18.5 miles northwest of the RBN.

Fargo, N. Dak.
That airspace extending upward from 700 feet above the surface within an 18.5-mile radius of Hector Field (latitude 46°54'57" N., longitude 96°48'53" W.) and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of Hector Field; and that airspace extending upward from 1,200 feet above the surface within a 46-mile radius of Hector Field extending clockwise from the Fargo VORTAC 056° radial to the north edge of V2N, west of Fargo; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial extending from the 46-mile radius area to 56 miles south of the VORTAC; and that airspace extending upward from 2,700 feet MSL extending from the 29-mile radius area to the 46-mile radius area between the north edge of V2N, west of Fargo, clockwise to the Fargo VORTAC 056° radial, excluding V-181, V-181E, and the Grand Forks, N. Dak., transition area.

Faribault-Owatonna, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport.

Farmington, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 1½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC.

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Farmington, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.) within 3.5 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles east of the VORTAC, and within 4.5 miles each side of the Farmington VORTAC 265° radial extending from the 11-mile radius area to 23 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

Farmville, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 37° 21'22" N., long. 78°26'16" W. of Farmville Municipal Airport, Farmville, Va.

Fayetteville, Ark.
That airspace extending upward from 700 feet above the surface within a 27.5-mile radius of latitude 36°12'00" N., longitude 94°14'00" W., within 5 miles each side of the Drake VOR 186° radial extending from the 27.5-mile radius area to 19 miles south of the VOR, and within 5 miles east and 10 miles west of the Fayetteville VORTAC 005° radial extending from the 27.5-mile radius area to 33.5 miles north of the VORTAC.

Fayetteville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'22" N., longitude 78°52'52" W.); within a 10-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.); within 10 miles north and 2 miles south of Simmons AAF (lat. 35°07'55" N., long. 78°57'05" W.)Runway 27 extended and centerline, extending from the 10-mile radius area to 17.5 miles east of the runway end; within 9.5 miles northeast and 4.5 miles southeast of Pope AFB ILS localizer northeast course, extending from the 10-mile radius area to 24 miles northeast of the Pope TACAN; excluding the portion within R-5311.

Fayetteville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayetteville Municipal Airport (lat. 35°03'28" N., long. 86°33'53" W.); within 3 miles each side of the 188° bearing from Highland RBN (lat. 35°03'32" N., long. 86°33'58" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

Fergus Falls, Minn.
That airspace extending upward from 700' above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (lat. 46°17'15"N., long. 96°09'45"W.); within 3 miles each side of the 187° bearing from the airport, extending from the 6½-mile radius area to 8 miles south of the airport; and within 3 miles each side of the 343° bearing from the airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

AMENDMENTS 7/15/76 41 F. R. 20648 (Rewritten)

Festus, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Festus Memorial Airport (latitude 38°11'45" N., longitude 90°23'00" W.); and within 3 miles each side of the 180° bearing from Festus Memorial Airport, extending from the 7-mile radius area to 8 miles south of the airport.

Findlay, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Findlay, Ohio, Airport (latitude 41°00'40" N., longitude 83°40'30" W.) within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport, within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles south of the airport within 2 miles each side of the Findlay VORTAC 231° radial extending from the Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) 5-mile radius area to the 6.5-mile radius area of the Findlay Airport.

Firebaugh, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Firebaugh Airport (latitude 36°51'36" N., longitude 120°27'49" W.); and within 3 miles each side of the Los Banos VORTAC 060° radial, extending from the 3-mile radius area to 15 miles NE of the VORTAC.

Fire Island, N. Y.
That airspace extending upward from 8,500 feet MSL bounded on the north by Control 1169, on the southeast by a line 10 nautical miles southeast of and parallel to the southeast boundary of V-139, on the southwest by Control 1147 and on the northwest by V-139.

Fitzgerald, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fitzgerald Municipal Airport (lat. 31°41'00" N., long. 83°16'00" W.); within 3 miles each side of the 200° bearing from Fitzgerald RBN (lat. 31°41'06" N., long. 83°16'00" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

Five Finger, Alaska
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Five Finger RBN, and within 2 miles each side of the 349° and 189° bearings from the Five Finger RBN, extending from the RBN to 8 miles N and 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 189° and 009° bearings, extending from 7 miles N to 13 miles S of the RBN, and within 8 miles W and 5 miles E of the 349° and 169° bearings, extending from 13 miles N to 7 miles S of the RBN.

Flagstaff, Ariz. (Pulliam Airport)
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.), and that airspace extending upward from 1,200 feet above the surface within 9.5 miles each side of the Flagstaff VOR 127° and 307° radials, extending from 8 miles northwest to 19 miles southeast of the VOR, excluding that portion within R-2302.

Flemingsburg, Ky.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fleming-Mason Airport (latitude 38°32'33" N., longitude 83°44'25" W.); within 3 miles each side of the 061° bearing from Flemingsburg RBN (latitude 38°32'17" N., longitude 83°44'49" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Flint, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the outer marker; within a 4-mile radius of Owosso City Airport, (latitude 42°59'30" N., longitude 84°08'00" W.); within a 5½ mile radius of the Price Airport, (latitude 42°48'25" N., longitude 83°46'20" W.); and within a 5-mile radius of the Davison-Genova Airport, (latitude 43°01'45" N., longitude 83°31'34" W.); excluding the portion which overlies the Detroit, Michigan transition area.

Flippin, Ark.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W.); within 3.5 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 9.5-mile radius area to 8.5 miles east of the VOR; within an 8-mile radius of Mountain Home Municipal Airport (latitude 36°22'00" N., longitude 92°28'00" W.); and within 3.5 miles each side of the Flippin VOR 172° radial extending from the Mountain Home Municipal Airport 8-mile radius area to 8.5 miles south of the VOR.

Florence, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Florence City-County Airport (lat. 34°11'17" N., long. 79°43'28" W.); within 4 miles each side of Florence VORTAC 049° radial, extending from the 8.5-mile radius area to 9 miles northeast of the VORTAC.

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Florida
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Florida including the airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°43'05" N., longitude 81°21'00" W., thence to latitude 30°44'00" N., longitude 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along latitude 30°17'30" N., to longitude 81°01'30" W., thence to latitude 30°09'00" N., longitude 81°02'15" W., to latitude 29°54'00" N., longitude 81°02'15" W., to latitude 29°56'00" N., longitude 81°14'50" W.; that airspace extending upward from 1,200 feet above the surface to and including 12,000 feet above the surface bounded by a line beginning at the intersection of a line 3 nautical miles east of and parallel to the shoreline and lat. 29°29'00" N., thence east along lat. 29°29'00" N., to and clockwise along the arc of a 23-nautical mile radius circle centered on the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.), to and north along a line 3-nautical miles east of and parallel to the shoreline to point of beginning; that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (latitude 28°14'21" N., longitude 80°36'28" W.); that airspace east of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 50-mile radius circle centered on the Miami International Airport (latitude 25°47'34" N, longitude 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at latitude 25°04'05" N., longitude 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to latitude 24°08'50" N., longitude 82°04'35" W., to lat. 24°02'30" N., long. 82°23'00" W.; to lat. 24°27'30" N., long. 82°37'00" W., to latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 81°56'50" W., to latitude 24°49'00" N., longitude 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B-19, on the south and east by V-35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 26°30'00" N., and a point 3 nautical miles from the shoreline, thence west along latitude 26°30'00" N., to the east boundary of W-168, thence north and west along the boundary of W-168, to longitude 83°42'00" W., thence to the north boundary of Control 1226 at longitude 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (latitude 27°50'57" N., longitude 82°31'38" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 29°43'10" N., longitude 85°27'00" W., to latitude 30°04'00" N., longitude 85°56'00" W., to latitude 30°11'10" N., longitude 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 30°15'00" N., longitude 86°06'15" W., to latitude 30°10'30" N., longitude 86°07'30" W., to latitude 30°07'30" N., longitude 86°13'00" W., to latitude 30°07'30" N., longitude 86°24'00" W., to latitude 30°14'46" N., longitude 86°28'40" W., to latitude 30°06'00" N., longitude 86°29'50" W., to latitude 30°00'00" N., longitude 86°34'00" W., to latitude 30°00'00" N., longitude 86°44'00" W., to latitude 30°05'00" N., longitude 86°47'58" W., to latitude 30°09'20" N., longitude 86°47'58" W., to latitude 30°20'30" N., longitude 86°41'00" W.; that airspace south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°18'20" N., longitude 87°00'00" W., to latitude 29°54'00" N., longitude 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered at latitude 30°20'19" N., longitude 87°20'00" W., to latitude 30°02'50" N., longitude 87°42'20" W., to latitude 30°04'00" N., longitude 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to latitude 30°09'45" N., longitude 87°45'45" W., to latitude 30°11'20" N., longitude 87°44'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 30°13'15" N., longitude 87°32'55" W.;
That airspace 4.5 miles southeast of and 9.5 miles northwest of the 228° bearing from the Naples RBN (latitude 26°09'00" N., longitude 81°46'31" W.), extending from the RBN to 18.5 miles southwest of the RBN.
that airspace southwest of Miami extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V-51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V-225E; that airspace extending upward from 2,000 feet MSL; east of Jacksonville beginning at latitude 30°44'00" N., longitude 81°18'10" W., to latitude 30°45'15" N., longitude 80°58'50" W., to latitude 30°17'30" N., longitude 81°01'30" W., thence west along latitude 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V-35, on the east by longitude 80°25'00" W., on the south by latitude 24°20'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V-225, on the northeast by the arc of a 20-mile radius circle centered on the Fort Myers VORTAC, on the north by latitude 26°30'00" N., and on the west by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the north boundary of Control 1230 at longitude 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V-35W, on the west by V-97 and on the north by V-7W; that airspace west of Tampa extending upward from 4,700 feet MSL bounded on the northeast by V-97 and V-97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V-97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, and the St. Petersburg VORTAC 280° radial; that portion southeast of a line extending from latitude 29°43'35" N., longitude 84°39'00" W., to latitude 29°47'00" N., longitude 84°40'00" W., to latitude 29°52'30" N., longitude 84°34'40" W., thence to the west boundary of V-7W at latitude 29°52'30" N.
excluding: That portion within W-151 east of the INT of the north boundary of Control 1226, and the St.

Foraker, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Codding Cattle Airport (latitude 36°46'00" N., longitude 96°33'00" W.).

Forest City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Forest City Municipal Airport (lat. 43°14'00" N., long. 93°38'00" W.).

Forrest City, Ark.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Forest City Municipal Airport (latitude 34°56'42" N., longitude 90°46'16" W.), and within 3.5 miles each side of the 180° bearing from the Forrest City RBN (latitude 34°56'28" N., longitude 90°46'24" W.) extending from the 5.5-mile radius area to 11.5 miles south of the RBN.

Forsyth, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Forsyth Airport (latitude 46°16'14" N., longitude 106°37'00" W.); within 4 miles north and 5 miles south of the 075° bearing from the Forsyth NDB (latitude 46°16'10" N., longitude 106°31'01" W.), extending from the NDB to 10 miles east of the NDB; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 5 miles south of 089° bearing from the Forsyth NDB, extending from the NDB to 18.5 miles east of the NDB, excluding that portion which overlies the Miles City, Mont., transition area.

Fort Bridger, Wyo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Fort Bridger Municipal Airport (latitude 41°24'00" N., longitude 110°25'00" W.),and within 3.5 miles each side of the Fort Bridger VORTAC 047° radial extending from the 9-mile radius area to 11.5 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8.5 miles southeast and 12.5 miles northwest of the Fort Bridger VORTAC 047° and 227° radials extending from 23 miles northeast to 10.5 miles southwest of the VORTAC.

Fort Collins, Colo.
That airspace extending upward from 700 feet above the surface within 9.5 miles east and 5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland RBN (latitude 40°26'49" N., longitude 105°00'22" W.) extending from 6.5 miles north to 18.5 miles south of the RBN.

Fort Dodge, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); and that airspace extending upward from 3,500 feet MSL south and east of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-138.

Fort Huachuca, AZ.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, AZ. (latitude 31°35'00" N., longitude 110°20'30" W.), that airspace within an arc of a 22-mile radius circle centered on the Libby AAF VOR, extending clockwise from a line 5 miles northwest of and parallel to the 033° radial of the Libby AAF VOR to a line 5 miles south of and parallel to the Libby AAF VOR 093° radial; that airspace extending upward from 1,200 feet above the surface bounded on the north by the Tucson, AZ., transition area, on the northeast by the southwest edge of V-66, on the east by longitude 109°44'00" W., on the south by latitude 31°25'00" N., on the west by longitude 110°30'00" W., and that airspace northeast of Libby AAF bounded on the north by the south edge of V-16S, on the east by a line 5 miles west of and parallel to the Douglas, AZ., VORTAC 347° radial, on the southwest by the northeast edge of V-66 and on the west by longitude 110°00'00" W.

Fort Jones, Calif.
That airspace extending upward from 9,500 feet MSL bounded on the NE by V-23 and V-23W, on the S by latitude 41°19'00" N., and on the W by longitude 123°01'00" W.

Fort Leonard Wood, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 323° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the 146° and 326° bearings from Forney AAF RBN, extending from Forney AAF to 18½ miles southeast of the Forney AAF RBN; and within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 152° radial extending from the VOR to 18½ miles southeast of the VOR.

Fort Madison, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa VORTAC 258° radial, extending from the 5-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

PENDING AMENDMENT

Fort Madison, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fort Madison Municipal Airport (lat. 40°39'30"N., long. 91°19'30"W.); and within 2 miles each side of the Burlington, Iowa, VORTAC 258° radial, extending from the 6-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

AMENDMENTS 12/30/76 41 F.R. 43713 (Rewritten)

Fort Myers, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Page Field (lat. 26°35'09"N., long. 81°51'51"W.); within 3.5 miles each side of Fort Myers VORTAC 062° radial, extending from the 8.5-mile radius area to 10 miles northeast of the VORTAC.

AMENDMENTS 5/20/76 41 F. R. 8338 (Changed)

Fort Polk, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 10 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 8 miles NW of the north fan marker.

Fort Rucker, Ala.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 31°38'00" N., longitude 86°23'30" W.; thence northeast via V-70 to V-7; thence south via V-7 to V-241; thence southwest via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning; within a 6.5-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.).

Fort Scott, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'45" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport.

Fort Smith, Ark.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within an 11.5-mile radius of the Fort Smith VORTAC extending clockwise from the 078° to the 155° radials of the VORTAC, within 6 miles northwest and 5 miles southeast of the Fort Smith VORTAC 053° radial extending from the 12.5 and 11.5-mile radius areas to 12 miles northeast of the VORTAC, within 2 miles each side of the Fort Smith VORTAC 239° radial extending from the 12.5-mile radius area to 20 miles southwest of the VORTAC, within 3.5 miles each side of the VORTAC 119° radial extending from the VORTAC to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 12.5-mile radius area to 8 miles west of the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

Fort Stewart, Ga.
That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of Lyle H. Wright AAF (lat. 31°53'20"N., long. 81°33'45"W.).

AMENDMENTS 1/29/76 40 F. R. 57203 (Added)
AMENDMENTS 5/20/76 41 F. R. 16794 (Rewritten)

Fort Stockton, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos County Airport (latitude 30°55'00" N., longitude 102°54'30" W.), within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the airport to 8 miles northwest of the VORTAC, and within 7 miles each side of the Fort Stockton VORTAC 128° radial extending from 9 miles southeast to 21 miles southeast of the VORTAC.

Fortuna, CA.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC; within 2.5 miles southwest and 3.5 miles northeast of the 129° and 309° bearings from the Rohnerville Airport (latitude 40°33'15" N., longitude 124°07'53" W.), extending from 7.5 miles northwest to 3 miles southeast of the airport, and within 2 miles each side of the Fortuna VORTAC 034° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fortuna VORTAC 229° radial, extending from the VORTAC 18.5 miles southwest of the VORTAC.

Fort Wayne, Ind.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Fort Wayne VORTAC; and within an 18½-mile radius of Fort Wayne VORTAC, extending from the Fort Wayne VORTAC 194° radial clockwise to the Fort Wayne VORTAC 335° radial.

Fort Yukon, AK.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'59" W.) and within 3 miles south and 4.5 miles north of Fort Yukon 076° radial extending from the 5-mile radius area to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile radius area to 8.5 miles southwest of the VORTAC.

Fostoria, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Fostoria Metropolitan Airport (latitude 41°11'30" N., longitude 83°23'50" W.); within 3 miles each side of the 084° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles east of the airport; excluding that portion that overlies the Tiffin, Ohio, transition area.

Frankfort, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Frankfort Municipal Airport (latitude 40°16'25" N., longitude 86°33'45" W.) and within 3 miles each side of the 221° bearing from the airport extending from the 5-mile radius area to 8.5 miles southwest.

Frankfort, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Capital City Airport (lat. 38°10'55" N., long. 84°54'16" W.); within 3 miles each side of the 062° bearing from Jett RBN (lat. 38°12'56" N., long. 84°49'32" W.), extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 3 miles each side of Frankfort VOR 063° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of Jett RBN; within 3 miles each side of Frankfort VOR 240° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

Franklin, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41° 22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.: within 3.5 miles each side of the Franklin, Pa., VOR 360° radial, extending from the 7-mile radius area to 11.5 miles north of the VOR.

Franklin, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rocking 7 Ranch Airport (latitude 31°09'37" N., longitude 96°26'14" W.); within 2.5 miles each side of the 276° radial from the Leona, Tex., VORTAC extending from the 5-mile radius area to 22 miles southwest of the Leona VORTAC.

Franklin, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 36°41'50" N., 76°54'15" W. of John Beverly Rose Field-Franklin Municipal Airport; and within 3.5 miles each side of the 083° bearing from 36°42'07" N., 76°53'20" W., extending from this point to 11.5 miles east.

Frederick, Md.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 39°25'00" N., long. 77°22'30" W. of Frederick Municipal Airport, Frederick, Md.; within a 16-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 350° bearing from the airport and within 3 miles each side of the Frederick VOR 032° radial, extending from the 8-mile radius area to 8.5 miles northeast of the VOR, excluding the portion within P-40.

Frederick, Okla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Frederick, Okla., Municipal Airport (latitude 34°21'09" N., longitude 98°59'21" W.) and within 3.5 miles each side of the 001° bearing from the Frederick, Okla., RBN (latitude 34°23'35" N., longitude 98°59'19" W.) extending from the 8.5-mile radius area to 11.5 miles north of the RBN.

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Fredericksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°15'40" N., 77°26'20" W. of Shannon Airport, Fredericksburg, Va., and within 2 miles each side of the Brooke, Va., VORTAC 227° radial, extending from the 6-mile radius area to 1 mile southwest of the VORTAC.

Freeport, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Albertus Airport (latitude 42°14'50" N., longitude 89°34'45" W.); and within 2 miles each side of the 065° bearing from Albertus Airport, extending from the 6-mile radius area to 8 miles northeast of the airport.

Fremont, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport, Fremont, Mich. (latitude 43°26'31" N.; longitude 85°59'29" W.).

Fremont, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport (latitude 41°26'55" N., longitude 96°30'50" W.).

Fremont, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 41° 20'00" N., long. 83°09'40" W. of Progress Field, Fremont, Ohio, and within 2.5 miles each side of the Waterville, Ohio, VORTAC 108° radial, extending from the 5-mile radius area to 19.5 miles east of the VORTAC.

French Lick, IN.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the French Lick Municipal Airport (latitude 38°30'26" N., longitude 86°37'59" W.) and within 3 miles each side of the 076° bearing from the French Lick Municipal Airport extending from the 6½-mile radius to 8 miles northeast.

Frenchville, Maine
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of the Northern Aroostock Regional Airport (latitude 47°17'15" N., longitude 68°19'00" W.) and within 5 miles each side of the 115° bearing of the Frenchville (FVE) NDB (latitude 47°16'05" N., longitude 68°15'26" W.) extending from the 6-mile radius to 11.5 miles southeast of the NDB, excluding the airspace within Canada.

Fresno, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius area to the VORTAC, excluding the portion within the arc of a 5-mile radius circle centered on the Fresno Air Terminal, and the portion NE of a line 2 miles SW of and parallel to the Fresno VORTAC 143° radial, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to the VORTAC; within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 13 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°29'00" N., longitude 119°15'00" W., to latitude 36°49'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 118°45'00" W., to latitude 36°39'00" N., longitude 119°09'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., thence west via latitude 36°00'00" N., to longitude 119°30'00" W., thence north via longitude 119°30'00" W., to the west edge of V-23, thence north via the west edge of V-23 to latitude 36°37'00" N., longitude 119°56'00" W., to latitude 37°02'03" N., longitude 120°18'00" W., to point of beginning.

Fryeburg, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 43° 59'28" N., long. 70°56'53" W., of Eastern Slopes Airport, Fryeburg, Maine, and within 4.5 miles north and 6.5 miles south of the 118° bearing and the 298° bearing from the Fryeburg NDB, lat. 43°59'21" N., long. 70°56' 58" W., extending from 5.5 miles west of the NDB to 11.5 miles east of the NDB, excluding the portions within the North Conway, N. H., area.

Fulton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 43° 21' 05" N., 76°23'20" W. of Oswego County Airport, Fulton, N. Y.
That airspace extending upward from 1,200 feet above the surface within 5.5 miles each side of the Syracuse, NY., 344° radial, extending from the VORTAC to the United States/Canadian border; and within 5 miles each side of the Watertown, NY., 309° radial extending from the VORTAC to the United States/Canadian border.

Gadsden, Ala.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport (latitude 33°58'25" N.. longitude 86°05'14" W.).

Gage. Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N. longitude 99°46'30" W.).

Gainesville, FL.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.).

Gainesville, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lee Gilmer Memorial Airport (lat. 34°16'37" N., long. 83°49'42" W.); within 9.5 miles northwest and 4.5 miles southeast of the 216° bearing from Gainesville RBN (lat. 34°16'30" N., long. 83°49'56" W.), extending from the RBN to 18.5 miles southwest; excluding the portion within the Lawrenceville, Ga., transition area.

Gainesville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gainesville Airport (lat. 33°39'00" N., long. 99°11'40" W.); and within 3.5 miles each side of the 001° bearing from the Gainesville RBN (lat. 33°42'12" N., long. 97°11'50" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Gaithersburg, Md.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (39° 09'54" N., 77°10'00" W.), of Montgomery County Airpark, Gaithersburg, Md.; within 5 miles each side of the Frederick, Md., VOR 176° radial, extending from the VOR to 13 miles south of the VOR; and within 4.5 miles south and 9.5 miles north of a 292° bearing from the Gaithersburg, Md., RBN (39°10'06" N., 77°09'42" W.), extending from the RBN to 18.5 miles west of the RBN.

Galax, Va.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 36°45'52" N., long. 80°49'20" W. of Twin County Airport; and within 4.5 miles each side of the Pulaski VORTAC 196° radial, extending from the 10.5-mile radius area to 8 miles south of the VORTAC.

Galena, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena VORTAC 089° radial extending from the control zone extension east boundary to 12 miles E of the VORTAC; within 2 miles S and 5 miles N of the Galena VORTAC 269° radial extending from the control zone boundary to 19 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

Galesburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles east and 8 miles west of the Galesburg VOR 019° radial extending from the VOR to 12 miles north of the VOR; within 5 miles northwest and 8 miles southeast of the VOR 214° radial extending from the VOR to 12 miles southwest of the VOR; within a 5-mile radius of the Monmouth Municipal Airport (latitude 40°55'42" N., longitude 90°38'06" W.).

Galeton, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 40'00"N., long. 77°49'15"W., of Cherry Springs Airport, Galeton, Pa., within 3.5 miles each side of the Slate Run, Pa., VORTAC 037° radial, extending from the 7-mile radius area to the Slate Run, Pa., VORTAC.

AMENDMENTS 7/1/76 41 F. R. 21182 (Changed)

Gallipolis, Ohio
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Gallia-Meigs Regional Airport, Gallipolis, Ohio (latitude 38°50'03" N., longitude 82°09'49" W.).

Gallup, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.); within 3.5 miles each side of the Gallup VORTAC 242° radial, extending from the 9-mile radius area to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface witnin an area bounded by a line beginning at latitude 35°47'30" N., longitude 108°34'00" W.; to latitude 35°26'50" N., longitude 108°34'00" W.; to latitude 35°13'15" N., longitude 109°06'00" W.; to latitude 35°20'25" N., longitude 109°10'40" W.; to latitude 35°52'00" N., longitude 108°47'00" W., to point of beginning, excluding the portion which coincides with the State of New Mexico transition area.

Galveston, Tex. (Offshore)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates lat. 28°53'00"N., long. 94°43'00"W.

AMENDMENTS 5/20/76 41 F. R. 12278 (Added)

Garden City, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), within 3 miles each side of the 144° and 324° bearings from Holcomb RBN, extending from the 7-mile radius to 8 miles northwest of the RBN; and 4½ miles east and 9½ miles west of the 004° radial of the Garden City VORTAC extending from the 7-mile radius to 18½ miles north of the VORTAC.

Gaylord, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Otsego County Airport (latitude 45°00'50" N., longitude 84°41'45" W.).

Georgetown, DE.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°41'23" N., long. 75°21'38" W. of Sussex County Airport, Georgetown, DE., and within 2 miles each side of the Waterloo, DE., VORTAC 225° radial extending from the 6.5-mile radius area to the VORTAC.

Georgetown, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brown County Airport (latitude 38°52'55" N., longitude 83°52'58" W.); and within 3 miles either side of the 162° bearing from the airport extending from the 5-mile radius to 8 miles southeast of the airport.

Georgetown, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Georgetown County Airport (latitude 33°19'00" N., longitude 79°19'00" W.); within 3 miles each side of the 213° bearing from Georgetown RBN (latitude 33°18'55" N., longitude 79°19'29" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Georgetown, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gerogetown Municipal Airport (latitude 30°40'47" N., longitude 97°40'52" W.).

Georgia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from the parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at latitude 32°03'25" N., longitude 80°46'30" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; to latitude 31°30'00" N., longitude 80°47'30" W.; to latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; to latitude 30°43'05" N., longitude 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°45'15" N., longitude 80°58'50" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; thence northeast to point of beginning.
AMENDMENTS 11/4/76 41 F.R. 38760 (Changed)

Gibson City, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gibson City Municipal Airport, latitude 40°29'00" N., longitude 88°16'00" W., and within 2 miles either side of the Roberts VORTAC 220° radial extending from the 5-mile radius northeast to Roberts VORTAC.

Gila Bend, Ariz.
That airspace extending upward from 5,500 feet MSL bounded on the north and northeast by the south and southwest edges of V-66, on the east by longitude 111°45'00" W., on the south by latitude 32°27'00" N., and on the west by longitude 113°35'00" W.

Gillette, Wyo.
That airspace extending upward from 700 feet above the surface within 6 miles east and 9.5 miles west of the Gillette VOR (latitude 44°20'52" N., longitude 105°32'34" W.) 176° and 356° radials, extending from 8 miles south to 18.5 miles north of the VOR. That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line between the Crazy Woman VORTAC and the Gillette VOR.

Glasgow, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow Municipal Airport (lat. 37°01'54"N., long. 85°57'10"W.); within 3 miles north and 4.5 miles south of the 252° bearing from Glasgow
RBN (lat. 37°01'03" N., long. 86°00'33" W.), extending from the 9-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 5/20/76 41 F. R. 11273 (Changed)

Glasgow, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within a 9-mile radius of Glasgow AFB (latitude 48°25'21" N., longitude 106°31'55" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Glasgow VOR 127° radial, extending from the VOR to 19½ miles southeast of the VOR; within a 25-mile radius of the Cherry Creek TACAN; within 9½ miles north and 5½ miles south of the Cherry Creek TACAN 125° radial extending from the 25-mile radius area to 33½ miles southeast of the TACAN; within 9½ miles south and 5½ miles north of the Cherry Creek TACAN 292° radial extending from the 25-mile radius area to 33½ miles northwest of the TACAN.

Glendive, Mont.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Dawson Community Airport (latitude 47°08'20" N., longitude 104°48'25" W.); and within 4½ miles northeast and 9½ miles southwest of the 325° bearing from Dawson Community Airport, extending from the 12-mile radius area to 18½ miles northwest of the airport.

Glens Falls, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W., of Warren County Airport extending clockwise from 050° bearing to a 220° bearing from the airport; within an 18.5-mile radius of the center of the airport extending clockwise from a 220° bearing to a 050° bearing from the airport; within 7 miles west and 9.5 miles east of the Glens Falls VORTAC 172° radial extending from the VORTAC to 18.5 miles south of the VORTAC.

Gloucester, Mass.
That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Contol 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2359 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

Gloucester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area. This transition area shall be in effect from sunrise to sunset. dailv.

AMENDMENTS 12/19/75 40 F. R. 58849 (Changed)

Goldsboro, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Seymour-Johnson AFB (lat. 35°20'20" N., long. 77°57'50" W.); within a 6.5-mile radius of Goldsboro-Wayne Municipal Airport (lat. 35°27'30"N., long. 77°58'00"W.); within three miles each side of the 044° bearing
from the Wayne RBN (lat. 35°27'15"N., long. 77°58'26"W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 7/15/76 41 F. R. 16793 (Changed)

Goodland, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.); and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC.

Gordonsville, VA.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 38°09'21" N., long. 78°09'59" W. of Gordonsville Municipal Airport, Gordonsville, VA., and within 2 miles each side of the Gordonsville VORTAC 356° radial, extending from the 7-mile radius area to the VORTAC.

Gorman, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

Goshen, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.), and within 2 miles each side of the Goshen, Ind., VORTAC 090° radial extending from the 5-mile radius area to the VORTAC.

Graham, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (latitude 33°06'20" N., longitude 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (latitude 33°07'48" N., longitude 98°32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Grain Valley, Mo.
That airspace extending upward from 700 feet above the surface within a 5½ mile radius of the East Kansas City Airport (lat 39°00'56"N., long. 94°12'47"W.) and within three miles each side of the 217° radial of the Napoleon, Mo., VORTAC (lat. 39°05'43.5"N., long. 94°07'43.0W.) extending from the 5½ mile radius area to the VORTAC.

AMENDMENTS 9/9/76 41 F. R. 29094 (Rewritten) - Correction: 41 F.R. 37097

Granbury, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Granbury Municipal Airport (latitude 32°26'38" N., longitude 97°49'00" W.); and within 1.5 miles each side of the Acton VORTAC 274° radial extending from the 5-mile radius of the Acton VORTAC.

Grand Canyon, Ariz. (Grand Canyon National Park Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Canyon National Park Airport (lat. 35°57'16" N., long. 112°08'37" W.); and within 3.5 miles each side of the Grand Canyon VOR 211° radial, extending from the 5-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 112°27'00" W., to latitude 36°05'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°27'00" W., thence to point of beginning; and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR.

Grand Forks, ND.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.) within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 173° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.) and within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 180° radial, extending from the 8.5-mile radius to 26½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles east of and parallel to the Red River VOR 180° radial to a line 5 miles northwest of and parallel to the Red River VOR 209° radial.

Grand Island, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 4½ miles northeast and 9½ miles southwest of the Grand Island VORTAC 303° radial, extending from the 10-mile radius area to 18½ miles northwest of the VORTAC; and within 4½ miles east and 9½ miles west of the Grand Island VORTAC 360° radial, extending from the 10-mile radius area to 18½ miles north of the VORTAC.

Grand Isle, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN; within 2 miles each side of the Leeville, Louisiana, VORTAC 052° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the
Leeville, Louisiana, VORTAC 050° radial extending from the 5-mile radius area to 20 miles northeast of the VORTAC.

Grand Junction, Colo.
That airspace extending upward from 700 feet above the surface within 8 miles northwest and 5 miles southeast of the Grand Junction VORTAC 247° and 067° radials extending from 13 miles southwest to 14 miles northeast of the VORTAC and within 2 miles south and 10 miles north of the Grand Junction VORTAC 110° radial extending from the VORTAC to 22 miles southeast; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand
Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles S of the VORTAC, within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

Grand Marais, Minn.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Devils Track Municipal Airport (latitude 47°49'35" N., longitude 90°22'45" W.); and within 4½ miles north and 9½ miles south of the 103° bearing from the Devils Track Municipal Airport, extending from the airport to 18½ miles east of the airport except for that portion which overlies P-204; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 273° bearing from the Devils Track Municipal Airport extending from the airport to 12 miles west of the airport.

Grand Rapids, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.); within 2 miles each side of the 261° bearing from the Kent County Airport extending from the 9-mile radius area to 15½ miles west of the airport.

Grand Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'34" W.); and 5 miles each side of the Grand Rapids VOR 162° radial, extending from the 9½-mile radius area to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Grand Rapids VOR 162° radial extending from the VOR to 18½ miles south of the VOR.

Grandview, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); and within 3 miles each side of the 183° bearing from Johnson County Airport, extending from the 6-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the east edge of V-12; on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); and on the east by the west edge of V-159, excluding the portion which overlies the Emporia and Wichita, Kans., transition areas.

Grayling, Mich.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Grayling Army Airfield (latitude 44°40'45" N., longitude 84°43'45" W.); excluding that portion which overlies restricted areas R-4201 and R-4202.

Great Barrington, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°11'05" N., 73°24'15" W., of Great Barrington Airport, Great Barrington, Mass.; within 2 miles each side of the Runway 5 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the Runway 11 centerline extended from the 5-mile radius area to 13 miles east of the end of the runway; within 2 miles each side of the Runway 23 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; within 2 miles each side of the Runway 29 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 5 miles east and 8 miles west of the 152° bearing from Great Barrington, Mass., RBN 42°10'58" N., 73°24'17" W., extending from the RBN to 12 miles southeast of the RBN.

Great Bend, Kansas
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.) and within 2 miles each side of the 301° bearing from the Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport.

Great Bend, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 44° 03'15" N., 75°43'15" W. of Wheeler-Sack AAF, N. Y.; within an 8-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 135° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 135° bearing to a 165° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 165° bearing to a 195° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 242° bearing from the airport within 4.5 miles each side of the Watertown, N. Y., VORTAC 066° radial, extending from the 6.5-mile radius area and the 10.5-mile radius area to the VORTAC, and within 5 miles each side of the Watertown, N. Y., VORTAC 069° radial, extending from the 6.5-mile radius area and the 10.5-mile radius area to the VORTAC. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43° 44'00" N., 75°49'15" W., thence clockwise along an arc with a radius of 40 miles from the center of Griffiss AFB, Rome, N. Y., to longitude 75°30'00" W., thence north along longitude 75°30'00" W., to 44°08'00" N., 75° 30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W., to point of beginning, excluding the portion which coincides with the Watertown, N. Y., 700-foot and 1,200-foot transition areas.

AMENDMENTS 7/8/76 41 F. R. 22344 (Changed)

Great Falls, Mont.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.), within 3.5 miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN and within 3 miles each side of the Great VOR 157° radial, extending from the 17-mile radius area to 21.5 miles southeast of the VOR.
and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile radius area to 56 miles west of the VOR.

Greeley, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Weld County Airport (latitude 40°25'35" N., longitude 104°37'45" W.) and within 3.5 miles each side of the Gill VOR 038° and 218° radials extending from the 6-mile radius area to 11 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Gill VOR 038° and 218° radials, extending from 20 miles northeast to 13 miles southwest of the VOR.

Green Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.); within 2½ miles each side of the Green Bay ILS southwest localizer course extending from the 9-mile radius to 8 miles southwest of the OM; within 5 miles each side of the Green Bay VORTAC 326° radial, extending from the 9-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the Green Bay ILS localizer northeast course extending from the 9-mile radius to 14 miles northeast of the airport.

Greencastle, Ind.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Putnam County Airport (lat. 39°38'00"N., long. 86°48'45"W.).

AMENDMENTS 9/9/76 41 F. R. 26567 (Added)

Greeneville, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greeneville Municipal Airport (lat. 36°11'30" N., long. 82°49'01" W.); within 9.5 miles southeast and 4.5 miles northwest of the 038° bearing from Greene County RBN (lat. 36°11'26" N., long. 82°48'50" W.), extending from the RBN to 18.5 miles northeast of the RBN; excluding the portion within the Tri-City, Tennessee transition area.

Greensboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greensboro/ High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.); within 5 miles each side of Greensboro VORTAC 035° radial, extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC; within 4 miles each side of Greensboro VORTAC 207° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of Greensboro ILS localizer northwest course, extending from the LOM to 18.5 miles northwest.

Greenville, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Greenville Municipal Airport (latitude 31°50'44" N., longitude 86°36'38" W.); within 3 miles each side of the 148° bearing from Persimmon RBN (latitude 31°51'03" N., longitude 86°36'52" W.), extending from the 6.5-mile radius area to 8.5 miles southeast of the RBN.

Greenville, Ill.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Greenville, Illinois, Airport (latitude 38°50'12" N., longitude 89°22'38" W.), and within 2 miles each side of the 348° bearing from Greenville Airport extending from the 6.5-mile radius to 8 miles north of the airport.

Greenville, Ky.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Muhlenberg County Airport (lat. 37°13'30"N., long. 87°09'31"W).

AMENDMENTS 11/4/76 41 F.R. 37097 (Added)

Greenville, Maine
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 45°27'47" N., long. 69°33'21" W.), Greenville Municipal Airport, Greenville, Maine, within 3.5 miles each side of a 212° bearing from the Greenville, Maine, NDB, extending from the 8.5-mile radius area to a point 10 miles southwest of the Greenville NDB, within a 6.5-mile radius of the center (lat. 45°28'10" N., long. 69°36'00" W.) Greenville Seaplane Base, Greenville, Maine, within 3.5 miles each side of a 181° bearing from the Greenville NDB extending from the 6.5-mile radius area to a point 9.5 miles south of the Greenville NDB.

Greenville, Miss.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville International Airport (lat. 33°29'05"N., long. 90°59'20"W.); within 3 miles each side of the Greenville VOR 358° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; within 3 miles each side of the 181° bearing from Metcalf RBN, extending from the 8.5-mile radius area south of the RBN.

AMENDMENTS 5/20/76 41 F. R. 8337 (Changed)

Greenville, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pitt-Greenville Airport (latitude 35°37'55" N., longitude 77°23'05" W.); within 3 miles each side of the 007° bearing from Alwood RBN (latitude 35°42'32" N., longitude 77°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

Greenville, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 9.5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 4 miles each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 9.5-mile radius area to 15 miles northeast of the airport.

Greenville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Majors Airport (latitude 33°04'00" N., longitude 96°03'45" W.); and within 2 miles each side of the Majors VOR 188° radial, extending from the 7-mile radius area to 8 miles S of the VOR.

Greenwood, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Greenwood-Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 1.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 10-mile radius area to the VORTAC.

Greenwood, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.).

Groton, Conn.
That airspace extending upwards from 700 feet above the surface within the area bounded by a line beginning at 41°10'30" N., 72°00'00" W. to 41°12'00" N., 72°10'00" W. to 41°18'00" N., 72°14'00" W. to 41°27'00" N., 72°09'00" W. to 41°25'00" N., 71°42'00" W. to 41°18'00" N., 71°42'00" W. to 41°16'00" N., 71°49'00" W. to 41°13'00" N., 71°48'00" W. to point of beginning.

Grove City, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°08'42"N., 80°09'54"W. of Grove City Airport, Grove City, Pa., and within 2 miles each side of the Ellwood City, Pa., VORTAC 005° radial, extending from the 5-mile radius area to 16.5 miles north of the VORTAC.

AMENDMENTS 7/22/76 41 F. R. 21183 (Added)
AMENDMENTS 8/9/76 41 F.R. 33247 (Changed)

Gruver, Tex.
That airspace extending upward from 700 feet above the surface within a 6-statute mile radius of the Cluck Ranch Airport (latitude 36°10'45" N., longitude 101°41'40" W.).

AMENDMENTS 3/25/76 41 F. R. 1583 (Added)

Guam Island
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°46'35" N. longitude 144°51'15" E.. thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning.
and that airspace extending upward from 1,200 feet above the surface within a 100-nautical mile radius of the Agana VOR and within a 35-nautical mile radius of the Saipan RBN, excluding the portion within W-517.

Gulfport, Miss.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gulfport Municipal Airport (lat. 30°24'28" N., long. 89°04'05" W.); within 3.5 miles each side of Gulfport VORTAC 050°, 129°, 213°, and 319° radials, extending from the 8.5-mile radius area to 11 miles northeast, southeast, southwest and northwest of the VORTAC; within an 8.5-mile radius of Keesler AFB (lat. 30°24'39" N., long. 88°55' 26"W.); within 4.5 miles each side of Keesler TACAN 041° and 203° radials, extending
from the 8.5-mile radius area to 12.5 miles northeast and southwest of the TACAN.
AMENDMENTS 5/20/76 41 F. R. 8337 (Changed)

Gulkana, Alaska
That airspace extending upward from 700 feet above the surface within 6 miles E and 10.5 miles W of the 346° radial extending from Gulkana VORTAC to 22 miles N of the VORTAC; within 4.5 miles E and 9.5 miles W of the 181° radial extending from the Gulkana VORTAC to 18.5 miles S of the VORTAC; and within a 16.5-mile radius of the Gulkana VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8.5 miles E and 5.5 miles W of the Gulkana VORTAC 184° radial extending from 9 miles S to 30 miles S of the VORTAC; and within 8.5 miles W and 5.5 miles E of the Gulkana VORTAC 356° radial extending from 9 miles N to 30 miles N of the VORTAC.

Gunnison, Colo.
That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 12 miles northeast to 19 miles southwest of the VORTAC.

Gustavus, Alaska
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VORTAC; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RBN, extending from 16 miles NW to 48 miles SE of the RBN.

Guthrie, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Guthrie Municipal Airport (latitude 35°50'30" N., longitude 97°25'00" W.) and within 3 miles each side of the 349° true bearing from the Guthrie RBN (latitude 35°51'04" N., longitude 97°25'10" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

Guthrie, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of latitude 33°38'25" N., longitude 100°20'50" W., and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR.

Guymon, Okla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Guymon Municipal Airport (latitude 36°40'45" N., longitude 101°30'30" W.), and within 3.5 miles each side of the 006° bearing from the Guymon RBN (latitude 36°42'19" N., longitude 101°30'17" W.) extending from the 8-mile radius area to 11 miles north of the RBN.

Gwinner, N. Dak.
That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of the Gwinner Municipal Airport (latitude 46°13'10" N., longitude 97°38'27" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Gwinner Municipal Airport, and within 9.5 miles west and 4.5 miles east of the 167° T bearing from the Gwinner NDB (latitude 46°13'24" N., longitude 97°38'35" W.), extending from the 12-mile radius area to 18.5 miles south of the NDB;
and from 5 miles west of the 017° bearing from the Gwinner NDB clockwise to 5 miles south of the 088° bearing from the NDB, extending from the 12-mile radius area to the boundary of the Fargo, North Dakota, transition area.
AMENDMENTS 1/29/76 40 F. R. 54239 (Changed)

Hagerstown, Md.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 39°42' 27" N., 77°43'50" W., of Hagerstown Regional Airport, Hagerstown, Md.; within 3.5 miles each side of the Hagerstown, Md., VOR 239° radial and 059° radial, extending from 11 miles southwest of the VOR to 3 miles northeast of the VOR; within 5 miles each side of the Hagerstown Regional Airport ILS Runway 27 localizer course, extending from the localizer to 14.5 miles east of the localizer.

Haleyville, Ala.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Haleyville Municipal Airport (lat. 34°16'40" N., long. 87°36'05" W.); within 5 miles each side of Hamilton VORTAC 077° radial, extending from the 5.5-mile radius area to 11.5 miles E of the VORTAC.

Hallock, Minn.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 5 miles southwest of the Pembina VORTAC 135° radial extending from 6 miles southeast of the VORTAC to 22.5 miles southeast of the VORTAC, and that airspace extending upward from 1,200 feet above the surface 4.5 miles northeast and 7 miles southwest of the 315° radial and the 135° radial of Pembina VORTAC extending from 6 miles southeast of the VORTAC to 12.5 miles northwest of the VORTAC excluding that airspace north of latitude 49°00'00" N.; within 9.5 miles northeast and 4.5 miles southwest of the Pembina VORTAC 135° radial extending from 17.5 miles southeast of the VORTAC to 36 miles southeast of the VORTAC; and that airspace within a 29.5 mile radius of the Pembina VORTAC extending counterclockwise from the 183° radial to 4.5 miles southwest of and parallel to the 135° radial.

Hamilton, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Marion County Airport (lat. 34°07'10" N., long. 87°59'53" W.); within 3 miles each side of Hamilton VORTAC 349° radial extending from the 9-mile radius area to 8.5 miles northwest of the VORTAC.

Hamilton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center lat. 42°50'35" N., long. 75°33'40" W. of AMA Executive Airport, Hamilton, N. Y., and within 5 miles each side of the Georgetown, N. Y., VORTAC 074° and 254° radials extending from the 6.5-mile radius area to 4.5 miles west of the Georgetown, N. Y., VORTAC.

Hamilton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 5 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio, transition areas.

Hammond, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hammond Municipal Airport (latitude 30°31'15" N., longitude 90°25'00" W.), and within 3 miles each side of the New Orleans VORTAC 337° T radial extending from the 5-mile radius to 28 miles northwest of the VORTAC.
PENDING AMENDMENT
Hammond, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hammond Municipal Airport (latitude 30°31'15" N., longitude 90°25'00" W.) within 2.5 miles either side of the Hammond VOR 354° radial extending 2 miles from the 5-mile radius, and within 2.5 miles either side of the Hammond VOR 128° radial extending 2 miles from the 5-mile radius.

AMENDMENTS 2/24/76 41 F. R. 50806 (Rewritten)

Hammonton, N. J.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of lat. 39°40'30" N., long. 74°44'30" W. of Hammonton Municipal Airport, Hammonton, N. J.;within 2 miles each side of the Millville, N. J., VORTAC 051° radial extending from the 5.5-mile radius area to 7.5 miles northeast of the VORTAC.

Hampton, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hampton Municipal Airport (latitude 42°43'35" N., longitude 93°13'35" W.); excluding that airspace which overlies the Mason City, Iowa, transition area.

Hanford, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of the Hanford Municipal Airport (latitude 36°19'04" N., longitude 119°37'39" W.), and within 2 miles each side of the Visalia TVOR 246° radial extending from the 3-mile radius area toward the Visalia TVOR to abut the currently designated Visalia 700-foot transition area, excluding that airspace within a 1-mile radius of the Blair (private) Airport (latitude 36°16'31" N., longitude 119°38'23" W.).

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Hanksville, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hanksville (FAA Site 54) Airport (latitude 38°25'01" N., longitude 110°41'57" W.), and within 3.5 miles each side of the Hanksville VORTAC 106° radial, extending from the 5-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9.5 miles south of the Hanksville VORTAC 286° and 106° radials, extending from 7.5 miles west to 18.5 miles east of the VORTAC.

Hannibal, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hannibal, Missouri, Municipal Airport (latitude 39°43'30" N., longitude 91°26'35" W.); and within 3 miles each side of the 162° bearing from the Hannibal Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport, excluding that portion which overlies the Quincy, Illinois, transition area.

Harlan, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Harlan Municipal Airport (latitude 41°35'15" N., longitude 95°20'15" W.); and within 5 miles each side of the Neola, Iowa, VORTAC 064° radial, extending from the 7-mile radius area to 8 miles northeast of the VORTAC.

Harlingen, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°13'36" N., longitude 97°39'12" W.); within 3.5 miles either side of the Harlingen ILS localizer north course extending from the 5-mile radius zone to 11.5 miles north of the outer marker (latitude 26°18'17.7" N., longitude 97°39'28.2" W.); within 1.5 miles each side of the localizer (latitude 26°12'48" N., longitude 97°39'31" W.) back course 181° T radial extending from the 5-mile radius zone to 5.5 miles south of the localizer and within 2 miles either side of the Harlingen VOR 118° radial extending from the 5-mile radius zone to the VOR.

Harrisburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Harrisburg-Raleigh Airport (latitude 37°48'45" N., longitude 88°33'00" W.); and within 3 miles each side of the 049° bearing from Harrisburg-Raleigh Airport, extending from the airport to 8 miles northeast of the airport.

Harrisburg, Pa.
That airspace extending upward from 700 feet above the surface within a 19.5-mile radius of the center, 40° 12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa., extending clockwise from a 009° bearing to a 035° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 035° bearing to a 099° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 099° bearing to a 161° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 161° bearing to a 233° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 290° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 009° bearing from the airport; within 5.5 miles each side of the Harrisburg, Pa., VORTAC 274° radial, extending from the VORTAC to 11.5 miles west of the VORTAC; within 9.5 miles north and 4.5 miles south of the Capital City Airport ILS localizer west course, extending from the OM to 18.5 miles west of the OM; within a 12.5-mile radius of the center, 40°11'34" N., 76°45'48" W., of Harrisburg International Airport-Olmsted Field, Middletown, Pa., extending clockwise from a 025° bearing to a 078° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 147° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 228° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 270° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 025° bearing from the airport.

Harrison, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Boone County Airport (lat. 36°15'55"N., long. 93°09'14"W.), within a 12.5-mile radius of the airport extending from the Harrison VOR 140° radial clockwise to the 320° radial and within 3.5 miles each side of the Harrison VOR 320° radial extending from the 6.5-mile radius area to 11.5 miles northwest of the VOR.

AMENDMENTS 7/15/76 41 F. R. 17373 (Rewritten)

Hartford, Conn.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 41°56'19" N., long. 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 6.5 miles southeast and 4 miles northwest of the Bradley International Airport back-course localizer northeast course, extending from the 11.5-mile radius area to 19.5 miles northeast of the Bradley International Airport; within 4.5 miles northwest and 15.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile radius area to 18.5 miles southwest of the OM; within a 9-mile radius of the center 41°45'10" N., 72°37'25" W. of the Rentschler Field, East Hartford, Conn.; within 3.5 miles each side of a 130° bearing from the Brainard NDB extending from the NDB to 11.5 miles southeast of the NDB; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VORTAC; within 2 miles each side of the Hartford VORTAC 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VORTAC; within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest; excluding those portions that coincide with the Chicopee Falls, Mass., 700-foot transition area.

Hartford, Wisc.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Hartford Airport (latitude 43°20'55" N., longitude 88°23'30" W.).

Hartsville, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hartsville Municipal Airport (latitude 34°24'15" N., longitude 80°07'04" W.); within 3 miles each side of the 014° bearing from Hartsville RBN (latitude 34°24'25" N., longitude 80°06'56" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Darlington, S. C., transition area.

Haskell, Tex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Haskell, Tex., Municipal Airport (latitude 33°12'18" N., longitude 99°42'43" W.).

AMENDMENTS 1/29/76 40 F. R. 53550 (Added) Corr: 40 F. R. 56424

Hastings, Mich.
That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Hastings Municipal Airport (latitude 42°39'50" N., longitude 85°20'50" W.); and within 2 miles each side of the Grand Rapids, Mich., VOR 141° radial extending from the 6½ mile radius area to the Grand Rapids VOR, excluding the portion which overlies Grand Rapids, Mich. 700-foot floor transition area.

Hastings, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 323° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles NW of the airport; within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles SE of the airport.

Hattiesburg, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 1.5 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hub City RBN (latitude 31°17'57" N., longitude 89°18'01" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN; within an 8.5-mile radius of the Pine Belt Regional Airport (latitude 31°28' 03" N., longitude 89°20'11.6" W.); within 3 miles each side of the Hattiesburg VORTAC 182° radial, extending from the 8.5-mile radius area to 8.5 miles south of the VORTAC.

Haverhill, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass. transition area. This transition area shall be effective from sunrise to sunset, daily.

Havre, Mont.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Havre VOR; within 4½ miles south and 9½ miles north of the Havre VOR 080° radial, extending from the 14-mile radius area to 18½ miles east of the VOR; and within 4½ miles north and 9½ miles south of the Havre VOR 287° radial, extending from the 14-mile radius area to 18½ miles west of the VOR.

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Hawaiian Islands.
That airspace extending upward from 14,500 feet MSL within the area bounded by lines beginning at latitude 22°24'N., longitude 161°15' W., to latitude 23°53' N., longitude 159°30' W., to latitude 22°31' N., longitude 156°05' W., to latitude 21°47' N., longitude 155°32' W., to latitude 19°44' N., longitude 153°15' W., to latitude 18°20' N., longitude 153°32° W., to latitude 17°15' N., longitude 155°40' W., to latitude 19°43' N., longitude 158°00' W., to latitude 20°46' N., longitude 159°29' W., to latitude 21°18' N., longitude 159°32' W., to latitude 21°30' N., longitude 159°32' W., to latitude 21°30' N., longitude 161°00' W., to latitude 21°56' 30" N., longitude 161°20' W., to the point of beginning. The airspace within control area extensions, transition areas, Federal airways, warning areas W-318, W-319, W-320, W-321, W-322, W-511, W-512, and the airspace less than 1,500 feet above the terrain is excluded.

Hayden, Colo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the Hayden, Colo., VOR 248° radial extending from the VOR to 18 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at 40°06'00"N., long. 107° 00'00"W.; to lat. 40°43'00"N., long. 107°00'00"W.; to lat. 40°43'00"N., long. 107°45'00"W.; to lat. 40°35' 00"N., long. 107°45'00"W., to lat. 40°35'00"N., long. 108°08'00"W., to lat. 40°22'00"N., long. 108°08'00"W., to lat. 40°22'00"N., long. 107°45'00"W.; to lat. 40°07'30"N., long. 107°45'00"W.; thence along the north edge of V-200 to the point of beginning.

AMENDMENTS 9/9/76 41 F. R. 27958 (Rewritten)

Hays, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.).

Hayward and Cable, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hayward Municipal Airport (latitude 46°01'00" N., longitude 91°27'00" W.) and within an 8-mile radius of Cable Union Airport (latitude 46°11'30" N., longitude 91°15'00" W.) and within 4½ miles each side of the 206° bearing from the Hayward Airport extending from the 7-mile radius to 11 miles southwest of the airport and within 4½ miles east and 9½ miles west of the 023° bearing from the Hayward Airport extending from the 7-mile radius to 18½ miles northeast of the airport.

Hazlehurst, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hazlehurst Airport (lat. 31°53'00" N., long. 82°38'45" W.); within 2.5 miles each side of Alma VORTAC 342° radial, extending from the 6-mile radius area to 18 miles north of the VORTAC.

Hazleton, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within 3.5 miles each side of the Hazleton VOR 262° radial, extending from the 8.5-mile radius area to 11.5 miles west of the VOR; within 4.5 miles each side of the Hazleton VOR 084° radial, extending from the 8.5 mile radius area to 19 miles east of the VOR; within 4.5 miles each side of the Hazleton Municipal Airport ILS localizer east course, extending from the OM to 10 miles east of the OM.

Heber, Ariz.
That airspace extending upward from 12,000 feet MSL bounded by a line beginning at latitude 34°39'00" N., longitude 111°39'00" W., to latitude 34°43'00" N., longitude 111°24'00" W., to latitude 34°43'00" N., longitude 110°20'00" W., thence south via longitude 110°20'00" W., to the north edge of V-190N, thence west and southwest via the north and northwest edges of V-190N to latitude 34°03'30" N., longitude 111°05'00" W., to latitude 34° 10'00" N., longitude 111°30'00" W., to latitude 34°10'00" N., longitude 111°43'00" W., to point of beginning.

AMENDMENTS 1/29/76 40 F. R. 58131 (Rewritten)

Heber Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Heber Springs, Ark., Airport (latitude 35°30'41" N., longitude 92°00'25" W.).

Helena, Mont.
That airspace extending upward from 700 feet above the surface within a 16½-mile radius of the Helena VORTAC (latitude 46°36'25" N., longitude 111°57'09" W.), extending from the Helena VORTAC 352° radial clockwise to the 191° radial;
and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the Helena VORTAC; within 6 miles south and 9 miles north of the Helena VORTAC 272° radial, extending from the 24-mile radius area to 45 miles west of the VORTAC; within 15.5 miles west and parallel to the Helena VORTAC 352° radial, extending from the 24-mile radius area to 31 miles north of the VORTAC; within 5 miles east and 9 miles west of the Helena VORTAC 023° radial, extending from the 24-mile radius area to 36 miles northeast of the VORTAC; and within 6 miles south and 9.5 miles north of the Helena VORTAC 102° radial, extending from the 24-mile radius area to 28.5 miles east of the VORTAC.

Henderson, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Henderson Airport (lat. 37°48'27" N., long. 87°41'00" W.); within 1.5 miles each side of Evansville, Ind., VORTAC 152° radial, extending from the 5.5-mile radius area to the VORTAC; excluding the portion within Evansville, Ind., transition area.

Henderson. Tex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Rusk County Airport, Henderson, Tex. (latitude 32°08'30"N., longitude 94°51'15"W.), and within 5 miles each side of the Gregg County, Tex., VORTAC 197° radial extending from the 8.5-mile-radius area to a point 11.5 miles south of the Gregg County, Tex., VORTAC.

AMENDMENTS 11/4/76 41 F.R. 33247 (Added)

Henryetta, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Henryetta Municipal Airport (latitude 35°24'40" N., longitude 96°00'50" W.), and within 3.5 miles each side of the 186° bearing from the Henryetta RBN extending from the 5-mile radius area to 8.5 miles south of the RBN.

Hershey, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, lat. 40° 17'35" N., long. 76°39'40" W. of Hershey Airpark, Hershey, Pa.; within a 7-mile radius of the center of the airport extending clockwise from a 092° bearing to a 041° bearing from the airport.

AMENDMENTS 7/22/76 41 F. R. 24579 (Changed)

Hibbing, Minn.
That airspace extending upward from 700 feet above the surface within an 11½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'19" W.); within 5 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 26 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'55" N., longitude 92°30'03" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 196° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC, extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 196° radial; within 4½ miles northeast and 10 miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile radius area to 33½ miles northwest of the VORTAC, excluding the portion which overlies the Duluth, Minn., transition area.

Hickory, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hickory Municipal Airport (latitude 35°44'30"N., longitude 81°23'20"W.); within 5 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 11.5 miles northeast of the airport.
AMENDMENTS 5/20/76 41 F. R. 11273 (Rewritten)

Higginsville, Missouri
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Higginsville Municipal Airport (latitude 39°04'20" N., longitude 93°40'39" W.); and within 3 miles either side of the 351° bearing from the airport, extending from the 5.5-mile radius to 8 miles north of the airport.

Highgate, Vermont
That airspace extending upward from 700 feet above the surface within an arc of a 5-mile radius circle centered on Franklin County State Airport, Highgate, Vermont (lat. 44°56'26" N., long. 73°05'54" W.) extending clockwise between the 305° and 050° bearings from the Franklin County State Airport; within an arc of a 7-mile radius circle centered on Franklin County State Airport, extending clockwise between the 050° and 305° bearings of Franklin County State Airport; within 6.5 miles northwest and 4 miles southeast of Plattsburgh, New York VORTAC 060° radial extending from the radius area to the VORTAC, excluding that portion of the Plattsburgh, New York, 700-foot transition area.

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Hillsboro, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Highland County Airport (latitude 39°11'21" N., longitude 83°32'18" W.).

Hillsboro, Oreg.
That airspace extending upward from 700 feet above the surface witnin a 5-mile radius of the Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles of each side of the Newberg, Oreg., VORTAC 007° and 187° radials, extending from the 5-mile radius area to 1 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 15 miles SE and 10 miles NW of the Newberg VORTAC 024° and 204° radials, extending from 12 miles NE to 27 miles SW of the VORTAC.

Hillsboro, Wis.
That airspace extending upward from 700 feet above the surface within a 8-mile radius of the Kickapoo Airport (latitude 43°39'24" N., longitude 90°19'41" W.).

Hillsdale, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hillsdale, Mich., Airport (latitude 41°55'15" N., longitude 84°35'05" W.), and within 2 miles each side of the Litchfield, Mich., VORTAC 140° radial extending from the 5-mile radius area to 8 miles northwest of the airport.

Hilltop Lakes, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hilltop Lakes Airport (latitude 31°04'50" N., longitude 96°12'50" W.), and within 2 miles each side of the Leona VORTAC 258° radial extending from the 5-mile radius area to 9 miles west of the VORTAC.

Hilo, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), extending clockwise from a line 2 miles southwest of and parallel to the Hilo VORTAC 321° radial to a line 2 miles south of and parallel to the Hilo VORTAC 099° radial; and that airspace extending upward from 1,200 feet above the surface northeast of Hilo bounded on the north by V-21, on the south by V-22 and on the west by V-19; that airspace east of Hilo bounded on the north by V-22, on the east by the Honolulu FIR/Oceanic CTA and on the south by V-15; that airspace south of Hilo within the arc of a 21-mile radius circle centered on the Hilo, Hawaii, VORTAC, extending clockwise from V-15 to a line 9 miles southwest of and parallel to the 157° radial of the Hilo VORTAC.

Hilton Head Island, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport (latitude 32°13'20" N., longitude 80°41'55" W.), excluding the portion outside the continental limits of the United States.

Hobart, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-
mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360°
and 180° bearings from latitude 34°33'53" N., longitude 99°16'24" W.; extending from 24 miles N to 12 miles S of latitude 34°33'53" N., longitude 99°16'24" W.

Hobbs, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), within 3.5 miles each side of the Hobbs VORTAC 222° radial extending from the VORTAC to 11.5 miles SW, and within 5 miles each side of the Hobbs VORTAC 042° radial extending from the VORTAC to 21 miles NE.

Holdrege, Nebr.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brewster Field (latitude 40°27'15" N., longitude 99°20'15" W.); and within 3 miles each side of the 011° bearing from Brewster Field, extending from the 5-mile radius area to 8 miles north of the airport.

Holland, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.); within a 6-mile radius of Tulip City Airport (latitude 42°44'45" N., longitude 86°06'30" W.); within 3 miles each side of the 175° bearing from Park Township Airport, extending from the 6-mile radii area to 8 miles south of the airport; and within 2 miles each side of the Pullman, Mich., VORTAC 359° radial, extending from the 6-mile radii area to 12 miles north of the VORTAC.

Holly Springs, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Holly Springs-Marshall County Airport (lat. 34°48'12" N., long. 89°31'16" W.); within 2 miles each side of Holly Springs VORTAC 336° radial, extending from the 6.5-mile radius area to 11 miles northwest of the VORTAC.

Homer, Alaska
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Homer localizer antenna site (latitude 59°39'08" N., longitude 151°27'22" W.); and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Homer VORTAC extending from the 209° radial clockwise to the 252° radial.

Homer, La.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Homer Municipal Airport (lat. 32°47'19"N., long. 93°00'13"W.) and within 3.5 miles each side of the Homer, La., Municipal Airport NDB (lat. 32°47'24"N., long. 93°00'02"W.) 296° bearing extending from the 6.5-mile radius area to a point 12.0 miles west of the NDB.

AMENDMENTS 9/9/76 41 F. R. 24581 (Added)

Homerville, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Homerville Airport (latitude 31°03'00" N., longitude 82°46'30" W.); within 3 miles each side of the 310° bearing from the Homerville RBN (latitude 31°03'17" N., longitude 82°46'16" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

Honesdale, PA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 41°30'52" N., long. 75°15'10" W. of Cherry Ridge Airport, Honesdale, PA., and within 5 miles each side of the Wilkes-Barre VORTAC 054° radial extending from the 6.5-mile radius area to 10 miles northeast of the Wilkes-Barre VORTAC.

Honolulu, Hawaii.
That airspace extending upward from 700 feet above the surface south and southeast of Honolulu beginning at latitude 21°20'30" N., longitude 157°51'15" W. thence south to latitude 21°15'30" N., longitude 157°49'15" W. thence west to latitude 21°09'50" N., longitude 158°09'50" W. thence northwest to latitude 21°10'10" N., longitude 158°11'55" W. thence northeast along a line 4.5 miles southeast of and parallel to the Honolulu VORTAC 242° radial to and counterclockwise along the arc of a 5-mile radius circle centered on NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.) to and counterclockwise along the arc of a 5-mile radius circle centered on Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.) to the point of beginning, and within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from 13 miles to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above
the surface within a 30-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°09'00" N., longitude 158°24'45" W. to latitude 21°15'00" N., longitude 157°31'45" W., thence W to latitude 21°15'00" N., longitude 157°36'30" W., thence within a 25-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°15'00" N., longitude 157°36'30" W. to latitude 21°10'10" N., longitude 158°20'30" W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15" N., longitude 158°26'45" W., thence to latitude 21°42'05" N., longitude 158° 54'00" W., thence to latitude 21°13'30" N., longitude 159°04'50" W., thence to latitude 21°07'30" N., longitude 158°31'00" W., thence to latitude 21°09'00" N., longitude 158°24'45" W.; that airspace northwest of Honolulu, extending from the 30-mile radius area bounded on the northeast by W-322D, on the west by the Lihue transition area, and on the southwest by V-2; and that airspace southeast of Honolulu bounded on the northeast by V-16, on the east by longitude 157°17'00" W., on the south by a line extending from latitude 20°47'15" N., longitude 157°17'00" W. to latitude 20°48'00" N., longitude 157°30'00" W. through latitude 20°52'00" N., longitude 157°50'00" W. to a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, and on the west by a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, excluding the portion within W-322D and the portion within the Kaneohe control zone and the Kaneohe transition area.

Honolulu, Hawaii (Wheeler AFB)
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Honolulu VORTAC 358° radial extending from the arc of a 3-mile radius circle centered on Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.) to the INT of the Honolulu, Hawaii, VORTAC 358° and the Koko Head, Hawaii, VOR 298° radials.

Hope, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hope Municipal Airport (latitude 33°43'06" N., longitude 93°39'30" W.); and within 2 miles each side of the Texarkana VORTAC 058° radial extending from the 6-mile radius area to 17 miles northeast of the Texarkana VORTAC.

Hopedale, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 42°06' 25" N., 71°30'40" W., of the Hopedale Draper Airport, Hopedale, Massachusetts, within 5 miles southeast and 6.5 miles northwest of the 060° radial from the Putnam VORTAC, 41°57'19" N., 71°50'41" W., extending from the 6-mile radius area to the Putnam VORTAC, excluding that portion that coincides with the Danielson, Connecticut, and the Southbridge, Massachusetts, transition area.

Hopewell, VA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 37°18'00" N., long. 77°13'00" W. of Hopewell Airport, Hopewell, VA.

Hopkinsville, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 3 miles each side of the 044° bearing from Campbell RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within an 8.5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15"N., long. 87°24'52"W.); within a 5-mile radius of Sabre Army Heliport, F. Campbell, Ky. (lat. 36°34'14"N., long. 87°28'50"W.).

AMENDMENTS 11/4/76 41 F.R. 37098 (Changed)

Hoquiam, Wash.
That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam VORTAC 088° radial, extending eastward between the arcs of 5- and 13-mile radius circles centered on Bowerman Field, (lat. 46°58'15" N., long. 123°56'05" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9 miles south of the Hoquiam VORTAC 081° and 261° radials, extending from 8 miles east to 19 miles west of the VORTAC, excluding that portion coinciding with W-237.

Hornell, NY.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 42°22'30" N., long. 77°40'45" W. of Hornell Municipal Airport, extending clockwise from a 319° bearing to a 352° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 352° bearing to a 028° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 028° bearing to a 074° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 096° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 131° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 131° bearing to a 157° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 252° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 290° bearing from the airport and within a 10.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 319° bearing from the airport. This transition

Hot Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3.5 miles each side of the 248° bearing from the Hot Springs RBN extending from the 15-mile radius area to 11.5 miles west of the RBN.

Hot Springs, Va.
That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va.

Houghton, Mich.
That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Calumet RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 10½ miles southwest of the Houghton ILS localizer northwest course, extending from the airport to 24½ miles northwest; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton ILS localizer southeast course extending from the airport to 23½ miles southeast.

Houlton, Maine
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine.
That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

Houma, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

Houston, Tex.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 30°35'00" N., longitude 95°28'00" W.; thence to latitude 29°45'00" N., longitude 94°44'00" W.; thence to the intersection of the arc of a 5-mile radius circle centered on Scholes Field, Galveston, Tex. (latitude 29°15'55" N., longitude 94°41'35"W.), and latitude 29°16'00" N., at a point east of Scholes Field; thence clockwise along the arc of the 5-mile radius circle to latitude 29°16'00" N., at a point west of Scholes Field; thence to latitude 29°30'00" N., longitude 95°54'00" W.; to latitude 30°26'00" N., longitude 95°42'00" W., to point of beginning and including within 3.5 miles each side of the 335° T (227°M) bearing from the Lakeside Airport NDB (latitude 29°50'52" N., longitude 95°41'19" W.) extending from the NDB to 11.5 miles northwest.

Howell, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Howell, Mich., Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Mich., 308° radial extending from the 6-mile radius area to 7 miles southeast of the airport.

Hudson, New York
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 42°17'35" N., long. 73°42'38" W. of Columbia County Airport, Hudson, N. Y.; within a 17-mile radius of the center of the airport extending clockwise from a 025° bearing to a 180° bearing from the airport; within 3.5 miles each side of a 194° bearing from the Philmont, N. Y., radio beacon (lat. 42°15'08" N., long. 73°43'24" W.), extending from the 8-mile radius area to 11.5 miles south of the RBN.

Hugo, Colo.
That airspace south and east of Hugo, Colo., VOR extending upward from 8500 feet MSL, bounded on the west by V-19, on the northwest by V-108 and V-169, on the north by V-4, on the northeast by V-17, on the southeast by V-216, and on the south by V-210, excluding the airspace within Federal airways, the Pueblo and Colorado Springs, Colo., transition areas and the State of Kansas.

AMENDMENTS 5/20/76 41 F. R. 8338 (Rewritten)

Humboldt, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Humboldt Municipal Airport (lat. 35°48'00" N., long. 88°52'00" W.); within 2.5 miles each side of the Dyersburg VORTAC 121° radial, extending from the 5-mile radius area to 23 miles southeast of the VORTAC.

Huntingburg, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'00" N., longitude 86°57'00" W.); and within 3 miles either side of an 072° bearing from the Huntingburg Airport extending from the 6-mile radius to 8 miles ENE of the airport.

Huntington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Huntington Municipal Airport (latitude 40°51'15" N., longitude 85°27'50" W.), excluding the portion which overlies the Fort Wayne, Ind., 700-foot floor transition area.

Huntington, W. Va.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, latitude 38°22'00" N., longitude 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, West Virginia; within 4.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 11-mile radius area to 6 miles east of the Shoals, West Virginia FM; and within 5 miles each side of the Tri-State (Walker-Long Field) ILS localizer west course, extending from the 11-mile radius area to 11.5 miles west of the OM.

Huntsville, Ala.
That airspace extending upward from 700 feet above the surface within a 15.5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 3 miles each side of Huntsville ILS localizer north course, extending from the Capshaw RBN to 8.5 miles north of the RBN; within 3 miles each side of Huntsville ILS localizer south course, extending from the localizer to 14.5 miles south; within an 8.5-mile radius of Pryor Field (latitude 34°39'09" N., longitude 86°56'45" W.); within 3 miles each side of the Decatur VOR 197° radial, extending from the 8.5-mile radius area to 8.5 miles south of the VOR; within 9.5 miles west and 4.5 miles east of the
Decatur VOR 351° radial, extending from the VOR to 18.5 miles north; within a 5-mile radius of North Huntsville Airport (lat. 34°51'25" N., long. 86°33'22" W.).

Huntsville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Huntsville Municipal Airport (lat. 30°44'30" N., long. 95°35'30" W.), within 3 miles each side of the Leona VORTAC 139° radial extending from the 5-mile radius area to 27.5 miles southeast of the VORTAC, and within 3.5 miles each side of the 008° bearing from the Huntsville RBN (lat. 30°44'20" N., long. 95°35'17" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Huron, S. Dak.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Huron Regional Airport (latitude 44°23'03" N., longitude 98°13'39" W.); within 4½ miles northeast and 11 miles southwest of the Huron VORTAC 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VORTAC; and within 5 miles each side of the Huron ILS localizer southeast course, extending from the 6½-mile radius area to 19½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Huron VORTAC extending from a line 5 miles west of and parallel to the 343° radial clockwise to a line 5 miles north of and parallel to the 269° radial; and within 4½ miles southwest and 9½ miles northeast of the Huron localizer southeast course extending from 6 miles southeast of the OM to 29 miles southeast of the OM.

Hutchinson, Kans.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'37" W.); within 3½ miles each side of the Hutchinson VORTAC 222° radial, extending from the 8½ mile radius area to 8 miles southwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Hutchinson ILS localizer northwest course, extending from the airport to 18½ miles northwest of the ILS outer marker.

Idabel, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Idabel Municipal Airport (lat. 33°54'23" N., long. 94°50'41" W.) and within 3.5 miles each side of the 349° bearing from the NDB (lat. 33°54'23" N., long. 94°50'45" W.) extending from the 5-mile radius area to a point 8 miles north of the NDB.

Ida Grove, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ida Grove Municipal Airport (latitude 42°19'55" N., longitude 95°26'40" W.); and within 2 miles each side of the 117° bearing from Ida Grove Municipal Airport, extending from the 7-mile radius area to 8 miles east of the airport.

Idaho Falls, Idaho
That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 25.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

Iliamna, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N., longitude 154°54'54" W.); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius area to 9.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5.5 miles northwest and 9.5 miles southeast of the 029° and 209° bearings from the Iliamna RBN, extending from 7 miles northeast to 18.5 miles southwest of the RBN.

Illinois
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Illinois.

Independence, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.).

Indiana
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Indiana.

Indiana, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, (lat. 40°38'00" N., long. 79°06'15" W.) of Indiana County-Jimmy Stewart Field, Indiana, Pa., within 3.5 miles each side of the Indiana County-Jimmy Stewart Field ILS localizer east course, extending from the 7-mile radius area to 12 miles east of the OM (40°37'19" N., 78°58'43" W.)., and within 3.5 miles each side of the 091° bearing from the Indiana RBN (lat. 40°37'54" N., long. 79°03'51" W.) extending from the 7-mile radius area to 9.5 miles east of the RBN.

Indianapolis, Ind.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within a 5½-mile radius of Bob Shank Airport (latitude 39°49'15" N., longitude 86°14'30" W.); within a 5½-mile radius of Eagle Creek Airpark (latitude 39°49'45" N., longitude 86°17'45" W.); and within 3 miles each side of the Indianapolis VORTAC 257° radial, extending from the 5½ and 9-mile radii to 8 miles west of the VORTAC.

Indianola, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (lat. 33°29'05" N., long. 90°40'34" W.); within 3 miles each side of the 191° and 354° bearings from Indianola RBN (lat. 33°28'48" N., long. 90°40'34" W.), extending from the 6.5-mile radius area to 8.5 miles south and north of the RBN.

International Falls, Minn.
That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129° and 309° radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

Intracoastal City, La.
That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the White Lake, La., VORTAC 065° radial extending from 11 miles NE of the VORTAC to 23 miles NE of the VORTAC and within 5 miles either side of the 17.5-mile radius arc centered on the White Lake VORTAC extending clockwise between the 065° and 084° radials.

Ionia, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ionia County Airport (latitude 42°56'20" N., longitude 85°04'15" W.); and within 3 miles each side of the 064° radial of the Grand Rapids, Michigan VOR, extending from the 5-mile radius area to 30 miles northeast of the VOR.

Iowa
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Iowa.

Iowa City, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41°38'25" N., longitude 91°32'50" W.), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

Iowa Falls, Iowa
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Iowa Falls Municipal Airport (lat. 42°28'10" N., long. 93°16'00" W.); and within 3 miles on each side of the 154° bearing from the airport reference point extending from the 6.5-mile radius 8.5 miles southeast of the airport.

Iron Mountain, Mich.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Iron Mountain VORTAC; within 6 miles west and 9½ miles east of the Iron Mountain ILS localizer south course extending from the 10-mile radius area to 24 miles south of the Ford Airport (latitude 45°48'57" N., longitude 88°06'56" W.); within 5 miles each side of the Iron Mountain ILS localizer north course extending from the 10-mile radius to 18 miles north of the airport.

Ironwood, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Gogebic County Airport (latitude 46°31'32" N., longitude 90°07'54" W.); within 3 miles each side of the 272° radial, extending from the 13-mile radius to 15 miles west of the Ironwood VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the Ironwood VORTAC excluding the portion in the State of Wisconsin.

Islip, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40°47' 50" N., 73°06'01" W., of Islip-MacArthur Airport, Islip, N. Y., and within 4 miles each side of the Islip-MacArthur Airport localizer northeast course extending from the 9-mile radius area to a point 9.5 miles northeast of the localizer.

Ithaca, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 42° 29'29" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y.; within a 10-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 012° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from the 012° bearing to a 036° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 036° bearing to a 065° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 096° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 111° bearing from the airport; within a 14.5-mile radius of the center of the airport extending clockwise from a 111° bearing to a 131° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 131° bearing to a 152° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 152° bearing to a 216° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 216° bearing to a 243° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 243° bearing to a 288° bearing from the airport; within 4.5 miles southwest and 9.5 miles northeast of the Ithaca, N. Y., VORTAC 305° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC; within 5.0 miles each side of the Tompkins County Airport ILS localizer southeast course extending from the OM to 11.5 miles southeast of the OM.

Jacksboro, Tenn.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Campbell County Airport (latitude 36°20'03" N., longitude 84°09'46" W.).

Jackson, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR.

Jackson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'05" W.); and within 3 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Jackson, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within an 8-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 8-mile radius area to the VORTAC; within a 5.5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.); within 1.5 miles each side of the Jackson VORTAC 142° radial, extending from the 5.5-mile radius area to the VORTAC; within 1.5 miles each side of Runway 17 extended centerline, extending from the 5.5-mile radius area to 5.5 miles north of the runway end; within 3 miles each side of the 007° bearing from the Bruce RBN (lat. 32°26'24" N., long. 90°06'24" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 1/29/76 40 F. R. 49567 (Changed)
AMENDMENTS 1/29/76 40 F. R. 53549 (Changed)

Jackson, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.).

Jackson, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on the Jackson's Hole Airport (latitude 43°36'24" N., longitude 110°44'13" W.), within 5.5 miles west and 9.5 miles east of the Jackson VOR 200° radial, extending from the VOR to 24.5 miles south; and within 2.5 miles each side of the Jackson VOR 020° radial extending from the VOR to 12 miles north of the VOR; and that airspace extending upward from 1200 feet above the surface within 8 miles west and 12 miles east of the Jackson VOR 020° radial extending from the VOR to 38.5 miles north of the VOR; within 5 miles each side of the Jackson VOR 107° radial extending from the VOR to 15 miles east of the VOR; and within 6 miles north and 9 miles south of the Dunoir, Wyo., VOR 102° and 282° radials extending from 8 miles east to 21 miles west of the Dunoir VOR.

AMENDMENTS 11/4/76 41 F. R. 29664 (Changed)

Jacksonville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); NAS Jacksonville (lat. 30°14'00" N., long. 81° 40'30" W.); NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.), and NS Mayport (lat. 30°23'25" N., Long. 81°25'15" W.); within an 8.5-mile radius of OLF Whitehouse Field, Fla. (lat. 30°21'00" N., long. 81°52'00" W.

Jacksonville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'15" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and within 3 miles each side of the 136° bearing from the airport, extending from the 5-mile radius area to 6 miles southeast of the airport.

Jacksonville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25"N., Long. 77°26'35"W.); within 2 miles each side of New River TACAN 236° radial, extending from the 8.5-mile radius area to 9.5 miles southwest of the TACAN; within an 8.5-mile radius of Albert J. Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.); within 3 miles each side of the 045° and 220° bearings from Onslow RBN (lat. 34°49'53" N., long. 77°36'51" W.), extending from the 8.5-mile radius area to 8.5 miles northeast and southwest of the RBN.

AMENDMENTS 3/25/76 41 F. R. 1582 (Changed)
PENDING AMENDMENT
The Jacksonville, N.C., transition area is amended as follows: All after "long. 77°36'42"W.)" is deleted.

AMENDMENTS 12/30/76 41 F.R. 40457 (Changed)

Jamestown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Chautauqua County Airport, Jamestown, N. Y. (42°09'07" N., 79°15'26" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N. Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM.

Jamestown, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and within 3.5 miles each side of the Jamestown VORTAC 315° radial extending from the 10-mile radius area to 17.5 miles northwest of the Jamestown VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Jamestown VORTAC extending from the 328° radial clockwise to the 083° radial; within a 20-mile radius of the Jamestown VORTAC extending from the 083° radial clockwise to the 279° radial; within a 21-mile radius of the Jamestown VORTAC extending from the 279° radial clockwise to the 287° radial; within 9.5 miles southwest and 4.5 miles northeast of the Jamestown VORTAC 315° radial extending from the 19- and 21-mile radius areas to 25.5 miles northwest of the Jamestown VORTAC; and within 4.5 miles southwest and 9.5 miles northeast of the Jamestown VORTAC 136° radial extending from the 20-mile radius area to 25.5 miles southeast of the Jamestown VORTAC.

Janesville, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Rock County Airport, Janesville, Wisconsin (latitude 42°37'12" N., longitude 89°02'28" W.), within a 6-mile radius of the Beloit, Wisconsin Airport (latitude 42°29'51" N., longitude 88°58'05" W.), and within a 5-mile radius of the Wagon Wheel Airport, Rockton, Illinois (latitude 42°26'15" N., longitude 89°04'21" W.).

Jasper, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walker County Airport (latitude 33°51'55" N., longitude 87°15'40" W.); within 4.5 miles each side of Birmingham VORTAC 303° radial, extending from the 6.5-mile radius area to 14 miles northwest of the VORTAC.

Jasper, Tenn.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Marion County-Brown Field (latitude 35°03'35" N., longitude 85°35'05" W.); excluding the portion that coincides with the Chattanooga, Tenn., transition area.

Jasper, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°53'32" N., longitude 94°02'03" W.), within 3.5 miles each side of the 360° bearing from the Jasper RBN (latitude 30°57'16" N., longitude 94°02'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN, and within 3.5 miles each side of the 182° bearing from the Pine RBN (latitude 30°52'00" N., longitude 94°02'06" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Jefferson, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Jefferson Municipal Airport (latitude 42°00'36" N., longitude 94°20'31" W.); and within 3 miles each side of the 152° bearing from Jefferson Municipal Airport extending from the 5½-mile radius area to 8 miles southeast of the airport.

Jefferson City, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.) and within 3.5 miles either side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°04'40" W.) and 3.5 miles each side of the 124° bearing from the Jefferson City RBN extending from the 8-mile radius zone to 17.5 miles southeast of the VOR.

Jennings, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (latitude 30°14'30" N., longitude 92°40'00" W.); within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC and within 3 miles either side of the 321° bearing from the Jennings NDB (latitude 30°14'19" N., longitude 92°40'13" W.) extending from the 5-mile radius area to 8 miles northwest of the NDB.

Jesup, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jesup-Wayne County Airport (latitude 31°33'18" N., longitude 81°52'54" W.); within 3 miles each side of the 286° bearing from Slover RBN (latitude 31°33'08" N., longitude 81°52'48" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

Johnson City, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Johnson City Airport (latitude 30°15'05" N., longitude 98°37'21" W.); within a 5-mile radius of Shepherd Farm Airport (latitude 30°12'30" N., longitude 98°43'20" W.) and within 2.5 miles each side of the 175° bearing from the Johnson City RBN (latitude 30°12'32" N., longitude 98°37'05" W.) extending from the 7-mile radius area to 8 miles south of the RBN.

Johnston Island, Johnston Atoll
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Johnston Island RBN.

Johnstone Point, Alaska
That airspace extending upward from 700 feet above the surface within 4 miles north and 5 miles south of the Johnstone Point VORTAC 286° and the 106° radials, extending from 5 miles east to 23 miles west of the VORTAC; within a 35-mile radius of the Johnstone Point VORTAC, extending clockwise from the north edge of V-319 to the 332° radial of the VORTAC; and within 5 miles northeast of the Johnstone Point VORTAC 332° radial extending from the VORTAC to 23 miles northwest of the VORTAC.

Johnstown, Pa.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, lat. 40° 19'00" N., long. 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.

Jonesboro, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3.5 miles each side of the Jonesboro VOR 048° radial extending from the 8.5-mile radius area to 11.5 miles northeast of the VOR excluding the portion within the Paragould, Ark., transition area.

Jonesboro, La.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Jonesboro Municipal Airport, Jonesboro, La. (latitude 32°12'10" N., longitude 92°44'10" W.) and within 3.5 miles each side of the 174° bearing from the Jonesboro NDB (latitude 32°12'25" N., longitude 92°44'19" W.) extending from the 6.5-mile radius area to 12 miles south of the NDB.

Jonestown, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bar K Airpark (latitude 30°29'52" N., longitude 97°58'07" W.), and within 3 miles each side of the Austin, Tex., VORTAC 311° radial extending from the 5-mile radius to 28 miles northwest of the VORTAC.

Joplin, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Joplin Municipal Airport (latitude 37°09'05" N., longitude 94°29'55" W.).

Junction, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kimble County Airport (latitude 30°30'35" N., longitude 99°45'45" W.), within 5 miles northeast and 8 miles southwest of the Junction VORTAC 150° and 330° radials extending from the VORTAC to 12 miles northwest and 5 miles southeast of the VORTAC.

Juneau, Alaska
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN, that airspace northwest of Juneau bounded on the east by A-15; on the northwest by a line from the Gustavus, Alaska, RBN to the Haines, Alaska, RBN, and on the southwest by a line 19 miles northeast of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RBN, and that airspace south of Juneau, extending from the 20-mile radius area, bounded on the northeast by A-15 and on the southwest by B-37, excluding the portion within the Gustavus, Alaska, transition area.

Juneau, Wis.
That airspace extending upward from 700 feet above the surface within 6½-mile radius of Dodge County Airport (latitude 43°25'30" N., longitude 88°42'00" W.); and within 3 miles each side of a 195° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles south of the airport; and within 3 miles each side of the 032° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles northeast of the airport.

Kahului, Hawaii
That airspace extending upward from 700 feet above the surface bounded on the southwest by a line 2 miles southwest of and parallel to the Maui VORTAC 331° radial, on the north by the arc of an 8.5-mile radius circle centered on the Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.), on the southeast by a line 4 miles northwest of and parallel to the Maui VORTAC 038° radial and on the south by the arc of a 5-mile radius circle centered on the Kahului Airport, and within 4 miles each side of the Maui VORTAC 038° radial, extending from 14 to 17 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Kahului Airport, extending clockwise from V-6 northwest of Kahului to V-6 east of Kahului, and that airspace east of the 30-mile radius area bounded on the north by a line 5 miles north of and parallel to the Maui VORTAC 061° radial, on the east by the arc of a 55-mile radius circle centered on the Maui VORTAC, and on the south by V-6; and that airspace bounded on the north and northeast by V-22, on the east by V-11, on the south by V-21, and on the west by the Kona, Hawaii, VORTAC 357.5° radial.

Kaiser, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lee C. Fine Memorial Airport (latitude 38°05'45" N., longitude 92°32'55" W.).

Kalispell, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.); within 5.5 miles each side of the 035° and 215° bearings from the Smith Lake NDB (latitude 48°06'26" N., longitude 114°27'37" W.); extending from the 8-mile radius area to 12 miles southwest of the NDB.
That airspace extending upward from 1,200 feet above the surface within 5.5 miles east and 15.5 miles west of the Kalispell VOR 166° radial extending from the 700-foot transition area to 18.5 miles south of the VOR; within 5.5 miles southeast and 9.5 miles southwest of the 035° and 215° bearings from the Smith Lake NDB extending from 7.5 miles northeast of the NDB to 18.5 miles southwest of the NDB, excluding the 700-foot transition area.
Within 5 miles each side of the Smith Lake NDB 099° T bearing extending from the NDB to the intersection of the Great Falls, Mont., VORTAC 293° T radial; and within 5 miles each side of the Smith Lake NDB 163° T bearing extending from the NDB to the intersection of the Missoula, Mont., VORTAC 357° radial.

Kaneohe, Hawaii.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°32'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°32'45" N., longitude 157°51'20" W., thence to latitude 22°00'45" N., longitude 157°56'00" W., thence clockwise via the arc of a 40-mile radius circle centered on the MCAS Kaneohe TACAN to V-12, thence SW along the NW boundary of V-12 to latitude 21°23'00" N., longitude 157°39'50" W.; thence to latitude 21°23'00" N., longitude 157°41'00" W.; thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning.

Kankakee, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Greater Kankakee Airport (latitude 41°04'15" N., longitude 87°50'55" W.); within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 6½-mile radius area to the VORTAC; within 3 miles each side of the 212° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport; within 3 miles each side of the 222° bearing from Greater Kankakee Airport extending from the 6½-mile radius area to 8 miles southwest of the airport; and within 3 miles each side of the 052° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles northeast of the airport.

Kansas
That airspace extending upward from 1,200 feet above the surface within the State of Kansas.

Kansas City, Mo.
That airspace extending upward from 700 feet above the surface within a 10 mile radius of the Kansas City Municipal Airport (latitude 39°07'20"N., longitude 94°35'30"W.), and within a 9.5 mile radius of Sherman AAF (latitude 39°22'05"N., longitude 94°54'45"W.); and that airspace extending from 700 feet above the surface within an 8.5 mile radius of the Kansas City International Airport (latitude 39°18'18" N., longitude 94° 42'40" W.) and within 5 miles either side of the Rwy 19 ILS localizer north course extending from the 8.5 mile radius zone to 25 miles N of the Wyandotte OM; and within 5 miles either side of the 088° radial of the Kansas City VORTAC; extending from the 8.5 mile radius zone to 11.5 miles E of the VORTAC; and within 5 miles either side of the Rwy 1 ILS localizer south course extending from the 8.5 mile radius zone to 11 miles S of the Wyandotte OM.

AMENDMENTS 11/4/76 41 F.R. 34586 (Rewritten); Corr: 41 F.R. 39738

Ke-ahole, Kona, Hawaii
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.), within 4.5 miles each side of the Kona VORTAC 179° radial, extending from the 8.5-mile radius area to 11 miles south of the VORTAC and within 4.5 miles each side of the Kona VORTAC 348° radial, extending from the 8.5-mile radius area to 17.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the Kona VORTAC 179° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, within a 17-mile radius of the Kona VORTAC, extending counterclockwise from V-20 to the Kona VORTAC 179° radial, and within the area bounded on the northeast by V-20, on the west by a line 5 miles west of and parallel to the Maui, Hawaii, VORTAC 179° radial and on the south by a line 5 miles south of and parallel to the Kona VORTAC 281° radial.

Kearney, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'37" N., longitude 99°00'04" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport; within 4 miles each side of the Kearney VOR 194° radial, extending from the airport to 13 miles south of the airport.

Keene, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°01'00" N., 72°13'00" W., to 42°55'00" N., 72°00'00" W., to 42°51'30" N., 71°54'00" W., to 42°28'00" N., 71°54'00" W., to 42°28'00" N., 72°27'00" W., to 42°22'00" N., 72°27'00" W., to 42°22'00" N., 72°35'00" W., to 42°28'00" N., 72° 35'00" W., to 42°28'00" N., 73°00'00" W., to 43°01'00" N., 73°00'00" W., to the point of beginning, excluding that portion within the Boston, Mass., Pittsfield, Mass., and Chicopee Falls, Mass., transition areas.

Kelso, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kelso-Longview Airport (latitude 46°07'12" N., longitude 122°53'58" W.), within 9.5 miles west of and 4.5 miles east of the 012° bearing from the Kelso, Wash., NDB (latitude 46°09'14" N., longitude 122°54'40" W.), extending from the NDB to 18.5 miles north of the NDB; within 5 miles each side of the 336° bearing from the Kelso NDB extending from the NDB 22.8 miles northwest.

Kenai, Alaska
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Kenai Municipal Airport (latitude 60°34'21" N., longitude 115°14'44" W.), extending clockwise from the 048° to the 290° bearing from the airport.

Kenansville, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Duplin County Airport (lat. 35°00'00" N., long. 77°59'00" W.); within 3 miles each side of the 034° bearing from Kenan RBN (lat. 35°02'51" N., long. 77°56'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Kendallville, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kendallville Municipal Airport (latitude 41°28'30" N., longitude 85°15'30" W.); within 2 miles each side of the 037° radial of the Wolflake VOR, extending from the 5½-mile radius area to 6 miles southwest of the airport.

Kenedy, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Karnes County Airport (latitude 28°49'30" N., longitude 97°51'55" W.) and within 5 miles each side of the Three Rivers VORTAC 038°T (029° M) radial extending from the 5-mile radius to 17 miles northeast of the Three Rivers VORTAC.

Kennett, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kennett Memorial Airport (lat. 36°13'50"N., long. 90°02'05"W.); and within 2 miles each side of the 346° radial of the Gosnell VOR extending from the 5-mile radius area to 13½ miles north of the VOR.
AMENDMENTS 4/29/76 41 F. R. 21182 (Rewritten)

Kentland, Ind.
That airspace extending upward from 700' above the surface within a 5-mile radius of the Kentland Municipal Airport (lat. 40°45'27"N., long. 37°25'48"W.); and within 2 statute miles either side of the 306° radial of the Lafayette VORTAC, extending from the 5-mile radius area to 6 miles southeast of the airport.
AMENDMENTS 7/15/76 41 F. R. 21628 (Added)

Kentucky
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Kentucky.

Keokuk, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N., longitude 91° 25' 50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN.

Kerrville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (latitude 29°58'41" N., longitude 99°05'11" W.); within 3 miles each side of the 134° bearing from the Kerrville RBN (latitude 29°59'11" N., longitude 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN; within 3.5 miles each side of the 306° radial from the proposed non-Federal TVOR site (latitude 30°00'29" N., longitude 99°08'15" W.) to 11.5 miles northwest.

Ketchikan, Alaska
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Ketchikan ILS localizer southeast and northwest course, extending from 8.5 miles southeast to 26 miles northwest of the Ketchikan localizer (lat. 55°20'52" N., long. 131°41'53" W.); and that airspace extending upward from 1,200 feet above the surface within 13 miles northwest and 8.5 miles southeast of the 247° and the 067° bearings from the Guard Island RBN, extending from 11 miles northeast to 24 miles southwest of the RBN; within 7 miles northeast and 17 miles southwest of the 150° and 330° bearing from the Guard Island RBN, extending from 12 miles southeast to 26.5 miles northwest of the RBN, excluding the portion within the Annette Island 700- and 1,200-foot floor transition area.

Kewanee, Illinois
That airspace extending upward from 700 feet above the surface within a five-mile radius of the Kewanee Airport (latitude 41°13'06"N., longitude 89°57'42"W.); and within three miles each side of the 218° bearing from the airport, extending from the five-mile radius area to eight miles southwest.
AMENDMENTS 5/20/76 41 F. R. 7939 (Added)
AMENDMENTS 9/9/76 41 F. R. 28510 (Rewritten)

Key West, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 4 miles each side of Key West VORTAC 309° radial, extending from the 8.5-mile radius area to 9.5 miles northwest of the VORTAC; within an 8.5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.).

Killeen, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (lat. 31° 08'15" N., long. 97°42'50" W.); within a 7-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49' 45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352° and 172° radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219° T (210° M) radial extending from the VOR to 19 miles southwest of the VOR; within 3.5 miles each side of the 341° bearing from Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 7-mile radius area to 11.5 miles north of the RBN.

Kingman, Ariz.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

King Salmon, Alaska
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the King Salmon, Alaska, Airport (latitude 58°40'43" N., longitude 156°38'50" W.); that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the King Salmon, Alaska, airport; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VORTAC, excluding the portions within the United States, Federal Airways, Control 1217, Control 1234, Control 1400, and Control 1401.

Kingstree, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Williamsburg County Airport (lat. 33°43'01" N., long. 79°51'26" W.); within 3 miles each side of the 307° bearing from Kingstree RBN (lat. 33°43'04" N., long. 79°51'23" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

Kingsville, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of NAAS Kingsville (north) (latitude 27°30'10" N., longitude 97°48'25" W.), within a 7-mile radius of the Kleberg County Airport (latitude 27°33'01" N., longitude 98°01'39" W.), and within 2 miles each side of a 316° bearing from the Kleberg County RBN (latitude 27°36'20" N., longitude 98°05'22" W.) extending from the 7-mile radius area to 8 miles northwest of the RBN, excluding that portion which lies within the Alice, Tex., control zone.

Kinston, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°36'55" W.); within 4.5 miles each side of the Kinston VORTAC 048° radial, extending from the 8.5-mile radius area to 10.5 miles northeast of the VORTAC.

Kirksville, MO.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.); within 3 miles each side of the Kirksville VORTAC 316° radial, extending from the 6½-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the 360° bearing from Clarence Cannon Memorial Airport, extending from the 6½-mile radius area to 11½ miles north of the airport.

Klamath Falls, Oreg.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 9.5 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile radius area to 18.5 miles south of the Merrill RBN; that airspace extending upward from 1,200 feet above the surface between 15- and 25-mile radius circles centered on Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles east of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 8,600 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles east of and parallel to the VORTAC 165° radial to a line 11.5 miles west of and parallel to the VORTAC 181° radial; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 11.5 miles west of and parallel to the VORTAC 181° radial to the 245° radial, and within the area bounded by the arcs of 25- and 28-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

Knoxville, IA.
That airspace extending upward from 700 feet above the surface within a five (5)-mile radius of Knoxville Municipal Airport (latitude 41°18'00" N., longitude 93°06'40" W.) and within three (3) miles each side of the 342° bearing from Knoxville Municipal Airport extending from the five (5)-mile radius area to eight (8) miles northwest of the airport, and within three (3) miles each side of the 146° bearing from the Knoxville Municipal Airport extending from the five (5)-mile radius area to eight (8) miles southeast of the airport.

Knoxville, Tenn.
That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.) and a line 3 miles northwest of and parallel to Knoxville VORTAC 040° radial, to and northeast along this line, to and southeast along a line 8.5 miles northeast of and perpendicular to Knoxville VORTAC 040° radial, to and southwest along a line 3 miles southeast of and parallel to Knoxville VORTAC 040° radial, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to and east along the Knoxville VORTAC 100° radial, to and clockwise along the arc of a 25.5-mile radius circle centered on McGhee-Tyson Airport, to and north along the west boundary of V-97, to and southwest along a line 4.5 miles southeast of and parallel to Knoxville ILS localizer southwest course, to and northwest along a line 18.5 miles southwest of and perpendicular to Knoxville ILS localizer southwest course, to and northeast along a line 9.5 miles northeast of and parallel to Knoxville ILS localizer southwest course, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to point of beginning; within a 15-mile radius of Sevier-Gatlinburg Airport (lat. 35°51'25" N., long. 83°31'44" W.); within an 8-mile radius of Knoxville Downtown Island Airport (latitude 35°57'45" N., longitude 83°52'30" W.); within a 6.5-mile radius of Monroe County Airport, Madisonville, Tenn., (latitude 35°32'45" N., longitude 84°22'47" W.); excluding the portion within the Athens and Morristown, Tenn., transition areas.

Kodiak, Alaska
That airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Kodiak Airport (latitude 57°45'02" N., longitude 152°29'19" W.), and within a 35-mile radius of the Kodiak Airport, extending clockwise from the 029° to the 085° bearing from the airport.

Kokomo, Ind.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind. Municipal Airport (latitude 40°42'35" N., longitude 86°22'45" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course, extending from the 8½-mile and 6½-mile radii areas to 4½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½-mile and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC.

Kosciusko, Miss.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (latitude 33°05'20" N., longitude 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (latitude 33°05'29" N., longitude 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

Kotzebue, Alaska
That airspace extending upward from 700 feet above the surface within a 19-mile radius of the Kotzebue VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Kotzebue VORTAC 103° radial extending from the VORTAC to 43 miles east of the VORTAC; that airspace extending upward from 5,500 feet MSL within 5 miles each side of the Kotzebue VORTAC 103° radial extending from a point 43 miles east of the VORTAC to 59 miles east, and that airspace extending upward from 7,500 feet MSL within 5 miles each side of the Kotzebue 103° radial at 59 miles east of the VORTAC widening to 8.5 miles each side of the 103° radial at 111 miles east of the Kotzebue VORTAC.

Kwajalein Island, Marshall Islands
That airspace extending upward from 700 feet above the surface within a 12-nmi radius of the Kwajalein TACAN; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Kwajalein TACAN.
This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement.

Lacon, Illinois
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marshall County Airport (latitude 41°01'12" N., longitude 89°23'08" W.); and within 2 miles each side of the Bradford VORTAC 133° radial extending from the 5-mile radius area to 6.5 miles northwest of the airport.

Laconia, N. H.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 43° 34'25"N., 71°25'22" W., of Laconia Municipal Airport, Laconia, New Hampshire; and within 6.5 miles northwest and 4.5 miles southeast of the 247° bearing and the 067° bearing from the Belmont NDB, 43°32'09" N., 71°32' 09" W, extending from 11.5 miles southwest of the NDB to 5.5 miles northeast of the NDB.

La Crosse, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.).

Lafayette, Ind.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.); within 2 miles each side of the 144° radial of the Lafayette VORTAC extending from the 7½-mile radius area to the Lafayette VORTAC; within a 5½-mile radius of Halsmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.).

Lafayette, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to the 5-mile radius area; within 2 miles each side of the Lafayette ILS localizer south course extending from the 5-mile radius area to the 5-mile radius area of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); within 2 miles each side of the Lafayette VORTAC 171° radial extending from the 5-mile radius area of the Lafayette Airport to 8 miles south of the VORTAC; within 2 miles each side of the 276° bearing from the Lafayette RBN (latitude 30°11'35" N., longitude 91°52'58" W.) extending from the RBN to the 5-mile radius area; within 2 miles each side of the Lafayette VORTAC 206° radial extending from the VORTAC to the 5-mile radius area of the Abbeville Airport; within a 5-mile radius of Acadiana Regional Airport (latitude 30°02'15" N., longitude 91°53'00" W.); within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area of Lafayette Airport to the 5-mile radius area of Acadiana Regional Airport; within 3 miles each side of the Lafayette VORTAC 145° radial extending from the 5-mile radius area of Acadiana to 17.5 miles from the Lafayette VORTAC; within 3 miles either side of the 348° and 168° bearings from the Acadiana NDB (latitude 29°57'21" N., longitude 91°51'45" W.) extending from the 5-mile radius area of the Acadiana Regional Airport to 8 miles south of the Acadiana Regional Airport.

La Grande, Oregon
That airspace extending upward from 700 feet above the surface bounded on the north by a line beginning at latitude 45°39'N., longitude 118°02' W., extending eastwardly to latitude 45°37' N., longitude 117°44'30" W., on the east by a line extending to latitude 45°15'30" N., longitude 117°49' W., on the south by a line extending to latitude 45°17'30" N., longitude 118°07' W., on the west by line extending to point of beginning.

AMENDMENTS 12/5/75 40 F. R. 56884 (Added)

La Grange, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Callaway Airport (lat. 33°00'30" N., long. 85°04'20" W.); within 1.5 miles each side of La Grange VORTAC 110° radial, extending from the 6-mile radius area to the VORTAC.

La Grange, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rocky Creek Ranch Airport (latitude 29°55'30" N., longitude 96°48'12" W.) and within 2 miles each side of the Industry VOR 262° radial extending from the 5-mile radius area to the VOR.

La Junta, Colo.
That airspace extending upward from 700 feet above the surface bounded on the north by the south edge of V-244, on the south by a line 9.5 miles south of and parallel to the 091° and 271° bearings from the La Junta, Colo., RBN (latitude 38°02'54" N., longitude 103°37'14" W.), extending from 12 miles east to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-244, on the east by the west boundary of the 700-foot portion of the transition area, on the south by the north edge of V-210, on the southwest by the northeast edge of V-81, excluding the airspace within the Pueblo, Colo., transition area.

Lake Charles, La.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of East Lake Charles Airport (latitude 30°13'25" N., longitude 93°08'55" W.), within 2 miles each side of the Lake Charles VORTAC 339° radial extending from the 4-mile radius area to the VORTAC, and within 2 miles each side of the Lake Charles ILS localizer NW course extending from the OM to 8 miles NW of the OM.

Lake City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake City Municipal Airport (lat. 30°10'45" N., long. 82°34'45" W.).

Lake Geneva, Wis.
That airspace extending upward from 700 feet above the surface within an 8-statute mile radius of the Playboy Airport (latitude 42°36'53" N., longitude 88°23'27" W.).

Lake Havasu, Ariz.
That airspace extending upward from 700 feet above the surface within 7 miles east and 5.5 miles west of the Needles, Calif., VORTAC 163° radial, extending from 17 to 27 miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within 7 miles east and 5.5 miles west of the Needles VORTAC 163° radial extending from the VORTAC to 17 miles south of the VORTAC.

Lake Jackson, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brazoria County Airport (latitude 29°02'15" N., longitude 95°27'20" W.); within 2 miles each side of the Lake Jackson VOR 343° radial extending from the 5-mile radius area to 8 miles NW of the VOR, and within 2 miles each side of the Lake Jackson VOR 158° radial extending from the 5-mile radius area to 8 miles SE of the VOR.

Lakeland, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15" N., long. 82°00'55" W.); within a 7-mile radius of Bartow Municipal Airport (lat. 27°57'00" N., long. 81°47'00" W.); within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00"N., long. 82°09'40"W.); within a 6.5-mile radius of Winter Haven's Gilbert Airport (lat. 28°03'40"N., long. 81°45'15"W.); within 2.5 miles each side of Lakeland VORTAC 071° radial, extending from the 6.5-mile radius area to the Lakeland Municipal Airport 8.5-mile radius area.

AMENDMENTS 9/9/76 41 F. R. 28510 (Changed)

Lake Providence, La.
That airspace extending upward from 700 feet above the surface within a 5-statute mile radius of Byerley Airport, Lake Providence, La. (latitude 32°49'45" N., longitude 91°11'00" W.); and within 3.5 miles each side of the 008° bearing from the Lake Providence NDB (latitude 32°49'50" N., longitude 91°11'24" W.), extending from the 5-mile radius area to 11.5-statute miles north of the NDB.

Lakeview, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09'35" N., longitude 120°24'15" W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09'15" N., longitude 120°24'18" W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

Lake Village, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lake Village Airport (lat. 33°20'42" N., long. 91°18'57" W.).

Lamar, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'25" W.) and within 3.5 miles each side of the Lamar VOR 001° radial, extending from the 6-mile radius area to 10 miles north of the VOR; that airspace extending upward from 1,200' above the surface within 6 miles east and 9.5 miles west of the Lamar 001° and 181° radials extending from 18.5 miles north to 8 miles south of the VOR.

Lamesa, Tex.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Lamesa, Tex., Municipal Airport (lat. 32°45'00"N., long. 101°55'00"W.).

AMENDMENTS 9/9/76 41 F. R. 24580 (Added)

Lampasas, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lampasas Airport (latitude 31°06'27" N., longitude 98°11'45" W.).

Lanai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

Lancaster, Pa.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial, extending from the 7.5-mile radius area to 8.5 miles west of the VORTAC; within 9.5 miles northeast and 4.5 miles southwest of the Lancaster VORTAC 128° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; within 3.5 miles each side of the Lancaster Airport ILS southwest localizer course, extending from the 7.5-mile radius area to 10.5 miles southwest of the OM; within 5 miles each side of the Lancaster VORTAC 055° radial, extending from the 7.5-mile radius area to 16.5 miles northeast of the VORTAC.

Lancaster, S.C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lancaster County Airport (Lat. 34°43'22"N., Long. 80°51'18"W.); within 3 miles each side of the 063° bearing from the Lancaster RBN (Lat. 34°43'10"N., Long 80°51'24"W.), extending from the 6.5-mile radius areas to 8.5 miles northeast of the RBN.

AMENDMENTS 11/4/76 41 F.R. 33247 (Rewritten)

Land O'Lakes, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of King's Land O'Lakes Municipal Airport (latitude 46°09'15" N., longitude 89°12'31" W.); and within 9½ miles southwest and 4½ miles northeast of the 312° and 132° bearings from the King's Land O'Lakes Municipal Airport extending from the 5-mile radius area to 18½ miles northwest of the airport to 6 miles southeast of the airport.

Lansing, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'05" W.); and within 3½ miles each side of the 228° radial of the Chicago Heights, Ill. VORTAC extending from the 5½-mile radius area to 11½ miles southwest of the VORTAC excluding the airspace within the Chicago, Ill., and Griffith, Ind., transition areas.

Lansing, Mich.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Capital City Airport (latitude 42°46'40" N., longitude 84°35'20" W.); within 3 miles each side of the Lansing ILS localizer east course, extending from the 8½-mile radius area to 14 miles east of the OM; and within 3 miles each side of the Lansing ILS localizer west course, extending from the 8½-mile radius area to 14 miles west of the OM.

Lapeer, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dupont-Lapeer Airport (latitude 43°04'10" N., longitude 83°16'15" W.); and within 2 miles each side of the Flint, Mich., VORTAC 074° radial extending from the 5-mile radius area to 18 miles east of the VORTAC.

LaPorte, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the LaPorte Municipal Airport (latitude 41°34'21" N., longitude 86°44'02" W.); within 2 miles either side of the 165° bearing from the LaPorte Airport extending from the 5-mile radius area to 9 miles south of the airport, excluding that portion which overlies the Michigan City, Indiana, transition area.

La Pryor, Tex. (Chaparrosa Ranch Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chaparrosa Ranch Airport (latitude 28°52'45" N., longitude 99°59'25" W.) and within 3.5 miles each side of a 330° bearing from the (Chaparrosa Ranch) RBN (latitude 28°54'35" N., longitude 100°00'19" W.) extending from the radio beacon to a point 11.5 miles northwest of the radio beacon.

La Pryor, Tex. (La Paloma Ranch Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Paloma Ranch Airport (latitude 28°53'30" N., longitude 99°51'09" W.) and within 3.5 miles each side of the 002° bearing from the La Pryor, Tex., NDB (latitude 28°55'47" N., longitude 99°51'16" W.) extending from the 5-mile radius area to 11.5 miles north of the La Pryor, Tex., NDB.
AMENDMENTS 3/25/76 41 F. R. 1582 (Rewritten)

Laramie, Wyo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyoming (lat. 41°18'50" N., long. 105°40'25" W.); within 5.5 miles south and 9.5 miles north of the Laramie, Wyoming VORTAC 301° radial extending from the 9-mile radius area to 18.5 miles northwest of the VORTAC and within 5 miles each side of the Laramie VORTAC 126° radial extending from the 9-mile radius area to 21 miles southeast of the VORTAC.

Laredo, Tex.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the Laredo VORTAC 328° radial extending from the Laredo VORTAC to 22.5 miles northwest; within 3.5 miles each side of the Laredo ILS localizer northwest course extending from the localizer site (latitude 27°36'12" N., longitude 99°30'50.2" W.) to 19 miles northwest; within 5 miles each side of the Laredo VORTAC 141° radial extending from the Laredo VORTAC to 12 miles southeast; within a 5-mile radius of the Link Ranch Airport (latitude 27°25'32" N., longitude 99°28'21" W.), excluding those portions outside the United States.

Laredo, Tex. (Laredo Auxiliary No. 2 Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laredo Auxiliary No. 2 Airport (latitude 27°28'00" N., longitude 99°13'45" W.) and within 2.5 miles each side of the Laredo, Tex., VORTAC 091° radial extending from the 5-mile radius area to 18.5 miles east of the VORTAC.

Larned, Kans.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Larned, Kans., NDB, located at latitude 38°12'16" N., longitude 99°05'17" W., and within 3 miles either side of the 277° bearing from the NDB extending from the 5.5-mile radius to 8 miles west.

Las Cruces, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Las Cruces Municipal Airport (lat. 32°17'27" N., long. 106°55'18" W.); and within 3.5 miles either side of the Las Cruces NDB (lat. 32°16'56" N., long. 106°55'23" W.) 180° bearing extending from the 10.5-mile radius areas to 12 miles south of the NDB.

Las Vegas, Nev.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 36°11'00" N., longitude 115°28'00" W., to latitude 36°11'00" N., longitude 115°11'00" W., to latitude 36°24'00" N., longitude 115°00'00" W., to latitude 36°18'00" N., longitude 114°51'00" W., to latitude 36°00'00" N., longitude 114°50'00" W., to latitude 35°52'00" N., longitude 115°11'00" W., to latitude 35°52'00" N., longitude 115°28'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°58'00" N., longitude 115°55'00" W., to latitude 36°58'00" N., longitude 114°41'00" W., to latitude 36°58'00" N., longitude 114°07'00" W., to latitude 36°47'00" N., longitude 113°59'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°57'00" W., to latitude 35°30'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°50'00" W., to latitude 35°36'00" N., longitude 115°50'00" W., to latitude 36°06'00" N., longitude 116°18'00" W., to latitude 36°13'00" N., longitude 116°18'00" W., thence to point of beginning; that airspace extending upward from 9,000 feet MSL beginning at latitude 36°47'00" N., longitude 113°59'00" W., thence clockwise via an arc of an 82-mile radius circle centered on Las Vegas, Nev., VORTAC to a line 5 miles north of and parallel to a direct line between the Grand Canyon, Arizona VOR and Boulder City, Nev., VORTAC, thence west along a line 5 miles north of and parallel to a direct line between the Grand Canyon VOR and the Boulder City VORTAC to longitude 114°14'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to point of beginning.

Las Vegas, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial, extending beyond the 9-mile radius area to 11.5 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial, extending beyond the 9-mile radius area to 11.5 miles southwest of the VORTAC.

Latrobe, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 40° 16'39" N., long. 79°24'14" W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile radius circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W., extending from the 5-mile radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius area to 17 miles southwest of the Latrobe RBN and within 3.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southwest of the Latrobe RBN to 27 miles southwest of the RBN.

Laurel, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Laurel Municipal Airport (lat. 31°40'10" N., long. 89°10'20" W.); within 3 miles each side of the 315° bearing from Tallahala RBN (lat. 31°41'16" N., long. 89°11'26" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN; within 3 miles each side of Laurel VOR 325° radial, extending from the 7-mile radius area to 8.5 miles northwest of the VOR.

Laurens, S. C
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Laurens Municipal Airport (Lat. 34°30'15" N., Long. 81°57'00" W.); within 3 miles each side of the 244° bearing from Laurens RBN (Lat. 34°30'29" N., Long. 81°57'00" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Laurinburg, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Laurinburg-Maxton Airport (latitude 34°47'25" N., longitude 79°21'55" W.); within 3 miles each side of Pinehurst VORTAC 157° radial, extending from the 8.5-mile radius area to 20 miles southeast of the VORTAC; within 3 miles each side of the 226° bearing from Rocky Ford RBN (latitude 34°45'28" N., longitude 79°24'40" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN.

PENDING AMENDMENTS

The Laurinburg, N. C. transition area is amended by deleting "Pinehurst VORTAC" wherever it appears and substituting "Sandhills VORTAC" therefor.

AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

Lawrence, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'30" N., longitude 95°13'00" W.); within 2 miles each side of the Topeka, Kans.,VORTAC 116° radial, extending from the 5-mile radius area to 13 miles southeast of the VORTAC; and within 3 miles each side of the 318° bearing from Lawrence Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport.

Lawrenceburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceburg Municipal Airport (lat. 35°14'00" N., long. 87°15'30" W.); within 9.5 miles west and 4.5 miles east of the 349° bearing from the Lawrenceburg RBN (lat. 35°15'51" N., long. 87°15'56" W.), extending from the RBN to 18.5 miles north; excluding the portion within the Mount Pleasant transition area.

Lawrenceville, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 1.5 miles each side of Norcross VORTAC 077° radial, extending from the 6-mile radius area to 3 miles east of the VORTAC.

Lawrenceville, VA.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, lat. 36°46'20" N., long. 77°47'45" W. of Lawrenceville Municipal Airport, Lawrenceville, VA., and within 1.5 miles each side of the Lawrenceville VORTAC 117° radial, extending from the 5.5-mile radius area to the VORTAC.

Lawton, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.); within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 7 miles S of the VOR; within 10 miles W and 5 miles E of the Lawton VOR 177° radial extending from 7 miles S to 17 miles S of the VOR and within 2 miles each side of the 180° bearing from the Fort Sill RBN extending from the 7-mile radius area to the RBN and excluding that portion within the confines of the Wichita Falls, Tex., transition area.

Lebanon, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lebanon, Mo., airport located at latitude 37°38'56" N., longitude 92°39'06" W., and within 3 miles either side of the 177° bearing of the Lebanon Airport extending from 5 miles to 8.5 miles.

Lebanon, N. H.
That airspace extending upward from 700 feet above the surface, within an arc of a 23.5-mile radius circle centered on the Lebanon, NH., Regional Airport (lat. 43°37'41" N., long. 72°18'21" W.) extending clockwise between the 034° and 134° bearings from the Lebanon Airport; within an arc of an 18-mile radius circle centered on the Lebanon Airport extending clockwise between the 134° and 231° bearings from the Lebanon Airport; within an arc of a 23.5-mile radius circle centered on the Lebanon Airport extending clockwise between the 231° and 300° bearings from the Lebanon Airport; within an arc of a 19.5-mile radius circle centered on the Lebanon Airport extending clockwise between the 300° and 034° bearings from the Lebanon Airport.

That airspace extending upward from 1,200 feet above the surface bound by a line beginning at 43°11'00" N., 72°39'00" W., to 43°47'00" N., 72°39'00" W., to 43°55'00" N., 72°16'00" W., to 44°08'00" N., 72°18'00" W., to 44°06'00" N., 70°37'00" W., to 43°45'00" N., 71°09'00" W., to 43°35'00" N., 71°55'00" W., to 42°55'00" N., 72° 00'00" W., to 43°05'00" N., 72°13'00" W., to the point of beginning, excluding those portions that coincide with the Whitefield, N. H., North Conway, N. H., and Burlington, Vt., 1200-foot transition areas.

Lee's Summit, Mo.
That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the McComas Airport (lat. 38°57'50"N., long. 94°22'25"W.), excluding those portions which overlie the Grandview, Mo., and Grain Valley, Mo., 700-foot transition areas.

AMENDMENTS 9/9/76 41 F. R. 29094 (Rewritten)

Leeville, La.
That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the Leeville, La., VORTAC 275° radial extending from the VORTAC to 14 miles west of the VORTAC.

LeMars, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of LeMars Municipal Airport (latitude 42°46'36" N., longitude 96°11'37" W.); and within 3 miles each side of the 358° bearing from LeMars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport.

Lemoore, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN, and within 5 miles each side of a 156° bearing from the NAS Lemoore RBN extending from the 10-mile radius area to 13.0 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.

Leonardtown, Md.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 38°18'56"N., 76°33'06"W., of St. Marys County Airport, Leonardtown, Md., excluding that portion which coincides with the Patuxent River. Md., transition area.

AMENDMENTS 8/12/76 41 F. R. 24580 (Added)
AMENDMENTS 8/19/76 41 F.R. 31524 (Changed)

Lewisburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center (lat. 37°51'35" N., long. 80°23'55" W.) of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from the 252° bearing to the 278° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 278° bearing to the 291° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 291° bearing to the 301° bearing from the airport; within a 21.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 301° bearing to the 332° bearing from the airport; within a 22.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 332° bearing to the 347° bearing from the airport; within a 23.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 347° bearing to the 357° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 357° bearing to the 030° bearing from the airport; within an 18.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 030° bearing to the 086° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 086° bearing to the 143° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 143° bearing to the 192° bearing from the airport; within a 14-mile radius of Greenbrier Valley Airport, extending clockwise from the 192° bearing to the 252° bearing from the airport; within 6.5 miles west and 4.5 miles east of a 216° bearing from the Lewisburg, W. Va. RBN extending from the RBN to a point 11.5 miles southwest of the RBN and within 3 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial, extending from the VOR to 8.5 miles southeast.

Lewiston, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (latitude 46°22'29" N., longitude 117°00'51" W.); within 2 miles each side of the Lewiston VOR 263° radial extending from the 5-mile radius to the VOR; within 2.5 miles each side of the Lewiston VOR 065° radial extending from the VOR 6 miles northeast of the VOR; within 3 miles each side of the ILS localizer course extending from the 5-mile radius 11.5 miles east; that airspace extending upward from 1,200 feet above the surface bounded by a line extending from the intersection of latitude 46°33'33" N., and the east edge of V-253 to latitude 46°42'00" N., longitude 116°31'30" W., to latitude 46°33'33" N., longitude 116°26'00" W., to latitude 46°14'30" N., longitude 116°21'30" W., to latitude 46°10'00" N., longitude 116°35'00" W., to latitude 46°16'00" N., longitude 117°10'00" W., thence to point of beginning; and that airspace west of Lewiston bounded on the northwest by V-536, on the northeast by V-253 and on the south by V-520.

PENDING AMENDMENT

Lewiston, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (Lat. 46°22'29"N., Long. 117°00'51"W.); within 3 miles each side of the ILS localizer course extending from the 5-mile radius circle to 16.5 miles east of the airport, and within 2.5 miles each side of the Lewiston VOR 065° radial extending from the VOR to 6 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by W. Longitude 116°, bounded on the south by N. Latitude 46°, bounded on the west by the arc of a 19-mile radius circle centered on the Walla Walla VOR (lat. 46°06'13"N., long. 118°17'29"W.); and bounded on the north by V-536.

AMENDMENTS 12/30/76 41 F.R. 48514 (Rewritten)

Lewistown, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lewistown, Mont., Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 4 miles each side of the Lewistown VORTAC 289° radial, extending from the 7-mile radius area to 10.5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 4.5 miles north and 9.5 miles south of the Lewistown VORTAC 289° radial, extending from the VORTAC to 18.5 miles west of the VORTAC, and within 5 miles north and 8 miles south of the Lewistown VORTAC 109° radial, extending from the VORTAC to 7 miles east of the VORTAC.

Lexington, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 3 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 14 miles northeast of the runway end; within 9.5 miles northwest and 4.5 miles southeast of the ILS localizer southwest course, extending from the 8.5-mile radius area to 18.5 miles southwest of the OM.

Lexington, Nebr.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lexington Municipal Airport (latitude 40°47'38" N., longitude 99°46'10" W.); and within 3 miles each side of the Lexington RBN 314° bearing, extending from the 5-mile radius area to 8 miles northwest of the RBN.

Lexington, N. C.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Lexington Municipal Airport (latitude 35°46'47" N., longitude 80°18'20" W.).
AMENDMENTS 1/29/76 40 F. R. 58849 (Added)
PENDING AMENDMENT
Lexington, N.C.
That airspace extending upwards from 700 feet above the surface within a 5.5-mile radius of Lexington Municipal Airport (lat. 35°46'47"N., long. 80°18'20"W.); within 3 miles each side of the 266° bearing from the Swearing RBN, (lat. 35°46'44"N., long. 80°18'03"W.), extending from the 5.5-mile radius area to 8.5 miles west of the RBN, excluding that portion that coincides with the Salisbury transition area.

AMENDMENTS 12/30/76 41 F.R. 40457 (Rewritten)

Lexington, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

Liberal, Kans.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.).

Liberty, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Causey Airport (lat. 35°54'50" N., long. 79°37'03" W.); within 2 miles each side of Liberty VOR 358° radial, extending from the 5-mile radius area to the VOR.

Liberty, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Liberty Air Service Airport (latitude 30°04'30" N., longitude 94°41'50" W.); and within 2 miles each side of Daisetta VOR 203° radial extending from the 5-mile radius area to the VOR.

Lihue, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on the Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.), extending clockwise from a line 2 miles west of and parallel to the Lihue VORTAC 021° radial to a line 2 miles northeast of and parallel to the Lihue VORTAC 130° radial and within 2 miles each side of the Lihue VORTAC 130° radial, extending from 9 miles southeast to 10.5 miles southeast of the Lihue VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered on the Lihue VORTAC, extending clockwise from a line 5 miles west of and parallel to the Lihue VORTAC 021° radial to V-2, excluding the portion within W-511.

Lima, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Allen County Airport (latitude 40°42'26" N., longitude 84°01'36" W.); within 3 miles each side of the Allen County VOR 090° radial extending from the 6.5-mile radius to 8.5 miles east of the VOR.

Lincoln, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Logan County Airport (latitude 40°09'38" N., longitude 89°20'07" W.); within 2½ miles each side of the Capitol, Illinois, VORTAC 040° radial extending from the 5-mile radius area to 17 miles northeast of the VORTAC; within 3 miles each side of the 047° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport.

AMENDMENTS 3/25/76 40 F. R. 59723 (Rewritten)

Lincoln, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9-mile radius area to 13 miles south of the OM.

Linden, N. J.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center Lat. 40°37'04"N., Long. 74°14'42"W. of Linden, N. J., Airport.

AMENDMENTS 4/22/76 41 F. R. 11274 (Added)

Litchfield, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Litchfield Municipal Airport (latitude 39°09'54"N., longitude 89°40'22"W.); and within 3 miles each side of the 079° bearing from the airport, extending from the 5-mile radius area to 8 miles east of the airport.

AMENDMENTS 11/4/76 41 F.R. 37099 (Added)

Litchfield, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Litchfield Municipal Airport (latitude 45°08'18" N., longitude 94°30'56" W.); and within 3½ miles each side of the Darwin VORTAC 139° radial, extending from the 6-mile radius to 11½ miles southeast of the VORTAC.

Little Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Little Falls Municipal Airport (latitude 45°56'56" N., longitude 94°20'44" W.); within 3 miles each side of the 141° bearing from the airport, extending from the 5-mile radius to 8 miles southeast of the airport, excluding that portion which overlies the Camp Ripley, Minnesota, transition area.

Little Rock, Ark.
That airspace extending upward from 700 feet above the surface bounded by a 23-mile radius of Little Rock AFB, Ark. (latitude 34°55'00" N., longitude 92°09'00" W.), and clockwise along a 23 mile arc of Adams Field Airport, Little Rock, Ark. (latitude 34°43'48" N., longitude 92°13'59" W.), to latitude 34°26'50" N., longitude 92°26'00" W., to latitude 34°26'00" N., longitude 92°30'00" W., to latitude 34°28'00" N., longitude 92°36'00" W., thence clockwise along the arc of a 6.5-mile-radius circle centered at latitude 34°33'30" N., longitude 92°36'30" W., to latitude 34°39'30" N., longitude 92°37'50" W., thence clockwise along a 23-mile radius of Adams Field Airport.

Livermore, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°44'00" N., longitude 121°52'00" W., to latitude 37°48'15" N., longitude 121°40'00" W., to latitude 37°41'30" W., longitude 121°34'00" W., to latitude 37°38'00" N., longitude 121°52'00" W., thence to point of beginning.

Livingston, Mont.
That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2.5 miles each side of the Livingston 085° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° and 265° radials, extending from 7 miles west to 21 miles east of the VORTAC.

Llano, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Llano Municipal Airport (latitude 30°46'30" N., longitude 98°39'30" W.) and within 2 miles each side of the Llano VORTAC 100° radial (091° magnetic radial) extending from the 5-mile radius area to the Llano VORTAC.

Lodi, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Linds Airport, Calif. (latitude 38°12'11" N., longitude 121°16'03" W.) and within 2.5 miles each side of the Linden, Calif., VORTAC 303° radial extending from the 3-mile-radius area to 10.5 miles northwest of the VORTAC.

Logan, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Logan-Cache Airport (lat. 41°47'09" N., long. 111°50'53" W.) and within 4.5 miles east and 9.5 miles west of the Logan VOR 352° radial, extending from the Logan VOR to 11 miles north of the Logan VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-4, on the east by longitude 111°40'30" W., on the south by the north edge of V-288, on the west by the east edge of V-21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V-4S, on the west by longitude 111°40'30" W., and on the south by the north edge of V-288.

Lompoc, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lompoc Airport (latitude 34°39'58"N., longitude 120°27'56"W.) and within 5 miles each side of the Gaviota VORTAC 293° radial, extending from the 5-mile radius area to 16 miles west of the Gaviota VORTAC. That airspace within R-2516 is excluded.

AMENDMENTS 11/4/76 41 F.R. 36016 (Added)

London, Ky.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of London-Corbin Airport, Magee Field (lat. 37°05'15" N., long. 84°04'38" W.); within 4.5 miles each side of London VORTAC 202° radial, extending from the 12.5-mile radius area to 10 miles south of the VORTAC.

Lone Rock, Wis.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.); excluding a 2-mile radius of the Richland Airport (latitude 43°16'54" N., longitude 90°17'48" W.).

AMENDMENTS 1/29/76 40 F. R. 53231 (Added)
PENDING AMENDMENT
Lone Rock, Wis.
That airspace extending upward from 700 above the surface within an 8.5-mile radius of the Tri-County Airport (latitude 43°12'36" N.; longitude 90°11'06" W.); within a 10-mile radius of the Richland Airport (latitude 43°16'55" N.; longitude 90°16'52" W.).

AMENDMENTS 2/24/77 41 F. R. 52048 (Rewritten)

Lone Star, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lone Star Airport (latitude 32°55'40" N., longitude 94°44'50" W.); and within 2 miles each side of the 316° bearing from the Lone Star RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

Longview, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County ILS localizer NW course, extending from the 6-mile radius area to 8 miles NW of the OM, within 2 miles each side of the Gregg County ILS localizer SE course, extending from the 6-mile radius area to 14 miles SE of the airport, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 6-mile radius area to 17.5 miles southeast of the VORTAC, and within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 6-mile radius area to 8 miles NW of the VORTAC.

Los Angeles, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 118°33'00" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 117°53'00" W.; to latitude 33°46'00" N., longitude 117°45'00" W.; to latitude 33°39'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°42'00" N., longitude 118°09'00" W., to latitude 33°42'00" N., longitude 118°26'00" W., to latitude 33°48'00" N., longitude 118°26'00" W., to latitude 33°53'00" N., longitude 118°33'00" W., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 119°05'00" W.; to latitude 34°00'00" N., longitude 118°33'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°30'00" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 119°07'00" W.; to latitude 33°52'03" N., longitude 119°06'59" W.; thence to point of beginning.

Los Banos, Calif.
That airspace extending upwards from 700 feet above the surface within a 3-mile radius of Los Banos Municipal Airport (latitude 37°03'43" N., longitude 120°52'05" W.) and within 3 miles each side of the Los Banos VORTAC 348° radial, extending from the 3-mile radius area to 18.5 miles north of the VORTAC.
PENDING AMENDMENT
Los Banos, Calif.
That airspace extending upwards from 700 feet above the surface within a 3-mile radius of Los Banos Municipal Airport (latitude 37°03'43" N., longitude 120°52'05" W.) and within 3 miles each side of the 348° radial extending from the 3 mile radius area to 6 miles south and 6 miles north of the airport.

AMENDMENTS 12/30/76 41 F. R. 50244 (Rewritten)

Louisiana
That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Arkansas/Louisiana, and Louisiana/Mississippi State lines and bounded on the south by a line beginning at latitude 30°07'20" N., longitude 88°51'00" W. (point of intersection of the Louisiana/Mississippi State line and longitude 88°51'00" W.), thence south to latitude 29°55'00" N., longitude 88°51'00" W., thence west to latitude 29°55'00" N., longitude 89°18'00" W., thence south to latitude 29°41'00" N, longitude 89°18'00" W., to latitude 29°33'00" N., longitude 89°16'00" W., thence southwest to latitude 29°28'35" N., longitude 89°23'50" W., thence southeast along the outer limits of the territorial waters of the United States to the north boundary of Control 1226, thence west along the north boundary of Control 1226 to latitude 29°13'30" N., longitude 89°51'00" W., thence southwest to latitude 28°57'00" N., longitude 90°01'00" W., thence west to latitude 28°59'00" N., longitude 90°15'00" W., thence northwest to latitude 29°11'00" N., longitude 90°25'00" W., thence north to latitude 29°15'00" N., longitude 90°25'00" W., thence west to latitude 29°15'00" N., longitude 91°05'00" W., thence north to latitude 29°25'00" N., longitude 91°05'00" W., thence west to latitude 29°25'00" N., longitude 91°27'30" W., thence northwest to latitude 29°33'00" N., longitude 91°35'30" W., thence west via latitude 29°33'00" N., to longitude 92°36'00" W., thence north to latitude 29°35'00" N., longitude 92°36'00" W., thence west via latitude 29°35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to the Louisiana/Texas State line.

Louisville, Ky.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 3 miles each side of the ILS localizer north course, extending from the 11-mile radius area to 8.5 miles north of Louisville VOR 328° radial; within 3 miles each side of the ILS localizer east course, extending from the 11-mile radius area to 8.5 miles east of the LOM; within 9.5 miles west and 4.5 miles east of the ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the OM; within 3 miles each side of the ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of Nabb VOR 206° radial; within a 10-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within an 8.5-mile radius of Godman AAF, Fort Knox (lat. 37°54'27" N., long. 85°58'21" W.).

Louisville, Miss.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Louisville-Winston County Airport (lat. 33°08'35" N., long. 89°03'45" W.); within 3 miles each side of the 346° bearing from Louisville RBN (lat. 33°08'37" N., long. 89°03'39" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

Lovelock, Nev.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

Lubbock, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°42'15" N., longitude 101°54'45" W.

Lucin, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

Ludington, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'40" N., longitude 86°24'30" W.) and within 2 miles each side of the 055° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport.

Lufkin, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles east and 5 miles west of the Lufkin VOR 157° radial, extending from the VOR to 12 miles southeast; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 11 miles northwest and within 2 miles each side of the 254° bearing from the Angelina County Airport (lat. 31°14'05" N., long. 94°45'00" W., extending to 6 miles west of the airport.

Lumberton, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 3 miles each side of the 302° bearing from Lumberton RBN (latitude 34°36'48" N., longitude 79°03'36" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

Luray, Va.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 38°40' 01" N., 78°30'01" W., of Luray Caverns Airport, Luray, Va., extending clockwise from a 266° bearing to a 314° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 348° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 040° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 057° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 057° bearing to a 074° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 141° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 141° bearing to a 166° bearing from the airport; within a 20-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 188° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 188° bearing to a 213° bearing from the airport; within a 20.5-mile radius of the center of the airport, extending clockwise from a 213° bearing to a 234° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 246° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 246° bearing to a 266° bearing from the airport.

Lynchburg, VA.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center lat. 37° 19'37" N., long. 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, VA.; within 3 miles each side of the Lynchburg, VA., VORTAC 201° radial, extending from the 9-mile radius area to 8.5 miles south of the VORTAC and within 3.5 miles each side of the Lynchburg, VA., VORTAC 023° radial extending from the 9-mile radius area to 24.5 miles northeast of the VORTAC.

Lyons, KS.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lyons Airport (latitude 38°20'30" N., longitude 98°13'45" W.) and 3 miles either side of the 350° bearing from the airport, extending from 5 miles to 8.5 miles north, and that airspace extending upward from 1,200 feet above the surface, 9.5 miles west of and 4.5 miles east of the 350° bearing from 1.5 miles south to 18.5 miles north of the airport, excluding that airspace that overlies the Hutchinson, KS., transition area.

Mackall AAF, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mackall AAF (lat. 35°02'13"N., long. 79°29'54"W.); excluding that portion that coincides with the Southern Pines, N. C., transition area.

AMENDMENTS 5/20/76 41 F. R. 14878 (Added)

Mackinac Island, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mackinac Island Airport (latitude 45°51'55" N., longitude 84°38'20" W.).

Macomb, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Macomb Municipal Airport (latitude 40°31'11" N., longitude 90°39'17" W.);and within 3 miles each side of the 084° bearing from Macomb Municipal Airport extending from the 6-mile radius area to 8 miles east of the airport.

Macon, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Herbert Smart Airport (latitude 32°49'20" N., longitude 83°33'45" W.); within an 11-mile radius of Lewis B.Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within a 14-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 5 miles each side of Macon VORTAC 227° radial, extending from the 14-mile radius area to 10.5 miles southwest of the VORTAC; within 4 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 14 miles southwest of the LOM; within a 5.5-mile radius of Perry-Fort Valley Airport (lat. 32°30'33" N., long. 83°45'50" W.); within 5 miles each side of Vienna VORTAC 323° radial, extending from the 5.5-mile radius area to 16 miles northwest of the VORTAC.

Madison, Conn.
That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the center (lat. 41°16'17"N., long. 72°32'58"W.) of the Griswold Airport; within a 7-mile radius of the center of the airport extending clockwise from the 248° bearing to the 102° bearing.

AMENDMENTS 7/7/76 41 F. R. 23376 (Added)

Madison, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Madison Municipal Airport (lat. 33°36'46" N., long. 83°27'41" W.).

Madison, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Madison Municipal Airport (latitude 38°45'38" N., longitude 85°27'41" W.); within 3 miles each side of the 217° bearing from Madison Municipal Airport, extending from 5½-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

Madison, S. Dak.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Madison Municipal Airport (latitude 44°00'54" N., longitude 97°04'45" W.); within 3 miles each side of the 346° bearing from the Madison Municipal Airport, extending from the 5-mile radius to 8½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5½ miles east and 9½ miles west of the 346° and 166° bearings from the Madison Municipal Airport; extending from 7 miles south of the airport to 18½ miles north of the airport.

Madison, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Traux Airport (latitude 42°08'15" N., longitude 89°20'10" W.); within 3 miles each side of the 181° bearing from the airport extending from the 11-mile radius area to 16 miles south of the airport; within 3 miles each side of the 315° bearing from the airport extending from the 11-mile radius area to 15.5 miles NW of the airport; within 3 miles each side of the 001° bearing from the airport extending from the 11-mile radius area to 17 miles N of the airport; within 3.5 miles each side of the 135° bearing from the airport extending from the 11-mile radius area to 17.5 miles SE of the airport; and within a 7-mile radius of the Morey Airport (latitude 42°07'00" N., longitude 89°32'00" W.); within 3 miles each side of the 305° bearing from the airport extending from the 7-mile radius area to 8 miles NW of the airport.

Madisonville, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Madisonville Municipal Airport (lat. 37°21'00" N., long. 87°24'00" W.); within 1.5 miles each side of Central City VOR 257° radial, extending from the 5.5-mile radius area to the VOR.

Magnolia, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Magnolia Municipal Airport (latitude 33°13'45" N., longitude 93°13'00" W.); within 3.5 miles each side of the 171° bearing from the NDB (latitude 33°13'40" N., longitude 93°13'07" W.) extending from the 8.5-mile radius area to 12 miles south of the NDB.

Malad City, Idaho
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

Malden, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Malden Municipal Airport (latitude 36°36'20" N., longitude 89°59'20" W.), and within 3 miles each side of the Malden VOR 120° radial, extending from the 6½-mile radius area to 8 miles southeast of the VOR.

Malvern, Ark.
That airspace extending upward from 700 feet above the surface within a 5-statute mile radius of Malvern Municipal Airport, Malvern, Ark. (latitude 34°19'57" N., longitude 92°45'45" W.); and within 3.5 statute miles each side of an 046° bearing from the Malvern NDB (latitude 34°19'56" N., longitude 92°45'50" W.), extending from the 5-mile radius area to 11.5 statute miles northeast of the NDB; excluding that portion which overlies the Little Rock, Ark., transition area.

Manhattan, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the McDowell Creek RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley
VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW.

Manila, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manila Municipal Airport (latitude 35°53'25" N., longitude 90°09'20" W.); and within 2 miles each side of the 175° bearing from the Manila RBN (latitude 35°53'25" N., longitude 90°09'20" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Manistee, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

Manistique, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Schoolcraft County Airport (latitude 45°58'25" N., longitude 86°10'35" W.); and within 2 miles each side of the 099° bearing from Schoolcraft County Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 099° bearing from Schoolcraft County Airport, extending from the airport to 12 miles east of the airport.

Manitowoc, Wis.
That airspace extending upward from 700 feet above the surface within 8 miles west and 5 miles east of the Manitowoc VOR 343° and 163° radials extending from 2 miles south to 13 miles north of the VOR, and within 8 miles west and 5 miles east of the Manitowoc VOR 176° radial extending from the VOR to 12 miles south of the VOR.

Mankato, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (lat. 44°13'25" N., long. 93°55'06" W.).

Manning, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'32" W.); within 3 miles each side of the 197° bearing from Manning, S. C., RBN (latitude 33°35'23" N., longitude 80°12'23" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN; within a 1.5-mile radius of the Grayson (private)
Airport (latitude 33°36'48" N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 061° radial, extending from the 6.5-mile radius area to the VOR.

Mansfield, La.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of DeSoto Parish Airport (latitude 32°04'20" N., longitude 93°45'47" W.).

Mansfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°00'05" N., 71°11'55" W., of the Mansfield Municipal Airport, Mansfield, Mass., and within 2 miles each side of the Whitman, Mass., VOR 249° radial extending from the 5-mile radius area to the VOR, excluding that portion that coincides with the Boston, Mass., transition area.

Mansfield, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mansfield-Lahm Municipal Airport (lat. 40°49'17" N., long. 82°31'00" W.); within a 5-mile radius of Galion Municipal Airport (lat. 40°45'15" N., long. 82°43'30" W.); within a 5-mile radius of Shelby Community Airport (lat. 40°52'23" N., long. 82°41'48" W.); within a 7.5-mile radius of Willard Airport (lat. 41°02'23" N., long. 82°43'38" W.); within 7 miles each side of the Mansfield, Ohio, VORTAC 307° radial extending from the 9-mile radius area to 17 miles NW of the VORTAC; and within 5 miles each side of the Mansfield VORTAC 130° radial extending from the 9-mile radius area to 22 miles SE of the VORTAC.

Manteo, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manteo Airport (lat. 35°55'07" N., long. 75°41'43" W.); within 3 miles each side of the 343° bearing from the Manteo RBN (lat. 35°54'56" N., long. 75°41'42" W.), extending from the 5-mile radius area to 8.5 miles north of the RBN.
AMENDMENTS 3/25/76 41 F. R. 5386 (Added)

Many, La.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Hart Airport (latitude 31°32'43" N., longitude 93°29'15" W.) and within 3.5 miles each side of the 300° bearing from the NDB (latitude 31°34'16" N., longitude 93°32'29" W.) extending from the 8.5-mile radius area to a point 12 miles west of the NDB.

Maples, Mo.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Maples VOR 057° and 237° radials, extending from 7 miles NE to 13 miles SW of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area.

Mapleton, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mapleton, Iowa, Municipal Airport (lat. 42°10'36" N., long. 95°47'42" W.); and within 3½ miles each side of the 035° bearing from Mapleton Municipal Airport, extending from the 5-mile radius area to 11½ miles northeast of the airport.

Maquoketa, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Maquoketa Airport (latitude 42°03'00" N., longitude 90°45'00" W.); and that airspace three miles each side of the 343° bearing from the Maquoketa NDB (latitude 42°03'05" N., longitude 90°44'27" W.); extending from the 7-mile radius area to 8.5 miles northwest of the NDB.

AMENDMENTS 1/29/76 40 F. R. 57786 (Added)

Marble Falls, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Horseshoe Bay Airport (latitude 30°31'27" N., longitude 98°21'45" W.), and within 3.5 miles each side of the 012° bearing extending from the 5-mile radius area to 11.5 miles north of the NDB site at latitude 30°31'27" N., longitude 98°21'45" W.

Marfa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from 5 miles NW to 14 miles SE of the VOR.

Marianna, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Marianna Municipal Airport (lat. 30°50'08" N., long. 85°11'02" W.); within 3 miles each side of Marianna VOR 125° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VOR.

Marion, Ill.
That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°47'25" N., longitude 89°26'00" W., thence south to latitude 37°42'10" N., longitude 89°24'00" W., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning.

Marion, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport, Marion, Indiana (latitude 40°29'27" N., longitude 85°40'43" W.); and within 3 miles each side of the Marion VOR 042°, 211° and 320° radials, extending from the 5-mile radius to 8 miles northeast, southwest and northwest of the VOR.

Marion, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Marion Municipal Airport (latitude 40°36'58" N., longitude 83°03'51" W.); within 3 miles each side of the 067° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport; and within 3 miles each side of the 327° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northwest of the airport.

Marion, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport (latitude 34°11'00" N., longitude 79°20'00" W.); within 2 miles each side of the Florence VORTAC 101° radial, extending from the 6-mile radius area to the Florence VORTAC; within 3 miles each side of the 211° bearing from Marion RBN (lat. 34°11'06" N., long. 79°20'00" W.), extending from the 6-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within Florence transition area.

Marks, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Selfs Airport (latitude 34°13'50" N., longitude 90°17'25" W.); within 3 miles each side of the 197° bearing from Marks, Miss., RBN (latitude 34°13'50" N., longitude 90°17'28" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

Marksville, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marksville NDB (latitude 31°05'39" N., longitude 92°04'17" W.); within 3.5 miles each side of a 206° bearing from the Marksville NDB extending from the 5-mile radius area to 11.5 miles southwest of the NDB.

Marlette, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Marlette Airport (latitude 43°18'37" N., longitude 83°05'31" W.).

Marquette, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 4½ miles north and 9½ miles south of the Marquette ILS localizer west course extending from the 7-mile radius to 16 miles west; within 4½ miles north and 4½ miles south of the Marquette ILS localizer east course extending from the 7-mile radius to 16½ miles east; within an 8-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer course extending from the 8-mile radius area to 12 miles south of the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial, extending from the 8-mile radius area to 12 miles south of the TACAN; and within 2 miles east and 5 miles west of the K. I. Sawyer AFB TACAN 015° radial, extending from the 8-mile radius area to 12 miles north of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of K. I. Sawyer AFB, excluding the portion which overlies the Escanaba, Mich., transition area, and the portion south of parallel 45°45'.

Marshall, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshall, Mich., Brooks Field (latitude 42°15'05" N., longitude 84°57'25" W.) and within 2 miles each side of the Battle Creek, Mich., VORTAC 105° radial extending from the 5-mile radius area to 7 miles east of the airport, excluding the portion which coincides with the Battle Creek, Mich., transition area.

Marshall, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Marshall Municipal Airport (latitude 44°26'50" N., longitude 95°49'10" W.).

Marshall, Texas
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrison County Airport (latitude 32°31'18" N., longitude 94°18'29" W.) and within 2.5 miles each side of Gregg County VORTAC 075° radial extending from the 5-mile radius area to 21 miles east of the VORTAC.

Marshalltown, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport and within 3.5 miles each side of the 135° radial of the Marshalltown VOR, extending from the 6-mile radius to 11.5 miles southeast of the airport.

Marshfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Airport (42°05'45" N., 70°40'25" W.), Marshfield, Mass.; and within 2 miles each side of the centerline of Runway 24 extended from the end of the runway to 5 miles southwest, excluding the portion that coincides with the Boston, Mass. 700-foot floor transition area and excluding the portion outside the United States.

Marshfield, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 40°38'10" N., longitude 90°11'15" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Martinsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 40°17'51" N., long. 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from 061° bearing to a 076° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 076° bearing to a 096° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 128° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 128° bearing to a 158° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 158° bearing to a 180° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 245° bearing from the airport, within an 11-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 260° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 314° bearing from the airport, within a 9-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 357° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 357° bearing to a 031° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 061° bearing from the airport; and within 9.5 miles northwest and 4.5 miles southeast of the Altoona, Pa., VOR 026° radial, extending from the VOR to 18.5 miles northeast of the VOR.

Martinsburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 39°24'03" N., long. 77°59'09" W. of Eastern West Virginia Regional Airport, Martinsburg, W. Va.; and within a 15-
mile radius of the center of the airport, extending clockwise from a 263° bearing to a 335° bearing from the airport.

Martinsville, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°37'50" N., 80°01'00" W.), of Blue Ridge Airport, Martinsville, Va.; within 2 miles each side of the Runway 30 centerline, extended from the 6.5-mile radius area to 14 miles northwest of the end of the runway; within 2 miles each side of the Runway 12 centerline, extended from the 6.5-mile radius area to 7.5 miles southeast of the end of the runway and within 3.5 miles each side of the 176° bearing from the Blue Ridge RBN (36°37'45" N., 80°01'00" W.), extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

Maryland
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Maryland including the offshore airspace within 3 nautical miles and parallel to the shoreline, excluding that airspace within P-40.

Marysville, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.); within an 8-mile radius of Yuba County Airport, Marysville, Calif. (latitude 39°05'50" N., longitude 121°34'00" W.), within 9 miles west and 5 miles east of the Beale VOR 162° and 342° radials, extending from the Beale 10-mile radius area to 17 miles north of the VOR; within 8 miles west and 5 miles east of the Marysville VOR 343° radial, extending from the Yuba County 8-mile radius area to 12 miles north of the VOR, and within 8 miles southwest and 5 miles northeast of the Marysville VOR 153° radial, extending from the Yuba County 8-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 40°00'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°55'00" W., to latitude 39°00'00" N., longitude 120°55'00" W., on the south by latitude 39°00'00" N., on the west by the west boundary of V-23, on the northwest by the Red Bluff, Calif., transition area, and on the north by latitude 40°00'00" N.; that airspace extending upward from 8,500 feet MSL bounded on the south by latitude 40°00'00" N., on the west by the Red Bluff, Calif., transition area, on the north by latitude 40°45'00" N., and on the east by a line extending from latitude 40°45'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°25'00" W., to latitude 40°00'00" N., longitude 121°25'00" W.; that airspace extending upward from 10,500 feet MSL bounded on the east by longitude 120°19'00" W., on the south by a line extending from latitude 39°30'00" N., longitude 120°19'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 121°25'00" W., on the west by longitude 121°25'00" W., and on the north by latitude 40°45'00" N.; that airspace extending upward from 12,500 feet MSL bounded on the east by longitude 121°25'00" W., on the south by latitude 40°23'00" N., on the west by longitude 121°39'00" W., and on the north by latitude 40°45'00" N.

PENDING AMENDMENT
Marysville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Union County Airport (latitude 40°13'29" N., longitude 83°21'00" W.); and within 2 miles on each side of the 088° bearing from the airport extending from the 5-mile radius area to 8 miles west of the airport.

AMENDMENTS 2/24/77 41 F. R. 50245 (Added)

Mason, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mason County Airport (latitude 30°43'54" N., longitude 99°11'06" W.).

Mason City, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.); within 5 miles each side of the Mason City VORTAC 002° radial, extending from the 9-mile radius area to 24½ miles north of the VORTAC; and within 4½ miles west and 9½ miles east of the Mason City VORTAC 182° and 002° radials, extending from 5 miles north to 24½ miles south of the VORTAC.

Massena, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 44°56'10" N., long. 74°50'50" W. of Richards Field, Massena, N. Y.; within 3 miles each side of the Massena, VORTAC 104° radial extending from the 8.5-mile radius area to 8 miles east of the VORTAC, excluding the airspace within Canada.

Matagorda, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Matagorda Peninsula Airport (latitude 28°32'35" N., longitude 96°07'10" W.), excluding that portion more than 3 nautical miles from and parallel to the shoreline.

Matawan, N. J.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, latitude 40°22'25" N., longitude 74°15'15" W., of Preston Airport, Matawan, N. J., and within 1.5 miles each side of the Colts Neck, N. J., VORTAC 307° radial extending from the 5.5-mile radius area to the Colts Neck VORTAC.

Mattoon, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); and within 4.5 miles each side of the Mattoon VOR 228° radial, extending from the 9-mile radius area to 13 miles southwest of the VOR.

Maxwell, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the Red Bluff, Calif., transition area.

Mayfield, Ky.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mayfield-Graves County Airport (latitude 36°46'03" N., longitude 88°35'05" W.).

McAlester, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla. Airport (latitude 34°53'05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

McAllen, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 3.5 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius area to 11.5 miles east of the VOR; within 4 miles south and 5 miles north of the McAllen VOR 321° radial extending from the 5-mile radius area to 18.5 miles northwest of the McAllen VOR; and within 2 miles each side of the localizer (latitude 26°09'59" N., longitude 98°13'53" W.) back course 141° radial extending from the 5-mile radius area to 5.5 miles southeast of the localizer, excluding the portion outside the United States.

McCall, Idaho
That airspace extending upward from 9,500 feet MSL within 6 miles west and 9 miles east of the McCall VORTAC 344° and 164° radials extending from 8 miles south to 19 miles north of the VORTAC.

McComb, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.).

McCook, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 5 miles southwest and 8 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 8-mile radius area to 12 miles southeast of the airport and within 5 miles southwest and 8 miles northeast of the 324° bearing from McCook Municipal Airport, extending from the 8-mile radius area to 12 miles northwest of the airport.

McCordsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Indianapolis Brookside Airport (latitude 39°54'19" N., longitude 85°55'29" W.); and within a 5½-mile radius of the Indianapolis Metropolitan Airport (latitude 39°56'10" N., longitude 86°02'45" W.).

McGrath, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the control zone extension to 12.5 miles southeast of the VORTAC; within 4 miles each side of the McGrath VORTAC 008° radial extending from the control zone extension to 14.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21.5-mile radius of the McGrath VORTAC extending clockwise from the 344° radial to the 236° radial of the VORTAC; within a 12-mile radius of the McGrath VORTAC extending clockwise from the 236° radial to the 344° radial of the VORTAC; and within 9.5 miles east and 4.5 miles west of the McGrath VORTAC 008° radial extending from the 21.5-mile radius area to 23 miles north of the VORTAC.

McMinnville, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of McMinnville Municipal Airport (latitude 45°11'35" N., longitude 123°08'15" W.) and within 2 miles each side of the Newberg VORTAC 215° radial extending from the 5-mile radius area to the VORTAC.

McMinnville, Tenn.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00" N., long. 85°50'30" W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11" N., long. 85°50'40" W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN;
within a 6.5-mile radius of Smithville Municipal Airport (lat. 35°59'08" N., long. 85°48'31" W.);
within 3 miles each side of the 045° bearing from Hurricane RBN (lat. 35°59'02" N., long. 85°48'28" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

McPherson, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McPherson Municipal Airport (latitude 38°21'19" N., longitude 97°41'29" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 309° bearing from the McPherson Municipal Airport, extending from the airport to 18½ miles northwest of the airport, excluding the portions that overlie the Salina and Hutchinson, Kans., 1,200-foot floor transition areas.

McRae, GA.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Telfair-Wheeler Airport (lat. 32°05'46" N., long. 82°52'55" W.); within 3 miles each side of the 030° bearing from McRae RBN (lat. 32°05'40" N., long. 82°53'02" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

Meade, Kans.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Meade, Kansas, Municipal Airport (latitude 37°16'45" N., longitude 100°21'15" W.); within 3 miles each side of the Meade NDB (latitude 37°16'40" N., longitude 100°21'31" W.); 008° bearing, extending from the 5.5-mile radius to 8.5 miles north of the NDB.

AMENDMENTS 3/25/76 41 F. R. 4814 (Added)

Meadville, PA.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 41°37'37" N., long. 80°12'51" W., of Port Meadville Airport, Meadville, PA.

Medford, Oreg.
That airspace extending upward from 700 feet above the surface within 7 miles northeast and 5 miles southwest of the Medford ILS localizer northwest course extending from 3 miles northwest of the Pumic LOM (latitude 42°27'03.8" N., longitude 122°54'44.1" W.), to 24 miles northwest of the LOM; within 3.5 miles each side of the Medford ILS localizer southeast course extending from the LOM to 24 miles southeast of the LOM; that airspace extending upward from 1,200 feet above the surface bounded on the east by V-452, on the southeast by the 40-mile arc centered on Klamath Falls VORTAC, on the south by V-122, on the west by V-23; that airspace southeast of Medford bounded on the north by the south edge of V-122, on the east by the 40-mile arc centered on Klamath Falls VORTAC, on the south by the 7-mile radius area centered on the Siskiyou County Airport, on the west by the east edge of V-23E; and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial extending from the west edge of V-23E to the east edge of V-27.

Medford, Wis.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Taylor County Airport (latitude 45°06'02" N., longitude 90°18'18" W.); within 3 miles each side of the 162° bearing from the airport extending from the 5.5-mile radius area to 8 miles southeast of the airport.

Melbourne, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Melbourne Regional Airport (lat. 28°06'01" N., long. 80°38'00" W.); within an 8.5-mile radius of Patrick AFB (lat. 28° 14'21" N., long. 80°36'28" W.); within 3 miles each side of Patrick AFB TACAN 030° radial, extending from the 8.5-mile radius area to 9.5 miles northeast of the TACAN.

Melfa, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37° 38' 50" N., 75° 45' 40" W., of Accomack County Airport, Melfa, Va., and within 2 miles each side of a 200° bearing from the Melfa, Va., RBN 37°39'27" N., 75°45'27" W., extending from the 6-mile radius area to 8 miles south of the RBN.

Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 4.5 miles each side of Memphis ILS localizer east course, extending from the 8.5-mile radius area to Holly Springs, Miss., VOR 328° radial; within 3 miles each side of Memphis ILS localizer south course, extending from the 8.5-mile radius area to 8.5 miles south of the LOM; within 3 miles each side of Memphis ILS localizer west course, extending from the 8.5-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.); within 1.5 miles each side of Memphis VORTAC 265° radial, extending from the 6.5-mile radius area to the VORTAC; within a 6.5-mile radius of West Memphis Municipal Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within 3 miles each side of the 187° and 352° bearings from West Memphis RBN (latitude 35°08'20" N., longitude 90°14'02" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58'44" N., long. 89°47'33" W.).

Memphis, Tenn. (NAS)
That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (lat. 35°21'15"N., long. 89°52'10"W.); within a 7-mile radius of Arlington Municipal Airport (lat. 35°16'58"N., longitude 89°40'22" W.); within 3 miles each side of the 161° bearing from Loosahatchie RBN (latitude 35°17'04" N., longitude 89°40'19" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 5/20/76 41 F. R. 9302 (Changed)

Mena, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mena Municipal Airport (latitude 34°33'00" N., longitude 94°12'31" W.) and within 5 miles each side of the Rich Mountain, Okla., VORTAC 112° radial extending from the 5-mile radius area to the VORTAC and within 3.5 miles each side of the 087° bearing from the Mena, Ark., NDB (latitude 34°32'55" N., longitude 94°12'34" W.) extending from the 5-mile radius area to a point 12 miles east of the NDB.

Menominee, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport.

Merced, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Castle Air Force Base (latitude 37°22'45" N., longitude 120°34'00" W.); within a 7-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.) and within 2 miles each side of the Castle VOR 141° and 321° radials extending from the Merced 7-mile radius area to 3 miles SE of the Castle VOR; that airspace extending upward from 1,200 feet above the surface bounded on the NE and E by V-459, on the S by V-230, on the W by V-109 and on the N by V-244, excluding the portions within the Fresno, Stockton, and Modesto, Calif., transition areas; that airspace extending upward from 7,500 feet MSL NE of Merced bounded on the E by V-165, on the SW by V-459, and on the N by V-244, and that airspace extending upward from 12,000 feet MSL E of Merced bounded on the E by longitude 119°30'00" W., on the S by the Fresno, CA., transition area, on the W by V-165 and on the N by V-244.

Mercury, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.); that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°41'00" N., longitude 116°26'30" W., to latitude 36°41'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°36'00" N., longitude 116°26'30" W., thence to point of beginning, excluding the portion within R-4808.

Meriden, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°30'35" N., 72°49'50" W. of Meriden Markham Municipal Airport, Meriden, Conn.; and within 2 miles each side of the Runway 36 centerline extended from the 5-mile radius area to 7 miles north of the end of the runway, excluding the portion which coincides with the Bridgeport, Conn., and Hartford, Conn., transition areas.

Meridian, Miss.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (lat. 32° 19'58" N., long. 88°45'05" W.); within 3 miles each side of the ILS localizer south course, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 3 miles each side of the 191° bearing from Meridian RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 5 miles each side of Meridian VORTAC 315° radial, extending from the 11-mile radius area to 11.5 miles northwest of the VORTAC; within a 10-radius of NAS Meridian (lat. 32°33'27" N., long. 88°33'33" W.); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 10-mile radius area to 11.5 miles north of the RBN, and the airspace east bounded on the north by the arc of a 10-mile radius circle centered on NAS Meridian, on the east by the Kewanee VORTAC 005° and 179° radials, on the south by the Meridian VORTAC 110° radial, and on the west by the arc of an 11-mile radius circle centered on Key Field.

Meridian, Miss. (OLF Bravo Field)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of OLF Bravo Field (lat. 32°47'33" N., long. 88°49'40" W.).

Merrill, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the Airport.

Mexico, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mexico Memorial Airport (latitude 39°09'35" N., longitude 91°49'25" W.).

Miami, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Miami International Airport (Lat. 25°47'34"N., Long. 80°17'00"W.), Homestead AFB (Lat. 25°29'15"N., Long. 80°23' 00"W.), Opa Locka Airport (Lat. 25°54'26"N., Long. 80°16'48"W.), Fort Lauderdale-Hollywood International Airport (Lat. 26°04'26"N., Long. 80°09'10"W.), and Tamiami Airport (Lat. 25°38'51"N., Long. 80°25'59"W.); within 3 miles each side of the 274° bearing from the Perrine RBN, extending from the 8.5-mile radius area to 8.5 miles west of the RBN; within a 6.5-mile radius of Fort Lauderdale Executive Airport (Lat. 26° 11'41"N., Long. 80°10'15"W.), and Pompano Beach Airpark (Lat. 26°15'00"N., Long. 80°06'30"W.).

AMENDMENTS 5/20/76 41 F. R. 9302 (Rewritten)
AMENDMENTS 11/4/76 41 F.R. 37097 (Changed)

Miami, Fla. (Dade-Collier Training and Transition Airport)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.).

Miami, OK.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Miami Municipal Airport (latitude 36°54'02" N., longitude 94°53'03" W.) and that airspace within the State of Kansas extending upward from 1,200 feet above the surface which is bounded on the south by the Kansas-Oklahoma State line and on the west along a line which is 7 miles east of and parallel to the Oswego, KS., VOR 207° radial, on the north by the south edge of VOR airway V-190 and on the east by the west edge of VOR airway V-88.

Michigan
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan south of parallel 45°45'.

Michigan City, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Michigan City Airport (latitude 41°42'10" N., longitude 86°49'15" W.); and within a 6½-mile radius of Michigan City Municipal Airport (latitude 41°40'10" N., longitude 86°53'20" W.).

Middlefield, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Geauga County Airport (latitude 41°27'00" N., longitude 81°03'48" W.); within 1½ miles each side of the Chardon VORTAC 132° radial extending from the 6-mile radius area to the VORTAC excluding the portion which overlies the Cleveland transition area.

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Middleton Island, Alaska
That airspace extending upward from 700 feet above the surface within 12 miles northwest and 7.5 miles southeast of the Middleton Island VORTAC 037° and 217° radials, extending from 22.5 miles northeast to 11.5 miles southwest of the VORTAC; and within 9.5 miles west of the Wessels, Alaska, RBN 011° bearing, extending from the RBN to 18.5 miles north of the RBN.

Middletown, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of 39°32'00" N., 84°23'30" W. of Hook Field Municipal Airport and within 2 miles each side of a 232° bearing from Hook Field, Ohio, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN.

Midland, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Midland Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) and within a 5-mile radius of Mabee Ranch Airport (latitude 32°12'57" N., longitude 102°09'46" W.).

Midland, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°35' 15" N., 77°42'45" W. of Warrenton-Fauquier Airport, Midland, Va., and within 2 miles each side of the Casanova, Va. VORTAC 113° radial extending from the 5-mile radius area to the VORTAC.

Midway Island
That airspace extending upward from the 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

Miles City, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 5 miles each side of the 252° bearing from the Horton RBN, extending from the 7-mile radius area to 11 miles southwest of the RBN; within 3.5 miles each side of the Miles City VORTAC 225° radial, extending from the 7-mile radius area to 11 miles southwest of the Miles City VORTAC; within 3.5 miles each side of the Miles City VORTAC 047° radial, extending from the 7-mile radius area to 22 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120, and within 9.5 miles southeast and 4.5 miles northwest of the Miles City VORTAC 225° radial extending from the VORTAC to 18½ miles southwest of the VORTAC.

Milford, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Millard, Nebr.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Millard Municipal Airport (latitude 41°11'45" N., longitude 96°06'45" W.); and within 3 miles each side of the 314° bearing from the Millard Municipal Airport extending from the 6½-mile radius area to 8 miles northwest of the airport.

Milledgeville, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Baldwin County Airport (latitude 33°09'15" N., longitude 83°14'10" W.); within 3 miles each side of the 089° bearing from Milledgeville RBN (latitude 33°09'13" N., longitude 83°14'35" W.), extending from the 8.5-mile radius area to 8.5 miles east of the RBN.

Millersburg, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Holmes County Airport (latitude 40°32'20" N., longitude 81°57'05" W.) and within 3 miles each side of the 085° bearing from the airport extending from the 6-mile radius area to 12 miles east, and within 2 miles each side of the Tiverton, Ohio VOR 059° radial extending from the 6-mile radius area to the VOR.

Millinocket, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine, and within 3.5 miles each side of a 094° bearing from the Sterns RBN extending from the 7-mile radius area to 11.5 miles east of the RBN.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 45°56'00" N., 68°36'00" W. to 45°39'00" N., 69°48'00" W. to 45°23'00" N., 69°48'00" W. to 45°15'00" N., 69°50'00" W., to 45°07'30" N., 69°50'00" W., to 45°07'30" N., 69°28'00" W., to 45°12'00" N., 69°23'00" W. to 45°24'00" N., 68°55'00" W. to 45°30'00" N., 68°31'00" W. to 45°27'00" N., 68°20'00" W. to 45°33'00" N., 68°16' 00" W. to 45°38'00" N., 67°40'30" W. to the point of beginning.

Millville, N. J.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 39°37'00" N., 75°05'00" W. to 39°35'00" N., 74°52'00" W. to 39°16'30" N., 74°59'00" W. to 39°16'30" N., 75°10'00"W. to 39°30'00"N., 75°15'00"W. to point of beginning and within 4.5 miles south and 6.5 miles north of the Millville, N.J., VORTAC 257° radial and 077° radial, extending from 5.5 miles west of the VORTAC to 11.5 miles east of the VORTAC, excluding the portion that coincides with the Atlantic City, N.J., 700-foot transition area.
AMENDMENTS 7/29/76 41 F. R. 24580 (Changed)

Milton, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the 315° bearing from Navy Whiting RBN, extending from the 6-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of Navy Whiting TACAN 309° radial, extending from the 6-mile radius area to 8 miles northwest of the TACAN, and within a 5-mile radius of OLF Santa Rosa (Navy), Milton, Fla. (latitude 30°36'00" N., longitude 86° 56'00" W.).

Milwaukee, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Mitchell Field (lat. 42°56'51"N., long. 87°53'58"W.); within an 8-mile radius of the Horlick-Racine Airport (lat. 42° 45'45"N., long. 87°49'00"W.); within an 8-mile radius of the Timmerman Airport (lat. 43°06'40"N., long. 88° 02'00"W.); within a 6½-mile radius of the Waukesha County Airport (lat. 43°02'25"N., long. 88°14'00"W.); and within 3 miles each side of the 274° bearing from the Waukesha County Airport extending from the 6½-mile radius area to 7½ miles west of the airport.
AMENDMENTS 9/9/76 41 F. R. 29664 (Rewritten)

Minden, La.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Minden-Webster Airport (latitude 32°39'00" N., longitude 93°18'00" W.).

Mineola, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wisener Airport (latitude 32°40'47" N., longitude 95°30'45" W.) and within 2 miles each side of the Quitman, TX., VORTAC 211° radial extending from the airport to 6 miles northeast of the airport.

Mineral Wells, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mineral Wells Airport (latitude 32°46'59" N., longitude 98°03'34" W.) and within 3 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius area to 8 miles SE of the RBN.

Minneapolis, Minn.
That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile radius area to 18½ miles west of the VOR.

Minnesota
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Minnesota.

Minot, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within a 10-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 5 miles each side of the Minot VORTAC 260° radial, extending from the 10-mile radii areas to 12 miles west of the VORTAC; and within 4 miles each side of the Minot VORTAC 138° radial extending from the 10-mile radius area to 15.5 miles southeast of the VORTAC; and within 5
miles each side of the Minot VORTAC 097° radial, extending from the 10-mile radius area to 12 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Deering TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Deering TACAN, excluding the area north of latitude 49°00'00" N., and the area which overlies V-430 and V-15.

Mississippi
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles from and parallel to the shoreline, to and south along longitude
88°51'00" W. to latitude 30°07'20" N. (point of intersection of the Mississippi State line and longitude 88°51'00" W.).

Missoula, Mont.
That airspace extending upward from 700 feet above the surface within a 23.5-mile radius of the Missoula VORTAC extending from the Missoula VORTAC 190° radial clockwise to the 290° R; within 9.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 312° radial extending from the VORTAC to 38 miles northwest of the VORTAC; within 3 miles each side of the Missoula VORTAC 172° radial extending from the VORTAC to 19.5 miles southeast; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Missoula VORTAC extending from the 357° radial clockwise to the 072° radial; within a 23.5-mile radius of the Missoula VORTAC extending from the 072° radial clockwise to the 190° radial; within a 34-mile radius of the Missoula VORTAC extending from the Missoula VORTAC 256° radial clockwise to the 357° radial; within 9.5 miles southwest of the Missoula VORTAC 298° radial extending from the 34-mile radius area to 38 miles northwest; within 5 miles west and 9.5 miles east of the Missoula VORTAC 172° radial extending from the VORTAC to 30 miles southeast of the VORTAC.

Missouri
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Missouri.

Mitchell, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18½ miles northwest of the VOR;
and that airspace southwest of Mitchell extending upward from 9,500' MSL within the area bounded on the east by V-159, on the south by V-148 and the Nebraska/South Dakota state line, on the west by a line from latitude 43° 00" N., longitude 99°00' W. direct to latitude 44°00' N., longitude 99°43' W., and on the north by the Pierre, S. Dak., 1200-foot transition area and V-120.

Moab, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Canyonlands Airport, Moab, Utah, (latitude 38°45'40" N., longitude 109°44'50" W.) and within 7 miles northeast and 10 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 301° radial extending from the VOR to 18.5 miles northwest of the VOR.

Moberly, Mo.
That airspace extending upward from 700 feet above the surface within a 6.5-statute-mile radius of the Omar N. Bradley Airport (latitude 39°27'50" N., longitude 92°25'35" W.); and 3 miles either side of the 317° bearing from the airport extending from the 6.5-mile radius to 8 miles northwest.

Mobile, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within an 8.5-mile radius of Mobile Aerospace Airport (latitude
30°37'08.5" N., longitude 88°03'57.2" W.); within 3.5 miles each side of Brookley VORTAC 150° radial, extending from the 8.5-mile radius area to 11 miles southeast of the VORTAC; within a 6.5-mile radius of Fairhope Municipal Airport (latitude 30°27'50" N., longitude 87°52'35" W.); within 2 miles each side of Brookley VORTAC 134° radial, extending from the 6.5-mile radius area to Mobile Aerospace Airport 8.5-mile radius area.

Modesto, Calif.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Modesto VOR 122° and 302° radials, extending from 18.5 miles northwest to 18.5 miles southeast of the VOR; and that airspace
extending upward from 1,200 feet above the surface bounded on the E by longitude 120°30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W., on the S by latitude 37°25'00" N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N., longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.

Mohall, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Mohall Municipal Airport (latitude 48°46'01" N., longitude 101°32'04" W.).

Moline, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'56" N., longitude 90°30'34" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within 5 miles either side of the Quad City ILS localizer east course extending from the 9-mile radius area to 16½ miles east of the airport; within a 6½-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 6½-mile radius area to the VOR.

Molokai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC and within 4 miles north and 2 miles south of the VORTAC 126° radial extending from the intersection of the Molokai VORTAC 126° and the Lanai, Hawaii, VORTAC 011° radials to a point 7 miles east of this intersection; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156° 49'30" W., thence to point of beginning; that airspace bounded on the northwest by V-8 on the northeast by V-6, and on the south by V-15; that airspace bounded on the north by V-15, on the east by V-17, on the south by V-2, and on the west by V-7; and that airspace bounded on the north by V-8, on the east by V-7, and on the southwest by V-2.

Moncks Corner, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Moncks Corner Airport (latitude 33°11'30" N., longitude 80°02'00" W.); within 3 miles each side of the 226° bearing from Moncks Corner RBN (latitude 33°11'16" N., longitude 80°01'34" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Monee, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sanger Airport (latitude 41°22'39" N., longitude 87°41'03" W.); within 1½ miles either side of the 039° radial of the Peotone VORTAC extending from the 5-mile radius area to the VORTAC, excluding that portion that overlies the Chicago, Illinois, transition area.

Monongahela, Pa.
That airspace extending upward from 700-feet above the surface within a 6.5-mile radius of the center, 40°12'40" N., 79°49'50" W., of Rostraver Airport, Monongahela, Pa., and within 2 miles each side of the Allegheny, Pa., VORTAC 113° radial extending from the 6.5-mile radius area to the VORTAC, excluding the portion which coincides with the Pittsburgh, Pa., transition area.

Monroe, La.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Monroe Municipal Airport (latitude 32°30'30" N., longitude 92°02'20" W.); within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the LOM and 4.5 miles each side of a 308° bearing from latitude 32°31'00" N., longitude 92°02'09" W., extending from the 6-mile radius area to 18 miles NW of latitude 32°31'00" N., longitude 92°02'09" W.

Monroe, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Custer Airport (latitude 41°56'10" N., 83°26'15" W.); and within 2 miles each side of the Carleton, Mich., VORTAC 171° radial, extending from the 5-mile radius area to the VORTAC excluding the portion which overlies the Detroit, Mich. 700-foot floor transition area.

Monroe, N.C.
That airspace extending upward from 700 feet above the
surface within a 6.5-mile radius of Monroe Airport (Lat. 35°01'13"N., Long. 80°37'08"W.) within 3 miles each side of the 057° bearing from the Wesley RBN (Lat. 35°01'25"N., Long. 80°37'01"W.), extending from the 6.5-mile radius to 8.5 miles northeast of the RBN.

AMENDMENTS 11/4/76 41 F.R. 32735 (Rewritten)

Monroe, Wis.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe Municipal Airport (latitude 42°36'57" N., longitude 89°35'26" W.).

Monroe City, Missouri
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe City, Missouri Airport (latitude 39°38'05" N., longitude 91°43'40" W.) and within 4 miles each side of the 239° radial of the Quincy, Illinois, VORTAC, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within the area southwest of the Quincy, Illinois, VORTAC bounded on the north by the south edge of V-116, on the west by the east edge of V-175, and on the southeast by the northwest edge of V-63.

Monroeville, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroeville County Airport (latitude 31°27'25" N., longitude 87°20'50" W.); within 3 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9 miles northeast and south of the VORTAC.

Montague, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 6 miles west of the 180° and 360° bearings from the Montague RBN, extending from 8 miles north to 19 miles south of the RBN. Within 10 miles E and 7 miles W of the Siskiyou VOR (latitude 41°47'10" N., longitude 122°27'50" W.) 192° radial extending from 18 to 29 miles S of the VOR.
AMENDMENTS 9/9/76 41 F.R. 34587 (changed)

Monterey, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif. (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion south of latitude 36°32'00" N.; within a 3-mile radius of Watsonville Municipal Airport (latiude 36°56'15" N., longitude 121°47'15" W.); within 3 miles each side of the Salinas VORTAC 330° radial, extending from the 3-mile radius area to the 13-mile radius of Fritzsche AAF and within 3 miles each side of the Watsonville localizer course extending from the 3-mile radius to 5 miles south of Runway 1 threshold of the Watsonville Airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 37°05'00" N., long. 122°43'15" W., thence to lat. 37°08'45" N., long. 122°34'45" W., thence southeast via V-27 to lat. 37°00'00" N., thence to lat. 37°00'00" N., long. 121°29'30" W., thence to lat. 36°23'00" N., long. 121°03'20" W., thence to lat. 36°03'30" N., long. 121° 29'00" W., thence southeast via V-27 to long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°37'00" W., to point of beginning; that airspace extending upward from 5,000 feet MSL bounded on the northwest by a line 12 miles southeast of and parallel to the Big Sur VOR 047° radial, on the northeast by V-25, on the south by a line extending from the southwest boundary of V-25 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence south to the northeast boundary of V-27 and longitude 121°03'00" W., and on the southwest by V-27.

Montevideo, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 3 miles each side of the 313° bearing from the Montevideo Municipal Airport extending from the 5-mile radius to 8 miles northwest of the airport.

Montgomery, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dannelly Field (lat. 32°18'00"N., long. 86°23'36"W.); within a 9-mile radius of Maxwell Air Force Base (lat. 32°22'48"N., long. 86°21'55"W.).
AMENDMENTS 7/15/76 41 F. R. 21628 (Rewritten)

Monticello, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Monticello Municipal Airport (latitude 33°38'10" N., longitude 91°45'10" W.).

Monticello, Indiana
That airspace extending upward from 700 feet above the surface within a 5-mile radius of White County Airport (latitude 40°42'30" N., longitude 86°46'00" W.) and within 3 miles each side of the 185° bearing from the airport extending from the 5-mile radius area to 8.5 miles south.

Monticello, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monticello Municipal Airport (latitude 42°13'40" N., longitude 91°10'00" W.); and within 3 miles each side of the 135° bearing from Monticello Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

Monticello, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 41°42'01" N., 74°47'59" W. of Sullivan County International Airport, Monticello, N. Y., extending clockwise from a 033° bearing to a 111° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 111° bearing to a 169° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 169° bearing to a 318° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 318° bearing to a 340° bearing from the airport; within an 11.5-mile radius of the center of the airport extending clockwise from a 340° bearing to a 033° bearing from the airport; and within 4.5 miles each side of the Sullivan County International Airport ILS localizer, 41°41'39" N., 74°47'16" W., northwest course, extending from the 6.5-mile, 8.5-mile and 11.5-mile radius areas to 11.5 miles northwest of the OM (41°45'59" N., 74°51'39" W.); within a 5-mile radius of the center, 41°37'10" N., 74°42'10" W., of Monticello Airport, Monticello, N. Y., and within 2 miles each side of the Huguenot, N. Y., VORTAC 338° radial extending from the 5-mile radius area to 9 miles north of the VORTAC.

Montpelier, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, latitude 44°12'15" N., longitude 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 6.5 miles west and 5 miles east of the Montpelier VOR 163° radial extending from the 10-mile radius zone to 11.5 miles south of the VOR; within 4.5 miles each side of the Mount Mansfield NDB (latitude 44°23'06" N., longitude 72°41'38" W.), 332° and 152° bearings from the NDB, extending from the 10-mile radius to 10.5 miles northwest of the NDB, excluding that portion within the Morrisville, Vt., transition area.

Montrose, Colo.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

Morgan City, La.
That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Tibby, La., VORTAC 281° radial extending from 11.5 miles west of the VORTAC to 23 miles west of the VORTAC.

Morganton, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Morganton-Lenoir Airport (latitude 35°49'20" N., longitude 81°36'35" W.); within 3 miles each side of the 238° bearing from Morganton RBN (latitude 35°49'15" N., longitude 81°36'50" W.), extending from the 8-mile radius area to 8.5 miles south of the RBN; excluding the portion that coincides with Hickory transition area.

PENDING AMENDMENT

Morganton, N.C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Morganton-Lenoir Airport (lat. 35°49'20"N., long. 81°36'50"W.); within 3 miles each side of the 205° bearing from Fiddlers RBN (lat. 35°42'36"N., long. 81°40'17"W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion that coincides with the Hickory transition area.

AMENDMENTS 12/30/76 41 F.R. 44998 (Rewritten)

Morgantown, W. Va.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W. of Morgantown Municipal Airport-Walter L. Hart Field, Morgantown, W. Va., extending clockwise from a 205° bearing to a 030° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 055° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 055° bearing to a 065° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 095° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 095° bearing to a 157° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 205° bearing from the airport; within 5 miles each side of the Morgantown VORTAC 152° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC and within 5 miles southwest and 7.5 miles northeast of the Morgantown VORTAC 334° radial, extending from the 11.5-mile radius arc to 22 miles northwest of the VORTAC.

Morrilton, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Petit Jean Airport (lat. 35°08'15" N., long. 92°54'30" W.), and within 3.5 miles each side of the 216° bearing from the Morrilton RBN (lat. 35°07'07" N., long. 92°55'30" W.) extending from the 8.5-mile radius to 11.5 miles southwest of the RBN.

Morris, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the airport to 7 miles southeast of the airport.

Morristown, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport (latitude 36°10'50" N., longitude 83°22'20" W.); within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (latitude 36°11'10" N., longitude 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

Morrisville, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 44° 32'10" N., long. 72°36'55" W. of Morrisville-Stowe State Airport, Morrisville, Vt., and within 3.5 miles each side of the 034° bearing and the 214° bearing from the Morrisville RBN lat. 44°35'13" N., long. 72°35'10" W., extending from the 5-mile radius area to 11.5 miles northeast of the RBN.

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Moses Lake, Wash.
That airspace extending upward from 700 feet above the surface within a 19-mile radius of Grant County Airport (latitude 47°12'29"N., longitude 119°19'05"W.), within 7 miles southeast and 12 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 47°45'00"N., on the east by the arc of a 52-mile radius circle centered on Fairchild Air Force Base, Washington, (latitude 47°36'55"N., longitude 117°39'20"W.), on the southeast by V-112W, on the south by V-298. and on the west by longitude 120°00'00"W.

AMENDMENTS 7/15/76 41 F. R. 22050 (Rewritten) 41. F.R. 34010 (Correction)

Moses Point, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles N and 10 miles S of the Moses Point VOR 088° and 268° radials, extending from 11 miles W to 15 miles E of the VOR.

Mosinee, Wis.
The airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 5 miles each side of the 242° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 12 miles southwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

Moultrie, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within an 8.5-mile radius of Thomasville Municipal Airport (lat. 30°54'05" N., long. 83°53'00" W.); within an 8.5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83°42'15" W.).

Mountain Home, Idaho
That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Mountain Home AFB TACAN (latitude 43°02'26" N., longitude 115°52'22" W.) 135° and 315° radials, extending from 18 miles southeast to 18 miles northwest of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the north and northeast by the southwest edge of V-253, on the southeast, south, and west by the arc of a 46-mile radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the northwest by the southeast edge of V-113; that airspace southeast of Mountain Home AFB extending upward from 6,500 feet MSL, bounded on the northwest by the 46-mile arc, on the northeast by the southwest edge of V-253, on the south by latitude 42°24'00" N. to the 46-mile arc.

Mount Pleasant, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mount Pleasant Municipal Airport (latitude 40°56'45" N., longitude 91°30'30" W.); and within 3 miles each side of the 140° bearing from Mount Pleasant Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport.

Mt. Pleasant, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Mt. Pleasant, Mich., Airport (latitude 43°37'00" N., longitude 84°44'00" W.); and within 2 miles each side of the 093° bearing from Mt. Pleasant, MI., Airport extending from the 4-mile radius area to 8 miles E of the airport.

Mount Pleasant, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (latitude 35°33'15" N., longitude 87°10'50" W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (latitude 35°33'20" N., longitude 87°10'57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

Mt. Pleasant, Tex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Mt. Pleasant Municipal Airport (latitude 33°07'45.4" N., longitude 94°58'31.3" W.) and within 3.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 8.5-mile radius area to a point 10.5 miles southwest of the airport.

AMENDMENTS 7/15/76 41 F. R. 17373 (Changed)

Mount Pocono, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 333° bearing from the Tobyhanna RBN (41°12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN.

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federal register

BOOK 3 OF 3 BOOKS
MONDAY, JANUARY 3, 1977
PART II (Section 2)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR PARTS 71, 73, AND 75

Compilation of Regulations

Mt. Sterling, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Mt. Sterling-Montgomery County Airport (lat. 38°03'35" N., long. 83°58'50" W.).

Mount Vernon, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Mount Vernon-Outland Airport (latitude 38°19'23" N., longitude 88°51'33" W.); within 5 miles each side of the the Mount Vernon VOR 044° radial extending from the 7-mile radius area to 11.5 miles northeast of the VOR.

Muleshoe, Tex.
That airspace extending upward from 700 feet above the surface within a 9-statute mile radius of Edward Warren Field (latitude 34°14'00" N., longitude 102°42'30" W.).

Mullan Pass, Idaho
That airspace extending upward from 8,500 feet MSL within 6 miles N and 9 miles S of the Mullan Pass VORTAC 095° and 275° radials, extending from 8 miles E to 15 miles W of the VORTAC.

Muncie, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Delaware County-Johnson Field (latitude 40°14'26" N., longitude 85°23'43" W.) within 3 miles each side of the Muncie VOR 136° radial, extending from the 7-mile radius area to 13.5 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 125° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 017° radial, extending from the 7-mile radius area to 8 miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 7-mile radius area to 10 miles northwest of the VOR.

Murray, Ky.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Murray-Calloway County Airport (latitude 36°40'04" N., longitude 88°22'06" W.); within 3 miles each side of the 033° bearing from Calloway RBN (latitude 36°39'49" N., longitude 88°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

Muscatine, Iowa
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscatine Municipal Airport (latitude 41°22'00" N., longitude 91°08'40" W.).

Muscle Shoals, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.); within 3 miles each side of Muscle Shoals VOR 114° radial, extending from the 11-mile radius area to 8.5 miles east of the VOR.

Muskegon, Mich.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within a 7-mile radius of the Grand Haven Memorial Airpark (lat. 43°02'00" N., long. 86°12'00" W.), Grand Haven, Mich.; within 4.5 miles southwest and 9.5 miles northeast of the Muskegon County Airport ILS localizer southeast course, extending from the 10-mile radius area to 18.5 miles southeast of the OM; within 4 miles each side of the Muskegon VORTAC 092° radial, extending from the VORTAC to 11.5 miles east of the VORTAC; and within 4½ miles each side of the Muskegon County Airport runway 14 centerline extended to the northwest, extending from the 10-mile radius area to 17 miles northwest of the Muskegon County Airport ILS OM.

Muskogee, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla. (latitude 35°39'25" N., longitude 95°21'40" W.); and within 10 miles southwest and 5 miles northeast of the Muskogee VOR 137° T (130° M) radial extending from the VOR to 20 miles southeast.

Myrtle Beach, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within an 8.5-mile radius of Myrtle Beach AFB (latitude 33°40·45" N., longitude 78°55'45" W.).

PENDING AMENDMENT
The Myrtle Beach, S.C., transition area is amended by deleting "Myrtle Beach Airport" and substituting "Grand Strand Airport" therefor.

AMENDMENTS 12/30/76 41 F.R. 48514 (changed)

Nacogdoches, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of East Texas Regional Airport (latitude 31°34'35" N., longitude 94°42'25" W.), within 2.5 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 3.5 miles each side of the 339° and 159° bearings from the Nacogdoches RBN (latitude 31°38'01" N., longitude 94°44'01" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Nantucket, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.); within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 6-mile radius area to 10 miles NE of the VOR; and that airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of a 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket RBN on the N by Control 1144, on the SW by Control 1145; and that airspace from FL 240 to FL 300, inclusive, SW of Nantucket, bounded on the N by Control 1169, on the E by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket RBN; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W., is excluded below 5,500 feet MSL.

Naples, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Naples Municipal Airport (latitude 26°09'10" N., longitude 81°46'30" W.); within 3 miles each side of the 041° and 228° bearing from the Naples RBN, extending from the 6.5-mile radius area to 8.5 miles northeast and southwest of the RBN.

Nappanee, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Nappanee Municipal Airport (latitude 41°26'45" N., longitude 85°56'00" W.); and within 2 miles each side of the 138° radial of the Goshen, Ind., VORTAC extending from the 5½-mile radius area to 14 miles southeast of the VORTAC excluding the airspace which overlies the Goshen, Ind., transition area.

Nashville, Tenn.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'50" W.); the airspace south bounded on the north by the arc of a 14-mile radius circle centered on Nashville Metropolitan Airport; on the northeast by the arc of an 8.5-mile radius circle centered on Smyrna Airport; on the south by the arc of a 17.5-mile radius circle centered on Nashville Metropolitan Airport, and on the west by Nashville VOR 205° radial; within an 8.5-mile radius of Smyrna Airport (lat. 36°00'33" N., long. 86°31'13" W.); within 3 miles each side of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 21.5 miles southeast of the VORTAC; within 3 miles each side of the 138° bearing from Sewart RBN (lat. 35°57'19" N., long. 86°27'45" W.), extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.); within an 8-mile radius of Lebanon Municipal Airport (lat. 36°11'22" N., long. 86°18'55" W.); within an 8-mile radius of Murfreesboro Municipal Airport (lat. 35°52'32" N., long. 86°22'45"W.); within 3 miles each side of the 007° bearing from Lascassas RBN (lat. 35°52'18" N., long. 86°22'37" W.), extending from the 8-mile radius area to 8.5 miles north of the RBN.

Natchez, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hardy-Anders Field (latitude 31°36'50" N., longitude 91°17'55" W.); within 3 miles each side of Natchez VOR 020° radial, extending from the 7-mile radius area to 8.5 miles north of the VOR.

Natchitoches, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Natchitoches Municipal Airport (latitude 31°44'30" N., longitude 93°06'20" W.) and within 3.5 miles each side of the 177° bearing from the Natchitoches RBN (latitude 31°44'03" N., longitude 93°05'43" W.), extending from the 5-mile radius zone to 11.5 miles south of the RBN.

Nebraska
That airspace extending upward from 1,200 feet above the surface within the State of Nebraska.

Needles, Calif.
That airspace extending upward from 1,200 feet above the surface within 9 miles south and 13 miles north of the Needles VORTAC 092° and 272° radials, extending from 11 miles west to 24 miles east of the VORTAC.

Nenana, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Nenana Airport (latitude 64°32'56" N., longitude 149°04'24" W.); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius area to 10.5 miles southeast of the RBN.

Neodesha, Kansas
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Neodesha, Kansas, Municipal Airport, excluding that portion which coincides with the Parsons, Kansas, transition area.

Neosho, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 94°23'15" W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR.

Nevada, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nevada Municipal Airport (latitude 37°51'10" N., longitude 94°18'05" W.); and within 3 miles each side of the 037° bearing from the Nevada Municipal Airport extending from the 7-mile radius area to 8 miles northeast of the airport.

New Bern, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.).

Newberry, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Luce County Airport (latitude 46°18'30" N., longitude 85°27'00" W.); within 3 miles each side of the 301° bearing from Luce County Airport, extending from the 6½-mile radius to 8 miles northwest of the airport; and within 3 miles each side of the 103° bearing from Luce County Airport, extending from the 6½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 301° bearing from Luce County Airport, extending from the airport to 18½ miles northwest of the airport; and within 4½ miles north and 9½ miles south of the 103° bearing from Luce County Airport, extending from the airport 18½ miles east of the airport, excluding the portion which overlies the Sault Ste. Marie, Mich., transition area.

Newberry, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newberry Municipal Airport (lat. 34°18'40" N., long. 81°38'20" W.); within 3 miles each side of the 031° bearing from the Enoree RBN (lat. 34°18'41" N., long. 81°38'10" W.), extending from the 6.5-mile radius to 8.5 miles northeast of the RBN.

New Braunfels, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Braunfels Municipal Airport (lat. 29°42'10" N., long. 98°02'30" W.) and south of a line extending from the 5-mile radius area east along the San Antonio, Tex., VORTAC 070° radial to the 39-nautical mile DME fix and north of a line extending from the 5-mile radius area east along the San Antonio VORTAC 089° radial to the 39-nautical mile DME fix.

Newburgh, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41° 30'10" N., 74°06'11" W., of Stewart Airport, Newburgh, N. Y., extending clockwise from a 222° bearing to a 332° bearing from the airport; within an 11.5-mile radius of the center of Stewart Airport, extending clockwise from the 332° bearing to a 045° bearing from the airport; within an 8.5-mile radius of the center of Stewart Airport, extending clockwise from a 045° bearing to a 076° bearing from the airport, within a 10-mile radius of the center of Stewart Airport, extending clockwise from a 076° bearing to a 130° bearing from the airport; within a 12.5-mile radius of the center of Stewart Airport, extending clockwise from a 130° bearing to a 159° bearing from the airport; within a 14.5-mile radius of the center of Stewart Airport, extending clockwise from a 159° bearing to a 191° bearing from the airport, within a 12.5-mile radius of the center of Stewart Airport, extending clockwise from a 191° bearing to a 222° bearing from the airport; within 3.5 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the Stewart VOR to 18.5 miles northwest of the Stewart VOR; within 5 miles each side of the Stewart VOR 085° radial, extending from the Stewart VOR to 13 miles east of the Stewart VOR; within 5 miles each side of the Huguenot VORTAC 074° radial extending from the Huguenot VORTAC to 20 miles east of the Huguenot VORTAC; within a 7-mile radius of the center, 41°30' 41" N., 74°15'51" W of Orange County Airport, Montgomery, N. Y., extending clockwise from a 332° bearing to a 074° bearing from the airport; within a 7.5-mile radius of the center of Orange County Airport, extending clockwise from a 074° bearing to a 161° bearing from the airport; within an 8-mile radius of the center of Orange County Airport, extending clockwise from a 161° bearing to a 228° bearing from the airport within a 9-mile radius of the center of Orange County Airport, extending clockwise from a 228° bearing to a 332° bearing from the airport; within 3.5 miles each side of the Orange County Airport ILS localizer south course, extending from the OM to a point 14 miles south of the OM; within a 6-mile radius of the center, 41°25'54" N., 74°23'45" W., of Randall Airport, Middletown, N. Y., extending clockwise from a 015° bearing to a 128° bearing from the airport; within a 6.5-mile radius of the center of Randall Airport, extending clockwise from a 128° bearing to a 167° bearing from the airport; within a 6-mile radius of the center of Randall Airport, extending clockwise from a 167° bearing to a 227° bearing from the airport; within a 7-mile radius of the center of Randall Airport, extending clockwise from a 227° bearing to a 309° bearing from the airport; within a 6.5-mile radius of the center of Randall Airport, extending clockwise from a 309° bearing to a 015° bearing from the airport; and within 2 miles each side of the Huguenot VORTAC 082° radial, extending from the Huguenot VORTAC to 10 miles east of the Huguenot VORTAC.

Newburyport, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

New Castle, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sky Castle Airport (lat. 39°52'34"N., long. 85°19'37"W.); and within 3 miles either side of a 260° bearing from the airport, extending from the 6-mile radius to 8 miles west of the airport.

AMENDMENTS 7/15/76 41 F. R. 18289 (Rewritten)

Newcastle, Wyo.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Newcastle VOR (latitude 43°52'54" N., longitude 104°18'26" W.), 154° and 334° radials extending from 6 miles northwest to 18.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the north edge of V-86, on the east by an arc of a 53-mile radius circle centered on Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.), on the south by the north edge of V-26, on the west by a line 5 miles west of and parallel to the Newcastle VOR 360° radial, excluding the airspace within a 3-mile radius of Schloredt, Wyoming Airport (latitude 44°23'30" N., longitude 104°24'30" W.).

Newgulf, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Newgulf Airport (lat. 29°16'00" N., long. 95°53'00" W.) and within 3 miles each side of the Eagle Lake, Tex., VORTAC 136° radial extending from the 5-mile radius area to 30.5 miles southeast of the Eagle Lake VORTAC.

New Jersey
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Jersey including the offshore airspace within 3 nautical miles east of and parallel to the shoreline; that airspace east of Long Branch, NJ., bounded by latitude 40°17'30" N., longitude 73°54'45" W., to latitude 40° 12'55" N., longitude 73°19'00" W.; to latitude 39°58'40" N., longitude 73°38'35" W., to latitude 39°37' 30" N., longitude 74°07'00" W., thence north along that line 3-NM east and parallel to the State of New Jersey shoreline to latitude 40°17'30" N., longitude 73°54'45" W.; that airspace extending upward from 2,000 feet above the surface bounded on the northwest by the southeast boundary of V-139, on the northeast by the southwest boundary of Control 1147, on the south by a line along latitude 39°44'00" N. The airspace within W-107 below 2,000 feet and within Control 1147 is excluded.

New Madrid, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of County Memorial Airport (latitude 36°32'10" N., longitude 89°35'50" W.); and within 2 miles each side of the Malden, Mo., VOR 95° radial, extending from the 5-mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Mo., 700-foot floor transition area.

New Mexico
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Mexico, excluding that airspace north of a line beginning on the Arizona/New Mexico State line at lat. 35° 31'00" N., thence to lat. 35°52'00" N., long. 108°47'00" W., to lat. 35°47'30" N., long. 108° 34'00" W., thence along long. 108°34'00" W. to and along the north boundary of V-291N to and clockwise along the arc of a 45-mile radius circle centered at the Albuquerque VORTAC to lat. 35°37'35" N., long. 106°24'48" W., to lat. 35° 47'00" N., long. 106°15'00" W., to lat. 35°47'00" N., long. 106°12'30" W., to lat. 36°05'35" N., long. 106°09'50" W., to lat. 36°03'40" N., long. 105° 52'20" W., to lat. 35°47'00" N., long. 105°54'40" W., to lat. 35°47'00" N., long. 105°50'00" W., thence along long. 105°50' 00" W. to and along the north boundary of V-19 to long. 105°16'30" W., to lat. 36°00'00" N., long. 105°07' 00" W., thence along lat. 36°00'00" N., to and along the north boundary of V-190 to the New Mexico/Texas State line, excluding R-5101, R-5107B, and the portion of R-5107A north of lat. 32°18'00" N., excluding that airspace bounded by a line beginning on the Arizona/New Mexico State line at lat. 34°18'00" N., thence to the south boundary of V-264 at long. 108°54'00" W., thence along the south boundary of V-264 to and south along long. 107°00'00" W. to and along the northwest boundary of V-19 to lat. 33°35'00" N., to lat. 33°35'00" N., long. 107°20'00" W., to the northwest boundary of V-202 at long. 107°25'00"W., thence along the northwest boundary of V-202 to lat. 32°59'00" N., to lat. 32°35'00" N., long. 108°37'00" W., to the Arizona/New Mexico State line at lat. 32°25'00" N., thence along the State line to point of beginning, excluding that airspace south of V-66 and excluding that airspace below 11,500 feet MSL bounded by a line beginning at lat. 33°57'00" N., long. 105°27'00" W., thence to lat. 33°12'50" N., long. 105°27'00" W., to lat. 33°10'20" N., long. 105°38'00" W., thence counterclockwise along the arc of a 35-mile radius circle centered at lat. 32°51'04" N., long. 106° 06'05" W. to and along long. 106°04'00" W. to and along the south boundary of V-264 to long. 105°50'30" W., thence to point of beginning.

Newman, GA.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newman-Coweta County Airport (lat. 33°19'06" N., long. 84°46'18" W.); within 2.5 miles each side of LaGrange VORTAC 053° radial, extending from the 5-mile radius area to 19.5 miles northeast of the VORTAC; within 3 miles each side of the 130° bearing from Coweta RBN (latitude 33°18'31" N., longitude 84°46'22" W.), extending from the 5-mile radius area to 8.5 miles SE of the RBN.

New Orleans, La.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25" N., longitude 90°16'35" W.; to latitude 30°08'20" N., longitude 90°02'30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.); to latitude 30°02'20" N., longitude 89°54'20" W.; to latitude 29°49'40" N., longitude 89°54'20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); to latitude 29°44'45" N., longitude 90°05'25" W.; to latitude 29°53'45" N., longitude 90°20'00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'25" N., longitude 90°15'15" W.); to point of beginning; and within 2 miles each side of the Harvey VOR 053° radial extending from the VOR to 8 miles NE;

New Philadelphia, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Harry Clever Field (latitude 40°28'15" N., longitude 81°25'10" W.).

Newport, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newport Municipal Airport (lat. 35°38'25" N., long. 91°10'55" W.), and within 3.5 miles each side of the 163° bearing from the Newport RBN (lat. 35°38'30" N., long. 91°10'00" W.) extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

Newport, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newport Municipal Airport (lat. 44°34'45" N., long. 124°03'24" W.); within 2 miles each side of the Newport VORTAC 005° radial, extending from the 5-mile radius area to 10 miles N of the VORTAC; within 2 miles each side of the Newport VORTAC 044° radial, extending from the 5-mile radius area to 13 miles NE of the VORTAC; and within 3 miles each side of the Newport VORTAC 341° radial, extending from the 5-mile radius area to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within lines 5 miles each side of the Newport VORTAC 237° radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines extending from the VORTAC to a line extending through lat. 44°35'00" N., long. 124°17'30" W., and lat. 44°22'00" N., long. 124°13'25" W., and that airspace within 5 miles E and 10 miles W. of the Newport VORTAC 341° radial, extending from the VORTAC to 19 miles N.

Newport, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport State Airport, Newport, Vt.,; within 2 miles each side of a bearing 032° from the Newport
radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada.

New Port Richey, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the West Pasco Airport (lat. 28°11'15" N., long. 83°37'50" W.); excluding the portion within a 1-mile radius of Torri Field (lat. 28°08'17" N., long. 82°40'30" W.).

AMENDMENTS 3/25/76 41 F. R. 6237 (Added)

Newton, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

Newton, Kans.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.).

New Ulm, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'05" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

New York, N. Y.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40° 38'25" N., 73°46'41" W., of John F. Kennedy International Airport, New York, N. Y., extending clockwise from a 035° bearing to a 065° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 228° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 244° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 244° bearing to a 290° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 338° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 338° bearing to a 035° bearing from the airport; within 3 miles each side of the Canarsie, N. Y., VOR 210° radial, extending from the Canarsie, N. Y., VOR to 4 miles southwest of the VOR; within a 9-mile radius of the center, 40°46' 36" N., 73°52'24" W., of LaGuardia Airport, New York, N. Y., extending clockwise from a 029° bearing to a 080° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 080° bearing to a 117° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 117° bearing to a 243° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 243° bearing to a 320° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 029° bearing from the airport; within 3.5 miles each side of the LaGuardia, N. Y., VOR 038° radial, extending from the LaGuardia, N. Y., VOR to 9 miles northeast of the VOR; within 4.5 miles northwest and 6.5 miles southeast of a 027° bearing and a 207° bearing from a point 40°36'21" N., 74°04'34" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point; within a 10-mile radius of the center, 40°50'57" N., 74°03'47" W., of Teterboro Airport, Teterboro, N. J., extending clockwise from a 047° bearing to a 077° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 077° bearing to a 241° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 241° bearing to a 253° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 253° bearing to a 047° bearing from the airport; within 9.5 miles northwest and 4.5 miles southeast of the Teterboro Airport ILS localizer southwest course, extending from the OM to 18.5 miles southwest of the OM; within a 9-mile radius of the center, 40°41'40" N., 74°10'02" W., of Newark International Airport, Newark, N. J.

Extending clockwise from a 011° bearing to a 071° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 071° bearing to a 123° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 123° bearing to a 150° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 150° bearing to a 232° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 232° bearing to a 255° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 255° bearing to a 011° bearing from the airport; within 2.5 miles each side of a 105° bearing from a point 40°45'24" N., 74°30'48" W., extending from the 12-mile radius area to 4 miles east of said point; within 5 miles each side of a 098° bearing from the Chatham, N. J., RBN, extending from the 12-mile radius area to 2 miles east of the Chatham, N. J., RBN; within a 10-mile radius of the center, 40°47'58" N., 74°24'56" W., of Morristown Municipal Airport, Morristown, N. J., extending clockwise from a 022° bearing to a 116° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 116° bearing to a 225° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 264° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 264° bearing to a 335° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 335° bearing to a 022° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Morristown Municipal Airport ILS localizer northeast course, extending from 5.5 miles southwest of the OM to 11.5 miles northeast of the OM; within 9.5 miles southeast and 4.5 miles northwest of the Morristown Municipal Airport ILS localizer northeast course, extending from the OM to 18.5 miles northeast of the OM; within 9.5 miles northwest and 4.5 miles southeast of a 204° bearing from the Chatham, N. J., RBN, extending from the Chatham, N. J., RBN to 18.5 miles southwest of the RBN; within 5 miles each side of the Solberg, N. J., VORTAC 067° radial, extending from the Solberg, N. J., VORTAC to 10.5 miles northeast of the VORTAC; within 5 miles each side of the Morristown Municipal Airport ILS localizer southwest course, extending from the localizer to 14.5 miles southwest of the localizer; within a 5.5-mile radius of the center, 40°31'30" N., 74°35'52" W., of Kupper Airport, Manville, N. J.

Extending clockwise from a 064° bearing to a 331° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 331° bearing to a 064° bearing from the airport; within 6.5 miles northeast and 4.5 miles southwest of the Solberg, N. J., VORTAC 298° radial and 118° radial, extending from 5.5 miles southeast to 11.5 miles northwest of the VORTAC; within a 7-mile radius of the center, 40°52' 15" N., 74°17'00" W., of Caldwell-Wright Airport, Caldwell, N. J., extending clockwise from a 062° bearing to a 149° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 149° bearing to a 267° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 267° bearing to a 346° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 346° bearing to a 062° bearing from the airport; within 3.5 miles each side of a 276° bearing from a point 40°52'48" N., 74°20'08" W., extending from said point to 11.5 miles west of said point; within 5 miles each side of a 281° bearing from a point 40°52'48" N., 74°20'08" W., extending from said point to 13.5 miles west of said point; within 9.5 miles northwest and 4.5 miles southeast of a 054° bearing from the Paterson, N. J., RBN, extending from the RBN to 18.5 miles northeast of the RBN; within a 6-mile radius of the center, 40°41'28" N., 74°32'08" W., of Somerset Hills Airport, Basking Ridge, N. J., extending clockwise from a 035° bearing to a 162° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 162° bearing to a 217° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 217° bearing to a 287° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 287° bearing to a 035° bearing from the airport; within 8 miles northwest and 4.5 miles southeast of a 058° bearing and a 238° bearing from the Chatham, N. J., RBN, extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the Sparta, N. J., VORTAC 082° radial, extending from 23 miles east of the VORTAC to 38 miles east of the VORTAC; within an 8.5-mile radius of the center, 40°37'30" N., 74°40'30" W., of Somerset Airport, Somerville, N. J.

New York transition area continued on next page.

Extending clockwise from a 044° bearing to a 138° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 138° bearing to a 274° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 274° bearing to a 312° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 312° bearing to a 044° bearing from the airport, within 8 miles southeast and 4.5 miles northwest of the Solberg, N. J., VORTAC 050° and 230° radials, extending from 5.5 miles northeast of the VORTAC to 11.5 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°19' 00" N., 74°00'00" W., to 41°12'00" N., 74°00'00" W., to 41°11'00" N., 74°09'00" W., to 41°08'10" N., 74°13'00" W., thence northwesterly along the boundary of the State of New Jersey to 41°17'45" N., 74°33'15" W., to 41°19'00" N., 74°33'00" W., to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°30'00" N., 73°36'00" W.; thence east along 40°30'00" N., to the northwest edge of V-139, thence southwest along the northwest edge of V-139 to 40°12'55" N., 73°19'00" W.; to 40°14'15" N., 73°30'30" W., to 40°21'45" N., 73°40'45" W., to 40°16'35" N., 73°47'30" W., to 40°17'30" N., 73°54'45" W., to 40°17'00" N., 73°58'00" W., to 40°24'00" N., 73°58'00" W., to 40°29'00" N., 74°16'00" W., to 40°32'00" N., 74°16'00" W., to 40°41'00" N., 74°11'45" W., to 40°32'00" N., 73°49'00" W., to 40°32'00" N., 73°45'00" W., to 40°33'00" N., 73°41'00" W., to 40°41'00" N., 73°39'00" W., to 40°55'00" N., 73°50'00" W., to 40°55'00" N., 73° 58'00" W., to 41°00'00" N., 73°54'00" W., to 41°00'00" N., 73°33'00" W., to 40°50'00" N., 73°42'00" W., to 40°41'00" N., 73°33'30" W., to the point of beginning. The airspace within W-106 below 3,000 feet MSL is is excluded.

Nogales, Ariz.

That airspace extending upward from 700 feet above the surface within a five-mile radius of Nogales International Airport (latitude 31°25'00" N., longitude 110°50'55" W.), within 4.5 miles S and 9.5 miles N of the Nogales VOR 289° radial, extending from the VOR to 18.5 miles W of the VOR and within four miles each side of the Nogales VOR 329° radial, extending from the VOR to 21 miles NW of the VOR, that airspace extending upward from 1,200 feet above the surface bounded on the N by the Tucson, Arizona transition area, on the E by longitude 110°45'00" W., on the S by the United States/Mexican border and on the W by longitude 111°18'00"W.

Nome, Alaska

That airspace extending upward from 700 feet above the surface within a 26-mile radius of the Nome VORTAC, extending clockwise from the 277° radial to the 313° radial; and within a 12-mile radius of the Nome VORTAC, extending clockwise from the 313° radial to the 134° radial; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Nome VORTAC.

Withdrawn 41 F. R. 10418 - comment period reopened until 4/15/76 AMENDMENTS 9/9/76 41 F. R. 29664 (Rewritten)

Norfolk, Nebr.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

Norfolk, Va.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 37°10'35" N., long. 76°17'35" W., to lat. 36°49'45" N., long. 75°52'05" W., to lat. 36°29'25" N., long. 76°09'40" W., to lat. 36°35'40" N., long. 76°18'40" W., to lat. 36°54'00" N., long. 76°27'30" W., to lat. 36°54'00" N., long. 76° 36'15" W., to lat. 37°11'30" N., long. 76°46'40" W., to lat. 37°16'10" N., long. 76°39'25" W., to lat. 37°11' 50" N., long. 76°16'20" W., thence to the point of beginning; within 2 miles southeast and 5 miles northwest of the Langley AFB, Hampton, Va. (lat. 37°05'05" N., long. 76°21'25" W.) Runway 7 centerline extended 15 miles northeast of the end of Runway 7; within the arc of an 8.5-mile radius circle centered on Patrick Henry International Airport, Newport News, Va. (lat. 37°07'51" N., long. 76°29'35" W.) extending clockwise from a 323° bearing to a 066° bearing from the center of the airport; within 3.5 miles each side of the Patrick Henry International Airport ILS localizer southwest course, extending from the LOM to 11.5 miles southwest, and within a 9-mile radius of Oceana NAS (Soucek Field) (latitude 36°49'30" N., longitude 76°01'45" W.).

North, S. C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.); excluding the portion within Columbia transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within a 13-mile radius arc of the North Bend VORTAC extending clockwise from the 004° radial to 130° radial; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles south and 6.5 miles north of the VORTAC 241° radial, extending from the VORTAC to 17 miles southwest; that airspace extending upward from 1,200 feet above the surface within a 22-mile radius arc of the North Bend VORTAC extending clockwise from the west edge of V-27, south of the VORTAC, to the west edge of V-287, north of the VORTAC; within 2.5 miles southeast and 11.5 miles northwest of the North Bend VORTAC 241° radial extending from the VORTAC to 25.5 miles southwest.

North Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of North Carolina including that airspace within 3 nautical miles of and parallel to the shoreline of North Carolina; and including the additional airspace bounded by a line beginning at latitude 34°09'45" N., longitude 77°45'45" W., to latitude 34°03'05" N., longitude 77°42'30" W., to latitude 34°01'05" N., longitude 77°50'05" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace bounded by a line beginning at latitude 33°50'30" N., longitude 78°23'45" W., to latitude 33°45'50" N., longitude 78°31'00" W., to latitude 33°48'10" N., longitude 78°31'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south and west by a line 3 nautical miles from and parallel to the shoreline and on the north by latitude 36°33'30" N., excluding the portion within R-5311.

North Conway, N. H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, latitude 44°01'30" N., longitude 71°06'45" W., of White Mountain Airport, North Conway, N. H.; within 4.5 miles northeast and 6.5 miles southwest of the 128° bearing and the 308° bearing from the North Conway NDB, latitude 44°01'26" N., longitude 71°06'59" W., extending from 6 miles northwest of the NDB to 12 miles southeast of the NDB; and within 4.5 miles northeast and 9.5 miles southwest of the 128° bearing from the North Conway NDB extending 18.5 miles southeast of the NDB.
That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N. H., NDB extending from the NDB to 12 miles southeast of the NDB; within 5 miles each side of a direct line extending from the Dalton, N. H., NDB, latitude 44°21'44" N., longitude 71°41'08" W., to the North Conway, N. H., NDB; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N. H., NDB; within 5 miles each side of a direct line extending from the Lebanon, N. H., VOR to the North Conway, N. H., NDB and within 5 miles each side of a line bearing 115° from the North Conway, N. H., NDB extending from the NDB to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N. H., Lebanon, N. H., and Burlington, Vt., 1,200-foot transition areas.

North Hilo, Hawaii
That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V-1 Hawaii, and on the west, north and east by a line extending from V-1 Hawaii, through latitude 20°30'00" N., longitude 155°33'30" W.; to latitude 20°45'00" N., longitude 155°43'00" W.; thence along latitude 20°45'00" N.; to longitude 155°27'00" W.; thence through latitude 20°27'22" N., longitude 155°15'00" W., to V-1 Hawaii.

North Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40° 04'49" N., 75°00'45" W., of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 058° bearing to a 227° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 227° bearing to a 277° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 277° bearing to a 058° bearing from the airport; within 3.5 miles each side of the North Philadelphia VOR 045° radial, extending from the VOR to 10 miles northeast of the VOR; within an 8.5-mile radius of the center, 40°16'39" N., 74°48'49" W., of Mercer County Airport, Trenton, N. J., extending clockwise from a 055° bearing to a 245° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 245° bearing to a 055° bearing from the airport; within 5 miles each side of the Yardley VORTAC 251° radial, extending from the VORTAC to 5 miles west of the VORTAC; within 3.5 miles each side of the Yardley VORTAC 070° radial, extending from Yardley VORTAC to 16 miles east of the VORTAC; within a 5-mile radius of the center 40°08'15" N., 75°16'00" W., of Wings Field, Philadelphia, Pa., extending clockwise from a 118° bearing to a 181° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 181° bearing to a 305° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 118° bearing from the airport; within 4.5 miles northwest 6.5 miles southeast of a 052° bearing and a 232° bearing from a point 40°05'06" N., 75°21'24" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point; within 5 miles each side of a 254° bearing from a point 40°05'06" N., 75°21'24" W., extending from said point to 6.5 miles west of said point; within 5 miles each side of a 231° bearing from the Ambler, Pa., RBN 40°07'33" N., 75°17'08" W., extending from the RBN to 6.5 miles southwest of the RBN; within a 9-mile radius of the center, 40°12'00" N., 75°08'55" W., of Willow Grove NAS, Willow Grove, Pa.; within 5 miles each side of the Willow Grove TACAN 136° radial, extending from the 9-mile radius area to 11.5 miles southeast of the TACAN; within 5 miles each side of the Willow Grove TACAN 325° radial, extending from the 9-mile radius area to 13.5 miles northwest of the TACAN; within an 8.5-mile radius of the center, 40°12'15" N., 75°04'30" W., of Warminster NAF, Warminster, Pa., extending clockwise from a 025° bearing to a 254° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 025° bearing from the airport; within 4 miles each side of a 262° bearing from the Willow Grove RBN, extending from the RBN to 8.5 miles west of the RBN; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 8.5-mile radius area centered on Warminster NAF to the VORTAC; within 5 miles each side of the Warminster TACAN 259° radial, extending from the TACAN to 9.5 miles west of the TACAN; within 4.5 miles each side of the Warminster TACAN 083° radial, extending from the TACAN to 9 miles east of the TACAN; within a 5-mile radius of the center, 40°13'15" N., 75°12'45" W. of Turner Field, Prospectville, Pa.; within 8 miles southwest and 3.5 miles northeast of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 31.5 miles northwest of the VOR; within 5 miles each side of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 26 miles northwest of the VOR; within 2.5 miles each side of the North Philadelphia VOR 312° radial extending from 18 miles northwest of the VOR to 20 miles northwest of the VOR; within a 5-mile radius of the center, 40°11'18" N., 74°53'54" W. of Buehl Field, Langhorne, Pa., extending clockwise from a 032° bearing to a 254° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 320° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 032° bearing from the airport; within 2 miles each side of the North Philadelphia VOR 038° radial, extending from the 5-mile radius to the North Philadelphia VOR.

North Platte, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'42" N., longitude 100°41'47" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and within 5 miles each side of the 301° bearing from Lee Bird Field, extending from the 10-mile radius area to 11.5 miles northwest of the airport.

North Vernon, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the North Vernon Municipal Airport (latitude 39°02'30" N., longitude 35°36'45" W.) and within 3.5 miles either side of a 220° bearing from the airport extending from the 5-mile radius area to 7.5 miles SW of the airport.

Northway, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Nabesna, Alaska, RBN, extending from 8 miles SE to 12 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Nabesna RBN, extending from 22 miles SE to 42 miles NW of the RBN.

Norwich, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°34' 00" N., 75°31'30" W., of Warren Eaton Airport, Norwich, N. Y.; within a 12.5-mile radius of the center of the airport, extending clockwise from a 071° bearing to a 103° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 351° bearing from the airport.

Oakdale, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Oakdale Airport (latitude 37°45'23" N., longitude 120°48'01" W.) and within 2.5 miles each side of the Stockeon VORTAC 104° radial, extending from the 3-mile radius area to 16 miles E of the VORTAC.

Oak Grove, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Oak Grove HOLF (Navy), N. C. (lat. 35°01'15" N., long. 77°15'12" W.), excluding the portion within New Bern, N. C., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Oakland, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center lat. 39° 34'49" N., long. 79°20'25" W. of Garrett County Airport, Oakland, Md., and within 2 miles each side of the Grantsville VORTAC 256° radial, extending from the 6-mile radius area to 9 miles west of the VORTAC.

Ocala, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ocala Municipal (Jim Taylor Field) Airport (lat. 29°10'18" N., long. 82°13'26" W.).

Ocean City, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 38°18'35" N., long. 75°07'09" W. of Ocean City Airport, Ocean City, Md.; within 2.5 miles each side of the Snow Hill, Md., VORTAC 047° radial, extending from the 5-mile radius area to 18.5 miles northeast of the VORTAC and within 2.5 miles each side of the Salisbury, Md., VORTAC 096° radial, extending from the 5-mile radius area to 15.5 miles east of the VORTAC, excluding the portion outside the United States.

AMENDMENTS 12/19/75 40 F. R. 58849 (Changed)

Oceanside, Calif.
That airspace extending upward from 700 feet above the surface between the Oceanside VORTAC 316° and 136° radials and a line 5 miles northeast of and parallel to the Oceanside VORTAC 316° and 136° radials, extending from latitude 33°15'00" N., to 5 miles northwest of the VORTAC.

Oconto, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Oconto Municipal Airport (lat. 44°52'00"N., long. 87°54'30"W.); and within 3 miles each side of the 280° bearing from the Oconto Airport, extending from the 5-mile radius area to 8 miles west of the airport.

AMENDMENTS 7/15/76 41 F. R. 20648 (Added)

Ocracoke, N.C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ocracoke Island Airport (lat. 35°06'04"N., long. 75°57'57"W.); within 3 miles each side of the 059° bearing from the Ocracoke RBN (lat. 35°06'16"N., long. 75°57'50"W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN, excluding the portion outside of the continental limits of the United States.

AMENDMENTS 11/4/76 41 F.R. 37098 (Added)

Oelwein, Iowa
That airspace extending upward from 700 feet above the surface within a 6-statute mile radius of the Oelwein Municipal Airport (latitude 42°41'04" N., longitude 91°58'42" W.); and within 3.5 statute miles each side of the 303° bearing from the airport reference point extending from the 6-mile radius to 11.5 miles northwest of the airport.

Ogallala, Nebr.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Searle Airport (latitude 41°07'00" N., longitude 101°46'00" W.); and that airspace within the state of Colorado extending upward from 1,200 feet above the surface within 9.5 miles south and 4.5 miles north of the 252° bearing from the airport extending to 18.5 miles west.

Ogden, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°27'00" N., on the east by longitude 111°55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC;
that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288 on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

Ogdensburg, N.Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°40'52" N., 75°28'05" W. of Ogdensburg International Airport, Ogdensburg, N. Y., excluding the portion over Canada: within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.
That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°16'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°56'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W., 44°42'00" N., 74°54'00" W.; to 44°36'00" N., 75°00'00" W.; to point of beginning.

Ohio
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Ohio.

Oklahoma
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R-5601A.

Oklahoma City, Okla.
That airspace west of longitude 97°10'00" W. extending upward from 700 feet above the surface within a 23-mile radius of latitude 35°24'25" N., longitude 97°23'50" W.; within 10 miles west and 5 miles east of the Will Rogers World Airport, runway 35R ILS south course, extending from the LOM to 18.5 miles south of the LOM; and within 2 miles each side of the Wiley Post VOR (latitude 35°31'58.4"N., longitude 97°38'48.7"W.) 269° radial extending from the 23-mile radius area to 7 miles west of the Wiley Post VOR; and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'15"N., longitude 97°49'00"W.).
AMENDMENTS 11/4/76 41 F.R. 37097 (Changed)

Okmulgee, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., Airport (latitude 35°39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° Radial extending from the VOR to 12 miles E.

Olean, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 42°14'20" N., long. 78°22'30" W. of Olean Municipal Airport and within 3.5 miles each side of the Olean, N. Y., RBN (lat. 42°17'20" N., long. 78°20'08" W.) 028° bearing extending from the 8-mile radius area to 11.5 miles northeast of the RBN.

Olivia, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Olivia Municipal Airport (latitude 44°46'14" N., longitude 95°01'58" W.); and within 2 miles each side of the 193° bearing from the airport extending from the 5-mile radius area to 6.5 miles south of the airport.

AMENDMENTS 2/26/76 40 F. R. 59199 (Added)

Olney, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport (latitude 38°43'20" N., longitude 88°10'25" W.); within 2 miles each side of the 223° bearing from the airport, extending from the 5-mile radius area to 8 miles southwest of the airport, and within 2 miles each side of the 344° radial of Samsville VORTAC, extending from the 5-mile radius area to 5.5 miles southeast of the airport.

AMENDMENTS 1/29/76 40 F. R. 53231 (Rewritten)

Omaha, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); within 2 miles each side of the Eppley Field ILS localizer southeast course, extending from the 10-mile radius area to 15 miles southeast of the airport; and within 5 miles northeast and 8 miles southwest of the Eppley Field ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the OM; within a 10-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 6 miles northeast and 8 miles southwest of the Offutt AFB VOR 310° and 130° radials, extending from the 10-mile radius area to 12 miles southeast of the VOR; and within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 10-mile radius area to 8 miles northwest of the TACAN; within a 5-mile radius of Council Bluffs, Iowa, Municipal Airport (latitude 41°15'35" N., longitude 95°45'40" W.); and within 2 miles each side of the Omaha VORTAC 341° radial, extending from the 5-mile radius area to the VORTAC.

Omak, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°27'50" N., longitude 119°31'00" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'13" N., longitude 119°30'56" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

Oneida, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.);
within 3 miles each side of the 055° bearing from Scott RBN (lat. 36°27'26" N., long. 84°35'11" W.), extending from the 5.5-mile radius area to 8.5 miles northeast of the RBN.

O'Neill, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of O'Neill Municipal Airport (latitude 42°28'10" N., longitude 98°41'15" W.); and within 3½ miles each side of the O'Neill VORTAC 315° radial, extending from the 5½-mile radius area to 12 miles northwest of the VORTAC.

Oneonta, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (42° 31'25" N., 75°04'00" W.) of Oneonta Municipal Airport, Oneonta, N. Y., and within 2 miles each side of the Rockdale, N. Y., VORTAC 067° radial extending from the 7-mile radius area to the VORTAC.

Ontario, Oreg.
That airspace extending upward from 700 feet above the surface within 4.5 miles west and 9.5 miles east of the 168° and 348° bearings from the Ontario, Oreg., RBN, extending from 18.5 miles south to 6 miles north of the RBN.

Ontonagon, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontonagon County Airport (latitude 46°50'47" N., longitude 89°21'29" W.); and within 3 miles each side of a 042° bearing from Ontonagon County Airport, extending from the 6-mile radius area to 7.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 042° bearing from Ontonagon County Airport, extending from the airport to 18½ miles northeast of the airport.

Opelousas, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of St. Landry Parish Airport (latitude 30°33'30" N., longitude 92°06'00" W.), and within 2.5 miles each side of the Lafayette VORTAC 347° radial extending from the 5-mile radius area to 22.5 miles north of the VORTAC.

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Orange, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange County Airport (latitude 30°04'10" N., longitude 93°48'05" W.) and within 3 miles each side of the 042° bearing from the proposed NDB (latitude 30°04'35" N., longitude 93°47'35" W.) extending from the 5-mile radius area to 2.5 miles northeast.

AMENDMENTS 1/29/76 40 F. R. 53996 (Added)

Orangeburg, S. C.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport (latitude 33°27'40" N., longitude 80°51'30" W.); within 3 miles each side of the 226° bearing from Orangeburg RBN (latitude 33°26'23" N., longitude 80°52'41" W.), extending from the 7.5-mile radius area to 8.5 miles southwest of the RBN; within 3 miles each side of Edisto VOR/DME (latitude 33°27'25" N., longitude 80°51'34" W.) 230° radial, extending from the 7.5-mile radius area to 8.5 miles southwest of the VOR/DME.

Orange City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange City Municipal Airport (lat. 42°59'25"N., long. 96°03'45"W.); and within 3 miles each side of the 172° bearing from the Orange City Municipal Airport, extending from the 5-mile radius area to 8½ miles south of the airport.

AMENDMENTS 7/15/76 41 F. R. 12877 (Added)

Orange Grove, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange Grove NALF (latitude 27°54'03" N., longitude 98°03'05" W.), within 2.5 miles each side of the NAS Kingsville TACAN 332° radial extending from the 5-mile area to 21 miles northwest of the NAS Kingsville TACAN and within 5 miles each side of the NAS Kingsville TACAN 31-mile arc extending from the 5-mile radius area to the NAS Kingsville TACAN 320° radial excluding that portion that lies within the Alice, Tex., control zone.

Orlando, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Herndon Airport (lat. 28°32'40" N., long. 81°19'55" W.); within an 8.5-mile radius of Orlando Jetport at McCoy (lat. 28° 25'55" N., long. 81° 19'15" W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 3 miles each side of McCoy ILS localizer south course, extending from the 8.5-mile radius area to 9.5 miles south of the OM; within a 6.5-mile radius of Kissimmee Municipal Airport (lat. 28°17'30" N., long. 81°26'15" W.); within 3 miles each side of the 322° bearing from Kissimmee RBN (lat. 28°17'21" N., long. 81°26'05" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.
AMENDMENTS 1/29/76 40 F. R. 49567 (Changed)

Orr, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Orr Municipal Airport (latitude 48°01'00" N., longitude 92°51'21" W.); within 3 miles each side of the 324° bearing from the Orr Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 9½ miles west of the 324° bearing of the Orr Municipal Airport extending from the airport to 18½ miles northwest; within 5 miles each side of the 144° bearing of the Municipal Airport extending from the airport to 12 miles southeast of the airport.

Osceola, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 3 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6½-mile radius to 8 miles southeast of the airport.

Oscoda, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 7-mile radius area to 14 miles SW of the TACAN; and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 7-mile radius area to 14 miles NE of the TACAN.

Oshkosh, Nebr.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (latitude 41°22'55" N., longitude 102°21'12" W.).

Oshkosh, Wis.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 44°24'00" N., longitude 88°45'00" W., to latitude 44°24'00" N., longitude 88°27'00" W., to latitude 44°19'00" N., longitude 88°19'00" W., to latitude 43°33'00" N., longitude 88°19'00" W., to latitude 43°33'00" N., longitude 88°53'00" W., to latitude 43°52'00" N., longitude 88°53'00" W., to point of beginning.

Oswego, N. Y.
That airspace extending upward from 1,200 feet above the surface beginning at latitude 43°24'00" N., longitude 76°45'00" W., to latitude 43°24'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 78°00'00" W.; thence north along longitude 78°00'00" W., to the U. S./Canadian border, thence east along the U. S./Canadian border to longitude 75°00'00" W.; thence to latitude 43° 32'00" N., longitude 76°23'00" W.; to latitude 43°24'00" N., longitude 76°40'00" W.; to point of beginning.

Ottawa, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Putnam County Airport (latitude 41°02'08" N., longitude 83°59'01" W.); within 3 miles each side of the 090° bearing from the airport extending from the 5-mile radius area to 8.5 miles east of the airport.

Ottumwa, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ottumwa Industrial Airport (latitude 41°06'20" N., longitude 92°26'50" W.) and within 2 miles each side of the Ottumwa VORTAC 309° radial extending from the 6-mile radius area to 13 miles northwest of the airport.

Owensboro, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.).

Oxford, Conn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 41°28'45" N., long. 73°08'10" W. of Waterbury-Oxford Airport, Oxford, Conn., and within 4 miles each side of the Oxford, Conn., RBN (lat. 41°31'45" N., long. 73°08'36" W.) 354° bearing extending from the 7-mile radius area to 10 miles north of the RBN.

Oxford, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.); within 3 miles each side of the 280 bearing from Oxford RBN (latitude 34°23'00" N., longitude 89°32'30" W.), extending from the 5-mile radius area to 8.5 miles west of the RBN.

Oxford, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Oxford-Henderson Airport (lat. 36°21'50" N., long. 78°31'42" W.); within 3 miles each side of the 244° bearing from Huntsboro RBN (lat. 36°21'52" N., long. 78°31'29" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Oxford, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

Oxnard, Calif.
That airspace extending upward from 700 feet above the surface beginning at lat. 34°01'50" N., long. 119°03'00" W., to lat. 34°02'30" N., long. 118°53'30" W., to lat. 34°19'30" N., long. 118°53'00" W., to lat. 34°19'30" N., long. 119°29'50" W., thence 3 nautical miles from and parallel to the shoreline to lat. 34°14'50" N., long. 119°22'00" W., to lat. 34°14'45" N., long. 119°23'30" W., to lat. 34°06'55" N., long. 119°22'30" W., to lat. 34°07'45" N., long. 119°15'00" W., thence via a 7-mile radius of the Point Mugu RBN to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the east by long. 118°50'00" W., on the south by lat. 34°00'00" N., on the west by long 120°00'00" W., and on the north by a line extending from lat. 34°20'00" N., long. 120°00'00" W.; to lat. 34°20'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 118°50'00" W.; within the arc of a 34-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 165° radial to the 255° radial, and within 14 miles southeast and 9 miles northwest of the Point Mugu TACAN 220° radial, extending from the 34-mile radius area to 49 miles southwest of the TACAN, excluding the portion within W-412; and that airspace extending upward from 5,000 feet MSL bounded on the north by latitude 34°15'00" N., on the east by longitude 120°00'00" W., on the south by latitude 34°00'00" N., and on the west by longitude 120°30'00" W., excluding the portion within the Santa Barbara, Calif., transition area.

Ozark, Ark.
That airspace extending upward from 700 feet above the surface within a 9-statute-mile radius of Ozark-Franklin County Airport, Ozark, Ark. (lat. 35°30'36"N., long. 93°50'23"W.); and within 3.5 statute miles each side of the 167° bearing from the Ozark RBN (lat. 35°30'27"N., long. 93°50'26"W.), extending from the 9-mile-radius area to 11.5 statute miles south of the RBN.

AMENDMENTS 7/15/76 41 F. R. 16453 (Rewritten)

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Ozark, Missouri
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Air Park South Airport (latitude 37°03'35" N., longitude 93°14'08" W.); within 2.75 miles either side of the Springfield, Missouri, VORTAC 166° T radial, extending from the 5-mile radius to 4.5 miles north, excluding that portion which overlies the Springfield, Missouri, control zone and 700-foot transition area.

Paducah, Ky.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 5 miles each side of Cunningham VORTAC 225° radial, extending from the 10-mile radius area to 11.5 miles southwest of the VORTAC.

AMENDMENTS 11/4/76 41 F.R. 38762 (Changed)

Paducah, Tex.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Paducah, Tex., Dan E. Richards Airport (latitude 34°01'30" N., longitude 100°17'00" W.).

AMENDMENTS 3/25/76 41 F. R. 3848 (Added)

Page, Ariz.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Page Airport (latitude 36°55'29" N., longitude 111°26'54" W.); within 2 miles each side of the Page VOR 340° radial, extending from the 6-mile radius area to 11 miles NW of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 9 miles SW of the Page VOR 340° radial extending from the VOR to 18 miles NW of the VOR; and within 6 miles E and 9 miles west of the Page VOR 175° radial extending from the VOR to 11.5 miles S of the VOR.

AMENDMENTS 2/12/76 40 F. R. 57354 (Added) Corr: 41 F. R. 1583

Pahokee, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Beach County Glades Airport (lat. 26°47'15" N., long. 80°41'45" W.); within 3 miles each side of Pahokee VORTAC 342° radial, extending from the 5-mile radius area to 9.5 miles north of the VORTAC.

Palacios, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles northwest of the VORTAC.

Palestine, Tex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.) and within 3 miles each side of the 193° bearing from the Palestine RBN (latitude 31°46'48" N., longitude 95°42'03" W.) extending from the 8.5-mile radius to 8.5 miles south of the RBN.

Palm Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within a 6.5-mile radius of Palm Beach County Park Airport (lat. 26°35'15" N., long. 80°05'15" W.); excluding the portion outside the continental limits of the United States.

Palmdale, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles S and 7 miles N of the Palmdale VORTAC 298° radial extending from the VORTAC to 18 miles NW; within 6 miles S and 12 miles N of the Palmdale VORTAC 298° and 118° radials extending from 11 miles NW to 13 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°36'30" N., longitude 118°45'00" W., to latitude 35°44'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°35'00" W., to latitude 35°36'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°06'30" W., to latitude 35°34'30" N., longitude 116°29'40" W., to latitude 35°34'30" N., longitude 116°23'30" W., to latitude 35°28'35" N., longitude 116°18'45" W., to latitude 35°21'30" N., longitude 116°13'00" W., to latitude 34°43'00" N., longitude 116°13'00" W., thence W along latitude 34°43'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to latitude 34°30'00" N., thence W along latitude 34°30'00" N., to longitude 118°20'00" W., thence N along longitude 118°20'00" W., to the S boundary of V-137, thence W along the S boundary of V-137 to longitude 118°45'00" W., thence to point of beginning.

Palmer, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42° 13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72° 18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

Palm Springs, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), within 2 miles NE and 5 miles SW of the Palm Springs VOR 120° and 300° radials, extending from 3 miles NW to 8.5 miles SE of the VOR, and within 3 miles S of the 104° bearing from the Palm Springs Airport, extending from the 5-mile radius area to 10 miles E of the airport.

Pampa, TX.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 3½ miles each side of the 001° bearing from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 11.5 miles north of the RBN.

Panama City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.

Paragould, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 2 miles each side of the 235° bearing from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN excluding the portion within the Jonesboro, Ark., control zone.

Paris, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edgar County Airport (latitude 39°42'02" N., longitude 87°39'57" W.); and within 3 miles either side of the 072° bearing from the airport extending from the 5-mile radius area to 8 miles from the airport.

AMENDMENTS 3/25/76 40 F. R. 59723 (Added)

Paris, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (lat. 36°20'15" N., long. 88°23'00" W.); within 3 miles each side of the 213° and 353° bearings from Paris RBN (lat. 36°20'28" N., long. 88°22'46" W.), extending from the 5-mile radius area to 8.5 miles southwest and north of the RBN.

Paris, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR.

Parker, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Parkersburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 39°20'44" N., long. 81°26'16" W. of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.; within 5 miles each side of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course, extending from the 9-mile radius area to 10 miles south of the OM; within 4.5 miles west and 6.5 miles east of a 200° and a 020° bearing from the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course OM, extending from 5.5 miles north to 11.5 miles south of the OM; and within 5 miles each side of a 086° bearing from a point, lat. 39°09'38" N., long. 81°38'35" W., extending from said point to 5 miles east of the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course.

Park Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Park Rapids Municipal Airport (latitude 46°53'53" N., longitude 95°04'08" W.); within 3 miles each side of the 132° bearing from the airport extending from the 6½-mile radius area to 8 miles southeast of the airport; within 3 miles each side of the 320° bearing from the airport extending from the 6½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the airport extending from the airport to 18½ miles southeast; within 4½ miles northeast and 9½ miles southwest of the 320° bearing from the airport extending from the airport to 18½ miles northwest.

Parsons, Kans.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Tri-City Airport (latitude 37°19'52" N., longitude 95°30'32" W.); and within 3 miles each side of the 173° bearing from the Parsons RBN extending from the 6.5-mile radius to 8.5 miles south of the RBN, and within 3 miles each side of the 008° bearing from the Parsons RBN extending from the 6.5-mile radius to 8.5 miles north of the RBN.

Pascagoula, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (latitude 30°22'43" N., longitude 88°29'37" W.); within 3 miles each side of the 060° bearing from Pascagoula RBN (latitude 30°22'53" N., longitude 88°29'33" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Pasco, Wash.
That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 6 miles southeast of the Pasco VOR 046° and 226° radials extending from 23 miles northeast to 12 miles southwest of the VOR within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial extending from the VOR to 18.5 miles southeast of the VOR.
That airspace extending upward from 1,200 feet above the surface, southwest of Pasco, Wash., bounded on the north by the south edge of V-298, on the east by the west edge of V-112W and on the southwest by the northeast edge of V-4; within 3 miles north and 7.5 miles south of the Pasco VOR 288° radial extending from 8 miles west of the VOR to 18 miles west of the VOR.

Paso Robles, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VORTAC 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VORTAC 149° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VORTAC 149° and 329° radials, extending from 20 miles SE to 9 miles NW of the VORTAC, and within 12 miles NE and 7 miles SW of the 142° and 322° radials, extending from 9 miles SE to 24 miles NW of the VORTAC.

Patterson, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harry P. Williams Memorial Airport (latitude 29°42'40" N., longitude 91°20'18" W.), within 2.5 miles each side of the Tibby VORTAC 276° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the 228° bearing from the Patterson RBN (latitude 29°42'32" N., longitude 91°20'14" W.) extending from the 5-mile radius area to 11.5 miles southwest of the RBN.

Patuxent River, Md.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Patuxent VORTAC, excluding the portion NW of a line extending from latitude 38°15'00"N., longitude 76°39'20"W., to latitude 38°26'20"N., longitude 76°14'00"W.

AMENDMENTS 8/19/76 41 F.R. 31524 (Changed)

Peach Springs, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC. That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E.

Pearsall, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of McKinley Field Airport (latitude 28°49'00" N., longitude 99°07'00" W.) and within 2.5 miles either side of the Cotulla, Tex., VORTAC 001° radial extending from the 5-mile radius area to 18.5 miles north of the VORTAC.

Pecos, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos, Tex., Municipal Airport (latitude 31°23'45" N., longitude 103°30'50" W.); and within 2 miles each side of the Pecos VOR 146° radial, extending from the 6-mile radius area to the VOR.

Peebles, OH.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Electric Airport (latitude 33°55'25" N., longitude 83°19'40" W.).

Pella, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pella Municipal Airport (lat. 41°24'10" N., long. 92°56'40" W.); and within 3 miles each side of the 176° bearing from the Pella Municipal Airport extending from the 5-mile radius to 8 miles south of the airport.

Pellston, Mich.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (lat. 45°34'09" N., long. 84°47'45" W.) and within a 6-mile radius of the Cheboygen Municipal Airport (lat. 45°39'15" N., long. 84°31'06" W.); within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Pellston VORTAC north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Mich., transition area.

Pendleton, Oreg.
That airspace extending upward from 700 feet above
the surface within a 12-mile radius of latitude 45°41'30" N., longitude 118°47'24" W.; within 4.5 miles each side of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 12.5 miles west of the VORTAC; within 4.5 miles north and 1 mile south of the Pendleton 273° radial extending from the 12-mile radius area to 8 miles west of the VORTAC; and within 9.5 miles north and 5 miles south of the Pendleton 090° bearing from the Pendleton ILS OM (latitude 45°41'45" N., longitude 118°43'46" W.), extending from the 12-mile radius area to 18.5 miles east of the OM; that airspace extending upward from 1,200 feet above the surface within 11 miles
NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 50 miles SE of the VORTAC, within 10 miles S and 7 miles N of the Pendleton 254° radial extending from the 12-mile radius area to 33 miles W of the VORTAC, within 9.5 miles north and 5 miles south of the Pendleton 273° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within 6 miles southwest and 9 miles northeast of the Pendleton 310° radial, extending from the
12-mile radius area to 30 miles NW of the VORTAC, within 5 miles NW of the 025° radial and 5 miles SE of the 049° radial, extending from the 12-mile radius area to an arc of a 35-mile radius circle centered on the Pendleton VORTAC, that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V-112E to the northeast edge of V-298.

Pennington Gap, Va.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 36° 44'33" N., long. 83°01'50" W. of Lee County Airport, Pennington Gap, Va.

Pennsylvania
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°40'00" N., longitude 75°30'00" W., to latitude 42°10'00" N., longitude 75°25'00" W., to latitude 42°00'00" N., longitude 75°26'00" W., to latitude 42°00'00" N., longitude 75°00'00" W., to latitude 41°31'00" N., longitude 75°07'00" W., to latitude 40°56'16" N., longitude 75°11'04" W.,
to latitude 40°48'00" N., longitude 75°00'00" W., to latitude 40°49'00" N., longitude 74°37'00" W., to latitude 40°38'00" N., longitude 74°49'30" W., to latitude 40°31'15" N., longitude 74°42'30" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°25'25" N., longitude 75°46'05" W.,
thence northerly along the Delaware State line
to the Pennsylvania State line; thence westerly and northerly along the Pennsylvania State line to the United States/Canadian Border; thence northeasterly along the United States/Canadian Border to longitude 79°19'30" W.; to latitude 42°37'00" N., longitude 79°15'00" W.; to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 77°36'00" W.; to latitude 42°40'00" N., longitude 77°23'45" W.; to latitude 42°41'30" N., longitude 76°23'00" W.; to point of beginning.

Penn Yan, N. Y.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 42° 38'30" N., 77°03'20" W., of Penn Yan Airport, Penn Yan, N. Y.; within 3 miles each side of a 095° bearing from the Penn Yan, N. Y., RBN 42°38'38" N., 77°03'22" W., extending from the 5.5-mile radius area to 8.5 miles east of the RBN.

Pensacola, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer north course, extending from the 8.5-mile radius area to 8.5 miles north of Brent LOM; within a 9-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 7 miles each side of Forrest Sherman Field Runways 6/24 and 18/36 extended centerlines, extending from the 9-mile radius area to 12 miles northeast, south and southwest of the airport; within a 6-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20' 30" W.); within 9.5 miles southeast and 4.5 miles northwest of the 214° bearing from NAS Saufley UHF RBN, extending from the RBN to 18.5 miles southwest; within 9.5 miles southeast and 4.5 miles northwest of NAS Saufley VOR 234° radial, extending from the VOR to 18.5 miles southwest.

Peoria, Ill.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 40° 54' N., longitude 89°59' W., to latitude 40°52' N., longitude 89°41' W., to latitude 40°42' N., longitude 89° 31' W., to latitude 40°23' N., longitude 89°34' W., to latitude 40°26' N., longitude 90°07' W., to latitude 40° 34' N., longitude 90°11' W., to latitude 40°47' N., longitude 90°08' W., to point of beginning.

AMENDMENTS 1/29/76 40 F. R. 53232 (Rewritten)

PENDING AMENDMENT

Peoria, Ill.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 40°54'N., long. 89°59'W., to lat. 40°53'N., long. 89°33'W., to lat. 40°49'N., long. 89°29'W., to lat. 40°23'N., long. 89°34'W., to lat. 40°26'N., long. 90°07'W., to lat. 40°34'N., long. 90°11'W., to lat. 40°47'N., long. 90°08'W.. to point of beginning.

AMENDMENTS 12/30/76 41 F.R. 44153 (Rewritten)

Perry, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Perry-Foley Airport (lat. 30°04'09" N., long. 83°34'43" W.).

Perry, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49'35" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport.

Perryton, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36° 24' 45" N., longitude 100° 45' 00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36° 24' 46" N., longitude 100° 44' 17" W.) extending from the 5-mile radius area to 8 miles E of the RBN.

Perryville, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC.

Peru, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Peru Airport (latitude 40°47'10" N., longitude 86°08'47" W.), excluding the area which overlies the Kokomo transition area.

Petersburg, VA.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 37°11'00" N., long. 77°31'00" W. of Petersburg Municipal Airport, Petersburg, VA., and within 5 miles each side of the 226° bearing from the Petersburg RBN, lat. 37°07'48" N., long. 77°34'30" W., extending from the 8-mile radius area to 11.5 miles southwest of the RBN.

Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 39° 52'23" N., 75°14'58" W., of Philadelphia International Airport, Philadelphia, Pa.; within a 9-mile radius of the center of the airport, extending clockwise from a 136° bearing to a 256° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 256° bearing from the airport to a 058° bearing from the airport; within 6.5 miles south and 4.5 miles north of the Philadelphia International Airport Runway 9R ILS localizer course, extending from 5.5 miles east to 11.5 miles west of the OM; within 4.5 miles each side of the Modena, Pa., VORTAC 097° radial, extending from 24 miles east to 33 miles east of the VORTAC; within a 5.5-mile radius of the center, 39°47'50" N., 75°20'35" W., of Bridgeport Airport, Bridgeport, New Jersey; within 2 miles each side of the Woodstown, N. J., VORTAC 350° radial, extending from the 5.5-mile radius area to the Woodstown, N. J., VORTAC.

Philip, S. Dak.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Philip Airport (latitude 44°02'45" N., longitude 101°35'45" W.); that airspace bounded by a line 8 miles south of and parallel to the Philip, S. Dak., VORTAC 102° radial, extending from the VORTAC to 3 miles east of the VORTAC, and within 4.5 miles north and 9.5 miles south of the Philip VORTAC 282° radial, extending from the VORTAC to 18.5 miles west of the VORTAC.

Philipsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40° 53'00" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., extending clockwise from a 261° bearing to a 012° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 012° bearing to a 098° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 098° bearing to a 183° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 183° bearing to a 261° bearing from the airport; within 3.5 miles each side of the Philipsburg VORTAC 067° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 4 miles each side of the 327° bearing from a point 40°53'09" N., 78°05'06" W., extending from said point to a point 8.5 miles northwest; within 2.5 miles each side of the Philipsburg VORTAC 330° radial, extending from the VORTAC to 6 miles northwest of the VORTAC; and within 3.5 miles each side of the Philipsburg VORTAC 301° radial, extending from the VORTAC to 11.5 miles northwest of the VORTAC.

Phillipsburg, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Phillipsburg Municipal Airport (latitude 39°44'15" N., longitude 99°19'00" W.); and within 3 miles each side of the 142° bearing from Phillipsburg Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

Phillipsburg, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Myers Airport (latitude 39°54'40" N., longitude 84°24'00" W.); excluding that portion which overlies the Dayton, Ohio, and Troy, Ohio, transition areas.

AMENDMENTS 3/25/76 41 F. R. 4255 (Added)

Phoenix, Ariz.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°48'30" N., longitude 112°15'00" W., direct to latitude 33°34'45" N., longitude 111°32'15" W., thence clockwise via the arc of a 20-mile radius circle centered on Williams AFB (latitude 33°18'25" N., longitude 111°39°35" W.) to latitude 33°02'30" N., longitude 111°47'30" W., thence direct to latitude 33°16'00" N., longitude 112°31'00" W., thence via an arc of a 20-mile radius circle centered on Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) to point of beginning; that airspace NW of Phoenix bounded by a line beginning at latitude 33°59'00" N., longitude 112°38'00" W., to latitude 33°49'00" N., longitude 112°25'00" W., thence counterclockwise via an arc of a 20-mile radius circle centered on Luke AFB to latitude 33°42'00" N., to latitude 33°44'00" N., longitude 112°45'00" W., to latitude 33°55'00" N., longitude 112°45'00" W., to point of beginning.
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 112°39'00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°52'00" W.; thence to the point of beginning. That airspace west of Phoenix extending upward from 5,500 feet MSL bounded on the north by the south edge of V-16, on the east by longitude 113°00'00" W., on the south by the north edge of V-66 and on the west by longitude 114°00'00" W., and that airspace extending upward from 7,000 feet MSL bounded on the north by latitude 34°00'00" N., on the east by longitude 113°00'00" W., on the south by the north edge of V-16 and on the west by longitude 114°00'00" W., excluding that airspace within restricted areas R-2308A, R-2308B, and R-2307.
That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-12, on the east by the west edge of V-327, on the south and southeast by the north and northwest boundary of the 1,200 foot portion of the transition area, and on the southwest by a line extending from latitude 34°05'00" N., longitude 112°37'00" W., to point of intersection of longitude 113°10'00" W., and the south edge of V-12.

Picayune, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30°31'20" N., longitude 89°42'25" W.); within 3.5 miles each side of Picayune VORTAC 334° radial, extending from the 5-mile radius area to 8 miles northwest of the VORTAC.

Pierre, S. Dak.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 5 miles each side of the Pierre VORTAC 087° radial extending from the 8½-mile radius area to 7 miles east of the VORTAC; within 5 miles each side of the Pierre VORTAC 265° radial extending from the 8½-mile radius area to 18½ miles west of the VORTAC; within 5 miles each side of the Pierre ILS localizer northwest course extending from the 8½-mile radius area to 17½ miles northwest of the airport; within 3½ miles each side of the Pierre ILS localizer southeast course extending from the 8½-mile radius area to 18 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Pierre VORTAC.

Pine Bluff, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 5 miles each side of the Little Rock VORTAC 137° radial and the Pine Bluff VORTAC 007° and 186° radials extending from the Little Rock, Ark., transition area to 22.5 miles south of the Pine Bluff VORTAC.

Pine Mountain, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Callaway Gardens-Harris County Airport (latitude 32°50'30" N., longitude 84°52'55" W.); within 3 miles each side of the 264° bearing from Pine Mountain RBN (latitude 32°50'30" N., longitude 84°52'36" W.), extending from the 8-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 1/29/76 40 F. R. 49094 (Changed)

Pineville, W. Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Kee Field, Pineville, W. Va. (lat. 37°36'01" N., long. 81°33'59" W.); within an 8.5-mile radius of the center of the airport, extending clockwise from a 265° bearing to a 305° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 343° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 343° bearing to a 005° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 025° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 085° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 085° bearing to a 125° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 172° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 210° bearing from the airport; and within 3 miles each side of a 243° bearing from the Pineville, W. Va., radio beacon (lat. 37°36'11" N., long. 81°33'35" W.) extending from the radio beacon to 8.5 miles southwest of the radio beacon.

AMENDMENTS 3/25/76 41 F. R. 2378 (Added)

Pipestone, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (lat. 43°59'15" N., long. 96°18'30" W.); and within 3 miles each side of the 198° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport.

Piqua, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Piqua Airport (lat. 40°09'55" N., long. 84°18'37" W.); and within 2 miles each side of the Dayton VORTAC 023° radial extending from the 5-mile radius area to the VORTAC, and within 1.5 miles each side of the 078° bearing from the airport extending from the 5-mile radius area to 6 miles northeast, excluding that portion overlying the Sidney, Ohio, transition area.

Pitman, N.J.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 39°45'15"N., 75°08'30"W., of Pitman Airport, Pitman, N.J., and within 5 miles each side of the Woodstown, N.J. VORTAC 046° radial, extending from the 5.5-mile radius area to the Woodstown, N.J. VORTAC, excluding the portion that coincides with the Philadelphia, Pa. transition area. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 11/4/76 41 F.R. 40457 (Rewritten)

Pittsburg, Kansas
That airspace extending upward from 700 feet above the surface within a 6.5-statute mile radius of Atkinson Municipal Airport (latitude 37°26'48" N., longitude 94°43'50" W.); and within 3-statute miles each side of the 358° true bearing from Pittsburg, Kansas RBN (latitude 37°26'35" N., longitude 94°43'52" W.); extending from the 6.5-statute mile radius area to 8-statute miles NNW of the Pittsburg, Kansas RBN.

Pittsburgh, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh International Airport, Pittsburgh, Pa.; within an 8.5 mile radius of the center, lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 8.5-mile radius area to 11 miles west of the RBN; and within a 7-mile radius of the center, lat. 40°21'15" N., long. 80°11'16" W. of Campbell Airport, Bridgeville, Pa.

Pittsfield, Ill.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Pittsfield Penstone Airport (latitude 39°38'22" N., longitude 90°46'51" W.); and within 3 miles each side of the 124° bearing from the Pittsfield Penstone Airport extending from the 5.5-mile radius area to 8 miles southeast of the airport.

AMENDMENTS 3/25/76 40 F. R. 59722 (Added)

Pittsfield, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44° 46'05" N., 69°22'40" W. of Pittsfield Municipal Airport, Pittsfield, Maine and within 3.5 miles each side of the 350° bearing and the 170° bearing from the Burnham, Maine RBN 44°41'50" N., 69°21'30" W., extending from the 5-mile radius area to 10 miles south of the RBN.

Pittsfield, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°25'36" N., 73°17'30" W., of Pittsfield Municipal Airport, Pittsfield, Mass., and within 4.5 miles northwest and 6.5 miles southeast of the 061° bearing and the 241° bearing from the Berkshire, Mass., RBN lat. 42°28'05" N., long. 73°11'38" W., extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN.

Pittstown, N. J.
That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 40°33'59" N., long. 74°58'43" W. of Sky Manor Airport, Pittstown, N. J., and within 3 miles each side of the Solberg, N. J., VORTAC 265° radial extending from the 7-mile radius area to 22 miles west of the VORTAC.

Plainview, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex., (latitude 34°10'10" N., longitude 101°43'00" W.).

Platteville, Wis.
That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Platteville Municipal Airport (latitude 42°41'15" N., longitude 90°26'41" W.).

Plattsburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39' 05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N. Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 22 miles north of the Runway 17 localizer.

Pleasanton, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pleasanton Municipal Airport (latitude 28°57'00" N., longitude 98°31'20" W.) and within 3 miles each side of the 175° bearing from the Pleasanton NDB extending from the 5-mile radius to 8 miles south of the NDB.

Plymouth, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Plymouth Municipal Airport (latitude 41°22'00" N., longitude 86°18'10" W.); within 2½ miles each side of the Knox, Ind. VOR 080° radial, extending from the 5-mile radius area to 12 miles east of the VOR; and within 2½ miles each side of the Knox VOR 081° radial, extending from the 5-mile radius area to 25½ miles east of the VOR.

Plymouth, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°54' 35" N., 70°43'45" W., of Plymouth Municipal Airport, Plymouth, Mass., and within 2 miles each side of the Whitman, Mass., VOR 129° radial extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 204° bearing from the Plymouth, Mass., RBN, 41°54'32" N., 70°44'11" W. extending from the 5-mile radius area to 8 miles southwest of the Plymouth RBN, excluding that airspace which coincides with the Boston, Mass., and Taunton, Mass., 700-foot transition areas.

Plymouth, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Plymouth Municipal Airport (lat. 35°48'30" N., long. 76°45'36" W.); within 3 miles each side of the 188° bearing from Plymouth RBN (lat. 35°48'35" N., long. 76°45'47" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

AMENDMENTS 1/29/76 40 F. R. 55638 (Changed)

Pocahontas, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pocahontas Municipal Airport (latitude 42°44'45" N., longitude 94°38'45" W.); within 3 miles each side of the 280° bearing from the Pocahontas Municipal Airport, extending from the 5-mile radius to 8 miles west of the airport; within 2 miles each side of the 116° bearing from the Pocahontas Municipal Airport; extending from the 5-mile radius to 6 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 41-mile arc of the Fort Dodge VORTAC (latitude 42°36'40" N., longitude 94°17'41" W.); starting at the 268° radial of the Fort Dodge VORTAC and extending clockwise to the 315° radial of the Fort Dodge VORTAC, excluding that portion which overlies the Fort Dodge, Iowa, Spencer, Iowa and Storm Lake, Iowa, transition areas.

Pocatello, Idaho
That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 11 miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VORTAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to latitude 43°05'20" N., longitude 113°00'00" W., thence to latitude 43°20'30" N., longitude 112°45'30" W., thence to point of beginning.

Point Barrow, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles each side of the Browerville RBN (NMT) 155° bearing, extending from the control zone to 10 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of latitude 71°18'00" N., longitude 156°43'00" W.

Point Lookout, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of School of the Ozarks Airport (latitude 36°37'25" N., longitude 93°13'45" W.).

Point Pleasant, W. Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 38°54'53"N., 82°05'53"W. of Mason County Airport, Point Pleasant, W. Va., excluding the portion that coincides with the Gallipolis, Ohio, transition area.

AMENDMENTS 7/15/76 41 F. R. 21183 (Added)

Point Reyes, Calif.
That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-107, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38° 43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

Ponca City, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36°43'40" N., longitude 97°05'50" W.) within 2 miles each side of the Pioneer, Oklahoma, VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC.

Ponce, P. R.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of latitude 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

Poplar Bluff, Mo.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport.

Portal, Ariz.
That airspace extending upward from 1,200 feet above the surface within 13 miles north and 8 miles south of the Cochise, Ariz., VORTAC 096° radial extending from 20 miles east to 56 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by V-198, on the south by V-16, and on the west by longitude 108°49'00" W.

Port Angeles, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clallam County Airport, Port Angeles, Wash. (latitude 48°07'20" N., longitude 123°29'40" W.); within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles N and 5 miles S of the Port Angeles VOR 093° radial, extending from the VOR to 12 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-440, on the S by latitude 48°03'00" N., on the W by longitude 123°35'00" W. and on the N by the United States/Canadian border.

Port Clinton, Ohio
That airspace extending upward from 700 feet above the surface wtihin a 7-mile radius of Carl R. Keller Field, Port Clinton, Ohio (latitude 41°30'57" N., longitude 82°51'58" W.) within 3 miles each side of the 082° Bearing from the airport extending from the 7-mile radius to 8 miles east of the airport.

Porterville, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porterville Municipal Airport (latitude 36°02'00" N., longitude 119°04'00" W.) and within 2 miles each side of the Porterville VOR 343 radial extending from the 5-mile radius area to 1 mile north of the VOR.

Port Isabel, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Isabel, Cameron County Airport (latitude 26°10'00" N., longitude 97°20'45" W.) and within 2 miles each side of the Brownsville, Tex., VORTAC 006° radial extending from the 5-mile radius area to 10 miles north of the Brownsville VORTAC.

Portland, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Steed Field (latitude 40°27'00" N., longitude 84°59'15" W.); and within 2 miles each side of the 100° bearing from Steed Field, extending from the 6-mile radius area to 8 miles East of the airport.

Portland, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, (latitude 43°38'50" N., longitude 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W.; thence to latitude 43°50'00" N., longitude 69°18'00" W.; to latitude 43°44'00" N., longitude 69°19'42" W.; to latitude 43°41'00" N., longitude 69°30'00" W.; to latitude 43°30'00" N., longitude 70°06'00" W.; to latitude 43°18'15" N., longitude 70°25'00" W.; to latitude 42°43'15" N., longitude 70°25' 00" W.; to latitude 42°41'20" N., longitude 70°30'15" W.; thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°44'25" N., longitude 70°37'15" W.; to latitude 42°53'00" N., longitude 71°05' 00" W.; to latitude 43°45'00" N., longitude 71°09'00" W.; to latitude 44°06'00" N., longitude 70°43'00" W.; to latitude 44°02'05" N., longitude 70°37'30" W.; to latitude 44°13'30" N., longitude 70°11'30" W.; to latitude 44° 12'00" N., longitude 70°10'00" W.; to latitude 44°05'00" N., longitude 70°23'00" W.; to latitude 43°55'00" N., longitude 70°28'00" W.; to latitude 43°50'00" N., longitude 70°12'00" W.; to latitude 44°03'00" N., longitude 70°06'00" W.; to latitude 44°09'00" N., longitude 69°57'00" W.; thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44°09'00" N., longitude 69°39'00" W.; thence to the point of beginning.

AMENDMENTS 3/25/76 41 F. R. 1889 (Rewritten)

Portland, Oreg.
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 46°00'00" N., on the east by longitude 122°05'00" W., on the south by latitude 45°10'00" N., and on the west by longitude 123° 30'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line beginning at a point 3 miles offshore at latitude 46°30'30" N., extending easterly via latitude 46°30'30" N., to longitude 121°40'00" W., thence easterly along the south edge of V-204 to latitude 46°30'40" N., longitude 120° 36'00" W., on the east by V-25, on the south by V-536 to Corvalis, VOR, thence via latitude 44°30'00" N., to a point 3 miles offshore and on the west by a line 3 miles offshore to the point of beginning.

Portland, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Portland Municipal Airport (lat. 36°35'37" N., long. 86°28'39" W.); within 5 miles each side of Bowling Green VOR 184° radial, extending from the 7-mile-radius area to 11.5 miles south of the VOR.

Port Lavaca, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Calhoun County Airport (latitude 28°39'12" N., longitude 96°40'56" W.) and within 2.5 miles each side of the Palacios VORTAC 250° radial extending from the 5-mile radius area to 16 miles southwest of the VORTAC.

Portsmouth, N. H. (Pease AFB)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Pease AFB (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the extended centerline of Runway 16, extending from the 11-mile radius area to 13 miles SE of the lift-off end of the runway.

Portsmouth, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Portsmouth Regional Airport (lat. 38°50'26" N., long. 82°50'52" W.), within 3 miles each side of a 177° bearing from the airport extending from the 8-mile radius area to 12 miles south of the airport.

Portsmouth, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36° 46'45" N., long. 76°26'45" W. of Chesapeake Portsmouth Airport, Portsmouth, Va.; within 3 miles each side of the 203° bearing from the Portsmouth RBN, lat. 36°46'54" N., long. 76°26'39" W., extending from the 5-mile radius area to 8.5 miles southwest of the RBN; and within 3 miles each side of the 189° bearing from the Portsmouth RBN, extending from the 5-mile radius area to 6.5 miles south of the RBN excluding the portion that coincides with the Norfolk, Va., transition area.

Port Sulphur, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Sulphur, La., seaplane base (latitude 29°27'45" N., longitude 89°42'10" W.), and within 2 miles each side of the Harvey, La., VORTAC 145° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area.

Poteau, Okla.
That airspace extending upward from 700 feet above the surface within an 8.5-statute-mile radius of Robert S. Kerr Airport, Poteau, Okla. (lat. 35°01'11"N., long. 94°37'17"W.); and within 3.5 statute miles each side of the Rich Mountain, Okla., VORTAC (lat. 34°40'49"N., long. 94°36'32"W.) 351° radial extending from the 8.5-mile radius area to 13.5 statute miles north of the VORTAC.

AMENDMENTS 7/15/76 41 F. R. 19620 (Added)

Potsdam, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center of Potsdam Municipal (Damon Field) Airport lat. 44°40'30" N., long. 74°57'00" W, and within 3.5 miles each side of a 044° bearing from the Potsdam, N. Y., radio beacon (lat. 44°43'24" N., long. 74°52'59" W.) extending from the 6.5-mile radius area to 11.5 miles northeast of the radio beacon.

Pottstown, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°15' 45" N., 75°40'00" W. of Pottstown Municipal Airport, Pottstown, Pa., extending clockwise from a 036° bearing to a 147° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 200° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 274° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 274° bearing to a 305° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 036° bearing from the airport; within 6.5 miles northeast and 4.5 miles southwest of the Pottstown, Pa., VORTAC 294° and 114° radials, extending from 5.5 miles northwest of the VORTAC to 11.5 miles southeast of the VORTAC; within a 5-mile radius of the center, 40°14'15" N., 75°33'45" W. of Pottstown-Limerick Airport, Pottstown, Pa., extending clockwise from a 346° bearing to a 223° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 223° bearing to a 346° bearing from the airport; and within 9.5 miles west and 4.5 miles east of Pottstown, Pa., VORTAC 190° radial, extending from the VORTAC to 18.5 miles south of the VORTAC; within 5 miles each side of the Pottstown, Pa., VORTAC 086° radial, extending from the Pottstown, Pa., VORTAC to 18 miles east of the VORTAC; excluding the portion that coincides with the North Philadelphia, Pa., and Toughkenamon, Pa., transition areas.

Pottsville, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42' 15" N., 76°23'00" W. of Schuylkill County (Joe Zerbey) Airport, Pottsville, Pa.; within 3 miles each side of the 103° bearing from the Zerbey RBN 40°42'25" N., 76°22'19" W., extending from the 6-mile radius area to 8.5 miles east of the RBN; and within 2 miles each side of the Ravine, Pa., VORTAC 049° radial, extending from the 6-mile radius area to 9 miles northeast of the VORTAC.

Poughkeepsie, N. Y.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 41°37' 36" N., 73°52'59" W., of Dutchess County Airport, Poughkeepsie, N. Y.; within a 15.5-mile radius of the center of Dutchess County Airport, extending clockwise from a 040° bearing to a 215° bearing from the airport; within 3.5 miles each side of the Kingston, N. Y., VORTAC 025° radial, extending from the 10-mile radius area to 10.5 miles northeast of the VORTAC; within 5 miles each side of the Kingston, N. Y., VORTAC 050° radial, extending from the VORTAC to 11.5 miles northeast of the VORTAC; within 6.5 miles northwest and 4.5 miles southeast of a 231° bearing from a point 41°34'06" N., 73°58'42" W., extending from said point to 11.5 miles southwest; within 5 miles each side of a direct line between a point 41°31'42" N., 74°06'48" W., and a point 41°34'06" N., 73°58'42" W.; within a 5-mile radius of the center, 41°42'30" N., 73°44'00" W. of Sky Acres Airport, Millbrook, N. Y.; within an 8.5-mile radius of the center of Sky Acres Airport extending clockwise from a 011° bearing to a 201° bearing from the airport; within a 6-mile radius of the center 41°34'30" N., 73°44'00" W., of Stormville Airport, Stormville, N. Y.; within a 10.5-mile radius of the center of Stormville Airport, extending clockwise from a 327° bearing to a 077° bearing from the airport; within a 7.5-mile radius of the center of Stormville Airport, extending clockwise from a 077° bearing to a 121° bearing from the airport; within a 10.5-mile radius of the center of Stormville Airport, extending clockwise from a 121° bearing to a 239° bearing from the airport; excluding the portion that coincides with the Newburgh, N. Y., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°02'00" N., 73°16'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 73°20'00" W. to 41°31'00" N., 73°54'00" W. to 41°27'00" N., 73°54'00" W. to 41°19'00" N., 73°57'00" W. to 41°19'00" N., 74°33'00" W. to 41°31'00" N., 75°07'00" W. to 42°00'00" N., 75°00'00" W. to point of beginning.

Prairie Du Chien, Wis.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Prairie Du Chien Municipal Airport (latitude 43°01'17" N., longitude 91°07'24" W.); and within 4.5 miles each side of the 130° radial of the Waukon VORTAC, extending from the 9.5-mile radius to 18.5 miles southeast of the airport;
and that airspace extending upward from 1,200 feet above the surface within a 55-mile radius of the Waukon VORTAC between the 089° and the 145° radials excluding that portion which overlies in the State of Iowa.

Pratt, Kans.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Pratt Municipal Airport (latitude 37°42'13" N., longitude 98°44'47" W.); and within 3 miles each side of the 360° bearing from the Pratt nondirectional beacon (NDB), extending from the 6.5-mile radius area to 8 miles north of the NDB.

Prescott, AZ.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.) and within 3 miles each side of the Prescott VORTAC 319° radial extending from the 10.5-mile radius area to 8.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Prescott VORTAC extending clockwise from a line 5 miles south of and parallel to the Prescott VORTAC 252° radial to a line 5 miles west of and parallel to the Prescott VORTAC 159° radial and within a 14-mile radius of Prescott VORTAC, extending clockwise from a line 5 miles west of and parallel to the Prescott VORTAC 159° radial to a line 5 miles south of and parallel to the Prescott 252° radial.

Presque Isle, Maine
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Northern Maine Regional Airport (lat. 46°41'30" N., long. 68°02'30" W.); within 3.5 miles east and 8 miles west of the Presque Isle localizer course extending from the 13-mile radius area to 11.5 miles south of the LOM; within 3.5 miles east and 8 miles west of the Presque Isle VORTAC 338° radial extending from the 13-mile radius area to 11.5 miles north of the VORTAC; within an 8.5 mile radius of Caribou, Maine, Municipal Airport (lat. 46°52'20" N., long. 68°01'10" W.); within a 10-mile radius of Loring AFB (lat. 46°57'05" N., long. 67°53'10" W.); Limestone, Maine; excluding that portion outside of the United States.
That airspace extending upward from 1200 feet above the surface within a 40-mile radius of Loring AFB (lat. 46°57'05" N., long. 67°53'10" W.) Limestone, Maine, excluding that portion outside of the United States.

Price, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Carbon VOR (latitude 39°36'50" N., longitude 110°44'56" W.), and within 2 miles each side of the 201° radial of the Carbon VOR, extending from the 5-mile radius area to 8 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 11 miles east of the 021° and 201° radials of the Carbon VOR extending from 9 miles north to 18.5 miles south of the VOR.

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.

Princeton, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

Princeton, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°23' 54" N., 74°39'31" W., of Princeton Airport, Princeton, N. J.; within a 6-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 120° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 191° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 268° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 268° bearing to a 310° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from 310° bearing to a 357° bearing from the airport; and within 3.5 miles each side of the Solberg, N. J., VOR 161° radial, extending from the 5-mile radius area to the VOR, excluding the portions which coincide with the Readington, N. J., New York, N. Y., and North Philadelphia, Pa., transition areas.

Providence, R. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green State Airport, Providence, R. I. (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of the Providence ILS localizer NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R. I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, and within 3 miles each side of the 038° bearing from the New Bedford, Massachusetts, OM, extending from the 7-mile radius to 14.5 miles NE of the New Bedford, Massachusetts, OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 050° bearing from the Fall River, Mass., RBN, extending from the 5-mile radius area to 8 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.

Provincetown, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Provincetown Municipal Airport (lat. 42°04'15" N., long. 70°13'15" W.), and within 3.5 miles each side of the Race Point NDB 238° bearing extending from the 7-mile radius area to 11.5 miles southwest of the NDB.

Provo, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°12'52" N., longitude 111°43'13" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the southeast by the northwest edge of V-235 and V-21, on the west by the east edge of V-257, and that airspace bounded on the east and south by an arc of a 23-mile radius circle centered on the Provo VORTAC extending clockwise from the south edge of V-200 to the southeast edge of V-21, on the west by a line from the point of intersection of the 23-mile arc and the southeast edge of V-21 direct to latitude 40°30'00" N., longitude 111°49'00" W., and on the northeast by a line from latitude 40°30'00" N., longitude 111°49'00" W., direct to point of beginning.

Pueblo, Colo.
That airspace extending upward from 700 feet above the surface within a 25-mile radius of Pueblo Memorial Airport (lat. 38°17'30"N., long. 104°30'00"W.), within an arc of a 33-mile radius circle of Pueblo Memorial Airport clockwise between the 088° and 133° bearings from the airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 38°30'00"N., on the east by V-169, on the south by V-210, on the west by a line from 37°38'00"N., 105°00'00"W., to 38°16'00"N., 105°10'00"W., to 38°30'00"N., 105°09'00"W.; that airspace extending upward from 13,700 feet MSL bounded by a line beginning at 38°16'00"N., 105°10'00"W., to 37°38'00"N., 105°00'00"W., to 37°34'00"N., 105°12'00"W., to 38°10'00"N., 105°33'00"W., to point of beginning; that airspace extending upward from 11,700 feet MSL bounded by a line beginning at 38°16'00"N., 105°10'00"W., to 38°10'00"N., 105°33'00"W., to 38°41'00"N., 105°33'00"W., to 38°36'00"N., 105°08'00"W., to 38°30'00"N., 105°09'00"W., to point of beginning.

AMENDMENTS 9/9/76 41 F. R. 27957 (Rewritten)

Pulaski, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Abernathy Airport (lat. 35°08'45" N., long. 87°03'30" W.); excluding the portion within Lawrenceburg, Tenn., transition area.

Pullman, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 232° and 047° radials extending from the 5-mile radius area to 8 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR.

Punta Gorda, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Charlotte County Airport (latitude 26°55'15" N., longitude 81°59'30" W.).

Quakertown, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius area of the center of Quakertown Airport, Quakertown, PA., lat. 40°26'15" N., long. 75°22'45" W., and within 3.5 miles each side of a line bearing 099° from the Quakertown, Pa. RBN (lat. 40°25'29" N., long. 75°17'52" W.) extending from the 8-mile radius area to 11 miles east of the RBN.

Quantico, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 38° 30'15" N., long. 77°18'15" W., of Quantico MCAS (Turner Field) Quantico, Va.; within a 9-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 355° bearing from the airport; within 6.5 miles east and 4.5 miles west of the Brooke, Va., VORTAC 013° radial and 193° radial, extending from 4.5 miles south of the VORTAC to 8.5 miles north of the VORTAC.
AMENDMENTS 1/29/76 40 F. R. 53995 (Rewritten)

Quincy, Ill.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Quincy Municipal Baldwin Field Airport (latitude 39°56'30" N., longitude 91°11'45" W.), and within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course, extending from the 8.5-mile radius to 12 miles southwest of the OM.

Raleigh, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of the 045° bearing from Leesville RBN, extending from the RBN to 18.5 miles northeast of the RBN; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC; within a 6.5-mile radius of Horace Williams Airport (lat. 35°55'50" N., long. 79°04'00" W.).

Rapid City, S. Dak.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.).

Raton, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (latitude 36°44'30" N., longitude 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, within 3.5 miles northwest and 6 miles southeast of the Cimarron VORTAC 050° radial extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC, and within 5 miles each side of the Cimarron VORTAC 050° radial extending from 17.5 miles northeast to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC

Rawlins, Wyo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

Rayville, La.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Rayville Municipal Airport (lat. 32°29'00"N., long. 91°46'15"W.).
AMENDMENTS 9/9/76 41 F. R. 27030 (Added)

Reading, Pa.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center; 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., extending clockwise from a 050° bearing to a 100° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 100° bearing to a 140° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 280° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 050° bearing from the airport; within 5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course extending from the OM to 9.5 miles south of the OM; within 9.5 miles east and 4.5 miles west of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the OM to 18.5 miles south of the OM; within 6.5 miles north and 4.5 miles south of the East Texas, Pa. VORTAC 252° radial, extending from 12 miles west of the VORTAC to 29 miles west of the VORTAC.

Readington, N. J.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°34'55" N., 74°44'20" W., of Solberg-Hunterdon Airport, Readington, N. J., and within 5 miles east and 5 miles west of Solberg, N. J., VORTAC 227° radial extending from the 6-mile radius area to 14 miles southwest of the VORTAC excluding the portion that coincides with the New York, N. Y., transition area.

Red Bluff, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.) within 2 miles W and 4 miles E of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, within 2 miles each side of the Redding ILS localizer N course, extending from the 5-mile radius area to 8 miles N of the threshold of Runway 16, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122° 22'35" W.) and Enterprise Sky Park (latitude 40°34'26" N., longitude 122°19'30" W.), and within 2 miles each side of the Red Bluff VORTAC 347° radial extending from the VORTAC to 11.5 miles N of the VORTAC, that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC, within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles W of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC and that airspace NE and E of Red Bluff within an arc of a 24-mile radius circle centered on the Red Bluff VORTAC, extending from the Red Bluff VORTAC 015° radial clockwise via the 24-mile arc to long. 40°00'00"W. That airspace NW of Red Bluff within an arc of a 30 mile radius circle centered on Red Bluff VORTAC, extending from the N edge of V-195 to the W edge of the V-23 and that airspace north of Redding within an arc of a 23-mile radius circle centered on Redding VOR, extending from the E edge of V-23 to the W edge of V-25.

AMENDMENTS 9/9/76 41 F. R. 27719 (Changed)

Red Hook, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41° 59'12" N., 73°50'12" W., of Skypark Airport, extending clockwise from a 012° bearing to a 130° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 130° bearing to a 168° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 168° bearing to a 232° bearing from the airport; within a 5-mile radius of the center of the airport, extending clockwise from a 232° bearing to a 309° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 309° bearing to a 012° bearing from the airport and within 3 miles each side of the Kingston, N. Y., VORTAC 358° radial, extending from the 8-mile radius area and 6.5-radius area to 10.5 miles north of the Kingston, N. Y., VORTAC.

Redmond, Oreg.
That airspace extending upward from 700 feet above the surface within 4 miles each side of the Redmond VORTAC 087° radial extending from the arc of a 5-mile radius circle centered on Roberts Field Airport. (Lat. 44°15'10"N., long. 121°08'55"W.), to 21 miles east of the VORTAC; within 2 miles each side of a 230° bearing from the center of the 5-mile radius circle centered on Roberts Field Airport extending from the radius of the 5-mile circle to 10 miles southwest of the airport; within 2 miles each side of Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the Redmond VORTAC 281° radial extending from the VORTAC to 5 miles west of the VORTAC; within 2 miles each side of a 302° bearing from the Roberts RBN extending from the RBN to 6 miles northwest of the RBN; and within 4 miles each side of the Redmond VORTAC 014° radial, extending from 15 miles north of the VORTAC to 35 miles north; that airspace extending upward from 1,200 feet above the surface within a 37-mile radius of the VORTAC between the 006° and 048° radials; within a 31-mile radius of the VORTAC between the 048° radial and a line 6 miles west of and parallel to the 189° radial.

AMENDMENTS 7/6/76 41 F. R. 27719 (Rewritten)

Red Oak, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Red Oak Municipal Airport (latitude 41°00'40" N., longitude 95°15'25" W.); and within 3 miles each side of a 335° bearing from the Red Oak Municipal Airport, extending from the 6-mile radius to 9½ miles northwest of the airport.

Redwood Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

Reed City, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05" N., longitude 85°31'05" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

Reedsville, PA.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the center lat. 40°40'44" N., long. 77°37'22" W. of Mifflin County Airport, Reedsville, PA., and within 3.5 miles each side of the 228° bearing from a point lat. 40°36'55" N., long. 77°43'09" W. extending from said point to a point 11.5 miles southwest.

Refugio, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of the 039° bearing from the Refugio RBN (latitude 28°20'27" N., longitude 97°08'58" W.), extending from the 5-mile radius area to 8 miles northeast of the RBN; and within a 4-mile radius of Mellon Ranch Airport (latitude 28°16'15" N., longitude 97°12'30" W.).

Rehoboth Beach, Del.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°43'10" N., 75°07'35" W., of Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

Reidsville, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Shiloh Airport (lat. 36°26'10"N., long. 79°50'30"W.).

AMENDMENTS 7/15/76 41 F. R. 16793 (Added)

Reno, Nev.
That airspace extending upward from 700 feet above the surface within an arc of a 25-mile radius circle centered on Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.) beginning at longitude 120°00'00" W., clockwise to latitude 39°25'00" N.; thence direct latitude 39°13'00" N., longitude 119°47'00" W.; thence south via longitude 119°47'00" W. to its intersection with an arc of a 25-mile radius circle centered on Reno Municipal Airport; thence clockwise via the 25-mile radius arc to longitude 120°00'00" W.; thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VORTAC, excluding the portion west of longitude 120°19'00" W., east of longitude 119°00'00" W.; and that airspace southwest of Reno within 22 miles north and 13 miles south of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles east to 35 miles west of the VOR; and that airspace northwest of Reno extending from the 45-mile radius area bounded on the northeast by the southwest edge of V-452 and on the west by longitude 120°19'00" W.

Rensselaer, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 40°56'30" N., longitude 87°11'00" W.) and within 3 miles each side of the 007° bearing from the airport extending from the 5-mile radius area to 8 miles north of the airport.

Rexburg, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rexburg-Madison County Airport (latitude 43°49'30" N., longitude 111°49'00" W.).

Rhinelander, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander-Oneida County Airport (latitude 45°37'54" N., longitude 89°27'35" W.).

Rice Lake, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arrowhead Airport (lat. 45°28'45" N., long. 91°43'20" W.); within 3½ miles each side of the 178° bearing from the Arrowhead Airport, extending from the 5-mile radius to 8 miles south of the airport.

Richmond, IN.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Richmond Municipal Airport (latitude 39°45'23" N., longitude 84°50'36" W.); within 3 miles each side of the Richmond VOR 045° radial, extending from the 6½-mile radius area to 8 miles northeast of the VOR; within 3 miles each side of the Richmond VOR 243° radial, extending from the 6½-mile radius area to 8 miles southwest of the VOR.

Richmond, Va.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 37° 30'16" N., long. 77°19'11" W. of Richard Evelyn Byrd International Airport, Richmond, Va., extending clockwise from a 245° bearing from the airport to a 045° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 045° bearing to a 245° bearing from the airport; within 3.5 miles each side of the Richmond VORTAC 134° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 2 miles each side of the Richmond VORTAC 137° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 3.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer southwest course, extending from the OM to 11.5 miles southwest of the OM; within 3.5 miles each side of the Richmond VORTAC 342° radial, extending from the VORTAC to 11.5 miles north of the VORTAC; within 3.5 miles each side of the Richmond VORTAC 359° radial, extending from the VORTAC to 11.5 miles north of the VORTAC; within 4.5 miles each side of the Richard Evelyn Byrd International Airport ILS localizer northwest course, extending from the localizer to 13.5 miles northwest of the localizer.

Rio Vista, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Rio Vista Airport (latitude 38°10'20" N., longitude 121°41'20" W.) and within 2 miles each side of the Sacramento VORTAC 202° radial extending from the 3-mile radius area to 8 miles north of the airport.

Ripley, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ripley Airport (lat. 34°43'25" N., long. 89°00'49" W.).
AMENDMENTS 3/25/76 41 F. R. 3465 (Added)

Riverhead, N. Y.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°00'35" N., longitude 72°05'00" W.; thence S via longitude 72°05'00" W. to the S boundary of V-139; thence SW via the SE boundary of V-139 to latitude 40°30'00" N., thence to latitude 40°30'00" N., longitude 73°36'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 41°00'00" N., longitude 73°33'00" W.; to latitude 41°00'00" N., longitude 72°45'00" W.; to latitude 41°18'00" N., longitude 72°30'30" W.; to the point of beginning, excluding the portion below 3,000 feet MSL within W-106.

Riverside, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°50'00" N., longitude 117°01'00" W., to latitude 33°42'30" N., longitude 116°56'30" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°51'00" N., longitude 117°24'30" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence E along latitude 34°30'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning.

Riverton, Wyo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 4.5 miles each side of the Riverton VOR 291° radial, extending from the 10-mile radius area to 19 miles west of the VOR, and within 3.5 miles each side of the Riverton VOR 123° radial extending from the 10-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR; within 7 miles northeast and 14.5 miles southwest of the Riverton VOR 301° radial, extending from the 25-mile radius area to 37 miles northwest of the VOR.

Roanoke, Va.
That airspace extending upward from 700 feet above the surface within an 18-mile radius of the center 37° 19'30" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va.; within a 23.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 296° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 296° bearing to a 307° bearing from the airport, excluding the portion within the Blacksburg, Va., transition area.

Roanoke Rapids, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Halifax County Airport (lat. 36°26'29" N., long. 77°42'19" W.); within 3 miles each side of the 233° bearing from Rapids RBN (latitude 36°26'19" N., longitude 77°42'14" W.), extending from the 7-mile radius area to 8.5 miles southwest of the RBN.

AMENDMENTS 1/29/76 40 F. R. 57204 (Changed)

Robinson, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Robinson, Ill., Municipal Airport (latitude 39°01'00" N., longitude 87°39'00" W.) and within 5 miles each side of the 348° and 091° bearings from the Robinson Municipal Airport extending from the 7-mile radius area to 12 miles north and east of the airport, excluding the area which overlies the Sullivan, Indiana, transition area.

Rochelle, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Rochelle Municipal Airport (latitude 41°53'35" N., longitude 89°04'45" W.) and within 3 miles either side of the Polo VORTAC 102° radial extending 1 mile west from the 5½-mile radius area excluding the portion that overlies the Rockford, Ill., transition area.

Rochester, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fulton County Airport (latitude 41°03'55" N., longitude 86°11'55" W.); and within 2 miles each side of the 096° bearing from Fulton County Airport, extending from the airport to 8 miles east of the airport.

Rochester, Minn.
That airspace extending upward from 700 feet above the surface within a 19½-mile radius of Rochester Municipal Airport (lat. 43°54'32" N., long. 92°29'47" W.); and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from the 19½-mile radius to 24 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the Minnesota-Iowa border to 38 miles south of the VOR.

Rochester, N. H.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (lat. 43°17'00" N., long. 70°57'00" W.) of the Sky Haven Airport, Rochester, New Hampshire, excluding those portions that coincide with the Sanford, Maine, and Portsmouth, New Hampshire, 700-foot transition areas.

Rochester, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'10" N., longitude 77°40'15" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Geneseo, N. Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

Rockford, Ill.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by the Illinois-Wisconsin boundary, and on the W by longitude 89°55'00" W.

Rockingham, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Rockingham-Hamlet Airport (lat. 34°53'30"N., long. 79°45'35"W.); within 3 miles each side of the 126° bearing from the Roscoe RBN (lat. 34°51'09"N., long. 79°41'38"W.), extending from the 6.5-mile radius to 8.5 miles southeast of the RBN.

AMENDMENTS 5/20/76 41 F. R. 11275 (Changed)
AMENDMENTS 9/9/76 41 F. R. 24579 (Rewritten)

Rockland, Maine
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Knox County Regional Airport, Rockland, Maine (latitude 44°03'40" N., longitude 69°06'05" W.) and within 3.5 miles each side of the 194° bearing from the Sprucehead NDB (latitude 43°59'54" N., longitude 69°07'17" W.), extending from the 7.5-mile radius area to 11.5 miles south of the NDB.

Rockport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aransas County Airport (latitude 28°05'14" N., longitude 97°02'30" W.), and within 2 miles each side of the 314° bearing from the Rockport RBN (latitude 28°05'30" N., longitude 97°02'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN, and within 2 miles each side of the Corpus Christi VORTAC 062° radial, extending from the 5-mile radius area to 20.5 miles northeast of the VORTAC.

Rocksprings, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edwards County Airport (latitude 29°56'30" N., longitude 100°10'30" W.) and within 1.5 miles each side of the Rocksprings VORTAC 125° radial extending from the 5-mile radius area to the Rocksprings VORTAC.

Rock Springs, Wyo.
That airspace extending upward from 700 feet above the surface within a 11.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.), within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from the Thayer LOM (latitude 41°35'49" N., longitude 108°58'09" W.) extending from the 11.5-mile radius area to 18.5 miles east of the Thayer LOM and from the 11.5-mile radius area to 29.5 miles west of the Thayer LOM; and within 1 mile north and 6 miles south of the Rock Springs VORTAC 102° radial extending from the 11.5-mile radius area to 18.5 miles east of the VORTAC;
and that airspace extending upward from
1,200 feet above the surface within a 23-mile radius of the Rock Springs VORTAC and within 4.5 miles each side of the Rock Springs VORTAC 117° radial extending from the 23-mile radius circle to 35 miles southeast of the VORTAC.

Rockwood, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Rockwood Municipal Airport (lat. 35°55'20" N., long. 84°41'23" W.); excluding the portion within Crossville, Tenn., transition area.

Rocky Mount, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Downtown Airport (lat. 35°58'01" N., long. 77°47'33" W.); within 5 miles each side of Rocky Mount VORTAC 084° radial, extending from the 7-mile radius area to 11 miles east of the VORTAC; within an 8.5-mile radius of Rocky Mount-Wilson Airport (lat. 35°51'17" N., long. 77°53'34" W.).

Rolla, Mo.
That airspace extending upward from 700 feet above the surface within a 5.5-statute mile radius of the Rolla Downtown Airport (latitude 37°56'10" N., longitude 91°48'55" W.).

Rome, Ga.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Richard B. Russell Airport (lat. 34°20'57" N., long. 85°09'31" W.); within 5 miles each side of Rome VOR 350° radial, extending from the 12-mile radius area of the VOR; within a 9.5-mile radius of Tom B. David Field, Calhoun, Ga., (latitude 34°27'18" N., longitude 84°56'24" W.); excluding the portion within the Dalton, Ga., transition area.

Romulus, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of a point lat. 42°44' 30" N., long. 76°52'20" W., and within 3.5 miles each side of the 330° bearing from the Seneca RBN lat. 42° 44' 40" N., long. 76°54'18" W., extending from the 6-mile radius area to 11 miles northwest of the RBN.

Roosevelt Roads, P.R.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.), excluding the portion within the San Juan 700-foot transition area.

Roscommon, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Roscommon County Airport (latitude 44°21'30" N., longitude 84°40'15" W.); and within 3 miles each side of the 082° bearing from Roscommon County Airport, extending from the 5½-mile radius area to 8 miles east of the airport.

Roseau, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (lat. 48°51'25" N., long. 95°41'40" W.); within 2½ miles each side of the 163° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles south of the airport; and within 2½ miles each side of the 341° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles south of the airport; and within 4½ miles west and 9½ miles east of the 341° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles north of the airport, including that airspace east of and within a 9½-mile radius of the airport between the 71° and 73° bearings from the airport, and excluding the portions outside the United States.

Roseburg, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roseburg Municipal Airport (latitude 43°14'20" N., longitude 123°21'15" W.), within 2 miles each side of the Roseburg VOR 177° radial, extending from the 5-mile radius area to 3.5 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 177° radial, extending from the VOR to 12 miles S of the VOR, and within 8 miles W and 5 miles E of the 003° and 183° radials, extending from 18 miles N to 7 miles S of the VOR.

Roswell, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Roswell VORTAC extending clockwise between the 092° and 036° radials of the VORTAC, and within a 29-mile radius of the Roswell VORTAC extending clockwise between the 036° and 092° radials of the VORTAC.

Rugby, N. Dak.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Rugby Municipal Airport (latitude 48°23'15" N., longitude 100°01'15" W.); that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Rugby Municipal Airport and within 9.5 miles north and 4.5 miles south of the 114° bearing from the Rugby, N. Dak., NDB (latitude 48°23'25" N., longitude 100°01' 30" W.); extending from the NDB to 18.5 miles east of the NDB;
and within 9.5 miles south and 4.5 miles north of the 314° T bearing from the Rugby, N. Dak., NDB, extending from the NDB to 18.5 miles northwest of the NDB.

Russell, Kans.
That airspace extending upward from 700 feet above the surface within 2½ miles each side of the Hays, Kans., VORTAC 086° radial, extending from a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.) to 19 miles east of the VORTAC.

Russellville, Ark.
That airspace extending upward from 700 feet above the surface within a 7.5-statute mile radius of Russellville Municipal Airport, Russellville, Ark. (latitude 35°15'34" N., longitude 93°05'38" W.); and within 3.5 statute miles each side of the 186° bearing from Russellville NDB (latitude 35°15'34" N., longitude 93°05'40" W.), extending from the 7.5-mile radius area to 11.5 statute miles south of the NDB; excluding that portion which overlies the Morrilton, Ark., transition area.

Ruston, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the Ruston, La., VOR (latitude 32°27'54" N., longitude 92°36'30" W.), 167° radial extending from the 5-mile radius area to 11.5 miles south of the VOR.

Rutherford, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Rutherford County Airport (latitude 35°25'38" N., longitude 81°56'06" W.); within 3 miles each side of the 192° bearing from Rutherford RBN (latitude 35°20'56" N., longitude 81°57'11" W.), extending from the 9-mile radius area to 8.5 miles southwest of the RBN.

Rutland, Vt.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 43° 81'46" N., long. 72°56'54" W., of the Rutland State Airport, Rutland, Vermont, and an area bounded by a line beginning at lat. 43°30'00"N., long. 73°10'00" W., to lat. 43°53'00" N., long. 73°10'00" W., to lat. 43°53' 00" N., long. 73°50'00" W., to lat. 43°30'00" N., long. 72°50'00" W., to point of beginning.

Sabine Pass, Tex.
That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Sabine Pass, Tex., VORTAC 093° radial extending from the VORTAC to 17.5 miles east of the VORTAC.

Sabine Pass, Tex. (Offshore)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of coordinates lat. 29°15'53.2"N., long. 94°08'46.9"W.

AMENDMENTS 5/20/76 41 F. R. 12278 (Added)

Sac City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sac City Municipal Airport (latitude 42°22'30" N., longitude 94°58'45" W.); and within 3 miles each side of the 138° bearing from the Sac City Municipal NDB, extending from the 5-mile radius to 8 miles southeast of the NDB.

Sacramento, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37" N., longitude 121°33'02" W.); that airspace within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west by the west edge of V-23, and on the southwest by the northeast edge of V-23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00" N., longitude 122°05'00" W., thence to latitude 38°27'00" N., longitude 121°47'00" W., thence to latitude 38°16'-00" N., longitude 121°39'00" W., thence to latitude 38°02'00" N., longitude 121°52'00" W., thence via latitude 38°02'00" N. to the W edge of V-195, thence via the W edge of V-195 to latitude 38°16'00" N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V-195 and the S edge of V-200, thence via the S edge of V-200, the W edge of V-23 and latitude 39°00'00" N. to the W edge of V-165, thence via the W edge of V-165 to the N edge of V-244, thence via the N edge of V-244 to longitude 120°04'00" W., thence via longitude 120°04'-00" W., to latitude 38°07'00" N., thence via latitude 38°07'00" N., to longitude 121°37'00" W., thence via longitude 121°37'00" W., to latitude 38°02'00" N., thence via latitude 38°02'00" N., to the E edge of V-195, thence via the E edge of V-195 to point of beginning.

Saginaw, Mich.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.); within 2 miles each side of the Saginaw ILS localizer northeast course, extending from the 8½-mile radius zone to 13 miles northeast of the Saginaw, Mich., VORTAC; within a 5-mile radius of James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.); within a 5-mile radius of Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.).

St. Augustine, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of St. Augustine Airport (lat. 29°57'30" N., long. 81°20'27" W.); within 3 miles each side of the St. Augustine VOR (lat. 29° 57'30" N., long. 81°20'19" W.) 311° radial, extending from the 6.5-mile radius area to 8.5 miles west of the VOR.

St. Cloud, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Cloud Municipal Airport (latitude 45°32'45" N., longitude 94°03'40" W.); and within 3 miles each side of the 118° bearing from St. Cloud Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport.

St. George, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° bearing from the St. George radio beacon (latitude 37°05'13" N., longitude 113°35'27" W.) extending from 12.5 to 18.5 miles southeast of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° and 311° bearings from the St. George radio beacon, extending from 7 miles northwest to 12.5 miles southeast of the radio beacon.

PENDING AMENDMENT

St. George, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the St. George, Ut., VOR (lat. 37°05'17"N., long. 113°35'30"W.) 131 radial extending from 7 miles northwest to 18.5 miles southeast; and within 5 miles each side of the St. George VOR 183 radial extending from the VOR to 15.5 miles south; that airspace extending upward from 1200 feet above the surface within an arc of a 23 mile radius of the St. George VOR extending clockwise from the 058 radial to the 239 radial; and within 10 miles east and 6.5 miles west of the St. George VOR 183 radial extending from the 23 mile arc to 37.5 miles south of the VOR.

AMENDMENTS 12/30/76 41 F.R. 46847 (Rewritten)

St. Johns, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the portion within the State of New Mexico.

St. Joseph, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and on the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N.; longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

St. Louis, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis International Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 9 miles northeast of the Lambert-St. Louis International Airport Runway 12R ILS localizer northwest course extending from the Runway 12R OM to 12 miles northwest of the OM; within a 7-mile radius of St Charles Smartt Airport, St. Charles, Missouri (latitude 38°55'43" N., longitude 90°25'41" W.); within an 8-mile radius of Civic Memorial Airport, Alton, Illinois (latitude 38°53'30" N., longitude 90°03'00" W.); within a 6.5-mile radius of Weiss Municipal Airport, Fenton, Missouri (latitude 38°32'15" N., longitude 90°26'50" W.); that airspace extending upward from 2,500 feet MSL within the area bounded on the northwest by the southeast edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Missouri VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.

St. Marys, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, lat. 41°24'45"N., long. 78°30'20"W. of St. Marys Municipal Airport, St. Marys, Pa.; within 2.5 miles each side of the Slate Run, Pa. VORTAC 256° radial, extending from the 5.5-mile radius area to 21.5 miles west of the VORTAC; within 3.5 miles each side of a 091° bearing from the center of the airport, extending from the 5.5-mile radius area to 10 miles east of the center of the airport; within 3.5 miles each side of a 271° bearing from the center of the airport, extending from the 5.5-mile radius area to 9 miles west of the center of the airport.

AMENDMENTS 5/20/76 41 F. R. 11274 (Rewritten)

Salem, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 2 miles each side of the 003° bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 6½ miles north of the airport.

Salem, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.); within 2 miles each side of a 196° bearing from the Salem ILS LOM, extending from the 7-mile radius area to 8 miles S of the LOM and within 2 miles each side of the Salem ILS localizer SE course, extending from the 7-mile radius area to 6 miles SE of the LOM; that airspace extending upward from 1,200 feet above the surface within 6 miles SW and 7 miles NE of the 150° and 330° bearings from the Salem ILS LOM, extending from V-23E to V-23W.

Salina, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 3 miles N to 18½ miles S of the ILS OM; and within 5 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 17½ miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700-foot floor transition area.

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Salisbury, Md.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38°20'21" N., long. 75°30'41" W. of Salisbury-Wicomico County Airport, Salisbury, Md.; within 3.5 miles each side of the Salisbury VORTAC 209° radial, extending from the 6.5-mile radius area to 11.5 miles southwest of the VORTAC; within 3.5 miles each side of the Salisbury VORTAC 052° radial, extending from the 6.5-mile radius area to 11 miles northeast of the VORTAC; within 4 miles each side of the Salisbury-Wicomico County Airport localizer northwest course, extending from the 6.5-mile radius area to 10.5 miles northwest of the localizer; and within 3.5 miles each side of the Salisbury VORTAC 132° radial extending from the 6.5-mile radius area to 11.5 miles southeast of the VORTAC.

Salisbury, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rowan County Airport (latitude 35°38'30" N., longitude 80°31'10" W.); within 3 miles each side of the 017° bearing from Salisbury NDB (latitude 35°40'29" N., longitude 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB; within 3 miles each side of Rowan VOR (lat. 35°38'56"N., long. 80°31'21"W.) 191° radial extending from the 8-mile radius area to 8.5 miles south of the VOR.

AMENDMENTS 9/9/76 41 F. R. 24581 (Changed)

Salt Lake City, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°00'00" N., on the east by longitude 111°45'00" W., and on the south and west by the arc of an 18.5-mile radius circle centered on the Salt Lake City VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N., on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 12,400 feet MSL bounded on the NE by the SW edge of V-484, on the S by the N edge of V-200 and on the NW by the SE edge of V-235, excluding the portion within Restricted Area R-6403.

Salyer Farms, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Salyer Farms Airport (latitude 36°05'01" N., longitude 119°32'39" W.), and within 2 miles each side of the 151° bearing from the Salyer Farms radio beacon (latitude 36°05'14" N., longitude 119°32'44" W.) extending from the 3-mile radius area to 8 miles southeast of the radio beacon excluding that airspace within a 1-mile radius of Corcoran Airport (latitude 36°06'10" N., longitude 119°35'40" W.), that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 151° bearing from the Salyer Falms radio beacon extending from the radio beacon to 12 miles southeast.

San Angelo, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 5 miles northwest and 8 miles southeast of the San Angelos ILS localizer southwest course extending from the OM to 12 miles southwest.

San Antonio, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22' 30" N., longitude 97°47'00" W.; thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W.; thence southeast to latitude 29°05'30" N., longitude 98°14'30" W.; thence southwest to latitude 29°01'40" N., longitude 98°21'40" W.; thence northwest to latitude 29°06'30" N., longitude 98°34'10" W.; thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°38'00" N., longitude 98°50'15" W.; thence northwest to latitude 29°43'30" N., longitude 98°57'00" W.; thence northeast to latitude 29°53'00" N., longitude 98°50' 30" W.; thence southeast to the 23-mile radius circle at latitude 29°47'30" N., longitude 98°42'40" W.; thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W.; thence to latitude 29°43'00" N., longitude 98°01'30" W.; thence to point of beginning and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

San Carlos, Ariz.
That airspace extending upward from 1,200 feet above the surface bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

San Diego, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°15' 00" N., longitude 117°30'30" W., to latitude 33°15'00" N., longitude 117°02'00" W., to latitude 33°00'00" N., longitude 116°45'00" W., thence S along longitude 116°45'00" W., to the United States/Mexican Border, thence W along the United States/Mexican Border and Flight Information Region Boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the Mission Bay, Calif., VORTAC to latitude 32°33'00" N., longitude 117° 27'30" W., thence N to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33° 30' 00" N., longitude 117° 30' 00" W., thence to latitude 33° 30' 00" N., longitude 116°18'00" W., thence to latitude 33°18'00" N., longitude 116°10'30" W., thence to latitude 33° 00' 00" N., longitude 116° 05' 00" W., thence S via longitude 116° 05' 00" W., to the United States/Mexican Border, thence W via the United States/Mexican Border and Flight Information Region boundary to latitude 32° 29' 40" N., longitude 117°21'00" W., thence via the arc of a 21-mile radius circle centered on the Mission Bay, Calif., VORTAC to latitude 32° 37' 15" N., longitude 117° 31' 50" W., thence to latitude 32° 34' 45" N., longitude 117° 39' 00" W., thence to latitude 32° 49' 30" N., longitude 117° 45' 15" W., thence to latitude 32° 57' 40" N., longitude 117° 35' 00" W., thence to latitude 33° 11' 00" N., longitude 117° 48' 55" W., thence to latitude 33° 15' 00" N. longitude 117° 30' 00" W., thence N via longitude 117° 30' 00" W., to the point of beginning.

Sandusky, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'01" N., longitude 82°39'08" W.); within 3 miles either side of the Sandusky VOR 090° radial extending from the 5-mile radius to 7½ miles east of the airport excluding that portion that overlies the Port Clinton transition area.

Sanford, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sanford Airport (lat. 28°46'30" N., long. 81°14'25" W.); within 3 miles each side of the 260° bearing from Sanford RBN (lat. 28°37'05" N., long. 81°14'36" W.); extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

Sanford, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sanford Municipal Airport (latitude 43°23'30" N., longitude 70°42'35" W.); within 2 miles each side of the Kennebunk, Maine VOR 066° radial, extending from the 7-mile radius area to 8 miles NE of the VOR.

Sanford, N. C.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Sanford Municipal Airport (latitude 35°25'55" N., longitude 79°11'10" W.); within 2.5 miles each side of Pinehurst VORTAC 057° radial, extending from the 5.5-mile radius area to 21 miles northeast of the VORTAC.

PENDING AMENDMENT
The Sanford, N. C., transition area is amended by deleting "Pinehurst VORTAC" wherever it appears and substituting "Sandhills VORTAC" therefor.
AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

San Francisco, Calif.
That airspace extending upward from 700 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by longitude 121°52'00" W., on the S by latitude 37°30'00" N., and on the W by a line extending from latitude 37°30'00" N., longitude 122°27'00" W., to latitude 37°34'00" N., longitude 122°31'00" W., to latitude 37°55'00" N., longitude 122°31'00" W., to latitude 38°02'00" N., longitude 122°40'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by a line extending from latitude 38°02'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°50'00" W., to latitude 37°30'00" N., longitude 121°50'00" W., on the S by latitude 37°30'00" N., and on the W by V-27 and V-199.

San Jose, Calif.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the Moffett TACAN 157° radial extending from the TACAN to 23 miles southeast of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 139° radial, extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00" N., longitude 121°52'00" W., thence to latitude 37°22'00" N., longitude 122°08'00" W., thence to latitude 37°22'00" N., longitude 122°24'00" W., thence to latitude 37°30'00" N., longitude 122°27'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00" N., on the E and NE by longitude 121°50'00" W., and the SW edge of V-107, on the SE and S by the NW edge of V-111 and latitude 37°00'00" N., and on the W by the E edge of V-27 to latitude 37°30'00" N.

San Juan, P. R.
That airspace extending upward from 700 feet above the surface south of lat. 18°23'00" N., within a 20-mile radius of Puerto Rico International Airport (latitude 18°26'48" N., longitude 66°00'07" W.); that airspace north of latitude 18°23'00" N., within a 12-mile radius of Puerto Rico International Airport; within 5 miles each side of the San Juan VORTAC 058° radial, extending from the 12-mile radius area to 15 miles northeast of the VORTAC; within 4 miles each side of the San Juan VORTAC 086° radial, extending from the 12-mile radius area to 12 miles east of VORTAC; within 5 miles each side of the 101° bearing from the Dorado RBN, extending from the 12-mile and 20-mile radius areas to the Dorado RBN; within 9.5 miles north and 4.5 miles south of the 277° bearing from the San Pat RBN, extending from the 12-mile and 20-mile radius areas to 18.5 miles west of the RBN; and that airspace
extending upward from 1,200 feet above the surface beginning at the intersection of a line 4 nautical miles north of and parallel to the centerline of Route 2 and the arc of a 41-mile radius circle centered at Puerto Rico International Airport west of San Juan VORTAC; thence clockwise along this arc to the centerline of Route 3; thence southeast along the centerline of Route 3 to the arc of a 23-mile radius circle centered at Puerto Rico International Airport; thence clockwise along this arc to longitude 65°55'00" W.; thence south to latitude 18°40'00" N., longitude 65°55'00" W.; thence east to latitude 18°40'00" N., longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to a line 4 nautical miles north of and parallel to the centerline of Route 2; thence east and southeast along this line to the arc of a 15-mile radius circle centered at Harry S. Truman Airport (latitude 18°20'26" N., longitude 64°58'11" W.); thence counterclockwise along this arc to a line 3 nautical miles southwest of and parallel to the centerline of Route 2; thence northwest and west along this line to longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to the arc of a 15-mile radius circle centered at NS Roosevelt Roads Airport (latitude 18°15'05" N., longitude 65°38'35" W.); thence clockwise along this arc to the intersection of a line 5 miles southeast of and parallel to the 052° bearing from the Point Tuna RBN; thence southwest along this line to latitude 18°00'00" N.; thence west along latitude 18°00'00" N., to and south along longitude 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to latitude 17°46'15" N., longitude 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.); thence clockwise along this arc to latitude 18°00'00" N.; thence west to latitude 18°07'00" N., longitude 67°22'00" W.; thence north to the intersection of longitude 67°23'00" W. and the arc of a 25-mile radius circle centered at Borinquen Airport (latitude 18° 29'45" N.,
longitude 67°08'00" W.); thence clockwise along this arc to a line 4 nautical miles north of and parallel to the centerline of Route 2 east of Borinquen Airport; thence east along this line to the point of beginning; and that
airspace extending upward from 2,000 feet MSL within a 100 nautical mile radius of the Isla Grande Airport (Latitude 18°27'33" N., longitude 66°05'55" W.) San Juan, P. R.; excluding the portion that coincides with the 1,200-foot floor portions of the San Juan, St. Croix, and St. Thomas transition areas.

San Luis Obispo, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.); within 2 miles each side of the San Luis Obispo VORTAC 280° and 100° radials, extending from the 3-mile radius area to 8 miles west of the VORTAC; and within 2 miles west and 3 miles east of the 191° bearing from the San Luis Obispo County Airport, extending from the 3-mile radius area to 6 miles south of the airport.

San Marcos, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the San Marcos Municipal Airport (lat. 29°53'38"N., long. 97°51'45"W.) and 2 miles either side of the 138° bearing from the San Marcos, Tex., Gary NDB (lat. 29°54'00"N., long. 97°52'14"W.), extending from the 6-mile radius to a point 8 miles from the NDB.

AMENDMENTS 9/9/76 41 F. R. 27718 (Rewritten)

San Rafael, Calif.
That airspace extending upward from 700 feet above the surface bounded on the E by the W edge of V-195, on the S by latitude 38°02'00" N., and on the W and N by an arc of a 23-mile radius circle centered on Hamilton AFB (latitude 38°03'35" N., longitude 122°30'35" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-200, on the E by the W edge of V-195, on the S by latitude 38°02'00" N., on the W by the E edge of V-199 to latitude 38°43'30" N., thence via latitude 38°43'30" N. to the E edge of V-25, thence via the E edge of V-25 to the S edge of V-200.

San Simon, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz., Portal, Ariz., and New Mexico transition areas.

Santa Barbara, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the OM to 2 miles west of the OM; between the arcs of a 5-mile radius circle and 8.5-mile radius circle centered on the Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.), extending clockwise from a line 2 miles north of the 089° bearing from the Santa Barbara LMM to a line 2.5 miles south of the 115° bearing from the LMM; and within 2 miles east and 7 miles west of the Santa Barbara VORTAC 196° radial, extending from a 5-mile radius circle centered on the Santa Barbara Municipal Airport to 15.5 miles south of the VORTAC;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°35'00" N., longitude 120°05'00" W., thence to latitude 35°05'00" N., longitude 120°05'00" W., to latitude 35°05'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°06'15" W., longitude 120°30'00" W., to latitude 34°06'15" N., longitude 120°10'30" W., to latitude 34°24'00" N., longitude 120°30'00" W., to latitude 34°24'45" N., longitude 120°27'20" W., to latitude 34°35'00" N., longitude 120°31'40" W., to latitude 34°39'50" N., longitude 120°31'15" W., to latitude 34°46'15" N., longitude 120°26'40" W., to latitude 34°49'00" N., longitude 120°27'15" W., to latitude 34°59'32" N., longitude 120°41'50" W., to latitude 35°10'00" N., longitude 120°55'00" W., to latitude 35°21'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 120°40'30" W., to latitude 35°22'25" N., longitude 120°31'50" W., to latitude 35°31'40" N., longitude 120°15'00" W., to latitude 35°35'35" N., longitude 120°18'10" W., thence to point of beginning.

Santa Catalina, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 117° 30' 00" W., on the S by a line extending from latitude 33° 15' 00" N., longitude 117° 30' 00" W., to latitude 33° 11' 00" N., longitude 117° 48' 55" W., to latitude 33° 18' 00" N., longitude 118° 34' 00" W., on the W by longitude 118° 34' 00" W., and on the N by latitude 33° 30' 00" N., excluding the portion within Control Area 1177.

Santa Elena, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Diamond "O" Ranch Airport (latitude 26°43'10" N., longitude 98°33'25" W.), and within 3.5 miles each side of the 359° bearing from the Santa Elena RBN (latitude 26°43'07" N., longitude 98°33'37" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Santa Fe, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), and within 3 miles each side of the Santa Fe VORTAC 165° radial, extending from the 11.5-mile radius area to 9 miles south of the VORTAC.

Santa Maria, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.) and within 3 miles each side of the Santa Maria VOR 133° and 327° radials extending from 17 miles southeast to 7 miles northwest of the VOR.

Santa Rosa, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddingtown Airport (latitude 38°28'30" N., longitude 122°44'25" W.).

Santa Ynez, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), within 5 miles each side of the Santa Barbara VORTAC 291° radial extending from the 5-mile radius area to 35 miles west of the VORTAC and within 1.5 miles each side of the Gaviota VORTAC 009° and 178° radials from the 5-mile radius area to 1 mile south of the VORTAC.

Saranac Lake, N. Y.
That airspace extending upward from 700 feet above the surface beginning at lat. 44°38'00" N., long. 74°12' 00" W.; to lat. 44°40'00" N., long. 73°55'00" W.; to lat. 44°21'00" N., long. 73°50'00" W.; to lat. 44°08' 00" N., long. 74°27'00" W.; to lat. 44°21'00" N., long. 74°38'00" W.; to point of beginning.

Sarasota, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; excluding that airspace outside the continental limits of the United States.

Sault Ste. Marie, Mich.
That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 8 miles northeast and 5 miles southwest of the 129° bearing from the Sault Ste. Marie RBN, extending from the RBN to 12 miles southeast of the RBN; within 2 miles each side of the Sault Ste. Marie VOR 153° radial, extending from the VOR to 8 miles southeast of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer northwest course, extending from the OM to 8 miles northwest of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN, extending from the RBN to 8 miles northwest of the RBN, and the airspace within the United States extending upward from 1,200 feet above the surface within a 34-mile radius of Kincheloe AFB.

Savannah, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Savannah Municipal Airport (lat. 32°07'35" N., long. 81°12'05" W.); within 3 miles each side of Savannah VORTAC 061° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the VORTAC; within 3 miles each side of the ILS localizer east course, extending from the 8.5-mile radius area to 13 miles east of Runway 27 threshold; within an 8.5-mile radius of Hunter AAF (Lat. 32°00'35" N., Long. 81°08'45" W.); excluding the portion east bounded on the south by a line 2 miles north of and parallel to the extended centerline of Hunter AAF Runway 27; on the west by a line 6 miles east of and parallel to Hunter VOR 001° radial, and on the north by a line 3 miles south of and parallel to Savannah ILS localizer east course.

Savannah, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Savannah Municipal Airport (latitude 35°10'15" N., longitude 88°13'00" W.); within 3 miles each side of the 197° bearing from Savannah RBN (latitude 35°10'13" N., longitude 88°12'50" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN.

Scottsbluff, Nebr.
That airspace extending upward from 700 feet above the surface within a 9½ mile radius of the Scottsbluff County Airport (latitude 41°52'34" N., longitude 103°35'53" W.); within 4.5 miles south and 9½ miles north of the Scottsbluff VORTAC 079° radial extending from the 9½ mile radius to 13 miles east of the VORTAC, within 4.5 miles southwest and 9½ miles northeast of the ILS localizer southeast course extending from the 9½ mile radius to 13 miles southeast of the outer marker; within five miles northeast and 9½ miles southwest of the ILS localizer northwest course extending from the 9½ mile radius to 17.5 miles northwest of the airport.

Searcy, Ark.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Searcy Municipal Airport (latitude 35°13'17" N., longitude 91°44'15" W.).

Seattle, Wash.
That airspace extending upward from 700 feet above the surface bounded on the east by a line beginning at latitude 49°00' N.; longitude 122°21' W., to latitude 48°40' N., longitude 122°21' W., to latitude 48°40' N., longitude 122°05' W., latitude 47°30' N., longitude 121°48' W., to latitude 47°10' N., longitude 121°48' W., to latitude 46°48' N., longitude 122°15' W., on the south by a line extending to latitude 46°42' N., longitude 123° 17' W., on the west by a line extending to latitude 47°10' N., longitude 123°17' W., to latitude 47°10' N., longitude 123°00' W., to latitude 47°30' N., longitude 123°00' W., to latitude 48°17' N., longitude 123°15' W., thence via the Canada/United States boundary to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line beginning at latitude 48°05' N., longitude 123°40' W., to latitude 48°05' N., longitude 121°35' W., on the east by a line extending to the south via longitude 121° 35' W., to the south edge of V-204, on the south by the south edge of V-204 and latitude 46°30' N., to the east edge of V-27, on the west by east edge of V-27 to longitude 123°40' W., to the point of beginning; that airspace east of Seattle extending upward from 9,500 feet MSL bounded on the north by a line beginning at latitude 48° 00' N., longitude 121°35' W., to latitude 48°00' N., longitude 121°00' W., thence south to latitude 47°42' N., longitude 121°00' W., thence east to latitude 47°42' N., longitude 119°43' W., on the east by a line extending south via longitude 119°43' W., to the north edge of V-2N, on the south by the north edge of V-2N to longitude 121°35' W., and on the west by longitude 121°35' W., to the point of beginning.

Sebring, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sebring Airport and Industrial Park (latitude 27°27'20" N., longitude 81°20'30" W.); within 3 miles each side of the 164° bearing from Sebring RBN (latitude 27°27'37" N., longitude 81°21'00" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 1/29/76 40 F. R. 53232 (Changed)

Sedalia, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of Whiteman AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 6.5-mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°11'00" W.); within 3 miles each side of the 010° bearing from Sedalia Memorial Airport, extending from the 6.5-mile radius area to 8 miles north of the airport; and within 3 miles each side of the 176° bearing from Sedalia Memorial Airport, extending from the 6.5-mile radius area to 8 miles south of the airport.

Sedona, Ariz.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Sedona Airport (latitude 34°51'00" N., longitude 111°47'10" W.), within 2.5 miles each side of the 219° bearing from the Sedona radio beacon (latitude 34°49'41" N., longitude 111°48'48" W.), extending from the 3-mile radius area to 7 miles SW of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9 miles NW and 12 miles SE of the 219° bearing from the Sedona radio beacon extending from the radio beacon to 18.5 miles SW of the radio beacon.

Selinsgrove, Pa.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 40°49'04" N., long. 76°51'51" W. of Penn Valley Airport, Selinsgrove, Pa.; within 3.5 miles each side of the Selinsgrove, Pa., VORTAC 209° radial extending from the 10.5-mile radius area to 10.5 miles southwest of the VORTAC; within the arc of a 14-mile radius circle centered on Penn Valley Airport extending clockwise from 095° to 125°.

Selma, Ala.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Craig AFB (latitude 32°20'30" N., longitude 86°59'15" W.); within an 18.5-mile radius of the Cahaba VORTAC, extending clockwise from the 301° radial to the 212° radial.

AMENDMENTS 1/29/76 40 F. R. 57203 (Rewritten)

Selmer, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Robert Sibley Airport (latitude 35°12'38" N., longitude 88°30'30" W.); within 3 miles each side of the 334° bearing from Sibley RBN (latitude 35°14'15" N., longitude 88°31'03" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

Seymour, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Freeman Field (latitude 38°55'36" N., longitude 85°54'20" W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 161° bearing from Freeman Field extending from the 7-mile radius area to 7½ miles south of the airport.

Seymour, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°39'00" N., longitude 99°20'00" W., thence to latitude 33°46'00" N., longitude 99°23'00" W., to latitude 33°52'00" N., longitude 99°07'00" W., to latitude 33°42'00" N., longitude 99°03'00" W., to point of beginning.

Shawnee, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (latitude 35°21'16" N., longitude 96°56'33" W.), and within 2 miles each side of the 009° bearing from the Shawnee RBN (latitude 35°20'51" N., longitude 96°56'48" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Sheboygan, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sheboygan County Memorial Airport (latitude 43°46'18" N., longitude 87°51'08" W.).

Shelby, Mont.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Shelby Airport (latitude 48°32'26" N., longitude 111°52'30" W.) and within 3 miles each side of the 043° bearing from Shelby Airport extending from the 6-mile radius area to 8.5 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct course between the Cut Bank, Mont., VORTAC and the Shelby Airport, extending from the airport to 7 miles east of the VORTAC and within 4.5 miles southeast and 9.5 miles northwest of the 043° bearing from the Shelby Airport, extending from the airport to 18.5 miles northeast of the airport.

Shelby, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport (latitude 35°15'25" N., longitude 81°36'00" W.); within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

Shelbyville, Ill.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Shelby County Airport (latitude 39°24'30" N., longitude 88°50'45" W.); and within 3 miles either side of the 186° bearing from the Shelby County Airport extending from the 5.5-mile radius area to 8 miles south of the airport.

AMENDMENTS 3/25/76 40 F. R. 59722 (Added)

Shelbyville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shelbyville Memorial Airport (latitude 39°34'50" N., longitude 85°48'20" W.), and within 2 miles each side of the Shelbyville, Ind., VOR 340° radial extending from the 5-mile radius area to 8 miles north of the VOR.

Shelbyville, Tenn.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 4.5 miles north and 9.5 miles south of the Shelbyville VOR 272° radial, extending from the VOR to 18.5 miles west; within 4.5 miles east and 9.5 miles west of the Shelbyville VOR 195° radial, extending from the VOR to 18.5 miles south; within a 9.5 mile radius of Ellington Airport, Lewisburg, Tenn. (latitude 35°30'35" N., longitude 86°48'15" W.); excluding the portion within the Mount Pleasant, Tenn., transition area.

Sheldon, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Sheldon Municipal Airport (latitude 43°12'35" N., longitude 95°50'05" W.); and within 3 miles each side of the 163° bearing from Sheldon Municipal Airport, extending from the 5½-mile radius area to 8 miles south of the airport.

Shemya, Alaska
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Shemya Airport. The portion within R-2204 is excluded.

Shenandoah, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Shenandoah, Iowa, Municipal Airport (latitude 40°45'15" N., longitude 95°25'15" W.), and within 5 miles NE and 8 miles SW of the 133° bearing from the Shenandoah RBN, extending from the RBN to a point 12 miles SE of the RBN.

Sheridan, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sheridan Airport (latitude 40°10'33" N., longitude 86°13'58" W.); within 2.5 miles either side of the 019° bearing from the airport, extending from the 5-mile radius to 6 miles north excluding the portion which overlies the Zionsville, Indiana, transition area.

Sheridan, Wyo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); that airspace extending upward from 1,200 feet above the surface within 7 miles southwest and 10 miles northeast of the Sheridan VORTAC 138° and 318° radials, extending from 18.5 miles northwest to 34 miles southeast of the VORTAC;
and that airspace southeast of Sheridan bounded on the north by a line located 5 miles south of and parallel to the Sheridan VORTAC 104° radial, on the east by a 35-mile radius arc of the Sheridan VORTAC, and on the south by a line located 10 miles north of and parallel to the Sheridan VORTAC 138° radial.

Sherman, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sherman Municipal Airport (lat. 33°37'30" N., long. 96°35'00" W.); within a 7-mile radius of Grayson County Airport (lat. 33° 42'55" N., long. 96°40'25" W.); and within 2 miles each side of the 181° bearing from the Grayson County NDB (lat. 33°49'26" N., long. 96°40'10" W.) extending from the 7-mile radius area to the NDB.

Shirley, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40° 49'00" N., 72°51'45" W., of Brookhaven Airport, Shirley, N. Y., and within 4.5 miles northwest and 6.5 miles southeast of the 065° bearing and the 245° bearing from the Peconic, N. Y., RBN, extending from 5.5 miles northeast to 11.5 miles southwest of the RBN, excluding the portions that coincide with the Islip, N. Y., Calverton, N. Y., and Westhampton Beach, N. Y., transition areas.

Shreveport, La.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 32°48'10" N., longitude 93°48'30" W.; to latitude 32°42'00" N., longitude 93°37'00" W.; to latitude 32°25'00" N., longitude 93°27'00" W.; to latitude 32°14'00" N., longitude 93°27'00" W.; to latitude 32°16'30" N., longitude 93°53'30" W.; to latitude 32°35'30" N., longitude 94°00'30" W.; to point of beginning.

Sidney, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); within 9.5 miles east and 4.5 miles west of the 356° bearing from the Sidney NDB (latitude 47°42'41" N., longitude 104°10'52" W.) extending from the 9-mile radius area to 18.5 miles north of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the 215° bearing from the Sidney NDB extending from the 9-mile radius area to 18.5 miles southwest of the NDB.

Sidney, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace in the state of Colorado extending upward from 1,200 feet above ths surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles southeast of the VORTAC.

Sidney, N. Y.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center, lat. 42°18'22" N., long. 75°24'57" W. of Sidney Municipal Airport, Sidney, N. Y.; within a 16-mile radius arc from the center of the airport extending clockwise from a 080° bearing to a 215° bearing from the airport excluding the airspace within a 2-mile radius area of the Harmony Crest Airpark (lat. 42°13'56" N., long. 75°38'00" W.).

Sidney, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sidney Airport (lat. 40°14'23"N., long. 84°09'17"W.).

AMENDMENTS 9/9/76 41 F. R. 28510 (Rewritten)

Sikeston, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sikeston Memorial Airport (latitude 36°53'50" N., longitude 89°33'45" W.); and within 2 miles each side of the 016° bearing from Sikeston Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport.

Silver City, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3.5 miles each side of the Silver City VOR 141° radial extending from the 8-mile radius area to 10 miles southeast of the VOR.

Sioux City, Iowa
That airspace extending upward from 700 feet above the surface within a 19-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 19-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 19-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC.

Sioux Falls, S. Dak.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 9.5 miles southwest and 4.5 miles northeast of the Sioux Falls VORTAC 330° radial extending from the 20-mile radius area to 18.5 miles northwest of the VORTAC; and within 9.5 miles northwest and 4.5 miles southeast of the Sioux Falls ILS localizer northeast course, extending from the 20-mile radius area to 23 miles northeast of the airport;
and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Sioux Falls VORTAC extending from the VORTAC 054° radial clockwise to the Sioux Falls ILS localizer southwest course; excluding that portion in the state of Iowa; within a 25-mile radius of the Sioux Falls VORTAC extending from the Sioux Falls ILS localizer southwest course clockwise to the VORTAC 004° radial; and within a 13-mile radius extending from the Sioux Falls VORTAC 004° radial clockwise to the Sioux Falls VORTAC 054° radial; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sioux Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls, excluding that portion in Minnesota.

Sitka, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RBN 207° bearing, extending from the RBN to 8 miles southwest of the RBN; within 2 miles each side of the Biorka Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RBN 147° bearing, extending from the RBN to 8 miles southeast of the RBN; and within 2.5 miles each side of the localizer northwest course, extending from 14 miles northwest to 22 miles northwest of the localizer;
and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorka Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

Skaneateles, N. Y.
That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N. Y.; within 2 miles each side of the Runway 10 centerline, extendad from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 3.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N. Y., transition area.

Skwentna, Alaska
That airspace extending upward from 700 feet above the surface within 4.5 miles N and 9.5 miles S of the 291° and 111° bearings from the Skwentna RBN, extending from 7.5 miles W to 18.5 miles E of the RBN.

Slidell, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'37" N., longitude 89°49'18" W.), and within 2.5 miles each side of the New Orleans VORTAC 043° radial extending from the 5-mile radius area to 23 miles northeast of the VORTAC.

Smithfield, R.I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center. 41°55'21" N.. 71°29'30" W. of North Central State Airport, Smithfield, R.I.. and within 2 miles east and 5 miles west of the Providence, R.I.. VOR 347° radial extending from the 5-mile radius to the VOR. excluding the portion that overlaps the Providence 700-foot transition area.

Snyder, TX.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winston Field Airport (latitude 32°41'50" N., longitude 100°57'10" W.) and within 3 miles each side of the 184° True bearing from the Snyder, TX., radio beacon extending from the 5-mile radius area to 8 miles south of the radio beacon.

Soldotna, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.), excluding the portion within the Kenai 700-foot floor transition area.

Somerset, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Somerset-Pulaski County Airport (lat. 37°03'24" N., long. 84°36'45" W.); within 3 miles each side of the 230° bearing from Somerset RBN (lat. 37°03'19" N., long. 84°36'58" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN.

Somerset, PA.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the center (lat. 40°02'15" N., long. 79°01'00" W.) of Somerset County Airport, Somerset, PA. and within 3.5 miles each side of the 056° bearing from the Stoystown RBN (lat. 40°05'17" N., long. 78°55'20" W.) extending from the 9.5-mile radius area to 11 miles northeast of the RBN, excluding the portion that coincides with the Johnstown, PA., transition area.

Sonora, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sonora Municipal Airport (latitude 30°35'00" N., longitude 100°39'00" W.) and within 3 miles each side of the 358° bearing from the Sonora, Tex., NDB (latitude 30°34'54" N., longitude 100°38'48" W.) extending 8.5 miles northwest of the Sonora, Tex., NDB.

AMENDMENTS 3/25/76 41 F. R. 1582 (Added)

South Bend, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Michiana Regional Airport, South Bend, Ind. (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from Michiana Regional Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the Michiana Regional Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30" N., longitude 86°13'30" W.).

South Boston, VA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 36°42'45" N., long. 78°51'00" W. of William M. Tuck Airport, South Boston, VA., and within 2 miles each side of the South Boston VORTAC 076° radial, extending from the 6.5-mile radius area to the VORTAC.

Southbridge, Mass.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 42°06'05" N., 72°02'20" W. of Southbridge Municipal Airport, Southbridge, Mass.; within 3.5 miles each side of the Putnam, Conn., VORTAC 315° radial, extending from the 6.5-mile radius area to the VORTAC; within 2 miles each side of the Runway 2 centerline extended from the 6.5-mile radius area to 6.5 miles north of the end of the runway and within 2 miles each side of the Runway 20 centerline extended from the 6.5-mile radius area to 6.5 miles south of the end of the runway.

South Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of South Carolina including the offshore airspace within 3 nautical miles of and parallel to the shoreline of South Carolina, and including the airspace outside the United States southeast of Myrtle Beach, S. C., bounded by a line beginning at latitude 33°48'10" N., longitude 78°31'45" W.; to latitude 33°46'15" N., longitude 78°30'25" W.; thence clockwise along a 25-mile radius circle centered on Conway TACAN to latitude 33°19'40" N., longitude 79°02'10" W.; to latitude 33°14'15" N., longitude 79°06'15" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and east of Charleston, S. C., bounded by a line beginning at latitude 33°04'55" N., longitude 79°13'10" W.; to latitude 32°58'30" N., longitude 79°18'00" W.; to latitude 32°50'40" N., longitude 79°23'15" W.; thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC to latitude 32°38'40" N., longitude 79°27'25" W.; to latitude 32°44'00" N., longitude 79°45'10" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and southeast of Beaufort, S. C., bounded by a line beginning at latitude 32°15'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 32°03'25" N., longitude 80°46'30" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning.

AMENDMENTS 11/4/76 41 F.R. 38760 (Changed)

Southern Pines, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinehurst-Southern Pines Airport (latitude 35°14'02" N., longitude 79°23'36" W.); within 1.5 miles each side of Pinehurst VORTAC 082° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within R-5311.
PENDING AMENDMENT
The Southern Pines, N. C., transition area is amended by deleting "Pinehurst VORTAC" wherever it appears and substituting "Sandhills VORTAC" therefor.
AMENDMENTS 12/30/76 41 F. R. 49805 (Changed)

South Haven, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of South Haven Municipal Airport (lat. 42°21'15" N., long. 86°15'45" W.); and within 1.5 miles each side of the Pullman VORTAC 224° radial, extending from the 7-mile radius area to the VORTAC.

South Island, NY.
That airspace on each side of Control 1147, extending upward from FL 230 to FL 390, inclusive, bounded on the northeast by a line beginning at latitude 40°00'00" N., longitude 72°43'00" W., to latitude 39°35'00" N., longitude 72°20'00" W., thence south along longitude 72°20'00" W. to the northeast boundary of Control 1147, northwest along the northeast boundary of Control 1147, northeast along the southeast boundary of the Fire Island transition area to latitude 40°03'00" N., thence to point of beginning; and including the airspace bounded on the southwest by a line beginning at latitude 39°44'00" N., longitude 73°30'00" W., thence east along latitude 39°44'00" N., to the southwest boundary of Control 1147, southeast along the southwest boundary of Control 1147, southwest along the northwest boundary of the New York oceanic control area to longitude 72°30'00" W., thence to latitude 39°40'00" N., longitude 73°30'00" W., thence to point of beginning.

South Kauai, Hawaii
That airspace extending upward from 700 feet above the surface within 2 miles north and 4 miles south of the South Kauai, Hawaii, VORTAC 271° radial extending from the VORTAC to 8 miles west of the VORTAC; within 2 miles each side of the South Kauai, VORTAC 089° radial extending from the VORTAC to 6 miles east of the VORTAC and within 2 miles each side of the South Kauai, VORTAC 133° radial extending from the VORTAC to 6 miles southeast of the VORTAC.

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Southport, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brunswick County Airport (latitude 33°55'44" N.., longitude 78°04'33" W.); within 3 miles each side of the 315° bearing from the Yaupon RBN (latitude 33°55'39" N., longitude 78°04'31" W.), extending from the 5-mile radius area to 8.5 miles northwest of the RBN.

AMENDMENTS 3/25/76 41 F. R. 3465 (Added)

Sparta, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sparta Community Airport (latitude 38°08'55" N., longitude 89°41'55" W.); and within 3 miles each side of the 009° bearing from Sparta Community Airport, extending from the 5-mile radius area to 8 miles north of the airport.

Sparta, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sparta Airport (latitude 43°07'45" N., longitude 85°40'30" W.); excluding that airspace which overlies the Muskegon, Michigan, transition area.

Sparta, Tenn.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Sparta-White County Airport (lat. 36°03'30"N., long. 85°31'43"W.); excluding the portions that coincide with the McMinnville, Tenn., and Cookeville, Tenn., transition area.

AMENDMENTS 5/20/76 41 F. R. 14878 (Added)

Spartanburg, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); 3.5 miles each side of Spartanburg VORTAC 016° radial, extending from the 6.5-mile radius area to 9 miles north of the VORTAC; within 3.5 miles each side of Spartanburg VORTAC 191° radial, extending from the 6.5-mile radius area to 16.5 miles south of the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within the Greenville, S. C., transition area.

Spencer, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa, Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.); and within 3 miles each side of the Spencer VOR 298° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 5 miles east and 3 miles west of the Spencer VOR 134° radial, extending from the 5-mile radius zone to 15 miles southeast of the VOR.

Spirit Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport.

Spokane, Wash.
That airspace extending upward from 700 feet above the surface bounded on the north by a line beginning at latitude 47°50' N., longitude 118°00' W., extending to latitude 47°50' N., longitude 117°30' W., to latitude 47°58' N., longitude 117°16' W., to latitude 47°51' N., longitude 117°08' W., to latitude 47°56' N., longitude 116°47' W., to latitude 47°44' N., longitude 116°41' W., to latitude 47°37' N., longitude 117°13' W., to latitude 47°28' N., longitude 117°16' W., to latitude 47°17' N., longitude 117°47' W., to latitude 47°26' N., longitude 118°00' W.; thence to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 52-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.), excluding that portion southeast of Spokane bounded on the north by the arc of a 38-mile radius circle centered on the Fairchild AFB, on the northeast by V-2S, on the southeast by the arc of the 52-mile radius area, on the southwest by a line parallel to and 10 miles northeast of V-253; that airspace south of Spokane extending from the 52-mile radius area bounded on the east by V-253, on the south by V-536, on the west by the east edge of V-112E; that airspace southeast of Spokane extending upward from 6,000 feet MSL, bounded on the north by the arc of a 38-mile radius circle centered on the Fairchild AFB on the northeast by V-2S, on the southeast by the arc of the 52-mile radius area, on the southwest by a line parallel to and 10 miles northeast of V-253; that airspace southeast of Spokane extending upward from 7,000 feet MSL bounded on the northwest by the 52-mile radius area, on the north by V-2S, on the southeast by the north edge of V-536, and on the southwest by V-253.

Springfield, Ill
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); and within the arc of a 23-mile radius circle centered on the Capital VORTAC, extending from a line 2 miles southeast of and parallel to the Capital VORTAC 213° radial clockwise to a line 2 miles northwest of and parallel to the Capital VORTAC 228° radial.

Springfield, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Willard RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM.

Springfield, Vt.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (latitude 43°20'29" N., longitude 72°31'18" W.) of Springfield State-Hartness Airport, Springfield, Vt., within 5 miles each side of the 033° and 213° bearings from the Springfield NDB (latitude 43°16'12" N., longitude 72°35'12" W.) extending from the 6-mile radius area to 11.5 miles southwest of the NDB.

Springhill, La.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Springhill Municipal Airport, Springhill, La. (latitude 32°58'50" N., longitude 93°24'35" W.).

Standish, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Standish City Airport (latitude 43°58'48" N., longitude 83°58'25" W.).

Staples, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Staples Municipal Airport (latitude 46°22'48" N., longitude 94°48'08" W.), and within 3 miles each side of the 311° bearing from Staples Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 311° bearing from the airport, extending to 18½ miles northwest of the airport, excluding that portion south of latitude 46°30'00" N.

Starkville, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field (lat. 33°26'00" N., long. 88°50'45" W.); within 5 miles each side of Columbus VORTAC 260° radial extending from the 6.5-mile radius area to 32.5 miles west of the VORTAC; within 3 miles each side of the 350° bearing from BRYAN RBN (lat. 33°35'53" N., long. 88°51'01" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within Columbus, Miss., transition area.

State College, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, latitude 40°51'05" N., longitude 77°51'00" W., of University Park Airport, State College, Pa., extending clockwise from a 020° bearing to a 130° bearing from the airport; within a 13.5-mile radius of the center of University Park Airport, extending clockwise from a 130° bearing to a 165° bearing from the airport; within a 5-mile radius of the center of University Park Airport, extending clockwise from a 165° bearing to a 210° bearing from the airport; within a 7-mile radius of the center of University Park Airport, extending clockwise from a 210° bearing to a 280° bearing from the airport; within a 13.5-mile radius of the center of University Park Airport, extending clockwise from a 280° bearing to a 020° bearing from the airport; within a 5-mile radius of the center, latitude 40°46'15" N., longitude 77°52'45" W., of State College Air Depot Airport, State College, Pa., extending clockwise from a 010° bearing to a 045° bearing from the airport; within a 12-mile radius of the center of State College Air Depot Airport, extending clockwise from a 045° bearing to a 080° bearing from the airport; within a 13.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 080° bearing to a 230° bearing from the airport; within a 6.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 230° bearing to a 260° bearing from the airport; and within a 14.5-mile radius of the center of State College Air Depot Airport, extending clockwise from a 260° bearing to 010° bearing from the airport, excluding the portion that coincides with the Phillipsburg, Pa., and Reedsville, Pa., transition areas.

Statesboro, GA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Statesboro Municipal Airport (lat. 32°29'25" N., long. 81°44'08" W.); within 3 miles each side of the 120° and 326° bearings from Statesboro RBN (lat. 32°28'27" N., long. 81°44'40" W.), extending from the 6.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

Statesville, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Statesville Municipal Airport (latitude 35°45'36" N., longitude 80°57'15" W.).

Steamboat Springs, Colo.
That airspace extending upward from 700 feet above the surface within 5 miles east and 7.5 miles west of the 153° and 333° bearings from the Rocky Mountain Airways NDB (latitude 40°28'13" N., longitude 106°49'46" W.), extending from 6.5 miles northwest of the NDB to 12.5 miles southeast of the NDB; that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 40°04'30" N., longitude 106°30'00" W.; to latitude 40°05'40" N., longitude 107°00'00" W.; to latitude 40°35'00" N., longitude 107°00'00" W.; to latitude 40°35'00" N., longitude 106°30'00" W.; to point of beginning; that airspace extending upward from 13,300 feet MSL within an area bounded by a line beginning at latitude 40°04'15" N., longitude 106°30'00" W.; to latitude 40°25'00" N., longitude 106°30'00" W.; to latitude 40°08'00" N., longitude 105°52'00" W.; thence along the north edge of V-220 to the point of beginning.

Stephenville, Tex.
That airspace extending upward from 700 feet AGL within a 5-mile radius of Clark Field, Tex. (latitude 32°13'00" N., longitude 98°10'42" W.); within 3 miles each side of the Acton, Tex., VORTAC 244° radial extending from the 5-mile radius area to 27 miles from the VORTAC; and within 3 miles each side of the 139° bearing from the Stephenville, Tex., RBN (latitude 32°13'00" N., longitude 98°10'42" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

PENDING AMENDMENT
Sterling, Colo.
That airspace extending upward from 700 feet above the surface within a 10.5 mile radius of the Crosson Field Airport (Lat. 40°36'58"N., Long. 103°15'48"W.) and that airspace within 9.5 miles west and 4.5 miles east of the 163° bearing from the Batten NDB (lat. 40°31'56"N., long. 103°13'45"W.) extending from the 10.5 mile radius area to 18.5 miles south of the Batten NDB and within 5 miles each side of the 023° bearing from Crosson Field extending from the 10.5 mile radius area to 23.5 miles northeast of Crosson Field Airport.

AMENDMENTS 12/30/76 41 F.R. 49090 (Added)

Sterling, Ill.
That airspace extending upward from 700 feat above the surface within a 7-mile radius of Whiteside County Airport (latitude 41°44'35" N., longitude 89°40'30" W.); within 2 miles each side of the 074° bearing from Whiteside County Airport, extending from the 7 mile radius area to 14 miles east of the airport; and within 2 miles each side of the 232° bearing from Whiteside County Airport, extending from the 7-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies the Dixon, Ill., transition area.

Stevens Point, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stevens Point, Wis., Municipal Airport (latitude 44°32'38" N., longitude 89°31'50" W.); within 2 miles each side of the Stevens Point, Wis., VOR 024° radial extending from the 5-mile radius area to 11 miles NE of the VOR; within 2 miles each side of the Stevens Point VOR 111° radial extending from the 5-mile radius area to 8 miles E of the VOR; within 2 miles each side of the Stevens Point VOR 217° radial extending from the 5-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the Stevens Point VOR 306° radial extending from the 5-mile radius area to 8 miles NW of the VOR.

Stillwater, OK.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, OK., latitude 36°09'31" N., longitude 97°05'08" W.; and within 2 miles each side of the Stillwater VOR 005° radial extending from the 6-mile radius area to 8 miles north of the VOR.

Stockton, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N. The airspace within R-2531 is excluded.

Storm Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Storm Lake Municipal Airport (latitude 42°36'00" N., longitude 95°14'31" W.); and within 3 miles each side of the 142° bearing from Storm Lake Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport.

Stratford, Tex.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stratford Field (latitude 36°20'45" N., longitude 102°02'50" W.).

Sturgeon Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Door County Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 3 miles each side of a 195° bearing from the Door County Cherryland Airport extending from the 5-mile radius area to 7½ miles south of the airport.

Sturgis, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sturgis Municipal Airport (latitude 37°32'30" N., longitude 87°56'51" W.).

AMENDMENTS 3/25/76 41 F. R. 2378 (Added)

Sturgis, Mich.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Kirsch Airport, Sturgis, Michigan (latitude 41°48'35" N., longitude 85°26'10" W.); within 3½ miles either side of the 059° bearing from the airport, extending from the 5.5 mile radius area to 1.3 miles northeast of the airport and within 3 miles either side of the 341° bearing from the airport, extending from the 5.5-mile radius area to 8 miles north of the airport.

Stuttgart, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.), and within 3.5 miles each side of the 350° bearing from the Stuttgart RBN (latitude 34°39'52" N., longitude 91°35'30" W.) extending from the 6.5-mile radius area to 11.5 miles north of the RBN.

Sugarloaf, Maine
That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 45°04'20" N., longitude 71°27'00" W., to latitude 45°17'00" N., longitude 71°20'10" W., to latitude 45°20'40" N., longitude 70°39'30" W., to latitude 45°21'40" N., longitude 70°39'00" W., to latitude 45°22'30" N., longitude 70°08'10" W., to latitude 45°25'00" N., longitude 69°48'00" W., to latitude 45°23'00" N., longitude 69°48'00" W., to latitude 45°14'50" N., longitude 69°50'20" W., to latitude 45°07'50" N., longitude 69°50'20" W., to latitude 45°07'50" N., longitude 69°28'00" W., to latitude 44°50'00" N., longitude 69°47'10" W., to latitude 44°39'00" N., longitude 69°47'10" W., to latitude 44°16'10" N., longitude 70°14'00" W., to latitude 44°13'50" N., longitude 70°12'00" W., to latitude 44°02'10" N., longitude 70°37'50" W., to latitude 44°04'00" N., longitude 70°40'10" W., to latitude 44°06'00" N., longitude 70°37'00" W., to latitude 44°06'10" N., longitude 70°59'10" W., to latitude 44°14'30" N., longitude 70°52'30" W., to latitude 44°21'00" N., longitude 70°57'10" W., to latitude 44°29'30" N., longitude 71°01'10" W., to latitude 44°31'00" N., longitude 70°55'00" W., to latitude 44°39'00" N., longitude 71°00'00" W., to latitude 44°54'50" N., longitude 71°01'50" W., to latitude 44°53'00" N., longitude 71°18'00" W., to point of beginning, excluding Canadian airspace.

Sullivan, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°07'00" N., longitude 87°26'55" W.); and within 3 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

Sulphur Springs, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sulphur Springs Airport (latitude 33°09'30" N., longitude 95°37'15" W.), and within 2 miles each side of the Sulphur Springs VORTAC 240° radial extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

Sumter, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 4 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the TACAN; within 5 miles each side of the TACAN 215° radial, extending from the 8.5-mile radius to 21.5 miles southwest of the TACAN; within a 10.5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 5 miles each side of McEntire ANGB TACAN 138° radial, extending from the 10.5-mile radius area to 12.5 miles southeast of the TACAN; within a 5-mile radius of Sumter Municipal Airport (lat. 33°59'39" N., long. 80°21'45" W.); within 3 miles each side of the 028° bearing from Sumter RBN (lat. 33°59'24" N., long. 80°21'38" W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN; excluding the portion within the Columbia transition area.

Sunol, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 121°31'00" W., on the SW by V-107 and on the NW by V-244S.

Sunrise, Hawaii
That airspace extending upward from 2,500 feet above the surface bounded on the north by V-12, on the east by the Honolulu Oceanic Control Area, and on the south by V-4; that airspace bounded on the north by V-4, on the east by the Honolulu Oceanic Control Area, on the south by V-8, and on the west by the arc of a 10-mile radius circle centered on the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.); and that airspace bounded on the north by V-8, on the east by the Honolulu Oceanic Control Area, on the south by a line 15 nmi south of and parallel to the Molokai VOR 067° radial, and on the west by the arc of a 30-mile radius circle centered on the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.).

Superior, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Richard I. Bong Airport (lat. 46°40'55" N., long. 92°05'35" W.), excluding the portion which overlies the Duluth, Minn., transition area.

Sussex, N. J.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°12' 00" N., 74°37'00" W. of Sussex Airport, Sussex, N. J., extending clockwise from a 005° bearing to a 074° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 197° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 197° bearing to a 234° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 269° bearing from the airport; within a 9.5-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 329° bearing from the airport; and within a 12-mile radius of the center of the airport, extending clockwise from a 329° bearing to a 005° bearing from the airport.

Swainsboro, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Emanuel County Airport (lat. 32°36'30" N., long. 82°22'15" W.); within 3 miles each side of Swainsboro TVOR (lat. 32°36'24" N., long. 82°22'10" W.) 294° radial extending from the 6.5-mile radius area to 8.5 miles northwest of the TVOR.

Swordfish, Hawaii
That airspace extending upward from 5,000 feet above the surface bounded on the north and northeast by V-14, on the south by V-12 and the Honolulu Oceanic Control Area, and on the west by longitude 160°00'00" W.; that airspace bounded on the north by V-12 and the Honolulu transition area, on the northeast by V-14, on the south by V-4, and on the west by the Honolulu Oceanic Control Area; and that airspace bounded on the north by V-4, on the east by the Honolulu transition area, on the south by W-319, and on the southwest by the Honolulu Oceanic Control Area.

Sylacauga, Ala.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Lee Merkle Airport (latitude 33°10'14" N., longitude 86°18'12" W.).
AMENDMENTS 3/25/76 41 F. R. 3465 (Added)

Syracuse, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, latitude 43°06'50" N., longitude 76°06'35" W., of Syracuse Hancock International Airport extending clockwise from a 270° bearing to a 090° bearing from the airport; within a 16-mile radius of the center of the airport extending clockwise from a 090° bearing to a 270° bearing from the airport; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 28 ILS localizer course extending from the OM to 18.5 miles east of the OM; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 10 ILS localizer back course extending from the localizer to 28 miles west of the localizer; within 5 miles each side of the Syracuse VORTAC 283° radial extending from the VORTAC to a point 16 miles west of the VORTAC; and within 5 miles each side of the Syracuse VORTAC 242° radial extending from the VORTAC to a point 16 miles southwest of the VORTAC.

Talkeetna, Alaska
That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Peters Creek NDB, extending from 40 miles N to 15 miles S of the NDB, excluding the airspace within Federal airways.

Tallahassee, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within a 6.5-mile radius of the Tallahassee Commercial Airport (lat. 30°33'03" N., long. 84°22'31" W.); within 3 miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM.

Tallassee, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tallassee Municipal Airport (lat. 32°28'52" N., long. 85°53'06" W.).
AMENDMENTS 1/29/76 40 F. R. 51416 (Rewritten)

Tampa, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Tampa International Airport (lat. 27°58'29" N., long. 82°31'38" W.); within an 8.5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41'19" W.); within 3 miles each side of St. Petersburg VORTAC 343° radial, extending from the 8.5-mile radius area to 8 miles north of the VORTAC; within an 8.5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 3 miles each side of MacDill AFB ILS localizer northeast course, extending from the 8.5-mile radius area to 8.5 miles northeast of the OM; within a 7-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); within a 5-mile radius of Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.).

Tanana, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ralph M. Calhoun Memorial Airport, latitude 65°10'30" N., longitude 152°06'32" W. and within 9.5 miles south and 4.5 miles north of the Bear Creek radio beacon 251° bearing extending from the radio beacon to 18.5 miles west.

Tangier, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Tangier Island Airport, lat. 37°49'30" N., long. 75°59'55" W.; within 3 miles each side of the Cape Charles, Va., VORTAC 360° radial extending from the 5-mile radius area to 26 miles north of the VORTAC.

Taos, N. Mex.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taos Municipal Airport (lat. 36°27'33" N., long. 105°40'31" W.); within 3 miles each side of a 215° bearing from the Taos NDB (lat. 36°27'40" N., long. 105°40'10" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface beginning at lat. 36°07'00" N., long. 105°50'00" W., thence via a 25-mile arc centered on the Taos Municipal Airport coordinates (lat. 36°27'33" N., long. 105°40'31" W.) clockwise to lat. 36°48'00" N., long. 105°49'15" W., thence direct to lat. 36°30'00" N., long. 105°30'00" W., thence direct to point of beginning.

Taunton, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52'35" N., 71°01'00" W., of Taunton Municipal Airport, Taunton, Mass.; within 2 miles each side of the Whitman, Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VORTAC and within 2 miles each side of the 118° bearing from the Taunton, Mass., RBN, 41°52'35" N., 71°01'03" W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

Tecumseh, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Tecumseh, Mich. Airport (latitude 42°01'30" N., longitude 83°56'20" W.).

Tell City, IN.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Perry County Municipal Airport, IN., (latitude 38°01'05" N., longitude 86°41'30" W.); and within 3 miles each side of the 105° bearing from the Perry County Municipal Airport extending from the 5-mile radius to 8 miles southeast.

Tennessee
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

Terre Haute, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'07" N., longitude 87°18'25" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest; within a 5-mile radius of the Sky King Airport (latitude 39°32'56" N., longitude 87°22'38" W.); within a 5-mile radius of the Arthur Airport (latitude 39°28'36" N., longitude 87°06'00" W.).

Terrell, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terrell, Tex., Municipal Airport (lat. 32°43'00"N., long. 96°16'00"W.).

AMENDMENTS 9/9/76 41 F. R. 27029 (Added)

Texarkana, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Municipal-Webb Field (lat. 33°27'20" N., long. 93°59'15" W.), within 2 miles each side of the Texarkana ILS localizer northeast course extending from the 5-mile radius area to the OM, and within 2 miles each side of the Texarkana VORTAC 129° radial extending from the 5-mile radius area to the VORTAC.

Texas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Texas including the airspace within 3 nautical miles of and parallel to the shoreline of Texas, that airspace south of Beaumont, Tex., bounded on the north by a line 3 nautical miles from and parallel to the shoreline, on the east by the Louisiana/Texas State line and on the south by the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., that airspace east of Corpus Christi, Tex., bounded by a line 3 nautical miles from and parallel to the shoreline and a line beginning at a point 3 nautical miles from the shoreline at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., excluding that airspace south of a line beginning at the intersection of the United States/Mexican Border and 30°00' 00" north latitude, thence east along 30°north latitude to and counterclockwise along the arc of a 105-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W., to and along the United States/ Mexican Border to point of beginning.

AMENDMENTS 1/29/76 40 F. R. 57204 (Changed)

The Dalles, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°10'05" W.), that airspace south of The Dalles, extending from a line 2 miles east of and parallel to The Dalles VORTAC 186° radial clockwise to the 222° radial, extending from the 5-mile radius area to an ARC of an 11.5-mile radius circle centered on The Dallas Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 6 miles S of The Dalles VORTAC 281° and 101° radials, extending from 7 miles W to 14 miles E of the VORTAC; within 5 miles N of The Dalles VORTAC 101° radial, extending from 14 miles E to 23 miles E of the VORTAC, and that airspace within a 23-mile radius of The Dalles VORTAC, extending clockwise from the 101° radial to the 272° radial, excluding the airspace within the Portland, Oreg., transition area.

Thedford, Nebr.
That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Thedford Municipal Airport (latitude 41°58'47" N., longitude 100°32'01" W.); within 2.5 miles each side of the Thedford VOR 090° radial extending from the 5.5-mile radius to 7.5 miles west of the airport.

Thermal, CA.
That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Thermal VORTAC 140° radial, extending from the VORTAC to 8 miles southeast of the VORTAC, within 3.5 miles southwest of and parallel to the Thermal VORTAC 155° radial, extending from the VORTAC to 6.5 miles southeast of the VORTAC and within 3 miles each side of the Thermal VORTAC 324° radial, extending from the VORTAC to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Thermal VORTAC 140° radial extending from the VORTAC to 20 miles southeast of the VORTAC, excluding the portion within R-2521.

Thibodaux, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thibodaux Municipal Airport (latitude 29°44'50" N., longitude 90°49'55" W.) and within 2 miles each side of the Tibby, La., VORTAC 359°T radial extending from the 5-mile radius to the Tibby VORTAC excluding the portion that overlaps the Houma, La., transition area.

Thief River Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 138° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 305° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles NW of the airport.

Thunder Bay, Ontario, Canada
That airspace extending upward from 1,200 feet above the surface within a 35-nautical mile radius of Thunder Bay Airport (lat. 48°22'19" N., long. 89°19'26" W.), excluding the portion outside the United States.

Tiffin, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Seneca County Airport (latitude 41°05'38" N., longitude 83°12'45" W.); within 3 miles each side of the 053° bearing from the Seneca County Airport extending from the 7-mile radius area to 8.5 miles northeast of the airport.

Tifton, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Henry Tift Myers Airport (lat. 31°25'36" N., long. 83°29'06" W.), within a 5-mile radius of Eaglehead Airport (lat. 31°23' 00" N., long. 83°36'00" W.).

Titusville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of TI-CO Airport (latitude 28°30'42"N., longitude 80°48'00"W.); excluding the portion within R-2921 and R-2922.

AMENDMENTS 11/4/76 41 F.R. 46433 (Changed)

Titusville, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center lat. 41° 36'45" N., long. 79°44'45" W. of Titusville Airport, excluding the portion that coincides with the Franklin, Pa., transition area.

Tobe, Colo.
That airspace north of Tobe, Colo., VORTAC, extending upward from 8,500 feet MSL, bounded on the north by V-210, on the southeast by V-263, and on the west by V-19E, excluding the airspace within Federal airways.

Toccoa, Ga.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport (latitude 34°35'40" N., longitude 83°17'40" W.); within a 9-mile radius of Habersham County Airport, Cornelia, Ga. (lat. 34°30'20" N., long. 83°33'15" W.).

Toledo, OH.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 84°20'00" W.; to latitude 41°49'00" N., longitude 83°37'00" W.; to latitude 41°34'00" N., longitude 83°19'00" W.; to latitude 41°17'00" N., longitude 83°36'00" W.; to latitude 41°22'00" N., longitude 84°05'00" W.; to point of beginning.

Tonopah, Nev.
That airspace extending upward from 1,200 feet above the surface within 14 miles north and 5 miles south of the 083° and 263° radials of the Tonopah VORTAC extending from 12 miles west to 25.5 miles east of the VORTAC, and within 10 miles south of and parallel to the Tonopah VORTAC 089° radial, extending from the VORTAC to 21.5 miles east of the VORTAC.

Topeka, Kans.
That airspace extending upward from 700 feet above the surface within a 7 mile radius of Philip Billard Airport, Topeka, Kansas (latitude 39°04'09"N., longitude 95°37'18"W.) within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7 mile radius area to 8 miles NE. of the VORTAC, within 5 miles SW. and 8 miles NE. of the Philip Billard Airport ILS Localizer NW. course, extending from 3 miles SE. to 12 miles NW. of the OM, within an 8.5 mile radius of Forbes Field, Topeka, Kansas (latitude 38°57'10"N., longitude 95°39'50"W.), within 2 miles each side of the Forbes Field TACAN 321° radial extending from the 8.5 mile radius area to 9 miles NW. of the TACAN, and within 3.5 miles each side of the Forbes Field ILS localizer SE. course extending from the 8.5 mile radius area to 8 miles SE. of the Richland LOM.

AMENDMENTS 11/4/76 41 F.R. 34586 (Rewritten)

Toughkenamon, PA.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, lat. 39° 49'55" N., long. 75°46'08" W. of the New Garden Flying Field, Toughkenamon, including that airspace 5 miles west and 3 miles east of the Modena, PA., VORTAC 047° and 227° radials extending from 5 miles southwest to 10 miles northeast of the VORTAC.

Tracy, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Tracy Municipal Airport (latitude 37°41'15" N., longitude 121°26'25" W.), and within 2.5 miles each side of the Stockton VORTAC 237° radial, extending from the 3-mile radius area to 10.5 miles southwest of the VORTAC.

Traverse City, Mich.
That airspace extending upward from 700 feet above the surface within a 10½-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); within 4½ miles west and 9½ miles east of the Traverse City VORTAC 158° radial, extending from the 10½-mile radius area to 18½ miles south of the VORTAC; and within 5 miles each side of the Traverse City VORTAC 344° radial, extending from the 10½-mile radius area to 20 miles north of the VORTAC.

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Trenton, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton Municipal Airport (latitude 40°05'03" N., longitude 93°35'26" W.); and within 3 miles either side of the 172° bearing from the MHW facility extending from the 5-mile radius to 8 miles south, and 3 miles either side of the 007° bearing from the MHW facility extending from the 5-mile radius to 8.5 miles north.

Trenton, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gibson County Airport (latitude 35°56'02" N., longitude 88°50'54" W.); within 3 miles each side of the 020° bearing from Gibson RBN (latitude 35°56'03" N., longitude 88°51'02" W.), extending from the 5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Humboldt, Tenn., transition area.

Tri-City, Tenn.
That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of a 21.5-mile radius circle centered on Tri-City Airport (latitude 36°28'30" N., longitude 82°24'20" W.) and a line 5 miles northwest of and parallel to Blackford VOR 216° radial (northeast of Tri-City Airport); thence northeast along this line to and clockwise along the arc of a 30-mile radius circle centered on Tri-City Airport to the northwest boundary of V-16S; thence northeast along the northwest boundary of V-16S to and clockwise along the arc of a 21.5-mile radius circle to point of beginning; including the airspace within 2 miles each side of Virginia Highlands Airport Runway 6 extended centerline, extending from the arc of a 30-mile radius circle centered on Tri-City Airport to 7.5 miles northeast of Virginia Highlands Airport; within an 8.5-mile radius of Hawkins County Airport, Rogersville, Tenn. (latitude 36°27'27" N., longitude 82°53'05" W.).

Trinidad, Colo.
That airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° and 352° bearings from the Trinidad, Colo. RBN, extending from 7 miles south to 13 miles north of the RBN.

Troy, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the OM.

Troy, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Troy Skypark Airport (latitude 39°59'27" N., longitude 84°16'14" W.), excluding that portion which lies within the Piqua, Ohio, and Dayton, Ohio, transition areas.

Truth or Consequences, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° radial, extending from the 8-mile radius area to 11 miles north of the VORTAC.

Tucson, Ariz.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles NE and 13 miles SW of the Tucson VORTAC 138° radial, extending from the 10-mile radius area to 9 miles SE of the VORTAC, and within 9 miles SW and 1 mile NE of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; thence N via longitude 110°52'00" W. to the S boundary of V-94; thence SE via the S boundary of V-94 to longitude 110°00'00" W.; thence S to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning.

Tucumcari, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.).

Tullahoma, Tenn.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Arnold Air Force Station (latitude 35°23'33" N., longitude 86°05'10" W.); within 3 miles each side of the Arnold VOR 216° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR; within a 7-mile radius of William Northern Field (lat. 35°23'00" N., long. 86°14'30" W.); within 3 miles each side of Shelbyville VOR 136° radial, extending from the 7-mile radius area to 8.5 miles southeast of Arnold VOR 226° radial; within a 13.5-mile radius of Winchester Municipal Airport, Winchester, Tenn. (latitude 35°10'40" N., longitude 86°03'49" W.); excluding the portions within Shelbyville and Chattanooga transition areas.

Tulsa, Okla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north; and within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC.

Tupelo, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the C. D. Lemons Municipal Airport (latitude 34°15'32" N., longitude 88°45'32" W); within 3 miles each side of the Tupelo VOR 214° radial, extending from the 5-mile radius area to 8.5 miles southwest of the VOR.

Tuscaloosa, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 2.5 miles each side of Tuscaloosa VORTAC 052° radial, extending from the 11-mile radius area to 6.5 miles northeast of the VORTAC.

Tuskegee, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Moton Field (lat. 32°27'36" N., long. 85°40'44" W.); within 3 miles each side of the Tuskegee VORTAC 018° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VORTAC; excluding the portion within the Tallassee transition area.

AMENDMENTS 3/25/76 41 F. R. 2378 (Added)

Twentynine Palms, CA.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 17'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thence to point of beginning, excluding the portions within R-2501E, R-2501S, and R-2507.

Twin Falls, Idaho
That airspace extending upward from 700 feet above the surface within 9.5 miles north and 5 miles south of the Twin Falls VORTAC 086° and 281° radials extending from the VORTAC to 30 miles east and 18.5 miles west; within 5 miles each side of the Twin Falls 156° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VORTAC, extending clockwise from the VORTAC 173° radial to the VORTAC 311° radial; within that airspace southeast of Twin Falls bounded on the north by V-269, on the east by a 21-mile arc centered on the VORTAC and on the southeast by V-484; within that airspace north of Twin Falls bounded on the north by V-500, on the east by longitude 114°01'00" W., on the south by V-269 and on the southwest by V-293; that airspace northwest of Twin Falls bounded on the north by V-330, on the east by V-293, and on the south by V-4; that airspace within 9 miles southwest and 6 miles northeast of the Twin Falls VORTAC 311° radial extending from the VORTAC to 30 miles northwest of the VORTAC.

Tyler, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line extending from latitude 32°05'30" N., longitude 95°17'00" W., to latitude 32°27'00" N., longitude 95°42'30" W., to latitude 32°35'30" N., longitude 95°32'30" W.. to latitude 32°13'30" N.. longitude 95°07'00" W.. to point of beginning.

Ukiah, Calif.
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Ukiah, Calif., VORTAC bounded on the E by the W edge of V-25, that airspace S of Ukiah bounded on the E by the W edge of V-25, on the S by latitude 38°43'30" N., on the W by longitude 123°23'15" W., and that airspace between the 20- and 24-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 7,500 feet MSL between the 24- and 45-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 8,500 MSL bounded on the NE by a 45-mile arc of the Red Bluff, VORTAC, on the SE by the SE edge of V-25, on the S and SW by the N edge of V-200 and a 20-mile arc of the Ukiah VORTAC, and on the NW by the NW edge of V-199; that airspace extending upward from 9,500 feet MSL bounded on the SE by the NW edge of V-199. on the W by the E edge of V-27, and on the N by a line 9 miles S of and parallel to the Red Bluff VORTAC 291° and Fortuna VORTAC 110° radials.

Ulysses, Kansas
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ulysses, Kansas, Municipal Airport (latitude 37°36'10" N., longitude 101°22'15" W.); within 3 miles each side of the 307° bearing from the Ulysses radio beacon (latitude 37°35'51" N., longitude 101°22'00" W.); extending from the 5-mile radius area 2.5 miles northwest.

Umiat, Alaska
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Umiat Airport (latitude 69°22'17" N., longitude 152°08'00" W.).

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Unalakleet, Alaska
That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the North River, Alaska, RBN 290° bearing, extending from the RBN to 24.5 miles west of the RBN; within 4.5 miles southeast and 9.5 miles northwest of the Unalakleet VORTAC 225° radial, extending from the VORTAC to 24.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7.5 miles north and 9.5 miles south of the Unalakleet VORTAC 110° and 290° radials, extending from 13 miles east to 13 miles west of the VORTAC.

Union City, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Everett-Stewart Airport (latitude 36°22'50" N., longitude 88°59'15" W.); within 3 miles each side of Dyersburg VORTAC 037° radial, extending from the 5.5-mile radius area to 25.5 miles northeast of the VORTAC; within 3 miles each side of the 186° and 347° bearings from Union City RBN (latitude 36°23'06" N., longitude 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and south of the RBN.

Upolu Point, Hawaii
That airspace extending upward from 1,200 feet above the surface bounded on the north by V-15, on the east by V-6, on the south by V-2, and on the west by V-11; that airspace bounded on the northeast by V-16, on the southeast by V-11, and on the southwest by V-5; and that airspace bounded on the north by a line 4 nmi north of and parallel to the Lanai VOR 110° radial, on the east by V-11, and the south by V-2.

Utica, N. Y.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 43°13'45" N., 75°25'00" W., of Griffiss AFB, Rome, N. Y., and within 2 miles each side of the Griffiss-TACAN 306° radial extending from the 10-mile radius to 14 miles NW of the TACAN.

Within a 12-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., and within 3.5 miles each side of the 137° bearing from the Clay RBN, extending from the 12-mile radius area to 11.5 miles southeast of the RBN.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 43°24'00" N., 76°53'00" W., to 42°57'00" N., 76°57'00" W., to 42°40'00" N., 77°23'45" W., to 42°41'30" N., 76°23'00" W., to 42°40'00" N., 75°30'00" W., to 43°00'00" N., 74°30'00" W., to 43°18'40" N., 74°30'30" W., thence counterclockwise along an arc with a radius of 46 miles from the center of Griffiss AFB to 43°36'00" N., 74°39'30" W., to 43°31'00" N., 74°43'00" W., thence counterclockwise along an arc with a radius of 40 miles from the center of Griffiss AFB to 43°44'00" N., 75°49'15" W., to 43°32'00" N., 76°23'00" W., to 43°24'00" N., 76°40'00" W., to point of beginning.

Uvalde, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.), and within 2.5 miles each side of the 154° bearing from the Uvalde RBN (latitude 29°13'06" N., longitude 99°44'29" W.), extending from the 5-mile radius area to 8.5 miles southeast of the RBN.

Vacaville, California
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Nut Tree Airport, California (latitude 38°22'18" N., longitude 121°57'33" W.), and within 2.5 miles each side of the Sacramento VORTAC 259° radial, extending from the 3-mile radius area to 13 miles W of the VORTAC.

Valdosta, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46'58"N., long. 83°16'44"W.); within an 8.5-mile radius of Moody AFB (lat. 30°58'01"N., long. 83°11'27"W.); within 3.5 miles west and 2 miles east of Moody TACAN 007° radial, extending from the 8.5-mile radius area to 11.5 miles north of the TACAN.
AMENDMENTS 7/15/76 41 F. R. 18650 (Rewritten)

Valentine, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Miller Field Airport (latitude 42°51'25" N., longitude 100°32'50" W.); and that airspace in the State of South Dakota extending upward from 1,200 feet above the surface within 5 miles each side of the 325° bearing from the Miller Field Airport within 12 miles northwest of the airport.

Valparaiso, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.).

Vandalia, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (lat. 38°59'26" N., long. 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

Vandenberg AFB, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 2.5 miles northwest to 1 mile southeast of the OM.

Van Horn, Tex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Culberson County Airport (latitude 31°03'42" N., longitude 104°42'09" W.) and extending 6.0 miles north and 9.5 miles south of the 054° bearing from the airport coordinates to a point 19 miles northeast of the airport coordinates.

Van Wert, Ohio
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Van Wert Municipal Airport (latitude 40°51'45" N., longitude 84°36'15" W.).

Venice, FL.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Venice Municipal Airport (lat. 27°04'30" N., long. 82°26'00" W.).

Vernal, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Vernal VOR 157° and 337° radials, extending from 10 miles northwest to 18.5 miles southeast of the VOR.

Vernon, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50'30" N., long. 88°07'10" W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

Vernon, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (latitude 34°14'00" N., longitude 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

Vero Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.); within 5 miles each side of Vero Beach VORTAC 291° radial, extending from the 8.5-mile radius area to 8.5 miles west of the VORTAC; within a 6.5-mile radius of St. Lucie County Airport, Fort Pierce, Fla. (lat. 27°29'38" N., long. 80°22'02" W.); excluding the portion outside the continental limits of the United States.

Versailles, OH.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Darke County Airport (latitude 40°12'17" N., longitude 84°31'38" W.); and within 3 miles either side of the 265° bearing from the airport, extending from the 5-mile radius area to 8 miles from the airport.

Vichy, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles of each side of the 067° radial of the Vichy VORTAC, extending from 6½-mile radius area to 8½ miles northeast of the Vichy VORTAC.

Vicksburg, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.).

Victoria, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Victoria County-Foster Airport (latitude 28°51'10" N., longitude 96°55'20" W.) and within 3.5 miles each side of the ILS localizer 131° course extending from the 5-mile radius area to 14.5 miles southeast of the outer marker.

Victorville, Calif.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.).

Vidalia, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vidalia Municipal Airport (lat. 32°11'45" N., long. 82°22'15" W.); within a 6.5-mile radius of Reidsville Airport, Reidsville, Ga. (latitude 32°03'19" N., longitude 82°09'19" W.); within 3 miles each side of the 295° bearing from Prison RBN (latitude 32°03'27" N., longitude 82°09'09" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

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Vincennes, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'27" W.); within 3 miles each side of the 186° bearing from the airport, extending from the 7-mile radius to 8 miles south; and 3 miles each side of the 352° bearing from the airport, extending from the 7-mile radius to 8 miles north; within 3 miles each side of the 102° bearing from the airport, extending from the 7-mile radius to 8 miles east; and within a 5.5-mile radius of O'Neal Airport (latitude 38°41'29" N., longitude 87°33'08" W.); and within 3 miles each side of the 258° bearing from the airport, extending from the 7-mile and 5½-mile radius area to 8 miles west of the airport, within a 5-mile radius of the Mt. Carmel Municipal Airport (latitude 38°36'24" N., longitude 87°43'34" W.); and within 3 miles either side of the 038° bearing from the airport, extending from the 5-mile radius area northeast to join the Lawrenceville and O'Neal radius areas.

Vincentown, NJ.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39° 54'15" N., long. 74°45'00" W. of Red Lion Airport, Vincentown, NJ.

Virginia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Virginia including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Virginia and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south by latitude 36°33'30" N, and on the west and north by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149.

Visalia, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), within 2 miles each side of the Visalia VOR 123° and and 303° radials, extending from the 5-mile radius area to 8 miles northwest of the VOR and within 4 miles each side of the Visalia VOR 150° radial, extending from 7 to 20 miles southeast of the VOR.

Vivian, La.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Vivian Municipal Airport (latitude 32°51'55" N., longitude 94°00'30" W.); within 2 miles each side of the Shreveport VORTAC 299° radial extending from the 6.5-mile radius area to 5.5 miles northwest of the VORTAC; and 3 miles each side of the 277° bearing from the NDB (latitude 32°51'37" N., longitude 94°00'42" W.) extending from the 6.5-mile radius area to 8.5 miles west of the NDB.

Wabash, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°45'50" N., longitude 85°48'05" W.); within 5 miles each side of the 105° bearing from Wabash Municipal Airport extending from the 5-mile radius area to 12 miles east of the airport; and within 2 miles each side of the 040° radial of the Kokomo, Ind., VORTAC, extending from the 5-mile radius area to 15 miles northeast of the Kokomo, Ind., VORTAC; excluding the portion which overlies the Kokomo, Ind., 700-foot floor transition area.

Waco, Tex.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°08'00" N., longitude 96°54'00" W.; to latitude 32°02'00" N., longitude 96°50'40" W.; to latitude 31°46'00" N., longitude 96°55'00" W.; to latitude 31°39'30" N., longitude 96°43'50" W., to latitude 31° 17'00" N., longitude 96°47'00" W., to latitude 31°17'00" N., longitude 97°13'00" W.; to latitude 30°56'30" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97° 34'00" W.; to latitude 31°27'00" N., longitude 97°41'00" W.; to latitude 31°35'00" N., longitude 97°44'00" W.; to latitude 31°46'30" N., longitude 97°41'50" W.; to latitude 31°59'00" N., longitude 97°24'00" W.; to point of beginning.

Waimea-Kohala, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waimea--Kohala Airport (latitude 20°00'17" N., longitude 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V-16, on the west by V-11 and on the southeast by V-3 and the Waimea-Kohala control zone.

Wakefield, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36°59'14" N., long. 77°00'06" W., of Wakefield Municipal Airport, Wakefield, Va., and within 3 miles each side of the 013° bearing from the Wakefield RBN, lat. 36°58'59" N., long. 77°00'05" W., extending from the 5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 1/29/76 40 F. R. 58850 (Changed)

Wake Island
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

Wallace, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henderson Field (latitude 34°43'05" N., longitude 78°01'20" W.); within 3 miles each side of Wilmington VORTAC 344° radial, extending from the 5-mile radius area to 22 miles northwest of the VORTAC; within 3 miles each side of the 078° bearing from Pendy NDB (latitude 34°42'58" N., longitude 78°00'14" W.), extending from the 5-mile radius area to 8.5 miles east of the RBN.

AMENDMENTS 1/29/76 40 F. R. 57203 (Changed)

Walla Walla, Wash.
That airspace extending upward from 700 feet above the surface within 4 miles each side of the Walla Walla VOR 036° radial, extending from the VOR to 16 miles northeast; within 5 miles southeast and 3.5 miles northwest of the Walla Walla VOR 215° radial, extending from the VOR to 18.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 13 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, within 5 miles each side of the Walla Walla TACAN 041° radial extending from the TACAN to 23 miles NE of the TACAN, within 5 miles SE and 9 miles NW of the Pendleton, Oreg., VORTAC 025° radial, extending from 33 miles NE to 61 miles NE of the VORTAC, and that airspace bounded by an arc of a 19-mile radius circle centered on the Walla Walla VOR (latitude 46°06'13" N., longitude 118°17' 29" W.), from 5 miles SE of the Walla Walla 040° radial, to 4 miles SE of the Pendleton VORTAC 025° radial, within 5 miles east and 10 miles west of the Walla Walla 165° radial, extending from the 19-mile radius area to the northeast edge of V-298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V-112 to the southeast edge of V-112W, excluding the portion within the Pendleton, Oreg., transition area.

Walnut Ridge, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Regional Airport (latitude 36°07'30"N., longitude 90°55'25"W.); within three miles each side of the Walnut Ridge VORTAC 240° radial, extending from the 6.5-mile-radius area to 8.5 miles southwest of the VORTAC; within 3.5 miles each side of the 005° bearing from the proposed RBN (latitude 36°07'36"N., longitude 90°55'36"W.), extending from the 6.5-mile-radius area to 12 miles north of the RBN; and within a 5-mile radius of the Pocahontas Municipal Airport (latitude 36°14'40"N., longitude 90°56'45"W.).

AMENDMENTS 9/9/76 41 F. R. 24579 (Rewritten)
AMENDMENTS 11/4/76 41 F.R. 33247 (Rewritten)

Walterboro, SC.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walterboro Municipal Airport (lat. 32°55'08" N., long. 80°38'25" W.); within 3 miles each side of the 060° bearing from Walterboro RBN (lat. 32°55'32" N., long. 80°38'27" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Wapakoneta, Ohio
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Neil Armstrong Field (lat. 40°29'36" N., long. 84°18'04" W.).

Warren, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (latitude 33°33'50" N., longitude 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 270° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

Warsaw, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Warsaw Municipal Airport (latitude 41°16'39" N., longitude 85°50'48" W.); and within 3½ miles each side of the 359° bearing from the airport extending from the 7-mile radius area to 12½ miles north of the airport, excluding the airspace that overlies the Nappanee, Indiana, and Goshen, Indiana, transition areas.

Waseca, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waseca Municipal Airport (latitude 44°04'24" N., longitude 93°33'10" W.); within 3½ miles each side of the 339° bearing from the Waseca Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport; within 1½ miles each side of the 046° bearing from the Waseca Municipal Airport, extending from the 5-mile radius to 6 miles northeast of the airport.

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Washington, D. C.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 38°51' 07" N., 77°02'23" W., of Washington National Airport, Washington, D. C.; within an 11-mile radius of the center of Washington National Airport, extending clockwise from a 022° bearing to a 165° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 210° bearing to a 270° bearing from the airport; within a 12.5-mile radius of the center of Washington National Airport, extending clockwise from a 270° bearing to a 310° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 310° bearing to a 022° bearing from the airport; within 4.5 miles each side of a 317° bearing from the Georgetown, D. C., RBN, extending from the RBN to 5.5 miles northwest; within an 8.5-mile radius of the center, 38°48'39" N., 76°52'02" W., of Andrews AFB, Camp Springs, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 9.5 miles north of the VORTAC; within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 5 miles each side of a 180° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 9.5 miles south; within 5 miles each side of a 081° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 20 miles east; within 3.5 miles each side of the extended centerline of Davison AAF Runway 32, extending from the northwest end of Runway 32 to 9 miles northwest; within 6.5 miles southwest and 4.5 miles northeast of a 134° bearing and a 314° bearing from a point 38°39'41" N., 77°06'37" W., extending from 5.5 miles northwest to 11.5 miles southeast of said point; excluding the portion within P-56 and P-73.

Washington, GA.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Washington-Wilkes County Airport (lat. 33°47'20" N., long. 82°48'30" W.); within 2.5 miles each side of Athens VOR 112° radial, extending from the 6.5-mile radius area to 25 miles east of the VOR.

Washington, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Daviess County Airport (latitude 38°41'58" N., longitude 87°07'55" W.); within 3 miles each side of the 010° bearing from Daviess County Airport, extending from the 8-mile radius area to 8± miles north of the airport.

Washington, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Washington Airport (latitude 41°16'00" N., longitude 91°41'00" W.); and that airspace 3 miles each side of the 141° bearing from Washington NDB (latitude 41°16'13" N., longitude 91°41'04" W.); extending from the 5-mile radius to a point 8.5 miles southeast of the NDB.
AMENDMENTS 3/25/76 41 F. R. 2378 (Added)

Washington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 156° bearing from Wanoca RBN (lat. 35° 32'40" N., long. 77°02'00" W.), extending from the 8.5-mile radius area to 8.5 miles south of the RBN.

Washington, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of lat. 40°03'15" N., long. 80°17'15" W. of Washington County Airport, Washington, Pa.

Washington Court House, Ohio
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fayette County Airport (latitude 39°34'15" N., longitude 83°25'13" W.) and within 3 miles each side of the 037° bearing from the airport extending from the 5½-mile radius area to 10 miles northeast of the airport.

Waterloo, Iowa
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Waterloo Municipal Airport (lat. 42°33'20" N., long. 92°24'00" W.); and within 3½ miles each side of the Waterloo ILS localizer northwest course extending from the 10-mile radius area to 8 miles northwest of the OM; and 3 miles each side of the Waterloo, Iowa, VORTAC 120° radial extending from the 10-mile radius to 15 miles southeast of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 194° radial extending from the 10-mile radius to 11½ miles south of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 001° radial extending from the 10-mile radius to 11½ miles north of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 316° radial extending from the 10-mile radius to 11½ miles northwest of the VORTAC; and within 3½ miles each side of the LOC back course extending from the 10-mile radius to 16 miles southeast of the airport.

Watertown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown International Airport, Watertown, N. Y., and within 3.5 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 7-mile radius area to 12 miles southwest of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 75°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning.

Watertown, S. Dak.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the Watertown VORTAC; within a 26-mile radius of the Watertown
VORTAC extending clockwise from the 086° radial to a line located parallel to and 4.5 miles west of the 181° radial; and within 6 miles east and 9.5 miles west of the Watertown VORTAC 001° radial extending from the VORTAC to 21 miles north; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 7 miles west of the 181° radial extending from the VORTAC to 31.5 miles south; and within a 26-mile radius of the Watertown VORTAC extending clockwise from a line 7 miles west of and parallel to the 181° radial to the 238° radial.

Watertown, Wisconsin
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Watertown Municipal Airport (latitude 43°10'15" N., longitude 88°43'20" W.).

Waterville, Maine
That airspace extending upward from 700 feet above the surface within a 11.5-mile radius of the center (lat. 44°32'10" N., long. 69°40'30"W.) of Waterville Robert La Fleur Airport, Waterville, Maine, excluding the portion that coincides with the Augusta, Maine, 700-foot transition area.
PENDING AMENDMENT
The Waterville, Maine, Transition Area is revoked.
AMENDMENTS 12/30/76 41 F. R. 27719 (Revoked)

Waupaca, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waupaca Municipal Airport (lat. 44°20'02"N., long. 89°00'51"W.); and within 3 miles each side of the 118° bearing from the airport, extending from the 5-mile radius area to 8 miles southeast of the airport.
AMENDMENTS 7/15/76 41 F. R. 20648 (Added)

Wausau, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55'33" N., longitude 89°37'32" W.).

Waverly, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Humphreys County Airport (lat. 36°07'02"N., long. 87°44'17"W.); within 3 miles each side of the 034° bearing from the Waverly RBN (lat. 36°07'00"N., long. 87°44'25"W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.
AMENDMENTS 11/4/76 41 F.R. 40457 (Added)

Waycross, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Waycross-Ware County Airport (lat. 31°14'55" N., long. 82°23'48" W.); within 1.5 miles each side of Waycross VORTAC 099° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within a 1.5-mile radius of Bivins Airport (lat. 31°11'06" N., long. 82°16'25" W.).

Webster City, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.).

Wells, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harriet Field (latitude 41°06'54" N., longitude 114° 55'24" W.) and within 4.5 miles south and 9.5 miles north of the Wells VOR 287° radial, extending from the VOR to 18.5 miles west of the VOR. That airspace extending upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Wells VOR 287° and 107° radials extending from 23 miles west to 10 miles east of the VOR.

Wellsboro, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 41°43'45" N., 77°23'30" W., of Grand Canyon State Airport, Wellsboro, Pa., and within 2 miles each side of Stonyfork, Pa., VOR 212° radial extending from the 6-mile radius area to 8 miles southwest of the VOR. This transition area is effective from sunrise to sunset daily.

Wellsville, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center (lat. 42° 06'34" N., long. 77°59'59" W.) of Wellsville Municipal (Tarantine) Airport, Wellsville, NY., within 4 miles each side of the 090° bearing from the Hallsport RBN, lat. 42°06'34" N., long. 77°54'33" W., extending from the 9-mile radius area to 11.5 miles east of the RBN, and within 3.5
miles each side of the Wellsville, N. Y., VOR 196° radial extending from the 9-mile radius area to 11.5 miles south of the VOR.

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Welsh, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Welsh Municipal Airport (latitude 30°14'30" N., longitude 92°49'45" W.), but excluding that portion within the Jennings, La., 700-foot transition area.

Wenatchee, Wash.
That airspace extending upward from 700 feet above the surface within 4 miles each side of the Wenatchee VOR 124° radial, extending from the VOR to 12.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the Wenatchee VOR 092° and 272° radials, extending from 7 miles west to 14 miles east of the VOR and within 5 miles southwest and 9.5 miles northeast of the 124° radial, extending from the VOR to 23 miles southeast of the VOR.

Wendover, Utah
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Wendover AF Auxiliary Field (latitude 40°43'41" N., longitude 114°02'12" W.); that airspace extending upward from 1,200 feet above the surface within 12.5 miles north and 8.5 miles south of the Bonneville VORTAC 084° and 272° radials, extending from the VORTAC to 23 miles east and west of the VORTAC; and that airspace extending upward from 8,500 feet MSL bounded on the north by V-6, on the west by V-253, on the south by V-32, and on the east by a line extending from latitude 40°51'30" N., longitude 112°56'30" W.; north to latitude 41°00'00" N., longitude 112° 56'30" W.; thence east to latitude 41°00'00" N., longitude 112°45'00" W., thence north to latitude 41°10'40" N., longitude 112°45'00" W., thence northwest to latitude 41°12'00" N., longitude 112°52'00" W.; thence north via longitude 112°52'00" W., to V-6, excluding that portion which falls within the 1200-foot transition area.

West Bend, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Bend Municipal Airport (latitude 43°25'17" N., longitude 88°07'41" W.); within 3 miles each side of the 051° bearing from the airport, extending from the 7-mile radius area to 8 miles northeast of the airport, and within 3 miles each side of the 133° bearing from the airport, extending from the 7-mile radius area to 7½ miles southeast of the airport.

West Branch, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of West Branch Community Airport (latitude 44°14'36" N., longitude 84°10'58" W.); and within 3 miles each side of the 87° bearing from West Branch Community Airport, extending from the 5½-mile radius area to 13 miles east of the airport.

Westhampton Beach, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Suffolk County Airport, Westhampton Beach, N. Y. (latitude 40°50'39" N., longitude 72°37'49" W.); and within 5 miles each side of the Squire, N. Y. OM (lat. 40°54'16" N., long. 72°33'25" W.) extending from the 9-mile radius area to 11.5 miles northeast of the OM.

West Helena, Ark.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Thompson-Robbins Airport (latitude 34°34'29" N., longitude 90°40'48" W.), and within 3.5 miles each side of the 350° bearing from the Thompson-Robbins RBN (latitude 34°34'16" N., longitude 90°40'33" W.) extending from the 5.5-mile radius area to 11.5 miles north of the RBN.

Westminster, Md. (Clearview Airpark)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°28' 01" N., 77°01'06" W. of Clearview Airpark, Westminster, Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 350° bearing to a 045° bearing from the airport and within 2.5 miles each side of the Westminster VORTAC 047° radial, extending from the 5-mile radius area to 6 miles northeast of the VORTAC. This transition area is effective from sunrise to sunset, daily.

Westminster, Md. (Westminster Airport)
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 39°36'15" N., long. 77°00'15" W. of Westminster Airport, Westminster, MD.; within an 8-mile radius of the center of the airport, extending clockwise from a 035° bearing from the airport to a 085° bearing from the airport and within 1.5 miles each side of the Westminster VORTAC 350° radial, extending from the 6.5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

West Point, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of West Point Municipal Airport 37°31'00" N., 76°45'40" W. , and within 4 miles each side of the Harcum, Va., VORTAC 148° radial and 328° radial extending from the 6-mile radius area to 11 miles southeast of the VORTAC.

West Union, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Alexander Salamon Airport (latitude 38°51'05" N., longitude 83°34'00" W.); and within 3 miles either side of the 049° bearing from the airport extending from the 6-mile radius to 8 miles northeast of the airport.

West Virginia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of West Virginia.

West Woodward, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Woodward, Okla., Airport (latitude 36°26'12" N., longitude 99°31'30" W.), and within 5 miles either side of the Gage VORTAC 072° radial, extending from the 7-mile radius area southwest of Gage VORTAC; excluding the Gage, Okla., control zone and transition area.

West Yellowstone, Mont.
That airspace extending upward from 700 feet above the surface within 5 miles west and 9.5 miles east of the 026° and 206° bearings from the Targhee, Montana LOM (latitude 44°34'33" N., longitude 111°11'48" W.), extending from 18 miles northeast to 18.5 miles southwest of the LOM; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 209° bearing from the LOM extending from the LOM to 41.5 miles southwest of the LOM, and 5 miles each side of the 304° bearing from the LOM extending from the LOM to the east edge of V-343; that airspace extending upward from 10,700 feet MSL within a 29-mile radius of the Targhee LOM extending clockwise from the 081° bearing from the LOM to 5 miles east of the 236° bearing from the LOM and within 5 miles each side of the 236° bearing from the LOM extending from the LOM to 50 miles southwest of the LOM; that airspace extending upward from 12,000 feet MSL within a 35-mile radius of the Targhee LOM extending clockwise from the 026° bearing from the LOM to the 081° bearing from the LOM; that airspace extending upward from 13,000 feet MSL, within a 35-mile radius of the Targhee LOM extending clockwise from the 315° bearing to the 026° bearing from the LOM, excluding that portion that overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Wetumpka, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wetumpka Municipal Airport (latitude 32°31'45" N., longitude 86°19'30" W.); within 3 miles each side of the Maxwell VOR 070° radial, extending from the 7-mile radius area to 22 miles east of the Maxwell VOR; within 6 miles north and 4.5 miles south of the 090° bearing from the airport, extending from the 7-mile radius area to 17.5 miles east of the airport; excluding the portion that coincides with the Montgomery, Ala., transition area.

Weyers Cave, Va.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.) of Shenandoah Valley Airport, Weyers Cave, Va., within 4.5 miles southeast and 9.5 miles northwest of the Shenandoah Valley Airport ILS localizer southwest course, extending from the localizer to 18.5 miles southwest of the OM;
within a 7.5-mile radius of the center (lat. 38°21'58" N., long. 78°57'35" W.) of Bridgewater Airpark, Bridgewater, Va., and within 4.5 miles northwest and 6.5 miles southeast of the 210° bearing and the 030° bearing from the Bridgewater RBN (lat. 38°21'56" N., long. 78°57'41" W.), extending from 5.5 miles northeast of the RBN to 11.5 miles southwest of the RBN.

Wharton, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wharton Municipal Airport (latitude 29°15'15" N., longitude 96°09'15" W.); within 2.5 miles each side of the Eagle Lake, Tex., VORTAC 162° radial extending from the 5-mile radius to 23.5 miles southeast of the Eagle Lake VORTAC and within 3.5 miles each side of the 153° bearing of the Wharton RBN (latitude 29°15'17" N., longitude 96°09'11" W.) extending from the 5-mile radius to 11.5 miles southeast of the RBN and within 3.5 miles each side of the 324° bearing from the Wharton RBN extending from the 5-mile radius to 11.5 miles northwest of the RBN, excluding the portion within the El Campo, Tex., transition area.

Wheeling, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

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Whidbey Island, Wash.
That airspace extending upward from 700 feet above the surface bounded on the E by a line extending from latitude 48°40'00" N., longitude 122°05'00" W. to latitude 48°05'00" N., longitude 121°55'00" W., on the S by latitude 48°05'00" N., on the W by the W edge of V-440, and the United States/Canadian border to latitude 48°25'00" N., thence via latitude 48°25'00" N. to an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence clockwise via the 13-mile radius arc to longitude 122°45'00" W., thence to latitude 48°40'00" N., longitude 122°43'00" W., on the N by latitude 48°40'00" N. to point of beginning, and that airspace NW of Whidbey Island NAS bounded by a line beginning at the point of intersection of latitude 48°25'00" N., and the United States/Canadian border, thence via the United States/Canadian border to altitude 48°40'00" N., thence via latitude 48°40'00" N., to longitude 123°02'00" W., thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 48°52'00" N., longitude 122°00'00" W., thence via longitude 122°00'00" W. to latitude 48°43'00" N., thence via latitude 48°43'00" N. to longitude 121°45'00" W., thence via longitude 121°45'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°55'00" W., thence to latitude 48°40'00" N., longitude 122°05'00" W., thence via latitude 48°40'00" N., to longitude 122°43'00" W., thence to latitude 48°31'00" N., longitude 122°45'00" W., to intercept an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence counterclockwise via the 13-mile radius arc to latitude 48°25'00" N., thence via latitude 48°25'00" N., to its intersection with the United States/Canadian border, thence to latitude 48°40'00" N., longitude 123°02'00" W., thence via latitude 48°40'00" N., to the east edge of Canadian VOR airway V-300, thence N via the east edge of V-300 to the United States/Canadian border, thence via the United States/Canadian border to latitude 48°52'00" N., thence to point of beginning; that airspace extending upward from 8,200 feet MSL bounded on the E by longitude 121°30'00" W., to latitude 48°00'00" N., thence via latitude 48°00'00" N., to longitude 121°35'00" W., thence via longitude 121°35'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°45'00" W., on the W by longitude 121°45'00" N., to latitude 48°38'00" N., thence via latitude 48°38'00" N., to longitude 121°30'00" W.; that airspace extending upward from 12,000 feet MSL bounded on the E by longitude 121°00'00" W., on the S by latitude 48°00'00" N., on the W by longitude 121°30'00" W., and on the N by latitude 48°30'00" N.

Whitefield, NH.
That airspace extending upward from 700 feet above the surface within an arc of a 25.5-mile radius circle centered on the Whitefield, NH., Regional Airport (lat. 44°21'53" N., long. 71°33'07" W.) extending clockwise between the 012° and 160° bearings from the Whitefield Airport; within an arc of a 29.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 160° and 218° bearings from the Whitefield Airport; within an arc of a 12.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 218° and 294° bearings from the Whitefield Airport; within an arc of a 24-mile radius circle centered on the Whitefield Airport extending clockwise between the 294° and 337° bearings from the Whitefield Airport; within an arc of a 17-mile radius circle centered on the Whitefield Airport extending clockwise between the 337° and 012° bearings from the Whitefield Airport; within 3.5 miles each side of the 267° bearing from the Dalton, NH., NDB extending from the 12.5-mile radius area to 11.5 miles west of the NDB, excluding that airspace contained within the Berlin, NH., and North Conway, NH., transition areas.
That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line extending from the Dalton, NH., NDB (lat. 44°21'43" N., long. 71°41'08" W.) to the North Conway, NH., NDB (lat. 44°01'26" N., long. 71°06'59" W.); within 5 miles each side of a direct line extending from the Dalton NH., NDB to the Newport, VT., NDB (lat. 44°57'10" N., long. 72°10'40" W.); within 5 miles each side of a direct line extending from the Dalton, NH., NDB to the Montpelier, VT., VOR; within 5 miles each side of a direct line extending from the Dalton, NH., NDB to the Lebanon, NH., VOR; and within 4.5 miles north and 9.5 miles south of the 267° bearing from the Dalton, NH., NDB extending from the Dalton, NH., NDB to a point 18.5 miles west, excluding those portions that coincide with the Burlington, VT., and Lebanon, NH., 1,200-foot transition areas.

White Plains, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41° 04'00" N., 73°42'33" W., of Westchester County Airport, White Plains, N. Y., extending clockwise from a 047° bearing to a 307° bearing from the airport, within a 10-mile radius of the center of the airport, extending clockwise from a 307° bearing to a 047° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Carmel, N. Y., VORTAC 245° and 065° radials, extending from 5.5 miles southwest to 11.5 miles northeast of the VORTAC; within 6.5 miles southwest and 4.5 miles northeast of the Westchester County Airport ILS localizer northwest course, extending from 5.5 miles southeast of the OM to 11.5 miles northwest of the OM; within 5 miles each side of the Westchester County Airport ILS localizer northwest course, extending from the 8.5-mile radius area and 10-mile radius area to 12 miles northwest of the OM; within 5 miles each side of the extended centerline of Runway 16, extending from the southeast end of Runway 16 to 13 miles southeast of the southeast end of Runway 16; within 5 miles each side of the Carmel, N. Y., VORTAC 206° radial, extending from the 8.5-mile radius area and 10-mile radius area to the Carmel, N. Y., VORTAC; and within 5 miles each side of the Carmel, N. Y., VORTAC 232° radial, extending from 4 miles southwest to 10 miles southwest of the Carmel, N. Y., VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°54'00" W., to 41°31'00" N., 73°30'00" W., to 41°25'00" N., 73°30'00" W., to 41° 20'00" N., 73°44'00" W., to 41°18'00" N., 73°42'00" W., to 41°16'00" N., 73°45'00" W., to 41°20'00" N., 73°49' 00" W., to 41°15'00" N., 73°59'30" W., to 41°00'00" N., 73°38'00" W., to 41°00'00" N., 73°54'00" W., to 41° 08'10" N., 74°13'00" W., to 41°11'00" N., 74°09'00" W., to 41°12'00" N., 74°00'00" W., to 41°19'00" N., 74° 00'00" W., to point of beginning.

Whiteville, N.C.
That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Columbus County Municipal Airport (lat. 34°16'23"N., long. 78°42'52"W.); within 3 miles each side of the 231° bearing from the Camp REN (lat. 34°16'19"N., long. 78°42'55"W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the REN.

AMENDMENTS 11/4/76 41 F.R. 34587 (Added)

Wichita, Kansas
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Wichita, Kansas, Municipal Airport (latitude 37°39'09" N., longitude 97°25'47" W.) and from 9.5 miles west of the LOC (BC) to Runway 1L, extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to Runway 1R to 6.5 miles east of the 176° radial of the Wichita, Kansas, VORTAC facility, extending from the 8.5-mile radius to 15 miles south of the airport; within an 8.5-mile radius of the McConnell AFB (latitude 37° 37'25" N., longitude 97°16'00" W.); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5-mile radius to 13 miles south of the AFB, within a 5-mile radius of the Comotara Airpark (latitude 37°44'45" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from the Comotara Airpark extending from the 5-mile radius to 6 miles north; within a 5-mile radius of the Augusta, Kansas Airport (latitude 37°40'21" N., longitude 97°04'38" W.).

Wichita Falls, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°59'56" N., longitude 98°30'25" W.

Wildwood, N. J.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°00'15" N., 74°54'30" W. of Cape May County Airport, Wildwood, N. J.; within 2 miles each side of the Sea Isle, N. J., VORTAC 225° radial, extending from the 6-mile-radius area to the VORTAC and within 2.5 miles each side of a 360° bearing from a point 39°00'15" N., 74°54'30" W., extending from the 6-mile-radius area to 6.5 miles north of said point.

Wilkes-Barre, Pa.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center, lat. 41°20'18" N., long. 75°43'29" W. of Wilkes-Barre-Scranton Airport, extending clockwise from a 260° bearing to a 355° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 025° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 050° bearing from the airport; within a 17.5-mile radius of the center of the airport, extending clockwise from a 050° bearing to a 210° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 210° bearing to a 260° bearing from the airport; within 3.5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer southwest course, extending from the OM to 11.5 miles southwest of the OM; and within 5 miles each side of the Wilkes-Barre-Scranton Airport ILS localizer northeast course, extending from the localizer to 13.5 miles northeast of the localizer, excluding the portions that coincide with the Honesdale, Pa., and Mount Pocono, Pa., transition areas.

Wilkesboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Wilkes County Airport (lat. 36°08'33" N., long. 81°11'36" W.); within 5 miles north and 3 miles south of the 070° bearing from Wilkesboro RBN (lat. 36°08'36" N., long. 81°11'44" W.), extending from the 8.5-mile radius area to 10 miles east of the RBN.

Williamson, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 43° 14'10" N., long. 77°07'20" W. of Williamson-Sodus Airport, Williamson, N. Y., extending clockwise from a 055° to a 320° bearing from the airport; within a 5-mile radius of the center of the airport extending clockwise from a 320° to a 055° bearing from the airport.

Williamsport, Pa.
That airspace extending upward from 700 feet above the surface within a 20.5-mile radius of the center, 41° 14'32" N., 76°55'12" W. of Williamsport-Lycoming County Airport, extending clockwise from a 025° bearing to a 067° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 067° bearing to a 145° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 145° bearing to a 203° bearing from the airport; within a 20.5-mile radius of the center of the airport, extending clockwise from a 203° bearing to a 316° bearing from the airport; within a 22.5-mile radius of the center of the airport, extending clockwise from a 316° bearing to a 025° bearing from the airport; within 4.5 miles north and 9.5 miles south of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa., RBN to 18.5 miles east of the RBN; within 5 miles each side of the Williamsport-Lycoming County Airport ILS localizer east course, extending from the Picture Rocks, Pa., RBN to 13 miles east of the RBN.

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Williamston, NC.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Martin County Airport (lat. 35°51'45" N., long. 77°10'35" W.); within 2.5 miles each side of Rocky Mount VOR 105° radial, extending from the 5-mile radius area to 24.5 miles east of the VOR.
PENDING AMENDMENT
Williamston, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Martin County Airport (lat.35°51'45" N., long. 77°10'35" W.); within 3 miles each side of the 018° bearing from the Williamston RBN (lat. 33°51'39" N., long. 77°10'31" W.), extending from the 6.5 mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 12/30/76 41 F. R. 50244 (Rewritten)

Willimantic, Conn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

Williston, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 3½ miles each side of the Williston VOR 316° radial, extending from the 10-mile radius area to 11½ miles northwest of the VOR; and within 3½ miles each side of the 126° bearing from the Sloulin International Airport, extending from the 10-mile radius area to 14½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Williston VOR, extending from the Williston VOR 203° radial clockwise to the Williston VOR 088° radial, and within 9½ miles southwest and 4½ miles northeast of the Williston VOR 316° radial, extending from the 13-mile radius area to 18½ miles northwest of the VOR; and within 5 miles southwest and 9½ miles northeast of the 126° bearing from the Sloulin International Airport extending from the 10-mile radius area to 21½ miles southeast of the airport.

Willmar, Minn.
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 104° and 284° bearings from Willmar, Minnesota, Municipal Airport (Lat. 45°06'52" N., Long. 95°05'11" W.), extending from 7 miles E to 13 miles W of the airport.

Willows, Calif.
That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Maxwell, Calif., VORTAC 360° radial, extending from 3.5 miles to 19.5 miles north of the VORTAC.

Wilmington, Del.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center latitude 39°40'42" N., longitude 75°36'27" W. of Greater Wilmington Airport, Wilmington, Del., extending clockwise from a 270° bearing to a 030° bearing from the airport; within a 10-mile radius area of the center of the airport extending clockwise from a 030° bearing to a 270° bearing from the airport; and within 3.5 miles each side of the New Castle, Del. VORTAC 281° radial extending from the VORTAC to 10.5 miles west of the VORTAC; within 3.5 miles each side of the New Castle VORTAC 114° radial extending from the VORTAC to 11 miles southeast of the VORTAC. Within a 5-mile radius of the center latitude 39°31'00" N., longitude 75°43'00" W. of Summit Airpark Airport, Middletown, Del.; within 2.5 miles each side of a line bearing 345° from a point in latitude 39°23'31" N., longitude 75°40'38" W. extending from said point to the 5-mile radius area centered on Summit Airpark Airport and within 3 miles each side of a 234° bearing from the Greater Wilmington, Del., ILS OM extending from the Summit Airpark Airport 5-mile radius area to 13 miles southwest of the OM.

Wilmington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New Hanover Airport (latitude 34°16'15" N., longitude 77°54'05" W.).

Wilmington, Ohio
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Wilmington Industrial Airport (latitude 30°25'45" N., longitude 83°48'00" W.).

Winamac, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arens Airport (latitude 41°05'35" N., longitude 86°36'45" W.); within 2 miles each side of the Knox VORTAC 173° radial extending from the 5-mile radius area to 10 miles south of the VORTAC.

Winchester, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Randolph County Airport (latitude 40°10'15" N., longitude 84°55'15" W.); within 2.5 miles either side of the 111° bearing extending from the 5-mile radius to 6 miles southeast of the airport.

Winchester, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Codell Airport (lat. 38°01'21" N., long. 84°13'00" W.); within 2 miles each side of Lexington VORTAC 074° radial, extending from the 5-mile radius area to 8 miles east of the VORTAC.

Winchester, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 39° 08'30" N., 78°08'30" W. of Winchester Municipal Airport; within a 9.5-mile radius of the center of the airport extending clockwise from a 187° bearing to a 008° bearing from the airport; within 3.5 miles each side of the Front Royal, Va., VORTAC 223° radial, extending from the VORTAC to 11.5 miles southwest of the VORTAC; within 2.5 miles each side of a 133° bearing from a point 39°08'17" N., 78°08'16" W., extending from said point to 11 miles southeast of said point.

AMENDMENTS 2/26/76 41 F. R. 2377 (Changed)

Winder, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Winder Airport (lat. 33°58'52" N., long. 83°40'02" W.); within 2 miles each side of Athens VORTAC 277° radial, extending from the 6-mile radius area to 13.5 miles west of the VORTAC.

Windom, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Windom Municipal Airport (latitude 43°54'50" N., longitude 95°06'35" W.); and within 9½ miles west and 4½ miles east of the 354° and 174° bearings from the Windom Municipal Airport extending from 4 miles south of the airport to 18½ miles north of the airport.

Window Rock, Ariz.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Window Rock Airport (latitude 35°39'29"N, longitude 109°03'28"W) and within 3 miles each side of the Gallup VORTAC 318° radial, extending from the 5-mile radius area to the Gallup VORTAC.

AMENDMENTS 11/4/76 41 F.R. 36489 (Added)

Winner, S. Dak.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of the Wiley Field (latitude 43°23'25" N., longitude 99°50'40" W.); within three miles each side of the Winner VOR 212° radial extending from the 7½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 4½ miles southeast of the Winner VOR 032° and 212° radials extending from 5 miles southwest of the VOR to 18½ miles northeast of the VOR; and within 5 miles each side of the Winner VOR 212° radial extending from the VOR to 20 miles southwest of the VOR.

Winnfield, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winnfield NDB (latitude 31°57'46" N., longitude 92°39'25" W.); within 3 miles each side of a 276° bearing from the Winnfield NDB extending from the 5-mile radius area to 8 miles west of the NDB.

Winnsboro, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield County Airport (latitude 34°19'00" N., longitude 81°06'30" W.); within 3 miles each side of the 208° bearing from Winnsboro RBN (latitude 34°18'56" N., longitude 81°06'41" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

Winnsboro, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winnsboro Municipal Airport (latitude 32°56'22" N., longitude 95°16'43" W.) and within 1.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 5-mile radius area to the VORTAC.

Winona, Minn.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); excluding that portion which overlies the La Crosse, Wis., transition area.

Winslow, AZ.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Winslow Municipal Airport (latitude 35°01'15" N.,longitude 110°43'15" W.), and that airspace within an arc of a 10-mile radius circle centered on Winslow VORTAC extending clockwise from a line 4 miles south of and parallel to the Winslow 277° radial to a line 4 miles north of and parallel to the Winslow 292° radial; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 16.5 miles south of the Winslow 112° and 292° radials, extending from 15.5 miles east to 19 miles west of the VORTAC.

Winston-Salem, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1" W.); within 3 miles each side of Winston-Salem ILS localizer southeast course, extending from the 8.5-mile radius area to 8.5 miles southeast of the LOM; excluding the portion that coincides with the Greensboro transition area.

Wiscasset, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°57' 40" N., 69°42'50" W. of the Wiscasset, Maine, Airport; within 6 miles on the north side and 4 miles on the south side of the 252° and 072° bearings from the Wiscasset, Maine, NDB, 43°58'57" N., 69°38'27" W., extending to 5.5 miles southwest, and 11.5 miles northeast of the NDB; excluding that portion which coincides with the Brunswick, Maine, 700-foot transition area.

AMENDMENTS 12/12/75 40 F. R. 52722 (Added)

Wisconsin
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Wisconsin.

Wisconsin Rapids, WI.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field, Southwood County Airport (latitude 44°21'31" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile radius area to 8 miles south of the airport and within 3 miles each side of the 125° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile radius to 8 miles southeast of the airport and within 4 miles each side of the Stevens Point VORTAC 230° radial extending from the 6½-mile radius to 13 miles northeast of the airport excluding the portion that overlies the Stevens Point, Wis., transition area.

Wise, Va.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 36° 59'15" N., 82°31'50" W., of Lonesome Pine Airport, Wise, Va.

Wolf Point, Mont.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Wolf Point, Mont., NDB (latitude 48°06'16" N., longitude 105°36'05" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Wolf Point NDB; and within 4.5 miles north and 9.5 miles south of the 294° bearing from the Wolf Point NDB extending from the 12-mile radius area to 18.5 miles northwest of the NDB, excluding that portion that overlies the Glasgow, Mont., transition area.

Woodland, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Woodland-Watts Airport (lat. 38°40'30"N., long. 121°52'15"W.) and within 3 miles each side of the Sacramento VORTAC 313° radial, extending from the 3-mile radius area to the Sacramento VORTAC.

AMENDMENTS 9/9/76 41 F. R. 38104 (Added)

Woodruff, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lakeland Airport (latitude 45°55'38" N., longitude 89°43'53" W.).

Woodsfield, Ohio
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe County Airport (latitude 39°46'45" N., longitude 81°06'15" W.).

Wooster, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 52'29" N., long. 81°53'14" W., of Wayne County Airport, Wooster, Ohio, and within 3.5 miles each side of the 090° bearing from the Smithville RBN, lat. 40°52'30" N., long. 81°50'00" W., extending from the 7-mile radius area to 11.5 miles east of the RBN.

Worcester. Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Worcester, Mass., Airport (latitude 42°16'05" N., longitude 71°52'20" W.).

Worland, Wyo.
The airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Worland VOR 352° and 172° radials extending from 18.5 miles north to 6 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of the VOR.

Worthington, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Worthington Municipal Airport (latitude 43°39'17" N., longitude 95°35'01" W.); and that airspace extending upward from 1,200 feet above the surface and within 9½ miles west and 4½ miles east of the Worthington VOR 189° radial extending from the VOR to 18½ miles south of the VOR, excluding the portion in Minnesota.

Wrangell, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles south and 4 miles north of the 087° radial of the Level Island VOR extending from 6 miles east to 30 miles east of the VOR; and within 5 miles southwest and 5 miles northeast of the Wrangell localizer southeast and northwest courses extending from 3 miles southeast to 30 miles northwest of the Wrangell localizer (latitude 56°29'03" N., longitude 132°21'35" W.).

Wrightstown, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°04'00" N., 74°10'40" W. of Lakewood Airport, Lakewood, N. J.; within a 12-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.); within a 9.5-mile radius of the center, 40°02'00" N., 74°21'00" W. of NAS Lakehurst, Lakehurst, N. J.; within a 13-mile radius of the Navy Lakehurst TACAN, extending clockwise from the Navy Lakehurst TACAN 310° radial to the 148° radial; within 5 miles each side of the Coyle VORTAC 031° radial, extending from the Coyle VORTAC to 13 miles northeast; within 5 miles each side of the Robbinsville VORTAC 148° radial, extending from the Robbinsville VORTAC to 18.5 miles southeast; within 3 miles southwest and 5 miles northeast of the Navy Lakehurst TACAN 148° radial, extending from the TACAN to 14 miles southeast; within 3.5 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the RBN to 11.5 miles northeast; within a 5-mile radius of the Trenton-Robbinsville Airport (lat. 40°12'50" N., long. 74°36'05" W.); within 6.5 miles north and 4.5 miles south of the 278° and 098° radials of the Robbinsville VORTAC, extending from 5.5 miles west to 11.5 miles east of the VORTAC; within a 5-mile radius of Monmouth County Airport (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles each side of the Colts Neck VOR 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR; and within a 5-mile radius of the center, 40°13'05" N., 74°05'30" W., of the Asbury Park-Neptune Airport, Neptune, N. J., and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR; within a 7-mile radius of lat. 39°55'41" N., long. 74°17'30" W. of Robert J. Miller Air Park, Toms River, N. J.; within 1.5 miles each side of the Coyle, N. J. VORTAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC; within a 6-mile radius of the center of latitude 39°56'30" N., longitude 74°50'30" W. of Burlington County Airpark, Mt. Holly, N. J.

Wurtsboro, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro-Sullivan County Airport, Wurtsboro, N. Y.; and within 2 miles each side of the Huguenot, N. Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N. Y., Transition Area, effective from sunrise to sunset daily.

Xenia, Ohio
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Greene County Airport (latitude 39°41'30" N., longitude 83°59'25" W.); and within 3.5 miles each side of the 063° bearing from the Greene County Airport extending from the 5.5-mile radius to 14.5 miles northeast of the airport excluding that airspace that overlies the Dayton, Ohio, transition area.

Yakataga, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga Airport (latitude 60°04'57" N., longitude 142°29'30" W.); within 2 miles each side of the 242° bearing from the Yakataga RBN, extending from the 5-mile radius area to the INT of the 242° bearing from Yakataga RBN and the Hinchinbrook, Alaska, RBN 106° bearing; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Yakataga RBN 242° bearing, extending from 7 miles northeast to 13 miles southwest of the INT of the 242° bearing from the Yakataga RBN and Hinchinbrook, Alaska, RBN 106° bearing; within 5 miles each side of the Yakataga RBN 152° bearing extending from the RBN to the INT of the 152° bearing from the Yakataga RBN and the 283° bearing from the Ocean Cape, Alaska, RBN.

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Yakima, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakima Airport (lat. 46°33'35"N., long. 120°32'25"W.), within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Yakima VORTAC, excluding the airspace north of Yakima that overlies the Ellensburg, Wash., Transition Area; that airspace northeast of the 25-mile radius circle bounded on the north by lat. 47°00', on the east by 120°00', on the southeast by V-448, and on the northwest by the Ellensburg, Wash., Transition Area; that airspace within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; and that airspace south of the 25-mile radius circle bounded on the northeast by V-4, on the south by V-520, and on the west by V-25E.

AMENDMENTS 7/15/76 41 F. R. 18650 (Rewritten)

Yakutat, Alaska
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Ocean Cape, Alaska, RBN, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 119° radial, extending from the 700-foot transition area to 65 miles southeast of the VORTAC.

Yankton, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); and within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 321° radial extending from the VOR to 18½ miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 135° radial extending from the VOR to 18½ miles southeast of the VOR; excluding that portion in the State of Nebraska.

Yazoo City, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barrier Field (latitude 32°52'30" N., longitude 90°24'25" W.); within 3 miles each side of the Jackson, Miss., VORTAC 332° radial, extending from the 6.5-mile radius area to 17.5 miles northwest of the VORTAC.

Yerington, Nev.
That airspace extending upward from 11,000 feet MSL within 12 miles, southwest and 8 miles northeast of the Reno, Nev., VORTAC 135° radial, extending from 10 miles northwest to 22 miles southeast of the INT of Reno VOR 135° and Lovelock, Nev., VORTAC 197° radials, excluding the airspace within Federal airways.

Yoakum, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yoakum Municipal Airport (latitude 29°18'50" N, longitude 97°08'18" W.) and within 3.5 miles either side of the 143° radial extending from the 5-mile radius to a point 8 miles southeast of the NDB (latitude 29°18'50" N, longitude 97°08'18" W).

York, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°55'09" N., 76°52'30" W., of the York Airport, York, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 069° bearing to a 205° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 205° bearing to a 244° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 244° bearing to a 271° bearing from the airport and within 3.5 miles each side of the 336° and 156° bearings from the Thomasville, Pa., RBN (39°58'39" N., 76°54'35" W.); extending from the 5-mile radius area to 11.5 miles northwest of the RBN.

Youngstown, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 41°15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within a 7-mile radius of the center, lat. 41°03'33" N., long. 80°49'55" W. of Youngstown Executive Airport, Youngstown, Ohio; within a 5.5 mile radius of the center, lat. 41°07'45" N., long. 80°37'15" W. of Lansdowne Airport, Youngstown, Ohio; within 3.5 miles each side of the Youngstown VORTAC 358° radial, extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the Youngstown VORTAC; within 3.5 miles each side Youngstown Municipal Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 4.5 miles each side of the Youngstown VORTAC 203° radial, extending from 9 miles southwest of the VORTAC to 15.5 miles southwest of the VORTAC; within 5 miles each side of the 023° radial of the Youngstown VORTAC extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the VORTAC.

Yuma, Ariz.
That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC, that airspace within a 13-mile radius of the Yuma VORTAC extending from the 11-mile radius area bounded on the west by a line 4 miles west of and parallel to the Yuma VORTAC 351° radial and on the east by longitude 114°30'00" W., within 3 miles each side of the Yuma VORTAC 062° radial, extending from the VORTAC to 16 miles northeast of the VORTAC and within 5 miles north and 6 miles south of the Yuma VORTAC 089° radial, extending from the VORTAC to 20.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States; that airspace extending upward from 9,000 feet MSL bounded on the west by the west edge of V-135, on the east by R-2306C, and R-2306A, extending from 20 miles north of the Yuma VORTAC to the arc of an 18-mile radius circle centered on the Blythe, Calif., VORTAC.

AMENDMENTS 5/20/76 41 F. R. 16452 (Changed)

Zanesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR.

Zionsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (latitude 40°02'08" N., longitude 86°15'18" W.); within 2 miles either side of the 359° bearing extending from the airport to 6 miles north.

Zuni, N. Mex.
That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC, excluding the portion within the State of New Mexico.

SUBPART H - POSITIVE CONTROL AREAS

§71.193 Designation of Positive Control Areas.
The parts of airspace described below are designated as positive control areas.

Continental positive control area.
That airspace within the continental control area from 18,000 feet MSL to and including flight level 600 within the 48 contiguous States and District of Columbia excluding the Santa Barbara Island, Farallon Island, and the portion south of lat. 25°04'00" N.

Alaska Positive Control Area
That airspace of the State of Alaska, from flight level 240 to and including flight level 600, excluding the Alaska Peninsula west of longitude 160°00'00" W.

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SUBPART I - REPORTING POINTS

§ 71.201 **Designation.**
The locations described in this Subpart are designated as reporting points.

§ 71.203 **Domestic low altitude reporting points.**
The reporting points listed below are designated at all altitudes up to but not including 18,000 feet MSL.

Aberdeen, S. Dak.
Abilene, Tex.
Acton, Tex.
Ainsworth, Nebr.
Akron, Colo.
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S. C.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
AMZIE: INT Bangor, Maine, 146° radial, centerline of Control 1143.
Anderson, S. C.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Atlanta, Ga.
Augusta, Ga.
Augusta, Maine
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Barretts Mountain, N. C.
Baton Rouge, La.
Battle Mountain, Nev.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Bemidji, Minn.
Berlin, N. H.
Bible Grove, Ill.
Big Spring, Texas
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Ridge, TX
Blue Springs, Mo.
Blythe, Calif.
Boise, Idaho.
Bonneville, Utah
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Boysen Reservoir, Wyo.
Bozeman, Mont.
Bradford, Ill.
Brainerd, Minn.
Bridgeport, Tex.
Brooke, Va.
Brookley, Ala.
Brookwood, Ala.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah
Buckeye, Ariz.
Buffalo, N. Y.
Burley, Idaho

Burlington, Iowa
Burlington, Vt.
Butler, Mo.
Cape Girardeau, Mo.
Capital, Ill.
Carleton, Mich.
Carlsbad, N. Mex.
Carmel, N. Y.
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa
Centralia, Ill.
Chadron, Nebr.
Champaign, Ill.
Chanute, Kans.
CHARL: Lat. 47°28'21" N., Long. 114°07'19" W. (a. INT Mullan Pass, Idaho, 089°, Kalispell, Mont., 177° radials. b. Mullan Pass, Idaho, 089° radials, 62 NM from Mullan Pass).
Charleston, S. C.
Charleston, W. Va.
Chattanooga, Tenn.
Cherokee, Wyo.
Chesterfield, S. C.
Cheyenne, Wyo.
Chicago Heights, Ill.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Cleveland, Ohio
Coaldale, Nev.
Cochise, Ariz.
COFAX: INT Johnstown, Pa., 093°, St. Thomas, Pa., 358° radials.
Cofield, N. C.
Columbia, Mo.
Columbia, S. C.
Columbus, Ga.
Columbus, Miss.
Columbus, Nebr.
Columbus, N. Mex.
Concord, N. H.
COOBE: INT Clarion, Pa., 044°, Franklin, Pa., 099° radials.
Corona, N. Mex.
Corpus Christi, Tex.
Cotulla, Tex.
Coyle, N. J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Cunningham, KY
Cut Bank, Mont.
Dalhart, Tex.
Danville, Ill.
Darwin, Minn.
Davenport, Iowa
Dayton, Ohio
Decatur, Ill.
DeLancey, N. Y.
Delta, Utah.
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Dogwood, Mo.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Dublin, Ga.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Eagle Lake, Tex.
Eau Claire, Wis.
EDGEE: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials.
El Dorado, Ark.

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Elkins, W. Va.
Elko, Nev.
Ellensburg, Wash.
Elmira, N. Y.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Escanaba, Mich.
Eugene, Oreg.
Evansville, Ind.
Fairfield, Utah
Fairmont, Minn.
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N. C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio
Fish Hook, Fla. RBN
Flat Rock, Va.
FLINT: INT Kessel, W. Va., 038°, Martinsburg, W. Va., 297° radials.
Flint, Mich.
Florence, S. C.
Fort Bridger, Wyo.
Fort Dodge, Iowa
Fort Jones, Calif.
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Friant, Calif.
Front Royal, Va.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
GAREN: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials.
GARRI: INT Drummond, Mont., 092° Butte, Mont., 002° radials.
Gaviota, Calif.
Gaylord, Mich.
Gila Bend, Ariz.
Gill, Colo.
GILLS: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind.
Graham, Tenn.
Grand Island, Nebr.
Grand Junction, Colo.
Grand Rapids, Minn.
GRANT: INT Columbus, Ga., 068° and Albany, Ga., 357° radials.
Grantsburg, Wis.
Grantsville, Md.
Greater Southwest, TX
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N. C.
Greenville, Fla.
Greenwood, Miss.
Greenwood, S. C.
Gregg County, Tex.
Gulfport, Miss.
Gunnison, Colo.
Guthrie, Tex.
Hallsville, Mo.
Hamilton, Ala.
Hanksville, Utah
Harcum, Va.
Harris, Ga., VORTAC
Harrisburg, Pa.

AMENDMENTS 9/9/76 41 F. R. 29094 (Added)

Harrison, Ark.
Hartford, Conn.
Hastings, Nebr.
Hattiesburg, Miss.
Hayden, Colo.
Hayes Center, Nebr.
Hays, Kansas
Hazen, Nev.
Hector, Calif.
HEFIN: INT Talladega, Ala., 087°, LaGrange, Ga., 342° radials.
Helena, Mont.
Hibbing, Minn.
Hill City, Kans.
Hinch Mountain, Tenn.
Hobart, Okla.
Hobbs, N. Mex.
Hobby, Tex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Hot Springs, Ark.
Houghton, Mich.
Houlton, Maine
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Hutchinson, Kans.
Imperial, Calif.
Indianapolis, Ind.
International Falls, Minn.
Iron Mountain, Mich.
Ironwood, Mich.
Jacks Creek, Tenn.
Jackson, Mich.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Julian, Calif.
Junction, Tex.
Kansas City, Mo.
Kearney, Nebr.
Keating, Pa.
Keeler, Mich.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Kimberly, Oregon
Kingston, N. Y.
Kinston, N. C.
Kirksville, Mo.
Klamath Falls, Oreg.
Knoxville, Tenn.
Kokomo, Ind.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lake Henry, Pa.
Lake Hughes, Calif.
Lakeland, Fla.
Lamar, Colo.
Lamoni, Iowa
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
LESSY: INT Salem, Mich., 273°, Lansing, Mich., 159° radials.
Lewis, Ind.
Lewistown, Mont.
Lexington, Ky.
Liberal, Kans.
Liberty, N. C.
Linden, Calif.
Linden, Va.
Litchfield, Mich.

AMENDMENTS 9/9/76 41 F. R. 29094 (Added)

Little Rock, Ark.
Livingston, Mont.
Llano, Tex.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah
Lufkin, Tex.
Lynchburg, Va.
Macon, Ga.

MADDI: INT Greenwood, S. C., 240° and Athens, Ga., 195° radials.

Malad City, Idaho
Malden, Mo.
Manistee, Mich.
Mankato, Kans.
Mankato, Minn.
Mansfield, Ohio
Maples, Mo.
Marianna, Fla.
Marion, Ill.
Marquette, Mich.
Martinsburg, W. Va.
Massena, N. Y.
Mason City, Iowa
McAlester, Okla.
McCall, Idaho
McComb, Miss.
McCook, Nebr.
Medford, Oreg.
Medicine Bow, Wyo.
Memphis, Tenn.
Menominee, Mich.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine
Millsap, TX

MILTO: INT Eau Claire, Wis., 134°, and Nodine, Minn., 055° radials.

Milton, Pa.
Milwaukee, Wis.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mitchell, S. Dak.
Mobile, Ala.
Modena, Pa.
Moline, Ill.
Monroe, La.
Monroeville, Ala.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mount Pleasant, Mich.
Mullan Pass, Idaho
Muncie, Ind.
Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S. C.
Myton, Utah
Nabb, Ind.
Nantucket, Mass.
Nashville, Tenn.
Needles, Calif.

NELLO: INT Atlanta, Ga., 001°, Chattanooga, Tenn., 127° radials.

Neola, Iowa
Neosho, Mo.
Newcombe, Ky.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
Norfolk, Nebr.

AMENDMENTS 9/9/76 41 F. R. 29094 (Added)

North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr.
Nottingham, Md.
Oakland, Calif.
Ocala, Fla.
Oceanside, Calif.
Ogden, Utah
Oklahoma City, Okla.
Omaha, Nebr.
O'Neill, Nebr.
Ontario, Calif.
Orlando, Fla.
Ormond Beach, Fla.
Oshkosh, Wis.
Oswego, Kans.
Ottumwa, Iowa
Pahokee, Fla.
Palacios, Tex.
Palm Beach, Fla.
Palmdale, Calif.
Palm Springs, Calif.
Parker, Calif.
Parkersburg, W. Va.
Park Rapids, Minn.
Paso Robles, Calif.
Patuxent, Md.
Pawling, N. Y.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pecos, Tex.
Pellston, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Peoria, Ill.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.
Pinon, NM.
Pioneer, OK.
Plainview, Tex.
Plattsburg, N. Y.
Pocatello, Idaho
Point Reyes, Calif.
Polo, Ill.
Pomona, Calif.
Pontiac, Ill.
Porterville, Calif.
Portland, Fla. RBN
Portland, Oreg.
Prescott, Ariz.
Presque Isle, Maine
Priest, Calif.
Princeton, Maine
Providence, R. I.
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Ravine, Pa.
Raymond, Nebr.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Rhinelander, Wis.
Roberts, Ill.
Rochester, Minn.
Rochester, N. Y.
Rockford, Ill.
Rock Springs, Wyo.
Rocky Mount, N. C.

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Rome, Oreg.
Rosewood, Ohio
Roswell, N. Mex.
Sacramento, Calif.
Saginaw, Mich.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.
Salt Lake City, Utah
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
San Luis Obispo, Calif.
San Simon, Ariz.
Santa Barbara, Calif.
Santa Fe, N. Mex.
Sault Ste. Marie, Mich.
Savannah, Ga.
SAYBO: INT Carmel, N. Y., 093°, Riverhead, N. Y., 046° radials.
Sayre, Okla.
Schoolcraft, Mich.
SCIPO: INT Syracuse, N. Y., 210° Georgetown, N. Y., 273° radials.
Scottsbluff, Nebr.
Scurry, Tex.
Sea Isle, N. J.
Seal Beach, Calif.
Seattle, Wash.
Selinsgrove, Pa.
Shelbyville, Ind.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Snow Hill, Md.
Sod House, Nev.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Mo.
STACY: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials.
Stevens Point, Wis.
Stockton, Calif.
Sugarloaf Mountain, N. C.
Sulphur Springs, Tex.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio
Tobe, Colo.
Topeka, Kans.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.
Tuscola, Tex.
Tuskegee, Ala.
Twenty-Nine Palms, Calif.
Twin Falls, Nev.
Tyrone, Pa.
Ukiah, Calif.
Vance, S. C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.

Waco, Tex.
Walnut Ridge, Ark.
Waterloo, Iowa
Watertown, N. Y.
Watertown, S. Dak.
Waterville, Ohio
Waukon, Iowa
Wausau, Wis.
Waycross, Ga.
White Cloud, Mich.
Whitehall, Mont.
White Lake, La.
Whitesburg, Ky.
Wichita, Kans.
Wichita Falls, Tex.
Wilkes-Barre, Pa.
Williams, Calif.
Williamsport, Pa.
Wilmington, N. C.
Wink, Texas
Winslow, Ariz.
Wolbach, Nebr.
Woodside, Calif.
Woodstown, N. J.
Worthington, Minn.
Yakima, Wash.
Yankton, S. Dak.
York, Ky.
Youngstown, Ohio
Yuma, Ariz.
Zuni, N. Mex.

§ 71.207 Domestic High Altitude Reporting Points.

The reporting points listed below are designated at all altitudes from 18,000 feet MSL to Flight Level 450, inclusive.

Aberdeen, S. Dak.
Abilene, Tex.
Alamosa, Colo.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio
Atlanta, Ga.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Bangor, Maine
Battle Mountain, Nev.
Beckley, W. Va.
Bellaire, Ohio
Billings, Mont.
Birmingham, Ala.
Biscayne Bay, Fla.
Blythe, Calif.
Boise, Idaho
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Bradford, Ill.
Brownsville, Tex.
Bryce Canyon, Utah
Buffalo, N. Y.
Butler, Mo.
Carleton, Mich.
Casanova, Va.
Chardon, Ohio
Charleston, S. C.
Charleston, W. Va.
Cleveland, Ohio
Coaldale, Nev.
Columbia, S. C.

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Coyle, N. J
Crazy Woman, Wyo.
Crestview, Fla.
DAVES: INT Yarmouth, Nova Scotia, 230°, Bangor, Maine, 152° radials.
Delta, Utah
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dove Creek, Colo.
Dubois, Idaho
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
El Paso, Tex.
Evansville, Ind.
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fort Stockton, Tex.
Flat Rock, Va.
Flint, Mich.
Florence, S. C.
Fresno, Calif.
Front Royal, Va.
Garden City, Kans.
Gila Bend, Ariz.
Goodland, Kansas
Gordonsville, Va.
Grand Junction, Colo.
Great Falls, Mont.
Greater Southwest, Tex.
Green Bay, Wis.
Greensboro, N. C.
Greenwood, Miss.
Hancock, N. Y.
Harrisburg, Pa.
Hector, Calif.
Hill City, Kans.
Hobby, Tex.
Indianapolis, Ind.
Iowa City, Iowa
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Y.
Joliet, Ill.
KANNA: Lat. 26°00'00" N., Long. 96°35'26" W. (INT Hobby, Tex., 198° radial, Houston Oceanic CTA/FIR boundary).
Kansas City, Mo.
Keating, Pa.
Kennedy, N. Y.
Key West, Fla.
Kimberly, Oreg.
Knoxville, Tenn.
Lake Charles, La.
Lakeview, Oreg.
Laredo, Tex.
Las Vegas, N. Mex.
Lewistown, Mont.
Lincoln, Nebr.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Lufkin, Tex.
Malad City, Idaho
Mason City, Iowa
Massena, N. Y.
Meeker, Colo.
McCall, Idaho
McComb, Miss.
Medford, Oreg.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Milford, Utah
Millinocket, Maine
Millsap, Tex.
Milwaukee, Wis.
Minneapolis, Minn.
Mission Bay, Calif.

Mobile, Ala.
Montgomery, Ala.
Mullan Pass, Idaho
Nantucket, Mass.
Nashville, Tenn.
New Orleans, La.
Nodine, Minn.
Norfolk, Va.
Northbrook, Ill.
Oakland, Calif.
Oklahoma City, Okla.
O'Neill, Nebr.
Orlando, Fla.
Ormond Beach, Fla.
Palmdale, Calif.
Parker, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Peck, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Philipsburg, Pa.
Phoenix, Ariz.
Plattsburgh, N. Y.
Presque Isle, Maine
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Putnam, Conn.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Red Bluff, Calif.
Reno, Nev.
Richmond, Va.
Robbinsville, N. J.
Rock Springs, Wyo.
Rome, Oreg.
Roswell, N. Mex.
Rosewood, Ohio
Sacramento, Calif.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salt Lake City, Utah
San Antonio, Tex.
San Juan, P. R. RBN
San Simon, Ariz.
Sault Ste. Marie, Mich.
Savannah, Ga.
Scottsbluff, Nebr.
Seattle, Wash.
Shreveport, La.
Sidney, Nebr.
Sioux Falls, S. Dak.
South Bend, Ind,
Sparta, N. J.
Spartanburg, S. C.
Spokane, Wash.
Springfield, Mo.
Stockton, Calif.
Syracuse, N. Y.
Tallahassee, Fla.
Taylor, Fla.
Texarkana, Ark.
Tuba City, Ariz.
Tucson, Ariz.
Tulsa, Okla.
Vero Beach, Fla.
Waco, Tex.
Walnut Ridge, Ark.
Westminster, Md.
Whitehall, Mont.
Wichita, Kans.
Wilmington, N. C.
Wilson Creek, Nev.
Wink, Tex.
Wolbach, Nebr.
Yuma, Ariz.

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§ 71.209 Other domestic reporting points.
The reporting points listed below are designated at all altitudes.

ABACO: Lat. 27°00'00" N., Long. 77°34'10" W. (INT of a direct line between Carolina Beach, N. C., RBN and Nassau, Bahamas, RBN, with the 050° bearing from Bimini, Bahamas, RBN.)

ALASK: Lat. 16°49'30" N., Long. 66°32'27" W. (INT Ponce, P. R., 181°, St. Croix, V. I., 243° radials.

ALLBA: Lat. 27°32'05" N., Long. 95°08'52" W. (INT Galveston, Tex., NDB 191°, Corpus Christi, Tex., NDB 097° bearings).

BACUS: Lat. 34°26'41" N., Long. 73°50'36" W. (INT Weeksville, N. C., NDB 133° bearing and New York Oceanic CTA/FIR boundary).

Bimini, Bahamas, RBN.

BOGGY: Lat. 28°15'00" N., Long. 91°27'47" W. (INT New Orleans, La., NDB 208° Galveston, Tex., NDB 110° bearings).

BRIMS: Lat. 28°15'00" N., Long. 91°12'34" W. (INT Grand Isle, La., NDB 227°, Galveston, Tex., NDB 108° bearings).

CARPS: Lat. 30°24'07" N., Long. 77°44'00" W. (INT of a direct line between Carolina Beach, N. C., RBN and Nassau, Bahamas, RBN, with the 090° bearing from Dinsmore, Fla., RBN, and with the Jacksonville, Fla., VORTAC 090° radial.)

CATFI: Lat. 28°15'00" N., Long. 90°57'52" W. (INT Grand Isle, La., NDB 220°, Galveston, Tex., NDB 107° bearings).

CODDS: Lat. 41°16'36" N., Long. 68°00'00" W. (a. INT Nantucket, Mass., NDB 089° bearing and New York Oceanic CTA/FIR Boundary. b. INT Nantucket, Mass., 089° radial and New York Oceanic CTA/FIR boundary. c. Nantucket, Mass., 089° radial, 92 NM from Nantucket).

COVIA: Lat. 27°56'10" N., Long. 84°44'10" W. (INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials).

CRABI: Lat. 28°01'14" N., Long. 84°43'24" W. (INT Wakulla, Fla., NDB, 188°, Egmont Key, Fla., NDB 284° bearings).

CROAK: Lat. 36°57'18" N., Long. 73°00'00" W. (a. INT Weeksville, N. C., NDB 073° bearing and New York Oceanic CTA/FIR boundary. b. INT Norfolk, Va., 088° radial, Sea Isle, N. J., 146° radials. c. Norfolk, Va., 088° radial, 154 NM from Norfolk).

DAKES: Lat. 17°03'00" N., Long. 67°00'00" W. (Ponce, Puerto Rico 206°, St. Croix, V. I., 253° radials).

DOLPH: Lat. 28°15'00" N., Long. 90°01'09" W. (INT Grand Isle, La., NDB 177°, Galveston, Tex., NDB 103° bearings).

Dorado, Puerto Rico, NDB

EARNS: Lat. 28°15'00" N., Long. 93°44'55" W. (INT Galveston, Tex., NDB 140°, Grand Isle, La., NDB 255° bearings).

FLASH: Lat. 28°15'00" N., Long. 89°32'02" W. (INT Grand Isle, La., NDB 153°, Pickens, Fla., RBN 223° bearings).

FLORI: Lat. 16°53'47" N., Long. 65°25'56" W. (San Juan, P. R., NDB 149° and St. Croix, V. I., 220° radials).

GATES: Lat. 34°12'53" N., Long. 123°03'27" W. (INT San Luis Obispo, Calif., 242° radial and Oakland Oceanic

HADDY: Lat. 39°50'00" N., Long. 69°15'39" W. (a. INT Nantucket, Mass., NDB rhumb line to Bermuda NDB and New York Oceanic CTA/FIR boundary. b. INT Nantucket, Mass., NDB 157° radial, New York Oceanic CTA/FIR boundary. c. Nantucket, Mass., 157° radial, 94 NM from Nantucket).

HEMLO: Lat. 43°18'08" N., Long. 126°40'46" W. (INT Newport, Oreg., 237° radial and Oakland Oceanic CTA/FIR boundary).

HERIN: Lat. 42°00'09" N., Long. 67°47'30" W. (INT Nantucket, Mass., 066° radial, Long. 67°47'30" W.).

HOBEE: Lat. 29°13'10" N., Long. 79°09'38" W. (INT of the 192° bearing from Carolina Beach, N. C., RBN and the Orlando, Fla., VORTAC 070° radials).

IDAHO: Lat. 19°11'09" N., Long. 67°35'45" W. (INT Ramey, P. R. 326°, San Juan, P. R., 296° radials).

OHIOS: Lat. 19°53'34" N., Long. 66°46'07" W. (INT Ramey, P. R. 013°, San Juan, P. R., 333° radials).

PERCH: Lat. 33°52'03" N., Long. 119°09'24" W. (INT Los Angeles, Calif., 264°, Ventura, Calif., 200° radials).

Ramey, P. R.

St. Croix, Virgin Islands

San Juan, P. R.

SEDAR: Lat. 45°30'28" N., Long. 126°42'59" W. (INT Hoquiam, Wash., 232° radial and Oakland Oceanic CTA/FIR boundary).

SHADS: Lat. 37°42'05" N., Long. 73°00'00" W. (a. INT Rainbow, N. J., NDB 135° bearing, New York Oceanic CTA/FIR boundary. b. INT Sea Isle, N. J., 134°, Norfolk, Va., 071° radials. c. Sea Isle, N. J., 134° radial, 118 NM from Sea Isle).

SMELT: Lat. 31°58'38" N., Long. 77°00'00" W. (INT Ashley, S. C. NDB 110° bearing, Long. 77°00'00" W.).

SQUID: Lat. 30°24'40" N., Long. 78°03'42" W. (INT of the 191° bearing from Croaton, N. C., RBN, the 090° bearing from Dinsmore, Fla., RBN, and the Jacksonville, Fla., VORTAC 090° radial.)

TADPO: Lat. 24°00'00" N., Long. 81°13'02" W. (INT Marathon, Fla., NDB 189° bearing, Lat. 24°00'00" N.).

TROUT: Lat. 30°22'35" N., Long. 77°00'00" W. (INT Dinsmore, Fla., NDB 090° bearing, Long. 77°00'00" W.).

TUNNA: Lat. 38°55'26" N., Long. 72°06'57" W. (a. INT Newark, N. J., NDB 137° bearing, New York Oceanic CTA/FIR boundary. b. Kennedy, N. Y., 143° radial, 128 NM from Kennedy.

UTAHS: Lat. 19°34'40" N., Long. 67°13'42" W. (INT San Juan, P. R., 314°, Ramey, P. R., 354° radials).

VERMO: Lat. 20°04'09" N., Long. 66°15'42" W. (INT Ramey, P. R., 027°, San Juan, P. R., 351° radials).

VIPER: Lat. 28°14'17" N., Long. 88°53'08" W. (INT Grand Isle, La., NDB 132°, Pickens, Fla., NDB 215° radials).

§ 71.211 **Alaskan low altitude reporting points.**

The reporting points listed below are designated up to but not including 18,000 feet MSL.

Adak, Alaska, NDB
Anchorage, Alaska
Aniak, Alaska, NDB
Annette Island, Alaska
Barrow, Alaska
Barter Island, NDB
Bear Creek, Alaska, NDB
Bethel, Alaska
Bettles, Alaska
Big Delta, Alaska
Big Lake, Alaska
Big Mountain, Alaska, NDB
Biorka Island, Alaska
Bishop, NDB
Cape Newenham, Alaska, NDB
Cape Sarichef, Alaska, NDB
CARTS: Lat. 55°41'49" N., Long. 136°34'31" W. (INT Sandspit, British Columbia, Canada, NDB 314°, Sitka, Alaska, NDB 207° bearings).
Chandalar, Alaska, NDB
Chena, Alaska, NDB
CLAMS: Lat. 59°53'27" N., Long. 152°16'23" W. (INT Homer, Alaska, 294°, Kenai, Alaska, 217° radials).
Coghlan Island, Alaska, NDB
Cold Bay, Alaska
Cold Bay LOM
CORVA: Lat. 60°15'32" N., Long. 145°09'28" W. (INT Hinchinbrook, Alaska, NDB 106°, Cordova, Alaska, NDB 151° bearings).
CRACK: Lat. 57°21'23" N., Long. 159°23'14" W. (INT King Salmon, Alaska, LOM 226°, Port Heiden, Alaska, NDB 314° bearings).
Deadhorse, Alaska
Delta Junction, Alaska, NDB
DEPTH: Lat. 56°19'17" N., Long. 161°09'43" W. (INT Cold Bay, Alaska, LOM 041°, Port Moller, Alaska, NDB 313° bearings).
Dillingham, Alaska
Elephant, NDB
Evansville, NDB
Fairbanks, Alaska
Farewell, Alaska, NDB
FLUKE: Lat. 60°05'48" N., Long. 163°57'49" W. (INT Oscarville, Alaska, NDB 237°, Cape Newenham, Alaska, NDB 327° bearings).
Fort Davis, Alaska, NDB
Fort Yukon, Alaska
FRIED: Lat. 54°14'23" N., Long. 133°39'49" W. (INT Nichols, Alaska, NDB 236°, Sandspit, British Columbia, Canada, NDB 314° bearings).
Galena, Alaska
GARRS: Lat. 58°19'09" N., Long. 161°20'25" W. (INT King Salmon, Alaska, LOM 262°, Cape Newenham, Alaska, NDB 131° bearings).
Glenallen, Alaska, NDB
Gulkana, Alaska
Haines, Alaska, NDB
HAPIT: Lat. 58°11'59" N., Long. 137°31'05" W. (INT Ocean Cape, Alaska, NDB 139°, Cape Spencer, Alaska, NDB 273° bearings).
HAZZY: Lat. 56°19'52" N., Long. 134°18'43" W. (INT Sitka, Alaska, NDB 127°, Petersburg, Alaska, NDB 235° bearings).

PENDING AMENDMENT

In HAZZY: the description is deleted and "Lat. 56°19'14"N., Long. 134°17'19"W. (INT Sitka, Alaska, NDB 127° and Petersburg, Alaska, NDB 238° bearings)." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

HERRY: Lat. 57°50'30" N., Long. 160°20'27" W. (INT King Salmon, Alaska, LOM 246°, Cape Newenham, Alaska, NDB 131° bearings).
Hinchinbrook, Alaska, NDB
Homer, Alaska
Hotham, NDB
Iliamna, Alaska, NDB
Johnstone Point, Alaska
Julius, Alaska, NDB
Kachemak, Alaska, NDB
Kenai, Alaska
King Salmon, Alaska
King Salmon LOM
Kodiak, Alaska
Kotzebue, Alaska
Level Island, Alaska
MARLO: Lat. 57°27'53" N., Long. 150°31'44" W. (INT Kodiak, Alaska, 107° radial and Anchorage CTA/FIR boundary).
McGrath, Alaska
Middleton Island, Alaska
MOCHA: Lat. 54°30'13" N., Long. 133°01'40" W. (INT Nichols, Alaska, NDB 236°, Sandspit, British Columbia, Canada, 331° bearings).
MORDI: Lat. 54°52'29" N., Long. 165°03'54" W. (INT Cold Bay, Alaska, LOM 253°, Cape Sarichef, Alaska, NDB 344° bearings).
Moses Point, Alaska
MUZON: Lat. 54°29'31" N., Long. 133° 00'15" W. (INT Annette Island, Alaska, 236°, Sandspit, British Columbia, Canada, 331° radials).
Nabesna, Alaska, NDB
Nenana, Alaska
Nichols, Alaska, NDB
Nikolski, Alaska, NDB
Nome, Alaska
North River, Alaska, NDB
Northway, Alaska
Norton Bay, Alaska, NDB
Ocean Cape, Alaska, NDB
Oliktok, Alaska, NDB
Oscarville, Alaska, NDB
Petersburg, Alaska, NDB
Peters Creek, NDB
Puntilla Lake, Alaska, NDB
Put River, Alaska, NDB
Shemya, Alaska, NDB
SHRIM: Lat. 56°40'57" N., Long. 138°45'53" W. (INT Wessels, Alaska, NDB 122°, Cape Spencer, Alaska, NDB 218° bearings).
Sisters Island, Alaska
Sitka, Alaska, NDB
SKILA: Lat. 60°29'31" N., Long. 150°38'18" W. (INT Anchorage, Alaska, 198°, Homer, Alaska, 027° radials).
Skwentna, Alaska, NDB
SNOUT: Lat. 57°53'28" N., Long. 141°45'13" W. (INT Wessels, Alaska, NDB 122°, Ocean Cape, Alaska, NDB 213° bearings).
SOLID: Lat. 58°41'13" N., Long. 148°14'03" W. (INT Kachemak, Alaska, NDB 118° bearing and Anchorage CTA/FIR boundary).
Sparrevohn, Alaska, NDB
Summit, Alaska, NDB
Takotna River, Alaska, NDB
Tanana, Alaska
TUCKS: Lat. 60°13'43" N., Long. 152°28'08" W. (INT Kenai, Alaska, 239°, Homer, Alaska, 316° radials).
Umiat NDB
Unalakleet, Alaska
Wessels, Alaska, NDB
WIDTH: Lat. 57°21'18" N., Long. 155°59'40" W. (INT King Salmon, Alaska, LOM 163°, Port Heiden, Alaska, NDB 074° bearings).
Wildwood, Alaska, NDB
Woody Island, Alaska, NDB
Yakutat, Alaska
Yukon River, NDB
ZANDA: Lat. 56°09'14" N., Long. 134°44'57" W. (INT Sitka, Alaska, NDB 148°, Petersburg, Alaska, NDB 235° bearings).

PENDING AMENDMENT

In ZANDA: The description is deleted and "Lat. 56°09'10"N., Long. 134°44'52"W. (INT Sitka, Alaska, NDB 148°, and Petersburgh, Alaska, NDB 238° bearings)." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49090 (Changed)

§ 71.213 Alaskan high altitude reporting points.
The reporting points listed below are designated at 18,000 feet MSL to Flight Level 450.

Adak, Alaska, NDB
Anchorage, Alaska
Annette Island, Alaska
Barrow, Alaska
Barter Island, NDB
Bethel, Alaska
Bettles, Alaska
Big Delta
Big Lake, Alaska
Biorka Island, Alaska
Browerville, Alaska, NDB
Cape Newenham, Alaska, NDB
CARTS: Lat. 55°41'49" N., Long. 136°34'31" W. (INT Sandspit, British Columbia, Canada, NDB 314° bearing, Biorka Island, Alaska, 207° radial).
Cold Bay, Alaska
CRACK: Lat. 57°20'30" N., Long. 159°21'31" W. (INT King Salmon, Alaska, 226° radial, Port Heiden, Alaska, NDB 314° bearing).
Deadhorse, Alaska
Dillingham, Alaska
Fairbanks, Alaska
FLUKE: Lat. 60°05'48" N., Long. 163°57'49" W. (INT Oscarville, Alaska, NDB 237°, Cape Newenham, Alaska, NDB 327° bearings).
Fort Yukon, Alaska
Galena, Alaska
GARRS: Lat. 58°19'09" N., Long. 161°20'25" W. (INT King Salmon, Alaska, LOM 262°, Cape Newenham, Alaska, NDB 131° bearings).
Gulkana, Alaska.
HERRY: Lat. 57°50'30" N., Long. 160°20'27" W. (INT King Salmon, Alaska, LOM 246°, Cape Newenham, Alaska, NDB 131° bearings).
JIMMY: Lat. 57°20'30"N., Long. 159°21'31"W. (INT King Salmon, Alaska, 226° radial, Port Heiden, Alaska, NDB 314° bearing).
AMENDMENTS 9/9/76 41 F. R. 29095 (Added)
Johnstone Point, Alaska
KILLA: Lat. 58°44'58" N., Long. 140°35'39" W. (INT Yakutat, Alaska, 213° radial, Hinchinbrook, Alaska, NDB 118° bearing).
King Salmon, Alaska.
Kodiak, Alaska
Kotzebue, Alaska
MARLO: Lat. 57°27'53" N., Long. 150°31'44" W. (INT Kodiak, Alaska, 107° radial and Anchorage CTA/FIR boundary).
McGrath, Alaska
Middleton Island, Alaska
Nenana, Alaska
Nikolski, Alaska, NDB
Nome, Alaska
Northway, Alaska
Ocean Cape, Alaska, NDB
Prudhoe Bay, Alaska, NDB
Put River, Alaska, NDB
Saint Paul, Alaska, NDB
Sisters Island, Alaska
SNOUT: Lat. 57°53'28" N., Long. 141°45'13" W. (a. INT Wessels, Alaska, NDB 122° bearing, Yakutat, Alaska, 215° radial. b. INT Middleton Island, Alaska, 121°, Yakutat, Alaska, 215° radials. c. INT Middleton Island, Alaska, 121° radial, 171 NM from Middleton Island).
Unalakleet, Alaska
Yakutat, Alaska.

§ 71.215 Hawaiian reporting points.
The reporting points listed below are designated at all altitudes.

BATES: Lat. 20°00'42" N., Long. 153°33'16" W. (Hilo, Hawaii, 078° radial, Honolulu CTA/FIR boundary).

BROMS: Lat. 21°19'11" N., Long. 158°31'06" W. (INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials).

CODDY: Lat. 21°26'16" N., Long. 155°08'30" W. (INT Hilo, Hawaii, 356° radial and Honolulu CTA/FIR boundary).

CUTLE: Lat. 20°04'48" N., Long. 153°37'46" W. (INT Upolu Point, Hawaii, 093° radial and Honolulu CTA/FIR boundary).

DOGGY: Lat. 21°55'23" N., Long. 161°19'26" W. (INT South Kauai, Hawaii, 271° radial and Honolulu CTA/FIR boundary).

EELIC: Lat. 19°27'35" N., Long. 153°18'21" W. (INT Hilo, Hawaii, 099° radial and Honolulu CTA/FIR boundary).

FISHE: Lat. 21°46'50" N., Long. 155°32'18" W. (INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials).

Hilo, Hawaii

Honolulu, Hawaii

Lanai, Hawaii

Lihue, Hawaii

LOBBS: Lat. 21°00'34" N., Long. 154°39'36" W. (INT Maui, Hawaii, 086° radial and Honolulu CTA/FIR boundary).

LULUS: Lat. 19°43'21" N., Long. 158°00'10" W. (INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials).

MAKAI: Lat. 21°01'34" N., Long. 158°01'36" W. (INT Honolulu, Hawaii, 179°, Molokai, Hawaii, 262° radials).

Maui, Hawaii

Molokai, Hawaii

PALMS: Lat. 21°05'15" N., Long. 157°34'28" W. (INT Honolulu, Hawaii, 119° and Molokai, Hawaii, 262° radials).

PARIS: Lat. 20°10'18" N., long. 155°13'29" W. (INT Hilo, Hawaii, 336°, Upolu Point, Hawaii, 093° radials).

POTEN: Lat. 20°47'03" N., Long. 159°28'01" W. (INT Koko Head, Hawaii, 254°, Lihue, Hawaii, 186° radials).

RISES: Lat. 22°05'56" N., Long. 155°46'09" W. (INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials).

SHARK: Lat. 22°31'06" N., Long. 156°05'33" W. (INT Koko Head, Hawaii, 050°, Upolu Point, Hawaii, 355° radials).

SILLS: Lat. 21°17'49" N., Long. 159°31'53" W. (INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials).

South Kauai, Hawaii

TOADS: Lat. 22°46'14" N., Long. 156°41'58" W. (INT Molokai, Hawaii, 015° radial and Honolulu CTA/FIR boundary).

Upolu, Hawaii

VANDA: Lat. 22°24'00" N., Long. 161°15'00" W. (INT South Kauai, Hawaii, 288° radial, Long. 161°15'00" W.).

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Subpart J - Area Low Routes

§71.301 Designation.
The parts of airspace described below are designated as area low routes.

SUBPART K - TERMINAL CONTROL AREAS

§71.401 Designation.
The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

(a) Group I, Terminal Control Areas:

Atlanta, Ga., Terminal Control Area

Primary Airport
Atlanta Airport (lat. 33°38'31" N., long. 84°25'34" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 7-mile radius of the Atlanta Airport, excluding the Fulton County Control Zone and the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 8/26.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 12-mile radius of the Atlanta Airport, and that airspace between the 12-mile and 20-mile radii, bounded on the north by the 090° and 270° radials of the Rex VOR and bounded on the south by a line extending from lat. 33°30'03" N., long. 84°03'53" W., to lat. 33°30'42" N., long. 84°47'36" W., excluding Area A, Area D, the Fulton County Control Zone, and the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 8/26.

Area C. That airspace extending upward from 3,500 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Atlanta Airport, excluding Area A, Area B, and that airspace within and underlying Area D, and the airspace north of a line 1 mile south
of and parallel to the 271° and 091° radials of the Fulton County VOR.

Area D. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL south of the Atlanta Airport, bounded on the north by a line extending from lat. 33°30'03" N., long. 84°03'53" W., to lat. 33°30'42" N., long. 84°47'36" W., and on the south by a 20-mile radius arc from Atlanta Airport.

Area E. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL north of the Atlanta Airport bounded on the east by a 20-mile radius arc from the Atlanta Airport, on the south by a line 1 mile south of and parallel to the 271° and 091° radials of Fulton County VOR, on the west by a 20-mile radius arc from the Atlanta Airport, and on the north by the southern boundary of the area described as the Atlanta, Ga., (Dobbins AFB/NAS Atlanta Control Zone) and a line extending from lat. 33°54'35" N., long. 84°23'40" W., to lat. 33°56' 03" N., long. 84°13'54" W.

Area F. That airspace extending upward from 8,000 feet MSL to and including 12,500 feet MSL within a 35-mile radius of the Atlanta Airport.

Boston, Mass., Terminal Control Area
Primary Airport
Logan International Airport (lat. 42°21'47" N., long. 71°00'19" W.); Boston VORTAC (lat. 42°21'28" N., long. 70°59'38" W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius of the Boston VORTAC.

Area B. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within a 10.5-mile radius of the Boston VORTAC, excluding Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of the Boston VORTAC, excluding Areas A and B previously described and that airspace within and underlying Area D described hereinafter.

Area D. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15- and 20-mile radii of the Boston VORTAC extending from the Boston VORTAC 230° radial clockwise to the Boston VORTAC 005° radial.

Chicago, Ill., Terminal Control Area

Primary Airport
Chicago-O'Hare International Airport (lat. 41°58'57" N., long. 87°54'25" W.).
Chicago-O'Hare VORTAC (lat. 41°59'16" N., long. 87°54'17" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within the Chicago, Ill. (O'Hare International Airport), control zone and including that airspace within 2 statute miles northwest of the centerline extended of Runway 4L, and 2 statute miles southeast of the centerline extended of Runway 4R, extending from the 5-statute mile radius control zone to 2 statute miles southwest of the Pine Outer Marker.

Area B. That airspace extending upward from 1,900 feet MSL to and including 7,000 feet MSL within a 10.5-mile radius of Chicago O'Hare VORTAC, excluding Area A previously described and that area bounded on the southeast by a line 2 miles northwest and parallel to the centerline extended of Runway 22R, on the south and southwest by the southwest boundary of Glenview, Ill., control zone, on the north by a 10.5-mile radius arc of the Chicago-O'Hare VORTAC, and excluding Area E described hereinafter.

Area C. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 25-mile radius of Chicago-O'Hare VORTAC, excluding Areas A and B, previously described, Area E and the airspace within and underlying Area D described hereinafter, and excluding those areas between the 20 and 25-mile radii of Chicago-O'Hare VORTAC from a line 7 miles
southwest of and parallel to the extended centerline of Runway 32L, clockwise to a line 7 miles southeast of and parallel to the extended centerline of Runway 4R and from a line 7 miles northwest of and parallel to the extended centerline of Runway 4L, clockwise to a line beginning at a point 7 miles southwest of the Runway 14R extended centerline on the 20-mile radius arc of the Chicago-O'Hare VORTAC, extending to a point 6 miles southwest of the Runway 14R extended centerline of the 25-mile radius of the Chicago-O'Hare VORTAC.

Area D. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL north of Chicago bounded on the west by the Chicago-O'Hare VORTAC 322° radial on the south by the Northbrook VORTAC 270° and 095° radials, on the east by the Chicago-O'Hare VORTAC 019° radial and on the north by a 25-mile radius arc of the Chicago-O'Hare VORTAC and an area southwest of Chicago bounded on the northwest by a line 2 miles southeast of and parallel to the extended centerline of Runway 4L, on the southwest by a 25-mile radius arc of Chicago-O'Hare VORTAC, on the southeast by a line 7 miles southeast of and parallel to the extended centerline of Runway 4R, on the northeast by a 20-mile radius arc of Chicago-O'Hare VORTAC and that portion of a 1.5-mile radius arc of Clow Airport which is north of a 20-mile radius arc of Chicago-O'Hare VORTAC.

Area E. That airspace northeast of Chicago extending upward from 2,500 feet MSL to and including 7,000 feet MSL bounded on the northeast by a 10.5-mile radius arc of Chicago-O'Hare VORTAC, on the south by the extended centerline of Runway 9/27 at NAS Glenview and on the northwest by a line 2 miles northwest of and parallel to the extended centerline of Runway 22R at Chicago-O'Hare International Airport.

Dallas-Fort Worth, Tex., Terminal Control Area

Primary Airport
Dallas-Fort Worth Airport (lat. 32°53'53" N., long. 97°02'24" W.).

Boundaries.

Area A. That airspace extending from the surface to and including 8,000 feet m.s.l. beginning at latitude 33°00'30" N., longitude 96°59'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to latitude 32°58'30" N., longitude 97°08'45" W., to latitude 32°55'30" N., longitude 97°05'30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to latitude 32°51'45" N., longitude 96°54'30" W., to latitude 32°56'00" N., longitude 96° 59'30" W., to point of beginning.

Area B. That airspace extending from 2,000 feet m.s.l. to and including 8,000 feet m.s.l., beginning at latitude 33°00'30" N., longitude 96°59'30" W., to latitude 33°02'45" N., longitude 96°59'30" W., thence counterclockwise along a 9-nmi arc of the Dallas-Fort Worth Airport to latitude 33°00'00" N., longitude 97° 10'15" W., to latitude 32°58'30" N., longitude 97°08'45" W., thence clockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to the point of beginning; and that airspace beginning at latitude 32°51'45" N., longitude 96°54'30" W., to latitude 32°50'10" N., longitude 96°52'30" W., thence clockwise along a 9-nmi arc of the Dallas-Fort Worth Airport to latitude 32°45'15" N., longitude 97°05'30" W., to latitude 32°47'30" N., longitude 97°05'30" W., thence counterclockwise along a 7-nmi arc of the Dallas-Fort Worth Airport to the point of beginning.

Area C. That airspace extending from 3,000 feet m.s.l. to and including 8,000 feet m.s.l., beginning at latitude 32°51'45" N., longitude 96°54'30" W., to latitude 33°07'15" N., longitude 96°54'30" W., thence counterclockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 33°06'45" N., longitude 97° 11'30" W., to latitude 32°41'00" N., longitude 97°11'30" W., thence counterclockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 32°45'45" N., longitude 96°47'30" W., thence direct to point of beginning, excluding Areas A and B.

Dallas-Ft. Worth TCA continued on next page

Area D. That airspace extending from 4,000 feet m.s.l. to and including 8,000 feet m.s.l. beginning at latitude 32°45'45" N., longitude 96°47'30" W., thence clockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to latitude 32°41'00" N., longitude 97°11'30" W., to latitude 32°35'20" N., longitude 97°11'30" W., thence counterclockwise along a 20-nmi arc of the Dallas-Fort Worth Airport to latitude 32°42'00" N., longitude 96°43'10" W., to the point of beginning; and that airspace beginning at latitude 33°07'15" N., longitude 96°54'30" W., to latitude 33°12'00" N., longitude 96°54'30" W., to latitude 33°11'30" N., longitude 97°11' 30" W., to latitude 33°06'45"N., longitude 97°11'30" W., thence clockwise along a 15-nmi arc of the Dallas-Fort Worth Airport to the point of beginning.

Area E. That airspace extending from 5,000 feet m.s.l. to and including 8,000 feet m.s.l., beginning at latitude 33°12'00" N., longitude 96°52'10" W., thence clockwise via a 20-nmi arc of the Dallas-Fort Worth Airport to latitude 33°11'20" N., longitude 97°14'15" W., thence direct to point of beginning, excluding Areas A, B, C, and D.

Los Angeles, Calif., Terminal Control Area

Primary Airport
Los Angeles International Airport (lat. 33°56'25" N., long. 118°24'10" W.)

Boundaries
That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to 2,500 feet MSL and from 5,000 feet MSL to and including 7,000 feet MSL bounded on the north by Bolona Creek, on the east by the San Diego Freeway, on the south by Imperial Boulevard, and on the west by the Pacific Ocean shoreline.

Area B. That airspace extending upward from the surface to and including 7,000 feet MSL east of Los Angeles Airport bounded on the east by the Los Angeles, Calif., VORTAC 10-mile radius arc, on the south by the Los Angeles VORTAC 091° radial, on the west by the San Diego Freeway and on the north by the Los Angeles VORTAC 061° radial; and that airspace west of Los Angeles Airport bounded on the east by the Pacific Ocean shoreline, on the southeast by the Los Angeles VORTAC 207° radial, on the west by the Los Angeles VORTAC 11-mile radius arc, and on the north by the Santa Monica VOR 270° radial and the Ventura, Calif., VORTAC 107° radial.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL east of Los Angeles between the 10- and 15-mile radii of the Los Angeles VORTAC bounded on the north by the Los Angeles VORTAC 061° radial and on the south by the Santa Monica VOR 112° radial; and that airspace west of Los Angeles bounded on the east by the Los Angeles VORTAC 11-mile radius arc and the Los Angeles VORTAC 207° radial, and the south by the Seal Beach, Calif., VORTAC 266° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Santa Monica VOR 270° radial.

Area D. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL east and northeast of Los Angeles Airport bounded by a line beginning at the intersection of the Los Angeles VORTAC 061° radial and the San Diego Freeway, thence northwest along the San Diego Freeway to and northeast along the Los Angeles VORTAC 024° and the Santa Monica VOR 057° radials to and east along the Ontario, Calif., VORTAC 288° and the Pomona VORTAC 266° radials to and south along the Los Angeles VORTAC 20-mile radius arc to and west along the Ontario VORTAC 268° radial to and north along the Los Angeles VORTAC 15-mile radius arc to and southwest along the Los Angeles VORTAC 061° radial to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL east of Los Angeles bounded on the east by the Los Angeles VORTAC 25-mile radius arc, on the south by the Ontario VORTAC 268° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Pomona VORTAC 266° radial; that airspace bounded on the east by the Los Angeles VORTAC 180° radial, on the south by the Seal Beach VORTAC 266° radial, and on the northwest by the Los Angeles VORTAC 207° radial; and that airspace northwest of Los Angeles bounded on the northeast by the Los Angeles VORTAC 320° radial, on the south by the Santa Monica VOR 270° radial and the Ventura VORTAC 107° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Ventura VORTAC 090° radial.

Area F. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL north of Los Angeles bounded by a line beginning at the intersection of the Ventura VORTAC 090° radial and the Santa Monica VOR 057° radial, thence southwest along the Santa Monica VOR 057° radial to the Los Angeles VORTAC 024° radial, thence southwest along the Los Angeles VORTAC 024° radial to Bolona Creek, thence southwest along Bolona Creek to the Pacific Ocean shoreline, thence northwest along the Los Angeles VORTAC 320° radial to the Ventura 090° radial, thence east along the Ventura 090° radial to the point of beginning; and that airspace southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 12-mile radius arc, on the south by the Seal Beach VORTAC 266° radial, on the west by the Los Angeles VORTAC 180° radial and on the north by Areas A, B, and C.

Area G. That airspace extending upward from 6,000 feet MSL to and including 7,000 feet MSL southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 25-mile radius arc, on the southwest by the Seal Beach VORTAC 330°/150° radials, and on the north by the Ontario 268° radial.

Miami, Fla., Terminal Control Area

Primary Airport
Miami International Airport (Lat. 25°47'34" N., Long. 80°17'10" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC (lat. 25°57'47" N., long. 80°27'39" W.) 130° radial and north of lat. 25°52'02" N., (northwest 103rd Street/49th Street in the City of Hileah), and within and underlying Area F described hereinafter.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC 130° radial and north of lat. 25°52'02" N., that airspace south of the Biscayne Bay VORTAC (lat. 25°40'17" N., long. 80°10'40" W.) 090° and 270° radials, Area A previously described, and within and underlying Areas C and F described hereinafter.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within an area bounded on the northeast by a 5-statute mile radius arc of the New Tamiami Airport (lat. 25°38'51" N., long. 80° 25'59" W.), on the south by the Biscayne Bay VORTAC 270° radial, and on the southwest by a 10-mile radius arc of the Miami International Airport.

Area D. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Miami International Airport, excluding that airspace beyond a 15-mile radius of Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Miami VORTAC 090° radial, and extending clockwise from the Miami VORTAC 150° radial to the Biscayne Bay VORTAC 270° radial, Areas A, B, and C previously described, and within and underlying Areas F and G described hereinafter.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15-mile and 20-mile radii of the Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Biscayne Bay VORTAC 331° radial.

Area F. That airspace extending upward from but not including 1,000 feet MSL to and including 7,000 feet MSL bounded on the east by a 6-mile radius arc of the Miami International Airport, and on the west by the west shoreline of Biscayne Bay.

Area G. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL south of the Biscayne Bay VORTAC 270° radial, north and east of the 15-mile radius arc of the Miami International Airport and west of U. S. Route 1.

New York, N. Y., Terminal Control Area

Primary Airports
John F. Kennedy International Airport (lat. 40°38'25" N., long. 73°46'41" W.).
La Guardia Airport (lat. 40°46'36" N., long. 73°52'24" W.).
Newark International Airport (lat. 40°41'40" N., long. 74°10'02" W.).

Boundaries
That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius circle of Kennedy (JFK) VORTAC; within a 4-mile radius circle centered at Lat. 40°41'30" N., Long. 74° 10'00" W.; and within a 6-mile radius circle of La Guardia (LGA) VOR; excluding the airspace within and below Areas B, D and J hereinafter described and excluding that airspace east of La Guardia Airport bounded by a line beginning at the point of intersection of the LGA VOR 071° radial and the 6-mile arc of the LGA VOR, thence clockwise along the LGA VOR 6-mile arc to the LGA 093° radial, thence direct to the JFK VORTAC 349° radial 8.5 mile DME fix, direct to the JFK VORTAC 340° radial 9-mile DME fix, direct to the JFK VORTAC 341° radial 10-mile DME fix, thence direct to the point of beginning.

Area B. That airspace extending upward from above 500 feet MSL to and including 7,000 feet MSL within an 8-mile radius circle of JFK VORTAC south of a line beginning at the intersection of the JFK VORTAC 237° radial and the Atlantic Ocean shoreline, thence easterly along the shoreline to its intersection with the JFK VORTAC 125° radial 5-mile DME fix, thence northerly along the 5-mile DME arc to and easterly along the JFK VORTAC 094° radial to the 8-mile radius circle of JFK VORTAC; that airspace within a 6-mile radius circle of LGA VOR bounded by a line beginning at the intersection of the 6-mile radius circle and the LGA VOR 039° radial, thence southwesterly along the LGA VOR 039° radial to and southerly along the Bronx shoreline to the north stanchion of the Throggs Neck Bridge, thence direct to the intersection of the LGA VOR 071° radial and the 6-mile radius circle of LGA VOR, thence counterclockwise along the 6-mile radius circle to the point of beginning; and that airspace between the 4-mile and the 6.5-mile radii of a circle centered at Lat. 40°41'30" N., Long. 74°10'00" W.; excluding that airspace within and below Areas C, D and J hereinafter described.

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Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., and bounded by a line beginning at the point where the 6.5-mile radius circle intersects U. S. Highway No. 1, thence northeast along U. S. Highway No. 1 to its point of intersection with a 4-mile radius circle centered at Lat. 40°41'30: N., Long. 74°10'00" W., at the Esso Research Center, thence direct to the public service powerplant, thence direct to the Staten Island Expressway at its point of intersection with the 4-mile radius circle, thence east via the Staten Island Expressway to Richmond Avenue, thence south along Richmond Avenue to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

Area D. That airspace extending upward from above 1,100 feet MSL to and including 7,000 feet MSL within the 6-mile radius circle of LGA VOR west of the east bank of the Hudson River; that airspace between the east and west banks of the East River southwest of the north end of Roosevelt Island; and that airspace within the 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., east of the Colts Neck VORTAC 012° radial.

Area E. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within the area bounded by a line beginning at the intersection of the 20-mile radius circle of JFK VORTAC and the JFK VORTAC 208° radial, thence counterclockwise along the 20-mile arc to its intersection with the Long Island shoreline, thence southwest along the Long Island shoreline to and counterclockwise along the 13-mile radius circle of JFK VORTAC to and counterclockwise along the 11-mile radius circle of LGA VOR to the LGA VOR 351° radial, thence direct to the LGA VOR 283° radial at the LGA VOR 17-mile DME fix, thence counterclockwise along a 10-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to its intersection with the Colts Neck VORTAC 005° radial, thence direct to the intersection of the Colts Neck VORTAC 034° radial and the New Jersey shoreline at Sandy Hook, thence south along the New Jersey shoreline to the point of beginning; and that airspace within 2 miles each side of the Newark ILS Runway 4L localizer course, extending from the Chelsea outer marker to 6 miles southwest of the outer marker, excluding that airspace within and below Areas A, B, C, and D previously described; and excluding the airspace within and below Areas F and J hereinafter described.

Area F. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VOR 337° radial and the Erie Lackawanna Railroad tracks, thence south along the railroad tracks to the east branch of the Hackensack River, thence south and west along the river to the LGA VOR 299° radial, thence direct to the intersection of the six-mile radius circle of LGA VOR and the LGA VOR 264° radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to and southwest along the New Jersey Highway Route No. 22 to and clockwise along a 10-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., to LGA VOR 283° radial, thence direct to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., within a 20-mile radius circle of JFK VORTAC; and within a 20-mile radius circle of LGA VOR, excluding the airspace within and below Areas A, B, C, D, E, and F previously described and excluding the airspace within and below Areas H and J hereinafter described.

Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 13- and 20-mile radii circles of JFK VORTAC bounded on the north by the JFK VORTAC 050° radial and on the south by the Long Island shoreline, excluding that airspace north of Hempstead Turnpike and west of the Seaford-Oyster Bay Expressway.

Area J. That airspace extending upward from above 1,200 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at Lat. 40°41'30" N., Long. 74°10'00" W., and bounded by a line beginning at the intersection of the 6.5-mile radius circle and the tracks of the Central Railroad of New Jersey, thence eastward along the railroad tracks to their point of intersection with the 4-mile radius circle centered at Lat. 40°41' 30" N., Long. 74°10'00" W., thence counterclockwise along the 4-mile radius circle to U. S. Highway No. 1 thence southwest along U. S. Highway No. 1 to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning; and that airspace beginning at the north stanchion of the Throggs Neck Bridge, thence westerly to the Kennedy VORTAC 341° radial 10-mile DME fix, thence southerly to the Kennedy VORTAC 340° radial 9-mile DME fix, thence easterly to the JFK VORTAC 349° radial 8.5-mile DME fix thence easterly to the Clearview expressway at its point of intersection with a line extending from JFK VORTAC 349° radial 8.5-mile DME fix to the LGA VOR 093° radial at a point 6 miles from the VOR, thence northerly along the Clearview expressway to the point of beginning.

San Francisco, Calif., Terminal Control Area
Primary Airport

San Francisco International Airport (latitude 37°37'07" N., longitude 122°22'35" W.), San Francisco LVOR/DME (latitude 37°37'10" N., longitude 122°22'22" W.).
Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 7-mile radius of the San Francisco (SFO) VOR extending clockwise from the SFO VOR 247° radial to the SFO VOR 127° radial and within a 5-mile radius of the SFO VOR extending clockwise from the SFO VOR 127° radial to the SFO VOR 247° radial, excluding that airspace within a 3-mile radius of the Oakland VORTAC and excluding that airspace west of the Pacific coast shoreline.
Area B. That airspace extending upward from 1,500 feet MSL to and including 8,000 feet MSL bounded on the northwest by a 5-mile radius arc of the SFO VOR, on the southeast by a 10-mile radius arc of the SFO VOR, on the northeast by the SFO VOR 107° radial, and on the southwest by the SFO VOR 137° radial, excluding that airspace within Area A.

Area C. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL bounded on the northwest by a 10-mile radius arc of the SFO VOR, on the southeast by a 15-mile radius arc of the SFO VOR, on the northeast by the SFO VOR 107° radial, and on the southwest by the SFO VOR 137° radial.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 5-mile DME point on the SFO VOR 137° radial thence southeast along the 137° radial to and counterclockwise along a 15-mile DME arc of the SFO VOR to and east along the SFO VOR 107° radial to and clockwise along the 20-mile radius DME arc of the SFO VOR to and northwest along the SFO VOR 167° radial to and counterclockwise along the 5-mile radius DME arc of the SFO VOR to the point of beginning.

Area E. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 5-mile DME point on the SFO VOR 167° radial thence southeast along the 167° radial to and counterclockwise along the 20-mile DME arc of the SFO VOR to and east along the SFO VOR 107° radial to and clockwise along the 25-mile DME arc of the SFO VOR to and northwest along the Point Reyes VORTAC 161° radial to and northeast along the SFO VOR 217° radial to and counterclockwise along the 5-mile DME arc of the SFO VOR to the point of beginning.

Area F. That airspace extending upward from 2,100 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the 10-mile DME point on the SFO VOR 247° radial thence clockwise along the 10-mile DME arc to and west along the SFO VOR 107° radial to and counterclockwise along the 7-mile DME arc of the SFO VOR to and clockwise along the 3-mile DME arc of the Oakland VORTAC to and counterclockwise along the 7-mile DME arc of the SFO VOR to and southwest along the SFO VOR 247° radial to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10- and 15-mile radii of the SFO VOR from the SFO VOR 247° radial clockwise to the SFO VOR 107° radial, excluding the airspace southwest of the Point Reyes VORTAC 161° radial.

Area H. That airspace extending upward from 4,500 feet MSL to and including 8,000 feet MSL bounded by a line beginning at the intersection of the Sausalito VORTAC 052° radial and the Oakland VORTAC 305° radial thence northeast along the Sausalito VORTAC 052° radial to and clockwise along the 20-mile DME arc of the SFO VOR to and southwest along the SFO VOR 072° radial to and counterclockwise along the 15-mile DME arc of the SFO VOR to and northwest along the Oakland VORTAC 305° radial to the point of beginning.

Area I. That airspace extending upward from 6,000 feet MSL to and including 8,000 feet MSL between the 20- and 25-mile radii of the SFO VOR from the Sausalito VORTAC 052° radial clockwise to the SFO VOR 072° radial, excluding the airspace north of latitude 38°00'00" N.

Area J. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL bounded on the northeast by a 5-mile radius arc of the SFO VOR, on the southeast by the SFO VOR 217° radial, on the southwest by the Point Reyes VORTAC 161° radial, and on the northwest by the SFO VOR 247° radial.

Area K. That airspace extending upward from 1,500 feet MSL to and including 8,000 feet MSL bounded on the west by a 7-mile radius arc of the SFO VOR and on the east by the Pacific coast shoreline.

Washington, D. C. Terminal Control Area
Primary Airports
1. Washington National Airport (lat. 38°51'05" N., long. 77°02'20" W.).
2. Andrews AFB (lat. 38°48'40" N., long. 76°52'05" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the Washington, D. C., VOR and within a 7-mile radius of the Andrews, Md., VORTAC excluding the airspace bounded on the north by lat. 38°45'50" N., on the east by long. 76°54'25" W., on the south by a 7-mile radius circle of the Andrews VORTAC, and on the west by long. 76°59'30" W.; and excluding Prohibited Area P-56.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of the Washington VOR and a 10-mile radius of the Andrews VORTAC, excluding Area A.

Area C. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL between the 10-mile and 15-mile radius circles of the Washington VOR and the Andrews VORTAC, excluding that airspace west of a line from a point on the Nottingham 308° T radial 31.75 nautical miles northwest of the VORTAC to a point on the Nottingham 208° T radial 25.25 nautical miles west of the VORTAC.

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SUBPART K - TERMINAL CONTROL AREAS

71.401 Designation.
The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

(b) Group II, Terminal Control Areas:

Cleveland, Ohio, Terminal Control Area

Primary Airport
Cleveland-Hopkins International Airport (Lat. 41°24'37" N., Long. 81°50'56" W.).
Cleveland-Hopkins distance measuring equipment (DME) antenna (Lat. 41°24'15" N., Long. 81°51'44" W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 5-mile radius of the Cleveland-Hopkins International Airport DME antenna, excluding that airspace within a 1-mile radius of the Strongsville Airpark (Lat. 41°19'25" N., Long. 81°52'00" W.) and Gilbert Airport (Lat. 41°22'00" N., Long. 81°58'00" W.).

Area B. That airspace extending upward from 1900 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of the Cleveland-Hopkins International Airport DME antenna excluding Area A previously described, and that airspace within a 2-mile radius of Burke Lakefront Airport (Lat. 41°30'45" N., Long. 81°41'15" W.).

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Cleveland-Hopkins International Airport DME antenna excluding Areas A and B previously described.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Cleveland-Hopkins International Airport DME antenna, excluding Areas A, B, and C previously described.

Denver, Colorado, Terminal Control Area
Primary Airport
Denver-Stapleton International (lat. 39°45'55"N., long. 104°52'46"W.).
Denver-Stapleton distance measuring equipment (DME) antenna (lat. 39°45'15"N., long. 104°51'49"W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 11,000 feet MSL within an area bounded by a line beginning at the Denver VORTAC (lat. 39°51'39"N., long. 104°45'08"W.) thence south via the Denver VORTAC 180° radial to and west along Colfax Avenue to and south along a line 2.5-miles east of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L to and west along a line of 6.5 miles south of and parallel to the extended centerline of Stapleton International Airport Runway 26L/8R to and clockwise along a 10-mile radius arc of Stapleton International Airport DME antenna to and south along the 360° radial of the Denver VORTAC to the point of beginning and that airspace north of Denver between the 10- and 11-mile radius arcs of the Stapleton International Airport DME antenna bounded on the east by the Denver VORTAC 360° radial and on the west by a line 6 miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L, excluding Prohibited Area P-26.

Area B. That airspace extending upward from 7,000 feet MSL to and including 11,000 feet MSL bounded on the north by the Denver VORTAC 093° radial, on the west by Denver VORTAC 180° radial, on the south by Colfax Avenue. on the east bv a 15-mile radius arc of Stapleton International Airport DME antenna.

Area C. That airspace extending upward from 8,000 feet MSL to and including 11,000 feet MSL within a 15-mile radius of Stapleton International Airport DME antenna, excluding Areas A, B, and G.

Area D. That airspace extending upward from 8,400 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International DME antenna bounded on the north by the southern boundary of Area F and on the southwest by a line 2.5 miles southwest of and parallel to the extended centerline of Buckley Air National Guard Air Base Runway 14/32.

Area E. That airspace extending upward from 10,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International Airport DME antenna excluding Area D and F, and that area west of long. 105°11'00"W.

Area F. That airspace extending upward from 9,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International DME antenna bounded on the north by the Denver VORTAC 093° radial and on the south by Interstate Highway 70 and that airspace north of Denver bounded on the east by the Denver VORTAC 360° radial and on the west by a line 6 miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L.

Area G. That airspace extending upward from 7,500 feet MSL to and including 11,000 feet MSL within an area bounded on the north by the southern boundary of Area A and B, in the southeast by the 15-mile radius arc of the Stapleton International Airport DME antenna, on the south by a line 8.5 miles south of and parallel to the extended centerline of Stapleton International Airport Runway 26L/8R, on the southwest by a line 2.5 miles southwest of and parallel to the extended centerline of Buckley Air National Guard Air Base Runway 14/32 and on the west by the 10-mile radius arc of the Stapleton International Airport DME antenna.
AMENDMENTS 8/12/76 41 F. R. 27957 (Rewritten); 41 F.R. 34586 (Correction)

GROUP II TERMINAL CONTROL AREAS

Detroit, Mich., Terminal Control Area

Primary Airport
Detroit Metropolitan Wayne County Airport (lat. 42°13'07" N., long. 83°20'55" W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Detroit, Mich. (Metropolitan Wayne County Airport), control zone.

Area B. That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within a 10-mile radius of Detroit Metropolitan Wayne County Airport excluding Area "A" previously described, that airspace east of the west edge of the Detroit River, and the Detroit, Mich. (Willow Run Airport) control zone.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL, within a 16-mile radius of Detroit Metropolitan Wayne County Airport, excluding Areas A and B previously described, that airspace within a 3-mile radius arc of the Salem VORTAC, west of the Salem VORTAC 197° radial, and east of the United States/Canadian Border.

Area D. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL south of Detroit Metropolitan Wayne County Airport, bounded on the north by a 16-mile radius arc of the Detroit Metropolitan Wayne County Airport, on the east by the United States/Canadian Border, on the south by a 25-mile radius arc of the Detroit Metropolitan Wayne County Airport, on the west by the Salem VORTAC 197° radial and the Waterville VORTAC 353° radial; and an area north of Detroit Metropolitan Wayne County Airport bounded on the south by a 16-mile radius arc of Detroit Metropolitan Wayne County Airport, on the northwest by the Salem 052° radial, on the northeast by the Windsor VOR 320° radial and on the southeast by the United States/Canadian Border.

Houston, Tex., Terminal Control Area
Primary Airport
Houston Intercontinental Airport (lat. 29°59'08" N., long. 95°20'46" W.).

Boundaries
Humble VORTAC (IAH) (lat. 29°57'24" N., long. 95°20'44" W.).

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL, within 8 miles of the IAH VORTAC, excluding that airspace within and underlying Area D, hereinafter described.

Area B. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL, within a 15-mile radius of the IAH VORTAC, excluding Area A, previously described, that airspace within and underlying Areas C and D described hereinafter and that airspace south of an east-west line extending from the IAH VORTAC 125° radial 20-mile DME point to the IAH VORTAC 233° radial 20-mile DME point.

Area C. That airspace northwest of IAH extending from 3,000 feet MSL to and including 7,000 feet MSL, bounded on the northeast by the IAH VORTAC 313° radial, on the east by the 8-mile DME arc of the IAH VORTAC, on the south by a line 2 miles north of and parallel to the IAH Runway 8L centerline extended, and on the west by the 15-mile DME arc of the IAH VORTAC.

Area D. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15- and 20-mile radii of the IAH VORTAC and that airspace southwest of the IAH VORTAC bounded on the east by the 7-mile DME arc of the IAH VORTAC, on the southeast by the 215° radial of the IAH VORTAC, on the west by the 15-mile DME arc of the IAH VORTAC, and on the north by the 258° radial of the IAH VORTAC. Excluding that airspace within a 2-mile radius of Lakeside Airport (lat. 29°49'02" N., long. 95°40'29" W.) and that airspace south of an east-west line extending from the IAH VORTAC 125° radial 20-mile DME point to the IAH VORTAC 233° radial 20-mile DME point.

Kansas City, Mo., Terminal Control Area

Primary Airport
Kansas City International Airport (lat. 39°18'18" N., long. 94°42'40" W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of the Noah's Ark Airport (lat. 39°13'50" N., long. 94°48'15" W.).

Area B. That airspace extending upward from 2,400 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding Area A, that airspace within a 2-mile radius of the Fairfax Airport (lat. 39°08'49" N., long. 94°36'09" W.) and that airspace within a 1½-mile radius of the Sherman Army Airfield (lat. 39°22'15" N., long. 94°54'45" W.).

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding Area A and Area B.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport excluding Area A, Area B and Area C.

GROUP II, TERMINAL CONTROL AREAS

Las Vegas, Nev., Terminal Control Area

Primary Airport:
McCarran International Airport (lat. 36°04'48" N., long. 115°09'08" W.).
Las Vegas VORTAC (lat. 36°04'47" N., long. 115°09'32" W.).

Boundaries: (Based on Las Vegas VORTAC (LAS) arcs, DME distances, and radials).

Area A. That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005° radial, thence clockwise via the 15-mile arc to the 022° radial, thence direct to the 20-mile DME point on the 033° radial, thence northeast along the 033° radial to and southeast along the 22-mile arc to and southwest along the 046° radial to and south along the 7-mile arc to and nortnwest along the 150° radial to and counterclockwise along the 2-mile radius circle of Henderson Sky Harbor Airport (lat. 35°58'35" N., long. 115°07'55" W.) to and south along the 180° radial to and north along the 6-mile arc to and counterclockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal (lat. 36°12'17" N., long. 115°11'42" W.) to and north along the 005° radial to the point of beginning.

Area B. That airspace extending upward from 3600 feet MSL to and including 9,000 feet MSL between the LAS 7 and 10-mile radii bounded on the North by the 046° radial and on the South by the 150° radial.

Area C. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 075° radial thence clockwise along the 15-mile arc to and northwest along the 115° radial to and counterclockwise along the 10-mile arc to and east along the 075° radial to the point of beginning.

Area D. That airspace extending upward from 5,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile point on the LAS 046° radial thence clockwise along the 15-mile arc to and west along the 075° radial to and counterclockwise along the 10-mile arc to and northeast along the 046° radial to the point of beginning.

Area E. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 20-mile DME point on the LAS 055° radial thence clockwise along the 20-mile arc to and west along the 115° radial to and counterclockwise along the 15-mile arc to and northeast along the 055° radial to the point of beginning.

Area F. That airspace extending upward from 6,000 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 10-mile DME point on the LAS 150° radial thence northwest along the 150° radial to and counterclockwise along the 2-mile radius circle of the Henderson Sky Harbor Airport to and south along the 180° radial to and counterclockwise along the 15-mile arc to and northwest along the 115° radial to and clockwise along the 10-mile arc to the point of beginning.

Area G. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 155° radial thence southeast along the 155° radial to and clockwise along the 20-mile arc to and north along the 200° radial to and counterclockwise along the 15-mile arc to the point of beginning.

Area H. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL between the LAS 10 and 15-mile radii bounded on the east by the 180° radial and on the northwest by the 235° radial.

Area I. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL between the LAS 6 and 10-mile radii bounded on the east by the 180° radial and on the north by the 275° radial.

Area J. That airspace extending upward from 5,500 feet MSL to and including 9,000 feet MSL between the LAS 10 and 12-mile radii bounded on the south by the 235° radial and on the north by the 275° radial.

Area K. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between tne LAS 12 and 15-mile radii bounded on the south by tne 235° radial and on the north by the 275° radial.

Area L. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005° radial thence south along the 005° radial to and clockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal until intercepting U. S. Highway 95 2.5 miles southeast of North Las Vegas Air Terminal thence northwest along U. S. Highway 95 to and clockwise along a 15-mile arc to the point of beginning.

Area M. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 20-mile DME point on the LAS 033° radial thence direct to the 15-mile DME point on the LAS 022° radial thence west along the 15-mile arc to and northwest along U. S. Highway 95 to and clockwise along the 20-mile arc to the point of beginning.

Area N. That airspace extending upward from 7,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 36-mile DME point on the LAS 033° radial thence southwest along the 033° radial to and counterclockwise along the 20-mile arc to U. S. Highway 95 direct to the 36-mile DME point on the 005° radial thence clockwise along the 36-mile arc to the point of beginning.

Las Vegas TCA continued on next page

GROUP II TERMINAL CONTROL AREAS

Area O. That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 36-mile DME point on the LAS 055° radial thence southwest along 055° radial to and counterclockwise along the 15-mile arc to and northeast along the 046° radial to and counterclockwise along the 28-mile arc to and northeast along the 033° radial to and clockwise along the 36-mile arc to the point of beginning.

Area P. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 28-mile DME point on the LAS 046° radial thence southwest along the 046° radial to and counterclockwise along the 22-mile arc to and northeast along the 033° radial to and clockwise along the 28-mile arc to the point of beginning.

Minneapolis, Minn., Terminal Control Area

Primary Airport
Minneapolis-St. Paul International Airport (lat. 44°53'03" N., long. 93°12'54" W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of Minneapolis-St. Paul International Airport Distance Measuring Equipment (DME) Antenna (lat. 44°52'28" N., long. 93°12'21" W.).

Area B. That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Area A previously described.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 12-mile radius of Minneapolis-St. Paul International Airport DME Antenna excluding Areas A and B previously described.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A, B, and C previously described.

New Orleans, La., Terminal Control Area

Primary Airport
New Orleans International Airport-Moisant Field (lat. 29°59'30" N., long. 90°15'37" W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the New Orleans International Airport-Moisant Field, and within a 1.5-mile radius of the ILS Runway 10 outer compass locator (lat. 30°01'30" N., long. 90°23'59" W.) excluding that airspace north of the south shore of Lake Pontchartrain, that airspace within and underlying Area C described hereinafter, and that airspace ½ nautical mile either side of a line extending from lat. 30°01'09" N., long. 90°07'47" W., to lat. 29°59'30" N., long. 90°15'37" W., to lat. 30°03'36" N., long. 90°22'10" W.

Area B. That airspace extending upward from 600 feet MSL to and including 7,000 feet MSL north of the south shore of Lake Pontchartrain within a 7-mile radius of the New Orleans International Airport-Moisant Field excluding that airspace ½ nautical mile either side of a line extending from lat. 30°01'09" N., long. 90°07'47" W., to lat. 29°59'30" N., long. 90°15'37" W., to lat. 30°03'36" N., long. 90°22'10" W.

Area C. That airspace extending upward from 1,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning 7 miles southwest of the New Orleans International Airport-Moisant Field on the north shore of the Mississippi River, thence east along the Mississippi River north shore to and southeast along a line ½ mile east of and parallel to the Sellers Field Runway 16/34 extended centerline, to and southwest along the Southern Pacific Railroad track to and counterclockwise along a 4-mile radius of the New Orleans International Airport-Moisant Field to and east along the north shore of the Mississippi River to and southeast along the Harvey 300°T (295°M) radial to and clockwise along the 7-mile radius of the New Orleans International Airport-Moisant Field to the point of beginning.

Area D. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within a 15-mile radius of the New Orleans International Airport-Moisant Field excluding Areas A, B, and C previously described, Area F described hereinafter, the airspace within the New Orleans Lakefront Airport Control Zone which lies within a 15-mile radius of the New Orleans International Airport-Moisant Field, and the airspace within a 5-statute mile radius of NAS New Orleans-Alvin Callender Field (lat. 29°49'40" N., long. 90°01'25" W.).

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of the New Orleans International Airport-Moisant Field, excluding Areas A, B, C, and D previously described and Area F described hereinafter.

Area F. That airspace extending upward from the surface to 1,000 feet MSL and from 2,000 feet MSL to 7,000 feet MSL ½-nautical mile either side of a line extending from lat. 30°01'09" N., long. 90°07'47" W., to lat. 29°59'30" N., long. 90°15'37" W., to lat. 30°03'36" N., long. 90°22'10" W., excluding that airspace below 600 feet MSL north of the south shore of Lake Pontchartrain.

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GROUP II TERMINAL CONTROL AREAS

Philadelphia, Pa., Terminal Control Area

Primary Airport
Philadelphia International Airport (Lat. 39°52'23" N., Long. 75°14'58" W.).

Boundaries.
Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Philadelphia International Airport, excluding that airspace within and underlying Areas B and C.

Area B. That airspace extending upward from 300 feet MSL to and including 7,000 feet MSL, beginning at the east tip of Tinicum Island, along the south shore of Tinicum Island to the westernmost point, thence direct to the outlet of Darby Creek at the north shore of the Delaware River, thence along the north shore of the river to Chester Creek, thence eastward direct to Thompson Point, thence eastward along the south shore of the Delaware River to Bramell Point, thence direct to the point of beginning.

Area C. That airspace extending upward from 600 feet MSL to and including 7,000 feet MSL, beginning at Bramell Point, along the south shore of the Delaware River to Thompson Point, thence direct to the outlet of Chester Creek at the Delaware River, thence southwestward along the north shore of the Delaware River, to the 6-mile arc of the Philadelphia International Airport, thence counterclockwise along the 6-mile arc to Kings Highway (Route 551), thence northward direct to Bramell Point.

Area D. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within an 11-mile radius of the Philadelphia International Airport, excluding Areas A, B, and C.

Area E. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 15-mile radius of Philadelphia International Airport, excluding that airspace southeast of a line extending from lat. 39°32'50" N., long. 75°10'30" W., to lat. 40°00'00" N., long. 74°50'45" W., and Areas A, B, C, and D.

Area F. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Philadelphia International Airport, excluding that airspace southeast of a line extending through lat. 39°32'50" N., long. 75°10'30" W., and lat. 40°00'00" N., long. 74°50'45" W., and Areas A, B, C, D and E.

Pittsburgh, Pa., Terminal Control Area

Primary Airport
Greater Pittsburgh Airport (Latitude 40°29'37"N., Longitude 80°13'54"W.)

Boundaries. (Based on Latitude 40°29'12"N., Longitude 80°14'03"W.)

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa. (Greater Pittsburgh) Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of Latitude 40°29'12"N., Longitude 80°14'03"W., excluding Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10-mile and 12.5-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 076° bearing clockwise to the 106° bearing excluding Areas A and B; between the 10-mile and 12-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 117° bearing clockwise to the 147° bearing excluding Areas A and B; between the 10-mile and 14-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 259° bearing clockwise to the 288° bearing excluding Areas A and B.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Lat. 40°29'12"N., Long. 80°14'03"W., and between the 20-mile and 30-mile radii of Lat. 40°29'12"N., Long. 80°14'03"W., extending from the 076° bearing clockwise to the 106° bearing and from the 259° bearing clockwise to the 288° bearing; excluding Areas A, B and C.

AMENDMENTS 11/4/76 41 F.R. 37571 (Rewritten)

St. Louis, Mo., Terminal Control Area

Primary Airport
St. Louis International Airport (lat. 38°44'54" N., long. 90°21'47" W.).

Boundaries
Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the St. Louis International Airport ASR Antenna (lat. 38°44'25" N., long. 90°22'14" W.), excluding that airspace within a 2-mile radius of the Creve Coeur Airport (lat. 38°43'35" N., long. 90°30'35" W.).

Area B. That airspace extending upward from 2,000 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the St. Louis International Airport ASR Antenna excluding Area A previously described and the area within and underlying Area C hereinafter described.

St. Louis TCA continued on next page

GROUP II, TERMINAL CONTROL AREAS:

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna, and that area which lies south of the Foristell 097° radial which is contained within the 10-mile radius of the St. Louis International Airport ASR Antenna, excluding Areas A and B previously described, and the area within and underlying Area E hereinafter described.

Area D. That airspace extending upward from 4,500 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the St. Louis International Airport ASR Antenna excluding Areas A, B, and C previously described and Area E described hereinafter.

Area E. That airspace extending upward from 3,600 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna, bounded on the northwest by the Troy VORTAC 233° radial, and on the west by a line extending from lat. 38°35'00" N., long. 90°12'00" W., to lat. 38°10'00" N., long. 90°07'00" W.

AMENDMENTS 5/20/76 41 F. R. 12277 (Changed)

Seattle, Wash., Terminal Control Area

Primary Airport:
Seattle Tacoma International Airport (lat. 47°26'55" N., long. 122°18'28" W.).

Boundaries: (Based on Seattle VORTAC (SEA) (lat. 47°26'08" N., long. 122°18'30" W.) arcs, DME distances, and radials.)

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an area bounded by a line beginning at the 4-mile DME point on the SEA 012° radial thence south along the 012° radial to and clockwise along a 2-mile arc to and southeast along the 163° radial to and clockwise along a 5-mile arc to and north along the 192° radial to and clockwise along a 2-mile arc to and northwest along the 342° radial to and clockwise along a 4-mile arc to the point of beginning.

Area B. That airspace extending upward from 1,100 feet MSL to and including 7,000 feet MSL beginning at the 6-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 4-mile arc to and north along the 346° radial to and clockwise along a 6-mile arc to the point of beginning.

Area C. That airspace extending upward from 1,600 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 163° radial, thence south along the 163° radial to and clockwise along an 11-mile arc to and north along the 192° radial to and counterclockwise along the 5-mile arc to the point of beginning.

Area D. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 12-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 6-mile arc to and northwest along the 342° radial to and clockwise along the 12-mile arc to the point of beginning.

Area E. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 18-mile DME point on the SEA 007° radial, thence south along the 007° radial to and counterclockwise along a 12-mile arc to and southeast along the 342° radial to and clockwise along a 6-mile arc to and southeast along the 346° radial to and counterclockwise along a 4-mile arc to and southeast along the 342° radial to and counterclockwise along a 2-mile arc to and south along the 192° radial to and counterclockwise along an 11-mile arc to and northwest along the 163° radial to and counterclockwise along a 5-mile arc to and southeast along the 137° radial to and clockwise along a 15-mile arc to and north along the 185° radial to the 14-mile DME point, thence direct to the 15-mile DME point on the 257° radial, thence clockwise along a 15-mile arc to and northwest along the 312° radial to and clockwise along an 18-mile arc to the point of beginning, and that airspace within an area bounded by a line beginning at the 12-mile DME point on the 032° radial, thence southwest along the 032° radial to and counterclockwise along the 8-mile arc to and north along the 007° radial to and clockwise along the 12-mile arc to the point of beginning.

Area F. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 123° radial, thence southeast along the 123° radial to and clockwise along a 15-mile arc to and northwest along the 137° radial to and counterclockwise along a 15-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 15-mile DME point on the SEA 137° radial, thence southeast along the 137° radial to and clockwise along an 18-mile arc to and north along the 185° radial to and counterclockwise along a 15-mile arc to the point of beginning.

Area G. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 22-mile DME point on the SEA 032° radial, thence south along the 032° radial to and counterclockwise along a 12-mile arc to and north along the 007° radial to and counterclockwise along the 18-mile arc to and northwest along the 312° radial to and clockwise along the 22-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 15-mile DME point on the 123° radial, thence southeast along the 123° radial to and clockwise along an 18-mile arc to and northwest along the 137° radial to and counterclockwise along a 15-mile arc to the point of beginning.

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PART 73

SPECIAL USE AIRSPACE

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SUBPART B -- RESTRICTED AREAS

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73.63 Texas
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SUBPART C -- PROHIBITED AREAS

73.81 Applicability.
73.83 Restrictions.
73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

73.87 P-56, District of Columbia.

Subpart A -- General

§ 73.1 Applicability.

The airspace that is described in Subpart B and Subpart C of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.

(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level. Unless otherwise specified, the word "to" (an altitude or flight level) means "to and including" (that altitude or flight level).

(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.

(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B -- Restricted Areas

§ 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

§ 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of

(a) The using agency described in § 73.15; or

(b) The controlling agency described in § 73.17.

§ 73.15 Using agency.

(a) For the purposes of this subpart, the following are using agencies:

(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.

(2) [Reserved]

(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.

(c) The using agency shall --

(1) Schedule activities within the restricted area;

(2) Authorize transit through, or flight within, the restricted area as feasible; and

(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

§ 73.19 Reports by using agency.

(a) Each using agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Administration, Washington, D. C., 20591, on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.

(b) In its report under this section the using agency shall --

(1) State the name and number of the restricted area as published in this part;

(2) State the period covered by the report;

(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;

(4) State the time that daily operations are normally scheduled to begin and end;

(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;

(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;

(7) State whether or not radar is used during operations;

(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;

(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;

(10) Include a chart of the area (of optional scale and design) showing --

(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any), begins and ends, and the release point pullup point; and

(ii) The location of impact areas, if any;

(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;

(12) State the daily number of hours or nimutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;

(13) List the altitudes normally used for daily surface to surface firing operations;

(14) Include a chart of the area (of optional scale and design) showing --

(i) The location of firing points and impact areas, if any; and

(ii) The perimeter of the firing fan for each weapon used, if any; and

(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.

Subpart C -- Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.

Note: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.

§ 73.21 Alabama

R-2101 Anniston Army Depot, Ala.

Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.

Designated altitude. Surface to 5,000 feet MSL.

Time of designation. From 0700 to 1800 c.s.t., Monday through Friday.

Using agency. Commanding Officer, Anniston Army Depot.

R-2102 Fort McClellan, Ala.

Boundaries: Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to point of beginning.

Designated altitudes: Subarea A, surface to and including 8,000 feet MSL. Subarea B, from 8,000 feet MSL to and including 14,000 feet MSL. Subarea C, from 14,000 feet MSL to 24,000 feet MSL.

Time of use: Continuous.

Controlling agency: Federal Aviation Administration, Atlanta ARTC Center.

Using agency: Commanding Officer, Fort McClellan, Ala.

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

R-2104A Huntsville, Ala.

Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°33'58" N., longitude 86°37'50" W.; thence west along the Tennessee River to latitude 34°35'02" N., longitude 86°43'25" W.; to latitude 34°37'19" N., longitude 86°43'20" W.; to latitude 34°37'19" N., longitude 86°43'05" W.; to latitude 34°41'25" N., longitude 86°42'57" W.; to latitude 34°42'00" N., longitude 86°41'35" W.; to latitude 34°39'30" N., longitude 86°41'10" W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

R-2104B Huntsville, Ala.

Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°39'25" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°35'21" W.; to latitude 34°35'05" N., longitude 86°35'24" W.; thence west along the Tennessee River to latitude 34°33'58" N., longitude 86°37'50" W.; to the point of beginning.

Designated altitudes. Surface to 2,400 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

§ 73.22 Alaska

R-2202A Big Delta, Alaska
Boundaries. Beginning at latitude 64°14'45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning, excluding that airspace within R-2202B.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Anchorage ARTC Center.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

R-2202B Big Delta, Alaska
Boundaries. Beginning at latitude 64°07'30" N., longitude 146°27'30" W.; to latitude 64°02'30" N., longitude 146°11'30" W.; to latitude 63°53'00" N., longitude 146°24'30" W.; to latitude 63°57'00" N., longitude 146°41'00" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska

R-2203A Eagle River, Alaska
Boundaries. Beginning at latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

R-2203B Eagle River, Alaska
Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

R-2204 Shemya, Alaska.
Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5073rd Air Base Squadron, Shemya AFB, Alaska.

R-2205 Yukon, Alaska
Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of Designation. Continuous from April 1 through November 30; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Eielson Approach Control.
Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

AMENDMENTS 7/15/76 41 F. R. 20651 (Changed)

R-2206 Clear, Alaska
Boundaries: Beginning at latitude 64°19'46" N., longitude 149°10'08" W.; to latitude 64°19'46" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°10'05" W ; thence north, 100 feet west of and parallel to the Alaskan railroad to the point of beginning.
Designated altitudes: Surface to 8,800 feet MSL.
Time of designation: Continuous.
Using agency: Commander 13th Missile Warning Squadron, Clear, Alaska.

R-2211 Blair Lakes, Alaska

Boundaries. Beginning at latitude 64°33'00" N., longitude 147°45'00" W.; to latitude 64°04'00" N., longitude 146°49'00" W.; thence along the east bank of the Little Delta River to latitude 63°50'50" N., longitude 146°47'30" W.; to latitude 63°56'00" N., longitude 147°02'00" W.; to latitude 64°25'00" N., longitude 147°58'00" W.; to latitude 64°29'32" N., longitude 147°54'45" W.; to point of beginning.
Time of designation. Monday through Friday at the following local times: a. April through September 0900-1100; 1400-1700. b. October through March 0900-1200; 1400-1700.
Designated altitudes. a. North of an east/west line at latitude 64°20'00" N., surface to 18,000 feet MSL. b. South of an east/west line at latitude 64°20'00" N., 1,000 feet AGL to 7,500 feet MSL.
Controlling agency. Federal Aviation Administration, Eielson RAPCON.
Using agency. Alaskan Air Command.

§ 73.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 56'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning; excluding that airspace below 3,000 feet MSL, N of a line beginning at latitude 32°40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'40" W.; to latitude 32°37'40" N., longitude 114°09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°44'15" N., longitude 113°41'05" W.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 2400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

R-2303A Fort Huachuca, Ariz.
Boundaries: Beginning at latitude 31°40'40" N., longitude 110°11'00" W.; to latitude 31°34'00" N., longitude 110°08'30" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°41'30" W.; to latitude 31°34'00" N., longitude 110°43'30" W.; to latitude 31°38'30" N., longitude 110°42'00" W.; to latitude 31°38'30" N., longitude 110°39'30" W.; to latitude 31°41'00" N., longitude 110°33'30" W.; to latitude 31°41'00" N., longitude 110°12'00" W.; to point of beginning.
Designated altitudes: Surface to 15,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Headquarters, Fort Huachuca, Ariz.

R-2303B Fort Huachuca, Ariz.
Boundaries: Beginning at latitude 31°35'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°45'00" W.; to latitude 31°48'00" N., longitude 110°46'00" W.; to latitude 31°48'00" N., longitude 110°25'45" W.; to point of beginning.
Designated altitudes: 15,000 feet MSL to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Headquarters, Fort Huachuca, Ariz.

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R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°38'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation: Sunrise to 2400 local time, Monday through Friday.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Ariz.

R-2306A Yuma West, Ariz.
Boundaries: Beginning at latitude 33°00'00" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°34'00" W.; to latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°15'00" N., longitude 114°15'00" W.; thence south along Highway 95 to latitude 33°00'00" N., longitude 114°17'20" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding officer, Yuma Proving Ground, Yuma, Ariz.

R-2306B Yuma West, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; thence south along Highway 95 to latitude 33°15'00" N., longitude 114°15'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°28'00" N., longitude 114°28'00" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2306C Yuma West, Ariz.
Boundaries: Beginning at latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°23'00" N., longitude 114°34'37" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to point of beginning.
Designated altitudes: Surface to 17,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2307 Yuma, Ariz.

Boundaries. Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°-21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308A Yuma East, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°17'20" W.; thence north along Highway 95 to point of beginning.
Designated altitudes: 1,500 feet AGL to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308B Yuma East, Ariz.
Boundaries: Beginning at latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°02'00" N., longitude 113°39'04" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

§ 73.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at lat. 35°18'35" N., long. 94°11'48" W.; to lat. 35°18'10" N.; long. 94°16'30" W.; to lat. 35°16'06" N., long. 94°19'03" W.; to lat. 35°13'50" N., long. 94°15'00" W.; to lat. 35°13'50" N., long. 94°11'30" W.; to point of beginning.
Designated altitudes. Surface to and including 30,000 feet MSL.
Time of designation. Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of a NOTAM at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at lat. 35°17'51" N., long. 94°03'00" W.; to lat. 35°17'00" N., long. 94°03'00" W.; to lat. 35°17'00" N., long. 94°01'00" W.; to lat. 35°10'20" N., long. 94°01'00" W.; thence west along Arkansas State Highway No. 10 to lat. 35°11'33" N., long. 94°12'00" W.; to lat. 35°18'10" N., long. 94°12'24" W.; to lat. 35°18'12" N., long. 94°09'51" W.; thence east along Arkansas State Highway No. 22 to point of beginning.
Designated altitudes. Surface to and including 30,000 feet MSL.
Time of designation. Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of NOTAM at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2403A Little Rock, Ark.

Boundaries. Beginning at lat. 34°57'00" N., long. 92°15'00" W.; to lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to lat. 34°57'00" N., long. 92°19'30" W.; to point of beginning.
Designated altitudes. Surface to 16,000 feet MSL.
Time of designation. Daily 0700 to 2100 May 1 through August 31, to be activated by NOTAM 48 hours in advance. Other times, 0700 Saturday to 1700 Sunday, September 1 through April 30, to be activated by NOTAM at least 24 hours in advance. All times local.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Arkansas Army National Guard.

R-2403B Little Rock, Ark.

Boundaries. Beginning at lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°19'30" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to point of beginning.
Designated altitudes. Surface to 16,000 feet MSL.
Time of designation. Daily 0700 to 2100 1 May through 31 August, to be activated by NOTAM 48 hours in advance stating period of activation. Other times, 0700 Saturday to 1700 Sunday, 1 September through 30 April, to be activated by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Arkansas Army National Guard.

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§ 73.25 California

R-2501N Bullion Mountains North, Calif.
Boundaries. Beginning at latitude 34°43'00" N., longitude 116°26'20" W.; to latitude 34°43'00" N., longitude 116°17'00" W.; to latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°33'12" N., longitude 116°15'30" W.; to latitude 34°34'37" N., longitude 116°20'43" W.; to latitude 34°35'40" N., longitude 116°22'52" W.; to latitude 34°35'40" N., longitude 116°28'15" W.; to latitude 34°40'30" N., longitude 116°29'40" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501S Bullion Mountains South, Calif.
Boundaries. Beginning at Lat. 34°21'40"N., Long. 116°21'33"W.; to Lat. 34°27'50"N., Long. 116°09'40"W.; to Lat. 34°27'15"N., Long. 116°04'07"W.; to Lat. 34°14'00"N., Long. 115°55'40"W.; to Lat. 34°14'00"N., Long. 116°17'00"W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

AMENDMENTS 11/4/76 41 F.R. 37101 (Changed)

R-2501E Bullion Mountains East, Calif.
Boundaries. Beginning at latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°41'00" N., longitude 116°03'00" W.; to latitude 34°35'30" N., longitude 115°58'00" W.; to latitude 34°33'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°55'40" W.; to latitude 34°27'15" N., longtiude 116°04'07" W.; to latitude 34°27'50" N., longitude 116°09'40" W.; to latitude 34°33'12" N., longitude 116°15'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General Marine Corps Base, Twentynine Palms, Calif.

R-2501W Bullion Mountains West, Calif.
Boundaries. Beginning at Lat. 34°21'40"N., Long. 116°21'33"W.; to Lat. 34°30'00"N., Long. 116°26'30"W.; to Lat. 34°35'40"N., Long. 116°28'15"W.; to Lat. 34°35'40"N., Long. 116°22'52"W.; to Lat. 34°34'37"N., Long. 116°20'43"W.; to Lat. 34°33'12"N., Long. 116°15'30"W.; to Lat. 34°27'50"N., Long. 116°09'40"W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

AMENDMENTS 11/4/76 41 F.R. 37101 (Added)

R-2502N Fort Irwin, CA.

Boundaries. Beginning at latitude 35°37'45" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°23'30" W.; to latitude 35°28'35" N., longitude 116°18'45" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°10'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°55'20" W.; to latitude 35°37'45" N., longitude 116°55'20" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles, ARTC Center.
Using agency. Commander, Fort Irwin, Calif.

R-2502E Fort Irwin, CA.

Boundaries. Beginning at latitude 35°28'35" N., longitude 116°18'45" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°07'00" N., longitude 116°34'00" W.; to latitude 35°07'00" N., longitude 116°47'45" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles, ARTC Center.
Using agency. Commander, Fort Irwin, Calif.

R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117°29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

R-2504 Camp Roberts, Calif.

Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 46' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. 0600 to 2400 P.s.t., daily.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Camp Roberts, Calif.

R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117°25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Weapons Center, China Lake, Calif.

R-2506 China Lake South, Calif.
Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Weapons Center, China Lake, Calif.

R-2507 Chocolate Mountains, California

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°26'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115°17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09'58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°21'30" N., longitude 115°32'55" W.; to latitude 33°23'40" N., longitude 115°33'20" W., to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116°23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Weapons Center, China Lake, Calif.

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R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117° 16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, George AFB, Calif.

R-2510 El Centro, Calif.

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°55'35" N., longitude 115°40'15" W.; to latitude 32°53'45" N., longitude 115°40'15" W.; thence counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50"N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 500.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2511 Fort Ord, California

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Monterey Approach Control
Using agency. Commanding General, Fort Ord, California.

R-2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115° 13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, U.S. Marine Corps Air Station, Yuma, Ariz.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

R-2513 Hunter-Liggett, Calif.

From latitude 36°03'43" N., longitude 121°22'38" W., to latitude 36°02'45" N., longitude 121°17'45" W., to latitude 35°59'18" N., longitude 121°13'30" W., to latitude 35°56'45" N., longitude 121°09'45" W., to latitude 35°55'20" N., longitude 121°05'45" W., to latitude 35°48'17" N., longitude 121°10'53" W., to latitude 35°51'02" N., longitude 121°16'15" W., to latitude 35°51'02" N., longitude 121°17'20" W., to latitude 35°58'10" N., longitude 121°23'40" W., to latitude 35°58'10" N., longitude 121°21'40" W., to latitude 36°02'12" N., longitude 121°24'40" W., to the point of beginning.
Designated altitudes. Surface to FL 240.
Time of designation. Continuous.
Controlling agency. FAA, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries: Beginning at latitude 34°59'32" N., longitude 120°41'50" W.; to latitude 34°53'30" N., longitude 120°33'20" W.; to latitude 34°50'15" N., longitude 120°31'30" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Using agency: HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg, AFB, Calif.

R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg AFB, Calif.

R-2518 Castle Rock, Calif.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to 2000 local time.
Using agency. Commanding Officer, Fleet Air Control and Surveillance Facility, San Diego, Calif.

R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes: Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using Agency. Commanding Officer, Naval Air Facility, El Centro, Calif.

R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Weapons Center, China Lake, Calif.

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R-2529 Fort Ord West, California

Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 55" W.; to latitude 36° 38' 15" N., longitude 121° 51' 45" W.; to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.
Controlling agency. Federal Aviation Administration, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

R-2530 Sierra Army Depot, Calif.

Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 06" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.
Designated altitudes. Surface to 8,600 feet MSL.
Time of designation. 0800 to 1800 p.s.t., Monday through Friday.
Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.

R-2531 Tracy, Calif.

Boundaries. Beginning at latitude 37°40'34" N., longitude 121°33'42" W.; to latitude 37°40'45" N., longitude 121°31'29" W.; to latitude 37°39'28" N., longitude 121°30'28" W.; to latitude 37°39'50" N., longitude 121°31'05" W.; to latitude 37°39'03" N., longitude 121°34'03" W.; thence to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 1000 to 1800, local time, Monday through Friday.
Using agency. United States Energy Research and Development Administration, San Francisco Operations Office.

R-2533 Oceanside, Calif.

Boundaries: Beginning at latitude 33°27'48" N., longitude 117°33'15" W.; thence to latitude 33°18'20" N., longitude 117°21'48" W.; thence to latitude 33°17'30" N., longitude 117°16'40" W.; thence to latitude 33°13'20" N., longitude 117°29'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 33°22'30" N., longitude 117°39'45" W.; thence to the point of beginning.
Designated altitudes: Surface to 2,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, El Toro RATCF
Using agency: Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

R-2534A Point Arguello, Calif.

Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°35'45" N., longitude 120°28'10" W.; to latitude 34°36'20" N., longitude 120°27'20" W.; to latitude 34°30'00" N., longitude 120°15'30" W.; to latitude 34°25'10" N., longitude 120°15'30" W.; thence 3 miles from and parallel to the shoreline to latitude 34°24'40" N., longitude 120°19'10" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg AFB, Calif.

R-2534B Point Arguello, Calif.
Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°24'40" N., longitude 120°19'10" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: HQ, Space and Missile Test Center, (SAMTEC) ROSF, Vandenberg, AFB, Calif.

§ 73.26 Colorado

R-2601 Fort Carson, Colo.
Boundaries: Beginning at lat. 38°38'19" N., long. 104°52'00" W.; thence northeasterly along Colorado Highway No. 115 to lat. 38°42'40" N., long. 104°49'04" W.; to lat. 38°41'20" N., long. 104°47'00" W.; to lat. 38°40'15" N., long. 104°46'20" W.; to lat. 38°40'00" N., long. 104°45'40" W.; to lat. 38°32'06" N., long. 104°45'00" W.; to lat. 38°32'06" N., long. 104°49'18" W.; to lat. 38°36'20" N., long. 104°52'00" W.; to the point of beginning.
Designated altitudes: Surface to 35,000 feet MSL; 35,000 feet MSL to 60,000 feet MSL, by NOTAM issued 24 hours in advance.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2602 Fort Carson, Colo.
Boundaries: Beginning at Lat. 38°38'19" N., Long. 104°52'00" W.; thence to Lat. 38°36'20" N., Long. 104°52'00" W.; to Lat. 38°32'06" N., Long. 104°49'18" W.; to Lat. 38°32'06" N., Long. 104°45'00" W.; to Lat. 38°25'35" N., Long. 104°45'00" W.; to Lat. 38°25'35" N., Long. 104°49'00" W.; to Lat. 38°26'10" N., Long. 104°49'00" W.; to Lat. 38°26'10" N., Long. 104°57'13" W.; to Lat. 38°32'58" N., Long. 104°57'00" W.; thence northeast along Colorado Highway Number 115 to point of beginning.
Designated altitudes: Surface to and including 35,000 feet MSL; 35,000 feet MSL to and including 60,000 feet MSL, by NOTAM issued 24 hours in advance.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

§ 73.27 Connecticut

§ 73.28 Delaware

§ 73.29 Florida

R-2901A Avon Park, Fla.

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27°44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.
Designated altitudes. Surface to FL 180, inclusive.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901B Avon Park, Fla.

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27°44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.
Designated altitudes. From FL 180 to FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901C Avon Park, Fla.

Boundaries. That area bounded on the east by long. 81°14'00" W., on the south by lat. 27°44'45" N., on the west by long. 81°21'00" W., and on the north by Florida State routes 60 and 630.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

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R-2901D Avon Park, Fla.

Boundaries. Beginning at lat. 28°00'00" N., long. 81°21'00" W.; to lat. 28°00'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°21'00" W.; to point of beginning.
Designated altitudes. 1,000 feet MSL to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901E Avon Park, Fla.

Boundaries. Beginning at lat. 27°32'40" N., long. 81°15'30" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; to lat. 27°26'30" N., long. 81°12'00" W.; to point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901F Avon Park, Fla.

Boundaries. Beginning at lat. 27°26'30" N., long. 81°12'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; to lat. 27°21'00" N., long. 81°00'00" W., to lat. 27°16'45" N., long. 81°06'00" W.; to point of beginning. long. 81°06'00" W.; to point of beginning.
Designated altitudes. 1,000 feet MSL to 4,000 feet MSL northeast of a line extending from lat. 27°21'00" N., long. 81°00'00" W.; 1,500 feet MSL to 4,000 feet MSL southwest of above described line.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901G Avon Park, Fla.

Boundaries. That area bounded on the north by lat. 27°50'00" N., on the east by long. 81°14'00" W., on the south by Florida State highways 630 and 60, and on the west by long. 81°21'00" W.
Designated altitudes. 500 feet MSL to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2903A Jacksonville, Fla.

Boundaries: Beginning at latitude 30°15'30" N., longitude 81°43'25" W.; clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W.; to latitude 30°11'25" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°02'00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to latitude 30°15'30" N., longitude 81°50'00" W.; to point of beginning.
Designated altitudes: Surface to and including 10,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903B Stevens Lake, Fla.

Boundaries: Within a 5 nautical mile radius of lat. 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by lat. 29°53'45" N., long. 82°04'50" W.; lat. 29°52'35" N., long. 82°02'00" W.; lat. 29°50'27" N., long. 82°00'00" W.; lat. 29°48'30" N., long. 81°57'00" W.; with a southeast extension beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to the point of beginning; and a northeast extension beginning at lat. 29°59'50" N., long. 81°57'40" W.; to lat. 29°56'45" N., long. 81°53'15" W.; to lat. 29°55'30" N., long. 81°54'10" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to lat. 29°58'10" N., long. 81°59'10" W.; to point of beginning.
Designated altitudes: Within the circular area, surface to FL 230; within the southeast extension, surface to 7,000 feet MSL in the area beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to point of beginning. Surface to 5,000 feet MSL in the area beginning at lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°51'10" N., long. 81°51'00" W.; within the northeast extension, surface to 7,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Department of Army Affairs, State of Fla., St. Augustine, Fla.

AMENDMENTS 1/29/76 41 F. R. 1583 (Changed)

R-2903C Putnam, Fla.
Boundaries: A circle with a 5 nautical mile radius centered at lat. 29°47'00" N., long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2905A Tyndall AFB, Fla.
Boundaries. Beginning at lat. 30°01'30"N., long. 85°32'30"W., to lat. 30°01'15"N., long. 85°30'00"W., to lat. 29°56'00"N., long. 85°33'00"W., thence 3 nautical miles from and parallel to the shoreline to lat. 29°59'00"N., long. 85°36'30"W. to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Intermittent, as announced by NOTAM, for periods of approximately 10 minutes during launch or recovery.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Air Defense Weapons Center, Tyndall AFB, Fla.

AMENDMENTS 7/15/76 41 F. R. 20651 (Added)

R-2905B Tyndall AFB, Fla.
Boundaries. Beginning at lat. 30°01'15"N., long. 85°30'00"W., to lat. 30°01'00"N., long. 85°27'00"W., to lat. 29°54'00"N., long. 85°27'00"W., thence 3 nautical miles from and parallel to the shoreline to lat. 29°56'00"N., long. 85°33'00"W., to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Intermittent, as announced by NOTAM, for periods of approximately 10 minutes during launch or recovery.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Air Defense Weapons Center, Tyndall, AFB, Fla.

AMENDMENTS 7/15/76 41 F. R. 20651 (Added)

R-2906 Rodman, Fla.
Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2907 Lake George, Fla.
Subarea A
Boundaries: Beginning at latitude 29°23'00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'11" N., longitude 81°35'15" W.; to point of beginning.
Designated altitudes: Surface to FL 230.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Jacksonville Operating Area Coordination Center (JOACC), NAS Jacksonville, Fla.

Subarea B
Boundaries: Beginning at latitude 29°20'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'50" W.; to latitude 29°20'05" N., longitude 81°51'50" W.; to point of beginning.
Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Jacksonville Operating Area Coordination Center (JOACC), NAS Jacksonville, Fla.

AMENDMENTS 3/4/76 41 F. R. 9302 (Changed)

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. FAA, Pensacola RATCF.
Using agency. Commander, Training Air Wing SIX, Naval Air Station, Pensacola, Fla.

AMENDMENTS 4/5/76 41 F. R. 14366 (Changed)

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R-2910 Pinecastle, Fla.

Boundaries: A circle withi a 5-nautical mile radius centered at latitude 29°06'52" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'05" N., longitude 81°38'50" W.; to latitude 28°57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 29°03'05" N., longitude 81°47'00" W.
Designated altitudes: Surface to FL 230 within the 5-nautical mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2914A Valparaiso, Fla.
Boundaries: Beginning at lat. 30°43'15" N., long. 86°25'00" W.; to lat. 30°43'45" N., long. 86°10'30" W.; to lat. 30°41'00" N., long. 86°05'10" W.; to lat. 30°24'00" N., long. 85°56'00" W.; to lat. 30°19'15" N., long. 85°56'00" W.; to lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°30'45" N., long. 86°25'00" W.; thence to point of beginning.
Designated altitudes: Surface to unlimited, excluding that airspace within R-2917.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2914B Valparaiso, Fla.
Boundaries: Beginning at lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°19'15" N., long. 85°56'00" W.; to lat. 30°11'00" N., long. 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°15'00" N., long. 86°06'51" W.; to point of beginning.
Designated altitudes: 8,500 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2915A Eglin AFB, Fla.
Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.;to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2915B Eglin AFB, Fla.
Boundaries. Beginning at lat. 30°26'30" N., long. 86°51'30" W.; to lat. 30°29'01" N., long. 86°38'02" W.; to lat. 30°23'45" N., long. 86°38'15" W.; thence along the shoreline to lat. 30°23'00" N., long. 86°51'30" W.; to lat. 30°24'20" N., long. 86°48'00" W.; to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2915C Eglin AFB, Fla.
Boundaries. Beginning at lat. 30°23'00" N., long. 86°51'30" W.; thence along the shoreline to lat. 30°23'45" N., long. 86°38'15" W.; to lat. 30°20'50" N., long. 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°19'30" N., long. 86°51'30" W.; to point of beginning.
Designated altitudes. 8,500 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC) Eglin AFB, Fla.

R-2916 Cudjoe Key, Fla.

Boundaries. A circular area 4 statute miles in diameter centered at latitude 24°42'01" N., longitude 81°30'30" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. USAF, 20th Air Division.

R-2917 DeFuniak Springs, Fla.
Boundaries: A circle with a 1½-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitude: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Armament Development and Test Center (DTC), Eglin AFB, Fla.

R-2918 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°43'10" N., longitude 86°27'37" W., to latitude 30°43'15" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°27'37" W., to point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

R-2919A Valparaiso, Fla.
Boundaries. Beginning at lat. 30°30'45" N., long. 86°25'00" W.; to lat. 30°23'20" N., long. 86°08'10" W.; to lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°25'00" N., long. 86°22'26" W.; to lat. 30°25'00" N., long. 86°25'00" W.; to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2919B Valparaiso, Fla.
Boundaries. Beginning at lat. 30°25'00" N., long. 86°22'26" W.; to lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°15'00" N., long. 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°19'45" N., long. 86°23'45" W.; to point of beginning.
Designated altitudes. 8,500 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2921 Cape Kennedy, Fla.
Boundaries. Beginning at Lat. 28°41'40"N., Long. 80°35'00"W.; to Lat. 28°38'00"N., Long. 80°47'02"W.; to Lat. 28°45'00"N., Long 80°37'50"W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.
AMENDMENTS 11/4/76 41 F.R. 38763 (Added)

R-2922 Cape Kennedy, Fla.
Boundaries. Beginning at Lat. 28°38'00"N., Long. 80°47'02W.; to Lat. 28°40'00"N., Long. 80°40'28"W.; to Lat. 28°34'00"N., Long. 80°35'45"W.; to Lat. 28°24'30"N., Long. 80°38'00"W.; to Lat. 28°24'30"N., Long. 80°41'45"W.; to Lat. 28°30'30"N., Long. 80°43'30"W.; to Lat. 28°37'35"N., Long. 80°46'50"W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.
AMENDMENTS 11/4/76 41 F.R. 38763 (Added)

R-2923 Cape Kennedy, Fla.
Boundaries. Beginning at Lat. 28°40'00"N., Long. 80°40'28"W.; to Lat. 28°41'40"N., Long. 80°35'00"W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00"N., Long. 80°29'05"W.; to Lat. 28°30'00"N., Long. 80°36'42"W.; to Lat. 28°34'00"N., Long. 80°35'45"W.; to point of beginning.
Designated altitudes. Surface to 5000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.
AMENDMENTS 11/4/76 41 F.R. 38763 (Added)

R-2924 Cape Kennedy, Fla.
Boundaries. Beginning at Lat. 28°24'30"N., Long. 80°38'00"W.; to Lat. 28°24'30"N., Long. 80°30'30"W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00"N., Long. 80°29'05"W.; to Lat. 28°30'00"N., Long. 80°36'42"W.; to point of beginning.
Designated altitudes. Surface to 5000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.
AMENDMENTS 11/4/76 41 F.R. 38763 (Added)

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R-2925 Cape Kennedy, Fla.
Boundaries. Beginning at Lat. 28°40'00"N., Long. 80°40'28"W.; to Lat. 28°41'40"N., Long. 80°35'00"W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°24'30"N., Long. 80°30'30"W.; to Lat. 28°24'30"N., Long. 80°38'00"W.; to Lat. 28°34'00"N., Long. 80°35'45"W.; to point of beginning.
Designated altitudes. 5000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

AMENDMENTS 11/4/76 41 F.R. 38763 (Added)

§ 73.30 Georgia

R-3002A Fort Benning, Ga.
Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence along the Central of Georgia Railroad to lat. 32°20'54" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°53'10" W.; thence along the Chattahoochee River to lat. 32°14'40" N., long. 84°55'30" W.; to lat. 32°14'40" N., long. 84°58'42" W.; to lat. 32°20'15" N., long. 84°58' 42" W.; thence along the north side of Dixie Road to lat. 32°21'10" N., long. 84°56'45" W.; to lat. 32°22'30" N., long. 84°56'45" W.; thence along Upatoi Creek to lat. 32°24'00" N., long. 84°53'30" W.; to lat. 32°29'17" N., long. 84°52'32" W.; to lat. 32°29'17" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°52'21" W.; to lat. 32°30'50" N., long. 84°52'15" W.; thence along the Central of Georgia Railroad to point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3002B Fort Benning, Ga.
Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence along the Central of Georgia Railroad to lat. 32°20'54" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°53'10" W.; thence along the Chattahoochee River to lat. 32°14'40" N., long. 84°55'30" W.; to lat. 32°14'40" N., long. 84°58'42" W.; to lat. 32°20'15" N., long. 84°58' 42" W.; thence along the north side of Dixie Road to lat. 32°21'10" N., long. 84°56'45" W.; to lat. 32°22'30" N., long. 84°56'45" W.; thence along Upatoi Creek to lat. 32°24'00" N., long. 84°53'30" W.; to lat. 32°29'17" N., long. 84°52'32" W.; to lat. 32°29'17" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°52'21" W.; to lat. 32°30'50" N., long. 84°52'15" W.; thence along the Central of Georgia Railroad to point of beginning.
Designated altitudes. 4,000 feet MSL to 8,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3002C Fort Benning, Ga.
Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence along the Central of Georgia Railroad to lat. 32°20'54" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°47'20" W.; to lat. 32°15'25" N., long. 84°53'10" W.; thence along the Chattahoochee River to lat. 32°14'40" N., long. 84°55'30" W.; to lat. 32°14'40" N., long. 84°58'42" W.; to lat. 32°20'15" N., long. 84°58' 42" W.; thence along the north side of Dixie Road to lat. 32°21'10" N., long. 84°56'45" W.; to lat. 32°22'30" N., long. 84°56'45" W.; thence along Upatoi Creek to lat. 32°24'00" N., long. 84°53'30" W.; to lat. 32°29'17" N., long. 84°52'32" W.; to lat. 32°29'17" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°51'35" W.; to lat. 32°30'19" N., long. 84°52'21" W.; to lat. 32°30'50" N., long. 84°52'15" W.; thence along the Central of Georgia Railroad to point of beginning.
Designated altitudes. 8,000 feet MSL to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3002D Fort Benning, Ga.
Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; thence along the Central of Georgia Railroad to lat. 32°32'10" N., long. 84°40'40" W.; to lat. 32°31'20" N., long. 84°40'20" W.; thence along Upatoi Creek to lat. 32°31'46" N., long. 84°39'25" W.; to lat. 32°18'30" N., long. 84°39'25" W.; to lat. 32°18'55" N., long. long. 84°41'45" W.; thence northwest to point of beginning.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3002E Fort Benning, Ga.
Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; thence along the Central of Georgia Railroad to lat. 32°32'10" N., long. 84°40'40" W.; to lat. 32°31'20" N., long. 84°40'20" W.; thence along Upatoi Creek to lat. 32°31'46" N., long. 84°39'25" W.; to lat. 32°18'30" N., long. 84°39'25" W.; to lat. 32°18'55" N.. long. 84°41'45" W.; thence northwest to point of beginning.
Designated altitudes. 8,000 feet MSL to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, ATC Tower, Columbus, Ga.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3002F Fort Benning, Ga.
Boundaries. Beginning at lat. 32°31'46" N., long. 84°51'13" W.; thence along the Central of Georgia Railroad to lat. 32°32'10" N., long. 84°40'40" W.; to lat. 32°31'20" N., long. 84°40'20" W.; thence along Upatoi Creek to lat. 32°31'46" N., long. 84°39'25" W.; to lat. 32°18'30" N., long. 84°39'25" W.; to lat. 32°18'55" N., long. 84°41'45" W.; thence northwest to point of beginning.
Designated altitudes. 14,000 feet MSL to FL 250.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3003 Fort Gordon, Ga.
Boundaries. Beginning at latitude 33°23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°08'18" W.; to latitude 33°21'35" N., longitude 82°09'10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.
Designated altitude. Surface to 4,000 feet MSL.
Time of designation. 0730 to 1700 local time, Monday through Sunday and at other times when published by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Augusta, Ga., ATC Tower.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3004 Fort Gordon. Ga.

Boundaries. Beginning at latitude 33°21'53" N., longitude 82°12'15" W.; to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°16'20" N., longitude 82°18'00" W.; to latitude 33°17'29" N., longitude 82°23'00" W.: to latitude 33°21'15" N., longitude 82°18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.
Designated altitudes. Surface to 17,000 feet MSL.
Time of designation. As published by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3005A Fort Stewart, Ga.
Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W.; to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°56'30" N., longitude 81°30'00" W.; thence along the arc of a 5-mile circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'48" N., longitude 81°30'42" W.; thence SW along Georgia Highway 144 to latitude 31°53'11" N., longitude 81°37'51" W.: to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005B Fort Stewart. Ga.

Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°54'03" N., longitude 81°28'45" W.; thence along the arc of a 5-statute-mile-radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'30" N., longitude 81°30'00" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005C Fort Stewart, Ga.
Boundaries. Beginning at latitude 31°54'03" N., longitude 81°28'45" W.; to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°53'11" N., longitude 81°37'51" W.: thence NE along Georgia Highway 144 to latitude 31°56'48" N., longitude 81°30'42" W.; thence along the arc of a 5-mile radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W., to the point of beginning.
Designated altitudes. Surface to 3,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

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§ 73.31 Hawaii

R-3101 PMRFAC FOUR, Hawaii

SUBAREA A
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Combined Station/Tower
Using agency: Commanding Officer, Pacific Missile Range Facility, Hawaii (COPMRFAC HAWAII).

SUBAREA B
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: 5,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu ARTC Center.
Using agency: Commanding Officer, Pacific Missile Range Facility, Hawaii (COPMRFAC HAWAII).

R-3103 Humuula, Hawaii
Boundaries. Beginning at latitude 19°48'25" N., longitude 155°37'30" W.; thence to latitude 19°43'30" N., longitude 155°29'20" W.; thence to latitude 19°35'00" N., longitude 155°34'30" W.; thence to latitude 19°35'00" N., longitude 155°40'25" W.; thence to latitude 19°40'15" N., longitude 155°43'45" W.; thence to latitude 19°46'40" N., longitude 155°42'20" W.; to the point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Hilo Combined Station/Tower.
Using agency. Commanding General, U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3104A Island of Kahoolawe, Hawaii

Boundaries. Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: Surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

R-3104B Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: 10,000 feet MSL to FL 180.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

R-3104C Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: FL 180 to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

R-3107A Kaula Rock, Hawaii

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.
Designated altitudes: Surface to FL 180
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

R-3107B Kaula Rock, Hawaii

Boundaries: A circular area with a 3-nautical-mile radius centered at latitude 21°39'30" N., longitude 160°32'30" W.
Designated altitudes: FL 180 to FL 300
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Training Group Pearl Harbor (COMFLETRAGRU PEARL).

R-3109A Schofield-Makua, Oahu, Hawaii
Beginning at latitude 21°30'29" N., longitude 158°04'09" W.; to latitude 21°29'25" N., longitude 158°05'00" W.; to latitude 21°27'28" N., longitude 158°05'55" W.; to latitude 21°29'11" N., longitude 158°07'35" W.; to latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to latitude 21°32'14" N., longitude 158°05'12" W.; to point of beginning.
Designated altitudes: The area southeast of a line between latitude 21°28'35" N., longitude 158°07'00" W.; and latitude 21°29'25" N., longitude 158°05'00" W.; surface to 8,000 feet MSL. The area northwest of this line, surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3109B Schofield-Makua, Oahu, Hawaii
Beginning at latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'30" N., longitude 158°14'30" W.; to latitude 21°33'15" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°13'15" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to point of beginning.
Designated altitudes: Surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3120 PMRFAC Five, Hawaii
Boundaries: Beginning at latitude 21°58'30" N., longitude 159°48'55" W., thence to latitude 21°58'25" N., longitude 159°43'35" W., thence southeasterly along the shoreline of the Island of Kauai to latitude 21°57'45" N., longitude 159°42'00" W., thence to latitude 21°54'45" N., longitude 159°42'00" W., thence clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Combined Station/Tower
Using agency: Commanding Officer, Pacific Missile Range Facility Hawaii (COPMRFAC HAWAII).

§ 73.32 Idaho

R-3202 Saylor Creek, Idaho

SUBAREA A
Boundaries. Beginning at latitude 42°53'00" N., longitude 115°42'20" W.; to latitude 42°53'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°42'20" W.; to point of beginning.
Designated altitudes. Surface to flight level 180.
Time of designation. 0700 to 0100 local time, Monday through Friday.
Controlling agency. FAA, Salt Lake City ARTC Center.
Using agency. Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

SUBAREA B
Boundaries. Beginning at latitude 42°36'00" N., longitude 115°37'00" W.; to latitude 42°36'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. 0700 to 0100 local time, Monday through Friday.
Controlling agency. FAA, Salt Lake City ARTC Center.
Using agency. Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

SUBAREA C
Boundaries. Beginning at latitude 42°33'00" N., longitude 115°37'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0700 to 0100 local time, Monday through Friday.
Controlling agency. FAA, Salt Lake City ARTC Center.
Using agency. Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

AMENDMENTS 9/9/76 41 F. R. 29097 (Changed)

§ 73.33 Illinois

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered on latitude 42°13'59" N., longitude 90°21'43" W.
Designated altitudes. Surface to 2,300 feet MSL.
Time of designation. 0800 to 2200 c.s.t.
Using agency. Commanding Officer, Ordnance Depot, Savanna, Ill.

§ 73.34 Indiana

R-3401A Atterbury Reserve Forces Training Area, Ind.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Adjutant General, State of Indiana, Indianapolis, IN.

R-3401B Atterbury Reserve Forces Training Area, Ind.

Boundaries. Beginning at lat. 39°22'00" N., long. 86°06'40" W.; to lat. 39°22'00" N., long. 85°59'30" W.; to lat. 39°21'30" N., long. 85°59'30" W.; to lat. 39°21'30" N., long. 86°06'00" W.; to lat. 39°13'00" N., long. 86°06'00" W.; to lat. 39°13'00" N., long. 85°59'30" W.; to lat. 39°12'30" N., long. 86°09'50" W.; to lat. 39°19'00" N., long. 86°11'20" W.; to point of beginning.
Designated altitude. 1200 feet AGL to and including 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Adjutant General, State of Indiana, Indianapolis, Ind.

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. Daily, 0800 to 2300 local time.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

R-3404 Crane, IN.

Boundaries. A circular area 1 nautical mile in diameter, centered on latitude 38°49'18" N., longitude 86°50'03" W.
Designated altitudes. Surface to 1,800 feet MSL.
Time of designation. Sunrise to Sunset.
Controlling agency. Federal Aviation Administration, Terre Haute Flight Service Station.
Using agency. Commanding Officer, Naval Ammunition Depot, Crane, IN.

§ 73.35 Iowa

§ 73.36 Kansas

R-3601A Brookville, Kans.
Boundaries. Beginning at latitude 38°45'20" N., longitude 97°46'00" W.; to latitude 38°39'45" N., longitude 97°46'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to latitude 38°45'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to FL 180.
Time of designation. Sunrise to 2400 hours c.s.t., Tuesday through Saturday; sunrise to sunset Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, Kansas ANG, McConnell AFB, Kans.

R-3601B Brookville, Kans.
Boundaries. Beginning at latitude 38°38'20" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°56'00" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to 6,500 feet MSL.
Time of designation. Sunrise to 2400 hours c.s.t., Tuesday through Saturday; sunrise to sunset Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, Kansas ANG, McConnell AFB, Kans.

R-3602 Manhattan, Kans.
Subarea A
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'58" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U. S. Highway No. 77 to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

Subarea B
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence south along U. S. Highway No. 77 to latitude 39°07'54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

§ 73.37 Kentucky

R-3701A Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°39'00"N., long. 87°32'30"W., to lat. 36°39'15"N., long. 87°30'12"W., to lat. 36°39'30"N., long. 87°29'45"W., to Lat. 36°39'30"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'00"N., long. 87°32'22"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'19"N., long. 87°34'13"W., thence to point of beginning.
Altitudes. Surface to and including 5,000 feet MSL.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3701B Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°39'00"N., long. 87°32'30"W., to lat. 36°39'15"N., long. 87°30'12"W., to lat. 36°39'30"N., long. 87°29'45"W., to lat. 36°39'30"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'00"N., long. 87°32'22"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'19"N., long. 87°34'13"W., thence to point of beginning.
Altitudes. 5,000 feet MSL to and including 10,000 feet MSL.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3701C Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°39'00"N., long. 87°32'30"W., to lat. 36°39'15"N., long. 87°30'12"W., to lat. 36°39'30"N., long. 87°29'45"W., to lat. 36°39'30"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'00"N., long. 87°32'22"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'19"N., long. 87°34'13"W., thence to point of beginning.
Altitudes. 10,000 feet MSL to and including FL 180.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

AMENDMENTS 7/15/76 41 F. R. 29095 (Added)

R-3702A Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°43'30"N., long. 87°48'15"W., to lat. 36°43'30"N., long. 87°43'00"W., to lat. 36°42'00"N., long. 87°40'30"W., to lat. 36°39'00"N., long. 87°40'00"W., to lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°38'19"N., long. 87°34'13"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'00"N., long. 87°32'32"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°32'00"N., long. 87°32'30"W., to lat. 36°32'00"N., long. 87°35'00"W., to lat. 36°33'30"N., long. 87°42'30"W., to lat. 36°35'30"N., long. 87°45'00"W., to lat. 36°37'30"N., long. 87°48'15"W., thence to point of beginning.
Altitudes. Surface to and including FL 220.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3702B Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°43'30"N., long. 87°48'15"W., to lat. 36°43'30"N., long. 87°43'00"W., to lat. 36°42'00"N., long. 87°40'30"W., to lat. 36°39'00"N., long. 87°40'00"W., to lat. 36°39'00"N., long. 87°34'13"W., to lat. 36°38'19"N., long. 87°34'13"W., to lat. 36°38'21"N., long. 87°32'42"W., to lat. 36°38'00"N., long. 87°32'32"W., to lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°32'00"N., long. 87°32'30"W., to lat. 36°32'00"N., long. 87°35'00"W., to lat. 36°33'30"N., long. 87°42'30"W., to lat. 36°35'30"N., long. 87°45'00"W., to lat. 36°37'30"N., long. 87°48'15"W., thence to point of beginning.
Altitudes. FL 220 to and including FL 270.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.
AMENDMENTS 7/15/76 41 F. R. 29095 (Rewritten)

R-3703A Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°29'50"W., to lat. 36°34'00"N., long. 87°29'50"W., to lat. 36°32'00"N., long. 87°32'30"W., thence to point of beginning.
Altitudes. Surface to and including 5,000 feet MSL.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3703B Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°29'50"W., to lat. 36°34'00"N., long. 87°29'50"W., to lat. 36°32'00"N., long. 87°32'30"W., thence to point of beginning.
Altitudes. 5,000 feet MSL to and including 10,000 feet MSL.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3703C Fort Campbell, Ky.
Boundaries. Beginning at lat. 36°37'41"N., long. 87°31'54"W., to lat. 36°38'23"N., long. 87°31'22"W., to lat. 36°38'23"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°28'33"W., to lat. 36°37'12"N., long. 87°29'50"W., to lat. 36°34'00"N., long. 87°29'50"W., to lat. 36°32'00"N., long. 87°32'30"W., thence to point of beginning.
Altitudes. 10,000 feet MSL to FL 180.
Time of designation. By NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.
AMENDMENTS 7/15/76 41 F. R. 29095 (Rewritten)

R-3704 Fort Knox, Ky.
Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.
Designated altitudes: Subarea A surface to and including 10,000 feet MSL.
Subarea B from 10,000 feet MSL to 20,000 feet MSL.
Time of designation: Subarea A 0600 to 2400 e.s.t.; other times by NOTAM 24 hours in advance.
Subarea B by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

§ 73.38 Louisiana

R-3801A Camp Claiborne, La.

Boundaries. Beginning at latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°23'40" N., longitude 93°05'45" W.; to latitude 31°27'30" N., longitude 93°03'00" W.; to point of beginning.
Designated altitudes. 1,500 feet AGL to and including 4,000 feet MSL northwest of a line extending from latitude 31°20'50" N., longitude 92°51'15" W.; to latitude 31°16'40" N., longitude 92°54'30" W.; and 500 feet AGL to and including 4,000 feet MSL southeast of a line extending from latitude 31°20'50" N., longitude 92°51'15" W.; to latitude 31°16'40" N., longitude 92°54'30" W.
Time of designation. Continuous.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB, La.

R-3801B Camp Claiborne, La.

Boundaries. Beginning at latitude 31°11'45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'50" W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°15'15" N., longitude 92°41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.
Designated altitudes. Surface to and including 7,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB, La.

R-3801C Camp Claiborne, La.

Boundaries. Beginning at latitude 31°11'45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'50" W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°15'15" N., longitude 92°41'45" W., to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.
Designated altitudes. 7,000 feet MSL to and including 14,000 feet MSL.
Time of designation. Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB, La.

R-3801D Camp Claiborne, La.

Boundaries. Beginning at latitude 31°11'45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'50" W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°15'15" N., longitude 92°41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.
Designated altitudes. 14,000 feet MSL to and including FL 200.
Time of designation. Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria System) is operational.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Commander, England AFB, La.

R-3803A Fort Polk, La.

Boundaries. Beginning at lat. 31°23'36"N., long. 93°09'57"W.; to lat. 31°23'12"N., long. 93°09'48"W.; to lat. 31°22'00"N., long. 93°10'05"W.; to lat. 31°19'16"N., long. 93°11'10"W.; to lat. 31°19'16"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°16'42"W.; to lat. 31°23'35"N., long. 93°13'24"W.; to point of beginning.
Designated altitudes. Surface to FL 180.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Using agency. Commanding General, Fort Polk, La.

R-3803B Fort Polk, La.

Boundaries. Beginning at lat. 31°23'36"N., long. 93°09'57"W.; to lat. 31°23'12"N., long. 93°09'48"W.; to lat. 31°22'00"N., long. 93°10'05"W.; to lat. 31°19'16"N., long. 93°11'10"W.; to lat. 31°19'16"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°20'15"W.; to lat. 31°24'30"N., long. 93°16'42"W.; to lat. 31°23'35"N., long. 93°13'24"W.; to point of beginning.
Designated altitudes. FL 180 to FL 450.
Time of designation. As activated by NOTAM issued at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Using agency. Commanding General, Fort Polk, La.

AMENDMENTS 5/20/76 41 F. R. 12276 (Rewritten)

R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W. to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. Surface to FL 180.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

AMENDMENTS 5/20/76 41 F. R. 12276 (Changed)

R-3804B Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804C Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W.; to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. FL 180 to FL 450.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Time of designation. As published by NOTAM 24 hours in advance.
Using agency. Commanding General, Fort Polk, La.

AMENDMENTS 5/20/76 41 F. R. 12276 (Changed)

R-3806 England Air Force Base, La.

Boundaries. Beginning at latitude 31°03'00" N., longitude 92°49'30" W.; to latitude 30°58'00" N., longitude 92°39'00" W.; to latitude 30°38'00" N., longitude 92°49'00" W.; to latitude 30°43'00" N., longitude 92°58'00" W.; to latitude 30°50'30" N., longitude 93°01'00" W.; to latitude 30°55'25" N., longitude 92°54'40"W.; to point of beginning.
Designated altitudes. 500 feet AGL to and including 7,000 feet MSL, excluding the airspace below 1,500 feet AGL within a two-nautical-mile radius of the City of Elizabeth, La.
Time of designation. Daylight hours, Monday through Friday.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Commander, 23rd Tactical Fighter Wing, England AFB, La.

§ 73.39 Maine

§ 73.40 Maryland

R-4001A Aberdeen, Md.

Boundaries. Beginning at lat. 39°30'30" N., long. 76°10'00" W.; to lat. 39°29'00" N., long. 76°08'00" W.; to lat. 39°29'30" N., long. 76°05'00" W.; to lat. 39°27'00" N., long. 76°00'30" W.; to lat. 39°19'47" N., long. 76°11'34" W.; to lat. 39°17'30" N., long. 76°12'59" W.; to lat. 39°16'24" N., long. 76°16'18" W.; to lat. 39°17'13" N., long. 76°18'49" W.; to lat. 39°19'41" N., long. 76°22'01" W.; to lat. 39°22'00" N., long. 76°22'00" W.; to lat. 39°23'28" N., long. 76°20'40" W.; to lat. 39°26'10" N., long. 76°14'50" W.; to lat. 39°27'00" N., long. 76°12'30" W.; to point of beginning.
Designated altitudes and time of designation.
1. Surface to unlimited, 0700 to 2400 local time.
2. Surface to 10,000 feet MSL, 0000 to 0700 local time; higher altitudes by NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4001B Aberdeen, Md.

Boundaries. Beginning at lat. 39°17'30" N., long. 76°12'59" W.; to lat. 39°12'10" N., long. 76°16'30" W.; to lat. 39°12'45" N., long. 76°22'30" W.; to lat. 39°17'30" N., long. 76°19'45" W.; to lat. 39°18'30" N., long. 76°22'00" W.; to lat. 39°19'41" N., long. 76°22'01" W.; to lat. 39°17'13" N., long. 76°18'49" W.; to lat. 39°16'24" N., long. 76°16'18" W.; to point of beginning.
Designated altitudes and time of designation.
1. Surface to unlimited, 0700 to 2400 local time.
2. Surface to 10,000 feet MSL, 0000 to 0700 local time; higher altitudes by NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.
Designated altitudes. Surface to and including 20,000 feet MSL.
Time of designation. From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, Naval Amphibious School Little Creek, Norfolk, Va.

R-4005 Patuxent River, Md.

Boundaries. Beginning at latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°18'20" N., longitude 76°17'05" W.; to latitude 38°18'26" N., longitude 76°14'30" W.; to latitude 38°13'00" N., longitude 76°11'20" W.; to latitude 38°08'00" N., longitude 76°08'50" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; to the point of beginning.
Designated altitudes. Surface to FL 850.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

R-4006 Patuxent River, Md.

Boundaries: Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°45'00" N., longitude 75°58'45" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, and R-6609.
Designated altitudes: 3,500 feet MSL to FL 850.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

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R-4007 Patuxent River, Md.
Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25' 10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17' 25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

§ 73.41 Massachusetts

R-4101 Camp Edwards, Mass.
Boundaries. Beginning at Lat. 41°40'52" N., Long. 70°33'09" W.; to Lat. 41°41'01" N., Long. 70°34'00" W.; to Lat. 41°41'58" N., Long. 70°34'58" W.; to Lat. 41°42'52" N., Long. 70°34'58" W.; to Lat. 41°43'52" N., Long. 70°34'32" W.; to Lat. 41°44'30" N., Long. 70°34'16" W.; to Lat. 41°45'17" N., Long. 70°34'13" W.; to Lat. 41° 45'12" N., Long. 70°34'01" W.; to Lat. 41°46'07" N., Long. 70°33'04" W.; to Lat. 41°45'18" N., Long. 70°31' 18" W.; to Lat. 41°44'37" N., Long. 70°30'42" W.; to Lat. 41°44'11" N., Long. 70°29'40" W.; to Lat. 41°43'06" N., Long. 70°30'08" W.; to Lat. 41°43'07" N., Long. 70°30'36" W.; to Lat. 41°42'45" N., Long. 70°30'50" W.; to Lat. 41°42'38" N., Long. 70°30'33" W.; to Lat. 41°41'51" N., Long. 70°30'52" W.; to Lat. 41°41'38" N., Long. 70° 31'18" W.; to Lat. 41°41'20" N., Long. 70°31'29" W.; to Lat. 41°41'18" N., Long. 70°31'26" W.; to Lat. 41°41'06" N., Long. 70°31'54" W.; to point of beginning.
Designated altitudes. Surface to 9,000 feet MSL.
Time of designation. From 0600 to 1800 local time, daily, or other times as specified by NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Otis Approach Control.
Using agency. Commander, U. S. Army Garrison, Camp Edwards, Massachusetts.

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.
Designated altitudes. Surface to but not including 18,000 feet MSL.
Time of designation. 0700 to 2400 EST.
Controlling agency. Federal Aviation Administration, Quonset Approach Control.
Using agency. Commanding Officer, NAS South Weymouth, Mass.

§ 73.42 Michigan

R-4201 Camp Grayling, Mich.

SUBAREA A
Boundaries: Beginning at latitude 44°56'00" N., longitude 84°29'00" W.; to latitude 44°47'00" N., longitude 84°29'00" W.; to latitude 44°47'00" N., longitude 84°39'00" W.; to latitude 44°56'00" N., longitude 84°39'00" W.; to point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Minneapolis ARTC Center.
Using agency: Adjutant General, State of Michigan, Lansing, Mich.

SUBAREA B
Boundaries: Beginning at latitude 44°47'00" N., longitude 84°29'00" W.; to latitude 44°41'00" N., longitude 84°29'00" W.; to latitude 44°41'00" N., longitude 84°40'00" W.; to latitude 44°43'00" N., longitude 84°40'00" W.; to latitude 44°43'00" N., longitude 84°38'00" W.; to latitude 44°47'00" N., longitude 84°38'00" W.; to point of beginning.
Designated altitudes: Surface to 9,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Minneapolis ARTC Center.
Using agency: Adjutant General, State of Michigan, Lansing, Mich.

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.
Designated altitudes. Surface to 8,200 feet MSL.
Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.
Controlling agency. Federal Aviation Administration, Traverse City Flight Service Station.

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

§ 73.43 Minnesota

R-4301 Camp Ripley, Minn.
Boundaries. Beginning at Lat. 46°18'54"N., Long. 94°29'02"W.; thence along south bank of Crow Wing River and west bank of Mississippi River to Lat. 46°10'49"N., Long. 94°21'52"W.; to Lat 46°07'11"N., Long. 94°21'52"W.; thence along the west bank of Mississippi River to Lat. 46°06'22"N., Long. 94°21'10"W.; to Lat. 46°06'22"N., Long. 94°22'15"W.; to Lat. 46°06'03"N., Long. 94°22'15"W.; to Lat. 46°06'03"N., Long. 94°26'06"W.; to Lat. 46°08'00"N., Long. 94°26'06"W.; to Lat. 46°08'00"N., Long. 94°30'00"W.; to Lat. 46°18'18"N., Long. 94°30'00"W.; to point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. 0730 to 2400 local times daily. Other times as specified by NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commanding Officer, Camp Ripley, Minn.

AMENDMENTS 11/4/76 41 F.R. 34011 (Rewritten)

R-4305 Lake Superior, Minn.

Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90° 05'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0001 local time Monday to 2400 local time Friday.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commander, Eighth Air Force, Barksdale AFB, La.

AMENDMENTS 9/13/76 41 F.R. 38763 (Change)

§ 73.44 Mississippi

R-4401 Camp Shelby, Miss.

Boundaries. Beginning at latitude 31°12'54" N.; longitude 89°11'03" W.; to latitude 31°11'48" N.; longitude 89°00'00" W.; to latitude 31°10'15" N.; longitude 88°56'34" W.; to latitude 31°09'10" N.; longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N.; longitude 88°59'24" W.; to latitude 31°04'36" N.; longitude 89°11'03" W.; to point of beginning.
Designated altitudes. Subarea A, surface to 4,000 feet MSL. Subarea B, 4,000 feet MSL to 18,000 feet MSL. Subarea C, 18,000 feet MSL to 29,000 feet MSL.
Time of designation. As activated by NOTAMs at least 24 hours in advance. NOTAMs to contain information concerning deactivation of area.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

R-4403 Gainesville. Miss.

Boundaries. Beginning at latitude 30°21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°34'04" W.; to the point of beginning.
Altitudes. From surface to 5,000 feet MSL.
Time of use. Continuous.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

R-4404 Macon, Miss.

Boundaries: 1. Beginning at lat. 33°02'39" N., long. 88°42'37" W.; to lat. 33°04'30" N., long. 88°40'18" W.; to lat. 33°03'34" N., long. 88°39'08" W.; to lat. 33°01'43" N., long. 88°41'23" W.; to point of beginning. 2. A circle with a 5-nautical mile radius centered at lat. 33°03'11" N., long. 88°40'41" W.
Designated altitudes: Surface to 11,500 feet MSL, within the area described in Item 1; from 1,200 feet above the surface to 11,500 feet MSL, within the area described in Item 2.
Time of designation: Sunrise to Sunset, Monday through Saturday.
Controlling agency: Federal Aviation Administration, Memphis ARTC Center.
Using agency: Commander, Training Wing 1 NAS Meridian, Miss.

§ 73.45 Missouri

R-4501A Fort Leonard Wood West, Mo.

Boundaries. Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°36'23" N., longitude 92°13'52" W.; to latitude 37°36'23" N., longitude 92°15'21" W.; to latitude 37°39'38" N., longitude 92°15'21" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to point of beginning.
Designated altitudes. Surface to but not including 18,000 feet MSL.
Time of designation. a. surface to 2,200 feet MSL: Continuous. B. 2,200 feet MSL and above: by NOTAM issued at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

R-4501B Fort Leonard Wood East, Mo.

Boundardies. Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°43'02 N., longitude 92°09'17" W.; to the point of beginning.
Designated altitudes.
The area north of a line between latitude 37°42'51" N., longitude 92°06'47" W.; and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL.
The area south of this line, surface to 2,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

§ 73.46 Montana

§ 73.47 Nebraska

§ 73.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation. 0600 to 2400 local time, Monday through Saturday.
Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation. 0600 to 2400 local time daily.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes. Surface to but not including Flight Level 180 excluding that portion from 2,000 feet AGL up to but not including 4,000 feet AGL, which lies north of and one NM from U. S. Highway 50, between the intersections of U. S. Highway 50 with longitudes 118°25'30"W. and 118°09'50"W.
Time of designation. 0600 to 2400 local time daily.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

AMENDMENTS 11/4/76 41 F. R. 29091 (Changed)

R-4806 Las Vegas, Nev.

Boundaries: Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°53'00" W.; to latitude 36°36'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to point of beginning.
Designated altitudes: Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: Commander, Nellis AFB, Nev.

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, United States Energy Research and Development Administration, Las Vegas, Nev.

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, United States Energy Research and Development Administration, Albuquerque, N. Mex.

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.
Designated altitudes. Surface to and including Flight Level 170.
Time of designation. 0600 to 2400 local time daily.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

R-4811 Hawthorne, Nev.
Boundaries. A 1½-nautical-mile radius circle centered at latitude 38°14'45" N., longitude 118°38'15" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. 0800 to 1500 local time, Monday through Friday.
Using agency. Commanding Officer, Naval Ammunition Depot, Hawthorne, Nev.

R-4812 Sand Springs, Nev.
Boundaries: That area within 5-nautical miles either side of a line extending from latitude 39°10'00" N., longitude 118°37'30" W.; to latitude 39°13'00" N., longitude 118°12'42" W.; and bounded on the east by R-4804 and bounded on the west by R-4810.
Designated altitudes. Surface to but not including Flight Level 180 excluding that portion from 2,000 feet AGL up to but not including 4,000 feet AGL, which lies north of and one NM from U. S. Highway 50, between the intersections of U. S. Highway 50 with longitudes 118°25'30"W. and 118°09'50"W.
Time of designation: 0600 to 2400 local time daily.
Controlling agency: Oakland ARTC Center.
Using agency: Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

AMENDMENTS 11/4/76 41 F. R. 29091 (Changed)

R-4813 Carson Sink, Nev.
Boundaries. Beginning at lat. 39°51'00" N., long. 118°38'00" W.; to lat. 40°01'00" N., long. 118°15'00" W.; to lat. 40°01'00" N., long. 118°01'00" W.; to lat. 39°58'00" N., long. 118°01'00" W.; to lat. 39°38'00" N., long. 118°17'00" W.; thence via the arc of a 15-nautical mile radius circle centered at lat. 39°52'36" N., long. 118°20'27" W.; to lat. 39°45'50" N., long. 118°38'00" W.; thence to point of beginning.
Designated altitudes. Surface to but not including Flight Level 180.
Time of designation. 0600 to 2400 local time daily.
Controlling agency: Oakland ARTC Center.
Using agency: Commander, Light Attack Wing Pacific, NAS Lemoore, Calif.

R-4816N Dixie Valley, Nev.
Boundaries. Beginning at lat. 39°51'00" N., long. 118°00'00" W.; to lat. 39°51'00" N., long. 117°31'00" W.; to lat. 39°34'00" N., long. 117°39'30" W.; to lat. 39°34'00" N., long. 118°12'30" W.; to point of beginning.
Designated altitudes. 1500 feet AGL to but not including Flight Level 180.
Time of designation. 0700 to 2400 local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commanding Officer, Naval Air Station, Fallon, Nev.

AMENDMENTS 11/4/76 41 F. R. 29091 (Changed)

R-4816S Dixie Valley, Nev.
Boundaries. Beginning at lat. 39°34'00" N., long. 118°12'30" W.; to lat. 39°34'00" N., long. 117°39'30" W.; to lat. 39°18'00" N., long. 117°47'30" W.; to lat. 39°18'00" N., long. 118°13'15" W.; to lat. 39°17'00" N., long. 118°21'00" W.; to lat. 39°30'00" N., long. 118°15'30" W.; to point of beginning.
Designated altitudes. 500 feet AGL to but not including Flight Level 180 excluding that portion from 2,000 feet AGL up to but not including 4,000 feet AGL, which lies north of and one NM from U. S. Highway 50, between the intersections of U. S. Highway 50 with longitudes 118°25'30"W. and 118°09'50"W.
Time of designation. 0700 to 2400 local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commanding Officer, Naval Air Station, Fallon, Nev.

AMENDMENTS 11/4/76 41 F. R. 29091 (Changed)

§ 73.49 New Hampshire

§ 73.50 New Jersey

R-5001 Fort Dix, N. J.
Subarea A
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: Surface to and including 4,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

Subarea B
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: From 4,000 feet MSL to and including 8,000 feet MSL.
Time of designation: Continuous, sunrise Friday to sunset Sunday, other times by NOTAM, 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

R-5002 Warren Grove, N. J.

Boundaries: Beginning at latitude 39°45'50" N., longitude 74°20'00" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'25" N., longitude 74°24'20" W.; to latitude 39°38'25" N., longitude 74°29'00" W.; to latitude 39°39'35" N., longitude 74°29'00" W.; to latitude 39°44'50" N., longitude 74°24'40" W.; to latitude 39°45'20" N., longitude 74°23'45" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL, except surface to 4,000 feet MSL for the portion N of Lat. 39°45'00" N; surface to 9,000 feet MSL SE of a line between Lat. 39°43'45" N, Long. 74°17'57" W, and Lat. 39°38'25" N, Long. 74°24'56" W.
Time of designation. Sunrise to sunset, Tuesday through Saturday; other days by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

§ 73.51 New Mexico

R-5101 Los Alamos, N. Mex.

Boundaries: Beginning at lat. 35°47'00"N., long. 106°14'48"W.; to lat. 35°50'03"N., long. 106°21'36"W.; to lat. 35°52'22"N., long. 106°20'42"W.; to lat. 35°52'52"N., long. 160°16'48"W.; to lat. 35°52'30"N., long. 106°14'48"W.; to the point of beginning.
Designated altitudes: Surface to 12,000 feet MSL.
Time of designation: Continuous.
Using agency: Manager, Energy Research and Development Administration, Los Alamos, N. Mex.

AMENDMENTS 7/1/76 41 F. R. 27030 (Rewritten)

R-5103 McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106°10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'02" N., longitude 105°40'34" W.; from the surface to 1,500 feet above the surface; and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'10" W.; to lat. 32°40'47" N., long. 105°49'38" W.; to lat. 32°39'42" N., long. 105°47'42" W.; to lat. 32°41'58" N., long. 105°46'12" W.; to the point of beginning from the surface to 1500 feet above the surface.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5104A Melrose, N. Mex.
Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W., to lat. 34°25'25" N., long. 103°40'00" W., to lat 34°14'30" N., long. 103°40'00" W., to lat. 34°10'00" N., long. 103°46'00" W., to lat. 34°10'00" N., long. 103°55'00" W., to lat. 34°28'00" N., long. 103°55'00" W., to point of beginning.
Designated altitudes: Surface to 18,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

R-5104B Melrose, N. Mex.
Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W., to lat. 34°25'25" N., long. 103°40'00" W., to lat. 34°14'30" N., long. 103°40'00" W., to lat. 34°10'00" N., long. 103°46'00" W., to lat. 34°10'00" N., long. 103°55'00" W., to lat. 34°28'00" N., long. 103°55'00" W., to point of beginning.
Designated altitudes: 18,000 feet MSL to 23,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

R-5107A White Sands Missile Range, N. Mex.

Boundaries. Begtnning at latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to the point of beginning.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5107B White Sands Missile Range, N. Mex.

Boundaries: Beginning at latitude 33°44'45" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 33°49'30" N., longitude 106°16'30" W.; thence along the south side of U. S. Highway 380 to the point of beginning; excluding the airspace in R-5107D, R-5107F, and R-5107G; and that airspace from the surface to and including 1,500 feet above the surface within a 2-nautical mile radius of latitude 32°26'35" N., longitude 106°40' 45" W., latitude 32°30'00" N., longitude 106°41'10" W., and latitude 32°23'49" N., longitude 106°41'27" W.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5107C White Sands Missile Range, N. Mex.

Boundaries: Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'45" N., longitude 106°04'00" W.; thence along the south side of U. S. Highway 380 to latitude 33°49'30" N., longitude 106°16'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5107D White Sands Missile Range, N. Mex.

Boundaries: Beginning at lat. 33°34'00" N., long. 106°04'00" W.; to lat. 33°04'00" N., long. 106°21'00" W.; to lat. 32°34'00" N., long. 106°15'00" W.; to lat. 32°34'00" N., long. 106°06'00" W.; to lat. 32°36'00" N., long. 106°06'00" W.; to lat. 32°50'00" N., long. 106°04'00" W.; to point of beginning.
Designated altitudes: Surface to 22,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency: Deputy for Air Force, White Sands Missile Range, N. Mex. 88002

R-5107E White Sands Missile Range, N. Mex.

Boundaries. From the point where an arc of 19 nautical miles radius centered at latitude 33°45'00" N., longitude 106°26'30" W., intersects the western boundary of R-5107C, to latitude 33°54'00" N., longitude 106°46'30" W.; to latitude 33°32'45" N., longitude 106°58'45" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of use. As published in NOTAMs at least 12 hours in advance.
Controlling agency. FAA, Albuquerque ARTC Center.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5107F White Sands Missile Range, N. Mex.

Boundaries: Beginning at lat. 33°10'10" N., long. 107°10'55" W.; to lat. 33°20'30" N., long. 107°08'20" W.; to lat. 33°16'10" N., long. 106°51'40" W.; to lat. 33°05'30" N., long. 106°04'00" W.; to lat. 33°00'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°49'00" W.; to lat. 32°50'30" N., long. 106°04'00" W.; to lat. 33°05'00" N., long. 106°50'20" W.; to point of beginning.
Designated altitude: From FL 240 to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5107G White Sands Missile Range, N. Mex.

Boundaries: Beginning at lat. 33°11'40" N., long. 107°10'25" W.; to lat. 33°21'00" N., long. 107°08'00" W.; to lat. 33°22'55" N., long. 107°05'50" W.; to lat. 33°25'20" N., long. 105°27'00" W.; to lat. 33°14'00" N., long. 105°27'00" W.; to point of beginning.
Designated altitude: From FL 240 to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency: Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5109A White Sands Missile Range, N. Mex.

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106° 04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5109B White Sands Missile Range, N. Mex.

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5111A Elephant Butte, N. Mex. (East).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. Surface to unlimited.
Time of designation. As published by NOTAM at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5111B Elephant Butte, N. Mex. (West).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. Surface to unlimited.
Time of designation. As published by NOTAM at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

R-5113 Socorro, N. Mex.
Boundaries. Beginning at latitude 34°00'00" N., longitude 107°07'30" W.; thence to latitude 33°55'30" N., longitude 107°07'30" W.; to latitude 33°55'30" N., longitude 107°12'30" W.; to latitude 34°00'00" N., longitude 107°12'30" W.; to point of beginning.
Designated altitudes. Surface to 45,000 feet MSL.
Time of designation. From 0900 to 1900 local time, daily June 1 through September 30, annually.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. U. S. Navy, Office of Naval Research, Atmospheric Sciences.

§ 73.52 New York

R-5201 Fort Drum, N. Y.

Boundaries. Beginning at lat. 44°15'00" N., long. 75°31'30" W.; to lat. 44°11'15" N., long. 75°25'00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°00'45" N., long. 75°37'25" W.; to lat. 44°03'25" N., long. 75°39'30" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to lat. 44°10'00" N., long. 75°39'30" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31.
Time of designation. Continuous April 1 through September 30 and 0600 through 1800 hours local time. October 1 through March 31; other times by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, Watertown, N. Y. Flight Service Station.
Using agency. Commanding Officer, Fort Drum, N. Y.

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R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72° 08'50" W.
Designated altitudes: Surface to 10,000 feet MSL, inclusive.
Time of designation: 0900 to 1800 local time, April 15 through October 14; 0900 to 1600 local time, October 15 through April 14.
Controlling agency: FAA, Quonset RATCF.
Using agency: Naval Plant Representative Office, Grumman Aerospace Corporation, Bethpage, N. Y.

R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45' 00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to Flight Level 500.
Time of Designation. Continuous
Controlling agency. Federal Aviation Administration, Cleveland ARTC Center.
Using agency. 21st Air Division, Hancock Field, Syracuse, N. Y.

R-5206 West Point, N. Y.

Boundaries: Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.
Designated altitudes: Surface to and including 5,000 feet MSL.
Time of designation: 0600 to 2400 local, July 1 to August 31, other dates and times by NOTAM 48 hours in advance.
Controlling agency: Federal Aviation Administration, New York ARTC Center.
Using agency: Superintendent, U. S. Military Academy, West Point, N. Y.

R-5207 Romulus, N. Y.

Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0730 to 1600 local time, Monday through Friday.
Using agency. Commanding Officer, Seneca Army Depot, Romulus, N. Y.

§ 73.53 North Carolina

R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

R-5301B Albemarle Sound, N. C.

Boundaries. A circular area within a 1½-nmi radius centered at latitude 36° 05' 25" N., longitude 76° 18' 30" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

R-5301C Albemarle Sound, N, C,
Boundaries. A circular area within a 1½ nautical mile radius centered at Lat. 36°05'25" N., Long. 76° 18' 30" W.
Designated altitudes. From 5,000 feet MSL to and including 14,000 feet MSL.
Time of designation. As activated by NOTAM at least 24 hours in advance.
Using agency. Commander, Fleet Air Norfolk NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

R-5302 Albemarle Sound, N. C.
Boundaries: Beginning at latitude 36°03'35" N., longitude 76°03'05" W.; to latitude 35°58'05" N., longitude 76°02'10" W.; to latitude 35°55'40" N., longitude 76°24'05" W.; to latitude 36°01'05" N., longitude 76°25'00" W. to point of beginning.
Designated altitude: Surface to 14,000 feet MSL.
Time of Designation: 0800 hours to 2300 hours e.s.t.
Using Agency: Commander, Fleet Air Norfolk, NAS Norfolk, Va.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

R-5306A Cherry Point, N. C.
Boundaries. Beginning at latitude 35°23'15" N., longitude 76°34'40" W.; to latitude 35°18'15" N., longitude 76°16'40" W.; to latitude 35°04'30" N., longitude 76°04'30" W.; to latitude 34°46'45" N., longitude 76°24'45" W.; to latitude 34°46'00" N., longitude 76°30'00" W.; to latitude 35°08'00" N , longitude 76°51'20" W.; thence to point of beginning.
Designated altitudes. Surface to, but not including FL 180.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

R-5306B Cherry Point, N. C.
Boundaries. Beginning at latitude 35°08'00" N., longitude 76°51'20" W.; to latitude 34°46'00" N., longitude 76°30'00" W.; to latitude 34°45'10" N., longitude 76°40'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°51'00" N., longitude 77°05'30" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; to latitude 35°03'00" N., longitude 76°57'00" W., thence to point of beginning.
Designated altitudes. From 3,000 feet to, but not including FL 180.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

R-5306C Cherry Point, N. C.
Boundaries. Beginning at latitude 34°51'00" N., longitude 77°05'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°41'50" N., longitude 76°56'20" W.; to latitude 34°37'30" N., longitude 76°56'20" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°34'30" N., longitude 77°09'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; thence to point of beginning.
Designation altitudes. Surface to, but not including FL 180.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

R-5306D Cherry Point, N. C.

Boundaries. Beginning at latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°34'30" N., longitude 77°09'00" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°30'20" N., longitude 77°15'50" W.; to latitude 34°33'00" N., longitude 77°19'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°39'10" N., longitude 77°20'50" W.; thence to point of beginning.
Designated altitudes. Surface to, but not including FL 180.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

R-5306E Cherry Point, N. C.

Boundaries. Beginning at latitude 34°40'20" N., longitude 77°22'12" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; thence to point of beginning.
Designated altitudes. Surface to, but not including FL 180.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Marine Corps Air Station, Cherry Point, N. C.

R-5311A Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79° 01°50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitudes: Surface to but not including 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bragg, N. C.

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R-5311B Fort Bragg, N. C.

Boundaries: Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitudes: From 18,000 to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, ARTC Center, Washington.
Using agency: Commanding General, Fort Bragg, N. C.

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, VA.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.

R-5314 Dare County, N. C.

Subarea A
Boundaries. Beginning at latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to latitude 35°47'00" N., longitude 75°59'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea B
Boundaries. Beginning at latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°34'40" N., longitude 75°46'50" W.; to latitude 35°36'45" N., longitude 76°01'20" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea C.
Boundaries. Beginning at latitude 35°48'30" N., longitude 75°43'40" W.; to latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to latitude 35°51'35" N., longitude 75°57'55" W.; to latitude 35°49'30" N., longitude 75°45'00" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea D.
Boundaries. Beginning at latitude 35°40'30" N., longitude 75°52'15" W.; to latitude 35°38'40" N., longitude 75°52'35" W.; to latitude 35°39'00" N., longitude 75°54'35" W.; to latitude 35°40'40" N., longitude 75°54'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea E.
Boundaries. Beginning at latitude 35°47'50" N., longitude 75°48'50" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°46'10" N., longitude 75°52'35" W.; to latitude 35°48'00" N., longitude 75°52'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea F.
Boundaries. Beginning at latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea G
Boundaries. Beginning at latitude 35°49'40" N., longitude 75°58'20" W.; to latitude 35°38'55" N., longitude 76°01'00" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°50'20" W., longitude 76°02'30" W.; to the point of beginning.
Designated altitudes. 200 feet above the surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea H
Boundaries. Beginning at latitude 35°50'20" N., longitude 76°02'30" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°51'25" N., longitude 76°10'05" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea J
Boundaries. Beginning at latitude 35°51'25" N., longitude 76°10'05" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°43'50" N., longitude 76°35'30" W.; to latitude 35°54'50" N., longitude 76°33'10" W.; to the point of beginning.
Designated altitudes. 1,000 feet above the surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

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§ 73.54 North Dakota

§ 73.55 Ohio

R-5502 Lacarne, Ohio
Boundaries: Beginning at latitude 41°41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'19" N., long. 83°00'05" W., to latitude 41°32'16" N., longitude 83°01'24" W., to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.
Designated altitudes: April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.
Time of designation: 0800 to 1600 local time Saturday and Sunday April 1 through May 31; 0800 to 1600 local time daily June 1 through July 31; 0800 to 1600 local time Saturday and Sunday August 1 through November 30; other dates, time and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Cleveland ARTC Center.
Using agency: The Adjutant General State of Ohio.

R-5503 Wilmington, Ohio

Boundaries. Beginning at lat. 39°30'00" N., long. 83°02'00" W.; to lat. 38°48'30" N., long. 83°02'00" W.; to lat. 38°58'30" N., long. 84°05'00" W.; to lat. 39°15'45" N., long. 84°05'00" W.; to lat. 39°17'50" N., long. 84°02'30" W.; to lat. 39°26'05" N., long. 83°48'10" W.; to lat. 39°30'00" N., long. 83°38'35" W.; to point of beginning.
Designated altitudes. 4,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

§ 73.56 Oklahoma

R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15 N.; longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98° 26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Oklahoma.

R-5601B Fort Sill, Okla.

Boundaries Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

R-5601C, Fort Sill, Okla.
Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. 23,000 feet MSL to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using Agency. Commanding General, Fort Sill, Okla.

R-5601D Fort Sill, Okla.
Boundaries. Beginning at latitude 34°38'15" N., longitude 98°38'00" W.; to latitude 34°36'00" N., longitude 98°46'45" W.; to latitude 34°42'15" N., longitude 98°50'00" W.; to latitude 34°45'00" N., longitude 98°40'30" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to point of beginning excluding the airspace above 6,000 feet MSL south of a line from latitude 34°38'15" N., longitude 98°38'00" W.; to latitude 34°38'15" N., longitude 98°48'00" W.
Designated altitudes. Surface to 16,500 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

§ 73.57 Oregon

R-5701 Boardman Oreg.
Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03"W., surface to flight level 200; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

AMENDMENTS 2/17/76 41 F. R. 7089 (Changed)

R-5704 Hermiston, Oreg.
Boundaries. Beginning at latitude 45°52'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°30'30" W.; to latitude 45°52'00" N.; longitude 119°30'30" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

R-5706 Boardman, Oreg.
Boundaries. Beginning at latitude 45°40'40" N., longitude 120°02'25" W.; to latitude 45°40'40" N., longitude 120°09'00" W.; to latitude 45°45'45" N., longitude 120°09'00" W.; thence east along the south shore of the Columbia River to latitude 45°51'00" N., longitude 119°40'00" W.; to latitude 45°53'00" N., longitude 119°31'00" W.; to latitude 45°46'35" N., longitude 119°31'00" W.; to latitude 45°46'10" N., longitude 119°35'00" W.; thence counterclockwise along the arc of a 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W.; to latitude 45°46'35" N., longitude 119°46'50" W.; to latitude 45°46'35" N., longitude 120°02'25" W.; to point of beginning.
Designated altitudes. 3,500 feet MSL to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Seattle ARTC Center.
Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

§ 73.58 Pennsylvania

R-5801 Chambersburg, Pa.

Boundaries. The arc of a circle, having a 5,000-foot radius, centered at latitude 39°59'44" N., longitude 77°43'55" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

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R-5802 Fort Indiantown Gap, Pa.

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W.; to latitude 40°26'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. 0800-2300 hours local time, Saturdays, February 15 through May 10; 0800-1200 hours local time, Sundays, February 15 through May 10; 0800-2000 hours local time, May 11 through August 31; 0800-2300 hours local time, Saturdays, September 1 through December 15; 0800-1200 hours local time, Sundays, September 1 through December 15. Other times by Notice to Airmen, issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commander, Fort Indiantown Gap, Annville, Pa.

AMENDMENTS 9/9/76 41 F. R. 29097 (Changed)

R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

§ 73.59 Rhode Island

§ 73.60 South Carolina

R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding General, Fort Jackson, S. C.

R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at latitude 33°54'24" N., longitude 80°24'12" W., to latitude 33°46'25" N., longitude 80°23'12" W.,
to latitude 33°44'27" N., longitude 80°31'42" W., to latitude 33°50'13" N., longitude 80°31'03" W., to latitude 33°53'37" N., longitude 80°31'03" W., to point of beginning. Excluding that airspace within the Shaw AFB control zone.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. Sunrise to 2400 hours local time.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Shaw AFB, S. C.

§ 73.61 South Dakota

§ 73.62 Tennessee

§ 73.63 Texas

R-6302A Fort Hood, Texas.

Boundaries. Beginning at latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°10'04" N., longitude 97°41'06" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°09'03" N., longitude 97°45'25" W.; to latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48° N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302B Fort Hood, Texas
Boundaries. Beginning at latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°09'03" N., longitude 97°41'18" W.; to latitude 31°09'40" N., longitude 97°41'20" W.; to latitude 31°09'40" N., longitude 97°43'19" W.; to latitude 31°08'45" N., longitude 97°43'30" W.' to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°10'04" N., longitude 97°41'06" W.' to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302C Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°08'40" N., longitude 97°52'10" W.; to latitude 31°09'15" N., longitude 97°54'30" W.; to latitude 31°15'34" N., longitude 97°54'29" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6312 Cotulla, Tex.,
Boundaries: The area within 5 nmi of geographical points located at 28°14'50" N., 98°43'30" W.; and 28°05'53" N., 98°42'51" W.
Designated altitudes: Surface to 12,000 feet MSL except for the area west of a line between 28°17'40" N., 98°47'55" W., and 28°11'55" N., 98°48'00" W., and the area along Highway 624 extending ½ mile each side where the floor is 1,000 feet AGL.
Time of designation: Sunrise to sunset.
Controlling agency. Federal Aviation Administration, ARTCC, Houston, Tex.
Using agency: Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

§ 73.64 Utah

R-6402 Dugway Proving Ground, Dugway, Utah

Boundaries. Beginning at latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°13'00" N., longitude 112°43'00" W., to latitude 39°49'00" N., longitude 112°43'00" W., to latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 40°20'20" N., longitude 113°20'02" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to the point of beginning.
Designated altitudes. Surface to Flight Level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commanding Officer, Dugway Proving Ground.
PENDING AMENDMENT
The designated altitude for R-6402 is amended to read:
Designated altitudes. Surface to Flight Level 580.

AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)

R-6403 Tooele, Utah

Boundaries: Beginning at latitude 40°30'44" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.
Designated altitudes. Surface to 9,000 feet MSL.
Time of designation. 0800 to 2000 local time, Monday through Friday.
Using agency. Commanding Officer, Tooele Army Depot, Tooele, Utah.

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R-6404A Hill AFB Range South, Utah

Boundaries. Beginning at latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 40°51'30" N., longitude 112°56'30" W.; to latitude 40°48'30" N., longitude 113°40'00" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

PENDING AMENDMENT

R-6404A Hill AFB, Utah
Boundaries. Beginning at Lat. 41°15'00"N., Long. 113°43'50"W.; to Lat. 41°10'40"N., Long. 112°45'00"W.; to Lat. 41°00'00"N., Long. 112°45'00"W.; to Lat. 41°00'00"N., Long. 112°56'30"W.; to Lat. 40°51'30"N., Long. 112°56'30"W.; to Lat. 40°48'30"N., Long. 113°40'00"W.; to point of beginning.
Designated altitudes. Surface to FL 580.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

AMENDMENTS 12/30/76 41 F.R. 45820 (Rewritten)

R-6404B Hill AFB Range North, Utah

Boundaries. Beginning at latitude 41°15'00" N., longitude 113°43'50" W.; to latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

PENDING AMENDMENT

R-6404B Hill AFB, Utah
Boundaries. Beginning at Lat. 41°10'40"N., Long. 112°45'00"W.; to Lat. 41°07'00"N., Long. 112°39'00"W.; to Lat. 41°01'00"N., Long. 112°39'00"W.; to Lat. 40°51'30"N., Long. 112°56'30"W.; to Lat. 41°00'00"N., Long. 112°56'30"W.; to Lat. 41°00'00"N., Long. 112°45'00"W.; to point of beginning.
Designated altitudes. 100 feet AGL to FL 580.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

AMENDMENTS 12/30/76 41 F.R. 45820 (Rewritten)

R-6404C Hill AFB Range East, Utah

Boundaries. Beginning at latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to point of beginning.
Designated altitudes. Surface to flight level 600. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset, surface to flight level 600. Sunset to 0100 local time, surface to 10,000 feet MSL.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

PENDING AMENDMENT

R-6404C is deleted.

AMENDMENTS 12/30/76 41 F.R. 45820 (Revoked)

R-6405 Wendover, Utah

Boundaries. Beginning at latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°23'00" N., longitude 113°19'00" W., to latitude 39°23'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6406 Wendover, Utah

Boundaries. Beginning at 40°40'30" N., 113°00'00" W., to 40°29'00" N., 113°00'00" W., to 40°25'00" N., 112°56'00" W.,to 40°25'00" N., 113°07'00" W., to 40°20'20" N., 113°07'00" W., to 40°20'20" N., 113°49'00" W., to 40°17'00" N., 114°00'00" W., to 40°38'30" N., 114°00'00" W., to point of beginning.
Designated altitudes. Surface to Flight Level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill Air Force Base, Utah.

R-6407 Dugway Proving Ground, Dugway, Utah

Boundaries. Beginning at latitude 40°20'20" N., longitude 113°20'02" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 114°00'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to the point of beginning.
Designated altitudes. Surface to Flight Level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commanding Officer, Dugway Proving Ground

PENDING AMENDMENT

The designated altitude for R-6407 is amended to read:
Designated altitudes. Surface to Flight Level 580.

AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)

R-6412 Camp Williams, Utah

Beginning at latitude 40°27'30" N., longitude 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to latitude 40°23'30" N., longitude 111°54'58" W.; to latitude 40°23'30" N., longitude 112°06'00" W.; to latitude 40°27'30" N., longitude 112°06'00" W.; to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Maximum two-week period during the month of June each year with specific dates to be published by NOTAM.
Controlling agency. Federal Aviation Administration, Salt Lake City Tower,
Using agency. The Adjutant General, State of Utah.

R-6413 Green River, Utah

Boundaries. Beginning at lat. 38°57'00" N., long. 110°03'40" W.; thence to lat. 38°46'03" N., long. 110°06'00" W.; to lat. 38°31'30" N., long. 109°57'00" W.; to lat. 38°31'30" N., long. 109°51'00" W.; to lat. 38°33'27" N., long. 109°46'00" W.; to lat. 38°49'15" N., long. 109°57'02" W.; to lat. 38°58'02" N., long. 110°05'33" W.; thence to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. As published by NOTAM issued 48 hours in advance of area activation.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Deputy for Air Force, White Sands Missile Range, N. Mex. 88002.

§ 73.65 Vermont

R-6501 Underhill, Vt.

Boundaries. Beginning at latitude 44°30'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°55'00" W.; to latitude 44°28'30" N., longitude 72°56'30" W.; to latitude 44°29'15" N., longitude 72°56'30" W.; to latitude 44°30'00" N., longitude 72°53'30"W.; to the point of beginning.
Designated altitudes. Surface to 13,600 feet MSL.
Time of designation: Continuous, Monday through Saturday, other time by a NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Burlington Approach Control,
Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

§ 73.66 Virginia

R-6601 Fort A. P. Hill, Va.

Boundaries. Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'37" N., longitude 77°18'45" W.; thence along highway U. S. 301 to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t., June 1 through September 8; and 0700 to 2300 e.s.t., September 9, through May 31, by NOTAM issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Fort Lee, Va.

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R-6602 Fort Pickett, Va.

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.

Designated altitudes. The area NW of a line between latitude 37°01'05" N., longitude 77°50'43" W., and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area SE of this line, surface to 1,900 feet MSL.

Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Fort Lee, Va.

R-6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

R-6606 Pendleton, Va.

Boundaries. Beginning at lat. 36°50'41" N., long. 75°54'40" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 36°34'33" N., long. 75°48'40" W.; to lat. 36°45'03" N., long. 75°56'12" W.; to lat. 36°44'45" N.,long. 75°57'05" W.; to lat. 36°44'39" N., long. 75°58'00" W.; to lat. 36°47'00" N., long. 75° 58'45" W.; to lat. 36°47'18" N., long. 75°56'54" W.; to the point of beginning.

Designated altitudes. Surface to and including 51,000 feet MSL.

Time of designation. 0800-1700 hours local time, Monday through Friday. Other times by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIRLANT, NAS Oceana, Virginia Beach, Va.

R-6608 Quantico, Va.

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25' 30" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation: 0700 to 2400 local time.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, Marine Corps Development and Education Command, Quantico, Va.

R-6609 Tangier Island, Va.

Boundaries: Beginning at latitude 37°53'10" N., longitude 76°14'00" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°50'00" N., longitude 76°00'52" W.; to latitude 37°41'00" N., longitude 76°00'52" W.; to latitude 37°40'00" N., longitude 76°01'30" W.; to latitude 37°40'00" N., longitude 76°10'00" W.; to latitude 37°45'00" N., longitude 76°11'33" W.; to point of beginning.

Designated altitudes: Surface to FL 200.

Time of designation: 0800 to 2300 hours, local time, other times by NOTAM issued at least 48 hours in advance.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

Using agency: Commanding Officer, NAS Patuxent River, Md.

R-6611 Dahlgren Complex, Va.

Subarea A

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N. Long. 77°02'00" W; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. 0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

Subarea B

Boundaries. Beginning at lat. 38°21'30" N., long. 77°01'15" W.; to lat. 38°17'30" N., long. 76°56'00" W.; to lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to lat. 38°19'15" N., long. 77°02'00" W.; to the point of beginning.

Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.

Time of designation. By NOTAM issued 48 hours in advance.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

R-6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.

Designated altitudes. Surface to 7,000 feet MSL.

Time of Designation. 0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

R-6613 Dahlgren Complex, Va.

Subarea A

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. 0800-1700 local time, Monday through Friday, other times by NOTAM 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

Subarea B.

Boundaries. Beginning at lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'30" N., long. 76°46'35" W.; to lat. 38°10'00" N., long. 76°50'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to the point of beginning.

Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.

Time of designation. By NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, VA.

§ 73.67 Washington

R-6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.

Designated altitudes: Surface to 5,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday. Saturday and Sunday as published by NOTAM 24 hours in advance.

Controlling agency. Federal Aviation Administration, Seattle ARTC Center.

Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

R-6703 Fort Lewis, Wash.

Subarea A

Boundaries. Beginning at latitude 47°03'08" N., longitude 122°41'05" W.; to latitude 47°04'35" N., longitude 122°41'05" W.; to latitude 47°04'42" N., longitude 122°38'15" W.; to latitude 47°03'38" N., longitude 122°35'36" W.; to latitude 46°58'17" N., longitude 122°37'40" W.; thence via the Nisqually River to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

Subarea B

Boundaries. Beginning at latitude 47°03'38" N., longitude 122°35'36" W.; to latitude 47°02'36" N., longitude 122°34'48" W.; to latitude 47°00'46" N., longitude 122°34'48" W.; to latitude 47°00'00" N., longitude 122°35'35" W.; to latitude 46°58'17" N., longitude 122°37'40" W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

Subarea C

Boundaries. Beginning at latitude 46°58'17" N., longitude 122°37'40" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'18" N., longitude 122°43'32" W.; to latitude 46°55'12" N., longitude 122°44'30" W.; to latitude 47°03'08" N., longitude 122°41'05" W.; thence via the Nisqually River to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

Subarea D

Boundaries. Beginning at latitude 47°03'38" N., longitude 122°35'36" W.; to latitude 47°02'14" N., longitude 122°32'15" W.; to latitude 47°01'48" N., longitude 122°31'38" W.; to latitude 47°01'00" N., longitude 122°31'37" W.; to latitude 47°00'42" N., longitude 122°33'12" W.; to latitude 47°00'30" N., longitude 122°33'16"W.; to latitude 47°00'00" N., longitude 122°35'35" W.; to latitude 47°00'46" N., longitude 122°34'48" W.; to latitude 47°02'36" N., longitude 122°34'48" W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, McChord Approach Control.

Using agency. Commanding General, Fort Lewis, Wash.

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R-6707 Quoets, Wash.
Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. 0800 to 1700 local time, Monday through Friday.
Controlling agency. Hoquiam FSS.
Using agency. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash.

AMENDMENTS 7/15/76 41 F. R. 29097 (Changed)

R-6713A Whidbey Island, Wash.
Boundaries. Beginning at lat. 48°14'54" N., long. 122°53'30" W.; to lat. 48°21'27" N., long. 122°59'34" W.; to lat. 48°23'06" N., long. 122°55'18" W.; to lat. 48°22'54" N., long. 122°49'12" W.; to lat. 48°20'12" N., long. 122°46'42" W.; to lat. 48°16'00" N., long. 122°48'27" W.; to point of beginning excluding that airspace within 1000 feet both horizontally and vertically around Smith Island centered at lat. 48°19'10" N., long. 122°50'33" W.; and excluding that airspace from the surface to 100 feet AGL beyond a 1.25-nautical mile surface radius of lat. 48°19'11" N., long. 122°54'12" W.
Designated altitudes. Surface to 5,000 feet MSL (less exclusions).
Time of designation. Daily, 0700 to 2400 local time.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Medium Attack Tactical Electronic Warfare Wing, U. S. Pacific Fleet (COMMATVAQWINGPAC), NAS Whidbey Island, Wash.

R-6713B Whidbey Island, Wash.
Boundaries. Beginning at lat. 48°14'54" N., long. 122°53'30" W.; thence to lat. 48°21'27" N., long. 122°59'34" W.; to lat. 48°23'06" N., long. 122°55'18" W.; to lat. 48°22'54" N., long. 122°49'12" W.; to lat. 48°20'12" N., long. 122°46'42" W.; to lat. 48°16'00" N., long. 122°48'27" W.; to point of beginning.
Designated altitudes. 5000 feet MSL to 10,000 feet MSL.
Time of designation. 0800 to 2400 local time, Monday through Friday.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Medium Attack Tactical Electronic Warfare Wing, U. S. Pacific Fleet (COMMATVAQWINGPAC), NAS Whidbey Island, Wash.

R-6713C Whidbey Island, Wash.
Boundaries. Beginning at lat. 48°14'54" N., long. 122°53'30" W.; thence to lat. 48°21'27" N., long. 122°59'34" W.; to lat. 48°23'06" N., long. 122°55'18" W.; to lat. 48°22'54" N., long. 122°49'12" W.; to lat. 48°20'12" N., long. 122°46'42" W.; to lat. 48°16'00" N., long. 122°48'27" W.; to point of beginning.
Designated altitudes. 10,000 feet MSL to 15,000 feet MSL.
Time of designation. 0800 to 2400 local time, Monday through Friday.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Medium Attack Tactical Electronic Warfare Wing, U. S. Pacific Fleet (COMMATVAQWINGPAC), NAS Whidbey Island, Wash.

R-6714A Yakima, Wash.
Boundaries. Beginning at lat. 46°51'00"N., long. 119°58'00"W.; along the west shore of the Columbia River to lat. 46°42'30"N., long. 119°58'15"W.; to lat. 46°33'00"N., long. 120°04'00"W.; to lat. 46°37'00"N., long. 120°20'00"W.; to lat. 46°40'35"N., long. 120°26'35"W.; to lat. 46°43'00"N., long. 120°26'38"W.; to lat. 46°51'00"N., long. 120°21'30"W.; to lat. 46°51'00"N., long. 120°16'30"W.; to lat. 46°54'30"N., long. 120°15'00"W.; clockwise along the arc of a 12-mile radius circle centered at lat. 46°44'45"N., long. 120°20'00"W.; to lat. 46°51'00"N., long. 120°08'30"W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS 9/9/76 41 F.R. 29095 (Rewritten); 41 F.R. 34587 (Correction)

R-6714B Yakima, Wash.
Boundaries. Beginning at lat. 46°42'30"N., long. 119°58'15"W.; along the west shore of the Columbia River, to lat. 46°38'30"N., long. 119°55'30"W.; to lat. 46°33'00"N., long. 119°55'30"W.; to lat. 46°33'00"N., long. 120°04'00"W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

R-6714C Yakima, Wash.
Boundaries. Beginning at lat. 46°33'00"N., long. 120°04'00"W.; to lat. 46°33'00"N., long. 120°09'00"W.; to lat. 46°37'00"N., long. 120°20'00"W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS 9/9/76 41 F. R. 29095 (Rewritten)

§ 73.68 West Virginia

§ 73.69 Wisconsin

R-6901 Camp McCoy, WI.
Boundaries: Beginning at latitude 44°08'40" N., longitude 90°44'20" W.; to latitude 44°08'40" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°36'50" W.; to latitude 44°00'02" N., longitude 90°36'35" W.; to latitude 44°00'02" N., longitude 90°35'15" W.; to latitude 43°56'22" N., longitude 90°35'20" W.; to latitude 43°56'22" N., longitude 90°39'00" W.; to latitude 43°56'38" N., longitude 90°41'00" W.; to latitude 43°56'40" N., longitude 90°45'05" W.; to latitude 43°58'30" N., longitude 90°44'30" W.; to latitude 43°58'40" N., longitude 90°43'55" W.; to latitude 44°02'45" N., longitude 90°44'30" W.; and then to the point of beginning.
Designated altitudes: Surface to 20,000 feet MSL.
Time of designation: Continuous.
Using agency: Commanding Officer, Camp McCoy, WI.
Controlling agency: Federal Aviation Administration, Chicago ARTC Center.

R-6903 Sheboygan, Wis.
Boundaries. Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wisconsin.

R-6904 Volk Field, Wis.
Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wis.

R-6905A Lake Michigan
Boundaries. Within 1½ NM each side of a direct line between coordinates lat. 44°17'00"N., long. 87°32'00"W., and lat. 44°05'00"N., long. 86°29'00"W., ending at the shoreline.
Designated altitude. Surface to 6,000 feet MSL.
Time of use. As activated by NOTAM, 12 hours in advance.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. University of Wisconsin.

R-6905B Lake Michigan
Boundaries. Within 1½ NM each side of a direct line between coordinates lat. 44°09'00"N., long. 86°56'30"W., and lat. 43°15'00"N., long. 87°10'00"W.
Designated altitude. Surface to 6,000 feet MSL.
Time of use. As activated by NOTAM, 12 hours in advance.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. University of Wisconsin.

AMENDMENTS 9/9/76 41 F. R. 29096 (Rewritten)

§ 73.70 Wyoming

R-7001 Guernsey, Wyo.
Boundaries. Beginning at latitude 42°27'30" N., longitude 104°52'30" W., latitude 42°27'30" N., longitude 104°42'30" W., latitude 42°22'30" N., longitude 104°42'30" W., latitude 42°20'00" N., longitude 104°52'30" W., thence to point of beginning.
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0430 to 2400 local time March 1 through November 30.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Adjutant General, State of Wyoming.

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§ 73.71 Puerto Rico

R-7103 Salinas, P. R.

SUBAREA A

Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 18°01'00" N., longitude 66°19'58" W.; to latitude 18°01'53" N., longitude 66°18'53" W.; to latitude 18°02'34" N., longitude 66°18'47" W.; to latitude 18°03'25" N., longitude 66°17'54" W.; to latitude 18°04'07" N., longitude 66°17'00" W.; to point of beginning.

SUBAREA B

Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°02'37" N., longitude 66°13'39" W.; to latitude 17°58'53" N., longitude 66°15'22" W.; to latitude 17°58'30" N., longitude 66°16'30" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to point of beginning.

SUBAREA C

Beginning at latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'44" N., longitude 66°19'17" W.; to latitude 18°00'27" N., longitude 66°18'58" W.; to point of beginning.

Designated altitudes: Subarea A, Surface to 12,000 feet MSL. Subarea B, 3,000 feet MSL to 12,000 feet MSL. Subarea C, 2,000 feet MSL to 12,000 feet MSL.

Time of designation: Continuous, June 1 through August 31, other times as activated by NOTAMs issued at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, San Juan ARTC Center.

Using agency: The Adjutant General, Commonwealth of Puerto Rico.

R-7104 Vieques Island, P. R.

Boundaries. The airspace over Vieques Island and the surrounding waters beginning at latitude 18°02'45" N., longitude 65°27'05" W.; to latitude 18°13'10" N., longitude 65°25'27" W.; thence clockwise along the 3-nautical-mile limit from the shoreline to point of beginning.

Designated altitudes. Surface to FL 500.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, San Juan ARTC Center.

Using agency. Commanding Officer, Atlantic Fleet Weapons Training Facility, NS, Roosevelt Roads, Puerto Rico.

AMENDMENTS 3/25/76 41 F. R. 12278 (Changed)

§ 73.72 Guam

R-7201 Farallon De Medinilla Island, Mariana Islands

Boundaries: The area within a 3-nautical mile radius of lat. 16°01'00" N., long. 146°04'30" E.

Designated altitudes: Surface to FL 600.

Time of use: Continuous.

Using agency: Commander, Naval Forces, Marianas.

§ 73.87 Prohibited Areas

P-56 District of Columbia

Boundaries:

A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);

Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW (latitude 38°53'45" N.; longitude 77°03'24" W.);

Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K street NW (latitude 38°54'08" N.; longitude 77°03'02" W.);

Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE (latitude 38°54'08" N.; longitude 77°00'14" W.);

Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE (latitude 38°53'35" N.; longitude 76°59'57" W.);

Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);

Thence west via a 265° bearing. 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);

Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);

Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);

Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);

Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.

B. That area within a one-half mile radius from the center of the U. S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).

Designated altitudes: Surface to 18,000 feet MSL.

Time of designation: Continuous.

Using agency: Administrator, Federal Aviation Administration, Washington, D. C.

§73.88

§73.89

§73.90

P-40 Thurmont, Md.

Boundaries: That airspace within a one nautical mile radius of the Naval Support Facility, latitude 39°38'53" N., longitude 77°28'01" W.

Designated altitudes: Surface to but not including 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.91

P-73 Mount Vernon, Va.

Boundaries: That airspace within a 0.5-mile radius of latitude 38°42'28" N., longitude 77°05'11" W.

Designated altitudes. Surface to but not including 1,500 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.92

P-26 Denver, Colo.

Boundaries. Beginning at latitude 39°48'45" N., longitude 104°50'46" W.; to latitude 39°50'00" N., longitude 104°50'46" W.; to latitude 39°51'22" N., longitude 104°50'18" W.; to latitude 39°51'22" N., longitude 104°48'00" W.; to latitude 39°48'45" N., longitude 104°48'00" W.; to point of beginning.

Designated altitudes. Surface to 6,900 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Rocky Mountain Arsenal, Denver, Colo.

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PART 75--ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

SUBPART A -- GENERAL
Sec.
75.1 Applicability.
75.11 Jet routes
75.13 Area high routes; control area designation.
75.15 Jet advisory areas
75.17 Bearings; Radials; Miles

SUBPART B -- JET ROUTES
Sec.
75.100 Jet routes

SUBPART C -- JET ADVISORY AREAS
Sec.
75.200 En route jet advisory areas
75.300 Terminal jet advisory areas

SUBPART D -- AREA HIGH ROUTES
75.400 Area high routes.

SUBPART A -- GENERAL

§75.1 Applicability.

The routes described in Subpart B, between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450.
The routes described in Subpart D of this Part are designated as area high routes.

§75.11 Jet Routes

Each jet route designated in Subpart B consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

§75.13 Area high routes; control area designation.

(a) Each area high route designated in Subpart D of this Part consists of a direct course for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route.
(b) Unless otherwise specified, that airspace on each side of an area high route that has a lateral extent specified in §71.6 and that extends outside the continental control areas, is designated as a control area.

§75.15 Reserved

§75.17 Bearings: Radials: Miles

(a) All bearings and radials in this Part are true and are applied from point of origin.
(b) Unless otherwise specified, all mileages in this Part are stated as nautical miles.

SUBPART B -- JET ROUTES
§75.100 Jet Routes.

SUBPART C -- JET ADVISORY AREAS
§ 75.200 En route Jet Advisory Areas.
§ 75.300 Terminal Jet Advisory Areas.

SUBPART D -- AREA HIGH ROUTES
§ 75.400 Area high routes.

SUBPART B - JET ROUTES

§ 75.100 Jet routes.
(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 From the INT of the United States/Mexican Border with the direct course between the Mission Bay, Calif., VORTAC and the Tijuana, Mexico, NDB, via Mission Bay; Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

Jet Route No. 2 From Mission Bay, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of the Yuma 089° and Gila Bend, Ariz., 261° radials; Gila Bend, Cochise, Ariz.; El Paso, Tex.; Fort Stockton, Tex.; Junction, Tex.; San Antonio, Tex.; Humble, Texas; Lake Charles, La.; INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 290° radials; Tallahassee; to Jacksonville, Fla.

Jet Route No. 3 From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; Kimberly, Oreg.; Spokane, Wash., to Cranbrook, British Columbia, excluding the portion that lies over Canadian territory.

Jet Route No. 4 From Twentynine Palms, Calif., via intersection of Twentynine Palms 103° and Casa Grande, Ariz., 299° radials; Casa Grande; San Simon, Ariz.; Newman, Tex.; Wink, Tex.; Abilene, Tex.; Greater Southwest, Tex.; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; INT of the Meridian 091° and the Montgomery, Ala., 282° radials; Montgomery; INT Montgomery 051° and Augusta, Ga., 273° radials; Augusta; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

Jet Route No. 5 From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; Seattle, Wash.; to Vancouver, British Columbia, excluding that portion within Canada.

AMENDMENTS 9/9/76 41 F. R. 29092 (Changed)

Jet Route No. 6 From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.; Needles, Calif.; Prescott, Ariz.; Zuni, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Little Rock, Ark.; Bowling Green, Ky.; Charleston, W. Va.; Front Royal, Va.; Westminster, Md.; INT of Westminster 080° and Robbinsville, N. J. 239° radials; to Robbinsville.

Jet Route No. 7 From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont.; via the Great Falls 040° radial to the United States/Canadian Border.

Jet Route No. 8 From Needles, Calif., via Winslow, Ariz.; Gallup, N. Mex.; Las Vegas, N. Mex.; Borger, Tex.; INT Borger 095° and Kingfisher, Okla., 261° radials; Kingfisher; Springfield, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 030° and Robbinsville, N. J., 239° radials; to Robbinsville.

Jet Route No. 9 From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Fairfield, Utah; Salt Lake City, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.

Jet Route No. 10 From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials;
Twentynine Palms; intersection of Twentynine Palms 075° and Prescott, Ariz., 262° radials; Prescott;
Farmington, N. Mex., Gunnison, Colo.; Denver, Colo; North Platte, Nebr.; to Wolbach, Nebr.

Jet Route No. 11 From Tucson, Ariz., via INT Tucson 316° and Phoenix, Ariz., 161° radails; Phoenix;
Prescott, Ariz.; Bryce Canyon, Utah;
Fairfield, Utah; to Salt Lake City, Utah.

Jet Route No. 12 From Salt Lake City, Utah, via Fairfield, Utah; to Grand Junction, Colo.

Jet Route No. 13 From the INT of the United States/Mexican border and the Truth or Consequences, N. Mex., 162° radial via Truth or Consequences; Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo.; Billings, Mont.; Great Falls, Mont.; to INT of the Great Falls 339° radial and the United States/Canadian Border.

Jet Route No. 14 From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.; INT Atlanta, Ga., 092° and Spartanburg, S. C., 234° radials; Spartanburg; Greensboro, N. C.; Richmond, Va.; to Kenton, Del.

Jet Route No. 15 From Humble, Tex., via Austin, Tex.; Junction, Tex.;
Wink, Tex.; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque,
N. Mex., 126° radials; Albuquerque; Farmington, N. Mex.; Grand Junction, Colo.; Salt Lake City, Utah; Boise Idaho; Kimberly, Oreg.; INT Kimberly 288° and Portland, Oreg., 136° radials; to Portland.

Jet Route No. 16 From Portland, Oreg., via Pendleton, Oreg.; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; Peck, Mich.;
via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

Jet Route No. 17 From San Antonio, Tex., via Abilene, Tex.; Amarillo, Tex.; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

Jet Route No. 18 From Mission Bay, Calif., via Imperial, Calif.; Yuma, Ariz., INT of the Yuma 089° and Gila Bend, Ariz., 261°
radials; Gila Bend; Phoenix, Ariz.; St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.
Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford; to Joliet, Ill.

Jet Route No. 19 From Phoenix, Ariz., via INT Phoenix 051° and Zuni, Ariz., 242° radials; Zuni; Las Vegas, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; to St. Louis, Mo.

Jet Route No. 20 From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; McCall, Idaho; Pocatello, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City; Shreveport, La.; Jackson, Miss.;
Meridian, Miss.; INT of the Meridian 091° and the Montgomery, Ala. 282° radials; Montgomery; Tallahassee, Fla.; INT Tallahassee 129° and Orlando, Fla., 306° radials; Orlando; to the INT of the Orlando 118° and the Vero Beach, Fla., 341° radials.

Jet Route No. 21 From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.; INT Greater
Southwest 356° and Oklahoma City, Okla., 158° radials; Oklahoma City; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

Jet Route No. 22 From Nuevo Laredo, Mexico, via Laredo, Tex.; Corpus Christi, Tex.; Palacios, Tex.; Lake Charles, La.; McComb, Miss.; Meridian, Miss.; Birmingham, Ala.; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va.
The airspace within Mexico is excluded.

Jet Route No. 23 From San Antonio, Tex., via Millsap, Tex.; Oklahoma City, Okla.; Pioneer, Okla.; to Wichita, Kans.

Jet Route No. 24 From Hill City, Kans., via Salina, Kans.; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Falmouth, Ky.; Charleston, W. Va.; to Richmond, Va.
PENDING AMENDMENT
In J-24 "Hill City, Kans., via" is deleted and "Kiowa, Colo., via Hugo, Colo.; Hays, Kans.;" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 48514 (Changed)

Jet Route No. 25 From Matamoras, Mex., via Brownsville, Tex.; INT of the Brownsville 358° and the Corpus Christi, Tex., 178° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.
The airspace within Mexico is excluded.

Jet Route No. 26 From Ciudad Juarez, Mex., via El Paso, Tex.; INT of El Paso 070° and Roswell, N. Mex., 215° radials; Roswell; Amarillo, Tex.; Gage, Okla.; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill. The airspace within Mexico is excluded.

Jet Route No. 27 From San Antonio, Tex., to Lufkin, Tex.

Jet Route No. 28 From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

Jet Route No. 29 From the INT Of the United States/Mexican Border and the Corpus Christi, Tex., 229° radial via Corpus Christi; Palacios, Tex.;
Humble, Tex.; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.;
Evansville, Ind., INT Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveland, Ohio; Jamestown, N. Y.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine, to Presque Isle. The airspace within Mexico is excluded.

AMENDMENTS 1/29/76 40 F. R. 55830 (Changed)

Jet Route No. 30 From Minneapolis, Minn., via Nodine, Minn.;
Joliet, Ill.; via the INT of the Joliet 108° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Appleton, Ohio; INT of Appleton 111° and Belaire, Ohio, 142° radials; to Front Royal, Va.
PENDING AMENDMENT
In J-30 all between "Nodine, Minn.; and Appleton, Ohio;" is deleted and "Joliet, Ill.," is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)

Jet Route No. 31 From New Orleans, La., via Meridian, Miss.; to Birmingham.

Jet Route No. 32 From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Malad City, Idaho; Bovsen Reservoir,
Wyo.; Crazy Woman, Wyo., Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

Jet Route No. 33 From Humble, Tex., via INT Humble 347° and Greater Southwest, Tex., 139° radials; to Greater Southwest.

Jet Route No. 34 From Hoquiam, Wash., via Olympia, Wash., Moses Lake, Wash.; Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Redwood Falls, Minn.; Nodine,
Minn.; Milwaukee, Wis.; INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio; Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials.

Jet Route No. 35 From New Orleans, La., via McComb, Miss.; Greenwood, Miss.; Memphis, Tenn.; Farmington, Mo.; St. Louis, Mo.;
Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

AMENDMENTS 5/20/76 41 F. R. 13909 (Changed)

Jet Route No. 36 From Dickinson, N. Dak., via Fargo, N. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT
Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials;
Dunkirk; to Huguenot, N. Y., excluding the portion within Canada.
PENDING AMENDMENT
In J-36 the title is deleted and in the "Dickinson, N.D., via" is deleted and "Mullan Pass, Idaho, via Great Falls, Mont.; Dickinson, N.D.," is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed); Corr: 41 F.R. 46847

Jet Route No. 37 From Hobby, Tex., via INT of the Hobby 090° and New Orleans, La., 257° radials; New Orleans; INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery;
Spartanburg, S. C.; Gordonsville, Va.; Kenton, Del.; Coyle, N. J.; Kennedy, N. Y.; Albany, N. Y.; Massena, N. Y. to the INT of the Massena 037° radial and the United States/Canadian Border.

Jet Route No. 38 From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Sioux Narrows, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

Jet Route No. 39 From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala., Nashville, Tenn.; Louisville, Ky., to Rosewood, Ohio.

Jet Route No. 40 From Montgomery, Ala., via Macon, Ga.; Charleston, S. C.; Wilmington, N. C.; Richmond, Va.; INT Richmond 009° and Gordonsville, Va., 059° radials; INT Gordonsville 059° and New Castle, Del., 222° radials; to New Castle.

Jet Route No. 41 From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg; Tallahassee, Fla.; Montgomery, Ala.; Birmingham, Ala.; INT Birmingham 300° and Memphis, Tenn., 113° radials; Memphis; Springfield, Mo., Kansas City, Mo., to Omaha, Nebr.

Jet Route No. 42 From Greater Southwest, Tex., via Texarkana, Ark.; Memphia, Tenn.; Nashville, Tenn.; Beckley, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J. 239° radials; Robbinsville; INT Robbinsville 073° and Hampton 223° radials; to Hampton.

Jet Route No. 43 From Miami, Fla., via INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Falmouth, Ky.; Rosewood, Ohio; Carleton, Mich., to Sault Ste. Marie, Mich.

Jet Route No. 44 From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

Jet Route No. 45 From Biscayne Bay, Fla. via INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials: Vero Beach; Ormond Beach, Fla., Jacksonville, Fla.; Alma, Ga.; Macon, Ga.; Atlanta, Ga.; Nashville, Tenn.; St. Louis, Mo.; Des Moines, Iowa; Sioux Falls, S. Dak.; to Aberdeen, S. Dak.

Jet Route No. 46 From Tulsa, Okla., via Walnut Ridge, Ark.; Nashville, Tenn., to Knoxville, Tenn.

Jet Route No. 47 From Charleston, S. C., via Columbia, S. C., to Spartanburg, S. C.

Jet Route No. 48 From Pulaski, Va., via Westminster, Md.; INT Westminster 043° and Kennedy, N. Y., 252° radials; Kennedy; INT Kennedy 042° and Boston, Mass., 252° radials; to Boston.

Jet Route No. 49 From Phillipsburg, Pa., via Hancock, N. Y.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

Jet Route No. 50 From Los Angeles, Calif., via Ontario, Calif.; intersection Ontario 093° and Blythe, Calif., 282° radials; Blythe; intersection Blythe 096° and Gila Bend, Ariz., 299° radials; Gila Bend; Casa Grande, Ariz.; San Simon, Ariz.; INT San Simon 105° and El Paso, Tex., 275° radials; El Paso; INT El Paso 093° and Wink, TX., 266° radials; Wink; Abilene, TX.; Waco, TX.; Lufkin, TX; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

Jet Route No. 51 From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C.; Raleigh-Durham, N. C.; to Norfolk, Va.

Jet Route No. 52 From Denver, Colo., via Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Ardmore, Okla., 309° radials; Ardmore; Greater Southwest, Tex.; Texarkana, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Raleigh-Durham, N. C.; to Richmond, Va.

Jet Route No. 53 From Key West, Fla., via Miami, Fla.; Orlando, Fla.; Jacksonville, Fla.; Augusta, Ga.; Spartanburg, SC.; Pulaski, VA.; INT of Pulaski 015° and Ellwood City, Pa., 177° radials; Ellwood City; to Kleinburg, Ontario, Canada. The portion within Canada is excluded.

Jet Route No. 54 From Neah Bay, Wash., NDB via Olympia, Wash.; Pendleton, Oreg.; Boise, Idaho; to Pocatello, Idaho.

Jet Route No. 55 From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 025° and the Gordonsville, Va., 059° radials; INT of the Grodonsville 059 and Sea Isle, N. J., 253° radials; Sea Isle; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Bangor, Maine; Presque Isle, Maine; to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jet Route No. 56 From Mina, Nev., via Salt Lake City, Utah; Meeker, Colo.; to Denver, Colo.

Jet Route No. 57 From Truth or Consequences, N. Mex., via Socorro, N. Mex.; to Albuquerque, N. Mex.

Jet Route No. 58 From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; Greater Southwest, Texas; Alexandria, La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; New Orleans; INT of Grand Isle, La., 104° and Crestview, Fla., 201° radials; INT of Grand Isle 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

Jet Route No. 59 From Philipsburg, Pa., to Syracuse, N.Y.

Jet Route No. 60 From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Lincoln, Nebr.; Iowa City, Iowa; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; INT Phillipsburg 100° and Robbinsville, N. J., 293° radials; to Robbinsville.

Jet Route No. 61 From Westminster, Md., via Philipsburg, Pa., to Buffalo, N.Y.

Jet Route No. 62 From Kennedy, N. Y., via the INT of Kennedy 080° and the Nantucket, Mass., 255° radials; Nantucket; to the INT of the Nantucket 089° radial and the western boundary of the New York Oceanic Control Area (CODDS).

Jet Route No. 63 From the TUNNA INT (INT of Kennedy, N. Y., 143° radial, 128 NM from Kennedy) via Kennedy; Huguenot, N. Y.; INT of Huguenot 321° and Syracuse, N. Y., 149° radials; to Syracuse.

Jet Route No. 64 From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Bradford, Ill.; via the INT of the Bradford 089° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Ellwood City, Pa.; to Robbinsville, N.J.

PENDING AMENDMENT

In J-64 "Fort Wayne, Ind., 279° radials;" is deleted and "Fort Wayne, Ind., 280° radials;" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 49091 (Changed)

Jet Route No. 65 From Abilene, Tex., via Roswell, N. Mex.; Truth or Consequences, N. Mex.; Phoeniz, Ariz.; INT Phoenix 272° and Blythe, Calif., 096° radials; Blythe; Palmdale, Calif.; INT Palmdale 291° and Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

AMENDMENTS 1/29/76 40 F. R. 56884 (Changed)

Jet Route No. 66 From Greater Southwest, Tex., via Little Rock, Ark.; Memphis, Tenn.; INT Memphis 096° and Rome, Ga., 286° radials; to Rome.

Jet Route No. 67 From Lakeview, Oreg., direct Portland, Oreg.

Jet Route No. 68 From Milwaukee, Wis., via INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N.Y., 274° radials; Dunkirk; Hancock, N.Y.; INT Hancock 082° and Putnam, Conn., 293° radials; Putnam; Providence, R.I.; to Nantucket, Mass., excluding the portion within Canada.

Jet Route No. 69 From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials; to Birmingham.

Jet Route No. 70 From Hoquiam, Wash., via Seattle, Wash.; Ephrata, Wash.; Mullan Pass, Idaho; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; Salem, Mich.; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y.

Jet Route No. 71 From Memphis, Tenn., Centralia, Ill.; INT Centralia 019° and Northbrook, Ill., 186° radials; to Northbrook.

Jet Route 72 From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Zuni, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Greater Southwest, Texas.

Jet Route No. 73 From Tallahassee, Fla., via LaGrange, Ga.; Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

AMENDMENTS 7/15/76 41 F. R. 20651 (Rewritten)

Jet Route No. 74 From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; St. Johns, Ariz., Scorro, N. Mex.; Texico, N. Mex.; to Oklahoma City, Okla.

Jet Route No. 75 From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland, Fla.; Taylor, Fla.; Columbia, S.C.; Greensboro, N.C.; Gordonsville, Va.; Westminster, Md.; Huguenot, N.Y.; Albany, N.Y.; Plattsburgh, N.Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border.

Jet Route No. 76 From Boulder City, Nev., via Tuba City, Ariz.; Las Vegas, N. Mex.; Tucumcari, N. Mex.; Wichita Falls, Texas; to Greater Southwest, Texas.

Jet Route No. 77 From Wilmington, N. C., via Gordonsville, Va.; Westminster, Md.; Huguenot, N. Y.; to Boston, Mass.

Jet Route No. 78 From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker, Prescott, Ariz.; Zuni, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Texas; Oklahoma City, Okla.; Tulsa, Okla.; Farmington, Mo.; Louisville, Ky.; Charlesto, W. Va.; Philipsburg, Pa.; INT Philipsburg 083° and Keating, Pa., 099° radials; to Kennedy, N. Y.

Jet Route No. 79 From Biscayne Bay, Fla., via the INT of Biscayne Bay 348° and Vero Beach, Fla., 178° radials; Vero Beach; Ormond Beach, Fla.; INT of Ormond Beach 360° and Jacksonville, Fla. 028° radials; Charleston, S.C.; Wilmington, N.C.; Haw, N.C.; Norfolk, Va.; INT of Norfolk 023° and Coyle, N.J., 208° radials; Coyle; to Kennedy, N.Y.

Jet Route No. 80 From Oakland, Calif., via Stockton, Calif., Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Goodland, Kans.; Hill City, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.; Bellaire, Ohio; INT of the Bellaire 090° and Robbinsville, N. J., 264° radials; Robbinsville; to Kennedy, N.Y.

Jet Route No. 81 From Miami, Fla., to Orlando, Fla.

Jet Route No. 82 From Portland, Oreg., via McCall, Idaho; Dubois, Idaho; Crazy Woman, Wyo.; Rapid City, S. Dak; Sioux Falls, S. Dak.; Fort Dodge, Iowa; Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials; Joliet; Cleveland, Ohio; Jamestown, N.Y.; to Albany, N.Y.

Jet Route No. 83 From Spartanburg, S. C., via INT Spartanburg 341° and Appleton, Ohio, 184° radials; Appleton; to Cleveland, Ohio.

Jet Route No. 84 From Oakland, Calif., via Linden, Calif.; Mina, Nev.; Delta, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 85 From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Taylor, Fla.; Alma, Ga.; Augusta, Ga.; Spartanburg, S.C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio 172° radials; Cleveland; to Salem, Mich. The portion within Canada is excluded.

Jet Route No. 86 From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; El Paso, Tex.; Fort Stockton, Texas; Junction, Tex.; Austin, Tex.; Humble, Tex.; Leeville, La.; INT of Leeville 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

Jet Route No. 87 From Humble, Tex., via INT Humble 332° and Greater Southwest, Tex., 154° radials; Greater Southwest; Tulsa, Okla.; Butler, Mo.; Kirksville; Bradford; Joliet, Ill., to Northbrook, Ill.

AMENDMENTS 9/9/76 41 F. R. 29097 (Changed)

Jet Route No. 88 From Los Angeles, Calif., via Santa Barbara, Calif.; Salinas, Calif.; to Point Reyes, Calif.

AMENDMENTS 7/15/76 41 F. R. 20651 (Changed)

Jet Route No. 89 From Biscayne, Fla., via the INT of Biscayne 288° and Lakeland, Fla. 166° radials; Lakeland; Cross City, Fla.; Atlanta, Ga.; Louisville, Ky.; Lafayette, Ind.; Northbrook; Milwaukee, Wis., to Duluth, Minn.

AMENDMENTS 5/20/76 41 F. R. 12278 (Changed)

Jet Route No. 90 From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho; Lewistown, Mont.; Miles City, Mont.; Aberdeen, S. Dak.; Redwood Falls, Minn.; Mason City, Iowa; INT of the Mason City 095° and the Northbrook, Ill., 292° radials; to Northbrook.

Jet Route No. 91 From Atlanta, Ga., via Knoxville, Tenn., Henderson, W. Va.; to Bellaire, Ohio.

Jet Route No. 92 From Reno, Nev., via Coaldale, Nev.; Beatty, Nev.; INT Beatty 131° and Boulder City, Nev., 284° radials; Boulder City; Prescott, Ariz.; Phoenix, Ariz.; Casa Grande, Ariz.; INT of Casa Grande 145° and Tucson, Ariz., 298° radials; Tucson; to the INT of the Tucson 185° radial and the United States/Mexican border.

AMENDMENTS 1/29/76 40 F. R. 55830 (Changed)

Jet Route No. 93 From the INT of the United States/Mexican Border and the Julian, Calif., 136° radial via Julian; to Ontario, Calif.

Jet Route No. 94 From Oakland, Calif., via Stockton, Calif.; Reno, Nev.; Battle Mountain, Nev.; Lucin, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; Dubuque, Iowa; Northbrook; Pullman, Mich.; Flint, Mich.; Peck, Mich.; to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N.Y., 274° radial via Buffalo; Albany, N.Y., to Boston, Mass.

Jet Route No. 95 From Kennedy, N.Y., via Huguenot, N.Y., Buffalo, N.Y.; to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 96 From Los Angeles, Calif. via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; INT Prescott 084° and Gallup, N. Mex., 246° radials; Gallup; Cimarron, N. Mex.; Garden City, Kans.; Salina, Kans; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill.

Jet Route No. 97 From the INT of the Nantucket, Mass., 157° radial and the western boundary of the New York Oceanic Control Area, via Nantucket; Boston, Mass.; to Plattsburgh, N.Y.

Jet Route No. 98 From Liberal, Kans., via Gage, Okla.; Oklahoma City, Okla.; via Tulsa, Okla.; Springfield, Mo.; to Farmington, Mo.

Jet Route No. 99 From Augusta, Ga., via Knoxville, Tenn.; to Louisville, Ky.

AMENDMENTS 7/15/76 41 F. R. 20651 (Added)

Jet Route No. 100 From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 101 From Humble, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich.

Jet Route No. 102 From Phoenix, Ariz., via INT of Phoenix 066° and Zuni, N. Mex., 226° radials; Zuni; Alamosa, Colo.; Lamar, Colo.; to Salina, Kans.

Jet Route No. 103 From St. Petersburg, Fla., via Orlando, Fla.; Ormond Beach, Fla.; to Savannah, Ga.

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Jet Route No. 104 From Twentynine Palms, Calif., via intersection Twentynine Palms 103° and Gila Bend, Ariz., 312° radials; Gila Bend, Tucson, Ariz.; San Simon, Ariz.; Socorro, N. Mex.; Las Vegas, N. Mex.; Pueblo, Colo.; to Denver, Colo.

Jet Route No. 105 From Greater Southwest, Tex., via Fayetteville, Ark.; Springfield, Mo.; Bradford, Ill.; to Milwaukee, Wis.

Jet Route No. 106 From Minneapolis, Minn., via Green Bay, Wis.; INT Green Bay 106° and Flint, Mich., 310° radials; Flint; INT Flint 127° and Salem, Mich., 092° radials; Jamestown, N.Y.; Sparta, N.J.; to Kennedy, N.Y., excluding the portion within Canada.

Jet Route No. 107 That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Delta, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina. N. Dak., to Kenora, Ontario, Canada.

Jet Route No. 108 From Winslow, Ariz., via St. Johns, Ariz.; Truth or Consequences, N. Mex.; INT Truth or or Consequences, N. Mex., 106° and Wink, Tex., 297° radials; to Wink, Tex.

Jet Route No. 109 From Wilmington, N.C., via Gordonsville, Va.; Front Royal, Va.; to Buffalo, N.Y.

Jet Route No. 110 From Oakland, Calif., via Salinas, Calif.; Fresno, Calif.; Boulder City, Nev.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Garder City, Kans.; Butler, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

AMENDMENTS 7/15/76 41 F. R. 20651 (Changed)

Jet Route No. 111 From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; Middleton Island, Alaska; to SNOUT INT (Middleton Island 121° and Yakutat, Alaska 215° radials).

Jet Route No. 112 From Butler, Mo., via Farmington, Mo., to Louisville, Ky.

Jet Route No. 113 From Northbrook, Ill., via Dubuque, Iowa; to Minneapolis, Minn.

Jet Route No. 114 From Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; to Minneapolis, Minn.

Jet Route No. 115 From Shemya, Alaska, NDB, via Adak, Alaska, NDB; Nikolski, Alaska, NDB; Cold Bay, Alaska; King Salmon, Alaska; INT King Salmon 053° and Kenai, Alaska, 239° radials; Kenai; Anchorage, Alaska; Fairbanks, Alaska; Chandalar, Alaska, NDB; to Deadhorse, Alaska.

Jet Route No. 116 From Salt Lake City, Utah, via Fairfield, Utah; Meeker, Colo.; to Denver, Colo.

Jet Route No. 117 From McGrath, Alaska, via Galena, Alaska; to Kotzebue, Alaska.

Jet Route No. 118 From Memphis, Tenn., via Chattanooga, Tenn., to Spartanburg, S.C.

Jet Route No. 119 From Miami, Fla., via the INT of the Miami 297° and the St. Petersburg, Fla., 151° radials; St. Petersburg; to Taylor, Fla.

Jet Route No. 120 From Bethel, Alaska, via McGrath, Alaska; Fairbanks, Alaska; Fort Yukon, Alaska; to the Barter Island, Alaska, NDB.

Jet Route No. 121 From Jacksonville, Fla., via Charleston, S. C.; Norfolk, Va.; INT Norfolk 023° and Sea Isle, N. J., 212° radials; Sea Isle; INT Sea Isle 050° and Hampton, N. Y. 223° radials; Hampton; Providence R. I.; to INT Providence 045° and Boston, Mass., 066° radials.

Jet Route No. 122 From Fairbanks, Alaska, via Galena, Alaska; to Nome, Alaska.

Jet Route No. 123 From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at lat. 57°28'00"N., long. 150°32'00"W., via Kodiak; King Salmon, Alaska; Bethel, Alaska; Nome, Alaska; Kotzebue, Alaska; to Barrow, Alaska.

Jet Route No. 124 From Anchorage, Alaska, via Big Lake, Alaska; Gulkana, Alaska; to Northway, Alaska.

Jet Route No. 125 From Kodiak, Alaska, via Anchorage, Alaska; Talkeetna, Alaska; to Nenana, Alaska.

Jet Route No. 126 From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Stockton, Calif.; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Eugene, Oreg.; Newberg, Oreg.; Olympia, Wash.; to Vancouver, British Columbia, Canada. That portion outside the United States is excluded.

Jet Route No. 127 From Cape Newenham, Alaska, NDB via King Salmon, Alaska; to INT King Salmon 042° and Anchorage. Alaska. 246° radials.

Jet Route No. 128 From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Gunnison. Colo.; Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 129 From Nome, Alaska, to Kotzebue, Alaska, via INT Nome 009° and Kotzebue 221° radials.

Jet Route No. 130 From Wilson Creek, Nev., via INT Wilson Creek 068° and Grand Junction, Colo., 274° radials to Grand Junction.

Jet Route No. 131 From San Antonio, Tex., via INT San Antonio 007° and Greater Southwest, Tex., 219° radials; Greater Southwest; Texarkana, Ark.; Little Rock, Ark.; to Evansville, Ind.

Jet Route No. 132 From Fort Dodge, Iowa, to Mason City, Iowa.

Jet Route No. 133 From Biorka Island, Alaska, via Hinchinbrook, Alaska, NDB; to Johnstone Point, Alaska.

Jet Route No. 134 From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms; intersection of Twentynine Palms 075° and Parker, Calif., 062° radials; intersection Parker 062° and Winslow, Ariz., 265° radials; Winslow; Gallup, N. Mex.; Cimarron, N. Mex.; Liberal, Kans., Wichita, Kans.; Butler, Mo.; St. Louis, Mo.; Falmouth, Ky.; INT of Falmouth 085° and Front Royal, Va., 264° radials; to Front Royal.

Jet Route No. 135 From Bethel, Alaska, to Unalakleet, Alaska.

Jet Route No. 136 From Newport, Oreg., via Portland, Oreg., Yakima, Wash., to Spokane, Wash.
PENDING AMENDMENT
In J-136 the title is deleted and in the text "to Spokane, Wash." is deleted and "Spokane, Wash.; Mullan Pass, Idaho; INT Mullan Pass 101° and Billings, Mont., 301° radials; to Billings." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed)

Jet Route No. 138 From Fort Stockton, Tex.; San Antonio, Tex.; Hobby, Tex.; to Lake Charles, La.

Jet Route No. 139 From Bettles, Alaska, to Deadhorse, Alaska.

Jet Route No. 140 From Fargo, N. Dak., via Duluth, Minn., to Sault Ste. Marie, Mich.

Jet Route No. 142 From San Simon, Ariz., via the INT of the San Simon 038° and the Socorro, N. Mex., 233° radials; to Socorro.

Jet Route No. 143 From Eugene, Oreg., via The Dallas, Oreg.; to Spokane, Wash.

AMENDMENTS 1/29/76 40 F. R. 56652 (Added)

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Jet Route No. 144 From Wolbach, Nebr.; via Des Moines, Iowa; to Dubuque, Iowa.

Jet Route No. 145 From Toccoa, Ga., via Charleston, W. Va.; INT Charleston 034° and the Ellwood City, Pa., 194° radials to Ellwood City, Pa.

Jet Route No. 146 From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder, Nev.; Dove Creek, Colo.; Gunnison, Colo., Goodland, Kans.; Lincoln, Nebr.; Iowa City, Iowa; Joliet, Ill.; South Bend, Ind.; INT South Bend 089° and Chardon, Ohio, 279° radials; Chardon, Keating, Pa.; to Kennedy, N. Y., excluding the portion within Canada.

Jet Route No. 147 From Beckley, W. Va., to Gordonsville, Va.

Jet Route No. 148 From Coaldale, Nev., via Delta, Utah; Myton, Utah; Cheyenne, Wyo.; to O'Neill, Nebr.

Jet Route No. 149 From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

Jet Route No. 150 From Gordonsville, Va., via INT Gordonsville 059° and Woodstown, N. J., 230° radials; Woodstown; Robbinsville, N. J.; Hampton, N. Y.; INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis; to the INT Hyannis 068° and Boston, Mass., 097° radials.

Jet Route No. 151 From Birmingham, Ala., via INT Birmingham 335° and Farmington, Mo., 139° radials; Farmington; St. Louis, Mo.; Des Moines, Iowa; O'Neill, Nebr.; Rapid City, S. Dak.; to Billings, Mont.

PENDING AMENDMENT

In J-151 the title is deleted and in the text "to Billings, Mont." is deleted and "Billings, Mont.; INT Billings 266° and Whitehall, Mont., 103° radials; to Whitehall." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed)

Jet Route No. 152 From Capital, Ill., via INT Capital 091° and Rosewood, Ohio, 263° radials; Rosewood; Johnstown, Pa.; Harrisburg, Pa.; to INT Harrisburg 099° and Westminster, Md., 058° radials.

Jet Route No. 153 From SHADS INT (INT of Sea Isle, N. J., 134° radial, 118 NM from Sea Isle) to Sea Isle.

Jet Route No. 154 From Battle Mountain, Nev., via Bonneville, Utah; Salt Lake City, Utah; to Rock Springs, Wyo.

PENDING AMENDMENT

In J-154 the title is deleted and in the text "Battle Mountain, Nev., via" is deleted and "Sacramento, Calif., via INT Sacramento 046° and Battle Mountain, Nev., 253° radials; Battle Mountain;" is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed); Corr: 41 F. R. 52048

Jet Route No. 155 From the Chandalar Lake, Alaska, NDB to Nenana, Alaska.

Jet Route No. 156 From Wilson Creek, Nev., to Meeker, Colo.

Jet Route No. 158 From Mina, Nev., via Lucin, Utah; to Malad City, Idaho.

PENDING AMENDMENT

In J-158 the title is deleted and in the text "to Malad City, Idaho." is deleted and "Malad City, Idaho; INT Malad City 087° and Casper, Wyo., 241° radials; Casper; Rapid City, S.D.; to Aberdeen, S.D." is substituted therefor.

AMENDMENTS 12/30/76 41 F.R. 44688 (Changed)

Jet Route No. 159 From Portland, Oreg., to Redmond, Oreg.

AMENDMENTS 1/29/76 40 F. R. 56652 (Added)

Jet Route No. 160 From Fairbanks, Alaska, via INT Fairbanks 016° and Fort Yukon, Alaska, 229° radials; Fort Yukon; to Komakuk, Yukon Territory, Canada, NDB. The airspace within Canada is excluded.

Jet Route No. 161 From Zuni, N. Mex., to Farmington, N. Mex.

Jet Route No. 162 From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

Jet Route No. 164 From Bryce Canyon, Utah, via INT Bryce Canyon 090° and Grand Junction, Colo., 232° radials to Grand Junction.

Jet Route No. 165 From Charleston, S. C., to Richmond, Va.

Jet Route No. 166 From San Simon, Ariz.; via Truth or Consequences, N. Mex.; Roswell, N. Mex.; to Wichita Falls, Texas.

Jet Route No. 167 From Johnstone Point, Alaska, via Gulkana, Alaska; Big Delta, Alaska; to Fort Yukon, Alaska.

Jet Route No. 168 From Wichita Falls, Tex., to Lamar, Colo.

AMENDMENTS 11/4/76 41 F.R. 38763 (Added)

Jet Route No. 174 From Hampton, N. Y., via INT Hampton 069° and Hyannis, Mass., 237° radials; Hyannis; to the INT of Hyannis 080° and Nantucket, Mass., 066° radials.

Jet Route No. 177 From Humble, Tex., via Hobby, Tex., to Tampico, Mexico, excluding the portion south of Lat. 26°00'00" N.

PENDING AMENDMENT

J-178 is added as follows:
Jet Route No. 178 From Fort Wayne, Ind., to Appleton, Ohio.

AMENDMENTS 12/30/76 41 F.R. 49091 (Added)

Jet Route No. 180 From Humble, Tex., via Daisetta, Tex.; to Little Rock, Ark.

Jet Route No. 181 From Phoenix, Ariz., to Newman, Tex.

AMENDMENTS 1/29/76 40 F. R. 56884 (Added)

Jet Route No. 185 From Traverse City, Mich., to Flint, Mich.

Jet Route No. 186 From Toccoa, Ga., to the INT of the Spartanburg, S. C., 341° and the Appleton, Ohio, 184° radials.

Jet Route No. 189 From Avenal, Calif., via Linden, Calif.; Klamath Falls, Oreg.; Portland, Oreg.; to Seattle, Wash.

Jet Route No. 192 From Goodland, Kans., to Pawnee City, Nebr.

Jet Route No. 195 From Annette Island, Alaska, to Biorka Island, Alaska.

PENDING AMENDMENT

Jet Route No. 196 From Bryce Canyon, Utah, via INT Bryce Canyon 048° and Meeker, Colo., 247° radials; to Meeker.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

PENDING AMENDMENT

Jet Route No. 197 From Gunnison, Colo., via INT Gunnison 083° and Goodland, Kans., 251° radials; Goodland; Wolbach, Nebr.; to Sioux Falls, S.D.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

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PENDING AMENDMENT
Jet Route No. 198 From Linden, Calif., via INT Linden 063° and Mina, Nev., 298° radials; Mina; Wilson Creek, Nev.; INT Wilson Creek 075° and Meeker, Colo., 247° radials; to Meeker.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

PENDING AMENDMENT
Jet Route No. 199 From Wilson Creek, Nev., via Delta, Utah; INT Delta 068° and Meeker, Colo., 262° radials: to Meeker.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

PENDING AMENDMENT
Jet Route No. 200 From Linden, Calif., via INT Linden 021° and Sacramento, Calif., 046° radials; INT Sacramento 046° and Battle Mountain, Nev., 253° radials; to Battle Mountain.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added); Corr: 41 F. R. 52048

PENDING AMENDMENT
Jet Route No. 201 From Myton, Utah, via INT Myton 056° and Rock Springs, Wyo., 084° radials; to Scottsbluff, Nebr.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

PENDING AMENDMENT
Jet Route No. 202 From Fairfield, Utah, via INT Fairfield 026° and Rock Springs, Wyo., 249° radials; Rock Springs; to Casper, Wyo.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added)

PENDING AMENDMENT
Jet Route No. 203 From Billings, Mont., via INT Billings 347° and Great Falls, Mont., 093° radials; to Great Falls.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added); Corr: 41 F.R. 48514 (Changed)

PENDING AMENDMENT
Jet Route No. 204 From Dupree, S.D., via Miles City, Mont.; INT Miles City 295° and Great Falls, Mont., 093° radials; to Great Falls.

AMENDMENTS 12/30/76 41 F.R. 44688 (Added); Corr: 41 F.R. 48514 (Changed)

Jet Route No. 500 From Thunder Bay, Ontario, via Sault Ste. Marie, Mich.; North Bay, Ontario, Canada; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

Jet Route No. 501 From Point Reyes, Calif., via Medford, Oreg.; Hoquiam, Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, Canada, RBN; Cape Scott, British Columbia, Canada, RBN; Sandspit, British Columbia, Canada; Biorka Island, Alaska; Yakutat, Alaska; Johnstone Point, Alaska; Anchorage, Alaska; Sparrevohn, Alaska, NDB; to Bethel, Alaska, excluding the airspace within Canada.

AMENDMENTS 7/15/76 41 F. R. 20651 (Changed)

Jet Route No. 502 From Seattle, Wash.; via Victoria, British Columbia, Canada; Malcolm Island, Canada; Annette Island, Alaska; Level Island, Alaska; Sisters Island, Alaska; Burwash Landing, Yukon Territory Canada, RBN; Northway, Alaska; Fairbanks, Alaska, to Kotzebue, Alaksa, excluding the airspace within Canada.

Jet Route No. 503 From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to Princeton, British Columbia.

Jet Route No. 505 From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian border.

Jet Route No. 506 From Millinocket, Maine, via the intersection of Millinocket 114° and St. John, N.B., 267° radials: to the intersection of the St. John 267° radial with the United States/Canadian border.

Jet Route No. 507 From Barrow, Alaska, via Deadhorse, Alaska; Fort Yukon, Alaska, Northway, Alaska; to Yakutat, Alaska, excluding the portion within Canada.

AMENDMENTS 3/25/76 41 F. R. 4255 (Changed)

PENDING AMENDMENT
Jet Route No. 509 From Beauce, Quebec, via Houlton, Maine, to Moncton, New Brunswick, excluding the portion outside the United States.

AMENDMENTS 3/25/65 41 F. R. 3465 (Added); Eff.date suspended indefinitely 41 F. R. 9302
AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 511 From Cape Newenham, Alaska, NDB via Dillingham, Alaska; Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; to Burwash Landing,
Yukon Territory, Canada, RBN, excluding the portion which lies over Canadian territory.
Jet Route No. 513 From Thunder Bay, Ontario, Canada, direct to Sudbury, Ontario, Canada, excluding the portion within Canada.

Jet Route No. 515 From Fargo, N. Dak., via Pembina, N. Dak.; to INT Pembina 356° radial and the United States/Canadian border. From Whitehorse, Yukon Territory, Canada, via Northway, Alaska; Fairbanks, Alaska; Bettles, Alaska; to Barrow, Alaska. The airspace within Canada is excluded.

AMENDMENTS 3/25/76 41 F. R. 4255 (Changed)

Jet Route No. 516 From Great Falls, Mont., via the Great Falls 339° radial to the United States/Canadian border.

Jet Route No. 517 From Boise, Idaho, via Spokane, Wash., to Cranbrook, British Columbia, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 518 From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

Jet Route No. 522 From Green Bay, Wis., via Traverse City, Mich.; Kleinburg, Ontario, Canada; Hancock, N.Y.; to Huguenot, N.Y., excluding the airspace within Canada.

Jet Route No. 523 From Seattle, Wash., to the Neah Bay, Wash., REN. From Sandspit, British Columbia, Canada, to Annette Island, Alaska; excluding the airspace within Canada.

PENDING AMENDMENT
Jet Route No. 524 From the INT of Albany, N. Y., 343° and Montreal, Quebec, 188° radials to the INT of the Montreal 188° radial with United States/Canadian border.

AMENDMENTS 3/25/76 41 F. R. 3465 (Added); Eff. date suspended indefinitely 41 F. R. 9302
AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No.525 From the Sandspit, British Columbia, Canada, NDB to Nichols, Alaska, NDB, excluding the airspace within Canada.

Jet Route No. 528 From Bellingham, WA., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

Jet Route No. 530 From Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian border.

Jet Route No. 531 From Buffalo, N.Y., via Kleinburg, Ont., Canada; Wiarton, Ont., Canada; to Sault Ste. Marie, Mich., excluding the portion which lies over Canadian territory.

Jet Route No. 532 From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

Jet Route No. 533 From Duluth, Minn., to the United States/Canadian border via the Duluth to Thunder Bay, Ontario, direct radial.

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Jet Route No. 536 From Sisters Island, Alaska; to Whitehorse, Yukon Territory, Canada. The airspace within Canada is excluded.

Jet Route No. 538 From the INT of the United States/Canadian border and the direct radial between Duluth, Minn., and Kenora, Ont., to Duluth.

Jet Route No. 540 From Mullan Pass, Idaho, to the INT of Mullan Pass 041° radial and the United States/ Canadian border.

J-541 From Yakutat, Alaska, to Sisters Island, Alaska.

Jet Route No. 545 From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/ Canadian Border.

Jet Route No. 546 From Peck, Mich., to the United States/Canadian Border via the Peck to Kleinburg, Ontario direct radial.

Jet Route No. 547 From Northbrook, Ill., via Pullman, Mich.; Flint, Mich.; Peck, Mich.; London, Ontario; Buffalo, N.Y.; Syracuse, N.Y.; INT Syracuse 094° and Albany, N.Y., 058° radials; to Kennebunk, Maine, excluding the portion which lies over Canadian territory.

Jet Route No. 548 From Pullman, Mich.; via Traverse City, Mich.; Sault Ste Marie, to the United States/ Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

Jet Route No. 551 From Peck, Mich., to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

Jet Route No. 553 From Peck, Mich., to Midland, Ontario, Canada. From Beauce, Quebec, via Houlton, Maine; to Moncton, New Brunswick. That airspace within Canada is excluded.

PENDING AMENDMENT

Jet Route No. 553 From Peck, Mich., to Midland, Ontario, Canada. That airspace within Canada is excluded.

AMENDMENTS 3/25/76 41 F. R. 3465 (Rewritten); Eff. date suspended indefinitely 41 F. R. 9302
AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 554 From South Bend, Ind., via Carleton, Mich.; to Jamestown, N. Y., excluding the portion within Canada.

Jet Route No. 559 From Syracuse, N.Y., to the INT of Syracuse 005° radial and the United States/Canadian border.

Jet Route No. 560 From Plattsburgh, N.Y., to Quebec, Quebec, Canada, excluding the airspace over Canada.

PENDING AMENDMENT

Jet Route No. 561 From Presque Isle, Maine, to Mont Joli, Quebec, excluding the portion outside the United States.

AMENDMENTS 3/25/76 41 F. R. 3465 (Added); Eff. date suspended indefinitely 41 F. R. 9302
AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 563 From Albany, N.Y., via INT of Albany 008° and Sherbrooke, Quebec, Canada, 217° radials to Sherbrooke, excluding the airspace over Canada.

Jet Route No. 564 From Presque Isle, Maine, to INT of the Presque Isle 038° radial and the United States/ Canadian border.

Jet Route No. 566 From Massena, N.Y., to the INT of the Massena 037° radial and the United States/ Canadian border.

Jet Route No. 567 From Plattsburgh, N.Y., to the INT of the Plattsburgh 334° radial and the United States/ Canadian border.

Jet Route No. 570 From the INT of Albany, N. Y., 343° and Montreal, Quebec, 188° radials to the INT of the Montreal 188° radial with the United States/Canadian Border.

PENDING AMENDMENT

Jet Route No. 570 From Albany, N. Y., to Mirabel, Quebec, excluding the portion outside the United States.

AMENDMENTS 3/25/65 41 F. R. 3465 (Rewritten); Eff. date suspended indifinitely 41 F. R. 9302
AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 573 From Providence, R.I., via INT Providence 045° and Kennebunk, Maine, 180° radials; Kennebunk; to St. John, New Brunswick, Canada, excluding the portion within Canada.

Jet Route No. 575 From Boston, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 581 From Kennedy, N. Y., via INT of Kennedy 042° and Putnam, Conn., 236° radials; Putnam; Kennebunk, Maine; Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

Jet Route NO. 582 From Presque Isle, Maine, to Mont Joli, Quebec, Canada, excluding the portion within Canada

PENDING AMENDMENT

Jet Route No. 582 From Presque Isle, Maine, to Sept Isle, Quebec, excluding the portion outside the United States.

AMENDMENTS 3/25/76 41 F. R. 3465 (Rewritten); Eff. date suspended indefinitely 41 F. R. 9302
AMENDMENTS 12/30/76 41 F.R. 47913 (Changed)

Jet Route No. 584 From Northbrook, Ill., via INT of Northbrook 094° and Carleton, Mich., 270° radials; Carleton; Slate Run, Pa.; INT Slate Run 101° and Kennedy, N.Y., 291° radials; to Kennedy.

Jet Route No. 585 From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 586 From Carleton, Mich., via London, Ont., Canada; Stirling, Ont., Canada; Massena, N.Y.; to St. Jean, Quebec, Canada. That airspace within Canada is excluded.

Jet Route No. 587 From Kleinburg, Ontario, Canada, via Midland, Ontario, Canada, INT Midland 313° and Sault Ste. Marie, Mich., 110° radials; to Sault Ste. Marie, excluding the portion within Canada.

Jet Route No. 588 From Sault Ste. Marie, MI., via INT Sault Ste. Marie 110° and Stirling, Ontario, Canada, 297° radials; to Stirling, excluding the portion within Canada.

Jet Route No. 595 From London, Ontario via latitude 43°52'30"N., longitude 78°43'00"W.); Watertown, N.Y.; Plattsburgh, N.Y.; Bangor, Maine; to St. John, New Brunswick, Canada; excluding the portion outside the United States.

SUBPART C - Reserved

SUBPART D - AREA HIGH ROUTES

§75.400 Area high routes.

The parts of airspace described below are designated as area high routes.

Waypoint name	Location		Reference facility
J800R New York, N. Y., to Los Angeles, Calif.			
Robbinsville, N. J., VORTAC	40°12'08" N.	74°29'44" W.	Robbinsville, N. J.
RIDES	39°58'04" N.	78°04'45" W.	Philipsburg, Pa.
HORNS	40°00'43" N.	80°13'38" W.	Elwood City, Pa.
THACK	39°59'34" N.	84°01'53" W.	Rosewood, Ohio
MELOT	39°53'23" N.	87°00'54" W.	Lafayette, Ind.
CHAPS	39°39'52" N.	90°35'08" W.	St. Louis, Mo.
WALCO	39°13'06" N.	94°59'28" W.	Butler, Mo.
ENTER	38°58'04" N.	96°59'46" W.	Wichita, Kans.
CEDAR	38°29'43" N.	100°10'41" W.	Garden City, Kans.
GRAND	37°59'43" N.	102°37'19" W.	Lamar, Colo.
Delhi, Colo.	37°40'09" N.	104°13'02" W.	Pueblo, Colo.
SANDY	37°19'13" N.	105°48'11" W.	Alamosa, Colo.
Flora, N. Mex.	36°46'16" N.	108°09'14" W.	Farmington, N. Mex.
CAMEL	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
FENNY	34°48'12" N.	115°00'57" W.	Parker, Calif.
MORRO	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

Waypoint name	Location		Reference facility
J801R Los Angeles, Calif., to New York, N. Y.			
MESIC	35°44'20" N.	115°32'01" W.	Boulder City, Nev.
Boulder City, NV.	35°59'45" N.	114°51'46" W.	Boulder City, NV.
Paria, Ariz.	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah
MONTE	37°51'16" N.	108°33'32" W.	Farmington, N. Mex.
CABIN	38°21'36" N.	106°34'31" W.	Gunnison, Colo.
GOFEL	38°42'44" N.	105°05'24" W.	Pueblo, Colo.
DRESS	39°38'14" N.	100°23'38" W.	Hayes Center, Nebr.
RUSKI	40°08'16" N.	97°56'34" W.	Wolbach, Nebr.
GARDE	40°53'49" N.	93°30'28" W.	Des Moines, Iowa
Joliet, Ill., VORTAC	41°32'47" N.	88°19'06" W.	Joliet, Ill.
WOLVI	42°13'36" N.	83°58'14" W.	Carleton, Mich.
SPOTS	42°00'19" N.	80°56'16" W.	Carleton, Mich.
ORMBY	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J., VORTAC	41°04'03" N.	74°32'19" W.	Sparta, N. J.

Waypoint name	Location		Reference facility
J802R New York, N. Y., to Oakland, Calif.			
Robbinsville, N. J., VORTAC	40°12'08" N.	74°29'44" W.	Robbinsville, N. J.
FURNA	40°36'35" N.	78°02'40" W.	Philipsburg, Pa.
SHILO	40°57'44" N.	82°30'16" W.	Appleton, Ohio
PERRY	41°08'24" N.	87°02'53" W.	Lafayette, Ind.
Bradford, Ill.	41°09'35" N.	89°35'16" W.	Iowa City, Iowa
Lincoln, Nebr.	40°55'26" N.	96°44'30" W.	Pawnee City, Nebr.
MELTO	40°39'38" N.	100°57'02" W.	Hayes Center, Nebr.
GILLY	40°16'43" N.	104°49'59" W.	Denver, Colo.
BLAND	39°53'01" N.	107°52'45" W.	Meeker, Colo.
HILLS	39°33'51" N.	109°58'03" W.	Myton, Utah
NEBOS	39°16'43" N.	111°38'27" W.	Fairfield, Utah
GRAFT	38°43'06" N.	114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev., VORTAC	38°00'12" N.	117°46'10" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J803R Mina, Nev., to Sparta, N. J.			
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.
BRISK	39°23'01" N.	114°50'10" W.	Wilson Creek, Nev.
CLARA	39°52'08" N.	112°42'38" W.	Delta, Utah
Ouray, Utah	40°22'59" N.	110°12'19" W.	Myton, Utah
MAYBE	40°45'44" N.	108°07'47" W.	Meeker, Colo.
TANKS	41°17'12" N.	104°47'30" W.	Cheyenne, Wyo.
SANDS	41°44'19" N.	101°09'59" W.	Hayes Center, Nebr.
PLUMS	42°07'05" N.	96°53'26" W.	Lincoln, Nebr.
SCALE	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
Haven, Mich.	42°19'27" N.	86°17'17" W.	South Bend, Ind.
WOLVI	42°13'36" N.	83°58'14" W.	Carleton, Mich.
SPOTS	42°00'19" N.	80°56'16" W.	Carleton, Mich.
ORMBY	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J. VORTAC	41°04'03" N.	74°32'19" W.	Sparta, N. J.

Waypoint name	Location		Reference facility
J804R Tampa, FL., to Atlanta, GA,			
DARBS	28°11'59" N.	82°51'58" W.	Gainesville, Fla.
AMOUR	30°43'23" N.	84°23'02" W.	Tallahassee, Fla.
TAXII	33°02'35" N.	85°12'27" W.	Montgomery, Ala.

Waypoint name	Location		Reference facility
J805R Gateway Hemlock, Oreg., to Woodstock, Ill.			
HEMLO	43°18'08" N.	126°40'46" W.	Newport, Oreg.
Newport, Oreg.	44°34'32" N.	124°03'34" W.	Newport, Oreg.
DAYAH	44°35'59" N.	119°26'41" W.	Pendleton, Oreg.
McCall, Idaho	44°46'02" N.	116°12'19" W.	McCall, Idaho
LIMES	44°52'56" N.	112°13'36" W.	Dubois, Idaho
BIGGS	44°52'08" N.	108°42'55" W.	Billings, Mont.
CLEAR	44°43'43" N.	106°20'12" W.	Crazy Woman, Wyo.
ASHEY	44°19'46" N.	101°52'35" W.	Dupree, S. Dak.
Sioux Falls, S. Dak.	43°38'58" N.	96°46'51" W.	Sioux Falls, S. Dak.
WILDT	42°57'17" N.	91°45'37" W.	Nodine, Minn.
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J806R Robbinsville, N. J., to Gateway Hemlock			
Robbinsville, N. J.	40°12'08" N.	74°29'44" W.	Robbinsville, N. J.
FURNA	40°36'35" N.	78°02'40" W.	Philipsburg, Pa.
SHILO	40°57'44" N.	82°30'16" W.	Appleton, Ohio
Plant, Ind.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N.	92°15'40" W.	Dubuque, Iowa
KAMRA	42°25'45" N.	93°43'56" W.	Fort Dodge, Iowa
Sioux Falls, S. Dak.	43°38'58" N.	96°46'51" W.	Sioux Falls, S. Dak.
ASHEY	44°19'46" N.	101°52'35" W.	Dupree, S. Dak.
CLEAR	44°43'43" N.	106°20'12" W.	Crazy Woman, Wyo.
BIGGS	44°52'08" N.	108°42'55" W.	Billings, Mont.
LIMES	44°52'56" N.	112°13'36" W.	Dubois, Idaho
McCall, Idaho	44°46'02" N.	116°12'19" W.	McCall, Idaho
DAYAH	44°35'59" N.	119°26'41" W.	Pendleton, Oreg.
Newport, Oreg.	44°34'32" N.	124°03'34" W.	Newport, Oreg.
HEMLO	43°18'08" N.	126°40'46" W.	Newport, Oreg.

Waypoint name	Location		Reference facility
J807R New York, N. Y., to Sherbrooke, Canada			
BELLE	41°02'17" N.	73°08'51" W.	Hampton, N. Y.
CHERI	42°40'52" N.	73°18'11" W.	Albany, N. Y.
HOLLY	44°59'29" N.	71°59'58" W.	Plattsburgh, N. Y.

Waypoint name	Location		Reference facility
J808R New York, N. Y., to Sable Island, N. S.			
SARDI	40°31'19" N.	72°47'56" W.	Kennedy, N. Y.
PATTY	40°50'10" N.	71°58'04" W.	Putnam, Conn.
Nantucket	41°16'54" N.	70°01'38" W.	Nantucket, Mass.
WHALE	42°11'49" N.	67°00'28" W.	Nantucket, Mass.

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Waypoint name	Location		Reference facility
J809R New York, N. Y., to Yarmouth, N. S.			
SARDI	40°31'19" N.	72°47'56" W.	Kennedy, N. Y.
PATTY	40°50'10" N.	71°58'04" W.	Putnam, Conn.
Nantucket	41°16'54" N.	70°01'38" W.	Nantucket, Mass.
DAVES	42°55'46" N.	67°29'55" W.	Nantucket, Mass.

Waypoint name	Location		Reference facility
J810R South Bend, Ind., to New York, N. Y.			
KINDS	41°47'37" N.	85°00'23" W.	Fort Wayne, Ind.
MARCH	41°38'39" N.	82°31'06" W.	Cleveland, Ohio
AVAST	41°07'46" N.	77°23'00" W.	Philipsburg, Pa.
PENNS	40°48'06" N.	74°55'59" W.	Sparta, N. J.

Waypoint name	Location		Reference facility
J811R Chicago, IL., to Miami, FL.			
JUDYS	40°14'20" N.	87°22'35" W.	Indianapolis, Ind.
ELMAN	36°19'34" N.	85°50'29" W.	Nashville, Tenn.
Rome, Ga.	34°09'45" N.	85°07'10" W.	Birmingham, Ala.
MAUKS	32°29'12" N.	84°24'51" W.	Macon, Ga.
PENNY	30°07'24" N.	83°33'01" W.	Gainesville, Fla.
REPLY	26°10'36" N.	81°06'53" W.	Palm Beach, Fla.

Waypoint name	Location		Reference facility
J812R Miami, Fla., to Chicago, Ill.			
HIGHT	28°11'22" N.	80°42'24" W.	Vero Beach, Fla.
APORT	28°25'30" N.	81°55'45" W.	Ormond Beach, Fla.
ARCHI	29°34'20" N.	82°33'00" W.	Gainesville, Fla.
Alma, GA.	31°32'11" N.	82°30'30" W.	Savannah, GA.
SINCA	33°05'19" N.	83°33'03" W.	Augusta, Ga.
CANTE	34°19'29" N.	84°25'39" W.	Chattanooga, Tenn.
SHUTO	37°14'52" N.	85°21'50" W.	Knoxville, Tenn.
BORDE	38°37'12" N.	86°02'11" W.	Evansville, Ind.
FORES	40°51'20" N.	87°11'36" W.	Fort Wayne, Ind.
Chicago Heights, IL.	41°30'36" N.	87°34'17" W.	Fort Wayne, IN.

Waypoint name	Location		Reference facility
J813R Atlanta, Ga., to New Orleans, La.			
BREME	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
Montgomery, Ala., VORTAC	32°13'20" N.	86°19'11" W.	Montgomery, Ala.
Monroeville, Ala.	31°27'37" N.	87°21'10" W.	Montgomery, Ala.
New Orleans, La., VORTAC	30°01'47" N.	90°10'20" W.	New Orleans, La.

Waypoint name	Location		Reference facility
J814R New Orleans, La., to Atlanta, Ga.			
New Orleans, La., VORTAC	30°01'47" N.	90°10'20" W.	New Orleans, La.
Monroeville, Ala.	31°27'37" N.	87°21'10" W.	Montgomery, Ala.
Montgomery, Ala.	32°13'20" N.	86°19'11" W.	Montgomery, Ala.
TAXII	33°02'35" N.	85°12'27" W.	Montgomery, Ala.

J815R Washington, D. C., to Atlanta, Ga.			
Casanova, Va.	38°38'28" N.	77°51'57" W.	Gordonsville, Va.
COPPA	36°52'22" N.	80°35'26" W.	Greensboro, N. C.
SHINE	35°18'05" N.	83°02'00" W.	Spartanburg, S. C.
LANDS	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

Waypoint name	Location		Reference facility
J816R Atlanta, Ga., to Washington, D. C.			
SOCLE	33°37'10" N.	83°36'42" W.	Augusta, Ga.
LINCO	35°12'11" N.	80°55'57" W.	Spartanburg, S. C.
Richmond, Va.	37°30'08" N.	77°19'14" W.	Flat Rock, Va.
MARBY	38°30'12" N.	77°07'07" W.	Flat Rock, Va.

Waypoint name	Location		Reference facility
J819R Boston, Mass., to Chicago, Ill.			
MERRY	42°41'31" N.	71°24'10" W.	Putnam, Conn.
SPADS	43°04'37" N.	74°41'42" W.	Hancock, N. Y.
PEKIN	43°02'17" N.	78°39'07" W.	Buffalo, N. Y.
VERMI	42°37'50" N.	84°40'50" W.	Carleton, Mich.
POPPY	42°16'16" N.	87°36'28" W.	South Bend, Ind.

Waypoint name	Location		Reference facility
J820R Chicago, Ill., to Boston, Mass.			
O'Hare, IL.	41°59'16" N.	87°54'17" W.	Joliet, IL.
WOLVI	42°13'36" N.	83°58'14" W.	Carleton, Mich.
SCHOO	42°20'03" N.	80°20'13" W.	Chardon, Ohio
HAMET	42°20'40" N.	79°05'55" W.	Slate Run, Pa.
CHERI	42°40'52" N.	73°18'11" W.	Albany, N. Y.
Gardner, MA.	42°32'45" N.	72°03'31" W.	Putnam, CT.

Waypoint name	Location		Reference facility
J821R Chicago, Ill., to Minneapolis, Minn.			
Milwaukee, Wis.	43°07'01" N.	88°17'03" W.	Green Bay, Wis.
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.

Waypoint name	Location		Reference facility
J822R Minneapolis, Minn., to Chicago, Ill.			
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J823R Detroit, Mich., to Chicago, Ill			
HOLTS	42°28'00" N.	84°34'53" W.	South Bend, Ind.
Pullman, MI.	42°27'56" N.	86°06'21" W.	South Bend, IN.
POPPY	42°16'16" N.	87°36'28" W.	South Bend, Ind.

Waypoint name	Location		Reference facility
J824R St. Louis, Mo., to Chicago, Ill.			
JERRY	39°04'13" N.	90°18'27" W.	Centralia, Ill
Kappa, Ill.	40°50'22" N.	88°54'07" W.	Bradford, Ill.
Joliet, Ill.	41°32'47" N.	88°19'06" W.	Joliet, Ill.
WRENS	41°48'38" N.	88°16'07" W.	Joliet, Ill.

Waypoint name	Location		Reference facility
J826R Kansas City, Mo., to Chicago, Ill.			
BOGIE	39°24'13" N.	93°44'49" W.	Lamoni, Iowa
Bradford, Ill.	41°09'35" N.	89°35'16" W.	Iowa City, Iowa
WRENS	41°48'38" N.	88°16'07" W.	Joliet, Ill.

Waypoint name	Location		Reference facility
J827R Chicago, Ill., to Kansas City, Mo.			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
Kirksville, Mo.	40°08'06" N.	92°35'30" W.	Lamoni, Iowa
LASSO	39°30'13" N.	94°05'16" W.	Lamoni, Iowa

Waypoint name	Location		Reference facility
J830R St. Louis, Mo., to New York, N. Y.			
MARIN	38°43'46" N.	89°51'54" W.	Capital, Ill.
GOSPO	39°25'27" N.	86°39'29" W.	Lafayette, Ind.
SPOTS	42°00'19" N.	80°56'16" W.	Carleton, Mich.
ORMBY	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J.	41°04'03" N.	74°32'19" W.	Sparta, N. J.

Waypoint name	Location		Reference facility
J831R New York, N. Y., to CODDS			
PATTY	40°50'10" N.	71°58'04" W.	Putnam, Conn.
Nantucket, Mass.	41°16'54" N.	70°01'38" W.	Nantucket, Mass.
CODDS	41°16'36" N.	68°00'00" W.	Nantucket, Mass.

Waypoint name	Location		Reference facility
J832R Philadelphia, Pa., to Boston, Mass.			
Millville, N. J.	39°32'15" N.	74°58'03" W.	J. F. Kennedy, N. Y.
TUGBO	39°48'45" N.	73°22'20" W.	J. F. Kennedy, N. Y.
WATER	40°49'17" N.	72°17'15" W.	Putnam, Conn.
Whitman, Mass.	42°03'28" N.	70°59'13" W.	Putnam, Conn.

Waypoint name	Location		Reference facility
J833R Bangor, Maine, to New York, N. Y.			
Bangor, Maine	44°50'30" N.	68°52'28" W.	Bangor, Maine
GORDI	43°55'19" N.	69°29'54" W.	Kennebunk, Maine
DOMIE	41°39'12" N.	70°57'00" W.	Putnam, Conn.
PATTY	40°50'10" N.	71°58'04" W.	Putnam, Conn.
SARDI	40°31'19" N.	72°47'56" W.	Kennedy, N. Y.

Waypoint name	Location		Reference facility
J834R Chicago, Ill., to Cleveland, Ohio			
KINDS	41°47'37" N.	85°00'23" W.	Fort Wayne, Ind.
HENRI	41°19'23" N.	82°22'42" W.	Carleton, Mich.

Waypoint name	Location		Reference facility
J835R Cleveland, Ohio, to Chicago, Ill.			
Axtel, Ohio	41°31'27" N.	82°15'55" W.	Rosewood, Ohio
Plant, Ind.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

Waypoint name	Location		Reference facility
J836R Chicago, Ill., to Cincinnati, Ohio			
JUDYS	40°14'20" N.	87°22'35" W.	Indianapolis, Ind.
OGDEN	39°09'27" N.	85°12'25" W.	Fort Wayne, Ind.

Waypoint name	Location		Reference facility
J837R Cincinnati, Ohio, to Chicago, Ill.			
SUMAN	39°15'37" N.	85°08'15" W.	Fort Wayne, Ind.
FORES	40°51'20" N.	87°11'36" W.	Fort Wayne, Ind.
Chicago Heights, Ill.	41°30'36" N.	87°34'17" W.	Fort Wayne, Ind.

Waypoint name	Location		Reference facility
J838R Atlanta, GA., to Jacksonville, FL.			
Crest, GA.	32°59'25" N.	84°27'28" W.	Augusta, GA.
Vienna, GA.	32°12'48" N.	83°29'51" W.	Augusta, GA.
BARCA	30°45'09" N.	82°05'08" W.	Savannah, Ga,

Waypoint name	Location		Reference facility
J839R Jacksonville, Fla., to Atlanta, Ga.			
KICKS	30°45'00" N.	81°44'02" W.	Savannah, Ga.
SINCA	33°05'19" N.	83°33'03" W.	Augusta, Ga.

Waypoint name	Location		Reference facility
J842R Dallas, Tex., to New York, N. Y.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Texarkana, AR.	33°30'50" N.	94°04'23" W.	Shreveport, LA.
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AR.
ELMAN	36°19'34" N.	85°50'29" W.	Nashville, Tenn.
WOODI	36°50'56" N.	84°02'21" W.	Knoxville, Tenn.
KIMBO	37°24'00" N.	81°27'57" W.	Charleston, W. Va.
Gordonsville, VA.	38°00'48" N.	78°09'12" W.	Richmond, VA.
Atlantic City, NJ.	39°27'21" N.	74°34'36" W.	Westminster, MD.

Waypoint name	Location		Reference facility
J843R New York, N. Y., to Dallas, Tex.			
Robbinsville, NJ.	40°12'08" N.	74°29'44" W.	Robbinsville, NJ.
Westminster, MD.	39°29'42" N.	76°58'44" W.	Gordonsville, VA.
RENFO	38°24'04" N.	81°23'29" W.	Beckley, W. Va.
SHUTO	37°14'52" N.	85°21'50" W.	Knoxville, Tenn.
SADER	36°41'06" N.	87°06'56" W.	Evansville, Ind.
BIRLE	35°27'43" N.	90°35'28" W.	Walnut Ridge, Ark.
HOREB	33°58'47" N.	94°21'05" W.	Texarkana, Ark.
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.

Waypoint name	Location		Reference facility
J846R Omaha, Nebr., to Chicago, Ill.			
Omaha, Nebr.	41°18'00" N.	95°54'00" W.	Lamoni, Iowa
Des Moines, Iowa	41°26'15" N.	93°38'54" W.	Lamoni, Iowa
SCALE	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J847R Chicago, Ill., to Omaha, Nebr.			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
Des Moines, IA.	41°26'15" N.	93°38'54" W.	Lamoni, IA.
Neola, IA.	41°28'23" N.	95°39'29" W.	Lamoni, IA.

Waypoint name	Location		Reference facility
J849R Chicago, Ill., to Des Moines, Iowa			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
RUNDI	41°36'44" N.	93°22'48" W.	Mason City, Iowa

Waypoint name	Location		Reference facility
J850R Los Angeles, Calif., to San Francisco, Calif.			
Ventura, Calif.	34°06'54" N.	119°02'55" W.	Bakersfield, Calif.
PIERS	36°34'28" N.	121°55'13" W.	Fresno, Calif.

Waypoint name	Location		Reference facility
J851R San Francisco, Calif., to Los Angeles, Calif.			
LOGAN	36°58'59" N.	121°43'26" W.	Fresno, Calif.
VIRGA	34°13'24" N.	118°49'11" W.	Los Angeles, Calif.

Waypoint name	Location		Reference facility
J-852R Las Vegas, Nev., to San Francisco, Calif.			
LUCKY	36°02'22" N.	115°50'08" W.	Beatty, Nev.
Modesto, CA.	37°37'39" N.	120°57'25" W.	Fresno, CA.

Waypoint name	Location		Reference facility
J853R Los Angeles, Calif., to Phoenix, Ariz.			
Seal Beach, Calif.	33°47'00" N.	118°03'14" W.	Oceanside, Calif.
KOFFA	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location		Reference facility
J854R Los Angeles, CA., to Sacramento, CA.			
Ventura, CA.	34°06'54" N.	119°02'55" W.	Bakersfield, CA.
Avenal, CA.	35°38'49" N.	119°58'40" W.	Fresno, CA.
Sacramento, CA.	38°26'38" N.	121°33'02" W.	Sacramento, CA.

Waypoint name	Location		Reference facility
J855R Dallas, Tex., to San Francisco, Calif.			
Wichita Falls, TX.	33°59'14" N.	98°35'35" W.	Wichita Falls, TX.
CROWS	34°08'33" N.	99°45'50" W.	Wichita Falls, Tex.
Texico, NM	34°29'42" N.	102°50'21" W.	Texico, NM.
PALMA	34°54'19" N.	105°18'29" W.	Las Vegas, N. Mex.
VOLCA	35°06'22" N.	106°39'29" W.	Socorro, N. Mex.
DEFER	35°26'19" N.	109°09'39" W.	Gallup, N. Mex.
FOURR	35°41'03"N.	111°20'14"W.	Tuba City, Ariz.
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev., VORTAC
LUCKY	36°02'22" N.	115°50'08" W.	Beatty, Nev.
Modesto, CA.	37°37'39" N.	120°57'25" W.	Fresno, CA.

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Waypoint name	Location		Reference facility
J856R Atlanta, Ga., to Pittsburgh, Pa.			
CANTE	34°19'29" N.	84°25'39" W.	Chattanooga, Tenn.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
WATTS	40°07'30" N.	80°40'54" W.	Appleton, Ohio

Waypoint name	Location		Reference facility
J857R Denver, CO., to Salt Lake City, UT.			
Kremmling, CO.	40°00'10" N.	106°26'31" W.	Meeker, CO.
IOKAS	40°12'52" N.	110°07'16" W.	Myton, Utah
Fairfield, UT.	40°16'30" N.	111°56'23" W.	Delta, UT.

Waypoint name	Location		Reference facility
J858R Denver, Colo., to Kansas City, Mo.			
BONNY	39°29'41" N.	102°12'42" W.	Hill City, Kans.
LENNY	39°29'09" N.	100°13'37" W.	Hill City, Kans.
POTSY	39°18'03" N.	94°59'53" W.	Kansas City, Mo.

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Waypoint name	Location		Reference facility
J859R Kansas City, Mo., to Denver, Colo.			
WALCO	39°13'06" N.	94°59'28" W.	Butler, Mo.
ENTER	38°58'04" N.	96°59'46" W.	Wichita, Kans.
BONNY	39°29'41" N.	102°12'42" W.	Hill City, Kans.

Waypoint name	Location		Reference facility
J860R Memphis, Tenn., to Louisville, Ky.			
ASHOP	35°48'04" N.	89°41'49" W.	Memphis, Tenn.
LEPOL	38°01'52" N.	86°33'55" W.	Evansville, Ind.

Waypoint name	Location		Reference facility
J861R El Paso, Tex., to Los Angeles, Calif.			
El Paso, Tex.	31°48'57" N.	106°16'52" W.	El Paso, Tex.
WYCOX	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
ELOPE	32°46'04" N	111°37'04" W.	Phoenix, Ariz.
KOFFA	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
BEAUT	34°05'40" N.	116°44'17" W.	Thermal, Calif.

Waypoint name	Location		Reference facility
J862R Jacksonville, Fla., to Pittsburgh, Pa.			
SIMON	30°41'20" N.	81°17'25" W.	Alma, Ga.
Columbia, SC.	33°51'26" N.	81°03'15" W.	Spartanburg, SC.
Elkins, WV.	38°54'52" N.	80°05'58" W.	Charleston, WV.
NESTO	40°11'39" N.	79°42'49" W.	Bellaire, Ohio

Waypoint name	Location		Reference facility
J863R New York, NY., to Atlanta, GA.			
Coyle, NJ.	39°49'02" N.	74°25'55" W.	Coyle, NJ.
Gordonsville, Va.	38°00'48" N.	78°09'12" W.	Richmond, Va.
Galax, Va.	36°28'30" N.	80°34'05" W.	Greensboro, N. C.
LANDS	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

Waypoint name	Location		Reference facility
J864R Chicago, Ill., to Washington, D. C.			
Peotone, IL	41°16'11" N.	87°47'28" W.	Indianapolis, IN.
TIPPY	41°06'17" N.	85°59'10" W.	Indianapolis, Ind.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
CAMEO	39°41'31" N.	80°55'50" W.	Bellaire, Ohio
Front Royal, VA.	39°05'26" N.	78°12'02" W.	Casanova, VA.
Armel, Va,	38°56'04" N.	77°28'01" W.	Casanova, Va.

Waypoint name	Location		Reference facility
J865R Washington, D. C., to Chicago, Ill.			
Martinsburg, W. Va.	39°23'08" N.	77°50'55" W.	Philipsburg, Pa.
BALSA	40°29'20" N.	81°04'05" W.	Appleton, Ohio
SHILO	40°57'44" N.	82°30'16" W.	Appleton, Ohio
PLANT	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

Waypoint name	Location		Reference facility
J866R Denver, Colo., to Chicago, Ill.			
WIGGI	40°10'04" N.	104°01'30" W.	Goodland, Kans.
NORTH	41°18'52" N.	98°19'53" W.	O'Neill, Nebr.
SHIPS	42°00'03" N.	93°46'45" W.	Des Moines, Iowa
SCALE	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J867R Chicago, Ill., to Denver, Colo.			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
Des Moines, IA.	41°26'15" N.	93°38'54" W.	Lamoni, IA.
Lincoln, NE.	40°55'26" N.	96°44'30" W.	Pawnee City, NE.
TRUMP	40°42'04" N.	98°09'38" W.	Wolbach, Nebr.
STRAS	39°43'59" N.	103°17'28" W.	Goodland, Kans.

Waypoint name	Location		Reference facility
J869R Columbia, S. C., to Atlanta, Ga.			
ZOLLY	33°47'30" N.	81°23'00" W.	Columbia, S. C.
Augusta, Ga.	33°32'40" N.	82°08'00" W.	Columbia, S. C.
SINCA	33°05'19" N.	83°33'03" W.	Augusta, Ga.

Waypoint name	Location		Reference facility
J871R Atlanta, GA., to St. Louis, MO.			
BREME	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
PAYNE	34°22'17" N.	85°58'00" W.	Chattanooga, Tenn.
DUCKS	35°38'02" N.	87°20'37" W.	Nashville, Tenn.
Festus, MO.	38°12'05" N.	90°21'00" W.	Centralia, IL.

Waypoint name	Location		Reference facility
J872R Atlanta, GA., to Columbia, SC.			
SOCLE	33°37'10" N.	83°36'42" W.	Augusta, Ga.
GILES	33°55'32" N.	81°30'05" W.	Augusta, Ga.

Waypoint name	Location		Reference facility
J874R Memphis, Tenn., to Atlanta, Ga.			
Memphis, Tenn.	34°56'34" N.	89°57'35" W.	Walnut Ridge, Ark.
Rome, Ga.	34°09'45" N.	85°07'10" W.	Birmingham, Ala.

Waypoint name	Location		Reference facility
J875R Atlanta, Ga., to Memphis, Tenn.			
BREME	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
Birmingham, Ala.	33°40'12" N.	86°53'59" W.	Montgomery, Ala.
BANKS	34°46'20" N.	89°29'51" W.	Memphis, Tenn.

Waypoint name	Location		Reference facility
J876R Atlanta, Ga., to Savannah, Ga.			
SOCLE	33°37'10" N.	83°36'42" W.	Augusta, Ga.
SPONG	32°29'07" N.	81°21'16" W.	Augusta, Ga.

Waypoint name	Location		Reference facility
J877R Savannah, GA., to Atlanta, GA.			
OLIVE	32°20'30" N.	81°26'36" W.	Augusta, Ga.
SINCA	33°05'19" N.	83°33'03" W.	Augusta, Ga.

Waypoint name	Location		Reference facility
J878R Atlanta, Ga., to Cleveland, Ohio			
CANTE	34°19'29" N.	84°25'39" W.	Chattanooga, Tenn.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
RITZS	40°59'52" N.	81°44'06" W.	Bellaire, Ohio

Waypoint name	Location		Reference facility
J879R Cleveland, Ohio, to Atlanta, Ga.			
Appleton, OH.	40°09'04" N.	82°35'18" W.	Charleston, WV.
PRINS	38°24'34" N.	82°45'05" W.	Charleston, W. Va.
RADER	36°06'51" N.	82°59'07" W.	Knoxville, Tenn.
LANDS	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

Waypoint name	Location		Reference facility
J880R Jacksonville, Fla., to Cleveland, Ohio			
KICKS	30°45'00" N.	81°44'02" W.	Savannah, Ga.
Augusta, GA.	33°32'40" N.	82°08'00" W.	Columbia, SC.
BEECH	36°05'30" N.	82°04'58" W.	Spartanburg, S. C.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
RITZS	40°59'52" N.	81°44'06" W.	Bellaire, Ohio

Waypoint name	Location		Reference facility
J881R Detroit, Mich., to Atlanta, Ga.			
Carleton, Mich.	42°02'53" N.	83°27'28" W.	Fort Wayne, Ind.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
MINER	38°42'28" N.	83°54'20" W.	Louisville, Ky.
LANDS	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

Waypoint name	Location		Reference facility
J882R Atlanta, Ga., to Detroit, Mich.			
CANTE	34°19'29" N.	84°25'39" W.	Chattanooga, Tenn.
CALPE	38°05'13" N.	84°26'39" W.	Louisville, Ky.
Dayton, OH.	40°00'59" N.	84°23'49" W.	Fort Wayne, IN.
MILAN	42°03'05" N.	83°44'55" W.	Fort Wayne, Ind.

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Waypoint name	Location		Reference facility
J883R Minneapolis, Minn., to New York, N. Y.			
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.
DENNY	44°23'25" N.	87°53'34" W.	Milwaukee, Wis.
NIRVA	44°01'23" N.	85°45'09" W.	Pullman, Mich.
SANIL	43°32'29" N.	82°37'40" W.	Peck, Mich.
BLAKE	42°47'58" N.	78°41'50" W.	Buffalo, N. Y.
Kingston, NY.	41°39'55" N.	73°49'22" W.	Huguenot, NY.

Waypoint name	Location		Reference facility
J894R New York, N. Y., to Minneapolis, Minn.			
Huguenot, N. Y.	41°24'35" N.	74°35'31" W.	Hancock, N. Y.
GOWER	42°33'27" N.	78°48'58" W.	Buffalo, N. Y.
CARTE	43°25'49" N.	82°38'59" W.	Peck, Mich.
NIRVA	44°01'23" N.	85°45'09" W.	Pullman, Mich.
DENNY	44°23'25" N.	87°53'34" W.	Milwaukee, Wis.
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.

Waypoint name	Location		Reference facility
J885R St. Louis, MO., to Memphis, TN.			
Festus, Mo.	38°12'05" N.	90°21'00" W.	Centralia, Ill.
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AZ.

Waypoint name	Location		Reference facility
J886R Chicago, Ill., to REDOO			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N.	92°15'40" W.	Dubuque, Iowa
DANNY	42°13'53" N.	95°38'35" W.	Omaha, Nebr.
DRIES	42°20'04" N.	98°25'33" W.	Wolbach, Nebr.
Otsie, Nebr.	42°29'03" N.	103°28'24" W.	Scottsbluff, Nebr.
SPLIT	42°25'17" N.	108°14'00" W.	Boysen Reservoir, Wyo.
Malad City, Idaho	42°12'00" N.	112°27'02" W.	Malad City, Idaho
DELLA	42°02'01" N.	114°24'46" W.	Twin Falls, Idaho
COLES	41°40'53" N.	117°39'54" W.	Rome, Oreg.
LIKED	41°20'21" N.	120°12'09" W.	Lakeview, Oreg.
Fortuna, Calif.	40°40'17" N.	124°14'00" W.	Fortuna, Calif.
REDOO	40°38'22" N.	126°56'27" W.	Fortuna, Calif.

Waypoint name	Location		Reference facility
J887R REDOO to Chicago, Ill.			
REDOO	40°38'22" N.	126°56'27" W.	Fortuna, Calif.
Fortuna, Calif.	40°40'17" N.	124°14'00" W.	Fortuna, Calif.
LIKED	41°20'21" N.	120°12'09" W.	Lakeview, Oreg.
COLES	41°40'53" N.	117°39'54" W.	Rome, Oreg.
DELLA	42°02'01" N.	114°24'46" W.	Twin Falls, Idaho
Malad City, Idaho	42°12'00" N.	112°27'02" W.	Malad City, Idaho
SPLIT	42°25'17" N.	108°14'00" W.	Boysen Reservoir, Wyo.
Otsie, Nebr.	42°29'03" N.	103°28'24" W.	Scottsbluff, Nebr.
DRIES	42°20'04" N.	98°25'33" W.	Wolbach, Nebr.
KAMRA	42°25'45" N.	93°43'56" W.	Des Moines, Iowa
SCALE	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J890R Cleveland, Ohio, to St. Louis, Mo.			
Mansfield, OH.	40°52'07" N.	82°35'28" W.	Rosewood, OH.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
MAYHU	39°56'38" N.	85°42'55" W.	Lafayette, Ind.
PRAYS	38°58'18" N.	89°51'27" W.	Capital, Ill.

Waypoint name	Location		Reference facility
J891R Chicago, Ill., to Memphis, Tenn.			
Roberts, IL.	40°34'54" N.	88°09'51" W.	Capital, IL.
ANNAM	37°28'10" N.	89°11'24" W.	Farmington, Mo.
Memphis, Tenn.	34°56'34" N.	89°57'35" W.	Walnut Ridge, Ark.

Waypoint name	Location		Reference facility
J894R Jacksonville, FL., to Miami, FL.			
SHAVE	30°06'15" N.	81°31'20" W.	Jacksonville, Fla.
Orlando, FL.	28°32'33" N.	81°20'07" W.	Orlando, FL.
BABYS	26°49'42" N.	80°44'58" W.	Palm Beach, Fla.

Waypoint name	Location		Reference facility
J896R Chicago, Ill., to Philadelphia, Pa.			
Peotone, IL.	41°16'11" N.	87°47'28" W.	Indianapolis, IN.
TIPPY	41°06'17" N.	85°59'10" W.	Indianapolis, Ind.
Rosewood, OH.	40°17'16" N.	84°02'36" W.	Rosewood, OH.
CONIC	40°19'10" N.	80°48'55" W.	Bellaire, Ohio
Harrisburg, PA.	40°14'29" N.	77°01'19" W.	Westminster, MD.
BUCKS	40°04'49" N.	75°43'26" W.	Westminster, Md.

Waypoint name	Location		Reference facility
J897R Philadelphia, Pa., to Chicago, Ill.			
MAIDS	40°22'03" N.	75°47'30" W.	Philipsburg, Pa.
FURNA	40°36'35" N.	78°02'40" W.	Philipsburg, Pa.
SHILO	40°57'44" N.	82°30'16" W.	Appleton, Ohio
Plant, Ind.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

Waypoint name	Location		Reference facility
J900R San Francisco, Calif., to Seattle, Wash.			
Napa Calif.	38°10'46" N.	122°22'19" W.	Ukiah, Calif.
HILLY	40°05'58" N.	122°21'35" W.	Redbluff, Calif.
Hyatt, Oreg.	42°27'23" N.	122°20'36" W.	Medford, Oreg.
YACHT	45°44'50" N.	122°19'12" W.	Portland, Oregon
SUMMA	47°11'08" N.	122°18'30" W.	Portland, Oregon

Waypoint name	Location		Reference facility
J901R Seattle, Wash., to Spokane, Wash.			
Seattle, WA.	47°26'08" N.	122°18'30" W.	Seattle, WA.
Spokane, Wash.	47°33'54" N.	117°37'33" W.	Spokane, Wash.

Waypoint name	Location		Reference facility
J902R Portland, Oregon, to Los Angeles, Calif.			
Newberg, Oreg.	45°21'12" N.	122°58'37" W.	Portland, Oreg.
Hyatt, OR.	42°27'23" N.	122°20'36" W.	Medford, OR.
KIRIN	40°08'28" N.	121°52'29" W.	Red Bluff, Calif.
Sacramento, CA.	38°26'38" N.	121°33'02" W.	Sacramento, CA.
Avenal, CA.	35°38'49" N.	119°58'40" W.	Fresno, CA.

Waypoint name	Location		Reference facility
J903R Los Angeles, Calif., to Tucson, Ariz.			
Seal Beach, CA.	33°47'00" N.	118°03'14" W.	Oceanside, CA.
KOFFA	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Tucson, Ariz.	32°07'21" N.	110°49'12" W.	Tucson, Ariz.

Waypoint name	Location		Reference facility
J904R Los Angeles, CA., to Denver, CO.			
MESIC	35°44'20" N.	115°32'01" W.	Boulder City, Nev.
Boulder City, NV.	35°59'45" N.	114°51'46" W.	Boulder City, NV.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah
MONTE	37°51'16" N.	108°33'32" W.	Farmington, N. Mex.
ALMON	38°35'18" N.	107°09'06" W.	Gunnison, Colo.
SHAWN	39°25'38" N.	105°27'51" W.	Denver, Colo.

Waypoint name	Location		Reference facility
J905R Las Vegas, Nev., to Tucson, Ariz.			
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev.
SYCMO	34°37'25" N.	112°55'26" W.	Needles, Calif.
VENTA	32°32'05" N.	111°44'33" W.	Phoenix, Ariz.
Tucson, Ariz.	32°07'21" N.	110°49'12" W.	Tucson, Ariz.

Waypoint name	Location		Reference facility
J906R Los Angeles, Calif., to Ogden, Utah			
Los Angeles, Calif.	33°55'59" N.	118°25'52" W.	Palmdale, Calif.
Hector, Calif.	34°47'49" N.	116°27'43" W.	Boulder City, Nev.
MESIC	35°44'20" N.	115°32'01" W.	Boulder City, Nev.
ADAPT	37°40'22" N.	113°31'53" W.	Wilson Creek, Nev.
FOOLS	39°38'15" N.	112°18'42" W.	Delta, Utah
Ogden, Utah	41°13'27" N.	112°05'51" W.	Malad City, Mont.

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Waypoint name	Location		Reference facility
J907R Hobby, Tex., to Los Angeles, Calif.			
Humble, Tex.	29°57'24" N.	95°20'44" W.	Hobby, Tex.
Austin, TX.	30°17'51" N.	97°42'11" W.	San Antonio, TX.
Junction, Tex.	30°35'52" N.	99°49'02" W.	San Angelo, Tex.
Fort Stockton, Tex.	30°57'07" N.	102°58'31" W.	Wink, Tex.
TOYAH	31°31'23" N.	104°03'00" W.	Wink, Tex.
ORGAN	32°14'48" N.	106°52'20" W.	Truth or Consequences, N. Mex.
WYCOX	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
ELOPE	32°46'04" N.	111°37'04" W.	Phoenix, Ariz.
BRENT	33°43'58" N.	113°47'00" W.	Yuma, Ariz.
BEAUT	34°05'40" N.	116°44'17" W.	Thermal, Calif.

Waypoint name	Location		Reference facility
J908R San Francisco, Calif., to Denver, Colo.			
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.
WHEEL	38°56'43" N.	114°29'58" W.	Wilson Creek, Nev.
GREES	39°06'52" N.	112°28'54" W.	Delta, Utah
FERON	39°13'44" N.	110°46'44" W.	Hanksville, Utah
RULIS	39°22'03" N.	107°52'58" W.	Meeker, Colo.
TONER	39°23'34" N.	107°04'58" W.	Gunnison, Colo.
SHAWN	39°25'38" N.	105°27'51" W.	Denver, Colo.

Waypoint name	Location		Reference facility
J909R Denver, Colo., to San Francisco, Calif.			
GOLDE	39°48'15" N.	105°04'06" W.	Denver, Colo.
GOGAN	39°41'23" N.	107°53'25" W.	Meeker, Colo.
HILLS	39°33'51" N.	109°58'03" W.	Myton, Utah
NEBOS	39°16'43" N.	111°38'27" W.	Fairfield, Utah
GRAFT	38°43'06" N.	114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev.	38°00'12" N.	117°46'10" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J911R Portland, Oreg., to Denver, Colo.			
Newberg, Oreg.	45°21'12" N.	122°58'37" W.	Portland, Oreg.
DAYAH	44°35'59" N.	119°26'41" W.	Pendleton, Oreg.
HORSE	43°46'40" N.	116°08'13" W.	Boise, Idaho
MACAM	42°38'23" N.	112°12'05" W.	Malad Cith, Idaho
Rock Springs, Wyo.	41°35'25" N.	109°00'53" W.	Rock Springs, Wyo.

Waypoint name	Location		Reference facility
J912R Dallas, Tex., to Chicago, Ill.			
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex.
STICK	35°08'27" N.	95°07'27" W.	Tulsa, Okla.
Springfield, Mo.	37°21'21" N.	93°20'02" W.	Butler, Mo.
PEONY	40°40'07" N.	89°41'28" W.	Capital, Ill.
Joliet, Ill.	41°32'47" N.	88°19'06" W.	Joliet, Ill.
WRENS	41°48'38" N.	88°16'07" W.	Joliet, Ill.

Waypoint name	Location		Reference facility
J913R Portland, Oreg., to Salt Lake City, Utah			
Newberg, Oreg.	45°21'12" N.	122°58'37" W.	Portland, Oreg.
PAULA	44°17'49" N.	119°57'47" W.	Kimberly, Oreg.
ORIEL	43°00'38" N.	116°40'30" W.	Boise, Idaho
LAKES	41°25'55" N.	113°05'27" W.	Malad City, Idaho
COING	41°04'07" N.	112°18'49" W.	Malad City, Utah

Waypoint name	Location		Reference facility
J914R Dallas, Tex., to New Orleans, La.			
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex.
TENNA	31°52'49" N.	94°14'33" W.	Shreveport, La.
Alexandria, La.	31°15'23" N.	92°30'02" W.	Alexandria, La.
New Orleans, La.	30°01'47" N.	90°10'20" W.	New Orleans, La.

Waypoint name	Location		Reference facility
J916R San Antonio, Tex., to Hobby, Tex.			
San Antonio, Tex.	29°38'38" N.	98°27'40" W.	Austin, Tex.
Humble, Tex.	29°57'24" N.	95°20'44" W.	Hobby, Tex.

Waypoint name	Location		Reference facility
J917R San Francisco, Calif., to Phoenix, Ariz.			
LOGAN	36°58'59" N.	121°43'26" W.	Fresno, Calif.
EASTA	36°45'17" N.	119°49'48" W.	Fresno, Calif.
WILDY	36°19'37" N.	116°51'41" W.	Beatty, Nev.
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev.
SYCMO	34°37'25" N.	112°55'26" W.	Needles, Calif.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location		Reference facility
J918R Hobby, Tex., to New Orleans, La.			
Humble, Tex.	29°57'24" N.	95°20'44" W.	Hobby, Tex.
GUEST	30°01'21" N.	92°28'52" W.	Alexandria, La.
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.

Waypoint name	Location		Reference facility
J919R El Paso, Tex., to San Antonio, Tex.			
El Paso, Tex.	31°48'57" N.	106°16'53" W.	El Paso, Tex.
Fort Stockton, Tex.	30°57'07" N.	102°58'31" W.	Wink, Tex.
TELIA	30°06'45" N.	100°00'31" W.	Junction, Tex.
San Antonio, Tex.	29°38'38" N.	98°27'40" W.	Austin, Tex.

Waypoint name	Location		Reference facility
J920R Great Falls, Mont., to Salt Lake City, Utah			
KRUMS	49°00'00" N.	109°27'26" W.	Lewistown, Mont.
MILLE	47°02'01" N.	111°24'11" W.	Lewistown, Mont.
JEFFE	45°11'50" N.	111°38'35" W.	Dillon, Mont.
CHESS	44°03'49" N.	111°46'44" W.	Dubois, Idaho
Ogden, Utah	41°13'27" N.	112°05'51" W.	Malad City, Idaho

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Waypoint name	Location		Reference facility
J923R Albuquerque, NM., to Denver, CO.			
Albuquerque, NM.	35°02'38" N.	106°48'57" W.	Socorro, NM.
SANDY	37°19'13" N.	105°48'11" W.	Alamosa, Colo.
GOFEL	38°42'44" N.	105°05'24" W.	Pueblo, Colo.
MONTH	39°16'40" N.	104°47'29" W.	Pueblo, Colo.

Waypoint name	Location		Reference facility
J924R Los Angeles, Calif., to Seattle, Wash.			
Avenal, CA.	35°38'49" N.	119°58'40" W.	Fresno, CA.
WASHY	39°25'23" N.	120°39'06" W.	Reno, Nev.
QUART	42°24'45" N.	121°14'23" W.	Lakeview, Oreg.
SUMMA	47°11'08" N.	122°18'30" W.	Portland, Oreg.

Waypoint name	Location		Reference facility
J925R Minneapolis, MN., to Denver, CO.			
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.
HEIDY	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
BONES	42°48'00" N.	98°58'08" W.	O'Neil, Nebr.
SANDS	41°44'19" N.	101°09'59" W.	Hayes Center, Nebr.
Denver, CO.	39°51'39" N.	104°45'08" W.	Denver, CO.

Waypoint name	Location		Reference facility
J926R Denver, Colo., to Los Angeles, Calif.			
GOLDE	39°48'15" N.	105°04'06" W.	Denver, Colo.
REDDS	39°01'15" N.	107°22'02" W.	Gunnison, Colo.
LASAL	38°20'00" N.	109°14'49" W.	Dove Creek, Colo.
WHITE	37°06'22" N.	112°20'29" W.	Bryce Canyon, Utah
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
KELSO	35°06'06" N.	115°34'49" W.	Parker, Calif.
MORRO	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

Waypoint name	Location		Reference facility
J927R Chicago, IL., to Dallas, TX.			
Roberts, Ill.	40°34'54" N.	88°09'51" W.	Capital, Ill.
MARIN	38°43'46" N.	89°51'54" W.	Capital, Ill.
WESTS	36°47'42" N.	91°59'03" W.	Springfield, Mo.
WALDO	34°58'58" N.	94°18'50" W.	Tulsa, Okla.
Blue Ridge, TX.	33°16'59" N.	96°21'53" W.	Ardmore, OK.

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Waypoint name	Location		Reference facilty
J928R Denver, Colo., to Seattle, Wash.			
Dixon, WY.	41°12'35" N.	107°19'00" W.	Rock Springs, WY.
GRAYS	43°17'31" N.	111°32'08" W.	Malad City, Idaho
KNOXS	45°09'11" N.	115°54'29" W.	McCall, Idaho
LOWES	46°09'30" N.	118°36'14" W.	Pendleton, Oreg.
COMBO	47°15'12" N.	121°53'53" W.	Yakima, Wash.

Waypoint name	Location		Reference facility
J929R Atlanta, Ga., to Hobby, Tex.			
BREME	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
Meridian, MS.	32°22'42" N.	88°48'15" W.	Jackson, MS.
BURKE	30°43'25" N.	93°24'11" W.	Lake Charles, La.
Humble, Tex.	29°57'24" N.	95°20'44" W.	Hobby, Tex.

Waypoint name	Location		Reference facility
J931R Salt Lake City, UT., to San Francisco, CA.			
Fairfield, UT.	40°16'30" N.	111°56'23" W.	Delta, UT.
FOOLS	39°38'15" N.	112°18'42" W.	Delta, Utah
CONNS	38°57'44" N.	114°44'17" W.	Wilson Creek, Nev.
Coaldale, NV.	38°00'12" N.	117°46'10" W.	Coaldale, NV.

Waypoint name	Location		Reference facility
J932R New Orleans, LA., to Memphis, TN.			
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.
Jackson, MS.	32°30'26" N.	90°10'03" W.	Meridian, MS.
Memphis, TN.	34°56'34" N.	89°57'35" W.	Walnut Ridge, AR.

Waypoint name	Location		Reference facility
J933R Dallas, Tex., to Los Angeles, Calif.			
Wichita Falls, TX.	33°59'14" N.	98°35'35" W.	Wichita Falls, TX.
CROWS	34°08'33" N.	99°45'50" W.	Wichita Falls, Tex.
Texico, N. Mex.	34°29'42" N.	102°50'21" W.	Texico, N. Mex.
VAULT	34°37'10" N.	105°12'02" W.	Las Vegas, N. Mex.
TERRA	34°43'28" N.	109°08'57" W.	Gallup, N. Mex.
MANIA	34°48'42" N.	110°48'56" W.	Gallup, N. Mex.
DRAKE	34°56'54" N.	112°32'15" W.	Prescott, Ariz.
CHUBS	34°32'20" N.	114°48'08" W.	Parker, Calif.
MORRO	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

Waypoint name	Location		Reference facility
J934R Dallas, TX., to Atlanta, GA.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Texarkana, AR.	33°30'50" N.	94°04'23" W.	Shreveport, LA.
MONEY	33°31'12" N.	90°08'54" W.	Jackson, Miss.
Columbus, MS.	33°29'07" N.	88°30'49" W.	Jackson, MS.
Birmingham, AL.	33°40'12" N.	86°53'59" W.	Montgomery, AL.
Rome, Ga.	34°09'45" N.	85°07'10" W.	Birmingham, Ala.

Waypoint name	Location		Reference facility
J935R Tucson, Ariz., to Albuquerque, N. Mex.			
WYCOX	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
JEWEL	33°46'00" N.	108°18'15" W.	St. Johns, Ariz.
Albuquerque, NM.	35°02'38" N.	106°48'57" W.	Socorro, NM.

Waypoint name	Location		Reference facility
J936R Phoenix, Ariz., to Chicago, Ill.			
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.
FENCE	34°33'12" N.	108°27'05" W.	Gallup, N. Mex.
Albuquerque, NM.	35°02'38" N.	106°48'57" W.	Socorro, NM.
MORAS	35°52'40" N.	105°18'54" W.	Las Vegas, N. Mex.
CEDAR	38°29'43" N.	100°10'41" W.	Garden City, Kans.
SENCA	39°55'09" N.	96°02'40" W.	Pawnee City, Nebr.
Lamoni, IA.	40°35'48" N.	93°58'03" W.	Kirksville, MO.
WRENS	41°48'38" N.	88°16'07" W.	Joliet, Ill.

Waypoint name	Location		Reference facility
J937R LEAFS to Chicago, Ill.			
LEAFS	37°48'13" N.	125°49'57" W.	Ukiah, Calif.
SAWED	38°37'27" N.	123°04'28" W.	Ukiah, Calif.
Reno, NV.	39°31'53" N.	119°39'18" W.	Reno, NV.
TENBO	40°06'20" N.	116°46'26" W.	Battle Mountain, Nev.
Bonneville, UT.	40°43'34" N.	113°45'24" W.	Bonneville, UT.
WOODS	40°58'05" N.	112°06'09" W.	Malad City, Idaho
QUEEN	41°25'15" N.	108°58'31" W.	Rock Springs, Wyo.
SIATE	41°53'12" N.	104°53'16" W.	Cheyenne, Wyo.
Berea, NE.	42°02'38" N.	103°07'04" W.	Sidney, NE.
DRIES	42°20'04" N.	98°25'33" W.	Wolbach, Nebr.
KAMRA	42°25'45" N.	93°43'56" W.	Fort Dodge, Iowa
SCALE	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J938R Chicago, Ill., to LEAFS			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill
ELBER	42°00'53" N.	92°15'40" W.	Dubuque, Iowa
UTERO	42°02'05" N.	95°44'37" W.	Omaha, Nebr.
CUMIN	41°59'41" N.	98°22'59" W.	Wolbach, Nebr.
ANGLO	41°47'19" N.	103°03'32" W.	Sidney, Nebr.
BORAX	41°39'48" N.	104°50'04" W.	Cheyenne, Wyo.
VERON	41°16'13" N.	108°57'02" W.	Rock Springs, Wyo.
MAGNA	40°52'19" N.	112°05'03" W.	Fairfield, Utah
ARIES	40°37'37" N.	113°43'47" W.	Bonneville, Utah
TENBO	40°06'20" N.	116°46'26" W.	Battle Mountain, Nev.
Reno, NV.	39°31'53" N.	119°39'18" W.	Reno, NV.
Napa, Calif.	38°10'46" N.	122°22'19" W.	Ukiah, Calif.
PALIS	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
LEAFS	37°48'13" N.	125°49'57" W.	Ukiah, Calif.

Waypoint name	Location		Reference facility
J939R Chicago, Ill., to Seattle, Wash.			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N.	92°15'40" W.	Dubuque, Iowa
COREY	42°58'37" N.	93°54'48" W.	Fort Dodge, Iowa
HEIDY	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
TURTS	44°45'05" N.	98°39'52" W.	Aberdeen, S. Dak.
REVAS	45°39'50" N.	103°12'58" W.	Dickinson, N. Dak.
Klein, Mont.	46°27'51" N.	108°26'58" W.	Billings, Mont.
HOLTE	46°51'21" N.	111°54'03" W.	Helena, Mont.
Avery, Idaho	47°10'05" N.	115°41'12" W.	Mullan Pass, Idaho
Amber, Wash.	47°17'02" N.	117°39'24" W.	Spokane, Wash.
Seattle, Wash.	47°26'08" N.	122°18'30" W.	Seattle. Wash.

Waypoint name	Location		Reference facility
J940R Seattle, Wash., to Chicago, Ill.			
Seattle, WA.	47°26'08" N.	122°18'30" W.	Seattle, WA.
Amber, WA.	47°17'02" N.	117°39'24" W.	Spokane, WA.
Avery, ID.	47°10'05" N.	115°41'12" W.	Mullan Pass, ID.
HOLTE	46°51'21" N.	111°54'03" W.	Helena, Mont.
Klein, MT.	46°27'51" N.	108°26'58" W.	Billings, MT.
REVAS	45°39'50" N.	103°12'58" W.	Dickinson, N. Dak.
TURTS	44°45'05" N.	98°39'52" W.	Aberdeen, S. Dak.
HEIDY	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
ORATO	43°27'29" N.	93°09'59" W.	Mason City, Iowa
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J941R Dallas, TX., to Las Vegas, NV.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Bridgeport, TX.	33°14'16" N.	97°45'58" W.	Ardmore, OK.
CROWS	34°08'33" N.	99°45'50" W.	Wichita Falls, Tex.
Texico, NM.	34°29'42" N.	102°50'21" W.	Texico, NM.
PALMA	34°54'19" N.	105°18'29" W.	Las Vegas, N. Mex.
VOLCA	35°06'22" N.	106°39'29" W.	Socorro, N. Mex.
DEFER	35°26'19" N.	109°09'39" W.	Gallup, N. Mex.
FOURR	35°41'03"N.,	111°20'14"W.	Tuba City, Ariz.
Boulder City, NV.	35°59'45" N.	114°51'46" W.	Boulder City, NV.

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Waypoint name	Location		Reference facility
J942R Dallas, TX., to Lubbock, TX.			
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.
Bridgeport, TX.	33°14'16" N.	97°45'58" W.	Ardmore, OK.
DIVER	33°46'13" N.	98°55'41" W.	Wichita Falls, Tex.
Guthrie, TX.	33°46'42" N.	100°20'09" W.	Abilene, TX.
Lubbock, TX.	33°42'18" N.	101°54'49" W.	Abilene, TX.

Waypoint name	Location		Reference facility
J944R MORRO to CERES			
MORRO	34°02'51" N.	117°14'54" W.	Oceanside, Calif.
PERCH	33°52'03" N.	119°09'24" W.	Santa Barbara, Calif.
CERES	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.

Waypoint name	Location		Reference facility
J945R CAMEL to CERES			
CAMEL	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
DODIE	35°21'49" N.	114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
Santa Barbara, Calif.	34°30'35" N.	119°46'12" W.	Santa Barbara, Calif.
CERES	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.

Waypoint name	Location		Reference facility
J946R MORRO to YUCAN			
MORRO	34°02'51" N.	117°14'54" W.	Oceanside, Calif.
Santa Catalina, CA.	33°22'30" N.	118°25'08" W.	Los Angeles, CA.
ROSIN	31°56'00" N.	120°15'00" W.	Los Angeles, Calif.
YUCAN	31°35'00" N.	121°22'00" W.	Los Angeles, Calif.

Waypoint name	Location		Reference facility
J947R CAMEL to GATES			
CAMEL	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
DODIE	35°21'49" N.	114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
San Luis Obispo, Calif.	35°15'08" N.	120°45'31" W.	San Luis Obispo, Calif.
GATES	34°12'53" N.	123°03'27" W.	San Luis Obispo, Calif.

Waypoint name	Location		Reference facility
J948R New Orleans, La., to Oklahoma City, Okla.			
KENNA	29°59'05" N.	90°15'04" W.	New Orleans, La.
MONZA	30°30'42" N.	90°47'09" W.	New Orleans, La.
DIXIE	32°43'53" N.	93°50'55" W.	Shreveport, La.
DIBBS	35°10'02" N.	97°31'55" W.	Oklahoma City, Okla.

Waypoint name	Location		Reference facility
J949R Oklahoma City, Okla., to Houston, Tex.			
KAYES	35°16'32" N.	97°46'21" W.	Oklahoma City, Okla.
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex., VORTAC
Navasota, Tex.	30°17'20" N.	96°03'30" W.	Humble, Tex.

Waypoint name	Location		Reference facility
J950R Houston, Tex., to Oklahoma City, Okla.			
REFIX	30°17'26" N.	95°19'55" W.	Humble, Tex.
Scurry, Tex.	32°27'52" N.	96°20'14" W.	Greater Southwest, Tex.
DIBBS	35°10'02" N.	97°31'55" W.	Oklahoma City, Okla.

Waypoint name	Location		Reference facility
J951R Washington, D. C., to St. Louis, Mo.			
Front Royal, Va.	39°05'26" N.	78°12'02" W.	Casanova, Va.
Henderson, WV.	38°45'15" N.	82°01'35" W.	Charleston, WV.
MINER	38°42'28" N.	83°54'20" W.	Louisville, Ky.
BORDE	38°37'12" N.	86°02'11" W.	Evansville, Ind.
Centralia, IL.	38°25'12" N.	89°09'32" W.	Capital, IL.
MOODS	38°34'28" N.	90°01'43" W.	Capital, Ill.

Waypoint name	Location		Reference facility
J952R New York, N. Y., to Hobby, Tex.			
Coyle, NJ.	39°49'02" N.	74°25'55" W.	Coyle, NJ.
Gordonsville, VA.	38°00'48" N.	78°09'12" W.	Richmond, VA.
COPPA	36°52'22" N.	80°35'26" W.	Greensboro, N. C.
BEECH	36°05'30" N.	82°04'58" W.	Spartanburg, S. C.
TRION	34°27'25" N.	85°14'12" W.	Atlanta, Ga.
IRONY	33°19'28" N.	87°13'18" W.	Montgomery, Ala.
Meridian, MS.	32°22'42" N.	88°48'15" W.	Jackson, MS.
BURKE	30°43'25" N.	93°24'11" W.	Lake Charles, La.
Humble, Tex.	29°57'24" N.	95°20'44" W.	Hobby, Tex.

Waypoint name	Location		Reference facility
J953R New Orleans, La., to New York, N. Y.			
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.
Monroeville, AL.	31°27'37" N.	87°21'10" W.	Montgomery, AL.
Montgomery, AL.	32°13'20" N.	86°19'11" W.	Montgomery, AL.
STONE	33°39'00" N.	84°01'00" W.	Macon, Ga.
GRAMS	34°57'15" N.	82°06'05" W.	Columbia, S. C.
SEMOL	36°31'24" N.	79°25'48" W.	Raleigh-Durham, N. C.
Atlantic City, NJ.	39°27'21" N.	74°34'36" W.	Westminster, MD.

Waypoint name	Location		Reference facility
J954R Washington, D. C., to Detroit, Mich.			
Martinsburg, WV.	39°23'08" N.	77°50'55" W.	Philipsburg, PA.
BALSA	40°29'20" N.	81°04'05" W.	Appleton, Ohio
BURTS	41°42'00" N.	82°45'00" W.	Appleton, Ohio

Waypoint name	Location		Reference facility
J956R Memphis, Tenn., to Chicago, Ill.			
Memphis, Tenn.	34°56'34" N.	89°57'35" W.	Walnut Ridge, Ark.
MARIN	38°43'46" N.	89°51'54" W.	Capital, Ill.
CANTA	39°56'55" N.	89°37'16" W.	Centralia, Ill.
Kappa, IL.	40°50'22" N.	88°54'07" W.	Bradford, IL.
Joliet, IL.	41°32'47" N.	88°19'06" W.	Joliet, IL.
WRENS	41°48'38" N.	88°16'07" W.	Joliet, Ill.

Waypoint name	Location		Reference facility
J957R Jacksonville, FL., to Washington, D. C.			
SIMON	30°41'20" N.	81°17'25" W.	Alma, Ga.
BAGGY	32°36'40" N.	80°27'00" W.	Charleston, S. C.
Florence, SC.	34°13'58" N.	79°39'26" W.	Florence, SC.
Richmond, VA.	37°30'08" N.	77°19'14" W.	Flat Rock, VA.
MARBY	38°30'12" N.	77°07'07" W.	Flat Rock, Va.

Waypoint name	Location		Reference facility
J958R Washington, DC., to Jacksonville, FL.			
Brooke, VA.	38°20'10" N.	77°21'11" W.	Richmond, VA.
Flat Rock, Va.	37°31'42" N.	77°49'43" W.	Richmond, Va.
SOCHE	34°37'30" N.	79°45'00" W.	Florence, S. C.
RITES	32°47'00" N.	80°37'30" W.	Charleston, S. C.
CHEST	30°52'25" N.	81°28'52" W.	Jacksonville, Fla.

Waypoint name	Location		Reference facility
J959R Miami, Fla., to Detroit, Mich.			
ANDRE	26°09'43"N.	80°17'36" W.	Vero Beach, Fla.
PONTE	30°12'23" N.	81°21'39" W.	Jacksonville, Fla.
Augusta, GA.	33°32'40" N.	82°08'00" W.	Columbia, SC.
RADER	36°06'51" N.	82°59'07" W.	Knoxville, Tenn.
MINER	38°42'28" N.	83°54'20" W.	Louisville, Ky.
Dayton, OH.	40°00'59" N.	84°23'49" W.	Fort Wayne, IN.
Milan, MI.	42°03'05" N.	83°44'55" W.	Fort Wayne, IN.

Waypoint name	Location		Reference facility
J960R CERES TO PARIA			
CERES	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.
PERCH	33°52'03" N.	119°09'24" W.	Santa Barbara, Calif.
RABBI	34°44'09" N.	117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

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Waypoint name	Location		Reference facility
J961R CERES to PARIA			
CERES	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.
Santa Barbara, Calif.	34°30'35" N.	119°46'12" W.	Santa Barbara, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
RABBI	34°44'09" N.	117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J962R YUCAN to PARIA			
YUCAN	31°35'00" N.	121°22'00" W.	Los Angeles, Calif.
Santa Catalina, CA.	33°22'30" N.	118°25'08" W.	Los Angeles, CA.
RABBI	34°44'09" N.	117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J963R GATES to PARIA			
GATES	34°12'53" N.	123°03'27" W.	San Luis Obispo, Calif.
San Luis Obispo, CA.	35°15'08" N.	120°45'31" W.	San Luis Obispo, CA.
Palmdale, CA.	34°37'53" N.	118°03'47" W.	Palmdale, CA.
RABBI	34°44'09" N.	117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J964R Coaldale, Nev., to FRUIT			
Coaldale, NV.	38°00'12" N.	117°46'10" W.	Coaldale, NV.
BUCKO	37°40'09" N.	119°59'55" W.	Fresno, Calif.
MERLE	37°11'16" N.	122°47'08" W.	Oakland, Calif.
FRUIT	36°15'00' N.	124°50'00" W.	Oakland, Calif.

Waypoint name	Location		Reference facility
J965R Coaldale, Nev., to LEAFS			
Coaldale, Nev.	38°00'12" N.	117°46'10" W.	Coaldale, Nev.
MANCA	37°46'30" N.	121°27'59" W.	Sacramento, Calif.
PALIS	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
LEAFS	37°48'13" N.	125°49'57" W.	Ukiah, Calif.

Waypoint name	Location		Reference facility
J966R LEAFS to Mina, Nev.			
LEAFS	37°48'13" N.	125°49'57" W.	Ukiah, Calif.
PALIS	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
MAYAN	38°00'02" N.	121°25'14" W.	Sacramento, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J967R FRUIT to Mina, Nev.			
FRUIT	36°15'00" N.	124°50'00" W.	Oakland, Calif.
MERLE	37°11'16" N.	122°47'08" W.	Oakland, Calif.
STANI	37°46'30" N.	120°51'48" W.	Linden, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J969R Denver, Colo., to Phoenix, Ariz.			
SHAWN	39°25'38" N.	105°27'51" W.	Denver, Colo.
CABIN	38°21'36" N.	106°34'31" W.	Gunnison, Colo.
FLORA	36°46'16" N.	108°09'14" W.	Farmington, N. Mex.
SHUMA	34°37'12" N.	110°09'36" W.	Winslow, Ariz.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location		Reference facility
J970R Denver, Colo., to Dallas, Tex.			
Lamar, Colo.	38°11'50" N.	102°41'14" W.	Garden City, Kans.
Ardmore, Okla.	34°12'41" N.	97°10'05" W.	Oklahoma City, Okla.

Waypoint name	Location		Reference facility
J971R San Antonio, TX., to Dallas, TX.			
HYETO	30°14'02" N.	98°26'56" W.	Austin, Tex.
Acton, TX.	32°26'04" N.	97°39'49" W.	Waco, TX.

Waypoint name	Location		Reference facility
J972R Dallas, Tex., to San Antonio, Tex.			
Waco, Tex.	31°39'44" N.	97°16'08" W.	Millsap, Tex.
Austin, TX.	30°17'51" N.	97°42'11" W.	San Antonio, TX.

Waypoint name	Location		Reference facility
J973R Seattle, Wash., to Salt Lake City, Utah			
COMBO	47°15'12" N.	121°53'53" W.	Yakima, Wash.
McKay, Oreg.	45°52'54" N.	119°28'48" W.	Pendleton, Oreg.
HORSE	43°46'40" N.	116°08'13" W.	Boise, Idaho
SPREE	41°28'18" N.	112°54'14" W.	Malad City, Idaho

Waypoint name	Location		Reference facility
J974R Washington, D. C., to Los Angeles, Calif.			
Front Royal, Va.	39°05'26" N.	078°12'02" W.	Casanova, Va.
Henderson, W. Va.	38°45'15" N.	082°01'35" W.	Charleston, W. Va.
MINER	38°42'28" N.	083°54'20" W.	Louisville, Ky.
MARIN	38°43'46" N.	089°51'54" W.	Capital, Ill.
HAWKS	38°42'35" N.	090°55'59" W.	Farmington, Mo.
TIGHT	38°21'43" N.	093°34'00" W.	Springfield, Mo.
Wichita, Kans.	37°43'40" N.	097°27'11" W.	Pioneer, Okla.
IARCH	37°10'36" N.	100°29'46" W.	Garden City, Kans.
SOFIA	36°25'38" N.	104°01'41" W.	Tucumcari, N. Mex.
SPRIN	36°15'07" N.	104°46'52" W.	Las Vegas, N. Mex.
DEFER	35°26'19" N.	109°09'39" W.	Gallup, N. Mex.
DRAKE	34°56'54" N.	112°32'15" W.	Prescott, Ariz.
CHUBS	34°32'20" N.	114°48'08" W.	Parker, Calif.
MORRO	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

Waypoint name	Location		Reference facility
J975R Dallas, Tex., to El Paso, Tex.			
Acton, Tex.	32°26'04" N.	97°39'49" W.	Waco, Tex.
MARNE	32°17'42" N.	100°31'47" W.	San Angelo, Tex.
JALOP	32°06'49" N.	103°06'09" W.	Fort Stockton, Tex.
El Paso, Tex.	31°48'57" N.	106°16'52" W.	El Paso, Tex.

Waypoint name	Location		Reference facility
J976R Seattle, Wash., to Minneapolis, Minn.			
BOTHS	47°43'56" N.	122°05'03" W.	Seattle, Wash.
COULE	47°39'42" N.	119°24'00" W.	Ephrata, Wash.
Mullan Pass, ID.	47°27'25" N.	115°38'42" W.	Mullan Pass, ID.
EDENS	47°21'50" N.	111°25'15" W.	Great Falls, Mont.
MOULT	47°16'24" N.	109°34'42" W.	Lewiston, Mont.
BROCK	46°59'51" N.	105°50'24" W.	Miles City, Mont.
IARKS	46°29'51" N.	101°20'11" W.	Dupree, S. Dak.
Oakes, ND.	46°01'58" N.	98°09'59" W.	Aberdeen, SD.
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.

Waypoint name	Location		Reference facility
J977R Portland, Oreg., to Chicago, Ill.			
Portland, Oreg.	45°44'53" N.	122°35'25" W.	Portland, Oreg.
McKay, Oreg.	45°52'54" N.	119°28'48" W.	Pendleton, Oreg.
GRANI	45°55'51" N.	116°12'25" W.	McCall, Idaho
Whitehall, Mont.	45°51'43" N.	112°10'08" W.	Whitehall, Mont.
ROCCO	45°41'03" N.	108°38'26" W.	Billings, Mont.
BRINK	45°29'21" N.	106°06'57" W.	Miles City, Mont.
MUDDY	45°08'17" N.	102°44'26" W.	Rapid City, S. Dak.
BONIL	44°34'07" N.	98°38'07" W.	Aberdeen, S. Dak.
HEIDY	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
ORATO	43°27'29" N.	93°09'59" W.	Mason City, Iowa
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

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Waypoint name	Location		Reference facility
J961R CERES to PARIA			
CERES	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.
Santa Barbara, Calif.	34°30'35" N.	119°46'12" W.	Santa Barbara, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
RABBI	34°44'09" N.	117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J962R YUCAN to PARIA			
YUCAN	31°35'00" N.	121°22'00" W.	Los Angeles, Calif.
Santa Catalina, CA.	33°22'30" N.	118°25'08" W.	Los Angeles, CA.
RABBI	34°44'09" N.	117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J963R GATES to PARIA			
GATES	34°12'53" N.	123°03'27" W.	San Luis Obispo, Calif.
San Luis Obispo, CA.	35°15'08" N.	120°45'31" W.	San Luis Obispo, CA.
Palmdale, CA.	34°37'53" N.	118°03'47" W.	Palmdale, CA.
RABBI	34°44'09" N.	117°08'00" W.	Hector, Calif.
SANUP	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
PARIA	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

Waypoint name	Location		Reference facility
J964R Coaldale, Nev., to FRUIT			
Coaldale, NV.	38°00'12" N.	117°46'10" W.	Coaldale, NV.
BUCKO	37°40'09" N.	119°59'55" W.	Fresno, Calif.
MERLE	37°11'16" N.	122°47'08" W.	Oakland, Calif.
FRUIT	36°15'00" N.	124°50'00" W.	Oakland, Calif.

Waypoint name	Location		Reference facility
J965R Coaldale, Nev., to LEAFS			
Coaldale, Nev.	38°00'12" N.	117°46'10" W.	Coaldale, Nev.
MANCA	37°46'30" N.	121°27'59" W.	Sacramento, Calif.
PALIS	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
LEAFS	37°48'13" N.	125°49'57" W.	Ukiah, Calif.

Waypoint name	Location		Reference facility
J966R LEAFS to Mina, Nev.			
LEAFS	37°48'13" N.	125°49'57" W.	Ukiah, Calif.
PALIS	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
MAYAN	38°00'02" N.	121°25'14" W.	Sacramento, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J967R FRUIT to Mina, Nev.			
FRUIT	36°15'00" N.	124°50'00" W.	Oakland, Calif.
MERLE	37°11'16" N.	122°47'08" W.	Oakland, Calif.
STANI	37°46'30" N.	120°51'48" W.	Linden, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

Waypoint name	Location		Reference facility
J969R Denver, Colo., to Phoenix, Ariz.			
SHAWN	39°25'38" N.	105°27'51" W.	Denver, Colo.
CABIN	38°21'36" N.	106°34'31" W.	Gunnison, Colo.
FLORA	36°46'16" N.	108°09'14" W.	Farmington, N. Mex.
SHUMA	34°37'12" N.	110°09'36" W.	Winslow, Ariz.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

Waypoint name	Location		Reference facility
J970R Denver, Colo., to Dallas, Tex.			
Lamar, Colo.	38°11'50" N.	102°41'14" W.	Garden City, Kans.
Ardmore, Okla.	34°12'41" N.	97°10'05" W.	Oklahoma City, Okla.

Waypoint name	Location		Reference facility
J971R San Antonio, TX., to Dallas, TX.			
HYETO	30°14'02" N.	98°26'56" W.	Austin, Tex.
Acton, TX.	32°26'04" N.	97°39'49" W.	Waco, TX.

Waypoint name	Location		Reference facility
J972R Dallas, Tex., to San Antonio, Tex.			
Waco, Tex.	31°39'44" N.	97°16'08" W.	Millsap, Tex.
Austin, TX.	30°17'51" N.	97°42'11" W.	San Antonio, TX.

Waypoint name	Location		Reference facility
J973R Seattle, Wash., to Salt Lake City, Utah			
COMBO	47°15'12" N.	121°53'53" W.	Yakima, Wash.
McKay, Oreg.	45°52'54" N.	119°28'48" W.	Pendleton, Oreg.
HORSE	43°46'40" N.	116°08'13" W.	Boise, Idaho
SPREE	41°28'18" N.	112°54'14" W.	Malad City, Idaho

Waypoint name	Location		Reference facility
J974R Washington, D. C., to Los Angeles, Calif.			
Front Royal, Va.	39°05'26" N.	078°12'02" W.	Casanova, Va.
Henderson, W. Va.	38°45'15" N.	082°01'35" W.	Charleston, W. Va.
MINER	38°42'28" N.	083°54'20" W.	Louisville, Ky.
MARIN	38°43'46" N.	089°51'54" W.	Capital, Ill.
HAWKS	38°42'35" N.	090°55'59" W.	Farmington, Mo.
TIGHT	38°21'43" N.	093°34'00" W.	Springfield, Mo.
Wichita, Kans.	37°43'40" N.	097°27'11" W.	Pioneer, Okla.
LARCH	37°10'36" N.	100°29'46" W.	Garden City, Kans.
SOFIA	36°25'38" N.	104°01'41" W.	Tucumcari, N. Mex.
SPRIN	36°15'07" N.	104°46'52" W.	Las Vegas, N. Mex.
DEFER	35°26'19" N.	109°09'39" W.	Gallup, N. Mex.
DRAKE	34°56'54" N.	112°32'15" W.	Prescott, Ariz.
CHUBS	34°32'20" N.	114°48'08" W.	Parker, Calif.
MORRO	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

Waypoint name	Location		Reference facility
J975R Dallas, Tex., to El Paso, Tex.			
Acton, Tex.	32°26'04" N.	97°39'49" W.	Waco, Tex.
MARNE	32°17'42" N.	100°31'47" W.	San Angelo, Tex.
JALOP	32°06'49" N.	103°06'09" W.	Fort Stockton, Tex.
El Paso, Tex.	31°48'57" N.	106°16'52" W.	El Paso, Tex.

Waypoint name	Location		Reference facility
J976R Seattle, Wash., to Minneapolis, Minn.			
BOTHS	47°43'56" N.	122°05'03" W.	Seattle, Wash.
COULE	47°39'42" N.	119°24'00" W.	Ephrata, Wash.
Mullan Pass, ID.	47°27'25" N.	115°38'42" W.	Mullan Pass, ID.
EDENS	47°21'50" N.	111°25'15" W.	Great Falls, Mont.
MOULT	47°16'24" N.	109°34'42" W.	Lewiston, Mont.
BROCK	46°59'51" N.	105°50'24" W.	Miles City, Mont.
LARKS	46°29'51" N.	101°20'11" W.	Dupree, S. Dak.
Oakes, ND.	46°01'58" N.	98°09'59" W.	Aberdeen, SD.
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.

Waypoint name	Location		Reference facility
J977R Portland, Oreg., to Chicago, Ill.			
Portland, Oreg.	45°44'53" N.	122°35'25" W.	Portland, Oreg.
McKay, Oreg.	45°52'54" N.	119°28'48" W.	Pendleton, Oreg.
GRANI	45°55'51" N.	116°12'25" W.	McCall, Idaho
Whitehall, Mont.	45°51'43" N.	112°10'08" W.	Whitehall, Mont.
ROCCO	45°41'03" N.	108°38'26" W.	Billings, Mont.
BRINK	45°29'21" N.	106°06'57" W.	Miles City, Mont.
MUDDY	45°08'17" N.	102°44'26" W.	Rapid City, S. Dak.
BONIL	44°34'07" N.	98°38'07" W.	Aberdeen, S. Dak.
HEIDY	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
ORATO	43°27'29" N.	93°09'59" W.	Mason City, Iowa
STOCK	42°21'21" N.	88°24'13" W.	Milwaukee, Wis.

Waypoint name	Location		Reference facility
J978R Chicago, Ill., to Portland, Oreg.			
MORRI	41°55'53" N.	89°47'00" W.	Bradford, Ill.
ELBER	42°00'53" N.	92°15'40" W.	Dubuque, Iowa
COREY	42°58'37" N.	93°54'48" W.	Fort Dodge, Iowa
HEIDY	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
BONIL	44°34'07" N.	98°38'07" W.	Aberdeen, S. Dak.
MUDDY	45°08'17" N.	102°44'26" W.	Rapid City, S. Dak.
BRINK	45°29'21" N.	106°06'57" W.	Miles City, Mont.
ROCCO	45°41'03" N.	108°38'26" W.	Billings, Mont.
Whitehall, Mont.	45°51'43" N.	112°10'08" W.	Whitehall, Mont.
GRANI	45°55'51" N.	116°12'25" W.	McCall, Idaho
McKay, Oreg.	45°52'54" N.	119°28'48" W.	Pendleton, Oreg.
Portland, Oreg.	45°44'53" N.	122°35'25" W.	Portland, Oreg.

Waypoint name	Location		Reference facility
J981R Los Angeles, Calif., to Washington, D. C.			
Parker, Calif.	34°06'07" N.	114°40'53" W.	Needles, Calif.
Prescott, Ariz.	34°42'09" N.	112°28'46" W.	Phoenix, Ariz.
WELLS	35°13'59" N.	108°47'53" W.	St. Johns, Ariz.
MORAS	35°52'40" N.	105°18'54" W.	Las Vegas, N. Mex.
CANAS	36°21'15" N.	101°48'33" W.	Amarillo, Tex.
TANGY	36°32'14" N.	099°56'38" W.	Kingfisher, Okla.
IRWIN	37°30'10" N.	094°18'35" W.	Butler, Mo.
SPROT	37°56'21" N.	090°16'20" W.	Farmington, Mo.
CANTO	38°16'02" N.	085°35'26" W.	Louisville, Ky.
RENFO	38°24'04" N.	081°23'29" W.	Beckley, W. Va.
Diana, W. Va.	38°29'44" N.	080°11'01" W.	Beckley, W. Va.

Waypoint name	Location		Reference facility
J982R Los Angeles, Calif., to Kansas City, Mo.			
Parker, Calif.	34°06'07" N.	114°40'53" W.	Needles, Calif.
Prescott, Ariz.	34°42'09" N.	112°28'46" W.	Phoenix, Ariz.
WELLS	35°13'59" N.	108°47'53" W.	St. Johns, Ariz.
MORAS	35°52'40" N.	105°18'54" W.	Las Vegas, N. Mex.
CANAS	36°21'15" N.	101°48'33" W.	Amarillo, Tex.
TANGY	36°32'14" N.	099°56'38" W.	Kingfisher, Okla.
Wichita, Kans.	37°43'40" N.	097°27'11" W.	Pioneer, Okla.
FACTO	38°57'48" N.	095°05'22" W.	Butler, Mo.

Waypoint name	Location		Reference facility
J983R Miami, FL., to New Orleans, LA.			
HIGHT	26°11'22" N.	80°42'24" W.	Vero Beach, Fla.
Sarasota, FL.	27°23'51" N.	82°33'16" W.	Sarasota, FL.
NEPTA	28°38'40" N.	87°38'36" W.	Crestview, Fla.
New Orleans, LA.	30°01'47" N.	90°10'20" W.	New Orleans, LA.

Waypoint name	Location		Reference facility
J984R Hobby, Tex., to Miami, Fla.			
Humble, Tex.	29°57'24" N.	95°20'44" W.	Hobby, Tex.
Leeville, LA.	29°10'30" N.	90°06'14" W.	Leeville, LA.
NEPTA	28°38'40" N.	87°38'36" W.	Crestview, Fla.
Sarasota, FL.	27°23'51" N.	82°33'16" W.	Sarasota, FL.
REPLY	26°10'36" N.	81°08'53" W.	Palm Beach, Fla.

Waypoint name	Location		Reference facility
J985R San Antonio, TX., to Phoenix, AZ.			
San Antonio, TX.	29°38'38" N.	98°27'40" W.	Austin, TX.
TELLA	30°06'45" N.	100°00'31" W.	Junction, Tex.
Fort Stockton, TX.	30°57'07" N.	102°58'31" W.	Wink, TX.
TOYAH	31°31'23" N.	104°03'00" W.	Wink, Tex.
ORGAN	32°14'48" N.	106°52'20" W.	Truth or Consequences, N. Mex.
SHELL	32°47'55" N.	109°05'10" W.	San Simon, Ariz.
Phoenix, AZ.	33°25'53" N.	111°53'17" W.	Phoenix, AZ.

Waypoint name	Location		Reference facility
J987R Montreal, Canada, to J. F. Kennedy International Airport, NY.			
FAWNS	44°57'35" N.	74°05'34" W.	Plattsburgh, N. Y.
LOONS	44°25'15" N.	74°12'19" W.	Plattsburgh, N. Y.
Kingston, NY.	41°39'55" N.	73°49'22" W.	Huguenot, NY.
EMPTY	40°47'11" N.	74°02'36" W.	Kennedy, N. Y.

PENDING AMENDMENT

The FAWNS waypoint location is amended to read "44°59'01'N. 74°05'33"W."

AMENDMENTS 12/30/76 41 F.R. 47227 (Changed)

Waypoint name	Location		Reference facility
J988R J. F. Kennedy International Airport, NY., to Montreal, Canada			
BELLE	41°02'17" N.	73°08'51" W.	Hampton, N. Y.
CHERI	42°40'52" N.	73°18'11" W.	Albany, N. Y.
Plattsburgh, NY.	44°48'18" N.	73°24'54" W.	Massena, NY.

Waypoint name	Location		Reference facility
J989R Newark, N. J./La Guardia Airport, N. Y., to Chicago, Ill.			
ULEMA	41°57'31" N.	76°33'39" W.	Slate Run, Pa.
HAMET	42°20'40" N.	79°05'55" W.	Slate Run, Pa.
Wixom, MI.	42°35'05" N.	83°33'35" W.	Cleveland, OH.
VERMI	42°37'50" N.	84°40'50" W.	Carleton, Mich.
POPPY	42°16'16" N.	87°36'28" W.	South Bend, Ind.

Waypoint name	Location		Reference facility
J990R Phoenix, AZ., to Bridgeport, TX.			
Phoenix, AZ.	33°25'53" N.	111°53'17" W.	Phoenix, AZ.
MULEY	33°21'55" N.	109°11'49" W.	St. Johns, Ariz.
Truth or Consequences, NM.	33°16'57" N.	107°16'48" W.	Socorro, NM.
Roswell, NM.	33°20'15" N.	104°37'15" W.	Roswell, NM.
PLAIN	33°20'52" N.	102°50'29" W.	Texico, N. Mex.
ROCKS	33°18'28" N.	99°50'01" W.	Abilene, Tex.
Bridgeport, TX.	33°14'16" N.	97°45'58" W.	Ardmore, OK.

Waypoint name	Location		Reference facility
J991R Minneapolis, Minn., to Greater Southwest, Tex.			
Minneapolis, MN.	45°08'45" N.	93°22'23" W.	Minneapolis, MN.
KAMRA	42°25'45" N.	93°43'56" W.	Fort Dodge, Iowa
Kansas City, Mo.	39°16'46" N.	94°35'28" W.	Kansas City, Mo.
Tulsa, Okla.	36°11'46" N.	95°47'16" W.	Tulsa, Okla.
Greater Southwest, TX.	32°49'10" N.	97°02'28" W.	Greater Southwest, TX.

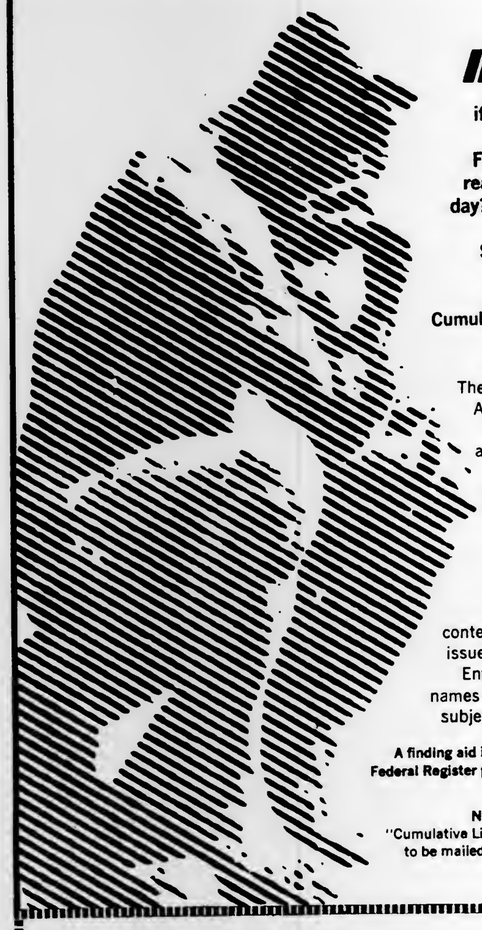
Waypoint name	Location		Reference facility
J992R Houston, Tex., to Tulsa, Okla.			
REFIX	30°17'26" N.	95°19'55" W.	Humble, Tex.
YANTI	32°54'39" N.	95°31'36" W.	Greater Southwest, Tex.
Tulsa, Okla.	36°11'46" N.	95°47'16" W.	Tulsa, Okla.

Waypoint name	Location		Reference facility
J993R John F. Kennedy Airport, N. Y., to Miami, Fla.			
BOUND	38°06'45" N.	75°26'05" W.	Richmond, Va.
RESCO	36°47'30" N.	76°25'30" W.	Richmond, Va.
SURFY	34°06'00" N.	78°00'00" W.	Raleigh-Durham, N. C.
AZANA	32°23'32" N.	78°14'57" W.	Charleston, S. C.
GAUGE	30°25'29" N.	78°33'57" W.	Ormond Beach, Fla.
SAILS	30°00'00" N.	78°38'00" W.	Ormond Beach, Fla.
TARPO	28°00'00" N.	79°30'00" W.	Vero Beach, Fla.
PINKS	26°17'31" N.	79°54'49" W.	Palm Beach, Fla.

Waypoint name	Location		Reference facility
J994R John F. Kennedy Airport, N. Y., to Orlando, Fla.			
BOUND	38°06'45" N.	75°26'05" W.	Richmond, Va.
RESCO	36°47'30" N.	76°25'30" W.	Richmond, Va.
CLARK	34°26'30" N.	78°57'30" W.	Raleigh-Durham, N. C.
RITES	32°47'00" N.	80°37'30" W.	Charleston, S. C.
CHEST	30°52'25" N.	81°28'52" W.	Jacksonville, Fla.
Jacksonville, Fla.	30°27'00" N.	81°33'52" W.	Jacksonville, Fla.
Orlando, Fla.	28°32'33" N.	81°20'07" W.	Orlando, Fla.

Waypoint name	Location		Reference facility
J995R Dulles International Airport, Va., to Miami, Fla.			
Casanova, Va.	38°38'28" N.	77°51'57" W.	Gordonsville, Va.
Flat Rock, Va.	37°31'42" N.	77°49'43" W.	Richmond, Va.
SURFY	34°06'00" N.	78°00'00" W.	Raleigh-Durham, N. C.
AZANA	32°23'32" N.	78°14'57" W.	Charleston, S. C.
GAUGE	30°25'29" N.	78°33'57" W.	Ormond Beach, Fla.
SAILS	30°00'00" N.	78°38'00" W.	Ormond Beach, Fla.
HALBI	26°41'00" N.	79°08'05" W.	Vero Beach, Fla.
BONDI	26°03'28" N.	79°46'14" W.	Palm Beach, Fla.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted By the Secretary

The following new Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, establishes uniform rules of practice governing formal adjudicatory administrative proceedings instituted by the Department or any agency thereof under the statutes and regulations designated in the Subpart.

On June 16, 1976, there was published in the FEDERAL REGISTER a notice that the Department was considering the promulgation of uniform rules of practice governing formal adjudicatory proceedings which would replace the separate rules governing such proceedings under the various statutes and regulations involved. Although the rulemaking provisions of 5 U.S.C. 553 do not apply to the promulgation of rules of procedure or practice, interested persons were given an opportunity to submit comments on the proposed uniform rules set forth in the notice in the FEDERAL REGISTER. All comments received pursuant to the FEDERAL REGISTER notice and all other available information and suggestions were carefully considered in developing the final uniform rules. As a result, a number of changes have been made in the proposed uniform rules as published in the FEDERAL REGISTER.

The rules have been made applicable to adjudicatory administrative proceedings under the United States Cotton Standards Act (7 U.S.C. 51b and 53) and section 506 of the Federal Land Policy and Management Act of 1976 (section 506, Public Law 94–579 enacted October 21, 1976), in addition to proceedings under the statutes designated in the proposed rules. The ex parte communication provisions set forth in the proposed uniform rules have been amended in accordance with Section 4 of Public Law 94–409, enacted September 13, 1976. A provision has been included with respect to the place of hearings in proceedings under the Packers and Stockyards Act, 1921, as amended by Public Law 94–410 enacted September 13, 1976. Other changes were made in the proposed uniform rules for clarity of the proivsions and for efficiency and expedition in the proceedings in the interests of effectiveness in carrying out the objectives and policies of the underlying statutes, commensurate with fair and impartial proceedings.

The uniform rules of practice promulgated in the new Subpart H set forth below shall supersede all rules of practice now in existence governing the proceedings covered by the new rules which are in conflict with the new rules. The Administrators of the agencies administering the programs involved will publish documents specifically revoking any rules superseded by the new rules and promulgating any additional supplemental rules relating to particular circumstances arising in connection with proceedings under the statutes and regulations administered by them.

Effective date: The uniform rules of practice contained in the new Subpart H set forth below shall become effective 1 February 1977 with respect to all proceedings covered thereby instituted on and after said date. Proceedings instituted prior to said date shall continue under the applicable rules of practice in effect when the proceedings were agree that the proceeding shall be governed on and after 1 February 1977 by the new uniform rules set forth ni the new Subpart H.

Dated: December 27, 1976.

RICHARD E. BELL,
Acting Secretary.

Subpart H—Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes

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1.130 Meaning of words.
1.131 Scope and applicability of this part.
1.132 Definitions.
1.133 Institution of proceedings.
1.134 Docket number.
1.135 Contents of Complaint.
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1.138 Consent decision.
1.139 Procedure upon failure to file an answer or admission of facts.
1.140 Prehearing conferences and procedure.
1.141 Procedure for Hearing.
1.142 Post-hearing procedure.
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1.145 Appeal to Judicial Officer.
1.146 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of decision of the Judicial Officer.
1.147 Filing; service; extensions of time; and computation of time.
1.148 Depositions.
1.149 Subpoenas.
1.150 Fees of witnesses.
1.151 Ex parte communications.

AUTHORITY: 5 U.S.C. 301; sec. 4, 23 Stat. 32; sec. 2, 32 Stat. 792, as amended, 34 Stat. 1260, as amended, 37 Stat. 832, sec. 28, 39 Stat. 490, sec. 407, 42 Stat. 169, sec. 10, 42 Stat. 1519, sec. 15, 46 Stat. 537, as amended, sec. 402, 53 Stat. 1285, sec. 205(b), 60 Stat. 1090, sec. 14, 71 Stat. 447, as amended, sec. 21, 80 Stat. 353, sec. 9, 84 Stat. 1406, sec. 14, 84 Stat. 1629, sec. 310, 90 Stat. 2767, sec. 18, 90 Stat. 2884; 7 U.S.C. 61, 87e, 228, 268, 499o, 1592, 1624(b), 2151, 15 U.S.C. 1828, 21 U.S.C. 111, 120, 154, 463(b), 621, 1043, 43 U.S.C. 1740.

§ 1.130 Meaning of words.

As used in this subpart, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 1.131 Scope and applicability of this part.

(a) The rules of practice in this subpart shall be applicable to all adjudicatory proceedings under the statutory provisions listed below as those provisions have been or may be amended from time to time.[1] The provisions of 7 CFR 1.26 shall be inapplicable to the proceedings covered by this subpart.

Animal Welfare Act, Section 19 (7 U.S.C. 2149).
Egg Products Inspection Act, Section 18 (21 U.S.C. 1047).
Federal Land Policy and Management Act of 1976, Section 506 (43 U.S.C. 1766).
Federal Meat Inspection Act, Sections 4, 6, 7(e), 8, and 401 (21 U.S.C. 604, 606, 607(e), 608, 671).
Federal Seed Act, Section 409 (7 U.S.C. 1599).
Horse Protection Act of 1970, Sections 4(c) and 6 (15 U.S.C. 1823(c), 1825).
Packers and Stockyards Act, 1921, as supplemented, Sections 203, 312, 401, 502(b), and 505 of the Act, and Section 1, 57 Stat. 422, as amended by section 4, 90 Stat. 1249 (7 U.S.C. 193, 204, 213, 218a, 218d, 221).
Perishable Agricultural Commodities Act, 1930, sections 3(c), 4(d), 6(c), 8(a), 8(b), 8(c), 9 and 13(a), (7 U.S.C. 499c(c), 499d (d), 499f(c), 499h(a), 499h(b), 499h(c), 499i, 499m(a)).
Poultry Products Inspection Act, sections 6, 7, 8(d), and 18 (21 U.S.C. 455, 456, 457(d), 467).
United States Cotton Standards Act, as supplemented, section 3 of the Act and section 2 of 47 Stat. 1621 (7 U.S.C. 51b, 53).
United States Grain Standards Act, sections 7(g)(3), 9,[2] 10, and 17A(d) (7 U.S.C. 79(g)(3), 85, 86).
United States Warehouse Act, sections 12 and 25 (7 U.S.C. 246, 253).
Virus-Serum-Toxin Act (21 U.S.C. 156).

[1] See also the regulations promulgated under these statutes for any supplemental rules relating to particular circumstances arising thereunder.

[2] The rules of practice in this subpart are applicable to formal proceedings under section 9 of the United States Grain Standards Act for refusal to renew, or for suspension or revocation of a license if the respondent requests that such proceeding be subject to the administrative procedure provisions in 5 U.S.C. 554, 556, and 557. If such a request is not made, the Rules of Practice in 7 CFR Part 26, Subpart C shall apply.

(b) These rules of practice shall also be applicable to: (1) Adjudicatory proceedings under the regulations promulgated under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) for the denial or withdrawal of inspection, certification, or grading service.[1]

(2) Adjudicatory proceedings under the regulations promulgated under the Animal Guarantine and Related Laws (21 U.S.C. 111 et seq.) for the suspension or revocation of accreditation of veterinarians (9 CFR Parts 160, 161).[1]

(3) Proceedings for debarment of counsel under § 1.141(d) of this subpart; and

(4) Other adjudicatory proceedings in which the complaint instituting the proceeding so provides with the concurrence of the Assistant Secretary for Administration.

§ 1.132 Definitions.

As used in this subpart, the terms as defined in the statute under which the proceeding is conducted and in the regulations, standards, instructions, or orders issued thereunder, shall apply with equal force and effect. In addition and except as may be provided otherwise in this subpart:

(a) "Complaint" means the formal complaint, order to show cause, or other document by virtue of which a proceeding is instituted.

(b) "Complainant" means the party instituting the proceeding.

(c) "Respondent" means the party proceeded against.

(d) "Judicial Officer" means an official of the United States Department of Agriculture delegated authority by the Secretary of Agriculture, pursuant to the Act of April 4, 1940 (7 U.S.C. 450c–459g) and Reorganization Plan No. 2 of 1953, (5 U.S.C. 1970 ed., Appendix, p. 550), to perform the function involved (7 CFR 2.35(a)), or the Secretary of Agriculture if the authority so delegated is exercised by the Secretary.

(e) "Administrator" means the Administrator of the Agency administering the statute involved, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Administrator.

(f) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(g) "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to the proceeding involved.

(h) "Decision" means: (1) the Judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (i) findings and conclusions and the reasons or basis therefor on all material issues of fact, law, or discretion, (ii) order, and (iii) rulings on proposed findings, conclusions and orders submitted by the parties; and

(2) The decision and order by the Judicial Officer upon appeal of the Judge's decision.

(i) "Hearing" means that part of the proceeding which involves the submission of evidence before the Judge for the record in the proceeding.

§ 1.133 Institution of proceedings.

(a) *Submission of information concerning apparent violations.* (1) Any interested person desiring to submit information regarding an apparent violation of any provision of a statute listed in § 1.131 of this subpart or of any regulation, standard, instruction, or order issued pursuant thereto, may file the information with the Administrator of the agency administering the statute involved in accordance with this section and any applicable statutory or regulation provisions. Such information may be made the basis of any appropriate proceeding covered by the rules in this subpart, or any other appropriate proceeding authorized by the particular statute or the regulations promulgated thereunder.

(2) The information may be submitted by telegram, by letter, or by a preliminary statement of facts, setting forth the essential details of the transaction complained of. So far as practicable, the information shall include such of the following items as may be applicable:

(i) The name and address of each person and of the agent, if any, representing such person in the transaction involved;

(ii) Place where the alleged violation occurred;

(iii) Quantity and quality or grade of each kind of product or article involved;

(iv) Date of alleged violation;

(v) Car initial and number, if carlot;

(vi) Shipping and destination points;

(vii) If a sale, the date, sale price, and amount actually received;

(viii) If a consignment, the date, reported proceeds, gross, net;

(ix) Amount of damage claimed, if any;

(x) Statement of other material facts, including terms of contract; and

(xi) So far as practicable, true copies of all available papers relating to the transaction complained about, including shipping documents, letters, telegrams, invoices, manifests, inspection certificates, accounts of sales, and any special contracts or agreements.

(3) Upon receipt of the information and supporting evidence, the Administrator shall cause such investigation to be made as, in the opinion of the Administrator, is justified by the facts. If such investigation discloses that no violation of the Act or of the regulations, standards, instructions, or orders issued pursuant thereto, has occurred, no further action shall be taken and the person submitting the information shall be so informed.

(4) The person submitting the information shall not be a party to any proceeding which may be instituted as a result thereof and such person shall have no legal status in the proceeding, except as a subpoenaed witness or as a deponent in a deposition taken without expense to such person.

(b) *Filing of complaint.* (1) If there is reason to believe that a person has violated or is violating any provision of a statute listed in § 1.131 or of any regulation, standard, instruction or order issued pursuant thereto, whether based upon information furnished under subsection (a) of this section or other information, a complaint may be filed with the Hearing Clerk pursuant to these rules.

(2) As provided in 5 U.S.C. 558, in any case, except one of wilfulness or one in which public health, interest, or safety otherwise requires, prior to the institution of a formal proceeding which may result in the withdrawal, suspension, or revocation of a "license" as that term is defined in 5 U.S.C. 551(8), the Administrator, in an effort to effect an amicable or informal settlement of the matter, shall give written notice to the person involved of the facts or conduct concerned and shall afford such person an opportunity, within a reasonable time fixed by the Administrator, to demonstrate or achieve compliance with the applicable requirements of the statute, or the regulation, standard, instruction or order promulgated thereunder.

§ 1.134 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 1.135 Contents of complaint.

A Complaint filed pursuant to § 1.133 (b) shall state briefly and clearly the nature of the proceeding, the identification of the complainant and the respondent, the legal authority and jurisdiction under which the proceeding is instituted, the allegations of fact and provisions of law which constitute a basis for the proceeding, and the nature of the relief sought.

§ 1.136 Answer.

(a) *Filing and service.* Within 20 days after the service of the complaint (within 10 days in a proceeding under section 4(d) of the Perishable Agricultural Commodities Act, 1930), or such other time as may be specified therein, the respondent shall file with the Hearing Clerk an answer signed by the respondent or the attorney of record in the proceeding. The attorney may file an appearance of record prior to or simultaneously with the filing of the answer. The answer shall be served upon the complainant, and any other party of record, by the Hearing Clerk.

(b) *Contents.* The answer shall: (1) Clearly admit, deny, or explain each of the allegations of the Complaint and shall clearly set forth any defense asserted by the respondent; or

(2) State that the respondent admits all the facts alleged in the complaint; or

(3) State that the respondent admits the jurisdictional allegations of the complaint and neither admits nor denies the remaining allegations and consents to the issuance of an order without further procedure.

(c) *Default.* Failure to file an answer within the time provided under § 1.136 (a) shall be deemed, for purposes of the proceeding, an admission of the allegations in the Complaint, and failure to deny or otherwise respond to an allegation of the Complaint shall be deemed, for purposes of the proceeding, an admission of said allegation, unless the parties have agreed to a consent decision pursuant to § 1.138.

§ 1.137 Amendment of complaint or answer.

At any time prior to the filing of a motion for a hearing, the complaint or answer may be amended. Thereafter, such an amendment may be made with consent of the parties, or as authorized by the Judge upon a showing of good cause.

§ 1.138 Consent decision.

At any time before the Judge files the decision, the parties may agree to the entry of a consent decision. Such agreement shall be filed with the Hearing Clerk in the form of a decision signed by the parties with appropriate space for signature by the Judge, and shall contain an admission of at least the jurisdictional facts, consent to the issuance of the agreed decision without further procedure and such other admissions or statements as may be agreed between the parties. The Judge shall enter such decision without further procedure, unless an error is apparent on the face of the document. Such decision shall have the same force and effect as a decision issued after full hearing, and shall become final upon issuance to become effective in accordance with the terms of the decision.

§ 1.139 Procedure upon failure to file an answer or admission of facts.

The failure to file an answer, or the admission by the answer of all the material allegations of fact contained in the complaint, shall constitute a waiver of hearing. Upon such admission or failure to file, complainant shall file a proposed decision, along with a motion for the adoption thereof, both of which shall be served upon the respondent by the Hearing Clerk. Within 20 days after service of such motion and proposed decision, the respondent may file with the Hearing Clerk objections thereto. If the Judge finds that meritorious objections have been filed, complainant's Motion shall be denied with supporting reasons. If meritorious objections are not filed, the Judge shall issue a decision without further procedure or hearing. Copies of the decision or denial of complainant's Motion shall be served by the Hearing Clerk upon each of the parties and may be appealed pursuant to § 1.145. Where the decision as proposed by complainant is entered, such decision shall become final and effective without further proceedings 35 days after the date of service thereof upon the respondent, unless there is an appeal to the Judicial Officer by a party to the proceeding pursuant to § 1.145: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Judicial Officer upon appeal.

§ 1.140 Prehearing conferences and procedure.

(a) *Purpose and Scope.* (1) Upon motion of a party or upon the Judge's own motion, the Judge may direct the parties or their counsel to attend a conference at any reasonable time, prior to or during the course of the hearing, when the Judge finds that the proceeding would be expedited by a prehearing conference. Reasonable notice of the time and place of the conference shall be given. The Judge may order each of the parties to furnish at or subsequent to the conference any or all of the following:

(i) An outline of the case or defense;

(ii) The legal theories upon which the party will rely;

(iii) Copies of or a list of documents which the party anticipates introducing at the hearing; and

(iv) A list of anticipated witnesses who will testify on behalf of the party. At the discretion of the party furnishing such list of witnesses, the names of the witnesses need not be furnished if they are otherwise identified in some meaningful way such as a short statement of the type of evidence they will offer.

(2) The Judge shall not order any of the foregoing procedures that a party can show is inappropriate or unwarranted under the circumstances of the particular case.

(3) At the conference, the following matters shall be considered:

(i) The simplification of issues;

(ii) The necessity of amendments to pleadings;

(iii) The possibility of obtaining stipulations of facts and of the authenticity, accuracy, and admissibility of documents, which will avoid unnecessary proof;

(iv) The limitation of the number of expert or other witnesses;

(v) Negotiation, compromise, or settlement of issues;

(vi) The exchange of copies of proposed exhibits;

(vii) The identification of documents or matters of which official notice may be requested;

(viii) A schedule to be followed by the parties for completion of the actions decided at the conference; and

(ix) Such other matters as may expedite and aid in the disposition of the proceeding.

(b) *Reporting.* A prehearing conference will not be stenographically reported unless so directed by the Judge.

(c) *Action in Lieu of Personal Attendance at a Conference.* In the event the Judge concludes that personal attendance by the Judge and the parties or counsel at a prehearing conference is unwarranted or impractical, but determines that a conference would expedite the proceeding, the Judge may conduct such conference by telephone or correspondence.

(d) *Order.* Actions taken as a result of a conference shall be reduced to a written appropriate order, unless the Judge concludes that a stenographic report shall suffice, or, if the conference takes place within 7 days of the beginning of the hearing, the Judge elects to make a statement on the record at the hearing summarizing the actions taken.

(e) *Related matters.* Upon motion of a respondent, the Judge may order the attorney for the complainant to produce and permit the respondent to inspect and copy or photograph any relevant written or recorded statements or confessions made by such respondent within the possession, custody or control of the complainant.

§ 1.141 Procedure for Hearing.

(a) *Request for Hearing.* Any party may request a hearing on the facts by including such request in the complaint or answer, or by a separate request, in writing, filed with the Hearing Clerk within the time in which an answer may be filed. Failure to request a hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing. Waiver of hearing shall not be deemed to be a waiver of the right to request oral argument before the Judicial Officer upon appeal of the Judge's decision. In the event the respondent denies any material fact and fails to file a timely request for a hearing, the matter may be set down for hearing on motion of the complainant or upon the Judge's own motion.

(b) *Time and Place.* If any material issue of fact is joined by the pleadings, the Judge, upon motion of any of the parties, jointly or individually, stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing as soon as feasible thereafter, with due regard for the public interest and the convenience and necessity of the parties. The Judge shall file with the Hearing Clerk a notice stating the time and place of hearing.[2] If any change in the time or place of the hearing is made, the Judge shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript, or actual notice is given to the parties.

(c) *Appearances.* The parties may appear in person or by attorney of record

[2] The place of hearing in a proceeding under the Packers and Stockyards Act shall be set in accordance with subsections (e) and (f) of section 407 of the Packers and Stockyards Act, as added by section 11 of Public Law 94–410 (90 Stat. 1252). In essence, if there is only one respondent, the hearing is to be held as near as possible to the respondent's place of business or residence, depending of course upon the availability of a courtroom or other appropriate hearing room. If there is more than one respondent, and they have their places of business or residence within a single unit of local government, a single geographic area within a State, or a single State, the hearing is to be held as near as possible to their places of business or residence, depending of course on the availability of a courtroom or other appropriate hearing room. If there is more than one respondent, and they have their places of business or residence distant from each other, those subsections have no applicability.

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in the proceeding. Any person who appears as attorney must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(d) *Debarment of Attorney.* (1) Whenever a Judge finds that a person acting as attorney for any party to the proceeding is guilty of unethical or contumacious conduct, in or in connection with a proceeding, the Judge may order that such person be precluded from further acting as attorney in the proceeding. An appeal to the Judicial Officer may be taken from any such order, but no proceeding shall be delayed or suspended pending disposition of the appeal: *Provided,* That the Judge shall suspend the proceeding for a reasonable time for the purpose of enabling the party to obtain another attorney;

(2) Whenever it is found, after notice and opportunity for hearing, that a person, who is acting or has acted as attorney for another person in any proceeding before the United States Department of Agriculture, is unfit to act as such counsel because of such unethical or contumacious conduct, such person will be precluded from acting as counsel in any or all proceedings before the Department as found to be appropriate.

(e) *Failure to Appear.* A respondent who, after being duly notified, fails to appear at the hearing without good cause, shall be deemed to have waived the right to an oral hearing in the proceeding and to have admitted any facts which may be presented at the hearing. Such failure by the respondent shall also constitute an admission of all the material allegations of fact contained in the complaint. Complainant shall have an election whether to follow the procedure set forth in § 1.139 of these rules or whether to present evidence, in whole or in part, in the form of affidavits or by oral testimony before the Judge. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Judge's decision and to appeal and request oral argument before the Judicial Officer with respect thereto in the manner provided in § 1.145 of these rules.

(f) *Order of Proceeding.* Except as may be determined otherwise by the Judge, the complainant shall proceed first at the hearing.

(g) *Evidence.*—(1) *In General.* (i) The testimony of witnesses at a hearing shall be on oath or affirmation and subject to cross-examination.

(ii) Upon a finding of good cause, the Judge may order that any witness be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(iii) After a witness called by the complainant has testified on direct examination, any other party may request and obtain the production of any statement, or part thereof, of such witness in the possession of the complainant which relates to the subject matter as to which the witness has testified. Such production shall be made according to the procedures and subject to the definitions and limitations prescribed in the Jencks Act (18 U.S.C. 3500).

(iv) Evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely, shall be excluded insofar as practicable.

(2) *Objections.* (i) If a party objects to the admission of any evidence or to the limitation of the scope of any examination or cross-examination or to any other ruling of the Judge, the party shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Judge.

(ii) Only objections made before the Judge may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted in the manner provided in and subject to the provisions of § 1.148.

(4) *Exhibits.* Unless the Judge finds that the furnishing of copies is impracticable, four copies of each exhibit shall be filed with the Judge: *Provided,* That, where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. A true copy of an exhibit may be substituted for the original.

(5) *Official Records or Documents.* An official government record or document or entry therein, if admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same, and shall be prima facia evidence of the relevant facts stated therein. Such record or document shall be evidenced by an official publication thereof or by a copy certified by a person having legal authority to make such certification.

(6) *Official Notice.* Official notice shall be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the parties shall be given adequate notice of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(7) *Offer of Proof.* Whenever evidence is excluded by the Judge, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence excluded. If the evidence consists of a brief oral statement, it shall be included in the transcript in toto. If the evidence consists of an exhibit, it shall be marked for identification and inserted in the hearing record. In either event, the evidence shall be considered a part of the transcript and hearing record if the Judicial Officer, upon appeal, decides the Judge's ruling excluding the evidence was erroneous and prejudicial. If the Judicial Officer decides the Judge's ruling excluding the evidence was erroneous and prejudicial and that it would be inappropriate to have such evidence considered a part of the hearing record, the Judicial Officer may direct that the hearing be reopened to permit the taking of such evidence or for any other purpose in connection with the excluded evidence.

(h) *Transcript.* Hearings shall be recorded and transcribed verbatim. Transcripts thereof shall be made available to any person, at actual cost of duplication (5 U.S.C. App. I, sec. 11).

§ 1.142 Post-hearing procedure.

(a) *Corrections to transcript*—(1) At any time, but not later than the time fixed for filing proposed findings of fact, conclusions and order, or briefs, as the case may be, any party may file a motion proposing corrections to the transcript.

(2) Unless a party files such a motion in the manner prescribed, the transcript shall be presumed, except for obvious typographical errors, to be a true, correct, and complete transcript of the testimony given at the hearing and to contain an accurate description or reference to all exhibits received in evidence and made part of the hearing record, and shall be deemed to be certified without further action by the Judge.

(3) At any time prior to the filing of the Judge's decision and after consideration of any objections filed as to the transcript, the Judge may issue an order making any corrections in the transcript which the Judge finds are warranted, which corrections shall be entered onto the original transcript by the Hearing Clerk (without obscuring the original text).

(b) *Proposed findings of fact, conclusions, order, and briefs.* The parties may file with the Hearing Clerk proposed findings of fact, conclusions and orders, based solely upon the record and on matters subject to official notice, and briefs in support thereof. The Judge shall announce at the hearing a definite period of time within which these documents may be filed.

(c) *Judge's decision.* The Judge, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, shall prepare, upon the basis of the record and matters officially noticed, and shall file with the Hearing Clerk, the Judge's decision, a copy of which shall be served by the Hearing Clerk upon each of the parties. Such decision shall become final and effective without further proceedings 35 days after the date of service thereof upon the respondent, unless there is an appeal to the Judicial Officer by a party to the proceeding pursuant to § 1.145: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Judicial Officer upon appeal.

§ 1.143 Motions and requests.

(a) *General.* All motions and requests shall be filed with the Hearing Clerk, and served upon all the parties, except (1) requests for extensions of time pursuant to § 1147 (2) requests for subpoenas pursuant to § 1.149, and (3) motions and requests made on the record during the oral hearing. The Judge shall rule upon all motions and requests filed or made prior to the filing of an appeal of the Judge's decision pursuant to § 1.145, except motions directly relating to the appeal. Thereafter, the Judicial Officer will rule on any motions and requests, as well as the motions directly relating to the appeal.

(b) *Motions Entertained.* (1) Any motion will be entertained other than a motion to dismiss on the pleading.

(2) All motions and requests concerning the complaint must be made within the time allowed for filing an answer.

(c) *Contents.* All written motions and requests shall state the particular order, ruling, or action desired and the grounds therefor.

(d) *Response to Motions and Requests.* Within 10 days after service of any written motion or request, or within such shorter or longer period as may be fixed by the Judge or the Judicial Officer, an opposing party may file a response to the motion or request. The other party shall have no right to reply to the response; however, the Judge or the Judicial Officer, in their discretion, may order that a reply be filed.

(e) *Certification to the Judicial Officer.* The submission or certification of any motion, request, objection, or other question to the Judicial Officer prior to the filing of an appeal pursuant to § 1.145 shall be made by and in the discretion of the Judge. The Judge may either rule upon or certify the motion, request, objection, or other question to the Judicial Officer, but not both!

§ 1.144 Judges.

(a) *Assignment.* No Judge shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has any conflict of interest which might impair the Judge's objectivity in the proceeding.

(b) *Disqualification of Judge.* (1) Any party to the proceeding may, by motion made to the Judge, request that the Judge withdraw from the proceeding because of an alleged disqualifying reason. Such motion shall set forth with particularity the grounds of alleged disqualification. The Judge may then either rule upon or certify the motion to the Secretary, but not both.

(2) A Judge shall withdraw from any proceeding for any reason deemed by the Judge to be disqualifying.

(c) *Powers.* Subject to review as provided elsewhere in this part, the Judge, in any assigned proceeding, shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of a prehearing conference and the hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations;

(4) Issue subpoenas as authorized by the statute under which the proceeding is conducted, requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence at the hearing;

(5) Summon and examine witnesses and receive evidence at the hearing;

(6) Take or order the taking of depositions as authorized under these rules;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Do all acts and take all measures necessary for the maintenance of order, including the exclusion of contumacious counsel or other persons;

(10) Take all other actions authorized under these rules.

(d) *Who may act in the absence of the Judge.* In case of the absence of the Judge or the Judge's inability to act, the powers and duties to be performed by the Judge under these rules of practice in connection with any assigned proceeding may, without abatement of the proceeding unless otherwise directed by the Chief Judge, be assigned to any other Judge.

§ 1.145 Appeal to Judicial Officer.

(a) *Filing of Petition.* Within 30 days after receiving service of the Judge's decision, a party who disagrees with the decision, or any part thereof, or any ruling by the Judge or any alleged deprivation of rights, may appeal such decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in § 1.141(g)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the petition, and the arguments thereon, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations or authorities being relied upon in support thereof. A brief may be filed in support of the appeal simultaneously with the petition.

(b) *Response to Appeal Petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of Record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a prehearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral Argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of Argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the Judicial Officer on Appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

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§ 1.146 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of the decision of the Judicial Officer.

(a) *Petition requisite.* (1) *Filing; service; ruling.* A petition for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the decision of the Judicial Officer, must be made by petition filed with the Hearing Clerk. Every such petition must state specifically the grounds relied upon. Any such petition filed prior to the filing of an appeal of the Judge's decision pursuant to § 1.145 shall be ruled upon by the Judge, and any such petition filed thereafter shall be ruled upon by the Judicial Officer.

(2) *Petition to reopen hearing.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the decision of the Judicial Officer. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petition to rehear or reargue proceeding, or to reconsider the decision of the Judicial Officer.* A petition to rehear or reargue the proceeding or to reconsider the decision of the Judicial Officer shall be filed within 10 days after the date of service of such decision upon the party filing the petition. Every petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 20 days following the service of any petition provided for in this section, any party to the proceeding may file with the Hearing Clerk a reply thereto. As soon as practicable thereafter, the Judge or the Judicial Officer, as the case may be, shall announce the determination whether to grant or deny the petition. The decision of the Judicial Officer shall automatically be stayed pending the determination to grant or deny a timely petition. Such decision shall not be final for purposes of judicial review until the petition is denied or the decision is affirmed or modified pursuant to the petition and the time for judicial review shall begin to run upon the filing of such final action on the petition. In the event that any such petition is granted, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party, although such person shall be referred to as the complainant or respondent, depending upon the designation in the original proceeding.

§ 1.147 Filing; service; extensions of time; and computation of time.

(a) *Filing; number of copies.* Except as otherwise provided in this section, all documents or papers required or authorized by the rules in this part to be filed with the Hearing Clerk shall be filed in quadruplicate: *Provided,* That where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. Any document or paper required or authorized under the rules in this part to be filed with the Hearing Clerk shall, during the course of an oral hearing, be filed with the Judge.

(b) *Service; proof of service.* Copies of all such documents or papers required or authorized by the rules in this part to be filed with the Hearing Clerk shall be served upon the parties by the Hearing Clerk, or by some other employee of the Department, or by a U.S. Marshal or deputy marshal. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation or association to be served, or to the attorney of record representing such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business or residence of such individual, partnership, corporation, organization, or association, or of the attorney or agent of record and mailing by regular mail another copy to such person at such address; or (3) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to the attorney or agent of record, at the last known residence or principal office or place of business of such person: *Provided,* That if the registered or certified document or paper is returned undelivered because the addressee refused or failed to accept delivery, the document or paper shall be served by remailing it by regular mail. Proof of service hereunder shall be made by the certificate of the person who actually made the service: *Provided,* That if the service be made by mail, as outlined in subparagraph (3) of this paragraph, proof of service shall be made by the return post-office receipt, in the case of registered or certified mail, or by the certificate of the person who mailed the matter by regular mail. The certificate and post-office receipt contemplated herein shall be filed with the Hearing Clerk, and made a part of the record of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the Judge or the Judicial Officer as provided in § 1.143, if, in the judgment of the Judge or the Judicial Officer, as the case may be, there is good reason for the extension. In all instances in which time permits, notice of the request for extension of the time shall be given to the other party with opportunity to submit views concerning the request.

(d) *Effective date of filing.* Any document or paper required or authorized under the rules in this part to be filed shall be deemed to be filed at the time when it reaches the Hearing Clerk; or, if authorized to be filed with another officer or employee of the Department it shall be deemed to be filed at the time when it reaches such officer or employee.

(e) *Computation of time.* Saturdays, Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Saturday, Sunday or Federal holiday, such period shall be extended to include the next following business day.

§ 1.148 Depositions.

(a) *Motion for taking deposition.* Upon the motion of a party to the proceeding, the Judge may, at any time after the filing of the complaint, order the taking of testimony by deposition. The motion shall be in writing, shall be filed with the Hearing Clerk, and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereafter in this section as the "officer") qualified under the regulations in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the motion; and (4) the reasons why such deposition should be taken, which shall be solely for the purpose of eliciting testimony which otherwise might not be available at the time of hearing, for use as provided in paragraph (g) of this section.

(b) *Judge's order for taking deposition.* If the Judge finds that the testimony may not be otherwise available at the hearing, the taking of the deposition may be ordered. The order shall be filed with the Hearing Clerk, shall be served upon the parties, and shall state: (1) the time and place of the examination; (2) the name of the officer before whom the examination is to be made; and (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the motion.

(c) *Qualifications of officer.* The deposition shall be made before the Judge or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(d) *Procedure on examination.* (1) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions propounded, together with all objections made (but not including argument or debate), shall be recorded verbatim. In lieu of oral examination, parties may transmit written questions to the officer prior to the examination and the officer shall propound such questions to the deponent.

(2) The applicant shall arrange for the examination of the witness either by oral examination, or by written questions upon agreement of the parties or as directed by the Judge. If the examination is conducted by means of written questions, copies of the questions shall be served upon the other party to the proceeding and filed with the officer at least 10 days prior to the date set for the examination unless otherwise agreed, and the other party may serve cross questions and file them with the officer at any time prior to the time of the examination.

(e) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn and that the deposition is a true record of the deponent's testimony. The officer shall then securely seal the deposition, together with one copy thereof (unless there are more than two parties in the proceeding, in which case there should be another copy for each additional party), in an envelope and mail the same by registered or certified mail to the Hearing Clerk.

(f) *Corrections to the transcript.* (1) At any time prior to the hearing, any party may file a motion proposing corrections to the transcript of the deposition.

(2) Unless a party files such a motion in the manner prescribed, the transcript shall be presumed, except for obvious typographical errors, to be a true, correct, and complete transcript of the testimony given in the deposition proceeding and to contain an accurate description or reference to all exhibits in connection therewith, and shall be deemed to be certified correct without further procedure.

(3) At any time prior to use of the deposition in accordance with subsection (g) of this section and after consideration of any objections filed thereto, the Judge may issue an order making any corrections in the transcript which the Judge finds are warranted, which corrections shall be entered onto the original transcript by the Hearing Clerk (without obscuring the original text).

(g) *Use of deposition.* A deposition ordered and taken in accordance with the provisions of this section may be used in a proceeding under these rules if the Judge finds that the evidence is otherwise admissible and (1) that the witness is dead; (2) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; (3) that the party offering the deposition has endeavored to procure the attendance of the witness by subpoena, but has been unable to do so; or (4) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If the party upon whose motion the deposition was taken refuses to offer it in evidence, any other party may offer the deposition or any part thereof in evidence. If only part of a deposition is offered in evidence by a party, an adverse party may require the introduction of any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

§ 1.149 Subpoenas.[1]

(a) *Issuance of subpoenas.* The attendance and testimony of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may be required by subpoena at any designated place of hearing if authorized by the statute under which the proceeding is conducted. Subpoenas shall be issued by the Judge upon a reasonable showing by the applicant of the grounds and necessity thereof; and with respect to subpoenas for the production of documents, the request shall also show their competency, relevancy, and materiality. All requests for subpoenas shall be in writing, unless waived by the Judge for good cause shown. Except for good cause shown, requests for subpoenas shall be submitted by the applicant to the Judge at least 10 days prior to the date set for the hearing.

(b) *Service of subpoenas.* Subpoenas may be served (1) by a United States Marshal or a deputy marshal, or (2) by any other person who is not less than 18 years of age, or (3) by registering or certifying and mailing a copy of the subpoena addressed to the person to be served at the last known principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or deputy marshal; or, if served by an employee of the Department, by a certificate stating that the employee personally served the subpoena upon the person named therein; or, if served by another person, by an affidavit stating that such person personally served the subpoena upon the person named therein; or, if service was by registered or certified mail, by an affidavit made by the person mailing the subpoena that it was mailed as provided herein and by the signed return post-office receipt: *Provided,* That the return receipt without an affidavit or certificate of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed, or, if such person is not immediately available, with any other responsible person residing or employed at the place of residence or business of the person subpoenaed. The original of the subpoena, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same. The party at whose instance a subpoena is issued shall be responsible for the service thereof.

§ 1.150 Fees of witnesses.

Witnesses summoned under these rules of practice shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the officer taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

§ 1.151 Ex Parte Communications.

(a) At no stage of the proceeding between its institution and the issuance of the final decision shall the Judge or Judicial Officer discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided,* That procedural matters shall not be included within this limitation; and *Provided further,* That the Judge or Judicial Officer may discuss the merits of the case with such a person if all parties to the proceeding, or their attorneys have been given notice and an opportunity to participate. A memorandum of any such discussion shall be included in the record.

(b) No interested person shall make or knowingly cause to be made to the Judge or Judicial Officer an ex parte communication relevant to the merits of the proceeding.

(c) If the Judge or the Judicial Officer receives an ex parte communication in violation of this section, the one who receives the communication shall place in the public record of the proceeding:

(1) all such written communications;

(2) memoranda stating the substance of all such oral communications; and

(3) all written responses, and memoranda stating the substance of all oral responses thereto.

(d) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this section, the Judge or Judicial Officer may, to the extent consistent with the interests of justice and the policy of the underlying statute, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(e) To the extent consistent with the interests of justice and the policy of the underlying statute, a violation of this section shall be sufficient grounds for a decision adverse to the party who knowingly commits a violation of this section or who knowingly causes such a violation to occur.

(f) For purposes of this section "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or the proceeding.

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[1] This section relates only to subpoenas for the stated purpose and has no relevance with respect to investigatory subpoenas.

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENT

[Amendment 8]

PART 729—PEANUTS

Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts; Miscellaneous Changes

This amendment of the allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.).

The purposes of this amendment are (1) to exclude from Part 731 of this chapter the dates of transfer, release and reapportionment of peanut acreage allotments since these dates will now be set and published by the State committee, (2) to provide for accepting a late-filed release and for requesting reapportioned acreage, (3) to exclude from the regulations the restrictions formerly placed on releasing and transferring allotments on federally owned land and (4) to include the basic penalty rate for the 1976 crop of peanuts.

The marketing of peanuts of the 1976 crop is now underway and it is essential that the basic penalty rate for the 1976 crop be announced immediately. It is hereby determined that compliance with the notice of proposed rulemaking, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

The regulations for determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts (37 FR 2645, 3629, 23414, 39 FR 10883, 36564, 40578, 41 FR 1885, 36194, 7 CFR part 729) are amended as follows:

1. Paragraphs (a), (b) and (c) of § 729.22 are revised to read as follows:

§ 729.22 Release and reapportionment.

(a) *Release of acreage allotments.* Except as provided in this paragraph, any part of a farm allotment on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee shall be deducted from the allotment to such farm if such acreage is surrendered not later than the closing date. The State committee shall establish and publicize the closing dates for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates for the State. The closing date for release of farm allotments shall be no later than the date on which planting of peanuts normally becomes general on farms in the State, area or county. The State committee may accept a late-filed release in cases where the State committee determines that the producer was prevented from filing for reasons beyond his control. Where the entire farm allotment was released in each of the 2 years preceding the current year, the release of the effective farm allotment for the current year shall be in writing and signed by both the owner and the operator of the farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by both the owner and operator of the farm. Acreage allotments may not be released (1) from new farms, (2) for the current year, if the owner of the farm notifies the county committee in writing, before acreage is released by the operator, that he objects to such a release, and (3) from the allotment pool if an application for transfer from the pool has been filed in accordance with Part 719 of this chapter. In addition, the peanut acreage may not be released from a farm covered under a long-term land use conservation program, if the allotment is designated.

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of land, labor, and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. A farm shall be eligible to receive reapportionment of released acreage only if a written request is filed by the farm owner or operator at the office of the county committee as provided for under paragraph (a) of this section.

(c) *Closing date for reapportionment of released acreage.* Any acreage released to the county committee may be reapportioned by the county committee to other farms in the county at any time not later than 30 days following the closing date set by the State committee under paragraph (a) of this section for the filing of a request for an increase in allotment from released acreage.

2. A new subparagraph (5) is added to paragraph (b) of § 729.43 to read as follows:

§ 729.13 Penalty rate.

* * * * *

(b) *Future years.* * * *

(5) *1976 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1976 and ending July 31, 1977, is $414 per ton or 20.7 cents per pound. Therefore, the basic penalty rate for the 1976 crop of peanuts is 15.5 cents per pound.

3. Paragraph (b) of § 729.69 is revised to read as follows:

§ 729.69 Terms and conditions applicable to transfer under section 358a of the act.

* * * * *

(b) *Filing record of transfer.* Form ASCS-375 "Record of Transfer of Allotment or Quota" shall be filed not later than the dates set by the State committee in paragraph (a) of § 729.22. The State committee may authorize the acceptance of a late-filed record in cases where the State committee determines that the producer was prevented from timely filing for reasons beyond his control.

* * * * *

§ 729.69 [Amended]

4. Paragraph (s) of § 729.69 is revoked.

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1358a, 3159, 1375.)

Effective date: January 4, 1977.

Signed at Washington, D.C., on December 17, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-96 Filed 1-3-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

• Purpose. To eliminate needless testing, to make a conforming change in a test procedure, and to correct paragraph designations. •

Statement of considerations. The introductory paragraph for 9 CFR 113.52 states that all cell lines used to prepare biological products shall be tested by all tests described in the Section. Some cell lines are used to prepare viral antigens which are to be used only in laboratory tests (in vitro) and not in animals. It has been determined by the Deputy Administrator that such cell lines need not be tested for oncogenicity, tumorigenicity, and karyology. These amendments exempt such cell lines from these tests.

Cells from two sources (primary cells and cell lines) are used in the production of viral vaccines. Test requirements for these cells are prescribed in § 113.51 and § 113.52, respectively. A test for mycoplasma contamination provided in § 113.28 is a requirement of these cells.

The regulations presently provide that to satisfy the mycoplasma contamination test requirements for primary cells, either final container samples of completed product or samples of the final pool of harvested material may be tested. However, to satisfy the present mycoplasma contamination test requirements for a cell line, either samples from each subculture of cells or the final pool of harvested material have to be tested. Testing of final container samples of completed product is not sufficient under the present regulations to satisfy the mycoplasma contamination test requirements for a cell line. However, no sufficient reason appears to be present for not permitting testing of samples of final containers for a cell line. Therefore, these amendments permit the licensee to test samples of final containers, regardless of the type of cells used.

Cell identity test requirements for the Master Cell Stock in § 113.52 were inadvertently codified in paragraphs and subparagraphs designated (g) (5), (g) (5) (i), (g) (5) (ii), and (g) (5) (iii). These amendments correct these designations to read (h), (h) (1), (h) (2), and (h) (3), respectively. No substantive changes are made.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158) Part 113, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making the following administrative changes:

Section 113.52 is amended by revising the introductory paragraph, by revising paragraph (b), and redesignating subparagraphs (g) (5), (g) (5) (i), (g) (5) (ii), and (g) (5) (iii) as (h), (h) (1), (h) (2), and (h) (3), respectively, to read:

§ 113.52 Requirements for selection of cell lines.

All cell lines used to prepare biological products shall be tested as prescribed in this section, except that if the products are used in vitro tests only, the cell lines need not be tested for oncogenicity, tumorigenicity, and karyology. Cell lines found unsatisfactory by any prescribed test shall not be used.

* * * * *

(b) The MCS and either each subculture of cells used to prepare a biological product or the final pool of harvested material (with or without the stabilizer) or final container samples of completed product for each serial of such product shall be shown to be free of mycoplasma by methods prescribed in 9 CFR 113.28. The sample for testing shall consist of at least 75 cm² of actively growing cells or the equivalent, in harvest fluids. The cells shall represent all sources of cells in the batch.

* * * * *

(h) The MCS shall be shown to be of the same species of origin as that reported in § 113.52(a) (1) by the following method. The samples for testing shall consist of at least four monolayers of cells, each with an area at least as large as a 10.5×22 mm coverslip. The monolayers shall be grown to at least 80 percent confluency using media that do not contain any additives whose species of origin match the species of origin of the MCS. The monolayers shall then be removed from their media, processed, and stained in the following fashion. At least two monolayers shall be stained with an antispecies fluorescein-tagged antibody conjugate unrelated to the species of origin of the MCS and with an antispecies fluorescence-tagged antibody conjugate specific to the species of origin of the MCS. All monolayers shall then be examined for evidences of specific fluorescence.

(1) If specific fluorescence is not found in the monolayers stained with the conjugate specific to the species of origin of the MCS, the cell line is unsatisfactory and shall not be used for vaccine production.

(2) If nonspecific fluorescence is found in the monolayers stained with conjugate from an unrelated species of origin, or other results make the test results equivocal, the procedure shall be repeated until either specific fluorescence is found only in the monolayers stained with conjugate specific to the species of origin of the MCS and not in the control monolayers, or, alternately, specific fluorescence cannot be identified and the MCS is declared unsatisfactory.

(3) Alternate tests to determine the species of origin of the MCS may be used if approved by Veterinary Services.

(21 U.S.C. 151 and 154; 37 FR 28477; 38 FR 19141)

These amendments relax the test requirements for vaccines prepared with a cell line to conform with the requirements for vaccines prepared with primary cells. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective January 4, 1976.

Done at Washington, D.C., this 29th day of December 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.77-267 Filed 1-3-77;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Standards for Combination Cured Pieces of Meat and Nonmeat Protein Products

Correction

In the November 16, 1976, issue of the FEDERAL REGISTER (41 FR 50451), the Department published a document revoking § 319.900 (9 CFR 319.900) of the Federal meat inspection regulations. However, the heading for former § 319.900, "Subpart V—Combination meat and Non-Meat Protein Products," and the reference in the table of contents to "Subpart V—Combination Meat and Non-Meat Protein Products" and "§ 319.900 Combination Cured Meat;", were inadvertently not revoked. Therefore, they are hereby revoked.

In view of the circumstances, these amendments consist of minor changes and it does not appear that public participation with respect to this action would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment shall become effective January 4, 1977.

Done at Washington, D.C., on December 27, 1976.

J. M. HEJL,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.77-133 Filed 1-3-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. K, M, and Y; Docket No. R-0074]

FOREIGN SUBSIDIARY CORPORATIONS AND BANKS

Proceeds From Sale of Long-Term Debt Obligations in Foreign Markets; Transfer to United States Parents for Domestic Purposes

Under the eighth paragraph of Section 25(a) of the Federal Reserve Act (12 U.S.C. 615(c)), an Edge Corporation may, with the prior consent of the Board, invest directly or indirectly in the stock of foreign corporations that do not transact any business in the United States except such as, in the Board's judgment, may be incidental to their international or foreign business. Similar limitations on business in the United States are imposed upon (a) Edge Corporations under the tenth paragraph of Section 25(a) of the Federal Reserve Act (12 U.S.C. 616); (b) foreign banks, the stock of which is held by a member bank under the third paragraph of Section 25 of the Federal Reserve Act (12 U.S.C. 601); and (c) companies, the shares of which are owned or controlled by a bank holding company under Section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)).

In a request for an interpretation filed with the Board by a member bank and its parent bank holding company, the issue arose whether it would be a permissible activity for an existing foreign subsidiary corporation, subject to the provisions of either Section 25(a) of the Federal Reserve Act or Section 4(c)(13) of the Bank Holding Company Act, to sell long-term debt obligations in foreign markets and to transfer the proceeds to its United States parent(s) for domestic purposes. These debt obligations would have initial maturities in excess of seven years and may or may not be supported by the guaranty of the United States parent organzation(s).

In the Board's judgment, it appears that the transfer by a foreign subsidiary corporation to its United States parent of proceeds received from the foreign subsidiary's sale of long-term debt obligations in foreign markets would not be an impermissible activity under the above discussed statutory provisions relating to the conduct of incidental business activities in the United States.

This interpretation also applies to a foreign subsidiary bank held directly by a member bank under the third para-

graph of Section 25 of the Federal Reserve Act.

12 CFR Parts 211, 213, and 225 are amended by adding new §§ 211.112, 213.106, 225.136 to read as follows:

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

§ 211.112 Utilization of Foreign Subsidiaries to Sell Long-Term Debt Obligations in Foreign Markets and to Transfer the Proceeds to Their United States Parent(s) for Domestic Purposes.

(a) In a request for an interpretation filed with the Board by a member bank and its parent bank holding company, the issue arose whether it would be a permissible activity for one of their existing foreign subsidiary corporations, subject to the provisions of either Sections 25 or 25(a) of the Federal Reserve Act or Section 4(c)(13) of the Bank Holding Company Act, to sell long-term debt obligations in foreign markets and to transfer the proceeds of these obligations to its United States parent(s) for domestic purposes.

(b) Under the specific proposal put forward, a foreign subsidiary of the parent bank holding company would sell debt obligations in foreign markets, which obligations would have initial maturities in excess of seven years and may or may not be supported by the guaranty of its parent bank holding company. The foreign subsidiary in question would have substantial other international or foreign business and would be performing an activity that its parent bank holding company could perform directly, i.e., raising capital funds through the sale of long-term debt obligations.

(c) Under the eighth paragraph of Section 25(a) of the Federal Reserve Act (12 U.S.C. 615), an Edge Corporation may, with the prior consent of the Board, purchase and hold stock of a corporation that is "not engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the Board . . . may be incidental to its international or foreign business." Similarly, under the tenth paragraph of the same section, an Edge Corporation shall not "carry on any part of its business in the United States except such as in the judgment of the Board . . . may be incidental to its international or foreign business." Pursuant to the third paragraph of Section 25 of the Federal Reserve Act, a national banking association [1] may acquire and hold, directly or indirectly, stock or other evidences of ownership in a foreign bank as long as such foreign bank is "not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board . . . shall be incidental to the international or foreign business of such foreign bank." Finally, Section 4(c)(13) of the Bank Holding Company Act exempts from the nonbanking prohibitions of Section 4 of the Act "shares of, or activities conducted by, any company which does no business in the United States except as an incident to its international or foreign business."

(d) In the Board's judgment, the slight wording differences between the quoted portions of the above statutes were not intended by Congress to bear any meaningful significance. Accordingly, the Board has interpreted these provisions in the past as being synonymous [2] and this interpretation applies to each of the above statutory provisions.

(e) To the extent that the foreign subsidiary in question is involved in the issuance of long-term debt obligations in foreign markets, there is no legal issue raised since that subsidiary would clearly be engaging in permissible foreign activities. However, an issue is raised whether the transfer of the proceeds of those obligations to its parent institution causes such foreign subsidiary to be "doing" or "transacting" business within the United States in violation of the statutory provisions set forth above.

(f) The Board has determined that the foreign subsidiary in question is not "transacting" or "doing" business in the United States by the mere transfer of proceedes of its long-term foreign debt obligations to its parent corporation. In the Board's judgment, the foreign subsidiary is essentially providing a service to its parent in that it is serving as its parent's alter ego for the limited purpose of obtaining long-term funds that the parent could otherwise obtain directly.[3] The transfer of borrowing proceeds between a United States parent and its foreign subsidiary in this situation can thus be viewed as not more than an intra-organizational transaction for the parent's benefit. In the Board's view, such a transaction is distinguishable from a commercial loan to a third-party United States resident by a foreign subsidiary, which loan would bring a foreign subsidiary into direct lending competition with domestic banking organizations.

(g) In the Board's judgment, this interpretation applies only to a situation where a foreign subsidiary, acting strictly on behalf of its parent organization, issues debt obligations abroad for the sole and express purpose of supplying funds to its parent organization. To meet this test, the Board believes three conditions must be satisfied: (1) the foreign subsidiary should be wholly-owned (except for directors' qualifying shares, if any) by its United States parent organization(s); (2) the proceeds repatriated should be no greater in amount than the amount of debt issued abroad; and (3) the proceeds should be repatriated on approximately the same terms and conditions as the obligations issued by the foreign subsidiary.

[1] Paragraph 20 of Section 9 of the Federal Reserve Act (12 U.S.C. 335) makes the provisions of Section 25 applicable to State member banks.

[2] See § 225.4(f)(1) of Regulation Y, wherein the Board has by regulation applied to foreign subsidiaries of domestic bank holding companies the Edge Act limitations on activities in the United States.

[3] While such a foreign subsidiary may be viewed as providing a service to its parent bank holding company, the Board nevertheless believes that any bank holding company that plans to acquire shares of a foreign corporation to engage solely in the activities described herein will have to file an application under section 4(c)(13) of the Bank Holding Company Act and § 225.4(f) of Regulation Y. (See in this regard the Board's prior ruling on foreign operations subsidiaries at 12 CFR 250.143.)

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

§ 213.106 Utilization of Foreign Subsidiaries To Sell Long-Term Debt Obligations in Foreign Markets and To Transfer the Proceeds to Their United States Parent(s) for Domestic Purposes.

For text of this interpretation, see § 211.112 of this subchapter.

PART 225—BANK HOLDING COMPANIES

§ 225.136 Utilization of Foreign Subsidiaries To Sell Long-Term Debt Obligations in Foreign Markets and To Transfer the Proceeds to Their United States Parent(s) for Domestic Purposes.

For text of this interpretation, see § 211.112 of this subchapter.

Board of Governors of the Federal Reserve System, December 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-185 Filed 1-3-77;8:45 am]

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0004]

PART 220—CREDIT BY BROKERS AND DEALERS

Temporary Suspension of Uniform Margin Requirements for Option Specialists

The Board of Governors, pursuant to authority contained in sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and w), proposed for comment on December 16, 1976, an amendment to § 220.4(g) of Regulation T (41 FR 55552) governing credit which a broker or dealer extends to option Specialists in a Specialists' account. The existing rule requires that credit terms to Specialists conform to those available to public customers in a general account with two exceptions. One exception is applicable only if the account is that of a joint venture and it allows the broker carrying the account to disregard any disproportionate sharing of profits and losses when analyzing the amount of credit being extended. The other exception allows the creditor to determine "in good faith" the maximum loan value of any registered securities in the account rather than use the maximum loan value (currently 50 per cent) which the Board of Governors changes from time to time.

The general account provision for the writing of options has been amended effective January 1, 1977 (41 FR 43895). In order to provide a sufficient period for the collection and analysis of comments on the proposed rule for Specialists' credit and to avoid the necessity for costly reprogramming of computer systems until such time as the Board acts upon the proposed amendment to § 220.4(g), the Board has determined to permit option Specialists to continue using the existing provisions of § 220.3(d)(5) after January 1, 1977, instead of the new general account provision which takes effect on that date. The effect of this action is to permit, in calculating the adjusted debit balance of a Specialist's account, the use of the amount of any margin customarily required by the creditor in connection with the issuance of the option, rather than the amount specified by the Board.

To implement this, the Board hereby temporarily suspends the application of § 220.3(d)(5) and (i) as such sections would apply after January 1, 1977 to transactions in options in a Specialist's account within the scope of § 220.4(g) of Regulation T.

The requirements of 5 U.S.C. 553 with respect to notice, public participation and deferred effective date were not followed in connection with this suspension since it temporarily relieves a restriction and the Board found that to follow the requirements of section 553 would be impractical and contrary to the public interest inasmuch as it might involve needless expense for option Specialists and possible market disruption.

Effective date: This suspension is effective on January 1, 1977.

By order of the Board of Governors, December 29, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-38484 Filed 12-29-76;3:37 pm]

[Docket No. R-0073]

PART 226—TRUTH IN LENDING

Fair Credit Billing; Open End Credit; Discounts for Cash; Correction

In FR Doc. 75-24962 appearing at page 43200 in the FEDERAL REGISTER of September 19, 1975, paragraph (x) of § 226.2 appearing on page 43202 is corrected in the fifteenth line by adding "226.4(l);" after the section symbols (§§) and immediately prior to "226.7(a)(6)".

Pursuant to 5 U.S.C. 533, the Board finds that prior notice of this rulemaking is unnecessary and that public participation is impractical since, in its view, the change is in the nature of a technical correction clearly mandated by the Truth in Lending Act. § 226.4(i) was inadvertently not included in the enumeration of sections in § 226.2(x) for which "open end credit" shall mean "consumer credit extended on an account by use of a credit card • • •" when the final Fair Credit Billing amendments to Regulation Z were published on September 19. It is essential that § 226.4(i) be included in this enumeration in order for the Regulation to fully implement section 167 of the Truth in Lending Act which provides that discounts of up to five per cent for payment in cash in lieu of by credit card do not constitute finance charges.

By order of the Board of Governors, December 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-186 Filed 1-3-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Modification of Public Works Projects; Approval Procedures

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration (EDA) hereby amends 13 CFR Part 309 for the purpose of clarifying its regulations for the modification of public works projects.

§ 309.26(b) is amended by deleting its reference to the Assistant Secretary. This change will prevent confusion as to actual process by which proposed project modifications are approved. Under established delegations of authority, certain changes in public works projects can be authorized by EDA's regional directors. As revised, § 309.26(b) describes more accurately EDA's procedures for the modification of public works projects.

In that the matter contained herein relates to the EDA grant and loan program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. However, in accordance with the spirit of public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding this amendment to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230, on or before February 3, 1977. Until such time as further changes are made, this amendment shall remain in effect thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether the matter set forth in this regulation constitutes a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that this regulation does not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR 309 is hereby amended by revising § 309.26(b) to read as follows:

§ 309.26 Project modification.

• • • • •

(b) Proposed changes will be processed for approval following normal amendment procedures.

• • • • •

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121 et seq.); Department of Commerce Organization Order 10-4, 40 FR 56702.)

Effective date: This amendment becomes effective on January 4, 1977.

The Economic Development Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 27, 1976.

JOHN W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.77-190 Filed 1-3-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13105]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Fingerprinting of Persons Employed Prior to July 1, 1976

The Securities and Exchange Commission today announced the amendment of Rule 17f-2 [17 CFR § 240.17f-2] under the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] regarding the fingerprinting of persons employed by or associated with brokers, dealers, members of national securities exchanges, registered transfer agents, and registered clearing agencies prior to July 1, 1976.

Background. On March 16, 1976, the Commission adopted Section 240.17f-2,[1] providing exemptions from the requirement of section 17(f)(2) of the Act that every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency shall require that each of its partners, directors, officers, and employees be fingerprinted and shall submit such fingerprints, or cause the same to be submitted, to the Attorney General of the United States for identification and appropriate processing.

Paragraph (f) of Section 240.17f-2 provides that persons required to be fingerprinted pursuant to paragraph (a) of this section and who were employed prior to July 1, 1976 shall be exempt from its provisions until January 1, 1977. In its adopting release, the Commission stated that such persons would be finger-

[1] Securities Exchange Act Release No. 12214, 41 F.R. 13594 (March 31, 1976).

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printed after that date according to a schedule to be announced prior to that time.

Amended Section 240.17f–2. In order to achieve the establishment of an efficient fingerprinting program and to contribute to the orderly processing of fingerprints of the large numbers of persons involved, the Commission encourages those organizations subject to Section 17(f)(2) of the Act to submit fingerprints of its partners, directors, officers and employees to the appropriate self-regulatory organization on a schedule which contemplates that fingerprints of one-quarter of the total number of persons required to be fingerprinted be submitted during each calendar quarter of 1977.[2] Paragraph (f) of Section 240.17f–2 is amended to provide an exemption for all persons subject to this section until January 1, 1978 upon condition that 25% of those employees required by this section to be fingerprinted shall be fingerprinted in each calendar quarter.

The Commission finds, in accordance with the Administrative Procedure Act [5 U.S.C. 553(b)(3)(B)], that the amendment to Section 240.17f–2 provides the Attorney General and those persons affected by the implementation schedule prescribed by the Commission with an essential transitional period; accordingly, notice and public procedure are unnecessary as a prerequisite to the adoption of such amendment, and the amendment should be adopted, effective immediately, in accordance with the Administrative Procedure Act [5 U.S.C. 533(d)(3)]. The Commission further finds that the adoption of amended paragraph (f) of Section 240.17f–2 is not inconsistent with the public interest or the protection of investors.

Extension of Plans of Self-Regulatory Organizations. Pursuant to the provisions of paragraph (c) of Rule 17f–2, the American Stock Exchange, Inc., ("Amex"), the Boston Stock Exchange, Inc., ("BSE"), the Midwest Stock Exchange, Inc., ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc., ("NYSE"), the Pacific Stock Exchange, Inc., ("PSE"), and the Philadelphia Stock Exchange, Inc., ("Phlx") submitted plans whereby they would collect fingerprint cards from their members, forward such records to the FBI for identification and appropriate processing, and thereafter return the fingerprint cards and any information received from the FBI to the participating entities submitting such records.

The Amex, BSE, and NYSE plans, in addition, provide for the transmittal of fingerprint records for employees and associated persons of non-bank registered transfer agents handling Amex-listed, BSE-listed and NYSE listed securities respectively. The NASD plan encompasses employees and associated persons of non-bank registered transfer agents for securities traded over-the-counter or on any exchange whose plan does not provide for processing fingerprint cards for such transfer agents. The NASD plan also encompasses employees and associated persons of sole CBOE members and SECO brokers and dealers.

These plans were approved by the Commission during a pilot period which is due to expire on December 31, 1976. In order to continue the efficient channeling of fingerprint cards to the FBI and the transmittal of processed fingerprint cards to submitting entities, these plans have been approved on a permanent basis.

Delegation of Authority. Pursuant to paragraph (c) of Section 17 CFR § 240.17f–2 the Commission is authorized to approve amendments to plans of self-regulatory organizations submitted pursuant to paragraph (c) of Section 240.17f–2. The Commission has amended Rule 30–3(a)(18) of its Rules of General Organization [17 CFR § 200.30–3(a)(18)] to add thereon (a)(18)(iii) to delegate to the Director of the Division of Market Regulation the authority to approve amendments to plans of self-regulatory organizations submitted pursuant to paragraph (c) of Section 240.17f–2. These amendments to Section 200.30–3 are adopted pursuant to Sections 17(f)(2) and 23(a) of the Act, and Sections 78d–1 and 78d–2 of Title 15 of the United States Code.

The Commission finds, in accordance with Sections 5 U.S.C. 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, that the foregoing action relates solely to agency organization, procedure or practice and should be effective immediately in order to enhance the efficient operation of the Commission fingerprinting program pursuant to paragraph (c) of 17 CFR § 240.17f–2 under the Act and that notice and public procedure are not necessary with respect to the foregoing action.

Impact on Competition. Following the mandate of Section 23(a) of the Act, as amended, the Commission has considered the impact of the adoption of new paragraph (f) of Section 240.17f–2. The Commission finds that the amendment of the fingerprinting regulation will provide for the orderly phase-in of persons required to be fingerprinted and who were employed prior to July 1, 1976 into the fingerprinting program. The Commission finds that the amendment imposes no burden on competition not necessary or appropriate in furtherance of the purposes of the Act and is not inconsistent with the public interest or the protection of investors.

Effective date: Section 240.17f–2(f) is effective immediately.

Statutory Basis

(Sec. 240.17f–2(f) is adopted pursuant to Sections 2, 17(f), and 23(a) of the Securities Exchange Act of 1934.)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

Text of Amendments:

Part 200 is amended as follows:

Commission action: Pursuant to sections 17(f) and 23(a) of the Securities Exchange Act of 1934, and Sections 78d–1 and 78d–2 of Title 15 of the United States Code, the Securities and Exchange Commission hereby amends § 200.30–3 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.):

* * * * *

(18) Pursuant to Rule 17f–2 (§ 240.17f–2 of this Chapter).

* * * * *

(iii) To approve amendments to plan of a registered national securities exchange or a national securities association submitted pursuant to Rule 17f–2 (c) (§ 240.17f–2(c) of this chapter).

Part 240 is amended as follows:

Commission action: Pursuant to Sections 2, 17(f) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends paragraph (f) of Rule 17f–2 [240.17f–2(f)] in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17f–2 Fingerprinting of securities industry personnel.

* * * * *

(f) Every person who is a partner, director, officer, or employee of a member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency, and who is required to be fingerprinted pursuant to paragraph (a) of this section, and who was employed by or associated with such organization prior to July 1, 1976, shall be exempt from the provisions of paragraph (a) until January 1, 1978 upon condition that twenty-five percent of those persons required by this section to be fingerprinted shall be fingerprinted in each calendar quarter.

* * * * *

[FR Doc.77–130 Filed 1–3–77;8:45 am]

[2] There is no requirement in the regulation which provides that fingerprints must be rolled in the same calendar quarter in which they are to be submitted. Accordingly, if an organization wishes to roll fingerprints of all employees at one time and then hold them for submission during subsequent calendar quarters, such procedure would be deemed acceptable.

[Release Nos. 34–13097, 35–19819, IC–9582]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Stock Appreciation Rights

The Securities and Exchange Commission today announced that it has adopted certain amendments to Rule 16b–3 [17 CFR 240.16b–3] and Rule 16a–6(c) [17 CFR 240.16a–6(c)] under section 16 of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] relating to stock appreciation rights and certain other matters. Among other things, the amendments adopted today will provide a "safe harbor" from sections 16(a) and 16(b) of the Exchange Act for certain transactions involving cash settlements of stock appreciation rights. In addition, the amendments will clarify the conditions for the availability of Rule 16b–3 and refine certain terminology and definitions used in the rule.

Notice of the proposed amendments was published on April 23, 1976 in Securities Exchange Act Release No. 34–12374 [41 FR 19983]. Many helpful comments were received from the public regarding the proposed amendments, and the Commission has given careful consideration to those comments in formulating the final revisions.

SECTION 16 AND RELATED RULES

Section 16 of the Exchange Act and corresponding provisions of the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] and the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] are designed to provide other security holders and investors generally with information on insider securities transactions and holdings and to prevent insiders from unfairly utilizing confidential information to profit from short-term trading transactions in an issuer's securities.

Section 16(a) requires every person who beneficially owns, directly or indirectly, more than 10 percent of any class of equity security which is registered under section 12 of the Act, or who is a director or an officer of the issuer of any such security, to file statements with the Commission disclosing the amount of all equity securities of the issuer of which he is the beneficial owner and changes in such ownership.

Section 16(b) states in general that any profit realized by such officer, director or 10-percent holder realized from any purchase and sale, or any sale and purchase, of any equity security of such issuer within any period of less than six months shall inure to and be recoverable by the issuer.

Rule 16b–3 exempts from section 16(b), among other things, acquisitions of stock and nontransferable options pursuant to certain employee benefit plans. This exemptive rule reflects the Commission's recognition that under many such plans which provide for acquisitions at least every twelve months any sale would necessarily be within six months of one of the acquisition transactions. Thus, if the acquisitions were not exempt from section 16(b), the legitimate use of such plans as a method of executive compensation would be largely frustrated. Further, since the amount of benefits and the persons eligible to receive them must, in order to qualify for the exemption, be determined by persons not eligible to participate, the opportunity for abuse is slight.

Rule 16a–6(c) provides that a statement pursuant to Section 16(a) need not be filed with respect to the acquisition, expiration or cancellation of any non-transferable qualified, restricted or other stock option granted by the issuer of the securities to which the option relates, pursuant to a plan provided for the benefit of its employees and employees of its affiliates, if the plan meets the conditions specified in Rule 16b–3.

STOCK APPRECIATION RIGHTS

The principal purpose of the amendments adopted today is to provide an exemption from sections 16(a) and 16(b) of the Exchange Act for certain transactions in stock appreciation rights (SARs). Generally, a stock appreciation right entitles a person to receive an amount (payable in cash, securities or and combination thereof) equal to the change over a specified period of time of any one or more measures of appreciation or increase in the value of the equity security to which such right relates. Some of the standards used in determining the amount to which a person is entitled under a stock appreciation right are market value, book value, net earnings, net worth, dividends or similar factors.

It has become apparent to the Commission that there is a great deal of concern and uncertainty in the business community with respect to the status of stock appreciation rights under section 16 of the Exchange Act. The concern in this area apparently is based on the possibility that the settlement of a stock appreciation right for cash may be deemed to involve a purchase of stock which is simultaneously sold to the issuer in a cash sale. Under such a theory, any profit on the transaction realized by the director or officer would be recoverable by the issuer under the provisions of section 16(b).[1] Accordingly, absent an exemption from section 16(b), stock appreciation rights which are payable in cash would, under this theory, essentially be worthless as a means of executive compensation.

In view of the foregoing, and considering that "[t]he risk of speculative abuse is no greater with SARs than the risk associated with the exercise of a typical stock option,"[2] the Commission has determined to amend Rules 16b–3 and 16a–6(c) so that stock appreciation rights will be treated in the same way that stock options are treated under those rules. This has been done pursuant to the Commission's authority in section 16(b) to exempt by rule any transaction not comprehended within the purpose of that section. Specifically, the Commission believes that the conditions which it has established in revised Rule 16b–3 relating to cash settlements of stock appreciation rights are such that transactions satisfying those conditions are not comprehended within the purpose of section 16(b).

The Commission's action in revising Rule 16b–3 in order to provide a "safe harbor" for certain transactions in stock appreciation rights should not be construed as a statement by it that SAR transactions which do not satisfy the conditions of the rule necessarily are subject to section 16(b). In this regard, the Commission wishes to emphasize that because of the unsettled legal status of stock appreciation rights under section 16, it is expressing no view as to the applicability of that section to transactions in stock appreciation rights that are outside the scope of Rule 16b–3, and no inference in that connection should be drawn from the Commission's actions today.

TRANSACTIONS COVERED BY THE EXEMPTION

In creating a limited exemption for stock appreciation rights, the Commission has added a new paragraph (e) to Rule 16b–3 dealing solely with transactions in such rights. The paragraph exempts from section 16(b)

> Any transaction involving the exericse and cancellation of a stock appreciation right issued pursuant to a plan (whether or not the transaction also involves the related surrender and cancellation of a stock option), and the receipt of cash in complete or partial settlement of that right * * *

The exemption, however, will be available only if all of the conditions specified in the paragraph and in the other parts of the rule are satisfied.

In response to the public commentary, the amended rule has been broadened to cover many more types of transactions involving stock appreciation rights than would have been covered under the rule as proposed in Release No. 34–12374. In the proposed version, the exemption would have been limited only to those transactions involving a stock appreciation right granted in tandem with a stock option. Many of the commentators pointed out, however, that by so restricting the exemption the Commission would effectively freeze out the many plans that involve a simple award of cash in settlement of a stock appreciation right without reference to any stock options. Since there appears to be no valid reason for discriminating against these other types of plans, the Commission

[1] It should be noted, however, that two recent court decisions suggest that Section 16(b) is not applicable to the exercise of a stock appreciation right, at least under the circumstances described in those cases. See "Rosen v. Drisler et al." —— F. Supp.——, 73 Civ. 3367–JMC (S.D.N.Y.), CCH Fed. Sec. L. Rep. ¶ 95,748 (October 21, 1976) and "Freedman v. Barrow et al.", —— F. Supp. ——, 75 Civ. 4737–CLB (S.D.N.Y.), CCH Fed. Sec. L. Rep ¶ 95,754 (November 4, 1976). In the "Freedman" case, it was specifically stated on page 45 of the slip opinion that the exercise of a stock appreciation right does not involve the *sale* of an equity security by the officer-director, and thus there is no inherent or *per se* violation of Section 16(b) in the exercise of an SAR, as a result of the simultaneous receipt of shares thereunder. (emphasis included)

[2] "Freedman v. Barrow," note 1 supra, 46.

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has revised paragraph (e) so that it will apply to almost all transactions involving the settlement of stock appreciation rights, assuming the other conditions of the rule are satisfied.

The conditions in the amended rule that are specifically applicable to transactions in stock appreciation rights are designed to prevent the unfair use of inside information in connection with such transactions. Each of these conditions is discussed below in the order in which it appears in the rule.

(1) *Information About the Issuer.* Under subparagraph (e)(1) of the revised rule, the issuer of the stock appreciation rights will be required to have filed all reports required under section 13 of the Exchange Act for at least one year immediately prior to the settlement of the SAR. In addition, the issuer must regularly release on a quarterly and annual basis summary statements of sales and earnings. These two conditions are intended to provide some degree of assurance that the amount of inside information about the issuer will be kept to a minimum through the regular release of information to the public.

The condition concerning the regular publication of summary financial data will be deemed satisfied, according to the rule, if the financial data appears: (a) on a wire service, (b) in a financial news service, (c) in a newspaper of general circulation, or (d) is otherwise made publicly available. Item (d) was inserted in the rule in recognition of the fact that an issuer has no control over whether a wire service, financial news service, or newspaper of general circulation publishes the financial data released to it. Therefore, in the event the financial data is not published by any of the entities mentioned above, the condition as to publication will be considered satisfied if the data is simply made publicly available.

In complying with the requirement that summary financial information be released on a regular basis, it will be necessary for an issuer to publish summary statements of sales and earnings for each of the first three quarters of its fiscal year, and an annual statement of sales and earnings on a summary basis after the close of the fourth quarter. The form and content of these summary statements will be left to the discretion of each issuer.

(2) *Limitation on the right and any related option.* In Release No. 34–12374, the Commission proposed the adoption of four separate limitations on both the stock appreciation rights covered by the rule and any related stock options. These limitations would have restricted the price of any stock options relating to exempt stock appreciation rights, the exercise date and transferability of such options and rights, and the date upon which the value of the stock appreciation rights could be determine.

The majority of those who commented on the four proposed limitations questioned their relevance to the objectives of section 16(b) and recommended that some or all of them be deleted from the amended rule. After reconsidering the various limitations in light of the public comments, the Commission has determined to delete two of them from the revised rule. The two deleted items, which related to the price of any stock option granted in tandem with a stock appreciation right and the date for determining the value of the stock appreciation right, would appear to have a minimal preventive effect on the speculative abuse of inside information. Accordingly, they are not deemed necessary for inclusion in the amended rule.

In addition to the two items referred to above, a third limitation, which would have restricted the transferability of stock appreciation rights and any related stock options, also has been deleted from subparagraph (e)(2) on the ground it is essentially duplicative of a similar provision in subparagraph (d)(1)(ii) of the revised rule, which relates to all plans covered by the rule.

The sole limitation of those originally proposed that has been retained in subparagraph (e)(2) of the amended rule is one which will limit the date of exercise of any stock appreciation right or related stock option that is subject to the rule. The Commission had proposed in Release No. 34–12374 that such options or rights not be exercisable during the first year of their term. In response to the comments, which indicated that a one-year limit on exercisability was excessively restrictive, and in light of the fact that section 16(b) prohibits matching purchases and sales for only a six-month period, the limitation on the date of exercise has been reduced to six months. In addition, the provision relating to this limitation has been revised to state that it will not be applicable in the event the officer or director to whom the stock appreciation right was granted dies or becomes disabled prior to the expiration of the six-month period.

(3) *Administration of the plan.* Subparagraph (e)(3) of the amended rule contains certain conditions that must be complied with in connection with the administration of the plan under which the stock appreciation rights are issued. The first of these conditions requires that the plan be administered by either the Board of Directors, a majority of which must be disinterested persons and a majority of the directors acting on plan matters must be disinterested persons, or by a committee of three or more persons, all of whom must be disinterested persons. This condition parallels a similar condition in paragraph (b) that is generally applicable to all other plans under the rule.

In its adopted form, the above requirement is somewhat different from the one originally proposed in Release No. 34–12374. As proposed, the condition would have required that the SAR plan be administered only by a committee of the Board of Directors designated for the purpose. The comments indicated that there were two major problems with this provision. First, relatively few plans are administered by a committee of the Board, with the result that many existing plans would have to be amended to comply with this condition. Second, the proposed condition did not require that the administrators of the plan be disinterested persons, thereby omitting an important safeguard that is applicable to other plans covered by the rule. In light of these comments, the Commission has revised the provision relating to the administrators of the plan in the manner indicated in the preceding paragraph.

Subparagraph (e)(3) also requires that the Board or committee which administers the plan must have sole discretion either (a) to determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof), or (b) to consent to or disapprove the election of any plan participant (assuming he has the right to make such an election) to receive cash in full or partial settlement of the right. This condition is intended to assure that the disinterested administrators will have final control over the form in which payment of the stock appreciation right will be made.

With respect to the election by the participant concerning the form of payment of the stock appreciation right, the provision also has been revised to require that such election be made during the period beginning on the third business day and ending on the twelfth business day following the date of release of the summary financial data disseminated on a quarterly basis by the issuer pursuant to subparagraph (e)(1).[2] In effect, this condition provides a 10-day "window" period each quarter for the participant to make his election. The window period is tied to the release of financial data to the public in order to assure that the participant's election will be made during a period when there is a minimal amount of inside information about the issuer's operating results that is unavailable to the public.

While the election of the participating director or officer concerning the form of payment of his SAR must be made during the window period mentioned above, the determination of the administrators of the plan to either consent to or disapprove the participant's election may be given at any time after such election is made. Thus, it will not be necessary for the administrators to issue their consent or disapproval during the 10-day window period.

It also should be understood that the rule does not contemplate that the administrators of the plan will give advance consents, or conditional advance consents, to the election by participants concerning the form of payment of the stock appreciation right. The review of the participant's election by disinterested administrators is one of the principal protective features of the rule, and the giving of advance consents would limit the effectiveness of this feature. Accordingly, such consents will not satisfy the requirements of subparagraph (e)(3) of the rule.

[2] For purposes of Rule 16b–3, the term "business days" shall mean all calendar days except Saturdays, Sundays and national holidays.

(4) *Compliance with other conditions of Rule 16b–3.* Subparagraph (e)(4) of the revised rule states simply that the plan under which the stock appreciation rights and any related stock options are granted must satisfy all of the conditions of Rule 16b–3, including those specified in paragraphs (a), (b), (c), and (d) of the rule. This provision basically is unchanged from the form in which it was proposed for comment.

(5) *Limit of the exemption.* In Release No. 34–12374, the Commission had proposed to insert a Note after the lead-in segment of paragraph (e) stating essentially that nothing in the paragraph provides an exemption from section 16(b) for the acquisition of stock upon the exercise of a stock appreciation right or a stock option. The proposed Note was intended to codify certain views previously expressed by the Commission's Division of Corporation Finance concerning stock appreciation rights. Although the Note itself has been deleted from the rule, its substance has been retained in a new subparagraph (e)(5) of the rule. Therefore, the new subparagraph makes it clear that the acquisition of stock upon the exercise of a stock appreciation right or stock option is not exempt from the provisions of section 16(b).

Clarification of the Rule's Applicability

The comments from the public indicated that there was some confusion over the Commission's proposal to amend the introductory paragraph of the rule concerning the types of plans covered by the rule. In this regard, the Commission had proposed to amend the paragraph to state that the rule covered any "profit-sharing, retirement, incentive, thrift, or savings plan, or a plan as defined in subparagraph (d)(1)." In subparagraph (d)(1), the Commission proposed to define the term "plan" to mean "an option, bonus, appreciation, or similar plan" which meets certain specified conditions. The confusion on the public's part concerning the proposed changes apparently was due to uncertainty over whether the minimum conditions specified in subparagraph (d)(1) would be applicable to all plans covered by the rule, or to only the plans specifically enumerated in that subparagraph.

To eliminate the uncertainty described above, the Commission has revised the introductory paragraph of Rule 16b–3 to state that the rule applies only to those plans that fall within the definition of a "plan" set forth in subparagraph (d)(1). Subparagraph (d)(1), as revised, defines the term "plan" to mean an "option, bonus, appreciation, profit sharing, retirement, incentive, thrift, savings or similar plan" which meets the conditions specified in that subparagraph.

The conditions which each plan that is subject to Rule 16b–3 henceforth must satisfy are two-fold:

(a) The plan must be set forth in a written document describing the means or basis for determining the eligibility of individuals to participate and either the price at which the securities may be offered or the method by which the price or the amount of the award is to be determined; and

(b) The plan must provide with respect to any option or similar right (including a stock appreciation right) offered pursuant to the plan that such option or right is not transferable other than by will or the laws of descent and distribution and that it is exercisable during the employee's lifetime only by him or by his guardian or legal representative.

The above conditions are similar to those which were proposed for comment in Release No. 34–12374. The Commission, however, has determined that they should be applied to all plans under the rule, rather than only some such plans, since it knows of no compelling reason for treating some plans differently from others under the rule. Further, the Commission does not believe that the above conditions are excessively burdensome or onerous, since they are basically designed to assure only that certain material provisions of plans covered by the rule are outlined in written form for all interested persons.

It should be noted that in response to the public comments the Commission revised the proposed requirement that each plan specify the "employees or class of employees eligible to participate." In lieu of the foregoing the amended rule will require that the plan describe the "means or basis for determining the eligibility of individuals to participate." This change will make it clear that a plan covered by the rule may include non-employees such as directors who do not work for the issuer. This change seems appropriate since the introductory language to Rule 16b–3 states that the rule applies to transactions by a director or officer without requiring that the director be an employee. Further there appear to be adequate safeguards against abuse in this area in that all such plans generally are subject to shareholder approval and must be administered by disinterested persons.

Amendments to Existing Plans

For many years, there has been uncertainty as to which amendments, if any, to existing plans covered by Rule 16b–3 must be submitted for security holders for their approval. Paragraph (a), which deals generally with the requirement of shareholder approval of plans subject to the rule, heretofore has been silent on this point. The Commission attempted to deal with this issue on a peripheral basis in Release No. 34–12374 by proposing to amend subparagraph (d)(1) to require that amendments to certain plans (but not profit sharing, retirement, incentive, thrift or savings plans) be submitted to shareholders for their approval if the amendments would materially alter the plans in certain specified ways.

The Commission now has determined to resolve the issue of which amendments to existing plans will require shareholder approval on an "across-the-board" basis. That is, it has decided to add a provision at the end of paragraph (a) which states that any amendment to an existing plan covered by Rule 16b–3 must be submitted to shareholders for their approval if the amendment would:

(a) materially increase the benefits accruing to participants under the plan;

(b) materially increase the number of securities which may be issued under the plan; or

(c) materially modify the requirements as to eligibility for participation in the plan.

The types of amendments that will be subject to shareholder approval are basically the same as those which were proposed for comment in Release No. 34–12374. The only significant alteration is in item (a) above, which, as proposed, would have applied only to an amendment that would "materially reduce the price at which the security may be offered." In this regard, the Commission has determined to broaden the coverage of that item so that it will be applicable not only to material reductions in the price at which securities may be offered under the plan, but also any other changes that would materially increase the benefits accruing to participants under the plan. This change is in accord with the basic premise of paragraph (a) that shareholders should be provided the opportunity to pass judgment on plans that will confer significant benefits upon officers and directors.

Revisions in Terminology

Prior to the amendments adopted today, Rule 16b–3 had contained various terms and references that have their origin in the Internal Revenue Code ("IRC"). The Commission does not believe there is any valid reason for maintaining these terms and references, since the provisions of the IRC do not have any meaningful relation to the objectives of section 16(b). Accordingly, all such terms and references have been deleted from the revised rule.

The Commission also has deleted certain terminology modeled after the revisions to Form S–8 that were proposed in prior Commission releases. Again, the Commission is taking this action because there does not appear to be any meaningful connection between Form S–8 and the objectives of section 16(b).

Correction of Prior Omission

For many years, Rule 16b–3 has failed to include a provision that was omitted therefrom through an apparent oversight. Specifically, paragraph (b) of the rule states that if the selection of participants or the granting of securities under a plan is subject to the discretion of any person, then such discretion shall be exercised only in accordance with the provisions of the paragraph. The paragraph then discusses separately the provisions applicable to transactions involving officers and transactions involving directors. These separate discussions, however, parallel one another for the most part, with the exception that subsection (b)(2), which deals with transactions involving officers, does not discuss

those situations in which the administrators of the plan need not act on a transaction because the matter is specifically covered by the terms of the plan itself. Subsection (b)(1), which deals with transactions involving directors, does contain such a discussion, and it seems apparent that a similar discussion was inadvertently omitted from subsection (b)(2). In fact, the Commission's staff on at least three occasions has stated in its interpretative letters that such a discussion should be "read into" subsection (b)(2). Accordingly, the Commission has corrected this oversight today by inserting in the rule a new subsection (b)(2)(iii) which corresponds to subsection (b)(1)(iii).

AMENDMENT OF RULE 16a-6(c)

The Commission also has amended Rule 16a-6(c) under the Exchange Act to exempt any person from the filing requirements of section 16(a) of the Act with respect to the acquisition, expiration, surrender or cancellation of a stock appreciation right pursuant to a plan which meets the conditions specified in Rule 16b-3. In this regard, it should be noted that, notwithstanding the exemption from the above filing requirements, there still would be certain disclosures of the exempt transactions in the issuer's proxy or information statement which is sent to stockholders.

OPERATION OF THE AMENDMENTS

Rules 16b-3 and 16a-6(c), as amended, will become effective on June 30, 1977, except that if an issuer is in compliance with the requirements of the amended rules prior to that date it may rely on the rules at the time of compliance. The effective date has been deferred until June 30th because the Commission recognizes that the changes to the abovementioned rules are extensive in nature, and that many issuers will therefore require some time to amend their plans in order to comply with the new requirements.

Because the changes outlined in this release generally represent a relaxation of the amendments proposed in Release No. 34-12374, the Commission believes that none of these modifications need to be republished for comment pursuant to the Administrative Procedure Act.

AUTHORITY. The Commission has adopted the amendments to Rule 16b-3 and Rule 16a-6(c) discussed herein pursuant to the Securities Exchange Act of 1934, particularly sections 16(a), 16(b) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17(a), 17(b) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38 thereof.

Text of revised Rule 16b-3. Rule 16b-3 is revised to read as follows:

§ 240.16b-3 Exemption from section 16(b) of acquisitions of shares of stock and stock options and stock appreciation rights under certain stock incentive, stock option or similar plans.

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) pursuant to a plan as defined in subparagraph (d)(1) hereof, or any acquisition, expiration, cancellation or surrender to the issuer of a stock option or stock appreciation right pursuant to such a plan by a director or officer of the issuer shall be exempt from the operation of section 16(b) of the Act if the plan meets the following conditions:

(a) *Approval by security holders.* The plan has been approved, directly or indirectly, (1) by the affirmative votes of the holders of a majority of the securities of the issuer present, or represented, and entitled to vote at a meeting duly held in accordance with the applicable laws of the state or other jurisdiction in which the issuer was incorporated, or (2) by the written consent of the holders of a majority of the securities of the issuer entitled to vote: *Provided, however,* That if such vote or written consent was not solicited substantially in accordance with the rules and regulations, if any, in effect under section 14(a) of the Act at the time of such vote or written consent, the issuer shall furnish in writing to the holders of record of the securities entitled to vote for the plan substantially the same information concerning the plan which would be required by the rules and regulations in effect under section 14(a) of the Act at the time such information is furnished, if proxies to be voted with respect to the approval or disapproval of the plan were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent to the later of (i) the first registration of an equity security under section 12 of the Act or (ii) the acquisition of an equity security for which exemption is claimed. Such written information may be furnished by mail to the last known address of the security holders of record within 30 days prior to the date of mailing. Four copies of such written information shall be filed with, or mailed for filing to, the Commission not later than the date on which it is first sent or given to security holders of the issuer. For the purposes of this paragraph, the term "issuer" includes a predecessor corporation if the plan or obligations to participate thereunder were assumed by the issuer in connection with the succession. In addition, any amendment to the plan shall be similarly approved if the amendment would:

(A) Materially increase the benefits accruing to participants under the plan;

(B) Materially increase the number of securities which may be issued under the plan; or

(C) Materially modify the requirements as to eligibility for participation in the plan.

(b) *Disinterested administrators.* If the selection of any director or officer of the issuer to whom stock may be allocated or to whom stock options or stock appreciation rights may be granted pursuant to the plan, or the determination of the number of maximum number of shares of stock which may be allocated to any such director or officer or which may be covered by stock options or stock appreciation rights granted to any such director or officer pursuant to the plan is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(1) With respect to the participation of directors:

(i) By the board of directors of the issuer, a majority of which board and a majority of the directors acting in the matter are disinterested persons;

(ii) By, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(iii) Otherwise in accordance with the plan, if the plan (A) Specifies the number or maximum number of shares of stock which directors may acquire or which may be subject to stock options or stock appreciation rights granted to directors pursuant to the plan and the terms upon which, and the times at which, or the periods within which, such stock may be acquired or such options or rights may be acquired and exercised; or (B) Sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time-to-time or similar factors.

(2) With respect to the participation of officers who are not directors:

(i) By the board of directors of the issuer or a commitee of three or more directors;

(ii) By, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(iii) Otherwise in accordance with the plan, if the plan (A) Specifies the number or maximum number of shares of stock which officers may acquire or which may be subject to stock options or stock appreciation rights granted to officers pursuant to the plan and the terms upon which, and the times at which, or the period within which, such stock may be acquired or such options or rights may be acquired and exercised; or

(B) Sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time-to-time or similar factors.

(3) The provisions of this paragraph shall not apply with respect to any option or right granted, or other equity security acquired, prior to the date of the first registration of an equity security under section 12 of the Act.

(c) *Plan limitations.* As to each participant or as to all participants the plan effectively limits the aggregate dollar amount of stock or the aggregate number of shares of stock which may be allocated, or which may be subject to stock options or stock appreciation rights issued pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date, and may be determined either by fixed or maximum dollar amounts or fixed or maximum numbers of shares or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in an effective and determinable limitation. Such limitations may be subject to any provision for adjustment of the plan or of stock allocable or options outstanding thereunder to prevent dilution or enlargement of rights.

(d) *Definitions.* Unless the context otherwise requires, all terms used in this rule shall have the same meaning as in the Act or elsewhere in the General Rules and Regulations thereunder. In addition, the following definitions apply:

(1) The term "plan" shall mean an option, bonus, appreciation, profit sharing, retirement, incentive, thrift, savings or similar plan which meets the following conditions:

(i) The plan must be set forth in a written document describing the means or basis for determining the eligibility of individuals to participate and either the price at which the securities may be offered or the method by which the price or the amount of the award is to be determined; and

(ii) The plan must provide with respect to any option or similar right (including a stock appreciation right) offered pursuant to the plan that such option or right is not transferable other than by will or the laws of descent and distribution and that it is exercisable during the employee's lifetime only by him or by his guardian or legal representative.

(2) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this rule shall not include:

(i) The making of an election to receive under any plan compensation in the form of stock or credits therefor, provided that such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and, provided further, that such election is irrevocable until at least six months after termination of employment;

(ii) The subsequent crediting of such stock;

(iii) The making of any election as to the time for delivery of such stock after termination of employment, provided that such election is made at least six months prior to any such delivery;

(iv) The fulfillment of any condition to the absolute right to receive such stock; or

(v) The acceptance of certificates for shares of such stock.

(3) The term "disinterested person" used in paragraphs (b) and (e) of the rule shall mean an administrator of a plan who is not at the time he exercises discretion in administering the plan eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated or to whom stock options or stock appreciation rights may be granted pursuant to the plan or any other plan of the issuer or any of its affiliates entitling the participants therein to acquire stock, stock options or stock appreciation rights of the issuer or any of its affiliates.

(e) *Cash Settlements of Stock Appreciation Rights.* Any transaction involving the exercise and cancellation of a stock appreciation right issued pursuant to a plan (whether or not the transaction also involves the related surrender and cancellation of a stock option), and the receipt of cash in complete or partial settlement of that right, shall be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if all the following conditions are met:

(1) *Information about the issuer.* (i) The issuer of the stock appreciation right has been subject to the reporting requirements of section 13 of the Act for at least a year prior to the transaction and has filed all reports and statements required to be filed pursuant to that section during that year.

(ii) The issuer of the stock appreciation right on a regular basis does release for publication quarterly and annual summary statements of sales and earnings. This condition shall be deemed satisfied if the specified financial data appears (A) on a wire service, (B) in a financial news service, (C) in a newspaper of general circulation, or (D) is otherwise made publicly available.

(2) *Limitation on the right and any related option.* Neither the stock appreciation right nor any related stock option shall be exercisable during the first six months of its term, except that this limitation shall not apply in the event death or disability of the grantee occurs prior to the expiration of the six-month period.

(3) *Administration of the plan.* (i) The plan shall be administered by either the board of directors, a majority of which are disinterested persons and a majority of the directors acting on plan matters are disinterested persons, or by a committee of three or more persons, all of whom are disinterested persons;

(ii) The board or committee shall have sole discretion either (A) To determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof), or

(B) To consent to or disapprove the election of the participant to receive cash in full or partial settlement of the right. Any such election by the participant shall be made by him during the period beginning on the third business day following the date of release of the financial data specified in subsection (e)(1)(ii) of this rule and ending on the twelfth business day following such date. The board or committee which administers the plan may either consent to, or disapprove, the participant's election at any time thereafter.

(4) *Compliance with other conditions of Rule 16b-3 § 240.16b-3.* The plan under which the stock appreciation rights and any related options are granted shall meet the conditions specified above in Rule 16b-3(a), (b), (c) and (d) (§ 240.16b-3(a), (b), (c) and (d)).

(5) *Limit of the exemption.* Nothing in this paragraph (e) provides an exemption from section 16(b) for the acquisition of stock upon the exercise of a stock appreciation right or a stock option.

Text of revised Rule 16a-6. Rule 16a-6 is revised to read as follows:

§ 240.16a-6 Certain transactions subject to section 16(a).

* * * * *

(c) Notwithstanding the foregoing, a statement need not be filed pursuant to section 16(a) of the Act.

(1) By any person with respect to the acquisition, expiration, surrender to the issuer, or cancellation of any non-transferable stock option or stock appreciation right granted by the issuer of the securities to which the option or right relates pursuant to a plan which meets the conditions specified in § 240.16b-3(a), (b), (c), (d) and (e) of this chapter, or

(2) By any issuer with respect to any put, call, option or other right or obligation to buy or sell securities of which it is the issuer. As used in this paragraph (c), the term "plan" shall have the meaning assigned to it in paragraph (d) of § 240.16b-3.

* * * * *

(Secs. 16(a), 16(b), 23(a), 48 Stat. 896, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 8, 78 Stat. 579; sec. 18, 89 Stat. 155; 15 U.S.C. 78p(a), 78p(b), 78w(a). Secs. 17(a), 17(b), 20(a), 49 Stat. 830, 833; 15 U.S.C. 79q(a), 79q(b), 79t. Secs. 30(f), 38, 54 Stat. 836, 841; 15 U.S.C. 80a-29, 80a-37.)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1976.

[FR Doc.77-131 Filed 1-3-77;8:45 am]

[Release No. 34-13108]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Brokers and Dealers Effecting Transactions in Municipal Securities

The Securities and Exchange Commission today announced the extension until April 1, 1977 of certain aspects of its financial responsibility and reporting program pertaining to transactions

in municipal securities. The affected components of the program consist of the Commission's interpretations with respect to the application of §§ 240.17a–3, 240.17a–4 and 240.17a–11 to brokers and dealers effecting transactions solely in municipal securities.

RECORDKEEPING AND PRESERVATION REQUIREMENTS

Section 17(a)(1)[1] of the Securities Exchange Act of 1934 (the "Act") requires registered brokers and dealers, inter alia, to make and keep such records for such periods of time as the Commission by rule prescribes as necessary or appropriate in the public interest or for the protection of investors. Among the rules adopted pursuant to this rulemaking authority are §§ 240.17a–3, 240.17a–4 and 240.17a–11. Section 240.17a–3 essentially requires brokers and dealers registered pursuant to Section 15 of the Act to make and keep current specified books and records relating to their business. Section 240.17a–4 requires the preservation for prescribde lengths of time of the books and records maintained pursuant to § 240.17a–3, as well as other documents enumerated in § 240.17a–4(b), (c) and (d). Paragraph (c) of § 240.17a–11 requires a broker or dealer to give immediate, telegraphic notice of a § 240.17a–3 violation to the Commission and the firm's designated examining authority, and to take corrective measures within forty-eight hours after the transmittal of such notice.

In Securities Exchange Act Release No. 11854 (Nov. 20, 1975) [40 FR 57786 (Dec. 12, 1975)] ("Release No. 11854"), the Commission adopted a financial responsibility and reporting program pertaining to transactions in municipal securities, including interpretations of §§ 240.17a–3, 240.17c–4 and 240.17a–11(c). In Release No. 11854, the Commission concluded that it was necessary and appropriate to provide a transitional period during which brokers and dealers effecting transactions solely in municipal securities could familiarize themselves with § 240.17a–3 and make those adjustments to their recordkeeping systems dictated by the rule's provisions.[2] The Commission accordingly interpreted § 240.17a–3 to require brokers and dealers effecting transactions solely in municipal securities to make and keep current books and records sufficient to demonstrate their financial condition, to reflect the receipt and delivery of all funds and securities, and to reflect all customer activity.[3] A companion interpretation of § 240.17a–4 *Provided*, That brokers and dealers effecting transactions solely in municipal securities would be required to preserve in an easily accessible place those books and records maintained pursuant to § 240.17a–3 as interpreted, and such other business records required to be preserved by § 240.17a–4. In addition, the Commission interpreted § 240.17a–11(c) to apply only to violations of § 240.17a–3 as interpreted.[4] The Commission stated its intention to consult and coordinate with the Municipal Securities Rulemaking Board (the "Board") concerning appropriate books and records requirements for brokers and dealers effecting transactions solely in municipal securities, and invited public comment concerning numerous questions pertaining to appropriate financial responsibility and reporting requirements for these brokers and dealers.[5]

The interpretations to §§ 240.17a–3, 240.17a–4 and 240.17a–11(c) discussed above originally were scheduled to expire on January 15, 1976. However, prior to that date, certain interested members of the public and the Board requested that these interpretations be extended. The Commission responded by extending the interpretations until March 31, 1976.[6] On February 3, 1976, the Board made available to interested members of the public an exposure draft of Board Rules G–8, G–9 and G–10 which proposed to establish recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The Board considered public comments and the Commission staff's preliminary comments on the exposure draft at its regularly scheduled meeting on March 25–26, 1976. As the Board's revised schedule would not allow completion of the public procedures required by Section 19(b) prior to the expiration of the interpretations of §§ 240.17a–3, 240.17a–4 and 240.17a–11(c), the Commission again deferred the expiration date of these interpretations until June 1, 1976.[7]

Thereafter, the Board formally filed its proposed recordkeeping and preservation requirements which, pursuant to Section 19(b) of the Act, were published for public comment on April 30, 1976.[8] In filing the proposed rules, the Board consented to an extension of the statutory deadline for Commission action thereon imposed by Section 19(b) of the Act from thirty-five days after their publication to ninety days after their filing (July 7, 1976), five weeks after the scheduled expiration of the Commission's interpretations of its recordkeeping and preservation rules. The Commission accordingly continued the interpretations until October 1, 1976.[9]

Subsequently, the Board consented to extend the statutory deadline for Commission action thereon until July 29, 1976. On that date, the Commission transmitted to the Board a letter suggesting that the Board employ a more generic and flexible drafting pattern in its proposed rules. The Commission noted that such an approach would be less likely to require significant adjustments and a continuing interpretive effort in order to avoid imposing an undue burden upon brokers and dealers engaged in diverse types of business. That same day, the Board extended until September 15, 1976 the deadline for Commission action with respect to proposed Board Rules G–8, G–9 and G–10. On September 14, 1976, the Board, observing that further discussion concerning its proposed rules and the Commission's position thereon might be necessary, consented to another deferral of the statutory deadline until October 27, 1976 and noted that "a further extension may prove necessary." As a result of these circumstances, the Commission granted its most recent extension of these interpretations which is now scheduled to expire on January 1, 1977.

Subsequently, the Commission issued an order on October 13, 1976 instituting a proceeding pursuant to Section 19(b) of the Act to determine whether the proposed Board Rules G–8, G–9 and G–10 should be approved or disapproved.[10]

The Commission instituted the aforementioned proceeding because of its belief that it was necessary to consider whether, in light of the importance of uniform and adequate recordkeeping and preservation systems to the overall regulatory structure, the Board's proposed rules were consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Board.

Prior to the commencement of hearings with respect to the aforementioned proceeding, representatives of the Board and the Commission met and announced that the Commission and the Board had reached an "understanding respecting the recordkeeping requirements of municipal securities brokers and municipal securities dealers which will eliminate the need to comply with more than one set of recordkeeping rules. Subject to public comment, securities firms will have the option of complying either with the Board's or the Commission's recordkeeping rules and banks will be subject to the Board's rules."[11] On December 23, 1976, the Board submitted amendments to its proposed Rules G–8 through G–10 for publication in the FEDERAL REGISTER. At the same time the Commission published for comment a revision of its proposed amendments of §§ 240.17a–3 and 240.17a–4.

In these circumstances, and especially in view of the necessity to review public comments which may be received as a result of the publication of amendments to the proposed rules, the Commission has concluded that it is appropriate in the public interest and for the protection of investors to maintain the aforementioned interpretations of §§ 240.17a–3, 240.17a–4 and 240.17a–11(c) until April 1, 1977.

Effective date: The effective date of this extension is January 1, 1977, the date upon which the last prior extension of the aforementioned interpretations expires.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

[FR Doc.77-222 Filed 1-3-77;8:45 am]

[1] Securities Act Amendments of 1975, Pub. L. No. 94–29, sec. 14, 89 Stat. 137 (June 4, 1975), formerly ch. 404, sec. 17, 48 Stat. 897 (1934).

[2] Securities Exchange Act Release No. 11854, at 22–23 (Nov. 20, 1975), 40 FR 57786, 57794 (Dec. 12, 1975) [hereinafter cited as Release No. 11854].

[3] *Id.* at 23, 40 FR at 57794.

[4] *Id.* at 24–25, 40 FR at 57794.

[5] *Id.* at 23, 26–27, 40 FR at 57794.

[6] Securities Exchange Act Release No. 12021 (Jan. 15, 1976), 41 FR 3469 (Jan. 23, 1976).

[7] Securities Exchange Act Release No. 12288 (March 31, 1976), 41 FR 15842 (April 15, 1976).

[8] Securities Exchange Act Release No. 12362 (April 23, 1976), 41 FR 18175 (April 30, 1976).

[9] Securities Exchange Act Release No. 12496 (May 28, 1976), 41 FR 23668 (June 11, 1976).

[10] Securities Exchange Act Release No. 12933 (October 13, 1976).

[11] Commission Press Release, November 12, 1976.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75P–0064]

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Seafood Cocktails and Frozen "Heat and Serve" Dinners; New Effective Date

The Food and Drug Administration (FDA) is revoking a stay of the effective date of the common or usual name regulations for seafood cocktails and frozen "heat and serve" dinners and establishing a new effective date of January 1, 1978, for these regulations.

The Commissioner, in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964), issued a final regulation under § 102.5 (21 CFR 102.5) establishing a common or usual name for seafood cocktails, that provides that the name of the food, as declared on the label, shall include a prominent statement of the percentage by weight of the seafood ingredient in the product (e.g., "shrimp cocktail, contains 30 percent shrimp").

The Commissioner, in the FEDERAL REGISTER of August 2, 1973 (38 FR 20742), issued a final regulation under § 102.11 (21 CFR 102.11) establishing a common or usual name for frozen "heat and serve" dinners that provides, inter alia, that the name of the food, as declared on the label, shall include a prominent declaration of the three or more dish components of the dinner in their order of descending predominance by weight (e.g., "ham dinner, contains ham, mashed potatoes, and peas").

Both documents provided that all labeling ordered after December 31, 1973 and all labeling used on products shipped in interstate commerce after December 31, 1974 must comply. The Commissioner, in the FEDERAL REGISTER of November 14, 1974 (39 FR 40184), postponed the December 31, 1974 effective date for these and certain other regulations until June 30, 1975.

On February 27, 1974, the American Frozen Food Institute (AFFI) filed an action in the United States District Court for the District of Columbia seeking to have the regulations establishing common or usual names for seafood cocktails and frozen "heat and serve" dinners declared invalid (*American Frozen Food Institute* v. *Weinberger*, Civil Action No. 74–354). Thereafter, AFFI petitioned the Commissioner to stay the contested regulations pending the outcome of the litigation. The Commissioner, in the FEDERAL REGISTER of June 23, 1975 (40 FR 26267), announced that he was staying the effectvie date of the two regulations "until further notice."

On March 30, 1976, United States District Judge Aubrey E. Robinson, Jr., issued a decision which upholds the challenged regulations in all respects (413 F. Supp. 548 (D.D.C. 1976)). A copy of this decision is on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between the hours of 9 a.m. and 4 p.m., Monday through Friday. In view of Judge Robinson's decision, the Commissioner has concluded that the stay of the two regulations should be revoked and a new effective date established.

The Commissioner is aware that AFFI is pursuing an appeal of the decision by Judge Robinson. However, the Commissioner does not believe that the stay of the effective date of the regulations should be continued pending further judicial review. Such a practice would encourage frivolous appeals and petitions for certorari in actions for review of FDA regulations; unsuccessful plaintiffs might appeal adverse decisions simply to secure further postponement of regulations. The new effective date of January 1, 1978, imposed by this order is the "uniform effective date" currently being imposed by the Commissioner for all new food labeling regulations; it provides ample "lead time" for the ordering and implementation of new labeling. The challenged regulations have been thoroughly reviewed by the United States District Court and have been sustained.

The Commissioner concludes that further postponement of the effective date of these regulations, which do not ban any product but simply require more informative labeling for the consumer, would not be in the public interest. The Commissioner notes that even under the January 1, 1978, date, the industry has secured a 3-year postponement of these regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a) and (i)(1), 701(a); 52 Stat. 1041 as amended, 1047 as amended, 1048, 1055 (21 U.S.C. 321(n), 343(a) and (i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the stay of §§ 102.5 and 102.11, published in the FEDERAL REGISTER of June 23, 1975, is hereby revoked. Compliance with these regulations may begin immediately, and all products initially introduced into interstate commerce on or after January 1, 1978, shall comply.

Dated: December 20, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-2 Filed 1-3-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Carbadox and Pyrantel Tartrate

The Food and Drug Administration approves a supplemental new animal drug application (92–955) filed by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing that finished medicated feeds containing carbadox and pyrantel tartrate may be manufactured from medicated feed supplements containing carbadox and pyrantel tartrate singly as well as from a medicated feed supplement containing carbadox and pyrantel tartrate in combination. The drugs in the medicated feed supplements are from the sources specified in §§ 558.115(b) and 558.485(a) (21 CFR 558.115(b) and 558.485(a)). The existing regulations permitting use of the combination drug medicated feed supplement are being revised to also permit the use of two medicated feed supplements containing the drugs singly for the manufacture of finished medicated feeds. The approval is effective January 1, 1977.

The Commissioner of Food and Drugs is amending §§ 558.115 and 558.485 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm 4–65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 558 is amended as follows:

1. In § 558.115 by revising paragraph (e)(1)(i) and (ii) to read as follows:

§ 558.115 Carbadox.

• • • • • •

(e) • • •

(1) • • •

(i) Not more than 0.055 percent (500 grams/ton) carbadox and used as provided in paragraph (f)(1) or (2) of this section.

(ii) Not more than 0.055 percent (500 grams/ton) carbadox with not more than 0.106 percent (960 grams/ton) pyrantel tartrate when produced from a fixed combination supplement or from individ-

ual supplements and used as provided in paragraph (f)(3) of this section.

• • • • •

2. In § 558.485 by revising paragraph (d)(2)(i) and (ii) to read as follows:

§ 558.485 Pyrantel tartrate.

• • • • •

(d) • • •

(2) • • •

(i) Not more than 0.106 percent (960 grams/ton) pyrantel tartrate and used as provided in paragraph (e)(1) or (2) of this section.

(ii) Not more than 0.106 percent (960 grams/ton) pyrantel tartrate with not more than 0.055 percent (500 grams/ton) carbadox when produced from a fixed combination supplement or from individual supplements and used as provided in paragraph (e)(4) of this section.

• • • • •

Effective date. This amendment shall be effective January 4, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 14, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-167 Filed 1-3-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Servicing Requirements; Interim Rule

Notice was given on August 30, 1976 at 41 FR 35604 that the Department of Housing and Urban Development proposed to amend Part 203 of Chapter II of 24 CFR to incorporate mortgage servicing requirements found in HUD Handbook 4191.1 and Mortgagee Letter 75-10 into the regulations. After consideration of numerous public comments such regulations were finalized effective January 1, 1977 with publication of the final regulations appearing at 41 FR 49729 on November 10, 1976.

Comment on the final rule indicates that in the attempt to simplify the text of § 203.556 of the regulations as proposed the final version departed significantly from the intent of prior handbook and mortgagee letter instructions. In order to clarify the text and avoid misunderstanding §§ 203.554 and 203.556 are being amended as set forth herein. These amended sections will supersede the corresponding sections of the regulations published November 10, 1976 at 41 FR 49730, 49737. It is necessary to make these revisions effective as an interim rule in order that serious misunderstanding and unnecessary work and expense may be avoided and in order to match the effective date of the basic amendatory rule. Good cause requires promulgation of this rule effective January 1, 1977.

Public comments will be received on the interim rule and interested persons may participate in this rulemaking by submitting written data, views and arguments to the Rules Docket Clerk, Office of the Secretary, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include his name and address and refer to the document by the docket number indicated in the heading and give reasons for any recommendations. Comments received by January 31, 1977, will be considered before final action is taken on the proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. The interim rule may be changed in the light of the comments received.

A finding of inapplicability with respect to environmental impact was made in connection with the basic amendments and that statement is applicable with respect to the clarification accomplished by this amendment. A copy of the statement of inapplicability is available in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Renewal, 451 7th Street, S.W., Washington, D.C. 20410 under the Rule Docket File Number shown above.

It is hereby certified that the economic and inflationary impacts of this rule have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Part 203, of Chapter II of 24 CFR is amended as follows:

1. Section 203.554 is amended to read:

§ 203.554 Enforcement of late charges.

(a) A mortgagee shall not commence foreclosure when the only default on the part of the mortgagor is the failure to pay a late charge or charges (§ 203.25), except as provided in § 203.556.

(b) A late charge attributable to a particular installment payment due under the mortgage shall not be deducted from that installment. However, if the mortgagee thereafter notifies the mortgagor of his obligation to pay a late charge, such a charge may be deducted from any subsequent payment or payments submitted by the mortgagor or on his behalf if this is not inconsistent with the terms of the mortgage. Partial payments shall be treated as provided in § 203.556.

(c) A payment may be returned because of failure to include a late charge only if the mortgagee notifies the mortgagor before imposition of the charge of the amount of the monthly payment, the date when the late charge will be imposed and either the amount of the late charge or the total amount due when the late charge is included.

2. Section 203.556 is amended to read:

§ 203.556 Return of partial payments.

(a) For the purpose of this section, a partial payment is a payment of any amount less than the full amount due under the terms of the mortgage at the time the payment is tendered, including late charges.

(b) Except as provided in this section, the mortgagee shall accept any partial payment and either apply it to the mortgagor's account or identify it with the morgtagor's account and hold it in a trust account pending disposition. When partial payments held for disposition aggregate a full monthly installment they shall be applied to the mortgagor's account, thus advancing the date of the oldest unpaid installment but not the date on which the account first became delinquent.

(c) If the mortgage is not in default, a partial payment may be returned to the mortgagor with a letter of explanation.

(d) If the mortgage is in default, a partial payment may be returned to the mortgagor with a letter of explanation in any of the following circumstances:

(1) When payment aggregates less than 50 percent of the amount then due.

(2) The payment is less than the amount agreed to in a forbearance plan, whether or not reduced to writing.

(3) The property is occupied by a tenant who is paying rent and the rentals are not being applied to the mortgage payments.

(4) Foreclosure has been commenced. (Foreclosure is commenced when the first action required for foreclosure under applicable law is taken.)

(e) Under the following circumstances the mortgagee may return any partial payment received more than 14 days after the mortgagee has mailed to the mortgagor a statement of the full amount due, including late charges, and a notice of intention to return any payment less than such amount.

(1) Four or more monthly installments are due and unpaid, or

(2) A delinquency of any amount has continued for at least six months since the account first became delinquent.

These amendments supersede the corresponding sections of the regulations promulgated at 41 FR 49730 at page 49737 and shall be effective January 1, 1977.

Issued at Washington, D.C. December 28, 1976.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-168 Filed 1-3-77;8:45 am]

[Docket No. R-76-407]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

DISBURSEMENT OF MORTGAGE PROCEEDS FOR CONSTRUCTION ITEMS

Final Regulations

Notice was given on September 2, 1976, at 41 FR 37226, that the Department was proposing to amend Parts 207, 213, 221 and 231 of Chapter II of Title 24 of the Code of Federal Regulations to reflect a change in policy with respect

to the disbursement of mortgage proceeds for construction items under a construction contract where there is no identity of interest between the mortgagor and the contractor. The proposed amendments to the regulations provided a procedure whereby the contractor's 10 percent holdback would be retained by the mortgagee to be paid into an escrow account, minus certain amounts, when the project has been substantially completed, as determined by HUD. The proposed amendments to those parts noted above, as well as amendments to Parts 205, 232, 241, 242 and 244, also provided a procedure whereby subcontractors would receive information concerning the contractor's cost breakdown and notification of all advances made under the building loan agreement.

HUD has received 30 responses to its invitation for public comment on the proposed amendments, all of which have been reviewed and carefully considered. These comments are discussed below, along with the Department's actions on those comments and changes in the proposed rules.

SPECIFIC COMMENTS AND CHANGES ON HOLDBACK PROVISIONS

1. *General comments.* Several general comments on the proposed rule were received. The majority of these comments addressed the equities of the retainage system in its entirety. HUD does not at this time consider it prudent to eliminate a proven inducement to completion of construction by the original contractor. Given the current availability and cost of surety bonds in the multifamily construction industry, a concern which varies regionally, the Department sees no basis for the conclusion that performance and payment bonds substantially eliminate the need for a holdback on the contractor's draws. However, the Department does believe that a contractor who has completed construction in conformance with its construction contract should receive the holdback regardless of the mortgagor's status with the project. These amendments are therefore limited to eliminating the possibility of loss of retainage following completion of construction, thereby reducing the potential for inequity to both contractors and subcontractors. Comments presenting alternatives to the current retainage procedures, such as, line item retainage with release upon line item completion, do not adequately consider the processing delays that could result from monitoring and approving several retainages for each project.

2. *Prohibition against identity of interest. E.g.,* § 207.26a. Several comments were received requesting that the proposed amendments be expanded to cover a contractor and a mortgagor sharing an identity of interest. The final regulations have not been extended to such situations. The Department considers the contractor's identity of interest with the mortgagor to offer significant advantages to the contractor in negotiating for release of the holdback under the present system, regardless of the extent of the identity.

3. *Escrow account interest. E.g.,* § 207.26a(c)(2). Diverse comments were received concerning distribution of interest earned by the funds held in escrow. Mortgagees generally believed that the accounts should be non-interest bearing, as reimbursement to the mortgagee for the cost of servicing the account and as reparation for the relative loss of leverage over the contractor. Mortgagors commented that their obligation to pay interest on the escrow funds after they are drawn down entitled them to receive any interest earned. Subcontractors urged their entitlement to interest, contending that the contractor's holdback represented monies the contractor in turn withheld from its subcontractors. As proposed, the amendments permitted the decision as to whether or not interest would accrue to be left to negotiation between the mortgagor and contractor. The amendments further stated a time for distribution of the interest, if any, namely, at disbursement of the escrow account. By so naming the contractor as recipient, the Department did not intend to state an inclination to either provide for interest bearing accounts or to limit distribution of interest in all cases to the contractor. The Department intends that any distribution of interest to the contractor will result in a fund subject to negotiation between the mortgagor, the contractor and its subcontractors.

4. *Local government certificates of occupancy. E.g.* § 207.26a(a)(2)(ii). One comment was received stating that the amendments permit a recalcitrant mortgagor to thwart deposit of the holdback into the escrow account by refusing to submit requests to the appropriate local government bodies for accupancy permits. An identical situation would obtain in the event the mortgagor had simply withdrawn from the project after the contractor had completed construction. The regulations have been amended to permit escrow of the retainage in such situations, assuming other requirements are met, if HUD determines that occupancy permits for all units would be forthcoming but for the mortgagor's refusal to request their issuance. It is important to note that HUD's role in such a situation will not supersede or replace that of the local government. HUD cannot insist that the local government inspect the property, nor can it undertake its own inspection in lieu of the local government. HUD will merely be making a hypothetical judgment as to the likelihood for issuance of occupancy permits for the purpose of transferring the retainage to escrow.

5. *Scope of FHA insurance.* Three comments stated that the proposed amendments left unclear the extent and timing of FHA insurance prior to release of the escrow account. The Department believes that the amendments clearly state that FHA insurance will not attach until such time as the holdback is deposited in escrow. See, e.g., § 207.26a(d). Furthermore, it is stated that disbursal does not occur until actual deposit in escrow. See, e.g., § 207.26a(b)(5). At no time prior to the time equitable rights to the holdback vest in the contractor are the funds disbursed, and, therefore, insurable by HUD. The Department finds no basis for the conclusion that the holdback amounts approved but not deposited in escrow are in fact "insured but undisbursed" funds.

6. *Miscellaneous items.* The Department received comments suggesting revisions to several FHA forms and handbook instructions. These revisions are technical and corrective in nature, and relate to such matters as incentive payments, claims to the escrow by sureties, and timing of submission of various forms required of the contractor by the construction contract prior to final endorsement. Rather than treat the subjects of these comments in the final regulations, the Department has utilized them in the revisions of pertinent sections of the handbook and documents.

SPECIFIC COMMENTS ON NOTIFICATIONS TO SUBCONTRACTORS

The Department received few specific comments on these provisions. Although comments were received from some trade associations, the Department is of the opinion that a broader range of comments is desirable prior to final rulemaking on these provisions. For that reason, the proposed amendments dealing with notifications to subcontractors, which would have amended §§ 205.112, 207.26, 213.34, 221.548, 231.10b, 232.81, 241.160, 242.69 and 244.145, will not be made effective with this publication. The Department will continue to evaluate the effect of the provisions as originally published, and invites comments from all interested parties. In addition to commenting on the advisability of proceeding to final rulemaking without further revision to the proposed amendments, the Department invites comments on the following alternatives:

1. Eliminate distribution of the "Contractor's and/or Mortgagor's Cost Breakdown," and retain both the requirement that subcontractors be informed of each draw and the requirement that receipts and waivers from each subcontractor for work covered by the previous draw accompany each request for a draw.

2. Require only that subcontractors be notified of each draw.

3. Require only that receipts and waivers from each subcontractor for work covered by the previous draw accompany each request for a draw.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of these reg-

ulations have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Parts 207, 213, 221 and 231 of Title 24 of the Code of Federal Regulations are amended, as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. Subpart A of the Table of Contents to Part 207 is amended to include a new section numbered § 207.26a and designated, Disposition of general contractor's holdback, as follows:

Sec.

. . . . . .

207.26a Disposition of general contractor's holdback.

. . . . . .

2. The following new section is added and designated as § 207.26a:

§ 207.26a Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that: (1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances; (2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved; (3) The mortgagee shall retain the remaining 10 percent of each approved advance; (4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a)(2)(i), (ii) and (iii); and (a)(2)(i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b)(4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b)(1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b)(4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor;

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreement; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

3. Subpart A of the Table of Contents to Part 213 is amended to include a new section numbered § 213.34a and designated, Disposition of general contractor's holdback, as follows:

Sec.

. . . . . .

213.34a Disposition of general contractor's holdback.

. . . . . .

4. The following new section is added and designated as 213.34a:

§ 213.34a Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certification of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a)(2)(i), (ii) and (iii); and (a)(2)(i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b)(4) of this section; and

(6) The mortgagee and mortgagor agree that notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b)(1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b)(4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor;

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreement; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

5. Subpart C of the Table of Contents to Part 221 is amended to include a new section numbered § 221.548a and designated, Disposition of general contractor's holdback, as follows:

Sec.

. . . . . .

221.548a Disposition of general contractor's holdback.

. . . . . .

6. The following new section is added and designated as § 221.548a:

§ 221.548a Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after _____, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition; 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a)(2)(i), (ii) and (iii); and (a)(2)(i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b)(4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b)(1) through (5) of this section the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b)(4) of this section, and except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interest shall be paid to the general contractor when the escrowed funds are released to the general contractor;

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreement; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

7. Subpart A of the Table of Contents to Part 231 is amended to include a new section numbered § 231.10c and designated, Disposition of general contractor's holdback, as follows:

Sec.

. . . . . .

231.10c Disposition of general contractor's holdback.

. . . . . .

8. The following new section is added and designated as § 231.10c:

§ 231.10c Disposition of general contractor's holdback.

In those cases in which a conditional commitment has been issued after ------, and there is no identity of interest between the mortgagor and general contractor, the following provisions shall be applicable:

(a) The construction contract, whether it be lump sum or cost-plus, shall contain provisions whereby the mortgagor and contractor agree that the general contractor:

(1) Shall submit to the mortgagor, on a monthly basis, a requisition for payment equal to the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior payments made to the general contractor;

(2) Shall accept, for each and every requisition, 90 percent of the amount approved for payment, and shall agree that the remaining 10 percent shall be retained by the mortgagee to be deposited in an escrow account when the construction of the project has been substantially completed, with the exception of minor incomplete on-site construction items, and the following requirements have been met:

(i) All work under the construction contract, requiring inspection by municipal or other governmental authorities having jurisdiction, has been inspected and approved by such authorities and by the rating or inspection organization, bureau, association or office having jurisdiction; (ii) all required certificates of occupancy or other approvals, with respect to all units of the project, have been issued by State or local governmental authorities having jurisdiction, except that, in the event the mortgagor fails or refuses to file requests for issuance of such certificates, this requirement will be satisfied upon the Commissioner's finding that such certificates or approvals would be forthcoming but for the mortgagor's failure to request their issuance; (iii) permissions to occupy for all units of the project have been issued by the Commissioner; and (iv) in the event a cost-plus form of contract has been used, that the mortgagee has been notified by the HUD field office that the mortgagor has filed the "Contractor's Certificate of Actual Cost" with the Commissioner, except that, if the mortgagor fails or refuses to file such a certificate within a reasonable time, the general contractor's direct submission of the certificate of actual cost may be the basis for the HUD field office notification and the establishment of the escrow.

(3) Shall be entitled to the funds in the escrow account upon compliance with the terms of the Escrow Agreement which shall contain the conditions for release of the escrow account to the general contractor.

(b) The building loan agreement shall provide that:

(1) The mortgagor shall request monthly from the mortgagee an advance of mortgage proceeds for construction items in the amount of the total value of classes of work acceptably completed plus the value of materials and equipment not incorporated in the work but delivered to, and suitably stored at, the site, less prior advances;

(2) The mortgagor shall accept, for each and every advance, 90 percent of the amount of advance approved;

(3) The mortgagee shall retain the remaining 10 percent of each approved advance;

(4) The mortgagee shall transfer the 10 percent holdback for each advance, minus an amount that is one and one-half times the cost estimated by the Commissioner that is required for the completion of any minor incomplete on-site construction items, to an escrow account when the general contractor completes the construction as determined by the Commissioner and meets the requirements set forth in paragraphs (a)(2)(i), (ii) and (iii); and (a)(2)(i), (ii), (iii) and (iv) of this section for a general contractor who has executed a lump sum form of contract or cost-plus form of contract, respectively.

(5) The 10 percent holdback shall not be construed as an advance from mortgage proceeds by the mortgagee until the mortgagee places the funds in an escrow account in accordance with paragraph (b)(4) of this section; and

(6) The mortgagee and mortgagor agree that, notwithstanding the inclusion in the building loan agreement of the provisions contained in paragraphs (b)(1) through (5) of this section, the mortgagee is not required to make any advance of mortgage proceeds if the mortgagor is in default under the building loan agreement, other than the advance of the 10 percent holdback in accordance with paragraph (b)(4) of this section, and, except as altered by the provisions of this paragraph, the rights and obligations of the mortgagee and mortgagor under the building loan agreement shall not be affected.

(c) An Escrow Agreement shall be established for the purposes set forth in paragraphs (a) and (b) of this section and the depository under such agreement shall be either the mortgagee or a party designated by the mortgagee. The agreement shall contain provisions for the release of the escrow fund which shall include the requirement that the general contractor submit its certificate of actual cost for approval by the Commissioner and that the certificate be approved by the Commissioner before the Contractor shall be entitled to the fund. If the mortgagor and general contractor have entered into a lump sum contract, the requirement for the certificate of actual cost shall not be applicable. The Escrow Agreement shall provide that the depository will:

(1) Release the funds upon request of the general contractor and approval of the Commissioner;

(2) Invest the funds in an interest bearing account, if the mortgagor and general contractor have so agreed, which interests shall be paid to the general contractor when the escrowed funds are released to the general contractor;

(3) Release to the general contractor only that portion of the escrowed funds which do not exceed the amount of costs approved by the Commissioner on the "Contractor's Certificate of Actual Cost", or, in the case of a general contractor which has entered into a lump sum contract, an amount, which when added to payments already received, does not exceed the amount of the lump sum contract. In the event the contractor has not completed construction of the project within the time provided in the construction contract, there shall be deducted from the escrow fund an amount which the Commissioner determines equals the liquidated damages as provided in the construction contract.

(4) Disburse any remaining amount in the escrow fund in accordance with the terms of the escrow agreements; and

(d) The mortgagee's request for approval by the Commissioner of an advance for construction items shall contain a provision that such approval by the Commissioner shall constitute approval for mortgage insurance of the 10 percent holdback retained by the mortgagee when the retained funds are placed in an escrow account in accordance with this section. The mortgage insurance on the funds retained by the mortgagee shall be effective on the date the funds are transferred to the escrow account.

(e) For the purposes of this section, "substantial completion" shall mean that the Commissioner has issued a final inspection report and that the Commissioner has determined that the contractor has completed the project in accordance with the terms of the construction contract.

(Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d)).

Effective date: This amendment takes effect on March 4, 1977.

Issued at Washington, D.C. December 28, 1976.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing — Federal Housing Commissioner.

[FR Doc.77-213 Filed 1-3-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7454]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Integrated Auxiliary of a Church

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, February 11, 1976 (41 FR 6073) amendments to the Income Tax Regulations (26 CFR Part 1) under section 6033 of the Internal Revenue Code of 1954 were proposed in order to provide a definition of the term "integrated auxiliary of a church". After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations subject to the changes indicated below, are adopted by this document.

The proposed regulations required that in order to be qualified as an integrated auxiliary, an organization's primary purpose must be to carry out the tenets, functions and principles of faith of the organization and the organization's activities must directly promote religious activity among the members of the church. The requirements of the proposed regulations will not be applied. Instead, under the new rules, an organization affiliated with a church will be considered an integrated auxiliary if the principal activity of the organization is exclusively religious; that is, if it applied for exemption on its own, it would qualify for exemption as a religious organization.

The final regulations also excuse educational organizations below college level that are associated with a church from the filing requirements under section 6033 under the discretionary power granted in that section to the Secretary. However, educational organizations which lose their exempt status are not excused by these regulations, and are required to file tax returns as taxable entities.

On April 27, 1976, a notice was published in the FEDERAL REGISTER (41 FR 17546) which exempted subordinate organizations of a church (other than a private foundation) covered by a group exemption letter issued to a church central or parent organization from filing a Form 990 for taxable year 1975. Now that the regulations defining integrated auxiliaries are finalized, such subordinate organizations will be required to file Form 990 for taxable years beginning after December 31, 1975, unless they are a church, a convention or association of churches, or an integrated auxiliary of a church, or otherwise excepted from such requirement.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the Income Tax Regulations (26 CFR Part 1) is hereby adopted as set forth below.

Paragraph (g) of § 1.6033-2 is amended by revising paragraph (g)(1)(i), deleting the word "or" in paragraph (g)(1)(v), deleting the period and adding in its place a semi-colon and then the word "or" at the end of paragraph (g)(1)(vi), adding paragraph (g)(1)(vii), redesignating paragraph (g)(5) as paragraph (g)(6), and adding new paragraph (g)(5). The added and revised paragraphs to read as follows:

§ 1.6033-2 Returns by exempt organizations; taxable years beginning after December 31, 1969.

* * * * *

(g) *Organizations not required to file annual returns.* (1) * * *

(i) A church, an interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church;

* * * * *

(vii) An educational organization (below college level) which is described in section 170(b)(1)(A)(ii), which has a program of a general academic nature, and which is affiliated (within the meaning of paragraph (g)(5)(iii) of this section) with a church or operated by a religious order.

* * * * *

(5)(i) For purposes of this title, the term "integrated auxiliary of a church" means an organization—

(a) Which is exempt from taxation as an organization described in section 501(c)(3);

(b) Which is affiliated (within the meaning of paragraph (g)(5)(iii) of this section) with a church; and

(c) Whose principal activity is exclusively religious.

(ii) An organization's principal activity will not be considered to be exclusively religious if that activity is educational, literary, charitable, or of another nature (other than religious) that would serve as a basis for exemption under section 501(c)(3).

(iii) For purposes of paragraph (g)(5) of this section, the term "affiliated" means either controlled by or associated with a church or with a convention or association of churches. For example, an organization, a majority of whose officers or directors are appointed by a church's governing board or by officials of a church, is controlled by a church within the meaning of this paragraph. An organization is associated with a church or with a convention or association of churches if it shares common religious bonds and convictions with that church or convention or association of churches.

(iv) Organizations which are integrated auxiliaries include a men's or women's organization, a religious school (such as a seminary), a mission society, or a youth group. The types of organizations which are not integrated auxiliaries may be illustrated by the following examples:

Example (1). Hospital A is a nonprofit corporation exempt from Federal income tax as an organization described in section 501(c)(3). Hospital A is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033-2) with a church which is also exempt as an organization described in section 501(c)(3). The hospital provides medical care for the community in which it is located, and the provision of such medical care is its principal activity. Since this activity could serve as the basis for Hospital A's exemption under section 501(c)(3) if it were not affiliated with a church, A is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (2). School B, an elementary grade school exempt from Federal income tax as an organization described in section 501(c)(3), is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033-2) with a church which is also exempt from Federal income tax as an organization described in section 501(c)(3). School B has a separate legal identity from that of the church. The school property, including building and grounds, is owned by the church. The school's supervisory and managerial personnel are appointed by church officials. The school's budget is prepared subject to approval by a church official responsible for the overall supervision of the school. The school's program corresponds with the public school program for the same grades and complies with State law requirements for public education. The principal activity of school B is education. Since this activity could serve as the basis for School B's exemption under section 501(c)(3) if it were not affiliated with a church, B is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2. However, since School B is excluded from filing under § 1.6033-2(g)(1)(vii), it is not required to file an annual information return.

Example (3). Orphanage C, exempt from Federal income tax as an organization described in section 501(c)(3), is a nonprofit corporation organized and operated as an orphanage. It is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033-2) with a church which is also exempt as an organization described in section 501(c)(3). The orphanage is dedicated to the service of the entire community in which it is located. The principal activity of the orphanage is to provide children with housing, medical care, guidance, and similar services and facilities on a non-sectarian basis. Since this activity could serve as the basis for Orphanage C's exemption under section 501(c)(3) if it were not affiliated with a church, Orphanage C is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (4). Organization D, exempt from Federal income tax as an organization described in section 501(c)(3) of the Code, is a trust operating an old age home. It is affiliated (within the meaning of paragraph (g)(5)(iii) of § 1.6033-2) with a church which is also exempt from income tax as an organization described in section 501(c)(3). The home provides services exclusively to the elderly members of the church's denomination. The principal activity of the home is to provide the residents with housing, limited nursing care, and similar services and facilities. Since this activity could serve as the basis for Organization D's exemption under section 501(c)(3) if it were not affiliated with a church, D is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of § 1.6033-2.

Example (5). University E is a nonprofit corporation exempt from Federal income tax as an organization described in section 501(c)(3) of the Code. It is affiliated (within the meaning of paragraph (g)(5)(iii) of section 1.6033-2) with a church which is also exempt from income tax as an organization described in section 501(c)(3). The university provides a program of general academic studies on the undergraduate level and graduate education in the arts, humanities, and sciences. Although it offers courses in religion, it does not provide religious training in the sense that a seminary offers such training. The principal activity of the university is to provide college and graduate level education of a general academic nature. Since this activity could serve as the basis for University E's exemption under section 501(c)(3) if it were not affiliated with a church, E is not an integrated auxiliary of a church within the meaning of paragraph (g)(5) of this section.

In addition, because E is a college level institution, paragraph (g)(1)(vii) of this section does not apply and E is required to file a return under section 6033.

Example (6). Orphanage F performs functions similar to those of Orphanage C described in example (3). However, Orphanage F does not have a legal identity separate from that of the church. Thus Orphanage F is not itself exempt from tax as an organization described in section 501(c)(3), and is not an integrated auxiliary of a church. The exception from filing a return under section 6033 accorded to the church of which Orphanage F is a part also applies to Orphanage F itself. Accordingly, Orphanage F is not required to file a return under section 6033.

* * * * *

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 27, 1976.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

[FR Doc.76-38487 Filed 12-29-76;4:54 pm]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 15—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND RELATED STATUTES

Procedures for Filing, Processing and Adjudication

The Federal Tort Claims Act generally makes the Government liable for property damage and personal injuries caused by the negligent or wrongful act or omission of any government employee while performing official duties. Federal agency heads, including the Secretary of Labor, are authorized by that Act to award, compromise, or settle claims not in excess of $25,000. The Secretary of Labor is also granted discretionary authority under section 416(b) of the Comprehensive Employment and Training Act of 1973 to settle claims in amounts up to $500 for personal injury or property damage which arise out of the operation of the Job Corps but are not cognizable under the Federal Tort Claims Act. In addition, the Military Personnel and Civilian Employees' Claims Act authorizes the settlement of claims made by employees for damage to or the loss of personal property incident to Government service; the maximum recovery allowable on any claim is $15,000.

The Secretary of Labor has delegated the authority and responsibility for awarding, compromising or settling such claims as may be filed with the Department of Labor to the Solicitor of Labor. Included within the delegation is the authority for issuing regulations and establishing procedures for the processing and adjudication of claims. The procedures governing the filing, processing and adjudication of claims under the Federal Tort Claims Act and designating the Deputy Solicitor as Claims Officer are currently set forth in section 2.5 of Title 29, Code of Federal Regulations, as supplemented by Chapter 5-600, Section 2 of the Department of Labor Manual of Administration.

The Department of Labor is reissuing as a new Part 15 the regulations which establish procedures for the filing, processing and adjudication of claims filed under the aforementioned statutes to reflect decentralization within the Office of the Solicitor for handling various claims against the Department under the Federal Tort Claims Act and related statutes. This function was previously handled entirely by the Deputy Solicitor of Labor. The Regional Solicitors and Associate Regional Solicitors listed in section 15.4 (b) of this part are being authorized to award, compromise or settle claims filed with the Department except that claims which exceed $2,500 or which involve a new precedent or novel point of law or question of policy are expressly reserved to the Deputy Solicitor. Claims filed under section 416(b) of the Comprehensive Employment and Training Act of 1973 will be processed exclusively by the appropriate Regional Solicitor or Associate Regional Solicitor. The regulations set forth in section 2.5 of this title are superseded and are therefore revoked.

Because this new Part 15 is merely a recodification of existing procedures and consists of rules of agency organization, procedure and practice the rulemaking procedure prescribed in 5 U.S.C. 553 is not required. Further, since the provisions of this part will directly benefit persons making claims against the Department of Labor, I find that good cause exists for making these provisions effective immediately as to all claims hereafter filed.

Accordingly Parts 2 and 15 of Title 29 are revised as follows: 1. Section 2.5 of Part 2, Title 29 is rescinded. 2. The new Part 15 reads as follows:

Subpart A—Claims Against Government Under Federal Tort Claims Act

Sec.
15.1 Scope and purpose.
15.2 Definitions.
15.3 Filing of claims.
15.4 Where to file.
15.5 Evidence or information required.
15.6 Action on claims.
15.7 Payments of awards.
15.8 Referral to Department of Justice.
15.9 Final denial of claim.
15.10 Action on approved claims.

Subpart B—Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964

15.11 Scope and purpose.
15.12 Filing of claims.
15.13 Allowable claims.
15.14 Restrictions on certain claims.
15.15 Unallowable claims.
15.16 Claims involving carriers or insurers.
15.17 Claims procedures.
15.18 Computation of award and finality of settlement.
15.19 Attorney's fees.

Subpart C—Claims Arising Out of Operation of Job Corps Centers

15.20 Scope and purpose.
15.21 Allowable claims.
15.22 Claims procedures.

AUTHORITY: 28 U.S.C. 2672; 28 CFR 14.11; 31 U.S.C. 241; 29 U.S.C. 926(b), and Secretary's Order 24-76.

Subpart A—Claims Against Government Under Federal Tort Claims Act

§ 15.1 Scope and Purpose.

(a) The purpose of this Subpart is to set forth regulations relating to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, and filed after the effective date of these regulations, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an officer or employee of the Department of Labor while acting within the scope of his office or employment. It reflects delegations of authority which have been published in the FEDERAL REGISTER and replaces Section 2.5 of Part 2 of this Title, "General Regulations," relating to "Claims under the Federal Tort Claims Act for loss or damage to property or for personal injury or death," which is hereby revoked.

(b) This subpart is issued subject to and consistent with applicable regulations on administrative claims under the Federal Tort Claims Act issued by the Attorney General (31 FR 16616; 28 CFR Part 14).

§ 15.2 Definitions.

(a) "Department" means the Department of Labor, which consists of the Office of the Secretary and the several organizational units.

(b) "Organizational unit" means the jurisdictional area of each Assistant Secretary, each office head reporting directly to the Secretary, and each Regional Administrator.

(c) "Act" means the Federal Tort Claims Act, as amended (28 U.S.C. 1346(b), 28 U.S.C. 2671 et seq.).

§ 15.3 Filing of claims.

(a) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim for death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(d) A claim for loss wholly compensated by an insurer and the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or legal representative.

§ 15.4 Where to file.

(a) For the purposes of this Subpart, a claim shall be deemed to have been presented when the Department receives, at a place designated in paragraph (b) of this section, a properly executed "Claim for Damages or Inquiry", on Standard Form 95, or other written notification of an incident accompanied by a claim for money damages in a sum certain for injury to or loss of property or personal injury or death by reason of the incident.

(b) A claimant shall mail or deliver his claim for money damages for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Department while acting within the

scope of his office or employment hereunder to the office of employment of the departmental employee or employees whose negligent or wrongful act or omission is alleged to have caused the alleged loss or injury. Where such office of employment is the Department's national office in Washington, D.C., or is not reasonably known and not reasonably ascertainable, claimant shall file his claim with the

Office of the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Suite N2716, Washington, D.C. 20210.

In all other cases, the claimant shall address his claim to the regional or branch office of the Office of the Solicitor having jurisdiction over the location of the office of employment. The addresses and areas of jurisdiction for each such regional and branch office are as follows:

Regional Solicitor, U.S. Department of Labor, John F. Kennedy Federal Building, Government Center—Room 1803, Boston, MA 02203.
(For claims arising in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, and Connecticut.)

Regional Solicitor, U.S. Department of Labor, 1515 Broadway, Room 3555, New York, NY 10036.
(For claims arising in New Jersey, New York, Puerto Rico, and the Virgin Islands.)

Regional Solicitor, U.S. Department of Labor, 14480 Gateway Building, 3535 Market Street, Philadelphia, PA 19104.
(For claims arising in Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.)

Regional Solicitor, U.S. Department of Labor, 1371 Peachtree Street, N.E., Room 339, Atlanta, GA 30309.
(For claims arising in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)

Regional Solicitor, U.S. Department of Labor, Federal Office Building, 230 South Dearborn Street, Eighth Floor, Chicago, IL 60604.
(For claims arising in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.)

Regional Solicitor, U.S. Department of Labor, 555 Griffin Square Building, Suite 707, Griffin & Young Streets, Dallas, TX 75202.
(For claims arising in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)

Regional Solicitor, U.S. Department of Labor, 2106 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.
(For claims arising in Iowa, Kansas, Missouri, and Nebraska.)

Associate Regional Solicitor, U.S. Department of Labor, Federal Office Building, Room 16444, 1961 Stout Street, Denver, CO 80202.
(For claims arising in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.)

Regional Solicitor, U.S. Department of Labor, P.O. Box 36017 Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.
(For claims arising in Arizona, California, Guam, Hawaii, and Nevada.)

Associate Regional Solicitor, U.S. Department of Labor, 7009 Federal Office Building, 900 First Avenue, Seattle, WA 98101.
(For claims arising in Alaska, Idaho, Oregon, Washington.)

§ 15.5 Evidence or Information Required.

(a) *Personal Injury.* In support of a claim for personal injury, including pain and suffering, the claimant is required to submit the following evidence or information:

(1) A written report by the attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent impairment, the prognosis period of hospitalization, if any, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed or designated by the Department or another federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request: *Provided*, That he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made, or agrees to make available to the Department any other physician's report previously or thereafter made of the physical or mental condition which is the subject matter of the claim.

(2) Itemized bills for medical, dental and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings lost. For example, income tax returns for several years prior to the injury in question and the year in which the injury occurred may be used to indicate or measure lost income; a statement of how much it did or would cost the claimant to hire someone else to do the same work he was doing at the time of injury might also be used in measuring lost income.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(b) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at the time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full name, address, birth date, kinship and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or damages claimed.

(c) *Property Damages.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 15.6 Action on claims.

(a) *Claims Investigation.* When a claim has been filed with the Department, the head of the organizational unit involved, or his designee, shall designate an employee in that unit who shall act as the Claims Investigatory Officer for the claim and who shall:

(1) Investigate as completely as is practicable the nature and circumstances of the occurrence causing the loss or damage to the claimant's property.

(2) Ascertain the extent of loss or damage to the claimant's property.

(3) Assemble the necessary forms with required data contained therein.

(4) Prepare a brief statement setting forth the facts relative to the claim, a finding whether the claim satisfies the requirements of this Subpart, and a recommendation as to the amount to be paid in settlement of the claim.

(5) Submit such forms, statements, and all necessary supporting papers to the head of the organizational unit having jurisdiction over the employee involved, who shall then transmit the entire file to the appropriate Office of the Solicitor of Labor, as set forth in § 15.4 (b) above.

(b) *Authority to Consider, Ascertain, Adjust, Determine, Compromise and Settle Claims.* The Deputy Solicitor shall have the power to consider, ascertain, adjust, determine, compromise and settle claims pursuant to the Federal Tort Claims Act which exceed $2,500 in amount or which involve a new precedent or a new point of law, or a question of policy. Regional Solicitors and the Associate Regional Solicitors listed in § 15.4 (b) above are authorized to consider, ascertain, adjust, determine, compromise and settle, claims arising in their respective jurisdictions pursuant to the Federal Tort Claims Act which do not exceed $2,500 in amount and which do not involve a new precedent or new point of law or a question of policy.

§ 15.7 Payment of Awards.

Any award, compromise or settlement in the amount of $2,500 or less made pursuant to this section shall be paid by the Secretary of Labor out of appropriations available to the Department of Labor. Payment of an award, compromise or settlement in an amount in excess of $2,500 made pursuant to this section shall be made in accordance with 28 CFR 14.10.

§ 15.8 Referral to Department of Justice.

An award, compromise or settlement of a claim under § 2672, Title 28, United States Code, and this Subpart, in excess of $25,000 may be effected only with the prior written approval of the Attorney General or his designee. For the purpose of this Subpart, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

§ 15.9 Final Denial of Claim.

Final denial of an administrative claim under this Subpart shall be in writing, and notification of denial shall be sent to the claimant, his attorney or legal representative by certified or registered mail. The notification of final denial shall include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Department's action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 15.10 Action on Approved Claim.

(a) Payment of a claim approved under this Subpart is contingent upon claimant's execution of (1) a claim for "Damage or Injury", Standard Form 95; (2) a claims settlement agreement; and (3) a "Voucher for Payment", Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent or legal representative of an award, compromise, or settlement made under § 2672 or 2677 of Title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented and constitutes a complete release of any claim against the United States and against any officer or employee of the Government whose act or omission gave rise to the claim by reason of the same subject matter.

Subpart B—Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964

§ 15.11 Scope and Purpose.

(a) This Subpart applies to all claims filed by or on behalf of employees of the Department of Labor (DOL) for loss of or damage to personal property after the effective date of these regulations, incident to their service with DOL under the Military Personnel and Civilian Employees' Claims Act of 1964, (hereinafter referred to as the Act.) A claim must be substantiated and the possession of the property determined to be reasonable, useful or proper. The maximum amount that can be paid for any claim under the Act is $15,000 and property may be replaced in kind at the option of the Government.

(b) DOL is not an insurer and does not underwrite all personal property losses that an employee may sustain. Employees are encouraged to carry private insurance to the maximum extent practicable to avoid large losses which may not be recoverable from DOL. The procedures set forth in this section are designed to enable the claimant to obtain the proper amount of compensation for the loss or damage. Failure of the claimant to comply with these procedures may reduce or preclude payment of the claim under this Subpart.

§ 15.12 Filing of Claims.

(a) *Who May File.* (1) A claim may be made pursuant to this Subpart by an employee or in the employee's name by the employee's spouse or authorized agent, or legal representative. If the employee is deceased, the claim may be filed in the following order of preference, by the employee's spouse, children, parent, brother or sister or the authorized agent or legal representative of such other person or persons.

(2) A claim may not be made hereunder by or for the benefit of a subrogee, assignee, conditional vendor or other third party.

(b) *Where to File.* A claim hereunder must be presented in writing. If the claimant's place of employment is at the National Office of an organizational unit of the Department, the claim should be filed with the Office of the Solicitor of Labor, U.S. Department of Labor, Suite N2716, 200 Constitution Avenue, N.W., Washington, D.C. 20210. In all other cases the claimant shall address the claim to the regional or branch office of the Solicitor of Labor servicing the organizational unit. The address of such offices are set forth in § 15.4(b) above.

(c) *Evidence Required.* Any claim filed hereunder must be accompanied by the following: (1) A written statement, signed by the claimant or his authorized agent, setting forth the circumstances under which the damage or loss occurred. This statement shall also include:

(i) A description of the type, design, model number or other identification of the property.

(ii) The date of purchase or acquisition, from whom purchased or acquired, and the original cost of the property.

(iii) The location of the property when the loss or damage occurred.

(iv) The purpose of and authority for travel, if the loss or damage occurred incident to transportation or to the use of a motor vehicle.

(v) Any and all available information as to the party responsible for the loss or damage, if such party is someone other than the claimant and all information as to insurance contracts whether held by the claimant or by the party responsible.

(2) Copies of all available and appropriate documents such as bills of sale, estimates of repairs, travel orders and other as the need is demonstrated. In the case of an automobile, the claimant must file two estimates of repair or a certified paid bill showing the damage incurred, the cost of all parts, labor and other items necessary to the repair of the vehicle, or a statement from an authorized dealer or repair garage showing that the cost of such repairs exceeds the value of the vehicle.

(3) A copy of the power of attorney or other authorization if the claim is filed by someone other than the employee.

(d) *Time Limitations.* A claim under this part may be allowed only if: (1) Except as provided in paragraph (d)(2) of this section, it is filed in writing within 2 years after accrual. For the purpose of this part, a claim accrues at the time of the accident or incident causing the loss or damage, or at such time as the loss or damage should have been discovered by the claimant by the exercise of due diligence.

(2) It cannot be filed within the time limits of paragraph (d)(1) of this section, because it accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, and if it is filed not later than 2 years after the cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier.

§ 15.13 Allowable Claims.

(a) A claim may be allowed only if: (1) The damage or loss was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, the members of his family, or his private employee (the standard to be applied is that of reasonable care under the circumstances); and

(2) The possession of the property lost or damaged and the quantity possessed is determined to have been reasonable, useful or proper under the circumstances; and

(3) The claim is substantiated by proper and convincing evidence.

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(b) Claims which are otherwise allowable under this part shall not be disallowed solely because the property was not in the possession of the claimant at the time of the damage or loss, or solely because the claimant was not the legal owner of the property for which the claim is made. For example, borrowed property may be the subject of a claim.

(c) Subject to the conditions in paragraph (a) of this section and the other provisions of this Subpart, any claim for damage to, or loss of, personal property incident to service with DOL may be considered and allowed. The following are examples of the principal types of claims which may be allowed, but these examples are not exclusive and other types of claims may be allowed, unless hereinafter excluded:

(1) *Property or damage in quarters or other authorized places.* Claims may be allowable for damage to, or loss of, property arising from fire, flood, hurricane, other natural disaster, theft, or other unusual occurrence, while such property is located at:

(i) Quarters within the 50 States or the District of Columbia that were assigned to the claimant or otherwise provided in kind by the United States; or

(ii) Quarters outside the 50 States and the District of Columbia that were occupied by the claimant, whether or not they were assigned or otherwise provided in kind by the United States, except when the claimant is a civilian employee who is a local inhabitant; or

(iii) Any warehouse, office, working area or other place (except quarters) authorized or apparently authorized for the reception or storage of property.

(2) *Transportation or travel losses.* Claims may be allowed for damage to, or loss of, property incident to transportation or storage pursuant to order or in connection with travel under orders, including property in the custody of a carrier, an agent or agency of the Government, or the claimant.

(3) *Mobile homes.* Claims may be allowed for damage to, or loss of, mobile homes and their contents under the provisions of paragraph (c)(2) of this section. Claims for structural damage to mobile homes, other than that caused by collision, and damage to contents of mobile homes resulting from such structural damage, must contain conclusive evidence that the damage was not caused by structural deficiency of the mobile home and that it was not overloaded. Claims for damage to, or loss of, tires mounted on mobile homes will not be allowed, except in cases of collision, theft or vandalism.

(4) *Enemy action or public service.* Claims may be allowed for damages to, or loss of, property as a direct consequence of:

(i) Enemy action or threat thereof, or combat, guerilla, brigandage, or other belligerent activity, or unjust confiscation by a foreign power or its nationals.

(ii) Action by the claimant to quiet a civil disturbance or to alleviate a public disaster.

(iii) Efforts by the claimant to save human life or Government property.

(5) *Property used for the benefit of the Government.* Claims may be allowed for damage to, or loss of, property when used for the benefit of the Government at the request of, or with the knowledge and consent of superior authority.

(6) *Clothing and accessories.* Claims may be allowed for damage to, or loss of clothing or accessories customarily worn on the person, such as eyeglasses, hearing aids, or dentures.

§ 15.14 Restrictions on Certain Claims.

Claims of the type described in this section are only allowable subject to the restrictions noted:

(a) *Money Or Currency.* Claims may be allowed for loss of money or currency only when lost incident to fire, flood, hurricane, other natural disaster, or by theft from quarters (as limited by section 15.13(c)(1) above). In instances of theft from quarters, it must be conclusively shown that the quarters were locked at the time of the theft. Reimbursement for loss of money or currency is limited to an amount which is determined to have been reasonable for the claimant to have had in his possession at the time of the loss.

(b) *Government Property.* Claims may only be allowed for property owned by the United States for which the claimant is financially responsible to any agency of the Government other than DOL.

(c) *Estimate Fees.* Claims may include fees paid to obtain estimates of repairs only when it is clear that an estimate could not have been obtained without paying a fee. In that case, the fee may be allowed only in an amount determined to be reasonable in relation to the value of the property or the cost of the repairs.

(d) *Automobiles and Other Motor Vehicles.* Claims may only be allowed for damage to, or loss of, automobiles and other motor vehicles if:

(1) Such motor vehicles were required to be used for official Government business (official Government business, as used here, does not include travel, or parking incident thereto between quarters and office, or use of vehicles for the convenience of the owner. However, it does include travel, and parking incident thereto, between quarters and assigned place of duty specifically authorized by the employee's supervisor as being more advantageous to the Government,); or

(2) Shipment of such motor vehicles was being furnished or provided by the Government, subject to the provisions of § 15.16, below.

§ 15.15 Unallowable Claims.

Claims are not allowable for the following:

(a) *Unassigned Quarters in United States.* Property loss or damage in quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States.

(b) *Business Property.* Property used for business or profit.

(c) *Unserviceable Property.* Wornout or unserviceable property.

(d) *Illegal Possession.* Property acquired, possessed or transferred in violation of the law or in violation of applicable regulations or directives.

(e) *Articles of Extraordinary Value.* Valuable articles, such as cameras, watches, jewelry, furs or other articles of extraordinary value, when shipped with household goods or as unaccompanied baggage (shipment includes storage). This prohibition does not apply to articles in the personal custody of the claimant or articles properly checked: *Provided,* That reasonable protection or security measures have been taken by claimant.

(f) *Minimum Amount.* Loss or damage amounting to less than $10.

§ 15.16 Claims Involving Carriers or Insurers.

In the event the property which is the subject of the claim was lost or damaged while in the possession of a commercial carrier or was insured, the following procedures will apply:

(a) Whenever property is damaged, lost or destroyed while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the last commercial carrier known or believed to have handled the goods, or the carrier known to be in possession of the property when the damage or loss occurred, according to the terms of its bill of lading or contract, before submitting a claim against the Government under this Subpart.

(b) Whenever property is damaged, lost, or destroyed incident to the claimant's service and is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage, prior to the filing of the claim against the Government.

(c) Failure to make a demand on a carrier or insurer or to make all reasonable efforts to protect and prosecute rights available against a carrier or insurer and to collect the amount recoverable from the carrier or insurer may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable from the carrier or insurer had the claim been timely or diligently prosecuted. However, no deduction will be made where the circumstances of the claimant's service preclude reasonable filing of such a claim or diligent prosecution, or the evidence indicates a demand was impracticable or would have been unavailing.

(d) Following the submission of the claim against the carrier or insurer, the claimant may immediately submit his claim against the Government in accordance with the provisions of this Subpart, without waiting until either final approval or denial of his claim is made by the carrier or insurer.

(1) Upon submitting his claim, he will certify in his claim that he has or has not gained any recovery from a carrier or insurer, and enclose all correspondence pertinent thereto.

(2) If final action has not been taken by the carrier or insurer on his claim, he will immediately notify them to address all correspondence in regard to his claim to him in care of the appropriate Office of the Solicitor of Labor.

(3) The claimant shall advise the appropriate Office of the Solicitor of any action taken by the carrier or insurer on his claim and, upon request, shall furnish all correspondence, documents, and other evidence pertinent to the matter.

(e) The claimant shall assign to the United States, to the extent of any payment on his claim accepted by him, all his rights, title and interest in any claim he may have against any carrier, insurer, or other party arising out of the incident on which the claim against the United States is based. After payment of his claim by the United States, the claimant will, upon receipt of any payment from a carrier or insurer, pay the proceeds to the United States to the extent of the payment received by him from the United States.

(f) Where a claimant recovers for the loss from the carrier or insurer before his claim under this Subpart is settled, the amount or recovery shall be applied to his claim as follows:

(1) When the amount recovered from a carrier, insurer, or other third party is greater than or equal to the claimant's total loss as determined under this part, no compensation is allowable under this part.

(2) When the amount recovered is less than such total loss, the allowable amount is determined by deducting the recovery from the amount of such total loss.

(3) For the purposes of this paragraph (f) of this section the claimant's total loss is to be determined without regard to the $15,000 maximum set forth above. However if the resulting amount, after making this deduction exceeds $15,000, the claimant shall be allowed only $15,000.

§ 15.17 Claims Procedures.

The Deputy Solicitor, the Regional Solicitors and those Associate Regional Solicitors who are listed in § 15.4(b) above, are authorized to consider, ascertain, adjust, determine, compromise and settle claims filed under this Act in accordance with the limitations set forth in § 15.6 (b) above. Unless otherwise provided, the general procedural rules for the processing and settling of administrative claims under the Federal Tort Claims Act, as set forth in Subpart A above, shall be followed.

§ 15.18 Computation of Award and Finality of Settlement.

(a) The amount allowable for damage to or loss of any item of property may not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange); and there will be no allowance for replacement cost or for appreciation in the value of the property. Subject to these limitations, the amount allowable is either:

(1) The depreciated value, immediately prior to the loss or damage of property lost or damaged beyond economical repair, less any salvage value; or

(2) The reasonable cost of repairs, when property is economically repairable, provided that the cost of repairs does not exceed the amount allowable under paragraph (a)(1) of this section.

(b) Depreciation in value is determined by considering the type of article involved, its cost, its condition when damaged or lost, and the time elapsed between the date of acquisition and the date of damage or loss.

(c) Replacement of lost or damaged property may be made in kind wherever appropriate.

(d) Notwithstanding any other provisions of law, settlement of claims under the Act are final and conclusive as to personal damage claims of Government employees.

§ 15.19 Attorneys Fees.

No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under this Subpart shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim.

Subpart C—Claims Arising Out of Operation of Job Corps Centers

§ 15.20 Scope and Purpose.

(a) The purpose of this Subpart is to set forth regulations relating to the claims for damage to persons or property arising out of the operation of Job Corps Centers under the Comprehensive Employment and Training Act of 1973 (CETA) which the Secretary of Labor finds to be a proper charge against the United States but which are not cognizable under the Federal Tort Claims Act.

(b) This Subpart further amplifies the regulatory provisions set forth in 29 CFR 97a.85 regarding such claims.

§ 15.21 Allowable Claims.

(a) A claim for damage to persons or property arising out of the tortious act or omission of a Job Corps enrollee may be considered under § 416(b) of CETA (29 U.S.C. 926(b)) if the enrollee involved was not within the geographical limits of his hometown when the incident giving rise to the claim occurred, and such incident occurred on the center to which the enrollee involved was assigned, or within 100 miles of it, or while he was on authorized travel to or from the center.

(b) A claim for damage to person or property hereunder may not be cognizable under the Federal Tort Claims Act (28 U.S.C. 2677).

(c) A claim for damage to person or property may be adjusted and settled hereunder in an amount not exceeding $500.

§ 15.22 Claims Procedures.

The Regional Solicitors and those Associate Regional Solicitors who are listed in § 15.4(b) above are authorized to consider, ascertain, adjust, determine, compromise and settle claims filed under this Act in accordance with the limitations set forth in § 15.6(b) above. Unless otherwise provided, the general procedural rules for the processing and settling of administrative claims under the Federal Tort Claims Act, as set forth in Subpart A above, shall be followed.

Signed at Washington, D.C., this 22nd day of December, 1976.

WILLIAM J. KILBERG,
Solicitor of Labor.

[FR Doc.77-6 Filed 1-3-77;8:45 am]

PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Emergency Jobs Programs Extension Act; Implementing Regulations; Correction

In FEDERAL REGISTER Document No. 76-36383, published on December 10, 1976 at 41 FR 54065-54078, the following correction is made:

On p. 54073, everything starting at § 99.35, *Linkages with other employment and training programs; training and supportive services* up until and including the fifth line of § 99.38 which reads "designated. A program agent therefore," is transferred from p. 54073. The transferred language is inserted on p. 54075, in the first column, between the 25th and 26th lines of the column, that is, immediately after the paragraph which reads:

(j) RAs and prime sponsors shall carefully review all programs to insure compliance with all maintenance of effort requirements.

Signed at Washington, D.C., this 22nd day of December, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.77-5 Filed 1-3-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 256—AIR INSTALLATIONS COMPATIBLE USE ZONES

Under authority of the National Security Act of 1947 as amended, 61 Stat. 495 and pursuant to 5 U.S.C. 552 a notice of proposed rule making on Department of Defense policy on Air Installations Compatible Use Zones was published at 41 FR 36030 August 26, 1976. Public comment was invited during the period ending September 30, 1976.

Two commentors questioned the use of Ldn 65, 70, 75 and 80 contours, one suggesting the addition of Ldn 60. The Ldn 65 and 75 contours were selected for plotting as they will most nearly approximate the previously used CNR Zone 2 and 3

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contours. The Ldn 70 and 80 contours have been added since data to permit their plotting is usually obtainable with little additional effort when data to plot Ldn 65 and 75 is being obtained and since knowledge of the location of these contours should provide information of value to the planner. No Department of Defense studies have indicated that the Ldn 65 contour significantly affect areas surrounding air installations. Thus to plot lower contours could have the adverse affect of possibly indicating a problem where none exists.

Another comment received suggested the immediate adoption of "C" weighted noise levels for the description of intermittent impulse noises. The notice of proposed rule making has stated that use of "C" weighting was being considered and, since it appears that "C" weighting most closely approximates the response of the human ear to such noises, it is adopted in § 256.10(h).

Several comments regarding the extent of local involvement in the preparation of Air Installations Compatible Use Zone studies were received. Among these were:

(a) That federal acquisition of real estate interests be subject to local authorization and public hearings

(b) That no real estate interests be acquired until local officials have exhausted all possibilities of compatible use zoning.

(c) That funding of local, regional and state planning agencies be provided.

(d) That all parts of Air Installations Compatible Use Zone plans be made public.

Acquisition of real estate interests by the Department of Defense must be authorized by the Congress in all except minor acquisitions. The requirements of OMB Circular A–95, the National Environmental Policy Act, and the Air Installations Compatible Use Zone policy all are intended to assure (1) maximum feasible participation by local authorities (2) that complete information is available to such activities and (3) that their opinions and comments are fully considered. However, authorization by local Governments as a prerequisite to Federal action is considered inappropriate since the authorizing function should properly remain with the Congress.

The requirement that all recourse to local government action be exhausted prior to acquisition outside the clear zone is intended to assure that local officials be given every opportunity to enact compatible zoning. Indeed this is the preferred means of achieving compatible use. The comment may have been occasioned by a misprint in the 5th and 6th line of proposed § 256.4(b)(2)(ii)(B) which referred to "compatible use control" when it should have read "compatible use zoning."

The Department of Defense has no funds authorized for the purpose of assisting local governments in AICUZ planning efforts. However, such funds may be available in programs administered by other departments.

It is intended that all parts of the Air Installations Compatible Use Zone plans be made public. Indeed as stated above, except in very minor instances, the Department of Defense cannot acquire interest in land without the authorization of Congress, preparation of environmental impact analyses, and the coordination process of OMB Circular A–95.

It was also suggested that more emphasis be given to the reduction of unnecessary flying activities. It is the position of the Department of Defense that only necessary flying is taking place or is anticipated. The Air Installations Compatible Use Zone policy is designed to assure that necessary flying activities can continue.

A commenter suggested that "Reasonable planning areas and land use guidelines" § 256.4(b)(iii) was imprecise in that "reasonable" planning areas could be construed to include entire takeoff and descent areas. The comment is correct. The intent was that "reasonable" modify "Guidelines" not "planning areas" and the rule has been changed to reflect this.

A very interesting comment suggested that Environmental Impact Statements and Economic Studies be performed to determine the impact of an Air Installations Compatible Use Zone study, presumably prior to releasing the study. The suggestion is that the very existence of an Air Installations Compatible Use Zone study can have an economic and environmental impact on an area. It is as much to alleviate this exact problem as for any other reason that the Air Installations Compatible Use Zone policy requires close cooperation with local officials throughout its development. This will assure that any economic effects are minimized or optimized. Compatible zoning, for instance, can often increase the value of land when commercial or residential uses are found to be desirable. With respect to the Environmental Impact Statement process, a statement was filed prior to adoption of the original Air Installations Compatible Use Zone policy and it is the opinion of the Department of Defense that the overall effect of the program, as well as the effect of individual studies will be such as to enhance the quality of the environment. This, too, was the opinion of most commenters responding to the draft Environmental Impact Statement. Therefore, while it is considered correct to prepare environmental impact analysis and economic assessments on actions taken as a result of an Air Installations Compatible Use study, the requirement for their preparation prior to making the study would be inappropriate and in many ways redundant to the study itself.

One commenter suggested that actual noise surveys should be mandatory, not done only "if necessary". The reason that noise surveys are not a mandatory requirement of this policy is that computer programs have been developed that provide good accuracy and which must often be relied upon as in a case where it is planned to assign an aircraft to an area in the future but where noise surveys cannot be made because the aircraft is not yet assigned. Prudence would require that such predictions be checked when feasible and it is intended that such checking be accomplished.

In addition to the above changes, some minor typographical and spelling errors have been corrected and a reference to the Assistant Secretary of Defense for Installations and Logistics in § 256.5(h) has been corrected to read the "Deputy Assistant Secretary of Defense for Installations and Housing".

In consideration of the foregoing the following Part 256 of Title 32 of the Code of Federal Regulations is hereby adopted.

Part 256 now reads as follows:

Sec.
256.1 Purpose.
256.2 Applicability.
256.3 Criteria.
256.4 Policy.
256.5 The Air Installation Compatible Use Program.
256.6 Runway Classification by Aircraft Type.
256.7 Accident Potential Zone Guidelines.
256.8 Land Use Compatibility Guidelines for Accident Potential Zones and Footnotes.
256.9 Real Estate Interests to be Considered for Clear Zones and Accident Potential Zone.
256.10 Air Installations Compatible Use Zone Noise Descriptors.
256.11 Effective Date and Implementation.

AUTHORITY: The provisions of Part 256 issued under the National Security Act of 1947, as amended, 61 Stat. 495.

§ 256.1 Purpose.

This Part: (a) sets forth Department of Defense policy on achieving compatible use of public and private lands in the vicinity of military airfields; (b) defines (1) required restrictions on the uses and heights of natural and man-made objects in the vicinity of air installations to provide for safety of flight and to assure that people and facilities are not concentrated in areas susceptible to aircraft accidents; and (2) desirable restrictions on land use to assure its compatibility with the characteristics, including noise, of air installations operations; (c) describes the procedures by which Air Installations Compatible Use Zones (AICUZ) may be defined; and (d) provides policy on the extent of Government interest in real property within these zones which may be retained or acquired to protect the operational capability of active military airfields (subject in each case to the availability of required authorizations and appropriations).

§ 256.2 Applicability.

This Part applies to air installations of the Military Departments located within the United States, its territories, trusts, and possessions.

§ 256.3 Criteria.

(a) *General.* The Air Installations Compatible Use Zone for each military air installation shall consist of (1) land areas upon which certain uses may obstruct the airspace or otherwise be hazardous to aircraft operations, and (2) land areas which are exposed to the

health, safety or welfare hazards of aircraft operations.

(b) *Height of Obstructions.* The land area and height standards defined in AFM 86–8,[2] NavFac P–272 and P–80,[2] and TM 5–803–4 [2] will be used for purposes of height restriction criteria.

(c) *Accident Potential.* (1) *General.* (i) Areas immediately beyond the ends of runways and along primary flight paths are subject to more aircraft accidents than other areas. For this reason, these areas should remain undeveloped, or if developed should be only sparsely developed in order to limit, as much as possible, the adverse effects of a possible aircraft accident.

(ii) DoD fixed wing runways are separated into two types for the purpose of defining accident potential areas. Class A runways are those restricted to light aircraft (See § 256.6) and which do not have the potential for development for heavy or high performance aircraft use or for which no foreseeable requirement for such use exists. Typically these runways have less than 10% of their operations involving Class B aircraft (§ 256.6) and are less than 8000 feet long. Class B runways are all other fixed wing runways.

(iii) The following descriptions of Accident Potential Zones are guidelines only. Their strict application would result in increasing the safety of the general public but would not provide complete protection against the effects of aircraft accidents. Such a degree of protection is probably impossible to achieve. Local situations may differ significantly from the assumptions and data upon which these guidelines are based and require individual study. Where it is desirable to restrict the density of development of an area, it is not usually possible to state that one density is safe and another is not. Safety is a relative term and the objective should be the realization of the greatest degree of safety that can be reasonably attained.

(2) *Accident potential and clear zones (See § 256.7).* (i) The area immediately beyond the end of a runway is the "Clear Zone", an area which possesses a high potential for accidents, and has traditionally been acquired by the Government in fee and kept clear of obstructions to flight.

(ii) Accident Potential Zone I (APZ I) is the area beyond the clear zone which possesses a significant potential for accidents.

(iii) Accident Potential Zone II (APZ II) is an area beyond APZ I having a measurable potential for accidents.

(iv) Modifications to APZs I and II will be considered if:

(A) The runway is infrequently used.

(B) The prevailing wind conditions are such that a large percentage (i.e., over 80 percent) of the operations are in one direction.

(C) Most aircraft do not overfly the APZs as defined herein during normal flight operations (modifications may be made to alter these zones and adjust them to conform to the line of flight).

(D) Local accident history indicates consideration of different areas.

(E) Other unusual conditions exist.

(v) The takeoff safety zone for VFR rotary-wing facilities will be used for the clear zone; the remainder of the approach-departure zone will be used as APZ I.

(vi) Land use compatibility with clear zones and APZs is shown in § 256.8.

(d) *Noise.* (1) *General.* Noise exposure is described in various ways. In 1964, the Department of Defense began using the Composite Noise Rating (CNR) system to describe aircraft noise. Several years ago the Noise Exposure Forecast (NEF) system began to replace CNR. In August 1974, the Environmental Protection Agency notified all Federal agencies of intent to implement the Day-Night Average Sound Level (Ldn) noise descriptor, and this was subsequently adopted by the DoD. This Ldn system will be used for air installations. Where AICUZ studies have been published using the CNR of NEF systems or where studies have progressed to the point that a change in the descriptor system is impractical or uneconomical, such studies may be published and continued in use. However, in such cases, data necessary for conversion to Ldn should be collected and studies should be revised as soon as time and budgetary considerations permit. However, if State or local laws require some other noise descriptor, it may be used in lieu of Ldn.

(2) *Noise Zones.* (i) As a minimum, contours for Ldn 65, 70, 75 and 80 shall be plotted on maps as part of AICUZ studies.

(ii) See § 256.10 for a further discussion of Ldn use and conversion to Ldn from previously used systems.

§ 256.4 Policy.

(a) *General.* As a first priority step, all reasonable, economical, and practical measures will be taken to reduce and/or control the generation of noise from flying and flying related activities. Typical measures normally include siting of engine test and runup facilities in remote areas if practical, provision of sound suppression equipment where necessary, and may include additional measures such as adjustment of traffic patterns to avoid built-up areas where such can be accomplished with safety and without significant impairment of operational effectiveness. After all reasonable noise source control measures have been taken, there will usually remain significant land areas wherein the total noise exposure is such as to be incompatible with certain uses.

(b) *Compatible Use Land.* (1) *General.* (i) DoD policy is to work toward achieving compatibility between air installations and neighboring civilian communities by means of a compatible land use planning and control process conducted by the local community.

(ii) Land use compatibility guidelines will be specified for each Clear Zone, Accident Potential Zone, Noise Zone and combination of these as appropriate.

(iii) The method of control and regulation of land usage within each zone will vary according to local conditions. In all instances the primary objective will be to identify planning areas and reasonable land use guidelines which will be recommended to appropriate agencies who are in control of the planning functions for the affected areas.

(2) *Property Rights Acquisition.* (i) *General.* While noise generated by aircraft at military air installations should be an integral element of land use compatibility efforts, the acquisition of property rights on the basis of noise by the Department of Defense may not be in the long term best interests of the United States. Therefore, while the complete requirement for individual installations should be defined prior to any programming actions, acquisition of interests should be programmed in accordance with the following priorities.

(ii) *Priorities.* (*A*) The first priority is the acquisition in fee and/or appropriate restrictive easements of lands within the clear zones whenever practicable.

(*B*) Outside the clear zone, program for the acquisition of interest, first in Accident Potential Zones and secondly in high noise areas only when all possibilities of achieving compatible use zoning, or similar protection, have been exhausted and the operational integrity of the air installation is manifestly threatened. If programming actions are considered necessary, complete records of all discussions, negotiations, testimony, etc., with or before all local officials, boards, etc., must be maintained. This will ensure that documentation is available to indicate that all reasonable and prudent efforts were made to preclude incompatible land use through cooperation with local governmental officials and that all recourse to such action has been exhausted. Such records shall accompany programming actions and/or apportionment requests for items programmed prior to the date of this Part. In addition, a complete economic analysis and assessment of the future of the installation must be included.

(*1*) Costs of establishing and maintaining compatible use zones must be weighed against other available options, such as changing the installation's mission and relocating the flying activities, closing the installation, or such other courses of action as may be available. In performing analyses of this type, exceptional care must be exercised to assure that a decision to change or relocate a mission is fully justified and that all aspects of the situation have been thoroughly considered.

(*2*) When, as a result of such analysis, it is determined that relocation or abandonment of a mission will be required, then no new construction shall be undertaken in support of such activities except as is absolutely necessary to maintain safety and operational readiness pending accomplishment of the changes required.

(iii) *Guidelines.* This Part shall not be used as sole justification for either

[2] Filed as part of original. Copies available in the Office of the Assistant Secretary of Defense (Installations and Logistics)—ID, Washington, D.C. 20301.

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the acquisition or the retention of owned interests beyond the minimum required to protect the Government.

(A) Necessary rights to land within the defined compatible use area may be obtained by purchase, exchange, or donation, in accordance with all applicable laws and regulations.

(B) If fee title is currently held or subsequently acquired in an area where compatible uses could be developed and no requirement for a fee interest in the land exists except to prevent incompatible use, disposal actions shall normally be instituted. Only those rights and interests necessary to establish and maintain compatible uses shall be retained. Where proceeds from disposal would be inconsequential, consideration may be given to retaining title.

(C) If the cost of acquiring a required interest approaches closely the cost of fee title, consideration shall be given to whether acquisition of fee title would be to the advantage of the Government.

(c) *Rights and interests which may be obtained.* When it is determined to be necessary for the Federal Government to acquire interests in land, a careful assessment of the type of interest to be acquired is mandatory. § 256.9 contains a listing of possible interests which should be examined for applicability.

(d) *Environmental impact statements.* (1) Any actions taken with respect to safety of flight, accident hazard, or noise which involve acquisition of interests in land must be examined to determine the necessity of preparing an environmental impact statement in accordance with DoD Directive 6050.1, "Environmental Considerations in DoD Actions," March 19, 1974 (32 CFR 214).

(2) All such environmental impact statements must be forwarded to appropriate Federal and local agencies for review in accordance with DoD Directive 6050.1 (32 CFR 214).

(3) Coordination with local agencies will be in accordance with OMB Circular A–95.

§ 256.5 The air installation compatible use program.

(a) The Secretaries of the Military Departments will develop, implement and maintain a program to investigate and study all air installations in necessary order of priority to develop an Air Installation Compatible Use Zone (AICUZ) program for each air installation consistent with § 256.4. AICUZ studies which contain an analysis of land use compatibility problems and potential solutions shall be developed and updated as necessary. As a minimum, each Study shall include the following:

(1) Determination by detailed study of flight operations, actual noise and safety surveys if necessary, and best available projections of future flying activities, desirable restrictions on land use due to noise characteristics and safety of flight;

(2) Identification of present incompatible land uses;

(3) Identification of land that if inappropriately developed would be incompatible;

(4) Indication of types of desirable development for various land tracts;

(5) Land value estimates for the zones in question.

(6) Review of the airfield master plans to ensure that existing and future facilities siting is consistent with the policies in this Part.

(7) Full consideration of joint use of air installations by activities of separate Military Departments whenever such use will result in maintaining operational capabilities while reducing noise, real estate and construction requirements.

(8) Recommendations for work with local zoning boards, necessary minimum programs of acquisition, relocations, or such other actions as are indicated by the results of the Study.

(b) *Procedures.* In developing AICUZ Studies the Secretaries of Military Departments shall:

(1) Follow the review and comment procedures established under OMB Circular A–95;

(2) Ensure that appropriate environmental factors are considered; and

(3) Ensure that other local, State or Federal agencies engaged in land use planning or land regulation for a particular area have an opportunity to review and comment upon any proposed plan or significant modification thereof.

(c) *Coordination with State and Local Governments.* Secretaries of the Military Departments shall develop procedures for coordinating AICUZ Studies with the land use planning and regulatory agencies in the area. Developing compatible land use plans may require working with local governments, local planning commissions, special purpose districts, regional planning agencies, state agencies, state legislatures, as well as the other Federal agencies. Technical assistance to local, regional, and state agencies to assist them in developing their land use planning and regulatory processes, to explain an AICUZ Study and its implications, and generally to work toward compatible planning and development in the vicinity of military airfields, should be provided.

(d) *Property rights acquisition.* The AICUZ Study shall serve as the basis for new land acquisitions, property disposal, and other proposed changes in Military Departments real property holdings in the vicinity of military airfields where applicable.

(e) *Required approvals.* Based on the results of the AICUZ Studies, each Military Department will prepare recommendations for individual installations AICUZ programs for approval as follows:

(1) The Secretaries of the Military Departments or their designated representatives will review and approve the AICUZ Studies establishing the individual air installation AICUZ program.

(2) When relocation or abandonment of a mission or an installation is apparently required, the Secretaries of the Military Departments will submit the proposed plan for the installation, with appropriate recommendations, to the Secretary of Defense for approval.

(3) A time-phased fiscal year plan for implementation of the AICUZ program in priority order, consistent with budgetary considerations, will be developed for approval by the Secretary of the Military Departments, or their designated representatives. These plans will serve as the basis for all AICUZ actions at the individual installations.

(f) *Coincident actions.* The Secretaries of the Military Departments will also take action to assure in accordance with § 256.4 (a) and (b) that:

(1) As the first priority action in developing an AICUZ program, full attention is given to safety and noise problems.

(2) In all planning, acquisition and siting of noise generating items, such as engine test stands, full advantage is taken of available alleviating measures, such as remote sites or sound suppression equipment.

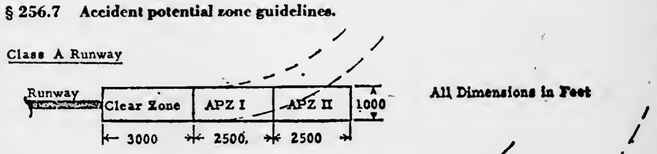
(3) The noise exposure of on-installation facilities and personnel are considered together with that off the installation.

(4) There is development or continuation with renewed emphasis, of programs to inform local governments, citizens groups, and the general public of the requirements of flying activities, the reasons therefore, the efforts which may have been made or may be taken to reduce noise exposure, and similar matters which will promote and develop a public awareness of the complexities of air installation operations, the problems associated therewith, and the willingness of the Department of Defense to take all measures possible to alleviate undesirable external effects.

(g) Responsibilities for the acquisition, management and disposal of real property are defined in DOD Directive 4165.6, "Real Property; Acquisition, Management and Disposal," September 15, 1955 (20 FR 7113).

(h) The Deputy Assistant Secretary of Defense (Installations and Housing) will examine the program developed pursuant to this Part, and from time to time review the progress thereunder to assure conformance with policy.

§ 256.7 Accident potential zone guidelines.



Width of clear zone may be based on individual service analysis of highest accident potential area for specific runway use and varied based on acquisition constraints. 3000 foot wide clear zone is desirable for new construction.

§ 256.8 Land use compatibility guidelines for accident potential.

Zones and footnotes—land use category

	Compatibility [1]		
	Clear zone	APZ I	APZ II
Residential:			
Single family	No	No	Yes.[2]
2 to 4 family	No	No	No.
Multifamily dwellings	No	No	No.
Group quarters	No	No	No.
Residential hotels	No	No	No.
Mobile home parks or courts.	No	No	No.
Other residential	No	No	No.
Industrial manufacturing: [3]			
Food and kindred products	No	No	Yes.
Textile mill products	No	No	Yes.
Apparel	No	No	No.
Lumber and wood products	No	Yes	Yes.
Furniture and fixtures	No	Yes	Yes.
Paper and allied products	No	Yes	Yes.
Printing, publishing	No	Yes	Yes.
Chemicals and allied products.	No	No	No.
Petroleum refining and related industries.	No	No	No.
Rubber and miscellaneous plastic goods.	No	No	No.
Stone, clay, and glass products.	No	Yes	Yes.
Primary metal industries	No	Yes	Yes.
Fabricated metal products	No	Yes	Yes.
Professional, scientific and controlling instruments.	No	No	No.
Miscellaneous manufacturing.	No	Yes	Yes.
Transportation, communications and utilities: [4]			
Railroad, rapid rail transit (ongrade).	Yes	Yes [4]	Yes.
Highway and street ROW	Yes	Yes	Yes.
Auto parking	No	Yes	Yes.
Communication	Yes	Yes	Yes.
Utilities	Yes	Yes [4]	Yes.
Other transportation, communications and utilities.	Yes	Yes	Yes.
Commercial/retail trade:			
Wholesale trade	No	Yes	Yes.
Building materials—retail	No	Yes	Yes.
General merchandise—retail.	No	No	Yes.
Food—retail	No	No	Yes.
Automotive, marine, aviation—retail.	No	Yes	Yes.
Apparel and accessories—retail.	No	No	Yes.
Furniture, homefurnishing—retail.	No	No	Yes.
Eating and drinking places	No	No	No.
Other retail trade	No	No	Yes.
Personal and business services: [5]			
Finance, insurance and real estate.	No	No	Yes.
Personal services	No	No	Yes.
Business services	No	No	Yes.
Repair services	No	Yes	Yes.
Professional services	No	No	Yes.
Contract construction services.	No	Yes	Yes.
Indoor recreation services	No	No	Yes.
Other services[g]	No	No	Yes.
Public and quasi-public services:			
Government service	No	No	Yes.[4]
Educational services	No	No	No.
Cultural activities	No	No	No.
Medical and other health services	No	No	No.
Cemeteries	No	Yes [6]	Yes.[6]
Nonprofit organization including churches.	No	No	No.
Other public and quasi-public services.	No	No	Yes.
Outdoor recreation:			
Playground's neighboring parks.	No	No	Yes.
Community and regional parks.	No	Yes [7]	Yes.[7]
Nature exhibits	No	Yes	Yes.
Spectator sports including arenas.	No	No	No.
Golf course,[8] riding stables [8]	No	Yes	Yes.
Water based recreational areas.	No	Yes	Yes.
Resort and group camps	No	No	No.
Entertainment assembly	No	No	No.
Other outdoor recreation	No	Yes [9]	Yes.
Resource production and extraction and open land:			
Agriculture [10]	Yes	Yes	Yes.
Livestock farming, animal breeding.[11]	No	Yes	Yes.
Forestry activities [12]	No [13]	Yes	Yes.
Fishing activities and related services.[14]	No [13]	Yes [14]	Yes.
Mining activites	No	Yes	Yes.
Permanent open space	Yes	Yes	Yes.
Water areas [14]	Yes	Yes	Yes.

See footnotes at end of article.

[1] A "Yes" or "No" designation for compatible land use is to be used only for gross comparison. Within each, uses exist where further definition may be needed as to whether it is clear or normally acceptable/unacceptable owing to variations in densities of people and structures.

[2] Suggested maximum density 1–2 DU/AC, possibly increased under a planned unit development where maximum lot covered less than 20 percent.

[3] Emphasis to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution.

[4] No passenger terminals and no major above ground transmission lines in APZ I.

[5] Low intensity office uses only. Meeting places, auditoriums, etc., not recommended.

[6] Excludes chapels.

[7] Facilities must be low intensity.

[8] Clubhouse not recommended.

[9] Concentrated rings with large classes not recommended.

[10] Includes livestock grazing but excludes feedlots and intensive animal husbandry.

[11] Includes feedlots and intensive animal husbandry.

[12] No structures (except airfield lighting), buildings or above ground utility/communication lines should be located in the clear zone. For further runway safety clearance limitations pertaining to the clear zone see AFM 86–6, TM 5–803–4 and NAVFAC P–80.3

[13] Lumber and timber products removed due to establishment, expansion or maintenance of clear zones will be disposed of in accordance with DOD Instruction 4170.7, "Natural Resources—Forest Management," June 21, 1965 (32 CFR 233) and DOD Instruction 7310.1, "Accounting and Reporting for Properly Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products," July 10, 1970.4

[14] Includes hunting and fishing.

[15] Controlled hunting and fishing may be permitted for the purpose of wildlife control.

§ 256.9 Real estate interests to be considered for clear zones and accident potential zone.

(a) The right to make low and frequent flights over said land and to generate noises associated with:

(1) aircraft in flight, whether or not while directly over said land,

(2) aircraft and aircraft engines operating on the ground at said base, and,

(3) aircraft engine test/stand cell operations at said base.

(b) The right to regulate or prohibit the release into the air of any substance which would impair the visibility or otherwise interfere with the operations of aircraft, such as, but not limited to, steam, dust and smoke.

(c) The right to regulate or prohibit light emissions, either direct or indirect (reflective), which might interfere with pilot vision.

(d) The right to prohibit electrical emissions which would interfere with aircraft and aircraft communications systems or aircraft navigational equipment.

(e) The right to prohibit any use of the land which would unnecessarily attract birds or waterfowl, such as, but not limited to, operation or sanitary landfills, maintenance of feeding stations or the growing of certain types of vegetation attractive to birds or waterfowl.

(f) The right to prohibit and remove any buildings or other non-frangible structures.

(g) The right to top, cut to ground level, and to remove trees, shrubs, brush or other forms of obstruction which the installation commander determines might interfere with the operation of aircraft, including emergency landings.

(h) The right of ingress and egress upon, over and across said land for the purpose of exercising the rights set forth herein.

(i) The right to post signs on said land indicating the nature and extent of the Government's control over said land.

(j) The right to prohibit land uses other than the following:

(1) Agriculture.

(2) Livestock grazing.

(3) Permanent open space.

(4) Existing water areas.

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(5) rights of way for fenced two lane highways, without sidewalks or bicycle trails and single track railroads.

(6) communications and utilities rights of way, provided all facilities are at or below grade.

(k) The right to prohibit entry of persons onto the land except in connection with activities authorized under (a), (b), (c) and (f) of this section.

(l) The right to disapprove land uses not in accordance with § 256.8.

(m) The right to control the height of structures to insure that they do not become a hazard to flight.

(n) The right to install airfield lighting and navigational aids.

§ 256.10 Air installations compatible use zone noise descriptors.

(a) Composite Noise Rating (CNR) and Noise Exposure Forecast (NEF) values as previously required by Sections III., IV., and V. of DoD Instruction 4165.57, "Air Installations Compatible Use Zones," July 30, 1973 [1] will no longer be used.

(b) Where CNR 100 (or the quietest boundary of CNR Zone 2 if otherwise computed) or NEF 30 would previously have been used, data shall be collected sufficient to permit computation of Ldn 65 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(c) Where CNR 115 (or the boundary of CNR Zone 3 if otherwise computed) or NEF 40 would previously have been used, data shall be collected sufficient to permit computation of Ldn 75 noise contours and these noise contours shall be plotted on maps accompanying AICUZ studies.

(d) Where previous studies have used CNR or NEF, for matters of policy, noise planning and decisionmaking, areas quieter than Ldn 65 shall be considered approximately equivalent to the previously used CNR Zone 1 and to areas quieter than NEF 30. The area between Ldn 65 and Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 2 and to the area between NEF 30 and NEF 40. The area of higher noise than Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 3 and to noise higher than NEF 40. The procedures shall remain in effect only until sufficient data to compute Ldn values can be obtained.

(e) When computing helicopter noise levels using data collected from meters, a correction of +7db shall be added to meter readings obtained under conditions where blade slap was present until and unless meters are developed which more accurately reflect true conditions.

(f) Noise contours less than Ldn 65 or more than Ldn 80 need not be plotted for AICUZ studies.

(g) Since CNR noise levels are not normally directly convertible to Ldn values without introducing significant error, care should be exercised to assure that personnel do not revise previous studies by erroneously relabeling CNR contours to the approximately equivalent Ldn values.

(h) Where intermittent impulse noises are such as are associated with bombing and gunnery ranges are of importance such noises will be measured using standard "C" weighting of the various frequencies to insure a description most representative of actual human response.

§ 256.11 Effective Date and Implementation.

This Part is effective immediately. Two copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within 90 days after publication of final rules.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 27, 1976.

[FR Doc.77-132 Filed 1-3-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2415]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

Records and Administrative Procedures; Grazing Fees

As directed by the "Federal Land Policy and Management Act of 1976" (90 Stat. 2743, 43 USC 1701), notice is hereby given that grazing fees for domestic livestock grazing on public lands administered by the Bureau of Land Management for the fee year starting March 1, 1977, will be held at the 1976 levels as published in the January 2, 1976 FEDERAL REGISTER (41 FR 13). Public lands subject to this notice include all lands administered by the Bureau except the McGregor Military Reservation in New Mexico and the Fort Mead Military Reservation in South Dakota where fees for grazing use are established through competitive bidding for the forage resource under the Material Sales Act.

The Federal Land Policy and Management Act amends Sec. 3 of the Taylor Grazing Act by deleting the two-part grazing fee consisting of a range use and a range-improvement fee. The Act also directs that 50 percent of the grazing fee receipts for grazing domestic livestock on the public lands (other than ceded Indian lands) administered under the Taylor Grazing Act be credited to a separate account in the United States Treasury for the range betterment program. Even though section 401(b)(1) of the Act provides that grazing receipts from the O & C lands are subject to the same percentage distribution as receipts from lands administered under the Taylor Grazing Act, section 701(b) of the 1976 Act negates that provision keeping the distribution of O & C land grazing receipts under the Act of August 28, 1937 (43 U.S.C. 1181(d)). Section 4115.2-1(k)(1)(i) and (iv) of 43 CFR is amended to reflect these provisions.

The postponement of a grazing fee increase for 1977 requires an adjustment in the annual increment schedule to attain fair market value of range forage at the beginning of the 1980 fee year. This rulemaking amends § 4115.2-1(k)(1)(ii) to provide for three equal annual increments beginning March 1, 1978, to attain that value on March 1, 1980. In the past, the fees have been adjusted to maintain comparability between public and private grazing charges. The adjustment establishes the rate of increase or decrease of the fees based on private land lease rates for similar types of rangeland.

The Federal Land Policy and Management Act of 1976 requires that the grazing fee for the grazing fee year beginning on March 1, 1977, be the same as that for the grazing fee year that began on March 1, 1976. Since the grazing fee for the grazing year 1977 has been set by statute, publication of proposed rulemaking and delay of effective date for 30 days are unnecessary. These actions are in accordance with the provisions of 5 U.S.C. 553(b)(1)(B) and 553(d)(2). Therefore, this rulemaking is published as a final rulemaking and shall become effective January 4, 1977.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

To carry out the action as described herein, 43 CFR 4115.2-1(k)(1) and 4125.1-1(m) are amended as follows:

1. Section 4115.2-1(k)(1) is amended by revising subparagraphs (i), (ii) and (iv) to read as follows:

§ 4115.2-1 License and permit procedures, requirements and conditions.

* * * * *

(k) *Fees, payments and refunds.*—(1) *Fees.*

(i) Fees will be charged for the grazing of all livestock on public lands at a rate per animal unit month, except that no fee will be charged for a free-use license. Fees for any fee year will be published as a notice in the FEDERAL REGISTER.

(ii) Fees will be established by the Secretary in equal annual increments effective with the fee year beginning March 1, 1978, to attain fair market value of range forage beginning March 1 of the 1980 fee year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by any study which may be conducted to update the fee based. Annual adjustments will also be made for any of the 1978-80 fee years and thereafter to reflect changes in the current market value as determined by an adequate index(es).

(iv) Fifty percent of the grazing fees collected for grazing domestic livestock on public lands (other than ceded Indian

lands) under the Taylor Grazing Act shall be deposited in a separate account in the United States Treasury for the range betterment program.

3. Section 4125.1-1(m)(1) is amended by adding paragraph (iii) to read as follows:

§ 4125.1-1 Leasing procedures; requirements and conditions.

* * * * *

(m) *Fees for grazing leases and crossing permits—(1) Lease rates.* * * *

(iii) Fifty percent of the grazing fees collected for grazing domestic livestock on public lands (other than ceded Indian lands) under the Taylor Grazing Act shall be deposited in a separate account in the United States Treasury for the range betterment program.

* * * * * *

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 29, 1976.

[FR Doc.76-38483 Filed 12-29-76;3:22 pm]

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

PART 2650—ALASKA NATIVE SELECTIONS

Waiver of Regulations

Statement of consideration. The eligibility of certain villages is now the subject of judicial review proceedings. Group applications respecting land selected by any such village will have relevance only in the event of a final determination adverse to its eligibility. In the meantime, consideration of group applications respecting such lands would be premature and would result in unnecessary expense both to the Native entities involved and to the government. Accordingly, it is desirable to extend the deadlines for filing specified in Subpart 2653 until the issue of village eligibility has become final.

It is therefore ordered, as authorized by the terms of 43 CFR 2650.0-8, That the time to file, amend, or supplement any application authorized or required by 43 CFR 2653 concerning eligibility or land selections by a group applicant seeking lands encompassed in the selections filed by a village whose eligibility for land benefits under the Alaska Native Claims Settlement Act is the subject of judicial proceedings pending on the date of this order, is extended to and including the thirtieth day following a final resolution of the eligibility of such village. No resolution shall be deemed final until the time for seeking review or reconsideration has expired.

Dated: December 29, 1976.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.76-38489 Filed 12-30-76;10:18 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Rescission of Correction Notice

The Correction Notice intended to make technical changes in the regulations of July 1, 1976 related reimbursement for skilled nursing and intermediate care facility services under Title XIX, Social Security Act (41 FR 53994, December 10, 1976) is hereby rescinded.

Dated: December 23, 1976.

BRYAN B. MITCHELL,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.77-215 Filed 1-3-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 272]

[Amdt. No. 102]

FOOD STAMP PROGRAM

Proposed Rulemaking

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, proposes to amend Part 272 of its regulations governing the operation of the Food Stamp Program, 7 CFR 272. The proposed amendment is for the purpose of allowing the Food and Nutrition Service (FNS) to immediately withdraw the authorization of a participating firm which FNS finds no longer helps to further the purposes of the program, subject to the right to request administrative review. The regulations currently call for FNS to require a firm to submit a new application for authorization whenever FNS has reason to believe that the firm no longer qualifies for authorization, and then make the determination on whether to deny reauthorization. The Department intends to delete the provision requiring a new application since that step in the process is unnecessary.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than February 3, 1977.

All comments, suggestions, or objections received by this date will be considered before the final regulations are issued. Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 am to 5:00 pm) at 500 12th Street, S.W., Washington, D.C., Room 650.

It is proposed to amend § 272.1 by deleting paragraph (g), relettering paragraph (h) as paragraph (g), and adding a new paragraph (h). The new paragraph (h) would read as follows:

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, MEAL SERVICES AND BANKS

§ 272.1 Approval of retail food stores, wholesale food concerns, and meal services.

• • • • • •

(h) FNS shall periodically review the nature and scope of participating firms' business. If FNS receives new or additional information about a firm involving any of the criteria set forth in paragraphs (b), (c), and (d) of this section, FNS shall make a determination as to whether the firm's continued participation serves to further the purposes of the program. FNS shall withdraw approval to participate if a determination is made that the firm does not qualify for continued participation. Any withdrawal of authorization shall be subject to administrative review under the provisions of § 272.8.

• • • • • •

(78 Stat. 703, as amended, 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: December 23, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77-103 Filed 1-3-77;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

1977 RICE CROP SET-ASIDE DETERMINATION PROGRAM

Section 101 (g) (5) (A) of the Agricultural Act of 1949, as amended, provides that the Secretary may require a set-aside of cropland for a crop of rice if he estimates (without taking into consideration the effect of a set-aside), that the carryover of rice for the marketing year beginning in the calendar year immediately following the calendar year in which such crop will be grown will exceed 15 per centum of the total supply of rice for the marketing year beginning in the calendar year in which such crop will be grown.

A notice that the Secretary was preparing to make a preliminary determination was published in the FEDERAL REGISTER November 26, 1976 (41 FR 52060, 52061) in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

Fifty-one responses were received. Seventeen favored a return to the old program of acreage allotments and marketing quotas, 3 requested no government programs, and, of those commenting with regard to setaside, 18 were in favor of no set-aside while 13 were in favor of set-aside. After consideration of all responses along with other information available to the Department, the Secretary has preliminarily determined that a set-aside of cropland shall not be in effect for the 1977 crop of rice.

Under a market oriented approach to farm programs without fear of loss of allotment farmers are totally free to plant other crops in greater market demand than rice. The acreage available for the production of rice is three to four times the allotment. Therefore, it is believed a required set-aside program would be ineffective and also interfere with a market oriented program.

Notice is hereby given that the Secretary has preliminarily determined that a set-aside of cropland shall not be in effect for the 1977 crop of rice. As prescribed by the Act, a final determination will be made not later than April 1, 1977.

Effective Date: This preliminary determination is effective December 29, 1976. Date of filing with the Director, Office of the Federal Register.

The Secretary has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Sec. 101, 63 Sta 1051, as amended (U.S.C. 1441)).

Signed at Washington, D.C. on December 28, 1976.

RICHARD E. BELL,
Acting Secretary.

[FR Doc.76-38477 Filed 12-29-76;9:32 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R-0072]

TRUTH IN LENDING

Discounts for Payment in Cash

Pursuant to the authority contained in the Truth in Lending Act (15 USC 1604), the Board of Governors proposes to amend Part 226 (Regulation Z) to implement changes and clarifications made by Public Law 94–222 which was signed into law on February 27, 1976. One of the purposes of the law was to clarify the fact that section 167 of the Truth in Lending Act (15 USC 1666f) was intended by Congress to exempt discounts of up to five per cent for payment in cash instead of by credit card from disclosure as finance charges but was not intended to provide a similar exemption from disclosure for surcharges of up to five per cent on the use of credit cards. Public Law 94–222 not only provided that surcharges do not qualify for the section 167 exemption from disclosure but also prohibited the imposition of surcharges on the use of credit cards for three years. The clarifying statutory amendments also provided that any discount qualifying under section 167 shall not be considered a charge for credit under State usury, disclosure, and other credit laws.

The proposed amendments to Regulation Z to implement the discount-surcharge provisions of Public Law 94–222 add three new definitions to § 226.2, amend paragraphs (1) (iii) and (4) of § 226.4(i) and add a new paragraph (5) to § 226.4(i). The definitions added are those of "discount," "surcharge," and "regular price." When read in conjunction with these definitions, § 226.4(i) provides that only discounts and not surcharges qualify for the exemption contained in section 167.

The definition of "discount" read together with that of "regular price" is intended to clarify that the price differential resulting from a pricing system in which the merchant tags or posts both a credit card price and a cash price is a discount and qualifies for nondisclosure under section 167. Under these definitions, the following examples of pricing situations would involve "discounts" that would not have to be disclosed if offered in accordance with the requirements of § 226.4(i):

1. Merchant posts or tags goods with a single price which is charged for credit purchases and offers up to a 5 percent discount off this price to cash purchasers.

2. Merchant posts or tags goods with both a credit price and a cash price which is up to 5 percent lower than the credit price.

3. Merchant does not tag or post prices, but offers cash purchasers a price which is up to 5 percent lower than that offered to credit purchasers.

Any pricing system in which the only price tagged or posted is a cash price which is not available to someone purchasing with a credit card would involve a "surcharge" and would, therefore, be illegal until February 27, 1979.

The proposed amendment to paragraph (1) (iii) of § 226.4(i) would prevent consumers from being misled by a low advertised price when there is an additional charge for credit card purchases. Advertisements promoting goods or services for which a discount for cash is offered would not have to state any price, but if the lower cash price were disclosed, the credit price would also have to be disclosed.

The proposed revision of paragraph (4) of § 226.4(i) makes it clear that it is against the law for merchants to impose surcharges on the use of credit cards until February 27, 1979, even if the amount of the surcharge is disclosed as a finance charge.

The proposed paragraph (5) of § 226.4 (i) implements the provision of Public Law 94–222 which states that a discount for payment in cash instead of by credit card which qualifies for the exemption under section 167 shall not be considered a charge for credit for purposes of State laws on usary, credit cost disclosure, and permissible credit charges. This provision was necessary because the fact that such discounts are not considered finance charges for purposes of Truth in Lending has no effect on their treatment under State law. This provision assures that the offering of a discount for cash in accordance with § 226.4(i) will not inadvertently place the merchant or the card issuer in violation of State law.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

Interested persons are invited to submit relevant data, views, or arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to any Federal Reserve Bank for transmittal to the Board, to be received at the Board not later than February 4, 1977. Such material will be made available for inspection and copying upon request, except as provided in 12 CFR 261.6(a) of the Board's rules regarding availability of information. Pursuant to the authority granted in 15 U.S.C. 1604, the Board proposes to amend Regulation Z 12 CFR Part 226 as follows:

1. To implement section 3(a) of Public Law 94–222, § 226.2 is amended by adding new paragraphs (tt), (uu) and (vv) as set forth below:

§ 226.2 Definitions and rules of construction.

• • • • • •

(tt) The term "regular price" means the tag or posted price charged for property or a service if a single price is tagged or posted. If two prices for the property or service are tagged or posted, one price which is charged for cash purchases and one which is charged for credit card purchases, or if no price for the property or service is tagged or posted, the "regular price" is the price charged for credit card purchases of the property or service.

(uu) The term "discount," as used in § 226.4(i), means a reduction made from the "regular price," as defined in § 226.2 (tt).

(vv) The term "surcharge," as used in § 226.4(i), means an additional charge added to the "regular price," as defined in § 226.2(tt), to arrive at the selling price of property or services for credit card purchases.

§ 226.4 [Amended]

2. To implement sections 3(a) and 3(c) of Pub. L. 94–222, § 226.4(i) is amended as follows:

(a) paragraph (1) (iii) is amended by adding at the end thereof a new sentence as follows:

• • • If a price other than the regular price, as defined in § 226.2(tt), is disclosed in an advertisement, telephone contact, or other corespondence promoting goods or services for which a discount for cash is offered, the regular price shall also be disclosed.

(b) paragraph (4) is revised as follows:

(4) No creditor in any sales transaction may impose a surcharge on a cardholder who elects to use a credit card in lieu of payment by cash, check, or similar means. This paragraph shall cease to be effective on February 27, 1979.

(c) new paragraph (5) is added as follows:

(5) Notwithstanding any other provisions of this Part, any discount for cash which, pursuant to paragraph (1), is not a finance charge for purposes of this Part shall not be considered a finance charge or other charge for credit under the laws of any State relating to:

(i) usury; or

(ii) disclosure of information in connection with credit extensions; or

(iii) the types, amounts, or rates of charges, or the element or elements of charges permissible in connection with the extension or use of credit.

By order of the Board of Governors, December 27, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-187 Filed 1-3-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-13106; File No. S7-669]

RECORDKEEPING AND PRESERVATION REQUIREMENTS

Proposed Amendments

The Securities and Exchange Commission today announced proposed amendments of § 240.17a-3 and § 240.17a-4 in order to establish suitable recordkeeping requirements for municipal securities brokers and municipal securities dealers while eliminating the need to comply with more than one set of recordkeeping rules.

After discussions with the Municipal Securities Rulemaking Board and upon review of amendments to the Board's proposed Rules G-8 through G-10 on recordkeeping filed with the Commission on December 23, 1976,[1] the Commission

[1] On November 12, 1976 the Commission and the Board met to discuss several issues with respect to recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The conclusions reached at this meeting were published in a Commission press release which stated that:

"As a result of discussions, the Commission and the Municipal Securities Rulemaking Board today reached an understanding respecting the recordkeeping requirements of municipal securities brokers and municipal securities dealers which will eliminate the need to comply with more than one set of recordkeeping rules. Subject to public comment, securities firms will have the option of complying either with the Board's or the Commission's recordkeeping rules and banks will be subject to the Board's rules.

"Accordingly, the Commission announced today that it will cancel the hearings scheduled for November 22, 1976, regarding the rules submitted by the Municipal Securities Rulemaking Board relevant to recordkeeping.

"Both the Commission and the Municipal Securities Rulemaking Board will promptly issue revisions to their respective rules to reflect this understanding. It is anticipated that the application of the Commission's and the

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Board's recordkeeping rules, as modified, will be monitored during a one-year period."

has determined that it may be appropriate to effect certain changes in §§ 240.17a–3 and 240.17a–4, and accordingly, these sections are proposed to be amended as set forth below.

PROPOSED AMENDMENT OF §§ 240.17a–3 AND 240.17a–4

For those brokers and dealers which effect transactions solely in municipal securities or solely in municipal securities and securities which are defined as "exempted securities" under section 3(a)(12) of the Securities Exchange Act of 1934 as amended, compliance with the Board's proposed rules will be deemed to be compliance in full with §§ 240.17a–3 and 240.17a–4. The Commission notes that, with respect to certain financial records of such firms, proposed Rule G–8 of the Board incorporates by reference financial records required by § 240.17a–3.

For brokers and dealers engaged in a general securities business, compliance with Board Rules G–8 and G–9 will be deemed to be compliance with §§ 240.17a–3 and 240.17a–4, only to the extent of such firm's municipal securities' business. Alternatively, such brokers and dealers would have the option under the Board's rules of fulfilling the requirements of Rules G–8 and G–9 through compliance with §§ 240.17a–3 and 240.17a–4.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. Text of Proposed Amended § 240.17a–3.

§ 240.17a–3 Records to be made by certain exchange members, brokers and dealers.

* * * * *

(e) For purposes of transactions in municipal securities by municipal securities brokers and municipal securities dealers, compliance with Rule G–8 of the Municipal Securities Rulemaking Board will be deemed to be compliance with this section.

2. Text of Proposed Amended § 240.17a–4.

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(h) For purposes of transactions in municipal securities by municipal securities brokers and municipal securities dealers, compliance with Rule G–9 of the Municipal Securities Rulemaking Board will be deemed to be compliance with this section.

WITHDRAWAL OF PREVIOUSLY PROPOSED AMENDMENTS TO §§ 240.17a–3, 240.17a–4 AND 240.17a–11

In Securities Exchange Act Release No. 12931 (October 27, 1976) (41 FR 48379, November 3, 1976; "Release No. 12931"), the Commission proposed amendments to §§ 240.17a–3, 240.17a–4 and 240.17a–11 which would render these standards applicable to municipal securities dealers which are banks or separately identifiable departments or divisions of banks. The Commission also proposed certain amendments which were deemed to be necessary as a result of the unique nature of the municipal securities industry. The Commission has reviewed the amendments filed by the Board and on the basis of its review would deem the rules as amended to be acceptable for the purposes outlined above in satisfaction of the requirements of §§ 240.17a–3 and 240.17a–4, and, accordingly, the amendments to §§ 240.17a–3, 240.17a–4 and 240.17a–11 which were published for comment in Release No. 12931 are withdrawn.

ADEQUACY OF CERTAIN LEDGERS AND STOCK RECORDS

The Commission wishes to affirm the position taken in Release No. 12931 on certain issues. As to the manner of records which would constitute adequate ledgers and stock records in compliance with paragraphs (a)(3) and (a)(5) of § 240.17a–3, the Commission noted that it previously had not objected to the use of a "unit" accounting system by a dealer effecting transactions solely on a payment vs. delivery basis who neither holds customer funds nor carries margin accounts.[3] With respect to stock records, the Commission noted that the form and content of the records were not specifically prescribed, and that in certain instances the use of supplementary records as well as the basic record would be permissible. The Commission also stated that a separate record would not necessarily be required for each maturity within an issue of a municipal security, provided that the record which is maintained for each issue contains adequate information to indicate the positions and locations of the specific maturities contained therein.[4]

ANNOUNCEMENT OF MONITORING PROGRAM

In order to ensure the application of an appropriate and effective recordkeeping structure for all municipal securities brokers and municipal securities dealers, the Commission and the Board will initiate a one year surveillance program to monitor and evaluate the suitability of compliance with proposed amended §§ 240.17a–3 and 240.17a–4 as well as proposed Board Rules G–8 and G–9.

Neither the Commission nor the Board will require brokers and dealers to file a formal written notice of their decision to comply with either the Board's or the Commission's recordkeeping rules. However, satisfactory compliance with either set of rules as hereinbefore described will be subject to review by the Commission, the Board, and self-regulatory organizations charged with enforcement of Commission and Board rules. Written notice may be required at a future point in time.

STATUTORY BASIS

Proposed amended §§ 240.17a–3 and 240.17a–4 would be adopted pursuant to section 17(a)(1) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 [15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94–29 (June 4, 1975)].

REQUEST FOR COMMENTS

The Commission is proposing to amend §§ 240.17a–3 and 240.17a–4 in coordination with proposed Board Rules G–8 and G–9 so as to establish an effective recordkeeping and preservation structure for entities effecting transactions in municipal securities without requiring compliance with more than one set of recordkeeping rules.

In order to give adequate consideration to the proposed rule format with a view to establishing the most appropriate and non-duplicative recordkeeping and preservation structure for the distinct entities comprising the municipal securities industry, the Commission is requesting comments with respect to the appropriateness of proposed §§ 240.17a–3(e) and 240.17a–4(h), the suitability of the amendments to proposed Board Rules G–8 and G–9 and the effectiveness of the interaction of these recordkeeping structures.

The Commission is also requesting comments with respect to the following specific issues:

(1) The appropriateness of omitting municipal securities dealers which are banks or separately identifiable departments or divisions of banks from the purview of §§ 240.17a–3 and 240.17a–4;

(2) The appropriateness of permitting brokers and dealers which effect transactions solely in municipal securities the option of electing the recordkeeping structure to which they will be subject; and

(3) The desirability of permitting brokers and dealers which conduct a general securities business as well as a municipal securities business the option of electing the recordkeeping structure to which their municipal securities transactions will be subject.

Interested persons should submit written comments in triplicate on or before January 31, 1977. All such communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–669 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

[FR Doc.77–220 Filed 1–3–77;8:45 am]

[3] Securities Exchange Act Release No. 12931, October 27, 1976, at 6.

[4] *Id.*, at 7, 8.

[17 CFR Parts 240, 249]

[Release No. 34–13100; File No. S7–667]

FOCUS REPORTING SYSTEM

Proposed Amendments of Financial and Operational Combined Uniform Single Report

The Securities and Exchange Commission today announced proposed amendments to the FOCUS Report, a financial and operational combined uniform single report under the Securities Exchange Act of 1934. The Commission also announced the proposed amendment of §§ 240.17a–4, 240.17a–5, 240.17a–10, 240.17a–11, 240.17a–13, 240.17a–18, 240.17a–19, 240.17a–20 and 240.15c3–3, and Form X–17A–5 (§ 249.617) and the proposed revocation of Form X–17A–10 (§ 249.618) and Form X–17A–20 (§ 249.636). The amendments described herein are primarily of a minor, technical nature and are designed to facilitate the application of a streamlined system of financial and operational reporting, and to achieve a further reduction in the quantity and frequency of reports which must be filed by brokers and dealers.

INTRODUCTION

In May 1974 the Commission announced the membership of the Report Coordinating Group ("Group"), a federal advisory committee established to advise the Commission on the consolidation and reduction of reporting requirements and to assist the Commission in the development of a key regulatory report.[1] At its first meeting on June 3, 1974 the Group determined to give the highest priority to developing recommendations regarding a uniform financial and operational report.[2]

On August 9, 1974 the Commission issued guidelines for a uniform financial and operational report. In accordance with these guidelines the Group reviewed the reports, forms and similar material required of brokers and dealers by the Commission, the self-regulatory organizations and others. The Group, with the the banking community, and the legal and accounting professions, developed a FOCUS Report Discussion Paper which

[1] The Report Coordinating Group was established in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. Appendix I.

[2] The Group also concentrated its efforts on the development of uniform registration and record retention forms. Uniform registration forms for brokers and dealers were adopted by the Commission on May 16, 1975 (Securities Exchange Act Release No. 11424).

Subsequent to the submission of the Report Coordinating Group's First Annual Report, a Trading Forms Task Force deliberated for several months and recommended the elimination or consolidation of the 104 trading forms described in the First Annual Report. The Task Force proposed simplified and consolidated forms as a replacement. The affected exchanges have agreed almost uniformly to implement the proposed simplified trading forms as soon as supplies of current forms are exhausted, and not later than December 31, 1976.

An Assessment Forms Task Force working during the same period has made additional proposals for the further simplification of assessment procedures. The Group resolutions in favor of simplification and automation of assessment procedures have been transmitted to the Securities Investor Protection Corporation and the National Market Advisory Board. For background and prior status of these two projects, see First Annual Report of the Report Coordinating Group, June 16, 1975, and Second Annual Report of the Report Coordinating Group, April 26, 1976.

dedicated assistance of a staff workgroup comprised of members of the self-regulatory community, brokerage firms, was distributed on October 15, 1974, and submitted its final report on this subject on June 16, 1975.[3]

The Commission, after considering the recommendations of the Report Coordinating Group and the comments thereon, believed that the adoption of a reporting system based upon and including the FOCUS Report, with some modifications to the program recommended, would provide an opportunity for uniform industry-wide regulation and would substantially reduce the reporting burdens on the securities industry without compromising the interests of the public and the regulators. In an effort to achieve that goal, the Commission released the FOCUS Report for public comment on October 16, 1975.[4]

As a result of the implementation of amended § 240.15c3–1 on January 1, 1976, the existing financial and operational reports and the surveillance systems of the Commission and the self-regulatory organizations were destined to become obsolete as of that date. In order to avoid an amendment to existing forms which would be followed by a restructuring of a substantial portion of the reporting system, the Commission expedited its consideration of the FOCUS Report and related rule changes and announced the adoption of the uniform reporting system on December 17, 1975, to become effective January 1, 1976.[5]

In the adopting release, the Commission noted that that "* * * while the reporting system is efficient in theory, and the form satisfactory in substance, certain modifications may subsequently be necessary in order to achieve a smoother practical application."[6] The Commission expressed the view that those areas which may require additional refinement would become apparent after several months' experience with the FOCUS reporting structure, and stated its intention to periodically review the FOCUS Report "* * * in order to continue modifying and updating the financial and operational reporting systems to keep pace with the changing securities industry."[7] The comments which have been submitted indicate that the FOCUS Report has achieved the dual goals of uniformity and simplification and requires only minor adjustments in certain areas.

PROPOSED AMENDMENT OF §-240.17a–4

Paragraph (b)(8) is proposed to be amended to clarify that the schedules required to be retained need only be in support of the information reported as of the annual audit date.

Paragraph (b)(9) is proposed to be added so as to require the retention for three years of the records describing a broker's or dealer's procedures for obtaining possession or control of customers' fully paid and excess margin securities in accordance with the requirements of § 240.15c3–3.

PROPOSED AMENDMENT OF § 240.17a–5 AND RELATED FORM X–17A–5 (§ 249.617)[8]

(A) *Filing of monthly and quarterly reports.* Subparagraph (a)(2) is proposed to be amended in order to clarify that subparagraphs (a)(2)(i) and (a)(2)(ii) apply to brokers and dealers which clear any transactions, whether such transactions are customer or non-customer. Similarly, subparagraph (a)(2)(iii) as proposed to be amended would apply only to those brokers and dealers which neither clear transactions (customer or non-customer) nor carry customer accounts.

Subparagraph (a)(3) is proposed to be amended to provide that all monthly and quarterly reports received pursuant to paragraph (a) are deemed to be confidential. Each of the plans which have been filed by the self-regulatory organizations pursuant to subparagraph (a)(4) and which were approved by the Commission in conjunction with the adoption of the FOCUS reporting system[9] provides that all reports collected thereunder will be granted confidential treatment, therefore the primary effect of this proposed amendment is to clarify that similar treatment will be afford to SECO brokers and dealers which file reports pursuant to paragraph (a) directly with the Commission.

(B) *Termination of membership interest.* A new subparagraph (6) is proposed to be added to paragraph (b) to indicate the means by which a broker or dealer which is terminating a membership interest in a self-regulatory organi-

[3] Comments suggesting further simplification and changes in the items of the FOCUS Report were considered in the drafting of the FOCUS Report Revised Discussion Paper released on December 16, 1974 (Securities Exchange Act Release No. 11140, December 16, 1974). The FOCUS Report Revised Discussion Paper set forth a three-part reporting format of financial and operational data to be completed by certain firms at specified intervals.

Subsequent to the release of the FOCUS Report Revised Discussion Paper, the Group held additional public meetings to further simplify the FOCUS Report and at the same time improve its effectiveness as a surveillance tool for the Commission and the self-regulators. The Group released its final recommendation for a FOCUS Report in its First Annual Report on June 16, 1975 (Securities Exchange Act Release No. 11499, June 16, 1975; 40 FR 27989, July 2, 1975).

[4] Securities Exchange Act Release No. 11748, October 16, 1975; 40 FR 51060, November 3, 1975.

[5] Securities Exchange Act Release No. 11935, December 17, 1975; 40 FR 59706, December 30, 1975.

[6] Id., at 6.

[7] Id.

[8] A work group comprised of representatives from the various self-regulatory organizations is currently studying Parts I, II, and IIA of Form X–17A–5 and expects to recommend further revisions early in 1977. These proposed revisions, as well as further clarifications and interpretations of the proposed amendments to Form X–17A–5 (§ 249.617) which are discussed at pp. 19–21 infra, will be published for comment in a separate release.

[9] Securities Exchange Act Release No. 11935 (December 17, 1975) at 158.

zation other than its designated examining authority may request relief from the filing requirements specified in paragraph (b). The information which must be included in such request is specified in proposed subparagraphs (b)(6)(i), (ii), (iii) and (iv). It should be noted that the proposed exemption provided for in this subparagraph is in addition to the Commission's existing general exemptive authority in subparagraph (1)(3).

Subparagraph (b)(1) as proposed to be amended would permit those brokers and dealers which regularly file a report on Part IIA in accordance with paragraph (a) to file a report on Part IIA in satisfaction of the requirements of paragraph (b).

(C) *Customer statements.* Paragraph (c) is proposed to be amended to require that audited statements be furnished within 105 days after the date of such statements and unaudited statements furnished within 45 days after the date of such statements. This amendment would provide a fixed, determinable date as of which the statements must be furnished.

(D) *Nature and form of reports.* Paragraph (e) is proposed to be amended to revise and update the procedures which the auditor must utilize in comparing amounts reported on Form SIPC-7 and amounts reported on the annual report of financial statements.

In addition, a statement requiring disclosure as to a broker's or dealer's proprietary interest is proposed to be added to subparagraph (e)(2).

(E) *Qualifications, designation and replacement of accountants.* Paragraph (f) is proposed to be amended to require those brokers and dealers which are exempted from the certification requirements of § 240.17a-5 to nevertheless notify the Commission, by December 10 of each year, of the date as of which the unaudited report will be prepared. In addition, newly-registered brokers and dealers would be required to file the notice pursuant to subparagraph (f)(2) within 30 days after the effective date of registration. These proposed amendments would revise the designation of accountant file so as to provide the Commission and the self-regulatory organizations with a comprehensive schedule of proposed auditors and report dates for each year.

(F) *Audit objectives.* Subparagraph (g)(1)(iv) as proposed to be amended would require the independent public accountant to review, as part of the annual audit, those procedures described by the broker or dealer in section 240.15c3-3(d)(4) with respect to the possession or control of fully paid and excess margin securities. This review would ensure the adequacy of the procedures upon which the broker or dealer bases its quarterly representation in Form X-17A-5 (§ 249.617).[10]

[10] This review is one aspect of a proposed revised system for ensuring brokers' and dealers' compliance with the requirement to maintain physical possession or control of fully paid and excess margin securities in accordance with the provisions of § 240.15c3-3. The other components of this system are the maintenance by the broker or dealer of a detailed description of the procedures used to obtain possession or control; a quarterly representation on Part II of Form X-17A-5 stating that the procedures have been tested and are functioning in a manner adequate to fulfill the requirements of § 240.15c3-3; a quarterly report, on Part II of Form X-17A-5, of the market valuation and number of items which are not in the registrant's possession or control as of the report date, for which the required action was not taken within the time frames specified in § 240.15c3-3; and a report, as of the audit date, of the market valuation and number of items for which, under the provisions of § 240.15c3-3, instructions to reduce to possession or control should have been issued and were not.

(G) *Filing Period with Respect to Part I of Form X-17A-5 (§ 249.617).* The time period specified in § 240.17a-5(a)(2)(i) for the filing of a report in Part I of Form X-17A-5 (§ 249.617) is ten business days after the end of each month. Under the provisions of the New York Stock Exchange ("NYSE") plan filed pursuant to § 240.17a-5(a)(4) and approved by the Commission on December 17, 1975 brokers and dealers for which the NYSE is the designated examining authority have been permitted temporarily to file a report on Part I within seventeen business days. This longer filing period was deemed to be necessary, at least for an initial phase-in period, because it appeared that the substantial size and complexity of business of the NYSE firms would result in a more difficult transition to a new reporting system.

Brokers and dealers have been subject to the new reporting system for a full year, and several firms, as well as the NYSE itself, have indicated that based on experience to date, compliance with a filing period shorter than the current seventeen business days may not be possible for a significant number of large firms.

Part I is intended to be utilized primarily as an early warning and surveillance report of key financial and operational data. In order to accomplish this purpose effectively, the report must be received as quickly as possible after the close of each month. While there may be a number of registrants who will require a period longer than the specified ten business days within which to file, such extensions should be granted on an individual basis pursuant to the Commission's authority under § 240.17a-5(1)(3). Accordingly, the Commission has determined that, commencing with the report filed on Part I for the month of April, 1977, all brokers and dealers, other than those specifically granted extensions of time pursuant to § 240.17a-5(1)(3), shall file such report within ten business days after the end of the month.

Brokers and dealers wishing to request an extension are urged to submit written requests to the Commission promptly and, in any event, no later than January 31, 1977. The extension of the time period for filing of Part I by NYSE members heretofore approved is extended to reports due to be filed for periods ending up to and including March 31, 1977.

(H) Proposed Amendment of Form X-17A-5 (§ 249.617).[11] Form X-17A-5 (§ 249.617) would be amended, beginning with the report filed as of the calendar quarter ending March 31, 1977, to incorporate certain data now obtained from reports filed on Form X-17A-10 (§ 249.618) and Form X-17A-20 (§ 249.636). This consolidation eliminates the need for the latter forms and substantially decreases the reporting requirements of brokers and dealers by abolishing an annual report on Form X-17A-10 (§ 249.618) and four quarterly reports on Form X-17A-20 (§ 249.636). The present Statement of Income (Loss) contained in Form X-17A-5 (§ 249.617) would be modified to include certain items now required by § 240.17a-10. Three supplementary schedules would be added to Form X-17A-5 (§ 249.617) and would be filed by certain brokers and dealers for the calendar quarter ending December 31 of each year.

PROPOSED AMENDMENT OF § 240.17a-10 AND RELATED FORM X-17A-10 (§ 249.618)

Paragraph (a) as proposed to be amended would replace the present paragraph (a). The proposed paragraph (a) defines the new filing requirements of § 240.17a-10. Form X-17A-10 (§ 249.618), the Commission's main source of economic data information, would be eliminated and the data contained therein would be obtained from the existing balance sheet from Form X-17A-5 (§ 249.617), a modified Statement of Income (Loss) from Form X-17A-5 (§ 249.617) and three supplementary schedules thereto: schedule of Firm Identification Information, a schedule of consolidated Revenue Information, and a schedule of Additional Revenue Information to be filed on an annual basis only by firms with $10 million or more in gross revenues. The proposed amendments would be consistent with the FOCUS concept of a layered approach to reporting:

1. Firms exempt from the filing requirements of § 240.17a-5(a) would, on an annual basis, file the Facing Page, Statement of Income (Loss), and balance sheet from Part IIA of Form X-17A-5 (§ 249.617) and the supplementary schedules of Firm Identification Information and consolidated Revenue Information (Schedules I II).

2. All firms subject to the filing requirements of § 240.17a-5(a) would, on an annual basis, file the Form X-17A-5 (§ 249.617) supplementary Schedule I and Schedule II with their submission of Form X-17A-5 (§ 249.617) for the calendar quarter ending December 31 of each year.

3. All firms subject to the filing requirements of § 240.17a-5(a) which have gross revenues for the calendar year of $10 million dollars or more would file, on an annual basis, the proposed supplementary Schedules I and II and the Schedule III of Additional Revenue Information with their submission of Form X-17A-5 (§ 249.617) for the calendar quarter ending December 31 of each year.

[11] The text of proposed amended Form X-17A-5 (§ 249.617) and the text of the proposed supplementary schedules are attached hereto as Appendix A. Copies of such forms are available for public inspection.

PROPOSED AMENDMENT OF § 240.17a-11

Paragraph (a), as proposed to be amended, would require a broker or dealer whose total outstanding principal amounts of satisfactory subordination agreements exceeds the maximum allowable for a period in excess of 90 days, in accordance with the provisions of section 240.15c3-1(d), to give telegraphic notice as set forth in paragraph (f) and, within 24 hours thereafter, file a report on Part II or Part IIA of Form X-17A-5. (§ 249.617).

A new subparagraph (4) is proposed to be added to paragraph (b), requiring those brokers and dealers subject to various provisions of § 240.15c3-1 to give notice of certain events as specified in such provisions.

PROPOSED AMENDMENT OF § 240.17a-13

Paragraph (b)(5) as proposed to be amended would eliminate the provision which states that the quarterly security examination, count and verification required to be made pursuant to § 240.17a-13 need not be carried out by the broker or dealer for the calendar quarter during which the audit date occurs. The security examination, count and verification performed in the course of the audit may not meet the comprehensive standards required by § 240.17a-13 and therefore should not be utilized as an alternative means of complying with that section.

PROPOSED AMENDMENT OF § 240.17a-18

Paragraph (a) as proposed to be amended would expand the coverage of § 240.17a-18 from national securities exchanges and registered national securities associations to include registered clearing agencies and the Municipal Securities Rulemaking Board to the extent that the latter entity promulgates forms applicable to registered brokers and dealers. The scope of § 240.17a-18 is proposed to be expanded in recognition of the changing nature of the industry and the oversight responsibilities mandated to the Commission by the 1975 Amendments.

Paragraph (a) is also proposed to be amended to require those entities seeking emergency adoption of a proposed new form to request Commission approval.

Paragraph (c) as proposed would completely replace the present paragraph (c). The proposed paragraph (c) delineates the Commission's authority to approve or disapprove proposed forms and the procedures by which such approval or disapproval would be accomplished.

PROPOSED AMENDMENT OF § 240.17a-19

A new paragraph (a) is proposed which would require a national securities exchange or a registered national securities association which is the designated examining authority for a broker or dealer to give 24 hour telegraphic notice to the Commission's principal office, the Commission's Regional Office for the region in which the member has its principal office, and the Securities Investor Protection Corporation in each instance where a resignation by such broker or dealer from the designated examining authority is contemplated.

The present text of § 240.17a-19 is proposed to become new paragraph (b) and to be amended to require the filing of Form X-17A-19 within 5 business days of the occurrence of the change in membership interest rather than "promptly" as is currently required. In addition, paragraph (b) is proposed to be amended to require the filing of Form X-17A-19 with the Regional Office of the Commission for the region in which the member has its principal office. Finally, it is proposed that every national securities exchange and registered national securities association, upon learning of a change in membership interest, be required to advise such member of the member's responsibilities under § 240.17a-5(b) to report certain information to the Commission.

These proposed amendments are designed to eliminate ambiguities with respect to the timing of Form X-17A-19 filings and to allow the Commission to respond more promptly and effectively to problems which may arise.

PROPOSED AMENDMENT OF § 240.17a-20 AND REVOCATION OF RELATED FORM X-17A-20 (§ 249.636)

Paragraph (a)(1) as proposed would replace paragraphs (a)(1) and (2) of § 240.17a-20. Proposed paragraph (a)(1) provides that a broker or dealer submit revenue and expense information on Form X-17A-5, thereby eliminating the need for a report of revenue and expense information on Form X-17A-20. In addition, certain technical modifications are proposed for present paragraphs (a)(3) and (e) which would substitute cross references from § 249.636 (Form X-17A-20) to § 249.617 (Form X-17A-5). Finally, paragraphs (a)(3) and (a)(4) would be renumbered to become paragraphs (a)(2) and (a)(3) respectively and paragraph (c) would become paragraph (b).

As proposed, the present paragraph (b) would be eliminated because of the comprehensive and substantially similar requirements in § 240.17a-5(b) and § 240.17a-19 as proposed to be amended. The proposed revocation of Form X-17A-20 (§ 249.636) would be effective for the calendar quarter ending March 31, 1977.

PROPOSED AMENDMENT OF § 240.15c3-3

Paragraph (d) as proposed to be amended would incorporate a new subparagraph (4) to require those brokers and dealers subject to the provisions of § 240.15c3-3 with respect to physical possession or control of fully paid and excess margin securities to maintain a current and detailed description of the procedures which it utilizes to obtain such possession or control. These records would be available to the Commission or the designated examining authority upon request, and the adequacy of the procedures described therein would be reviewed by the independent public accountant as part of the annual audit.[11]

(In the text of the following sections, "◄►" indicate new material)

PROPOSED AMENDMENT § 240.17a-4

§ 240.17a-4 Records to be preserved by certain exchange members, brokers and dealers.

• • • • • •

(b) • • •

(8) Records which contain the following information in support of amounts included in the report prepared ►as of the audit date◄ on Form X-17A-5 (§ 249.617 of this chapter) Part II or Part IIA and in the annual financial statements required by § 240.17a-5:(i)–(xv) • • •

►(9) The records required to be made pursuant to § 240.15c3-3(d)(4).◄

PROPOSED AMENDED § 240.17a-5

§ 240.17a-5 Reports to be made by certain brokers and dealers.

(a) • • •

(2) • • •

(a)(i) Every broker or dealer subject to this paragraph (a) who clears ►transactions◄ or carries customer accounts shall file Part I of Form X-17A-5 (§ 249.617) of this chapter) within 10 business days after the end of each month. (ii) Every broker or dealer subject to this paragraph (a) who clears ►transactions◄ or carries customer accounts shall file Part II of Form X-17A-5 (§ 249.617 of this chapter) within 17 business days after the end of the calendar quarter and within 17 business days after the date selected for the annual audit of financial statements where said date is other than a calendar quarter. Certain of such brokers or dealers shall file Part IIA in lieu thereof if the nature of their business is limited as described in the instructions to Part II of Form X-17A-5 (§ 249.617 of this chapter).

(iii) Every broker or dealer who does not clear ►transactions◄ nor carry customer accounts shall file Part IIA of Form X-17A-5 (§ 249.617 of this chapter) within 17 business days after the end of each calendar quarter and within 17 business days after the date selected for the annual audit of financial statements where said date is other than the end of the calendar quarter.

• • • • • •

(3) The reports provided for in this paragraph (a) shall be considered filed when received at the Commission's principal office in Washington, D.C. and the regional office of the Commission for the region in which the broker or dealer has its principal place of business. ►All reports filed pursuant to this paragraph (a) shall be deemed to be confidential.◄

• • • • • •

[11] For a synopsis of the other aspects of the proposed reporting structure for determining a broker's or dealer's compliance with the possession or control requirements of § 240.15c3-3, see note supra and accompanying text.

(b) *Report Filed Upon Termination of Membership Interest.* (1) If a broker or dealer holding any membership interest in a national securities exchange ceases to be a member in good standing of such exchange, such broker or dealer shall, within two business days after such event, file with the Commission, Part II ►or Part IIA◄ of Form X–17A–5 (§ 249.617 of this chapter) ►as determined by the standards set forth in subparagraphs (a)(2)(ii) and (iii) of this section◄ as of the date of such event. The report shall be filed at the Commission's principal office in Washington, D.C., and with the regional office of the Commission for the region in which the broker or dealer has its principal place of business: *Provided, however,* That such report need not be made or filed if the Commission, upon written request or upon its own motion exempts such broker or dealer, either unconditionally or on specified terms and conditions, from such requirement: *Provided, further,* That the Commission may, upon request of the broker or dealer, grant extensions of time for filing the report specified herein for good cause shown.

►(6) Any broker or dealer who is required to file a report pursuant to this paragraph (b) by virtue of terminating its membership interest in a self-regulatory organization other than the examining authority designated pursuant to Section 17(d) of the Act may seek an exemption from the requirement to file such report by submitting a written request to the Commission no later than 5 business days prior to the date of termination of the membership interest. Such request shall contain the following information:

(i) An indication as to whether the broker or dealer is in violation of the applicable requirements specified in § 240.15c3–1 or § 240.15c3–3;

(ii) An indication as to whether the broker or dealer is experiencing any significant financial, operational or recordkeeping problems;

(iii) An affirmation that the broker or dealer is in compliance with applicable rules of the Commission and each self-regulatory organization of which the broker or dealer is a member, setting forth in detail the circumstances surrounding any violations of such rules.

(iv) A detailed description of the reasons for the requested exemption.◄

(c) • • •

(2) *Audited statements to be furnished.* The following statements shall be furnished as required by subparagraph (c)(1) ►within 105 days after the date of the audited report required by paragraph (d):◄

• • • • •

(3) *Unaudited statements to be furnished.* The statements shall contain the information specified in subparagraphs (c)(2)(i) and (ii). Said unaudited statements shall be as of the date 6 months from the date of the audited statements required to be furnished pursuant to subparagraphs (c)(1) and (2). ►Said unaudited statements shall be furnished not later than 45 days after the date of the statements.◄

• • • • •

(e) • • •

(1)(i) An audit shall be conducted by ►a public accountant who shall be in fact independent as defined in paragraph (f)(3) herein,◄ and he shall give an opinion covering the statements filed pursuant to paragraph (d): *Provided, however,* That the financial statements filed pursuant to paragraph (d) need not be audited if, since the date of the previous financial statements or report filed pursuant to § 240.15b1–2 or this section: (A) the securities business of such broker or dealer has been limited to acting as broker (agent) for ►an◄ issuer in soliciting subscriptions for securities of such issuer, said broker has promptly transmitted to such issuer all funds and promptly delivered to the subscriber all securities received in connection therewith, and said broker has not otherwise held funds or securities for or owed money or securities to customers; or (B) its securities business has been limited to buying and selling evidences of indebtedness secured by mortgage, deed or trust, or other lien upon real estate or leasehold interests, and said broker or dealer has not carried any margin account, credit balance, or security for any securities customer.

(2) Attached to the report shall be an oath or affirmation that, to the best knowledge and belief of the person making such oath or affirmation, (i) the financial statements and schedules are true and correct and ►(ii) neither the broker or dealer, nor any partner, officer, or director, as the case may be, has any proprietary interest in any account classified solely as that of a customer.◄ The oath or affirmation shall be made before a person duly authorized to administer such oaths or affirmations. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; or if a corporation, by a duly authorized officer.

• • • • •

(4) The broker or dealer shall file with the report a supplemental report which shall be covered by an opinion of the independent public accountant on the status of the membership of the broker or dealer in the Securities Investor Protection Corporation ("SIPC") if, pursuant to subparagraph (e)(1), a report of the broker or dealer is required to be covered by an opinion of a certified public accountant or a public accountant who is in fact independent. The supplemental report shall cover the SIPC annual general assessment reconciliation or exclusion from membership forms not previously reported on under this subparagraph (4) which were required to be filed on or prior to the date of the report required by paragraph (d) of this section. The supplemental report, ►an original of which shall be submitted to the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, and the principal office of the designated examining authority for such broker or dealer,◄ shall be bound separately, be dated and be signed manually, and shall include the following:

(i) • • •
(ii) • • •
(iii) • • •
(*A*) • • •

►(*B*)◄ For all or any portion of a fiscal year ending in 1976 and each fiscal year thereafter, comparison of amounts reflected in ►the annual report required by paragraph (d)◄ of this section, with amounts reported in the Annual General Assessment Reconciliation (Form SIPC–7);

►(C)◄ Comparison of adjustments reported in Form SIPC–7 with supporting schedules and working papers supporting adjustments;

►(D)◄ Proof of arithmetical accuracy of the calculations reflected in Form SIPC–7 and in the schedules and working papers supporting adjustments; and

►(E)◄ Comparison of the amount of any overpayment applied with the Form SIPC–7 on which it was computed; or,

►(F)◄ If exclusion from membership is claimed, ►the accountant shall review the annual report required by paragraph (d) of this section for all or any portion of a fiscal year ending in 1976 and each fiscal year thereafter◄ to ascertain that the Certification of Exclusion from Membership (Form SIPC–3) was consistent with the income reported.

(f) *Qualification, Designation and Replacement of Accountant.*

• • • • •

(2) *Designation of accountant.*

►(i)◄ Every broker or dealer which is required by paragraph (d) of this section to file an annual report of financial statements shall file no later than December 10 of each year a statement with the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which its principal place of business is located and the principal office of the designated examining authority for such broker or dealer. Such statement shall indicate the existence of an agreement dated no later than December first, with an independent public accountant covering a contractual commitment to conduct the broker's or dealer's annual audit during the following calendar year.

►(ii)◄ The agreement may be of a continuing nature, providing for successive yearly audits, in which case no further filing is required. If the agreement is for a single audit, or if the continuing agreement previously filed has been terminated or amended, a new statement must be filed by the required date.

►(iii)◄ The statement shall be headed "Notice pursuant to Rule 17a–5(f)(2)" and shall contain the following information:

(A) name, address, telephone number and registration number of the broker or dealer;

(B) name, address and telephone number of the accounting firm;

(C) the audit date of the broker or dealer for the year covered by the agreement.

►(iv) Any broker or dealer which is exempted from the requirement to file an annual audited report of financial statements shall nevertheless file the notice specified herein indicating the date as of which the unaudited report will be prepared.

(v) Notwithstanding the date of filing specified in subparagraph (f)(2)(i), every broker or dealer shall file the notice provided for in subparagraph (f)(2) within 30 days following the effective date of registration as a broker or dealer.◄

• • • • •

(g) • • •
(i) • • •

(iv) in obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required by § 240.15c3–3. ►Such review shall include a determination as to the adequacy of the procedures described in the records required to be maintained pursuant to § 240.15c3–3(d)(4).◄

• • • • •

(3) A material inadequacy in the accounting system, internal accounting controls, procedures for safeguarding securities, and practices and procedures referred to in ►subparagraph (g)(1)◄ which is expected to be reported under these audit objectives includes any condition which has contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to (i) inhibit a broker or dealer from promptly completing securities transactions or promptly discharging his responsibilities to customers, other brokers and dealers or creditors; (ii) result in material financial loss; (iii) result in material misstatements in the broker's or dealer's financial statements; or (iv) result in violations of the Commission's recordkeeping or financial responsibility rules to an extent that could reasonably be expected to result in the conditions described in parts (i), (ii), or (iii) of this subparagraph (3).

• • • • •

PROPOSED AMENDED §240.17a–10

§ 240.17a–10 Report of revenue and expenses.

(a)(1) Every broker or dealer ►exempted from the filing requirements of paragraph (a) of § 240.17a–5 shall, not later than 17 business days after the close of each calendar year (commencing with calendar year 1977), file the Facing Page, a Statement of Income (Loss) and balance sheet from Part IIA of Form X–17A–5 (§ 249.617 of this chapter) and Schedules I and II of Form X–17A–5 (§ 249.617 of this chapter)◄ for such calendar year.

►(2) Every broker or dealer subject to the filing requirements of paragraph (a) of § 240.17a–5, other than brokers or dealers described in paragraph (c) of this section, shall submit Schedules I and II of Form X–17A–5 (§ 249.617 of this chapter) with its Form X–17A–5 (§ 249.617 of this chapter) for the calendar quarter ending December 31 of each year.

(3) Every broker or dealer subject to the filing requirements of paragraph (a) of § 240.17a–5 which has gross revenue related to the securities business which equals or exceeds $10 million for the calendar year shall, not later than 17 business days after the close of each calendar year (commencing with calendar year 1976), submit Schedule I, II and III of Form X–17A–5 (§ 249.617 of this chapter) with its submission of Form X–17A–5 (§ 249.617 of this chapter) for the calendar quarter ending December 31 of each year.◄

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by ►Form X–17A–5 (§ 249.617 of this chapter)◄ as to each of its members, and which transmits to the Commission a copy of the record as to each such member pursuant to a plan, the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by only one specified national securities exchange or registered national securities association. For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

• • • • •

(d) In the event any broker or dealer finds that it cannot file ►the annual report required by paragraph (a) of this section within the time specified◄ without undue hardship, it may file with the Commission's principal office in Washington, D.C., ►prior to the date upon which the report is due,◄ an application for an extension of time to a specified date which shall not be later than ►60◄ days after the close of the calendar year for which the report is to be made. The application shall state the reasons for the requested extension and shall contain an agreement to file the report on or before the specified date.

PROPOSED AMENDED § 240.17a–11

§ 240.17a–11 Supplemental current financial and operational reports to be made by certain exchange members, brokers and dealers.

(a) Every member, broker or dealer subject to § 240.15c3–1, whose net capital at any time is less than the minimum required by any capital rule to which such person is subject ►and every member, broker or dealer subject to § 240.15c3–1 whose total outstanding principal amounts of satisfactory subordination agreements exceeds the maximum allowable for a period in excess of 90 days in accordance with the provisions of § 240.15c3–1(d),◄ shall:

(1) Give telegraphic notice as set forth in paragraph (f) of this section that such person's net capital is less than is required by any such capital rule, identifying the applicable net capital rule or rules ►or that such person's total outstanding principal amounts of satisfactory subordination agreements exceeds the maximum allowable in accordance with the provisions of § 250.15c3–1(d).◄ The notice shall be given on the same day that such person's capital becomes less than required by any of the aforesaid rules to which such person is subject ►or, with respect to the total outstanding principal amounts of satisfactory subordination agreements, on the first day upon which such amount has exceeded the maximum allowable for a period in excess of 90 days.◄

(2) Within 24 hours thereafter file Part II ►or Part IIA◄ of Form X–17A–5 (§ 249.617 of this chapter) ►as determined in accordance with the standards set forth in §§ 240.17a–5(a)(2)(ii) and (a)(2)(iii),◄ and such supplementary information as may be required.

(b)(1) If a computation made by a broker or dealer pursuant to the requirements of § 240.15c3–1(c) shows, at any point during the month, that his aggregate indebtedness is in excess of 1,200 per centum of his net capital, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such person shall file a report on Part II ►or Part IIA◄ of Form X–17A–5 (§ 249.617 of this chapter) ►as determined in accordance with the standards set forth in sections 240.17a–5(a)(2)(ii) and (a)(2)(iii),◄ within 15 calendar days after the end of each month thereafter until 3 successive months shall have elapsed during which his aggregate indebtedness does not exceed 1,200 per centum of his net capital, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(2) If a computation made by a member, broker or dealer to § 240.15c3–1(f) shows, at any point during the month, that his net capital is less than 6 percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A: Formula for the Determination of Reserve Requirements, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such broker or dealer shall file a report on Part II ►or Part IIA◄ of

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Form X–17A–5 (§ 249.617 of this chapter) ►as determined in accordance with the standards set forth in §§ 240.17a–5 (a)(2)(ii) and (a)(2)(iii),◄ within 15 calendar days after the end of each month thereafter until three successive months shall have elapsed during which his net capital is not less than six percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(3) • • •

►(4) If a member, broker or dealer subject to the requirements of § 240.15c3–1(c)(2)(x)(F)(3), § 240.15c3–1(c)(2)(x)(B)(*1*) or § 240.15c3–1d(c)(2) fails to comply with the financial responsibility standards set forth in any of the above provisions, such member, broker or dealer shall immediately give notice of such event as specified in such provision.◄

• • • • •

PROPOSED AMENDED § 240.17a–13

§ 240.17a–13 Quarterly security counts to be made by certain exchange members, brokers and dealers.

• • • • •

(b) • • •

(5) Record on the books and records of the member, broker, or dealer all unresolved differences setting forth the security involved and date of comparison in a security count difference account no later than 7 business days after the date of each required quarterly security examination, count, and verification in accordance with the requirements provided in paragraph (c) of this section. *Provided*, however, That no examination, count, verification, and comparison for the purpose of this section shall be within 2 months of or more than 4 months following a prior examination, count, verification, and comparison made hereunder.

• • • • •

PROPOSED AMENDED § 240.17a–18

§ 240.17a–18 Forms required by national securities exchanges, registered national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board of their members to be filed with the Commission.

(a) Every national securities exchange, registered national securities association, ►registered clearing agency and the Municipal Securities Rulemaking Board◄ shall file with the Commission three copies of each new form, report or questionnaire or substantial modification or amendment to any existing form, report or questionnaire which it requires or proposes to require of its members or of any class of members, whether on a one-time, regular, or for-cause basis, not less than 5 weeks (or such shorter period as the Commission may authorize) prior to requiring its members or any class of members to file such new or amended form, report or questionnaire; *provided, however*, That under emergency circumstances such form, report or questionnaire or substantial modification or amendment need not be filed as hereinabove required, but in such case the exchange, association, ►clearing agency or the Board◄ shall file three copies of such form, report or questionnaire or substantial modification or amendment giving the Commission as much notice as circumstances permit, together with a written statement of the reasons why the filing of the form, report or questionnaire or substantial modification or amendment in accordance with the procedures described above was impractical and requesting permission to adopt the forms within a shorter period of time than required hereinabove. ►The Municipal Securities Rulemaking Board shall be subject to the requirements of this section only with respect to forms proposed to be applicable to registered brokers and dealers.◄

• • • • •

►(c)(1) The Commission shall approve any forms if it finds that said forms are consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to such exchange, association, clearing agency or Board. The Commission shall disapprove the forms if it does not make such a finding.

(2) In the case of proposed forms submitted pursuant to the 5 week (or such shorter period as the Commission may authorize) requirement of paragraph (a) of this section, a Commission disapproval shall be transmitted within thirty days after receipt of the proposed new form or receipt of a substantial modification or amendment to any existing form, or such longer period as the Commission may deem to be necessary. The proposing entity may agree to extend this period for an additional thirty days.

(3) If the Commission does not act within the time periods set forth in paragraph (c)(2) of this section, said proposed forms shall be deemed to be approved.

(4) An exchange, association, clearing agency or Board requesting emergency approval of a proposed form pursuant to paragraph (a) of this section must receive Commission approval before requiring its member to submit said proposed form.◄

PROPOSED AMENDED § 240.17A–19

§ 240.17a–19 Form X–17A–19 Report by national securities exchanges and registered national securities associations of changes in the membership status of any of their members.

►(a) Within 24 hours of the occurrence of the initiation of the membership of any person, or the suspension or termination of the membership of any member for which it is the designated examining authority, (unless a notice of such event previously has been filed) or upon learning that one or more of such events will occur, every national securities exchange and every registered national securities association shall give telegraphic notice of events required to be reported pursuant to Section 240.17a–19 to the Commission at its principal office in Washington, D.C., the Regional Office of the Commission for the region in which the member has its principal place of business, and the Securities Investor Protection Corporation.◄

►(b)◄ Every national securities exchange and every registered national securities association shall file with the Commission ►at its principal office in Washington, D.C., the Regional Office of the Commission for the region in which the member has its principal place of business,◄ and the Securities Investor Protection Corporation such information as is required by § 249.635 of this chapter on Form X–17A–19 ►within 5 business days◄ of the occurrence of the initiation of the membership of any person, or the suspension or termination of the membership of any member (unless a notice of such event previously has been filed) or promptly upon learning that one or more of such events will occur. Nothing in this section shall be deemed to relieve a national securities exchange of its responsibilities under ►§ 240.17a–5(b)(5)◄ except that to the extent a national securities exchange promptly files a report on Form X–17A–19 including therewith, inter alia, information sufficient to satisfy the requirements of ►§ 240.17a–5(b)(5),◄ it shall not be required to file a report pursuant to § 240.17a–5(b). ►Upon the occurrence of the events described in this paragraph, every national securities exchange and every registered national securities association shall notify in writing such member of its responsibilities under § 240.17a–5(b).◄

PROPOSED AMENDED § 240.17a–20

§ 240.17a–20 Monitoring effect of competitive commission rates.

►(a)(1) Every broker or dealer subject to the filing requirements of paragraph (a) of § 240.17a–5 shall file, not later than 17 business days after the close of each calendar quarter, a report of its revenues and expenses and related financial and other information for each calendar quarter on Form X–17A–5 (§ 249.617 of this chapter.)◄

►(2)◄ The provisions of paragraphs (a)(1) of this section shall not apply to a member of a national securities exchange or a registered national securities association if said exchange or association maintains records containing the information required by § 249.617 of this chapter on Form X–17A–5 as to such member, and transmits to the Commission a copy of the records as to such member pursuant to a plan, the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted

with respect to any such member may be submitted by only one designated national securities exchange or registered national securities association.

For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under he Act.

►(3)◄ Individual reports filed pursuant to paragraph (a) of this section are to be considered nonpublic information, except in cases where the Commission determines that it is in the public interest to direct otherwise.

►(b)◄ On written request of any national securities exchange, registered national securities association, broker or dealer, or on its own motion, the Commission may grant an extension of time or an exemption from any of the requirements of § 240.17a–20 or § 249.617 (Form X–17A–5) of this chapter either unconditionally or on specified terms and conditions.

PROPOSED AMENDED § 240.15c3–3

§ 240.15c3–3 Customer protection—reserves and custody of securities.

• • • • •

►(4) A broker or dealer which is subject to the requirements of section 240.15c3–3 with respect to physical possession or control of fully paid and excess margin securities shall prepare and maintain a current and detailed description of the procedures which it utilizes to comply with the possession or control requirements set forth in this section. The records required herein shall be made available upon request to the Commission and to the designated examining authority for such broker or dealer.◄

• • • • •

PROPOSED AMENDED § 249.617

§ 249.617 Form X–17A–5, Information required of certain brokers and dealers pursuant to § 17 of the Securities Exchange Act of 1934 and § 240.17a–5, § 240.17a–10, § 240.17a–11 and § 240.17a–20 of this chapter.

►Appropriate parts of this form◄ shall be used by every broker or dealer required to file reports under § 240.17a–5 (a), (b), and (d), ►§ 240.17a–10(a), § 240.17a–11, and § 240.17a–20(a)◄ of this chapter.

PROPOSED AMENDED § 249.618

§ 249.618 Form X–17A–10, annual report of revenue and expenses to be filed by brokers and dealers pursuant to Section 17 of the Act and § 240.17a–10 of this chapter.

[Revoked]

PROPOSED AMENDED § 249.636

§ 249.636 Form X–17A–20 Monitoring effect of competitive commission rates—revenue and expense information.

[Revoked]

STATUTORY BASIS

The proposed amendments to §§ 240.17a–4, 240.17a–5, 240.17a–10, 240.17a–11, 240.17a–13, 240.17a–18, 240.17a–19, 240.17a–20, 240.15c3–3 and 249.617, and the proposed revocation of § 249.618 and § 249.636 described herein would be adopted pursuant to §§ 15, 17(a), 17(e) and 23 of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78q, 78o, 78w).

REQUEST FOR COMMENTS

The Commission encourages comments on the entire FOCUS reporting system, as well as on the amendments proposed herein. The Commission is particularly interested in receiving comments from members of the public with respect to the following:

(1) The advantages of consolidating the information previously required to be reported on Form X–17A–10 (§ 249.618) and Form X–17A–20 (§ 249.636) into the normal quarterly filings of Form X–17A–5 (§ 249.617).

(2) Whether brokers and dealers which are registered but which have not effected any transactions during the fiscal year should be exempted from the requirement to file a certified annual report of financial statements.

(3) Whether an exemption from the requirement to file a certified annual report of financial statements should be granted to certain brokers and dealers, the business of which is limited as follows:

(a) The registrant handles no customer funds or securities other than customers' checks which are made payable to the order of the custodian, distributor, or issuer, and not to the registrant;

(b) The custodian, distributor, or issuer confirms directly to the customer;

(c) The custodian, distributor, or issuer arranges directly with the customer either to hold the security in custody or mail it directly to the customer;

(d) The customer remits certificates directly to the custodian, distributor, or issuer for liquidation; and

(e) The registrant files with its uncertified annual report a notarized affirmation stating the exact nature of its business and attesting to the accuracy of the information contained in the annual report.

Interested persons should submit their comments in writing in triplicate on or before February 28, 1977. All such communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–667 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1976.

APPENDIX A

FOCUS REPORT
PART II

BROKER OR DEALER

For the period (MMDDYY) from _____ to _____
Number of months included in this statement _____

REVENUE AND EXPENSES
(X-17A-5, X-17A-10, X-17A-20)

Revenue:

1. Commissions:
   a. Commissions on transactions in listed equity securities executed on an exchange . . . . . $_____
   b. Commissions on transactions in exchange listed equity securities executed over-the-counter . . . . . _____
   c. Commissions on listed option transactions . . . . . _____
   d. All other securities commissions . . . . . _____
   e. Total securities commissions . . . . . _____
2. Gains or losses on firm securities trading accounts
   a. From market making in over-the-counter equity securities . _____
      i. Includes gain (loss) OTC market-making in exchange-listed equity securities . .
   b. From trading in debt securities . . . . . _____
   c. From market making in options on a national securities exchange . . . . . _____
   d. From all other trading . . . . . _____
   e. Total gain (loss) . . . . . _____
3. Gains or losses on firm securities investment accounts
   a. Includes realized gains (losses) . . . . . _____
   b. Includes unrealized gains (losses) . . . . . _____
   c. Total realized and unrealized gains (losses) . . . . . _____
4. Profit or (loss) from underwriting and selling groups
   a. Includes underwriting income from corporate equity securities . . . . . _____
5. Margin interest . . . . . _____
6. Revenue from sale of investment company shares . . . . . _____
7. Fees for account supervision, investment advisory and administrative services . . . . . _____
8. Revenue from research services . . . . . _____
9. Commodities revenue . . . . . _____
10. Other revenue related to securities business . . . . . _____
11. Other revenue . . . . . _____
12. Total revenue . . . . . $_____

Expenses:

13. Registered representatives' compensation . . . . . $_____
14. Clerical and administrative employees expenses . . . . . _____
15. Salaries and other employment costs for general partners, and voting stockholder officers . . . . . _____
    a. Interest credited to General and Limited Partners capital accounts . . . . . _____
16. Floor brokerage paid to certain brokers (see definition). . . . . _____
17. Commissions and clearance paid to all other brokers (see definition) . . . . . _____

FOCUS REPORT
PART II
Revenue and Expenses

18. Clearance paid to non-brokers (see definition) . . . . . _____
19. Communications . . . . . _____
20. Occupancy and equipment costs . . . . . _____
21. Promotional costs . . . . . _____
22. Interest expense . . . . . _____
    a. Includes interest on accounts subject to subordination agreements . . . . . _____
23. Losses in error account and bad debts . . . . . _____
24. Data processing costs (including service bureau service charges . . . . . _____
25. Non-recurring charges . . . . . _____
26. Regulatory fees and expenses . . . . . _____
    a. Includes transaction fees payable on over-the-counter sales of listed securities 1/
27. Other expenses . . . . . _____
28. Total expenses . . . . . $_____

Net Income:

29. Unconsolidated net income (loss before Federal income taxes and items below (Item 12 less Item 28) . . . . . _____
30. Provision for Federal income taxes (for parent only) . . . . . _____
31. Equity in earnings (losses) of unconsolidated subsidiaries not included above . . . . . _____
    a. After Federal income taxes of . . . . . _____
32. Extraordinary gains (losses) . . . . . _____
    a. After Federal income taxes of . . . . . _____
33. Cumulative effect of changes in accounting principles . . . . . _____
34. Consolidated net income (loss) after Federal income taxes and extraordinary items . . . . . $_____

Monthly Income:

35. Unconsolidated net income (current month only) before provision for Federal income taxes and extraordinary items . . . . . $_____

1/ Aggregate dollar amount of OTC sales of listed securities in period is $_____. Item 26a, transaction fees are 1/300 of 1 percent of the aggregate amount, if this amount is more than $3 million annually.

PART II—REVENUE AND EXPENSES

1a, 1b, 1c, 1d, 1e—Report commissions earned on all agency equity and debt transactions including non-inventory principal transactions. Commissions earned on introduced accounts carried by other brokers and on omnibus accounts carried for other brokers should be reported net. Commissions earned on listed option transactions executed on a national securities exchange are to be reported at Item 1c.

2—Report realized and unrealized gain (loss) on securities held for sale in the ordinary course of business and not identified as held for investment. Dividends and interest income on securities in trading accounts shall be treated as an adjustment to gain (loss). Amounts reported shall not be reduced by any allocation of Federal income taxes.

Gain (loss) from market-making activities in exchange listed securities is to be reported in Item 2a in the blank provided, and does not include gain (loss) from specialist activities on a national securities exchange.

3a, 3b, 3c—Report, as separate items, realized and unrealized gain (loss) on securities identified as held for investment. Dividends and interest income shall be treated as adjustments to gain or loss. Amounts reported shall not be adjusted by any allocation of Federal income taxes.

4—Report the gross profit (loss) from management of or participation in underwriting syndicates and selling groups. Gross profit (loss) shall be determined as the difference between the proceeds of securities sold and their purchase price adjusted for discounts, commissions and allowances received from or given to other brokers. Any direct expense which can be associated with specific underwriting may also be considered as a cost in determining gross profit (loss). In determining gross profit (loss), any unrealized loss on securities unsold at the time the underwriting account was closed shall be considered as a deduction from the proceeds of securities sold.

Employee compensation and employment costs of persons working in an "underwriting department" and other related expenses of such department shall be treated as indirect expenses and not deducted in determining gross profit (loss).

In Item 4a, report the profit (loss) from management of or participation in underwriting syndicates and selling groups where the security underwritten is a corporate equity security. ("Equity security" shall mean any stock or similar security, or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security.)

5—Report total interest income earned on customers' securities and commodities accounts.

6—Include income from sale of open-end investment company shares as retailer and as an underwriter including sales of periodic payment plans of the installment type and face amount certificates. Exclude income from sale and underwriting of shares of closed-end investment companies.

7—Report fees for services to individual and corporate customer. The amount to be included as administrative services, however, shall be limited to fees charged to investment companies and periodic payment plans other than for investment advisory services.

8—Report revenues received from research services provided to customers for which a fee is levied.

9—Report income from commissions, fees, and principal trading in commodities. The term "commodities" includes future commodity contracts and spot (cash) commodity contracts.

10—Other revenue related to the securities business includes among other things service charges; proxy solicitation fees; subscription fees for periodic publications; fees received from private placements of securities not registered under the Securities Act of 1933; and fees for puts, calls and other option transactions not effected on a national securities exchange.

13—Report total compensation to registered representatives. Compensation and costs to be reported for such persons shall include amounts determined by salary, commission or other basis.

14—Report all salaries, commissions, bonuses, profit sharing contributions, payroll taxes and benefits paid to or incurred for all employees except registered representatives, general partners, and voting stockholder officers.

15—Report the total salaries and employee benefits for voting stockholder officers and general partners (as agreed to in the partnership agreement). Report separately in Item 15a interest credited to general and limited partners capital accounts; include this amount in Item 15.

16—Report floor brokerage paid to specialists and two-dollar floor brokers.

17—Report commissions (including floor brokerage) and clearance paid to all brokers other than specialists and two-dollar floor brokers. Include all commissions paid to other brokers on transactions in omnibus accounts.

18—Report clearance fees paid to clearing corporations, associations, and dispositions.

19—Include the cost of telephones and leased wires; postage, stationery; office supplies and forms.

20—Report the cost of rent, heat, light and maintenance; depreciation and amortization; all other equipment rental and general insurance except those included in Item 21 and Item 22.

21—Report general advertising and promotional expenses. Include payments to all media to promote the respondent and its services to the general public. Additionally, report expenditures to make the public aware of various investment vehicles and plans which do not specifically address an individual firm, fund, or enterprise.

22—Include interest paid to banks and on customers' accounts; on all other unsubordinated and subordinated borrowings.

22a—Report total interest paid on subordinated liabilities. Subordinated liabilities include: accounts of partners subject to equity or subordination agreement; subordinated loans and accounts; and secured demand notes.

26—Report all fees paid to regulatory bodies in order to conduct a securities business. Examples of such fees are payments for registration of registered representatives, SECO fees, NASD dues, and exchange membership dues. Additionally, report all direct expenditures to meet reporting requirements imposed by regulatory bodies such as legal and audit fees for annual audit required by Rule 17a-5 (17 C.F.R. 240.17a-5) of the Securities and Exchange Act of 1934 and service bureau charges required to complete various surveys which are not part of the respondent's management report system. Exclude SIPC assessment from this Item. SIPC assessments are to be included in Item 26, "Other expenses." Fees paid exchanges on commission revenues are to be excluded from this Item. Fees paid exchanges on commissions shall be reported in Item 26, "Other expenses."

26a—Report total transaction fees payable to the S.E.C. under Sec. 31 of the Securities and Exchange Act of 1934 for over-the-counter sales of listed securities during the reporting period. Transaction fees on OTC sales of listed securities became effective on January 1, 1976. The Commission has exempted some OTC sales of listed securities from Sec. 31 fees, and S.E.C. Rule 31-1 should be consulted (17 CFR § 240.31-1, 41 FR 30588 (July 26, 1976)). Sec. 31 transaction fees are to be paid to the Commission on an annual basis only on or before March 15 of each calendar year, for sales occurring in the previous calendar year. Actual payment of such fees to the Commission by individual brokers and dealers shall be made in cash, certified check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

27—Report all expenses not included in Items 11 through 25.

31—The amount reported shall be stated net of any applicable tax provisions.

32—State in a note the nature and amount of any material gains or losses and disclose the tax applicable to each.

33—State in a note any material items and disclose the tax applicable to each.

FOCUS REPORT
PART IIA

BROKER OR DEALER _____

For the period (MMDDYY) from _____ to _____
Number of months included in this statement _____

REVENUE AND EXPENSES
(X-17A-5, X-17A-10, X-17A-20)

Revenue:

1. Commissions:
   a. Commissions on transactions in exchange listed equity securities . . . . . _____
   b. Commissions on listed option transactions . . . . . _____
   c. All other securities commissions . . . . . _____
   d. Total securities commissions . . . . . _____
2. Gains or losses on firm securities trading accounts
   a. From market making in options on a national securities exchange . . . . . _____
   b. From all other trading . . . . . _____
   c. Total gain (loss) . . . . . _____
3. Gains or losses on firm securities investment accounts . . . . . _____
4. Profit (loss) from underwriting and selling groups . . . . . _____
5. Revenue from sale of investment company shares . . . . . _____
6. Commodities revenue . . . . . _____
7. Fees for account supervision, investment advisory and administrative services . . . . . _____
8. Other revenue . . . . . _____
9. Total revenue . . . . . $_____

Expenses:

10. Salaries and other employment costs for general partners and voting stockholder officers . . . . . $_____
11. Other employee compensation and benefits . . . . . _____
12. Commissions paid to other broker-dealers . . . . . _____
13. Interest expense . . . . . _____
    a. Includes interest on accounts subject to subordination agreements . . . . . _____
14. Regulatory fees and expenses . . . . . _____
    a. Includes transaction fees payable on over-the-counter sales of listed securities . . . . . _____ 1/
15. Other expenses . . . . . _____
16. Total expenses . . . . . $_____

Net Income:

17. Unconsolidated net income (loss) before Federal income taxes and items below (Item 9 less Item 16) . . . . . _____
18. Provision for Federal income taxes (for parent only) . . . . . _____
19. Equity in earnings (losses) of unconsolidated subsidiaries not included above . . . . . _____
    a. After Federal income taxes of . . . . . _____

FOCUS REPORT
PART IIA
Revenue and Expenses

20. Extraordinary gains (losses) . . . . . _____
    a. After Federal income taxes of . . . . . _____
21. Cumulative effect of changes in accounting principles . . . . . _____
22. Consolidated net income (loss) after Federal income taxes and extraordinary items . . . . . $_____

Monthly Income:
23. Unconsolidated net income (current month only) before provision for Federal income taxes and extraordinary items . . . . . $_____

1/ Aggregate dollar amount of OTC sales of listed securities in period is $_____. Item 14a transaction fees are 1/300 of 1 percent of the aggregate amount, if this amount is more than $3 million annually.

PART IIA—REVENUE AND EXPENSES

1a, 1b, 1c, 1d—Report commissions earned on all agency equity and debt transactions including non-inventory principal transactions. Commissions earned on introduced accounts carried by other brokers and on omnibus accounts carried for other brokers should be reported net. Commissions earned on listed option transactions executed on a national securities exchange are to be reported as Item 1b.

2—Report realized and unrealized gain (loss) on securities held for sale in the ordinary course of business and not identified as held for investment. Dividends and interest income on securities in trading accounts shall be treated as an adjustment to gain (loss). Amounts reported shall not be reduced by any allocation of Federal income taxes.

3—Report gain (loss) on securities identified as held for investment. Dividends and interest income shall be treated as adjustments to gain or loss. Amounts reported shall not be adjusted by any allocation of Federal income taxes.

4—Report on the gross profit (loss) from management of or participation in underwriting syndicates and selling groups. Gross profit (loss) shall be determined as the difference between the proceeds of securities sold and their purchase price adjusted for discounts, commissions and allowances received from or given to other brokers. Any direct expense which can be associated with specific underwriting may also be considered as a cost in determinng gross profit (loss). In determining gross profit (loss), any unrealized loss on securities unsold at the time the underwriting account was closed shall be considered as a deduction from the proceeds of securities sold.

Employee compensation and employment costs of persons working in an "underwriting department" and other related expenses of such department shall be treated as indicated expenses and not deducted in determining gross porfit (loss).

Include the profit (loss) from management of or participation in underwriting syndicates and selling groups where the security underwritten is a corporate equity security. ("Equity security" shall mean any stock or similar security, or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security.)

5—Include income from sale of open-end investment company shares as retailer and as an underwriter including sales of periodic payment plans of the installment type and face amount certificates. Exclude income from sale and underwriting of shares of closed-end investment companies.

6—Report income from commissions, fees, and principal trading in commodities. The term "commodities" includes future commodity contracts and spot (cash) commodity contracts.

7—Report fees for services to individual and corporate customers. The amount to be included as administrative services, however, shall be limited to fees charged to investment companies and periodic payment plans other than for investment advisory services.

8—Report revenue received from sources related and unrelated to the securities business which are not included in Items 1 through 7.

10—Report the total salaries and employee benefits for voting stockholder officers and general partners (as agreed to in the partnership agreement).

11—Report all salaries, commissions, bonuses, profit sharing contributions, payroll taxes and benefits paid to or incurred for all employees except general partners, and voting stockholder officers.

12—Report all commissions paid to other brokers or dealers for transactions executed on or off a national securities exchange. Include payouts to other broker-dealers on commodity transactions. Fees paid exchanges on commissions are to be excluded from this Item and reported in Item 15, "Other expenses."

13—Include interest paid to banks and on customer accounts; on all other subordinated and unsubordinated borrowings.

13a—Report total interest paid on subordinated liabilities. Subordinated liabilities include: accounts of partners subject to equity or subordination agreement; subordinated loans and accounts; and secured demand notes.

14—Report all fees paid to regulatory bodies in order to conduct a securities business. Examples of such fees are payments for registration of registered representatives, SECO fees, NASD fees, and exchange membership dues. Additionally, report all direct expenditures to meet reporting requirements imposed by regulatory bodies such as legal and audit fees for annual audit required by Rule 17a–5 (17 C.F.R. 240.17a–5) of the Securities and Exchange Act of 1934 and service bureau charges required to complete various surveys which are not part of the respondent's management report system. Exclude SIPC assessment from this Item. SIPC assessments are to be included in Item 15, "Other expenses." Fees paid exchanges on commission revenue are to be excluded from this Item. Fees paid exchanges on commissions shall be reported at Item 15, "Other expenses."

14a—Report total transaction fees payable to the S.E.C. under Sec. 31 of the Securities and Exchange Act of 1934 for over-the-counter sales of listed securities during the reporting period. Transaction fees on OTC sales of listed securities became effective on January 1, 1976. The Commission has exempted some OTC sales of listed securities from Sec. 31 fees, and S.E.C. Rule 31–1 should be consulted (17 C.F.R. § 240.31–1, 41 Fed. Reg. 30588 (July 26, 1976)). Sec. 31 transaction fees are to be paid to the Commission on an annual basis only, on or before March 15 of each calendar year, for sales occurring in the previous calendar year. Actual payment of such fees to the Commission by individual brokers and dealers shall be made in cash, certified check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

15—Report all expenses not included in Items 10 through 14.

19—The amount reported shall be stated net of any applicable tax provisions.

20—State in a note the nature and amount of any material gains or losses and disclose the tax applicable to each.

21—State in a note any material items and disclose the tax applicable to each.

SECURITIES AND EXCHANGE COMMISSION,
WASHINGTON, D.C.

FORM X–17A–5 SCHEDULES

GENERAL INSTRUCTIONS

NOTE TO RESPONDENTS.—Schedules I, II and III of Form X–17A–5 are calendar year unconsolidated reports to be filed by the registrant, as applicable, as a supplement to the regular fourth quarter Form X–17A–5.

Brokers or dealers which are exempt from the filing requirements of paragraph (a) of Section 240.17a–5 are to submit, no later than 17 business days after the commencement of the calendar year an annual report consisting of the Facing Page, balance sheet, and Revenue and Expense Statement from Part IIA of Form X–17A–5 and Schedule I of Form X–17A–5.

Schedule I is to be filed by all broker-dealers with their fourth quarter submission of Form X–17A–5. Schedule I requires the reporting of general information designed to measure certain economics and financial characteristics of the registrant.

Schedule II is to be filed only by registrants with majority owned or partially owned subsidiaries and affiliates. Schedule II will require a listing of annual gross revenues by major categories by all majority owned and partially owned subsidiaries and affiliates of the broker-dealer filing Form X–17A–5.

Schedule III is to be filed by broker-dealers filing Part II of Form X–17A–5 with annual gross revenue related to the securities business of $10 million or more. Gross revenue related to the securities business is defined in the instructions to Schedule III.

SCHEDULE I

1—Firm name refers to the name under which the respondent is registered as a broker-dealer pursuant to Section 15b of the Securities Exchange Act of 1934.

2—Report the name(s) of broker-dealers acquired through merger, consolidation, asset acquisition, or any other means during the course of the reporting period. A separate report is to be filed for the acquired firm for the period prior to the acquisition. The report of the acquiring firm is to include only its information for the period prior to the acquisition and the information of the merged or consolidated firm for the period subsequent to the acquisition.

4—The term "national securities exchange" or exchanges shall mean any exchange registered under Section 6 of the Securities Exchange Act of 1934.

5—"Equity security" shall mean any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security.

9a and b—These items are to be completed by only carrying firms required to file Part II of Form X–17A–5. Report total number of public customer accounts, regardless of the method by which those accounts are cleared.

The term "public customer" shall mean any person from whom or on whose behalf a broker or dealer has received or acquired or holds funds or securities for the account of such person, but shall not include a broker or dealer, or a general, special or limited partner or director or officer of the broker or dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker or dealer or is subordinated to the claims of creditors of the broker or dealer. Omnibus accounts carried for other brokers or dealers shall not be included in the count of public customer accounts (Item 10a) but shall be included under Item 10b.

Only active public customer accounts will be included in the public customer account total. For an account to be considered "active," it must have a non-zero cash or securities balance at the end of the reporting period or have had some action (purchase or sale of securities, dividend credit, etc.) during the reporting period. Omnibus accounts carried for other brokers at the end of the reporting period are to be included in omnibus account total.

11—Indicate with "1" the methods by which respondent clears its public customer accounts. If respondent has no customers, as defined in 10a and 10b above, respondent is to place a "1" in the "not applicable box. If respondent principally clears its public customer transactions through other than a broker-dealer place an "1" in the "other" box.

12—Exchange membership is to include associate and limited memberships as well as regular memberships. See Item 5 description for definition of "exchange."

13a and b—Reports only full time (full time is defined as anyone who works 40 hours or more per week for respondent) personnel employed by respondent as of the last business day of the year. A full time registered representative is any person who works a minimum of 30 hours per week and spends at a minimum, 50 percent of his time engaged in effecting transactions with public customers on behalf of the respondent. The number of employees and registered representatives is "as of" the last business day of the year.

16a, b, and c—These items are to be completed only by carrying or clearing firms required to file Part II of Form X–17A–5. Report the total number of public customer transactions executed on a national securities exchange. If basis of count is an actual count place an "1" in "actual" box. If statistical method is used place an "1" in "estimate" box.

A transaction is defined as an executed trade which results in a customer trade confirmation. Therefore, the count of transactions should be taken from the customer side and should not include confirmation corrections. For count purposes, several executions at the same price which result in one confirmation should be counted as one transaction.

In the case where a firm uses a statement-type confirmation, each item or 'line" should be considered as a confirmation for purposes of counting transactions. For those exchange transactions in which the respondent acts as principal, both street and customer sides are counted as separate transactions. For non-inventory principal transactions in an over-the-counter security, both the purchase for inventory and the sale to the customer shall be counted as separate transactions. Commodity, bond, option, and other transactions are to be reported in Item 17c.

For investment company securities transactions in which cash or securities are handled by respondent (exclude transactions by others such as voluntary or periodic payment plans), a count of trade confirmations should be used to obtain the transaction count. The street and customer side are counted as one transaction. For underwriting transactions the takedown should be counted as one transaction and the ultimate sale to customers should be counted based on customers' confirmations (e.g., an underwriting of 2,000 shares is ultimately sold to five customers—takedown of 2,000 shares counts as one trade and the sale to five customers counts as five trades). For commodity transactions purchase or sale of contracts are to be counted as one transaction and each subsequent closeout is to be counted as one transaction (e.g., five contracts of a commodity purchased in one trade (same price and on the same day) is one transaction, subsequent sale as five separate contracts (different day or price for each) is five additional transactions). Do not include clearing house side in count.

For option transactions the purchase of an option contract represents a transaction.

For commercial paper transactions both the purchase and sale should be counted as separate transactions. Count may be taken from confirmation or acknowledgement tickets. Items which are not strictly principal trades such as private placement sales should be included. Repurchase agreement sales and returns should also be included in count.

Corrections shall be excluded from the transaction count. However, an error transaction, that is a transaction where the wrong security was purchased and the correct security must later be purchased, is not considered a correction. For error transactions, the original transaction and the buy and sell from the error account are to be counted as separate transactions.

Firms carrying public customer accounts for other broker-dealers on a fully disclosed basis are to include transactions from those accounts in their number count. Firms introducing accounts on a fully disclosed basis will report "zero" for these items.

Although an actual count of transactions is preferred, an estimated count may be generated using the following methodology:

1. Select the specific days for which transactions will be counted:

(a) Randomly selecting one of the first 15 working days in the year as the starting date.

(b) Selecting each 8th working date thereafter throughout the entire year.

(c) Listing these dates in chronological order. This should result in a list of exactly 30 dates. (If more than this number have been selected, randomly discard dates throughout the year until only 30 remain.)

2. Count and record the transactions for each of the above 30 dates in each of the categories requested.

3. Estimate the annual number of transactions in each category by multiplying the aggregate of the 30 dates test count in each category by 8.3333 to annualize the transaction count.

18—Include both foreign and domestic branch offices.

SCHEDULE III

Note to Respondent.—Schedule III is to be filed by broker-dealers filing Part II of Form X–17A–5 with "annual" gross revenue related to the securities business of $10 million or more for the calendar year. Gross

revenue related to the securities business is defined as total revenue (line 12 of Part II, Form X-17A-5, Income and Expenses Statement) less revenue un-related to the securities business (line 11 of Part II, Form X-17A-5, Income and Expense Statement).

Schedule IIIA Realized Gain (Loss) From Principal Transactions in Securities in Trading Accounts

Schedule IIIA presents a detailed breakdown of the gain (loss) total. Gain (loss) (Dividends and Interest Income) in securities identified as being held for investment purchases in accordance with the provisions of the Internal Revenue Code applicable to dealers shall not be included in this schedule.

Dividend and interest income on securities in trading accounts shall be treated as an adjustment to gain (loss) reported.

All amounts reported shall not be reduced by allocation of Federal income taxes.

Gains (loss) from trading in State and local bonds is to be broken out between General obligation and Revenue bonds. General obligation bonds are those bonds which are supported directly or indirectly by the full faith and credit of the obligor. Revenue bonds are those bonds which can be repaid only from specified revenues such as road tolls or rents from leases.

The subcaption "Market-Making" refers to all market-making and shall be limited to activities in those particular securities in which the respondent holds himself out (by entering indications of interest in purchasing and selling in an inter-dealer quotations system or otherwise) as being willing to buy and sell securities for his own account on a continuous basis otherwise than on a national securities exchange.

Gains on riskless transactions are not to be included in this schedule.

Schedule IIIB Profit or Loss From Management of and Participation in Underwriting Syndicates and Selling Groups

The information called for in columns A and B shall be given in accordance with the indicated classifications.

Sales as principal underwriter of investment company securities (other than closed-end investment companies) shall not be reported in this schedule.

Column A—*Aggregate Cost to the Public of Securities Sold.* State the aggregate price paid by public customers for securities sold by respondent as member of underwriting syndicates, as participant in selling groups, or in unregistered block distribution. Securities sold to other broker-dealers shall be excluded from the amount reported.

Column B—*Gross Profit or Loss.* Gross profit or loss shall be determined as the difference between the proceeds of securities sold and their purchase price adjusted for discounts, commissions and allowances received from or given to other brokers. Any direct expense which can be associated with a specific underwriting may also be considered as a cost in determining gross profit or loss. In determining gross profit or loss any unrealized loss on securities unsold at the time the underwriting account was closed shall be considered as a deduction from the proceeds of securities sold.

Employee compensation and employment costs of persons working in an "underwriting department" and other related expenses of such department shall be considered as indirect expenses and not deducted in determining gross profit or loss.

1 and 2—Report all underwritings of securities registered under the Securities Act of 1933. Underwritings made on a firm commitment basis shall be reported at caption 1 and other underwritings, such as "best efforts" or "all or none," shall be reported at caption 2.

3—Unregistered block distributions to be reported include (1) a public distribution of unregistered securities through the facilities of a national securities exchange in accordance with the exchange rules applicable to "Special Offering Plans" or "Exchange Distribution Plans," or a public distribution of listed securities over-the-counter in accordance with exchange rules applicable to "Secondary Distribution." Such distributions are to be reported as underwritings regardless of whether the transactions have been effected in the capacity of principal or agent.

4—Respondent's participation in the underwriting and/or selling of state and local bonds is to be broken out between General obligation and Revenue bonds. For a definition of General obligation versus Revenue bonds see instruction for gain (loss) from trading in State and Local bonds of Schedule IIIA.

Schedule IIIC Income From Other Sources

3—Report premium received from non-exchange option transactions.

10—Report all other revenues related to respondent's securities business not previously reported in income from other sources, Items 1 thru Items 9.

Schedule IIID Securities Positions in Investment, Trading and Other Accounts

NOTE TO RESPONDENTS.—This schedule shall be used to report long and short positions in securities in which respondent has an interest. Securities clearly identified as being held for investment in accordance with provisions of the Internal Revenue Code applicable to dealers in securities shall be reported under caption 2, investment accounts. Commodities positions in trading and investment account are to be included in this.

Form X-17A-5
Schedule I

INFORMATION REQUIRED OF BROKERS AND DEALERS PURSUANT TO SECTION 17 OF THE SECURITIES EXCHANGE ACT OF 1934 AND RULE 17a-10 THEREUNDER

SEC File No. 8-

Securities and Exchange Commission Washington, D.C. 20549

Report for the Calendar Year 19__ ☐ or if less than 12 months

Report for the period beginning __/__/__ ☐ and ending __/__/__ ☐

1. Name of respondent:

2. Name(s) of broker-dealer(s) merging with respondent during reporting period: Official use onl

NAME:
NAME:
NAME:
NAME:

3. Respondent conducts a securities business exclusively with registered broker-dealers: (enter applicable code 1=Yes 2=No) ____

4. Respondent is registered as a specialist on a national securities exchange: (enter applicable code 1=Yes 2=No) ____

5. Respondent makes markets in the following securities:
(a) equity securities. . . . . (enter applicable code 1=Yes 2=No) ____
(b) municipals . . . . . (enter applicable code 1=Yes 2=No) ____
(c) other debt instruments. . . . . (enter applicable code 1=Yes 2=No) ____

6. Respondent is registered solely as a municipal bond dealer: (enter applicable code 1=Yes 2=No ____

7. Respondent is an insurance company or an affiliate of an insurance company (enter applicable code 1=Yes 2=No ____

8. Respondent carries its own public customer accounts (enter applicable code 1=Yes 2=No ____

9. Respondent's total number of public customer accounts (carrying firms filing Part II of Form X-17A-5 only)
(a) Public customer accounts. . . . . ____
(b) Omnibus accounts. . . . . ____

Form X-17A-5
Schedule I

10. Respondent clears its public customer and/or proprietary accounts (enter applicable code 1=Yes 2=No)

11. Respondent clears its public customer accounts in the following manner: (enter a "1" in appropriate boxes)
(a) Direct Mail (New York Stock Exchange Members only)
(b) Self-Clearing
(c) Omnibus
(d) Introducing
(e) Other
If other please describe:
(f) Not applicable.

12. (a) Respondent maintains membership(s) on national securities exchange(s): (enter applicable code 1=Yes 2=No)
(b) Names of national securities exchange(s) in which respondnet maintains memberships (enter an "1" in appropriate boxes)
(1) American
(2) Boston
(3) CBOE
(4) Midwest
(5) New York
(6) Philadelphia
(7) PBW
(8) Other

13. Employees: (a) Number of full-time employees.
(b) Number of full-time registered representatives employed by respondent included in 13(a).

14. Number of NASDAQ stocks respondent makes market

15. Total number of underwriting syndicates respondent was a member

16. Number of respondent's public customer transactions: (Carrying or clearing firms filing Part II of Form X-17A-5 only) Actual / Estimate
(a) equity securities transactions effected on a national securities exchange.
(b) equity securities transactions effected other than on a national securities exchange.
(c) commodity, bond, option, and other transactions effected on or off a national securities exchange.

17. Respondent is a member of the Securities Investor Protection Corporation (enter applicable code 1=Yes 2=No)

Form X-17A-
Part I

18. Number of branch offices operated by respondent.

19. Respondent is an affiliate or subsidiary of a foreign broker-dealer or bank (enter applicable code 1=Yes 2=No)

20. (a) Respondent is a subsidiary of a registered broker or dealer (enter applicable code 1=Yes 2=No)
(b) Name of parent

21. Respondent is a subsidiary of a parent which is not a registered broker or dealer (enter applicable code 1=Yes 2=No)

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Form X-17A-5
Schedule II

Gross Revenue of all Subsidiaries and Partly Owned Affiliates

Revenue Classification	A. Total Gross Revenues of All Subsidiaries and Partly Owned Affiliates	B. Amount Representing Minority Interest In Total Gross Revenues Set Forth In Column A for Subsidiaries or Affiliates Which Are Included In the Parent's Statements Herein.	C. Amount of Total Gross Revenues Set Forth In Column A Which Are Included In the Parent's Statement Herein
	$	$	$
1. Securities Commissions			
2. Trading Gains (Losses)			
3. Interest Income			
4. Underwriting Profit (Loss)			
5. Mutual Fund Revenue			
6. Commodities Income			
7. Investment Advisory Fees			
8. Firm Investment Gains (Losses)			
9. Other Income Related to the Securities Business (specify where mutual)			
10. Other Income Not Related to Securities Business			
Total	$	$	$

Securities and Exchange Commission

Washington, D.C. 20549

Form X-17A-5

Schedule III

Schedule III is to be filed by broker-dealers filing Part II of Form X-17A-5 with "annual" gross revenue related to the securities business of $10 million or more for the calendar year. Gross revenue related to the securities business is defined as total revenue (line 12 of Part II, Form X-17A-5, Income and Expense Statement) less revenue unrelated to the securities business (line 11 of Part II, Form X-17A-5, Income and Expense Statement).

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Schedule IIIA
Schedule IIIB
Schedule IIIC
Schedule IIID

Name of Broker or Dealer

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Form X-17A-5 Schedule III-A

REALIZED GAIN (LOSS) FROM PRINCIPAL TRANSACTIONS IN SECURITIES IN TRADING ACCOUNTS

SECURITY	EXCHANGES (COL. A)		OTC (COL. B)	
	OMIT—CENTS			
1. Government Securities:				
a. U.S. Government	$	8710	$	8743
b. State and Local				
1. General Obligation bonds		8711		8744
2. Revenue Bonds		8712		8745
c. Other Government Securities		8713		8746
d. Subtotal *(1a+1b+1c)*		8714		8747
2. Market-Making:				
a. Stocks Listed on an Exchange		8719		8752
b. All Other Stocks		8720		8753
c. Debt Securities		8721		8754
d. Subtotal *(2a+2b+2c)*		8722		8755
3. Trading for Respondent's Account *(other than trading in firm's investment accounts and trading reported above):*				
a. Stocks Listed on an Exchange		8727		8762
b. All Other Stocks		8728		8763
c. Options		8729		8764
d. Block Trading		8730		8765
e. Other Trading		8731		8766
f. Subtotal *(3a+3b+3c+3d+3e)*		8732		8767
4. Realized Gain *(Loss)(1d+2d+3f)*		8733		8768
5. Total Realized Gain (Loss) (Add Col. A and Col. B of Line 4			$	8769

Form X-17A-5 Schedule III-B

PROFIT OR LOSS FROM MANAGEMENT OF AND PARTICIPATION IN UNDERWRITING SYNDICATES AND SELLING GROUPS

CLASSIFICATION OF UNDERWRITINGS	Aggregate Cost to the Public of Securities Sold by Respondent (Col. A)		Gross Profit or Loss (Col. B)	
	OMIT—CENTS			
1. Firm commitment underwriting of registered corporate securities:				
a. Stocks	$	8800	$	8821
b. Debt securities		8801		8822
c. Subtotal *(1a+1b)*		8802		8823
2. Other underwriting of registered corporate securities *(e.g., best efforts underwriting, direct placements)*		8803		8824
3. UNREGISTERED block distributions *(as principal or agent)* secondaries, exchange distributions, special offerings		8804		8825
4. Total corporate securities *(1c+2+3)*		8805		8826
5. Government securities:				
a. U.S. Government		8806		8827
b. State and local				
1. General obligation bonds		8807		8828
2. Revenue Bonds		8808		8829
c. Other government securities		8809		8830
d. Subtotal *(5a+5b+5b2+5c)*		8810		8831
6. Total *(Column A only)* *(Total of lines (4+5d)*	$	8820		
7. Total *(Column B only)* *(Total of lines 4+5d)*			$	8841

Form X-17A-5 Schedule III-C

INCOME FROM OTHER SOURCES
(SECURITIES BUSINESS ONLY)

	OMIT-CENTS	
1. Subscription fees for periodic publications	$	8870
2. Fees received from private placements of securities not registered under the Securities Act of 1933		8871
3. Fees for puts, calls, other option transactions not conducted on a national securities exchange		8872
4. Proxy solicitation fees		8873
5. Service charges *(includes custodian fees)*		8874
6. Dividends from securities in firm investment accounts		8875
7. Nonrecurring income		8876
8. Consulting fees for mergers and acquisitions *(include finders fees)*		8877
9. Income from commercial paper operations		8878
10. Other revenues related to securities business not included above		8879
11. Total other revenue related to securities business - items 1 thru 10	$	8880

Form X-17A-5 Schedule III-D

SECURITIES AND COMMODITIES POSITIONS IN INVESTMENT, TRADING, AND OTHER ACCOUNTS

	LONG POSITIONS (COL. A)		SHORT POSITIONS (COL. B)	
	OMIT CENTS			
1. Trading Accounts:				
a. Stocks	$	8910	$	8940
b. Options		8915		8945
c. Corporate bonds (includes convertibles)		8911		8941
d. U.S. Government securities		8912		8942
e. State, local and all other government securities		8913		8943
f. Total trading accounts (1a+1b+1c+1d+1e)	$	8914	$	8944
2. Investment Accounts:				
a. Stocks	$	8919	$	8949
b. Options		8924		8954
c. Corporate bonds (includes convertibles)		8920		8950
d. U.S. Government securities		8921		8951
e. State, local and all other government securities		8922		8952
f. Total investment accounts (2a+2b+2c+2d+2e)	$	8923	$	8953
3. Other Accounts:				
a. Commodities	$	8928	$	8956
b. Joint accounts	$	8929	$	8959
c. Capital accounts	$	8939	$	8960

[FR Doc.77-129 Filed 1-3-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 201]

PRACTICE AND PROCEDURES

Performance of Functions

Notice is hereby given that the United States International Trade Commission is considering amendments and additions to its Rules of Practice and Procedure (19 CFR Chapter II).

Pursuant to section 335 of the Tariff Act of 1930, as amended (72 Stat. 680; 19 U.S.C. 1335), section 337(b)(3) of the Tariff Act of 1930, as amended (88 Stat. 2054; 19 U.S.C. 1337(b)(3)), and section 201(b)(6) of the Trade Act of 1974 (88 Stat. 2013; 19 U.S.C. 2251(b)(6)), the Commission proposes to amend title 19, part 201, of the Code of Federal Regulations by adding a new section 201.4(d).

Interested persons may participate in the rulemaking proceeding by submitting written comments in triplicate to:

Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

All comments received on or before February 3, 1977 will be considered. Comments received after publication of this proposal will be available for public inspection during normal working hours at the Office of the Secretary, U.S. International Trade Commission.

Final regulations, modified as the Commission deems appropriate after consideration of comments, will be adopted as soon as practicable after such consideration. The Commission currently intends to make the final regulations effective 30 days after their publication in the FEDERAL REGISTER.

The basis of this proposal is as follows:

1. Section 337(b)(3) of the Tariff Act of 1930, as amended, provides:

Whenever, in the course of an investigation under this section, the Commission has reason to believe, based on information before it, that the matter may come within the purview of section 303 or of the Antidumping Act, 1921, it shall promptly notify the Secretary of the Treasury so that such action

may be taken as is otherwise authorized by such section and such Act.

2. A similar provision appears in section 201(b)(6) of the Trade Act of 1974:

In the course of any proceeding under this subsection, the Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, or other remedial provisions of law, the Commission shall promptly notify the appropriate agency so that such action may be taken as is otherwise authorized by such provisions of law.

In the past, the Commission has provided such notice on an ad hoc basis.

In order to handle such matters expeditiously, as is required by law, without disturbing existing investigations, the Commission proposes to amend part 201 of its Rules of Practice and Procedure to allow for informal, nonadjudicative consideration of such matters. The proposed amendment is as follows: Add, following section 201.4(c) of said rules, the following:

§ 201.1 Performance of functions.

* * * * *

(d) *Suggestion that matters may come within the purview of other laws.* Whenever, in the course of an investigation under section 337 of the Tariff Act of 1930, as amended, or under section 201 of the Trade Act of 1974 (Public Law 93-618), any party or person, including the Commission or its staff, has reason to believe that the subject matter of such investigation may come within the purview of a remedial provision of law not the basis of such investigation, including, but not limited to, the Antidumping Act, 1921, or sections 303 or 337 of the Tariff Act of 1930, as amended, then the party or person may file a suggestion of notification with the Commission that the appropriate agency be notified of such matters, together with such information as the party or person can make available. The Commission Secretary shall promptly thereafter publish notice of the filing of such suggestion and information, and make them available for inspection and copying to the extent permitted by law. Any person may comment on the suggestion within 10 days after the publication of said notice. Thereafter, the Commission shall determine whether notification is appropriate under law and, if so, shall notify the appropriate agency.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.77-289 Filed 1-3-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

[Docket No. 76N-0236]

BOTTLED WATER

Proposed Amendment to Quality Standard

The Food and Drug Administration (FDA) is proposing to amend the quality standard for bottled water. These amendments are being proposed in response to the Environmental Protection Agency (EPA) publication in the FEDERAL REGISTER of July 9, 1976 (41 FR 28402) of national interim primary drinking water regulations for radioactivity. Interested persons have until March 7, 1977 to submit comments. Published elsewhere in this issue of the FEDERAL REGISTER are proposed amendments to the current good manufacturing practice regulations for the processing and bottling of bottled water under Part 128d (21 CFR Part 128d).

In the FEDERAL REGISTER of June 21, 1976 (41 FR 24896), FDA issued a proposal to amend the quality standard for bottled water in response to EPA publication of national interim primary drinking water regulations in the FEDERAL REGISTER of December 24, 1975 (40 FR 59566). On July 9, 1976, EPA published supplemental drinking water regulations concerning radioactivity in drinking water. The publication of national interim drinking water regulations for radioactivity is one of the latest steps taken by EPA to implement the Safe Drinking Water Act of 1974 (Pub. L. 93-523).

In the proposal published by FDA on June 21, 1976, the Commissioner of Food and Drugs announced that when EPA promulgated specific regulations dealing with radionuclides, the quality standard for bottled water would again be reviewed. The Commissioner also pointed out that under section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) FDA is required, whenever EPA "prescribes interim or revised national primary drinking water regulations under section 1412 of the Public Health Service Act," to consult with EPA and within 180 days after EPA promulgates the drinking water regulations to "either promulgate amendments to regulations under this chapter applicable to bottled drinking water or publish in the FEDERAL REGISTER * * * reasons for not making such amendments."

This proposal and the proposed amendments to the current good manufacturing practice regulations for the processing and bottling of bottled drinking water are issued pursuant to FDA's statutory obligation under section 410 of the act.

The Commissioner, after consideration of all comments received on this proposal, will publish a final regulation in the FEDERAL REGISTER. He proposes that the final regulation become effective on December 31, 1977.

The Environmental Protection Agency has established the following maximum contaminant levels for radioactivity in public drinking water:

1. Combined radium-226 and radium-228 activity not to exceed 5 picocuries (pCi) per liter of water.

2. Gross alpha particle activity (including radium-226, but excluding radon and uranium) not to exceed 15 pCi per liter of water.

3. The average annual concentration of beta particle and photon radioactivity from manmade radionuclides in drinking water shall not produce an annual dose equivalent to the total body or to any internal organ greater that 4 millirems per year. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirems per year.

To determine compliance with the maximum contaminant level set for beta particle and photon radioactivity from manmade radionuclides, the EPA has established a method for calculating the concentration of manmade radio nuclides causing a total body or organ doe equivalent of 4 millirems. In the case of tritium and strontium-90, EPA has established specific levels of 2×10^4 pCi/liter and 8 pCi/liter, respectively. Water containing these radionuclides at these levels may be assumed to result in an annual dose equivalent of 4 millirems when only the named radionuclide is being considered. In addition, EPA has stated that compliance with the 4-millirem limit can be assumed, provided that the average annual concentration of gross beta particle activity is less than 50 pCi per liter and the average annual concentration of tritium and strontium-90 combined do not result in a dose equivalent to the whole body or any organ of more than 4 millirems.

The Environmental Protection Agency defines manmade beta particles and photon emitters as all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except for the daughter products of thorium 232, uranium-235, and uranium-238. Radiological terms used in this proposal are as defined in the EPA interim primary drinking water regulations for radionuclides published in the FEDERAL REGISTER of July 9, 1976.

To maintain uniformity with the national interim primary drinking water regulations, the Commissioner proposes to amend § 11.7(e) (21 CFR 11.7(e)) to require that the radiological quality of bottled water be consistent with the radiological limits set forth by EPA for public drinking water.

The Commissioner is proposing to amend § 11.7(e) to require that (1) the bottled water not contain a combined radium-226 and radium-228 activity in excess of 5 pCi per liter of water, (2) the bottled water not contain a gross alpha particle activity (including radium-226, but excluding radon and uranium) in excess of 15 pCi per liter of water, (3) the bottled water not contain beta particle and photon radioactivity from manmade radionuclides in excess of that which would produce an annual dose equivalent to the total body or any internal organ of 4 millirems per year, calculated on the basis of an intake of 2 liters of the water per day. If two or more beta or photon-emitting radionuclides are present, the sum of their annual dose equivalent to the total body or to any internal organ shall not exceed 4 millirems per year.

The Environmental Protection Agency has also established specific limits for tritium and strontium-90 in drinking water. Testing for manmade radionuclides, however, is only required for drinking water systems using surface water sources and serving more than 100,000 persons. The proposed amendment to the quality standard for bottled water does not establish separate requirements for tritium and strontium-90. Manufacturers must analyze the sample to identify the major radioactive constituents present and calculate what the dose equivalent would be for the combined radionuclides present. This would include any contribution made by strontium-90. The additional monitoring required by EPA for large public water systems is part of a Federal-State regulatory policy designed to give added surveillance where appropriate. Tritium and strontium-90 can also be used as indicators of man's influence on environmental radiation. The Commissioner is of the opinion that such surveillance is appropriate for public water supplies but does not consider it necessary as a separate criterion for bottled water.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 6.1(d)(4) (21 CFR 6.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this amendment.

(Secs. 401, 403(h), 410, 701, 52 Stat. 1046 as amended, 1047, 1055-1056 as amended, 88 Stat. 1694 (21 U.S.C. 341, 343(h), 349, 371)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

It is proposed that § 11.7 be amended by revising paragraph (e) to read as follows:

§ 11.7 Bottled water.

* * * * *

(e) *Radiological quality.* (1) Bottled water shall, when a composite of analytical units of equal volume from a sample is examined by the methods described in paragraph (e)(2) of this section, meet standards of radiological quality as follows:

(i) The bottled water shall not contain a combined radium-226 and radium-228 activity in excess of 5 picocuries per liter of water.

(ii) The bottled water shall not contain a gross alpha particle activity (including radium-226, but excluding radon and uranium) in excess of 15 picocuries per liter of water.

(iii) The bottled water shall not contain beta particle and photon radioactivity from manmade radionuclides in excess of that which would produce an annual dose equivalent to the total body or any internal organ of 4 millirems per year calculated on the basis of an intake of 2 liters of the water per day. If two or more beta or photon-emitting radionuclides are present, the sum of their annual dose equivalent to the total body or to any internal organ shall not exceed 4 millirems per year.

(2) Analyses conducted to determine compliance with paragraph (e)(1) of this section shall be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 14th Ed., 1975.[1]

* * * * *

Interested persons may, on or before March 7, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 27, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-105 Filed 1-3-77;8:45 am]

[1] Copies are available from: American Public Health Association, 1015 Eighteenth St. NW., Washington, D.C. 20036.

[21 CFR Part 128d]

[Docket No. 76N-0298]

PROCESSING AND BOTTLING OF BOTTLED DRINKING WATER

Proposed Amendments to Current Good Manufacturing Practice Regulations

The Food and Drug Administration (FDA) is proposing to amend the current good manufacturing practice regulations for the processing and bottling of bottled drinking water. These amendments are being proposed in response to the Environmental Protection Agency (EPA) publication in the FEDERAL REGISTER of July 9, 1976 (41 FR 28402) of national interim primary drinking water regulations concerning radionuclides. Interested persons have until March 7, 1977 to submit comments. Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to amend the quality standard for bottled water under Part 11 (21 CFR Part 11).

After consideration of all comments received on this proposal, a final regulation will be published in the FEDERAL REGISTER. The Commissioner of Food and Drugs proposes that the final regulation become effective on December 31, 1977.

The Environmental Protection Agency has established monitoring frequencies for radioactivity in community water systems. Analysis of community water systems for radium-225 and radium-228 is required once every 4 years. Analysis for gross alpha particle activity and gross beta particle activity is also required every 4 years. However, in the case of gross beta particle activity, analysis is only required by community water systems serving more than 100,000 persons and using surface water sources. Tritium and strontium-90 analyses are also required every 4 years for systems using surface water sources and serving more than 100,000 persons. In each case, more frequent and more thorough monitoring of community water systems can be required by the individual States. For example, in accordance with 40 CFR 141.26(b)(1)(iii) of the EPA regulations, suppliers of water using only ground waters may be required to monitor for manmade radioactivity; in accordance with 40 CFR 141.26(b)(4), the suppliers of community water systems designated by a State as utilizing waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

The monitoring schedules established by EPA were designed to give maximum flexibility to a combined State-EPA regulatory effort. The Environmental Protection Agency has provided for increased surveillance of municipal water systems whenever radioactivity levels or physical circumstances of the water system warrant additional monitoring. In the case

of bottled water, however, FDA is required to adopt a uniform policy that applies to all bottled-water manufacturers. These differences in the regulatory approach were discussed in the preamble to the proposed amendments to the current good manufacturing practice regulations published in the FEDERAL REGISTER of June 21, 1976 (41 FR 24897).

The current good manufacturing practice regulations for bottled water require that manufacturers analyze water samples for radiological contaminants on a yearly basis. This requirement is a result of a partial stay published in the FEDERAL REGISTER of November 4, 1975 (40 FR 51194), which reduced the semiannual testing requirements to one test per year. Currently, these tests are to be made both on the source water and the final product water.

The Commissioner proposes that manufacturers test the final product water annually for radiological contaminants and the source water once every 4 years in order to assure that the source water meets the requirements of applicable law and regulations of the government agency or agencies that have jurisdiction. The quadrennial testing of source water for radiological contaminants shall be in addition to testing performed by government agencies.

The Commissioner proposes to retain annual testing requirements for the final bottled-water product for several reasons. Less frequent testing of the final product water cannot be considered good manufacturing practice. Manufacturers are currently testing product water on an annual basis, and retention of this provision will provide no additional cost burden to the manufacturer. Manufacturers of bottled water are directly responsible for the safety of the product water and have already demonstrated an ability to institute quality control procedures based on an annual sampling schedule for radioactive contaminants.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

(Secs. 402(a), 410, 701(a), 52 Stat. 1046 as amended, 1055, 88 Stat. 1694 (21 U.S.C. 342(a), 349, 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

It is proposed that Part 128d be amended as follows:

1. By revising § 128d.5(a)(3) to read as follows:

§ 128d.5 Sanitary facilities and controls.

* * * * *

(a) * * *

(3) *Product water and operations water from approved sources.* (i) Samples of source water shall be taken and analyzed for chemical contaminants by the plant as often as is necessary, but at a minimum frequency of once each year to assure that the supply is in conformance with the applicable standards, laws, and regulations of the government agency or agencies having jurisdiction. Samples of source water shall be analyzed for radiological contaminants every 4 years. The sampling and analysis may be by qualified plant personnel or by qualified commercial testing laboratories and shall be in addition to any sampling performed by the government agency or agencies having jurisdiction. Samples of source water obtained from other than municipal or public water systems shall be taken and analyzed for microbiological contaminants at least once each week. Records of both government agency approval of the water source and the sampling and analysis performed by the plant shall be maintained on file at the plant.

* * * * * *

2. By revising § 128d.7(g)(2) to read as follows:

§ 128d.7 Processes and controls.

* * * * * *

(g) * * *

(2) For chemical, physical, and radiological purposes, take and analyze at least annually a representative sample from a batch or segment of a continuous production run for each type of bottled drinking water produced during a day's production. The representative sample(s) shall consist of primary containers of product or unit packages of product.

* * * * * *

Interested persons may, on or before March 7, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 27, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-124 Filed 1-4-77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-004]

PROPOSED STANDARD FOR EXPOSURE TO LEAD

Informal Public Hearing; Availability of Preliminary Technological Feasibility and Inflationary Impact Study; and Receipt of Additional Studies

• Purpose. The purposes of this notice are to schedule a hearing date for receipt of oral testimony on all relevant issues concerning the lead proposal; to explicitly raise certain additional issues; to set forth a list of additional studies concerning exposure to lead; to announce the availability of a preliminary technological feasibility, cost of compliance and inflationary impact study of the proposed lead standard; and to permit further comment on the proposal.•

Background: On October 3, 1975, notice of a proposed standard for occupational exposure to lead was published by the Occupational Safety and Health Administration (OSHA) in the FEDERAL REGISTER (40 FR 45934) pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and Title 29, Code of Federal Regulations (CFR) Part 1911.

Interested persons were given until December 2, 1975 to submit written data, views and arguments on the proposal and to file objections and request a hearing thereon. At the request of several commenting parties, this period was subsequently extended until January 16, 1976 (40 FR 55866). Over 100 written comments have been received including approximately 40 requests that a public rulemaking hearing be held.

Issues: The preamble to the proposed standard listed 10 major issues as likely to be of significance in the rulemaking proceeding (40 FR 45934). They are as follows:

1. Whether the proposed permissible exposure limit to lead should be 100 ug/m^3; and whether this level incorporates an appropriate margin of safety;

2. Whether subclinical effects of exposure should be considered in establishing a standard for occupational exposure to any substance, in this case lead;

3. Whether compliance with the proposal is technologically and economically feasible;

4. Whether, as provided in the proposal, employers in certain specific industries should be required to conduct initial monitoring of the exposures of some employees or whether initial determinations without monitoring are sufficient for all industries;

5. Whether biological sampling and analysis should be required as a supplement to air monitoring to determine employee absorption of lead;

6. Whether the provisions for methods of compliance, medical surveillance, protective equipment and clothing, hygiene facilities, and recordkeeping are appropriate;

7. Whether warning signs and labels should be required;

8. To what extent are there groups with increased susceptibility to lead in the working population, such as women of childbearing age; and should such increased susceptibility, if it exists, be considered in establishing a standard for occupational exposure to any substance, in this case lead; and

9. What are the environmental and inflationary impacts of this proposal.

10. Whether compliance with the proposal would be technologically and economically feasible for all affected industries, and particularly for employers engaging small numbers of employees.

Comments and information were sought on these and any other issues raised by the proposal.

Since publication of the proposal, issues not specifically covered by the 10 listed above or discussed at any length in the preamble have been raised. OSHA considers these new issues to be of such importance and controversy that comments, information and data are now sought on them, both in writing and at the rulemaking hearing. Therefore, to promote the fullest possible analysis of these issues during the rulemaking proceeding, they are briefly discussed below.

Chelating Agents. Essentially, chelates are chemical purgatives administered to remove metals from the body. They are often administered in emergency situations to remove lead from children who have ingested large amounts and are exhibiting symptoms of acute lead poisoning. Chelates, such as calcium disodium ethylenediamine tetraacetate (EDTA, Versenate), are highly toxic and place a strain on certain organs, such as the kidney, when used repeatedly. Furthermore, once administered, they remove not only lead but may remove most other metals from the system as well.

OSHA recognized the possibly inappropriate use of chelates to reduce employee blood levels in the proposed standard when it recommended that: "Chelating agents shall not be routinely administered to employees, and shall not be administered at all except by, and at the discretion of, a licensed physician." (40 FR 45945) In a written comment submitted on the proposal, it was suggested that OSHA prohibit the administration of all oral chelating agents and limit the administration of intravenous chelating agents to emergency situations only (comment #112, p. 2). In February 1976, a study performed by the Mt. Sinai School of Medicine's Environmental Sciences Laboratory in New York revealed routine chelation therapy at two Indianapolis, Indiana secondary lead smelters. In March, hearings were held by the Subcommittee on Manpower, Compensation and Health and Safety of the full Committee on Education and Labor of the U.S. House of Representatives to investigate occupational exposure to lead and use of chelating agents. The Director of the National Institute, for Occupational Safety and Health, Dr. John Finklea, testified at the hearing that: "They (chelating agents) should only be administered under proper medical supervision and not by anyone untrained in medicine. * * * Physicians should not chelate workers and send them back to work where there is a likelihood that they would have continued overexposure to lead." Anemia and evidence of neurological damage have been found in workers treated in this manner. Dr. Hector Blejer, appearing on his own behalf, testified concerning his observations of the the use of chelating agents during his service with the State of California. He noted that some experts recommend that chelates or any other chelation therapy should not be administered at all to treat overexposed adult workers. Instead, they recommend immediate removal of the employe from exposure and treatment of the symptoms of intoxication. This is referred to as natural "deleading."

In July 1976, the Food and Drug Administration warned against the "prophylactic" use of chelation in its June-July Drug Bulletin, adding that "their chronic use to combat continued exposure to lead has not been shown to be effective and can harm the subject." "Prophylactic" chelation has been discussed in the literature to include the routine use of chelation or similarly acting drugs to prevent elevated blood lead levels in workers who are occupationally exposed to lead or the use of these drugs to routinely lower blood lead levels to predesignated concentrations.

The issue of chelation thus concerns its proper use in an occupational setting to the extent that an employer is involved with its administration. More specifically, under what circumstances, if any, should chelation therapy be relied on to treat employees exhibiting symptoms of acute lead intoxication? Would compliance with the proposal's requirement concerning it be adequately protective of worker health? What are the long-term and short-term health effects of chelation?

Adequacy of Blood Lead Determinations. Blood lead level determinations are the primary biological monitoring technique required in the proposal's medical surveillance provisions. The preamble to the proposal acknowledged that this method provides the most useful and relatively accurate method of arriving at an employee's current lead absorption. The preamble also stated that, of the various biological monitoring tests available, determinations of blood lead levels correlated best with the appearance of symptoms of lead intoxication and with concentrations of airborne lead. There are, however, some significant limitations inherent in blood lead level determinations. For example, a blood lead level reflects the amount of active or mobile lead in the body at a particular time which may be as little as 10 percent of the total body burden. Also, blood lead determinations are susceptible to depression from a variety of sources other than reduced lead absorption, such as from anemia or chelation treatment. In addition, a procedure frequently employed by laboratories that perform blood lead determinations is to also assess hematocrit or hemoglobin levels in order to more accurately indicate the amount of lead present in the body.

Recently, biological monitoring methods other than blood lead determinations have received increased attention. The 1976 Mt. Sinai study of workers in 2 lead smelters in Indiana revealed that, of the laboratory findings studied including blood lead levels, determinations of zinc protoporphyrin (ZPP), an indicator of hemesynthesis, correlated well with the clinical symptoms observed. Other recent studies suggest that both during and after long-term stable lead exposures measurement of erythrocyte protoporphyrin (EP), a similar indicator to ZPP, gives a better reflection of hematologically active lead than other available parameters. It should be noted that EP determinations are already being employed in conjunction with blood lead determinations in screening tests for lead toxication in children. The studies have also found a positive correlation at blood lead levels below 70ug/100ml between EP and subjective symptoms related to lead toxicity. These and other studies were discussed by the Subcommittee on Permissible Limits of the Permanent Commission and International Association on Occupational Health which met in Amsterdam, The Netherlands, in September 1976. The Subcommittee's published report on occupational exposure to lead, including a discussion of ZPP determinations, is still pending. ZPP determinations may offer substantial promise as a practical, sensitive and economic monitoring test suitable for routine use. One manufacturer indicated in its comment on the proposed standard that a portable hematofluorometer, now commercially available, permits the determination of the ZPP level in a drop of unprocessed blood deposited on a disposable glass slide (comment #79, addendum).

In light of these recent studies, OSHA seeks comments on the potential utility of ZPP determinations as an alternative method to be used in the initial screening for lead intoxication. Are the equipment and technique necessary for this determination reliable, available and relatively inexpensive? Should blood lead determinations be supplemented with assessments of hematocrit and hemoglobin levels?

Effects of Lead on Reproductive Functions. For years, lead has been known to affect reproductive functions. Observations among human populations indicate that lead is associated with sterility, spontaneous abortions, stillbirths, birth defects, increased infant mortality, increased prematurity and increase in chromosomal abnormalities. Additionally, animal test systems have indicated that lead may be associated with impotency and mutagenesis. However,

beyond acknowledging that fetal damage, particularly to the nervous system, can occur at levels usually considered safe for adults, there is little scientific agreement as to the precise levels of exposure that correlate with onset of these effects. In 1972, the National Academy of Sciences suggested that a clinical state approaching that of frank lead poisoning is necessary before the fertility of men or women is affected. More recently, however, a 1975 study of male workers at a Rumanian storage battery plant revealed effects on spermatogenesis which may be of clinical significance at relatively low blood lead levels. This suggests a new concern about effects of lead on male reproductive functions at relatively low levels of exposure.

During the last several years, studies have been completed that indicate female workers, even when not pregnant, may also be slightly more susceptible to adverse effects of lead than their male counterparts. A 1974 study by Seppalainen found that females exhibited decreased motor nerve conduction velocity at lower blood lead levels than males. A 1976 study by Alessio showed that after EDTA provocation tests FEP levels in women were higher than in men at specified urine lead levels. This latter study can be viewed as suggestive of greater susceptibility in adult women to effects of lead on the blood forming process.

Finally, a number of comments received on the proposal discussed proper protection for female lead workers of childbearing age. A point made by both industry and health groups was that the permissible exposure limit of 100 ug/m³ of lead in air, assuming a correlation to a maximum blood lead level of 60 ug/100g, is actually inadequate to protect a developing fetus.

The issues regarding effects of lead on human reproduction are complex and multiple, with relatively little scientific attention paid to this subject until recent times. Nevertheless, at least several questions can be posed. Does the permissible exposure limit and other related provisions within the proposal provide adequate protection to women of childbearing age and to the human reproductive system. Are there any other studies, information or data bearing on the effects of lead on male reproductive functions at low blood lead levels? Interested persons are invited to submit comments on all issues regarding effects of lead on worker health, including reproductive functions.

Additional Studies: Since publication of the proposed standard, OSHA has obtained copies of additional studies and reports. Most of these have been published recently and concern various health effects arising from exposure to lead. The findings of some are likely to be discussed at the public hearing and may have some bearing on requirements contained in the final standard. As a result, the following list of additional studies is provided at this time.

Air Pollution Engineering Manual, U.S. Environmental Protection Agency, Publication AP-40, 2nd Ed.

Baglan R.; A. Brill; and A. Schuler: Utility of Placental Tissue as an Indicator of Trace Element Exposure to Adult and Fetus. Environ Res 8:64, (1964).

Baloh R.: The Effects of Chronic Increased Lead Absorption on the Nervous System—A Review Article—Bulletin of the Los Angeles Neurological Societies, Vol. 38, No. 2 (April 1973).

Baloh R.: Laboratory Diagnosis of Increased Lead Absorption. Arch Environ Health 28: 198–208, (1974).

Barry P. S. I.: A Comparison of Concentrations of Lead in Human Tissues. Brit J Ind Med 32:119–139, (1975).

Belden E.; L. P. Garben: Health of Workers Exposed to Galena. J Indust Hyg and Tox 31:347–351, (November 1949).

Benson G. I.; W. H. S. George; M. H. Litchfield; and D. J. Seaborn: Biochemical Changes During the Initial Stages of Industrial Lead Exposure. Britt J Ind Med 33:29–35, (1976).

Berg B.; C. Zinz: Environmental and Clinical Control of Lead Exposure in a Non-Ferrous Foundry. AIHJ 175–178, (April 1967).

Berman E.: The Biochemistry of Lead: Review of the Body Distribution and Methods of Lead Determination. Clinical Pediatrics 287–291, (May 1966).

Butler E. J.: Chronic Neurological Disease As a Possible Form of Lead Poisoning J Neur Psych 15:119, (1952).

Cernik A. A.: Determination of Blood Lead Using a 4.0mm Paper Punched Disc Carbon Sampling Cup Technique. Brit J Ind Med 31:238–244, (1974).

Chamberlain M. J.; P. M. D. Massey: Mild Lead Poisoning with an Excessively High Blood Lead. Brit J Ind Med 32:119–139, (1975).

Chatterjee B. B.; M. K. Williams; J. O. Walford; and E. King: The Location of Personal Sampler Filter Heads. AIHJ 643–645, (Nov.–Dec. 1969).

Chiba M.: Activity of Erythrocyte Delta-Aminolevulinic Acid Dehydratase and its Change by Heat Treatment as Indices of Lead Exposure. Brit J Ind Med 33:36–42, (1976).

Chisolm J.: Disturbances in the Biosynthesis of Heme in Lead Intoxication. J of Pediat 64:174–187, (February 1964).

Cotton M.J.; G. Harrison; P.M. Fullerton; and G. Kazantzis: Subclinical Neuropathy in Lead Workers. Brit J Ind Med 2:80–82, (1970).

Cramer K.; S. Selander: Studies in Lead Poisoning. Brit J Ind Med 22:311–314, (1965).

DeJesus P.V.; I. Hausmanowa-Petrusewicz; and R. Barchi: The Effect of Cold on Nerve Conduction of Human Slow and Fast Nerve Fibers. Neurology 23:1182–1189, (1973).

DeKretsen, A. J.; H. A. Waldron: Urinary Delta-Aminolevulinic Acid and Porphobilinogen in Lead—Exposed Workers. Brit J Ind Med 20:35—40, (1963).

Dust Extraction Systems in the Ceramics Industry, Health and Safety Executive, London 1975. H. M. Stationary Office, P.O. Box 569, London S.E. 1, United Kingdom.

Egan D. A.; T. O'Cuill: Cumulative Lead Poisoning in Horses in a Mining Area Contaminated with Galena. Vet Rec 86:736–738, (1970).

Equipment and Procedures for Erythrocyte Protoporphyrin (EP) Analysis As A Screening Method for Pediatric Lead Poisoning, U.S. Department of Health, Education and Welfare, PHS, No. 00–2751.

Fahim M.; Z. Fahim; and D. Hall: Effects of Subtoxic Lead Levels on Pregnant Women in the State of Missouri. Research Comm in Chem Pathol Pharmacol 13:309, (1976).

Forni A.; G. Cambiaght; and G. Secch: Initial Occupational Exposure to Lead. Arch Environ Health 31:73–78, (March/April 1976).

Foundary Dust Control—Fetting Benches and Small Adjustable Hoods Health and Safety Executive, London 1975. H. M. Stationary Office, P.O. Box 569, London, S.E. 1, United Kingdom.

Goldstein D.; T. J. Kneop; V. Rulon; and N. Cohen: Erythrocytic Aminolevulinic Acid Dehydratase (ALAD) Activity as a Biologic Parameter for Determining Exposures to Lead. J. Occup Med 17:157–162, (1975).

Goldwater L. J.; W. Hoover: An International Study of "Normal" Levels of Lead in Blood and Urine. Arch Environ Health 15:60–63, (1967).

Goyer R.; D. Leonard; J. Moor; B. Ryne; and M. R. Krigman: Lead Dosage and the Role of the Intranuclear Inculsion Body. Arch Environ Health 20:705–711, (1970).

Haeger-Aronsen B.: An Assessment of the Laboratory Tests Used to Monitor the Exposure of Lead Workers. Brit J Ind Med 28:52–58, (1971).

Hamilton A.; H. L. Hardy: Industrial Toxicology (2nd Ed.). New York, Hoeben, 574 pp, (1949).

Hammond P.: Air Standards for Lead and Other Metals. J Occup Med 18:351–355, (May 1976).

Hernberg S.; J. Nikkanen; G. Mellin; and H. Lilius: Delta-Aminolevulinic Acid Dehydrase as a Measure of Lead Exposure. Arch Environ Health 21:140–145, (1970).

Hernberg S.; B. Vihko; and J. Hasan: Red Cell Membrane ATPases in Workers Exposed to Inorganic Lead. Arch Environ Health 14:319–324, (1967).

Hubermont G.; J. Buchet; H. Roels; and R. Lauwerys: Effect of Short Term Administration of Lead to Pregnant Rats. Toxicology 5:379, (1976).

Journal of Occupational Medicine: Proceedings of the 1974 Conference on Standards of Occupational Lead Exposure. Sponsored by Lead Industries Association Vol. 17 No. 2, (1975).

Kao R.; R. Forbes: Effects of Lead on Heme Synthesizing Enzymes and Urinary ALA in the Rat. 143 Proc Soc Exp Biol Med 234–43, (1973).

Lamola A.; T. Yamane: Zinc Protoporphyrin in the Erythrocytes of Patients with Lead Intoxication and Iron Deficiency Anemia. Science 186:936–938, (December 6, 1974).

Lancranjean I.; H. Popescu; O. Gavanescu; I. Klepsch; and M. Serbaneseu: Reproductive Ability of Workmen Occupational Exposed to Lead. Arch Environ Health, 30: 396–401, (1975).

Lilis R.; A. Fischbein: Lead Disease Among Workers In Secondary Lead Smelters: Results of a Clinical Field Survey February 2–4, 1976. Report to the National Institute of Environmental Health Sciences, ESOO 928.

Lilis R.; N. Grvilescu; C. Nestorescu; B. Dumitriu; and A. Roventa: Nephropathy in Chronic Lead Poisoning. Brit J Ind Med 25:196–201, (1968).

Lockeretz W.: Lead Content of Deciduous Teeth of Children in Different Environments. Arch Environ Health 30:583–587, (1975).

London G.; Y. Nordmann; and M. Safar: Free Erythrocyte Protoporphyrin Level and Nerve Conduction Velocity in End-Stage Renal Disease. Brit. Med J 4:324, (1975).

Marfield M.; G. M. Stopps; J. Barnes; R. D'Snee; and A. Azar: Effect of Lead on Blood Regeneration Following Acute Hemorrhage in Dogs. AIHJ 33:326–37, (1972).

National Institute for Occupational Safety and Health: Health Hazard Evaluation Determinations. Reports No. 73–27–200 (June 1975), 73–158–162 (November 1974), and 73–164–169 (January 1975).

Needleman H.: Lead Poisoning in Children: Neurologic Implications of Widespread Subclinical Intoxication. Seminars in Psychiatry Vol. 5 No. 1, (February 1973).

Paschen P.: Operation of Lead Blast Furnaces: Summary and Critical Evaluation of the Literature of 1971. AIME World Symposium on Mining and Metallurgy of Lead and Zinc in St. Louis. (German) Metall 26:195–99, (1973).

Recirculation of Exhaust Air, U.S. Department of Health, Education and Welfare, NIOSH (76–186).

Recommended Industrial Ventilation Guidelines, U.S. Department of Health, Education and Welfare, NIOSH (76–162).

Reinert M.: Lead Quality from a Technical and Application Engineering Standpoint. (German) Metall 28:135–142, (February 1974).

Report of Oversight Hearings on the Occupational Safety and Health Act—Occupational Health Hazards, before the Subcommittee on Manpower, Compensation and Health and Safety of the Committee on Education and Labor, U.S. House of Representatives (March 18, 22, 24, 25, 1976).

Roels H.; R. Lauwerys; J. Buchet; and M. Vrelust: Response of FEP and ALAU in Men and Women Moderately Exposed to Lead. Int Arch Arbeitsmed 34:97, (1975).

Ruhf R.: Lead Exposure Control in the Production of Leaded Steel. AIHJ 24:63–67, (1963).

Scanlon J.: Human Fetal Hazards from Environmental Pollution with Certain Non-Essential Trace Elements. Clinical Pediatrics, (March 1972).

Schlaepfer W.: Experimental Lead Neuropathy: A Disease of the Supporting Cells in the Peripheral Nervous System. J Neuropathy Exper Neur 28:189–194, (1971).

Second International Workshop on Occupational Lead Exposure, Revaluation of Permissible Limits on Lead Exposure, Permanent Commission and International Association on Occupational Health. (September 21–23, 1976). Papers Presented:

Alessio L.: Free Erythrocyte Protoporphyrin as an Indicator of the Biological Effect of Lead in Adult Males.

Beritic T.; D. Prpic-Majic; and S. Telisman: ALAD/EPP Ratio as a Measure of the Degree and Duration of the Action of Lead.

Berlin A.; K. H. Schaller; H. Grimes; M. Lamgevin; and J. Trotter: Environmental Exposure to Lead; Analytical and Epidemiological Investigations Using the European Standardised Method for Blood Delta-Aminolevulinic Acid Dehydratase Activity Determination.

Biljsma J.; H. deFrance: Cytogenic Investigations in Volunteers Ingesting Inorganic Lead.

Cernik A.; A. Smith: Factors Influencing the Evaluation of Blood Lead Levels and Proposals for Improving the Reliability of Results.

Cools A.; H. Salle; M. Verberk; and R. Zielhuis: Biochemical Response of Male Volunteers Ingesting Inorganic Lead for 49 Days.

Crockford G.; E. Mitran: Progress Report, A Study of Human Performance in Relation to Lead Exposure.

deBruin A.: Early Biochemical/Biological Effects of Lead (Laboratory Diagnosis of Increased Lead Absorption); Human Experience.

Fischbein A.; J. Eisinger; W. Blumberg; R. Lilis; and I. Selikoff: Fluorometric Zinc Protoporphyrin Determination in Blood-A Practical Method for the Detection of Chronic Lead Poisoning.

Forni A.: Chromosomal Effects of Lead, A Review.

Herber R.; H. Salle: The Analytical Precision of Lead in Blood Compared to 5-Aminolevulinic Acid Dehydratase Activity.

ILZRO 207. International Lead-Zinc Research Organization—Study of Solubility and Particle Size Distribution of Industrial Airborne Lead.

Lauwerys R.: Early Biochemical and Biological Effects of Lead in Man; A Review.

Lilis R.; W. Blumberg; J. Eisinger; A. Fischbein; S. Diamond; H. Anderson; and I. Selikoff: Lead Effects Among Secondary Lead Smelters with Blood Lead Levels Below 80 ug/100ml.

Nordberg G.: Dose-Effect and Dose-Response Relationships for Lead—Conclusions Reached at an International Meeting in Tokyo, November 1974.

Popovic D.: Effect of Low Doses of Inorganic Lead on Some Biological Parameters: "Response of ALA-D Activity and FEP in Blood, the Urinary ALA and CP Levels in Workers Chronically Exposed to Lead.

Repko J.: Behavioral Methods and Results in the Evaluation of Workers Occupationally Exposed to Inorganic Lead in U S Battery Manufacturing Industries.

Schiele R.; K. Schaller: Studies About the "Lead-Specificity" of the Erythrocyte, Delta-Aminolevulinic Acid Dehydratase (ALA-D).

Seppalainen A.; H. Hanninen; and S. Hernberg: Effect of Lead on the Central and Peripheral Nervous System.

Verberk M.: Motor Nerve Conduction Velocity in Volunteers Ingesting Inorganic Lead for 49 Days.

Wibowo A.; P. del Castilho; R. Herber; M. Verberk; H. Salle; and R. Zielhuis: Interaction Between Lead and Iron Metabolism, a Probable Cause of Female Susceptibility to Inorganic Lead.

Williams M.: Permissible Limits for Occupational Exposure to Inorganic Lead and the Blood Lead-Air Lead Relationship.

Zielhuis R.; A. Wibowo: Review Paper: Susceptibility of Adult Females to Lead; Effects on Reproductive Function in Females and Males.

Selander S.; K. Cramer: Interrelationships Between Lead in Blood, Lead in Urine and ALA in Urine During Lead Work. Brit J Ind Med 27:28–39, (1970).

Selander S.; K. Cramer; and L. Hallgerth: Studies in Lead Poisoning. Brit J Ind Med 23:282–291, (1966).

Seppalainen, A.M.: Peripheral Nervous System in Lead Exposed Workers. HEW Publication 74–126, pp 240–247, (1975).

Sessa T.; G. Sanna: Nerve Conduction in Occupational Diseases. Folia Medica 49:809–815, (1966).

Stankovic M.: Biochemical Tests for the Appraisal of Exposure to Lead. Arch Environ Health 23:265–269, (1971).

Strand L.; J. Manning; and H. Marver: The Induction of Delta-Aminolevulinic Acid Synthetase in Cultured Liver Cells. J Biol Chem. 247:2820–2827, (1972).

Stuik E.J.: Biological Response of Male and Female Volunteers to Inorganic Lead. Int Arch Arbeitsmen 33:83–97, (1974).

Suketa Y.; M. Aoki; and T. Yamamoto: Changes in Hepatic Delta-Aminolevulinic Acid in Lead Intoxicated Rats. J Toxicol Environ Health 127:32, (1975).

Thompson J.: Balance between Intake and Output of Lead in Normal Individuals. Brit J Ind Med 28:189–194, (1971).

Tola S.: The Effect of Blood Lead Concentration, Age, Sex and Time of Exposure Upon Erythrocyte ALA-D Activity, Work Environ Health 10:26–35, (1973).

Urbanowicz H.: Occupational Exposure to Inorganic Compounds of Lead. Arch Environ Health 23:284–288, (1971).

Waldron H.: Correlation Between Some Parameters of Lead Absorption and Lead Intoxication. Brit J Ind. Med 28:195–199, (1971).

Wedeen R.P.; J.K. MacSaka; B. Weiner, G.A Lepat; M.M. Lyons; L.P. Vitale; and M.M Joselow: Occupational Lead Nephropathy Amer J Med 59:630–641, (1975).

Zielhuis R.: Biological Quality Guide for Inorganic Lead. Int Arch Arbeitsmed 32:103, (1974).

Zielhuis R.: Dose—Response Relationships for Inorganic Lead; I. Biochemical and Haematological Response. Int Arch Occup Hlth 35:1–18, (1975).

Zielhuis R.: Dose—Response Relationships for Inorganic Lead; II. Subjective and Functional Response Levels. Int Arch Occup Hlth 35:19–35, (1975).

Preliminary Study of Technological Feasibility, Cost of Compliance and Inflationary Impact:

John Short and Associates, Inc., has prepared for OSHA a preliminary study entitled "Technological Feasibility, Cost of Compliance and Inflationary Impact Study of the Proposed OSHA Standard for Lead." The study includes assessment of the technological feasibility of compliance, an initial estimate of compliance, an initial estimate of compliance costs and the potential economic implications for those industries affected by the proposed standard. The effects on other variables, such as employment, prices, productivity, market structure, exports and imports, and the consumption of energy and critical materials, are also considered.

Notice is being given of the availability of this preliminary study to afford interested parties the earliest possible opportunity to contribute comments, information and data. The final study, which will be made available at least 4 weeks prior to the public hearing, will be based on the results of an ongoing supplemental data collection effort by D. B Associates of Salt Lake City, Utah, on behalf of OSHA. The final study will include a discussion of the anticipated benefits to be derived from implementation of the proposal, and a more in-depth evaluation of the various economic impacts. Evaluation of the economic and technological feasibility of the final standard will be based on the entire record of the rulemaking proceeding, including all oral and written comments made part of the record, as well as the final study.

Interested parties are invited to submit information, comments and data on the issue of economic feasibility of the proposal or on any other issue discussed in the preliminary study, including:

(1) Cost impact on consumers, businesses, markets, or Federal, State or local government;

(2) Effect on productivity of wage earners, businesses (both small and large) or government;

(3) Effect on competition;

(4) Effect on imports and exports;

(5) Effect on supplies of important materials, products or services;

(6) Effect on employment;

(7) Ability of specific industries to absorb costs of compliance; and

(8) Effect on energy supply or demand.

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The preliminary study of the proposed lead standard is now available for public inspection and copying at the following address: Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3620, Third and Constitution Avenue, N.W., Washington, D.C. 20210. (Telephone: 202-523-8076)

Public Participation. Interested persons are invited to submit written data, views and arguments with respect to the proposal, the preliminary study, the additional scientific studies, the three issues discussed in this notice, and any other relevant issues. Such comments must be postmarked on or before February 11, 1977. All written comments must be submitted in quadruplicate to the Docket Officer, Docket No. H-004, Room N-3620, U.S. Department of Labor, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210. Written submissions must clearly identify the portion of the proposal and the preliminary study addressed and the position taken with respect to each issue therein. The data, views, and arguments that are submitted, as well as copies of the new studies listed earlier, will be available for public inspection and copying at the above address. All timely written submissions received shall be made a part of the record of this proceeding.

In response to a number of requests from commenting parties, and pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised by the proposed standard, including its economic, and environmental impacts will be provided at an informal public hearing scheduled to begin at 9:30 a.m. on March 15, 1977, in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C. 20210.

Persons desiring to participate at the hearing, including those who previously requested that a public hearing be held, must file a notice of intention to appear, postmarked on or before February 11, 1977 with the OSHA Committee Management Office, Docket No. H-004, Room N-3633, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (Telephone: 202-523-8024). Except under extraordinary circumstances, a party which does not submit a proper notice of intention to appear in timely fashion will not be permitted to testify at the hearing.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Committee Management Office, must contain the following information:

(1) The name, address, and telephone number of each person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific issues that will be addressed;

(5) A detailed statement of the position that will be taken with respect to each issue addressed; and

(6) A detailed statement of the evidence with respect to each such issue proposed to be adduced at the hearing.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.11 is necessary for an expeditious and orderly proceeding. Therefore, the notices of intention to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position.

Persons filing notices of intention to appear which are not sufficiently detailed will be so informed and given seven (7) days from the date they are informed to file a proper notice of intention to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of that fact. The participant will have seven (7) days from the date on which he is so informed to demonstrate why the allocated time is inappropriate.

In addition to submitting appropriate and timely notices of intention to appear, those persons intending to submit a prepared written statement or documents for the record at the hearing must submit such documents in quadruplicate by March 11, 1977. These documents must be received by Clarence Page in the OSHA Committee Management Office, by the close of business March 11, 1977.

The hearing will commence at 9:30 a.m. on March 15, 1977, with the resolution of any procedural matters relating to the proceeding. The hearing will be conducted and decisions made in accordance with 29 CFR Part 1911.

The Administrative Law Judge presiding at the hearing shall have all the powers necessary or appropriate to conduct a full and fair informal hearing, including the powers:

(1) to regulate the course of the proceedings;

(2) to dispose of procedural requests, objections, and comparable matters;

(3) to confine the presentations to matters pertinent to the proposed standard;

(4) to regulate the conduct of those present at the hearing by appropriate means;

(5) in the judge's discretion, to question and permit questioning of any witness; and

(6) in the judge's discretion, to keep the record open for a reasonable, stated time to receive written information and additional data, views and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposal will be reviewed in light of all oral and written submissions received as part of the record, and a final standard will be issued based on the entire record in this proceeding.

Important Dates

Hearings: Mar. 15, 1977.
Last day for submitting statements and evidence for hearing: Mar. 11, 1977.
Last day for filing Notices of Appearance: Feb. 11, 1977.
Close of Comment Period: Feb. 11, 1977

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 27th day of December 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.77-122 Filed 1-3-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 16 and 17]

RETAINED RIGHTS OF USE AND OCCUPANCY OF SINGLE FAMILY NONCOMMERCIAL RESIDENTIAL PROPERTY

Conveyance of Freehold and Leasehold Interests on Lands of the National Park System

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 5(a) of the Act of July 15, 1968 (82 Stat. 354; 16 U.S.C. 4601-22(a)), the acts applicable to individual units of the National Park System, 245 DM 1 (34 FR 13879), as amended, and National Park Service Order No. 77 (38 FR 7478), as amended, it is proposed to establish a new Part 16 and Part 17 in Title 36 of the Code of Federal Regulations as set forth below.

The purpose of the addition of Part 16 is to establish regulations governing the criteria for retention of estates, the procedures under which such retained estates would be created, the rights and obligations of holders of retained estates, and the amount to be charged for them. With regard to the latter, it has for some years been the practice of the National Park Service to deduct from the total purchase price an amount equal to one percent of the purchase price for each year a right of use and occupancy for noncommercial residential purposes is retained. A study is now underway to determine whether a greater or lesser amount needs to be charged in order to be fair to both the taxpayers and the owner.

The purpose of the addition of Part 17 is to establish regulations governing the criteria for conveyances of freehold or leasehold interests in lands within the National Park System to private parties of freehold or leasehold interests in lands within units of the National Park System and the procedures under which such conveyances would be made.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed additions to the Director, National Park Service, Washington, D.C. 20240, on or before February 3, 1977.

The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

It is therefore proposed to amend Title 36 of the Code of Federal Regulations by establishing new Parts 16 and 17 as follows:

PART 16—RETAINED RIGHTS OF USE AND OCCUPANCY OF SINGLE FAMILY NONCOMMERCIAL RESIDENTIAL PROPERTY

Sec.
16.1 Definitions.
16.2 Basis and purpose.
16.3 Criteria for the granting of rights of use and occupancy.
16.4 Creation of rights of use and occupancy for noncommercial residential purposes.
16.5 Use of reserved area.
16.6 Acreage to be reserved.
16.7 Rights of the public.
16.8 Waiver of benefits.
16.9 Valuation of rights of use and occupancy.
16.10 Purchase of reserved rights by the United States.
16.11 Transfer of reserved estate.
16.12 Use of the reserved premises.
16.13 Taxes.
16.14 Maintenance of the premises.
16.15 Insurance.
16.16 Compliance.
16.17 Termination.

§ 16.1 Definitions.

(a) The term "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) The term "Director" means the Director of the National Park Service and the Deputy Director, Associate Directors, and Assistant Directors of the National Park Service.

(c) The term "Reservor" means a person or persons who convey real property to the United States for an area of the National Park System and reserves occupancy for noncommercial single family residential purpose for a particular period of time.

(d) The term "right of use and occupancy for single family residential purposes" means a reserved estate whereby an owner whose land is being acquired by the United States for an area of the National Park System retains use and possession of his former property, or a portion thereof, for strictly single family residential purposes for a particular period of time. During the period of the retention the Reservor has all the rights, privileges, and obligations of ownership except as they may be restricted by the instrument creating the estate or by the regulations in this Part. Use and occupancy for residential purposes includes use of the premises for residential purposes by an individual; by a family comprised of two or more persons related by blood, adoption, marriage, or legal guardianship who live together as a family unit; and by two or more individuals living together as a family unit though not meeting the criteria of the preceding phrase. Use of the premises by a club or similar group not residing on the premises as a family unit shall not be considered as noncommercial residential purposes. Occupation of the premises for residential purposes by an individual or family unit holding legal title to the reserved interest or under a tenancy or lease arrangement for 30 days or more shall be considered as use and occupancy for noncommercial residential purposes, but occupation by transients staying less than 30 days shall not be so considered.

§ 16.2 Basis and purpose.

The land acquistion program of the National Park Service is often best served when in suitable situations owners of land acquired for the National Park System are permitted to reserve rights of use and occupancy for noncommercial single family residential purposes for the life of the owner and spouse or for a period of up to 25 years. A few Acts provide for longer periods. Such as long been the policy of the National Park Service, as well as a requirement of the Congress in many of the Acts authorizing areas of the National Park System.

This reduces the impact of land acquisition on owners and on the community, while benefiting the Government by reducing the incidence of condemnation and by lowering the overall price paid for the property.

§ 16.3 Criteria for the granting of rights of use and occupancy.

Owners of property to be acquired by the United States for an area of the National Park System may qualify for a right to the retention of use and occupancy for single family residential purposes under one of the following three provisions:

(a) A Statutory right may be granted by the legislation establishing a particular park area which permits the landowner to determine, in his discretion, whether or not to retain use and occupancy. The maximum term of such retention which the landowner may select is set by the legislation. This right may not be defeated by the government.

(b) A limited statutory right may be granted by the legislation establishing a particular park area. This right is limited in that the National Park Service is required to grant at the landowner's request a retention of use and occupancy unless the National Park Service can establish that the retention of the property adversely affects the management and administration of or public access to the park area. The statutory standard for denial of a right of retained use and occupancy is set forth in the legislation creating the park. See, for example, the legislation establishing Sleeping Bear Dunes National Lakeshore, 16 USC 460x *et seq.*, Delaware Water Gap National Recreation Area, 16 USC 460o *et seq.*, and Gulf Islands National Seashore, 16 USC 459h *et seq.* The maximum term of the retained use and occupancy which the landowner may select is also set by the legislation.

(c) If there is no statutory right of retention contained in the legislation establishing a particular National Park Service area, the park Superintendent may, in his discretion, permit a right of retained use and occupancy for single family residential purposes. The Superintendent will permit this retention upon his determination that it will not unduly interfere with the use and development of the park area. Factors that will be considered in making this determination may include, but are not limited to, the park general management plan, the administrative, recreational, and transportation needs of the park, the protection of the park's resources, potential development of park facilities, and public access requirements. The term of any retention permitted under this provision is determined solely by the Superintendent, at his discretion.

Rights of use and occupancy at presently authorized areas where a statutory right does not exist such as in inholding areas shall be confined to improvements the construction of which had commenced prior to July 1, 1975.

§ 16.4 Creation of rights of use and occupancy for noncommercial residential purpose.

Rights of use and occupancy for single family noncommercial residential purposes retained by owners conveying land to the United States for an area of the National Park System will be reserved in the Offer to Sell Agreement and the Grantor's deed to the United States. Where the land is being acquired through judicial proceedings, Department of Justice will be requested to have this right included in any stipulation and/or the judgment. Every instrument creating a right of use and occupancy for single family noncommercial residential purposes shall incorporate these regulations, as existing at the time the instrument is executed, into the instrument by reference. Each Reservor shall be given a copy of these regulations at the time the instrument is executed.

An owner of property which the United States has been authorized to acquire for inclusion in the National Park System will be notified in the letter of just compensation whether or not any right of use and occupancy for single family residential purposes may be retained by him upon acquisition of his property by the Secretary in accordance with the criteria of section 16.3. This letter of just compensation is presented to the owner at the time of the first official contact by the National Park Service, initiating the negotiation process.

§ 16.5 Use of reserved area.

The reserved area shall be used only for single family noncommercial residential purposes by an individual, by a

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family, or by a group of people living together as a family unit. Use by a club or similar group will not qualify. Occupation by an individual or family unit under a tenancy or lease arrangement for 30 days or longer will qualify as noncommercial residential use, but by transients staying less than 30 days will not. No distinction shall be made between owners of full-time residences or single family tenant occupied full-time residences or owners of part-time seasonal residences unless the Act of Congress providing for the right limits it to owners who are permanent or full-time residents.

§ 16.6 Acreage to be reserved.

Most legislation allows the owner to reserve a maximum of 3 acres. In the absence of same in any park legislation the same maximum acreage may be permitted. However, in no event shall the owner be permitted to reserve unusual configurations of land unless there are justifiable reasons for permitting same. Care should be exercised in not permitting lake frontage, river frontage or ocean frontage, or other areas required by park management unless approved by park management.

§ 16.7 Rights of the public.

Members of the public have no right to enter upon any premises subject to a right of use and occupancy for single family noncommercial residential purposes or to use it for any purpose without the permission of the Reservor.

§ 16.8 Waiver of benefits.

Prior to electing to retain a right of use and occupancy for noncommercial residential purposes, owners will be advised in writing of the following provision found in section 405(b) of the Act of October 26, 1974, Public Law 93-477, 88 Stat. 1445:

"Whenever an owner of property elects to retain a right of use and occupancy pursuant to any statute authorizing the acquisition of property for purposes of a unit of the National Park System, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101 (6) of that Act."

§ 16.9 Valuation of rights of use and occupancy.

The amount paid owners of land acquired subject to rights of use and occupancy for single family noncommercial residential purposes is reduced by the amount of the fair market value of the right retained. The Secretary has determined that the fair market value of a right of use and occupancy for residential purposes is the deduction of _____ percent (to be determined before publication of final regulations) of the purchase price of the entire property for each year the right of use occupancy is reserved. In the case of retention for life, the term will be calculated on the longest life expectancy of any of the persons granted the right of use and occupancy, as shown by Life Table issued by the Public Health Service of the U.S. Department of Health, Education and Welfare.

§ 16.10 Purchase of reserved rights by the United States.

The United States shall be under no obligation to purchase retention rights from Reservors and no provision to this effect shall be included in any instrument creating any right of use and occupancy.

§ 16.11 Transfer of reserved estate.

The estate may be conveyed, assigned or otherwise transferred to another party for single family noncommercial residental purposes unless prohibited by an Act creating a park; the successor thereupon acquires all the rights and obligations of the original Reservor.

§ 16.12 Use of the reserved premises.

The Reservor and the members of his household may reside upon the reserved premises and not be disturbed by the United States in the normal and usual possession and use of the premises for single family noncommercial residential purposes during the term of the reserved estate. The Reservor shall be bound by all laws and ordinances in force in the jurisdiction in which the reserved premises are located. The Reservor shall take reasonable care to avoid damage to Federal lands or property through the spread of fire originating on the reserved premises, through the spread of sewage or other polluting substances originating on the reserved area, or by any other activities representing a nuisance or hazard to adjacent or nearby Federal lands or property. The Reservor shall not add to or materially alter the character of existing improvements or structures or perform any new construction or change the topography of the land without first having obtained the permission in writing of the Secretary. Commercial, industrial, mining or uses other than residence by a single family unit is prohibited.

§ 16.13 Taxes.

The Reservor is responsible for the payment of any State or local taxes levied against the reserved interest.

§ 16.14 Maintenance of the premises.

The sole responsibility for maintaining the premises and all structures thereon in proper repair and sanitation is that of the Reservor, and the United States shall have no responsibility in connection therewith except to the extent that it may voluntarily in cooperation with the owner undertake preservation work on improvements or structures the Director has determined to be needed by the United States after the termination of the period of use and occupancy. The Reservor shall not permit the accumulation on the reserved premises of any trash or foreign material which is unsightly or obnoxious.

§ 16.15 Insurance.

The Reservor shall be counseled to procure insurance to protect his investment in the improvements on the reserved premises.

The United States will not assume the responsibility of insuring the reserved premises, nor the responsibility to repair or rebuild such premises should they be damaged or destroyed, regardless of cause.

§ 16.16 Compliance.

A Reservor violating the terms of the instrument creating the right of use and occupancy shall be warned by the Secretary in writing and given 30 days to correct the violation. If the Reservor refuses or neglects to correct the violation, then the Secretary may request a court of competent jurisdiction to issue an injunction to enforce the terms of the instrument creating the right of use and occupancy.

§ 16.17 Termination.

The right of use and occupancy shall terminate upon expiration of the period named in the instrument creating the interest or also upon voluntary relinquishment by quitclaim deed to the National Park Service to the Secretary by the Reservor. The Reservor shall remove all personal property from the premises within 90 days of the termination of the right of use and occupancy. Any personal property not removed within such period shall be considered as abandoned and shall become the property of the United States unless the Reservor shall seek and be granted an extension of time because of unusual and justifiable circumstances. Nothing herein contained, however, shall be construed to abrogate any rights the reservor may have for reimbursement under sections 202 and 303 of Public Law 91-646.

PART 17—CONVEYANCE OF FREEHOLD AND LEASEHOLD INTERESTS ON LANDS OF THE NATIONAL PARK SYSTEM

Sec.
17.1 Authority.
17.2 Definitions.
17.3 Lands subject to disposition.
17.4 Notice.
17.5 Bids.
17.6 Action at close of bidding.
17.7 Preference rights.
17.8 Conveyance.

§ 17.1 Authority.

Section 5(a) of the Act of July 15, 1968, 82 Stat. 354, 16 U.S.C. 4601-22(a), authorizes the Secretary of the Interior, under specified conditions, to convey a leasehold or freehold interest on Federally owned real property acquired by the Secretary from non-federal sources within any unit of the National Park System except national parks and those national monuments of scientific significance. This legislation is referred to as "the act" in regulations in this part.

§ 17.2 Definitions.

As used in the regulations in this part:

(a) "Secretary" shall mean Secretary of the Interior and his authorized representatives.

(b) "Authorized officer" shall mean an officer or employee of the National Park Service designated to conduct the sale or lease and delegated authority to execute all necessary documents, including deeds and leases.

(c) The term "unit" of the National Park System means any area of land or water administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

(d) The term "national park" means any unit of the National Park System the organic act of which declares it to be a "national park."

(e) The term "national monument of scientific significance" means a unit of the National Park System designated as a national monument by statute or proclamation for the purpose of preserving landmarks, structures, or objects of scientific interest.

(f) The term "person" includes but is not necessarily limited to an individual, partnership, corporation, or association.

(g) The term "freehold interest" means an estate in real property of permanent or of indefinite duration.

(h) The term "leasehold interest" means an estate in real property for a fixed term of years or an estate from month-to-month or from year-to-year.

(i) The term "fair market value" means the appraised value as set forth in an approved appraisal made for the Secretary for the interest to be sold or leased.

§ 17.3 Lands subject to disposition.

The Act is applicable to any Federally owned real property acquired by the Secretary fron non-federal sources within any unit of the National Park System other than national parks and those national monuments of scientific significance. No leasehold or freehold conveyance shall be made except as to lands which the General Management Plan for the particular unit of the National Park System has designated as a Special Use Zone for the uses that are permitted by the freehold or leasehold conveyance.

§ 17.4 Notice.

(a) When the Secretary has determined in accordance with these regulations that a freehold or leasehold interest will be offered, he will have a notice published in the FEDERAL REGISTER and, subsequently, once weekly for five consecutive weeks in a newspaper of general circulation in the vicinity of the property. Publication of the notice shall be completed not less than 30 nor more than 120 days of the date for bid opening. The notice shall contain, at a minimum, (1) a legal description of the land by public lands subdivisions, metes-and-bounds, or other suitable method, (2) a statement of the interest to be conveyed, including restrictions to be placed on the use of the property, (3) a statement of the fair market value of the interest as determined by the Secretary below which the interest will not be conveyed, together with information as to where the Government's appraisal may be inspected, (4) information as to any preference rights of former owners to acquire the interest upon matching the highest bid, (5) an outline of bid procedure and a designation of the time and place for submitting bids, and (6) an outline of conveyance procedures, requirements, and time schedule.

(b) If the property has been in Federal ownership for less than two years, the last owner or owners of record shall be sent a notice by certified mail to their present or last known address providing the information in the published notice and advising them of their right under section 5(a) of the act to acquire the interest upon payment or agreement to pay an amount equal to the highest bid price.

§ 17.5 Bids.

Bids may be made by the principal or his agent, either personally or by mail. Bids will be considered only if received at the place and prior to the hour fixed in the notice. No particular form is specified for bids. However, a bid must be in writing, clearly identify the bidder, be signed by the bidder or his designated agent, state the amount of the bid, and refer to the notice. Bids conditioned in ways not provided for by the notice will not be considered. Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for the amount of the bid in case of a freehold interest or for the amount of the first year's rent in the case of leasehold interest. This payment will be refunded to unsuccessful bidders. A separate nonrefundable payment of $100 to cover costs of publication and of processing of bids will also be included with the bid. The bid and payments must be enclosed in a sealed envelope upon which the prospective bidder shall write (1) bid on interest in land of the National Park System, and (2) the scheduled date the bids are to be opened. In the event two or more valid bids are received in the same amount, the determination of which is the highest will be by drawing. Bids will be opened at the time and place specified in the notice. Bidders, their agents or representatives, and any other persons may attend the bid opening. No bid in an amount less than the fair market value, as herein defined, shall be considered.

§ 17.6 Action at close of bidding.

The person who is declared by the authorized officer to be the high bidder shall be bound by his bid and the regulations in this part to complete the purchase in accordance therewith unless his bid is rejected or he is released therefrom by the authorized officer. The declared high bid on property for which a preference right exists will be conditionally accepted subject to the exercise of the preference as described below

§ 17.7 Preference rights.

On any property which has been in Federal ownership less than two years, the Secretary, in addition to the notice specified in § 17.4 of this part, shall inform the last owner or owners of record by certified mail at their present or last known address of the highest bid on the interest and advise them of their right to acquire the interest for an amount equal to the highest bid if within 30 days they notify the Secretary of their desire to do so and make payment or agree to make payment of an amount equal to that specified in § 17.5 of this part.

If within 30 days of mailing of such notification, the former owner or owners do not indicate a desire to acquire the interest and make payment or agree to make payment for such interest in an amount equal to the declared high bid, or, if they do indicate such a desire but fail to consummate the transaction within the time period established for the conveyance, then the bid of the declared high bidder will be accepted. In the event that a former owner who indicates a desire to repurchase pursuant to this procedure fails to consummate the transaction within the established time period the declared high bidder shall be permitted, but not required, to consummate the transaction. If the declared high bidder does not choose to consummate the transaction in this circumstance, the entire transaction will be cancelled, and, if appropriate, a new bidding procedure instituted.

§ 17.8 Conveyance.

Conveyance of a leasehold or freehold interest shall be by lease or deed, as appropriate, at the highest bid price, but not less than fair market value. All conveyance of leasehold or freehold interests shall contain such terms and conditions as the Secretary deems necessary to assure use of the property in a manner consistent with the purpose for which the area was authorized by Congress. All conveyances shall be without warranty

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.77-151 Filed 1-3-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 665-4; PP6E1833/P40]

[40 CFR 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Sodium Chlorate

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, has submitted a pesticide petition (PP 6E1833) to the Environmental Protection Agency (EPA) on behalf on the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Kansas, Mississippi, Missouri, and Texas. This petition requests that the Administrator, pursuant to section 408(e) of the Federal

Food, Drug, and Cosmetic Act, propose that 40 CFR 180.1020 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the pesticide chemical sodium chlorate in or on the raw agricultural commodity soybeans when it is used in accordance with good agricultural practice as a desiccant in soybean production.

The data submitted in the petition and all other relevant material having been evaluated, it has been concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1020 will protect the public health. The Agency has waived the requirement for chronic studies on sodium chlorate based on the fact that its residues will be reduced to sodium chloride within a short time. There is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a)(3). The EPA proposes, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before February 3, 1977, that this proposal be referred to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., East Tower, Rm. 401, Washington, DC 20460. Three of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before February 3, 1977, and should bear a notation indicating both the subject and the petition/document control number "PP6E1833/P40". All written comments filed in response to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

Dated: December 27, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart D, Section 180.1020 be amended by revising paragraph (b) to exempt residues of sodium chlorate in or on soybeans, from the requirement of a tolerance, to read as follows:

§ 180.1020 Sodium Chlorate; exemption from the requirement of a tolerance.

• • • • •

(b) Sodim chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage, rice and rice straw, soybeans, and sunflower seeds, when used as a desiccant in accordance with good agricultural practice in the production of grain sorghum, rice, soybeans, and sunflower seeds.

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[FR Doc.77-143 Filed 1-3-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-17]

ASSIGNMENT AND UTILIZATION OF SPACE

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, and Public Law 566, 80th Congress, approved June 1, 1948 (40 U.S.C. 318), the General Services Administration (GSA) is considering an amendment to 41 CFR 101-17 Assignment and Utilization of Space. The revisions will provide Federal agencies with (1) guidelines to use in establishing programs to improve their utilization of space; (2) guidelines for determining optimum furniture and equipment requirements; and (3) criteria for developing and implementing programs to achieve economies in space utilization.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Commissioner, Public Building Service, (P), General Services Administration, Room 6340, General Services Building, 19th and F Streets, NW., Washington, DC 20405, by January 14, 1977.

IMPROVED USE OF FEDERAL FACILITIES AND SPACE

This amendment provides procedures for Federal agencies to use in establishing and evaluating programs to improve their utilization of facilities and space.

Dated: December 21, 1976.

NICHOLAS A. PANUZIO,
Commissioner,
Public Building Service.

PART 101-17—ASSIGNMENT AND UTILIZATION OF SPACE

It is proposed to amend 41 CFR Part 101-17 as follows:

Subpart 101-17.1—Assignment of Space

Section 101-17.101 is amended to add paragraph (c) as follows:

§ 101-17.101 Requests for space.

• • • • •

(c) To ensure that space requests are restricted to actual justifiable need, supported by accurate data on employees and equipment, heads of executive agencies shall commit resources for research and development of optimum furniture and equipment requirements for agency personnel. Work station requirements can be determined as follows:

(1) Defining and grouping discrete job categories within the organization.

(2) Determining the function of those job types and their physical needs.

(3) Compacting furniture to meet the physical needs of those job types through work station design and redesign.

(4) Computing the square footage needs of each work station type.

(5) The sum of individual work station square footage standards becomes the space allocation standard and, therefore, the basis for the request for space.

(6) In the absence of work station analysis as detailed above, the allowances in 101-17.304 shall apply.

Subpart 101-17.2—Utilization of Space

Section 101-17.202 is revised as follows:

§ 101-17.202 Responsibility of agencies.

It is the responsibility of each agency to assist and cooperate with GSA in the assignment and utilization of space and to establish an agency program for the improvement of space use. In developing and implementing such programs, the following program elements should be included:

(a) A review of existing space requests to determine the procedures outlined in § 101-17.101(c) have been followed.

(b) A survey of existing space locations determine present utilization practice and to identify locations where space assignments are excessive.

(c) A review of anticipated personnel and program changes to determine expected space requirements and provide accurate personnel data.

(d) An analysis of work station requirements and support equipment requirements as described in § 101-17.101 (c) shall be undertaken to achieve efficient overall utilization.

(e) A commitment to secure necessary funds to support planned space savings activities.

(f) The development in conjunction with GSA of new space allocation standards to replace occupancy guides.

(g) The dissemination of internal guidelines for improving space utilization and the establishment of related training programs.

(h) The institution of necessary reporting procedures to monitor progress and evaluate results. In this connection, each agency shall report to GSA on an annual basis the results of its efforts to implement this section. This report shall include:

(1) Number of space requests (SF-81) reviewed and dollar savings achieved as a result.

(2) Number of space surveys conducted.

(i) Amount of space (in square feet) identified for release.

(ii) Dollar savings realized.

(3) Results of personnel and program review.

(i) List showing present staffing level by bureau.

(ii) List showing projected staffing by bureau for next two fiscal years.

(4) Man-hours committed to work station analysis.

(5) Amount of funds expended in support of space savings activities.

(6) Copies of instructional material disseminated to agency units.

(7) The report shall be submitted to the Assistant Commissioner for Space Planning and Management (PR), Public Buildings Service, GSA, within 30 days after the close of each fiscal year.

[FR Doc.77-178 Filed 1-3-77;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 16; Docket No. 76-66]

EXTRANEOUS AND EX PARTE COMMUNICATIONS

Proposed Miscellaneous Changes

The Commission's rules of practice and procedure presently prohibit the making of ex parte communications and the filing of documents not conforming to the rules and further provide for disposition of such documents and communications. (See Rule 10(dd), 46 CFR 502.170). Section 4 of the "Government in the Sunshine Act" (Pub. L. 94-409, September 13, 1976) amends the Administrative Procedure Act (5 U.S.C. 551 et seq.) in the area of ex parte communications. These amendments necessitate corresponding amendments to the Commission's rules.

Essentially, the "Sunshine Act" amendments enlarge upon the present prohibitions contained in the Commission's rules by establishing specific prohibitions against "interested person[s] outside the agency," as well as agency members, administrative law judges, and employees involved in the decisional process and by providing for sanctions against parties to proceedings who make or knowingly cause ex parte communications to be made. Other provisions of the Act such as those requiring ex parte communications to be placed on the public record and exempting procedural requests from the prohibitions appear to be consistent with the Commission's present rules and previous law on the subject. The Act's definition of ex parte communications, to wit, a communication "not on the public record with respect to which reasonable prior notice to all parties is not given" (5 U.S.C. 551 (14)) although varying slightly from the definition contained in the Commission's present rules (46 CFR 502.170(b)(2)), does not, in the opinion of the Commission, constitute a substantive change. The Commission is therefore proposing to retain authority in the Secretary to take appropriate action in addition to placing such communications in the public record and to specify that the Commission or the presiding officer may have similar additional authority. The Commission believes that such flexibility is desirable in case matters raised by ex parte communications warrant further inquiry and consideration by the parties.

The proposed rules would add to the present category of parties prohibited from engaging in ex parte communications, namely, parties to proceedings or their agents, interested persons outside the Commission, as required by the Act, and moreover, persons who directly participate in such proceedings, for example, by appearing as witnesses or assistants to parties or their counsel. In this way, the Commission believes that the proposed rules will encompass both the previous law on the subject as well as the amendments contained in the "Sunshine Act."

Finally, the Commission is proposing to amend its rule regarding general waiver authority (Rule 1(j), 46 CFR 502.10) to make clear that the prohibitions against ex parte communications cannot be waived.

Therefore, pursuant to section 4 of the Administrative Procedure Act [5 U.S.C. 553], sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841a) and section 4 of the "Government in the Sunshine Act" [Pub. L. 94-409] Part 502 of Title 45, Code of Federal Regulations, is proposed to be amended as set forth below.

§ 502.10 [Amended]

1. Section 502.10 is proposed to be amended by inserting the following language between the words "except" and "§ 502.153":

§ 502.11 Rule 1 (k) and

2. A new § 502.11 is proposed to be added as follows:

§ 502.11 Disposition of improperly filed documents and ex parte communications.

(a) *Documents not conforming to rules.* Any pleading, document, writing or other paper submitted for filing which is rejected because it does not conform to the rules in this part shall be returned to the sender;

(b) *Ex parte communications.* (1) No person who is a party to or an agent of a party to any proceeding as defined in § 502.61 (Rule 5(a)) or who directly participates in any such proceeding and no interested person outside the Commission shall make or knowingly cause to be made to any Commission member, administrative Law Judge, or Commission employee who is or may reasonably expected to be involved in the decisional process of any such proceeding an ex parte communication relevant to the merits of the proceeding;

(2) No Commission member, administrative law judge, or Commission employee who is or reasonably may be expected to be involved in the decisional process of any agency proceeding, shall make or knowingly cause to be made to any interested person outside the Commission or to any party to the proceeding or his agent or to any direct participant in a proceeding an ex parte communication relevant to the merits of the proceeding. This prohibition shall not be construed to prevent any action authorized by paragraphs (b) (5), (6), and (7) of this section;

(3) Ex parte communication means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports or communications regarding purely procedural matters or matters which the Commission or member thereof, administrative law judge, or Commission employee is authorized by law or these rules to dispose of on an ex parte basis;

(4) Any Commission member, administrative law judge, or Commission employee who is or reasonably may be expected to be involved in the decisional process of any proceeding who receives, or who makes or knowingly causes to be made, an ex parte communication shall promptly transmit to the Secretary of the Commission:

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses and memoranda stating the substance of all oral responses to the materials described in paragraphs (b)(4) (i) and (ii) of this section;

(5) The Secretary shall place the materials described in the preceding subparagraph in the correspondence part of the public docket of the proceeding and may take such other action as may be appropriate under the circumstances;

(6) Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party to a proceeding, the Commission or the presiding officer may, to the extent consistent with the interests of justice and the policy of the statutes administered by the Commission, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of the making of such communication;

(7) An ex parte communication shall not constitute a part of the record for decision. The Commission or the presiding officer may, to the extent consistent with the interests of justice and the policy of the statutes administered by the Commission, consider a violation of this rule sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur and may take such other action as may be appropriate under the circumstances. [Rule 1(k).]

§ 502.170 [Revoked]

3. Section 502.170 is proposed to be deleted in its entirety.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 3, 1977, an original and fifteen copies of their views or arguments pertaining to the proposed rules.

Since the proposals set forth in this rulemaking proceeding concern procedural matters limited to the conduct of formal proceedings before the Commission, their adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Consequently no environmental impact statement will be issued in this proceeding.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-270 Filed 1-3-77;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Executed Memoranda of Agreement

Pursuant to section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed in fulfillment of Federal agencies' responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320) and Executive Order 11593, May 13, 1971.

Bethel Historic District, Bethel, Vermont affected by the Bethel Elderly Housing Project undertaken by the U.S. Department of Housing and Urban Development (11/1/76).

Miners and Mechanics Bank Building, Carbondale, Pennsylvania affected by acquisition and demolition undertaken by the City of Carbondale (11/3/76).

Dover Historic District, Dover, New Hampshire, affected by Dover Urban Renewal Project (NH–R–20) undertaken by the City of Dover assisted by the U.S. Department of Housing and Urban Development (11/10/76).

Old Richmond and Starr Historic Districts, Richmond, Indiana, affected by an Historic Preservation Revolving Fund Program undertaken by the City of Richmond (11/15/76).

Washington Street-Broadway Historic District, Norwich, Connecticut affected by the improvement of Route 82 in Norwich undertaken by the Federal Highway Administration, U.S. Department of Transportation (11/29/76).

Chinatown Historic District, Honolulu, Hawaii, affected by Chinatown General Neighborhood Renewal Plan (Hawaii R–14) and the Pauahi Project (Hawaii R–15) undertaken by the U.S. Department of Housing and Urban Development (11/29/76).

Perrine Bridge, Twin Falls, Idaho, affected by removal undertaken by the Federal Highway Administration, Department of Transportation (11/29/76).

Peiter Wyckoff House, Brooklyn, New York, affected by restoration undertaken by the City of New York (11/29/76).

Ruekert's Feed Store, Sacred Heart Church Complex, Main Street Properties and Third Street Properties, Dunkirk, New York affected by a plan change for Urban Renewal Project NYR–179 undertaken by the U.S. Department of Housing and Urban Development (11/29/76).

The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.77–136 Filed 1–3–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOP MARKETING ADVISORY BOARD

Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770), notice is given of a meeting of the HOP Marketing Advisory Board at 8:30 a.m., p.s.t., January 19, 1977, at the Thunderbird Motor Inn, Yakima, Washington.

The purpose of the meeting is to discuss reserve pool matters, marketing research and development projects, and marketing policy and related matters. The meeting will be open to the public.

The HOP Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The names of Board members; agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Manager, HOP Administrative Committee, Room 1002, Corbett Building, 430 S.W. Morrison Street, Portland, Oregon 97204, telephone 503–224–1823.

Dated: December 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.77–182 Filed 1–3–77;8:45 am]

SHIPPERS ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Shippers Advisory Committee has been renewed for an additional period of 2 years under provisions of the Federal Advisory Committee Act (86 Stat. 770).

The purpose of the committee is to recommend to the Growers Administrative Committee under Federal Marketing Order No. 905 appropriate regulations for any variety of fruit, covered by the order, during such period or periods as it deems appropriate.

The committee represents the Florida citrus industry as prescribed in the Order. At least three members and their alternates shall be from nominees submitted by bona fide coperative marketing organizations which are handlers. The remaining members and their alternates shall be from nominees submitted by handlers other than cooperative marketing organizations, with at least three members and their alternates being handlers and likewise producers.

Information about this committee may be obtained from Mr. William C. Knope, Lakeland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, 302 South Massachusetts Avenue, Rooms 204–206, Florida Citrus Mutual Building: Mailing address: P.O. Box 9, Lakeland Florida, 33802. Telephone: 813–683–5983.

Authority for this committee will expire unless determination is made that continuance is in the public interest.

This notice is given in compliance with Pub. L. 92–463.

Dated: December 28, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.77–183 Filed 1–3–77;8:45 am]

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Approval

The regulations in 9 CFR Part 76, as amended, contain restrictions on the interstate movement of swine and swine products to prevent the spread of hog cholera and other swine diseases. This document adds certain livestock markets to the list of livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations and removes from the list certain other livestock markets which have been found no longer to qualify for such approval.

The following livestock markets preceded by an asterisk are specifically approved to handle any class of swine and those livestock markets *not* preceded by an asterisk are specifically approved to handle slaughter swine only:

ALABAMA

Agricultural Marketing Association of Alabama, Inc., Andalusia
Alabama Pork Buyers, Elba
*Atmore Truckers Association, Inc., Atmore
Beard Livestock Market, Scottsboro
*Bowman Tri-County Stockyard, Hurtsboro
*Central Alabama Feeder Pig Association, Clanton
*Conecuh Stockyard, Evergreen

*Cullman Feeder Pig Association, Cullman
*Cullman Stock Yard, Cullman
*Dothan Livestock Auction, Inc., Dothan
*Escambia County Co-op, Brewton
*Farmers Cooperative Market, Inc., Opp
*Farmer's Livestock Co-op, Elba
Fayette Stockyards, Inc., Fayette
Florence Trading Post, Florence
Fort Payne Livestock Commission Company, Fort Payne
H. E. Fulford Stockyard, Hartford
*Geneva Stock Yards, Inc., Geneva
*Bob Gordon Livestock Auction, Mena
*Hamilton Stockyard, Inc., Hamilton
*Headland Stockyards, Inc., Headland
*Henry County Livestock Association, Inc., Abbeville
*Hodges Stockyard of Alabama, Montgomery
Kennamer Livestock, Inc., Guntersville
*Limestone County Feeder Pig Association, Inc., Athens
*Northeast Alabama Feeder Pig Assn., Section
*Northwest Alabama Livestock Association, Russellville
*Perry-Dallas Feeder Pig Sale, Suttle
Pickens County Livestock Company, Aliceville
Carl Register Stockyards, Slocomb
*Robertsdale Livestock Auction, Inc., Robertsdale
*Sand Mountain Feeder Pig Association, Guntersville
*South Alabama Feeder Pig Producers Association, Greenville
*Southeast Alabama Feeder Pig Association, Inc., Dothan
Stocks & Brogden Stock Yard, Andalusia
*Tennessee Valley Feeder Pig Association, Huntsville
*Upper Coastal Feeder Pig Association, Inc., Fayette
David West Livestock Company, Cottonwood

ARKANSAS

*Arkansas National Stockyards, Little Rock
*Ash Flat Livestock Auction, Ash Flat
*Beebe Auction, Inc., Beebe
*Bentonville Livestock Auction, Bentonville
*Carroll County Livestock Auction, Berryville
*Clark County Livestock Auction, Arkadelphia
Cleburne County Livestock Auction, Herber Springs
*Corning Livestock Auction, Corning
Decatur Livestock Auction, Decatur
Drew County Auction, Monticello
Eudora Livestock Auction, Eudora
*Farmers and Ranchers Livestock Auction, Mt. View
Glover Livestock Commission Company, Pine Bluff
*Bob Gordon Livestock Auction, Mena
*Harrison Stockyards Auction, Inc., Harrison
*Nuel Livestock Auction, Batesville
Hope Livestock Auction, Hope
*Jonesboro Stockyards, Jonesboro
*Lewis Major Livestock Auction, Conway
Magnolia Livestock Auction, Magnolia
*McCracken Livestock Auction, Inc., Batesville
*MFA Livestock Association, Imboden
*Montgomery Auction, Searcy
*Mountain Home Livestock Auction, Mt. Home
*Nettleton Livestock Auction, Jonesboro
North Arkansas Livestock Auction, Green Forest
*Oak Lawn Farms, Pine Bluff
*Paragould Livestock Auction, Paragould
*Randolph County Livestock Auction Company, Pocahontas
*Rector Auction Salebarn, Rector
Salem Livestock Auction, Salem
*Saline-Ouachita Valley Livestock Commission Company, Warren
*Scott County Livestock Auction, Waldron
*Searcy County Livestock Auction, Marshall
*Shantz Livestock Commission Company, North Little Rock
Siloam Springs Sale Barn, Siloam Springs
*Washington County Sales, Fayetteville
Van Buren County Auction, Clinton

COLORADO

*Alamosa Auction, Alamosa
*A. A. Blakley Livestock Commission Company, Denver
*Basin Livestock Commission Company, Inc., Durango
*Brush Livestock of Colorado, Inc., Brush
*Burlintgon Livestock Market Center, Burlington
*Burlington Producers Livestock Marketing Assn., Burlington
*Cortez Livestock Auction, Inc., Cortez
*Delta Sales Yard, Delta
*Denver Livestock Market, Denver
*Farmers & Ranchers Livestock Commission Company, Inc., Fort Collins
*Fowler Auction Company, Fowler
*Monte Vista Livestock Commission Company, Inc., Monte Vista
*Producers Livestock Marketing Assn., Greeley
*Ranchland Livestock Commission Company, Wray
*Sterling Livestock Commission Company, Inc., Sterling
*Stratton Livestock Marketing Center, Stratton
*Union Stockyards, Denver
*Valley Livestock Auction Company, Grand Junction
*Winter Livestock Commission Company, La-Junta
*Yuma Livestock Auction, Yuma

DELAWARE

*Carroll's Sales Company, Felton
Goldinger Brothers, Inc., Smyrna
Charles F. Poore Livestock Market, Smyrna
Floyd E. West Livestock, Frankford

FLORIDA

*Chipley Livestock Market, Chipley
*Columbia Livestock Market, Lake City
*Gadsden County Livestock Auction Market, Quincy
*Gainesville Livestock Market, Inc., Gainesville
Jacksonville Livestock Auction Company, Whitehouse
*Jay Livestock Auction Market, Jay
*Madison Stockyards, Madison
*Mills Auction Market, Ocala
Monticello Livestock Market, Inc., Monticello
*Suwannee Valley Livestock Market, Live Oak
*Tindal Livestock Market, Graceville
West Florida Livestock Auction Market, Marianna

GEORGIA

*Appling Stockmen's Association, Baxley
Bainbridge Auction Market, Bainbridge
Bacon County Stockyards, Alma
Bartow Livestock Commission Company, Cartersville
*Bleckley County Feeder Pig Sale, Cochran
*Bulloch Stockyards, Statesboro
Carroll County Livestock Sale Barn, Carrollton
Chatham Livestock Company, Savannah
Citizens Stockyard, Arlington
Columbus-Muscogee Livestock, Columbus
Coosa Valley Livestock Company, Rome
Cordele Livestock Commission Company, Cordele
*County Stock Barn, Sandersville
*Csra Feeder Pig Association, Warrenton
Cutts Livestock Company, Pelham
Dawson Livestock Company, Dawson
*Dodge County Stock Barn, Eastman
Dublin Livestock & Commission Company, Dublin
Effingham County Stockyard, Springfield
Farmers Livestock Market, Douglas
Farmers Stockyard, Sylvania
Farmers Stockyard of McRae, Inc., McRae
Fitzgerald Farmers Auction, Inc., Fitzgerald
Flint River Livestock Market, Bainbridge
*Forshee Livestock Company, Inc., Statesboro
Fortner Buying Station, Kite
*Four County Farm Bureau Market Assn., Inc., Twin City
Franklin County Livestock Market, Inc., Carnesville
Georgia Farmers Livestock, Inc., Cumming
Georgia Farm Products Sales Corp., Thomaston
Glennville Hog Market, Glennville
*Grady County Swine Producers Association, Cairo
O. M. Greene Livestock Company, Inc., Bainbridge
Hagan Livestock Market, Inc., Hagan
Irwin County Livestock Company, Ocilla
Jepeway-Craig Commission Company, Dublin
Livestock Marketers, Inc., Douglas
*Lolli Sales Pavilion, Macon
Metter Livestock Market, Metter
Miles Stockyard, Baxley
Mitchell County Livestock Market, Camilla
John Mosley Livestock and Holman Auction Company, Blakley
*Moultrie Livestock Company, Moultrie
Mt. Vernon Hog Market, Mt. Vernon
*Northeast Georgia Livestock Barn, Gainesville
North Georgia Livestock Auction, Inc., Athens
Peoples Stockyard, Cuthbert
Pierce County Stockyard, Blackshear
Pulaski Stockyard, Hawkinsville
Radford Collection Point, Sylvester
Seminole Livestock, Inc., Donalsonville
Sam Simmons Gordon County Livestock Commission Co., Calhoun
Seaboard Stockyard, Colquitt
Smith Brothers Stockyard, Bartow
Soperton Stockyard, Soperton
*Sumter Livestock Association, Americus
*Sutton Livestock Company, Sylvester
Swainsboro Stockyards, Inc., Swainsboro
Sylvania Stockyard, Sylvania
Tattnall & Long N.F.O. Collection Point, Glennville
Thomas County Stockyard, Thomasville
Tift County N.F.O., Inc., Tifton
Tifton Stockyards, Tifton
Toccoa Livestock Auction & Speedway, Inc., Toccoa
Toombs County Stockyard, Lyons
*Tri-County Feeder Pig Sale, Broxton
Tri-County Livestock Company, Social Circle
Tri-County N.F.O. Collection Point, Inc., Blackshear
*Turner County Stockyard, Ashburn
Union Stockyards, Albany
*Valdosta Livestock Company, Inc., Valdosta
Vidalia Livestock Auction, Inc., Vidalia
Wayne County Stockyard, Jesup
Wheeler Brothers Livestock Market, Inc., Eastonolle
White Livestock Company, Quitman
Wilkes County Stockyard, Washington

IDAHO

*Blackfoot Livestock Commission Company, Blackfoot
*Bonners Ferry Livestock, Inc., Bonners Ferry
Burley Livestock Commission Company, Burley
Cache Valley Livestock Auction, Preston
*Coeur d'Alene Livestock, Inc., Coeur d'Alene
Cottonwood Sales Yard, Cottonwood
Gooding Livestock Commission Company, Gooding
*Idaho Livestock Auction, Inc., Idaho Falls
*Nampa Livestock Markets, Inc., Nampa
Producer's Jerome Livestock Marketing Assn., Jerome
Rexburg Livestock Auction, Inc., Rexburg
Salmon River Livestock Commission Company, Salmon
Shoshone Sale Yard, Shoshone
*Spencer Livestock Commission Company, Lewiston

Stockgrowers Commission Company, Inc., Twin Falls
•Treasure Valley Livestock Auction, Caldwell
•Twin City Saleyard, Lewiston
•Twin Falls Livestock Commission Company, Twin Falls
•Valley Livestock Commission Company, Rupert
•Weiser Livestock Commission Company, Weiser

ILLINOIS

Albion Livestock, Albion
Armour-Klarer & Company, Marshall
•Barnard Livestock Auction, Wayne City
•Benton Livestock Association, Benton
•Bloomington Livestock Commission Company, Bloomington
•Breed's Livestock Sales, Elizabeth
•Carthage Livestock Auction, Carthage
Carthage Order Buyers, Carthage
•Cheery, Nellis, Shannon
Chicago Stockyards—Atkinson Market, Inc., Atkinson
Cudahy, Patrick, Orangeville
•Dameron Liverstock Auction, Vienna
•Danville Livestock Commission Co., Danville
Deckers Livestock, Charleston
•Decker's Livestock Incorporated, Milford
•DeWane's Livestock Exchange, Belvidere
Edgar County Marketing Association, Paris
Emge Stock Yards, Palestine
Farmers Hog Market of Ursa, Ursa
•Galesburg Livestock Sale, Galesburg
Galesburg Order Buyers, Milledgeville
•Greenville Livestock Auction Company, Greenville
Heinold Hog Market, Brookpart
Heinold Hog Market, Girard
Heinold Hog Market, Leland
Heinold Hog Market, Marengo
Heinold Hog Market, Inc., Atkinson
Heiselbacher Brothers, Scales Mound
Huber Livestock Company, Greenville
•Illinois Auction Commission Company, Paris
•Interstate Producers Livestock Association, Shelbyville
Interstate Producers Livestock Association, Apple River.
•Interstate Producers Livestock Association, Fieldon
•Interstate Producers Livestock Association, Danville
•Interstate Producers Livestock Association, Dongola
Interstate Producers Livestock Association, Elvaston
Interstate Producers Livestock Association, Erie
•Interstate Producers Livestock Association, Fairfield
•Interstate Producers Livestock Association, Golconda
•Interstate Producers Livestock Association, Harrisburg
•Interstate Producers Livestock Association, Pinckneyville
•Interstate Producers Livestock Association, Quincy
•Interstate Producers Livestock Association, Salem
•Jennings Sales Company, Macomb
Joliet Livestock Marketing Center, Inc., Joliet
•Kewanee Sale Barn, Kewanee
K–M Livestock Center, Robinson
Knowles Stock Yards, Marshall
•Knoxville Sale Company, Inc., Knoxville
•Kuntz, Clyde, Gridley
LaHarpe Order Buyers, LaHarpe
Mayer, Oscar & Company, Barry
Mayer, Oscar & Company, Davis
Mayer, Oscar & Comapny, Esmond
Mayer, Oscar & Company, German Valley
Mayer, Oscar & Company, McConnell
Mayer, Oscar & Company, Pleasant Hill
Oscar Mayer and Company, Pittsfield
Oscar Mayer and Company, Quincy
Meyer, Oscar & Company, Shannon
Mayer, Oscar & Company, Warren
•Mehler Stock Yards, West York
Mendon Order Buyers, Mendon
•Mercer County Livestock Company, Viola
•Monmouth Livestock Sales Company, Monmouth
•Olney Livestock Commission Company, Olney
•Paris Livestock Sales Company, Paris
Paris Union Stockyards, Paris
Peoria Union Stockyards Company, Peoria
•Rock Island Auction Sales, Inc., Rock Island
St. Louis National Stockyards, National Stockyards
•Savanna Livestock Sales, Savanna
•Schrader, Harry, Consignment, Dakota
•Southeastern Livestock Association, Inc., Albion
Stanton Stock Yard, Lena
State Line Reload—NFO, Roscoe
•Walnut Auction Company, Walnut
•Warren County Livestock Auction, Monmouth
•Winslow Marketing Center, Inc., Winslow
Winslow Stockyards, Winslow
•Wood, Marvin T., Morrison

INDIANA

D. M. Archer, Princeton
Attica Stockyards, Attica
Joe Ault, Claypool
Bauman Stockyards, Columbia City
Bauman Stockyards, South Whitley
•Boone County Sale Barn, Lebanon
•Boswell Livestock Commission, Boswell
•Raymond Boyce Livestock Company, Monon
Mike Brady Stockyards, Lagrange
Mike Brady Stockyards, Waterloo
•Brookville Sale Barn, Brookville
Camden Hog Market, Camden
•Don Clark Feeder Pig, Brook
•Claypool Sale Inc., Silver Lake
•Delta Livestock Yards, Fort Wayne
Delta Livestock Yards, Fort Wayne
I. Duffey & Son, Lagro
I. Duffey & Son, Peru
•Robert Elliott, Westport
Emge Pkg. Co., Fairmount
Emge Packing Company, Inc., Anderson
Emge Packing Company, Inc., Fort Branch
Emge Packing Company, Montpelier
•Evansville Union Stockyards Company, Inc., Evansville
•Fountain County Livestock Commission Company, Veedersburg
•Geneva Berne Livestock Sale, Berne
•Goshen Comm. Sale, Goshen
Greencastle Livestock Center, Greencastle
J. L. Hawkins Company, Logansport
Heinold Hog Market, Bluffton
Heinold Hog Market, Burlington
Heinold Hog Market, Cambridge City
Heinold Hog Market, Chalmers
Heinold Hog Market, Crawfordsville
Heinold Hog Market, Goodland
Heinold Market Inc., Jasper
Heinold Hog Market, Corunna
Heinold Hog Market, Inc., Kouts
Heinold Hog Market, Liberty
Heinold Hog Market, Warren
Heinold Market, Milroy
Heinold Market, North Manchester
Heinold Hog Market, Portland
Heinold Hog Market, Rensselaer
Heinold Hog Market, Rushville
Heinold Hog Market, Tipton
Heinold Hog Market, Wheatland
•Henry County Livestock Auction, New Castle
•Hilltop Auction Sale, Hanover
Hoosier Stockyards Inc., Frankfort
Hoosier Stockyards Inc., Knightstown
Hoosier Stockyards Inc., Ladoga
Hoosier Stockyards, Inc., Lebanon
Hoosier Stockyards Inc., Roann
•Huntington Livestock Company, Huntington
Indianapolis Stockyards Corp., Indianapolis
•Johnson County Sale Pavilon, Franklin
•Knightstown Sale Barn, Knightstown
•Gordon Jones, Ridgeville
•LaFountain Livestock Sale, LaFountain
Logansport Livestock Yards, Inc., Logansport
Logansport Livestock, Winamac
•Lowell Livestock Auction, Lowell
•Loy's Sale Barn, Portland
M & R Livestock Market, Culver
MFA Hog Market, Burlington Junction
M & R Livestock Company, Huntington
M & R Livestock Company, Loogootee
M & R Livestock Company, Spencer
•Bill Manns, Rensselaer
Marhoefer Packing Company, Inc., Muncie
Mentone Stockyards, Mentone
•Mid-States Feeder Pig Company, Inc., Flora
•Jack Milhollin, Parker
•Montgomery County Sale Pavilion, Crawfordsville
•Morton Sale Barn, Morton
Munice Livestock Company, Muncie
•Muscatatuck Valley Feeder Pig Assn., North Vernon
New Castle Stockyards, New Castle
Ohio Valley Livestock Corp., Williamsburg
•Ohio Valley Producers, Evansville
•Owen-Monroe Feeder Association, Spencer
•Parke County Sales Pavilion, Rockville
Pavy Stockyard, Greensburg
Pavy Stockyards, Milroy
•Platte Valley Livestock, Inc., Gering
Porkland, Crawfordsville
•Producers Livestick Association, Bath
•Producers Livestick Association, Vincennes
Producers Livestock Association, Vincennes
Producers Livestock Association, Winchester
Producers Marketing Association, Amboy
•Producers Marketing Association, Boonville
•Producers Marketing Association, Inc., Centerville
Producers Marketing Association, Stockyards, Centerville
•Producers Marketing Association, Clayton
•Producers Marketing Association, Columbia City
Producers Marketing Association, Frankfort
Producers Marketing Association, Greensburg
•Producers Market Association, Mentone
•Producers Marketing Association, Inc., Montgomery
•Producers Marketing Association, Feeder Pig, Montpelier
Producers Marketing Association, Rensselaer
Producers Marketing Association, Rockville
•Producers Marketing Association, Salem
•Producers Marketing Association, Seymour
•Producers Marketing Association, Inc., Terre Haute
Producers Marketing Association, Terre Haute
•Producers Marketing Association, Inc., Topeka
Producers Marketing Association, Uniondale
•Producers Marketing Association, West Lafayette
Producers Marketing Association, W. Lafayette
Producers Marketing Association, Inc., Worthington
•Reynolds Sale Barn, Reynolds
Reynolds Stockyards, Reynolds
•Rochester Sale Barn, Rochester
•Royal Center Sale Barn, Royal Center
Rushville Community Sale, Rushville
•Russellville Feeder Pig Company, Russellville
•Scottsburg Salebarn, Scottsburg
•Shipshewana Auction Company, Shipshewana
•Southeastern Indiana Feeder Pig Auction Association, Osgood
•Southern Indiana Livestock Exchange, Scottsburg
•Springville Feeder Auction Association, Inc., Springville
P. B. Stewart Company, Berne
P. B. Stewart Company, Decatur
P. B. Stewart Company, Fulton
P. B. Stewart Company, Plymouth

P. B. Stewart Company, Shipshewana
P. B. Stewart Company, South Whitley
•Stoney Pike Sale Barn, Logansport
Sullivan County Livestock Market, Sullivan
•Topeka Livestock Auction Company, Topeka
Topeka Livestock Auction, Inc., Wakarusa
Valleydale Stockyard, Burlington
•Valparaiso Comm. Sale Barn, Valparaiso
Wabash Valley Stockyard, Wolcott
•White River Valley Feeder Auction Association, Worthington
Whiting and Decker, Vincennes
Wilson and Company, Inc., North Judson
Winner Order Buyers, Converse
•Ralph Yarling, Elwood
•Yeager and Sullivan, Inc., Camden
Zechiel Stockyards, Knox

IOWA

•Aibia Sales Company, Inc., Aibia
•Aplington Livestock Auction, Inc., Aplington
Applegate Hog Yard, Leon
Armour and Company, Bedford
Armour and Company, Mt. Ayr
Armour and Company, Shenandoah
Audubon County Livestock Exchange, Audubon
•Audubon County Livestock Exchange, Audubon
•B & H Cattle Company, Ida Grove
Bank's Hog Yards, Seymour
•Bedford Sale Company, Bedford
•Bingley Sale Company, Inc., Knoxville
•Bleil & Chapman Livestock Auction, Kingsley
•Bloomfield Livestock Market, Inc., Bloomfield
Brighton Stockyards Inc., Brighton
•Centerville Hog Market, Centerville
•Charlton Sales, Inc., Charlson
•Central Iowa Stockyards, Webster City
•Columbus Junction Livestock Market, Inc., Columbus Junction
•Clarinda Auction Company, Clarinda
Colfax Livestock Sales Company, Colfax
•Colfax Livestock Sales Company, Colfax
Decker Livestock, Charlton
•Decorah Sales Commission, Decorah
•DeVries Auction, Buffalo Center
•Dunlap Livestock Auction, Dunlap.
•Edgewood Sale Barn, Inc., Edgewood
•Elkader Sale Barn, Elkader
J. G. Foecke & Company, West Point
•Forest City Cow Palace—Jennings Brothers, Inc., Forest City
•Gaffney Storm Lake Auction, Storm Lake
•Galva Pig Market, Galva
•Grassland Company, Odebolt
•Harlan G. Habben Feeder Pig Sales, Pocahontas
Heinold Hog Market, Birmingham
Heinold Hog Markets, Bloomfield
Heinold Hog Market, Donnellson
Heinold Hog Market, Seymour
•Hilltop Feeder Pig Company, Aplington
Hormel Hog Market, Centerville
•Humeston Livestock Auction, Humeston
Hygrade Food Products Corp., Clarinda
Hygrade Hog Buying Station, Sheldon
•Interstate Producers, Waukon
Interstate Producers, Waukon
•Kalona Sale Barn, Inc., Kalona
•Keoco Auction Company, Sigourney
•Keosauqua Sale Company, Inc., Keosauqua
•Kimballton Auction Company, Kimballton
•Lamoni Livestock Sales Company, Inc., Lamoni
•Leon Sale, Leon
Mahaska Sale Company, Oskaloosa
•Mapleton Livestock Sales Company, Mapleton
•Maquoketa Sales Company, Inc., Maquoketa
•Middletown Auction Sales, Inc., Middletown
•Drs. Spear & Allison (Marshall Co. Feeder Pig Assn.), Marshalltown
•Montezuma Sales Company, Inc., Montezuma
•Monticello Sale Barn, Monticello
•Moorhead Auction Company, Moorhead
•Mt. Ayr Livestock Market, Mt. Ayr
Ralph Mullenback, Stacyville
•Keith E. Myers, Grundy Center
New Albin Stockyard, New Albin
•New Liberty Livestock Auction, New Liberty
N. E. Iowa Sales Commission, Waukon
•N. E. Iowa Sales Commission, Waukon
NFO Collection Point, Ossian
Noe Livestock, Lime Springs
•Northeast Iowa Sales Commission, Waukon
•North Iowa Livestock Exchange, Garner
•Northside Sales Company, Sibley
Osage NFO Collection Point, Osage
•Perry Sales Pavilion, Perry
Petefish Scale Yard, Bloomfield
•Producers Livestock Marketing Agency Feeder Pig Division, Creston
Quale Livestock, Chester
Rath Packing Company (Buying Station), Wever
•Riceville Sales Pavilion, Riceville
•Norb Roecker Feeder Pigs, Denison
•Jerry Rolston, Inc., Sheldon
•Sales Company of Hawarden, Hawarden
•Sheldon Approved Hog Mart, Sheldon
•Sheldon Livestock Company, Sheldon
•Shenandoah Livestock Auction, Inc., Shenandoah
Simmons Hog Buyer, Farmington
•Sioux City Stockyards, Sioux City
•Sioux City Stockyards Feeder Pig Auction, Sioux City
•Spirit Lake State-Federal Approved Feeder Pig Market, Spirit Lake
Steeples Hog Market, Bonaparte
•Tama Livestock Auction Company, Tama
Thompson Livestock Commission Company, Inc., Davis City
Carl S. Thurn Stockyard, Edgewood
•Traer Auction Company, Inc., Traer
•Tri-State Livestock Auction Company, Inc., Sioux Center
Troutman Hog Market, Burlington
•Wallace Livestock Market, Riceville
•Wapello Livestock Sales, Inc., Wapello
•Waverly Sales Company, Waverly
•Wayland Livestock Auction Market, Wayland
Weerheim Livestock, Rock Rapids
Wiechman Pig Company, Inc., Des Moines
Wilson & Company, Inc., Shenandoah
•Woodbury County Livestock Auction, Lawton

KANSAS

Altoona NFO Collection Point, Altoona
Altoona Stockyards, Altoona
•Atchison County Auction Company, Atchison
•Atwood Sale Barn, Inc., Atwood
•Belleville Livestock Commission Company, Belleville
•Caldwell Community Sale, Caldwell
•Circle "L" Livestock Sale, Liberal
•Clay Center Livestock, Inc., Clay Center
Clougherty Packing Company, Marysville
•Coffeyville Livestock Sales, Coffeyville
•Colby Livestock Auction, Colby
•Concordia Sales Company, Concordia
•Dodge City Livestock Commission Company, Dodge City
•El Dorado Livestock Auction, Inc., El Dorado
•Goodland Livestock Auction, Goodland
•Hansens Livestock Auction, Concordia
•Hays Livestock Commission Company, Inc., Hays
•Hiawatha Auction Company, Hiawatha
•Hoxie Livestock Sale, Hoxie
•Junction City Sales Company, Inc., Junction City
Kansas Hog Company, Morland
Kuhlman Hog Yards, Smith Center
Luckeroth Hog Market, Seneca
•Mankato Livestock Commission Company, Mankato
•Marysville Livestock Commission Company, Marysville
Mauer-Neuer Packing Company, Independence
•Medicine Lodge Sale Company, Medicine Lodge
•Miami County Livestock Company, Inc., Paloa
•Mid-Kansas Pig Station, Hutchinson
•Moline Auction Company, Moline
N.F.O. Buying Station, Marysville
•Norton Livestock Auction, Inc., Norton
•Oberlin Livestock Commission Company, Oberlin
•Parsons Livestock Auction Inc., Parsons
•Phillipsburg Sales Company, Phillipsburg
•Sabetha Livestock Auction, Sabetha
•St. Francis Livestock Sales, St. Francis
Smith Center Hog Company, Smith Center
•South East Kansas Feeder Pig Association, Fredonia
Stafford Brothers, Fort Scott
•Syracuse Sale Company, Syracuse
•Washington Sale Company, Inc., Washington
Wilson Certified Foods, Independence
•Wichita Union Stockyards, Wichita
•Winfield Auction, Inc., Winfield

KENTUCKY

Adair County Stockyard, Columbia
Albany Stockyard, Albany
R. B. Berry & Son, Clinton
•Boue Grass Stockyard, Lexington
•Bourbon Livestock Center, Bowling Green
•Bourbon Stockyard Company, Louisville
•Bowling Green Stockyard, Bowling Green
•Boyle County Stockyard, Danville
Breckinridge Livestock Center, Irvington
Brown Livestock Company, Clinton
•Bullitt County Stockyard, Shepherdsville
Burkesville Stockyard, Burkesville
Carnes Livestock Market, Leitchfield
•Catlettsburg Livestock Market, Catlettsburg
Christian County Livestock Market, Inc., Hopkinsville
Clinton Livestock Reload Collection Point, Clinton
•Dinwiddie Feeder Pig, Leitchfield
Edmonston Livestock Market, Edmonston
Faire Stockyards, Bardwell
•Farmers Commission Company, Inc., Tompkinsville
•Farmers Livestock Feeder Pig Sale, Mayfield
•Farmers Livestock Market, London
•Farmers Stockyards, Flemingsburg
Farmers Livestock Market, Mayfield
•Farmers Livestock Market of Glasgow, Inc., Glasgow
Field Packing Company Stockyard, Owensboro
•Florence, Peak, and Fryman, Cynthiana
Franklin-Simpson Livestock Company, Inc., Franklin
•Garfield Auction Barn, Garfield
•Garrard County Stockyard, Lancaster
•Glasgow Livestock Market, Glasgow
Graves County Livestock Company, Inc., Mayfield
•Grayson County Stockyards Markets, Inc., Leitchfield
•Green County Stockyards, Greensburg
Hart County Livestock Market, Munfordville
Heinold Hog Markets, Inc., Fancy Farm
Heinold Hog Markets, Marion
Heinold Hog Markets, Inc., Morganfield
•Henry County Stockyard, Inc., Sulphur
Horse Cave Stockyards, Horse Cave
•Jollys Feeder Pigs, Albany
•Kentuckiana Livestock Market, Owensboro
•Kentucky-Tennessee Livestock Market, Guthrie
•King Livestock Company, Inc., Hopkinsville
•Laurel Sales Company, London
•Logan County Livestock Market, Inc., Russellville
Louisa Stockyards, Louisa
•Madison Sales Company, Richmond
•Mammoth Cave Marketing Corporation, Smiths Grove

Mantle Stockyards, Bardwell
•Mayeville Stockyard, Maysville
Morganfield NFO Collection Point, Morganfield
Morganfield Stockyards, Morganfield
Nichols Stockyard, Milburn
•N.F.O. Stockyards, Cynthiana
Ohio Valley Producers, Corydon
•Ohio Valley Producers Livestock Assn, Inc, Clinton
•Owen County Stockyard, Owenton
•Owsley County Stockyard, Booneville
Paducah Livestock Company, Paducah
•Paintsville Livestock Market, Paintsville
•Paris Stockyard, Paris
•Ratliff Stockyards, Mt. Sterling
•Russell County Stockyard, Russell Springs
•Schneider and Colston Sale Barn, South Walton
Smith Livestock Company, Symsonia
•Somerset & Pulaski Livestock Market, Inc., Somerset
•Taylor County Stockyards, Campbellsville
•Washington County Livestock Center, Inc., Springfield
•Wayne County Feeder Pig Auction, Monticello
Wayne County Livestock Market, Inc., Monticello
•West Kentucky Land & Cattle Company, Inc., Marion
•Wigwam Hog and Feeder Pig Market, Horse Cave
•Williamstown Stockyard, Williamstown
•Winchester Stockyards, Winchester

LOUISIANA

Ark-La-Tex Pork Marketing Association, Minden
•Avoyelles Swine Association, Marksville
•Bastrop Livestock Auction, Bastrop
•Central Louisiana Swine Producer's Association, Jena
•DeQuincy Livestock Commission Company, DeQuincy
•DeRidder Livestock Commission Company, DeRidder
•Florida Parishes Feeder Pig Association, Amite
•Franklinton Stockyards, Inc., Franklinton
•Guilbeau-Kennedy, Inc., Baton Rouge
Homer Livestock Commission Company, Homer
Bill Lyles Livestock Auction, Grand Cane
•Macon Ridge Swine Producers Association, Winnsboro
•Micelle's Commission Yard, Inc., Lake Charles
•Northwest Louisiana Swine Growers Association, Minden
•Southwest Louisiana Swine Producers Association, Basil
•West Monroe Livestock Auction, West Monroe

MAINE

•Crosman's Livestock Sales, Corinna
•Ben Tilton & Sons, Corinth

MARYLAND

•Aberdeen Sales Company, Aberdeen
Adkin Livestock, Inc., Parsonburg
Baltimore Livestock Exchange, Inc., West Friendship
•Caroline Sales Company, Denton
•Cumberland Stockyards, Inc., Cumberland
•Dukes Brothers Stockyards, Inc., Eden
Esskay Buying Station, Baltimore
Esskay Buying Station, Salisbury
Esskay Buying Station, Wye Milla
•Farmers Livestock Exchange, Inc., Boonsboro
•Farmers Market and Auction, Mechanicsville
•Four State's Livestock Sales, Inc., Hagerstown
•Frederick Livestock Auction, Inc., Frederick
•Friend's Stock Yard, Inc., Accident
•Grantsville Community Sales, Inc., Grantsville
•Harry Rudnick & Sons, Inc., Galena
•West Nottingham Auction, Rising Sun
•Western Maryland Stock Yards, Inc., Westminster
•Woodsboro Livestock Sales, Inc., Walkersville

MASSACHUSETTS

•Stanley Beckwith and Son, Granville
•Farmers Live Animal Market Exchange, Inc., Littleton
•J. P. Hass and Sons, Rehoboth
•Northampton Coop Auction Market, Whately
•Soares Livestock and Equipment, West Bridgewater

MICHIGAN

Andy Adams Sale Barn, Hillsdale
Clare Bordner, Burr Oak
Camden Stockyards, Camden
Coldwater Livestock Auction, Coldwater
Croswell Stockyards, Croswell
Dundee Livestock Sales Inc., Dundee
Equity Cooperative Livestock Sales Association, Menominee
Heinold Hog Markets, Inc., Burlington
Heinold Hog Markets, Inc., Jones
Linsmeier Livestock Auction, Menominee
Lugbill Brothers, Inc., Morenci
Michigan Live Stock Exchange, Battle Creek
Michigan Live Stock Exchange, Cassopolis
Michigan Livestock Exchange, Manchester
Napoleon Livestock Commission Company, Napoleon
Ridley Commission, Inc., Detroit
Tecumseh NFO Collection Point, Britton
Westfall Stockyards, Hillsdale

MINNESOTA

•Anderson Feeder Pig Company, Willmar
•Arends Sale Yard, Inc., Blue Earth
Armour and Company, Browns Valley
Armour and Company, Dawson
Armour and Company, Kiester
Armour and Company, Winona
Armour & Company Hog Buying, Harmony
Armour Hog Buying Station, Ortonville
•Bauman's Livestock, Ellsworth
Breckenridge Livestock, Breckenridge
•Canby Livestock Sales Company, Canby
•Cottonwood Veterinary Clinic, Windom
•Farmers Feeder Pig Association, Worthington
Farmers Livestock Auction Market, Caledonia
Farmers Livestock Company, Elmore
•Geneva Livestock Exchange, Geneva
•Gibbon Feeder Pig Market, Gibbon
•Gordon Ness Feeder Pig Company, Hector
Gries Livestock Market, Kiester
•Hebrink Feeder Pig Market, Renville
Hokah Stockyards, Hokah
•Hollerich Feeder Pig Market, Good Thunder
Geo. A. Hormel Livestock Buying Station, Canby
Hormel Livestock Buying Station, Blue Earth
Ivanhoe NFO Collection Point, Ivanhoe
•Jackson Livestock Exchange, Inc., Jackson
•Kasson Livestock Exchange, Kasson
Lakefield N.F.O. Collection Point, Lakefield
•Lamberton Feeder Pig Market, Lamberton
•L & L Livestock, Dunnell
•Lamberton Stockyards, Inc., Lamberton
Lee Livestock, Harmony
•Long Prairie Livestock Auction Market, Long Prairie
•Luverne Livestock Auction, Luverne
•Minnesota Feeder Pig Marketers, Inc., Willmar
Morrell Hog Buying Station, Madison
Pierson Livestock, Ivanhoe
•Pipestone Livestock Auction Market, Pipestone
Rath Packing Company, Prosper
•Rice Feeder Pig Center, Rice
Rosen Livestock, Fairmont
•Rush City Livestock Market, Inc., Rush City
•Rush City Livestock Sales, Inc., Rush City
•Rushford Feeder Pig Tel-O-Auction, Rushford
•St. Paul Union Stockyards, South St. Paul
•Speldrich Feeder Pig Market, Elrosa
•Springfield Stockyards, Springfield
•Spring Grove Livestock Exchange, Inc., Spring Grove
•Spring Valley Sales Company, Inc., Spring Valley
•Tenney Feeder Pig Company, St. James
•Thornburg Sheep Company, Lakefield
•Top Livestock Auction, Edgerton
Welcome NFO Livestock Collection Point, Welcome
Wilson & Company, Bricelyn
•Windom Feeder Pig Market, Windom
•Windom Sale Company, Inc., Windom
•Wisconsin Feeder Pig Marketing Co-op, Perham
•Wisconsin Feeder Pig Marketing Co-op, Sauk Centre
•Worthington Livestock Sales Company, Worthington
•Zumbrota Livestock Auction Market, Inc., Zumbrota

MISSISSIPPI

•Alcorn County Stockyards, Corinth
Max Alman's Assembly Point, Pelahatchie
•Amory Area Feeder Pig Sale, Amory
S. K. Askew Assembly Point, Edwards
•Booneville Area Feeder Pig Association Booneville
•Booneville Commission Company, Booneville
•H. T. Branning Livestock Company, French Camp
•Bruce Area Feeder Pig Sale, Bruce
Buckhalter Assembly Point, Newhebron
Central Livestock Company, Brandon
•Central Mississippi Livestock Commission Company, Carthage
•Chickasaw Livestock Auction, Inc., Houston
•Corinth Livestock Commission Company Corinth
•Dixie Stockyards, Inc., Meridian
Donald & Vines Assembly Point, Morton
•East Mississippi Farmer's Livestock Company, Philadelphia
George County Stockyards, Inc., Lucedale
•Glynn Robinson Stockyard, West Point
•Grenada Livestock Exchange, Grenada
Laurel Stockyards, Laurel
•Lucedale Area Feeder Pig Association, Lucedale
•Lum Commission Company, Vicksburg
Edward McCaughn Assembly Point, Morton
•McComb Area Feeder Pig Sale, McComb
Meridian Stockyards, Meridian
•Natchez Stockyards, Natchez
Thomas Nazary Assembly Point, Carthage
•New Albany Feeder Pig Sale, New Albany
•Peelers Livestock Sales, Kosciusko
•Port Gibson Area Feeder Pig Association, Port Gibson
Ranchers & Farmers Livestock Commission Company, Macon
Smith Brothers Stockyard, Poplarville
T. Smith Livestock, Hattiesburg
Spicer Livestock, Inc., Tupelo
•Southeast Mississippi Feeder Pig Assn., Laurel
•Southeast Mississippi Livestock Farmers Association, Hattiesburg
•Southwest Livestock, Inc., Lorman
Stockyard Beef Sale, Inc., Tupelo
Stringer Sale Barn, Columbia
•Triangle Stockyards, Inc., Columbue
•Tri-State Stockyards, Inc., Greenville
•Walnut Sales Company, Walnut
•Wayne Area Pork Producers Association, Waynesboro
•Waynesboro Livestock Yards, Inc., Waynesboro

MISSOURI

•Alton Sale Company, Alton
Armour & Company, Corder
•Ava Sale Company, Ava
Baring Stockyards, Baring
Beck & McCord Auction Company, Sikeston
•Benton County Producers Association, Warsaw
Bollinger County Livestock Producers Association, Marble Hill
•Boonville Livestock Auction, Boonville
•Browning & Crowe Order Buyers, Monroe
Browning and Crowe Order Buyers, Inc., Paris
•Bryant and Kirkman, Summersville
•Buffalo Sale Barn, Buffalo
Burrus & Troutman Livestock, Memphis
•Butler Community Sales, Butler
•Cabool Livestock Market, Cabool
Callaway Livestock Auction, Fulton
•Central Missouri Sales Company, Inc., Sedalia
•Cantrell & Sons, Archie
Callao NFO Collection Point, Callao
•Callaway Stock Sales Company, Fulton
•Carrollton Livestock Auction, Carrollton
•Cassville Livestock Market, Inc., Cassville
•Cattlemen Auction Company, Inc., Humansville
Central Hog Buyers, Centralia
Central Hog Market, Rich Fountain
•Central Livestock Market, Poplar Bluff
•Central Missouri Livestock Auction, Inc., Mexico
•Central Ozark Auction, West Plains
•Charleston Auction Company, Charleston
•Chillicothe Livestock Market, Inc., Chillicothe
•Circle S Livestock Market, Stanberry
•Clark County Sale Company, Kahoka
Clinton Hog Market, Clinton
•Columbia Livestock Auction Market, Inc., Columbia
•Concordia Livestock Auction, Concordia
Constable Stockyards, Princeton
Deberry Livestock Exchange, Richland
•Dent County Livestock Improvement Association, Salem
Dillard Livestock Order Buyers, Aukvasse
•Downing Stockyards, Downing
•Edina Auction Market, Inc., Edina
Edina Stockyards—NFO Buying Station, Edina
Eldon Hog Market, Olean
Esskay Buying Station, Littlestown
•Farmers Auction Company, Mountain View
•Farmers & Traders Commission Company, Inc., Palmyra
•Farmington Auction Market, Farmington
Ferguson Hog Market, Sedalia
Fortuna NFO Collection Point, Fortuna
4 Corners Collection Point (NFO), Hunnewell
•4 County Feeder Pig Auction, Humansville
Four Rivers Collection Point, Labadie
•Four-Square Markets, Inc., Marshall
•Four State Livestock Auction Center, Diamond
•Fredericktown Auction Company, Inc., Fredericktown
•Fruitland Livestock Auction, Inc., Jackson
•Gallatin Livestock Auction, Inc., Gallatin
•Grant City Livestock Auction, Grant City
Grant City Livestock Auction, Grant City
Grant City Sale Barn, Grant City
•Green City Auction Market, Inc., Green City
Harkins Livestock Market, Trenton
Heinold Hog Market, Inc., Bloomfield
Heinold Hog Buyers, Inc., Bowling Green
Heinold Hog Market, Hawk Point
Heinold Hog Market, King City
Heinold Hog Market, Labelle
Heinold Hog Market, Maryville
Heinold Hog Market, Monroe City
Heinold Hog Market, Inc., Sedalia
Heinold Hog Market, Stet
Heinold Hog Market, Inc., Clarence
Heinold Hog Market, Inc., Tarkio
Heinold Hog Market, Inc., Wellsville
•Hinds Sale Company, Memphis
Otto Holton Hog Market, Browning
Howard County NFO Collection Point, Armstrong
•Interstate Producers Livestock Association, Brookfield
•Ireland and Thorne Livestock Market, Inc., Trenton
•Interstate Producers Livestock Association, Caledonia
•Interstate Producers Livestock Association, Cuba
•Interstate Producers Livestock Association, Feeder Pig Market, Hamilton
•Interstate Producers Livestock Association, Jackson
•Interstate Producers Livestock Association, Perryville
•Johnson County Livestock Market, Warrensburg
•Joplin Stockyards, Joplin
•Kahoka Sale Company, Inc., Kahoka
•Kansas City Stockyards, Kansas City
•Kelly Auction Service Livestock Sales, Mountain Grove
•Kennett Sales Company, Inc., Kennett
•Kingsville Livestock Auction, Kingsville
Kingsville NFO Collection Point, Kingsville
Kirksville Community Sale, Inc., Kirksville
Kleen-Leen, Inc., Jackson
Kleen-Leen, Inc., Salem
Harold Kornbrust Hog Buying Station, Marceline
•Laclede County Livestock Producers Association, Lebanon
•Lamar Auction Market, Lamar
•The Lamar Cattle Auction, Lamar
•Lamar Sales, Lamar
LaMonte NFO Collection Point, LaMonte
•Lexington Livestock Auction, Lexington
•Licking Livestock Auction, Licking
Lamonte Livestock Collection Point (NFO), Lamonte
•Lewis County Auction Company, Lewistown
Lewis & Son Hog Buyers, Glasgow
•Licking Livestock Auction, Licking
•Licking Livestock Auction, Licking
•Lindsay Livestock Auction, Inc., Lebanon
•Linn County Auction Company, Brookfield
•Linn County Beef Producers, Inc., Brookfield
•Lockwood Community Sales, Lockwood
•Lolli Sales Pavilion, Macon
•Mansfield Livestock Auction, Inc., Mansfield
•Marshall Livestock Auction, Marshall
•Maryville Livestock Market, Inc., Maryville
Oscar Mayer & Company, Inc., Brookfield
Oscar Mayer & Company, Inc., Callao
Oscar Mayer & Company, Inc., Shelbina
Maysville NFO Collection Point, Amity
•Maysville NFO Collection Point, Amity
•McDonald County Livestock Market, Jane
•Mercer County Auction, Princeton
•Mercer County Producers Association, Princeton
•Meta Collection Point, Inc., Meta
•MFA Feeder Pig Assembly Point, Ellington
•MFA Feeder Pig Market, Sedalia
•MFA Feeder Pig Tele Auction, Doniphan
•MFA Feeder Pig Yards, Rolla
•MFA Feeder Pig Yards, Stockton
•MFA Feeder Pig Market, Taneyville
•MFA Feeder Pig Yards, Westphalia
•MFA Livestock Association, Alton
•MFA Livestock Association, Cabool
•MFA Livestock Association, Mansfield
•MFA Livestock Association, Inc., Wheaton
•Mid-West Livestock Auction, Inc., Milan
•Moberly Auction Company, Moberly
National Hog Buyers, Inc., Columbia
•Nevada Livestock Auction, Inc., Nevada
NFO Collection Point, Chillicothe
•New Cambria Livestock Auction Market, New Cambria
NFO Cameron Collection Point, Cameron
Nichols Stockyards, Bethany
•Odessa Community Sale, Odessa
•Olean Livestock Market, Inc., Olean
Osage Hog Buyers, Inc., Linn
•Oregon Livestock Sales Company, Oregon
•Osage County Livestock Producers Association, Linn
•Palmyra Livestock Auction Market, Palmyra
•Pasley Auction Company, Osceola
•Patton Jct. N.F.O. Collection Point, Patton
•Pike County Livestock Market, Bowling Green
•Platte County Sale Company, Platte
•Poplar Bluff Sales Company, Poplar Bluff
•Potosi Livestock Market, Potosi
•Puxico Stockyards & Auction Company, Puxico
Rains Livestock, Inc. Poplar Bluff
Reeds Livestock Company, Dexter
Reed (Chester) Livestock Market, Mountain Grove
•Rich Hill Sale Company, Rich Hill
•Roberts Livestock Auction, Bolivar
•Rockport Sales Pavilion, Inc., Rockport
•St. Clair Auction Company, St. Clair
•St. James Livestock Auction, St. James
•St. Joseph Stockyards, South St. Joseph
•St. Joseph Stockyards Market Hog Division, South St. Joseph
•Salem Auction Company, Salem
•Savannah Sale Company, Savannah
•Schuyler County Sale Company, Lancaster
•Sedgewickville Auction, Sedgewickville
•Shelbina Auction Company, Shelbina
Shell Feed & Supply, Fredericktown
Shell Feed & Supply, Perryville
Shell Feed & Supply, Lutesville
•Sho-Me-Feeder Pig, Inc., Ava
•Sho-Me-Feeder Pigs, Inc., Thayer
•Jack Sivils Sale Company, Inc., Butler
•South Central Livestock Market, Inc Vienna
Southeast Missouri Stockyards Company, Oran
•Southwest Feeder Pig Market, Inc., Nixa
•Southwest Missouri Livestock Association, Inc., Sarcoxie
•Summersville Auction Company, Summersville
Swift Fresh Meats Company, Eolia
Tarkio Hog Yards, Tarkio
Thomas Hog Market, Syracuse
Thomas & Potter Hog Markets, Eldon
Thompson Livestock Company, Armstrong
Thompson Livestock Company, Glasgow
•Union Stockyards, Springfield
•Unionville Sale Company, Unionville
•Urbana LSA, Urbana
Carroll Warnock Stockyards, Lineville
Warnock Stockyard, Trenton
•Warsaw Auction Company, Warsaw
West Plains City Scales, West Plains
•West Plains Livestock Auction, Pomona
•Wheaton Livestock Auction, Wheaton
Wilson & Company Hog Market, Chillicothe
Wilson and Company Hog Market, Palmyra
Wilson & Company Hog Market, Unionville
Wilson and Company, Inc., Marshall
Wilson Hog Buying Station, Greenfield
Wilson Hog Market, Albany
Wilson Hog Market, Salisbury
Wilson Hog Market, Tipton
•Windsor Auction, Windsor

MONTANA

•Baker Livestock Auction, Inc., Baker
•Beaverhead Livestock Market, Inc., Dillon
Glendive Livestock Sales Company, Glendive
•Kalispell Livestock Auction, Kalispell
•Public Auction Yards, Billings
•Sidney Livestock Market Center, Sidney

NEBRASKA

•Ainsworth Livestock Auction, Ainsworth
•Alma Livestock Commission Company, Alma
•Beatrice Sales Pavilion, Beatrice
•Beatrice 77 Livestock Sales Company, Beatrice
•Butte Livestock Market, Butte
•Chappell Livestock Auction, Chappell
•Creighton Livestock Market, Inc., Creighton

*Falls City Auction Company, Falls City
*Farmers Livestock Sales Company, Benkelman
Farmland Food, Inc., Hardy
Gordon NFO Collection Point, Gordon
*Hebron Livestock Commission Company, Hebron
*Holdredge Livestock Market, Holdredge
George Hormel & Company, Falls City
*H. S. Camp and Sons, Ocala
*Imperial Auction Market, Inc., Imperial
*Kimball Livestock Auction, Kimball
*Midwest Livestock Company, McCook
*Morris Livestock Auction, Plattsmouth
National Farmers Organization, Guide Rock
National Farmers Organization, Pawnee City
*Nebraska City Salebarn, Inc., Nebraska City
*Norfolk Livestock Market, Inc., Norfolk
*Nebraska Livestock Market, Inc., Franklin
N.P.O. Reload Point, Whitney
Omaha Livestock Market, Inc. Omaha
*Omaha Livestock Market, Inc., Omaha
*Pawnee Livestock Company, Pawnee City
*Platte Valley Livestock, Inc., Gering
*Red Cloud Livestock Commission Company, Inc., Red Cloud
*Scottsbluff Livestock Auction, Inc., Scottsbluff
*Sheridan Livestock Commission Company, Rushville
Superior Hog Market, Superior
*Superior Livestock Commission Company, Inc., Superior
*Syracuse Sales Pavillion, Inc., Syracuse
*Tri-State Livestock Commission Company, Inc., McCook
*Valentine Livestock Auction, Valentime
*Verdigre Livestock Market, Verdigre
*The Welchman Pig Company, Inc., Fremont
WEW Hog Company, McCook
Wilson and Company, Auburn
Wilson and Company, Pawnee City
Wilson and Company, Syracuse
*York Livestock Sales Co., York
York Pack Buying Station, York

NEW JERSEY

Wallace H. Coates Livestock Company, Monroeville
Jaeger's Livestock Market, Sussex
*Livestock Cooperative Auction Market Assn. of North Jersey, Inc., Hackettstown
*Vealy Livestock Company, Lafayette

NEW MEXICO

*Clovis Hog Company, Inc., Clovis
*Five States Livestock, Auction, Co., Clayton

NEW YORK

Buffalo Stockyards Company, Inc., Buffalo
*Empire Livestock Marketing Cooperative, Inc., Caledonia
Empire Livestock Marketing Cooperative, Inc., Waterloo
Luther's Livestock Commission Market, Wassaic

NORTH CAROLINA

*Albemarle Cooperative Association, Inc., Edenton
Baker Hog Market, Tyner
Brite-Tatum Livestock Auction, Elizabeth City
*Carolina Stockyards, Siler City
*Carolina-Virginia Stockyard, Windsor
*Central Carolina Farmers Livestock Market Quality Feeder Pig Sale, Hillsborough
*Chadbourn Graded Feeder Pig Sale, Chadbourn
Chadbourn Livestock Market, Chadbourn
D. F. Foust Livestock Auction, Inc., Greensboro
*Greensboro Graded Feeder Pig Sale, Greensboro
Greenville Livestock, Inc., Greenville
Greenville Stock Yard, Greenville
Gwaltney-Hertford Livestock Market, Hertford
Robert P. Hollowell Livestock Market, Sunbury
*Iredell Livestock Company, Turnersburg
J & P Livestock Company, Inc., Fairmont
*Kinston Stockyard, Kinston
George P. Kittrell Livestock Market, Corapeake
*Gus Z. Lancaster Quality Feeder Pig Sale, Dunn
*Gus Z. Lancaster Quality Feeder Pig Sale, Rocky Mount
Gus Z. Lancaster Stockyards, Inc., Rocky Mount
Laurinburg Livestock Market, Laurinburg
Lumberton Auction Company, Lumberton
*MCM Livestock, Inc., Whiteville
Miller's Livestock, Inc., Winfall
Murphy Livestock Auction Company, Murphy
*Norwood Graded Quality Feeder Pig Sale, Norwood
*Oxford Livestock Market, Inc., Oxford
*Pates Stockyard, Inc., Pembroke
*Powell Livestock Company of Smithfield, Smithfield
Reaves Livestock, Inc., Rowland
*Sessoms Packing Company, Ahoskie
Smithfield Packing Company Hog Buying Station, Murfreesboro
Lloyd S. Turner, Elizabeth City
*Union County Livestock Auction, Inc., Monroe
*Wells Livestock Market Graded Feeder Pig Sale, Wallace
*Western Carolina Feeder Pig Sale, Asheville
Whedbee Livestock Market, Hertford
R. G. Whitley and Son, Inc. Hog Buying Station, Como

NORTH DAKOTA

Armour & Company, Wahpeton
*Carrington Livestock Sales, Inc., Carrington
*Central and Farmers Union Livestock Market, Inc., Minot
Central Livestock Association, Inc., Dickinson
Dakota Meats, Inc., Minot
*Edgeley Livestock Auction, Edgeley
*Ellendale Livestock Sales Company, Ellendale
*Harvey Livestock Auction, Harvey
*Hettinger Auction Market, Inc., Hettinger
*Jamestown Livestock Sales Company, Jamestown
*Kist Livestock Auction Company, Mandan
*Lake Region Auction and Livestock Market, Inc., Devils Lake
*Linton Livestock Sales, Inc., Linton
*Lorenz Livestock Sale, Hazen
*Minot Livestock Auction, Minot
*Missouri Slope Livestock Auction, Inc., Bismarck
NFO Collection Point, Beach
*Park River Auction Market, Park River
*Penfield Auction Yards, Bowman
Pierce Packing Company Buying Station, Hettinger
*Rugby Livestock Auction, Inc., Rugby
*Schnell's Beulah Livestock Auction Market, Beulah
*Schnells Dickinson Livestock Sales Company, Dickinson
*Sitting Bull Auction, Williston
*Turtle Lake Livestock Inc., Turtle Lake
*Union Stockyards Company of Fargo, West Fargo
*Watford City Livestock Auction, Watford City
*Western Livestock, Inc., Dickinson
*Wilkenheiser Livestock, Strasburg
*Wisconsin Feeder Pig Market Co-op, Oakes

OHIO

Bauman Stockyards, Inc., Napoleon
*Bloomfield Livestock Auction, North Bloomfield
*Burkettsville N.F.O. Collection Point, Burkettsville
Merle A. Bussert Livestock, Amanda
Butler County NFO Collection Point (The National Farmers Organization, Inc., Butler County Collection Point), Hamilton
*Carrollton Livestock Auction, Carrollton
Chickasaw Stockyard, Chickasaw
Cisco Stockyard, Inc., St. Marys
*Damascus Livestock Auction, Damascus
*Delta Livestock Auction, Delta
*Dicke Stockyard, New Bremen
Wm. Espel Sons, Inc., Cincinnati
*Findlay Producers Livestock Association, Findlay
French City Meats, Inc., Gallipolis
Gamboe Stockyards, Pioneer
*Geauga Livestock Commission, Inc., Middlefield
Harpster Stockyards, Ashland
Harvey Livestock, Inc., Coldwater
Heinold Hog Market, Eldorado
Heinold Hog Markets, Gettysburg
Frank D. Heisel Livestock, Washington Court House
Interstate Farmers Livestock Company, Oxford
E. Kahn's Sons Company, Cincinnati
Kleinhenz Brothers Stockyard, Ft. Recovery
Kleinhenz Brothers Stockyard, Celina
Kloeppel Livestock, Sidney
*Krugh's Stockyards, Wren
*Virgil Lampert Stockyards, New Bremen
Lewisburg NFO Collection Point, Lewisburg
*Lugbill Brothers, Archbold
Lugbill Brothers, Fayette
Lugbill Brothers, Wauseon
*Middendorf Stockyards, Botkins
*Middendorf Stockyards, Celina
*Middendorf Stockyard Company, Fort Loramie
Middleton Stockyards, Inc., New Madison
A. E. Miller Stockyard, Middle Point
*Ohio Valley Livestock Company, Gallipolis
Ohio Valley Livestock Corporation dba/Preble County Stockyards, Eaton
*Wilson Brothers dba Peoples Livestock Exchange, Greenville
Philothea Stockyard, Coldwater
*Producers Livestock Assn., Bucyrus
*Producers Livestock Assn., Cadiz
*Producers Livestock Assn., Eaton
*Producers Livestock Assn., Findlay
Producers Livestock Assn., Greenville
*Producers Livestock Association, Hillsboro
*Producers Livestock Association, Lancaster
Producers Livestock Association, London
*Producers Livestock Association, Marysville
*Producers Livestock Association, Mt. Vernon
*Producers Livestock Association, Orrville
*Producers Livestock Association, Springfield
*Producers Livestock Association, Wapakoneta
*Producers Livestock Association, Woodville
Selected Meat Company, Greenfield
Don H. Smith Stockyard, Fort Recovery
P. B. Stewart, Edon
Tuente Stockyards, Saint Sebastian
Tuente Stock Yards, Yorkshire
*The Union Stockyards Company, Hillsboro
Ward Livestock Company, Stryker
Waynesfield Stockyard, Waynesfield
Werling and Sons, Inc. dba Burkettsville Stockyard, Burkettsville
Jerome Winner Stockyard, New Weston
Robert Winner Sons, Inc., Osgood

OKLAHOMA

*Adair County Livestock Auction, Inc., Stilwell
Ag Markets Inc., Woodward
*Checotah Livestock Auction, Checotah
*Delaware County Livestock Auction, Jay
*Durant Stockyards Company, Inc., Durant
*Farmers and Ranchers Livestock Auction, Vinita
*Ft. Smith Stockyards Company, Inc., West Ft. Smith
*Hugo Sales Commission, Inc., Hugo

*Kay County Farm Center d b a Tonkawa Auction Center, Tonkawa
Arthur Kelly Stockyards, Muskogee
*LeFlore County Livestock Auction, Wister
Maurer and Neuer, Enid
*Maxson Sales Company, Inc., Welch
*Muskogee Stockyards & Livestock Auction, Inc., Muskogee
*Newkirk Sale Company, Newkirk
*Northeast Oklahoma Feeder Pig and Livestock Market, Leach
*Oklahoma National Stockyards, Oklahoma City
Small Hog Company, Alva
*South Coffeyville Livestock Market, Inc., South Coffeyville
*Tahlequah Sale Barn, Tahlequah

OREGON

*Hermiston Livestock Commission Company, Hermiston
*Northwestern Livestock Commission Company, Hermiston
*Ontario Livestock Commission Company, Ontario
*The Portland Livestock Market, Inc., No. Portland
*The Dalles Auction Yard, The Dalles
*Vale Livestock Auction, Vale

PENNSYLVANIA

*Belknap Livestock Market, Inc., Dayton
*Belleville Livestock Market, Inc., Belleville
Edgar K. Black, Skippack
K. M. Border Livestock, Dover
*Carlisle Livestock Market, Inc., Carlisle
Cattle Sales, Inc. d/b/a Scenery Hill Stockyards, Scenery Hill
*Chambersburg Livestock Sales, Inc., Chambersburg
*Chesley's Sales, Inc., Northeast
*Cowanesque Valley Livestock Auction, Knoxville
Wayne F. Craig & Son, Shippensburg
*Danville Cattle Company, Inc., Danville
*Dewart Livestock Market, Dewart
*Eighty Four Auction Sales, Inc., Eighty Four
*Enon Valley Community Sale, Enon Valley
Esskay Buying Station, Littletown
*Fayette Stockyards, Inc., Uniontown
*Greencastle Livestock Market, Inc., Greencastle
*Green Dragon Livestock Sales, Ephrata
*Hickory Auction and Sales, Inc., Hickory
*Hulshart, C. A. (Swine Receiving Station), Stewartstown
*Indiana Livestock Auction, Inc., Homer City
*Jersey Shore Livestock, Inc., Jersey Shore
*Keister's Middleburg Auction Sales, Inc., Middleburg
*Lancaster Stockyards, Inc., Lancaster
*Lebanon Valley Livestock Market, Inc., Fredericksburg
*Leesport Market & Auction, Inc., Leesport
*Meadville Livestock Auction, Saegertown
*Mercer Livestock Auction, Mercer
C. Robert Miller, Watsontown
*Morrison Cove Livestock Market, Martinsburg
New Holland Sales Stables, Inc., New Holland
*New Wilmington Livestock Auction, Inc., New Wilmington
*Nicholson Sales Company, Nicholson
*Penns Valley Livestock Auction, Inc., Centre Hall
*Pennsylvania Livestock Auction, Inc., Waynesburg
*Perkiomenville Sales Stables, Inc., Perkiomenville
*Quakertown Livestock Sale, Quakertown
*Sechrist Sales Company, Inc., Fawn Grove
W. R. Sellers Livestock, Greencastle
*Showalter's Livestock Exchange, Duncansville
*Stockton's Livestock Auction, Union City
*Tri-County Livestock Auction, Inc., Brockway
*Thomasville Livestock Market, Inc., York
*Troy Sales Cooperative, Troy
*Valley Stockyards, Inc., Athens
*Vintage Sales Stables, Inc., Paradise
*Wayne County Livestock Exchange, Inc Honesdale
*Wyalusing Livestock Market, Wyalusing

SOUTH CAROLINA

P. L. Bruce Stockyard, Greenville
Central Carolina Livestock Market, Inc., Lugoff
Chesnee Livestock Company, Chesnee
Conway Stockyard, Conway
Conway Stockyard, Loris
*Darlington Auction Market, Darlington
Dorchester Marketing Association, St. George
*Farmers County Line Stockyards, Andrews
*Farmers Market, Estill
Farmers Livestock Market, Leesville
Florence Union Stockyards, Florence
Greenwood Stockyard, Inc., Greenwood
*Hemingway Livestock Market, Hemingway
*Herndon's Stockyards, Inc., Ehrhardt
Herdon Stockyard, Inc., Yemassee
*Hutto Stockyard, Inc., Holly Hill
Kingstree Union Stockyard, Kingstree
Loris Livestock Market, Inc., Loris
M & R Livestock, Neeses
M & R Livestock Company, Nichols
M & R Livestock Company, Ruffin
*Orangeburg Stockyard, Inc., Orangeburg
Saluda County Stockyards, Saluda
South Carolina Farm Bureau dba/Jim's Livestock, Kingstree
Spartanburg Livestock Market, Spartanburg
*Springfield Stockyard, Inc., Springfield
S & S Milling Company, Hemingway
*Swift Fresh Meats Company, Watertown
John C. Taylor Stockyard, Anderson
Walterboro Stockyards Company, Inc., Walterboro
York County Stockyards, York

SOUTH DAKOTA

*Aberdeen Livestock Sales Company, Inc., Aberdeen
Armour and Company Hog Buying Station, Aberdeen
Armour Buying Station, Hudson
*Belle Fourche Livestock Exchange, Inc., Belle Fourche
*Brookings Livestock Auction, Brookings
Browns Valley Collection Point, Inc., Browns Valley
*Burke Livestock Auction, Burke
*Canton Livestock Sales Company, Canton
*Chamberlain Livestock Sales, Inc., Chamberlain
Columbia Collection Point, Columbia
*Corsica Livestock Sales Company, Corsica
*Edgemont Livestock Commission Company, Edgemont
*Eureka Livestock Commission Company, Eureka
*Faith Livestock Commission Company, Inc., Faith
*Fort Pierre Livestock Commission, Fort Pierre
*Gregory Livestock Auction Company, Gregory
*Herreid Livestock Commission Company, Herreid
*Hub City Livestock Sales, Aberdeen
*Kramer's Livestock Auction Company, Inc., Sioux Falls
*Loken's Watertown Sales Pavilion, Inc., Watertown
*Madden's Livestock Auction Market, Inc., St. Onge
*Madison Livestock Auction Company, Madison
*Magness-Huron Livestock Exchange, Inc., Huron
*Marshall Livestock Auction Company, Britton
*Martin Auction Company, Inc., Martin
*McLaughlin Commission Company, Inc., McLaughlin
*Mitchell Livestock Auction Company, Inc., Mitchell
*Mobridge Livestock Auction Sales, Inc., Mobridge
John Morrell Hog Buying Station, Aberdeen
John Morrell & Company, Watertown
Morrell Buying Station, Flandreau
Owen Livestock Company, Britton
*Philip Livestock Auction, Philip
*Rapid City Livestock Commission Company Rapid City
*Sioux Falls Stock Yards Company, Sioux Falls
*Sisseton Livestock Auction Inc. Sisseton
Sodak Pork, Aberdeen
*South Dakota Livestock Sales Company, Watertown
*Stockman's Auction Company, Inc. dba Bales Continental Commission Company, Huron
*Stockmen's Livestock Auction Company, Yankton
*Sturgis Livestock Exchange, Inc., Sturgis
Swift Fresh Meats Company, Watertown
*Wall Livestock Auction, Wall
*West River Livestock Market Company Lemmon
*Willow Lake Livestock Auction, Willow
*Winner Livestock Auction Company, Winner
*Yankton Livestock Auction Market, Yankton

TENNESSEE

Algood Stockyard, Algood
Athens Livestock Auction Company, Athens
*Bedford County Feeder Pig Sale, Unionville
*Harry Bogle Feeder Pig Barn, Murfreesboro
*Brownsville Feeder Sales Assn., Brownsville
Bryan, R. D., Morrison
Caldwell Livestock, Inc., Jackson
*Carroll County Feeder Pig Association, Huntingdon
Chattanooga Union Stockyard, Chattanooga
Altsheler & Payne dba Clarksville Livestock Co., Clarksville
Frosty Morn Meats dba Clarksville Livestock Mkt., Clarksville
Cleveland Livestock Auction Company, Cleveland
*Chickasaw Feeder Association, Selmer
Clinton Livestock Auction Company, Clinton
C & M Livestock Market, Jamestown
Coffee County Livestock Market, Manchester
Collierville Livestock Auction Company, Collierville
Cookeville Livestock Market, Cookeville
*Covington Feeder Pig Sale, Covington
Covington Sales Company, Covington
Crockett County Sales Company, Maury City
Cumberland City Stockyard, Cumberland
*Cumberland Feeder Pig Sales, Cookeville
DeKalb County Livestock Company, Alexandria
*Joe H. Derryberry dba Derryberry Pig Barn, Chesterfield
*Dickson County Feeder Pig Sale, White Bluff
Dickson Livestock Center, Dickson
*Dixie National Stockyards, Memphis
East Tennessee Livestock Center, Sweetwater
Farmers Auction Company, Fayetteville
Farmers Commission Company, Carthage
Farmers Livestock Exchange, Union City
Farmers Livestock Market, Greeneville
*Feeder Pig Division of Humphreys County Livestock Association, Waverly
*Feeder Pig Division of Lawrence County Livestock Association, Lawrenceburg
*Feeder Pig Div. of Marshall County Livestock Assn., Lewisburg
Gamaliel Livestock Market, Gamaliel
*T. D. Garrett & Sons, College Grove
*Giles County Feeder Pig Sales, Pulaski
Giles County Stockyard, Pulaski
Greeneville Livestock Company, Inc., Greeneville
*Hardin County Livestock Assn., Savannah
Hardin County Stockyards, Savannah
Hartsville Livestock Market, Hartsville
*J. T. Herren dba/J. T. Herren Feeder Pig Market, Baxter
*Hughes Feeder Pig, Guys

Jackson County Commission Company, Gainesboro
*Johns Bros. Feeder Pigs, Chapel Hill
Johnson City Livestock Market, Johnson City
*Jolley Bros., Doyle
Jonesboro Livestock Yard, Inc., Telford
Kingsport Livestock Market, Kingsport
Kingsport Livestock Auction Corp., Kingsport
Lawrence County Stockyards, Lawrenceburg
Lewis County Stockyard, Hohenwald
Lexington Sales Company, Lexington
Logan Livestock Company, Union City
*McMinnville Area Feeder Pig Sale, McMinnville
McNairy County Livestock and Auction Corporation, Selmer
Macon County Livestock Market, Lafayette
Middleton Sales Company, Middleton
Mid-South Livestock Commission Company, Columbia
*Mid-State Producers Feeder Pig Sale, Woodbury
*J. H. Hudson dba/ Montgomery County Feeder Pig Sales, Clarksville
Morristown Stockyards, Inc., Morristown
Murfreesboro Livestock Market Company, Murfreesboro
David Via—Newbern Sales Company, Inc., Newbern
New Tazewell Livestock Market, New Tazewell
*Northwest Tennessee Feeder Pig Assn., Trenton
Oliver Livestock Company, Union City
Paris Livestock Commission Company, Paris
Peoples Livestock Market, Cookeville
Peoples Stockyard, Fayetteville
Plateau Livestock Exchange, Crossville
Pulaski Stockyard, Pulaski
*Robinson, Jimmie & Son, Franklin
Rogersville Livestock Market, Rogersville
Odell Sampson-Sampson & Maxwell Livestock Auction, Lewisburg
Scotts Hill Auction Company, Inc., Scotts Hill
*Sells, Lonnie, Winchester
*Sevier County Livestock Association, Sevierville
Sevier County Livestock Auction, Seymour
Shelbyville Livestock Market, Shelbyville
Smith County Commission Company, Inc., Carthage
*Smith County Feeder Pig Assn., Carthage
Smithville Livestock Market, Smithville
*Smotherman, E. H., Murfreesboro
South Memphis Stock Yards Company, Memphis
Southern Livestock Auction Company, Columbia
Southwestern Sales Company, Inc., Huntingdon
*Taylor Brothers Feeder Pigs, College Grove
Tennessee Livestock Producers, Inc., Fayetteville
Tennessee Livestock Producers, Inc., Thompson Station
Tennessee Livestock Producers, Inc., Woodbury
Thompson Livestock Company, Obion
Trenton Livestock Sales, Trenton
*Tri-County Feeder Pig Sale, Trenton
Tri-County Stockyards, McKenzie
Charles B. Davis and W. B. Lackery dba/Tri-State Livestock Commission Company, Inc., Chattanooga
Trousdale County Livestock Market, Hartsville
Union Livestock Yards, Inc., Knoxville
Unionville Livestock Market, Unionville
*Volunteer Feeder Pig Association, Lexington
*Walker, Dallas Livestock, Rutherford
Warren County Livestock Company, McMinnville
*Weakley County Feeder Pig Sale, Dresden
West Tennessee Auction Company, Martin
White County Livestock Market, Sparta
*D. L. Simpson dba/White County Feeder Pig Assn., Sparta
Wilson County Livestock Market, Lebanon
Wilson Livestock Market, Newport

TEXAS

*Dalhart Auction Company, Dalhart
Farmers Hog Market, Shamrock
*Ft. Worth Stockyards, Fort Worth
*Gainesville Livestock Auction, Gainesville
*J & J Livestock Commission Company, Inc., Texarkana
Muenster Livestock Auction, Muenster
Robinson Livestock, Booker
South Plains Swine Market Association, Lubbock
*Texarkana Stockyards Company, Texarkana
Texas Agricultural Marketing and Development Assn., Amarillo
West Texas Hog Company, Inc., Wellington

UTAH

*Producers Livestock Marketing Association and North Salt Lake Livestock Company, North Salt Lake
Uintah Sales Barn, Inc., Roosevelt
Vernal Livestock Auction, Vernal

VIRGINIA

Abingdon Livestock Market, Inc., Abingdon
Albermarle Livestock Market, Inc., Charlottesville
Amherst County Livestock Market, Inc., Amherst
Bedford Livestock Market, Inc., Bedford
Caret Livestock Collection Point, Caret
Christiansburg Livestock Market, Inc., Christiansburg
Creech Livestock Market, Inc., South Hill
Culpeper Livestock Exchange, Culpeper
Eddins Livestock Market, Standardsville
Emporia Hog Market, Emporia
Esskay Buying Station, Caret
Farmers Livestock Market, Gate City
Farmers Livestock Market, Inc., Tazewell
Farmers Livestock Market, Inc., Ewing
*Farmers Livestock Exchange, Inc., Winchester
*Farmville Livestock Market, Farmville
Fauquier Livestock Exchange, Inc., Marshall
Fredericksburg Stockyard, Inc., Fredericksburg
Front Royal Livestock Market, Front Royal
Galax Livestock Market, Inc., Galax
Halifax Livestock Market, Halifax
Lee Farmers Livestock Market, Inc., Jonesville
Leesburg Livestock Market, Inc., Leesburg
Leonard Harrell Livestock, Chesapeake
Lottsburg Buying Station, Lottsburg
Lynchburg Livestock Market, Lynchburg
Madison Livestock Market, Inc., Madison Mills
McComb and Block, Inc., Lawrenceville Hog Market, Lawrenceville
Monterey Livestock Sales, Inc., Monterey
Narrows Livestock Auction Market, Narrows
*Nokesville Livestock Market, Nokesville
*Orange Livestock Market, Inc., Orange
Pearce'a Livestock Market, Holland
Phenix Livestock Market, Phenix
Pulaski County Livestock Market, Dublin
Richmond Union Stockyards, Richmond
Roanoke-Hollins Livestock Market, Hollins
Roanoke Livestock Market, Roanoke
*Rockingham Livestock Sales, Inc., Harrisonburg
J. L. Rose Hog Buying Stations, Courtland
J. L. Rose Hog Buying Stations, Wakefield
Saluda Buying Station, Glennis
Scott County Livestock Market, Gates City
Shen-Valley Buying Station, Dillwyn
Shen-Valley Buying Station, Madison Mills
*Shenandoah Valley Livestock Sales, Inc., Harrisonburg
Smithfield Livestock Market, Inc., Smithfield
Smithfield Packing Company Buying Station, Courtland
*Southampton Livestock Sales, Inc., Courtland
South Boston Livestock Market, South Boston
Southampton Peanut Company Buying Station, Branchville
*South Hill Livestock Market, South Hill
Southside Stockyards, Inc., Blackstone
*Southside Stockyards, Inc., Petersburg
Staunton Livestock Market, Inc., Staunton
*Staunton Union Stockyards, Staunton
*Tappahannock Livestock Market, Inc., Tappahannock
Tazewell Livestock Market, Inc., Tazewell
*Tidewater Livestock Sales Company, Courtland
Tri-State Livestock Market, Abingdon
B. C. Umbargers Assembly Yard, Wytheville
Victoria Livestock Market, South Hill
Virginia-Carolina Livestock and Agriculture Mkt. Inc., Danville
*Walker Bros. Livestock Pavilion, Seven Mile Ford
*Woodstock Livestock Market, Inc., Woodstock
Wytheville Livestock Market, Inc., Wytheville

WASHINGTON

*Auburn Livestock, Inc., Auburn
*Prosser Commission Company, Inc., Prosser
*Stockland Union Stockyards, Spokane
*Sunnyside Livestock Market, Sunnyside
*Walla Walla Livestock & Feedlot, Walla Walla

WEST VIRGINIA

*Alderson Livestock Market, Alderson
*Bluegrass Market, Inc., North Caldwell
*Blue Ridge Livestock Sales, Inc., Charles Town
*Buckhannon Stockyards, Buckhannon
*Elkins Stookyard, Elkins
*Jackson County Livestock Market, Inc., Ripley
Mannington Livestock Sales, Inc., Manningston
*Moundsville Livestock Auction Company, Moundsville
*Ohio County Livestock Auction, Mt. Echo
*Pt. Pleasant Livestock Company, Point Pleasant
South Branch Stockyard, Inc., Moorfield
*Terra Alta Stockyards, Inc., Terra Alta
*United Livestock Sales, Co., Parkersburg

WISCONSIN

*Belmont Livestock Market, Belmont
Al Berning, Cuba City
Darlington N.F.O. Stockyards, Darlington
*Dittner Feeder Pigs, Marshfield
Dubuque Packing Company, Browntown
Dubuque Packing Company, Gratiot
Dubuque Stockyards, Hazel Green
*Don Eilers, Marshfield
Dunwiddie Livestoek, Brodhead
Dunwiddie Livestock, Juda
Ellsworth N.F.O. Collection Point, Ellsworth
*Equity Cooperative Livestock, Bonduel
*Equity Co-op Livestock, Johnson Creek
*Equity Co-op Livestock Sales, Assn., Monroe
Grant County Livestock Exchange, Hazel Green
*Grassland Feeder Pig, Neillsville
*Iowa County Livestock Market, Dodgeville
Theodore Lipke, Milton
Ted Lipke, Avalon
Oscar Mayer & Company, Cuba City
Oscar Mayer & Company, Shullsburg
*Midwest Livestock Producers Cooperative, Marion
*Midwest Livestock Producers, Ettrich
*Midwest Livestock Producers, Shullsburg
*Midwest Livestock Producers, Monticello
*Midwest Livestock Producers, Fennimore
*Midwest Livestock Producers, Francis Creek
*Midwest Livestock Producers, Lomira
*Midwest Livestock Producers, Peshtigo
Milwaukee Stockyards, Milwaukee
NFO Collection Point, Independence
*Tim Orr Livestock Market, Waupaca
*Gordon Peterson, Waupaca
*Charles Pufahl Market, Waupaca
*Lawrence Richter & Son, Rice Lake
Rock County Reload Market, Hanover
*Donald Schwebs Market, DeForest
*Haulis E. Simon, New Richmond
Emil Treuthardt, Juda
*Waupaca Feeder Pigs, Scandinovia
*Welsh's Feeder Pig Market, Fennimore
*Wisconsin Feeder Pig Cooperative Livestock Market, Almena
*Wisconsin Feeder Pig Co-op, Boltonville
*Wisconsin Feeder Pig Co-op, Francis Creek
*Wisconsin Feeder Pig Co-op, Galesville
*Wisconsin Feeder Pig Market Co-op, Lancaster
*Wisconsin Feeder Pig Co-op, Waupaca
*Ray Wolosek, Wisconsin Rapids

WYOMING

*Douglas Livestock Exchange Company, Douglas
*Gillette Livestock Exchange, Gillette
*Greybull Livestock Auction, Greybull
Pierce Packing Company Buying Station, Powell
*Powell Auction Market, Powell
*Sheridan Livestock Exchange, Sheridan
*Stockgrowers Livestock Auction, Worland
*Stockman Livestock Auction, Torrington
*Torrington Livestock Commission Company, Torrington
*Stockman's Livestock Auction, Torrington

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 5, 23 Stat. 32, as amended; sec. 1, 75 Stat. 481; sec. 1, 32 Stat. 971, as amended; secs. 3 and 4, 33 Stat. 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 120, 125, 126, 134b, 134f; 37 FR 28464, 28477; 38 FR 119141)).

Effective date. The foregoing notice shall become effective on January 14, 1977.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of December 1976.

J. M. HEJL
Deputy Administrator
Veterinary Services

[FR Doc.77-266 Filed 1-3-77;8:45 am]

Food and Nutrition Service

CHILD CARE FOOD PROGRAM

National Average Payment Factors for the Period January 1–June 30, 1977

Pursuant to § 226.4 of the regulations governing the Child Care Food Program (7 CFR Part 226), notice is hereby given that the national average payment factors for meals served to children attending institutions which participate in the Child Care Food Program during the period January 1–June 30, 1977, shall be as follows:

For breakfasts served in the program: (a) 10.75 cents for each breakfast served in the program; (b) an additional 20.00 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 26.75 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for free school meals.

For lunches and suppers served in the program: (a) 13.25 cents for each lunch and supper served in the program; (b) an additional 50.00 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and, (c) an additional 60.00 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for free school meals.

For supplements served in the program: (a) 5.50 cents for each supplement served; (b) an additional 11.00 cents for each supplement served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 16.50 cents for each supplement served to children from families whose incomes meet the eligibility criteria for free school meals.

The total amount of payments to be made to each State agency from the sums appropriated for the program shall be based upon these national average payment factors and the number of meals of each type served.

The above factors for breakfasts are identical to those prescribed for breakfasts served under the School Breakfast Program; the factors prescribed for lunches and suppers are identical to those prescribed for lunches served under the National School Lunch Program. National average payment factors for supplements are unique to the Child Care Food Program. These factors are adjusted semi-annually to reflect changes in the Consumer Price Index series for food away from home.

The above factors represent a 2.814 percent increase in the factors prescribed for the period ending December 31, 1976. This represents the percent of increase during the six month period June–November 1976 (from 184.8 in May 1976 to 190.0 in November 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226).

(Catalog of Federal Domestic Assistance Program No. 10.558, National Archives Reference Services).

Effective date: This notice shall be effective as of January 1, 1977.

Dated: December 29, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77-317 Filed 1-3-77;8:45 am]

NATIONAL SCHOOL LUNCH PROGRAM

National Average Payments for the Period January 1–June 30, 1977

Pursuant to § 210.4 and § 210.11 of the regulations governing the National School Lunch Program (7 CFR Part 210), notice is hereby given of adjustments in the national average factors for payment for lunches and the maximum rates of reimbursement. The national average factors for payment for lunches served during the six-month period January 1–June 30, 1977, to children participating in the National School Lunch Program are as follows: (a) 13.25 cents from general cash-for-food assistance fund for each lunch; (b) an additional 50.00 cents from special cash assistance funds for each reduced price lunch and (c) an additional 60.00 cents from special cash assistance funds for each free lunch.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors.

The above factors represent a 2.814 percent increase in the factors prescribed for the period July–December 1976. This represents the percent of increase during the six-month period June–November 1976 (from 184.8 in May 1976 to 190.0 in November 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For the six-month period January 1–June 30, 1977, (a) the maximum rate of reimbursement from general cash-for-food assistance funds shall be 19.25 cents per lunch served; (b) the maximum per lunch reimbursement (from a combination of general cash-for-food assistance and special cash assistance funds) shall be 88.25 cents for a free lunch and 78.25 cents for a reduced price lunch.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services).

Effective date: This notice shall be effective as of January 1, 1977.

Dated: December 29, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77-315 Filed 1-3-77;8:45 am]

SCHOOL BREAKFAST PROGRAM

National Average Payments for the Period January 1–June 30, 1977

Pursuant to § 220.4 and § 220.9 of the regulations governing the School Breakfast Program (7 CFR Part 220), notice is hereby given that the national average breakfast factors for breakfasts served during the six-month period January 1–June 30, 1977, to children participating in the School Breakfast Program shall be: (a) 10.75 cents for all breakfasts; (b) an additional 20.00 cents for each reduced price breakfast; and (c) an additional 26.75 cents for each free breakfast. The total amount of breakfast assistanace payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors: *Provided, however*, That additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned for especially needy schools under § 220.9.

The above factors represent a 2.814 percent increase in the factors prescribed for the period July 1–December 31, 1976. This represents the percent of increase during the six-month period June 1976–November 1976 (from 184.8 in May 1976 to 190.0 in November 1976) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For nonespecially needy schools, the maximum rates of reimbursement for paid breakfasts, for reduced price breakfasts and for free breakfasts shall be equal to the respective factors set out above.

For especially needy schools, the maximum rate of reimbursement for paid breakfasts shall be equal to the national average factor for all breakfasts: the maximum rate of reimbursement for reduced price and free breakfasts shall be 40 cents and 45 cents, respectively.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services).

Effective date: This notice shall be effective as of January 1, 1977.

Dated: December 29, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77-316 Filed 1-3-77;8:45 am]

Rural Electrification Administration

CORN BELT POWER COOPERATIVE AND NORTHWEST IOWA POWER COOPERATIVE

Proposed Loan Guarantees

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing guarantees supported by the full faith and credit of the United States of America for loans in the approximate amount of $51,143,000 to Northwest Iowa Power Cooperative (NIPCO) of Le Mars, Iowa, an approximately $17,048,000 to Corn Belt Power Cooperative (Corn Belt) of Humboldt, Iowa, for undivided interest shares of the proposed Neal No. 4 Project. These loan funds will be use to finance a NIPCO share of 14.583 percent (84 MW) and Corn Belt's 4.861 percent share (28 MW) of the Neal No. 4 Project, which consists of a coal fired generating station having a net capability of approximately 576 MW, and various related 345 kV transmission facilities. Iowa Public Service Company will construct and operate the Neal No. 4 Project.

Legally organized lending agencies capable of making, holding, and servicing the loans proposed to be guarateed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrowers of the guaranteed loan funds from Mr. George Toyne, Manager, Corn Belt Power Cooperative, 1300 13th Street, North, Humboldt, Iowa 50548, or from Mr. Carl Paulson, Manager, Northwest Iowa Power Cooperative, P.O. Box 240, Le Mars, Iowa 51031.

In order to be considered, separate loan proposals should be developed for NIPCO's proposed share and for Corn Belt's proposed share of the Neal No. 4 Project and submitted on or before February 3, 1977. Proposals for NIPCO's share should be submitted to Mr. Paulson, and proposals for Corn Belt's share should be submitted to Mr. Toyne. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Northwest Iowa Power Cooperative, Corn Belt Power Cooperative, and the Rural Electrification Administration deem appropriate. Prospective lenders are advised that guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 23 day of December 1976.

RICHARD F. RICHTER,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.77-102 Filed 1-3-77;8:45 am]

COOPERATIVE POWER ASSN. AND UNITED POWER ASSN.

Supplement to the Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Supplement to the Final Environmental Impact Statement (FEIS) relating to the installation of two 450 MW steam generating units near Underwood, North Dakota, and associated ± 400 kV dc transmission lines, and other related transmission facilities. These facilities are to be installed by Cooperative Power Association of Minneapolis, Minnesota, and United Power Association of Elk River, Minnesota. The Supplement to the Final Environmental Impact Statement discusses certain modifications to the dc transmission line routing as originally proposed in the FEIS. These modifications were prescribed by the Minnesota Environmental Quality Council.

This information supplements the material presented in the Final Environmental Impact Statement which was made available to the Council on Environmental Quality and the public on August 6, 1974.

Additional information may be secured by submitting a request to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Supplement to the Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrowers' address indicated above.

Final REA action with respect to this matter (including any release of construction funds for the transmission line) may be taken after thirty (30) days, and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27th day of December, 1976.

RICHARD F. RICHTER,
Acting Administrator, Rural Electrification Administration.

NOTE.—Electric Power Facility Modifications-Rural Electrification Administration Supplement to Final Environmental Impact Statement concerning modifications in transmission line routing in Minnesota. REA action may be taken thirty (30) days after this notice.

[FR Doc.77-269 Filed 1-3-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-12-151; Docket Nos. 22859, 26838]

BRANIFF AIRWAYS, INC. AND SOUTHERN AIRWAYS, INC.

Domestic Air and Priority Reserved Air Freight Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of December, 1976.

By tariff revisions[1] issued December 1 and 3, 1976, and marked to become effective January 1 and 2, 1977, Braniff Airways, Inc. (Braniff) and Southern Airways, Inc. (Southern) respectively propose, inter alia, to increase numerous general and specific commodity air freight and air express rates. Braniff proposes to increase rates between Honolulu/Hilo and the Mainland by from 9 to 20 percent, but typically by 15 percent. Southern proposes to increase, systemwide, its rates by 6 percent, except for its minimum charges, which are to be increased by 7 percent, or $1.00 per shipment, to a level of $14.00. Braniff anticipates a net annual revenue increase of $152,000 and Southern, $283,000.

In support of the proposal, Braniff asserts, inter alia, that it has not increased the minimum charge per shipment in these markets since March 1975, and other rates since April 1973; that the proposed rates do not exceed currently effective rates for competing carriers; and that the rates are cost-justified in view of the significant cost increases since its rates were last increased. The carrier further claims that, without the increase, its return on investment for Hawaiian freight operations would only be 1 percent, and only 10.8 percent with the increase.

Southern claims that the proposed rates meet rates proposed for December 27, 1976, effectiveness by Delta Air Lines, Inc. (Delta); that its losses on freight for the 12 months ended June 30, 1976, were $591,000; and that, even had the proposed rates been in effect during that period, it would have suffered freight losses of $192,000.

All the proposed rates come within the scope of either the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859, or the Priority Reserved Air Freight Rates Investigation (PRAFRI), Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the proposals or to permit them to become effective pending decision.

The Board has reviewed the increases in the light of industry-average costs[2] and finds that Braniff's proposed under-100 pound regular service rates and Southern's regular service minimum charge of $14.00 per shipment (to the extent that it would apply to markets of 497 miles or less) significantly exceed such costs.

In view of the foregoing and all other relevant factors, the Board concludes that the above rates and charges should be suspended pending DAFRI. The Board further concludes that the corresponding express rates should be suspended pending PRAFRI inasmuch as they would exceed 130 percent of the regular service rates and charges. The remainder of the proposals do not appear excessive and will be permitted to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That: 1. Pending hearing and decision by the Board, the increased rates, charges and provisions described in Appendix A hereto are suspended and their use deferred to and including March 31, 1977, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon Braniff Airways, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-274 Filed 1-3-77;8:45 am]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] Industry-average costs as developed by the administrative law judge in DAFRI, and revised to reflect cost increases for the 12 months ended June 30, 1976. (See Orders 76-12-66, 76-10-71, and 76-10-70.)

[Docket Nos. 29914, 30188, 30189, 30277; Order 76-12-149]

MIDWAY AIRLINES, INC. AND MIDWAY (SOUTHWEST) AIRWAY CO.

Chicago Midway Low-Fare Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of December 1976.

On October 13, 1976, Midway Airlines, Inc. filed an application for a certificate of public convenience and necessity to operate nonstop air service between Midway Airport in Chicago and the cities of Cleveland, Detroit, Kansas City, Minneapolis, Pittsburgh and St. Louis. The application was accompanied by a motion for expedited hearing stating, *inter alia*, that the applicant proposes to provide a two-tier pricing policy with substantially lower fares than currently offered in these Chicago markets. Two similar applications predicated upon the same pricing considerations were filed on December 10 by Midway (Southwest) Airway Co., which is a subsidiary of Southwest Airlines Co., an intrastate airline operating exclusively in Texas. The application in Docket 30189 proposes service with B-737-200 aircraft between Chicago Midway Airport and fourteen other points[1] while the application in Docket 30188 requests authority between Chicago Midway and Las Vegas, utilizing the A300 Airbus or similar equipment.

Answers in support of the motion of Midway Airlines for expedited hearing were filed by the City of Chicago, the Council on Wage and Price Stability, the United States Department of Justice, and the United States Department of Transportation (DOT).[2] Answers in opposition were filed by Allegheny Airlines, American Airlines, North Central Airlines, Northwest Airlines, Ozark Air Lines, and Trans World Airlines.

Upon consideration of the pleadings and all the relevant facts, we have decided to set Midway Airlines' application for hearing and to consolidate therewith the application of Midway (Southwest) Airway in Docket 30189 to the extent that the scope of the proceeding is determined by the order of investigation discussed below.[3] On their face, these applications are unique and could have far-reaching consequences for both the domestic air transportation system and the problem of service at Chicago Midway Airport. Moreover, our determination to set this matter for hearing is fully consistent with the priority of hearing standards embodied in the Board's Policy Statement, 14 CFR sec. 399.60. However, we shall not establish the final scope of the case until the pleadings filed in response to this order have been received and analyzed. Because of the uniqueness, complexity, and ramifications of these applications, we will issue a second order of investigation[4] which will define the precise scope of the proceeding and designate the route and rate issues to be resolved, including the relationship of the applicants' fare proposals to the requirements of the *Domestic Passenger Fare Investigation*.[5]

In order to expedite the case and to eliminate any unnecessary procedural steps, all other applications, motions to consolidate and comments in response to this order must be filed within 30 days of the date of service of this order. Answers to motions filed pursuant to this directive will be due 14 days thereafter.[6] Environmental evaluations pursuant to Part 312 of the Board's Procedural Regulations shall be filed by Midway Airlines, Midway (Southwest) Airway and any other applicant in the proceeding within 90 days of the date of service of this order.

Accordingly, it is ordered That:

1. A proceeding to be known as the *Chicago Midway Low-Fare Route Proceeding*, Docket 30277, be and it hereby is instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated hereafter;

2. The applications of Midway Airlines, Inc. in Docket 29914 and Midway (Southwest) Airway Co. in Docket 30189

[1] *I.e.*, Buffalo, Detroit, Cincinnati, Cleveland, Columbus, Dayton, Pittsburgh, Louisville, Memphis, Kansas City, St. Louis, Des Moines, Omaha and Minneapolis/St. Paul.

[2] DOT's answer was accompanied by a motion for leave to file late. The motion will be granted.

[3] In our view, the application in Docket 30188 for Midway-Las Vegas authority is fundamentally different from the applications in Dockets 29914 and 30189 and should not be consolidated. The application will not, however, be dismissed but will be retained for separate consideration at a later date.

[4] Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis of the facts and legal issues, no staff component will become a party until the second order has been issued.

[5] A staff evidence request will be appended to the order and the parties will be directed to submit comments thereon prior to the prehearing conference. All parties will be free to seek modification or expansion of the evidence request.

[6] Answers to the motion of Continental Air Lines, filed November 9, 1976, to consolidate its application in Docket 30030 may be filed at this time.

be and they hereby are consolidated into the proceeding instituted by paragraph 1 to the extent determined by the Board in a subsequent order;

3. Applications, motions to consolidate and comments in response to this order shall be filed 30 days after the date of service of this order;

4. Answers in response to pleadings filed pursuant to paragraph 3 shall be filed 14 days thereafter;

5. Midway Airlines, Inc., Midway Southwest Airway Co. and any other applicant for authority in this proceeding shall file an environmental evaluation within 90 days of the date of service of this order;

6. The motion of the United States Department of Transportation for leave to file a late answer be and it hereby is granted; and

7. A copy of this order shall be served upon all parties in Docket 29914.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-275 Filed 1-3-77;8:45 am]

CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, notice is hereby given that the Committee on Private Voluntary Agency Eligibility will hold a meeting on January 17, 1977. The meeting will be held in Room 7B09, Civil Service Commission Building, 1900 E Street, N.W., Washington, D.C., at 9:30 a.m.

The Committee's primary responsibility is to make recommendations to the Chairman of the Civil Service Commission regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program. At this meeting the Committee will review applications for fund-raising privileges which have been submitted by voluntary organizations to the Commission in compliance with the Federal Fund-Raising Manual.

The meeting will be open to the public. Any interested person may file a written statement with the Committee in advance of or at the meeting. Additional information concerning this meeting may be obtained by contacting the Office of the Assistant to the Chairman, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, telephone 202-632-5564 (Mrs. Davis).

GEORGE J. MCQUOID,
Assistant to the Chairman.

DECEMBER 22, 1976.

NOTE: This document was originally published on December 29, 1976 at 41 FR 56685.

[FR Doc.76-38128 Filed 12-28-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Education), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-134 Filed 1-3-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-135 Filed 1-3-77;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

PACIFIC FAR EAST LINE, INC.

Notice of Intent Regarding Reconstruction of LASH Type Vessels, MA Design C8-S-81e, to Eliminate All Barge Handling Features and Convert To Full Containerships

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for the reconstruction of four LASH type vessels, MA Design C8-S-81e, for Pacific Far East Line, Inc., to eliminate all barge-handling features and convert to full containerships.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on January 19, 1977, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Dated: December 29, 1976.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-219 Filed 1-3-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

PAKISTAN

Establishing Levels for Certain Cotton Textile Products

DECEMBER 30, 1976.

On May 6, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Pakistan concluded a comprehensive bilateral cotton textile agreement concerning exports of cotton textiles and cotton textile products from Pakistan to the United States over a three-and one-half year period beginning on July 1, 1974 and extending through December 31, 1977.

Among the provisions of the agreement are those establishing specific limitations on Categories 39 through 63, as a group, and on individual Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), and 31 (other than shop towels), for the agreement year beginning on January 1, 1977.

Accordingly, there is published below a letter of December 30, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in categories 39 through 63, as a group, and on individual Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), and 31 (other than shop towels), be limited to the designated levels. The levels set forth below for Categories 9/10, 18/19 and part of 26 (printcloth), 26 (duck), and 31 (other than shop towels) have been reduced to account for previous overshipments in these categories, as agreed between the Governments of the United States and Pakistan. The level of restraint for Category 31 (other than shop towels) has also been reduced by 797,364 units to account for carryforward used during the agreement year which began on January 1, 1976.

The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DECEMBER 30, 1976.

DEAR MR. COMMISSIONER: According to the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of May 6, 1975 between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1977 and for the twelve-month period extending through December 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 39 through 63, as a group, and on individual categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), and 31 (other than shop towels), produced or manufactured in Pakistan, in excess of the following levels of restraint:

Category	*Twelve-Month Level of Restraint*
39-63	12,605,754 square yards equivalent
9/10	51,515,581 square yards
18/19/26 (printcloth)[1]	22,234,117 square yards
22/23	6,086,160 square yards
26 (barkcloth)[2]	9,129,240 square yards
26 (duck)[3]	12,873,614 square yards
31 (other than shop towels)[4]	11,634,938 numbers

[1] In Category 26 the T.S.U.S.A. Numbers for printcloth are:

320.—34	326.—34		
321.—34	327.—34		
322.—34	328.—34		

[2] In Category 26 the T.S.U.S.A. Numbers for barkcloth are:

320.—88	326.—88	320.—92	326.—92
321.—88	327.—88	321.—92	327.—92
322.—88	328.—88	322.—92	328.—92
323.—88	329.—88	323.—92	329.—92
324.—88	330.—88	324.—92	330.—92
325.—88	331.—88	325.—92	331.—92

[3] In Category 26 the T.S.U.S.A. Numbers for duck fabric are:

320.—01 through 04,06,08	326.—01 through 04,06,08
321.—01 through 04,06,08	327.—01 through 04,06,08
322.—01 through 04,06,08	328.—01 through 04,06,08

[4] All T.S.U.S.A. Numbers in Category 31 except T.S.U.S.A. Number 366.2740.

In carrying out this directive, entries of cotton textile products in the foregoing categories, except Categories 39 through 63, as a group, produced or manufactured in Pakistan, which have been exported to the United States from Pakistan prior to January 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Entries of cotton textile products in Categories 39 through 63, as a group, which have been exported to the United States prior to January 1, 1977, shall not be subject to this directive.

Cotton textile products in Categories 39 through 63, as a group, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of May 6, 1975 between the Governments of the United States and Pakistan which provide, in part, that: (1) within the aggregate and group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. Numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.77-300 Filed 1-3-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 76-4]

FIVE GALLON GLASS BOTTLES

Notice of Denial

The purpose of this notice is to announce the denial of a petition from Gordon S. Churchill who requested the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule for five gallon glass bottles for use in dispensing drinking water.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER the reasons for such denial.

By petition dated September 29, 1975, Gordon S. Churchill, an attorney from San Diego, California, petitioned the Commission to develop a consumer product safety rule to regulate five gallon glass bottles used for dispensing drinking water. The petitioner contends that these bottles frequently shatter without explanation, and that the resultant shards of glass cause serious injury. Therefore, he recommends producing such bottles using tempered glass or coating bottles with plastic, or producing non-glass bottles.

In evaluating the petition, the Commission considered injury data available through November, 1975. These include 8 in-depth investigation reports and 4 incidents reported to the Commission's Injury Surveillance Division. These reports indicate patterns of injury due to breakage of a bottle dropped while being carried or tipped over while in place or being placed in the dispensing unit. Two of the reported injuries may have occurred from shattering while the bottle was being carried. On the basis that 5-gallon bottles for dispensing drinking water are used in business and industrial establishments as well as in residences, the Commission has contacted the Occupational Safety and Health Administration (OSHA) to learn if that agency has reports of incidents with these bottles that would suggest a serious problem. OSHA is not aware of any incidents involving workers and these bottles.

In reviewing the remedies suggested by the petitioner, the Commission has learned that it has not yet become technologically practicable to apply the tempering process to bottles as a means of preventing shattering. Plastic coating may not be suitable for reusable 5-gallon glass bottles because of possible damage to the coating from the wash solution or as a result of handling. In reviewing the data on all plastic containers, the Commission found increasing availabil-

ity and use of 5-gallon plastic containers for dispensing water. These are fairly new to the market and as their use increases, there may be even fewer incidents associated with the breaking of 5-gallon glass containers.

The Commission has carefully considered the petitioner's recommendations, the injury data, and container technology. From the information available, the Commission is not able to determine that an unreasonable risk of injury is associated with 5-gallon glass bottles for dispensing drinking water. Accordingly, the petition of Mr. Churchill is denied.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Dated: December 29, 1976.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.77-262 Filed 1-3-77;8:45 am]

[CP 75-21 and CP 76-13]

GLASS CONTAINERS FOR BEVERAGES; BOTTLE CAPS

Denial of Two Petitions

I. INTRODUCTION

The purpose of this notice is to announce the denial of two separate petitions requesting the Consumer Product Safety Commission to take regulatory action. The first petition is from Thomas G. Packard who requested the commencement of a proceeding for the issuance of a consumer product safety rule on the design, construction, and functional impact behavior of glass containers for malt beverages, carbonated soft drinks, and alcoholic beverages. The second petition is from Judith A. Hecht who requested the issuance of consumer product safety rules on carbonated soft-drink glass bottles and their caps. She believes there are unreasonable risks of injury associated with glass shattering upon impact when soft drink bottles are dropped and unreasonable risks of injury associated with the difficulty of removing twist-off bottle caps. In addition, Ms. Hecht requested that carbonated soft-drink bottles be made to withstand a fall from a height of five feet without glass spattering, that all twist-off caps be banned, and that carbonated soft-drink bottle caps with sharp edges be prohibited.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER the reasons for such denial.

The Commission staff decided to consider both petitions simultaneously because each petition deals in part with a similar hazard.

II. PETITIONS

On April 15, 1975, the Commission received the petition (CP 75-21) from Thomas G. Packard. In his petition, Mr. Packard stated that glass beverage bottles present an unreasonable risk of injury due to their inadequate resistance to impact. He also outlined a design specification for beverage containers made of glass.

On May 20, 1976, the Commission received the petition (CP 76-13) from Judith A. Hecht. In her petition, Ms. Hecht stated her belief that a consumer product safety rule for carbonated soft-drink bottles is needed regarding glass spattering on impact of the bottle and recommended that all carbonated soft-drink containers be able to withstand falls from heights of five feet without glass spattering. In addition, Ms. Hecht recommended that twist-off caps be banned and that no soft-drink bottle caps be permitted that have sharp edges. The petitioner proposed as substitutes the screw-off or pry-off caps with round, smooth edges.

In reviewing the two petitions, the Commission staff separated them into requests for consumer product safety rules on glass containers for alcoholic beverages, glass containers for malt beverages, and glass containers for carbonated soft drinks in addition to the request for banning twist-off caps and other carbonated soft-drink bottle caps with sharp edges.

Commission staff reviewed National Electronic Injury Surveillance System (NEISS) data on injuries and in-depth investigations of injuries associated with beverage containers and bottle caps. Commission staff also considered the design for beverage containers made of glass that was outlined in the rules suggested by each of the petitioners, the technical feasibility of implementing the suggested rules, the potential economic and environmental impact of the suggested rules, and the activities related to developing a proposed voluntary product standard.

III. DISCUSSION AND DECISION

A. GLASS CONTAINERS FOR MALT BEVERAGES

The Commission determined in a prior proceeding that malt beverage bottles made of glass do not present an unreasonable risk of injury. The Commission announced its decision in the FEDERAL REGISTER of July 31, 1975 (40 FR 32157).

The Commission's decision resulted from a petition from the Adolph Coors Company of Golden, Colorado, requesting the Commission to initiate a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) to develop a consumer product safety standard applicable to risks of injury associated with glass containers for malt beverages.

From Commission staff estimates of injuries which were treated in hospital emergency rooms during 1975, the Commission finds that the estimated number of injuries associated with malt beverage bottles is ten percent of the estimated total number of injuries associated with all types of glass containers. Eight in-depth investigation reports of accidents associated with malt beverage bottles reveal that one injury occurred when a beer bottle fell out of a refrigerator and allegedly exploded on impact with the floor and that one injury occurred when a bottle broke at its neck while being opened as a result of what was described as a small explosion. The other six injuries occurred when the victims stepped on previously broken beer bottles or when such bottles were used as weapons.

The Commission concludes, upon reviewing this most recent data, that the information is not sufficient to change its prior determination that an unreasonable risk of injury does not appear to be associated with malt beverage bottles. Accordingly, this aspect of petition CP 75-21 has been denied.

B. GLASS CONTAINERS FOR ALCOHOLIC BEVERAGES

In the course of the Commission's earlier investigation of malt beverage bottles and the Commission's continuing investigation of the possible hazards presented by carbonated beverage bottles, it has encountered no information that would cause it to conclude that bottles for alcoholic beverages pose unusual risk to consumers.

The Commission has information concording to the in-depth investigation reports of accidents associated with glass containers for alcoholic beverages. According to the in-depth investigation reports, none of the five accidents occurred from the bottle falling to the floor or impacting some other surface. The Commission concludes that at this time and unreasonable risk of injury does not appear to be associated with glass containers for alcoholic beverages. Therefore, this aspect of petition CP 75-21 has been denied.

C. GLASS CONTAINERS FOR CARBONATED BEVERAGES

From an analysis that was prepared by the Commission staff, the Commission estimates that 33,000 people were treated in hospital emergency rooms during 1975 for injuries associated with carbonated beverage containers. The hazard analysis dated April 1975 and a preliminary analysis of a special telephone survey of glass beverage-bottle injuries reported through the Commission's National Electronic Injury Surveillance System (NEISS) between June 4 and August 12, 1975 indicate that about one half of the reported injuries are associated with carbonated beverage bottles that are dropped. When the results of the telephone survey have been evaluated by the Commission staff and an engineering analysis made of the hazard data obtained from the survey, this information may enable the Commission to evaluate the relative risk of each hazard pattern, to identify promising solutions, to evaluate the likelihood of success of voluntary activity, and to make a preliminary determination of the risks of injury and the need for a mandatory product safety rule. Continuation of these efforts is part of the Commission's current operating plan.

A proposed voluntary product standard TS 214c is being developed under the procedures for the development of voluntary standards by the National Bureau of Standards (NBS), U.S. Department of Commerce. The proposed voluntary product standard contains performance requirements for temper, thermal shock resistance, internal pressure strength, impact resistance, and abrasion resistance. Additional requirements include minimum wall thickness, dimensional tolerances, and visual inspection requirements. The proposed standard would apply only to conventional glass bottles for carbonated soft drinks as manufactured, not to non-conventional type bottles now in use, such as for example, plastic encapsulated glass bottles or all plastic bottles. It also does not deal with those hazards that may be created after the bottles have been received by the bottler or those hazards that may be created in a returnable bottle between fillings, although a voluntary standard proceeding to do that has been requested of NBC by the National Soft Drink Association (NSDA). Commission staff is monitoring these activities.

Section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) provides that the requirements of a standard shall, whenever feasible, be expressed in terms of performance requirements. The Commission finds that Mr. Packard (CP 75-21) suggested a design specification for reducing the risk of injury associated with glass containers.

The Commission believes it is possible that Mr. Packard's design, if adopted, could lead to an increased hazard because of the possibility of increased stresses along the grooves of the design.

Ms. Hecht's suggestion in CP 76-13 that a standard for carbonated beverage bottles include a drop test may be a useful one. However, on the basis of the Commission's extensive and continuing investigation of the possible hazards presented by carbonated beverage bottles and of various engineering approaches intended to reduce or eliminate them, the Commission is unable to conclude at this time that a mandatory standard, as suggested, is needed.

Therefore, these aspects of petition CP 75-21 and 76-13 have been denied. However as indicated, the Commission staff is continuing to work on the matter.

D. TWIST-OFF AND OTHER BOTTLE CAPS WITH SHARP EDGES

The Commission has information concerning six accidents associated with twist-off caps from carbonated beverage bottles and one injury associated with a crown-type cap. From an analysis of the injuries by the Commission staff, the Commission cannot determine that twist-off caps are more hazardous than other types of closures. Regarding the suggested replacement of twist-off caps with screw caps as found on fruit juices or pry-off caps with round, smooth edges, the Commission is not aware of any data to show that the suggested alternatives are suitable for use with pressurized containers.

The Commission concludes that there is insufficient available information for determining at this time whether an unreasonable risk of injury is associated with the difficulty of opening twist-off caps for carbonated beverage bottles. Therefore, this aspect of petition CP 76-13 has been denied.

IV. CONCLUSIONS

After considering each of the two petitions and the information developed by the Commission staff in this matter, the Commission concludes that an unreasonable risk of injury associated with the impact behavior of glass containers for malt beverages and alcoholic beverages does not appear to exist at this time. In addition, the Commission believes it is premature to conclude that a mandatory safety standard for glass containers for carbonated beverages is necessary. The Commission has insufficient evidence to conclude that an unreasonable risk of injury is associated with the opening of twist-off caps and the sharpness of other carbonated beverage-bottle caps. Therefore, both petitions CP 75-21 and 76-13 have been denied.

A copy of each petition and the information developed by the Commission staff in this matter may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the petitions.

Dated: December 29, 1976.

SHELDON BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.77-263 Filed 1-3-77;8:45 am]

[CP 76-17]

PIERCED EARRING SUPPORT WIRES

Denial of Petition

In this notice the Consumer Product Safety Commission denies a petition requesting the establishment of safety standards for pierced earring support wires.

Section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

On August 30, 1976, Donald Montague petitioned the Commission to commence a proceeding to issue a consumer product safety rule setting performance standards for pierced earring support wires, or in the alternative, establishing a regulation for cautionary labeling of pierced earring support wires.

The petition asserts that pierced earring ornaments suffer from an unsafe design in that the pierced earring support wire does not disengage from the earlobe when tension is applied; and the earring ornament does not disengage the earring support wire when tension is applied. The petition alleges that if currently manufactured pierced earring ornaments are pulled, caught, or yanked, they can cause injury to the ear. The petition describes several possible accident scenarios such as dangling earrings being caught in bedclothes, snagged while removing a sweater, or pulled during affectionate roughhousing. The petitioner alleged knowledge of five instances of ear injury caused by pierced earrings but this data was not submitted with the petition.

After careful consideration, the Commission has determined to deny this petition because presently available information does not support a preliminary determination that pierced earring support wires present an unreasonable risk of injury.

In assessing the question of unreasonable risk of injury or injury potential the Commission weighs the degree, nature and frequency of injury associated with the consumer product against the potential effect of the rule on the cost utility and availability of the product. The Commission also considers the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking activities with respect to that risk of injury. (Procedures for Petitioning for Rulemaking under Section 10 of the CPSA, 16 CFR 1110.11(b).) The CPSC policy on establishing priorities for Commission action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

The injury data obtained by the Commission through the National Electronic Injury Surveillance System (NEISS) does not have the specificity needed to identify or quantify the hazards associated exclusively with pierced earrings. The data indicates, however, that those types of injuries that could be associated with both pierced and regular earrings (e.g., contusions/abrasions, hematoma and lacerations) apply only to about 1/4 (1,266) of the total estimated ear injuries, and these injuries involve only relatively minor injuries. It thus appears that there is a low frequency of injury associated with pierced earrings and those injuries that do occur are relatively minor in severity.

While the Commission recognizes that there may be a potential for ear injury from currently designed pierced earring ornaments and support wires, this potential does not appear to be reflected in the Commission's injury data. Only one in-depth investigation of an injury associated with pierced earrings has been conducted by the Commission. The injury in that case involved a 7-year old child fighting with a playmate and the injuries sustained were apparently minor. Ap-

proximately three consumer complaints concerning pierced earrings have been received by the Commission and only one involved an injury. That injury concerned a 9-month old child who caught the pin placed in her ear to pierce it on the mesh of a playpen.

Copies of the petition and other relevant materials may be seen at, or obtained from, the Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207, during business hours Monday through Friday.

Therefore, pursuant to section 10(d) of the Consumer Product Safety Act (sec. 10(d), Pub. L. 92-573, 86 Stat. 1217, 15 U.S.C. 2059(d)) notice is hereby given of the Commission's denial of the above described petition.

Dated: December 29, 1976.

SHELDON D. BUTTS,
Acting Secretary,
Consumer Product Safety Commission

[FR Doc.77-264 Filed 1-3-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-665-5; OPP—33000/488]

DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Receipt of Application for Pesticide Registration

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9316
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before March 7, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: December 27, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/488)

EPA File Symbol 400-RGG. Uniroyal Chemical, Div. of Uniroyal, Inc., Naugatuck CT 06770. 2,4-D BUTYL ESTER TECHNICAL. Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 92%. Method of Support: Application proceeds under 2(a) of interim policy. PM23

EPA Reg. No. 635-154. E-Z Flo Chemical Co., Div. of Kirsto Co., Box 18037, Lansing MI 48901. MALATHION 25 WP. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 635-430. E-Z Flo Chemical Co. 5% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA File Symbol 1022-LNN. Chapman Chemical Co., PO Box 9158, Memphis TN 38109 PERMATOX 20-S. Active Ingredients: Borax 28.5%; Sodium pentachlorophenate 15.8%; Sodium salts other chlorophenols 2.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 2342-897. Kerr-McGee Chemical Corp., Kerr-McGee Center, PO Box 25861, Oklahoma City, OK 73125. KM SODIUM CHLORATE. Active Ingredients: Sodium Chlorate 99.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 2342-964. Kerr-McGee Chemical Corp. KM GRAIN SORGHUM HARVEST AID. Active Ingredients: Sodium Chlorate 56%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 3286-UI. Ferd Staffel Co., Inc., PO Box 2380, San Antonio TX 78206. 20-20 INDOOR CONCENTRATE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.011%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 4581-89. Pennwalt Corp., Three Parksway, Philadelphia PA 19102. SODIUM CHLORATE. Active Ingredients: Sodium Chlorate 99.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 4581-283. Pennwalt Corp., Agchem Div., PO Box C, King of Prussia PA 19406. WEED BLITZ. Active Ingredients: Sodium Metaborate Tetrahydrate ($Na_2B_2O_4 \cdot 4H_2O$) (Boron Trioxide (B_2O_3) Equivalent 23.3%) 68.0%; Sodium Chlorate ($NaClO_3$) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 7182-T. 3M Co., 3M Center, Bldg. 223-6SE, St. Paul MN 55101. EMBARK 2-S PLANT GROWTH REGULATOR. Active Ingredients: Diethanolamine salt of mefluidide [*N* - [2,4 - dimethyl - 5 - [[(trifluoromethyl) sulfonyl] amino] phenyl] acetamide] 28%. Method of Support: Application proceeds under 2(a) of interim policy. Application for reregistration. PM25

EPA File Symbol 7774-0. Erny Supply Co., 5406 N 59th St., Tampa FL 53610. ESCO 128M DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Isopropanol 10.00%; Methyl salicylate 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 8590-UTL. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. BLUE RIBBON RAT PACK. Active Ingredients: Warfarin (3-Alpha-Acetonylbenzyl)-4-Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 8660-I. Sta-Green Plant Food Co., Div. of Parker Fertilizer Co., PO Box 540, Sylacauga AL 35150. PREEMERGENCE CRABGRASS PREVENTER WITH BALAN. Active Ingredients: N-buytl-N-ethyl-α,α,α-Trifluro-2,6-dinitro-p-toluidine 2.30%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 8780-LN. High Point Mills, Inc., 1225 Lehigh Station Rd., Henrietta NY 14467. DURSBAN 2.32 G GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 2.32%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 38438-R. Dane Pool Service, 8348 Griffin Rd., Davie FL 33328. DANE POOL GUARD. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38547-R. Riviera Pool Service, Inc., 4215 N. Federal Highway, Fort Lauderdale FL 33308. OQUA PURE. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39149-E. Homestead Pools, Inc., PO Box 1178, Homestead FL 33030. HP-100. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39766-R. Leisure Northwest, Div. of Northwest Pool & Patio Supply, Inc., 17720 Southcenter Parkway, Seattle WA 98188. LEISURE NORTHWEST. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39768-R. Everglades Pool Supplies, 4226 N.W. 12th St., Lauderhill FL 33313. EVERGLADES POOL SUPPLIES. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39770-R. Oceanside Pools, Inc., 2615 S. Dixie Highway, Delray Beach FL 33444. OCEANSIDE POOL GUARD. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39771-R. Paragon Pools, 999 N.W. Midway, Port Charlotte FL 33952. AQUARIAN POOLS SANITIZER. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39772-R. Ruskin Pool Service, 307 Shell Point Rd., NW, Ruskin FL 33570. AQUA-KLEER. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39773-R. Van Bower Pool & Patio, 1181 71st St., Miami Beach FL 33141. V B 1000. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.77-142 Filed 1-3-77;8:45 am]

[FRL 665-6; OPP—33000/487]

DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Receipt of Application for Pesticide Registration

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12 & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before March 7, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: December 27, 1976.

DOUGLAS D. CAMPT,
Acting Director
Registration Division

APPLICATIONS RECEIVED (OPP—33000/487)

EPA Reg. No. 52-188. West Chemical Products, Inc., 42-16 West St., Long Island City NY 11101. PHENOLA DETERGENT-GERMICIDE. Active Ingredients: Isopropanol 4.78%; Potassium dodecyl benzene sulfonate 4.10%; Potassium 4 and 6-chloro-2-phenylphenate 3.90%; Potassium-tertiary amylphenate 2.92%; Potassium-o-benzyl-p-chlorophenate 2.82%; Potassium xylene sulfonate 2.53%; Potassium toluene sulfonate 2.37%; Triethanolamine 0.80%; Tetrasodium ethylenediamine tetraacetate 0.32%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 99-RRT. Watkins Products, Inc., 150 Liberty St., Winona MN 55987 WATKINS HIGH INTENSITY INSECT REPELLENT LOTION. Active Ingredients: N,N-Diethyl-meta-toluamide 28.5%; Other isomers 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 201-281. Shell Chemical Co., Suite 200, 1025 Conn. Ave. N.W., Washington DC 20036. BLADEX 4 WATER DISPERSIBLE SUSPENSION. Active Ingredients: 2-[[4-chloro-6-(ethylamino)-s-triazin - 2 - yl]amino] - 2 - methylpropionitrile 43%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use paterns. PM25

EPA Reg. No. 201-342. Shell Chemical Co. 5 AZODRIN INSECTICIDE SOLUTION. Active Ingredients: Dimethyl phosphate of 3 hydroxy-N-methyl-cis-crotonamide 55% Method of Support: Application proceeds under 2(b) of interim policy Republished: Added claims. PM16

EPA Reg. No. 239-2406. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804 ORTHENE SYSTEMIC INSECT SPRAY. Active Ingredients: Acephate (O,S-Dimethylacetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2 (b) of interim policy. Republished: Added uses. PM16

EPA Reg. No. 241-250. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. AVENGE WILD OAT HERBICIDE. Active Ingredients: Difenzoquat (1, 2-dimethyl-3,5-diphenyl - 1H - pyrazolium methyl sulfate) 31.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM23

EPA Reg. No. 279-555. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport, NY 14105. KOLODUST-100. Active Ingredients: Dichlone 0.50%, Sulfur 83.15%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 279-1380. FMC Corp. THIODAN 50 WP. Active Ingredients: Endosulfan: (Hexachlorohexahydromethano - 2,4,3 - benzodioxathiepin oxide 50% Method of Support: Application proceeds under 2(a) of interim policy Republished: New uses. PM15

EPA File Symbol 334-UGO. Hysan Corp., 919 W. 38th St., Chicago IL 60609. MED-O-PYNE 13. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium cholride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 334-UGI. Hysan Corp. MED-O-PYNE 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%, Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 334-UUG Hysan Corp. LEN-O-QUAT 22. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 2.50%; Essentials oils 0.25%; Ethylene diamine tetraacetic acid, tetrasodium salt 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334-UUD. Hysan Corp. Q-MINT 22. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 2.5%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 334-UUL. Hysan Corp. Q-MINT 44. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 5.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(b) interim policy. PM31

EPA File Symbol 400-RGG. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CN 06525. 2,4-D BUTYL ESTER TECHNICAL. Active Ingredients: Butyl ester of 2,4-dichlorophenoxyacetic acid 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM23.

EPA File Symbol 400-RGU. Uniroyal Chemical. 2,4-D ISOOCTYL ESTER TECHNICAL. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 92%. Method of Support: Application proceeds under 2(b) of interim policy. PM23.

EPA Reg. No. 476-1633. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. TRITHION 8-E. Active Ingredients: Carbophenothion 79.1%; Xylene 6.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM16.

EPA Reg. No. 538-126. O. M. Scott & Sons, Marysville OH 43040. SCOTTS STOP INSECTICIDE. Active Ingredients: O,O-diethyl - O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15.

EPA Reg. No. 675-25. Lehn & Fink Industrial Products, Div. of Sterling Drug Inc., Montvale NJ 07645. AMPHYL SPRAY. Active Ingredients: o-Phenylphenol 0.136%; 3,4,5 Tribromosalicylanilide 0.019%; 3,5 Dibromasalicylanilide 0.005%; Alcohol 76.500%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA Reg. No. 984-46. Whitmoyer Laboratories, Inc., 19 North Railroad St., Myerstown PA 17067. AFFILIATED MITONE. Active Ingredients: Benzyl Benzoate 20.0%; Benzocaine 2.0%; Rotenone 0.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA Reg. No. 1016-43. Union Carbide Corp., Agricultural Products Div., 1730 Pennsylvania Ave., NW, Washington DC 20006. SEVIN SPRAYABLE CARBARYL INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 80%. Method of Support: Application proceeds under 2 (b) of interim policy. PM12

EPA Reg. No. 1459-42. Bullen Chemical Co., Folcroft PA 19032. FAST ACTING RESIDUAL INSECT SPRAY. Active Ingredients: O-O-Diethyl O - (2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 1706-RLN. Nalco Chemical Co., 6216 W. 66th Pl., Chicago IL 60638. NALCLEAN 8970 SANTITZER. Active Ingredients: N-Alkyl (60% C_{14}, 30% C_{16}, 5% C_{18}) dimethyl benzyl ammonium chlorides 5% N-Alkyl (60% C_{12}, 32% C_{14}) dimethyl ethylbenzylammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 2620-TE. Chemical Co., Inc., Beloit WI 53511. ADVANCE MINT. Active Ingredients: n-Alkyl (60% C_{14}, 30% C_{16}, 5% C_{12}, 5% C_{18}) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C_{12}, 32% C_{14}) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 93.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol: 2620-TG. Chemical Co., Inc. ADVANCE PINE. Active Ingredients: n-Alkyl (60% C_{14}, 30% C_{16}, 5% C_{12}, 5% C_{18}) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C_{12}, 32% C_{14}) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol: 2629-RRA. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. VINYZENE SB-13. Active Ingredients: 2,3,5,6-tetrachloro-4-(methylsulfonyl) pyridine 43.5%; Other Chlorinated pyridines 4.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA Reg. No. 3125-210. Chemagro Agricultural Div., Mobay Chemical Corp., Box 4913, Kansas City MO 64120. DYLOX 4 INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl phosphonate 39%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Method of Support changed. PM16.

EPA Reg. No. 3125-236. Chemagro Agricultural Div. NEMACUR 15% GRANULAR. Active Ingredients: Ethyl-3-methyl-4-(methylthio) phenyl 1-methylethyl) phosphoramidate 15%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM16.

EPA Reg. No. 3125-237. Chemagro Agricultural Div. NEMACUR 10% GRANULAR. Active Ingredients: Ethyl-3-methyl-4-(methyl-thio) phenyl (1-methylethyl) phosphoramidate 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM21.

EPA Reg. No. 3125-83. Chemagro Agricultural Div. NEMACUR 3 EMULSIFIABLE NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate 35%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM21.

EPA Reg. No. 4476-43. Morton Pharmaceuttcals, Inc., 1625 N. Highland St., Memphis TN 38108. EUREKA DOG MANGE TREATMENT LIQUID. Active Ingredients: Benzyl Benzoate 36.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA File Symbol 5736-AR. DuBois Chemicals, Div. of Chemed Corp., DuBois Tower, Cincinnati OH 45241. DUBOIS CHEMICALS SUPER LAUNDRY BACTERIOSTAT-SANITIZER. Active Ingredients: -Octyl dimethyl ammonium chloride 3.50%; Dioctyl dimethyl ammonium chloride 1.75%; Didecyl dimethyl ammonium chloride 1.75%; Isopropyl alcohol 2.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 7115-RN. Midland Chemical Corp., 400 W. 107th St., Chicago 28 IL. PINE-B. Active Ingredients: (26.10%) Isopropanol, Pine Oil, Vegetable Soap, Potassium Salt of 2-Benzyl-4-Chlorophenol, Tetrasodium Ethylenediamine Tetraacetate. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 8133-RU. Champion Chemicals, Inc., PO Box 45509, Houston TX 77045. BACTRON KM-7. Active Ingredients: Alkyl-dimethyl-benzyl Ammonium Chloride 10%; Isopropyl Alcohol 12%. Method of Support. Application proceeds under 2 (b) of interim policy. PM31.

EPA Reg. No. 8238-31. Barrier Chemicals, Inc., Rt. 515, Vernon NJ 07462. JON-Q-PUBLIK DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM32.

EPA Reg. No. 8343-50. Gabriel Chemicals Ltd., 204 21st Ave., Robbinsville NJ 06891. MALATHION 4—PYRETHRUM 0.1 DUST. Active Ingredients: Malathion(0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate 4.0%, Pyrethrins 0.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA Reg. 8343-74. Gabriel Chemicals Ltd. MALATHION 4—PYRETHRUM 0.2 DUST. Active Ingredients Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 4.0%; Pyrethrins 0.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA File Symbol 9829-G. Champion Chemical Co., 8319 S. Greenleaf Ave., Whittier CA 90602. PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine Oil 3.95%; Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA Reg No. 9829-U. Champion Chemical Co AERO-PHEEN 200. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 5.00%; Essential oils 0.50%; Ethylenediamine tetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 9829-L. Champion Chemical Co. AERO-PHEEN DISINFECTANT-DEODORIZER. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 5.00%; Essential Oils 0.50%; Ethylenediamine tetraacetic acid, tetrasodium salt 0.38%, Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 11014-R. Fast Products, 455-10th St., San Francisco CA 94103. POWER SUPREME CLEANER & DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33.

EPA File Symbol 11853-L. Biscayne Chemical Laboratories, Inc., Miami FL 33152. C-T WATER TREATMENT MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 19605-O. Gulf Chemicals Co., 6840 Piccadilly, Houston, TX 77061. LEMON DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 19605-RE. Gulf Chemicals Co. MINT DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 20954-T. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. YOUR BRAND INSECT AND MITE HOUSEPLANT MIST. Active Ingredients: methoprene [Isopropyl (E,E-11-methoxy-3,7,11-trimethyl-2-4-dodecadienoate] 0.100%; hexadecylcyloropanecarboxylate 0.075%; resmethrin [(5-benezyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate] Min. 70% (±) trans, Max. 30% (±) cis isomers 0.050%; related compounds 0.007% Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA Reg. No. 29780-7. Centennial Chemicals, Inc., 1094 Huff Rd., NW, Atlanta GA 30318. (RC-4). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31.

EPA File Symbol 30944-E. Erickson Chemical Co., 2800 Shermer Rd., Northbrook IL 60062. ERICKSON ALGAECIDE 270. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33.

EPA File Symbol 38053-L. Leo Ind., Inc., 1750 W. 75th Pl., Chicago IL 60620. LEO QUAT 160 LEMON DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 38053-O. Leo Ind., Inc. LEO QUAT 160 DISINFECTANT CLEANER PINE ODOR. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%, Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 39240-I. Xonex Chemicals, Atlanta GA. XONEX MINT ODOR DISINFECTANT. Active Ingredients: Alkyl (C_{14}, 58%; C_{16}, 28%; C_{12}, 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 39359-R. Roy D. Book, Mifflintown PA. RAT AND MOUSE BAIT. Active Ingredients: Warfarin (3-a-acelonyl-benzyl) 4-Prydroxy coumarin 3.00%; 3-(Alpha-acetonylfurfury) 4 Hydroxy coumarin 0.45%. Method of Support: Application proceeds under 2(a) of interim policy. PM11.

EPA File Symbol 39709-R. Camaco Chemical Co., Dogwood Dr., PO Box U-31, Chester NJ 07930. CAMECO SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C_{14}, 60%; C_{12}, 25%; C_{16}, 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

[FR Doc.77-141 Filed 1-3-77;8:45 am]

[FRL 665-7]

MARINE SANITATION DEVICE STANDARD FOR THE MISSISSIPPI AND ST. CROIX RIVERS AND FOR LAKE SUPERIOR WATERS WITHIN MINNESOTA AND WISCONSIN

Receipt of Petition

Notice is hereby given that a joint petition has been received from the States of Minnesota and Wisconsin for a determination pursuant to section 312 (f)(3) of Public Law 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Minnesota-Wisconsin portions of the Mississippi River and the St. Croix River and for the Minnesota-Wisconsin portions of Lake Superior. In an earlier action (41 FR 11875, March 22, 1976) the Administrator of the Environmental Protection Agency determined for the waters of Lake Superior, the Mississippi River, and the St. Croix River to North Hudson, all within the State of Wisconsin, that facilities to remove sanitary wastes from commercial vessels are not reasonably available and that pump-out facilities for recreational craft are sparsely located and would involve travel distances between such locations of as much as 50 or 60 miles in some areas. In this joint petition from the two States, the information and public comments relating to the March 22, 1976, determination were requested by the State of Wisconsin to be made a part of the record, and that request is granted. The Governors of the States of Minnesota and Wisconsin requested that the petition for Lake Superior be considered separately from the petition for the Mississippi and St. Croix Rivers, and on its own merits.

Section 312(f)(3) states that "After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply."

For the waters of Lake Superior, including Superior Bay and St. Louis Bay, the state of Minnesota certifies that pump-out facilities are located at the Municipal Tourist Park, Grand Marais; the Knife River Marina, Knife River; Drills Marina, Duluth; and Lakehead Boat Basin, Duluth. The Municipal Tourist Park facility operates from April 15 until October 15, 8 a.m. to 9 p.m., 7 days per week. The Knife River Marina operates 7 days per week from 8 a.m. to 8 p.m. Drills Marina operates from 8 a.m. to 5 p.m. and the Lakehead Boat Basin operates from 8 a.m. until 4:30 p.m. In addition to the stationary pump-out facilities for recreational vessels, the petition states that septic tank pump-out facilities are available at Grand Marais, Beaver Bay, Two Harbors, Duluth and Cloquet. The State certifies that although the stationary pump-out facilities handle only recreational craft, the combination of septic tank pumpers and stationary pump-outs precludes no vessel because of insufficient water depth adjacent to the facility. The State certifies that all waste removed from all vessels are required to be disposed of either at a National Pollut-

ant Discharge Elimination System's permitted facility or on land in conformance with applicable Federal, State and local requirements.

The State of Wisconsin certified that shore-based licensed septic tank pump-out trucks are available for recreational craft at both Superior and Ashland on Lake Superior and that fixed pump-out facilities are available for recreational vessels at Bayfield and LaPointe. There are no fixed pump-out facilities for recreational vessels at Superior. The State certified further that licensed septic tank trucks are available to service commercial vessels at Ashland and that the non-ore-carrying ships at Superior can be serviced by licensed septic tank pump-out trucks. In commenting on this earlier individual petition from the State of Wisconsin, the Lake Carriers' Association contended that there is no reasonable way that a truck can be driven over the docks at Superior to reach a vessel because of the configuration of the various loading and unloading docks. The State of Wisconsin stated that it is possible for ore boats to be serviced by shore-based trucks from the grain docks, either prior to being loaded or prior to leaving the Superior Harbor. The State of Wisconsin certifies that waste collected by all such pump-out facilities are treated in conformance with both State and Federal law.

The State of Minnesota petition addresses the waters of the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and the waters of the St. Croix River from its mouth to Taylor Falls, Minnesota. The State certifies that pump-out facilities are located at Muller Boat Works, Stillwater; Port of Sunnyside, Stillwater; Afton Chris Craft Marina, Afton; Windmill Marina, Afton; Hastings Marina, Hastings; King's Cove, Hastings; Redwing Marina, Redwing; Lake City Marina, Lake City; Wabasha Marina, Wabasha; Wapashaw Resort, Wabasha; Trollens Marina, Wabasha; Bob's Marina, Wynona; Dick's Marina, Wynona; and Dresbach Standards Service, Dresbach. In addition, septic tank pumping facilities are available within 10 miles of docks and marinas in the metropolitan area, and within 20 miles outstate at 17 locations along these waterways for commercial vessels. The petition states that a majority of the commercial tugs use the commercial pump-out at St. Paul for fuel, repairs and pump-out facilities. The State of Minnesota certifies that the combination of stationary pump-outs and septic tank pumpers will exclude no vessel because of insufficient water depth. Although the stationary pump-out facilities service recreational vessels, the septic tank pumping facilities to the best of the State's knowledge are able to reach all docks, recreational and commercial. The State of Minnesota certifies that all wastes removed from vessels at stationary pump-out facilities and by septic tank pumping facilities are required to be disposed of at a National Pollutant Discharge Elimination System's permitted facility or applied on land in conformance with applicable Federal, State and local requirements.

The State of Wisconsin filing jointly with the State of Minnesota for the Minnesota-Wisconsin portions of the Mississippi River and the St. Croix River indicates that a total of 13 recreational pump-out facilities are located at LaCrosse, Alma, Pepin, Prescott and Hudson. The State certifies that towboats presently can be serviced by licensed septic tank pump-out trucks at LaCrosse, Wisconsin and, in correspondence filed with the petition, stated that on the Mississippi River most of the commercial traffic is handled at private docks owned and operated by the towing companies for their customers. Although there are no "in-place" pump-out facilities for commercial vessels along the Mississippi River, the State of Wisconsin claims that the river towboats have used facilities to the north and south of the State for the past year for the disposal of contained vessel wastes.

Comments and views regarding this joint request for action from the States of Minnesota and Wisconsin may be filed on or before February 18, 1977. Such communications, or request for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, OWHM, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments made in response to the earlier petition from the State of Wisconsin for some of these waters (40 FR 37252, August 26, 1975) are a part of record in this action.

Dated: December 27, 1976.

ANDREW BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-140 Filed 1-3-77;8:45 am]

[FRL 566-2]

FEDERAL GUIDELINES—STATE AND LOCAL PRETREATMENT PROGRAMS

Availability

Pursuant to Section 304(f) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), notice is hereby given that the Environmental Protection Agency (EPA) has issued revised guidelines for pretreatment of wastewaters introduced into publicly owned treatment works. In accordance with Section 304(f), these guidelines do not establish regulatory requirements. They are designed to assist States and municipalities in carrying out programs under Section 402 of the Act including NPDES permit requirements, through establishing pretreatment requirements to control and prevent the discharge into navigable waters, the contiguous zone, or the ocean of any pollutant which interferes with, passes through, or otherwise is incompatible with publicly owned treatment works. The guidelines contain technical information to assist the States and municipalities in determining the need for, and establishing such pretreatment requirements, and will help them to impose requirements more stringent than the Federal standards when required to take account of local conditions.

The pretreatment guidelines are subject to modification as a result of EPA review of its policy on pretreatment. Nationally applicable regulations dealing with pretreatment under Section 307(b) of the Act were published in the FEDERAL REGISTER, November 8, 1973 (Vol. 38, p. 30982). They are currently under review for possible revision. Proposed changes to these regulations will be published in the FEDERAL REGISTER.

Copies of the guidelines can be obtained by submitting written requests to: General Services Administration (8 FSS), Director, Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.

The EPA is required by Section 304(f) to review at least annually, and, if appropriate, revise the guidelines. Interested parties are encouraged to submit written comments, views, or data concerning the guidelines contained herein, to the Director, Municipal Construction Division WH-547, U.S. Environmental

Protection Agency, Washington, D.C. 20460. All such submissions will be considered in the next review of the guidelines.

Dated: December 22, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.77-144 Filed 1-3-77;8:45 am]

[FRL 664-1; OPP-42037]

STATE OF COLORADO

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Richard D. Lamm, Governor of the State of Colorado, has submitted a State Plan for the Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA), for approval on a contingency basis. Contingency approval is being requested pending enactment of appropriate legislation and promulgation of implementing regulations. Copies of present legislation and regulations and proposed changes are attached to the Plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region VIII, to approve this Plan on a contingency basis.

A summary of this Plan follows. The entire Plan, together with all attached appendices, except sample examination questions, may be examined during normal business hours at the following locations:

1. 406 State Services Building, 1525 Sherman Street, Denver, Colorado 80203, Division of Plant Industry, Department of Agriculture, telephone (303) 892-2838.

2. Room 2013, 1860 Lincoln Street, Denver, Colorado 80295, Pesticides Branch, Air and Hazardous Materials Division, EPA, Region VIII, telephone (303) 837-3926.

3. Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, Federal Register Section, Technical Services Division, WH 569, Office of Pesticide Programs, EPA, telephone (202) 755-4854.

SUMMARY OF STATE PLAN

The Colorado Department of Agriculture has been designated the State lead agency for the administration of the pesticide applicator certification program. with the Division of Plan Industry responsible for the program's implementation coordination. The Colorado State University Cooperative Extension Service is the only State cooperating agency. The State Cooperative Extension Service has overall responsibility for the State-wide pesticide applicator training program, including preparing and conducting training courses and preparing and distributing training materials. The State lead agency will review training materials and courses to ensure they meet all the requirements of the State Plan.

Legal authority for the certification program is contained in Article 10 Application of Pesticides and Article 11 Structural Pest Control Act, proposed amendments thereto, and proposed Rules and Regulations under Article 10. Copies of these legal autorities are attached to the State Plan.

The Plan lists the personnel available in the Department of Agriculture and the Cooperative Extension Service to carry out the certification program and the approximate percentage of their time that will be devoted to the pesticide program. The Plan also includes a budget for the pesticide program for the Department of Agriculture and the Cooperative Extension Service.

The Department of Agriculture will submit an annual report to EPA on or before May 1 of each year and other reasonable reports requested by the Administrator of EPA.

Colorado estimates that approximately 2,763 commercial and 15,000 to 20,000 private applicators will need to be certified. Both certified commercial and private applicators will be issued certification credentials indicating the category(s) or limitations.

The commercial applicator categories proposed in the Plan are the same as those in 40 CFR 171.3. No new categories are proposed. New subcategories proposed are as follows:

1. Agricultural Pest Control—(a) Plant: (1) Insect Control, (2) Plant Disease Control, (3) Weed Control. (b) Animal: (1) Insect Control.

2. Forest Pest Control—(1) Insect Pest Control, (2) Weed Control, (3) Disease Control.

3. Ornamental and Turf Pest Control—(1) Insect Control, (2) Weed Control, (3) Disease Control.

4. Seed Treatment—(1) Disease Control.

5. Aquatic Pest Control—(1) Insect Control, (2) Aquatic Weed Control, (3) Disease Control.

6. Right-of-Way Pest Control—(1) Weed Control, (2) Disease Control.

7. Industrial, Institutional, Structural, and Health Related—(1) Insect Pest Control, (2) Weed Control, (3) Wood Destroying Organisms, (a) Insects, (b) Pathogens, (4) Fumigation, (5) Disease Conrtol, (6) Rodent and Predator Control, (7) Bird Control.

8. Public Health Pest Control—(1) Insect Pest Control, (2) Aquatic Weed Control. (3) Rodent and Bird Pest Control.

9. Regulatory Pest Control—(1) Insecticides, (a) Forest Lands, (b) Rangeland, (c) Cropland.

(2) Weed Control—(a) Forest, (b) Farmland, (c) Aquatic, (d) Urban.

(3) Rodent and Predator Control—(a) Rodent and Bird, (b) Predator.

(4) Disease Control—(a) Forest, (b) Agriculture, (c) Turf and Ornamental.

10. Demonstration and Research Pest Control—(1) Plant, (a) Insect Pest Control, (b) Weed Control, (c) Disease Control.

(2) Livestock—(a) Insect Pest Control.

The standards of competency for commercial applicators in Colorado will be the same as those in 40 CFR 171.4(b) and (c) and 171.6.

All commercial applicators will be required to pass a written examination prior to being certified. This examination will cover the general standards in 40 CFR 171.3(b) and 171.6 and the standards for the particular category or subcategory the applicator wishes to be certified in. All commercial applicators shall renew their certification by either passing a written examination or by attendance at an approved training course every two years.

The standards of competency for private applicators are the same as those listed in 40 CFR 171.5(a) and 171.6. Private applicators will be certified by one of five options.

1. Submitting to the Commissioner a certification of evidence of attendance at, or completion of, an approved workshop, training course, or educational program. Each approved workshop, training course, or educational program will include at a minimum: (a) Coverage of the private applicator standards, and (b) Each applicator will complete a no pass no fail written questionnaire or have received a passing grade for a course offered by secondary vocational agricultural programs in Colorado or other recognized educational institution.

2. Submitting to the Commissioner completed questionnaire provided with an approved programmed text. Upon completion of the written questionnaire and programmed text the applicator will sign a statement verifying that he completed such work himself. The Department of Agriculture will use the EPA developed programmed text "Apply Pesticides Correctly."

3. Satisfactorily completing a written examination given by the Commissioner. This examination will cover the private applicator standards. An applicator must have a score of 70% or better for passage.

4. Submitting evidence of certification or licensing as a private applicator in any other state pursuant to an approved United States Environmental Protection Agency applicator certification program with which the Commissioner has entered into a reciprocal agreement.

5. Any person who has not been certified as a private applicator may obtain a

point of purchase emergency certification by completing a questionnaire at any location of any licensed pesticide dealer who is certified to sell restricted use pesticides. The questionnaires shall be made available to the dealers by the Commissioner and when completed shall be evidence of emergency certification as a private applicator for the single purchase and single use of the restricted use pesticide purchased. The private applicator and the dealer shall certify to the Commissioner that they have discussed the subject matter of the questionnaire and its answers.

Private applicators shall not be certified for a period of more than five years. Private applicators who have not been convicted of a violation of the Colorado pesticide act shall be recertified by completion of a recertification form, unless the Commissioner determines that changes in technology or state or federal laws require the applicator to redemonstrate his competency.

Applicators who have been convicted of a violation of Colorado's pesticide act shall be recertified by completion of one of the original methods of certification. Applicators will be encouraged to maintain their competency by participating in on-going state educational programs. No method to certify private applicators who cannot read English will be employed within Colorado.

Sample examinations for commercial and private applicators are attached to the Plan, as provided by 40 CFR 171.7 (e) (1) (i) (D) and (ii) (E). However, in view of the need to preserve the confidentiality of the examination format, the State of Colorado has requested that the examinations not be made available for public inspection. The Agency agrees with this position, and has removed the sample examinations from the public inspection copies of the Plan.

The Plan requests the approval of EPA to certify those commercial applicators who have passed written examinations administered under the State's present licensing program. EPA has reviewed and evaluated these examinations and will accept as certified those applicators who have passed the required examinations. A copy of this evaluation and determination is attached to the State Plan.

The Plan provides for a statement concerning the Government Agency Plan (GAP) to be forwarded to EPA within 60 days after the approval of GAP by EPA.

The Colorado Department of Agriculture has not entered into any agreements with any Indian reservations. The Plan provides that any cooperative agreements entered into will be forwarded to EPA within 30 days. Colorado has not entered into reciprocity agreements. However, in the event Colorado does, any reciprocity agreements entered into by the State will be forwarded to EPA as a part of the State Plan. Colorado will provide available information on integrated pest management (IPM) to applicators upon their request.

Other Colorado pesticide regulatory activities and authorities include pesticide product registration, dealer licensing and regulation, equipment registration and inspection, and product sampling and analysis. A regular program of inspection, product sampling, and follow up investigations of accidents and complaints will be conducted by Department of Agriculture personnel.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Colorado to the Chief, Pesticides Branch (8AH-P), Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295. The comments must be received on or before February 3, 1977 and should bear the identifying notation (OPP-42037). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations, from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: December 14, 1976.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.77-145 Filed 1-3-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

SC-65—SHIP RADAR

NOTICE OF 51ST MEETING

Wednesday, January 19, 1977—1:30 p.m., Conference Room 8210, 2025 M Street, N.W., Washington, D.C.

SC-65 Working Group schedule. To be held at 2025 M Street, N.W., Washington, D.C.

Working group	Room	Date	Time
Collision avoidance	8210	Jan. 18	9:30 a.m.
Reliability	8210	Jan. 19	Do.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.
2. Acceptance of SC-65 Summary Records; Appointment of Rapporteur.
3. Progress Reports of Collision Avoidance WG and Reliability WG.
4. Status Reports on Other Working Groups.
5. Report of Action of Executive Committee on RTCM Paper 103-74/EC-139 "Licensing for Radar Service"
6. Discussion of Resubmission to Executive Committee of RTCM Paper 145-76/SC 65-220. "Performance Specification for a Computer Aided Collision Avoidance System for Merchant Ships"
7. Approval of RTCM Paper 183-76/SC 65-226 (REWG-25) "Resources Required for On-Board Preventive and Corrective Maintenance of Radar Equipment"
8. Other business.
9. Establishment of next meeting date, February 16, 1977.

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632-7197.

RTCM SC 69/FCC WARC-79 ADVISORY COMMITTEE FOR MARITIME MOBILE SERVICE

TWELFTH MEETING

2025 M Street, N.W., Washington, D.C.
Room 8210, 9:30 a.m. to 4:30 p.m.

Tuesday, January 25, 1977

AGENDA

1. Call of the Agenda.
2. Chairman's Opening Remarks.
3. Reports of the Task Forces.
4. Review work to be accomplished.
5. Further Business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian Chairman SC 69, COMSAT General, 950 L'Enfant Plaza, S.W., Washington, D.C. 20024. Phone: (202) 554-6829.

SPECIAL COMMITTEE NO. 66.—"RECEIVER STANDARDS FOR THE MARITIME MOBILE SERVICE"

Tuesday, January 26, 9:30 a.m. (All-day meeting)
Conference Room A-205
1229-20th Street, N.W.
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-66 Summary Record.
4. Continue preparation of MMS R-5, Standard for "General Purpose Marine Receivers." Review work assignments.
5. Discussion of problem areas.
6. Solicitation of Work Assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 US Highway No. 1, Elizabeth, N.J. 07202. Phone: (201) 527-0300.

EXECUTIVE COMMITTEE MEETING

Thursday, January 27, 1977

The next Executive Committee Meeting will be in Thursday, January 27, 1977, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on Other Committes.
6. New Membership Applications for Executive Committee Approval.
7. Report on 1977 Philadelphia Assembly Meeting.
8. Approval of SC-65 "Ship Radar" Papers.
9. Administrative Action Items.
10. Summary Reports and Announcements.
11. New Business.
12. Establishment of next meeting date.

To comply with the advance notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc 77-180 Filed 1-3-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of December 10 through December 17, 1976

Notice is hereby given that during the week of December 10 through December 17, 1976, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 23, 1976.

List of cases received by the Office of Exceptions and Appeals, Dec. 10-17, 1976

Date	Name and location of applicant	Case No.	Type of submission
Dec. 10, 1976	Air Transport Association of America, Washington, D.C. (If granted: The FEA's Sept. 17, 1976, and Nov. 8, 1976, information request denials would be rescinded and the Air Transport Association of America would receive access to information relating to the "bank" of unrecouped costs allocable to aviation jet fuel for the 14 major refiners listed in American Transport Association's requests.)	FEA-1075	Appeal of FEA's information request denials dated Sept. 17, 1976, and Nov. 8, 1976.
Do	Beacon Oil Co., Hanford, Calif. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and Beacon Oil Co. would not be required to purchase entitlements during the period November 1976 through October 1977 to offset the excessive exception relief which the firm received in 1975.)	FXA-1073	Appeal of decision and order in Beacon Oil Co., et al., 4 FEA par. ---- (Nov. 5, 1976).
Do	Independent Fuel Terminal Operators Association, et al. Washington, D.C. (If granted: The members of the Independent Fuel Terminal Operators Association and other independent resellers of refined petroleum products which operate deepwater terminals and own or control bulk storage of more than 100,000 bbl would be recognized by the FEA as a properly formed "class" for the purposes of granting exception relief.)	FXA-1076	Appeal of decision and order in retroactive application of the separate inventories amendment, 4 FEA par. 83,099 (Sept. 24, 1976).
Do	Kansas-Nebraska Natural Gas Co., Inc., Hastings, Nebr. (If granted: The Kansas-Nebraska Natural Gas Co., Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its Flat Top and Venter plants.	FEE-3512 FEE-3513	Price exception (See. 212.165.)
Do	National LP-Gas Association, Arlington, Va. (If granted: The members of the National LP-Gas Association which are propane sellers who have multiple bulk plant locations would be recognized by the FEA as a properly formed class for the purposes of granting exception relief.)	FXA-1077	Appeal of decision and order in Retroactive Application of the Separate Inventories Amendment, 4 FEA par. 83,099 (Sept. 24, 1976).
Do	Palm Petroleum Corp., Amarillo, Tex. (If granted: Crude oil produced from the Breedlove H Lease located in Martin County, Tex., would be sold at upper tier ceiling prices.)	FEE-3511	Price exception. (See. 212.73.)
Do	Petrolane, Inc., Washington, D.C. (If granted: The FEA's Sept. 24, 1976, decision and order would be rescinded and Petrolane, Inc., would be permitted to calculate its prices on the basis of multiple inventories.)	FXA-1078	Appeal of decision and order in retroactive Application of the Separate Inventories Amendment, 4 FEA par. 83,099 (Sept. 24, 1976).
Do	Powerine Oil Co., Washington, D.C. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and Powerine Oil Co., would receive exception relief which would excuse it from the obligation to purchase entitlements for the months of July and August 1975.)	FXA-1074	Appeal of decision and order in Beacon Oil Co., et al., 4 FEA par. ---- (Nov. 5, 1976).
Do	Rock Island Refining Corp., Indianapolis, Ind. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and Rock Island Refining Corp. would not be required to purchase entitlements during the period November 1976 through October 1977 to offset the excessive exception relief which the firm received in 1975.)	FXA-1072	Do.

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Date	Name and location of applicant	Case No.	Type of submission
Do.....	Southland Oil Co. (VGS Corp.), Jackson, Miss. (If granted: Southland Oil Co. would receive a stay of the FEA's Nov. 5, 1976, decision and order which requires Southland to purchase entitlements during the period November 1976 through October 1977 pending a final determination of its appeal from that order.)	FES-1066	Stay request. Decision and order in Beacon Oil Co., et al., 4 FEA par. .... (Nov. 5, 1976).
Dec. 13, 1976	Glenn Mitchell, Breckenridge, Tex. (If granted: Glenn Mitchell would be assigned to new, lower priced supplier of motor gasoline to replace his base period supplier, Amtel, Inc.)	FEE-3514	Exception to change supplier. (Sec. 211.9.)
Do.....	Skelly Oil Co., Tulsa, Okla. (If granted: Skelly Oil Co. would receive a stay of the requirements of the remedial order issued to the firm on Dec. 6, 1976, pending a final determination of an appeal from that order which it intends to file. The stay would relieve the firm of the requirement that it compute the imputed May 15, 1973, selling price for unleaded motor gasoline in compliance with 10 CFR 212.142(b)(1).)	FES-1076	Stay request.
Do.....	Union Oil Co. of California, Los Angeles, Calif. (If granted: The FEA's Nov. 5, 1976, order would be rescinded and the Union Oil Co. of California would continue to be supplied motor gasoline by Gulf Oil Corp.)	FEA-1079 FES-1079	Appeal of FEA's Nov. 5, 1976, order. Stay request.
Dec. 14, 1976	Abco Fuel Oil Service, Inc., Plainview, N.Y. (If granted: The FEA's Nov. 29, 1976, remedial order would be rescinded.)	FRA-1070 FES-1070	Appeal of remedial order dated Nov. 29, 1976. Stay request.
Do.....	Caribou Four Corners, Inc., Afton, Wyo. (If granted: Caribou Four Corners, Inc., would be issued additional entitlements for the month of September 1976 in order to eliminate the effects of an error in reporting the quantity of its old oil receipts during the months of February and March 1976 when the statutory entitlement purchase exemption was in effect.)	FEE-3516	Exception to old oil entitlements program. (Sec. 211.67.)
Do.....	Jack W. Grigsby, d/b/a Grigsby Gas & Oil, Shreveport, La. (If granted: The FEA's Nov. 29, 1976, remedial order would be rescinded and Grigsby would not be required to make refunds for overcharges made in sales of crude oil produced from the Heywood Unit and the WLP 41 7600' SU during the period September 1, 1973 through July 31, 1975.	FRA-1082 FES-1082	Appeal of remedial order dated Nov. 29, 1976. Stay request.
Do.....	Harbor Enterprises, Inc., Seward, Alaska. (If granted: Harbor Enterprises, Inc., would not be required to file form P112-M-1 (No. 2 heating oil/price monitoring report) with the FEA.)	FEE-3517	Exception to reporting requirement. (Sec. 211.127.)
Do.....	Pride Utilities, Inc., Plainview, N.Y. (If granted: The FEA's Nov. 29, 1976, remedial order would be rescinded.)	FRA-1080 FES-1080	Appeal of remedial order dated Nov. 29, 1976. Stay request.
Do.....	Ruthven, Inc., Russell, Kans. (If granted: The FEA's Nov. 15, 1976, decision and order would be rescinded and Ruthven, Inc.'s, Ben Illen lease located in Russell County, Kans., would be classified as a stripper well property during the period Dec. 1, 1973, through Dec. 31, 1975. Ruthven would thereby be relieved of any obligation to refund revenues which it may have realized as a result of charging unlawful prices for the crude oil produced and sold from the lease during that period.)	FXA-1081	Appeal of decision and order in Ruthven, Inc., 4 FEA par. .... (Nov. 15, 1976).
Dec. 15, 1976	Caldo Oil Co., Curtesy Oil Co., Rameo Oil Co., and Rinehart Oil Co., San Francisco, Calif. (If granted: The FEA's Nov. 5, 1976, order relieving Gulf Oil Corp. of supply requirements in the western region would be rescinded and Caldo Oil Co., Curtesy Oil Co., Rameo Oil Co., and Rinehart Oil Co. would continue to receive their base period use of petroleum products from Gulf Oil Corp.)	FEA-1084— FEA-1087	Appeal of FEA's Nov. 5, 1976 order.
Do.....	Continental Oil Co., Houston, Tex. (If granted: Continental Oil Corp. would be granted an exception which would permit it to recalculate the passthrough of increased nonproduct costs on a proportional basis for 1975.)	FEE-3520	Exception to nonproduct cost passthrough.
Do.....	EDG, Inc., Los Angeles, Calif. (If granted: The FEA's Nov. 5, 1976, decision and order would be rescinded and EDG, Inc., would not be required to purchase entitlements during the period November 1976 through October 1977 to offset the excessive exception relief which the firm received in 1975.)	FXA-1083	Appeal of FEA's decision and order in Beacon Oil Co., et al., 4 FEA par. .... (Nov. 5, 1976).
Do.....	Great Atlantic & Pacific Aeroplane Co., Van Nuys, Calif. (If granted: The Great Atlantic & Pacific Aeroplane Co., would receive an increase in its base period use of aviation fuel and kerosene jet fuel.)	FEE-3518— FEE-3519	Exception to increase base period use.
Do.....	Major Oil Co., Miles Oil Co., and Olympian Oil Co., San Francisco, Calif. (If granted: The FEA's Nov. 5, 1976, order relieving Gulf Oil Corp. of supply requirements in the western region would be rescinded and Major Oil Co., Miles Oil Co., and Olympian Oil Co. would continue to receive their base period use of petroleum products from Gulf Oil Corp.)	FEA-1088— FEA-1090	Appeals of FEA's Nov. 5, 1976, order.
Dec. 16, 1976..	R. & D. Oil Co., Inc., Iron Range Propane Co., Inc., Hibbing, Minn. (If granted: The remedial order dated Dec. 1, 1976, would be rescinded and R. & D. Oil Co., and Iron Range Propane Co., Inc., would not be required to make refunds for overcharges in their sales of propane during the period Nov. 1, 1973, through Dec. 26, 1974.)	FRA-1000— FES-1091	Appeal of remedial order dated Dec. 1, 1976. Stay request.
Do.....	Gulf Energy & Development Corp. (Intrastate Gathering Corp.), Washington, D.C. (If granted: Gulf Energy & Development Corp., on behalf of its wholly owned subsidiary, the Intrastate Gathering Corp., would be permitted to (i) increase prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its Elio and Kunge gas processing plants; (ii) increase prices to reflect nonproduct cost increases retroactive to August 1973; and (iii) receive a retroactive adjustment to its May 15, 1973, selling price for the period April through December 1974.)	FEE-3521 FEE-3522	Price exception. (Sec. 212.165.)

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Permult Production Co., Tulsa, Okla. (If granted: Permult Production Co. would receive an exception from the 2-mo adjustment rule which would permit the upper tier ceiling price to be paid for crude oil produced in February 1976 from 2 wells located in Osage County, Okla.)	FEE-3524	Price exception. (Sec. 212.74.)
Do.....	Piedmont Associates, Inc., Warrenton, Va. (If granted: Piedmont Associates, Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, BP Oil.)	FEE-3523	Exception to change suppliers.
Do.....	Power Test Corp., Washington, D.C. (If granted: Power Test Corp. would be permitted to import into districts 1 though IV on a fee-free basis 1,661,626 bbl of finished products (motor gasoline and No. 2 fuel oil).)	FFI-0100	Exception from the base fee requirements. (Sec. 213.35.)

[FR Doc.76-38294 Filed 12-27-76;1:24 pm]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Delay In Prescription of Test Procedures

The Federal Energy Administration (FEA) hereby gives notice, pursuant to section 323(a)(6) of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163), that it cannot within the statutory time period prescribe certain final test procedures.

Section 323(a)(4)(B) of the Act requires that, not later than December 31, 1976, FEA shall prescribe test procedures for the following types of covered products: home heating equipment (not including furnaces) and kitchen ranges and ovens. Section 323(a)(6) of the Act, however, provides that FEA may delay the prescription of test procedures for a type of covered product (or class thereof) beyond the required dates if it determines that it cannot, within the applicable time period, prescribe test procedures applicable to such type (or class thereof) that meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER.

FEA is today giving notice of its determination that it cannot by December 31, 1976 prescribe test procedures applicable to home heating equipment (not including furnaces) and kitchen ranges and ovens that meet the requirements of subsection 323(b). FEA will prescribe such test procedures as soon as practicable, unless it determines that test procedures cannot be developed which meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor.

Issued in Washington, D.C., December 28, 1976.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-38482 Filed 12-29-76;3:03 pm]

BRYAN MOUND SALT DOME STORAGE SITE

Availability of Final Site—Specific Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C) et seq., the Federal Energy Administration (FEA) has prepared a final site-specific environmental impact statement (EIS) for the Bryan Mound salt dome site, one of five storage sites that is being considered for the creation of a Strategic Petroleum Reserve. The Reserve is mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C., Sections 6231-6242. The Reserve will be created for the storage of approximately 500 million barrels of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the international energy program.

The Bryan Mound salt dome site is located in Brazoria County, Texas. This site is currently under consideration for use in the Early Storage Reserve, i.e., for the first 150 million barrels of storage capacity. The final Bryan Mound EIS (FES-76/77-6) includes comments received by FEA on the draft EIS for the Bryan Mound site (DES-76-6) and FEA analyses and responses to those comments.

Single copies of the final Bryan Mound EIS may be obtained from the FEA Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the final Bryan Mound EIS will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the final Bryan Mound EIS to Executive Communications, Box JZ, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the document submitted to FEA Executive Communications with the designation, "Final Bryan Mound EIS." Fifteen copies should be submitted. All comments should be received by FEA by January 28, 1977, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., on December 28, 1976.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration

[FR Doc.76-38481 Filed 12-29-76;3:05 pm]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1534]

S. H. MOULTON CO.

Order of Revocation of License

By letter dated November 23, 1976, Mr. Steven H. Moulton, S. H. Moulton Company, 6999 Metroplex Drive, Romulus Michigan 48174 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1534 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 22, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

S. H. Moulton Company has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1534 issued to S. H. Moulton Company be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1534 be and is hereby revoked effective December 22, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon S. H. Moulton Company.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing

[FR Doc.77-272 Filed 1-3-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 38]

SAFEWAY SHIPPING CO., INC.

Order of Revocation of License

By letter dated November 22, 1976, Mr. Roy Slack, President, Safeway Shipping Co., Inc., 114 Liberty Street, New York, NY 10006 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 38 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 22, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force

unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Safeway Shipping Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 38 issued to Safeway Shipping Co., Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 38 be and is hereby revoked effective December 22, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Safeway Shipping Co., Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-271 Filed 1-3-77;8:45 am]

[Docket No. 72-41; General Order 35]

ATLANTIC CONTAINER LINE

Truck Detention at Port of New York

The following constitutes an addition to the list of Parties Responsible For Receipt And Settlement of Claims in this proceeding published September 21, 1976, [41 FR 41162].

ATLANTIC CONTAINER LINE

Mr. James Mella and Mr. William Cynes, 80 Pine Street, New York, N.Y. 10005 (201) 289-3000. Elizabeth Terminal, Port Newark, N.J., Berths 68 and 70, buildings 2180 and 3000.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-273 Filed 1-3-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-17478, et al., Issued November 30, 1976]

COASTAL STATES GAS PRODUCING CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

DECEMBER 21, 1976.

In FR Doc. 76-35862 published in the FEDERAL REGISTER on December 8, 1976, at 41 FR 53703, in the tabulation on page 53703, in the entry for Docket Number C177-68, Pioneer Production Co., under the column headed "Docket and Date Filed" change "C177-68" to read: C177-60.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-278 Filed 1-3-77;8:45 am]

[Docket No. RP75-91]

CONSOLIDATED GAS SUPPLY CORP.

Order Granting Motion To Sever and Consolidate Proceedings and To Omit Initial Decision

DECEMBER 27, 1976.

On December 1, 1976, Consolidated Gas Supply Corporation (Consolidated) filed a Motion to Sever and Consolidate Proceedings and to Omit Initial Decision in the instant docket. Consolidated seeks to sever from its pending rate case, Docket No. RP75-91, the depreciation issue and consolidate it with four other depreciation proceedings currently consolidated and before the Commission.[1]

Consolidated also moves the Commission to omit the initial decision in the current docket (RP75-91) which would allow the Commission to consider the five currently pending depreciation proceedings as a single unit. On December 6, 1976, the Rochester Gas and Electric Corporation filed a response in which it indicated that subject to certain understandings it supported Consolidated's motion. These understandings were that Consolidated's motion goes solely to the depreciation issue in Docket No. RP75-91 and that the evidence submitted in connection with the depreciation issue in Docket No. RP75-91 would continue to be a part of the record in the remainder of that docket. On December 15, 1976, the Commission Staff filed an answer opposing Consolidated's motion to sever, consolidate, and omit the initial decision.

A similar situation confronted the Commission on May 30, 1975, when the Commission issued an order "Granting Motion to Sever and Consolidate Depreciation Issues and Extend Procedural Dates" in Docket Nos. RP71-77, RP72-104, RP73-107, and RP74-90. In that order we stated:

> We have no doubt that there are many similarities among Docket Nos. RP71-77, RP72-104, RP73-107 and RP74-90 and that they contain many common questions of law and/or fact as incident to their embracing four successive rate filings by a single natural-gas company. Such common questions give us authority under § 1.20(b) of our Rules of Practice and Procedure to consolidate the proceedings or common parts of them. And while we can appreciate that different test periods and rate levels may be involved, and that there may be differences in the postures of the proceedings, we believe on balance that such differences are outweighted by the common veins among the proceedings and, consequently, that it is appropriate and in the public interest to sever the depreciation issues from Docket Nos. RP72-104, RP73-107 and RP74-90 and to consolidate those severed issues with the depreciation issue in Docket No. RP71-77 for the purposes of hearing and decision.

For the same reasons we are inclined to sever the depreciation issue in Docket No. RP75-91 and consolidate it with the current consolidated depreciation proceeding.

As noted above, the consolidated depreciation proceeding is the subject of an initial decision issued by Presiding Administrative Law Judge Benkin, issued April 12, 1976, and currently before the Commission on exceptions. Owing to the status of that proceeding, it would be a hollow gesture to consolidate the RP75-91 proceeding with it and not omit the initial decision in RP75-91. Owing to the commonality of the facts and/or law of the five depreciation proceedings, we feel that it would be administratively expedient to omit the initial decision in RP75-91 and thus allow the Commission to dispose of the entire package of pending depreciation issues relating to Consolidated.

Consolidated's motion also suggested that a short briefing schedule be established if the Commission were to grant its motion to sever, consolidate, and omit initial decision. The briefing schedule proffered by Consolidated was that initial briefs be submitted three weeks after the issuance of this order and reply briefs be due two weeks thereafter. Inasmuch as the omission of the initial decision will put this proceeding in the posture of any other proceeding before the Commission on exceptions, we feel that it is only proper to establish a briefing schedule analogous to that set forth in our Rules for briefs on exceptions and briefs opposing exceptions. Accordingly, we will adopt the filing requirements set forth in § 1.31 of the Commission's Rules of Practice and Procedure.

The Commission finds and orders

(A) Consolidated's Motion to Sever and Consolidate Proceedings and to Omit Initial Decision should be and is hereby granted.

(B) The Presiding Administrative Law Judge should be and is hereby directed to certify the record in Docket No. RP75-91 to the Commission.

(C) Initial briefs in Docket No. RP75-91 shall be filed within thirty days after the issuance of this order and reply briefs shall be filed in response to initial briefs within twenty days after the filing of initial briefs.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-279 Filed 1-3-77;8:45 am]

[Project No. 2232]

DUKE POWER CO.

Application for Approval of Easement Over Project Lands

DECEMBER 27, 1976.

Public notice is hereby given that an application was filed on October 12, 1976, under the Federal Power Act, 16 U.S.C. 791a-825r, by Duke Power Company (Correspondence to: Mr. William L. Porter, Associate General Counsel, Duke Power Company, Box 2178, Charlotte, North Carolina 28242) for Commission approval of the grant of an easement over certain lands of the Mountain Island Development of the Catawba-Wateree Project, FPC No. 2232, to the State of North Carolina for the construction and maintenance of a highway bridge and its approaches. The affected project lands are located in Gaston County, North Carolina, on the Catawba River.

The proposed bridge would replace the existing steel beam span bridge over which State Road 1909 crosses the Catawba River. Applicant states that the existing one-lane bridge is in poor structural condition and has a low capacity, and consequently is considered a public safety hazard. The new bridge would be 90 feet long and 26 feet wide, and would accommodate two lanes of traffic. The right-of-way for the bridge and approaches would be 60 feet wide.

Upon completion of the new bridge, the superstructure and a portion of the substructure of the old bridge would be removed, and the remaining portion of the substructure left intact. The new bridge would be located about eight feet upstream (north) of the old bridge.

Applicant has requested the shortened procedure provided for under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 10, 1977, file with the Federal Power Commission, 825 N. Capitol St. N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-283 Filed 1-3-77;8:45 am]

[Docket Nos ER76-716, ER76-792 and E-9329]

INDIANA & MICHIGAN POWER CO.

Electric Rates; Suspension

DECEMBER 28, 1976.

On December 1, 1976, Indiana & Michigan Electric Company (I & M) tendered for filing with the Commission a superseding service agreement with the Richmond Power & Light Company of the City of Richmond (RP & L), Indiana, containing tariff rate WS. The revised service agreement is proposed to become effective on January 1, 1977, the expiration date of the current rate schedule. RP & L filed a petition to intervene and objected to the terms of service under the proposed agreement. For the reasons set forth below, the Commission shall suspend the effectiveness of the service agreement for one day, consolidate the proceedings with ongoing consolidated Docket Nos. ER76-792 and E-9329,[1] and grant the petition to intervene.

RP & L is currently being served under I & M's Rate Schedule FPC No. 58,[2] which contains the company's tariff Rate IP. On December 15, 1976, RP & L filed a petition to intervene, stating its objection to certain terms of service of the proposed service agreement.

The proposed superseding service agreement would place RP & L on tariff rate WS and under new terms of service to which RP & L objects. Specifically, RP & L contends: (1) that I & M's proposed contract capacity of 76,000 kw does not conform to Tariff WS; (2) that the application to RP & L of I & M's minimum billing demand provision of 100 percent of contract capacity for partial requirements customers would constitute unlawful discrimination; and (3) that a price squeeze would result from imposition of the tendered service agreement on RP & L.

RP & L requests that we reject the filing and that we excise from I & M's Tariff WS the provision requiring partial requirements customers to pay a monthly minimum billing demand equal to 100 percent of contract capacity. In the alternative, RP & L requests a five month suspension. We note that there is no patent failure on the part of I & M to comply with the Commission's filing requirements, such as would require rejection of its filing under § 35.5 of our Regulations. The issues raised by Petitioners can most appropriately be addressed in a hearing.

The Commission's review of I & M's filing indicates that the terms and conditions of the proposed service agreement have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept I & M's proposal for filing and suspend its operation for one day, to become effective January 2, 1977, and grant RP & L's petition to intervene. Since a hearing on similar service agreements between I & M and the cities of Anderson, Indiana, and Mishawaka, Indiana, containing terms similar to those in dispute herein, has previously been ordered in consolidated Docket Nos. ER76-792 and E-9329, the Commission shall consolidated the instant docket with that ongoing proceeding for purposes of hearing and decision. The proposed rate level under tariff rate WS will of course be subject to refund pending the outcome of the proceedings in Docket Nos. ER76-714, et al.

I & M requested waiver of the cost support filing requirements of the Commission's Regulations for the instant filing, since it included cost support for tariff rate WS in its May 28, 1976, filing in Docket Nos. ER76-714, et al.

In view of the foregoing, it appears appropriate to grant the waiver requested by I&M. However, I&M should file in Docket No. ER76-716 support for the contract capacity specified in the proposed service agreement for service to RP&L.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the filing requirements be waived as requested by I&M and that the service agreement proposed in Docket No. ER76-716 be accepted for filing and suspended for one day, to become effective January 2, 1977, pending hearing and decision as to its lawfulness.

(2) Good cause does not exist to grant RP&L's motion to reject, a motion for rescission of tariff provision or its motion for a five month suspension.

(3) Intervention in this docket by the RP&L may be in the public interest

(4) Good cause exists to consolidate with Docket Nos. ER76-792 and E-9329 the issues with respect to RP&L concerning the limitation of contract capacity and day to day service and to consider in the separate proceeding, Docket No ER76-716, all other issues relating to RP&L.

The Commission orders: (A) Pursuant to the authority contained in the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the terms and conditions of I&M's proposed service agreement filed in Docket No. ER76-716. In connection therewith, I&M is hereby required to file therein, within 30 days of the issuance of this order, support for the contract capacity specified in the proposed service agreement for service to RP&L.

(B) I&M's request for waiver of certain filing requirements is hereby granted.

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[1] Previously consolidated by Commission Order dated September 23, 1976.

[2] Designated as: Indiana & Michigan Electric Company Service Agreement under FPC Electric Tariff WS Volume No. 1 (Richmond).

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[1] These proceedings are Docket Nos. RP71-77 (remand), RP72-104, RP73-107, and RP 74-90, which are the subject of an initial decision of the Presiding Administrative Law Judge issued April 12, 1976.

(C) Pending a hearing and decision thereon, I&M's proposed service agreement tendered in Docket No. ER76–716 is hereby accepted for filing and suspended for one day, to become effective January 2, 1977, subject to refund.

(D) Richmond Power & Light is hereby permitted to intervene in Docket No. ER76–716, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of this intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) Nothing contained herein shall be construed as limiting the rights of parties to Docket No. ER76–716 regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure, 18 CFR 1.18.

(F) The proceedings in Docket Nos. ER76–792 and E–9329, together with the related issues set forth in finding paragraph (4) above, are hereby consolidated for purposes of hearing and decision.

(G) The Presiding Administrative Law Judge in these proceedings is hereby authorized to convene any further prehearing conferences that may be necessary in view of the consolidation of Docket No. ER76–716 with Docket Nos. E–9329 and ER76–792. Said Presiding Law Judge is hereby authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(H) RP&L's motion to reject, motion for rescission of tariff provision and motion for five month suspension are hereby denied.

(I) The Secretary shall cause prompt publication of the order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-281 Filed 1-3-77;8:45 am]

[Docket No. ER77-119]

IOWA PUBLIC SERVICE CO.

Filing of Termination Notice

DECEMBER 28, 1976.

Take notice that on December 13, 1976, Iowa Public Service Company (Iowa) filed notice of termination of the July 1, 1946 agreement with the town of Denver, Iowa for the sale of electric energy at wholesale (Rate Schedule FPC No. 27). The agreement provided for an initial term of ten years and for five-year terms thereafter unless cancelled by 90 days written notice prior to the end of any term.

Iowa states that notice of the termination was served upon the Mayor of Denver on March 29, 1976 and acknowledged by the Mayor on March 30, 1976.

The termination was effective on July 1, 1976.

Any person desiring to be heard or to protest said termination should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-277 Filed 1-3-77;8:45 am]

[Docket No. ER77-120]

IOWA PUBLIC SERVICE CO.

Filing of Termination Notice

DECEMBER 28, 1976.

Take notice that on December 13, 1976, Iowa Public Service Company (Iowa) filed notice of termination of the December 10, 1956 agreement with the town of Hudson, Iowa for the sale of electric energy at wholesale (Rate Schedule FPC No. 31). The agreement provided for an initial term of five years and for five-year terms thereafter unless cancelled by 90 days written notice prior to the end of any term.

Iowa states that notice of the termination was served upon the Mayor of Hudson on August 16, 1976 and acknowledged by the Mayor on August 18, 1976.

The termination was effective on December 10, 1976.

Any person desiring to be heard or to protest said termination should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-278 Filed 1-3-77;8:45 am]

[Project No. 2323]

NEW ENGLAND POWER CO.

Application for Authorization To Convey Interests in Project Lands

DECEMBER 27, 1976.

Public notice is hereby given that an application was filed on September 29, 1976, under the Federal Power Act, 16 U.S.C. 791a–825r, by New England Power Company (Correspondence to: Mr. Edward A. Plumley, Vice President, New England Power Company, Turnpike Road, Westboro, Massachusetts 01581) for Commission authorization to grant a fee simple deed to certain lands of the Deerfield Project, FPC No. 2323, to the Village of Readsboro, Vermont (Grantee) for the construction thereon of a sewage treatment plant. Applicant also seeks permission to grant several easements in connection with the proposed plant. The affected lands are located in the southeastern portion of the Harriman Development of Project No. 2323 in Bennington County, Vermont, on the Deerfield River.

The land to be conveyed in fee simple would comprise 20.44 acres. In addition, Applicant would grant the following: a permanent easement 200 feet long and 20 feet wide for an outfall pipeline; a permanent easement 250 feet long and 20 feet wide for a six-inch pressure sewer line; a 50-foot-wide temporary easement on each side of the above-mentioned permanent easements; an 85-foot-long, 30-foot-wide permanent easement for the construction of an access road; and a 30-foot-wide temporary easement on each side of the roadway easement.

The proposed sewage treatment plant and appurtenant facilities would discharge up to 75,000 gpd of treated sewage into the Deerfield River. Applicant states that Grantee has obtained a Temporary Pollution Permit, as well as a Land Use Permit, from the State of Vermont Agency of Environmental Conservation. Further, Grantee will obtain a permit from the U.S. Department of the Army, Corps of Engineers, for any stream dredging and filling that is necessary.

Applicant has requested the shortened procedure provided for under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application, should, on or before February 10, 1977, file with the Federal Power Commission, 825 N. Capitol St. N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-280 Filed 1-3-77;8:45 am]

[Docket Nos. RP71-107 (Phase II) and RP72-127 (PGA77-1, 77-1a and R&D 77-1)]

NORTHERN NATURAL GAS CO.

Tariff Sheets Accepted for Filing

DECEMBER 23, 1976.

On October 27, 1976, as amended on November 24, 1976, Northern Natural Gas Company (Northern) tendered for filing proposed changes to its tariff.[1] These tariff sheets reflect a 15.69 cents per Mcf increase of which 14.91 cents per Mcf, or approximately $103 million per year relates to purchased gas costs attributable to Opinion No. 770–A.

The proposed increase is part of Northern's annual PGA rate increase, modified to give effect to producer increases resulting from Opinion No. 770–A. This filing does not include any emergency purchases in excess of the Opinion No. 770–A rates.

The proposed rate increase includes a 0.10 cent per Mcf increase related to increased research and development expenses. These expenses relate to seven research and development projects, the costs of which are reflected currently in Northern's rates. Five of these projects have been approved by the Commisison for rate treatment as R&D expenses. The remaining two projects, a coal gasification study and a coal slagging gasifier project, have been set for hearing in Docket No. RP72–127 (R&D 75–1). In view of this, the Commission believes that the proposed rate increase relating to the increased research and development expenses should be collected subject to refund pending a final determination of the propriety of including the costs of the two projects in Northern's rates.

The Commission orders: (A) The tariff sheets tendered by Northern on October 27, 1976, as modified by Northern's filing on November 24, 1976, are hereby accepted for filing and allowed to become effective on December 27, 1976; provided, however, the increased rates associated with Northern's research and development expenses be subject to refund pending final Commission determination in Docket No. RP72–127 (R&D 75–1).

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-282 Filed 1-3-77;8:45 am]

[Docket Nos. CP71-237; CI71-714]

PANHANDLE EASTERN PIPE LINE CO. AND PAN EASTERN EXPLORATION CO.

Order Approving Settlement and Terminating Procedures

DECEMBER 22, 1976.

Certificates; Pipeline Production; Abandonments; Transfer, Exploration and Development, Area Rates, National Rates Settlement, Court Remand. Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, and James G. Watt.

On August 24, 1976, Presiding Administrative Law Judge Thomas L. Howe certified to the Commission a document entitled "Stipulation and Agreement"[1] which provides for the settlement of all contested issues in these proceedings as well as other matters relating to the operations and future programs of Pan Eastern Exploration Company (Pan Eastern) and Panhandle Eastern Pipe Line Company (Panhandle). We find the Stipulation and Agreement to be in the public interest and hereby adopt and approve the same and terminate these proceedings.

In *Cities of Fulton and Macon, Missouri* v. *F.P.C.*,[2] the Court affirmed Commission Opinion Nos. 626 and 626–A[3] but "retain[ed] jurisdiction . . . for the purpose of allowing the FPC to seek a remand, if so advised, to examine the continued reasonableness of its orders in light of change circumstances."[4] By order issued May 19, 1975,[5] we directed the Solicitor to seek a remand of the record in these proceedings pursuant to § 19(b) of the Natural Gas Act[6] "to permit [the presentation of] additional evidence on the following issues:

(i) Whether $43,609,250 constitutes the "full difference" between Panhandle's cost of service and the applicable area rates or whether such figure should be increased to reflect certain rate increase in the applicable area rates;

(ii) Whether Panhandle should be required to maintain a certain level of expenditures for exploration and development in addition to the monies expended by Pan Eastern, and, if so, what that level should be;

(iii) Whether, in addition to the refunds required should Pan Eastern fail to find and dedicate 400,000,000 Mcf in new gas reserves to Panhandle's system, Panhandle should be required to repay some portion of the full difference between the cost of service and the applicable area rates; and

(iv) Whether some adjustment shoud be made to the amounts which Pan Eastern must credit to the fund to reflect the rates established by Opinion No. 699–H and other pending national rate proceedings, i.e., Docket Nos. R–478 and RM75–14."

The Commission's motion was granted by the Court of Appeals on June 19, 1975, and, on December 2, 1975, we issued an order reopening these proceedings and scheduling hearings on the above issues.[7] The Stipulation is the product of discussions held during the course of the reopened proceedings among Panhandle and Pan Eastern, the Commission Staff, and the parties to these proceedings.

Before reviewing the provisions of the Stipulation and Agreement, a brief review of the transactions approved in Opinion Nos. 626 and 626–A is appropriate. Opinion Nos. 626 and 626–A authorized Panhandle to abandon and transfer to Pan Eastern all of its gas pro-

[1] On October 27, 1976, Northern tendered Twelfth Revised Sheet No. 4a and Eighth Revised Sheet No. 4b to its FPC Gas Tariff, Third Revised Volume No. 1 and Thirteenth Revised Sheet No. 1c to Original Volume No. 2.

On November 24, 1976, Northern filed Substitute Twelfth Revised Sheet No. 4a and Substitute Eighth Revised Sheet No. 4b to Third Revised Volume No. 1 and Substitute Thirteenth Revised Sheet No. 1c to Original Volume No. 2.

[1] The Stipulation and Agreement consisting of 17 pages of text and an Appendix A of 10 pages is attached hereto as Appendix I.

[2] 512 F. 2d 947 (D. C. Cir. 1975).

[3] 48 F.P.C. 518 (1972), reh. denied, 48 FPC 1102 (1972).

[4] 512 F. 2d 947, 955. The change circumstances which "troubled" the Court included the issuance of the opinions establishing national rates for new gas Just and Reasonable National Rates For Sale of Natural Gas From Which Wells Commenced On Or After January 1, 1973, And New Dedications of Natural Gas To Interstate Commerce On Or After January 1, 1973, 51 F.P.C. 2212, reh. denied, 52 F.P.C. 1604 (1974), aff'd sub nom. *Shell Oil Company, et al.* v. *F.P.C.*, 520 F. 2d 1061 (5th Cir. 1975), cert. denied sub nom. *Chevron Oil Co., et al.* v. *F.P.C.*, 44 U.S. L.W. 3719 (June 14, 1976). Subsequent to those opinions, national rates were established for flowing gas. Just and Reasonable Rates For Sales of Natural Gas From Wells Commenced Prior to January 1, 1973, Opinion No. 749, ---- F.P.C., ------ (December 31, 1975), reh. denied, Opinion No. 749–C, ---- F.P.C. ------ (July 19, 1976), appeal pending sub nom. *Tenneco Oil Company, et al.* v. *F.P.C.*, No. 76-2960 (5th Cir., filed July 19, 1976). In addition, the national rates established in Opinion Nos. 699 and 699–H were partially modified and superseded by the rates established in Opinion Nos. 770 and 770–A. National Rates For Judicial Sales of Natural Gas dedicated To Interstate Commerce On Or After January 1, 1973, For The Period January 1, 1975, To December 31, 1976, ---- F.P.C. ------ (July 27, 1976), reh. denied, ---- F.P.C. ------ (November 5, 1976), appeals pending sub nom. As hereinafter set forth, the Stipulation and Agreement accounts for all of these rate changes.

[5] "Supplemental Order", ---- F.P.C. ------

[6] "Order Reopening Proceedings and Scheduling Formal Hearing on Limited Issues", ---- F.P.C ------

duction properties and related production facilities. Concurrently, Pan Eastern was authorized to sell to Panhandle the gas produced from the transferred properties at the applicable area rates instead of at Panhandle's cost of service. Pan Eastern's collection of these increased rates was expressly conditioned on its establishment of an exploration and development fund equivalent to the difference in rates (stated to be $43,609,205) plus 3.0 cents per Mcf and 50.0 cents per barrel for all recoverable gas and oil reserves, respectively, discovered by Pan Eastern. Pan Eastern was also required to dedicate 400,000,000 Mcf of new gas reserves to Panhandle within seven (7) years of the commencement of the program or to reimburse Panhandle 11.0 cents per Mcf for each Mcf of the difference between 400,000,000 Mcf and the gas reserves actually dedicated.

The Stipulation and Agreement substantially modifies the original proposal approved by the Commission. The pricing provisions take into account the source of funds used to develop the new gas reserves and recognize the higher prices of gas, crude oil and other liquid hydrocarbons now prevailing. The term of the agreement is extended to 1968. The requirement that Pan Eastern dedicate a specific volume of gas to Panhandle is deleted, but Pan Eastern is still required to sell all new gas reserves to Panhandle except volumes which cannot be feasibly made available.* A general description of the provisions of the Stipulation and Agreement is set forth below.

Article I states that the Stipulation and Agreement is a negotiated settlement which settles all contested issues and additional matters relating to Pan Eastern's operation and future programs as set forth therein.

Article II provides that Pan Eastern shall sell "Flowing Gas" and "New Gas" to Panhandle. Flowing Gas is defined as all gas produced from wells commenced prior to January 1, 1973, which were connected to Panhandle's system and transferred to Pan Eastern on or before January 1, 1973. New Gas is defined as all gas produced by Pan Eastern from wells commenced on or after January 1, 1973, except for volumes which cannot feasibly be made available to Panhandle.

Article III defines the funds which Pan Eastern shall invest in gas lease acquisition, exploration, development and production activities. The funds are:

1. The amount by which the revenues for Flowing Gas exceed the cost of service (computed in accordance with Appendix A to the Stipulation and Agreement) for each calendar year commencing January 1, 1973. (This amount is referred to as the Differential Amount.);

2. For each Mcf of New Gas, an amount equal to the sum of (i) the Base Price multiplied by the percentage equal to 25% less 25% times the Source Factor and (ii) the Supply Refund Price multiplied by 10% times the Source Factor. (The Supply Refund Price is equal to the difference between the Base Price and the bracketed quantity set forth in Article IV(B)(1).);

3. One-seventh of the amount received from the sale of oil, condensate, and liquid hydrocarbons produced from Pan Eastern's interest in gas leases;

4. The amount received by Pan Eastern upon conveying oil-only leases in accordance with Article VII(C), which shall be equal to Pan Eastern's share of lease acquisition, exploration, development, and any other expenditures on such leases; and

5. One-seventh of the amount received by Pan Eastern's transferee or subsequent assigns from the sale of that portion of oil and liquid hydrocarbons produced from Pan Eastern's former interest in oil-only leases acquired after the approval date and conveyed in accordance with Article VII(C).

Article IV specifies the price provisions to be included in contracts or rate schedules for the sale of gas by Pan Eastern to Panhandle as follows:

1. For Flowing Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers, subject to the price adjustments permitted for such gas;

2. For New Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers including Btu adjustments and periodic adjustments, subject to other price adjustments permitted for such gas and to the Supply Refund Adjustment.

The Source Factor is defined as a fraction which is deemed to be unity on the date the order approving the Stipulation and Agreement becomes final and nonappealable and which is to be recomputed each succeeding December 31, but which is never to exceed unity. The numerator is the sum of the cumulative differential amounts computed under Article III (A) for the period from the date the order becomes final and nonappealable, and Pan Eastern's cumulative gross investment as of the date the order becomes final and nonappealable in properties other than the producing properties acquired from Panhandle on or before January 1, 1973. (This investment is referred to as the Phase I investment.) The denominator is the greater of:

1. The sum of (i) Pan Eastern's Phase I Investment; and (ii) the portion of the differential amount computed under Article III(A) for the period from the date the order becomes final and nonappealable until such December 31; and (iii) the cumulative amounts required to be invested pursuant to Article III(C), (E) as of such December 31; or

2. Pan Eastern's cumulative gross investment in properties other than the producing properties acquired from Panhandle on or before January 1, 1973.

The Supply Refund Adjustment Provisions in the Pan Eastern-Panhandle contracts are not to operate during any period in which the cumulative total of Supply Refund Adjustment dollars for volumes sold after January 1, 1973, exceeds the cumulative Differential Amount computed under Article III(A). Article IV also provides for the determination of the Supply Refund Adjustment in the event of certain specified changes in the Commission's regulation of pipeline or pipeline affiliate owned gas or the termination of the program pursuant to Article VIII.

Article V states that the Stipulation and Agreement is made in recognition of present governmental policies and that any party or the Commission Staff may request a prospective review and revision of the pricing formula in Article IV if there is a major change in these policies not covered by a provision of the Stipulation and Agreement.

Article VI requires Pan Eastern to file annual reports with the Commission and any party which requests copies of such reports. This report is to be filed on Appendix A to the Stipulation and Agreement and is to include cumulative data in addition to the prior calendar year's operations. In addition, Pan Eastern is to file quarterly reports during any suspension of the Supply Refund Adjustment provisions pursuant to Article IV (B)(3).

Article VII states that the purpose of the Stipulation and Agreement is to augment the gas supplies available for sale to the customers served by Panhandle's pipeline system and places certain constraints on Pan Eastern's operations.

Pan Eastern may not sell or otherwise transfer properties acquired from Panhandle on or before January 1, 1973, without prior Commission authorization.

Pan Eastern is required to engage in exploration, development, and production activities on a continuous basis and to endeavor to utilize the funds required to be invested pursuant to Article III in an expeditious manner consistent with prudent and reasonable management judgment. Furthermore, Pan Eastern is to maintain a balanced program of lease acquisition, exploration, and development in order to connect new supplies of gas to Panhandle's system as soon as reasonably possible and, during the next three years, to give primary emphasis to the development of existing leases.

Pan Eastern is to transfer to an affiliate the explored and developed portions of leases which will produce primarily oil and the wells on such leases have been designated as oil wells by the responsible governmental agency. The affiliate is to pay Pan Eastern an amount equal to all of Pan Eastern's expenditures on the properties transferred.

Finally, any property acquired subsequent to January 1, 1973, may, under certain conditions, be transferred free and clear of the Stipulation and Agreement other than the commitment of any gas ultimately discovered on such lease to Panhandle upon payment of the greater of the amount of consideration received for the sale or transfer or the amount of Pan Eastern's expenditures on such lease.

Article VIII states that the Stipulation and Agreement is effective as of January 1, 1973, and shall continue in effect until December 31, 1986, and year to year thereafter. Pan Eastern and Panhandle have the right to terminate the Stipulation and Agreement subject to certain conditions if any jurisdictional customer of Panhandle, party to the proceeding, or the Commission, at least six months prior to December 31, 1986, or any subsequent December 31, initiates a review for purposes of modifying the Stipulation and Agreement.

Article IX provides that the Stipulation and Agreement will not become effective until each of three conditions have occurred. First, the Commission has entered a final order approving the Stipulation and Agreement, or, if modified or conditioned, such modifications or conditions are accepted by Pan Eastern and Panhandle and acquiesced in by any party within 15 days of the order, and no person files a petition for rehearing of the Commission's order. Second, Pan Eastern is permitted to collect without suspension or refund obligation the amounts provided for in the Agreement and Panhandle is permitted to include without suspension or refund obligation such amounts in its cost of purchased gas for all purposes. Third, the Commission terminates the proceedings instituted by the December 2, 1975 order and substitutes the provisions of the Stipulation and Agreement for the terms and conditions set forth in Paragraph (B) of the ordering paragraphs of Opinion No. 626.

Article X states that no person will be bound or prejudiced by any part of the Stipulation and Agreement until it is accepted by the Commission and provides that, if it is accepted, Pan Eastern's compliance with its obligations thereunder may be contested by the filing of a complaint or petition for a declaratory order specifying the act of alleged noncompliance and the relief sought.

After a careful review of the Stipulation and Agreement, the comments submitted in support of the Stipulation and Agreement, and the record developed pursuant to our December 2, 1975 order in these proceedings, we find the Stipulation and Agreement to be in the public interest and hereby adopt and approve the same as set forth below. In reviewing the Stipulation and Agreement, we found what appear to be inadvertent typographical errors. The copy of the Stipulation and Agreement attached as Appendix I has the Commission's proposed corrections underlined. These corrections do not change the meaning of the Stipulation and Agreement, and we believe that they are acceptable to all parties.

As previously set forth in the summary of Articles III and IV, the reinvestment provisions are based on complex formulae which take into account the higher prices received for gas, crude oil, condensate, and other liquid hydrocarbons and the source of the funds used to develop new reserves of gas and oil. Under these formulae, the amounts required to be reinvested in exploration, development and production activities increase proportionately with the price received for new supplies of gas and any liquid hydrocarbons discovered through the use of fund monies. This provision is in the public interest and it is substantially more beneficial to Panhandle's customers than the provisions of Opinion Nos. 626 and 626-A which require the reinvestment of only fixed amounts per Mcf and barrel regardless of the price received by Pan Eastern for new reserves of gas and oil.

The pricing formula for new gas sold by Pan Eastern to Panhandle also provides for specific reductions in the prices received which are designed to return in whole or in part the capital contributed by Panhandle's customers through payment of the Differential Amounts. This pricing provision suitably balances the interests of Panhandle and its customers, and we find the same to be in the public interest.

We take note of one matter which is not reflected in the Stipulation and Agreement. On November 9 and 18, 1976, in *American Public Gas Association, et al. v. F.P.C.*, No. 76-2000 (D.C. Cir., filed November 5, 1976), the Court entered a stay of rates prescribed by Opinion Nos. 770 and 770-A, except "as to gas produced from onshore wells commenced, 'spudded,' or drilled after July 27, 1976." This "stay is inapplicable if the producer's filing contains an acknowledgment of refund obligation in the event the Commission's rate increase orders are held invalid, in whole or in part." We will require Pan Eastern to include such an acknowledgment in any contracts or rate schedules which provides for the collection of the rates prescribed in Opinion Nos. 770 and 770-A, except to the extent the production is from "onshore wells commenced * * * after July 27, 1976."

The Commission finds: (1) The Stipulation and Agreement as set forth in Appendix I hereto is in the public interest and should be accepted and approved by the Commission.

(2) Pan Eastern Exploration Company should be permitted to charge and collect without suspension or refund obligation the amount provided for in the Stipulation and Agreement subject to the orders entered November 9 and November 18, 1976, in *American Public Gas Association, et al. v. F.P.C.*, No. 76-2000 (D. C. Cir., filed November 5, 1976).

(3) Panhandle Eastern Pipe Line Company should be permitted to include without suspension or refund obligation all amounts paid to Pan Eastern pursuant to the Stipulation and Agreement in its cost of purchased gas for all purposes including tracking and purchase gas adjustment or any superseding rate adjustment provisions.

(4) The proceeding instituted by the Commission's order of December 2, 1975, in these dockets should be terminated.

(5) Pan Eastern and Panhandle should be relieved of the terms and conditions imposed by Paragraph (B) of the Ordering Paragraphs of Opinion No. 626 and should be subject to and bound by the provisions of the Stipulation and Agreement as set forth in Appendix I hereto.

The Commission orders: (A) The Stipulation and Agreement set forth in Appendix I hereto is adopted and approved by the Commission and all authorizations, limitations and conditions contained in the Stipulation and Agreement are hereby adopted by the Commission as authorizations, limitations and conditions imposed by the Commission with respect to the transactions approved herein.

(B) Pan Eastern Exploration Company is hereby permitted to charge and collect without suspension or refund obligation the amounts provided for in the Stipulation and Agreement subject to the orders entered November 9 and 18, 1976, in *American Public Gas Association, et al. v. F.P.C.*, No. 76-2000 (D.C. Cir., filed November 5, 1976).

(C) Panhandle Eastern Pipe Line Company is hereby permitted to include without suspension or refund obligation all amounts paid to Pan Eastern Exploration Company pursuant to the Stipulation and Agreement in its cost of purchased gas for all purposes including tracking and purchased gas adjustment provisions.

(D) Pan Eastern Exploration Company and Panhandle Eastern Pipe Line Company are hereby relieved of the terms and conditions imposed by Paragraph (B) of the ordering paragraphs of Opinion No. 626 and are hereby subject to and bound by the provisions of the Stipulation and Agreement as set forth in Appendix I hereto.

(E) The proceedings instituted by the Commission's December 2, 1975 order in these dockets are hereby terminated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-104 Filed 1-3-77;8:45 am]

APPENDIX I.—UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Panhandle Eastern Pipe Line Company; Docket No. CP71-237.

Pan Eastern Exploration Company; Docket No. CI71-714.

STIPULATION AND AGREEMENT

August 20, 1976

ARTICLE I

On January 1, 1973, Panhandle Eastern Pipe Line Company (Panhandle) commenced purchasing from Pan Eastern Exploration Company (Pan Eastern) natural gas from leases which had been transferred to Pan Eastern by Panhandle pursuant to Commission Opinion No. 626 issued September 20, 1972, in the above-styled proceedings. Following judicial review of Opinion No. 626 by the United States Court of Appeals for the District of Columbia Circuit, *Cities of Fulton and Macon, Missouri et al. v. FPC*, 512 F.2d 947, the Commission issued orders providing for further proceedings. During the course

* This provision recognizes that Pan Eastern might be required to relinquish certain volumes for compressor fuel or to sell a portion of the volumes to the transporting pipeline to facilitate the delivery of the gas to Panhandle's system.

of the hearings, discussions were held among representatives of Panhandle, Pan Eastern, the Commission Staff and the parties hereto with reference to the contested issues as well as additional matters relating to Pan Eastern's operations and future programs and the rate treatment applicable thereto in this and future Panhandle and Pan Eastern rate proceedings and filings. This Stipulation and Agreement is the product of such discussions and constitutes a negotiated settlement not only of all contested issues herein but also of additional matters relating to Pan Eastern's operations and future programs, subject to the future provisions hereof.

ARTICLE II

Pan Eastern shall sell to Panhandle:

(A) "Flowing Gas" consisting of all Pan Eastern gas produced from wells commenced before January 1, 1973, that were connected to the Panhandle system and transferred to Pan Eastern on or before January 1, 1973; and

(B) "New Gas" consisting of all Pan Eastern gas produced from wells commenced on or after January 1, 1973, except for volumes, if any, which cannot feasibly be made available to Panhandle directly, or through an affiliate pipeline or through exchange or transportation arrangements.

ARTICLE III

Pan Eastern shall invest in gas lease acquisition, exploration, development and production activities, as expeditiously as is reasonably practicable, the sum of the following:

(A) The amount by which the revenues from Flowing Gas sold during each calendar year commencing January 1, 1973 during the term hereof exceeds the cost of service for such year applicable to the producing properties transferred to it by Panhandle, computed in accordance with the provisions of Appendix A hereto (hereinafter referred to as the differential amount) except for any year or portion thereof following the effective date of a statutory, judicial or regulatory determination not subsequently reversed, permitting on an industry-wide basis pipeline or affiliate owned production of the vintage of the Flowing Gas to be priced in the same manner as similar gas produced and sold by independent producers; and

[B] For each Mcf of New Gas Produced and sold under each contract by Pan Eastern during the term hereof, except volumes produced during suspension periods under Article IV (B)(3), the sum of (1) Base Price multiplied by a percentage equal to 25% minus 25% of the Source Factor (SF) and (2) Supply Refund Price[1] multiplied by 10% of the Source Factor (SF); and

[C] One-seventh of the amount Pan Eastern received from the sale of oil, condensate and liquid hydrocarbons produced during the term hereof from its interest in gas leases; and

[D] The amount received during the term hereof by Pan Eastern upon conveying oil-only leases in accordance with Article VII (C), which shall be equal to all amounts expended by Pan Eastern for its share of lease acquisition, exploration, development or any other expenditures on such leases;

[E] One-seventh of the amount received by Pan Eastern's transferee of subsequent assigns from the sale of that portion of oil and liquid hydrocarbons produced during the term hereof from Pan Eastern's former interest in oil-only leases acquired after the approval date and conveyed in accordance with Article VII (C).

ARTICLE IV

The price provisions of contracts or rate schedules for the sale of gas by Pan Eastern to Panhandle shall specify that:

[A] For Flowing Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers, and such Base Price shall be subject to the price adjustments permitted for such gas subject to Commission Regulations applicable to filing and notice.

[B] For New Gas, the Base Price shall be the currently effective area rate, national rate or other rate authorized by the Commission for similar vintage gas sold by independent producers including Btu adjustments and periodic adjustments, and such Base Price shall be subject to other price adjustments permitted for such gas subject to Commission Regulations applicable to filing and notice and unless otherwise provided herein, to the Supply Refund Adjustment as follows:

(1) When base price (P) is—	*Supply refund adjustment is—*
$.52/1,000 ft³ or less	SF [20% x P]
More than $.52/1,000 ft³ but less than $1.01/1,000 ft³	SF [$.104 + .325 (P—$.52)]
More than $1.00/1,000 ft³	SF [$.26 + .45 (P—$1.00)].

(2) The Source Factor (SF) shall be unity as of the date the order approving this Stipulation and Agreement becomes final and nonappealable and shall be recomputed as of each succeeding December 31 to be the fraction (never greater than unity) whose numerator is the sum of the cumulative differential amounts computed under Article III (A) for the period from the date such approval order becomes final and nonappealable, and Pan Eastern's Phase I Investment, consisting of its cumulative gross investment as of the date such approval order becomes final and nonappealable in properties other than the producing properties it acquired from Panhandle on or before January 1, 1973, and whose denominator shall be the greater of:

(a) The sum of (i) Pan Eastern's Phase I Investment; and (ii) the portion of the differential amount computed under Article III (A) for the period from the date such approval order became final and nonappealable until such December 31; and (iii) the cumulative amounts required to be invested pursuant to Article III (C) and (F) as of such December 31; or

(b) Pan Eastern's cumulative gross investment in properties other than the producing properties it acquired from Panhandle on or before January 1, 1973.

(3) Supply Refund Adjustment provisions of contracts between Pan Eastern and Panhandle shall be suspended and inoperative during the period in which the cumulative total of Supply Refund Adjustment dollars for volumes sold after January 1, 1973 exceeds the cumulative differential amount computed under Article III (A).

(4) In the event of statutory, judicial or regulatory determination permitting on an industry-wide basis pipeline or affiliate owned production of the vintage of the Flowing Gas to be priced in the same manner as similar gas produced and sold by independent producers, as to Pan Eastern's gas from leases on which exploration or development by Pan Eastern had commenced, but no gas sales contract covering the well had been executed as of the date such industry-wide determination became effective, the Supply Refund Adjustment in cents per Mcf shall be determined as of such date, to be included in the gas sales contract to be entered into in the event of commercial production, and such amount shall be fixed and remain at that level for the duration of the sale subject to the provisions hereof.

(5) In the event of termination pursuant to Article VIII of this Stipulation and Agreement:

(a) As to Pan Eastern's gas for which a gas sales contract with Panhandle is in effect at the date of such termination, the amount of the Supply Refund Adjustment in cents per Mcf applicable to such contract as of such date shall become fixed and remain at that level for the duration of the sale, subject to the provisions hereof; and

(b) As to Pan Eastern's gas from leases on which exploration or development by Pan Eastern had commenced, but no gas sales contract covering the well had been executed as of the date of such termination, the Supply Refund Adjustment in cents per Mcf shall be determined as of such date, to be included in the gas sales contract to be entered into in the event of commercial production, and such amount shall be fixed and remain at that level for the duration of the sale, subject to the provisions hereof.

ARTICLE V

This Stipulation and Agreement is made in recognition of present governmental agency policies, practices and procedures, including inter alia, statutes and laws, tax regulations, and methods of leasing Federal acreage. The Commission Staff or any party to this proceeding may request of the Commission review and revision prospectively of the pricing provisions of Article IV of there is major revision in practices, procedures and policies referred to in the preceding sentence, other than a revision which has been dealt with in other Articles hereof.

ARTICLE VI

[A] Pan Eastern shall file with the Commission by April 15th of each calendar year a Status Report with respect to the prior calendar year's operations as well as cumulative data, in the manner and format set forth in Appendix A hereto, and shall furnish a copy of each Status Report to any party to this proceeding which has notified Pan Eastern that it wishes to receive such Reports.

[B] At the commencement of any period of suspension of Supply Refund Adjustment provisions permitted under Article IV(B)(3), and for each quarter during such period, Pan Eastern shall file with the Commission and furnish to each party requesting Status Reports under paragraph [A] of this Article, a Special Report setting forth the current cumulative total of Supply Refund Adjustment dollars and the cumulative differential amount, together with a summary of the computation thereof.

ARTICLE VII

An underlying purpose of this Stipulation and Agreement is to augment gas supplies available for sale by Panhandle to customers served by its pipeline system and accordingly, Pan Eastern's efforts shall be specifically directed toward the search for gas to be made available to Panhandle for such purpose, subject to the provisions hereof. Unless otherwise provided by statute or governmental order:

[A] Pan Eastern shall not sell or transfer the properties acquired from Panhandle on or before January 1, 1973 unless so authorized by the Commission.

[1] Supply Refund Price is equal to the difference between the Base Price and the bracketed quantity in the tabulation set forth in Article IV(B)(1) hereof.

(B) Pan Eastern shall carry out the exploration, development and production activities provided for herein on a continuous basis during the term hereof, and shall (1) endeavor to apply or commit the amounts it is obliged to invest under Article III as expeditiously as is reasonably practicable under standards of prudence and normal managerial judgment; and (2) maintain a balanced program in its expenditures for lease acquisition, exploration and development so as to bring forth new gas supplies to be connected or made available to Panhandle's pipeline system as soon as reasonably possible, with primary emphasis during the next three years being given to the development of existing leases; and (3) exercise its judgment with respect to the selection, retention, disposition, exploration, development and production of the leases acquired during the term hereof in accordance with the standards of a prudent operator and shall in connection with the disposition of any lease through farm-out or other similar arrangement, give priority in its objectives to the eliciting of gas supplies for the Panhandle system, but shall not be deemed to have guaranteed the results of programs undertaken during the term hereof.

(C) The explored and developed portions of oil-only leases shall be transferred and conveyed by Pan Eastern to an affiliate in the event exploration and development disclose that the production from such portions of the lease will be primarily oil and the wells are officially designated as oil wells on the records of the governmental regulatory or conservation agency, upon payment by such affiliate to Pan Eastern of all amounts expended by Pan Eastern for its share of lease acquisition, exploration, development and any other expenditures on such portions of such lease.

(D) Any lease acquired by Pan Eastern subsequent to January 1, 1973 on which exploration or development by Pan Eastern had not commenced as of the date of (1) effectiveness of a statutory, judicial or regulatory determination as specified in Article IV(B)(4); or (2) termination pursuant to Article VIII, shall be transferred by Pan Eastern free and clear of any obligation under this Stipulation and Agreement other than the commitment of gas found on such lease to Panhandle, upon the payment to Pan Eastern of the total amount Pan Eastern had expended on such lease at the date of conveyance, or the amount received as consideration from the sale or transfer, whichever is greater.

ARTICLE VIII

This Stipulation and Agreement shall be effective as of January 1, 1973 and shall continue until December 31, 1986, and from year to year thereafter unless six months prior to December 31, 1986 or any subsequent December 31, any jurisdictional customer of Panhandle or party to this proceeding requests in writing, or the Commission orders, as the case may be, a review for the purpose of revising the terms covered by this Stipulation of Agreement, in which event Pan Eastern and Panhandle shall have the right to terminate this Stipulation and Agreement as of such December 31, subject, however, to the provisions of Articles IV (B) (3), IV (B) (5) and VII (D) hereof. Such termination shall not preclude any party to this proceeding from pursuing a pending proceeding which it had initiated under the provisions of Article X (C) hereof.

ARTICLE IX

Neither this Stipulation and Agreement nor any of the provisions hereof shall become effective unless each of the following has occurred:

(A) The Commission shall have entered a final order approving this Stipulation and Agreement without modification or condition (or if conditioned or modified, subject to acceptance by Panhandle and Pan Eastern and acquiescence by any party adversely affected by such condition or modification for a period of fifteen days from the date of such order), and no person or party shall, within 20 days of the date of such order, have filed a petition for rehearing thereof (unless following disposition of such rehearing petition Panhandle and Pan Eastern nevertheless elect to be governed by its terms).

(B) The Commission order referred to in paragraph [A] of this Article shall have provided that Pan Eastern will be permitted to charge and collect without suspension or refund obligation the amounts provided for in the Agreement and Panhandle will be permitted to include without suspension or refund all such amounts in its cost of purchased gas for all purposes including tracking and purchased gas adjustment or any superseding rate adjustment provisions.

(C) Such Commission order shall have terminated the proceedings initiated by its order dated December 2, 1975 herein, and shall expressly relieve Panhandle and Pan Eastern of the terms and conditions imposed by paragraph (B) of the ordering paragraphs of Opinion No. 626, substituting in lieu thereof, the provisions of this Stipulation and Agreement.

ARTICLE X

(A) Neither Panhandle or Pan Eastern, the Commission Staff, nor any party to this proceeding shall be bound or prejudiced by any part of this Stipulation and Agreement unless it is approved and made effective as to all of its terms and conditions without modification in accordance with Article IX.

(B) This Stipulation and Agreement is made upon the express understanding that it constitutes a negotiated settlement of the above-captioned proceeding as well as the additional matters relating to Pan Eastern's operations and future programs.

(C) In the event this Stipulation and Agreement becomes effective in accordance with Article IX, Pan Eastern's compliance with its obligations hereunder may be contested by any party to this proceeding, or any jurisdictional customer of Panhandle, by filing with the Commission during the term hereof, a complaint or petition for declaratory order in which such party or customer specifies the particular act or omission claimed to constitute a violation of the Stipulation and Agreement, and the relief sought

APPENDIX A—*Pan Eastern Exploration Co.*

Item	*Basis*
Costs of Service Old Properties	
Operating expenses	Per books.
Depreciation, depletion, and amortization	Computed on unit of production method.
Taxes:	
Other	Per books.
Federal and state income	Computed on return basis.
Return	Ultimately approved pipeline return in effect during the year.
Miscellaneous gas revenues—Credit	Per books.
Subtotal	
Less: Cost applicable to oil-system sales	Percentage of oil-system sales to total gas delivered times cost of service before deduction.
Total cost of service	
Rate Base Old Properties	
Gas plant	Per books.
Less: Provision for D, D. & A.	Accumulated provision based on unit of production method.
Provision for deferred income tax	Per books.
Subtotal	
Working capital:	
Operating expenses	¼ operating expenses less royalties.
Material and supplies	Per books.
Prepayments	Do.
Total working capital	
Total rate base	
Federal Income Taxes	
Return	As computed.
Additions: Book D, D. & A	Do.
Deductions:	
Tax depreciation	Per tax return applicable to old properties.
Interest expense	As computed.[2]
Statutory deductions	Per tax return applicable to old properties.
Net adjustments	
Federal income tax base	
Federal income tax at statutory rate	
State Income Taxes	
Taxable net income	Sum of Federal income tax base and Federal taxes.
Adjustment to exclude liberalized tax depreciation and other tax adjustments not applicable for State income taxes	Computed.
Taxable net income as adjusted	
State income tax at percentage allowed in last pipeline rate case	

[1] Balance as of Jan. 1.

[2] Ratio of debt and cost allowed in pipeline rate of return applied to rate base for old production properties.

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APPENDIX A.—*Pan Eastern Exploration Co.—Gas sales and revenues, old properties, year ----*

	Field	FPC gas rate schedule	Volume (thousand cubic feet)	Amount
	Sales to Panhandle Eastern:			
	Greenwood Field		1	
	West Panhandle Field		2	
	Adams West Field, et al		3	
	Panoma Gas Area		4	
	Camrick Field, et al		5	
	Hugoton Field (Kansas)		6	
	Hugoton Field (Oklahoma)		7	
	Total sales to Panhandle			
	Sales to others:			
	Hugoton Field (Northern Nat.)		8	
	West Panhandle (Col. Interstate)		9	
	Mocane Tonkama (Northern Nat.)		10	
	Total sales to others			
	Other gas sales			
	Total gas sales			
	Miscellaneous revenues			
	Total revenues			

APPENDIX A.—Pan Eastern Exploration Co.—Reserve and expenditure report for the year——

		Total expenditures	Hugoton-Anadarko area	Texas gulf coast area	Southern Louisiana area	Rocky Mountain area
1	Recoverable hydrocarbon reserves:					
2	Balance, beginning of year:					
3	Reserves added during year					
4	Reserves produced during year					
5	Changes in reserve estimates					
6	Other changes (specify)					
7	Net change					
8	Balance, end of year					
9						
10						
11	Exploration and development expenditures:					
12	Exploration:					
13	Drilling and equipping exploratory wells					
14	Exploratory dry holes					
15	Acquiring undeveloped acreage					
16	Lease rentals and related expenditures					
17	Geological and geophysical expenditures					
18	Land dept.; leasing and scouting					
19	Test well and bottomhole contributions					
20	Net of contributions received (dollars)					
21	Other—Specify					
22	Total exploration expenditures					
23						
24						
25	Development:					
26	Drilling and equipping developmental wells					
27	Separation and storage facilities, offshore production platforms					
28	Developmental dry holes					
29	Other—Specify					
30	Total developmental expenditures					
31	Total exploration and developmental expenditures					

PAN EASTERN EXPLORATION COMPANY (PEEC)

Prospect Name
County State
Field
Well(s) Drilled (If more than one well see attachment):
Well Name:
Depth (ft.):
Results and/or tests:
Completion date:
PEEC Interest:
Total acres in prospect area:
PEEC gross (surface) acres PEEC net (mineral) acres:
Date interest in prospect was obtained:

Total costs

Year	Lease	Exploration	Development
1973			
1974			
1975			
1976			
Total to date			

APPENDIX A.—*Pan Eastern Exploration Co.—Revenue and production report*

		Volumes	Amounts
1	Revenues received from properties dedicated to sales to		
2	Panhandle Eastern Pipe		
3	Line Co.:		
4	From date of order to		
5	Dec. 31, 1976		
6	1977		
7			
8	Total to date		
9			
10	Revenues received from properties acquired subsequent		
11	to Jan. 1, 1973:		
12	From date of order to		
13	Dec. 31, 1976:		
14	Oil		
15	Gas		
16	1977:		
17	Oil		
18	Gas		
19			
20	Total:		
21	Oil		
22	Gas		

APPENDIX A.—*Pan Eastern Exploration Co.—Year ----*

		Annual	Cumulative
	SOURCE FUND DATA		
	Pan Eastern phase I investment		
	Differential computed under article III A of stipulation and agreement		
	Amounts pursuant to article III C and III E		
	Pan Eastern's gross investment in properties (excluding properties acquired from Panhandle on or before Jan. 1, 1973)		
	GAS SALES AND GAS SUPPLY REFUND ADJUSTMENT		
	New gas sales to Panhandle Eastern (thousand cubic feet)		
	Gas supply refund adjustment		

[FR Doc.77-104 Filed 1-3-77;8:45 am]

[Docket No. RP77-20]

RATON NATURAL GAS CO.

Approving Pipeline Rate Increase

DECEMBER 27, 1976.

On November 30, 1976, Raton Natural Gas Company (Raton) tendered for filing [1] a proposed rate increase of $11,219 annually for natural gas sales and services for its sole jurisdictional customer, Midwest Energies, Inc. Raton requests the increase be permitted to become effective on January 1, 1977. For the reasons stated below, the proposed rate increase shall be approved.

In support of its proposed rate increase, Raton submitted a jurisdictional cost of service totalling $1,196,665 based on actual operations for the 12 months ended June 30, 1976, and as adjusted only for a claimed rate of return of 9.35 percent. The proposed rate of return is based on a total capitalization of $946,659 comprised of 38.9 percent debt and 61.1 percent equity, and results in a return on common equity of 11 percent.

Notice of Raton's filing was issued on December 14, 1976, providing for protests or petitions to intervene to be filed on or before December 27, 1976. No comments have been received in response to the notice.

Based on a review of Raton's rate increase application, the Commission finds that the proposed rates have been shown to be just and reasonable and should therefore be approved.

The Commission orders: (A) Raton's proposed rate increase filed herein on November 30, 1976, is accepted for filing and approved, effective January 1, 1977.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-284 Filed 1-3-77;8:45 am]

[1] Fourteenth Revised Tariff Sheet No. 3a to Raton's FPC Gas Tariff, Original Volume No. 1.

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Order Approving Merger of Bank Holding Companies

Ameribanc, Inc., St. Joseph, Missouri ("Applicant"), a registered bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Consolidated Bancshares of Missouri, Inc., St. Joseph, Missouri, under the charter and title of Ameribanc, Inc.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act.

Applicant, the ninth largest banking organization in Missouri, controls 13 operating banks with aggregate deposits of approximately $266.4 million, representing 1.54 percent of the commercial bank deposits in the State.[1] Consolidated Bancshares of Missouri, Inc., is a one-bank holding company owning 89.4 percent of the voting shares of First State Bank, Rolla, Missouri ("Bank"). Acquisition of Bank would increase Applicant's share of State deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would be unchanged.

Bank (deposits: $18.7 million) is the second largest of five banking organizations in the Phelps County banking market and holds 29.4 percent of the deposits in commercial banks therein.[2] None of Applicant's banks are located in the relevant market area. Applicant's nearest subsidiary is located in Higginsville, Missouri, approximately 140 miles from Bank. The record indicates that there is no significant existing competition between Bank and any of Applicant's subsidiaries, and it is not likely that significant competition will develop in view of the distances involved and Missouri's restrictive branching laws. Furthermore, the possibility that approval would eliminate some potential competition is considered remote. The ratio of deposits per bank in the market suggests that de novo entry is unattractive and unlikely at this time. Competitive considerations are, therefore, consistent with approval.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and prospects of Bank are consistent with approval.

[1] All banking data are as of December 31, 1975, and reflect bank holding Company formations and acquisitions approved by the Board to November 12, 1976.

[2] The relevant market is approximated by Phelps County, excluding the southernmost portion.

Affiliation with Applicant should enable Bank to offer expanded or improved banking services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

WILBUR T. BILLINGTON,
Senior Vice President.

DECEMBER 21, 1976.

[FR Doc.77-181 Filed 1-3-77;8:45 am]

FALSBUILDING, INC.

Order Approving Acquisition of Stock Interests in Bank

Falsbuilding, Inc., Columbia Falls, Montana ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 18.7 per cent of the outstanding voting shares of Bank of Columbia Falls, Columbia Falls, Montana ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

In July of 1971, Applicant, a one-bank holding company by virtue of its ownership of 33.3 per cent of the outstanding voting shares of Bank, acquired an additional 18.7 per cent of Bank's shares without the Board's prior approval. In 1972 Applicant sought to divest itself of the shares and is now seeking to acquire them by cash purchase.[1] Bank ($13.4 million in deposits) is the 38th largest banking organization in Montana, controlling 0.46 per cent of the total deposits in commercial banks in the State.[2] Bank ranks fifth in the Flathead County banking market (which is approximated by Flathead County and the northern third of Lake County) and holds 7.8 per cent of market deposits. As Applicant has no other banking subsidiaries, and the proposal involves only the acquisition of additional stock interests in Bank, approval of the application will not result in any adverse competitive effects. It will eliminate neither existing nor potential competition, nor will it increase the concentration of banking resources in any relevant area. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and it appears that Applicant will be able to service the debt associated with this application while adequately maintaining Bank's capital position. Thus, banking factors are consistent with approval.

There is no indication that the convenience and needs of the community to be served are not currently being met. Although there will be no immediate increase in the services offered by Bank, convenience and needs considerations are consistent with approval. Therefore, it is the Board's judgment that acquisition of the shares of Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. Acquisition of the shares of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to authority hereby delegated.

By order of the Board of Governors,[3] effective December 22, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc 77-183 Filed 1-3-77;8:45 am]

[1] It appears from the facts of record that the acquisition of the shares of Bank was based on a misunderstanding of the applicable statutes and regulations relating to the acquisition of the voting stock of banks by bank holding companies. Applicant sought to take prompt corrective action to comply with the Act. In accord with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding the acquisition of the shares of Bank. Upon examination of all the facts of record, the Board is of the view that the facts surrounding the violation are not such as would call for denial of the application.

NORTHWEST BANCORP.

Order Approving Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Ottumwa, Ottumwa, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given

[2] All banking data are as of December 31, 1975.

[3] Voting for this action: Governors Gardner, Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns.

in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 81 banks located in seven upper midwestern States,[1] including Iowa, with total deposits of $6.1 billion.[2] Applicant is the largest banking organization in Iowa, controlling six banks with total deposits of $603.1 million, representing approximately 5.5 percent of the total commercial bank deposits in the State.[3] Acquisition of Bank ($34.5 million in deposits) would increase Applicant's share of Statewide deposits by only 0.3 percent and would have no appreciable effect upon the concentration of banking resources in Iowa.[4]

Bank is the second largest of five banking organizations operating in the Ottumwa banking market,[5] controlling approximately 25.4 percent of market deposits. Two of Bank's competitors are also located in the city of Ottumwa, including the market's largest banking organization, with 49.9 percent of total market deposits. Applicant's two closest banking subsidiaries are located in Des Moines and Keokuk, respectively, 85 and 90 miles from Ottumwa. In view of the distances between Bank and Applicant's banking subsidiaries, and other facts of record, no significant competition exists or is likely to develop in the future between Bank and Applicant's banking subsidiaries. Although Applicant has the financial capability to enter the market "de novo," demographic data suggest that this is not a likely means of entry by Applicant. Consummation of the proposal would not eliminate any significant existing competition, nor have an adverse effect upon the development of future competition in this market. Accordingly, based on the above and other facts of record, the Board has determined that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory and consistent with approval, particularly in light of Applicant's proposal to inject additional capital into Bank upon approval of this application. Affiliation with Applicant will allow Bank to use Applicant's financial and managerial resources to strengthen and expand the services provided by Bank, including expansion of Bank's trust, commercial and agricultural credit services, as well as extending Bank's hours. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as lending some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[6] effective December 27, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-188 Filed 1-3-77;8:45 am]

[1] Minnesota, Montana, North Dakota, South Dakota, Wisconsin, Nebraska, and Iowa.

[2] As of December 31, 1975.

[3] All banking data are as of June 30, 1975, unless otherwise indicated.

[4] As of December 31, 1975.

[5] The relevant market is approximated by Wapello County.

PACESETTER FINANCIAL CORP.

Acquisition of Bank

Pacesetter Financial Corporation, Grand Haven, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to First Security Bank of Grand Blanc, Grand Blanc, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1977.

Board of Governors of the Federal Reserve System, December 27, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-179 Filed 1-3-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0490]

DEXTER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3187) has been filed by the Dexter Corp., Midland Division, E. Water St., Waukegan, IL 60085, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of a butyl acrylate/styrene/methacrylic acid/methyl methacrylate/*N*-(isobutoxy methyl) acramide polymer containing dimethylethanolamine as a component of coatings intended to contact all foods except those containing more than 8 percent alcohol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 21, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.77-165 Filed 1-3-77;8:45 am]

[Docket No. 76D-0444]

EXPORT OF NEW ANIMAL DRUGS FOR INVESTIGATIONAL USE

Availability of Policy and Procedure Guideline

The Food and Drug Administration (FDA) announces the availability of a policy and procedure guideline developed by the Bureau of Veterinary Medicine (BVM). The policy guideline is used to establish the basis upon which new animal drugs for investigational use (INAD's) can be legally exported.

Section 801(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(d)) establishes the requirements for the export of drugs, including a proviso that no drug that is unsafe within the meaning of section 512 of the act (21 U.S.C. 360b) may be exported. Section 512(j) of the act provides for the distribution of unapproved new animal drugs for investigational use. A new animal drug for investigation that conforms with the terms of an investigation exemption is not deemed unsafe by section 512(a)(3) of the act. Pursuant to this section of the act, § 511.1 *New animal drugs for investigational use exempt from section 512(a) of the act* (21 CFR 511.1) establishes the controls necessary for safe distribution of INAD's. Section 511.1, however, does not address the matter of export of INAD's, as indicated by § 510.200 *Export of new animal drug* (21 CFR 510.200).

The BVM policy and procedure guideline will result in a uniform interpretation and application of the regulations thus creating a consistent policy concerning the exportation of INAD's.

The guideline is available for public examination during working hours, Monday through Friday, in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Written requests for single copies may be sent to Food and Drug Administration, Bureau of Veterinary Medicine, Industry Information Branch (HFV-410), 5600 Fishers Lane, Rockville, MD 20857.

Dated: December 23, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.77-126 Filed 1-3-77;8:45 am]

[6] Voting for this action: Vice Chairman Gardner and Governors Wallich and Jackson. Present and abstaining: Governor Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

[FDA-225-77-4000]

INSPECTION OF PENNSYLVANIA FOOD PROCESSING AND STORAGE FACILITIES

Memorandum of Understanding With Pennsylvania Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Pennsylvania Department of Agriculture and the Food and Drug Administration have signed an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which initiates procedures to set forth working arrangements to be followed concerning inspection of Pennsylvania food processing and storage facilities of mutual obligation, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE AND THE PHILADELPHIA DISTRICT, FOOD AND DRUG ADMINISTRATION

I. *Purpose.* It will be the purpose of this understanding to provide more effective consumer protection through more efficient federal and state inspectional coverage of the Pennsylvania food processing and storage industries. This understanding will provide a format for formal discussion and planning in the development of a cooperative inspectional program between the Pennsylvania Department of Agriculture and the Food and Drug Administration, Philadelphia, more productively utilizing both agencies' manpower and eliminating inspectional duplication.

II. *Work-sharing program.*

A. Goals and Responsibilities: the Pennsylvania Department of Agriculture and the FDA Philadelphia District Investigations Branch will attempt to develop a formal program for sharing the responsibility of the inspection of all Pennsylvania food processors and storage facilities of mutual obligation. Close coordination and communication will be developed; there will be joint planning sessions to assure that manpower is most efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance.

B. Inspectional Obligation:

1. Inspectional Inventory: An inventory of firms covered by this understanding, hereafter referred to as the Cooperative Establishment Inventory (CEI), will be developed by both agencies. Utilizing the CEI, a procedure, for work scheduling will be developed during the current term and set into operation during the second year of the program.

2. Joint Inspections: During the term of this understanding, joint inspections will be conducted to give each agency the opportunity to observe its partner's inspectional procedures. The inspections will be scheduled during the first planning session and discussed during the second and third session, as provided for in Section IV-A.

III. *General Provisions.*

A. Information Exchange: There will be an interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. Inspection Reports: Reports will not be supplied routinely but copies will be made available upon request. In addition, a monthly list of inspections completed with classification and date of each inspection will be provided by each agency. Such information will be exchanged in a timely fashion.

2. Assay Reports: Reports of assay of products manufactured or stored by CEI firms will be made available upon request.

3. Correspondence: Copies of warning and regulatory letters between the agencies and CEI firms will be exchanged in a timely fashion.

B. Recall and Emergency: The agencies will cooperate to the fullest extent possible in handling emergency public health problems and in checking the effectiveness of product recalls.

C. Complaint Investigations: When indicated, each agency will assist its partner to the fullest extent possible in the investigation of complaints involving CEI firms.

D. Salvage Operations: During the term of this understanding, consideration will be given by both agencies to the development of a formalized joint salvage inspection program.

E. Cross Commissioning: Consideration will be given by both agencies to the possibility of commissioning each other's inspectors to operate under the authority of State and Federal Acts. The need and authority for such commissioning will be determined during the term of this understanding.

F. Training: Based on the results of the joint inspections, FDA and the State will identify training needs and, if needed, will develop several possible training activities (formal and/or on-the-job) designed to meet the needs of implementing this understanding.

G. Personnel Exchange: An exchange of personnel will be accomplished during the term of this understanding to permit closer program coordination, better understanding of mutual responsibilities, and in-sight into operational procedures and regulatory philosophies. An FDA official will be assigned for a two week period to the State's Bureau of Foods and Chemistry, and it will be determined which resident post personnel would benefit from similar assignment to State regional offices. During the term of this understanding, it will be determined which State personnel would benefit most from being assigned to the Philadelphia District FDA Office and/or resident offices for similar details. These details will be provided under the provision of the Federal Intergovernmental Personnel Act at federal expense.

IV. *Program Review.*

A. Planning Sessions: Two joint planning sessions will be held during the term of this understanding to discuss the cooperative program, establish effective communication, determine regulatory philosophy, and plan future objectives. The first session will be held within four months of the signing of the memorandum; and the second six months thereafter. The first session will be conducted in Harrisburg, PA; the second in Philadelphia, PA. Each session will be arranged for and moderated by FDA's Region III Assistant Food and Drug Director for Intergovernmental Affairs.

B. Orientation Sessions. Joint program orientation sessions will be conducted in Pittsburgh, Harrisburg, and Philadelphia areas to permit field personnel of both agencies to become familiar with the provisions of this understanding. Such sessions will be completed during the first three months of this understanding.

C. Performance Evaluation: During the term of this understanding, a procedure for evaluation of the quality of program performance will be developed. The evaluation procedure will be established during the current term and set into operation during the second year of the program.

V. *Term of Understanding.* This understanding will expire on the last day of the twelfth month following the month during which this memorandum is signed, unless renewed and signed by the heads of both cooperating agencies to continue in effect for another year.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days written notice by either agency.

Approved and accepted for the Pennsylvania Department of Agriculture:

RAYMOND KERSTETTER,
Secretary, Pennsylvania Department
of Agriculture

Date: Septmeber 8, 1976.

Approved and accepted for the Food and Drug Administration:

LOREN Y. JOHNSON,
District Director, Food and Drug
Administration, Philadelphia District.

Date: September 8, 1976.

Effective date: This memorandum of understanding became effective September 8, 1976.

Dated: December 23, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.77-125 Filed 1-3-77;8:45 am]

[Docket No. 76F-0461]

PHILLIPS PETROLEUM CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3171) has been filed by Phillips Petroleum Co., Bartlesville, OK 74004, proposed that § 121.2622 *Styrene block polymers* (21 CFR 121.2622) be amended to provide for the safe use of additional analogous styrene block polymers as articles or components of articles intended for food-contact and to provide an alternative method for the determination of the glass transition points of styrene block polymers.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, be-

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tween the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 21, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.77-166 Filed 1-3-77;8:45 am]

PULMONARY FUNCTIONS AND RESPIRATORY THERAPY SUBCOMMITTEE OF THE ANESTHESIOLOGY PANEL

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of December 21, 1976 (41 FR 55584), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Pulmonary Functions and Respiratory Therapy Subcommittee of the Anesthesiology Panel scheduled for January 26, 1977, Rm. 1813, FB-8, 200 C St. SW., Washington, DC, is cancelled.

Dated: December 22, 1976.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc.77-97 Filed 1-3-77;8:45 am]

[FDA-225-77-1000]

REGULATORY INVESTIGATIONS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

Memorandum of Understanding With the Oregon State Department of Agriculture

The Food and Drug Administration (FDA) is announcing that a Memorandum of Understanding has been executed with the Oregon State Department of Agriculture on November 1, 1976. The purpose of the memorandum is to establish an FDA/State cooperative program for their inspection and related activities to ensure the safety of foods for humans and animals.

Pursuant to the announcement published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memorandums of understanding between FDA and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice. The Memorandum of Understanding with the Oregon State Department of Agriculture reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE PLANT DIVISION, OREGON STATE DEPARTMENT OF AGRICULTURE AND THE SEATTLE FIELD OFFICE, FOOD AND DRUG ADMINISTRATION

REGULATORY INVESTIGATIONS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301). In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the nation by ensuring that foods for humans and animals are safe and wholesome and that animal feeds are free of illegal drug, pesticide, and industrial chemical residues. This is accomplished by inspecting the processing and distribution of animal feeds and examining samples thereof to assure compliance with the act.

The Oregon Department of Agriculture, under its state authorities, conducts investigations and related activities to assure the safety and wholesomeness of foods and feeds.

Meat and poultry may become contaminated with illegal drug, pesticide, or industrial chemical residues from several sources, including the misuse of animal drugs, the use of animal feeds containing illegal drugs, pesticides, and industrial chemicals, or from the environment. As a result, the State agency and FDA have certain related objectives in carrying out their respective regulatory and service activities. Therefore, it is desirable from the standpoint of public interest to set forth in this Memorandum of Understanding, the work-sharing program being adopted to enable each agency to discharge, as effectively as possible, its responsibilities relative to the problem of illegal drug, pesticide, and industrial chemical residues in meat and poultry and in feeds for food-producing animals. This Memorandum of Understanding will augment the agreement between FDA and the Animal and Plant Inspection Service (APHIS) of the U.S. Department of Agriculture relative to their regulatory programs involving residues in animal feeds and in meat and poultry, which was published in the FEDERAL REGISTER of April 10, 1975 (40 FR 16228).

I. *Purpose.* It is the purpose of this understanding to establish an FDA/State cooperative program wherein the Plant Division, Oregon State Department of Agriculture (OSDA) will conduct followup inspections on Animal and Plant Health Inspection Service, U.S. Department of Agriculture (APHIS/USDA) residue findings and thus avoid duplicative inspections by the FDA Seattle Field Office and OSDA.

II. *Background.* Under the FDA/APHIS cooperative program formalized in the April 10 Memorandum of Understanding, the FDA Seattle Field Office is notified when violative residue findings are encountered in meat and poultry tissues under the APHIS National Residue Monitoring Program. APHIS also notifies the OSDA Director of Agriculture requesting his assistance in determining the cause of the residue. This procedure has, on occasion, resulted in both FDA Seattle Field Office and OSDA followup investigations of the same firm.

The Oregon State Department of Agriculture expressed interest in a joint FDA Seattle Field Office and OSDA program, which would avoid such duplicative investigations.

III. *Work-Sharing Program.* A. Goals and Responsibilities: The parties to this understanding will share the responsibility for the investigation of APHIS/USDA reports of illegal residues found in edible tissue samples of meat or poultry originating in the State of Oregon. Close liaison and communications will be maintained to assure that manpower is efficiently utilized and regulatory efforts are properly coordinated to achieve a high level of industry compliance.

B. The Food and Drug Administration, Region X (Seattle Field Office), will:

1. Designate a coordinator to accomplish the goals of this Memorandum of Understanding.

2. Coordinate with OSDA to determine whether APHIS/USDA residue findings represent a first, second, or subsequent violation.

3. Conduct the investigation when advised by OSDA that it appears that regulatory action can be supported on a first violation.

4. Conduct all second and subsequent violation followups in all cases where the investigation of the first violation resulted in evidence adequate to support regulatory action.

5. Issue the information letter in all cases where the FDA Seattle Field Office has been called in to complete the investigation for regulatory purposes.

6. Provide copies of all investigation reports, information letters, and responses from establishments to OSDA.

7. Provide training for OSDA personnel concerning the documentation of violations of the Federal Food, Drug, and Cosmetic Act to identify the probable cause and responsible individuals.

8. Be responsible for the analysis of samples collected during the investigation, and properly store the sample required under section 702(b) of the act (21 U.S.C. 372(b)) pending the outcome of the FDA or State investigations. This sample shall be retained for 3 years pending possible court action, unless the Seattle Field Office determines that culpability has not been established, or methodology is not adequate to support a violation. In the latter event, the sample will be discarded.

C. The Oregon State Department of Agriculture will:

1. Upon receipt of APHIS/USDA residue findings, determine if it is the first violation. If it is the first violation, OSDA shall advise the FDA coordinator that OSDA will conduct the investigation for the purpose of determining the probable cause of the violation and the culpable individual(s) and to promote voluntary compliance.

2. Immediately notify the FDA Seattle Field Office when their investigation identifies the probable cause and the responsible individual(s) and it appears that a regulatory action can be supported, so that FDA inspection can be conducted to develop supporting evidence.

3. Where regulatory action cannot be supported, develop investigational reports, including an endorsement of proposed or actual followup, which shall be promptly submitted to the FDA Seattle Field Office. OSDA shall take the responsibility for forwarding copies of the reports to regional FDA offices and the appropriate APHIS regional office.

4. Conduct investigations of second incidents where the first investigation failed to disclose sufficient evidence to support regulatory action. This second investigation will be conducted under the same conditions as described under paragraphs C.1 and 2 above.

5. Bring any action that may be indicated under the state law, whether or not a case may or may not be brought by the FDA Seattle Field Office.

6. Notify the FDA Coordinator of actions being initiated and final results.

7. Keep the FDA Coordinator fully informed of pertinent details relating to this program, including copies of correspondence to producers, shippers, etc.

IV. *Term of Understanding.* A. This understanding will expire on January 15, 1977, unless renewed and signed by both cooperating agencies to continue it in effect for another year.

B. A new Memorandum of Understanding will be prepared each year with asterisks included to indicate revision.

C. This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30-day advance written notice by either agency.

Approved and accepted for the Oregon State Department of Agriculture:

Dated: November 9, 1976.

GENE KNUCKLE,
Assistant Director.

Approved and accepted for the Food and Drug Administration:

Dated: October 19, 1976.

JAMES W. SWANSON,
Regional Food and Drug Director,
Food and Drug Administration,
Seattle Regional Office.

Effective date. This Memorandum of Understanding became effective November 9, 1976.

Dated: December 22, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.77-1 Filed 1-3-77;8:45 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE COMMITTEES

Renewals

The Director, National Institutes of Health, announces the renewal of charters on December 20, 1976, of the advisory committees indicated below by the Acting Director, National Cancer Institute. Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees. These committees will terminate on December 20, 1978, unless renewed by appropriate action as authorized by law.

Committees established under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d) are:

Biometry and Epidemiology Contract Review Committee
Board of Scientific Counselors, Division of Cancer Biology and Diagnosis
Board of Scientific Counselors, Division of Cancer Treatment
Breast Cancer Diagnosis Committee
Breast Cancer Epidemiology Committee
Breast Cancer Experimental Biology Committee
Breast Cancer Treatment Committee
Committee on Cytology Automation
Committee on Cancer Immunobiology
Committee on Cancer Immunodiagnosis
Committee on Cancer Immunotherapy
Diagnostic Radiology Committee
Diagnostic Research Advisory Group
Diet, Nutrition and Cancer Program Advisory Committee
Tobacco Working Group

Committees established under the authority of section 410A(a) of the Public Health Service Act (42 U.S.C. 286e) are:

Cancer Clinical Investigation Review Committee
Cancer Special Program Advisory Committee

Dated: December 23, 1976.

DEWITT STETTEN, Jr., M.D., PH. D.,
Acting Director,
National Institutes of Health.

[FR Doc.77-160 Filed 1-3-77;8:45 am]

ALLERGY AND INFECTIOUS DISEASES NATIONAL ADVISORY COUNCIL

Amended Meeting

Notice is hereby given of changes in the meeting dates and times of the "closed" and "open" portions of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on December 15, 1976 (41 FR Doc. 76-36759-242).

The Council was to have convened on January 27 and adjourned on January 29, 1977 but has been changed to adjourn on January 28, 1977.

This meeting will be open to the public on January 27 from 1:30 p.m. until recess, and on January 28 from 9:00 a.m. until 12 noon, and will be closed to the public on January 27 from 9:00 a.m. until 12 noon, and on January 28 from 1:30 p.m. until adjournment.

Date: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-156 Filed 1-3-77;8:45 am]

NATIONAL SUBCOMMITTEES CANCER ADVISORY BOARD

Cancellation of Meetings

Notice is hereby given of the cancellation of meetings of the National Cancer Advisory Board's Subcommittee on Diagnosis and Treatment and Subcommittee on Carcinogenesis and Prevention, National Cancer Institute, National Institutes of Health, January 23, 1977, which was published in the FEDERAL REGISTER on December 15, 1976 (41 FR 54817).

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-154 Filed 1-3-77;8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, February 14-15, 1977, National Institutes of Health, Building 31-C, Conference Room 10, Bethesda, Md.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on February 14, and from 9 a.m. to adjournment on February 15, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014 (phone number 301-496-7239), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

Dated: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-158 Filed 1-3-77;8:45 am]

MANPOWER SUBCOMMITTEE AND RESEARCH SUBCOMMITTEE OF THE NATIONAL HEART, LUNG, AND BLOOD ADVISORY COUNCIL

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, February 3-5, 1977, National Institutes of Health, Building 31, Conference Room 10, at 9 a.m. This meeting will be open to the public on February 3 from 9 a.m. to 2:30 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held on February 2, 1977 at 8 p.m. in Building 31, Conference Rooms 8 and 10 respectively.

In accordance with the provisions set forth in sections 552(b)(4) 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on February 3 from 2:30 p.m. until recess, and on February 4 from 9 a.m. to adjournment on February 5 for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8 p.m. to adjournment on February 2, also for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such a salaries, and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A17, (301) 496-7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-163 Filed 1-3-77;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW A COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, February 17-19, 1977, in the De Soto Room, Holiday Inn, 1170 Northwest 11th Street, Miami, Fla. 33136.

This meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on February 17th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 18th, from 8:30 a.m. to adjournment on February 19th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, Md. 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committe members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Federal Bldg., Rm. 9C14B, Bethesda, Md. 20014, (301) 496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program 13.852, National Institutes of Health.)

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc 77-161 Filed 1-3-77;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW B COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, February 17-19, 1977, in the Ponce de Leon Room, Holiday Inn, 1170 Northwest 11th Street, Miami, FL 33136.

This meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on February 17th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of the Pub. L. 92-463, the meeting will be closed to the public on February 18th, from 8:30 a.m. to adjournment on February 19th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, MD 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Dr. John W. Diggs, Executive Secretary, Federal Bldg., Rm. 9C10B, Bethesda, MD 20014, (301) 496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program 13.852, National Institutes of Health.)

Date: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-162 Filed 1-3-77;8:45 am]

RESEARCH CONTRACT PROPOSALS

Meetings Review

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

COMBINED MODALITY COMMITTEE

Dates: February 3-4, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times—Open: February 3, 8:30 a.m.-9:00 a.m.
Closed: February 3, 9:00 a.m.-5:00 p.m.
Closed: February 4, 8:30 a.m.-5:00 p.m.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Harry Handelsman; Address: Building 37, Room 6D28, National Institutes of Health; Phone 301-496-1774.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Dates: February 4, 1977; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Md. 20014.
Times—Open: February 4, 9:00 a.m.-9:30 a.m.
Closed: February 4, 9:30 a.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Richard A. Pledger; Address: Landow Building, Room A306, National Institutes of Health; Phone: 301-496-4141.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Dates: February 11, 1977; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times—Open: February 11, 9:00 a.m.-9:30 a.m. Closed: February 11, 9:30 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Marcia D. Litwack; Address: Landow Building, Room A306, National Institutes of Health; Phone: 301-496-5988.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOBIOLOGY

Dates: February 15, 1977; 2:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times—Open: February 15, 2:00 p.m.-2:30 p.m.
Closed: February 15, 2:30 p.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen; Address: Building 10, Room 4B17, National Institutes of Health; Phone: 301-496-1791.

(Catalog of Federal Domestic Assistance Number 13.396, National Institutes of Health.)

BIOMETRY AND EPIDEMIOLOGY CONTRACT REVIEW COMMITTEE

Dates: February 15-16, 1977; 7:00 p.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times—Open: February 15, 7:00 p.m.-11:00 p.m.
Closed: February 16, 9:00 a.m.—adjournment
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. H. Geller; Address: Landow Building, Room C519, National Institutes of Health; Phone: 301-496-6014.

(Catalog of Federal Domestic Assistance number 13.393, National Institutes of Health.)

DIAGNOSTIC RESEARCH ADVISORY GROUP

Dates: February 16, 1977; 8:30 a.m.
Place: Building 31 C, Conference Room 9, National Institutes of Health.
Times—Open: February 16, 8:30 a.m.-10:30 a.m.
Closed: February 16, 10:30 a.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Louis P. Greenberg; Address: Building 31, Room 3A10, National Institutes of Health; Phone: 301-496-1591.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

DIAGNOSTIC RADIOLOGY COMMITTEE

Dates: February 23-24, 1977; 8:30 a.m.
Place: Building 31B, Conference Room 5, National Institutes of Health.
Times—Open: February 23, 8:30 a.m.-9:00 a.m.
Agenda/Open Portion: To discuss new areas of research.
Closed: February 23, 9:00 a.m.-5:00 p.m.
Closed: February 24, 8:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. R. Quentin Blackwell: Address: Building 31, Room 3A10, National Institutes of Health; Phone: 301-496-1591.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Dates: February 23-25, 1977; 9:00 a.m.
Place: February 23-24; Building 426, Fort Detrick, Frederick, Md. 21791; February 25; Building 37, Room 1B04, National Institutes of Health.
Times—Open: February 23, 9:00 a.m.-10:00 a.m.
Closed: February 23, 10:00 a.m.-5:00 p.m.
Closed: February 24, 9:00 a.m.-5:00 p.m.
Closed: February 25, 9:00 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Wilna A. Woods; Address: Landow Building, Room C306, National Institutes of Health; Phone: 301-496-4533.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Dates: February 28, March 1, 2, 3, 1977; 7:00 p.m.
Place: Building 1, Wilson Hall, National Institutes of Health.
Times—Open: February 28, 7:00 p.m.-7:30 p.m.
Closed: February 28, 7:30 p.m.—adjournment
Closed: March 1, 8:30 a.m.-5:00 p.m.
Closed: March 2, 8:30 a.m.-5:00 p.m
Closed March 3, 8:30 am.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen; Address: Building 10, Room 4B17, National Institutes of Health; Phone: 301-496-1791.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

Dated: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc 77-164 Filed 1-3-77;8:45 am]

RESEARCH GRANT APPLICATIONS

Meetings Review

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

CANCER SPECIAL PROGRAM ADVISORY COMMITTEE

Dates: February 10-12, 1977; 9:00 a.m.
Place: Building 31C, Conference Room 8.

NATIONAL INSTITUTES OF HEALTH

Times—Open: February 10, 9:00 a.m.-10:00 a.m.; Closed: February 10, 10:00 a.m.-5:00 p.m.; February 11, 8:30 a.m.-5:00 p.m.; February 12, 8:30 a.m.-adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. William R. Sanslone. Address: Westwood Building, Room 805. Phone: 301/496-7565.

(Catalog of Federal Domestic Assistance Number 13.392 National Institutes of Health)

CLINICAL CANCER EDUCATION COMMITTEE

Dates: February 23-24, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 7.
Times—Open: February 23, 8:30 a.m.-9:30 a.m. Closed: February 23, 9:30 a.m.-5:00 p.m. February 24, 8:30 a.m.-adjournment.
Closure Reason: To review research grant applications.
Executive Secretary: Dr. Margaret Edwards. Address: Westwood Building, Room 10A18. Phone: 301/496-7762.

(Catalog of Federal Domestic Assistance Number 13.398, National Institutes of Health)

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Dates: February 28 March 1-2, 1977; 8:00 a.m
Place: Building 31C, Conference Room 10
Times—Open: February 28, 8:00 a.m.-10:00 a.m. March 1, 8:00 a.m.-11:00 a.m
Agenda Open Portions: February 28, to discuss administrative details. March 1, a mini-symposium on new developments in radiation therapy.
Closed: February 28, 10:00 a.m. 5:00 p.m. March 1, 11:00 a.m.-5:00 p.m. March 2, 8:00 a.m.- adjournment
Closure Reason: To review research grant applications
Executive Secretary: Mr. C. W. White Address: Blair Building, Room 123. Phone: 301 427-8089.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health)

Date: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc 77-159 Filed 1-3-77;8:45 am]

VIRUS CANCER PROGRAM ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting place of the Virus Cancer Program Advisory Committee, Viral Oncology Program, Division of Cancer Cause and Prevention, National Cancer Institute, January 26, 1977, which was published in the FEDERAL REGISTER on December 8, 1976 (41 FR 53711). This meeting was to have convened at 9:30 a.m. on January 26 in Building 37, Room 1B04, NIH, but has been changed to 9:30 a.m. in Building 426, Conference Room, Frederick Cancer Research Center, Fort Detrick, Frederick, Maryland. The second day of the meeting, January 27, 1977 will be held as originally scheduled, convening at 9:30 a.m. in Building 37, Room 1B04, NIH.

The meeting will be open to the public from 9:30 a.m. to adjournment on January 26 and 27, 1977 to discuss the overall direction of the Virus Cancer Program. Attendance by the public will be limited to space available.

Dated: December 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-155 Filed 1-3-77;8:45 am]

VOL 42 NO 2 JAN 4 1977 UM

VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE OF THE NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on Sunday, January 23, 1977, National Institutes of Health, Building 31, Room 6A-21, Bethesda, Maryland.

The meeting will convene at 10 a.m., and will be open to the public until adjournment, approximately 4 p.m. The meeting will be devoted to review of the status of ongoing vision research program planning activities. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A-27, telephone (301) 496-5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: December 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-157 Filed 1-3-77;8:45 am]

Office of the Secretary

PAPERWORK BURDEN IN HIGHER EDUCATION

Availability of Report

Notice is hereby given that the Final Report of the Interagency Task Force on Higher Education Burden Reduction is available to interested persons. The report recommends 19 steps which are directed toward the lessening of reporting, recordkeeping and regulatory burdens imposed by the Federal Government on colleges and universities. Requests for single copies of the report should be sent to the Office of Regulatory Review, Department of Health, Education, and Welfare, Room 730E, South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Dated: December 28, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.77-214 Filed 1-3-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-466]

ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

Amendment to Delegation of Authority

On March 16, 1971 there was published in the FEDERAL REGISTER a delegation of authority from the Secretary to the Assistant Secretary for Research and Technology with respect to the exercise of the power of the Secretary in matters relating to programs of research, studies, testing and demonstration under sections 501, 502, 504 and 505 of Title V of the Housing and Urban Development Act (Pub. L. 91-609). (36 FR 5007).

On March 27, 1973 there was published in the FEDERAL REGISTER a delegation of authority from the Secretary of HUD to the Assistant Secretary for Policy Development and Research. In part the delegation transferred and consolidated the various powers, functions and responsibilities previously vested in the Assistant Secretary for Research and Technology. (38 FR 8012).

Sections 814 and 815 of the Housing and Community Development Act of 1974 (Pub. L. 93-383), provide amendments to Title V of the Housing Act of 1970 (12 U.S.C. 1701z-1) for grants and contracts for research and demonstrations relating to the mission and programs of the Department of Housing and Urban Development.

Section 814 adds a new section 506 to that title empowering the Secretary to undertake, after consultation with the National Science Foundation, research and demonstration projects to determine the economic and technical feasibility of utilizing solar energy for heating or cooling residential housing.

Section 815 amends Title V authorizing the Secretary to conduct additional research in carrying out activities under section 501 of the Act and to undertake special demonstrations, enter contracts, make grants and provide other assistance to determine the housing design and structure and the housing-related facilities and amenities most effective or appropriate to meet the needs of groups with special housing needs including the elderly, the handicapped, the displaced, single individuals, broken families and large households, and to utilize the contract and loan authority of any federally assisted housing program for special demonstrations. The Secretary is also authorized to set aside any development, construction, design and occupancy requirements for the purpose of the demonstration if in the Secretary's judgment they inhibit the testing of the housing designed to meet the special housing needs.

In addition section 441 of the Energy Conservation and Production Act of 1976 (Pub. L. 94-385) adds a new section 509 to Title V of the Housing Act of 1970 authorizing the Secretary to undertake a national demonstration program designed to test the feasibility and effectiveness of various forms of financial assistance for encouraging the installation or implementation of approved energy conservation measures and approved renewable resource energy measures in existing dwelling units with a view toward recommending a national program or programs designed to reduce significantly the consumption of energy in existing dwelling units.

The Secretary is hereby amending the existing delegations to indicate that all authority to undertake programs of research, study testing and demonstration authorized under Title V of the Housing and Urban Development Act of 1970 has been assigned to the Assistant Secretary for Policy Development and Research.

Accordingly, Section A Paragraph 1 of the Secretary's delegation of authority with respect to research and demonstrations dated March 16, 1971 (36 FR 5007), as that delegation is amended by the delegation appearing at 38 FR 8012, is revised to read as follows:

1. The programs of research, studies, testing and demonstration under: Title V of the Housing and Urban Development Act of 1970 (Pub. L. 91-609); section 3 (b) of the Department of Housing and Urban Development Act (42 U.S.C. 3532 (b)); section 301 of the Lead Based Paint Poisoning Prevention Act (Pub. L. 91-695); and sections 6(a) and (11) and authority incidental thereto of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1605(a) and 1607(c)).

(Section 7(d), Department of HUD Act 42 U.S.C. 3535(d).)

Effective date: This amendment is effective December 31, 1976.

CARLA A. HILLS,
Secretary.

[FR Doc.77-169 Filed 1-3-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

GENERAL COAL MINING ORDERS

Intention To Develop Order for Analysis of Overburden

Notice is hereby given that under Coal Mining Operating Regulations published in 30 CFR Part 211 (41 FR 20261, May 17, 1976), in particular § 211.3 (a) and (c) (12), the Chief, Conservation Division, intends to issue a General Coal Mining Order for analyses of overburden samples and solicits views of interested parties on the content of the order.

Section 211.10(c)(6)(xii) of the Coal Mining Operating Regulations requires that a mining plan shall include logs and analyses of overburden samples of each stratum from a number of drill holes sufficient to obtain a representative sample of the overburden overlying the coal and the stratum immediately below the coal to be mined which, unless specifically authorized by the Mining Supervisor, based upon data already known to the Geological Survey, or upon the nature of the coal seam and geological inferences which may be drawn therefrom, shall be not less than one hole on each 40 acres. Such logs and analyses shall identify each stratum penetrated, and shall contain an analysis of each such stratum for at least the following:

Nitrogen
Phosphorus
Potassium
pH
Specific conductance
Exchangeable sodium percentage
Sodium absorption ratio

Such analyses will be used to determine which materials shall be buried and

which materials are suitable for placement near the surface for favorable propagation of vegetation.

In order to implement more fully the purposes and objectives of the Coal Mining Operating Regulations, all concerned parties representing the coal mining industry and the general public are invited and encouraged to submit comments and suggestions as to the content of the proposed General Coal Mining Order for analyses of overburden samples.

Interested persons may submit written comments and suggestions to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before January 31, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-148 Filed 1-3-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before Dec. 27, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before January 14, 1977.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

ARIZONA

Pima County

Lukeville vicinity, *Camino del Diablo*, NW of Lukeville (also in Yuma County).

COLORADO

El Paso County

Colorado Springs, *Claremont*, 21 Broadmoor Ave.

Gunnison County

Marble, *Marble Mill Site*, Park and W. 3rd Sts.

GEORGIA

Clarke County

Athens, *Parrott Insurance Building*, 283 E. Broad St.

Fulton County

Atlanta, *Swan House*, 3099 Andrews Dr. NW.

Elbert County

Elberton vicinity, *Banks, Ralph, Place*, N of Elberton off GA 77.

Elberton vicinity, *Gains, Ralph, House*, N of Elberton on GA 368.

Ruckersville vicinity, *Alexander-Cleveland House*, 3.5 mi. NE of Ruckersville.

Fayette County

Fayetteville vicinity, *King, Tandy, House*, 2 mi. S of Fayetteville on GA 92.

KANSAS

Chase County

Matfield Green vicinity, *Crocker Ranch*, 1.5 mi. N of Matfield Green on KS 177.

Cloud County

Concordia, *Bankers Loan and Trust Company Building*, 101 E 6th St.

Douglas County

Lawrence, *Riggs, Samuel A., House*, 1501 Pennsylvania.

Lane County

Healy vicinity, *Potorff Site*, N of Healy.

Leavenworth County

Leavenworth vicinity, *Powers, David W. House*, 2 mi. NW of Leavenworth off U.S. 73.

Shawnee County

Topeka, *Hicks Block*, 600 W. 6th.

MAINE

Lincoln County

Boothbay Harbor vicinity, *Burnt Island Light Station*, S of Boothbay Harbor on Burnt Island.

MINNESOTA

St. Louis County

Kabetogama vicinity, *Kettle Falls*, NE of Kabetogama on Voyageurs National Park.

MISSISSIPPI

Lee County

Tupelo vicinity, *Chickasaw Village Site*, 2 mi. NW of Tupelo on Natchez Trace Pkwy.

MONTANA

Carroll County

Carrollton, *U.S. Post Office*, 101 N. Folger St.

NEVADA

Churchill County

Frenchman vicinity, *Cold Springs Pony Express Station Ruins*, 25 mi. NE of Frenchman off U.S. 50.

NEW MEXICO

Valencia County

Grants vicinity, *Dittert Site (LA-11723)* S of Grants.

NEW YORK

Hamilton County

Blue Mountain Lake vicinity, *Church of the Transfiguration*, N of Blue Mountain Lake on NY 30.

Oncida County

Waterville, *Waterville Triangle Historic District*, Strafford Ave., Main and White Sts.

Rensselaer County

Schodack Landing, *Schodack Landing Historic District*, NY 9J.

NORTH DAKOTA

Burke County

Flaxton, *Flaxton Hotel*, Davis St.

Burleigh County

Bismarck, *Northern Pacific Railway Depot*, 410 E. Main Ave.

Grand Forks County

Grand Forks, *Grand Forks Street Railway Car No 114, Belmont Rd.*

Slope County

Marmarth, *Mystic Theatre*, Main St.

Stutsman County

Jamestown, *Voorhees Chapel*, Jamestown College campus.

TENNESSEE

Davidson County

Nashville, *Eighth Avenue South Reservoir*, 8th Ave.

Sumner County

Goodlettsville vicinity, *Bowen-Campbell-House*, E of Goodlettsville on Jackson Rd.

TEXAS

Sabine County

Milam vicinity, *Oliphant House*, 7 mi. E of Milam off TX 21.

UTAH

Carbon County

Price vicinity, *Flat Canyon Archeological District*, 40 mi. E of Price.

VERMONT

Chittenden County

Burlington, *Battery Street Historic District*, roughly bounded by Lake Champlain, Main, Maple, St Pauls Sts. (includes both sides).

[FR Doc 77-123 Filed 1-3-77;8:45 am]

National Park Service

[Int Des 76-52]

TUSKEGEE INSTITUTE NATIONAL HISTORIC SITE

Availability of Draft Environmental Statement Regarding Proposed General Management Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Impact Statement on the proposed General Management Plan for Tuskegee Institute National Historic Site.

The statement discusses proposals for the operation, preservation and interpretation of Tuskegee Institute National Historic Site.

Written comments on the Environmental Statement are invited and will be accepted for a period of on or before February 18, 1977. Comments should be addressed to the Regional Director, Southeast Region, or the Superintendent, Horseshoe Bend National Military Park at the addresses given below.

Copies are available from or for inspection at the following locations:

Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

Dr. Douglas Covington, Vice-President for Development, Tuskegee Institute, Alabama 36088.

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Superintendent, Horseshoe Bend National Military Park, Route 1, Box 63, Daviston, Alabama 36256.

Dated: December 23, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-150 Filed 1-3-77;8:45 am]

[Int FES 76-65]

MOUNT McKINLEY NATIONAL PARK, ALASKA

Availability of Final Environmental Statement Regarding Electric Distribution Line Extension

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the electric distribution line extension to McKinley Park, Mount McKinley National Park, Alaska.

The statement refers to a proposal to grant a right-of-way to Golden Valley Electric Association, Inc., for an electric distribution line. The purpose of the proposed action is to provide commercial electric power to McKinley Park to extend service south to Cantwell and Summit, Alaska.

Copies of the statement are available from, or for inspection at, the following locations:

Pacific Northwest Region, National Park Service, Fourth and Pike Building, Seattle, Washington 98101.
Alaska Area Office, National Park Service, 540 West Fifth Avenue, Room 202, Anchorage, Alaska 99501.
Superintendent, Mount McKinley National Park, Box 9, McKinley Park, Alaska 99755.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-149 Filed 1-3-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[Field Memorandum No. 30-77]

GRANT CYCLE SCHEDULE FOR TITLES I AND II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973, AS AMENDED

Schedule for Fiscal Year 1978

In order to ensure an effective implementation of titles I and II of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, in Fiscal Year (FY) 1978, the Department of Labor has developed a grant cycle schedule. The schedule is a management tool to assist the Department and CETA prime sponsors in timely completion of major tasks related to the grant process.

The entire text of Field Memorandum No. 30-77, with the exception of the graphic presentation, is published here to inform all interested parties of the Department's implementing procedures. While these procedures are effective immediately, comments are invited and should be submitted to Mr. Pierce A. Quinlan, Administrator, Office of Comprehensive Employment Development, Room 6000, 6th and D Streets, NW., Washington, D.C. 20213.

Directive: Field memorandum No. 30-77.
To: All Regional Administrators.
From: Floyd E. Edwards, Administrator, Field Operations.
Subject: Grant Cycle Schedule for Fiscal Year 1978 Programs Under titles I and II of CETA.

1. *Purpose.* To provide the grant cycle schedule for implementing Fiscal Year (FY) 1978 CETA titles I and II programs.

2. *Background.* The attached grant cycle schedule should afford appropriate general guidance to ensure an effective implementation of the FY '78 CETA titles I and II programs. The schedule is provided in both a graphic presentation and a narrative description. Any modifications to the schedule will be communicated to you.

You will note a limited number of major changes in procedure from the schedule for FY '77. Summer youth program regulations will be incorporated with title I and title II regulations. The schedule for title II program planning and grant application submittal have been adjusted to reflect a realistic appraisal of the time required to collect and analyze data and prepare allocations. Alternatives on this latter item are under consideration, and no final decision has yet been made.

3. *Action Required.* RAs should distribute the attached schedule to prime sponsors so they can anticipate requisite inputs to their grants and plan the activities necessary to complete their grants in accordance with the established schedule.

4. *Inquiries.* Questions should be directed to Nan Beckley 8-376-6575 or Tom McCallion 8-376-6560.

5. *Attachments.* FY '78 Grant Cycle Schedule, both chart and narrative explanation.

FISCAL YEAR 1978 GRANT CYCLE SCHEDULE FOR TITLES I AND II OF CETA

	Date
I. PERFORMANCE MEASUREMENT DEVELOPMENT	
A. Formal assessment of 1977 performance	
1. Development of criteria and instructions	Oct. 1 to Nov. 30, 1976.
2. Revision and clearance	Nov. 30 to Jan. 31.
3. Issuance and publication in FEDERAL REGISTER	Feb. 11, 1977.
4. Training of regional office (RO) staff	Feb. 11 to Feb. 28, 1977.
5. Implementation	Apr. 1 to Aug. 15, 1977.
a. Initial assessment results provided to prime sponsors	June 1, 1977.
b. Final assessment results based on review of 3d quarter data provided to prime sponsors.	Aug. 15, 1977.
B. Grant application review guidelines for fiscal year 1978	
1. Development	Nov. 29 to May 24.
2. Revision and clearance	Feb. 14 to Apr. 29.
3. Issuance and publication in FEDERAL REGISTER	Apr. 29.
4. Training of RO staff	May 2 to May 24.
C. Performance indicators for fiscal year 1978	
1. Development	Oct. 1 to Dec. 31, 1976.
2. Revision and clearance	Jan. 1 to Feb. 28.
3. Issuance and publication in FEDERAL REGISTER	Mar. 1, 1977.
4. Training of RO staff	Mar. 1 to Mar. 31, 1977.
D. Grant application review checklist	
1. Development	Dec. 1, 1976 to Jan. 15, 1977.
2. Revision and clearance	Jan. 15 to Feb. 28, 1977.
3. Issuance	Mar. 1, 1977.
4. Modification, if necessitated by regulation changes	June 1 to June 31, 1977.
5. Reissuance	July 1, 1977.
II. REGULATIONS, FORMS, GRANT INSTRUCTIONS	
A. Regulations	
Summer program (fiscal year 1977)	
1. Development and clearance	Nov. 1, 1976 to Jan. 31, 1977.
2. Publication in FEDERAL REGISTER	Feb. 1, 1977.
Title I, II, summer (fiscal year 1978)	
1. Development and clearance	Dec. 1, 1976 to Mar. 31, 1977.
2. Publication in FEDERAL REGISTER	Apr. 1, 1977.
3. Revision and clearance	Apr. 1 to May 31, 1977.
4. Final publication in FEDERAL REGISTER	June 1, 1977.
B. Forms preparation handbook	
1. Development and issuance for comment	Jan. 1 to Mar. 31, 1977.
2. Revision and clearance	Apr. 1 to May 30, 1977.
3. Final issuance	June 1, 1977.
C. Final instructions on policy and procedures grant implementation process for fiscal year 1978	
1. Development of field memorandum	Apr. 1 to Apr. 30, 1977.
2. Revision and clearance	May 1 to May 31, 1977.
3. Issuance	June 1, 1977.

III. PRIME SPONSOR DESIGNATION	
A. Preapplication submittal and review	
1. National office (NO) requests and receives population data from Census Bureau.	Jan. 1 to Feb 15, 1977.
2. NO develops and issues instructions to RO on preapplications, consortia, exceptional circumstances, and incentive bonuses.	Feb. 1 to Mar. 1, 1977.
3. NO publishes list of eligibles for preapplication in FEDERAL REGISTER.	Mar. 1, 1977.
4. Preapplications submitted to RO, Governors and A-95 State and areawide clearinghouses.	Mar. 1 to Apr. 1, 1977.
5. Governor and A-95 clearinghouses comment to RO and preapplicants.	Apr. 1 to Apr. 30, 1977.
6. RO reviews preapplications and related comments	Apr 1 to Apr. 30, 1977.
B. Preapplication approval	
Regular [102(a)(1) and (2)]	
1. RO transmits preliminary list of fiscal year 1978 prime sponsors to NO.	May 1, 1977.
Consortia [102(a)(3)]	
1. RO transmits preliminary list of consortia to NO.	May 1, 1977.
2 RO notifies NO of any changes in consortia composition, in receipt of final consortia agreements.	May 15, 1977.
Exceptional circumstances [102(a)(4) and (5)]	
1. RO makes recommendations on preapplications and transmits recommendations to NO.	May 1, 1977.
2. NO reviews RO recommendations	May 1 to May 15, 1977.
3. NO notifies RO of preliminary designation of exceptional circumstance.	May 16, 1977.
C. Notification of approval	
1. NO provides data collection and allocation staff with final prime sponsor list, including consortia composition and exceptional circumstance sponsor.	May 16, 1977.
2. NO prepares and publishes list of approved sponsors in FEDERAL REGISTER.	May 16 to June 1, 1977.
3. RO notifies prime sponsors, except exceptional circumstances, of designation and responds to Governor and A-95 clearinghouse.	June 1, 1977.
4. RO notifies exceptional circumstances prime sponsors of designation.	Aug. 15, 1977.
IV. DATA COLLECTION AND ALLOCATIONS	
A. Title I	
1. Calculation and clearance of planning estimates (based on hold harmless and minimum guarantee).	May 1 to May 31, 1977.
2. Release of planning estimates	June 1, 1977.
3. Data collection, calculation of actual allocations, and issuance.	Dependent on appropriation.
B. Title II	
1. Data collection and analysis	May 16 to June 10, 1977.
2. Calculations and clearance of planning estimates	July 11 to July 31, 1977.
3. Release of planning estimates	Aug. 1, 1977.
4. Final calculation and release of actual allocations	Dependent on appropriation.
V. GRANT DEVELOPMENT PROCESS	
(Regional Office and Prime sponsor)	
A. Title I	
1. Prime sponsor preliminary planning	Mar. 1 to June 15, 1977.
2. Grant application development	June 15 to July 15, 1977.
3. Preliminary grant application due to RO, Governor, A-95 State and areawide clearinghouse; summary to newspaper, appropriate units of local government, Indian sponsors, and labor organizations.	July 15, 1977.
4. Preliminary grant application review and revision, including comments.	July 15 to Aug. 31, 1977.
5. Final grant application and appropriate comments and responses due to RO.	Sept. 1, 1977.
6. Review, finalization, grant approval, notification to Governor and A-95 clearinghouse.	Sept. 1 to Oct. 1, 1977.

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B. *Title II*

1. Prime sponsor preliminary planning	June 1 to July 31, 1977.
2. Grant application development	Aug. 1 to Aug. 31, 1977.
3. Grant application due to RO, simultaneous submission for comment to Governor and A–95 State and areawide clearinghouse; summary to newspaper, appropriate units of local government, Indian sponsors, and labor organizations.	Sept. 1, 1977.
4. Review, revision, finalization, grant approval, notification to Governor and A–95 clearinghouse.	Sept. 1 to Oct. 1, 1977.

Signed at Washington, D.C., this 22nd day of December, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.77–4 Filed 1–3–77;8:45 am]

INDIAN AND ALASKAN NATIVE PRIME SPONSORS

Fiscal Year 1977 Allocations Under Title VI of the Comprehensive Employment and Training Act

Notice is hereby given that the Employment and Training Administration is allocating Fiscal Year 1977 funds to designated Indian and Alaskan Native prime sponsors to continue public service employment under title VI of the Comprehensive Employment and Training Act (CETA) during the period January 1, 1977 through September 30, 1977. The following list represents the allocations by designated prime sponsor.

FY–77 TITLE VI FUNDING LEVELS—INDIAN AND NATIVE AMERICAN PROGRAMS

ALASKA

Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926, $63,528.

Mr. Dennis J. Tiepelman, President, Mauneluk Association, Inc., P.O. Box 256, Kotzebue, Alaska 99752, $35,959.

Mr. Herbert Smelcer, President, Copper River Native Assn, Inc., Drawer G, Copper Center, Alaska 99573, $18,379.

Mr. Al Ketzler, President, Tanana Chiefs Conference, Inc., First and Hall Streets, Fairbanks, Alaska 99701, $142,639.

Mr. Cecil Barnes, President, North Pacific Rim Native Corporation, 912 East 15th Avenue, Anchorage, Alaska 99501, $30,366.

Mr. Sam Kito, Jr., President, Alaska Federation of Natives, Inc., Human Resources, 550 W. 8th Avenue, Anchorage, Alaska 99501, $140,242.

Ms. Vera M. Shaflestad, Executive Director, The Aleut League, 833 Gambell Street, Anchorage, Alaska 99501, $51,142.

Mr. George Miller, Jr., Tanaina Corporation, P.O. Box 1210, Kenai, Alaska 99611, $5,993.

ALASKA

Ms. Jeanmarie Larson, Executive Director, Cook Inlet Native Association, P.O. Box 515, Anchorage, Alaska 99510, $99,887.

Mr. Frank R. Peterson, Executive Director, Kodiak Area Native Association, Box 172, Kodiak, Alaska 99615, $41,953.

Mr. Boris Kosbruk, President, Bristol Bay Native Association, P.O. Box 179, Dillingham, Alaska 99576, $37,957.

Ms. Juanita M. Corwin, Executive Director, Central Council of the Tlingit and Haida Indians of Alaska, 130 Seward Street, Room 412, Juneau, Alaska 99801, $103,483.

Mr. Oscar Kwagley, Executive Director, Yupiktak Bista, Inc., P.O. Box 219, Bethel, Alaska 99559, $131,452.

ARIZONA

Mr. Abbott Sekaquaptewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039, $326,033.

Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247, $239,330.

Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256, $62,330.

Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85634, $887,001.

Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515, $9,268,756.

Mr. Anthony Drennan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23–B, Parker, Arizona 85344, $86,308.

Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014, $136,246.

Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box 0, San Carlos, Arizona 85550, $262,904.

Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, Whiteriver, Arizona 85941, $346,809.

CALIFORNIA

Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairmen's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821, $231,739.

Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2969 Fulton Avenue, Sacramento, California 95821, $254,112.

COLORADO

Mr. Manuel L. Sandos, Director, Training Services Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203, $161,813.

FLORIDA

Mr. Buffalo Tiger, Chairman, Miccosukee Tribe of Indians of Florida, P.O. Box 44004—Tamiami Station, Miami, Florida 33144. $39,955.

Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024, $37,158.

IDAHO

Mr. Cornell Tahdooahnippah, Executive Director, Idaho Inter-Tribal Policy Board, Inc., 910 Sonna Building, Suite 214, Boise, Idaho 83702, $308,453.

Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540, $48,346.

KANSAS

Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas 66439, $86,303.

LOUISIANA

Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrells Ferry Road, Baton Rouge, Louisiana 70816, $5,393.

MAINE

Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473, $49,144.

MICHIGAN

Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783, $147,433.

MINNESOTA

Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671, $191,784.

Mr. Harold LaRosa, Chairman, Regional Native American Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 65404, $44,749.

Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633, $139,043.

Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720, $37,158.

Mr. Bill Dwer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue, East, Duluth, Minnesota 55802, $3,696.

Mr. Arthur Gahbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359, $29,966.

Mr. Harry Boness, Sr., Chairman, Nett Lake Reservation Business Committee, Nett Lake, Minnesota 55772, $32,763.

Mr. Rueben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591, $148,633.

MISSISSIPPI

Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350, $211,362.

MONTANA

Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executive Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255, $236,533.

Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lame Deer, Montana 59043, $171,007.

Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831, $120,664.

Mr. Charles D. Plumage, President Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana 59526, $109,077.

Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521, $149,831.

Mr. Patrick Stands Over Bull, Chairman, Crow Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022, $190,985.

Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417, $225,346.

NEBRASKA

Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039, $99,088.

Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska 68760, $22,774.

Mr. Art May, Executive Director, Nebraska Indian Inter-Tribal Development Corporation, P.O. Box 682, Winnebago, Nebraska 68071, $59,132.

NEVADA

Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502, $387,960.

NEW MEXICO

Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107, $1,237,805.

Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327, $310,051.

NEW YORK

Mr. Russell P. Lazare, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogansburg, New York 13655, $105,481.

Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779, $292,071.

Mr. Mike Bush, Executive Director, American Indian Community House, 10 East 38th Street, New York, New York 10016, $25,172.

NORTH CAROLINA

Mr. John A. Crowe, Principal Chief, Eastern Band of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719, $324,434.

NORTH DAKOTA

Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316, $164,615.

Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763, $158,621.

Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538, $376,376.

Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335, $77,113.

OKLAHOMA

Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74056, $85,903.

Mr. Leonard Biggoose, Chairman, Ponca Tribe of Indians, P.O. Box 11 (White Eagle), Ponca City, Oklahoma 74601, $266,500.

Mr. Ross O. Swimmer, Principal Chief, Cherokee Nation, P.O. Box 119, Tahlequah, Oklahoma 74464, $685,627.

Mr. Howard Goodbear, Tribal Chairman, Cheyenne and Arapaho Tribes of Oklahoma, P.O. Box 38, Concho, Oklahoma 73022, $1,016,055.

Mr. C. David Gardner, Principal Chief, Choctaw Nation of Oklahoma, Box 59, Durant, Oklahoma 74701, $289,674.

Mr. Russell B. Ellis, Director, Central Tribes of the Shawnee Area, Inc., Box 2427, University Station, Shawnee, Oklahoma 74802, $50,343.

Mr. Edward F. Mouss, Executive Director, Creek Nation, Department of Manpower, P.O. Box 1114, Okmulgee, Oklahoma 74447, $330,428.

Mr. Pressley Ware, Chairman, Kiowa Tribe of Oklahoma, P.O. Box 1028, Anadarko, Oklahoma 73005, $282,081.

Mr. Dana A. Knight, Chairman, North Central Inter-Tribal Council, Inc., 315 S. Pine, P.O. Box 2384, Ponca City, Oklahoma 74601, $164,614.

Mr. Overton James, Governor, Chickasaw Nation of Oklahoma, CETA Program, West First at Muskogee, Box 645, Sulphur, Oklahoma 73086, $199,775.

Mr. Edwin Tanyan, Principal Chief, Seminole Nation of Oklahoma, 4th and Brown, Wewoka, Oklahoma 74884, $98,689.

Mr. James M. Cox, Chairman, Comanche Indian Tribe, P.O. Box 1127, Lawton, Oklahoma 73501, $169,809.

OREGON

Mr. Ken Smith, General Manager, The Confederate Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97761, $57,535.

SOUTH DAKOTA

Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box G, Pine Ridge, South Dakota 57770, $547,383.

Ms. Elnita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339, $60,332.

Tribal Chairman, Yankton Sioux Tribe, Route #3, Wagner, South Dakota 57380, $101,885.

Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570, $550,979

Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625, $116,669.

Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57548, $8,391.

Mr. Jerry Flute, Tribal Chairman, Sisseton-Wahpeton Sioux Tribe, R.R. #2, Box 144, Sisseton, South Dakota 57262, $174,204.

TEXAS

Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc., P.O. Box 206, Livingston, Texas 77351, $51,142.

UTAH

Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesene, Utah 84026, $77,912.

Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115, $799.

VIRGINIA

Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219, $15,183.

WASHINGTON

Ms. Linda E. Day, Executive Director, Northwest Intertribal Council, 2731 10th Avenue, Everett, Washington 98201, $469,471.

Mr. Leo J. LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390, $416,332.

Mr. Joseph B. DeLaCruz, CHE-HO-QUI-SHO Indian Consortium, Quinault Indian Tribe, P.O. Box 1228, Taholah, Washington 98587, $77,513.

Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040, $572,155.

WISCONSIN

Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, Lac du Flambeau, Wisconsin 54538, $309,651.

Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893, $27,569.

Mr. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135, $259,308.

Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA Office, VW-Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481, $64,727.

Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1 Bowler, Wisconsin 54416, $27,968.

Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board, Route 2, Stone Lake, Wisconsin 54876, $136,646.

Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155, $62,729.

WYOMING

Mr. Rober N. Harris, Shoshone Council Chairman, Mr. Arnold Headley, Arapahoe Council Chairman, Shoshone and Arapahoe Tribes, Box 217, Fort Washakie, Wyoming 82514, $281,283.

Signed at Washington, D.C., this 15th day of December 1976.

ALEXANDER S. MACNABB,
Director, Division of Indian and Native American Programs.

[FR Doc.77–261 Filed 1–3–77;8:45 am]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commer-

cial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of December 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Dec. 23, 1976

Name of applicant	Location of enterprise	Principal product or activity
H. & H. Supply, Inc	Greenup, Ky	Manufacture of concrete blocks and retail sales of building materials.
Sherwood Forest Mobile Home Park	Hartsville, Tenn	Mobile home park.
Farmers Feed Service	Hastings, Mich	Buying and selling of grain products.
Irathane Systems, Inc	Hibbing, Minn	Manufacture of snowmobile tracks and gathering belts.

[FR Doc.77-171 Filed 1-3-77;8:45 am]

Office of the Secretary

[TA-W-1352]

AIRWAY MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Airway Manufacturing Company, Olivet, Michigan (TA-W-1352). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hydraulic fittings produced by Airway Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-191 Filed 1-3-77;8:45 am]

[TA-W-1066]

ALCAN WESTERN PRODUCTS SHEET PRODUCTS DIVISION, RIVERSIDE, CALIFORNIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1066: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 20, 1976 in response to a worker petition received September 20, 1976 which was filed by workers and former workers producing aluminum coil and aluminum bearing alloy coil at the Sheet Products Division of Alcan Western Products, Riverside, California, a division of Alcan Aluminum Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on October 1, 1976 (41 FR 43488). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alcan Western Products, its cutsomers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion four (4) has not been met for the Riverside plant.

Significant Total or Partial Separations. The average number of hourly workers in the Sheet Products Division of the Riverside plant declined 7.2 percent in the last six months of 1974 compared to the last six months of 1973 and declined 35.7 percent from 1974 to 1975. In the first six months of 1976, the average number of hourly workers declined 27.1 percent compared to the first six months of 1975.

The average number of salaried workers at the Riverside plant increased 6.7 percent in the last six months of 1974 compared to the last six months of 1973 and then declined 19.7 percent from 1974 to 1975. In the first six months of 1976, the average number of salaried workers declined 61.5 percent compared to the first six months of 1975.

Sales, Production, or Both, Have Decreased Absolutely. The quantity (in pounds) of aluminum bearing alloy coil sales by the Sheet Products Division declined 15.0 percent from 1973 to 1974 and then increased 9.1 percent from 1974 to 1975. In the first six months of 1976, the quantity of bearing alloy coil sales increased 214.2 percent compared to the first six months of 1975.

The quantity (in pounds) of all other aluminum coil sales by the Sheet Products Division declined 17.1 percent from 1973 to 1974 and declined 54.4 percent from 1974 to 1975. In the first six months of 1976, aluminum coil sales declined 34.3 percent compared to the first six months of 1975.

The quantity (in pounds) of total coil production by the Sheet Products Division increased 0.3 percent from 1973 to 1974 and then declined 49.3 percent from 1974 to 1975. In the first six months of 1976, the quantity of total coil production declined 7.9 percent compared to the first six months of 1975. Production at the Riverside plant ceased in September 1976.

Increased Imports. Imports of aluminum sheet and plate increased absolutely but declined relative to U.S. production from 1971 to 1972. Imports declined both absolutely and relatively from 1972 to 1973 and from 1973 to 1974. Imports then increased absolutely and relatively from 1974 to 1975. The ratio of imports to domestic production increased from 2.0 percent in the first six months of 1975 to 2.9 percent in the first six months of 1976. From 1971 to date imports have never constituted more than 3.2 percent of domestic production.

Contributed Importantly. The Department's investigation revealed that the decision to close the Riverside plant was based on financial losses the company had incurred over the last four years. Riverside was designed as a large capacity facility. In recent years much of that capacity was unused. Consequently, the production layout at Riverside was inefficient. Certain equipment at the plant was out of date. This was compounded in 1974 and 1975 by the impact of the recession in user markets and increasing energy costs.

During 1975 and 1976 various product lines were discontinued at the Riverside plant, some being transferred to other Alcan Aluminum Corp. domestic facilities. In the case of bearing alloy coil, it is planned to transfer production to Alcan Aluminum Ltd. facilities in Toronto, Canada at a future date. Alcan holds a favorable market share for this product. The planned transfer of production is a consequence of Alcan Western Product's closing and will enable Alcan Aluminum to continue supplying present bearing alloy coil customers.

Toronto was selected because there is only one domestic facility presently engaged in aluminum melting for Alcan Aluminum. The equipment at this plant is not the correct size for producing bearing alloy coil, a highly specialized product. Alcan Aluminum Ltd.'s Toronto facilities, however, are suitable for the production of bearing alloy coil. Bearing alloy coil was not produced at Toronto prior to, or at the time of, the Riverside closure.

Customers of Alcan Western Products who were contacted during the course of the investigation have not substituted imports for coil previously purchased from Alcan. According to customers, Alcan's prices were high in relation to other domestic suppliers. Customers who reduced purchases from Alcan have substituted purchases of more competitively priced coil from other domestic manufacturers.

During the period under investigation, approximately one third of production in the Sheet Products Division was used to supply the Building Products Division of Alcan Western Products. The Building Products Division is now being supplied by other divisions of Alcan Aluminum Corporation and does not purchase imported aluminum coil.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with aluminum coil and aluminum bearing alloy coil produced at the Sheet Products Division of Alcan Western Products, Riverside, California, did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-7 Filed 1-3-77;8:46 am]

[TA-W-1,406]

ALAN WOOD STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Alan Wood Steel Company, Conshohocken, Pennsylvania (TA-W-1,406). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon, alloy & steel plates, cold rolled sheet & strip hot rolled sheet & strip billets & slabs produced by Alan Wood Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-224 Filed 1-3-77;8:45 am]

[TA-W-1170]

ALLEGRO SHOE CORP., LITTLE FALLS, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1170: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1976 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers Union Local 540 on behalf of workers and former workers producing women's shoes at the Little Falls, New York plant of Allegro Shoe Corp., a subsidiary of Cosmos Footwear, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allegro Shoe Company, the customers of Cosmos Footwear (the parent firm), the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

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In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. Average monthly employment was highest in July 1976 and then declined steadily through October 1976, representing a 50 percent decline over the four month period. Also, there were layoffs in every month during this four month period.

Sales or production, or both, have decreased absolutely. Sales in quantity declined 5 percent in 1975 compared to 1974 and then increased 66 percent in the first 6 months of 1976 compared to the first 6 months of 1975. Sales then declined 24 percent in third quarter of 1976 compared to the third quarter of 1975.

Increased imports. Imports increased both absolutely and relatively in 1972 over 1971 and in 1973 over 1972. In 1974, imports declined both absolutely and relatively compared to 1973.

Imports of women's shoes increased from 179.8 million pairs in 1974 to 183.5 million pairs in 1975, an increase of 2 percent. Imports for the first 9 months of 1976 increased 16.9 percent over the like period in 1975.

The ratio of imports to domestic production increased from 107.6 percent in 1974 to 119.1 percent in 1975 and declined slightly from 114.2 percent in the first 9 months of 1975 to 110.3 percent in the first 9 months of 1976.

Contributed importantly. Imports by Alpeco International, a subsidiary of Cosmos, increased 113 percent in the first 9 months of 1976 compared to the first 9 months of 1975.

Customers of Cosmos Footwear indicated they have decreased their purchases of women's shoes from Cosmos Footwear and have increased their purchases of imported shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Little Falls, New York plant of Allegro Shoe Corp. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Little Falls, New York plant of Allegro Shoe Corp. who became totally or partially separated from employment on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-8 Filed 1-3-77;8:45 am]

[TA-W-1358]

AMERICAN FOUNDRY & MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of American Foundry & Manufacturing Co. ,St. Louis, Mo. (TA-W-1358). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with firehydrants, yard hydrants, utility castings & manhole covers, drainage grates produced by American Foundry & Manufacturing Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-192 Filed 1-3-77;8:45 am]

[TA-W-1,413]

AMERON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Ameron Steel & Wire Division of Ameron, Incorporated, Etiwanda, California (TA-W-1,413). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel reinforcing bars and wire produced by Ameron, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-225 Filed 1-3-77;8:45 am]

[TA-W-1,424]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Marion Work, Marion, Ohio, of Armco Steel Corporation, Midland, Ohio (TA-W-1,424). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel rebars, angles 7 flats produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-206 Filed 1-3-77;8:45 am]

[TA-W-1,411]

ATLANTIC STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Steel plant of Atlantic Steel Company, Atlanta, Georgia (TA-W-1,411). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon strip steel produced by Atlantic Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-227 Filed 1-3-77;8:45 am]

[TA-W-1149]

B & C WEST, INC., SAN FRANCISCO, CALIFORNIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1149: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing macrame plant hangers at B & C West, Incorporated, San Francisco, California.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47617). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of B & C West, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. Employment of salaried workers at B & C declined 22 percent in the first nine months of 1976 compared to the same period in 1975.

In the first nine months of 1976, employment of piece workers declined 45 percent compared to the same period in 1975.

Both total or partial layoffs have occurred sporadically since January 1976. A major layoff occurred in September 1976.

Sales or production, or both, have decreased absolutely. Total sales, in terms of value, by B & C declined 56 percent in the first nine months of 1976 compared to the same period in 1975.

In the first six months of 1976, the only period for which such information was available, total production of macrame plant hangers declined 69 percent compared to the same period in 1975.

Increased imports. Imports of textile hangers, which includes cotton and jute, increased absolutely in each year from 1972 through 1975. Imports increased 229 percent from 1974 to 1975, from 6.4 million pieces to 21.1 million pieces. In the January–June 1976 period, imports were 109 percent greater than during the same period in 1975.

Imports of textile hangers increased relative to domestic production and consumption in each year from 1972 through 1975. The ratio of imports to domestic production and consumption increased from 712.4 percent and 87.7 percent, respectively, in 1974 to 917.2 percent and 90.2 percent, respectively, in 1975, and from 436.7 percent and 81.4 percent, respectively, in the first six months of 1975 to 1007.1 percent and 91.0 percent, respectively in the first six months of 1976.

Imports of non-textile hangers increased absolutely in each year from 1972 through 1975. Imports increased from .07 million pieces in 1974 to 7.6 million pieces in 1975. In the January–June 1976 period, imports were 300 percent greater than the same period in 1975.

Imports of non-textile hangers increased relative to domestic production and consumption in each year from 1973 through 1975. The ratio of imports to domestic production and consumption increased from 19.3 percent and 17.0 percent, respectively, in 1974 to 1142.4 percent and 92.2 percent, respectively, in 1975, and from 648.4 percent and 87.1 percent, respectively, in the first six months of 1975 to 1043.1 percent and 91.4 percent, respectively, in the first six months of 1976.

Contributed importantly. In 1975 and 1976 the domestic market for plant hangers was faced with an increase in the supply of plant hangers coupled with a decline in demand. The saturation of the market can mainly be attributed to increased imports of plant hangers. Customers of B & C West cited the impact of imports on the domestic market as a major reason for reduced purchases from the subject firm. Customers stated that B & C could no longer remain price competitive with the cheaper imported hangers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with macrame plant hangers produced at B & C West, Incorporated, San Francisco, California, contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of B & C West, Incorporated San Francisco, California engaged in employment related to the production of macrame plant hangers, including piece workers, who became totally or partially separated from employment on or after September 28, 1975 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-10 Filed 1-3-77;8:45 am]

[TA-W-894]

BABCOCK AND WILCOX CO., BEAVER FALLS WORKS, PENNSYLVANIA

Correction of Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, on August 20, 1976, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers at the Beaver Falls plant of the Babcock and Wilcox Company, New York, New York (TA-W-894). The Notice of Certification was published in the FEDERAL REGISTER on August 27, 1976 (41 FR 36285).

The certification as originally issued excluded workers who were engaged in employment related to the production of seamless steel tubings and fittings at the Koppel, Pennsylvania and the Ambridge, Pennsylvania facilities of the Beaver Falls, Pennsylvania Works of the Babcock and Wilcox Company, New York, New York.

Accordingly, the certification issued August 20, 1976 is hereby amended to include all workers of the Babcock and Wilcox Company employed at the Beaver Falls Works, Beaver Falls, Pennsylvania including the facilities at Koppel, Pennsylvania and Ambridge, Pennsylvania.

Signed at Washington, D.C., this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-9 Filed 1-3-77;8:45 am]

[TA-W-1,372]

BERN INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Bern Industries, Inc., Brooklyn, New York (TA-W-1,372). Accordingly, the Director, Office of Trade Adjustment Assistanee, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with small brackets fabricated from iron & steel produced by Bern Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit writen comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-11 Filed 1-3-77;8:45 am]

[TA-W-1207]

BRIERWOOD SHOE CORP.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1207: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 28, 1976 in response to a worker petition received on October 28, 1976 which was filed on behalf of workers and former workers of the Pulaski, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation, a subsidiary of Kleinert's, Inc., Kutztown, Pennsylvania. The investigation was expanded to include workers of the Clintonville, Wisconsin plant of the Northern Shoe Division. The Clintonville plant is a satellite facility of the Pulaski plant.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51136). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Northern Shoe Division of Brierwood Shoe Corp., its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met with respect to the Pulaski plant but that the first criterion has not been met with respect to the Clintonville plant.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at the Pulaski plant declined 7.5 percent in the August-October 1976 period compared to the like period in 1975. Prior to that period, average hourly employment had not changed from 1974 to 1975 and had increased in the January-July 1976 period compared to the like period in 1975.

The average number of hourly workers employed at the Clintonville plant increased 54.2 percent from 1974 to 1975 and rose 52.9 percent in the first ten months of 1976 compared to the like period in 1975. Average weekly hours worked at Clintonville increased 7.0 percent from 1974 to 1975 and declined 0.5 percent in the first ten months of 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Northern Shoe Division production declined 7.9 percent in quantity in the August–October 1976 period compared to the like period in 1975. Prior to that period, production had increased from 1974 to 1975 and in the January–July 1976 period compared to the like period in 1975.

INCREASED IMPORTS

Imports of children's nonrubber footwear, the principal product of the Northern Shoe Division, decreased in absolute terms but increased relative to domestic production and consumption each year from 1973 to 1975. Imports increased both absolutely and relatively in the first nine months of 1976 compared to the like period in 1975.

Imports of infants' and babies' nonrubber footwear decreased in absolute terms and relative to domestic production and consumption from 1972 to 1974 and did not change significantly from 1974 to 1975. Imports increased both absolutely and relatively in the first nine months of 1976 compared to the like period in 1975.

Imports of women's nonrubber footwear increased in absolute terms and relative to domestic production and consumption from 1972 to 1973, declined from 1973 to 1974, and then rose from 1974 to 1975. In the first nine months of 1976, imports increased absolutely but declined relatively compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Northern Shoe's largest customer, accounting for about 90 percent of sales, reduced purchases of children's shoes from the company in 1976 and significantly increased purchases of imported children's shoes. Northern Shoe was unable to secure enough new accounts to compensate for the lost sales to its major customer and was forced to reduce employment at the Pulaski, Wisconsin plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with nonrubber footwear for children, infants and women produced at the Pulaski, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation, contributed importantly to the total partial separation of the workers of such plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Pulaski, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation, who became or will become totally or partially separated from employment on or after August 9, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that a significant number or proportion of the workers at the Clintonville, Wisconsin plant of the Northern Shoe Division of Brierwood Shoe Corporation have not become, and are not threatened to become, totally or partially separated as required under Section 222(1) of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc 77-193 Filed 1-3-77;8:45 am]

[TA-W-1222]

BROOKEVALE MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1222: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 3, 1976 in response to a worker petition received on November 3, 1976 which was filed on behalf of workers and former workers producing men's suit coats and sport coats at the Belle Vernon, Pennsylvania plant of Brookevale Manufacturing Company, a subsidiary of Target Sportswear, Inc., New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51136). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brookevale Manufacturing Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether the other criteria are met, the investigation reveals that the first and second criteria have not been met.

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SIGNIFICANT TOTAL OR PARTIAL SEPARATION

The average number of hourly workers employed at the Brookevale Manufacturing Company increased 72.6 percent in the last quarter of 1975 compared to the last quarter of 1974. Average hourly employment increased 45.2 percent in the first eleven months of 1976 compared to the like period in 1975 and increased in each of the first three quarters of 1976 compared to like quarters in 1975.

Average hours worked by hourly workers at Brookevale increased 53.9 per cent in the last quarter of 1975 compared to the last quarter of 1974. Average hours worked increased 54.9 percent in the first eleven months of 1976 compared to the like period in 1975 and increased in each of the first three quarters of 1976 compared to like quarters in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Brookevale increased 75.6 percent in quantity in the last quarter of 1975 compared to the last quarter of 1974 and increased 57.7 percent in the first eleven months of 1976 compared to the like period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of workers at the Brookevale Manufacturing Company, Belle Vernon, Pennsylvania, have not become totally or partially separated and that sales or production at the firm have not decreased absolutely as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-194 Filed 1-3-77;8:45 am]

[TA-W-1016]

BROWN SHOE CO., LEACHVILLE, ARKANSAS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1016: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 11, 1976 in response to a worker petition received on that date which was filed by the workers at the Leachville, Arkansas plant of Brown Shoe Company on behalf of workers and former workers producing children's leather shoes at the Leachville, Arkansas plant of Brown Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the Federal Register on August 24, 1976 (41 FR 35776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 3.6 percent in 1975 compared to 1974 and declined 9.1 percent in the first nine months of 1976 compared to the same period in 1975. Average hours worked declined 9.1 percent in 1975 compared to 1974 and declined 2.6 percent in the first nine months of 1976 compared to the same period in 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales in number of pairs declined .4 percent in 1975 compared to 1974 and declined 24.4 percent in the first quarter of 1976 compared to the first quarter of 1975. Sales in number of pairs increased 2.8 percent in the second quarter of 1976 over the second quarter in 1975 and increased 29.3 percent in the third quarter of 1976 compared to the third quarter of 1975.

Production in number of pairs declined 3.1 percent in 1975 compared to 1974 and declined 19.6 percent in the first quarter of 1976 compared to the first quarter of 1975. Production in number of pairs increased 1.6 percent in the second quarter of 1976 over the second quarter of 1975 and increased 38.2 percent in the third quarter of 1976 over the third quarter of 1975.

Increased Imports. Imports of children's nonrubber footwear increased both absolutely and relatively in 1972 over 1971 and then decreased both absolutely and relatively in 1973 from levels in 1972. The ratio of imports to domestic production increased from 58.8 percent in 1973 to 59.2 percent in 1974 to 64.5 percent in 1975.

In the first six months of 1976 imports increased both absolutely and relatively compared to the first six months of 1975. Absolute imports increased 44.3 percent in the first half of 1976 compared to the first half of 1975. Also the ratio of imports to domestic production increased from 73.5 percent the first six months in 1975 to 75.2 percent in the first six months of 1976.

Contributed Importantly. Imports of children's shoes under the Brown Company (Buster Brown) label increased 90.6 percent in fiscal year 1976 compared to fiscal year 1975.

Customers of Brown Shoe Company indicated they had increased purchases of imported children's shoes from both Brown and other suppliers relative to purchases of domestically manufactured children's shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's shoes produced at the Leachville, Arkansas plant of the Brown Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Leachville, Arkansas plant of the Brown Shoe Company who became totally or partially separated from employment on or after August 3, 1975, and before July 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after July 1, 1976 are denied certification.

Signed at Washington, D.C. this 6th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12 Filed 1-3-77;8:45 am]

[TA-W-1,381]

C. E. GLASS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 10, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinist and Aerospace Workers on behalf of the workers and former workers of St. Louis, Missouri plant of C. E. Glass, Pennsauken, N.J., a div. of Combustion Engineering Corp., Stafford, Conn. (TA-W-1,381). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rolled and wired glass produced by C.E. Glass or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-13 Filed 1-3-77;8:45 am]

[TA-W-1,393]

CABOT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Satellite Divsion of Cabot Corporation, Kokomo, Indiana (TA-W-1,393). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with super alloys produced by Cabot Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-106 Filed 1-3-77;8:45 am]

[TA-W-1,428]

CHATTANOOGA COKE & CHEMICAL CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Chattanooga Coke & Chemical Co., Inc., Chattanooga, Tenn. (TA-W-1,428). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Chattanooga Coke & Chemical Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-228 Filed 1-3-77;8:45 am]

[TA-W-1,354]

CONTINENTAL PIPE PRODUCTS MANUFACTURING CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Continental Pipe Products Manufacturing Co., Chicago, Illinois (TA-W-1,354). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the distribution of pipe fittings & the cutting of steel pipe for nipples provided and produced by Continental Pipe Products Manufacturing Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant num-

ber or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-14 Filed 1-3-77;8:45 am]

[TA-W-1,420]

CYCLOPS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Empire Detroit Steel Division, New Boston, Ohio of Cyclops Corporation, Portsmouth, Ohio (TA-W-1,420). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke, pig iron and open hearth ingots produced by Cyclops Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-229 Filed 1-3-77;8:45 am]

[TA-W-1,355]

DE LAVAL TURBINES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Los Angeles, California plant of De Laval Turbines, Princeton, New Jersey (TA-W-1,355). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves and controls produced by De Laval Turbines or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-15 Filed 1-3-77;8:45 am]

[TA-W-1,356]

DE LAVAL TURBINES

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Trenton, New Jersey plant of De Laval Turbines, Princeton, New Jersey (TA-W-1,356). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with worm gears produced by De Laval Turbines or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-16 Filed 1-3-77;8:45 am]

[TA-W-1,390]

DIXON-BARTLETT-LAMBRECHT, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated December 2, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Dixon-Bartlett-Lambrecht, Inc., Baltimore, Md., a wholly-owned subsidiary of Dunn & McCarthy, Auburn, New York (TA-W-1,390). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by Dixon-Bartlett-Lambrecht, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-107 Filed 1-3-77;8:45 am]

[TA-W-1,396]

DONNER-HANNA COKE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Donner-Hanna Coke Corporation, Buffalo, New York (TA-W-1,396). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke and by-products produced by Donner-Hanna Coke Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-108 Filed 1-3-77;8:45 am]

[TA-W-1187]

DORN SHIRT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1187: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on that date which was field by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's and juniors' shirts and blouses at the Philadelphia, Pennsylvania plant of Dorn Shirt Company.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48806). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dorn Shirt Company, its customers, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are

threatened to become totally or partially separated:

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met by workers of the Dorn Shirt Company, Philadelphia, Pennsylvania.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Dorn Shirt Company increased 2.1 percent from 1973 to 1974 before decreasing 2.1 percent from 1974 to 1975 and 12.8 percent for the first ten months of 1976 compared to the first ten months of 1975.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Dorn Shirt Company increased 25.8 percent in value from 1973 to 1974 and 32.7 percent from 1974 to 1975 before decreasing 36.8 percent for the first ten months of 1976 compared to the first ten months of 1975.

Production by Dorn Shirt Company increased 13.2 percent in quantity from 1973 to 1974 and 24.1 percent from 1974 to 1975 before decreasing 37.2 percent for the first ten months of 1976 compared to the first ten months of 1975.

INCREASED IMPORTS

Imports of women's misses' and children's shirts and blouses have increased absolutely every year since 1971 as they rose from 15.6 million dozens in 1971 to 20.5 million dozens in 1974. Imports of women's, misses' and children's shirts and blouses increased from 20.5 million dozens in 1974 to 27.8 million dozens in 1975 or 35.6 percent. For the first nine months of 1976 imports increased to 24.0 million dozens compared to 19.3 million dozens for the first nine months of 1975.

CONTRIBUTED IMPORTANTLY

Customers of Dorn Shirt Company increased their purchases of imported women's and juniors' shirts and blouses, while decreasing their purchases of women's and junior's shirts and blouses from Dorn Shirt Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and juniors' shirts and blouses manufactured by Dorn Shirt Company, Philadelphia, Pennsylvania contributed importantly to the total or partial separations of the workers of the company. In accordance with the provisions of the Act, I make the following certifications:

All workers engaged in employment related to the manufacture of women's and juniors' shirts and blouses at the Dorn Shirt Company, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-195 Filed 1-3-77;8:45 am]

[TA-W-1088]

THE DRAGGER "BRANT"

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1088: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 24, 1976 in response to a worker petition received on September 24, 1976 which was filed on behalf of workers and former workers engaged in the catching and landing of shrimp on the dragger, "Brant," in Walpole, Maine.

The Notice of Investigation was published in the FEDERAL REGISTER on October 15, 1976 (41 FR 45639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the dragger, "Brant", its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average share earnings per worker on the "Brant" declined 10.8 percent from 1974 to 1975 and declined 22.3 percent in the first half of 1976 compared to the first half of 1975. The number of workers on the "Brant" remained constant until June 1976 when the "Brant" ceased fishing and all workers were let go.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales of shrimp by the "Brant" declined 55.8 percent from 1974 to 1975 and declined 96.6 percent in the first half of 1976 compared to the first half of 1975.

Sales of other fish increased 5.6 percent from 1974 to 1975 and increased 42.2 percent in the first six months of 1976 compared to the first six months of 1975. Combined sales declined 33.1 percent from 1974 to 1975 and declined 36.7 percent in the first six months of 1976 compared to the first six months of 1975.

INCREASED IMPORTS

Imports of shrimp increased 18.3 percent from 1971 to 1972, declined 9.3 percent from 1972 to 1973, increased 15.9 percent from 1973 to 1974 and declined 13.6 percent from 1974 to 1975. Imports increased 23.2 percent in the first half of 1976 compared to the first half of 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the "Brant" did not purchase imported shrimp. Declines in sales of shrimp were due to declining catches caused by a reduction in the harvestable stock of shrimp in New England waters. On April 15, 1976 the Northern Shrimp Section of the Atlantic States Marine Fisheries Commission enacted a closed season on the taking and landing of shrimp in New England waters making it impossible for the "Brant" to catch shrimp after that date.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with shrimp caught by the dragger, "Brant," did not contribute importantly to the total or partial separations of the workers on that boat as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-196 Filed 1-3-77;8:45 am]

[TA-W-1,382]

E. W. BOHREN TRANSPORT, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 30, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by Teamsters Union on behalf of the workers and former workers of E.W. Bohren Transport, Inc., Woodburn, Indiana, a Div. of United Technology, Inc., Hartford, Conn. (TA-W-1,382). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the transportation of steel provided by E.W. Bohren Transport, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-17 Filed 1-3-77;8:45 am]

[TA-W-1,412]

EDGEWATER STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Edgewater Steel Corporation, a subsidiary of Edgewater Corporation, Oakmont, Pennsylvania (TA-W-1,412). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with forged railroad car wheels and rings produced by Edgewater Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-230 Filed 1-3-77;8:45 am]

[TA-W-1,405]

ELECTRALLOY CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Electralloy Corporation, Oil City, Pennsylvania, a wholly owned subsidiary of Machael Kral Industries, Oil City, Pennsylvania (TA-W-1,405). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel produced by Electralloy Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-236 Filed 1-3-77;8:45 am]

[TA-W-1,388]

ELFSKIN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 22, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Elfskin Corporation,

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Worcester, Massachusetts (TA–W–1,388). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coated and suede fabric produced by Elfskin Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77–109 Filed 1–3–77;8:45 am]

[TA–W–1163]

EXXON COMPANY, U.S.A.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1163: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 13, 1976 in response to a worker petition received on October 13, 1976 which was filed by workers producing or distributing refined oil products at the Exxon Company, U.S.A., Hackensack, New Jersey, a subsidiary of Exxon Corporation, Houston, Texas.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47622). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Exxon, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the course of the investigation shows that the Hackensack facility does not refine crude oil but only acts as a distribution facility for refined petroleum. Imports of all refined oil products declined from an average 2767 thousand barrels per day in 1973, to 2425 thousand barrels per day in 1974 and to 1811 thousand barrels per day in 1975. Imports declined from an average 1904 thousand barrels per day in the first half of 1975 to 1823 thousand barrels per day in the first half of 1976. Ratios of imports to domestic production and consumption fell from 19.3 percent and 16.4 percent in 1973, respectively, to 17.2 percent and 14.9 percent in 1974, to 12.8 percent and 11.5 percent in 1975. Imports fell from 13.8 percent and 12.3 percent of domestic production and consumption, respectively, in the first six months of 1975, to 12.4 percent and 11.2 percent, respectively, in the same period in 1976. Products like those distributed by the Hackensack facility accounted for 92 percent of the 1975 aggregate U.S. production of all refined oil products (by volume).

As the result of a management decision, positions at Exxon's New Jersey distribution facilities will be eliminated by the installation of a new computer information system and telephone system and the implementation of a new delivery system.

CONCLUSION

After careful review of the facts, I conclude that increases of imports like or directly competitive with refined oil products distributed by the Exxon Company, U.S.A., Hackensack, New Jersey did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77–197 Filed 1–3–77;8:45 am]

[TA–W–1162]

EXXON COMPANY, U.S.A.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1162: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 13, 1976 in response to a worker petition received on October 13, 1976 which was filed by workers producing or distributing refined oil products at the Exxon Company, U.S.A., Linden, New Jersey, a subsidiary of Exxon Corporation, Houston, Texas.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47622). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Exxon, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the course of the investigation shows that the Linden facility does not refine crude oil but only acts as a distribution facility for refined petroleum. Imports of all refined oil products declined from an average 2767 thousand barrels per day in 1973, to 2425 thousand barrels per day in 1974 and to 1811 thousand barrels per day in 1975. Imports declined from an average 1904 thousand barrels per day in the first half of 1975 to 1823 thousand barrels per day in the first half of 1976. Ratios of imports to domestic production and consumption fell from 19.3 percent and 16.4 percent in 1973, respectively, to 17.2 percent and 14.9 percent in 1974, to 12.8 percent and 11.5 percent in 1975. Imports fell from 13.8 percent and 12.3 percent of domestic production and consumption, respectively, in the first six months of 1975, to 12.4 percent and 11.2 percent, respectively, in the same period in 1976.

Products like those distributed by the Linden facility accounted for 92 percent of the 1975 aggregate U.S. production of all refined oil products (by volume). As a result of a management decision, positions at Exxon's New Jersey distribution facilities will be eliminated by the installation of a new computer information system and telephone system and the implementation of a new delivery system.

CONCLUSION

After careful review of the facts, I conclude that increases of imports like or directly competitive with refined oil products distributed by the Exxon Company, U.S.A., Linden, New Jersey did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77–198 Filed 1–3–77;8:45 am]

[TA–W–1161]

EXXON COMPANY, U.S.A.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1161: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 13, 1976, in response to a worker petition received on October 13, 1976 which was filed on behalf of workers and former workers distributing refined oil products at the Exxon Company, U.S.A., Paulsboro, New Jersey, a subsidiary of Exxon Corporation, Houston, Texas.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47621). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Exxon, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met:

Evidence developed in the course of the investigation shows that the Paulsboro facility does not refine crude oil but only acts as a distribution facility for refined petroleum. Imports of all refined oil products declined from an average 2767 thousand barrels per day in 1973, to 2425 thousand barrels per day in 1974 and to 1811 thousand barrels per day in 1975. Imports declined from an average 1904 thousand barrels per day in the first half of 1975 to 1823 thousand barrels per day in the first half of 1976. Ratios of imports to domestic production and consumption fell from 19.3 percent and 16.4 percent in 1973, respectively, to 17.2 percent and 14.9 percent in 1974, to 12.8 percent and 11.5 percent in 1975. Imports fell from 13.8 percent and 12.3 percent of domestic production and consumption, respectively, in the first six months of 1975, to 12.4 percent and 11.2 percent, respectively, in the same period in 1976. Products like those distributed by the Paulsboro facility accounted for 92 percent of the 1975 aggregate U.S. production of all refined oil products (by volume).

As a result of a management decision positions at Exxon's New Jersey distribution facilities will be eliminated by the installation of a new computer information system and telephone system and the implementation of a new delivery system.

CONCLUSION

After careful review of the facts I conclude that increases of imports like or directly competitive with refined oil products distributed by the Exxon Company, U.S.A., Paulsboro, New Jersey did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77–199 Filed 1–3–77;8:45 am]

[TA–W–1,371]

FISHER CONTROLS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fisher Controls Company, Coraopolis, Pennsylvania (TA–W–1,371). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cast iron and stainless steel automatic control valves produced by Fisher Controls Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200

Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-18 Filed 1-3-77;8:45 am]

[TA-W-1,377]

FLORSHEIM SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 19, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of the Cape Girardeau, Missouri plant of Florsheim Shoe Co., Chicago, Ill. (TA-W-1,377). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bottom outsoles, heels and insoles produced by Florsheim Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-19 Filed 1-3-77;8:45 am]

[TA-W-1089]

GALAXY COSTUME CORP. NEW YORK, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1089: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 23, 1976 in response to a worker petition received on September 23, 1976 which was filed by the Amalgamated Ladies' Garment Cutters' Union on behalf of cutters and former cutters of the 8th Avenue New York, New York plant of Galaxy Costume Corporation.

The notice of investigation was published in the FEDERAL REGISTER on October 5, 1976 (41 FR 43974). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Galaxy Costume Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

Galaxy Costume Corporation is a manufacturer of women's coats and jackets of all lengths in misses' sizes 10–20, misses' half sizes 16½–24½ and junior sizes 5–15. Galaxy purchases and cuts fabric for coats and jackets, arranges with outside contractors for the stitching of the coats and jackets, and markets the finished product. Coats and jackets are made predominately of corduroy, wool, suede, fake fur and melton.

The investigation revealed that sales for Galaxy Costume increased 12.4 percent in quantity and 11.8 percent in value from 1974 to 1975 and 2.8 percent in quantity and 4.4 percent in value for the first ten months of 1976 compared to the first ten months of 1975. Furthermore, production in quantity at Galaxy Costume Corporation increased 10.1 percent from 1974 to 1975 and 8.4 percent for the first ten months of 1976 compared to the first ten months of 1975.

After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, of Galaxy Costume Corporation have not decreased absolutely as required under Section 222 of the Trade Act of 1974. Therefore certification of eligibility to apply for adjustment assistance is denied.

Signed at Washington, D.C., this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20 Filed 1-3-77;8:45 am]

[TA-W-1,414]

GEORGETOWN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Georgetown Steel Corporation, Georgetown, South Carolina (TA-W-1,414). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel wire rods & rebars produced by Georgetown Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-232 Filed 1-3-77;8:45 am]

[TA-W-1,366]

GULF & WESTERN INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Huntington Machines Division, Huntington, Pa. of Gulf & Western Industries, Inc., Oak Brooke, Illinois (TA-W-1,366). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with high pressure carbon steel pipe fittings & pipe unions produced by Gulf & Western Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-21 Filed 1-3-77;8:45 am]

[TA-W-1,389]

GUTMAN-KESSLEN SHOES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 17, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Gutman-Kesslen Shoes, Inc., Manchester, New Hampshire (TA-W-1,389). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by Gutman-Kesslen Shoes, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-110 Filed 1-3-77;8:45 am]

[TA-W-1,423]

HANNA FURNACE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hanna Furnace Corporation, Buffalo, N.Y., a wholly owned subsidiary of National Steel Corp., Detroit, Michigan (TA-W-1,423). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with merchant pig iron produced by Hanna Furnace Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm of subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a

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public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Direcor, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc 77-233 Filed 1-3-77;8:45 am]

[TA-W-1,427]

H. K. PORTER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Hunting, West Virginia plant of H. K. Porter Company, Birmingham, Ala. (TA-W-1,427). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special sections (bars) & small structurals produced by H. K. Porter Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-234 Filed 1-3-77;8:45 am]

[TA-W-1,426]

H.K. PORTER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of H. K. Porter Company, Birmingham, Alabama (TA-W-1,426). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or related increases of imports of articles like or directly competitive with merchant bars and other structurals produced by H. K. Porter Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-235 Filed 1-3-77;8:45 am]

[TA-W-1,386]

H. W. GOSSARD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of the Poplar Bluff, Missouri plant of H. W. Gossard Co, Chicago, Ill (TA-W-1,386). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' lingerie and sleepwear produced by H. W. Gossard Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-111 Filed 1-3-77;8:45 am]

[TA-W-1,387]

H. W. GOSSARD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of the Malden, Missouri plants of H. W. Gossard Company, Chicago, Ill. (TA-W-1,387). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' lingerie and sleepwear produced by H. W. Gossard Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-112 Filed 1-3-77;8:45 am]

[TA-W-1,385]

H. W. GOSSARD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of the Piggott, Arkansas plant of H. W. Gossard Company, Chicago, Ill (TA-W-1,385). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies lingerie and sleepwear produced by H. W. Gossard Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 January 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 January 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-200 Filed 1-3-77;8:45 am]

[TA-W-1,364]

HOMESTEAD INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Homestead Industries, Inc., Corapolis, Pennsylvania (TA-W-1,364). Accordingly, the Director, office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with grey iron valves produced by Homestead Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the

Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc 77-22 Filed 1-3-77; 8:45 am]

[TA-W-1,368]

ITT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976, the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Grinnell Welding Products Div., Princeton, Kentucky of ITT Corp., New York, New York (TA-W-1,368). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with pipe fittings produced by ITT Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-26 Filed 1-3-77;8:45 am]

[TA-W-1182]

INDIAN HEAD SHOE CO., MANCHESTER, NEW HAMPSHIRE

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1182: investigation regarding certification of elegibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed on behalf of the workers and former workers producing athletic footwear at the Indian Head Shoe Company, Manchester, New Hampshire.

The notice of investigation was published in the Federal Register (41 FR 48810) on November 5, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Indian Head Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. Plant employment decreased 16 percent in 1975 compared to 1974 and then increased 66 percent in the first nine months of 1976 compared to the first nine months of 1975.

Employment declined in every month since April 1976. Nearly all employment was terminated when the plant ceased production in September 1976, except for a small staff to close out inventory. This staff will remain at the factory until early 1977.

Sales or Production, or Both, Have Decreased Absolutely. Company sales in quantity decreased 25 percent in 1975 compared to 1974. Sales increased 77 percent during the first 8 months of 1976 compared to the first 8 months of 1975. The increased sales in 1976 resulted from a new marketing strategy involving direct selling to small dealers. This strategy proved less successful than originally planned and preceded the cessation of production at Indian Head in September 1976.

Sales reached a peak in April 1976 and then declined steadily, except for August 1976, the month just prior to the ceasing of production at the plant.

Increased imports. Athletic footwear imports increased both absolutely and relatively in 1972 compared to 1971; imports in 1973 increased absolutely compared to 1972. In 1974, imports again increased both absolutely and relatively over 1973.

Absolute imports of athletic footwear increased 102 percent in 1975 compared to 1974 and increased from 84.3 percent of domestic production in 1974 to 148.0 percent in 1975. First half of 1976 imports were 201.6 percent of domestic production compared to 137.1 percent for the same period in 1975.

Contributed Importantly. The Department's investigation revealed that customers surveyed reported decreased purchases of athletic footwear from Indian Head and increased purchases of imported footwear.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of like or directly competitive with athletic footwear produced at the Manchester, New Hampshire plant of Indian Head Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Manchester, New Hampshire plant of Indian Head Shoe Company who became totally or partially separated from employment on or after April 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-23 Filed 1-3-77;8:45 am]

[TA-W-1,357]

INTERNATIONAL BASIC ECONOMIC CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of International Basic Economic Corp., Bellows-Valvair Div., Akron, Ohio (TA-W-1,357). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by International Basic Economic Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-24 Filed 1-3-77;8:45 am]

[TA-W-1,383]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 23, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Searcy, Arkansas plant of International Shoe Co., a Div. of Interco, Inc., St. Louis, Missouri (TA-W-1,383). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-25 Filed 1-3-77;8:45 am]

[TA-W-1092]

J. BASS AND CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1092: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 24, 1976 in response to a worker petition received on September 24, 1976 which was filed on behalf of workers and former workers printing and dyeing materials at the West Hazleton, Pennsylvania plant of J. Bass and Company.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 44483) on October 8, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of J. Bass and Company and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that while the first three criteria have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at J. Bass increased by 17.2 percent from 1974 to 1975 and then declined by 17.4 percent in the first nine months of 1976 compared to the first nine months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of printed and dyed fabrics in terms of value increased 65.3 percent from 1974 to 1975 and then decreased by

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50.8 percent in the first nine months of 1976 compared to the first nine months of 1975.

Production of fabrics in terms of quantity increased by 39.3 percent from 1974 to 1975 and then decreased 52.7 percent in the first nine months of 1976 compared to the first nine months of 1975.

INCREASED IMPORTS

Imports of dyed and printed manmade fabrics decreased absolutely in 1972 and 1973 and increased absolutely in 1974 compared to each preceding year. Imports fell from 241.6 million square yards in 1974 to 238.6 million square yards in 1975. The ratios of imports to production and consumption increased from 5.4 percent and 5.5 percent, respectively in 1974 to 6.3 percent and 6.5 percent, respectively in 1975.

Imports increased from 131.9 million square yards in the first seven months of 1975 to 165.0 million square yards in the first seven months of 1976. The ratios of imports to production and consumption decreased from 7.3 percent and 7.5 percent, respectively in the first seven months of 1975 to 5.4 percent and 5.5 percent, respectively in the first seven months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of J. Bass, the converters, do not purchase imported printed and dyed fabrics. The converters reduced business with J. Bass because the customers of the converters, the manufacturers, have reduced their orders with the converters. The manufacturers report that any imported fabrics used by them are not available in the United States. Furthermore, changes in consumer fashion preferences caused the manufacturers to utilize other domestic manufacturers as the types of materials required were not available from J. Bass.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with printed and dyed fabrics produced at the West Hazelton, Pennsylvania plant of J. Bass and Company did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-201 Filed 1-3-77;8:45 am]

[TA-W-1,374]

JENKINS BROTHERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jenkins Brothers, Bridgeport, Connecticut (TA-W-1,374). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted and investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial valves produced by Jenkins Brothers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-27 Filed 1-3-77;8:45 am]

[TA-W-1,375]

JENKINS BROTHERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Fairfield, Conn. plant of Jenkins Brothers, Bridgeport, Conn. (TA-W-1,375). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial valves produced by Jenkins Brothers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-28 Filed 1-3-77;8:45 am]

[TA-W-1, 400]

KEYSTONE CONSOLIDATED INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Steel & Wire Division, Chicago, Ill., of Keystone Consolidated Industries, Peoria, Ill. (TA-W-1, 400). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with angles, channels, rods, etc. of hot roled carbon steel produced by Keystone Consolidated Industries or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-202 Filed 1-3-77;8:45 am]

[TA-W-1,407]

JIM WALTER RESOURCES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jim Walter Resources, Birmingham, Alabama, a wholly owned subsidiary of Jim Walter Corp., Tampa, Fla. (TA-W-1,407.) Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke, sulfated acides, pigiron, mineral wool for insulational & acoustical tile produced by Jim Walter Resources or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-77-236 Filed 1-3-77;8:45 am]

[TA-W-1,418]

LEMONT MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor reecived a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lemont Manufacturing Company, Lemont, Illinois, a division of Ceco Corporation, Chicago, Illinois (TA-W-1,418). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars and angles produced by Lemont Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significnt number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-237 Filed 1-3-77;8:45 am]

[TA-W-1185]

LOUIS CLARK, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1185: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed on behalf of workers and former workers producing women's blouses and shirts at the Philadelphia plant of Louis Clark, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48813). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Louis Clark, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers declined 7.5, 9.7 and 7.1 percent in the first three quarters of 1976, respectively compared to the immediate preceding quarter. Employment also declined 3.4 percent and 16.1 percent in the second and third quarters of 1976, respectively compared to the same quarters in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Louis Clark, Inc., declined 2.9, 10.1 and 15.4 percent in the first three quarters of 1976 respectively, compared to the immediate preceding quarter and declined 10.6 percent in the third quarter of 1976 compared to the same quarter in 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's blouses and shirts increased from 20.549 million dozens in 1974 to 27.840 million dozens in 1975; and from 19.251 million dozens in the first nine months of 1975 to 24.016 million dozens in the same period of 1976.

CONTRIBUTED IMPORTANTLY

Louis Clark, Incorporated produces women's blouses and shirts under contract from another firm. A representative sample of customers of that firm indicated that several of these customers increased their imports of women's blouses and shirts, while decreasing their purchases from the contracting firm.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's blouses and shirts produced at the Philadelphia, Pennsylvania plant of Louis Clark, Incorporated, contributed importantly to the total or partial separations of the workers engaged in the production of such blouses and shirts at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of women's blouses and shirts at the Philadelphia, Pennsylvania plant of Louis Clark, Incorporated, who became totally or partially separated from employment on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of December, 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-203 Filed 1-3-77;8:45 am]

[TA-W-1, 399]

LUKENS STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lukens Steel Company, Coatesville, Pennsylvania (TA-W-1,399). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the refining of scraps into plates of carbon alloy and specialty steels, also head & pressure vessels by Lukens Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-113 Filed 1-3-77;8:45 am]

[TA-W-1,367]

LUNKENHEIMER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lunkenheimer Company, Cincinnati, Ohio, a subdivision of Condec Corporation, Old Greenwich, Connecticut (TA-W-1,367). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial valves produced by Lunkenheimer Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-29 Filed 1-3-77;8:45 am]

[TA-W-1,403]

MACSTEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Macsteel Company, Jackson, Michigan, a Div. of Michigan Seamless Tube Co., South Line, Mich. (TA-W-1,403). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon and alloy steel billets produced by Macsteel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-114 Filed 1-3-77;8:45 am]

[TA-W-1,373]

MARSH VALVE CO.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Marsh Valve Company, Dunkirk, New York, a Division of White Consolidated Industries, Inc., Allentown, Pennsylvania (TA-W-1,373). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by Marsh Valve Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will be further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-30 Filed 1-3-77;8:45 am]

[TA-W-1,384]

MAX KIRMAYER & SONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1976 the Department of Labor received a petition dated November 23, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing & Textile Workers Union on behalf of the workers and former workers of Max Kirmayer & Sons, Inc., Brooklyn, New York (TA-W-1,384). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's pants produced by Max Kirmayer & Sons, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-115 Filed 1-3-77;8:45 am]

[TA-W-1,402]

MIDVALE-HEPPENSTALL

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Midvale-Heppenstall, Philadelphia, Pa., a wholly-owned subsidiary of Heppenstall Co., Philadelphia, Pa. (TA-W-1,402). Accordingly, the Director, Office of Trade Adjustment Assitance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rotor shafts & generator shafts, steel forgings produced by Midvale-Heppenstall or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will be further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-116 Filed 1-3-77;8:45 am]

[TA-W-1,419]

MILTON MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Milton Manufacturing Company, Milton, Pennsylvania, a division of Ceco Corporation, Chicago, Illinois (TA-W-1,419). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars and angles produced by Milton Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-238 Filed 1-3-77;8:45 am]

[TA-W-1,401]

MISSOURI ROLLING MILL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Missouri Rolling Mill Corp., St. Louis, Missouri (TA-W-1,401). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with merchant bars produced by Missouri Rolling Mill Corp. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-117 Filed 1-3-77;8:45 am]

[TA-W-1,408]

NATIONAL FORGE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of National Forge Company, Erie, Pa., a Div. of National Forge Co., Irvine, Warren County, Pa. (TA-W-1,408). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ship shafting, turbine rotors, castings forgings and machined parts, specialty steel billets produced by National Forge Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-239 Filed 1-3-77;8:45 am]

[TA-W-1,410]

NATIONAL STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Midwest Steel Division of National Steel Corporation, Portage, Indiana (TA-W-1,410). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 20 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel sheet products produced by National Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-240 Filed 1-3-77;8:45 am]

[TA-W-1,391]

NATIONAL SUPPLY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of National Supply Company, Houston, Texas, a Div. of Armco Steel Corp., Middletown, Ohio (TA-W-1,391). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act of 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon plates, pipes, tubing and piling produced by National Supply Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the

Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-241 Filed 1-3-77;8:45 am]

[TA-W-1,404]

NORTH STAR STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976, the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of North Star Steel Company, St. Paul, Minnesota, a wholly-owned subsidiary of Cargill, Inc., Minneapolis, Minnesota (TA-W-1,404). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with reinforcing rods, round angles, channel or carbon and alloys produced by North Star Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-204 Filed 1-3-77;8:45 am]

[TA-W-1,415]

NORTHWEST STEEL ROLLING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Northwest Steel Rolling Mills, Inc., Seattle, Washington, (TA-W-1,415). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars produced by Northwest Steel Rolling Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-242 Filed 1-3-77;8:45 am]

[TA-W-1,416]

NEW JERSEY STEEL & STRUCTURAL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of New Jersey Steel & Structural Corporation, Sayreville, New Jersey (TA-W-1,416). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel rebars produced by New Jersey Steel & Structural Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 20 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-243 Filed 1-3-77;8:45 am]

[TA-W-1,394]

PENN-DIXIE STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Penn-Dixie Steel Corporation, Kokomo, Indiana (TA-W-1,394). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon wire & wire products produced by Penn-Dixie Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-118 Filed 1-3-77;8:45 am]

[TA-W-1,422]

PHOENIX STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Phoenix Steel Corporation, Claymont, Delaware (TA-W-1), 422). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Sectsion 212(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel plates & flange heads produced by Phoenix Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-244 Filed 1-3-77;8:45 am]

[TA-W-1,421]

PHOENIX STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Phoenixville Plant, Phoenixville, Pennsylvania of Phoenix Steel Corporation, Claymont, Delaware (TA-W-1421). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with structural steel products and tubes produced by Phoenix Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor

Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-245 Filed 1-3-77;8:45 am]

[TA-W-1,379]

PLEASANT BEEF COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 22, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Pleasant Beef Company, Inc., Lynn, Massachusetts (TA-W-1,379). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the processing of wholesale fresh meats provided by Pleasant Beef Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-31 Filed 1-3-77;8:45 am]

[TA-W-1198]

RCA CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1198: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 20, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers of the Edison, New Jersey warehouse of RCA Corporation. The investigation was expanded to include the Harrison, New Jersey plant of RCA, for which the Edison warehouse serves as a support facility.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48816). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of RCA Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

All employment of production workers at the Harrison plant was terminated in April 1975 when the plant closed. RCA has indicated that the remaining administrative personnel will be separated when the administrative functions are complete and inventories are depleted from the Edison warehouse. All workers currently employed at the Harrison plant and Edison warehouse were engaged in employment related to tube and mount production during the Harrison plant's period of operation.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

All production at the Harrison plant was terminated in April 1975 when the plant closed.

INCREASED IMPORTS

Imported electronic receiving tubes have increased their share of the declining domestic market for such products in each year from 1972 to 1975. Imports increased relative to domestic production from 27.4 percent in 1971 to 57.6 percent in 1975.

CONTRIBUTED IMPORTANTLY

Increased imports of electronic receiving tubes resulted in the closure of the Harrison plant and separation of production workers from that plant in mid-1975. Since that time RCA has continued to employ certain workers in administrative functions at Harrison and inventory depletion at the Edison warehouse. RCA officials have indicated that the remaining workers at the Harrison plant and Edison warehouse will be separated when the close-out operations are completed. The separation of such workers will, thus, be due to increased imports of electronic receiving tubes, relative to domestic production, and the resultant closure of the Harrison plant in 1975. A certification of eligibility to apply for adjustment assistance, issued under provisions of the Trade Expansion Act of 1962, expires on December 24, 1976—two years from its date of issuance.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic receiving tubes and mounts produced by the Harrison, New Jersey plant and Edison, New Jersey warehouse of RCA Corporation contributed importantly to the threatened separation of workers of those facilities. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Harrison, New Jersey plant and Edison, New Jersey warehouse of RCA Corporation who became totally or partially separated from employment on or after December 24, 1976 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-206 Filed 1-3-77;8:45 am]

[TA-W-1153]

REYNOLDS METALS CO., SAN PATRICIO REDUCTION PLANT, CORPUS CHRISTI, TEXAS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1153; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers smelting primary aluminum at the San Patricio Reduction Plant, Corpus Christi, Texas, of the Reynolds Metals Company.

The Notice of Investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information provided by officials of the Reynolds Metals Company.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA-W-153; 40 FR 54639).

The San Patricio Reduction Plant, Corpus Christi, Texas, is one of seven domestic smelting plants in the Primary Metals Division of the Reynolds Metals Company. Due to a drop in demand for aluminum products and an increase in corporate inventories, the Reynolds Metals Company decided to curtail corporate production of primary aluminum in early 1975.

As a result of this decision, all smelting operations at San Patricio ceased in March 1975, and all shipments of primary aluminum from San Patricio stopped in April 1975.

Employment at the San Patricio plant since April 1975 has been related to the construction and installation of new pollution control equipment at the plant. The San Patricio Plant has not been reactivated primarily because of the high cost of the natural gas used at San Patricio compared to energy costs at other Reynolds Metals' smelting plants.

After careful review of the issues, I have determined that since September 1, 1975, the earliest possible impact date under this petition, the San Patricio Reduction Plant, Corpus Christi, Texas, has not produced an "article" within the meaning of Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-32 Filed 1-3-77;8:45 am]

[TA-W-1152]

ROBIN FOOTWEAR CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1152: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing women's footwear at the Robin Footwear Corporation, Mt. Union, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47629). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Robin Footwear Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment has declined in each month compared to the prior month since February 1976. By the third quarter of 1976 employment at the Robin Footwear Corporation had declined 28 percent from the previous quarter and 35 percent from the same quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Estimated production, based on orders received, declined 10 percent in the first eight months of 1976 compared to the first eight months of 1975.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased from 185.0 million pairs in 1971 to 218.4 million pairs in 1973. Imports declined to 187.6 million pairs in 1974 but increased to 190.7 million pairs in 1975. Imports increased from 89.5 million pairs during the first six months of 1975 to 109.5 million pairs in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

Customers of Robin Footwear increased purchases of imports and decreased orders placed with Robin Footwear. Declines in orders received resulted in production cutbacks and reduced employment levels beginning in February 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the Robin Footwear Corporation, Mt. Union, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Robin Footwear Company, Mt. Union, Pennsylvania who became totally or partially separated from employment on or after January 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-205 Filed 1-3-77;8:45 am]

[TA-W-1,395]

ROBLIN STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 13, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Dunkirk Works of Roblin Steel Company, Dunkirk, New York (TA-W-1,395). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with alloy and carbon steel billets produced by Roblin Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed in Washington, D.C. this 13th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-119 Filed 1-3-77;8:45 am]

[TA-W-1376]

ROSE-LIN OF CALIFORNIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 19, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Rose-Lin of California, Los Angeles, California (TA-W-1376). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' coats and suits produced by Rose-Lin of California or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-33 Filed 1-3-77;8:45 am]

[TA-W-1369]

SARCO CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sarco Company, Allentown, Pa., a Division of White Consolidated Industries, Inc., Allentown, Pa. (TA-W-1369). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves, steam traps and regulators produced by Sarco Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assisance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-34 Filed 1-3-77;8:45 am]

[TA-W-1,363]

SPERRY RAND CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sperry Vickers Division, Bensenville, Ill. of Sperry Rand Corp., New York, New York (TA-W-1,363). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the packaging and selling of hydraulic devices by Sperry Rand Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-207 Filed 1-3-77;8:45 am]

[TA-W-1,425]

SOULE STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Soule Steel Company, Long Beach, California (TA-W-1,425). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel rebars, T sections and all sizes of round composition carbon steel produced by Soule Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-246 Filed 1-3-77;8:45 am]

[TA-W-1,417]

SOUTHERN ELECTRIC STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Southern Electric Steel Company, Birmingham, Alabama, a division of Ceco Corporation, Chicago, Illinois (TA-W-1,417). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars and angles produced by Southern Electric Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Official of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-247 Filed 1-3-77;8:45 am]

V 42 2 JAN 4 77 UM

[TA-W-1,392]

SOUTHERN STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Southwest Steel Company, Houston, Texas, a Div. of Armco Steel Corp., Middletown, Ohio (TA-W-1,392). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon plates, pipes, tubing and piling produced by Southwest Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropirate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-248 Filed 1-3-77;8:45 am]

[TA-W-1, 365]

STANLEY G. FLAGG & CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Stanley G. Flagg & Company, Stowe, Pennsylvania (TA-W-1, 365). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with malleable pipe fittings produced by Stanley G. Flagg & Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-206 Filed 1-3-77;8:45 am]

[TA-W-1148]

TRUE TEMPER CORP., TACKLE DIVISION

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1148: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing fishing rods and reels at True Temper Corporation, Tackle Division, Anderson, South Carolina.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47632). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of True Temper Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in that workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Anderson plant of True Temper Corporation declined 30.7 percent in 1975 from 1974 and declined 38.9 percent in the first six months of 1976 compared to the like period of 1975. All workers producing rods and reels were terminated by late July 1976; True Temper continues to employ workers in inventory reduction.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales are recorded at the Anderson plant on a February–January fiscal year basis. Sales in value at the Anderson plant decreased 27.4 percent in fiscal year 1975 from fiscal year 1974, and decreased 41.9 percent in the first six months of fiscal year 1976 compared to the like period of fiscal year 1975.

Production in quantity at the Anderson plant decreased 39.4 percent in calendar 1975 from 1974, and decreased 37.2 percent in the first six months of 1976 compared to the like period of 1975.

Production of fishing reels ceased in June 1976, and production of fishing rods ceased in July 1976.

INCREASED IMPORTS

Imports are recorded on a August-July fiscal year basis. Imports of fishing rods and reels increased absolutely in fiscal 1973 compared to fiscal 1972 and in fiscal 1974 compared to fiscal 1973. Imports declined in fiscal 1975, then increased in fiscal 1976.

Imports of fishing rods increased from 2.3 million units in the first nine months of calendar 1975 to 3.7 million units in the first nine months of calendar 1976. Imports of reels increased from 3.7 million units in the first nine months of calendar 1975 to 6.1 million units in calendar 1976.

CONTRIBUTED IMPORTANTLY

Customers of True Temper indicated that they purchased imported fishing tackle. The imports were reported to be cheaper than the domestic product and of comparable quality. The customers indicated that this lightweight tackle is sold more cheaply by importers than by domestic manufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fishing rods and reels manufactured by True Temper Corporation, Tackle Division, Anderson, South Carolina, contributed importantly to the total or partial separations of the workers of that company. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers engaged in employment related to the production of fishing rods and reels at the Taekle Division of True Temper Corporation, Anderson, South Carolina who became totally or partially separated from employment on or after September 26, 1975 and before August 1, 1976 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers separated on or after August 1, 1976 are denied eligibility.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-209 Filed 1-3-77;8:45 am]

[TA-W-1,441]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Joliet, Illinois plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,441). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-249 Filed 1-3-77;8:45 am]

[TA-W-1,440]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Johnstown, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,440). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-250 Filed 1-3-77;8:45 am]

V 42 2 JAN 4 7 7 UM

[TA-W-1,439]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Homestead, Pa. plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,439). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the termination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-251 Filed 1-3-77;8:45 am]

[TA-W-1,438]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Gary, Indiana plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,438). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-252 Filed 1-3-77;8:45 am]

[TA-W-1,437]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fairless Hills, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,437). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-253 Filed 1-3-77;8:45 am]

[TA-W-1,436]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Duquesne, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,436). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron & steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-254 Filed 1-3-77;8:45 am]

[TA-W-1435]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Duluth, Minnesota plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1435). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-255 Filed 1-3-77;8:45 am]

[TA-W-1434]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Dravosburg, Pennsylvania plant of U.S. Steel Corporation Pittsburgh, Pa. (TA-W-1434). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-256 Filed 1-3-77;8:45 am]

V 42 2 JAN 4 77 UM

[TA-W-1433]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Chicago, Ill, plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1433). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested person are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-257 Filed 1-3-77;8:45 am]

[TA-W-1432]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Cleveland, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1432). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-258 Filed 1-3-77;8:45 am]

[TA-W-1,430]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Braddock, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,430). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-259 Filed 1-3-77;8:45 am]

[TA-W-1,429]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United States Steelworkers of America on behalf of the workers and former workers of Birmingham, Alabama plant of U.S. Steeel Corp., Pittsburgh, Pennsylvania (TA-W-1,429). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron & steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportions of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-260 Filed 1-3-77;8:45 am]

[TA-W-1239]

VCA NYMOLD, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1239: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition received on November 8, 1976 which was filed by workers and former workers producing custom injection molders at the Bedford Heights plant of VCA Nymold, Incorporated. The investigation revealed that the Bedford Heights plant produces injection molded thermoplastic parts.

The Notice of Investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51634). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of VCA Nymold, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met. The evidence developed in the Department's investigation reveals that in each quarter from the third quarter of 1975 through the third quarter of 1976, average hourly employment increased compared to the immediately preceding quarter. Since April 1975 there have been no involuntary separations of production employees. The average weekly hours worked since April 1975 have not been reduced.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employees at the Bedford Heights, Ohio plant of VCA Nymold, Incorporated have not become or threatened to become totally or partially separated as required in Section 222(1) of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-211 Filed 1-3-77;8:45 am]

[TA-W-1139]

VESUVIUS CRUCIBLE CO., SWISSVALE, PENNSYLVANIA

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1139: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 5, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing stopper heads, crucibles and other graphite refractory products at the Swissvale, Pennsylvania plant of the Vesuvius Crucible Company, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47633). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of the Vesuvius Crucible Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

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The investigation has revealed that although the first and second criteria have been met, the third and fourth criteria have not been met.

Significant Total or Partial Separations. The average number of hourly workers declined 31 percent in 1975 compared to 1974. The average number of hourly workers declined 23 percent in the first three quarters of 1976 compared to the like period in 1975.

Sales or Production, or Both, Have Decreased Absolutely. Total sales of all products produced at the Swissvale plant declined 54 percent in 1975 compared to 1974 and declined 29 percent in the first three quarters of 1976 compared to the like period in 1975.

Increased Imports. The products manufactured at the Swissvale plant are included in the import category of carbon and graphite refractories. Imports of carbon and graphite refractories increased in each year from 23.7 tons in 1971 to 92.4 tons in 1974. In 1975 imports declined to 86.4 tons. In the first six months of 1976 imports declined to 25.5 tons compared to 47.5 tons in the first six months of 1975. The ratio of imports to domestic production increased from 0.2 percent in 1971 to 0.3 percent in 1972 and 1973. In 1974 the ratio of imports to domestic production increased to 0.4 percent and in 1975 to 0.5 percent. In the first six months of 1976 the ratio of imports to domestic production declined to 0.3 percent compared to a ratio of 0.4 percent in the first six months of 1975.

Contributed Importantly. Customers of Vesuvius Crucible Company indicated that they do not purchase imported products of the type manufactured by Vesuvius Crucible Company. Customers of stopper heads indicated that they reduced purchases from Vesuvius in 1975 because of a decline in the demand for steel products. With steel production down, the manufacturers did not need to add capacity or replace existing stopper heads as frequently. In addition, the management of Vesuvius Crucible shifted some stopper head production to a newer plant located within the United States.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stopper heads, crucibles, and other graphite refractories produced at the Swissvale, Pennsylvania plant of the Vesuvius Crucible Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 20th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-35 Filed 1-3-77;8:45 am]

[TA-W-1,362]

VOGT MACHINE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Vogt Machine Company, Louisville, Kentucky (TA-W-1,362). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with forged fittings and valves produced by Vogt Machine Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-36 Filed 1-3-77;8:45 am]

[TA-W-1,359]

WALWORTH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Kewanee, Illinois plant of Walworth Company, Bala Cynwyd, Pa. (TA-W-1,359). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports or articles like or directly competitive with valves produced by Walworth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-37 Filed 1-3-77; 8:45 am]

[TA-W-1,360]

WALWORTH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the South Greenburg, Pa. plant of Walworth Company, Bala Cynwyd, Pa. (TA-W-1,360). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by Walworth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-38 Filed 1-3-77;8:45 am]

[TA-W-1,361]

WALWORTH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the South Braintree, Mass. plant of Walworth Company, Bala Cynwyd, Pa. (TA-W-1,361). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with valves produced by Walworth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Jan. 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-39 Filed 1-3-77;8:45 am]

[TA-W-1174]

WARNACO MEN'S SPORTSWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1174: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1976 in response to a worker petition received on that date which was filed by the workers and former workers producing men's knit sportshirts at the El Paso, Texas plant of Warnaco Men's Sportswear, Inc., a division of Warnaco, Inc., Bridgeport, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48819). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Warnaco Men's Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or producitons, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Plant employment declined 10 percent in the third quarter of 1976 compared to the second quarter of 1976. As a result of the cessation of production operations in August 1976, employment declined 61 percent in September 1976 compared to September 1975 and declined 60 percent in October 1976 compared to October 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant production of knit shirts decreased 59 percent in the first quarter of 1976 compared to the last quarter of 1975 and declined 35 percent in the second quarter of 1976 compared to the previous quarter. All production operations ceased in late August 1976.

INCREASED IMPORTS

Imports of men's and boys' knit sport and dress shirts increased from 54.9 million units in 1974 to 66.2 million units in 1975 and increased 17.6 percent from 31.9 million units in the first six months of 1975 to 37.5 million units for the in the first six months of 1976. Imports of men's and boy's sweaters increased 84.2 percent from 5.7 million units in the first half of 1975 to 10.5 million units for the like period in 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Warnaco Men's Sportswear Division indicated that they have reduced purchases of men's knit sportshirts from Warnaco and have increased their purchases of imported men's sportshirts and sweaters.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

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that increases of imports like or directly competitive with men's knit shirts produced at the El Paso, Texas plant of Warnaco Inc. contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the El Paso, Texas plant of Warnaco Inc. who became totally or partially separated from employment on or after June 26, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-210 Filed 1-3-77;8:45 am]

[TA-W-1,378]

WESTINGHOUSE ELECTRIC CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 18, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Electrical Workers on behalf of the workers and former workers of the Entertainment Tube Division, Horseheads, N.Y., of Westinghouse Electric Corporation, Pittsburgh, Pennsylvania (TA-W-1,378). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with color television picture tubes produced by Westinghouse Electric Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-40 Filed 1-3-77;8:45 am]

[TA-W-1,397]

WHEELING-PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Allenport, Pennsylvania plant of Wheeling-Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,397). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with seamless tubes and hot and cold rolled sheets produced by Wheeling-Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 14 Jan. 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-120 Filed 1-3-77;8:45 am]

[TA-W-1,398]

WHEELING-PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Monessen, Pennsylvania plant of Wheeling-Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,398). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel, slabs, billets and tube rounds produced by Wheeling-Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-121 Filed 1-3-77;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting

The next meeting of the Board of Directors of the Legal Services Corporation will be held on January 14–15, 1977 in Room 105 of the Fifth Circuit Court of Appeals, 600 Camp Street, New Orleans, Louisiana.

The meeting will begin at 9:00 a.m. on both days. It is anticipated that the agenda will include the Corporation's 1978 budget submission to the Congress, proposed regulations, matters relating to the extension of the Corporation's authorizing legislation, and reports from the Board's Committees, the President and other members of the Corporation staff.

THOMAS EHRLICH,
President.

[FR Doc.77-138 Filed 1-3-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. 76-118]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 CFR 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, an exclusive patent license in Japan for the two NASA owned inventions covered by the Japanese counterparts of: (1) U.S. Application Serial No. 710,035 for "Mechanical Capacitor", filed by NASA on July 30, 1976; and (2) U.S. Application Serial No. 676,958 for "Locking Mechanism for Orthopedic Braces", filed by NASA on April 14, 1976. Copies of the above U.S. Patent Applications can be purchased from the National Technical Information Service, Springfield, Virginia, 22161, at a cost of $3.75 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C., 20546.

Dated: December 22, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.77-217 Filed 1-3-77; 8:45 am]

[Notice No. 76-119]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent to Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 CFR 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, an exclusive patent license in Japan for the four NASA owned inventions covered by the Japanese counterparts of: (1) U.S. Application Serial No. 691,256 for "Real Time Reflectometer", filed by NASA on May 27, 1976; (2) U.S. Application Serial No. 680,939 for "Portable, Linear-Focused Solar Thermal Energy Collecting System", filed by NASA on April 28, 1976; (3) U.S. Application Serial No. 701,448 for "An Artificial Leg Employing a Mechanical Energy Storage Device for Hip Disarticulation", filed by NASA on June 30, 1976; and (4) U.S. Application Serial No. 707,124 for "Gels as Battery Separators for Soluble Electrode Cells", filed by NASA on July 19, 1976. Copies of the above U.S. Patent Applications can be purchased from the National Technical Information Service, Springfield, Virginia 22161, at a cost of $3.75 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C. 20546.

Dated: December 22, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.77-218 Filed 1-3-77;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

PUBLIC HEARING

The National Study Commission on Records and Documents of Federal Officials (created by Public Law 93–526, 93rd Cong., Dec. 19, 1974) will hold a public hearing at the time and place listed below:

Washington, D.C.—January 12 and 13, 1977, beginning at 9:30 a.m. in Room 424, Russell Senate Office Building.

Persons and organizations wishing to be heard at the public hearing are requested to notify the Commission at 1000 Connecticut Avenue, NW., Washington, D.C. 20036, as soon as possible prior to the hearings so that their appearances may be properly scheduled. Written statements without personal appearance will also be received by the Commission.

The topics to be considered at the public hearings are described in a memorandum prepared by the Commission. Copies of the memorandum may be obtained on request to the Commission. Persons appearing at the hearings will be heard on any one of these topics, within available time limits.

DORI DRESSANDER,
General Counsel.

[FR Doc.77-153 Filed 1-3-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 23, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Foundation questionnaire: Historical Records Projects, on occasion, foundations which may support historical records projects, Tracey Cole, 395–5870.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Planning, Development and Research Project Summary Form (CCMS-MIUS Project), single-time, national experts concerned with integrated utility system, Housing, Veteran and Labor Division, 395–3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Assessment of needs for Advanced Education of State and Local Mental Health Professional and Administrative Staffs, single-time, mental health professional and administrative staff of State and local mental human resources division, Richard Eisenger, 395–3532.

DEPARTMENT OF COMMERCE

Bureau of the Census, 1978 Census of Agriculture Farm Identification Survey, Single-time, National Sample of Farms Inc., in 1974 Census of Agriculture, David T. Hulett, 395–4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of Biomedical and Behavioral Science Department Chairpersons, single-time, survey of biomedical and behavioral science department chairpersons, Richard Eisinger, 395–6140.

REVISIONS

DEPARTMENT OF LABOR

Labor-Management Service Administration Annual Report, annually, all pension plans and selected welfare plans, Arnold Strasser, 395–5867.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

SF 361, Discrepancy in Shipment Report SF 361, on occasion, civilian and military, Roye L. Lowry, 395–3772.

NATIONAL CREDIT UNION ADMINISTRATION

State Central Credit Union Financial Statements NCUA–5307, annually, State central credit unions, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service Warehouse Inspection Reports (Grain) TW–302, 303, 304, on occasion, public commercial warehouses, Roye L. Lowry, 395–3772.

DEPARTMENT OF COMMERCE

Bureau of the Census:
- Refractories, Quarterly Report MQ–32C, quarterly, refractories manufacturers, Marsha Traynham, 395–4529.
- Margarine (Manufacturer's Packaging Operations) M2OR, monthly, margarine manufacturers, Marsha Traynham, 395–4529.
- Census Employment Inquiry for 1980 Census Pretests D–323, single-time, job applicants, George Hall, 395–6140.

Domestic and International Business Administration, U.S. Supplier Evaluation DIB–4045P, on occasion, U.S. suppliers with exportable products, Louis C. Kincannon, 395–3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service Applications and Case Dispositions in PA SRS–NCSS–2079, quarterly, State public agencies, Milo B. Sunderhauf, 395–6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration Request for Termination of Multifamily Mortgage Insurance HUD–9807, on occasion, mortgagees, Housing, Veterans and Labor Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–319 Filed 1–3–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on December 27, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, office of management and budget, Washington, D.C., 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Letter Solicitation for State of Art Regarding Computer Models of Processes, single-time, owners of process computer models, information systems division, 395–3785.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Wheat Variety Survey (Kansas), annually, wheat farmers, Ellett, C. A., 395–5867.

DEPARTMENT OF COMMERCE

Economic Development Administration, Pretest: (a) request for employee address report, (b) local public works employee survey, ED–748QA, ED–748QB, single-time, (a) (sub)contractors and (b) employees of EDA public works project, Strasser, A., 395–5867.

Bureau of census:
- National sample of scientists and engineers, 1977 address maintenance forms, PMS–28–29, single-time, national sample of scientific, engineering and other highly trained persons, Strasser, A., George Hall, 395–5867.
- Broadwoven fabrics (except knit) average weight and width study, MC–22T, other (see SF–83), producers of broadwoven fabrics, Peterson, M. O., 395–5631.

DEPARTMENT OF DEFENSE

Department of the army (excluding defense civil preparedness agency), ROTC survey interview schedule, annually, high school, college and ROTC students, national security division, George Hall, 395–4734.

Department of housing and urban development, policy development research, community issues dialogue-contract H–2555, northwest regional foundation, Spokane, Wash., single-time, housing, veterans and labor division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF THE TREASURY

Bureau of customs, monthly consolidated entry procedure customs 3463, 7501M, on occasion, importers, Warren Topelius, 395–5872.

DEPARTMENT OF TRANSPORTATION

Departmental and other travel agents survey, single-time, travel agencies, Strasser, A., 395–5867.

Federal Highway Administration, Resurfacing, Restoration and Rehabilitation of completed Sections on the Interstate System Cost Estimate, single-time, State highway agencies, Strasser, A., 395–5867.

REVISIONS

ACTION

Needs for Assistance: National Organizations Component, single-time, sample of volunteer national organizations, Reese B. F., 395–3211.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Domestic Trade Show Contact and Evaluation Forms, DIB–4014P, DIB–4015P, on occasion, U.S. exhibitors at domestic trade shows, C. Louis Kincannon, 395–3211.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, National Disease Surveillance Program–L Case Reports, CDC 4.439, on occasion, State and territorial health departments, Richard Eisinger, 395–6140.

Health Resources Administration, Evaluation of Project, Acorde, BHRD 0414, single-time, dental instructors and administrators, Reese B. F., 395–3211.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Labor Requirements for Public Housing Construction, BLS 2652.08A, other (see SF–83), business firms, Strasser, A., 395–5867.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Regulations—Fresh Irish Potato Livestock Feed Diversion Program, on occasion, potato diverters, Marsha Traynham, 395–4529.

Statistical Reporting Service, Fertilizer Survey, CE6–78, annually, fertilizer manufacturing and blenders, Marsha Traynham, 395–4529.

Food and Nutrition Service:
- Participation in Food Stamp Program or Family Food Distribution Program, FNS–101, Semi-annually, project areas, Tracey Cole, 395–5870.
- Regulations—Special Supplemental Food Program for Women, Infants and Children (WIC), on occasion, State Health Departments or comparable agencies, Tracey Cole, 395–5870.

DEPARTMENT OF COMMERCE

Bureau of Census:
- Quarterly Survey of Assets Held by Public-Employee Retirement Systems, F–10, Quarterly, Finance officers of State and local retirement system, Marsha Traynham, 395–4529.
- Residential Building Permit Lag Questionnaire, S–411, on occasion, permit issuing officials, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, Inter-Agency Study on Coalworkers Pneumoconiosis, ECA–71(M), on occasion, working coal miners, Richard Eisinger, 395–6140.

Office of the Secretary DHEW Publications Readership Survey, OS–32–73, on occasion, subscribers to consumer news, Caywood, D. P., 395–3443.

DEPARTMENT OF LABOR

Employment and Training Administration, Certification and Report Forms—Federal Procurement Preference Program, MA 6–12, 6–13, 6–14, on occasion, Employees Applying for Defense Contracts, Marsha Traynham, 395–4529.

Wage and Hour and Public Contracts Division (ESA), Report of Medical Examination (Application for Special Certificate Under Fair Labor Standards Act), WH–242, on occasion, Employers covered by Fair Labor Standards Act, Marsha Traynham, 395–4529.

Employment and Training Administration, Indicators of Compliance (Migrant Worker Services), MA–5–148, monthly, State ES Agencies, Housing, Veterans and Labor Division, Strasser, A., 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–320 Filed 1–3–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 28, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202–395–4529, or from the reviewer listed.

REVISIONS

SELECTIVE SERVICE SYSTEM

Conscientious Objector Skills Questionnaire, SSS 152, on occasion, participants in amnesty program, Lowry, R. L. 395–3772.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, development of power requirement studies, REA 4, REA 4A, REA 5, REA 156, REA 341–345, REA 733A, REA 736, REA 802A, other (see SF–83), REA electric borrowers, Warren Topelius, 395–5872.

Agricultural Marketing Service, regulations—Dairy Plant Records, on occasion, manufacturers and distributors, Lowry, R. L., 395–3772.

Food and Nutrition Service:
- Certification of Household transfer (food stamp program), FNS–286, on occasion, food stamp project areas, Tracey Cole, 395–5870.
- Applictaion for authorization to participate in the food stamp program—retailer, wholesaler, nonprofit meal delivery service, FNS–252, FNS 252–1, through 252–4, on occasion, retail and wholesale food stores and meal services, Warren Topelius, 395–5872.

DEPARTMENT OF COMMERCE

Bureau of Census, Consumer Expenditure Survey Questionnaire (replacement form), CEF–2, quarterly, households in Fairbanks, Alaska, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE AND JUSTICE

Law Enforcement Assistance Administration, National Survey of Crime Severity, Supplement to the National Crime Survey, single time, members of households in 376 PSU's, George Hall, 395–6140.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Shipper's or Receiver's Statement, PY–539, on occasion, poultry and egg handlers, Marsha Traynham, 396–4529.

DEPARTMENT OF COMMERCE

Bureau of Census:
- Shipper's Export Declaration for Intransit Goods, 7513, on occasion, exporters, Marsha Traynham, 395–4529.

Maritime Administration, application for ship mortgage and/or loan insurance under, Title XI, Merchant Marine Act, as amended, MA–163, on occasion, shipowners, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Employment and training administration, report of activities under defense manpower policy No. 4, as revised June 1, 1970, MA 7–38, monthly, state ES agencies, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Geological Survey, application for financial assistance in minerals exploration pursuant to Public Law 85–701 (defense production), MME–40, on occasion, geologic institutions, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–321 Filed 1–3–77;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period December 13, through December 24, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF TRANSPORTATION

System Name

Medical Records of Participants in Study of Health Effects of Bicycling in Polluted Air.

Report Date

December 10, 1976.

Point of Contact

Ms. Leslie A. Baldwin, TES–70, U.S. Department of Transportation, Washington, D.C. 20590.

OFFICE OF MANAGEMENT AND BUDGET

System Name

Recruiting and Applicant Records.

Report Date

December 10, 1976.

Point of Contact

Mr. Phillip D. Larsen, Budget and Management Officer, Room 5235, New Executive Office Building, Washington, D.C. 20503.

DEPARTMENT OF THE INTERIOR

System Names

(1) Individual Indian Monies.
(2) Indian Social Services Case Files.
(3) Indian Housing Improvement Program.
(4) Travel Files.
(5) Employment Assistance Case Files.
(6) Metal and Nonmetal Mine Health and Safety Management Control.

Report Date

December 13, 1976.

Point of Contact

Mr. Warren Dahlstrom, Departmental Privacy Act Officer, Office of Administration and Management Policy, U.S. Department of the Interior, Washington, D.C. 20240.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

System Name

Equal Opportunity Housing Complaints.

Report Date

December 14, 1976.

Point of Contact

Mr. Harold Rosenthal, Departmental Privacy Act Officer, Department of Housing and Urban Development, Washington, D.C. 20410.

VETERANS ADMINISTRATION

System Name

Veteran, Survivor, and Dependent Automated Prescription Processing Records.

Report Date

Not dated.

Point of Contact

Richard L. Roudebush, Administrator of Veterans Affairs, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77–152 Filed 1–3–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13099; File No. SR–MSE–76–26]

MIDWEST STOCK EXCHANGE, INC.

Proposed Rule Change Regarding Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 10, 1976, the above-mentioned self-regulatory or-

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ganization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

(Additions *italicized*, deletions bracketed)

Article XL, Rule 1. *Position Limits.* Except with the prior written approval of the Exchange in each instance, no member shall effect, for any account which such member has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, an opening transaction in an option contract of any class of options dealt in on the Exchange if the member has reason to believe that as a result of such transaction the member or partner, officer, director or employee thereof or customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated in respect of:

(a) An aggregate long position in any class of options; or

(b) An aggregate long position in any expiration month in any class of options; or

(c) An aggregate short position in any class of options; or

(d) An aggregate short position in any expiration month in any class of options; or

(e) An aggregate uncovered short position in any class of options;

in excess of such numbers of option contracts as shall be fixed from time to time by the Exchange as the position limit for that particular class of options or expiration month.

• • • Interpretations and Policies. .01 The position limits established pursuant to Rule 1 of Article XL shall be announced by the Exchange and it shall be the responsibility of each member accepting orders for opening transactions (purchase or writing) in option contracts of any class of options dealt in on the Exchange to inform its customers of the applicable position limits and not to accept any such orders from any customer in any instance in which such member has reason to believe that such customer, acting alone or in concert with others, has exceeded or is attempting to exceed such position limits.

.02 The position limits established by the Exchange pursuant to Rule 1 of Article XL in respect of long positions shall in no event exceed the exercise limits prescribed by the Exchange pursuant to Rule 2[.] of Article XL.

.03 The Exchange will not approve any opening purchase or writing transaction or the carrying of any positions which would exceed the limits established pursuant to Rule 1 of Article XL except in highly unusual circumstances. Requests for such approval should be directed to the Department of Member Firms of the Exchange and must be accompanied by a detailed statement of the facts justifying an exception to such position limits.

.04 The Exchange may establish higher position limits for Market Maker transactions than those applicable with respect to other accounts. Whenever a Market Maker reasonably anticipates that he may exceed such position limits in the performance of his function of assisting in the maintenance of a fair and orderly market, he must consult with and obtain the prior approval of an Options Floor Official.

.05 The current position limits established pursuant to Rule 1. of Article XL follow: (a) aggregate positions, whether long or short, in the same class of options shall be 1,000 contracts; and (b) the aggregate position, whether long or short, in option contracts of the same class and the same expiration month shall be 500 contracts. *Provided, however, the limits imposed by this clause (b) shall not be applicable to covered short positions.*

.06 The term "in concert with", as referred to in this Rule includes, among other situations, the following:

An individual purchases or sells options for his own account and for the account of a trust or corporation over which he exercises control; two or more customers have an agreement or understanding to coordinate their transactions or decide to divide the contracts allowed between them under the established position limits; an investment adviser, broker or other person executes transactions for accounts with respect to which he has discretionary authority, whether or not he also executes transactions for his own account.

RESTRICTIONS OF OUT-OF-THE-MONEY OPTIONS

Article XL, Rule 7(a) Subject to the provisions of paragraph (b) through (c), no member on behalf of a customer or for its own account, shall enter any order for an opening transaction (purchase or writing) in any call option contract as to which (i) the exercise price is more than $5.00 above the closing price of the underlying stock on the last previous day on which the underlying stock was traded and (ii) the closing price of the option on the Exchange was less than $.50 per unit of trading on the last previous day on which the option was traded [.]; *and no member, on behalf of a customer or for his own account, shall enter any order for an opening transaction (purchase or writing) in any put option contract as to which (1) the exercise price is more than $5 below the closing price of the underlying security in the primary market on the last previous day on which the underlying security was traded and (2) the closing price of the option on the Exchange was less than $0.50 per unit of trading on the last previous day on which the option was traded.*

(b) The prohibition of paragraph (a) shall not apply to:

(1) The entry of an order for any opening writing transaction *intended to create a covered short position or, in the case of a call option contract, a short position* that is covered in the account on a share-for-share basis by a long position in [either the underlying stock or] a security immediately exchangeable or convertible without restriction, other than the payment of money, into the underlying stock;

(2) The entry of a spread order for the purchase and sale of the same number of option contracts of the same class; or

(3) Any transaction of a Market Maker pursuant to the provisions of Rule 6 of Article XLVII.

(c) The chairman of the Options Floor Procedure Committee (or, in his absence, any person to whom he may have delegated his authority hereunder) or any two Options Floor Officials may (i) interpret or modify any of the foregoing provisions with respect to particular orders and transactions and (ii) make exceptions, modifications or additions to any of the foregoing provisions with respect to one or more series of options whenever they unanimously deem such exceptions, modifications or additions advisable in the interest of maintaining a fair and orderly market in option contracts or in underlying stocks or otherwise advisable in the public interest or for the protection of investors; provided that any such exception, modification or addition pursuant to clause (ii) shall become effective not earlier than 15 minutes after it is announced on the Floor and shall not remain in effect for more than two business days unless ratified by the Options Floor Procedure Committee, and provided further that all actions taken under this paragraph (c) and the reasons therefor shall be reported in writing to the Options Floor Procedure Committee not later than the business day immediately following the one on which such action is taken.

• • • Interpretations and Policies: [.01 For the purpose of the exception set forth in paragraph (b)(1), an option contract having an exercise price that is equal to or less than the exercise price of the series being written shall be deemed to be an exchangeable security.] *.01* [.02] No change in text. *.02* [.03] If the two tests in clauses (i) and (ii) *with respect to calls and in clauses (1) and (2) with respect to puts* of paragraph (a) are met at the close on a particular day, paragraph (a) applies to orders after the close on such day.

TRADING ROTATIONS

Article XLII, Rule 1. No change. • • • Interpretations and Policies: .01 Trading rotations may be employed at the opening and at the close of the Exchange each business day. For each class of option contracts that has been approved for trading, the opening and closing rotation shall be conducted by the Order Book Official acting in such class of options. The rotations shall be conducted in the following manner:

(a) *Opening Rotations.* The opening rotation in each class of options shall, if employed, be held promptly following the opening of the underlying security. As a rule, an Order Book Official acting in more than one class of options should open them in the same order in which opening transactions are reported in the underlying securities. In conducting each such opening rotation, the Order Book Official should first open the one or more series of options of a given class having the nearest expiration, then proceed to series of options having the next most distant expiration, and so forth, until all series have been opened. *Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.*

In the event an underlying security has not opened within a reasonable time after 9:00 A.M. (Chicago Time), the Order Book Official acting in option contracts on such security shall report the delay to an Options Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for option contracts in such security shall be delayed until the underlying security has opened unless two *Options* Floor Officials determine that the interest of a fair and orderly market are best served by opening trading in the option contracts.

(b) *Closing Rotations.* The closing rotation, if employed, shall be commenced at the close of trading hours on the Options Floor of the Exchange with all Order Book Officials proceeding concurrently in the following manner. Taking each class of option contracts in which he is acting in turn, each Order Book Official should close the one or more series of each class having the nearest expiration; he should then proceed to close in the same order, those series of each class having the next most distant expiration; and so forth, until all series have been closed. *Except as otherwise provided by the Options Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine the order of closing each series of such puts and calls in light of current market conditions, the same as provided in paragraph (a) for opening rotations.*

PRIORITY OF BIDS AND OFFERS

Article XLIV, Rule 6. No change • • • Interpretations and Policies: .01 No change. .02 In order to clarify the status of spread orders under the priority rules, the Options Floor Procedure Committee has established the following guidelines regarding execution of spread orders:

If a member holds a spread order and bids and offers on the basis of a price difference, *or if a member holds a straddle order and bids or offers on the basis of a total bid or offer*, the order may be executed [as a spread if the purchase price is equal to the highest Order Book Official bid for the option contract to be bought or the sale price is equal to the lowest Order Book Official offer for the option contract to be sold;] *on the basis of the most favorable price difference or total bid or offer, as applicable, notwithstanding that the Order Book Official may be displaying a bid or offer equal to the bid or offer on one side of such spread or straddle, without giving priority to the equal bid or offer of the Order Book Official*, provided that the member executing the order on this basis has first determined that the order cannot be executed by accepting either the bid or offer displayed by the Order Book Official in accordance with Rule 5 of Article XLVI.

Example: With the Order Book Official holding 5¼ for XYZ July/50 and offering 6¾ for XYZ October/50, a spread order enters the market to buy XYZ October/50 and sell XYZ July/50 at a price difference of 1⅜. If no other broker or Market-Maker is bidding higher for July/50 or offering lower for October/50, and the spread order therefor cannot be executed by accepting either the Order Book Official's bid or his offer, the order may be executed by accepting a spread at a purchase price of 6¾ for October/50 (sale price 5⅜ for July/50) or at a sale price of 5¼ for July/50 (purchase price 6⅝ for October/50). .03 No change

REPORTING DUTIES

Article XLIV, Rule 11, No change. • • • Interpretations and Policies: .01 The Options Floor Procedure Committee has established the following procedures for reporting the transactions pursuant to Rule 11(a). For each option transaction on the Exchange in which he participates, a floor member shall immediately record on a card or ticket in a form acceptable to the Committee his assigned broker code, the symbol of the underlying security; *the type*, expiration month and exercise price of the option contract bought or sold, the transaction price, the number of contract units comprising the transaction, the name of the contra member, clearing firm member and the assigned broker code of the contra member. Members shall identify price reporting tickets which represent the partial execution of a larger order in the manner prescribed by the Exchange. The reporting cards or tickets shall immediately be time stamped at the station where option contracts of the class involved are traded and the appropriate buy and sell tickets attached to each other. The cards or tickets shall then be placed in the price reporting card box provided at the station. Before placing the cards in the box, the members shall use his best efforts to make sure that the Order Book Official acting in option contracts of the involved, or the Order Book Official's clerk, is aware of the transaction and its price.

Any floor member failing to report immediately a transaction in accordance with Rule 11(a) of Article XLIV shall be subject to being fined by the *Options* Floor Procedure Committee.

CERTAIN TYPES OF OPTIONS ORDERS DEFINED

Article XLIV, Rule 13. (a)–(c) No change. (d) Spread Order. A spread order is an order to buy a *stated number of* [particular] option contracts and to sell the *same number of* [another option] contracts[.] of the same class of options.

(e) No change

(f) No change

(g) *Straddle Order. A straddle order is an order to buy or sell the same number of options of each type with respect to the same underlying security and having the same exercise price and expiration date (e.g., an order to buy two XYZ July 50 calls and to buy two July 50 puts is a straddle order).*

(h) *Combination Order. A combination order is either a spread order or a straddle order.*

RESPONSIBILITIES OF FLOOR BROKERS

Article XLV, Rule 4. (a) and (b) No change. (c) [Spread] *Combination* orders at the opening or close. A Floor Broker shall not be held responsible for executing a [spread] *single* order *combining different series of options* based upon transaction prices that are established at the opening or close of trading or during any trading rotation employed in accordance with Rule 2 of Article XLII.

• • • Interpretations and Policies: No change.

Restriction on Acting as Market-Maker and Floor Broker:

Article XLVII, Rule 7. Except under unusual circumstances and with the prior permission of a Floor Official, no Market-Maker shall, on the same business day and with respect to [the same class of] option contracts *covering the same underlying security*, act as such and also act as a Floor Broker.

FINANCIAL ARRANGEMENTS OF MARKET-MAKERS

Article XLVII, Rule 8. Each Market-Maker who makes an arrangement to finance his transactions *as a Market-Maker* [in option contracts of the class to which he has been appointed pursuant to Rule 3 of this Article] must inform the Exchange of the name of the creditor and the terms of such arrangement. The Exchange must be informed immediately of the intention of any party (1) to terminate or change any such arrangement, or (2) to issue a margin call. On a form prescribed by the Exchange, a Market-Maker must submit to the Exchange a monthly report of his use of credit pursuant to this Rule.

DELIVERY AND PAYMENT

Article L, Rule 3. Delivery of the underlying security upon the exercise of an option contract, and the payment of the aggregate exercise price in respect thereof, shall be in accordance with the Rules of the Options Clearing Corporation. As promptly as practicable after the exercise of an [call] option contract by a customer, the member shall require the customer to make full cash payment of the aggregate exercise price, *in the case of a call option contract, or to deposit the underlying security in the case of a put option contract*, or to make the required margin deposit in respect thereof if the transaction is effected in margin account, in accordance with the Rules of the Exchange and the applicable regulations of the Federal Reserve Board. As promptly as practicable after the assign-

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ment to a customer of an exercise notice [in respect of a call option contract], the member shall[,] *require the customer to deposit the underlying security in the case of a call option contract* if the underlying security is not carried in the customer's account, [require the customer to deposit the underlying security,] or *to make full cash payment of the aggregate exercise price in the case of a put option contract, or in either case to deposit* the required margin [deposit] in respect thereof if the transaction is effected in a margin account, in accordance with the Rules of the Exchange and the applicable regulations of the Federal Reserve Board.

Article LI—Definitions:

23. Covered—The term "covered" in respect of a short position in a[n] *call* option contract means that the writer's obligation is secured by a "specific deposit" or an "escrow deposit" *meeting the condition of Rule 610(f) or 610(h) respectively of* [as defined in] the Rules of the Options Clearing Corporation, or the writer holds [an equivalent long position in the underlying stock in an account with the member organization through which the option contract was written.] *in the same account as the short position, on a share-for-share basis, a long position either in the underlying security or in an option contract of the same class of options where the exercise price of the option contract in such long position is equal to or less than the exercise price of the option contract in such short position. The term "covered" in respect of a short position in a put option contract means that the writer holds in the same account as the short position, on a share-for-share basis, a long position in an option contract of the same class of options where the exercise price of the option contract in such long position is equal to or greater than the exercise price of the option contract in such short position.*

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The general purpose of the proposed rule changes are to provide the self-regulatory framework for the trading of put options on the Midwest Stock Exchange. In addition, in a few instances, certain clarifying amendments are proposed with respect to existing rules applicable to call options. The purpose of the proposed rule changes are as follows:

Article XL, Rule 1. *Position Limits.* No change to this rule is needed in order to provide for put options the same position limits presently applicable to call options. The change which is proposed is designed to reflect the clarification of the definition of "covered" referred to above.

Article XL, Rule 7. *Restrictions of Out-of-the-Money Options.* Rule 7 is proposed to be amended to provide limitations on the trading of out-of-the-money call options. In addition, the rule is proposed to be amended to reflect the proposed clarifications of the definition of "covered" discussed above. The deletion of Interpretation .01 and the amendment of Interpretation .03 reflect the proposed changes in the rule itself.

Article XLII, Rule 1. *Trading Rotations.* Interpretation .01 is proposed to be amended by providing in respect of both opening rotations and closing rotations that when series of put and call options contracts covering the same underlying securities are traded, the Order Book Official shall determine the order in which such series of options should be opened or closed in light of current market conditions.

Article XLIV, Rule 6. *Priority of Bids and Offers.* The proposed amendment to Interpretation .02 provides for straddle orders (as defined in proposed Rule 13 (g) of Article XLIV below) the same priority as presently is provided for spread orders. This interpretation means that where a straddle order may be executed on the basis of bids or offers in the trading crowd, but may not be executed within the bids or offers displayed in the Order Book Official's book, the order may be filled in the trading crowd notwithstanding that one side, but not both sides, of the order touches a bid or an offer in the Order Book Official's book. Thus, if a Floor Broker has an order to buy an XYZ July 50 call at 5⅜ and an XYZ July 50 put at 4¾, the order may be filled on the basis of a total offer in the crowd of 10 for the straddle, reflecting an offer of 5¼ for the call and 4¾ for the put.

Article XLIV, Rule 11. *Reporting Duties.* Interpretation .01 is proposed to be amended to provide that the card or ticket on which a transaction on the floor is reported shall include, in addition to the information presently set forth, the "type" of option contract that is the subject of the transaction (i.e., whether it is a put or call).

Article XLIV, Rule 13. *Certain Types of Orders Defined.* It is proposed to add to Rule 13 the definition of "straddle order". This definition is relevant only for the purpose of Rule 6 of Article XLIV, and it conforms to existing interpretations of the Internal Revenue Service which provide special tax treatment for orders to buy or to sell the same number of options of each type (put or call) with respect to the same underlying security and having the same exercise price and expiration date. In addition, the definition of "spread order" is proposed to be amended to mean an order to buy a stated number of option contracts and sell the same number of option contracts of the same class (i.e., a spread order may pertain to puts or to calls, but not to both puts and calls, with respect to the same underlying security).

Article XLIV, Rule 4. *Responsibilities of Floor Brokers.* The proposed amendment to paragraph (c) of Rule 4 of Article XLIV would replace the word "spread" with the word "combination". This change reflects the fact that with the advent of put trading there will be multiple option orders in addition to spread orders (e.g., straddle orders) for which a Floor Broker may not be held responsible during a rotation, when options are traded one series at a time.

Article XLVII, Rule 7. *Restriction on Acting as Market-Maker and Floor Broker.* The proposed change to delete the phrase "same class" in Rule 7 of Article XLVII and to substitute the phrase "covering the same underlying security" reflects that the restriction of this Rule applies to both puts and calls, which are separate "classes" of options.

Article XLVII, Rule 8. *Financial Arrangement of Market-Makers.* The proposed amendments to Rule 8 reflect that Market-Makers appointed to to both puts and calls in the same underlying security are appointed to separate classes of options. Accordingly, the amendment would require Market-Makers to report all of their financial arrangements as Market-Makers.

Article L, Rule 3. The proposed amendment to Rule 3 of Article L reflects that as between a call option and a put option, the respective roles of the holder hand writer are reversed with respect to delivery and payment following exercise.

Article LI, (23). The principal purpose of this amendment is to define the term "covered" with respect to a short position in a put option to mean the situation where the writer of a put option holds on a share-for-share basis in the same account as the short put position a long position in a put option of the same class having an exercise price equal to or greater than the exercise price of the short position. In addition, in the interest of clarity, it is proposed to add to the definition of a covered short position in a call option the situation where the obligation of the writer of the call is covered on a share-for-share basis with a long position in a call option contract of the same class having an exercise price equal to or less than the exercise price of the short call position. The latter proposed amendment is consistent with the present provisions of Article XL, Rules 1 and 7, and appropriate changes are proposed in those rules so that there will be no change in their application.

The Midwest Stock Exchange believes it is consistent with the protection of investors and the public interest to provide a central, regulated marked for the trading of put options comparable to the markets presently provided for the trading of call options. The Exchange markets in call options have provided investors with new investment opportunities and greater flexibility in managing investments in common stocks. The basic economic function of a put option, as with a call option, is to permit the separation of the risks and opportunities of investing in securities, and their redistribution between the holder and the writer of the option.

There are many economic functions of put options, along or in combination with calls or underlying securities, which will benefit investors. For example, the addition of put option trading will permit increased possibilities for the hedging of positions in common stocks by investors. The only manner in which listed options may be used to hedge long stock positions at the present time is by writing call options against such positions. This strategy serves the need of investors who are willing to sell stock at the exercise price but it only protects against a downside movement in the stock price which is no greater than the amount of the premium and further requires the investor to forego the opportunity for gain if the stock price should move above the exercise price by more than the amount of the premium. On the other hand, for the cost of the option, a put provides complete protection against loss no matter how far the price of the stock may decline below the exercise price and the investor does not give up the opportunity to participate in increase in the stock price.

In addition, the commencement of put trading on the Midwest Stock Exchange will give investors the opportunity to purchase puts as a risk limiting alternative to a short sale of common stock. Put options will also permit leveraged participation in stock price declines by purchasing puts covering a greater number of shares than might have been sold short directly by the investor. In addition, as with call options, puts may be written on a covered or uncovered basis to generate income for the writer.

Put options may also be used by investors who would not be adverse to acquiring a particular stock at a price less than the current market price. By writing a put option, such investors will be in a position to accomplish their objective and purchase the stock at a pre-determined price, if the stock declines in price. Should the stock not decline, the writer will still benefit by the amount of premium income generated in the writing transaction.

While the uses of put options discussed above may be theoretically available in the over-the-counter options market, it is the secondary market that enables the risk limiting uses of options to achieve their full potential, since only in an Exchange market may the investor establish and liquidate options positions in coordination with the establishment and liquidation of stock positions.

With respect to safeguards, the Midwest Stock Exchange believes that the risks of put trading, both from an economic point of view and from the point of view market regulation, are no different in kind of degree from the risks of call trading and are susceptible to the same types of controls. The Midwest Stock Exchange sees no reasons why put options will require a different kind of safeguards. Accordingly; the Midwest Stock Exchange proposed to apply the safeguards presently applicable to calls to puts as well.

The Midwest Stock Exchange's position and exercise limit rules will apply to put options, just as they presently apply to call options. The Midwest Stock Exchange's suitability rule will be applied to recommended transactions in put options, and special suitability standards will apply to all recommended writing transactions in puts in the same manner that they apply to recommendations for the writing of uncovered call options. The Midwest Stock Exchange's prospectus delivery requirement will apply equally to put and call options and The Options Clearing Corporation has prepared a single prospectus for both types of options.

Comments were not formally solicited from members or member organizations, however, many of them have expressed their views, and all comments received were in strong support of the introduction of put trading.

The Midwest Stock Exchange believes the proposed rule changes will impose no burden on competition.

The Exchange has consented to a 90 day extension of the time periods specified in section 19(b)(2) of the Act and therefore, on or before May 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

On or before February 8, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1976.

[FR Doc.77-127 Filed 1-3-77;8:45 am]

[Release No. 34-13107; File No. SR-MSRB-76-4]

MUNICIPAL SECURITIES RULEMAKING BOARD ("MSRB")

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 23, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as follows:

STATEMENT OF THE MSRB OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change filed by the Municipal Securities Rulemaking Board (the "Board") amend the Board's proposed rules on recordkeeping, proposed rules G-8 through G-10, originally filed with the Commission on April 8, 1976. The text of the proposed rule change appears below.

New paragraphs have been added to proposed rules G-8 and G-9 which provide that municipal securities brokers and municipal securities dealers other than bank dealers in compliance with the recordkeeping rules of the Commission will be deemed to be in compliance with the Board's recordkeeping rules, provided that the following additional records, not specified in the Commission's rules, are maintained by such firms: records of uncompleted transactions involving customers (subparagraph (a)(iv)(D)); records relating to syndicate transactions (paragraph (a)(viii)); new account information (paragraph (a)(xi)); and information concerning customer complaints (paragraph (a)(xii)). With respect to records on uncompleted customer transactions, the requirements of the Board's rule will be satisfied if the information is readily obtainable from other records maintained by a firm or bank dealer.

In addition to the above changes, the proposed amendments are intended to respond to certain concerns raised by the Commission staff with respect to the Board's intial filing.

STATEMENT OF MSRB OF THE PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed rule changes is to establish suitable recordkeeping requirements for municipal securities brokers and municipal securities dealers, while eliminating the need for such firms to comply with more than one set of recordkeeping rules. If the Board's proposed rules G-8 through G-10, as amended, are approved by the Commission, and concurrent amendments to the Commission's rules 17a-3 and 17a-4 under the Securities Exchange Act of 1934, as amended (the "Act") adopted, municipal securities brokers and municipal securities dealers other than bank dealers will have the option of

complying either with the Commission's recordkeeping rules or, with respect to their municipal securities business, the Board's proposed rules G–8 and G–9. Bank dealers would be subject only to the Board's rules. Sole municipal securities firms could follow either the Commission's or the Board's recordkeeping rules in full.

In addition to the above changes, the proposed rule changes are intended to respond to certain concerns raised by the Commission staff with respect to the Board's initial filing.

STATEMENT OF THE MSRB OF THE BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the amendments to proposed rules G–8 through G–10 pursuant to section 15B(b)(2)(G) of the Act, which authorizes and directs the Board to adopt rules which

prescribe records to be made and kept by municipal securities brokers and municipal securities dealers and the periods for which such records shall be preserved.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

The Board did not solicit or receive comments on the proposed rule changes.

BURDEN ON COMPETITION

The Board is of the opinion that the proposed rule changes will not impose any burden on competition among brokers, dealers or municipal securities dealers.

On or before February 8, 1977 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1976.

Text of Proposed Rule Changes [1]

Rule G–8. *Books and Records to be Made by Municipal Securities Brokers and Municipal Securities Dealers.*

[(a) *General requirements.* Every municipal securities broker and municipal securities dealer shall make and keep current books and records sufficient to reflect (1) its transactions in municipal securities, (2) all customer activity relating to transactions in municipal securities, (3) the receipt and delivery of funds and securities in connection with transactions in municipal securities, (4) underwriting and syndication activities with respect to municipal securities, and (5) supervision of accounts, and which demonstrate, in the case of a municipal securities broker, or a municipal securities dealer which is not a bank dealer, its financial condition and such other matters as pertain to applicable financial responsibility and reporting requirements established by the Commission. Books and records made and kept in accordance with the requirements of paragraphs (b) through (g) of this rule, shall satisfy in full the requirements of this paragraph.]

(a) [(b)] *Description of books and records required to be made.* Except as otherwise specifically indicated in this rule, every municipal securities broker and municipal securities dealer shall make and keep current the following books and records, to the extent applicable to the business of such municipal securities broker or municipal securities dealer:

(i) *Records of original entry.* "Blotters" or other records of original entry [setting forth] *containing* an [itemized daily record of all purchases and sales of municipal securities, all receipts and deliveries of municipal securities (including bond or note numbers and, if the securities are in registered form, an indication to such effect), all receipts and disbursements of cash with respect to transactions in municipal securities, [and] all other debits and credits pertaining to transactions in municipal securities, *and in the case of municipal securities brokers and municipal securities dealers other than bank dealers, all other cash receipts and disbursements if not contained in the records required by any other provision of this rule.* The records of original entry shall show the name or other designation of the account for which each such transaction was effected (whether effected for the account of such municipal securities broker or municipal securities dealer, the account of a customer, or otherwise), the description of the securities, the aggregate par value of the securities, the dollar price or yield and aggregate purchase or sale price of the securities, accrued interest, the trade date, and the name or other designation of the person from whom purchased or received or to whom sold or delivered. With respect to accrued interest[,] *and* information relating to "when issued" transactions[, and other information] which may not be available at the time a transaction is effected, entries setting forth [the above] *such* information shall be made *promptly* as such information becomes available.

(ii) *Account records. Account records* [Records showing separately] for each customer account and account of such municipal securities broker or municipal securities dealer. *Such records shall reflect* all purchases and sales of municipal securities, all receipts and deliveries of municipal securities, all receipts and disbursements of cash, and all other debits and credits *relating to such account* [in connection with transactions in municipal securities]. A bank dealer shall not be required to maintain a record of a customer's bank credit or bank debit balances for purposes of this subparagraph.

(iii) *Securities records.* Records showing separately for each municipal security [as of the settlement dates] all positions (including, in the case of a municipal securities broker or municipal securities dealer other than a bank dealer, securities in safekeeping) carried by such municipal securities broker or municipal securities dealer for its account or for the account of a customer (with all "short" trading positions so designated), the location of all such securities long and the offsetting position to all such securities short, and the name or other designation of the account in which each position is carried. Such records shall also show all long security count differences and short count differences classified by the date of physical count and verification on which they were discovered.

Such records shall consist of a single record system. [For purposes of this rule, the term "settlement date" means the date upon which delivery of the securities is due.] *With respect to purchases or sales, such records may be posted on either a settlement date basis or a trade date basis, consistent with the manner of posting the records of original entry of such municipal securities broker or municipal securities dealer.* [For purposes of this rule, multiple maturities of the same issue of municipal securities shall constitute a single security]. *For purposes of this subparagraph, multiple maturities of the same issue of municipal securities, as well as multiple coupons of the same maturity, may be shown on the same record, Provided, That adequate secondary records exist to identify separately such maturities and coupons.* With respect to securities which are received in and delivered out by such municipal securities broker or municipal securities dealer the same day on or before the settlement date, no posting to such records shall be required. Anything herein to the contrary notwithstanding, a non-clearing municipal securities broker or municipal securities dealer which effects transactions for the account of customers on a delivery against payment basis may keep the records of location required by this subparagraph in the form of an alphabetical list or lists of securities showing the location of such securities rather than a record of location separately for each security. *Anything herein to the contrary notwithstanding, a bank dealer shall maintain records of the location of securities in its own trading account.*

(iv) [Secondary] *Subsidiary records.* [As secondary records, the following:] Ledgers or other records reflecting the following:

(A) Municipal securities in transfer;

(B) Municipal securities to be validated;

(C) Municipal securities borrowed or loaned; and

(D) Municipal securities transactions not completed on settlement date.

Such records shall contain the following information:

(A) *Municipal securities in transfer.* [Records showing all] *With respect to* municipal securities [in registered form] which have been sent out for transfer, the description and the aggregate par value of the securities, [the CUSIP numbers (if assigned),] the name in which registered, the name in which the securities are to be registered, the date sent out for transfer, the address to which sent for transfer, former bond or note numbers, the date returned from transfer, and new bond or note numbers.

(B) *Municipal securities to be validated.* [Records showing all] *With respect to* municipal securities which have been sent out for validation, the description and the aggregate part value of the securities, [the CUSIP numbers (if assigned),] the date sent out for validation, the address to which sent for validation, the bond or note numbers, and the date returned from validation.

(C) *Municipal securities borrowed or loaned.* [Records showing with respect to all] *With respect to* municipal securities borrowed or loaned, the date borrowed or loaned, the name of the person from whom borrowed or to whom loaned, the description and the aggregate par value of the securities borrowed or loaned, the value at which the securities were borrowed or loaned, and the date returned.

(D) *Municipal securities* [failed to receive and failed to deliver] *transactions not completed on the settlement date.* [Records showing all] *With respect to* municipal securities [failed to receive or failed to deliver] *transactions not completed* on the settlement date, the description and the aggregate par value of the securities *which are the subject of such transactions,* the purchase price (with respect to a [fail to receive] *purchase transaction not completed on the settlement date*), the sale price (with respect to a [fail to deliver] *sale transaction not completed on the settlement date*), the name of the customer, broker, dealer, or municipal securities dealer from whom delivery is due or to whom delivery is to be made, and the date on which the securities are received or delivered. [For purposes of this subparagraph securities "failed to receive" or "failed to deliver" shall include securities which are due from customers or due to customers.] *All municipal securities transactions with brokers, dealers and municipal securities dealers not completed on the settlement date shall be separately identifiable as such. For purposes of this rule, the term "settlement date" means the date upon which delivery of the securities is due in a purchase or sale transaction.*

Such records shall be maintained as subsidiary records to the general ledger maintained by such municipal securities broker or municipal securities dealer. Anything herein to the contrary notwithstanding, the requirements of this subparagraph will be satisfied if the information described is readily obtainable from other records maintained by such municipal securities broker or municipal securities dealer.

(v) *Put Options and Repurchase Agreements.* Records of all option (whether written or oral) to sell municipal securities (i.e. put options) and of all repurchase agreements (whether written or oral) with respect to municipal securities, in which such municipal securities broker or municipal securities dealer has any direct or indirect interest or which such municipal securities broker or municipal securities dealer has granted or guaranteed, showing the description and aggregate par value of the securities, and the terms and conditions of the option, agreement or guarantee.

(vi) *Records for agency transactions.* A memorandum of each agency order and any instructions given or received for the purchase or sale of municipal securities pursuant to such order, showing the terms and conditions of the order and instructions, and any modification thereof, the account for which entered, the date and time of receipt of the order by such municipal securities broker or municipal securities dealer, the price at which executed, the date of execution and, to the extent feasible, the time of execution. *If any agency order is cancelled by a customer, such records shall also show the terms, conditions and date of cancellation, and, to the extent feasible, the time of cancellation.* Orders entered pursuant to the exercise of discretionary power by such municipal securities broker or municipal securities dealer shall be designated as such. *For purposes of this subparagraph, the term "agency order" shall mean an order given to a municipal securities broker or municipal securities dealer to buy a specific security from another person or to sell a specific security to another person, in either case without such municipal securities broker or municipal securities dealer acquiring ownership of the security.* [For purposes of this subparagraph,] Customer inquiries of a general nature concerning the availability of securities for purchase or opportunities for sale shall not be considered to be orders. For purposes of this subparagraph and subparagraph (vii) below, the term "memorandum" shall mean a trading ticket or other similar record. For purposes of this subparagraph, the term "instructions" shall mean instructions transmitted within an office with respect to the execution of an agency order, *including, but not limited to,* [such as] instructions *transmitted* from a sales desk to a trading desk.

(vii) *Records for transactions as principal.* A memorandum of each transaction in municipal securities (whether purchase or sale) for the account of such municipal securities broker or municipal securities dealer, showing the price and date of execution and, to the extent feasible, the time of execution; and in the event such purchase or sale is with a customer, a record of the customer's order, showing the date and time of receipt, the terms and conditions of the order, and the name or other designtaion of the account in which it was entered.

(viii) *Records of syndicate transactions.* With respect to each syndicate or similar account formed for the purchase of municipal securities, records shall be maintained by a managing underwriter designated by the syndicate or account to maintain the books and records of the syndicate account, showing the description and aggregate par value of the securities, the name and percentage of participation of each member of the syndicate or account, the terms and conditions governing the formation and operation of the syndicate or account, all orders received for the purchase of the securities *from the syndicate or account* (except bids at other than syndicate price), all allotments of securities and the price at which sold, the date and amount of any good faith deposit made to the issuer, the date of settlement with the issuer, the date of closing of the account, and a reconciliation of profits and expenses of the account.

(ix) *Copies of confirmations and certain other notices to customers.* A copy of all confirmations of purchase or sale of municipal securities and, *in the case of a municipal securities broker or municipal securities dealer other than a bank dealer,* of all other notices sent to customers concerning debits and credits [for municipal securities, cash and other items with respect to transactions in municipal securities.] *to customer accounts or, in the case of a bank dealer, notices of debits and credits for municipal securities, cash and other items with respect to transactions in municipal securities.*

(x) *Financial records.* Every municipal securities broker and municipal securities dealer subject to the provisions of rule 15c3–1 under the Act shall make and keep current the books and records described in subparagraphs (a)(2), (a)(4) (iv) and (vi), and (a)(11) of rule 17a–3 under the Act.

(xi) *Customer account information.* A record for each customer, other than an institutional account, setting forth the following information to the extent applicable to such customer:

(A) customer's name and residence or principal business address;

(B) whether customer is of legal age;

(C) tax identification or social security number;

(D) occupation;

(E) name and address of employer;

(F) name and address of [person or persons controlling the] *beneficial owner or owners of such* account if other than the customer *and transactions are to be confirmed to such owner or owners;*

(G) name and address of person or persons authorized to transact business for such account if pursuant to a power of attorney or in the case of a joint account, account of a corporation or account of a partnership, and copy of powers of attorney, resolutions [and] or other evidence of authority to effect transactions for such account;

(H) signature of municipal securities representative or general securities representative introducing the account and signature of a municipal securities principal or general securities principal indicating acceptance of the account;

(I) with respect to discretionary accounts, customer's written authorization to exercise discretionary power or authority with respect to the account, written approval of municipal securities principal who supervises the account, and written approval of municipal securities principal with respect to each transaction in the account, indicating the time and date of approval;

(J) whether customer is employed by another broker, dealer or municipal securities dealer; and

(K) written authorization of customer in the event securities carried for customer's account are to be loaned or pledged.

For purposes of this subparagraph, the terms "general securities representative" and "general securities principal" shall mean such persons as so defined by the rules of a national securities exchange or registered securities association. For purposes of this subparagraph, the term "institutional account" shall mean the account of an investment company as defined in section 3(a) of the Investment Company Act of 1940, a bank, an insurance company, or any other institutional type account. Anything in this subparagraph to the contrary notwithstanding, every municipal securities broker and municipal securities dealer shall maintain a record of the information required by items (A), (C), (G), [and] (H), *(I) and (K)* of this subparagraph with respect to each customer which is an institutional account.

(xii) *Customer Complaints.* A record of all written complaints of customers, and persons acting on behalf of customers, and what action, if any, has been taken by such municipal securities broker or municipal securities dealer in connection with each such complaint. The term "complaint" shall mean any *written statement alleging a* grievance involving the activities of the municipal securities broker or municipal securities dealer or any associated persons of such municipal securities broker or municipal securities dealer with respect to any matter involving a customer's account.

(b) [(c)] *Manner in which Books and Records are to be Maintained.* Nothing herein contained shall be construed to require a municipal securities broker or municipal securities dealer to maintain the books and records required by this rule in any given

[1] Italics indicate additions; [brackets] indicate deletions.

manner, provided that the information required to be shown is clearly and accurately reflected thereon and provides an adequate basis for the audit of such information, nor to require a municipal securities broker or municipal securities dealer to maintain its books and records relating to transactions in municipal securities separate and apart from books and records relating to transactions in other types of securities; provided, however, that in the case of a bank dealer, all records relating to transactions in municipal securities effected by such bank dealer must be separately extractable from all other records maintained by the bank.

(c) [(d)] *Non-Clearing Municipal Securities Brokers and Municipal Securities Dealers.* A municipal securities broker or municipal securities dealer which [effects] *executes* transactions in municipal securities but clears such transactions through a clearing broker, dealer, or bank, or through a [clearing corporation or other] clearing agency, shall not be required to make and keep such books and records prescribed in this rule as are customarily made and kept by a clearing broker, dealer, bank [, clearing corporation] or [other] clearing agency; provided that, *in the case of a municipal securities broker or municipal securities dealer other than a bank dealer,* the arrangements with such clearing broker, dealer or bank meet all applicable requirements prescribed in subparagraph (b) of rule 17a–3 under the Act, or the arrangements with such [clearing corporation or other] clearing agency have been approved by the Commission or, *in the case of bank dealer, such arrangements have been approved by the appropriate regulatory agency for such bank dealer;* and *further provided* that such municipal securities broker or municipal securities dealer shall remain responsible for the accurate maintenance and preservation of such books and records[.] *if they are maintained by a clearing agent other than a clearing broker or dealer.*

(d) [(c)] *Introducing Municipal Securities Brokers and Municipal Securities Dealers.* A municipal securities broker or municipal securities dealer which, as an introducing municipal securities broker or municipal securities dealer, clears all transactions with and for customers on a fully disclosed basis with a clearing broker, dealer or municipal securities dealer, and which promptly transmits all customer funds and securities to the clearing broker, dealer or municipal securities dealer which carries all of the accounts of such customers, shall not be required to make and keep such books and records prescribed in this rule as are customarily made and kept by a clearing broker, dealer or municipal securities dealer and which are so made and kept; and such clearing broker, dealer or municipal securities dealer shall be responsible for the accurate maintenance and preservation of such books and records.

(e) [(f)] *Definition of Customer.* For purposes of this rule, the term "customer" shall not include a broker, dealer or municipal securities dealer acting in its capacity as such or the issuer of the securities which are the subject of the transaction in question.

(f) *Compliance with Rule 17a–3. Municipal securities brokers and municipal securities dealers other than bank dealers which are in compliance with rule 17a–3 of the Commission will be deemed to be in compliance with the requirements of this rule, provided that the information required by subparagraph (a)(iv)(D) of this rule as it relates to uncompleted transactions involving customers; paragraph (a)(viii); paragraph (a)(xi); and paragraph (a)(xii), shall in any event be maintained.*

(g) *Effective Date.* The requirements of this rule shall become effective on ————, [1976] *1977* [60 days after the date of approval by the Commission], and nothing herein contained shall be construed to require the making of the records specified in paragraph (a) [(b)] of this rule for events occurring prior to such effective date. The customer account records required by subparagraph (a)[(b)](ii) and customer account information required by subparagraph (a)[(b)](xi) shall be required only for customers for whom transactions in municipal securities are effected on or after such date.

Rule G–9. *Preservation of Records.*

(a) *Records to be Preserved for Six Years.* Every municipal securities broker and municipal securities dealer shall preserve the following records for a period of not less than six years:

(i) the records of original entry described in rule G–8(a)[(b)](i);

(ii) the account records described in rule G–8(a)[(b)](ii);

(iii) the securities records described in rule G–8(a)[(b)](iii);

(iv) the records of syndicate transactions described in rule G–8(a)[(b)](viii) provided that such records need not be preserved for a syndicate or similar account which is not successful in purchasing an issue of municipal securities;

(v) the customer complaint records described in rule G–8(a)[(b)](xii); and

(vi) if such municipal securities broker or municipal securities dealer is subject to rule 15c3–1 under the Act, the general ledgers described in paragraph (a)(2) of rule 17a–3 under the Act.

(b) *Records to be Preserved for Three Years.* Every municipal securities broker and municipal securities dealer shall preserve the following records for a period of not less than three years:

(i) the *subsidiary* [secondary] records described in rule G–8(a)[(b)](iv);

(ii) the records of put options and repurchase agreements described in rule G–8(a)[(b)](v);

(iii) the records relating to agency transactions described in rule G–8(a)[(b)](vi);

(iv) the records for transactions as principal described in rule G–8(a)[(b)](vii);

(v) the copies of confirmations and other notices described in rule G–8(a)[(b)](ix);

(vi) the customer account information described in rule G–8(a)[(b)](xi), provided that records showing the terms and conditions relating to the opening and maintenance of an account shall be preserved for a period of at least six years following the closing of such account;

(vii) if such municipal securities broker or municipal securities dealer is subject to rule 15c3–1 under the Act, the records described in subparagraphs (a)(4)(iv) and (vi) and (a)(11) of rule 17a–3 and subparagraphs (b)(5) and (b)(8) of rule 17a–4 under the Act;

(viii) the following records, to the extent made by such municipal securities broker or municipal securities dealer in connection with its business as such municipal securities broker or municipal securities dealer and not otherwise described in this rule:

(A) check books, bank statements, cancelled checks, cash reconciliations and [bill] *wire* transfers;

(B) bills receivable or payable;

(C) all written communications received and sent, including inter-office memoranda, relating to the conduct of the activities of such municipal securities broker or municipal securities dealer with respect to municipal securities; and

(D) all written agreements entered into by such municipal securities broker or municipal securities dealer, including agreements with respect to any account; *and*

(ix) all records relating to fingerprinting which are required pursuant to paragraph (e) of rule 17f–2 under the Act.

(c) *Records to be Preserved for Life of Enterprise. Every municipal securities broker and municipal securities dealer other than a bank dealer shall preserve during the life of such municipal securities broker or municipal securities dealer and of any successor municipal securities broker or municipal securities dealer all partnership articles or, in the case of a corporation, all articles of incorporation or charter, minute books and stock certificate books.*

(d) *Accessibility and Availability of Records.* All books and records required to be preserved pursuant to this rule shall be available for ready inspection by each regulatory authority having jurisdiction under the Act to inspect such records, shall be maintained and preserved in an easily accessible place for a period of at least two years and thereafter shall be maintained and preserved in such manner as to be accessible to each such regulatory authority within a reasonable period of time, taking into consideration the nature of the record and the amount of time expired since the record was made.

(e) *Method of Record Retention.* Whenever a record is required to be preserved by this rule, such record may be retained either as an original or as a copy or other reproduction thereof, or on microfilm, electronic or magnetic tape, or by other similar medium of record retention, provided that such municipal securities broker or municipal securities dealer shall have available adequate facilities for ready retrieval and inspection of any such record and for production of easily readable facsimile copies thereof *and, in the case of records retained on microfilm, electronic or magnetic tape, or other similar medium of record retention, duplicates of such records shall be stored separately from each other for the periods of time required by this rule.*

(f) *Effect of Lapse of Registration.* The requirements of this rule shall continue to apply, for the periods of time specified, to any municipal securities broker or municipal securities dealer which ceases to be registered with the Commission, except in the event a successor registrant shall undertake to maintain and preserve the books and records described herein for the required periods of time.

(g) *Compliance with Rule 17a–4. Municipal securities brokers and municipal securities dealers other than bank dealers which are in compliance with rules 17a–3 and 17a–4 under the Act will be deemed to be in compliance with the requirements of this rule, provided that the records enumerated in paragraph (f) of rule G–8 of the Board shall in any event be preserved for the applicable time periods specified in this rule.*

Rule G–10. *Designation of Persons Responsible for Maintenance and Preservation of Books and Records.*

Every municipal securities broker and municipal securities dealer shall designate one or more associated persons who are municipal securities principals or general securities principals as responsible for the maintenance and preservation of the books and records required to be maintained and preserved by rules G–8 and G–9 of the Board. In the case of a municipal securities dealer which is not a bank dealer, a financial and operations principal shall be one of the persons so designated. A record of every such designation shall be kept, [and preserved] showing the name, title and business address of the person or persons so designated and the date of designation, *and such record shall be preserved during the period of such designation and for at least six years following any change in such designation.*

[FR Doc.77–221 Filed 1–3–77;8:45 am]

[SR–MSRB–76–4]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Giving Notice of Withdrawal of Notice of Proceedings

DECEMBER 23, 1976.

The Securities and Exchange Commission announced today the withdrawal of the notice of proceedings issued in Securities Exchange Act Release No. 12933 (October 27, 1976; 41 FR 48428, November 3, 1976) ("Release No. 12933") and the cancellation of said proceedings instituted with respect to proposed Rules G–8, G–9 and G–10 filed by the Municipal Securities Rulemaking Board ("the Board") 1150 Connecticut Avenue, N.W. Washington, D.C. 20036 to establish recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers.

As a result of recent discussions between the Commission and the Board,[1] the Board and the Commission have this day revised their proposed amendments to recordkeeping and preservation standards.[2]

Accordingly, it is ordered that the notice of proceedings issued in Release No. 12933 be and hereby is withdrawn and such proceedings are hereby cancelled.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–223 Filed 1–3–77;8:45 am]

[1] On November 12, 1976 the Commission and the Board met to discuss several issues with respect to recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The conclusions reached at this meeting were published in a Commission press release which stated that:

"As a result of discussions, the Commission and the Municipal Securities Rulemaking Board today reached an understanding respecting the recordkeeping requirements of municipal securities brokers and municipal securities dealers which will eliminate the need to comply with more than one set of recordkeeping rules. Subject to public comment, securities firms will have the option of complying either with the Board's or the Commission's recordkeeping rules and banks will be subject to the Board's rules.

"Accordingly, the Commission announced today that it will cancel the hearings scheduled for November 22, 1976, regarding the rules submitted by the Municipal Securities Rulemaking Board relevant to recordkeeping."

"Both the Commission and the Municipal Securities Rulemaking Board will promptly issue revisions to their respective rules to reflect this understanding. It is anticipated that the application of the Commission's and the Board's recordkeeping rules, as modified, will be monitored during a one-year period."

[2] Securities Exchange Act Release No. 13106 (December 23, 1976) and Securities Exchange Act Release No. 13107 (December 23, 1976).

[Release No. 34–13096; File No. SR–NESDTCO–76–1]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change Regarding Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 9, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Proposed Rule Change establishes procedures whereby New England Securities Depository Trust Company acts as a depository for securities against which options clearing through Options Clearing Corporation have been written and includes the form of Depository Receipt to be issued in connection therewith and the audit and other procedures used in connection therewith.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to assist in the prompt and accurate clearance of securities transactions by providing an experienced depository for optioned securities in the New England area and by permitting its participants to write options on their securities without movement of the securities outside of the depository.

The proposed rule change relates (a) to the prompt and accurate clearance of securities transactions by providing an experienced depository with direct and established communications with Options Clearing Corporation to receive, hold and deliver-out optioned securities, (b) the assurance as to the safeguarding of securities in the possession of the clearing agency by the establishment of procedures and safeguards for dealing with optioned securities which the clearing agency holds as depository, (c) the fostering of cooperation and coordination with persons engaged in the clearance and settlement of securities transactions by establishing communications and other linkages between this self-regulatory agency and Options Clearing Corporation, (d) the removal of impediments to and the perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions through the fact that certificates may be immobilized, and clearance and settlement of securities tarnsactions will be facilitated, through the use of a securities depository which is a clearing corporation as defined by the Uniform Commercial Code able to provide book entry transfer services, and (e) protects investors and the public interest through providing an experienced and secure depository for the deposit of optioned securities and the issue of depository receipts.

No comments have been or are to be solicited with respect to the proposed rule change.

No burden on competition will be caused by the proposed rule change.

On or before February 8, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Acting Assistant Secretary.

DECEMBER 22, 1976.

[FR Doc.77–128 Filed 1–3–77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Amended Notice of Meeting

At 41 FR 53730, December 8, 1976, A.I.D. announced a one-day meeting of the Board for International Food and Agricultural Development to be held on January 10, 1977. The purpose of this notice is to indicate that the meeting has been extended to two days, January 10 and 11, 1977.

Dated: December 27, 1976.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.77–170 Filed 1–3–77;8:45 am]

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[Public Notice No. 510]

Office of the Secretary

COORDINATOR FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, MIGRATION AND REFUGEE ASSISTANCE

Delegation of Authority No. 107–4

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601 et seq.) (hereinafter referred to as the Act), Executive Order No. 11077 of January 22, 1963, entitled "Administration of the Migration and Refugee Assistance Act of 1962" (hereinafter referred to as the Order), Pub. L. 94–23 (89 Stat. 87), Pub. L. 94–24 (89 Stat. 89), section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658 and as Acting Secretary of State, it is ordered as follows:

Section 1. *Statement of purpose.*

It is the intention to delegate to the Coordinator for Human Rights and Humanitarian Affairs all statutory and other authorities of the Secretary of State for the overall direction, coordination, and supervision of inter-departmental refugee and migration activities of the U.S. Government, to the full extent permitted by law.

In particular, the Coordinator is delegated the function assigned to the Secretary of State by section 1(c) of the order to "assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States."

Section 2. *Functions of the Coordinator for Human Rights and Humanitarian Affairs.*

(a) Exclusive of the functions otherwise delegated herein, there are hereby delegated to the Coordinator for Human Rights and Humanitarian Affairs all functions conferred upon the Secretary of State by the Act and the Order.

Section 3. *Functions of the Deputy Under Secretary of State for Management.*

(a) The following functions are delegated to the Deputy Under Secretary of State for Management:

(1) The functions enumerated in section 5(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order insofar as they relate to compensation allowances, and travel of personnel whose services are utilized primarily for the purpose of the Act.

(2) The functions enumerated in sections 5(a) (2), (3), (4), and (5) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order.

(3) The functions delegated to the Deputy Under Secretary of State for Management by subsection 3(a) (1) and (2) of the Delegation of Authority may be exercised by the organizational components vested with functions of that nature by the Organization Manual (1 FAM) and other delegations of authority.

Section 4. *General provisions.*

(a) Any officer to whom functions are delegated by this Delegation of Authority may to the extent consistent with law, redelegate any of the delegated functions.

(b) Except to the extent that they may be inconsistent with this Delegation of Authority, all delegations, determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into with respect to any functions affected by this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) This Delegation of Authority supersedes and cancels Delegation of Authority No. 107–2 of June 21, 1975 (Public Notice No. 454 40 FR 27956), and shall be deemed to have become effective on November 29, 1976.

Dated: December 11, 1976.

CHARLES W. ROBINSON,
Acting Secretary.

[FR Doc.77–216 Filed 1–3–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 226]

ASSIGNMENT OF HEARINGS

DECEMBER 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142066, Joy Motor Freight, DBA Jerry A. Jacobs, now assigned January 31, 1977, at Olympia, Wash., is canceled and application dismissed.

MC 110191 (Sub-No. 28), Turner's Express, Inc., now assigned February 8, 1977, at Richmond, Va., is canceled and application dismissed.

MC 84687 (Sub-No. 4), Veterans Truck Line, Inc., now assigned January 18, 1977, at Madison, Wis., is postponed indefinitely.

MC 128270 Sub 5, Merchant Freight Line, Inc., now being assigned March 15, 1977 (9 Days), at Nashville, Tenn., in a hearing room to be later designated.

MC 103066 (Sub-37), Stone Trucking Company, now assigned February 9, 1977 at Washington, D.C., has been canceled.

MC 103066 (Sub-45), Stone Trucking Company, now assigned March 24, 1977 at Washington, D.C., has been canceled.

MC 3281 (Sub-7), Powell Truck Line, Inc., now being assigned April 19, 1977 (9 days) at Memphis, Tennessee in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–291 Filed 1–3–77;8:45 am]

[Ex Parte No. MC–43]

LIGON SPECIALIZED HAULER, INC., ET AL.

Order Regarding Lease and Interchange of Vehicles By Motor Carriers

DECEMBER 29, 1976.

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 20th day of December, 1976.

It appearing, that a petition has been filed by Ligon Specialized Hauler, Inc., (MC–119777 and numerous subs) and Cherokee Hauling and Rigging, Inc., (MC–127834 and numerous subs), under temporary common control, and Virginia Hauling Company, (MC–13806 and various subs) and Horne Heavy Hauling, Inc., (MC–35045 and subs 1, 9, 11, and 19), under temporary and common control respectively, by Cherokee Hauling and Rigging, Inc., for waiver of paragraphs (a)(3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057) concerning equipment leased and interchanged by petitioners;

It further appearing, that the performance of petitioner Ligon concerning fitness, indicated by continuous Commission proceedings against petitioner is such that waiver is not warranted;

It is ordered, That the petition for waiver of paragraphs (a)(3) and (c) of § 1057.4 as set forth in the first paragraphs of this Order, be, and it is, hereby denied.

By the Commission, Motor Carrier Leasing Board, Members Burns, Teeple, and Sibbald.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–293 Filed 1–3–77;8:45 am]

[Notice No. 98]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before February 3, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76519, filed November 8, 1976. Transferee: Robert Crouch, Chester, Vermont 05143. Transferor: Hanson M. Savage, Chester Depot, Vermont 05144. Applicant's representative: Frederick J. Glover, Esq., Box 217, Ludlow, Vermont 05149. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 124545 and MC 124545 (Sub-No. 2), issued April 2, 1973 and October 9, 1974 respectively, as follows: Mined and ground talc from Chester, Vt. to points in Delaware, Connecticut, Maryland, Ohio, Pennsylvania, Maine, New Hampshire, Massachusetts, Rhode Island, New York, and New Jersey. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76716, filed October 21, 1976. Transferee: Breyer Exchange, Inc., Route 3, New Philadelphia, Ohio 44663. Transferor: Owen R. Hobbs, 1022 Blanchard Avenue, Findlay, Ohio 45840. Applicant's representative: Richard H. Brandon, Attorney at Law, 220 West Bridge Street, Box 97, Dublin, Ohio 43017. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 138579, issued April 17, 1975, as follows: Lime, limestone, and limestone products from the plant site of the National Lime & Stone Company located at or near Carey (Wyandot County) Ohio to points in Michigan, Indiana, Illinois, Kentucky, New Jersey, New York, Pennsylvania, Tennessee, West Virginia, Wisconsin, and Missouri. Transferee is presently authorized to operate as a contract carrier under Permit No. MC 113254 and subs thereafter. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76723, filed November 12, 1976. Transferee: R & M Truck Line, Inc., P.O. Box 422, Old Highway 63 South, Oskaloosa, Iowa 52577. Transferee: Center Distributing Company, 78th and Serum, Ralston, Nebraska 68127. Applicant's representative: Larry D. Knox, Esq., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 126738 (Sub-No. 2) and MC 126738 (Sub-No. 4), issued October 28, 1968 and December 30, 1971, respectively, as follows: Bottled and canned beverages and syrup from Oskaloosa, Iowa, to specified counties in Nebraska, Kansas, and Missouri and to St. Louis, Mo.; and nonalcoholic beverages from Oskaloosa, Iowa to plant sites of the Pepsi Cola Bottling Company located in Illinois, Wisconsin, Minnesota, South Dakota, and Oklahoma. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 111672 and subs thereafter. Application has not been filed for temporary authority under section 210a (b).

No. MC–FC–76724, filed November 18, 1976. Transferee: Ted L. Nichols and Christina M. Nichols, doing business as Intercity Freight Lines, 803 Central, Plains, Montana 59859. Transferor: Harvey L. Doty and Jean C. Doty, a partnership doing business as Intercity Freight Lines, 407 West 2nd Street, Plains, Montana 59859. Applicant's representative: Robert L. Fletcher, Esq., Box 38, Thompson Falls, Montana 59873. Authority sought for purchase of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121678, issued October 29, 1971, as follows: General commodities between Missoula, Montana and points in Mineral and Sanders Counties, Montana. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a (b).

No. MC–FC–76752, filed November 24, 1976. Transferee: Bar-mac Contract Carrier Corp., P.O. Box D 960, Darien, Georgia 31305. Transferor: The Big E Corp., 505 N. Myrtle Avenue, Jacksonville, Florida 32204. Applicant's representative: Sol H. Proctor, Attorney at Law, 1101 Blackstone Building, Jacksonville, Florida 32202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 135257 Sub-No. 1 issued March 29, 1973, as follows: Meats, meat products, and meat by-products between the plant sites and warehouses of Jones-Chambliss Co., and Henry's Hickory House at Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76760, filed November 30, 1976. Transferee: Paul Garnsey & Son, Inc., Route 4, Box 55, Schuylerville, New York 12871. Transferor: Paul R. Garnsey (Florence S. Garnsey, Executrix) and Paul Z. Garnsey, a partnership, Route 4, Box 55, Schuylerville, New York 12871. Applicant's representative: Paul Z. Garnsey, Route 4, Box 55, Schuylerville, New York 12871. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 119297, MC 119297 (Sub-No. 1), and MC 119297 (Sub-No. 2), issued September 1, 1960, October 14, 1966, and May 7, 1968 respectively, as follows: General commodities with the usual exceptions and certain other specified commodities from, to, and between specified points and places in New York, New Hampshire, Vermont, and New Jersey. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76791, filed October 27, 1976. Transferee: Ty-Roe Enterprise, Inc., doing business as Air Cargo Delivery Service, 1004 Stockton Avenue, San Jose, California 95110. Transferor: William B. Zaharin, doing business as Walter's Express Co., 1383 Pacific Avenue, San Francisco, California 94109. Applicant's representative: Eldon M. Johnson, Attorney at Law, 650 California Street, Suite 2808, San Francisco, California 94108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121761, issued July 15, 1975, as follows: General commodities between all points in the San Francisco Territory. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76821, filed November 9, 1976. Transferee: A. P. Marquardt, Inc., 114 South Road, Groton, Connecticut 06340. Transferor: Arthur P. Marquardt, doing business as A. P. Marquardt, 96 South Road, Groton, Connecticut 06340. Applicant's representative: J. Rodney Smith, 75 Eugene O'Neill Drive, New London, Connecticut 06320. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 17457 (Sub-No. 1), issued February 26, 1945, as follows: Kerosene and fuel oil over a specified regular route from Groton, Conn. to Westerly, R. I. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–FC–76832, filed November 19, 1976. Transferee: Jim's Transportation, Inc., 125 Piedmont Ave., San Bruno, Cal. 94066. Transferor: James P. Stewart, doing business as Jim's Transportation, 125 Piedmont Ave., San Bruno, Cal. 94066. Applicants' representative: E. H. Griffiths, 1182 Market St., Suite 207, San Francisco, Cal. 94102. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121758, issued May 21, 1975, as follows: General commodities with specified exceptions between all points and places in the specified San Francisco Territory. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76838, filed November 23, 1976. Transferee: Lou Bole Carpet Carriers, Inc., 34–19 24th Street, Long Island

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City, N.Y. 11106. Transferor: L. Davis Trucking Co., Inc., 2518 38th Ave., Long Island City, N.Y. 11101. Applicants' representative: Michael R. Werner, Attorney-at-Law, 2 West 45th St., New York, N.Y. 10036. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 14713, issued December 8, 1976, to L. Davis Trucking Co., Inc., and those set forth Certificate No. MC 139691, issued April 16, 1975, in the name of G & B Movers, Inc., and authorized to be transferred to L. Davis Trucking Co., Inc., pursuant to No. MC–FC–76715, approved November 22, 1976, as follows: Rugs and rug pads, carpets and carpet linings, and linoleum and linoleum paste, from New York, N.Y., to Bayonne, Bergenfield, Butler, East Orange, Hackensack, Hoboken, Jersey City, Morristown, Newark, North Bergen, Passaic, Paterson, Perth Amboy, Plainfield, Rahway, Rutherford, and Union City, N.J., points on Long Island, N.Y., and those in Westchester County, N.Y.; general commodities, with the usual exceptions, between New York, N.Y., and Hoboken, Weehawken, and Jersey City, N.J., on the one hand, and, on the other, Long Branch, N.J., and points in Hudson, Essex, Bergen, Passaic and Union Counties, N.J.; between New York, N.Y., and Middletown, N.Y.; and carpets and rugs between points in that part of the New York, N.Y. commercial zone within which local "exempt" operations may be conducted, on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Essex, Union, Middlesex, Somerset, Morris, and Monmouth County, N.J., and Fairfield County, Conn. Transferee presently holds authority from this Commission under Certificate No. MC 138065 (Sub-No. 2). Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-294 Filed 1-3-77;8:45 am]

[Notice No. 172]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 23, 1976.

Important notice: The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 52TA), filed December 17, 1976. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., P.O. Box 22005, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts and automobile show equipment*, in initial movements, in truckaway service, from the plantsite of General Motors Corporation, located at Tarrytown, N.Y., to points in Alabama, Florida, Georgia, and South Carolina, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 4405 (Sub-No. 540TA), filed December 15, 1976. Applicant: DEALERS TRANSIT, INC., 522 S. Boston Ave., Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from New Tazewell, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: U.S. Postal Service, Traffic Branch, Office of Resources Management, Room 1100, 475 L'Enfant Plaza, West, S.W., Washington, D.C. 20260. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 5470 (Sub-No. 119TA), filed December 15, 1976. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Richard W. Sanguigni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, from Ashtabula, Ohio, to Archer Creek, Lynchburg and Radford, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Carbide Corporation, Mining Metal Division, 270 Park Ave., New York, N.Y. 10017. Send Protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 52579 (Sub-No. 159 TA), filed December 16, 1976. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Irwin Rosen (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers for retail stores distribution, from Shreveport, La., to Arling, Tex., and New York Commercial Zone, as defined by the Commission, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Montgomery Ward & Co., Inc., 393 Fashion Ave., New York, N.Y. 10001. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 81908 (Sub-No. 9TA), filed December 13, 1976. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, Ohio 45840. Applicant's representative: Michael M. Briley, 300 Madison Ave., Toledo, Ohio 43603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers and pre-assembled house trailer sections*, on their own undercarriage, in tow-away service in initial moves, from Bryan, Ohio (and points within a radius of 10 miles thereof), to points in Michigan, Indiana, Kentucky, Virginia, West Virginia, Pennsylvania, Illinois and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobile Home Estates, Inc., Bryan, Ohio. Send protests to: Keith D. Warner, District Supervisor, Section of Motor, Water, Forwarder Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 112617 (Sub-No. 355TA), filed December 10, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Illinois, Indiana, Ohio, Michigan, and, St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James A. Doti, President, Jadcore, Inc., 1854 N. Fruitridge Ave., Terre Haute, Ind. 47805. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 114457 (Sub-No. 278TA), filed December 17, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container closures*, from Chicago, Ill., to Jeanette, Pa., and Jonesboro, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., 150 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 112801 (Sub-No. 188TA), filed December 14, 1976. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, from the plant and storage facilities of Archer Daniels Midland Company, at Decatur, Ill., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at and destined to points named, for 180 days. Supporting shipper: Archer Daniels Midland Company, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Patracia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 115162 (Sub-No. 342TA), filed December 15, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, paper board, panels, plastic articles and moulding*, from Chesapeake, Norfolk and Suffolk, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia and Wisconsin, for 180 days. Supporting shipper: Weyerhaeuser Company, 201 Dexter St., West, Chesapeake, Va. 23324. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118959 (Sub-No. 143TA), filed December 13, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Mineral Wells, Miss., to points in Arkansas, Louisiana and Texas, for 180 days. Supporting shipper: Chattanooga Glass Co., 400 W. 45th St., Chattanooga, Tenn. 37410. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 118959 (Sub-No. 144TA), filed December 17, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel wire, iron and steel cable, iron and steel spirals*, from the plantsite of Florida Wire and Cable Co., at or near Jacksonville, Fla., and the plantsite of Wiremil, Inc., at or near Sanderson, Fla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting Shipper: Florida Wire and Cable Co., P.O. Box 6835, Jacksonville, Fla. 32205. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 123329 (Sub-No. 27TA), filed December 14, 1976. Applicant H. M. TRIMBLE & SONS LTD., P.O. Box 3500, 4056 Ogden Road, S.E., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Quicklime*, in bulk, in tank vehicles, from ports of entry on the United States-Canada International Boundary line, located in the State of Washington, to points in Washington, Oregon and Idaho, restricted to traffic originating at Langley, British Columbia, Canada, for 180 days. Supporting shipper: A. J. MacDonald, General Manager, Texada Lime, Ltd., 309–198 W. Hastings St., Vancouver, B.C., Canada V6B 1H2. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 129712 (Sub-No. 7TA), filed December 16, 1976. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Ga. 330326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except frozen) *and related stationery and advertising materials*, from the plantsite and warehouse facilities of Sunshine Biscuits, Inc., at Columbus, Ga., to points in Kentucky, West Virginia and Virginia; and (2) *Materials, equipment and supplies* used, sold or dealt in by bakeries, from points in Kentucky, Virginia and West Virginia, to the plantsite and warehouse facilities of Sunshine Biscuits, Inc., at Columbus, Ga., under a continuing contract with Sunshine Biscuits, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Biscuits, Inc., 3700 Victory Drive, Columbus, Ga. 31902. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 133095 (Sub-No. 124TA), filed December 15, 1976. Applicant: TEXAS–CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapeutic solutions*, in containers, in mechanically refrigerated equipment, from Cinnaminson, N.J., to Dallas, Tex., and Baton Rouge and New Orleans, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Erika, Inc., 560 Sylvan Ave., Englewood Cliffs, N.J. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133383 (Sub-No. 1TA), filed December 15, 1976. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, 640 12th Ave., S.E., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, P.O. Box 2567, Great Falls, Mont. 59403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic beverages, liquors and spirits*, in bulk, in tank vehicles, from ports of entry on the United States-Canada International Boundary line at or near Buffalo, N.Y., to Linfield and Philadelphia, Pa., restricted to traffic originating at Collingwood, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S. Duppolito, A.G.T.M., Continental Distilling Corp., 1429 Walnut St., Philadelphia, Pa. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 133937 (Sub-No. 18TA), filed December 17, 1976. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 572, Greer, S.C. 29651. Applicant's representative: Henry P. Willimon, P.O. Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers in polyethylene bags, packs, flats, racks, between points in North Carolina, South Carolina and Atlanta, Ga., for 180 days. Supporting shippers: There

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are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 133966 (Sub-No. 45TA), filed December 15, 1976. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors and door frames*, from Fredericksburg, Va., to Old Forge, Pa.; and (2) *Kitchen cabinets*, from Sellersburg, Ind., and Adrian, Mich., to Old Forge, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mariotti Lumber Company, 325 S. Main St., Old Forge, Pa. 18518. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134323 (Sub-No. 90TA), filed December 17, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 S. 14th., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive care and maintenance supplies* (except commodities in bulk), from the plantsite and storage facilities of or utilized by Union Carbide Corporation, at or near Chicago and Danville, Ill., Camden, and South Hackensack, N.J., and Greenville, S.C., to South Hackensack, N.J., Kansas City, Mo., Dallas, Tex., Atlanta, Ga., Torrance, Calif., Cleveland, Ohio, Chicago, Ill., and Milwaukie, Oreg., under a continuing contract with Union Carbide Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Carbide Corporation, 170 Park Ave., New York, N.Y. 10017. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134806 (Sub-No. 43 TA), filed December 16, 1976. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tanned leather*, from points in Los Angeles County, Calif., to Chicago and Rockford, Ill., and points in Maine, New Hampshire, Massachusetts, New York, Pennsylvania, Wisconsin and Huntington, W. Va.; and (2) *Oils and greases, finishing compounds, and supplies* for tanning leather (except commodities in bulk), from Exeter, N.H.; Newark, N.J.; Brattleboro, Vt., and points in Massachusetts, to points in Los Angeles County, Calif., under a continuing contract with West Coast Tanners Production Club, for 180 days. SUPPORTING SHIPPER: West Coast Tanners Production Club, 1099 Quesada Ave., San Francisco, Calif. 94124. SEND PROTESTS TO: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 135231 (Sub-No. 23 TA), filed December 15, 1976. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden windows and doors*, from Warroad, Minn., to points in the United States (except Alaska and Hawaii), and (2) Materials, supplies and equipment used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Warroad, Minn., restricted to the transportation of traffic originating at or destined to the facilities of Marvin Windows at Warroad, Minn., for 180 days. SUPPORTING SHIPPER: Marvin Windows, Warroad, Minn. 56763. SEND PROTESTS TO: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136080 (Sub-No. 2TA), filed December 17, 1976. Applicant: ELIZABETH SELLERS LAFOE AND BERNIE L. LAFOE, doing business as, E. S. LAFOE, RFD 1, Box 167, North Ferrisburg, Vt. 05473. Applicant's representative: Elizabeth S. Lafoe, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheeses, cheese products, curd, and products* used in the processing of cheese returning loads of fiberboard containers and containers (cans), between Swanton, Vt., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, Maine, Maryland, Massachusetts, Rhode Island, Pennsylvania, Vermont, Virginia (excluding delivery to Carles Place, N.Y., and Brooklyn, N.Y.), under a continuing contract with Lucille Farm Products, Inc., for 180 days. SUPPORTING SHIPPER: Lucille Farm Products, Inc., P.O. Box 125, Swanton Industrial Park, Swanton, Vt. 05488. SEND PROTESTS TO: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 138144 (Sub-No. 13TA), filed December 16, 1976. Applicant: FRED OLSON COMPANY, INC., 6022 W. State St., Milwaukee, Wis. 53213. Applicant's representative: Gregory A. Stayart, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the facilities of Ratzlaff Logging and Lumber, Inc., at or near Princeton and Onamia, Minn., to points in Wisconsin on and south of U.S. Highway 10, for 180 days. SUPPORTING SHIPPER: Boehm-Madison Lumber Company, 6186 Plankinton Bldg., 161 Wisconsin Ave., Milwaukee, Wis. 53203. SEND PROTESTS TO: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 138635 (Sub-No. 28TA), filed December 15, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanities, vanity tops, shower doors, cultured marble tops and kitchen cabinets* (crated), from Van Nuys, Calif., to points in and east of North Dakota, South Dakota, Nebraska, Kansas Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: Commodore Vanity Company, 7735 Kester Ave., Van Nuys, Calif. SEND PROTESTS TO: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 139113 (Sub-No. 8TA), filed December 15, 1976. Applicant: BRUNDIDGE TRANSPORTATION, INC., P.O. Box 187, Brundidge, Ala. 36010. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground, mixed, and blended spices, and mustard and mustard products*, from Grand Forks, N. Dak., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies* used in the manufacture or distribution of ground, mixed and blended spices, and mustard and mustard products, from points in the United States (except Alaska and Hawaii), to Grand Forks, N. Dak., under a continuing contract with The Baltimore Spice Company, for 180 days. SUPPORTING SHIPPER: The Baltimore Spice Company, P.O. Box 5858, Baltimore, Md. 21208. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 139336 (Sub-No. 10 TA), filed December 16, 1976. Applicant: TRANSTATES, INC., 3216 Westminster, Santa Ana, Calif. 92703. Applicant's representative: David P. Christianson, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Retreaded and new aircraft tires and worn aircraft tires*, between South San Francisco, Calif., and Salina, Kans., on the one hand, and, on the other, Chicago, Bensenville and Galva, Ill.; Minneapolis, and Bloomington, Minn.; Dallas and Houston, Tex.; Seattle and Blaine, Wash.; Kansas City, Kans., and Missouri, Denver, Colo.; and Tulsa, Okla., under a continuing contract with Thompson Aircraft Tire Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: Thompson Aircraft Tire Corporation, 160 Beacon St., South San Francisco, Calif. SEND PROTESTS TO: Mary Alice Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140407 (Sub-No. 2 TA), filed December 16, 1976. Applicant: HARVEY KEENAN AND DON PENICK, doing business as, DOUBLE EAGLE TRUCKING, Route 1, Box 80, Onalaska, Wash. 98570. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and ridgetrim*, from points in Washington on and west of U.S. Highway 97, to points in California, for 180 days. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 142518 (Sub-No. 1 TA), filed December 16, 1976. Applicant: VULCAN TRANSPORTATION COMPANY, INCORPORATED, Cordova, Ala. 35550. Applicant's representative: Gerald D. Colvin, 601-09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, liquid asphalt, and wood preserving products*, from the plantsite and facilities of Vulcan Asphalt Refining Company, located at or near Cordova, Ala., to points in Alabama, Georgia, Mississippi, North Carolina and South Carolina, under a continuing contract with Vulcan Asphalt Refining Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vulcan Asphalt Refining Company, Cordova, Ala. 35550. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142729 (Sub-No. 1 TA), filed December 17, 1976. Applicant: LESTER MATTHEWS, doing business as LESTER'S DELIVERY, 6920 Singingwood Drive, St. Louis, Mo. 63129. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fish, cheese and related food items and supplies* used in the operation of White Castle System Stores, between the facility of White Castle System, St. Louis, Mo., and the facilities at White Castle Systems at Fairview Heights and Alton, Ill., under a continuing contract with White Castle System, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White Castle System, 1111 Macklind Ave., St. Louis, Mo. 63110. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 142733 TA, filed December 14, 1976. Applicant: UNITED TRANSPORT, INC., 7225 N.W. 8th St., Miami, Fla. 33136. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantains*, from points in Florida, to points in New York, New Jersey, Illinois, and California; from points in Maryland, to points in New York, New Jersey, Illinois and California; from points in New York, to points in New Jersey, Illinois and California, under a continuing contract with Caribe Produce Wholesaler Corp.; and Caribe Food Corporation, for 180 days. Supporting shipper: Caribe Produce Wholesaler Corp., and Caribe Food Corporation, 1147 N.W. 22nd St., Miami, Fla. 33127. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142731 (Sub-No. 1 TA), filed December 16, 1976. Applicant: WESLEY J. WOODARD, doing business as WOODARD TRUCKING, 602 W. Coldren, Oberlin, Kans. 66749. Applicant's representative Erle W. Francis, 719 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from the plantsite of Cargill, Inc., McCook, Nebr., to points in Kansas on and west of U.S. Highway 183 and to points in Colorado on and north of U.S. Highway 50, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Inc., Nutrena Feed Division, P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-292 Filed 1-3-77;8:45 am]

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federal register

TUESDAY, JANUARY 4, 1977

PART II

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

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EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to Transactions Involving the Ragnar Benson Profit Sharing Plan and Trust (Application No. D-175)

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

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Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to Transactions Involving the Ragnar Benson Profit Sharing Plan and Trust (Application No. D–175)

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code. The pending exemption was requested in an application filed by Ragnar Benson, Inc. (Ragnar Benson) and the Trustee and Plan Committee (collectively referred to as "Applicants") under the Ragnar Benson Profit Sharing Plan and Trust (the Trust) for a proposed Trust investment in a long-term mortgage loan to a party in interest and disqualified person and for related transactions.

The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722.

Summary of Representations. The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Department and the Service for a complete statement of the representations of the Applicants.

1. Ragnar Benson, a corporation engaged in general contracting and building, purchased a 50 percent stock interest in Woodlane Corporation (Woodlane), a real estate holding company, in October 1967. The only other shareholder in Woodlane is Elmhurst-Chicago Stone Company (Elmhurst-Chicago), which is otherwise unrelated to the parties to the proposed mortgage transaction.

2. In April 1967 Woodlane and Western Electric Company, Incorporated (Western Electric) executed a lease agreement which provided for the construction and leasing to Western Electric of a new facility to be known as Bell System Center for Technical Education (the Training Center) on Woodlane's 22 acre parcel of land located in DuPage County, Illinois. The Training Center has developed into a dormitory and school complex in which diverse groups of employees of Bell System across the country receive technical and managerial training.

3. Ragnar Benson constructed the Training Center pursuant to a contract with Woodlane which predated its purchase of Woodlane stock. Additionally, Western Electric's right under the 1967 lease agreement to construct additional buildings and improvements on the parcel was subject to the express condition that it make a bona fide effort to negotiate a contract with Ragnar Benson for such constructions on the basis of preliminary drawings and cost estimates to be prepared by Ragnar Benson.

4. Central National Bank and Continental Assurance Company (Continental) each provided Woodlane with $1.5 million in financing for the initial construction of the Training Center. Such loans were secured by a mortgage on the 22 acre parcel of land and by the rental payments under the lease with Western Electric which were geared to repay the loans over the 15-year primary term of the lease.

5. In 1969 and 1972, additions to the Training Center were constructed by Ragnar Benson. The first addition was financed by a $2 million loan from Continental and the second was financed by a $600,000 loan from Continental and a $600,000 loan from the Trust. Both loans for the second addition are secured by a trust deed on the original 22 acre parcel and on an additional 20 acres adjacent thereto, which Woodlane purchased in 1971. Continental, Central National Bank and the Trust each agreed to a first lien interest in the combined 42 acre parcel in proportion to its share of the total indebtedness. In connection with the construction of these additions, the rental payments to Woodlane by Western Electric were increased to a level sufficient to insure repayment of all loans over the term of the lease. Final payment on the loan from the Trust is scheduled to be made in May 1983. The remaining principal on the original amount of $600,000 was approximately $450,000 as of November 9, 1976.

6. On August 4, 1975, Woodlane and Western Electric entered into a modification of the lease agreement. The amended agreement provided for the construction of a 10-story highrise addition to the Training Center at a cost of $6.3 million (the "third addition"). In accordance with the terms of the original lease, Ragnar Benson has constructed the third addition.

7. Raymond Benson (Benson), the Trustee under the Trust, after consulting with the plan committee and after meeting with, and receiving consents from, all of the participants in the Trust, has determined that one million dollars in Trust assets which are currently held in short term certificates of deposit should be invested in a new loan to Woodlane to provide permanent financing for the third addition (the "new loan").

8. The Trust contained total assets of $6.5 million as of December 31, 1975. Thus, the amount of the new loan, together with the remaining principal of the Trust's loan for the second addition, will represent less than 25 percent of the Trust's total assets.

9. In addition to being Trustee, Benson is also the President of Ragnar Benson, an officer of Woodlane, a shareholder of Ranger Benson by attribution from his family's holdings and a member of the Plan Committee. Under the Ragnar Benson Profit Sharing Plan, which was established for salaried employees in 1956, Ragnar Benson appoints both the Trustee and the five members of the Plan Committee. The Plan Committee directs the Trustee in the placing of investments and supervises the administration of funds held by the Trustee. All of the current members of the Plan Committee are salaried employees of Ragnar Benson and participants in the Trust.

10. Woodlane will obtain any balance of the $6.3 million in permanent financing required for the third addition from banks and/or other institutional lenders in the Chicago metropolitan area on terms which are no more favorable to any of such lenders than are available to the Trust. In this regard, 13 banks in the Chicago area have committed a total of $5.45 million, in individual amounts ranging from $150,000 to one million dollars, for permanent financing. Two of these banks have an existing banking relationship with Ragnar Benson, and a third bank provides escrow account services to Woodlane, but at least one of the lending institutions which has committed one million dollars for financing noted herein does not have an existing banking relationship with Ragnar Benson or its principals. In addition, an insurance company has furnished a verbal commitment for $4 million in permanent financing at an interest rate of 9⅛ percent.

11. All of the proposed loans for the third addition (with the exception of a verbal commitment from an insurance company) will bear a 9½ percent interest rate and will be repaid over 15 years. This repayment period coincides with the term of the amended lease, which expires in 1991. Under the amended lease, Western Electric will pay an annual rental of $1,440,000 for use of the Training Center, the addition thereto and the 42 acre parcel surrounding the facilities. This rental will be sufficient to repay all of the loans over the term of the lease. However, because the staggered repayment dates of the various loans to Woodlane would otherwise necessitate a partial interest-only repayment schedule on some of the new loans, Ragnar Benson and Elmhurst-Chicago have committed themselves to make additional capital contributions to Woodlane to cover the negative cash flow which will be experienced by Woodlane during the first seven years of the proposed loans. With this capital contribution, which will total approximately $140.00 over the seven year period, all of the new loans will be repaid on a straight-line principal plus interest basis.

12. The proposed loans by the Trust and the unrelated financial institutions will be secured by a first mortgage on the new addition and the one acre portion of the 42 acre tract on which the addition is located. This portion of the property is connected to Illinois Route 53 by an access easement. Each of the lenders involved in the proposed transaction will have a first lien interest with respect to such security in proportion to its share of the total indebtedness. All of the prior mortgagees, including the Trust, will release their existing prior rights to the one acre underlying the third addition.

13. The debt will also be secured by an assignment of the lease document between Western Electric and Woodlane and all rents thereunder, for the benefit of the mortgagees. Under this arrangement, Western Electric will make all rental payments directly to one of the lending banks as the "lead" bank responsible for collecting principal and interest payments for distribution among the various mortgagees.

14. Additionally, Ragnar Benson has guaranteed and Benson has personally guaranteed the repayment of all sums that will be owing to the Trust as a result of the proposed loan. These guarantees also extend to the prior loan by the Trust so that the Trust will be in no worse position by virtue of its proposed agreement to subordinate its first lien position with respect to the one acre upon which the addition is being constructed. As of February 11, 1976, Ragnar Benson had a net worth of approximately $6.5 million, and as of July 28, 1976, Benson had a net worth in excess of $1 million.

15. The lease with Western Electric is noncancellable and gives Woodlane, or the mortgagees by intervention, a contractual right as against a prime rated tenant. Pursuant to the lease assignment agreement, the mortgagees will be empowered to intervene to assert any of Woodlane's rights if it fails to do so.

16. The lease is a "net-net" lease whereby Western Electric is responsible for maintenance, real estate and personal property taxes, utility expenses and insurance expenses.

17. The prior mortgagees have approved the amended lease and the Trust and all other mortgagees must approve all further amendments to the lease. Insurance will be obtained by Woodlane guaranteeing payment of one year's rent in the event that Western Electric should default on its obligations under the lease.

18. The mortgage (or trust deed) and the promissory note to be executed in favor of the Trust will be insured by mortgage title insurance guaranteeing that the mortgage is a valid lien against the property.

19. The value of the mortgaged property will provide adequate security for the repayment of the loans should it be necessary at any time to foreclose. Additionally, the applicants state that even in the event of distress conditions, there would be no difficulty in disposing of the property which will secure Woodlane's indebtedness to the Trust and the other lenders.

20. The applicants have requested an exemption to permit: (a) Ragnar Benson to construct the third addition to the Training Center, notwithstanding the Trust's participation in any financing arrangements for the addition; (b) The Trust to provide one million dollars to Woodlane for permanent mortgage financing of the third addition; (c) The Trust to release its existing security rights in the one acre of property underlying the third addition so that the proposed loans may be secured by a distinct portion of the property (d) Ragnar Benson and Benson to guarantee the principal and interest payments which Woodlane will be obligated to pay the Trust under the proposed loan and which Woodlane is currently obligated to repay the Trust under its 1972 loan transaction.

21. Notice of the pending exemption will be disseminated to all active and retired participants and their beneficiaries within 10 days of the publication of this notice in the FEDERAL REGISTER: (a) Through meetings and by distribution of explanatory notification forms either personally to active participants or by first class mail in the case of all other participants and beneficiaries; and (b) Through the furnishing as in (a) of a copy of the notice published in the FEDERAL REGISTER and by informing interested persons of their right to comment or request a hearing within the applicable period specified in such notice. Copies of all such communications to participants will be provided to the Service and the Department. In addition, all participants were notified of the initial filing of this application by letter dated May 27, 1975.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interest of the Plan and of its participants and beneficiaries, and protective of the rights of the participants and beneficiaries of the Plan; and

(3) The pending exemption, if granted, is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service are required to offer an opportunity for a public hearing where a pending exemption relates to section 406(b) of the Act and section 4975(c)(1)(E) or (F) of the Code. Any interested person may submit a written request that a hearing be held relating to the pending exemption. Such written request must be received by the Service on or before February 15, 1977 and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending exemption.

All interested persons are also invited to submit written comments on the pending exemption contained herein. In order to receive consideration such comments must be received by the Service on or before February 15, 1977.

All written comments and all requests for a hearing (preferably six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention E:EP:PT (D–175). The application for exemption referred to herein, all such comments relating thereto, and, all requests for a hearing will be available for public inspection at the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Pending Exemption. Based upon the application, referred to above, the Service and the Department have under consideration the granting of the requested exemption, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722, where by the restrictions of section 406 of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to: the furnishing by the Trust to Woodlane of one million dollars in long-term mortgage financing for the third addition to the Training Center and the release by the Trust of its prior rights in the proposed security for such financing; the construction by Ragnar Benson of the third addition to the Training

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Center; and the furnishing of guaranties by Ragnar Benson and Benson to the Trust as additional security for its proposed loan to Woodlane and for the existing loan from the Trust to Woodlane, pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 23rd day of December, 1976.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc.77-99 Filed 1-3-77;8:45 am]

federal register

TUESDAY, JANUARY 4, 1977

PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

■

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Miscellaneous Amendments and Interpretative Bulletins

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Miscellaneous Amendments

On May 11, 1976, the Department issued proposed amendments to the Federal Mobile Home Construction and Safety Standards, 24 CFR Part 280, in the FEDERAL REGISTER at 41 FR 19290. The Department, after considering all comments received, is now issuing those amendments for final effect. They require that additional information to be provided on the data plate, and that the manufacturer's certification of compliance be affixed to each transportable section of each mobile home in the form of a label. Specific subsections of the final rule also have been modified slightly.

The following is a discussion of the changes made to the miscellaneous amendments as published for comment in the FEDERAL REGISTER on May 11, 1976.

A change to § 280.8(c), which sets out the language of the certification label, reflects consideration by the Department of comments made by mobile home manufacturers in response to the language required on the label by 24 CFR 3282.362 of the Procedural and Enforcement Regulations when it became effective on May 13, 1976. The language of the certification label is changed so that the phrase "to the best of the manufacturer's knowledge and belief" modifies the certification that the home has been inspected as well as the certification that the home conforms to the standards. The revised language will appear on all labels provided by IPIA's after existing label inventories held by IPIA's as of December 31, 1976, are exhausted, except that all labels applied on or after June 30, 1977, shall contain the revised language. This change in the language of the label does not change the substantive impact of the label. Enforcement Interpretative Bulletin H-1-76 published on June 21, 1976, at 41 FR 24973 stands as the Department's interpretation of the label language.

Section 280.7, as proposed in the FEDERAL REGISTER on May 11, 1976, is renumbered as § 280.8 because the Department issued a § 280.7 after this section was proposed. Cross references are corrected, as appropriate.

Section 280.203 has been retitled "Flame Spread Limitations and Fire Protective Requirements". Paragraph (2) of this section also has been amended by changing its title from "Combustibility" to "Fire Protection Requirements". The requirement in this subsection for $\frac{5}{16}$" gypsum board, or equivalent material application is now limited to combustible doors for either interior or exterior access at furnace and water heater enclosures. However, the interior surfaces of walls and ceilings encasing furnace and water heater enclosures shall be protected by $\frac{5}{16}$" gypsum board or material having equivalent fire protective properties. Use of the term, "protected by", is intended to permit any finish material application to be applied to a gypsum board substrate or material having equivalent fire protective properties, as long as the surface flame spread of the finish material complies with the requirements of § 280.203(a)(3) or § 280.203(a)(5), as appropriate.

Section 280.611(d)(iii) is amended to clarify that the vent protection required is for the toilet drain, and not the main drain, when anti-siphon trap vents are used to vent secondary fixtures.

Other minor editorial revisions also have been incorporated into the amendments.

Because there is need for early clarifications and interpretations as provided by these amendments, the Secretary finds, as required by section 604 (c) and (e) of the Act, 42 U.S.C. 5403 (c) and (e), that it is in the public interest that these amendments take effect January 4, 1977.

The Department has determined that an Environmental Impact Statement is not required with respect to these amendments. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Mobile Home Standards Division, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impacts of the proposed rule have been carefully evaluated in accordance with OMB Circular A-107.

These amendments are being signed by two Assistant Secretaries because the standards were originally codified in the FEDERAL REGISTER Chapter assigned to the Assistant Secretary for Housing Production and Mortgage Credit, but the substantive authority for the program has been transferred to the Assistant Secretary for Consumer Affairs and Regulatory Functions.

Accordingly, several sections of 24 CFR Part 280 are amended or promulgated as follows:

1. By revising paragraph (a)(3) of § 280.2 to read as follows:

§ 280.2 Definitions.

(a) • • •

(3) "Certification label" means the approved form of certification by the manufacturer that, under § 280.8, is permanently affixed to each transportable section of each mobile home manufactured for sale in the United States.

2. By revising Paragraph (b) of § 280.4 between the reference to DOT and the reference to FHDA to read as follows:

§ 280.4 Incorporation by reference.

(b) • • •

FHA-Federal Housing Administration, Washington, D.C. 20410.

3. By revising Paragraph (b) of § 280.4 between the reference to CAL and the reference to HPMA to read as follows:

§ 280.4 Incorporation by reference.

(b) • • •

HUD-U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

4. By revising § 280.5 to read as follows:

§ 280.5 Data Plate.

(a) Each mobile home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Data plates shall contain not less than the following information:

(1) The name and address of the manufacturing plant in which the mobile home was manufactured.

(2) The serial number and model designation of the unit and the date the unit was manufactured.

(3) The statement, "This mobile home is designed to comply with the Federal mobile home construction and safety standards in force at the time of manufacture."

(4) A list of major factory-installed equipment including the manufacturer's name and the model designation of each appliance.

(5) Reference to the structural zone and wind zone for which the home is designed and duplicates of the maps as set forth in § 280.305(c)(4). This information may be combined with the heating/cooling certificate and insulation zone maps required by §§ 280.510 and 280.511.

(6) The statement: "Design Approval by" followed by the name of the agency which approved the design.

5. By adding a new § 280.8 as follows:

§ 280.8 Certification Label.

(a) A permanent label shall be affixed to each transportable section of each mobile home for sale or lease in the United States. This label shall be separate and distinct from the data plate which the manufacturer is required to provide under section 280.5 of the standards.

(b) The label shall be approximately 2 in. by 4 in. in size and shall be permanently attached to the mobile home by means of 4 blind rivets, drive screws, or other means that render it difficult to remove without defacing it. It shall be etched on 0.32 in. thick aluminum plate. The label number shall be etched or stamped with a 3 letter designation which identifies the production inspection primary inspection agency and which the Secretary shall assign. Each label shall be marked with a 6 digit number which the label supplier shall furnish. The labels shall be stamped with numbers sequentially.

(c) The label shall read as follows: "As evidenced by this label No. ABC 000 001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the

requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See data plate." However, labels containing the language specified in 24 CFR 3282.362 as issued on May 13, 1976, at 41 F.R. 19869, shall be used until inventories held by IPIA's as of December 31, 1976, are exhausted, except that all labels applied to mobile homes on or after June 30, 1977, shall contain the language set out herein.

(d) The label shall be located at the tail-light end of each transportable section of the mobile home approximately one foot up from the floor and one foot in from the road side, or as near that location on a permanent part of the exterior of the mobile home unit as practicable. The road side is the right side of the mobile home when one views the mobile home from the tow bar end of the mobile home.

6. By revising the title of § 280.203 and Paragraph (b) of that section to read as follows:

§ 280.203 Flame Spread Limitations and Fire Protective Requirements.

• • • • • •

(b) Fire Protective Requirements. The interior surfaces of walls and ceilings encasing furnace and water heater enclosures (including combustible doors for either interior or exterior access to the enclosures) and the exposed wall adjacent to the cooking range as referenced in § 280.203(a)(5) shall be protected by 5/16" gypsum board or material having equivalent fire protective properties. At furnace and water heater spaces, all openings for pipes and vents shall be tight-fitted or fire-stopped.

7. By revising the reference to wood flush doors in the table referred to in Paragraph (b)(1) of § 280.304 to read as follows:

§ 280.304 Materials.

(b) • • •

Wood flush doors NWAA I.S. 1-74.

• • • • • •

8. By revising the table referred to in Paragraph (b)(1) of § 280.304 to delete the language "Pneumatic and mechanically driven building construction fasteners.—I SANTA—19-73" and insert the following:

§ 280.304 Materials.

(b) • • •

Application and fastening schedule. Power driven, mechanically driven and manually driven fasteners—HUD-FHA Use of Materials Bulletin No. UM-25d.

• • • • • •

9. By revising sentence 4 of paragraph (b)(1) of § 280.402 to read as follows:

§ 280.402 Test procedure for roof trusses.

• • • • • •

(b) • • •

(1) • • •

The plywood strip shall be nailed with 4d nails or equivalent staples not closer than 8 inches on center along the top chord.

• • • • • •

10. By revising the first sentence of paragraph (c)(4) of § 280.403 to read as follows:

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

• • • • • •

(c) • • •

(4) No leakage shall pass the interior face of the test specimen at a test pressure of 2.86 psf (0.55" Water pressure) when tested in accordance with ASTM E-547 with a test cycle consisting of 5 minutes with pressure applied and 1 minute with pressure released, during which the water spray shall be continuously applied.

11. By revising paragraph (c)(4)(11) of § 280.403 to read as follows:

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

• • • • • •

(c) • • •

(4) • • • (ii) For the purpose of compliance with paragraph (c)(4), penetration, as referenced in ASTM E-547 paragraph 4.3, shall not include drops passing the interior face by energy developed in the bursting of sill drain system bubbles created by a pressure differential applied to the exterior face of the specimen.

12. By revising the last sentence of paragraph (a)(1) of § 280.607 to read as follows:

§ 208.607 Plumbing fixtures.

(a) • • •

(1) • • • Fixtures shall be permanently marked with the manufacturer's name or trademark.

• • • • • •

§ 280.611 [Amended]

13. By revising the last clause of the first sentence of paragraph (c)(1) of § 280.611 before paragraph (i) to read as follows:

(c) • • •

(1) • • • connected to the toilet drain by one of the following methods:

• • • • • •

14. By revising paragraph (c)(1)(ii) of § 280.611 to read as follows:

(c) • • •

(ii) A 1½ inch diameter (min.) continuous vent or equivalent, indirectly connected to the toilet drain piping within the distance allowed in § 280.611 (c)(5) for 3 inch trap arms through a 2-inch wet vented drain that carries the waste of not more than one fixture, or,

15. By revising paragraph (c)(1)(iii) of § 280.611 to read as follows:

(c) • • •

(iii) Two or more vented drains when at least one is wet-vented, or 2-inch diameter (minimum), and each drain is separately connected to the toilet drain. At least one of the drains shall connect within the distance allowed in § 280.611 (C)(5) for 3-inch trap arms.

• • • • • •

16. By revising the title of paragraph (c)(2) of § 280.611 to read as follows:

(c) • • •

(2) Vent Pipe Areas.

• • • • • •

17. By revising paragraph (d)(iii) of § 280.611 to read as follows:

(d) • • •

(iii) A primary vent stack must be installed to vent the toilet drain at the point of heaviest drainage fixture unit loading.

18. By revising the second sentence of paragraph (d) of § 280.612 to read as follows:

§ 280.612 Test and inspection.

• • • • • •

(d) • • • Each pan shall be filled with water to the top of the dam for not less than 15 minutes without evidence of leakage. • • •

• • • • • •

19. By revising paragraph (j) of § 280.804 to read as follows:

§ 280.804 Disconnecting means and branch-circuit protective equipment.

• • • • • •

(j) A 3 inch by 1¾ inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates) shall be permanently affixed on the outside adjacent to the feeder assembly entrance and shall read: This connection for 120/240 Volt, 3-Pole, 4-Wire, 60 _____ Hertz Ampere Supply. The correct ampere rating shall be marked on the blank space.

• • • • • •

20. By revising the next to the last sentence of paragraph (b) of § 280.813 to read as follows:

§ 280.813 Outdoor outlets, fixtures, air-conditioning equipment, etc.

• • • • • •

(b) • • • The tag shall not be less than 0.020 inch, etched Brass, stainless steel, anodized or alclad aluminum or equivalent or other approved material. (e.g., .005 inch plastic laminates).

• • • • • •

(Secs. 604 and 625 of Title VI of Pub. L. 93-383, 42 U.S.C. 5403 and 524 and § 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Effective date: January 31, 1977.

Issued at Washington, D.C., December 27, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.76-38455 Filed 12-28-76;3:20 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. R-76-340]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Interpretative Bulletins

The Department of Housing and Urban Development is issuing several Interpretative Bulletins to provide clarification of various portions of the Federal Mobile Home Construction and Safety Standard, published by the Department of Housing and Urban Development on December 18, 1975, at 40 FR 58752. On May 11, 1976, the Department published these Bulletins in proposed form at 41 FR 19295. On June 21, 1976, the Department re-issued, in proposed form, Interpretative Bulletin C-3-76 at 41 FR 24973. The Department received comments on the proposed Interpretative Bulletins from manufacturers, suppliers and government agencies.

The following is a discussion of the changes made to the Interpretative Bulletins taking into consideration the public comments, discussions and recommendations made at the September 1, 1976, meeting of the National Mobile Home Advisory Council, and reevaluations made within the Department. If significant comments were received on a particular proposed Bulletin, but the Bulletin was not changed, the comments are discussed.

INTERPRETATIVE BULLETIN C-1-76
(§ 280.203(a))

Interpretative Bulletin C-1-76 has been revised to include .035" or thicker high pressure laminated plastic panel counter top material in the material application listed for 200 flame spread rating. This inclusion in the materials list was made after reviewing the flame spread classification of material presently supplied to the mobile home industry, the ability of the materials continually to perform to a 200 or less classification in unbonded condition when evaluated by the ASTM E-162 procedure, and other investigations made by the Department.

The 1/16" or thicker vinyl countertop material has been deleted from the list since the Department in follow-up investigation could not be assured that all such products would meet the maximum flame spread limitation required.

Any products that do not appear in this Bulletin will require certification to ASTM E-84, or ASTM E-162 for applications listed in paragraphs 280.203(a)(4) and 280.203(a)(6), to determine compliance with the flame spread requirements of the standard.

INTERPRETATIVE BULLETIN C-2-76
(§§ 280.203(a)(3) AND 280.203(b))

Interpretative Bulletin C-2-76 has been revised to require 5/16" gypsum board or equivalent protection only on combustible furnace and water heater compartment doors, rather than on all such compartment doors, and to prohibit the use in all such doors of any louvers that constitute a greater fire hazard than the door itself (e.g., plastic louvers on a wood door). This Bulletin has also been revised to be consistent with the amendments to section 280.203(b) which, as amended, permits the surfaces surrounding furnace and water heater enclosures to be protected by rather than surfaced by 5/16" gypsum board or material having equivalent fire protective properties. These revisions were made based upon comments received and oral discussions with the NFPA Sectional Committee on Mobile Homes and the staff of the National Bureau of Standards. These discussions indicated that no reduction in the level of fire protection would result from the changes made from the proposed to the final bulletin.

The Department is considering performing its own fire testing research on the installation of furnaces and water heaters in alcoves without doors, which is permitted by this Bulletin. If such research is conducted, the Department will publish any modification necessary to assure proper protection for the furnace and water heater spaces.

INTERPRETATIVE BULLETIN C-3-76
(§ 280.204)

Interpretative Bulletin C-3-76 has been revised to indicate that equivalent protection for combustible kitchen cabinets may be provided by any material whose flame spread rating does not exceed 50 and whose fire protective properties are equivalent to 5/16" gypsum board when the material is supported by the top of the range hood rather than mounted to the bottom of the cabinet and a 3/8" air space is provided between the material and the bottom surface of the cabinet. This revision was made to reduce any potential deterioration of the gypsum board over long periods of time when continually exposed to ordinary cooking activity.

The Department reviewed other alternatives, as suggested by the comments, but finds that without additional testing data to the contrary, the enclosed air space method provides the strongest protection against potential decay of the gypsum board.

The Bulletin was also revised to make it clear that dimensional clearance between the bottom surface of the cabinet and the cook top does not constitute equivalent fire protection.

INTERPRETATIVE BULLETIN C-4-76
(§ 280.207(b))

This Bulletin makes clear that the 75 maximum flame spread rating for foam plastic insulating material up to 3/8" in thickness applies to the foam plastic insulating material itself, and not to any outer covering containing the insulating material. One commentor expressed concern that the foam plastic and any covering should meet the requirement. The Department did not accept this suggestion because the Department has received test results justifying the proposed Bulletin.

INTERPRETATIVE BULLETIN C-5-76
(§ 280.207(a))

This Bulletin was originally issued on June 21, 1976, at 41 FR 24974. It is being republished here for the convenience of the public.

INTERPRETATIVE BULLETIN D-1-76
(§§ 280.303(f) AND 280.304)

Interpretative Bulletin D-1-76 has been revised by deleting the paragraph covering the assignment of design stresses to non-graded lumber. The Department, in analyzing the comments received, determined that there were too many variables to permit individuals not qualified with lumber grading skills to assign lumber grades which also reflected the allowable working stress values to be used in design. This means that manufacturers may not assign grades to non-graded lumber and then use the recognized stress values of the grades in making calculations to determine whether the lumber is acceptable. However, this revision is not intended to eliminate the use of non-graded (nonidentified members, or the use of lumber which has been ripped or resawn after grade stamping. Such lumber may be used when the structural components or assemblies in which it is incorporated are tested and requalified to the satisfaction of the DAPIA under the testing procedures described in §§ 280.401 or 280.402. The Department intends, in the future, to issue guidelines on levels of follow-up testing described in §§ 280.401 and 280.402.

Further, when mobile home manufactures are producing components made of non-graded materials, the procedures for assuring that tht nonidentified members used in components are adequate shall be incorporated in the manufacturers quality control program.

In addition, Interpretative Bulletin D-1-76 has been revised to allow design stresses to be assigned to boards less than 2" in nominal thickness rather than limit the application to 1" nominal boards.

INTERPRETATIVE BULLETIN D-2-76
(§ 280.305(a))

Two commentors argued that carpeting should be permitted under shear walls, a practice prohibited by this Bulletin. The Department does not believe the evidence is adequate to refute the probability that placing carpeting under shear walls would lessen the home's ability to withstand lateral loads because the necessary connection between the wall and the floor could be weakened.

INTERPRETATIVE BULLETIN D-3-76
(§ 280.305(b))

Interpretative Bulletin D-3-76 has been revised to limit the exclusion of the vertical roof projection for wind load calculation to roof slopes that do not exceed 20°. Regardless of the roof slope of the mobile home, as suggested by a comment, the vertical roof projection shall be included when determining the wind loading for split level or clerestory type roof systems.

INTERPRETATIVE BULLETIN D-7-76
(§§ 280.306(a) &(f))

Interpretative Bulletin D-7-76 has been revised to make clear how professional engineers or architects shall determine the design requirements for anchoring systems (ground anchors, attachment points, and ties) that must be called for in the manufacturer's installation instructions. First, each individual anchoring system must be capable of resisting a total force of 4725 pounds without failure. Second, in determining the number of individual anchoring systems that must be called for in the installation instructions, the professional engineer or architect shall consider the simultaneous effects of horizontal wind and vertical uplift forces when those forces are increased by a safety factor of 1.5. The professional engineer or architect shall assign to each anchoring system a maximum allowable working load value of 3150 pounds in determining how many such systems are required.

These additions to the Interpretative Bulletin were made as a result of a comment to avoid possible misinterpretation in determining anchoring requirements provided in the manufacturer's instructions by pointing out that 3150 pounds not 4725 pounds is the allowable load to be used in design.

INTERPRETATIVE BULLETIN D-8-76
(§ 280.305(g)(2))

Interpretative Bulletin D-8-76 has been revised to provide additional methods for protecting wood, wood fibre, or plywood floors or subfloors in areas subject to excessive moisture. This revision clarifies that when a non-absorbent floor covering is used without a continuous application of water resistant adhesive, the covering and any backing thereto must be non-absorbent and designed to be installed without the use of a water resistant adhesive or sealer except at penetrations made in the floor covering. Alternately, the Bulletin provides that a overlay of non-absorbent floor covering applied with either a water resistant adhesive or sealer can provide the required moisture protection required by the standard.

INTERPRETATIVE BULLETIN F-1-76
(§ 280.504(b)(2))

Interpretative Bulletin F-1-76 has been revised pursuant to a comment to make it clear that neither the sheathing nor the exterior covering may have an individual perm rating of less than the rating of a vapor barrier if a vapor barrier is installed on the warm side of the wall cavity. The Bulletin also clarifies that when no vapor barrier is installed on the warm side of the wall, the combined permeance of the covering and/or sheathing be no less than 5.0 perms.

INTERPRETATIVE BULLETIN G-1-76
(§§ 280.603(b)(4)(iii) AND 280.806(d)(8))

Interpretative Bulletin G-1-76 has been revised to make it clear that the receptacle outlet required for the use of a listed heat tape must be located underneath the mobile home and within 2 feet of the water supply inlet. These clarifications were added since:

(1) The Department determined that a condition for the terms of a listed heat tape is that it be installed on the underside of the mobile home; and

(2) To assure that if the listed heat tape is installed it can be properly connected to the outlet provided.

The Department, in consideration of many comments received, concluded that in the event skirting is installed during installation, the underside receptacle would no longer be accessible from the outdoors. Therefore, an underside receptacle cannot be used to satisfy the requirements for an outdoor receptacle in section 280.806(d)(8). This would be applicable whether or not the outlet provided was a single or duplex receptacle.

INTERPRETATIVE BULLETIN G-2-76
(§ 280.609(b)(1))

As a result of a comment, Interpretative Bulletin G-2-76 has been revised to permit any valve having through-flow capability equal to or greater than the maximum required water distribution piping size to serve as the master cold water shut-off full flow valve. This valve is required to be accessible to the main feeder line of the mobile home, or to be installed in the water supply line adjacent to the mobile home.

INTERPRETATIVE BULLETIN H-2-76
(§ 280.709(e)(6))

Interpretative Bulletin H-2-76 has been revised to exempt external cooling systems (e.g., self contained air conditioning systems, etc.) from the connection preparations required by section 280.709(e)(6) as suggested by several comments. However, the connection provisions are required to be installed by the manufacturer when the mobile home has been designed to accept external heating or combination heating and cooling external systems.

INTERPRETATIVE BULLETIN I-1-76
(§ 280.808(n))

Interpretative Bulletin I-1-76 has been revised to make clear that whenever the listing permits, snap-in type integral boxes may be secured directly to wall paneling without any structural bracing or reinforcements.

The Department received no significant comments on the following Interpretative Bulletins B-1-76, B-2-76, B-3-76, D-4-76, D-5-76, D-6-76, E-1-76, E-2-76, E-3-76, G-3-76, H-1-76, H-3-76, I-2-76.

The Department has determined that an Environmental Impact Statement is not required with respect to these Interpretative Bulletins. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of the Interpretative Bulletins have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, several sections of Subparts B thru I of 24 CFR Part 280 are interpreted as follows:

Index

	Subject	Section(s)
Interpretative bulletin:		
B-1-76	Swinging exterior passage door dimensions	280.105.
B-2-76	Interior door construction	280.106, 280.304.
B-3-76	Interior door in a hallway	280.113.
C-1-76	List of material applications not requiring flame spread certification.	280.203(a).
C-2-76	Fire protection for furnace and water heater spaces	280.203(a)(3), 280.203(b).
C-3-76	Combustible kitchen cabinet protection	280.204.
C-4-76	½-in maximum foam plastic siding backer board	280.207(b).
C-5-76	Foam plastic insulating sheathing materials	280.207(a).
D-1-76 1	Allowable design stresses for board lumber	280.304(f) and 280.304.
D-2-76	Carpet application	280.305(a).
D-3-76	Structural design criteria—wind load	280.305(b).
D-4-76	Structural design criteria—"net" uplift	280.305(c)(1) and (2).
D-5-76	Structural design criteria—allowable eave deflection	280.305(d).
D-6-76	Structural design criteria—interior partitions	280.305(f)(2).
D-7-76	Structural design criteria—tie down systems	280.306(a), 280.306(f).
D-8-76	Floor covering application in areas subject to excessive moisture	280.305(g)(2).
E-1-76	Alternate test procedure in lieu of testing to failure; allowable design live load determination for tested assemblies.	280.401(b).
E-2-76	Uplift testing	280.402(c)(2).
E-3-76	Egress windows	280.404.
F-1-76	Condensation control—exterior sheathing	280.504(b)(2).
G-1-76	Heat tape receptacle	280.603(b)(4)(iii) and 280.806(d)(8).
G-2-76	Master cold water shutoff valve	280.609(b)(1).
G-3-76	Antisiphon trap vent device—materials	280.611(d)(5).
H-1-76	Provision of exterior furnace/air conditioning appliance	280.709(a)(1).
H-2-76	Preparation of mobile home for external heating/cooling systems	280.709(e)(6).
H-3-76	Vertical clearance over cooking top	280.709(f).
I-1-76	Installation of "snap-in" type boxes	280.808(n).
I-2-76	Exterior lighting outlet requirements	280.813(a).

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INTERPRETATIVE BULLETIN B–1–76

SWINGING EXTERIOR PASSAGE DOOR DIMENSIONS—§ 208.105

For swinging exterior passage doors, the dimensions required by this section may be determined by measuring the door itself. However, the door stops may not reduce the clear opening to less than 27"×73" in dimension.

INTERPRETATIVE BULLETIN B–2–76

INTERIOR DOOR CONSTRUCTION—§§ 208.108 AND 280.304

The standard does not have specific requirements for materials used in the construction of interior doors, other than the flame spread and combustibility limitations of § 280.203 with respect to doors to water heater and furnace compartments and the requirements for a privacy lock for bathroom and toilet compartment doors in § 280.107 and for passage hardware when installed on interior doors in accordance with § 280.108.

INTERPRETATIVE BULLETIN B–3–76

INTERIOR DOOR IN A HALLWAY—§ 208.113

An interior door placed in a hallway or extension of a hallway providing egress from the mobile home, shall provide a minimum 90 degree door swing and a minimum clear width opening for egress of 27".

INTERPRETATIVE BULLETIN C–1–76

LIST OF MATERIALS NOT REQUIRING FLAME SPREAD CERTIFICATION—§ 280.203(a)

The surface flame spread rating of the following classifications of building materials need not be tested in accordance with ASTM E–84, or ASTM E–162 for those applications listed in paragraphs (4) and (6) only, unless a lower flame spread rating for the material application below is desired:

MATERIAL APPLICATION—200 FLAME SPREAD RATING

(1) Painted metal.
(2) .035" or thicker high pressure laminated plastic panel countertop.
(3) ¼" or thicker unfinished plywood with phenolic or urea glue.
(4) ¼" or thicker asbestos millboard.
(5) Unfinished dimension lumber (1" nominal boards or thicker).
(6) ⅜" or thicker unfinished particleboard with phenolic or urea binder.
(7) Natural gum varnished or latex or alkyd painted; (i) ¼" or thicker plyboard; (ii) ⅜" or thicker particleboard; (iii) 1" nominal board or thicker.
(8) $\frac{5}{16}$" gypsum wall board or thicker.
(9) Latex or alkyd painted, or wall papered $\frac{5}{16}$" gypsum board.
(10) Mineral base acoustic tile.
(11) ¼" or thicker unfinished hardboard.

MATERIAL APPLICATION—50' FLAME SPREAD RATING

(1) Painted metal.
(2) ¼" or thicker asbestos millboard.
(3) Mineral base acoustic tile.
(4) 5/16" or thicker gypsum wallboard (both latex and alkyd painted).
(5) Ceramic tile.

MATERIAL APPLICATION—25' FLAME SPREAD RATING

(1) Painted metal.
(2) ¼" or thicker asbestos millboard.
(3) Mineral base acoustic tile.
(4) 5/16" or thicker gypsum wallboard (both latex and alkyd painted).
(5) Ceramic tile.

The above listed material applications do not waive the combustibility requirements of section 280.203(b) or section 280.204 of this standard.

INTERPRETATIVE BULLETIN C–2–76

FIRE PROTECTION FOR FURNACE AND WATER HEATER SPACES—§§ 280.203(a)(3) AND 280.203(b)

A furnance listed for an alcove installation may be installed without a door to the enclosure, but if a combustible door to the enclosure is provided, it shall be protected by 5/16" gypsum board or a material having equivalent fire protective properties to the side of the door facing the furnace.

The 5/16" gypsum board surface may be interrupted on a combustible door containing louvers for ventilation of the enclosure. Regardless of the type of door construction, the louvers may not be constructed of a material which provides a greater fire hazard than the door itself (e.g.—plastic louvers on a wood door).

All furnace and water heater spaces, regardless of the type of appliances (including the direct vent or sealed combustion type), shall be protected by 5/16" gypsum board or material having equivalent fire protective properties.

INTERPRETATIVE BULLETIN C–3–76

COMBUSTIBLE KITCHEN CABINET PROTECTION—§ 280.204

The exposed bottom, end panel, and sides of overhead combustible kitchen cabinets within a space of 6 horizontal inches from the side of the cooking range may, in lieu of ¼" thick asbestos millboard covered with 26 gage sheet metal, be protected with an exposed interior finish material having a flame spread rating not to exceed 50 and fire protective properties equivalent to 5/16" gypsum board.

The following are considered to be equivalent protection for combustible kitchen cabinets over the cooking range or over and extending beyond the cooking range area:

(1) ¼" minimum thick asbestos millboard covered with a 26 gage sheet metal hood; or

(2) A 26 gage sheet metal range hood which provides at least a ⅜ inch enclosed air space between the bottom surface of the cabinet and a material having a flame spread rating which does not exceed 50 and fire protective properties equivalent to 5/16" gypsum board. The material shall be adequately supported by the top of the range hood.

Vertical dimensional clearance between the cook top surface and the bottom of the combustible cabinet does not constitute equivalent protection for the cabinet.

INTERPRETATIVE BULLETIN C–4–76

⅜" MAXIMUM FOAM PLASTIC SIDING BACKER BOARD—§ 280207(b)

The maximum allowed flame spread rating of 75 or less as determined by ASTM E–84 is only applicable to the foam plastic contained in the ⅜" siding backer board or sheathing. The 75 or less flame spread rating is not applicable to the outer covering of the sheathing containing the foam plastic (i.e. liner material, etc.).

INTERPRETATIVE BULLETIN C–5–76

FOAM PLASTIC INSULATING SHEATHING MATERIALS—§ 280.207(a)

Extruded expanded polystyrene foam plastic not to exceed one inch in thickness may be used within the cavity of walls or ceilings as a sheathing or backer board for exterior coverings under the following conditions:

(i) The sheathing shall have a minimum compression strength of 25 psi when tested as per ASTM–D 1621–64 and an average thermal conductivity (k factor) of 0.20 Btu-in/hr ft²°F at 75°F mean when tested as per ASTM–C–518–70.

(ii) A minimum of two inches of mineral fiber insulation is provided within the wall cavity and a minimum of four inches of mineral fiber insulation is provided in the ceiling cavity.

(iii) An interior finish material is provided on exterior wall and ceiling surfaces with equivalent fire resistive properties to $\frac{5}{16}$" gypsum board.

(iv) A wall framing system consisting of 2" x 4" wall studs at 16" o.c. or equivalent when the sheathing is installed within the wall cavity.

(v) A roof framing system consisting of roof trusses or equivalent framing members installed at a maximum spacing of 16" o.c.

(vi) The sheathing shall not be placed in contact with heat sources such as chimneys, heater vents or other surfaces which provides long term exposure to temperatures above 150° F. Clearance from the sheathing to the heat source shall be provided in accordance with NFPA 89M, heat producing appliance clearances.

(vii) A vapor barrier is provided on the warm side of the wall and ceiling cavity in accordance with subpart F of the standards.

(viii) The sheathing is installed in accordance with the manufacturer's installation instructions, including the provision for controlling joint locations by either the use of tongue and groove sheathing or by placement of joints over structural framing members.

INTERPRETATIVE BULLETIN D–1–76

ALLOWABLE DESIGN STRESSES FOR BOARD LUMBER—§§ 280.303(f) AND 280.304

Allowable design stresses for board lumber less than 2" in nominal thickness may be assigned from the recommended design values shown for 2" to 4" thick size classifications in the National Design Specification for Stress Graded Lumber and its Fastenings when each member is identified as conforming to stress-rated board criteria by a grade marking from a nationally recognized grading agency.

INTERPRETATIVE BULLETIN D–2–76

CARPET APPLICATION—§ 280.305(a)

Carpeting may be placed under non-load bearing interior partitions which are not shear walls.

INTERPRETATIVE BULLETIN D–3–76

STRUCTURAL DESIGN CRITERIA—WIND LOAD—§ 280.305(8)

Whenever the roof slope does not exceed 20°, the design horizontal wind load required by §§ 280.305(c) (1) and (2) may be determined without including the vertical roof projection of the mobile home. However, regardless of the roof slope of the mobile home, the vertical roof projection shall be included when determining the wind loading for split level or clerestory type roof systems.

INTERPRETATIVE BULLETIN D–4–76

STRUCTURAL DESIGN CRITERIA—"NET" UPLIFT—§§ 280.305(c)(1) AND 280.305(c)(2)

"Net" uplift roof loading means the design wind uplift load (9PSF, 15 PSF). The net uplift roof loading may not be reduced by the dead load of the roof structure for purposes of engineering design or structural load testing.

INTERPRETATIVE BULLETIN D–5–76

STRUCTURAL DESIGN CRITERIA—§ 280.305(d)

The allowable eave or cornice deflection for uplift is to be measured at the design uplift load (9 PSF, 15 PSF). The allowable deflection shall be

$$\frac{2\times 1c}{180}$$

where 1c is the horizontal eave projection from the exterior wall.

INTERPRETATIVE BULLETIN D–6–76

STRUCTURAL DESIGN CRITERIA—INTERIOR PARTITIONS—§ 280.305(f)(2)

An allowable stress increase of 1.33 times the permitted normal design stress may be used in the design of wood framed interior partitions to resist the 5 PSF horizontal loading requirement of § 280.305(f)(2).

INTERPRETATIVE BULLETIN D–7–76

STRUCTURAL DESIGN CRITERIA—TIE-DOWN SYSTEMS—§ 280.308 (a) & (f)

The 1.5 factor of safety to be applied to the design wind load is only to be utilized in the design of the tie-down system to resist overturning and lateral movement, and is not to be applied to the design of the mobile home structure. Wind loading effects for purpose of this section shall be 1.5×horizontal wind load (15 PSF, 25 PSF) and roof uplift (9 PSF, 15 PSF). When determining the effects of wind overturning and sliding to evaluate the tie-down system, the 1.5 factor of safety is to be applied simultaneously to both the vertical building projection as holizontal wind load and across the surface of the full roof structure as uplift loading. No additional shape or location factors need be applied in the design of the tie-down system. The dead load of the structure may be used to resist the above wind loading effects.

Anchoring systems shall be designed to resist the simultaneous effects of horizontal wind and vertical uplift increased by the 1.5 factor of safety without exceeding an allowable working load value of 3,150 pounds. Anchoring systems shall also be capable of resisting a 50 percent over-load to 4,725 pounds without failure.

INTERPRETATIVE BULLETIN D–8–76

FLOOR COVERING APPLICATION IN AREAS SUBJECT TO EXCESSIVE MOISTURE—§ 280.305(g)(2)

Wood, wood fiber or plywood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments and other areas subject to excessive moisture may be made moisture resistant or protected in those areas by:

(1) An overlay of a non-absorbent floor covering material applied with water resistant adhesive; or

(2) Direct application of a water resistant sealer to the exposed wood floor area when covered with a non-absorbent overlay; or

(3) A total non-absorbent floor covering, including any backing thereto, which may be installed without a continuous application of a water resistant adhesive or sealant when the floor covering meets the following criteria:

(i) The covering is a continuous membrane with any seams or patches seam bonded or welded to preserve the continuity of the floor covering; and

(ii) The covering is protected at all penetrations in these areas by sealing with a compatible water resistant adhesive or sealant to prevent moisture from migrating under the non-absorbent floor covering; and

(iii) The covering is fastened around the perimeter to the subfloor in accordance with the floor covering manufacturer's instructions; and

(iv) The covering is designed to be installed to prevent moisture penetration without the use of a water resistant adhesive or sealer except as required by (ii).

Carpet or carpet pad may not be installed under concealed spaces subject to excessive moisture, such as plumbing fixture spaces.

INTERPRETATIVE BULLETIN E–1–76

ALTERNATIVE TEST PROCEDURE IN LIEU OF TESTING TO FAILURE; ALLOWABLE DESIGN LIVE LOAD DETERMINATION FOR TESTED ASSEMBLIES—§ 280.401(b)

In lieu of testing to failure under the ultimate test procedure, the qualification of any material, component, assembly or sub-assembly may be determined by the capability of each tested member to sustain a minimum test loading of the dead load plus 2.50 × the design live load in addition to meeting the deflection criteria at design live load.

To qualify under this section, no material, component, assembly or sub-assembly shall indicate failure prior to reaching a test loading of the dead load plu 2.50 × the design live load.

The allowable design live load for any material, component, assembly or sub-assembly tested in accordance with the provisions of this section may be established by:

(1) Determining the average ultimate loading, which may be no less than the dead load plus 2.50 × the design live load,

(2) Deducting the dead load from the average ultimate loading, and

(3) Dividing by 2.50.

$$\text{Allowable design live load} = \frac{\text{Average ultimate load} - \text{dead load}}{2.50}$$

INTERPRETATIVE BULLETIN E–2–76

UPLIFT TESTING—§280.402(c)(2)

Trussed rafter designs require uplift testing when web or chord members are composed of metal straps or other materials or shapes which are designed to take only tensile or bending stresses in vertical loading conditions.

The total uplift load required for testing truss designs with eaves for compliance with § 280.305(c)(3)(iii) is 4.375 x design uplift load, specified in § 280.305 (c)(1) and (2). (2.5 x 1.75 x design uplift load 9 PSF or 15 PSF.) The section of the truss supported between the eave(s) is to be tested to 1.75 x design uplift (9 PSF or 15 PSF). Eaves or cornices may also be tested utilizing the above described procedures.

INTERPRETATIVE BULLETIN E–3–76

EGRESS WINDOWS—§ 280.404

Integral rolled-in screens are not permitted in egress windows.

INTERPRETATIVE BULLETIN F–1–76

CONDENSATION CONTROL—EXTERIOR SHEATHING—§ 280.504(b)(2)

In unventilated wall cavities, the exterior covering and/or sheating may have a combined permeance of less than 5.0 perms, provided that there is a vapor barrier of one perm (dry cup method) or less on the warm side of the wall, and that neither the sheathing nor the exterior covering have an individual perm

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rating of less than the vapor barrier installed on the warm side of the wall. When no vapor barrier is installed on the warm side of the unventilated wall cavity, the combined permeance of the covering and/or sheathing shall be not less than 5.0 perms.

INTERPRETATIVE BULLETIN G–1–76

HEAT TAPE RECEPTACLE—§§ 280.603(b) (4) (iii) AND 280.806(d) (8)

The receptacle outlet required for use with a listed heat tape in section 280.603 (b) (4) (iii) does not satisfy the requirement for an outdoor receptacle in section 280.806(d) (8).

The receptacle outlet for a heat tape shall be conveniently located as follows:

(i) On the underside of the mobile home, and

(ii) Within 2 feet of the water supply inlet.

INTERPRETATIVE BULLETIN G–2–76

MASTER COLD WATER SHUT-OFF VALVE—§ 280.609(b) (1)

The master cold water shut-off full flow valve required to be provided in an accessible location on the main feeder line of the mobile home, or installed in the water supply line adjacent to the mobile home, shall have threaded or solder joints, and provide through flow capability equal to or greater than the minimum required water distribution piping size supplied by the valve.

INTERPRETATIVE BULLETIN G–3–76

ANTI-SIPHON TRAP VENT DEVICE—MATERIALS—§ 280.611(d) (5)

Material for the anti-siphon trap vent device may be any of those materials listed by this section. However, when a spring is used to operate the closing member of the device, it shall be of stainless steel wire type 302.

INTERPRETATIVE BULLETIN H–1–76

PROVISION OF EXTERIOR FURNACE/AIR CONDITIONING APPLIANCE § 280.709(a) (1)

When an exterior furnace and/or air-conditioning appliance is to be field installed, the mobile home manufacturer is not required to provide said appliance(s).

INTERPRETATIVE BULLETIN H–2–76

PREPARATION OF MOBILE HOME FOR EXTERNAL HEATING OR COMBINATION EXTERNAL HEATING/COOLING SYSTEM—§ 280.709(e) (6)

For a mobile home supply and return air system designed to accept external heating or combination external heating and cooling appliances, the preparation by the manufacturer for connection to the mobile home supply and return air system shall include all fittings and connection ducts to the main duct and return air system such that the installer is only required to provide: (i) The appliance, (ii) any appliance connections to the mobile home, and (iii) the connecting duct between the external appliance and the fitting installed on the mobile home by the manufacturer.

The above connection preparations by the manufacturer do not apply to supply or return air systems designed only to accept external cooling (i.e., self contained air conditioning systems, etc.)

INTERPRETATIVE BULLETIN H–3–76

VERTICAL CLEARANCE OVER COOKING TOP—§ 280.709(f)

The 24'' minimum clearance above the cooking top is measured to the bottom of the combustible cabinet, not the range hood.

INTERPRETATIVE BULLETIN I–1–76

INSTALLATION OF "SNAP-IN" TYPE BOXES—§ 280.808(n)

Snap-in type integral boxes provided with brackets that securely fasten boxes to walls may, when the listing permits, be secured directly to wall paneling without additional structural reinforcement or bracing, when installed in accordance with the terms of their listing.

INTERPRETATIVE BULLETIN I–2–76

EXTERIOR LIGHTING OUTLET REQUIREMENTS—§ 280.813(a)

A wall switch controlled exterior lighting outlet is required at each exterior entrance door to the mobile home in accordance with paragraph 210–26 of the National Electrical Code (NFPA No. 70–1975).

(Secs. 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5403 and 5424; and 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Effective date: March 31, 1977.

Issued at Washington, D.C. on December 27, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76–38456 Filed 12–28–76;3:20 pm]

federal register

TUESDAY, JANUARY 4, 1977

PART IV



FEDERAL RESERVE SYSTEM

OTC MARGIN

Stock List

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Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U and X]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS OR DEALERS

PART 220—CREDIT BROKERS AND DEALERS

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

PART 224—RULES GOVERNING BORROWERS WHO OBTAIN SECURITIES CREDIT

OTC Margin Stock List

Pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) and in accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers," and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks," and in accordance with the criteria specified in § 207.5 of Regulation G, § 220.8 (h) and (i) of Regulation T, and § 221.4 (d) and (e) of Regulation U, there is set forth below the list of stocks traded over-the-counter, current as of December 30, 1976, that the Board of Governors has found meet the criteria specified above and thus have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer to warrant subjecting such stocks to the requirements of Regulations G, T, U and X, (12 CFR Part 224); the latter regulation makes Regulations G, T, and U applicable to borrowers of securities credit.

It is unlawful for any person to cause any representation to be made that inclusion of a security on this List indicates that the Board or the Securities and Exchange Commission has in any way approved such security or transaction therein. Also, any reference to the Board in connection with this List or any securities thereon in an advertisement or similar communication is unlawful.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this List because following such requirements is unnecessary due to the objective character of the criteria for inclusion on the List, specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this List because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)), effective December 30, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

LIST OF OTC MARGIN STOCKS

as of December 30, 1976

This List of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements as of December 30, 1976, pursuant to Sections 207.2(f) of Federal Reserve Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," 220.2(e) of Regulation T, "Credit by Brokers and Dealers," and 221.3(d) of Regulation U, "Credit by Banks for the Purpose of Purchasing or carrying Margin Stocks."

The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. Stocks will be added to the List, or deleted, in the interim between publications as deemed appropriate by the Board. This List supersedes the previous List of OTC Margin Stocks published as of May 24, 1976, including changes thereto.

CAUTION: It is unlawful for any person to cause any representation to be made that inclusion of a security on this List indicates that the Board or the Securities and Exchange Commission has in any way approved such security or transaction therein. Also, any references to the Board in connection with this List or any securities thereon in an advertisement or similar communication is unlawful.

Any inquiry relating to this List or to Regulations G, T, U or X should be addressed to the nearest Federal Reserve Bank.

(Prepared for Purposes of Regulations G, T, U and X)

BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM
WASHINGTON

V 42 2 JAN 4 77 UMI

*ADA RESOURCES, INC.
$.10 par common

API TRUST
$1.00 par shares of beneficial interest

ASC INDUSTRIES, INC.
$1.00 par common

*A-T-O, INC.
3rd series, $.40 par cumulative convertible preferred

AVM CORPORATION
$1.00 par common

ACADEMY INSURANCE GROUP, INC.
$.10 par common

ACMAT CORPORATION
No par common

*ACME UNITED CORPORATION
$2.50 par common

ADDISON-WESLEY PUBLISHING COMPANY, INC.
Class B, no par common

ADVANCE ROSS CORPORATION
$.10 par common

ADVANCED MICRO DEVICES, INC.
$.01 par common

*ADVENT CORPORATION
$.10 par common

AFFILIATED BANKSHARES OF COLORADO, INC.
$5.00 par common

AG-MET, INC.
$.50 par common

ALABAMA BANCORPORATION
$1.00 par common

*ALASKA INTERNATIONAL INDUSTRIES, INC.
$.10 par common

ALEXANDER & ALEXANDER SERVICES INC.
$1.00 par common

ALEXANDER & BALDWIN, INC.
No par common

ALICO, INC.
$1.00 par common

ALLEGHENY BEVERAGE CORPORATION
$1.00 par common

ALLERGAN PHARMACEUTICALS
No par common

ALLIED BANCSHARES, INC.
$1.00 par common

ALLIED TELEPHONE COMPANY
$2.00 par common

ALLYN AND BACON, INC.
$.50 par common

*ALTON BOX BOARD COMPANY
$5.00 par common

AMAREX, INC.
$1.00 par common

AMERICAN APPRAISAL ASSOCIATES, INC.
$1.00 par common

AMERICAN BANCSHARES INC.
$1.00 par common

AMERICAN BANK AND TRUST COMPANY OF PENNSYLVANIA
$5.00 par common-capital

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA
$1.00 par common

AMERICAN BANKERS LIFE ASSURANCE COMPANY OF FLORIDA
$1.00 par common

AMERICAN EXPRESS COMPANY
$.60 par common

AMERICAN FIDELITY LIFE INSURANCE COMPANY
$1.00 par common

*AMERICAN FILTRONA CORPORATION
$1.00 par common

AMERICAN FINANCIAL CORPORATION
No par common

AMERICAN FLETCHER CORPORATION
$5.00 par common

AMERICAN FOUNDERS LIFE INSURANCE COMPANY
$1.00 par common

AMERICAN FURNITURE COMPANY, INC.
$1.00 par common

AMERICAN GREETINGS CORPORATION
Class A, $1.00 par common

*AMERICAN GUARANTY FINANCIAL CORPORATION
No par common

AMERICAN HERITAGE LIFE INVESTMENT CORPORATION
$1.00 par common

AMERICAN INCOME LIFE INSURANCE COMPANY
$1.00 par common

AMERICAN INTERNATIONAL GROUP, INC.
$2.50 par common

AMERICAN MICROSYSTEMS, INC.
$1.00 par common

AMERICAN NATIONAL FINANCIAL CORPORATION
$1.00 par common

AMERICAN NUCLEAR CORPORATION
$.04 par common

*AMERICAN PACIFIC INTERNATIONAL INC.
$.01 par common

AMERICAN QUASAR PETROLEUM COMPANY
No par common

AMERICAN RE-INSURANCE COMPANY
$1.50 par capital

AMERICAN RESERVE CORPORATION
$2.00 par common

AMERICAN SAVINGS & LOAN ASSOCIATION (Utah)
$.33-1/3 par permanent reserve guarantee stock

AMERICAN SECURITY CORPORATION
$4.00 par common

AMERICAN TELECOMMUNICATIONS CORPORATION
$.10 par common

AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION
$.75 par common

AMERICAN WELDING & MANUFACTURING COMPANY, THE
No par common

AMICOR INC.
$.02 par common

AMTERRE DEVELOPMENT INC.
$.01 par common

*ANACOMP, INC.
$1.00 par common

ANADITE, INC.
No par common

ANALOG DEVICES, INC.
$.16-2/3 par common

ANDERSON JACOBSON, INC.
No par common

ANHEUSER-BUSCH, INC.
$1.00 par common

ANTA CORPORATION
$1.00 par common

APEXCO, INC.
$1.00 par common

APPLIED DIGITAL DATA SYSTEMS, INC.
$.01 par common

*Addition to List

*APPLIED MATERIALS, INC.
$.01 par common

ARDEN-MAYFAIR, INC.
$1.00 par common

*ARGO PETROLEUM CORPORATION
$.10 par common

ARIZONA BANK, THE
$2.50 par common

ARKANSAS WESTERN GAS COMPANY
$2.50 par common

ASSOCIATED COCA-COLA BOTTLING COMPANY, INC.
$.50 par common

ASSOCIATED FREIGHTWAYS, INC.
$3.00 par common

*ASSOCIATED HOSTS, INC.
$.10 par common

ASSOCIATED MADISON COMPANIES, INC.
$.40 par common

ATLANTA GAS LIGHT COMPANY
$5.00 par common

ATLANTIC BANCORPORATION
$1.00 par common

*ATLANTIC PEPSI-COLA BOTTLING COMPANY, INC.
$.25 par common

ATLANTIC STEEL COMPANY
$5.00 par common

ATWOOD OCEANICS, INC.
$1.00 par common

AZCON CORPORATION
$1.00 par common

BBDO INTERNATIONAL, INC.
$.10 par common

BMA CORPORATION
$2.00 par common

BAIRD & WARNER MORTGAGE AND REALTY INVESTORS
No par shares of beneficial interest

BAIRD-ATOMIC, INC.
$1.00 par common

BAKER, FENTRESS & COMPANY
$1.00 par common

*BALDWIN & LYONS, INC.
No par common

BANCO CREDITO Y AHORRO PONCENO
$5.00 par common

BANCO DE PONCE
$5.00 par common

BANCO POPULAR DE PUERTO RICO
$10.00 par common

BANCOHIO CORPORATION
$6.66-2/3 par common

BANCOKLAHOMA CORPORATION
$4.00 par common

BANCSHARES OF NEW JERSEY
$5.00 par common

BANGOR HYDRO-ELECTRIC COMPANY
$5.00 par common

BANK BUILDING & EQUIPMENT CORPORATION OF AMERICA
$1.33-1/3 par common

BANK OF THE COMMONWEALTH
$.05 par common

BANKAMERICA REALTY INVESTOPS
$1.00 par shares of beneficial interest

BANKERS SECURITY LIFE INSURANCE SOCIETY
$2.00 par common

BANKERS TRUST OF SOUTH CAROLINA
$10.00 par common

BANKS OF IOWA, INC.
No par common, $2.50 stated value

BANTA, GEORGE COMPANY, INC.
$.10 par common

BARBER-GREENE COMPANY
$5.00 par common

BARDEN CORPORATION, THE
$1.00 par common

BARNES-HIND PHARMACEUTICALS, INC.
No par common

BARNES MORTGAGE INVESTMENT TRUST
No par shares of beneficial interest

BARNETT BANKS OF FLORIDA, INC.
$2.00 par common

BARNETT WINSTON INVESTMENT TRUST
$.10 par shares of beneficial interest

BASSETT FURNITURE INDUSTRIES, INC.
$5.00 par common

BAYBANKS, INC.
$7.50 par common

BAYLESS, A. J. MARKETS, INC.
$1.00 par common

BEELINE FASHIONS, INC.
No par common

BEKINS COMPANY, THE
No par common

*BELKNAP, INC.
No par common

BENEFICIAL STANDARD CORPORATION
Class A, $1.00 par common
Class B, $1.00 par common

BENTLEY LABORATORIES, INC.
$.10 par common

BETZ LABORATORIES, INC.
$.10 par common

*BEVERAGE MANAGEMENT, INC.
$.10 par common

BI-LO, INC.
$.33-1/3 par common

BIBB COMPANY, THE
No par common

*BILLY THE KID, INC.
$.10 par common

BIRD & SON, INC.
No par common

BLACK HILLS POWER AND LIGHT COMPANY
$1.00 par common

BLOCK DRUG COMPANY, INC.
Class A, $.10 par common

BLUE CHIP STAMPS
$1.00 par common

BLUEFIELD SUPPLY COMPANY
$2.00 par common

BOATMEN'S BANCSHARES, INC.
$10.00 par common

BOB EVANS FARMS, INC.
No par common

BOHEMIA INC.
No par common

BONANZA INTERNATIONAL, INC.
No par common

BOOTH NEWSPAPERS, INC.
$.50 par common

*BOOTHE COMPUTER CORPORATION
$1.00 par common

BRADEN INDUSTRIES, INC.
$1.00 par common

*BRASS-CRAFT MANUFACTURING COMPANY
$1.00 par common

BRENCO, INC.
$1.00 par common

*Addition to List

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*BRINK'S, INC.
$.50 par common

BROADVIEW FINANCIAL CORPORATION
No par common

*BROOKS FASHION STORES, INC.
$.10 par common

*BROOKS-SCANLON, INC.
$1.00 par common

BROWNING
$1.00 par common

BUCKBEE-MEARS COMPANY
$.10 par common

BUCKEYE INTERNATIONAL, INC.
No par common

BURNS, R. L. CORPORATION
$.10 par common

BURNUP & SIMS INC.
$.10 par common

BUTLER MANUFACTURING COMPANY
No par common

CBT CORPORATION
$10.00 par common

CFS CONTINENTAL, INC.
$1.00 par common

CALBIOCHEM
$.50 par common

CALIFORNIA FIRST BANK
$5.00 par common

CALIFORNIA WATER SERVICE COMPANY
$12.50 par common

*CAMERON IRON WORKS, INC.
$2.50 par common

CANNON MILLS COMPANY
$5.00 par common

CARBOLINE COMPANY
$1.00 par common

CARDIAC PACEMAKERS INC.
$.01 par common

CAYMAN CORPORATION
$.10 par common

CEDAR POINT, INC.
$1.00 par common

CENCOR, INC.
$1.00 par common

CENTENNIAL CORPORATION
$1.00 par common

CENTRAL BANCORPORATION, INC., THE
$5.00 par common

CENTRAL BANCSHARES OF THE SOUTH, INC.
$2.00 par common

CENTRAL BANKING SYSTEM, INC.
$2.50 par capital

CENTRAL CAROLINA BANK & TRUST COMPANY
$5.00 par common

CENTRAL JERSEY BANK AND TRUST COMPANY, THE
$2.50 par capital

CENTRAL MORTGAGE AND REALTY TRUST
$1.00 par shares of beneficial interest

CENTRAL NATIONAL CORPORATION (Virginia)
$5.00 par common

CENTRAL PENN NATIONAL CORPORATION
$1.00 par common

CENTRAL VERMONT PUBLIC SERVICE CORPORATION
$6.00 par common

CENTRAN CORPORATION
$8.00 par common

CENTURY BANKS, INC.
$1.00 par common

CENTURY TELEPHONE ENTERPRISES, INC.
$1.00 par common

CHAMPION PARTS REBUILDERS, INC.
$.10 par common

CHANNEL COMPANIES, INC.
$1.00 par common

*CHARLES RIVER BREEDING LABORATORIES, INC., THE
$1.00 par common

*CHARMING SHOPPES, INC.
$.10 par common

CHART HOUSE INC.
No par common

CHATHAM MANUFACTURING COMPANY
$1.00 par common

*CHEF PIERRE, INC.
$.50 par common

*CHEMED CORPORATION
$1.00 par capital

CHEMICAL LEAMAN TANK LINES, INC.
$2.50 par common

CHICAGO BRIDGE & IRON COMPANY
$5.00 par common

*CHRISTENSEN, INC.
No par common

CHRISTIANA SECURITIES COMPANY
$1.25 par common

CHUBB CORPORATION, THE
$1.00 par common

CHURCH'S FRIED CHICKEN, INC.
$.12 par common

CINCINNATI FINANCIAL CORPORATION
$2.00 par common

CIRCLE INCOME SHARES, INC.
$1.00 par common

CITIZENS AND SOUTHERN CORPORATION, THE (South Carolina)
$2.50 par common

CITIZENS AND SOUTHERN NATIONAL BANK, THE (Georgia)
$2.50 par common

CITIZENS UTILITIES COMPANY
Series A, $1.00 par common
Series B, $1.00 par common

CITY NATIONAL CORPORATION
$5.00 par common

CLARK, J. L. MANUFACTURING COMPANY
$1.00 par common

CLEVEPAK CORPORATION
$1.00 par common

CLEVETRUST CORPORATION
$10.00 par common

CLEVETRUST REALTY INVESTORS
$1.00 par shares of beneficial interest

CLOW CORPORATION
$6.25 par common

COASTAL STATES CORPORATION
$1.00 par common

*COBE LABORATORIES, INC.
No par common

COCA-COLA BOTTLING COMPANY CONSOLIDATED
$1.00 par common

COCA-COLA BOTTLING COMPANY OF LOS ANGELES
No par common

COCA-COLA BOTTLING COMPANY OF MIAMI, INC., THE
$.10 par common

*CODEX CORPORATION
$1.00 par common

COHERENT RADIATION
$.50 par common

COLLEGE/UNIVERSITY CORPORATION
No par common

*Addition to List

COLONIAL BANCORP, INC.
$10.00 par common

*COLONIAL GAS ENERGY SYSTEM
No par common

COLONIAL LIFE & ACCIDENT INSURANCE COMPANY
Class B, non-voting, $1.00 par common

*COLONY FOODS, INC.
$.10 par common

COLUMBIA CORPORATION
$1.00 par common

COMBINED INSURANCE COMPANY OF AMERICA
$1.00 par common

COMMERCE BANCSHARES, INC.
$5.00 par common

COMMERCE CLEARING HOUSE, INC.
$1.00 par common

COMMERCIAL SHEARING, INC.
$1.00 par common

COMMERCIAL TRUST COMPANY OF NEW JERSEY
$5.00 par capital

COMMONWEALTH TELEPHONE COMPANY
$6.66-2/3 par common

*COMMUNICATIONS INDUSTRIES, INC.
$.50 par common

COMMUNICATIONS PROPERTIES, INC.
$1.00 par common

*COMPUSCAN, INC.
$.10 par common

COMPUTER AUTOMATION, INC.
$.10 par common

*COMPUTER ELECTION SYSTEMS, INC.
$.10 par common

COMPUTER USAGE COMPANY
$.25 par common

COMPUTERVISION CORPORATION
$.05 par common

*COMTECH LABORATORIES INC.
$.10 par common

COMTEN, INC.
$.05 par common

*CONAIR CORPORATION
$.10 par common

CONNECTICUT FINANCIAL SERVICES CORPORATION
$5.00 par common

CONNECTICUT GENERAL INSURANCE CORPORATION
$2.50 par common

CONNECTICUT NATIONAL BANK
$5.00 par common

CONNECTICUT NATURAL GAS CORPORATION
$12.50 par common

CONSOLIDATED PAPERS, INC.
$12.50 par capital

CONSUMERS WATER COMPANY
$1.00 par common

CONTEXT INDUSTRIES, INC.
$.10 par common

CONTINENTAL AMERICAN LIFE INSURANCE COMPANY
$5.00 par capital

CONTINENTAL BANK (Pennsylvania)
$5.00 par common

*CONTINENTAL CONVEYOR & EQUIPMENT COMPANY
$1.00 par common

CONTINENTAL WESTERN INDUSTRIES, INC.
$5.00 par common

CONWED CORPORATION
$5.00 par common

*COORS, ADOLPH COMPANY
Class B, no par common

*COQUINA OIL CORPORATION
$.53-1/3 par common

CORDIS CORPORATION
$1.00 par common

*COTTON PETROLEUM CORPORATION
$.10 par common

*COURIER CORPORATION
$1.00 par common

COUSINS PROPERTIES INC.
$1.00 par common

CRADDOCK-TERRY SHOE CORPORATION
$1.00 par common

*CRAWFORD & COMPANY
$1.00 par common

CRITERION INSURANCE COMPANY
$2.00 par common

CROSS COMPANY, THE
$5.00 par common

CRUM & FORSTER
$1.25 par common

CULLUM COMPANIES, INC.
$1.00 par common

CURTICE-BURNS, INC.
Class A, $5.00 par common

CURTIS NOLL CORPORATION
No par common

DANIEL INTERNATIONAL CORPORATION
$2.00 par common

DART DRUG CORPORATION
Class A, $1.00 par common

DATA 100 CORPORATION
$.50 par common

DATAPOINT CORPORATION
$.25 par common

*DATASCOPE CORPORATION
$.01 par common

*DAUPHIN DEPOSIT TRUST COMPANY
$10.00 par common

DAYTON MALLEABLE INC.
No par common

*DEAN FOODS COMPANY
$1.00 par common

DECISION DATA COMPUTER CORPORATION
$.10 par common

DECORATOR INDUSTRIES, INC.
No par common

DEKALB AGRESEARCH, INC.
Class B, no par common

*DEL MONTE PROPERTIES COMPANY
$2.50 par common

DELHI INTERNATIONAL OIL CORPORATION
$.10 par common

DELUXE CHECK PRINTERS, INC.
$1.00 par common

*DENVER REAL ESTATE INVESTMENT ASSOCIATION
No par shares of beneficial interest

DEPOSIT GUARANTY CORPORATION
No par common

DETREX CHEMICAL INDUSTRIES, INC.
$2.00 par common

DETROITBANK CORPORATION
$10.00 par common

DIAGNOSTIC DATA, INC.
$.50 par common

DIAMOND CRYSTAL SALT COMPANY
$2.50 par common

DIAMONDHEAD CORPORATION
$1.00 par common

*DISTRIBUCO, INC.
$1.00 par common

*Addition to List

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DIXON, JOSEPH CRUCIBLE COMPANY, THE
$10.00 par common

DOCUTEL CORPORATION
$.10 par common

DOLLAR GENERAL CORPORATION
$.50 par common

DOMINION BANKSHARES CORPORATION
$5.00 par common

DOMINION MORTGAGE & REALTY TRUST
$.10 par shares of beneficial interest

DONALDSON COMPANY, INC.
$5.00 par common

DORCHESTER GAS CORPORATION
$.10 par common

DOWNE COMMUNICATIONS, INC.
$1.00 par common

DOYLE DANE BERNBACH INC.
$.50 par common

*DUAL-LITE, INC.
No par common

DUCKWALL STORES, INC.
$2.50 par common

DUCOMMUN INC.
$2.00 par common

DUNKIN' DONUTS INC.
$1.00 par common

DURHAM LIFE INSURANCE COMPANY
$5.00 par common

DURIRON COMPANY, INC., THE
$1.25 par common

*DURR-FILLAUER MEDICAL, INC.
$.50 par common

*DYNASCAN CORPORATION
$.33-1/3 par common

ERC CORPORATION
$2.50 par common

*ESL INC.
$.50 par common

EARTH SCIENCES, INC.
$.01 par common

EASTMET CORPORATION
$1.00 par common

*EATON CORPORATION
Series A, $2.30 par convertible preferred

ECONOMICS LABORATORY, INC.
$1.00 par common

*EL CHICO CORPORATION
No par common

EL PASO ELECTRIC COMPANY
No par common

ELBA SYSTEMS CORPORATION
No par common

ELECTRO-NUCLEONICS, INC.
$.02-1/2 par common

*ELECTRONIC ARRAYS, INC.
$1.00 par common

ELIZABETHTOWN WATER COMPANY
No par common

ELLIS BANKING CORPORATION
$1.00 par common

*EMONS INDUSTRIES, INC.
$.01 par common

EMPIRE GENERAL CORPORATION
$1.00 par common

ENERGY CONVERSION DEVICES, INC.
$.01 par common

ENERGY RESERVES GROUP, INC.
$.03-1/3 par common

*ENERGY VENTURES INC.
$1.00 par common

ENVIRODYNE, INC.
$.10 par common

EQUITABLE BANCORPORATION
$5.00 par common

EQUITABLE LIFE INSURANCE COMPANY OF IOWA
$1.00 par common

EQUITABLE SAVINGS & LOAN ASSOCIATION
$2.00 par reserve fund capital stock

EQUITY OIL COMPANY
$1.00 par common

ETHAN ALLEN, INC.
Class A, $1.00 par common

EXCHANGE BANCORPORATION, INC.
$2.50 par common

*EXECUTIVE INDUSTRIES, INC.
$.125 par common

EXTRACORPOREAL MEDICAL SPECIALTIES, INC.
No par common

FAIR LANES, INC.
$1.00 par common

FARINON ELECTRIC
No par common

*FARM HOUSE FOODS CORPORATION
$.05 par common

FARMER BROTHERS COMPANY
$1.00 par common

FARMERS GROUP, INC.
$1.00 par common

FARMERS NEW WORLD LIFE INSURANCE COMPANY
$1.00 par common

*FEDERAL SCREW WORKS
$1.00 par common

FEDERATED INCOME & PRIVATE PLACEMENT FUND
$1.00 par capital

FIDELCOR, INC.
$1.00 par common

FIDELITY AMERICAN BANKSHARES, INC.
$5.00 par common

FIDELITY CORPORATION (Virginia)
$1.00 par common

FIDELITY UNION LIFE INSURANCE COMPANY
$1.00 par common

FIFTH THIRD BANCORP
$6.66-2/3 par common

FINGERHUT CORPORATION
$1.00 par common

FIRST & MERCHANTS CORPORATION
$7.50 par common

FIRST ALABAMA BANCSHARES, INC.
$2.50 par common

FIRST AMERICAN FINANCIAL CORPORATION, THE
$1.00 par common

FIRST AMTENN CORPORATION
$5.00 par common

FIRST BANC GROUP OF OHIO, INC.
No par common, $5.00 stated value

FIRST BANCGROUP-ALABAMA, INC.
$4.00 par common

FIRST BANCSHARES OF FLORIDA, INC.
$1.00 par common

FIRST BANK SYSTEM, INC.
$2.50 par capital

FIRST BOSTON, INC.
$1.66-2/3 par common

*Addition to List

FIRST CAPITAL CORPORATION
$5.00 par common

FIRST COLONY LIFE INSURANCE COMPANY
$1.00 par common

FIRST COMMERCE CORPORATION
$5.00 par common

FIRST COMMERCE REALTY INVESTORS
No par shares of beneficial interest

FIRST COMMERCIAL BANKS INC.
$5.00 par common

*FIRST CONNECTICUT BANCORP, INC.
$10.00 par common

FIRST CONTINENTAL REAL ESTATE INVESTMENT TRUST
$1.00 par shares of beneficial interest

FIRST EMPIRE STATE CORPORATION
$5.00 par common

FIRST EXECUTIVE CORPORATION
$2.00 par common

FIRST FINANCIAL CORPORATION (Florida)
$1.00 par common

FIRST GREATWEST CORPORATION
$4.00 par common

FIRST HAWAIIAN, INC.
$5.00 par common

FIRST JERSEY NATIONAL CORPORATION
$5.00 par capital

FIRST MARINE BANKS, INC.
$1.00 par common

FIRST MARYLAND BANCORP
$5.00 par common

*FIRST MERCHANTS NATIONAL BANK (New Jersey)
$2.50 par common

*FIRST NATIONAL BANCORPORATION, INC., THE
$10.00 par common

FIRST NATIONAL BANCSHARES INC.
$5.00 par common

FIRST NATIONAL CHARTER CORPORATION
$12.50 par common

FIRST NATIONAL CINCINNATI CORPORATION
$5.00 par common

FIRST NATIONAL HOLDING CORPORATION
$5.00 par common

*FIRST NEW HAVEN NATIONAL BANK
$5.00 par common-capital

FIRST OKLAHOMA BANCORPORATION, INC.
$5.00 par common

FIRST SECURITY CORPORATION
$1.25 par common

*FIRST SECURITY NATIONAL CORPORATION
$2.50 par common

FIRST TENNESSEE NATIONAL CORPORATION
$2.50 par common

FIRST TEXAS FINANCIAL CORPORATION
$1.00 par common

FIRST UNION BANCORPORATION
$10.00 par common

FIRST UNION CORPORATION
$3.33-1/3 par common

FIRST UNITED BANCORPORATION, INC.
$10.00 par common

FIRST WESTERN FINANCIAL CORPORATION
$1.00 par common

FLAGSHIP BANKS INC.
$1.00 par common

FLEXSTEEL INDUSTRIES, INC.
$1.00 par common

FLICKINGER, S. M. COMPANY, INC.
$2.50 par common

FLORIDA COMMERCIAL BANKS, INC.
$1.00 par common

FLORIDA CYPRESS GARDENS, INC.
$.25 par common

FLORIDA MINING & MATERIALS CORPORATION
$1.00 par common

FLORIDA NATIONAL BANKS OF FLORIDA, INC.
$12.50 par common

*FOOD TOWN STORES, INC.
$.50 par common

FOODWAYS NATIONAL, INC.
$.25 par common

FOREST OIL CORPORATION
$1.00 par common

FOTOMAT CORPORATION
$.10 par common

FOUNDERS FINANCIAL CORPORATION
$1.00 par common

*FOURTH FINANCIAL CORPORATION
$5.00 par common

FRANKLIN ELECTRIC COMPANY, INC.
$.50 par common

FRANKLIN LIFE INSURANCE COMPANY, THE
$2.00 par common

FRASER MORTGAGE INVESTMENTS
No par shares of beneficial interest

FREDERICK & HERRUD, INC.
$.10 par common

FRIENDLY ICE CREAM CORPORATION
$1.00 par common

*FROZEN FOOD EXPRESS INDUSTRIES, INC.
$1.50 par common

FULLER, H. B. COMPANY
$1.00 par common

*FULTON NATIONAL CORPORATION, THE
$5.00 par common

FURR'S CAFETERIAS, INC.
No par common

GATEWAY TRANSPORTATION COMPANY, INC.
$.62-1/2 par common

GELCO CORPORATION
$.50 par common

GELMAN INSTRUMENT COMPANY
$.10 par common

GENERAL AUTOMATION, INC.
$.10 par common

GENERAL AUTOMOTIVE PARTS CORPORATION
No par common

GENERAL BINDING CORPORATION
$.125 par common

*GENERAL CARE CORPORATION
$.10 par common

GENERAL ENERGY CORPORATION
$1.00 par common

GENERAL HEALTH SERVICES, INC.
$1.00 par common

*GENERAL OHIO S & L CORPORATION
$.50 par common

GENERAL REINSURANCE CORPORATION
$2.00 par common

GENERAL SHALE PRODUCTS CORPORATION
No par common

GEORGE WASHINGTON CORPORATION
$1.00 par common

GILBERT ASSOCIATES, INC.
Class A, non-voting, $1.00 par common

*Addition to List

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GILFORD INSTRUMENT LABORATORIES INC.
No par common

GIRARD COMPANY, THE
$1.00 par common

GLOBE LIFE AND ACCIDENT INSURANCE COMPANY
$1.00 par common

*GOLDEN STATE FOODS CORPORATION
$.10 par common

*GOULDS PUMPS, INC.
$1.00 par common

GOVERNMENT EMPLOYEES INSURANCE COMPANY
$.10 par common
Warrants (expire 08/01/78)

GOVERNMENT EMPLOYEES LIFE INSURANCE COMPANY
$1.50 par common

GRACO INC.
$1.00 par common

GRAHAM MAGNETICS INC.
$.10 par common

GRAPHIC CONTROLS CORPORATION
$1.00 par common

GRAPHIC SCANNING CORPORATION
$.01 par common

GRAY TOOL COMPANY
$1.00 par common

GREAT SOUTHERN CORPORATION
$2.00 par common

GREATER JERSEY BANCORP.
$5.50 par common

GREEN MOUNTAIN POWER CORPORATION
$3.33-1/3 par common

GREY ADVERTISING INC.
$1.00 par common

HNC MORTGAGE & REALTY INVESTORS
No par shares of beneficial interest

HACH CHEMICAL COMPANY
$1.00 par common

*HAHN, ERNEST W. INC.
$.66-2/3 par common

*HAMILTON BROTHERS EXPLORATION COMPANY
$1.00 par common

HAMILTON BROTHERS PETROLEUM CORPORATION
$1.00 par common

HAMILTON INTERNATIONAL CORPORATION
$1.00 par common

HAMILTON INVESTMENT TRUST
$1.00 par shares of beneficial interest

HANOVER INSURANCE COMPANY, THE
$2.00 par capital

*HARLEY CORPORATION
$.25 par common

HARPER & ROW, PUBLISHERS, INC.
$.10 par common

HARTFORD NATIONAL CORPORATION
$6.25 par capital

HAVATAMPA CORPORATION
$7.50 par common

HAWAII BANCORPORATION, INC.
$2.00 par common

HAWKEYE BANCORPORATION
$3.00 par common

HAWTHORNE FINANCIAL CORPORATION
$1.00 par capital

HEATH TECNA CORPORATION
No par common

HENREDON FURNITURE INDUSTRIES, INC.
$2.00 par common

HERITAGE BANCORPORATION
No par common

HEXCEL CORPORATION
$1.00 par common

*HICKORY FARMS OF OHIO, INC.
No par common

HICKORY FURNITURE COMPANY
$.10 par common

*HOLLYWOOD PARK, INC.
$1.00 par common

HOME BENEFICIAL CORPORATION
Class B, non-voting,
$2.50 par common

HON INDUSTRIES, INC.
$1.00 par common

HOOK DRUGS, INC.
No par common

HOOVER COMPANY, THE
$2.50 par common

HORIZON BANCORP
$4.00 par common

*HUDSON PULP & PAPER CORPORATION
$1.00 par common

HUDSON UNITED BANK
$8.00 par capital

HUGHES SUPPLY, INC.
$1.00 par common

HUNTINGTON BANCSHARES INC.
$10.00 par common

*HY-GAIN ELECTRONICS CORPORATION
$.25 par common

HYATT CORPORATION
$.50 par common

HYATT INTERNATIONAL CORPORATION
Class A, $.10 par common

HYDRAULIC COMPANY, THE
No par common

HYSTER COMPANY
$.50 par common

I.M.S. INTERNATIONAL, INC.
$.01 par common

INDEPENDENCE MORTGAGE TRUST
$1.00 par shares of beneficial interest

INDEPENDENCE SQUARE INCOME SECURITIES, INC.
$.10 par common

INDEPENDENT LIFE & ACCIDENT INSURANCE COMPANY, THE
Non-voting, $1.00 par common

INDIANA GROUP, INC.
$1.25 par common

INDIANA MORTGAGE & REALTY INVESTORS
$1.00 par shares of beneficial interest

INDIANA NATIONAL CORPORATION
No par common

INDIANAPOLIS WATER COMPANY
$7.50 par common

INDUSTRIAL NUCLEONICS CORPORATION
$1.00 par common

INDUSTRIAL VALLEY BANK AND TRUST COMPANY
$5.00 par common

INFOREX, INC.
$.25 par common

INFORMATION INTERNATIONAL, INC.
$.25 par common

*INFORMATION MAGNETICS CORPORATION
$.40 par common

INTEL CORPORATION
No par common

*INTERCONTINENTAL ENERGY CORPORATION
$.40 par common

*Addition to List

INTERFINANCIAL INC.
$1.00 par common

INTERMOUNTAIN GAS COMPANY
$1.00 par common

INTERNATIONAL BANK
(Washington, D. C.)
$1.00 par common
Class A, $1.00 par common

*INTERNATIONAL DAIRY QUEEN, INC.
$1.00 par common

INTERNATIONAL LIFE HOLDING CORPORATION
$.50 par common

INTERSIL, INC.
$.10 par common

INTEXT, INC.
No par common

*INVESTMENT ANNUITY, INC.
No par common

IOWA SOUTHERN UTILITIES COMPANY
$10.00 par common

IVAC CORPORATION
$.10 par common

IVEY, J. B. & COMPANY
$2.50 par common

JAMESBURY CORPORATION
$1.00 par common

JEFFERSON NATIONAL LIFE INSURANCE COMPANY
$1.00 par capital

JERRICO, INC.
No par common

JOSLYN MANUFACTURING AND SUPPLY COMPANY
$1.25 par common

*JUSTIN INDUSTRIES, INC.
$2.50 par common

*KDI CORPORATION
$.35 par common

KAISER STEEL CORPORATION
$.66-2/3 par common
$1.46 par cumulative preferred

KALVAR CORPORATION
$.02 par common

KAMAN CORPORATION
Class A, $1.00 par common

KAMPGROUNDS OF AMERICA, INC.
$.12-1/2 par common

KANSAS CITY LIFE INSURANCE COMPANY
$7.50 par common

*KANSAS STATE NETWORK, INC.
$.50 par common

*KAR PRODUCTS, INC.
$1.00 par common

KEARNEY & TRECKER CORPORATION
$2.00 par common

KEARNEY-NATIONAL INC.
$.50 par common

*KEITH CLARK, INC.
$.50 par common

KELLY SERVICES, INC.
$1.00 par common

KEMPER CORPORATION
$5.00 par common

*KENNINGTON, LTD., INC.
$.10 par common

KENTUCKY CENTRAL LIFE INSURANCE COMPANY
Class A, non-voting,
$1.00 par common

KEYES FIBRE COMPANY
$1.00 par common

KEYSTONE CUSTODIAN FUNDS, INC.
Class A, non-voting,
no par common

*KEYSTONE FOODS CORPORATION
$.10 par common

KEYSTONE INTERNATIONAL, INC.
$1.00 par common

KEYSTONE OTC FUND, INC.
$1.00 par common

KNAPE & VOGT MANUFACTURING COMPANY
$2.00 par common

KNUDSEN CORPORATION
$1.00 par common

*KOGER PROPERTIES, INC.
$.10 par common

KOSS CORPORATION
$.01 par common

*KRUEGER, W. A. COMPANY
$5.00 par common

KUHLMAN CORPORATION
$1.00 par common

LMF CORPORATION
$.40 par common

LTV CORPORATION, THE
Warrants (expire 01/15/78)

LACLEDE STEEL COMPANY
$20.00 par common

LANCASTER COLONY CORPORATION
$4.00 par common

LANCE, INC.
$1.25 par common

*LANDMARK BANCSHARES CORPORATION
$5.00 par common

LANDMARK BANKING CORPORATION OF FLORIDA
$1.00 par common

LANE COMPANY, INC., THE
$5.00 par common

*LAWRY'S FOODS, INC.
$2.00 par common

LAWSON PRODUCTS INC.
No par common, $1.00 stated value

LA-Z-BOY CHAIR COMPANY
$1.00 par common

LEGGETT & PLATT, INC.
$1.00 par common

LIBERTY HOMES, INC.
$1.00 par common

LIBERTY NATIONAL LIFE INSURANCE COMPANY
$2.00 par common-capital

LIFE INSURANCE COMPANY OF GEORGIA
$2.50 par capital

LIFE INVESTORS INC.
$1.00 par common

LIMITED STORES, INC., THE
No par common

LIN BROADCASTING CORPORATION
$2.00 par common

LINCOLN FIRST BANKS INC.
$10.00 par common
$4.50 par cumulative preferred

LINCOLN TELEPHONE & TELEGRAPH COMPANY, THE
$6.25 par common

*LINDBERG CORPORATION
$2.50 par common

*LIQUID AIR CORPORATION OF NORTH AMERICA
No par common

LITCO CORPORATION OF NEW YORK
$5.00 par common

*LITRONIX, INC.
$.05 par common

LONE STAR BREWING COMPANY
$1.00 par common

*Addition to List

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LOUISIANA LAND OFFSHORE EXPLORATION COMPANY, INC.
Class B, $1.00 par common

LOWE'S COMPANIES, INC.
$.50 par common

M & T MORTGAGE INVESTORS
$1.00 par shares of beneficial interest

MCI COMMUNICATIONS CORPORATION
$.10 par common

*MFY INDUSTRIES, INC.
$.25 par common

MSI DATA CORPORATION
$1.00 par common

MACDERMID INC.
No par common

MADISON GAS AND ELECTRIC COMPANY
$8.00 par common

MAGMA POWER COMPANY
$.10 par common

*MAGNETICS INTERNATIONAL, INC.
No par common

MAJOR REALTY CORPORATION
$.01 par common

MALLINCKRODT, INC.
$1.00 par common

MANAGEMENT ASSISTANCE INC.
$.10 par common

MANCHESTER LIFE & CASUALTY MANAGEMENT CORPORATION
$1.00 par common

MANITOWOC COMPANY, INC., THE
$2.50 par common

MANUFACTURERS BANK (Los Angeles)
$3.75 par capital

MANUFACTURERS NATIONAL CORPORATION
$10.00 par common

MARCUS CORPORATION, THE
$1.00 par common

*MARINE COLLOIDS, INC.
$.56 par common

MARION CORPORATION
$1.00 par common

MARK TWAIN BANCSHARES, INC.
$5.00 par common

*MARSH SUPERMARKETS, INC.
No par common

*MARSHALL & ILSLEY CORPORATION
$2.50 par common

*MARVIN JOSEPHSON ASSOCIATES, INC.
$.05 par common

MARYLAND NATIONAL CORPORATION
$2.50 par common

MAUI LAND & PINEAPPLE COMPANY, INC.
No par common

MAY PETROLEUM INC.
$.05 par common

McCORMICK & COMPANY, INC.
Non-voting, no par common

McDOWELL ENTERPRISES, INC.
No par common

McMORAN EXPLORATION COMPANY
No par common

McQUAY-PERFEX INC.
$1.00 par common

MEASUREX CORPORATION
No par common

MEDCOM, INC.
$.10 par common

MEDTRONIC, INC.
$.10 par common

MELLON NATIONAL CORPORATION
$1.00 par common

MERCANTILE BANCORPORATION INC. (Missouri)
$5.00 par common

MERCANTILE BANKSHARES CORPORATION (Maryland)
$2.00 par common

*MERCANTILE TEXAS CORPORATION
$5.00 par common

MERCHANTS NATIONAL CORPORATION
No par common, $5.00 stated value

*MERCURY GENERAL CORPORATION
$1.00 par common

MERCURY SAVINGS AND LOAN ASSOCIATION
$1.00 par guarantee stock

MERIT CORPORATION, THE
$1.00 par common

MERVYN'S
$1.00 par common

METPATH INC.
$.10 par common

MEYER, FRED INC.
Class A, no par common

MICHIGAN NATIONAL CORPORATION
$10.00 par common

MICRODATA CORPORATION
No par common

MICROFORM DATA SYSTEMS, INC.
$.20 par common

MICROWAVE SEMICONDUCTOR CORPORATION
$.50 par common

MIDLANTIC BANKS INC.
$10.00 par common

MIDWESTERN DISTRIBUTION, INC.
No par common

MIDWESTERN FIDELITY CORPORATION
$1.66-2/3 par common

MILLIPORE CORPORATION
$.08-1/3 par common

MINNESOTA FABRICS, INC.
$.05 par common

MODERN MERCHANDISING, INC.
$.01 par common

MODULAR COMPUTER SYSTEMS, INC.
$.05 par common

MOGUL CORPORATION, THE
No par common

MONARCH CAPITAL CORPORATION
$1.00 par common

MONFORT OF COLORADO, INC.
$1.00 par common

MONUMENTAL CORPORATION
$3.50 par common

MOORE, SAMUEL AND COMPANY
No par common

MOORE PRODUCTS COMPANY
$1.00 par common

MORRISON INC.
$5.00 par common

MORTGAGE INVESTORS OF WASHINGTON
$1.00 par shares of beneficial interest

MOSTEK CORPORATION
$.10 par common

*MOTION INDUSTRIES, INC.
$1.00 par common

MOTOR CLUB OF AMERICA
$.50 par common

MUTUAL SAVINGS LIFE INSURANCE COMPANY
$1.00 par common

MYERS INDUSTRIES, INC.
No par common

*Addition to List

NCNB CORPORATION
$2.50 par common

NN CORPORATION
$5.00 par common

*NARRAGANSETT CAPITAL CORPORATION
$1.00 par common

NATIONAL CENTRAL FINANCIAL CORPORATION
$5.00 par common

NATIONAL CITY CORPORATION
$4.00 par common

*NATIONAL COMMUNITY BANK OF NEW JERSEY
$6.25 par common

*NATIONAL CONVENIENCE STORES INC.
$.83-1/3 par common

NATIONAL DATA CORPORATION
$.125 par common

NATIONAL LIBERTY CORPORATION
$1.00 par common

NATIONAL LIFE OF FLORIDA CORPORATION
$1.00 par common

NATIONAL OLD LINE INSURANCE COMPANY
Class BB, non-voting,
$1.00 par common

NATIONAL UTILITIES & INDUSTRIES CORPORATION
$10.00 par common

NATIONAL WESTERN LIFE INSURANCE COMPANY
Class A, $1.00 par common

NATIONWIDE CORPORATION
Class A, $2.50 par common

NATIONWIDE REAL ESTATE INVESTORS
No par shares of beneficial interest

NEVADA SAVINGS AND LOAN ASSOCIATION
$1.00 par permanent capital stock

*NEW AMERICA FUND, INC.
$1.00 par common

NEW ENGLAND MERCHANTS COMPANY, INC.
$5.00 par common

NEW JERSEY NATIONAL CORPORATION
$5.00 par common

NEW JERSEY NATURAL GAS COMPANY
$5.00 par common

NEWELL COMPANIES, INC.
$1.00 par common

NICOLET INSTRUMENT CORPORATION
$.25 par common

NIELSEN, A. C. COMPANY
Class A, non-voting,
$1.00 par common
Class B, voting,
$1.00 par common

*NOBLE AFFILIATES, INC.
$3.33-1/3 par common

NOLAND COMPANY
$10.00 par common

NORDSTROM, INC.
No par common

NORIN CORPORATION
$1.00 par common

NORTH CAROLINA NATURAL GAS CORPORATION
$2.50 par common

*NORTH EUROPEAN OIL ROYALTY TRUST
No par units of beneficial interest

NORTHEAST BANCORP, INC.
$5.00 par common

NORTHERN CALIFORNIA SAVINGS AND LOAN ASSOCIATION
No par guarantee capital stock

NORTHERN STATES BANCORPORATION, INC.
$5.00 par common

NORTHRUP, KING & COMPANY
$.50 par common

NORTHWEST NATURAL GAS COMPANY
$3.00-1/6 par common

*NORTHWEST OHIO BANCSHARES, INC.
$20.00 par common

NORTHWESTERN FINANCIAL CORPORATION
$1.00 par common

NORTHWESTERN NATIONAL LIFE INSURANCE COMPANY
$1.25 par common

NORTHWESTERN PUBLIC SERVICE COMPANY
$7.00 par common

NORTRUST CORPORATION
$10.00 par common

NOXELL CORPORATION
Class B, non-voting,
$1.00 par common

*NUCLEAR DYNAMICS, INC.
$.10 par common

OCEAN DRILLING & EXPLORATION COMPANY
$.50 par common

*OCEANEERING INTERNATIONAL, INC.
$.25 par common

OCEANIC EXPLORATION COMPANY
$.06-1/4 par common

OFFSHORE LOGISTICS, INC.
No par common

*OGILVY & MATHER INTERNATIONAL INC.
$2.00 par common

OHIO CASUALTY CORPORATION
$.50 par common

OHIO FERRO-ALLOYS CORPORATION
$1.00 par common

*OLD NATIONAL BANCORPORATION
$5.00 par capital

OLD REPUBLIC INTERNATIONAL CORPORATION
$1.00 par common

OLYMPIA BREWING COMPANY
$10.00 par common

OMNI SPECTRA, INC.
$1.00 par common

OPTICAL COATING LABORATORY, INC.
No par common

ORBANCO, INC.
No par common

ORMONT DRUG & CHEMICAL COMPANY, INC.
$.10 par common

OTTER TAIL POWER COMPANY
$5.00 par common

OVERSEAS NATIONAL AIRWAYS, INC.
$1.00 par common

PVO INTERNATIONAL INC.
$5.00 par capital

PABST BREWING COMPANY
No par common

PACCAR INC.
$12.00 par common

PACIFIC GAMBLE ROBINSON COMPANY
$5.00 par common

PACIFIC STANDARD LIFE COMPANY
$1.00 par common

PAKO CORPORATION
$2.50 par common

PAN AMERICAN BANCSHARES, INC.
$1.00 par common

PANDICK PRESS, INC.
$.10 par common

*Addition to List

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PARK-OHIO INDUSTRIES INC.
$1.00 par common

*PAUL REVERE INVESTORS INC.
$1.00 par common

PAULEY PETROLEUM INC.
$1.00 par common

PAY LESS DRUG STORES
No par common

PAY 'N PAK STORES, INC.
$.10 par common

PAY'N SAVE CORPORATION
No par common

PAYLESS CASHWAYS, INC.
$.50 par common

PEACHTREE DOORS, INC.
$1.00 par common

PEAVEY COMPANY
$2.50 par common

PEERLESS INSURANCE COMPANY
$2.50 par common

*PEERLESS MANUFACTURING COMPANY
$1.00 par common

PENNSYLVANIA ENTERPRISES, INC.
No par common

PENNSYLVANIA LIFE COMPANY
$.50 par common

PENNZOIL LOUISIANA AND TEXAS OFFSHORE, INC.
Class B, $1.00 par common
6% convertible subordinated debentures

PENNZOIL OFFSHORE GAS OPERATORS, INC.
Class B, $1.00 par common

PENTAIR INDUSTRIES, INC.
$.16-2/3 par common

PETERSON, HOWELL & HEATHER, INC.
No par common

PETROLITE CORPORATION
No par common

PETTIBONE CORPORATION
$10.00 par common

PHILADELPHIA LIFE INSURANCE COMPANY
$1.00 par common

PHILADELPHIA NATIONAL CORPORATION
$1.00 par common

*PHYSIO-CONTROL CORPORATION
$.33-1/3 par common

PIEDMONT AVIATION, INC.
$1.00 par common

PINKERTON'S, INC.
Class B, non-voting,
no par common

*PIONEER FOOD INDUSTRIES, INC.
$1.00 par common

PIONEER HI-BRED INTERNATIONAL, INC.
$1.00 par common

*PIONEER-STANDARD ELECTRONICS, INC.
No par common

PIONEER WESTERN CORPORATION
$1.00 par common

PITTSBURGH NATIONAL CORPORATION
$5.00 par common

PIZZA INN, INC., THE
$1.00 par common

POPEIL BROTHERS, INC.
$.40 par common

POST CORPORATION
$1.00 par common

POTT INDUSTRIES INC.
$1.00 par common

POWERS REGULATOR COMPANY
$5.00 par common

*PRATT, HENRY COMPANY
No par common

PRECIOUS METALS HOLDINGS, INC.
$1.00 par common

PREFERRED RISK LIFE INSURANCE COMPANY
$1.00 par common

PRESTO PRODUCTS, INC.
$.10 par common

PRESTON TRUCKING COMPANY, INC.
$1.00 par common

*PRIME COMPUTER, INC.
$.025 par common

PROGRESSIVE CORPORATION, THE (Ohio)
$1.00 par common

PROGROUP, INC.
$.50 par common

PROPERTY TRUST OF AMERICA
$1.00 par shares of beneficial interest

*PROTECTIVE LIFE INSURANCE COMPANY
$2.00 par common

PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY
$3.00 par common

PROVIDENT LIFE INSURANCE COMPANY
$2.50 par common

PROVIDENT NATIONAL CORPORATION
$1.00 par common
* $1.80 par convertible preferred

PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC.
$1.00 par common

PULASKI FURNITURE CORPORATION
$5.00 par common

*PURITAN-BENNETT CORPORATION
$1.00 par common

PUTNAM DUOFUND, INC.
$1.00 par capital shares

*QUAKER CHEMICAL CORPORATION
$1.00 par common

QUALITY INNS INTERNATIONAL, INC.
$1.00 par common

RPM, INC.
No par common

RAINBOW RESOURCES, INC.
$.10 par common

RAINIER BANCORPORATION
$2.50 par common

RAINIER COMPANIES, INC., THE
$1.00 par common

RAYCHEM CORPORATION
No par common

RAYMOND CORPORATION, THE
$1.50 par common

REALTY & MORTGAGE INVESTORS OF THE PACIFIC
No par shares of beneficial interest
* 6-3/4% convertible subordinated debentures

RECOGNITION EQUIPMENT INC.
$.25 par common

REDKEN LABORATORIES, INC.
$.50 par common

REGENCY ELECTRONICS, INC.
No par common

REID-PROVIDENT LABORATORIES, INC.
$1.00 par common

RELIANCE UNIVERSAL INC.
$1.25 par common

REPUBLIC NATIONAL LIFE INSURANCE COMPANY
$1.00 par common

RESERVE OIL & MINERALS CORPORATION
$1.00 par common

*Addition to List

REYNOLDS AND REYNOLDS COMPANY, THE
Class A, $1.25 par common

RIGGS NATIONAL BANK OF WASHINGTON, D.C., THE
$5.00 par common

RING AROUND PRODUCTS, INC.
$.20 par common

RIVAL MANUFACTURING COMPANY
$1.00 par common

ROADWAY EXPRESS, INC.
No par common

ROCKET RESEARCH CORPORATION
No par common

ROUSE COMPANY, THE
$.01 par common

ROYSTER COMPANY
$.50 par common

RUCKER PHARMACAL COMPANY, INC.
No par common, $1.00 stated value

RUSSELL STOVER CANDIES, INC.
$1.00 par common

*RYKOFF, S. E. & COMPANY
$.10 par common

*RYLAND GROUP, INC., THE
$1.00 par common

SAFECO CORPORATION
$5.00 par common

ST. PAUL COMPANIES, INC., THE
$1.50 par common

*SAN FERNANDO ELECTRIC MANUFACTURING COMPANY
$1.00 par common

SANTA ANITA CONSOLIDATED, INC.
No par common

*SASLOW, D. L. COMPANY, INC.
$.50 par common

SCHERER, R. P. CORPORATION
$.33-1/3 par common

SCHOLL, INC.
$1.00 par common

SCHULMAN, A., INC.
$1.00 par common

SCOPE INC.
$1.00 par common

SCOTTISH INNS OF AMERICA, INC.
$.10 par common

SEA WORLD, INC.
$.50 par common

SEAFIRST CORPORATION
$5.00 par common

SEALED AIR CORPORATION
$.01 par capital

*SECURITY-CONNECTICUT LIFE INSURANCE COMPANY
$1.00 par common

SECURITY LIFE AND ACCIDENT COMPANY
Series A, $2.00 par common

SECURITY NEW YORK STATE CORPORATION
$5.00 par common

SECURITY PACIFIC CORPORATION
$10.00 par common

SEEBURG INDUSTRIES, INC.
Class A, $.50 par common

SEISCOM DELTA INC.
$.10 par common

SENECA FOODS CORPORATION
$1.00 par common

SERVICE MERCHANDISE COMPANY, INC.
$1.00 par common

SERVICEMASTER INDUSTRIES INC.
$1.00 par common

SEVEN-UP COMPANY, THE
$1.00 par common

SHAKLEE CORPORATION
No par common

SHAWMUT CORPORATION
$5.00 par common

SHELDAHL, INC.
$.25 par common

SHIPPERS DISPATCH, INC.
Class A, $1.00 par common

SHONEY'S, INC.
$1.00 par common

SHOREWOOD CORPORATION, THE
$1.00 par common

*SIGMA-ALDRICH CORPORATION
$1.00 par common

SIGMOR CORPORATION
Class A, $1.00 par common

*SILICONIX INC.
$1.00 par capital

SILVER KING MINES, INC.
$1.00 par common

SIMPSON INDUSTRIES, INC.
$1.00 par common

SKYLINE OIL COMPANY
$1.00 par capital

SNAP-ON TOOLS CORPORATION
$1.00 par common

SOCIETY CORPORATION
$1.00 par common

SOLID STATE SCIENTIFIC INC.
$.40 par common

*SOLID STATE TECHNOLOGY INC.
$.01 par common

*SONOCO PRODUCTS COMPANY
$1.25 par common

SONOMA VINEYARDS, INC.
$.25 par common

SOURCE CAPITAL, INC.
$1.00 par common
$2.40 par cumulative preferred

SOUTH CAROLINA INSURANCE COMPANY
$1.00 par common

SOUTH CAROLINA NATIONAL CORPORATION
$5.00 par common

SOUTHEAST NATIONAL BANK OF PENNSYLVANIA
$6.00 par common

SOUTHERN AIRWAYS, INC.
$2.00 par common

SOUTHERN BANCORPORATION OF ALABAMA
$5.00 par common

SOUTHERN CALIFORNIA WATER COMPANY
$5.00 par common

SOUTHERN CONNECTICUT GAS COMPANY, THE
$13.33-1/3 par common

SOUTHERN INDUSTRIES CORPORATION
No par common

*SOUTHERN UNION PRODUCTION COMPANY
$1.00 par common

SOUTHLAND EQUITY CORPORATION
$.16-2/3 par common

SOUTHLAND FINANCIAL CORPORATION
$1.00 par common

SOUTHLAND PAPER MILLS, INC.
No par common

SOUTHWEST GAS CORPORATION
$1.00 par common

*SOUTHWESTERN DRUG CORPORATION
$1.00 par common

SOUTHWESTERN LIFE CORPORATION
$2.50 par common

*Addition to List

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SOVEREIGN CORPORATION
$1.00 par common

SPECTRA-PHYSICS, INC.
$.20 par capital

*SPECTRAL DYNAMICS CORPORATION OF SAN DIEGO
No par common

SPEIDEL NEWSPAPERS INC.
$1.00 par common

STA-RITE INDUSTRIES, INC.
$2.00 par common

STANADYNE, INC.
$5.00 par common

STANDARD LIFE INSURANCE COMPANY OF INDIANA
$1.50 par common

STANDARD REGISTER COMPANY, THE
$.50 par common

STANLEY HOME PRODUCTS, INC.
Non-voting, $1.00 par common

STATE STREET BOSTON FINANCIAL CORPORATION
$10.00 par common

STATESMAN GROUP, INC., THE
$1.00 par common

STEAK N SHAKE, INC.
$.50 par common

STECHER-TRAUNG-SCHMIDT CORPORATION
$5.00 par common

STEWART SANDWICHES, INC.
$1.00 par common

STRATFORD OF TEXAS, INC.
$.10 par common

STRAWBRIDGE & CLOTHIER
$5.00 par common

SUBARU OF AMERICA, INC.
$.01 par common

SUBURBAN BANCORPORATION
$5.00 par common

SULLAIR CORPORATION
No par common

SUMITOMO BANK OF CALIFORNIA, THE
$5.00 par common

SUMMIT PROPERTIES
No par shares of beneficial interest

SUN BANKS OF FLORIDA, INC.
$2.50 par common

SUPERIOR ELECTRIC COMPANY, THE
$1.00 par common

SUPREME EQUIPMENT & SYSTEMS CORPORATION
$.66-2/3 par common

SYCOR, INC.
$.50 par common

TACO BELL
$.10 par common

TALLY CORPORATION
$.16-2/3 par common

TAMPAX INC.
$.25 par common

TAYLOR WINE COMPANY, INC., THE
$2.00 par common

TECUMSEH PRODUCTS COMPANY
$1.00 par common

TELE-COMMUNICATIONS, INC.
$1.00 par common

TELECREDIT, INC.
$.01 par common

*TELEMED CORPORATION
$.05 par common

TELEPHONE UTILITIES, INC.
$1.00 par common

TELESCIENCES, INC.
$.10 par common

TENNECO OFFSHORE COMPANY, INC.
$1.00 par common
6% convertible subordinated debentures

TENNESSEE NATURAL GAS LINES, INC.
$1.00 par common

TENNESSEE VALLEY BANCORP, INC.
$6.66-2/3 par common

TEXAS AMERICAN BANCSHARES, INC.
$5.00 par common

THALHIMER BROTHERS, INC.
$2.50 par common

THERMO ELECTRON CORPORATION
$1.00 par common

THIRD NATIONAL CORPORATION
$10.00 par common

TIFFANY & COMPANY
$1.00 par common

TIME HOLDINGS, INC.
$2.00 par common

TIPPERARY CORPORATION
$.50 par common

*TITAN GROUP, INC.
$1.00 par common

*TOBIAS KOTZIN COMPANY
$.50 par common

TOLLEY INTERNATIONAL CORPORATION
$.25 par common

TOM BROWN, INC.
$.10 par common

TORO COMPANY, THE
$1.00 par common

TOSCO CORPORATION
$.15 par common

TOWLE MANUFACTURING COMPANY
No par common

TRANSCONTINENTAL OIL CORPORATION
$.10 par common

TRANSOCEAN OIL, INC.
$1.00 par common

TRANSPORT LIFE INSURANCE COMPANY
$1.00 par common

TREMCO INC.
$1.00 par common

*TRI-CHEM, INC.
$.20 par common

TRIANGLE CORPORATION, THE
$.50 par common

TRICO PRODUCTS CORPORATION
No par common

TRITON OIL & GAS CORPORATION
$1.00 par common

TRUST COMPANY OF GEORGIA
$5.00 par common

TWIN DISC, INC.
No par common

TYMSHARE, INC.
No par common

TYSON FOODS, INC.
$1.00 par common

UA-COLUMBIA CABLEVISION, INC.
$.05 par common

UB FINANCIAL CORPORATION
$5.00 par common

UNICAPITAL CORPORATION
$1.00 par common

UNICOA CORPORATION
$2.50 par common

*UNIFI, INC.
$.10 par common

*Addition to List

UNION ELECTRIC STEEL CORPORATION
$1.25 par common

UNION PLANTERS CORPORATION
$5.00 par common

UNION SPECIAL CORPORATION
$1.00 par common

*UNITED ARTISTS THEATRE CIRCUIT, INC.
$1.00 par common

UNITED BANK CORPORATION OF NEW YORK
$5.00 par common

UNITED BANKS OF COLORADO, INC.
$5.00 par common

UNITED CABLE TELEVISION CORPORATION
$.10 par common

*UNITED DIVERSIFIED CORPORATION
$2.50 par common

*UNITED McGILL CORPORATION
No par common, $.25 stated value

*UNITED MISSOURI BANCSHARES, INC.
$12.50 par common

UNITED SERVICES LIFE INSURANCE COMPANY
$1.00 par common

U. S. BANCORP
$5.00 par common

UNITED STATES SUGAR CORPORATION
$1.00 par common

*UNITED STATES SURGICAL CORPORATION
$.10 par common

U. S. TRUCK LINES INC. OF DELAWARE
$1.00 par common

UNITED STATES TRUST COMPANY OF NEW YORK
$5.00 par capital

UNITED TENNESSEE BANCSHARES CORPORATION
$2.00 par common

UNITED VIRGINIA BANKSHARES INC.
$10.00 par common

UNIVERSAL FOODS CORPORATION
$1.00 par common

UNIVERSAL INSTRUMENTS CORPORATION
$1.25 par common

*UNIVERSITY PATENTS, INC.
No par common

UPPER PENINSULA POWER COMPANY
$9.00 par common

*UPS 'N DOWNS, INC.
$.025 par common

UTILITIES & INDUSTRIES CORPORATION
$.10 par common

VAIL ASSOCIATES, INC.
No par common

VALLEY NATIONAL BANK OF ARIZONA, THE
$2.50 par common

VALMONT INDUSTRIES, INC.
$1.00 par common

VAN DYK RESEARCH CORPORATION
$.10 par common

VAN SCHAACK & COMPANY
$1.00 par common

*VARCO INTERNATIONAL, INC.
No par capital

VARIABLE ANNUITY LIFE INSURANCE COMPANY, THE
$1.00 par common

*VAUGHAN-JACKLIN CORPORATION, THE
$.10 par common

VELO-BIND, INC.
$1.00 par common

VICO CORPORATION
$1.00 par common

VICTORIA STATION INC.
No par common

*VIRGINIA INTERNATIONAL COMPANY
$.50 par common

VIRGINIA NATIONAL BANKSHARES, INC.
$5.00 par common

VIRGINIA REAL ESTATE INVESTMENT TRUST
No par shares of beneficial interest

VOLUME SHOE CORPORATION
$.50 par common

*WD-40 COMPANY
No par common

WALDBAUM, INC.
$1.00 par common

WARNER ELECTRIC BRAKE & CLUTCH COMPANY
$1.00 par common

WASHINGTON NATURAL GAS COMPANY
$5.00 par common

*WATERS ASSOCIATES INC.
$.08-1/3 par common

WEATHERFORD INTERNATIONAL INC.
$.10 par common

WEBB RESOURCES, INC.
$.10 par common

WEEDEN HOLDING CORPORATION
$1.00 par common

WEIGHT WATCHERS INTERNATIONAL, INC.
$.25 par common

WELLINGTON MANAGEMENT COMPANY
Class A, $.10 par common

*WELLTECH, INC.
Class A, voting, $.10 par common

*WEST COMPANY, INC., THE
$.25 par common

WESTERN CASUALTY AND SURETY COMPANY, THE
$1.25 par capital

WESTERN GEAR CORPORATION
$1.00 par common

*WESTERN KENTUCKY GAS COMPANY
$5.00 par common

WESTMORELAND COAL COMPANY
$2.50 par common

WETTERAU INC.
$1.00 par common

WHITE SHIELD CORPORATION
$.05 par common

WIEN AIR ALASKA, INC.
$1.00 par common

WILLAMETTE INDUSTRIES, INC.
$.50 par common

*WILSON, H. J. COMPANY, INC.
Class A, no par common

WINCORP
No par common

*WINN'S STORES, INC.
$1.25 par common

WINTER PARK TELEPHONE COMPANY, THE
$1.25 par common

*Addition to List

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WISCONSIN REAL ESTATE INVESTMENT TRUST
$1.00 par shares of beneficial interest

WISER OIL COMPANY, THE
$10.00 par common

*WIX CORPORATION
$1.00 par common

WOLVERINE ALUMINUM CORPORATION
$1.00 par common

WOODWARD & LOTHROP INC.
$10.00 par common

WORCESTER BANCORP, INC.
$1.00 par common

WORLD SERVICE LIFE INSURANCE COMPANY
$1.00 par common

WORTHINGTON INDUSTRIES, INC.
No par common

WRIGHT, WILLIAM E. COMPANY
$.50 par common

*WYMAN-GORDON COMPANY
No par common

*XOMOX CORPORATION
No par common

YELLOW FREIGHT SYSTEM, INC.
$1.00 par common

YOUNKER BROTHERS, INC.
No par common

ZIEGLER COMPANY, INC., THE
$1.00 par common

ZIONS UTAH BANCORPORATION
No par common

*Addition to List

[FR Doc.76-38485 Filed 12-29-76;3:37 pm]

FEDERAL REGISTER, VOL. 42, NO. 2—TUESDAY, JANUARY 4, 1977

federal register

TUESDAY, JANUARY 4, 1977

PART V



DEPARTMENT OF LABOR

Employment Standards Administration

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MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931. as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL76–1011	Jan. 30, 1976.
AL76–1042	Apr. 9, 1976.
AL76–1134	Dec. 3, 1976.
Illinois:	
IL76–2122	Oct. 1, 1976.
Kentucky:	
KY76–1079	July 23, 1976.
KY76–1086	Aug. 27, 1976.
KY76–1110	Sept. 24, 1976.
KY76–1132	Nov. 12, 1976.
Maryland:	
MD76–3272	Nov. 12, 1976.
Nevada:	
NV76–5114; NV76–5115	Dec. 10, 1976.
Utah:	
UT76–5097	Nov. 5, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alaska:	
AK76–5095 (AK77–5002)	Sept. 24, 1976.
Connecticut:	
CT76–5118 (CT77–5001)	Dec. 3, 1976.
Delaware:	
CT76–5118 (CT77–5001)	Do.
Georgia:	
GA76–5025 (GA77–5005)	Mar. 26, 1976.
Maine:	
CT76–5118 (CT77–5001)	Dec. 3, 1976.
Maryland:	
CT76–5118 (CT77–5001)	Do.
GA76–5025 (GA76–5005)	Mar. 26, 1976.
Massachusetts:	
CT76–5118 (CT77–5001)	Dec. 3, 1976.
Nevada:	
NV76–5098 (NV77–5004)	Oct. 29, 1976.
New Hampshire:	
CT76–5118 (CT77–5001)	Dec. 3, 1976.
New Jersey:	
CT76–5118 (CT77–5001)	Do.
New York:	
CT76–5118 (CT77–5001)	Do.
North Carolina:	
GA76–5025 (GA77–5005)	Mar. 26, 1976.
Pennsylvania:	
CT76–5118 (CT77–5001)	Dec. 3, 1976.
Rhode Island:	
CT76–5118 (CT77–5001)	Do.
South Carolina:	
GA76–5025 (GA77–5005)	Mar. 26, 1976.
Virginia:	
GA76–5025 (GA77–5005)	Do.
Washington, D.C.:	
GA76–5025 (GA77–5005)	Do.

Signed at Washington, D.C., this 23rd day of December 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2122 - Mod. #1 (41 FR 43576 - October 1, 1976) Cook County, Illinois					
CHANGE:					
Bricklayers & Stonemasons	$10.66	.70	.75		.03
Glaziers	10.83	.28	.69		.01
Marble Setters	11.50	.70			
Sheet Metal Workers	11.80	.55	.59	.25	.05
Truck Driver - 4-Axle Trucks	8.05	.60	.50		
Power Equipment Operators:					
Building & Residential					
Class I	11.25	.75	.85	.40	.05
Class II	9.95	.75	.85	.40	.05
Class III	8.80	.75	.85	.40	.05
Class IV	7.55	.75	.85	.40	.05
Sewer, Heavy & Highway					
Class I	10.90	.75	.85	.40	.05
Class II	10.35	.75	.85	.40	.05
Class III	9.60	.75	.85	.40	.05
Class IV	7.50	.75	.85	.40	.05
ADD:					
Wrecking Laborers:					
General Laborers	6.47	.57	.85		
Wallmen, Wreckers, Burners & Air Hammer Men	7.12	.57	.85		
Smoke Stack or High Men	7.47	.57	.85		

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # AL76-1011 - Mod. # 5 (41 FR-4741 - January 30, 1976) Colbert and Lauderdale Counties, Alabama.					
Change:					
Boilermakers	9.50	.75	1.00		.02
Electricians:					
Electricians	9.55	.40	11+.30		11
Cable splicers	9.80	.40	11+.30		11
DECISION # AL76-1042 - Mod. # 6 (41 FR-15238 - April 9, 1976) Madison County, Alabama					
Change:					
Electricians: Linemen	9.55	.40	11+.30		11
DECISION # AL76-1134 - Mod. # 1 (41 FR-53239 - December 3, 1976) Lawrence, Limestone, and Morgan Counties, Alabama.					
Change:					
Electricians:					
Electricians, linemen	9.55	.40	11+.30		11
Cable splicers	9.80	.40	11+.30		11
Groundmen	8.55	.40	11+.30		11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # KY76-1079 - Mod. # 5					
(41 FR-30529 - July 23, 1976)					
Fayette County, Kentucky					
Change:					
Asbestos workers	10.66	.50	1.00		
Boilermakers	10.80	.75	1.00		.02
Sheet metal workers	10.74	1.067	.80		.14
DECISION # KY76-1086 - Mod. # 2					
(41 FR-36384 - August 27, 1976)					
Boone, Campbell, Kenton, and Pendleton Counties, Kentucky					
Change:					
Boilermakers	10.80	.75	1.00		.02
Bricklayers	11.245	.55	.35		.02
Cement masons	10.88	.55	.70		.15
Marble setters' helpers	9.635				
Terrazzo workers' helpers & grinders	9.585				
Terrazzo base grinders	10.005				
Tile setters' helpers	9.535				
DECISION # KY76-1110 - Mod. # 4					
(41 FR-42113 - September 24, 1976)					
Boyd County, Kentucky					
Change:					
Electricians:					
Electricians	10.37	.50	1%+.47	1.02	.04
Cable splicers	10.89	.50	1%+.47	1.02	.04
Line Construction:					
Cable splicers	11.53	.45	1%+.42	1.02	½ of 1%
Groundmen	8.38	.45	1%+.42	1.02	½ of 1%
Linemen	10.48	.45	1%+.42	1.02	½ of 1%
Operators: All mechanical equipment	10.48	.45	1%+.42	1.02	½ of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # KY76-1132 -Mod. # 1					
(41 FR-52260 - November 12, 1976)					
Franklin County, Kentucky					
Change:					
Asbestos workers	10.66	.50	1.00		
Boilermakers	10.80	.75	1.00		02
Sheet metal workers	11.99	1.067	.80		.14
DECISION NO. MD76-3272-Mod. #2					
(41 FR50147-November 12, 1976)					
Baltimore, Harford, and Howard Counties and Baltimore City, MD					
Change:Laborers, Compressed Air Gauge Pressure Pounds					
0-12	$10.933	a	b		c

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV76-5114 - Mod. #1					
(41 FR 54133 - December 10, 1976)					
Clark County (excluding the Nevada Test Site), Nevada					
Change:					
Electricians:					
Electricians; Technicians	$13.81	.73	1% + .40		.08
Cable Splicers	14.14	.73	1% + .40		.08
Sheet Metal Workers	11.43	.93	1.60	1.00	.07
DECISION #NV76-5115 - Mod. #1					
(41 FR 54138 - December 10, 1976)					
Washoe County, Nevada					
Change:					
Electricians:					
Electricians; Technicians	$12.33	.67	1% + .77		.08
Cable Splicers	13.56	.67	1% + .77		.08
Plasterers	10.52	.65	1.00		.03
Plumbers; Steamfitters	10.84	.73	.80	1.95	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #UT76-5097 - Mod. #3					
(41 FR 49003 - November 5, 1976)					
Statewide Utah					
Change:					
Carpenters:					
Building construction:					
Carpenters	$9.00	.50	.60	.25	.03
Saw Operators; Carpenters handling creosote materials	9.25	.50	.60	.25	.03
Millwrights	9.50	.50	.60	.25	.03
Piledrivermen	11.38	.50	.60	.25	.03
Heavy and Highway construction:					
Zone 1: Area 0 to 40 miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, Vernal:					
Carpenters	9.00	.50	.60	.25	.03
Saw Operators; Carpenters handling creosote materials	9.25	.50	.60	.25	.03
Millwrights	9.50	.50	.60	.25	.03
Piledrivermen	11.38	.50	.60	.25	.03
Zone 2: Area 40 to 60 miles from the above-named Cities:					
Carpenters	10.00	.50	.60	.25	.03
Saw Operators; Carpenters handling creosote materials	10.25	.50	.60	.25	.03
Millwrights	10.50	.50	.60	.25	.03
Piledrivermen	11.38	.50	.60	.25	.03
Zone 3: Area over 60 miles from the above-named Cities:					
Carpenters	11.00	.50	.60	.25	.03
Saw Operators; Carpenters handling creosote materials	11.25	.50	.60	.25	.03
Millwrights	9.50	.50	.60	.25	.03
Piledrivermen	11.38	.50	.60	.25	.03

DECISION #UT76-5097 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Cement Masons:					
Building construction:					
Cement Masons	$8.76	.50	.60	.25	.03
Machine Operator; Mastic Floor Materials	8.89	.50	.60	.25	.03
Swing Scaffold; Swing Stage	9.01	.50	.60	.25	.03
Heavy and Highway construction:					
Zone 1: Area 0 to 40 miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George Salt Lake City, Vernal:					
Cement Masons	8.76	.50	.60	.25	.03
Machine Operator; Mastic Floor Materials	8.89	.50	.60	.25	.03
Swing Scaffold; Swing Stage	9.01	.50	.60	.25	.03
Zone 2: Area 40 to 60 miles from the above-named Cities:					
Cement Masons	9. 6	.50	.60	.25	.03
Machine Operator; Mastic Floor Materials	9.89	.50	.60	.25	.03
Swing Scaffold; Swing Stage	10.01	.50	.60	.25	.03
Zone 3: Area over 60 miles from the above-named Cities:					
Cement Masons	10.76	.50	.60	.25	.03
Machine Operator; Mastic Floor Materials	10.89	.50	.60	.25	.03
Swing Scaffold; Swing Stage	11.01	.50	.60	.25	.03

DECISION #UT76-5097 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Electricians:					
North section of Utah - Box Elder, Cache, Davis County (north of 41st Parallel), Morgan, Rich, Weber Counties:					
Zone 1: That area 10 miles on either side of Interstate Hwy. #15, commencing on the south at the 41st Parallel in Davis County, continuing north to Hwy. #91 - Interstate 15 junction south of Brigham City; at this point go east and north through Logan and continue north to the 42nd Parallel in Cache County on Hwy. #91:					
Electricians; Technicians	$10.50	.45	1% + .50		8/10%
Cable Splicers	10.75	.45	1% + .50		8/10%
Zone 2: That area not included in Zone 1 that lies east of 112°20' longitude in Box Elder County and that area lying west of 111°35', north of the 41st Parallel and south of the 40th Parallel in Cache, Morgan, Weber Counties:					
Electricians; Technicians	11.00	.45	1% + .50		8/10%
Cable Splicers	11.25	.45	1% + .50		8/10%
Zone 3: All remaining area north of 41st Parallel:					
Electricians; Technicians	12.50	.45	1% + .50		8/10%
Cable Splicers	12.75	.45	1% + .50		8/10%

DECISION #UT76-5097 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Electricians (Cont'd):					
North section of Utah (Cont'd): In the above areas on any job or project not exceeding $35,000 electrical, labor and material including, Zone 1 rates shall apply.					
Glaziers:					
Iron, Washington Counties	$12.63	.35	.40		.05
Remaining Counties	8.34	.51	.20	b	
Soft Floor Layers	8.15	.51	.12		

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2				
Laborers:						
Heavy and Highway construction:						
Group 1	$6.80	$8.30	.35	.35	.30	.04
Group 2	6.93	8.43	.35	.35	.30	.04
Group 3	7.05	8.55	.35	.35	.30	.04
Group 4	7.30	8.80	.35	.35	.30	.04
Group 5	7.80	9.30	.35	.35	.30	.04
Tunnel and Shaft Work:						
Group 1	6.95	8.45	.35	.35	.30	.04
Group 2	7.05	8.55	.35	.35	.30	.04
Group 3	7.25	8.75	.35	.35	.30	.04
Group 4	7.70	9.20	.35	.35	.30	.04

SUPERSEDEAS DECISION

STATE: Alaska
DECISION NUMBER: AK77-5002
Supersedes Decision No. AK76-5095 dated September 24, 1976 in 41 FR 42060
DESCRIPTION OF WORK: Building Construction (including residential construction consisting of single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging.

COUNTIES: Statewide
DATE: Date of Publication

AREA I (North of the 63rd Parallel)
AREA II (South of the 63rd Parallel and west of the 141st Meridian)
AREA III (East of the 141st Meridian)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.61	.44	.97		.10
BOILERMAKERS	16.285	.775	1.00	.50	.02
BRICKLAYERS; Blocklayers; Stonemasons	15.68	.90	2.25		.09
CARPENTERS:					
Area I					
Carpenters	15.83	.65	1.50		.10
Powder actuated tool operator	16.05	.65	1.50		.10
DeWalt or similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work applicators; Nailing Machine Operator; Saw Filer	16.11	.65	1.50		.10
Millwrights	16.22	.65	1.50		.10
Piledrivermen	15.17	.65	1.50		.10
Areas II and III					
Journeyman Carpenters	14.81	.65	1.50		.15
Acoustical and Marlite Applicators; Floor Workers; Radial air saw Operators; Fire and Flood Workers	15.19	.65	1.50		.15
Millwrights	15.34	.65	1.50		.15
Piledrivermen	15.17	.65	1.50		.10
CEMENT MASONS:					
Cement Masons, paving (concrete), Curb, Gutter and Sidewalks	14.00	.60	2.23		.15
Operating Screeding and Rodding Machines, Application of all composition, Mastic, Epoxy, and Plaster materials	14.35	.60	2.23		.15
Hand powered Grinder	14.53	.60	2.23		.15
Form Setters	14.15	.60	2.23		.15
CULINARY WORKERS:					
Baker of combination Cook-Baker, Head Cook; Working camp manager	12.31	.50	2.00		.04

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DECISION NO. AK77-5002

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CULINARY WORKERS: (Cont'd)					
Cook	$11.95	.50	2.00		.04
Butcher	11.46	.50	2.00		.04
Head Waiter or Head Waitress	10.97	.50	2.00		.04
Head Bullcook	10.87	.50	2.00		.04
Camp Worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Bartender	10.71	.50	2.00		.04
ELECTRICIANS:					
Electricians; Equipment Operators; Technicians	16.95	.70	1%+2.00		.15
Cable Splicers	18.70	.70	1%+2.00		.15
ELEVATOR CONSTRUCTORS	13.715	.495	.32	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Area I	14.35	.65	1.00		
Areas II and III	14.57	.65	1.00		.10
IRONWORKERS:					
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental: Reinforcing; Sheeter; Structural	15.80	.80	1.75		.18
LATHERS	16.16	.60		1.08	.04
LINE CONSTRUCTION:					
Groundmen	14.95	.70	1%+2.00		.15
Equipment Operators; Linemen; Technicians	16.95	.70	1%+2.00		.15
Cable Splicers	18.70	.70	1%+2.00		.15
MARBLE SETTERS; Terrazzo Workers	15.68	.90	2.25		.09
PAINTERS:					
Area I					
Zone 1 (Within a 10 mile radius of the Fairbanks P. O. including Ft. Wainwright)					
Zone 2 (Beyond 10 miles and up to 40 miles radius of the Fairbanks P. O. including Eielson Air Force Base and all the Sites within this territory)					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Zone 3 (Beyond 40 miles radius of the Fairbanks P. O.)					
Zones 1 and 3:					
Brush; Paperhangers	$15.85	.90	1.60		.05
Carpet and Tile	15.87	.90	1.60		.05
Swing stage, Sign painters; Utilidors	16.10	.90	1.60		.05
Hand tapers	16.12	.90	1.60		.05
Structural steel; Sand blasters; Spray painters; Towers, stacks, bridges, and flagpoles up to and including 40 feet	16.35	.90	1.60		.05
Buffer operator	16.38	.90	1.60		.05
Machine tapers	16.52	.90	1.60		.05
Hardwood floor finishers	16.60	.90	1.60		.05
Epoxy applicators and spray steel	16.85	.90	1.60		.05
Swing and boom spray	17.10	.90	1.60		.05
Zone 2:					
Brush; Paperhangers	16.70	.90	1.60		.05
Swing stage; Sign painters; Utilidors	16.95	.90	1.60		.05
Tapers, hand	16.97	.90	1.60		.05
Structural steel, sand blasters; Spray painters; Towers, stacks, bridges and flagpoles up to and including 40 feet	17.20	.90	1.60		.05
Hardwood floor finishers	17.45	.90	1.60		.05
Tapers, machine	17.37	.90	1.60		.05
Spray steel; Epoxy applicator	17.70	.90	1.60		.05
Swing and boom spray	17.45	.90	1.60		.05
Buffer operator	17.23	.90	1.60		.05
Zones 1, 2 and 3:					
Height Pay: All work on any form of scaffolding or staging over 40 ft. will be paid $.25 more per hour, and for every additional 20 ft. $.25 more per hour will be paid to the employee. The height of work shall be determined from the ground to the point of hook-up.					

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DECISION NO. AK77-5002

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Areas II and III					
Hardwood floor sander or finisher; Paperhangers; Sign, brush and roller painters	$15.65	.60	1.50		.20
Swing stage	16.05	.60	1.50		.20
Structural steel; Tapers and Drywall sander	16.05	.60	1.50		.20
Pot tenders; Sandblasters; Spray	16.25	.60	1.50		.20
Epoxy and tar applicator	16.65	.60	1.50		.20
Steeplejack; Towers painters	17.45	.60	1.50		.20
Height Pay: All classifications, with the exception of steeple jacks and tower painters, a $.25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft. an additional $.25 per hourly height pay shall be paid for each additional 50 ft. thereafter. Height pay on all towers and steeplejack work shall start at the 150 ft. level. $.50 per hour above the scale shall be paid for each additional 100 ft.					
PLASTERERS	15.12	.60	2.23		.15
PLUMBERS; Steamfitters:					
Area I	17.42	.85	1.30		.45
Area II	16.85	.73	1.40		.15
Area III	15.20	1.00	1.20		.10
ROOFERS:					
Area I	15.60	.90	2.00		.10
Areas II and III	15.30	.90	2.00		.10
SHEET METAL WORKERS:					
Area I	17.49	.57	1.00		.17
Areas II and III	17.61	.61	.75		.15

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Area I	$16.11	.65	1.50		.10
Areas II and III	14.40	.65	.50	4%	.20
SPRINKLER FITTERS	14.82	.60	.90		.08
TERRAZZO WORKERS' AND TILE SETTERS' HELPERS	12.83	.90	2.25		.09
TILE SETTERS	15.01	.90	2.25		.09
RIGGERS; Welder: Receive rates for craft performing operation to which rigging or welding is incidental.					
LABORERS					
Group 1	12.85	.60	2.25		.09
Group 2	13.02	.60	2.25		.09
Group 3	13.06	.60	2.25		.09
Group 4	13.09	.60	2.25		.09
Group 5	13.13	.60	2.25		.09
Group 6	13.14	.60	2.25		.09
Group 7	13.19	.60	2.25		.09
Group 8	13.27	.60	2.25		.09
Group 9	13.52	.60	2.25		.09
Group 10	13.55	.60	2.25		.09
Group 11	13.63	.60	2.25		.09
Group 12	13.65	.60	2.25		.09
Group 13	13.66	.60	2.25		.09
Group 14	13.77	.60	2.25		.09
Group 15	13.89	.60	2.25		.09
Group 16	14.02	.60	2.25		.09
Group 17:					
Class A	12.85	.60	2.25		.09

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:
Six Paid Holidays: A through F.
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd)					
Group 17: (Cont'd)					
Class B	$13.04	.60	2.25		.09
Class C	13.35	.60	2.25		.09
Class D	13.91	.60	2.25		.09
Class E	14.06	.60	2.25		.09
Class F	14.30	.60	2.25		.09
POWER EQUIPMENT OPERATORS					
Group 1	13.83	.90	2.50		.15
Group 2	14.72	.90	2.50		.15
Group 3	13.76	.90	2.50		.15
Group 4	13.89	.90	2.50		.15
Group 5	14.78	.90	2.50		.15
Group 6	15.56	.90	2.50		.15
Group 7	14.15	.90	2.50		.15
Group 8	13.32	.90	2.50		.15
Group 9	14.21	.90	2.50		.15
Group 10	14.48	.90	2.50		.15
Group 11	13.97	.90	2.50		.15
Group 12	16.31	.90	2.50		.15
Group 13	13.84	.90	2.50		.15
Group 14	14.24	.90	2.50		.15
Group 15	13.74	.90	2.50		.15
Group 16	14.27	.90	2.50		.15
Group 17	14.57	.90	2.50		.15
Group 18	12.71	.90	2.50		.15
Group 19	13.21	.90	2.50		.15
Group 20	14.16	.90	2.50		.15
Group 21	13.48	.90	2.50		.15
Group 22	12.81	.90	2.50		.15
Group 23	13.25	.90	2.50		.15
Group 24	13.42	.90	2.50		.15
Group 25	17.08	.90	2.50		.15
Group 26	17.75	.90	2.50		.15
Group 27	14.41	.90	2.50		.15

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS DREDGING					
Group 1	$12.28	.75	2.00		
Group 2	12.41	.75	2.00		
Group 3	13.34	.75	2.00		
Group 4	13.40	.75	2.00		
Group 5	13.46	.75	2.00		
Group 6	13.97	.75	2.00		
Group 7					
(a)	14.75	.75	2.00		
(b)	15.50	.75	2.00		
TRUCK DRIVERS					
Group 1	12.72	.88	3.00		.10
Group 2	12.78	.88	3.00		.10
Group 3	12.25	.88	3.00		.10
Group 4	13.10	.88	3.00		.10
Group 5	13.50	.88	3.00		.10
Group 6	13.81	.88	3.00		.10
Group 7	14.10	.88	3.00		.10
Group 8	14.41	.88	3.00		.10
Group 9	14.72	.88	3.00		.10
Group 10	15.03	.88	3.00		.10
Group 11	15.34	.88	3.00		.10
Group 12	15.65	.88	3.00		.10
Group 13	15.95	.88	3.00		.10
Group 14	13.24	.88	3.00		.10
Group 15	11.97	.88	3.00		.10
Group 16	$2.40	.88	3.00		.10
Group 17	13.08	.88	3.00		.10
Group 18	13.34	.88	3.00		.10
Group 19	13.61	.88	3.00		.10
Group 20	13.88	.88	3.00		.10
Group 21	14.05	.88	3.00		.10
Group 22	13.02	.88	3.00		.10
Group 23	12.14	.88	3.00		.10

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LABORERS

Group 1: Building Laborers; Carpenters Tenders; Material Handlers and Hook Tenders; Form Strippers; Signalmen; Riggers; Sandblast Pot Tender; Saw Tenders; General Labor; Dump Man; Pit Man; Brush Cutters; Ditch Diggers; Monolithic Workers; Dryer Man; Window Cleaner; Utiliwalk and Utilidor

Group 2: Base and Floor Machine Man

Group 3: Choke Setters

Group 4: Concrete Labor including Vibrationman; Power Buggy and Concrete Power Saw; Curb and Gutterman; General Crew (including Plant Crew)Asphalt

Group 5: Pneumatic or Power Tools

Group 6: Stake Hopper; Grademan; Steampoint or Water Jet Operator

Group 7: Tank Cleaner

Group 8: Jackhammer Operator and Pavement Breaker; Chuck Tender (Wagon and Air Track Drills)

Group 9: Mason Tender and Mud Mixers

Group 10: Gunnite Operator; Pipelayers; Culvert and Multiplate; High Scaler; Sloper (over 20 feet); Chain and Power Saws; Sack or Bulk; Sewer Pipelayer; Sewer Caulkers; Timberman; All Monolithic Crews; Pipe Builders; Sandblasters

Group 11: Asphalt Rakers

Group 12: Tenders; Plasterers; Bricklayers; Cement Finisher; Burning and Cutting Torch (except intermittent torch work)

Group 13: Wagon Driller

Group 14: Timber Faller; Air Track Wagon Driller

Group 15: Chain Saw Filer

Group 16: High Riggers and Tree Topper, Powderman

Group 17: TUNNEL OR SHAFT
Class A: Topman and Bull Gang; Brakeman
Class B: Muckers, Laborers; Nippers
Class C: Chuck Tender
Class D: Retimberman
Class E: Miners, Shafts and Raises
Class F: Powderman

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POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator; Batch and Mixer, 200 yards per hour and under; Loaders; Elevating - Athey, Barber Greene and similar types; Overhead and front-end, under 2½ yards; Mixers; Concrete Mixers and Batch, 200 yards per hour and under; Pumps: Fuller Kenyon, Pumpcrete and Concrete, Rollers, Tampers and Vibrators: on Plant or Road Mix materials; Tractor, Farmall types, 50 hp.p and over; Trenching Machines, under 16 inches

Group 2: Batch Plant Operator: Batch and Mixers, over 200 yards; Derricks, all; Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers, under D6 or similar; Post Hole Diggers, Mechanical; Saws, Concrete; Scrapers; Carryall type, single; Nodwell Sno-Cat

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christenson or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, H.D. 41 and/or similar; Bulldozers engaged in Yo Yo Operation; Cableways and Highlines, 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks; Helicopter; Deck Winches (double power drum); Crawler, truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydralifts or Transporter, Hyster Cat Cranes and attachments, Sidebooms 45 tons and under; Fork Lifts with power broom and swing attachment; Loaders: Overhead and Front-end, 2½ yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledriver Engineers, L. B. Foster Puller or similar paving breaker; Power Plant Turbin Operators; 300 K. W. on highway or air-field construction projects or Quarry Operations); Sauerman-Bagley; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Curries, C.M.I. and similar types); Tractors, Farmall type, used as Backhoes, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 25 yards through 40 yards; Hover Craft, Flex Craft, Helicopter; Transporter; Cableways; Rollagon, Dredge Barge Cable; Highline or Cable Car, Boat Coxswain

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Cableways and Highways, over 3 yards; Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, over 150' boom, including jibs or over 45 tons; Tower Cranes, Pecco, Lorraine, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons through 100 tons; Loaders: Overhead and Front-end, 4 yards up to and including 10 yards; Shovels: Crawler and truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

Group 7: Cement Hogs; Locomotives: Rod and Greared Engines

Group 8: Compressors: Excavating; Locomotives: Dinkey (air, steam, gas, and electric) Speeders

Group 9: Compressors: Steel Erection including Sandblasting, Painting or same, Pile Driving, Hoists on Steel Erection (Towermobiles and Air Tuggers); Loaders: Fork Lifts with tower; Scrapers: Carryall, Tandem

Group 10: Conveyors, Beltcrete with power pack and similar; Loaders: Elevating Belt type, Euclid and similar types

Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Hoist Air Tuggers, Elevators; Motor Patrol Graders: Model 14 or similar types and under; Power Plant Turbin Operators: under 300 K. W.; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under

Group 12: Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either 6 yards or over, or over 200' of boom including jibs or over 150 tons; Hyster Cat Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and Front-end, over 10 yards; Shovels: Crawler and truck type, all attachments, 6 yards and over; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment over 55 yards through 70 yards

Group 13: Finishing Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screen Man or Slurry Operator; Spreaders - Blaw Knox, Cedarapids, Barber Greene, Railroad Wing Spreader or similar types

Group 14: Loaders: Elevating Grader type, Dumor and similar types

Group 15: Loaders: Fork Lifts or Lumber Carrier (on construction job site)

Group 16: Mechanics, Welders, Machinists, heavy duty

Group 17: Mechanic; Leadman

Group 18: Mechanics' Helpers, heavy duty (shop)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 19: Mechanic, light duty; Rollers, Tampers and Vibrators: Other than plants or road mix (where towed, to pay rate of equipment used to pull); Tractors, Farmall type less than 50 h.p.

Group 20: Mixers: Asphalt Mixer

Group 21: Oil, Blower Distributors

Group 22: Grade Checkers - Oiler combination); Safety Observer or Oiler Rigger

Group 23: Journeyman Equipment Service Oilers and Firemen; Oiler, either over 3 yards or over 150' boom or over 45 tons

Group 24: Pumps: Water

Group 25: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 70 yards through 85 yards

Group 26: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 85 yards through 100 yards

Group 27: Trenching Machines: 16 inches and over or Remote Controlled underwater Trenching

POWER EQUIPMENT OPERATORS - DREDGING

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pumps); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (electric generator operator for primary pump, power barge, or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper
(a): 5 yards and under
(b): Over 5 yards

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TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling aggregate), Lumber Carrier

Group 2: Semi or truck and trailer; Dumpsters; Batch Trucks over 5 yards; Dump Trucks, over yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix: Over 3 yards up to and including 5 yards; Water Wagon, semi; Water Wagon, dual axle; Winch Trucks; Flat Bed including "A" Frame manufactures rating over 5 tons; Bull Lifts and Fork Lifts over 5 tons; Front End Loader with Forks; Partsman and Outside Expeditor; Bus Operator, over 30 passengers, Track Truck Equipment; All Terrain Vehicles, Foam Distributor Truck, double axle; Hydro Seeder, double axle; Vacuum Trucks and Truck Sweeper-double axle; Loadmaster (air and water operations); Air Cushion or similar type vehicle; Fire Trucks - double axle

Group 3: Batch Truck up to and including 5 yards; Dump Trucks (including Rockbuggy and Trucks with pups) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle; Winch Truck, Flat Bed including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Foam Distributor Truck, single axle, Hydro Seeder, single axle, Team Drivers (Horses, Mules and similar equipment); Vacuum Trucks and Truck Sweepers - single axle; Fire Trucks - single axle; Ambulance

Group 4: Dump Trucks over 10 yards up to and including 20 yards; Tire Services Man; Lowbed heavy-duty Trailer; Oil Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment)

Group 5: Dump Trucks over 20 yards up to and including 30 yards

Group 6: Dump Trucks over 30 yards up to and including 40 yards

Group 7: Dump Trucks over 40 yards up to and including 50 yards

Group 8: Dump Trucks over 50 yards up to and including 60 yards

Group 9: Dump Trucks over 60 yards up to and including 70 yards

Group 10: Dump Trucks over 70 yards up to and including 80 yards

Group 11: Dump Trucks over 80 yards up to and including 90 yards

Group 12: Dump Trucks over 90 yards up to and including 100 yards

Group 13: Dump Trucks over 100 yards (above scales to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner DW-10 when not self-loading

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TRUCK DRIVERS (Cont'd)

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot cars and all light-duty vehicles); Warehouseman Class 2; Farm type rubber-tired tractor (material hauling); Swampers and Riggers

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouseman - Class 1

SUPERSEDEAS DECISION

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island
DECISION NUMBER: CT77-5001 DATE: Date of Publication
Supersedes Decision No. CT76-5118 dated December 3, 1976, 41 FR 53250
DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the southerly border of the State of Maryland and tributary waters emptying into the Atlantic Ocean, the Chesspeake and Delaware Canal, Baltimore City and Baltimore County, Maryland.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dipper and Clamshell Dredges:					
Operator	$9.33	.50	.43	7% / a	
Enginser	9.25	.50	.43	7% / a	
Crenoman	9.03	.50	.43	7% / a	
Maintenance engineer	8.87	.50	.43	7% / a	
Welder	8.71	.50	.43	7% / a	
Mate	8.19	.50	.43	7% / a	
Fireman and oiler	7.40	.50	.43	7% / a	
Deckhand; handyman and tug deckhand	7.17	.50	.43	7% / a	
Scowman	7.07	.50	.43	7% / a	
Hydraulic Dredges:					
Leverman	9.14	.50	.43	7% / a	
Engineer and derrick operator	9.03	.50	.43	7% / a	
Maintenance engineer	8.87	.50	.43	7% / a	
Boilerman; dredge carpenter; blacksmith; electricians and welders	8.71	.50	.43	7% / a	
Spider barge operator	8.61	.50	.43	7% / a	
Mate	8.19	.50	.43	7% / a	
Fireman and oiler	7.40	.50	.43	7% / a	
Tug deckhand	7.17	.50	.43	7% / a	
Deckhand; handyman and shoreman	7.07	.50	.43	7% / a	
Tug Boats over 400 H. P.(with master or captain having license endorsed for 200 miles off shore)					
Tug engineer	8.67	.50	.43	7% / a	
Tug Deckhand	7.22	.50	.43	7% / a	
Tug Boats over 400 H. P.(without master or captain having license endorsed for 200 miles off shore)					
Tug engineer	8.26	.50	.43	7% / a	
Tug deckhand	7.17	.50	.43	7% / a	
Drill Boats:					
Engineers	9.62	.35	.35	b	
Blasters	9.75	.35	.35	b	
Firemen	9.24	.35	.35	b	
Drillers, welders or machinists	9.63	.35	.35	b	
Oilers	9.04	.35	.35	b	

Decision No. CT 77-5001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES:

a. Holidays: A through F, plus Washington's Birthday and Veterans' Day.
b. 8 Paid Holidays: A through F, plus Washington's Birthday and Veterans' Day; 6½ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation as set forth above will receive one day's vacation with pay for each full 20 days of service in one calendar year.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV77-5004

COUNTIES: Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada
DATE: Date of Publication

Supersedes Decision Number NV76-5098 dated October 29, 1976, in 41 FR 47812.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$11.36	.78	$1.02		
Elko, Eureka, White Pine Counties	10.56	.52	1.17		
Remaining Counties	13.06	.90	1.02		
BOILERMAKERS	12.80	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	10.87	.45	.50		.06
Remaining Counties and Nye County (north of Hwy. #6):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60		.01
BRICK TENDERS:					
Clark, Esmeralda, Lincoln, Nye Counties	8.47	.51	1.25	1.00	
Remaining Counties:					
Zone A: 0-35 miles from Courthouse in Reno, Nevada	9.10	.50	.90	.55	.05
Zone B: 35-75 miles from Courthouse in Reno, Nevada	10.00	.50	.90	.55	.05
CARPENTERS:					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the city limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah): (Cont'd):					
Zone 1 (Cont'd): fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$10.46	.55	.90	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	10.61	.55	.90	1.00	.10
Piledrivermen	10.66	.55	.90	1.00	.10
Millwrights	11.06	.55	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	10.96	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.11	.55	.90	1.00	.10
Piledrivermen	11.16	.55	.90	1.00	.10
Millwrights	11.56	.55	.90	1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	11.21	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.36	.55	.90	1.00	.10
Piledrivermen	11.41	.55	.90	1.00	.10
Millwrights	11.81	.55	.90	1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah) (Cont'd):					
Zone 4: Area over 40 miles from the communities described above:					
Carpenters	$12.46	.55	.90	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.61	.55	.90	1.00	.10
Piledrivermen	12.66	.55	.90	1.00	.10
Millwrights	13.06	.55	.90	1.00	.10
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Carpenter	9.55	.65	1.01	1.00	.05
Floor layers; Patent Scaffold Erectors; Power Saw Operators	9.70	.65	1.01	1.00	.05
Piledrivermen	9.75	.65	1.01	1.00	.05
Millwrights	10.15	.65	1.01	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties (Cont'd):					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Carpenters	$10.15	.65	$1.01	$1.00	.05
Floor layers; Patent Scaffold Erectors; Power Saw Operators	10.30	.65	1.01	1.00	.05
Piledrivermen	10.35	.65	1.01	1.00	.05
Millwrights	10.75	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Carpenters	10.35	.65	1.01	1.00	.05
Floor layers; Patent Scaffold Erectors; Power Saw Operators	10.50	.65	1.01	1.00	.05
Piledrivermen	10.55	.65	1.01	1.00	.05
Millwrights	10.95	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities:					
Carpenters	11.05	.65	1.01	1.00	.05
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.20	.65	1.01	1.00	.05
Piledrivermen	11.25	.65	1.01	1.00	.05
Millwrights	11.65	.65	1.01	1.00	.05
CEMENT MASONS:					
Clark, Lincoln, Nye Counties:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine and Color Work	9.15	1.00	.40	2.00	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd):					
Lake Tahoe Area:					
Cement Masons	$10.10	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	10.35	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.60	.65	.75	1.00	.03
Remaining Counties:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	8.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	8.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.65	.75	1.00	.03
Zone 2-Highway construction:					
Area outside of Zone 1:					
Cement Masons	9.90	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.15	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.40	.65	.75	1.00	.03
Zone 2-Nonhighway construction:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement Masons	9.40	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	9.65	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.90	.65	.75	1.00	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd):					
Remaining Counties (Cont'd):					
Zone 2-Nonhighway construction (Cont'd):					
2-B: Area over 50 miles to the center of the jobsite:					
Cement Masons	$10.65	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	10.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.15	.65	.75	1.00	.03
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base	9.80	.65	1.01	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	10.40	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.60	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.30	.65	1.01	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	$13.81	.73	1% + .40		.08
Cable Splicers	14.14	.73	1% + .40		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties including Lake Tahoe Area:					
Electricians; Technicians	12.33	.67	1% + .77		.08
Cable Splicers	13.56	.67	1% + .77		.08
ELEVATOR CONSTRUCTORS:					
Nevada west of 118° longitude	12.39	.495	.32	3% + a	.02
Nevada east of 118° longitude and south of 39° N. longitude	12.00	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.63	.35	.40		.05
Remaining Counties	10.495	.43	1.20	.84+.43	
IRONWORKERS:					
Elko, Eureka, White Pine Counties:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	9.35	.55	.85		.05
Remaining Counties:					
Fence Erector	10.14	1.09	1.83	1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04
LATHERS:					
Clark, Esmeralda, Lincoln, Nye Counties	9.30	.50	1.00	1.00	.06
Remaining Counties	10.86	.56	.20		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORKERS:					
Clark, Lincoln, Nye County (south half):					
Line Equipment Operator	$13.73	.73	1%		3/4%
Cable Splicers	5%overJR	.73	1%		3/4%
Lake Tahoe Area:					
Lineman	10.34	.53	1% + .25		.03
Line Equipment Operator	9.31	.53	1% + .25		.03
Groundman	7.76	.53	1% + .25		.03
Cable Splicer	11.37	.53	1% + .25		.03
Remaining Counties (excluding Lake Tahoe Area):					
Lineman	12.33	.67	1% + .77		.08
Line Equipment Operator	11.10	.67	1% + .77		.08
Groundman	9.25	.67	1% + .77		.08
Cable Splicers	13.56	.67	1% + .77		.08
PAINTERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Brush; Roller	11.55	.75	.35		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	11.90	.75	.35		.05
Buffing Steel; Sandblasters; Structural Steel	12.35	.75	.35		.05
Steeplejack	13.15	.75	.35		.05
Remaining Counties including Lake Tahoe Area:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	11.20	.70	.75		
PLASTERERS:					
Clark, Lincoln, Nye Counties	9.98	1.00	.40	1.20	.08
Remaining Counties	10.52	.65	1.00		.03
PLASTERER TENDERS:					
Statewide except Clark, Esmeralda County (south of Hwy. #6), Lincoln, Nye County (south of Hwy. #6)	7.75	.50	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	$11.05	$1.05	$1.90	$1.85	.08
Remaining Counties and Nye County (north half)	10.64	.73	.80	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	10.84	.73	.80	1.95	.10
PLUMBER HELPER (Utility)	5.80	.73	.10	.50	.10
ROOFERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	12.75	.65			
Remaining Counties and Nye County (north half)	11.05	.50	.35		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	11.43	.93	1.60	1.00	.07
Remaining Counties and Nye County (north half)	9.80	.94	1.83	.98	.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.12	.40			.15
Remaining Counties including Lake Tahoe Area	10.80	.70	.20	2.4%	
SPRINKLER FITTERS	14.80	.60	.90		.08
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	10.87	.45	.50		.06
Remaining Counties and Nye County (north half):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$7.63	.51	$1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection)					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	9.25	.95	2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$9.35	.40	.65		
Group 2	9.56	.40	.65		
Group 3	9.51	.40	.65		
Group 4	9.67	.40	.65		
Group 5	9.85	.40	.65		
Group 6	10.35	.40	.65		

LABORERS
(Clark, Esmeralda, Lincoln, Nye Counties)

Group 1: Debris handler; Dry packing of concrete and filling of form-bolt holes; Dumpman; Gas and oil pipeline laborers; Demolition laborers; General or construction laborers; Spotter; Window cleaner

Group 2: Cutting torch operator (demolition); Tarman and motorman

Group 3: Guinea chaser

Group 4: Fine grader, highway and street paving, airport, runways and similar type heavy construction; Landscape gardener and nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic tank digger and installer (lead man); Tank scaler and cleaner

Group 8: Gesspool digger and installer

Group 9: Concrete curer-impervious membrane and oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap stonepaver; Sandblaster (pot tender)

Group 10: Asphalt ironer, raker, spreader; Buggymobile; Cement dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement grinding machine operator; Concrete core cutter; Concrete saw man, excluding tractor type; Gas and oil pipeline wrapper, pot tender and form man; Tree climber, faller, chain saw operator; Pittsburgh chipper and similar type; Vibrators and all pneumatic, gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or pavement breaker

Group 13: Laying of all non-metallic pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and oil pipeline wrapper - 6 inch pipe and over

LABORERS (Cont'd)
(Clark, Esmeralda, Lincoln, Nye Counties)

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10c per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford, Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Powerdriven Jumbo Form Setter; Rose Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Dack Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Barm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. and up to and including 1-1/2 yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in place); Combination Mixer and Compressor (Gunite Work); Concrete Pump (truck mounted);

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln, Nye Counties

Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel), Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle Wheel Type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1-1/2 yards, up to and including 6-1/2 yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

Group 7: Crane (Over 25 tons up to and including 100 tons M.R.C., Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple, engine, Euclid, Caterpillar and similar) (Over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and Wheel type over 6-1/2 yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50c per hour additional)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln, Nye Counties

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yds.); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

TRUCK DRIVERS

Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Dump trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and fuel trucks (under 2500 gals.); Pickups; Service; Repairman helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and fuel trucks (2500 to 4000 gals.); Truck driver working on gas and oil pipeline (including winch truck and all sizes of trucks); Truck greaser and tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds.); Warehouse clerk

Group 4: Dump trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and fuel trucks (4000 gals. but less than 6000 gals.); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type spreader trucks; Dumpster; Fork lift; Ross Carrier - highway; Road oil spreading truck, time spent spreading oil

Group 5: Dump trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and fuel trucks (6000 gals. and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

LABORERS*:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Building construction:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	$7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.35	.50	.90		.10
Group 2	8.45	.50	.90		.10
Group 3	8.60	.50	.90		.10
Group 4	8.85	.50	.90		.10
Group 5	9.15	.50	.90		.10
Group 6-A	9.15	.50	.90		.10
Group 6-B	8.85	.50	.90		.10
Group 6-C	8.50	.50	.90		.10

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties (Cont'd):					
Building construction (Cont'd):					
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Group 1	$8.55	.50	.90		.10
Group 2	8.65	.50	.90		.10
Group 3	8.80	.50	.90		.10
Group 4	9.05	.50	.90		.10
Group 5	9.35	.50	.90		.10
Group 6-A	9.35	.50	.90		.10
Group 6-B	9.05	.50	.90		.10
Group 6-C	8.70	.50	.90		.10
Zone 4: Area over 40 road miles from the above communities:					
Group 1	9.25	.50	.90		.10
Group 2	9.35	.50	.90		.10
Group 3	9.50	.50	.90		.10
Group 4	9.75	.50	.90		.10
Group 5	10.05	.50	.90		.10
Group 6-A	10.05	.50	.90		.10
Group 6-B	9.75	.50	.90		.10
Group 6-C	9.40	.50	.90		.10
Highway construction:					
Area 1:					
Group 1	7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties (Cont'd):					
Highway construction (Cont'd):					
Area 2:					
Group 1	8.90	.50	.90		.10
Group 2	9.00	.50	.90		.10
Group 3	9.15	.50	.90		.10
Group 4	9.40	.50	.90		.10
Group 5	9.70	.50	.90		.10
Group 6-A	9.70	.50	.90		.10
Group 6-B	9.40	.50	.90		.10
Group 6-C	9.05	.50	.90		.10

*LABORERS - Area Definition - See "Area Definition" page following TRUCK DRIVERS.

TUNNEL LABORERS - See last page of Decision.

LABORERS
(Remaining Counties)

GROUP 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler

GROUP 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad trackmen (maintenance, repair or builders); Sloper; Semi-skilled wreckers (salvaging of building materials other than those listed in Group 3): Creasing Dowels

GROUP 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic workers (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric); Post driver; Riprap-stonepaver and rock slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

GROUP 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units, High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt rakers

GROUP 5: Blasters and powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

GROUP 6-A: Nozzleman

GROUP 6-B: Gunman, Materialman

GROUP 6-C: Reboundman

POWER EQUIPMENT OPERATORS*: (Except Piledriving and Steel Erection): Remaining Counties:	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.75	$8.90	$1.12	$2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

*POWER EQUIPMENT OPERATORS - Area Definition - See "Area Definition" page following TRUCK DRIVERS.

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)
Remaining Counties

Group 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), switchman, tar pot fireman

Group 2: Compressor; Material loader and/or conveyor (handling building materials); Pump; Tar pot fireman (power agitated)

Group 3: Box operator (Bunker); Concrete curing machines (streets, highways, airports, canals); Conveyor belt (tunnel); Engineer generating plant (500 K.W.); Fireman hot plant; Hydraulic monitor; Lubrication and service engineer (mobile and grease rack); Mixer box operator (concrete plant); Motorman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast jack tamper; Ballast regulator; Ballast tamper multi-purpose; Boxman (asphalt plant); Concrete mixer, skip type; Dinky; Fork lift (construction job site); Ross carrier; Skip loader (under 1 cu. yd.); Tie spacer; Line master

Group 5: Concrete mixer (over 1 cu. yd.); Concrete pumps or pumpcrete guns; Elevator and material hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman

Group 6: Boom truck or dual purpose "A" Frame truck; B.L.H. Lima road pactor or similar; Chip box spreader (Flaherty type or similar); Concrete batch plant (wet or dry); Concrete saws (highways, streets, airports, canals); Highline cableway signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical burn, curb and/or curb gutter machine (concrete or asphalt); Power jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled compactor (single engine); Slip form pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary pipe wrapping, cleaning and bending machine; Pavement breaker or tamper (with or without compressor combination); Pavement breaker, truck mounted, with compressor combination; Small rubber-tired tractors; Self-propelled tape machine

Group 7: Compressor (over 2); Concrete conveyor; Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Crusher plant engineer; Deck engineer; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade setters; Grade checker; Kolman loader; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or shaft hoist; Pipe bending machines (pipelines only); Pipe cleaning machines (tractor propelled and supported); Pipe wrapping machines (tractor propelled and supported); Portable crushing and screening plants; Pumps (over 2); Refrigeration plant; Self-propelled boom type lifting device (center mount) (10 ton cap. or less); Slusher; Soil tester (certified); Surface heater and planer; Trenching machine (maximum digging capacity

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

3 ft. depth); Truck type loader; Welding machines (gasoline or diesel); Roller (Asphalt)

Group 8: Asphalt plant engineer; Car passer; Cast-in-place pipe laying machine; Combination slusher and motor; Dozer; Concrete batch plant (multiple units); Elevating grader; Grooving and grinding machine (Highways); Heavy-duty repairman and/or welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical trench shield; Mixermobile; Push cats; Road oil mixing machine; Woodmixer (and other similar pugmill equipment); Rubber-tired earthmoving equipment (up to and including 35 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled compactor with dozer; Sheepfoot; Small tractor (with boom); Soil stabilizer (P & H or equal); Timber skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted compressor drill combination; Trenching machine (over 3 ft. depth); Tri-batch paver; Tunnel badger or tunnel boring machine; Tunnel mole boring machine

Group 9: Canal finger drain digger; Chicago boom; Combination backhoe and loader (up to and including 3/8 yds.); Combination mixer and compressor (gunite); Lull Hi-Lift (20 ft. or over); Mucking machine; Tractor with boom (D6 or larger); Track laying type earth moving machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

Group 10: Boom type backfilling machine; Bridge crane; Cary-lift or similar; Chemical grouting machine; Derricks; Derrick barges (except excavation work); Euclid loader & similar types; Heavy duty rotary drill rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and incl. 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress wire wrapping machine; Rubber tired scraper, self-loading; Self-propelled reservoir-debris equipment floating (700 H.P. and over); Shuttle car (Reclaim station); Single engine scraper (over 35 cu. yds.); Train loading station; Vacuum cooling plant; Whirley Crane (up to and incl. 25 tons); Trenching machine; Multi-engine with sloping attachments (JEFFCO or similar)

Group 10-A: Backhoe (up to and incl. 1 cu. yd. hydraulic); Backhoe (up to and incl. 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and incl. 1 cu. yd.); Motor patrol; Power shovels, clamshells, draglines, cranes (up to and incl. 1 cu. yd.); Rubber-tired scraper, self-loading (twin engine); Self-propelled boom-type lifting device (center mount) (over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties)

GROUP 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth-moving machine (with tandem scraper); Slip form paver (concrete or asphalt); Tandem cats and scrapers; Tower crane mobile; Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)

GROUP 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of helicopter (when used in construction work); Power shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled earth moving equipment; Wheel excavator (over 750 cu. yds. per hour)

TRUCK DRIVERS * (Remaining Counties)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 8.45	$ 9.60	.51	.65		.05
4 yards and under 8 yards	8.65	9.80	.51	.65		.05
8 yards and under 18 yards	8.85	10.00	.51	.65		.05
18 yards and under 35 yards	9.00	10.15	.51	.65		.05
35 yards and under 60 yards	9.25	10.40	.51	.65		.05
60 yards and under 75 yards	9.40	10.55	.51	.65		.05
75 yards and under 100 yards	9.55	10.70	.51	.65		.05
100 yards and over	9.70	10.85	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	8.85	10.00	.51	.65		.05
8 yards and including 12 yards	8.95	10.10	.51	.65		.05
Over 12 yards	9.15	10.30	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	8.65	9.80	.51	.65		.05
2,500 gallons and over	8.85	10.00	.51	.65		.05
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.10	10.25	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit 2 axle	8.65	9.80	.51	.65		.05
Single unit 3 axle	8.75	9.90	.51	.65		.05

TRUCK DRIVERS (Cont'd) (Remaining Counties)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
BUS AND MANHAUL DRIVERS, Single unit Pickup:						
Up to 18,000 pounds	$ 8.50	$ 9.65	.51	.65		.05
18,000 pounds and over	8.60	9.75	.51	.65		.05
WINCH TRUCKS, A-FRAME:						
Under 18,000 pounds	8.60	9.75	.51	.65		.05
18,000 pounds and over	8.70	9.85	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.00	10.15	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	8.90	10.05	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and fuel island man	8.60	9.75	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	9.40	10.55	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	8.70	9.85	.51	.65		.05
WAREHOUSE CLERK	8.650	9.80	.51	.65		.05
TIRE REPAIRMAN	8.85	10.00	.51	.65		.05
TRUCK REPAIRMAN	9.15	10.30	.51	.65		.05

*TRUCK DRIVERS - Area Definition - See "Area Definition" page, on next page.

AREA DEFINITIONS

Laborers:
Heavy and Highway construction:
Remaining Counties:

Power Equipment Operators:
(Except Piledriving and Steel Erection):
Remaining Counties:

Truck Drivers:
Remaining Counties:

AREA 1: All of northern Nevada within the following lines:
Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence easterly to the N.E. corner of township 22N, range 22E;
Thence southerly to the N.E. corner of township 20N, range 22E;
Thence easterly to the N.W. corner of township 20N, range 26E;
Thence northerly to the N.W. corner of township 22N, range 26E;
Thence easterly to the N.W. corner of township 22N, range 29E;
Thence northerly to the N.W. corner of township 30N, range 29E;
Thence easterly to the N.E. corner of township 30N, range 33E;
Thence southerly to the S.E. corner of township 24N, range 33E;
Thence westerly to the S.E. corner of township 24N, range 31E;
Thence southerly to the S.E. corner of township 16N, range 31E;
Thence westerly to the S.E. corner of township 16N, range 30E;
Thence southerly to the S.E. corner of township 15N, range 30E;
Thence westerly to the S.E. corner of township 15N, range 27E;
Thence southerly to the S.E. corner of township 14N, range 27E;
Thence westerly to the S.E. corner of township 14N, range 23E;
Thence southerly to the S.E. corner of township 13N, range 23E;
Thence westerly to the S.E. corner of township 13N, range 22E;
Thence southerly to the N.E. corner of township 10N, range 22E;
Thence easterly to the N.E. corner of township 10N, range 23E;
Thence southerly along the easterly line of range 23E to the intersection of the California-Nevada border;
Thence north-westerly, then northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of northern Nevada included within the following line:
Commencing at the S.W. corner of township 37N, range 52E;
Thence easterly to the S.E. corner of township 37N, range 52E;
Thence northerly to the N.E. corner of township 37N, range 52E;
Thence easterly to the N.W. corner of township 37N, range 58E;
Thence southerly to the S.W. corner of township 37N, range 58E;
Thence easterly to the S.E. corner of township 37N, range 58E;
Thence southerly to the N.E. corner of township 31N, range 58E;
Thence westerly to the N.W. corner of township 31N, range 58E;
Thence southerly to the S.W. corner of township 31N, range 58E;
Thence westerly to the S.E. corner of township 31N, range 52E;
Thence northerly to the N.E. corner of township 31N, range 52E;
Thence westerly to the S.E. corner of township 32N, range 51E;
Thence northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

DECISION NO. NW77-5004

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TUNNEL LABORERS
(Statewide except Clark, Esmeralda and Lincoln Cos., & the S 1/2 of Nye County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew - includes rodding and spreading; Grout Crew incl. Headerman and Potman; Reboundmen	$ 8.50	.50	.65		.10
NIPPER; Chuck Tenders and Cable Tenders; Powderman - Primer House; Steel Form Raisers and Setters; Vibratormen, Pavement Breakers	8.60	.50	.65		.10
GROUT GUNMEN; Jetgunmen; Gunmen	8.75	.50	.65		.10
MINERS-Tunnel, incl. Top and Bottom Man on Shaft and Raise Work; Timbermen, Retimberman - Wood or Steel or subatitute materials therefor; Blasters, Drillers, Powdermen - in heading; Cherry Pickerman - where car is lifted; Nozzleman on slick line; Sand Blaster - Potman (work assignment interchangeable)	8.80	.50	.65		.10
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunnite Nozzlemen; Rodmen, Groundmen	9.10	.50	.65		.10
SHIFTERS	9.35	.50	.65		.10
SHAFT WORK & Raise-Shifters	9.65	.50	.65		.10

SUPERSEDEAS DECISION

STATES: Georgia, Maryland, North Carolina, South Carolina, Virginia and Washington, D. C.
DECISION NUMBER: GA77-5005
Supersedes Decision No. GA76-5025 dated March 26, 1976 in 41 FR 12857
DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the southern border of Maryland to the northern border of Florida.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HYDRAULIC DREDGES 20" AND OVER:					
Leverman and engineer	$6.82	.35	.35	a	
Mate	6.03	.35	.35	a	
Welder	6.26	.35	.35	a	
Derrick Operator	6.53	.35	.35	a	
Spill barge operator	6.37	.35	.35	a	
Spider barge operator	6.37	.35	.35	a	
Tug Master	5.97	.35	.35	a	
Carpenter	6.49	.35	.35	a	
Tug Mate	5.65	.35	.35	a	
Electricians	6.66	.35	.35	a	
Machinist	6.42	.35	.35	a	
Steward	5.07	.35	.35	a	
Oiler and fireman	4.88	.35	.35	a	
Deckhand and tug deckhand	4.49	.35	.35	a	
Shoreman	4.38	.35	.35	a	
Second cook	4.49	.35	.35	a	
Messman	4.38	.35	.35	a	
HYDRAULIC DREDGES UNDER 20":					
Leverman	6.22	.35	.35	a	
Engineer	5.85	.35	.35	a	
welder	5.97	.35	.35	a	
Mate	5.19	.35	.35	a	
Oiler and fireman	4.81	.35	.35	a	
Deckhand	4.49	.35	.35	a	
Launchman	4.88	.35	.35	a	
Shoreman	4.38	.35	.35	a	
Spill barge operator	5.35	.35	.35	a	
Spider barge operator	5.35	.35	.35	a	
CLAMSHELL DREDGES:					
Operator	6.66	.35	.35	a	
Engineer	5.65	.35	.35	a	
Welder	5.97	.35	.35	a	
Mate	5.57	.35	.35	a	
Fireman	4.87	.35	.35	a	
Deckhand	4.49	.35	.35	a	
Launchman	4.88	.35	.35	a	
Scowman	4.58	.35	.35	a	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DIPPER DREDGES:					
Operator	6.94	.35	.35	a	
Craneman	6.56	.35	.35	a	
Engineer	6.74	.35	.35	a	
Welder	6.26	.35	.35	a	
Mate	6.03	.35	.35	a	
Fireman and oiler	4.88	.35	.35	a	
Deckhand	4.49	.35	.35	a	
Tug Master	5.97	.35	.35	a	
Tug Mate	5.65	.35	.35	a	
Scowman	4.58	.35	.35	a	
TUGS (TENDING DIPPER & CLAMSHELL DREDGES):					
Tug Master	6.11	.35	.35	a	
Tug Mate	5.72	.35	.35	a	
Engineer	6.11	.35	.35	a	
Assistant Engineer	5.57	.35	.35	a	
Deckhand	4.41	.35	.35	a	
Cook	4.58	.35	.35	a	
ON DIPPER AND CLAMSHELL DREDGES AND ON HYDRAULIC DREDGES 20" AND UNDER:					
Cook	4.81	.35	.35	a	
Mess Cook	4.45	.35	.35	a	
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Operator Engineer	6.82	.35	.35	a	
Helper	4.88	.35	.35	a	

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PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.
a. Holidays: A through F, plus 6% of straight time pay.

[FR Doc.77-3 Filed 1-3-77;8:45 am]

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Executive Order 11949 • **December 31, 1976**

Economic Impact Statements

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The title of Executive Order No. 11821 of November 27, 1974 is amended to read "Economic Impact Statements".

SEC. 2. Section 5 of Executive Order No. 11821 of November 27, 1974 is amended by deleting "December 31, 1976" and substituting therefor "December 31, 1977".

Gerald R. Ford

THE WHITE HOUSE,
December 31, 1976.

[FR Doc.77-555 Filed 1-4-77;10:27 am]

EDITORIAL NOTE: The President's statement of Dec. 31, 1976, on economic impact statements, is printed in the Weekly Compilation of Presidential Documents (vol. 13, no. 2).

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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PART 26—GRAIN STANDARDS

Federal Fees for Services Performed by Representatives of Federal Grain Inspection Service

Statement of considerations. Pursuant to the authority in sections 7, 7A, 7B, and 16 of the United States Grain Standards Act (7 U.S.C. 71 et seq., as amended by Public Law 94–582, (90 Stat. 2867)), the Department of Agriculture is amending §§ 26.71, 26.72, and 26.73 of the regulations (7 CFR 26.71, 26.72, and 26.73) under the Act to establish, revise, or restate the fees for grain inspection, weighing, and related services, performed in the United States and Canada by representatives of the Federal Grain Inspection Service.

The United States Grain Standards Act, as amended (sections 7(j)(1) and (2), 7A(e) and (1)(1) and (2), and (16)) authorizes the charging and collection of fees for the inspection, weighing, and supervision of weighing of grain, and the testing of inspection and weighing equipment by representatives of the Federal Grain Inspection Service; for certain activities of the Service, outside its Washington, D.C., office, relating to the direct supervision of delegated State agency and designated official agency personnel and the direct supervision of field-based personnel of the Service; and for the costs incurred, outside the Washington, D.C., office, in performing other weighing functions of the Service. The Act provides that the fees shall be reasonable and, as nearly as possible, cover the costs to the Service incident to the performance of such services. Section 16 of the Act authorizes regulations deemed necessary to effectuate the purposes or provisions of the Act.

Sections 26.71, 26.72, and 26.73 of the regulations are amended to establish, revise, or restate, as needed, fees for services performed by representatives of the Service in the United States and Canada. The amended sections include revisions in the fees for appeal inspection services performed in the United States, and revise or restate the fees for inspection services performed in Canada. The amended sections establish fees for official inspection, weighing, and related services conducted by Service representatives in the United States and Canada, including original inspection and reinspection services, official weighing and supervision of weighing services, and testing of inspection and weighing equipment; and determining the eligibility of storage or handling facilities for weighing service.

Provisions are also included for assessing and collecting fees from delegated State inspection or weighing agencies and from designated official agencies, as well as official inspection or weighing agencies that continue to operate for an interim period pursuant to section 27 of Public Law 94–582, to cover supervision costs as provided in the Act. These supervision fees are to be collected after the service is provided by the agency.

In some instances, the information used as a basis for the fees consists of estimates based on time studies, and on expected volume and costs. Further evaluations will be made, and the fees will be adjusted, as needed, to equate the fees as nearly as possible with the cost of the services.

Accordingly §§ 26.71, 26.72, and 26.73 of the regulations (7 CFR 26.71, 26.72, and 26.73) are amended to read as follows:

§ 26.71 Federal services.

(a) *The fees shown in Schedules A and B apply to Federal grain inspection and weighing services in the United States and Canada.*

[1] Including matters within the responsibility of the Federal Grain Inspection Service.

SCHEDULE A.—*Fees for Federal grain inspection and weighing services in the United States*[1]

	Original inspection				Reinspection or appeal inspection[2][3]	
	Contract service		Noncontract service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
INSPECTION SERVICES (BULK OR SACKED GRAIN)						
(1) Official sample-lot inspection (sec. 26.6) (white certificate):						
(i) For grade and official factor determinations:						
(A) Based on sample obtained other than during loading or unloading (fee includes cost of sampling):						
(1) Truck or trailer (per truck or trailer or part truck or trailer, except as noted)	[4] $14.00	[4] $18.00	$12.00	$14.50	$15.50	$18.00
(2) Box car (per car or part car, except as noted)	[4] 14.00	[4] 18.00	16.00	18.00	19.00	22.00
(3) Hopper car (per car or part car, except as noted)	[4] 14.00	[4] 18.00	18.00	22.00	23.00	27.00
(4) Barge (per barge or part barge, except as noted)	[4] 14.00	[4] 18.00	48.00	60.00	63.00	70.00
(5) All other lots or part lots (per man-hour per Service representative)	14.00	18.00	16.00	20.00	21.00	25.00
(B) Based on sample obtained during loading or unloading (any lot or part lot) (per man-hour per Service representative)	14.00	18.00	16.00	20.00	21.00	25.00
(C) Based on official file sample (any lot or part lot, per sample)	(5)	(5)	(5)	(5)	13.00	15.50
(ii) For official factor or other criteria determinations:						
(A) Based on sample used for grade and official factor determinations:						
(1) Factor determinations (per factor, except as noted)	[4] 14.00	[4] 18.00	4.00	5.00	5.25	6.25
(2) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	13.50
(3) Aflatoxin test (per sample):						
(i) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(ii) TLC (thin layer chromatography method)	18.00	22.00	18.00	22.00	18.00	22.00
(B) Based on new sample (any lot or part lot)	(5)	(5)	(5)	(5)	(5)	(5)
(2) Special inspection services (quality information, sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services (sec. 26.6) (per man-hour per service representative)[6]	14.00	18.00	16.00	20.00	21.00	25.00

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	Original Inspection				Reinspection or appeal inspection [2] [3]	
	Contract service		Noncontract service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(3) Warehousemen's sample-lot inspection (yellow certificate) or submitted sample inspection and type sample-lot inspection (sec. 26.6) (pink certificate):						
(i) For grade and official factor determinations (per sample, except as noted)	[4] 14.00	[4] 18.00	9.50	12.00	13.00	15.50
(ii) For official factor or other criteria determinations:						
(A) Factor determinations (per factor)	[4] 14.00	[4] 18.00	4.00	5.00	5.25	6.25
(B) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	13.50
(C) Aflatoxin test (per sample):						
(1) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(2) TLC (thin layer chromatography) method	18.00	22.00	18.00	22.00	18.00	22.00
(4) Minimum fee per service request (applicable only when request is cancelled after service representative arrives at point of service—Fee does not include standby):						
(i) Services covered by unit fee	[5]	[4] 18.00	[5]	[5]	[5]	[5]
(ii) Services covered by hourly fee (per service representative)	[4]	18.00	16.00	20.00	21.00	25.00
(5) Standby (per man-hour per service representative) [1]	[4]	18.00	16.00	20.00	21.00	25.00

WEIGHING SERVICES (BULK OR SACKED GRAIN)	Original weighing or appeal weighing [2]					
	Designated Inspection Point				Noninspection point—Contract service	
	Contract Service		Noncontract Service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(1) Official weighing or supervision of weighing (per man-hour per service representative)	$14.00	$18.00	$16.00	$20.00	$14.00	18.00
(2) Special weighing services (determining weighing service alibility, testing of weighing equipment, checkweighing sacked frain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per service representative) [7]	14.00	18.00	16.00	20.00	14.00	18.00
(3) Minimum fee per service request (applicable only when request is cancelled after service representative arrives at point of service—Fee does not include standby) (per service representative)	[5]	18.00	16.00	20.00	[5]	18.00
(4) Standby (per man-hour per service representative) [8]	[4]	18.00	16.00	20.00	[4]	18.00
(5) Carrier condition and/or scale record report (not available as a single service)	[10]	[10]	5.00	5.00	[10]	[10]

[1] The fees include the costs of administration and supervision by field-based service representatives. For costs included in the unit and the hourly fees, and fees in addition to the unit and the hourly fees, see sec. 26.72(a) and sec. 26.72(b). If both inspection and weighing services are performed concurrently by a service representative, and hourly fees are applicable, one-half of the working time will be assessed for inspection services and one-half will be assessed for weighing services.

[2] If it is found that there was a material error in the inspection or weighing from which a reinspection, an appeal inspection or weighing, or a Board appeal inspection is taken, the specified reinspection, appeal inspection or weighing, or board appeal inspection fee shall not be assessed. (But see sec. 26.72(b) for fees that are assessed in all instances.)

[3] Board appeal inspections are based on file samples. The fee for board appeal inspections shall be $32 per sample during a regular workday and $36 per sample during a nonregular workday.

[4] Per man-hour.

[5] Not applicable.

[6] Same fees as in (1)(ii)(A), plus applicable sampling charge—see (2).

[7] Only 1 inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[8] The unit fee.

[9] For application of fee for standby, see sec. 26.73(b).

[10] No charge.

SCHEDULE B.—*Fees for Federal grain inspection and weighing services in Canada* [1]

	Original inspection or reinspection [2]				Appeal inspection [2] [3]	
	Contract service		Noncontract service			
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
INSPECTION SERVICES (BULK OR SACKED GRAIN)						
(1) Official sample-lot inspection (sec. 26.6) (white certificate):						
(i) For grade and official factor determinations:						
(A) Based on new sample (any lot or part lot) (per man-hour per service representative)	$18.00	$22.00	$22.00	$26.00	[4]	[4]
(B) Based on official file sample (any lot or part lot, per sample, except as noted) (not available on original inspection)	[5] 18.00	[5] 22.00	22.00	26.00	$32.00	$36.00
(ii) For official factor or other criteria determination:						
(A) Based on sample used for grade and official factor determinations (any lot or part lot):						
(1) Factor determinations (per factor, except as noted)	[5] 18.00	[5] 22.00	4.00	5.00	5.25	6.25
(2) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	13.50
(3) Aflatoxin test (per sample):						
(i) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(ii) TLC (thin layer chromatography method)	18.00	22.00	18.00	22.00	18.00	22.00
(B) Based on new sample (any lot or part lot)	[4]	[4]	[4]	[4]	[4]	[4]
(2) Special inspection services (quality information, sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services (sec. 26.6) (per man-hour per service representative) [7]	18.00	22.00	22.00	26.00	22.00	26.00
(3) Submitted sample inspection and type sample-lot inspection (sec. 26.6) (pink certificate):						36.00
(i) For grade and official factor determination (per sample, except as noted)	[5] 18.00	[5] 22.00	22.00	26.00	32.00	
(ii) For official factor or other criteria determinations:						6.25
(A) Factor determinations (per factor, except as noted)	[5] 18.00	[5] 22.00	4.00	5.00	5.25	13.50
(B) Protein test (per sample)	11.50	13.50	11.50	13.50	11.50	
(C) Aflatoxin test (per sample):						
(1) Florisil method	12.00	15.00	12.00	15.00	12.00	15.00
(2) TLC (thin layer chromatography method)	18.00	22.00	18.00	22.00	18.00	22.00
(4) Minimum fee per service request (applicable only when request is canceled after service representative arrives at point of service—fee does not include standby):						
(i) Services covered by unit fee	[6]	[5] 22.00	[6]	[6]	[6] 32.00	[6] 36.00
(ii) Services covered by hourly fee (per service representative)	[6]	22.00	22.00	26.00	[6]	[6]
(5) Standby (per man-hour per service representative) [8]	[6]	22.00	22.00	26.00	[6]	[6]

WEIGHING SERVICES (Bulk or Sacked Grain)	Original weighing or appeal weighing [1]			
	Contract service		Noncontract service	
	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(1) Official weighing (per man-hour per service representative)	$20.00 [2]	$24.00	$25.00	$29.00
(2) Special weighing services (determining weighing service eligibility, testing of weighing equipment, check weighing sacked grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per service representative) [3]	20.00	24.00	25.00	29.00
(3) Minimum fee per service request (applicable only when request is cancelled after service representative arrives at point of service—fee does not include standby) (per service representative)	[4]	24.00	25.00	29.00
(4) Standby (per man-hour per service representative) [5]	[4]	24.00	25.00	29.00

[1] The fees include the costs of administration and supervision by field-based service representatives. For costs included in the unit and the hourly fees, and fees in addition to the unit and the hourly fees, see sec. 26.72(a) and sec. 26.72(b). If both inspection and weighing services are performed concurrently by a service representative, and hourly fees are applicable, one-half of the working time will be assessed for inspection services and one-half will be assessed for weighing services.

[2] If it is found that there was a material error in the inspection or weighing from which a reinspection or an appeal inspection or weighing is taken, the specified reinspection or appeal inspection or weighing fee shall not be assessed. (But see sec. 26.72(b) for fees that are assessed in all instances.)

[3] Appeal inspections from original inspections or reinspections for grade and/or factor determinations are based on file samples.

[4] Not applicable.

[5] Per man-hour.

[6] Same fees as in (1)(ii)(A), plus applicable sampling charge—see (2).

[7] Only 1 inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[8] The unit fee.

[9] For application of fee for standby, see sec. 26.73(b).

(b) *Supervision fees relating to continuing agencies, delegated State agencies, and designated official agencies.* (1) Agencies or persons continuing to provide official inspection or weighing services on an interim basis pursuant to section 27 of Public Law 94–582 (90 Stat. 2889) shall pay supervision fees in accordance with section 27 and paragraph (b)(4) of this section.

(2) Each delegated State agency and each designated official agency shall pay supervision fees to the Service in accordance with sections 7(j)(2) and 7A(1)(2) of the Act and paragraph (b)(4) of this section.

(3) The supervision fees authorized by section 27 of Public Law 94–582 and sections 7(j)(2) and 7A(1)(2) of the Act shall be in such amount as the Administrator determines fair and reasonable and as will cover the estimated costs incurred by the Service, outside of the Service's Washington, D.C., office, in the supervision (i) of agency personnel by field-based Service personnel in regard to the performance by the agencies of official functions under the Act and (ii) of field-based Service personnel by other field-based Service personnel in regard to the performance of the supervision functions under paragraph (b)(3)(i). The fees shall not include costs incurred by the Service in connection with performing, or supervising the performance of, appeal inspections or weighings or other Federal inspection or weighing services by the Service under the Act, or under other Acts, or costs incurred under sections 7(g)(3), 9, 10, and 14 of the Act.

(4) Fees under this paragraph shall be established separately with respect to (i) supervising inspection services, and (ii) supervising weighing services performed by agencies under the Act. The fee for supervising inspection services, including supervision of equipment testing services, shall be at the rate of $0.80 per thousand bushels (8/100 cent per bushel) of grain for which an agency provides inspection services under the Act. The fee for supervising weighing services performed at export port locations, including supervision of equipment testing services, shall be at the rate of $0.35 per thousand bushels (3.5/100 cent per bushel) of grain for which the agency provides weighing services under the Act. The fee for supervising weighing services performed under the Act at other than export port locations, including supervision of equipment testing services, shall be at the rate of $16 per man-hour per Service representative on a regular workday, and $20 per man-hour per Service representative on a nonregular workday. The fees will be reviewed by the Service at least annually or more frequently when the Service has reason to believe that the fees do not accurately reflect the costs of the supervision for which the fees are authorized.

(5) Bills for supervising inspection and weighing services performed by an agency under the Act will be issued monthly after the services have been performed by the agency under supervision of the Service.[2] The bills for supervising inspection services at any location and for supervising weighing services at export port locations will be based on the computed volume of grain inspected, or weighed, as applicable, by the agency under the Act during the preceding month. The bills for supervising weighing services at other than export port locations will be based on the total man-hours worked in performing the supervision during the preceding month.

§ 26.72 Federal services: Explanation of fees; additional fees.

(a) *Costs included in unit and hourly fees.* The fees specified in § 26.71(a) for regular workdays and nonregular workdays shall include (1) the cost of per diem or subsistence during travel and the cost of transportation to perform the service requested; (2) call-back overtime payments to employees of the service; (3) postage and other delivery costs; and (4) except as provided in paragraph (b)(2) of this section, the cost of certification.

(b) *Fees in addition to unit and hourly fees.* (1) Fees for standby shall be assessed in all cases except no fee shall be assessed for standby performed on a regular workday under a service contract.

(2) The original and one copy of each original, divided-original, reinspection, appeal, or Board appeal certificate shall be issued to the applicant of record or to his order. In an appeal or Board appeal, a copy of each certificate or divided certificate shall also be issued to each respondent of record or to his order. The fee for each additional copy furnished on request of an applicant or a respondent shall be $2.50 per copy. This fee includes the cost of administration and supervision by field-based Service employees.

§ 26.73 Computation and payment of fees; general fee information.

(a) *When hourly rates begin.* Hourly rates shall begin when the Service representative arrives at the point of service and is available to perform service, and shall end when the representative departs from the point of service, computed to the nearest quarter hour (less meal time, if any).

(b) *Computing standby.* Standby shall be computed whenever a Service representative (1) has been requested by an applicant to perform a service at a specified time and location, (2) is on duty and is ready to perform the service requested, and (3) is unable to perform the service requested because of a delay by the applicant for any reason. Standby shall be computed to the nearest quarter hour (less meal time, if any).

(c) *Definitions relating to fees.* The following definitions shall apply to terms used in §§ 26.71, 26.72, and this section.

(1) "Regular workday" shall mean the hours of 6 a.m. to 6 p.m., local time, any Monday, Tuesday, Wednesday, Thursday, or Friday, that is not a "holiday."

(2) "Nonregular workday" shall mean any "holiday" and any other time that is not included in a "regular workday."

(3) "Holiday" shall mean the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal statute or Executive order. Under section 6103 and Executive Order No. 10358, as amended, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be deemed to be the holiday.

[2] Each agency will be notified when weighing service supervision begins.

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(4) "Service representative" shall mean an authorized salaried employee of the Service; and a person licensed by the Administrator under a contract with the Service.

(5) "Contract service" shall mean services performed pursuant to a contract between an applicant and the Service.

(d) *To whom fees assessed.* (1) Fees for inspection and weighing services performed by Service representatives, including fees for standby, and fees for extra copies of certificates, shall be assessed to and paid by the applicant for the services.

(2) Fees for determining the eligibility of a grain storage or handling facility for official weighing or supervision of weighing service shall be paid by the person seeking to demonstrate such eligibility.

(3) Fees for the supervision by Service representatives of delegated State agencies, designated official agencies and other agencies or persons under § 26.71 (b) shall be assessed to and paid by the agencies or persons.

(e) *Form and time of payment.* Bills for fees assessed under the regulations for Federal inspection and weighing services will be issued by the Service at 4-week intervals. Bills for fees assesed to delegated State agencies, designated official agencies, and other agencies or persons under § 26.71(b) will be issued as provided in § 26.71(b)(5). Payment of bills shall be made by check, draft, or money order payable to the Federal Grain Inspection Service. Payment shall be made within 30 calendar days after the due date shown on the bill.

(f) *Advance payment.* If required by the Administrator, fees (except those under paragraph (d)(3)) shall be paid in advance. Any fees paid in excess of the amount due shall be refunded or offset on future billings.

(g) *Fees when an application for service is withdrawn or service is refused.* If an application for service is withdrawn or a service is refused pursuant to the regulations, the person who made the application for the service shall pay only such expenses as were incurred in connection with the service prior to the withdrawal or refusal. (See § 26.71(a) for minimum fee per service request.)

(h) *Refunds.* The Administrator will cause to be refunded to the appropriate agency, or person, or offset on future billings, any fees paid to the Service in excess of the amount due the Service.

(i) *Revolving fund.* Funds received for fees assessed by the Service shall be deposited in a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under the Act.

(j) *Material error.* Except as provided in § 26.72(b)(1), if it is found that there was a material error in the inspection from which a reinspection is taken, or in the inspection or weighing from which an appeal inspection or weighing, or a Board appeal inspection is taken, no fees shall be assessed. For the purpose of §§ 26.71 and 26.73, a "material error" shall be an error which results in a change in grade, or any comparable change, in inspection or weight determinations as prescribed in the instructions.

(k) Fees for Federal services authorized by the Act but not prescribed in § 26.71 shall be fixed by the Administrator and published in such form as he deems appropriate.

(l) *Information.* Information concerning the fee for any particular service under § 26.71(a) or the fee assessed against any delegated State agency or any designated official agency or other agency or person under § 26.71(b) may be obtained from the Administrator or from any regional or field office of the Service.

The costs to the Federal Grain Inspection Service of providing the services for which fees are prescribed in this document are matters known only to the Service and the collection of fees for such costs is prescribed by law. The United States Grain Standards Act of 1976 (Pub. L. 94-582) became effective November 20, 1976. Employees of the Service will be required or requested to provide inspection and weighing services in the United States pursuant to the Act in the near future. Therefore, it is found upon good cause that publication of a notice of proposed rulemaking and other public procedures on the provisions of §§ 26.71, 26.72, and 26.73, of the regulations as set forth in this document are impracticable and unnecessary and good cause is found for making certain provisions effective less than 30 days after publication hereof.

Effective date: a. The provisions in § 26.71(a) establishing unit fees and hourly fees for original inspections and reinspections, and original weighings and appeal weighings in the United States (Schedule A) shall become effective on January 1, 1977.

b. The provisions in § 26.71(a) establishing unit fees and hourly fees for appeal inspections and Board appeal inspections in the United States (Schedule A) and for official inspections and weighings of United States grain in Canada (Schedule B) shall become effective on January 16, 1977: *Provided*, That, with respect to such inspection services, the provisions in §§ 26.71, 26.72, and 26.73 of the regulations in effect immediately prior to the issuance hereof, shall remain in effect until January 16, 1977.

c. The provisions in § 26.71(b) providing for the assessment and collection of fees for the supervision by the Service of inspection services performed by delegated State agencies and designated official agencies, and agencies or persons continuing to provide inspection services on an interim basis pursuant to section 27 of Public Law 94-582, shall become effective on February 1, 1977. Bills will be issued on or after March 1, 1977, by the Service to the agencies or persons for the supervision provided by the Service during the period February 1 through February 28, 1977. Thereafter, bills will be issued by the Service at monthly intervals.

d. The provisions in § 26.71(b) for the assessment and collection of fees for the supervision by the Service of weighing services performed by delegated State agencies and designated official agencies, and agencies or persons continuing to provide weighing services on an interim basis pursuant to section 27 of Public Law 94-582, shall become effective in accordance with written notification sent to the agencies or persons.

e. In all other respects, the provisions in §§ 26.71, 26.72, and 26.73 shall become effective on January 1, 1977.

Done in Washington, D.C. on: December 28, 1976.

DONALD E. WILKINSON,
Interim Administrator.

[FR Doc.77-137 Filed 1-4-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Tangerine Reg. 48, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

This amendment of Tangerine Regulation 48 (§ 905.566; 41 FR 42177, 49801, 51029, 51796, 53649, 54917, is issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). Effective January 3, 1977, the amendment lowers the minimum diameter requirement applicable to domestic fresh shipments of Florida tangerines from 2 2/16 inches (size 176) to 2 1/16 inches (size 210). The specification of such minimum size requirement for Florida tangerines is necessary to satisfy current and prospective demand for such fruit and maintain orderly marketing conditions.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of tangerine shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective market demand conditions for Florida tangerines. This amendment relaxes current minimum size requirements applicable to domestic fresh shipments of tangerines. The action is consistent with the size distribution and remaining supply of tangerines in the production area. The amendment is designed to ensure an ample supply of fruit to consumers. For the season through December 26, 1976, fresh shipments of Florida tangerines totaled 3,726 carlots, and there were an estimated 974 carlots remaining for fresh shipment. This amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. In § 905.568 (Tangerine Regulation 48; 41 FR 42177, 49801, 51029, 51796, 53649, 54917) the provisions of paragraph (a)(2) are revised to read as follows:

§ 905.566 Tangerine Regulation 48.

(a) • • •

(1) • • •

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter, shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated, December 30, 1976, to become effective January 3, 1977.

G. H. GOLDSBOROUGH,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-374 Filed 1-4-77; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

INCOME DEFINITIONS AND INTEREST CREDITS

On October 27, 1976, a proposal regarding additions and revisions to § 1822.3 and Exhibits E and E-2 of Subpart A of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 44993, as amended at 40 FR 42178) was published in the FEDERAL REGISTER (pages 47060-47065). The proposed revision changes the definition of annual income and adjusted annual income in § 1822.3 (n) and (o) for Section 502 Rural Housing loans. Exhibit E is revised to redelegate authorities for the granting and servicing of interest credits, for clarification and to state that interest credits will not be renewed when the dwelling has been enlarged or related facilities added so that the housing substantially exceeds modest standards for size, design, or cost. Paragraph 10 is added and makes clear that borrowers have the same right to appeal a decision concerning the granting, renewing, or cancellation of interest credits as they do for the determination of eligibility for a Section 502 Rural Housing loan. Exhibit E-2 reflects editorial changes.

Interested persons were given until November 11, 1976, to submit written comments, suggestions, or objections. All comments received with respect to the proposed revisions were given due consideration, and based upon those comments and other suggestions received from the Farmers Home Administration field staff, the following changes and additions are made:

1. Section 1822.3 (n) (3) (v) is revised to permit deductions from income for payments made to close relatives for child care and disabled dependent care only if the relative is actually employed by the borrower, or the close relative operates a business of caring for minors or incapacitated persons.

2. Exhibit E, paragraphs 4. (a) (2) and 6. (a) (8) are revised to state that the cash on hand that will be used to reduce the amount of the loan will be excluded when determining the borrowers net worth.

3. Paragraph 5. (c) is revised to make clear that interest credits may be granted when the borrower's spouse has abandoned the property and divorce or legal separation papers have been filed.

4. Paragraph 5. (d) is revised to include real estate taxes and insurance costs when determining that the borrower's circumstances have substantially changed.

5. A new paragraph 7. (f) is added to provide for corrections in existing Interest Credit Agreements when the amount of interest credits the borrower is entitled to receive is increased or deceased; the present paragraph 7. (f) is redesignated as paragraph 7. (g), and portions thereof revised.

6. Paragraph 8. (d) is revised to allow the County Supervisor to initiate corrective action on improper interest credits granted as a result of errors made by FmHA employees.

7. Paragraph 10. is revised to provide that the borrower will be notified of the right to appeal when interest credits are denied, reduced, canceled, or not renewed. Action time lines are established for each level of review.

Other minor editorial changes are made to clarify the language of the Subpart. Accordingly, § 1822.3 (n) and (o), Exhibit E, and Exhibit E-2 as revised, are hereby adopted to read as set forth below.

Effective date: These revisions shall become effective January 5, 1977.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: December 17, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

1. Section 1822.3(n) and (o) are revised to read a set forth below:

§ 1822.3 Definitions.

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(n) *Annual income.* This consists of planned income to be received by the applicant, spouse, and all other adults who live, or propose to live, in the dwelling during the next 12 months, or, in the case of a farmers, the period which most accurately reflects the annual cycle of his operation.

(1) *Income included.* All net farm and nonfarm business income and gross income from wages, salaries, commissions, pensions, social security, unemployment compensation, alimony, and all other sources, except as indicated in paragraph (n)(2) of this section must be counted.

(i) Welfare, social security, child support payments, and other payments made on behalf of minors will be included in the applicant's annual income.

(ii) All expected overtime and bonus income will be counted.

(iii) Any projected net farm and nonfarm business losses will be considered as "0" in determining annual income.

(2) *Exempted income.* The following income will not be counted:

(i) Earnings from employment or income from GI Bill, fellowships, scholarships, or assistantships for schooling received by a full time student who is not the applicant or spouse of the applicant.

(ii) Proceeds from the sale of equipment, mineral rights, or real estate sold under a short term contract (usually 3 years or less).

(iii) Cash value of food stamps, real estate tax exemptions, or similar types of assistance.

(iv) Payments received for the care of foster children.

(3) *Deductions from income.* In determining the applicant's annual income the following deductions are allowed:

(i) A deduction may be made in the same manner as outlined in Internal Revenue Service (IRS) regulations for the exhaustion, wear and tear, and obsolescence of depreciable property used in the applicant's trade, business, or farming operation. The applicant must provide an itemized schedule showing the depreciation claimed. This schedule should be consistent with the amount of depreciation actually claimed for these items for Federal income tax purposes.

(ii) A deduction may be made in the same manner as outlined in IRS regula-

tions for necessary business expenses actually paid by the employee in excess of the amount reimbursed by the employer. The deduction must be reasonable and, in the judgment of the approving officials, should be deducted from an employee's income to reflect annual income on an equal basis with other employed persons. Deductions, however, are not permitted for the following:

(A) Transportation to and from work.

(B) Cost of meals incurred on one day business trips.

(C) Educational expenses other than those incurred to meet the minimum requirements of the employee's present position.

(D) Fines and penalties for violation of laws.

(ii) Income deductions for child care, disabled dependent care, or care of an incapacitated husband or wife, may be made for expenditures actually paid to enable the husband or wife to be gainfully employed. The reason for any deduction must be recorded in detail in the applicant's loan docket. Such a deduction is authorized only if all the following conditions are met:

(A) For dependent children under the age of 15 cared for outside the home, the maximum monthly deduction will not exceed $200 for one child, $300 for two children, or $400 for three or more children.

(B) Expenses for child care services performed in the home are not limited to the expenses in paragraph (n)(3)(iii)(A) and (B) of this section, but are subject to the $400 maximum deduction each month.

(C) A deduction not to exceed $400 each month, for incapacitated husband or wife care, or care of disabled dependents age 15 or over who are incapable of self care is authorized only when service is performed in the home.

(D) In no case will the aggregate of all deductions for child care, disabled dependent care, or incapacitated husband or wife care exceed $400 per month.

(E) Payments for these services may not be to persons whom the borrower is entitled to claim as personal deductions for income tax purposes. Payments may be made to any other close relative only if the relative is actually employed by the borrower (e.g., the borrower pays appropriate FICA taxes) or the close relative operates a business of caring for minors or incapacitated persons.

(o) *Adjusted annual income.* This is annual income as defined in paragraph (n) of this section, less 5 percent thereof and less an additional $300 for each minor person, excluding the husband and wife, who is a member of the immediate family and lives in the home. The immediate family includes those persons related to the applicant by blood, marriage, or operation of law, such as adoption or legal guardianship.

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2. Exhibit E of Subpart A is revised to read as follows:

EXHIBIT E—INTEREST CREDITS

1. *Purpose.* This Exhibit outlines the policies and procedures for granting and servicing interest credits on Section 502 Rural Housing (RH) loans.

2. *Policy.* The policy of the Farmers Home Administration (FmHA) is to grant interest credits on loans to lower income borrowers to assist them in obtaining decent, safe, and sanitary dwellings and related facilities.

3. *Definitions.* (a) *Borrower.* A borrower indebted for a "low or moderate" Section 502 insured loan approved or assumed on new terms on or after August 1, 1968. Interest credits are not authorized on "above moderate" Section 502 loans.

(b) *Annual payment borrowers.* Borrowers who signed promissory notes providing for annual payments, including borrowers converted to monthly payments through the use of Form 451-37, "Additional Partial Payment Agreement."

(c) *Monthly payment borrowers.* Borrowers who signed promissory notes providing for monthly payments.

(d) *Review period.* The review period for an annual payment borrower will be the months of August, September, and October. The review period for a monthly payment borrower will be the third, fourth, and fifth months prior to the anniversary date of the borrower's current Interest Credit Agreement.

(e) *Real estate taxes.* Real estate taxes for interest credit purposes means the amount of real estate taxes and assessments that will be actually due and payable on the dwelling and the dwelling site during the interest credit period, reduced by the amount of any tax exemptions available to the borrower, regardless of whether such exemptions are actually claimed and received. Tax exemptions may include such things as homestead exemptions, special exemptions for low-income families, senior citizens, veterans and others.

(f) *Interest credit agreement.* An agreement between FmHA and the borrower executed on Form FmHA 444-6 or Form 444-A6, "Interest Credit Agreement (Section 502 RH Loans)," which provides for interest credits on the borrower's loan.

4. *Eligibility For Interest Credits*—(a) *Initial loans.* Interest credit will be granted to a qualified borrower provided:

(1) The borrower's adjusted annual income exceeds the limit established for the State as indicated in Exhibit C of this Subpart, unless an exception is authorized by the State Director in accordance with § 1822.15(a).

(2) The borrower's net worth does not exceed $5,000, excluding the value of the dwelling and dwelling site being improved, cash on hand that will be used to reduce the amount of the loan, and household goods and the debts against them, unless an exception is authorized by the District Director. For the purpose of determining whether exceptions are justified, the District Director will consider the nature of the assets, particularly whether they are assets upon which a borrower, such as a farmer, is currently dependent for a livelihood or which could be used to reduce or eliminate the need for interest credits. Elderly persons will be permitted to retain a reasonable reserve for necessary health and maintenance expenses.

(3) The loan is approved on or after August 1, 1968.

(4) The loan is to buy, build, or improve a dwelling and related facilities, including a building site, or to refinance debts as authorized in § 1822.5(c).

(5) The dwelling will be personally occupied by the borrower.

(6) The home is modest in size, design, and cost. A borrower with an income so low that he/she is unable to make the monthly or annual installments on an RH loan without interest credit assistance cannot afford a large or elaborate dwelling. Interest credit assistance is designed to help a borrower have a decent home, but it must not be used to finance housing in excess of the borrower's actual basic needs, nor housing which includes desirable but unnecessary features or amenities as described in § 1822.7(b)(1).

(7) The term of the loan is for 33 years, unless authorized otherwise by the State Director, based on complete documentation of the justifiable reasons on an individual case basis. Interest credits will not be granted on loans with a term of less than 25 years, except as provided in paragraph 6 of this Exhibit.

(8) The amount of interest credit exceeds $5 per month or $60 annually.

(b) *Transfers and credit sales.* An eligible borrower who buys an inventory dwelling or assumes an RH loan may receive interest credit assistance under the following conditions:

(1) All the eligibility requirements of paragraph 4(a) are met, and

(2) If the loan being assumed was initially approved before August 1, 1968, the assumption must be on new terms.

(c) *Subsequent loans.* Interest credits may be granted on subsequent loans which meet the requirements of paragraph 4(a) and in the following types of situations:

(1) Interest credits are presently being granted on the initial loan and the borrower's adjusted income does not exceed the moderate income limit for the State as shown in Exhibit D of this Subpart, and

(2) The sum of interest credits being granted on the initial and subsequent loans will exceed $5 per month or $60 annually.

5. *Interest Credits for Existing Loans*—(a) *Renewal during the review period.* Eligibility for interest credits will be determined biennially during the review period. Interest credit assistance will be continued provided the borrower and the dwelling meet the eligibility requirements as outlined in paragraph 4, except that:

(1) The amount of a borrower's net worth will not be considered unless the County Supervisor has knowledge that it has increased sufficiently to enable the borrower to graduate to another source of credit.

(2) For a borrower whose adjusted annual income exceeds the limits established for the States as indicated in Exhibit C of this Subpart, interest credit assistance will be continued provided:

(i) The amount of interest credit for which the borrower qualifies exceeds $15 monthly, or $180 annually; and

(ii) The borrower's adjusted annual income does not exceed the moderate-income limit established for the State as shown in Exhibit D of this Subpart.

(3) Interest credits will not be renewed if the County Supervisor has knowledge that the dwelling has been enlarged or related facilities added so that the housing substantially exceeds modest standards for size, design, or cost. Interest credits will not be denied, however, if improvements such as additional living or storage area, a fireplace, or a yard fence have been added and the housing is not excessive as compared to other housing in the locality for low and moderate income families.

(b) *Renewals not completed during the review period.* When the borrower's renewal Interest Credit Agreement is not completed during the review period, it will be processed in accordance with paragraph 7 (g)(5).

(c) *Borrower not now receiving interest credits.* The County Supervisor may grant interest credits at any time, provided the borrower and the dwelling are eligible for interest credit assistance in accordance with paragraph 4, and any of the following conditions exist:

(1) The borrower requests interest credit assistance, or the County Supervisor determines that interest credits are needed to enable the borrower to repay the loan.

(2) A borrower's spouse has abandoned the family and property and legal papers have been filed with the appropriate court to commence divorce or legal separation proceedings provided:

(i) The remaining spouse is occupying the dwelling, owns a legal interest in the property, is liable for the debt, and

(ii) For FmHA record keeping purposes, the loan account is put in the remaining spouse's name only.

(3) A borrower's spouse has abandoned the family and the property and papers have not been filed to commence divorce or legal separation proceedings provided:

(i) The spouse's location has been unknown for at least one year, and

(ii) The conditions of paragraphs 5 (c) (2) (i) and (ii) are met.

(d) *Substantial change in borrower's circumstances.* The County Supervisor is not responsible for monitoring whether a borrower's income, family size, real estate taxes, or insurance costs have changed after an Interest Credit Agreement is approved. If, however, it comes to his attention that the borrower's circumstances have changed so that the amount of interest credit assistance the borrower is eligible to receive has substantially increased or decreased, the County Supervisor will take one of the following actions:

(1) *Increased income or decreased expenses.*

(i) He will take no further action until the next review period if he determines that the borrower is still eligible to receive interest credits in accordance with paragraph 5(a).

(ii) He will cancel the borrower's Interest Credit Agreement effective as of the date he became aware of the change if the borrower is no longer eligible for interest credit assistance.

(2) *Decreased income or increased expenses.* (i) He may approve a change in interest credit assistance during the next review period if the borrower is experiencing difficulty in meeting payments due and requests that a change be made.

(ii) He may approve changes in interest credit assistance at any time, provided the amount of interest credit the borrower is eligible to receive is increased by at least $15 monthly or $180 annually, and he determines that the change is necessary to avoid liquidation of the loan.

(iii) Cases involving family separations must meet the requirements of paragraphs 5(c) (2) or (3), as appropriate.

6. *Interest credits on loans made to repair or rehabilitate a dwelling (Incentive Program)*—(a) *Incentive interest credits.* Interest credits may be granted to reduce the effective interest rate on Section 502 RH loans made to repair or rehabilitate a dwelling already owned by the applicant provided the following conditions are met:

(1) The loan is approved after April 29, 1974;

(2) The dwelling is, or will be, occupied by an eligible borrower after the loan is made;

(3) The amount of the loan may not exceed $7,000 or be amortized for more than 25 years;

(4) The applicant's adjusted annual income does not exceed $7,000;

(5) The repairs will be made to bring a substandard dwelling up to the standards outlined in § 1822.7(b)(8);

(6) The borrower's net worth, excluding the value of the dwelling site and dwelling being improved, cash on hand that will be used to reduce the amount of the loan, and household goods and debts against them, does not exceed $5,000, unless prior authorization is received from the District Director. In making such determinations, the District Director will consider the nature of assets such as a farm, business, etc., upon which the borrower is dependent for a livelihood.

(b) *Interest rate.* Interest credits granted and the effective interest rate charged on loans made under this paragraph will be based on the borrower's adjusted annual income as determined in accordance with § 1822.3(o). Interest credits will be granted to the borrower in an amount to achieve the following effective interest rates:

(1) For borrowers whose adjusted annual income is not more than $3,000, interest will be charged at a rate of 1 percent.

(2) For borrowers whose adjusted annual income is more than $3,000 but not more than $5,000, interest will be charged at the rate of 2 percent.

(3) For borrowers whose adjusted annual income is more than $5,000 but not more than $7,000, interest will be charged at the rate of 3 percent.

(c) *Limitations.* Borrowers qualifying for interest credit assistance under both paragraphs 4 and 6 will be granted only the one type of interest credit assistance that is most beneficial to them. Interest credits on initial and subsequent loans will always be the same type. There is no provision for switching from one type of interest to the other.

(d) *Renewal of incentive credits.* Interest credits granted under this paragraph 6. will be reviewed and the borrower's eligibility for continued interest credits determined during the same scheduled review period as regular interest credits granted under paragraph 4.

7. *Processing interest credits*—(a) *General.* (1) *Determination of income.* The County Supervisor is responsible for determining the borrower's annual and adjusted annual income as defined in § 1822.3 (n) and (o). A borrower interview will be conducted as outlined in § 1822.11(c) in all cases for granting initial interest credits, and for renewals if, in the County Supervisor's opinion, such an interview is needed to determine the borrowers annual income. Form FmHA 410-5, "Request for Verification of Employment," will be used to verify the earnings from employment of all persons whose income is included in "Annual Income."

(2) *Effective period.* Interest Credit Agreements on loans made to monthly payment borrowers will be effective for a two year period. For annual payment borrowers the agreement will be in effect until the second December 31 after the effective date. The effective date will be as indicated on the Forms Manual Insert (FMI).

(3) *Determination of interest credits.* The amount of interest credits the borrower receives will be the lesser of:

(i) The difference between 20 percent of the borrower's adjusted annual income and the annual installment due on the promissory note plus costs of real estate taxes and insurance, or

(ii) The difference between the annual installment due on the promissory note and the amount the borrower would pay if the loan were amortized at an interest rate of one percent.

(4) *Partial year interest credits.* For an annual payment borrower with an initial installment less than a regular installment, and who will receive less than a full year of interest credit assistance, the interest credits granted will be a pro rata portion calculated on the number of months left in the current calendar year, including the month in which the loan is closed.

(5) *Advance from the insurance fund.* The repayment schedule for advances made from the Rural Housing Insurance Fund will be computed at the interest rate shown on the promissory note. However, interest will accrue and payments will be applied on the amount advanced at the reduced interest rate in effect at the time of payment.

(6) *Preparation of the transaction record.* For borrowers receiving interest credits, the following changes will be shown on Form FmHA 451-26, "Transaction Record," when prepared by the Finance Office:

(i) Interest rate field. The interest rate field of the form will continue to show the interest rate on the note. The Finance Office will compute the effective interest rate charged the borrower based on the amount of interest credit granted. The computed rate, rounded to the nearest 1/8 of a percent, will be shown as a footnote on the form as "Interest Rate Reduced to __%." Subsequent transactions will be applied to the loan by the Finance Office at the reduced interest rate until such time as renewal, change, or cancellation occurs.

(ii) Daily interest accrual field. The daily interest accrual will be shown at the reduced interest rate and the interest will accrue at the same rate until such time as the interest credit is renewed, changed, or canceled.

(iii) Application of credit field. The initial transaction record form will not have an entry in the "Application of Credit" field. The Interest Credit Transaction Code for this method of processing interest credits will be 4 Z.

(iv) Payment status field. The payment status field will not reflect the dollar amount of the interest credits granted. No entry will be made for monthly payment borrowers.

(v) Minimum amount due by date shown field. For annual payment borrowers, the amount of the installment, reduced by the amount of interest credits granted, will be shown. For monthly payment borrowers the word "monthly" will be entered in the space provided.

(b) *Initial and subsequent loans*—(1) *County Office action.* The County Supervisor will:

(i) Determine the borrower's adjusted annual income and document his calculations in the case file running record.

(ii) Enter on Form FmHA 440-1, "Request for Obligation of Funds," the adjusted annual income, the estimated real estate taxes that will be actually due and payable during the first and second years of the agreement, and the amount of annual property insurance premium for the dwelling.

(iii) Complete and submit a corrected Interest Credit Agreement to the Finance Office when the loan is closed or, when appropriate, at the amortization effective date, if the borrower's circumstances have changed so that the amount of interest credits would be increased or decreased by at least $5 monthly or $60 annually.

(2) *Finance Office actions.* The Finance Office will:

(i) Enter the information concerning adjusted annual income, the estimated real estate taxes, and the insurance premium on Form FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request."

(ii) Calculate the amount of interest credit to be granted to the borrower. The amount of interest credit will be determined from the information initially shown on Form FmHA 440-1.

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(iii) Prepare and mail Form FmHA 444–A6 to the County Office when the final loan check is issued. Upon receipt, the form will be completed by the County Office and a copy returned to the Finance Office only when indicated on the form.

(iv) Prepare and issue payment cards to the County Office.

(c) *Credit sales and transfers.* Interest credits to a borrower who assumes an RH loan or purchases property from inventory will be calculated by the County Office on Form FmHA 444–6. A copy of the form will be forwarded to the Finance Office along with the copy of the promissory note or Assumption Agreement. The Finance Office will issue payment cards to the County Office.

(d) *Interest credits to borrowers not now receiving interest credits.* Interest credits granted in accordance with paragraph 5(c) can be processed at any time in the same manner as interest credits on initial loans, except that the County Office will complete the Form FmHA 444–6 and calculate the amount of interest credit assistance the borrower will receive. A copy of Form FmHA 444–6 will be used to send interest credit information to the Finance Office. The daily interest accrual will be reduced as of the effective date entered on the form or as of the date the last cash charge or credit was made to the account, whichever is later.

(e) *Changes in interest credit assistance.* When approving a change in interest credit assistance before the expiration of a current Interest Credit Agreement in accordance with paragraph 5(d), the County Supervisor will again determine the borrower's adjusted annual income and document his findings in the case file running record. A Form FmHA 444–6 will be completed in accordance with the FMI and a copy of the form will be forwarded to the Finance Office. The Finance Office will reduce the daily interest accrual as of the date entered on the form or as of the date of the last cash charge or credit made to the account, whichever is later.

(f) *Correction of interest credit agreements.* A corrected Interest Credit Agreement will be submitted to the Entrance Office when an improper Interest Credit Agreement is canceled if the borrower is still eligible to receive interest credits in accordance with paragraph 5(a), or the borrower appeals the amount of interest credits granted and it is determined that the appeal is valid. In such cases, a Form FmHA 444–6 showing the proper amount of interest credits which the borrower is entitled to receive will be submitted to the Finance Office to replace the incorrect agreement. The notation "Corrected in accordance with Exhibit E of Subpart A of Part 1822 of this Chapter," will be entered on the face of the form. The Finance Office will cancel the incorrect Interest Credit Agreement as of its effective date. Payments made under the previous agreement will be reversed and reapplied at the adjusted interest rate of the new Interest Credit Agreement.

(g) *Interest credit renewal.*—(1) *Initiation of renewal action.* At the beginning of the review period, the Finance Office will mail to the County Office a list of borrowers (see Exhibit E–1 available in any FmHA Office), whose Interest Credit Agreements are expiring, together with a package to be mailed by the County Supervisor to each borrower. The package will contain the following:

(i) A letter of explanation and the instructions for completing the Interest Credit Agreement (Exhibit E–2).

(ii) Form FmHA 444–A6 (3 parts with carbon interleaved).

(iii) Two Forms FmHA 410–45 (The County Office name and address will be preprinted in the space provided).

(iv) Three window envelopes (to be used by the borrower in mailing Interest Credit Agreements to the County Office and for the employer to mail the Verification of Employment forms to the County Office).

(2) *Borrower responsibility.* Upon receipt of the package, the borrower will give one copy of the verification of Employment form to the employer or employers of each member of the family who has income to be considered. A window envelope will be provided each employer to facilitate the mailing of the Verification of Employment form directly to the County Office. The borrower will also complete part 2 of the Interest Credit Agreement form (leaving carbon intact), sign the original form and mail the original and all copies to the County Office.

(3) *County office actions.* The County Supervisor will:

(i) Maintain the list of borrowers (See Exhibit E–1) as a record of Interest Credit Agreements processed and sent to the Finance Office.

(ii) Review the information on Forms FmHA 444A–6 and FmHA 410A–5 for completeness and accuracy. Interviews with borrowers should be scheduled if the borrower needs assistance in completing the form or provides incomplete or apparently inaccurate information.

(iii) Determine the adjusted annual income and document his calculations in the case file running record.

(iv) Complete the Interest Credit Agreement and send a copy of the Agreement to the Finance Office. If the borrower is not eligible for interest credits, enter "0" in the block(s) which indicate the amount the payment will be reduced.

(v) If the Form FmHA 444–A6 is mutilated or unusable, transfer all information preprinted on the form to a new Form FmHA 444–6 to be signed by the borrower and submit the completed form to the Finance Office.

(vi) Retain the original of the Interest Credit Agreement and return the other copy to the borrower.

(vii) Notify by letter borrowers not eligible for continued interest credits of the amount of their revised payments. The letter must notify the borrower of his right to appeal as outlined in paragraph 10 of this Exhibit. A new Form FmHA 440–9, "Supplementary Payment Agreement", will be obtained when needed.

(4) *Finance Office actions.* The Finance Office will:

(i) Upon receipt of Form FmHA 444–A6 from the County Office, send the borrower or the County Office a new set of payment cards.

(ii) Before the end of the review period, send the County Office a list of annual payment borrowers (Exhibit E–3 available in any FmHA Office) for whom a renewal Interest Credit Agreement has not been received. The County Office staff will place a checkmark in the appropriate column of the list to indicate those borrowers who are no longer eligible for interest credits or whose agreements will not be renewed. The original of the completed list will be retained in the County Office and a copy returned to the Finance Office.

(5) *Processing interest credit renewals not received during the review period.* The County Supervisor may approve interest credit renewals not completed during the review period. They will be handled as follows:

(i) The amount of interest credit assistance granted will be based on the borrower's planned annual income during the first year of the agreement. The effective date of the Interest Credit Agreement will be as indicated on the FMI.

(ii) Payments made by the borrower after the expiration date of the previous Interest Credit Agreement will be applied at the note interest rate until the Finance Office receives a new Form FmHA 444–6. Such payments processed before the effective date of the adjusted interest rate will not be reversed and reapplied.

(iii) Upon receipt of Form FmHA 444–6, the Finance Office will calculate the new adjusted interest rate the borrower will receive during the current interest credit period. The Finance Office will reduce the daily interest accrual as of the effective date entered on the form or as of the date of the last cash charge or credit made to the account, whichever is later.

8. *Improper interest credits.*—(a) *When to take action.* Servicing actions under this paragraph will be taken when incorrect information provided by a borrower or any other person or an error by the County Supervisor or any other FmHA employee results in the borrower receiving excessive interest credits of more than $5 per month or $60 annually.

(b) *Determining improper interest credits.* Whenever there is a reason to believe that a borrower has received more interest credits than he was entitled to receive because improper interest credits have been granted, the information on which the interest credits were based will be verified immediately. If the County Supervisor finds that a borrower received interest credits that he was not entitled to, a report on the case will be sent to the State Director. The State Director is responsible for taking the necessary corrective action in accordance with the following:

(1) If there is any indication of fraud or fiscal irregularity, he will refer the case to the Director of the Regional Office of Investigation for a determination as to whether it warrants an investigation. If the Regional Director determines that his office should investigate the case, FmHA personnel will assist in any way requested.

(2) If the Regional Director determines that his office should not handle the investigation, he will inform the State Director of this decision. The State Director will then have a detailed review made by a member of his staff. He will review the findings and determine whether fraud or fiscal irregularities have occurred. If he determines that there is evidence of fraud or fiscal irregularities, he will take the actions prescribed in § 1871.22 of this Chapter, as appropriate.

(3) If the improper interest credits were the result of an error by an FmHA employee, the case will be handled in accordance with paragraph 8(d) of this Exhibit.

(c) *Falsification or error by borrower.* When it is determined that excessive interest credits have been granted because the borrower intentionally or otherwise provided incorrect information, the following actions will be taken:

(1) The State Director will request the Finance Office to cancel the Interest Credit Agreement as of the effective date of the current Form FmHA 444–6 or earlier Form FmHA 444–6 involved in the period of review or investigation. The Finance Office will then reapply any payment to the account at the note rate of interest or at the rate of the corrected Interest Credit Agreement and will notify the County Supervisor and borrower of any adjustment made in the account.

(2) The State Director will inform the borrower by certified mail (return receipt requested) of his findings as provided in paragraph 10(b) of this Exhibit.

(3) Further handling of the case will be one of the following:

(i) If there is evidence of a criminal violation by the borrower, the case will be handled in accordance with § 1871.22(c) of this Chapter.

(ii) If the borrower's action appears to have been deliberate and a major error occurred, liquidation may be warranted. For example, such actions may be taken if the information obtained indicates that the borrower was not eligible for an RH loan. Such a borrower would be asked to repay promptly the RH loan by refinancing or otherwise satisfy the account. In other cases, the borrower may already be in default and the fact that the borrower had not correctly reported income may justify liquidation of the loan. The State Director may authorize the account to be repaid under an acceleration agreement if the conditions of § 1872.17(g) of this Chapter are met.

(iii) When falsified information is provided to FmHA in order to qualify the borrower for interest credits, (For example, a packager who provides information for a borrower) but there is evidence that the borrower is not at fault or definitely did not intend to provide false information, the borrower will be requested to pay the loan in full, including any improper and excessive interest credits that may have been granted. If, however, the borrower is unable to satisfy the account and the State Director determines that the Government's financial interest would not be jeopardized by leaving the loan outstanding, and that it would be inequitable to call it, he may continue with the loan. Improper interest credits received by borrowers must be repaid in accordance with paragraph 8(c)(3)(iv) of this Exhibit.

(iv) In all other cases, if the borrower cannot or will not reimburse the FmHA for the improper advance and immediate liquidation action is not warranted, the State Director may decide to continue with the loan. In such a case, the amount of improper interest credit will be charged to the borrower's account and become immediately due and payable. The borrower must be advised by letter that he will be charged interest at the note rate on the amount until it is repaid.

(d) *Error by FmHA employee.* When the borrower presented correct information and an FmHA employee erroneously granted excessive interest credits, the following actions will be taken:

(1) The County Supervisor will request the Finance Office to cancel the Interest Credit Agreement as of the effective date of the current Form FmHA 444–6, or earlier Form FmHA 444–6 involved in the period of review or investigation. The Finance Office will then reapply any payments made on the account during the period in which incorrect interest credits were granted. Interest will be charged at the note rate or at the corrected interest credit rate as provided in paragraph 7(f) of this Exhibit. The County Supervisor and borrower will be notified of adjustments made in the account.

(2) The County Supervisor will inform the borrower by letter of the action taken as provided in paragraph 10(a) of this Exhibit.

(3) If the borrower does not appeal, or it is determined that the appeal is not valid, the County Supervisor will make a diligent effort to obtain a lump-sum restitution of the improperly advanced interest credit from the borrower. If this cannot be done, the County Supervisor will take one of the following courses of action:

(i) If the borrower can repay the improperly advanced interest credit over a reasonable period of time, the County Supervisor will use Form FmHA 451–37 "Additional Partial Payment Agreement," to establish a new repayment schedule. The borrower will be charged interest on the improperly advanced interest credits at the same rate charged on the principal indebtedness.

(ii) If the County Supervisor determines that the borrower is unable to repay the improperly granted interest credits, he should document his findings and forward the case to the State Director for review. If the State Director concurs with the findings of the County Supervisor, he will forward the case to the National Office with his recommendation that the improperly advanced interested credits be forgiven.

(4) If, for any reason, the FmHA cannot continue with the loan, liquidation action will be promptly taken.

9. *Cancellation of Existing Interest Credit Agreements.*—(a) *Reasons for cancellation.* An existing Interest Credit Agreement will be canceled whenever:

(1) The borrower has never occupied the dwelling and the FmHA will not continue with the loan.

(2) The borrower ceases to occupy the dwelling.

(3) The borrower sells or conveys title to the property.

(4) The borrower has a substantial increase in income and is clearly able to repay the loan without interest credits.

(b) *Effective date of cancellation.* The effective date of cancellation for paragraph 9(a)(1) will be date of loan closing, The effective date of cancellation for paragraph 9(a) (2), (3), and (4), will be the date on which the earliest action occurs which causes the cancellation. If the date cannot be determined, the date on which the County Supervisor became aware of the situation will be used. When foreclosure action is being taken against a borrower and none of the conditions outlined in paragraph 9(a) exist, the Interest Credit Agreement will remain in effect until the final foreclosure action is completed. However, if the existing agreement expires before foreclosure action is completed, further interest credits will not be granted.

(c) *Notification to the finance office.* The County Supervisor will determine the date of cancellation and notify the Finance Office on Form FmHA 444–15, "Interest Credit Agreement Cancellation (Section 502 RH Loans)." The Finance Office will process the cancellation and will accrue interest from the date of cancellation at the rate of interest shown in the promissory note. Prompt notification to the Finance Office, using Form FmHA 444–15, is extremely important as any transaction affecting the borrower's account subsequent to cancellation will be incorrect if cancellation action has not been completed by the Finance Office.

10. *Borrower appeals*—(a) *Borrower notice of right to appeal.* If an applicant or borrower requests interest credit assistance and interest credits are denied, or if interest credits are reduced, canceled, or not renewed, the County Supervisor will inform the applicant or borrower by letter of the action taken. (For purposes of this paragraph 10, the term "borrower" shall include both "borrower" and "applicant.") The letter shall include the following statements:

(1) A statement of the action taken and the reason(s) for the decision.

(2) An invitation to call at the County Office to discuss the decision with the County Supervisor. If the borrower wishes to bring additional information or a representative to the meeting, he or she may do so.

(3) A statement that the borrower may appeal the decision directly to the State Director. The Statement should read as follows:

"You may appeal the action concerning your eligibility for interest credits by writing to the FmHA State Director within 30 days of the receipt of this letter, giving the reasons why you believe your case should be reviewed. His address is: ----------."

(b) *Notice of improper interest credits.* When a borrower's interest credit agreement is canceled because improper interest credits have been granted, the State Director, except as provided in paragraph (8)(d) of this Exhibit will notify the borrower by certified mail (return receipt requested) of the cancellation action. The letter shall include the following elements:

(1) A statement of the reason the borrower's interest credits were canceled.

(2) A statement that the borrower has a right to request a meeting at which he will be given the opportunity to provide evidence refuting the finding that improper interest credits have been granted, provided the request is filed with the State Director within 30 days following receipt of the notice.

(3) A statement of any other actions being taken or planned.

(c) *State Office review.* When a borrower appeals a decision concerning his or her eligibility for interest credits, as provided in paragraph 10. (a) or (b) of this Exhibit, the request will be handled as follows:

(1) The State Director will have a member of his staff (usually the District Director) arrange for a meeting to be held within 30 days of the receipt of the borrower's request for a review. If the borrower is unable to meet with the staff member within the 30 day period, a meeting will be arranged at such other time and place as is mutually convenient for the borrower and the Agency. The meeting will be an informal proceeding at which the borrower will be given the opportunity to provide whatever additional information he or she believes should be considered in reaching a decision concerning the case. The borrower may have an attorney or any other person at the meeting if desired.

(2) The staff member will submit the additional information provided by the borrower to the State Director with his recommendations concerning the case within 10 days of the meeting.

(3) Within 10 days of receipt of the staff member's report, the State Director will determine what action to take with regard to the borrower's appeal and:

(i) If the State Director determines that the borrower's appeal is valid, he will inform the borrower by letter of the amount of interest credits to be granted on the loan. He also will advise the County Supervisor of the action to be taken.

(ii) If the State Director determines that the appeal is not valid, he will inform the borrower by letter of his decision giving the reasons. He will send the County Supervisor a copy of the letter. The letter must contain the following statement:

"If you wish to have the decision on your eligibility for interest credits reviewed, you may write the Administrator of the Farmers Home Administration within 30 days explaining why you believe interest credits should be (granted, reinstated or increased). His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250."

(d) *National office review.* Upon receipt of a request from a borrower that the decision of the State Director be reconsidered, the Administrator will obtain a comprehensive report on the matter from the State Office. He will consider that information together with any additional information that may be provided by the borrower; and

(1) If the Administrator determines that interest credits should be granted, reinstated or increased, he will inform the borrower by letter that his request will be approved, or may be approved, subject to certain conditions. He will advise the State Director of the action to be taken.

(2) If the Administrator determines that interest credits should not be granted, reinstated or increased, he will inform the

borrower by letter of his decision giving the reasons. He also will send the State Director a copy of the letter.

(3) If no decision is reached within 30 days of the receipt of a request for review by the Administrator, the borrower will be informed that his request is being considered and given a specific date by which a decision will be made.

11. *Submission to national office.* The State Director may submit to the National Office for determination by the Administrator or his delegate any proposed transaction in which the conditions prescribed in the foregoing paragraphs of this Exhibit cannot be met, and it is determined that interest credits are necessary to avoid extreme hardship to the family or prevent foreclosure action. This paragraph is primarily intended to be used for those cases in which the granting of interest credits would be necessary for the borrower to retain a dwelling for his family that otherwise could not be accomplished. The State Director will submit to the National Office the full facts and justification for his recommendation and the County Office files.

3. Exhibit E-2 of Subpart A is revised to read as follows:

EXHIBIT E-2—INTEREST CREDIT AGREEMENT RENEWAL

Dear FmHA Borrower: The Interest Credit Agreement you signed, reducing the effective interest rate on your Rural Housing loan, expires soon. To determine whether you are eligible to continue to receive a reduction in your housing loan payment, we will need information about:

1. Your income and the incomes of others who live or propose to live in the dwelling during the next 12 months. You should report all income to be received from employment, including overtime pay, bonuses, commissions, tips, etc. You should also include all income to be received from other sources such as unemployment benefits, workman's compensation, disability income, pensions, veteran's benefits, social security, child support, alimony, welfare payments, and any other source.

2. The ages and relationship to you of others who live or propose to live in your dwelling.

3. The amount of real estate taxes paid by you on your dwelling each year reduced by any tax exemptions available but not taken.

4. The amount you pay each year for fire or hazard insurance on your dwelling.

This information must be provided promptly to the Farmers Home Administration (FmHA) by completing the enclosed Interest Credit Agreement. When applicable, the enclosed Request for Verification of Employment should also be completed.

1. *Interest credit agreement.* This form must be completed correctly and fully. If you are self-employed or a farmer, contact the County Supervisor for an appointment so that he may assist you in providing the required information. Otherwise, provide complete information in section 2 of the agreement, sign the form in the space provided, and send all copies of the form to the FmHA County Office using one of the enclosed envelopes.

2. *Request for verification of employment.* If you are not self-employed or are not a farmer, you should have your employer complete this form. Furthermore, a form should be prepared for each person living in your household, who proposes to live there in the next 12 months who has reach the legal age of majority in the State and receives income from salary or wages. You and other employed members of your household should each complete items 1, 2 and 3 of a Request for Verification of Employment form, sign it in block 4, and send or give it, with one of the enclosed envelopes, to each employer with a request that the form be completed within 10 days and sent to the FmHA County Office. to ensure that the form is returned to the County Office, you should place a stamp on the envelope before giving it to the employer. If more than two members of your household are employed, additional copies of the form should be obtained from the FmHA County Supervisor.

After the County Supervisor has received all of the required information, he will return a copy of the Interest Credit Agreement form to you. The agreement will show the amount of interest credit, if any, that will be credited to your loan account.

Failure to provide complete and accurate information or to return the forms promptly to the FmHA may result in your not receiving additional interest credits, thus increasing the payments on your loan.

If you have any questions, contact the local County Supervisor immediately.

[FR Doc.77-330 Filed 1-4-77;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart J—Conditions of Participation; Hospitals Use of Section 1115 Utilization Review Demonstration Projects in Effect Under Title XIX for Title XVIII Utilization Review Requirements

The amendment to the regulations set forth below, as recommended by the Commissioner of Social Security, is adopted by the Secretary of Health, Education, and Welfare (HEW). The amendment, which does not have major program significance, revises the existing utilization review regulations for hospitals under title XVIII of the Social Security Act (the Medicare program).

Under section 1115 of the Social Security Act (42 U.S.C. 1315), the Secretary has authority to approve demonstration projects dealing with certain titles of the Social Security Act other than title XVIII (42 U.S.C. 1395 et seq.). (The program of Health Insurance for the Aged and Disabled ("Medicare") is established under the latter title.) This authority may be used, under certain circumstances, to approve demonstration projects which would impact on how hospitals would perform utilization review under the program of Grants to States for Medical Assistance Programs ("Medicaid") established by title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The Secretary has become aware of a potential problem, in that approval of a utilization review demonstration project under Medicaid could force facilities to maintain two different sets of utilization review procedures in the same institution, one for Medicaid under the section 1115 project, and another for Medicare under the Medicare conditions of participation. The Secretary believes that this situation could work an unintended hardship on facilities participating in both the Medicare and Medicaid programs. Thus, the Secretary is amending the Medicare regulations to provide that, where a facility is affected by a section 1115 demonstration project, performance of the procedures required under such project could satisfy the Medicare condition of participation for utilization review for the duration of such project under section 1115. However, if a facility chooses to maintain two different systems, it could continue to follow, for Medicare purposes, the usual Medicare procedures, rather than the procedures set forth in the section 1115 project.

Under the amendment to the regulations set forth below, whenever the Secretary approves a section 1115 utilization review demonstration project for Medicaid, he will determine whether it is practicable to give affected facilities also participating in Medicare an option to perform such demonstration procedures for Medicare, rather than the procedures ordinarily prescribed under Medicare conditions of participation. In no case will the Secretary approve such procedures for Medicare where the procedures called for by the demonstration project do not at least meet all the statutory requirements in section 1861(k) of the Act (42 U.S.C. 1395x(k)) and apply to at least a significant majority of the hospitals in an entire State. In determining whether to offer such an option, the Secretary will also take into account the likelihood of whether procedures under the section 1115 demonstration project might ever be instituted as the condition of participation governing utilization review for all Medicare facilities. Further, the Secretary would not offer such an option if the particular procedures being studied under the section 1115 demonstration project have already been studied or are currently being studied under another demonstration project sponsored by HEW. If the Secretary decides, in view of these factors, to give facilities such an option, he will publish a notice in the FEDERAL REGISTER informing affected facilities that they may elect to apply the section 1115 demonstration project procedures in satisfaction of the Medicare condition of participation for utilization review. Facilities must decide within 30 days after the publication of such notice whether they prefer to follow the procedures under the section 1115 project, or continue to follow the usual Medicare procedures. Where a facility does not notify the Secretary within 30 days after such notice, it will be presumed that the facility wishes to continue performing Medicare utilization review under the usual Medicare procedures. Where facilities elect to perform the section 1115 procedures, these procedures become in effect the Medicare utilization review requirements, and reimbursement to facilities for the cost of utilization review would be made pursuant to the normal Medicare rules. If the section 1115 project continues longer than one year, facilities will again be afforded an option either to initiate the section 1115 procedures (if not previously elected), or to discontinue applying the section 1115 procedures (if previously elected), and return to the usual Medicare procedures.

The objective of this amendment is to benefit hospitals by providing them with this option. There are several reasons why it is in the best interest of the public to dispense with the Notice of Proposed Rule Making and public procedure, and to make this amendment effective as soon as possible. Without this amendment and the participation of some Medicare providers in the project, it would be more difficult to assess the potential application of the project procedures to the Medicare program. However, a provider of services participating in the Medicare program as a hospital will not be obliged to comply with the Section 1115 demonstration project procedures. Such compliance is required only if the provider voluntarily elects to be bound by the demonstration project procedures rather than the Medicare condition of participation. A section 1115 utilization review demonstration project has been approved for the State of Oklahoma, and this amendment has been requested by that State to relieve its facilities of any hardship involved in a dual set of utilization review procedures.

A delayed effective date, as called for under the Administrative Procedure Act, is also being dispensed with, because the amendment is a substantive rule which grants or recognizes an exemption or relieves a restriction. Thus, this amendment is being adopted, effective upon publication, because a delay in its implementation would be impractical, unnecessary, and contrary to the public interest (5 U.S.C. 553(b)(3)(B)).

Although Notice of Proposed Rulemaking is being dispensed with for the above reasons, consideration will be given for future changes, to any comments, suggestions, or objections to the amendment to the regulations which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21235, on or before February 22, 1977.

If there are any questions concerning this amendment to the regulations, you may contact Mr. Marinos Svolos, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-9315. Mr. Svolos will respond to questions, but will not accept comments on this amendment.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, S.W., Washington, D.C. 20201.

(Secs. 1102, 1861 (e)(6) and (k), and 1871 of the Social Security Act, as amended, 49 Stat' 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331, 42 U.S.C. 1302, 1395x (e)(6) and (k) and 1395hh.)

Effective date. The amendment to the regulations shall be effective January 5, 1977.

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance.)

Note: The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 15, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 29, 1976.

DAVID MATTHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding paragraph (l) to § 405.1035 to read as follows:

§ 405.1035 Condition of participation—utilization review plan.

• • • • •

(l) *Standard: Applicability under Title XVIII of utilization review procedures applicable for a Section 1115 utilization review demonstration project in effect under title XIX.* (1) *General.* (i) Notwithstanding the preceding paragraphs of this section, wherever there is in effect a demonstration project dealing with utilization review which is conducted under section 1115 of the Social Security Act (42 U.S.C. 1315), the Secretary may give hospitals participating in such project under title XIX of the Social Security Act (Medicaid), which are also participating as providers of services in the program under title XVIII of the Social Security Act (Medicare), an option to substitute the procedures required under such project for the procedures otherwise required by the preceding paragraphs of this section, for purposes of meeting the Medicare requirements for utilization review.

(ii) However, such option may not be given where the procedures required under such demonstration project:

(*a*) do not at least meet the statutory requirements contained in section 1861 (k) of the Act (42 U.S.C. 1395x(k)) and,

(*b*) are not applicable to at least a significant majority of the hospitals in an entire State.

(iii) Where the Secretary decides to offer such an option, he shall publish a notice in the FEDERAL REGISTER. Facilities shall have 30 days from the date of publication in the FEDERAL REGISTER to elect to perform under the procedures under the section 1115 demonstration project rather than the procedures prescribed in or pursuant to paragraphs (a)-(k) of this section.

(2) *Facility elects option.* (i) If the facility does notify the Secretary within such 30 days of its intention to apply the Section 1115 demonstration project procedures, the election is effective for patients admitted to the facility on the fifteenth day after the close of the 30-day period, or on the starting date of the project, whichever is later.

(ii) The option will remain in effect until the date on which the project ceases, unless the facility chooses to withdraw the election pursuant to paragraph (l)(2)(iii) of this section.

(iii) A facility originally electing to perform the section 1115 procedures for Medicare purposes may withdraw such election by notifying the Secretary in writing during the 30-day period preceding the anniversary of the effective date of the facility's election (see paragraph (l)(2)(i) of this section). The withdrawal is effective on the fifteenth day after the close of this 30-day period.

(3) *Facility does not elect option.* (i) In the event the facility does not notify the Secretary within such 30 days of its intention to apply the section 1115 demonstration project procedures for Medicare purposes, it must continue to apply the procedures required by paragraphs (a)-(k) of this section with respect to the Medicare program.

(ii) (*a*) The Secretary shall grant a subsequent 30-day period during which a facility may elect such section 1115 procedures in lieu of the title XVIII condition of participation if:

(*1*) The demonstration project is in effect for longer than a year;

(2) A facility failed to exercise its option during the original 30-day period established by the Federal Register notice; and

(3) The Secretary determines that a useful purpose will be served by granting such a subsequent 30-day period.

(*b*) Such subsequent 30-day period shall commence on the first anniversary of the effective date of the original 30-day period described in paragraph (l)(1)(iii) of the section.

(c) Such option, if elected during such subsequent 30-day period, shall be effective on the fifteenth day after the close of such subsequent 30-day period.

[FR Doc.77-367 Filed 1-4-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7455]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Temporary Regulations on Disclosures of Returns and Return Information in Connection with Procurement of Property and Services for Certain Tax Administration Purposes

This document contains temporary regulations on procedure and administration (26 CFR Part 404) under section 6103(n) of the Internal Revenue Code of 1954, as added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1681), in order to provide rules governing disclosures of returns and return information (as defined by section 6103(b)) in connection with procurement of property and services for tax administra-

tion purposes authorized by section 6103 (n).

The temporary regulations describe the circumstances and conditions under which an officer or employee of the Internal Revenue Service is authorized to disclose returns and return information to a person for the purpose of procuring property and services necessary to Federal tax administration. The regulations provide general rules regarding the requirement of necessity for the disclosure and limiting the extent to which such disclosures are authorized. The regulations also provide that the person to whom disclosures are made for these purposes can in turn disclose the tax data only for purposes specified by section 6103(n) and must maintain, to the satisfaction of the Service, safeguards to protect the confidentiality of the returns and return information and ensure against unauthorized disclosures.

These temporary regulations are effective on January 1, 1977.

ADOPTION OF AMENDMENT TO THE REGULATIONS

In order to prescribe temporary regulations on procedure and administration relating to disclosures of returns and return information in connection with procurement of property and services for tax administration purposes authorized by section 6103(n) of the Internal Revenue Code of 1954, as added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1681), the following temporary regulations are hereby adopted and added to Part 404 of Title 26 of the Code of Federal Regulations:

§ 404.6103(n)-1 Disclosure of returns and return information in connection with procurement of property and services for tax administration purposes.

(a) *General rule.* Pursuant to the provisions of section 6103(n) of the Internal Revenue Code of 1954 and subject to the requirements of paragraphs (b), (c), and (d) of this section, officers or employees of the Internal Revenue Service or office of the Chief Counsel therefor are authorized to disclose returns and return information (as defined in section 6103(b)) to any person (including any person described in section 7513 (a)), or to an officer or employee of such person, to the extent necessary in connection with contractual procurement by the Service or office of the Chief Counsel of—

(1) Equipment or other property, or

(2) Services relating to the processing, storage, transmission, or reproduction of such returns or return information or to the programming, maintenance, repair, or testing of equipment or other property,

for purposes of tax administration (as defined in section 6103(b)(4)). No person, or officer or employee of such person, to whom a return or return information is disclosed by an officer or employee of the Service or office of the Chief Counsel under the authority of this paragraph shall in turn disclose such return or return information for any purpose other than as described in this paragraph, and no such further disclosure for any such described purpose shall be made by such person, officer, or employee to anyone, other than another officer or employee of such person whose duties or responsibilities require such disclosure for a purpose described in this paragraph, without written approval by the Service.

(b) *Limitations.* For purposes of paragraph (a) of this section, disclosure of returns or return information in connection with contractual procurement of property or services described in such paragraph will be treated as necessary only if such procurement or the performance of such services cannot otherwise be reasonably, properly, or economically carried out or performed without such disclosure. Thus, for example, disclosures of returns or return information to employees of a contractor for purposes of programming, maintaining, repairing, or testing computer equipment used by the Internal Revenue Service should be made only if such services cannot be reasonably, properly, or economically performed by use of information or other data in a form which does not identify a particular taxpayer. If, however, disclosure of returns or return information is in fact necessary in order for such employees to reasonably, properly, or economically perform the computer related services, such disclosures should be restricted to returns or return information selected or appearing at random. Further, for purposes of paragraph (a) disclosure of returns or return information in connection with the contractual procurement of property or services described in such paragraph should be made only to the extent necessary to reasonably, properly, or economically conduct such procurement activity.

Thus, for example, if an activity described in paragraph (a) can be reasonably, properly, and economically conducted by disclosure of only parts or portions of a return or if deletion of taxpayer identity information (as defined in section 6103(b)(6)) reflected on a return would not seriously impair the ability of the contractor or his officers or employees to conduct the activity, then only such parts or portions of the return, or only the return with taxpayer identity information deleted, should be disclosed.

(c) *Notification requirements.* Each officer or employee of any person to whom returns or return information is or may be disclosed as authorized by paragraph (a) of this section shall be notified in writing by such person that returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized by paragraph (a) of this section and that further disclosure of any such returns or return information for a purpose or to an extent unauthorized by such paragraph constitutes a felony, punishable upon conviction by a fine of as much as $5,000, or imprisonment for as long as 5 years, or both, together with the costs of prosecution. Such person shall also so notify each such officer and employee that any such unauthorized further disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount not less than $1,000 with respect to each instance of unauthorized disclosure.

(d) *Safeguards.* Any person to whom a return or return information is disclosed as authorized by paragraph (a) of this section shall comply with all applicable conditions and requirements which may be prescribed by the Internal Revenue Service for the purposes of protecting the confidentiality of returns and return information and preventing disclosures of returns or return information in a manner unauthorized by paragraph (a). The terms of any contract between the Service and a person pursuant to which a return or return information is or may be disclosed by the Service for a purpose described in paragraph (a) shall provide, or shall be amended to provide, that such person, and officers and employees of such person, shall comply with all such applicable conditions and restrictions as may be prescribed by the Service by regulation, published rules or procedures, or written communication to such person. If the Service determines that any person, or an officer or employee of any such person, to whom returns or return information has been disclosed as provided in paragraph (a) has failed to, or does not, satisfy such prescribed conditions or requirements, the Service may take such actions as are deemed necessary to ensure that such conditions or requirements are or will be satisfied, including suspension or termination of any duty or obligation arising under a contract referred to in this paragraph or suspension of disclosures otherwise authorized by paragraph (a) of this section, until the Service determines that such conditions and requirements have been or will be satisfied.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found inpracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (c) of that section.

(Secs. 6103(n) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1681, 68A Stat. 917, 26 U.S.C. 6103(n), 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 29, 1976.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

[FR Doc.76-38492 Filed 12-30-76;12:18 pm]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-200]

PART 101-25—GENERAL

Procedural and Administrative Changes

This amendment recognizes the cancellation of the GSA stock tire program with regard to tire identification and registration requirements, changes a reporting procedure relating to the lease or purchase of telecommunications equipment, and provides administrative changes and corrections to update various sections of Part 101-25.

The table of contents for Part 101-25 is amended to include the following revised entries:

Sec.	
101-25.104	Acquisition of office furniture and office machines.
101-25.110-1	[Reserved]
101-25.503	Telecommunications equipment.

Subpart 101-25.1—General Policies

1. Section 101-25.104 is amended and its caption is changed as follows:

§ 101-25.104 Acquisition of office furniture and office machines.

Each executive agency shall make a determination as to whether the requirements of the agency can be met through the utilization of already owned items prior to the acquisition of new furniture or office machines. The acquisition of new items shall be limited to those requirements which are considered absolutely essential and shall not include upgrading to improve appearance, office decor, or status, or to satisfy the desire for the latest design or more expensive lines.

(a) Generally acquisition of additional furniture or office machines from any source will be authorized only under the following circumstances, limited to the least expensive lines which will meet the requirement (see § 101-26.408 of this chapter with respect to items such as typewriters under Federal Supply Schedule contracts), and the justification for the action shall be fully documented in the agency file:

• • • • •

(b) Each agency shall restrict replacement of furniture or office machines either to usable excess, rehabilitated, or the least expensive new lines available which will meet the requirement under the following circumstances, authority for which will meet the requirement under the following circumstances, authority for which shall be fully documented in the agency file:

• • • • •

2. Section 101-25.104-1 is revised as follows:

§ 101-25.104-1 Redestribution, repair, or rehabilitation.

Prior to the purchase of new office furniture and office machines, agencies shall fulfill needs insofar as practicable through redistribution, repair, or rehabilitation of already owned furniture and office machines. In furtherance of the use of rehabilitated furniture and office machines, agencies shall review inventories on a continuing basis to ascertain those items which can be economically rehabilitated and institute programs for their orderly repair and rehabilitation. All such items which are not required for immediate needs shall be reported as excess.

3. Section 101-25.107(d) is revised as follows:

§ 101-25.107 Guidelines for requisitioning and proper use of consumable or low cost items.

• • • • •

(d) The items listed below have from experience proven to be personally attractive and particularly susceptible to being used for other than official duties. Agencies should give special attention to these and any other consumable or low cost items when issues are excessive when compared with normal program needs.

Attache cases, Ball point pens and refills, Brief cases, Binders, Carbon paper, Dictionaries, Felt tip markers, Felt tip pens and refills, File folders, Letterex, Letter openers, Pads (paper), Paper clips, Pencils, Pencil sharpeners, Portfolios (leather, plastic, and writing pads), Rubber bands, Rulers, Scissors, Spray paint and lacquer, Staplers, Staples, Staple removers, Tape dispensers, Transparent tape, Typewriter ribbons.

§ 101-25.110-1 [Reserved]

4. Section 101-25.110-1 is deleted and reserved as follows:

Subpart 101-25.3—Use Standards

1. Section 101-25.302(a) is revised as follows:

§ 101-25.302 Office furniture, furnishings, and equipment.

(a) Each executive agency shall establish criteria for the use of office furniture, furnishings, and equipment. Such criteria shall be in consonance with the provisions of § 101-25.104 pertaining to office furniture and office machines and shall be limited to the minimum essential requirements as established by the agency head for authorized functions and programs which will, beyond a reasonable doubt, be in operation within the following 6 months.

• • • • •

2. Section 101-25.302-7 is revised as follows:

§ 101-25.302-7 Draperies.

Draperies are authorized for use where justified over other types of window coverings on the basis of cost, insulation, acoustical control, or maintenance of an environment commensurate with the purpose for which the space is allocated, as when executive or unitized office furniture is authorized in § 101-25.302-1. Determining whether the use of draperies is justified is a responsibility of the agency occupying the building or space involved after consultation with the agency operating or managing the building. Authorized draperies shall be of noncombustible or flame-retardant material, as required in § 101-20.109-7.

Subpart 101-25.4—Replacement Standards

1. Section 101-25.402 is revised as follows:

§ 101-25.402 Motor vehicles.

Replacement of motor vehicles shall be in accordance with the standards prescribed in Subpart 101-38.9.

2. Section 101-25.404-1 is revised as follows:

§ 101-25.404-1 Limitations.

Notwithstanding the provisions in § 101-25.404, agencies shall limit acquisition of new office furniture and office machines to essential requirements as provided in § 101-25.104. Replacement of correspondence filing cabinets will be governed by the provisions of § 101-26.308.

Subpart 101-25.5—Guidelines for Making Purchase or Lease Determinations

1. Section 101-25.502(b) is revised as follows:

§ 101-25.502 Methods of acquisition.

• • • • •

(b) Upon request, GSA will assist agencies in making appropriate determinations to lease or purchase equipment by providing the latest information on pending price adjustments to Federal Supply Schedule contracts and other factors such as recent or imminent technological developments, new techniques, and industry or market trends. Inquiries should be addressed to the General Services Administration (FP), Washington, D.C. 20406.

2. Section 101-25.503 is amended and its caption is changed as follows:

§ 101-25.503 Telecommunications equipment.

Before any telecommunications equipment, including facsimile, is selected, Federal agencies shall forward the information required by Subpart 101-35.2 to the General Services Administration (CPSR), Washington, D.C. 20405, or to the Regional Commissioner, Automated Data and Telecommunications Service, in the GSA region serving the reporting agency.

(a) In selecting telecommunications equipment (telewriting, facsimile, data, and message transmission equipment), agencies shall take full advantage of the purchase and lease options that may be available under the terms and conditions of the applicable Federal Supply Schedule contracts. When needed equipment is not available from a Federal Supply Schedule or if it is otherwise necessary for an agency to enter into a lease contract for its own requirements, an option to purchase should be provided in the contract.

• • • • •

3. Section 101-25.504(b) is revised as follows:

§ 101-25.504 Office copying machines.

• • • • •

(b) Selection of the appropriate and most economical equipment for the application intended is the responsibility of the ordering agency. The selection process should include a review of the functional and financial advantages of all

available copying processes (see § 101-26.408).

• • • • • •

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486 (c)))

Effective date: This regulation is effective on January 5, 1977.

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 27, 1976.

WALLACE H. ROBINSON, Jr.,
Acting Administrator of General Services.

[FR Doc.77-387 Filed 1-4-77;8:45 am]

[FPMR Amdt. E-199]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

GSA SELF-SERVICE STORES ITEMS

This regulation exempts GSA self-service stores from the requirement to justify procurement of items other than the lowest priced items available from a multiple-award Federal Supply Schedule.

Section 101-26.408-4 is amended as follows:

§ 101-26.408-4 Placement of orders against multiple-award schedules.

• • • • •

(c) GSA self-service stores are immediate sources of supply for Federal agencies and are responsible for providing administrative supplies and other selected items to meet official agency needs. In furtherance of this responsibility, these stores stock a variety of high demand items including a number which may be other than a lowest priced item available from a multiple-award Federal Supply Schedule. In such instances the GSA self-service stores are exempted from the requirements of this § 101-26.408-4 pertaining to the inclusion of justification of purchase in the delivery order file. When an agency makes a purchase of more than $500 per line item from a GSA self-service store and which is other than a similar lowest priced item available from a multiple-award schedule, GSA will assume that a justification has been prepared and made a part of the buying agency's purchase file. Availability of products, regardless of the total amount of the line item price, does not relieve an agency of the responsibility to select the lowest priced item commensurate with the needs of the agency.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective on January 5, 1977.

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 27, 1976.

WALLACE H. ROBINSON, Jr.,
Acting Administrator of General Services.

[FR Doc.77-388 Filed 1-4-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—MINERALS MANAGEMENT

[Circular No. 2416]

PART 3100—OIL AND GAS LEASING

Fees and Rentals

On page 11314 of the FEDERAL REGISTER of March 18, 1976, there was published a notice and text of proposed amendments to Part 3100 of Title 43 of the Code of Federal Regulations. The primary purpose of these amendments is to increase the rental rate from $.50 to $1.00 per acre on non-competitive oil and gas leases, and to increase the fee paid at the time of filing of an application for approval of an instrument of transfer from $10 to $25. The proposed rulemaking was published pursuant to policies expressed in the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended and supplemented, and in Title V of the Independent Offices Act of 1952 (31 U.S.C. 483a).

Interested persons were given until April 19, 1976, to submit comments, suggestions, or objections to the proposed rulemaking. As a result of requests for an extension of time to comment, the period for submission of comments, suggestions, or objections was extended to May 4, 1976. We received in excess of 200 comments on the proposed rulemaking, all of which were given careful consideration in the final rulemaking process.

Most of the comments expressed general disagreement with the purpose of the proposed rulemaking, with several commentors favoring the action. One area of misunderstanding on the part of many of the commentors was the belief that the proposed rulemaking increased the filing fee required in connection with applications for non-competitive oil and gas leases from the present $10 to $25. The proposed rulemaking does not change the filing fee, even though there were suggestions made that the filing fee should be increased.

Several commentors pointed out the fact that there had been long delays in the issuance of leases in connection with applications they had filed and that they should not be penalized for the delay in such issuances on the part of the Bureau of Land Management. We are amending the regulations to change the effective date from July 1, 1976, to February 1, 1977, to give the various offices of the Bureau of Land Management additional time to see if necessary work can be completed on pending applications so that they can be issued prior to the new effective date.

Even though a large number of the commentors indicated that the $.50 per acre increase in the rental fee was not justified, we restate our belief that the increase is in line with the fee charged by private land owners and many States on land leased by them for oil and gas, and that the taxpayers are entitled to this more equitable return on the public domain when it is leased for oil and gas.

Among those commentors that understood that the fee increase called for by the proposed regulations was to be applied to applications for transfers of interest in oil and gas leases, most opposed the increase. Several of the comments strongly opposed the inclusion of the transfer of royalty interest in the fee increase since it was their contention that the Bureau did little, if any, work on those applications and the fee increase could not be justified on the basis of increased costs. As a result of these comments, we have concluded that the present $10 fee is sufficient to cover our administrative costs in connection with applications for transfer of a royalty interest on an oil and gas lease and we are making an exception from the fee increase for applications for transfer of a royalty interest. All of the other transfer applications do require sufficient administrative work on our part to justify the fee increase to $25.

We received several suggestions that the lease period for non-competitive oil and gas leases be reduced from its present ten year term. This change cannot be made as a part of a rule-making because the lease term is set by statute, but the suggestion will be given careful consideration and may be acted on in the future.

We also discovered that the proposed regulations should have included an amendment to § 3103.2, which covers fees charged in connection with non-competitive oil and gas leases. Paragraph (b) of § 3103.2 specifically covers fees required for the filing of applications for transfers of interest and should have been made a part of this proposed rulemaking. We are including § 3103.2(b) in this final rulemaking and it is being made consistent with changes that the proposed rulemaking made in § 3106.2-1.

Accordingly, 43 CFR Part 3100 is revised as set forth below.

Effective date: This regulation will become effective on February 1, 1977.

Signed at Washington, D.C. on December 30, 1976.

JACK O. HORTON,
Assistant Secretary of the Interior.

1. Section 3103.2-1 paragraph (b) is revised to read as follows:

§ 3103.2 Fees.

§ 3103.2-1 General statement.

• • • • •

(b) *Transfers.* An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 3106.4 must be accompanied by a fee of $25, except that applications for transfer of a royalty interest must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing by the authorizing officer. Such fee will not be returned even though the application later be withdrawn or rejected in whole or in part.

2. Section 3103.3-2 paragraph (a) is revised to read as follows:

§ 3103.3-2 Advance rental payments.

Rentals shall be payable in advance at the following rates:

(a) On noncompetitive leases issued on and after February 1, 1977, under section 17 of the act for lands which on the day on which the rental falls due lie wholly outside of the known geological structure of a producing oil or gas field, or on which on the day on which the rental falls due the thirty days' notice period under paragraph (b)(1) of this section has not yet expired, an annual rental of $1.00 per acre or fraction thereof for each lease each year.

• • • • •

3. Section 3106.2-1 is revised to read as follows:

§ 3106.2-1 Where filed and filing fee.

An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 3106.4 must be filed in the proper office and accompanied by a fee of $25, except that applications for transfer of a royalty interest must be accompanied by a fee of $10. An application not accompanied by payment of such a fee will not be accepted for filing by the authorizing officer. Such fee will not be returned even though the application may later be withdrawn or rejected in whole or in part.

[FR Doc.76-38495 Filed 12-30-76;3:04 pm]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Great Swamp National Wildlife Refuge; N.J.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulation concerning public access, use, and recreation for individual wildlife refuges.

GREAT SWAMP NATIONAL WILDLIFE REFUGE

BASKING RIDGE, NEW JERSEY

The refuge is composed of two distinct units: The Management Area and the Great Swamp Wilderness Area.

The Management Area, with the exception of Pleasant Plains Road and the Wildlife Observation Center, is closed to public entry at all times. Pleasant Plains Road is open daily to through motor vehicle, bicycle, equestrian, and pedestrian traffic from 8 a.m. to dusk.

The Wildlife Observation Center is open daily to foot travel from dawn to dusk. No other means of transportation is permitted beyond the designated parking area and access road.

The Great Swamp Wilderness Area is open daily to entry on foot from dawn to dusk. All other means of travel are prohibited.

Possession or use of alcoholic beverages is not permitted. Fishing or the possession of fishing equipment is prohibited. Smoking is permitted only in designated parking areas. Pets on a leash not exceeding 10 feet in length shall be permitted only in designated parking areas.

All organized groups of more than ten persons requesting use of refuge facilities on weekdays must obtain reservations at refuge headquarters two weeks in advance. Conducted programs are limited to 50 persons. All buses using public parking areas must obtain a permit from refuge headquarters.

Maps designating refuge boundaries, public access routes and areas are available from the Refuge Manager, Great Swamp National Wildlife Refuge, RD 1, Box 148, Basking Ridge, New Jersey 07920, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern public use on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

DALE T. COGGESHALL,
Acting Regional Director, Fish and Wildlife Service.

DECEMBER 27, 1976.

[FR Doc.77-309 Filed 1-4-77;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Chincoteague National Wildlife Refuge; Va.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulation concerning public access, use, and recreation; for individual wildlife refuges.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Entry into the refuge is permitted between the hours of 4:00 a.m. to 10:00 p.m. daily for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcoming, sunbathing, and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted as posted on the ocean beach. Lifeguards are provided only on a protected beach operated by the National Park Service. Entry into the refuge by boat is permitted at the designated public use area at Tom's Cove Hook and the public use area operated by the Town of Chincoteague at Assateague Point. Flotation devices are permitted in designated water areas around Tom's Cove Hook.

Picnicking and contained fires are permitted at Tom's Cove Hook in designated areas operated by the National Park Service. Open fires by special permit only. All fires must be extinguished by water.

Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence along the beach southward from that point. Pets are not permitted on the refuge.

Off-road travel by overland vehicles is permitted only on designated routes within the public use areas at Tom's Cove Hook on the beach seaward of the primary dune line. Driving so as to cut circles or otherwise needlessly deface the sand dunes or vegetation is prohibited. Speed may not exceed 25 miles per hour. An annual permit at a fee of $5.00 is required for oversand vehicle use. Such permits are not transferable, shall be displayed as directed by the refuge manager, and shall be valid from April 15, 1977 to April 14, 1978.

All oversand vehicles must conform to applicable State laws having to do with licensing, registering, inspecting and insuring of such vehicles.

All oversand vehicles must carry at all times on the beach: shovel, jack, tow rope or chain, board or similar support for the jack and low pressure tire gauge.

No permit will be issued for a vehicle which does not meet the following standards:

On four-wheel-drive vehicles:

Maximum vehicle length.....feet..	26
Maximum vehicle width.....do....	8
Maximum ground clearance..inches..	7
Gross vehicle weight.....pounds..	10,000
Maximum number of axles.....	2
Maximum number of wheels per axle.	2
Minimum number of wheels.....	4

On two-wheel drive vehicles in addition to the six items listed above:

Minimum width of tire contact on the sand, 6 in. each wheel.
Tires with regular mud/snow tread, not acceptable.

The refuge manager may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations.

Twelve oversand vehicles are permitted per mile of beach. The refuge manager may temporarily close or limit access to the beach when this level is reached. Over-sand vehicle permits issued by the National Park Service for operation on the Assateague National Seashore will also be honored for operation on the designated over-sand vehicle routes within the public use areas at Tom's Cove Hook.

Special daily use fees at Tom's Cove Hook are as follows:

Specialized recreation site use, $1.00
Youth group camping per site, $3.00.

Fishermen who hold special overnight beach-fishing permits issued jointly by the Superintendent, Assateague Island National Seashore, and the Refuge Manager, Chincoteague National Wildlife Refuge, may remain on the refuge be-

tween the hours of 10 p.m. and 4 a.m. on the dates for which such permit is issued.

Organized youth-group and backpack camping is permitted by advance reservation only in National Park Service operated campsites located on the refuge. Permits may be obtained from the Superintendent, Assateague Island National Seashore.

The refuge, comprising approximately 9,840 acres, is delineated on a map available from the Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Virginia 23336, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations Part 26, and are effective through December 31, 1977.

DECEMBER 27, 1976.

DALE T COGGESHALL,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.77-311 Filed 1-4-77;8:45 am]

PART 33—SPORT FISHING

Chincoteague National Wildlife Refuge; Va.

The following special regulations are issued and are effective during the period January 5, 1977 through December 31, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public sport fishing, crabbing and clamming, in accordance with Virginia regulations, is permitted on the Chincoteague National Wildlife Refuge, VA subject to the following conditions: (1) Open areas: (a) Surf fishing—the entire beach including Tom's Cove is open as posted. (b) Fishing and crabbing—from the impoundment banks and salt water areas adjacent to the beach access road. (c) Clamming—the area between high and low tide marks in Tom's Cove, except as posted closed. (2) Permits: A permit is required for fishing from 10 p.m. to sunrise; no permit is required at other times.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

DALE T. COGGESHALL,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 27, 1976.

[FR Doc.77-310 Filed 1-4-77;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Interim Regime for Taking of Marine Mammals Incidental to Commercial Fishing Operations

NOTICE TO AMERICAN TUNABOAT ASSOCIATION OF MODIFICATION TO ITS 1976 GENERAL PERMIT, CATEGORY 2: ENCIRCLING GEAR; YELLOWFIN TUNA PURSE SEINING

Proposed rules to amend 50 CFR 216.24 (d)(2), thus allowing fishing "on porpoise" from January 1, 1977 until final action on 1977 regulations is taken, were published in the FEDERAL REGISTER (41 FR 49859–49862) on November 11, 1976. This same notice also proposed modifications to the 1976 General Permit issued to the American Tunaboat Association under "Category 2: Encircling Gear; Yellowfin Tuna Purse Seining" to Section 104(e), 16 U.S.C. 1374(4). The proposed regulatory amendments would bring the existing 1976 regulations into compliance with the best scientific evidence available. Comments on the proposals were received from the American Tunaboat Association, the Committee for Humane Legislation, the Environmental Defense Fund, the Marine Mammal Commission, and the Pacific Legal Foundation.

The American Tunaboat Association (ATA) and the Pacific Legal Foundation, while endorsing the concept of interim regulations, criticized the proposals primarily on the grounds that the quotas proposed were too low and too restrictive. ATA in particular cited much of the testimony presented at the recent Marine Mammal Protection Act Hearings as evidence that the quotas proposed were (a) arrived at by a formula that was unnecessarily conservative and not called for by the Marine Mammal Protection Act (the Act); and (b) the result of inadequate and erroneous data. In addition, ATA asserted that the quotas would be counterproductive and harmful to the industry.

The Environmental Defense Fund concurred generally in the proposed action, while questioning the authority to carry it out. The National Marine Fisheries Service (NMFS), however, considers its authority to amend the current regulations is unimpaired as long as the stay issued by the Court of Appeals remains in effect, and therefore has determined that the proposed amendments are appropriate at this time.

Committee for Humane Legislation raised several issues in opposition to the proposals. These issues have recently been raised in a judicial forum, including the issue of humane taking.

The Director has determined, based on the best evidence available that, with respect to the proposed amendments, the incidental take permitted results in the least possible degree of pain and suffering practicable, and is a taking in a humane manner.

The Marine Mammal Commission, while noting that it had not completed its review of the evidence presented before Judge Vanderheyden, stated:

> Pending the completion of that review of the record evidence, the Commission concurs with the statements in the notice of the Interim Regime for the Taking of Marine Mammals Incidental to Commercial Fishing Operations (41 FR 49859–49862, November 11, 1976) concerning the scientific basis for the proposed Regime. We agree that the proposed limitations of take on each stock or species "ensure that the allowed take would not be to the disadvantage of any such species or stock"(41 FR 49859), and have been determined, on the basis of the best scientific evidence currently available, to allow the species and stocks to increase with virtual certainty and to grow toward or remain within their optimum sustainable population range (41 FR 49860).

Upon review of the comments received, the Director has therefore decided to extend the General Permit issued to the American Tunaboat Association. The number and kind of marine mammal species and stocks which may be killed in commercial fishing operations under this permit are specified in the permit. However, such killing will commence only on a date so designated by the Director. The order of the Court of Appeals for the District of Columbia Circuit of August 6, 1976, in *Committee for Humane Legislation* v. *Elliot L. Richardson* voided, as of January 1, 1977, both certain regulations concerning the incidental take of marine mammals in commercial fishing operations and the general permit issued to the American Tunaboat Association under those regulations. If this Court grants relief bevond January 1, 1977, the Director will provide notice together with such further restrictions as may be needed to comply with the nature and extent of the relief granted.

The Director also decided to promulgate the proposed amendments to the regulations pending further determinations based on recommendations of the Administrative Law Judge pursuant to MMPAH–No. 2–1976, except that the allowable take of porpoise will be pro-rated for the interim period to one-third of that originally proposed. This amendment will protect the integrity of the decision making procedure in MMPAH–No. 2–1976. The proposed modification to the General Permit is similarly changed.

As discussed in the November 11, 1976, FEDERAL REGISTER Notice, NMFS will endeavor to have these regulations in force from January 1, 1977, until permanent regulations resulting from the administrative hearing process, MMPAH–No. 2–1976, are effective or until April 30, 1977, whichever comes first.

A permit in effect at the time these permanent regulations are promulgated, would be modified so as to be consistent with and then subject to the terms of these permanent regulations.

Accordingly, the General Permit issued to the American Tunaboat Association on December 20, 1975, under Category 2: Encircling Gear; Yellowfin Tuna Purse Seining is hereby modified as of December 29, 1976, pursuant to Section 104(e), 16 U.S.C. 1374(4), in the following manner:

Change section 3 of the Permit to read:

> From 0001 hours, January 1, 1976, to 2400 hours, April 30, 1977.

Furthermore, in order to make the General Permit consistent with the limited take set forth in the regulation amendments, delete the second sentence in section 5, and add the following subsections 5 (a) and (b):

5(a) The taking of marine mammal species and stocks in the course of commercial fishing operations under this permit between 0001 hours January 1, 1977, and 2400 hours April 30, 1977, may not commence until the Director designates that such taking can commence.

5(b) The number of marine mammal species or stocks which may be killed in the course of commercial fishing operations under this permit during the period mentioned in section 5(a) shall not exceed:

1. Spotted dolphin (coastal)[1]	0
2. Spotted dolphin (offshore)	7,267
3. Spinner dolphin (C. Rican)	0
4. Spinner dolphin (eastern)	0
5. Spinner dolphin (whitebelly)	0
6. Common dolphin (northern)[2]	133
7. Common dolphin (central)[2]	533
8. Common dolphin (southern)[2]	1,867
9. Striped dolphin (northern)	13
10. Striped dolphin (north-equatorial)[3]	133
11. Bottlenosed dolphin	20
12. Rough-toothed dolphin	1
13. Fraser's dolphin	2
14. Risso's dolphin	2
15. Short-finned pilot whale	1
16. Melon-headed whale	0
17. Pygmy killer whale	0
Total	9,972

[1] Including the tentatively identified southwestern stock.
[2] Including the tentatively identified equatorial-oceanic stock.
[3] Including the tentatively identified south-equatorial stock.

Dated: December 29, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

Accordingly, 50 CFR 216.24(d)(2)(i)(A) is amended, as of December 29, 1976, to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * * * *

(d) * * *

(2) Encircling gear; yellowfin tuna purse seining (i)(A): A certificate holder may take marine mammals so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. The number of all other stocks or species of marine mammals that may be killed by all certificate holders in the course of commercial fishing operations shall not exceed 78,000 during the period January 1, 1976 through December 31, 1976. During the period January 1, 1977 through April 30, 1977 no certificate holder shall encircle any marine mammals until the Director designates that such encircling may commence. This designation shall be published in the FEDERAL REGISTER. After such designation, no certificate holders shall: (1) Encircle mixed or pure schools of coastal spotted dolphin or spinner dolphin of any stock, or (2) encircle pure schools or any species of porpoise except offshore spotted dolphin and common dolphin, and (3) the number of all stocks or species which may be killed shall not exceed:

(i). Spotted dolphin (coastal)[1]	0
(ii). Spotted dolphin (offshore)	7,267
(iii). Spinner dolphin (C. Rican)	0
(iv). Spinner dolphin (eastern)	0
(v). Spinner dolphin (whitebelly)	0
(vi). Common dolphin (northern)[2]	133
(vii). Common dolphin (central)[2]	533
(viii). Common dolphin (southern)[2]	1,867
(ix). Striped dolphin (northern)	13
(x). Striped dolphin (north-equatorial)[3]	133
(xi). Bottlenosed dolphin	20
(xii). Rough-toothed dolphin	1
(xiii). Fraser's dolphin	2
(xiv). Risso's dolphin	2
(xv). Short-finned pilot whale	1
(xvi). Melon-headed whale	0
(xvii). Pygmy killer whale	0
Total	9,972

[1] Including the tentatively identified southwestern stock.
[2] Including the tentatively identified equatorial-oceanic stock.
[3] Including the tentatively identified south-equatorial stock.

All animals killed during the period January 1, 1977 through April 30, 1977 will be counted as a part of the total allowable kill for the period January 1, 1977 through December 31, 1977 which is established pursuant to administrative hearings and the Director's final decision.

The Director shall determine on the basis of all evidence available to him, the date upon which any individual stock or species quota will be reached or exceeded and shall prohibit thereafter the encircling of marine mammals of those stocks or species by purse seine in the course of commercial fishing operations. Notice of the Director's determination shall be published in the FEDERAL REGISTER not less than 7 days prior to the date upon which the prohibition is to become effective.

[FR Doc.76-38496 Filed 12-30-76;4:06 pm]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1976-6]

FIRMS SUBJECT TO MANDATORY PETROLEUM AND PRICE ALLOCATION REGULATIONS

Record Keeping Requirements

Section 210.92 of the Federal Energy Administration ("FEA") General Allocation and Price Rules sets forth the record keeping requirements for firms which are, or have been, subject to the FEA Mandatory Petroleum Allocation Regulations or the FEA Mandatory Petroleum Price Regulations. It provides as follows:

(a) *General.* Each firm subject to this part shall keep such records as are sufficient to demonstrate tht the prices charged or the amounts sold by the firm are in compliance with the requirements of this part.

(b) *Inspection.* Records required to be kept under paragraph (a) shall be made available for inspection at any time upon the request of a reprsentative of the FEO.

(c) *Justification.* Upon the request of a representative of the FEO any firm which has filed a notice of a proposed price increase, increases a price pursuant to this subpart, or takes any action pursuant to the allocation provisions of this Chapter, shall:

(1) Specify the records that it is maintaining to comply with this paragraph; and

(2) Justify that proposed price increase, increased price, or action pursuant to the allocation provision of this Chapter.

(d) *Period for keeping records.* Each firm required to keep a record under this paragraph shall maintain and preserve that record for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired by that firm whichever is later.

The purpose of this Ruling is to make clear that

* * * such records as are sufficient to demonstrate that the prices charged or the amounts sold by the firm are in compliance with the requirements of this part * * *.

necessarily include with respect to each regulated transaction whatever records are necessary to establish the historical prices or volumes which served as the basis for determining the regulated prices or volumes in such regulated transactions.

Thus, for example, a producer of domestic crude oil that makes a first sale of such crude oil during 1976 of "new crude oil" pursuant to the upper tier ceiling price rule of § 212.74 must, with respect to such 1976 transactions, keep records not only for the 1976 transactions, but also of the history of production and sale of crude oil from the property concerned, from which the "base production control level" of the property can be determined. This will generally require records of production and sale of crude oil for all months since January 1, 1972.

Pursuant to § 210.92(d), the producer "shall maintain and preserve that record [i.e., the record of 1976 transactions together with the records from which the property's base production control level can be established] for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred * * * [i.e., until December 31, 1980]." recorded in that record occurred * * * [i.e., until December 31, 1980]."

Similarly, for example, producers of domestic crude oil which make first sales of stripper well crude oil which are exempt from the provisions of Part 212 pursuant to § 212.54 must maintain and preserve with respect to such sales, the production records which establish that the property concerned has qualified as a stripper well property.

The same principles apply with respect to regulated transactions by all firms, including refiners, resellers and retailers,

and gas plant operators. Under the price rules generally, current maximum allowable prices are established by reference to prices and costs during or prior to May 1973. Accordingly the records which are required to be maintained and preserved through 1980 with respect to any transactions during 1976 that were subject to FEA price regulations include the records of May 1973 or earlier transactions pursuant to which maximum allowable prices during 1976 were established.

Finally, with respect generally to the Part 211 allocation regulations, records of transactions during the base period, typically 1972, must be maintained through 1980 with respect to all transactions during 1976 which were subject to the FEA allocation regulations.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

DECEMBER 30, 1976.

[FR Doc.76-38497 Filed 12-30-76;5:04 pm]

Emergency Amendment Adopting Special Rule No. 1 for Subpart F

The Federal Energy Administration ("FEA") hereby amends, on an emergency basis, the Mandatory Petroleum Price Regulations in Subpart F of Part 212 by the addition of Special Rule No. 1 as an Appendix to that part. Special Rule No. 1 provides for a change in the method of pricing allocated crude oil for deliveries for the months January through March 1977 pursuant to the Mandatory Crude Oil Allocation Program (the "buy/sell program") to take properly into account the price increases announced by the Organization of Petroleum Exporting Countries ("OPEC") effective January 1, 1977. This Special Rule is effective immediately because any delay in its effective date would result in sale prices for refiner-sellers that would be unrepresentatively low based on their current landed costs, and would also result in feedstock cost disparities among refiner-buyers, depending on their access to allocated crude oil.

An OPEC conference was held in Doha, Qatar, from December 15 to 17, 1976. The final press release issued by the participants announced that eleven countries had decided to increase the price of the marker crude from $11.51/BBL to $12.70/BBL as of January 1, 1977 and to $13.30 as of July 1, 1977. The price of all other crudes will be increased accordingly. Saudi Arabia and the United Arab Emirates, however, will raise their prices by 5 percent only.

Allocated crude oil is currently priced under 10 CFR 212.94 at the weighted average landed cost of imported crude oil to each refiner-seller (excluding crude oil imported from Canada) over a three-month period, the month of delivery and the two preceding months, with provision for a handling fee and location and quality adjustments. If no change were made in this rule, the lower prices prevailing in the months prior to January 1977 would result in a per barrel sale price for refiner-sellers that would be below the world market price for imported crude oil until April 1977, at which point only minimal volumes of lower priced crude oil would be included in their landed cost figures. This would result in higher prices on covered products for refiner-sellers and would have a potential for the creation of market distortions by placing certain refiner-buyers at a competitive disadvantage relative to other refiner-buyers that were able to purchase significant volumes of the lower-priced allocated crude oil. The discrepancy between the world market price of crude oil and the price of allocated crude oil would be contrary to FEA's intent in adopting the current pricing rule, which was meant to assure that sales were made at prices representative of crude oil prices in the world market. However, Special Rule No. 1 should not result in any disproportionate increase in the costs to refiner-buyers that would render these firms uncompetitive, because of the cost-equalizing effects of FEA's domestic crude oil allocation program.

Special Rule No. 1 provides that, for the months January through March 1977, each refiner-seller's sales of allocated crude oil will be priced at the weighted average cost of imported crude oil delivered to that refiner-seller in the month of delivery to the buyer, plus the handling fee and with the transportation and quality adjustments currently set out in § 212.94. Then, commencing with April 1977, all sales will again be made under the current provisions of § 212.94; that is, the sale price for allocated crude oil will be based on the weighted average landed cost of imported crude oil in the month of delivery and in the two preceding months.

FEA requests comments on the desirability of adopting Special Rule No. 1 as a permanent rule beyond the period for which it is effective as set forth herein because of the stated intent of OPEC to raise prices again in July, and the possibility of future price increases. In this regard, comments are requested as to whether the current provisions of § 212.94 do, in fact, avoid distortions in sales prices, or whether a permanent rule utilizing the seller's import costs in the month of delivery would serve this purpose as well.

Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275 (the "FEAA")) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(i)(1)(B) of the FEAA would cause serious harm and injury to the public welfare. Accordingly, these requirements must be waived and the amendment adopted hereby is made effective immediately, prior to opportunity to comment thereon.

As required by section 7(c)(2) of the FEAA, a copy of this emergency amendment was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the quality of the environment. The Administrator had no comments.

Because the amendment adopted hereby is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m. on January 19, 1977, in Room 2105, 2000 M Street N.W., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., January 10, 1977. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through January 17, 1977. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., January 11, 1977, and must submit 100 copies of his or her statement to the Office of Regulations Management, 2000 M Street, Washington, D.C., before 4:30 p.m., e.s.t., on January 18, 1977.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., January 14, 1977. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the amendment to Box HP, Executive Communications, Room 3309, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Special Rule No. 1". Fifteen copies should be submitted. All comments received by January 19, and all other relevant information will be considered by FEA in the evaluation of the amendments adopted hereby.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective January 1, 1977.

Issued in Washington, D.C., December 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

Subpart F of Part 212 is amended by adding an Appendix with a Special Rule No. 1 to read as follows:

APPENDIX—SPECIAL RULE NO. 1

1. *Scope.* This Special Rule provides for an alteration in the method of allocated crude oil pricing under § 212.94 for the months January through March 1977.

2. *Special pricing rule for the months January through March 1977.* Notwithstanding the provisions of § 212.94(b)(1), the price at which crude oil shall be sold by a refiner-seller in January 1977, February 1977 and March 1977 for sales required under § 211.65 of Part 211 of this chapter shall not exceed the monthly weighted average per barrel landed cost (as defined in § 212.82, but utilizing the volumes of imported crude oil at the time of importation thereof into the United States) of all imported crude oil seller in January 1977, February 1977 and (other than crude oil imported from Canada) delivered to that refiner-seller in the month in which delivery is made to the refiner-buyer, plus the handling fee and reflecting the transportation, gravity, and sulphur content adjustments specified in § 212.94.

3. *Provisions of Subpart F.* The provisions of Subpart F of Part 212 shall remain in full force and effect except as expressly modified by the provisions of this Special Rule.

[FR Doc.76-38499 Filed 12-30-76;5:04 pm]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[ERL 667-1]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Notice to Gasoline Refiners: December 31, 1976, and January 31, 1977, Lead Phase-Down Submittals

Notice is hereby given by the Environmental Protection Agency (EPA) to all large refiners (greater than 30,000 barrels per day (bbl/d) crude capacity) operating a small refinery (less than or equal to 30,000 bbl/d crude capacity), as of October 1, 1976, in regard to the January 31, 1977, and December 31, 1976, submittals under 40 CFR 80.20(a)(4) (ii) and (v) respectively:

Enforcement against any large refiner operating a small refinery for failure to comply with § 80.20(a)(4)(v) with respect to the small refinery will be suspended until March 31, 1977, by which time the information must be submitted. EPA will not enforce the 0.8 gpg January 1, 1978, standard with respect to a small refinery owned by a large refiner whose plant pursuant to § 80.20(a)(4)(ii) with respect to such refinery is submitted after January 31, 1977, so long as the information is submitted by April 30, 1977, and all other suspension criteria are met.

Similar relief was granted small refiners in an earlier notice (41 FR 55646, December 21, 1976). This delay is accorded small refineries of larger refiners while the EPA completes its evaluation of separate treatment for the small refiner or small refinery.

All inquiries concerning this notice should be made to Mark S. Siegler, Chief, Fuels Section, Mobile Source Enforcement Division at (202) 755-2816.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement (EN-329).

DECEMBER 30, 1976.

[FR Doc.77-398 Filed 1-4-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

[16 CFR Part 450]

ADVERTISING FOR OVER-THE-COUNTER DRUGS

Notice of Change of Date for Submission of Written Comments Concerning Proposed Trade Regulation Rule

On November 12, 1976, the Presiding Officer published in the FEDERAL REGISTER (41 FR 50697) a Change of Dates for Hearing and Related Requirements Concerning Proposed Trade Regulation Rule.

As published in such Notice the dates were set as follows:

The closing date for submission of all written comments: January 10, 1977;

The closing date for submission of witnesses' prepared statements (or comprehensive outlines) and exhibits for hearing: February 3, 1977;

The commencement date of the hearing: February 28, 1977.

The closing date for submission of all written comments is now January 21, 1977. All other dates set out in the Presiding Officer's Notice of Change of Dates published November 12, 1976, remain the same and the instructions set forth in that notice and the Presiding Officer's Final Notice of proposed rulemaking concerning Advertising for Over-the-Counter Drugs published September 16, 1976, (41 FR 39768) remain the same.

Issued: January 3, 1977.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc.77-484 Filed 1-4-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 301]

CLASSIFICATION OF ORGANIZATIONS FOR PURPOSES OF FEDERAL TAXATION

Proposed Rulemaking on Unincorporated Organizations

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 18, 1977. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by February 18, 1977. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to certain provisions of the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701 of the Internal Revenue Code of 1954, relating to the classification of organizations for purposes of Federal taxation. As recent court decisions such as Philip G. Larson, 66 T.C. 159 (1976), have pointed out, the statement of the classification critera in the existing regulations is inadequate and requires clarification.

The Internal Revenue Code establishes certain categories, or classes, of organizations for purposes of Federal taxation. According to its classification, an organization may be taxable as a corporation, a partnership, or some other entity. Included among the organizations which are taxable as corporations are joint stock companies, insurance companies, and associations.

In Morrissey v. Commissioner, 296 U.S. 344 (1935), the United States Supreme Court listed a number of characteristics to be taken into account in determining whether an organization bears a sufficiently close resemblance to a corporation to warrant its being classified as an association for purposes of the Code.

Existing § 301.7701-2 defines an association in terms of the *Morrissey* characteristics, but the provisions of that section have been found deficient in several respects. The description of the four characteristics that distinguish corporations from partnerships, i.e., continuity of life, centralized management, limited liability, and transferability of interests, are not well suited to the classification of organizations, such as limited partnerships, whose members have widely differing rights and responsibilities. Furthermore, an organization ordinarily may not be classified as an association under existing § 301.7701-2 unless it possesses at least three of the four characteristics that distinguish corporations from partnerships. This "preponderance" test has been criticized as deviating from the "resemblance" test of *Morrissey*.

Existing § 301.7701-2 also provides special rules with respect to professional service organizations. A number of court decisions declared these rules invalid in whole or in part, and in 1970 the Internal Revenue Service announced that it would no longer apply the rules in question. See Rev. Rule. 70-101, 1970-1 C.B. 278.

The proposed amendments will be applicable to both domestic and foreign organizations. See Rev. Rul. 73-254, 1973-1 C.B. 613. With respect to any organization created after January 5, 1977, these amendments are proposed to be effective beginning with the first taxable year of the organization which ends on or after the date of publication of a Treasury decision on this subject. With respect to organizations created on or before January 5, 1977, these amendments are proposed to be effective beginning with the fourth taxable year of the organization ending after the date of publication of a Treasury decision on this subject unless changes in the organization prior to that date are so extensive that the new rules must be applied earlier.

The rules for the classification of organizations that are neither profit-seeking organizations nor ordinary trusts will be published at a later time.

The proposed amendments provide that an unincorporated organization will be classified as an association if it more nearly resembles a corporation than a partnership of trust. Six corporate characteristics derived from the *Morrissey* opinion are enumerated: (i) associates, (ii) an objective to carry on business, (iii) continuity of life, (iv) centralization of management, (v) limited liability, and (vi) transferability of interests.

An organization will not be classified as an association unless it has associates and an objective to carry on business. An organization with only one beneficial owner may be considered to have associates if the circumstances indicate that it is analogous to a corporation with a single shareholder. A later notice of proposed rule making will focus on the distinction between an ordinary trust and a business trust and will set forth the criteria for corporate resemblance with respect to business objective.

If an organization has associates and an objective to carry on business, its classification will depend upon its resemblance to a corporation with respect to the other four characteristics enumerated. The "preponderance" test of the existing regulations does not appear in the proposed amendment. The examples illustrate how classification is determined when an organization resembles a corporation with respect to two of the four characteristics but not with respect to the other two.

The proposed amendment finds corporate resemblance with respect to continuity of life in two sets of circumstances. An organization resembles a corporation with respect to continuity if members holding a majority interest (or a majority of one class of interests) have the power to prevent interruption of the business operations of the organization despite an event that causes a dissolution of the original entity under local law. This power exists where a majority group would be able to preclude liquidation of the organization under local law and the continuation of the business operations of the organization would not be significantly impaired by the loss of the maximum amount of capital that could be withdrawn despite a majority decision to continue. An organization also resembles a corporation with respect to continuity if its only general members are corporations controlled by limited members.

Corporate resemblance with respect to centralized management is present when the person or persons making the management decisions (i.e., the decisions that would be made by the directors if the organization were a corporation) are acting primarily in a representative capacity rather than on their own behalf. Those with management power are considered to be acting primarily in a representative capacity when they do not own a substantial interest in the organization or when they may be removed by other members.

An organization resembles a corporation with respect to limited liability when the percentage of the interests in the organization that do not entail personal liability for claims against the organization is substantially in excess of the percentage of interests that do entail personal liability. An interest does not entail personal liability when the member owning that interest is not subject to substantial risk of loss as to assets not invested in the organization. Organizations engaged in certain activities which are covered by insurance and principally financed through nonrecourse indebtedness resemble corporations with respect to limited liability since the members are protected as to their other assets.

Under the proposed amendment the characteristic of limited liability is disregarded in determining overall corporate resemblance in two situations. The nature of the business operation may preclude the possibility of any claim against the organization for an amount in excess of the capital invested; this situation is illustrated by an example describing an organization whose only activity is investing in mutual fund shares. Limited liability is also disregarded when no member of an organization has any substantial assets other than those invested in the organization.

An organization resembles a corporation with respect to the characteristic of transferability of interests when a substantial majority of the interests are transferable. Restrictions on transfer are disregarded when they do not materially affect the member's ability to convey to another the primary benefits attaching to ownership of the interests.

The proposed amendment provides that interests in an organization are ordinarily measured by reference to the members's shares in equity as that term is defined in the regulations. When the liabilities of an organization exceed 85 percent of the total of the adjusted basis of all the assets of the organization, however, interests are measured by the members' shares of the profits.

Under the proposed amendment organizations are to be classified on the basis of their characteristics for each taxable year. Material changes during a taxable year may lead to a reclassification of the organization. A change in the percentage of the entire interest in the organization owned by a class of members will not be considered material unless the percentage has changed by 10 percentage points or more since the initial classification of the organization or its most recent reclassification.

PROPOSED AMENDMENTS TO THE REGULATIONS

To clarify the classification of unincorporated organizations for purposes of Federal taxation, the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701 of the Internal Revenue Code of 1954 are amended as follows:

Paragraph 1. Paragraphs (b) and (c) of § 301.7701-1 are amended to read as follows:

§ 301.7701-1 Classification of organizations for tax purposes.

• • • • • •

(b) *Standards.* The Internal Revenue Code prescribes certain categories, or classes, into which various unincorporated organizations, whether domestic or foreign, fall for purposes of taxation. These categories, or classes, include associations (which are taxable as corporations), partnerships, and trusts. The tests, or standards, which are to be applied in determining the class in which an organization belongs (whether it is an association, a partnership, a trust or other taxable entity) are set forth in §§ 301.7701-1A to 301.7701-4. The provisions of §§ 301.7701-2 to 301.7701-4 apply to profit-seeking organizations and to organizations described in § 301.7701-4(a). The provisions of § 301.7701-1A apply to organizations not within the scope of §§ 301.7701-2 to 301.7701-4.

(c) *Effect of local law.* Although the Internal Revenue Code and §§ 301.7701-1A to 301.7701-4 establish the tests or standards to be applied in classifying an organization for purposes of Federal taxation, local law (in the case of a foreign organization, the local law of the foreign jurisdiction) governs in determining the existence of any legal rights and obligations that may be material in the application of those standards. Thus, it is local law which must be applied in determining such matters as the legal relationships of the members of the organization among themselves and with the public at large and the interests of the members of the organization in its assets. The terms used to designate organizations under local law, however, are in and of themselves of no importance in the classification of such organizations for the purposes of taxation under the Internal Revenue Code. Thus, a particular organization might be designated a partnership under the law of one State and another type of entity under the law of another State. However, for purposes of the Internal Revenue Code, this organization would be uniformly classified as a partnership, an association (and, therefore, taxable as a corporation), or some other entity, depending upon its nature under the classification standards of §§ 301.7701-1A to 301.7701-4. The term "corporation" is not limited to the artificial entity usually known as a corporation, but includes also an association, a joint-stock company, and an insurance company.

Par. 2. There is inserted immediately after § 301.7701-1 the following new section:

Sec.

• • • • •

301.7701-1A Classification of nonprofit organizations. [Reserved]

Par 3. Section 301.7701-2 is amended to read as follows:

§ 301.7701-2 Associations.

(a) *Corporate resemblance in the case of profit-seeking organizations*—(1) *In general.* The term "association" refers to an unincorporated organization which is taxable as a corporation for purposes of the Internal Revenue Code because it more nearly resembles a corporation than a partnership or trust. The determination of whether an unincorporated organization is to be classified as an association depends on the overall resemblance of the organization to a corporation in purpose, structure, and method of operation. See *Morrissey* v. *Commissioner*, 296 U.S. 344 (1935). There are a number of major characteristics ordinarily found in a corporation organized for profit which, taken together, distinguish it from other organizations. These are (i) associates, (ii) an objective to carry on business, (iii) continuity of life, (iv) centralization of management, (v) liability for corporate debts limited to corporate

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property, and (vi) transferability of interests. An organization will not be classified as an association within the meaning of this section unless it has associates (or is considered to have associates under paragraph (b) of this section) and has an objective to carry on business. In determining whether a particular organization which has or is considered to have these two essential characteristics will be classified as an association, the resemblance of the organization to a corporation with respect to each of the other four corporate characteristics is taken into account except insofar as the circumstances described in paragraph (f)(3) of this section require the characteristic of limited liability to be disregarded. Because the overall resemblance of an organization to a corporation is determinative for purposes of classification, an organization may be classified as an association when it resembles a corporation with respect to two or more of the four characteristics referred to in the preceding sentence.

(2) *Partnership compared.* A partnership has associates and an objective to carry on business, but it ordinarily does not resemble a corporation with respect to the other four characteristics enumerated in paragraph (a)(1) of this section. A partnership is usually characterized by the partners' personal identification with the partnership, their personal participation in its decision-making, and their personal responsibility for its obligations.

(3) *Trust compared.* In an ordinary trust legal title to, and control over, property are separated from beneficial ownership. Consequently, an ordinary trust may allow for continuity of life, centralized management, limited liability for the beneficiaries, and transferability of interests. Unlike a corporation, however, an ordinary trust is designed to protect or conserve property for the beneficiaries rather than serve as the medium for the conduct of a business enterprise. See § 301.7701–4.

(4) *Operating rule.* An organization shall be classified for each taxable year under the rules of this section on the basis of all the relevant facts and circumstances. The classification of an organization for a given taxable year may differ from its classification for the preceding taxable year whenever there is a sufficiently material change in the organization that affects the determination of its resemblance to a corporation with respect to one or more of the characteristics described in this section. Generally, the reclassification will be effective as of the first day of the taxable year in which the significant changes resulting in the reclassification occur. When the facts and circumstances warrant, the Internal Revenue Service may determine that the reclassification shall be effective on the first day of the taxable year following such taxable year. Changes in the type of activities conducted by the organization, for example, could affect the resemblance of the organization to a corporation with respect to limited liability. Similarly, a change in the management structure of an organization could be significant in determining whether the organization resembles a corporation with respect to centralized management. An organization may also be subject to reclassification if the percentage of the entire interest in the organization which is owned by a class of members changes materially in any subsequent taxable year as compared with the percentage owned by that class at the time of the initial classification of the organization or, if the organization has been reclassified, at the time of the most recent reclassification of the organization. Generally, the percentage of the entire interest owned by a class for any taxable year will be the percentage owned on the last day of that year, unless the circumstances indicate that the percentage owned on any other day more accurately reflects the ownership interest of the class for the entire year. See paragraph (a)(5) of this section for rules relating to the determination of a member's interest in an organization. The percentage of the entire interest in any organization owned by members of one class will not generally be considered to have changed materially if that percentage has changed by less than 10 percentage points since the time of the initial classification of the organization or, if the organization has been reclassified, since the most recent reclassification of the organization. For all purposes of this section, when a member of an organization owns interests of different classes, that member will be treated as a member of each class to the extent of the member's interest in each class. For rules applicable when an organization is reclassified, see section 331 (relating to gain or loss to shareholders in corporate liquidations), section 351 (relating to transfer to corporation controlled by transferror), section 721 (relating to nonrecognition of gain or loss on contribution to a partnership), section 731 (relating to extent of recognition of gain or loss on distribution by a partnership), and the regulations thereunder.

Example. In 1977 A, B, and C form an organization to raise and sell livestock. A and B, the general members of the organization, contribute $100,000 each and C contributes $100,000 in exchange for a limited interest in the organization. As of December 31, 1977, the last day of the organization's first taxable year, A and B own a 66⅔ percent interest in the organization, and C owns a 33⅓ percent interest. The organization is classified as a partnership for its first taxable year in accordance with the rules of this section. The business prospers, and in 1980 A and B decide to market additional limited interests in order to acquire capital for expansion. A and B contract with D to manage all the affairs of the organization related to the marketing of the interests. D becomes a general member of the organization in return for his services and a small contribution of capital. As of December 31, 1980, limited interests have been sold to 100 new members who, together with C, own 60 percent of the interests in the organization, while A, B, and D own the remaining 40 percent. There have been several changes in the organization since its original classification: the percentages of the entire interest that are owned by the limited members and the general members have changed materially, more than 100 new members have been introduced into the organization, the size of the enterprise has grown, and the management structure has become more complex as a result of the admission of D as a general member with special responsibility for marketing limited interests. Under these circumstances, the organization should re-examine its classification under this section for 1980.

(5) *Determination of interests.* The interest of a member in an organization is the equity of that member, except that when the aggregate equity of all members of an organization is less than 15 percent of the total of the adjusted basis of all the assets of the organization for any taxable year, the interest of a member for that taxable year is that member's profits interest in the organization and not the equity of that member. For purposes of this section, the equity of a member is the member's share of the excess of the adjusted basis of the assets of the organization over its liabilities. If the members have agreed that the equity shares of different classes of members shall vary upon the expiration of a stated period or for any other reason, the measure of equity that will be taken into account for any taxable year for purposes of this subparagraph is that measure which reflects the true equity shares of the different classes.

Example (1). A and B are the general members in an organization formed to construct and lease an office building. A and B each contribute $10,000 to the organization. Limited interests are sold to 50 members who contribute a total of $100,000. The agreement of the members provides that for the first five years the limited members will receive 80 percent of the organization's profits and are entitled to 50 percent of the net assets of the organization upon liquidation. The agreement further provides that upon the expiration of this period, the limited interests are entitled to 80 percent of the profits and 80 percent of the net assets upon liquidation. Under local law the organization will dissolve upon the death, bankruptcy or withdrawal for any reason of A or B, and the agreement of the members makes no provision for continuing the organization after such a dissolution. The organization obtains a $100,000 nonrecourse loan to finance the construction of the office building which has an adjusted basis of $200,000 at the end of the organization's first taxable year. The organization has no other obligations. The interests in this organization for its first taxable year are determined by reference to the members' equity because the aggregate equity exceeds 15 percent of the adjusted basis of the office building, the organization's only asset. The limited members have a 50 percent interest in the organization and the general members have a 50 percent interest in the organization for its first taxable year.

Example (2). Assume the same facts as in example (1) of this subparagraph, except that the agreement of the members provides that upon dissolution of the organization under local law as a result of the death, bankruptcy or withdrawal for any reason of A or B, the limited members by a majority vote may substitute a new general member. Under these circumstances the provision in the agreement that the limited members have only a 50 percent equity interest for the first five years of the organization will not be taken into account because the limited members, and not the general members, determine whether the organization will be liquidated. It is presumed that the limited members, who contributed $100,000 of the total amount of $120,000 capital initially invested, will substitute new general members as necessary to prevent liquidation of the organization during the initial five-year period. A and B's stated 50 percent equity interest during this initial period is therefore not an accurate measure of their equity shares in the organization. As of the first taxable year of the organization the limited members are considered to have an 80 percent interest and the general members a 20 percent interest.

Example (3). Assume the same facts as in example (1) of this subparagraph, except that the organization during its second taxable year decides to increase the size of the building and obtains a further loan of $880,000. No new capital is invested, and the enlarged building has an adjusted basis of $1,000,000 at the end of the organization's second taxable year. Since the aggregate equity of the members, which is $20,000, is less than 15 percent of the adjusted basis of the organization's assets for that taxable year, the interests of the members are determined by reference to their shares in the organization's profits, rather than by reference to their equity. For the second taxable year of the organization the limited members have an 80 percent interest in the organization, and the general members a 20 percent interest.

(6) *Effective date.* This section applies to:

(i) Organizations created after January 5, 1977, beginning with the first taxable year of any such organization which ends on or after the date of publication of a Treasury decision on this subject, and

(ii) Organizations created on or before [the date of publication of this notice], beginning with the fourth taxable year of any such organization ending after the date of publication of a Treasury decision on this subject except as provided in the following sentence. If more than 50 percent of the interests in any such organization are created or transferred after January 5, 1977, or if the aggregate basis of the assets (other than cash) of any such organization acquired after January 5, 1977, exceeds the basis of assets (other than cash) owned on January 5, 1977 (reduced by the basis of any such assets disposed of since such date), the rules of this section shall apply to the first taxable year of the organization ending on or after the date of publication of a Treasury decision on this subject, by the end of which either of the stated conditions is satisfied. For rules that may be applicable when an organization is reclassified, see section 331 (relating to gain or loss to shareholders in corporate liquidations), section 351 (relating to transfer to corporation controlled by transferor), section 721 (relating to nonrecognition of gain or loss on contribution to a partnership), section 731 (relating to extent of recognition of gain or loss on distribution by a partnership), and the regulations thereunder.

The rules applicable to organizations created on or before January 5, 1977 for taxable years of such organization to which this section does not apply are contained in 26 CFR 301.7701–2 (Rev. as of April 1, 1976). For purposes of this subparagraph, an organization is considered created if any charter or certificate required to be filed by local law has been filed or, if no such filing is required, on the date of execution of its governing instrument, if simultaneous with, or later than, the date of the instrument.

(b) *Associates*—(1) *In general.* Although a corporation may have only one beneficial owner, the corporate form generally furnishes the opportunity for two or more persons to own a common enterprise.

(2) *Resemblance.* An unincorporated organization has associates if two or more persons own interests in it as a common enterprise whether those persons themselves establish the organization or receive their interests from others. An organization in which legal title to its assets and control over its operations have been separated from its beneficial ownership may be considered to have associates even if the organization has only one beneficial owner during all or part of its taxable year. In this respect, such an organization is analogous to a corporation with one shareholder.

(c) *Objective to carry on business*—(1) *In general.* Whether an unincorporated organization, like a corporation, is a medium by which the members conduct business is determined by reference to the circumstances of the creation of the organization, the terms of the creating instrument or the agreement of the members, and the actual operation of the organization itself.

(2) *Resemblance.* [Reserved].

(d) *Continuity of life*—(1) *In general.* Changes in the status or identity of its shareholders do not affect the continuation of the business operations of a corporation.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of continuity of life when—

(i) The members holding a majority interest, or a majority of one class of interests, have the power to prevent interruption of the business operations of the organization despite a dissolution of the original entity under local law as a result of a change in the status or identity of one or more members. A majority group has such power only if it is able to take whatever action is required under local law to preclude liquidation of the organization and only if the withdrawal of capital by all of the members who would be able to withdraw their capital as a result of the dissolution event despite the group decision to continue would not significantly impair the continuation of the business. A right to withdraw capital other than as a result of a dissolution event will be disregarded. All relevant circumstances will be taken into account in determining whether the potential withdrawal of capital would significantly impair the continuation of the business.

The fact that the business of the organization may not be continued after the dissolution or bankruptcy of a particular member shall be disregarded if the withdrawal or removal of that member prior to its dissolution or an adjudication of its bankruptcy would make possible the continuation of the business. In determining whether the members have the power to continue the business, local law, the creating instrument, the customs and practices pertaining to the business activity of the organization, and any agreements among the members, including powers of attorney and other authorizations, or a prospectus or any other materials related to the offering of interests in the organization, or any other pertinent documents, will be taken into account; or

(ii) The only general members of the organization are corporations in which one or more of the limited members own, directly or indirectly, a controlling interest. For purposes of this subdivision (ii), the limited members own a controlling interest in a corporation if, in the aggregate, they own directly or indirectly 50 percent of the total combined voting power of all classes of stock entitled to vote. The limited members of an organization are also considered to own a controlling interest in a corporation if the facts and circumstances indicate that ten or fewer limited members directly or indirectly exercise a controlling influence over the management or policies of the corporation, or control in any manner the election of a majority of the directors of the corporation.

(e) *Centralization of management*—(1) *In general.* The directors of a corporation acting in a representative capacity ordinarily have continuing exclusive authority to make the management decisions necessary for the conduct of the business of the corporation.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of centralized management when the person or persons making the management decisions that would be made by the directors if the organization were a corporation are acting primarily in a representative capacity rather than on their own behalf. Persons making management decisions are acting primarily in a representative capacity when they do not own a substantial interest in the organization or when they are subject to removal on the vote of members not participating in management (whether or not managing members participate in the vote).

(f) *Limited liability*—(1) *In general.* Shareholders may invest in a corporation without becoming personally liable for debts of, or claims against, the corporation. The creditors of a corporation may look only to corporate property for satisfaction of claims against the corporation.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of limited liability when the percentage of the interests in the organization which

do not entail personal liability for claims against the organization is substantially in excess of the percentage of interests which do entail personal liability. An interest in an organization does not entail personal liability for claims against the organization when the member owning that interest is not subject to substantial risk of loss as to assets not invested in the organization. If the principal activity of an organization is the acquisition (or leasing or construction) and operation of property, if such activity is principally financed by indebtedness with respect to which none of the members of the organization is personally liable, and if the ordinary risks from such activity are insured or indemnified against, then no member shall be considered subject to substantial risk of loss as to assets not invested in the organization. For purposes of the preceding sentence, operation of property includes holding property for resale, holding property for rent, exploiting property protected by trademarks or copyrights, and exploring for, or exploiting, mineral resources.

(3) *Other considerations.* When the nature of the business operation of an organization as a practical matter precludes the possibility of any claim against the organization for an amount in excess of the capital invested, or when no member of the organization has any substantial assets other than those invested in the organization, the characteristic of limited liability will not be taken into account in determining the overall resemblance of the organization to a corporation.

(g) *Transferability of interest*—(1) *In general.* Shareholders of a corporation ordinarily have the power to transfer their shares and all the rights attendant upon ownership of such shares to other persons.

(2) *Resemblance.* An unincorporated organization resembles a corporation with respect to the characteristic of transferability of interests when the percentage of interests in the organization that are transferable is substantially in excess of the percentage of interests that are not transferable. In determining whether an interest is transferable, it is necessary to ascertain whether any restrictions on transfers set forth in the agreement of the members or in other relevant material, such as a prospectus, materially impair transferability.

An interest is considered transferable despite the inability of the holder to substitute another person as a member of the organization if the primary attributes of the interest, such as the rights to share in the profits and to a return of a contribution of capital, are assignable rights. Voting rights or other powers which are surrendered through proxies or other authorizations as a matter of course shall not be considered primary attributes of an interest. A requirement that a member must obtain the consent of one or more other members prior to transferring an interest does not impair tranferability if this consent may not be unreasonably withheld.

(h) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation M forms an organization to explore for mineral resources. M contributes $200,000 to the organization and becomes its sole general member. The organization obtains an additional $800,000 by selling limited interests to 15 individuals none of whom is a stockholder of M. The organization obtains a lease for the mineral rights to 10,000 acres of undeveloped land. The business operations of the organization are to continue for 10 years unless earlier terminated by vote of the holders of 60 percent of the limited interests in the organization. The limited members agree upon purchase of their interests not to seek return of their investments prior to termination of business operations under the agreement notwithstanding any intervening dissolution of the organization. In the event that M dissolves, becomes bankrupt or withdraws from the organization prior to termination of business operations in accordance with the agreement, the limited members are empowered by the agreement to select a successor to M. They may thereby preclude a liquidation of the organization under local law. M has exclusive control over management of the business and is the only member personally liable for claims against the organization. The interest of M in the organization is not transferable, but limited members may substitute other persons as limited members with the consent of M, which may not be withheld unreasonably. This organization, in which M owns a 20 percent interest and the limited members own 80 percent, has associates and is engaged in business. Despite the fact that M can dissolve the organization at any time, the organization resembles a corporation with respect to continuity of life because the members of one class of interests in the organization have agreed to continue the business operations of the organization in spite of a premature withdrawal of M from the organization and they have the power to preclude a liquidation of the organization under local law since they may choose a successor to M. Even if M withdraws, the organization will still have 80 percent of its initial capital. Thus, the withdrawal of M's capital will not significantly impair the ability of the organization to continue business operations. The organization also resembles a corporation with respect to centralized management because the general member, owning only a 20 percent interest in the organization, does not have a substantial interest and is therefore considered to be acting primarily in a representative capacity. The percentage of interests in the organization which do not entail personal liability is substantially in excess of the percentage of interests which do entail such liability. The percentage of interests which are transferable is also substantially in excess of the percentage of interests which are not transferable. The organization therefore resembles a corporation with respect to the characteristics of continuity of life, centralized management, limited liability, and transferability of interests. The organization will be classified as an association for all purposes of the Internal Revenue Code.

Example (2). Assume the same facts as in example (1) of this paragraph, except that the agreement provides that the holders of a majority of the limited interests may vote to continue the business operations of the organization in the event of a dissolution of the organization under local law only if the dissolution is not caused by the dissolution or bankruptcy of M. This limitation in the agreement shall be disregarded since M may withdraw from the organization prior to being formally dissolved under state law or being adjudicated a bankrupt by a court of competent jurisdiction and thereby enable the limited members to vote to continue the organization by electing a successor general member. The agreement of the members further provides that limited members who wish to withdraw their capital prior to liquidation of the organization may do so only if the general member determines that the withdrawal will not jeopardize the status or the operations of the organization. Since a vote of the majority of the limited interests to continue the business in the event of a dissolution will prevent liquidation of the organization, the organization resembles a corporation with respect to continuity of life. The withdrawal of M's capital will not significantly impair the continuation of the business. The potential withdrawal of capital by limited members other than as a result of a dissolution event is disregarded. The organization is classified as an association for all purposes of the Internal Revenue Code because it resembles a corporation with respect to continuity of life, centralization of management, limited liability, and transferability of interests.

Example (3). Assume the same facts as in example (1) of this paragraph, except that the agreement provides that the holders of a majority of the limited interests may vote to continue the business operations of the organization if and when a dissolution of the organization occurs under local law but that limited members voting against continuation may withdraw their capital at the time of the vote. In this situation, almost 60 percent of the capital could be withdrawn from the organization despite the majority vote to continue: the 20 percent interest of M, and the minority interest of the limited members, which could be close to 40 percent. The withdrawal of almost 60 percent of the organization's capital would make it difficult for the organization to meet its obligations under the lease and would thereby significantly impair the continuation of the organization's mineral exploration business. The organization therefore does not resemble a corporation with respect to continuity of life. The organization does, however, resemble a corporation with respect to the characteristics of centralization of management, limited liability, and transferability of interests. The organization will be classified as a corporation for all purposes of the Internal Revenue Code.

Example (4). Assume the same facts as in example (1) of this paragraph, except that M owns a 40 percent interest in the organization and that the limited members own 60 percent of the interests. The continuation agreement among the limited members, although sufficient to preclude liquidation of the organization, does not establish corporate resemblance with respect to continuity of life because the withdrawal of 40 percent of the organization's capital by M would make it difficult for the organization to meet its obligations under the lease and would thereby significantly impair the continuation of the organization's mineral exploration business. M is not considered to be acting primarily in a representative capacity in making management decisions since M owns a substantial interest in the organization and the limited members have no power to remove M. Because the percentage of limited interests is substantially in excess of M's interest, the organization resembles a corporation with respect to the characteristics of limited liability and transferability of interests. Thus, the organization resembles a corporation with respect to two of the four characteristics which distinguish corporations from partnerships but not with respect to the other two such characteristics. Under these

circumstances it is necessary to examine more closely the findings with respect to each of the characteristics in order to evaluate their relative importance in determining the overall resemblance of this organization to a corporation. A small change in the ratio of the limited interests to the general interest could lead to different findings with respect to limited liability and transferability. The findings with respect to continuity of life and centralized management, however, do not depend upon that ratio. It is more likely that the ratio of interests will change than that the limited members that control T would allow control to pass to outsiders or that the agreement of the members would be amended to preclude removal of T. In this case, therefore, the findings that are more susceptible to change are those that indicate lack of corporate resemblance. Under these circumstances, the organization bears a greater overall resemblance to a corporation than to a partnership, and it will be classified as an association for all purposes of the Internal Revenue Code.

Example (6). Corporation L, with a net worth of $2,000,000, forms an organization to invest in mutual funds and becomes its sole general member. L contributes $450,000 to the organization. The organization obtains an additional $550,000 by selling limited interests to sixty individuals none of whom is a stockholder in L. The business operations of the organization are to continue for 10 years unless earlier terminated by vote of the holders of 51 percent of the limited interests. The owners of a majority of the limited interests may vote to substitute another general member for L upon its withdrawal and may take all action necessary to preclude liquidation of the organization under local law. Limited members may not withdraw their investments prior to liquidation. L has exclusive control over management of the business and is the only member personally liable for claims against the organization. Under the terms of the agreement, limited members may not substitute other persons as limited members in the organization, but they may assign their right to receive a share in profits and the return of capital contributions. This organization, in which L owns a 45 percent interest and the limited members own 55 percent of the interests, has associates and is engaged in business. The organization is considered to resemble a corporation with respect to continuity of life because a majority of the limited members may take whatever action is necessary under local law to preclude the liquidation of the organization upon the withdrawal of L. The withdrawal by L of 45 percent of the organization's capital will not significantly impair the continuation of the business because, as an organization investing only in mutual fund companies that will redeem shares upon request, it will continue its operations substantially as before the withdrawal of L but on a reduced scale. Because L has a substantial interest in the organization and may not be removed by limited members, the organization does not resemble a corporation with respect to centralization of management. Since the percentage of interests in the organization which do not entail personal liability is not substantially in excess of the percentage of interests which do entail such liability, the organization does not resemble a corporation with respect to limited liability. As a practical matter, however, there is no possibility of any claim against the organization resulting from its passive investment activities for an amount in excess of the capital invested. Accordingly, the characteristic of limited liability is not taken into account in determining the overall resemblance of this organization to a corporation. The limited interests, the primary attributes of which are the right to income and return of capital invested, are considered transferable, but the limited interests do not constitute a substantially higher percentage of the entire interest in the organization than the general interest, which is not transferable. Therefore, the organization does not resemble a corporation with respect to the characteristic of transferability of interests.

The organization resembles a corporation with respect to only one of the three characteristics relevant under these facts and therefore will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (7). Corporation M, which has assets of $1,005,000, forms an organization to produce a documentary film under contract from a television network. All production and editing is expected to be completed within two years, and the organization will terminate upon delivery of the film to the network. M, the sole general member of the organization, contributes $1,000,000 to the venture. The organization obtains $1,000,000 in additional contributions from limited investors who possess other substantial assets. Two of the limited investors own 60 percent of the only class of voting stock in M. M is to have exclusive control over the management of the organization and is the only member personally liable for claims against the organization. The interests of the limited members are freely transferable, but the interest of M may not be transferred. This organization, in which M owns a 50 percent interest and the limited members own a 50 percent interest, has associates and an objective to carry on business. The organization resembles a corporation with respect to continuity of life since two of the limited members own a controlling interest in M. The organization does not resemble a corporation with respect to centralization of management because M owns a substantial interest and is not subject to removal by the limited members. Since M, the only personally liable member, has no significant assets other than those invested in this organization, no member of the organization is subject to substantial risk of loss as to assets not invested in the organization. The other assets of the limited investors are protected from creditors of the organization, and consequently the organization resembles a corporation with respect to the characteristic of limited liability. The percentage of interests in the organization that are transferable is not substantially in excess of the percentage of interests that are not transferable. Accordingly, the organization does not resemble a corporation with respect to the characteristic of transferability of interests. The organization resembles a corporation with respect to two of the four characteristics which distinguish corporations from partnerships, but not with respect to the other two such characteristics. Under these circumstances it is necessary to examine more closely the findings with respect to each of the characteristics in order to evaluate their relative importance in determining the overall resemblance of this organization to a corporation. None of these findings is likely to differ as a result of any small change in the situation. The finding of corporate resemblance with respect to continuity of life, however, is not as important as the other findings because the anticipated life of this organization is less than two years. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

Example (8). Fifty individuals form an organization to purchase construction equipment and lease it to building contractors. Each individual has a two percent interest in the organization. The organization is to continue for ten years unless earlier terminated by vote of the holders of a majority interest. The members have agreed that no member

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may withdraw capital from the organization until it is liquidated. Although any member may withdraw and cause a dissolution of the organization, the remaining members have the power under local law to reconstitute the organization and prevent liquidation. An executive committee of seven members make the management decisions for the organization. All members of the organization are personally liable for claims against the organization, but the organization finances its equipment purchases on a nonrecourse basis and always obtains insurance against the customary risks associated with equipment leasing. The organization has also borrowed $1,000,000 which is deposited in a long-term bank account and not used for business purposes. A member may not transfer an interest in the organization without the consent of all other members. This organization has associates and an objective to carry on business. The organization resembles a corporation with respect to continuity of life because in the event of a dissolution of the organization the remaining members have the power to reconstitute it and prevent liquidation. No member may withdraw capital from the organization prior to its liquidation. The organization resembles a corporation with respect to centralized management since the managing members own in the aggregate only a 14 percent interest in the organization and thus are acting primarily in a representative capacity. The organization also resembles a corporation with respect to limited liability since its principal activity is the acquisition and leasing of property, that activity is principally financed by loans with respect to which no member of the organization is personally liable, and the organization has obtained insurance against the customary risks associated with equipment leasing. The fact that the organization borrows further funds not used in ordinary business operations is not taken into account in determining whether any member is subject to any substantial risk of loss as to assets not invested in the organization. The organization does not resemble a corporation with respect to transferability of interests. The organization resembles a corporation with respect to three of the four characteristics that distinguish corporations from partnerships. The organization will be classified as an association for all purposes of the Internal Revenue Code.

Example (9). A group of one hundred accountants form an organization to furnish accounting services to the public for profit. Although the death, insanity, bankruptcy, withdrawal or expulsion of any member at any time may cause a dissolution of the organization, the members have agreed that in the event of any such dissolution the remaining members will immediately reconstitute the organization and thus avoid any interruption of its business. Under local law, the remaining members have the power to preclude liquidation of the organization. A managing committee of five members, who are subject to removal by vote of the other members, make all management decisions for the organization. All members of the organization are personally liable for claims against the organization. A member may not transfer an interest in the organization without the consent of all other members. This organization has associates and an objective to carry on business for profit. The organization resembles a corporation with respect to continuity of life because the members have agreed to reconstitute it whenever necessary, and the withdrawal of capital by members separating from the organization, the only members entitled to withdraw capital as a result of a dissolution event, will not significantly impair the continued operation of this accounting services organization. The organzation resembles a corporation with respect to centralized management since those empowered to make management decisions are subject to removal on the vote of members not participating in management. The organization does not resemble a corporation with respect to the characteristics of limited liability and transferability of interests. The organization resembles a corporation with respect to two of the four characteristics which distinguish corporations from partnerships, but not with respect to the other two such characteristics. Under these circumstances it is necessary to examine more closely the findings with respect to each of the characteristics in order to evaluate their relative importance in determining the overall resemblance of the organization to a corporation. None of these findings is likely to be affected by any small change in the situation. Because of the risk of extremely high malpractice claims and the impracticability of attempting to insure fully against such claims, however, the lack of resemblance to a corporation with respect to limited liability is especially important in classifying this organization. The organization will be classified as a partnership for all purposes of the Internal Revenue Code.

§ 301.7701–3 [Amended]

PAR. 4. Paragraph (b) of § 301.7701–3 is amended by deleting the heading "(1) *In general.*" and by deleting paragraph (b) (2).

[FR Doc.76–38491 Filed 12–30–76;12:18 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

[FRL 666–2]

EMISSION CONTROL PRODUCTION WARRANTY

Extension of Comment Period

This notice extends the period for comments to the Advance Notice of Proposed Rulemaking, published Tuesday, November 16, 1976 (41 FR 50566), regarding the coverage of Section 207(a) of the Clean Air Act (the emission control production warranty) for light duty vehicles and light duty trucks.

Requests for extension of time have been submitted by Ford Motor Company, and the Automotive Parts and Accessories Association (APAA). Ford requested that the comment period be extended to February 16, 1977, due to the time required to obtain the extensive economic data requested by the Advance Notice. The APAA requested a 60 day extension due to the significance and complexity of the subject matter of the Advance Notice.

Although it is recognizd that the Advance Notice raises several complex issues and, in some sections, requests detailed information, the Environmental Protection Agency believes that a 45 day extension should be adequate for most commentators. Accordingly, the comment period is hereby extended to March 3, 1977.

Dated: December 28, 1976.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement (EN–329).

[FR Doc.77–295 Filed 1–4–77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Part 1516]

PRIVACY ACT OF 1974

Proposed Implementation

The following proposed regulations, drafted in accordance with section (f) of 5 U.S.C. 552a, the Privacy Act of 1974, are hereby offered for public comment. Interested parties should submit comments on or before February 4, 1977. Comments should be addressed to the Office of the General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

Signed this 29th day of December 1976, by

DAVID W. TUNDERMAN,
Acting General Counsel.

It is proposed to add the following Part 1516 to Title 40 of the CFR:

PART 1516—PRIVACY ACT IMPLEMENTATION

Sec.
1516.1 Purpose and scope.
1516.2 Definitions.
1516.3 Procedures for requests pertaining to individual records in a record system.
1516.4 Times, places, and requirements for the identification of the individual making a request.
1516.5 Disclosure of requested information to the individual.
1516.6 Request for correction or amendment to the record.
1516.7 Agency review of request for correction or amendment of the record.
1516.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
1516.9 Disclosure of record to a person other than the individual to whom the record pertains.
1516.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93–579.

§ 1516.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Council on Environmental Quality (hereafter known as the Council) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1516.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" means maintain, collect, use or disseminate;

(c) The term "record" means any item or collection or grouping of information about an individual that is maintained by the Council (including, but not limited to, his or her employment history, payroll information, and financial transactions), and that contains his or her name, or an identifying number, symbol, or other identifying particular assigned to the individual such as a social security number;

(d) The term "system of records" means a group of any records under the control of the Council from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1516.3 Procedures for requests for access to individual records in a record system.

An individual shall submit a written request to the Administrative Officer of the Council to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a written request to the Administrative Officer of the Council which states the individual's desire to review his or her record. The Administrative Officer of the Council is available to answer questions regarding these regulations and to provide assistance in locating records in the Council's system of records.

§ 1516.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Officer of the Council pursuant to Section 1516.3 shall present the request at the Council's office, 722 Jackson Place, N.W., Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5 p.m. and should be prepared to identify himself by signature. Requests will also be accepted in writing if mailed to the Council's offices and signed by the requester.

§ 1516.5 Access to requested information to the individual.

The individual may submit a request to the Administrative Officer of the Council which states the individual's desire to correct or to amend his or her record. This request must be made in accordance with the procedures of § 1516.4 and shall describe in detail the change which is requested.

§ 1516.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of a request to correct or to amend a record, the Administrative Officer of the Council will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or amend the record in accordance with the request, the reason for the refusal, and the procedure established by the Council for the individual to request a review of that refusal.

§ 1516.8 Appeal of the initial adverse agency determination on correction or amendment of the record.

An individual may appeal refusal by the Administrative Officer of the Council to correct or to amend his or her record by submitting a request for a review of such refusal to the General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006. The General Counsel shall, not later than thirty working days from the date on which the individual requests such a review, complete such review and make a final determination unless, for good cause shown, the General Counsel extends such thirty day period. If, after his or her review, the General Counsel also refuses to correct or to amend the record in accordance with the request, the individual may file with the Council a concise statement setting forth the reasons for his or her disagreement with the General Counsel's decision and may seek judicial relief under 5 U.S.C. 552a (g) (1) (A).

§ 1516.9 Disclosure of a record to a person other than the individual to whom the record pertains.

The Council will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure either has been listed as a "routine use" in the Council's notices of its systems of records or falls within the special conditions of disclosure set forth in Section 3 of the Privacy Act of 1974.

§ 1516.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for the record, in advance of receipt of the pages.

[FR Doc.77–265 Filed 1–4–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3800]

SURFACE MANAGEMENT OF PUBLIC LAND UNDER U.S. MINING LAWS

Proposed Procedures To Minimize Adverse Environmental Impacts; Extension of Time for Comments

In a proposed rulemaking notice published in the FEDERAL REGISTER on December 6, 1976 (41 FR 53428), the Department of the Interior published proposed regulations providing rules and procedures to minimize adverse environmental impacts on the surface resources of public domain and other lands from operations authorized by the United States mining laws (30 U.S.C. 22–54). In that notice, comments were requested by January 5, 1977. It has now been determined to extend the comment period by 30 days. Comments received on or before February 4, 1977, will be considered before final action is taken on the proposed regulations.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 30, 1976.

[FR Doc.77–343 Filed 1–4–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

[45 CFR Part 1480]

ORGANIZATIONAL PROCESSES IN EDUCATION

Proposed Research Grants Program

The Director of the National Institute of Education (NIE), with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following regulation governing a discretionary grant program for research on organizational processes in education. The authority for the regulation is section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

The legislation establishing the Institute declares it a policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. While the Congress recognizes that the direction of the education system towards this goal remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

NIE is charged by its enabling statute with the responsibility to improve American education through: helping to solve or alleviate the problems and achieve the objectives of American education; advancing the practice of education as an art, science, and profession; strengthening the scientific and technological foundations of eduaction; and building an effective educational research and development system. The NIE has carried out these mandates through contracts and grants to a wide variety of non-Federal groups and individuals, in support of education-related research and development.

The National Council on Educational Research, established by the Congress to develop general policy for the NIE, identified as one priority for the Institute the improvement of schools' and school districts' capacities for problem-solving. That is, development or discovery of better ways in which schools and school systems can define their own problems, conceive and implement solutions, and assess progress towards improved organizational performance. The purpose of the research grants program proposed in this notice is to support studies of how elementary and secondary schools and school districts carry out essential tasks

of any organization, such as setting goals, finding resources, assigning work, identifying and solving problems, monitoring performance, and adapting to changing times. How well these organizational activities are carried out may be very important in determining the quality of education received by young people in school. Considerable research has been done on organizational behavior in business firms, and in national, state, and local governments; less is known about how educational organizations work, and about the connection between organizational activities and educational results. The NIE therefore will establish, under these proposed rules, a continuing Program of Research Grants on Organizational Processes in Education, to support basic studies of this field. As knowledge of schools' and school districts' organizational behavior grows, policy-makers and professional educators will have better tools for analyzing the administration and management of elementary and secondary schools, and better ideas for their improvement.

The program of research grants described in this notice is the third to be established recently by NIE. The other two are in the areas of Basic Skills and Education and Work. Final rules for these were published in the FEDERAL REGISTER September 28, 1976, at 41 FR 42661 and 41 FR 42663 respectively. (These will be codified as 45 CFR Parts 1451 and 1470.) Research grant competitions were also held by the Institute in other fields in 1973 and 1974, under rules set out in 45 CFR 1450. The regulations for each of these prior efforts have been reviewed for their effectiveness in aiding the Institute to reach its research objectives, and have generally been followed in developing the following regulations.

The program of research grants to which this proposed regulation applies is the result of extensive new planning as well. The Institute's policy-making board, the National Council on Educational Research, has consistently endorsed allocation of substantial resources to basic research relevant to the Institute's five priority areas (Basic Skills; Finance, Productivity, and Management; Education Equity; Education and Work; and Dissemination). To implement this policy, NIE has consulted extensively with scholars, education professionals, parents, and others to build agendas of needed research. In the area of research on schools as organizations, and their capacities for problem-solving, over a period of a year NIE held seven meetings of scholars, educational leaders, teachers, and others in different regions of the country to discuss prepared papers and to solicit comments on possible areas for further research. Funds for a program of research in this field were requested in the agency's budget, and the plans were reviewed at that early stage by both the National Council and a special group of external, non-Federal advisers to the Director which reviewed the whole NIE program. Printed program plans have been circulated to a broad audience with an invitation to comment.

NIE staff have met with staff at the National Institute of Mental Health and the National Science Foundation, to gather ideas about research grant administration and ways of meeting current public concerns about research funding processes. A number of individual scholars and practitioners in the area of management and education have recently been asked to give comments on the specific proposed research grant competition, and on how it might be designed in order to attract the most qualified and talented persons to carry out the needed research. Thus the research grant program outlined in the proposed rules has been planned by drawing on the experience of the Institute, other parts of the Department, other Federal agencies, and by soliciting extensive public discussion and comment.

Public involvement with the program of research set forth in these rules will continue. The Director of NIE is authorized to employ consultants to advise on the merits of research proposals, and the NIE Director will exercise that option in the case of this program by appointing a chartered Federal Advisory Committee of members of the public to assist in reviewing proposals.

Under the proposed regulation, grants (other than small grants described below) will be awarded for research projects up to three years long. An applicant for a grant (other than a small grant) must first submit a preliminary proposal, and then submit a full proposal upon receipt of NIE comments on the preliminary proposal. The consideration of a preliminary proposal prior to submission of a full proposal is intended to enhance the acceptability of a full proposal and to discourage submission of a proposal having little chance of award.

A small grant opportunity is also proposed in these rules, for which the maximum award would be $7500 plus indirect costs (except in the case of a small grant to an individual unaffiliated with an institution, in which case the NIE will not award indirect costs but will reimburse reasonable general and administrative expenses associated with and directly related to the administration of the small grant). Small grants are for support of the same types of research activities and objectives as other grants in this program, and are not reviewed or administered in any way different from other grants except that (1) the application process involves a single proposal of limited length, and (2) project duration must be twelve months or less. The purpose of the small grant segment of the program is to offer easier access to modest research support.

Current estimates are that approximately $1.1 million will be available in Fiscal Year 1977 for projects selected for funding in this proposed program. However, only projects evaluated highly on the criteria listed in this regulation will be supported, whether or not the resources of the program are exhausted. Further, nothing in this notice, subsequent notices of closing dates, or program announcements should be construed as committing NIE to awarding any specified amount. The actual funds obligated for grants may change if, in the Director's judgment, otherwise qualified applications cannot be funded (1) because of the need to fund (or to reserve funds for) non-competing continuations, contract research, or in-house research, or (2) because of possible budget or staffing restrictions which may be imposed on the conduct of the Program of Research Grants on Organization Processes in Education.

It is currently anticipated that approximately $100,000 of the $1.1 million will be reserved for small grants. Based on past experience with field-initiated research in the NIE, it is projected that approximately 25–35 grants will be made in Fiscal Year 1977, including approximately 15 small grants. The total amount allocated to small grants may be increased or decreased by the Director, based on the merits of the small grant applications received.

Applications will be accepted throughout the fiscal year. It is expected that applications received by the Institute will be reviewed at periodic intervals during the fiscal year. Notices of closing dates by which applications must reach NIE to be included in each review will be published in the FEDERAL REGISTER. An application which is disapproved in a particular review will be returned to the applicant, which may, if it so chooses, refile the application for funding consideration in a succeeding review cycle. To implement these procedures, it is expected that a reasonable proportion of funds available for the program in a fiscal year will be tentatively allocated to each of these review cycles, but the amount of funds awarded in any particular review cycle may vary depending on the quality of applications received and the amount of funds requested by successful applications.

General regulations of the NIE for research and development grants are published as 45 CFR Part 1400. It is provided in 45 CFR 1400.2(b) that the general regulations will be supplemented by special substantive and procedural rules and policies for particular grant programs. This notice of proposed rulemaking is made in accordance with that provision. It is expected that this regulation will be amended from time to time to incorporate future priorities of the Program of Research Grants on Organizational Processes in Education.

Application forms and other information concerning the Program of Research Grants on Organizational Processes in Education will be available from the Research Staff, Group on School Capacity for Problem Solving, National Institute of Education, Mail Stop 4, 1200 19th St., N.W., Washington, D.C. 20208. Telephone 202–254–6090.

Interested parties are invited to submit comments, suggestions, objections, or inquiries regarding the proposed rule to Richard Werksman, Regulations Officer, Office of Administration and Management, National Institute of Education, Room 639–B, Mail Stop 33, 1200 19th Street, N.W., Washington, D.C. 20208. Telephone 202–254–7924. The comment period will end February 22, 1977. Comments received in response to this notice will be available for public inspection in the above office on Monday through Friday between 8 a.m. and 4:30 p.m.

(Catalog of Federal Domestic Assistance Program No. 13.950, Education Research and Development.)

The National Institute of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A–107.

Dated: November 12, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

Approved: December 29, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended by adding to Subchapter B of Chapter XIV, a new Part 1480, reading as follows:

PART 1480—PROGRAM OF RESEARCH GRANTS ON ORGANIZATIONAL PROCESSES IN EDUCATION

Sec.

1480.1 Scope.
1480.2 Purpose.
1480.3 Definitions.
1480.4 Applicant eligibility.
1480.5 Eligible research projects.
1480.6 Ineligible projects.
1480.7 Grants; small grants.
1480.8 Application requirements.
1480.9 Review procedures and evaluation criteria.
1480.10 Project duration and budget.

AUTHORITY: Section 405, General Education Provisions Act, as amended (20 U.S.C. 1221e).

§ 1480.1 Scope.

(a) This part establishes rules governing the submission and review of applications for funds under the Program of Research Grants on Organizational Processes in Education, conducted by the National Institute of Education with funds authorized by section 405 of the General Education Provisions Act.

(b) Recipients shall administer funds according to applicable provisions of Subchapter A of this chapter (General Provisions for NIE grants relating to fiscal, administrative, and other matters), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

§ 1480.2 Purpose.

The purpose of the Program of Research Grants on Organizational Processes in Education is to support studies of how elementary and secondary schools and school districts carry out the essential tasks of any organization, such as setting goals, finding resources, assigning work, monitoring performance, identifying and solving problems, and adapting to changing times.

§ 1480.3 Definitions.

As used in this part:

"Research" includes any activity designed to increase or synthesize basic knowledge about one or more processes or conditions relevant to understanding elementary and secondary school organizations and their context.

§ 1480.4 Applicant eligibility.

(a) A college, university, state or local education agency, other public or private agency, organization, group, or individual is an eligible applicant.

(b) An application from a for-profit organization must be considered as an unsolicited proposal and, if successful, must be awarded a contract rather than a grant. An application from a for-profit organization must be submitted in accordance with criteria specified in this part and in HEW Procurement Regulations, Subpart 3–4.52 (41 CFR Part 3–4).

§ 1480.5 Eligible research projects.

(a) Research funded under this part must be designed to increase or synthesize basic knowledge about one or more organizational processes, or the barriers which impede or prevent these processes, within or related to elementary and secondary schools. Organizational processes include the means by which a school or larger administrative unit makes basic policy choices, sets goals, recruits and assigns personnel, chooses and implements courses of action, allocates resources, establishes organizational forms and structures, gathers and processes information on performance, and takes corrective action based on such evaluation. Interaction among personnel and among organizational units, and changes in processes and interactions within the organization over time, are included.

(b) Research funded under this part must be designed to advance knowledge of basic organizational processes, such as those examples given in paragraph (a) of this section, which appear especially important to understanding elementary and secondary schools. Studies supported under this program may have potential relevance to other kinds of organizations, but must aim to build a body of data and theory particularly useful in designing and managing educational organizations.

(c) Increased understanding of organizational processes related to elementary and secondary schools may require study of other organizations such as school districts, state or Federal agencies, and community groups. Studies supported under this program may include examination of other relevant organizations, to the extent necessary to carry out the main purpose of advancing knowledge about the elementary and secondary school.

(d) Because of the limited funds available, the program will not support large-scale research projects which require gathering of large amounts of new data. At this early stage of development of this program, the Director intends to fund a variety of limited-scale projects, including but not limited to projects which will clarify fundamental concepts, study organizational processes in detail in a few settings, or reanalyze existing data.

(e) A research project may be carried out using any research process or approach consistent with the provisions of § 1480.6.

§ 1480.6 Ineligible projects.

A project whose primary purpose is the operation, development, demonstration, or evaluation of specific programs or materials is not eligible for support under this part. Examples of ineligible projects include:

(a) Operation of an educational program in any elementary or secondary school, postsecondary institution, or other setting or agency.

(b) Improvement of an educational program through the implementation of a new or improved instructional, administrative, or managerial procedure, technique, material, training, or piece of equipment.

(c) Course development through the production of a new curriculum or the improvement of an existing curriculum, including the preparation of new instructional material or the modification of instructional material already in existence.

(d) Development or adaptation in an operational setting of any new or improved instructional, administrative, or managerial procedure, technique, material, training, or piece of equipment.

(e) A demonstration project which shows, exhibits, describes, or explains to others, either in person or through various other communication media, the procedure, technique and/or material which must be employed in the execution of a new or modified instructional task, educational program, or administrative or management process.

(f) Development of a new test or other instrument, either for research or use in educational practice.

(g) Evaluation of the effectiveness of a specific program, curriculum, practice, administrative or management activity, or piece of equipment.

§ 1480.7 Grants; small grants.

(a) *General.* Grants and small grants will be awarded under this part. The same topic areas for investigation, eligibility standards, and evaluation criteria apply to all awards under this part. A simplified application procedure is provided for an application for a small grant, as provided in § 1480.8, and the duration of a small grant award is limited to twelve months, as provided in § 1480.10.

(b) *Small grants.* (1) A small grant is for an amount not to exceed $7500 plus indirect costs (except in the case of an individual applicant not affiliated with any institution, in which case the NIE will not award indirect costs but will reimburse reasonable general and administrative expenses associated with and

directly related to the administration of the small grant). In order to achieve a wide distribution of funds available for small grants, the Director expects that most small grants will be for projects with direct costs of about $5000 or less.

(2) While no restriction exists as to type of project eligible for small grant support, the following are examples of possible projects within the general rules for the program: initial development and testing of a research concept, metaphor, or procedure before design of a larger or longer study; review and synthesis of research findings, methods, trends, or philosophies; summary or secondary analysis of a concluded program of research; projects by investigators who have not previously had any type of research support.

(c) *Grant (other than small grants).* A grant other than a small grant is for an amount in excess of $7500 of direct costs.

§ 1480.8 Application requirements.

(a) *General.* A grant under this part will be awarded only upon a grant application submitted to the Director. An eligible applicant must file an application specifically directed to either the grant or small grants segment of the Program of Research on Organizational Processes in Education.

(b) *Grants (other than small grants).* An applicant for a grant (other than small grant) shall comply with the requirements set forth in this paragraph.

(1) *Preliminary proposal.* An applicant shall submit a preliminary proposal for initial review.

(2) *Preliminary proposal format.* The preliminary proposal must include:

(i) A cover sheet executed by the principal investigator, and where required by the applicant institution, by an individual authorized to execute grant applications for the institution, indicating (A) that the preliminary proposal is submitted to the Program of Research Grants on Organizational Processes in Education, National Institute of Education; (B) the title of the study; (C) the name, department, institution, address, and telephone number of each principal investigator; (D) the estimated budget amount; and (E) the proposed starting date and duration of the project.

(ii) A statement preferably not exceeding five typewritten pages summarizing the proposed project, including:

(A) *Description and rationale.* A description of the proposed research, its relation to what is already known and to the problems of American education, and the importance of its expected addition to knowledge.

(B) *Procedures.* A description of the procedures to be followed in carrying out the research including where appropriate such concerns as sampling, data acquisition; instrumentation and data analyses.

(iii) A description of the facilities and arrangements available to the investigator for conducting the research, including access to suitable organizations for study purposes.

(iv) A vita for each principal investigator, including education, applicable experience, and a list of major publications.

(v) An estimated budget covering direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs proposed to be charged against the grant.

(3) *Full proposal.* A full proposal may only be submitted by an applicant who has submitted a preliminary proposal in the required format, and whose preliminary proposal has been reviewed by NIE. Information concerning the strengths and weaknesses of the preliminary proposal, and its standing relative to others reviewed, will be returned to the applicant, and may be used in preparation of the full proposal.

(4) *Full proposal format.* Full proposals must include the following elements. Discussion of objectives and design, as described under paragraphs (b)(4)(iv) and (v) of this section may not exceed 40 pages.

(i) A cover sheet executed by the principal investigator and, where required by the applicant institution, by an individual authorized to execute grant applications for the institution, indicating (A) that the application is submitted to the Program of Research Grants on Organizational Processes in Education, National Institute of Education; (B) the title of the study; (C) the name, department, institution, address, and telephone number of each principal investigator; (D) the estimated budget amount; and (E) the proposed starting date and duration of the project.

(ii) An abstract of approximately 200–250 words stating clearly the objectives and plans of the proposed research.

(iii) A table of contents.

(iv) A statement of research objectives, including identification of the problem or issue the proposed research will contribute to solving, the anticipated contribution of the research to that solution, and specific questions the research will address.

(v) A research design, clearly linked to the questions the study will try to answer. The scientific or technical work of the project and methods for its accomplishment must be stated clearly. A discussion of related research with appropriate citations must be included to show that investigators are thoroughly familiar with current and prior research in pertinent fields. Data to be obtained and analytic methods to be used upon that data must be explained.

(vi) An organization and management plan, presenting (A) the arrangements intended for direction, coordination, and control of the project; (B) the roles, responsibilities, and project time-commitments of proposed staff; (C) a schedule for major portions of multi-year projects; (D) explanation of any subcontract arrangement.

(vii) A description of facilities and arrangements available for the research. If new data are proposed to be collected, the proposal must give evidence of access to suitable organizations for study purposes. Letters of agreement to participate must be included, showing that relevant authorities in school or school-related organizations have reviewed the research plans and agree to take part willingly. A lengthy and complex study which could place special burdens on parts of the education community may require joint planning and management of the entire project. A proposal for such a study must give detailed information to allow reviewers to judge the adequacy of the arrangement.

(viii) A plan for the dissemination of the research findings, including methods for reaching researchers, theorists, and practicing educators.

(ix) A vita and bibliography for each professional staff person, including professional background and employment as well as education, a chronological list of publications, and a listing of prior and current research support for each individual including requests now being considered regardless of source.

(x) An estimate of expenses proposed to be charged against the grant, including direct costs (e.g., salaries and benefits, travel, supplies and materials, communication, services, equipment) and indirect costs. The proposed budget shall include all other details and explanations, and shall be arranged in such a form, as the Director may request, to allow the cost analyses and other reviews called for by Departmental grant administration policies.

(c) *Small grant applications.* An applicant for a small grant shall submit a proposal including all the elements listed in paragraph (b)(4) of this section. Discussion of objectives and design, as described in paragraphs (b)(4)(iv) and (b)(4)(v) of this section, may not exceed eight pages.

(d) *Submission of applications.* All types of applications for support under this part (preliminary and full grant proposals, and small grant proposals) must be submitted in twelve copies, to the address and at the times the Director shall prescribe.

§ 1480.9 Review procedures and evaluation criteria.

(a) *Review cycle.* Applications will be accepted throughout the fiscal year. Applications will be reviewed at periodic intervals during the fiscal year. Notices of closing dates by which applications must reach NIE to be included in each review will be published in the FEDERAL REGISTER. An application for a grant (other than a small grant) which has been disapproved for funding in one review may be revised and submitted for consideration in any later cycle, without submission of another preliminary proposal. Funds available to the program in a fiscal year will be tentatively allocated to each review cycle. But the amount of funds awarded in any particular review cycle may vary depending on the quality of applications received and the amount of funds requested by the most meritorious applications.

(b) *Review procedures.* The Director will evaluate each application through officers and employees of the Institute and, when considered advisable by the Director, by experts or consultants the Director determines are specially qualified in the areas of research involved in the project. In deciding whether or not to fund an application, the Director may take into account not only the rating of the application's contents by officers or employees of the Institute and by experts or consultants, but also any other information and views within the Institute or provided to the Institute by other Federal, state, or local officials or the public which bear upon the evaluation criteria described in paragraph (d) or which are expressly required or permitted to be taken into account by statute, executive order, or other applicable regulation. Only the Director, or a designee who shall be directly responsible to the Director, shall take final action on an application.

(c) *Review of preliminary proposals.* The Director will review each preliminary proposal using the criteria listed in paragraph (d) of this section. The Director will notify each applicant of the approximate ranking of the preliminary proposal among those reviewed, and any strength or weakness found during the review. An applicant whose preliminary proposal addresses a topic outside the area of this program, as described in § 1480.5, or involves an ineligible research procedure as described in § 1480.6, will be notified after the initial review, and may submit a full proposal with corrections. Information provided from the first stage of review is intended to assist in preparation of a full research proposal, which must be reviewed on its own merits in the second stage. Furnishing of comments from the initial review shall not constitute a commitment by the Director to award funds to a project even if each indicated weakness is addressed.

(d) *Evaluation criteria.* The Director shall use the following criteria to evaluate each preliminary, full, and small grant proposal:

(1) Significance of the proposed research for American education, including (i) importance of the research topic from the standpoint of basic knowledge or problems of American education; (ii) likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results.

(2) Quality of the proposed research project, including (i) adequacy of the design, methodology, and instrumentation where appropriate; (ii) likelihood of success of the project; and (iii) extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed work to it.

(3) Qualifications of the proposed principal investigator and other professional personnel as evidenced by: (i) experience and previous research productivity; and (ii) quality of the discussion and analysis in the application.

(4) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study, including evidence of access to necessary organizations, groups, and individuals for study purposes and the willingness of study populations to participate in the proposed research.

(5) Reasonableness of the budget for the work to be done and for the anticipated results.

(6) Whether funding the proposed project would contribute to (i) a diversity of projects under the overall program which collectively address a variety of research needs in the area of organizational processes in education; (ii) other research efforts of NIE; or (iii) the educational needs and interests of other Federal agencies.

(e) *Inapplicable criteria.* General criteria in § 1403.10 of this chapter do not apply to applications submitted under this part.

(f) *Disposition of applications.* Following the review of an application, the Director shall either (1) approve the application in whole or in part, for the amount of funds and subject to the conditions the Director finds appropriate for the completion of the approved project; (2) disapprove the application; or (3) defer action on the application.

§ 1480.10 Project duration and budget.

(a) A project supported by a grant under this part (other than a small grant) may be up to three years in duration.

(b) A project supported by a small grant under this part may be up to twelve months in duration.

(c) An application for a grant (other than a small grant) which proposes a multi-year project shall be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and the budget estimates necessary to attain these objectives in any proposed subsequent years.

(d) If the application for a grant (other than a small grant) demonstrates to the Director's satisfaction that multi-year support is needed to carry out the proposed project, the Director may in the initial notification of award for the project (which may be for up to a twelve month period) indicate an intention to assist the project on an appropriate multi-year basis through continuation awards.

(e) A continuation award may be made to a project described in paragraph (d) of this section, subject to the availability of funds.

(f) An application for a continuation award is reviewed on a non-competitive basis to determine:

(1) If the award recipient has complied with award terms and conditions, the General Education Provisions Act, and any applicable regulation; and

(2) The project's effectiveness to date, and any constructive changes proposed as a result of project evaluation.

[FR Doc.77-364 Filed 1-4-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

TAKING AND IMPORTING OF MARINE MAMMALS

Ex Parte Communications List for Hearing

On October 1, 1976, regulations entitled Appendix-Taking of Marine Mammals Incidental to Commercial Fishing Operations; Expedited Procedures for Consideration of Proposed Regulations for Calendar Year 1977 were published in the FEDERAL REGISTER (41 FR 43550). Section 10 of those regulations prohibit ex parte communications to persons who may participate in the decisional process. On October 14, 1976 (41 FR 45015), the National Marine Fisheries Service provided a list of persons who may participate in the decisional process. That list included Dr. Harvey M. Hutchings, Acting Assistant Director for Fisheries Management, NMFS. This position is now held by Mr. Robert J. Ayers. Accordingly, Dr. Hutchings name is removed from and Mr. Ayers name is added to the list of persons who may not receive ex parte communications.

Dated: December 29, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-372 Filed 1-4-77;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Michigan Grain Inspection Point

Statement of considerations. The Detroit Board of Trade, Detroit, Michigan, has requested that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Detroit, Michigan, be transferred to the Detroit Grain Inspection Service because the Detroit Board of Trade is being disbanded.

The Detroit Grain Inspection Service has applied for designation (in accordance with § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act) to operate as an official agency at Detroit, Michigan. This application does not preclude other interested persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate as an official agency at Detroit, Michigan, pursuant to the requirements set forth in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE: Section 7(f) of the Act (7 U.S.C. 79 (f)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official agency at Detroit, Michigan.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than February 4, 1977. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: December 30, 1976.

DONALD E. WILKINSON,
Interim Administrator.

[FR Doc.77-373 Filed 1-4-77;8:45 am]

Forest Service

TIAK UNIT

Availability of Draft Environmental Statement; Correction

In FR Doc. 76-37656 appearing at page 55915 in the FEDERAL REGISTER of December 23, 1976, in the first paragraph the Forest Service report number "USDA-FS-R8-DES (Adm.)-77-01" is corrected to read "USDA-FS-R8-DES (Adm.)-77-05."

Dated: December 28, 1976.

B. J. HENDERSON,
Acting Forest Supervisor.

[FR Doc.77-287 Filed 1-4-77;8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet the evening of January 27 and all day January 28, 1977 at the Dana Place Inn in Jackson, New Hampshire.

The purpose of this meeting is to discuss dispersed recreation and the Waterville Unit Plan for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

PAUL D. WEINGART,
Forest Supervisor.

DECEMBER 27, 1976.

[FR Doc.77-286 Filed 1-4-77;8:45 am]

Office of the Secretary

PARITY INDEX

Procedure for Calculating Parity Index

Pursuant to the authority contained in Section 301(a) of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture determines the data, prices, and indices used for computation of Parity Prices. In accordance with Section 301(a)(1)(C), the Statistical Reporting Service (SRS) calculates, at the end of each month, the ratio of (1) the general level of Prices Paid by Farmers for Commodities and Services, Interest, Taxes, and Farm Wage Rates for the month to (2) the general level of such prices, wages, rates and taxes during the period January 1910 to December 1914, inclusive (the "parity index"). The parity index is published in "Agricultural Prices".

Under the Act, the Parity Index is made up of four major components—prices for articles and services that farmers buy, interest charges on farm mortgages, farm real estate taxes, and wage rates paid to hired farm labor. The prices for articles and services that farmers buy has, in turn, been divided by SRS into prices for commodities used in farm production and prices paid for commodities used in family living. Near the end of each month, SRS computes and publishes an index for each of these components, using data obtained about the middle of the month and other available data and information. These indices are then combined, using appropriate weights, into the parity index.

Notice is hereby given that, beginning in January 1977, SRS will compute the parity index each month using the last available Bureau of Labor Statistics (BLS) Consumer Price Index (CPI) in place of the family living index presently calculated by SRS. The CPI to be used will be the CPI issued by BLS at approximately the middle of the month, which is based primarily on data collected the preceding month. The parity index will be chained with January 1977 as the link month, thus compensating for the relative levels of the two series. Collection and publication of price data for family living items will be discontinued following the January 1977 surveys and publication.

This substitution is desirable because prices being paid by farmers each month for family living items are not significantly different from those paid by other consumers. Accordingly, SRS's index of family living is essentially a duplication of the CPI. Substitution of the CPI will have little or no effect on parity prices, but SRS costs and the reporting burden on the public will be reduced substantially.

It is administratively desirable to put this change into effect on January 1, 1977, in order to have a complete calendar year under the new system. Therefore, it is not practicable to give prior notice and opportunity to comment. Nevertheless, interested persons are invited to submit recommendations, views, and comments in writing on this change to the Director, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C. 20250. Such views and comments will be considered and changes made if determined appropriate.

Until such time as further changes may be made this procedure shall remain in effect.

Done at Washington, D.C. this 29th day of December, 1976.

RICHARD L. FELTNER,
Acting Secretary.

[FR Doc.77-329 Filed 1-4-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and end at 12:00 noon on January 22, 1977, at the Executive Tower Inn, Room 1706, 1405 Curtis Street, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, 1405 Curtis Street, Suite 1700, Denver, Colorado 80202.

The purpose of this meeting is to review the project on domestic violence and plan activities for the coming year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 27, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-443 Filed 1-4-77;8:45 am]

KANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U. S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) of the Commission will convene at 4:00 pm. and at 10:30 pm. on January 27, 1977, at the Holiday Inn West, 605 Fairlawn, Room 105, Topeka, Kansas.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue planning followup activities related to the Kansas report—Inmates Rights in the State Prisons.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.77-445 Filed 1-4-77;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 12:00 noon and end at 6:00 p.m. on January 20, 1977, at 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss status of subcommittees and elect committee officials.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-447 Filed 1-4-77;8:45 am]

NORTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) of the Commission will convene at 2:00 pm. and end at 5:00 pm. on January 27, 1977, at the Velvet Cloak, 1505 Hillsborough Street, Queen Victoria Room, Raleigh, North Carolina 27605.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Ave., N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to continue plans for the migrant study: scheduling trips to camps, identifying appropriate agencies, organizations, and scheduling interviews with same. Receiving reports from subcommittee chairpersons.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.77-444 Filed 1-4-77;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 10:00 am. and end at 4:00 pm. on January 22, 1977, at the Cleveland Sheraton, Public Square and Superior, NW., Cleveland, Ohio.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting will be to select subcommittee to implement comprehensive study of Cleveland; set goals and timetables for study and priorities phases of study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 3, 1977.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 77-446 Filed 1-4-77; 8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 pm. and end at 10:00 pm. on January 24, 1977, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss the priorities of the subcommittees.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 27, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.77-455 Filed 1-4-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on January 26-27, 1977, at the Pentagon, Washington, D.C. The sessions will commence at 8:30 a.m. and terminate at 5:30 p.m. daily.

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The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including intelligence briefings on Soviet strategic and general purpose forces, recent military operations, U.S. Navy strategic planning and future combat systems. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy Alternate Federal Register Liaison Officer.

DECEMBER 29, 1976.

[FR Doc.77-333 Filed 1-4-77;8:45 am]

Office of the Secretary

ACADEMIC ADVISORY BOARD TO THE SUPERINTENDENT, UNITED STATES NAVAL ACADEMY

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Academic Advisory Board to the Superintendent, United States Naval Academy is to advise and assist the Superintendent, United States Naval Academy concerning the education of midshipmen. The Board examines academic policies and practices at the Naval Academy and submits proposals to the Superintendent to aid him in improving educational standards and in solving academic problems.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-94 Filed 1-4-77;8:45 am]

AIR FORCE ACADEMY BOARD OF VISITORS

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Air Force Academy Board of Visitors has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the Air Force Academy Board of Visitors is specified in section 9355, U.S.C. 10. The statute requires the Board to inquire at least annually into the morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the President of its action, and of its views and recommendations pertaining to the Academy. Membership on the Board is also specified by law as nine members of Congress and six Presidential appointees.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-59 Filed 1-4-77;8:45 am]

AIR FORCE HISTORICAL PROGRAM ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Advisory Committee on the Air Force Historical Program has been found to be in the public interest in connection with the performance of duties imposed by law on the Department of Defense. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

This Committee is purely advisory, and any actions to be taken as a result of its work will be made by responsible Government officials, including the Chief, Office of Air Force History. The purpose of the Committee is to assess the global Air Force Historical Program and to make recommendations concerning the mission, scope, progress, and productivity of the current program; conformity of the work and methods of the Office of Air Force History with professional standards; priorities of historical publications and such other aspects of the program as the membership may deem of interest. The Committee consists of two military members (Superintendent, U.S. Air Force Academy; and the Commander, Air University), a member of the Air Force General Counsel, and six civilian members representing the historical profession of the United States. The civilian member approvals made by the Secretary of Defense will be for one year and are renewable at the pleasure of the Secretary of the Air Force. The Air Force General Counsel member serves as the designated Federal representative. The Committee reports to the Secretary of the Air Force and the Chief of Staff, USAF.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-49 Filed 1-4-77;8:45 am]

AIR FORCE ROTC ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Air Force ROTC Advisory Panel has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Air Force ROTC Advisory Panel is to consider, evaluate and recommend policies and procedures jointly with Air Force representatives to guide the evolution of the Air Force ROTC program and its adaptation to changing conditions as well as to identify and recommend solutions for ROTC problems of concern to the Air Force, to the institutions participating in the Air Force ROTC program, or to both. Members on the Air Force ROTC Advisory Panel are approved by letter from the Secretary of Defense.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-63 Filed 1-4-77;8:45 am]

AIR UNIVERSITY BOARD OF VISITORS

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Air University Board of Visitors has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Air University Board of Visitors is to consider and advise the Secretary of the Air Force, through the Commander, AU, on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. The function of the board is solely advisory, and any determination of action to be taken on matters upon which the board advises or recommends shall be made solely by full-time salaried officers or employees of the Air Force.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-48 Filed 1-4-77;8:45 am]

ARMED FORCES EPIDEMIOLOGICAL BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Armed Forces Epidemiological Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Armed Forces Epidemiological Board is to serve as a continuing scientific advisory body to the Surgeons General of the military departments providing them with timely scientific and professional advice and guidance in matters pertaining to operational programs, policy development and research needs for the prevention of disease and injury and promotion of better health by application of new technological and epidemiological principles to the control of acute and chronic diseases, the protection of the environment, the improvement of occupational health programs and the design of new systems of health maintenance.

December 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-52 Filed 1-4-77;8:45 am]

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Army Advisory Panel on ROTC Affairs has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Army Advisory Panel on ROTC Affairs is to provide for a continuous exchange of views between the Department of the Army and educational institutions to improve the Army Senior ROTC program. Scope of activities is constituted primarily in addressing the current and future status of the Senior ROTC program. The deliberations include a continuous evaluation of recruiting, procurement, and training policies; and the problems related to maintaining an effective interface between the Army's ROTC program and the academic community. The specific intent of the Panel is to provide recommendations to the Department of the Army regarding the Senior ROTC program.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-43 Filed 1-4-77;8:45 am]

ARMY SCIENTIFIC ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Army Scientific Advisory Panel (ASAP) has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the ASAP is to advise the Secretary of the Army, the Chief of Staff, the Assistant Secretary of the Army (Research and Development), and the Deputy Chief of Staff for Research, Development, and Acquisition on the scientific and technological matters of interest to the Department of the Army.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-50 Filed 1-4-77;8:45 am]

BALLISTIC MISSILE DEFENSE TECHNOLOGY ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Ballistic Missile Defense Technology Advisory Panel has been found to be in the public interest in connections with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Ballistic Missile Defense Technology Advisory Panel (BMDTAP) is to function as an advisory committee and an independent sounding board for the on-going and future advanced ballistic missile defense technology programs. Specifically, the BMDTAP reviews U.S. Army Ballistic Missile Defense Technology programs and verifies the soundness of the technological approaches being employed or recommends changes as applicable.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-51 Filed 1-4-77;8:45 am]

BOARD OF ADVISORS TO PRESIDENT, NAVAL WAR COLLEGE

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the President, Naval War College has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Board of Advisors to the President, Naval War College is to advise and assist the President, Naval War College in educational and support areas. To accomplish this objective, the Board will examine educational, doctrinal and research policies and programs at the Naval War College and submit to the President, Naval War College opinions and recommendations which will aid him in accomplishing his mission more effectively.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-67 Filed 1-4-77;8:45 am]

BOARD OF ADVISORS TO SUPERINTENDENT, NAVAL POSTGRADUATE SCHOOL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Board of Advisors to the Superintendent, Naval Postgraduate School is to advise and assist the Superintendent, Naval Postgraduate School concerning the Naval Postgraduate Education Program. The Board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the Board inquires into the curricula; instruction; physical equipment; administration; state of morale of student body, faculty and staff; fiscal affairs; and such other matters relating to the operation of the Naval Postgraduate Education Program as the Board considers pertinent.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-68 Filed 1-4-77;8:45 am]

BOARD OF VISITORS, DEFENSE INTELLIGENCE SCHOOL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors of the Defense Intelligence School has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Board of Visitors of the Defense Intelligence School is to provide the Commandant and, through him, the Director of the Defense Intelligence Agency with advice, views and recommendations on matters relating to the successful accomplishment of the assigned School mission. Special attention is to be given to new scientific and other developments pertinent to current and projected educational programs conducted by the School.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc 77-65 Filed 1-4-77;8:45 am]

BOARD OF VISITORS, JUDGE ADVOCATE GENERAL'S SCHOOL, U.S. ARMY

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors, The Judge Advocate General's School, U.S. Army, has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Board of Visitors, The Judge Advocate General's School, U.S. Army, is investigative and advisory. At the direction of the Commandant, the Board investigates matters pertaining to the program of instruction of the School. Subsequently, the Board reports its findings and makes its recommendations to the Commandant.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-55 Filed 1-4-77;8:45 am]

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors, United States Military Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The Board of Visitors is an advisory committee, the composition of which is prescribed by 10 USC 4355 as 9 members of the Congress and 6 persons appointed by the President.

Its purpose is to visit the Academy annually, inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider; and to report in writing to the President of its actions, its views and recommendations pertaining to the Academy.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-47 Filed 1-4-77;8:45 am]

CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Environmental Advisory Board, Chief of Engineers, has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Chief of Engineers Environmental Advisory Board is to provide the Chief of Engineers with a panel of experts representing a broad range of environmental interests whose views and recommendations serve as a basis for developing environmental policy and procedural matters for the Corps of Engineers Civil Works Program. The Board consists of 5-7 members selected by the Chief of Engineers and approved by the Secretary of the Army and Office of the Secretary of Defense. Members are appointed to a two year term and are representative of various environmental disciplines and geographical areas. Meetings are held semi-annually or at the call of the Chief of Engineers, are published in advance in the FEDERAL REGISTER, and are open for public observation and/or participation.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-91 Filed 1-4-77;8:45 am]

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Renewal

In accordance with the provisions of P.L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Chief of Naval Operations Executive Panel Advisory Committee are as follows: The Chief of Naval Operations Executive Panel Advisory Committee has been established to provide an avenue of communications by which members of the civilian and military, scientific, academic, engineering and political communities may advise the CNO on questions related to national seapower. In connection therewith, sub-committees composed of committee members may be formed according to specific areas of interest to the CNO. Three sub-committees established for this purpose are the Technology, Strategic, and Political-Military subpanels. The functions of the Committee are purely advisory in nature. The Committee reports to the CNO, who determines material to be brought before the Committee or its sub-panels.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-74 Filed 1-4-77;8:45 am]

CNO COMMAND AND CONTROL AND COMMUNICATIONS (C^3) ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the CNO Command and Control and Communications (C^3) Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the CNO Command and Control and Communications (C^3) Advisory Committee is to act as an independent advisory group, composed of the highest technical competence which includes experts from the military, industrial and scientific community, to the Chief of Naval Operations. The advice of this Committee is essential to ensure that Navy telecommunications developments are initiated in an effective manner and that Navy C^3 requirements are fulfilled with systems that possess a service life fully adequate to amortize the expense of today's complicated systems. The Navy benefits from both the Committee's endorsement or confirmation of their problem solving methodology and their recommended redirection of effort. The Committee also contributes a balanced view and fresh insights from sectors of government and industry.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-62 Filed 1-4-77;8:45 am]

COMMAND AND GENERAL STAFF COLLEGE ADVISORY COMMITTEE

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Command and General Staff College Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Command and General Staff College Advisory Committee is to advise the Commandant and Faculty of the Command and General Staff College on ways to improve the CCSC educational program, especially its fully accredited Master of Military Art and Science (MMAS) degree program. The committee satisfies the accreditation prerequisite that there be established a civilian body which includes representation reflecting the public interest.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-44 Filed 1-4-77;8:45 am]

COMMANDANT'S ADVISORY COMMITTEE ON MARINE CORPS HISTORY

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Commandant's Advisory Committee on Marine Corps History has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Commandant's Advisory Committee on Marine Corps History is to advise the Commandant on the scope, content, and direction of the Marine Corps Historical Program; and recommend priority of accomplishment of major historical projects and means for encouraging the study and exploitation of Marine Corps historical assets within and outside the Marine Corps, as well as to foster a program for the acquisition of items having sentimental or historical significance to the Marine Corps, including private papers of individuals important in Marine Corps history.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-95 Filed 1-4-77;8:45 am]

COMMUNITY COLLEGE OF THE AIR FORCE (CCAF) ADVISORY COMMITTEE

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Community College of the Air Force (CCAF) Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this Advisory Committee and concurs in its establishment.

The nature and purpose of the Community College of the Air Force Advisory Committee is to review the programs and objectives of the Community College of the Air Force and recommend policies through the Commander/Air Training Command, to the Secretary of the Air Force. The Committee provides an external source of expertise which insures continued reflection on CCAF operations and policies.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-60 Filed 1-4-77;8:45 am]

DEFENSE/INDUSTRY ADVISORY GROUP—EUROPE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense/Industry Advisory Group—Europe has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense/Industry Advisory Group—Europe is to provide U.S. Government defense representatives and U.S. defense industry representatives in Europe a forum for the exchange of information pertinent to NATO and European regional organizations. This forum permits direct and candid discussion of the competitive environment with European industry vis-a-vis U.S. Government policies and practices. It also provides government representatives with a better understanding and appreciation of the problems encountered by the U.S. defense industry in Europe. The information and recommendations received from the Defense/Industry Advisory Group—Europe provide a background for USNATO coordination with Washington and assist in the implementation of DOD policy on cooperation and standardization in armaments research, development and procurement through the NATO Conference of National Armaments Directors and subordinate bodies.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-72 Filed 1-4-77;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense Intelligence Agency Scientific Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Intelligence Agency Scientific Advisory Committee is to provide the Director, Defense Intelligence Agency with primarily scientific and technical advice and assistance in those areas and disciplines of major importance to the Agency. It also provides a valuable link between the Agency and the scientific and industrial communities of the nation. Its function is solely advisory.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-53 Filed 1-4-77;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Monday, 31 January 1977, Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0845 hours is devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Panel will receive briefings and participate in discussions relative to the Defense Intelligence Agency's assessments of foregn military equipment, operations, and capabilites.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Secretary of Defense (Comptroller).

DECEMBER 30, 1976.

[FR Doc.77-334 Filed 1-4-77;8:45 am]

DEFENSE SCIENCE BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense Science Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Science Board is to serve as an advisory committee to the Secretary of Defense, reporting through the Director of Defense Research and Engineering, on scientific, technical and related management matters of particular interest to the Department of Defense. Comprised of a balanced membership of senior appointees representing the industrial, academic and scientific communities, the Board undertakes to analyze and recommend concerning specific issues and problems tasked to it by the Secretary of Defense or the Director of Defense Research and Engineering, or other senior officials of the Department of Defense. Additionally, it examines and provides guidance concerning other important subject areas on an ad hoc basis as such matters are surfaced during the normal course of conduct of the Board's proceedings.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-78 Filed 1-4-77;8:45 am]

DEFENSE SYSTEMS MANAGEMENT COLLEGE BOARD OF VISITORS

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense Systems Management College Board of Visitors has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Systems Management College Board of Visitors is to serve as an advisory committee to the Defense Systems Management College Policy Guidance Council, reporting through the Commandant, Defense Systems Management College, on organization, management, curricula, methods of instruction, facilities and related management matters of particular interest to the Department of Defense. Comprised of a balanced membership of senior appointees representing the academic, general business and defense industry communities, the Board undertakes to analyze and recommend actions on specific issues and problems presented to it by the Policy Guidance Council and/or the Commandant. Additionally, the Board examines and provides guidance concerning other important subject areas on an ad hoc basis as such matters are surfaced during the normal course of conduct of the Board's proceedings. The results of its semi-annual examination bearing on the accomplishments of the Defense Systems Management College mission are set forth in its reports.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-66 Filed 1-4-77;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Department of Defense Wage Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the DOD Wage Committee is to make recommendations regarding wage surveys and wage schedules for blue collar employees to the Department of Defense Wage Fixing Authority to discharge the responsibilities assigned by Pub. L. 92-392 to the Civil Service Commission, as set forth in Federal Personnel Manual Supplements 532-1 and -2, "Federal Wage System." The Department of Defense has "lead agency" responsibility for setting wage rates in approximately 300 of the approximately 340 wage areas established under the Federal Wage System.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-83 Filed 1-4-77;8:45 am]

DESIGN AND CONSTRUCTION OF SHELTERS ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Advisory Committee on the Design and Construction of Shelters has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Advisory Committee on the Design and Construction of Shelters is to advise the Director, Defense Civil Preparedness Agency, in the following matters:

(1) Technical problems related to shelter design and construction, including Federal programs to overcome shelter deficits.

(2) Communications relating to shelter design and construction between the Defense Civil Preparedness Agency and the staffs and memberships of the professional organizations.

(3) Methods of stimulating shelter design and construction among architects, engineers, planners, contractors, and building owners.

MAURICE W. ROCHE,
Director, Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-86 Filed 1-4-77;8:45 am]

DOD EDUCATION PROGRAM ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the advisory Panel on DOD Education Programs has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Advisory Panel on DOD Education Programs are to provide the Assistant Secretary of Defense (Manpower and Reserve Affairs) with advice concerning the quality, standards, methods, organization and other features of DOD education programs. Provide means of improving communications with the educational community at the national and state level. Ensure that DOD education policy is consistent with national/state education system policies. Provide recommendations for new policies to permit a more efficient interface with the public and private education systems so as to ensure the cost effective expenditure of DOD funds in support of needed military education programs.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-46 Filed 1-4-77;8:45 am]

DOD ELECTRON DEVICES ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the DOD Advisory Group on Electron Devices has been found to be in the public interest in connection with the performances of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the DOD Advisory Group on Electron Devices is to provide technical advice which will assist the Director, Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments in planning and directing adequate and economical research and development programs in the area of electron devices.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller)

DECEMBER 22, 1976.

[FR Doc.77-76 Filed 1-4-77;8:45 am]

HIGH ENERGY LASER REVIEW GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the High Energy Laser Review Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the Justification for this advisory committee and concurs with its renewal.

The nature and purpose of the High Energy Laser Review Group is to advise the Director of Defense Research and Engineering, on a continuing basis, regarding economical and effective research, development, test and evaluation efforts in the field of high-energy laser weapon systems that are conducted within the DoD and to relate them to other national laser research programs.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-80 Filed 1-4-77;8:45 am]

HISTORICAL ADVISORY COMMITTEE

Renewal

In accordance with the provisions of P.L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Department of the Army Historical Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Department of the Army Historical Advisory Committee (DAHAC) is to provide the Secretary of the Army and the Chief of Military History with advice and counsel regarding: (1) The conformity of the Army's historical work and methods with professional standards, (2) effective cooperation between the historical and military professions in advancing the purpose of the Army Historical Program and (3) the mission of the U.S. Army Center of Military History to further the study of and interest in military history in both civilian and military schools.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-71 Filed 1-4-77;8:45 am]

JOINT STRATEGIC TARGET PLANNING STAFF (JSTPS) SCIENTIFIC ADVISORY GROUP (SAG)

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the JSTPS Scientific Advisory Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the JSTPS SAG is that of a continuing advisory committee which provides scientific and technical advice to the Director of Strategic Target Planning (DSTP) to enhance JSTPS planning in such areas as:

1. Developing procedures and techniques to reduce the vulnerability of U.S. weapon systems within the scope of JSTPS responsibilities in this area.
2. Assessing the use of nuclear weapons effects to improve the effectiveness of the offense.
3. Developing procedures and techniques to improve penetration of the enemy defenses.
4. Identifying technical areas in which additional research and test could lead to knowledge having a direct bearing upon the development of the Single Integrated Operational Plan (SIOP).

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-73 Filed 1-4-77;8:45 am]

MILITARY AIRLIFT COMMITTEE OF THE NATIONAL DEFENSE TRANSPORTATION ASSOCIATION

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Military Airlift Committee of the National Defense Transportation Association has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Military Airlift Committee of the National Defense Transportation Association (NDTA) is to assist the Military Airlift Command (MAC) in sustaining an effective management program. The Commander, MAC, obtains the advise, views, and recommendations from members of the industrial, educational, and transportation communities on matters involving the performance of the Command mission. The Committee advises the Commander, MAC, on broad management problems pertaining to military airlift, including the augmentation of military resources by civilian industry. In order to obtain experience and talents not otherwise available to the Air Force, the Commander, MAC, uses the Military Airlift Committee of the NDTA as an advisory committee.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-93 Filed 1-4-77;8:45 am]

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Establishment

In acccordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the National Board for the Promotion of Rifle Practice has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the National Board for the Promotion of Rifle Practice is to promote marksmanship training with rifled arms among able-bodied citizens of the U.S. and provide the means whereby they may become proficient in the use of such arms. The Secretary of the Army fulfills these requirements through the Civilian Marksmanship Program based upon the recommendations of the National Board for the Promotion of Rifle Practice.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-58 Filed 1-4-77;8:45 am]

NATIONAL DEFENSE UNIVERSITY BOARD OF VISITORS

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors, National Defense University has been found to be in the public interest in connection with the

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performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Board of Visitors, National Defense University, is to provide the President of the University and the Commandants, Industrial College of the Armed Forces and The National War College advice on matters relating to faculty, students, curricula, educational methodology, research, and administration for both resident and nonresident programs.

MAURICE W. ROCHE,
Director, Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc. 77-85 Filed 1-4-77;8:45 am]

NATIONAL SECURITY AGENCY SCIENTIFIC ADVISORY BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the National Security Agency Scientific Advisory Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the National Security Agency Scientific Advisory Board is to provide the Director, NSA/Chief, CSS with advice and consultation on matters involving science and technology related to the mission of the NSA/CSS.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-81 Filed 1-4-77;8:45 am]

NAVAL RESEARCH ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Naval Research Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Naval Research Advisory Committee is to know problems of the Navy and the Marine Corps, to keep abreast of the research and development which is being carried on in relation to the problems, and to offer a judgment to the Navy and Marine Corps as to whether the efforts are adequate. The activities of the Committee are limited to serving solely in an advisory capacity to the Secretary of the Navy and other high-ranking personnel of the Navy and Marine Corps. The Committee is the senior scientific advisory group to the Secretary of the Navy, the Chief of Naval Operations, the Chief of Naval Research, the Commandant of the Marine Corps, the Chief of Naval Development, and the Director of Navy Laboratories.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc. 77-84 Filed 1-4-77;8:45 am]

NAVAL WEAPONS CENTER ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Naval Weapons Center Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Naval Weapons Center Advisory Committee is to advise the Naval Weapons Center management concerning technical program content and emphasis, instrumentation, equipment and facilities; relationships with university and industrial laboratories; and other matters essential to optimum Center performance.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-89 Filed 1-4-77;8:45 am]

NAVY RESALE SYSTEM ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Navy Resale System Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Navy Resale System Advisory Committee is to examine the policies, operations and organization of components of the Navy Resale System, and submit recommendations relative thereto to the Secretary of the Navy.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-56 Filed 1-4-77;8:45 am]

SCIENTIFIC ADVISORY COMMITTEE OF THE BALLISTIC RESEARCH LABORATORIES

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Committee of the Ballistic Research Laboratories has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with the renewal.

The nature and purpose of the Scientific Advisory Committee of the Ballistic Research Laboratories is to review critically the scientific and technical programs of this organization and to advise the directing staff on the broad aspects of the work in the highly specialized military science of ballistics as applied to current and future needs of the national defense.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-45 Filed 1-4-77;8:45 am]

SCIENTIFIC ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense Communications Agency Scientific Advisory Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Communications Agency Scientific Advisory Group is to provide objective advice on major Defense Communications Agency programs and provide technical expertise on major problems in the areas of telecommunications, command and control systems, and ADP systems, to include all DCA programs.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-75 Filed 1-4-77;8:45 am]

SCIENTIFIC ADVISORY GROUP ON EFFECTS

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Group on Effects has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Scientific Advisory Group on Effects are to review and evaluate both long-range plans and current programs for the development of nuclear weapons effects data and to provide advice to the Director, Defense Nuclear Agency, on the adequacy of such plans and programs. The Group recommends new scientific approaches and techniques for determining nuclear weapons effects data.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-82 Filed 1-4-77;8:45 am]

SECRETARY OF DEFENSE NATURAL RESOURCES CONSERVATION ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Secretary of Defense Natural Resources Conservation Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of Defense Natural Resources Conservation Advisory Committee with its membership of outstanding civilian and other Federal natural resource conservation leaders is to advise the Department of Defense on the quality of its conservation trusteeship under 16 USC 670 for the 26,000,000 acres of land and water resources it controls. Through the vehicle of an annual awards program, installations and individual efforts are reviewed on-site and achievements or deficiencies are noted. Improvements in policy, techniques and compliance with Federal and State laws are recommended where necessary. The Committee approach has the advantage of providing OSD with a broad range of expertise it does not have in-house nor is able to provide under present circumstances on a full-time basis.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-79 Filed 1-4-77;8:45 am]

SECRETARY OF THE NAVY OCEANOGRAPHIC ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Secretary of the Navy Oceanographic Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of the Navy Oceanographic Advisory Committee is an advisory body to the Secretary of the Navy and the Assistant Secretary of the Navy (Research and Development). The Committee, composed of individuals of nationally recognized competence in ocean science and ocean engineering, provides advice of vital importance and contributes significantly to the formulation of recommendations for the overall advancement of the Naval Oceanographic Program. The Committee works to improve coordination between governmental and nongovernmental interests.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-96 Filed 1-4-77;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of the Navy's Advisory Board on Education and Training is to advise the Secretary of the Navy on policy concerning all facets of education and training for Navy and Marine Corps personnel, officer and enlisted, active and inactive. The Board shall review Navy and Marine Corps education and training policy and programs as designated by the Secretary of the Navy or service representatives to the Board, and shall make appropriate recommendations to the Secretary of the Navy regarding Navy and Marine Corps education and training, and assist the Secretary in formulating policy on new and projected programs of education and training.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-54 Filed 1-4-77;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY COMMITTEE ON NAVAL HISTORY

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Secretary of the Navy's Advisory Committee on Naval History is to advise the Secretary of the Navy on naval historical programs, including archival, library, and curatorial activities, and to maintain liaison between the Navy's historical programs and the historical profession as a whole.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-70 Filed 1-4-77;8:45 am]

TANK AUTOMOTIVE RESEARCH AND DEVELOPMENT COMMAND SCIENTIFIC ADVISORY GROUP

Committee Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Tank Automotive Research and Development Command (TARADCOM) Scientific Advisory Group has been found to be in the pubic interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for

this advisory committee and concurs with its renewal.

The nature and purpose of the TARADCOM Scientific Advisory Group is to bring together members from automotive related industry and the academic research and development community to advise the Commander, US Army Tank Automotive Research and Development Command on scientific and technological matters relevant to the mission of TARADCOM and on other matters of broad scope when requested by the Commander.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-41 Filed 1-4-77;8:45 am]

UNDERWATER SOUND ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Underwater Sound Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Underwater Sound Advisory Committee is to make available to the Chief of Naval Research, the Chief of Naval Development and other interested Naval activities technical guidance in scientific areas relating to underwater acoustics and developing improved means of exchange of information among scientific establishments.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-69 Filed 1-4-77;8:45 am]

US ARMY COASTAL ENGINEERING RESEARCH BOARD

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the US Army Coastal Engineering Research Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the US Army Coastal Engineering Research Board (established by Pub. L. 88-172) is to advise the Chief of Engineers on the conduct of the coastal engineering research program of the Corps. To assist the Chief of Engineers, the CERB provides broad policy guidance and reviews plans and fund requirements for the Corps' coastal engineering research program; the CERB also recommends priorities for the accomplishment of research projects in consonance with the needs of Corps of Engineers field offices.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 2, 1976.

[FR Doc.77-88 Filed 1-4-77;8:45 am]

US ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the US Army Medical Research and Development Advisory Panel has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the US Army Medical Research and Development Advisory Panel is to advise the Commander, US Army Medical Research and Development Command (USAMRDC) on scientific and technological aspects of the US Army medical research and development program.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-87 Filed 1-4-77;8:45 am]

U.S. ARMY MILITARY HISTORY RESEARCH COLLECTION ADVISORY COMMITTEE

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the U.S. Army Military History Research Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the U.S. Army Military History Research Collection Advisory Committee is to review and evaluate the scholarly aspects of the activities of the United States Army Military History Research Collection and to recommend policies to the Secretary of the Army to be pursued in the continuing development and utilization of the Collection. The committee includes representatives from a wide variety of military and civilian activities including historians, curators and archivists.

December 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc. 77-57 Filed 1-4-77;8:45 am]

US ARMY MISSILE COMMAND SCIENTIFIC ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Scientific Advisory Group of the U.S. Army Missile Command has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Scientific Advisory Group of the U.S. Army Missile Command is to advise the Commander, U.S. Army Missile Command, on scientific and technological matters pertaining to both existing and planned research and development activities within the framework of the mission of the U.S. Army Missile Command. This Advisory Group also advises the Commander of the U.S. Army Missile Command, as requested, on matters relating to organizational aspects of the research and development activities of the U.S. Army Missile Command.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives. OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-90 Filed 1-4-77;8:45 am]

U.S. NAVAL ACADEMY BOARD OF VISITORS

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Board of Visitors to the United States Naval Academy has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the Board of Visitors to the United States Naval Academy is to advise the President of the United States concerning the state of morale and discipline of the midshipmen, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Naval Academy that the Board decides to consider.

DECEMBER 22, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.77-61 Filed 1-4-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the USAF Scientific Advisory Board has found to be in the public interest in conbeen found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the USAF Scientific Advisory Board is to provide a link between the Air Force and the Nation's scientific community by serving as a means of communicating the most recent scientific information as it applies to the Air Force. The Board was created to strengthen but not duplicate the work of the Air Force Systems Command, and all other Air Force activities that deal with science and technology. The Board reviews and evaluates long range plans for research and development and provides advice on the adequacy of the Air Force program, recommends unusually promising scientific developments for selective Air Force emphasis and new scientific discoveries or techniques for practical application to weapon or support systems, makes a variety of studies designed to improve the Air Force research and development program and serves as a pool of expert advisers to various Air Force activities.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-92 Filed 1-4-77;8:45 am]

UTILIZATION OF GRAVIMETRIC DATA ADVISORY GROUP

Renewal

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the DoD Advisory Group on Utilization of Gravimetric Data has been found to be in the public interest in connection with the performance of duties imposed on the Departmet of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The mission of the DoD Advisory Group on Utilization of Gravimetric Data is to provide the Director, Defense Research and Engineering, both technical advice and planning on the effective use of gravity data to support strategic operations. Specifically, the Advisory Group will:

a. Determine the contribution of altimeter data to definition of the geoid and the gravitational force field of the earth.

b. Assess the impact of current and future satellite radar altimeter developments to DoD activities.

c. Define the proper balance between oceanic survey and satellite derived gravimetric data for planned operations.

DECEMBER 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-77 Filed 1-4-77;8:45 am]

WINTER NAVIGATION BOARD

Renewal

In accordance with the provisions of P.L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Winter Navigation Board has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Winter Navigation Board is the management, coordination and reporting of the Winter Navigation Demonstration Program which was established to demonstrate the practicability of extending the shipping season on the Great Lakes St. Lawrence Seaway. This program was authorized by section 107(b) of the 1970 Rivers and Harbors Act (Pub. L. 91-611), as amended.

December 22, 1976.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

[FR Doc.77-42 Filed 1-4-77;8:45 am]

WOMEN IN THE SERVICES DEFENSE ADVISORY COMMITTEE

Renewal

A notice is hereby given that the Defense Advisory Committee on Women in the Services (DACOWITS) has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its renewal.

The nature and purpose of the Defense Advisory Committee on Women in the Services is to provide the Department of Defense, through the Assistant Secretary of Defense (Manpower and Reserve Affairs), with assistance and advice on matters relating to women in the services, to interpret to the public the need for and the role of women in the services and to encourage the acceptance of military service as a career opportunity for qualified women.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

DECEMBER 22, 1976.

[FR Doc.77-84 Filed 1-4-77;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON THE ASIAN AND PACIFIC AMERICANS POPULATION FOR THE 1980 CENSUS

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I (Supp. V. 1975)), notice is hereby given that the Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census will convene on January 27 and 28, 1977 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in June 1976 to advise the Director, Bureau of the Census, during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, developing definitions and terminology for improved identification and classification of the Asian and Pacific Americans population, suggesting areas of research, recommending subject content and tabulations of particular use to the Asian and Pacific Americans population, and expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community.

The Committee is composed of 21 members appointed by the Secretary of Commerce, and constitutes a broad spectrum of community leaders, scholars, and other appropriate persons.

The agenda for the January 27 session is: (1) Current status of 1980 census plans; (2) Federal statistical system planning process; (3) plans for the Oakland, California, pretest census; (4) race, ethnic origin, and language questions; (5) community services program; and (6) mobility of the Asian and Pacific Americans population.

The January 28 meeting, which will end at 12:30 p.m., will consist of: (1) Reports by Committee members on observations of the Camden, New Jersey, pretest census; (2) discussion of the Current Population Survey; and (3) Committee review and recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions at the January 28 meeting. Extensive questions or statements must be submitted in writ-

ing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233) Telephone: (301) 763–5169.

Dated: December 30, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc. 77-331 Filed 1-4-77; 8:45 am]

CENSUS ADVISORY COMMITTEE ON HOUSING FOR THE 1980 CENSUS

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee on Housing for the 1980 Census will convene on January 24, 1977 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Housing for the 1980 Census was established in March 1976 to provide technical advice and guidance in planning the forthcoming decennial Census of Housing to ensure that the major statistical requirements of decisionmakers are provided by the 1980 Census of Housing program.

The Committee is composed of 18 members including a representative from each of nine organizations and nine members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Committee comments on housing census content regarding priorities, (2) past measures of housing quality including foreign census inquiries, (3) findings of the five-city housing study and indicators of housing quality from the annual housing survey, (4) report of the Housing Quality Subcommittee of the Federal Agency Council, and (5) Committee discussion of housing quality.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Arthur F. Young, Chief, Housing Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone: (301) 763–2863.

Dated: December 29, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc. 77-332 Filed 1-4-77; 8:45 am]

Domestic and International Business Administration

[File Nos. 23(73)-2 and 23(73)-5]

CHRISTOPH BRAND

Order Denying Export Privileges

In the Matter of Christoph Brand, 65 Nordend Strasse, D–6000 Frankfurt 1, Federal Republic of Germany, Respondent.

A charging letter was duly served on Christoph Brand in accordance with 15 CFR 388.3. Three charges were made to the effect that respondent had, "exported or caused to be exported," controlled electronic commodities on separate occasions and a fourth charge that respondent has violated an order entered on June 4, 1970, 35 FR 8704, denying all export privileges to Caramant GmbH, by acting for or in behalf of such denied person.

A hearing was held on August 30, 1976. Based on the assembled record, the Hearing Commissioner reported that although respondent was employed and acted as agent for a denied person the evidence was insufficient to find that he had "exported or caused to be exported," controlled commodities without the requisite validated export license. He reported that respondent admitted violating the 1970 order by acting for and in behalf of his employer in the participation of the transactions involving commodities exported or to be exported from the United States. The Commissioner recommended dismissal of the three charges wherein respondent was charged with illegally exporting or causing to be exported commodities from the United States. He reported that respondent's involvement as an employee and agent of denied party was serious and recommended sanctions as detailed below.

I concur in the recommendations of the Hearing Commissioner. Charges I, II and III are dismissed. Charge IV, that respondent is a related party to a denied person and acted for and in behalf of such denied person, is sustained. Commensurate with the seriousness of the violation detailed in the report of the Commissioner and pursuant to the authority delegated to me in virtue of the Export Administration Regulations, 15 CFR 388, it

ORDERED

1. For the period ending May 31, 1979, the respondent, his successors or assigns, partners, representatives, agents, and employees are hereby denied all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported in whole or in part, from the United States.

2. Effective June 1, 1979, respondent will be conditionally restored to U.S. export privileges for all general license commodities, i.e., commodities which may be shipped G-DEST to the Federal Republic of Germany and no United States citizen and no other person, firm, corporation, partnership or other business organization in the United States shall export to the respondent or participate in any way in making or effecting an export of any commodity requiring a validated export license.

3. Effective June 1, 1981, respondent will be restored to all export privileges subject to probation. Probation will terminate on June 1, 1986, conditioned on respondent's continued compliance with the Export Administration Regulations.

4. During the period of conditional restoration and probation respondent must maintain a complete record showing receipt and disposition of U.S. commodities. Such record shall be retained for a period of not less than five years and must be available for inspection during reasonable business hours to an authorized agent of the United States Government.

Respondent must comply with all the above conditions and must fully comply with all the Export Administration Regulations and the licenses and orders issued thereunder.

This order shall extend to the respondent, his partners, representatives, agents employees and assigns and to any party with whom respondent now or hereafter may be related by affiliation, ownership, control or other connection in the conduct of trade or other services connected therewith. Upon request of the Office of Export Administration or an authorized representative of the United States, respondent must promptly and fully disclose the details of participation in any and all transactions involving U.S.-origin commodities or technical data, including information to the disposition or intended disposition of such commodity or technical data and shall, upon request, furnish all records and documents relating to such matters. Further, on request the respondent shall promptly disclose the names and addresses of partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon a finding by the Director, Office of Export Administration, or other authorized office that the respondent has failed to comply with any of the conditions of probation, the Director, with or without prior notice to the respondent may revoke the probation and deny all export privileges for such a period as is deemed appropriate. If a supplemental order should be issued because of breach of the terms and conditions herein, it will contain the proscriptions of 15 CFR 387.10 and 388.1. Objection to a supplemental order, a petition that it be set aside or an appeal will not stay the denial of export privileges, but the order of denial will remain in effect until it expires or is modified or cancelled. 15 CFR 388.15.

Dated: December 20, 1976.

RAUER H. MEYER,
Director, Office of
Export Administration.

[FR Doc.77-285 Filed 1-4-77;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL MARINE LABORATORY

Receipt of Endangered Species Permit Application for Scientific Purposes

On August 12, 1976, notice was published in the FEDERAL REGISTER (40 FR 33850), that a Permit had been issued to the Coastal Marine Laboratory, University of California, Santa Cruz, California, by the National Marine Fisheries Service, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

The Permit authorizes the Holder to take, by tagging, 330 Pacific white sided dolphins (*Lagenorhynchus obliquidens*), 130 Pacific bottlenosed dolphins (*Tursiops gilli*), 330 Dall porpoises (*Phocoenoides dalli*), 330 common dolphins (*Delphinus delphis*), 130 Northern right whale dolphins (*Lissodelphis borealis*), 110 Pilot whales (*Globicephala sp*), 30 sei whales (*Balaenoptera borealis*), 50 minke whales (*Balaenoptera acutorostrata*), 30 finback whales (*Balaenoptera physalus*), 30 blue whales (*Balaenoptera musculus*), 200 gray whales (*Eschrichtius robustus*), 100 Risso's dolphins (*Grampus griseus*), and 100 Stenelline dolphins (*Stenella sp.*), in the area of the California Bight as described in the application.

The activities to be conducted included attaching 1,740 color coded spaghetti tags on various numbers of the above mentioned species and to capture and tag 150 dolphins and 10 pilot whales in order to attach plastic roto tags through the dorsal fin and place freeze branded codes on the dorsal surface as a control for tag retention and as a possible method or aerial recognition. Of this latter number, 16 animals will be selected to have radio tracking devices attached by means of a formed saddle around the dorsal fin.

The Applicant has been informed that a permit under the Endangered Species Act of 1973 must be obtained before the proposed research can be conducted with the following endanger species: Blue whales (*Balaenoptera musculus*); fin whales (*Balaenoptera physalus*); sei whales (*Balaenoptera borealis*); and gray whales (*Eschrichtius robustus*).

Accordingly, notice is hereby given that the Coastal Marine Laboratory has applied in due form for a Scientific Purposes Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543). The requested permit would provide the necessary concurrent authority under the Endangered Species Act to engage in the above described research with the endangered species identified above.

The aim of this research is to describe the size, distribution, structure, and movements of populations of cetaceans within this area as part of a contract from the Bureau of Land Management. These baseline studies of the populations will be utilized to assist in evaluating the environmental impact of oil exploration and extraction in this biologically important and sensitive area and contribute to planning for the area's resources.

Documents submitted in connection with this application are available in the following Office:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before February 4, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: December 23, 1976.

HARVEY M. HUTCHINGS,
Acting Assistant Director for
Fisheries Management, National
Marine Fisheries Service.

[FR Doc.77-370 Filed 1-4-77;8:45 am]

FISHERY CONSERVATION AND MANAGEMENT

Draft Environmental Impact Statements Concerning Silver and Red Hake, Herring, Mackerel, Long and Short-Finned Squid and Other Finfish

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190); and Section 10 (a)(2) of the Federal Advisory Committee Act; notice is hereby given of an additional public meeting to be held by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, to receive further public views and comments on Draft Environmental Impact Statements (DEIS) containing, as an integral part of each, preliminary plans for the management of the following fishery management units:

(a) Silver and Red Hake
(b) Herring
(c) Mackerel
(d) Long and short-finned squid
(e) Other finfish

These are fisheries for which foreign nations may be expected to apply for permits to fish, and for which the newly established Regional Fishery Management Councils may not be able to prepare and implement fishery management plans before March 1, 1977.

The meeting will be held at the following location, date and time:

North Westport, MA; Thursday, 7–10 p.m., January 6, 1977; Whites Restaurant, off I–195 East near Junction of Routes 24 and I–195.

This meeting is being held as follow-up to the December 21 meeting held at the same above location, in response to the concerned public for more information and time to review the Draft Environmental Impact Statesments/Preliminary Fishery Management Plans.

Limited numbers of the DEIS/PFMP's are available from the Regional Director, Northeast Regional Office, National Marine Fisheries Service, Federal Building–14 Elm Street, Gloucester, MA 01930. Please specify which fishery management units are desired. Written comments on the DEIS/PFMP's from interested members of the public may be submitted to the above address.

Dated: December 30, 1976.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc.77-375 Filed 1-4-77;8:45 am]

ROGER WILLIAMS PARK ZOO

Issuance of Permit To Take Marine Mammals

On November 3, 1976, notice was published in the FEDERAL REGISTER (41 FR 48391), that an application had been filed with the National Marine Fisheries Service by Roger Williams Park Zoo, Providence, Rhode Island 02905, for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on December 29, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking to Roger Williams Park Zoo subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street Gloucester Massachusetts 01930; and
Regional Director National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 29, 1976.

JACK W. GEHRINGER,
Deputy Director, National
Marine Fisheries Service.

[FR Doc.77-371 Filed 1-4-77;8:45 am]

SEA-ARAMA, INC.

Issuance of Permit To Take Marine Mammals

On September 17, 1976, notice was published in the FEDERAL REGISTER (41 FR 40204) that an application had been filed with the National Marine Fisheries Service by Sea-Arama, Inc., Seawall Boulevard, 91st Street, P.O. Box 3068, Galveston, Texas 77550, to take two (2)

false killer whales (*Pseudorca crassidens*) for public display.

Notice is hereby given that on December 28, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Sea-Arama, Inc., subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 28, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-369 Filed 1-4-77;8:45 am]

Office of the Secretary

[Dept. Org. Order 10-4; Amdt. 3]

ASSISTANT SECRETARY ECONOMIC DEVELOPMENT

Delegation of Authority

This order effective December 6, 1976 further amends the material appearing at 40 FR 56702 of December 4, 1975, 40 FR 58878 of December 19, 1975 and 41 FR 37829 of September 8, 1976 Department Organization Order 10-4 of September 30, 1975, is hereby amended as shown below. The purpose of this amendment is to delegate the authority of the Secretary under P.L. 94-427, 90 Stat. 1336-1339, to administer the Olympic Winter Games Authorization Act of 1976, to the Assistant Secretary for Economic Development (subparagraphs 4.01h. and 5.p.).

1. *Section 4. Delegation of Authority.* A new subparagraph .01h. is added to read as follows:

"h. Public Law 94-427, 90 Stat. 1336-1339, relating to the XIII international Olympic winter games."

2. *Section 5. General Functions.* a. A new subparagraph p. is added to read as follows:

"p. Assure the adequate and effective administration of Public Law 94-427, 90 Stat. 1336-1339, relating to the XIII international Olympic winter games."

b. In pen and ink reletter the current subparagraph p. as q. respectively.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.77-301 Filed 1-4-77;8:45 am]

[Rept. Org. Order 35-1B; Amdt. 1]

BUREAU OF ECONOMIC ANALYSIS

Organization and Function

This order effective December 2, 1976 amends the material appearing at 40 FR 58878 of December 19, 1975 Department Organization Order 35-1B, dated October 24, 1975, is hereby amended as shown below. The purpose of this amendment is to: (1) transfer certain research functions and the planning and editing associated with the *Survey of Current Business* into the Current Business Analysis Division (paragraph 5.02), and (2) transfer to the newly formed Information Services Division functions related to public information, processing of staff papers, publications and references services (paragraph 8.03).

1. *Section 5. Associate Director for National Analysis and Projections.* Paragraph .02 is revised to read as follows:

".02 The *Current Business Analysis Division* shall prepare and publish monthly in the *Survey of Current Business* interpretations of the current business situation; shall conduct on a continuing basis analyses of short-term, cyclical, and long-term developments in business activity for publication in the *Survey of Current Business;* shall participate in the planning, edit and review of all materials to be published in the *Survey of Current Business;* and shall conduct research required for publishing in the *Survey of Current Business* and its *Business Statistics Supplement* a detailed and comprehensive set of data produced by the Bureau and other organizations and used to evaluate the business situation."

2. *Section 8. Support Divisions.* A new paragraph .03 is added to read as follows:

".03 The *Information Service Division* shall carry out all public information activities, including the preparation and pre-clearance review of press releases and other technical material, and the preparation of nontechnical educational material explaining the substance of the Bureau's work to the public; shall monitor and review staff papers and similar materials published by the Bureau; shall provide publication services, including conduct of research, in cooperation with Departmental offices, in the technologies of preparing manuscripts and data for publication; shall provide reference services, including the maintenance of the Bureau's library and provision of research services to the Bureau's staff; and shall direct, coordinate, and control the Bureau's functions relating to the Freedom of Information Act."

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc. 77-302 Filed 1-4-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180104; FRL 666-3]

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Issuance of Specific Exemption To Use Sodium Chlorate as a Harvest Aid to Desiccate Barley

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 (a) et seq.), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use a sodium chlorate formulation as a harvest aid to desiccate 2,000 acres of barley in Siskiyou and Modoc Counties. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW, Room E-315, Washington DC 20460.

According to the Applicant, the moisture content of the barley crop this year is unusually high, due to heavy rains in California. The Applicant stated that seasonal rains normally start during the latter half of October, and it was essential that harvest be completed before the rains began. The wet grain has prevented the proper operation of the harvest machinery; therefore, desiccation is necessary. There appeared to be no registered pesticide or alternative method of control available to resolve this problem. Without the use of a desiccant chemical to facilitate harvesting, heavy losses were likely to occur. The entire crop, valued by the Applicant at $250,000, was in jeopardy.

The Applicant proposed to apply by aircraft two to three gallons of a 18.5 percent sodium chlorate formulation per acre of barley as soon as possible. Approximately 2,000 acres in Siskiyou and Modoc Counties, California, were involved.

There is neither an established tolerance, nor an exemption from the requirement of a tolerance for sodium chlorate on barley. However, sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed, chili peppers, rice, and sorghum grain. The maximum rate of application proposed by the Applicant was equivalent to six (6) pounds of sodium chlorate per acre, which is the same rate as that granted by EPA for the use of this pesticide on sorghum and rice; furthermore, the use pattern is essentially the same. It should be noted that the exemptions granted above required a 14-day preharvest interval; however, the Applicant informed EPA that there would be serious risk to the barley crop if a 14-day pre-harvest interval was observed, due to the probability of seasonal rains during this period. Therefore, EPA determined that the growers could harvest the barley crop four (4) days after application of sodium chlorate, but they would have to allow 14 days for the residues to reduce to chlorides before the barley or barley products could be utilized as food or feed. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action.

The Fish and Wildlife Service of the U.S. Department of the Interior reported that no adverse effects on fish and wildlife populations will occur from the sodium chlorate application to barley.

After reviewing the application and other available information, EPA has determined that (a) there is no pesticide presently registered and available for use to desiccate the barley in California; (b) there are no alternative means of control, taking into account the efficacy and hazard; (c) significant economic problems may result if the situation is not controlled; and (d) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 22, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The dosage rate shall not exceed three (3) gallons of 18.5 percent sodium chlorate per acre;

2. Total sodium chlorate applied shall not exceed 6,000 gallons of 18.5 percent formulation;

3. The treated area shall not exceed 2,000 acres located in the two counties mentioned;

4. Barley may not be harvested within four (4) days after application of the pesticide, and a fourteen (14) day preutilization interval (the interval of time from harvest to processing of barley or products as food or feed) will be enforced;

5. Personnel applying sodium chlorate will be instructed in the proper application procedures by trained personnel of the California Department of Food Agriculture; and

6. The Applicant must supervise aerial application to avoid or minimize drift to non-target areas.

Dated: December 28, 1976.

E. L. J. GRANDPIERRE,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-297 Filed 1-4-77;8:45 am]

CALIFORNIA STATE STANDARDS

[FRL 666-1]

Motor Vehicle Pollution Control; Public Hearing

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 1857f-6a(a), provides: "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act directs the Administrator of the Environmental Protection Agency, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act.

By letter dated November 12, 1976, the California Air Resources Board (CARB) notified the Administrator that the Board had taken a number of actions to revise California's motor vehicle emissions control program. The CARB requested that waivers be granted for those items in the revisions which in the judgment of the Administrator require such waivers, and that a public hearing be convened by the Administrator if necessary.

The Environmental Protection Agency (EPA) has informed the CARB that the actions indicated in its November 12, 1976, letter to the Administrator will require a waiver before they can be effectuated by California. These actions are the adoption of exhaust emission standards and test procedures for 1979, 1980–1982, and 1983 and subsequent model year heavy duty gasoline-powered and diesel-powered vehicles and engines.

Therefore, I hereby give notice that:

(i) California has requested a waiver from the prohibitions of section 209(a) with respect to the actions noted in its November 12, 1976, letter, for which no waiver has heretofore been granted, and

(ii) a public hearing on this waiver request will be convened in the auditorium of the Department of Water and Power Building, 111 North Hope Street, Los Angeles, California, on January 27 and 28, commencing at 10:00 a.m. (No parking facilities will be available on the building grounds.)

Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and ten copies of his or her proposed statement (and other relevant material) by January 14, 1976, with the Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. In addition, fifteen copies of such statement or material for the record of the hearing should be submitted to the Presiding Officer at the time of the public hearing.

The pertinent California standards and test procedures can be found in:

(i) Section 1956.5, Title 13, California Administrative Code, adopted October 5, 1976, and "California Exhaust Emission Standards and Test Procedures for 1979 and Subsequent Model-Year Heavy-Duty Engines and Vehicles," adopted October 5, 1976.[1]

A copy of the above-described material is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95814.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations:

(i) whether the California standards (including test procedures) mentioned above are more stringent than applicable Federal standards,

(ii) whether compelling and extraordinary conditions continue to exist in California, and

(iii) whether such standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken with respect to the waiver of the prohibition of section 209(a) for the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not presented at the public hearing, may also be considered. This information will be available for public inspection prior to the Ad-

[1] In conjunction with the adoption of heavy duty standards and test procedures for 1979 and subsequent model years, technical amendments were made to sections 1956(d) and 1957(d) of Title 13, California Administrative Code.

V 42 3 JAN 5 77 UM J

ministrator's determination on this matter.

Dated: December 28, 1976.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement (EN-339).

[FR Doc.77-296 Filed 1-4-77;8:45 am]

[FRL 667-4]

CHLOROFLUOROCARBONS

Notice of Public Meeting; Solicitation of Comments

For the purpose of obtaining additional information from interested persons, the Agency will hold a second public meeting on nonessential aerosol use of chlorofluorocarbons. The meeting will be held on January 18, 1977, at the Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, Room 2117, from 10 a.m. to 4:30 p.m.

Participants are encouraged to focus discussion on the following issues:

1. Which chlorofluorocarbon compounds should be regulated? The Agency has under consideration the following compounds: the fully halogenated chlorofluoroalkanes, the fully halogenated bromofluoroalkanes and the fully halogenated bromochlorofluoroalkanes.

2. What is the definition of an aerosol product? The Agency has under consideration the following definition: A product whose use depends on the power of a liquefied or a compressed gas to expel gas, liquid or solid contents from a container. Initial regulation would postpone the control of the following use: Containers using fully halogenated chlorofluoroalkanes, bromofluoroalkanes and bromochlorofluoroalkanes to fill or refill air conditioning or refrigeration systems.

3. What are the criteria for essentiality? The Agency has under consideration the following:

a. Nonavailability of alternative products;

b. Economic significance of the products including the economic effects of removing the product from the market;

c. Environmental/health significance of the product; and

d. Effects on the "Quality of Life" resulting from no longer having the product available or using an alternative product.

4. What is the economic impact of possible regulation?

5. When should the regulation become effective?

Persons who wish to respond to these issues or make a presentation at the meeting should call Perry W. Brunner at 202-426-9000. Persons are also invited to submit written data, opinion, or arguments. Communication on these or any other aspects of this program should be submitted to: The Enviromnental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street, S.W., Washington, D.C. 20460, Attention: Mr. George F. Wirth.

Dated: January 3, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77-506 Filed 1-4-77;8:45 am]

[ERL 665-8]

MINNESOTA MARINE SANITATION DEVICE STANDARD

Receipt of Petition

Notice is hereby given that a petition has been received from the State of Minnesota for a determination pursuant to section 312(f)(3) of Pub. L. 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for certain waters, specified below, within the State of Minnesota.

The petition requests that the abovementioned determination be made for the waters of the Mississippi River from Lock and Dam #2 at Hastings, Minnesota, to the Coon Rapids Dam and for the waters of the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota. The distance of the Mississippi River addressed by the petition is approximately 54 miles, whereas the distance addressed by the petition for the Minnesota River is approximately 22 miles. The State certifies that the combination of stationary pump-out facilities for recreational and commercial vessels and septic tank pumpers for commercial vessels available within a short distance of docks and marinas will exclude no vessels because of insufficient water depth and are capable of accommodating all commercial and recreational vessel traffic. The Twin City Barge and Towing facility has service available 24 hours a day for the entire shipping season and is capable of accommodating all commercial and recreational craft. There are four statutory pump-out facilities that accommodate only recreational craft. The Hastings Marina is open the entire season from 8:00 a.m. until 6:00 p.m. on weekdays or until 10:00 p.m. on weekends; the King's Cove operates from June through September from noon to dusk on weekdays and 9:00 a.m. until 9:00 p.m. on weekends; the Jolly Roger Marina operates from April through October from 8:00 a.m. to 1:00 a.m. on weekdays and weekends; and the Hidden Harbor Marina operates from June through September from 8:00 a.m. until 11:00 p.m. on weekdays and weekends. In addition, the petition specifies 18 septic tank pumping establishments that are located within 10 miles of docks and marinas in the metropolitan areas and within 20 miles of such facilities at out-State areas, which can be utilized in the removal of sewage from commercial vessel holding tanks when required. The State of Minnesota certifies that all wastes from vessels removed at stationary pump-out facilities and by septic tank pumpers are required to be disposed of at a National Pollutant Discharge Elimination System's permitted facility or applied onto land in conformance with applicable Federal, State, or local requirements.

The petition addresses the waters of the St. Croix River from the Wisconsin border to Taylor Falls. The State of Minnesota certifies that this reach of the St. Croix River is not capable of navigation by interstate vessel traffic with onboard marine sanitation devices.

The petition addresses, further, all other waters of the State except the waters of Lake Superior (together with Superior and St. Louis Bays), and the lower Mississippi and lower St. Croix Rivers, which will be addressed in a petition filed in conjunction with a similar petition for those waters from the State of Wisconsin. The State of Minnesota certifies that all other freshwater lakes, reservoirs or impoundments are such as to prevent the ingress or egress by vessels which have marine sanitation devices, and that all other rivers, creeks and streams are not capable of navigation by interstate vessel traffic, which have installed marine sanitation devices. There are four exceptions within the remaining waters of the State and these are: Lake of the Woods, Rainy Lake, Kabetogama Lake, and Manakan Lake. There are no stationary pump-out facilities on Lake of the Woods; there is one septic tank pumping establishment in Roseau, Minnesota. The State of Minnesota has no data on private commercial operations which may have their own pump-out facilities, and the State believes that some of the commercial operations may be in that category. There are two pump-out facilities on Rainy Lake: one at Thunderbird Lodge, which operates from 8:00 a.m. to 8:00 p.m. and one at the Northernaire Floating Lodges, which operates from 10:00 a.m. to 11:00 p.m.

In addition, there are two septic tank pump operators in Ranier, Minnesota. Most of Rainy Lake is located within Voyageurs National Park and, to the best knowledge of State officials, there are no permanent vessel moorings in that portion of the Lake. Access to the Lake by road and the permanent vessel moorings are on the western end of the Lake near Ranier and International Falls, Minnesota. There are no pump-out facilities on either Lakes Kabetogaman or Namakan. The nearest facilities would be the stationary facilities on Rainy Lake (about 40 miles from the easternmost edge of Lake Namakan) or the two septic tank pumping operators in Ranier, Minnesota.

The State of Minnesota certifies that all wastes from vessels removed at stationary pump-out facilities and by septic tank pump operators are required to be disposed of at a National Pollutant Discharge Elimination System's permitted facility or applied onto land in conformance with applicable Federal, State or local requirements. The State certifies further that the septic tank pump operators are able to reach all docks.

Comments and views regarding this request for action may be filed within 45 days of the date of publication of this notice. Such communication, or request for a copy of the applicant's petition, should be addressed to the Director, Criteria & Standards Division (WH-585), Office of Water Planning & Standards, OWHM, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dated: December 27, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-299 Filed 1-4-77;8:45 am]

[FRL 666-4]

POLYCHLORINATED BIPHENYLS (PCBs)

Rescheduling of Public Meeting

The public meeting on the implementation of section 6(e) of the Toxic Substances Control Act (TSCA), Pub. L. 94-469 has been rescheduled to the new date of January 24, 1977, at 10:00 a.m. in Room 2117, Waterside Mall, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. The meeting had been announced previously for January 11, 1977, in the December 8, 1976, FEDERAL REGISTER, 41 FR 53692.

This change will enable the Agency to present tentative regulatory alternatives for the control of PCBs under section 6(e) of TSCA at the public meeting and thereby encourage a more effective expression of views.

The Agency invites comments on the implementation of 6(e) and regulatory alternatives. Anyone wishing to make oral statements on this subject at the January 24, 1977, meeting should contact George F. Wirth at the address given below.

All persons who wish to submit written data, views, or comments concerning section 6(e)(1) for the development of proposed regulations are requested to present them to the Agency. All comments received will be made available to the public. Copies will be available for inspection and copying during normal working hours at the U.S. Environmental Agency's Public Information Reference Unit in Room 2922 at the address given below.

All communications or correspondence (in triplicate) should be addressed to: U. S. Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street, SW., Washington, D.C., 20460, Attention: Mr. George F. Wirth.

Dated: December 27, 1976.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77-298 Filed 1-4-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FUEL ECONOMY OF MOTOR VEHICLES

Notice of Availability of 1977 Gas Mileage Guide

The Federal Energy Administration (FEA) hereby gives notice of the availability of the 1977 Gas Mileage Guide. On November 2, 1976 the Environmental Protection Agency (EPA) issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (41 FR 49752, November 10, 1976) which, among other things, contains requirements for dealers of 1977 and later model year automobiles and light trucks to have copies of a booklet, The Gas Mileage Guide, available in their showrooms. In this booklet prospective purchasers will be able to find the fuel economies of the various models of those vehicles offered for sale in a given model year. FEA is required by section 506(b)(1) of the Energy Policy and Conservation Act (89 Stat. 871 et seq.) to publish and distribute such booklet. Section 600.405-77 of the EPA regulations states that dealers will be expected to make such booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The 1977 Gas Mileage Guide is available for display and distribution by dealers in their showrooms. Any dealer who has not already received Guides from FEA or requires additional copies should request copies by writing to the following address, specifying the quantity desired of the 49-State and/or the California version:

Fuel Economy, Federal Energy Administration, DPM Room 6500, Washington, D.C. 20461.

Issued in Washington, D.C., December 30, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76-38498 Filed 12-30-76;5:04 pm]

FEDERAL HOME LOAN BANK BOARD

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF BELOIT

[No. AC-24]

Notice of Approval of Conversion; Final Action

DECEMBER 30, 1976.

Notice is hereby given that on December 22, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76-982 approved the application of First Federal Savings and Loan Association of Beloit, Beloit, Kansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, Federal Home Loan Bank Building, Seventh and Harrision Streets, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 77-355 Filed 1-4-77;8:45 am]

[No. AC-23]

VALLEY FEDERAL SAVINGS AND LOAN ASSN. OF HUTCHINSON

Notice of Approval of Conversion; Final Action

Date: December 30, 1976.

Notice is hereby given that on December 22, 1976, the Federal Home Loan

Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76-983 approved the application of Valley Federal Savings and Loan Association of Hutchinson, Hutchinson, Kansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, Federal Home Loan Bank Building, Seventh and Harrison Streets, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-356 Filed 1-4-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER77-5, ER77-6, ER77-7 and E-9544]

OTTER TAIL POWER CO.

Order Accepting for Filing and Suspending Certain Proposed Rate Schedule Filings, Establishing Procedures, Consolidating Proceedings and Granting Interventions

DECEMBER 28, 1976.

On October 4, 1976, Otter Tail Power Company (Otter Tail) tendered for filing an intial rate schedule providing, primarily, for transmission service by Otter Tail to municipal customers to replace transmission service provided to the United States Bureau of Reclamation (Bureau) for the benefit of the municipalities (Docket No. ER77-5). Otter Tail was advised by letter dated October 28, 1976, that its submittal was deficient. The filing was completed with the submittal of the required information on November 15, 1976, the official filing date. Additionally, on October 4, 1976, Otter Tail filed a Notice of Termination of Rate Schedule No. 84, an interconnection agreement between Otter Tail and the Bureau which provides for, among other services, the aforementioned transmission of preference power to municipal customers (Docket No. ER 77-6); and Notice of Termination of Special Municipal Electric Service Agreements with the municipal customers (Docket No. ER77-7).

Otter Tail's proposed rates will result in additional charges to municipal customers of $944,731 (286%) for the twelve month period ending December 31, 1977 (individual increases range from 183% to 332%). The proposed rates provide for a firm transmission charge of $21.05/kw/year (approximately 4.2 mill/kwh). Otter Tail will supply power and energy in excess of the amount allotted to it through its arrangements with the Bureau, at a rate of $60.56/kw/year and $1.0836¢/kwh. Otter Tail requests that the instant agreement become effective January 1, 1977.

The Notice of Termination which Otter Tail has submitted for its FPC Rate Schedule No. 84 (ER77-6) would terminate an agreement that provides a myriad of services between the parties in addition to the transmission of preference power for the Bureau. The agreement provides for sales of secondary and dump energy to Otter Tail, interchange of emergency, supplies, and standby services, and wheeling for the account of each other. The parties are interconnected at no less than seventeen points in three states pursuant to the agreement. The 115 kv and 230 kv lines form an essential part of an extensive regional transmission system. The termination of Rate Schedule No. 84 will impact significantly on the electric systems in this area.

On October 4, 1976, Otter Tail submitted for filing Notices of Termination of Special Municipal Electric Service Agreements (Special Agreements) between 17 municipal customers and itself. The Special Agreements provide for firming transmission service, supplemental power and energy, reserve capacity service, economy and maintenance energy, and emergency service. Three of these agreements do not expire pursuant to their own terms until later this decade.[1]

DOCKET NO. E-9544

On November 28, 1975, the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Tyler, and Warren, Minnesota (Cities) filed a complaint against Otter Tail pursuant to Section 205(c) of the Federal Power Act and § 1.6 of the Commission's Rules of Practice and Procedure, alleging that Otter Tail had failed to comply with § 35.15 of the Commission's Regulations (Docket No. E-9544). The Cities' Special Agreements ostensibly terminated by their own terms as follows:

City	FPC rate schedule No.	Expiration date of agreement
Alexandria, Minn.	125	Oct. 28, 1973
Barnesville, Minn.	135	Nov. 30, 1975
Benson, Minn.	133	Do.
Detroit Lakes, Minn.	139	Do.
Henning, Minn.	134	Do.
Tyler, Minn.	116	Mar. 22, 1972
Warren, Minn.	140	Nov. 30, 1975

The Cities state that Alexandria and Tyler requested Otter Tail to continue to furnish service under the Special Agreements beyond the expiration date of their contracts. They assert that Alexandria and Tyler terminated the service by letters dated February 12, 1975 and February 18, 1976,[2] and ceased receiving and paying for services after the date of their respective termination letters. Additionally, the Cities maintain that Barnesville, Benson, Detroit Lakes, Henning, and Warren have confirmed the expiration of their Special Agreements with Otter Tail and notified it that they no longer desired to receive firming transmission service after the expiration of the Special Agreements.[3] The Cities allege that Alexandria and Tyler did not receive a response from Otter Tail to their letters of termination and that Barnesville, Benson, Detroit Lakes, Henning and Warren received responses from Otter Tail indicating that Otter Tail intended to continue to provide services under the Special Agreements after the expiration of the Agreements and the Cities' refusal to accept such services.

Section 35.15 of the Commission's regulations, Notices of Cancellation or Termination, provides that when a rate schedule required to be filed with the Commission is proposed to be cancelled or is to terminate by its own terms and no new schedule is to be filed in its place, the party required to file the schedule shall notify the Commission of the cancellation or termination. The Cities, in their complaint, request that the Commission confirm termination of Alexandria's and Tyler's Special Agreements in accordance with their proffered notices and compel Otter Tail to file appropriate Notices of Termination for Barnesville, Benson, Detroit Lakes, Henning, and Warren, Minnesota, or, in the alternative, confirm such terminations in accordance with the terms of the Special Agreements.

PUBLIC NOTICE

Docket No. ER77-5—Notice was issued October 14, 1976, with petitions to intervene or protests due on November 19, 1976. On that date nine of the affected municipalities[4] jointly filed a petition to intervene contending that:

(1) The submittal must be treated as a rate change under § 35.13 of the regulations;

(2) The supplemental service rate is discriminatory in that it contains different rates than the Elbow Lake agreements;

(3) The cost-of-service data is not responsive to the Regulations; and

(4) The filed transmission rate is higher than Otter Tail's own cost-of-service determination.

They maintain that the filing will have a significant impact on the individual Cities and request that the filing be rejected because of its deficiencies, or, in the alternative, be suspended for five months.

On November 16, 1976, the City of Breckenridge, Minnesota requested that the Commission reject Otter Tail's filing. The City contends that:

(1) The depreciation for plant and equipment appears unjustifiably high;

(2) The allocation of cost on a peak demand basis is not reasonable; and

(3) Its costs will double.

[1] Table of agreement provisions filed as part of the original document.

[2] Cities complaint, Exhibits A and B respectively.

[3] Complaint, Exhibits C, D, E, F, G.

[4] The Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota.

On November 22, 1976, the Department of the Interior (Interior), on behalf of the Bureau, filed an untimely petition to intervene. Interior states that during renegotiation of the present Bureau-Otter Tail Agreement, Otter Tail stated that it would wheel power to the municipalities under independent Agreements but would not wheel Bureau power to the municipalities under a Bureau-Otter Tail Agreement. Interior's grounds for intervention are: (1) its concern over the rates Otter Tail will charge to wheel Bureau power and (2) a desire to offer its customers the benefit of its engineering expertise.

DOCKET NO. ER77-6

Notice of Termination of the Bureau-Otter Tail Agreement was issued on November 10, 1976, with protests or petitions to intervene due on or before November 24, 1976. On November 26, 1976, a joint petition to intervene was filed by the Cities of Alexandria (Minnesota), et al.[5] The Cities contend that the proposed termination of the Bureau-Otter Tail Agreement may lead to transmission rates which may be unjust, unreasonable, and unduly discriminatory. The Cities request that the proposed termination be suspended until the issues in Docket No. ER77-5 are adjudicated.

DOCKET NO. ER77-7

Notice of Termination of the Special Agreements was issued on November 10, 1976, with protests or petitions to intervene due on or before November 24, 1976. On November 26, 1976, the Cities of Alexandria, Minnesota, et al.,[6] filed a joint petition to intervene. The Cities maintain that allowing the Special Agreements to terminate on December 31, 1976, would lend credence to Otter Tail's position that they are tied to the Bureau-Otter Tail Agreement. They contend that under the Special Agreements between Otter Tail and the Cities of Lake Park and Ortonville, Minnesota, Otter Tail supplies transformers that step down the power and energy from 41.6 kv to 4.16 kv; and that acceptance of the termination for these Cities will leave them without electric service. The proposed rate schedule in Docket No. ER77-5 contains no provision for transformation, and the Cities do not own such equipment.

Review of Otter Tail's proposed transmission rate schedule submitted for filing as an initial rate schedule in Docket No. ER77-5 indicates that it should be treated as a change in rates which is properly filed under § 35.13 of the Regulations. Although Otter Tail is currently transmitting power for Bureau pursuant to the terms of Rate Schedule No. 84, the beneficiaries of the transmission are the municipal customers. The Bureau pays Otter Tail 1.0 mill/kwh and the Bureau recovers that cost in its power rates from the municipal customers. Otter Tail's filing will in effect increase the rates that the municipalities will have to pay for the transmission of Bureau power.

Otter Tail's proposed rates rendered for filing in Docket No. ER77-5 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory.

The Cities of Barnesville, Benson, Detroit Lakes, Henning, and Warren notified Otter Tail by letters that, after the expiration dates of their respective Special Agreements with Otter Tail, November 30, 1975, they would no longer require the services provided thereunder. The Commission will treat November 30, 1975, as the effective termination date of the Cities of Barnesville, Benson, Detroit Lakes, Henning, and Warren's Special Agreements.

The Commission orders that the Notice of Termination of the Special Agreements in Docket No. ER77-7 be consolidated for purposes of a hearing and a decision with Docket No. ER77-6. An expedited investigation will be instituted to determine the impact such terminations will have on the continuation of service in the area.

The issues in Docket Nos. ER77-5 and E-9544 deal with common questions of law and fact. We will therefore consolidate these two proceedings for the purposes of hearing and decision.

The Commission finds. (1) Good cause exists to accept for filing Otter Tail's proposed transmission rates tendered on October 4, 1976, and to suspend those rates for five months, beyond the requested effective date of January 1, 1977, until June 1, 1977, when they will be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

(2) The participation of the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota, and the Department of the Interior, in Docket No. ER77-5, may be in the public interest.

(3) It is in the public interest to consolidate Docket Nos. ER77-6 and ER77-7 and to institute an investigation to determine the impact such terminations will have on the continuation of service in the area.

(4) The participation of the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota, in Docket Nos. ER77-6 and ER77-7 may be in the public interest.

(5) Good cause exists to consolidate the proceedings in Docket Nos. E-9544 and ER77-5 for the purposes of hearing and decision.

The Commission orders. (A) Pending a hearing and decision thereon, Otter Tail's proposed transmission rates in Docket No. ER77-5 are hereby accepted for filing and suspended for five months, until June 1, 1977, when they will be permitted to become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of Otter Tail's proposed transmission rates.

(C) Commission Staff shall prepare and serve top sheets on all parties on or before May 1, 1977 (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exception of petitions to intervene,

[5] These are the same Cities that filed a joint petition to intervene in Docket No. ER77-5.

[6] These are the same Cities that filed a joint petition to intervene in Docket No. ER77-5.

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motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Otter Tail shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19(a) of the Commission's Regulations, 18 CFR 35.19(a).

(F) The Notice of Termination of the Bureau-Otter Tail Agreement and the Notices of Termination of the Special Agreements for the Cities of Badger, Big Stone City, and Estelline, South Dakota, and Breckenridge, Lake Park, New Folden, Nielsville, Ortonville, Shelly, and Stephen, Minnesota, are hereby suspended for five months.

(G) Docket Nos. ER77–6 and ER77–7 are hereby consolidated for purposes of a hearing and decision.

(H) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, shall conduct an expedited hearing in consolidated Docket Nos. ER77–6 and ER77–7 to determine if the proposed determinations are in the public interest. The Presiding Judge shall prescribe necessary procedures not provided for in this order, and shall otherwise conduct the hearing in accordance with the Commission's Rules and Regulations.

(I) The Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonville, and Warren, Minnesota, and Big Stone City, South Dakota, are hereby permitted to intervene in Docket Nos. ER77–5, ER77–6, and ER77–7. The Department of Interior is hereby permitted to intervene in Docket No. ER77–5. The above interventions are subject to the Commission's Rules and Regulations. Participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene. The admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(J) The effective termination date of Alexandria, Minnesota's Special Agreement is March 20, 1975. The effective termination date of Tyler, Minnesota's Special Agreement is February 18, 1975. The effective termination date of the Cities of Barnesville, Benson, Detroit Lakes, Henning, and Warren, Minnesota's Special Agreements is November 30, 1975.

(K) The proceedings in Docket Nos. E–9544 and ER77–5 are hereby consolidated for purposes of hearing and decision.

(L) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-288 Filed 1-4-77;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANK AND TRUST CO.

Statement Regarding Board's Approval of Application To Become Member of the Federal Reserve System

Citizens Bank and Trust Company, Alabaster, Alabama ("Applicant"), a new bank chartered under the laws of the State of Alabama, applied, pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 321–338) and the Board's Regulation H (12 CFR Part 208), to become a member of the Federal Reserve System. On November 10, 1976, the Board notified Applicant that the application was approved and that the Board would issue a statement regarding the approval action.

Applicant, which has not yet opened for business, was organized in 1975 for the purpose of obtaining a State bank charter and engaging in a commercial banking business. It filed a charter application in August 1975, which was approved by the State Banking Department of Alabama by letter dated November 18, 1975. Approximately one year earlier, in December 1974, a charter application filed on behalf of Applicant by substantially the same organizers was denied by the State Banking Department of Alabama. Approval of Applicant's charter in November 1975 was conditioned in part upon Applicant obtaining insurance coverage for its deposits from the Federal Deposit Insurance Corporation ("FDIC"). In anticipation of this requirement, Applicant had filed an application for insurance in August 1975, pursuant to section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815). That applicant was withdrawn by Applicant in March 1976, after a formal hearing was held at the request of persons protesting the application. Consequently, the FDIC ended its consideration of the matter without making a final determination.

Under section 9 of the Federal Reserve Act, the Board, in acting upon an application to become a member of the Federal Reserve System, is required to consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers of the institution are consistent with the purposes of the Federal Reserve Act. In addition, under section 4(b) of the Federal Deposit Insurance Act (12 U.S.C. 1814), the admission to membership in the Federal Reserve System of an uninsured State bank automatically confers deposit insurance upon the bank from the time the Board certifies to the FDIC that the bank is a member of the Federal Reserve System. The Board's certificate to the FDIC is required to state that the Board has given consideration to the factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816), namely, the financial history and condition of the bank; the adequacy of the capital structure; the bank's future earnings prospects; the general character of its management; the convenience and needs of the community to be served by the bank; and whether or not the bank's corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

The Board has considered the subject application and all comments received with respect thereto, including those submitted in opposition to the application by First Bank of Alabaster, Alabaster, Alabama, First Shelby National Bank and Shelby State Bank, both of Pelham, Alabama, and Merchants and Planters Bank, Montevallo, Alabama (hereinafter referred to as "Protestants").

Alabaster is located in central Alabama, in Shelby County (population 38,037 as of the 1970 census). Applicant's proposed service area is approximated by the northern portion of Shelby County, including Alabaster and the towns of Helena and Pelham. During the past several years, Shelby County has experienced significant population growth and a transition from an agricultural economy to a more diversified economy. The population of Shelby County has grown from 32,132 in 1960 to 38,037 in 1970, and to an estimated 50,000 in 1974. Alabaster itself presently has a population of about 5,200 and a trade area population (not including Helena and Pelham) of approximately 14,000. The trade area of Pelham, Helena and Alabaster represents approximately 50 percent of Shelby County's population and generally reflects the migration into the county from neighboring Jefferson County and the city of Birmingham, which is approximately 25 miles directly north of Alabaster.

Another indication of the area's growth is the increase in housing starts in Alabaster from 60 in 1972 to 137 in 1975. Also, Alabaster has fourteen businesses and industries with employment of nearly 1,800 and a combined annual payroll of approximately $12 million. In addition, information from the Alabama Power Company indicates that presently the northern half of Shelby County is adding approximately 100 customers per month, a 10 percent per annum increase. The record indicates that Route I–65, to the east of and parallel to the site of Applicant's proposed office on Highway 31, is due for completion by 1981. With the completion of Route I–65, the areas in the northern half of Shelby County to be served by Applicant can be expected to experience further development, both residential and industrial.

Presently, Protestants operate six banking offices in Shelby County. Despite the fact that most of the services that would be provided by Applicant are currently being offered by Protestants, the record reflects a desire on the part of a significant number of local residents for a locally owned bank such as Applicant. On the other hand, Protestants have indicated that there is no present need for another bank in Shelby County, particularly in view of the fact that First Shelby National Bank, Pelham, Alabama, opened for business in February 1976, in temporary quarters approximately 3½ miles north of Applicant's proposed location. However, it appears that First Shelby National Bank has experienced reasonable growth, with deposits of $2.4 million as of June 30, 1976, and that the addition of Applicant as another banking alternative would not significantly affect First Shelby National Bank's future growth prospects. In addition, Applicant has committed to delay opening for business until its permanent quarters have been constructed. Based on the local economic conditions and the apparent local support the Applicant would enjoy, the Board concludes that considerations with regard to the convenience and needs of the community to be served by Applicant are consistent with approval of the subject application.

Applicant has no operating history, and its future earnings prospects are, of course, related to the amount of deposits it will be able to attract. As mentioned above, there are indications in the record of strong community support for a new bank in Alabaster. The initial stock offering of $1,250,000 by Applicant was fully subscribed, with each subscriber limited to purchasing four percent of the offering. From the list of 85 subscribers submitted by Applicant, it appears that many of the subscribers are owners or presidents of businesses or professionals or other self-employed individuals who will be able to provide Applicant with an initial nucleus of customers to serve. In the Board's judgment, such expressions of local support are a positive factor not only with respect to the convenience and needs of the community but also with respect to the future earnings prospects of Applicant.

In assessing the future earnings prospects of Applicant, the Board also considered the views of the State Banking Department,[1] the Federal Reserve Bank of Atlanta and the Board's staff, all of which project that Applicant will achieve profitability by the end of its third year of operation.[2] The Protestants have indicated that Applicant would not achieve profitability in that period due primarily to lower deposit projections than were used by the above organizations and to the fact that a new bank, First Shelby National Bank, recently opened in the Alabaster area and the opening of another bank would heave an adverse effect on First Shelby National Bank. In the Board's opinion, Protestants, projections with respect to deposits of Applicant are low and Protestants' concerns about the adverse impact that Applicant's opening would have on First Shelby National Bank are overly pessimistic, particularly in view of First Shelby National Bank's deposit figures mentioned above and the generally optimistic economic outlook for the Alabaster area. Thus, the Board concluded that Applicant's future earnings prospects are consistent with approval of the subject application.

While Applicant has no operating or financial history, it appears that it would open with adequate capital structure. The general character of Applicant's management also appears satisfactory, and the corporate powers of Applicant are consistent with the Federal Reserve Act and the Federal Deposit Insurance Act.

For the foregoing reasons, the Board approved Applicant's application to become a member bank in the Federal Reserve System.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-354 Filed 1-4-77;8:45 am]

[1] Under applicable State law, the Superintendent of the State Banking Department, before granting a certificate, is required to satisfy himself that there is sufficient business to support the proposed bank in the community. Code of Alabama, Tit. 5 § 88. Approval of Applicant's charter application therefore reflects a favorable determination by State authorities with regard to the future earnings prospects of Applicant.

[2] Comments on the Applicant were requested of the FDIC regional office in Atlanta, and the response from the FDIC to the Federal Reserve Bank of Atlanta indicated merely that upon Applicant's withdrawal of its earlier insurance application, the FDIC's files were closed.

FEDERAL OPEN MARKET COMMITTEE

Authorizations and Directive

In accordance with § 271.3 of its rules regarding availability of information, there are set forth below the following authorizations and directive of the Committee: (1) authorization for foreign currency operations, (2) foreign currency directive and (3) special authorization under paragraph 1(D) of Authorization for Foreign Currency Operations.

1. AUTHORIZATION FOR FOREIGN CURRENCY OPERATIONS

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive and express authorizations by the Committee pursuant thereto, and in conformity with such procedural instructions as the Committee may issue from time to time:

A. To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transactions with the U.S. Exchange Stabilization Fund established by Section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, with the Bank for International Settlements, and with other international financial institutions:

Austrian schillings	Italian lire
Belgian francs	Japanese yen
Canadian dollars	Mexican pesos
Danish kroner	Netherlands guilders
Pounds sterling	Norwegian kroner
French francs	Swedish kronor
German marks	Swiss francs

B. To hold balances of, and to have outstanding forward contracts to receive or to deliver, the foreign currencies listed in paragraph A above.

C. To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed in paragraph 2 below, provided that drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Committee, because of exceptional circumstances, specifically authorizes a delay.

D. To maintain an overall open position in all foreign currencies not exceeding $1.0 billion, unless a larger position is expressly authorized by the Committee. For this purpose, the overall open position in all foreign currencies is defined as the sum (disregarding signs) of open positions in each currency. The open position in a single foreign currency is defined as holdings of balances in that currency, plus outstanding contracts for future receipt, minus outstanding contracts for future delivery of that currency, i.e., as the sum of these elements with due regard to sign.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	250
National Bank of Belgium	1,000
Bank of Canada	2,000
National Bank of Denmark	250
Bank of England	3,000
Bank of France	2,000
German Federal Bank	2,000
Bank of Italy	3,000
Bank of Japan	2,000
Bank of Mexico	360
Netherlands Bank	500
Bank of Norway	250
Bank of Sweden	300
Swiss National Bank	1,400
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,250

Any changes in the terms of existing swap arrangements, and the proposed terms of any new arrangements that may be authorized, shall be referred for review and approval to the Committee.

3. Currencies to be used for liquidation of System swap commitments may be purchased from the foreign central bank drawn on, at the same exchange rate as that employed in the drawing to be liquidated. Apart from any such purchases at the rate of the drawing, all transactions in foreign currencies undertaken under paragraph 1(A) above shall, unless otherwise expressly authorized by the Committee, be at prevailing market rates.

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4. It shall be the normal practice to arrange with foreign central banks for the coordination of foreign currency transactions. In making operating arrangements with foreign central banks on System holdings of foreign currencies, the Federal Reserve Bank of New York shall not commit itself to maintain any specific balance, unless authorized by the Federal Open Market Committee. Any agreements or understandings concerning the administration of the accounts maintained by the Federal Reserve Bank of New York with the foreign banks designated by the Board of Governors under § 214.5 of Regulation N shall be referred for review and approval to the Committee.

5. Foreign currency holdings shall be invested insofar as practicable, considering needs for minimum working balances. Such investments shall be in accordance with section 14(e) of the Federal Reserve Act.

6. All operations undertaken pursuant to the preceding paragraphs shall be reported daily to the Foreign Currency Subcommittee. The Foreign Currency Subcommittee consists of the Chairman and Vice Chairman of the Committee, the Vice Chairman of the Board of Governors, and such other member of the Board as the Chairman may designate (or in the absence of members of the Board serving on the Subcommittee, other Board Members designated by the Chairman as alternates, and in the absence of the Vice Chairman of the Committee, his alternate). Meetings of the Subcommittee shall be called at the request of any member, or at the request of the Manager, for the purposes of reviewing recent or contemplated operations and of consulting with the Manager on other matters relating to his responsibilities. At the request of any member of the Subcommittee, questions arising from such reviews and consultations shall be referred for determination to the Federal Open Market Committee.

7. The Chairman is authorized:

A. With the approval of the Committee, to enter into any needed agreement or understanding with the Secretary of the Treasury about the division of responsibility for foreign currency operations between the System and the Treasury;

B. To keep the Secretary of the Treasury fully advised concerning System foreign currency operations, and to consult with the Secretary on policy matters relating to foreign currency operations.

C. From time to time, to transmit appropriate reports and information to the National Advisory Council on International Monetary and Financial Policies.

8. Staff officers of the Committee are authorized to transmit pertinent information on System foreign currency operations to appropriate officials of the Treasury Department.

9. All Federal Reserve Banks shall participate in the foreign currency operations for System Account in accordance with paragraph 3 G(1) of the Board of Governors' Statement of Procedure with Respect to Foreign Relationships of Federal Reserve Banks dated January 1, 1944.

2. FOREIGN CURRENCY DIRECTIVE

1. System operations in foreign currencies shall generally be directed at countering disorderly market conditions, provided that market exchange rates for the U.S. dollar reflect actions and behavior consistent with the proposed IMF Article IV, Section 1.

2. To achieve this end the System shall:

A. Undertake spot and forward purchases and sales of foreign exchange.

B. Maintain reciprocal currency ("swap") arrangements with selected foreign central banks and with the Bank for International Settlements.

C. Cooperate in other respects with central banks of other countries and with international monetary institutions.

3. Transactions may also be undertaken:

A. To adjust System balances in light of probable future needs for currencies.

B. To provide means for meeting System and Treasury commitments in particular currencies, and to facilitate operations of the Exchange Stabilization Fund.

C. For such other purposes as may be expressly authorized by the Committee.

4. System foreign currency operations shall be conducted:

A. In close and continuous consultation and cooperation with the United States Treasury;

B. In cooperation, as appropriate, with foreign monetary authorities; and

C. In a manner consistent with the obligations of the United States in the International Monetary Fund regarding exchange arrangements under the proposed IMF Article IV.

3. SPECIAL AUTHORIZATION UNDER PARAGRAPH 1(D) OF AUTHORIZATION FOR FOREIGN CURRENCY OPERATIONS

The Federal Open Market Committee authorizes the Federal Reserve Bank of New York to maintain an overall open position in foreign currencies exceeding the figure of $1 billion specified in paragraph 1(D) of the Authorization for Foreign Currency Operations by an amount equal to the remaining forward commitment associated with the System's outstanding 1971 swap drawings in Swiss francs.

All changes in this document are effective December 28, 1976.

By order of the Federal Open Market Committee, December 29, 1976.

MURRAY ALTMANN,
Deputy Secretary.

[FR Doc.77-353; Filed 1-4-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Extension of Time To File Comments

The deadline for filing comments on the proposed Federal Energy Administration Form C607-S-O entitled "Major Fuel Burning Installations—Early Planning Process Report," Schedule A-3 is hereby extended to January 12, 1977. This notice amends the General Accounting Office notice of December 17, 1976, (41 FR 55239).

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[FR Doc.77-385 Filed 1-4-77;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Revised Justification for Report Proposal

On November 11, 1976, the Regulatory Reports Review Staff, GAO, received and accepted a request for clearance of a proposed report intended for use in collecting information from the public. (See 44 U.S.C. 3512 (c) and (d).) GAO caused to have published a notice in the FEDERAL REGISTER on November 18, 1976, at 41 FR 50869, announcing that a form had been received and accepted. The purpose of publishing this notice is to inform the public that GAO has suspended its current review of an FEA form because on December 29, 1976, GAO received an expanded supporting statement and, therefore, desires to solicit further comments on two aspects of the report.

The FEA has requested clearance of FEA-P124-M-1 entitled "Domestic Crude Oil Purchasers Report." In its original justification materials, FEA emphasized that this form would permit FEA to monitor the weighted average first sale price of domestic crude petroleum. GAO received comments on this form from 30 potential respondents, most of whom stated that too much information was being requested to satisfy this one specifically stated purpose. In addition, most respondents stated that information required by the report is not currently available in the format requested.

After analyzing the report and reviewing the comments, GAO met with FEA representatives to discuss the specific purposes for this information and other issues related to the report. GAO requested that FEA explain fully in writing why each schedule of information is being required. FEA did provide this written explanation on December 29, 1976, in the form of an expanded justification statement which follows this announcement.

GAO is now asking respondents to reconsider the report and its schedules in the light of this new justification statement. Since only two issues cannot be resolved without further information from the potential respondents, GAO asks specifically that respondents limit their comments to two issues: (1) Whether the information requested is appropriate and adequate to satisfy the purposes stated in the expanded justification; and (2) what respondents must do to their accounting systems in order to provide the information requested in the format FEA has proposed. GAO wants to assure respondents that comments which have already been received have been considered and will remain part of the record of our review.

Written comments are invited from all interested persons, organizations, public interest groups, and affected businesses. Because respondents already have reviewed and commented on the original package and this solicitation of comments is limited to two issues, the deadline for filing comments on the revised justification for proposed form FEA-P124-M-1 will be January 20, 1977. Comments (in triplicate) must be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy Stuart of the Regulatory Reports Review Staff, (202) 376-5425.

FEDERAL ENERGY ADMINISTRATION REVISED SUPPORTING STATEMENT

The P124-M-1 is a result of significant redesign with the emphasis on reducing the burden on the Petroleum Industry. The first data source considered by the Federal Energy Administration to acquire adequate data was producers of crude oil. Producers of crude oil are for the most part small business and, with the exception of a few large producers, do not have any computerized accounting or reporting system. To require these firms to report would impose an extreme burden on thousands of small businesses.

The P124-M-1 is a drastically reduced version of the P124-M-0 because of industries comments as to the burden to report 300,000 to 450,000 domestic crude oil leases. The FEA has minimized its data requirements needs in order to put the least burden on the fewest number of firms but still continue to obtain the information needed by the Agency.

The FEA plans to use the data gathered from the P124-M-1 for various purposes to include:

a. Monitor the first sale price of domestic crude oil.

b. Provide statistics necessary for a complete and comprehensive compliance effort in the Domestic Crude Oil Program.

The Conference report on EPCA (Pub. L. 94-163) stated that

> • • • the conference fully intend that the measure of actual weighted average first-sale prices of domestic crude oil which is adopted for purposes of this act shall be valid, reliable, and completely defensible whether based on a continuation and expansion of the existing FEA data system or its replacement by a new and more comprehensive one. Finally, the conferees intend that the current FEA audit of crude oil price and production data be continued or replaced by a new system which results in a more complete and comprehensive auditing of actual domestic oil pricing practices.

c. Monitor and obtain compliance with crude regulations as they apply to wholesalers and retailers.

d. Provide necessary statistics for analysis of the complete structure and performance of the petroleum industry.

e. Provide statistical data necessary for policy decisions relating to domestic crude oil. For example, this detailed data will allow the FEA to better understand how domestic crude production is declining on a geographic basis.

The proposed P124-M-1 is made up of six (6) schedules; A—Administrative Information; B—Summary of Transactions; C—First Purchases by State of Production; D—Other Purchases; E—Producer Report; F—Producer/Operator Identification. Each of these schedules was developed as part of the total comprehensive data collection effort in order to address specific requirements of various uses of the data; i.e., Policy and Planning functions, Compliance and Statistical data needs. A schedule-by-schedule analysis follows:

Schedule A. Schedule A provides information about each reporting entity necessary for the administration of the reporting system to include; company name, company location, company contact person, company point, company IRS Employers Identification Number (EIN), and company certification of the data in the other five (5) schedules.

Schedule B. Schedule B collects summary data from each reporting firm on beginning inventory, inventory additions and reductions and ending inventory. This summary information lends itself to rapid automated data processing (and, if required, manual processing) and reporting that will enable FEA to monitor the weighted average price on a real time basis as well as provide a cross reference foot check to the detailed data provided in schedules C, D, and E. By the use of a data summary form, the degree of reliability that can be placed in computer comparison of the data is greatly enhanced. In particular, the validity of the transcription of the detail from the form to the computer can be verified by cross checking the totals provided by the companies with the totals generated by FEA from the detail.

Schedule C. Schedule C provides monthly statistics on state-by-state crude production. This monthly information will be used to measure decline rates, price variances between states, as well as other statistical purposes. The state information will also be used as an input to the Compliance targeting system. Schedule C was generated to get needed state statistics on a timely basis and have detailed producer data reported quarterly on Schedule E. In addition, it provides a validity check on the detail provided on Schedule E.

State level statistics have numerous uses to include supportive evidence for exception and appeal cases, special production incentives studies and assisting state regulatory agencies in monitoring state crude oil production. The state level statistics would also assist the FEA in addressing numerous Congressional, industrial, and public requests for data on domestic crude oil production and prices by tier within various states.

Schedule D. Schedule D provides information to the Compliance reseller program and will enable the targeting of firms that may be in violation of various regulations including cost pass throughs, the changing of the crude oil mix to enable the charging of higher prices, false certifications and other violations. In addition, FEA has explicit requirements for the detailed crude oil sales, purchases, and exchange data that would be collected on Schedule D. This data will be used for FEA's analysis of the competitive structure conduct, and performance of the petroleum industry.

Specifically, Schedule D would yield detailed information on the sales, purchases, and exchanges of products between specific companies. From this data, FEA could analyze the patterns of crude oil transactions between majors, independent refiners, and independent marketers. FEA could determine how much crude oil is handled in open market transactions, and whether there is evidence of discrimination (refusals to deal with independents) in the majors exchange agreements.

Schedule E. Schedule E provides the data necessary to adequately target crude oil producers for audit based upon targeting criteria applied to the detailed information gathered. The U.S. General Accounting Office stated in its October 2, 1976, report on FEA's Efforts to Audit Domestic Crude Oil Producers that FEA needs a more systematic method for selecting independent producers for audit so that audit efforts can be concentrated on those producers most likely to be in violation of pricing regulations. GAO went on to state that "We believe FEA must strengthen and improve its audits of crude producers in order to provide adequate assurances that producers are in substantial compliance with crude pricing regulations."

This proposed schedule will provide that data necessary to concentrate the resources available to FEA for audit purposes in those firms that are most likely to be in violation of pricing regulations. In addition, this schedule will also be used to analyze the patterns of first sale crude oil transactions between majors, independent refiners, and independent marketers to determine the market conditions for crude oil between producers and refiners.

Schedule F. Schedule F provides the name and address information necessary to assign auditors to producers selected by the crude producer targeting system.

The burden of reporting can be most easily reduced if each firm would agree to forward schedules D, E, and F to FEA on computer tape accompanied by a certified printout of the contents of the tape. Detailed instructions on the technical characteristics of the tape and specifications of the record layouts will be agreed upon with each firm that elects this option.

The implementation of the Domestic Crude Oil Purchaser System has been a phased process. The Phase I implementation involved gathering by the P124-M-O summary first-sale information and purchaser/reseller identification for other

than first purchases. The Phase II implementation of the P124 system will be to: (a) Require that each purchaser continue to file the information previously submitted on the P124–M–O (i.e., require schedules A and B 45 days after approval of the form); (b) require that schedules E and F be filed 60 days after approval of the form; and (c) require that schedules C and D be filed 90 days after approval of the P124.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-386 Filed 1-4-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 13]

ALABAMA PUBLIC SERVICE COMMISSION AND ALABAMA POWER CO.

Proposed Intervention In Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Alabama Public Service Commission concerning the application of the Alabama Power Company for an increase in its annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Alabama Power Company has filed a request for revised electric rates to increase revenues by $173.9 million annually. The estimated impact on the Federal executive agencies is in excess of $1 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW., Washington, DC, 20405, telephone (202) 566–0750, on or before February 4, 1977 and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)))

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77-303 Filed 1-4-77;8:45 am]

[Intervention Notice No. 14]

ARKANSAS PUBLIC SERVICE COMMISSION AND ARKANSAS POWER AND LIGHT CO.

Proposed Intervention In Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Arkansas Public Service Commission concerning the petition of the Arkansas Power and Light Company for increased electric rates. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Arkansas Power and Light Company has filed a petition which includes a Cost of Service Index clause, which would allow automatic adjustment of electric rates without hearings. The increase would impact Federal agencies by $324,000 annually; howeever, the precedential impact of the Cost of Service Index clause is more significant than this initial impact.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, telephone (202) 566-0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)))

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77-304 Filed 1-4-77;8:45 am]

[Intervention Notice No. 15]

[Docket No. 7610–1021]

NEW JERSEY BOARD OF PUBLIC UTILITY COMMISSIONERS AND JERSEY CENTRAL POWER AND LIGHT CO.

Proposed Intervention In Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the New Jersey Board of Public Utility Commissioners concerning the application of the Jersey Power and Light Company for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Jersey Central Power and Light Company has filed a request for approval of an increase to its current revenues of $107 million, or 21 percent. The estimated impact to Federal executive agencies is in excess of $1 million annually.

Persons desiring to make inquires concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Serviles Administration, 18th & F Streets, NW., Washington, D.C., 20405, telephone (202) 566–0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)))

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77-305 Filed 1-4-77;8:45 am]

[Intervention Notice No. 16]

OHIO PUBLIC UTILITIES COMMISSION AND DAYTON POWER AND LIGHT CO.

Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Ohio Public Utilities Commission concerning the application of the Dayton Power and Light Company for an increase its annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Dayton Power and Light Company has filed a request for revision and modification of its electric rates by $30 million, or 10.5 percent overall. The proposed rate increase would have an impact in excess of $1 million annually on the Federal executive agencies.

Persons desiring to make inquires concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW, Washington, DC, 20405, telephone (202) 566–0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)))

Dated: December 13, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77-306 Filed 1-4-77;8:45 am]

[Docket No. 7]

[Intervention Notice No. 17]

PENNSYLVANIA PUBLIC UTILITY COMMISSION AND BELL TELEPHONE CO. OF PENNSYLVANIA

Proposed Intervention in Telephone Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Pennsylvania Public Utility Commission concerning the application of the Bell Telephone Company of Pennsylvania for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government as users of telecommunications services.

Bell Telephone Company of Pennsylvania filed proposed tariff changes which changes which would increase their annual revenues by $139 million. It is estimated that these rate changes would impact the Federal Government by over $1.1 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW, Washington, DC, 20405, telephone (202) 566–0750, on or before February 4, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4) Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4).)

Dated: December 14, 1976.

JACK ECKERD,
Administrator of General Services.

RESOURCE ALLOCATION

1. Case: Bell Telephone of Pennsylvania.
2. Impact: Estimated $1.1 million on $6 million in gross billings.
3. Estimate of travel:

17 days per diem at $33 equal	$561
2 trips to Pittsburgh at $72 equal	144
Miscellaneous (GOV to Harrisburg) equal	200
Total	$905

4. Transcripts: 95¢ per page, average 170 pages per day ×15 hearing days-$2,450. (Based on bill average from PPL case and Philadelphia Electric case.)

[FR Doc.77-307 Filed 1-4-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1977:

Name: Maternal and Child Health Research Grants Review Committee.
Date and Time: February 2–3, 1977, 9:00 a.m.
Place: Conference Room B, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.
Open February 2, 9:00 a.m.–10:00 a.m. Closed for remainder of meeting.
Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.
Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 10:00 a.m. on February 2 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should contact Gerald D. LaVeck, M.D., Room 7-36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Date: December 29, 1976.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc.77-318 Filed 1-4-77;8:45 am]

Office of Assistant Secretary for Education

EDUCATIONAL AGENCIES AND INSTITUTIONS

Comments on Collection of Information and Data Acquisition Activity

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics and the National Institute of Education have proposed collections of information and data acquisition activies, which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to afford each educational agency or institution subject to a request under the proposed collection of information and data acquisition activites and their representative organizations an opportunity, during a 30-day period before transmittal to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collections of information and data acquisition activities.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activity are invited. Comments must be received on or before February 4, 1977 and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Plannnig, and Utilization, Room 3001, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Further information may obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202–245–1022.

Dated: December 29, 1976.

MARJORIE O. CHANDLER,
Acting Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Agency/bureau/office—National Center for Education Statistics.
2. Agency form number—NCES 2397.
3. Title of proposed activity—Survey of teachers' language skills. (A survey to determine the number of currently employed elementary and secondary public school teachers in the 50 States and the District of Columbia having qualifications likely to enable them to provide bilingual education with little or no retraining.)
4. Legislative authority for this activity—"• • • The Commissioner • • • shall submit to the Congress and the President a report on the condition of bilingual education in the Nation • • •. Such report shall include— • • • a • • • plan for the training of the necessary teachers • • • (and) • • • an assessment of the number of teachers • • • needed to carry out programs of bilingual education • • •" (Pub. L. 93–380, Sec. 105; Section 731 of the Elementary and Secondary Education Act, Title VII (Bilingual Education Act) as amended; 20 U.S.C. 880b–10).

"• • • The (National) Center (for Education Statistics) shall— • • • collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States • • •" (Pub. L. 93–380, Sec. 501(a); Sec. 406(b)(1) of the General Education Provisions Act as amended; 20 U.S.C. 1221e–1).

"• • • The Center shall— • • • conduct a • • • survey • • • to determine the demand for, and the availability of, qualified teachers • • • in critical areas within education • • •" (Pub. L. 94–482, Sec. 401(a); Sec. 406.(b)(5) of the General Education Provisions Act as amended; 20 U.S.C. 1221e–1).

5. Voluntary/obligatory nature of response—Voluntary.
6. How information to be collected will be used—The findings will be included in the report to the Congress and the President which the Commissioner of Education is required to make. It is anticipated that this information will be used by the Congress in the deliberations concerning the extension or revision of the Bilingual Education Act. It is necessary to ascertain where the necessary number of teachers may come from—preservice training, inservice training, or other sources, in order that the Congress may make decisions concerning the need for programs and their projected funding levels. This survey is designed to provide an estimate of the number of currently employed elementary and secondary school teachers in the United States with basic qualifications such that with little or no retraining they can become qualified teachers of these children.

In addition to information required by the Commissioner's report, some of the requested information will be used by the National Center for Education Statistics in reporting on the demand for and availability of qualified teachers in critical areas within education. This survey will help to indicate (along with other surveys) to what extent qualified teachers are presently available.

The lists of teachers' names to be submitted by principals or other administrative personnel will be used for drawing a sample of the teacher respondents.

7. Data acquisition plan—a. Method of collection: Mail.
b. Time of collection: Spring, 1977.
c. Frequency: Single time.
8. Respondents—a. Type: Local education agencies or principals (school).
b. Number: Sample: approximately 3,000.
c. Estimated average man-hours per respondent: 15 minutes.
a. Type: Teachers, elementary/secondary.
b. Number: Sample: 12,000.
c. Estimated average man-hours per respondent: 10 minutes.

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9. Information to be collected—a. From principals or other agents of the public education establishment:

A list of names of all full-time elementary and secondary teachers in designated schools.

b. From teachers: Demographic characteristics; Highest degree earned; Whether teaching during school year 1975–76; Other work status during 1975–76; and Grade level and subject area of current teaching assignment.

Teacher self-rating of: Ability to speak a non-English language; Ability to teach in a non-English language; Fluency in English; and Ability to teach various subjects in English.

Description of the situation in which: English was learned; and Non-English language was learned.

Teacher's formal training in bilingual education: College or university courses relating to bilingual education; Areas of study represented by these courses; Number of courses taken; Were courses language-specific? and Which languages were involved?

Other relevant training: Type and duration of training; Was training language-specific? and Which languages were involved?

Teacher's experience in non-English language teaching: Grades and subjects taught; Languages used; Percent of time spent daily teaching in a non-English language; Experience in teaching English as a second language (ESL); Percent of time spent daily in teaching ESL; and What other provisions are made for students with limited English-speaking ability?

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Agency/bureau/office—National Institute of Education.

2. Agency form number—NIE 174.

3. Title of proposed activity—Registry of Research Organizations in Education (A Survey of Organizations which Perform Education RDDE—Research, Development, Dissemination, Evaluation and Policy Studies).

4. Legislative authority for this activity—"The National Institute (of Education) shall • • • seek to improve education • • • through • • • building an effective educational research and development system." (Section 405(b)(2)(D) of the General Education Provisions Act (GEPA); 20 USC 1221 e.)

"The (National) Council (on Education Research) shall • • • prepare an annual report to the Assistant Secretary on the current status and needs of educational research in the United States," (Section 405(c)(3), (E)(F) of GEPA; 20 USC 1221e.)

"There is established within the Institute a Federal Council on Educational Research and Development • • • The Federal Council shall • • • make an annual report to the Congress and the President on the status of educational research and development in the United States." (Section 405(g) of GEPA; 20 USC 1221e.)

5. Voluntary/obligatory nature of response—Voluntary.

6. How information collected will be used—*Congressional mandates:* The information will enable the National Institute of Education, the National Council on Educational Research, and the Federal Council on Educational Research and Development, to meet the specified Congressional mandates. Data will be used to draft the required annual reports.

Institute policy planning: Survey information will be used in Institute policy planning and development regarding agency-field relations, regionalism, and other research, development, disseminations, evaluation and policy (RDDE) issues. An analytical report will address questions of current interest to NIE and to other governmental and private policy makers. Such issues include: the extent to which education RDDE is concentrated in a few organizations; the proportion of RDDE carried out in organizations whose primary mission is education; the extent to which organizations specialize in particular RDDE functions; the types of education and education levels to which funds are applied; and the educational level of the professional RDDE workforce.

Research: As a listing of organizations in the education RDDE universe and their activities and resources, the survey will provide presently unavailable sampling frames, to be used by NIE and others for subsequent more detailed sample studies.

Education RDDE community: A final and very important use of the data is to serve and strengthen the respondents themselves, i.e. the education RDDE community. Survey data will be used to create a Registry of Research Organizations in Education, to be employed by NIE providing information, services, and support to the education RDDE community. A printed Directory, the most comprehensive listing of its kind, will be made available to all participants in education RDDE for their own purposes of intercommunication and information. The Directory will provide information about education research resources in every area of the country.

7. Data acquisition plan—a. Method of collection: Mail and Personal (Telephone) Interview.

b. Time of collection: Spring, 1977.

c. Frequency: Single Time.

8. Respondents—a. Type: State Education Agencies.

b. Number: Universe.

c. Estimated man-hours per respondent: .5.

a. Type: Local Education Agencies.

b. Number: Sample (1,500).

c. Estimated man-hours per respondent: .5.

a. Type: Colleges and Universities.

b. Number: Sample (700).

c. Estimated man-hours per respondent: .5.

a. Type: Nonprofit organizations.

b. Number: Sample (300).

c. Estimated man-hours per respondent: .5.

a. Type: Intermediate service agencies.

b. Number: Universe.

c. Estimated man-hours per respondent: .5.

a. Type: For profit organizations.

b. Number: Sample (250).

c. Estimated man-hours per respondent: .5.

9. Information to be collected—The study will seek to collect information about the educational research, development, dissemination, evaluation and policy study activities of respondent organizations. Information will be sought about the organizations' (1) general purposes; (2) fields in which RDDE is performed; (3) financing of education RDDE; (4) size and specialties of RDDE staff; (5) typical number, size and duration of ongoing activities; (6) media used to disseminate the results of work performed.

The data will be comparable for all respondent types. Questions obviously unsuited for particular respondent types will be omitted from the respective instrument version.

[FR Doc.77-349 Filed 1-4-77;8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on January 27 and 28, 1977, from 9:00 a.m. to 5 p.m. at the Ramada-Scottsdale Inn, Scottsdale, Arizona.

The Advisory Council on Financial Aid to Students is established under section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public .The proposed agenda includes:

1. Discussion of work papers to be prepared by the Council members on selected topics related to student financial aid. These papers will serve as basis for deliberation during the following meetings of the Council, preparatory to publishing its Third Annual Report to the Commissioner and to Congress.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed in Washington, D.C. on December 21, 1976.

WARREN T. TROUTMAN,
OE Delegate.

[FR Doc.77-328 Filed 1-4-77;8:45 am]

CONSUMERS' EDUCATION PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 811 of the Elementary and Secondary Education Act of 1965, as enacted by section 505 of the Education Amendments of 1972, Pub. L. 93–380, 20 U.S.C. 887d, applications are being accepted from institutions of higher education, local education agencies, State education agencies and other public and private non-profit organizations and institutions (including libraries) for the support of research, demonstration, and pilot projects designed to provide consumers' education to the public.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 10, 1977.

A. Applications sent by mail: An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202; Attention 13.564. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 7, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before March 10, 1977 by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand delivered applications: An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal Holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. Application instructions and forms: Information and application forms may be obtained from the Office of Consumers' Education, Bureau of Occupational and Adult Education, Office of Education, ROB–3, .Room 5624, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

D. *Program information:* (1) The amount of funds available under this program is $3,135,000, with approximately $3 million going for grant awards and approximately $135,000 for procurement contracts.

(2) It is estimated that a total of approximately 65 new grants will be awarded during Fiscal Year 1977. There will be no continuation awards in Fiscal Year 1977.

(3) The average grant is expected to be about $45,000 though no minimum or maximum amounts have been predetermined.

E. *Applicable regulations:* Awards made pursuant to this notice will be subject to (1) The Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973 and, (2) the regulation for the Consumers' Education Program published in the FEDERAL REGISTER on May 24, 1976 (41 FR 21191–21199).

(20 U.S.C. 887d.)

(Catalog of Federal Domestic Assistance No. 13.564; Consumers' Education.)

Dated: December 30, 1976.

JOHN W. EVANS,
Acting U.S. Commissioner of Education.

[FR Doc. 77-350 Filed 1-4-77;8:45 am]

COLLEGE LIBRARY RESOURCES

Closing Date for Receipt of Applications for Fiscal Year 1977; Correction

In the FEDERAL REGISTER document 76–37581 published on December 22, 1976 on page 55748, dates should be as follows:

Applications must be received by the U.S. Office of Education Application Control Center on or before February 28, 1977, and under A.(1). The application was sent by registered or certified mail not later than February 23, 1977 as evidenced by the U.S. Postal Service postmark • • •"

(Catalog of Federal Domestic Assistance Program No. 13.406, College Library.)

Dated: December 29, 1976.

JOHN W. EVANS,
Acting U.S. Commissioner of Education.

[FR Doc.77-351 Filed 1-4-77;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH ET AL.

Delegations of Authority

Notice is hereby given that the following delegations with authority for redelegation, have been made under section 222(a) of the Social Security Amendments of 1972, sections 402 (a) and (b) of the Social Security Amendments of 1967, as amended, and sections 245 (a), (b), and (c) of the Social Security Amendments of 1972, providing for experiments and demonstration projects with respect to prospective reimbursement, other alternative methods of reimbursement, payment for incidental services, state rate setting, combined rates of reimbursement for teaching and patient care, intermediate care facilities and homemaker services alternatives to post hospital benefits under Title XVIII of the Social Security Act, fixed price and performance contracting, reimbursement for physician assistant services, reimbursement for day care services under Titles XVIII and XIX of the Social Security Act, reimbursement for clinical psychologist services under Titles XVIII and XIX of the Social Security Act, and durable medical equipment under Title XVIII of the Social Security Act:

1. Delegation from the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, effective on the date of publication, of the authority vested in the Secretary under:

(a) Section 222(a) of Public Law 92–603, excluding the authority to issue regulations; the authority to submit any report to Congress or to a Congressional committee; and the authority under section 222(a)(3) to waive compliance with the requirements of Titles XVIII and XIX of the Social Security Act in the case of any experiment or demonstration project under section 222(a)(1), insofar as such requirements relate to methods of payment for services provided;

(b) Section 402(a) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of Public Law 92–603, excluding the authority to issue regulations;

(c) Section 402(b) of the Social Security Amendments of 1967, as amended by section 222(b)(2) of Public Law 92–603, excluding the authority to waive compliance with the requirements of Titles XVIII and XIX of the Social Security Act, in the case of any experiment or demonstration project under section 402(a) of the Social Security Amendments of 1967, as amended, insofar as such requirements relate to reimbursement or payment on the basis of reasonable cost, or (in the case of physicians) on the basis of reasonable charge, or to reimbursement or payment only for such services or items as may be specified in the experiment; and

(d) Section 245 (a), (b), and (c) of Public Law 92–603, excluding the authority to issue regulations and the authority to waive the 20 percent coinsurance amount applicable under section 1833 of the Social Security Act.

2. I hereby delegate to the Commissioner of Social Security with authority to redelegate, the authority vested in the Secretary of Health, Education, and Welfare under:

(a) Section 222(a)(3) of Public Law 92–603 for the waiver of compliance with requirements of Title XVIII of the Social Security Act with respect to experiments and demonstration projects under section 222(a)(1) of Public Law 92–603;

(b) Section 402(b) of the Social Security Amendments of 1967, as amended by section 222(b)(2) of Public Law 92–603 for the waiver of compliance with requirements of Title XVIII of the Social Security Act with respect to experiments and demonstration projects under section 402(a) of the Social Security Amendments of 1967 as amended by Section 222(b)(1) of Public Law and 92–603; and

(c) Section 245(b) of Public Law 92–603 for the waiver of compliance with requirements of Title XVIII of the Social Security Act with respect to experiments and demonstration projects under section 245(a) of Public Law 92–603.

3. I hereby delegate to the Administrator, Social and Rehabilitation Service, with authority to redelegate, the authority vested in the Secretary of Health, Education, and Welfare under:

(a) Section 222(a)(3) of Public Law 92–603 for the waiver of compliance with requirements of Title XIX of the Social Security Act with respect to experiments and demonstration projects under section 222(a)(1) of Public Law 92–603; and

(b) Section 402(b) of the Social Security Amendments of 1967, as amended by section 222(b)(2) of Public Law 92–603 for the waiver of compliance with requirements of Title XIX of the Social Security Act with respect to experiments and demonstration projects under section 402(a) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of Public Law 92–603.

This delegation supersedes previous delegations of authority by the Secretary of Health, Education, and Welfare under sections 402(a) and (b) of the Social Security Amendments of 1967 and Sections 222 and 245(a), (b), and (c) of the Social Security Amendments of 1972. Delegations and redelegations made pursuant to previous delegations by the Secretary of Health, Education, and

Welfare of such authority which are in effect on the date of approval of this delegation shall continue in effect until new redelegations are approved.

This delegation is effective on the date of my signature.

Dated: December 20, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.77-363 Filed 1-4-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. 76-690]

NATIONAL INSURANCE DEVELOPMENT ADVISORY BOARD

Public Meeting

The purpose of this notice is to announce that the Acting Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, will hold the quarterly Public Meeting of the National Insurance Development Advisory Board in Room 10233 of the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. on Wednesday, January 26, 1977, commencing at 10 a.m.

The National Insurance Development Advisory Board, established under the authority of Section 1202 of the National Housing Act, enacted by the Urban Property Protection and Reinsurance Act of 1968, as amended by the National Insurance Development Act of 1975 (Pub. L. 94-13, April 8, 1975), advises the Secretary of existing or potential problems of unavailability of essential property insurance, and other matters related to FAIR (Fair Access to Insurance Requirements) Plan operations and riot reinsurance rates and coverage.

The effectiveness of the private sector to provide essential property insurance on reasonable terms and conditions at reasonable rates is a matter of deep concern.

The Federal Insurance Administration is charged with the responsibility to assure that the programs authorized under the Urban Property Protection and Reinsurance Act of 1968, as amended, aid the insurance purchasing consumer.

The Chairman and Acting Federal Insurance Administrator, J. Robert Hunter, announces that the quarterly Public Meeting of the Advisory Board will be held on January 26, 1977 to consider the following:

(a) Review of the minutes from September 22, 1976 meeting;

(b) Continue discussion of the extension of the Urban Property Protection Act of 1968, as Amended;

(c) "Redlining"—

1. Review of Justice Department's suit and complaints against insurers in New York, New York; Detroit, Michigan; St. Louis, Missouri; Gary, Indiana;

2. Review of *Franklin-Quincy Corporation v. Public Service Mutual Insurance Company*" suit as it relates to Title VIII of the Civil Rights Act of 1968;

3. Homeowners insurance in Detroit: A Study of Redlining Practices and Discriminatory Rates;

(d) FAIR Plan growth through third quarter of 1976;

(e) Review of the Final Report by Battelle Laboratories entitled, "Arson: America's Malignant Crime";

(f) New states where crime insurance is now available;

(g) Other matters.

The meeting is open to the public. Public attendance may be limited depending on available space. Any member of the public may file a written statement before, during or after the meeting. To the extent that time permits, interested persons will be allowed public presentation of oral statements at the meeting.

All communications concerning this meeting should be addressed to Acting Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Issued in Washington, D.C., on December 27, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-551 Filed 1-4-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-12817]

IDAHO

Notice of Application

DECEMBER 28, 1976.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), as amended by the Act of October 21, 1976 (90 Stat. 2743), Agricultural Flite Services, Inc., P.O. Box 72, Nampa, Idaho 83651, has applied for an airport lease for the following land:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 3 W., Sec. 28, NE¼, N½SE¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

WILLIAM E. IRELAND,
Acting Chief,
Branch of L&M Operations.

[FR Doc.77-335 Filed 1-4-77;8:45 am]

[NM 29448, 29449 and 29463]

NEW MEXICO

Notice of Applications

DECEMBER 28, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 30, S½NW¼ and NW¼SW¼.
T. 29 N., R. 7 W.,
Sec. 25, NE¼SE¼.
T. 29 N., R. 8 W.,
Sec. 14, W½SW¼.
T. 32 N., R. 11 W.,
Sec. 15, W½SW¼.

These pipelines will convey natural gas across .633 of a mile of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-389 Filed 1-4-77;8:45 am]

WESTERN SLOPE GAS CO.

Notice of Pipeline Application

[Colorado 24661]

DECEMBER 27, 1976.

In FR Doc. 76-36146 appearing at page 53855 in the FEDERAL REGISTER of Thursday, December 9, 1976, the legal description is corrected to read:

T. 2 S., R. 101 W., 6th P.M.;
Sections 21, 22, 28, 32, and 33
T. 3 S., R. 101 W., 6th P.M.;
Section 5.

MERRILL G. ANDERSON,
Acting Chief,
Branch of Land Operations.

[FR Doc.77-308 Filed 1-4-77;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-49]

BENTLEY & DERRY COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bentley & Derry Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls.

The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that having canopies installed on its equipment is creating a hazard to the operators. Petitioner has attempted to use the canopies.

2. Petitioner's equipment consists of: two 14Bu7AE Joy loaders; one 11RU Joy cutting machine; one Long-Airdox LRB-15A roof bolt machine; and two Porter Industries end dump shuttle cars.

3. The No. 5 Mine is in the Peach Orchard seam which ranges from 44 to 48 inches in height. In this seam Petitioner is using crossbars to pin hill seams and to collar where needed. Petitioner has been running into dips and rolls in the bottom. By installing canopies on this equipment Petitioner is limiting the vision of the equipment operators, creating a safety hazard for them and their fellow workers. With canopies installed on the equipment, it cannot enter some sections of the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals.

DECEMBER 28, 1976.

[FR Doc.77-336 Filed 1-4-77;8:45 am]

[Docket No. M 77-51]

BLUE DIAMOND COALS OF RISNER, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Blue Diamond Coals of Risner, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 6 Mine, located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner cannot utilize its deep mine equipment with the canopy attached due to the irregularity of the coal seam. The coal seam, in which the equipment has been used until recently, runs between 36 and 42 inches. The roof and bottom roll and dip to such a great extent the equipment could not be operated except at intervals with the canopies. In other words, where the coal seam pinches off to 36 inches due to the rolls and bottoms, this equipment cannot be operated. The canopy strikes the roof, preventing operation of Petitioner's equipment.

2. The equipment runs approximately 30 inches and Petitioner uses header blocks occasionally.

3. Petitioner requests that the regulation be modified to permit it to use equipment without canopies, otherwise, it will be necessary that Petitioner shut down its mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director, Office of Hearings and Appeals

DECEMBER 27, 1976.

[FR Doc.77-337 Filed 1-4-77;8:45 am]

[Docket No. M 77-60]

BORGMAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Borgman Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Borgman No. 10 Mine, located in Preston County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner believes that due to the variations in the heights of its mine, which is 38 to 50 inches, and the height of its machines, the loading machine being 32 inches high and the cutting machine being 32 inches high, petitioner can not safely comply with 30 CFR 75.1710. The top in petitioner's mine is mostly sandstone and tends to roll periodically. This makes it hard for petitioner to get its machines in these places, much less a machine equipped with a canopy attached.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-338 Filed 1-4-77;8:45 am]

[Docket No. M 77-58]

C & S COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), C & S Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Honaker, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner's equipment consists of one S & S scoop, model 480 which is 28 inches in height with a length of 25 feet, and a width of 10 feet, and one Epling tractor, model 100 which is 24 inches in height, 14 feet long and 6 feet 6 inches wide.

2. Petitioner's mine is 1 month old and has a projected life of 3 years. Petitioner's mine is located in the Widow Kennedy coal seam. The thickness of the coal seam is 31 inches. The average height of the coal seam in those locations where equipment, which is subject to cabs and canopy regulations, is being used is 31 inches. The danger in utilizing cabs and canopies on equipment at each working section stems from the fact that the height of the mine is too low.

3. The coal height at Petitioner's mine varies at times from 31 inches to 48 inches in height. Petitioner plans to use the equipment subject to this petition indefinitely and the present height of the coal will not permit canopies to be installed. Petitioner has considered and investigated the potential problems related to usage of cabs and canopies at its mine.

4. An approved roof control plan issued by federal and state inspectors is utilized at Petitioner's mine. Forty-eight inch roof bolts, collars and timbers are utilized at the mine for roof fall prevention. Petitioner will train employees regarding the modified systems.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-339 Filed 1-4-77;8:45 am]

[Docket No. M 77-63]

GATEWAY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Gateway Coal Company has filed a petition of 30 CFR 75.1700 to its Gateway Mine, located in Greene County, Pennsylvania.

30 CFR 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The substance of Petitioner's statement is as follows:

1. Petitioner's Gateway Mine has a gas well, Number 1306, which was abandoned when gas in a commercial quantity was not found. The borehole of the well penetrates the Pittsburgh Coal Seam in the 10 Butt, 2 Face Section where Petitioner intends to mine.

2. The barrier around the well, required by 30 CFR 75.1700, interferes with Petitioner's (1) maintenance of effective roof control, and (2) improvement of mining safety and conservation by requiring a barrier of coal when more efficient and secure methods to prevent well gas leaks are available.

3. Extensive research conducted by the United States Bureau of Mines and Energy Research and Development Administration (ERDA) has developed feasible and safe methods to plug abandoned gas wells and eliminate the need for coal barriers around such wells. This research has disclosed that certain plugging methods can effectively prevent explosive well gases from entering the mine during regular mining operations and allow additional safety and operational benefits that are not possible under 30 CFR 75.1700.

4. Pursuant to a cooperative agreement between Petitioner and ERDA, in cooperation with the Mining Enforcement and Safety Administration, Well No. 1306 was cleaned out, plugged and sealed in the presence of and under the direct supervision of ERDA personnel. A tracer unit of sulfur hexafluoride was placed in the well and since sealing operations were completed, representatives of MESA have monitored the mine atmosphere and have detected no traces of sulfur hexafluoride.

5. In lieu of leaving the barrier pillar required by 30 CFR 75.1700, Petitioner proposes to mine through the barrier pillar in the course of the normal mining cycle and in accordance with mining projections approved by the MESA District Manager and with procedures and safeguards as may be determined by the parties to be appropriate in the circumstances.

6. The proposed alternative method described herein at all times will guarantee no less than the same measure of protection afforded the miners at the Gateway Mine as that afforded by 30 CFR 75.1700.

7. The Pennsylvania Department of Environmental Resources, through its Office of Deep Mine Safety, has indicated its approval of mining through the barrier pillar surrounding Well No. 1306.

8. Based on current mining projections of Petitioner, it is anticipated that the barrier pillar surrounding Well No. 1306 will be reached on or about February 1, 1977, and safe mining practices require that the normal mining cycle not be interrupted or delayed. Due to the fact that Petitioner undertook the well plugging operations described herein as a demonstration project, in cooperation with ERDA, MESA and the Pennsylvania Office of Deep Mine Safety, Petitioner did not realize until December 10, 1976, that a modification of the application of 30 CFR 75.1700 was required before Petitioner could mine through Well No. 1306. Petitioner states that it has contacted representatives of MESA and has reason to believe that MESA approves its proposed plan of mining through the barrier pillar. In addition, Petitioner believes that the representative of the miners employed in the Gateway Mine will not oppose the granting of the Petition.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 28, 1976.

[FR Doc.77-340 Filed 1-4-77;8:45 am]

[Docket No. M 77-57]

POND CREEK COAL

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pond Creek Coal has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The coal height in Petitioner's mine is 50 inches and there is 47 inches of clearance where collars have to be installed. As such, the canopies have to be placed on the equipment at a height which results in a hazard for the operator. The operator cannot see properly from his position under the canopy, and it is extremely uncomfortable due to lack of space under the canopy. The operators are constantly hitting their heads on the canopy, which knocks their safety hats from their heads. Operators also receive bruises from banging their arms and legs against the canopies.

2. The canopies, in some cases, have caught on crossbars and roof bolts. This has either loosened the roof supports or damaged the canopy. Therefore, I and my employees feel that the canopies constitute more of a danger than a safeguard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NEWTON FRISHBERG,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-341 Filed 1-4-77;8:45 am]

[Docket No. M 77-59]

STURGILL MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Sturgill Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Harlan County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The projected life of Petitioner's No. 1 Mine is greater than 1 year. The mine is operated by three partners and employs no employees.

2. The mine is located in the No. 3 Upper Mason Seam. The average coal height is 38 inches. The height of the present working section is 38 inches. The physical limitatons of the coalbed in the mine consist of an undulating bottom and a varying seam height.

3. The equipment in the mine consists of an Elkhorn AR–4 scoop. This equipment had been reconditioned less than 12 months ago and meets all regulations and is equipped with the latest safety features.

4. The entries are normally driven on 70 foot centers with an entry width of 20 feet. The roof control plan consists of timbers which are installed on 4-foot centers leaving a 14-foot roadway. The roof and rib condition is good. This mine has been in operation for 3 months and has no injuries due to roof or rib falls.

5. A request was made by all partners of the mine to evaluate the cabs and canopies and to determine if they could be used safely. The findings of Petitioner's partners and management are as follows:

A. The vision of the equipment operator is seriously impaired and could cause serious injury to fellow workmen or to the operator himself. Some of the hazards are as follows:

a. The ventilation personnel, timbering personnel, and general labor are endangered with the movement of the face equipment.

b. The operator of the equipment cannot effectively evaluate the roof height due to the obstruction of the cab or canopy.

c. The operator places a portion of his body out of the deck or operating position in order to see.

d. The present roof control plan used at the mine would be seriously weakened by dislodgement of timbers due to the impaired vision of the operator.

e. The cramped position of the operator makes it virtually impossible for him to operate the equipment safely.

f. The impaired vision of the operator creates a hazard for other workmen and other operators of equipment.

6. The plans and devices, listed as follows, are in Petitioner's opinion as adequate to maintain high safety factors as would be an installation of cabs and canopies.

A. The use of effective roof and rib control measures to prevent roof falls.

B. A training program to inform the underground personnel of proper roof control requirements.

7. In the opinion of all personnel at Petitioner's mine, the installation of cabs and canopies would seriously distract from safety and place the workmen in a hazardous condition. Petitioner feels this mine does not warrant the use of cabs or canopies because of the known condition of the roof of the coalbed. Petitioner feels the technology used in the installation and design of the cabs and canopies is inadequate for this coalbed.

8. Petitioner's first concern is a safe working environment for its personnel and as such Petitioner asks for this request for modification.

9. This petition will be posted at the mine site.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 4, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Director, Office of Hearings and Appeals.

DECEMBER 27, 1976.

[FR Doc.77-342 Filed 1-4-77;8:45 am]

Office of the Secretary

CALIFORNIA

Availability of Draft Environmental Statement Regarding Proposed Crude Oil Transportation System: Valdez, Alaska, to Midland, Texas

The Deputy Assistant Secretary of the Interior announced in the FEDERAL REGISTER of November 24, 1976 (41 FR 51886), the availability of the draft environmental statement for the proposed crude oil transportation system from Valdez, Alaska, to Midland, Texas. A 45-day period ending January 10, 1977, was made available for public comment on the draft statement. Written responses and comments received as of this date indicate that additional time will be required in order to obtain adequate public input into the environmental statement process. Therefore, an additional review period of 15 days, commencing January 11, 1977, and ending January 25, 1977, is hereby granted.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

DECEMBER 30, 1976.

[FR Doc.77-368 Filed 1-4-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[USITC SE-76-6C]

MEETING

Additional Agenda Item

At its meeting of December 30, 1976, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with proposed 19 C.F.R. 201.38, voted to add the following item to its agenda for the meeting of December 30, 1976:

7. Supplemental budget request to transfer funds from personnel to travel.

Commissioners Minchew, Parker, Leonard, Moore, and Ablondi voted by unanimous consent, that Commission business requires the change in subject matter by addition of the agenda item, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earliest practicable time. (Commissioner Bedell was not present for the vote.)

By order of the Commission.

Issued: December 30, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.77-394 Filed 1-4-77;8:45 am]

[USITC SE-76-6B]

MEETING

Additional Agenda Item

At its meeting of December 30, 1976, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with proposed 19 CFR 201.38, voted to add the following item to its agenda for the meeting of December 30, 1976:

6. Meeting to say farewell to retirees.

Commissioners Minchew, Parker, Leonard and Ablondi voted by unanimous consent, that Commission business requires the change in subject matter by addition of this agenda item, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earlier practicable time. (Commissioners Moore and Bedell were not present for the vote.)

By order of the Commission.

Issued: December 30, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.77-366 Filed 1-4-77;8:45 am]

PRIVACY ACT OF 1974

Additional Routine Uses

On November 30, 1976, the United States International Trade Commission proposed to establish additional "routine uses" on the system of records it maintains on identifiable individuals in accordance with 5 U.S.C. 552a((e)(11), as added by section 3 of the Privacy Act of 1974 (Public Law 93–579). Notice of this proposal was published in the FEDERAL REGISTER (41 FR 52921) on December 2, 1976.

The FEDERAL REGISTER notice invited public comment on the additional routine uses. Such comments were to have been submitted to the United States International Trade Commission on or before December 15, 1976. No comments have been received. Accordingly, the Commission adopts the additional routine uses as set forth below:

I. Employment and Financial Disclosure Records;

II. Budgetary and Payroll-related Records; and

III. Time and Attendance Records. Notice of adoption of the proposed systems notices was published in the FEDERAL REGISTER (40 FR 47978) on October 10, 1975.

All other systems of records on identifiable individuals maintained by the United States International Trade Commission are covered by the notices for government-wide systems of records published by the Civil Service Commission.

With the addition of the proposed routine uses, the Budgetary and Payroll-Related Records system is revised to read as follows:

System name:

Budgetary and Payroll-Related Records—U.S.I.T.C.

System location:

1. For all budgetary and payroll-related records:

Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

2. For activity accounting sheets only:

Office of Automatic Data Processing (Same address as above).

Categories of individuals covered by the system:

1. Current U.S.I.T.C. employees (e.g. three-year budget cards).

2. Former U.S.I.T.C. employees (e.g. lump-sum leave payments records).

Categories of records in the system:

This system of records consists of 16 identifiable sub-systems: (1) action cards (of step increases and personnel actions); (2) three-year budget cards; (3) lump-sum leave payments; (4) reassignment and reclassification records; (5) overtime records; (7) financial statements; (8) leave without pay records; (9) records of separations; (10) records of new appointments; (11) the comprehensive payroll; (12) bond listing; (13) the master list of employees; (14) activity accounting sheets; (15) financial aid applications for non-government training; (16) travel vouchers and travel authorization records.

(1) Action cards contain information as to the dates and amounts of step increases, salary adjustments and promotions.

(2) Three-year budget cards give an employee's basic salary for the preceding year, grade for the current year, dates and amounts of step increases, basic salary at the end of the current year, basic salary in the interim, the activity, division and grade number.

(3) Lump sum leave payments record the amount paid, the number of days involved and are indexed by name and date.

(4) Reassignment and reclassification records are indexed by name and include information on the date of increase, the annual rate, the accumulated increase, the added cost per pay period, the estimated cost, the accumulated cost and the division.

(5) Overtime records are indexed by division and by name and contain information as to an employee's social security number, grade and salary, and the number of hours overtime.

(6) Cost of intermittent employees and consultants records list the hours the individual worked and the amount paid.

(7) Financial statements contain information by division by name which is used in computing the budget.

(8) Leave without pay records list the cumulative amount by pay period and by names.

(9) Records of separations list the date, division, grade, annual salary, accumulated annual salary, rate per pay period, number of pay periods, fiscal year cost, accumulated fiscal year cost, and appointment action.

(10) Records of new appointments contain the same types of information as records of separations.

(1) The Comprehensive payroll lists an employee's gross pay, deductions, federal and state taxes, insurance, bonds, overtime, leave used and accumulated.

(12) The bond listing shows what an employee spent on bonds, the purchase price, denomination, the previous balance, the amount deducted each pay period.

(13) The master list of employees contains an employee's grade, current address, all deductions to pay, and the number of hours worked.

(14) Activity accounting sheets contain the employee's name, project number and title.

(15) Financial aid applications for non-government training contain the employee's name, course number, institution, course description, reimbursable costs, tuition, and a listing of all government-sponsored training at non-government facilities which the employee has taken for the past ten years.

(16) Travel vouchers and travel authorizations list expenses which an employee has incurred while traveling on U.S.I.T.C. business, dates, destinations and names.

Authority for maintenance of the system:

31 U.S.C. 1 et seq. O.M.B. Circular A-11, June, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used only for the purpose of computing the budget and keeping a record of certain employees' expenses. Certain of these records are also routinely kept by G.S.A. Disclosure of such records to C.S.C. auditors occurs periodically.

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or in the absence thereof, pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof in response to a written request from an appropriate official of the taxing jurisdiction to the Chief of Financial Management, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Chief of Financial Management, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Public Law 93–579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

These records are maintained on index cards or in file folders as the case may be. Activity accounting records are maintained in two locations within the agency: The Office of Financial Management and the Office of Automatic Data Processing. A.D.P. punches this information and feeds it, via the U.S.I.T.C. terminal, into the computer for the District of Columbia government. U.S.I.T.C. records in the custody of the D.C. government are maintained on tape in lockable cabinets.

Retrievability:

These records are indexed by the names of the individuals on whom they are maintained. In certain instances the social security number and certain dates (e.g. date of step increase) are also used as identifiers.

Safeguards:

These records are all kept in lockable metal filing cabinets or secured rooms. Only authorized employees are permitted access to them.

Retention and disposals:

These records are maintained for as long as necessary to fulfill their purpose. For instance, activity accounting records are only useful in computing costs of activities for a particular fiscal year, hence, these records are disposed of, or, in the case of tapes, erased at the end of each year. Where a general records retention

and disposal schedule or the records control schedules of the U.S.I.T.C. are applicable, such records are retained in accordance with the periods specified therein and are disposed of in accordance therewith.

System manager(s) and address:

Chief, Office of Financial Management, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

Notification procedures:

Director, Office of Personnel and Management Systems (Same address as above).

Record access procedures:

Director, Office of Personnel and Management Systems (Same address as above).

Record source categories:

Information in this system largely comes from personnel forms completed by the individual and from the original comprehensive payroll, maintained by G.S.A.

The following appendix of "routine uses" for all the systems of records maintained on individuals is added:

APPENDIX

In the event that a system of records maintained by this agency to carry out its functions indicates a violation of potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

By order of the Commission.

Issued: December 28, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.77-362 Filed 1-4-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

JANUARY 3, 1977.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two-day meeting on Monday and Tuesday, January 24–25, 1977. The sessions will be open to the public and will be held in Room 4830 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW. Washington, D.C. beginning at 9:00 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Pub. L. 92–125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The general agenda includes the following topics:

JANUARY 24, 1977

MORNING

Begins at 9:00 a.m. in Room 4830 of the U.S. Department of Commerce Building, Washington, D.C. Adjournment at approximately 12:30.

Project Seafarer Briefings—U.S. Navy Speakers.
Staff Report on the New Congress.
Staff Report on the Ford Budget.
Staff Report on Climate Program Plans and Legislation.
Discussion of NACOA Work Schedule and Future Plans.

AFTERNOON—1330–1700

Work Sessions for NACOA Panels.
Goals and Objectives Panel.
Marine Education Panel.
Atmospheric Panel.

JANUARY 25, 1977

MORNING

Briefings on Marine Transportation Issues—Industry and Labor Viewpoints.
Reports from NACOA Panel Chairmen.
Plans for the Future.

Adjournment at approximately 1300.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.77-409 Filed 1-4-77;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Routine Use of Systems of Records; Payroll Records

The National Credit Union Administration's "system of records," as that term is defined by the Privacy Act of 1974 (5 U.S.C. 552a), were most recently published beginning at page 44982 of the October 13, 1976, edition of the FEDERAL REGISTER.

System NCUA–9, as set forth in that publication, describes the system of records maintained in connection with the National Credit Union Administration's payroll functions. One of the routine uses of information contained in System NCUA–9 is described as follows in the October 13, 1976, publication: "[I]nformation in this system is used to make reporting to state and local taxing authorities."

Since the publication of that language, questions have arisen as to the exact nature of the information provided to state and local taxing authorities and the specific identity of the recipients, or guidelines pursuant to which authorized recipients are identified. In the interest of answering these questions, the sentence in which the above quoted language appears is hereby deleted from the "routine uses" portion of System NCUA–9, and the self explanatory language set forth below is inserted in lieu thereof.

This publication does not involve the proposal of a new or intended routine use, but rather sets forth a clarification of an existing and previously published routine use, and thus is not considered to be technically subject to the prior publication requirement of Section 3(e)(11) of the Privacy Act (5 U.S.C. 552a(e)(11)). In the interest of the fullest possible compliance with the spirit of the Privacy Act, however, written data, views and arguments concerning this publication will be entertained if received in the Office of the Administrator, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456, on or before January 1, 1977.

C. AUSTIN MONTGOMERY,
Administrator.

DECEMBER 13, 1976.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

NCUA–9

System name:

Payroll Records System, NCUA.

System location:

Office of Fiscal Affairs; National Credit Union Administration, 2025 M Street, NW., Washington, DC 20456; General Services Administration, Region VI, Kansas City, Missouri.

Categories of individuals covered by the system:

Employees of NCUA.

Categories of records in the system:

Salary and related payroll data, including time and attendance information.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To make all necessary and appropriate financial reporting analysis and planning involving disclosures both intraagency and to the General Services Administration, and generally to insure proper compensation to all NCUA employees. Also, to document time worked and provide a record of attendance to support payment of salaries, use of annual and sick leave and nonpayed leave. Record of attendance is also maintained for information of superviser in supervising the employee. Users of the time and attendance information include the office's timekeeper, the supervisor, the payroll officer and the GSA Payroll Processing Branch in Kansas City, Missouri. Routine uses of records maintained in this system shall include providing a copy of an employee's Department of Treasury Form W–2, Wage and Tax Statement, to the state, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the system manager. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the system manager. In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Public Law 93–579. Finally, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage—computer tape, paper hard copy, microfilm. Retrievability—by name or social security number. Safeguards—maintained in secured offices, access by written authorization only. Retention and disposal—in accordance with GSA policy.

System manager(s) and address:

Primary: Payroll Officer, National Credit Union Administration, 2025 M Street, NW., Washington, DC 20456: Secondary: Timekeepers, National Credit Union Administration, Central Office and Regional Offices.

Notification procedure:

Same as above.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual whom the record concerns, Civil Service Commission, General Services Administration. Also, time and attendance information is prepared by the timekeeper in a given employee's office.

[FR Doc.77-139 Filed 1-4-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science Engineering and Technology Advisory Panel, Steering Committee.

Date: January 21, 1977.

Time: 9:30–11:00 a.m.

Place: New Executive Office Building, 726 Jackson Place, N.W., Room 3104, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, telephone (202) 395–4931. Anyone who plans to attend should contact Mr. Blair by January 17, 1977.

Purpose of the Panel: The Intergovernmental Science Engineering and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify state, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

TENTATIVE AGENDA

Agenda setting for full meeting of the Panel in late March. Review of on-going activity related to the Panel's charter. Discussion of future Panel activities.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

DECEMBER 30, 1976.

[FR Doc.77-376 Filed 1-4-77;8:45 am]

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 94–463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering and Technology Advisory Panel, Processes Task Force.

Date: January 14, 1977.

Time: 9:30 a.m.–4:00 p.m.

Place: Denver Museum of Art, Denver, Colorado.

Type of Meeting: Open.

Contact Person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President. Telephone: (202) 395–4931. Anyone who plans to attend should contact Mr. Blair by January 13, 1977.

Purpose of the Panel: The Panel is to identify state, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Processes Task Force

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is to make recommendations to the Panel on mechanisms for improving the transfer of research and development findings.

TENTATIVE AGENDA

Organization of the Task Force.
Discussion of future Task Force activities.
Reason for late notice: The Panel has to meet to develop a report for the Steering Committee. The date of January 21 for the Steering Committee meeting was set on December 30, 1976. January 14, 1977 was the only feasible meeting date for Task Force members.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

JANUARY 3, 1977.

[FR Doc.77-549 Filed 1-4-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-1316; File No. SR-MSRB-76-12]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-19, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follow:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes filed by the Municipal Securities Rulemaking Board (the "Board") would codify uniform industry practices for the processing, clearance and settlement of transactions in municipal securities and related matters. The text of the proposed rule changes appears below.

The Board is of the view that rules governing industry practices in the areas referred to above are necessary and appropriate to facilitate transactions in municipal securities, to render the operation of the municipal markets more efficient, and thereby to benefit public investors in municipal securities, issuers of municipal securities, and municipal market professionals.

The proposed rule changes cover the following matters:

(1) Establishment of uniform settlement dates for transactions in municipal securities;
(2) Exchange and comparison of dealer confirmations;
(3) Procedures for resolving discrepancies in confirmations which result in unrecognized transactions;
(4) Establishment of uniform requirements for good delivery of municipal securities;
(5) Procedures for rejection and reclamation of municipal securities;
(6) Close-out procedures for transactions in municipal securities; and
(7) The time periods within which good faith deposits must be returned and syndicate accounts settled.

With the exception of the provisions relating to dealer confirmations, the return of good faith deposits, and the settlement of syndicate accounts, the requirements of proposed rule G-12 may be altered by agreement between the parties. The proposed rule changes provide for a 60-day delay in effectiveness following approval by the Securities and Exchange Commission (the "Commission").

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed rule changes is to establish uniform industry practices concerning the processing, clearance and settlement of transactions in municipal securities. The proposed rule changes are designed to expedite such transactions and thus are, in the Board's view, necessary and appropriate in the public interest and in furtherance of the purposes of the Securities Exchange Act of 1934, as amended (the "Act").

At present, there exists no uniform code of practice recognized by all participants in the municipal securities industry. The Uniform Practice Code of the National Association of Securities Dealers, Inc. (the "NASD") governs industry practice with respect to corporate securities traded over-the-counter. The national securities exchanges prescribe rules for use of their trading facilities. These regulations do not apply to transactions in municipal securities or to the activites of bank dealers.

Proposed rule G-12 would, if approved by the Commission, establish uniform practices for all professionals with respect to transactions in municipal securities in a manner which the Board believes appropriate for the municipal markets. At the same time, the Board has sought in proposed rule G-12 to avoid conflict with existing systems for the processing and clearance of securities transactions, to the extent consistent with the goal of developing a body of regulation appropriate for the municipal securities industry.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted proposed rule G-12 pursuant to the general provisions of section 15B(b)(2) of the Act, which authorize and direct the Board to propose and adopt rules governing transactions in municipal securities effected by brokers, dealers and municipal securities dealers, and pursuant to section 15B(b)(2)(C) of the Act, which authorizes and directs the Board to adopt rules which are:

Designed • • • to foster cooperation and coordination with persons engaged in • • • clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest • • •.

The Board also notes the statement contained in the Senate Report on the Securities Acts Amendments of 1975, with respect to the Board's role in the regulation of processing, clearance and settlement of transactions in municipal securities:

In particular, it should be noted that although Section 15(c)(6) [of the Act], pertaining to the Commission's rulemaking powers over, among other things, the time and method of, and documents used in connection with, making settlements, payments, transfers, and deliveries of securities, specifically excludes municipal securities from the Commission's direct rulemaking power, comprehensive authority over these matters with respect to municipal securities is vested in the Board, subject to the Commission's oversight powers. Sen. Rep. 94-75, 94th Cong., 1st Sess., at 48.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

On April 22, 1976 the Board issued an exposure draft of proposed rule G-12. In response to its solicitation of public comment on such draft, the Board received 45 letters of comment, from the following persons:

American Bankers Association Committee on Corporate Trust Activities.
American Stock Exchange, Inc.
Baer & McGoldrick (representing the National Municipal Securities Dealers Association, Inc.).
Bankers Trust Company.
Alex. Brown & Sons.
Carter, Ledyard & Milburn (representing United States Trust Company of New York) (two letters).
Carty & Company, Inc.
Coughlin & Co., Inc.
Dealer Bank Association.
The Depositor Trust Company. (two letters).
Gerwin and Company.
Goldman, Sachs & Co.
Halpert, Oberst & Company.
Hanifen Imhoff Samford, Inc.
Hendrix, Mohr & Yardley.
Charles A. Hinsch & Company, Inc.
Irving Trust Company.
Lebanthal & Co., Inc.
Lex Jolley & Co., Inc.
Liberty National Bank and Trust Company.
Mercantile Trust Company N.A.
Merrill Lynch, Pierce, Fenner & Smith, Inc.
Midwest Securities Trust Company.
Municipal Advisory Council of Texas.
National Association of Securities Dealers, Inc.
National Municipal Securities Dealers Association, Inc.
John Nuveen & Co. Incorporated.
Omaha National Bank.
O'Neill Feldman Inc.
Pacific Clearing Corporation.
Samuel A. Ramirez & Co., Inc.
Schaffer, Necker & Co.
Seasongood & Mayer.
Securities Industry Association, Subcommittee on Operations of the Municipal Securities Committee (the "SIA Subcommittee").
Shearson Hayden Stone, Inc.
Smith Barney, Harris Upham & Co., Inc.
Standard & Poor's Corporation.
Stock Clearing Corporation of Philadelphia.
Stoever Glass & Co.
Summers & Company, Inc.
Sweney Cartwright & Co.
Wauterlek & Brown, Inc.
Wells Fargo Bank, N.A.

Copies of the above letters of comment are on file at the offices of the Commission and of the Board. Various letters of comment received in response to the Board's exposure draft on proposed rule G-15 relating to customer confirmations are also relevant to proposed rule G-12 insofar as the content of dealer confirmations is concerned. Copies of letters of comment on proposed rule G-15 have been filed with the Commission as Exhibit 2 to File No. SR-MSRB-76-9.

As a result of the observations and suggestions of public commentators on the Board's exposure draft, the Board made a number of changes in the proposed rule as reflected in this filing. In view of the substantial number of comment letters received on the draft rule and the broad range of technical suggestions contained in such letters, this discussion is limited to a summary of the major categories of comment on the draft rule.

A number of commentators recommended that the provisions for notice in the draft rule be clarified. In response to these suggestions, the Board inserted a new paragraph (a)(iii) in the proposed rule relating to "immediate notice" and has attempted to clarify throughout the proposed rule the various circumstances under which immediate notice, written notice return receipt requested, and other forms of notice must be given.

With regard to settlement dates for "when, as and if issued" transactions, several commentators expressed concern that permitting acceleration of settlement dates by each seller would result in confusion. To address this concern, the Board has provided that the manager of a syndicate or similar account must immediately notify members of the syndicate or account upon determination of an accelerated settlement date, and acceleration of settlement dates by persons other than the manager may occur only upon, and to the same extent as, acceleration by the manager.

A number of letters were received by the Board concerning the Board's original proposal to require the inclusion of CUSIP numbers in dealers confirmations. While many commentators favored mandating the use of CUSIP for identification of securities, representatives of sole municipal firms urged that such a requirement would, at the present time, impose unwarranted and burdensome costs on such firms and not result in increased efficiencies for such firms. The Board has decided not to mandate the use of CUSIP numbers at this time. However, as stated in the Board's notice dated July 28, 1976 concerning its recordkeeping proposals, the Board intends to review this question in the future.

Several comments were received relating to the exchange and comparison of written confirmations of municipal securities transactions. Among these, it was suggested that the provision as drafted would permit transactions to be cancelled on the basis of minor discrepancies. In the proposed rule changes the Board has limited cancellation of transactions based on discrepancies in confirmations to situations in which "material discrepancies and differences, basic to the transaction" cannot be resolved.

The SIA Subcommittee recommended that the Board adopt, with certain modifications, the NASD procedure for resolving unrecognized transactions. The procedures set forth in proposed rule G-12 are substantially consistent with those of the NASD except in two respects. First, under the NASD procedure, a party receiving a confirmation which it does not recognize is not required to alert the confirming party. Under proposed rule G-12, a party receiving a confirmation which it does not recognize is under an obligation to seek to ascertain whether a trade did, in fact, occur and to notify the confirming party if its records indicate that no trade occurred. The Board believes that this relatively simple requirement will promote earlier resolution of disagreements between parties concerning transactions in municipal securities and thus facilitate the processing and clearance of such transactions. Second, the NASD procedure requires use of a uniform "don't know" notice. The Board believes that it would be unduly burdensome to sole municipal firms and others not previously subject to the uniform form requirements of the NASD Uniform Practice Code to mandate use of such forms. At the same time, the informational requirements of the Board's proposed procedures on unrecognized transactions could be met by use of the "don't know" notice required for transactions in corporate securities by the NASD Code.

Several comments addressed the subject of partial deliveries, with certain commentators expressing concern that a purchaser might reject delivery of securities relating to one trade because they were not accompanied by securities relating to another trade which had been combined on one confirmation or which were considered by the purchaser to be part of one transaction. The proposed rule changes would not permit rejection under these circumstances. However, a purchaser would not be required to accept partial delivery with respect to a single trade.

A number of comments concerned the denominations of securities for delivery. One commentator suggested that denominations of notes always be specified on confirmations, while others suggested modification in the amounts which would constitute normal units. The proposed rule changes require specification of note denominations in all cases but other provisions relating to denominations remain unchanged since the Board believes the denominations prescribed are appropriate. In any event, the units of delivery may be changed by agreement of the parties to the transaction.

Several commentators stated that a guarantee by a commercial bank should not be considered sufficient to render a mutilated certificate acceptable for delivery pursuant to paragraph (e)(vi) of proposed rule G-12. Reference to a commercial bank guarantee has, accordingly, been omitted in this filing.

Several commentators suggested that bank checks or drafts issued by the seller should be deemed acceptable delivery in lieu of missing coupons, rather than requiring certified or cashier's checks. Similar comments were received on the provisions relating to payment of interest and registered securities traded "flat." The Board is of the view, however, that firms should not be required to accept a check backed only by the financial standing of a dealer with whom they may not be familiar and has accordingly retained the requirement for a certified or cashier's check in the proposed rule changes.

Paragraph (e)(xv) relating to maximum permissible money differences at time of delivery elicited several comments, both as to the amount of permissible differences and whether the calculations of the seller or buyer are to be utilized. The proposed rule changes provide that the seller's calculations are to govern. The Board also concluded, upon consideration of the matter, that the money differences specified in proposed rule G-12 are reasonable.

With respect to section (g) of proposed rule G-12, relating to rejections and reclamations, a number of commentators suggested shortening the time periods provided for reclamation. The proposed rule changes reflect the Board's conclusion that certain of the time periods should be reduced.

Section (h) relating to close-out procedures also elicited a number of comments. The purpose of this section is to promote efficient clearance procedures in the municipal securities industry and to provide definite time limits to a party's exposure with respect to a transaction which has not settled. The section permits close-out of transactions under specified circumstances and pursuant to specified procedures. Comments received on this aspect of proposed rule G-12 represented a rage of views, with some commentators expressing approval of the proposal, others opposition to it, and still others suggesting a need for further study. Two commentators recommended that the Board consider a "mark-to-market" procedure to augment the buy-in provisions of the rule, but the Board believes that this proposal would be impracticable at the present time.

Several comments concerning details of the close-out procedures were received. These suggestions have been incorporated in the proposed rule changes to the extent the Board deemed appropriate. The Board also concluded that it may be appropriate to include in the section on close-out procedures a specific reference to arbitration as an additional means of resolving disputes concerning transactions in municipal securities.

With respect to section (i), relating to the return of good faith deposits, one commentator suggested that the section address the situation in which a syndicate is unsuccessful in bidding for an issue. This suggestion has been incorporated in the proposed rule.

It was recommended that section (j), which requires settlement of syndicate or similar accounts within 60 days, be made applicable to settlement of secondary joint trading accounts and this recommendation has been incorporated in the proposed rule.

A number of other comments were received by the Board on proposed rule G–12 which were of a technical nature or suggested minor modifications of language not affecting the substance of the proposed rule. These drafting suggestions have been incorporated in the proposed rule changes to the extent the Board deemed appropriate.

Certain commentators recommended that the Board adopt the NASD Uniform Practice Code, modified as necessary, as the Board's proposed rule on industry practices. On the other hand, the NASD recommended to the Board adoption of a code of procedures similar to the Uniform Practice Code, but having application to transactions in municipal securities. At an early stage, the NASD submitted to the Board a proposed code for the municipal securities industry, which has been largely incorporated in proposed rule G–12, modified to the extent the Board believed appropriate. The Board has also had the benefit of study of the Standard Practice Manual for Municipal Operations Units published in September 1975 by the Securities Industry Association. The Board has incorporated in proposed rule G–12 many of the ideas set forth in the Manual. Burden on Competition.

The Board is of the opinion that the proposed rule changes will not impose any burden on competition among brokers, dealers or municipal securities dealers inasmuch as the proposed rule changes will apply uniformly to all brokers, dealers and municipal securities dealers who effect transactions in municipal securities. In many respects, the Board expects that the operation of proposed rule G–12 will result in lowered operating costs to the industry generally by promoting efficiencies in the processing, clearance and settlement of transactions in municipal securities.

On or before February 8, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

The Board has consented to an extension of the time periods specified in section 19(b)(2) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 18, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 28, 1976.

Rule G–12. Uniform Practice. (a) *Scope and notice.* (i) All transactions in municipal securities between any broker, dealer or municipal securities dealer and any other broker, dealer or municipal securities dealer shall be subject to the provisions of this rule.

(ii) Failure to deliver securities sold or to pay for securities as delivered, on or after the settlement date, does not effect a cancellation of a transaction which is subject to the provisions of this rule, unless otherwise provided in this rule or agreed upon by the parties.

(iii) Unless otherwise specifically indicated, any notice required by this rule to be given "immediately" may be given by telephone, telegraph or any other means of communication having same day receipt capability and confirmed in writing within one business day.

(b) *Settlement dates.* (i) Definitions. For purposes of this rule, the following terms shall have the following meanings:

(A) Settlement Date. The term "settlement date" shall mean the day used in price and interest computations, which shall also be the day delivery is due unless otherwise agreed by the parties.

(B) Business Day. The term "business day" shall mean a day recognized by the National Association of Securities Dealers, Inc. as a day on which securities transactions may be settled.

(ii) Settlement Dates. Settlement dates shall be as follows:

(A) For "cash" transactions, the trade date;

(B) For "regular way" transactions, the fifth business day following the trade date;

(C) For "when, as and if issued" transactions, a date agreed upon by both parties, which date shall not be earlier than the fifth business day following the date the confirmation indicating the final settlement date is sent, or, with respect to transactions between the manager and members of a syndicate or account formed to purchase securities from an issuer, a date not earlier than the sixth business day following the date the confirmation indicating the final settlement date is sent; provided, however, that if the issuer gives notice of pending delivery within less than six business days before delivery, the settlement date for transactions between the manager and members of the syndicate or account with respect to such issue of securities may be accelerated as determined by the manager, and, in such event, all other "when, as and if issued" transactions with respect to such issue of securities may be similarly accelerated by each seller; and

(D) For all other transactions, a date agreed upon by both parties.

(iii) Notice of Accelerated Delivery. In the event the issuer gives notice of pending delivery of securities within less than six business days before delivery, the manager of a syndicate or account formed to purchase the securities from the issuer shall, immediately upon determination of the accelerated delivery date pursuant to subparagraph (b)(ii)(C) hereof, give notice to the members of the syndicate or account of the settlement date for transactions between the manager and the members.

(c) *Dealer confirmations.* (i) Except as otherwise indicated in this section (c), each party to a transaction shall send a confirmation of the transaction to the other party within two business days following the trade date.

(ii) Confirmations of cash transactions shall be exchanged on the trade date, which may be accomplished by telephone with written confirmations sent within one business day following the trade date.

(iii) For transactions effected on a "when, as and if issued" basis, initial confirmations shall be sent within two business days following the trade date. Confirmations from a syndicate or account manager to the members of the syndicate or account may be in the form of a letter, covering all maturities of the issue, setting forth the information hereafter specified in this section (c). Confirmations indicating the final settlement date shall be sent by the seller at least five business days prior to the settlement date or, with respect to transactions between the manager and members of a syndicate or account formed to purchase securities from an issuer, at least six business days prior to the settlement date; provided, however, that if the settlement date is accelerated pursuant to subparagraph (b)(ii)(C) above, final confirmations shall be sent by each seller immediately upon determination by it of the settlement date.

(iv) Each confirmation shall contain the following information:

(A) Confirming party's name, address and telephone number;

(B) "Contra party" identification;

(C) Designation of purchase from or sale to;

(D) Par value of the securities;

(E) Description of the securities, including at a minimum the name of the issuer, interest rate, maturity date, and if the securities are limited tax, subject to redemption prior to maturity (callable), or revenue bonds, an indication to such effect, including in the case of revenue bonds the type of revenue, if necessary for a materially complete description of the securities, and in the case of any securities, if necessary for a materially complete description of the securities, the name of any company or other person in addition to the issuer obligated, directly or indirectly, with respect to debt service or, if there is more than one such obligor, the statement "multiple obligors" may be shown;

(F) Trade date;

(G) Settlement date;

(H) Yield to maturity [1] and resulting dollar price, except in the case of securities which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown;

(I) Amount of concession, if any, per $1,000 par value unless stated to be an aggregate figure;

(J) Amount of accrued interest;

(K) Extended principal amount;

(L) Total dollar amount of transaction; and

(M) Instructions, if available, regarding receipt or delivery of securities, and form of payment if other than as usual and customary between the parties.

[1] In cases which securities are priced to call, this must be stated; where a transaction is effected on a yield basis, the calculation of dollar price shall be to the lower of price to call or price to maturity.

The initial confirmation for a "when, as and if issued" transaction shall not be required to contain the information specified in subparagraphs (G), (J), (K), and (L) of this paragraph or the resulting dollar price as specified in subparagraph (H).

(v) In addition to the information required by paragraph (iv) above, each confirmation shall contain the following information, if applicable:

(A) Dated date if it affects the price or interest calculation, and first interest payment date, if other than semi-annual;

(B) If the securities are "fully registered" or "registered as to principal only," a designation to such effect;

(C) If the securities are "called" or "prerefunded," a designation to such effect, the date of maturity which has been fixed by the call notice, and the amount of call price;

(D) Denominations of notes and, if other than those specified in paragraph (e)(iv) hereof, denominations of bonds;

(E) Any special instructions or qualifications, or factors affecting payment of principal or interest, such as (A) "ex legal," or (B) if the securities are traded without interest, "flat," or (C) if the securities are in default as to the payment of interest or principal, "in default"; and

(F) Such other information as may be necessary to ensure that the parties agree to the details of the transaction.

(d) *Comparison and verification of confirmations; unrecognized transactions.*

(i) Promptly upon receipt of a confirmation, each party to a transaction shall compare and verify such confirmation to ascertain whether any discrepancies exist. If any discrepancies exist in the information as set forth in the confirmation, the party discovering such discrepancies shall promptly communicate such discrepancies to the contra party and both parties shall promptly attempt to resolve the discrepancies. In the event the parties are able to resolve the discrepancies, the party in error shall promptly send to the contra party a corrected confirmation. Such confirmation shall indicate that it is a correction and the date of the correction.

(ii) In the event a party receives a confirmation for a transaction which it does not recognize, it shall promptly seek to ascertain whether a trade occurred and the terms of the trade. In the event it determines that a trade occurred and the confirmation it received was correct, such party shall immediately notify the contra party by telephone and promptly thereafter send to the contra party a written confirmation of the transaction. In the event the trade cannot be confirmed, the party which does not recognize the trade shall immediately notify the contra party by telephone and promptly thereafter send, return receipt requested, a written notice to the contra party indicating nonrecognition of the transaction and the contra party shall, promptly upon receipt of such notice, vertify its records and, if it agrees with the party sending the notice indicating nonrecognition of the transaction, send, return receipt requested, a notice of cancellation of the transaction.

(iii) In the event a party has sent a confirmation of a transaction but fails to receive a confirmation from the contra party or a notice indicating nonrecognition of the transaction within four business days of the trade date, the confirming party shall promptly seek to ascertain whether a trade occurred. If, after such vertification, such party believes that a trade occurred, it shall immediately notify the contra party by telephone to such effect and send within one business day, return receipt requested, a written notice indicating failure to confirm. Promptly following receipt of telephone notice from the confirming party, the contra party shall seek to ascertain whether a trade occurred and the terms of the trade. In the event the contra party determines that a trade occurred, it shall immediately notify the confirming party by telephone to such effect and promptly thereafter send a written confirmation of the transaction. In the event the trade cannot be confirmed, the contra party shall promptly send, return receipt requested, a written notice indicating nonrecognition to the confirming party.

(iv) In the event any material discrepancies or differences, basic to the transaction, remain unresolved by the close of the business day following receipt of a written notice indicating nonrecognition or by the close of the business day following the date the confirming party gave telephone notice of the transaction to the contra party pursuant to paragraph (iii) above, whichever first occurs, the transaction may be cancelled by the confirming party or, in the event there exists disagreement concerning the terms of the transaction, by either confirming party. Nothing herein contained shall be construed to affect whatever rights the confirming party or parties may otherwise have with respect to a transaction which is cancelled pursuant to this paragraph.

(v) Nothing herein contained shall be construed to prevent the settlement of a transaction prior to completion of the procedures prescribed in this section (d); *provided* That each party to the transaction shall be responsible for sending to the other party, within one business day of such settlement, a confirmation evidencing the terms of the transaction.

(vi) The notices referred to in this section indicating nonrecognition of a transaction or failure to confirm a transaction shall contain sufficient information to identify the confirmation to which the notice relates including, at a minimum, the information set forth in subparagraphs (D) through (G) of paragraph (c)(iv), as well as the confirmation number. In addition, such notice shall identify the firm and person providing such notice and the date thereof. The requirements of this paragraph may be satisfied by providing a copy of the confirmation of an unrecognized transaction, marked "don't know," together with the name of the firm and person providing such notice and the date thereof.

(e) *Delivery of Securities.* The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:

(i) Place and Time of Delivery. Delivery shall be made at the office of the purchaser, or its designated agent, between the hours established by rule or practice in the community in which such office is located.

(ii) Delivery Ticket. A delivery ticket shall accompany the delivery of securities. Such ticket shall contain the information set forth in subparagraphs (A) through (G), (L) and (M) of paragraph (c)(iv) and, to the extent applicable, the information set forth in subparagraphs (A), (B), (D), (E) and (F) of paragraph (c)(v) and shall have attached to it an extra copy of the ticket which may be used to acknowledge receipt of the securities.

(iii) Partial Delivery. The purchaser shall not be required to accept a partial delivery with respect to a single trade.

(iv) Units of Delivery. Delivery of bonds shall be made in the following denominations:

(A) For bearer bonds, in denominations of $1,000 or $5,000 par value; and

(B) For registered bonds, in denominations which are multiples of $1,000 par value, up to $100,000 par value.

Delivery of notes shall be made in the denominations specified on the confirmation as required pursuant to paragraph (c)(v) of this rule.

(v) Bearer and Registered Form. Delivery of securities which are issuable in both bearer and registered form shall be in bearer form.

(vi) Mutilated Certificates. Delivery of a certificate which is damaged to the extent that any of the following is not ascertainable:

(A) Name of issuer;

(B) Par value;

(C) Signature;

(D) Coupon rate;

(E) Maturity date;

(F) Seal of the issuer; or

(G) Bond or note number shall not constitute good delivery unless validated by the trustee, registrar, transfer agent, paying agent or issuer of the securities or by an authorized agent or official of the issuer.

(vii) Coupon Securities.

(A) Coupon securities shall have securely attached to the certificate in the correct sequence all appropriate coupons, including supplemental coupons if specified at the time of trade, which in the case of securities upon which interest is in default shall include all unpaid coupons. All coupons attached to the certificate must have the same serial number as the certificate.

(B) Anything herein to the contrary notwithstanding, if securities are traded "and interest" and the settlement date is on or after the interest payment date, such securities shall be delivered without the coupon payable on such interest payment date.

(C) If delivery of securities is due within 30 calendar days prior to an interest payment date, the seller may deliver to the purchaser a cashier's or certified check, payable on the date delivery is made, in an amount equal to the interest due, in lieu of the coupon.

(viii) Mutilated or Cancelled Coupons. Delivery of a certificate which bears a coupon which is damaged to the extent that any one of the following cannot be ascertain from the coupon:

(A) Title of the issuer;

(B) Bond or note number;

(C) coupon number or payment date; [2] or

(D) the fact that there is a signature; or

which coupon has been cancelled, shall not constitute good delivery unless the coupon is endorsed or guaranteed. In the case of damaged coupons, such endorsement or guarantee must be by the issuer or by a commercial bank. In the case of cancelled coupons, such endorsement or guarantee must be by the issuer or an authorized agent or official of the issuer, or by the trustee or paying agent.

(ix) Delivery of Certificates Called for Redemption. A certificate for which a notice of call has been published prior to the trade date shall not constitute good delivery unless the securities are identified as "called" at the time of trade. If a notice of called is published on or after the trade date, the transaction shall be deemed cancelled.

(x) Delivery Without Legal Opinions or Other Documents. Delivery of certificates

[2] If either the coupon number of the payment date is ascertainable from the coupon, the coupon will not be mutilated.

without legal opinions or other documents legally required to accompany the certificates shall not constitute good delivery unless identified as "ex legal" at the time of trade.

(xi) Insured Securities. Delivery of certificates for securities traded as insured securities traded as insured securities shall be accompanied by evidence of such insurance, either on the face of the certificate or in a document attached to the certificate.

(xii) Endorsements for Banking or Insurance Requirements. A security bearing an endorsement indicating that it was deposited in accordance with legal requirements applicable to banking institutions or insurance companies shall not constitute good delivery unless it bears a release acknowledged before an officer authorized to take such acknowledgments and was designated as a released endorsed security at the time of trade.

(xiii) Delivery of Registered Securities.

(A) Assignments. Delivery of a certificate in registered form must be accompanied by an assignment on the certificate or on a separate bond power for such certificate, containing a signature which corresponds in every particular with the name written upon the certificate, except that the following shall be interchangeable: "and" or "&"; "Company" or "Co."; "Incorporated" or "Inc."; and "Limited" or "Ltd."

(B) Detached Assignment Requirements. A detached assignment shall provide for the irrevocable appointment of an attorney, with power of substitution, a full description of the security, including the name of the issuer, the maturity date and interest rate, the bond or note number, and the par value (expressed in words and numerals).

(C) Power of Substitution. When the name of an individual or firm has been inserted in an assignment as attorney, a power of subetitution shall be executed in blank by such individual or firm. When the name of an individual or firm has been inserted in a power of substitution as a substitute attorney, a new power of subetitution shall be executed in blank by such subetitute attorney.

(D) Guarantee. Each assignment, endorsement, alteration and erasure shall bear a guarantee acceptable to the transfer agent or registrar.

(E) Certificate in Name of a Party Other Than a Natural Person. A certificate registered in the name of a party other than a natural person, or in a name with official designation, shall constitute good delivery only if the statement "Proper papers for transfer filed by assignor" is placed on the assignment and signed by the transfer agent.

(F) Certificate in Name of Deceased Person, Trustee, Etc.

(1) A certificate shall not constitute good delivery if executed with a qualification, restriction or special designation or if delivered in the name of, or with an assignment or power of subetitution executed by a person since deceased; a minor; a receiver in bankruptcy; an agent; an attorney; or, except as provided in subparagraph (2) below, a trustee or trustees (except for trustees acting in the capacity of a board of directors of a corporation or association in which case the requirements of subparagraph (E) above shall apply), a guardian, an executor, or an administrator.

(2) A certificate shall constitute good delivery with an assignment or a power of substitution executed by an individual executor or administrator; an individual trustee under an inter vivos or testamentary trust; a guardian (including committees, conservators and curators); or a custodian acting pursuant to the provisions of the Uniform Gifts to Minors Act.

(G) Payment of Interest. If a registered security is traded "and interest" and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, delivery shall be accompanied by a cashier's or certified check, payable on the date delivery is made, for the amount of the interest.

(H) Registered Securities Traded "Flat". If a registered security is traded "flat" (i.e. is in default in the payment of interest) and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, an interest payment date having been established on or after the trade date, delivery shall be accompanied by a cashier's or certified check, payable on the date delivery is made, for the amount of the payment to be made by the issuer, unless the security is traded "ex-interest."

(xiv) Expenses of Shipment. Expenses of shipment of securities, including insurance, postage, draft, and collection charges, shall be paid by the seller.

(xv) Money Differences. The following money differences shall not be sufficient to cause rejection of delivery:

Par value	Maximum differences per transaction
$1,000 to $24,999	$10
$25,000 to $99,999	25
$100,000 to $249,999	60
$250,000 to $999,999	250
$1,000,000 and over	500

The calculations of the seller shall be utilized in determining the maximum permissible differences and amount of payment to be made upon delivery. Any such money differences must be reconciled by the parties within ten business days following settlement.

(f) *Payment.* (i) Calculation of Interest. Unless otherwise agreed by the parties, in the settlement of transactions in interest-paying securities there shall be added to the dollar price interest at the rate specified in the security, which shall be computed up to but not including the settlement date.

(ii) Calculation of Price. Calculations to determine the price and yield to maturity of municipal securities shall be made in accordance with applicable rules of the Board, if any.

(g) *Rejections and Reclamations.* (i) Definitions. For purposes of this section, the terms "rejection" and "reclamation" shall have the following meanings:

(A) "Rejection" shall mean refusal to accept securities which have been presented for delivery.

(B) "Reclamation" shall mean return by the receiving party of securities previously accepted for delivery or a demand by the delivering party for return of securities which have been delivered.

(ii) Basis for Rejection. Securities presented for delivery may be rejected if the contra party fails to make a good delivery.

(iii) Basis for Reclamation and Time Limits. A reclamation may be made by either the receiving party or the delivering party if, subsequent to delivery, information is discovered which, if known at the time of the delivery, would have caused the delivery not to constitute good delivery, provided such reclamation is made within the following time limits:

(A) Reclamation by reason of the following shall be made within 18 months following the date of delivery:

(1) Irregularity in delivery, including, but not limited to, delivery of the wrong issue (i.e., issuer, coupon rate or maturity date), duplicate delivery, delivery to the wrong party or location, or over delivery; or

(2) Refusal to transfer or deregister by the transfer agent.

(B) Reclamation by reason of the following shall be made within one business day following the date of delivery:

(1) Not good delivery because a coupon, or an interest check in lieu thereof, required by this rule to accompany delivery was missing; or

(2) Not good delivery because a certificate or coupon was mutilated in a manner inconsistent with the provisions of paragraphs (e) (vi) or (viii) hereof.

(C) Reclamation because an interest check accompanying delivery was not honored shall be made within three business days following the date of delivery.

(D) Reclamation by reason of the following may be made without any time limitation:

(1) The security delivered is reported missing, stolen, fraudulent or counterfeit or

(2) Not good delivery because notice of call for the certificate was published prior to the trade date and this was not specified at the time of trade.

The running of any of the time periods specified in this paragraph shall not be deemed to foreclose a party's right to pursue its claim via other means, including arbitration.

(iv) Procedure for Rejection or Reclamation. If a party elects to reject or reclaim securities, rejection or reclamation shall be effected by sending a written notice which contains sufficient information to identify the delivery to which the notice relates, including a copy of the original delivery ticket or other proof of delivery and to the extent not set forth on such document, the following:

(A) The name of the party delivering the securities;

(B) The name of the party receiving the securities;

(C) A description of the securities;

(D) The date the securities were delivered;

(E) The date of rejection or reclamation;

(F) The par value of the securities which are being rejected or reclaimed;

(G) In the case of a reclamation, the amount of money the securities are reclaimed for;

(H) The reason for rejection or reclamation; and

(I) The name and telephone number of the person to contact concerning the rejection or reclamation.

(v) Acceptance or Delivery of Securities. Upon rejection or reclamation properly made pursuant to this rule, the securities rejected or reclaimed shall be accepted or delivered as required by the notice of rejection or reclamation and the exchange of correct monies or securities shall be made.

(vi) Effect of Rejection or Reclamation. Rejection or reclamation of securities shall not constitute a cancellation of the transaction.

(h) Close-Out. Transactions which have been confirmed or otherwise agreed upon by both parties but which have not been completed may be closed out in accordance with this section, or as otherwise agreed by the parties.

(i) Close-Out by Purchaser. With respect to a transaction which has not been completed by the seller according to its terms and the requirements of this rule, the purchaser may close out the transaction in accordance with the following procedures:

(A) Notice of Close-Out. If the purchaser elects to close out a transaction in accordance with this paragraph (i), the purchaser shall, not earlier than the fifth business day following the settlement date, notify the seller by telephone of the purchaser's intention to close out the transaction and immediately thereafter send, return receipt requested, a written notice of close-out to the seller. Such notice shall be accompanied by a copy of the seller's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the fifth business day following the date the telephonic notice is given, or as provided in subparagraph (C) below, the transaction may be closed out in accordance with this section.

(B) Response. The seller shall respond to the notice of close-out in writing, or by telephone call promptly confirmed in writing, return receipt requested, within one business day following the date the telephonic notice required by subparagraph (A) is given, stating the seller's reasons for failing to complete the transaction. The seller may retransmit the notice of close-out to another party from whom the securities are due, *Provided* That the retransmitted notice must be received by such other party not later than one business day preceding the specified date for close-out. Any party receiving a retransmitted notice of closeout shall respond to the party retransmitting the notice within the time periods and according to the procedures provided herein for the seller's response.

(C) Time Periods. If by the close of the fifth business day following the date the close-out notice was given, the purchaser has received no response or has received a response which fails to provide an adequate explanation, as described below, for the seller's failure to complete the transaction, the purchaser may close out the transaction in accordance with the terms of the close-out notice. If the purchaser has received an adequate explanation of the seller's failure to complete the transaction, the purchaser may not close out the transaction before the close of the fifteenth business day following the date the close-out notice was given. For purposes of this subparagraph, a seller shall be deemed to have provided an adequate explanation for its failure to complete the transaction if it is taking steps necessary to effect good delivery of the securities and so states or if it has an offsetting fail to receive outstanding of the same security and so states.

(D) Purchaser's options. To close out a transaction as provided herein the purchaser may, at its option:

(1) Purchase ("buy-in") at the current market all or any part of the securities necessary to complete the transaction, for the account and liability of the seller;

(2) Cancel the transaction as to all or any part of the securities necessary to complete the transaction;

(3) Accept from the seller in satisfaction of the seller's obligation under the original contract (which shall be concurrently cancelled) the delivery of municipal securities which are comparable to those originally bought in quantity, quality, yield or price, and maturity, with any additional expenses or any additional cost of acquiring such substituted securities being borne by the seller; or

(4) Require the seller to repurchase the securities on terms which provide that the seller pay an amount equal to accrued interest and bear the burden of any change in market price or yield.

A close-out will operate to close out all transactions covered under retransmitted notices. A buy-in may be executed from a long position in customers' accounts maintained with the party executing the buy-in or, with the agreement of the seller, from the purchaser's contra party. In all cases, the purchaser must be prepared to defend the price at which the close-out is executed relative to market conditions at the time of the execution.

(E) Close-out not completed. A close-out procedure instituted pursuant to this rule (including any action by the purchaser pursuant to subparagraph (D) of this paragraph) must be completed not later than the thirtieth business day following the settlement date. If a close-out pursuant to a notice of close-out is not completed in accordance with the terms of the notice and the provisions of this rule, the notice shall expire and no further close-out notices for the same transaction may be issued.

(F) "Cash" transactions. The purchaser may close out transactions made for "cash" or made for or amended to include guaranteed delivery during normal trading hours on the business day following the day delivery is due, *Provided*, That the purchaser shall give the seller at least one business day's notice of the close-out by telephone or telegraph, immediately confirmed in writing.

(ii) Close-out by seller. If a seller makes good delivery according to the terms of the transaction and the requirements of this rule and the purchaser rejects delivery, the seller may close out the transaction in accordance with the following procedures:

(A) Notice of close-out. If the seller elects to close out a transaction in accordance with this paragraph (ii), the seller shall, not earlier than one business day following the date of delivery, notify the purchaser by telephone of the seller's intention to close out the transaction and immediately thereafter send, return receipt requested, a written notice of close-out to the purchaser. Such notice shall be accompanied by a copy of the purchaser's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the third business day following the date the telephonic notice is given, the transaction may be closed out in accordance with this section.

(B) Execution of close-out. Not earlier than the close of the third business day following the date telephonic notice of close-out is given to the purchaser, the seller may sell out the transaction at the current market for the account and liability of the purchaser.

(iii) Notice of executed close-out. The party executing a close-out shall, immediately upon execution, notify via hand delivery or other written media having same-day receipt capabilities, the party for whose account and liability the transaction was closed-out, stating the means of closing out utilized and forwarding a copy of the confirmation of the executed transaction, if any.

(iv) Close-out under special rulings. Nothing herein contained shall be construed to prevent brokers, dealers or municipal securities dealers from closing out transactions as directed by a ruling of a national securities exchange, a registered securities association or an appropriate regulatory agency issued in connection with the liquidation of a broker, dealer or municipal securities dealer.

(v) Procedures optional. Nothing herein contained shall be construed to require the parties to follow the close-out procedures herein specified if they otherwise agree.

(j) Good faith deposits. Good faith deposits shall be returned by the manager of a syndicate or similar account formed for the purchase of securities from an issuer, to the members of the syndicate or account within two business days following the date of settlement with the issuer, or, in the event the syndicate or account is not successful in purchasing the issue, within two business days following the return of the deposit from the issuer.

(j) Settlement of syndicate or similar account. Final settlement of a syndicate or similar account formed for the purchase of securities shall be made within 60 days following the date all securities have been delivered by the syndicate or account manager to the syndicate or account members.

(k) Effective date. The requirements of this rule shall become effective on _____ (60 days following the date of approval of the rule by the Securities and Exchange Commission).

[FR Doc.77-357 Filed 1-4-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/14]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Notice of Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on February 2, 1977, at the Department of State in Conference Room 1107 from 9:30 A.M. to 12:30 P.M. The purpose of this open meeting will be to discuss the following topics:

a. the new U.S. copyright law and its international implications

b. the Protocol to the Florence Agreement

c. the UNESCO/WIPO double taxation meeting

d. the UNESCO/WIPO/ILO meetings on video-cassettes and audio-visual discs, and cable transmission

e. U.S.-U.S.S.R. copyright relations

The public attending may, as time permits and subject to the instruction of the Chairman, participate in the discussions or may submit written views to the Chairman prior to or at the meeting for later consideration by the Committee.

Members of the general public who plan to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to February 1, 1977, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Steven R. Pruett, Office of Business Practices, Department of State; the telephone number is area code 202, 632-0307. All non-Government attendees

at the meeting should use the C Street entrance to the building.

December 28, 1975.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc 77-312 Filed 1-4-77;8:45 am]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on standards of training and watchkeeping of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, January 26, 1977, in Room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to

develop the U.S. position for the "general remarks" paper which was disseminated at the 9th Session of the Subcommittee on Standards of Training and Watchkeeping of the Intergovernmental Maritime Consultative Organization (IMCO), which was held in London December 13-17, 1977

review the report (if available) of the 9th Session of the Subcommittee on Standards of Training and Watchkeeping

The Secretariat has requested that comments on the "general remarks" paper should be received in IMCO on or before March 1, 1977.

Requests for further information on the meeting should be directed to Captain N. G. Emory, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2251.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 22, 1976.

[FR Doc.77-312 Filed 1-4-77;8:45 am]

[Public Notice CM-7/15]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meetings

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold two open meetings on Wednesday, January 26 and Thursday, January 27, 1977. The January 26 meeting will commence at 10:00 a.m. in room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. The January 27 meeting will commence at 9:30 a.m. in Room 8236 of the Department of Transportation.

The January 26 meeting will be the first meeting of a panel on bulk cargoes of the working group. The purpose of the meeting will be to organize the work, and to consider matters for the 18th Session of the Subcommittee on Containers and Cargoes of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London, July 11-15, 1977. The particular item for discussion will be questions relating to the carriage of ore concentrate cargoes in bulk.

The purpose of the January 27 meeting will be to consider items of the agenda for the 20th Session of the Subcommittee on Subdivision, Stability and Load Lines of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London, February 7-11, 1977. The items for discussion will be based on any documents received from IMCO which originated in other countries. In addition, the working group will consider the outcome of work from the first meeting of the panel on bulk cargoes to be conducted January 26, 1977.

Requests for further information on the meetings should be directed to Mr. Edward H. Middleton, United States Coast Guard (tel: 202/426-2170) or Mr. Ralph Johnson, United States Coast Guard (tel: 202/426-2187).

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman.
Shipping Coordinating Committee.

DECEMBER 28, 1976.

[FR Doc.77-314 Filed 1-4-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

[CGD 76-231]

Coast Guard

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Notic of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Chemical Vessels to be held January 12, 1977, 9 a.m., Room 8334, NASSIF Building, 400 7th Street, SW, Washington, D.C. 20590. The agenda for this meeting is as follows: (1) To begin revision of the rules for bulk hazardous chemicals shipped in barges, 46 CFR Part 151. (2) To draft recommendations for the Coast Guard in developing a position paper on bulk hazardous chemical charges for presentation to the Inter-Governmental Maritime Consultative Organization's Subcommittee on Bulk Chemicals.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Capt. C. E. Mathieu, Commandant (G-MHM), U.S. Coast Guard, Washington, D.C. 20590, 202-426-2296. Any member of the public may present a written statement to the Committee at any time. Special notice: The lateness of this notice is due to administrative oversight.

Issued in Washington, D.C. on December 16, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.77-584 Filed 1-4-77;11:51 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Administrative Ruling 76-6]

ANTIRECESSION FISCAL ASSISTANCE

Change in Procedure

Section 52.23(c) of the interim regulations (31 CFR 52.23(c); 41 FR 44842) promulgated pursuant to Title II of the Public Works Employment Act of 1976 (Pub. L. 94-369), provides that a recipient government may file a request with the Office of Revenue Sharing for verification of the data used to make payments under the Act on the grounds that a processing error, such as typographical or computer programming mistake, was made in such data. The section provides that requests for data verification may be filed with the Director of the Office of Revenue Sharing within 21 days from the date of payment to a recipient government for the calendar quarter to which the data is applicable.

When the interim regulations were filed on October 8, 1976, it was the intention of the Office of Revenue Sharing to provide the data used to compute the allocations to recipient governments at the same time that payments were made. Due to technical operational considerations, however, data will not be provided to recipient governments at that time.

Accordingly, requests for verification of the data for antirecession fiscal assistance payments will be considered timely pursuant to § 52.23(c) of the interim regulations if received by the Director of the Office of Revenue Sharing within 21 days from the date that such data will be mailed to the recipient government by the Office of Revenue Sharing. The permanent antirecession fiscal assistance regulations will reflect this change in procedure.

Dated: December 30, 1976.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

Filed for public inspection immediately upon receipt.

[FR Doc.77-466 Filed 1-3-77;2:23 pm]

TAX REFORM ACT OF 1976

Guidelines

The Acting Secretary of the Treasury issued today additional guidelines relating to certain provisions of the Tax Reform Act of 1976 which deny certain tax benefits for participation in or cooperation with international boycotts. An earlier set of guidelines, consisting of questions and answers, was issued on November 4, 1976 (Treasury News Release WS-1156) and was published in the FEDERAL REGISTER of November 1, 1976 (41 FR 49923). These guidelines relate only to parts A through G of the earlier guideline and add a new part N, relating to the computation of the foreign tax credit. These guidelines do not deal with those provisions of the Tax Reform Act of 1976 which define what constitutes participation in or cooperation with an international boycott. Some of the guidelines issued today are new while others are revisions of earlier questions and answers. The same numbering system is used, and the same introductory material is applicable.

A. BOYCOTT REPORTS

A-1. Q: Who must report as required by section 999(a)?

A. Generally, any United States person (within the meaning of section 7701(a)(30)), or any other person (within the meaning of section 7701(a)(1)) that either claims the benefit of the foreign tax credit under section 901, or owns stock of a DISC, is required to report under section 999(a) if it—

1. has operations; or

2. is a member of a controlled group, a member of which has operations; or

3. is a United States shareholder (within the meaning of section 951(b)) of a foreign corporation that has operations: or

4. is a partner in a partnership that has operations; or

5. is treated under section 671 as the owner of a trust that has operations

in or related to a boycotting country (or with the government, a company, or a national of a boycotting country). Additionally, if a person controls a corporation (within the meaning of section 304(c)) and either that person or the controlled corporation is required to report under section 999(a), then under section 999(e) that person must report whether the corporation had reportable operations and whether the corporation participated in or cooperated with the boycott. The controlled corporation must make the same reports with respect to the operations of the person controlling it.

A boycotting country is

(i) any country that is on the list maintained by the Secretary under section 999(a)(3), or

(ii) any country not on the list maintained by the Secretary under section 999(a)(3), in which the person required to file the report (or a member of the controlled group which includes that person) has operations, and which that person knows or has reason to know requires any person to participate in or cooperate with an international boycott that is not excepted by section 999(b)(4)(A), (B), or (C). Thus, even if the boycott participation required of the person reporting the operation is excepted by section 999(b)(4)(A), (B), or (C), if that person knows or has reason to know that boycott participation not excepted by section 999b(4)(A), (B), or (C) is required of any other person, the country is a boycotting country.

If the person required to file the report (or a member of the controlled group which includes that person) has operations related to a country, but not operations in that country, that country is not a boycotting country unless it is on the list maintained by the Secretary under section 999(a)(3). (For the definition of operations in or related to a country, see the questions and answers under part B.)

A-11. Q: If Company A sells goods or services to Company B (or does other business with Company B) and Company B and Company A are unrelated, and Company A knows or has reason to know that Company B in turn will sell these goods or services for use in a boycotting country, and further, Company B participates in or cooperates with such boycott, is Company A required to report with respect to such operations?

A: Although such operations are related to a boycotting country (see the answer to Question B-1), the reporting requirements are waived for Company A, provided that Company A does not receive a request to participate in or cooperate with an international boycott under section 999(a)(2), Company A does not participate in or cooperate with an international boycott under section 999(b)(3), and Company A's relationship with Company B is not established to facilitate participation in or cooperation with an international boycott.

A-13. Q: In the case of a controlled group, what period of time is the international boycott report to cover, and when is the "International Boycott Report Form," Form 5713, to be filed?

A: For purposes of reporting, all persons described in the answer to Question A-1 are to report all reportable operations by all members of the controlled group (or by any foreign corporation with a United States shareholder who is a member of the controlled group) for the taxable years of such members which end with or within the taxable year of the controlled group's common parent. The international boycott factor is computed on the basis of the operations of all members of the controlled group for the taxable years of such members which end with or within the taxable year of the controlled group's common parent. In the event no common parent exists, the members of the controlled group are to elect the tax year of one of the members to serve as the common tax year for the group. It is contemplated that procedures for making an election will be specified in the instructions of the "International Boycott Report Form," Form 5713. The taxable year election is a binding election to be made once, with subsequent elections for alternative tax years granted only with the approval of the Secretary of the Treasury or his delegate.

Individual members of the controlled group will continue to use their normal tax years for all other purposes, including adjustments required under sections 908, 952(a), and 995(b)(1). When the international boycott factor is used, the controlled group boycott factor, for that year, will be applied to the normal tax year of each taxpayer for determining adjustments under sections 908, 952(a) and 995(b)(1).

The income tax year of a taxpayer may differ from the reporting period covered by the "International Boycott Report Form." Therefore, the Form 5713 which is attached to, and filed with, the income tax return of the taxpayer will be the Form 5713 for the reporting year ending with or within the tax year of the taxpayer.

A-14. Q: Is a United States subsidiary of a foreign corporation or a United States sister corporation of a foreign corporation required under section 999 to report the operations of the foreign parent or sister corporation?

A: Generally, under section 999 a United States person must report the operations of all members of the controlled group of which it is a member. However, if the foreign parent or sister corporation is not otherwise required to report, the requirement that the United States subsidiary or sister corporation report the operations of the foreign parent or sister corporation will be waived for any United States subsidiary or sister corporation which—

1. is entitled to no benefits of deferral, DISC, or the foreign tax credit, or

2. applies the international boycott factor, and forfeits all the benefits of deferral, DISC and the foreign tax credit to which it is entitled (i.e., applies an international boycott factor of one under sections 908(a), 952(a)(3), and 995(b)(1)), or

3. identifies specifically attributable taxes and income, and forfeits all the benefits of deferral, DISC, and the foreign tax credit in respect of which it is unable to demonstrate that the foreign taxes paid and the income earned are attributable to specific operations in which there was no participation in or cooperation with an international boycott.

A-15. Q: Company A receives from Country X an unsolicited invitation to tender for a contract for the construction of an industrial plant in Country X. The tender documents contain a provision stating that Country X will not enter into the contract unless the successful tenderer agrees that it will do no business in connection with the project with any blacklisted United States company. Company A does not respond to the unsolicited invitation. Is Company A required to report the invitation under section 999(a)(2) as a request to participate in or cooperate with an international boycott?

A: No. The section 999(a)(2) reporting requirement will be waived provided that Company A neither solicited the invitation to tender nor responded to the invitation.

A-16. Q: Company A receives requests to comply with boycotts prior to the

issuance of Form 5713. Company A preserves the requests which were evidenced in writing and preserves the notations it makes concerning the details of oral requests. When Form 5713 is issued, it requires more details concerning the requests made of Company A than were preserved, and many of those details can no longer be ascertained. Will Company A's report under section 999(a)(2) be deemed deficient?

A: On October 4, 1976, Company A was put on notice that it would be required to document boycott requests received after November 3, 1977. Form 5713 will not require any details that would not have been preserved by a prudent person having such notice. In addition, under the answer to Question A–15, the reporting requirements of section 999(a)(2) have been waived for certain unsolicited boycott requests. Therefore, if Company A does not supply the required information with respect to the remaining requests that were either solicited or responded to, its report will be deficient.

A–17. Q: A United States partnership consisting of 100 United States partners has operations in a boycotting country. Is each partner required to file Form 5713?

A: Generally, if a partnership has operations in a boycotting country, each partner is required to file Form 5713. However, if the partnership files Form 5713 with its information return and has no operations for the taxable year that constitute participation in or cooperation with an international boycott, then the requirement that each partner file Form 5713 will be waived for each partner that satisfies the following conditions:

1. The partner has no operations in or related to a boycotting country, or with the government, a company, or a national of a boycotting country other than operations that are reported on the Form 5713 filed by the partnership; and

2. The partner attaches to his individual return a certificate signed by a person authorized to sign the partnership return certifying that the partnership filed the Form 5713 and that the partnership has no operations that constituted participation in or cooperation with an international boycott.

A–18. Q: Company A owns 10 percent or more of the outstanding stock of Company C, a foreign corporation that has operations in Country X, but Company A does not have effective control over Company C. Company C participates in or cooperates with an international boycott. Company A requests information from Company C in order to meet its reporting obligations under section 999(a). Company C refuses to provide (or is prohibited by local law, regulation, or practice from providing) that information. Will Company A be subject to the section 999(f) penalties for willful failure to report the activities of Company C?

A: Company A must report on the basis of that information that is reasonably available to it. For example, in most cases Company A will be aware that Company C has operations in Country X, even though Company A is not aware of the operational details. Company A must report on Form 5713 that Company C has operations in Country X. Company A should also describe in a statement attached to Form 5713 the good faith efforts that it has made to obtain all the information required under section 999(a). Although each case must be resolved on the basis of the particular facts and circumstances, Company A will not be subject to the section 999(f) penalties for willful failure to provide information if it can demonstrate that it made good faith efforts to obtain the information but was denied the information by Company C. The answer to this question would be the same if Company C were a domestic corporation.

A–19. Q: The facts are the same as in A–18 above except that Company A owns less than 50 percent of the stock of Company C. What are the tax sanctions to which Company A will be subject?

A: Since Company C is neither a DISC nor a controlled foreign corporation, the sanctions of section 952(a)(3) and 995(b)(1) are not relevant. However, Company A will be subject to the sanctions of section 908(a). Thus, if Company A applies an international boycott factor, that factor is applied to Company A's foreign tax credit in accordance with the answers to Questions F–5, N–1 and N–2. If Company A identifies specifically attributable taxes and income under section 999(c)(2), Company A will lose its section 902 indirect foreign tax credit for the taxes paid by Company C which Company A cannot demonstrate are attributable to specific operations in which there was no boycott participation or cooperation. (To determine whether Company A will lose its section 901 direct foreign credit for income tax withheld by Country X on dividends paid by Company C to Company A, see the answer to Question N–3.)

A–20. Q: Individual G is a national of Country X, which is on the list maintained by the Secretary. G engages in an operation with Company A. For example, if Company A were a bank, the operation might involve a deposit by G, or, if Company A were an automobile dealer, the operation might involve the purchase of a car, or, if Company A were a stockbroker, the operation might involve the purchase or sale of a security, or if Company A were a hotel, the operation might involve the letting of a room. Irrespective of the specific nature of the operation, the agreement under which the operation is consummated is the same agreement which Company A requires of all other customers. Company A is aware of G's nationality, but participation in or cooperation with an international boycott is neither contemplated nor required as a condition of G's willingness to enter into the operation with Company A. Under section 999, what are the reporting obligations of Company A with respect to these operations?

A: Company A is not obligated to report these operations with G under section 999(a). In many business operations, there will be incidental contacts between the nationals or business enterprises of boycotting countries and U.S. persons or businesses in which they have an interest. Such contacts need not be reported under section 999 provided that they satisfy the following criteria:

1. The nationality of the individual or enterprise is merely incidental to the operations,

2. the location of an operation contemplated by the parties is outside any boycotting country,

3. any goods or services to be furnished or obtained in the operation are not produced in a boycotting country and are not intended to be used, consumed, disposed of or performed in a boycotting country,

4. the operation does not contemplate any agreement which would constitute participation in or cooperation with an international boycott,

5. no request for such an agreement is actually made or received by any party to the operation, and

6. there is no such agreement in connection with the operation.

The types of operations described above satisfy these criteria and accordingly need not be reported under section 999. The answer to the question would be the same if Company A were an individual, or if G were a corporation.

B. Definition of "Operations"

B–2. Q: Individual G is a U.S. citizen living in Country X. G is retired. G receives social security payments and a pension, but has no business activities. Does G have "operations" in, or related to, Country X?

A: No. G is not engaged in any business or commercial activities.

B–3. Q: Individual H is a U.S. citizen living in Country X and working there as an employee. H earns a salary and has passive investment income, but has no business income. Does H have "operations" in, or related to, Country X?

A: No. The performance of personal services as an employee does not constitute an "operation."

E. Effective Date Provisions

E–9. Q: Company A entered into a binding contract prior to September 2, 1976 to manufacture and deliver equipment to a customer located in Country X. The contract requires Company A to use no components which are manufactured by blacklisted United States companies. The contract also requires that the vessel on which the equipment is shipped not be blacklisted. On January 15, 1977, Company A is able to have the contract amended to eliminate the requirement regarding components, but is unable to secure any change regarding vessels. Will the amendment regarding components remove the binding contract protection otherwise afforded until December 31, 1977 that Company A has regarding vessels?

A: No. Since Company A could have waited to abrogate or renegotiate its contract until the end of 1977 and since it is in accord with the legislative purpose for Company A to accelerate elimination of the provision regarding components, it will remain protected until December 31, 1977 from the consequences of its continuing to refrain from shipping the goods on blacklisted vessels.

E–10. Q: If before December 31, 1977 a person carries out several different operations in boycotting countries and the only operation of that person that constitutes participation in or cooperation with an international boycott is carried out in accordance with the terms of a binding contract entered into before September 2, 1976, will the existence of that one boycotting operation trigger the section 999(b)(1) presumption that the other operations of that person in boycotting countries are also operations in connection with which boycott participation or cooperation occurred?

A: No. Operations carried out before December 31, 1977, in accordance with the terms of a binding contract entered into before September 2, 1976, will not trigger the section 999(b)(1) presumption.

E–11. Q: Are operations of a person that constitute participation in or cooperation with an international boycott reflected in the numerator of the person's international boycott factor before December 31, 1977 if those operations are carried out in accordance with the terms of a binding contract entered into before September 2, 1976?

A: No. Boycotting operations carried out before December 31, 1977 in accordance with the terms of a binding contract entered into before September 2, 1976 are not reflected in the numerator of the international boycott factor. They are reflected in the denominator, however.

F. International Boycott Factor and Specifically Attributable Taxes and Income

F–5. Q: In the case of a controlled group (within the meaning of section 993(a)(3)), may one member use the international boycott factor under section 999(c)(1) and another member identify specifically attributable taxes and income under section 999(c)(2)?

A: Yes. Each member may independently choose either to apply the international boycott factor under section 999(c)(1) or to identify specifically attributable taxes and income under section 999(c)(2). The method chosen by each member for determining the loss of tax benefits must be applied consistently to determine all loss of tax benefits of that member. For example, if a member chooses to use the international boycott factor, then it must apply the international boycott factor to determine its loss of the section 902 indirect foreign tax credit in respect of a dividend paid to it by another member of the controlled group, even if that other member determines its loss of tax benefits by identifying specifically attributable taxes and income. In addition, if an affiliated group of corporations files a consolidated return, then the affiliated group must determine its loss of tax benefits either by applying the international boycott factor to the consolidated return, or by having each member determine its loss of tax benefits by identifying specifically attributable taxes and income.

F–6. Q: If Company A chooses to determine its loss of tax benefits by applying the specifically attributable taxes and income method set forth in section 999(c)(2), may it demonstrate the amount of foreign taxes paid and income earned attributable to the specific operations by applying an overall effective rate of foreign taxes and an overall profit margin to each operation?

A: No. Company A must clearly demonstrate foreign taxes paid and income earned attributable to specific operations by performing an in-depth analysis of the profit and loss data of each separate and identifiable operation.

F–7. Q: A United States partnership has operations in a boycotting country. Is the international boycott factor computed at the partnership level?

A: No. The international boycott factor is computed separately by each partner based on information submitted by the partnership and on other activities of that partner. Of course, if the partner can meet the conditions of section 999(c)(2) of the Code, he need not use the international boycott factor.

F–8. Q: Company A desires to determine its loss of tax benefits by applying the specifically attributable taxes and income methods set forth in section 999(c)(2). However, Company A is able to identify specifically attributable taxes and income only with respect to a portion of its operations. Because Company A is unable to determine specifically attributable taxes and income with respect to all its operations, will Company A be required to determine its loss of tax benefits by applying the international boycott factor?

A: No. Company A may compute its loss of tax benefits by applying the specifically attributable taxes and income method if, in addition to the tax benefits that Company A determines are to be lost with respect to the portion of its operations for which it can determine specifically attributable taxes and income, Company A forfeits all the benefits of deferral, DISC, and the foreign tax credit with respect to the remaining portion of its operations for which it cannot identify specifically attributable taxes and income.

N. Reduction of Foreign Tax Credit

N–1. Q: How is the reduction of the foreign tax credit for participation in or cooperation with an international boycott computed under section 908?

A: The method of computation of the reduction of the foreign tax credit under section 908 differs depending on whether the person applying section 908 applies the international boycott factor or identifies specifically attributable taxes and income under section 999(c)(2).

If the person chooses to identify specifically attributable taxes and income, the person reduces the amount of foreign taxes paid before the determination of the section 904 limitation, by the sum of the foreign taxes paid that the person has not clearly demonstrated are attributable to specific operations in which there has been no participation in or cooperation with an international boycott.

If the person applies the international boycott factor, the reduction of the foreign tax credit under section 908 is computed by first determining the foreign tax credit that would be allowed under section 901 for the taxable year if section 908 had not been enacted. The amount of credit allowed under 901 would, of course, reflect the credits allowable under sections 902 and 960, and would also reflect the limitations of both sections 904 and 907. The credit allowed under section 901 would then be reduced by the product of the section 901 credit (before the application of the section 908 reduction) multiplied by the international boycott factor.

N–2. Q: After the reduction of credit has been determined in accordance with the process described in the answer to Question N–1, the taxes denied creditability may be deductible. If the taxes are deducted, is a new section 904 limitation, a new section 901 amount and a new section 908 reduction of credit computed based on the income reduced by the taxes deducted?

A: No. The process described in the answer to Question N–1 is applied only once and the reduction of credit is determined as a result of that single application. If the taxes denied creditability are deducted, no further adjustment is made under section 904, 901 or 908 as a result of the deduction.

N–3. Q: Company A owns 20 percent of the stock of Company C, a corporation organized under the laws of Country X. Company C participates in an international boycott in connection with all its operations. Company C pays a dividend to Company A and Country X withholds income tax on the dividend paid to Company A. Company A computes its loss of tax benefits by identifying specifically attributable taxes and income under section 999(c)(2). Will Company A be denied its section 901 direct foreign tax credit in respect of the income tax withheld by Country X on the dividend paid by Company C?

A: If Company A can demonstrate that its investment in Company C is a clearly separate and identifiable operation in which Company A did not participate in or cooperate with an international boycott, Company A will not be denied its section 901 direct foreign tax credit in respect of the withholding tax on the dividend paid by Company C. On the other hand, even if Company C does not participate in an international boycott, if Company A agreed to participate in or cooperate with an international boycott in connection with its investment in Company C, Company A will lose its foreign tax credit in respect of the withholding tax on the dividend. Thus, whether Company C participates in an international boycott is not relevant to

the determination of Company A's loss of foreign tax credit under the facts of this question. (To determine the denial of the section 902 indirect foreign tax credit for foreign income taxes paid by Company C, see the answer to Question A–19.)

Dated: December 30, 1976.

GEORGE H. DIXON,
Acting Secretary.

[FR Doc.77–352 Filed 1–4–77;8:45 am]

[Supplement to Department Circular; Public Debt Series No. 34–76]

TREASURY NOTES OF SERIES D–1982

Interest Rate

DECEMBER 29, 1976.

The Secretary of the Treasury announced on December 28, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 34–76, dated December 17, 1976, will be 6⅛ percent per annum. Accordingly, the notes are hereby redesignated 6⅛ percent Treasury Notes of Series D–1982. Interest on the notes will be payable at the rate of 6⅛ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77–322 Filed 1–4–77;8:45 am]

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

ADVISORY COMMITTEE

Renewal

Notice is hereby given in accordance with paragraph 7(a) of Office of Management and Budget Circular No. A–63 (Rev'd, March 27, 1974), as amended by Transmittal Memorandum No. 1 (July 19, 1974), that the General Advisory Committee has been renewed effective January 5, 1977.

Dated: December 30, 1976.

FRED C. IKLE,
Director, U.S. Arms Control and Disarmament Agency.

[FR Doc.77–377 Filed 1–4–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 227]

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1976.

Cases assigned for hearing, postponement, cancellation of oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–C–8917, Dignan Trucking, Inc., et al. V. Southern Maryland Transportation Company, Inc., now assigned January 25, 1977, at Washington, D.C. is postponed to January 27, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C. MC 107487 (Sub-No. 6), Columbia Freight Lines, Inc., now assigned February 1, 1977, at Indianapolis, Ind., is canceled and application dismissed.

MC 114737 Sub 7, O & A Tex-Pack Express, Inc., now being assigned March 22, 1977 (9 Days), at El Paso, Texas, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–382 Filed 1–4–77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 30, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before January 21, 1977.

FSA No. 43291—*Joint Water-Rail Container Rates—Black Sea Shipping Company.* Filed by Black Sea Shipping Company, (No. 102), for itself and interested rail carriers. Rates on general commodities, between rail and water carrier terminals on the U.S. Pacific Coast Seaboard, on the one hand, and, on the other, ports and terminals in Europe.

Grounds for relief—Water competition.

FSA No. 43292—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 9), for itself and interested rail carriers. Rates on general commodities, from rail carrier terminals on the U.S. Gulf Seaboard, to ports in the United Kingdom and Continental Europe.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., tariff No. 1, I.C.C. No. 7. Rates are published to become effective on January 26, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–379 Filed 1–4–77;8:45 am]

[Notice No. 99]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 5, 1977.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 25, 1977. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76152. By order entered December 21, 1976 the Motor Carrier Board approved the transfer to Trecho Transport, Inc., York, N.Y., of the operating rights set forth in Certificate No. MC 138217 (Sub-No. 2), issued November 21, 1975, to Betaways Cargo Carriers, Inc., Buffalo, N.Y., authorizing the transportation of frozen foods, in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Erie, Mercer, Blair, Allegheny, Westmoreland, and Cambria Counties, Pa. S. Michael Richards, 44 North Ave., Webster, N.Y. 14580, practitioner for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–383 Filed 1–4–77;8:45 am]

[Notice No. 173]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

DECEMBER 28, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub-No. 388TA), filed December 17, 1976. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave., S.W., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and foodstuffs, from the plantsite and/or warehouse facility utilized by Geo. A. Hormel & Co., at or near Fremont, Nebr., to points in Kansas and Missouri, for 180 days. Supporting shipper Geo. A. Hormel & Company, Box 800, Austin, Minn. 55912. Send protests to C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 41951 (Sub-No. 30TA), filed December 17, 1976. Applicant WHEATLEY TRUCKING, INC., P.O. Box 458, 125 Brohawn Ave., Cambridge, Md. 21613. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hallwood, Va., to points in Ohio, Indiana, Michigan, Illinois, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper John W. Taylor Packing Co., Inc., Hallwood, Va. 23359. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 49368 (Sub-No. 99TA), filed December 15, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, Mich. 48013. Applicant's representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authodity sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service; (1) from the plantsites of General Motors Corporation, located at Atlanta and Doraville, Ga., to points in Iowa and Kansas; and (2) from the plantsite of General Motors Corporation, at St. Louis, Mo., to points in Florida, Georgia, North Carolina and South Carolina, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, Director, Transportation Economics, E. R. Wiseman, G. M. Logistics Operations, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 51146 (Sub-No. 480TA) (Correction), filed November 22, 1976, published in the FEDERAL REGISTER issue of December 3, 1976, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department stores (except foodstuffs, furniture, and commodities in bulk), and (2) *Foodstuffs* (except frozen foods and commodities in bulk), *and furniture*, moving in mixed loads with the commodities described in (1) above, from Secaucus and Jersey City, N.J., and Charlotte, N.C., to Cleveland, Ohio, for 180 days. Supporting shipper: The May Company, 158218 Euclid Ave., Cleveland, Ohio 44114. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 103066 (Sub-No. 50TA), filed December 14, 1976. Applicant: STONE TRUCKING CO., 4927 S. Tacoma, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: C. L. Phillips, Room 248-Classen Blvd., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including dairy* products, in vehicles equipped with mechanical refrigeration, from the plantsites and/or storage facilities of Borden Foods, Division of Borden, Inc., at or near Plymouth, Wis., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Borden Foods, Division of Borden, Inc., 180 E. Broad St., Columbus, Ohio 43215. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 115904 (Sub-No. 68TA), filed December 16, 1976. Applicant: GROVER TRUCKING CO., 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum;* and (2) *Gypsum wallboard paper;* (1) from the facilities of American Gypsum, at or near Albuquerque, N. Mex., to points in Arizona and Colorado; and (2) from Denver, Colo., and points in the commercial zone thereof to the plantsite of American Gypsum, at or near Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Gypsum Company, P.O. Box 6345, Albuquerque, N. Mex. 87107. Send protests to: Interstate Commerce Commission, Barney L. Hardin, District Supervisor, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 116077 (Sub-No. 375 TA), filed December 16, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder, P.O. Box 1505, Houston, Tex. 77001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nodular pulp*, in bulk, in tank vehicles, from Evadale, Tex., to Ashdown, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eastex Division Temple-Eastex Incorporated, P.O. Box 816 Silsbee, Tex. 77656 Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, Tex. 77002.

No. MC 119880 (Sub-No. 94 TA), filed December 15, 1976. Applicant: DRUM TRANSPORT INC., 617 Chicago St., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain neutral spirits; alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Peoria, and Delavan, Ill., to points in Kentucky, for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., D. J. Anderson, General Traffic Manager, Foot of Edmund St., Peoria, Ill. 61601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 119934 (Sub-No. 209 TA), filed December 16, 1976. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, edible, in bulk, in tank vehicles, from Edgard, La., to Oakland, Calif.; Sayreville, Woodbridge, and Port Reading, N.J.; Philadelphia, Pa.; Cincinnati, Ohio; Collegedale, Tenn.; Atlanta, Ga.;

St. Louis, Mo.; Houston, Tex., and Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Caire & Gaugnard, P.O. Box 7, Edgard, La. 70049. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 129034 (Sub-No. 13 TA), filed December 17, 1976. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery St., Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters*, between Seattle, Wash., and the Port of Entry on the United States-Canada border at or near Blaine, Wash., restricted to traffic originating or terminating at Vancouver, British Columbia, Canada, under a continuing contract or contracts with banks or banking institutions, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 129086 (Sub-No. 22 TA), filed December 17, 1976. Applicant: SPENCER TRUCKING CORPORATION, Rt. 2, Box 254A, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from the plantsite and shipping facilities of FMC, at or near South Heights, Pa., to Keyser, W. Va., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Chattanooga Glass Company, 400 W. 45th St., Chattanooga, Tenn. 37410. SEND PROTESTS TO: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 129537 (Sub-No. 18 TA), filed December 14, 1976. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, Ga. 30701. Applicant's representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, from points in Floyd, Bartow, Chatooga, Muscogee, Gordon, Whitfield, Murray, Walker, Catoosa and Troup Counties, Ga., to points in Mississippi, for 180 days. Supporting shippers: There are approximately 70 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 134477 (Sub-No. 129 TA), filed December 16, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hide and commodities in bulk), from Huron, S. Dak., to Chicago, Ill.; Plainwell, Mich.; Newark, N.J.; New York, N.Y.; St. Mary's and Bellefontaine, Ohio; and New London and Eau Claire, Wis., for 180 days. Supporting shipper: Huron Dressed Beef, Inc., P.O. Box 924, Huron, S. Dak. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134755 (Sub-No. 84 TA) (Correction), filed November 23, 1976, published in the FEDERAL REGISTER issue of December 7, 1976, and republished as corrected this issue. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at or near Crete Nebr., and Denison, Carroll and Iowa Falls, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Tennessee, Alabama, Mississippi, Louisiana, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Georgia and Florida, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, Iowa 51442. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 134922 (Sub-No. 211 TA), filed December 16, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber articles*, from Tyler, Tex., to Petaluma, Calif., for 180 days. Supporting shipper: Triple S Tire Center, 412 Madison St., Petaluma, Calif. 94952. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 135236 (Sub-No. 13 TA), filed December 15, 1976. Applicant: LOGAN TRUCKING, INC., 801 Erie Ave., Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening, lard, tallow, cooking oil and margarine* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Swift Edible Oil Co., at or near Bradley, Ill., to points in New Jersey, New York, Maryland, Pennsylvania, Massachusetts and the District of Columbia, and Manassas, Williamsburg, Richmond and Newport News, Va.; Dover, Rehoboth Beach, and Wilmington, Del.; Levitt City, New Haven, New London, Hartford, Meriden, Colchester and Stamford, Conn.; Burling, Brattleboro, Rutland and White River Junction, Vt.; Concord and Manchester, N.H.; Providence and Cranston, R.I.; Fairfield, Lewiston, Portland and Augusta, Maine and to points in the Commercial Zones of the respective named cities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Edible Oil Co., Division of Swift & Co., 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 138000 (Sub-No. 25TA) filed December 17, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., and its commercial zone, to Elizabeth City, N.C., and its commercial zone and Washington, D.C., and its commercial zone, for 180 days. Applicant has also field an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Potomac Distributing Company, 3010 Earl Place, N.W., Washington, D.C. 20010. Albermarle Distributing Company, Elizabeth City, N.C. 27909. Send Protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 141776 (Sub-No. 2TA) (Correction) filed November 23, 1976, published in the FEDERAL REGISTER issue of December 6, 1976, and republished as corrected this issue. Applicant: FOODTRAIN, INC., Spring and South Centre Sts., Ringtown, Pa. 17967. Applicant's representative: Richard Rueda, Suite 612, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries NOI, candy cough drops, and hollow mold chocolate candy*, from the plant and warehouse sites of Luden's, Incorporated, Reading, Pa., to Cleveland and Cincinnati, Ohio; Detroit and Grand Rapids, Mich.; Melrose Park, Ill.; Milwaukee, Wis.; Minneapolis, Minn.; Des Moines, Iowa, and New Orleans, La., with the right to return refused, exchanged, rejected or damaged merchandise, for 180 days. Supporting shipper: Luden's Incorporated, Reading, Pa. 19603. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503. The purpose of this republication is to add the origin point in this proceeding.

No. MC 142355 (Sub-No. 2TA) filed December 15, 1976. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 E. 56th Ave., Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic granules and related materials and supplies*, from points in in Larimer County, Colo., to Salt Lake City, Utah and its commercial zone; and (2) *Plastic handles and related materials and supplies*, from Salt Lake City, Utah and its commercial zone, to points in Larimer County, Colo., restricted to services performed under a continuing contract with Teledyne Water Pik, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Teledyne Water Pik, 1730 E. Prospect, Fort Collins, Colo. 80521. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 142666TA (Correction) filed November 2, 1976, published in the FEDERAL REGISTER issue of December 6, 1976, and republished as corrected this issue. Applicant: J & J TRUCKING, East Wood St., Paris, Ark. 72855. Applicant's representative: James M. Duckett, 1021 Pyramid Life Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, between points in Franklin, Johnson, Logan and Pope Counties, Ark.; and from points in these counties, to Fort Smith and Van Buren, Ark.; restricted to transportation of traffic having a prior or subsequent movement by rail, for 180 days. Supporting shippers: B & D Construction, Inc.; and Multi-Minerals Corp., Star Rt. 2, Ozark, Ark. 72949. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201. The purpose of this republication is to add the other supporting shipper, which was omitted in the previous publication.

No. MC 142696 (Sub-No. 1TA), filed December 20, 1976. Applicant: GREENE'S CARTAGE CO., INC., 1934 Avalon Ave., Muscle Shoals, Ala. 35660. Appplicant's representative: R. S. Richard 57 Adams Ave., P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by home product distributors, restricted to home delivery, from Memphis, Tenn., to points to Tennessee, Alabama and Mississippi, under a continuing contract with Stanley Home Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stanley Home Products, Inc., 700 Firestone, Memphis, Tenn. 38107. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142732TA filed December 16, 1976. Applicant: TIFFANY TRANSPORTATION COMPANY, INC., 3346 N.W. 78th Ave., Miami, Fla. 33122. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, Classes A and B explosives, livestock, household goods, commodities requiring special handling and special equipment and cement), between points in Dade County, Fla., lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean; all shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: There are approximately 5 statements of support attached to the applicatiion, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC142737TA filed December 20, 1976. Applicant: CLAYTON PUGH, doing business as CLAYTON PUGH TRUCKING, 3819 14th Ave., South, Seattle, Wash. 98108. Applicant's representative: Robert G. Gleason, 15 Court Grady Way, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, fresh and frozen; cheese and cheese products, and shortenings*, canned or cubed, between points in Washington and Oregon west of the Cascade Mountain Range and points in California, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-360 Filed 1-4-77;8:45 am]

[Notice No. 174]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

DECEMBER 30, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon

which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 45764 (Sub-No. 28TA) filed December 20, 1976. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway & Saville Ave., P.O. Box 38, Eddystone, Pa. 19013. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial machinery*, the transportation of which because of size or weight requires the use of special equipment or special handling and related machinery parts moving on through trailers, in foreign commerce, from Detroit, Mich., to Toluca, Mex., via the International Boundary at Laredo, Tex., under a continuing contract with Chrysler de Mexico, S.A., for 180 days. Supporting shipper: Chrysler de Mexico, S.A., P.O. Box 1688, Detroit, Mich. 48231. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 94350 (Sub-No. 372TA) filed December 20, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, from points in Montgomery County, Tenn., to points in Illinois, Indiana, Kentucky, Missouri, North Carolina, Tennessee and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Modular Structures, P.O. Box 2296, Clarksville, Tenn. 37040. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 103051 (Sub-No. 383TA) filed December 20, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: David L. Morgan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, in bulk, in tank or hopper type vehicles, from Decatur, Ala., to points in Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, for 180 days. Supporting shipper: American Maize Products Co., 113th St., & Indianapolis Blvd., Hammond, Ind. 46326. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 108761 (Sub-No. 4 TA) filed December 15, 1976. Applicant: THRONE AUTO SERVICE, INC., 3266 Upton Ave., Toledo, Ohio 43613. Applicant's representative: Michael M. Briley, 300 Madison Ave., Toledo, Ohio 43603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles and replacement vehicles for wrecked or disabled vehicles*, by use of wrecker equipment only, between Toledo, Ohio on the one hand, and, on the other, points in Michigan (except Wayne County); Indiana (except Steuben County); Illinois (except Cook County); and Erie and Pittsburgh, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rollins Leasing Corp., 411 Arco, Toledo, Ohio; Central Transport, 210 City Park, Toledo, Ohio; and Ryder Truck Rental, 1929 E. Manhattan Blvd., Toledo, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 117686 (Sub-No. 160TA) filed December 20, 1976. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 S. Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Minneapolis, Minn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee and Texas, restricted to traffic originating at the plantsite and storage facilities of the Pillsbury Co., at or near Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Olivia Bradley, Transportation Manager, Pillsbury Company, Frozen Food Division, 7350 Commerce Lane, Minneapolis, Minn. 55432. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 123640 (Sub-No. 23TA) filed December 20, 1976. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 371 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, footwear accessories, footwear display cases, and display materials, and materials and supplies* used in the distribution of footwear, between Huntington, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan and Kentucky, under a continuing contract with Meldisco, a Division of Melville Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Meldisco, a Division of Melville Corporation, 401 Hackensack Ave., Hackensack, N.J. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 113, 343 W. Wayne St., Fort Wayne, Ind. 46802.

No. MC 123872 (Sub-No. 61TA) filed December 17, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Drawer 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant): Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from points in Alexander and Iredell Counties, N.C., to points in New Mexico, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Gilliam Furniture, Inc., P.O. Box 1610; Blackwelder Furniture Co., P.O. Box 1810; and Statesville Chair Co., Statesville, N.C. Lewittes Furniture Enterprises, Inc., P.O. Box 1027, Taylorsville, N.C. 28681. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 124896 (Sub-No. 18TA) filed December 14, 1976. Applicant: WILLI-SAASON TRUCK LINES, INC., Thorne & Ralson Sts., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Farmland Foods, Inc., at or near Carroll, Denison and Iowa Falls, Iowa, to Anniston, Birmingham, Dothan, Leeds, Mobile, Montgomery, Selma and Tuscaloosa, Ala.; Daytona Beach, Ft. Lauderdale, Gainesville, Hollywood, Jacksonville, Miami, Orlando, Plant City, Pompano Beach, Tallahassee and Tampa, Fla.: Albany, Athens, Atlanta, Columbus, Doraville, Dublin, Macon, Rome, Savannah, Thomasville and Waycross, Ga.; Greenville, Lexington and Louisville, Ky.; Asheboro, Charlotte, Durham, Greensboro, Greenville, Hickory, Holly Ridge, Kernsville, Lauring burg, Raleigh, Wilmington, Winston-Salem and Wilson, N.C.; Aiken, Charleston, Columbia, Dillon, Evergreen, Florence, Greenville, Orangeburg and Sumter, S.C.; and Chattanooga, Greenville, Jackson, Johnson City, Knoxville, Memphis, Murfreesboro and Nashville, Tenn., restricted to the transportation of traffic originating at the named origins and destined to the destinations, for 180 days. Supporting shipper: Farmland Foods, Inc., Denison, Iowa 51442. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 127616 (Sub-No. 24TA) filed December 20, 1976. Applicant: SAVAGE TRUCKING CO., INC., Elm Street, P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Clarence D. Horton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut timber frame buildings*, from Claremont, N.H., to points in Delaware, Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cluster Shed, Inc., Division of Vermont Log Bldgs., Box 202, Hartland, Vt. 05048. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 134314 (Sub-No. 6TA) filed December 20, 1976. Applicant: CHARLES R. STROP, doing business as STROP TRANSPORTATION, R.R. One, Hastings, Nebr. 68901. Applicant's representative: Aryln L. Westergren, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from the plantsite of Dubuque Packing Company, at or near Mankato, Kans., to points in Rhode Island, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Nebraska, Ohio, Pennsylvania and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Earl Skahill, General Manager, Dubuque Packing Company, Box 282, Mankato, Kans. 66956. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 134824 (Sub-No. 4TA) filed December 15, 1976. Applicant: FOREST PRODUCTS TRANSPORTS, INC., 216 Newsom Bldg., P.O. Box 567, Columbia, Miss. 39429. Applicant's representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the plantsites of Georgia-Pacific Corporation, located at or near Gloster and Roxie, Miss., and the plantsite of St. Regis Company, located at or near Magnolia, Miss., to the plantsite of Georgia-Pacific Corporation, at or near Port Hudson, La., under a continuing contract with Georgia-Pacific Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 520, Crossett, Ark. 71635. Send protests to: Alan C. Tarant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss 39201.

No. MC 136818 (Sub-No. 12TA) (Correction) filed October 5, 1976, published in the FEDERAL REGISTER issue of October 19, 1976, and republished as corrected this issue. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood, Phoenix, Ariz. 85031. Applicant's representative: Donald Fernaays, 4040 E. McDowell Road, Suite 312, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Thayne, Wyo., to points in California, Illinois, Minnesota, Wisconsin, Pennsylvania and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Star Valley Cheese Corp., Thayne, Wyo. 83127. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025. The purpose of this republication is to add the state of Illinois as a destination point in this proceeding.

No. MC 142145 (Sub-No. 3TA), filed December 20, 1976. Applicant: LINDSAY TRANSPORTATION, INC., Lindsay, Nebr. 68644. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts, equipment, materials and supplies* used in irrigation systems, their shipment or their installation (except commodities in bulk, in tank vehicles), from the facilities utilized by Lindsay Manufacturing Co., at or near Amarillo, Tex., to points in the United States (except Alaska and Hawaii); and *equipment materials and supplies* utilized in the manufacture of irrigation systems (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the facilities of Lindsay Manufacturing Co., at or near Amarillo, Tex., restricted to a transportation service to be performed under a continuing contract with Lindsay Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerald L. Abta, Vice-President, Finance, Lindsay Manufacturing Co., Box 156, Lindsay, Nebr. 68644. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 142483 (Sub-No. 1TA), filed December 17, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Communications cable* (except commodities in bulk and those which because of size or weight require special equipment), from the plantsite and manufacturing facilities of Comm/Scope Company, located at or near Sherrills Ford, Catawba County, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, under a continuing contract with Comm/Scope Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Comm-Scope Company, Rt. 1, Box 199A, Catawba, N.C. 28609. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C 28205.

No. MC 142682 (Sub-No. 1 TA) (correction), filed November 23, 1976, published in the FEDERAL REGISTER issue of December 10, 1976, and republished as corrected this issue. Applicant: LARRY A. SANDBERG & NADINE C. SANDBERG, doing business as, L & N HOG MARKET, Rural Route, Rowley, Iowa 52329. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from the plantsite and storage facilities of Wapsie Valley Creamery, Inc., at or near Independence, Iowa, to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wapsie Valley Creamery, Inc., 300 10th St. N.E., Independence, Iowa 50644. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to change docket number MC 142682 (Sub-No. 1) in lieu of MC 142691 TA which was previously published in error.

No. MC 142730 (Sub-No. 1 TA), filed December 16, 1976. Applicant: THOMAS McGINNIS, doing business as T. McGIN-

NIS TRUCKING CO., Route 3, Box 329, Catlettsburg, Ky. 41129. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) (1) *Face brick; (2) clay and shale*; (3) *concrete materials*, viz: *sand and gravel*, in bulk, in dump vehicles; (4) *concrete materials*, viz: Limestone, sand, and gravel, in bulk, in dump vehicles; (5) *concrete materials*, viz: Patio blocks, concrete lintels, parking curbs and decorative blocks; and (6) *concrete materials*, viz: decorative blocks and concrete blocks in special shapes; and (b) (1) Those commodities named in (1) and (2) above, from Marion, Glasgow and Richlands, Va., to points in Boyd, Greenup, Carter and Lawrence Counties, Ky.; Gallia, Meigs and Lawrence Counties, Ohio; and Cabell and Wayne Counties, W. Va.; (b) (2) Those commodities named in (3) above, from points in Scioto County, Ohio, to Catlettsburg and Greenup, Ky.; (3) Those commodities named in (4) above, from points in Adams County, Ohio, to Catlettsburg and Greenup, Ky.; (4) Those commodities named in (5) above, from points in Franklin County, Ohio, to Catlettsburg and Greenup, Ky.; and (5) Those commodities named in (6) above, from points in Ross County, Ohio, to Catlettsburg, Ky., under a continuing contract with H & H Supply, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H & H Supply, Inc., 1029 Center St., Catlettsburg, Ky. 41129. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 216 Bakhaus Bldg., 1500 W. Main St., Lexington, Ky. 40505.

PASSENGER APPLICATIONS

No. MC 142652 (Sub-No. 1 TA), filed December 20, 1976. Applicant: BRANDON TRANSPORT INC., 143 Dequoy, St-Gabriel-de-Brandon, Quebec, Canada JOK 2NO. Applicant's representative: Guy Poliquin, Room 140, 580 E. Grande-Allee, Quebec, Quebec, Canada G1R 2K3. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, from points on the International Boundary line in the states of Maine, New Hampshire, Vermont, New York and Michigan, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Montreal, St-Gabriel-de-Brandon in the Province of Quebec, Canada, for 180 days. Supporting shipper: Agence de Voyages Brandon Enrg, 143 Dequoy, St-Gabriel de Brandon, Quebec, Canada. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 142691 (Sub-No. 1 TA) (Correction), filed November 30, 1976, published in the FEDERAL REGISTER issue of December 13, 1976, and republished as corrected this issue. Applicant: SOUTHBOUND, INC., P.O. Box 45157, Baton Rouge, La. 70895. Applicant's representative: E. J. Dominguez, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in round-trip special operations, between Shreveport, Minden, Ruston and Monroe, La., on the one hand, and, on the other, Louisiana State Penitentiary, at or near Tunica, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Helen Walker, 4102 Martha St., Shreveport, La. 71109. Ida Edwards, 4200 Ester Ave., Monroe, La. 71201. Alton Gandy, c/o Amaco Station Dennis Drive Hwy. 7, Minden, La. 71055. Ada C. Veal, 412 Main St., Grambling, La. 71245. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113. The purpose of this republication is to change docket number MC 142691 (Sub-No. 1) in lieu of MC 142682 TA which was previously published in error.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-381 Filed 1-4-77;8:45 am]

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WEDNESDAY, JANUARY 5, 1977

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

ENVIRONMENTAL PROTECTION AGENCY

AIR POLLUTION CONTROL

Certification and Test Procedures for New Motorcycles; Emission Regulations and Appendices

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

[FRL 659-1]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Emission Regulations for New Motorcycles

On October 22, 1975 a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 49496) for the control of exhaust and crankcase emissions from new motorcycles. Comments by interested parties to that NPRM received prior to February 10, 1976 were considered in the preparation of this final rule making.

Basis for motorcycle regulations. In the development of the final rule making, the effects of motorcycle emissions on ambient air quality on a national basis and in certain air quality control regions were reevaluated. Even with the use of reduced growth rates as recommended by some of those commenting on the NPRM, the analysis concludes that the control of motorcycle emissions is a reasonable strategy to reduce air pollution caused by motor vehicles. The projected contribution of motorcycles in 1985 ranges from 3 to 18 percent of the hydrocarbons and 3 to 5 percent of the carbon monoxide allowable to meet ambient air quality standards in the five air quality control regions assessed. In the time frame considered no single source will be a major contributor, and meeting the ambient air quality standards will require control of many sources each of which considered individually may not be a large contributor to air pollution. However, control in the aggregate will contribute significantly to needed reductions in ambient pollutant concentrations.

Emission standards and implementation dates. The NPRM contained proposed emission standards for 1978 and 1979 model year motorcycles of 5 grams/kilometre (5 g/km or 8 g/mi) hydrocarbons (HC) for engine displacements less than 170 cc, 5 to 14 g/km (22.5 g/mi) for displacements between 170 cc and 750 cc and 14 g/km above 750 cc. The carbon monoxide (CO) and nitrogen oxides (NOx) standards proposed were 17 g/km (27.4 g/mi) and 1.2 g/km (1.9 g/mi), respectively. For model year 1980 and later it was proposed that motorcycles be controlled to the ultimate light duty vehicle standards set forth in section 202 of the Clean Air Act, as amended, 42 U.S.C. 1857f-1 (commonly known as the "statutory standards"). In general the response to the proposed action was that the 1978 standards were achievable but that implementation of the statutory standards was not technically feasible as early as 1980, and that control to that level would not be cost effective.

An analysis of the costs and lead time for the 1978 standards confirmed that the proposed levels are a reasonable and cost effective means of control, and therefore, with the exception of the NOx standard, they are hereby being promulgated as proposed. The NOx standard has been deleted because an air quality analysis indicates that the motorcycle contribution to motor vehicle NOx emissions is negligible, being less than one half of one percent in 1990.

The analysis of the 1978 standards revealed that a level of control more stringent than the 1978 standards is feasible for model year 1980 at reasonable costs using available technology. Two levels of HC control, both of which eliminate the displacement dependency of the HC standard, were evaluated. These levels were 5 g/km HC (8 g/mi) and 2 g/km HC (3.2 g/mi). The 5 g/km standard proved to be as cost-effective as the 1978 standards and achieved only slightly less control than the 2 g/km standard. The analysis indicated that the 5 g/km HC standard could be implemented in 1980; the 2 /km standard would require several years more lead time to avoid major disruption to the industry since it is likely that most two stroke motorcycles would need to be converted to a four stroke design to comply with a 2 g/km standard. Based on this analysis, a follow-on standard of 5.0 g/km HC and 12 g/km CO applicable for the 1980 model year is hereby being promulgated. Data indicate that the 12 g/km (19.3 g/mi) CO level is achievable at low cost using available technology.

The 1978 standards will result in an average 34 percent reduction in HC and an average 36 percent reduction in CO emissions compared to the uncontrolled motorcycles. The 1980 standards will increase these percentage reductions to 54 and 49 percent, respectively.

The proposal for the 1980 motorcycle standards equivalent to the light duty vehicle statutory standards is being withdrawn at this time. Depending upon future air quality needs and the determination of the cost effectiveness, the Agency may, in the future, repropose those levels of control to become effective in the time frame beyond 1980.

Economic impact. EPA studies using information supplied by various manufacturers indicate that the cost of compliance with the promulgated emission standards for 1978 will result in an average increase in retail cost of 47 dollars per motorcycle. This cost will be partially offset by an average discounted lifetime fuel savings of 33 dollars and an undetermined savings in maintenance and improved reliability of the product. The average incremental cost increase for the 1980 standards is estimated to be $9 which includes a small additional improvement in fuel economy. The manufacturers estimated that fuel economy improvements associated with the 1978 emission standards would range as high as 65 percent with an average increase of 20 percent. No significant decrease in sales or shift in market shares (between manufacturers) is expected to result from the implementation of this regulation.

Applicability of emission regulations. The motorcycle definition has been changed to include 2 wheel vehicles and all 3 wheel vehicles having a curb mass of less than or equal to 680 kilograms (1500 lbs.). This definition provides objective criteria for determining a vehicle's class while maintaining consistency with the previous light duty vehicle motorcycle exclusion.

The preamble to the Notice of Proposed Rule Making stated that under the Clean Air Act, the EPA does not have the authority to prescribe standards for vehicles not designed for use on streets or highways. Some confusion was expressed by commenters over what constituted a motorcycle designed for use on streets or highways. The applicability section has been rewritten to state that these standards apply to new motorcycles which have a headlight, taillight and stoplight.

The applicability to only those motorcycles with displacements of at least 50 cc remains. Motorcycles with top speeds under 40 km/h (25 mi/h) or which cannot start from a stop using power from only the engine (e.g. most mopeds) have been excluded.

Certification procedure. In an effort to minimize the costs and certification time while obtaining reasonable assurance that newly manufactured motorcycles will comply with the standards for their useful life, substantial changes to the proposed certification procedure have been made.

The NPRM proposed that durability vehicles accumulate the entire mileage defined as its useful life and that a deterioration factor be calculated from the emissions test results for this vehicle. Then a separate (emission data) vehicle, calibrated to production specifications would accumulate sufficient mileage to stabilize emissions and compliance would be determined by applying the deterioration factor to this level of emissions. Under the promulgated procedure, the emission data and durability vehicles will be combined into one certification test vehicle and the test distance reduced to one half of the useful life distance. Cutting in half the test distance will reduce the lead time and cost required to accumulate test mileage and will permit the use of production calibrations on vehicles used to calculate deterioration factors. By combining durability and emissions data vehicles into one test motorcycle calibrated to production specifications, and by testing one such vehicle for each engine family-displacement system combination, added confidence in the representativeness of the resulting deterioration factor is gained.

Another change made to the certification procedures concerns test vehicle selection. The product line is grouped, by engine displacement in cubic centimetres (cc), into three vehicle classes. These classes are: I, 50–169 cc; II, 170–279 cc; III, 280 cc and greater engine displacement. Within each class the vehicles will further be grouped by engine family-displacement-control system combinations. Within each combination EPA will select the "worst case" vehicle to be tested for the purpose of demonstrating compliance with the emission standards. Only one

vehicle per engine family-displacement-control system combination will be selected for such testing. For engine families with less than 5000 annual sales, the manufacturer may request that only one vehicle per engine family be selected.

The test vehicle will be built to production tolerances and will accumulate distance to one half its useful life. A minimum of four emission tests performed by the manufacturer will be required, and from these data a deterioration factor line will be calculated and extrapolated to the useful life. If the deterioration factor line is below the standard, or all test points are below the standard, the vehicle will then be tested by EPA. If the results of applying the deterioration factors multiplicatively to the EPA test results are also below the standard (and all other procedural requirements are met), certification will be granted. For vehicles whose emissions exceed the standard when projected to the useful life, the manufacturer may elect to continue service accumulation to the useful life and demonstrate that emissions throughout the useful life will be below the standard.

Several comments were received requesting exclusion of low volume manufacturers from the regulations. An analysis of the effort required to reduce emissions to the promulgated standards revealed that low volume manufacturers will not incur unreasonably high per unit increases in cost, and consequently should not be excluded from complying with the regulations. However, to minimize certification costs both for the manufacturers and for the government, an experimental provision for low volume manufacturers has been adopted. Manufacturers with total U.S. sales of less than 10,000 vehicles will not be required to submit vehicles for certification testing by EPA. These manufacturers will be required to affirm in writing to EPA that their motorcycles conform to the applicable standards as confirmed by emission test data generated by or for the manufacturers (and retained in the records of the manufacturer) and that the aggregate model year sales of motorcycles to be covered by the certificate of conformity will be less than 10,000. The manufacturer must also retain in his records all of the data that would otherwise be required to be submitted to EPA in the completed application for certification; this documentation need not be submitted to EPA unless specifically requested by EPA at some subsequent time.

The procedure described above reduces the number of motorcycles required to be tested by EPA by approximately 60 percent from the procedure proposed in the NPRM. This is accomplished by revised vehicle selection criteria, the combining of durability and data vehicles into one test vehicle, and the special provisions for manufacturers with less than 10,000 annual sales. The Agency recognizes that this certification procedure is new and untried, and may require modification at a future date should it fail to result in assuring that motorcycles are designed to meet the emission standards for their useful life. However, the risk of this experiment is negated by the relatively small contribution of low volume manufacturers to air pollution. Currently there are only five manufacturers who sell more than 10,000 vehicles per year in the United States. Collectively these five produce over 90 percent of all motorcycles sold in this market while approximately 27 other manufacturers produce the remainder. If a special provision were not made to preclude small volume manufacturers from full certification, EPA would have to devote almost a quarter of its motorcycle certification resources to test vehicles which account for less than 5 percent of motorcycle emissions. While the special provisions in the final rule will allow the Agency and the smaller manufacturers to realize some cost savings they in no way reduce the manufacturer's obligation to comply with such standards. Since the Agency expects to include production motorcycles made by small volume manufacturers in one or more surveillance testing programs, the desired control will be obtained.

Useful life. In the NPRM useful life was described as the average distance a motorcycle could be expected to travel in its lifetime. The definition of useful life adopted by EPA for final rule making is of considerable import to the industry for two reasons. First, the definition of useful life affects the design of vehicles capable of meeting the emission standards in the preproduction design evaluation process ("certification"). To show compliance with a given emission standard over a greater distance requires emission control equipment which either is more durable or meets lower initial targets in order to continue meeting the emission standards after deterioration has occurred. Second, the useful life definition affects the duration of the warranties and the applicability of recall provisions in section 207 of the Act. Thus, the longer the useful life, the more extensive will be the manufacturer's liability under the warranty provisions and the greater his jeopardy under the recall provisions.

EPA has believed since the initial development of this regulation that its obligation is to obtain the maximum emission reduction which the technology allows, giving appropriate consideration to the cost of compliance. Obtaining the maximum reduction could theoretically be accomplished either of two ways—by specifying a given set of emission standards with a requirement that they be met for a useful life equal to their average total lives; or by specifying a shorter useful life mileage during which the standards are applicable (if permissible under the law), while setting correspondingly more stringent emission standards. EPA chose the first option in its proposal (namely, a set of standards which appeared feasible if they had to be met for average total life), because a longer period of useful life ensures some degree of pollution control for a greater proportion of the population of motor vehicles in use at any point in time and because EPA believed its discretion to specify useful life was limited by explicit statutory guidance (as will be explained below). The option of a shorter useful life with a tighter emission standard would be more likely to lead to gross emitters in the second half of a vehicle's life, particularly for a type of vehicle for which owner maintenance is the rule rather than the exception, and would not come as close as possible to the only useful life mileage for any vehicles given in the statute. Thus EPA believes that the proposed specification of useful life distance as average total life distance was supported by either of two independent considerations: It was closest to the statutory intent and, even if the statute is read to give EPA discretion to adopt a shorter period, the longer period was preferable public policy.

The comments submitted in response to the notice of proposed rule making did not lead EPA to conclude that it was wrong on the law, or provide any data or arguments (such as cost-effectiveness comparisons or demonstrations that compliance for average total life was infeasible) leading EPA to conclude that it had chosen an undesirable policy. Therefore EPA has decided to adopt the specification of "useful life" for motorcycles as average total life distance or five years, whichever comes first. EPA is aware that the manufacturers are already devoting their programs toward meeting the proposed emission standard for the life of their vehicles.

The policy issue will be discussed first. Even those manufacturers who argued that the Administrator was legally obligated to use half life as the basis of useful life nevertheless conceded that the Administrator could choose a longer period of time if he determined it was "appropriate," under section 202(d)(2) of the Act.[1] Although he does not believe the statute requires, or even allows (see below), useful life for motorcycles to be defined as half life, the Administrator determined that he should analyze the "appropriate" useful life, in case a court should agree with the legal views of these commenters. It has been determined that for motorcycles it is appropriate to specify a useful life of average total life for several reasons.

First, shorter useful lives are a compromise with what can be done in air pollution control, since they allow vehicles to escape regulation completely once a certain point is passed.

Second, technology allows motorcycles to be designed such that their emission control features are durable for their total lives, which are in all cases

[1] These manufacturers argued that EPA has discretion to classify motorcycles as "other" motor vehicles subject to section 202(d)(2) for purposes of determining useful life. As the D.C. Circuit has emphasized, Congress, in using the term "light duty vehicle", had in mind passenger cars exclusively or almost exclusively. International Harvester Co. v. Ruckelshaus, 478 F.2d 615, 639 (D.C. Cir. 1973).

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less than two fifths the mileages for which automobile manufacturers and all other regulated manufacturers must design their emission control devices and systems to properly function.

None of the major manufacturers argued that they would be unable to meet the proposed 1978 standards over the full lifetime of their vehicles. Two manufacturers stated that a few of their models have generally low durability for some components which will ultimately cause the vehicle to be inoperative and that this could lead to difficulties during certification testing if tests had to be run for the full lifetime mileage. (As will be noted later this problem has been alleviated by permitting anticipated maintenance during the durability test.) In their comments on the NPRM manufacturers told EPA that their development efforts directed towards meeting the proposed 1978 federal standards for the full lifetime of their motorcycles were already underway.

The 1980 standards initially proposed by EPA (0.25 grams/kilometre—HC, 2.1 grams/kilometre—CO, and 0.25 grams/kilometre—were the equivalent values to kilometre—NOx were the equivalent values to the light duty vehicle statutory standards. Most motorcycle manufacturers claimed that this level of emission control was currently technologically infeasible for motorcycles and that sufficient lead time was not available to develop the new technologies necessary to meet these standards by 1980. As a result EPA has adjusted the 1980 standards to levels which in EPA's technical judgment can be met by manufacturers without undue hardship. Manufacturers have known about the revised 1980 standards for almost five months and have not called on EPA to halt their implementation on the grounds that they were infeasible. Further reason to believe that manufacturers can achieve at least a 5.0 gram/kilometer standard for HC emissions is based on the data supplied to the Administrator by the industry which led the Administrator to conclude in his California Waiver decision (41 FR 44209, October 7, 1976) that lead time and technology were available for manufacturers to comply with this level of stringency even though it might require two-stroke engines of greater than 250 cc displacement to convert to four-stroke engines.

Third, apart from issues of technological feasibility, the manufacturers might have offered data suggesting that for a given level of stringency in the standard the use of the total life concept was less cost-effective than use of a half life concept. But no conclusive arguments to this effect were offered for the 1978 standards which were proposed.

In summary, the Administrator has found several reasons of public policy which have led him to determine that the periods of useful life set forth in these regulations are appropriate.

EPA believes that the mileages set forth in these regulations are the required ones under section 202(d) of the Clean Air Act. Some commenters disagreed. These commenters argued not only that average total life was not required as the useful life for motorcycles under the Act, but that "half life" was. After careful consideration of the arguments and research offered by these commenters on the question, EPA has concluded that they are in error.

In section 202(d)(1) of the Act Congress specified the useful life of "light duty vehicles" as a period of 5 years or 50,000 miles (or the equivalent). For "any other motor vehicle," section 202(d)(2) requires the same or a "greater duration or mileage." Thus, whether motorcycles are light duty vehicles or "other" vehicles, the same floor of 5 years/50,000 miles appears to be the minimum allowed by the Act. Some manufacturers have suggested that the phrase "(or the equivalent)" which follows "50,000 miles" in section 202(d)(1) (and by implication in section 202(d)(2)) evidences a Congressional intent that the floor, or minimum, useful life for any vehicle is its "half life," rather than 5 years/50,000 miles.[2] While it is true that 5 years or 50,000 miles happens to equate approximately with half of the total lifetime usage of passenger cars (which are the sole, or at least major, category of light duty vehicles)[3] neither the language of the Act nor the legislative history indicates a Congressional intent that the half-life concept be applied as the minimum for other classes of vehicles, or that the words "(or the equivalent)" have that meaning.

The inclusion of the word "equivalent" in section 202(d) simply took account of the long-standing administrative policy of the Department of Health, Education, and Welfare (which regulated motor vehicle emissions prior to the creation of EPA) that the emission standards must be applicable to vehicles during the "normal service in the hands of the public" or during the test track "equivalent" of such normal service, since accumulation of mileage during certification was required to take place on a test track according to a specified urban driving cycle. See 45 CFR 85.87, 31 FR 5177 (March 30, 1966); § 85.92, 33 FR 8317 (June 4, 1968); § 85.92, 35 FR 17303 (November 10, 1970). For heavy duty vehicles, HEW required that the standards be applicable during "[n]ormal service in an urban area (or its dynamometer operation equivalent)." Proposed 45 CFR 85.113, 33 FR 126 (January 4, 1968); see §§ 85.113, 85.133, 33 FR 8319, 8322 (June 4, 1968); §§ 85.113, 85.133, 35 FR 17307, 17310, (November 10, 1970).

In sum, the origin of the phrase "(or the equivalent)" in section 202(d) of the Act was simply the administrative practice of allowing a variety of different "equivalent" methods of accumulating mileage or time to be used to prove the same things. This practice existed even prior to 1970 and the phrase has been consistently interpreted by EPA since 1970 for the same purpose.[4] The phrase was not intended by Congress to be a code word for "half life," which could have been expressed in explicit language if such had been the intention.[5] Thus the contention that there is a legal requirement for the Administrator to adopt half life as useful life is not valid.

As mentioned above, EPA believes that it is constrained by the statute from choosing a shorter period than it has done for motorcycles. In fact, EPA would have felt obligated to specify 50,000 miles if motorcycles lasted that long in actual service. Section 202(d)(1) of the Act established 5 years or 50,000 miles as the floor for useful life for light duty vehicles, and section 202(d)(2) incorporates this by reference as a floor for all other vehicles. However, it is obvious that few, if any, motorcycles last 50,000 miles (although they do last 5 years or more). This presented EPA with the choice between mandating a useful life mileage for motorcycles which is longer than the life of the vehicle (and therefore could not be met in a certificaton durability test) or selecting a useful life which comes as close as possible to the statutory floor of 50,000 miles. EPA concluded that the Congressional standard of a 50,000 mile useful life could best be met, for a vehicle which did not last 50,000 miles, by specifying a useful life as close to it as possible. Since specifying useful life as average total life distance leads to a much closer approximation of the 50,000

[1] One of the manufacturers argued that the phrase "(or the equivalent)" requires that useful life for motorcycles be the portion of a motorcycle's total life that is equivalent to the portion that 50,000 miles represents in a passenger car's total life, and stated that this was 60 percent; in other words, this comment stated that the statute required three-fifths life, rather than half life or total life. Another, which at a later stage argued that the statute required half life, had earlier argued that the phrase "(or the equivalent)" means the mileage equivalent of 5 years of use, without regard to what portion of the vehicle's total life that figure would represent. For the reasons stated in the text neither of these positions is demonstrated by the legislative history.

[2] See International Harvester Co. v. Ruckelshaus, 478 F. 2d 615, 639 (D.C. Cir. 1973); S. Rep. No. 91-1196, 91st Cong., 2d Sess. 24 (1970).

[4] After the 1970 amendments of the Act, the regulations were restructed to provide for expressing the applicability of emission standards in terms of the phrase "useful life," and the "equivalences" to normal mileage accumulation were transferred to the definitional sections of the regulation. It was not considered necessary to continue the phrase "equivalent" for light duty vehicles, but the phrase was continued for heavy duty engines, for which durability testing is normally done on an engine dynamometer, and the length of the test is defined in terms of hours instead of miles. 45 CFR 1201.1(a)(33)(ii) and (iii), 36 FR 16905 (August 26, 1971). These definitions, using the term "equivalent", are currently set forth in 40 CFR 85.702(a)(17), and 85.802(a)(26); *cf.* § 85.902 (1976).

[5] Indeed, to adopt the view that "equivalent" means "half life" would confer on the Administrator discretion to change even the five year/fifty thousand mile provision of 202(d)(1) for passenger cars if he found from new data that some other figures were "equivalent" to half life. This conclusion would be at odds with the express intent of Congress that it, not the Administrator, set the useful life for automobiles.

mile floor than would average half life distance, this becomes the mandatory floor.

As noted earlier, several manufacturers commented on the appropriateness of the specific values EPA had calculated for average lifetime mileage in the NPRM. Numerous detailed analyses of motorcycle average total life mileage based, as the EPA study was, on the Gallup Motorcycle Survey data, were received as comments to the NPRM. In calculating the useful life values contained in this final rule making, the best features of these analyses were combined with EPA's original analysis to obtain the most appropriate values, and these are used in the useful life definition contained in this final rule making. Life time mileages for three displacement classes were determined to be necessary and are as follows: 12,000 kilometres (7,456 miles) for small displacement motorcycles; 18,000 kilometres (11,185 miles) for medium displacement motorcycles; and 30,000 kilometres (18,641 miles) for large displacement motorcycles.

In the NPRM EPA did not propose a period of time to accompany mileage as a part of the useful life definition. For the certification-compliance testing section of the regulations a time period is irrelevant. For the warranty or recall provisions, however, a time period is useful to provide the manufacturer some specific limit to the period during which the vehicles must conform to applicable emission standards. Section 202(d) of the Act requires that EPA must set as useful life a period of five years or, if appropriate, some greater value. In this case EPA will set the minimum period that the law allows, or five years, as the useful life of a motorcycle. This value will apply regardless of the engine displacement of the vehicle.

Maintenance. The manufacturers requested that break-in maintenance and decarbonization be allowed as scheduled maintenance, and that combustion chamber access be allowed as unscheduled maintenance. Under the promulgated regulations, scheduled maintenance has been divided into two classes: Periodic maintenance and anticipated maintenance. Periodic maintenance will cover all those items which are required at fixed distance or time intervals, such as oil changes, tune-ups, etc. Any periodic maintenance not specifically authorized by the regulations may be performed as long as a showing is made that this maintenance will be performed by most owners in actual use. Anticipated maintenance will cover those types of failures which are likely to occur and for which no preventive maintenance is appropriate, and whose occurrence is manifested by an overt indication to the owner.

Examples of anticipated maintenance items are piston seizure which results in the vehicle being inoperative, or the need for cylinder head decarbonization, manifested by an obvious loss of power or surging. To qualify for anticipated maintenance, a manufacturer must specify in his application for certification the approximate distance at which the need for anticipated maintenance will occur, and must include the maintenance item in the owner's maintenance instructions. Anticipated maintenance must be approved by the Administrator prior to service accumulation. During testing the maintenance may be performed if there is an overt indication of the failure, and if the failure does not otherwise render the vehicle unrepresentative. Access to the combustion chamber will be allowed only if the manufacturer indicates prior to testing that such a failure is anticipated to occur and if he makes a showing that the type of maintenance which will alleviate the failure is likely to be done in the field.

Both the 207(a) warranty and the recall provision apply to motorcycles. The application of these requirements is neither affected by, nor in conflict with, the concept of anticipated maintenance. Anticipated maintenance instructions are premised on the catastrophic failure of parts to which they apply and the fact that such parts have a known service life less than the useful life of the motorcycle and must be installed and functioning in order for the motorcycle to operate. A catastrophic failure as used here is one which occurs without a significant period of degradation of either components or emissions performance. It is also a failure which renders the motorcycle inoperative. Thus, no amount of adjustment or modification would allow the motorcycle to operate.

Because of the nature of catastrophic failures, components which fail in such a manner pose no threat to the emissions performance of motorcycles. Such failures covered by anticipated maintenance instructions may not be subject to a claim under the section 207(a) warranty or recall under section 207(c)(1). However, the existence of an anticipated maintenance instruction will not insulate a manufacturer from recall or warranty actions if a component to which such an instruction applies fails in a non-catastrophic mode. If such a component actually deteriorates and emissions exceed standards (as a direct consequence of the failure or as a result of engine adjustment to improve driveability), nonconforming motorcycles may be remedied by a claim under the warranty and/or the recall provision.

Beginning with the 1980 model year, EPA will specify as part of scheduled maintenance the adjustment settings of any components which are capable of being adjusted and which would be expected to affect emission levels. Those adjustments within the physically allowable range that are expected to maximize driver perceived performance characteristics will be specified. For example, settings for the idle mixture, carburetor fuel metering rod and spark timing will be specified, where adjustment is available. Therefore, the manufacturers will be required to either calibrate the vehicle so that it meets the standards at all adjustments or to physically and permanently constrain the range of adjustment to the degree necessary so that the required emission levels will be achieved at any adjustment within that range. It is expected that motorcycle manufacturers will comply with this requirement by eliminating the need for certain in-use adjustments and by providing physical limitations (positive stops) to the range of any remaining maintenance adjustments. This procedure is being adopted because motorcycles to a large extent are maintained by their owners, and these vehicles are expected to be set by the owner to those adjustment points that he or she perceives will provide optimum performance by improving either the power or the fuel economy.

This procedure is intended to prevent the above standard emission levels otherwise associated with maladjustment. This provision of the regulations is especially important to the effective implementation of the 1980 standards since it is expected that the technology to be used to meet these standards will be basically engine adjustment technology. If limitations are not placed on such adjustments, it would be reasonably expected that the effectiveness of emission control would be largely negated as an inherent result of in-use maintenance practices.

Test Procedures. In general only minor adverse comments were received with respect to the test procedures. As stated in the NPRM preamble, consideration was being given to the use of the Critical Flow Venturi sampling system. This system has been adopted as an allowable alternative to the proposed Positive Displacement Pump constant volume sampler.

Manufacturers commented that the pre-emission test soak period was unnecessarily long especially for the small displacement motorcycles. Based on manufacturer and EPA data, the soak period has been revised to require soak periods of 6, 8 and 12 hours for Classes I through III, respectively.

Opposition to the 12 hour cyclic accumulation of durability distance was stated by some manufacturers. It was their opinion that this procedure added substantial cost and delay to distance accumulation and the effect on durability was uncertain. EPA maintains that this procedure is relevant to durability test cycles, and considers its use appropriate. The Agency concluded that the non-operating period should be reduced to 8 hours in order to minimize distance accumulation time while still achieving the objectives of the procedure. Since the time required to accumulate the specified distances is 9 to 22 days, depending on the class, this requirement is not considered unreasonable.

The emission test dynamometer requirements have been restricted to performance requirements in terms of the road load characteristics and cooling. This was done to allow the maximum amount of test equipment flexibility for motorcycle manufacturers. The road load requirements have been changed from the single velocity specification to a two term equation of simulated road force as a function of velocity. The specified road load force at 65 km/h must be simulated

within a 5 newton (1.1 pounds force) tolerance. The forces at other speeds are simulated to the best ability of the equipment being used. It is the Agency's intention to specify a force tolerance over the entire test speed range if tests indicate there are significant errors in emissions or fuel economy measurement resulting from the use of equipment which does not accurately simulate the specified road load. These tests will be performed after the dynamometer being procured by EPA becomes operational; and tolerances, if determined necessary, will be issued for the 1980 model year.

One manufacturer was opposed to the emission driving schedule because of the need for the very small motorcycles to operate at wide open throttle during part of the driving schedule. The required maximum speed of 59 km/h (37 mi/h) for urban driving is considered by EPA to be a representative top speed for nonfreeway traffic. EPA tests revealed that only motorcycles with certain combinations of gearing and wheel size have difficulty achieving the maximum speed. The present procedure which allows wide open throttle operation in place of achieving the required speed is considered representative of actual use, therefore the driving schedule as proposed is specified.

Manufacturers commented that the speeds in the durability cycle were also not representative for certain motorcycles. An analysis of the durability driving schedule speeds determined that certain modifications to the lap speeds should be made. The final rule making reflects these revised speeds.

Based on comments by one manufacturer, the displacement applicability of the two sets of shift points has been changed from above and below 170 cc to above and below 280 cc. A requirement for downshifting at the same vehicle speed as the upshift has been added. The use of manufacturer's recommended shift procedures is still allowable.

Motorcycle manufacturers have requested the use of indoor dynamometers for distance accumulation. There are no specific provisions for this in the regulations. However, the EPA will not disallow the use of a chassis dynamometer solely because it is located within a building. Indoor ambient temperature and the temperature measured at the cooling fan that are within 5° C of outdoor ambient are considered reasonable. Manufacturers wishing to use an indoor chassis dynamometer must request this in their application for certification.

Comments which were received in response to the NPRM are available for inspection and copying during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M St. S.W., Washington, D.C. 20460. As provided for in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Single copies of EPA's detailed analysis of the comments received, entitled "Motorcycle Emission Regulations—Summary and Analysis of NPRM Comments", as well as copies of the Final Environmental Impact Statement are available upon request from the Public Information Center (PM–215), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

This Notice of Final Rulemaking is issued under the authority of sections 202, 206, 208 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, 1857f–6, 1857g(a)).

Effective date: This regulation becomes effective on February 4, 1977.

NOTE.—The Environmental Protection Agency has determined that this document contains a major regulation requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107 and certifies that an Inflation Impact Statement has been prepared.

Dated: December 23, 1976.

JOHN QUARLES,
Acting Administrator.

Subparts E and F are added as follows:

Subpart E—Emission Regulations for 1978 and Later New Motorcycles, General Provisions

Sec.
86.401–78 General applicability.
86.402–78 Definitions.
86.403–78 Abbreviations.
86.404–78 Section numbering.
86.405–78 Measurement system.
86.406–78 Introduction, structure of subpart, further information.
86.407–78 Certificate of conformity required.
86.408–78 General standards; increase in emissions unsafe conditions.
86.409–78 Defeat devices, prohibition.
86.410–78 Emission standards for 1978 motorcycles.
86.410–80 Emission standards for 1980 motorcycles.
86.411–78 Maintenance instructions, vehicle purchaser.
86.412–78 Maintenance instructions, submission to Administrator.
86.413–78 Labeling.
86.414–78 Submission of vehicle identification numbers.
86.415–78 Production vehicles.
86.416–78 Application for certification.
86.417–78 Approval of application for certification.
86.418–78 Test fleet selection.
86.419–78 Engine displacement, motorcycle classes.
86.420–78 Engine families.
86.421–78 Test fleet.
86.422–78 Administrator's fleet.
86.423–78 Test vehicles.
86.424–78 Service accumulation, testing and maintenance.
86.425–78 Test procedures.
86.426–78 Service accumulation.
86.427–78 Emission tests.
86.428–78 Maintenace, scheduled; test vehicles.
86.428–80 Maintenance, scheduled, test vehicles.
86.429–78 Maintenance, unscheduled; test vehicles.
86.430–78 Vehicle failure.
86.431–78 Data submission.
86.432–78 Deterioration factor.
86.433–78 [Reserved]
86.434–78 Official emission tests.
86.435–78 Extrapolated emission values.
86.436–78 Additional service accumulation.
86.437–78 Certification.
86.438–78 Amendments to the application.
86.439–78 Alternative procedure for amending certificates of conformity.
86.440–78 Maintenance of records.
86.441–78 Right of entry.
86.442–78 Denial, revocation or suspension of certification.
86.443–78 Request for hearing.
86.444–78 Hearings on certification.

Subpart F—Emission Regulations for 1978 and Later New Motorcycles; Test Procedures

86.501–78 Applicability.
86.502–78 Definitions.
86.503–78 Abbreviations.
86.504–78 Section numbering.
86.505–78 Introduction; structure of subpart.
86.506 [Reserved]
86.507 [Reserved]
86.508–78 Dynamometer.
86.509–78 Exhaust gas sampling system.
86.510 [Reserved]
86.511–78 Exhaust gas analytical system.
86.512 [Reserved]
86.513–78 Fuel and engine lubricant specifications.
86.514–78 Analytical gases.
86.515–78 EPA Urban Dynamometer Driving Schedule.
86.516–78 Calibrations, frequency and overview.
86.517 [Reserved]
86.518–78 Dynamometer calibration.
86.519–78 Constant volume sampler calibration.
86.520 [Reserved]
86.521–78 Hydrocarbon analyzer calibration.
86.522–78 Carbon monoxide analyzer calibration.
86.523–78 Oxides of nitrogen analyzer calibration.
86.524–78 Carbon dioxide analyzer calibration.
86.525 [Reserved]
86.526–78 Calibration of other equipment.
86.527–78 Test procedures, overview.
86.528–78 Transmissions.
86.529–78 Road load force and inertia weight determination.
86.530–78 Test sequence, general requirements.
86.531–78 Vehicle preparation.
86.532–78 Vehicle preconditioning.
86.533 [Reserved]
86.534 [Reserved]
86.535–78 Dynamometer procedure.
86.536–78 Engine starting and restarting.
86.537–78 Dynamometer test runs.
86.538 [Reserved]
86.539 [Reserved]
86.540–78 Exhaust sample analysis.
86.541 [Reserved]
86.542–78 Records required.
86.543 [Reserved]
86.544–78 Calculations; exhaust emissions.

AUTHORITY: Secs. 202, 206, 207, 208, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, 1857f–5g, 1857f–6, 1857g(a)).

Subpart E—Emission Regulations for 1978 and Later New Motorcycles, General Provisions

§ 86.401–78 General applicability.

(a) This subpart applies to 1978 and later model year, new gasoline-fueled motorcycles built after 31 December 1977.

(b) Motocycles with engine displacements less than 50 cc (3.1 cu. in.) are excluded from the requirements of this subpart.

(c) A motorcycle is excluded from the requirements of this subpart, if, with an 80 kg (176 lb) driver, it cannot:

(1) Start from a dead stop using only the engine, or

(2) Exceed a maximum speed of 40 km/h (24.9 mph) level paved surfaces.

§ 86.402–78 Definitions.

(a) The definitions in this section apply to this subpart and also to Subpart F.

"Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f–1 through f–7, as amended by Pub. L. 91–604.

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Class", see § 86.419.

"Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

"Curb mass" means the actual or manufacturer's estimated mass of the vehicle with fluids at nominal capacity and with all equipment specified by the Administrator.

"Displacement", and "Displacement Class", see § 86.419.

"Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 86.420.

"Engine-displacement-system combination" means an engine family-displacement-emission control system combination.

"EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

"Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

"Fuel system" means the combination of fuel tank, fuel pump, fuel lines, oil injection metering system, and carburetor or fuel injection components, and includes all fuel system vents.

"Loaded vehicle mass" means curb mass plus 80 kg (176 lb.), average driver mass.

"Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January first of such calendar year. If the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

"Motorcycle" means any motor vehicle with a headlight, taillight, and stoplight and having: Two wheels, or Three wheels and a curb mass less than or equal to 680 kilograms (1499 pounds).

"Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

"Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle malfunction, or anticipated as necessary to correct an overt indication of vehicle malfunction or failure for which periodic maintenance is not appropriate.

"Span gas" means a gas of known concentration which is used routinely to set the output level of any analyzer.

"System" includes any motor vehicle modification which controls or causes the reduction of substances emitted from motor vehicles.

"Useful life" is defined for each class (see § 86.419) of motorcycle:

Class I–5.0 years or 12,000 km (7,456 miles), whichever first occurs.
Class II—5.0 years or 18,000 km (11,185 miles), whichever first occurs.
Class III—5.0 years or 30,000 km (18,641 miles), whichever first occurs.

"Unscheduled maintenance" means any inspection, adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct or diagnose a part failure or vehicle malfunction which was not anticipated.

"Zero (0) kilometers (miles)" means that point after initial engine starting at which normal assembly line operations and adjustments are completed.

§ 86.403–78 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

ASTM—American Society for Testing and Materials.
C—Celsius.
cc—Cubic centimetre(s).
cfh—Cubic feet per hour.
cfm—Cubic feet per minute.
cm—Centimetre(s).
CO—Carbon monoxide.
CO_2—Carbon dioxide.
Conc—Concentration.
cu.—Cubic.
CVS—Constant volume sampler.
EGR—Exhaust gas recirculation.
EP—End point.
EPA—Environmental Protection Agency.
F—Fahrenheit.
h—hour.
HC—Hydrocarbon(s).
Hg—Mercury.
H_2O—Water.
in.—Inch(es).
K—Kelvin.
kg—Kilogram(s).
km—Kilometre(s).
kpa—Kilopascals.
lb—Pound(s).
m—Metre(s).
mph—Miles per hour.
mm—Millimetre(s).
N_2—Nitrogen.
NOx—Oxides of nitrogen.
No.—Number.
O_2—Oxygen.
Pa—Pascal(s).
Pb—lead.
ppm—Parts per million by volume.
psi—Pounds per square inch.
psig—Pounds per square inch gauge.
R—Rankine.
rpm—Revolutions per minute.
wt—Weight.
°—Degree(s).
%—Percent.

§ 86.404–78 Section numbering.

(a) The year of initial applicability of a section is indicated by its section number. The two digits following the hyphen designate the first model year for which a section is effective. A section remains effective until superseded.

Example. Section 86.411–78 applies to 1978 and subsequent model years until it is superseded. If a § 86.411–81 is promulgated it would take effect beginning with 1981; § 86.411–78 would apply to years 1978 through 1980.

(b) A reference to a section without a year designation implies the appropriate model year.

Example. When considering 1979 vehicles a reference to § 86.411 implies § 86.411–79. However if no § 86.411–79 has been promulgated then § 86.411–78 is implied. See paragraph (a) of this section.

§ 86.405–78 Measurement system.

(a) This subpart and Subpart F have been written using System International (SI) units. SI units will be used to determine compliance with these regulations. English equivalents have been indicated solely for the user's convenience.

§ 86.406–78 Introduction, structure of subpart, further information.

(a) This subpart contains general provisions regulating the emission of air pollution from new motorcycles. Test procedures are found in Subpart F.

(b) Several discrete concepts are addressed:

(1) *Requirements.* §§ 86.407 to 86.415.
(2) *Application for certification.* §§ 86.416 and 86.417.
(3) *Test fleet selection.* § § 86.418 to 86.423.
(4) *Service accumulation, testing, maintenance, certification.* §§ 86.424 to 86.439.
(5) *Administrative provisions.* §§ 86.440 to 86.444.

(c) The certification procedure to be followed depends upon the manufacturer's projected sales.

(1) New motorcycles, produced by a manufacturer whose projected U.S. sales of motorcycles is 10,000 or more units (for the model year in which certification is sought) shall demonstrate compliance with all general standards and all specific emission requirements before they can be sold in the United States. The manufacturer is required to submit an application with sales data, product information, required maintenance, testing and service accumulation procedures. The Administrator will select vehicle(s) which will represent the manufacturer's product line. The manufacturer is required to construct these vehicles to be representative of actual production. Service is accumulated and emission tests performed with data submitted to the Administrator. The Administrator may run his own tests to confirm the manufacturer's results. The Administrator will review the data and either grant or deny certification. If the manufacturer wishes to make changes to a certified vehicle, or to produce a new vehicle, the Administrator must be notified. The Administrator may require testing to demonstrate continued compliance with emission standards. Each vehicle must be labeled with tune up specifications

and the purchaser must be supplied with maintenance instructions. Also, information on production vehicles must be supplied to the Administrator.

(2) New motorcycles produced by a manufacturer whose projected U.S. sales of motorcycles is less than 10,000 units (for the model year in which certification is sought) shall meet both the general standards and specific emission requirements described in § 86.401 through § 86.417, § 86.425, § 86.437, and § 86.440 through § 86.444 of this subpart before they can be sold in the United States. The manufacturer is required to submit an application containing a statement that his vehicles conform to the applicable emission standards. The manufacturer is required to retain in his records, but not submit with the application, valid emission test data which support his statement. The Administrator will review the application and either grant or deny certification. Each vehicle must be labeled with tune up specifications and the purchaser must be supplied with maintenance instructions. Also, information on production vehicles must be supplied to the Administrator.

(d) Manufacturers who are considering an application should contact: Director, Certification Division, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, Michigan 48105 and state whether he plans to certify for total sales of greater than or less than 10,000 vehicles for the applicable model year.

§ 86.407–78 Certificate of conformity required.

Every new motorcycle manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States which is subject to any of the standards prescribed in this subpart is required to be covered by a certificate of conformity issued pursuant to this subpart.

§ 86.408–78 General standards: increase in emissions; unsafe conditions.

(a) Any system installed on or incorporated in a new motorcycle to enable such vehicle to conform to standards imposed by this subpart:

(1) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle without such system, except as specifically permitted by regulation; and

(2) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motorcycle, its rider(s), or persons or property in close proximity to the vehicle.

(b) Every manufacturer of new motorcycles subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motorcycles in accordance with good engineering practice to ascertain that such test vehicles will meet the requirements of this section for the useful life of the vehicle.

§ 86.409–78 Defeat devices, prohibition.

(a) No motorcycle shall be equipped with a defeat device.

(b) Defeat device means any element of design which:

(1) Senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system and

(2) Reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless

(i) Such conditions are substantially included in the Federal emission test procedure, or

(ii) The need for the device is justified in terms of protecting the vehicle against damage or accident, or

(iii) The device does not go beyond the requirements of engine starting or warm-up.

§ 86.410–78 Emission standards for 1978 motorcycles.

(a)(1) Exhaust emissions from 1978 model year motorcycles shall not exceed:

(i) *Hydrocarbons.* (A) For vehicles with engine displacements equal to or greater than 50 cc (3.1 cu. in.) but less than 170 cc (10.4 cu. in.), 5.0 grams per vehicle kilometre.

(B) For vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.) but less than 750 cc (45.8 cu. in.), the standard is computed by use of the following formula, rounded in accordance with ASTM E 29–67 to two significant figures:

Hydrocarbon standard in grams per vehicle kilometre=5.0+0.0155×(D−170).
where:
D = engine displacement of the motorcycle in cubic centimetres, see § 86.419.

(C) For vehicles with engine displacements equal to or greater than 750 cc (45.8 cu. in.), 14 grams per vehicle kilometre.

(ii) *Carbon monoxide:* 17 grams per vehicle kilometre.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over driving schedules as set forth in Subpart F and measured and calculated in accordance with those procedures.

(b) No crankcase emissions shall be discharged into the ambient atmosphere from any new motorcycle subject to this subpart.

§ 86.410–80 Emission standards for 1980 motorcycles.

(a)(1) Exhaust emissions from 1980 model year motorcycles shall not exceed:

(i) *Hydrocarbons.* 5.0 grams per vehicle kilometre.

(ii) *Carbon monoxide.* 12 grams per vehicle kilometre.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over driving schedules as set forth in Subpart F and measured and calculated in accordance with those procedures.

(b) No crankcase emissions shall be discharged into the ambient atmosphere from any new motorcycle subject to this subpart.

§ 86.411–78 Maintenance instructions, vehicle purchaser.

(a) The manufacturer shall furnish or cause to be furnished to the ultimate purchaser of each new motorcycle the written instructions for the periodic and anticipated maintenance and use of the vehicle by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems for the vehicle's useful life.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in the English language and in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall:

(1) Contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions, and

(2) Specify the performance of all scheduled maintenance performed by the manufacturer under § 86.428.

§ 86.412–78 Maintenance instructions, submission to Administrator.

(a) *Instructions for ultimate purchaser.* (1) The manufacturer shall provide to the Administrator, at least 30 days before being supplied to the ultimate purchaser (unless the Administrator consents to a lesser period of time), a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser. The instructions must include the periodic and anticipated maintenance contained in the application for certification or contained in the manufacturers' records (if anticipated sales are less than 10,000 units). Such instructions must be reasonable and necessary to assure the proper functioning of the vehicle's emission control systems.

(2) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

(b) *Other instructions.* The manufacturer of any new motorcycle subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer, copies of all sales brochures, instructions, or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle relevant to the control of crankcase or exhaust emissions, issued by the manufacturer for use by other manufacturers, assembly plants,

distributors, dealers, repair facilities, and ultimate purchasers. Any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

§ 86.413–78 Labeling.

(a)(1) The manufacturer of any motorcycle shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity.

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached and must be readily accessible. Multi-part labels may be used.

(3) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) *The label heading.* Vehicle Emission Control Information;

(ii) Full corporate name and trademark of the manufacturer;

(iii) Engine displacement (in cubic centimetres) and engine family identification;

(iv) Engine tune up specifications and adjustments, as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop). These specifications shall indicate the proper transmission position during tune up;

(v) Any specific fuel or engine lubricant requirements (e.g., lead content, Research octane number, engine lubricant type);

(vi) An unconditional statement of conformity to USEPA regulations which includes the model year; for example, This Vehicle Conforms to USEPA Regulation Applicable to ——— Model Year New Motorcycles.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle conforms to any other applicable Federal or State standards for new motorcycles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

§ 86.414–78 Submission of vehicle identification numbers.

(a) Upon request by the Administrator, the manufacturer of any motorcycle covered by a certificate of conformity shall, within 30 days, identify by vehicle identification number, the vehicle(s) covered by the certificate of conformity.

(b) The manufacturer of any motorcycle covered by a certificate of conformity shall furnish to the Administrator, at the beginning of each model year, any vehicle identification number coding system which identifies whether such vehicle(s) are covered by a certificate of conformity.

§ 86.415–78 Production vehicles.

(a) Any manufacturer obtaining certification shall supply to the Administrator, upon his request, a reasonable number of production vehicles selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require.

(b) Any manufacturer obtaining certification shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family-engine displacement-emission control system-fuel system-transmission type-inertial mass category combination produced for sale in the United States during the preceding quarter.

(c) All motorcycles covered by a certificate of conformity shall prior to delivery to the ultimate purchaser be adjusted, by the manufacturer or his agent, to the ignition timing specification detailed in § 86.413.

§ 86.416–78 Application for certification.

(a) New motorcycles produced by a manufacturer whose projected sales in the United States is 10,000 or more units (for the model year in which certification is sought) are covered by the following:

(1) An application for a certificate of conformity to the regulations in the English language applicable to new motorcycles shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment. Where possible, a manufacturer should include in a single application for certification, a description of all vehicles in each class for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

(2) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(i) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device. Transmission gear ratios, overall drive ratios and vehicle mass (or range of mass) shall also be included. The label and its location shall be specified, § 86.413. Available optional equipment shall be described.

(ii) The range of available fuel and ignition system adjustments.

(iii) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested. If reduced testing based on low sales volume is requested the method of predicting sales shall be described.

(iv) A description of the test equipment (if applicable) and fuel and engine lubricant proposed to be used.

(v) A description of the proposed service accumulation procedure and a description of the proposed scheduled maintenance.

(vi) A statement of recommended periodic and anticipated maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations. listings of the fuels and lubricants to be recommended to the ultimate purchaser and a description of the program for training of personnel for such maintenance, and the equipment required to perform this maintenance.

(vii) A description of normal assembly line operations and adjustments if such procedures exceed 10 km (6.2 miles) or one hour of engine operation.

(3) Completed copies of the application and of any amendments thereto, and all notifications under §§ 86.438 and 86.439 shall be submitted in such multiple copies as the Administrator may require.

(4) For purposes of this section, "auxiliary emission control device" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(b) New motorcycles produced by a manufacturer whose projected sales in the United States is less than 10,000 units (for the model year in which certification is sought) are covered by the following:

(1) All the information that would otherwise be required to be submitted to EPA under paragraph (a)(2) of this section must be made a part of the manufacturer's records, except there is no requirement to submit the information to the Administrator or receive approval from the Administrator.

(2) Section 86.437 details the statements that these manufacturers are required to provide to the Administrator.

(c) For the purpose of determining applicability of paragraphs (a) or (b) of this section, where there is more than one importer or distributor of vehicles manufactured by the same person, the projected sales shall be the aggregate of the projected sales of those vehicles by such importers or distributors.

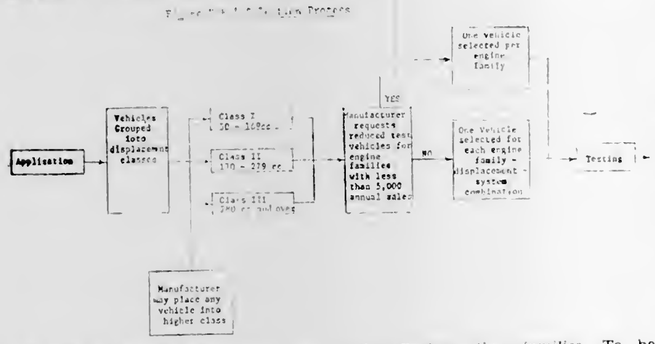
§ 86.417–78 Approval of application for certification.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve

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the application and select a test fleet as appropriate.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed distance accumulation procedures, maintenance, test equipment, label content or location, fuel or lubricant, and incorporation of defeat devices in vehicles described by the application. Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. The manufacturer may request a hearing under § 86.443.



§ 86.419–78 Engine displacement, motorcycle classes.

(a) (1) Engine displacement shall be calculated using nominal engine values and rounded to the nearest whole cubic centimetre, in accordance with ASTM E 29–67.

(2) For rotary engines, displacement means the maximum volume of a combustion chamber between two rotor tip seals minus the minimum volume of that combustion chamber between those two rotor tip seals times three times the number of rotors.

cc=(max. chamber volume min. chamber volume)×3×no. of rotors

(b) Motorcycles will be divided into classes based on engine displacement.

(1) Class I—50 to 169 cc (3.1 to 10.4 cu. in.).

(2) Class II—170 to 279 cc (10.4 to 17.1 cu. in.).

(3) Class III—280 cc and over (17.1 cu. in. and over).

(c) At the manufacturer's option, a vehicle described in an application for certification may be placed in a higher class (larger displacement). All procedures for the higher class must then be complied with, compliance with emission standards will be determined on the basis of engine displacement.

§ 86.420–78 Engine families.

(a) The vehicles covered in the application will be divided into groupings whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(b) *Reciprocating families.* To be classed in the same engine family, reciprocating engines must be identical in all of the following applicable respects:

(1) The combustion cycle.

(2) The cooling mechanism.

(3) The cylinder configuration (inline, vee, opposed, bore spacings, etc.).

(4) The number of cylinders.

(5) The engine displacement class, § 86.419.

(6) The method of air aspiration.

(7) The number of catalytic converters, location, volume, and composition.

(8) The thermal reactor characteristics.

(9) The number of carburetors.

(10) The prechamber characteristics.

(11) The number of tune ups to be performed during service accumulation.

(c) At the manufacturer's option, reciprocating engines identical in all the respects listed in paragraph (b) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of features such as:

(1) The bore and stroke.

(2) The combustion chamber configuration.

(3) The intake and exhaust timing method of actuation (poppet valve, reed valve, rotary valve, etc.).

(4) The intake and exhaust valve or port sizes, as applicable.

(5) The fuel system.

(6) The exhaust system.

(d) *Rotary families.* To be classed in the same engine family, rotary combustion cycle engines must be identical in all of the following applicable respects:

(1) The major axis of the epitrochoidal curve.

(2) The minor axis of the epitrochoidal curve.

(3) The generating radius of the epitrochoidal curve.

(4) The cooling mechanism.

(5) The number of rotors.

(6) The engine displacement class, § 86.419.

(7) The method of air aspiration.

(8) The number of catalytic converters, location, volume and composition.

(9) The thermal reactor characteristics.

(10) The number of carburetors.

(11) The prechamber characteristics.

(12) The number of tune ups to be performed during service accumulation.

(e) At the manufacturer's option, rotary combustion cycle engines identical in all the respects listed in paragraph (d) of this section, may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of features, such as:

(1) The width of the rotor housing.

(2) The type and location of intake port (side, peripheral, combination, etc.).

(3) The number of spark plugs per rotor.

(4) The fuel system.

(5) The exhaust system.

(f) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (b) and (d) of this section, the Administrator will establish families of those engines based upon the features most related to their emission characteristics.

§ 86.421–78 Test fleet.

(a) A test vehicle will be selected by the Administrator to represent each engine-displacement-system combination. The configuration (engine calibration, transmission, drive ratio, mass, options, etc.) in the manufacturer's application which the Administrator believes has the greatest probability of exceeding the standards will be selected.

(b) At the manufacturer's option, the Administrator will only select one vehicle to represent each engine family where the total projected annual sales for that family are less than 5,000 vehicles.

(c) A manufacturer may elect to operate and test additional vehicles which are identical to those selected by the Administrator. Written notice of a commitment to operate and test additional vehicles shall be given to the Administrator prior to the start of testing and not later than 30 days following notification of the test fleet selection. The results of tests performed by the manufacturer will be combined to determine deterioration factors. Each vehicle must meet applicable standards when tested by the Administrator and when those results are projected to the useful life.

(d) In lieu of testing a test vehicle and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data on a similar vehicle for which certification has previously been obtained or for which all applicable data has previously been submitted.

§ 86.422–78 Administrator's fleet.

The Administrator may require additional test vehicles identical in all material respects to vehicles selected in accordance with § 86.421. The number of vehicles selected shall not increase the size of the test fleet by more than 20 percent or one vehicle, whichever is greater.

§ 86.423–78 Test vehicles.

(a) At zero kilometres before testing or beginning to accumulate service on the test vehicle, the manufacturer shall provide the zero kilometre documents as required by the Administrator, and make the vehicle available for such testing or inspection as the Administrator may require. Testing or service accumulation shall not begin until authorized by the Administrator. Failure to comply with these requirements will invalidate all test data submitted for the vehicle.

(b) Once a manufacturer begins to operate a test vehicle, as indicated by compliance with paragraph (a) of this section, the data from the vehicle will be used, unless specified otherwise by the Administrator. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(c) Test vehicles shall be calibrated at zero kilometres within the production tolerences applicable to the manufacturer's specifications.

(d) The Administrator may disqualify a vehicle which receives assembly line operations and adjustments which will not be performed on production vehicles.

§ 86.424–78 Service accumulation, testing and maintenance.

(a) Service accumulation, emission testing and maintenance are described in §§ 86.425 to 86.429. The testing and certification procedures are graphically depicted in Figure E78–2.

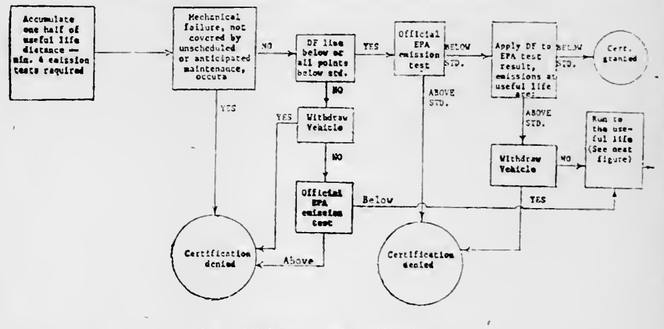


Figure E78-2 Testing and Certification

§ 86.425–78 Test procedures.

(a) Motorcycle emission test procedures are found in Subpart F.

(b) The Administrator may prescribe emission test procedures for any motorcycle which he determines is not susceptible to satisfactory testing by the procedures set forth in Subpart F.

(c) Testing of any type with respect to any test vehicle other than that specified in this subpart and Subpart F is not allowed except as specifically authorized by the Administrator.

§ 86.426–78 Service accumulation.

(a) The procedure for service accumulation will be the Durability Driving Schedule as specified in Appendix IV to this Part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate distance at a measured curb mass which is within 5 kg (11.0 lb) of the curb mass specified by the Administrator.

(b) During service accumulation, vehicles shall not be operated for more than 12 hours during an operating sequence. Engine shutdowns are permitted during the operating sequence, but the periods of shutdown are not included in the 12 hour total. Following each operating sequence, the vehicle shall soak, without operation, for a minimum of 8 hours. During soak periods, the vehicle shall be exposed to normal outside ambient temperatures and humidity conditions unless vehicle maintenance or servicing is being performed.

Displacement class	Total test distance (kilometers)	Minimum test distance (kilometers)	Minimum number of tests
I	6,000	2,500	4
II	9,000	2,500	4
III	15,000	3,500	4

§ 86.427–78 Emission tests.

(a) Each test vehicle shall be driven with all emission control systems installed and operating for the following total test distances, or for such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. (See § 86.419 for class explanation).

(b) All vehicles shall undergo at least four emission tests; one at the minimum test distance, one before and one after periodic maintenance, and one at the total test distance. If no maintenance is scheduled, then at least two tests will be performed, at equal intervals, between the minimum and total test distances. Additional tests may be performed; such tests must be at equal intervals and approved by the Administrator prior to starting service accumulation.

(c) Where the Administrator agrees to a lesser distance for service accumulation, he may modify the maintenance provisions of this Subpart.

(d) All tests required by this subpart must be conducted at an accumulated distance within 250 kilometers (155 mi) of the nominal distance at each test point.

(e) Up to three valid tests may be conducted at each test point. The number of valid tests must be the same at each test point for a given vehicle.

(f) The Administrator may require that any one or more of the test vehicles be submitted to him, at such places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(g) Whenever the Administrator conducts a test on a test vehicle, the results of that test, unless subsequently invalidated by the Administrator, shall comprise the data for the vehicle at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

§ 86.428–78 Maintenance, scheduled: test vehicles.

(a) Periodic maintenance on the engine, emission control system, and fuel system of test vehicles shall be scheduled for performance at the same distance intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser. Such maintenance shall be performed only under the following provisions.

(b) Periodic major engine tune-ups to the manufacturer's specifications may be performed no more frequently than as follows nor may any tune-up be performed within 1000 km prior to the total test distance.

Displacement class:	*Minimum interval (kilometers)*
I	3,000
II	3,000
III	4,000

(c) A scheduled major engine tune up shall be restricted to items listed below and shall be conducted in a manner consistent with service instructions and

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specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required: (1) Breaker points, timing, (2) idle speed and idle air/fuel mixture, (3) valve lash, (4) engine bolt torque, and (5) spark plugs.

(d) [Reserved]

(e) Periodic change of engine and transmission oil, and change or service of oil, air, and fuel filters will be allowed at the same distance intervals that will be specified in the manufacturer's maintenance instructions.

(f) Requests for authorization of periodic maintenance of emission control related components not specifically authorized to be maintained by this section, and for anticipated maintenance (see § 86.428), must be made prior to the beginning of distance accumulation. The Administrator will approve the performance of such maintenance in the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use and that the maintenance is reasonable and necessary.

(1) The EGR system may be serviced a maximum of two times during the durability service accumulation if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance, or if the need for periodic maintenance of the EGR system is overtly signalled to the vehicle operator by an appropriate means, e.g., an indicator light or significantly reduced driveability performance.

(2) The catalytic converter may be serviced only once during the durability service accumulation if failure of the catalytic converter activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for catalytic converter maintenance, or if the need for periodic maintenance of the catalytic converter is overtly signalled to the vehicle operator by an appropriate means, e.g., an indicator light or significantly reduced driveability performance.

(g) Certain engine components may require maintenance which, by its nature, cannot be scheduled for periodic intervals, but which the manufacturer believes will be necessary. For example, piston and cylinder replacement caused by piston seizure which results in the vehicle being inoperative; or, in the case of two-stroke engines, decarbonization, the need for which is signalled to the vehicle operator by significantly reduced driveability performance. Such maintenance is designated anticipated maintenance. Anticipated maintenance must be identified by the manufacturer and approved as being appropriate by the Administrator prior to the start of service accumulation. The approximate distance at which the need for anticipated maintenance may arise must be specified in the application for certification.

(h) Complete emission tests (see Subpart F) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions.

§ 86.428–80 Maintenance, scheduled; test vehicles.

(a) Periodic maintenance on the engine, emission control system, and fuel system of test vehicles shall be scheduled for performance at the same distance intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser. Such maintenance shall be performed only under the following provisions.

(b) Periodic major engine tune-ups to the manufacturer's specifications may be performed no more frequently than as follows nor may any tune-up be performed within 1000 km prior to the official test.

Displacement class:	*Minimum interval (Kilometer)*
I	3,000
II	3,000
III	4,000

(c) A scheduled major engine tune-up shall be restricted to items listed below and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required: (1) Breaker points, timing, (2) idle speed and idle air/fuel mixture, (3) valve lash, (4) engine bolt torque, and (5) spark plugs.

(d) The Administrator will specify the ignition timing, idle air fuel mixture and other fuel system adjustments to be used at each tune-up. The settings selected will be those the Administrator deems appropriate within the physically available range.

(e) Periodic change of engine and transmission oil, and change or service of oil, air, and fuel filters will be allowed at the same distance intervals that will be specified in the manufacturer's maintenance instructions.

(f) Requests for authorization of periodic maintenance of emission control related components not specifically authorized to be maintained by this section, and for anticipated maintenance (see § 86.428), must be made prior to the beginning of distance accumulation. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use and that the maintenance is reasonable and necessary.

(1) The EGR system may be serviced a maximum of two times during the durability service accumulation if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance, or if the need for periodic maintenance of the EGR system is overtly signalled to the vehicle operator by an appropriate means, e.g., an indicator light or significantly reduced driveability performance.

(2) The catalytic converter may be serviced only once during the durability service accumulation if failure of the catalytic converter activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for catalytic converter maintenance, or if the need for periodic maintenance of the catalytic converter is overtly signalled to the vehicle operator by an appropriate means, e.g., an indicator light or significantly reduced driveability performance.

(g) Certain engine components may require maintenance which, by its nature, cannot be scheduled for periodic intervals, but which the manufacturer believes will be necessary. For example, piston and cylinder replacement caused by piston seizure which results in the vehicle being inoperative; or in the case of two-stroke engines, decarbonization, the need for which is signalled to the vehicle operator by significantly reduced driveability performance. Such maintenance is designated anticipated maintenance. Anticipated maintenance must be identified by the manufacturer and approved as being appropriate by the Administrator prior to the start of service accumulation. The approximate distance at which the need for anticipated maintenance may arise must be specified in the application for certification.

(h) Complete emission tests (see Subpart F) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions.

§ 86.429–78 Maintenance, unscheduled; test vehicles.

(a) Any unscheduled engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on vehicles shall be performed only with the advance approval of the Administrator.

(1) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(i) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(ii) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, vehicle stall, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(2) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a) (1) (i) of this section.

(b) Repairs to vehicle components of test vehicles, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(c) The Administrator shall be given the opportunity to verify the extent of an overt indication of part failure and/or

vehicle malfunction (e.g., misfire, stall), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(d) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available at dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components, and

(2) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a) (1) of this section for durability or emission data vehicles, or

(3) Unless specifically authorized by the Administrator.

(e) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a test vehicle.

(f) Complete emission tests are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions.

§ 86.430–78 Vehicle failure.

(a) Any test vehicle which incurs major mechanical failure necessitating disassembly of the engine shall not be used as a test vehicle. This prohibition does not apply to failures occurring after the official test at the total test distance.

§ 86.431–78 Data submission.

(a) Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within five working days). In addition, all test data shall be compiled and provided to the Administrator. Failure to comply with these requirements may invalidate all test data submitted for the test vehicle.

(b) The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer. If the Administrator determines that voiding the test was not appropriate, the Administrator may require that the data from that test be used in the calculation of the deterioration factor for emissions.

(c) When unscheduled or anticipated maintenance is performed, a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken shall be included with the test data. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition all test data and maintenance reports shall be compiled and provided to the Administrator.

(d) A complete record of all maintenance shall be supplied.

§ 86.432–78 Deterioration factor.

(a) Deterioration factors shall be developed for each test vehicle from the emission test results. A separate factor shall be developed for each pollutant. Results of all valid tests performed by the manufacturer shall be used. When the Administrator conducts service accumulation, results from all tests he performed shall be used.

(b) Emission results which are less than 0.10 g/km shall be considered to be 0.10 g/km for purposes of this section.

(c) Test results for each pollutant shall be plotted as a function of the service accumulated at the start of the emission test, rounded to the nearest kilometre. These results shall be correlated to a straight line, fit by the method of least squares.

(d) An exhaust emission deterioration factor will be calculated by dividing the predicted emissions at the useful life distance by the predicted emissions at the total test distance. Predicted emissions are obtained from the correlation developed in paragraph (c) of this section.

$$\text{Factor} = \frac{\text{Predicted total distance emissions}}{\text{Predicted total test distance emissions}}$$

These interpolated and extrapolated values shall be carried out to four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(e) Deterioration factors computed to be less than 1.0 shall be 1.0.

§ 86.433–78 [Reserved]

§ 86.434–78 Official emission tests.

(a) At the conclusion of service accumulation, and after emission tests for deterioration, the vehicle shall receive an official emission test. The Administrator shall designate where this test will occur.

(b) The manufacturer may request a second official test. The results of the second test will be used to determine compliance.

(c) If the emission results from the official test exceed the standards (without correction for deterioration), certification will be denied.

§ 86.435–78 Extrapolated emission values.

(a) If the deterioration factor lines are below the standards between the minimum test distance and the useful life, or if all points used to generate the lines are below the standards, predicted useful life emissions shall be calculated. If not, the manufacturers may elect to withdraw the vehicle or accumulate additional service.

(b) The emission results of each pollutant obtained from the official test will be multiplied by the appropriate deterioration factor to determine useful life emissions.

(1) If the useful life emissions are below the standards, certification will be granted.

(2) If any of the useful life emissions exceed the emission standards, the vehicle must (if not withdrawn) accumulate distance to the useful life.

§ 86.436–78 Additional service accumulation.

(a) Additional service up to the useful life will be accumulated under the same conditions as the initial service accumulation.

(b) New deterioration lines will be generated using all test points (except the first official EPA test) up to the useful life. The same procedures for determining the original deterioration line will be used.

(c) The vehicle will receive a final EPA official test. The manufacturer may request a second test. The results of the second test will be used to determine compliance.

(d) To qualify for certfication:

(1) The final EPA official test results must be below the standards, and

(2) The deterioration line must be below the standard at the minimum test distance and the useful life, or all points used to generate the line, must be below the standard.

(e) If the vehicle is unable to complete the total distance due to engine mechanical failure, certification will be granted if:

(1) The mechanical failure was anticipated, § 86.428, and

(2) A new deterioration line using all available data, except the official EPA test, is below the standard at the minimum test distance and at the useful life, and

(3) The results of the EPA official test, when adjusted by the new deterioration factor, are below the standards.

(f) The provisions of this section are graphically depicted in Figure E78–3.

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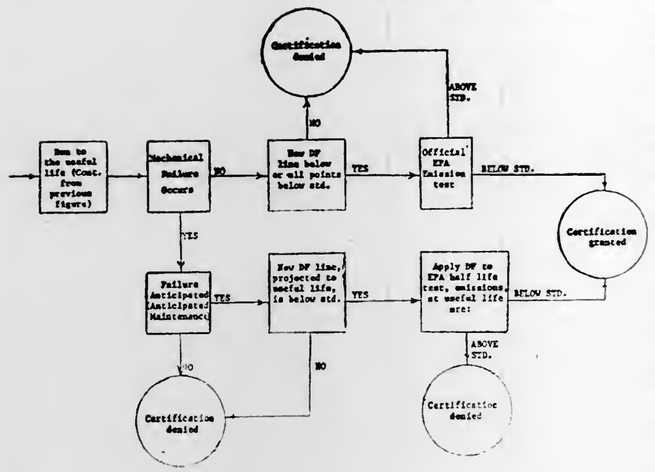


Figure D78-3 Additional Distance Accumulation

§ 86.437–78 Certification.

(a) New motorcycles produced by a manufacturer whose projected sales in the United States is 10,000 or more units (for the model year in which certification is sought) are covered by the following:

(1) The manufacturer shall submit to the Administrator a statement that the test vehicles with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirements of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle tested, the vehicle shall be identified, and all pertinent test data relating thereto shall be supplied.

(2) (i) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.441 and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by § 86.442.

(ii) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motorcycle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motorcycles which conform in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the ____ model year period of the said manufacturer, as defined in 40 CFR § 86.402.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.441 which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.441 with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 86.442. It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.442.

(iii) The certificate will cover all vehicles represented by the test vehicle and will certify compliance with no more than one set of applicable standards.

(3) (i) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.427, or information derived from any inspection carried out under § 86.441, or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. The manufacturer may request a hearing on the Administrator's determination.

(ii) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any vehicles represented by a test vehicle(s) determined not in compliance with applicable standards:

(A) Request a hearing.

(B) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under paragraph (b)(2)(iii) of this section.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(C) Repair the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as repaired, shall then be operated and tested in accordance with applicable test procedures.

(iii) If the manufacturer does not request a hearing or present the required data under subparagraph (2) of this paragraph, the Administrator will deny certification.

(b) New motorcycles produced by a manufacturer whose projected sales in the United States is less than 10,000 units (for the model year in which certification is sought) are covered by the following:

(1) The manufacturer shall submit to the Administrator an application for certification containing the following:

(i) A brief description of the vehicles to be covered by the certificate (the manufacturer's sales data book or advertising including specifications will satisfy this requirement for most manufacturers).

(ii) A statement signed by an authorized representative of the manufacturer stating: "The vehicles described herein have been tested in accordance with the provisions of Subpart E, Title 40, United States Code of Federal Regulations, and on the basis of those tests are in conformance with that Subpart. All of the data and records required by that Subpart are on file and are available for inspection by the Administrator. Total sales of vehicles subject to this Subpart will be limited to less than 10,000 units."

(2) If, after a review of the statement the Administrator determines that the requirements of this subpart have been met, he will issue a certificate of conformity with respect to the described vehicles except in cases covered by § 86.442.

(3) Such certificate will be issued for such a period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motorcycle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers no more than 9999 new motorcycles as described in the application for certification, and the records required in 40 CFR 86.416, manufactured by ---------- and which are produced during the ------- model year period of the said manufacturer, as defined in 40 CFR 86.402.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.441 which concern either the vehicle certified or any production vehicle covered by this certificate or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.441 with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 86.442. It is a term of this certificate that this certificate may be revoked or suspended

for the other reasons stated in § 86.442. It is also a term of this certificate that no changes shall be made to the vehicles covered by this certificate that will cause the vehicle's emissions to exceed the applicable emission standards as set forth in this chapter.

(4) The certificate will cover all vehicles described by the manufacturer.

(5) (i) If, after a review of the statements and descriptions submitted by the manufacturer, the Administrator determines that the applicable requirements have not been met, he will notify the manufacturer in writing, setting forth the basis for his determination. The manufacturer may request a hearing on the Administrator's determination.

(ii) If the manufacturer does not request a hearing or present the required information the Administrator will deny certification.

§ 86.438–78 Amendments to the application.

(a) The manufacturer shall inform the Administrator by way of amendment to the application of any proposed changes to vehicles in production or additional vehicles to be produced. The Administrator will, if appropriate, select a new test vehicle. Except as provided in § 86.439, no changes may be instituted until approved by the Administrator.

(b) The Administrator may allow reduced testing.

§ 86.439–78 Alternative procedure for amending certificates of conformity.

(a) A manufacturer, in lieu of notifying the Administrator in advance of an addition of a vehicle under § 86.438, may notify him by appropriate amendment to the application for certification concurrently with implementation of the change or addition if the manufacturer determines on the basis of emission data that the addition or change will not adversely affect (cause to increase above the applicable standards) emissions from the affected vehicles. Upon such notification, the manufacturer may proceed to put the addition or change into effect. The applicable certificate of conformity then in effect will be deemed amended as set forth in the amended application unless and until the amendment is rejected by the Administrator under paragraph (c) of this section.

(b) The manufacturer may continue to produce vehicles as described in the amendment to the application for certification for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon the description of the amendment to the application, that no additional test data will be required, he will notify the manufacturer in writing of the acceptability of the amended application. If the Administrator determines that additional test data will be required, he will so notify the manufacturer and proceed as in § 86.438.

(d) Election to produce vehicles under this section will be deemed to be a consent to recall all vehicles which the Administrator determines under § 86.438 do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

(e) Any changed or added vehicles produced after the manufacturer is notified of the rejected application amendment will not be covered by a certificate of conformity.

§ 86.440–78 Maintenance of records.

(a) The manufacturer of any motorcycle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records;

(1) *General records.* (i) (A) Identification and description of all certification vehicles for which testing is required under this subpart.

(B) A description of all emission control systems which are installed on or incorporated in each certification vehicle.

(C) A description of all procedures used to test each such certification vehicle.

(ii) A properly completed application, following the format prescribed by the U.S. EPA for the appropriate year of production, fulfills each of the requirements of this paragraph.

(2) *Individual records.* (i) A brief history of each motorcycle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected and of the modification made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the build-up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the carburetor, fuel system, emission control system components, and exhaust after treatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust after treatment device, vehicle mass, or any other device or component that can reasonably be expected to influence exhaust emissions, will be represented of production vehicles, and that either all components and/or vehicle construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the distance accumulated on the vehicle when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation run, listing both the distance accumulated and the name of each rider or each operator of the automatic service accumulation device.

(D) If used, the record of any devices employed to record the speed and/or distance in relationship to time of the test vehicle.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle was idle in storage, in transit or transport, and required soak periods.

(H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or rider speeding citations or warnings.

(ii) Each such history shall be started on the date that the first of any of the selection of build-up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is performed on it, and shall be kept in a designated location.

(3) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer: *Provided*, That in every case all the information contained in the hard copy shall be retained.

§ 86.441–78 Right of entry.

(a) Any manufacturer who has applied for certification of a new motorcycle subject to certification tests under this Subpart shall admit or cause to be admitted

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any EPA Enforcement Officer during operating hours on presentation of any credentials to any of the following:

(1) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(2) Any facility where any new motorcycle which is being, was or is to be tested is present.

(3) Any facility where any construction process or assembly process used in the modification or build-up of such a vehicle into a certification vehicle is taking place or has taken place.

(4) Any facility where any record or other document relating to any of the above is located.

(b) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(1) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and service accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(2) To inspect and make copies of any such records, designs, or other documents; and

(3) To inspect and/or photograph any part or aspect of any such certification vehicle and any components to be used in the construction thereof.

(c) In order to allow the Administrator to determine whether or not production motorcycles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(1) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(2) Any facility where any motorcycles to be introduced into commerce are manufactured or assembled.

(d) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(1) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(2) To inspect and make copies of any such records, documents or designs; and

(3) To inspect and photograph any part or aspect of any such new motorcycles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(e) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(f) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(g) For purposes of this section:

(1) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(2) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(3) Where facilities or areas other than those covered by paragraph (g)(2) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, service accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(4) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(5) Any entry without 24 hours prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement.

§ 86.442–78 Denial, revocation, or suspension of certification.

(a) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(1) The manufacturer submits false or incomplete information in his application of certification thereof; or

(2) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(3) Any EPA Enforcement Officer is denied access on the terms specified in § 86.441 to any facility or portion thereof which contains any of the following:

(i) The vehicle, or

(ii) Any components used or considered for use in its modification or build-up into a certification vehicle, or

(iii) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(iv) Any step in the construction of a vehicle described in (c) of this subdivision, or

(v) Any records, documents, reports, or histories required by this Part to be kept concerning any of the above.

(4) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.444) in examining any of the items listed in paragraph (a)(1)(iii) of this section.

(b) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (a) of this section only when the infraction is substantial.

(c) In any case in which a manufacturer knowingly submits false or inaccurate information, or knowingly renders inaccurate or invalid any test data, or commits any fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(d) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraphs (a)(3) or (a)(4) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.441 in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraphs (a)(3) or (a)(4) of this section, shall have the burden of

establishing that contention to the satisfaction of the Administrator.

(e) Any revocation or suspension of certification under paragraph (a) of this section shall:

(1) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.444 hereof.

(2) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(f) The manufacturer may request in the form and manner specified in § 86.443 that any determination made by the Administrator under paragraph (a) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.444. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

§ 86.443–78 Request for hearing.

Within 30 days following receipt of notification that an application has been rejected or that certification has been denied, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing with respect to such issue.

§ 86.444–78 Hearings on certification.

(a) (1) After granting a request for a hearing under § 86.443 the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 86.443, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 86.437, the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issue by the Administrator under a hearing and the supporting data submitted therewith and all documents submitted therewith, and correspondence and other data material to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d) (1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrevelant, immaterial, and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of Title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f) (1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefore on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefore on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

Subpart F—Emission Regulations for 1978 and Later New Motorcycles; Test Procedures

§ 86.501–78 Applicability.

(a) This subpart contains the motorcycle test procedures specified in Subpart E.

(b) Provisions of this subpart apply to tests performed by both the Administrator and motor vehicle manufacturers.

§ 86.502–78 Definitions.

(a) The definitions in § 86.402–78 apply to this subpart.

§ 86.503–78 Abbreviations.

(a) The abbreviations in § 86.403–78 apply to this subpart.

§ 86.504–78 Section numbering.

(a) The section numbering system described in § 86.404–78 is used in this subpart.

§ 86.505–78 Introduction: structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform exhaust emission tests on motorcycles. Subpart E sets forth the testing requirements and test intervals necessary to comply with EPA certification procedures.

(b) Three topics are addressed in this subpart. Sections 86.508 through 86.515 set forth specifications and equipment requirements; §§ 86.516 through 86.526 discuss calibration methods and frequency; test procedures and data requirements are listed (in approximate order of performance) in §§ 86.527 through 86.544.

§ 86.506 [Reserved]

§ 86.507 [Reserved]

§ 86.508–78 Dynamometer.

(a) The dynamometer shall have a single roll with a diameter of at least 0.400 metre.

(b) The dynamometer shall be equipped with a roll revolution counter for measuring actual distance traveled.

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(c) Flywheels or other means shall be used to stimulate the inertia specified in § 86.529 within a tolerance of ±3kg.

(d) A variable speed cooling blower shall direct air to the vehicle. The blower outlet shall be at least 0.40 m² (4.31 ft²) and shall be squarely positioned between 0.3 m (0.98 ft) and 0.45 m (1.48 ft) in front of the vehicle's front wheel. The velocity of the air at the blower outlet shall be within the following limits (as a function of roll speed):

Actual roll speed	*Allowable cooling air speed*
0 km/h to 5 km/h	0 km/h to 10 km/h.
5 km/h to 10 km/h	0 km/h to roll speed+5 km/h.
10 km/h to 50 km/h	Roll speed±5 km/h.
50 km/h to 70 km/h	Roll speed±10 pct.
Above 70 km/h	At least 63 km/h.

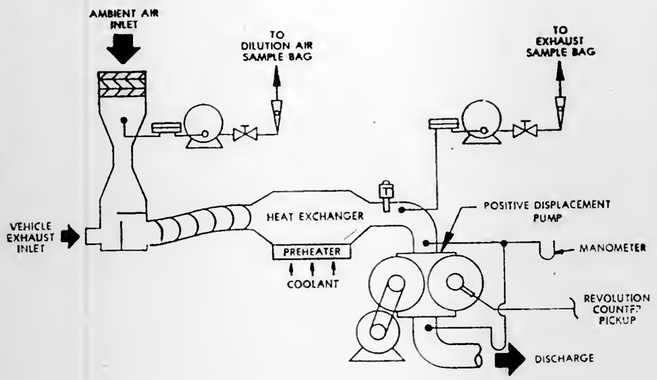
(e) The dynamometer shall comply with the tolerances in § 86.529.

§ 86.509–78 Exhaust gas sampling system.

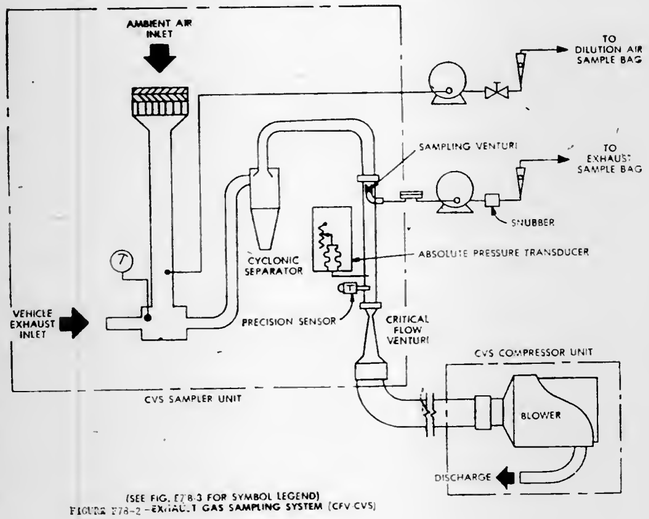
(a) (1) *General.* The exhaust gas sampling system is designed to measure the true mass emissions of vehicle exhaust. In the CVS concept of measuring mass emissions, two conditions must be satisfied: The total volume of the mixture of exhaust and dilution air must be measured, and a continuously proportioned sample of volume must be collected for analysis. Mass emissions are determined from the sample concentration and totalized flow over the test period.

(2) *Positive Displacement Pump.* The Positive Displacement Pump-Constant Volume Sample (PDP–CVS), Figure F78–1, satisfies the first condition by metering at a constant temperature and pressure through the pump. The total volume is measured by counting the revolutions made by the calibrated positive displacement pump. The proportional sample is achieved by sampling at a constant flow rate.

(3) *Critical Flow Venturi.* The operation of the Critical Flow Venturi-Constant Volume Sampler (CFV–CVS), Figure F78–2, is based upon the principles of fluid dynamics associated with critical flow. Proportional sampling is maintained by use of a small CFV in the sample line, which responds to the varying temperatures in the same manner as the main CFV. Total flow per test phase is determined by continuously computing and integrating instantaneous flow. A low response time temperature sensor is necessary for accurate flow calculation.



(SEE FIG. F78-3 FOR SYMBOL LEGEND)
FIGURE F78–1—EXHAUST GAS SAMPLING SYSTEM (PDP-CVS)



(SEE FIG. F78-3 FOR SYMBOL LEGEND)
FIGURE F78–2—EXHAUST GAS SAMPLING SYSTEM (CFV-CVS)

(4) [Reserved]

(5) *Other systems.* Other sampling systems may be used if shown to yield equivalent results, and if approved in advance by the Administrator (e.g., a heat exchanger with the CFV–CVS or an electronic flow integrator without a heat exchanger, with the PDP–CVS).

(b) *Component description, PDP–CVS.* The PDP–CVS, Figure F78–1, consists of a dilution air filter and mixing assembly, heat exchanger, positive displacement pump, sampling system, and associated valves, pressure and temperature sensors. The PDP–CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±1.25 kPa (±5.02 in. H_2O) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±0.25 kPa (±1.00 in H_2O) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The gas mixture temperature, measured at a point immediately ahead of the positive displacement pump, shall be within ±5° C (9° F) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited to ±5° C (9° F) during the entire test. The temperature measuring system shall have an accuracy and precision of ±1° C (1.8° F).

(3) The pressure gauges shall have an accuracy and precision of ±0.4 kPa (3 mm Hg).

(4) The location of the dilution air inlet shall be placed and the flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system.

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

(c) *Component description, CFV–CVS.* The CFV–CVS, Figure F78–2, consists of a dilution air filter and mixing assembly, cyclone particulate separator, sampling venturi, critical flow venturi, sampling system, and assorted valves, pressure and temperature sensors. The CFV–CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±1.25 kPa (5.02 in H_2O) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±0.25 kPa (1.00 in H_2O) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The temperature measuring system shall have an accuracy and precision of ±1° C (1.8° F) and a response time of 0.100 s to 62.5 percent of a temperature change (as measured in hot silicone oil).

(3) The pressure measuring system shall have an accuracy and precision of ±0.4 kPa (3 mm Hg).

(4) The location of the dilution air inlet shall be placed and the flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system.

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

§ 86.510 [Reserved]

§ 86.511–78 Exhaust gas analytical system.

(a) *Schematic drawing.* Figure F78–3 is a schematic drawing of the exhaust gas analytical system. Since various configurations can produce accurate results, exact conformance with this drawing is not required. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure F78–3, consists of a flame ionization detector (FID) for the determination of hydrocarbons, nondispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide, and, if oxides of nitrogen are measured, a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. The exhaust gas analytical system shall conform to the following requirements:

(1) The chemiluminescence analyzer requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

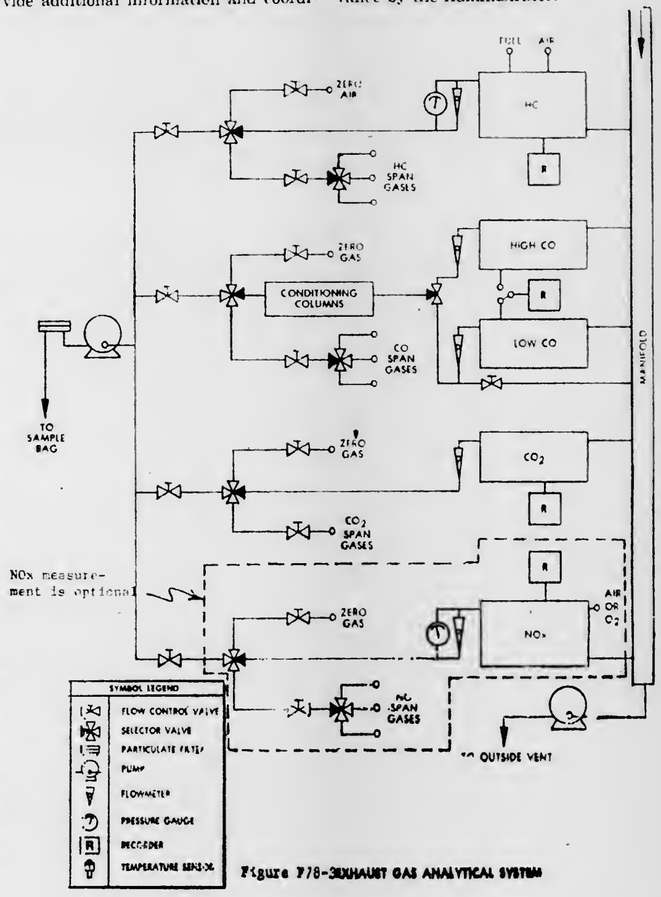


Figure F78–3—EXHAUST GAS ANALYTICAL SYSTEM

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(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(i) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see § 86.522 and § 86.544.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.522.

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

§ 86.512 [Reserved]

§ 86.513–78 Fuel and engine lubricant specifications.

(a) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer for emission testing except that the lead and octane specifications do not apply.

Item	ASTM designation	Leaded	Unleaded
Octane, research, minimum	D2699	100	96.
Pb (organic), gram/litre (grams/U.S. gallon)	D86	0.370 (1.4) minimum	0.000 (0.013 (0.05)
Distillation range:			
IBP, °C (°F)		23.9–35 (75–95)	23.9–35 (75–95).
10 pct point, °C (°F)		48.9–57.2 (120–135)	48.9–57.2 (120–135)
50 pct point, °C (°F)		93.3–110 (200–230)	93.3–110 (200–230).
90 pct point, °C (°F)		148.9–162.8 (300–325)	148.9–162.8 (300 325)
EP, °C (°F), maximum		212.8 (415)	212.8 (415).
Sulfur, mass percent, maximum	D1266	0.10	0.10.
Phosphorus, gram/litre (gram/U.S. gallon), maximum		0.0026 (0.01)	0.0013 (0.005).
RVP, kPa (psi)	D323	55.2 (8.0–9.2)	55.2 (8.0–9.2).
Hydrocarbon composition:	D1319		
Olefins, percent, maximum		10	10.
Aromatics, percent maximum		35	35.
Saturates		Remainder	Remainder

(b) Gasoline and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in scenic accumulation. For leaded gasoline, the minimum lead content shall be 0.370 gram per litre (1.4 grams per U.S. gallon), except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content. This octane rating of the gasoline used shall be no higher than 4.0 Research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season which the service accumulation takes place. If the manufacturer specifies several lubricants to be used by the ultimate purchaser, the Administrator will select one to be used during service accumulation.

(c) The specification range of the fuels and engine lubricants to be used under paragraph (b) of this section shall be reported in accordance with § 86.416.

(d) The same lubricant(s) shall be used for both service accumulation and emission testing.

§ 86.514–78 Analytical gases.

(a) Analyzer gases.

(1) Gases for the CO and CO_2 analyzers shall be single blends of CO and CO_2 respectively using nitrogen as the diluent.

(2) Gases for the hydrocarbon analyzer shall be single blends of propane using air as the diluent.

(3) Gases for the NOx analyzer shall be single blends of NO named as NOx with a maximum NO_2 concentration of 5 percent of the nominal value using nitrogen as the diluent.

(4) [Reserved]

(5) The allowable zero gas (air or nitrogen) impurity concentrations shall not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoxide, 0.04 percent (400 ppm) carbon dioxide, and 0.1 ppm nitric oxide.

(6) "Zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(7) The use of proportioning and precision blending devices to obtain the required analyzer gas concentrations is allowable provided their use has been approved in advance by the Administrator.

(b) Calibration gases shall be known to within ±2 percent of the true values.

§ 86.515–78 EPA Urban Dynamometer Driving Schedule.

(a) The dynamometer driving schedules are listed in Appendix I. The driving schedules are defined by a smooth trace drawn through the specified speed vs. time relationships. They consist of a non-repetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. Appropriate driving schedules are as follows:

Class I—Appendix I(c)
Class II—Appendix I(b)
Class III—Appendix I(b)

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 86.537 is defined by upper and lower limits. The upper limit is 3.2 km/h (2 mph) higher than the highest point on the trace within 1 second of the given time. The lower limit is 3.2 km/h (2 mph) lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for less than 2 seconds on any occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. When conducted to meet the requirements of § 86.532 the speed tolerance shall be as specified above, except that the upper and lower limits shall be 6.4 km/h (4 mph).

(c) Figure F78–4 shows the range of acceptable speed tolerances for typical points. Figure F78–4(a) is typical of portions of the speed curve which are increasing or decreasing throughout the two second time interval. Figure F78–4 (b) is typical of portions of the speed curve which include a maximum or minimum value.

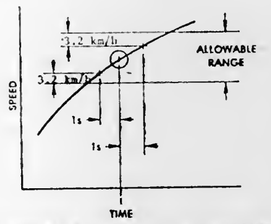


FIGURE F78-4a—DRIVERS TRACE, ALLOWABLE RANGE

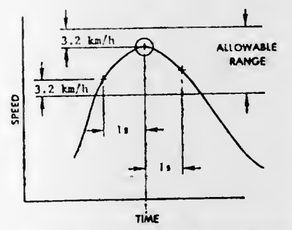


FIGURE F78-4b—DRIVERS TRACE, ALLOWABLE RANGE

§ 86.516–78 Calibrations, frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.517 through 86.526.

(b) [Reserved]

(c) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the hydrocarbon analyzer, carbon dioxide analyzer, carbon monoxide analyzer, and, if oxides of nitrogen are measured, oxides of nitrogen analyzer.

(2) Calibrate the dynamometer. If the dynamometer receives a weekly performance check (and remains within calibration), the monthly calibration need not be performed.

(d) At least weekly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, if oxides of nitrogen are measured, and

(2) Perform a CVS system verification, and

(3) Run a performance check on the dynamometer. This check may be omitted if the dynamometer has been calibrated within the preceding month.

(e) The CVS positive displaceement pump or Critical Flow Venturi shall be calibrated following initial installation, major maintenance or as neeessary when indicated by the CVS system verifieation (deserihed in § 86.519).

(f) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

§ 86.517 [Reserved]

§ 86.518–78 Dynamometer calibration.

(a) The dynamometer shall be calibrated at least once each month or performanee verified at least once each week and then calibrated as required. The dynamometer is driven above the test speed range. The device used to drive the dynamometer is then disengaged from the dynamometer and the roll is allowed to coast down. The kinetic energy of the system is dissipated by the dynamometer. This method neglects the variations in roll bearing friction due to the drive axle weight of the vehicle.

(b) Calibration shall consist of coasting down the dynamometer for each inertia load combination used. Coastdown times for the interval from 70 to 60 km/h shall be within the tolerances specified in § 86.529. The dynamometer adjustments necessary to produce these results shall be noted for future reference.

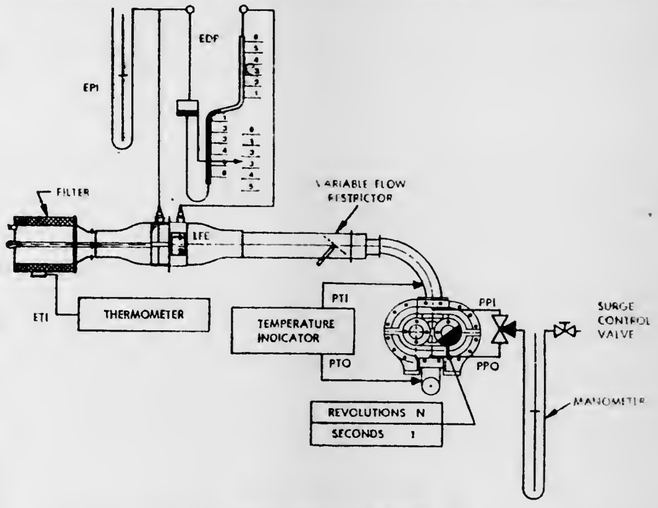
(c) The performance check consists of conducting a dynamometer coastdown at one or more inertia-horsepower settings and comparing the coastdown time to the table in Figure F78–9 of § 86.529–78. If the coastdown time is outside the tolerance, a new calibration is required.

§ 86.519–78 Constant volume sampler calibration.

The CVS (Constant Volume Sampler) is calibrated using an accurate flowmeter and restrictor valve. Measurements of various parameters are made and related to flow through the unit. Procedures used by EPA for both PDP (Positive Displacement Pump) and CFV (Critical Flow Venturi) are outlined below. Other procedures yielding equivalent results may be used if approved in advance by the Administrator. After the calibration curve has been obtained, verification of the entire system can be performed by injecting a known mass of gas into the system and comparing the mass indicated by the system to the true mass injected. An indicated error does not necessarily mean that the calibration is wrong, since other factors can influence the accuracy of the system, e.g. analyzer calibration. A verification procedure is found in paragraph (c) of this section.

(a) *PDP calibration.* (1) The following calibration procedure outlines the equipment, the test configuration, and the various parameters which must be measured to establish the flow rate of the constant volume sampler pump. All the parameters related to the pump are simultaneously measured with the parameters related to a flowmeter which is connected in series with the pump. The calculated flow rate (at pump inlet absolute pressure and temperature) can then be plotted versus a correlation function which is the value of a specific combination of pump parameters. The linear equation which relates the pump flow and the correlation function is then determined. In the event that a CVS has a multiple speed drive, a calibration for each range used must be performed.

(2) This calibration procedure is based on the measurement of the absolute values of the pump and flowmeter paramaters that relate the flow rate at each point. Three conditions must be maintained to assure the accuracy and integrity of the calibration curve. First, the pump pressures should be measured at taps on the pump rather than at the external piping on the pump inlet and outlet. Pressure taps that are mounted at the top center and bottom center of the pump drive headplate are exposed to the actual pump cavity pressures, and therefore reflect the absolute pressure differentials. Secondly, temperature stability must be maintained during the calibration. The laminar flowmeter is sensitive to inlet temperature oscillations which cause the data points to be scattered. Gradual changes (±1° C (1.8° F)) in temperature are acceptable as long as they occur over a period of several minutes. Finally, all connections between the flowmeter and the CVS pump must be absolutely void of any leakage.



F78-5 – PDP-CVS CALIBRATION CONFIGURATION

(3) During an exhaust emission test the measurement of these same pump parameters enables the user to calculate the flow rate from the calibration equation.

(4) Connect a system as shown in Figure F78–5. Although particular types of equipment are shown, other configurations that yield equivalent results may be used if approved in advance by the Administrator. For the system indicated, the following data with given accuracy are required:

Calibration data measurements

Parameter	Symbol	Units	Tolerances
Barometric pressure (corrected)	P_B	kPa (in. Hg)	±0.03 kPa (±0.01 in. Hg).
Ambient temperature	TA	°C (°K)	±0.3°C (±0.5°F).
Air temperature into LFE	ETI	°C (°F)	±0.15°C (±0.27°F).
Pressure depression upstream of LFE	EPI	kPa (in. H_2O)	±0.01 kPa (±0.05 in. H_2O).
Pressure drop across the LFE matrix	EDP	kPa (in. H_2O)	±0.001 kPa (±0.005 in. H_2O).
Air temperature at CVS pump inlet	PTI	°C (°F)	±0.25°C (±0.45°F).
Pressure depression at CVS pump inlet	PPI	kPa (in. Fluid)	±0.021 kPa (±0.046 in. Fluid).
Specific gravity of manometer fluid (1.75 oil)	Sp. Gr.		
Pressure head at CVS pump outlet	PPO	kPa (in. Fluid)	±0.021 kPa (±0.046 in. Fluid)
Air temperature at CVS pump outlet (optional)	PTO	°C (°F)	±0.25°C (±0.45°F).
Pump revolutions during test period	N	Revs	±1 Rev.
Elapsed time for test period	t	s	±0.05 s.

(5) After the system has been connected as shown in Figure F78–5, set the variable restrictor in the wide open position and run the CVS pump for twenty minutes. Record the calibration data.

(6) Reset the restrictor valve to a more restricted condition in an increment of pump inlet depression (about 1.0 kPa (4" H_2O)) that will yield a minimum of six data points for the total calibration. Allow the system to stabilize for 3 minutes and repeat the data acquisition.

(7) *Data analysis:* (i) The air flow rate, Q_s, at each test point is calculated from the flowmeter data using the manufacturer's prescribed method.

(ii) The air flow rate is then converted to pump flow, V_o, per revolution at absolute pump inlet temperature and pressure.

$$V_o = \frac{Q_s}{n} \times \frac{T_p}{293.15} \times \frac{101.325}{P_p}$$

Where:

V_o=Pump flow, m^3/revolution (ft^3/revolution) at T_p, P_p
Q_s=Meter air flow rate in standard cubic metres per minute, standard conditions are 20° C, 101.325 kPa (68° F, 29.92 in. Hg).
n=Pump speed in revolutions per minute.
T_p=Pump inlet temperature, K(R)=PTI+273.15 for English units, T_p=PTI+459.67
P_p=Absolute pump inlet pressure, kPa (in. Hg)=P_B−PPI for English units, $P_p=P_B-$PPI (SP. GR./13.57)

Where:

P_B=Barometric pressure, kPa (in. Hg)
PPI=Pump inlet depression, kPa (in. fluid)
SP. GR.=Specific gravity of manometer fluid relative to water.

(iii) The correlation function at each test point is then calculated from the calibration data:

$$X_o = \frac{1}{n}\sqrt{\frac{\Delta P_p}{P_e}}$$

Where:

X_o=correlation function.
ΔP_p=The pressure differential from pump inlet to pump outlet, kPa (in. Hg)=P_e-P_p
P_e=Absolute pump outlet pressure, kPa (in. Hg) =P_B+PPO for English units, $P_e=P_B+$PPO(SP. GR./13.57)

Where:

PPO=Pressure head at pump outlet, kPa (in. fluid)

(iv) A linear least squares fit is performed to generate the calibration equations which have the forms:

$$V_o = D_o - M(X_o)$$
$$n = A - B(\Delta P_p)$$

D_o, M, A, and B are the slope-intercept constants describing the lines.

(8) A CVS system that has multiple speeds shall be calibrated on each speed used. The calibration curves generated for the ranges will be approximately parallel and the intercept values, D_o, will increase as the pump flow range decreases.

(9) If the calibration has been performed carefully, the calculated values from the equation will be within ±0.50 percent of the measured value of V_o. Values of M will vary from one pump to another, but values of D_o for pumps of the same make, model, and range should agree within ±3 percent of each other. Particulate influx from use will cause the pump slip to decrease as reflected by lower values for M. Calibrations should be performed at pump startup and after major maintenance to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

(b) *CFV calibration.* (1) Calibration of the Critical Flow Venturi (CFV) is based upon the flow equation for a critical venturi. Gas flow is a function of inlet pressure and temperature.

$$Q_s = \frac{K_v P}{\sqrt{T}}$$

Where:

Q_s=Flow
K_v=Calibration coefficient
P=Absolute pressure
T=Absolute temperature

The calibration procedure described below establishes the value of the calibration coefficient at measured values of pressure, temperature and air flow.

(2) The manufacturer's recommended procedure shall be followed for calibrating electronic portions of the CFV.

(3) Measurements necessary for flow calibration are as follows:

Calibration data measurements

Parameter	Symbol	Units	Tolerances
Barometric pressure (corrected)	P_B	kPa (in. Hg)	±0.03 kPa (±0.01 in. Hg).
Air temperature, flowmeter	ETI	°C (°F)	±0.15° C (±0.27° F).
Pressure depression upstream of LFE	EPI	kPa (in. H_2O)	±0.01 kPa (±0.05 in. H_2O).
Pressure drop across LFE matrix	EDP	kPa (in. H_2O)	±0.001 kPa (±0.005 in. H_2O).
Air flow	Q_s	m^3 min. (ft^3 min.)	±.5%
CFV inlet depression	PPI	kPa (in. fluid)	±0.02 kPa (±0.05 in. fluid).
Temperature at venturi inlet	T_v	°C (°F)	±0.25° C (±0.45° F).
Specific gravity of manometer fluid (1.75 oil)	Sp. Gr.		

(4) Set up equipment as shown in Figure F78–6 and check for leaks. Any leaks between the flow measuring device and the critical flow venturi will seriously affect the accuracy of the calibration.

(5) Set the variable flow restrictor to the open position, start the blower and allow the system to stabilize. Record data from all instruments.

(6) Vary the flow restrictor and make at least 8 readings across the critical flow range of the venturi.

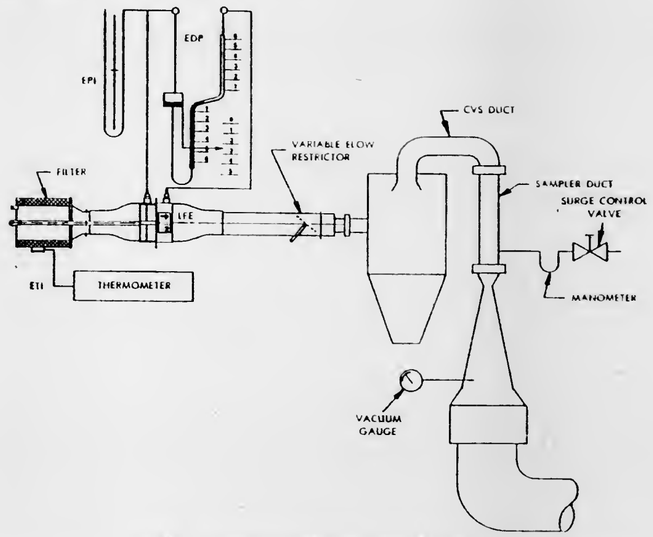


FIGURE F78–6 CFV-CVS CALIBRATION CONFIGURATION

(7) *Data analysis.* The data recorded during the calibration are to be used in the following calculations:

(i) The air flow rate, Q_s, at each test point is calculated from the flow meter data using the manufacturer's prescribed method.

(ii) Calculate values of the calibration coefficient for each test point:

$$K_v = \frac{Q_s\sqrt{T_v}}{P_v}$$

Where:

Q_s=Flow rate, standard conditions are 20° C., 101.325 kPa (68° F, 29.92 in. Hg)
T_v=Temperature at venturi inlet, K(R).
P_v=Pressure at venturi inlet, kPa (mm Hg)=P_B−PPI

for English units $P_v=P_B-$PPI (SP. GR./13.57).

Where:

PPI=Venturi inlet pressure depression, kPa (in. fluid).
SP. GR.=Specific gravity of manometer fluid, relative to water.

(iii) Plot K_v as a function of venturi inlet depression. For sonic flow, K_v will have a relatively constant value. As pressure decreases (vacuum increases), the venturi becomes unchoked and K_v decreases (is no longer constant). See Figure F78–7.

(iv) For a minimum of 8 points in the critical region calculate an average K_v and the standard deviation.

V 4 2 3 JAN 5 7 7 UMI

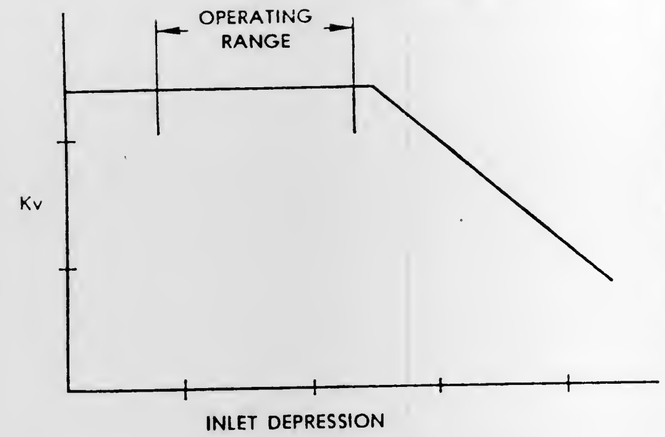


FIGURE F78-7 –SONIC FLOW CHOKING

(v) If the standard deviation exceeds 0.3 percent of the average K_v take corrective action.

(c) *CVS System Verification.* The following "gravimetric" technique can be used to verify that the CVS and analytical instruments can accurately measure a mass of gas that has been injected into the system. (Verification can also be accomplished by constant flow metering using critical flow orifice devices.)

(1) Obtain a small cylinder that has been charged with pure propane or carbon monoxide gas (caution—carbon monoxide is poisonous).

(2) Determine a reference cylinder weight to the nearest 0.01 grams.

(3) Operate the CVS in the normal manner and release a quantity of pure propane or carbon monoxide into the system during the sampling period (approximately 5 minutes).

(4) The calculations of § 86.544 are performed in the normal way except in the case of propane. The density of propane (0.6109 kg/m³/carbon atom (17.30 g/ft³/carbon atom)) is used in place of the density of exhaust hydrocarbons. In the case of carbon monoxide, the density of 1.164 kg/m³ (32.97 g/ft³) is used.

(5) The gravimetric mass is subtracted from the CVS measured mass and then divided by the gravimetric mass to determine the percent accuracy of the system.

(6) The cause for any discrepancy greater than ±2 percent must be found and corrected.

§ 86.520 [Reserved]

§ 86.521–78 Hydrocarbon analyzer calibration.

(a) Initial and periodic optimization of detector response. Prior to its introduction into service and at least annually thereafter the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response. Alternate methods yielding equivalent results may be used if approved in advance by the Administrator.

(1) Follow the manufacturer's instructions for instrument startup and basic operating adjustment using the appropriate fuel and zero grade air.

(2) Optimize on the most common operating range. Introduce into the analyzer, a propane in air mixture with a propane concentration equal to approximately 90% of the most common operating range.

(3) Select an operating fuel flow rate that will give near maximum response and least variation in response with minor fuel flow variations.

(4) To determine the optimum air flow, use the fuel flow setting determined above and vary air flow.

(5) After the optimum flow rates have been determined, they are recorded for future reference.

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the FID hydrocarbon analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples.

(1) Adjust analyzer to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air.

(3) Calibrate on each normally used operating range with propane in air calibration gases having nominal concentrations of 50 and 100 percent of that range. Additional calibration points may be generated.

§ 86.522–78 Carbon monoxide analyzer calibration.

(a) Initial and periodic interference check. Prior to its introduction into service and annually thereafter the NDIR carbon monoxide analyzer shall be checked for response to water vapor and CO_2:

(1) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance on the most sensitive range.

(2) Zero the carbon monoxide analyzer with either zero grade air or zero grade nitrogen.

(3) Bubble a mixture of 3% CO_2 in N_2 through water at room temperature and record analyzer response.

(4) An analyzer response of more than 1% of full scale for ranges above 300 ppm full scale or of more than 3 ppm on ranges below 300 ppm full scale will require corrective action. (Use of conditioning columns is one form of corrective action which may be taken.)

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the NDIR carbon monoxide analyzer shall be calibrated.

(1) Adjust the analyzer to optimize performance.

(2) Zero the carbon monoxide analyzer with either zero grade air or zero grade nitrogen.

(3) Calibrate on each normally used operating range with carbon monoxide in N_2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

§ 86.523–78 Oxides of nitrogen analyzer calibration.

(a) Prior to its introduction into service and weekly thereafter, if oxides of nitrogen are measured, the chemiluminescent oxides of nitrogen analyzer shall be checked for NO_2 to NO converter efficiency. Figure F78–8 is a reference for the following steps:

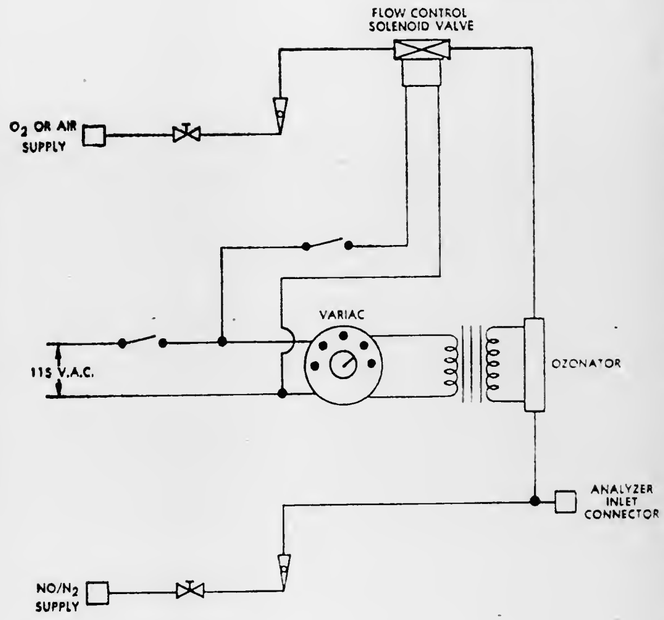
(1) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero grade air or zero grade nitrogen.

(3) Connect the outlet of the NOx generator to the sample inlet of the oxides of nitrogen analyzer which has been set to the most common operating range.

(4) Introduce into the NOx generator analyzer-system a NO in nitrogen (N_2) mixture with a NO concentration equal to approximately 80 percent of the most common operating range. The NO_2 content of the gas mixture shall be less than 5 percent of the NO concentration.

(5) With the oxides of nitrogen analyzer in the NO mode, record the concentration of NO indicated by the analyzer.



(SEE FIG F78-3 FOR SYMBOL LEGEND)

FIGURE F78-8—NOx CONVERTER EFFICIENCY DETECTOR

(6) Turn on the NOx generator O_2 (or air) supply and adjust the O_2 (or air) flow rate so that the NO indicated by the analyzer is about 10 percent less than indicated in step 5. Record the concentration of NO in this NO+O_2 mixture.

(7) Switch the NOx generator to the generation mode and adjust the generation rate so that the NO measured on the analyzer is 20 percent of that measured in step 5. There must be at least 10 percent unreacted NO at this point. Record the concentration of residual NO.

(8) Switch the oxides of nitrogen analyzer to the NOx mode and measure total NOx. Record this value.

(9) Switch off the NOx generation but maintain gas flow through the system. The oxides of nitrogen analyzer will indicate the NOx in the NO+O_2 mixture. Record this value.

(10) Turn off the NOx generator O_2 (or air) supply. The analyzer will now indicate the NOx in the original NO in N_2 mixture. This value should be no more than 5 percent above the value indicated in step 4.

(11) Calculate the efficiency of the NOx converter by substituting the concentrations obtained into the following equation:

$$\text{Percent Eff.} = \left(1 + \frac{a-b}{c-d}\right) \times 100$$

where:
a = concentration obtained in step 8.
b = concentration obtained in step 9.
c = concentration obtained in step 6.
d = concentration obtained in step 7.

If converter efficiency is not greater than 90 percent corrective action will be required.

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter, if oxides of nitrogen are measured, the chemiluminescent oxides of nitrogen analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples. Proceed as follows:

(1) Adjust analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero grade air or zero grade nitrogen.

(3) Calibrate on each normally used operating range with NO in N_2 calibration gases with nominal concentrations of 50 and 100 percent of that range. Additional calibration points may be generated.

§ 86.524–78 Carbon dioxide analyzer calibration.

(a) Prior to its introduction into service and monthly thereafter the NDIR carbon dioxide analyzer shall be calibrated:

(1) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance.

(2) Zero the carbon dioxide analyzer with either zero grade air or zero grade nitrogen.

(3) Calibrate on each normally used operating range with carbon dioxide in N_2 calibration gases with nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

§ 86.525 [Reserved]

§ 86.526–78 Calibration of other equipment.

(a) Other test equipment used for testing shall be calibrated as often as required by the manufacturer or as necessary according to good practice.

§ 86.527–78 Test procedures, overview.

The procedures described in this and subsequent sections are used to determine the conformity of vehicles with the standards set forth in Subpart E.

(a) The overall test consists of prescribed sequences of fueling, parking, and operating conditions.

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area. The test consists of engine startups and vehicle operation on a chassis dynamometer, through a specified driving schedule. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) [Reserved]

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this Subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with Subpart E.

§ 86.528–78 Transmissions.

(a) Vehicles equipped with transfer cases, multiple sprockets, etc., shall be tested in the manufacturer's recommended configuration for street or highway use. If more than one configuration is recommended or if the recommendation is deemed unreasonable by the Administrator, the Administrator will specify the test configuration.

(b) All tests shall be conducted with automatic transmissions in "Drive" (highest gear). Automatic clutch-torque converter transmissions may be shifted as manual transmissions at the option of the manufacturer.

(c) Idle modes shall be run with automatic transmissions in "Drive" and the

wheels braked, manual transmission shall be in gear with the clutch disengaged; except first idle, see §§ 86.536 and 86.537.

(d) The vehicle shall be driven with minimum throttle movement to maintain the desired speed. No simultaneous use of brake and throttle shall be permitted.

(e) Acceleration modes shall be driven smoothly. Automatic transmissions shall shift automatically through the normal sequence of gears; manual transmissions shall be shifted as recommended by the manufacturer to the ultimate purchaser (unless determined to be unreasonable by the Administrator) with the operator closing the throttle during each shift and accomplishing the shift with minimum time. If the vehicle cannot accelerate at the specified rate, the vehicle shall be operated with the throttle fully opened until the vehicle speed reaches the value prescribed for that time in the driving schedule.

(f) The deceleration modes shall be run in gear using brakes or throttle as necessary to maintain the desired speed. Manual transmission vehicles shall be downshifted using the same shift points as when upshifting or as recommended by the manufacturer in the vehicle owner's manual. All downshifts shall be made smoothly, disengaging the clutch while shifting and engaging the clutch once the lower gear has been selected. For those modes which require the vehicle to decelerate to zero, manual transmission clutches shall be disengaged when the speed drops below 15 km/h (9.3 mph) for vehicles with engine displacements equal to or greater than 280 cc (17.1 cu. in.), when the speed drops below 10 km/h (6.2 mph) for vehicles with engine displacements less than 280 cc (17.1 cu. in.), when engine roughness is evident, or when engine stalling is imminent.

(g) If downshifting during deceleration is not permitted in the vehicle owner's manual, manual transmissions will be downshifted at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging. For those modes which require these vehicles to decelerate to zero, manual transmission clutches shall be disengaged when the speed drops below 25 km/h (15.5 mph) for vehicles with engine displacement equal to or greater than 280 cc (17.1 cu. in.), when the speed drops below 20 km/h (12.4 mph) for vehicles with engine displacements less than 280 cc (17.1 cu. in.), when engine roughness is evident, or when engine stalling is imminent. While the clutch is disengaged and during these deceleration modes, the vehicle shall be shifted to the appropriate gear for starting the next mode.

(h) If shift speeds are not recommended by the manufacturer, manual transmission vehicles shall be shifted as follows:

(1) For Class I and II motorcycles:

Shift	*Speed*
1st to 2d gear	19 km/h (11.8 mi/h).
2d to 3d gear	33 km/h (20.5 mi/h).
3d to 4th gear	44 km/h (27.3 mi/h).
4th to 5th gear	53 km/h (32.9 mi/h).

(2) For Class III motorcycles:

Shift	*Speed*
1st to 2d gear	30 km/h (18.6 mi/h).
2d to 3d gear	45 km/h (28.0 mi/h).
3d to 4th gear	60 km/h (37.3 mi/h).
4th to 5th gear	75 km/h (46.6 mi/h).

(3) Higher gears may be used at the manufacturer's option.

§ 86.529–78 Road load force and inertia weight determination.

(a) Road load as a function of speed is given by the following equation:

$$F = A + CV^2$$

The values for coefficients A and C and the test inertia are given in Figure F78–9. Velocity (V) is in km/h and force (F) is in newtons. The forces given by this equation shall be simulated to the best ability of the equipment being used.

(b) The inertia given in Figure F78–9 shall be used. Motorcycles with loaded vehicle mass outside these limits shall be tested at an equivalent inertial mass and road load force specified by the Administrator.

(c) The dynamometer shall be adjusted to reproduce the specified road load as determined by the most recent calibration. Alternatively, the actual vehicle road load can be measured and duplicated:

(1) Make at least 5 replicate coastdowns in each direction from 70 to 60 km/h on a smooth, level, track under balanced wind conditions. The driver must have a mass of 80±10 kg and be in the normal driving position. Record the coastdown time.

Figure F78-9

Loaded vehicle mass (kg)	Equivalent inertia mass (kg)	Force coefficients A (N)	Force coefficients C (N/(km/h)²)	80 to 60 km/h coastdown time at 24.5 km/h (s)	Target coastdown time (s)	Coastdown time tolerances: Allowable tolerance (s)	Coastdown time tolerances: Shortest time (s)
95 - 105	100	0.0	.0223	9.60	9.59	.51	9.08
106 - 115	110	0.82	.0227	9.69	9.68	.51	9.17
116 - 125	120	1.70	.0230	9.78	9.77	.51	9.26
126 - 135	130	2.57	.0234	9.87	9.86	.51	9.35
136 - 145	140	3.44	.0237	9.96	9.95	.51	9.44
146 - 155	150	4.32	.0240	10.05	10.04	.51	9.53
156 - 165	160	5.19	.0244	10.14	10.13	.51	9.62
166 - 175	170	6.06	.0247	10.23	10.22	.51	9.71
176 - 185	180	6.94	.0250	10.32	10.31	.51	9.80
186 - 195	190	7.81	.0254	10.41	10.40	.51	9.89
196 - 205	200	8.69	.0257	10.50	10.49	.51	9.98
206 - 215	210	9.56	.0260	10.59	10.58	.51	10.07
216 - 225	220	10.43	.0264	10.68	10.67	.51	10.16
226 - 235	230	11.31	.0267	10.77	10.76	.51	10.25
236 - 245	240	12.18	.0271	10.86	10.85	.51	10.34
246 - 255	250	13.06	.0274	10.95	10.94	.51	10.43
256 - 265	260	13.93	.0277	11.04	11.03	.51	10.52
266 - 275	270	14.80	.0281	11.13	11.12	.51	10.61
276 - 285	280	15.68	.0284	11.22	11.21	.51	10.70
286 - 295	290	16.55	.0287	11.31	11.30	.51	10.79
296 - 305	300	17.43	.0291	11.40	11.39	.51	10.88
306 - 315	310	18.30	.0294	11.49	11.48	.51	10.97
316 - 325	320	19.17	.0298	11.58	11.57	.51	11.06
326 - 335	330	20.05	.0301	11.67	11.66	.51	11.15
336 - 345	340	20.92	.0304	11.76	11.75	.51	11.24
346 - 355	350	21.80	.0308	11.85	11.84	.51	11.33
356 - 365	360	22.67	.0311	11.94	11.93	.51	11.42
366 - 375	370	23.54	.0315	12.03	12.02	.51	11.51
376 - 385	380	24.42	.0318	12.12	12.11	.51	11.60
386 - 395	390	25.29	.0321	12.21	12.20	.51	11.69
396 - 405	400	26.17	.0325	12.30	12.29	.51	11.78
406 - 415	410	27.04	.0328	12.39	12.38	.51	11.87
416 - 425	420	27.91	.0332	12.48	12.47	.51	11.96
426 - 435	430	28.79	.0335	12.57	12.56	.51	12.05
436 - 445	440	29.66	.0338	12.66	12.65	.51	12.14
446 - 455	450	30.54	.0342	12.75	12.74	.51	12.23
456 - 465	460	31.41	.0345	12.84	12.83	.51	12.32
466 - 475	470	32.28	.0349	12.93	12.92	.51	12.41
476 - 485	480	33.16	.0352	13.02	13.01	.51	12.50
486 - 495	490	34.03	.0356	13.11	13.10	.51	12.59
496 - 505	500	34.90	.0359	13.20	13.19	.51	12.68
506 - 515	510	35.78	.0362	13.29	13.28	.51	12.77
516 - 525	520	36.65	.0366	13.38	13.37	.51	12.86
526 - 535	530	37.53	.0369	13.47	13.46	.51	12.95
536 - 545	540	38.40	.0373	13.56	13.55	.51	13.04
546 - 555	550	39.27	.0376	13.65	13.64	.51	13.13
556 - 565	560	40.15	.0379	13.74	13.73	.51	13.22
566 - 575	570	41.02	.0383	13.83	13.82	.51	13.31
576 - 585	580	41.90	.0386	13.92	13.91	.51	13.40
586 - 595	590	42.77	.0389	14.01	14.00	.51	13.49
596 - 605	600	43.64	.0393	14.10	14.09	.51	13.58
606 - 615	610	44.52	.0396	14.19	14.18	.51	13.67
616 - 625	620	45.39	.0400	14.28	14.27	.51	13.76
626 - 635	630	46.27	.0403	14.37	14.36	.51	13.85
636 - 645	640	47.14	.0406	14.46	14.45	.51	13.94
646 - 655	650	48.01	.0410	14.55	14.54	.51	14.03
656 - 665	660	48.89	.0413	14.64	14.63	.51	14.12
666 - 675	670	49.76	.0416	14.73	14.72	.51	14.21
676 - 685	680	50.64	.0420	14.82	14.81	.51	14.30
686 - 695	690	51.51	.0423	14.91	14.90	.51	14.39
696 - 705	700	52.38	.0427	15.00	14.99	.51	14.48
706 - 715	710	53.26	.0430	15.09	15.08	.51	14.57
716 - 725	720	54.13	.0433	15.18	15.17	.51	14.66
726 - 735	730	55.01	.0437	15.27	15.26	.51	14.75
736 - 745	740	55.88	.0440	15.36	15.35	.51	14.84
746 - 755	750	56.75	.0443	15.45	15.44	.51	14.93
756 - 765	760	57.63	.0447	15.54	15.53	.51	15.02

(2) Average the coastdown times. Adjust the dynamometer load so that the coastdown time is duplicated with the vehicle and driver on the dynamometer.

(3) Alternate procedures may be used if approved in advance by the Administrator.

§ 86.530–78 Test sequence, general requirements.

(a) Ambient temperature levels encountered by the test vehicle throughout the test sequence shall not be less than 20° C (68° F) nor more than 30° C (86° F). The vehicle shall be approximately level during the emission test to prevent abnormal fuel distribution.

§ 86.531–78 Vehicle preparation.

(a) The manufacturer shall provide additional fittings and adapters, as required by the Administrator * * *, such as * * * to accommodate a fuel drain at the lowest point possible in the tank(s) as installed on the vehicle and to provide for exhaust sample collection.

§ 86.532–78 Vehicle preconditioning.

(a) The vehicle shall be moved to the test area and the following operations performed:

(1) The fuel tank(s) shall be drained through the provided fuel tank(s) drain(s) and charged with the specified test fuel, § 86.513, to half the tank(s) capacity.

(2) The vehicle shall be placed, either by being driven or pushed, on a dynamometer and operated through one Urban Dynamometer Driving Schedule test procedure (see § 86.515 and Appendix I). The vehicle need not be cold, and may be used to set dynamometer horsepower.

(b) Within five (5) minutes of completion of preconditioning, the vehicle shall be removed from the dynamometer and may be driven or pushed to the soak area to be parked. The vehicle shall be stored for not less than the following times prior to the cold start exhaust test.

	hrs
Class I	6
Class II	8
Class III	12

In no case shall the vehicle be stored for more than 36 hours prior to the cold start exhaust test.

§ 86.533 [Reserved]

§ 86.534 [Reserved]

§ 86.535–78 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test and a "hot" start test following the "cold" start by 10 minutes. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis during each phase. The composite samples collected in bags are analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and, optionally, for oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and, optionally, for oxides of nitrogen.

(b) [Reserved]

(c) The vehicle speed, as measured from the dynamometer rolls, shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(d) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments.

(e) The drive wheel tires must be inflated to the manufacturer's recommended pressure, ±15 kPa (±2.2 psi). The drive wheel tire pressure shall be reported with the test results.

(f) If the dynamometer has not been operated during the two hour period immediately preceding the test, it shall be warmed up for 15 minutes by operating at 50 km/h (31.1 mph) using a non-test vehicle, or as recommended by the dynamometer manufacturer.

(g) If the dynamometer horsepower must be adjusted manually, it shall be set within one hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

(h) The driving distance, as measured by counting the number of dynamometer roll revolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test.

§ 86.536–78 Engine starting and restarting.

(a) (1) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20 second idle period shall begin when the engine starts.

(2) *Choke operation.* (i) Vehicles equipped with automatic chokes shall be operated according to the instructions in the manufacturer's operating instructions or owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(ii) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating instructions or owner's manual. Where times are provided in the instructions, the Administrator may specify the specific point for operation, within 15 seconds of the recommended time.

(3) The operator may use the choke, throttle etc. where necessary to keep the engine running.

(4) If the manufacturer's operating instructions or owner's manual do not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by opening the throttle about half way and cranking the engine until it starts.

(b) [Reserved]

(c) If, during the cold start, the vehicle does not start after 10 seconds of cranking, or ten cycles of the manual starting mechanism, cranking shall cease and the reason for failure to start determined. The revolution counter on the constant volume sampler shall be turned off and the sample solenoid valves placed in the "standby" position during this diagnostic period. In addition, either the CVS blower shall be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period.

(1) If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction corrective action (following the unscheduled maintenance provisions) of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken (following the unscheduled maintenance provisions), and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(2) If the vehicle does not start during the hot start after ten seconds of cranking, or ten cycles of the manual starting mechanism, cranking shall cease, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken in accordance with § 86.428 or § 86.429, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(d) If the engine "false starts", the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.)

(e) *Stalling.* (1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts, the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle shall then be restarted and accelerated to the speed required at that point in the driving schedule and the test continued. During acceleration to this point, shifting shall be performed in accordance with § 86.528.

(3) If the vehicle will not restart within one minute, the test shall be

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voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

§ 86.537–78 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off (see § 86.532 for required time). The vehicle shall be stored prior to the emission test in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 12.0 km (7.5 miles), (10.9 km (6.8 miles) for Class I motorcycles) and simulates a hot start drive of 12.0 km (7.5 miles), (10.9 km (6.8 miles) for Class I motorcycles). The vehicle is allowed to stand on the dynamometer during the 10 minute period between the cold and hot start tests. The cold start is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test similarly consists of two periods. The period, representing the hot start "transient" phase, terminates at the same point in the driving schedule at the first period of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(b) The following steps shall be taken for each test:

(1) Place drive wheel of vehicle on dynamometer without starting engine.

(2) Activate vehicle cooling fan system.

(3) With the sample selector valves in the "standby" position, connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(4) Start the Constant Volume Sampler (if not already on), the sample pumps, and the temperature recorder. (The heat exchanger of the constant volume sampler, if used, should be preheated to operating temperature before the test begins).

(5) Adjust the sample flow rates to the desired flow rate (minimum of 80 cc/s (10.2 ft³/hr) for PDP–CVS) and set the gas flow measuring devices to zero.

NOTE.—CFV–CVS sample flowrate is fixed by the venturi design.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§ 86.515).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off gas flow measuring device No. 1 and start gas flow measuring device No. 2. Before the acceleration, which begins at 510 seconds, record the roll revolutions. As soon as possible, transfer the "transient" exhaust and dilution samples to the analytical system and process the samples according to § 86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(12) Turn engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off gas flow measuring device No. 2 and position the sample selector valves to the "standby" position. Record the measured roll revolutions. As soon as possible, transfer the "stabilized" exhaust and dilution air samples to the analytical system and process the samples according to § 86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(14) Immediately after the end of the sample period turn off the vehicle cooling fan system.

(15) Turn off the CVS or disconnect the exhaust tube from the tailpipe of the vehicle.

(16) Repeat the steps in paragraphs (b)(2) through (10) of this section for the hot start test, except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off gas flow measuring device No. 1 and position the sample selector valve to the "standby" position. (Engine shutdown is not part of the hot start test sample period.) Record the measured roll revolutions.

(18) As soon as possible, transfer the hot start "transient" exhaust and dilution air samples to the analytical system and process the samples according to § 86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(20) The constant volume sampler may be turned off, if desired.

(21) Continuous monitoring of exhaust emissions will not normally be allowed. Specific written approval must be obtained from the Administrator for continuous monitoring of exhaust emissions.

§ 86.538 [Reserved]

§ 86.539 [Reserved]

§ 86.540–78 Exhaust sample analysis.

The following sequence of operations shall be performed in conjunction with each series of measurements:

(a) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(b) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(c) Check zeros; repeat the procedure in paragraphs (a) and (b) of this section if required.

(d) Check flowrates and pressures.

(e) Measure HC, CO, CO_2, and, optionally, NOx concentrations of samples.

(f) [Reserved]

(g) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (a) through (f) of this section.

§ 86.541 [Reserved]

§ 86.542–78 Records required.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) *Vehicle:* Make, Vehicle identification number, Model year, Transmission type, Odometer reading, Engine displacement, Engine family, Emission control system, Recommended Idle RPM, Nominal fuel tank capacity, Inertial loading, Actual curb mass recorded at 0 kilometres, and Drive wheel tire pressure.

(g) *Dynamometer serial number:* As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) *Recorder charts:* Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used; provided that individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(k) [Reserved]

(l) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(m) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic metres metered by a critical flow venturi during each test phase would be the equivalent record for a CFV–CVS.

(n) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see § 86.522 and § 86.544) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

§ 86.543 [Reserved]

§ 86.544–78 Calculations; exhaust emissions.

The final reported test results, with oxides of nitrogen being optional, shall be computed by use of the following formulae: (The results of all emission tests shall be rounded, using the "Rounding-Off Method" specified in ASTM E 29–67, to the number of places to the right of the decimal point indicated by expressing the applicable standard to three significant figures.)

(a)

$$Ywm = 0.43 \left[(Yct + Ys)/(Dct + Ds) \right] + 0.57 \left[(Yht + Ys)/(Dht + Ds) \right].$$

where:

Ywm=Weighted mass emissions of CO_2 or of each pollutant, i.e., HC, CO, or NOx, in grams per vehicle kilometre.

Yct=Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Yht=Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Ys=Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

Dct=The measured driving distance from the "transient" phase of the cold start test, in kilometres.

Dht=The measured driving distance from the "transient" phase of the hot start test, in kilometres.

Ds=The measured driving distance from the "stabilized" phase of the cold start test, in kilometres.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1) Hydrocarbon mass:

HCmass=Vmix X DensityHC X (HCconc/1,000,000).

(2) Oxides of nitrogen mass:

NOxmass=Vmix X DensityNO2 X (NOxconc X Kh/1,000,000).

(3) Carbon monoxide mass:

COmass=Vmix X DensityCO X (COconc/1,000,000).

(4) Carbon dioxide mass:

CO2mass=Vmix X DensityCO2 X (CO2 conc/100).

(c) Meaning of symbols:

HCmass=Hydrocarbon emissions, in grams per test phase.

DensityHC=Density of hydrocarbon in the exhaust gas, 0.5767 kg/m³/carbon atom (16.33 g/ft³/carbon atom), assuming an average carbon to hydrogen ratio of 1:1.85, at 20°C (68°F) and 101.325 kPa (760 mm Hg) pressure.

HCconc=Hydrocarbon concentration of the dilute exhaust sample corrected for background, in ppm carbon equivalent, i.e., equivalent propane X3.

HCconc=HCe-HCd (1-1/DF).

where:

HCe=Hydrocarbon concentrations of the dilute exhaust sample as measured, in ppm carbon equivalent. (Propane ppm x 3.)

HCd=Hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent. (Propane ppm x 3.)

NOxmass=Oxides of nitrogen emissions, in grams per test phase.

Density NO2=Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, 1.913 kg/m³ (54.16 g/ft³), at 20° C (68° F) and 101.325 kPa (760 mm Hg) pressure.

NOxconc=Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in ppm.

NOxconc=NOxe-NOxd (1-1/DF).

where:

NOxe=Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NOxd=Oxides of nitrogen concentration of the dilution air as measured, in ppm.

COmass=Carbon monoxide emissions, in grams per test phase.

Density CO=Density of carbon monoxide, 1.164 kg/m³ (32.97 g/ft³), at 20° C (68° F) and 101.325 kPa (760 mm Hg) pressure.

COconc=Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO2 extraction, in ppm.

COconc=COe-COd (1-1/DF).

where:

COe=Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

COe=(1-0.01925CO2e—0.000323R) COem.

where:

COem=Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO2e=Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R=Relative humidity of the dilution air, in percent (see § 85.478–22 (n)).

COd=Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

COd=(1-0.000323R) COdm.

where:

COdm=Carbon monoxide concentration of the dilution air sample as measured, in ppm.

NOTE.—If a CO instrument, which meets the criteria specified in § 86.511 is used and the conditioning column has been deleted, COem can be substituted directly for COe and COdm can be substituted directly for COd.

CO2mass=Carbon dioxide emissions, in grams per test phase.

Density CO2=Density of carbon dioxide, 1.843 kg/m³ (52.20 g/ft³), at 20° C (68° F) and 101.325 kPa (760 mm Hg) pressure.

CO2conc=Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

CO2conc=CO2e-CO2d (1-1/DF) 10^{-4}

Where:

CO2d=Carbon dioxide concentration of the dilution air as measured, in ppm.

DF=13.4/[CO2+(HCe+COe) 10^{-4}]

Vmix=Total dilute exhaust volume in cubic metres per test phase corrected to standard conditions (293.15° K (528° R) and 101.325 kPa (760 mm Hg)).

Vmix=Vo X N [(Pb-Pi) (293.15 K)] [(101.325 kPa) (Tp)]

Where:

Vo=Volume of gas pumped by the positive displacement pump, in cubic metres per revolution. This volume is dependent on the pressure differential across the positive displacement pump. (See calibration techniques in Appendix III.)

N=Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

Pb=Barometric pressure in kPa.

Pi=Pressure depression below atmospheric measured at the inlet to the positive displacement pump.

Tp=Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected in degrees Kelvin.

Kh=Humidity correction factor.

Kh=1/[1-0.0329 (H-10.71)]

Where:

H=Absolute humidity in grams of water per kilogram of dry air.

H=[(6.211) Ra X Pd]/[Pb-(Pd X Ra/100)]

Ra=Relative humidity of the ambient air in percent.

Pd=Saturated vapor pressure, in kPa at the ambient dry bulb temperature.

(d) Example calculation of mass emission values for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.):

(1) For the "transient" phase of the cold start test, assume Vo=0.0077934 m³ per revolution; N=12,115; R=20.5 percent; Ra=20.5 percent; Pb=99.05 kPa; Pd=3.382 kPa; Pi=9.851 kPa; Tp=309.8 K; HCe 249.75 ppm carbon equivalent; NOxe=38.30 ppm; COem=311.23 ppm; CO2e=0.415 percent; HCd=4.90 ppm; NOxd=0.30 ppm; COdm=8.13 ppm; CO2d=370 ppm; Dct=5.650 km. Then:

Vmix=[(0.0077934) (12,115) (99.05-9.851) (293.15)]/[(101.325) (309.8)]

Vmix=78.651 m³ per test phase.

H=[(6.211) (20.5) (3.382)]/[(99.05)-(3.382) (20.5/100)]

H=4.378 grams H_2O per kg dry air

Kh=1/[1-0.0329 (4.378-10.71)]

Kh=0.8276

COe=[1-0.01925 (0.415)-0.000323 (20.5)] 311.23

COe=306.68 ppm.

COd=[1-0.000323 (20.5)] 8.13

COd=8.08 ppm.

DF=13.4/[0.415+(249.75+306.68) 10^{-4}]

DF=28.472

HCconc=249.75-4.90 (1-1 28.472)

HCconc=245.02 ppm.

HCmass=(78.651) (576.7) (245.02) 10^{-6}

HCmass=11.114 grams per test phase

NOxconc=38.30-0.30 (1-1/28.472)

NOxconc=38.01 ppm.

NOxmass=(78.651) (1913) (38.01) (0.6276) 10^{-6}

NOxmass=4.733 grams per test phase

COconc=306.68-8.08 (1-1/28.472)

COconc=298.88 ppm.

COmass=(78.651) (1164) (298.88) 10^{-6}

COmass=27.362 grams per test phase

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$CO2econ = 0.415 - 370\ (1 + 28.472)\ 10^{-4}$
CO2econ = 0.3793 percent.
CO2mass = (78.651) (1843) (0.3793) 10^{-2}
CO2mass = 549.81 grams per test phase.

(2) For the "stabilized" portion of the cold start test, assume that similar calculations resulted in HCmass = 7.184 grams per test phase; NOxmass = 2.154 grams per test phase; COmass = 64.541 grams per test phase; and CO2mass = 529.52 grams per test phase. Ds = 6.070 kilometres.

(3) For the "transient" portion of the hot start test, assume that similar calculations resulted in HCmass = 6.122 grams per test phase; NOxmass = 7.056 grams per test phase; COmass = 34.964 grams per test phase; and CO2mass = 480.93 grams per test phase. Dht = 5.660 kilometres.

(4) For a 1978 motorcycle with an engine displacement equal to or greater than 170 cc (10.4 cu. in.):

Hcwm = 0.43 [(11.114 + 7.184) / (5.6506.070)] + 0.57 [(6.122 + 7.184) / (5.660 + 6.070)]
HCwm = 1.318 grams per vehicle kilometre
NOxwm = 0.43 [(4.733 + 2.154) / (5650 + 6.070)] + 0.57 [(7.056 + 2.154) / (5.660 + 6.070)]
NOxwm = 0.700 grams per vehicle kilometre.
COwm = 0.43 [(27.362 + 64.541) / (5.650 + 6.070)] + 0.57 [(34.964 + 64.541) / (5.660 + 6.070)]
COwm = 8.207 grams per vehicle kilometre
CO2wm = 0.43 [(549.81 + 529.52) / (5.650 + 6.070)] + 0.57 [(480.93 + 529.52) / (5.660 + 6.070)]
CO2wm = 88.701 grams per vehicle kilometre

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[FRL 658-8]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Appendices to Motor Vehicle Emission Regulations

On October 22, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 49517) setting forth revisions to the Appendices to the motor vehicle emission regulations in Part 85 of Title 40 of the Code of Federal Regulations. The proposed changes were needed to complement the publication of the proposed regulations for the control of exhaust and crankcase emissions from new motorcycles (40 FR 49496). In addition, the appendices were proposed in the International System of Units (SI). Comments by interested parties to the NPRM received prior to 10 February 1976 were considered in the preparation of the final rule making.

Presented below is a list of the major changes to the proposed Appendices which are incorporated for final rule making.

(1) Appendix I, the EPA dynamometer driving schedule, is published as proposed in kilometre per hour units. For the convenience of the user, the driving schedule in miles per hour units is retained. Manufacturers of light duty vehicles or light duty trucks may use either schedule (a) in miles per hour or schedule (b) in kilometres per hour. The tolerance diagram in the corresponding units should be used. Motorcycles with displacements greater than or equal to 170cc (10.4 cu. in.) are to use schedule (b) and motorcycles with displacements less than 170cc are to use schedule (c).

(2) The proposed revision to Appendix II, Procedures for Dynamometer Road Power Calibration, is dropped from the final rule making. A new motorcycle dynamometer calibration procedure, consistent with the revised motorcycle road load force specification, is incorporated in the body of the motorcycle test procedures, Part 86, Subpart F. For light duty vehicles and light duty trucks, the dynamometer calibration procedure has also been incorporated in the body of the applicable test procedures, Part 86, Subpart B.

(3) The revision to Appendix III, Constant Volume Sampler Flow Calibration, is also dropped from the final rulemaking. The calibration procedure, which now includes a method for calibrating a critical flow venturi constant volume sampler, is incorporated in the applicable test procedure sections of Part 86 for motorcycles and for light duty vehicles and light duty trucks.

(4) Appendix IV(b) has been revised to include the durability driving schedule for each of the three motorcycle classes. For laps 1 through 9, the lap speed in SI units has been revised to more nearly equate these schedules with the English unit schedule for light duty vehicles contained in Appendix IV(a). For motorcycles with engine displacements less than 170cc (10.4 cu. in.), the speeds for laps 10 and 11 have been reduced to reflect the inability of some of the smaller motorcycles to achieve the proposed maximum speeds for those laps. For motorcycles with engine displacements equal to or greater than 170cc and less than 280cc (17.1 cu. in.), the speed for lap 11 has been reduced because motorcycles in this class are often designed for dual-purpose operation and may be incapable of attaining the proposed maximum speed for this lap.

(5) Appendix V continues to be reserved.

(6) Appendix VI, Vehicle and Engine Components, is published as proposed.

(7) Appendix VII, Parameters and Specifications, was proposed on December 23, 1974 (39 FR 44246) as part of the Coverage of Motor Vehicle Certificate of Conformity Regulations. It was proposed for motorcycles on October 22, 1975 with certain modifications applicable to motorcycles included. Appendix VII is not included for final rulemaking at this time because of pending resolution of comments. It is anticipated final rulemaking, applicable to all motor vehicles, will be published at a later date.

Comments which were received in response to the NPRM and EPA's detailed analysis of the comments are available for inspection and copying during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. As provided for in 40 CFR Part 2, a reasonable fee may be charged for copying services.

The Enviromental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

The environmental and economic impacts associated with the regulations published of subparts E and F of Title 40, Part 86, Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures—Emission Regulations for New Motorcycles, have been analyzed. This analysis is contained in the Environmental and Economic Impact Statement, Motorcycle Exhaust and Crankcase Regulations for the 1978 Model Year, December 1976. Single copies of this document are available from the Public Information Center (PM-215), U.S. Environmental Protection Agency, Washington, D.C. 20460.

This Notice of Final Rulemaking is issued under the authority of sections 202, 206, 207, 208, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-5, 1857g(a)).

Effective date: This addition to Part 86 becomes effective on February 22, 1977.

Date: December 23, 1976.

JOHN QUARLES,
Acting Administrator.

The following changes are made to the appendices in Part 86 of Chapter I of Title 40 of the Code of Federal Regulations:

1. Appendix I is revised by redesignating Appendix I of Part 85 as part (a) of Appendix I, adding paragraph (a) prior to the schedule listing, and adding paragraphs (b) and (c) to read as follows:

APPENDIX I—URBAN DYNAMOMETER DRIVING SCHEDULES

(a) EPA Urban Dynamometer Driving Schedule for Light Duty Vehicles and Light Duty Trucks.

* * * * *

(b) EPA Urban Dynamometer Driving Schedule for Light Duty Vehicles, Light Duty Trucks, and Motorcycles with engine displacements equal to or greater than 170 cc (10.4 cu. in.).

Speed Versus Time Sequence

Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)
0	0	37	31.9	74	40.9	111	51.2
1	0	38	27.4	75	40.1	112	51.8
2	0	39	24.9	76	40.2	113	52.1
3	0	40	24.0	77	40.9	114	51.8
4	0	41	24.5	78	41.8	115	51.0
5	0	42	24.9	79	41.8	116	49.0
6	0	43	25.7	80	41.4	117	46.7
7	0	44	27.6	81	42.0	118	35.4
8	0	45	30.7	82	43.0	119	30.1
9	0	46	34.0	83	44.1	120	24.8
10	0	47	36.6	84	46.0	121	19.5
11	0	48	36.9	85	47.2	122	14.2
12	0	49	36.5	86	48.0	123	8.9
13	0	50	36.4	87	48.5	124	3.5
14	0	51	34.3	88	48.0	125	0
15	0	52	30.9	89	48.4	126	0
16	0	53	27.5	90	48.4	127	0
17	0	54	25.4	91	48.1	128	0
18	0	55	25.4	92	48.0	129	0
19	0	56	28.5	93	48.8	130	0
20	0	57	31.9	94	48.9	131	0
21	4.8	58	34.8	95	49.6	132	0
22	9.5	59	37.3	96	48.9	133	0
23	13.8	60	38.9	97	48.1	134	0
24	18.5	61	39.6	98	47.6	135	0
25	23.0	62	40.1	99	48.0	136	0
26	27.2	63	40.2	100	48.8	137	0
27	27.8	64	39.8	101	49.4	138	0
28	29.1	65	39.4	102	49.7	139	0
29	33.3	66	39.6	103	49.0	140	0
30	34.0	67	39.8	104	47.7	141	0
31	36.0	68	39.8	105	46.9	142	0
32	36.2	69	39.6	106	46.0	143	0
33	35.0	70	39.6	107	46.1	144	0
34	34.0	71	40.4	108	45.6	145	0
35	33.0	72	41.2	109	46.4	146	0
36	32.8	73	41.4	110	50.2	147	0

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Time (seconds):	Speed (kilometres per hour)
148	0
149	0
150	0
151	0
152	0
153	0
154	0
155	0
156	0
157	0
158	0
159	0
160	0
161	0
162	0
163	0
164	5.3
165	10.6
166	15.9
167	21.2
168	26.0
169	31.9
170	35.7
171	39.1
172	41.5
173	42.5
174	41.4
175	40.4
176	39.8
177	40.2
178	40.6
179	40.9
180	41.5
181	43.8
182	42.6
183	38.6
184	36.5
185	31.2
186	28.6
187	27.7
188	29.1
189	29.9
190	32.2
191	35.7
192	39.4
193	43.9
194	49.1
195	53.9
196	58.3
197	60.0
198	63.2
199	65.2
200	67.8
201	70.0
202	72.0
203	74.0
204	75.3
205	76.4
206	76.4
207	76.1
208	76.0
209	76.6
210	76.6
211	76.6
212	75.6
213	75.6
214	76.0
215	76.3
216	77.1
217	78.1
218	79.0
219	79.7
220	80.5
221	81.4
222	82.1
223	82.9
224	84.0
225	85.6
226	87.1
227	87.9
228	88.4
229	88.5
230	88.4
231	87.9
232	87.9
233	88.2

Time (seconds):	Speed (kilometres per hour)
234	88.7
235	89.3
236	89.6
237	90.3
238	90.6
239	91.1
240	91.2
241	91.2
242	90.9
243	90.9
244	90.9
245	90.9
246	90.9
247	90.9
248	90.8
249	90.3
250	89.8
251	88.7
252	87.9
253	87.2
254	86.9
255	86.4
256	86.3
257	86.7
258	86.9
259	87.1
260	87.1
261	86.6
262	85.9
263	85.3
264	84.7
265	83.8
266	84.3
267	83.7
268	83.5
269	83.2
270	82.9
271	83.0
272	83.4
273	83.8
274	84.5
275	85.3
276	86.1
277	86.9
278	88.4
279	89.2
280	89.5
281	90.1
282	90.1
283	89.8
284	89.8
285	89.7
286	89.3
287	88.5
288	87.9
289	87.9
290	87.9
291	87.2
292	86.6
293	86.5
294	86.6
295	86.5
296	85.8
297	85.7
298	85.7
299	85.7
300	86.0
301	86.2
302	87.4
303	87.0
304	87.2
305	87.4
306	87.5
307	88.6
308	88.8
309	84.9
310	82.0
311	89.6
312	86.6
313	84.4
314	82.3
315	80.7
316	49.2
317	49.1
318	40.3
319	40.7

Time (seconds):	Speed (kilometres per hour)
320	44.3
321	39.9
322	34.6
323	32.3
324	30.7
325	29.8
326	27.4
327	24.9
328	20.1
329	17.4
330	12.9
331	7.6
332	2.3
333	0
334	0
335	0
336	0
337	0
338	0
339	0
340	0
341	0
342	0
343	0
344	0
345	0
346	0
347	1.6
348	6.9
349	12.3
350	17.5
351	22.9
352	27.8
353	32.2
354	36.2
355	38.1
356	40.6
357	42.8
358	45.2
359	48.3
360	49.6
361	50.9
362	51.7
363	52.8
364	54.1
365	55.5
366	55.7
367	56.2
368	56.0
369	55.5
370	55.8
371	57.1
372	57.9
373	57.9
374	57.9
375	57.9
376	57.9
377	57.9
378	58.1
379	58.0
380	58.7
381	58.0
382	57.9
383	56.5
384	54.9
385	53.9
386	50.5
387	46.7
388	41.4
389	37.0
390	32.7
391	28.2
392	23.3
393	19.3
394	14.0
395	8.7
396	3.4
397	0
398	0
399	0
400	0
401	0
402	0
403	4.2
404	9.5
405	14.8

Time (seconds):	Speed (kilometres per hour)
406	20.1
407	25.4
408	30.7
409	36.0
410	40.2
411	41.2
412	44.3
413	45.7
414	48.3
415	48.4
416	48.3
417	47.8
418	47.2
419	46.3
420	45.1
421	40.2
422	31.9
423	29.6
424	24.3
425	19.0
426	13.7
427	8.4
428	3.1
429	0
430	0
431	0
432	0
433	0
434	0
435	0
436	0
437	0
438	0
439	0
440	0
441	0
442	0
443	0
444	0
445	0
446	0
447	0
448	5.3
449	10.6
450	15.9
451	21.2
452	26.6
453	34.9
454	37.2
455	40.6
456	44.7
457	46.8
458	48.7
459	53.1
460	54.1
461	56.0
462	56.6
463	57.1
464	58.1
465	57.9
466	58.1
467	58.3
468	57.9
469	57.6
470	57.9
471	57.9
472	57.3
473	57.1
474	57.0
475	56.0
476	56.6
477	56.6
478	56.6
479	56.0
480	56.6
481	56.3
482	56.5
483	56.6
484	57.1
485	56.6
486	56.3
487	56.3
488	56.3
489	56.0
490	55.7

Time (seconds):	Speed (kilometres per hour)
491	50.6
492	53.0
493	51.5
494	48.4
495	45.1
496	41.0
497	36.2
498	31.9
499	26.6
500	21.2
501	10.6
502	11.6
503	6.4
504	1.6
505	0
506	0
507	0
508	0
509	0
510	0
511	1.0
512	5.6
513	8.9
514	10.5
515	13.7
516	16.4
517	16.9
518	19.2
519	22.5
520	25.7
521	28.6
522	30.8
523	32.3
524	33.8
525	35.4
526	37.0
527	38.3
528	39.4
529	40.1
530	40.2
531	40.2
532	40.2
533	40.2
534	40.2
535	40.2
536	41.2
537	41.6
538	41.8
539	41.2
540	40.6
541	40.2
542	40.2
543	40.2
544	39.3
545	37.2
546	31.9
547	26.6
548	21.2
549	16.9
550	10.6
551	5.3
552	0
553	0
554	0
555	0
556	0
557	0
558	0
559	0
560	0
561	0
562	0
563	0
564	0
565	0
566	0
567	0
568	0
569	5.3
570	10.6
571	15.9
572	20.9
573	23.5
574	25.7
575	27.4
576	27.4

Time (seconds):	Speed (kilometres per hour)
577	27.4
578	28.2
579	28.5
580	28.5
581	28.2
582	27.4
583	27.2
584	26.7
585	27.4
586	27.5
587	27.4
588	26.7
589	26.6
590	26.6
591	26.7
592	27.4
593	28.3
594	29.8
595	30.9
596	32.6
597	33.8
598	34.0
599	34.1
600	34.8
601	35.4
602	36.0
603	36.2
604	36.2
605	36.2
606	36.5
607	38.1
608	40.4
609	41.8
610	42.6
611	43.5
612	42.0
613	36.7
614	31.4
615	26.1
616	20.9
617	15.4
618	10.1
619	4.8
620	0
621	0
622	0
623	0
624	0
625	0
626	0
627	0
628	0
629	0
630	0
631	0
632	0
633	0
634	0
635	0
636	0
637	0
638	0
639	0
640	0
641	0
642	0
643	0
644	0
645	0
646	3.2
647	7.2
648	12.6
649	16.4
650	20.1
651	23.5
652	24.6
653	28.2
654	31.5
655	33.8
656	35.7
657	37.6
658	39.4
659	40.7
660	41.2
661	41.8
662	42.0

Time (seconds):	Speed (kilometres per hour)
663	42.2
664	42.2
665	42.5
666	42.6
667	42.6
668	41.8
669	41.0
670	38.0
671	34.4
672	29.8
673	26.4
674	23.3
675	18.7
676	14.0
677	9.3
678	5.6
679	3.2
680	0
681	0
682	0
683	0
684	0
685	0
686	0
687	0
688	0
689	0
690	0
691	0
692	0
693	0
694	2.3
695	5.8
696	7.1
697	10.5
698	14.8
699	16.2
700	21.7
701	23.5
702	26.4
703	28.9
704	26.8
705	28.6
706	29.3
707	30.9
708	32.3
709	34.5
710	36.2
711	36.2
712	35.6
713	36.5
714	37.5
715	37.8
716	36.2
717	34.8
718	33.0
719	29.0
720	24.1
721	19.3
722	14.5
723	10.0
724	7.2
725	4.8
726	3.4
727	0.8
728	0.8
729	5.1
730	10.5
731	15.4
732	20.1
733	22.5
734	25.7
735	29.0
736	31.5
737	34.5
738	37.2
739	39.4
740	41.0
741	42.6
742	43.6
743	44.4
744	44.9
745	45.5
746	46.0

Time (seconds):	Speed (kilometres per hour)
747	46.0
748	45.6
749	45.4
750	45.1
751	44.3
752	43.1
753	41.0
754	37.8
755	34.5
756	30.6
757	26.6
758	24.0
759	20.1
760	15.1
761	10.0
762	4.8
763	2.4
764	2.4
765	0.8
766	0
767	4.8
768	10.1
769	15.4
770	20.8
771	25.4
772	28.2
773	29.6
774	31.4
775	33.3
776	35.4
777	37.3
778	40.2
779	42.6
780	44.3
781	45.1
782	45.5
783	46.5
784	46.5
785	46.5
786	46.3
787	45.9
788	45.5
789	45.6
790	45.5
791	45.4
792	44.1
793	44.3
794	44.3
795	44.3
796	44.3
797	44.3
798	44.3
799	44.4
800	45.1
801	45.9
802	48.3
803	49.9
804	51.5
805	53.1
806	53.1
807	54.1
808	54.7
809	55.2
810	55.0
811	54.7
812	54.7
813	54.6
814	54.1
815	53.3
816	53.1
817	52.3
818	51.5
819	51.3
820	50.9
821	50.7
822	49.2
823	48.3
824	48.1
825	48.1
826	48.1
827	48.1
828	47.6
829	47.5
830	47.5
831	47.2

V 42 3 JAN 5 77 7 UM

Time (seconds):	metres per hour	Time (seconds):	metres per hour	Time (seconds):	metres per hour	Time (seconds):	metres per hour
892	46.5	920	36.4	1,007	41.0	1,095	11.6
893	46.4	921	37.7	1,008	40.2	1,096	8.8
894	44.6	922	38.6	1,009	39.8	1,097	6.6
895	43.6	923	38.9	1,010	38.1	1,098	4.2
896	41.0	924	39.3	1,011	37.3	1,099	1.6
897	38.2	925	40.1	1,012	30.9	1,100	0
898	35.4	926	40.4	1,013	30.2	1,101	0.2
899	33.0	927	40.6	1,014	35.4	1,102	1.0
900	30.9	928	40.7	1,015	31.8	1,103	2.0
901	30.9	929	41.0	1,016	33.0	1,104	5.8
902	32.9	930	40.8	1,017	28.2	1,105	11.1
903	34.6	931	40.2	1,018	22.9	1,106	16.1
904	34.4	932	40.2	1,019	17.5	1,107	20.6
905	35.4	933	40.2	1,020	12.2	1,108	22.5
906	36.4	934	39.8	1,021	6.9	1,109	23.3
907	37.3	935	39.4	1,022	1.6	1,110	25.7
908	38.6	936	39.1	1,023	0	1,111	29.1
909	40.2	937	39.1	1,024	0	1,112	32.2
910	41.8	938	39.4	1,025	0	1,113	33.8
911	42.8	939	40.2	1,026	0	1,114	34.1
912	42.8	940	40.2	1,027	0	1,115	34.3
913	43.1	941	39.6	1,028	0	1,116	34.4
914	43.5	942	39.6	1,029	0	1,117	34.0
915	43.8	943	38.8	1,030	0	1,118	36.2
916	44.7	944	39.4	1,031	0	1,119	37.0
917	45.4	945	40.4	1,032	0	1,120	38.3
918	46.3	946	41.2	1,033	0	1,121	39.4
919	46.5	947	40.4	1,034	0	1,122	40.2
920	46.7	948	38.6	1,035	0	1,123	40.1
921	46.8	949	35.4	1,036	0	1,124	39.0
922	46.7	950	32.3	1,037	0	1,125	40.2
923	45.2	951	27.2	1,038	0	1,126	40.9
924	44.3	952	21.9	1,040	0	1,127	41.5
925	43.6	953	16.6	1,041	0	1,128	41.8
926	41.6	954	11.3	1,042	0	1,129	42.5
927	40.2	955	6.0	1,043	0	1,130	42.8
928	39.4	956	0.6	1,044	0	1,131	43.3
929	39.0	957	0	1,045	0	1,132	43.5
930	40.4	958	0	1,046	0	1,133	43.5
931	41.0	959	0	1,047	0	1,134	43.5
932	41.4	960	3.2	1,048	0	1,135	43.3
933	42.2	961	8.5	1,049	0	1,136	43.1
934	43.3	962	13.8	1,050	0	1,137	43.1
935	44.3	963	19.2	1,051	0	1,138	42.6
936	44.7	964	21.5	1,052	0	1,139	42.5
937	45.7	965	26.2	1,053	1.9	1,140	41.8
938	46.7	966	29.9	1,054	6.4	1,141	41.0
939	47.0	967	32.2	1,055	11.7	1,142	39.6
940	46.8	968	34.0	1,056	17.1	1,143	37.8
941	46.7	969	35.4	1,057	22.4	1,144	34.6
942	46.5	970	37.0	1,058	27.4	1,145	32.3
943	46.0	971	39.4	1,059	20.8	1,146	28.2
944	45.2	972	42.3	1,060	32.2	1,147	25.7
945	45.1	973	44.3	1,061	35.1	1,148	22.5
946	45.1	974	45.2	1,062	37.0	1,149	17.2
947	44.4	975	45.7	1,063	38.6	1,150	11.9
948	43.8	976	45.9	1,064	39.9	1,151	6.6
949	42.8	977	45.9	1,065	41.2	1,152	1.3
950	43.5	978	45.9	1,066	42.6	1,153	0
951	44.3	979	44.6	1,067	43.1	1,154	0
952	44.7	980	44.3	1,068	44.1	1,155	0
953	45.1	981	43.8	1,069	44.9	1,156	0
954	44.7	982	43.1	1,070	45.6	1,157	0
955	45.1	983	42.6	1,071	45.1	1,158	0
956	45.1	984	41.8	1,072	44.3	1,159	0
957	45.1	985	41.4	1,073	43.5	1,160	0
958	44.6	986	40.6	1,074	43.5	1,161	0
959	44.1	987	38.6	1,075	42.3	1,162	0
960	43.8	988	35.4	1,076	39.4	1,163	0
961	43.1	989	34.0	1,077	38.3	1,164	0
962	42.6	990	34.6	1,078	34.0	1,165	0
963	42.6	991	35.1	1,079	33.2	1,166	0
964	42.6	992	36.2	1,080	29.0	1,167	0
965	42.3	993	37.0	1,081	24.1	1,168	0
966	42.2	994	36.7	1,082	19.8	1,169	3.4
967	42.2	995	36.7	1,083	17.9	1,170	8.7
968	41.7	996	37.0	1,084	17.1	1,171	14.0
969	41.2	997	36.5	1,085	16.1	1,172	19.3
970	41.2	998	36.5	1,086	15.3	1,173	24.6
971	41.7	999	36.5	1,087	14.8	1,174	29.9
972	41.5	1,000	37.8	1,088	14.0	1,175	34.0
973	41.0	1,001	38.6	1,089	13.8	1,176	37.0
974	39.6	1,002	39.6	1,090	14.2	1,177	37.8
975	37.8	1,003	39.9	1,091	14.5	1,178	37.0
976	35.7	1,004	40.4	1,092	14.0	1,179	36.2
977	34.8	1,005	41.0	1,093	13.8	1,180	32.2
978	34.8	1,006	41.2	1,094	12.9	1,181	26.9
979	34.9					1,182	21.6

Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)
1,183	16.3	1,231	31.5	1279	39.4	1,327	0
1,184	10.9	1,232	31.9	1280	39.4	1,328	0
1,185	5.6	1,233	32.2	1281	38.6	1,329	0
1,186	0.3	1,234	31.4	1282	37.8	1,330	0
1,187	0	1,235	28.2	1283	37.8	1,331	0
1,188	0	1,236	24.0	1284	37.8	1,332	0
1,189	0	1237	20.6	1,285	37.8	1,333	0
1,190	0	1238	16.1	1,286	37.8	1,334	0
1,191	0	1239	12.9	1,287	37.0	1,335	0
1,192	0	1240	9.7	1,288	38.6	1,336	0
1,193	0	1241	6.4	1,289	38.6	1,337	0
1,194	0	1242	4.0	1,290	39.4	1,338	2.4
1,195	0	1243	1.1	1,291	39.8	1,339	7.7
1,196	0	1244	0	1,292	40.2	1,340	12.9
1,197	0.3	1245	0	1,293	40.8	1,341	18.3
1,198	2.4	1246	0	1,294	41.2	1,342	21.2
1,199	5.6	1247	0	1,295	41.4	1,343	24.3
1,200	10.5	1248	0	1,296	41.8	1,344	27.0
1,201	15.8	1249	0	1,297	42.2	1,345	29.5
1,202	18.3	1250	0	1,298	43.5	1,346	31.4
1,203	20.8	1251	0	1,299	44.7	1,347	32.7
1,204	20.9	1252	1.6	1,300	45.5	1,348	34.3
1,205	20.3	1253	1.6	1,301	46.7	1,349	35.2
1,206	20.8	1254	1.6	1,302	46.8	1,350	35.6
1,207	21.1	1255	1.6	1,303	46.7	1,351	36.0
1,208	21.1	1256	1.6	1,304	45.1	1,352	35.4
1,209	22.5	1257	2.6	1,305	39.8	1,353	34.8
1,210	24.9	1258	4.8	1,306	34.4	1,354	34.0
1,211	27.4	1259	6.4	1,307	29.1	1,355	33.8
1,212	29.9	1260	8.0	1,308	23.8	1,356	32.2
1,213	31.7	1261	10.1	1,309	18.5	1,357	31.5
1,214	33.8	1262	12.9	1,310	13.2	1,358	29.8
1,215	34.6	1263	16.1	1,311	7.9	1,359	28.2
1,216	35.1	1264	16.9	1,312	2.6	1,360	26.6
1,217	35.1	1265	15.3	1,313	0	1,361	24.9
1,218	34.6	1266	13.7	1,314	0	1,362	22.5
1,219	34.1	1267	12.2	1,315	0	1,363	17.7
1,220	34.6	1268	11.2	1,316	0	1,364	12.9
1,221	35.1	1269	12.7	1,317	0	1,365	8.4
1,222	35.4	1270	20.6	1,318	0	1,366	4.0
1,223	35.2	1271	27.4	1,319	0	1,367	0
1,224	34.9	1272	31.4	1,320	0	1,368	0
1,225	34.6	1273	31.0	1,321	0	1,369	0
1,226	34.6	1274	30.1	1,322	0	1,370	0
1,227	34.4	1275	35.7	1,323	0	1,371	0
1,228	32.3	1276	37.0	1,324	0		
1,229	31.4	1277	38.0	1,325	0		
1,230	30.9	1278	38.8	1,326	0		

(c) **EPA Urban Dynamometer Driving Schedule for motorcycles with engine displacements less than 170 cc (10.4 cu. in.).**

Speed Versus Time Sequence

Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)
1	0	14	0	27	27.8	40	24.0
2	0	15	0	28	29.1	41	24.6
3	0	16	0	29	33.3	42	24.9
4	0	17	0	30	34.9	43	25.7
5	0	18	0	31	36.0	44	27.6
6	0	19	0	32	36.2	45	30.7
7	0	20	0	33	35.6	46	34.0
8	0	21	4.8	34	34.8	47	36.5
9	0	22	9.5	35	33.6	48	36.9
10	0	23	13.8	36	32.8	49	36.6
11	0	24	18.5	37	31.0	50	36.4
12	0	25	23.0	38	27.4	51	34.3
13	0	26	27.2	39	24.0	52	30.6

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Time (seconds):	Speed (kilometres per hour)
53	27.5
54	25.4
55	25.4
56	28.5
57	31.9
58	34.8
59	37.3
60	38.9
61	39.6
62	40.1
63	40.2
64	39.6
65	39.4
66	39.8
67	39.9
68	39.8
69	39.6
70	39.6
71	40.4
72	41.2
73	41.4
74	40.9
75	40.1
76	40.2
77	40.9
78	41.8
79	41.8
80	41.4
81	42.0
82	43.0
83	44.3
84	46.0
85	47.2
86	48.0
87	48.4
88	48.9
89	49.4
90	49.4
91	49.1
92	48.9
93	48.8
94	48.9
95	49.6
96	48.9
97	48.1
98	47.5
99	48.0
100	48.8
101	49.4
102	49.7
103	49.9
104	49.7
105	48.9
106	48.0
107	48.1
108	48.6
109	49.4
110	50.2
111	51.2
112	51.8
113	52.1
114	51.8
115	51.0
116	46.0
117	40.7
118	35.4
119	30.1
120	24.8
121	19.5
122	14.2
123	8.9
124	3.5
125	0
126	0
127	0
128	0
129	0
130	0
131	0
132	0
133	0
134	0
135	0
136	0
137	0
138	0
139	0
140	0
141	0
142	0
143	0
144	0
145	0
146	0
147	0
148	0
149	0
150	0
151	0
152	0
153	0
154	0
155	0
156	0
157	0
158	0
159	0
160	0
161	0
162	0
163	0
164	3.4
165	6.8
166	10.3
167	13.7
168	17.1
169	20.5
170	23.0
171	25.2
172	26.7
173	27.4
174	26.6
175	26.0
176	25.6
177	25.9
178	26.1
179	26.3
180	25.7
181	26.2
182	27.5
183	24.9
184	23.6
185	20.1
186	16.3
187	17.5
188	18.8
189	19.3
190	20.7
191	23.0
192	25.4
193	28.3
194	31.6
195	34.7
196	37.5
197	38.8
198	40.7
199	42.0
200	43.6
201	45.1
202	46.7
203	47.7
204	48.5
205	49.2
206	49.2
207	49.0
208	48.9
209	48.7
210	48.7
211	48.7
212	48.7
213	48.7
214	48.9
215	49.1
216	49.6
217	50.2
218	50.9
219	51.3
220	51.8
221	52.4
222	52.8
223	53.4
224	54.1
225	55.1
226	56.0
227	56.6
228	56.9
229	57.0
230	56.9
231	56.6
232	56.6
233	56.8
234	57.1
235	57.5
236	57.7
237	58.1
238	58.3
239	58.6
240	58.7
241	58.7
242	58.5
243	58.5
244	58.6
245	58.6
246	58.5
247	58.5
248	58.4
249	58.1
250	57.8
251	57.1
252	56.6
253	56.2
254	55.9
255	55.6
256	55.6
257	55.8
258	55.9
259	56.0
260	56.0
261	55.7
262	55.3
263	54.9
264	54.5
265	54.0
266	54.3
267	53.9
268	53.8
269	53.6
270	53.4
271	53.5
272	53.7
273	54.0
274	54.4
275	54.9
276	55.4
277	55.9
278	56.9
279	57.4
280	57.6
281	58.0
282	58.0
283	57.8
284	57.2
285	56.5
286	55.5
287	54.4
288	53.4
289	53.4
290	53.4
291	52.9
292	51.9
293	51.8
294	51.9
295	51.8
296	51.4
297	51.3
298	51.3
299	51.3
300	50.9
301	50.3
302	49.6
303	48.9
304	47.8
305	46.6
306	45.4
307	44.1
308	43.0
309	41.8
310	39.9
311	38.3
312	36.5
313	35.0
314	33.7
315	32.6
316	31.7
317	31.6
318	31.1
319	30.0
320	28.6
321	25.7
322	22.3
323	20.6
324	19.8
325	19.2
326	17.6
327	16.1
328	12.9
329	11.2
330	8.3
331	4.9
332	1.5
333	0
334	0
335	0
336	0
337	0
338	0
339	0
340	0
341	0
342	0
343	0
344	0
345	0
346	0
347	1.6
348	6.9
349	12.2
350	17.5
351	22.9
352	27.8
353	32.2
354	36.2
355	38.1
356	40.6
357	42.6
358	45.2
359	48.3
360	49.6
361	50.9
362	51.7
363	52.8
364	54.1
365	55.5
366	56.7
367	56.2
368	56.0
369	55.5
370	55.8
371	57.1
372	57.9
373	57.9
374	57.9
375	57.9
376	57.9
377	57.9
378	58.1
379	58.6
380	58.7
381	58.6
382	57.9
383	56.5
384	54.9
385	53.9
386	50.5
387	46.7
388	41.4

Time (seconds):	Speed (kilometres per hour)
389	37.0
390	32.7
391	28.3
392	23.3
393	19.3
394	14.0
395	8.7
396	3.4
397	0
398	0
399	0
400	0
401	0
402	0
403	4.2
404	9.5
405	14.8
406	20.1
407	25.4
408	30.7
409	36.0
410	40.2
411	41.2
412	44.3
413	46.7
414	46.3
415	48.4
416	48.3
417	47.8
418	47.2
419	46.3
420	45.1
421	40.2
422	34.9
423	29.6
424	24.3
425	19.0
426	13.7
427	8.4
428	3.1
429	0
430	0
431	0
432	0
433	0
434	0
435	0
436	0
437	0
438	0
439	0
440	0
441	0
442	0
443	0
444	0
445	0
446	0
447	0
448	5.3
449	10.6
450	15.9
451	21.2
452	26.5
453	31.9
454	37.2
455	42.5
456	44.7
457	40.8
458	50.7
459	53.1
460	54.1
461	56.0
462	56.5
463	57.3
464	58.1
465	57.9
466	58.1
467	58.3
468	57.9
469	57.5
470	57.9
471	57.8
472	57.3
473	57.1
474	57.0
475	56.8
476	56.8
477	56.6
478	56.6
479	56.6
480	56.6
481	56.3
482	56.6
483	56.6
484	57.1
485	56.6
486	56.3
487	56.3
488	56.3
489	56.0
490	55.7
491	55.5
492	53.9
493	51.5
494	48.4
495	45.1
496	41.0
497	36.2
498	31.9
499	26.6
500	21.2
501	16.8
502	11.6
503	6.4
504	1.6
505	0
506	0
507	0
508	0
509	0
510	0
511	1.9
512	5.8
513	8.9
514	10.6
515	13.7
516	15.4
517	16.9
518	19.2
519	22.5
520	25.7
521	28.5
522	30.6
523	32.3
524	33.8
525	35.4
526	37.0
527	38.3
528	39.4
529	40.1
530	40.2
531	40.2
532	40.2
533	40.2
534	40.2
535	40.2
536	41.2
537	41.6
538	41.8
539	41.2
540	40.6
541	40.2
542	40.2
543	40.2
544	39.3
545	37.2
546	31.9
547	26.6
548	21.2
549	15.8
550	10.6
551	5.2
552	0
553	0
554	0
555	0
556	0
557	0
558	0
559	0
560	0
561	0
562	0
563	0
564	0
565	0
566	0
567	0
568	0
569	5.3
570	10.8
571	15.9
572	20.9
573	23.5
574	25.7
575	27.4
576	27.4
577	27.4
578	28.2
579	28.5
580	28.5
581	28.2
582	27.4
583	27.2
584	26.7
585	27.4
586	27.5
587	27.4
588	26.7
589	26.6
590	26.6
591	26.7
592	27.4
593	28.3
594	29.8
595	30.9
596	32.5
597	33.8
598	34.0
599	34.1
600	34.8
601	35.4
602	36.0
603	36.2
604	36.2
605	36.2
606	36.5
607	38.1
608	40.4
609	41.8
610	42.6
611	43.5
612	42.0
613	36.7
614	31.4
615	26.1
616	20.8
617	15.4
618	10.1
619	4.8
620	0
621	0
622	0
623	0
624	0
625	0
626	0
627	0
628	0
629	0
630	0
631	0
632	0
633	0
634	0
635	0
636	0
637	0
638	0
639	0
640	0
641	0
642	0
643	0
644	0
645	0
646	3.2
647	7.2
648	12.6
649	16.4
650	20.1
651	23.5
652	24.8
653	28.2
654	31.5
655	33.6
656	35.7
657	37.5
658	38.4
659	40.7
660	41.2
661	41.8
662	42.0
663	42.2
664	42.2
665	42.5
666	42.6
667	42.6
668	41.8
669	41.0
670	38.0
671	34.4
672	29.8
673	26.4
674	23.3
675	18.7
676	14.0
677	9.3
678	6.6
679	3.2
680	0
681	0
682	0
683	0
684	0
685	0
686	0
687	0
688	0
689	0
690	0
691	0
692	0
693	0
694	2.3
695	5.3
696	7.1
697	10.5
698	14.8
699	18.2
700	21.7
701	23.5
702	26.4
703	26.9
704	26.6
705	26.6
706	26.3
707	30.9
708	32.8
709	34.0
710	36.2
711	36.2
712	35.0
713	36.5
714	37.5
715	37.8
716	36.2
717	34.8
718	33.0
719	29.0
720	24.1
721	19.3
722	14.8
723	10.0
724	7.2

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Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)
726	4.8	809	55.2	893	45.1	978	45.9
726	3.4	810	55.0	894	44.7	977	45.9
727	0.8	811	54.7	895	45.1	978	45.9
728	0.6	812	54.7	896	45.1	979	44.6
729	5.1	813	54.6	897	45.1	980	44.3
730	10.5	814	54.1	898	44.6	981	43.8
731	15.4	815	53.3	899	44.1	982	43.1
732	20.1	816	53.1	900	43.3	983	42.6
733	22.5	817	52.3	901	42.8	984	41.8
734	25.7	818	51.5	902	42.6	985	41.4
735	29.0	819	51.3	903	42.6	986	40.6
736	31.5	820	50.9	904	42.6	987	38.5
737	34.6	821	50.7	905	43.3	988	35.4
738	37.2	822	49.2	906	42.2	989	34.6
739	39.4	823	48.3	907	42.2	990	34.6
740	41.0	824	48.1	908	41.7	991	35.1
741	42.8	825	48.1	909	41.2	992	36.2
742	43.6	826	48.1	910	41.2	993	37.0
743	44.4	827	48.1	911	41.7	994	36.7
744	44.9	828	47.6	912	41.5	995	36.7
745	45.5	829	47.5	913	41.0	996	37.0
746	46.0	830	47.5	914	39.6	997	36.5
747	46.0	831	47.2	915	37.8	998	36.5
748	45.6	832	46.5	916	35.7	999	36.5
749	45.4	833	45.4	917	34.8	1,000	37.8
750	45.1	834	44.6	918	31.8	1,001	38.6
751	44.3	835	43.6	919	34.9	1,002	39.6
752	43.1	836	41.0	920	36.4	1,003	39.9
753	41.0	837	38.1	921	37.7	1,004	40.4
754	37.8	838	35.4	922	38.6	1,005	41.0
755	34.6	839	33.0	923	38.9	1,006	41.2
756	30.8	840	30.9	924	39.3	1,007	41.0
757	26.6	841	30.9	925	40.1	1,008	40.2
758	24.0	842	32.3	926	40.4	1,009	38.8
759	20.1	843	33.6	927	40.6	1,010	38.1
760	15.1	844	34.4	928	40.7	1,011	37.3
761	10.0	845	35.4	929	41.0	1,012	36.9
762	4.8	846	36.4	930	40.6	1,013	36.2
763	2.4	847	37.3	931	40.2	1,014	35.4
764	2.4	848	38.8	932	40.2	1,015	34.8
765	0.8	849	40.2	933	40.2	1,016	33.0
766	0	850	41.8	934	39.8	1,017	28.2
767	4.8	851	42.8	935	39.4	1,018	22.9
768	10.1	852	42.8	936	39.1	1,019	17.5
769	15.4	853	43.1	937	39.1	1,020	12.2
770	20.8	854	43.5	938	39.4	1,021	6.9
771	25.4	855	43.8	939	40.2	1,022	1.6
772	28.2	856	44.7	940	40.2	1,023	0
773	29.0	857	45.2	941	39.6	1,024	0
774	31.4	858	46.3	942	39.6	1,025	0
775	33.3	859	48.5	943	38.8	1,026	0
776	35.4	860	46.7	944	39.4	1,027	0
777	37.3	861	46.8	945	40.4	1,028	0
778	40.2	862	46.7	946	41.2	1,029	0
779	42.6	863	45.2	947	40.4	1,030	0
780	44.3	864	44.2	948	38.6	1,031	0
781	45.1	865	43.5	949	35.4	1,032	0
782	45.5	866	41.6	950	32.3	1,033	0
783	46.5	867	40.2	951	27.2	1,034	0
784	46.5	868	39.4	952	21.9	1,035	0
785	46.6	869	39.9	953	16.6	1,036	0
786	46.3	870	40.4	954	11.3	1,037	0
787	45.9	871	41.0	955	6.0	1,038	0
788	45.5	872	41.4	956	0.6	1,039	0
789	45.5	873	42.2	957	0	1,040	0
790	45.5	874	43.3	958	0	1,041	0
791	45.4	875	44.3	959	0	1,042	0
792	44.4	876	44.7	960	3.2	1,043	0
793	44.3	877	45.7	961	8.5	1,044	0
794	44.3	878	46.7	962	13.8	1,045	0
795	44.3	879	47.0	963	19.2	1,046	0
796	44.3	880	46.8	964	24.5	1,047	0
797	44.3	881	46.7	965	28.2	1,048	0
798	44.3	882	46.6	966	29.0	1,049	0
799	44.4	883	46.9	967	32.2	1,050	0
800	45.1	884	45.2	968	34.0	1,051	0
801	45.9	885	45.1	969	35.4	1,052	0
802	46.3	886	45.1	970	37.0	1,053	1.9
803	49.9	887	44.4	971	39.4	1,054	6.4
804	51.6	888	43.8	972	42.3	1,055	11.7
805	53.1	889	42.8	973	44.3	1,056	17.1
806	53.1	890	43.5	974	45.2	1,057	22.4
807	54.1	891	44.3	975	45.7	1,058	27.4
808	54.7	892	44.7				

Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)
1,059	29.6	1,141	41.0	1,224	34.9	1,306	45.6
1,060	32.2	1,142	39.6	1,225	34.6	1,306	44.7
1,061	35.1	1,143	37.8	1,226	34.6	1,300	46.5
1,062	37.0	1,144	34.6	1,227	34.4	1,301	46.7
1,063	38.6	1,145	33.2	1,228	33.3	1,302	46.8
1,064	39.9	1,146	28.2	1,229	31.4	1,303	46.7
1,065	41.2	1,147	25.7	1,230	30.9	1,304	46.1
1,066	42.8	1,148	22.5	1,231	31.5	1,305	39.8
1,067	43.1	1,149	17.2	1,232	31.9	1,306	34.4
1,068	44.1	1,150	11.9	1,233	32.2	1,307	29.1
1,069	44.9	1,151	6.6	1,234	31.4	1,308	23.8
1,070	45.5	1,152	1.3	1,235	28.2	1,309	18.5
1,071	46.1	1,153	0	1,236	24.9	1,310	13.2
1,072	44.3	1,154	0	1,237	20.9	1,311	7.9
1,073	43.6	1,155	0	1,238	18.1	1,312	2.6
1,074	43.6	1,156	0	1,239	12.9	1,313	0
1,075	42.3	1,157	0	1,240	9.7	1,314	0
1,076	39.4	1,158	0	1,241	6.4	1,315	0
1,077	36.3	1,159	0	1,242	4.0	1,316	0
1,078	34.0	1,160	0	1,243	1.1	1,317	0
1,079	33.2	1,161	0	1,244	0	1,318	0
1,080	29.0	1,162	0	1,245	0	1,319	0
1,081	24.1	1,163	0	1,246	0	1,320	0
1,082	19.8	1,164	0	1,247	0	1,321	0
1,083	17.9	1,165	0	1,248	0	1,322	0
1,084	17.1	1,166	0	1,249	0	1,323	0
1,085	16.1	1,167	0	1,250	0	1,324	0
1,086	15.3	1,168	0	1,251	0	1,325	0
1,087	14.8	1,169	3.4	1,252	1.6	1,326	0
1,088	14.0	1,170	8.7	1,253	1.6	1,327	0
1,089	13.8	1,171	14.0	1,254	1.6	1,328	0
1,090	14.2	1,172	19.3	1,255	1.6	1,329	0
1,091	14.5	1,173	24.6	1,256	1.6	1,330	0
1,092	14.0	1,174	29.9	1,257	2.6	1,331	0
1,093	13.6	1,175	34.0	1,258	4.8	1,332	0
1,094	12.9	1,176	37.0	1,259	6.4	1,333	0
1,095	11.3	1,177	37.8	1,260	8.0	1,334	0
1,096	8.0	1,178	37.0	1,261	10.1	1,335	0
1,097	6.8	1,179	36.2	1,262	12.9	1,336	0
1,098	4.2	1,180	32.2	1,263	16.1	1,337	0
1,099	1.6	1,181	26.9	1,264	16.9	1,338	2.4
1,100	0.9	1,182	21.6	1,265	15.3	1,339	7.7
1,101	0.2	1,183	16.3	1,266	13.7	1,340	13.0
1,102	1.0	1,184	10.9	1,267	12.2	1,341	18.3
1,103	2.6	1,185	5.6	1,268	14.2	1,342	21.2
1,104	5.8	1,186	0.3	1,269	17.7	1,343	24.3
1,105	11.1	1,187	0	1,270	22.5	1,344	27.0
1,106	16.1	1,188	0	1,271	27.4	1,345	29.6
1,107	20.6	1,189	0	1,272	31.4	1,346	31.4
1,108	22.5	1,190	0	1,273	33.8	1,347	32.7
1,109	23.3	1,011	0	1,274	35.1	1,348	34.3
1,110	26.7	1,192	0	1,275	35.7	1,349	35.2
1,111	29.1	1,193	0.0	1,276	37.0	1,350	35.8
1,112	32.2	1,194	0.0	1,277	38.0	1,351	36.0
1,113	33.8	1,195	0.0	1,278	38.8	1,352	35.4
1,114	34.1	1,196	0.0	1,279	39.4	1,353	34.8
1,115	34.0	1,197	0.5	1,280	39.4	1,354	34.0
1,116	34.4	1,198	2.4	1,281	38.6	1,355	33.0
1,117	34.9	1,199	5.6	1,282	37.8	1,356	32.2
1,118	36.2	1,200	10.5	1,283	37.8	1,357	31.5
1,119	37.0	1,201	15.8	1,284	37.8	1,358	29.6
1,120	36.3	1,202	19.3	1,285	37.8	1,359	26.2
1,121	39.4	1,203	20.8	1,286	37.8	1,360	26.6
1,122	40.2	1,204	20.9	1,287	37.8	1,361	24.9
1,123	40.1	1,205	20.8	1,288	38.6	1,262	22.6
1,124	39.9	1,206	20.6	1,289	38.6	1,363	17.7
1,125	40.2	1,207	21.1	1,290	39.4	1,264	12.9
1,126	40.9	1,208	21.1	1,291	39.8	1,365	8.4
1,127	41.6	1,209	22.5	1,202	40.2	1,360	4.0
1,128	41.8	1,210	24.9	1,293	40.9	1,367	0
1,139	42.5	1,211	27.4	1,204	41.2	1,368	0
1,130	42.8	1,212	29.9	1,295	41.4	1,300	0
1,131	43.2	1,213	31.7	1,296	41.8	1,370	0
1,132	43.6	1,214	33.8	1,297	42.2	1,371	0
1,133	43.6	1,215	34.8				
1,134	43.5	1,216	35.1				
1,135	43.2	1,217	35.1				
1,136	43.1	1,218	34.6				
1,137	43.1	1,219	34.1				
1,138	43.6	1,220	34.6				
1,139	43.5	1,221	35.1				
1,140	41.8	1,222	35.4				
		1,223	35.9				

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2. Appendix IV is revised to read as follows:

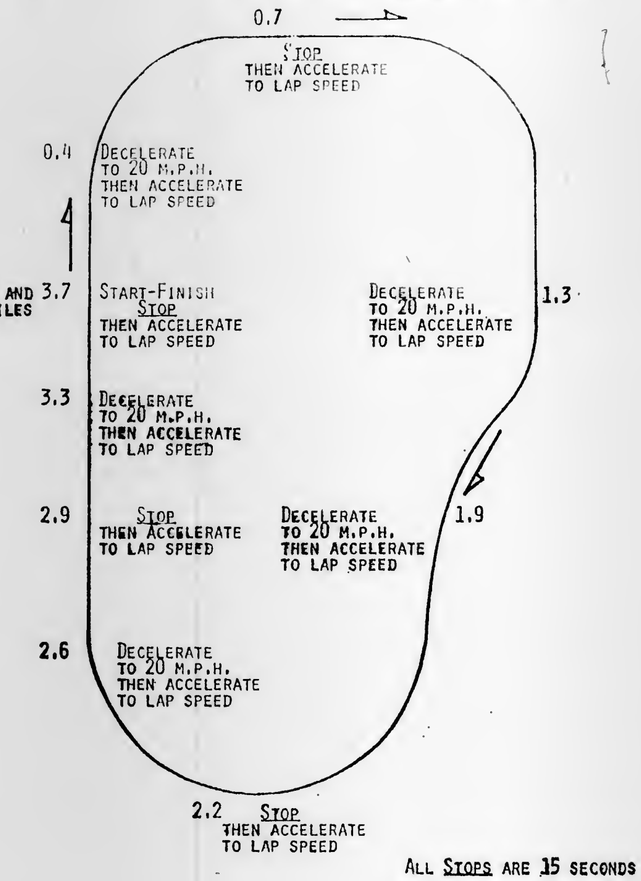
APPENDIX IV—DURABILITY DRIVING SCHEDULES

(a) Durability Driving Schedule for Light Duty Vehicles and Light Duty Trucks.

The schedule consists basically of 11 laps of a 3.7 mile course. The basic vehicle speed for each lap is listed below:

Lap	*Speed miles per hour*
1	40
2	30
3	40
4	40
5	35
6	30
7	35
8	45
9	35
10	55
11	70

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 20 m.p.h. followed by light accelerations to the base speed.



ALL STOPS ARE 15 SECONDS

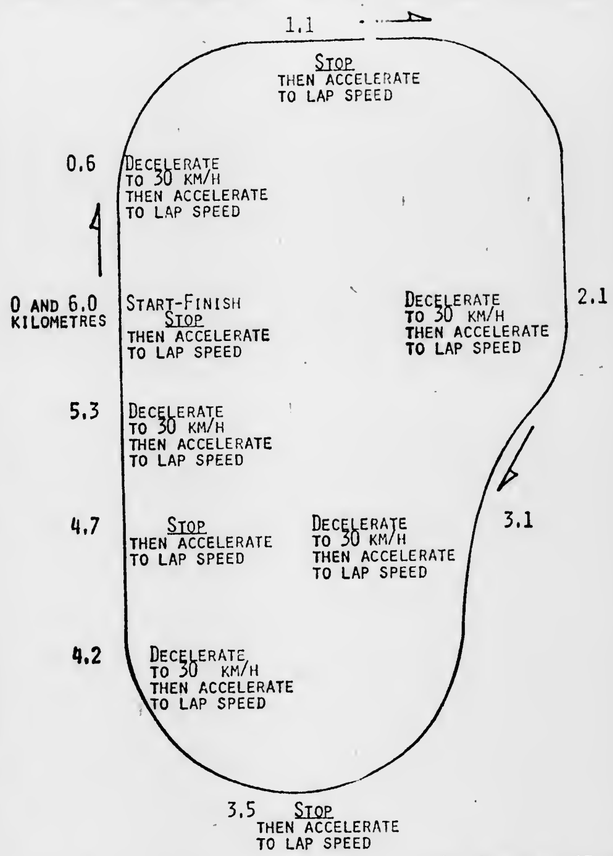
The 10th lap is run at a constant speed of 55 m.p.h.

The 11th lap is begun with a wide open throttle acceleration from stop to 70 m.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the midpoint of the lap.

(b) Durability Driving Schedule for Motorcycles. The Durability Driving Schedule for Class III Motorcycles may be used for Light Duty Vehicles and Light Duty Trucks.

The schedule consists basically of 11 laps of a 6.0 km (3.7 mi) course. The basic vehicle speed for each lap is listed below:

Lap	*Speed (kilometers per hour)* Class I	Class II	Class III
1	65	65	65
2	45	45	45
3	65	65	65
4	65	65	65
5	55	55	55
6	45	45	45
7	55	55	55
8	70	70	70
9	55	55	55
10	70	99	90
11	70	99	110



ALL STOPS ARE 15 SECONDS

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 30 km/h followed by light accelerations to the base speed.

The 10th lap is run at a constant speed.

The 11th lap is begun with a wide open throttle acceleration from stop. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the midpoint of the lap.

This schedule may be modified with the advance approval of the Administrator if it results in unsafe operation of the vehicle.

3. Appendix VI is revised to read as follows:

APPENDIX VI—VEHICLE AND ENGINE COMPONENTS

(a) Light Duty Vehicles, Light Duty Trucks, Motorcycles and Gasoline Fueled Heavy Duty Engines.

I. Basic Mechanical Components—Engine.
(1) Intake and exhaust valves.
(2) Drive belts.
(3) Manifold and cylinder head bolts.
(4) Engine oil and filter.
(5) Engine coolant.
(6) Cooling system hoses and connections.
(7) Vacuum fittings, hoses, and connections.
(8) Oil injection metering system.
II. Fuel System.
(1) Fuel specification-octane rating, lead content
(2) Carburetor-idle RPM, mixture ratio
(3) Choke mechanism.
(4) Fuel system filter and fuel system lines and connections.
(5) Choke plate and linkage.
III. Ignition Components.
(1) Ignition timing and advance systems.
(2) Distributor breaker points and condenser.
(3) Spark plugs.
(4) Ignition wiring.
(5) Operating parts of distributor
IV. Crankcase Ventilation System
(1) PCV valve.
(2) Ventilation hoses.
(3) Oil filler breather cap.
(4) Manifold inlet (carburetor spacer, etc.).
V. External Exhaust Emission Control System.
(1) Secondary air injection system hoses
(2) Air system manifolds
(3) Control valves and air pump
(4) Manifold reactors.
(5) Catalytic converters.
(6) Exhaust recirculation.
(7) Water injection.
VI. Evaporative Emission Control System
(1) Engine compartment hose connections.
(2) Carbon storage media.
(3) Fuel tank pressure-relief valve operation.
(4) Fuel vapor control valves.
VII. Air Inlet Components.
(1) Carburetor air cleaner filter
(2) Hot air control valve.

(b) Diesel Light Duty Vehicles, Diesel Light Duty Trucks, and Diesel Heavy Duty Engines.

I. Engine Mechanical Components
(1) Valve train.
(2) Cooling system
a. Coolant.
b. Thermostat.
c. Filter.
(3) Lubrication
a. Oil filter.
b. Lubricant.
II. Fuel System.
(1) Fuel type.
(2) Fuel pump.
(3) Fuel filters.
(4) Injectors.
(5) Governor.
III. Air Inlet Components.
(1) Air cleaner.
(2) Inlet ducting.
IV. External Exhaust Emission Control System.
(1) Rack limiting devices (aneroid, throttle delay, etc.).
(2) Manifold reactors
(3) Catalytic converters.
(4) Exhaust recirculation
(5) Water injection.

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federal register

WEDNESDAY, JANUARY 5, 1977

PART III



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

COASTAL ENERGY IMPACT PROGRAM

Interim-Final Regulations for Financial Assistance to Coastal States

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Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 931—COASTAL ENERGY IMPACT PROGRAM

The National Oceanic and Atmospheric Administration (NOAA) hereby publishes interim-final regulations pursuant to section 308 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451, et seq.), hereinafter referred to as the "Act," for the purpose of defining the procedures by which coastal States and local governments can qualify for impact assistance under the Coastal Energy Impact Program (CEIP).

These interim-final regulations incorporate many of the comments received by the Office of Coastal Zone Management (OCZM), NOAA, in response to the proposed regulations published October 22, 1976 (41 FR 46724). Any comments on these regulations received by OCZM by February 4, 1977, will be considered before final rules and regulations governing the CEIP are published. These interim-final regulations will become effective February 4, 1977, and will remain in effect until superceded by final regulations.

Introduction. The Coastal Energy Impact Program provides financial assistance—loans, bond guarantees, and grants—to help coastal States and local communities affected by new or expanded coastal energy activity.

The program consists of two interlocking sources of financial assistance: (1) The Coastal Energy Impact Fund established under section 308(h) and authorized for $800 million over ten years; and (2) formula grants provided for in section 308(b) and authorized for $400 million over eight years.

Assistance in the Fund is aimed at meeting State and local needs resulting from impacts caused by new or expanded coastal energy activity. Assistance from the formula grants is aimed somewhat more narrowly. Formula grants are available to assist State and local governments in meeting needs resulting primarily from outer Continental Shelf (OCS) energy activity.

The CEIP can provide assistance to help State and local governments meet needs resulting from the impacts of three levels of energy activity in or affecting the coastal zone. First, grant assistance from the Fund is available to States to plan for the impacts in the coastal zone of any new or expanded energy facilities, whether or not the facilities are actually located in the coastal zone. Second, assistance from the Fund is available to meet State and local needs resulting from coastal energy activity. (Coastal energy activity is defined in the Act to include:

(1) Outer Continental Shelf (OCS) energy activity; (2) any transportation, conversion, treatment, transfer, or storage of liquefied natural gas; and (3) any transportation, transfer, or storage of coal, oil, or natural gas. These activities must also be coastal dependent. That is, the facilities needed for the coastal energy activity must have technical requirements necessitating their location in or near the coastal zone.) Third, additional grant assistance is available to States to address impacts resulting primarily from OCS energy activity.

Assistance under the CEIP takes four forms. First, the CEIP can provide planning grants to prepare for oncoming energy activity and for its socioeconomic and environmental consequences.

Second, the CEIP can help finance the new or improved public facilities and new or increased public services required because of new or expanded coastal energy development.

Third, the CEIP can provide repayment assistance—refinancing, modification of terms, supplemental loans, or repayment grants—to the borrowing government when it cannot meet its credit obligations because actual revenues from the coastal energy activity are insufficient.

Fourth, the CEIP can provide grants to help prevent, reduce, or repair damage to valuable environmental or recreational resources when the person responsible for the damage cannot be identified or cannot be charged for the damage.

To be eligible for assistance under the CEIP, a coastal State must be receiving a grant under section 305 of the Act, must have a coastal management program which has been approved under section 306 of the Act, or must be making satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303 of the Act.

Philosophy and objectives. The central objective of the CEIP is to provide coastal States and local communities financial assistance to deal with the effects of new or expanded coastal energy activity. The CEIP seeks to strike a balance between the National objectives of increasing energy self-sufficiency and of protecting and managing the Nation's coastal resources.

The implementation of a program as complex and potentially important as the CEIP must be informed by a coherent policy framework. The framework underlying OCZM's effort to design the CEIP can be expressed in terms of the following principles and objectives.

a. Coastal States and communities should assume the primary responsibility for planning and providing public facilities and public services, financing them from the increased revenue base created by the new or expanded energy activity when possible. The Federal role should be complementary in nature.

b. Since new energy activity benefits the Nation, the fiscal and environmental risks and costs should be shifted from the coastal States and communities to the Federal Government when they cannot be assumed directly by the end users of the energy.

c. Those involved in developing energy resources should pay the full costs of development, including socioeconomic costs that can be attributed to the development.

d. Federal impact assistance should be provided in a manner that acts as an incentive to Federal agencies, States, communities, and industry to work together to develop mechanisms to assure that sufficient funds reach the point of need at the time of need.

In addition, OCZM believes an impact assistance program should follow certain operating principles:

a. Funds should be available where needed, yet both shortfalls and windfalls should be avoided.

b. Funds should be available before the impacts occur, when they are most needed.

c. Funds should be available for appropriate uses, yet limited to appropriate amounts so Federal assistance does not become an incentive for inappropriate coastal development.

d. An assistance program should be as simple to administer as possible, with maximum discretion and control retained by the State and local governments.

e. An impact assistance program for coastal energy activity must be linked to the coastal management programs and objectives of the coastal States.

This framework, definition of the problem, and set of principles and objectives have guided OCZM's formulation of the CEIP regulations. The following discussion intends to show exactly how these ideas are reflected in the regulations.

Sources and uses of section 308 moneys. The CEIP is designed under the Act to have both a primary and a secondary source of assistance for each of the four purposes for which the assistance may be used: public facilities and services, repayment assistance, environmental/recreational amelioration, and planning.

The Fund is the primary source of assistance for three of the four purposes. Assistance for public facilities and services would come first from loans and guarantees under the Fund (sections 308(d)(1) and (2)). Only when a State cannot qualify for credit assistance or its allotment of credit assistance is insufficient can the proceeds of formula grants (section 308(b)) be used for public facilities and public services.

The primary forms of repayment assistance are refinancing, modification of terms, and supplemental loans (sections 308(d)(3)(A) through (C)). A repayment grant (sections 308(d)(3)(D) and 308(b)(4)(A)), is the secondary form of repayment assistance. In the case of a bond guarantee, the source of the grant would first be the formula grants (section 308(b)(4)(A)), and then, if those moneys are insufficient, the Fund (section 308(d)(3)(D)). In the case of a loan, the repayment grant would be made from the Fund only (section 308(d)(3)(D)).

For planning grants, the Fund (section 308(c)) is also the primary source of assistance. (Grants under this section could cover 80 percent of the costs of the projects.) If these moneys are insufficient, formula grants (section 308(b)(4)(B)) could be used for planning. (These grants could cover 100 percent of the costs of the projects.)

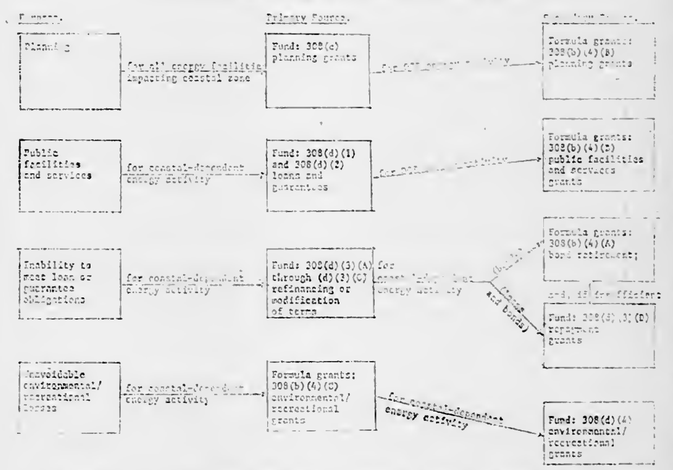
Preventing, reducing, or ameliorating unavoidable damage to valuable environmental or recreational resources is the only purpose of the four for which the proceeds of formula grants (section 308(b)(4)(C)) are to be the primary source. If these moneys are insufficient for that purpose (or if the State has no allotted formula grant, as will be the case for States without OCS energy activity off their coasts), moneys are available for environmental and recreational purposes under the Fund (section 308(d)(4)).

(The purposes for which CEIP assistance may be used, along with the primary and secondary sources of assistance for each purpose, are depicted in the diagram in figure 1.)

Clearly, an important part of the regulations deals with the problem of defining when the secondary source of assistance may be used for a given purpose, that is, when assistance is insufficient or unavailable under the primary source.

Figure 1.

Sources of Energy Impact Assistance: Primary and Secondary Funding Sources.



In the case of public facilities and public services, the determination of whether adequate funds from the primary source are insufficient or unavailable hinges on the estimates of need in each State calculated by OCZM as part of the allotment process. If the need is greater than the amount allotted to the State under the primary source, the secondary source may be tapped. A second way in which funds might be "unavailable" under the primary source is if a State or local government is prohibited from borrowing by some constitutional or statutory provision. It is OCZM's intention to limit this avenue to the secondary source to cases in which the impediment to borrowing is truly insurmountable. If, for example, a State can legally encumber debt through any mechanism—such as a referendum or vote of the legislature—OCZM will not consider that credit assistance is unavailable to the State.

In the case of repayment assistance, the move to the secondary source—a repayment grant—will be made by OCZM after study of the fiscal data the borrower will be asked to submit periodically.

Administrative procedures. In managing this somewhat complicated flow of funds from sources to uses, OCZM intends to keep procedures as simple as possible, and to leave to the States a great deal of discretion as to how the funds are ultimately used. At the same time, OCZM intends to minimize the likelihood that funds could be used for projects that are not in accord with the purposes of the Act.

The reconciliation of these objectives has been a central concern in the formulation of the regulations. In large part, the application and requisition procedures envisaged in the regulations call for showings or certifications by the State or local government that the requirements of the Act and the regulations are, in fact, being complied with. OCZM will retain review authority over these applications and verification authority over these requisitions, but will rely heavily both on the incentives for proper compliance which have been structured into the program and on thorough auditing procedures.

Assistance for public facilities and public services. Each year OCZM will compile a list of energy facilities that qualify as being required by new or expanded coastal energy activity, as defined in the Act. The usual criterion for inclusion of a facility on this list is that a major Federal or State license or permit has been obtained for that facility during that year. In the case of OCS activity, the criterion is that the facility be required by new or expanded OCS activity for which an exploration or development plan has been approved in the preceding year (and after July 26, 1976, the date Pub. L. 94-370 was signed). OCZM's central concern in constructing this list will be to ensure optimal timing of funds; that is, OCZM will not restrict itself only to the license, permit, or lease criteria, but will include on the list any eligible coastal energy activity it determines will motivate the provision of public facilities and services in that year. The States will have a 45-day comment period each year to suggest additions to this list.

The list will form the basis of the allotment among the coastal States of the assistance for public facilities and services available that year under the Fund.

OCZM will project the increased employment and population likely to result from construction or expansion of the energy facilities on the list. These population estimates will be multiplied by standardized unit costs of providing public facilities and annual costs of providing services. (These costs will be adjusted for regional variations.)

This calculation will result in a set of "need factors" for each State. If the sum of these need factors for the whole country is less than the amount appropriated for the Fund that year, each State will be allotted the amount of its need factor. If, however, the sum of all the need factors is more than the amount appropriated, the need factors will serve as the basis for a proportional allotment of the credit assistance among the States.

Each State will be responsible for allocating according to need its allotment among the State agencies and the units of local government within the State. The State will also be responsible for coordinating and submitting all the applications from within the State. Each separate application will include a fiscal management schedule setting out forecasts of revenues and expenditures in the borrowing jurisdiction. The information required in such a schedule will be kept to a minimum, and is intended to be precisely the sort of information a community would normally wish to have for sound fiscal planning and capital budgeting. OCZM will also provide technical assistance, on request, to help in completing these schedules.

OCZM will then review the applications and award the loans or guarantees directly to the State or local governments involved.

If credit assistance from the Fund is unavailable, the State may requisition the proceeds of its allotted formula grant for public facilities and public services required as a direct result of new or expanded OCS activity. The proceeds of formula grants may go only to the State, which must then allocate them in proportion to State and local needs.

Repayment assistance. Periodically after the initial award of credit assistance, a borrowing State or local government must submit a report updating its fiscal management schedule. The borrower can request at any time a review

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for repayment assistance, which will be based in large part on the contents of its updated schedule.

After reviewing the updated schedule, OCZM may recommend one or more forms of repayment assistance. If there is an inability to repay because projected energy related revenues have not materialized, OCZM will extend the payback period, modify the terms and conditions of a loan, refinance, or provide a supplemental loan. If the updated schedule shows that the coastal energy activity and associated revenues are not likely to materialize as expected, and if one of the primary forms of repayment assistance has been utilized, OCZM will make a repayment grant to enable the borrower to meet obligations.

Grants for unavoidable environmental/recreational losses. The term "unavoidable" is defined in the Act to mean essentially what an economist would call "noninternalizable." This concept refers to the external costs of an energy activity—in this case the damage to a valuable environmental or recreational resource—which are really costs of producing the energy, even though they may not actually be paid by the energy industry. Such costs can be "internalized" if they can be charged to the person (the energy industry in this case) who causes these costs.

The Act defines an unavoidable loss as one for which the cost of prevention, reduction, or amelioration cannot be attributed to or assessed against an identifiable person. Damage that resulted from a past coastal energy activity will often be eligible for grant assistance under the Act. This kind of loss is essentially "unavoidable" when it is impossible to assess it against an identifiable person now. Damage from activity that might take place in the future, however, cannot be as easily determined to be unavoidable unless it cannot be attributed to an identifiable person. The reason behind this difference is as follows: whereas one cannot legitimately hold liable a corporation that caused damage in the past because the State or local government failed to adequately exercise its permitting or other police powers, one cannot similarly excuse the State or local government from an ongoing responsibility to prevent future environmental/recreational damage by encouraging the internalization of the costs.

In order to create an incentive for the "internalization" described above, the regulations provide that environmental/recreational grants can be used to pay the administrative costs a State or community might incur in assessing a loss or enforcing a regulatory action.

It is important to note that environmental/recreational grants are intended to ameliorate the adverse impacts of coastal energy activity, including past or ongoing coastal energy activity. Since the primary source for such grants is the proceeds of a State's formula grants, and since these grants are allotted by a formula that reflects in good part ongoing OCS energy activity, these grants can provide significant relief to those States that have borne the weight of past impacts from energy activity.

Another feature of the environmental/recreational grants under these regulations is the provision that moneys may be used to pay the differential cost between the least-cost method of providing a public facility and a more environmentally sound method, if that facility is required as a result of past, ongoing, or anticipated coastal energy activity.

If a State's allotted formula grant is insufficient in any year for all environmental/recreational amelioration projects eligible in that year, the State (or a unit of local government through the State) may also apply for a grant under the Fund. Grants from the Fund are allotted among the States by the same method as the credit assistance under the Fund.

Planning grants. OCZM will annually allot planning assistance available from the Fund among the coastal States by a methodology similar to, but simpler than, the methodology used to allot credit assistance from the Fund.

OCZM will compile an annual list of proposed new or expanding energy facilities. Since planning assistance from the Fund is not restricted to planning for the impacts of coastal energy activity, but can be used to plan for the impacts of any energy facilities impacting the coastal zone, this list will be longer than that used for the credit assistance allotment.

Also, since more lead time is needed for planning than for the construction of facilities, the usual criterion for inclusion on the list is that the facility must be one for which a major State or Federal license or permit has been applied for, or one which will be required as a result of a Federal lease sale scheduled to take place in two years (rather than one for which a Federal permit or license has been granted, or for which an exploration or development plan has been approved by the U.S. Department of the Interior). Again, the license/permit test will not be the exclusive basis of the list.

To each of the facilities in this list, OCZM will apply a standardized planning-need factor that reflects the number of employees expected to be required by that facility both during construction and at its expected level of output, as well as considerations of environmental impact and safety. This will generate a planning-need equivalency for each facility, and the sum of the equivalencies of all facilities within a State will constitute the total planning need equivalency for that State. Planning assistance from the Fund will be allotted among States on a proportional basis according to these total State planning-need equivalencies.

If the planning assistance allotted to a State from the Fund is not sufficient to meet its planning needs in a given year, the State may requisition for planning purposes the proceeds of its formula grants up to an amount equal to ten percent of that State's credit assistance allotment from the Fund for public facilities and services.

The ten percent figure slightly exceeds the fraction of total project costs allowed by other Federal agencies for planning purposes. OCZM decided upon this restriction for two reasons. Under the Act, the environmental/recreational purposes are the only use for which formula grants are to be the primary source, and the limitation helps to assure that some of these formula grants will be available for environmental/recreational use. Also, it was felt that the amount spent on planning for public facilities and services should be correlated to the amount spent to construct or provide those public facilities and services.

Intrastate allocation. The Act, in section 308(g)(2), provides that the State must formulate a process to allocate the assistance it receives under the CEIP among the State and local governments in proportion to need.

The regulations provide basic criteria that such a process must contain. They also provide for review and approval of that process by OCZM.

Lateral seaward boundaries. In order for formula grants to be allotted, the lateral seaward boundaries of coastal States must be extended so that a determination of adjaceney can be made for two of the factors in that allotment formula: (1) Number of acres leased adjacent to the coastal State in the previous fiscal year; and (2) the amount of oil and gas produced adjacent to each coastal State in the previous fiscal year.

The regulations distinguish three cases:

a. If two States already have an agreement on boundaries, the lateral seaward boundaries will be extended according to the principles used in that agreement.

b. If no such agreement exists, the States will have six months from the date of publication of final regulations to form such agreements. If no agreement between two given States exists by that time, OCZM will draw the lines of demarcation necessary to make its computations.

c. If at some time in the future an agreement is reached, OCZM will subsequently use that newly agreed boundary for its calculations.

OCZM will impound that part of a State's formula grant that is dependent on any area in dispute because boundaries have not been fixed at the time of an allotment.

Audit and recovery of funds. The Act, in section 308(b)(5), sets forth requirements to ensure that the proceeds of formula grants are spent for authorized purposes.

These regulations detail record and audit procedures to which a State is subject. They also describe procedures that may be used to recover funds expended for unauthorized purposes or not spent within the allowable time.

The State must repay—with interest at the rate in effect for loans from the Fund at the time the proceeds of the grant were disbursed—if an audit finds that the grants were, in fact, expended for unauthorized purposes.

After a State has had an opportunity to respond to claims of unauthorized use of funds, and if OCZM has made a final determination that the funds were expended for unauthorized purposes or not spent within the allowable time, the State must repay immediately. If it does not, OCZM is empowered to take other action, including the withholding of funds which would be otherwise available to the State from the CEIP. Funds could also be withheld from any other program within the Department of Commerce. OCZM may also refer the case to the Department of Justice.

Coordination with other Federal agencies. These regulations include requirements that the CEIP funds not be used in a manner which is duplicative of other Federal assistance.

Compliance with the National Environmental Policy Act. OCZM expects to conduct an environmental impact assessment on all projects—whether for environmental/recreational needs or for the provision of public facilities—and to cause an environmental impact statement to be prepared on those projects that constitute major Federal actions significantly affecting the quality of the human environment. This does not mean that OCZM will prepare a full impact statement to accompany every use of grant proceeds or credit assistance, since many projects funded under section 308 will involve only routine or minor activity. In some cases, OCZM may prepare an area-wide impact statement that would consider the impacts of and alternatives to all projects for which funding is proposed in a specific impact area.

Extensive changes have been made in the regulations in response to comments received by OCZM during the period following publication of the proposed regulations in the FEDERAL REGISTER (October 22, 1976, 40 FR 46724). A list of the comments and OCZM's responses to them follows.

SUBPART A—OBJECTIVES

The section discussing the objectives of planning grants (§ 931.2) has been reworded in order to better parallel the language describing other objectives of the program.

One commentator objected to the regulation which provides an incentive for the internalization of environmental and recreational losses (§ 931.5), claiming the Act does not provide for such an incentive. OCZM believes that the definition of the term "unavoidable" in section 308(1)(2) of the Act implicitly provides such an incentive.

SUBPART B—DEFINITIONS

One commentator suggested that the United States Code (U.S.C.) citation be included in the definition of the term "Act" (§ 931.10(a)). The comment was accepted.

Several commentators suggested that in § 931.13(a)(1) the word "energy" be included in the phrase "outer Continental Shelf activity". The comment was accepted.

Several commentators suggested certain language describing the technical requirements necessitating the siting of energy facilities in the coastal zone. OCZM drafted the language into § 931.13(c) after carefully reading the legislative history of the Act, so the regulations adhere closely to the intent of Congress. OCZM believes that some of the factors listed in § 931.13(c) will be important for certain energy facilities and others not.

One commentator suggested that the regulations include in the definition of the term "significantly affected" (§ 931.14) the case in which the energy activity potentially violates applicable standards of air and water quality. The comment was accepted.

One commentator thought that the regulations should explicitly indicate who will determine whether the siting, construction, expansion, or operation of an energy facility threatens to damage any environmental or recreational resource. The comment was rejected, because the regulations clearly imply that OCZM will make such determinations.

Several commentators indicated that the term "significantly affected" is defined too broadly (§ 931.14). Since this definition is one of the triggering mechanisms for placing an energy facility on the list that qualifies a State for section 308(c) assistance, OCZM believes that the term should be defined broadly so that planning moneys can be provided for all the facilities that might significantly impact the coastal zone. Furthermore, since section 308(c) moneys are relatively limited, there is little chance of inducing development in the coastal zone by broadly defining "significantly affected".

Several commentators suggested that the phrase "new or expanded" be deleted from the definition of "new or expanded coastal energy activity" (§ 931.15), as it relates to sections 308(d)(1), (2), and (3). The comments were rejected, because OCZM interprets the Act to mean that loans and guarantees be provided only for those new or improved public facilities and services that are required as a result of new or expanded coastal energy activity.

Several commentators suggested that the definition of "outer Continental Shelf energy activity" (§ 931.17) be expanded to include oil tankers, refineries, and gas processing plants. However, since the Congress did not intend to include those facilities required by the treatment or transportation of oil and gas, the comments were rejected.

One commentator suggested that workover rigs, diving tenders, and drilling tenders be included in the definition of "outer Continental Shelf energy activity" (§ 931.17(2)(iv)(I)). The comment was accepted.

Several commentators thought that the definition of "outer Continental Shelf energy activity" is stricter in the regulations than in the Act. They argued that the Act defines outer Continental Shelf energy activity as "the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production," which includes any energy facility defined in section 304(c)(5) of the Act. Since Congress delegated to the Associate Administrator the authority to interpret the term "directly required" he/she is concluding that only those energy facilities included in § 931.17(b) be defined as "directly required" by outer Continental Shelf energy activity. Furthermore, the regulations provide the Associate Administrator with the flexibility to add to the list any other energy facility he/she deems appropriate.

Another commentator believed that the definition of "outer Continental Shelf energy activity" is stricter in the regulations than in the Act, because it requires the facilities to have technical requirements necessitating their location in the coastal zone. This requirement is based upon OCZM's interpretation of the term "directly required," as it is used in section 304(12) of the Act, to define the energy facilities that are included within the term "outer Continental Shelf energy activity."

One commentator questioned whether new activities under old or amended plans are included in the definition of "new or expanded outer Continental Shelf energy activity" (§ 931.18). OCZM intends that the following cases be included in that definition:

(i) Any activity resulting from a lease sale occurring after July 26, 1976;

(ii) Any activity resulting from an exploration or development plan approved after July 26, 1976, even if such activity is on a tract leased before July 26, 1976;

(iii) Any activity resulting from an amendment to a plan, providing that such amendment is approved by the Department of Interior (DOI) after July 26, 1976; and

(iv) Any activity resulting from a notice to drill issued by the DOI after July 26, 1976, including the case of drilling a well whose exploration or development plan was approved before July 26, 1976, but whose notice to drill is issued by the DOI after July 26, 1976.

One commentator asked OCZM to clearly relate the equipment, machinery, products, and devices described in § 931.19(a)(2) to the activities described in § 931.19(a)(1). The comment was accepted.

Several commentators suggested changing the language in § 931.19(b) from "includes and is limited to" to "includes." The comment was accepted.

One commentator suggested changing the language in § 931.19(b)(12) from "tanker or barge transportation systems" to "transportation systems for tankers, barges, or the vessels described in § 931.17(b)(2)(iv)(I)," and to include publicly owned transportation systems. The comments were accepted.

A few commentators thought that the definition of "unit of general purpose local government" should exclude planning agencies that do not have taxing power. The comment was accepted, and OCZM included a definition of "unit of

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local government" in § 931.22(c), which includes planning agencies.

SUBPART C—BASIC ELIGIBILITY

One commentator recommended that the Secretary of Commerce rather than the Associate Administrator judge whether a State is making satisfactory progress toward the development of a management program consistent with the policies set forth in section 303 (§ 931.25(a)(3)). The commentator suggested that the Associate Administrator might be overly critical of coastal management programs which were not being developed pursuant to sections 305 or 306 of the Act. This comment was rejected. Congress has indicated its concern that the CEIP be administered in close harmony with the purposes and spirit of the coastal management program element of the Act. The Secretary of Commerce has delegated this coordination responsibility to the Associate Administrator of the Office of Coastal Zone Management in recognition of the Associate Administrator's ability to satisfactorily accomplish this objective.

One commentator recommended that eligibility based upon a program developed pursuant to the policies set forth in section 303 be described without reference to a State's involvement in a section 305 or 306 funded management program. In response to this recommendation, OCZM has added § 931.25(b)(3), which recognizes eligibility under a section 303 management program following a State's showing of good cause for not developing or implementing a program under sections 305 or 306.

Two commentators noted that a number of the elements listed within § 931.25 (c) resemble some of the criteria required for a program developed pursuant to section 305. The commentators argued that sections 303 and 305 are separate bases for eligibility and that any redundancy between the two should be removed. No substantive changes were made in response to these comments; however, the format of the section has been modified. OCZM has determined that the elements listed are basic to implementing the policies described in section 303. Mere resemblance to some of the requirements within section 305 does not justify their removal. Minimum section 303 criteria have been provided to require that the State's management program is sufficiently comprehensive to assure that utilization of CEIP assistance will be compatible with the goals and objectives of the Act.

Two commentators recommended that Federal Clean Air Act and Federal Water Pollution Control Act requirements be a necessary part of any management program developed pursuant to section 303. The Congressional declaration of policy expressed in section 303 makes it clear that Congress was concerned about environmental degradation within the Nation's coastal areas. To address this concern, the final regulations include a section directing that a section 303 program conform to the requirements of the Federal environmental protection acts cited above (§ 931.25(c)(2)(v)).

Two commentators recommended that Federal agencies should not only be able to participate in the development of a management program, but also that their views be "incorporated" into the policies, procedures, and regulatory provisions of such a program. This recommendation was rejected. However, the final regulations do require the States to adequately consider Federal agency views (§ 931.25 (c)(3)).

Two commentators recommended that commercial and industrial interests be added to the list of those parties afforded an opportunity to participate in the development of the State's management program (§ 931.25(c)(4)). The comment was accepted.

A number of commentators recommended that the final regulations provide a more explicit formal and direct link between the granting of CEIP assistance and review and approval of such assistance by the coastal management agency responsible for developing or implementing a coastal management program. OCZM agrees with this recommendation and has modified the final regulations to achieve this objective (§ 931.26(a)(3)). The final regulations clearly require that no CEIP assistance will be granted without coastal management agency review and certification of compatibility or consistency with State coastal management programs.

Two commentators noted that the proposed regulations only required CEIP assistance to be "compatible" with a State's coastal management program. The commentators urged that the CEIP assistance should be reviewed for "consistency" with an approved management program. OCZM agrees in part. However, Federal consistency only applies in cases when a State has an approved management program funded under section 306 of the Act. Accordingly, the final regulations require CEIP assistance to be "consistent" with a management program approved under section 306. With respect to management programs being developed pursuant to section 305 or in a manner consistent with the policies set forth in section 303, OCZM has retained the compatibility test for two reasons. First, complete consistency is a benefit awarded to a coastal State only after a management program has been approved. Second, during the development stages of a coastal program, policies and guidelines are normally not fully defined, substantive requirements have not been established, and, therefore, it becomes extremely difficult to make a consistency determination. Instead, OCZM has required the granting of CEIP assistance to be conditioned upon a determination by the coastal management agency that the Federal assistance will be utilized in a manner compatible with the goals and policies being developed to manage the State's coastal resources.

One commentator recommended that the final regulations direct a State's Governor to add his designation of State agencies to the certification from the State's Attorney General indicating that the designated agencies have legal authority to fulfill their assigned roles under the Act. No changes were made in response to this comment. OCZM presumes that the agencies designated by the Governor have adequate legal authority to carry out the functions described in this subpart.

SUBPART D—PLANNING

One commentator suggested that the definition of "eligibile energy facility" (§ 931.32) be expanded to include any energy facility which the Associate Administrator believes is likely to be sited, expanded, or constructed, in the near future. The comment was accepted.

Several commentators questioned whether devising strategies for the public purchase of land is one of the legitimate purposes of the CEIP. OCZM feels that increased land prices is one of the important economic consequences of coastal energy development and therefore that one of the purposes of the CEIP is to provide assistance to States to plan for such consequences (§ 931.33 (a)(6)).

One commentator suggested that OCZM include "planning for public facilities," including preliminary architectural and engineering fees, as one of the allowable uses of section 308(c) planning assistance. The comment was not accepted (§ 931.33(a)(12)).

Several commentators suggested that the methodology used by OCZM to allot section 308(c) moneys should take into account the impacts of the various energy facilities on air and water quality. The comment was accepted. OCZM will develop for each energy facility standardized planning needs that will include considerations of air and water quality in addition to other environmental impacts.

Several commentators suggested that OCZM delete the regulation that a State with an approved coastal zone management program would not be eligible for section 308(c) assistance. The comment was accepted.

One commentator suggested that the Associate Administrator be able to extend the period of availability of a State's allotment if he/she determines that the circumstances warrant such an extension. The comment was accepted (§ 931.36(a)).

Several commentators felt that a 30-day comment period on the list of eligible energy facilities might not be long enough. The comment was accepted, and the comment period was extended to 45 days (§ 931.36(b)(3)).

Several commentators thought that the limitation of planning grants to no more than five percent of the total amount of credit assistance available to a State was too restrictive. The comment was accepted. OCZM raised the limitation to ten percent (§ 931.38(c)).

Several commentators suggested that, considering the limited amount of money available under section 308(c), States should be allowed more flexibility in the uses of such money. The comment was

accepted. OCZM deleted the regulation which required that States spend planning money in proportion to OCS and non-OCS needs. OCZM also made the whole application and requisition process much simpler, so the planning money will be available as soon as possible.

Many commentators objected to the limitation of the amount of formula grants that may be used for planning purposes to a fixed fractional amount (now ten per cent, but originally five per cent in the October 22 proposed regulation) of the credit assistance allotted the State under section 308(e)(1). These commentators argued that such a limitation was not explicitly mentioned in the Act and thus must not be within the intent of Congress.

Although there is no explicit statutory language specifying such a limitation, OCZM feels it is within the intent of Congress and OCZM's rulemaking authority. The statute allows section 308(b) funds to be used for planning only for public facilities and services required as a direct result of new or expanded OCS energy activity. Because OCZM is well aware that planning can be an unending process, OCZM thinks it reasonable to correlate the amount of planning money available for public facilities and services to the amount of money to be spent for the construction or provision of those public facilities or services. This correlation can best be achieved, OCZM feels, through the ten per cent rule.

SUBPART E—FINANCING PUBLIC FACILITIES AND PUBLIC SERVICES

A number of commentators took issue with the interpretation in subpart E that public facilities and public services eligible for funding under sections 308(d)(1) and (2) of the Act must be required as a result of "new or expanded coastal energy activity" (§ 931.41(b)), since the term "coastal energy activity" appears in sections 308 (d)(1) and (2) unqualified by the term "new or expanded." The inclusion of these adjectives in subpart E of the regulations is based upon an inconsistency between the language in section 308(a) and that in section 308(e) (which requires the promulgation of regulations to implement section 308(d)), as well as on the legislative history of the CEIP.

Sections 308(d)(1) and (2) of the Act provide for credit assistance in the form of loans and guarantees to coastal States and units of general purpose local government for the purpose of providing new or improved public facilities or public services which are "required as a result of coastal energy activity." Section 308(e) mandates the promulgation of regulations to allot credit assistance under section 308(d), and to establish criteria and procedures to evaluate the ability of States and local governments to repay. In each case, the regulations are to be based upon factors which include "new or expanded coastal energy activity," new employment, and new population. Because it made little sense to base implementing regulations upon a more narrow range of factors than those upon which financial assistance is to be provided, OCZM found it necessary to look to the basic policies and structure of the credit assistance program as they are described in the legislative history of the CEIP.

The loan and guarantee provisions of section 308(d) were intended to help States and units of general purpose local government by providing *front-end* financing to address the impacts of coastal energy activity. There are numerous references to this intent in the legislative history accompanying sections 308(d)(1) and (2). The term "front-end financing" necessarily implies financing to address problems associated with the early stages of energy activity. Credit assistance under section 308(d) is coupled with repayment assistance under section 308(d)(3), so that the Federal government will assume some of the risks associated with planning for and carrying out projects to address energy impacts.

Thus, the structure of the credit and repayment assistance provisions of section 308(d) is based on providing loans and guarantees during the early stages of coastal energy activity, when revenues from that activity are often not sufficient to pay for necessary public facilities and services.

Given the apparent inconsistency of language in sections 308(d)(1) and (2) of the Act, and the basic policies and structure of the credit assistance and repayment provisions as described in the legislative history, the regulations require that public facilities and public services eligible for funding under section 308(d) must be "required as a result of new or expanded coastal energy activity." It should be noted that the term is defined so that many new functions associated with coastal energy activity which began prior to July 26, 1976, will nevertheless be included.

Several commentators thought that the list of eligible facilities under the definition "public facility" (§ 931.42(a)) should not have been exclusive. OCZM never intended to include an exclusive list in the final regulations; the phrase "only the following facilities" was included to draw out comments suggesting additions to the list. The word "only" has since been deleted from the regulation.

Several commentators objected to the limitation of "mass transit" to "local bus systems" (931.42(a)(7)). OCZM did not intend to exclude mass transit from the list, since this item is listed in the Act. Rather, OCZM intended to indicate by rule that it did not consider large-scale or statewide mass transit systems to be required as a result of new or expanded coastal energy activity. OCZM now feels that this limitation is not necessary, since the certification procedures of § 931.48(a) and the intrastate allocation process of Subpart J should prevent use of funds for projects not required as a result of such activity. Accordingly, the comment was accepted.

Several commentators were concerned that in the regulations a facility is defined as a "public facility" only to the extent that it does not serve industrial facilities. This is OCZM's interpretation of the Act's requirement that such facilities "will support increased population" (section 304(e)(14)). Several commentators have suggested that since industrial facilities ultimately support population. CEIP moneys should be used to pay for new facilities to support industry. This interpretation clearly distorts Congressional intent. The Act did not intend to attract growth to the coastal zone by providing facilities for industry, and OCZM does not intend to change this part of the definition of "public facility" or "public service."

Several commentators were concerned that a limitation of "public services" to the salaries of essential personnel for maintenance of public facilities would be too restrictive. In response, OCZM has broadened the definition to include any service authorized by law to be provided by a State or unit of general purpose local government (§ 931.42(b)).

Several commentators objected to the word "significantly" in the definition of "new or improved" as being vague and restrictive. Also, a number of commentators pointed out that new employment can create a need for new or improved facilities even when there is no "new population." This definition has been modified accordingly (§ 931.42(c)).

The regulations initially provided that a public service was defined as "new or improved" if that type or level of service had been offered no earlier than 180 days prior to application for or requisition of CEIP moneys. In response to comments that that time period was too short, it has been changed to the preceding fiscal year (§ 931.42(d)). Furthermore, "new employment" has been added to new population as a criterion.

Many commentators found the definition in § 931.42(e) unnecessarily cumbersome, and many found the inclusion of the concept "normal growth" troubling. The revised definitions have been simplified, but the basic idea remains: a public facility or service is "required as a result of new or expanded coastal energy activity" if that facility or level of service would not have been needed in the absence of the energy activity (or would not have been needed as early without the energy activity). Questions of normal growth and of the timing of the facility or service are implicit in the definition, and a comment now follows § 931.42(f) explaining the intent of the definition.

The definition in § 931.42(f) has been modified to parallel that in § 931.42(e).

Some commentators have been concerned that paragraph (1) of § 931.42(g) asks States to employ unusual methods of encumbering debt or to use some ill-defined inherent power of the State to encumber debt. This has never been OCZM's intention, and since OCZM believes that paragraph (g)(1) expresses its intention clearly and correctly, it has not been changed.

Several commentators pointed out that paragraph (2) (§ 931.42(g)) was not entirely clear. It has been reworded to be more explicit.

Many commentators expressed concern that the regulations do not define credit

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assistance to be "unavailable" (in the meaning of section 308(b)(3)(B) of the Act) when a borrower cannot forecast sufficient revenues to amortize a loan or bond, and thus that the regulations do not permit direct use of the State's formula grant proceeds under these circumstances. The regulations do not include this case in the definition of "unavailable" because it is inconsistent with the policies and structure of section 308.

Indeed, to define "unavailable" in the manner suggested above would be to return to the concept of "net adverse impacts" contained in the original Senate version of S. 586 and so clearly rejected in the Act that ultimately became law. The Act recognizes that forecasts are a poor substitute for reality. To base assistance on such forecasts entirely would be to encourage both shortfalls and windfalls. The Act and the regulations provide a much more flexible approach tailored to needs as the needs arise.

The concept of "unavailability" as currently embodied in the regulations should be preferable to States and local governments. § 931.42(g)(2) sets forth clearly a rule by which the unavailability of credit assistance is to be determined; it is a rule that applies in the aggregate on a State-wide basis. This determination is made at the time of allotment (as described in § 931.46(e)), permitting the State complete certainty as to the extent of grants and loans/guarantees available to it. The State can thus set its own priorities and make its own decisions, packaging a combination of credit and grant assistance as the State, and not the Federal Government, desires.

A large number of commentators expressed concern that the list of energy facilities that forms the basis of the credit assistance allotment process was limited to those new or expanded coastal energy activities which have received a major State or Federal license or permit. Specifically, there was concern that either: Some energy facilities causing coastal impacts may not require such a license or permit or may, for some other reason, not be included on the list; or This license/permit test may not recognize the oncoming energy facility soon enough for impact mitigation to be effective.

OCZM has modified this regulation to make explicit that the Associate Administrator has the discretion to add to the list any facility he/she deems appropriate. The license/permit test will be a starting point from which OCZM will compile its list; it will serve as a criterion for judging the likelihood that impacts will occur. The choice of which facilities to include, and the choice of which license or permit is the most appropriate criterion, will rest with OCZM. Nevertheless, the States will have a comment period (extended from 30 to 45 days) each year during which more facilities can be added to the list.

OCZM has already begun to research the timing problem, and will use the optimal timing of impact aid as the central guide to the inclusion of energy facilities on the final list.

Several commentators expressed concern that in § 931.46(c):

"Standardized" costs would not adequately represent true costs of providing public facilities and services;

"Standardized" costs would not fully account for regional variations in costs or special construction problems; and

The language of the regulations was not clear as to whether "inflation" would be considered in updating these costs.

The Act allows no option as to whether these costs should be "standardized" or not. Section 308(e)(1) refers explicitly to standardized costs.

OCZM's language is already quite explicit that the costs would be adjusted for regional cost differences, and that these costs would be explicitly disaggregated by region (the State level is the minimum disaggregation level contemplated). OCZM intends that these costs reflect the true regional costs of providing public facilities and services; they will be adjusted, for example, to account for the "growth effect," which holds that the costs of providing such facilities in a small but rapidly growing community are higher than in a larger community remaining nearer equilibrium.

The language of § 931.46(c) has been clarified to make explicit that changes in regional prices ("inflation") will be considered in updating costs.

There was some concern that the 30-day comment period would not be long enough to permit States and localities to evaluate completely the data presented. Accordingly, the period was changed to 45 days (§ 931.46(d)).

A number of commentators pointed out that no "requisition procedure" is mentioned in the Act. OCZM feels, however, that all the elements of the requisition procedure are contained in the Act; the certifications (§ 931.48) translate the explicit requirements of the Act into the simplest possible management procedures which are consistent with State CZM efforts, that the use of the proceeds are in accord with an equitable intrastate allocation system, that the proceeds are used for projects required as a direct result of OCS energy activity, and that grant proceeds are not used unless other Federal funds are not available for the same purpose.

Two commentators argued that the time period for review of State applications and requisitions should be limited so that OCZM could not delay funds by delaying such review; one commentator suggested a 90-day limit. The regulations have been modified to indicate that OCZM intends to process applications and requisitions for planning grants within 45 days of receipt and for most environmental/recreational grants within 45 days of completion of the required A-95 reviews. OCZM is equally committed to the prompt disbursement of funds for public facilities and services; however, since this aspect of the program is somewhat more complex than the others, OCZM is not certain what an appropriate time limit should be. Therefore, no explicit time limit is mentioned in this subpart.

A large number of commentators criticized the requirement for providing factual information necessary to evaluate the environmental impacts of a proposed project, in detail sufficient to enable the Associate Administrator to determine whether an EIS would be required (§ 931.48(a)(5)). Some argued that this requirement should apply only to the loan and guarantee applications and not to formula grant requisitions. It remains the opinion of OCZM, the Department of Commerce, and the Council on Environmental Quality that the EIS requirement of the National Environmental Policy Act (NEPA) does apply to the formula grant portion of the CEIP. OCZM intends to make an environmental assessment of each project proposed to provide new or expanded public facilities or public services, but OCZM anticipates the preparation of an EIS only when such a project is a major Federal action significantly affecting the quality of the human environment.

One commentator suggested that the environmental assessment be performed by the State, which would then inform OCZM when it thought a project "major." OCZM believes this approach would constitute an illegal delegation of authority under NEPA.

One commentator felt that the language of the October 22 proposed regulations was not sufficiently clear as to what was expected from the State regarding this environmental assessment. The language has been made more clear, and specific guidelines on the EIS process will be provided later.

One commentator felt the required fiscal management schedule (§ 931.48(b)) to be unwarranted and unnecessarily onerous. OCZM believes it to be a relatively simple procedure, and one that is in keeping with the requirements set forth in section 308(e)(3) of the Act. The information required is precisely the sort of information that a community would need, irrespective of the CEIP, to undertake the planning and capital budgeting needed to provide public facilities and services. Furthermore, OCZM intends to assist communities compile the fiscal management schedule, where necessary.

Two commentators accused OCZM of requiring in the regulations that a borrower raise its normal rates and change its normal methods of generating revenue in order to qualify for a loan or guarantee. In fact, quite the opposite is true. The regulations (§ 931.48(b)(2)(iii)) make clear that the loan or guarantee will be based on the rates and methods of a "base-case" scenario presented by the borrower. This base-case, would be calculated as if no new or expanded coastal energy activity were to occur, and would require changes in rates and methods only to the extent that such changes would be necessary to balance revenues and expenditures in the absence of the coastal energy activity. Indeed, there is no prohibition in the regulations against a borrower lowering its rates, if revenues and expenditures in the base-case justify it. (If the forecasts in the

fiscal management schedule are not consonant with fiscal impacts observed under similar circumstances in the past, OCZM will, however, request that the loan or guarantee be based on rates and methods no lower than the average of those in force during the five years previous to the borrower's application for credit assistance. In no case, however, will OCZM demand that rates be raised above those used in the base case.)

Many commentators objected to the limitation (in § 931.52 of the October 22 proposed regulations) requiring the total amount of CEIP assistance used for the provision of public facilities and public services to be no more than four times the amount used for environmental/recreational amelioration projects. These commentators argued that, since such a limitation was not expressly mentioned in the Act, it must not be within the intent of Congress.

OCZM has decided to remove the limitation because there are technical problems with it: the ratio does not work, for example, if there is no appropriation under the formula grants (section 308(b)) in some year.

OCZM nevertheless feels that the limitation was within the intent of Congress, since the Act states that environmental/recreational amelioration is the only purpose for which the formula grants are primary source, thus implying that Congress intended those grants to be used for that purpose. This four-to-one limitation was an effort to ensure that there would be sufficient formula grants available for that use.

Subpart F—Repayment Assistance

The most frequently expressed concern regarding subpart F was that the CEIP regulations do not provide that repayment assistance should flow "automatically" to a borrower whenever revenues are insufficient. There was a fear that the regulations afford the Associate Administrator too much discretion in deciding whether a borrower is entitled to such assistance.

The regulations make it clear that the Associate Administrator *shall* award repayment assistance whenever revenues from the anticipated coastal energy activity and the related new population do not materialize as anticipated in the fiscal management schedule. The regulations now set forth clearly the extent of the Associate Administrator's discretion:

In determining whether a repayment remedy, including a repayment grant, is warranted, OCZM will use as criterion only the extent to which the actual increases in employment and the related population resulting from coastal energy activity (and the facilities associated with that activity) do not provide adequate revenues. The Associate Administrator does not have discretion to withhold repayment assistance when that assistance is needed because the coastal energy activity (and related population and facilities) does not provide the revenues anticipated in the fiscal management schedule as described in § 931.48(b)(2)(5), and the Associate Administrator also does not have discretion to award any form of repayment assistance when the need for that assistance arises from causes unrelated to the coastal energy activity. Each loan or guarantee contract signed by the borrower will set forth in detail, the conditions under which repayment assistance will be available, and those conditions will be binding on the Associate Administrator.

A number of commentators noted that while setting forth the forms of repayment assistance available, the October 22 proposed regulations had listed the extension of a payback period and the modification of terms separately, while including refinancing as one form of term modification. These commentators pointed out that extension of the payback period and modification of terms should more properly be combined, and refinancing should be listed as a separate remedy. This idea was accepted and the appropriate changes made (§ 931.67(b)(1)).

One commentator took issue with OCZM's use of the term "forgiveness" in referring to a repayment grant from the Fund. While such a grant, in some sense, may be interpreted as "forgiveness," the assistance is more precisely a grant and the regulations have adopted that language (§ 931.67(b)(4)).

Another commentator suggested that a mechanism be established for appeals by States and units of general purpose local government of the Associate Administrator's determinations regarding repayment assistance. Such a mechanism has been included in § 931.69.

Subpart G—Grants for Unavoidable Losses of Coastal Environmental and Recreational Resources

One commentator suggested the regulations make explicit that the formula grants can be used to replace a lost environmental or recreational resource. The comment was accepted.

Several commentators referred to the definition of "unavoidable" and asked, if a State can attribute only a part of an environmental/recreational loss to an identifiable person, whether the State would be eligible for assistance for the part of the loss that could not be attributed to an identifiable person. The regulations state that the State will be eligible for assistance for only that part of an environmental/recreational loss that cannot be attributed to an identifiable person (§ 931.72).

Several commentators, referring to the definition of "unavoidable," requested a clarification of the extent of the State's responsibility to prove that an environmental/recreational loss could not be paid for with funds that were available from other Federal programs. OCZM intends that States use other possible sources of Federal assistance before being able to use sections 308(b) and 308(d)(4) moneys for environmental or recreational purposes. However, if assistance is not expected to be provided to a State through another Federal program in a timely manner, assistance under this subpart would be provided.

Several commentators pointed out that a resource might be recreational even if it was not in use at the time of the application/requisition. The comment was accepted. Any recreational resource that has been in use, or that has been designated under a State's coastal zone management program as an area of particular concern or potential use for recreational purposes, will qualify under the definition of recreational resource in the regulations.

One commentator suggested including water quality in the definition of environmental resources. The comment was accepted.

The language in § 931.74(a) has been changed to make clear that if a State can recover only part of an environmental recreational loss and the rest of the loss is unavoidable, the State is eligible for assistance for that part of the loss that is unavoidable.

Several commentators requested an extension of the period for comments on the data used for the allotment of section 308(b) formula grants. The comment was accepted, and the comment period was extended from 30 to 45 days (§ 931.76).

Several commentators pointed out that the limitation removing OCS energy activities from the list used for the allotment of section 308(d)(4) grants was not contained in the Act. Since non-OCS States are not eligible for section 308(b) moneys, OCZM proposed this limitation as the only way such States could receive additional assistance to cope with their environmental losses. Nevertheless, the comment was accepted, and OCS energy activities will be included in the list used to allot section 308(d)(4) formula grants (§ 931.77).

Several commentators suggested that the Associate Administrator have a limited period of time to process requisitions for formula grants. The comment was accepted. It is OCZM's intent to process the completed requisitions and applications within 45 days of completion of the required A-95 reviews, unless it is determined that an EIS is required (§ 931.78).

Several commentators pointed out that the Act did not specify that environmental grants used for future unavoidable losses could cover only 80 percent of the cost of the project. The comment was accepted, and the limitation was deleted.

Several commentators suggested that, if an environmental loss could be mitigated by the construction of a public facility, the States should be able to use environmental grants for the provision of such public facility. OCZM still believes that the State should first attempt to use credit assistance for the provision of any public facility. OCZM added, however, that the State can use environmental grants to provide public facilities to be used for environmental protection as defined in § 931.42(a)(2), and for public facilities used to reduce or ameliorate environmental losses from freshwater or saltwater intrusion or erosion. Furthermore, the environmental grants can be used to cover the differential cost be-

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tween the least-cost method of providing a public facility and a higher cost method that causes less environmental loss than the least-cost method. Finally, any other facility that is determined to be necessary primarily for the reduction or amelioration of environmental losses will be eligible for environmental grants.

Several commentators pointed out that the regulations do not make clear that when the cost of an environmental or recreational project is incommensurate with the value of the lost resource, OCZM will provide that part of the cost of the project equal to the value of the lost resource. The language was redrafted to clarify that this is the case (§ 931.79).

SUBPART H—LATERAL SEAWARD BOUNDARIES

Several commentators pointed out that customary use of the term "demarcation" involves the actual marking of a boundary line on the ground, and that the term delimitation is more appropriate for the discussion or description of lines which are placed on maps or charts to indicate bounded areas. As a result of these comments, the term "delimitation" has been used throughout subpart H. Lateral seaward boundary lines refer to boundaries in the territorial sea established by interstate compact, agreement, or judicial decision, and delimitation lines refer to lines established by the Associate Administrator to determine adjacency of the Outer Continental Shelf to coastal States for the purpose of calculating the formula grants.

One commentator requested that the regulations not limit interstate agreements, compacts, or judicial decisions to those existing before July 26, 1976. Therefore, the regulations have been changed to cover agreements, compacts, and judicial decisions defining lateral seaward boundaries made prior to and after the date these regulations become effective, rather than the July 26, 1976, date (§ 931.81).

One commentator suggested that States be limited to "equitable principles" in establishing lateral seaward boundaries, while several others asked that States be free to use any principles they choose. OCZM feels that lateral seaward boundaries between States, established to the outer limit of the territorial sea by interstate compact or agreement, may be based on any principles which are mutually acceptable to those States involved (§ 931.82(a)).

Several commentators expressed concern that the time frame specified for establishing delimitation lines was too long, considering the 270-day limitation for implementing the CEIP. Consequently, a shorter schedule for establishing delimitation lines has been adopted, but in order to allow States sufficient time to negotiate lateral seaward boundary agreements, the 270-day deadline cannot be met. States will be allowed six months rather than one year, as stated in the proposed regulations, to mutually agree on their lateral seaward boundaries. States not reaching agreement will be allowed four months after the initial period to submit written arguments in support of their respective positions. Finally, the period during which the Associate Administrator will establish the required delimitation lines, without benefit of lateral seaward boundaries, has been shortened from three months to two months.

Several commentators criticized the procedures by which the Associate Administrator will establish delimitation lines for those States which fail to agree on their lateral seaward boundaries. Objections were raised to the substitution of "equitable principles" for the statutory language "applicable principles of law." The purpose in using "equitable principles" was to indicate that an equitable distribution of funds would be achieved by considering all applicable and relevant principles in establishing delimitation lines. Another commentator suggested the use of the Convention on the Continental Shelf and relevant judicial decisions, in addition to the Convention on the Territorial Sea and the Contiguous Zone, when establishing delimitation lines. Finally, it was recommended that the Interagency Coastline Committee of the Law of the Sea Task Force be consulted on all matters dealing with the baseline and with application of the Conventions. These comments have all resulted in changes which are reflected in the regulations.

Several commentators suggested that only that portion of the formula grant allocation which relates to disputed areas should be impounded. This wording has been adopted in § 931.85.

One commentator thought States should be paid interest on impounded funds while delimitation lines were being established. Since this is impossible, States are urged to move as quickly as practicable to reach agreement on lateral seaward boundaries and avoid the impoundment of funds.

SUBPART I—GENERAL PROVISIONS

A total of six comments were received on § 931.52 of the October 22 proposed regulations. Three commentators suggested closer adherence to the requirements of Federal Management Circulars 74–4 and 74–7: Clear reference to these documents would help clarify what is expected of applicants. Several other commentators raised issues closely related to the 74–4 and 74–7 provisions. One commentator pointed out the need to provide for changes in project scope; another suggested a change to allow for coverage of certain pre-approval costs; a third objected to inconsistent terminology and uncertainty as to whether the allowable and nonallowable cost lists were meant to be "exclusive."

The section on allowable costs has been moved to subpart I, General Provisions, to make clear that it is applicable to all forms of CEIP assistance, and it has been rewritten to conform to FMC 74–7. Language restricting changes in scope has been removed in favor of the approach stated in FMC 74–7. Pre-approval costs are now considered allowable when specifically covered by grant and loan agreements and related contractual documents. Terminology has been made consistent. A new section has been added to cover administrative procedures. It states that such procedures will conform as far as possible with FMC 74–7 (§ 931.91). Specific procedures will be provided in a guidelines manual now being developed

SUBPART J—INTRASTATE ALLOCATION OF FINANCIAL ASSISTANCE

Many of the comments on the intrastate allocation process resulted from an examination of this subpart by the National Association of Counties (NACo) and the National Governors Conference (NGC) under commission from OCZM. Disagreement centered on whether the regulations should include a process enabling local governments to appeal to the Associate Administrator a State allocation decision. NGC felt that no such process should be required; if one were mandated by OCZM, it should be used only after appeals to a State process had been exhausted. NACo, by contrast asked that the Associate Administrator review a State allocation upon request of a local government to determine whether the State had adhered to the allocation process previously approved by OCZM.

OCZM accepted the appeals process suggested by NACo, but also included a requirement for a State appeals process, as suggested by NGC, and a requirement that the State process be exhausted before an appeal to the Associate Administrator would be entertained. An NGC suggestion that the matter of this appeal be limited to the record and evidence of the State appeal was also accepted.

NGC also suggested the deletion of several specific criteria for intrastate allocation listed in the proposed regulations. This suggestion was rejected, because it was felt that these criteria are essential to fulfill the requirement that the allocation be proportional to need.

NGC also asked for deletion of the requirement that the State submit to OCZM a justification whenever its intrastate allocation of funds differs significantly from the distribution of funds OCZM calculates as part of the State's "need factor." This comment was also rejected: it was felt that a requirement for such a justification is warranted and militates against arbitrary or inequitable allocation without intruding on the State process.

NACo requested a requirement that the State not allocate to itself or its agencies more than five percent of the total amount allotted to the State by OCZM. This suggestion was rejected, since an arbitrary figure of this sort would ignore the wide variation among State roles in providing public facilities and public services.

NACo also suggested language requiring the inclusion of local officials on the existing State body overseeing the intrastate allocation process or on a coastal policy task force created by the State. This comment was rejected. Although OCZM views such inclusion or such a task force as an acceptable method of involving local officials in the allocation process, OCZM does not have the responsibility to dictate the method by which the State will effect the participation of local officials.

NACo further suggested that the role of localities be made more prominent in the regulations. The language of subpart J now reflects this concern. NACo also requested language suggesting that the State establish a priority ranking system as a means of allocating CEIP funds within the State. This request was accepted, and the appropriate language has been included in the regulations.

Several commentators noted that the regulations had not called for explicit participation by the general public in the allocation process. This deficiency has been corrected.

One commenator complained that the regulations stated that the intrastate allocation system should be "equitable." This comment was rejected, since the requirement for equity is included only as an "objective," not as an operational requirement. The statute requires that the allocation process result in an allocation that is proportional to need.

One commentator suggested that the intrastate allocation process provide explicitly for the use of compatible assumptions and methods for projecting facility needs and impacts. This idea was accepted, and appropriate language has been inserted in § 931.112(e).

One commentator suggested that, in order to prevent one community from delaying funds to all other communities in the State by appealing to the Associate Administrator, OCZM should hold in escrow only the amount allotted to the appealing community. This idea was rejected, since the amounts allocated to the other communities are dependent on the allocation to the appealing community, and thus cannot be determined before the outcome of the appeal is known.

Public review and comment period. These interim-final regulations are subject to comment and modification. Written comments on the regulations should be received by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C., 20235, by February 4, 1977.

A final environmental impact statement (EIS) and supplement have been prepared to accompany these interim-final regulations. In accord with Council on Environmental Quality guidelines, the regulations will not become effective until February 4, 1977.

The National Oceanic and Atmospheric Administration has determined that this document contains a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107, and certifies that an Inflationary Impact Statement has been prepared.

Effective date. February 4, 1977.

Dated: December 23, 1976.

ROBERT M. WHITE,
Administrator.

In consideration of the foregoing, a new Part 931 is added as follows:

Subpart A—Objectives

Sec.
931.1 Overall objectives.
931.2 Planning grants.
931.3 Public facilities and public services assistance.
931.4 Repayment assistance.
931.5 Environmental and recreational grants.

Subpart B—General Definitions

931.9 Index to definitions.
931.10 Act.
931.11 Coastal zone.
931.12 Fund.
931.13 Coastal energy activity.
931.14 Significantly affected.
931.15 New or expanded coastal energy activity.
931.16 Outer Continental Shelf.
931.17 Outer Continental Shelf energy activity.
931.18 New or expanded outer Continental Shelf energy activity.
931.19 Energy facility.
931.20 New or expanded energy facility.
931.21 Impact area.
931.22 Unit of general purpose local government and unit of local government.
931.23 NOAA and OCZM.
931.24 Associate Administrator.

Subpart C—Basic Eligibility

931.25 Eligibility requirements.
931.26 Designation of State agencies.

Subpart D—Planning for the Consequences of Energy Facilities

931.30 General.
931.31 Objectives.
931.32 Definitions.
931.33 Purposes.
931.34 Sources.
931.35 Eligibility.
931.36 Allotment of financial assistance among eligible coastal States.
931.37 Application procedure.
931.38 Limitations.

Subpart E—Financing Public Facilities and Public Services

931.40 General.
931.41 Objectives.
931.42 Definitions.
931.43 Purposes.
931.44 Sources.
931.45 Eligibility.
931.46 Allotment of section 306(d) (1) and (2) credit assistance among coastal States.
931.47 Allotment of section 308(b) formula grants.
931.48 Application and requisition procedures.
931.49 (Reserved)
931.50 Special requirements of section 308(d) (1) loans.
931.51 Special requirements for section 308(d) (2) Federal guarantees.
931.52 Limitations.

Subpart F—Repayment Assistance

931.60 General.
931.61 Objectives.
931.62 Definitions.
931.63 Purpose.
931.64 Sources of repayment assistance.
931.65 General eligibility.
931.66 Application update.
931.67 Review for repayment assistance.
931.68 Award of repayment assistance.
931.69 Appeal procedure.

Subpart G—Grants for Unavoidable Losses of Coastal Environmental and Recreational Resources

Sec.
931.70 General.
931.71 Objectives.
931.72 Definitions.
931.73 Sources.
931.74 Purposes.
931.75 Eligibility.
931.76 Allotment of formula grants (section 308(b)).
931.77 Allotment from the Fund (section 308(d)(4)).
931.78 Requisition and application procedures.
931.79 Limitations.

Subpart H—Lateral Seaward Boundaries

931.80 General.
931.81 Establishment of delimitation lines when agreements exist between States.
931.82 Establishment of demarcation lines when no agreement exists between States.
931.83 Establishment of delimitation lines under later compacts, agreements, or judicial decisions.
931.84 Procedures for defining delimitation lines by equidistance principles.
931.85 Formula grants impounded for disputed areas.

Subpart I—General Provisions

931.90 Allowable costs.
931.91 Administrative procedures.
931.92 Compliance with OMB Circular A–95 requirements.
931.93 Other Federal requirements.
931.94 Environmental Impact Statements.
931.95 Records.
931.96 Audit.
931.97 Recovery of funds.
931.98 Coordination with other Federal agencies.

Subpart J—Intrastate Allocation of Financial Assistance

931.110 General.
931.111 Objective.
931.112 Process required for intrastate allocations.
931.113 Forms of assistance.
931.114 Review and appeal.

AUTHORITY: Sec. 308, Coastal Zone Management Act of 1972 (Pub. L. 92–583, 86 Stat. 1280, 15 U.S.C. 1451 et seq.), as amended by Pub. L. 94–370 (90 Stat. 1013).

Subpart A—Objectives

§ 931.1 Overall objectives.

(a) The central objective of the Coastal Energy Impact Program (CEIP) established under section 308 of the Act is to provide coastal States and units of local government with financial assistance to mitigate the adverse on-shore effects of new or expanded coastal energy activity.

(b) A second objective of the CEIP is to strike a balance between two major national goals:

(1) To encourage development of domestic energy resources and thus to further the objective of increased energy self-sufficiency; and

(2) To protect and manage the Nation's coasts in a manner consistent with the coastal zone management programs and objectives of the individual States over both the short and the long term.

(c) A third objective of the CEIP is to provide assistance that is simple to administer and that permits the coastal States and units of local government a high degree of control and discretion.

§ 931.2 Planning grants.

The objective of providing planning assistance under the CEIP is to encourage rational, timely, and thorough planning for and management of the consequences in the coastal zone of energy facility siting and energy resource development.

§ 931.3 Public facilities and public services assistance.

The objectives of providing assistance under the CEIP for public facilities and public services are:

(a) To advance the national goal of attaining a greater degree of energy self sufficiency by providing assistance to meet those State and local needs for public facilities and services resulting from new or expanded coastal energy activity; and

(b) To discourage inappropriate development in the coastal zone by creating incentives to provide only those public facilities and public services actually needed because of the incoming coastal energy activity.

§ 931.4 Repayment assistance.

The objective of providing repayment assistance under the CEIP is to shift to the Federal Government most of the risk of fiscal loss borne by coastal States and units of general purpose local government in whose jurisdictions new or expanded coastal energy activity is expected to take place.

§ 931.5 Environmental and recreational grants.

The objectives of providing assistance under the CEIP for the prevention, reduction, or amelioration of unavoidable losses of valuable environmental or recreational resources are:

(a) To help coastal States and units of local government prevent, reduce, or ameliorate environmental degradation and recreational losses in the coastal zone when the degradation or losses are the unavoidable result of coastal energy activity; and

(b) To encourage the prevention of environmental or recreational losses by providing assistance only when the losses cannot be attributed to or charged against a specific person.

Subpart B—General Definitions

§ 931.9 Index to definitions.

The following listing includes all terms defined in Part 931 of this title keyed to the section or paragraph where they are defined.

Term	Section
Act	931.10(a)
Associate Administrator	931.24
Borrower	931.62
Coastal energy activity	931.13
Coastal zone	931.11
Eligible energy facility	931.32
Energy facility	931.19
Energy facility directly required by OCS energy activity	931.17(b)
Environmental resource	931.72(c)
First landed	931.72(g)
Fiscal management schedule	931.48 (b)(2)
Fiscal surplus	931.42(h)
Fund	931.12
Impact area	931.21
In close proximity to	931.13(d)
Joint funding	931.98 (b)(1)
Loss	931.72(b)
New employment	931.72(f)
New or expanded coastal energy activity	931.15
New or expanded energy facility	931.20
New or expanded OCS energy activity	931.18
New or improved public facility	931.42(c)
New or improved public service	931.42(d)
NOAA	931.23
OCZM	931.23
Outer Continental Shelf	931.16
Outer Continental Shelf energy activity	931.17
Person	931.72(h)
Public facility	931.42(a)
Public service	931.42(b)
Public facilities and services required as a result of coastal energy activity	931.42(e)
Public facilities and services required as a direct result of OCS energy activities	931.42(f)
Recreational resource	931.72(d)
Section	931.10(b)
Significantly affected	931.14
Unavailability of credit assistance	931.42(g)
Unavoidable	931.72(a)
Unit of general purpose local government and unit of local government	931.22
Valuable	931.72(c)

§ 931.10 Act.

(a) The term "Act" means the Coastal Zone Management Act of 1972, Pub. L. 92-583, 86 Stat. 1280, as amended by Pub. L. 93-612, 88 Stat. 1974, and by Pub. L. 94-370, 90 Stat. 1013 (16 U.S.C. 1451 et seq.).

(b) The term "section" means a section of the Coastal Zone Management Act of 1972, as amended.

§ 931.11 Coastal zone.

The term "coastal zone" is that area of land and water whose boundaries are determined by a State under § 920.11 of this chapter for purposes of the development of a coastal zone management program under section 305, or under § 923.11 of this chapter for purposes of administering a coastal zone management program under section 306, or as part of a management program which is consistent with the policies set forth in section 303. Such boundaries must be approved by the Associate Administrator.

§ 931.12 Fund.

The term "Fund" means the Coastal Energy Impact Fund established under section 308(h).

§ 931.13 Coastal energy activity.

(a) The term "coastal energy activity" is limited to the following activities:

(1) Any outer Continental Shelf energy activity;

(2) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas; or

(3) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in section 3(10) of the Deepwater Ports Act of 1974 (33 U.S.C. 1502(10)).

(b) An activity is a "coastal energy activity" only to the extent that:

(1) The conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and

(2) The Associate Administrator determines that a technical requirement exists which necessitates that such siting, construction, expansion, or operation be carried out in, or in close proximity to, the coastal zone of any coastal State.

(c) Such technical requirements are limited to:

(1) Dependency on coastal waters;

(2) Safety;

(3) Proximity to oil or natural gas fields;

(4) Location of markets;

(5) State and/or Federal siting regulations;

(6) Type and amount of required land; and

(7) Competitive uses for any environmental or recreational resource affected by such siting, construction, expansion, or operation.

Comment: For each energy facility some of the above technical requirements will be significant and some not. Several examples might clarify this point.

Platform construction yards are usually located close to deep coastal waters, because deep water (20 ft. to 200 ft.) is used during different construction phases. Furthermore, such yards require about 20 acres of flat land for the construction of concrete platforms, and up to 1000 acres for the construction of steel platforms.

Service bases are also located close to coastal waters, because several thousand tons of supplies are transferred each month by vessels between the service bases and the platforms. For the same reason service bases have to be located close to oil and gas fields.

The location of some LNG facilities will be influenced by safety standards prevalent in the area. The location of LNG regasification facilities might be influenced by the location of the closest markets for natural gas.

Finally, the direction of a pipeline might be determined by the location of the oil fields and the closest refinery.

(d) The siting, construction, expansion, or operation of any equipment or facility shall be "in close proximity to" the coastal zone of any coastal State if such coastal zone has been or is likely to be significantly affected by such siting, construction, expansion, or operation

§ 931.14 Significantly affected.

The coastal zone of a coastal State is "significantly affected" by the siting, construction, expansion, or operation of an energy facility if such siting, construction, expansion, or operation:

(a) Causes population influxes in any area under the jurisdiction of a unit of local government;

(b) Changes employment patterns in the coastal zone, including those in fishing and tourism;

(c) Makes necessary new or improved public facilities or public services in the coastal zone;

(d) Damages or threatens to damage any valuable environmental or recreational resources in the coastal zone, including degradation of air or water quality, or potential violation of air or water quality standards; or

(e) Increases or threatens to increase significantly risks to public safety and real property in or near navigational corridors or marine or land terminals and facilities.

§ 931.15 New or expanded coastal energy activity.

The term "new or expanded coastal energy activity," means any coastal energy activity as defined in § 931.13 if the siting, construction, expansion, initial operation, or replacement, in whole or in part, of any equipment or facility required by the conduct, support, or facilitation of such activity takes place after July 26, 1976.

(*Comment:* The term "expansion" is intended to include both the physical expansion of a facility itself and the expansion of the output of the facility. The term "initial operation" is intended to include the case in which a previously operating but then idle energy facility is reactivated after July 26, 1976.)

§ 931.16 Outer Continental Shelf.

The term "outer Continental Shelf" or "OCS" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in 43 U.S.C. 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

§ 931.17 Outer Continental Shelf energy activity.

(a) The term "outer Continental Shelf energy activity" means any exploration for, or any development or production of, oil or natural gas from the outer Continental Shelf; or the siting, construction, expansion, or operation of any new or expanded energy facilities that are directly required by such exploration, development, or production.

(b) The term "directly required" refers to any new or expanded energy facilities that have technical requirements, as described in § 931.13, which necessitate their location in the coastal zone and are:

(1) Publicly owned transportation systems to the extent that they serve outer Continental Shelf energy activities;

(2) Owned or operated by OCS lessees or their contractors, subcontractors, or principal suppliers of equipment or facilities. Such equipment and facilities are limited to:

(i) Exploratory and development drilling rigs;

(ii) Platforms, subsea completions, and subsea production systems;

(iii) The following components of marine pipeline systems:

(A) Pressure source,

(B) Gathering lines,

(C) Pipelines,

(D) Intermediate pressure boosting facilities, and

(E) Landfall sites;

(iv) The following facilities to the extent that they serve outer Continental Shelf energy activities;

(A) Offshore storage and loading facilities of oil and gas,

(B) Marine terminals,

(C) Construction yards for platforms and exploration rigs,

(D) Pipe coating yards,

(E) Bases supporting platform and pipeline installation,

(F) Electric generating plants,

(G) Temporary service bases used in exploration phase,

(H) Permanent service bases used in development phase, and

(I) Transportation facilities limited to helicopters, heliports, tug boats, crew boats, supply boats, production utility boats, ocean and seismic vessels, barges, "spread" vessels, workover rigs, diving tenders, and drilling tenders; or

(3) Such other facilities which the Associate Administrator determines to be directly required by OCS exploration, development, or production.

§ 931.18 New or expanded outer Continental Shelf energy activity.

The term "new or expanded outer Continental Shelf energy activity" means any outer Continental Shelf energy activity, as defined in § 931.17, which supports exploration, development, or production according to plans, amendments to plans, or notices to drill approved or issued by the U.S. Department of the Interior after July 26, 1976.

§ 931.19 Energy facility.

(a) The term "energy facility" means any equipment or facility which is or will be used primarily:

(1) In the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

(2) For the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in the activities described in paragraph (a)(1) of this section.

(b) The term includes:

(1) Electric generating plants, including those involving fossil or biomass fuels, nuclear power, direct solar energy, ocean thermal energy conversion, tidal or wave power, wind power, or geothermal energy;

(2) Petroleum refineries and associated facilities;

(3) Gasification plants;

(4) Facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas;

(5) Uranium enrichment or nuclear fuel processing facilities;

(6) Facilities to separate oil, water, and gas;

(7) Drilling rigs, platforms, subsea completions, and subsea production systems;

(8) Construction yards for platforms and exploration rigs, pipe coating yards, bases supporting platforms and pipeline installation, and crew and supply bases;

(9) Oil and gas storage facilities, including salt domes;

(10) Marine pipeline systems, including pressure source, gathering lines, pipeline, intermediate pressure boosting facilities, and landfall sites;

(11) Oil and gas processing facilities;

(12) Transportation systems for tankers or the vessels described in §931.17(b)(2)(iv)(I) or to connect any of the facilities in this section with primary transportation systems;

(13) Facilities, including deepwater ports, for the transfer of petroleum;

(14) Facilities for geopressurized gas; and

(15) Terminals which are associated with any of the foregoing.

§ 931.20 New or expanded energy facility.

The term "new or expanded energy facility" refers to an energy facility whose siting, construction, expansion, initial operation, or replacement, in whole or in part, takes place after July 26, 1976.

§ 931.21 Impact area.

The term "impact area" means an area composed of one or more counties or regions in which the siting, construction, expansion, or operation of facilities required by new or expanded coastal energy activity significantly affects the coastal zone (as defined in § 931.14).

§ 931.22 Unit of general purpose local government and unit of local government.

(a) The term "unit of general purpose local government" means:

(1) Any political subdivision of any coastal State that (in whole or in part) is located in or has authority over such State's coastal zone; or

(2) Any political subdivision of any coastal State that is located within a political subdivision of such coastal State that (in whole or in part) is located in or has authority over such State's coastal zone; or

(3) Any special entity created by such coastal State or political subdivision that (in whole or in part) is located in or has authority over such State's coastal zone.

(b) The term "unit of general purpose local government" is limited to those entities described in paragraph (a) of this section that:

(1) Have authority to levy taxes or establish and collect user fees; and

(2) Provide any public facility or public service that is financed in whole or in part by taxes or user fees.

(c) The term "unit of local government" means any unit of general purpose local government, as defined in

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paragraphs (a) and (b) of this section, or any agency recognized or designated as an areawide or regional comprehensive planning and development agency pursuant to Office of Management and Budget Circular A-95, under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, or under Title IV of the Intergovernmental Cooperation Act of 1968.

§ 931.23 NOAA and OCZM.

(a) The acronym "NOAA" means the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(b) The acronym "OCZM" means the Office of Coastal Zone Management of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 931.24 Associate Administrator.

"Associate Administrator" refers to the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

Subpart C—Basic Eligibility

§ 931.25 Eligibility requirements.

(a) No coastal State is eligible to receive any financial assistance under this part unless such State:

(1) Has a management program which has been approved under section 306; or

(2) Is receiving a grant under sections 305 (c) or (d); or

(3) Is making, in the judgment of the Associate Administrator, satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303.

(b) With respect to coastal State eligibility under paragraph (a)(3) of this section, the Associate Administrator shall judge that a State is making satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303 if one of the following conditions is met:

(1) A coastal State has extinguished its eligibility for program development funding under section 305 without achieving program implementation approval under section 306, but is still pursuing development and implementation of a management program consistent with the policies set forth in section 303; or

(2) A coastal State's eligibility for program funding under section 305 or section 306 has been suspended, but the State is making adequate efforts to reacquire eligibility under sections 305 or 306 and is still pursuing development of a management program consistent with the policies set forth in section 303; or

(3) A coastal State is otherwise pursuing a comprehensive management program which is consistent with the policies set forth in section 303 and for good cause shown is not developing or implementing such program under sections 305 or 306.

(c) For purposes of paragraph (b) of this section, "consistent with the policies set forth in section 303" refers to a management program which incorporates:

(1) Policies which provide for the preservation, protection, development, and, where possible, the restoration or enhancement of the resources of the State's coastal zone;

(2) Provisions which ensure wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values, as well as to needs for economic development. Such provisions shall include, but are not limited to:

(i) Identification of a coastal zone which is capable of being delineated and which is subject to management under the program;

(ii) Identification of permissible land and water uses for the area within the coastal zone;

(iii) Procedures for assuring that land and water uses of regional and national benefit are not arbitrarily restricted or excluded in policies or management mechanisms developed pursuant to the State's program;

(iv) State and local legal authorities and organizational structures sufficient to effectuate management over identified land and water uses within the coastal zone; and

(v) Coastal zone water pollution and air pollution control mechanisms which are consistent with the requirements of the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended;

(3) An opportunity for Federal agencies having interests affecting the State's coastal zone to participate in the development of the State's management program and have their views adequately considered; and

(4) An opportunity for local governments, State and regional agencies, commercial and industrial groups, and the general public to participate in the development of the State's management program and have their views adequately considered.

§ 931.26 Designation of State agencies.

(a) In order to receive any financial assistance under this part the Governor of a coastal State must designate a State agency or agencies:

(1) To submit applications and requisitions for financial assistance under section 308;

(2) To assure, to the maximum extent practicable, that financial assistance provided under section 308 is apportioned, allocated, and granted to units of local government within such State on a basis which is proportional to the extent to which such units need such assistance; and

(3) To receive and administer section 305 grants pursuant to § 920.42 of this chapter, to receive and administer section 306 grants pursuant to § 923.23 of this chapter, or to administer a State coastal management program which is being developed in a manner consistent with section 303.

(i) In the event the coastal State is implementing a management program approved under section 306, all applications and requisitions for financial assistance under section 308 shall be reviewed for consistency with the State's management program by the State agency administering the State's coastal management program in accordance with the requirements of section 307(d).

(ii) In the event the coastal State is developing a management program pursuant to section 305 or in a manner consistent with the policies of section 303, all applications and requisitions for financial assistance under section 308 shall be reviewed by the State agency administering the management program. No assistance under section 308 shall be granted unless the coastal zone management agency certifies that the section 308 financial assistance will be utilized in a manner compatible with the State's developing program.

(b) While preferable in terms of coordination, it is not required that a single State agency perform all three functions stated in subsection (a) of this section. The State coastal zone management agency designated pursuant to paragraph (a)(3) need not be the agency performing one or both of the functions required by paragraphs (a)(1) and (2) of this section. However, in the event the State agency (or agencies) designated under paragraphs (a)(1) and (2) is not the same as the State coastal zone management agency designated under paragraph (a)(3), then the State agency designated under paragraph (a)(1) shall be responsible for maintaining coordination among the agencies designated under paragraph (a). Such coordination shall include implementation of procedures for assuring that the necessary consistency and compatibility reviews required in this part have been made.

Subpart D—Planning for the Consequences of Energy Facilities

§ 931.30 General.

This subpart sets forth policies and requirements for planning assistance to coastal States under sections 308(c) and 308(b). This subpart also states the overall objectives, the purposes for which the assistance may be used, and the basic eligibliity requirements. It also describes procedures for allotting section 308(c) moneys among eligible coastal States, for applying for section 308(c) assistance, and for requisitioning the proceeds of section 308(b) grants. Procedures for the allotment of section 308(b) assistance are described in § 931.76.

§ 931.31 Objectives.

The objectives of assistance under this subpart are:

(a) To assist coastal States and units of local government in the study of and planning for any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in such State's coastal zone as a result of the siting, construction, expansion, or operation of new or expanded energy facilities;

(b) To encourage rational, timely, and thorough planning for the management of energy facility siting and the impacts from energy resource development;

(c) To help coastal States and units of local government study, plan for, and manage the provision of public facilities and public services required as a direct result of new or expanded OCS energy activity; and

(d) To redefine, integrate, and apply to specific locations and energy facilities the energy planning and impact management process included in State coastal zone management programs pursuant to section 305(b)(8) of the Act.

§ 931.32 Definitions.

"Eligible energy facility" means a new or expanded energy facility, as defined in § 931.20, that significantly affects the coastal zone; and

(a) For which a major State or Federal license or permit has been applied for;

(b) Which is projected to be required as a result of a Federal lease sale scheduled by the U.S. Department of the Interior to occur no more than two years from the date of the allotment of planning assistance under § 931.36; or

(c) Which the Associate Administrator determines to be eligible.

(*Comment:* Under paragraph (c), the Associate Administrator would include an energy facility that does not meet the specifications of paragraphs (a) and (b) if there are other reasonable assurances supplied by the State that such a facility is likely to be sited, expanded, or constructed in the near future. Such assurances might include a local license or permit or a notice of intention.)

§ 931.33 Purposes.

(a) Allowable uses of section 308(c) grants under this subpart include:

(1) Study of and planning for the economic, social, or environmental consequences of the siting, construction, expansion, or operation of energy facilities, including:

(i) Increased population;

(ii) Changes in employment patterns, including those in fishing and tourism;

(iii) Changes in demand for public facilities, public services, and housing;

(iv) Local price inflation;

(v) Changes in patterns of tax and user fee revenues or intergovernmental transfers;

(vi) Effects on fishing and tourism resources;

(vii) Effects on beaches, sand dunes, air quality, water quality, or other environmental or recreational resources;

(viii) Shoreline erosion;

(ix) Ecological effects; and

(x) Effects on public safety.

(2) Performing cost benefit analyses and otherwise comparing the consequences of alternative energy facility types or sites;

(3) Analyzing private industry or government energy facility siting policies;

(4) Conducting analyses required for State or local regulatory decisions related to energy facilities, including licenses, leases, permits, and zoning ordinances;

(5) Conducting risk management studies, hazard analyses, emergency contingency planning and coordination studies, and assessments of mitigating measures for maintaining or improving public safety threatened by the siting, construction, expansion, or operation of energy facilities;

(6) Devising strategies for the public purchase of land or the establishment of other enforceable land-use controls for lands upon or near which energy development is to take place;

(7) Devising strategies for recovering compensation from appropriate parties for any adverse impacts caused by the energy activity involved;

(8) Devising methods of protecting recreational or environmental resources, as defined in § 931.72, threatened by the siting, construction, operation, or expansion of energy facilities;

(9) Collecting data and analyzing information required in §§ 931.48(a)(5) and 931.78(c)(4) for environmental impact assessment;

(10) Designing and carrying out an intrastate allocation process as described in Subpart J of this part and paying other reasonable costs of administering assistance under section 308;

(11) Forecasting employment, population, public facility and public service needs and costs, and tax and user fee revenues;

(12) Planning for the public facilities eligible for financing under Subpart E of this part; and

(13) Study of and planning for the secondary consequences, including environmental and economic, of alternative types and sites of public facilities eligible for financing under Subpart E of this part.

(b) Allowable uses of section 308(b) grants under this subpart include those allowable uses given in paragraph (a) of this section if they are directly related to the provision of public facilities and services required as a direct result of new or expanded OCS energy activity.

§ 931.34 Sources.

The primary source of assistance for the purposes set forth in § 931.33 is section 308(c) grants that have been allotted to eligible coastal States. If such moneys, plus the necessary matching share, are insufficient in any fiscal year for the purposes set forth in § 931.33(b), section 308(b) grants that have been allotted according to § 931.76 become a source of assistance.

§ 931.35 Eligibility.

(a) To be eligible for grants under section 308(c), a coastal State must meet the basic eligibility requirements of Subpart C of this part.

(b) To be eligible for use of section 308(b) grants under this subpart, a coastal State:

(1) Must meet the basic eligibility requirements of Subpart C of this part; and

(2) Must show that its allotment under § 931.36 is insufficient for the purposes of § 931.33(b).

§ 931.36 Allotment of financial assistance among eligible coastal States.

(a) Moneys appropriated to the Fund in any fiscal year for the purposes of section 308(c) will be allotted by formula among eligible coastal States according to the procedures of this subpart. Moneys allotted to a coastal State will remain available for award to such State until the end of the fiscal year following the fiscal year in which the allotment took place. Allotted moneys not disbursed by that time will be returned to the Fund. The Associate Administrator may extend the period of availability of an allotment if he/she determines that such an extension is warranted.

(b) The following general process will be used to allot section 308(c) moneys.

(1) The Associate Administrator will establish standardized planning need factors for various types of energy facilities at various levels of output, taking into account relative regional variations in temporary and permanent employment, environmental effects, and safety considerations.

(2) The Associate Administrator will draw up for each Coastal State an annual list of eligible energy facilities for which section 308(c) moneys have not been previously allotted.

(3) Coastal States will be provided with these standardized planning need factors and with the list of facilities. The States will have 45 days to submit comments to the Associate Administrator on the factors and the list of facilities. The Associate Administrator will then make revisions as appropriate, taking into account the State comments.

(*Comment:* The State comment period is intended to bring to OCZM's attention those energy facilities for which the State wishes to initiate planning but which were not included in the list. The State must present evidence that each facility it wishes to add is likely to be constructed. Examples of facilities that might not be included on OCZM's list, but which might be brought to light during the comment period, include energy facilities whose construction is expected to resume (under an old permit) after a period of dormancy, and facilities whose character has changed in a way that does not demand a permit but nevertheless motivates renewed planning efforts.)

(4) The Associate Administrator will then apply the standardized planning need factors described in paragraph (b)(1) of this section to the list described in paragraph (b)(2) of this section to obtain a total planning need equivalency for each coastal State. Each eligible coastal State will then be allotted a proportion of the total section 308(c) moneys appropriated to the Fund for that fiscal year equal to the State's planning need equivalency divided by the sum of the planning need equivalencies of all the eligible coastal States.

(c) Procedures for allotment of section 308(b) assistance are discussed in § 931.76.

§ 931.37 Application procedure.

(a) An eligible coastal State may submit its application to the Associate Administrator for award of the section 308 (c) moneys allotted to it as soon as it is notified of the amount of the allotment and until 45 days prior to the end of the fiscal year after the fiscal year in which the allotment took place, unless the Associate Administrator judges that an extension of this deadline is warranted. The application for section 308(c) assistance is to be made by the State entity designated under § 931.26(a)(1). An eligible coastal State may requisition proceeds of grants allotted to it under section 308(b) as soon as it is notified of the amount of the allotment. The requisition is to be made by the State entity designated under § 931.26(a)(1).

(b) Applications for amounts allotted for section 308(c) planning assistance or requisitions for the amount of funds to be used for section 308(b) planning must:

(1) Contain a certification that the planning assistance will be allocated within the State in accord with the equitable intrastate allocation system required under Subpart J of this part;

(2) Contain a certification by the State agency designated under § 920.42 or § 923.23 of this chapter, or under § 931.26 (a)(3), that the moneys will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program; and

(3) Contain a certification that the planning assistance from section 308(c) will be used only for the purposes set forth in § 931.33(a), and that the planning assistance from section 308(b) will be used only for the purposes set forth in § 931.33(b).

(c) Requisitions for proceeds of section 308(b) grants must contain:

(1) A certification that the costs of such study and planning exceed the amount of section 308(c) grants allotted to the State in that fiscal year; and

(2) Such adequate assurances as are required by Subpart I of this part.

(d) It is the Associate Administrator's intent to process completed applications and requisitions within 45 days of receipt. Assignment of the proceeds of grants for planning under sections 308 (c) and (b) to specific activities and projects is the responsibility of the State in accord with the provisions of Subpart J of this part.

§ 931.38 Limitations.

(a) Section 308(c) moneys awarded to a coastal State may not exceed 80 percent of the actual cost of the study or planning. States may use in-kind contributions as the non-Federal matching share in accord with Federal Management Circular 74–7.

(b) Sections 308(c) and 308(b) planning assistance may not be used:

(1) To duplicate the development of the general planning process for energy facilities required of management programs under section 305(b)(8); or

(2) For general energy studies or plans divorced from actual, proposed, or likely energy facilities.

(*Comment:* According to the Act, States may use section 305 grants to develop the general planning process for coastal energy facilities required under section 305(b)(8).)

(c) A coastal State may use for the purposes set forth in § 931.33(b) an amount of the assistance provided to it under section 308(b) that is up to ten percent of the total amount of credit assistance allotted it under section 308 (e)(1).

(*Comment:* The purpose of the above restriction is to limit the amount of section 308(b) grants which can be used for the planning of public facilities and services required as a direct result of new or expanded OCS energy activity.)

Subpart E—Financing Public Facilities and Public Services

§ 931.40 General.

This subpart sets forth policies governing assistance to coastal States and units of general purpose local government under sections 308(d)(1) and (2) and 308(b), the objectives of providing this assistance, the purposes for which it may be used, and the sources from which it will be drawn. This subpart also describes the procedures for allotting credit assistance among coastal States, for applying for credit assistance from the Fund (sections 308(d)(1) and (2)), and for requisitioning the proceeds of formula grants (section 308(b)).

§ 931.41 Objectives.

The objectives of assistance under this subpart are:

(a) To help coastal States and units of general purpose local government finance the public facilities and provide the public services needed because of new or expanded coastal energy activity;

(b) To provide front-end financing that can be expected to be repaid later from revenues generated by the new or expanded coastal energy activity, unless such revenues do not materialize; and

(c) To assure that necessary development in coastal areas is consistent with State coastal zone management objectives, the safeguarding of valuable national coastal environmental and recreational resources, and public safety.

§ 931.42 Definitions.

(a) The term "public facility" includes the following facilities to the extent that they are financed by any State or unit of general purpose local government, that they meet the requirements of Subpart I, of this part, and that they do not primarily serve industrial facilities, except if the public facilities are wholly owned by a unit of general purpose local government and if industrial user charges from the facilities are a primary source of revenue included in the fiscal management schedule described in § 931.48(b)(2):

(1) *Education.* Day care centers; primary, secondary, and general vocational schools, including portable classrooms and temporary facilities; school equipment; libraries, including books and equipment;

(2) *Environmental protection.* Facilities and equipment used to monitor or control air and water quality or noise standards, or to ensure the continued viability of fish and wildlife resources;

(3) *Government administration.* Facilities and equipment essential for general government administration;

(4) *Health care.* Emergency medical facilities and equipment, including ambulances; clinic and hospital buildings and equipment; alcohol and drug abuse centers; emergency shelter and sanitary facilities;

(5) *Public safety.* Detention centers, police equipment and stations, fire stations and firefighting equipment, fire training centers, animal control facilities, and communication facilities and equipment;

(6) *Recreation.* Facilities and equipment for amateur sports and performing arts, community recreational centers, local parks and playgrounds;

(7) *Transportation.* Streets and street lighting, roads, bridges, road maintenance equipment, parking associated with public facilities, docks, air and water navigation aids, canals and navigation facilities, air terminals in remote areas, mass transit including bus and ferry systems;

(8) *Public utilities.* Electric generating plants and distribution systems; natural gas distribution systems; solid waste collection systems; waste collection and treatment systems, including drainage; water supply systems; and telephone systems.

(b) The term "public service" means any service authorized by law to be provided by a State or unit of general purpose local government to the extent that:

(1) It is financed by the State or unit of general purpose local government;

(2) It meets the requirements of Subpart I of this part; and

(3) It does not primarily serve industrial facilities.

(c) A public facility is considered "new or improved" if, after July 26, 1976, it is constructed in order to serve new population or it is expanded or renovated to serve new employment and/or new population.

(d) A public service is considered "new or improved" if the proposed type or increased level of service was not offered in the fiscal year prior to the application or requisition for assistance for such service, and if this type or increased level of service serves new employment and/or new population.

(e) A public facility or public service is "required as a result" of new or expanded coastal energy activity if the expected increase in utilization because of the new employment and related new population resulting from that activity is at least as great as the amount of unutilized capacity in the absence of such coastal energy activity.

(f) A public facility or public service is "required as a direct result" of new or expanded OCS energy activity if the expected increase in utilization because of individuals (and their families) newly employed in new or expanded OCS energy activity is at least as great as the amount of unutilized capacity in the absence of such OCS energy activity.

(*Comment:* The definitions in paragraphs (e) and (f) above are intended to assure that financing for public facilities and services is available on a lead-time basis. In other words, if shortages of public facilities and services are projected to occur because of new or expanded coastal energy activity, or are projected to occur because of new or expanded coastal energy activity earlier than would be necessary to accommodate normal growth, then assistance from the Fund or formula grants can be applied for or requisitioned.)

(g) Adequate credit assistance is "unavailable" to a coastal State in a fiscal year only if:

(1) There is no institutional process which has ever been used or reasonably could have been used as of July 26, 1976, or which is now permitted, or which was permitted under constitutional or statutory authority as of July 26, 1976, through which credit assistance from the Fund could be obtained by the State or a unit of general purpose local government therein to finance projects or programs necessary to provide a new or improved public facility or public service which is required as a direct result of new or expanded OCS energy activity; or

(2) The State's total need factor (as defined in § 931.46) is greater than the credit assistance from the Fund allotted to the coastal State for that year (as computed according to § 931.46) plus that portion of any unallotted credit assistance that is available in the Fund and that can be allotted to the State.

(h) "Fiscal surplus" means that amount of moneys available to service debt incurred under the provisions of this part, and is equal to the amount by which revenues exceed expenditures, calculated using the same rates and methods for generating revenue and determining expenditures as were described in the borrower's original fiscal management schedule submitted pursuant to § 931.48 (b)(2).

§ 931.43 Purposes.

(a) Credit assistance available from the Fund (sections 308(d)(1) and (2)) is intended to help meet State and local needs to finance most of the new or improved public facilities and public services that are required as a result of new or expanded coastal energy activity.

(b) Grant assistance from the formula grants (section 308(b)) is intended to help meet State and local needs for new or improved public facilities and public services that are required as a direct result of new or expanded OCS energy activity.

§ 931.44 Sources.

The primary source of assistance for purposes set forth in § 931.43(a) is the allotments of credit assistance from the Fund (sections 308(d)(1) and (2)). If adequate credit assistance is unavailable (as defined in § 931.42(g)) from the Fund, the formula grants (section 308 (b)) become a source of assistance for the purposes set forth in § 931.43(b).

§ 931.45 Eligibility.

(a) To be eligible for assistance from the Fund under sections 308(d)(1) or (2) or from formula grants under section 308(b)(4)(B), a coastal State must meet the basic eligibility requirements of Subpart C of this part.

(b) To be eligible for use of section 308 (b) grants under this subpart, adequate credit assistance from the Fund must be unavailable, as defined in § 931.42(g).

§ 931.46 Allotment of sections 308(d)(1) and (2) credit assistance among coastal States.

(a) Credit assistance available in any fiscal year through the Fund, to the extent provided for in appropriations Acts, will be allotted in each fiscal year among coastal States according to the procedures of this section.

(b) The Associate Administrator will compile annually a list of new or expanded coastal energy activities:

(1) For which major Federal or State permits or licenses have been obtained;

(2) For which exploration plans are expected to be submitted to the U.S. Department of the Interior because an OCS lease sale has taken place;

(3) For which development plans have been approved by the Department of the Interior; or

(4) Which, in the determination of the Associate Administrator, are likely to necessitate the construction of new or improved public facilities or the provision of new or improved public services. It is on this list that the Associate Administrator will base his/her estimate of both the number of additional individuals who are expected to become employed in the activities and the related new population who are expected to reside in the respective coastal States.

(c) The Associate Administrator will determine annually standardized unit costs for public facilities and public services for new temporary and permanent population in the relevant coastal impact areas. These costs will take into account regional cost differences, an area's existing population, its population growth rate, and changes in regional prices.

(d) The Associate Administrator will furnish to the States the data developed pursuant to paragraphs (b) and (c) of this section. Coastal States will have 45 days to comment. The Associate Administrator will consider the State comments and will revise the data as necessary. He/she will then calculate State need factors using the procedures of paragraph (e) of this section.

(e)(1) The Associate Administrator will compute a need factor for each impact area from the data developed pursuant to paragraphs (b) and (c) of this section. A State need factor will then be computed for each coastal State by summing the need factors for the impact areas of that State. A national need factor will be computed by summing all of the State factors. Finally, a relative need factor will be calculated for each coastal State by dividing the State's need factor by the national need factor.

(2) In the process of determining the need factors of this paragraph, the Associate Administrator will also compute for each coastal State a direct OCS need factor. The direct OCS need factor will be computed using OCS employees and their families but not secondary population. This factor will be used in determining the extent to which a State can requisition the proceeds of its formula grants for the provision of new or improved public facilities and public services required as a direct result of new or expanded OCS energy activities.

(f) The Associate Administrator will compute each coastal State's allotment of credit assistance in proportion to that State's relative need factor and notify the coastal States of their respective allotments. To the maximum extent practicable, allotments will reflect proportionately each State's direct OCS and other needs.

(1) The total amount of available funds allotted among the coastal States in any fiscal year will be the lesser of the following amounts:

(i) The national need factor as computed according to paragraph (e) of this section; or

(ii) The total amount of new credit assistance appropriated for that year plus any amount available in the Fund that can be allotted to the States.

(2) If the amount in paragraph (f)(1)(i) of this section is less than the amount in paragraph (f)(1)(ii) of this section, the extra credit assistance will be retained in the Fund for use in subsequent years.

(g) After being notified of its allotment, a coastal State may submit to the Associate Administrator applications (as described in § 931.48) for loans and guarantees from this allotment during the remainder of the fiscal year and the succeeding two fiscal years. Allotted credit assistance not awarded to a coastal State or its units of general purpose local government by the end of the second fiscal year after the fiscal year in which the allotment was established may be subject to reallotment among all the coastal States. The Associate Administrator will extend the period of availability of an allotment if he/she determines that such an extension is warranted.

§ 931.47 Allotment of section 308(b) formula grants.

The annual allotment of formula grants among coastal States is described in § 931.76.

§ 931.48 Application and requisition procedures.

(a) A coastal State or unit of general purpose local government applying for credit assistance from the Fund or a coastal State requisitioning the proceeds of formula grants must submit the following information:

(1) A certification by the State entity designated under § 931.26(a)(2) that the

request results from an equitable intrastate allocation of the State's overall available assistance as described in Subpart J of this part;

(2) A certification by the State agency designated under § 923.23 or § 920.42 of this chapter or under § 931.26(a)(3) that the moneys will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) A certification by the State agency designated in accord with § 931.26(a)(1) that the State or unit of general purpose local government has considered other sources of Federal assistance for the project and will use them where feasible;

(4) A certification by the State agency designated in accord with § 931.26(a)(1) that the public facilities or public services for which assistance is being sought are required either as a result of new or expanded coastal energy activity or as a direct result of new or expanded OCS energy activity;

(5) Factual information necessary to evaluate the project's environmental impacts, in detail sufficient to enable the Associate Administrator to determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(6) For any assistance requested for a new or improved public service, a certification that the amount requested does not exceed either:

(i) The amount by which revenues to pay for services will lag behind expenditures as forecast in the fiscal management schedule described in paragraph (b)(2) of this section, because revenues do not keep pace with expenditures because of structural lags in collections or because the costs of providing the services during the initial period of the energy activity exceeds revenues; or

(ii) The amount by which that portion of revenues which are forecast to accrue from the energy facilities will be less than the portion of total revenues which normally accrue to the borrower from industrial sources, because the energy facilities will be located outside of the jurisdiction which will have to provide the services; and

(7) A showing that such applications or requisitions for assistance have complied with the requirements of the Project Notification and Review System established by Office of Management and Budget Circular No. A-95 (Part I).

(b) A coastal State or unit of general purpose local government applying for credit assistance from the Fund must submit the following information:

(1) A description of the new or expanded coastal energy activity causing impacts because of which the credit assistance is sought;

(2) A fiscal management schedule comprising the following information:

(i) A statement of fiscal conditions, including the best available data on revenues and expenditures over the past five years;

(ii) An estimate of current levels of utilization of public facilities or public services which are similar to those for which assistance is sought;

(iii) A set of population, employment, revenue, and expenditure forecasts calculated as if no new or expanded coastal activity were to occur, including a description of any measures necessary to ensure that revenues will equal or exceed expenditures in this base case;

(iv) A set of population, employment, expenditure, and revenue forecasts for the case in which the new or expanded energy activity occurs, using the same methods and rates as in paragraph (b)(2)(iii) of this section;

(v) The net changes in population, employment, expenditures, and revenues, calculated as the difference between the forecasts of paragraph (b)(2)(iv) and the base case of paragraph (b)(2)(iii) of this section; and

(vi) A description of the particular new or improved public facilities or public services, required as a result of new or expanded coastal energy activity, for which the assistance is sought, including costs on an annualized basis.

(*Comment:* The fiscal management schedule is intended to include the same type of data normally required by States or communities for capital improvement budgeting. Appropriate technical assistance will be provided by OCZM upon request.)

(3) When the likelihood of eventual repayment assistance seems high, or when the forecasts of paragraph (b)(2)(v) of this section vary substantially from the impacts experienced under similar circumstances in the past, it will be OCZM's practice to require that the forecasts of paragraphs (b)(2)(iii) and (iv) be based on tax rates no lower than the average tax rates in force in the borrowing jurisdiction during the five fiscal years prior to the borrower's application for credit assistance. However, the Associate Administrator will not require that a State or unit of general purpose local government raise its rates or alter its methods from those described in paragraph (b)(2)(iii) in order to qualify for a loan.

(c)(1) A coastal State may requisition in any fiscal year the proceeds of its allotted formula grants for the purposes of § 931.43(b) after it has been notified of its credit assistance allotment for that year, if adequate credit assistance from the Fund is unavailable (as defined in § 931.42(g)) for such purposes. This requisition may be submitted along with or after the pertinent applications for credit assistance from the Fund. A coastal State requisitioning the proceeds of formula grants must provide the Associate Administrator with such adequate assurances as are required by § 931.97(a).

(2) Before disbursing proceeds of formula grants, the Associate Administrator will:

(i) Verify the certifications submitted pursuant to paragraph (a) of this section;

(ii) Determine whether credit assistance under the Fund is unavailable (as defined in § 931.42(g));

(iii) Determine that the State has provided such adequate assurances as are required by § 931.97(a); and

(iv) Determine whether an environmental impact statement will be required under the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.)

§ 931.49 [Reserved]

§ 931.50 Special requirements for section 308(d)(1) loans.

(a) *Interest rate.* The interest rate shall be the current average market yield for outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans. The Administrator of NOAA may under special circumstances approve lower interest rates.

(b) *Eligibility.* The Associate Administrator will make loans to otherwise eligible borrowers even though the fiscal surplus as calculated in the original fiscal management schedule appears to be insufficient fully to amortize a loan for public facilities required as a result of new or expanded coastal energy activity.

(c) *Payback schedule.* (1) Each loan contract under the provisions of this subpart will incorporate by reference the original fiscal management schedule submitted pursuant to § 931.48(b)(2) and will set forth in detail the conditions under which repayment assistance will be granted. The conditions set forth in the loan contract will be binding upon the Associated Administrator and the borrower regarding repayment assistance described in Subpart F of this part.

(2) Each loan agreement will contain a repayment schedule establishing the borrower's annual loan service payments. The repayment schedule will be calculated in the following manner:

(i) If an adequate fiscal surplus is forecast in the fiscal management schedule, it will be the practice of the Associate Administrator to set the annual loan servicing payments at no more than 80 percent of such annual fiscal surplus; or

(ii) If the fiscal surplus forecast in the fiscal management schedule is inadequate to amortize the loan, the Associate Administrator, in consultation with the borrower, will determine an appropriate repayment schedule, which may include deferrals of payment or repayment assistance as described in Subpart F of this part.

(3) Borrowers may repay loans faster than called for in the repayment schedule without prepayment penalty.

(*Comment*: The purpose of the 80 percent benchmark is to provide a margin for error in the forecasts of the fiscal management schedule and to assure the borrower that discretionary modifications of terms and conditions, supplemental loans, or refinancing by the Associate Administrator will be kept to a minimum.)

(d) *Maturity of loans.* Loans must be repaid within the minimum time the Associate Administrator finds to be consistent with the projections of the borrower. In no event will a loan, including extensions and renewals thereof, be made with a maturity exceeding 30 years from the date of the award of the loan or exceeding two thirds of the useful life of the facility being financed.

(e) *Security.* The Associate Administrator retains the option of requiring security from the borrower, including the pledge of future revenues or user charges from the public facility, before awarding a loan from the Fund. However, no loan will require as a condition that a State or unit of general purpose local government pledge its full faith and credit to repayment.

(f) *Disbursement of loan funds.* The Associate Administrator will disburse loan funds on a phased basis, with each phase tied to the completion of a specific part of the project or projects for which the loan moneys are to be used. Disbursement schedules will be determined by the Associate Administrator on a case-by-case basis.

§ 931.51 Special requirements for section 308(d)(2) Federal guarantees.

(a) *Eligibility.* The Associate Administrator will consider eligible for guarantee under the Fund any legal debt of any eligible borrower, if the Secretary of the Treasury approves such debt and it meets other requirements set forth in section 308(f).

(b) *Taxable Obligations.* The interest paid on any obligation which is guaranteed under section 308(d)(2) and which is received by the purchaser of such obligation (or the purchaser's successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

(c) *Interest subsidy.* The Associate Administrator may pay out of the Fund to the coastal State or the unit of general purpose local government issuing an obligation guaranteed under section 308(d)(2) not more than the portion of the interest on such obligation as exceeds the amount of interest that would be due at a comparable rate for loans made under section 308(d)(1) at the time the obligation is guaranteed by the Associate Administrator.

(d) *Fees for guarantees.* The Associate Administrator will levy a fee for providing a Federal guarantee. This fee will be set on the basis of the administrative costs incurred in providing and monitoring such guarantee. The fee may be waived in the event repayment assistance (as described in Subpart F of this part) is required.

(e) *Default procedures and guarantee incontestability.* If a borrower defaults on a bond or other evidence of indebtedness guaranteed under the Fund, the holder of the bond or other indebtedness may demand payment from the Associate Administrator of the principal and accrued interest of the obligation in accord with section 308(f)(5)(B). The validity of such a guarantee shall be considered incontestable, except when the holder of the obligation is guilty of fraud or misrepresentation or was aware of fraud or misrepresentation at the time he purchased the obligation.

(f) *Guarantee contract.* Each guarantee contracted under the provisions of this subpart will incorporate by reference the original fiscal management schedule submitted pursuant to § 931.48(b)(2), and will set forth in detail the conditions under which repayment assistance will be granted. The conditions set forth in the contract will be binding on the Associate Administrator and the borrower regarding repayment assistance described in Subpart F of this part.

§ 931.52 Limitations.

For public facilities and services, as defined in § 931.42, to be financed with the proceeds of formula grants under section 308(b)(4)(B), the Associate Administrator will not disapprove any project or program for highways and secondary roads, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care, if these projects or programs meet the requirements of this subpart and of section 308. Neither will the Associate Administrator disapprove a project or program to provide public facilities and public services which he/she determines is for environmental protection, as defined in § 931.42(a)(2), if these projects or programs meet the requirements of this Subpart and of section 308.

Subpart F—Repayment Assistance

§ 931.60 General.

This subpart sets forth policies and procedures for awarding various forms of repayment assistance under sections 308(d)(3) and 308(b)(4)(A).

§ 931.61 Objectives.

The objectives of the repayment assistance are to ensure that:

(a) Credit obligations will be modified and tailored according to ability to repay so that defaults can be avoided; and

(b) Net fiscal losses to the State or unit of general purpose local government resulting from coastal energy activity will be minimized.

§ 931.62 Definitions.

The term "borrower" refers to a State or a unit of general purpose local government that has been awarded credit assistance under sections 308(d)(1) or (d)(2).

§ 931.63 Purposes.

(a) The purpose of repayment assistance under sections 308(d)(3)(A–C) of the Act is to assist a borrower who is temporarily unable to meet scheduled repayments of loans or guaranteed bonds.

(b) The purpose of a repayment grant from the proceeds of a State's allotted formula grant (section 308(b)) is to assist a borrower in meeting scheduled repayments of a guaranteed bond when the remedies of sections 308(d)(3)(A–C) are inadequate.

(c) The purpose of a repayment grant from a State's allotted credit assistance from the Fund (section 308(d)(3)(D)) is to assist a borrower in meeting scheduled repayments of a loan or guaranteed bond when the remedies of sections 308(d)(3)(A–C) are inadequate and formula grants are not available for that purpose. If the State's allotment is insufficient, a grant will be made from the Fund.

§ 931.64 Sources of repayment assistance.

(a) *Primary sources.* The primary sources of repayment assistance are modification of credit assistance terms and conditions under section 308(d)(3)(A), refinancing of a loan under section 308(d)(3)(B), or making a supplemental loan under section 308(d)(3)(C) for meeting a loan or guarantee obligation.

(b) *Secondary sources.* If the borrower is unable to meet scheduled repayments by means of one or more of the primary sources of repayment assistance, and if the inability to repay results from a change in scope of the coastal energy activity or the related new population, the secondary sources of repayment assistance may be used to meet obligations. These secondary sources are the proceeds of the State's allotment of formula grants (section 308(b)) and grants from the State's allotment of moneys from the Fund (section 308(e)(1)), or from the Fund if the State's allotment is insufficient.

§ 931.65 General eligibility.

(a) A coastal State or unit of general purpose local government is eligible for repayment assistance only if:

(1) It has been awarded a loan under section 308(d)(1) or a guarantee under section 308(d)(2); and

(2) It has submitted a report, as required under § 931.66, updating the information required as part of the fiscal management schedule.

(b) A borrower does not have to be in default before qualifying for repayment assistance. The default of a borrower will nevertheless automatically occasion review for repayment assistance by the Associate Administrator.

§ 931.66 Application update.

After submitting its original credit assistance application, and until the full repayment of its loan or guaranteed obligation, the borrower shall submit periodically to the Associate Administrator a report updating the fiscal management schedule described in § 931.48(b)(2). The frequency of submission of this report will be established by the Associate Administrator in consultation with the borrower. This revised schedule should contain whatever new information the borrower has received and can document concerning the new or expanded coastal energy activity and its likely effects on revenues and expenditures. This revised schedule is to be prepared using the same rates and methods for generating revenue and determining expenditures as were described in the borrower's original fiscal management schedule submitted pursuant to § 931.48(b)(2). However, if the borrower increases its tax rates and methods, then the additional revenues accrued to the borrower because of such increase will be included in the calculation of the fiscal surplus, pursuant to § 931.42(h).

§ 931.67 Review for repayment assistance.

(a) When the actual fiscal surplus falls below 80 percent of the fiscal surplus in the fiscal management schedule described in § 931.48(b)(2), or at the request of the borrower, the Associate Administrator shall undertake a review for repayment assistance. At the time it makes this request for review the borrower must submit a report (described in § 931.66) updating its fiscal management schedule. The Associate Administrator will examine the information and forecasts contained in the updated fiscal management schedule, particularly those relating to the status and effects of the coastal energy activity involved.

(b) All terms and conditions of the loan or guarantee will remain in effect pending review of the borrower's request for repayment assistance.

§ 931.68 Award of repayment assistance.

(a) It is the Associate Administrator's intent to offer repayment assistance within 45 days after the request for repayment assistance described in § 931.67, upon a finding that the actual fiscal surplus, as described in the updated fiscal management schedule, is insufficient to enable the borrower to meet its annual loan service payment or obligation under a guarantee in accord with its repayment schedule because the actual increases in employment and related population from new or expanded coastal energy activity and associated facilities have failed to provide adequate revenues.

(b) Repayment assistance offered pursuant to paragraph (a) of this section will consist of one or more of the following types.

(1) *Modification of terms.* In the case of loans awarded under section 308(d)(1), the repayment schedule tailored to the forecasts in the borrower's fiscal management schedule (as described in § 931.50(c)) may be retailored to the revised fiscal management schedule. Such modification of terms may include an extension of the payback period; however, the payback period may not exceed 30 years from the date of the award of the original loan.

(2) *Refinancing.* Outstanding loans under section 308(d)(1) or outstanding bond or other obligations guaranteed under section 308(d)(2) may be refinanced by means of a loan at the interest rate appropriate at the time of the refinancing.

(3) *Supplemental loans.* If the Associate Administrator determines that expected revenues will be temporarily insufficient to meet the borrower's guaranteed bond or other obligations or to meet a loan repayment schedule, he/she may offer to make a supplemental loan to the borrower.

(4) *Repayment grants.* (i) If the Associate Administrator has taken action under paragraphs (b)(1–3) of this section and additional action under those paragraphs would not produce an actual fiscal surplus, sufficient to enable the borrower to meet its obligations within a reasonable time, NOAA will make a repayment grant in an amount sufficient to enable the borrower to meet its obligations.

(ii) In the case of a bond guaranteed under section 308(d)(2), this grant must be from the proceeds of the State's allotted formula grants. If the State's formula grant allotment is insufficient to retire service on all the State and local bonds requiring repayment grants in that year, repayment grants will also be made from the State's allotment of credit assistance and, when necessary, from the Fund. In the case of loans made under section 308(d)(1), that part of the original loan that cannot be repaid may be repaid from a grant from the State's allotment of credit assistance and, when necessary, from the Fund.

(c) When the Associate Administrator offers one of the courses of action in § 931.68(b)(1–4), the borrower may submit to the Associate Administrator a formal acceptance of the recommended form of repayment assistance. The repayment assistance will take effect as soon as NOAA receives the borrower's formal acceptance.

(d) If the formula grants allotted the State are insufficient for all the repayment grants recommended by the Associate Administrator in a year, the State shall indicate which bonds it wishes to retire with the proceeds of available formula grants, giving priority to local bonds in accordance with section 308(b)(4)(A). Those borrowers whose bonds the State has indicated it cannot retire with the proceeds of formula grants may request immediately repayment grants from the State's allotment of credit assistance and, when necessary, from the Fund. Borrowers in States that have no allotted formula grants may request immediately repayment grants recommended by the Associate Administrator from the State's allotment of credit assistance and, when necessary, from the Fund.

(e) If, after the review for repayment assistance, the Associate Administrator determines that no repayment assistance is warranted, or if the borrower does not formally accept such assistance, the borrower will remain subject to the terms and conditions of the loan or guarantee and to the requirements of Subpart I of this part.

§ 931.69 Appeal procedure.

(a) Whenever a dispute arises concerning the Associate Administrator's finding made pursuant to § 931.68(a) regarding the existence of conditions which require an offer of repayment assistance, the borrower may appeal the Associate Administrator's decision to the Administrator of NOAA by submitting a request for review to the Office of the Administrator of NOAA.

(b) The Administrator of NOAA, if requested, will order a formal hearing on the record to be conducted within 30 days of the borrower's request for review.

(c) The Administrator will issue a written decision on the appeal within 60 days of the borrower's request for review.

(d) The appeal procedure provided for in paragraphs (a)–(c) of this section is intended to provide a timely and impartial forum for resolving disputes concerning repayment assistance, which may arise under contracts for credit assistance. Such appeal procedures may be initiated by the borrower, but do not expressly or by implication limit the borrower's other remedies at law or in equity. The borrower may seek appropriate judicial relief in a court of competent jurisdiction without the consent of the Associate Administrator or the Administrator of NOAA, and without first having exhausted the appeal procedures provded in paragraphs (a)–(c) of this section.

Subpart G—Grants for Unavoidable Losses of Coastal Environmental and Recreational Resources

§ 931.70 General.

This subpart sets forth policies and requirements for awarding environmental and recreational grants to coastal States under sections 308(b) and 308(d)(4), and describes the objectives of awarding these moneys, the purposes for which they may be used, the sources from which they will be drawn, and the eligibility requirements.

§ 931.71 Objectives.

The objectives of providing Federal moneys under sections 308(b) and 308(d)(4) are:

(a) To help States and units of local government prevent, reduce or ameliorate unavoidable loss of valuable environmental or recreational resources resulting from coastal energy activity; and

(b) To ensure that the person responsible for these environmental or recreational losses pays for their full cost.

§ 931.72 Definitions.

(a) The term "unavoidable" refers to that part of damage to or loss of an environmental or recreational resource resulting from coastal energy activity or from the public facilities associated therewith that either:

(1) Cannot be attributed to any identifiable person or persons; or

(2) Cannot be prevented, reduced, or ameliorated by assessment of the loss against an identifiable person or persons through the reasonable implementation or enforcement of the existing regulatory authority of the State or of any political subdivision of the State; and

(3) Cannot be paid for with funds that are available from any other Federal program.

(Comment: "Regulatory authorities" refers to statutes, local ordinances, or laws and implementing regulations, existing at the time of application or requisition, which set standards or conditions for development. Provisions that create a right to receive monetary damages rather than actually prevent, reduce, or ameliorate a loss are not included. There are two general types of regulatory authorities:

(1) Development regulations such as zoning and subdivision that apply to new or expanded development activity; and

(2) Pollution and nuisance prevention regulations that may apply to current operations as well as to new development activity.

In most cases, a loss occurring before July 26, 1976, will be unavoidable when there is no continuing violation of a regulation of the second type by the source of loss. Losses occurring as a result of new or expanded coastal energy activity will require review of both regulatory situations.

It is intended that States or units of local government use other possible sources of Federal assistance before being able to use sections 308 (b) and (d)(4) for environmental or recreational purposes. However, if assistance is not expected to be provided to a State or unit of local government through another Federal program in a timely manner, assistance under this subpart will be provided.)

(b) The term "loss" refers to any damage to or degradation of an environmental or recreational resource, including the loss of public access to that resource.

(c) The term "environmental resource" refers to:

(1) Areas of land and/or water that are or have been largely in a natural state, or whose value derives primarily from ecological considerations;

(2) Important animal and plant populations, their habitat, and areas of human use;

(3) Air and water quality; or

(4) An area that has been designated under a State's approved coastal zone management program as an area of particular concern for environmental purposes.

(d) The term "recreational resource" refers to an area of land and/or water that has characteristics making it desirable for one or more types of recreational activities, and which has, in fact, been in use for such activities, or which has designated under a State's approved coastal zone management program as an area of particular concern or potential use for recreational purposes.

(e) The term "valuable", is intended to include all relevant benefits, both quantifiable and non-quantifiable, attributable to the resource being valued, including the replacement cost for a similar resource.

(f) The term "new employment" means those persons employed during a given fiscal year by the U.S. Department of the Interior's OCS lessees, as well as new employees of contractors, subcontractors, or principal suppliers of those OCS lessees. The term refers to those persons who obtain employment during that fiscal year in any of the facilities defined in § 931.17, if such facility is directly required by new or expanded OCS energy activity as defined in § 931.18.

(g) The term "first landed" in a particular coastal state refers to oil and natural gas produced from the OCS that is first unloaded from tankers or barges at ports within that State, or is brought to shore in pipelines that first touch nonsubmerged land in that State.

(Comment: Suppose a pipeline comes ashore in State where it connects to oil or natural gas processing or distribution facilities. On the way from the well to State A, the pipeline passes over a small island or a rock that belongs to State B without causing any impact. In this situation, State A will be considered to State in which the oil or gas is "first landed.")

(h) The term "person" means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any State; the Federal Government; any State, regional, or local government; or any entity of any such Federal, State, regional, or local government.

§ 931.73 Sources.

(a) The primary source of assistance for preventing, reducing, or ameliorating environmental or recreational resource losses resulting from coastal energy activity is the formula grants (section 308(b)(4)(C)) allotted to coastal States according to § 931.76.

(b) If a State has no allotment under section 308(b), or if the Associate Administrator determines that grant money allotted the State under section 308(b) are insufficient, the State may apply for the grant moneys under section 308(d)(4) that are allotted it according to § 931.77.

§ 931.74 Purposes.

(a) Assistance is provided in sections 308(b)(4)(C) and 308(d)(4) to help States and units of local government design and implement projects to prevent, reduce, or ameliorate unavoidable environmental and recreational losses in the coastal zone resulting from the siting, construction, expansion, or operation of any equipment or facility required by coastal energy activity before or after July 26, 1976. The grant moneys are available only to the extent that there is no feasible way to recover the cost of prevention, reduction, or amelioration from an identifiable person or persons causing the loss, or from another Federal program.

(b) Assistance under this subpart is also intended to pay for:

(1) Administrative costs incurred in the enforcement or legal defense of conditions imposed on new or expanded energy facilities to satisfy the requirements of § 931.78(c)(3)(ii) for the assessment of losses;

(2) The design and implementation of programs and strategies to prevent, reduce, or ameliorate unavoidable environmental and recreational losses, including the cumulative effects of coastal energy activity;

(3) Restoration, replacement, or acquisition of environmental or recreational resources; and

(4) The cost differential between the least cost method of providing a public facility required as a result of coastal energy activity and a higher cost method that reduces the environmental loss of the least cost method.

§ 931.75 Eligibility.

(a) To be eligible for environmental or recreational grants under sections 308(b)(4)(C) and 308(d)(4), a coastal State must meet the basic eligibility requirements of Subpart C of this part.

(b) To be eligible for grants under section 308(d)(4), a State's allotment under section 308(b) must be insufficient. States that have no allotment of grants under section 308(b) are immediately eligible for assistance under section 308(d)(4)

§ 931.76 Allotment of formula grants (section 308(b)).

Moneys appropriated in any fiscal year for the purposes of section 308(b) will be allotted among eligible coastal States according to the following procedures. Allotments will be made as soon as is practicable. The proceeds of grants which are requisitioned by and disbursed to a State in any fiscal year but which are not expended or committed by the end of the fiscal year after the fiscal year in which the proceeds were disbursed are subject to recovery in accordance with Subpart I of this part and are subject to subsequent reallotment. Grant proceeds not requisitioned remain available for disbursement until the end of fiscal year 1984, at which time proceeds not disbursed will be returned to the United States Treasury.

(a) At the end of each fiscal year, the Associate Administrator will gather from appropriate Federal and other agencies the following data:

(1) The amount, by adjacent coastal State, of OCS acreage leased in that fiscal year;

(2) The amount, by adjacent coastal State, of oil and natural gas produced from the OCS that year;

(3) The amount of oil and natural gas produced from the OCS that is first landed in each coastal State that year; and

(4) The amount of new employment, as defined in § 931.72(f), by coastal State

(Comment: In computing the volumes of oil and gas in paragraphs (a)(2) and (a)(3), the Associate Administrator will consider 6,000 cubic feet of natural gas to be the equivalent of one barrel of oil.)

(b) The Associate Administrator will provide these data to the States as soon as the data are collected. The States will have a comment period of 45 days during which to present evidence of errors in the data. At the end of the 45-day period, the allotment—incorporating any revised data—will be made.

(c) The data for each State in paragraphs (a)(1–4) of this section, when divided by the sum of these data for all States, constitute a set of weighting coefficients which will be applied in the following manner to the amount appropriated for the purpose of section 308(b):

(1) The set of State coefficients derived from the data of paragraph (a)(1) of this section (acreage leased) will be applied to one-third of the amount appropriated;

(2) The set of coefficients derived from the data of paragraph (a)(2) of this section (oil and gas produced) will be applied to one-sixth of the amount appropriated;

(3) The set of coefficients derived from the data of paragraph (a)(3) of this section (oil and gas first landed) will be

applied to one-sixth of the amount appropriated; and

(4) The set of coefficients derived from the data of paragraph (a)(4) of this section (new employment) will be applied to one-third of the amount appropriated.

(d) The procedure above will result in four separate amounts for each coastal State. The sum of these four amounts is the allotment for each State of the moneys appropriated for the purposes of section 308(b).

§ 931.77 Allotment from the Fund (section 308(d)(4)).

(a) Moneys appropriated for the purposes of section 308(d)(4) will be allotted to the States according to the procedures outlined in Subpart E of this part for allotting sections 308(d)(1) and (2) assistance.

(b) Moneys alloted a State under section 308(d)(4) that are not expended or committed within the fiscal year in which the allotment was made will be returned to the Fund for reallotment. The Associate Administrator will extend the period of availability of an allotment if he/she determines that there are extenuating circumstances that justify such an extension.

§ 931.78 Requisition and application procedures.

(a) An ellgible coastal State may requisition the proceeds of its formula grants for the purposes set forth in § 931.74 as soon as it is notified of the amount of its allotment. If the State's grant is insufficient or if the State has not been allotted formula grants, the State may apply for moneys from the Fund.

(b) The requisitions and applications must be made by the State entity designated under § 931.26(a)(1).

(c) Requisitions for proceeds under section 308(b) and applications for moneys under section 308(d) must:

(1) Contain a certification by the State entity designated under § 931.26(a)(2) that the disbursement of the moneys within the State will be in accord with the intrastate allocation system required under section 308(g)(2) and as described in Subpart J of this part;

(2) Contain a certification by the State agency designated under § 923.23 or § 920.42 of this chapter or under § 931.3(a)(3) that the moneys will be used in a manner that is compatible with the State's developing, or consistent with the State's approved, coastal zone management program;

(3) Contain a certification that the loss is "unavoidable" as defined in § 931.72(a);

(4) Include factual information necessary to evaluate the project's environmental impacts, in detail sufficient to enable the Associate Administrator to determine whether an environmental impact statement (EIS) will be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(5) Contain a showing that such applications or requisitions for assistance have complied with the requirements of the Project Notification and Review System established by Office of Management and Budget Circular Number A-95 (Part I).

(d) Requisitions for proceeds under section 308(b) must also contain such adequate assurances as are required by Subpart J of this part.

(e) It is the intent of the Associate Administrator that completed requisitions and applications will be processed within 45 days of completion of the required A-95 reviews, unless the Associate Administrator determines that an environmental impact statement is required.

(f)(1) Prior to being notified of any allotment under sections 308(b) and (d)(4), a coastal State agency designated under § 931.26(a)(1) may submit to the Associate Administrator proposals for projects to reduce or ameliorate the loss of or damage to valuable environmental/recreational resources that has resulted from coastal energy activity. Such proposals must contain information and certifications required under paragraph (c) of this section.

(2) Upon completion of the Associate Administrator's verification, and if he/she determines that no environmental impact statement is required, the State may requisition in any year proceeds of section 308(b) grants for such projects, after notification of its allotment under section 308(b), without submission of any further information or further review and verification by the Associate Administrator except for the adequate assurances required under paragraph (d) of this section.

§ 931.79 Limitations.

The proceeds of grants under section 308(b) and moneys under section 308(d)(4) may not be used:

(a) For the prevention, reduction, or amelioration of any loss of an environmental or recreational resource that is directly attributable to the sale, lease, rental, or conversion to other uses of such resource by a State agency or unit of local government;

(b) To pay for that part of the cost of a project, designed to prevent, reduce, or ameliorate the loss of a recreational resource, which is incommensurate with the value of the recreational resource;

(c) To pay for that part of the cost of a project, designed to prevent, reduce, or ameliorate the loss of an environmental resource, which is incommensurate with the value of the environmental resource; or

(d) For any prevention, reduction, or amelioration of an unavoidable environmental loss by means of a public facility of the types specified in § 931.42(a), except for:

(1) Facilities for environmental protection as defined in § 931.42(a)(2);

(2) Facilities to reduce or ameliorate environmental losses from freshwater or saltwater intrusion or erosion;

(3) Payment of the differential in cost between the least cost method of providing a public facility required as a result of coastal energy activity and a higher cost method that reduces the environmental loss of the least cost method; and

(4) Any such facility or modification of an existing facility that is determined by the Associate Administrator to be necessary primarily for the reduction or amelioration of environmental losses.

Subpart H—Lateral Seaward Boundaries

§ 931.80 General.

For the calculations of formula grant allotments under § 931.76, outer Continental Shelf acreage and production shall be considered adjacent to a particular coastal State if such acreage and production lie on that State's side of the extended lateral seaward boundaries of that State. These extended lateral seaward boundaries of a coastal State shall be determined by delimitation lines established by the Associate Administrator according to the procedures of this subpart. These delimitation lines are to be established solely for determining a State's adjacency to outer Continental Shelf acreage and production for the purposes of section 308(b), and they are not intended to have application under any other law or treaty of the United States.

§ 931.81 Establishment of delimitation lines when agreements exist between States.

If a lateral seaward boundary extending to the outer limit of the territorial sea has been clearly defined or fixed by an interstate compact, agreement, or judicial decision at the time these regulations become effective, a delimitation line extending such boundary through the outer Continental Shelf shall be based on the principles used to delimit or define the lateral seaward boundary in such compact, agreement, or decision. A copy of all such compacts, agreements, or decisions must be submitted to the Associate Administrator before calculations of State allotments are made and within one month from the date these regulations become effective.

§ 931.82 Establishment of delimitation lines when no agreements exist between States.

If no lateral seaward boundary, or any portion thereof, has been clearly defined or fixed by interstate compact, agreement, or judicial decision, a delimitation line extending from the outer limit of the territorial sea through the outer Continental Shelf shall be established in the following manner:

(a) If within six months from the date these regulations become effective a lateral seaward boundary to the outer limit of the territorial sea is delimited or defined by an interstate compact, agreement, or judicial decision, the Associate Administrator will establish a delimitation line through the outer Continental Shelf based upon the same principles used to delimit or define the lateral seaward boundary in such compact, agreement, or judicial decision. A lateral seaward boundary established by interstate compact or agreement may be based on any principles which are mutually acceptable to the States involved. When such a boundary is based on the principles of equidistance contained in the Convention on the Territorial Sea and the Contiguous Zone, the procedures outlined in § 931.84 will be followed. The lateral seaward boundary delimited or defined by such a compact, agreement, or judicial decision must be appropriately documented to the Associate Administrator no later than six months from the date these regulations become effective. Appropriate documentation shall include data sufficient to define the lateral seaward boundary and may include dimensionally stable base maps, geographic positions, azimuths, computations, and written descriptions.

(b) If a lateral seaward boundary is not defined or delimited by compact, agreement, or judicial decision within six months from the date these regulations become effective, delimitation lines will be established by the Associate Administrator based on applicable principles of law, including but not limited to the principles enumerated in the Convention on the Territoral Sea and the Contiguous Zone, the Convention on the Continental Shelf, and relevant judical decisions. When delimitation lines are determined by the principles of equidistance as contained in the Conventions, the procedures outlined in § 931.84 will be followed. Prior to establishing these delimitation lines, the Associate Administrator will allow a four month period during which time the States falling to delimit or define a lateral seaward boundary may submit written arguments in support of their respective positions. Within two months after expiration of the period allowed for submission of arguments by States, the Associate Administrator will establish the required delimitation lines. The procedures of this paragraph may be invoked at any time after these regulations become effective if the States concerned jointly seek a determination by the Associate Administrator.

§ 931.83 Establishment of delimitation lines under later compacts, agreements, or judicial decisions.

If, after the date these regulations become effective, two or more States enter into or amend an interstate compact of agreement, or a judical decision is rendered in order to clearly define or fix a lateral seaward boundary, delimitation lines extending such a boundary through the outer Continental Shelf will be based on principles used to delimit or define the lateral seaward boundary in such compact, agreement, or judicial decision. However, delimitation lines so extended or altered will not affect grants made previously in accord with calculations under § 931.76.

§ 931.84 Procedures for defining delimitation lines by equidistance principles.

When delimitation is based on the principles of equidistance as contained in the Conventions on the Territorial Sea and the Contiguous Zone and on the Continental Shelf, the baseline as described therein will be the intersection of the National Ocean Survey (NOS) low water datum of reference with the land, as determined and published by the NOS on large scale nautical charts of the area. The baseline used in the application of equidistance principles to define lateral seaward boundaries or delimitation lines is that baseline from which the breadth of the territorial sea is measured. The Interagency Coastline Committee of the NSC Law of the Sea Task Force, who has the responsibility to apply principles of international law and the Convention on the Territorial Sea and the Contiguous Zone in delimiting the territorial sea and the contiguous zone of the United States, will be charged with the identification of the baseline, including closing lines, on NOS charts as required to establish the equidistance lines. The NOS will chart points along the equidistance lines, determine the geographic positions of these points by either graphical or analytical procedures, and document the delimitation lines for review and comment by the Coastline Committee and final approval by the Associate Administrator.

§ 931.85 Formula grants impounded for disputed areas.

That portion of a State's allotment of section 308(b) formula grants which is dependent on Outer Continental Shelf acreage and production in disputed areas will be impounded until such time as the required delimitation lines have been established by the Associate Administrator using the procedures outlined in § 931.82.

Subpart I—General Provisions

§ 931.90 Allowable costs.

(a) Allowable costs will be determined in accord with Federal Management Circular 74-4, Cost Principles Applicable to Grants and Contracts with State and Local Governments (34 CFR 255), and with the unique requirements of the Coastal Energy Impact Program. Specifically, project costs must:

(1) Be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of States or units of local governments;

(2) Be authorized or not prohibited under State or local laws or regulations;

(3) Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items;

(4) Be consistent with policies, regulations, and procedures that apply uniformly to both Federally assisted and other activities of the unit of government of which the recipient is a part;

(5) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances;

(6) Not be allocable to or included as a cost of any other Federally financed program in either the current or a prior period; and

(7) Be net of all applicable credits.

(b) Applications for assistance under this part for projects or programs to provide new or improved public facilities will be subject to the following additional requirements.

(1) Design and performance standards must conform to professionally recognized national standards. Costs must be reasonable and comparable to the cost of similar work awarded through open competitive bidding in the geographic area of the project.

(2) Compensation for engineering, architectural, or similar services shall not be based on a percentage-of-construction cost.

(3) The following will be allowable project costs when necessary and reasonable for the completion of projects or programs assisted under this part:

(i) Land acquisition (including less-than-fee simple), easements, and rights-of-way;

(ii) Architectural, engineering, and other necessary technical service fees;

(iii) Lease or rental of essential moveable equipment;

(iv) Construction expenses including construction materials, fixtures, appurtenances, and fixed machinery and equipment;

(v) Site preparation and improvement; and

(vi) Initial operating inventory of supplies and depletable material.

(4) Activities conducted, or assets acquired, prior to approval of an assistance application are allowable costs only when specifically provided for in the grant or loan contract or agreement. Previously acquired assets not covered by an agreement may, however, be included in the State's matching share to the extent that they are applicable to the project or program. Purchase options for land and materials essential to the project or program may be an allowable project cost.

§ 931.91 Administrative procedures.

Administrative procedures for grants and credit assistance are based to the maximum extent possible upon Federal Management Circular 74-7, Uniform Administrative Requirements for Grants-in-Aid to State and Local Government (34 CFR 256).

§ 931.92 Compliance with OMB Circular A-95 requirements.

All preapplications, applications, and requisitions for assistance for public facilities and public services and for environmental and recreational grants are subject to the Project Notification and Review System established by Office of Management and Budget Circular No. A-95 (Part I), as implemented by regulations promulgated by the National Oceanic and Atmospheric Administration, 15 CFR 905.

§ 931.93 Other Federal requirements.

Compliance with all other Federal statutory provisions and regulations

thereunder which are applicable to Federal assistance programs and recipients of such assistance is a condition of CEIP assistance.

§ 931.94 Environmental Impact Statements.

Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and the guidelines issued thereunder, 40 CFR 1500.1 et seq., the Associate Administrator will conduct an environmental impact assessment on each proposed use of assistance under Subparts E and G of this part to determine whether an environmental impact statement (EIS) will be required. Such assessment will be based on threshold criteria which will be provided in guidelines. It is not anticipated that proposed uses of assistance under Subparts D (Planning) and F (Repayment Assistance) of this part will require EIS preparation; however, the Associate Administrator will monitor the uses of assistance under these subparts with the requirements of NEPA in mind. Initial data and information on the environmental impacts of a proposed project will be provided by the potential recipient of assistance under this part, according to guidelines which will be developed by OCZM. When the Associate Administrator determines that an EIS will be required, he/she will also consider the preparation of a regional or programmatic EIS on a group of similar or related projects, if appropriate. If, prior to receiving notice of its allotment under Subpart E of this part, a State wishes to seek an advance determination as to whether an EIS will be required for a proposed project, such State may submit the information required under § 931.48 (a)(5) to the Associate Administrator. The Associate Administrator will review the information submitted and will make a determination within 45 days of receipt of such information.

§ 931.95 Records.

(a) All initial recipients of financial assistance under section 308 shall keep and preserve, and shall require each unit of local government to which it passes the assistance to keep and preserve, detailed project control records reflecting acquisitions, work progress, expenditures, and commitments, indicating in each instance their relationship to estimated costs and schedules. Such records shall be retained until:

(1) Completion of the project, program, or other undertaking for which a grant was made or used, and thereafter for a period of at least three years; or

(2) Full repayment of a loan or guaranteed indebtedness for which such financial assistance was provided, and thereafter for a period of at least three years.

(b) All recipients described in paragraph (a) of this section shall keep and preserve such full written financial records, accurately disclosing the amount and the disposition of the assistance, together with the amounts and disposition of other funds applied to the project, program, or other undertaking, as shall adequately establish compliance with the requirements of section 308, the terms and conditions upon which such financial assistance was made, and the standards for financial management systems contained in Attachment G to Federal Management Circular (FMC) 74-7.

(1) Recipients of grant assistance shall retain such financial records until completion of the project, program, or other undertaking for which such grant was made or used and thereafter for a period of at least three years.

(2) Recipients of loans or guarantees shall retain such financial records until complete repayment of the loan or guaranteed indebtedness for which such financial assistance was provided and thereafter for a period of at least three years.

§ 931.96 Audit.

The Associate Administrator, the Secretary of Commerce, and the Comptroller General shall have access for purposes of audit and examination to any records, books, documents, and papers which belong to, or are used or controlled by, any recipient of the assistance or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if such financial assistance is being or was used in accordance with section 308, the terms and conditions upon which such financial assistance was received, and FMC 74-7.

§ 931.97 Recovery of funds.

This section sets forth requirements and procedures in accordance with section 308(b)(5) to ensure that grant proceeds received by States under section 308(b) may be recovered by NOAA if such proceeds have been expended or committed for unauthorized purposes, or if they have not been expended or committed before the close of the fiscal year immediately following the fiscal year in which the grant proceeds were disbursed.

(a) *Adequate assurances.* (1) Each requisition for the proceeds of section 308(b) grants submitted by a State under Subparts D, E, F, or G of this part shall contain a written statement that:

(i) The State agency requisitioning the proceeds possesses the legal authority to do so;

(ii) The State agency has established or will establish fiscal control and fund accounting procedures which assure proper further disbursement of and accounting for grant proceeds;

(iii) The State will repay to the United States, with interest at the rate esablished for loans made under section 308(d)(1) at the same time the proceeds of section 308(b) grants were disbursed, the amount of a grant which has been determined by the Associate Administrator not to have been expended or committed for purposes other than those set forth in §§ 931.33(b), 931.43(b), 931.63 (b), and 931.74; and

(iv) The State will repay to the United States the amount of any grant which has been determined by NOAA to have been expended or committed before the close of the fiscal year immediately following the fiscal year in which the grant proceeds were disbursed.

(2) If a State has received a written request for repayment under § 931.97(b)(1) NOAA may require such additional assurances as it finds necessary to protect the interests of the United States in the making of grants to the State.

(b) *Procedures for the recovery of funds.* (1) Upon receipt from NOAA of a written request for repayment which contains a finding that the proceeds of a grant received by the State under section 308(b) have been expended or committed for purposes other than those set forth in §§ 931.33(b), 931.43(b), 931.63 (b), and 931.74, or have not been expended or committed before the close of the fiscal year immediately following the fiscal year in which the grant proceeds were disbursed, such State shall provide a written response within 15 days to either refute or admit such findings.

(2) The Associate Administrator shall make a determination that repayment by the State will or will not be required, and shall notify the State of this determination no later than 45 days from the receipt by the State of the request for repayment described in paragraph (b)(1) of this section.

(3) If the Associate Administrator determines that repayment is required, the State shall have 30 days from the date of receipt of such determination to file a request for reconsideration with the Associate Administrator, or 60 days from the date of receipt of such determination to make a repayment by check in the amount stated in such determination.

(i) If the State's request for reconsideration is denied, the State shall have 15 days from the date of such denial to make a repayment by check in the amount determined to be owed to the United States.

(ii) If, as a result of the State's request for reconsideration, the Associate Administrator modifies his/her determination of the amount required to be repaid by the State, such State shall have 15 days from the date of such modification to make the repayment, if any, by check.

(4) If no repayment is received within the time period established by paragraph (b)(3) of this section, NOAA shall take necessary action to recover the amount due. Methods of recovery may include, but are not limited to:

(i) The modification or termination of a grant being received by such State under section 308(b);

(ii) The modification or termination of financial assistance under sections of the Act other than section 308(b);

(iii) The withholding of future financial assistance to the State under any section of the Act; and

(iv) The modification or termination of financial assistance being received by such State under other programs administered by the Department of Commerce, or the withholding of future financial assistance to such State under these programs.

(5) Actions undertaken under paragraph (b) of this section shall not in any way prejudice any rights of NOAA to pursue such other remedies as may be legally available and appropriate under the circumstances, including the referral of the claim against the State to the Department of Justice.

§ 931.98 Coordination with other Federal agencies.

(a) No financial assistance for studying and planning provided under sections 308(b)(4)(B) and 308(c), for public facilities and public services provided under sections 308(b)(4)(B) and (d), or for environmental and recreational projects provided under sections 308(b)(4)(C) and (d)(4) shall be awarded or disbursed if other Federal funds are available for such purposes, unless the Associate Administrator is assured that the Federal assistance to be received under section 308:

(1) Is to be used in addition to, and not in lieu of, any Federal funds which any coastal State or unit of local government may obtain under any other law; and

(2) Is not duplicative of other funding assistance.

(b)(1) The term "joint funding" means the coordination of multiple Federal assistance under the authority and provisions of the Joint Funding Simplification Act of 1974 (Pub. L. 93-510) in support of and consistent with the CEIP.

(2) When assistance from other Federal programs is insufficient to cover a project or when combinations of assistance from multiple Federal programs are appropriate and beneficial, States and units of local government may request joint funding by the CEIP and other Federal programs in accordance with OMB Circular A-111, 41 FR 32040.

Subpart J—Intrastate Allocation of Financial Assistance

§ 931.110 General.

This subpart sets forth policies, requirements, and criteria required by sections 308(e)(2) and (g)(2) and related to the intrastate allocation of financial assistance provided under section 308.

§ 931.111 Objective.

The objective of these requirements is to assure, to the maximum extent feasible, that section 308 assistance allotted to coastal States is distributed among units of local government in amounts which are proportional to need and in a manner which is equitable and expeditious.

§ 931.112 Process required for intrastate allocations.

Each coastal State must designate or establish a process to allocate its allotted section 308 assistance among State agencies and units of local government based upon need for such assistance. This process must be approved by the Associate Administrator, and it must:

(a) Specify the respective roles of State agencies and units of local government in determining the intrastate allocation of section 308 assistance;

(b) Indicate the State agency designated under § 931.26 which will assume a lead role for administering the process;

(c) Describe the means to be used to define, determine, evaluate, and set priorities for the needs for financial assistance resulting from coastal energy activity;

(d) Describe the means to be used to allocate financial assistance;

(e) Include methods and procedures to assure direct and effective participation by affected State agencies and units of local government throughout the development and implementation of the allocation process;

(f) Include a method of assigning priority to projects for which assistance is not otherwise available from Federal, State, or private sources;

(g) Include a method of assigning priority to projects based on criteria which include need, immediacy or severity of impacts, the establishment of resource or fiscal management capacity of units of local government, and protection of the environment;

(h) Preserve local autonomy;

(i) Establish a coordination mechanism to prevent overlapping or conflicting activities and to ensure a common basis for making assumptions and projections about needs and impacts;

(j) Provide for formal notification of, direct consulation with, and comment by affected units of local government;

(k) Assure that information on the allocation of financial assistance is available to the public throughout the allocation process;

(l) Stipulate reasonable time limits for the allocation of financial assistance; and

(m) Establish or designate a procedure by which units of local government may appeal to the State either the results of its allocation decisions or whether the State complied with the intrastate allocation process described in this section and approved by the Associate Administrator. Such a procedure must include provisions for a record, evidence, and exhibits of relevant information subject to the appeal.

§ 931.113 Forms of assistance.

To the maximum extent practicable and in accord with the intrastate allocation process established pursuant to § 931.112:

(a) States that requisition the proceeds of grants under section 308 for purposes specified in Subparts D and G of this part must pass this assistance through to State agencies and units of local government in the form of grants;

(b) States that requisition the proceeds of grants under section 308 for purposes specified in Subparts E and F of this part must pass this assistance through to State agencies and units of general purpose local government in the form of grants;

(c) States that are allotted credit assistance under section 308 (d)(1) and (d)(2) must pass this assistance through to State agencies and units of general purpose local government using one of the following methods:

(1) State agencies may borrow to provide public facilities and public services needed to meet either State or local needs;

(2) State agencies may borrow to reloan or to grant this assistance to units of general purpose local government for public facilities and public services needed to meet local needs; or

(3) State agencies and units of general purpose local government may submit applications to the State to borrow from the Fund to provide needed public facilities and public services.

§ 931.114 Review and appeal.

(a) The Associate Administrator will review the State's intrastate allocation of section 308 assistance to determine whether the allocation process results in a distribution of assistance which, to the maximum extent practicable, is proportional to need.

(b) In making this latter determination for sections 308 (d)(1) and (d)(2) assistance, the Associate Administrator will compare the proportion of the State's relative need factor (as described in § 931.46) which was originally computed for each impact area with the proportion of the State's allotment under § 931.46 which has been allocated by the State for use within each impact area.

(c) If there is substantial discrepancy between these two proportions, the State agency designated under § 931.26(a)(2) and responsible for the intrastate allocation process will be asked to submit a justification.

(d) A unit of local government may appeal to the Associate Administrator to determine whether the State complied with the intrastate allocation process described in § 931.112 and approved by the Associate Administrator. Such an appeal must be made within 30 days after the unit of local government has exhausted the appeal procedure described in § 931.112(m). Such appeal is limited to the record, evidence, and exhibits introduced at or resulting from the appeal process established or designated pursuant to § 931.112(m). The Associate Administrator will notify the State and unit of local government of his/her findings within 45 days of receipt of the appeal.

(e) If the Associate Administrator finds that the State has not substantially complied with the approved process, section 308 assistance will be withheld until the State reallocates the assistance in accord with the approved process.

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federal register

WEDNESDAY, JANUARY 5, 1977

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

NATIONAL DIFFUSION NETWORK PROGRAM

Final Regulations

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 193—NATIONAL DIFFUSION NETWORK PROGRAM

Final Regulations

Pursuant to the authority contained in section 422(a) of the General Education Provisions Act (20 U.S.C. 1231a), a notice of proposed rulemaking for the National Diffusion Network was published in the FEDERAL REGISTER in 41 FR 45962–45964 on October 18, 1976 governing contract awards under the National Diffusion Network Program. The program has the purpose of promoting wide-spread installation in local school systems of already developed, rigorously evaluated, exemplary educational programs at the early childhood, elementary, secondary, and adult education levels.

I. PROGRAM PURPOSE

The National Diffusion Network is a delivery system designed to disseminate information and provide technical assistance to local school systems, public and private elementary and secondary schools, and early childhood or adult education programs in order that they may adopt exemplary elementary and secondary education, early childhood, or adult education programs, products, and practices approved for dissemination by the Joint Dissemination Review Panel (JDRP) of the Education Division of the Department of Health, Education, and Welfare. The JDRP serves as a quality control mechanism with respect to educational programs, products, and practices proposed for dissemination by officers or employees of the Education Division. In the course of carrying out their program responsibilities, these officers or employees identify programs, developed with Federal funds, which they believe to be sufficiently exemplary to be disseminated in order that they may be replicated or otherwise used in other settings. The JDRP reviews these and approves for dissemination by agencies of the Education Division those programs for which there is adequate evidence that they have been effective.

These JDRP approved programs make up the pool of exemplary programs, products, or practices disseminated by the National Diffusion Network for wide-spread installation in local school districts and in nonprofit private schools. The Network is designed to carry out this purpose through two approaches.

(a) *Developer-demonstrator projects* which will be awarded generally to the public or private agencies, organizations, groups, or individuals which have already developed, with Federal funds, an exemplary program, product, or practice approved for dissemination by the JDRP. The contract recipient will receive funds to:

(1) Develop promotional descriptive materials about the approved program.

(2) Refine, produce, and package instructional, management, and training materials for use in replicating the program;

(3) Share these materials and other information regarding the program, in conjunction with recipients of "Facilitator" contracts described below, with local educational agencies and schools which consider replicating the programs; and

(4) Provide training and technical assistance to these adopters which will install and use the program.

(b) *Facilitator projects*, each of which will be awarded to one or more public or private agencies, organizations, groups, or individuals within a State or combination of adjoining States. The contract recipient will receive funds to:

(1) Engage in widespread dissemination of information to as many local school systems and schools as possible within its State or area in order to acquaint these systems and schools with the exemplary programs which have been approved for diffusion by the Joint Dissemination Review Panel;

(2) Provide technical assistance to interested local educational agencies, and schools within their State or area in considering how this program might relate to and benefit their educational needs and program activities; and

(3) Provide for necessary linkages and arrangements between local educational agencies and schools which decide to install a Network program and the appropriate Developer-Demonstrator.

As the title of the Network suggests, the National Diffusion Network is designed to promote installation of exemplary programs approved by the JDRP throughout the Nation. Developer-Demonstrator contractors will be funded to provide information, training, and technical assistance in all parts of the Nation with regard to a specific program or product. Each Facilitator contractor will concern itself with schools in a particular State or otherwise limited geographic region cutting across contiguous States. It will be a purpose of the Network program to award a substantial number of these Facilitator contracts which will collectively cover all or most of the Nation, subject of course to the quality of proposals received and limitations in available funds. It is not expected that it will be possible to cover all parts of the Nation under the Facilitator category in the initial year of funding under this part.

National Diffusion Network projects operated during FY 1976 with funds awarded late in FY 1975 pursuant to the authority of section 306 of the Elementary and Secondary Education Act. Because the section 306, ESEA authorization has since expired, funds have been appropriated in Fiscal Year 1977 for the Network pursuant to the authority of section 422(a) of the General Education Provisions Act (GEPA), an authority vested in the Commissioner of Education to disseminate information about federally supported education programs. Whereas section 306, ESEA authorized grant awards by the Commissioner, section 422(a) of the GEPA authorizes only contracts. For this reason, awards under this part will be by way of contracts in accordance with the procedures and the requirements of Federal and HEW procurement regulations. (41 CFR Chapters 1 and 3). This part sets forth the general requirements and standards for the program.

Prior recipients of funds under the Network may compete for a contract award pursuant to this part to continue Network activities. Their proposals will be reviewed on the same basis, and under the same evaluation criteria, as a proposal from an agency or institution not previously funded under the Network.

The development of the National Diffusion Network Program has benefited from public participation in the decision-making process. During the past three years, State and local educational personnel, a representative group of Developer-Demonstrator and Facilitator project personnel, and other professionals in the area of dissemination have assisted in developing the National Diffusion Network and have participated in the implementation and operation of the Network.

II. SUMMARY OF COMMENTS AND RESPONSES

Pursuant to section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), interested parties were given thirty days to comment on the proposed regulations. Copies of the Notice of Proposed Rulemaking were distributed to each Chief State School Officer, to each ESEA, Title IV State Coordinator, and to each Developer-Demonstrator and Facilitator project director participating in the National Diffusion Network. A total of twenty-five written responses were received, from nine network participants, five national organizations, three universities, two Federal agencies and from six State educational agencies. A summary of the comments and objections received and the responses of the Office of Education follow:

SUBPART A—GENERAL PROVISIONS

Section 193.1 *Scope and purpose.* a. *Comment.* Several commenters suggested that the regulations include provisions for private profit-making agencies as well as non-profit agencies to be eligible for a Network contract.

Response. A change has been made in §§ 193.11 and 193.21 to include the awarding of contracts to public or private agencies, organizations, groups, or individuals.

b. *Comment.* A commenter suggested including provisions for the establishment of a central collection, assembly, and distribution of National Diffusion Network materials to the Network participants.

Response. No change has been made in the regulation. It is intended that the Division of Educational Replication within the U.S. Office of Education will act as a central coordinating unit for the Network.

c. *Comment.* A suggestion was made to expand the Network to include programs

validated through use of the State Identification, Validation, and Dissemination (IVD) procedures, a State review process for identifying and validating exemplary, Federally funded ESEA, Title III programs.

Response. No change has been made in the regulations. The Office of Education recognizes the Identification, Validation, and Dissemination (IVD) process as a procedure which has been used by States to identify and validate outstanding programs and practices for diffusion and replication within the State in which the program was developed. It also recognizes the contributions that the IVD process has made to improving the quality of evaluation designs primarily for programs and practices developed with ESEA, Title III funds. The policy of the Office of Education, however, is that only those programs, products and practices which have been examined for effectiveness by the Joint Dissemination Review Panel and approved for dissemination may receive funds as Developer-Demonstrators. The JDRP serves as a quality control mechanism to ensure that Federal funds do not support dissemination of programs or products for which there is no evidence of effectiveness. IVD validated programs and practices may be submitted to the JDRP and if approved are eligible to receive funds as Developer-Demonstrators and to participate in the National Diffusion Network.

Section 193.2 *Definitions.* a. *Comment.* Several commenters requested a statement to be included in the definitions providing for early childhood education programs and adult education programs approved for diffusion by the JDRP.

Response. These suggestions have been incorporated in the regulations.

b. *Comment.* A commenter raised several questions and made suggestions concerning procedures used by the Joint Dissemination Review Panel. The Commenter, however, did not suggest that changes be made in the regulation.

Response. A copy of the commenter's letter has been sent to the Chairman of the Joint Dissemination Review Panel and to the Commissioner of Education for consideration and possible modification of present procedures.

SUBPART B—DEVELOPER-DEMONSTRATOR PROJECTS

Section 193.11 *Eligibility for awards.* a. *Comment.* A commenter suggested that the Network should include programs developed with State or local funds if approved for dissemination by the Education Division's JDRP.

Response. No change has been made in the regulations. The authorizing legislation which supports the Network, section 422(a) of the General Education Provisions Act, limits the programs that may be disseminated by the NDN to those programs that were developed with Federal funds.

b. *Comment.* Several comments were received requesting that a Developer-Demonstrator project be able to transfer operation to an agency other than the one at the original developer site.

Response. Changes have been made in § 193.11 of the regulation to incorporate this suggestion.

Section 193.12 *Project activities. Comment.* A commenter asked that the National Diffusion Network provide funds for replicators of Developer-Demonstrator programs.

Response. No change has been made in the regulation. Developer-Demonstrator Projects and Facilitator Projects provide training and technical assistance to adopters and in some cases, where funds permit, may also provide some additional travel and supplies for adopters. Adopting schools, however, are expected to pay for all operational costs associated with the program from funds from other sources.

Section 193.14 *Funding criteria. Comment.* Several commenters proposed that the regulations include provisions to enable potential adopters to visit an adopter site of the program in addition to the originating site.

Response. A change has been made in § 193.14(c) of the regulations to provide for an adopter site to be used for observation as long as the site meets the basic specifications of the original project.

Section 193.21 *Eligibility for awards. Comment.* A commenter suggested that the regulations should emphasize a State-based facilitator rather than a facilitator project which serves segments of a State, or more than one State.

Response. No change in the regulation is deemed necessary. In general, the Office of Education expects to fund Facilitators which serve a single State. Some States, however, because of regional arrangements within a State have in the past found that more than one facilitator within a State was desirable. Also, two States in the past chose to enter into an arrangement which provided for a single facilitator to serve the two States. The regulation is flexible enough to accommodate situations of this type on the same basis as a single State project.

Section 193.22 *Project activities.* a. *Comment.* A commenter proposed collaboration between Facilitators and other State agencies dealing in dissemination activities.

Response. No change in the regulations is deemed necessary. Even though collaboration between Facilitators and other State agencies is not required, points are given in the criteria for collaboration with other State agencies having dissemination objectives and responsibilities. Federal requirements on this do not seem appropriate.

b. *Comment.* Several commenters proposed that technical assistance be provided an adopter site during the implementation phase.

Response. A new paragraph (g) has been added to § 193.22 to provide for such technical assistance.

c. *Comment.* Several commenters requested that Facilitator funds be made available to adopters to cover costs associated with the adoption of a Developer-Demonstrator program when circumstances warrant assistance.

Response. A change has been made by adding § 193.25 which provides that Facilitators may assist adopters with the purchase of educational materials and provide funds for technical assistance to install a Developer-Demonstrator program.

d. *Comment.* Commenters requested that all Joint Dissemination Review Panel approved programs be included in the National Diffusion Network for dissemination and not be limited just to those programs receiving funds as Developer-Demonstrator Projects.

Response. A change has been made in the regulations. All approved JDRP programs will be included for purposes of providing information by Facilitators in the Netwoirk. Only those JDRP approved programs which are funded as Developer-Demonstrators, however, will be able to provide training and technical assistance to potential adopters.

Section 193.23 *Proposal requirements. Comment.* A comment was received requesting that national nonprofit organizations be able to operate Facilitator projects which are national in scope, as opposed to those which are local or regional in scope.

Response. No change has been made in the regulation. Based upon previous experience with the National Diffusion Network, the Office of Education does not believe that a single Facilitator serving all States can provide the numerous personal interactions with local school districts and private nonprofit schools in all States which are necessary for: (a) Matching local needs with possible solutions, and (b) providing training and other technical assistance during the installation process. Past experience indicates that Facilitators which serve a single State or a region within a State can provide these personal interactions. The Office of Education hopes to develop a self sustaining capacity within each State. This capacity would be lost if Facilitators were funded to serve the nation.

Section 193.24 *Funding criteria. Comment.* Several commenters felt that the value placed on item (f) entitled "Prior experience" penalized States not currently having a Facilitator but who desire to respond to a request for proposal.

Response. The prior experience criterion has been deleted.

III. *Other changes.* (a) Minor changes have been made to correct clerical errors or technical inconsistencies in subparts B and C.

(b) Additional items have been included to reflect the relationship that cost has to the funding of a proposal and to establish a basis for programmatic and financial reporting.

(c) Other changes have been made based upon recommendations of the Office of Education Grant and Procurement Division to assure that the regulations conform to contract requirements.

(d) Amendments have been made to § 193.24 to clarify that the Commissioner in awarding Facilitator contracts, will seek to cover as many States as possible

IV. *Adoption of regulations.* After considering all comments, the Commissioner hereby adopts the proposed regulations which were published in the FEDERAL REGISTER on October 18, 1976, with the noted changes, as set forth below.

V. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission subject to the provisions therein concerning Congressional action and adjournment.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.574, National Diffusion Network-Dissemination)

Dated: December 29, 1976.

JOHN W. EVANS,
(Acting) U.S. Commissioner of Education.

Approved: December 29, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

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193.22 Project activities.
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193.24 Funding criteria.
193.25 Allowable costs.

AUTHORITY: Sec. 422(a) of the General Education Provisions Act (20 U.S.C. 1231a); Pub. L. 94-439 (1976); H.R. Rep. No. 94-1219 at 67 (1976).

Subpart A—General Provisions

§ 193.1 Scope and purpose.

(a) *Scope.* The regulations in this part govern contract awards with funds appropriated for purposes of the National Diffusion Network pursuant to section 422(a) of the General Education Provisions Act. Contract awards under this part are subject to applicable provisions contained in 41 CFR Chapters 1 and 3.

(b) *Purpose.* The purpose of this part is to provide for the award of contracts to public or private agencies, organizations, groups, or individuals, to promote the widespread installation in public and private nonprofit elementary and secondary schools, early childhood education programs and education programs for adults who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, of rigorously evaluated, exemplary educational programs, products, or practices already developed with Federal support. (References hereinafter to "schools" shall include public and private nonprofit schools and programs providing education at these levels.) The program will be designed to acquaint schools throughout the Nation with exemplary, Federally funded programs and, if the schools decide to adopt these programs, to assist them in doing so through the provision of information, technical assistance, and training.

§ 193.2 Definitions.

The following definitions shall apply to the terms used in this Part:

(a) "Joint Dissemination Review Panel" or "JDRP" refers to the panel of that name within the Education Division of the Department of Health, Education, and Welfare, and composed of employees of the Office of Education, the National Institute of Education, and the Office of the Assistant Secretary for Education, which reviews educational programs, products, and practices submitted to it by employees of the Education Division for effectiveness and approves them for national dissemination.

(20 U.S.C. 1221b, 1221c, 1221e.)

(b) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 881(f).)

(c) "State" means in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 881(j).)

§ 193.3 Award procedures.

Awards under this part shall be in the form of competitive contracts and shall be governed by the applicable provisions of Federal and Department procurement regulations contained in 41 CFR Chapters 1 and 3.

§§ 193.4—193.10 [Reserved]

Subpart B—Developer-Demonstrator Projects

§ 193.11 Eligibility for awards.

(a) A proposal for a Developer-Demonstrator project may be submitted by any public or private agency, organization, group, or individual that has developed, with Federal support, an exemplary educational program, product, or practice which has been previously approved for dissemination by the Joint Dissemination Review Panel (JDRP).

(b) If the agency which developed the program approved by the JDRP does not apply for a Developer-Demonstrator Project, another agency, organization, group or individual may apply for a Developer-Demonstrator Project award for the JDRP approved program, if the program continues to be operated at the original site and is available for potential adopter visitation and observation, and if the staff which will perform the project activities is composed substantially of staff members who originally developed and operated the project.

§ 193.12 Project activities.

A Developer-Demonstrator Project contract will be awarded for the purpose of carrying out the following activities:

(a) Disseminating information on a nationwide basis, in conjunction with recipients of Facilitator Awards under Subpart C, about the exemplary educational program previously approved by the JDRP;

(b) Developing materials about the approved program to be used by recipients of Facilitator contracts under Subpart C, and local educational agencies, and schools before a local educational agency or school decides to adopt the approved program;

(c) Refining, producing, and packaging instructional, management, and training materials related to the approved program for use with local educational agencies and schools after they have decided to adopt the program;

(d) Providing training and technical assistance to local educational agencies and schools which decide to adopt the approved program in planning for, initiating, and carrying out the program;

(e) Participating in workshops and meetings arranged for by the Commissioner to share information among Network contractors and provide technical assistance to them; and

(f) Evaluating the effectiveness of the diffusion and adoption process including evaluating the data received from the adopter on the effectiveness of program installation.

(20 U.S.C. 1231a; Pub. L. 94-439 (1976); H.R. Rep. No. 1129 at 67 (1976).)

§ 193.13 Proposal requirements.

A proposal for a Developer-Demonstrator Contract award under this subpart must meet the following requirements, in addition to such other requirements as may be set forth in applicable contract documents. The proposal must:

(a) Identify and describe the specific program, product, or practice to be disseminated and document that the program, product, or practice was developed with Federal support and has been approved for dissemination by the Joint Dissemination Review Panel;

(b) Provide for the carrying out of all of the project activities described in § 193.12 and describe the strategies to be used in carrying out these activities;

(c) Set forth a management and an evaluation plan for the project;

(d) Document that the program, product, or practice remains in current use at the site at which it was developed and explain the manner and nature of the current use;

(e) Provide for quarterly reports of such data as is required to measure progress during the project, and a final report due ninety days after the completion of the project, including in the final report recommendations for improving future activities.

(f) Document, if the offeror is other than the original developer of the JDRP approved program, that the program will continue to operate at the original site and be available for visitation by potential adopters and that staff members who originally developed and operated the JDRP approved program will provide training and technical assistance to potential adopters and will participate in other program activities.

§ 193.14 Funding criteria.

In evaluating proposals for Developer-Demonstrator Projects, the Commissioner will apply the following criteria:

(a) *High quality.* (17 points). The extent the proposed project is designed to achieve high quality (beyond meeting minimum requirements) with respect to each of the project activities described in § 193.12;

(b) *Management.* (13 points). The quality of the management and evaluation plans described in the proposal;

(c) *Access to developer site.* (9 points). The extent the proposal provides for access of potential adopters who may wish to visit the ongoing project at the original site and, at the option of the contract recipient, at any additional adopter site in which the program meets the basic specifications of the program at the original site;

(d) *Personnel.* (20 points). Adequacy of educational background and experience of proposed staff members to perform the requirements specified in the RFP including items such as: educational training, experience in the development and operation of a JDRP approved program, and related education and experience in dissemination and staff training.

(e) *Facilities and resources.* (9 points). Adequacy of facilities and other resources;

(f) *Innovative strategies.* (9 points) The extent the proposal provides for innovative dissemination strategies which may be worthy of replication by other Network projects; and

(g) *Cost effectiveness.* (9 points). The cost effectiveness of the project with respect to the number of States, schools, and students to be served

§ 193.15 Allowable costs.

Allowable costs under awards pursuant to this part will be determined in accordance with the cost principles described in 41 CFR Parts 1-15, and may include the costs of employing a small staff to carry out the activities described in § 193.12.

§§ 193.16—193.20 [Reserved]

Subpart C—Facilitator Projects

§ 193.21 Eligibility for awards.

A proposal for a Facilitator Project may be submitted by a public or private agency, organization, group or individual located in the State or region to be served.

§ 193.22 Project activities.

A Facilitator Project contract will be awarded for carrying out the following activities directed to local educational agencies and schools in the State or combination of adjoining States to be served under the project:

(a) Informing local educational agencies and schools about exemplary programs in the National Diffusion Network (i.e., those programs which have been approved for diffusion by the Education Division's Joint Dissemination Review Panel);

(b) Assisting local educational agencies and schools in determining the appropriateness of National Diffusion Network programs for their schools in terms of their assessed needs;

(c) Arranging for potential adopters to visit Demonstrator sites when appropriate;

(d) Arranging for Developer-Demonstrators to train staff members in public and private schools which want to install one or more of the Network programs;

(e) Coordinating the provision of the services described in paragraphs (a) through (d) of this section to local agencies and schools on the most cost-effective basis;

(f) Participating in workshops and meetings arranged for by the Commissioner to share information among Network contractors and provide technical assistance to them; and

(g) Providing technical assistance to adopters after programs have been installed.

§ 193.23 Proposal requirements.

A proposal for a Facilitator contract under this subpart must meet the following requirements, in addition to such other requirements as may be set forth in the applicable request for proposal. The proposal must:

(a) Identify the State, region within a State, or combination of adjacent States to be served under the project (The area to be served as a result of any contract will be negotiated after the technical evaluation);

(b) Provide for the carrying out of all of the project activities described in § 193.22 and describe the strategies to be used in carrying out these activities;

(c) Document, by attaching to the proposal a letter from each Chief State School Officer or through other appropriate documentation, that the Chief State School Officer for each State to be served by the project has been consulted in the development of the proposal;

(d) Set forth a management and an evaluation design for the project;

(e) Provide for quarterly reports on such data as are required to measure progress during the project, and a final report ninety days after the completion of the project, including in the final report recommendations for improving future activities

§ 193.24 Funding criteria.

(a) Awards will cover as many States as possible with consideration given to the number of children within the State and the quality and nature of services to be provided as evaluated based upon criteria in this section.

(b) In evaluating proposals for Facilitator Projects, the Commissioner will apply the following criteria:

(1) *High quality.* (17 points) The extent the proposed project is designed to achieve high quality (beyond meeting minimum requirements) with respect to each of the project activities described in § 193.22;

(2) *Management and evaluation* (13 points). The quality of the management and evaluation plans described by the proposal;

(3) *Personnel.* (20 points). Adequacy of educational background and experience of proposed staff members to perform the requirements specified in the RFP including: education and experience in educational administration and management, dissemination and diffusion, and related experience as change agents or linkers.

(4) *Facilities and resources* (9 points) Adequacy of facilities and other resources;

(5) *Innovation.* (9 points). The extent the proposal provides for innovative dissemination strategies which may be worthy of replication by other Facilitator projects;

(6) *Consultation during proposal development.* (12 points). The extent the offeror has, in the development of the proposal, consulted with State and local educational agencies, private elementary and secondary schools, and other educational resources in the State or States to be served by the project;

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(7) *Consultation during project operation.* (12 points). The extent the proposal provides for consultation by the contractor, in the carrying out of the project, with State and local educational agencies, private elementary and secondary schools, and other educational resources in the State or States to be served by the project.

(8) *Cost effectiveness.* (9 points). Cost effectiveness of the project with respect to the number of schools, programs, and students to be served.

§ 193.25 Allowable costs.

Allowable costs under awards pursuant to this part will be determined in accordance with the cost principles described in 41 CFR Parts 1–15, and may include the costs of employing a small staff to carry out the activities described in § 193.22. Depending upon the availability of funds, allowable costs may include assistance to adopters with the purchase of educational materials and technical assistance related to the installation of the program.

[FR Doc.77-365 Filed 1-4-77 8:45 am]

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
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	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7456]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Allocation and Apportionment of Deductions to Gross Income

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for November 8, 1976 (41 FR 49160), as corrected by a notice appearing in the FEDERAL REGISTER for November 15, 1976 (41 FR 50299), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to provide rules under section 861(b) of the Internal Revenue Code of 1954 for allocation and apportionment of deductions to gross income to determine taxable income from sources within and without the United States. In addition, certain supplementary technical amendments were proposed to the regulations under sections 863 and 905(b) of the Code.

Comments were received in response to the notice of proposed rule making and a public hearing was held on December 16, 1976. After consideration of all relevant matter presented by interested persons regarding the proposed rules, those rules are adopted as revised in certain respects by this document. The revisions made are relatively minor to the scope of the rules as a whole and were made primarily in an effort to clarify the rules. Some of the more important revisions are as follows:

1. For purposes of apportioning on a pro rata basis deductions which are not definitely related to gross income, gross income shall be treated as including exempt, excluded, and eliminated items of income. See § 1.861–8 (d) (2).

2. The apportionment of the deduction for interest expenses under the asset method on the basis of book values has been clarified. See § 1.861–8 (e) (2) (v).

3. A special limited rule has been added permitting apportionment of interest expense on obligations incurred before January 1, 1977 in accordance with the rules existing prior to this Treasury decision. However, a taxpayer making use of such rule may not apportion interest expense under any optional gross income method pursuant to § 1.861–8(e)(2)(vi). See § 1.861–8(e)(2)(vii).

4. In apportioning research and development expenses, account must be taken of amounts received on equipment leases as if such amounts were sales receipts. See § 1.861–8 (e) (3) (ii) (B).

5. In apportioning research and development expenses, the volume of sales of a controlled party taken into account may be reduced in certain instances where the control is less than 100 percent. See § 1.861–8(e)(3)(ii)(D).

6. Apportionment of research and development expense on the basis of an optional gross income method has been clarified with respect to its application to affiliated groups filing consolidated returns. See § 1.861–8(e)(3)(iii).

7. The apportionment of supportive expenses and stewardship expenses is more sharply delineated. See § 1.861–8(e)(4).

8. The rules for apportioning net operating loss deductions are expanded. See § 1.861–8(e)(8).

9. In determining effectively connected taxable income of foreign persons, provision is made for the application of income tax treaties where determinative. See § 1.861–8(f)(1)(iv).

10. New examples (25) and (26) are added illustrating allocation and apportionment of deductions for State income taxes.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On November 8, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 F.R. 49160) (and corrected by a notice appearing in the FEDERAL REGISTER for November 15, 1976 (41 F.R. 50299)) with respect to amending the Income Tax Regulations (26 CFR Part 1) under section 861(b) of the Internal Revenue Code of 1954 to provide rules for allocation and apportionment of deductions to gross income to determine taxable income from sources within and without the United States. In addition, certain supplementary technical amendments were proposed to the regulations under sections 863 and 905(b) of the Code. After consideration of all relevant matter presented by interested persons regarding the proposed rules, such regulations are hereby amended as set forth in such notice of proposed rulemaking (as corrected), except that the following paragraphs of § 1.861–8 are revised or added to read as set forth below:

1. Paragraph (a)(2) and (4) is revised.

2. Paragraph (b)(3) is revised.

3. Paragraph (c)(1) is revised.

4. Paragraph (d)(1) and (2) is revised.

5. Paragraph (e)(2)(i), (iv)(A)(3) and the flush language following (5), (v), that portion of (vi) which precedes (A) thereof, and (vi)(B) is revised.

6. A new subdivision (vii) is added after paragraph (e)(2)(vi) and present subdivision (vii) of paragraph (e)(2) is redesignated as subdivision (viii).

7. Paragraph (e)(3)(i)(B), (ii)(B) and (D), that portion of (iii) which precedes (A) thereof, and (iii)(B) is revised.

8. A new subdivision (iv) is added at the end of paragraph (e)(3).

9. Paragraph (e)(4) is revised.

10. Paragraph (e)(6) is revised.

11. Paragraph (e)(8) is revised.

12. Paragraph (f)(1)(i) and (iv) is revised.

13. Paragraph (f)(1)(vi)(E) is revised.

14. Paragraph (g) example (1)(i) and (iii), example (2)(i) and (iii), example (5)(i) and (iii), example (6)(i), example (8)(i), example (9)(i), example (18), example (19), example (20)(i), and example (21)(i) are revised and new examples (25) and (26) are added after example (24).

Paragraph 1. Section 1.861–8 is amended to read as follows:

§ 1.861–8 Computation of taxable income from sources within the United States and from other sources and activities.

(a) *In general*—(1) *Scope.* Sections 861(b) and 863(a) state in general terms how to determine taxable income of a taxpayer from sources within the United States after gross income from sources within the United States has been determined. Sections 862(b) and 863(a) state in general terms how to determine taxable income of a taxpayer from sources without the United States after gross income from sources without the United States has been determined. This section provides specific guidance for applying the cited Code sections by prescribing rules for the allocation and apportionment of expenses, losses, and other deductions (referred to collectively in this section as "deductions") of the taxpayer. The rules contained in this section apply in determining taxable income of the taxpayer from specific sources and activities under other sections of the Code, referred to in this section as operative sections. See paragraph (f)(1) of this section for a list and description of operative sections. The operative sections include, among others, sections 871(b) and 882 (relating to taxable income of a nonresident alien individual or a foreign corporation which is effectively connected with the conduct of a trade or business in the United States), section 904(a)(1) (as in effect before enactment of the Tax Reform Act of 1976, relating to taxable income from sources within specific foreign countries), and section 904(a)(2) (as in effect before enactment of the Tax Reform Act of 1976, or section 904(a) after such enact-

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ment, relating to taxable income from all sources without the United States).

(2) *Allocation and apportionment of deductions in general.* A taxpayer to which this section applies is required to allocate deductions to a class of gross income and, then, if necessary to make the determination required by the operative section of the Code, to apportion deductions within the class of gross income between the statutory grouping of gross income (or among the statutory groupings) and the residual grouping of gross income. Except for deductions, if any, which are not definitely related to gross income (see paragraphs (c)(2) and (e)(9) of this section) and which, therefore, are ratably apportioned to all gross income, all deductions of the taxpayer (except the deductions for personal exemptions enumerated in paragraph (e)(11) of this section) must be so allocated and apportioned. As further detailed below, allocations and apportionments are made on the basis of the factual relationship of deductions to gross income. If an affiliated group of corporations joins in filing a consolidated return under section 1501, the provisions of this section are to be applied separately to each member in that affiliated group for purposes of determining such member's taxable income.

(3) *Class of gross income.* For purposes of this section, the gross income to which a specific deduction is definitely related is referred to as a "class of gross income" and may consist of one or more items (or subdivisions of these items) of gross income enumerated in section 61, namely:

(i) Compensation for services, including fees, commissions, and similar items;

(ii) Gross income derived from business;

(iii) Gains derived from dealings in property;

(iv) Interest;

(v) Rents;

(vi) Royalties;

(vii) Dividends;

(viii) Alimony and separate maintenance payments;

(ix) Annuities;

(x) Income from life insurance and endowment contracts;

(xi) Pensions;

(xii) Income from discharge of indebtedness;

xiii) Distributive share of partnership gross income;

(xiv) Income in respect of a decedent;

(xv) Income from an interest in an estate or trust.

(4) *Statutory grouping of gross income and residual grouping of gross income.* For purposes of this section, the term "statutory grouping of gross income" or "statutory grouping" means the gross income from a specific source or activity which must first be determined in order to arrive at taxable income" from such specific source or activity under an operative section. (See paragraph (f)(1) of this section.) Gross income from other sources or activities is referred to as the "residual grouping of gross income" or "residual grouping". For example, for purposes of determining taxable income from sources within specific foreign countries and possessions of the United States, in order to apply the per-country limitation to the foreign tax credit (as in effect before enactment of the Tax Reform Act of 1976), the statutory groupings are the separate gross incomes from sources within each country and possession. Moreover, if the taxpayer has income subject to section 904(d) (as in effect after enactment of the Tax Reform Act of 1976), such income constitutes one or more separate statutory groupings. In the case of the per-country limitation, the residual grouping is the aggregate of gross income from sources within the United States. In some instances, where the operative section so requires, the statutory grouping or the residual grouping may include, or consist entirely of, excluded income. See paragraph (d)(2) of this section with respect to the allocation and apportionment of deductions to excluded income.

(5) *Effective date.* The provisions of this section shall be applicable to taxable years beginning after December 31, 1976. For taxable years beginning before January 1, 1977, § 1.861–8 as in effect on October 23, 1957 (T.D. 6258), as amended on August 22, 1966 (T.D. 6892) and on September 29, 1975 (T.D. 7378), will apply.

(b) *Allocation*—(1) *In general.* For purposes of this section, the gross income to which a specific deduction is definitely related is referred to as a "class of gross income" and may consist of one or more items of gross income. The rules emphasize the factual relationship between the deduction and a class of gross income. See paragraph (d)(1) of this section which provides that in a taxable year there may be no item of gross income in a class or less gross income than deductions allocated to the class, and paragraph (d)(2) of this section which provides that a class of gross income may include excluded income. Allocation is accomplished by determining, with respect to each deduction, the class of gross income to which the deduction is definitely related and then allocating the deduction to such class of gross income (without regard to the taxable year in which such gross income is received or accrued or is expected to be received or accrued). The classes of gross income are not predetermined but must be determined on the basis of the deductions to be allocated. Although most deductions will be definitely related to some class of a taxpayer's total gross income, some deductions are related to all gross income. In addition, some deductions are treated as not definitely related to any gross income and are ratably apportioned to all gross income. (See paragraph (e)(9) of this section.) In allocating deductions it is not necessary to differentiate between deductions related to one item of gross income and deductions related to another item of gross income where both items of gross income are exclusively within the same statutory grouping or exclusively within the residual grouping.

(2) *Relationship to activity or property.* A deduction shall be considered definitely related to a class of gross income and therefore allocable to such class if it is incurred as a result of, or incident to, an activity or in connection with property from which such class of gross income is derived. Where a deduction is incurred as a result of, or incident to, an activity or in connection with property, which activity or property generates, has generated, or could reasonably have been expected to generate gross income, such deduction shall be considered definitely related to such gross income as a class whether or not there is any item of gross income in such class which is received or accrued during the taxable year and whether or not the amount of deductions exceeds the amount of the gross income in such class. See paragraph (d)(1) of this section and example (17) of paragraph (g) of this section with respect to cases in which there is an excess of deductions. In some cases, it will be found that this subparagraph can most readily be applied by determining, with respect to a deduction, the categories of gross income to which it is not related and concluding that it is definitely related to a class consisting of all other gross income.

(3) *Supportive functions.* Deductions which are supportive in nature (such as overhead, general and administrative, and supervisory expenses) may relate to other deductions which can more readily be allocated to gross income. In such instance, such supportive deductions may be allocated and apportioned along with the deductions to which they relate. On the other hand, it would be equally acceptable to attribute supportive deductions on some reasonable basis directly to activities or property which generate, have generated, or could reasonably have been expected to generate gross income. This would ordinarily be accomplished by allocating the supportive expenses to all gross income or to another broad class of gross income and apportioning the expenses in accordance with paragraph (c)(1) of this section. For this purpose, reasonable departmental overhead rates may be utilized. For examples of the application of the principles of this paragraph (b)(3) other than to expenses attributable to stewardship activities, see examples (19) through (21) of paragraph (g) of this section. See paragraph (e)(4) of this section for the allocation and apportionment of deductions attributable to stewardship activities.

(4) *Deductions related to a class of gross income.* See paragraph (e) of this section for rules relating to the allocation and apportionment of certain specific deductions definitely related to a class of gross income. See paragraph (c)(1) of this section for rules relating to the apportionment of deductions.

(5) *Deductions related to all gross income.* If a deduction does not bear a definite relationship to a class of gross income constituting less than all of gross income, it shall ordinarily be treated as definitely related and allocable to all of the taxpayer's gross income except where provided to the contrary under paragraph (e) of this section. Paragraph (e)(9) of this section lists various deductions which generally are not definitely related to any gross income and are ratably apportioned to all gross income.

(c) *Apportionment of deductions*—(1) *Deductions definitely related to a class of gross income.* Where a deduction has been allocated in accordance with paragraph (b) of this section to a class of gross income which is included in one statutory grouping and the residual grouping, the deduction must be apportioned between the statutory grouping and the residual grouping. Where a deduction has been allocated to a class of gross income which is included in more than one statutory grouping, such deduction must be apportioned among the statutory groupings and, where necessary, the residual grouping. If the class of gross income to which a deduction has been allocated is included in its entirety in either a single statutory grouping or the residual grouping, there is no need to apportion that deduction. If a deduction is not definitely related to any gross income, it must be apportioned ratably as provided in paragraph (c)(2) of this section. A deduction is apportioned by attributing the deduction to gross income (within the class to which the deduction has been allocated) which is in the statutory grouping or in each of the statutory groupings and to gross income (within the class) which is in the residual grouping. Such attribution must be accomplished in a manner which reflects to a reasonably close extent the factual relationship between the deduction and the grouping of gross income. In apportioning deductions, it may be that for the taxable year there is no gross income in the statutory grouping or that deductions will exceed the amount of gross income in the statutory grouping. See paragraph (d)(1) of this section with respect to cases in which there is an excess of deductions. In determining the method of apportionment for a specific deduction, examples of bases and factors which should be considered include, but are not limited to—

(i) Comparison of units sold attributable to the statutory grouping and attributable to the residual grouping;

(ii) Comparison of the amount of gross sales or receipts;

(iii) Comparison of costs of goods sold;

(iv) Comparison of profit contribution;

(v) Comparison of expenses incurred, assets used, salaries paid, space utilized, and time spent which are attributable to the activities or properties giving rise to the class of gross income; and

(vi) Comparison of the amount of gross income in the statutory grouping with the amount in the residual grouping.

Paragraphs (e)(2) through (e)(8) of this section provide the applicable rules for allocation and apportionment of deductions for interest, research, and development expenses, and certain other deductions. The effects on tax liability of the apportionment of deductions and the burden of maintaining records not otherwise maintained and making computations not otherwise made shall be taken into consideration in determining whether a method of apportionment and its application are sufficiently precise. A method of apportionment described in this paragraph (c)(1) of this section may not be used when it does not reflect, to a reasonably close extent, the factual relationship between the deduction and the groupings of income. The principles set forth above are applicable in apportioning both deductions definitely related to a class which constitutes less than all of the taxpayer's gross income and to deductions related to all of the taxpayer's gross income. If a deduction is not definitely related to any class of gross income, it must be apportioned ratably as provided in paragraph (c)(2) of this section.

(2) *Deductions not definitely related to any gross income.* If a deduction is not definitely related to any gross income (see paragraph (e)(9) of this section), the deduction must be apportioned ratably between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping. Thus, the amount apportioned to each statutory grouping shall be equal to the same proportion of the deduction which the amount of gross income in the statutory grouping bears to the total amount of gross income. The amount apportioned to the residual grouping shall be equal to the same proportion of the deduction which the amount of the gross income in the residual grouping bears to the total amount of gross income.

(d) *Excess of deductions and excluded and eliminated income*—(1) *Excess of deductions.* Each deduction which bears a definite relationship to a class of gross income shall be allocated to that class in accordance with paragraph (b)(1) of this section even though, for the taxable year, no gross income in such class is received or accrued or the amount of the deduction exceeds the amount of such class of gross income. In apportioning deductions, it may be that, for the taxable year, there is no gross income in the statutory grouping (or residual grouping), or that deductions exceed the amount of gross income in the statutory grouping (or residual grouping). If there is no gross income in a statutory grouping or the amount of deductions allocated and apportioned to a statutory grouping exceeds the amount of gross income in the statutory grouping, the effects are determined under the operative section. If the taxpayer is a member of a group filing a consolidated return, such excess of deductions allocated or apportioned to a statutory grouping of income of such member is taken into account in determining the consolidated taxable income from such statutory grouping, and such excess of deductions allocated or apportioned to the residual grouping of income is taken into account in determining the consolidated taxable income from the residual grouping. See § 1.1502–4(d)(1) and the last sentence of § 1.1502–12. For an illustration of the principles of this paragraph (d)(1), see example (17) of paragraph (g) of this section.

(2) *Allocation and apportionment to exempt, excluded or eliminated income.* In allocating or apportioning deductions to classes or statutory groupings of gross income, including apportionment pursuant to paragraph (c)(2) of this section (deductions not definitely related to any class of gross income), gross income shall include amounts which are otherwise exempt or excluded (such as the income of a nonresident alien individual or foreign corporation which is not effectively connected income) or which are otherwise eliminated in the computation of consolidated taxable income reported for the taxable year on a consolidated return (but deferred intercompany transactions, as defined in § 1.1502–13, shall not be included until the year they are included in taxable income). Hence, a deduction may be allocated and apportioned to exempt, excluded, or eliminated income. See example (24) of paragraph (g) of this section. No deduction shall be allowed, under this section, for any amount, or part thereof, allocable and apportionable to a class of exempt, excluded, or eliminated income, if such amount is not allowed as a deduction under another section of the Code. See section 265 and the regulations thereunder.

(e) *Allocation and apportionment of certain deductions*—(1) *In general.* Subparagraphs (2) and (3) of this paragraph contain rules with respect to the allocation and apportionment of interest expense and research and development expenditures, respectively. Subparagraphs (4) through (8) of this paragraph contain rules with respect to the allocation of certain other deductions. Subparagraph (9) of this paragraph lists those deductions which are ordinarily considered as not being definitely related to any class of gross income. Subparagraph (10) of this paragraph lists special deductions of corporations which must be allocated and apportioned. Subparagraph (11) of this paragraph lists personal exemptions which are neither allocated nor apportioned. Examples of allocation and apportionment are contained in paragraph (g) of this section.

(2) *Interest*—(i) *In general.* The method of allocation and apportionment for interest set for th in this paragraph (e)(2) is based on the approach that money is fungible and that interest expense is attributable to all activities and property regardless of any specific purposes for incurring an obligation on which interest is paid. This approach recognizes that all activities and property require funds and that management has a great deal of flexibility as to the source and use of funds. Normally, credi-

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tors of a taxpayer subject the money advanced to the taxpayer to the risk of the taxpayer's entire activities and look to the general credit of the taxpayer for payment of the debt. When money is borrowed for a specific purpose, such borrowing will generally free other funds for other purposes and it is reasonable under this approach to attribute part of the cost of borrowing to such other purposes.

(ii) *Allocation of interest.* Except as provided in subdivisions (iii) and (iv) of this subparagraph, the aggregate of deductions for interest shall be considered related to all income producing activities and properties of the taxpayer and, thus, allocable to all the gross income which the income producing activities and properties of the taxpayer generate, have generated, or could reasonably have been expected to generate.

(iii) *Certain nonbusiness interest.* Interest expense deductible under section 163 which is not paid or incurred during the taxable year

(A) In carrying on any trade or business,

(B) For the production or collection of income,

(C) For the management, conservation, or maintenance of property held for the production of income, or

(D) In connection with the determination, collection, or refund of any tax

shall be considered a deduction which is not definitely related to any class of gross income. For example, interest paid or incurred by an individual on a mortgage which constitutes part or all of the purchase price of his personal residence shall normally be considered a deduction which is not definitely related to any class of gross income.

(iv) *Allocation of interest to specific property.* (A) If the existence of all of the facts and circumstances described below is established, the deduction for interest shall be considered definitely related solely to the class of gross income which the specific property generates, has generated, or could reasonably have been expected to generate. Such facts and circumstances are as follows:

(*1*) The indebtedness on which the interest was paid was specifically incurred for the purpose of purchasing, maintaining, or improving the specific property;

(*2*) The proceeds of the borrowing were actually applied to the specified purpose;

(*3*) The creditor can look only to the specific property (or any lease or other interest therein) as security for payment of the principal and interest of the loan and, thus, cannot look to any other property or the borrower with respect to payment of the loan;

(*4*) It may be reasonably assumed that the return (cash flow) on or from the property will be sufficient to fulfill the terms and conditions of the loan agreement with respect to the amount and timing of payment of principal and interest; and

(*5*) There are restrictions in the loan agreement on the disposal or use of the property consistent with the assumptions described in (*3*) and (*4*) of this subdivision (iv)(A).

Even though the above facts and circumstances are present in substance as well as in form, a deduction for interest will not be considered definitely related to specific property where the motive for structuring the transaction in the manner described above was without any economic significance.

(B) Where an interest deduction is definitely related solely to specific property under (A) of this subdivision (iv), such interest deduction and such property, or the portion thereof, to which such interest deduction relates shall not be included in the allocation described in subdivision (ii) of this paragraph (e)(2). Instead, the interest deduction shall be allocated solely to the gross income derived from the specific property and apportioned accordingly. Thus, if an apportionment is made on the basis of book values and it is determined that the deduction for certain interest is definitely related to $800,000 of book value of certain property which has a total book value of $1 million, only the $200,000 balance will be included for purposes of allocating and apportioning the remaining portion of the interest deduction which is related to all other activities and properties.

(v) *Apportionment of interest—asset method.* Normally, the deduction for interest expense relates more closely to the amount of capital utilized or invested in an activity or property than to the gross income generated therefrom, and therefore the deduction for interest should normally be apportioned on the basis of asset values. Indebtedness permits the taxpayer to acquire or retain different kinds of assets which may produce substantially different yields of gross income in relation to their value. Thus, apportionment of an interest deduction on such basis as gross income may not be reasonable. If a taxpayer consistently apportions the deduction for interest on the basis of the tax book value (original cost for tax purposes less depreciation allowed for tax purposes) of its assets, that method will ordinarily be accepted. Alternatively, if a taxpayer can apportion the deduction on the basis of the fair market value of his assets and he can establish the fair market value to the satisfaction of the Commissioner, that method will also be acceptable. However, once the taxpayer uses fair market value the taxpayer must continue to use such method unless expressly authorized by the Commissioner to change his method. For purposes of determining values of assets under this subdivision (v), an average of values (book or market) shall be computed for the year on the basis of values of assets at the beginning and end of the year. Where a substantial distortion of asset values would result from the use of such an averaging basis, an appropriate method satisfactory to the Commissioner shall be used.

(vi) *Apportionment of interest—optional gross income methods.* If the conditions of either (A) or (B) of this subdivision (vi) are met, in lieu of apportioning the deduction for interest expense (allocable under subdivision (ii) of this paragraph (e)(2)) under subdivision (v) of this paragraph (e)(2), a taxpayer may for any taxable year apportion such deduction, as prescribed in this (A) or (B), between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping of gross income. However, if any member of an affiliated group which files a consolidated return apportions its interest expense for a taxable year under this subdivision (vi), then all members joining that return must use this subdivision (vi) for such taxable year.

(A) *Option one.* If, when apportioned ratably on the basis of gross income between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping of gross income in the same proportions that the amount of gross income in the statutory grouping (or groupings) and the amount of gross income in the residual grouping bear, respectively, to the total amount of gross income,

(*1*) The amount of interest expense ratably apportioned to the statutory grouping (or groupings in the aggregate) is not less than fifty percent (50%) of the amount which would have been so apportioned if the taxpayer had used the method described in subdivision (v) of this paragraph (e)(2), and

(*2*) The amount of interest expense ratably apportioned to the residual grouping is not less than fifty percent (50%) of the amount which would have been so apportioned if the taxpayer had used the method described in subdivision (v) of this paragraph (e)(2), then the taxpayer may apportion his interest expense ratably on the basis of gross income.

(B) *Option Two.* If, when the amount of interest expense is apportioned ratably on the basis of gross income, either condition (*1*) or (*2*) of (A) of this subdivision (vi) is not met, the taxpayer may either:

(*1*) Where condition (*1*) of (A) of this subdivision (vi) is not met, apportion fifty percent (50%) of the amount of interest expense which would have been apportioned to the statutory grouping (or groupings in the aggregate) under subdivision (v) of this paragraph (e)(2), to such statutory grouping (or to such statutory groupings in the aggregate and then among such groupings ratably on the basis of gross income within each grouping), and apportion the balance of the amount of interest expense to the residual grouping; or

(*2*) Where condition (*2*) of (A) of this subdivision (vi) is not met, apportion fifty percent (50%) of the amount of the interest expense which would have been apportioned to the residual grouping, under subdivision (v) of this paragraph (e)(2) to such residual grouping, and apportion the balance to the statutory grouping (or to the statutory groupings in the aggregate and then among

such groupings ratably on the basis of gross income within each grouping).

(vii) *Apportionment of interest—obligations incurred before January 1, 1977.* At the option of the taxpayer, the rules of § 1.861-8 as in effect on October 23, 1957 (T.D. 6892) and on September 29, 1975 (T.D. 7378) may be applied with respect to interest paid on obligations incurred before January 1, 1977. For taxpayers using this option, the interest on obligations to which this option does not apply will be allocated and apportioned under the rules of this paragraph (e)(2), other than subdivision (vi). For purposes of this subdivision (vii), obligations payable on demand shall be deemed to have been incurred on or after January 1, 1977. A taxpayer who, for any taxable year, apportions his interest deduction using either of the optional gross income methods of subdivision (vi) of this paragraph (e)(2) shall not for such taxable year or for any taxable year thereafter have the option provided in this subdivision (vii).

(xiii) *Examples.* Examples (1) and (2) of paragraph (g) of this section illustrate the allocation and apportionment of interest deductions.

(3) *Research and experimental expenditures*—(i) *Allocation*—(A) *In general.* The methods of allocation and apportionment of research and development set forth in this paragraph (e)(3) recognize that research and development is an inherently speculative activity, that findings may contribute unexpected benefits, and that the gross income derived from successful research and development must bear the cost of unsuccessful research and development. Expenditures for research and development which a taxpayer deducts under section 174 shall ordinarily be considered deductions which are definitely related to all income reasonably connected with the relevant broad product category (or categories) of the taxpayer and therefore allocable to all items of gross income as a class (including income from sales, royalties, and dividends) related to such product category (or categories). For purposes of this allocation, the product category (or categories) which a taxpayer may be considered to have shall be limited to the following list. Ordinarily a taxpayer's research and development expenditures may be divided between the relevant product categories. Where research and development is conducted with respect to more than one product category, the taxpayer may aggregate the categories for purposes of allocation and apportionment; however, the taxpayer may not subdivide the categories in this list. Where research and development is not clearly identified with any product category (or categories), it will be considered conducted with respect to all the taxpayer's product categories. The individual products included within each category are enumerated in Executive Office of the President, Office of Management and Budget, Standard Industrial Classification Manual, 1972 (or later edition, as available).

SIC Major Groups	*Nonmanufactured categories*
(01, 02, 07, 08, 09).	Agriculture, forestry and fisheries.
(10, 11, 12)	Hard mineral mining.
(13)	Crude petroleum, and natural gas
(14)	Nonmetallic minerals.
(15, 16, 17)	Construction services.
(40, 41, 42, 43, 44, 45, 46, 47).	Transportation services.
(48)	Communication.
(49)	Electric, gas and sanitary services.
(50, 51)	Wholesale trade (not applicable with respect to sales by the taxpayer of goods and services from any other of the taxpayer's product categories and not applicable with respect to a domestic international sales corporation for which the taxpayer is a related supplier of goods and services from any other of the taxpayer's product categories).
(52, 53; 54, 55, 56, 57, 58, 59).	Retail trade (not applicable with respect to sales by the taxpayer of goods and services from any other of the taxpayer's product categories, except Wholesale trade, and not applicable with respect to a domestic international sales corporation for which the taxpayer is a related supplier of goods and services from any other of the taxpayer's product categories, except Wholesale trade).
(60, 61, 62, 63, 64, 65, 66, 67).	Finance, insurance, and real estate
(70, 72, 73, 75, 76, 78, 79, 80, 81, 82, 83, 84, 86, 88, 89).	Other services.

Sic Major Groups	*Manufactured categories*
(20)	Food and kindred products.
(21)	Tobacco manufactures.
(22)	Textile mill products.
(23)	Apparel and other finished products made from fabrics and similar materials.
(24)	Lumber and wood products, except furniture.
(25)	Furniture and fixtures.
(26)	Paper and allied products.
(27)	Printing, publishing, and allied industries.
(28)	Chemicals and allied products.
(29)	Petroleum refining and related industries.
(30)	Rubber and miscellaneous plastics products.
(31)	Leather and leather products.
(32)	Stone, clay, glass and concrete products.
(33)	Primary metal industries.
(34)	Fabricated metal products, except machinery and transportation equipment.
(35)	Machinery, except electrical.
(36)	Electrical and electronic machinery, equipment and supplies.
(37)	Transportation equipment.
(38)	Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.
(39)	Miscellaneous manufacturing industries.

(B) *Exception.* Where research and development is undertaken solely to meet legal requirements imposed by a political entity with respect to improvement or marketing of specific products or processes, and the results cannot reasonably be expected to generate amounts of gross income (beyond de minimis amounts) outside a single geographic source, the deduction for such research and development shall be considered definitely related and therefore allocable only to the grouping (or groupings) of gross income within that geographic source as a class (and apportioned, if necessary, between such groupings as set forth in subdivisions (ii)(B) and (iii) of this paragraph (e)(3)). For example, where a taxpayer performs tests on a product in response to a requirement imposed by the U.S. Food and Drug Administration, and the test results cannot reasonably be expected to generate amounts of gross income (beyond de minimis amounts) outside the United States, the costs of testing shall be allocated solely to gross income from sources within the United States.

(ii) *Apportionment of research and development—sales method*—(A) *Exclusive apportionment.* Where an apportionment based upon geographic sources of income of a deduction for research and development is necessary (after applying the exception in subdivision (i)(B) of this paragraph (e)(3)), an amount equal to—

(*1*) Fifty percent (50%), in the case of a taxable year beginning during 1977,

(*2*) Forty percent (40%), in the case of a taxable year beginning during 1978,

(*3*) Thirty percent (30%), in the case of a taxable year beginning during 1979, and thereafter,

of such deduction for research and development shall be apportioned exclusively to the statutory grouping of gross income or the residual grouping of gross income, as the case may be, arising from the geographic source where the research and development activities which account for more than fifty percent (50%) of the amount of such deduction were performed. If the fifty percent test of the preceding sentence is not met, then no part of the deduction shall be apportioned under this subdivision (ii)(A). This exclusive apportionment reflects the view that research and development is often most valuable in the country where it is performed, for two reasons. First, research and development often benefits a broad product category,

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consisting of many individual products, all of which may be sold in the nearest market but only some of which may be sold in foreign markets. Second, research and development often is utilized in the nearest market before it is used in other markets, and, in such cases, has a lower value per unit of sales when used in foreign markets. The taxpayer may establish to the satisfaction of the Commissioner that, in its case, one or both of the conditions mentioned in the preceding sentences warrant a significantly greater percent than the relevant percent specified in (*1*), (2), or (3) of this subdivision (ii) (A) because the research and development is reasonably expected to have very limited or long delayed application outside the geographic source where it was performed. For purposes of establishing that only some products within the product category (or categories) are sold in foreign markets, the taxpayer shall compare the commercial production of individual products in domestic and foreign markets made by itself, by uncontrolled parties (as defined under (C) of this subdivision (ii)) of products involving intangible property which was licensed or sold by the taxpayer, and by those controlled corporations (as defined under (D) of this subdivision (ii)) which can reasonably be expected to benefit directly or indirectly from any of the taxpayer's research expense connected with the product category (or categories). The individual products compared for this purpose shall be limited, for nonmanufactured categories, solely to those enumerated in Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1972 (or later edition, as available), and, for manufactured categories, solely to those enumerated at a 7-digit level on pages 5 through 200 of U.S. Bureau of the Census, *Census of Manufactures: 1972, Numerical List of Manufactured Products (New (1972) SIC Basis)*, 1973, (or later edition, as available). Examples (9), (10), and (13) in paragraph (g) of this section illustrate the application of this rule. For purposes of establishing the delayed application of research findings abroad, the taxpayer shall compare the commercial introduction of its own particular products and processes (not limited by those listed in the *Standard Industrial Classification Manual* or the *Numerical List of Manufactured Products*) in the United States and foreign markets, made by itself, by uncontrolled parties (as defined under (C) of this subdivision (ii)) of products involving intangible property which was licensed or sold by the taxpayer, and by those controlled corporations (as defined under (D) of this subdivision (ii)) which can reasonably be expected to benefit, directly or indirectly, from the taxpayer's research expense. For purposes of evaluating the delay in the application of research findings in foreign markets, the taxpayer shall use a safe haven discount rate of 10 percent per year of delay unless he is able to establish, by reference to the cost of money and the number of years during which economic benefit can be directly attributable to the results of the taxpayer's research, that another discount rate is more appropriate (see examples (9) through (12) in paragraph (g) of this section).

(B) *Remaining apportionment.* The amount equal to the remaining portion of such deduction for research and development, not apportioned under (A) of this subdivision (ii), shall be apportioned between the statutory grouping (or among the statutory groupings) within the class of gross income and the residual grouping within such class in the same proportions that the amount of sales from the product category (or categories) which resulted in such gross income within the statutory grouping (or statutory groupings) and in the residual grouping bear, respectively, to the total amount of sales from the product category (or categories). For the purposes of this paragraph (e)(3), amounts received from the lease of equipment during a taxable year shall be regarded as sales receipts for such taxable year. Amounts apportioned under this paragraph (e)(3) may exceed the amount of gross income related to the product category within the statutory grouping. In such case, the excess shall be applied against other gross income within the statutory grouping. See paragraph (d)(1) of this section for instances where the apportionment leads to an excess of deductions over gross income within the statutory grouping.

(C) *Sales of uncontrolled parties.* For purposes of the apportionment under (B) of this subdivision (ii), the sales from the product category (or categories) by each party uncontrolled by the taxpayer, of particular products involving intangible property which was licensed or sold by the taxpayer to such uncontrolled party shall be taken fully into account both for determining the taxpayer's apportionment and for determining the apportionment of any other member of a controlled group of corporations to which the taxpayer belongs if the uncontrolled party can reasonably be expected to benefit directly or indirectly (through any member of the controlled group of corporations to which the taxpayer belongs) from the research expense connected with the product category (or categories) of such other member. In the case of licensed products, if the amount of sales of such products is unknown (for example, where the licensed product is a component of a large machine), a reasonable estimate should be made. In the case of sales of intangible property, and in cases where a reasonable estimate of sales of licensed products cannot be made, the sales taken into account shall be an amount which is ten times the amount received or accrued for the intangible during the taxpayer's taxable year. For purposes of this subdivision (ii)(C), the term "uncontrolled party" means a party which is not a person with a relationship to the taxpayer (specified in section 267(b)), or is not a member of a controlled group of corporations to which the taxpayer belongs (within the meaning of section 993(a)(3)). An uncontrolled party can reasonably be expected to benefit from the research expense of a member of a controlled group of corporations to which the taxpayer belongs if such member can reasonably be expected to license, sell, or transfer intangible property to that uncontrolled party, or transfer secret processes to that uncontrolled party, directly or indirectly through a member of the controlled group of corporations to which the taxpayer belongs.

(D) *Sales of controlled parties.* For purposes of the apportionment under (B) of this subdivision (ii), the sales from the product category (or categories) of the taxpayer shall be taken fully into account and the sales from the product category (or categories) of a corporation controlled by the taxpayer shall be taken into account to the extent provided in (*1*) or (2) of this subdivision (ii)(D) for determining the taxpayer's apportionment, if such corporation can reasonably be expected to benefit directly or indirectly (through another member of the controlled group of corporations to which the taxpayer belongs) from the taxpayer's research expense connected with the product category (or categories). However, sales from the product category (or categories) between or among such controlled corporations or the taxpayer shall not be taken into account more than once; in such a situation, the amount sold by the selling corporation to the buying corporation shall be subtracted from the sales of the buying corporation. For purposes of this subdivision (ii)(D), the term "a corporation controlled by the taxpayer" means any corporation other than an "uncontrolled party" as defined in (C) of this subdivision (ii). A corporation controlled by the taxpayer can reasonably be expected to benefit from the taxpayer's research expense if the taxpayer can be expected to license, sell, or transfer intangible property to that corporation, or transfer secret processes to that corporation, either directly or indirectly through a member of the controlled group of corporations to which the taxpayer belongs. Past experience with research and development shall be considered in determining reasonable expectations. However, if the corporation controlled by the taxpayer has entered into a bonafide cost-sharing arrangement, in accordance with the provisions of § 1.482–2(d)(4), with the taxpayer for the purpose of developing intangible property, then that corporation shall not reasonably be expected to benefit from the taxpayer's share of the research expense. The sales from the product category (or categories) of a corporation controlled by the taxpayer taken into account shall be the greater of—

(*1*) The amount of sales that would have been taken into account under paragraph (e)(3)(ii)(C) of this section if the controlled corporation were an uncontrolled party and if any intangible property contributed by the taxpayer to the controlled corporation were treated as a license of that intangible property; or

(2) The amount of sales that bear the same proportion to total sales of the controlled corporation as the taxpayer's direct or indirect ownership, as defined in section 1563, of the total combined voting power of all classes of stock entitled to vote of such corporation bears to the total outstanding combined voting power of all such classes of stock of such corporation.

(iii) *Apportionment of research and development—optional gross income methods.* If the conditions of either (A) or (B) of this subdivision (iii) are met, in lieu of apportioning the deduction for research and development expense under subdivision (ii) of this paragraph (e)(3), a taxpayer may, at his option, for any taxable year apportion such deduction, as prescribed in (A) or (B) of this subdivision (iii), between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping of gross income. These optional methods must be applied to the taxpayer's entire deduction for research and development expense remaining after applying the exception in subdivision (i)(B) of this paragraph (e)(3), and may not be applied on a product category basis. However, if any member of an affiliated group which files a consolidated return apportions its research and development expense for a taxable year under this subdivision (iii), then all members joining that return must use this subdivision (iii) for such taxable year.

(A) *Option One.* If, when apportioned ratably on the basis of gross income between the statutory grouping (or among the statutory groupings) of gross income and the residual grouping of gross income in the same proportions that the amount of gross income in the statutory grouping (or groupings) and the amount of gross income in the residual grouping bear, respectively, to the total amount of gross income,

(*1*) The amount of research and development expense ratably apportioned to the statutory grouping (or groupings in the aggregate) is not less than fifty percent (50%) of the amount which would have been so apportioned if the taxpayer had used the method described in subdivision (ii) of this paragraph (e)(3), and

(2) The amount of research and development expense ratably apportioned to the residual grouping is not less than fifty percent (50%) of the amount which would have been so apportioned if the taxpayer had used the method described in subdivision (ii) of this paragraph (e)(3),

then the taxpayer may apportion his research and development expense ratably on the basis of gross income.

(B) *Option Two.* If, when the amount of research and development expense is apportioned ratably on the basis of gross income, either condition (*1*) or (2) of (A) of this subdivision (iii) is not met, the taxpayer may either:

(*1*) Where condition (*1*) of (A) of this subdivision (iii) is not met, apportion fifty percent (50%) of the amount of research and development expense which would have been apportioned to the statutory grouping (or groupings in the aggregate) under subdivision (ii) of this paragraph (e)(3) to such statutory grouping (or to such statutory groupings in the aggregate and then among such groupings on the basis of gross income within each grouping), and apportion the balance of the amount of research and development expenses to the residual grouping; or

(2) Where condition (2) of (A) of this subdivision (iii) is not met, apportion fifty percent (50%) of the amount of research and development expense which would have been apportioned to the residual grouping under subdivision (ii) of this paragraph (e)(3) to such residual grouping, and apportion the balance of the amount of research and development expenses to the statutory grouping (or to the statutory groupings in the aggregate and then among such groupings ratably on the basis of gross income within each grouping).

(iv) *Examples.* Examples (3) through (16) and example (23) of paragraph (g) of this section illustrate the allocation and apportionment of research and development deductions.

(4) *Stewardship expenses attributable to dividends received.* If a corporation renders services for the benefit of a related corporation and the corporation charges the related corporation for such services (see section 482 and the regulations thereunder which provide for an allocation where the charge is not on an arm's length basis as determined therein), the deductions for expenses of the corporation attributable to the rendering of such services are considered definitely related to the amounts so charged and are to be allocated to such amounts. However, the regulations under section 482 (§ 1.482–2(b)(2)(ii)) recognize a type of activity which is not considered to be for the benefit of a related corporation but is considered to constitute "stewardship" or "overseeing" functions undertaken for the corporation's own benefit as an investor in the related corporation, and therefore, a charge to the related corporation for such stewardship or overseeing functions is not provided for. Services undertaken by a corporation of a stewardship or overseeing character generally represent a duplication of services which the related corporation has independently performed for itself. For example, assume that a related corporation, which has a qualified financial staff, makes an analysis to determine the amount and source of its borrowing needs and submits a report of its findings and a plan of borrowing to the parent corporation, and the parent corporation's financial staff reviews the findings and plans to determine whether to advise the related corporation to reconsider its plan. The services of review performed by the parent corporation for its own benefit are of a stewardship or overseeing character. The deductions resulting from stewardship or overseeing functions are incurred as a result of, or incident to, the ownership of the related corporation and, thus, shall be considered definitely related and allocable to dividends received or to be received from the related corporation. If a corporation has a foreign or international department which exercises stewardship or overseeing functions with respect to related foreign corporations and, in addition, the department has other functions which are attributable to other foreign-source income (such as fees for services rendered outside of the United States for the benefit of foreign related corporations, foreign royalties, and gross income of foreign branches) to which its deductions are also to be allocated, some part of the deductions with respect to that department are considered definitely related to the other foreign-source income. In some instances, the operations of a foreign or international department will also be attributable to United States source income (such as fees for services performed in the United States) to which its deductions are to be allocated. Methods of apportionment which could possibly be utilized with respect to stewardship expenses include comparisons of time spent by employees weighted to take into account differences in compensation, or comparisons of each related corporation's gross receipts, gross income, or unit sales volume, assuming that stewardship activities are not substantially disproportionate to such factors. See paragraph ((f)(5) of this section for the type of verification that may be required in this respect. See examples (17) and (18) of paragraph (g) of this section for the allocation and apportionment of stewardship expenses. See paragraph (b)(3) of this section for the allocation and apportionment of deductions attributable to supportive functions other than stewardship activities.

(5) *Legal and accounting fees and expenses.* Fees and other expenses for legal and accounting services are ordinarily definitely related and allocable to specific classes of gross income or to all the taxpayer's gross income, depending on the nature of the services rendered (and are apportioned as provided in paragraph (c)(1) of this section). For example, accounting fees for the preparation of a study of the costs involved in manufacturing a specific product will ordinarily be definitely related to the class of gross income derived from (or which could reasonably have been expected to be derived from) that specific product. The taxpayer is not relieved from his responsibility to make a proper allocation and apportionment of fees on the grounds that the statement of services rendered does not identify the services performed beyond a generalized designation such as "professional," or does not provide any

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type of allocation, or does not properly allocate the fees involved.

(6) *Income taxes.* The deduction for State, local, and foreign income, war profits and excess profits taxes allowed by section 164 shall be considered definitely related and allocable to the gross income with respect to which such taxes are imposed. For example, if a domestic corporation is subject to State income tax and the amount of such State income tax is imposed in part on the amount of foreign source income, that part of such State income tax attributable to foreign source income is definitely related and allocable to foreign source gross income. Examples (25) and (26) of paragraph (g) of this section illustrate the application of this subparagraph (6).

(7) *Losses on the sale, exchange, or other disposition of property*—(i) *Allocation.* The deduction allowed for loss recognized on the sale, exchange, or other disposition of a capital asset or property described in section 1231(b) shall be considered a deduction which is definitely related and allocable to the class of gross income to which such asset or property ordinarily gives rise in the hands of the taxpayer. Where the nature of gross income generated from the asset or property has varied significantly over several taxable years of the taxpayer, such class of gross income shall generally be determined by reference to gross income generated from the asset or property during the taxable year or years immediately preceeding the sale, exchange, or other disposition of such asset or property. Thus, for example, where an asset generates primarily sales income from domestic sources in the early years of its operation and then is leased by the taxpayer to a foreign subsidiary in later years, the class of gross income to which the asset gives rise will be considered to be the rental income derived from the lease and will not include sales income from domestic sources.

(ii) *Apportionment of losses.* Where in the unusual circumstances that an apportionment of a deduction for losses on the sale, exchange, or other disposition of a capital asset or property described in section 1231(b) is necessary, the amount of such deduction shall be apportioned between the statutory grouping (or among the statutory groupings) of gross income (within the class of gross income) and the residual grouping (within the class of gross income) in the same proportion that the amount of gross income within such statutory grouping (or statutory groupings) and such residual grouping bear, respectively, to the total amount of gross income within the class of gross income. Apportionment will be necessary where, for example, the class of gross income to which the deduction is allocated consists of gross income (such as royalties) attributable to an intangible asset used both within and without the United States, or gross income (such as from sales or services) attributable to a tangible asset used both within and without the United States.

(8) *Net operating loss deduction.* A net operating loss deduction allowed under section 172 shall be treated as a deduction definitely related and allocable to the class of gross income to which the activity or property which generated the net operating loss gave rise or could reasonably have been expected to give rise. The net operating loss deduction shall be apportioned between the statutory grouping of gross income (or groupings) and the residual grouping of gross income within the class of gross income on the basis of amounts of the net operating loss attributable to the respective groupings of income in the year when the net operating loss arose.

(9) *Deductions which are not definitely related.* Deductions which shall generally be considered as not definitely related to any gross income, and therefore are ratably apportioned as provided in paragraph (c)(2) of this section, are—

(i) The deduction allowed by section 163 for interest described in subparagraph (2)(iii) of this paragraph (e);

(ii) The deduction allowed by section 164 for real estate taxes on a personal residence or for sales tax on the purchase of items for personal use;

(iii) The deduction for medical expenses allowed by section 213;

(iv) The deduction for charitable contributions allowed by sections 170, 873 (b)(2), and 882(c)(1)(B); and

(v) The deduction for alimony payments allowed by section 215.

(10) *Special deductions.* The special deductions allowed in the case of a corporation by section 241 (relating to the deductions for partially tax exempt interest, dividends received, etc.), section 922 (relating to Western Hemipshere trade corporations), and section 941 (relating to China Trade Act corporations) shall be allocated and apportioned consistent with the principles of this section.

(11) *Personal exemptions.* The deductions for the personal exemptions allowed by section 151, 642(b), or 873(b)(3) shall not be taken into account for purposes of allocation and apportionment under this section.

(f) *Miscellaneous matters*—(1) *Operative sections.* The operative sections of the Code which require the determination of taxable income of the taxpayer from specific sources or activities and which give rise to stautory groupings to which this section is applicable include the sections described below.

(i) *Overall limitation to the foreign tax credit.* Under the overall limitation to the foreign tax credit, as provided in section 904(a)(2) (as in effect before enactment of the Tax Reform Act of 1976, or section 904(a) after such enactment) the amount of the foreign tax credit may not exceed the tentative U.S. tax (i.e., the U.S. tax before application of the foreign tax credit) multiplied by a fraction, the numerator of which is the taxable income from sources without the United States and the denominator of which is the entire taxable income. Accordingly, in this case, the statutory grouping is foreign source income (including, for example, interest received from a domestic corporation which meets the tests of section 861(a)(1)(B), dividends received from a domestic corporation which has an election in effect under section 936, and other types of income specified in section 862). Pursuant to sections 862(b) and 863(a) and §§ 1.862–1 and 1.863–1, this section provides rules for identifying the deductions to be taken into account in determining taxable income from sources without the United States. See section 904(d) (as in effect after enactment of the Tax Reform Act of 1976) and the regulations thereunder which require separate treatment of certain types of income. See example (3) of paragraph (g) of this section for one example of the application of this section to the overall limitation.

(ii) *Per-country limitation to the foreign tax credit.* Under the per-country limitation to the foreign tax credit, as provided in section 904(a)(1) (as in effect before enactment of the Tax Reform Act of 1976), the amount of the foreign tax credit for income taxes paid to a specific foreign country (or possession of the United States) may not exceed the tentative U.S. tax (i.e., the U.S. tax before application of the foreign tax credit) multiplied by a fraction, the numerator of which is the taxable income from sources within the foreign country and the denominator of which is the entire taxable income. Pursuant to § 1.863–6, the gross income and the taxable income from sources within a specific foreign country are determined under the same principles as are applied in determining gross income from sources within the United States (generally §§ 1.861–1 to 1.861–7) and taxable income from sources within the United States (generally this section). See section 904(d) (as in effect after enactment of the Tax Reform Act of 1976) and the regulations thereunder which require separate treatment of certain types of income. See example (16) of paragraph (g) of this section for an example of the application of this section to the per-country limitation.

(iii) *DISC taxable income.* Section 994 provides rules for determining the taxable income of a DISC with respect to qualified sales and leases of export property and qualified services. The "50–50" combined taxable income method available for making such determination provides, without consideration of export promotion expenses, that the taxable income of the DISC shall be 50 percent of the combined taxable income of the DISC and the related supplier derived from such sales and leases of export property and such services. Pursuant to regulations under section 994, this section provides rules for determining the deductions to be taken into account in determining such combined taxable income, except to the extent modified by the marginal costing rules set forth in the regulations under section 994(b)(2) if used by the taxpayer as provided therein. See examples (22) and (23) of paragraph (g) of this section. In addition, the computation of combined taxable income is necessary to determine

the applicability of both the general and special "no loss" rules of the regulations under section 994.

(iv) ***Effectively connected taxable income.*** Nonresident alien individuals and foreign corporations engaged in trade or business within the United States, under sections 871(b) and 882, are taxable at ordinary rates, as provided in section 1 or 1201(b), and section 11 or 1201(a), on taxable income which is effectively connected with the conduct of a trade or business within the United States. Such taxable income is determined in most instances by initially determining, under section 864(c), the amount of gross income which is effectively connected with the conduct of a trade or business within the United States. Pursuant to sections 873 and 882(c), this section is applicable for purposes of identifying the deductions from such gross income to be taken into account in determining such taxable income. In certain cases the provisions of an income tax treaty between the United States and a foreign country may apply in determining the taxable income of a nonresident alien individual or foreign corporation. In such cases the provisions of the treaty shall take precedence over this section. See example (21) of paragraph (g) of this section.

(v) *Foreign base company income.* Section 954 defines the term "foreign base company income" with respect to controlled foreign corporations. Section 954(b)(5) provides that in determining foreign base company income the gross income shall be reduced by the deductions of the controlled foreign corporation "properly allocable to such income". This section provides rules for identifying which deductions are properly allocable to foreign base company income.

(vi) *Other operative sections.* The rules provided in this section also apply in determining—

(A) The amount of foreign source items of tax preference under section 58(g) determined for purposes of the minimum tax;

(B) The amount of foreign mineral income under section 901(e);

(C) The amount of interest income and the income from certain distributions from a DISC or former DISC to which the foreign tax credit limitation is applied separately under section 904(d) (as in effect after enactment of the Tax Reform Act of 1976);

(D) The amount of foreign oil and gas extraction income and the amount of foreign oil related income under section 907;

(E) The tax base for citizens entitled to the benefits of section 931 and the section 936 tax credit of a domestic corporation which has an election in effect under section 936;

(F) The exclusion for income from Puerto Rico for residents of Puerto Rico under section 933;

(G) The limitation under section 934 on the maximum reduction in income tax liability incurred to the Virgin Islands;

(H) The income derived from Guam by an individual who is subject to section 935;

(I) The special deduction granted to China Trade Act corporations under section 941;

(J) The amount of certain U.S. source income excluded from the subpart F income of a controlled foreign corporation under section 952(b);

(K) The amount of income from the insurance of U.S. risks under section 953(b)(5);

(L) The international boycott factor and the specifically attributable taxes and income under section 999; and

(M) The taxable income attributable to the operation of an agreement vessel under section 607 of the Merchant Marine Act of 1936, as amended, and the Capital Construction Fund Regulations thereunder (26 CFR, pt. 3). See 26 CFR 3.2(b)(3).

(2) *Application to more than one operative section.* Where more than one operative section applies, it may be necessary for the taxpayer to apply this section separately for each applicable operative section. In such a case, the taxpayer is required to use the same method of allocation and the same principles of apportionment for all operative sections.

(3) *Special rules of section 863(b)*—(i) *In general.* Special rules under section 863(b) provide for the application of rules of general apportionment provided in §§ 1.863–3 to 1.863–5, to worldwide taxable income in order to attribute part of such worldwide taxable income to U.S. sources and the remainder of such worldwide taxable income to foreign sources. The activities specified in section 863(b) are—

(A) Transportation or other services rendered partly within and partly without the United States,

(B) Sales of personal property produced by the taxpayer within and sold without the United States, or produced by the taxpayer without and sold within the United States; and

(C) Sales within the United States of personal property purchased within a possession of the United States.

In the instances provided in §§ 1.863–3 and 1.863–4 with respect to the activities described in (A), (B), and (C) of this subdivision, this section is applicable only in determining worldwide taxable income attributable to these activities.

(ii) *Relationship of sections 861, 862, 863(a), and 863(b).* Sections 861, 862, 863(a), and 863(b) are the four provisions applicable in determining taxable income from specific sources. Each of these four provisions applies independently. Where a deduction has been allocated and apportioned to income under one of these four provisions, the deduction shall not again be allocated and apportioned to gross income under any of the other three provisions. However, two or more of these provisions may have to be applied at the same time to determine the proper allocation and apportionment of a deduction. The special rules under section 863(b) take precedence over the general rules of Code sections 861, 862 and 863(a). For example, where a deduction is allocable in whole or in part to gross income to which section 863(b) applies, such deduction or part thereof shall not otherwise be allocated under section 861, 862, or 863(a). However, where the gross income to which the deduction is allocable includes both gross income to which section 863(b) applies and gross income to which section 861, 862, or 863(a) applies, more than one section must be applied at the same time in order to determine the proper allocation and apportionment of the deduction.

(4) *Adjustments made under other provisions of the Code*—(i) *In general.* If an adjustment which affects the taxpayer is made under section 482 or any other provision of the Code, it may be necessary to recompute the allocations and apportionments required by this section in order to reflect changes resulting from the adjustment. The recomputation made by the District Director shall be made using the same method of allocation and apportionment as was originally used by the taxpayer, provided such method as originally used conformed with paragraph (a)(5) of this section and, in light of the adjustment, such method does not result in a material distortion. In addition to adjustments which would be made aside from this section, adjustments to the taxpayer's income and deductions which would not otherwise be made may be required before applying this section in order to prevent a distortion in determining taxable income from a particular source of activity. For example, if an item included as a part of the cost of goods sold has been improperly attributed to specific sales, and, as a result, gross income under one of the operative sections referred to in paragraph (f)(1) of this section is improperly determined, it may be necessary for the District Director to make an adjustment to the cost of goods sold, consistent with the principles of this section, before applying this section. Similarly, if a domestic corporation transfers the stock in its foreign subsidiaries to a domestic subsidiary and the parent continues to incur expenses in connection with the supervision of the foreign subsidiaries (see paragraph (e)(4) of this section), it may be necessary for the District Director to make an allocation under section 482 with respect to such expenses before making allocations and apportionments required by this section, even though the section 482 allocation might not otherwise be made.

(ii) *Example.* X, a domestic corporation, purchases and sells consumer items in the United States and foreign markets. Its sales in foreign markets are made to related foreign subsidiaries. X reported $1,500,000 as sales during the taxable year of which $1,000,000 was domestic sales and $500,000 was foreign sales. X took a deduction for expenses incurred by its marketing department during the taxable year in the amount

of $150,000. These expenses were determined to be allocable to both domestic and foreign sales and are apportionable between such sales. Thus, X allocated and apportioned the marketing department deduction as follows:

To gross income from domestic sales:
$150,000 × $1,000,000/1,500,000 ..... $100,000
To gross income from foreign sales:
$150,000 × $500,000/1,500,000 50,000
Total 150,000

On audit of X's return for the taxable year, the District Director adjusted, under section 482, X's sales to related foreign subsidiaries by increasing the sales price by a total of $100,000, thereby increasing X's foreign sales and total sales by the same amount. As a result of the section 482 adjustment, the apportionment of the deduction for the marketing department expenses is redetermined as follows:

To gross income from domestic sales:
$150,000 × $1,000,000/1,600,000 ..... $93,750
To gross income from foreign sales:
$150,000 × $600,000/1,600,000 56,250
Total 150,000

(5) *Verification of allocations and apportionments.* Since, under this section, allocations and apportionments are made on the basis of the factual relationship between deductions and gross income, the taxpayer is required to furnish, at the request of the District Director, information from which such factual relationships can be determined. In reviewing the overall limitation to the foreign tax credit of a domestic corporation, for example, the District Director should consider information which would enable him to determine the extent to which deductions attributable to functions performed in the United States are related to earning foreign source income, United States source income, or income from both sources. In addition to functions with a specific international purpose, consideration should be given to the functions of management, the direction and results of an acquisition program, the functions of operating units and personnel located at the head office, the functions of support units (including but not limited to engineering, legal, budget, accounting, and industrial relations), the functions of selling and advertising units and personnel, the direction and uses of research and development, and the direction and uses of services furnished by independent contractors. Thus, for example when requested by the District Director, the taxpayer shall make available any of its organization charts, manuals, and other writings which relate to the manner in which its gross income arises and to the functions of organizational units, employees, and assets of the taxpayer and arrange for the interview of such of its employees as the District Director deems desirable in order to determine the gross income to which deductions relate. See section 7602 and the regulations thereunder which generally provide for the examination of books and witnesses. See also section 905(b) and the regulations thereunder which require proof of foreign tax credits to the satisfaction of the Secretary or his delegate.

(g) *General examples.* The following examples illustrate the principles of this section. In each example, unless otherwise specified, the operative section which is applied and gives rise to the statutory grouping of gross income is the overall limitation to the foreign tax credit under section 904(a). In addition, in each example, where a method of allocation or apportionment is illustrated as an acceptable method, it is assumed that such method is used by the taxpayer on a consistent basis from year to year (except in the case of the optional method for apportioning interest under paragraph (e)(2)(vi) of this section or the optional method for apportioning research and development expense under paragraph (e)(3)(iii) of this section). Further, it is assumed that each party named in each example operates on a calendar year accounting basis and, where the party is a U.S. taxpayer, files returns on a calendar year basis.

Example (1)—Interest—(i) *Facts.* X, a domestic corporation, conducts a trade or business in the United States and owns all the stock of Y, a foreign corporation. In 1977, X takes a deduction for interest expense of $150,000. No portion of this interest expense relates to an obligation issued before January 1, 1977. In 1977, X has gross receipts of $968,000, cost of goods sold of $600,000, and gross income of $368,000. X also receives a total of $32,000 in gross income from Y, consisting of $20,000 in dividends, $8,000 in royalties, and $4,000 in interest payments.

(ii) *Allocation.* No portion of the $150,000 deduction is definitely related solely to specific property within the meaning of paragraph (e)(2)(iv) of this section. Thus, X's deduction for interest is related to all of its activities and properties.

(iii) *Apportionment.* Since X computes its foreign tax credit limitation under the overall method there is one statutory grouping, gross income from sources outside the United States, and one residual grouping, gross income from sources within the United States. The interest deduction of $150,000 must be apportioned between these two groupings. In accordance with paragraph (e)(2)(v) and (vi) (but not (vii)) of this section, X calculates the apportionment of the interest deduction under both the asset and gross income methods. X determines the amount of capital utilized or invested in its income producing activities and properties by computing an average book value for the year for all of its assets on the basis of book values of assets as of the beginning and end of its year. In this example, it is assumed that a substantial distortion does not result from the use of beginning and end of year balances.

Tentative apportionment on the basis of assets

[Average beginning-end of year]

Assets (net of depreciation) which relate to activities and properties that generate U.S.-source income (including inventory, working capital for U.S. business, trade accounts receivable, factory equipment)	$3,200,000
Assets (net of depreciation) which relate to activities and properties that generate foreign-source income (including X's investment in Y and loan to Y, trade accounts receivable, a portion of X's home office based on space and equipment utilized for subsidiary supervision and working capital required for such supervision)	800,000
Total	4,000,000

As a result of the above computations, X would apportion its interest deduction as follows:
To gross income from sources within the United States (residual grouping):
$150,000 × $3,200,000/$4,000,000 120,000
To gross income from sources outside the United States (statutory grouping):
$150,000 × $800,000/$1,000,000 30,000
Total 150,000

Tentative apportionment on the basis of gross income

Interest expense apportioned to the residual grouping, gross income from sources within the U.S.:
$150,000 × $368,000/$400,000 ..... $138,000
Interest expense apportioned to the statutory grouping, gross income from sources outside the U.S:
$150,000 × ($20,000+$8,000+$4,000)/$400,000 12,000
Total 150,000

Since the tentative apportionment ($12,000) to the statutory grouping on the basis of gross income is only 40 percent of the tentative apportionment ($30,000) on the basis of assets, X may use Option Two of the gross income method (paragraph (e)(2)(vi)(B) of this section) and apportion to the statutory grouping fifty percent (50%) of the $30,000 apportioned to that grouping under the asset method. Thus X's actual apportionment to the statutory grouping would be $15,000.

Example (2)—Interest—(i) *Facts.* X, a domestic corporation, has two wholly owned subsidiaries, Y and Z, which operate in foreign countries. In 1977, X, incurs an interest expense of $200,000 (not in any part attributable to an obligation issued before January 1, 1977) and has gross income of $500,000 consisting of: $392,000 from its domestic activities; $30,000 of dividends from foreign corporation Y; and $78,000 of dividends from foreign corporation Z. X's balance sheets show an average of beginning and ending asset values as follows: $3,200,000 in book value of assets related to its domestic source income; $800,000 in book value of assets related to its income from Y; and $1,000,000 in book value of assets related to its income from Z. X uses the overall method for calculating the limit on its foreign tax credit.

(ii) *Allocation.* No portion of X's $200,000 deduction for interest expense is definitely related solely to specific property within the meaning of paragraph (e)(2)(iv) of this section. Thus, X's deduction for interest is related to all of its income producing activities and properties.

(iii) *Apportionment.* For purposes of applying the overall limitation, there is one statutory grouping, gross income from sources outside the United States, and the residual grouping, gross income from sources within the United States. X's interest expense must be apportioned between these two groupings. Corporation X calculates tentative apportionments under the asset and gross income methods, in accordance with paragraph (e)(2)(v) and (vi) (but not (vii)) of this section, as follows:

Tentative apportionment on the basis of assets

Interest expense apportioned to sources outside the United States (statutory grouping):
$200,000 × ($800,0 0+$1,000,000)/($800,000+$1,000,000+$3,200,000) $72,000
Interest expense apportioned to sources within the United States (residual grouping):
$200,000 × $3,200,000/($800,000+$1,000,000+$3,200,000) 128,000
Total apportioned interest expense 200,000
Of which—
Apportioned to statutory grouping 72,000
Apportioned to residual grouping 128,000

Tentative apportionment on the basis of gross income

Interest expense apportioned to sources outside the United States (statutory grouping):
$200,000 × ($30,000+$78,000)/($30,000+$78,000+$392,000) $43,200
Interest expense apportioned to sources within the United States (residual grouping):
$200,000 × $392,000/($30,000+$78,000+$392,000) 156,800
Total apportioned interest expense 200,000
Of which—
Apportioned to sources outside the United States statutory grouping 43,200
Apportioned to residual grouping 156,800

The total interest expense apportioned to the statutory grouping ($43,200) under the gross income method is 60 percent of the total amount apportioned to the statutory grouping ($72,000) under the asset method. Thus, X may use Option One of the gross income method (paragraph (e)(2)(vi)(A) of this section) and apportion $43,200 of its interest expense to the statutory grouping.

Example (3)—Research and Development—(i) *Facts.* X, a domestic corporation, is a manufacturer and distributor of small gasoline engines for lawn mowers. Gasoline engines are a product within the category, Machinery, except electrical (SIC Major Group 35). Y, a wholly owned foreign subsidiary of X also manufactures and sells these engines abroad. During 1977, X incurred expenditures of $60,000 on research and development, which it deducts as a current expense, to invent and patent a new and improved gasoline engine. All of the research and development was performed in the United States. In 1977, the domestic sales by X of the new engine total $500,000 and foreign sales by Y total $300,000. X provides technology on the manufacture of engines to Y as a contribution to capital, for which no royalty is paid. In 1977, X's income is $150,000, of which $140,000 is from domestic sales and $10,000 is a dividend from Y.

(ii) *Allocation.* The research and development expenditures were incurred in connection with small gasoline engines and they are definitely related to the items of gross income to which the research gives rise, namely gross income from the sale of small gasoline engines in the United States and dividends received from subsidiary Y, a foreign manufacturer of gasoline engines. Accordingly, the expenses are allocable to this class of gross income.

(iii) *Apportionment.* For purposes of applying the overall limitation, the statutory grouping is gross income from sources without the United States and the residual grouping is gross income from sources within the United States. Since the related class of gross income derived from the use of engine technology consists of both gross income from sources without the United States (dividends from Y) and gross income from sources within the United States (gross income from engine sales), X's deduction of $60,000 for its research and development expenditure must be apportioned between the statutory and residual grouping before the overall limitation may be applied. Because more than 50 percent of X's research and development activity was performed in the United States, 50 percent of that deduction can be apportioned exclusively to the residual grouping of gross income, gross income from sources within the United States. The remaining 50 percent of the deduction can then be apportioned between the residual and statutory groupings on the basis of sales by X and Y. Alternatively, X's deduction for research and development can be apportioned under the optional gross income method. The apportionment for 1977 is as follows:

Tentative apportionment on the basis of sales

Research and development expense to be apportioned between residual and statutory groupings of gross income $60,000
Less:
Exclusive apportionment of research and development expense to the residual grouping of gross income
$60,000×50 percent 30,000
Research and development expense to be apportioned between residual and statutory groupings of gross income on the basis of sales 30,000
Apportionment of research and development expense to the residual grouping of gross income:
$30,000 × $500,000/($500,000+$300,000) 18,750
Apportionment of research and development expense to the statutory grouping of gross income:
$30,000 × $300,000/($500,000+$300,000) 11,250
Total: Apportioned deduction for research and development 60,000
Of which—
Apportioned to the residual grouping ($30,000+$18,750) 48,750
Apportioned to the statutory grouping 11,250

Tentative apportionment on the basis of gross income

Research and development expense apportioned to sources within the United States (residual grouping):
$60,000 × $140,000/($140,000+$10,000) $56,000
Research and development expense apportioned to sources within country Y (statutory grouping):
$60,000 × $10,000/($140,000+$10,000) 4,000
Of which—
Apportioned to the residual grouping 56,000
Apportioned to statutory grouping 4,000

The total research and development expense apportioned to the statutory grouping ($4,000) under the gross income method is approximately 36 percent of the amount apportioned to the statutory grouping under the sales method. Thus, X may use Option Two of the gross income method (paragraph (e)(3)(iii)(B) of this section) and apportion to the statutory grouping fifty percent (50%) of the $11,250 apportioned to that grouping under the sales method. Thus, X apportions $5,625 of research and development expense to the statutory grouping.

Example (4)—Research and Development—(i) *Facts.* Assume the same facts as in example (3) except that X also spends $30,000 in 1977 for research on bulldozers, all of which is performed in the United States, and X has bulldozer sales in the United States of $400,000. X's foreign subsidiary Y neither manufactures nor sells bulldozers. The bulldozer research is in addition to the $60,000 in research which X does on gasoline engines for lawn mowers. X thus has a deduction of $90,000 for its research activity. X's gross income is $200,000, of which $140,000 is from sales of gasoline engines, $50,000 is from sales of bulldozers, and $10,000 is a dividend from Y.

(ii) *Allocation.* X's research expenses generate income from sales of small gasoline engines and bulldozers. Both of these products are in the major broad product category, Machinery, except electrical (SIC Major Group 35). Therefore, the deduction is definitely related to this product category and allocable to all items of income attributable to it, gross income from the sale of small gasoline engines and bulldozers in the United States and dividends from foreign subsidiary Y, a foreign manufacturer and seller of small gasoline engines.

(iii) *Apportionment.* For purposes of applying the overall limitation, the statutory grouping is gross income from sources outside the United States and the residual grouping is gross income from sources within the United States. X's deduction of $90,000 must be apportioned between the statutory and residual groupings. Because more than 50 percent of X's research and development activity was performed in the United States, 50 percent of that deduction can be apportioned exclusively to the residual grouping, gross income from sources within the United States. The remaining 50 percent of the deduction can then be apportioned between the residual and statutory groupings on the basis of sales by X and Y. Alternatively, X's deduction for research and development can be apportioned under the optional gross income method. The apportionment for 1977 is as follows:

Tentative apportionment on the basis of sales

Research and development expense to be apportioned between residual and statutory groupings of gross income $90,000
Less:
Exclusive apportionment of the research and development expense to the residual grouping of gross income:
$90,000×50 percent 45,000
Research and development expense to be apportioned between the residual and statutory groupings of gross income on the basis of sales 45,000
Apportionment of research and development expense to the residual grouping of gross income:
$45,000 × ($500,000+$400,000)/($500,000+$400,000+$300,000) 33,750
Apportionment of research and development expense to the statutory grouping of gross income:
$45,000 × $300,000/($500,000+$400,000+$300,000) 11,250
Total: Apportioned deduction for research and development 90,000
Of which—
Apportioned to the residual grouping ($45,000+$33,750) 78,750
Apportioned to the statutory grouping 11,250

Tentative apportionment on the basis of gross income

Research and development expense apportioned to sources within the United States (residual grouping):
$90,000 × $190,000/($140,000+$50,000+10,000) $85,500
Research and development expense apportioned to sources within country Y (statutory grouping):
$90,000 × $10,000/($140,000+$50,000+$10,000) 4,500
of which—
Apportioned to the residual grouping 85,500
Apportioned to the statutory grouping 4,500

The total research and development expense apportioned to the statutory grouping ($4,500) under the gross income method is 40 percent of the amount apportioned to the statutory grouping under the sales method. Thus, X may use Option Two of the gross income method (paragraph (e)(3)(iii)(B) of this section) and apportion to the statutory grouping fifty percent (50%) of the $11,250 apportioned to that grouping under

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the sales method. Thus, X apportions $5,625 of research and development expense to the statutory grouping.

Example (5)—Research and Development—(i) *Facts.* Assume the same facts as in example (3) except that in 1978 X continues its sales of the new engines, with sales of $600,000 in the United States and $400,000 by subsidiary Y. X also acquires a 60 percent ownership interest in foreign corporation Z and a 100 percent ownership interest in foreign corporation C. X transfers its engine technology to Z for a royalty equal to 5 percent of sales, and X enters into a cost-sharing arrangement with C to share the funding of all of X's research activity. In 1978, corporation Z has sales in country Z equal to $1,000,000. X incurs expense of $80,000 on research and development in 1978, and in addition, X performs $15,000 of research on gasoline engines which was funded by the cost-sharing arrangement with C. All of Z's sales are from the product category, Machinery, except electrical (SIC Major Group 35). X performs all of its research in the United States and $20,000 of its expenditure of $80,000 is made solely to meet noise pollution standards mandated by the United States Government. X establishes, to the satisfaction of the Commissioner, that the expenditure in response to noise pollution standards is not expected to generate gross income (beyond de minimis amounts) outside the United States.

(ii) *Allocation.* The $20,000 of research expense which X incurred in connection with U.S. noise pollution standards is definitely related and thus allocable to the residual grouping, gross income from sources within the United States. The remaining $60,000 in research and development expenditure incurred by X is definitely related to all gasoline engines and is therefore allocable to the class of gross income to which the engines give rise, gross income from sales in the United States, dividends from country Y, and royalties from country Z. No part of the $60,000 research expense is allocable to dividends from country C because corporation C has already paid, through its cost-sharing arrangement, for research activity performed by X which may benefit C.

(iii) *Apportionment.* For purposes of applying the overall limitation, the statutory grouping is gross income from sources within countries Y and Z, and the residual grouping is gross income from sources within the United States. X's deduction of $60,000 for its research and development expenditure must be apportioned between these groupings. Because more than 50 percent of the research and development was performed in the United States, 40 percent (in 1978) of the $60,000 deduction can be apportioned exclusively to the residual grouping. The remaining 60 percent of the deduction can then be apportioned between the residual and the statutory grouping on the basis of sales by X, Y, and Z. (Alternatively X's deduction for research and development can be apportioned under one of the optional gross income methods, which are not illustrated in this example (see instead examples (3) and (4)). Since X has only a 60 percent ownership interest in corporation Z, only 60 percent of Z's sales (60% of $1,000,000, or $600,000) are included for purposes of apportionment. The allocation and apportionment for 1978 is as follows:

X's total research expense	$80,000
Less:	
U.S. Government mandated research directly allocated to the residual grouping of gross income	20,000

Tentative apportionment on the basis of sales

Research and development expense to be apportioned between residual and statutory groupings of gross income	$60,000
Less:	
Exclusive apportionment of research and development expense to the residual grouping of gross income: $60,000×40 percent	24,000
Research and development expense to be apportioned between the residual and the statutory grouping on the basis of sales	$36,000
Apportionment of research and development expense to gross income from sources within the United States (residual grouping): $36,000×$600,000/($600,000+$400,000+$600,000)	13,500
Apportionment of research and development expense to gross income from countries Y and Z (statutory grouping): $36,000×($400,000+$600,000)/($600,000+$400,000+$600,000)	22,500
Total: Apportioned deduction for research and development ($24,000+$36,000)	$60,000
Of which—	
Apportioned to the residual grouping ($24,000+$13,500)	37,500
Apportioned to the statutory grouping of sources within countries Y and Z	22,500

Example (6)—Research and Development—(i) *Facts.* X, a domestic corporation, manufactures and sells forklift trucks and other types of materials handling equipment in the United States. The manufacture and sale of trucks and other handling equipment belongs to the product category, Transportation equipment (SIC Major Group 37). X also sells its forklift trucks to a wholesaling subsidiary located in foreign country Y (and title passes in country Y), and X manufactures forklift trucks in foreign country Z. The wholesaling of forklift trucks in country Y belongs to the product category, Wholesale trade (SIC Major Groups 50 and 51). X performs no research with respect to wholesale trade. In 1977, X sold $7,000,000 of trucks to purchasers in the United States, $3,000,000 of trucks to the wholesaling subsidiary in Y, and truck components with an FOB export value of $2,000,000 to its branch in Z. The branch's sales of finished trucks were $5,000,000. In response to emission control requirements of the United States Government, X's United States research department has been engaged in a research project to improve the performance and quality of engine exhaust systems used on its products in the United States. It incurs expenses of $100,000 for this purpose in 1977. In the past, X has customarily adapted the product improvements developed originally for the domestic market to its forklift trucks manufactured abroad. During the taxable year 1977, development of an improved engine exhaust system is completed and X begins installing the new system during the latter part of the taxable year in products manufactured and sold in the United States. X continues to manufacture and sell forklift trucks in foreign countries without the improved engine exhaust systems.

(ii) *Allocation.* X's deduction for its research expense is definitely related to the income to which it gives rise, namely income from the manufacture and sale of forklift trucks within the United States and in country Z. Although the research is undertaken in response to a United States Government mandate, it can reasonably be expected to generate gross income from the manufacture and sale of trucks by the branch in Z. Therefore, the deduction is not allocable solely to income from X's domestic sales of forklift trucks. It is allocable to income from such sales and income from the sales of X's branch in Z. However the deduction for reasearch expense is not allocable to the sales of the subsidiary in Y, because those sales are in a different product category.

(iii) *Apportionment.* For the method of apportionment on the basis of either sales or gross income see example (3). However, in determining the amount of research apportioned to income from foreign and domestic sources, the net sales of the branch in Z are $3,000,000 ($5,000,000 less $2,000,000) and the sales within the United States are $12,000,000 ($7,000,000 plus $3,000,000 plus $2,000,000).

Example (7)—Research and Development—(i) *Facts.* X, a domestic corporation, is a drug company which manufactures a wide variety of pharmaceutical products for sale in the United States. Pharmaceutical products belong to the product category, Chemicals and allied products (SIC Major Group 28). X exports its pharmaceutical products through a domestic international sales corporation (DISC). X's wholly owned foreign subsidiary Y also manufactures pharmaceutical products. In 1977, X has domestic sales of $10,000,000, the DISC has sales of $3,000,000, and Y has sales of $5,000,000. In that same year, 1977, X incurs expense of $200,000 on research to test a product in response to requirements imposed by the United States Food and Drug Administration (FDA) X is able to show that, even though country Y imposes certain testing requirements on pharmaceutical products, the research performed in the United States is not accepted by country Y for purposes of its own licensing requirements, and the research has minimal use abroad. X is further able to show that its DISC sells goods to countries which do not accept or do not require research performed in the United States for purposes of their own licensing standards.

(ii) *Allocation.* Since X's research expense of $200,000 is undertaken to meet the requirements of the United States Food and Drug Administration, and since it is reasonable to expect that the expenditure will not generate gross income (beyond de minimis amounts) outside the United States, the deduction is definitely related and thus allocable to the residual grouping.

(iii) *Apportionment.* No apportionment is necessary since the entire expense is allocated to the residual grouping, gross income from sales within the United States.

Example (8)—Research and Development—(i) *Facts.* X, a domestic corporation, is engaged in continuous research and development to improve the quality of the products that it manufactures and sells, which are floodlights, electric fans, television sets, and storage batteries. X incurs and deducts $100,000 of expenditure for research and development in 1977 which was performed exclusively in the United States. As a result of this research activity, X acquires patents which it uses in its own manufacturing activity. X licenses its floodlight patent to Y and Z, uncontrolled foreign corporations, for use in their own territories, countries Y and Z, respectively. Corporation Y pays X an arm's length royalty of $3,000 plus $0.20 for each floodlight sold. Sales of floodlights by Y for the taxable year are $135,000 (at $4.50 per unit) or 30,000 units, and the royalty is $9,000 ($3,000+$0.20×30,000). Y has sales of other products of $500,000. Z pays X an arm's length royalty of $3,000 plus $0.30 for each unit sold. Z manufactures 30,000 floodlights in the taxable year, and the royalty is $12,000 ($3,000+$0.30×30,000). The dollar value of Z's floodlight sales is not known and cannot

be reasonably estimated because, in this case, the floodlights are not sold separately by Z but are instead used as a component in Z's manufacture of lighting equipment for theatres. The sales of all Z's products, including the lighting equipment for theatres, are $1,000,000. Y and Z each sell the floodlights exclusively within their respective countries. X's sales of floodlights for the taxable year are $500,000 and its sales of its other products, fans, televisions, and batteries, are $400,000. X has gross income of $500,000, consisting of gross income from domestic sources of $479,000, and royalty income of $9,000 and $12,000 from foreign corporations Y and Z respectively.

(ii) *Allocation.* X's research and development expenses are definitely related to all of the products that it produces, which are flood lights, electric fans, television sets, and storage batteries. All of these products are in the same broadly defined product category, Electrical and electronic machinery, equipment, and supplies (SIC Major Group 36). Thus, X's research and development expenses are allocable to all items of income attributable to this product category, domestic sales income and royalty income from the foreign countries in which corporations Y and Z operate.

(iii) *Apportionment.* Since X uses the overall limitation for calculating the foreign tax credit, the statutory grouping of gross income is royalty income from countries Y and Z. The residual grouping is gross income from sources within the United States. X's deduction of $100,000 for its research expenditures must be apportioned between the groupings. For apportionment on the basis of sales in accordance with paragraph (e)(3)(ii) of this section, X is entitled (in 1977) to an exclusive apportionment of 50 percent of its research and development expense to the residual grouping, gross income from sources within the United States, since more than 50 percent of the research activity was performed in the United States. The remaining 50 percent of the deduction can then be apportioned between the residual and statutory groupings on the basis of sales. Since Y and Z are unrelated licensees of X, only their sales of the licensed product, floodlights, are included for purposes of apportionment. Floodlight sales of Z are unknown, but are estimated at ten times royalties from Z, or $120,000. All of X's sales from the entire product category are included for purposes of apportionment on the basis of sales. Alternatively, X may apportion its deduction on the basis of gross income, in accordance with paragraph (e)(3)(iii) of this section. The apportionment for 1977 is as follows:

Tentative apportionment on the basis of sales

Research and development expense to be apportioned between statutory and residual groupings of gross income	$100,000
Less:	
Exclusive apportionment of research and development expense to the residual grouping of gross income: $100,000×50 percent	50,000
Research and development expense to be apportioned between the statutory and residual groupings of gross income on the basis of sales	$50,000
Apportionment of research and development expense to the residual groupings of gross income: $50,000×$900,000/($900,000+$135,000+$120,000)	38,961
Apportionment of research and development expense to the statutory grouping, royalty income from countries Y and Z: $50,000×($135,000+$120,000)/($900,000+$135,000+$120,000)	11,039
Total: Apportioned deduction for research and development	$100,000
Of which—	
Apportioned to the residual grouping ($50,000+$38,961)	88,961
Apportioned to the statutory grouping of sources within countries Y and Z	11,039

Tentative apportionment on gross income basis

Apportionment of research and development expense to the residual grouping of gross income: $100,000×$479,000/$500,000	$95,800
Apportionment of research and development expense to the statutory grouping, royalty income from Y and Z: $100,000×($9,000+$12,000)/$500,000	4,200
Of which—	
Apportioned to the residual grouping	95,800
Apportioned to the statutory grouping of sources within countries Y and Z	4,200

Since X's apportionment on the basis of gross income to the statutory grouping, $4,200, is less than 50 percent of its apportionment on the basis of sales to the statutory grouping, $11,039 it may use Option Two of paragraph (e)(3)(iii)(B) of this section and apportion $5,520 (50 percent of $11,039) to the statutory grouping.

Example (9)—Research and Development—(i) *Facts.* X, a domestic corporation, manufactures and sells commercial amounts of individual products A, B, and C, each of which is identified with a 7-digit code in the *Numerical List of Manufactured Products*, and all of which are contained in one broad product category, Transportation equipment (SIC Major Group 37). X's wholly owned foreign subsidiary, Y, manufactures and sells commercial amounts of transportation equipment products A, B, and D. X's wholly owned foreign subsidiary Z manufactures and sells commercial amounts of transportation equipment product C. In 1978, X incurs expense of $100,000 on research and development performed in the U.S. and has domestic sales of $5,000,000 of which product A accounts for $2,000,000, product B accounts for $2,500,000, and product C accounts for $500,000. Y has foreign sales of $1,000,000, and Z has foreign sales of $500,000. X challenges the allowable amount of 40 percent of its research and development expenditure that is apportioned exclusively to the residual grouping, gross income from domestic sales. For purposes of apportionment on the basis of sales, X contends that it is entitled to a larger exclusive apportionment because its research has very limited and long delayed application outside the United States. X establishes to the satisfaction of the Commissioner that, while it has regularly licensed Y, Z cannot reasonably be expected to benefit from X's research, either directly or indirectly through X or Y. X further establishes, to the satisfaction of the Commissioner, that the individual products manufactured and sold by Y, namely A and B, which are also manufactured and sold by X account for 90 percent of X's sales ((($2,000,000+$2,500,000)/($5,000,000)=90 percent); and that there is a delay of about 4.7 years between the time X applies research to its domestic sales and then makes it available to Y.

(ii) *Allocation.* X's research is definitely related to the Transportation equipment product category and thus allocable to all income from that category.

(iii) *Apportionment.* Since X computes the limit on its foreign tax credit under the overall method, there is one statutory grouping, gross income from sources outside the United States, and one residual grouping, gross income from sources within the United States. The research and development deduction is apportioned between these two groupings. In determining whether the 40 percent exclusive apportionment prescribed in paragraph (e)(3)(ii)(A) of this section must be applied to this particular taxpayer, the following analysis is made. In this analysis, Z's sales of product C are ignored.

Calculation of exclusive apportionment on basis of prescribed percentage

X's total deduction for research and development	$100,000
Tentative exclusive apportionment of research and development expense to the residual grouping of gross income: $100,000×40 pct	40,000

Calculation of exclusive apportionment on the basis of facts and circumstances

Factor 1: Only 90 percent of X's product category is manufactured and sold by foreign subsidiary Y; therefore 10 percent of X's research and development expense should be apportioned exclusively to the residual grouping of gross income: $100,000×10 pct	$10,000
Remaining research and development expense: $100,000−$10,000=$90,000	
Factor 2: There is a delay of 4.7 yr between the time X applies its successful research and development to the domestic market and it is applied by its foreign subsidiary Y; based on a calculation of present value at the safe haven discount rate of 10 pct per year of delay, the contribution of research and development to the delayed foreign sales is approximately 36 pct less than its contribution to domestic sales. Therefore, 36 pct of X's remaining research and development expense should be apportioned exclusively to the residual grouping of gross income: $90,000×36 pct	32,400
Total: Exclusive apportionment of research and development expense to the residual grouping based on an analysis of the 2 factors ($10,000+$32,400)	42,400

The exclusive apportionment to the residual grouping of gross income of $42,400 that is based on an analysis of X's facts and circumstances is not substantially different from the exclusive apportionment of $40,000 provided by the 40 percent exclusive apportionment available to all taxpayers. Since X has not demonstrated facts and circumstances that would justify a substantially different exclusive apportionment than the 40 percent figure, the 40 percent exclusive apportionment stands. The remaining 60 percent of X's research and development expense is apportioned on the basis of total sales of X and Y. (Alternatively, X's deduction for research and development can be apportioned under one of the optional gross income methods, which are not illustrated in this example; see instead examples (3) and (4).)

Example (10)—Research and Development—(i) *Facts.* The facts are the same as example (9), and there are no other material facts except that X establishes to the satisfaction of the Commissioner that foreign subsidiary Y sells 80 percent of the broad product category sold by X; and that there is a delay of about 5.7 years between the time X applies research in generating domestic sales and the time Y applies research in generating foreign sales.

(ii) *Allocation.* X's research is definitely related to the Transportation equipment product category and thus allocable to all income from that category.

(iii) *Apportionment.* Since X computes its foreign tax credit limit under the overall method, there is one statutory grouping, gross income from outside the United States, and one residual grouping, gross income from within the United States. The research and development deduction is apportioned between the two groupings. In determining whether the 40 percent exclusive apportionment must be applied to this particular taxpayer, the following analysis is made.

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Calculation of exclusive apportionment on basis of prescribed percentage

X's total deduction for research and development	$100,000
Tentative exclusive apportionment of research and development expense to the residual grouping of gross income $100,000×40 pct	40,000

Calculation of exclusive apportionment on basis of facts and circumstances

Factor 1: Only 80 pct of X's product category is manufactured and sold by foreign subsidiary Y; therefore 20 pct of X's research and development expense should be apportioned exclusively to the residual grouping of gross income: $100,000×20 pct	$20,000
Remaining research and development expense: $100,000−$20,000=$80,000	
Factor 2: There is a delay of 5.7 yr between the time X applies its successful research and development to the domestic market and the time it is applied by its foreign subsidiary Y; based on a calculation of present value at the safe haven discount rate of 10 pct per yr of delay, the contribution of research and development to the delayed foreign sales is approximately 42 pct less than its contribution to domestic sales. Therefore 42 pct of X's remaining research and development expense should be apportioned exclusively to the residual grouping of gross income: $80,000×42 pct	33,600
Total: Exclusive apportionment of research and development expense to the residual grouping based on an analysis of the 2 factors) $20,000+$33,600)	$53,600

The exclusive apportionment to the residual grouping of gross income of $53,600 that is based on an analysis of X's facts and circumstances is substantially different from the exclusive apportionment of $40,000 provided by the 40 percent exclusive apportionment available to all taxpayers. Since X has demonstrated, to the satisfaction of the Commissioner, that its facts and circumstances justify a substantially higher exclusive apportionment, the Commissioner allows X to apportion exclusively $53,600 of its research expenses to the residual grouping, gross income from sources within the United States. The remaining $46,400 of X's research and development expense is apportioned on the basis of total sales, but X's domestic sales are adjusted to exclude sales of those products not sold abroad. Since only 80 percent of X's product category is sold abroad by Y, only 80 percent of X's domestic sales are included in the apportionment. (Alternatively, X's deduction for research and development can be apportioned under one of the optional gross income methods illustrated in examples (3) and (4).) The apportionment for 1978 is as follows:

Research and development expense to be apportioned between residual and statutory groupings of gross income	$100,000
Less: Exclusive apportionment of research and development expense to the residual grouping of gross income	53,600
Remaining research and development expense to be apportioned between residual and statutory groupings of gross income on basis of comparable sales	46,400
Apportionment of research and development expense to the residual grouping, gross income from within the United States: $46,400×\frac{($5,000,000×.80)}{($5,000,000×.80+$1,000,000)}$	37,120
Apportionment of research and development expense to the statutory grouping, gross income from outside the United States: $46,400×\frac{$1,000,000}{($5,000,000×.80+$1,000,000)}$	9,280
Total: Apportioned deduction for research and development	100,000
Of which— Apportioned to the residual grouping ($53,600+$37,120)	90,720
Apportioned to the statutory grouping	9,280

Example (11)—Research and Development—(i) *Facts.* X, a domestic corporation, and Y, its domestic subsidiary, manufacture and sell computers and other items of office equipment, all of which are contained in one broad product category, Electrical and electronic machinery, equipment and supplies (SIC Major Group 37). Many of the same products are manufactured by X's foreign subsidiary Z (in country Z), using the technology of X or Y, and certain patents are licensed to uncontrolled foreign corporations L and M (in countries L and M respectively). For purposes of justifying an exclusive apportionment in excess of 30 percent in 1979, X seeks to establish that its research has long delayed application outside the United States. Substantially all of X's successful research finds its application in new products. X establishes, to the satisfaction of the Commissioner, that the following table accurately portrays the history of commercial introduction of those particular products which, in the year 1979, were both manufactured in the United States by X or Y, and are either manufactured abroad by Z, or licensed abroad to L or M. In identifying particular products, X is not restricted to the 7-digit products listed in *Numerical List of Manufactured Products.*

	1979 U.S. sales of X and Y (millions)	Year first commercially manufactured in the United States by X or Y	Year first commercially manufactured abroad by Z, or licensed to L or M	Delay in applying research outside the United States (years)
Product a	$130	1972	1974	2
Product b	90	1974	1979	5
Product c	10	1969	1978	9
Product d	50	1970	1973	3
Sales of products manufactured domestically and abroad	280			
Sales of products not manufactured or licensed abroad	55			
Total sales of X and Y	335			

(ii) *Allocation.* X's research is definitely related to the Electrical and electronic machinery, equipment and supplies category, and thus allocable to all income from that category.

(iii) *Apportionment.* On the basis of the facts established by X, the average delay between X's application of research findings in the United States and abroad may be estimated as 3.4 years (weighted on the basis of sales):

$$\frac{[(2\text{ yr}\times\$130)+(5\text{ yr}\times\$90)+(9\text{ yr}\times\$10)+(3\text{ yr}\times\$50)]}{(\$130+\$90+\$10+\$50)}\ \text{Years}=3.4$$

If the Commissioner is satisfied that the estimate of 3.4 years accurately reflects the delay between X's application of its research findings in the United States and abroad, such estimate may be accepted for purposes of justifying an exclusive apportionment in excess of 30 percent in 1979.

Example (12)—Research and Development—(i) *Facts.* The facts are the same as in example (11) and there are no other material facts except that, in addition to its research on new products, X also conducts research on improving the processes for manufacturing its standard computer components. X is able to establish that, in 1979, its research and development expenses of $7,000,000 may be reasonably divided into $5,000,000 for new product research and $2,000,000 for new process research. (If X is not able to establish clearly the portion of its research expenditures which is attributable to new process research, the determination of an average delay shall be made solely on the basis of the average delay for introducing new products abroad.) X further establishes, to the satisfaction of the Commissioner, that the following table accurately portrays the history of commercial application of previously developed processes which, in 1979, are both used in manufacturing products in the United States by X or Y, and are either used in manufacturing products abroad by Z, or licensed for manufacturing products abroad by L or M.

	1979 U.S. sales of X and Y of products manufactured using the process (millions)	Year process first commercially applied in the United States by X or Y	Year process first commercially applied abroad or licensed to L or M	Delay in applying research outside the United States (years)
Process a	$45	1970	1979	9
Process b	20	1975	1976	1
Process c	60	1975	1972	−3

(ii) *Allocation.* X's research on new processes as well as new products is definitely related to the Electrical and electronic machinery, equipment and supplies category, and thus allocable to all income from that category.

(iii) *Apportionment.* On the basis of the facts established by X, the average delay between X's application of research findings in the United States and abroad may be estimated as 2.0 years (weighted on the basis of sales):

$$\frac{[(9\text{ yr}\times\$45)+(1\text{ yr}\times\$20)+(-3\text{ yr}\times\$60)]}{(\$45+\$20+\$60)}\ \text{Years}=2$$

On the basis of the estimated of an average 2.0 year delay in introducing new processes abroad, and a 3.4 year delay in introducing new products abroad (from Example (11)), and on the basis of the division of research expense between new processes technology ($2,000,000) and new product technology ($5,000,000), the overall delay between X's application of research findings in the United States and abroad may be estimated as 3.0 years:

$$\frac{[(2\text{ yr}\times\$2,000,000)+(3.4\text{ yr}\times\$5,000,000)]}{(\$2,000,000+\$5,000,000)}\ \text{Years}=3$$

If the Commissioner is satisfied that the estimate of 3.0 years accurately reflects the delay between X's application of its research findings in the United States and abroad, such estimate may be accepted for purposes of justifying exclusive apportionment in excess of 30 percent in 1979.

Example (13)—Research and Development—(i) *Facts.* X, a domestic corporation, manufactures and sells electronic computer Model A in the United States. X performs research in the United States with particular emphasis on improving the characteristics of its Model A computer. Y, a foreign subsidiary of X, manufactures and sells electronic computer Model B in France. For purposes of justifying an exclusive apportionment in excess of 30 percent in 1979, X seeks to establish that its research has more limited application in France than in the United States. X establishes that the Model A computer works at substantially faster speeds, and otherwise has markedly superior characteristics, than the Model B computer.

(ii) *Allocation.* X's research is definitely related to the Electrical and electronic machinery, equipment and supplies category (SIC Major Group 35), and thus allocable to all income from that category.

(iii) *Apportionment.* Electronic computers are an individual product enumerated as product number 3573100 (electronic computers, except typewriters, peripheral equipment, and parts) in the *Numerical List of Manufactured Products.* The *Numerical List* groups Model A and Model B computers together under the same product heading. On the basis of these facts, X does not have a more limited application of its research in France than in the United States.

Example (14)—Research and Development—(i) *Facts.* X, a domestic corporation, produces a variety of chemical products used in the further manufacture of synthetic fibers, plastics, paints, fertilizers and explosives. Chemical products are in the category, Chemicals and allied products (SIC Major Group 28). X has total sales of its chemical products of $5,000,000 in 1978 and incurs expense of $200,000 on research and development performed in the United States which it deducts as a current expense. In 1978, X licenses unrelated foreign corporation Y to use one of X's chemical patents in the manufacture of chemical A. The research and development leading to this particular patent was performed by X between 1955 and 1960. Corporation Y manufactures and sells chemical A as well as other products in country Y. Y has sales of $500,000 of chemical A in 1978. It pays X a royalty of 2 percent of sales for use of the patent.

(ii) *Allocation.* X's expenditures for research and development are definitely related to the product category, Chemicals and allied products (SIC Major Group 28), and thus allocable to the income related to it, domestic sales income and foreign royalty income.

(iii) *Apportionment.* X computes its foreign tax credit limit under the overall method. The statutory grouping is gross income from sources outside the United States and the residual grouping is gross income from sources within the United States. Forty percent of X's deduction for research and development is apportioned exclusively (in 1978) to the residual grouping of gross income since the work was performed in the United States. The remaining 60 percent of the deduction is apportioned between the residual and statutory groupings on the basis of sales by X and Y. Since Y is an uncontrolled licensee of X, only its sales of chemical A are included for purposes of apportionment. (Alternatively, X could apportion its research and development deduction on the basis of one of the gross income optional methods illustrated in examples (3) and (4).) The apportionment, on a sales basis, for 1978 is as follows:

Tentative apportionment on the basis of sales

Research and development expense to be apportioned between residual and statutory groupings of gross income	$200,000
Less: Exclusive apportionment of research and development expense to the residual grouping of gross income: $200,000×40 pct	80,000
Research and development expense to be apportioned between residual and statutory groupings on the basis of sales	120,000
Apportionment of research and development expense to the residual grouping of gross income: $120,000×\frac{$5,000,000}{($5,000,000+$500,000)}$	109,091
Apportionment of research and development expense to the statutory grouping of gross income: $120,000×\frac{500,000}{($5,000,000+$500,000)}$	10,909
Total: Apportioned deduction for research and development	200,000
Of which— Apportioned to the residual grouping ($80,000+$109,091)	189,091
Apportioned to the statutory grouping	10,909

Example (15)—Research and Development—(i) *Facts.* X, a domestic corporation, manufactures heating equipment. Heating equipment is within the product category, Fabricated metal products, except machinery and transportation equipment (SIC Major Group 34). X incurs expense of $200,000 in 1978 on a successful research project that results in the development of an energy saving furnace. X also incurs expense of $50,000 on basic research which cannot be reasonably related to any product category. All of the research is performed in the United States. X has domestic sales of heating equipment of $500,000 in 1978 on which it earns gross income of $200,000, but has no sales of the new furnace since its production is deferred until 1979. In 1978, X transfers its new furnace technology to uncontrolled foreign corporation Y, which manufactures and sells heating equipment in addition to other fabricated metal products in a foreign country. X receives a lump-sum payment of $25,000 for the sale of the technology. X has a 40 percent ownership interest in Y. The heating equipment sales of Y for 1978 are unknown and cannot be reasonably estimated, but it is known that Y has no sales of the new furnace. X also has a wholly owned foreign subsidiary, Z, which operates hotels in the same foreign country in which Y operates. Hotels are in the product category, other services (SIC Major Groups 70, 72, 73, 75, 76, 78, 79, 80, 81, 82, 83, 84, 86, 88, and 89). X receives $100,000 in dividends from Z in 1978, and Z has receipts of $1,000,000.

(ii) *Allocation.* X's research on heating equipment is definitely related to the product category, Fabricated metal products, except machinery and transportation equipment, and the deduction of $200,000 for research on heating equipment thus is allocable to all items of income related to that product category, domestic sales income and the lump sum technology transfer payment. X's basic research is related to all products and the deduction of $50,000 for basic research thus is allocable to all of X's income.

(iii) *Apportionment.* Since X uses the overall method to compute the limit on its foreign tax credit there is one statutory grouping, gross income from sources outside the United States, and one residual grouping, gross income from sources within the United States. Under the sales method, X can exclusively apportion 40 percent (in 1978) of its deduction for research and development to the residual grouping since more than 50 percent of its research activity was performed in the United States. The rest of the deduction may be apportioned on the basis of sales. Since foreign corporation Y's sales of heating equipment are unknown, they are estimated at 10 times the lump-sum payment of $25,000 made by Y to X for the purchase of the new heating equipment technology, or $250,000. (Alternatively, X may apportion its research expense under one of the optional gross income methods.) The apportionment for 1978 is as follows:

Tentative apportionment on the basis of sale

Research and development expense on furnace to be apportioned between residual and statutory groupings of gross income	$200,000
Less: Exclusive apportionment of research and development expense on furnace to the residual grouping of gross income: $200,000×40 pct	80,000
Research and development expense on furnace to be apportioned between residual and statutory groupings of gross income on the basis of sales	120,000
Apportionment of research and development expense on furnace to the residual grouping of gross income: $120,000×\frac{$500,000}{($500,000+$250,000)}$	80,000
Apportionment of research and development expense on furnace to the statutory grouping of gross income: $120,000×\frac{$250,000}{($500,000+$250,000)}$	40,000
Total: Apportioned deduction for research and development on furnace	200,000
Basic research expense to be apportioned between residual and statutory groupings of gross income	50,000
Less: Exclusive apportionment of basic research to the residual grouping of gross income: $50,000×40 pct	20,000
Basic research to be apportioned between residual and statutory groupings of gross income on the basis of sales	30,000
Apportionment of basic research expense to the residual grouping of gross income: $30,000×\frac{$500,000}{($500,000+$250,000+$1,000,000)}$	8,571
Apportionment of basic research expense to the statutory grouping of gross income: $30,000×\frac{($250,000+$1,000,000)}{($500,000+$250,000+$1,000,000)}$	21,429
Total: Apportioned deduction for basic research	30,000
Total: Apportioned deduction for research and development on furnace and basic research	250,000
Of which— Apportioned to the residual grouping ($80,000+$80,000+$20,000+$8,571)	188,571
Apportioned to the statutory grouping ($40,000+$21,429)	61,429

Tentative apportionment on the basis of gross income

Apportionment of research and developmental expense to the residual grouping of gross income: $250,000×\frac{$200,000}{($200,000+$25,000+$100,000)}$	$153,846
Apportionment of research and development expense to the statutory grouping of gross income: $250,000×\frac{($25,000+$100,000)}{($200,000+$25,000+$100,000)}$	96,154

The apportionment to the statutory grouping under the gross income method ($96,154) is greater than 50 percent of the apportionment under the sales method ($30,714). Thus, X may apportion either the amount determined under the optional gross income method or the amount determined under the sales method to the statutory grouping.

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In either case, X's apportionment to the statutory grouping exceeds its lump-sum receipt for the sale of technology and must be partly applied against its dividends from Z.

Example (16)—Research and Development—(i) *Facts.* X, a domestic corporation, is a manufacturer of roller bearings for use in bicycles. Roller bearings are within the product category, Machinery, except electrical (SIC Major Group 35). In 1977, X performs research and development in the United States in an attempt to develop an improved roller bearing suitable for use in racing bicycles. X incurs expense of $50,000 for this purpose and deducts this amount as a current expense. In 1977, X has domestic roller bearing sales of $500,000. X's wholly owned subsidiaries, Y and Z, also manufacture and sell roller bearings in foreign country Y and Puerto Rico, respectively, and can reasonably be expected to benefit from X's research connected with Machinery, except electrical. Corporation Y performs certain preliminary manufacturing activity for corporation Z which, in turn, finishes the manufacturing work on the roller bearings purchased from Y. In 1977, Y has total roller bearings sales of $500,000, $250,000 in country Y and $250,000 to corporation Z in Puerto Rico. Corporation Z has roller bearing sales of $400,000 in the same year.

(ii) *Allocation.* The research and development expenditures were incurred in connection with the manufacture of roller bearings. Thus, they are definitely related and allocable to the income to which they give rise, namely income from the manufacture and sale of roller bearings in the United States, country Y, and Puerto Rico.

(iii) *Apportionment.* For purposes of applying the per-country limitation, the statutory groupings are gross income from manufacturing in country Y and Puerto Rico, and the residual grouping is gross income from manufacturing within the United States. X's deduction must be apportioned between these three groupings. Because more than 50 percent of X's research and development activity was performed in the United States, for purposes of apportionment on the basis of sales, 50 percent of that deduction is apportioned exclusively (in 1977) to the residual grouping, gross income from within the United States. The remainder of the deduction can be apportioned on the basis of sales of X, Y, and Z. In calculating the apportionment, however, the purchases of Z from corporation Y are subtracted from Z's sales. For purposes of apportionment, Z's sales are $150,000 ($400,000 less $250,000). The apportionment for 1977 is as follows:

Tentative apportionment on the basis of sales

Research and development expense to be apportioned between residual and statutory groupings of gross income	$50,000
Less:	
Exclusive apportionment of research and development expense to the residual grouping of gross income: $50,000×50 pct.	25,000
Research and development expense to be apportioned between residual and statutory groupings of gross income on the basis of sales	25,000
Apportionment of research and development expense to the residual grouping of gross income: $25,000×$500,000/($400,000+$500,000+$150,000)	10,870
Apportionment of research and development expense to the statutory grouping, gross income from country Y: $25,000×$500,000/($500,000+$500,000+$150,000)	10,870
Apportionment of research and development expense to the statutory grouping, gross income from Puerto Rico: $25,000×($400,000−$250,000)/($500,000+$500,000+$150,000)	3,260
Total: Apportioned deduction for research and development	50,000
Of which—	
Apportioned to the residual grouping ($25,000+$10,870)	35,870
Apportioned to the statutory grouping to sources within country Y	10,870
Apportioned to the statutory grouping of sources within Puerto Rico	3,260

(Alternatively, X could apportion its research and development expense using one of the optional gross income methods in accordance with paragraph (e)(3)(iii) of this section.)

Example (17)—Stewardship Expenses (Consolidation)—(i) *Facts.* X, a domestic corporation, wholly owns M, N, and O, also domestic corporations. X, M, N, and O file a consolidated income tax return. All the income of X and O is from sources within the United States, all of M's income is from sources within South America, and all of N's income is from sources within Africa. X receives no dividends from M, N, or O. During the taxable year, the consolidated group of corporations earned consolidated gross income of $550,000 and incurred total deductions of $370,000 as follows:

Corporations:	Gross income	Deductions
X	$100,000	$50,000
M	250,000	100,000
N	150,000	200,000
O	50,000	20,000
Total	550,000	370,000

Of the $50,000 of deductiona incurred by X, $15,000 relates to X's ownership of M; $10,000 relates to X's ownership of N; $5,000 relates to X's ownership of O; and the entire $30,000 constitute stewardship expenses. The remainder of X's deductions ($20,000) relates to production of income from its plant in the United States.

(ii) *Allocation.* In accordance with § 1.1502-4, each corporation must first compute its separate taxable income for purposes of computing the limitation on the foreign tax credit. X's deductions of $50,000 are definitely related and thus allocable to the types of gross income to which they give rise, namely $25,000 wholly to income from sources outside the United States ($15,000 for stewardship of M and $10,000 for stewardship of N) and the remainder ($25,000) wholly to gross income from sources within the United States. Expenses incurred by M and N are entirely related and thus wholly allocable to income earned from sources without the United States and expenses incurred by O are entirely related and thus wholly allocable to income earned within the United States. Hence, no apportionment of expenses of X, M, N, or O is necessary. For purposes of applying the overall limitation, the statutory grouping is gross income from sources without the United States and the residual grouping is gross income from sources within the United States. As a result of the allocation of deductions, X, M, and N have separate taxable income (losses) from sources without the United States in the amounts of ($25,000), $150,000, and ($50,000), respectively, computed as follows:

	X	M	N
Foreign gross income		$250,000	$150,000
Less: Deductions allocable to foreign gross income	$25,000	100,000	200,000
Total, taxable income (loss)	(25,000)	150,000	(50,000)

Thus, in the combined computation of the overall limitation, the numerator of the limiting fraction (taxable income from sources outside the United States) is $75,000 ($150,000 of separate taxable income of M less $50,000 of losses of N and less $25,000 of losses of X).

Example (18)—Stewardship and Supportive Expenses—(i) *Facts.* X, a domestic corporation, manufactures and sells pharmaceuticals in the United States. X's domestic subsidiary S, and X's foreign subsidiaries T, U, and V perform similar functions in the United States and foreign countries T, U, and V, respectively. Each corporation derives substantial net income during the taxable year. X's gross income for the taxable year consists of:

Domestic sales income	$32,000,000
Dividends from S (before dividends received deduction)	3,000,000
Dividends from T	2,000,000
Dividends from U	1,000,000
Dividends from V	0
Royalties from T and U	1,000,000
Fees from U for services performed in the United States	1,000,000
Total gross income	40,000,000
Among other deductions, X incurs the following:	
Expenses of supervision department	1,600,000
Charitable contributions	100,000

X's Supervision Department (the Department) is responsible for the supervision of its four subsidiaries and for rendering certain services to the subsidiaries, and this Department provides all the supportive functions necessary for X's foreign activities. The Department performs three principal types of activities. The first type consists of services for the direct benefit of U for which a fee is paid by U to X. The cost of the services for U is $1,000,000. The second type consists of stewardship activities which are in the nature of a management review and generally duplicate functions performed by the subsidiaries' own employees (and are, therefore, of a type described in § 1.482-2(b)(2)(ii) which would not be subject to an allocation under section 482). For example, a team of auditors from X's accounting department periodically audits the subsidiaries' books and prepares internal reports for use by X's management. Similarly, X's treasurer periodically reviews for the board of directors of X the subsidiaries' financial policies. The cost of the duplicative services and related supportive expenses is $540,000. The third type of activity consists of providing services which are ancillary to the license agreements which X maintains with subsidiaries T and U. The cost of the ancillary services is $60,000.

(ii) *Allocation.* The Department's outlay of $1,000,000 is the basis for the charge to U for services rendered, and therefore $1,000,000 is allocated to the fees paid by U. The remaining $600,000 in the Department's deductions are definitely related to the types of gross income to which they give rise, namely dividends from subsidiaries S, T, U and V and royalties from T and U. However, $60,000 of the $600,000 in deductions are found to be attributable to the ancillary services and are definitely related (and therefore allocable) solely to royalties received from T and U, while the remaining $540,000 in deductions are definitely related (and therefore allocable) to dividends received from all the subsidiaries.

(iii) *Apportionment.* For purposes of applying the overall limitation, the statutory grouping is gross income from sources outside the United States and the residual grouping is gross income from sources within the United States. X's deduction of $540,000 for the Supervision Department expenses and related supportive expenses which is allocable to dividends received from the subsidiaries must be apportioned between the statutory and residual groupings before the overall limitation may be applied. In determining an appropriate method for apportioning the $540,000, a basis other than X's gross income must be used since the dividend payment policies of the subsidiaries bear no relationship either to the activities of the Department or to the amount of income earned by each subsidiary. This is evidenced by the fact that V paid no dividends during the year, whereas S, T, and U paid dividends of $1 million or more each. In the absence of facts that would indicate a material distortion resulting from the use of such method, the stewardship expenses ($540,000) may be apportioned on the basis of the gross receipts of each subsidiary.

The gross receipts of the subsidiaries were as follows:

S	$1,000,000
T	3,000,000
U	500,000
V	1,500,000
Total	6,000,000

Thus, the expenses of the Department are apportioned for purposes of the overall limitation as follows:

Apportionment of stewardship expenses to the statutory grouping of gross income:
$540,000×($3,000,000+$500,000+$1,500,000)/$6,000,000 = $390,000

Apportionment of supervisory expenses to the residual grouping of gross income
$540,000×$4,000,000/6,000,000 = 240,000

Total: Apportioned stewardship expense $540,000

(iv) *Allocation and apportionment of charitable contributions.* Pursuant to paragraph (e)(9) of this section, charitable contributions are generally treated as deductions which are not definitely related to any gross income and are, accordingly, apportioned ratably on the basis of gross income for purposes of the overall limitation as follows:

Apportionment of charitable contributions to the statutory grouping of gross income:
$100,000×($2,000,000+$1,000,000+$1,000,000)/$40,000,000 = $10,000

Apportionment of charitable contributions to the residual grouping of gross income:
$100,000×($32,000,000+$3,000,000+$1,000,000)/$40,000,000 = 90,000

Total apportioned charitable contributions 100,000

Example (19)—Supportive Expense—(i) *Facts.* X, a domestic corporation, purchases and sells products both in the United States and in foreign countries. X has no foreign subsidiary and no international department. During the taxable year, X incurs the following expenses with respect to its worldwide activities:

Personnel department expenses	$50,000
Training department expenses	35,000
General and administrative expenses	55,000
President's salary	40,000
Sales manager's salary	20,000
Total	200,000

X has domestic gross receipts from sales of $750,000 and foreign gross receipts from sales of $500,000 and has gross income from such sales in the same ratio, namely $300,000 from domestic sources and $200,000 from foreign sources.

(ii) *Allocation.* The above expenses are definitely related and allocable to all of X's gross income derived from both domestic and foreign markets.

(iii) *Apportionment.* For purposes of applying the overall limitation, the statutory grouping is gross income from sources outside the United States and the residual grouping is gross income from sources within the United States. X's deductions for its worldwide sales activities must be apportioned between these groupings. Company X in this example (unlike Company X in example (18)) does not have a separate international division which performs essentially all of the functions required to manage and oversee its foreign activities. The president and sales manager do not maintain time records. The division of their time between domestic and foreign activities varies from day to day and cannot be estimated on an annual basis with any reasonable degree of accuracy. Similarly, there are no facts which would justify a method of apportionment of their salaries or of one of the other listed deductions based on more specific factors than gross receipts or gross income. An acceptable method of apportionment would be on the basis of gross receipts. The apportionment of the $200,000 deduction is as follows:

Apportionment of the $200,000 expense to the statutory grouping of gross income:
$200,000×$500,000/($500,000+$750,000) = $80,000

Apportionment of the $200,000 expense to the residual grouping of gross income:
$200,000×$750,000/($500,000+$750,000) = 120,000

Total apportioned supportive expense 200,000

Example (20)—Supportive Expense—(i) *Facts.* Assume the same facts as above except that X's president devotes only 5 percent of his time to the foreign operations and 95 percent of his time to the domestic operations and that X's sales manager devotes approximately 10 percent of his time to foreign sales and 90 percent of his time to domestic sales.

(ii) *Allocation.* The expenses incurred by X with respect to its worldwide activities are definitely related, and therefore allocable to X's gross income from both its foreign and domestic markets.

(iii) *Apportionment.* On the basis of the additional facts it is not acceptable to apportion the salaries of the president and the sales manager on the basis of gross receipts. It is acceptable to apportion such salaries between the statutory grouping (gross income from sources without the United States) and residual grouping (gross income from sources within the United States) on the basis of time devoted to each sales activity. Remaining expenses may still be apportioned on the basis of gross receipts. The apportionment is as follows:

Apportionment of the $200,000 expense to the statutory grouping of gross income:	
President's salary: $40,000×5 pct.	$2,000
Sales manager's salary: $20,000×10 pct.	2,000
Remaining expenses: $500,000/($500,000+$750,000)×$140,000	56,000
Subtotal: Apportionment of expense to statutory grouping	60,000
Apportionment of the $200,000 expense to the residual grouping of gross income:	
President's salary: $40,000×95 pct.	38,000
Sales manager's salary: $20,000×90 pct.	18,000
Remaining expenses: $750,000/($500,000+$750,000)×$140,000	84,000
Subtotal: Apportionment of expense to residual grouping	140,000
Total: Apportioned general and administrative expense	200,000

Example (21)—Supportive Expense—(i) *Facts.* X, a foreign corporation doing business in the United States, is a manufacturer of metal stamping machines. X has no United States subsidiaries and no separate division to manage and oversee its business in the United States. X manufactures and sells these machines in the United States and in foreign countries A and B and has a separate manufacturing facility in each country. Sales of these machines are X's only source of income. In 1977, X incurs general and administrative expenses related to both its U.S. and foreign operations of $100,000. It has machine sales of $500,000, $1,000,000 and $1,000,000 on which it earns gross income of $200,000, $400,000 and $400,000 in the United States, country A, and country B, respectively. The income from the manufacture and sale of the machines in countries A and B is not effectively connected with X's business in the United States.

(ii) *Allocation.* The $100,000 of general and administrative expense is definitely related to the income to which it gives rise, namely a part of the gross income from sales of machines in the United States, in country A, and in country B. The expenses are allocable to this class of income, even though X's gross income from sources outside the United States is excluded income since it is not effectively connected with a U.S. trade or business.

(iii) *Apportionment.* Since X is a foreign corporation, the statutory grouping is gross income effectively connected with X's trade of business in the United States, namely gross income from sources within the United States, and the residual grouping is gross income not effectively connected with a trade or business in the United States, namely gross income from countries A and B. Since there are no facts which would require a method of apportionment other than on the basis of sales or gross income, the amount may be apportioned between the two groupings on the basis of amounts of gross income as follows:

Apportionment of general and administrative expense to the statutory grouping, gross income from sources within the United States:
$100,000×$200,000/($200,000+$100,000+$400,000) = $20,000

Apportionment of general and administrative expense to the residual grouping, gross income from sources without the United States:
$100,000×($400,000+$100,000)/($200,000+$400,000+$100,000) = 80,000

Total apportioned general and administrative expense 100,000

Example (22)—Domestic International Sales Corporations—(i) *Facts.* X, a domestic corporation, manufactures a line of kitchenware and sells it to retailers in the United States, France, and the United Kingdom. After the Domestic International Sales Corporation (DISC) legislation was passed in 1971, X established, as of January 1, 1972, a DISC and thereafter did all of its foreign marketing through sales by the DISC. In 1977 the DISC has total sales of $7,700,000 for which X's cost of goods sold is $6,000,000. Thus, the gross income attributable to exports through the DISC is $1,700,000 ($7,700,000−$6,000,000). Moreover, X has U.S. domestic sales of kitchenware of $12,000,000 on which it earned gross income of $900,000, and X receives royalty income from the foreign license of its kitchenware technology in the amount of $800,000. The DISC's expenses attributable to the resale of export property are $400,000 of which $300,000 qualify as export promotion expenses. X also incurs $125,000 of general and administrative expenses in connection with its domestic and foreign sales activities, and its foreign licensing ac-

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tivities. X and the DISC determine transfer prices charged on the basis of a single product grouping and the "50–50" combined taxable income method (without marginal costing) which permits the DISC to have a taxable income equal to 50 percent of the combined taxable income attributable to the production and sales of the export property, plus 10 percent of the DISC's export promotion expenses.

(ii) *Allocation.* For purposes of determining combined taxable income of X and the DISC from export sales, general and administrative expenses of $125,000 must be allocated to and apportioned between gross income resulting from the production and sale of kitchenware for export, and from the production and sale of kitchenware for the domestic market. The deduction of $400,000 for expenses attributable to the resale of export property is allocated solely to gross income from the production and sale of kitchenware in foreign markets.

(iii) *Apportionment.* Apportionment of expense takes place in two stages. In the first stage, for computing combined taxable income from the production and sale of export property, the general and administrative expense should be apportioned between the statutory grouping of gross income from the export of kitchenware and the residual grouping of gross income from domestic sales and foreign licenses. In the second stage, since the limitation on the foreign tax credit requires the use of a separate limitation with respect to dividends from a DISC (section 904(d)), the general and administrative expense should be apportioned between two statutory groupings, DISC dividends and foreign royalty income (for which the overall limitation is used), and the residual grouping of gross income from sales within the United States. In the first stage, in the absence of more specific or contrary information, the general and administrative expense may be apportioned on the basis of gross income in the respective groupings, as follows:

Apportionment of general and administrative expense to the statutory grouping, gross income from exports of kitchenware:

$$\$125{,}000\times\frac{\$1{,}700{,}000}{(\$1{,}700{,}000+\$900{,}000+\$800{,}000)}\quad\$62{,}500$$

Apportionment of general and administrative expense to the residual grouping, gross income from domestic sales of kitchenware and foreign royalty income from licensing kitchenware technology:

$$\$125{,}000\times\frac{(\$900{,}000+\$800{,}000)}{(\$1{,}700{,}000+\$900{,}000+\$800{,}000)}\quad62{,}500$$

Total apportionment of general and administrative expense	125,000

On the basis of this apportionment, the combined taxable income, and the DISC portion of taxable income may be calculated as follows:

Gross income from exports		$1,700,000
Less:		
DISC expense for resale of export property	$400,000	
Apportioned general and administrative expense	62,500	
		462,500
Combined taxable income from production and export of kitchenware		1,237,500
DISC income:		
50 pct of combined taxable income		618,750
10 pct of export promotion expense of $300,000		30,000
Total DISC income		648,750
DISC income as a percentage of combined taxable income		52.4

In the second stage, in the absence of more specific or contrary information, the general and administrative expense may also be apportioned on the basis of gross income in the respective groupings. Since DISC taxable income is 52.4 percent of combined taxable income, DISC gross income is treated as 52.4 percent of the gross income from exports, $1,700,000. The apportionment follows:

Apportionment of general and administrative expense to the statutory grouping, DISC dividends:

$$\$125{,}000\times\frac{(0.524\times\$1{,}700{,}000)}{(\$1{,}700{,}00+\$900{,}00+\$800{,}000)}\quad\$32{,}750$$

Apportionment of general and administrative expense to the statutory grouping, foreign royalty income:

$$\$125{,}000\times\frac{\$800{,}000}{(\$1{,}700{,}000+\$900{,}000+\$800{,}000)}\quad29{,}412$$

Apportionment of general and administrative expense to the residual grouping, gross income from sources within the United States:

$$\$125{,}000\times\frac{(\$400{,}000+(0.476\times\$1{,}700{,}000))}{(\$1{,}700{,}000+\$900{,}000+\$800{,}000)}\quad62{,}838$$

Total apportioned general and administrative expense	125,000

Example (23)—Domestic International Sales Corporations—(i) *Facts.* The facts are the same as in example (22), except that X also performs research, entirely within the United States, on the kitchenware it manufactures. In 1977, X incurs research expense of $100,000. Of this amount, $10,000 is incurred to meet product safety standards imposed by the U.S. Government. Similar safety standards are imposed by the countries to which X's DISC sells exports, and X's research is aceptable for purposes of meeting the standards of those countries. However, the safety research is not relevant for X's foreign licensees. X is able to establish, on the basis of its facts and circumstances (see example (10)) that an exclusive apportionment of $65,000 of its research and development expense to gross income from sources within the United States is appropriate. X does not know, and a reasonable estimate cannot be made, of the sales of licensed products by its foreign licensees. The sales of the foreign licensees are therefore estimated at ten times the amount of royalty income of $800,000, or $8,000,000.

(ii) *Allocation.* The kitchenware manufactured by X is in the broadly defined product category. Fabricated metal products, except machinery and transportation equipment (SIC Major Group 34). X's deduction for safety research is allocable solely to groupings of gross income within the United States, namely gross income from export sales (through the DISC) and gross income from domestic sales. The remainder of X's deductions for its research expense are definitely related and therefore allocable to all items of income attributable to this product category, domestic and foreign sales income, and foreign licensing income. For purposes of determining the combined taxable income of X and its DISC, X and the DISC are treated as a single taxpayer engaged in the production and sale of fabricated metal products. The DISC is not, for this purpose, treated as a separate taxpayer engaged in wholesale trade (SIC Major Groups 50 and 51).

(iii) *Apportionment.* X's deduotion for safety research ($10,000) must be apportioned between the atatutory grouping of gross income from exports and the residual grouping of gross income from sales within the United States. The deduotion for safety research may be apportioned either on the basis of sales (paragraph (e)(3)(ii) of this section) or on the basis of one of the optional gross income methods (paragraph (e)(3)(iii) of this section). X apportions this deduction on the basis of sales. For this purpose an exclusive apportionment is not available, since gross income from exports through a DISC and gross income from sales within the United States are both within the same geographic source, United States income (see paragraph (e)(3)(ii)(A) of this section). The remainder of X's research expense ($90,000) must be apportioned in two stages. In the first stage, for combined taxable income purposes, this amount must be apportioned between the statutory grouping of gross income from exports and other gross income. In the second stage, the remainder of X's research expense must be apportioned, for foreign tax credit purposes, between two statutory groupings, DISC dividends and foreign royalty income, respectively, and the residual grouping of gross income from sales within the United States. On the basis of X's facts and circumstances, $65,000 is apportioned exclusively to sources within the United States, namely gross income from exports through a DISC and gross income from sales within the United States. The remaining $25,000 of research expense is apportioned between the groupings of gross income on the basis of sales. (Alternatively, if X had apportioned the $10,000 for safety research on the basis of gross income, its remaining deduction of $90,000 for research expense could be apportioned, both in the first and second stage, using one of the optional gross income methods, which are not illustrated in this example (see instead examples (3) and (4).)

Tentative apportionment on the basis of sales

Research and development expense to be allocated and apportioned between residual and statutory groupings of gross income	$(90,000)
Research and development expense for safety purposes allocated solely to income from sources within the United States:	
Apportionment of safety research to the residual grouping, gross income from domestic sales: $\$10{,}000\times\frac{\$12{,}000{,}000}{(\$12{,}000{,}000+\$7{,}700{,}000)}$	6,091
Apportionment of safety research to the statutory grouping, gross income from exports: $\$10{,}000\times\frac{\$7{,}700{,}000}{(\$12{,}000{,}000+\$7{,}700{,}000)}$	3,909
Total apportioned safety research	10,000
Remaining research and development expense to be apportioned between the residual and statutory groupings of gross income	(90,000)
Apportionment of remaining research to the residual grouping, gross income from domestic sales and foreign royalties: $\$90{,}000\times\frac{(\$12{,}000{,}000+\$8{,}000{,}000)}{(\$12{,}000{,}000+\$8{,}000{,}000+\$7{,}700{,}000)}$	64,082
Apportionment of remaining research to the statutory grouping, gross income from exports: $\$90{,}000\times\frac{\$7{,}700{,}000}{(\$12{,}000{,}000+\$8{,}000{,}000+\$7{,}700{,}000)}$	25,918
Total: Allocated and apportioned deduction for research and development for combined taxable income purposes	100,000
Of which—	
Apportioned to the residual grouping, gross income from domestic sales and foreign royalties ($6,091+$64,982)	71,073
Apportioned to the statutory grouping, gross income from exports ($3,909+$25,018)	28,927

On the basis of this apportionment, the combined taxable income and the DISC portion of taxable income may be calculated as follows:

Gross income from exports		$1,700,000
Less:		
DISC expense for resale of export property	$400,000	
Apportioned general and administrative expense (from example (22))	62,500	
Apportioned safety research	3,909	
Apportioned remaining research	25,018	
		491,427
Combined taxable income from production and export of kitchenware		1,208,573
DISC income:		
50 pct of combined taxable income		604,287
10 pct of export promotion expense of $300,000		30,000
Total DISC income		634,287

In the second stage, the remainder of X's research expense ($90,000) must be apportioned, for foreign tax credit purposes, between two statutory groupings, DISC dividends and foreign royalty income, respectively, and the residual grouping of gross income from sales within the United States.

Remaining research and development expense to be apportioned between the residual and statutory groupings of gross income		$90,000
Less:		
Exclusive apportionment of remaining research and development expense to residual grouping, gross income from domestic sales (based on X's facts and circumstances)		65,000
Remaining research and development expense to be apportioned between the residual and statutory groupings on the basis of sales		25,000
Apportionment of research and development expense to the residual grouping of gross income from domestic sales: $\$25{,}000\times\frac{\$12{,}000{,}000}{(\$12{,}000{,}000+\$7{,}700{,}000+\$8{,}000{,}000)}$		10,830
Apportionment of research and development expense to the statutory grouping of DISC dividends: $\$25{,}000\times\frac{\$7{,}700{,}000}{(\$12{,}000{,}000+\$7{,}700{,}000+\$8{,}000{,}000)}$		6,950
Apportionment of research and development expense to the statutory grouping of foreign royalty income: $\$25{,}000\times\frac{\$8{,}000{,}000}{(\$12{,}000{,}000+\$7{,}700{,}000+\$8{,}000{,}000)}$		7,220
Total: Allocated and apportioned deduction for research and development for foreign tax credit purposes		100,000
Of which—		
Apportioned to the residual grouping ($6,091+$65,000+$10,830)		$81,921
Apportioned to the statutory grouping of gross income from exports ($3,909+$6,950)		10,859
Apportioned to the statutory grouping of foreign royalty income		7,220

Example (24)—Exempt, excluded, or eliminated income—(i) *Facts.* X, a domestic corporation, carries on a trade or business in the United States. In addition, X owns tax exempt municipal bonds, and all the shares of C, a Canadian corporation with which it files a consolidated return under the provisions of section 1504(d). X has gross income from domestic sources of $2,400,000 and tax exempt interest of $100,000. X receives dividends from C of $3,700,000 and interest from C of $50,000. X's dividends from C are eliminated income by virtue of the filing of the consolidated return. The deductible portion of X's interest expense is $500,000 (in addition X has interest expense relating to its tax exempt bonds which is not deductible under section 265) and X has stewardship expense relating to its ownership of C of $100,000. X and C use the overall limitation for purposes of computing the foreign tax credit.

(ii) *Allocation.* No portion of X's interest deduction is definitely related solely to specific property within the meaning of paragraph (e)(2)(iv) of this section. Thus, X's deduction for interest is related to all its income producing activities and properties. X's stewardship expense is related solely to its ownership of C and is therefore allocated to the statutory grouping of foreign source income, namely dividends and interest from C.

(iii) *Apportionment.* X apportions its interest expense using the optional gross income method prescribed in paragraph (e)(2)(vi)(A) of this section. For this purpose, tax exempt and eliminated income is included in gross income. X would therefore apportion its interest deduction between the statutory grouping of foreign source income and the residual grouping as follows:

To gross income from sources within the United States (residual grouping):

$$\$500{,}000\times\frac{(\$2{,}400{,}000+\$100{,}000)}{(\$2{,}400{,}000+\$100{,}000+\$3{,}700{,}000+\$50{,}000)}\quad\$300{,}000$$

To gross income from sources without the United States (statutory grouping):

$$\$500{,}000\times\frac{(\$3{,}700{,}000+\$50{,}000)}{(\$2{,}400{,}000+\$100{,}000+\$3{,}700{,}000+\$50{,}000)}\quad300{,}000$$

Total apportioned interest expense	500,000

As a result of the allocation of stewardship expense and the apportionment of interest expense, X's taxable foreign source income is calculated as follows:

Gross income from foreign sources	3,750,000
Less: dividends received deduction	3,700,000
Less: allocation of stewardship expense	100,000
Less: apportionment of interest expense	300,000
Taxable foreign source income (loss)	(350,000)

The amount of interest expense apportioned to tax exempt income for purposes of deductibility is determined not under section 861 but under section 265.

Example (25)—Income Taxes—(i) *Facts.* X, a domestic corporation, is a manufacturer and distributor of electronic equipment with operations in individual states, A, B, and C. X also has a branch in country Y which manufactures and distributes the same type of electronic equipment. In 1977, X has taxable income, as determined under the Code, of $1,000,000 of which $200,000 is foreign source taxable income (computed without regard to the deduction for state taxes) and $800,000 is domestic source taxable income (computed assuming, for the moment, that the entire deduction for state taxes is attributable to domestic sources). States A, B, and C each determine X's taxable income for their respective state tax purposes by making adjustments to its taxable income as determined under the Code, and then apportioning the adjusted taxable income on the basis of relative amounts of payroll, property, and sales with respect to activities and properties within each state as compared to all activities and properties. On this basis, it is determined that X has taxable income of $500,000, $200,000, and $200,000 in states A, B, and C, respectively. The adjustments made by states A, B, and C all involve adding and subtracting enumerated items from taxable income, as determined under the Code. However, in making these adjustments to taxable income, none of the states specifically exempts foreign source income, as determined under the Code. Since the corporate tax rates in states A, B, and C are 10 percent, 5 percent, and 2 percent, respectively, X has total state income tax liabilities of $64,000 ($50,000 + $10,000+$4,000) which it deducts as an expense for Federal income tax purposes.

(ii) *Allocation.* X's deduction of $64,000 for state income taxes is definitely related and thus allocable to the gross income with respect to which the taxes are imposed. Preaumptively, states A, B, and C only attempt to tax income from domestic sources. However, since the statutes of states A, B, and C do not specifically exempt foreign source income, as determined under the Code, from taxation and since, in the aggregate, states A, B, and C tax $900,000 of X's income while only $800,000 is domestic source income, it is presumed that state income taxes are imposed on at least $100,000 of foreign source income. The deduction for state income taxes is therefore related and allocable both to X's domestic and to its foreign income-producing activities and properties.

(iii) *Apportionment.* Since X computes its foreign tax credit limitation under the overall method there is one statutory grouping, gross income from sources outside the United States, and one residual grouping, gross income from sources within the United States. The state income tax deduction of $64,000 must be apportioned between these two groupings. Corporation X calculates the apportionment on the basis of relative amounts of taxable income reached by state taxation. In this case, state income taxes are imposed on $800,000 of domestic source income and $100,000 of foreign source income.

State income tax deduction apportioned to sources outside the United States (statutory grouping): $\$64{,}000\times\frac{\$100{,}000}{\$900{,}000}$ — $7,111

State income tax deduction apportioned to sources within the United States (residual grouping): $\$64{,}000\times\frac{\$800{,}000}{\$900{,}000}$ — $56,889

Total apportioned State income tax deduction	64,000
Of which—	
Apportioned to statutory grouping	7,111
Apportioned to residual grouping	56,889

Example (26)—Income Tax—(i) *Facts.* Assume the same facts as in example (25) except that state A's statute exempts all foreign source income, as determined under the Code.

(ii) *Allocation.* X's deduction of $64,000 for state income taxes is definitely related and thus allocable to the gross income with respect to which the taxes are imposed. Since state A exempts all foreign source income by its statute, its taxes of $50,000 are allocable solely to domestic source income. Since the statutes of states B and C do not specifically exclude all foreign source income as determined under the Code, and since states B and C impose tax on $400,000 ($200,000 + $200,000) of X's income, of which only $300,000 ($800,000 − $500,000) is domestic source, the deduction for the state income taxes of B and C are related and allocable both to X's foreign and domestic taxable income.

(iii) *Apportionment.* Since X computes its foreign tax credit limitation under the overall method there is one statutory grouping, gross income from sources outside the United States, and one residual grouping, gross income from sources within the United States. The state income tax deduction of $14,000 attributable to states B ($10,000) and C ($4,000) must be apportioned between these two groupings. Corporation X calculates the apportionment on the basis of relative amounts of taxable income.

States B and C income tax deduction apportioned to sources outside the United States (statutory grouping): $\$14{,}000\times\frac{\$100{,}000}{\$400{,}000}$ — $3,500

States B and C income tax deduction apportioned to sources within the United States (residual grouping): $\$14{,}000\times\frac{\$300{,}000}{\$400{,}000}$ — 10,500

Total apportioned State income tax deduction	14,000
Of which—	
Apportioned to statutory grouping	3,500
Apportioned to residual grouping	10,500

Paragraph 2. Section 1.863–3 is amended by revising example (2)(i) of paragraph (b)(2), example (2)(i) of paragraph (c)(3), and example (1)(i) of paragraph (c)(4) to read as follows:

§ 1.863–3 Income from the sale of personal property derived partly from within and partly from without the United States.

• • • • • •

(b) *Income partly from sources within a foreign country.* • • •

(2) *Allocation or apportionment.* • • •

Example (2). (i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States, the expenses, losses, or other deductions properly allocated and apportioned thereto in accordance with the rules set forth in § 1.861–8.

• • • • • •

(c) *Income partly from sources within a possession of the United States.* • • •

(3) *Personal property produced and sold.* • • •

Example (2). (i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a possession of the United States, or produced (in whole or in part) by the taxpayer within a possession of the United States and sold within the United States, the expenses, losses, or other deductions properly allocated and apportioned thereto in accordance with the rules set forth in § 1.861–8.

• • • • • •

(4) *Personal property purchased and sold.* • • •

Example (1). (i) The taxable income shall first be computed by deducting from such gross income the expenses, losses, or other deductions properly allocated or apportioned thereto in accordance with the rules set forth in § 1.861–8.

• • • • • •

Paragraph 3. Section 1.905–2(a)(2) is amended by adding a sentence at the end thereof to read as follows:

§ 1.905–2 Conditions of allowance of credit.

(a) *Forms and information.* • • •

(2) • • • If the taxpayer upon request fails without justification to furnish any such additional information which is significant, including any significant information which he is requested to furnish pursuant to § 1.861–8(f)(5) as proposed in the FEDERAL REGISTER for November 8, 1976, the District Director may disallow the claim of the taxpayer to the benefits of the foreign tax credit.

• • • • • •

[FR Doc.77-456 Filed 1-3-77;1:55 pm]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 100—CIVIL PENALTIES FOR VIOLATION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Civil Penalty Assessment Procedures

On page 45574 of the FEDERAL REGISTER of October 15, 1976, there was published a proposal to amend § 100.7(c), Part 100, Title 30, Code of Federal Regulations.

Concurrent with this Notice there is published in this issue of the FEDERAL REGISTER (at page 1216) a notice of rulemaking for special procedural rules applicable to summary disposition of civil penalty cases during mine health and safety hearings (43 CFR Part 4). The purpose of this amendment to 30 CFR Part 100 is to conform those regulations to the final rules in 43 CFR Part 4, which authorize the assessment officer to enter the order of assessment as the final order of the Department of the Interior when the respondent coal mine operator has waived its right to a hearing.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons were invited to submit written data, views, and comments by November 15, 1976.

No timely written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: These regulations are effective on January 6, 1977.

Dated: December 28, 1976.

FRED G. KAREM,
Deputy Under Secretary of the Interior.

Accordingly, 30 CFR Part 100 is amended by revising § 100.7(c) to read as follows:

§ 100.7 Request for hearing.

• • • • • •

(c) In accordance with 43 CFR 4.545, the Office of Hearings and Appeals shall thereafter issue an order, based on findings of fact and conclusions of law unless the petition is dismissed by consent of the parties, or summarily dismissed pursuant to 43 CFR 4.544.

(Sec. 508, Pub. L. 91–173, 83 Stat. 803; (30 U.S.C. 957).)

[FR Doc.77-415 Filed 1-5-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 668–1]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCE

Delegation of Authority to State of Vermont

Pursuant to the delegation of authority for the Standards of Performance for New Stationary Sources (NSPS) to the State of Vermont on September 3, 1976, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A notice announcing this delegation is published today in the FEDERAL REGISTER. (See FR Doc. 77–546 appearing in the Notices section of this issue). The amended § 60.4, which adds the address of the Vermont Agency of Environmental Protection to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on September 3, 1976, and it serves no purpose to delay the technical change of this addition to the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c–6.

Dated: December 17, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (UU) to read as follows:

§ 60.4 Address.

• • • • • •

(b) • • •

(UU)—State of Vermont, Agency of Environmental Protection, Box 489, Montpelier, Vermont 05602.

• • • • • •

[FR Doc.77-547 Filed 1-5-77;8:45 am]

[FRL 668–2]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Vermont

Pursuant to the delegation of authority for National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Vermont on September 3, 1976, EPA is today amending 40 CFR 61.04, *Address*, to reflect this delegation. A Notice announcing this delegation is published today in the FEDERAL REGISTER (see FR Doc. 77–546 appearing in the notices section of this issue). The amended § 61.04, which adds the address of the Vermont Agency of Environmental Protection to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on September 3, 1976, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended. 42 U.S.C. 1847c–7.

Dated: December 17, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

In § 61.04 paragraph (b) is amended by revising subparagraph (UU) to read as follows:

§ 61.04 Address.

• • • • • •

(b) • • •

(UU)—State of Vermont, Agency of Environmental Protection, Box 489, Montpelier, Vermont 05602.

• • • • • •

[FR Doc.77-548 Filed 1-5-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

NOMENCLATURE AMENDMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as follows:

1. Wherever the title "Assistant Secretary—Management" appears in this chapter, it is changed to read "Assistant Secretary—Administration and Management."

This amendment is made in accordance with a September 20, 1976, memorandum of the Secretary changing the secretarial assignment title.

2. (a) Wherever the name "Office of Management Services" appears in this chapter, it is changed to read "Office of Administrative and Management Policy."

(b) Wherever the name "Division of Procurement, Office of Management Services" appears in this chapter, it is changed to read "Division of Procurement and Grants, Office of Administrative and Management Policy."

(c) Wherever the name "Office of Management Operations" appears in this chapter, it is changed to read "Office of Administrative Services."

(d) Wherever the title "Director, Office of Management Services" or "Director of Management Services" appears in this chapter, it is changed to read "Director, Office of Administrative and Management Policy."

(e) Wherever the title "Assistant Director for Procurement, Office of Management Services" or "Assistant Director for Procurement" appears in this chapter, it is changed to read "Chief, Division of Procurement and Grants, Office of Administrative and Management Policy."

The amendments made above (2(a)–2(e)) are in accordance with Secretarial Order No. 2993 dated September 29, 1976, as implemented in Departmental Manual Release No. 1937 dated December 6, 1976.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, the amendments contained herein are entirely administrative in nature. Therefore, the public rulemaking process is waived and this amendment will become effective immediately.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 or OMB Circular A–107.

Dated: December 29, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-412 Filed 1-5-77;8:45 am]

PART 14–1—GENERAL

PART 14–10—BONDS AND INSURANCE

Procurement Set-Aside For Small Business and Surety Bond Assistance; Revision of Regulations

On April 27, 1976, a document was published in the FEDERAL REGISTER (41 FR 17568–17569) proposing to amend Department of the Interior procurement regulations concerning small business set-asides for procurement of construction including alteration, maintenance, and repair. The proposed amendment would have increased the dollar ceiling of all construction procurements to be set aside for small business on a class basis from $500,000 to $1 million. In addition, the proposed amendment would have increased the dollar ceiling of all construction procurements to be set aside from $1 million to $2 million, unless the contracting officer determined that to do so would not be in the public interest. The proposed amendment would have also increased from $1 million to $2 million the dollar ceiling of all construction procurements to be set aside on a case-by-case basis. The changes were proposed in order to maintain consistency with current market conditions and the effects of inflation since the time the current set-aside policies were adopted. All comments received with respect to the proposed amendment have been given thorough consideration.

Numerous comments were received which opposed the proposed increases based on the supposition that such increases would restrict price competition and result in higher prices for construction. However, no substantive information was furnished to support such a position. Throughout the years that the small business set-aside program has been in effect, there has been no evidence that it increases costs if properly administered.

One commentator noted that the proposed increases would assist in restoring to small business concerns the portion of the Department's construction procurements which have been lost through the effects of inflation.

Although the Department strongly supports the national policy that a fair share of the Government's procurements be set aside for small business, its share of procurements awarded to small business firms under the set-aside program has been gradually declining. In addition, it has been determined that an adjustment is needed in the dollar ceilings of procurements to be set aside in order to keep pace with the impact of inflation on construction costs. For these reasons, coupled with the nonsubstantive nature of the comments received, the Department has decided to uniformally adjust the dollar ceiling of construction procurements to be set aside to correct obsolescence caused by the rapid acceleration of inflation while assuring that bids or proposals received under procurements set aside will be obtained from a sufficient number of responsible small business concerns to assure adequate competition.

In determining the amount of adjustment to be made, the Department has utilized the GNP Implicit Price Deflator promulgated by the Department of Commerce. The GNP Deflator was recently used by the Small Business Administration in adjusting upward its small business size standards for procurement in the area of general construction to account for the effects of inflation during the years the standard has been in effect. This method was utilized since the GNP Deflator is the broadest single measure of inflation available. Using the same methodology as the Small Business Administration, the Department determined the percent of increase in the GNP Deflator from the year its current set-aside policies were adopted (1968) to the latest GNP Deflector (1975).

Accordingly, § 14–1.706–1(a) is revised to raise the dollar ceiling from $500,000 to $750,000 and § 14–1.706–1(b) is revised to raise the dollar ceiling from $1 million to $1.5 million. Section 14–1.706–1(c) is revised to raise the amount after which set asides are to be considered on a case-by-case basis from $1 million to $1.5 million.

In addition to adjustments in dollar amounts of construction procurements to be set aside for small business, amendments have been made to the Department's regulations respecting surety bond guarantee asistance to reflect changes made in Surety Bond Guarantee Regulations by the Small Business Administration in 13 CFR Part 115 (FEDERAL REGISTER October 1, 1976; 41 FR 43409).

In consideration of the foregoing, 41 CFR Subpart 14–1.7 and Subpart 14–10.2 are amended as set forth below effective on January 6, 1977.

The Department of the Interior has determined that this document does not contain a major rule requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: December 29, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. Subpart 14–1.7 of 41 CFR is amended by revising §§ 14–1.705–50 and 14–1.706–1 to read as follows:

Subpart 14–1.7—Small Business Concerns

§ 14–1.705 Cooperation with the Small Business Administration.

§ 14–1.705–50 Surety bond guarantee assistance.

(a) As provided in 13 CFR Part 115, the Small Business Administration may guarantee up to 90 percent of the loss on a surety bond required of a small business in order to obtain a Government contract of $250,000 or less and may guarantee up to 80 percent of the loss on surety bonds for contracts between $250,000 and $1,000,000 in amount. For purposes of applying this section, the definition of a small business is as set forth in § 14–1.701–50.

(b) Invitations for bids or requests for proposals where the cost of the procurement is not expected to exceed $1,000,000 shall include the following clause:

SURETY BOND GUARANTEE ASSISTANCE

As provided in 13 CFR Part 115, the Small Business Administration may, under certain circumstances, provide assistance to small businesses on surety bonds required hereunder. Further information may be obtained from the officer or the nearest office of the Small Business Administration.

§ 14–1.706 Procurement set-aside for small business.

§ 14–1.706–1 General.

(a) Pursuant to §§ 1–1.706–1, 1–3.201 (a) and (b) of this title, and § 14–3.201 (a) of this chapter, it shall be the policy of the Department of the Interior to set aside on a class basis for small business all procurements of construction (including alteration, maintenance, and repair) estimated to cost $750,000 or less, except individual procurements for which small purchase procedures (see Subpart 1–3.6 of this title) are to be used or when emergency repair work is required. Contracting officers may deviate from this class set-aside policy as provided in § 1–1.706–3 of this title.

(b) It shall be the policy of the Department of the Interior to set aside for small business all procurements of construction (including alteration, maintenance, and repair) estimated to cost between $750,000 and $1.5 million unless the contracting officer determines that to do so would not be in the public interest because of a lack of price competition, proficiency, or other circumstances.

(c) Construction procurements (including alteration, maintenance and repair) estimated to cost $1.5 million or more shall be considered for small business set aside on a case-by-case basis.

2. Subpart 14–10.2 of 41 CFR is amended by revising § 14–10.201 to read as follows:

Subpart 14–10.2—Sureties on Bonds

§ 14–10.201 General.

As provided in 13 CFR Part 115, the Small Business Administration may guarantee up to 90 percent of the loss on a surety bond required of a small business in order to obtain a Government contract of $250,000 or less and may guarantee up to 80 percent of the loss on surety bonds for contracts between $250,000 and $1,000,000 in amount (see § 14–1.705–50 of this chapter).

[FR Doc.77–413 Filed 1–5–77;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Special Rules Applicable to Mine Health and Safety Hearings and Appeals—Summary Disposition

On page 45574 of the FEDERAL REGISTER of October 15, 1976, there was published a proposal to amend § 4.544, Part 4, Subtitle A, Title 43, Code of Federal Regulations.

This amendment will relieve the Department from the unnecessary burden of preparing a formal decision based upon proposed findings of fact and conclusions of law for civil penalty cases where the respondent fails to file a timely answer to a petition for civil penalty, or fails to timely comply with a prehearing order. As an added protection, the respondent coal mine operators are given an opportunity to show cause and thereby avoid summary dismissal. This procedure is virtually identical to the prior regulations in effect during the period from June 28, 1972, until April 24, 1973.

The amendment does not affect the rights of respondent coal mine operators to a full and fair hearing in contested civil penalty proceedings where the respondent has complied with procedural regulations consistent with his prior request for a hearing. Under past practice, undue time and expense were spent preparing routine proposed findings of fact and conclusions of law prior to the imposition of default civil penalties by Administrative Law Judges. A conforming amendment to 30 CFR Part 100 has also been published in this issue of the FEDERAL REGISTER (at page 1214).

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons were invited to submit written data, views and comments by November 15, 1976.

No timely written objections have been received, and the proposed regulations are hereby adopted without change, and are set forth below.

Effective date: These regulations are effective on January 6, 1977.

Dated: December 28, 1976.

FRED G. KAREM,
Deputy Under Secretary of the Interior.

Accordingly, 43 CFR Part 4 is amended by revising § 4.544 to read as follows:

§ 4.544 Summary disposition.

(a) Where the respondent fails to file a timely answer to the Mining Enforcement and Safety Administration's petition for assessment of civil penalty, or fails to timely comply with any prehearing order of an administrative law judge, the Office of Hearings and Appeals shall issue an order to show cause why (1) the respondent should not be deemed to have waived his right to a hearing and (2) the proceedings should not be summarily dismissed and referred to the assessment officer.

(b) If the order to show cause is not satisfied as provided in the order, the administrative law judge shall order the proceedings summarily dismissed and referred to the assessment officer, who shall enter the order of assessment as the final order of the Department and institute collection procedures pursuant to section 109(a)(4) of the Act.

(c) Where the respondent fails to appear at a hearing, the respondent will be deemed to have waived his right to a hearing and the administrative law judge may assume for purposes of the assessment: (1) That each violation listed in the petition occurred, and (2) the truth of any fact alleged in any order or notice concerning such violation. In order to issue an initial decision assessing an appropriate penalty for each violation cited in accordance with § 4.545(a), an administrative law judge shall either conduct such hearing or require the Mining Enforcement and Safety Administration to furnish proposed findings of fact and conclusions of law.

(d) Nothing in this section shall be construed to deprive the respondent of its opportunity to have the Mining Enforcement and Safety Administration prove the violations charged in open hearing with confrontation and cross-examination of witnesses, except where said respondent fails to file timely answer to a petition for civil penalty, fails to timely comply with a prehearing order, or fails to appear at the scheduled hearing.

(Sec. 508, Pub. L. 91–173, 83 Stat. 803; (30 U.S.C. 957).)

[FR Doc.77–414 Filed 1–5–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 76–SO–106; Amdt. 39–2796]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA–28 and PA–32 Series Airplanes

There have been instances of erroneous fuel quantity indicators on PA–28 and PA–32 airplanes that could result in fuel mismanagement. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the fuel quantity gauges.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to Model PA–28–140 serial numbers 28–7225001 through 7725086; Model PA–28–150/160/180 serial numbers 28–7205001 through 7505259; Model PA–28–151 serial numbers 28–7415001 through 7715200; Model PA–28–181 serial numbers 28–7690001 through 7790192; Model PA–28–235 serial numbers 28–721001 through 7610181; Model PA–28R–200 serial numbers 28R–7235001 through 7635459; Model PA–32–260 serial numbers 32–7200001 through 7700005; and Model PA–32–300 serial numbers 32–7240001 through 7740012 certificated in all categories.

Compliance required as indicated.

To prevent possible fuel exhaustion due to an erroneous fuel quantity gauge indication, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless (b) and/or (c) have been accomplished, attach the following placard to the instrument panel near the fuel quantity gauges, in clear view of the pilot, using ⅛" minimum size type:

"Warning fuel gauges may indicate as much as 2½ gallons when tanks are empty."

The placard may be fabricated by the owner/operator or Piper Part Number 35669–14 may be used.

(b) Within the next 200 hours' time in service or 12 months, whichever occurs first, after the effective date of this AD, check each of the fuel quantity gauges for proper calibration in accordance with the following procedures. These checks may be performed by the pilot.

(1) Place the airplane on a known level area in an approximately static level condition.

(2) Insure that each fuel tank contains a minimum of five (5) gallons of fuel.

(3) Start the engine and run at 1000 rpm for approximately two (2) minutes. Alternator portion of split master switch must be on.

(4) Shut down the engine but leave the master switch on during steps (5), (6) and (7).

(5) Defuel each airplane fuel tank.

CAUTION: Insure that the aircraft and the defueling vehicle are properly grounded and insure that proper fire protection equipment is available.

(6) Repeat (3).

(7) With the engine running, determine the fuel quantity indication for each gauge.

(8) If the gauges indicate zero (0) or below, no further action is required. Return the airplane to service.

(9) If a gauge indicates above zero (0), accomplish (c), or replace the erroneous gauge with a serviceable gauge, which has the appropriate Piper Part Number and is identified with a white dot on the lower right hand corner of the face.

(c) The fuel quantity gauges that do not meet (b)(9) must be calibrated to a zero (0) indication in accordance with FAA approved Piper instructions by an FAA approved facility or by an FAA authorized Piper Aircraft Corporation employee.

(d) When (b) and/or (c) have been accomplished, the placard required by (a) may be removed.

(e) Alternate method of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective January 7, 1977.

Piper Service Bulletin 533 also pertains to this same subject.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Issued in East Point, Georgia, on December 21, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77–176 Filed 1–5–77;8:45 am]

[Airworthiness Docket No. 74–WE–7–AD, Amdt. 39–2797]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

Amendment 39–1820 (39 FR 13873), AD 74–09–01, as amended by Amendment 39–2348 (40 FR 36762) requires an initial inspection at 400 hours accumulated time in service on the main rotor ring gear drive shaft assembly, P/N 269A5179, for cracks, fretting, and other damage, and also requires periodic inspections at 1000-hour intervals thereafter on Hughes 269 series helicopters. After issuing Amendment 39–2348, the FAA determined from service experience that failure of the shaft assembly has occurred between the 1000-hour periodic inspection intervals. Therefore, the AD is being superseded by a new AD that reduces the periodic inspection intervals from 1000 hours to periodic inspections intervals of 300 hours' time in service on the shaft assembly. The area of inspection required by the AD is also being expanded to include the inspection for fine cracks over the entire accessible portions of the shaft assembly, in addition to the critical areas already specified as being adjacent to the locking collars and at the lower bearing bore seat.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS: Applies to Hughes Model 269 series helicopters certificated in all categories, incorporating main rotor ring gear drive shaft assembly, P/N 269A 5179.

Compliance required as indicated, unless already accomplished.

To detect conditions which might result in failure of the main rotor ring gear drive shaft assembly, accomplish the following:

(a) For main rotor ring gear drive shaft assemblies, P/N 269A5179, with less than 400 hours' total time in service on the effective date of this AD, before the accumulation of 425 hours' time in service, and thereafter at intervals not to exceed 300 hours' time in service since the last inspection, accomplish the inspections required by paragraph (f).

(b) For main rotor ring gear drive shaft assemblies, P/N 269A5179, with 400 or more hours' total time in service on the effective date of this AD, within the next 25 hours' time in service unless already accomplished within the last 275 hours' time in service and thereafter at intervals not to exceed 300 hours' time in service since the last inspection, accomplish the inspections required by paragraph (f).

(c) Before accumulating 3000 hours total time in service on the main rotor ring gear drive shaft assembly, P/N 269A5179, accomplish the inspection and modifications described in Hughes Service Information Notice No. N–114.2, dated June 23, 1975, or later FAA-approved revisions.

(d) Before accumulating 6000 hours total time in service on the main rotor ring gear drive shaft assembly, P/N 269A5179, remove and discard the shaft assembly from service.

(e) For main rotor ring gear drive shaft assemblies, P/N 269A5179, for which the prior service history cannot be documented, within the next 25 hours' time in service after the effective date of this AD, remove and discard the shaft assembly from service.

(f) The following inspections shall be performed at the periods specified in this AD.

(1) Using a magnifying glass having at least 10X power, conduct a close visual inspection of the main rotor ring gear drive shaft assembly, P/N 269A5179, at the area of the lower bearing bore and where the lower bearing cup, P/N 269A5051–9, seats against the P/N 269A5180 aluminum shaft, for fine cracks, wear, nicks, burrs, fretting, or other damage. In addition, for possible correction

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of minor defects, refer to Hughes Service Information Notice No. N–114.2, dated June 23, 1975, or later FAA-approved revisions.

(2) Measure the shaft lower bearing bore inside diameter and the lower bearing cup outside diameter at four equally spaced locations around the mating area. Add and average the inside and outside diameters separately; subtract the average inside diameter from the average outside diameter to determine the interference fit. The acceptable interference fit is .007 inch minimum to .009 inch maximum. The acceptable dimensions for the diameters are as follows:

Shaft lower bearing bore I.D., 5.367–5.368 inches.

Lower bearing cup O.D., 5.375–5.376 inches.

(3) Using a magnifying glass having at least 10X power, conduct a visual inspection of the accessible areas of the entire shaft assembly, including the area adjacent to the six locking collars for fine cracks. Removal of the locking collars is not required for this inspection. Do not disturb the locking collars while performing this inspection.

(4) If cracks are not found as a result of the inspections of (1) and (3) above, conduct a fluorescent or dye penetrant inspection of the accessible areas of the entire shaft assembly.

(5) If any crack, wear, nicks, burrs, fretting, or other damage is evidenced, or if a dimension is found to be out of limits as a result of the above inspection, replace the defective drive shaft assembly with a replacement assembly prior to further flight. In addition, for possible correction of minor defects, refer to Hughes Service Information Notice No. N–114.2, dated June 23, 1975, or later FAA-approved revisions.

(6) If a sharp edge exists at the lower bearing cup seat at the shoulder I.D., remove the sharp edge with 100 grit or finer emery cloth. Remove approximately 0.005–0.010 inch material.

(g) Operators whose helicopters, as of the effective date of this AD, experience sudden stoppage of the drive system or main rotor blade strikes resulting in damage to the rotor blade at the root fitting or damper attachment area, shall refer to maintenance inspections pertaining to this subject in Appendix B, Revision No. 2, and Appendix C, Revision No. 3, or latest revisions to the Hughes 269 Series Handbook of Maintenance Instructions.

(h) Equivalent inspection and modification procedures of the main rotor ring gear drive shaft assembly may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(i) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate helicopters to a base for the accomplishment of this AD.

This supersedes Amendment 39–1820 (39 FR 13873), AD 74–09–01, as amended by Amendment 39–2348 (40 FR 36762).

This amendment becomes effective January 10, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6 (c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

Issued in Los Angeles, Calif., on December 27, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.77–442 Filed 1–5–77;8:45 am]

[Airworthiness Docket No. 74–WE–12–AD; Amdt. 39–2798]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC–10 –10, –10F, –30, 30F, –40 Airplanes

Amendment 39–1812 (39 FR 12997), AD 74–08–07, as amended by Amendment 39–1928 (39 FR 30109), limits the use of the automatic landing system installed on McDonnell Douglas DC–10–10/–30/–40 series airplanes. Amendment 39–2115 (40 FR 8795) and 39–2230 (40 FR 23723) relieved some restrictions and added the "Do not use Automatic Landing System for Category III" restriction.

After issuing Amendment 39–2230, AD 74–08–07, other service difficulties involving the VOR/localizer antenna required the issuance of Amendment 39–2351 (40 FR 36762), AD–75–18–08 as amended by Amendment 39–2411 (40 FR 50519) which limited operation of the McDonnell Douglas DC–10 –10, –10F, –30, –30F and –40 airplanes to Category I meteorological conditions. This limitation was relieved by a modification acceptable to Category II meteorological conditions.

The Federal Aviation Administration has determined that the manufacturer has now developed design changes and a maintenance program which provides for safe operation of the autoland system as provided for in the FAA approved airplane flight manual. Therefore, AD 74–08–07 is being further amended to provide for operation to the full provisions described in the FAA approved airplane flight manual after incorporation of the following modifications, revisions and additions:

(1) McDonnell Douglas Service Bulletin 34–78 or production equivalent which provides a redundant localizer antenna. This modification provides the additional redundancy found necessary as a result of the service difficulty discussed in AD 75–18–08.

(2) McDonnell Douglas Service Bulletin 22–93 or production equivalent which provides additional electrical protection of relay terminals in yaw computer part numbers 3747082–7 and 3757091–9, as applicable. This yaw computer requirement surfaced as a result of further studies by McDonnell Douglas after AD 74–08–07 became effective.

(3) Removal of the AFM limitation "Do not use Automatic Landing System for Category III operation" required by AD 74–08–07 is provided for by paragraphs (1) and (2), as well as the incorporation of the maintenance plan in Note 8 of the Type Certificate Data Sheet dated June 30, 1976.

(4) Revisions to the FAA approved airplane flight manual are also incorporated in the amendment to provide for removal of the Category III limitation.

The AD 74–08–07 applicability statement has been rewritten to more accurately conform to the model listings on the Type Certificate Data Sheet No. A22WE. No substantive change is being effected as to aircraft subject to the rule.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1812 (39 FR 12997), AD 74–08–07, amended by Amendments 39–1928 (39 FR 30109), 39–2115 (40 FR 8795) and 39–2230 (40 FR 23723) is further amended as follows:

(1) Amend the applicability statement in pertinent part, to read:

Applies to all Douglas Aircraft Company DC–10, –10, –10F, –30, –30F and –40 airplanes certificated in all categories

(2) Amend paragraph (d), in pertinent part, to read:

(d) An operator may use the DC–10, –10, –10F, –30 or –30F automatic landing system • • •

(3) Add new paragraphs (h) and (i) as follows:

(h) An operator may use the DC–10, –10, –10F, –30, –30F or –40 Automatic Landing System for revenue service as provided in the applicable FAA approved Airplane Flight Manuals when all of the following are accomplished:

(1) Paragraph (d) or (f), as applicable, is accomplished.

(2) Installation of a redundant VOR/localizer antenna and modification of the existing VOR/localizer antenna on all airplanes in an operator's fleet to provide a redundant antenna. Modify per McDonnell Douglas Service Bulletin 34–78, dated December 6, 1976 or later FAA-approved revisions or production equivalent.

(3) Modificaion of all yaw computer Part Numbers 3757082–7 or 3757091–9, as applicable, in an operator's fleet to provide additional electrical protection of relay terminals, in accordance with McDonnell Douglas Service Bulletin 22–93, dated December 17, 1976 or later FAA-approved revisions or production equivalent.

(4) Incorporation of the applicable pages of the Flight Guidance Appendix to the Airplane Flight Manual, as listed below, approved on December 27, 1976, or later FAA-approved revisions to provide for removal of the Category III limitations.

Report No. MDC–J 1010 Revision No. 74.
Report No. MDC–J 1030 Revision No. 54.
Report No. MDC–J 5830 Revision No. 28.
Report No. MDC–J 1040 Revision No. 27.
Report No. MDC–J 2140 Revision No. 06.

(5) Approval to conduct automatic landings is obtained from the FAA Principal Operations Inspector assigned to the individual operator.

(i) Notwithstanding the requirements of paragraph (e) or (g), after accomplishment of paragraph (h), the Automatic Landing System may be operated in accordance with the limitations defined in the appropriate FAA approved airplane flight manual as provided in paragraph (h)(4).

This amendment becomes effective January 10, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact statement under Executive Order 11821 and OMB Circular A–107.

Issued in Los Angeles, Calif. on December 27, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.77–441 Filed 1–5–77;8:45 am]

[Docket No. 16387; Amdt. No. 1053]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective February 24, 1977.*

Augusta, ME—Augusta State Arpt., VOR Rwy 17, Amdt. 11, cancelled.
Augusta, ME—Augusta State Arpt., VOR Rwy 35, Original.
Augusta, ME—Augusta State Arpt., VOR/DME–A, Amdt. 7.
Augusta, ME—Augusta State Arpt., VOR/DME Rwy 6, Amdt. 7.
Augusta, ME—Augusta State Arpt., VOR/DME Rwy 17, Orig.
Manahawkin, NJ—Manahawkin Arpt., VOR–A, Original.
Hickory, NC—Hickory Municipal, VOR Rwy 24, Amdt. 18.
Siler City, NC—Siler City Municipal, VOR/A, Original.
Arlington, TX—Arlington Municipal, VOR/DME Rwy 34, Amdt. 1.
Dallas, TX—Addison Arpt., VOR Rwy 15, Amdt. 13.
Dallas, TX—Addison Arpt., VOR Rwy 33, Amdt. 14.
Dallas, TX—Dallas Love Field, VOR Rwy 18, Amdt. 18.
Dallas, TX—Dallas Love Field, VOR Rwy 36, Amdt. 10.
Dallas, TX—Dallas Love Field, VOR/DME Rwy 13R, Amdt. 3.
Dallas, TX—Redbird Arpt., VOR Rwy 13, Amdt. 3.
Dallas, TX—Redbird Arpt., VOR Rwy 17, Amdt. 1.
Dallas, TX—Redbird Arpt., VOR Rwy 31, Amdt. 6.
Morgantown, WV—Morgantown Muni-Walter L. Bill Hart Field, VORTAC Rwy 18, Amdt. 1.
Boscobel, WI—Boscobel Arpt., VOR/DME–A, Original.
Portage, WI—Portage Muni Arpt, VOR/DME–A, Original.
Richland Center, WI—Richland Arpt., VOR–A, Original.

• • • *effective January 10, 1977.*

Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l Arpt., VOR Rwy 9L, Amdt. 14.
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l Arpt., VOR Rwy 13, Amdt. 12.
Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l Arpt., VOR Rwy 27R, Amdt. 7.
Bad Axe, MI—Huron County Memorial, VOR Rwy 3, Amdt. 3.
Bad Axe, MI—Huron County Memorial, VOR Rwy 21, Amdt. 2.

• • • *effective January 13, 1977.*

Cheraw, SC—Cheraw Muni Arpt., VOR–A, Amdt. 4, cancelled.
Cheraw, SC—Cheraw Muni Arpt., VOR/DME Rwy 7, Orig.

• • • *effective December 21, 1976.*

Muskegon, MI—Muskegon County, VOR/DME Rwy 5, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective February 24, 1977.*

Auburn-Lewiston, ME — Auburn-Lewiston Muni Arpt., LOC Rwy 4, Amdt. 1.
Dallas, TX—Dallas Love Field, LOC (BC) Rwy 13R, Amdt. 10.
Dallas, TX—Dallas Love Field, LOC (BC) Rwy 31R, Amdt. 23.
Fort Worth, TX—Meacham Field, LOC (BC) Rwy 34R, Amdt. 5.

• • • *effective February 10, 1977*

Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l Arpt., LOC (BC) Rwy 27R, Amdt. 4.

• • • *effective January 13, 1977*

Nashville, TN—Nashville Metropolitan, LOC Rwy 31, Amdt. 2, cancelled.

• • • *effective December 16, 1976*

Galesburg, IL — Galesburg Municipal Arpt., LOC Rwy 2, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective February 24, 1977.*

Auburn-Lewiston, ME — Auburn-Lewiston Muni Arpt., NDB Rwy 4, Amdt. 1.
Portland, ME—Portland Int'l Jetport, NDB Rwy 11, Amdt. 11.
Hatteras, NC—Billy Mitchell Arpt., NDB Rwy 6, Original.
Dallas, TX—Redbird Arpt., NDB Rwy 35, Amdt. 3.
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional Arpt., NDB Rwy 17L, Amdt. 2.
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional Arpt., NDB Rwy 35R, Amdt. 2.
Fort Worth, TX—Meacham Field, NDB Rwy 34R, Amdt. 4.
Morgantown, WV—Morgantown Muni-Walter L. Bill Hart Field, NDB Rwy 18, Amdt. 11.

• • • *effective February 10, 1977*

Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l Arpt., NDB Rwy 13, Amdt. 11.
Tell City, IN—Perry County Municipal Arpt., NDB Rwy 31, Amdt. 1.
Artesia, NM—Artesia Municipal Arpt., NDB Rwy 12, Orig.
Artesia, NM—Artesia Municipal Arpt., NDB Rwy 30, Orig.
Harlingen, TX—Harlingen Industrial Airpark, NDB Rwy 17L, Original.

• • • *effective January 20, 1977.*

Lincoln, NE—Lincoln Municipal Arpt., NDB Rwy 35L, Amdt. 5.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective February 24, 1977.*

Portland, ME—Portland Int'l Jetport, ILS Rwy 11, Amdt. 14.
Dallas, TX—Addison Arpt., ILS Rwy 15, Amdt. 1.
Dallas, TX—Dallas Love Field, ILS Rwy 13L, Amdt. 24.
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 17L, Amdt. 5.
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 17R, Amdt. 5.
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 35L, Amdt. 5.
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional, ILS Rwy 35R, Amdt. 5.
Morgantown, WV—Morgantown Muni-Walter L. Bill Hart Field, ILS Rwy 18, Amdt. 4.

• • • *effective February 10, 1977.*

Ft. Lauderdale, FL—Ft. Lauderdale-Hollywood Int'l Arpt., ILS Rwy 9L, Amdt. 7.
Asheville, NC—Asheville Muni Arpt., ILS Rwy 34, Amdt. 16.

• • • *effective January 20, 1977.*

Lincoln, NE—Lincoln Municipal Arpt., ILS Rwy 35L, Amdt. 5.

• • • *effective January 13, 1977.*

Sacramento, CA—Sacramento Metropolitan Arpt., ILS Rwy 34, Original.

Nashville, TN—Nashville Metropolitan Arpt., ILS Rwy 31, Original.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective February 24, 1977.*

New Smyrna Beach, FL—New Smyrna Beach Muni Arpt., RADAR-1, Original.

* * * *effective January 13, 1977*

Daytona Beach, FL—Daytona Beach Regional, RADAR-1, Original.
DeLand, FL—DeLand Muni-Sidney H. Taylor Field, RADAR-1, Original.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective February 24, 1977.*

Arlington, TX—Arlington Municipal Arpt., RNAV Rwy 34, Amdt. 1.

Correction

In Docket No. 16311, Amdt. No. 1051, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Monday, December 20, 1976, on page 55333, under Section 97.25 * * * change effective date of Tyler, TX—pounds field, loc(BC) Rwy 31, Amdt. 12 from January 27, 1977 to February 24, 1977.

In Docket No. 16282, Amdt. No. 1048, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Friday, November 26, 1976 on page 52049, under Section 97.23, effective January 6, 1977 * * * White Plains, NY—Westchester County, VORTAC Rwy 23, orig redesignated as VORTAC-A, ORIG.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on December 24, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77-177 Filed 1-5-77;8:45 am]

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 27769; Reg. ER-979]

PART 221a—FARE SUMMARIES

Issuance of a New Part

Correction

In FR Doc. 76-37713 appearing at page 55865 in the issue of Thursday, December 23, 1976 the following corrections should be made:

1. On page 55868, in the third column, paragraph (g) of § 211a.3 should read as follows:

(g) Each fare summary shall provide an address from which any person can obtain by mail a copy of any other fare summary issued by that carrier, and shall contain a statement to that effect. In addition, each carrier shall provide, at each of its locations, forms by which a person may request copies of any summaries issued by the carrier by filling out the form and submitting it to the carrier's employee in attendance. Any such request shall be satisfied by the carrier by putting the requested summaries in the mail, addressed to the person making the request, not more than 7 days after receipt of the request.

2. Section 221a.4 should be added as follows:

§ 221a.4 Contents.

(a) A fare summary shall describe each type of passenger fare, except for group fares, offered to the public by a carrier from the point of origin (airport or metropolitan area) to which the summary applies, to selected destinations, as set forth in § 221a.6. For purposes of this requirement, "group fares" means fares applicable only to groups of more than nine persons that are not assembled by the carrier or by a travel agent.

(b) The fare description shall include both the actual amount of each fare in dollars and the general rules and conditions under which the fare is offered. The rules and conditions described shall include as a minimum the following:

(1) Restrictions as to dates of the year on which the fare applies, such as holidays and peak or off-peak seasons;

(2) Hour-of-the-day and day-of-the-week limitations;

(3) Minimum- and maximum-stay periods;

(4) Round-trip requirements;

(5) Advance reservation, deposit, and refund or forfeit provisions;

(6) Differential fares for children;

(7) Provisions regarding the identity or number of the passengers, such as occupation or minimum number in group; and

(8) Land-package or other additional-purchase requirements.

(c) Each fare summary shall bear the date as of which the information summarized is represented as being accurate, together with a statement to the following effect:

This is only a general summary of the rules and conditions that apply to the listed fares as of the date shown above. The official tariffs of current fares for air travel to or from a location where tickets are sold are available for examination at that location. A full statement of all current fares, with their associated rules and conditions, is contained in the official tariffs that are in effect and on file with the Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-106, Amdt. 52]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION: NON-HEARING MATTERS

Delegation to Chief, Passenger and Cargo Rates Division, Bureau of Economics, To Approve Applications To Furnish Free or Reduced-Rate Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 3, 1977.

Section 385.14(e) of the Board's Organizational Regulations presently delegates authority to the Chief, Passenger and Cargo Rates Division of the Bureau of Economics to approve or disapprove applications to furnish free or reduced-rate air transportation to tavel agents.

From time to time the Board has received, and generally approved, applications to furnish free or reduced-rate air transportation to: (1) Instructors and travel agent organization administrative personnel participating in travel agent training programs for which the attending travel agents receive free or reduced-rate transportation; and (2) military personnel traveling on official business of an air carrier to which they have been assigned for educational training purposes. Disposition of these applications involves no significant policy issues or other matters warranting the Board's consideration. Thus, the periodically recurring preparation and submission to the Board of drafts of orders approving or disapproving such applications, presently done by the Chief, Passenger and Cargo Rates Division, involves an unnecessary administrative workload. Accordingly, the Board is hereby delegating to the Chief, Passenger and Cargo Rates Division, the authority to dispose of such applications.

Since this amendment affects a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the Board hereby amends Part 385 of its Organization Regulations (14 CFR Part 385) effective January 3, 1977, as follows:

Amend § 385.14 by adding new paragraphs (f) and (g) to read as follows:

§ 385.14 Delegation to the Chief, Passenger and Cargo Rates Division, Bureau of Economics.

* * * * *

(f) Approve or disapprove applications for permission to furnish free or reduced-rate air transportation to instructors and travel agent organization employees in connection with travel agent training programs to which travel agents are accorded free or reduced-rate air transportation.

(g) Approve or disapprove applications for permission to furnish free or reduced-rate air transportation to commissioned and enlisted military personnel when on official business of an air carrier to which they have been assigned for educational training purposes.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; (49 U.S.C. 1324 (note).))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-487 Filed 1-5-77;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket RAR-2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS, CLASSIFICATION AND INVESTIGATIONS

Conforming Amendment

The Federal Railroad Administration (FRA) is making a minor amendment to Appendix B of Part 225 to conform with the amendment to § 225.9 (49 CFR 225.9) published in the April 15, 1976 issue of the FEDERAL REGISTER (41 FR 15847). This conforming amendment merely substitutes the word "telephonic" for "telegraphic" in Appendix B—Schedule of Civil Penalties, published in the July 26, 1976 issue of the FEDERAL REGISTER (41 FR 30649).

Since this amendment is merely conforming in nature and does not impose any additional burden on any person, notice and public proceeding thereon are unnecessary. For the same reasons, FRA has determined that a regulatory impact evaluation pursuant to the policies of the Department of Transportation published in the April 16, 1976 issue of the FEDERAL REGISTER (41 FR 16200) is not warranted.

In consideration of the foregoing Appendix B of Part 225 is amended by substituting the word "telephonic" for "telegraphic," effective on January 6, 1977. As amended it reads as follows:

APPENDIX B.—*Schedule of civil penalties*

Section	Violation	Intentional violation [1]
225.9. Telephonic reports of certain accidents/incidents	$1,000	$2,000
225.11. Reports of accidents/incidents	1,000	2,000
225.23 Joint operations:		
(a)	1,000	2,000
(b) and (c)	500	750
225.25 Recordkeeping	500	750
225.27 Retention of records	500	750

[1] For the purposes of this schedule, an intentional violation is the knowing and willful failure of a carrier, its officers or agents to comply with the provisions of this part. The Administrator reserves the authority to assess the maximum penalty of $2,500 for a violation of any section or subsection contained in pt. 225.

(Section 209, 84 Stat. 975, 88 Stat. 2165 (45 U.S.C. 438); § 1.49(n), regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).)

Issued in Washington, D.C. on December 30, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.77-402 Filed 1-5-77;8:45 am]

[Docket RAR-2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS, CLASSIFICATION AND INVESTIGATIONS

Amendments Concerning Reporting of Railroad Accidents

On November 22, 1976, the Federal Railroad Administration (FRA) published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 51428) proposing to amend several provisions governing the reporting of railroad accidents/incidents. Interested persons were invited to submit written comments by December 21, 1976. No unfavorable comments were received and the proposed amendments are hereby adopted without change as set forth below.

The proposed revisions to forms FRA F6180.45 (Annual Summary of Railroad Injury and Illness) and F6180.55 (Railroad Injury and Illness Summary) have been approved by the Office of Management and Budget (OMB) in accordance with 44 U.S.C. 3509. The revised forms were approved by OMB on November 17, 1976 (OMB approval Nos. 004-R4037 and 004-R4009).

The FRA has evaluated the regulatory impact of these amendments in accordance with the policies of the Department of Transportation as stated in the April 16, 1976 issue of the FEDERAL REGISTER (41 FR 16200) and determined that their impact will be minimal. The basis for this determination is identical to that contained in the NPRM.

In consideration of the foregoing, Part 225 of Title 49 of the Code of Federal Regulations is amended as set forth below:

1. By amending § 225.11 to read as follows:

§ 225.11 Reporting of accidents/incidents.

(a) Each railroad subject to this part must submit to FRA a monthly report of all railroad accidents/incidents described in § 225.19. The report must be made on the forms prescribed in § 225.21 and must be submitted within 30 days after expiration of the month during which the accidents/incidents occurred. Reports must be completed as required by the current FRA Guide for Preparing Accident/Incident Reports. A copy of this guide may be obtained from the Office of Safety, Federal Railroad Administration, 2100 Second Street, SW., Washington, D.C. 20590.

(b) As part of each monthly report, each Class I railroad and switching and terminal company must include a copy of its "Monthly Report of Employees, Service and Compensation" (ICC Wage Statistics, Forms A and B) submitted to the Interstate Commerce Commission for the same month.

(c) As part of its monthly reports for March, June, September and December of each year, each Class I railroad and switching and terminal company must include copies of the current quarterly Form OS-A report required by the Interstate Commerce Commission. As part of its monthly reports for April, July, October, and January of each year, each Class I railroad and switching and terminal company must include copies of current quarterly Form OS-B report required by the Interstate Commerce Commission.

2. By amending paragraph (d) of § 225.19 to read as follows:

§ 225.19 Primary group of accidents/incidents.

* * * * * *

(d) *Group III—Death, injury or occupational illness.* Each accident/incident, arising from the operation of a railroad, must be reported on Form FRA F 6180.55a if it results in:

(1) The death of any person from an injury within 365 days of the accident/incident;

(2) The death of a railroad employee from occupational illness within 365 days after the occupational illness was diagnosed by a physician;

(3) Injury to any person other than a railroad employee that required medical treatment;

(4) Injury to a railroad employee that requires medical treatment or results in restriction of work or motion for one or more work days, one or more lost work days, termination of employment, transfer to another job or loss of consciousness; or

(5) Any occupational illness of a railroad employee as diagnosed by a physician.

3. By amending paragraphs (b) and (c) of § 225.21 to read as follows:

§ 225.21 Forms.

* * * * * *

(b) Form FRA F 6180.55—Railroad Injury and Illness Summary. Form FRA F 6180.55 must be filed each month, even though no reportable accident/incident occurred during the month covered. Each report must include an oath or verification, made by the proper officer of the reporting railroad, as provided for attestation on the form. If no reportable accident/incident occurred during the month, that fact must be stated on this form. Class I and II line-haul and terminal and switching railroads, must show on this form the total number of locomotive train miles, motor train miles, and yard switching miles run during the month, computed in accordance with Train-Mile, Locomotive-Mile, Car-Mile, and Yard Switching accounts in the Uniform System of Accounts for railroad companies prescribed by the Interstate Commerce Commission in 49 CFR Part 1200.

(c) Form FRA F 6180.55a—Railroad Injury and Illness Summary (Continuation Sheet). Form FRA F 6180.55a shall be used to report all reportable fatalities, injuries and occupational illnesses that occurred during the preceding month.

* * * * * *

4. By amending paragraphs (a) and (b) of § 225.23 to read as follows:

§ 225.23 Joint operations.

(a) Any reportable death or injury to an employee arising from an accident/incident involving joint operations must be reported on Form FRA F 6180.55a by the employing railroad.

(b) In all cases involving joint operations, each railroad must report on Form FRA F 6180.55a the casualties to all per-

sons on its train or other on-track equipment. Casualties to railroad employees must be reported by the employing railroad regardless of whether the employees were on or off duty. Casualties to all other persons not on trains or on-track equipment must be reported on Form FRA F 6180.55a by the railroad whose train or equipment is involved. Any person found unconscious or dead, if such condition arose from the operation of a railroad, on or adjacent to the premises or right-of-way of the railroad having track maintenance responsibility must be reported by that railroad on Form FRA F 6180.55a.

* * * * *

(Secs. 12 and 20, 24 Stat. 383, 386, as amended (49 U.S.C. 12 and 20); sections 1–7, 36 Stat. 350, as amended (45 U.S.C. 38–43); sections 202, 208, and 209, 84 Stat. 971 and 975 (45 U.S.C. 431, 437, and 438); sections 6 (e) and (f), 80 Stat. 939 (49 U.S.C. 1655 (e) and (f); and sections 1.49 (c)(11), (h) and (n) of the regulations of the Office of Secretary of Transportation (49 CFR 1.49 (c)(11), (h) and (n))).

Effective date: February 1, 1977.

Issued in Washington, D.C., on December 30, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.77-403 Filed 1-5-77;8:45 am]

[Rulemaking Docket SA-3, Notice 4]

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

Box and Other House Cars

On November 22, 1976, the Federal Railroad Administration (FRA) published a Notice of Proposed Rulemaking (NPRM) in the FEDERAL REGISTER proposing a three year extension of the period allowed for the completion of the removal of roof running boards (41 FR 51429). Interested persons were invited to submit written comments by December 21, 1976. No unfavorable comments were received by that date and the proposed amendment is hereby adopted without change.

FRA has evaluated the regulatory impact of these amendments in accordance with the policies of the Department of Transportation as stated in the April 16, 1976 issue of the FEDERAL REGISTER (41 FR 16200) and determined that their impact will be minimal. The basis for this determination is the same as that described in the NPRM.

Since this amendment merely extends the mandatory completion date for removal of roof running boards from December 31, 1976 to December 31, 1979, it may be made effective in less than 30 days following publication in the FEDERAL REGISTER and shall become effective on January 1, 1977.

In consideration of the foregoing, § 231.1 of Title 49 of the Code of Federal Regulations is amended, by substituting "December 31, 1979" for "December 31, 1976" in the note, to read as follows:

§ 231.1 Box and other house cars.

NOTE.—After December 31, 1979, cars of this type built on or before April 1, 1966, or under construction prior to that date and placed in service before October 1, 1966, must be equipped as nearly as possible with the same complement of safety appliances, depending upon type, as specified in § 231.27 for box and other house cars without roof hatches, or in § 231.28 for box and other house cars with roof hatches. Cars built after April 1, 1966, or under construction prior thereto and placed in service after October 1, 1966, must be equipped, depending upon type, as specified in § 231.27 for box and other house cars without roof hatches, or in § 231.28 for box and other house cars with roof hatches.

* * * * *

(Safety Appliance Acts (45 U.S.C. 2, 4, 6, 8, 10, 11–16, as amended, 49 U.S.C. 1655(e); and Section 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c)).

Issued in Washington, D.C., on December 30, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.77-401 Filed 1-5-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 377—SHORT SUPPLY CONTROLS

Export Controls on Petroleum and Petroleum Products

The Department of Commerce has reviewed the current and projected domestic petroleum supply and demand situation and, after consultation with the Federal Energy Administration, has determined that the current controls over the export of petroleum and petroleum products are consistent with the national interest and the purposes of the Energy Policy and Conservation Act (Pub. L. 94–163) and must be continued for the first quarter of 1977. Quotas applicable to the export of petroleum products during the first quarter of 1977 are contained in Supplement No. 2 to Part 377 of the Export Administration Regulations as revised herein.[1] The Department has further determined that in order to maintain the export restrictions required by the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258), the interim regulations promulgated thereunder[2] will be continued pending the issuance of final regulations.

In addition, this Bulletin contains the following modifications of the petroleum export regulations.

(1) The provisions applicable to exchanges of crude oil are being modified to authorize certain transactions *only* with persons or the government of an "adjacent" foreign state.

(2) The regulations are modified to authorize licensing of exports, without quantitative restriction, of petroleum energy products produced from foreign-origin crude petroleum in refineries located in Guam and the State of Hawaii which products have been certified to be surplus to the needs of the local economy, including the ships' bunker and aviation fuel markets, and to local Department of Defense procurement needs. This change in the regulations is deemed appropriate in view of the unique geographic factors and marketing situation affecting refineries in Guam and Hawaii.

(3) The regulations are being modified to establish an interim procedure for the licensing of exports of naphtha and naphtha solvents during the first quarter 1977 until letters of quota participation have been issued to exporters. Exporters who submitted Past Participation Statements, as required by Export Administration Bulletin No. 160 in order to qualify for shares of the quotas established for the export of naphtha and naphtha solvents, were advised by memorandum of December 2 of substantial discrepancies between the aggregates of the Past Participation Statements received and Census export statistics for these commodities during the same time period. Accordingly, they were directed to submit for audit by the Office of Export Administration documentation substantiating their claimed base period exports of these commodities. The audit of this material, now underway, is expected to be completed in early February 1977, at which time letters of quota participation will be issued to such exporters based on the results of this audit.

Under the interim licensing procedure established herein, applications to export naphtha and naphtha solvents against contracts calling for delivery prior to March 31, 1977, if accompanied by the required documentation, will be considered for the destinations shown on the face of an exporter's Past Participation Statements up to his average quarterly exports of that commodity to that destination during the base period. All licenses issued to an exporter under this interim procedure will be charged against any quota allocations established for that exporter for the first quarter 1977 and, if amounts licensed cannot be fully recouped out of the first quarter quota allocation, quota allocations in subsequent quarters will be charged, as necessary. Applications to export naphtha and naphtha solvents to destinations or in cumulative quantities in excess of those shown on the applicant's Past Participation Statement will be considered only under the hardship and exceptions procedure described in

[1] Country quotas for Commodity Groups K, L and M, which have a rotating base period, are set out in Supplement No. 2 for each of the four calendar quarters. The Country quotas for the other Commodity Groups subject to quantitative restrictions remain unchanged from quarter to quarter; therefore, the quotas set out for such commodities, unless hereafter revised, are applicable to each quarter.

[2] See Section III of Export Administration Bulletin No. 160 dated September 30, 1976 (41 FR 44155, October 7, 1976).

§ 377.3 of the Export Administration Regulations.

(4) The regulations are also amended to exclude from General License G–NNR (Shipments of Certain Non-Naval Reserve Petroleum Commodities) those commodities falling under Export Control Commodity Number 3(6)B, because these commodities are subject to validated licensing for reasons of national security.

The Department continues to review its export control policies with respect to petroleum and other energy-related commodities in the light of relevant statutory authorities, the current and projected supply/demand situation, and the Department's experience to date in the administration of the petroleum export control program. In connection with this review, the Department continues to consult with other Federal agencies and is reviewing comments received from interested persons in response to the invitation for comments contained in Export Administration Bulletin No. 160 dated September 30, 1976 (41 FR 44155, October 7, 1976).

Upon completion of this review, the Department anticipates that additional regulations relating to exports of petroleum and other energy related commodities will be promulgated, including final regulations implementing the Naval Petroleum Reserves Production Act of 1976.

The requirements for notice of proposed rulemaking and opportunity for comment have been waived by the Department: (a) because it has found under the Energy Policy and Conservation Act that compliance with such procedures would seriously impair the Department's ability to maintain effective and timely controls over exports of petroleum and petroleum products; (b) because it believes that notice and public comment procedure on quarterly extensions of petroleum controls, without substantial change, is both impracticable and unnecessary; (c) because the limited changes to the regulations announced herein either relieve a restriction imposed by the regulations or make technical corrections; and (d) as otherwise authorized in 5 U.S.C. 553.

Written comments regarding the regulations extended and adopted herein are solicited on a continuing basis. Interested parties and government agencies should submit such comments to the United States Department of Commerce, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

Accordingly, the Export Administration Regulations are revised as follows:

1. Section 371.16 is revised to read as follows:

§ 371.16 General License G–NNR; shipments of certain Non-Naval Reserve petroleum commodities.

A general license designated G–NNR is established, subject to the provisions of § 371.16, authorizing the export of any commodity listed in Petroleum Commodity Group Q (See Supplement No. 2 to Part 377) to any destination in Country Groups Q, T, V, W, and Y, and Canada *Provided*, That both of the following conditions are met: (a) The commodity is not included in (1) an entry on the Commodity Control List for which the Export Control Commodity number is followed by the code letter "A" or (2) Export Control Commodity number 3(6)(B); and (b) The exporter must, prior to the export of a commodity under this General License G–NNR, assembled documtnary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.11(e) of this chapter, and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' records to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 of this chapter, that was made under a Shipper's Export Declaration showing General License G–NNR as the authority for the export. Any commodity listed in Petroleum Commodity Group Q which does not meet the conditions for export under General License G–NNR or GLV may be exported only under a validated license issued pursuant to § 377.6(d)(6) of this chapter.

2. In § 377.6 paragraphs (d)(1)(ii) and (d)(7) are revised and paragraphs (d)(9) and (e)(8) are added to read as follows:

§ 377.6 Petroleum and petroleum products.

* * * * *

(d) * * *

(1) * * *

(ii) The export will result directly in the importation into the United States of an equal or greater quantity of that same commodity, such transaction being carried out for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state; or

* * * * *

(7) *Group N.* An application for a validated license to export a commodity from Petroleum Commodity Group N as established in Supplement No. 2 will be considered if submitted with supporting documentation as required by paragraph (e)(2) of this section by the date specified in Supplement No. 2, but only to the extent of such exporter's quota shares for such commodities. Pending establishment of an exporter's quota shares in accordance with paragraph (a) of this section licenses may be issued for the unfilled balance of contracts calling for delivery prior to March 31, 1977, to destinations listed on the applicant's previously submitted Past Participation Statements for Group N commodities and for cumulative quantities not exceeding such exporter's average quarterly exports to the destinations listed of such commodities during the base period. However, all such licenses issued to an exporter under this interim licensing system prior to establishment of such exporter's quota allocations will be charged against any quota allocations established for that exporter for the first quarter 1977 and, if necessary, for subsequent quarters.

* * * * *

(9) Exemption from quantitative restriction of petroleum products produced from foreign-origin crude petroleum in refineries on Guam and in the State of Hawaii. An application for a validated license to export from Guam or from the State of Hawaii a commodity from Petroleum Commodity Group B, C, D, E, F, G, K, L, M, N or P, which was produced from foreign-origin petroleum in a refinery on Guam or in the State of Hawaii, will be considered without quantitative restriction if accompanied by supporting documentation as required by paragraph (e)(8) of this section.

(e) * * *

(8) Petroleum products derived from foreign-origin crude petroleum produced in and exported from Guam and the State of Hawaii. An application for a validated license to export from Guam or Hawaii without regard to quota restriction a specified quantity of a commodity from Petroleum Commodity Group B, C, D, E, F, G, K, L, M, N or P, which was produced from foreign-origin crude petroleum in a refinery on Guam or in the State of Hawaii must be submitted with the same documentation required by paragraph (e)(2) of this section and with all of the following:

(i) a sworn affidavit by the applicant stating that the petroleum commodities which he proposes to export (*a*) did not become available for export as a result of an exchange for products which would not qualify for exemption from quota restriction under this subsection and will not be replaced by products which do not so qualify, (*b*) was produced exclusively from foreign-origin crude petroleum, and (*c*) have been reported to the Federal Energy Administration as surplus if, at the time of application, the commodity sought to be exported is subject to Federal Energy Administration allocation regulations;

(ii) a signed statement from a duly authorized official of the Government of the Territory of Guam or of the State of Hawaii listing the particular petroleum commodities and the aggregate quantities thereof which the applicant proposes to export during the calendar quarter for which he is applying for an export license, and stating that such products and quantities are surplus to the projected needs during such calendar quarter of the Territory of Guam or the State of Hawaii, as the case may be, including the ships' bunker and aviation fuel markets in such Territory or State; and

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(iii) a signed statement from a duly authorized official of the Department of Defense Fuels Supply Center of the Defense Supply Agency listing the particular petroleum commodities and aggregate quantities thereof which the applicant proposes to export during the calendar quarter for which he is applying for an export license and stating that such quantities and products are surplus to the projected procurement needs of the subject agency during the applicable calendar quarter.

The documents listed under paragraphs (e)(8) (ii) and (iii) of this section need be submitted only once during each calendar quarter, and the applicant need only refer to his earlier submission of the subject documents for a particular calendar quarter when applying for additional licenses and state that to the best of his knowledge and belief the statements required by paragraphs (e)(8) (ii) and (iii) of this section have not been withdrawn or modified.

6. Supplement No. 2 to Part 377 is revised to read as follows:

SUPPLEMENT NO. 2.—*Petroleum and petroleum products subject to short supply licensing controls*

Schedule B No.	Commodity description	Unit of quantity
	PETROLEUM LICENSED ONLY IN ACCORDANCE WITH SEC. 377.6(d)(1)	
	Group A:	
331.0100	Crude petroleum, including tar sands	Barrels.
331.0200	Petroleum partly refined for further refining	Do.
	PETROLEUM PRODUCTS SUBJECT TO VALIDATED LICENSING AND HISTORICAL QUOTAS	
	Group B:	
332.1015	Aviation gasoline	Barrels.
	Group C:	
332.1030	Gasoline, n.e.c.	Do.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.	Do.
	Group D:	
332.2010	Kerosene, except kerosene-type jet fuel	Do.
	Group E:	
332.2020	Jet fuel	Do.
	Group F:	
332.3000	Distillate fuel oils	Do.
	Group G:	
332.4000	Residual fuel oils	Do.
	Group K:	
341.1025	Butane	Do.
	Group L:	
341.1030	Propane	Do.
	Group M:	
341.1040	Natural gas liquids, including LPG n.e.c.	Do.
	Group N:	
332.9110	Naphtha, mineral spirits, solvents and other finished light petroleum products, n.e.c.	Do.
521.4022	Naphtha solvent	Pounds.
	PETROLEUM PRODUCTS SUBJECT TO VALIDATED LICENSING BUT NOT QUOTAS	
	Group H:	
332.9160	Carbon black feedstock oil	Barrels.
	Group J:	
341.1010	Synthetic natural gas [1]	Thousand cubic feet.
341.2000	Gas, manufactured	Do.
	Group P:	
332.9410	Petroleum coke, calcined	Short tons.
332.9420	Petroleum coke, except calcined	Do.
	PETROLEUM PRODUCTS SUBJECT TO PROVISIONS OF EITHER SEC. 371.16 OR SEC. 377.6(d)(6)	
	Group Q:	
332.5005	Aviation engine lubricating oil, except jet engine lubricating oil	Barrels.
332.5010	Jet engine lubricating oil	Do.
332.5015	Automotive, diesel and marine engine lubricating oil	Do.
332.5020	Turbine lubricating oil including marine	Do.
332.5025	Automotive gear oils	Do.
332.5030	Red and pale oils	Do.
332.5035	Bright stock	Do.
332.5040	Black oils	Do.
332.5045	Steam cylinder oils	Do.
332.5050	Lubricating oils, n.e.c.	Dollar value.
332.5065	Lubricating greases	Pounds.
332.6100	Petroleum jelly, petrolatum, all grades	Do.
332.6210	Microcrystalline wax	Do.
332.6220	Paraffin wax, crystalline, fully refined	Do.
332.6280	Paraffin wax, crystalline, except fully refined	Do.
332.9120	Insulating or transformer oils	Barrels.
332.9130	Quenching and cutting oils	Do.
332.9140	White mineral oils	Do.
332.9180	Nonlubricating and nonfuel petroleum oils, n.e.c.	Do.
332.9210	Coal-tar asphaltum	Short tons.
332.9220	Pitch, from petroleum refining	Do.
332.9300	Pitch coke	Do.
332.9510	Petroleum asphalt	Do.
332.9520	Petroleum and shale oil residues, n.e.c.	Do.

SUPPLEMENT NO. 2.—*Petroleum and petroleum products subject to short supply licensing controls*—Continued

Schedule B No.	Commodity description	Unit of quantity
332.9610	Paving mixtures, bituminous, based on asphalt and petroleum	Dollar value.
332.9620	Asphalt and tar coatings, cements, and pitches	Do.
512.0901	Butylene	Pounds.
512.0902	Acetylene	Thousand cubic feet.
512.0903	Ethylene	Pounds.
512.0905	Propylene	Do.
512.0916	Methanol, including natural	Gallons.
512.0964	Isoprene	Pounds.
512.0991	Butadiene monomer	Do.
513.1305	Helium and mixtures containing helium	Cnt. cubic feet.
513.1350	Hydrogen and rare gases, n.e.c.	Thousand cubic feet.
513.3830	Carbon monoxide and carbon dioxide	Dollar value.
515.2000	Deuterium	Do.
513.6110	Ammonia (anhydrous or in aqueous solution) fertilizer grade	Cnt. short tons.
513.6120	Ammonia (anhydrous or in aqueous solution) except fertilizer grade	Do.
521.1000	Mineral tar	Gallons.
	Group Q:	
521.4010	Benzene, crude	Gallons.
521.4020	Toluene, crude	Do.
521.4027	Xylenes, n.e.c.	Pounds.
521.4040	Tar oils, chemicals, and crude products from coal, petroleum, and natural gas, n.e.c.	Do.

[1] Natural gas and liquefied natural gas (LNG), and synthetic natural gas commingled with natural gas (schedule B No. 341.1010) require export authorization from the U.S. Federal Power Commission. See sec. 370.10(g).

NOTES

Quantities: Report commodities in schedule B units as indicated above.
Base periods:
Commodity groups B, C, D, E, F, and G: Jan. 1, 1971, through June 30, 1973.
Commodity groups K, L, and M: The corresponding calendar quarter during the period Apr. 1, 1972, through Mar. 31, 1973.
Commodity group N: Jan. 1, 1974, through June 30, 1976.
Shipping tolerance: pet.
Submission dates:
Applications against historical quotas: Not prior to the beginning of the applicable quarter and received in the Office of Export Administration not later than the close of business on the 10th day prior to the end of the applicable quarter.
Applications for hardship and all commodities subject to validated licensing but not historical quotas: At any time.

QUARTERLY COUNTRY QUOTAS: 4TH QUARTER 1976

Country quotas for group B (schedule B No. 332.1015, aviation gasoline)

Country:	Quota (barrels)
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Honduras	307
India	12,743
Ivory Coast	98
Mexico	13,607
Netherlands	18,940
Singapore	14,783
All other countries	165

Country quotas for group C (schedule B No. 332.1030, gasoline; schedule B No. 332.1050, gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	Quota (barrels)
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	20,141
Germany, Federal Republic of	3,966
India	143
Iran	106
Italy	314
Japan	269
Leeward and Windward Islands	1,109
Mexico	149,791
Mozambique	66
Netherlands	48,039
Nigeria	143
Philippines	137
South Africa, Republic of	556
Sweden	56
United Kingdom	3,111
Venezuela	165
All other countries	513

Country quotas for group D (schedule B No. 332.2010, kerosene, except kerosene-type jet fuel)

Country:	Quota (barrels)
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,348
Gabon	266
Germany, Federal Republic of	7,047
Israel	586
Italy	467
Japan	2,354
Mexico	72
Netherlands	349
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa, Republic of	371
United Kingdom	9,391
Venezuela	454
All other countries	252

Country quotas for group E (schedule B No. 332.2020, jet fuel)

Country:	Quota (barrels)
Bahamas	31
Canada	42,797
Mexico	58,180

Country quotas for group F (schedule B No. 332.3000, distillate fuel oils)

Country:	Quota (barrels)
Bahamas	3,125
Canada	113,393
Colombia	36,385
Denmark	22,413
French Pacific Islands	11,616
Japan	49,195
Mexico	260,283
Netherlands	58,895
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
United Kingdom	49,195
All other countries	1,359

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Country quotas for group G (schedule B No. 332.4000, residual fuel oils)

Country:	Quota barrels
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	271,601
Leeward and Windward Islands	12,745
Mexico	643,500
Netherlands	50,108
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Philippines	862
Poland	2,070
Portugal	19,240
Singapore	15,455
South Africa, Republic of	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

Country quotas for group K (schedule B No. 341.1025, butane)

[In barrels]

Country	1st quarter	2d quarter	3d quarter	4th quarter
Brazil				18,055
Canada	1,769	1,594	1,176	1,346
Mexico	197,183	169,328	174,916	185,206
Netherlands			10,927	
All other countries	703	738	245	877

Country quotas for group L (schedule B No. 341.1030, propane)

[In barrels]

Country	1st quarter	2d quarter	3d quarter	4th quarter
Bahamas				10,046
Canada	4,931	2,081	1,521	2,108
Japan	380,809		221,346	622,447
Mexico	841,862	593,894	586,509	707,695
New Zealand			1,041	1,230
All other countries	3,514	2,088	1,203	619

Country quotas for group M (schedule B No. 341.1040, natural gas liquids, including liquified petroleum gas (LPG), n.e.c.)

[In barrels]

Country	1st quarter	2d quarter	3d quarter	4th quarter
Canada	22,414	17,878	15,954	41,596
Guatemala	2,355	737	2,335	1,901
Japan	150,514			
Mexico	1,687,569	1,783,460	2,059,084	1,656,328
All other countries	3,946	1,638	3,168	1,359

Country quotas for group N (schedule B No. 332.9110, naphtha; schedule B No. 521.4022, naphtha solvent)

Country	Quota (barrels) schedule B No. 332.9110	Quota (pounds) schedule B No. 521.4022
Argentina	2,258	8,193
Australia	11,992	1,276,068
Belgium	14,394	172,112
Brazil	27,468	
Canada	83,578	24,359
Chile	84	38,761
Colombia	60	160,646
Costa Rica	397	9,805
France	7,059	641
Germany, Federal Republic of	3,939	646,531
Guatemala	1,540	470
India	9	1,860
Iran	67	3,872
Italy	2,852	326,704
Japan	21,753	15,134
Malaysia	3,808	220,636
Mexico	24,601	832,833
Netherlands	49,476	1,008,504
New Zealand	2,329	
Nicaragua	5,818	
Pakistan	2,841	
Peru	397	1,744
Philippines	6,267	40,076
South Africa, Republic of	9,792	207,920
Trinidad	966	
United Kingdom	20,189	
Venezuela	6,188	444,742
All other countries	19,473	228,916

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403); E. O. 11533, 13 CFR 538 (1971), 50 U.S.C. App. 2403 nt. (Supp. IV, 1974), as amended by EO 11907, 41 FR 9085 (1976); section 103, Pub. L. 94-163, 89 Stat. 871 (42 U.S.C. 6212); Sec. 2, EO 11912, 41 FR 15825 (1976); Sec. 201, Pub. L. 94-258, 90 Stat. 307 (10 U.S.C. 7420); Sec. 101, Pub. L. 93-153 (30 U.S.C. 158); Pub. L 94-362; Sec 2, EO 11940, 41 FR 43707 (1976); Department Organization Order 10-3, dated Nov. 17, 1975, 40 FR 58876 (1975), as amended; and Domestic and International Business Administration Organization and Function Order 46-1, dated November 17, 1975, 40 FR 59764 (1975), as amended.)

Effective date of action: January 1, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76-38488 Filed 12-30-76;9:32 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM 75-11]

PART 11—ANNUAL CHARGES UNDER PART 1 OF THE FEDERAL POWER ACT

Change in Annual Charges for Use of Most Government Lands

DECEMBER 29, 1976.

On October 30, 1974, the Commission issued a notice of proposed rulemaking

in this proceeding (39 FR 39055 (1974)), wherein it proposed to amend § 11.21 of the regulations (18 CFR 11.21 (1974)), in accordance with section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), revising the annual charges paid by licensees to the United States for the use of its lands.

Section 11.21, in its present form, sets out a nonexclusive list of factors which the Commission may consider in fixing reasonable annual charges for the use of Government lands other than lands adjoining or pertaining to Government dams or other structures owned by the United States. In addition, it sets a minimum charge for the use of such lands and fixes a rate for use for transmission lines only.

Annual charges for the use of Government lands were originally based on project-by-project appraisals, a practice that was often uneconomic because of the excessive cost of appraisal in comparison to the value of the land involved. As a result, in part, of this problem, the Commission in 1942 began to utilize a national average value per acre for Government lands in calculating annual charges, and has continued to employ such a figure up to the present time. The current figure, used since 1962, is $60 per acre. Applying the interest rate of 4 percent used for annual charge purposes since 1942 to this average land value results in a uniform annual charge of $2.40 per acre.

Section 11.21 specifies a rate of $8 per mile per year for 100-foot widths of transmission line right-of-way (the actual charge per mile varies proportionately for lesser or greater widths). This rate is equivalent to a charge of approximately $0.66 per acre, or 27.5 percent of the $2.40 per acre fee derived for the use of Government land other than for transmission line right-of-way. The theory has been that use for rights-of-way for transmission lines would not preclude some other uses of the land involved.

The present § 11.21 sets a minimum annual charge for the use of Government lands under any license of $5 per year.

Five alternative versions of a proposed amendment to § 11.21 were presented in the notice of October 30, 1974. Comments and suggestions were solicited, and responses from 31 parties were received.[1]

A number of the responses expressed the opinion that any increase in the charge for the use of Government lands would be inflationary and in violation of that portion of section 10(e) of the Federal Power Act which provides:

"• • • in fixing such charges the Commission shall seek to avoid increasing the price to the consumers of power by such charges • • •"[2]

If it is assumed that utilities operating hydroelectric power generating facilities will eventually pass on their costs of operation to their customers who purchase power, it can be seen that the imposition of any annual charges will cause an equivalent increase, however small or large, in costs which will generally and eventually come to be reflected to some degree in the bills of consumers. If the clause of section 10(e) quoted above precluded absolutely the fixing of annual charges which increased consumers' expenses, it is difficult to see how annual charges in any amount could ever be imposed. The clause, however, directs the Commission to "seek to avoid" such increases while performing its statutorily imposed duty to fix reasonable annual charges which licensees are to pay for the purpose, *inter alia*, of recompensing the United States "for the use, occupancy, and enjoyment of its lands or other property • • •"[3] Thus, an adjustment in these charges such that reasonable compensation for the use of Government lands is provided is not a violation of the "consumer clause" of section 10(e).

The Commission, in Docket No. RM 75-11, has considered and sought to minimize any potential effects the proposed change in § 11.21 of the regulations might have on the price of power to consumers, while ensuring that the United States shall be adequately compensated, through the payment of annual charges, for the use of its land.[4] We believe that the charges resulting from this amendment, as ordered hereinafter, are reasonable and will not serve to significantly increase the economic burden of consumers of hydroelectric power. The increased cost that will be incurred by hydroelectric power producers as a result of this adjustment of annual charges is minimal in relation to the total system costs of most producers of electric energy for retail consumption, and should therefore have a similarly minimal economic impact on ultimate consumers.[5]

LAND VALUES

The five alternatives, (A) through (E), presented in the notice of this proposed rulemaking provide for differing methods of valuing Government lands for annual charge purposes. The first three alternatives propose the use of average values on an (A) national, (B) regional, or (C) state basis, while the last two use an average national value for projects licensed initially or constructed prior to January 1, 1975, and an individual assessment of lands of unconstructed projects licensed thereafter, determined either (D) as if the project were not to be constructed, or (E) taking into consideration the value of the land as a hydroelectric site.

Both support of and opposition to each of the five methods for valuing Government lands for annual charge purposes proposed in the notice can be found in the comments submitted. Some responses favored the use of average values on a national, regional, or state basis, while other comments were particularly critical of one or several of these bases. While several responses flatly opposed individual appraisals of Government lands used in hydroelectric projects,[6] as proposed by Alternatives D or E, a number of others indicated individual appraisal as the favored method of evaluation.[7]

Appraisal of individual tracts of Government-owned project lands to determine value for annual charge purposes appears an attractive method at first glance, because of the seemingly greater potential such a method would have over the use of an "average" land value in ac-

[1] Responses were received from Alabama Power Company; American Public Power Association; Senators John Tower and Lloyd Bentsen of Texas, Senators Russell Long and J. Bennett Johnston of Louisiana, Congressman Charles Wilson of Texas, and Congressmen Gillis Long, John Rauck, David Treen, and Joe Waggonner of Louisiana (joint response); Chugach Electric Association, Inc.; Denver (Colorado) Water Department; Department of Water and Power, The City of Los Angeles; Department of Water Resources, State of California; Environmental Protection Agency; Forest Service, United States Department of Agriculture; Georgia Power Company; Idaho Power Company; Merced Irrigation District; Montana Power Company; Northwest Public Power Association; Pacific Gas and Electric Company; Pacific Power & Light Company; Public Service Electric and Gas Company; Public Utility District No. 1 of Chelan County; Public Utility District No. 1 of Snohomish County; Public Utility District of Grant County; Puget Sound Power & Light Company; Sabine River Authority of Texas; Salt River Project; City of Seattle—Department of Lighting; South Carolina Public Service Authority; Southern California Edison Company; Washington Water Power Company; United States Water Resources Council; Wisconsin Valley Improvement Company; Virginia Electric and Power Company; Division of Economic Studies of the Office of Economics of the Federal Power Commission.

[2] 16 U.S.C. 803(e).

[3] *Id.*

[4] Land use charges have not been adjusted since 1962, as stated above, through almost a decade and a half of generally increasing real estate values nationwide.

[5] In their response to the notice of this proposed rulemaking, Georgia Power Company stated that adoption of Alternative A, calling for a $150 per acre land valuation coupled with a 8 percent interest rate, "would not create an immediate need for increased prices to (the) Company's customers." The charge ordered herein is very close to that discussed by the Company in its comments.

[6] E. g., responses of Pacific Gas & Electric Co. and Public Service Electric and Gas Co.

[7] The comments of the Division of Economic Studies of the Office of Economics of the Federal Power Commission indicate approval of Alternative D's appraisal method for newly licensed or constructed projects. The United States Forest Service's response favored "market value appraisal" for lands contained in projects not completely constructed prior to January 1, 1975, and in constructed projects at any time after that date when an application for licensing such a project was being considered by the Commission. This would result in individual appraisals in relicensings, which would not be the case in Alternatives D or E, as proposed in the notice. The comments of the Sabine River Authority of Texas, Public Utility District of Grant County, and Wisconsin Valley Improvement Co. imply that there should be individual appraisals of all Government land subject to annual charges, even in the case of constructed projects.

curately reflecting actual land values, at least at the time of the appraisal. For a period of five years, beginning in 1937, the Commission did in fact base annual charges on individual land appraisals for each project. It was found, however, that the expense associated with making these appraisals was quite often excessive when compared with the value of the land involved, leading to the development in 1942 of an average value per acre for appropriate Government lands which has been utilized continuously since that time for annual charge purposes.

Other practical difficulties besides excessive costs remain as potential obstacles to a system of annual charges based on appraised land values. For projects already constructed, the values of inundated lands and shoreline property would generally come to be distorted because of conditions created by the existence of the project.[9] Although relatively undistorted land appraisals could probably be made in the case of an unconstructed project, such appraisals would only reflect the value of the subject land at the time the appraisal was conducted. Values could only be kept current by conducting subsequent re-appraisals on a periodic basis. Such a process would result in additional expense each time re-appraisals to determine current values became necessary. In addition, re-appraisals conducted after the completion of a project would probably face the problem of distorted land values described above. It must also be recognized that the art of land appraisal is by no means an exact science, and the utilization of appraised values for annual charges might well lead to costly and time-consuming litigation over values computed in individual cases.

The serious practical shortcomings of the individual land appraisal method indicate that an average value for Government land should continue to be used for annual charge purposes. For the reasons stated below, we have chosen to use a uniform national average value for appropriate Government lands, as opposed to regional or state values.

It has been the consistent practice of this Commission for over 30 years to employ a national average land value in computing annual charges. It has been demonstrated over that period that the use of a national average simplifies the administrative task of Commission staff and thus reduces the costs associated with yearly land use charge determinations.[9] Regional or state averages seem to have the advantage of greater "localization" versus a single national figure, which arguably could lead to land use charges which more closely reflect "local" (in a regional or state-wide sense) land values. However, it has not been demonstrated that greater accuracy in land valuation would in fact be generally obtained by the use of state or regional averages, or that any such speculative improvement in accuracy would be significant enough to outweigh the obvious administrative economies accruing when a single nation-wide figure is used as the basis for annual charges.[10]

Averages computed on a regional basis have the further disadvantage that the delineation of the geographic limits of any "region", denominated as such for annual charge purposes, would be a somewhat arbitrary process, leading to the possibility of numerous disputes over the inclusion or exclusion of states in or from certain regions.[11]

Interest Rate

In the notice of October 30, 1974, a 6 percent interest rate was utilized in the five alternative proposals, although two external guidelines were presented for consideration and comment by respondents. One of these external guidelines was the discount or interest rate used for water resources planning by the U.S. Water Resources Council (WRC) pursuant to Pub. L. 93-251, a figure based primarily on the average yield of long term (15 years or more to maturity) U.S. interest-bearing securities, which can be adjusted each year to reflect changes in yield and the associated changing Federal borrowing costs but, because of a statutory requirement, cannot change by more than one-quarter of a percent in any year.[12]

A number of responses suggested that the proposed 6 percent figure was selected arbitrarily and therefore lacked sufficient validity to be used as a basis in computing annual charges. Whether or not this is so, the Commission in any case believes that the WRC rate provides the best figure for computing such charges. The WRC rate has a number of attractive features which make it the preferred choice for this purpose. It, too, is "more than a nominal charge but * * * less than * * * a commercial rate." [13] However, it cannot be said that the WRC rate is determined "arbitrarily." On the contrary, the rate is determined by careful calculation to reasonably reflect current Federal long term borrowing costs. The interest rate charged licensees for the use of Federal assets (Government lands) would be equal to the expense the Federal government must bear for the use of private assets. The rate has a statutory base,[14] with certain constraints to insure the reasonableness of the rate in comparison to actual interest rates. The use each year of a current WRC rate in calculating annual charges for the use of Federal land [15] would ensure that this facet of the charge would automatically remain up-to-date and would not have to be modified frequently by subsequent Rulemaking procedures.

We believe that use of the WRC rate for this purpose is reasonalbe, has proper statutory constraints to ensure that it remains reasonable year-by-year, and will ensure that the interest rate used remains current. For these reasons and others noted above, we believe that the WRC rate, as adjusted each fiscal year, is the best alternative to employ in calculating annual land use charges. We hesitate, however, to base our regulation explicitly upon the actions of another Federal agency, over which we have no authority or control. Therefore, rather than ordering the adoption of the "WRC rate" by that term, we will herein describe the derivation of this rate and adopt this language in providing for the interest rate to be used in calculating land use annual charges.

[9] As examples of the ways in which the existence of a project alters the competitive market value of lands in its vicinity so as to intensify the difficulty of making an appraisal for annual charge purposes, it can be seen that inundated lands would be expected to have an artificially low competitive market value, while the value of shoreline property would generally be inflated upwards as a result of being situated advantageously along the project-created reservoir.

[9] It should be noted that, in accordance with Section 10(e) of the Act (16 U.S.C. 803 (e)), licensees are responsible for reimbursing the United States for the Commission's costs associated with the administration of Part 1 of the Act.

[10] To employ state average land values for the computation of annual charges, Commission Staff would have to perform such tasks as determining the values of Forest Service and Bureau of Land Management lands and the ratio between these lands used in licensed projects, not once on a national basis, but many times on a state-by-state basis. It should be noted that for the Notice of October 30, 1974, in Docket No. RM75-11, the ratio of Forest Service to BLM lands used in the computations was the national one. Therefore, while the national average value therein presented is valid and proper, the state averages are probably suspect, and would have to be recomputed in significantly more tedious fashion were state average values to be adopted for use in the calculation of annual charges.

[11] To illustrate, Northwest Public Power Association's response vigorously protested the grouping of Oregon and Washington with California in the "Pacific" region, as proposed by Alternative B of the notice of proposed rulemaking. It was contended instead that it would be more proper for these two states to be in the proposed "Mountain" region. It can easily be seen that the resolution of such conflicts regarding which states belong in which regions would require surmounting difficult obstacles in factual determination, and it is not clear whether these conflicts could be overcome in other than an arbitrary fashion.

[12] See 39 FR 29242 (1974). The description of the yearly adjustment has been altered slightly from that given in the notice of October 30, 1974, to conform with the phrasing suggested in the comments of the WRC in response to that notice.

[13] FPC notice of proposed rulemaking. Docket No. RM75-11 (October 30, 1974), slip opinion at 2.

[14] Pub. L. No. 93-251, 80 (March 7, 1974).

[15] The "current" rate for any year would be the rate prescribed for Federal agency use during the fiscal year ending on September 30th of the calendar year for which annual charges are being levied. Thus, for example, bills mailed in early 1978 for land use in calendar year 1977 would employ the WRC rate for fiscal year 1977.

Transmission Line Right-of-Way Fees

The notice of October 30, 1974, proposed a reasonable annual charge per acre for Government lands used as transmission line right-of-way of one-half of the charge imposed for use for other purposes. Historically, the Commission has determined that a reasonable fee for right-of-way usage of Government lands would be less than for other project uses of such lands, because the physical nature of a transmission line and its appurtenant structures makes the lands utilized as right-of-way especially susceptible to multiple use.

In the responses to the notice, we received a number of suggestions regarding the right-of-way charge, with proposals ranging from 10 percent to 75 percent of the charge per acre for other uses of Federal lands. Those responses advocating lower percentages argued that there was not a 50 percent use of the right-of-way land by the transmission facilities, or that the facilities did not constitute a 50 percent reduction in the productive value of the land. In favor of higher fees for transmission line rights-of-way, it was pointed out that such easements have many detrimental effects, not only in precluding a full range of multiple uses, but in increasing the potential for damage to adjacent lands and interfering with the management of resources in the vicinity.[16]

We feel there is a certain amount of merit in both positions, and have chosen to retain the 50 percent figure utilized in the notice because we believe it is a fair and reasonable reflection of the limited nature of transmission line right-of-way usage, on one hand, and the undesirable effects of such usage on resources and resource management, on the other.

Several responses to the notice in this matter urged that all Government land use charges be subject to "offsetting" by the value of certain alleged "benefits" to the public provided by projects." The public benefits which are suggested as offsets to land use charges are generally in the nature of purported recreational, fish and wildlife, and flood control benefits. Section 10(a) of the Federal Power Act requires, however:

> (a) That the project * * * shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign comerce, for the improvement and utilization of waterpower development, *and for other beneficial public uses, including recreational purposes* * * * 16 U.S.C. 803(a) (emphasis supplied).

Thus a condition precedent to the issuance of a license for hydroelectric development is the determination by the Commission that the operation of the project will be consistent with and best promote beneficial public uses. In order, therefore, to enjoy the privilege of using a public asset, i.e. the nation's waterways, for power development, a licensee must have satisfied the Commission that the public benefits from the project are of sufficient magnitude to ensure that the project is the one "best adapted to a comprehensive plan" for the development of such beneficial uses. License articles are often drafted which specifically direct licensees to perform acts providing or increasing such benefits, if the Commission believes such articles are necessary to guarantee that section 10 (a) is satisfied. The argument that a licensee may reduce its statutory obligation to pay charges for the use of lands of the United States by offsetting the value of certain benefits provided, when the licensee's right to construct, maintain, and operate its project depends in part on its provision of such benefits, is untenable. The "remuneration" to the licensee, if any is due, for providing these benefits is the Commission's permission to operate the project; no further compensation, in the form of a credit in annual charge levies, is due or owing. The promotion of beneficial public uses is a statutory requirement for those holding hydroelectric licenses from the Commission.

Other Provisions

While we believe that $150 per acre is a reasonable and proper national average value of government lands to be used in assessing licensees' annual charges, we are prepared to further lessen the impact that this increase in value would have on annual charges paid by the licensees. Accordingly, rather than immediately implementing the full amount of this reasonable land value in calculating annual charges, we are setting out a schedule, as shown below, providing for a gradual increase in the value of government lands for annual charge purposes over the next three years until the full value of $150 is reached. The schedule is as follows:

Calendar year for which annual charges are billed:	*Value per acre to be used in calculating annual charges*
1977	$90
1978	120
1979 and subsequent, until further Commission action	150

This action should further serve to reduce the impact on licensees of this amendment of § 11.21 of the regulations.

In order that the administrative costs associated with the collection of annual land use charges with respect to each project might be recovered, the minimum annual charge for the use of Government lands under any license will generally be $25. However, we believe it desirable at this time to avoid a substantial increase in the minimum charge as it may affect very small projects. For this reason, the minimum land use annual charge for projects of 500 kilowatts or less installed capacity will be $10.

In the October 30, 1974, notice, an effective date of January 1, 1975, was proposed for the changes in annual charges; the result of such changes would have thus appeared in billings to licensees after January 1, 1976. Because we are now well past the proposed effective date, and because we still believe that the changes should operate prospectively, the amendment to § 11.21 of the Commission's Regulations ordered herein will take effect on January 1, 1977, and thus will first appear in billings to licensees after January 1, 1978. We have selected the first day of the calendar year for these charges to take effect so that one charge for the entire year can be computed by Commission Staff.

The Commission finds: (1) The revision made herein to the amendment proposed in the notice of proposed rulemaking does not impose a further burden on persons subject to these rules and regulations and does not amount to a substantial departure from the original proposal; therefore no further notice or hearing prior to adoption is necessary.

(2) The adoption of the amendment to the general rules and regulations under the Federal Power Act, hereinafter set forth, is necessary and appropriate for carrying out the provisions of the Federal Power Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 308 and 309 (49 Stat. 858, 859; 16 U.S.C. 825(h)), orders:

(A) Section 11.21 of Part 11, Chapter I of Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 11.21 Use of Government lands.

(a) Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands (other than lands adjoining or pertaining to Government dams or other structures owned by the United States

[16] "For example: A transmission line across rangeland hinders the aerial application of sprays on adjoining rangelands; access roads and spurs required by utility companies for inspection and maintenance provide access to and attract other usage which is often damaging to the watershed and increases fire potential; transmission lines across canyons inhibit early attacks on fires by low-flying aircraft used to bomb fire starts and 'hotspots'; transmission lines affect esthetics of land to an extent that usually lowers market value; and, the existence of transmission lines increases the fire hazard to land traversed by them." Response of U.S. Forest Service, Enclosure at 3.

[17] The response of Puget Sound Power & Light Co. went so far as to assert that by providing for lesser charges for transmission line right-of-way, "The Commission admits that beneficial uses of United States land should be recognized in adjusting annual charges." This is erroneous. It is the particular physical nature of transmission line right-of-way, and the historical view of the use of land for such easements, which makes lesser annual charges appropriate for such limited use, not any offsetting of purported benefits.

Government) or its other property, will be fixed by the Commission. In fixing such charges the Commission may take into consideration such factors as commercial value, the most profitable use for which the lands or other property may be suited, the beneficial purpose for which said lands or other property have been or may be used, and such other factors as the Commission may deem pertinent.

(b) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands shall be set on the basis of the following:

(1) Such lands shall be valued at a national average of $90 per acre for the year 1977, $120 per acre for the year 1978, and $150 per acre thereafter, and an interest rate, as determined under subparagraph (2) of this paragraph, shall be multiplied times that value to determine the annual charge per acre.

(2) The interest rate to be utilized in determining the annual charge per acre for a calendar year shall be the discount or interest rate which equals the average yield during the fiscal year ending September 30th of the previous calendar year on interest bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity, subject to the limitation that the interest rate to be utilized for charges for 1977 is 6¾ percent, and that the rate shall not be raised or lowered more than one-quarter of one percent for any year.

(c) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands for transmission line right-of-way only shall be based on a per acre charge which is one-half of the charge determined under paragraph (b) of this section.

(d) The minimum annual charge for use of Government lands under any license shall be $25 for projects having an installed capacity of more than 500 kilowatts and $10 for projects with an installed capacity of 500 kilowatts or less.

(e) No licensee under a license issued prior to August 26, 1935, shall be required to pay annual charges in an amount greater than that prescribed in such license, except as may be otherwise provided in the license.

(B) The amendment adopted herein shall be effective as of January 1, 1977.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-496 Filed 1-5-77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 395]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 7–13, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.695 Navel Orange Regulation 395.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is weaker than it was last week. Prices f.o.b. averaged $3.68 a carton on a reported sales volume of 651 carlots last week, compared with $4.07 per carton on sales of 1,350 carlots a week earlier. Track and rolling supplies were 284 carlots on December 31, 1976.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1977.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 7, 1977, through January 13, 1977, are hereby fixed as follows:

(i) District 1: 769,000 cartons;

(ii) District 2: 133,000 cartons;

(iii) District 3: 48,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 5, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-744 Filed 1-5-77;11:42 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1 and 449.3]

PART 1843—FARMER PROGRAMS

Loan Subsidy Rates, Claims, and Payments

AMENDMENTS

Section 1843.3, Part 1843, Title 7, Code of Federal Regulations (38 FR 29051, 30102, 30533; 39 FR 15868) is amended by revising paragraph (h).

This amendment applies to loans on which a "conditional commitment for Guarantee" is issued after close of business, January 1, 1977. This amendment is being published without notice of proposed rule making inasmuch as the interest rate to be charged is set by § 1843.3 of this part. The proposed rule making procedure is therefore unnecessary.

As revised, § 1843.3(h) reads as follows:

§ 1843.3 Loan subsidy rates, claims and payments.

• • • • • •

(h) *Current borrower, FmHA, and subsidy rates.*

[In percent]

Loan type	Interest rate to borrower	Maximum FmHA rate	Maximum subsidy rate
OL	8	8	0
EM—Loss loan	5	8	3
EM—Annual operating	8	8	0
EM—Major adjustment real estate and chattels	8	8	0
FO, SW, RL	5	8	3

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70).)

Effective date: This amendment shall become effective on January 1, 1977.

Dated: December 30, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.77-404 Filed 1-5-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20862; FCC 76-1137]

PART 13—COMMERCIAL RADIO OPERATORS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Reduction of Requirements for Radio Direct-Printing Telegraphy Equipment on Public and Limited Ship Stations

Adopted: December 14, 1976.

Released: December 29, 1976.

Report and order—(Proceeding terminated.) In the matter of amendment of §§ 13.61 and 83.159 of the Commission's rules governing Stations in the Maritime Services to reduce operator requirements for radio direct-printing telegraphy equipment on public and limited ship stations, Docket No. 20862, RM-2079.

1. On July 9, 1976, we released a notice of proposed rule making in this Docket. The notice was published in the FEDERAL REGISTER on July 13, 1976 (41 FR 28800). The dates for filing comments and replies thereto have passed.

2. The purpose of the rulemaking is to reduce the operator requirements for radio direct-printing telegraphy equipment on public and limited ship stations by permitting holders of third-class radiotelephone operator permits to operate radiotelegraph equipment aboard ship stations when such equipment is used for radioteleprinter transmissions. Previously, only holders of at least a third-class radiotelegraph operator permit were allowed to operate a ship telegraph station, and the Commission's rules did not distinguish between a telegraph station which transmits "CW" where highly skilled and trained radiotelegraph operators capable of using Morse code are necessary, and stations transmitting radio direct-printing equipment where such skills are not required.

3. Comments were filed by the following organizations:

a. Collins Division of Rockwell International Corporation.

b. Brown and Root, Inc.

c. American Petroleum Institute.

d. Communication Associates Incorporated.

e. American Institute of Merchant Shipping.

f. Offshore Marine Service Association.

All of the above organizations fully supported the Commission's proposal and urged its adoption.

4. Upon careful consideration of all comments filed in this proceeding, the Commission finds that it is unnecessary and burdensome to require that radio direct-printing telegraph equipment be operated by highly skilled and trained radiotelegraph operators capable of using Morse code, and the public interest will be served by reducing the operator requirements as contained below.

5. *Accordingly, it is ordered,* That pursuant to the authority contained in sections 4(i) 303 (b), (f), (l), and (r) of the Communications Act of 1934, as amended, Parts 13 and 83 of the rules are amended effective February 8, 1977, as set forth below.

6. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 13 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 13—Commercial Radio Operators:

1. Section 13.61(g)(6) is amended to read as follows:

§ 13.61 Operating authority.

• • • • • •

(g) • • •

(6) Ship stations or aircraft stations at which the installation is not used solely for telephony, direct-printing or at which the power is more than 250 watts carrier power or 1,000 watts peak envelope power:

Provided, • • •

• • • • • •

B. In Part 83—Stations on Shipboard in the Maritime Services:

1. Section 83.159 is amended to read as follows:

§ 83.159 Operator requirements for noncompulsory stations.

Description of station:	*Minimum operator authorization*
Public ship telegraph, except direct-printing, all categories	T 2
Limited ship telegraph, except direct-printing	T 3
Public or limited ship direct-printing telegraph	P 3
Public or limited ship telephone, more than 250 watts carrier power or 1,000 watts peak envelope power	P 2

• • • • • •

[FR Doc.77-459 Filed 1-5-77;8:45 am]

[Docket No. 20839, FCC 76-1146]

PART 15—RADIO FREQUENCY DEVICES

Television Broadcast Receiver Antennas

Adopted: December 15, 1976.

Released: December 30, 1976.

Report and Order. In the matter of amendment of Part 15 of the Commission's rules relating to television broadcast receiver antennas, Docket No. 20839, RM-2576.

1. A notice of proposed rulemaking in this proceeding was adopted by the Commission on June 9, 1976 (41 FR 23032), and released on June 16, 1976.[2] The notice specified that comments be submitted on or before August 23, 1976, and reply comments on or before September 13, 1976. Each of the comments has been carefully considered.[2]

2. The Notice was issued in response to the Council for UHF Broadcasting (CUB) petition to amend Part 15 of the Commission's rules to require manufacturers who ship television broadcast receivers with affixed VHF antennas to also affix an effective UHF antenna. Also, if the VHF antenna be connected to the VHF antenna terminals, then the UHF antenna must be similarly connected to the UHF antenna terminals. As an amendment to § 15.65 of the Commission's rules the NPRM proposed the following:

[1] Commissioners Lee and Hooks absent.

[2] Published in the FEDERAL REGISTER June 22, 1976 (41 FR 25032).

[2] Appendix B contains a listing of all the parties who submitted comments.

Television receivers marketed with an antenna affixed to the VHF antenna terminals must also have an antenna which is capable of receiving all UHF television channels affixed to the UHF antenna terminals. If a VHF antenna is provided with the receiver but not affixed, a UHF antenna must also be provided.

All but one of the comments supported in principle the proposed rule in the Commission's notice as a vital and necessary step toward achieving the goal of full comparability of UHF and VHF broadcasting. However, some of those commenting felt that the proposed rule did not go far enough.

3. The Notice made it clear that the rule we proposed did not encompass the physical configuration, composition or technical efficiency of the antennas provided by the manufacturer; only that the antenna be "• • • capable of receiving all UHF television channels • • •." However, a number of those commenting urged that we require the UHF antennas to be "effective" or "capable of adequately receiving all UHF television channels" or be "mechanically and technically comparable." It was suggested that in the absence of such language a manufacturer could satisfy the proposed rule by simply connecting the built-in VHF antenna to the UHF antenna terminals since any antenna will receive some UHF signal on all channels, although such an antenna would be of little practical benefit for UHF reception. While we do not believe that any reputable manufacturer would attempt this type of circumvention, it should be made clear that such a procedure would not be considered acceptable. Thus, the language in the proposed rule will be changed to read "• • • designed for and capable of receiving all UHF television channels • • •." The requested use of such words as "effective" or "adequate" would require that we establish technical criteria to define the terms. To do so would take us considerably beyond the scope of the notice.

4. Some disagreement involved the use of the word "affixed." CUB would like the rules to require the UHF and VHF antennas be "comparably" affixed. They argue that a disparity now exists in many instances where the VHF rabbit ears or monopoles are permanently affixed in the body of the receiver, while the UHF loops and bowties are connected, if at all, to screw terminals on the outside of the receiver where they can be jostled loose while being set up or moved. As pointed out in the comments of the Consumer Electronics Group of the Electronic Industries Association (EIA/CEG), a requirement to permanently affix a UHF antenna to the receiver would cause severe practical difficulties in the case of bowtie antennas. These antennas must be set off from the receiver when in use in order to function properly. Thus, it would be impractical to require affixing a UHF bowtie antenna to the receiver as opposed to the antenna terminals where it can be moved and oriented to function most favorably. EIA/CEG does not believe that requiring comparable or permanent affixation would be in the consumer's best interest. It should also be noted that several of the comments advocated the superiority of the UHF bowtie antenna over the simple UHF loop antenna. To require permanent affixation would make it considerably more difficult for those users who might wish to change the type of antenna supplied by the manufacturer. We agree that the manufacturer should have sufficient leeway in the method of affixing the VHF and UHF antennas to permit the most practical use of each. However, if the VHF antenna is permanently affixed, then the UHF antenna should be affixed in a manner that would reasonably insure that it will not become loose or detached in the normal course of being moved or adjusted.

5. It is recommended by both EIA/CEG and GTE Sylvania Incorporated (GTE) that the effective date of the antenna rules be 18 months after release of the Report and Order to allow television receiver manufacturers time to make the required tooling and shipping changes in an orderly manner. GTE states that lead time for minor tooling changes is between 14 and 18 months. CUB initially suggested a shorter time but does not object to any realistic time limit for compliance. Thus, to give manufacturers sufficient time to make the required changes, the effective date of § 15.65(b) will be 18 months after the release of this Report and Order. Any television receivers manufactured or marketed by the manufacturer after that date must comply. Accordingly, the Commission strongly recommends that all new receiver models designed after the release date of this Report and Order meet the requirements of § 15.65(b).

6. In consideration of the foregoing, the Commission finds that amendment of the rules as contained below is in the public interest. Authority for these rule amendments is contained in sections 4(i), 303(r) and (s) and 330 of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That, effective February 9, 1977, Part 15 of the Commission's rules is amended as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; sec. 330, 76 Stat. 151 (47 U.S.C. 154, 303, 330).)

FEDERAL COMMUNICATIONS COMMISSION,[a]
VINCENT J. MULLINS,
Secretary.

Section 15.65 is amended by revising the headnote and by designating the current text as paragraph (a) and by adding the following as a new paragraph (b):

§ 15.65 All-channel television broadcast reception: general requirement; and antennas.

(a) • • •

(b) Effective July 15, 1978, television receivers marketed by the manufacturer with an antenna affixed to the VHF antenna terminals must also have an antenna which is designed for and capable of receiving all UHF television channels affixed to the UHF antenna terminals. If a VHF antenna is provided with the receiver but not affixed, a UHF antenna must also be provided.

APPENDIX B

1. Comments in this proceeding were filed by:

Mohawk-Hudson Council on Educational Television, Inc. (WMHT–TV).
Electronic Industries Association (Consumer Electronics Group).
Kaiser Broadcasting Company.
Sony Corporation of America.
National Association of Broadcasters.
Joint Comments by Licensees of UHF Television Stations: Bahia De San Francisco Television Co., Birmingham Television Corporations, Connecticut Television Inc., Forward Communications Corporation, Retlaw Enterprises Inc., Roy H. Park Broadcasting of Utica-Rome Inc., Spanish International Communications Corporation.
American Broadcasting Companies Inc.
Gilmore Broadcasting Corporation.
Storer Broadcasting Company.
Council for UHF Broadcasting: Corporation for Public Broadcasting, Public Broadcasting Service, National Association of Broadcasters, Association of Maximum Service Telecasters Inc., Association of Independent Television Stations Inc., Joint Council on Educational Telecommunications.
GTE Sylvania Incorporated.
Community Television of Southern California (et al.).
University of Vermont.
Shenandoah Valley Educational Television Corporation.
Metropolitan Pittsburgh Public Broadcasting Inc.
Continental Urban Television Corporation.
Consolidated Broadcasting Company.
National Association of Educational Broadcasters.

2. Reply comments were filed by:

GTE Sylvania Incorporated.
Council for UHF Broadcasting (et al.).
Association of Maximum Service Telecasters Inc.
Electronic Industries Association (Consumer Electronics Group).

[FR Doc.77-460 Filed 1-5-77;8:45 am]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Adoption of FCC Form 409; Correction

Released: December 28, 1976.

ERRATA, see 41 FR 55352.

In FR Doc. 76-37246, appearing at page 55352 in the issue for Monday, December 20, 1976, make the following change:

In the order adopted on September 28, 1976 and released on December 17, 1976 in the above-captioned proceeding (FCC 76–905), correct § 21.15(i)(3), line 4 by inserting the word "which" after "with" and before "the".

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-461 Filed 1-5-77;8:45 am]

[Docket No. 20403; FCC 76–1174]

PART 73—RADIO BROADCAST SERVICES

Automatic Transmission Systems at AM, FM and Television Broadcast Stations[1]

Adopted: December 21, 1976.

Released: January 5, 1977.

First Reprint and Order.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making* in the above-captioned proceeding, and the comments and reply comments filed in response thereto. Twenty-six parties filed formal comments and four reply comments were filed. In addition, there were 143 letters and informal comments received for association with this proceeding. A list of all respondents submitting formal comments and reply comments is included in attachment A.

2. The *Notice of Proposed Rule Making* adopted in this proceeding and released on April 8, 1976 (FCC 76–280, Mimeo 39854) stated that the electronics technology has now advanced to the stage where automatic controls can perform numerous routine broadcast transmitter operating tasks now performed by licensed operators on continuous duty. With the use of modern electronic control devices, coupled with an effective maintenance program, broadcast stations can provide a technically high quality and reliable service to the public while at the same time eliminating many of the operational requirements presently existing. Many of these operating requirements were originally established when broadcast transmitting apparatus required continuous observation and adjustments by skilled technicians. Further, use of automatic transmission systems could permit modification of the reponsibilities for technical observations by the station operating staff, and thus would justify a simplification of the operator requirements.

3. In developing the technical standards and operating procedures set forth in the *Notice* we were primarily concerned with five issues: (1) Procedures to insure that the technical quality and reliability of broadcasting to the public would be maintained or improved; (2) utilization of ATS by stations without extensive replacement of existing transmitting equipment and monitoring apparatus; (3) reduction of the licensed duty operator requirements consistent with the existing provisions of section 318 of the Communications Act; (4) provisions for optional use of ATS; and (5) establishment of a simple administrative procedure for authorizing the use of ATS.

SCOPE OF ATS

4. An automatic transmission system for broadcast stations was envisioned as a technique whereby the transmitter facilities could operate without the need to have an operator make routine equipment observations, adjustments, and switching functions throughout the broadcast day. The system could incorporate devices that would automatically adjust or maintain critical operating parameters within the transmitting equipment and terminate the station emissions in the event of a serious malfunction that would interfere with the service of other stations. In addition, ATS could have devices to call attention to malfunctions resulting in subnormal service to the public and which would normally require the licensee to immediately initiate corrective action.

5. In reviewing the comments and suggestions received, it was apparent that some licensees were essentially looking forward to operation of a fully automatic unattended broadcast station. In paragraph 8 of the *Notice* we mentioned the possible relationship between automatic transmission systems and fully unattended station operation and invited comments on this issue in connection with requests for legislative amendments of the broadcast operator provisions of the Communications Act. Several parties, including the National Association of Broadcasters (hereafter identified as NAB) urged us *not* to consider unattended broadcasting in connection with ATS rules by writing:

> NAB must once again emphasize that the proceeding under consideration is one of developing technical Rules and Regulations which would permit the use of unattended Automatic Transmission Systems. The issue should not be confused by questioning the feasibility of permitting unattended automatic broadcast stations.

Other respondents also questioned the desirability of unattended broadcast systems. Westinghouse Broadcasting (hereafter Westinghouse) comments:

> A suitable quality off-the-air monitoring system should be provided at the studio location along with control and alarm center. In this respect, we do not believe it is in the public interest to carry ATS to the point of complete elimination of human participation.

The questions of the desirability of fully unattended broadcast station operation cannot be resolved at this time and will not be considered further in this proceeding. We are making no judgments at this time as to whether future unattended broadcast station operation would or would not be in the public interest. The many considerations of unattended operation should be addressed in a proceeding addressed specifically to that issue.

6. In the *Notice of Proposed Rule Making* we envisioned that all AM, FM and TV stations, regardless of complexity could use automatic transmission systems. Comments received raised a number of technical questions that require further study in order for equipment manufacturers to develop and market the necessary monitoring and control devices. In fact, we were urged by several parties to issue a Further Notice of Proposed Rule Making with more explicit technical details upon which ATS monitoring and control equipment could be designed. We wanted to avoid a further notice if possible and have concluded that we can move forward with rules of sufficient details permitting FM and nondirectional AM stations to immediately utilize ATS. Meanwhile additional work can proceed to resolve the remaining technical considerations applicable to ATS operation of TV stations and AM stations using directional antennas. We see no reason why these remaining technical considerations cannot be resolved within the next twelve months. Accordingly, the rules being adopted in this *First Report and Order* will permit the design, testing, and use of ATS facilities by FM stations and AM stations using non-directional antennas.

7. We were also asked by many respondents to modify the existing technical standards for the broadcasting services. Pacific Northwest wrote:

> Pacific Northwest favors the substantial relaxation of existing transmission rules proposed by the Commission. Most particularly, Pacific Northwest favors provision for *lower* legal limits on power and modulation.

The respondents frequently told us that although responsible licensees would never choose to operate at lower than licensed power with reduced modulation levels, certain problems do arise that require operation at less than maximum permitted levels. We were told that relaxing the existing rules would be of great assistance to licensees, and that many notices or special temporary requests to the Commission for reduced power operation could be eliminated. Equipment manufacturers also told us that modification of existing technical standards, particularly for AM power levels, may simplify the power determining devices.

8. Although we recognize that some adjustments in the technical standards for broadcast stations may be desirable and can be justified, it was not our purpose in this proceeding to revise standards specifically to accommodate ATS operations. We believe that changes in the technical standards for broadcast stations, particularly the tolerance on power of AM directional antenna systems may impact allocation procedures and standards, our International agreements and involve other factors that are clearly beyond the scope of ATS. Further, such changes, if made, should be applicable to all stations and therefore

[a] Joint Separate Statement of Chairman Wiley and Commissioner Fogarty and Separate Statement of Commissioner Quello filed as part of the original document.

[1] See 41 FR 21793.

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should be modified through proceedings addressed to those specific issues.

9. We were told that certain limits and alarm signal conditions that were proposed on various transmission operating parameters were unnecesary and should be eliminated or modified. We gave careful consideration to the many thoughtful comments concerning these proposals. The changes being made will be discussed in the following paragraphs in connection with the particular operating parameter or ATS function involved.

10. We had also suggested that licensees could use partial ATS facilities to obtain relief from certain operating rule requirements. Only one respondent fully supported this concept. We were, on the other hand, urged by many respondents to consider ATS only as a complete new system of transmitter operation. In order to provide for the most expeditious implemenation of ATS rules, and because of the limited support for "partial" ATS use, we are not adopting rules at this time to provide for such partial use. Licensees can, however, install partial ATS if they so desire although all existing operating requirements will apply. We may further review the possible relaxation of operating rules for stations that install portions of an ATS system in later proceedings in this docket. Stations that wish to use full ATS during a portion of the broadcast day and manual transmitter operation for the remainder of the day may do so.

11. We received some objections to the implementation of ATS rules, primarily from organizations representing licensed radio operators, and a few individual operators and station licensees. There was concern, particularly on the part of licensed operators that ATS rules would primarily benefit station owners, that employment of experienced operators would be terminated in many instances, and that the public would suffer a loss of broadcast services. It was averred that if stations were no longer required to have a full-time operator performing regular maintenance or if transmitter inspections were required less frequently, station technical quality would deteriorate. Operators were also concerned that if ATS rules were adopted reduced employment opportunities would eventually reduce the availability of qualified transmitter maintenance technicians. ATS technology would be more complex than that found in many existing stations and we are told that many licensees would eventually have to depend on factory service for maintenance in event of breakdown. This would result in extensive interruptions in service to the public, particularly in the more isolated areas having only one or two local broadcast services. Under existing rules, all FM stations and the majority of AM stations are not required to employ a radiotelephone first-class operator on a full-time basis, but can employ such an operator for transmitting system inspections and maintenance on a part-time or contract basis. The use of part-time maintenance operators in lieu of fulltime employment of one such operator by each station has been permitted since 1964. Since that time there has been no significant deterioration in service by those stations using part-time operators for maintenance work. Since nearly all of the stations that become eligible to use ATS under the rules being adopted are currently eligible to employ a radiotelephone first-class operator on a part-time basis, it is anticipated that there would be very little impact on either the employment opportunities for such operators, or on the availability of maintenance personnel.

EQUIPMENT REQUIREMENTS AND AUTHORIZATION FOR ATS OPERATION

12. It is our desire to establish a simple administrative procedure for use in implementing ATS. We indicated in the *Notice of Proposed Rule Making* that we would not require type acceptance of equipment used for implementation of ATS operation. We anticipated adoption of rules that would neither involve a detailed formal application nor a detailed technical showing. In lieu of proposing standards for type acceptance of ATS transmitting equipment we had proposed numerous system fail-safe and alarm circuits. We were told that we were not moving forward boldly but were reluctant to "let go" by essentially providing an automated remote control system. Based on the thoughtful analysis and informative comments submitted in this proceeding, we have concluded that many of the technical specifications and limitations initially proposed could be omitted or substantially modified. In doing so we are affirming that the licensee has responsibility for the selection, installation, and continued operation of equipment that will meet the objectives of providing a reliable and effective broadcast signal.

13. We are adopting a simple administrative procedure for use in obtaining authorization to use ATS. Stations may install ATS equipment without prior notification or authorization. Upon completion of the installation and testing of all necessary ATS equipment, the licensee shall submit to the Commission a request to use ATS signed by the licensee. The request shall include a statement certified by the station's chief operator, technical director, or consulting engineer that the ATS equipment has been installed, tested, and fully meets the prescribed technical standards for ATS operation, and that the station complies with all other applicable technical standards. Full ATS operation may commence immediately upon receipt of ATS authorization from the Commission.

OPERATOR REQUIREMENTS

14. In the *Notice of Proposed Rule Making* we indicated that until Section 318 of the Communications Act is amended, the operation of broadcast stations must be attended by a person holding a radio operator license or permit issued by the Commission. We pointed out that the lowest grade of operator authorization currently issued by the Commission is the restricted radiotelephone operator permit. No written examination is required to obtain such a restricted permit and it is not valid for the manual operation of broadcast stations. We were urged to introduce legislation that would amend the Communications Act to eliminate any statutory operator requirements for broadcast stations. Until such time as the Communications Act is amended, stations will be required to have an employee holding at least a restricted radiotelephone operator permit in attendance during all periods of operation using ATS.

15. We also indicated that under ATS operation a radiotelephone first-class operator (second-class for noncommercial educational FM stations with transmitter output power of 1000 watts or less) would continue to be responsible for making required inspections and adjustments in accordance with current practices. This practice would also apply to repairs and adjustments of the ATS control equipment.

16. A number of comments concerned the qualifications of the first class operators and their availability for employment for maintenance of broadcast station transmitting equipment. On June 7, 1976, a Notice of Inquiry (Docket 20817, FCC 76-476) was released addressing a wide range of questions concerning the Commission's operator rules and operator licensing program. Several operator licensing concepts were discussed in that document together with an inquiry pertaining to operator duties and responsibilities. It would be premature for us in this instant proceeding to make significant changes in the requirements for operators performing broadcast transmitting system repairs and adjustments. The rule modifications which may result from the inquiry in Docket 20817 should be applicable to all broadcast stations—those using ATS and those electing to continue with manual transmitter control.

17. We point out again, however, that although the Commission has established an operator licensing program, it is the station licensees who must determine whether prospective employees meet the desired skill requirements. We often hear comments such as "The operator holds a first class ticket but doesn't know how to use a soldering iron." On the other hand, many licensees complain that the amount of technical work that must be performed at the station does not justify the employment of a skilled maintenance operator on a regular basis. Many stations make a compromise in selecting operating personnel between technical ability and announcing skills, and the stations do not or are unable to provide the additional technical training needed for broadcast system maintenance.

18. Since stations using ATS will have control devices to automatically adjust critical operating parameters and alert

station personnel with an alarm of any serious system malfunction, we believe that the schedule of required transmitting equipment inspections can be modified. Under existing rules all AM and FM stations are required to have an inspection of the transmitting facilities made at least once each week. We are including in the rules being adopted a provision that stations using ATS may reduce the schedule of required inspections to one inspection per month. Although the frequency of required inspections is being reduced, no changes are being made in the maintenance log rules for documenting the results of the inspections. Similarly, we are retaining the requirement for an opreating log for stations using ATS for recording the signatures of the employees on duty at the monitoring and alarm point and station operating hours, but transmitter meter readings or other technical log entries will no longer be required.

19. We are adopting rules that provide for the attendance of broadcast stations during all operating hours when using ATS by a station employee holding at least a restricted radiotelephone operator permit. That employee will be responsible only for turning the transmitting apparatus on and off, monitoring the station emissions and ATS alarms for malfunctions, keeping a simplified record of operating hours or system interruptions, and notifying qualified maintenance personnel when a problem occurs.

20. No changes are being made at this time in the operator requirements for persons who perform transmitter inspections, adjustments, and maintenance duties. Stations that elect to use ATS and employ persons holding restricted radiotelephone operator permits to be on duty at the ATS monitor and alarm point are required to meet the existing duty operator requirements whenever reverting to manual operation of the transmitter.

DETERMINATION AND MAINTENANCE OF OPERATING POWER

21. In the *Notice* we proposed that stations either provide alarm or terminate within three hours if the transmissions fell below 90% or exceeded 105% of the authorized power and immediately terminate the transmissions if the power exceeded the range of 80 to 110% of the authorized power. Some respondents told us that we should not be concerned with overpower operations since transmitters in use would be incapable of operating at excessive power. Although this may be true for many stations when the operating power is that of the maximum transmitter power rating, it is not true for stations having a transmitter with a power rating considerably greater than the authorized power being used. Since it is possible for the mode switching or power adjustments to malfunction, the ATS system should provide for termination of the station transmissions if uncorrected excessive output power exists. We are retaining the maximum output power tolerance of the existing rules of 105% of authorized power. This is consistent with the channel allocation rules and our International agreements.

22. There seems to be universal objection to the requirement that stations be required to terminate operation if the operating power drops below the lower tolerance limits. We were frequently told that it would be better to permit stations using ATS to provide some service whenever the output power of the station dropped below the tolerance limits. Further, the existing rules do permit continued operation at reduced power until repairs are made. Perhaps our concern for low power was misunderstood in the *Notice*. We agree that stations should continue to have the option to continue service in the event of some unforeseen malfunction that would cause the transmitter output power to drop below the normally acceptable tolerance.

23. As previously discussed above, many suggestions were received that we modify the existing technical standards, particularly with respect to operating power and modulation tolerances. It is reiterated that current standards are not to be modified in this proceeding, however, we agree with the view of many respondents that the initially proposed automatic control and alarm requirements are overly restrictive and in some instances unnecessary. We also believe that it is in the public interest to retain some requirements for monitoring, alarms, and controls, i.e., termination of transmissions in the event of uncorrected excessive power or modulation, an alarm to alert the licensee of a condition causing substandard service, and monitoring of the quality of the transmitted program signal. Required automatic controls, alarm systems and monitoring will be subsequently discussed.

24. We also proposed that AM stations would be required to use a device in the ATS that would detect and alarm changes in the antenna or common point resistance exceeding 5 percent of the licensed resistance value. Although the technology is available to determine this change and compensate for it, such functions are not an essential part of the ATS concept, and therefore will not be required. It would be more realistic for licensees of AM stations to continue including steps in routine inspection and maintenance programs to detect and evaluate possible changes in antenna system characteristics that may require attention. Whenever the indirect method of power determination is used under the conditions specified in § 73.51(d), the station must be operated by manual control (either directly or by authorized remote control) unless the ATS equipment incorporates circuits to determine and control the operating power by the indirect method.

25. The proposed rules provided that the ATS power controlling circuits for FM and TV transmitters be responsible to the actual power delivered to the antenna, and that the power sampling device detect the net difference between the forward and reflected power in the transmission line at the transmitter output terminals. It was pointed out to us that one possible difficulty with such a device would be that if the reflected power in the transmission line increased, the forward power of the transmitter would be automatically increased to the limits of the transmitter in order to maintain a constant net difference between forward and reflected power. Many FM and TV stations have devices that will cause the transmitter to turn off if the reflected power in the transmission line exceeds a critical value. A device for determining forward power will provide a satisfactory indication of operating power provided that reflected power is within reasonable limits.

26. Although we had proposed that all FM and TV stations using ATS determine their operating power by the direct method, NAB and others advised us that the indirect method of power determination is used by the majority of FM stations. This optional method is used because of the costs involved in obtaining the RF wattmeters necessary for calibrating the transmission line meters used in determining power by the direct method. In keeping with our desire to maintain consistent standards for stations using ATS and those not using ATS, we agree that all FM stations should be permitted to use either method for maintaining operating power. Similar to the provisions of the rules for AM stations, whenever FM stations normally using the direct method of power determination are unable to do so, manual operation of the transmitters must be resumed unless the ATS equipment has circuits to monitor and control the operating power by the indirect method.

27. At this point in the discussion, we would like to review in some detail several of the specific requirements for fail-safe turn off standards and malfunction alarms that were included in the *Notice of Proposed Rule Making*. If we were to accept the concept of a fully unattended go-no-go ATS operation as advocated by some respondents, there would be no need to have any alarms, station monitoring, periodic inspections, or operating records. All control and adjustment functions would be automatic, including station sign-on, except when certain specified tolerances were exceeded. In this connection, we were told that we should be concerned with tolerance limits on only those parameters that may cause interference to other broadcast stations and that we should not be concerned with stations operating at low power or modulation levels. Perhaps we were overly conservative in our initial proposals in setting automatic transmitter control requirements for certain types of malfunctions. Many of the respondents brought a number of practical problems to our attention that would be encountered if we adopted the proposed rules.

28. We must clearly state that we retain the concept that licensees using ATS must serve the public interest by providing a broadcast service at least of equal quality and reliability to that provided

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under the present operating procedures. We realize that even today unforeseen problems can and do occur which may cause a disruption in the service a licensee normally expects to provide. We therefore believe that a licensee using ATS has an obligation to avoid an increased incidence of interruptions to service and should continue to have an adequate preventive and remedial maintenance program.

MODULATION CONTROL FOR ATS

29. We proposed that the ATS incorporate a device to observe and adjust modulation levels based on transmitter output monitoring rather than through the conventional audio peak limiter amplifier. We pointed out that existing limiters do not necessarily prevent excessive modulation due to circuit variations that occurred in the transmitter following the audio peak limiter. Several respondents commented that our concern was unnecessary, however comments were also received indicating that our approach to implementing some form of modulation compensation based on evaluation of the transmitter output was a correct and reasonable approach for ATS operation. This is necessary because we are eliminating all requirements for an operator to observe and adjust modulation levels for stations using ATS.

30. There is, however, a more fundamental question: "What constitutes peaks of frequent recurrence and how are they to be counted or evaluated for ATS control purposes?" Both Delta and Westinghouse presented suggestions as to possible approaches. Of particular concern is whether peak modulation of each audio cycle is considered as a separate "peak" for counting purposes. Unless we were to set an absolute limit prohibiting any modulation peaks exceeding the 100% level, as suggested by some respondents, we must define "peaks of frequent recurrence" for ATS equipment design. For this purpose "peaks of frequent recurrence" is defined as modulation of more than 10 bursts exceeding the specified modulation level within any one minute period. A sequence of repetitive instances of modulation exceeding that specified modulation level occurring within a single 5 millisecond interval will be considered to be one burst.

31. The proposed rules in the *Notice* would have required the ATS equipment to incorporate circuits to detect abnormally low levels of modulation and either originate an alarm signal or terminate the station operations for sustained low modulation levels. In connection with these proposals we were also told that the existing modulation standards should be revised, our concern with low modulation levels for ATS was unnecessary, and that most licensees normally attempt to maintain the highest modulation levels practical, consistent with the program material being transmitted. Conditions of undesired low modulation usually occur due to a malfunction in audio circuits to the transmitter or in the transmitter itself. We do conclude that no useful purpose would be served by requiring special alarms or termination of station operation for low modulation levels per se. However, consistent with the licensee's responsibilities to promptly correct system malfunctions that impair service to the public, the rules adopted require that an alarm be provided to signal when an uncorrected loss of the station's transmissions exceeds three minutes in duration. We are not specifically including in the ATS rules being adopted equipment for maintaining minimum levels of modulation. The general requirements of the rules on modulation levels will apply.

32. Although we had proposed that FM stations transmitting stereophonic programs or a subcarrier for SCA purposes would be required to have alarms for detecting excessive variations in the modulation levels by the pilot or subcarrier signals, licensees pointed out that operating records show very minor variations in these parameters over the period of several weeks. Serious abnormalities in the modulation level would be apparent through monitoring of the program signal or in the SCA service. We therefore conclude that the special alarms for SCA and stereophonic subcarrier or pilot carrier frequency modulation will not be required. Since excessive modulation of the SCA subcarrier by the SCA program can result in deterioration of the FM program service, we are retaining the rule as proposed that FM stations using ATS and transmitting a SCA service install a modulation limiting device to limit the SCA subcarrier, if such a device is not already incorporated into the transmitting equipment.

PARAMETER SAMPLING INTERVALS AND TEST CIRCUITS FOR ATS

33. In the *Notice* for ATS rules, we proposed that certain transmission system operating parameters be sampled on a "continuous" basis. This resulted in several questions as to whether a sequential sampling system was acceptable, and if so what the permitted interval between sampling could be. This question was particularly important for those parameters affected by modulation level, or that may require complex switching for sampling. We received suggestions for sequential sampling periods ranging from one per second to one for each three hour period, the latter based on the present meter reading interval requirement. There seems to be a general indication that one observation observed every 15 minutes would be adequate for many parameters. This may be true for power, directional antenna parameters, and carrier frequency, but not for rapidly fluctuating functions such as modulation levels or video waveforms. It was further pointed out that automatic control equipment and any required alarm equipment would be much simpler in design if sequential sampling and evaluation circuits could be used.

34. We agree that for most parameters, it would be unreasonable to require that all transmission system parameters be separately and individually monitored on a continuous basis and that sequential observations are entirely practical. However, one of the advantages of ATS would be the effective signaling that can be easily accomplished in event of a malfunction, certainly more effective than that normally experienced with the present remote control systems in use where only one operating parameter is in view of the duty operator. We believe that for output power, one observation during each one minute period is not unreasonable, and that modulation level sampling should be observed on a continuous basis as discussed in paragraphs 30 to 33. ATS system observations of directional antenna parameters and video waveforms will be discussed in a subsequent order in this proceeding.

35. Rules are also adopted in accordance with our initial proposal which specifies that ATS equipment shall have features that permit automatic control and alarm circuits to be tested. The testing may be accomplished without turning the transmitter off or causing program interruptions, but test circuits must be designed which cannot inadvertently or purposefully be used to override the automatic operation of the transmission system.

CARRIER FREQUENCY MONITORING AND CONTROL IN ATS

36. Although we had no proposed carrier frequency monitoring and control or alarms to be part of ATS, several respondents suggested or requested that such features be specified or required. Time Frequency Technology, Inc. commented that although the carrier frequency of most AM stations was very stable because direct crystal oscillator control is utilized, FM and TV aural transmitters using an indirect method of control occasionally experience radical shifts in carrier frequency. It is suggested that FM and TV aural transmitters using indirect carrier frequency control circuits have frequency monitoring circuits as part of the ATS. Recent experience of the Commission has not shown that there is a significant frequency stability problem with FM and TV stations that would cause disruptions to the services of other licensees under the existing requirements that the station carrier frequency be measured on a monthly basis. Therefore we will not require that a carrier frequency monitoring function be included in the ATS equipment. The schedule of monthly frequency measurements will be applicable to all stations. Similarly we are not requiring any specific ATS equipment provisions for monitoring the stereophonic pilot carrier or SCA subcarrier frequencies for FM stations.

CONTROL OF OPERATING HOURS BY TIME CLOCK

37. The proposed rules would have required a time clock to control switching functions for those AM stations that have restricted operating hours, or authorized to operate at more than one power level or antenna radiation pattern. We also proposed that the clock be capable of automatically adjusting for required changes in operating hours or mode switching times at the beginning of each month or when otherwise necessary. It was also envisioned that the clock would have a reserve power supply so that the clock would continue running whenever there was an interruption in the regular power source.

38. Most respondents indicated that the mode switching time clock would be a desirable feature of ATS, however, in reconsideration of the original proposals, we believe that the clock specifications would be simplified while at the same time accomplishing the necessary objectives for its use. We are therefore adopting rules that will require a time clock for certain AM stations. If there is an interruption in the operation of the clock for a period of longer than one minute, which would result in a delay in the initiation of the required switching functions, the transmissions of the station would terminate. Equipment designers can then devise either a clock system with an emergency power supply or other means for self correction and licensees may select the clock system best suited to their operating requirements. The clock will not be required to have provisions to adjust for monthly changes in the station operating schedule. The licensee can install a clock with such features, or arrange to have the clock manually adjusted prior to sign-on time on the first day of each month.

39. Some licensees stated that they saw no need to prohibit the automatic activation of the station transmitter by the time clock. The proposed rules would have required manual activation of the transmission system each day. This requirement was included in the proposed rules to prevent the possible activation of the station transmissions at a time when the required employee was not in attendance at a monitoring and alarm point at sign-on time. Even though there was some objection to the restriction that the time clock could not be used to activate the station operation at sign-on, we were not presented with any persuasive reasons why our initial proposals in this matter should be modified. We believe that it is consistent with the adopted modification in the station operator requirements to retain in the adopted rules the requirement that the transmissions of stations using ATS be manually activated at the beginning of each operating period.

ATS MONITORING AND ALARM POINT FACILITIES

40. In keeping with the existing statutory requirements that broadcast stations be operated by persons holding a radio operator license or permit issued by the Commission, we are establishing in these rules the general guidance for the location where the operator is to be on duty. This location will be described as the ATS monitoring and alarm point. We are also specifying in the rules adopted the facilities that must be available at the monitoring and alarm point, although the requirements are considerably less extensive than those originally proposed.

41. The ATS monitoring and alarm point may be at the station's transmitter site, studio, or authorized remote control location. Also, authorization may be obtained by filing an informal application for any other location that would be under the control of and readily available to the licensee at all times. This does not preclude establishing the point at the location of another business activity or private establishment, provided the licensee takes precautions to insure that the transmitter cannot be activated by unauthorized persons.

42. The facilities installed at each ATS monitoring and alarm location are to include a switch to activate and terminate the station transmissions, facilities for monitoring the transmitted program signal and an SCA program if transmitted, and an aural alarm signal to notify the station employee on duty of a malfunction of the transmitting equipment resulting in a loss or deterioration of program service. The aural alarm signal may be turned off provided a visual alarm remains activated until the alarm condition is corrected or manual operation of the station is resumed.

43. The alarm signal shall indicate whenever there is a loss in the station signal (either carrier or modulation) for a period exceeding three minutes, and an uncorrected low power condition exceeding three minutes. The licensee may install alarms to indicate other conditions at the transmitter site if there is a means to distinguish between the required alarms and those not required for ATS operation.

44. We proposed that those stations having requirements for tower obstruction lighting would be required to install automatic alarms to indicate a failure of the tower lighting equipment. This is not being included in the ATS rules. Licensees have the option of continuing to make daily visual observations of the condition of the tower lighting or of installing an automatic alarm system.

45. If the only person on duty during station operating hours is the employee at the ATS monitoring and alarm point, then it is necessary that the point have the necessary equipment to comply with the EBS monitoring and other requirements specified in Subpart G.

46. Those stations licensed to operate only during daytime hours or operate with more than one mode of power or antenna radiation pattern, may also install at the ATS monitoring and control point a switch or circuit to override the automatic time clock control system to operate during an emergency under the provisions of § 73.98 of the Rules. No special technical requirements are specified for such a switching circuit, however, we expect licensees to insure that it is used only for programming during emergency periods and not used to circumvent the ATS automatic controls.

USE OF ALTERNATE MAIN AND AUXILIARY TRANSMITTERS IN AN ATS

47. Stations having alternate main or auxiliary transmitters may incorporate them into their ATS and provide for the automatic transfer of operation between transmitters. Each transmitter operated in the ATS must have the control circuits to adjust the maximum operating power and modulation levels. Auxiliary transmitters operating below the station authorized power would not need a power adjustment control but the low power condition should activate the alarm at the point where the operator is on duty to indicate the subnormal transmission condition.

48. An effort was made in the preparation of the rules being adopted to provide the overall operating standards for ATS operation and to exclude numerous technical equipment details. Licensees and equipment manufacturers may find that in this approach we may have overlooked some particular aspect of ATS operation that we did not anticipate, or that may appear to be in conflict with other existing rules. Interested parties are urged to bring these matters to our attention for consideration in the Second Report and Order to be adopted in this proceeding.

49. Authority for adoption of the amendments contained in attachment B hereto is set forth in sections 4(i), and 303 (j) and (r) of the Communications Act of 1934, as amended.

50. *Accordingly, it is ordered,* That effective February 14, 1977, Part 73 of the Commission's Rules and Regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

ATTACHMENT A

PARTIES FILING FORMAL COMMENTS

Midcontinent Broadcasting Co.
Gateway Communications Incorporated
R. Douglass Rackley
Time Frequency Technology, Incorporated
Roland A. Desjardins
WTVY, Incorporated
Bibb Television Incorporated
Golden West Broadcasters
Radio Station KANG
Radio Stations KGBX and KHMO
Radio Station WARF
Family Stations, Inc. (WYFR)
Johnny Appleseed Broadcasting Company
KOOL Radio-Television, Inc.
Western Telestations, Inc.
McClatchy Newspapers
The Society of Broadcast Engineers (SBE)
RCA Corporation
Lee Sutherland Parr
The Electronic Industries Association, Communications Division, Broadcast Equipment Section
National Broadcasting Company, Inc.
National Association of Broadcasters

[1] Statement by Chairman Wiley filed as part of the original document. Commissioner Lee absent.

Pacific Northwest Broadcasting Corporation
Cox Broadcasting Corporation
Westinghouse Broadcasting Company, Inc.
Radio Stations WBAU-AM-FM

PARTIES FILING FORMAL REPLY COMMENTS

American Broadcasting Companies, Inc.
Harris Broadcast Product Division
National Association of Broadcasters
CBS, Inc.

ATTACHMENT B

1. New §§ 73.140, 73.142, 73.144, and 73.146 are added to Part 73, Subpart A of this chapter to read as follows:

§ 73.140 Use of automatic transmission systems (ATS).

(a) The licensee of an AM broadcast station may, when operating with a nondirectional antenna system, utilize an automatic transmission system in accordance with this section and §§ 73.142, 73.144 and 73.146 in lieu of either direct or remote control of the station transmitting system.

(b) Authorization to use an automatic transmission system may be obtained by submitting an informal request to the Commission in Washington, D.C. Such request shall be signed by the licensee and contain a statement certified by the station's chief operator, technical director, or consulting engineer showing that the station has installed and fully tested all the necessary apparatus for ATS operation and that the station is in full compliance with the prescribed technical standards for ATS operation and all other technical standards in this subpart applicable to the particular class of station.

(c) Upon receipt of notification from the Commission, the station can commence full ATS operation under the following special conditions:

(1) The operating log entries specified in § 73.113(a)(1)(iv) need not be made.

(2) In lieu of the requirements specified in § 73.93 (a), (c) and (d), the licensee may employ persons holding a restricted radiotelephone operator permit to be on duty at an ATS monitoring and alarm point as described in § 73.146.

(3) The station may employ at least one radiotelephone first-class operator in accordance with the provisions of § 73.93 (c) in lieu of the requirements of § 73.93 (d) and (h).

(4) In lieu of the schedule of transmitting system equipment inspections specified in § 73.93(j), the inspections shall be made once each calendar month with the intervals between successive required inspections not to be less than 20 days.

(d) A station utilizing ATS must comply with the provisions of Subpart G of this part at all times.

(e) The transmitting apparatus must be manually activated at the beginning of each broadcast day.

§ 73.142 Automatic transmission system facilities.

(a) The licensee of an AM broadcast station may design, construct, install, and test the necessary equipment for ATS operation or obtain, install and test such equipment if it is compatible with the transmitting equipment with which it is to be used. The licensee may, without further authority, make the necessary modifications in the station transmitting equipment to accommodate ATS monitoring and control devices provided that the transmitting system will comply with all applicable technical specifications included in the regulations of this subpart.

(b) The transmitting apparatus of an AM station utilizing an automatic transmission system shall be equipped according to the following:

(1) The control system must have devices to monitor and control the antenna input power by sampling and evaluating the antennna current without the effects of modulation. The antenna current is to be sampled at the same point in the antenna circuit as the antenna ammeter but below (transmitter side) the ammeter.

(2) The control system must have devices to automatically adjust to antenna input power to the authorized power for each mode of operation within the range specified in § 73.52(a). If the automatic control device is unable to adjust the antenna input power to a level below 105% of the authorized power after 3 minutes or upon a total of 3 samplings, the emissions of the station will terminate.

(3) The transmitting system must have a device that will detect and adjust the peak level of modulation. If the modulation exceeds more than 10 bursts of 100% negative modulation within a one minute period or any bursts exceeding 125% positive modulation, as measured at the output terminals of the transmitter, the program audio input signal to the transmitter modulators shall be automatically adjusted downward until these limits are not exceeded. For the purposes of this requirement, a sequence of repetitive instances of modulation exceeding the prescribed limits occurring within a single 5 millisecond interval will be considered to be one burst. The station shall comply with the provisions of Section 73.55 with respect to minimum modulation levels.

(c) [Reserved].

(d) If the station is authorized or required to operate at more than one antenna input power or is restricted in its hours of operation, the ATS control equipment must include a time clock to automatically prevent the station from being signed on prior to the authorized time, perform all required mode switching operations, and terminate the transmitter radiations at the required time. The required mode switching time clock must meet the following specifications:

(1) Any failure or interruption in the operation of the clock or clock controlled switching circuits will cause the transmitter radiations to terminate under the ATS mode of operation until the clock is repaired or reset.

(2) The clock will perform all required switching functions at the times prescribed on the station authorization.

(3) Unless the clock is provided with a means to automatically compensate for changes in the operating hours or mode switching times specified on the station authorization for each calendar month, the licensee shall insure that the clock is adjusted as necessary prior to sign-on on the first day of each month or at other times as necessary.

(4) The clock must prohibit the transmitter from operating under the ATS mode during hours or with antenna radiation patterns other than those authorized except for operation during an emergency as provided for in § 73.98.

(5) The accuracy of the clock shall be maintained within an accuracy of plus or minus one minute at all times. The clock accuracy shall be checked as often as necessary, but at least once each calendar month as part of the required transmitting inspections. An entry noting the date and time of the calibration checks and any necessary adjustments shall be made in the station maintenance log. The primary standard of time will be the signals of stations WWV or WWVH of the National Bureau of Standards.

(e) The ATS control equipment shall be designed to terminate the station transmissions in accordance with § 73.144.

(f) The ATS control equipment shall be designed to provide an alarm signal at an authorized monitoring and alarm point in accordance with § 73.146.

(g) If the station is authorized to use an alternate main or auxillary transmitter, the ATS control equipment may incorporate circuits to automatically activate such transmitters if they are fully equipped for ATS operation, although such transmitter switching features are not required.

(h) The sampling of modulation levels must be on a continuous basis. All other required sampling of transmitting system functions shall be made at intervals not exceeding one minute.

(i) The ATS equipment shall have facilities to permit testing of the automatic control and alarm devices. The testing may be accomplished without interrupting the station transmission, provided that the test facilities are designed so that they cannot inadvertently or purposefully be used to override the automatic operation of the transmission system.

§ 73.144 Fail-safe transmitter control for automatic transmission systems.

(a) The ATS control system for an AM broadcast station must incorporate circuits that will terminate the radiations of the station in event of any of the following conditions within the time interval specified:

(1) Failure of the automatic power adjustment circuits if the automatic power adjustment controls do not correct an over power condition (antenna input power exceeding 105% of the authorized power) for a three minute period.

(2) Failure of the automatic modulation adjustment circuits to prevent excessive modulation levels from continuing uncorrected for a period exceeding three consecutive minutes.

(3) Any failure of the mode switching time clock, if required, for a period exceeding 3 minutes.

(4) Failure of the circuit to the ATS monitoring and alarm point for a period exceeding 3 minutes which prevents the transmitter from being turned off from that point.

(5) Failure in any of the required alarm system functions as required by § 73.146 exceeding 3 consecutive minutes.

(6) Any loss of the required ATS sampling functions for a period exceeding 3 minutes.

(b) If the transmission of the station terminates due to any of the conditions listed in paragraph (a) of this section, operation of the station may resume under manual control of the transmitter, either with an operator holding the proper class of license or permit on duty at the transmitter site or at an authorized remote control point, provided that any out of tolerance condition which may have caused the termination of transmissions is corrected upon resumption of manual operations. A station normally using ATS and temporarily operating under manual control for a period not exceeding 30 continuous days under the provisions of this paragraph, will be exempt from employing a full time radiotelephone first-class operator as required by § 73.93(d).

(c) If termination of the station transmission was caused by any failure of the ATS control or alarm functions, ATS operation of the station shall not be resumed until all necessary repairs or adjustments have been completed and a notation made in the station's maintenance log showing the nature or cause of the ATS malfunction and a certification entered in the log by the station's radiotelephone first-class operator that all required ATS functions are fully restored.

§ 73.146 Automatic transmission system monitoring and alarm points.

(a) Each AM broadcast station operating an automatic transmission system shall be provided with one or more ATS monitoring and alarm points. A station employee holding at least a restricted radiotelephone operator permit shall be on duty at one such point at all times when the station is in operation. The ATS monitoring and alarm point location may be at the transmitter site, the main studio, an authorized remote control point, or at another authorized location. If the licensee wishes to establish an ATS monformal request is to be submitted to the station transmitter, main studio, or an authorized remote control point, an informal request is to be submited to the Commission in Washington, D.C. with a description of the location of the point and stating the basis for its selection. All ATS monitoring and alarm points shall be under the control of, or available to, the licensee at all times. Provisions shall be made so that unauthorized persons can not activate the transmitting system from such points.

(b) The following ATS controls or alarms functions shall be installed at each ATS monitoring and control point to be utilized.

(1) A means to turn the transmitting apparatus on and off at all times.

(2) An off air monitoring receiver for observing the station's transmitted program signal.

(3) An aural alarm signal as specified in paragraph (c) of this section.

(c) An aural alarm at the ATS control and monitoring point shall activate in event of any of the following conditions:

(1) The transmissions of the station are interrupted for a period exceeding three minutes.

(2) The transmitter output power falls below 90% of the authorized value to be used if not automatically corrected within 3 minutes.

(3) An alarm that would indicate any failure of the tower lighting equipment unless arrangements are made for visual observations of the condition of the tower lighting as required in § 17.47(a) of this chapter.

(d) In addition to the aural alarms specified in paragraph (c) of this section, the licensee may install visual alarms or signals, and alarm circuits, indicating other conditions at the transmitter site provided that there can be recognition between the required alarm signals and those not required.

(e) Whenever a required alarm condition occurs, the alarm signal shall remain continuously activated until the condition causing the alarm is corrected or manual control of the transmitting system is assumed, provided that if a visual alarm is also provided, the aural alarm may be turned off if the visual alarm remains activated. A notation shall be made in the station's operating log of the time and duration of any ATS alarm conditions.

(f) The station employee on duty at the ATS monitoring and alarm point is not restricted to a specific duty position provided that such person can monitor the off-air program signal and alarm signal at all times. If that employee is the only person in attendance at the station, that person must also be able to observe and respond to an EBS alert as required by Subpart G of this part.

(g) The station employees on duty at ATS monitoring and alarm points shall be fully instructed in procedures to take in the event of a malfunction of the transmission system and receipt of an EBS alert.

(h) Station and operator licenses shall be posted at each ATS monitoring and alarm point according to the provisions of § 73.92.

2. New §§ 73.340, 73.342, 73.344, and 73.346 are added to Part 73, Subpart B of this chapter to read as follows:

§ 73.340 Use of automatic transmission systems (ATS).

(a) The licensee of an FM broadcast station may utilize an automatic transmission system (ATS) in accordance with this section and §§ 73.342, 73.344, and 73.346 in lieu of either direct or remote control of the station transmitting system.

(b) Authorization to use an automatic transmission system may be obtained by submittting an informal request to the Commission in Washington, D.C. Such request shall be signed by the licensee and contain a statement certified by the station's chief operator, technical director, or consulting engineer showing that the station has installed and fully tested all the necessary apparatus for ATS operation and that the station is in full compliance with the prescribed technical standards for ATS operation and all other technical standards in this subpart applicable to the particular class of station.

(c) Upon receipt of notification from the Commission, the station can commence full ATS operation under the following special conditions:

(1) The operating log entries specified in § 73.283(a)(3) need not be made.

(2) In lieu of the requirements specified in § 73.265 (a), (c) and (d), the licensee may employ persons holding a restricted radiotelephone operator permit to be on duty at an ATS monitoring and alarm point as described in § 73.346.

(3) The station may employ at least one radiotelephone first-class operator in accordance with the provisions of § 73.265(c) in lieu of the requirements of § 73.265(d).

(4) In lieu of the schedule of transmitting system equipment inspections specified in § 73.265(h), the inspections shall be made once each calendar month with intervals between successive required inspections not to be less than 20 days.

(d) A station utilizing ATS must comply with the provisions of Subpart G of this part at all times.

(e) The transmitting apparatus must be manually activated at the beginning of each broadcast day.

§ 73.342 Automatic transmission system facilities.

(a) The licensee of an FM broadcast station may design, construct, install, and test the necessary equipment for ATS operation or obtain, install and test such equipment if it is compatible with the transmitting equipment with which it is to be used. The licensee may, without further authority, make the necessary modifications in the station transmitting equipment to accommodate ATS monitoring and control devices provided that the transmitting system will comply with all applicable technical specifications included in the regulations of this subpart.

(b) The transmitting apparatus of an FM station utilizing an automatic transmission system shall be equipped according to the following:

(1) The control system must have devices to monitor and control the output power of the transmitter either by the direct or indirect method as described in § 73.267 (a) and (b)(2).

(2) The control system must have devices to automatically adjust to transmitter output power to the authorized power for each mode of operation within the range specified in § 73.267(b)(1). If the automatic control device is unable to adjust the output power to a level below 105% of the authorized power after 3 minutes or upon a total of 3 samplings, the emissions of the station will terminate.

(3) The transmitting system must have a device that will detect and adjust the peak level of modulation. If the modulation exceeds more than 10 bursts of 100% modulation within a one minute period as measured at the output terminals of the transmitter, the program audio input signal to the transmitter modulators shall be automatically adjusted downward until these limits are not exceeded. For the purposes of this requirement, a sequence of repetitive instances of modulation exceeding the prescribed limits occurring within a single 5 millisecond interval will be considered to be one burst. The station shall comply with the provisions of § 73.268 with respect to the minimum modulation levels.

(c) If the station engages in SCA operations, the transmission system shall be equipped with an automatic limiting device to prevent excessive modulation deviation of the SCA subcarrier.

(d) [Reserved].

(e) The ATS control equipment shall be designed to terminate the station transmissions in accordance with § 73.344.

(f) The ATS control equipment shall be designed to provide an alarm signal at an authorized monitoring and alarm point in accordance with § 73.346.

(g) If the station is authorized to use an alternate main or auxiliary transmitter, the ATS control equipment may incorporate circuits to automatically activate such transmitters if they are fully equipped for ATS operation, although such transmitter switching features are not required.

(h) The sampling of modulation levels must be on a continuous basis. All other required sampling of transmitting system functions shall be made at intervals not exceeding one minute.

(i) The ATS equipment shall have facilities to permit testing of the automatic control and alarm devices. The testing may be accomplished without interrupting the station transmission, provided that the test facilities are designed so that they cannot inadvertently or purposefully be used to override the automatic operation of the transmission system.

§ 73.144 Fail-safe transmitter control for automatic transmission systems.

(a) The ATS control system for an FM broadcast station must incorporate circuits that will terminate the radiations of station in the event of any of the following conditions within the time interval specified:

(1) Failure of the automatic power adjustment circuits if the automatic power adjustment controls do not correct an over power condition (antenna input power exceeding 105% of the authorized power) for a three minute period.

(2) Failure of the automatic modulation adjustment circuits to prevent excessive modulation levels from continuing uncorrected for a period exceeding three consecutive minutes.

(3) [Reserved].

(4) Failure of the circuit to the ATS monitoring and alarm point for a period exceeding 3 minutes which prevents the transmitter from being turned off from that point.

(5) Failure in any of the required alarm system functions as required by § 73.346 exceeding 3 consecutive minutes.

(6) Any loss of the required ATS sampling functions for a period exceeding 3 minutes.

(b) If the transmissions of the station terminates due to any of the conditions listed in paragraph (a) of this section, operation of the station may resume under manual control of the transmitter, either with an operator holding the proper class of license or permit on duty at the transmitter site or at an authorized remote control point, provided that any out of tolerance condition which may have caused the termination of transmission is corrected upon resumption of manual control of the transmitter.

(c) If termination of the station transmission was caused by any failure of the ATS control or alarm function, ATS operation of the station shall not be resumed until all necessary repairs or adjustments have been completed and a notation made in the station's maintenance log showing the nature or cause of the ATS malfunction and a certification entered into the log by the station's radiotelephone first-class operator that all required ATS functions are fully restored.

§ 73.346 Automatic transmission system monitoring and alarm points.

(a) Each FM broadcast station operating an automatic transmission system shall be provided with one or more ATS monitoring and alarm points. A station employee holding at least a restricted radiotelephone operator permit shall be on duty at one such point at all times when the station is in operation. The ATS monitoring and alarm point location may be at the transmitter site, the main studio, an authorized remote control point, or at another authorized location. If the licensee wishes to establish an ATS monitoring and alarm point other than at the station transmitter, main studio, or an authorized remote control point, an informal request is to be submitted to the Commission in Washington, D.C. with a description of the location of the point and stating the basis for its selection. All ATS monitoring and alarm points shall be under the control of, or available to, the licensee at all times. Provisions shall be made so that unauthorized persons can not activate the transmitting system from such points.

(b) The following ATS controls or alarm functions shall be installed at each ATS monitoring and control point to be utilized:

(1) A means to turn the transmitting apparatus on and off at all times.

(2) An off air monitoring receiver for observing the station's transmitted program signal and SCA program signal if SCA is utilized.

(3) An aural alarm signal as specified in paragraph (c) of this section.

(c) An aural alarm at the ATS control and monitoring point shall activate in event of any of the following conditions:

(1) The transmissions of the station are interrupted for a period exceeding three minutes.

(2) The transmitter output power falls below 90% of the authorized value to be used if not automatically corrected within 3 minutes.

(3) An alarm that would indicate any failure of the tower lighting equipment unless arrangements are made for visual observations of the condition of the tower lighting as required in § 17.47(a) of this chapter.

(d) In addition to the aural alarms specified in paragraph (c) of this section, the licensee may install visual alarms or signals, and alarm circuits indicating other conditions at the transmitter site provided that there can be recognition between the required alarm signals and those not required.

(e) Whenever a required alarm condition occurs, the alarm signal shall remain continuously activated until the condition causing the alarm is corrected or manual control of the transmitting system is assumed, provided that if a visual alarm is also provided, the aural alarm may be turned off if the visual alarm remains activated. A notation shall be made in the station's operating log of the time and duration of any ATS alarm conditions.

(f) The station employee on duty at the ATS monitoring and alarm point is not restricted to a specific duty position provided that such person can monitor the off-air signal and alarm signal at all times. If that employee is the only person in attendance at the station, that person must also be able to observe and respond to an EBS alert as required by Subpart G of this part.

(g) The station employees on duty at ATS monitoring and alarm points shall be fully instructed in procedures to take in the event of a mulfunction of the transmission system and receipt of an EBS alert.

(h) Station and operator licenses shall be posted at each ATS monitoring and alarm point according to the provisions of § 73.264.

3. New §§ 73.540, 73.542, 73.544 and 73.546 are added to Part 73, Subpart C of this chapter to read as follows:

§ 73.540 Use of automatic transmission systems (ATS).

(a) The licensee of a noncommercial educational FM broadcast station may utilize an automatic transmission system (ATS) in accordance with this section and §§ 73.542, 73.544 and 73.546 in lieu of either direct or remote control of the station transmitting system.

(b) Authorization to use an automatic transmission system may be obtained by submitting an informal request to the Commission in Washington, D.C. Such request shall be signed by the licensee and contain a statement certified by the station's chief operator, technical director, or consulting engineer showing that the station has installed and fully tested all the necessary apparatus for ATS operation and that the station is in full compliance with the prescribed technical standards for ATS operation and all other technical standards in this subpart applicable to the particular class of station.

(c) Upon receipt of notification from the Commission, the station can commence full ATS operation under the following special conditions:

(1) The operating log entries specified in § 73.583(a)(3) need not be made.

(2) In lieu of the requirements specified in § 73.565(a), (c) and (d), the licensee may employ persons holding a restricted radiotelephone operator permit to be on duty at an ATS monitoring and alarm point as described in § 73.546.

(3) The station may employ at least one radiotelephone first-class operator in accordance with the provisions of § 73.565(c) in lieu of the requirements of § 73.565(d).

(4) In lieu of the schedule of transmitting system equipment inspections specified in § 73.565(h), the inspections shall be made once each calendar month with intervals between successive required inspections not to be less than 20 days.

(d) A station utilizing ATS must comply with the provisions of Subpart G of this part at all times.

(e) The transmitting apparatus must be manually activated at the beginning of each broadcast day.

§ 73.542 Automatic transmission system facilities.

(a) The licensee of a noncommercial educational FM broadcast station may design, construct, install, and test the necessary equipment for ATS operation or obtain, install and test such equipment if it is compatible with the transmitting equipment with which it is to be used. The licensee may, without further authority, make the necessary modifications in the station transmitting equipment to accommodate ATS monitoring and control devices provided that the transmitting system will comply with all applicable technical specifications included in the regulations of this subpart.

(b) The transmitting apparatus of a noncommercial educational FM station utilizing an automatic transmission system shall be equipped according to the following:

(1) The control system must have devices to monitor and control the output power of the transmitter either by the direct or indirect method as described in § 73.567(a) and (b)(1)(i).

(2) The control system must have devices to automatically adjust transmitter output to the authorized power for each mode of operation within the range specified in § 73.567(b). If the automatic control device is unable to adjust the output power to a level below 105% of the authorized power after 3 minutes or upon a total of 3 samplings, the emissions of the station will terminate.

(3) The transmitting system must have a device that will detect and adjust the peak level of modulation. If the modulation exceeds more than 10 bursts of 100% modulation within a one minute period as measured at the output terminals of the transmitter, the program audio input signal to the transmitter modulators shall be automatically adjusted downward until these limits are not exceeded. For the purposes of this requirement, a sequence of repetitive instances of modulation exceeding the prescribed limits occurring within a single 5 millisecond interval will be considered to be one burst. The station shall comply with the provisions of § 73.568 with respect to the minimum modulation levels.

(c) If the station engages in SCA operations, the transmission system shall be equipped with an automatic limiting device to prevent excessive modulation deviation of the SCA subcarrier.

(d) [Reserved].

(e) The ATS control equipment shall be designed to terminate the station transmissions in accordance with § 73.544.

(f) The ATS control equipment shall be designed to provide an alarm signal at an authorized monitoring and alarm point in accordance with § 73.546.

(g) If the station is authorized to use an alternate main or auxiliary transmitter, the ATS control equipment may incorporate circuits to automatically activate such transmitters if they are fully equipped for ATS operation, although such transmitter switching features are not required.

(h) The sampling of modulation levels must be on a continuous basis. All other required sampling of transmitting system functions shall be made at intervals not exceeding one minute.

(i) The ATS equipment shall have facilities to permit testing of the automatic control and alarm devices. The testing may be accomplished without interrupting the station transmission, provided that the test facilities are designed so that they cannot inadvertently or purposefully be used to override the automatic operation of the transmission system.

§ 73.544 Fail-safe transmitter control for automatic transmission systems.

(a) The ATS control system for a noncommercial educational FM broadcast station must incorporate circuits that will terminate the radiations of the station in the event of any of the following conditions within the time interval specified:

(1) Failure of the automatic power adjustment circuits if the automatic power adjustment controls do not correct an over power condition (antenna input power exceeding 105% of the authorized power) for a three minute period.

(2) Failure of the automatic modulation adjustment circuits to prevent excessive levels from continuing uncorrected for a period exceeding three consecutive minutes.

(3) [Reserved].

(4) Failure of the circuit to the ATS monitoring and alarm point for a period exceeding 3 minutes which prevents the transmitter from being turned off from that point.

(5) Failure in any of the required alarm system functions as required by § 73.546 exceeding 3 consecutive minutes.

(6) Any loss of the required ATS sampling functions for a period exceeding 3 minutes.

(b) If the transmissions of the station terminates due to any of the conditions listed in paragraph (a) of this section, operation of the station may resume under manual control of the transmitter, either with an operator holding the proper class of license or permit on duty at the transmitter site or at an authorized remote control point, provided that any out of tolerance condition which may have caused the termination of transmission is corrected upon resumption of manual control of the transmitter.

(c) If termination of the station transmission was caused by any failure of the ATS control or alarm functions, ATS operation of the station shall not be resumed until all necessary repairs or adjustments have been completed and a notation made in the station's maintenance log showing the nature or cause of the ATS malfunction and a certification entered into the log by the station's radiotelephone first or second-class operator that all required ATS functions are fully restored.

§ 73.546 Automatic transmission system monitoring and alarm points.

(a) Each noncommercial educational FM broadcast station operating an automatic transmission system shall be provided with one or more ATS monitoring and alarm points. A station employee holding at least a restricted radiotelephone operator permit shall be on duty at one such point at all times when the station is in operation. The ATS monitoring and alarm point location may be at the transmitter site, the main studio, an authorized remote control point, or at another authorized location. If the licensee wishes to establish an ATS monitoring and alarm point other than at the station transmitter, main studio, or an authorized remote control point, an informal request is to be submitted to the Commission in

Washington, D.C. with a description of the location of the point and stating the basis for its selection. All ATS monitoring and alarm points shall be under the control of, or available to, the licensee at all times. Provisions shall be made so that unauthorized persons can not activate the transmitting system from such points.

(b) The following ATS controls or alarm functions shall be installed at each ATS monitoring and control point to be utilized.

(1) A means to turn the transmitting apparatus on and off at all times.

(2) An off air monitoring receiver for observing the station's transmitted program signal and SCA program signal if SCA is utilized.

(3) An aural alarm signal as specified in paragraph (c) of this section.

(c) An aural alarm at the ATC control and monitoring point shall activate in event of any of the following conditions:

(1) The transmissions of the station are interrupted for a period exceeding three minutes.

(2) The transmitter output power falls below 90% of the authorized value to be used if not automatically corrected within 3 minutes.

(3) An alarm that would indicate any failure of the tower lighting equipment unless arrangements are made for visual observations of the condition of the tower lighting as required in § 17.47(a).

(d) In addition to the aural alarms specified in paragraph (c), the licensee may install visual alarms or signals, and alarm circuits indicating other conditions at the transmitter site provided that there can be recognition between the required alarm signals and those not required.

(e) Whenever a required alarm condition occurs, the alarm signal shall remain continuously activated until the condition causing the alarm is corrected or manual control of the transmitting system is assumed, provided that if a visual alarm is also provided, the aural alarm may be turned off if the visual alarm remains activated. A notation shall be made in the station's operating log of the time and duration of any ATS alarm conditions.

(f) The station employee on duty at the ATS monitoring and alarm point is not restricted to a specific duty position provided that such person can monitor the off-air program signal and alarm signal employee is the only person in attendance at the station, that person must also be able to observe and respond to an EBS alert as required by Subpart G of this part.

(g) The station employees on duty at ATS monitoring and alarm points shall be fully instructed in procedures to take in event of a malfunction of the transmission system and receipt of an EBS alert.

(h) Station and operator licenses shall be posted at each ATS monitoring and alarm point according to the provisions of § 73.564.

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Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. B; Docket No. R-0031]

PART 202—EQUAL CREDIT OPPORTUNITY

Amendments to Regulation B To Implement the 1976 Amendments to the Equal Credit Opportunity Act

The original Equal Credit Opportunity Act (Pub. L. 93-495, the "Act"), which went into effect on October 28, 1975, prohibits discrimination in any aspect of a credit transaction on the basis of sex or marital status. The 1976 Amendments to the Act (Pub. L. 94-239) were signed into law on March 23, 1976, and will go into effect on March 23, 1977. They extend the Act's prohibition of discrimination in credit transactions to include discrimination based on race, color, religion, national origin, age (provided the applicant has the capacity to contract), receipt of income from a public assistance program, and the good faith exercise of rights under the Consumer Credit Protection Act.

Since the Amendments substantially changed the Act, numerous changes were necessary in existing Regulation B, which implements the Act. The Board of Governors proposed for comment a revised version of Regulation B on July 20, 1976 (41 FR 29870), and held hearings on August 12 and 13, 1976. On the basis of comments received and testimony presented, the Board published a second proposal for comment on November 8, 1976 (41 FR 49123).

After consideration of the additional comments received, the Board has revised the second proposal (the "November proposal"). The changes are discussed in detail below. The revised Regulation B, published herein, will become effective on March 23, 1977. Creditors are required to comply with the provisions of the existing Regulation B until that time.

SECTION 202.1—AUTHORITY, SCOPE, ENFORCEMENT, PENALTIES AND LIABILITIES, INTERPRETATIONS

Sections 202.1(a) and (b) are identical to the November proposal. In section 202.1(c)(1), the words "actual and punitive" have been inserted before "damages" to clarify that under the Act a creditor's civil liability extends to both actual and punitive damages, and that the dollar limitations in section 706(b) of the Act apply only to the liability for punitive damages. The final clause of section 202.1(c)(2) has been modified to conform more closely to the statutory language; "or approval" has been added after "such rule, regulation, [or] interpretation," and "rescinded" has been added after "is amended." The rest of this section is identical to the November proposal.

SECTION 202.2—DEFINITIONS AND RULES OF CONSTRUCTION

Section 202.2(a)—Definition of "Account". The definition is identical to the November proposal and substantially similar to the definition in existing Regulation B.

Section 202.2(b)—Definition of "Act". The definition is identical to the November proposal.

Section 202.2(c)—Definition of "Adverse action". The definition is drawn from section 701(d)(6) of the amended Act and is similar to the November proposal. Section 202.2(c)(1) describes the actions by a creditor that will trigger the requirements imposed by the Act and the regulation relating to notification of action taken, statement of reasons for adverse action, and record retention. Paragraph (i) is based on the statutory language of section 701(d)(6); it provides that adverse action occurs where an applicant requests credit and the creditor refuses the request. In addition, paragraph (i) encompasses the situation in which a creditor rejects an applicant's initial request, but makes a counter-offer. This approach combines provisions of paragraphs (i) and (ii) of the November proposal. If the applicant uses or accepts the counter-offer, no adverse action occurs. However, if the applicant does not use or expressly accept the credit, adverse action does occur.

Paragraphs (ii) and (iii) describe other actions on the part of the creditor that constitute adverse action.

Section 202.2(c)(2) lists the actions that do not constitute adverse action. Paragraph (i) provides that a change in the terms of an account "expressly agreed to by an applicant" is not adverse action. Paragraph (ii) provides that adverse action does not occur if a creditor takes action or forbears from taking action regarding inactivity, default, or delinquency on an account. Paragraph (iii) provides that a refusal to authorize a point of sale or loan transaction that would exceed an applicant's existing credit limit is not adverse action. This paragraph differs from the November proposal in not requiring that the applicant be advised of the credit limit in advance. However, a point of sale refusal of credit is adverse action if the refusal occurs for a reason other than exceeding the pre-established credit limit.

Paragraphs (iv) and (v) provide that a refusal to extend credit because applicable law prohibits the creditor from extending such credit, or because the creditor does not offer the type of credit requested, does not constitute adverse action. The latter provision is intended to apply, for example, where an applicant requests a credit card from a creditor that does not issue credit cards. However, if an applicant requests a loan at an interest rate of 2 percent and this request is refused because the creditor's policy is to make loans only at 18 percent, this refusal is adverse action. Paragraph (v) is not intended to exempt this type of refusal.

Section 202.2(d)—Definition of "Age". The definition is identical to the November proposal. It indicates that the amended Act's protection against discrimination based on age extends only to natural persons and not to business entities.

Section 202.2(e)—Definition of "Applicant". The definition is identical to the November proposal. It is similar to the definition in the existing regulation.

Section 202.2(f)—Definition of "Application". The definition of "application" is identical to the November proposal and is substantially similar to existing Regulation B.

Although the definition of a "completed application for credit" has been modified, it remains substantially the same as in the November proposal. The words "such information" in the final clause of the first sentence replace "the approvals or reports" to make clear that the requirement of reasonable diligence is not limited to governmental approvals or reports. The final sentence requires that, where an application is incomplete as to matters susceptible to completion by the applicant, the creditor shall make a reasonable effort to notify the applicant and allow a reasonable opportunity for completion of the application.

Section 202.2(g)—Definition of "Board". The definition is identical to the November proposal.

Section 202.2(h)—Definition of "Consumer credit". The definition is identical to the November proposal

Section 202.2(i)—Definition of "Contractually liable". The definition is identical to the November proposal.

Section 220.2(j)—Definition of "Credit". The definition is identical to the November proposal.

Section 202.2(k)—Definition of "Credit card". The definition is identical to the November proposal.

Section 202.2(l)—Definition of "Creditor". The definition is substantially identical to the November proposal. The provisions on potential liability of assignees for violations committed by other creditors is now limited to situations in which the assignee had reasonable notice of the illegal acts. In this respect, this definition is identical to the July proposal.

Section 202.2(m)—Definition of "Credit transaction". The definition is identical to the November proposal. It modifies existing Regulation B by deleting the phrase "solicitation of prospective applicants by advertising or other means." Discriminatory advertising practices remain subject to § 202.5(a), which prohibits discouraging applications.

Section 202.2(n)—Definition of "Discriminate against an applicant". The definition is identical to the November proposal and is substantially similar to the definition in existing Regulation B.

Section 202.2(o)—Definition of "Elderly". This is a new definition which sets the exact age at which an applicant is deemed elderly. Age 62 was chosen since that is the earliest age at which retirement benefits are paid by the Social Security Administration.

The addition of this definition necessitates the relettering of subsequent definitions.

Section 202.2(p)—Definition of "Empirically derived credit system". The definition is similar to the November proposal. It implements section 701(b)(3) of the amended Act. Section 202.2(p)(1) describes an "empirically derived credit system." Such a system is defined as a credit scoring system that evaluates, on the basis of a numerical score, the likelihood of an applicant's repaying the credit requested. The score is based on key attributes of the applicant and the credit which have been selected and weighted in accordance with the creditor's experience with past applicants. The system must be based on experience which is not outdated. The system may include a subjective evaluation of other information as long as the determination of creditworthiness is primarily controlled by the empirically derived aspects of the system.

Section 202.2(p)(2) of the definition prescribes the Board's standards for a "demonstrably and statistically sound" system as required by the amended Act. First, if the entire applicant population of the creditor is not used in developing the system, the sample groups of applicants which are used must be obtained in accordance with appropriate sampling principles so as to fairly represent the characteristics of the underlying population. If proper methods are used in the system's development, consideration of the characteristics of the applicant population need not include actual sampling or scoring of rejected applicants.

Second, the Board's standards permit a creditor, as a matter of business judgment, to set the acceptance score high or low depending upon its business objectives.

Third, the system's predictive ability must be validated during the development process. One method of validation is to apply the model to accumulated credit experience and then to use statistical tests to compare predictive ability with actual results. In addition, there are other methods available to ascertain whether the model will perform at a statistically significant rate. No particular confidence level is specified in the regulation; however, system developers may note that courts in employment cases have shown a preference for a 95 percent level.

Fourth, the system's predictive ability must be regularly revalidated as it is used. The techniques used for revalidation, the frequency with which it occurs, and the population of applicants used to test continuing predictive ability will vary depending upon the creditor and credit system involved. Usually revalidation will use the same statistical tests as the initial validation, except that more recent credit experience is used.

Section 202.2(p)(3) provides that a creditor may borrow either a fully developed credit system or credit experience from which an empirical system can be developed. A borrowed system or a system based on borrowed information must meet the standards prescribed in subsections (1) and (2) above. In addition, a creditor adopting a borrowed system or using borrowed data must validate the system against its own credit experience, as soon as such information is available. Thus, if the borrowing creditor has accumulated credit experience using a judgmental system or a different scoring system, the borrowed system can be validated using this information even before the borrowing creditor commences use of the new empirical system. However, if the creditor has no credit experience of its own, then validation may be deferred until such experience is accumulated. If a borrowed system fails to pass a test of its validity then it is no longer a demonstrably and statistically sound, empirically derived credit system. The borrowing creditor must then either discontinue use of the system or use it accepting the risks and requirements inherent in a judgmental system.

Section 202.2(q)—Definition of "Extend credit" and "Extension of credit". The definitions are identical to the November proposal.

Section 202.2(r)—Definition of "Good faith." The definition is identical to the November proposal.

Section 202.2(s)—Definition of "Inadvertent error". The definition was drawn from § 202.11(a) of existing Regulation B, relating to mechanical errors, and is identical to the November proposal.

Section 202.2(t)—Definition of "Judgmental system of evaluating applicants". The definition is identical to the November proposal. The term is intended to encompass all systems for evaluating creditworthiness other than "demonstrably and statistically sound, empirically derived credit systems."

Section 202.2(u)—Definition of "Marital status". The definition is identical to the November proposal.

Section 202.2(v)—Definition of "Negative factor or value". Section 701(b)(3) of the Act forbids the assigning of a negative factor or value to the age of an elderly person in the operation of a demonstrably and statistically sound, empirically derived credit system. The definition of "negative factor or value" is similar to the November proposal. However, because of the addition of a definition of the word "elderly," the effect of this definition upon a credit scoring system is now very different.

Since the November proposal did not define "elderly," under that proposal each applicant would have been "elderly" with respect to all younger applicants. Accordingly, an applicant could not have been given a score lower than that of any younger applicant, regardless of the creditor's experience. Comments indicated that, as a general rule, older persons are the most creditworthy group on the basis of age, but that certain groups of middle-aged applicants are less creditworthy than younger applicants. The November proposal would have caused undue distortion in the points assigned to age and might have led system users to cease using age as a variable. If elderly applicants are empirically the most creditworthy, then dropping age as an indicator could have had the effect of reducing the amount of credit extended to older persons.

Because "elderly" is now defined as age 62 and above, the regulation has a different impact upon scoring systems. Generally a demonstrably and statistically sound, empirically derived credit system which uses age as a scoring factor should assign to an elderly applicant the number of points indicated by experience. However, in no event may an elderly applicant receive fewer points for age than are assigned to the class of applicants that are not elderly and are most favored on the basis of their age. The highest score on the basis of age given to applicants who are less than 62 creates a floor; persons 62 or older may not be given a score beneath that floor. Except for this limitation, applicants may be given the number of points on the basis of age which experience indicates.

Section 202.2(w)—Definition of "Open-end credit". The definition is identical to the November proposal.

Section 202.2(x)—Definition of "Person". The definition is identical to the November proposal.

Section 202.2(y)—Definition of "Pertinent element of creditworthiness". The definition is similar to the November proposal. Section 701(b)(2) of the amended Act permits a creditor to inquire about an applicant's age or whether an applicant's income derives from a public assistance program, if such inquiry is for the purpose of determining pertinent elements of creditworthiness. The Board has defined pertinent element of creditworthiness as information having a demonstrable relationship to a determination of creditworthiness. The definition varies from the November proposal by expressly stating that this definition relates only to judgmental systems. In addition, use of the term "manifest" in connection with the information's relation to creditworthiness has been deleted. Creditors should be on notice, however, that court decisions pertaining to the so-called "effects test" do require that the relationship between the defendant's practices and the defendant's actual needs be "manifest." This definition does not preclude a court applying the effects test to credit practices from reading a requirement of manifestness into the relationship between credit practices and creditworthiness.

Section 202.2(z)—Definition of "Prohibited basis". The definition is substantially similar to the November proopsal. The phrase is defined in terms of those characteristics that, under the amended Act, may not be considered in any aspect of a credit decision or may be considered only in a limited fashion. A footnote interprets the statutory language of section 701(a)(1) as referring not only to an applicant's race, color, religion, national origin, sex, marital status, or age, but also to such characteristics of other persons who may be indirectly involved in the transaction. This definition differs from the November proposal by expressly stating that an exercise of rights under a State law substituted for the Consumer Credit Protection Act is equally protected by the Act and this regulation.

Section 202.2(aa)—Definition of "Public assistance program". Section 701(a)(2) of the amended Act prohibits discrimination against an applicant "because all or part of the applicant's income derives from any public assistance program." The definition provides some examples of such programs, but the term is not limited to the types of income cited. This definition differs from the November proposal by no longer requiring that the periodic income supplement be directed. A program's assistance may be indirect while still falling within the ambit of this definition.

Section 202.2(bb)—Definition of "State". The definition is identical to the November proposal.

Section 202.2(cc)—Captions and catchlines. The section is intended to indicate the non-substantive nature of captions and catchlines. It is derived from § 226.2(ll) of Regulation Z.

Section 202.2(dd)—Footnotes. The section gives footnotes to the regulation the same legal effect as the text.

SECTION 202.3—SPECIAL TREATMENT FOR CERTAIN CLASSES OF TRANSACTIONS

Four classes of transactions are given special treatment in the existing Regulation B: incidental, business, securities, and public utilities credit. Section 202.3 provides specialized treatment for these classes and for one additional class, credit extended to governmental units. The Board has determined to adopt this section as proposed with the changes discussed below.

Public comments suggested that no reason relating to creditworthiness justifies an inquiry concerning the sex of an applicant for utilities, business, or incidental credit. In response to these comments, the Board has modified this section to provide that § 202.5(d)(3), which prohibits inquiries about an applicant's sex, applies to public utilities and business credit transactions. This prohibition is also applicable to incidental credit transactions unless information relating to the sex of an applicant is required for medical records or similar purposes. This exception is intended to allow persons providing health services to rely upon medical records as a source of information when extending credit, even though the records may contain information relating to the sex of an applicant.

A number of commentators urged the Board to prohibit inquiries as to marital status in business credit transactions. The Board has not followed this suggestion because to do so would require the revision of forms and, in view of the variety and volume of business transactions, the revision would be costly and disruptive. Furthermore, it is doubtful that this burden would be justified since the traditionally close personal contact between business creditor and applicant makes it likely that marital status will be known by the creditor regardless of the informational bar.

The Board believes that, as a general rule, applicants for business credit are more sophisticated than applicants for consumer credit and, thus, there is no need to explain reasons for adverse action to all business credit applicants. Applicants for business credit who wish to know the reason for adverse action may, of course, request an explanation from the creditor as provided in § 202.3(e)(2). Similarly, § 202.3(e)(4) grants business credit applicants the right to request retention of records by the creditor within 90 days of adverse action. Under § 202.3(e)(2), the period during which the request must be made commences only when the applicant is notified orally or in writing of the adverse action by the creditor.

The Board has determined that special treatment for business transactions is also warranted for record retention provisions of the regulation. The requirements to retain records involve significant costs for creditors. The recordkeeping requirement would be particularly burdensome since applications for commercial credit typically involve a much greater volume of documents than applications for consumer credit.

SECTION 202.4—GENERAL RULE CONCERNING DISCRIMINATION

The section is identical to the November proposal.

SECTION 202.5—RULES CONCERNING APPLICATIONS

Section 202.5(a)—Discouraging applications. The section is identical to the November proposal.

Section 202.5(b)—General rules concerning requests for information. Section 202.5(b)(1) is unchanged from the November proposal. It corresponds to § 202.5(a) of existing Regulation B, except that the phrase "continued ability to repay" was deleted to underscore the fact that a creditor's access to information is not limited to determining the probable continuity of an applicant's income. Thus, the only barriers to a creditor's obtaining, as opposed to considering, information are those contained in § 202.5. Footnote 4 makes clear that § 202.5(b)(1) neither limits nor abrogates laws regarding privacy, privileged information, or similar matters.

Section 202.5(b)(2) deals with information collection relating to the monitoring or enforcement of compliance with the amended Act, Regulation B, or other Federal or State laws. The first sentence refers explicitly to the information collection requirements of § 202.13. It has been revised from the November proposal by the addition of an introductory phrase, "notwithstanding any other provision of this section," to clarify that this provision supersedes information barriers contained in subsections (c) and (d) of § 202.5. Any State law that precludes a creditor from requesting an applicant's race/national origin, sex, and marital status, and thus conflicts with § 202.13, is preempted by § 202.11(b)(1)(ii).

The second sentence of § 202.5(b)(2) permits creditors to comply with regulations, orders, or agreements (issued by or entered into with a Federal or State

court or enforcement agency) that require the collection of information to monitor or enforce compliance with the amended Act or other State or Federal law, such as the Federal Fair Housing Act, administered by the U.S. Department of Housing and Urban Development. The Board has substituted the words "may obtain" for "shall obtain" to clarify that the provisions of the second sentence of (b)(2) are permissive and not mandatory. In addition, the scope of the provision has been expanded by the inclusion of the word "regulation" in the first clause and by the insertion of the words "or enforce" within the phrase "to monitor compliance."

Finally, § 202.5(b)(3) clarifies the point that some information barriers of § 202.5 are not applicable to special purpose credit programs as defined in § 202.8, or with regard to § 202.7(e) relating to insurance.

Section 202.5(c)—Information about a spouse or former spouse. Sections 202.5(c) and (d) are specific exceptions to the general rule of § 202.5(b)(1). Sections 202.5(c)(1) and (2) are identical to the November proposal and are derived from § 202.5(b) of the existing regulation. Paragraph (iv), relating to reliance on community property, differs from the corresponding provision of existing Regulation B, which permits a creditor to request and consider information about an applicant's spouse if the applicant "is relying on community property * * * as a basis for repayment of the credit requested." The revised provision permits such inquiries whenever the applicant "resides" in a community property State or when the applicant, in applying for credit, is relying on property that is relying on property that is located in a community property State.

Section 202.5(c)(3) has been expanded. As in the November proposal, it permits a creditor to ask an applicant to list any account upon which the applicant is liable and to disclose the name and address in which such an account is carried. A second sentence has been added that permits a creditor to ask about other names in which the applicant has previously received credit.

Section 202.5(d)—Information a creditor may not request. Except for editorial changes, this section is the same as the November proposal. Section 202.5(d)(1) restates the provisions of §§ 202.4(c)(1) and (2) of existing Regulation B, except that the language, "or as required to comply with State law governing permissible finance charges or loan ceilings," was deleted as unnecessary, since § 202.11(b)(1)(ii) preempts any provision of State law regarding married persons.

The structure of § 202.5(d)(1) has been changed from the existing regulation to state the rule relating to marital status inquiries more clearly. If an applicant applies for an individual, unsecured account, a creditor may not inquire about the applicant's marital status unless the community property exception, which conforms to § 202.5(c)(2)(iv), applies. Creditors should note that this informational bar applies notwithstanding the existence of a State necessaries law or family expense statute.

In the second sentence of § 202.5(d)(1), the phrase that appeared in the November proposal, "in all other instances," has been replaced by the phrase "Where an application is for other than individual, unsecured credit * * *" In addition, the limitation regarding terms that may be used in marital status inquiries is stated in a separate sentence, to clarify that the limitation applies in all instances where such inquiries are permissible, including in community property States. Section 202.5(d)(1) also makes clear that a creditor may explain that the category "unmarried" includes single, divorced, and widowed persons.

Section 202.5(d)(2) replaces §§ 202.4(c)(3) and 202.5(d)(1) of existing Regulation B relating to alimony, child support, and separate maintenance. The first sentence of this provision states the general requirement that a creditor must first disclose to an applicant that income from alimony, child support, or separate maintenance need not be revealed by the applicant unless the applicant is relying on such income to establish creditworthiness. The second sentence is intended to alert creditors that a general inquiry regarding source of income, without further specification, may lead an applicant to list alimony, child support, or separate maintenance income. Therefore, unless an inquiry is phrased in terms of salary, wages, or similarly specified income as opposed to general inquiries about income, disclosure by the creditor concerning the optional nature of such a listing is required.

Because the disclosure regarding allmony, child support, or separate maintenance income is required both in oral and on written applications, the word "appropriately" has been substituted for "first conspicuously."

A number of commentators urged the Board to delete the word "separate" from "separate maintenance" in the 202.5(d)(2) disclosure provision, on the ground that many application forms that comply with the existing version of Regulation B do not draw such a distinction and, thus, could be considered inadequate under the new regulation. The Board has adopted the provision as proposed. However, since these comments express a valid concern, the Board has added a footnote to 202.5(e) of the regulation that permits a creditor to continue "to use any application form that complies with the requirements of the October 28, 1975, version of Regulation B iuntil its present stock of those forms is exhausted or until March 23, 1978, whichever occurs first."

Section 202.5(d)(3) expressly prohibits a creditor from asking about an applicant's sex, and incorporates the courtesy titles provision of § 202.4(c)(4) of existing Regulation B. As in § 202.5(d)(2), the word "appropriately" has replaced the words "first conspicuously" for the reasons mentioned above.

Section 202.5(d)(4) incorporates the limitation regarding child bearing inquiries contained in the first sentence of § 202.5(h) of the existing regulation; the second sentence of § 202.5(h) is found in § 202.6(b)(3) of this regulation. The provision makes clear that the prohibition as to child bearing inquiries does not preclude a creditor from asking about the number and ages of an applicant's dependents or about dependent-related financial obligations or expenditures. For purposes of clarification, the Board has added a final clause to emphasize that a creditor may ask questions relating to dependents only if it asks all applicants such questions.

Section 202.5(d)(5) prohibits inquiries about the race, color, religion, or national origin not only of applicants but also of any other person in connection with a credit transaction, except as provided by § 202.5(b)(3) relating to special purpose credit programs or as required by § 202.5(b)(2) for compliance-monitoring purposes. The final sentence explicitly permits a creditor to inquire about an applicant's permanent residence and immigration status.

Section 202.5(e)—*Application forms.* The content of § 202.5(e) remains essentially unchanged from the November proposal. However, a number of comments noted that certain provisions of this regulation might necessitate changes in creditors' forms less than a year after creditors modified their forms to comply with the October 28, 1975 version of the regulation. In order to minimize the financial burden of any further changes that may be required, a footnote has been added, permitting creditors to continue to use application forms that comply with the requirements of the 1975 version of Regulation B until present stocks of those forms are exhausted or until March 23, 1978, whichever occurs first.

In response to numerous comments, § 202.5(e) has also been redrafted to underscore the point that Regulation B does not require the use of written applications or, if written forms are used, does not require the use of any of the sample applications approved by the Board. If a creditor chooses to use written applications, it has four options. First, a creditor may design its own forms. Second, a creditor may use forms prepared by another person, for example, another creditor or a trade association. Third, a creditor may use any appropriate model form included in Appendix B of Regulation B. (The Appendix B forms will be published separately in the near future.) Finally, a creditor may use a modified version of any appropriate Appendix B form.

The phrase "appropriate model form" has been used to emphasize that the five forms contained in Appendix B are each designed for use in a different situation. For example, one form is intended for use only in open end, unsecured credit transactions; another is intended for use in community property States. Therefore, the protection accorded creditors

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using the model forms applies only if the form "appropriate" to a particular situation is used or modified as provided in § 202.5(e).

Section 202.5(e) enumerates the three ways in which a creditor may modify an appropriate Appendix B form to satisfy its needs. First, a creditor may ask for additional information if such a request is not prohibited by § 202.5. Second, a creditor may delete any information request. Third, a creditor may rearrange the order of the questions. In each instance, however, a creditor must include the appropriate notices in the appropriate places if information regarding courtesy titles, alimony, child support, or separate maintenance payments, or marital status is solicited.

The modification of an appropriate Appendix B form by deleting or rearranging informational items will not affect a creditor's protection under section 706(e) of the amended Act from civil liability arising from the use of the form. If a creditor adds an informational item not expressly permitted by the regulation, the creditor may not rely upon the protection of § 706(e) with respect to that additional item.

Finally, the language of the November proposal expressly permitting creditors to add the ECOA notice to their forms has been deleted for two reasons. First, footnote 6 addresses the problem of using forms that contain the ECOA notice prescribed by the October 28, 1975 version of Regulation B. Second, supplying an ECOA notice at the time that an applicant applies for credit will not satisfy the requirement of § 202.9(a) that such a notice be provided when adverse action is taken.

Section 202.6—Rules Concerning Evaluation of Applications

Section 202.6 deals with the use of information in the evaluation of credit applications, and elaborates on the substantive provisions of section 701 (a) and (b) of the amended Act.

Section 202.6(a)—General rule concerning the use of information. Section 202.6(a) is substantially similar to the November proposal. Subject to two qualifications, the basic provision of this section is that a creditor may consider, in evaluating an application, any information that it obtains. The first qualification is that no information may be used to discriminate against an applicant on a prohibited basis, except as provided in § 202.8 regarding special purpose credit programs. Second, a creditor's use of information is limited by the specific prohibitions contained in §§ 202.5 and 202.6 of the revised regulation. The rule adopted in § 202.6(a) subsumes the first sentence of § 202.5(k) of existing Regulation B.

The use of the words "to discriminate" is intended to underscore the fact that the general rule regarding use of information is not limited to intentional acts of discrimination. The amended Act proscribes intentional discrimination and also may be interpreted as prohibiting actions that have the effect of discriminating against applicants on any prohibited basis.

The footnote has been shortened in the final version. It refers to the legislative history of the amended Act, which shows that Congress intended certain judicial decisions enunciating the "effects test" in the employment area to be applied in the credit area, especially with respect to the allocation of burdens of proof.

As a judicial doctrine, the effects test is not well suited to regulatory implementation. In addition, it is, of course, subject to change as it is examined and applied by the courts.

Section 202.6(b)—Specific rules concerning use of information. Section 202.6(b) is substantially similar to the November proposal and contains specific limitations on the use of information. Section 202.6(b)(1), which bars (with certain exceptions) a creditor from taking any prohibited basis into account in evaluating creditworthiness, is identical to the November version.

Footnote 8 does not broaden the authority granted by § 202.5 to ask about marital status; rather, where the creditor can ask marital status under § 202.5, the footnote permits a creditor to consider it in connection with rights and remedies.

Section 202.6(b)(2) has been adopted without change from the November proposal. Paragraph (i) expressly prohibits a creditor from taking into account an applicant's age (provided the applicant is old enough to enter into a binding contract) or whether an applicant receives income from any public assistance program, except as otherwise provided in the section. The wording of paragraphs (ii) and (iii) emphasizes the distinction between the consideration of age in empirically derived credit systems and judgmental systems. In a judgmental system, a creditor is permitted to consider an applicant's age and whether an applicant's income derives from any public assistance program, but only for the purpose of determining a pertinent element of creditworthiness. A creditor may use age itself as a predictive variable in a credit scoring system, but only if such system is a demonstrably and statistically sound, empirically derived system. Paragraph (iv) is based on section 701(b)(4) of the amended Act and provides that, in any system of evaluating creditworthiness, a creditor may consider the age of an elderly applicant when age is used to favor the applicant.

With respect to § 202.6(b)(3), the Board has inserted language, which appears in existing Regulation B, to make clear that creditors are barred from considering statistics relating to childbearing only in connection with evaluating creditworthiness. Thus, for example, a creditor may consider such statistics in connection with marketing research.

Section 202.6(b)(4) is identical to the corresponding provision in the November proposal.

Section 202.6(b)(5) has been adopted as it appeared in the November proposal, except for the addition of annuity, pension, and other retirement income as income that creditors may not discount or exclude from consideration. This subsection corresponds to §§ 202.5(d)(2) and 202.5(e) of existing Regulation B.

Section 202.6(b)(6) corresponds to § 202.5(j) of the existing regulation, and is unchanged from the November proposal, except for the reinstatement of the inadvertent error defense and the phrase "contractually liable," which appear in the existing regulation. The words "when available" in paragraphs (i) and (iii) refer to the fact that such credit history may not always be available to a creditor. A creditor is required to consider such credit history only "to the extent that a creditor considers credit history in evaluating creditworthiness of similarly qualified applicants for a similar type and amount of credit."

Section 202.6(b)(7) has been adopted without change from the November proposal. It provides that a creditor may consider an applicant's immigration status, whether the applicant is a permanent resident of the United States, and whatever additional information is necessary to ascertain rights and remedies regarding repayment.

Section 202.6(c)—State property laws. This section incorporates the provisions of § 705(b) of the Act and is substantially identical to § 202.5(1) of the existing regulation. The Board has adopted it without change from the November proposal.

Section 202.7—Rules Concerning Extensions of Credit

Section 202.7(a)—Individual accounts. This section is identical to the November proposal. It corresponds to § 202.4(b) of the existing regulation.

Section 202.7(b)—Designation of name. Section 202.7(b) has been adopted without change from the November proposal and is substantially the same as § 202.4(e) of existing Regulation B. The section prohibits a creditor from requiring an applicant to open and maintain an account in a spouse's name, although an applicant may use such a name if desired. The provision permits an applicant to use a birth-given first name with a birth-given surname, spouse's surname, or a combined or hyphenated surname.

This provision should not be interpreted as requiring creditors to redesign systems in order to handle occasional requests for combined names or other names that contain more than the usual number of characters.

Section 202.7(c)—Action concerning existing open end accounts. Section 202.7(c)(1) is identical to the November proposal and is derived from § 202.5(1)(1) of existing Regulation B. It prohibits creditors from taking certain actions on the basis of an applicant's retirement, attainment of a certain age, change of name, or change of marital status.

Section 202.7(c)(2) is substantially similar to the November proposal and is derived from § 202.5(1)(2) of existing Regulation B. It permits a creditor to require a reapplication on the basis of a change in marital status in certain instances where open end credit was granted to an applicant based on income earned by the applicant's spouse. The November proposal, unlike existing Regulation B, would have permitted creditors to require reapplication in those instances on the basis of a change in name as well as on the basis of a change in marital status. Comments pointed out that a change in name does not always indicate a change in marital status, and that only the latter is a cause for possible concern about changed financial circumstances. In addition, women are more likely to change their names upon change in marital status than are men, so that the November version of this provision might disfavor women. Therefore, the Board has decided to delete the words "name or" before "marital status" in § 202.7(c)(2).

Section 202.7(d)—Signature of spouse or other person. Section 202.7(d) corresponds to § 202.7 of existing Regulation B, governing requests for the signature of a spouse or other person. The section has been revised for clarity.

Section 202.7(d)(1) states the general rule contained in § 202.7(a) of the existing regulation, and in the first sentence of § 202.7(d)(1) of the November proposal. It prohibits a creditor from requiring the signature of a spouse or other person, other than a joint applicant, on any credit instrument if the applicant qualifies under the creditor's standards of creditworthiness for the credit requested.

The words "or other person, other than a joint applicant" have been added to the November version to accomplish two objectives. The addition of the first part of the phrase makes clear that creditors may not discriminate in imposing signature requirements upon applicants, whether or not the additional signature required is that of the applicant's spouse. In this respect, the addition merely continues the rule of existing § 202.7(a). The second part of the phrase has been added to underscore the fact that where two persons voluntarily apply jointly for credit, a creditor may obtain the signature of the joint applicant.

The remainder of § 202.7(d) comprises exceptions to, and elaborations on, the general rule. Section 202.7(d)(2) relates to unsecured credit where property is relied upon. This subsection includes the second sentence of § 202.7(d)(1) of the November proposal, concerning the factors that creditors may consider in evaluating the property relied upon, with new material that explains that the creditor may require, if evaluation indicates that it is necessary, a signature on any instrument needed to gain access to the property in the event of default. For example, such an instrument might be a waiver of dower rights.

Section 202.7(d)(3) relates to unsecured credit in community property States, and is substantially the same as § 202.7(d)(4) of the November proposal and § 202.7(b) of the existing regulation. The provision adopted by the Board differs from the November proposal in that the criterion defining instruments on which creditors may require signatures is changed from "necessary" to "necessary, or reasonably believed by the creditor to be necessary, under applicable State law." This change is in response to comments indicating the difficulty in some States of determining what instruments are legally required in some instances. It conforms the standard for this subsection to that established for secured credit in existing Regulation B, and for all categories (unsecured relying on property, unsecured in community property State, and secured) in the final regulation.

Section 202.7(d)(4) relates to secured credit, and corresponds to § 202.7(d)(2) of the November proposal and § 202.7(c) of the existing regulation. The phrase "and the applicant's spouse has or will have an interest in the property being offered as security," which appeared in the November proposal, has been deleted because some commentators cited State laws under which, even though a person's spouse has no interest in property owned by the person, the spouse's signature is required to pass clear title. The words "or other person" have been added after "spouse" to take account of the situation where a person other than the applicant's spouse holds an interest in the property being offered as security. Finally, "necessary" has been changed to "necessary, or reasonably believed * * *," as explained above with reference to § 202.7(d)(3).

Section 202.7(d)(5) relates to credit in connection with which the personal liability of a person other than the applicant (and other than a joint applicant or applicants, if any) has been found necessary. An example, given in footnote 10, is the situation where an applicant requests individual credit and relies on income of another person. This subsection corresponds to § 202.7(d)(3) of the November proposal. Aside from the addition of footnote 10, it differs from the November proposal in two respects. First, "an additional party" replaces "a party other than the applicant" to indicate that, where persons apply voluntarily for joint credit, the restrictions stated in this paragraph do not apply. For example, if a person and his or her spouse apply for joint credit, the creditor does not violate Regulation B by obtaining the signature of the spouse. Second, a new sentence has been added, providing that guarantors, cosigners, and the like have the same protection under § 202.7(d) as do applicants. For example, a creditor cannot require the spouse of a guarantor to cosign the guarantee, unless it could require such signature if the guarantor were an applicant for the credit being extended.

Section 202.7(e)—Insurance. The provision is similar to the November proposal. It states that differences in rates and terms of credit-related insurance provided to different applicants, and providing insurance to some applicants but not to others, do not constitute violations of Regulation B. In response to public comment, the Board has added a proviso prohibiting creditors from denying or terminating credit because credit life, health, accident, or disability insurance is unavailable due to the applicant's age. This proviso does not prevent creditors from varying the terms and conditions of credit because of the unavailability, rates, and terms of insurance.

The last sentence of the section, which is also an addition to the November proposal, states that creditors do not violate Regulation B by asking applicants about age, sex, or marital status in connection with insurance applications.

Section 202.8—Special Purpose Credit Programs

In response to comments, the Board has made several substantive and technical changes.

Section 202.8(a)—Standards for programs. Section 202.8(a) has been made subject to the two general rules contained in new § 202.8(b) discussed below. Reversing the position taken in the November proposal, the denial of credit to an applicant under a special purpose credit program constitutes adverse action, triggering the notice provisions of § 202.9. The Board has changed this section for two reasons. First, the revised provision more closely follows the language of 701(c) of the Act. Second, while § 202.8 programs are accorded special treatment by the Act and the regulation, the Board believes that the intended beneficiaries of those programs should have the same right as other applicants to receive a notice of action taken and a statement of reasons for denial.

Section 202.8(a)(1) deals with credit programs expressly authorized by Federal or State law. Despite numerous requests, the Board has not listed any programs that qualify under this provision. A great number of programs may satisfy the requirements of § 202.8(a)(1), but any attempt to list the programs that do qualify would involve a detailed review of the facts in each case and would require an analysis of numerous Federal and State statutes, regulations, and judicial and administrative decisions and interpretations. Therefore, creditors will have to determine, in conjunction with any government agency involved in the program, whether a particular program meets the statutory requirements enunciated in Section 701(c) of the Act.

Section 202.8(a)(2) concerns programs where the credit is offered by not-for-profit organizations. The only change made in this section is the substitution of the phrase "offered by" for the terms "administered by." This substitution was made in response to comments to avoid any misunderstanding

that a program offered by a not-for-profit entity (e.g., a trust) may be administered by a for-profit organization (e.g., a commercial bank).

Section 202.8(a)(3) covers programs involving for-profit organizations. It has been changed in two respects. First, language regarding such an organization's participation in a program has been added to clarify the point that a for-profit organization may satisfy the requirements of this section by extending credit pursuant to a program sponsored by a not-for-profit organization or by another for-profit organization. For example, a student loan program sponsored by a foundation where the loans are made by commercial banks or a program established by a for-profit corporation where economically disadvantaged employees are assisted in obtaining credit from local creditors would qualify.

The second change involved incorporating subsection (a)(3)(iii) into new § 202.8(b)(2).

Section 202.8(b)—*Applicability of other rules.* This section is new. The first paragraph has been added to make explicit what was implied in the previous proposals, namely, that all of the other provisions of the regulation apply to special purpose credit programs to the extent that those provisions are not inconsistent with the specific terms of § 202.8.

The second paragraph incorporates the provisions of § 202.8(a)(3)(iii) of the November proposal and applies them not only to programs involving for-profit organizations (as was the case in the November proposal), but also to programs offered by not-for-profit organizations.

Section 202.8(b)(2) provides that a creditor may determine eligibility for a special purpose credit program using one or more of the prohibited bases; but, once the characteristics of the class of beneficiaries are established, a creditor may not discriminate among potential beneficiaries on a prohibited basis. For example, a creditor might establish a credit program for impoverished American Indians. If the program met the requirements of § 202.8(a), the creditor could refuse credit to non-Indians but could not discriminate among Indian applicants on the basis of sex or marital status.

Sections 202.8 (c) and (d)—*Special rule concerning requests and use of information and Special rule in the case of financial need.* Except for re-lettering, the only modification in these sections is that the phrase "or will be" has been added to the first sentence of each to underscore the point that new special purpose credit programs may be established after the effective date of the regulation. Both sections permit creditors to seek information otherwise barred by the regulation in order to determine eligibility for special purpose credit programs.

SECTION 202.9—NOTIFICATIONS

This section encompasses all of the requirements for the notices that creditors must provide to applicants, except for the credit history notice required by § 202.10(b). These requirements appear in §§ 202.4(d) and 202.5(m) of existing Regulation B.

Section 202.9(a)—*Notification of action taken, ECOA notice, and statement of specific reasons.* This section sets forth the requirements for the content and timing of notices and explains to whom and by whom notices are to be given. Section 202.9(a)(1) requires that the notice of action taken be given within 30 days after a creditor receives a completed application, or within a similar period after taking adverse action. In response to public comment, the Board has added subsection (iv) to § 202.9(a)(1). It provides that a creditor shall notify an applicant of action taken within 90 days after an applicant has been notified by the creditor of an offer to grant credit other than in substantially the amount or in substantially the terms requested by an applicant and the applicant has not expressly accepted or used the credit offered.

Section 202.9(a)(2) specifies the content of the notification when adverse action is taken. The notification must contain the statement of action taken required by existng § 202.5(m)(1), the ECOA notice required by existing § 202.4(d), and the statement of specific reasons for adverse action (or disclosure of the right to such a statement) similar to the statement required by present § 202.5(m)(2). The revised regulation requires the notices to be given together because the Board believes that public understanding of the notices will be thereby enhanced. Under the revised regulation, the ECOA notice need be given only when adverse action is taken. A creditor may continue to provide the ECOA notice at the application stage, as long as the notice is also given when adverse action is taken.

Section 202.9(a)(3) provides that, if more than one applicant is involved in a credit transaction, the notification shall be provided to the primary applicant where one is readily apparent.

Section 202.9(a)(4) provides that, if a transaction involves more than one creditor and the applicant is offered and accepts credit from any one of them, no creditor need furnish a notification of adverse action, the ECOA notice, reasons for denial, or disclosure of the right to such reasons. The creditor extending the credit will, of course, give notification of approval by implication, since the applicant will have received the money, property, or services requested. If no credit is granted, or if credit is offered that is not acceptable to the applicant, then each creditor must give the required notification. For example, if an auto dealer "shops" an appliaction to several banks and one bank extends credit, the provision requires only that bank to provide the notice of action taken. However, if none of the banks offers credit or if the credit offered is not acceptable to the applicant, then all the banks must give the required notices, as must the dealer if it is a "creditor" in the transaction.

Where all creditors in a multiple creditor situation are required to furnish the notices, they may arrange for a joint notification to be provided through one party, provided that such a joint notification identifies each creditor that considered the application. Disclosure of each creditor's identity, however, is required only when the notification is provided by a third party. A creditor that directly furnishes the required notification to a rejected applicant need not identify other creditors to whom the application was "shopped."

The last sentence of § 202.9(a)(4) insulates a creditor from liability for acts or omissions of a third party in those cases where the third party agrees to supply the notice, provided that the creditor follows reasonable procedures to insure compliance.

Section 202.9(b)—Form of ECOA notice and statement of specific reasons. This section is identical to the November proposal. It is drawn from existing §§ 202.4(d) and 202.5(m)(2) and (3).

Unlike existing § 202.4(d), which requires creditors to use the sample ECOA notice verbatim, § 202.9(b)(1) provides that substantial adherence to the sample form constitutes compliance. In addition, this section permits inclusion in the notice of a reference to a similar State statute or regulation and State enforcement agency.

The text of the notice is identical to that contained in existing § 202.4(d), except that the additional bases of prohibited discrimination have been added and, in the last sentence, the word "creditor" is used, rather than a blank requiring a description of the particular type of creditor. The latter change will facilitate the giving of notices by third parties on behalf of several different types of creditors.

Numerous public comments strongly urged the Board to amend § 202.9(b)(2) to allow creditors to state as the reason for adverse action the fact that an applicant has "failed to achieve the qualifying score on the creditor's credit scoring system." The commentators argued that such a statement is the only truthful, accurate statement of the reasons for adverse action under a statistically sound credit scoring system.

Section 701(d)(3) of the amended Act provides that "a statement of reasons meets the requirements of this section only if it contains the 'specific' reasons for the adverse action taken." (Emphasis added) The Board is of the opinion that a statement that an applicant has failed to achieve the qualifying score on the creditor's credit scoring system would not satisfy the language or intent of the statute. A statement that the applicant failed to achieve a qualifying score is perhaps the ultimate reason for decline, but is itself a conclusion. Such a statement does not reveal the more fundamental reasons why the applicant was declined.

The Board believes that the intent of the Congress was to require creditors to provide applicants with a more meaningful explanation of denial than a statement that denial was caused by a failure to achieve a qualifying score. The Senate Report on the 1976 Amendments states "* * * knowing the reasons for adverse action will, over time, have a very beneficial educational effect on the credit-consuming public and a very beneficial competitive effect on the credit marketplace." (S. Rep. No. 589, 94th Cong., 2d Sess. (1976), p. 7.)

The knowledge that one failed to achieve a minimum score can have little educational value. Providing more fundamental reasons for adverse action, as contemplated by Regulation B, will enhance consumers' awareness of the factors that are considered important by credit-granters and often will enable an applicant to correct erroneous information or supplement information in the application.

Section 202.9(b)(2) provides a suggested form for the statement of specific reasons for adverse action. The form includes a section regarding disclosure of the use of information that was obtained from an outside source, so that a creditor could also satisfy the requirements of the Fair Credit Reporting Act through proper use of this form. The form also contains a section for the ECOA notice.

Section 202.9(c)—Oral notifications. This section is drawn from section 701(d)(5) of the amended Act and is identical to the November proposal.

Section 202.9(d)—Withdrawn applications. This section is substantially similar to the November proposal.

Section 202.9(e)—Failure of compliance. This section is identical to the November proposal.

Section 202.9(f)—Notification. This section defines what constitutes notification. It provides that a creditor notifies an applicant when a writing addressed to the applicant is delivered or mailed to the applicant's last known address or, in the case of an oral notification, when the creditor communicates with the applicant.

SECTION 202.10—FURNISHING OF CREDIT INFORMATION

Although numerous changes have been made in this section, the substantive requirements remain substantially the same as the November proposal and existing Regulation B, as amended on September 2, 1976 (41 FR 38759).

Section 202.10(a) requires the designation and furnishing of information on accounts established on or after June 1, 1977 to reflect the participation of each spouse. The words "that furnishes credit information" were added after "creditor" at the beginning of this subsection and § 202.10(b) to make clear that Regulation B does not require creditors to provide credit information to others. Furthermore, if a creditor does not furnish credit information to others, it need not comply with the designation requirements of § 202.10. A creditor that chooses to furnish credit information, however, must do so as prescribed by this section.

Several comments requested clarification of the term "primarily liable," which appears throughout this section but nowhere else in the regulation. "Primarily liable" was substituted for "contractually liable" in the November proposal in order to exclude guarantors or sureties from the coverage of the section. The return to "contractually liable," a defined term, and the addition of the words "other than as guarantors, sureties, endorsers, or similar parties" is intended to clarify the coverage of the section.

Footnote 12 was added at the end of § 202.10(a)(3) to clarify creditors' responsibilities when new parties assume responsibility for payment of a debt. If a creditor that is furnishing credit information on an account learns that a new party or parties have assumed responsibility for payment of the debt, the creditor has the responsibility to determine whether the assumptors are married to each other and, therefore, entitled to have information furnished on the account as required by § 202.10(a)(2) and (3). If the new parties are so entitled, credit information should be reported in the names of the new parties. The regulation does not require the creditor to continue furnishing information in the names of the former parties.

Section 202.10(a)(2) of the November proposal would have required creditors to furnish information in the name of each spouse about whom information was requested, except when furnishing information to consumer reporting agencies. When furnishing information to consumer reporting agencies, creditors would have been required to do so in a manner that would enable the agency to provide access to the information about the account in the name of each spouse.

The approach of the November proposal was based upon the assumption that information is supplied by creditors to consumer reporting agencies without a request for information about a specific account. Comments revealed that, while this is generally true, some creditors furnish information to consumer reporting agencies only in response to a request about a specific account. Therefore, creditors responding to a request from a consumer reporting agency for information about one participant on a joint account, by furnishing information about both spouses, might be in violation of the Fair Credit Reporting Act.

Accordingly, § 202.10(a)(2) of the November proposal was redrafted. Under new subsections (a)(2) and (a)(3), the manner in which information about an account designated under this section must be furnished depends upon whether it is furnished on a routine basis to consumer reporting agencies or pursuant to a request for information on a specific account. In the former situation, it must be provided in a manner that will enable an agency to provide access to the information about the account in the name of each spouse, and in the latter situation in the name of the spouse about whom the information is requested.

Several commentators requested clarification of the requirement in § 202.10(a)(2) of the November proposal that creditors "report the designation" of accounts. Because of the confusion caused by this term and its doubtful value in furthering the purpose of the section, it has been deleted from the regulation.

Section 202.10(b)—Accounts established prior to June 1, 1977. There are two principal ways of complying with the designation and reporting requirements with respect to accounts established prior to June 1, 1977. First, a creditor may review its records and designate the files of married account holders. This is the procedure envisioned by § 202.10(b)(1). In the alternative, a creditor that lacks information regarding use or liability for accounts or does not wish to undertake the search of its records necessary to comply with subsection (1) may mail to all married account holders or to all account holders the notice entitled "Credit History for Married Persons."

In some cases, a creditor may possess the information about use and liability for accounts necessary for designation and reporting about some accounts but not for others. The creditor may use both methods described above, that is, mail the notice to those accounts for which it lacks the necessary information and designate automatically those for which it possesses the information.

The words "one copy of" were added before "notice" in subsection (2) to make it clear that only one notice need be sent to each account for which any billing statement will be sent between June 1 and October 1, 1977.

Footnote 14 allows creditors to delete any reference to "use" of an account when notices are sent to closed end account holders. This change was intended to avoid the confusion that might be caused when consumers holding accounts on which there can be no users received the notice.

The words "at any time prior to October 2, 1977" were added in subsection (b)(2) to allow creditors sending billing statements monthly, regardless of activity on accounts, to begin sending the notices before June 1.

A sentence added at the end of subsection (b)(2) allows creditors to combine the alternate methods of compliance provided in subsection (b) by designating those accounts on which the creditor has the information needed to do so and sending the notice where it does not.

The notice entitled "Credit History For Married Persons" was the subject of several comments requesting clarification of the language of the text. As a result, the word "hold" before "the account" was deleted, and the phrase "are responsible for" was added. As used in the notice, responsibility for an account is the equivalent of contractual liability. No additional reporting requirements are imposed by this change.

With respect to the notice itself, comments reflected a general lack of understanding of the phrase "paid for." Since the phrase merely restated the idea that,

if both spouses share contractual liability on an account, they are entitled to share the credit history of that account, the Board has decided to delete the phrase.

The word "complete" was substituted for "fill out" in the notice to make it clear to consumers that all information requested in the notice (typed or printed name, signature and account number) must be supplied before any change in credit information reporting will be made.

The notice in the November proposal ended with the applicant's request to furnish information in the names of both spouses "as follows." The words "as follows" were deleted to make clear that consumers may not request a change in the name in which the account is currently carried. A consumer may only add a name to the account.

In response to comments expressing concern that one spouse might deny the other spouse a credit history, one signature line has been deleted at the end of the notice. The words "of either spouse" have been added after "signature" under the remaining line to indicate that either spouse may authorize the change in the manner in which information is furnished on the account.

Although several comments expressed concern that, without the signature of both spouses, a spouse could request a change even when not entitled to share the credit history, the Board believes that this potential problem is outweighed by the necessity to ensure that all married account holders have access to the credit histories that they have established.

Section 202.10(c) describes how creditors must respond to requests to change the manner in which information is reported on an account. The words "properly completed request" were substituted for "written request" to indicate that creditors need respond only to requests that contain all information necessary to make the change on an account. Language was also added to make clear that a creditor need not change the name in which an account is carried pursuant to a request under this section.

Because the Board has determined that one signature is sufficient to authorize a change in the manner in which information on an account is furnished, and that requiring two signatures might frustrate the intent of the section, the provision allowing creditors to verify a request to provide separate credit histories by signature or otherwise has been deleted.

SECTION 202.11—RELATION TO STATE LAW

Section 202.11(a)—*Inconsistent State laws.* Section 202.11(a) states the general standard for preemption of State law and is identical to the November proposal. It is derived from section 705 (f) of the amended Act.

Section 202.11(b)—*Preempted provisions of State law.* Subsection (b)(1) describes provisions of State law that are preempted by the Act and Regulation B.

The November proposal would have preempted provisions of State law requiring an applicant's spouse to assume liability for debts incurred by an applicant who has established independent creditworthiness. This guideline, which was intended to preempt State necessaries laws and family expense statutes in limited situations, has been deleted; however, creditors in States where such laws exist must continue to observe the informational bar relating to marital status in § 202.5.

Paragraph (ii) continues the preemption of those provisions of State small loan laws that forbid the separate extension of credit to both parties to a marriage. No change from the treatment of these laws in existing Regulation B is intended.

Paragraph (v) of § 202.11(b)(1) is identical to § 202.11(b)(6) of the November proposal except that the words "or administer" have been added to preempt State laws that forbid either the establishment or implementation of special purpose credit programs as defined by § 202.8.

The Board has deleted subsection (b)(7) of the November proposal, which would have preempted State laws that prohibit inquiries used in a model application form set forth in Appendix B of the regulation, because these laws may be more protective of an applicant. Creditors using the model forms must conform them to informational prohibitions of applicable State laws.

Subsection (b)(2) is new. It requires creditors to request a formal Board interpretation when seeking a determination as to whether a State law is inconsistent with the Act and regulation. The subsection incorporates § 202.1(d) as that section relates to formal Board interpretations. The factors upon which such a determination will be based are set forth in subsection (c) of Supplement I. Notice of a determination will be provided as specified in subsection (e)(1) of Supplement I relating to revocation, as modifications are also incorporated by reference.

The remainder of § 202.11(b) is identical to the November proposal, except that the conjunction "and" that appeared in subsection (b) has been changed to "or" in subsection (b)(1)(iv) to correct an inadvertent drafting error.

Section 202.11(c)—*Finance charges and loan ceilings.* Section 202.11(c) restates § 202.8(b) of existing Regulation B without substantive change. Footnote 10 in § 202.11(c) of the November proposal provided an example of how the regulation affected loan ceilings and finance charges. Because commentators found it confusing, the footnote has been deleted.

Section 202.11(d)—*State and Federal laws not affected.* Subsection (d) saves certain types of laws from preemption even though they may fall within one of the categories of State laws preempted by subsection (b)(1). The coverage of the section has been broadened by adding the word "Federal" before "banking regulations" and by deleting the word "community" before "property." Accordingly, Federal and State banking regulations directed only towards insuring the solvency of financial institutions and State property laws are unaffected by the Act and Regulation B.

Section 202.11(e)—*Exemption for State regulated transactions.* The standards for exemption of State regulated transactions in § 202.11(e) are identical to those in the November proposal, except that under this provision a violation of an exempted State law is a violation of the Federal law only to the extent that it imposes requirements also imposed by the Act or Regulation B. In response to comments, the Board has decided to reinstate the provisions of § 202.11(d)(3)(ii) of the July proposal as the more appropriate way to handle enforcement of exempted State equal credit laws.

SECTION 202.12—RECORD RETENTION

Section 202.12(a)—*Retention of prohibited information.* This section is identical to the November proposal.

Section 202.12(b)—*Preservation of records.* This section is substantially similar to the November proposal.

Section 202.12(c)—*Failure of compliance.* In response to public comment, the Board has added an "inadvertent error" provision to § 202.12. This section provides that a failure to comply with § 202.12 shall not constitute a violation when caused by an "inadvertent error." The term "inadvertent error" is defined in § 202.2(s).

SECTION 202.13—INFORMATION FOR MONITORING PURPOSES

The Board has determined to adopt a simple notation requirement applicable to all creditors that extend credit for the purpose of purchasing residential real property. The resulting data are intended to assist the agencies responsible for enforcing the amended Act, and to assist the Department of Housing and Urban Development in exercising its responsibilities under Title VIII of the Civil Rights Act of 1968.

This section is limited to applications for loans for the purpose of purchasing residential real property. The Board believes this limitation is appropriate for several reasons. First, a home is in most cases the single most important purchase a consumer makes, and access to mortgage credit has a profund impact on the quality of life. Second, there have been frequent and serious allegations of discrimination in this area of credit. Third, the per unit cost of notation will be small in relation to the dollar amount of applications for mortgage credit.

A number of commentators urged the Board to require notation of race/national origin, etc., in connection with secured and unsecured home improvement loans on the ground that home improvement loans are covered by the Home Mortgage Disclosure and Fair Housing Acts. The Board has determined not to broaden the category of applications subject to a notation requirement for several reasons. There is no universally accepted understanding of what constitutes a home improvement loan. In addition, the Board is of the opinion that the effectiveness of racial notation as an enforcement tool should be evaluated before this requirement is applied to other types of applications.

This section requires creditors to ask that applicants respond to questions about age, sex, marital status, and race/national origin. The term "race/national origin" is used instead of "race" because certain of the categories required to be used describe national origin rather than race.

The racial categories to be used are categories that are already widely in use in the employment field, plus one additional category, "Other (Specify)," to permit an applicant to supply a different description of his or her race/national origin.

The regulation gives creditors the option of placing questions regarding personal characteristics on the creditor's application form or on a separate form. On the Board's Appendix B model form for residential loan applications, to be published in the near future, the questions will appear on the form itself.

Creditors are not required to supply information about personal characteristics if an applicant declines to do so. The provision requires creditors to inform applicants that answering the questions is voluntary, and that the information is sought by the Federal government for the purpose of monitoring compliance with Federal anti-discrimination laws.

In response to comments from agencies charged with responsibility for administrative enforcement of the Act, the Board has added a new subsection (d), which explains that any monitoring program required by such an agency may be substituted for the requirements imposed by Regulation B. This provision should prevent duplication as well as facilitate experimentation.

It was also suggested that the Board add to Regulation B a requirement that creditors tabulate the responses to the questions about race/national origin, etc. Since creditors affected by § 202.13 are supervised by different enforcement agencies, the Board has determined that to impose a uniform tabulation requirement is not appropriate. The Board expects that the enforcement agencies will devise their own procedures for collection and use of the data, acting under the authority granted by section 704(d) of the Act.

SUPPLEMENT I

Supplement I, which follows Appendix A, sets forth the procedure under which a State may apply for an exemption for any class of transactions from the provisions of sections 701 and 702 of the Act. Applications must be signed by the Governor, Attorney General, or other official of the State having primary enforcement or interpretive responsibilities under the State law in question, and must include a copy of the full text of the State law, a comparison of sections 701 and 702 of the Act with corresponding provisions of the State law, verification of the existence of adequate enforcement mechanisms, and a statement explaining how any differences between the State and Federal law do not result in a diminution of protection to applicants.

Footnote 1 is new. It provides that any reference to State law in Supplement I includes a reference to State regulations implementing the State law and formal interpretations of the law or regulation by a court or authorized agency of that State.

Footnote 3 is also new and provides that any reference to sections 701 and 702 of the Act includes a reference to the corresponding and implementing provisions of the regulation, as well as any formal Board or official staff interpretations of these sections. Also included in any reference to sections 701 and 702 are §§ 705 (a), (b), (c), and (d) of the Act and the corresponding provisions of Regulation B.

Part 202 is being revised as follows:

Sec.
202.1 Authority, scope, enforcement, penalties and liabilities, interpretations.
202.2 Definitions and rules of construction.
202.3 Special treatment for certain classes of transactions.
202.4 General rules prohibiting discrimination.
202.5 Rules concerning applications.
202.6 Rules concerning evaluation of applications.
202.7 Rules concerning extensions of credit.
202.8 Special purpose credit programs.
202.9 Notifications.
202.10 Furnishing of credit information.
202.11 Relation to State law.
202.12 Record retention.
202.13 Information for monitoring purposes.
Appendix A—Federal Enforcement Agencies.
Appendix B—Model Application Forms[1] [Reserved].
Supplement I—Procedures for State Exemption.

AUTHORITY: Sec. 703 of Equal Credit Opportunity Act, 15 U.S.C. 1691 et seq.

§ 202.1 Authority, Scope, Enforcement, Penalties and Liabilities, Interpretations.

(a) *Authority and scope.* This Part [10] comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to Title VII (Equal Credit Opportunity Act) of the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.). Except as otherwise provided herein, this Part applies to all persons who are creditors, as defined in § 202.2(l).

(b) *Administrative enforcement.* (1) As set forth more fully in section 704 of the Act, administrative enforcement of the Act and this Part regarding certain creditors is assigned to the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration, Interstate Commerce Commission, Civil Aeronautics Board, Secretary of Agriculture, Farm Credit Administration, Securities and Exchange Commission, and Small Business Administration.

(2) Except to the extent that administrative enforcement is specifically committed to other authorities, compliance with the requirements imposed under the Act and this Part will be enforced by the Federal Trade Commission.

(c) *Penalties and liabilities.* (1) Sections 706(a) and (b) of the Act provide that any creditor who fails to comply with any requirement imposed under the Act or, pursuant to section 702(g), this Part is subject to civil liability for actual and punitive damages in individual or class actions. Pursuant to section 704 of the Act, violations of the Act or, pursuant to section 702(g), this Part constitute violations of other Federal laws that may provide further penalties. Liability for punitive damages is restricted by section 706(b) to non-governmental entities and is limited to $10,000 in individual actions and the lesser of $500,000 or one percent of the creditor's net worth in class actions. Section 706(c) provides for equitable and declaratory relief. Section 706(d) authorizes the awarding of costs and reasonable attorney's fees to an aggrieved applicant in a successful action.

(2) Section 706(e) relieves a creditor from civil liability resulting from any act done or omitted in good faith in conformity with any rule, regulation, or interpretation by the Board of Governors of the Federal Reserve System, or with any interpretations or approvals issued by a duly authorized official or employee of the Federal Reserve System, notwithstanding that after such act or omission has occurred, such rule, regulation, interpretation, or approval is amended, rescinded, or otherwise determined to be invalid for any reason.

(3) As provided in section 706(f), a civil action under the Act or this Part may be brought in the appropriate United States district court without regard to the amount in controversy or in any other court of competent jurisdiction within two years after the date of the occurrence of the violation or within one year after the commencement of an administrative enforcement proceeding or a civil action brought by the Attorney General within two years after the alleged violation.

(4) Section 706 (g) and (h) provide that, if the agencies responsible for administrative enforcement are unable to obtain compliance with the Act or, pursuant to section 702(g), this Part, they may refer the matter to the Attorney General. On such referral, or whenever the Attorney General has reason to believe that one or more creditors are engaged in a pattern or practice in violation of the Act or this Part, the Attorney General may bring a civil action.

[1] The Appendix B forms will be approved by the Board and published in the FEDERAL REGISTER in the near future.

[10] As used herein, the words "this Part" mean Regulation B, 12 CFR Part 202.

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(d) *Interpretations.* (1) A request for a formal Board interpretation or an official staff interpretation of this Part must be addressed to the Director of the Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Each request for an interpretation must contain a complete statement, signed by the person making the request or a duly authorized agent, of all relevant facts of the transaction or credit arrangement relating to the request. True copies of all pertinent documents must be submitted with the request. The relevance of such documents must, however, be set forth in the request, and the documents must not merely be incorporated by reference. The request must contain an analysis of the bearing of the facts on the issues and must specify the pertinent provisions of the statute and regulation. Within 15 business days of receipt of the request, a substantive response will be sent to the person making the request, or an acknowledgment will be sent that sets a reasonable time within which a substantive response will be given.

(2) Any request for reconsideration of an official staff interpretation of this Part must be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, within 30 days of the publication of such interpretation in the FEDERAL REGISTER. Each request for reconsideration must contain a statement setting forth in full the reasons why the person making the request believes reconsideration would be appropriate, and must specify and discuss the applicability of the relevant facts, statute, and regulations. Within 15 business days of receipt of such request for reconsideration, a response granting or denying the request will be sent to the person making the request, or an acknowledgment will be sent that sets a reasonable time within which such response will be given.

(3) Pursuant to section 706(e) of the Act, the Board has designated the Director and other officials of the Division of Consumer Affairs as officials "duly authorized" to issue, at their discretion, official staff interpretations of this Part. This designation shall not be interpreted to include authority to approve particular creditors' forms in any manner.

(4) The type of interpretation issued will be determined by the Board and the designated officials by the following criteria:

(i) Official Board interpretations will be issued upon those requests that involve potentially controversial issues of general applicability dealing with substantial ambiguities in this Part and that raise significant policy questions.

(ii) Official staff interpretations will be issued upon those requests that, in the opinion of the designated officials, require clarification of technical ambiguities in this Part or that have no significant policy implications.

(iii) Unofficial staff interpretations will be issued where the protection of § 706(e) of the Act is neither requested nor required, or where time strictures require a rapid response.

§ 202.2 Definitions and Rules of Construction.

For the purposes of this Part, unless the context indicates otherwise, the following definitions and rules of construction shall apply:[2]

(a) *Account* means an extension of credit. When employed in relation to an account, the word *use* refers only to open end credit.

(b) *Act* means the Equal Credit Opportunity Act (Title VII of the Consumer Credit Protection Act).

(c) *Adverse action.* (1) For the purposes of notification of action taken, statement of reasons for denial, and record retention, the term means:

(i) A refusal to grant credit in substantially the amount or on substantially the terms requested by an applicant unless the creditor offers to grant credit other than in substantially the amount or on substantially the terms requested by the applicant and the applicant uses or expressly accepts the credit offered; or

(ii) A termination of an account or an unfavorable change in the terms of an account that does not affect all or a substantial portion of a classification of a creditor's accounts; or

(iii) A refusal to increase the amount of credit available to an applicant when the applicant requests an increase in accordance with procedures established by the creditor for the type of credit involved.

(2) The term does not include:

(i) A change in the terms of an account expressly agreed to by an applicant; or

(ii) Any action or forbearance relating to an account taken in connection with inactivity, default, or delinquency as to that account; or

(iii) A refusal to extend credit at a point of sale or loan in connection with the use of an account because the credit requested would exceed a previously established credit limit on the account; or

(iv) A refusal to extend credit because applicable law prohibits the creditor from extending the credit requested; or

(v) A refusal to extend credit because the creditor does not offer the type of credit or credit plan requested.

(d) *Age* refers only to natural persons and means the number of fully-elapsed years from the date of an applicant's birth.

(e) *Applicant* means any person who requests or who has received an extension of credit from a creditor, and includes any person who is or may be contractually liable regarding an extension of credit other than a guarantor, surety, endorser, or similar party.

(f) *Application* means an oral or written request for an extension of credit that is made in accordance with procedures established by a creditor for the type of credit requested. The term does not include the use of an account or line of credit to obtain an amount of credit that does not exceed a previously established credit limit. A *completed application for credit* means an application in connection with which a creditor has received all the information that the creditor regularly obtains and considers in evaluating applications for the amount and type of credit requested (including, but not limited to, credit reports, any additional information requested from the applicant, and any approvals or reports by governmental agencies or other persons that are necessary to guarantee, insure, or provide security for the credit or collateral); provided, however, that the creditor has exercised reasonable diligence in obtaining such information. Where an application is incomplete respecting matters that the applicant can complete, a creditor shall make a reasonable effort to notify the applicant of the incompleteness and shall allow the applicant a reasonable opportunity to complete the application.

(g) *Board* means the Board of Governors of the Federal Reserve System.

(h) *Consumer credit* means credit extended to a natural person in which the money, property, or service that is the subject of the transaction is primarily for personal, family, or household purposes.

(i) *Contractually liable* means expressly obligated to repay all debts arising on an account by reason of an agreement to that effect.

(j) *Credit* means the right granted by a creditor to an applicant to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment therefor.

(k) *Credit card* means any card, plate, coupon book, or other single credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, or services on credit.

(l) *Creditor* means a person who, in the ordinary course of business, regularly participates in the decision of whether or not to extend credit. The term includes an assignee, transferee, or subrogee of an original creditor who so participates; but an assignee, transferee, subrogee, or other creditor is not a creditor regarding any violation of the Act or this Part committed by the original or another creditor unless the assignee, transferee, subrogee, or other creditor knew or had reasonable notice of the act, policy, or practice that constituted the violation before its involvement with the credit transaction. The term does not include a person whose only participation in a credit transaction involves honoring a credit card.

(m) *Credit transaction* means every aspect of an applicant's dealings with a creditor regarding an application for or an existing extension of credit, including, but not limited to, information requirements; investigation procedures; standards of creditworthiness; terms of credit; furnishing of credit information; revocation, alteration, or termination of credit; and collection procedures.

(n) *Discriminate against an applicant* means to treat an applicant less favorably than other applicants.

(o) *Elderly* means an age of 62 or older.

(p) *Empirically derived credit system.* (1) The term means a credit scoring system that evaluates an applicant's creditworthiness primarily by allocating points (or by using a comparable basis for assigning weights) to key attributes describing the applicant and other aspects of the transaction. In such a system, the points (or weights) assigned to each attribute, and hence the entire score:

(i) Is derived from an empirical comparison of sample groups or the population of creditworthy and non-creditworthy applicants of a creditor who applied for credit within a reasonable preceding period of time; and

(ii) Determines, alone or in conjunction with an evaluation of additional information about the applicant, whether an applicant is deemed creditworthy.

(2) *A demonstrably and statistically sound, empirically derived credit system* is a system:

(i) In which the data used to develop the system, if not the complete population consisting of all applicants, are obtained from the applicant file by using appropriate sampling principles;

(ii) Which is developed for the purpose of predicting the creditworthiness of applicants with respect to the legitimate business interests of the creditor utilizing the system, including, but not limited to, minimizing bad debt losses and operating expenses in accordance with the creditor's business judgment;

(iii) Which, upon validation using appropriate statistical principles, separates creditworthy and non-creditworthy applicants at a statistically significant rate; and

(iv) Which is periodically revalidated as to its predictive ability, by the use of appropriate statistical principles and is adjusted as necessary to maintain its predictive ability.

(3) A creditor may use a demonstrably and statistically sound, empirically derived credit system obtained from another person or may obtain credit experience from which such a system may be developed. Any such system must satisfy the tests set forth in subsections (1) and (2); provided that, if a creditor is unable during the development process to validate the system based on its own credit experience in accordance with subparagraph (2)(iii) of this paragraph then the system must be validated when sufficient credit experience becomes available. A system that fails this validity test shall henceforth be deemed not to be a demonstrably and statistically sound, empirically derived credit system for that creditor.

(q) *Extend credit* and *extension of credit* mean the granting of credit in any form and include, but are not limited to, credit granted in addition to any existing credit or credit limit; credit granted pursuant to an open end credit plan; the refinancing or other renewal of credit, including the issuance of a new credit card in place of an expiring credit card or in substitution for an existing credit card; the consolidation of two or more obligations; or the continuance of existing credit without any special effort to collect at or after maturity.

(r) *Good faith* means honesty in fact in the conduct or transaction.

(s) *Inadvertent error* means a mechanical, electronic, or clerical error that a creditor demonstrates was not intentional and occurred notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(t) *Judgmental system of evaluating applicants* means any system for evaluating the creditworthiness of an applicant other than a demonstrably and statistically sound, empirically derived credit system.

(u) *Marital status* means the state of being unmarried, married, or separated, as defined by applicable State law. For the purposes of this Part, the term "unmarried" includes persons who are single, divorced, or widowed.

(v) *Negative factor or value*, in relation to the age of elderly applicants, means utilizing a factor, value, or weight that is less favorable regarding elderly applicants than the creditor's experience warrants or is less favorable than the factor, value, or weight assigned to the class of applicants that are not classified as elderly applicants and are most favored by a creditor on the basis of age.

(w) *Open end credit* means credit extended pursuant to a plan under which a creditor may permit an applicant to make purchases or obtain loans from time to time directly from the creditor or indirectly by use of a credit card, check, or other device as the plan may provide. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

(x) *Person* means a natural person, corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(y) *Pertinent element of creditworthiness*, in relation to a judgmental system of evaluating applicants, means any information about applicants that a creditor obtains and considers and that has a demonstrable relationship to a determination of creditworthiness.

(z) *Prohibited basis* means race, color, religion, national origin, sex, marital status, or age (provided that the applicant has the capacity to enter into a binding contract); the fact that all or part of the applicant's income derives from any public assistance program; or the fact that the applicant has in good faith exercised any right under the Consumer Credit Protection Act[3] or any State law upon which an exemption has been granted by the Board.

(aa) *Public assistance program* means any Federal, State, or local governmental assistance program that provides a continuing, periodic income supplement, whether premised on entitlement or need. The term includes, but is not limited to, Aid to Families with Dependent Children, food stamps, rent and mortgage supplement or assistance programs, Social Security and Supplemental Security Income, and unemployment compensation.

(bb) *State* means any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(cc) Captions and catchlines are intended solely as aids to convenient reference, and no inference as to the substance of any provision of this Part may be drawn from them.

(dd) Footnotes shall have the same legal effect as the text of the regulation, whether they are explanatory or illustrative in nature.

§ 202.3 Special Treatment for Certain Classes of transactions.

(a) *Classes of transactions afforded special treatment.* Pursuant to section 703(a) of the Act, the following classes of transactions are afforded specialized treatment:

(1) Extensions of credit relating to transactions under public utility tariffs involving services provided through pipe, wire, or other connected facilities if the charges for such public utility services, the charges for delayed payment, and any discount allowed for early payment are filed with, or reviewed or regulated by, an agency of the Federal Govern-

[2] Note that some of the definitions in this Part are not identical to those in 12 CFR 226 (Regulation Z).

[3] The first clause of the definition is not limited to characteristics of the applicant. Therefore, "prohibited basis" as used in this Part refers not only to the race, color, religion, national origin, sex, marital status, or age of an applicant (or of partners or officers of an applicant), but refers also to the characteristics of individuals with whom an applicant deals. This means, for example, that, under the general rule stated in § 202.4, a creditor may not discriminate against a non-Jewish applicant because of that person's business dealings with Jews, or discriminate against an applicant because of the characteristics of persons to whom the extension of credit relates (e.g., the prospective tenants in an apartment complex to be constructed with the proceeds of the credit requested), or because of the characteristics of other individuals residing in the neighborhood where the property offered as collateral is located. A creditor may take into account, however, any applicable law, regulation, or executive order restricting dealings with citizens or governments of other countries or imposing limitations regarding credit extended for their use.

The second clause is limited to an applicant's receipt of public assistance income and to an applicant's good faith exercise of rights under the Consumer Credit Protection Act or applicable State law.

ment, a State, or a political subdivision thereof;

(2) Extensions of credit subject to regulation under section 7 of the Securities Exchange Act of 1934 or extensions of credit by a broker or dealer subject to regulation as a broker or dealer under the Securities Exchange Act of 1934;

(3) Extensions of incidental consumer credit, other than of the types described in paragraph (a) (1) and (2) of this section:

(i) That are not made pursuant to the terms of a credit card account;

(ii) On which no finance charge as defined in § 226.4 of this Title (Regulation Z, 12 CFR 226.4) is or may be imposed; and

(iii) That are not payable by agreement in more than four installments;

(4) Extensions of credit primarily for business or commercial purposes, including extensions of credit primarily for agricultural purposes, but excluding extensions of credit of the types described in paragraphs (a) (1) and (2) of this section; and

(5) Extensions of credit made to governments or governmental subdivisions, agencies, or instrumentalities.

(b) *Public utilities credit.* The following provisions of this Part shall not apply to extensions of credit of the type described in paragraph (a)(1) of this section:

(1) Section 202.5(d)(1) concerning information about marital status;

(2) Section 202.10 relating to furnishing of credit information; and

(3) Section 202.12(b) relating to record retention.

(c) *Securities credit.* The following provisions of this Part shall not apply to extensions of credit of the type described in paragraph (a)(2) of this section:

(1) Section 202.5(c) concerning information about a spouse or former spouse;

(2) Section 202.5(d)(1) concerning information about marital status;

(3) Section 202.5(d)(3) concerning information about the sex of an applicant;

(4) Section 202.7(b) relating to designation of name, but only to the extent necessary to prevent violation of rules regarding an account in which a broker or dealer has an interest, or rules necessitating the aggregation of accounts of spouses for the purpose of determining controlling interests, beneficial interests, beneficial ownership, or purchase limitations and restrictions;

(5) Section 202.7(c) relating to action concerning open end accounts, but only to the extent the action taken is on the basis of a change of name or marital status;

(6) Section 202.7(d) relating to signatures of a spouse or other person;

(7) Section 202.10 relating to furnishing of credit information; and

(8) Section 202.12(b) relating to record retention.

(d) *Incidental credit.* The following provisions of this Part shall not apply to extensions of credit of the type described in paragraph (a)(3) of this section:

(1) Section 202.5(c) concerning information about a spouse or former spouse;

(2) Section 202.5(d)(1) concerning information about marital status;

(3) Section 202.5(d)(2) concerning information about income derived from alimony, child support, or separate maintenance payments;

(4) Section 202.5(d)(3) concerning information about the sex of an applicant to the extent necessary for medical records or similar purposes;

(5) Section 202.7(d) relating to signatures of a spouse or other person;

(6) Section 202.9 relating to notifications;

(7) Section 202.10 relating to furnishing of credit information; and

(8) Section 202.12(b) relating to record retention.

(e) *Business credit.* The following provisions of this Part shall not apply to extensions of credit of the type described in paragraph (a)(4) of this section:

(1) Section 202.5(d)(1) concerning information about marital status;

(2) Section 202.9 relating to notifications, unless an applicant, within 30 days after oral or written notification that adverse action has been taken, requests in writing the reasons for such action;

(3) Section 202.10 relating to furnishing of credit information; and

(4) Section 202.12(b) relating to record retention, unless an applicant, within 90 days after adverse action has been taken, requests in writing that the records relating to the application be retained.

(f) *Governmental credit.* Except for § 202.1 relating to authority, scope, enforcement, penalties and liabilities, and interpretation, § 202.2 relating to definitions and rules of construction, this section, § 202.4 relating to the general rule prohibiting discrimination, § 202.6(a) relating to the use of information, § 202.11 relating to State laws, and § 202.12(a) relating to the retention of prohibited information, the provisions of this Part shall not apply to extension of credit of the type described in paragraph (a)(5) of this section.

§ 202.4 General Rule Prohibiting Discrimination.

A creditor shall not discriminate against an applicant on a prohibited basis regarding any aspect of a credit transaction.

§ 202.5 Rules Concerning Applications.

(a) *Discouraging applications.* A creditor shall not make any oral or written statement, in advertising or otherwise, to applicants or prospective applicants that would discourage on a prohibited basis a reasonable person from making or pursuing an application.

(b) *General rules concerning requests for information.* (1) Except as otherwise provided in this section, a creditor may request any information in connection with an application.[4]

[4] This subsection is not intended to limit or abrogate any Federal or State law regarding privacy, privileged information, credit reporting limitations, or similar restrictions on obtainable information. Furthermore, permission to request information should not be confused with how it may be utilized, which is governed by § 202.6 (rules concerning evaluations of applications).

(2) Notwithstanding any other provision of this section, a creditor shall request an applicant's race/national origin, sex, and marital status as required in § 202.13 (information for monitoring purposes). In addition, a creditor may obtain such information as may be required by a regulation, order, or agreement issued by or entered into with a court or an enforcement agency (including the Attorney General or a similar State official) to monitor or enforce compliance with the Act, this Part, or other Federal or State statute or regulation.

(3) The provisions of this section limiting permissible information requests are subject to the provisions of § 202.7(e) regarding insurance and § 202.8 (c) and (d) regarding special purpose credit programs.

(c) *Information about a spouse or former spouse.* (1) Except as permitted in this subsection, a creditor may not request any information concerning the spouse or former spouse of an applicant.

(2) A creditor may request any information concerning an applicant's spouse (or former spouse under paragraph (c)(2)(v) of this section) that may be requested about the applicant if:

(i) The spouse will be permitted to use the account; or

(ii) The spouse will be contractually liable upon the account; or

(iii) The applicant is relying on the spouse's income as a basis for repayment of the credit requested; or

(iv) The applicant resides in a community property State or property upon which the applicant is relying as a basis for repayment of the credit requested are located in such a State; or

(v) The applicant is relying on alimony, child support, or separate maintenance payments from a spouse or former spouse as a basis for repayment of the credit requested.

(3) A creditor may request an applicant to list any account upon which the applicant is liable and to provide the name and address in which such account is carried. A creditor may also ask the names in which an applicant has previously received credit.

(d) *Information a creditor may not request.* (1) If an applicant applies for an individual, unsecured account, a creditor shall not request the applicant's marital status, unless the applicant resides in a community property State or property upon which the applicant is relying as a basis for repayment of the credit requested are located in such a State.[5] Where an application is for other than individual, unsecured credit, a creditor may request an applicant's marital status. Only the terms "married," "unmarried," and "separated" shall be used, and a creditor may explain that the category "unmarried" includes single, divorced, and widowed persons.

(2) A creditor shall not inquire whether any income stated in an application is derived from alimony, child support, or separate maintenance payments, unless the creditor appropriately discloses to the applicant that such income need not be revealed if the applicant does not desire the creditor to consider such income in determining the applicant's creditworthiness. Since a general inquiry about income, without further specification, may lead an applicant to list alimony, child support, or separate maintenance payments, a creditor shall provide an appropriate notice to an applicant before inquiring about the source of an applicant's income, unless the terms of the inquiry (such as an inquiry about salary, wages, investment income, or similarly specified income) tend to preclude the unintentional disclosure of alimony, child support, or separate maintenance payments.

(3) A creditor shall not request the sex of an applicant. An applicant may be requested to designate a title on an application form (such as Ms., Miss, Mr., or Mrs.) if the form appropriately discloses that the designation of such a title is optional. An application form shall otherwise use only terms that are neutral as to sex.

(4) A creditor shall not request information about birth control practices, intentions concerning the bearing or rearing of children, or capability to bear children. This does not preclude a creditor from inquiring about the number and ages of an applicant's dependents or about dependent-related financial obligations or expenditures, provided such information is requested without regard to sex, marital status, or any other prohibited basis.

(5) A creditor shall not request the race, color, religion, or national origin of an applicant or any other person in connection with a credit transaction. A creditor may inquire, however, as to an applicant's permanent residence and immigration status.

(e) *Application forms.* A creditor need not use written applications. If a creditor chooses to use written forms, it may design its own,[6] use forms prepared by another person, or use the appropriate model application forms contained in Appendix B. If a creditor chooses to use an Appendix B form, it may change the form:

(1) By asking for additional information not prohibited by this section;

(2) By deleting any information request; or

(3) By rearranging the format without modifying the substance of the inquiries; provided that in each of these three instances the appropriate notices regarding the optional nature of courtesy titles, the option to disclose alimony, child support, or separate maintenance, and the limitation concerning marital status inquiries are included in the appropriate places if the items to which they relate appear on the creditor's form. If a creditor uses an appropriate Appendix B model form or to the extent that it modifies such a form in accordance with the provisions of clauses (2) or (3) of the preceding sentence or the instructions to Appendix B, that creditor shall be deemed to be acting in compliance with the provisions of paragraphs (c) and (d) of this section.

§ 202.6 Rules Concerning Evaluation of Applications.

(a) *General rule concerning use of information.* Except as otherwise provided in the Act and this Part, a creditor may consider in evaluating an application any information that the creditor obtains, so long as the information is not used to discriminate against an applicant on a prohibited basis.[7]

(b) *Specific rules concerning use of information.* (1) Except as provided in the Act and this Part, a creditor shall not take a prohibited basis into account in any system of evaluating the creditworthiness of applicants.[8]

(2)(i) Except as permitted in this section, a creditor shall not take into account an applicant's age (*Provided*, That the applicant has the capacity to enter into a binding contract) or whether an applicant's income derives from any public assistance program.

(ii) In a demonstrably and statistically sound, empirically derived credit system, a creditor may use an applicant's age as a predictive variable, provided that the age of an elderly applicant is not assigned a negative factor or value.

(iii) In a judgmental system of evaluating creditworthiness, a creditor may consider an applicant's age or whether an applicant's income derives from any public assistance program only for the purpose of determining a pertinent element of creditworthiness.[9]

(iv) In any system of evaluating creditworthiness, a creditor may consider the age of an elderly applicant when such age is to be used to favor the elderly applicant in extending credit.

(3) A creditor shall not use, in evaluating the creditworthiness of an applicant, assumptions or aggregate statistics relating to the likelihood that any group of persons will bear or rear children or, for that reason, will receive diminished or interrupted income in the future.

(4) A creditor shall not take into account the existence of a telephone listing in the name of an applicant for consumer credit. A creditor may take into account the existence of a telephone in the residence of such an applicant.

(5) A creditor shall not discount or exclude from consideration the income of an applicant or the spouse of the applicant because of a prohibited basis or because the income is derived from part-time employment, or from an annuity, pension, or other retirement benefit; but

[5] This provision does not preclude requesting relevant information that may indirectly disclose marital status, such as asking about liability to pay alimony, child support, or separate maintenance; the source of income to be used as a basis for the repayment of the credit requested, which may disclose that it is a spouse's income; whether any obligation disclosed by the applicant has a co-obligor, which may disclose that the co-obligor is a spouse or former spouse; or the ownership of assets, which may disclose the interest of a spouse, when such assets are relied upon in extending the credit. Such inquiries are allowed by the general rule of subparagraph (b)(1) of this section.

[6] A creditor also may continue to use any application form that complies with the requirements of the October 28, 1975 version of Regulation B until its present stock of those forms is exhausted or until March 23, 1978, whichever occurs first. The provisions of this Part shall not determine and are not evidence of the meaning of the requirements of the previous version of Regulation B.

[7] The legislative history of the Act indicates that the Congress intended an "effects test" concept, as outlined in the employment field by the Supreme Court in the cases of *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), and *Albemarle Paper Co. v. Moody*, 422 U.S. 405 (1975), to be applicable to a creditor's determination of creditworthiness. See Senate Report to accompany H.R. 6516, No. 94-589, pp. 4-5; House Report to accompany H.R. 6516, No. 94-210, p. 5.

[8] This provision does not prevent a creditor from considering the marital status of an applicant or the source of an applicant's income for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and not to discriminate in a determination of creditworthiness. Furthermore, a prohibited basis may be considered in accordance with § 202.8 (special purpose credit programs).

[9] Concerning income derived from a public assistance program, a creditor may consider, for example, the length of time an applicant has been receiving such income, whether an applicant intends to continue to reside in the jurisdiction in relation to residency requirements for benefits; and the status of an applicant's dependents to ascertain whether benefits that the applicant is presently receiving will continue.

Concerning age, a creditor may consider, for example, the occupation and length of time to retirement of an applicant to ascertain whether the applicant's income (including retirement income, as applicable) will support the extension of credit until its maturity; or the adequacy of any security offered if the duration of the credit extension will exceed the life expectancy of the applicant. An elderly applicant might not qualify for a five-percent down, 30-year mortgage loan because the duration of the loan exceeds the applicant's life expectancy and the cost of realizing on the collateral might exceed the applicant's equity. The same applicant might qualify with a larger downpayment and a shorter loan maturity. A creditor could also consider an applicant's age, for example, to assess the significance of the applicant's length of employment or residence (a young applicant may have just entered the job market; an elderly applicant may recently have retired and moved from a long-time residence).

a creditor may consider the amount and probable continuance of any income in evaluating an applicant's creditworthiness. Where an applicant relies on alimony, child support, or separate maintenance payments in applying for credit, a creditor shall consider such payments as income to the extent that they are likely to be consistently made. Factors that a creditor may consider in determining the likelihood of consistent payments include, but are not limited to, whether the payments are received pursuant to a written agreement or court decree; the length of time that the payments have been received; the regularity of receipt; the availability of procedures to compel payment; and the creditworthiness of the payor, including the credit history of the payor where available to the creditor under the Fair Credit Reporting Act or other applicable laws.

(6) To the extent that a creditor considers credit history in evaluating the creditworthiness of similarly qualified applicants for a similar type and amount of credit, in evaluating an applicant's creditworthiness, a creditor shall consider (unless the failure to consider results from an inadvertent error):

(i) The credit history, when available, of accounts designated as accounts that the applicant and a spouse are permitted to use or for which both are contractually liable;

(ii) On the applicant's request, any information that the applicant may present tending to indicate that the credit history being considered by the creditor does not accurately reflect the applicant's creditworthiness; and

(iii) On the applicant's request, the credit history, when available, of any account reported in the name of the applicant's spouse or former spouse that the applicant can demonstrate accurately reflects the applicant's creditworthiness.

(7) A creditor may consider whether an applicant is a permanent resident of the United States, the applicant's immigration status, and such additional information as may be necessary to ascertain its rights and remedies regarding repayment.

(c) *State property laws.* A creditor's consideration or application of State property laws directly or indirectly affecting creditworthiness shall not constitute unlawful discrimination for the purposes of the Act or this Part.

§ 202.7 Rules Concerning Extensions of Credit.

(a) *Individual accounts.* A creditor shall not refuse to grant an individual account to a creditworthy applicant on the basis of sex, marital status, or any other prohibited basis.

(b) *Designation of name.* A creditor shall not prohibit an applicant from opening or maintaining an account in a birth-given first name and a surname that is the applicant's birth-given surname, the spouse's surname, or a combined surname.

(c) *Action concerning existing open end accounts.* (1) In the absence of evidence of inability or unwillingness to repay, a creditor shall not take any of the following actions regarding an applicant who is contractually liable on an existing open end account on the basis of the applicant's reaching a certain age or retiring, or on the basis of a change in the applicant's name or marital status:

(i) Require a reapplication; or

(ii) Change the terms of the account; or

(iii) Terminate the account.

(2) A creditor may require a reapplication regarding an open end account on the basis of a change in an applicant's marital status where the credit granted was based on income earned by the applicant's spouse if the applicant's income alone at the time of the original application would not support the amount of credit currently extended.

(d) *Signature of spouse or other person.* (1) Except as provided in this subsection, a creditor shall not require the signature of an applicant's spouse or other person, other than a joint applicant, on any credit instrument if the applicant qualifies under the creditor's standards of creditworthiness for the amount and terms of the credit requested.

(2) If an applicant requests unsecured credit and relies in part upon property to establish creditworthiness, a creditor may consider State law; the form of ownership of the property; its susceptibility to attachment, execution, severance, and partition; and other factors that may affect the value to the creditor of the applicant's interest in the property. If necessary to satisfy the creditor's standards of creditworthiness, the creditor may require the signature of the applicant's spouse or other person on any instrument necessary, or reasonably believed by the creditor to be necessary, under applicable State law to make the property relied upon available to satisfy the debt in the event of default.

(3) If a married applicant requests unsecured credit and resides in a community property State or if the property upon which the applicant is relying is located in such a State, a creditor may require the signature of the spouse on any instrument necessary, or reasonably believed by the creditor to be necessary, under applicable State law to make the community property available to satisfy the debt in the event of default if:

(i) applicable State law denied the applicant power to manage or control sufficient community property to qualify for the amount of credit requested under the creditor's standards of creditworthiness; and

(ii) the applicant does not have sufficient separate property to qualify for the amount of credit requested without regard to community property.

(4) If an applicant requests secured credit, a creditor may require the signature of the applicant's spouse or other person on any instrument necessary, or reasonably believed by the creditor to be necessary, under applicable State law to make the property being offered as security available to satisfy the debt in the event of default, for example, any instrument to create a valid lien, pass clear title, waive inchoate rights, or assign earnings.

(5) If, under a creditor's standards of creditworthiness, the personal liability of an additional party is necessary to support the extension of the credit requested,[18] a creditor may request that the applicant obtain a co-signer, guarantor, or the like. The applicant's spouse may serve as an additional party, but a creditor shall not require that the spouse be the additional party. For the purposes of paragraph (d) of this section, a creditor shall not impose requirements upon an additional party that the creditor may not impose upon an applicant.

(e) *Insurance.* Differentiation in the availability, rates, and terms on which credit-related casualty insurance or credit life, health, accident, or disability insurance is offered or provided to an applicant shall not constitute a violation of the Act or this Part; but a creditor shall not refuse to extend credit and shall not terminate an account because credit life, health accident, or disability insurance is not available on the basis of the applicant's age. Notwithstanding any other provision of this Part, information about the age, sex, or marital status of an applicant may be requested in an application for insurance.

§ 202.8 Special Purpose Credit Programs.

(a) *Standards for programs.* Subject to the provisions of paragraph (b) of this section, the Act and this Part are not violated if a creditor refuses to extend credit to an applicant solely because the applicant does not qualify under the special requirements that define eligibility for the following types of special purpose credit programs:

(1) Any credit assistance program expressly authorized by Federal or State law for the benefit of an economically disadvantaged class of persons; or

(2) Any credit assistance program offered by a not-for-profit organization, as defined under section 501(c) of the Internal Revenue Code of 1954, as amended, for the benefit of its members or for the benefit of an economically disadvantaged class of persons; or

(3) Any special purpose credit program offered by a for-profit organization or in which such an organization participates to meet special social needs, provided that:

(i) The program is established and administered pursuant to a written plan that (A) identifies the class or classes of persons that the program is designed to benefit and (B) sets forth the procedures and standards for extending credit pursuant to the program; and

(ii) The program is established and administered to extend credit to a class of persons who, pursuant to the customary standards of creditworthiness used by the organization extending the credit, either probably would not receive such credit or probably would receive it on less favorable terms than are ordinarily available to other applicants applying to the organization for a similar type and amount of credit.

(b) *Applicability of other rules.* (1) All of the provisions of this Part shall apply to each of the special purpose credit programs described in paragraph (a) of this section to the extent that those provisions are not inconsistent with the provisions of this section.

(2) A program described in subparagraphs (a)(2) or (a)(3) of this section shall qualify as a special purpose credit program under paragraph (a) of this section only if it was established and is administered so as not to discriminate against an applicant on the basis of race, color, religion, national origin, sex, marital status, age (*Provided*, That the applicant has the capacity to enter into a binding contract), income derived from a public assistance program, or good faith exercise of any right under the Consumer Credit Protection Act or any State law upon which an exemption has been granted therefrom by the Board; except that all program participants may be required to share one or more of those characteristics so long as the program was not established and is not administered with the purpose of evading the requirements of the Act or this Part.

(c) *Special rule concerning requests and use of information.* If all participants in a special purpose credit program described in paragraph (a) of this section are or will be required to possess one or more common characteristics relating to race, color, religion, national origin, sex, marital status, age, or receipt of income from a public assistance program and if the special purpose credit program otherwise satisfies the requirements of paragraph (a) of this section, then, notwithstanding the prohibitions of §§ 202.5 and 202.6, the creditor may request of an applicant and may consider, in determining eligibility for such program, information regarding the common characteristics required for eligibility.

In such circumstances, the solicitation and consideration of that information shall not constitute unlawful discrimination for the purposes of the Act or this Part.

(d) *Special rule in the case of financial need.* If financial need is or will be one of the criteria for the extension of credit under a special purpose credit program described in paragraph (a) of this section, then, notwithstanding the prohibitions of §§ 202.5 and 202.6, the creditor may request and consider, in determining eligibility for such program, information regarding an applicant's marital status, income from alimony, child support, or separate maintenance, and the spouse's financial resources. In addition, notwithstanding the prohibitions of § 202.7(d), a creditor may obtain the signature of an applicant's spouse or other person on an application or credit instrument relating to a special purpose program if required by Federal or State law. In such circumstances, the solicitation and consideration of that information and the obtaining of a required signature shall not constitute unlawful discrimination for the purposes of the Act or this Part.

[18] If an applicant requests individual credit relying on the separate income of another person, a creditor may require the signature of the other person to make the income available to pay the debt.

§ 202.9 Notifications.

(a) *Notification of action taken, ECOA notice, and statement of specific reasons.*—(1) *Notification of action taken.* A creditor shall notify an applicant of action taken within:

(i) 30 days after receiving a completed application concerning the creditor's approval of, or adverse action regarding, the application (notification of approval may be expressed or by implication, where, for example, the applicant receives a credit card, money, property, or services in accordance with the application);

(ii) 30 days after taking adverse action on an uncompleted application;

(iii) 30 days after taking adverse action regarding an existing account; and

(iv) 90 days after the creditor has notified the applicant of an offer to grant credit other than in substantially the amount or on substantially the terms requested by the applicant if the applicant during those 90 days has not expressly accepted or used the credit offered.

(2) *Content of notification.* Any notification given to an applicant against whom adverse action is taken shall be in writing and shall contain: a statement of the action taken; a statement of the provisions of section 701(a) of the Act; the name and address of the Federal agency that administers compliance concerning the creditor giving the notification; and

(i) A statement of specific reasons for the action taken; or

(ii) A disclosure of the applicant's right to a statement of reasons within 30 days after receipt by the creditor of a request made within 60 days of such notification, the disclosure to include the name, address, and telephone number of the person or office from which the statement of reasons can be obtained. If the creditor chooses to provide the statement of reasons orally, the notification shall also include a disclosure of the applicant's right to have any oral statement of reasons confirmed in writing within 30 days after a written request for confirmation is received by the creditor.

(3) *Multiple applicants.* If there is more than one applicant, the notification need only be given to one of them, but must be given to the primary applicant where one is readily apparent.

(4) *Multiple creditors.* If a transaction involves more than one creditor and the applicant expressly accepts or uses the credit offered, this section does not require notification of adverse action by any creditor. If a transaction involves more than one creditor and either no credit is offered or the applicant does not expressly accept or use any credit offered, then each creditor taking adverse action must comply with this section. The required notification may be provided indirectly through a third party, which may be one of the creditors, provided that the identity of each creditor taking adverse action is disclosed. Whenever the notification is to be provided through a third party, a creditor shall not be liable for any act or omission of the third party that constitutes a violation of this section if the creditor accurately and in a timely manner provided the third party with the information necessary for the notification and was maintaining procedures reasonably adapted to avoid any such violation.

(b) *Form of ECOA notice and statement of specific reasons.*—(1) *ECOA notice.* A creditor satisfies the requirements of paragraph (a)(2) of this section regarding a statement of the provisions of section 701(a) of the Act and the name and address of the appropriate Federal enforcement agency if it provides the following notice, or one that is substantially similar:

> The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is (name and address as specified by the appropriate agency listed in Appendix A).

The sample notice printed above may be modified immediately following the required references to the Federal Act and enforcement agency to include references to any similar State statute or regulation and to a State enforcement agency.

(2) *Statement of specific reasons.* A statement of reasons for adverse action shall be sufficient if it is specific and indicates the principal reason(s) for the adverse action. A creditor may formulate its own statement of reasons in checklist or letter form or may use all or a portion of the sample form printed below, which, if properly completed, satisfies the requirements of subparagraph (a)(2)(i) of this section. Statements that the adverse action was based on the creditor's internal standards or policies or that the applicant failed to achieve the qualifying score on the creditor's credit scoring system are insufficient.

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STATEMENT OF CREDIT DENIAL, TERMINATION, OR CHANGE

DATE _____

Applicant's Name: _____

Applicant's Address: _____

_____

Description of Account, Transaction, or Requested Credit:

_____

_____

Description of Adverse Action Taken:

_____

_____

PRINCIPAL REASONS(S) FOR ADVERSE ACTION CONCERNING CREDIT

- /__/ Credit application incomplete
- /__/ Insufficient credit references
- /__/ Unable to verify credit references
- /__/ Temporary or irregular employment
- /__/ Unable to verify employment
- /__/ Length of employment
- /__/ Insufficient income
- /__/ Excessive obligations
- /__/ Unable to verify income
- /__/ Inadequate collateral
- /__/ We do not grant credit to any applicant on the terms and conditions you request.
- /__/ Other, specify: _____

_____

- /__/ Too short a period of residence
- /__/ Temporary residence
- /__/ Unable to verify residence
- /__/ No credit file
- /__/ Insufficient credit file
- /__/ Delinquent credit obligations
- /__/ Garnishment, attachment, foreclosure, repossession, or suit
- /__/ Bankruptcy

DISCLOSURE OF USE OF INFORMATION OBTAINED FROM AN OUTSIDE SOURCE

- /__/ Disclosure inapplicable
- /__/ Information obtained in a report from a consumer reporting agency

Name: _____

_____

Street Address: _____

_____

Phone: _____

- /__/ Information obtained from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, within 60 days of receipt of this notice, for disclosure of the nature of the adverse information.

Creditor's name: _____

Creditor's address: _____

_____

Creditor's telephone number: _____

[Add ECOA Notice]

(3) *Other information.* The notification required by subparagraph (a)(1) of this section may include other information so long as it does not detract from the required content. This notification also may be combined with any disclosures required under other titles of the Consumer Credit Protection Act or any other law, provided that all requirements for clarity and placement are satisfied; and it may appear on either or both sides of the paper if there is a clear reference on the front to any information on the back.

(c) *Oral notifications.* The applicable requirements of this section are satisfied by oral notifications (including statements of specific reasons) in the case of any creditor that did not receive more than 150 applications during the calendar year immediately preceding the calendar year in which the notification of adverse action is to be given to a particular applicant.

(d) *Withdrawn applications.* Where an applicant submits an application and the parties contemplate that the applicant will inquire about its status, if the creditor approves the application and the applicant has not inquired within 30 days after applying, then the creditor may treat the application as withdrawn and need not comply with subparagraph (a)(1) of this section.

(e) *Failure of compliance.* A failure to comply with this section shall not constitute a violation when caused by an inadvertent error; provided that, on discovering the error, the creditor corrects it as soon as possible and commences compliance with the requirements of this section.

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(f) *Notification.* A creditor notifies an applicant when a writing addressed to the applicant is delivered or mailed to the applicant's last known address or, in the case of an oral notification, when the creditor communicates with the applicant.

§ 202.10 Furnishing of Credit Information.

(a) *Accounts established on or after June 1, 1977.* (1) For every account established on or after June 1, 1977, a creditor that furnishes credit information shall:

(i) Determine whether an account offered by the creditor is one that an applicant's spouse is permitted to use or upon which the spouses are contractually liable other than as guarantors, sureties, endorsers, or similar parties; and

(ii) Designate any such account to reflect the fact of participation of both spouses.[11]

(2) Except as provided in paragraph (a)(3) of this section, if a creditor furnishes credit information concerning an account designated under this section (or designated prior to the effective date of this Part) to a consumer reporting agency, it shall furnish the information in a manner that will enable the agency to provide access to the information in the name of each spouse.

(3) If a creditor furnishes credit information concerning an account designated under this section (or designated prior to the effective date of this Part) in response to an inquiry regarding a particular applicant, it shall furnish the information in the name of the spouse about whom such information is requested.[12]

(b) *Accounts established prior to June 1, 1977.* For every account established prior to and in existence on June 1, 1977, a creditor that furnishes credit information shall either:

(1) Not later than June 1, 1977

(i) Determine whether the account is one that an applicant's spouse, if any, is permitted to use or upon which the spouses are contractually liable other than as guarantors, sureties, endorsers, or similar parties;

(ii) Designate any such account to reflect the fact of participation of both spouses; [13] and

(iii) Comply with the reporting requirements of paragraphs (a)(2) and (a)(3) of this section; or

(2) Mail or deliver to all applicants, or all married applicants, in whose name an account is carried on the creditor's records one copy of the notice set forth below.[14] The notice may be mailed with a billing statement or other mailing. All such notices shall be mailed or delivered by October 1, 1977. As to open end accounts, this requirement may be satisfied by mailing one notice at any time prior to October 2, 1977 regarding each account for which a billing statement is sent between June 1 and October 1, 1977. The notice may be supplemented as necessary to permit identification of the account by the creditor or by a consumer reporting agency. A creditor need only send notices relating to those accounts on which it lacks the information necessary to make the proper designation regarding participation or contractual liability.

NOTICE

CREDIT HISTORY FOR MARRIED PERSONS

The Federal Equal Credit Opportunity Act prohibits credit discrimination on the basis of race, color, religion, national origin, sex, marital status, age (provided that a person has the capacity to enter into a binding contract); because all or part of a person's income derives from any public assistance program; or because a person in good faith has exercised any right under the Federal Consumer Credit Protection Act. Regulations under the Act give married persons the right to have credit information included in credit reports in the name of both the wife and the husband if both use or are responsible for the account. This right was created, in part, to insure that credit histories will be available to women who become divorced or widowed.

If your account with us is one that both husband and wife signed for or is an account that is being used by one of you who did not sign, then you are entitled to have us report credit information relating to the account in both your names. If you choose to have credit information concerning your account with us reported in both your names, please complete and sign the statement below and return it to us.

Federal regulations provide that signing your name below will not change your or your spouse's legal liability on the account. Your signature will only request that credit information be reported in both your names.

If you do not complete and return the form below, we will continue to report your credit history in the same way that we do now.

When you furnish credit information on this account, please report all information concerning the account in both our names.

Account number	Print or type name
	Print or type name
	Signature of either spouse

(c) *Requests to change manner in which information is reported.* Within 90 days after receipt of a properly completed request to change the manner in which information is reported to consumer reporting agencies and others regarding an account described in paragraph (b) of this section a creditor shall designate the account to reflect the fact of participation of both spouses.[15] When furnishing information concerning any such account, the creditor shall comply with the reporting requirements of subparagraphs (a)(2) and (a)(3) of this section. The signature of an applicant or the applicant's spouse on a request to change the manner in which information concerning an account is furnished shall not alter the legal liability of either spouse upon the account or require the creditor to change the name in which the account is carried.

(d) *Inadvertent errors.* A failure to comply with this section shall not constitute a violation when caused by an inadvertent error, provided that, on discovering the error, the creditor corrects it as soon as possible and commences compliance with the requirements of this section.

§ 202.11 Relation to State law.

(a) *Inconsistent State laws.* Except as otherwise provided in this section, this Part alters, affects, or preempts only those State laws that are inconsistent with this Part and then only to the extent of the inconsistency. A State law is not inconsistent with this Part if it is more protective of an applicant.

(b) *Preempted provisions of State law.* (1) State law is deemed to be inconsistent with the requirements of the Act and this Part and less protective of an applicant within the meaning of section 705 (f) of the Act to the extent that such law:

(i) Requires or permits a practice or act prohibited by the Act or this Part;

(ii) Prohibits the individual extension of consumer credit to both parties to a marriage if each spouse individually and voluntarily applies for such credit;

(iii) Prohibits inquiries or collection of data required to comply with the Act or this Part;

(iv) Prohibits asking age or considering age in a demonstrably and statistically sound, empirically derived credit system, to determine a pertinent element of creditworthiness, or to favor an elderly applicant; or

(v) Prohibits inquiries necessary to establish or administer a special purpose credit program as defined by § 202.8.

(2) A determination as to whether a State law is inconsistent with the requirements of the Act and this Part will be made only in response to a request for a formal Board interpretation. All requests for such interpretations, in addition to meeting the requirements of § 202.1(d), shall comply with the applicable provisions of subsections (b)(1) and (2) of Supplement I to this Part. A determination shall be based on the factors enumerated in this subsection and, as applicable, subsection (c) of Supplement I. Notice of the interpretation shall be provided as specified in subsection (e)(1) of Supplement I, but the interpretation shall be effective in accordance with § 202.1. The interpretation shall be subject to revocation or modification at any time, as provided in subsection (g)(4) of Supplement I.

(c) *Finance charges and loan ceilings.* If married applicants voluntarily apply for and obtain individual accounts with the same creditor, the accounts shall not be aggregated or otherwise combined for purposes of determining permissible finance charges or permissible loan ceilings under any Federal or State law. Permissible loan ceiling laws shall be construed to permit each spouse to become individually liable up to the amount of the loan ceilings, less the amount for which the applicant is jointly liable.[16]

(d) *State and Federal laws not affected.* This section does not alter or annul any provision of State property laws, laws relating to the disposition of decedents' estates, or Federal or State banking regulations directed only towards insuring the solvency of financial institutions.

(e) *Exemption for State regulated transactions.* (1) In accordance with the provisions of Supplement I to this Part, any State may apply to the Board for an exemption from the requirements of sections 701 and 702 of the Act and the corresponding provisions of this Part for any class of credit transactions within the State. The Board will grant such an exemption if:

(i) The Board determines that, under the law of that State, that class of credit transactions is subject to requirements substantially similar to those imposed under sections 701 and 702 of the Act and the corresponding provisions of this Part, or that applicants are afforded greater protection than is afforded under sections 701 and 702 of the Act and the corresponding provisions of this Part; and

(ii) There is adequate provision for State enforcement.

(2) In order to assure that the concurrent jurisdiction of Federal and State courts created in section 706(f) of the Act will continue to have substantive provisions to which such jurisdiction shall apply; to allow Federal enforcement agencies to retain their authority regarding any class of credit transactions exempted pursuant to paragraph (e)(1) of this section and Supplement I; and, generally, to aid in implementing the Act:

(i) no such exemption shall be deemed to extend to the civil liability provisions of section 706 or the administrative enforcement provisions of section 704 of the Act; and

(ii) after an exemption has been granted, the requirements of the applicable State law shall constitute the requirements of the Act and this Part, except to the extent such State law imposes requirements not imposed by the Act or this Part.

(3) Exemptions granted by the Board to particular classes of credit transactions within specified States will be set forth in Supplement II to this Part.

§ 202.12 Record Retention.

(a) *Retention of prohibited information.* Retention in a creditor's files of any information, the use of which in evaluating applications is prohibited by the Act or this Part, shall not constitute a violation of the Act or this Part where such information was obtained:

(1) From any source prior to March 23, 1977; [17] or

(2) At any time from consumer reporting agencies; or

(3) At any time from any applicant or others without the specific request of the creditor; or

(4) At any time as required to monitor compliance with the Act and this Part or other Federal or State statutes or regulations.

(b) *Preservation of records.* (1) For 25 months after the date that a creditor notifies an applicant of action taken on an application, the creditor shall retain as to that application in original form or a copy thereof: [18]

(i) Any application form that it receives, any information required to be obtained concerning characteristics of an applicant to monitor compliance with the Act and this Part or other similar law, and any other written or recorded information used in evaluating the application and not return to the applicant at the applicant's request;

(ii) A copy of the following documents if furnished to the applicant in written form (or, if furnished orally, any notation or memorandum with respect thereto made by the creditor):

(A) The notification of action taken; and

(B) The statement of specific reasons for adverse action; and

(iii) Any written statement submitted by the applicant alleging a violation of the Act or this Part.

(2) For 25 months after the date that a creditor notifies an applicant of adverse action regarding an account, other than in connection with an application, the creditor shall retain as to that account, in original form or a copy thereof:[19]

(i) Any written or recorded information concerning such adverse action; and

(ii) Any written statement submitted by the applicant alleging a violation of the Act or this Part.

(3) In addition to the requirements of paragraphs (b)(1) and (2), of this section, any creditor that has actual notice that it is under investigation or is subject to an enforcement proceeding for an alleged violation of the Act or this Part by an enforcement agency charged with monitoring that creditor's compliance with the Act and this Part, or that has been served with notice of an action filed pursuant to section 706 of the Act and § 202.1(b) or (c) of this Part, shall retain the information required in paragraphs (b)(1) and (2) of this section until final disposition of the matter, unless an earlier time is allowed by order of the agency or court.

(4) In any transaction involving more than one creditor, any creditor not required to comply with § 202.9 (notifications) shall retain for the time period specified in paragraph (b) of this section all written or recorded information in its possession concerning the applicant, including a notation of action taken in connection with any adverse action.

(c) *Failure of compliance.* A failure to comply with this section shall not constitute a violation when caused by an inadvertent error.

§ 202.13 Information for Monitoring Purposes.

(a) *Scope and information requested.* (1) For the purpose of monitoring compliance with the provisions of the Act and this Part, any creditor that receives an application for consumer credit relating to the purchase of residential real property, where the extension of credit is to be secured by a lien on such property, shall request as part of any written application for such credit the following information regarding the applicant and joint applicant (if any):

(i) Race/national origin, using the categories American Indian or Alaskan Native; Asian or Pacific Islander; Black; White; Hispanic; Other (Specify);

(ii) Sex;

(iii) Marital status, using the categories married, unmarried, and separated; and

(iv) Age.

(2) "Residential real property" means improved real property used or intended to be used for residential purposes, including single family homes, dwellings for from two to four families, and individual units of condominiums and cooperatives.

(b) *Method of obtaining information.* Questions regarding race/national origin, sex, marital status, and age may be listed at the creditor's option, either on the application form or on a separate form that refers to the application.

(c) *Disclosure to applicant and joint applicant.* The applicant and joint applicant (if any) shall be informed that the information regarding race/national origin, sex, marital status, and age is being requested by the Federal Government for the purpose of monitoring compliance with Federal anti-discrimination statutes and that those statutes prohibit creditors from discriminating against applicants on those bases. The applicant and joint applicant shall be asked, but not required, to supply the requested information. If the applicant or joint applicant chooses not to provide the information or any part of it, that fact shall be noted on the form on which the information is obtained.

(d) *Substitute monitoring program.* Any monitoring program required by an agency charged with administrative enforcement under section 704 of the Act may be substituted for the requirements contained in paragraphs (a), (b), and (c) of this section.

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[11] A creditor need not distinguish between participation as a user or as a contractually liable party.

[12] If a creditor learns that new parties have undertaken payment on an account, then the subsequent history of the account shall be furnished in the names of the new parties and need not continue to be furnished in the names of the former parties.

[13] See footnote 11.

[14] A creditor may delete the references to the "use" of an account when providing notices regarding closed end accounts.

[15] See footnote 11.

[16] For example, in a State with a permissible loan ceiling of $1,000, if a married couple were jointly liable for unpaid debt in the amount of $250, each spouse could subsequently become individually liable for $750.

[17] Pursuant to the October 28, 1975 version of Regulation B, the applicable date for sex and marital status information is June 30, 1976.

[18] "A copy thereof" includes carbon copies, photocopies, microfilm or microfiche copies, or copies produced by any accurate information retrieval system. A creditor who uses a computerized or mechanized system need not keep a written copy of a document if it can regenerate the precise text of the document upon request.

[19] See footnote 18.

APPENDIX A.—FEDERAL ENFORCEMENT AGENCIES

The following list indicates which Federal agency enforces Regulation B for particular classes of creditors. Any questions concerning a particular creditor should be directed to its enforcement agency.

National Banks: Comptroller of the Currency, Consumer Affairs Division, Washington, D.C. 20219.

State Member Banks: Federal Reserve Bank serving the district in which the State member bank is located.

Nonmember Insured Banks: Federal Deposit Insurance Corporation Regional Director for the region in which the nonmember insured bank is located.

Savings Institutions Insured by the FSLIC and Members of the FHLB System (except for Savings Banks insured by FDIC): The Federal Home Loan Bank Board Supervisory Agent in the district in which the institution is located.

Federal Credit Unions: Regional office of the National Credit Union Administration serving the area in which the Federal credit union is located.

Creditors Subject to Civil Aeronautics Board: Director, Bureau of Enforcement, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

Creditors Subject to Interstate Commerce Commission: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20523.

Creditors Subject to Packers and Stockyards Act: Nearest Packers and Stockyards Administration area supervisor.

Small Business Investment Companies: U.S. Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

Brokers and Dealers: Securities and Exchange Commission, Washington, D.C. 20549.

Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks and Production Credit Associations: Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20578.

Retail, Department Stores, Consumer Finance Companies, All other Creditors, and All Nonbank Credit Card Issuers: (Lenders operating on a local or regional basis should use the address of the F.T.C. Regional Office in which they operate), Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

APPENDIX B—MODEL APPLICATION FORMS [RESERVED]

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SUPPLEMENT I—PROCEDURES FOR STATE EXEMPTION

Procedures and criteria under which a State may apply for an exemption pursuant to section 705(g) of the Act and section 202.11(e) of this Part.

(a) *Application.* Any State may apply to the Board pursuant to the provisions of this Supplement and the Board's Rules of Procedure (12 CFR 262) for a determination that, under the laws of that State,[1] a class of credit transactions[2] within the State is subject to requirements that are substantially similar to, or provide greater protection for applicants than those imposed under sections 701 and 702 of the Act,[3] and that there is adequate provision for State enforcement of such requirements. The application shall be in writing, addressed to the Board, signed by the Governor, Attorney General, or State official having primary enforcement or interpretive responsibilities under the State law that is applicable to the class of credit transactions, and shall be supported by the documents specified in subsection (b).

(b) *Supporting documents.* The application shall be accompanied by:

(1) A copy of the full text of the State law that is claimed to contain requirements substantially similar to those imposed under sections 701 and 702 of the Act, or to provide greater protection to applicants than sections 701 and 702 of the Act, regarding the class of credit transactions within that State.

(2) A comparison of each provision of sections 701 and 702 of the Act with the corresponding provision of the State law, together with reasons supporting the claim that the corresponding provisions of the State law are substantially similar to, or provide greater protection to applicants than, provisions of sections 701 and 702 of the Act regarding the class of credit transactions and explaining why any differences are not inconsistent with the provisions of sections 701 and 702 of the Act and do not result in a diminution in the protection otherwise afforded applicants; and a statement that no other State laws (including administrative or judicial interpretations) are related to, or would have an effect upon, the State law that is being considered by the Board in making its determination.

(3) A copy of the full text of the State law that provides for enforcement of the State law referred to in subparagraph (b)(1) of this supplement.

(4) A comparison of the provisions of the State law that provides for enforcement with the provisions of sections 704 and 706 of the Act, together with reasons supporting the claim that such State law provides for:

(i) Administrative enforcement of the State law referred to in subparagraph (b)(1) of this supplement that is substantially similar to, or more extensive than, the enforcement provided under section 704 of the Act;

(ii) Civil liability for a failure to comply with the requirements of the State law that is substantially similar to, or more extensive than that provided under section 706 of the Act, including class action liability and the ability of the State Attorney General or other appropriate State official to commence a civil action under circumstances substantially similar to those prescribed in section 706 of the Act, except that such State law may provide a greater damage remedy or other, more extensive remedies;

(iii) A statute of limitations that prescribes a period for civil actions of substantially similar duration to that provided under section 706(f) of the Act, or a longer period; and

(iv) A scope of discovery relating to a creditor's credit granting standards under appropriate discovery procedures in a court action or agency proceeding that is substantially similar to, or more extensive than, that provided under section 706(j) of the Act.

(5) A statement identifying the office designated or to be designated to administer the State law referred to in subparagraph (b)(1) of this supplement, together with complete information regarding the fiscal arrangements for administrative enforcement (including the amount of funds available or to be provided), the number and qualifications of personnel engaged or to be engaged in enforcement, and a description of the procedures under which such State law is to be administratively enforced, including, if relevant, administrative enforcement regarding Federally-chartered creditors.[4]

The statement should also include reasons to support the claim that there is adequate provision for enforcement of such State law.

(c) *Criteria for determination.* The Board will consider the criteria set forth below, and any other relevant information, in determining whether the law of a State is substantially similar to, or provides greater protection to applicants than, the provisions of sections 701 and 702 of the Act regarding the class of action transactions within that State, and whether there is adequate provision for State enforcement of such law. In making that determination, the Board primarily will consider each provision of the State law in comparison with each corresponding provision in sections 701 and 702 of the Act, and not the State law as a whole in comparison with the Act as a whole.

(1) In order for provisions of State law to be substantially similar to, or provide greater protection to applicants than the provisions of sections 701 and 702 of the Act, the provisions of State law[5] at least shall provide that:

(i) Definitions and rules of construction, as applicable, import the same meaning and have the same application as those prescribed by sections 701 and 702 of the Act.

(ii) Creditors provide all of the applicable notifications required by the provisions of sections 701 and 702 of the Act, with the content and in the terminology, form, and time periods prescribed by this Part pursuant to sections 701 and 702; however, required references to State law may be substituted for the references to Federal law required in this Part. Notification requirements under State law in additional circumstances or with additional detail that does not frustrate any of the purposes of the Act may be determined by the Board to be consistent with sections 701 and 702 of the Act.

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[1] Any reference to State law in this Supplement includes a reference to any regulations that implement State law and formal interpretations thereof by a court of competent jurisdiction or duly authorized agency of that State.

[2] As applicable, references to "class of credit transactions" in this Supplement include one or more of such classes of credit transactions.

[3] Any reference in this Supplement to sections 701 and 702 of the Act includes a reference to the corresponding and implementing provisions of this Part, the Board's formal interpretations thereof, and official interpretations or approvals issued by an authorized official or employee of the Federal Reserve System. Additionally, any reference to sections 701 and 702 of the Act includes a reference to sections 705 (a), (b), (c), and (d) of the Act and the corresponding provisions of this Part, which, though technically not a part of sections 701 and 702, implement and relate to substantive requirements of sections 701 and 702.

[4] Transactions within a State in which a Federally-chartered institution is a creditor shall not be considered subject to exemption, and such Federally-chartered creditors shall remain subject to the requirements of the Act and administrative enforcement by the appropriate Federal authority under section 704 of the Act, unless a State establishes to the satisfaction of the Board that appropriate arrangements have been made with such Federal authorities to assure effective enforcement of the requirements of State laws regarding such creditors.

[5] This subsection is not to be construed as indicating that the Board would consider adversely any additional requirements of State law that are not inconsistent with the purpose of the Act or the requirements imposed under sections 701 and 702 of the Act.

(iii) Creditors take all affirmative actions and abide by obligations substantially similar to or more extensive than, those prescribed by sections 701 and 702 of the Act under substantially similar or more stringent conditions and within the same or more stringent time periods as are prescribed in sections 701 and 702 of the Act.

(iv) Creditors abide by the same or more stringent prohibitions as are prescribed by sections 701 and 702 of the Act.

(v) Obligations or responsibilities imposed on applicants are no more costly, lengthy, or burdensome relative to applicants' exercising any of the rights or gaining the benefits of the protections provided in the State law than corresponding obligations or responsibilities imposed on applicants in sections 701 and 702 of the Act.

(vi) Applicants' rights and protections are substantially similar to, or more favorable than, those provided by sections 701 and 702 of the Act under conditions or within time periods that are substantially similar to, or more favorable to applicants than, those prescribed by sections 701 and 702 of the Act.

(2) In determining whether provisions for enforcement of the State law referred to in subsection (b)(1) of this supplement are adequate, consideration will be given to the extent to which, under State law, provision is made for:

(i) Administrative enforcement, including necessary facilities, personnel, and funding;

(ii) Civil liability for a failure to comply with the requirements of such a State law that is substantially similar to, or more extensive than, that provided under section 706 of the Act;

(iii) A statute of limitations for civil liability of substantially similar or longer duration as that provided under section 706 of the Act; and

(iv) A scope of discovery relating to a creditor's credit granting standards that is substantially similar to, or more extensive than, that provided under section 706(j) of the Act.

(d) *Public notice of filing and proposed rule making.* In connection with any application that has been filed in accordance with the requirements of subsections (a) and (b) of this Supplement and following initial review of the application, a notice of such filing and proposed rule making shall be published by the Board in the FEDERAL REGISTER, and a copy of such application shall be made available for examination by interested persons during business hours at the Board and at the Federal Reserve Bank for each Federal Reserve District in which the State making the application is situated. A period of time shall be allowed from the date of such publication for interested parties to submit written comments to the Board regarding that application.

(e) *Exemption from requirements.* If the Board determines on the basis of the information before it that, under the law of a State, a class of credit transactions is subject to requirements substantially similar to, or that provide greater protection to applicants than, those imposed under sections 701 and 702 of the Act and that there is adequate provision for State enforcement, the Board will exempt the class of credit transactions in that State from the requirements of sections 701 and 702 of the Act in the following manner and subject to the following conditions:

(1) Notice of the exemption shall be published in the FEDERAL REGISTER, and the Board shall furnish a copy of such notice to the State official who made application for such exemption, to each Federal authority responsible for administrative enforcement of the requirements of sections 701 and 702 of the Act, and to the Attorney General of the United States. Additionally, the Board shall include any exemption granted in an appropriate listing in Supplement II to this Part. Any exemption granted shall be effective 90 days after the date of publication of such notice in the FEDERAL REGISTER.

(2) The appropriate official of any State that receives an exemption shall inform the Board in writing within 30 days of any change in the State laws referred to in subsections (b)(1) and (b)(3) of this supplement. The report of any such change shall contain copies of the full text of that change, together with statements setting forth the information and opinions regarding that change that are specified in subsections (b)(2) and (b)(4) of this supplement. The appropriate official of any State that has received such an exemption also shall file with the Board from time to time such reports as the Board may require.

(3) The Board shall inform the appropriate official of any State that receives such an exemption of any subsequent amendments of the Act (including the implementing provisions of this Part, the Board's formal interpretations, and interpretations or approvals issued by an authorized official or employee of the Federal Reserve System) that might necessitate the amendment of State law for the exemption to continue.

(4) No exemption shall extend to the administrative enforcement or civil liability provisions of sections 704 and 706 of the Act. After an exemption is granted, the requirements of the applicable State law shall constitute the requirements of sections 701 and 702 of the Act, except to the extent such State law imposes requirements not imposed by the Act or this Part.

(f) *Adverse determination.* (1) If, after publication of a notice in the FEDERAL REGISTER as provided under section (d) of this supplement, the Board finds on the basis of the information before it that it cannot make a favorable determination in connection with the application, the Board shall notify the appropriate State official of the facts upon which such findings are based and shall afford that State authority a reasonable opportunity to demonstrate or achieve compliance.

(2) If, after having afforded the State authority such opportunity to demonstrate or achieve compliance, the Board finds on the basis of the information before it that it still cannot make a favorable determination in connection with the application, the Board shall publish in the FEDERAL REGISTER a notice of its determination regarding the application and shall furnish a copy of such notice to the State official who made application for such exemption.

(g) *Revocation of exemption.* (1) The Board reserves the right to revoke any exemption granted under the provisions of this Supplement if at any time it determines that the State law does not, in fact, impose requirements that are substantially similar to, or that provide greater protection to applicants than, those imposed under sections 701 and 702 of the Act or that there is not, in fact, adequate provision for State enforcement.

(2) Before revoking any such exemption, the Board shall notify the appropriate State official of the facts or conduct that, in the Board's opinion, warrants such revocation, and shall afford that State such opportunity as the Board deems appropriate in the circumstances to demonstrate or achieve compliance.

(3) If, after having been afforded the opportunity to demonstrate or achieve compliance, the Board determines that the State has not done so, notice of the Board's intention to revoke such exemption shall be published as a notice of proposed rule making in the FEDERAL REGISTER. A period of time shall be allowed from the date of such publication for the Board to receive written comments from interested persons to submit written comments to the Board regarding the proposed rule making.

(4) If such exemption is revoked, notice of such revocation shall be published by the Board in the FEDERAL REGISTER, and a copy of such notice shall be furnished to the appropriate State official, to the Federal authorities responsible for enforcement of the requirements of the Act, and to the Attorney General of the United States. The revocation shall become effective, and the class of transactions affected within that State shall become subject to the requirements of sections 701 and 702 of the Act, 90 days after the date of publication of the notice in the FEDERAL REGISTER.

By order of the Board of Governors, December 22, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-454 Filed 1-5-77;8:45 am]

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Acquisition of Shares

The Board of Governors has issued an interpretation of Regulation Y in connection with a proposal under which a number of bank holding companies would each purchase a stock interest representing less than 5 percent of the outstanding voting shares of an insurance company that would engage in underwriting or reinsuring credit life and credit accident and health insurance sold in connection with extensions of credit by each stockholder. The Board has determined that a bank holding company wishing to become a stockholder in the company would be required to obtain the Board's approval to do so.

Effective December 22, 1976, Part 225 is amended by adding the section set forth below.

§ 225.136 Acquisitions of shares pursuant to section 4(c)(6) of the Bank Holding Company Act.

(a) The Board has received a request for an interpretation of section 4(c)(6) of the Bank Holding Company Act ("Act")[1] in connection with a proposal under which a number of bank holding companies would purchase interests in an insurance company to be formed for the purpose of underwriting or reinsuring credit life and credit accident and health insurance sold in connection with extensions of credit by the stockholder bank holding companies and their affiliates.

(b) Each participating holding company would own no more than 5 percent

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[1] Section 4(c)(6) of the Act provides an exemption from the Act's prohibitions on ownership of shares in nonbanking companies for "shares of any company which do not include more than 5 per centum of the outstanding voting shares of such company."

of the outstanding voting shares of the company. However, the investment of each holding company would be represented by a separate class of voting security, so that each stockholder would own 100 percent of its respective class. The participating companies would execute a formal "Agreement Among Stockholders" under which each would agree to use its best efforts at all times to direct or recommend to customers and clients the placement of their life, accident and health insurance directly or indirectly with the company. Such credit-related insurance placed with the company would be identified in the records of the company as having been originated by the respective stockholder. A separate capital account would be maintained for each stockholder consisting of the original capital contribution increased or decreased from time to time by the net profit or loss resulting from the insurance business attributable to each stockholder. Thus, each stockholder would receive a return on its investment based upon the claims experience and profitability of the insurance business that it had itself generated. Dividends declared by the board of directors of the company would be payable to each stockholder only out of the earned surplus reflected in the respective stockholder's capital account.

(c) It has been requested that the Board issue an interpretation that section 4(c)(6) of the Act provides an exemption under which participating bank holding companies may acquire such interests in the company without prior approval of the Board.

(d) On the basis of a careful review of the documents submitted, in light of the purposes and provisions of the Act, the Board has concluded that section 4(c)(6) of the Act is inapplicable to this proposal and that a bank holding company must obtain the approval of the Board before participating in such a proposal in the manner described. The Board's conclusion is based upon the following considerations:

(1) Section 2(a)(2)(A) of the Act provides that a company is deemed to have control over a second company if it owns or controls "25 per centum or more of any class of voting securities" of the second company. In the case presented, the stock interest of each participant would be evidenced by a different class of stock and each would, accordingly, own 100 percent of a class of voting securities of the company. Thus, each of the stockholders would be deemed to "control" the company and prior Board approval would be required for each stockholder's acquisition of stock in the company.

The Board believes that this application of section 2(a)(2)(A) of the Act is particularly appropriate on the facts presented here. The company is, in practical effect, a conglomeration of separate business ventures each owned 100 percent by a stockholder the value of whose economic interest in the company is determined by reference to the profits and losses attributable to its respective class of stock. Furthermore, it is the Board's opinion that this application of section 2(a)(2)(A) is not inconsistent with section 4(c)(6). Even assuming that section 4(c)(6) is intended to refer to all outstanding voting shares, and not merely the outstanding shares of a particular class of securities, section 4(c)(6) must be viewed as permitting ownership of 5 percent of a company's voting stock only when that ownership does not constitute "control" as otherwise defined in the Act. For example, it is entirely possible that a company could exercise a controlling influence over the management and policies of a second company, and thus "control" that company under the Act's definitions, even though it held less than 5 percent of the voting stock of the second company. To view section 4(c)(6) as an unqualified exemption for holdings of less than 5 percent would thus create a serious gap in the coverage of the Act.

(2) The Board believes that section 4(c)(6) should properly be interpreted as creating an exemption from the general prohibitions in section 4 on ownership of stock in nonbank companies only for passive investments amounting to not more than 5 percent of a company's outstanding stock, and that the exemption was not intended to allow a group of holding companies, through concerted action, to engage in an activity as entrepreneurs. Section 4 of the Act, of course, prohibits not only owning stock in nonbank companies, but engaging in activities other than banking or those activities permitted by the Board under section 4(c)(8) as being closely related to banking. Thus, if a holding company may be deemed to be engaging in an activity through the medium of a company in which it owns less than 5 percent of the voting stock it may nevertheless require Board approval, despite the section 4(c)(6) exemption.

(e) To accept the argument that section 4(c)(6) is an unqualified grant of permission to a bank holding company to own 5 percent of the shares of any nonbanking company, irrespective of the nature or extent of the holding company's participation in the affairs of the nonbanking company would, in the Board's view, create the potential for serious and widespread evasion of the Act's controls over nonbanking activities. Such a construction would allow a group of 20 bank holding companies—or even a single bank holding company and one or more nonbank companies—to engage in entrepreneurial joint ventures in businesses prohibited to bank holding companies, a result the Board believes to be contrary to the intent of Congress.

(f) In this proposal, each of the participating stockholders must be viewed as engaging in the business of insurance underwriting. Each stockholder would agree to channel to the company the insurance business it generates, and the value of the interest of each stockholder would be determined by reference to the profitability of the business generated by that stockholder itself. There is no sharing or pooling among stockholders of underwriting risks assumed by the company, and profit or loss from investments is allocated on the basis of each bank holding company's allocable underwriting profit or loss. The interest of each stockholder is thus clearly that of an entrepreneur rather than that of an investor.

(g) Accordingly, on the basis of the factual situation before the Board, and for the reasons summarized above, the Board has concluded that section 4(c)(6) of the Act cannot be interpreted to exempt the ownership of 5 percent of the voting stock of a company under the circumstances described, and that a bank holding company wishing to become a stockholder in a company under this proposal would be required to obtain the Board's approval to do so.

Board of Governors of the Federal Reserve System, December 23, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-453 Filed 1-5-77;8:45 am]

[Reg. Z; FC-0033, FC-0034, FC-0035]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

This interpretation shall be effective as of January 3, 1977.

[FC-0033]

§ 226.4(a)------ Commitment fee paid by developer/seller of home to lender committing itself to finance the purchase of homes need not be treated as prepaid finance charge. (Completely supersedes PI 196 and partially supersedes PI 167 & 523.)

DECEMBER 22, 1976.

This is in reply to your letter of • • • requesting an official staff interpretation of the proper treatment of "standby fees" or "commitment fees" under § 226.4 of Regulation Z. Frequently, the builder or developer of homes and condominium units pays a fee to a lender in return for which the lender commits itself to finance the purchase of those homes or condominium units. Staff has previously taken the position (see, for example, Public Information Letters 167, 196, and 523) that a standby fee paid by the seller to the lender extending consumer credit in the transaction must be shown on the disclosure statement as a prepaid finance charge. You disagree with this position and have requested staff to reconsider its previously expressed view.

Upon reconsideration, staff believes that such standby or commitment fees should not be considered prepaid finance charges unless they are in fact imposed by the seller/developer only on the credit customer. If the seller/developer simply recovers its costs by increasing the cash price to all customers (cash customers and credit customers), it is staff's view that such a commitment fee need not be designated as a prepaid finance charge for those purchasers who obtain credit from the committed lender. To hold otherwise would make comparison shopping of different lenders difficult because it would create a distortion in the annual percentage rate disclosed by the committed lender. To illustrate, assume that a purchaser wishes to compare the identical credit terms available from a committed lender and a noncommitted lender. If the former treats the standby fee as a prepaid finance charge, that reduces the "amount financed," increases the "finance charge," and results in a higher annual percentage rate. The noncommitted lender, of course, would not have to disclose the commitment fee because it is not incident to its extension of credit, and the annual percentage rate would therefore be lower. Since, from the purchaser's point of view, the credit terms are identical, it would be quite misleading to have different annual percentage rates quoted.

Insofar as Public Information Letters 167, 196, and 523 stated otherwise, they are hereby superseded.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the Regulation. I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

[FC-0034]

§ 226.8(b)------ A credit to be applied against purchase price of home if purchaser remains for 5 years, pursuant to instalment land contract, should not be deducted from cash price or treated as subsequent occurrence; rather, it reduces the finance charge, increases the amount financed and must be disclosed as § 226.8(b)(4) default charge (since credit forfeited if purchaser fails to stay 5 years)

§ 226.8(c)------ A credit to be applied against purchase price of home if purchaser remains for 5 years, pursuant to instalment land contract, should not be deducted from cash price or treated as subsequent occurrence; rather, it reduces the finance charge, increases the amount financed and must be disclosed as § 226.8(b)(4) default charge (since credit forfeited if purchaser fails to stay 5 years)

§ 226.810------- A credit to be applied against purchase price of home if purchaser remains for 5 years, pursuant to instalment land contract, should not be deducted from cash price or treated as subsequent occurrence; rather, it reduces the finance charge, increases the amount financed and must be disclosed as § 226.8(b)(4) default charge (since credit forfeited if purchaser fails to stay 5 years)

DECEMBER 27, 1976.

This is in response to your letters of • • • and • • •, concerning the requirements of the Truth in Lending Act and Regulation Z with regard to a proposed instalment land contract to be used by a quasi-public, nonprofit corporation in the sale of housing units to low- and middle-income families.

The housing development corporation which you represent wishes to make housing units available under favorable terms of purchase. Consequently, the proposed contract differs from a typical instalment land contract in two respects:

1. The purchaser agrees to reside in the unit as his/her principal place of residence for at least five consecutive years. At the end of those five years, the purchaser is entitled to a credit against the unpaid balance of the purchase price in a specific dollar amount, which amount is set out in the contract. The purpose of this provision is to foster stability in the area by providing an incentive for the contract buyer to obtain full ownership.

2. Simultaneously with receipt of the credit, the rate of interest payable on the unpaid balance of the purchase price may be adjusted upward to a rate of 3 percent above the prime interest rate at a certain local financial institution. This is a one-time adjustment, and in no event will the interest rate be greater than the maximum allowed by State law or less than the original rate of interest prevailing during the first five years of the contract. The purpose of this provision is to induce the contract buyer to seek more favorable terms through refinancing of the obligation with a local lending institution.

Your first question is whether your client may make disclosures of the annual percentage rate by complying with Board Interpretation § 226.810 (Disclosures—Variable Interest Rates). It is staff's opinion that Interpretation § 226.810 applies to the fact situation outlined above. Section 226.810 pertains to those transactions in which, at the time of consummation, it is not known whether a change in the annual percentage rate will occur or the date of the change or the amount of the change. Under the facts described above, the date of a possible change is known, but it is not known whether there will be a change (since it is possible that 3 percentage points above prime on the sixty-first month may in fact be the same as the interest rate applicable for the first sixty months), nor is the amount of such possible change known (since it is impossible to know what the prime rate will be after five years). Therefore, it is staff's opinion that if your client makes proper disclosure of the fact that the annual percentage rate is prospectively subject to change, the conditions under which such rate may be changed, and the maximum and minimum limits of such rate, then any subsequent change in the annual percentage rate in accordance with those disclosures would be a subsequent occurrence under § 226.6(g) and not a new transaction.

Although this is an official staff interpretation of Regulation Z, you should note that the Board has recently proposed an amendment to the Regulation concerning variable interest rate loans. This amendment, if adopted, would change the disclosure requirements for these loans and Interpretation § 226.810 would be rescinded. If this should occur, you should be aware that you would then be required to comply with the new standards of Regulation Z and could not rely on the interpretation contained in this letter. I am enclosing a copy of the press release issued by the Board concerning the proposed amendment.

Your second question concerns how the credit to be allowed against the purchase price should be treated on the disclosure statement. You ask whether the credit must be deducted from the purchase price in order to determine the cash price or whether, since it is contingent upon continuous occupancy of the unit for five years, it should be considered a subsequent occurrence under the provisions of § 226.6(g). It is staff's opinion that the credit should not be deducted in order to determine the cash price. Cash price is defined in § 226.2(n) to mean "the price at which the creditor offers, in the ordinary course of business, to sell for cash the property or services which are the subject of a consumer credit transaction." Since the credit here is not available to cash purchasers, it should not be deducted in determining the cash price.

It is staff's opinion, contrary to your suggestion, that the prospective credit should not be treated as a "subsequent occurrence" under § 226.6(g). Truth in Lending disclosures must be based on the facts of the credit transaction as contemplated by the parties at consummation and are based on the presumption that the parties will fulfill all obligations under the contract. Since the purchaser has expressly covenanted to remain on the property for five consecutive years, the disclosures must be based on the assumption that the purchaser will fulfill that convenant. The fact that receipt of the credit is contingent upon occurrence of a future event which may not occur does not make this a subsequent occurrence. In fact, as indicated in footnote 6 to § 226.6(g), it would be the purchaser's failure to perform his obligations under the contract rather than his performance of those obligations which would constitute a subsequent occurrence.

Accordingly, assuming that the purchaser will remain for five years and receive the credit and that the amount of the credit is known when the sales contract is signed, it is staff's opinion that the actual monetary result of the credit is that it reduces the amount of finance charges that must be paid. To illustrate, let us assume the cash price for a unit is $10,000, the finance charge for a credit customer would normally be $2,000, and a credit of $500 will be received at the end of five years. Viewing the transaction objectively, the result is that the customer has received goods worth $10,000, will receive a credit of $500, and will pay $1,500. By disclosing $10,500 as the amount financed ($10,000 representing the goods received plus $500 representing the credit) and using $1,500 as the finance charge in computing the annual percentage rate, the rate will reflect the actual cost to the consumer of entering this contractual arrangement. Since the $500 credit will be forfeited if the

customer should default on his/her obligation to remain for five years, this amount should be disclosed as a default charge pursuant to § 226.8(b)(4).

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the Regulation. I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

[FC–0035]

§ 226.2(h)..... Lessee of a department in a department store is not an arranger of credit where the lessee receives no fee or other consideration and participates to a limited extent (by preparation of sales receipts) in the extension of credit.

DECEMBER 27, 1976.

This is in response to your letters of * * * and * * *, which requested an official staff interpretation of Regulation Z concerning the definition of arranger of credit under § 226.2(h) of the Regulation.

You inquire whether a commercial lessee of a department in a large department store is an arranger of credit under Regulation Z where the lessee participates to a limited extent (by preparation of the sales receipts) in extensions of credit pursuant to a special open end credit account which is established and maintained solely through the lessor department store.

In your letter you set forth the following description of the relevant facts. Your client is a large department store which has recently leased a floor of its store to an unrelated corporation for the purpose of establishing a "home decorator department." Personnel employed in the home decorating department will be employees of the lessee, and lease payments will to a certain extent be based upon the sales volume (both credit and cash sales) of the lessee. A decision has been made to offer a special open end charge account for this department entitled the "Home Decorator Account." This account will be separate from the store's regular open end charge account. Pursuant to this charge account, which will not use a credit card as access, customers will be able to purchase items from time to time in the lessee's home decorating department.

Customers desiring these special home decorator accounts will have to submit credit applications to your client's credit office. Applications will not be accepted in the home decorating department itself. The entire credit application process will be handled by your client's credit personnel with absolutely no participation by the lessee. The only participation by the lessee in the home decorator account program will consist of completion of the sales drafts at the time of purchase and, in most cases, the obtaining of telephone authorization from your client's credit department at the time of each transaction.

You inquire whether, under the circumstances described above, your client's lessee is acting as an arranger of credit pursuant to § 226.2(h) of Regulation Z. "Arrange for the extension of credit" is defined in § 225.2(h) to mean "to provide consumer credit which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit (1) receives or will receive a fee, compensation, or other consideration for such service, or (2) has knowledge of the credit terms and participates in the preparation of the contract documents received in connection with the extension of credit."

In order for a person to be an arranger of credit under Regulation Z one of the two conditions described above must obtain. Under the circumstances which you have described, your client's lessee will receive no fee or other compensation for the arrangement of credit. You state in your letter that while the lease payments will be based in some part on the volume of sales generated by the lessee, no fee or other consideration will be given to the lessee for an extension of credit.

Secondly, it is clear that the lessee will not have knowledge of the credit terms and will not participate in the preparation of the contract documents required in connection with the extension of credit, except to the extent that the lessee will prepare sales slips in connection with purchases on the home decorator accounts. As the definition of "arrange for the extension of credit" states, honoring a credit card or similar device when no finance charge is imposed at the time of that transaction does not constitute knowledge of terms and participation in the preparation of credit documents. It appears that the preparation of credit sales slips, even absent a credit card, is the type of transaction envisioned by that exception. For the reasons stated above, your client's lessee is not an arranger of credit under Regulation Z and is not subject to the disclosure requirements of the Regulation.

This is an official staff interpretation of Regulation Z, issued in conjunction with § 226.1(d)(3) of the Regulation and is limited to the facts stated herein. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Board of Governors of the Federal Reserve System, December 30, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77–452 Filed 1–5–77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

[1 CFR Part 442]

PRIVACY ACT OF 1974

Proposed Regulations for Implementation

The following proposed regulations, drafted in accordance with section (f) of 5 U.S.C. 552a, the Privacy Act of 1974, are hereby offered for public comment. Interested parties should submit comments on or before January 29, 1976. Comments should be addressed to the Chairman, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Signed this 29th day of December 1976.

WILLIAM B. WIDNALL,
Chairman.

It is proposed to add the following Part 442 to Title 1 of the CFR:

PART 442—NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS (PRIVACY ACT IMPLEMENTATION)

Sec.

442.1 Purpose and scope.
442.2 Definitions.
442.3 Procedures for requests for access to individual records in a record system.
442.4 Times, places and requirements for the identification of the individual making a request.
442.5 Access to requested information to the individual.
442.6 Request for correction or amendment to the record.
442.7 Agency review of request for correction or amendment of the record.
442.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
442.9 Disclosure of record to a person other than the individual to whom the record pertains.
442.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93–495, Title II.

§ 442.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the National Commission on Electronic Fund Transfers (hereafter known as the Commission) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 442.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 442.3 Procedures for requests for access to individual records in a record system.

An individual shall submit a request to the Public Affairs Officer of the Commission to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Public Affairs Officer of the Commission which states the individual's desire to review his or her record.

§ 442.4 Times, places, and requirements for the identification of the individual making a request.

(a) An individual making a request to the Public Affairs Officer of the Commission pursuant to Section 442.3 may make the request either by mail or in person. In either case the request must be in writing, and must contain the full name of the individual, his home address and telephone number, and his business address and telephone number.

(b) A request by mail shall be sent to the Public Affairs Officer, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Suite 900, Washington, D.C. 20036, and except as provided in paragraph (d) of this section, must contain a notarized statement attesting to the requesting individual's identity.

(c) A request in person shall be made at the Commission's offices, at the address set out in paragraph (b) of this section, on any business day between the hours of 9:00 a.m. and 5:00 p.m. The individual making the request must, except as provided in paragraph (d) of this section, present two forms of reasonable identification, such as a driver's license, credit card, birth certificate, or employment identification sufficient to establish his identity.

(d) The requirements of paragraphs (b) and (c) of this section for proof of identity do not apply where the information requested is otherwise available under the Freedom of Information Act, 5 U.S.C. 552.

§ 442.5 Access to requested information to the individual.

Upon verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

§ 442.6 Request for correction or amendment of the record.

The individual should submit a request to the Public Affairs Officer of the Commission which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 442.4.

§ 442.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Public Affairs Officer of the Commission will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

§ 442.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Public Affairs Officer of the Commission to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. The Chairman will, not later than thirty

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working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her disagreement with the refusal of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A).

§ 412.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Commission's notice of its systems of records.

§ 412.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

[FR Doc.77-417 Filed 1-5-77;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R-0053]

TRUTH IN LENDING

Proposed Amendment on Disclosure of Dealer Participation

The Board of Governors of the Federal Reserve System has published for comment a proposed interpretation of Regulation Z relating to the separate disclosure of the portion of the finance charge which is allocated to sellers of consumer goods by a second creditor of a consumer credit transaction. Comments on that proposal have led the Board to believe that separate itemization of the portion of the finance charge payable to the dealer is probably not a necessary disclosure for consumers. However, disclosure of the fact that the seller will receive a portion of the finance charge may be meaningful to consumers wishing to shop for credit or bargain for a better price and possibly should be made a requirement under Regulation Z. To solicit comments on this issue, the Board hereby publishes a proposed amendment to Regulation Z to require disclosure of the fact that a seller may share in the finance charge imposed on consumer credit transactions.

On August 23, 1976, proposed Interpretation § 226.821 was published for comment in the FEDERAL REGISTER (41 FR 35536). The interpretation relates to the requirements of § 226.8(c)(8)(i) of Regulation Z with respect to identification of allocations by creditors to sellers of a portion of the finance charge on credit used to finance the purchase of consumer goods. The amount of seller participation typically represents a portion of the interest component of a finance charge which is paid by a creditor to the seller for arranging or referring a direct loan from the second creditor. For convenient reference, the proposed interpretation is republished below.

§ 226.821 Disclosure of dealer participation.

(a) Section 226.8(c)(8)(i) requires the itemization of each component of a finance charge consisting of more than one type of charge. Section 226.4(a)(3) lists among the types of charges to be included in the finance charge a "finder's fee or similar charge." In certain credit transactions, such as the sale of automobiles and other consumer goods, where the finance charge is determined by application of a percentage rate or rates to the amount financed, a portion of that charge may be allocated to the dealer by the financial institution as a dealer participation. The question arises whether such allocations must be itemized as a separate component of the total finance charge in the nature of a finder's fee.

(b) The requirement for itemization of a finance charge which includes a finder's fee or other elements in addition to an interest component is intended to assure that the total finance charge disclosed to the customer properly reflects all components which must be included in that amount. Any component of the finance charge which is computed by the application of a percentage rate or rates to the amount financed constitutes a single charge of the type described in § 226.4(a)(1). As such, it must be included in the finance charge calculation and disclosure. A portion of such single component of the finance charge which is distributed to a dealer is not considered a "finder's fee or similar charge" and need not be separately identified or disclosed. The concept of a "finder's fee," as that term is used in § 226.4(a)(3), is intended to cover certain charges in the nature of brokerage fees which are imposed in addition to that portion of the finance charge attributable to the application of a percentage rate or rates to the amount financed. Any such separate fee must, of course, be separately itemized

(Interprets and applies 12 CFR Part 226.8)

The Board has received more than 250 comments on this proposal. Comments from several Federal agencies and consumer representatives have indicated to the Board that certain consumer benefits might be derived from disclosure of the existence of a seller participation. These comments contend that consumer awareness of this element might encourage further comparison of credit terms and greater competition among credit sources. Because these comments suggest that the primary goals of the Truth in Lending Act might be better served by disclosure of this factor, the Board has determined that an amendment to Regulation Z, requiring such disclosure in the future, should be considered.

The amendment which the Board now proposes does not require separate itemization of the amount of a dealer participation. The Board believes that such an additional requirement would be unduly burdensome and would not significantly enhance consumers' awareness of the credit terms. Instead, the amendment would require that the disclosure statement simply notify the consumer that the seller or some other party to the transaction may receive a portion of the finance charge from the transaction. In the Board's view, disclosure of the fact of a seller participation could alert consumers to the possible benefits of further comparison shopping without unduly complicating the mathematical disclosures now required, and may be of assistance to consumers in evaluating the price offered by the seller.

For the reasons stated above, the Board proposes to amend Regulation Z to require disclosure of the fact that a seller arranging consumer credit may receive a portion of the finance charge imposed on the transaction from a creditor of that transaction. The Board invites written comments on the proposal, to be received not later than February 4, 1977. Comments should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should include a reference to Docket No. R-0053.

The Board will take final action on the proposed Interpretation § 226.8211 in connection with its final determination on this proposed amendment.

Pursuant to the authority granted in 15 U.S.C. 1604 (1970), the Board proposes to amend Regulation Z, 12 CFR Part 226 by adding a new § 226.8(c)(9) to read as follows:

§ 226.8 Credit Other Than Open End—Specific Disclosures.

. . . . . .

(c) *Credit sales.* . . .

(9) A statement that the seller or other party to the transaction arranging credit may receive from another creditor in the transaction a portion of the finance charge imposed on that transaction.

. . . . . .

By order of the Board of Governors, December 30, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-451 Filed 1-5-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 16390]

BRITISH AIRCRAFT CORPORATION VISCOUNT MODEL 744, 745D, AND 810 AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corporation Viscount Model 744, 745D, and 810 airplanes. There have been reports of corrosion in the bore of the aileron control rod tubes and corrosion between the aileron control rod tubes and their steel guide sleeves and stop sleeves on British Aircraft Corporation Viscount Model 744, 745D, and 810 airplanes that could result in cracks in the aileron control rod tube sleeve and possible aileron failure. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection, reworking, and replacement, as necessary, of the aileron control rods on British Aircraft Corporation Viscount Model 744, 745D, and 810 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before February 17, 1977, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Viscount Model 744, 745D, and 810 airplanes with aileron control rods, P/N 60903, sheets 185 and 187 and P/N 70103, sheets 329, 445, 447, 449, 451, 453, 455, 457, and 459, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To detect corrosion of the aileron control rods and prevent possible aileron failure, accomplish the following:

(a) Within the next 30 days after the effective date of this AD or 18 months from the date of the last overhaul of the specified aileron control rods, whichever occurs later, and thereafter at intervals not to exceed 6 months from the last inspection, inspect the aileron control rods for corrosion in accordance with paragraph 2.2 "Accomplishment Instructions" section of issue 2, dated June 2, 1976, British Aircraft Corporation Alert Preliminary Technical Leaflets No. 305 for 700 series airplanes and No. 174 for 810 series airplanes, or an FAA-approved equivalent.

(b) If, during an inspection required by paragraph (a) of this AD, corrosion is found, before further flight, replace the corroded parts with new parts of the same part number.

(c) If, during an inspection required by paragraph (a) of this AD, no corrosion is found, rework the aileron control rods in accordance with paragraph 2.2.1 "Accomplishment Instructions" section of issue 2, dated June 2, 1976, British Aircraft Corporation Alert Preliminary Technical Leaflets No. 305 for 700 series airplanes and No. 174 for 810 series airplanes, or an FAA-approved equivalent.

(d) The repetitive inspections required by paragraph (a) of this AD may be discontinued upon compliance with paragraph (e) of this AD.

(e) Within the next 2 years after the effective date of this AD or at the next aileron control rod overhaul, whichever occurs sooner, remove the affected aileron control rods, disassemble the external sleeves where fitted, and conduct a radiographic inspection of the aileron control rod tubes and a visual inspection of the external sleeves in accordance with paragraph 2.4 "Accomplishment Instructions" and paragraph entitled "Radiographic Technique" of issue 2, dated June 2, 1976, British Aircraft Corporation Alert Preliminary Technical Leaflets No. 305 for 700 series airplanes and No. 174 for 810 series airplanes, or an FAA-approved equivalent.

(f) If, during the inspection required by paragraph (e) of this AD, corrosion is found, before further flight, replace the corroded parts with new parts of the same part number.

(g) If, during the inspection required by paragraph (e) of this AD, no corrosion is found, rework the aileron control rods in accordance with paragraph 2.4 "Accomplishment Instructions" section of issue 2, dated June 2, 1976, British Aircraft Corporation Alert Preliminary Technical Leaflets No. 305 for 700 series airplanes and No. 174 for 810 series airplanes, or an FAA-approved equivalent.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on December 27, 1976.

W. J. SULLIVAN,
Acting Director,
Flight Standards Service.

[FR Doc.77-172 Filed 1-5-77;8:45 am]

[14 CFR Part 39]

[Docket No. 16391]

HAWKER SIDDELEY AVIATION, LTD. DH/BH-125 AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes.

There has been a report of the possible installation of aileron inner hinge bracket assemblies with excessive boss thickness that could result in insufficient engagement of the thread insert locking device provided for the mounting of the upper and lower aileron cable guards. This could cause a loss of control of the aircraft due to a loosening and possible loss of the cable guard.

Since this condition is likely to exist or develop in other products of the same type design, the proposed airworthiness directive would require inspection of the flange thickness and attendant security of the cable guard and replacement of the cable guard, if necessary, on Hawker Siddeley Aviation, Ltd., Model DH BH-125 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before February 17, 1977, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes, all series, with manufacturer's serial numbers 256056 and below and serial number 256061, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To detect excessive boss thickness that may exist on certain aileron inner hinge brackets (R/H and L/H)) which can result in insufficient engagement and prevent self locking of the cable guard in the thread insert, accomplish the following:

(a) Within 100 hours time in service after the effective date of this AD, measure the thickness of the boss of the upper and lower flange of the aileron inner hinge bracket at the point where the cable guard, P/N 25CW593- 1 or 3, is mounted, in accordance with paragraphs (A) (1) and (2) of the Section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin SB 57-51, dated April 20, 1976, or an FAA-approved equivalent.

(b) If the boss thickness at the cable guard mounting, measured in accordance with paragraph (a) of this AD, is found to be more than .35 inches at the top flange or more than .31 inches at the bottom flange, inspect the cable guards before further flight for proper security and accomplish the following:

(1) Replace cable guards found improperly secured, loose, or missing, before further flight, with new cable guards fabricated and installed in accordance with paragraph (A)(3)(b) of the Section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation Ltd. Service Bulletin SB 57-51, dated April 20, 1976, or an FAA-approved equivalent. New cable guards fabricated and installed in accordance with this paragraph must have an exposed thread length toler-

ance in the range of .31 to .32 inches to provide sufficient engagement of the thread insert locking device mounted in the boss.

(2) Cable guards found to be secure must be replaced with the new cable guards in accordance with paragraph (b)(1) of this paragraph within 300 hours time in service after the inspection required by this paragraph.

(c) Prior to the installation of an aileron inner bracket assembly, or a cable guard that is part of an assembly held as a spare, measure the boss thickness in accordance with paragraph (a) of this AD and if the dimensions exceed the limits specified in the lead-in sentence of paragraph (b) of this AD, replace the cable guards with new cable guards in accordance with paragraph (b)(1) of this AD.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on December 23, 1976.

BERNARD A. GEIER,
Acting Director,
Flight Standards Service.

[FR Doc 77-173 Filed 1-5-77;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74-WE-25-AD]

SARGENT INDUSTRIES, PICO OPERATION, REGULATOR P/N 30001

Withdrawal of Proposed Airworthiness Directive

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring additional inspections and modification of the regulator valve installed in passenger evacuation slides and slide/rafts on various aircraft; and, to incorporate new compression springs, finger levers, and fill valve housings on Sargent Industries, PICO Operation regulator P/N 30001 to supersede Amendment 39-1913 was published in 41 FR 19127.

Upon further consideration, and in the light of comments received in response to the Notice of Proposed Rulemaking, the Agency has determined that the malfunction rate has been reduced by incorporation of an improved O-ring, back up rings and lubricant required by AD 74-17-01; consequently, an unsafe condition does not presently exist as originally believed. Therefore, the proposed AD is not required at this time.

Withdrawal of this NPRM constitutes only such action, and does not preclude the Agency from issuing another Notice in the future, or commit the Agency to any course of action in the future.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 31 FR 13697, the proposed Airworthiness Directive published in the FEDERAL REGISTER on May 10, 1976 (41 FR 19127) is hereby withdrawn.

Issued in Los Angeles, California, on December 20, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.77-174 Filed 1-5-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-22]

VOR FEDERAL AIRWAY

Withdrawal of Proposed Alteration

On September 30, 1976, a Notice of Proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 43182) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish the upper vertical extent of a segment of V-430 airway near Devils Lake, N. Dak.

Subsequent to publication of the NPRM, it was determined by the Department of Air Force that the alteration of the airway would not be required.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 76-RM-22 (41 FR 43182) is withdrawn.

This withdrawal of the Notice of Proposed Rulemaking is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 27, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-175 Filed 1-5-77;8:45 am]

[Airspace Docket No. 76-EA-87]

Proposed Alteration

CONTROL ZONE AND TRANSITION AREA

[14 CFR Part 71]

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Richmond, Va., control zone (41 FR 421) and transition area (41 FR 581).

A new VOR Runway 2 instrument approach procedure developed for Richard Evelyn Byrd International Airport, Richmond, Va., requires alteration of the control zone and 700 foot floor transition area to provide additional controlled airspace protection for aircraft executing the instrument approach procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 7, 1977 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Richmond, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations by adding the following to the description of the Richmond, Va., control zone:

within 3 miles each side of the Richmond VORTAC 212° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VORTAC.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the following to the description of the Richmond, Va. 700 foot floor transition area:

within 3 miles each side of the Richmond VORTAC 212° radial, extending from the VORTAC to 8.5 miles southwest of the VORTAC.

NOTE: The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 22, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-438 Filed 1-5-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-88]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Chesterfield, Va., transition area (41 FR 468).

A revision of the VOR Runway 15 instrument approach procedure for Chesterfield County Airport, Chesterfield, Va., requires alteration of the 700 foot floor transition area to provide additional controlled airspace protection for aircraft executing the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 7, 1977 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Chesterfield, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by deleting the description of the Chesterfield, Va. Transition Area and by inserting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 37°24'25" N., 77°31'18" W., of Chesterfield County Airport, Chesterfield, Va.; within 5 miles each side of the Flat Rock, Va. VORTAC 116° radial, extending from the Flat Rock, Va. VORTAC to 18.5 miles southeast of the VORTAC; within 1.5 miles each side of a 322° bearing from the Happy Hill, Va. RBN (37°20'00" N., 77°27'15" W.) extending from the 5.5-mile radius area to 0.5 miles northwest of the RBN.

NOTE: The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 22, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-439 Filed 1-5-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-94]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an Englishtown, N.J., transition area.

A VOR RWY 24 instrument approach procedure developed for Old Bridge Airport, Englishtown, N.J., require designation of a transition area to provide controlled airspace protection for IFR arrivals and departures at that airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 7, 1977 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Englishtown, N.J., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating an Englishtown, N.J. 700 foot floor transition area as follows:

ENGLISHTOWN, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 40°19'47" N., 74°20'47" W. of Old Bridge Airport, Englishtown, N.J.; within 4.5 miles northwest and 6.5 miles southeast of the Robbinsville, N.J. VORTAC 042° radial, extending from 12.5 miles northeast of the VORTAC to 30 miles northeast of the VORTAC.

NOTE: The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 22, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-440 Filed 1-5-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[EDR-316, Docket No. 30109; Dated: January 3, 1977]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Logair and Quicktrans Minimum Rates

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 288 of its Economic Regulations (14 CFR Part 288) concerned with the fuel surcharge adjustment to the minimum rates for Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD) and contracted for by the Military Airlift Command (MAC). The purpose of the proposed amendment is set forth in the Explanatory Statement, and the amendment is proposed under authority of the sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; (72 Stats. 743, 758 and 771, as amended: 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant comments received on or before January 21, 1977, and reply comments received on or before January 31, 1977, will be considered by the Board before taking final action on the proposed rules. The periods being allowed for comments and replies are considered adequate for the purposes of this rulemaking proposal and are intended to expedite final rule action as requested by the petitioners. Copies of such communication will be available for examination by interested persons in the Docket Section of the Board, Room 714, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Those persons filing reply comments should serve any person whose comment is dealt with in their responsive comment. Persons filing responsive comments are to include at the time of filing appropriate proof of service (Rule 8(e), 14 CFR 302.8(e)).

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

On November 23, 1976, Saturn Airways, Inc. (Saturn) [1] and Hawaiian Airlines, Inc. (HAL) jointly filed a petition requesting the Board to amend Part 288 rescinding the amendments for the Logair and Quicktrans rates adopted in ER-971, October 1, 1976, to permit the carriers and MAC to handle internally, by contract provision, the fuel surcharge adjustments for military fuel price fluctuations. DOD filed an answer supporting the joint petition.

As set out in the petition, the carriers and MAC have agreed to fix the base prices for fuels supplied to the carriers by DOD within the provisions of the FY 1977 contracts for Logair and Quicktrans services,[2] regardless of any price changes posted by the Defense Supply Agency (DSA).[3] Thus, the petitioners assert that any differences between the base rate prices and the prices quoted by DSA would be adjusted internally within DOD, thereby, obviating the need for any surcharge rate amendments. The carriers contend that this would accomplish the Board's surcharge rate objectives and protect the parties from any potential financial burden for possible delay in the Board's handling of fuel surcharge amendment rulemakings.

With almost all of the fuels consumed in the domestic MAC services being supplied by DOD, the need for fuel surcharge rate adjustments is virtually limited to changes in military fuel prices. Under these circumstances, the Board is not averse to an automatic rate adjustment procedure applicable to the established Logair/Quicktrans minimum rates. However, since the exemption authority to perform the military contract services granted under the provisions of Part 288 are keyed to the minimum rates limitations set forth therein, we feel that the rate specifications must include the fuel surcharge rate adjustment reflecting price changes listed by DSA. Therefore, we propose to amend Part 288 to provide in the domestic MAC rates for automatic fuel surcharge rate adjustment relating to military fuel price changes [4] which would reflect completely the intended minimum rates within the regulation. On the other hand, with minor reporting qualifications, the Board does not object to any agreed arrangement by the carriers and MAC, such as the current contract fixed military fuel price provision, to facilitate internal and/or interparty implementation of the established minimum rates.

In the past, when automatic fuel surcharge rates were applicable to military fuels consumed in MAC contract charter services performed pursuant to exemption authority under Part 288, the carriers and DOD informally entered into a fuel price agreement for Logair operations similar to that now reflected in the domestic MAC contracts. As a result, for the Logair services performed, the carriers reported net revenues and expenses excluding the surcharge rate provision and reflecting only the price paid to DOD.[5] Thus, the reported revenues were not fully consonant with the minimum rates that the Board intended and fixed in Part 288.[6] Accordingly, so that the reported results to the Board are completely informative, we propose to require that the carriers footnote the reported Logair and Quicktrans revenues on Schedule D-2, C.A.B. Form 243, and that the footnote provide the revenues reflecting inclusion of the fuel surcharge.[7] Similarly, for these same purposes, the related fuel expense shall be reflected in a footnote to the military fuel data report for Logair and Quicktrans services on Schedule P-12(a), C.A.B. Form 41, setting forth the gallons of fuel consumed and the cost reflecting inclusion of the fuel surcharge.[7] We believe this minimum reporting will satisfy our requirements and supply the users with all of the necessary information concerning MAC revenues, fuel consumption and cost. In this connection, DOD is charged with the responsibility of keeping the carriers performing Logair and Quicktrans services informed as to DSA fuel prices, providing advance advice for DSA fuel price changes and the effective date of such changes.

PROPOSED RULE AMENDMENT

It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) as follows:

Amend § 288.7(b) to amend the second proviso to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) * * *

(2) * * *

Provided, however, That, effective _____, 1977, if the price of any fuel product purchased from DOD for such services (reflecting military fuel prices established by the Defense Supply Agency (DSA)) varies from the base levels specified below, the total minimum compensation, as set forth above in subparagraphs (1) and (2), for the transportation provided shall be adjusted (either upward or downward, as the case may be) by the difference in the price per gallon for such product fixed by the DSA and the price specified for such product below, times the number of U.S. gallons of such product purchased by the carrier from DOD for the transportation provided. The base levels are as follows:

Jet Fuel:	*Standard price per U.S. gallon*
JP-4	$.368
JP-5	.355

* * * * *

[FR Doc.77-485 Filed 1-5-77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-406]

PROVISION IN NATURAL GAS PIPELINE COMPANIES' FPC GAS TARIFF

Purchased Gas Adjustment; Conference

JANUARY 4, 1977.

On May 10, 1976, the Commission issued in the above-captioned proceeding a notice of proposed rulemaking.[1] The rulemaking concerns proposed amendments to the Commission's regulations and procedures governing purchased gas cost adjustments. Comments on the proposal have been submitted by a number of parties. Based upon a review of the comments it appears that a principal issue is the respective semi-annual PGA rate adjustment dates to be assigned to each pipeline. Many pipelines commented that the adjustment dates proposed in the notice of rulemaking are administratively inconvenient. A number of parties requested that a conference be held. In view of these comments, a conference will be convened to discuss further the problem of the semi-annual dates to be assigned each pipeline. Parties attending this conference will be expected to specify semi-annual dates which will be convenient for their purchased gas adjustment filings. When determining adjustment dates, parties should consider the need for staggered dates among all pipelines in order to allow proper administration of each filing.

Good cause having been shown, an on-the-record conference shall be held in this proceeding commencing at 10:00 a.m. on Tuesday, January 11, 1977, in Hearing Room A, Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All interested persons are invited to attend.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-622 Filed 1-4-77;3:57 pm]

[1] With the competition of the acquisition of Saturn by Trans International Airlines, Inc. (TIA), Saturn's certificates were canceled and its exemption authority transferred to TIA effective November 30, 1976, by Order 76-11-151.

[2] At the price levels reflected in the base minimum rates established by ER-959, July 15, 1976.

[3] The DSA price listings serve as the basis for the Board's military fuel surcharge rate amendments.

[4] Similar to the provision in the interim final rates during the full scale review and prior to the fixing of final rates in ER-959. See ER-853, May 17, 1974; ER-888, November 14, 1974; ER-906, April 25, 1975; and, ER-919, June 30, 1975. This rate proviso would further assure the validity of the domestic MAC rates regardless of agreed contracted fuel prices and could be amended to treat with changes in fuel prices reflected in the base domestic MAC rates.

[5] Since the exclusion of revenues and expenses were equal, the reported net profit or loss for Logair services was unaffected.

[6] The fuel surcharge is fixed by the Board regardless of whether it is specifically stated or provided for through an automatic adjustment clause.

[7] The difference between the fixed price by agreement with DOD and the price quoted by DSA times the gallons purchased from DOD for Logair and/or Quicktrans operations.

[1] See 41 FR 20177, May 17, 1976.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 666-7]

APPROVAL AND PROMULGATION OF INDEPENDENT PLANS

Reproposal of Amendments to Stage II Vapor Recovery Regulations and Test Procedures and Notice of Public Hearings; Extension of Comment Period

The comment period for the reproposal of Stage II Vapor Recovery Regulations and Test Procedures that appeared in the November 1, 1976, FEDERAL REGISTER, beginning at page 48044, is extended as follows:

Comments on this proposed amendment postmarked no later than on or before January 31, 1977, will be considered. In addition, specific comments relating only to the Short Test Procedure, (including vehicle sampling procedures), Appendix F, Section I, will be considered if postmarked no later than on or before March 2, 1977.

Dated: December 29, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-397 Filed 1-5-77;8:45 am]

[40 CFR Part 52]

[FRL 667-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Southern California Air Pollution Control District Rules and Regulations in the State of California

On April 21, August 2 and November 19, 1976 the State of California submitted to the Regional Administrator, Region IX, revisions to the Southern California Air Pollution Control District Regulation II—Permits, as part of the California State Implementation Plan (SIP). As revised Southern California Air Pollution Control District Regulation II, Rules 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 212, 213, 213.1, 213.2, 214, 215, 216, 217 and 219, will provide a procedure by which persons who wish to construct, modify or operate any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants may be granted a permit to do so. A permit shall not be granted, however, if it is determined that such construction, modification, or operation would interfere with the attainment or maintenance of a National Ambient Air Quality Standard.

The State of California has certified, by letters of August 2 and December 22, 1976, that these revisions to its SIP were adopted after public hearings were held on January 9, February 6 and May 7, 1976 in Pomona, California, October 4 and 5, 1976, in Fresno, California, and October 8, 1976, in Los Angeles, California, after notice conforming to 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans was given.

The decision of the Administrator to approve or disapprove the proposed revisions to the SIP will be based on whether or not they meet the requirements of Clean Air Act section 110(a)(2)(A)-(H), the requirements of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, and particularly 40 CFR 51.18.

This notice is to advise the public of receipt of this proposal and to request public comments. Copies of the proposed revisions are available for public inspection during regular business hours at:

Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco, CA 94111.
State of California, Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Southern California Air, Pollution Control District, 9420 Telstar, El Monte, CA 91731.
Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 "M" Street, S.W., Washington, DC 20460.

Interested persons may participate in the rulemaking process by submitting written comments to Regional Administrator, Attention: Enforcement Division, EPA, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received on or before February 7, 1977 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and at the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: December 29, 1976.

R. L. O'CONNELL,
Acting Regional Administrator.

[FR Doc.77-545 Filed 1-5-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-1]

SMALL BUSINESS CONCERNS AND MINORITY BUSINESS ENTERPRISE

Proposed Rule Making

Notice is hereby given that the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by revising § 3-1.713, Contracts with the Small Business Administration, and is considering adding to 41 CFR Chapter 3, a new Subpart 3-1.13, Minority Business Enterprise.

The purpose of the proposed revision to § 3-1.713 is to: (a) Draw attention to Executive Order 11625, dated October 13, 1971, superseding Executive Order 11458 dated March 5, 1969, which established the Office of Minority Business Enterprise in the Department of Commerce. Executive Order 11625 clarifies the authority of the Department of Commerce to, among other responsibilities, coordinate the participation of all Federal agencies in an increased minority business enterprise effort.

(b) Establish the Division of Minority Business Assistance within the Office of Grants and Procurement Management as the Departmental manager of the HEW Minority Business Enterprise Program.

(c) Require each designated procuring activity to appoint a qualified Minority Business Coordinator.

(d) Set forth the duties of Minority Business Coordinators in carrying out the Department's 8(a) Program.

The proposed § 3-1.713-50, Procurement of technical requirements, provides procedures for limited technical competitions among 8(a) firms being considered for the award of an 8(a) contract for these kinds of services. The procedures establish suggested dollar categories within which from three to five firms may be nominated for the purpose of holding technical discussions in order to select the firm with the capabilities that promise the greatest value to the Government in terms of possible performance. These discussions will be held after the firms have had a reasonable opportunity to review the proposed scope of work, including proposal evaluation criteria. At the request of the program director, the procuring activity may request that written technical proposals be submitted. The highest rated firm shall be selected for further preparation of a cost proposal negotiation. A written technical evaluation is to be submitted to the contracting officer by the program office, showing the ratings of the firms in descending order of preference.

Subsection 3-1.713-3 also establishes within the Department the requirement for contracting activities processing 8(a) requirements to SBA, to furnish the applicable SBA office an Offering Letter, offering the procurement to SBA. The Offering Letter transmits the complete procurement package, and will include at least the following:

(a) Description of the work to be performed.

(b) Name(s) of the firm(s) nominated for technical competition of award.

(c) Period of performance.

(d) A statement to the effect that public solicitation for the procurement has not been issued.

(e) A written justification for the nomination of a single contractor for an 8(a) award.

(f) Any special requirements, restrictions, or geographical limitations.

Subsection 3-1.713-51, Monthly Status Report of Requirements Offered and Contracts Awarded—8(a) Program, contains a requirement for HEW major contracting activities to submit a monthly report to the Division of Minority Business Assistance on the current status of 8(a) offers and 8(a) contracts awarded, so that appropriate data may be available for management purposes and also to inform the Assistant Secretary for Administration and Management of the status of this priority program.

The proposed new Subpart 3–1.13, Minority Business Enterprise, sets forth policy and procedures for contracting with minority business enterprises other than under section 8(a) of the Small Business Act.

Subsection 3–1.1302, Agency programs, states that it is HEW policy to foster and assist in the establishment and growth of minority business concerns to the maximum practicable extent, and cites various responsibilities of the Division of Minority Business Assistance, within the Office of Grants and Procurement Management, Office of the Secretary, HEW.

Subsection 3–1.1302–1, Procedure, sets forth duties and responsibilities of Minority Business Coordinators within HEW, in relation to Departmental contracts awarded through procedures other than 8(a).

Subsection 3–1.1350–1, Monthly Report on minority business contracts—other than 8(a), contains detailed instructions for the preparation by HEW procuring activities of a monthly report on contracts awarded to minority-owned firms other than through the SBA 8(a) Program—e.g.—through regular procurements awarded by the Department. The report is required by the Division of Minority Business Assistance, and is used among other purposes, to respond to reporting requirements of the Office of Minority Business Enterprise, Department of Commerce, which is authorized by Executive Order 11624 to collect such data from all participating Federal agencies.

Any person who wishes to submit data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 513D2, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201, on or before February 7, 1977. All comments submitted pursuant to this notice will be available for public inspection during business hours in the Office of Grants and Procurement Management.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: December 27, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

As proposed, revised § 3–1.713 will read as follows:

PART 3–1—GENERAL

Subpart 3–1.7—Small Business Concerns

§ 3–1.713 Contracts with the Small Business Administration.

§ 3–1.713–1 Authority.

(a) This section sets forth provisions for contracting with socially and economically disadvantaged enterprises, under Section 8(a) of the Small Business Act. The "8(a)" contract program is a socio-economic, Presidentially-sponsored program aimed at opening the doors of government contracting opportunities to disadvantaged businesses unable or unlikely to compete successfully for a contract.

(b) This section also draws attention to Executive Order 11625, dated October 13, 1971, superseding Executive Order 11458, dated March 5, 1969, which established the Office of Minority Business Enterprise in the Department of Commerce. Executive Order 11625 clarifies the authority of the Secretary of Commerce to: (1) Implement Federal policy in support of the minority business enterprise program; (2) provide additional technical and management assistance to disadvantaged businesses; and (3) coordinate the participation of all Federal departments and agencies in an increased minority business enterprise effort.

(c) The Office of Grants and Procurement Management, OASAM–OS, is responsible for the general supervision of the Department of Health, Education, and Welfare Minority Business Enterprise Program. Within the Office of Grants and Procurement Management (OGPM), the Division of Minority Business Assistance (DMBA) is responsible for: (1) Developing and managing the HEW Minority Business Enterprise Program; (2) providing staff guidance to activities of the Department; (3) establishing effective working relations with the minority business community, nationwide; (4) representing HEW before other government agencies on matters primarily affecting minority business affairs; and (5) providing data and information relating to the minority business program to the Secretary and all sources internal and external to HEW. As part of these repsonsibilities, DMBA servies as the Department monitor and coordination point for all matters concerning the Department's Minority Business Enterprise program.

(d) (1) The head of each procuring activity listed below, or his designee, shall appoint an individual to serve as Minority Business Coordinator (MBC). At a minimum, the individual appointed to serve as MBC shall be sufficiently qualified to perform the functions directed by this Subpart 3–1.7 and Subpart 3–1.13 of this part and any specific duties assigned by the head of the procuring activity or his designee.

Office of Human Development (OHD)
Office of Education (OE)
Social and Rehabilitation Service (SRS)
Social Security Administration (SSA)
National Institute of Education (NIE)
Public Health Service (PHS)
  Food and Drug Administration (FDA)
  Health Resources Administration (HRA)
  Health Services Administrtaion (HSA)
  National Institutes of Health (NIH)
Office of Facilities Engineering and Property Management (OFEPM)[1]
Each Regional Office
  Alcohol, Drug Abuse, and Mental Health Administration (ADMHA)
  Center for Disease Control (CDC)
  Administrative Services Center (OAM/PHS)
Office of the Secretary (OS)

(2) The head of the procuring activity, or his designee, shall determine the organization level at which the MBC is assigned. Whenever the MBC is assigned at a subordinate organization level, every effort shall be made to assure that the MBC does not function as or work under the direct supervision of an operational contracting officer. However, where staffing or geographic considerations necessitate assigning the MBC function to an operational contracting office, the contracting officer is required to obtain a decision from the next higher level of supervision in cases where there is disagreement between the contracting officer and MBC. A copy of each MBC appointment and termination thereof shall be forwarded to the Director, DMBA. Also, the principal MBC at the procuring activity, through the appointing authority, shall be responsible to the Director, DMBA, for policy, technical guidance and assistance, and for resolving complex matters which involve either higher levels of HEW organization or other government agencies.

(e) Procuring activities may establish operating procedures to accomplish the requirements of this Subpart 3–1.7. However, a copy of such procedures shall be submitted to DMBA for review.

§ 3–1.713–2 Policy.

(a) Like small businesses in general, 8(a) contractors have varying degrees of experience in the business world, and some may not have knowledge of the complexity of government procurement procedures and the obligations such procedures impose on the contractor. Prior to initiating formal negotiations with an 8(a) contractor, contracting personnel and MBC's should make a special effort to ascertain whether the prospective contractor needs assistance in understanding Government procurement practices. Whenever possible, such assistance should be provided promptly and the contractor should be advised that additional management and technical assistance is available from the Small Business Administration.

(b) It is HEW policy to foster and assist in the establishment and growth of 8(a) firms to the maximum extent practicable so that they may become self-sustaining, viable, competitive business enterprises.

(c) To promote this policy, HEW procurement offices shall enter into contracts with the Small Business Administration (SBA), and SBA may subcontract with 8(a) firms. However, the authority to negotiate subcontracts may be delegated to HEW by SBA.

(d) The basis for HEW's entering into an 8(a) contract will be SBA's certification to this Department that SBA is competent to perform a specific HEW requirement. The SBA will make the following distribution of such certification letters: (1) Copy to the cognizant HEW procurement office; (2) copy to the principal operating component's headquarters procurement office; and (3) copy to the Division of Minority Business Assistance (DMBA), Office of Grants and Procurement Management.

(e) Brochures of 8(a) firms which have been interviewed by DMBA shall be forwarded by DMBA to all MBC's. These brochures shall be reviewed by the procuring activity (see § 1–1.205) to associate requirements with the capabilities of these firms. The MBC's will assist program personnel in such reviews, and will obtain other information, as needed, by contacting DMBA, or by direct contact with the Project Development Division, Office of Business Development, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. MBC's in HEW Regional Officers will obtain needed information from DMBA or from the applicable SBA Regional or District Office in their area.

(f) The Minority Business Coordinator shall perform the duties listed below:

(1) Counsel and advise minority businessmen, and serve as the coordination point for those matters relating to the placement of contracts with the Small Business Administration, under section 8(a) of the Small Business Act. As part of this effort, disadvantaged businessmen interested in doing business with the Department shall be referred to the DMBA for a complete briefing covering the Departmental Minority Business Enterprise Program.

(2) Develop minority business source lists, including the firm's name, location, and capabilities, and provide such information to procurement and program personnel as required.

(3) Participate in procurement planning, at the earliest possible stage in program planning in order to break out requirements for award to minority business enterprises under section 8(a) of the Small Business Act (See 3–1.452–2).

(4) Review requests for contracts prior to publicizing the procurement and prior to issuance of solicitations, in order to identify requirements which may be awarded to the SBA under section 8(a) of the Small Business Act. Such review shall be made in conjunction with the program director and the contracting officer.

(5) When an 8(a) firm has been selected for further proposal preparation and negotiation, ensure that the contracting officer explains to the 8(a) contractor his and the Government's rights and obligations as specified in the contract instrument, e.g., type of contract, performance or delivery requirements, methods of payment, required clauses, etc.

(6) Keep key program and procurement officials apprised of the 8(a) program through office visits, seminars, and presentations.

(7) Perform functions directed by this Subpart 3–1.7 and Subpart 3–1.13 of this part and any specific duties assigned by the head of the procuring activity or his designee.

§ 3–1.713–50 Procurement of technical requirements.

(a) *Source selection.* (1) Except in the case where SBA selects a firm for an 8(a) award, limited technical competition is required for requirements for consulting services, computer science and related services, research, development, test, evaluation, demonstration, and technical and professional services, where price is generally not controlling but rather the requirement requires discussions between the prospective contractor(s) and the program specialist as to the technical aspects of the requirement and the contractor's method of approach. However, there may be circumstances where one 8(a) firm has exclusive or predominant capability by reason of experience, specialized facilities, or technical competence to perform the work within the time required. In such circumstances, the initiating program office may recommend, for approval by the contracting officer, that only that 8(a) firm be considered for nomination to SBA. This recommendation shall be in writing, setting forth full and complete justification for the nomination. The Justification shall be submitted to the appropriate contracting officer, through the minority business coordinator for concurrence. In addition, the Justification shall be included in the offering letter to SBA (3–1.713–50(b)(1)(ii)). This would exclude requirements for supplies, production items and construction. The order of source nomination for limited technical competition shall be:

(i) Source recommendation by program personnel during the procurement planning stage.

(ii) Source recommendations by the Minority Business Coordinator.

(iii) Source recommendations by the Small Business Administration.

(iv) Each 8(a) firm or group of firms nominated for a specific 8(a) requirement shall be identified to SBA for ratification prior to any discussions with the firm(s) about the requirement.

(v) Notwithstanding the policy expressed in § 1–3.101(d), the SBA has ultimate responsibility for final selection of an 8(a) subcontractor and may deviate from usual source selection procedures.

(2) Number of Sources to be solicited. Although it is intended that limited technical competition will assist 8(a) firms in competing effectively, procuring activities should recognize that the policy expressed in § 1–3.101 does not apply to the process of identifying potential contractors to be nominated to SBA under the 8(a) program, and that to require proposals from a large number of 8(a) firms would be harmful. Therefore, the peferred number of firms to be involved in a limited technical competition for any one procurement, based on the projected dollar value of the requirement, is as follows:

(i) *$10,000—$50,000.* Within this dollar range, the MBC, in consultation with the program director, shall nominate three firms when practicable, and submit the names of these firms to the contracting officer for review and concurrence. The names of the firms nominated shall be submitted by the contracting officer to SBA for the selection of one firm. However, the procuring activity, at the request of the program director, may require that the firms undergo limited technical competition. In that event, the provisions of paragraphs (a)(2)(ii) or (a)(2)(iii) of this section, as requested, will apply.

(ii) *$50,000—$100,000.* Within this dollar range, the MBC, in consultation with the program director, and with the concurrence of the Contracting Officer, shall nominate three firms, when practicable, for the purpose of holding technical discussions in order to determine the firm with the capability that promises the greatest value to the Government in terms of possible performance. These discussions should be held after the firms have had a reasonable opportunity to review the proposed scope of work, including applicable proposal evaluation criteria. A written technical evaluation should be submitted to the contracting officer by the program office, showing the ratings of the firms in descending order of preference. At the request of the program director, the procuring activity may require that written technical proposals be submitted. In that event, the provisions of paragraph (a)(2)(iii) of this section will apply. The highest rated firm shall be selected for preparation of a cost proposal and further negotiation. In the event that there is a tie, SBA shall make the selection.

(iii) *$100,000—$200,000.* Within this dollar range, the MBC, in consultation with the program director and with the concurrence of the Contracting Officer, shall nominate three firms, when practicable, for the purpose of holding technical discussions. These discussions should be held after the firms have had a reasonable opportunity to review the proposed scope of work, including applicable proposal evaluation criteria. If the results of the technical discussions are satisfactory, the firms should be requested to submit written technical proposals, in order to determine the firm with the capability that promises the greatest value to the Government in terms of possible performance. A written technical evaluation should be submitted to the Contracting Officer by the program office, showing the ratings of the firms in descending order of preference. The highest rated firm shall be selected for further preparation of a cost proposal and negotiation. In the event there is a tie, SBA shall make the selection.

(iv) *$200,000 and above.* Within this dollar range, the MBC, in consultation with the program director, and with the concurrence of the Contracting officer, shall nominate five firms, when practicable, for the purpose of holding tech-

[1] Insofar as the procurement of architect-engineer and construction services is delegated to the Regional Office of Facilities Engineering and Construction (ROFEO), the duties of minority business coordinator shall be assigned to the appropriate ROFEC.

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nical discussions. These discussions should be held after the firms have had a reasonable opportunity to review the proposed scope of work, including applicable proposal evaluation criteria. If the results of the technical discussions are satisfactory, the firms should be requested to submit written technical proposals in order to determine the firm with the capability that promises the greatest value to the Government in terms of possible performance. A written technical evaluation should be submitted to the Contracting Officer by the program office, showing the ratings of the firms in descending order of preference. The highest rated firm shall be selected for further preparation of a cost proposal and negotiation. In the event there is a tie, SBA shall make the selection.

(3) MBC's shall be responsible for immediately notifying DMBA by phone whenever requirements amounting to $500,000 or more are being considered for award under the 8(a) program.

(b) *Offering letter.* (1) When a decision has been made by the MBC, program director, and cognizant procuring activity, to process a procurement through the Small Business Administration, under provisions of Section 8(a) of the Small Business Act, the cognizant procuring activity shall promptly furnish the applicable SBA office a letter offering the procurement to the SBA, with an information copy to DMBA and to the MBC. The offering letter should transmit the complete procurement package. Additionally, the offering letter should include, but not necessarily be limited to, the following:

(i) A description of work to be performed or items to be delivered;

(ii) The name of the firm(s) nominated for technical competition or award (If only one firm is nominated, a written justification must be included to substantiate limiting the nomination to one source);

(iii) Procuring agency dollar estimate of the requirement;

(iv) Procurement history (e.g., first time offered, item or services not presently being provided by a small business firm, etc.);

(v) Period of performance;

(vi) Any special requirement, restrictions, or geographical limitations (e.g., turn-around time demands a firm within two hours travel time, etc.);

(vii) A statement to the effect that public solicitation for the procurement has not been issued;

(viii) A statement to the effect that the procurement cannot reasonably be expected to be won by an eligible 8(a) concern under normal competitive means.

(2) Within ten (10) working days after receipt of the offering letter, SBA will acknowledge the HEW offering letter and either accept the nominated 8(a) firm(s), request additional firms be nominated, or supply HEW with additional firm(s) for consideration. If SBA has not acknowledged the offering letter within this period, the procuring activity shall notify SBA of intent to proceed with the procurement without further regard to the 8(a) procedures, after giving due regard to the urgency of the procurement.

(3) When SBA notifies HEW that the firms nominated for technical competition are approved, the Contracting Officer shall hold a technical competition among those firms. Cost factors shall not be included in the technical proposals nor considered in discussions of such proposals. The procurement activity shall notify SBA as to the results of the competition. When requested by SBA, the procuring activity shall render all possible assistance to SBA with respect to SBA's negotiation of 8(a) subcontracts. However, SBA may delegate negotiation responsibility to HEW. Upon receipt of such delegation, HEW will promptly negotiate a contract with the selected 8(a) firm and forward applicable documentation to SBA for signature. (See 1-1.713-3.) When HEW forwards an offering letter to SBA, requiring SBA to select one of three nominated firms (See § 3-1.713-50(a)(2)(i) above), HEW will accept for negotiation the firm selected by SBA. If HEW forwards to SBA an offering letter which does not nominate a firm, HEW will accept for negotiation the firm nominated by SBA. When SBA approves an HEW nomination of only one 8(a) firm the contracting officer, in coordination with the program official, shall promptly request the firm to prepare a cost proposal for negotiation.

(c) *Debriefing.* A debriefing, when requested in writing, shall be provided by the cognizant contracting officer to an offeror that has unsuccessfully competed for an 8(a) procurement, as prescribed in § 3-3.103.

(d) *Unacceptable offerors.* If it is determined during negotiations that an offeror is technically unacceptable the procuring activity shall notify promptly the SBA. If it appears that an offeror would be unable to earn a profit if awarded the contract, both SBA and DMBA shall be notified. If the offeror selected for negotiation is later determined unacceptable because of technical considerations, a new offeror shall be identified after SBA has been notified. The second rated offeror in the case of § 3-1.713-50(a)(2)(i), (ii), (iii), or (iv), shall be selected for consideration as the new offeror.

(e) *Liaison with the Small Business Administration.* (1) Procuring activities will maintain a continuous liaison with the Office of Business Development, SBA, to ensure that the overall goals of each agency are achieved. In the event there is a dispute between a procuring activity and an SBA representative regarding any aspects of 8(a) contracting, the procuring activity shall promptly notify DMBA.

(2) Each 8(a) firm or group of firms nominated for a specific 8(a) requirement shall be identified to SBA for ratification prior to any discussions with the firm(s) about the requirement.

(3) The business development responsibility of SBA requires them to assist in and monitor the growth and development of each 8(a) firm. It is, therefore, essential that SBA be assisted in this effort, and that the options available to HEW through the nomination and selection process be utilized in a manner that would impact on the largest possible number of 8(a) firms.

(f) *Arriving at contract amount.* Contracts will be awarded at prices which are fair and reasonable.

(g) *Contract award.* When negotiations have been concluded, the procuring activity shall prepare the contractual documents for the prime contract and the subcontract. Instructions for the preparation and special clauses to be inserted in these documents are found in § 1-1.713.3.

(h) *Contract modifications, inspections, etc.* The responsibility for subcontract administration and field inspection will, in most cases, be delegated by SBA to the applicable procuring activity. The procuring activity shall keep SBA apprised of all contract modifications, progress payments, and other pertinent data requested.

(i) *Subcontract administration.* Some firms may need additional management expertise for optimal performance and completion of a particular contract. Therefore, when subcontract administration is delegated to HEW by SBA, the procuring activity shall promptly apprise the SBA and DMBA whenever the contractor is experiencing problems. SBA should provide necessary technical assistance so that contractor can successfully complete the contract.

(j) *Contract termination.* No final action to terminate an 8(a) contract shall be initiated without giving advance notice to DMBA and SBA. (See paragraph (c) of special 8(a) contract conditions prescribed by § 1-1.713-3(d).)

§ 3-1.713-51 Reporting requirements.

MONTHLY STATUS REPORT OF REQUIREMENTS OFFERED AND CONTRACTS AWARDED—8(a) PROGRAM

(a) This report is designed to collect data on the current status of 8(a) offers and 8(a) contracts awarded, on a monthly basis. Reports should include new contracts, renewals, and modifications, and should be forwarded in sufficient time to reach the Division of Minority Business Assistance no later than 15 calendar days following the end of the reporting month.

(1) Agency program; (2) offer number (e.g., 75-0001); (3) date offered to SBA; (4) requirement; (5) estimated amount; (6) status (pending or awarded, or suspended, or withdrawn); (7) contract awarded by SBA to (name of 8(a) contractor, city, state); (8) contractor ethnic classification; (9) date of award; (10) HEW contract number; (11) amount awarded.

(i) Item (1)—Agency Program: Enter name of Bureau, Institute, Offices, etc.

(ii) Item (2)—Self-explanatory.

(iii) Item (3)—Date Offered: Enter the date shown on the offering letter.

(iv) Item (4)—Requirement: Enter a brief description of each procurement requirement offered under section 8(a) of the Small Business Act.

(v) Item (5)—Estimated Amount: Enter the estimated dollar amount of each 8(a) offer.

(vi) Item (6)—Status: One of the following codes should be used to indicate the current status of each 8(a) offer identified in (4):

(a) Pending=P—Enter Code P for pending 8(a) offers identified in (4). Whenever Code P applies, items (1) through (6) should be completed each month for each 8(a) offer until the status is changed from "pending" to some other status code.

(b) Awarded=A—Enter Code A for each 8(a) contract awarded during the month. Once a contract has been awarded and reported as such, the data for that contract should not be included in succeeding monthly reports.

(c) Suspended=S—Whenever an 8(a) offer is suspended, enter Code S, including the reason for suspending the offer. Items (1) through (6) should be completed each month for each suspended 8(a) offer until the suspension is lifted or the offer is withdrawn.

(d) Withdrawn W—Whenever an 8(a) offer is withdrawn, enter Code W, including the reason for withdrawing the offer, i.e., 8(a) approved contractor not available. Once an 8(a) offer has been withdrawn and reported as such, the data for that offer should not be included in succeeding reports, unless the offer is reinstated at a later date.

7. Item (7)—Contract Awarded by SBA to—Enter the name of the contractor, and the name of the city and state in which the contractor is located.

8. Item (8)—Contractor Ethnic Classification—For each contract awarded, enter one of the following codes, as applicable, as an indicator of the ethnic characteristics of the entrepreneur to whom the contract was awarded:

a. AI—American Indian.
b. BA—Black American.
c. MA—Mexican American.
d. OA—Oriental American.
e. PR—Puerto Rican.
f. OM—Other Minorities.
g. NM—Non-Minority.

9. Item (9)—Date of Award: Self-explanatory.

10. Item (10)—HEW Contract Number:

a. To the right of the contract number indicate whether the contract is a modification.

b. Show contract modification number.

c. Indicate contract renewal by placing after modification number the letter R and renewal number in parenthesis, i.e., 282-76-0499/mod-6/(R-2) to indicate modification number 6, renewal number 2.

11. Item (11)—Amount Awarded: Self-explanatory.

On the last page of each monthly report, enter a summary of monthly cumulative accomplishments, in the following format:

$------ Cumulative awards, beginning of month.
(Plus)
$------ Awards for current month.
$------ Cumulative awards, end of month.
$------ Total offers pending, beginning of month.
(Plus)
$------ Offers for current month.
(Less)
$------ Withdrawals, suspensions, and contracts awarded during the month.[1]
$------ Total offers pending, end of month.

[1] For contracts awarded, deduct the value offered under original offer.

NOTE.—As an additional item on the last page of each monthly report, cite any action taken to advance the 8(a) program; i.e., presentations made at staff meetings on behalf of the 8(a) program, 8(a) seminars conducted, etc.

It is proposed to add Subpart 3-1.13 to Title 41, Part 3-1 as follows:

Subpart 3-1.13—Minority Business Enterprise

Sec.
3-1.1300 Scope of subpart.
3-1.1302 Agency programs.
3-1.1302-1 Procedure.
3-1.1310 Subcontracting with minority business enterprise.
3-1.1310-2 Minority business enterprise subcontracting program clause.
3-1.1350 Reporting requirements for minority non-8(a) contracts.
3-1.1350-1 Monthly report on minority business contracts—other than 8(a).

Subpart 3-1.13—Minority Business Enterprise

§ 3-1.1300 Scope of subpart.

This subpart sets forth policy and procedures for contracting with minority business enterprises other than under Section 8(a) of the Small Business Act.

§ 3-1.1302 Agency programs.

(a) In accordance with the provisions of Executive Order 11625, it is the policy of HEW to foster and assist in the establishment and growth of minority-owned and controlled business concerns to the maximum practicable extent in order that such firms may become self-sustaining, viable, competitive enterprises.

(b) The Office of Grants and Procurement Management, OASAM-OS, is responsible for the general supervision of the Department of Health, Education, and Welfare Minority Business Enterprise Program. Within the Office of Grants and Procurement Management, (OGPM), the Division of Minority Business Assistance (DMBA) is responsible for: (1) Developing and managing the HEW Minority Business Enterprise Program; (2) providing staff guidance to activities of the Department; (3) establishing effective working relations with the minority business community nationwide; (4) representing HEW before other government agencies on matters primarily affecting minority business affairs; and (5) providing data and information relating to the minority business program to the Secretary and all sources internal and external to HEW. As part of these responsibilities, DMBA serves as the Department monitor and coordination point for all matters concerning the Department's Minority Business Enterprise program.

§ 3-1.1302-1 Procedure.

(a) In carrying out the Department's minority non-8(a) procurement policy, procuring activities shall be responsible for accomplishing the requirements of § 1-1.1302, and submitting copies of semiannual reports to DMBA. Reports should be forwarded in sufficient time to reach DMBA no later than 45 days following the close of the reporting period.

(b) Procuring activities may establish operating procedures to accomplish the requirements of § 1-1.1302. However, a copy of such procedures shall be submitted to DMBA for review, prior to issuance.

§ 3-1.1310 Subcontracting with Minority Business Enterprise.

§ 3-1.1310-2 Minority Business Enterprise Subcontracting Program Clause.

Except for 8(a) contracts:

(a) Prime contracts which include the clause prescribed in § 1-1.1310-2(a) shall incorporate the clause prescribed in § 1-1.1310-2(b) whenever it is anticipated that subcontracting will exceed $100,000.

(b) Prime contractors shall be required to report minority subcontract awards on Optional Form 61. (See 1-16.804-5.) Negative reports are required.

(c) Upon receipt of completed Optional Form 61, the procuring activity shall be responsible for submitting a duplicate copy of each form to DMBA no later than 45 calendar days following the close of the semiannual reporting period.

§ 3-1.1350 Reporting requirements for minority non-8(a) contracts.

§ 3-1.1350-1 Monthly report on minority business contracts—other than 8(a).

MONTHLY REPORT OF MINORITY BUISNESS CONTRACTS—OTHER THAN 8(a)

(a) This report is designed to collect information on a monthly basis relating to known procurement transactions between HEW and minority enterprises, and minority nonprofit organizations, other than those contracts awarded under the provisions of Section 8(a) of the Small Business Act. Reports should be forwarded in sufficient time to reach the Division of Minority Business Assistance no later than 15 calendar days following the end of the reporting month.

(b) Reports on non-8(a) minority procurements shall include:

(1) Contractor name and address (city and state);
(2) Contractor's ethnic classification;
(3) Profit or Non-Profit Organization;
(4) Contract Number;
(5) Requirement;
(6) Date of Award. Negative reports, if any, are required.
(7) Amount Awarded.

(c) Explanation of items:

Item (1)—Self-explanatory.

Item (2)—Contractor ethnic classification: For each contract awarded, enter one of the following codes that best describes the ethnic classification of the minority contractor to whom the contract was awarded:

a. AI—American Indian.
b. BA—Black American.
c. MA—Mexican American.
d. OA—Oriental American.
e. PR—Puerto Rican.
f. OM—Other Minorities.

Item (3) Profit/non-profit organization: Enter code "P" for profitmaking organizations and code "NP" for nonprofit organizations.

Item (4)—Self-explanatory.

Item (5)—Requirements: Enter a brief, explicit description of each requirement.

Items (6) and (7)—Self-explanatory.

[FR Doc.77-534 Filed 1-5-77;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 12]

[CGD 74-45]

ENGINE DEPARTMENT RATINGS

Notice of Proposed Rule Making

The Coast Guard is considering amending the regulations concerned with the Qualified Member of the Engine Department ratings. This proposed change would reduce the number of ratings through consolidation in an effort to eliminate certain outdated ratings.

Interested persons are invited to participate in this rulemaking by submitting written comments, data, views, or arguments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person or organization submitting a comment should include his name and address, identify this notice (CGD 74-45), and give reasons for any recommendations made.

Comments received before February 20, 1977 will be considered before final action is taken on this proposal. Copies of comments received will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. This proposal may be changed in the light or comments received.

No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

The present regulations provide for twelve ratings under the heading of Qualified Member of the Engine Department.

It is proposed that the "fireman" and "watertender" ratings be consolidated to form a new "fireman/watertender" rating.

The "fireman" and "watertender" ratings were previously associated with separate functions in the firing and tending of boiler plants. The duty of the fireman was to control the fuel to the boilers while the watertender was responsible for the water level in the boilers. These two functions were often carried out in two separate locations due to the design of the boilers. With modern, locally controlled automatic and semi-automatic boiler plants, the need for both a fireman and a watertender has been eliminated. Both functions can easily be accomplished by one man. On the few vessels that are still equipped with separately located fire rooms and boiler rooms, it is felt that since the fireman and watertender must work together, each should be encouraged to understand the duties of the other. The consolidation of the ratings is appropriate in all cases.

The "boilermaker" rating is also associated with the older type coal or oil fired boilers. Underway repairs to boilers were a constant task for the boilermaker. The design of modern boilers is such that constant repairs are not anticipated as a daily occurrence. Eliminating the "boilermaker" rating would be consistent since this rating is no longer in demand. Also, there would no longer be the need for requiring a candidate to take an unnecessary examination for boilermaker in order to qualify for a "QMED-any" rating.

In consideration of the foregoing, it is proposed that Part 12 of Title 46 of the Code of Federal Regulations be amended as follows:

§ 12.15-9 [Amended]

1. By revoking the column entitled "Fireman" in the list in § 12.15-9(b).

2. By striking the heading of the column entitled "Watertender" and inserting the heading "Fireman/Watertender" in place thereof in the list in § 12.15-9(b).

3. By striking the words "boilermaker and"; and by striking the words "those ratings", and inserting the words "that rating" in place thereof in § 12.15-9(c).

4. By amending § 12.15-11 to read as follows:

§ 12.15-11 General provisions respecting merchant mariner's documents endorsed as qualified member of the engine department.

* * * * *

(a) Refrigerating engineer.
(b) Oiler.
(c) Deck engineer.
(d) Fireman/Watertender.
(e) Junior engineer.
(f) Electrician.
(g) Machinist.
(h) Pumpman.
(i) Deck engine mechanic.
(j) Engineman.

(80 Stat. 973; 46 U.S.C. 367, 375, 391a, 416, 672, 133; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 29, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.77-537 Filed 1-5-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 20828; FCC 76-1181]

COMPUTER INQUIRY

Order Extending Time for Filing Comments

Adopted: December 21, 1976.

Released: December 29, 1976.

In the matter of amendment of § 64.702 of the Commission's rules and regulations, Docket No. 20828.

1. The Commission on November 24, 1976 determined to reverse the Chief, Common Carrier Bureau's rejection of AT&T's Dataspeed 40/4 tariff revision (AT&T Transmittal No. 12449). In so doing we stated our intention to enlarge the scope of the recently initiated Computer Inquiry[1] to include issues raised by devices such as the Dataspeed 40/4.

2. The Commission is currently in the process of preparing a supplement to the new Computer Inquiry. This will, of course, become an integral part of any comments the parties will be filing. We do not believe that under the present schedule sufficient time will be available to permit the parties a reasonable opportunity to adequately address the issues raised therein. Accordingly, in order to allow the parties a reasonable opportunity in which to comment on the issues raised by our forthcoming enlargement, the Commission, sua sponte, is extending the time period for the filing of all comments and reply comments in this proceeding.

3. *Accordingly, It is hereby ordered,* That the time for filing comments and reply comments in Docket No. 20828 is extended for the reasons indicated herein.

4. *It is further ordered,* That interested parties shall file comments in Docket No. 20828 on or before April 11, 1977 and reply comments on or before May 25, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-462 Filed 1-5-77;8:45 am]

[47 CFR Part 73]

[Docket No. 19667]

BROADCAST LICENSEES

Maintenance of Certain Program Records; Order Extending Time for Filing Reply Comments

Adopted: December 23, 1976.

Released: December 29, 1976.

In the matter of petition for rulemaking to require broadcast licensees to maintain certain program records. Docket No. 19667, RM-1475.

1. On August 24, 1976, the Commission adopted a Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making in the above-entitled proceeding, 41 FR 37344. The date for filing comments has expired and the date for filing reply comments is presently December 27, 1976.

2. On December 17, 1976, counsel for nine broadcast licensees[1] requested that the time for filing reply comments be extended to and including January 27, 1977. Counsel states that a review of comments filed by other parties had indicated that the careful preparation of reply comments requires additional time, a problem that is increased due to interruptions from the holiday season and prior commitments.

3. As a result of the several extensions given for the filing of comments in this proceeding, those comments are unusually voluminous requiring more than the usual time for preparation of replies. Under the circumstances we believe it would be appropriate to give additional time in which to respond. *Accordingly, it is ordered,* That the time for filing reply comments in Docket 19667 is extended to and including January 27, 1977.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-463 Filed 1-5-77;8:45 am]

[1] Notice of Inquiry and Proposed Rulemaking, released August 9, 1976 FCC 76-745 (Docket No. 20828) (41 FR 56236).

[1] Cornhusker Television Corporation, Cox Broadcasting Corporation, Fetzer Broadcasting Company, Newhouse Broadcasting Corporation, Palladium Publishing Company, Radiohio, Incorporated, Scranton Broadcasters, Inc., WBNS, TV, Inc., and WJAC, Inc.

[47 CFR Part 73]

[Docket No. 21023]

FM BROADCAST STATIONS IN PLYMOUTH, OHIO

Proposed Table of Assignments

Adopted: December 17, 1976.

Released: December 27, 1976.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Plymouth, Ohio), Docket No. 21023, RM-2778.

1. The Commission has before it a "Petition for Rule Making,"[1] filed on behalf of WOBL Radio, Inc. ("petitioner"), licensee of Station WOBL, Oberlin, Ohio, proposing the assignment of Channel 261A at Plymouth, Ohio, approximately 50 kilometers (30 miles) southwest of Oberlin. The assignment could be made to Plymouth without affecting any other existing FM assignments in the Table. Although it would provide for additional aural broadcast service, it would not provide for a first or second such service. However, there is no local broadcast service in Plymouth. The preclusion occurs only on Channel 261A in a limited area surrounding Plymouth, Ohio.

2. Plymouth (pop. 1,993)[2] is located on the border between Richland and Huron Counties (pop. 129,997 and 49,587, respectively) some 80 kilometers (50 miles) south of the U.S.-Canadian border and 97 kilometers (60 miles) west of Akron, Ohio.

3. In support of its request, petitioner states that Plymouth's population continues to increase and, according to population figures prepared in 1972, by the Huron County Regional Planning Commission, Plymouth's population will increase to 2,300 in 1980. It adds that the community is the home of an industrial plant, and its growing population also is said to serve as a source of manpower for industry in neighboring communities. Petitioner asserts that, although Plymouth would be the principal area served by the proposed channel, it would also provide service to seven other nearby communities. Since Plymouth is located within 250 miles of the Canadian-U.S. border, the petitioner's proposal is subject to Canadian approval.

4. In light of the above information and the fact that there is no local broadcast transmission service in Plymouth, we believe consideration of the proposal for the assignment of Channel 261A to Plymouth, Ohio, is warranted.

5. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b), with regard to the community of Plymouth, Ohio, as follows:

City	Channel No.	
	Present	Proposed
Plymouth, Ohio		261A

6. The Commission's authority to institute rule making proceedings; showings required, cut-off procedures; and filing requirements are contained below and are incorporated by reference herein.

7. Interested parties may file comments on or before January 31, 1977, and reply comments on or before February 22, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showing required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rule making. All submission by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-464 Filed 1-5-77;8:45 am]

[1] Public Notice of the filing of the petition was issued on November 3, 1976 (Report No. 1014).

[2] All population figures are taken from the 1970 U.S. Census unless otherwise indicated.

[47 CFR Part 73]

[Docket No. 21035]

FM BROADCAST STATIONS IN LANCASTER-FENNIMORE, WISCONSIN

Proposed Table of Assignments

Adopted: December 22, 1976.

Released: December 28, 1976.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Lancaster-Fennimore, Wisconsin), Docket No. 21035, RM-2786.

1. The Commission has before it a petition[1] filed by Joy Broadcasters (petitioner) proposing the assignment of Channel 249A to Lancaster-Fennimore, Wisconsin. Lancaster (pop. 3,756)[2], seat of Grant County (pop. 48,398), is located approximately 113 kilometers (70 miles)

[1] Public Notice of the filing of the petition was issued on November 12, 1976 (Report No. 1016).

[2] All population figures are taken from the 1970 U.S. Census.

west of Madison, Wisconsin. Fennimore, located approximately 16 kilometers (10 miles) north of Lancaster, has a population of 1,861. Neither Lancaster nor Fennimore has local broadcast service.

2. In support of its request, petitioner states that the Lancaster-Fennimore area is rapidly growing and submits information with respect to the various facilities and organizations in the area. It also notes that an industrial area is located north of the city limits of Lancaster where trailer homes are manufactured. Petitioner asserts that there is a need for additional FM broadcast service to the area. Petitioner states that it will apply for a construction permit promptly and expeditiously institute a first local FM programming service if the channel is assigned.

3. Although petitioner requests the designation of the channel assignment to specify Lancaster-Fennimore, if there is a problem in that regard, petitioner requests that the assignment be proposed for Lancaster, the largest community. Since there is an inadequate showing to support a hyphenated assignment we are proposing to assign the channel to Lancaster. Since the communities are located within 10 miles of each other, the channel will be available for use there or at Fennimore, under the provisions of § 73.203(b) of the rules. In view of the foregoing information and the fact that there is no local broadcast service in Lancaster or Fennimore, we believe the proposal merits exploration in a rule making proceeding.

4. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b), as follows with regard to the community of Lancaster, Wisconsin.

City	Channel No.	
	Present	Proposed
Lancaster, Wis		249A

5. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

6. Interested parties may file comments on or before February 7, 1977, and reply comments on or before February 28, 1977.

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend, the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-465 Filed 1-5-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket No. 30228; Order 76-12-162]

BRITISH AIRWAYS

Order of Suspension and Investigation Regarding Contract Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of December 1976.

On December 2, 1976, British Airways filed with the Board a tariff, effective January 1, 1977, proposing general "Contract Cargo Rates" (CCR) and rules, for United Kingdom-originating cargo traffic in its Glasgow/London/Manchester to Boston / Chicago / Detroit / Miami / New York / Philadelphia / Washington, D.C., routes on a point-to-point basis.[1] Under the basic scheme, a CCR shipper would do all of the following: (a) Enter into a one-year contract with British Airways to ship a minimum annual aggregate volume of cargo (500,000, 1,000,000, or 1,500,000 kilos);[2] (b) tender the annual amount in minimum volume consignments;[3] and (c) accept low priority, "space available" service for 48 hours after tender, and normal priority thereafter. British Airways would then charge the CCR shipper, for each qualifying shipment,[4] a variable rate per kilo based upon that shipper's minimum annual volume commitment.[5]

In support of its proposal, British Airways asserts that CCR produces discounts of 15 to 26 percent below current unit load device rates; that the magnitude of these discounts is justified first and foremost by the 48-hour "space available" rule, which greatly decreases the value of CCR service to the shipper;[6] that the annual volume commitment undertaken by the shipper justifies a further discount because it represents both a transfer and a transformation of the carrier's "basic load-factor risk" into the shipper's risk of not meeting his volume commitment or of having to meet his commitment and forego the use of cheaper means of transportation, and that this assumption of the carrier's risk by the shipper should be reflected in the CCR rate; that its proposal is not unjustly discriminatory because the low priority service and annual volume commitment of CCR are "fundamental distinguishing factor(s)" from normal cargo service and thus justify a different rate; that the proposal is reasonable in that it will allow CCR traffic to be moved by belly capacity of wide-bodied combination aircraft that would otherwise fly empty, thus meeting the "profit-impact" test;[7] that CCR would not divert cargo currently moving at normal rates, which is for the most part too time-sensitive to travel on a low priority, "space available" basis, but rather would generate 10,000 metric tons of air cargo traffic each year, a 20 percent increase; and, finally, that the U.K. Civil Aviation Authority has "enthusiastically welcomed" the proposal on a one-year experimental basis, giving rise to "[c]onsiderations of comity" in favor of the Board's giving its approval as well.

Complaints requesting rejection or suspension pending investigation of British Airways' proposal have been filed by Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc.[8] An answer in support of Seaboard's complaint has been filed by The Flying Tiger Line Inc. These parties assert that British Airways' proposal is a discriminatory aggregate weight rule "at odds with a long line of Board decisions";[9] that there is no difference between CCR service and general or specific commodity rate service that could justify the lower proposed rate; that British Airways has failed to substantiate its alleged cost savings from CCR service that would justify its discount, that the proposed rate is so uneconomical that it could not recover the full cost of service even with operations at a 100 percent load factor; that the proposed rate does not provide meaningful or effective deterrents to diversion of normal cargo traffic; and that the proposed rate will dilute cargo revenues in the markets in question rather than generate new traffic.

Upon consideration of the tariff filing, the complaints and all other relevant matters, the Board has concluded that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the rates should be suspended pending investigation.

Unjust discrimination prohibited by section 404(b) of the Federal Aviation Act of 1958[10] involves in essence the charging of different rates or fares for services that are essentially the same.[11] Unjust discrimination may take many forms, and we need not affix an "aggregate weight rule" or other label to CCR in order to see its pervasive discrimination against small-volume shippers. A CCR shipment may move between the same points, on the same aircraft and with essentially the same ground services as an identical regular shipment. The CCR shipper, however, gains the advantage of a lower rate because he can tender "other unrelated traffic in other markets"[12] and at other times. A small-volume shipper who tenders a consignment of acceptable size and who is willing to consent to 48-hour "space available" service still does not qualify for the CCR discount because he has no minimal annual volume commitment. Finally, there is patent discrimination in CCR rates even among CCR shippers, based solely upon the level of their minimum annual volume commitments.[13]

The minimum annual volume commitment of the CCR shipper, with its alleged assumption of the carrier's load-factor risk, is by itself a factor unrelated to the actual physical or administrative handling of CCR cargo, and thus does not

[1] International Cargo Rates Tariff No. 3, C.A.B. No. 25, John M. Sampson, Agent.

[2] No more than 15 percent of the annual volume commitment can be shipped in any one calendar month. If the CCR shipper falls short of the annual volume commitment, he nonetheless must pay for the unshipped balance.

[3] I.e., unit load devices of 800 kilos (type 8), 1735 kilos (type 5) or 2100 kilos (type 3), or, subject to a premium, loose consignments of at least 500 kilos.

[4] If a shipment is not of an approved configuration, or if the 48-hour "space available" service is refused, then the shipment is carried at normal tariff rates and is not credited toward the shipper's annual volume commitment.

[5] For example, the Glasgow-New York CCR rate per kilo is 34 pence with a 500,000 kilo annual volume commitment, 32 pence with a 1,000,000 kilo commitment, and 30 pence with a 1,500,000 kilo commitment.

[6] Citing Deferred Airfreight Case, 23 C.A.B. 661 (1956).

[7] Citing Pittsburgh—Philadelphia No-Reservation Fare Investigation, 34 C.A.B. 508 (1961).

[8] Dockets 30172, 30166, and 30169, respectively.

[9] Citing, e.g., Revised Aggregate Rates Proposed by WTC Air Freight, Order 73-2-61; Aggregate Weight Rule Proposed by Shulman, Inc., 49 C.A.B. 323 (1968); Multicharter Cargo Rates Investigation, 47 C.A.B. 626 (1967).

[10] "No carrier or foreign air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

[11] Multicharter Cargo Rates Investigation, 47 C.A.B. at 627-28. See also Transcontinental Bus System, Inc. v. C.A.B., 383 F. 2d 466, 481 (5th Cir. 1967), *cert. denied*, 390 U.S. 920 (1968).

[12] Revised Aggregate Rates Proposed by WTC Air Freight, Order 73-2-61, at 2-3.

[13] See text at note 5 *supra*.

establish a different type of cargo "service." The 48-hour "space available" rule, upon which British Airways relies so heavily in its justification, likewise does not create a different type of service. Due to the great preponderance of eastbound over westbound air cargo traffic over the North Atlantic, reflected in IATA and U.S. carrier statistics, there is reason to believe that there is an abundance of unused westbound capacity in which to carry CCR traffic, and this traffic thus will not be delayed or otherwise disadvantaged by its "low priority". However, as complainant Pan American so aptly points out, even if the 48-hour "space available" rule were a real difference in service that could justify a discount, the fact remains that only large-volume shippers can obtain this service and attendant discount in the first place. Discrimination of this nature infects the entire CCR scheme. Even the minimum consignment rules are of little import, since they compare favorably with the average transatlantic shipment size.[14] In sum, there is no feature of CCR which makes it a different, less valuable service to a shipper than regular cargo service. Such alleged differences in service must be evaluated in a factual context; they cannot create a discreet type of service if they are of no practical significance to a shipper or if they exist merely on paper.[15] Finally, even if these alleged differences in service were substantial, the rates are still inherently discriminatory because they are available only to a select group of shippers.

British Airways has asserted that CCR's 48-hour "space available" rule and binding annual volume commitment produce cost savings sufficient to justify the proposal. The carrier, however, has done no more than boldly assert that these savings exist; it has failed to even roughly quantify these cost savings or relate them to the amount of the CCR discount. British Airways states that the 48-hour "space available" rule will permit use of the "unused belly capacity of its wide-bodied combination aircraft," yet there is no effort made to substantiate this alleged cost savings. This matter is of some concern in light of complainant Seaboard's observation that British Airways' wide-bodied combination aircraft cannot carry a type 3 ULD, a configuration specifically included in CCR. On the other hand, to the extent that delay in shipment exists (which, as we point out above is doubtful) the 48-hour "space available" rule may engender higher costs in warehousing and administration. British Airways maintains that an annual volume commitment represents a shifting of risk from carrier to shipper which can be translated into a specific cost savings. This claim was never developed beyond the theoretical stage. For example, there is no basis shown for linking 500,000 kilo increments of load-factor risk assuagement with the 2 pence per kilo incremental CCR discount. British Airways' allusion to charter operators and APEX passengers as load-factor risk reducers who are rewarded with lower fares does not establish the validity of this concept for CCR since, as complainant Trans World Airlines observes, charterers and APEX passengers affect the load factor of a specific flight, while the CCR shipper does not.

Data submitted by complainant Seaboard, and adjusted for the most current rate of exchange, indicate that CCR yields would range from 13.25¢ to 17.56¢ per RTM, while its own North Atlantic cargo costs, projected for the year ending October 31, 1977, are 23.3¢ per RTM, and those of Pan American and Trans World Airlines are higher. All complainants submitted similar analyses as to the uneconomical nature of CCR. British Airways in its justification merely states that CCR "satisfi[es] the profit-impact test . . . based on the costs of any transatlantic cargo carrier." Nowhere does British Airways set forth these costs or CCR yields; absent such an elementary showing, there is no basis for accepting this contention. Further, the 20 percent cargo traffic generation estimate for CCR again is unsubstantiated. Clearly, a generation estimate of such magnitude cannot be accepted without a firm showing in this regard. There is nothing to indicate that implementation of CCR would not dilute U.K.-U.S. cargo traffic revenues to an unacceptable degree.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404(b), 801, and 1002(j) thereof:

It is ordered, That: 1. An investigation be instituted to determine whether the rates, charges and provisions on Original Title Page, and Original Pages 1 through 8; and 1st Revised Pages 1, 2, 3, 4, 5, and 6 of Tariff C.A.B. No. 25, issued by John M. Sampson, Agent, and rules, regulations and practices affecting such rates, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in paragraph 1 above are suspended and their use deferred from December 31, 1976, to and including December 31, 1977, unless otherwise ordered by the Board, and that no changes may be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[16] and shall become effective on December 31, 1976;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

5. Copies of this order be filed in the aforesaid tariff and be served upon British Airways, Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and The Flying Tiger Line Inc., which are hereby made parties to the investigation; and

6. Except to the extent granted, the complaints in Dockets 30166, 30169, and 30172 are hereby dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

JAMES R. DERSTINE,
Acting Secretary.

[FR Doc.77-393 Filed 1-5-77;8:45 am]

[Docket No. 27573; Order 76-12-130]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 23, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

As set forth in the attachment, the agreement extends certain specific commodity rates under existing specific commodity descriptions, all reflecting reductions from general cargo rates. The agreement was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 9, 1976.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act; *Provided*, That approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That: Agreement 26302, R-1 through R-4, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

ATTACHMENT.—*Agreement CAB 26302*

Agreement C.A.B.	IATA commodity item No.[1]	Specific commodity rate: Cents per kilograms	Specific commodity rate: Minimum weight in kilograms	Market
RATES EXTENDED UNDER EXISTING COMMODITY DESCRIPTION				
26302:				
R-1	9215	115	500	Copenhagen to New York.
R-2	9053	305	100	Abu Dhabi/Dubai to New York.
		250	500	
		270	100	Baghdad to New York.
		300	100	Bahrain/Dhahran/Doha to New York.
		245	500	
		295	100	Jeddah to New York.
		240	500	
		295	100	Kuwait to New York.
		310	100	Muscat to New York.
		255	500	
R-3	[2] 1024	320	100	Lusaka to New York.
R-4	2102	135	1,000	Beirut to New York.

[1] See applicable tariffs for complete commodity descriptions.
[2] Expires Dec. 31, 1977.

[FR Doc.77-392 Filed 1-5-77,8:45 am]

[Docket No. 29123; Order 76-12-156]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority December 29, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Composite Passenger Traffic Conferences held in Miami, Florida during October 1976.

Agreement C.A.B. 26258, proposed for effect April 1, 1977, which only affects air transportation indirectly, would revalidate the present South Atlantic fare structure due to expire March 31, 1977, through March 31, 1978.[1] In general, specified fares would be increased by four percent across the board and applicable currency adjustment resolutions would be amended to reflect the current monetary relationships within the South Atlantic market area. We will approve those portions of the agreement governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, with the exception of Resolution 0221 insofar as that resolution would establish a three percent currency-related surcharge from Guam to foreign points in the Western Hemisphere via Africa/Asia and the South Atlantic. The surcharge from Guam parallels a similar surcharge from Guam to Asian points which was disapproved in Order 74-11-153, November 29, 1974, and consequently will be disapproved herein.

Jurisdiction will be disclaimed on the balance of the resolutions which govern noncombinable fares and thus have no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

[1] Certain special fare categories normally applicable through April will expire a month later on April 30, 1978.

[14] *Cf.* Order 73-2-61 at 6. In reversing the Initial Decision in this case, the Board indicated that "[t]he test for unjust discrimination does not require that the services rendered be identical, only that they be 'like'." Facial differences between two services may make them "unidentical" but do not render them "unlike".

[15] The qualifying minimum consignments are 1,100 lbs. loose (with a small premium) and 1,760 lbs. in unit load devices (type 8). The average transatlantic shipment size for complainant Seaboard, for example, is 3,000 lbs.

[16] This order was submitted to the President on December 20, 1976.

Agreement CAB	IATA No.	Title	Application
26253: R-1	001b	South Atlantic Special Effectiveness Resolution (Tie-In)	1/2; 1/2/3 (via Atlantic except TC2 and TC3 via TC1).
R-2	001dd	South Atlantic Escape for Normal and Special Fares	1/2; 1/2/3.
R-3	001r	Special Escape for JT12/123 (South Atlantic) Agreement (New)	1/2; 1/2/3.
R-4	001u	Special Escape for South Atlantic Agreement	1/2; 1/2/3.
R-5	002	Standard Revalidation Resolution (South Atlantic)	1/2; 1/2/3.
R-6	002	Special Revalidation Resolution (South Atlantic)	1/2; 1/2/3.
R-7	014n	JT123 Construction Rule for Fares Between The South Atlantic Area and TC3 (Revalidating and Amending).	1/2/3.
R-8	022i	JT12/JT123 (South Atlantic) Adjustment Factors for Sales of Passenger Air Transportation (New)—except from Guam.	1/2; 1/2/3.
R-9	054c	South Atlantic Normal First-Class Fares	1/2.
R-10	064c	South Atlantic Economy—Class Fares	1/2.

2. It is not found that the following resolutions, incorporated in the agreement indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26256: R-11	070y	South Atlantic 60-day Economy-Class Excursion Fares (Revalidating and Amending).	1/2.
R-12	071y	South Atlantic 45-Day Economy-Class Excursion Fares (Revalidating and Amending).	1/2.
R-13	081k	South Atlantic 28-Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2; 1/2/3.
R-14	094c	Emigrant Fares—Portugal To Brazil (Revalidating and Amending)	1/2.

3. It is found that the following resolution, incorporated in the agreement indicated, is adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26258: R-8	022i	JT12/JT123 (South Atlantic) Adjustment Factors for Sales of Passenger Air Transportation (New)—From Guam.	1/2; 1/2/3.

Accordingly, it is ordered, That: 1. Those portions of Agreement C.A.B. 26258, described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved;

2. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreement C.A.B. 26258 described in finding paragraph 2 above; and

3. That portion of Agreement C.A.B. 26258, R–8, described in finding paragraph 3 above be and hereby is disapproved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-391 Filed 1-5-77;8:45 am]

[Docket No. 28655]

SEATTLE/PORTLAND-JAPAN SERVICE INVESTIGATION

Reassignment of Proceeding

The United States Civil Service Commission has refused to take favorable action on the Board's request to extend the period of employment of the undersigned Chief Administrative Law Judge, whose reemployment status is scheduled to end on December 31, 1976. Since the undersigned will become unavailable to the Board as an Administrative Law Judge after that date, it is necessary to reassign this proceeding. Accordingly, this case is reassigned from the undersigned Chief Administrative Law Judge to Administrative Law Judge William J. Madden.

Dated at Washington, D.C., December 29, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.77-390 Filed 1-5-77;8:45 am]

[Docket No. 29428; Order 77-1-4]

DRUMHELLER AIR SERVICES LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of January 1977.

By application filed June 21, 1976,[1] Drumheller Air Services Ltd. (Drumheller) requests a foreign air carrier permit to engage in charter foreign air transportation with respect to persons and their accompanying baggage, and planeload charter foreign air transportation with respect to property, between any point or points in Canada and any point or points in the United States, utilizing "small aircraft"[2] pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

FITNESS OF APPLICANT FOR A FOREIGN AIR CARRIER PERMIT

Drumheller was incorporated under the Companies Act of Alberta in April 1972. The Air Transport Committee of the Canadian Transport Commission has issued license No. A.T.C. 547/76 (CF), a Class 9–4 license which authorizes the holder to operate international charter commercial air services within the continent of North America from a base at Drumheller, Alberta, and license No. A.T.C. 2216/73 (C), a Class 4 license which authorizes the holder to operate charter commercial air services within Canada. The Canadian Department of Transport, Civil Aviation Branch, has issued Drumheller Operating Certificate Number 3281 which certifies that Drumheller is adequately equipped and able to conduct a safe operation.

The applicant's balance sheet as of January 31, 1976, showed total assets of $71,328. Total, as well as current, liabilities were $74,054 and current assets were $59,701. For the period June 1, 1975, to January 31, 1976, the carrier earned revenues of $65,932, of which $29,341 was derived from training and instruction. It has operating expenses during this period of $67,514 resulting in an operating loss of $1,582. While the carrier shows a small negative net worth and a small operating loss for the most recent period, the company appears to have the financial backing of its principal shareholder. Furthermore, the company's statement of earnings shows that for the 12-month period ending May 31, 1975, the company had net earnings of $2,572 and would also have had positive earnings for the June 1, 1975–January 31, 1976, period were it not for an extraordinary loss of $9,506 attributed to expenses incurred as a result of a fire. In addition, the carrier states that since its inception it has always met its financial obligations and has never defaulted on any commitment to provide transportation. We further note that on April 5, 1976, the Canadian Transport Commission examined the fitness of the applicant, and concluded that the carrier should be granted an international charter license.

In its application, the carrier states that it proposes to make two aircraft available for charters to the United States: (1) A Cessna 177–B, seating capacity of 4, and a maximum authorized takeoff weight of 2,500 pounds, and (2) a PA 23/150 Apache, seating capacity of

[1] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[2] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

4, and a maximum authorized takeoff weight of 3,500 pounds. The applicant has had no safety or tariff violations and no acidents during the last five years.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies on the Nonscheduled Air Service Agreement signed by the Government of Canada and the United States on May 8, 1974, as the basis for the grant of the requested authority. The Government of Canada has designated the applicant under the Agreement to perform charter services with small aircraft.

OWNERSHIP AND CONTROL OF THE APPLICANT

The officers of the corporation are Mr. Ronald J. Klys, President and Manager, and Mr. Robert D. Ross, Secretary and Lawyer. Both officers are Canadian citizens. The company has issued 20,000 common shares all of which are owned by either Mr. Klys (19,999 shares) or Mr. Ross (1 share).

The applicant states that no officer, director, or stockholder of Drumheller owns any shares of stock or other interest in any U.S. air carrier, or in any other Canadian or other foreign air carrier, or is in any way financially interested in any other business related to the common carriage of goods or persons in either Canada or the United States. The applicant is not related by blood or marriage with anyone engaged in any phase of aeronautics, either in Canada or the United States.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Drumheller Air Services Ltd. is substantially owned and effectively controlled by nationals of Canada;

2. That it is in the public interest to issue a foreign air carrier permit for small aircraft operations to Drumheller Air Services Ltd. authorizing it to engage in charter foreign air transportation with small aircraft with respect to persons and their accompanied baggage and planeload charters of property between any point or points in Canada and any point or points in the United States.

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Drumheller Air Services Ltd. is fit, willing, and able properly to perform the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That except to the extent granted herein, the application of Drumheller Air Services Ltd. in Docket 29428 should be denied; and

6. That an evidentiary hearing is not required in the public interest.[3]

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions stated herein, and why a foreign air carrier permit in the form of the specimen permit attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Drumheller Air Services Ltd.;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 21 days after the service of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [4]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Drumheller Air Services Ltd. and the Ambassador of Canada in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. TAYLOR,
Secretary.

SPECIMEN PERMIT

CIVIL AERONAUTICS BOARD

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

DRUMHELLER AIR SERVICES LTD.

Is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may hereafter be, prescribed for carriage by small aircraft in Annex B(III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement: *Provided,* That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations.[1] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B(III)(A) of such Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such groups, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey, includes a prior subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided* That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on

[3] While the Board has not normally used show-cause procedures for processing applications for initial licenses, the issues involved in the certification of a Canadian air taxi appear uniquely suited to the show cause procedures. The applications are generally not contested, are based on a bilateral agreement, and involve services with small aircraft only. Accordingly, we find that show cause procedures are appropriate for processing these kinds of applications.

[4] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Annex B(III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour. (In some instances split passenger charters are authorized.)

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board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) Flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) Flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be aproved by the Board and to which the holder becomes a party.

(9) The holder (i) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon requests, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ----------. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided, however*, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

In Witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------.

Secretary.

[FR Doc.77-486 Filed 1-5-77;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Termination

Pursuant to section 14 of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) was terminated on December 31, 1976.

This committee was originally chartered in January 1973 for the purpose of advising the Secretary of Commerce on matters relating to the nation's needs with respect to Federal Information Processing (automated data processing (ADP)) standards, and to assist the Secretary in carrying out his responsibilities under section 111(f) of the Federal Property and Administrative Services Act of 1949, as amended (79 Stat. 1127; 40 U.S.C. 759(f)).

The activities of FIPSCAC have come to deal almost exclusively with ADP standards problems of the Federal agencies. For this reason, it was no longer considered necessary to continue FIPSCAC as an advisory committee under the Federal Advisory Committee Act.

Dated: December 23, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.77-457 Filed 1-5-77;8:45 am]

National Fire Prevention and Control Administration

ADVISORY COMMITTEE ON FIRE TRAINING AND EDUCATION FOR THE NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control (Committee).

Date: January 31, and February 1, 1977.

Place: Press Room, Washington Hotel, 15th Street at Pennsylvania Avenue, N.W., Washington, D.C.

Time: 8:30 a.m.—5:00 p.m.

PROPOSED AGENDA

Overview of National Fire Prevention and Control Administration (NFPCA) activities and programs.

Overview of the National Academy for Fire Prevention and Control (Academy) activities and programs.

Organizational session to determine Committee goals and milestones, task assignments, and scheduling of future meetings.

The Committee was authorized to be established by section 7(k) of the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 *et seq.*, 278 f, g, 42 U.S.C. 290(a)) to inquire into and make recommendations regarding the desirability of establishing a mechanism for accreditation of fire training and education programs and courses, and the role which the Academy should play if such a mechanism is recommended. The Committee, by law, consists of the Superintendent as Chairman and 18 members selected from among individuals and organizations possessing special knowledge and experience in the field of fire training and education or related fields to insure a balanced representation of interests.

The meeting will be open to the public with approximately 20 seats available on a first-come, first-served basis. If time permits, a period will be set aside for oral comments or questions by the public. Oral comments or questions shall be limited to 10 minutes per comment or question. More extensive questions or comments should be submitted in writing before February 28, 1977 and addressed to: Committee Control Officer, Jane Sornberger, Advisory Committee on Fire Training and Education, National Academy for Fire Prevention and Control, P.O. Box 19518, Washington, D.C. 20036.

Minutes of the meeting will be prepared by the Committee and will be available for public viewing in Room 214, National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. Copies of the minutes will be available upon request 30 days after the meeting.

The public may file written statements with the Committee concerning any matter pertaining to the Committee's responsibilities at any time before or after the meeting.

Dated: January 3, 1977.

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

[FR Doc.77-530 Filed 1-5-77;8:45 am]

National Oceanic and Atmospheric Administration

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL SCIENTIFIC AND STATISTICAL COMMITTEE ADVISORY PANEL

Public Meetings and Hearing

Notice is hereby given of a meeting of the North Pacific Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The North Pacific Council will have authority, effective March 1, 1977, over fisheries within the Fishery Conservation Zone adjacent to the State of Alaska. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing and conduct public hearings.

The meeting will be held Wednesday through Friday, January 26, 27, and 28, 1977, in Room 808/809 of the Hill Building, 6th and G Streets, Anchorage, Alaska. The meetings will convene at 8:30 a.m. and adjourn for the day at approximately 4:30 p.m. each day. This is the third meeting of the Council and will deal with organizational issues, consideration of fishery management plans being prepared under the direction of the Council and review of applications by foreign nations to fish within the Fishery Conservation Zone adjacent to the State of Alaska, if any.

Proposed Agenda: 1. Selection of Executive Director.

2. Organization and policy matters.

3. Discussion of management plans under preparation by the Council.

4. Public hearing on management plans and other Council matters.

5. Action, if appropriate, on management plans.

6. Review of foreign fishing applications, if any.

A public hearing will be held on Thursday, January 27, beginning at 1:30 p.m. at the same location to hear testimony on fishery management plans under development by the Council and other related Council functions.

Meetings of two Council Advisory bodies will be held concurrently with the Council meeting. In addition, one of these Advisory bodies, the Scientific and Statistical Committee, will meet separately beginning at 1:30 p.m. Monday, January 24, through Tuesday, January 25, in Suite 32 in the Post Office Mall Building, 333 West 4th Avenue, Anchorage, Alaska. They will then meet concurrently with the Council from Wednesday through Friday, January 26, 27, and 28, 1977, in Room 808/809 of the Hill Building. The Scientific and Statistical Committee will review fishery management plans being prepared under the direction of the Council.

The Advisory Panel will meet concurrently with the Council Wednesday, Thursday, and Friday, January 26, 27 and 28, 1977, in the Hill Building. The Council meeting and the meetings of both Advisory bodies are open to the public and there will be seating for approximately 80 public members available on a first-come, first-served basis at meetings in the Hill Building. There will be seating for approximately 20 public members available on a first-come, first-served basis at the meeting of the Scientific and Statistical Committee in the Post Office Mall Building. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Jim H. Branson, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

until January 17, 1977. Thereafter, they should contact Mr. Branson at the:

North Pacific Regional Fishery Management Council, P.O. Box 313DT, Anchorage, Alaska 99510.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business.

Beginning at 1:30 p.m., Thursday, January 27, interested members of the public may testify at the public hearing conducted by the Council on matters relating to fishery management plans and other Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Jim H. Branson at the above addresses. To receive due consideration and facilitate inclusion in the record of the meeting, typewritten statements which relate to the agenda should be received within ten days after the close of the Council meeting. Other written statements may be submitted at any time before or after the meeting.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

JANUARY 3, 1977.

[FR Doc.77-468 Filed 1-5-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Closed Meeting

Name of committee: Army Scientific Advisory Panel.

Date: 7-8 February 1977.

Place: Lawrence Livermore Laboratory, Livermore, CA 94550.

Agenda: Monday, 7 February 1977 (0745-1810 hours) and Tuesday, 8 February 1977 (0745-0915 hours) Presentations and discussion on "The Army Tactical Nuclear Program." Tuesday, 8 February 1977 (0930-1145 hours).

Business Meeting: Feedback Reports with Panel discussion on the ASAP Summer Study 1976, the Science and Technology Objectives Guide, and the FIREFINDER Program.

The presentations and discussions scheduled for 0745-1810 hours, February 7 will cover Army nuclear policy, doctrine, survivability, and nuclear weapons effects, options and programs which are classified in the interest of national defense. From 0745-0915 hours, February 8 the presentations and discussions will cover nuclear stockpile, security and control issues which are classified in the interest of national defense. The 0930-1145 business meeting is for receiving and discussing reports which are classified in the interest of national defense. Therefore, under the provisions of exemptions contained in section 552(b)(1), Title 5 U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C. 20310, (202) 695-1447.

Dated: December 30, 1976.

JOHN E. WAGNER,
Colonel, GS,
Acting Director of Army Research.

[FR Doc.77-410 Filed 1-5-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 666–6]

ALPHA-EMITTING HOT PARTICLES

Response to Petition

On February 14, 1974, the Natural Resources Defense Council, Inc. (NRDC), petitioned the Environmental Protection Agency and the Atomic Energy Commission to amend their radiation protection standards as they apply to so-called "hot particles," i.e., insoluble particles of plutonium and other alpha-emitting substances. Support for the NRDC petition was provided in an accompanying technical report "Radiation Standards for Hot Particles," by A. R. Tamplin and T. B. Cochran, in which the recommendation was made (and the petition requested) that "• • • when hot particles are involved the existing radiation standards governing plutonium exposure should be reduced by a factor of 115,000." The action requested by NRDC was "• • • intended to be applicable to all radionuclides or mixtures thereof capable of forming hot particles." Of specific interest to NRDC was a reduction in maximum permissible concentrations of plutonium-239 in air to "protect exposed persons from the risk of lung cancer attendant upon exposure to hot particles."

EPA acknowledged the petition by letter on March 18, 1974, and subsequent correspondence between the Agency and NRDC led to the latter's participation at the Agency's public hearings on Standards for Plutonium in the Environment, held in February 1975. NRDC submitted supplemental material, dated February 24, 1975, for the record which elaborated further on the scientific rationale for the petition before the Agency.

In May 1974, EPA requested the National Academy of Sciences (NAS) to review the scientific basis for the NRDC petition. An ad hoc committee was formed by the Academy and provided with both the original support document and later, a copy of the NRDC testimony given at the Agency's public hearings. In addition, Drs. Tamplin and Cochran met with the NAS Committee on July 8, 1975, to discuss scientific aspects of this problem. Besides the NAS Study, the NRDC petition and hypothesis concerning the radiocarcinogenicity of "hot particles" engendered widespread scientific interest. Both the British Medical Radiation Council and the U.S. National Council on Radiation Protection and Measurements, as well as the Energy Research and Development Administration and the Nuclear Regulatory Commission, have published analyses of the NRDC position. While this Agency has found such reports of interest, it has awaited the results of the NAS study before deciding what actions it should take regarding the NRDC petition. The National Academy of Sciences completed their study in October 1976, and EPA published the full text of their report on December 15, 1976. Copies of the NAS Report are available from the address listed below.

The Academy's Committee has concluded that the results of a variety of animal studies indicate that the radiocarcinogenic potential of insoluble alpha-emitting particulates in lung tissue is not markedly greater and may be less than that due to the same alpha particle activity distributed more uniformly in the lung. The Committee's analysis of epidemiological data indicates that in man, tracheo-bronchial cancers usually result from irradiation of the lung and that the incidence of radiation induced tracheobronchial cancer provides a suitably conservative basis for estimating the risk of cancers in the deep lung where particles are retained. Based on its analysis, the Committee concluded, "that the evidence does not support the NRDC petition for a special, lower radiation protection standard for inhaled alpha-emitting particles" and "that if there is a 'hot particle' risk, it is small by comparison with the lung cancer risk attributable to the generalized alpha radiation." The Agency agrees with these conclusions.

Based on the scientific evidence as evaluated by several national organizations having competence in the physical and biological aspects of plutonium toxicity, and particularly that of the Academy, this Agency believes provision of an additional radiation protection standard for inhaled alpha-emitting particulates is not warranted. Therefore, the Environmental Protection Agency has, by letter of December 10, 1976, communicated its decision to the Natural Resources Defense Council that it has denied its petition.

Single copies of the report by the National Academy of Sciences entitled "Health Effects of Alpha-Emitting Particles in the Respiratory Tract," can be obtained from the Director, Criteria and Standards Division (AW–460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dated: December 28, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.77–396 Filed 1–5–77;8:45 am]

[FRL 666–8]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Cancellation of Equivalent Method Designation; Preliminary Finding

Notice is hereby given that EPA has made a preliminary finding that an analyzer previously designated as an equivalent method for ambient air monitoring does not fully satisfy the requirements of 40 CFR Part 53 (40 FR 7044, February 18, 1975). Accordingly, EPA is initiating proceedings to cancel the designation, as provided in § 53.11 of 40 CFR Part 53. The method is EQSA–0276–009, "Thermo Electron Model 43 Pulsed Fluorescent SO_2 Analyzer." Notice of its designation as an equivalent method was published on February 27, 1976 (41 FR 8531–2).

EPA's preliminary finding is based on test data and other information showing that, under some conditions, a discrepancy is observed between measurements made by the Thermo Electron Model 43 SO_2 analyzer and measurements made by various other equivalent method SO_2 analyzers located at the same monitoring site. Tests by EPA, an independent EPA contractor, and by the Thermo Electron Corporation definitely confirm the existence of such discrepancies. Moreover, simultaneous SO_2 measurements made with the SO_2 reference method confirm that the discrepancies are due to error in the Model 43 measurements.

The occurrence of erroneous readings on the Model 43 is strongly related to the proximity of automotive vehicular traffic. Thus, the errors have been observed only at monitoring sites located near roadways or heavy traffic areas. The errors appear to be substantially increased by factors favoring build up of automotive pollutant concentrations—e.g., thermal inversion, low wind speed, restricted ventilation, increased traffic during "rush hours," and traffic signals or stop-and-go conditions. The errors always cause overestimation of the SO_2 levels, and, under severe conditions, the readings have been as much as 260 $\mu g/m^3$ (0.1 ppm) over the true SO_2 concentration. There is no indication of errors in Model 43 measurements at sites away from automotive traffic.

The cause of the observed errors in Model 43 measurements appears to be a positive interference from some agent or agents generated by automotive traffic. Laboratory tests so far seem to rule out significant interference from CO, NO, fine particulates, and many simple hydrocarbons. Recent investigation by the Thermo Electron Corporation indicates that the Model 43 analyzer responds to naphthalene or naphthalene-related compounds, if contained in some brands of gasoline, are the cause of the interference near automotive traffic. However, as of this writing, the exact identity of the interfering substance is still in doubt.

EPA has reviewed the original application, test procedures, and test results submitted by the Thermo Electron Corporation and used as a basis for the equivalent method designation, and finds no irregularities. Since neither the existence nor the identity of the interferent was known at the time of the tests, no specific interference equivalent test for that interferent was conducted (or requested by EPA) under § 53.23(d). Also, an otherwise valid consistent relationship test was carried out by the applicant in accordance with 40 CFR Part 53, Subpart C, at a site approved by EPA. No failures occurred during that test. The test site, which was thought to meet the general requirements for Subpart C test sites as specified in § 53.30(b), was not located near heavy automotive traffic. Thus, any errors in the Model 43 test measurements were either too small to cause test failures or too small to be observed. However, based on the test data and other information which has recently become available, EPA now concludes that if consistent relationship tests were conducted in accordance with Subpart C at a site having substantial concentrations of automotive emissions, the method as it is now constituted would fail. Accordingly, EPA is initiating proceedings to cancel the designation of the Thermo Electron Model 43 SO_2 Analyzer pursuant to 40 CFR 53.11.

In accordance with § 53.11, the applicant, Thermo Electron Corporation, has been notified of EPA's preliminary finding and will be afforded a reasonable period of time (not less than 60 days) to avoid such a cancellation by demonstrating or achieving compliance with the requirements of Part 53. Because of the nature of the interference problem, a demonstration of compliance with Part 53 in this case must specifically include a consistent relationship test carried out at a site which clearly shows substantial concentrations of automotive-generated pollutants. Any person having any data, information or comments pertinent to such a test or to EPA's preliminary finding is invited to submit them in writing to: Director, Environmental Monitoring and Support Laboratory, Department E, MD–76, Research Triangle Park, North Carolina 27711. Also, on or before March 7, 1977, the applicant or any interested person may request a hearing on the grounds for cancellation of the Model 43 designation as provided in 40 CFR 53.12.

After the applicant has been afforded an opportunity to avoid cancellation of the Model 43 designation as described above, EPA will publish a notice of its final determination in the FEDERAL REGISTER as provided in 40 CFR 53.11. Should cancellation of the designation prove necessary, EPA will also specify a reasonable period of time during which the method (if purchased prior to publication of the notice of cancellation) may be used for purposes of 40 CFR 51.17(a) as provided in 40 CFR 51.17a(a)(4).

It is EPA's understanding that the applicant has developed a device which, when installed on a Model 43 analyzer, may enable the analyzer to comply with the requirements of Part 53. EPA further understands that the applicant intends to test a representative analyzer with the device installed, and to apply for a new equivalent method designation for the method as so changed. Thus, should it prove necessary to cancel the designation presently applicable to the Model 43 analyzer, it is possible that EPA would be able to designate a new (i.e., changed) method at the same time it cancels the existing designation.

Until a final determination on cancellation of the existing designation has been made, the question of interim use of the method arises. Although there is no legal obstacle to use of the method for purposes of 40 CFR 51.17(a) unless and until the designation is cancelled (see also 40 CFR 51.17a(a)(4)), it is obvious that data obtained with the method may be invalid to some degree depending on the location of the monitoring sites involved. Thus, reliance on such data may be unwise. From the information currently available, it is difficult to assess the impact of the problem at individual sites without making appropriate measurements at each site. The following interim guidance is offered:

1. At monitoring sites located away from areas of significant automotive traffic, there is currently no reason to question the validity of measurements due to the problem described.

2. Since monitoring for SO_2 generally need not be carried out near heavy automotive traffic, it may be possible to locate or relocate existing Model 43 analyzers away from such areas.

3. Where Model 43 analyzers are or have been located in heavy traffic areas, it may be possible to estimate the magnitude of possible errors by making simultaneous SO_2 measurements with the reference method or with another equivalent method over a variety of weather and traffic conditions. It is possible that measurement errors are significant only during certain periods of the day (e.g., commuting periods) or only during certain weather conditions. Hence, only measurements obtained during those periods may have to be questioned. Also, the effect on 24-hour (or longer) averages may be minimal. Use of any remaining data that might be questionable for purposes of 40 CFR 51.17(a) is not recommended.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

DECEMBER 30, 1976.

[FR Doc.77–395 Filed 1–5–77;8:45 am]

[FRL 667–8]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Vermont

On December 23, 1971 (36 FR 24876), March 8, 1974 (39 FR 9308), August 6, 1975 (40 FR 33152), September 23, 1975 (40 FR 43850), January 15, 1976 (41 FR 2232 and 2332), January 26, 1976 (41 FR 3826), and May 4, 1976 (41 FR 18498), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing Standards of Performance for New Stationary Sources. On April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated National Emission Standards for Hazardous Air Pollutants (NESHAPS) for three pollutants. Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

In September, 1973, the Regional Administrator, Region I, EPA, forwarded to the State of Vermont information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NES HAPS. On May 5, 1975, representatives from EPA and the Vermont Agency of Environmental Conservation (the Agency) met to discuss these requirements. On July 10, 1975, the Agency submitted a formal request for delegation. However, upon review of the request, EPA determined that the State's provisions for public disclosure of information did not meet the criteria necessary for delegation approval. On February 18, 1976, representatives from EPA and the Agency again met to discuss alternate procedures for assuring adequate provisions for public disclosure of information. After legal interpretations were completed by both the State and EPA, a meeting was held on May 19, 1976 in order to agree on the wording and content of a final delegation request letter. At this meeting, Counsel to the Agency reiterated his opinion that the Agency did not have the legal authority to require sources to meet Federal regulations; however, he believed the Agency could assume delegation responsibilities for those source categories for which the State emission limitation was at least as stringent as the Federal standard. In response to the recommendations of their counsel, the Agency held a public hearing on June 17, 1976 to discuss, among other things, proposed regulatory changes which would bring certain State regulations into conformance with Federal NSPS. These regulatory changes were then promulgated.

On July 8, 1976, Dr. Martin L. Johnson, Secretary of the Vermont Agency of Environmental Conservation, submitted a request for delegation of authority to the EPA Region I Administrator. The request letter cited the appropriate Vermont Statutes and Agency regulations which demonstrated the adequacy of the State's procedures. Also included in the State's request was a statement that the Counsel to the Agency of Environmental Conservation, who also cosigned the request letter, had reviewed the Agency's legal authority and agreed that the Agency had the authority necessary to carry out any obligations created by the requested delegations. After a thorough review of Vermont's request, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Dr. Martin L. Johnson, delegation is appropriate subject to the conditions set forth in items (1) through (10) of that letter:

DR. MARTIN L. JOHNSON, *Secretary,*
Agency of Environmental Conservation,
Montpelier, Vermont.

DEAR DR. JOHNSON: This is in response to your July 8, 1976, letter requesting delega-

tion of authority for implementation and enforcement of New Source Performance Standards (NSPS) and implementation of National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the Vermont Agency of Environmental Conservation (the Agency).

The Environmental Protection Agency, Region I, (EPA) has reviewed the pertinent laws of the State of Vermont and the rules and regulations of the Agency, and has determined that they provide an adequate and effective procedure for implementation and enforcement of the requested NSPS and implementation of the requested NESHAPS by the State of Vermont. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the Vermont Agency of Environmental Conservation as follows:

(A) Authority for all sources located in the State of Vermont subject to the following Standards of Performance for New Stationary Sources as promulgated in 40 CFR Part 60 as of July 8, 1976: fossil fuel-fired steam generators; incinerators; and asphalt concrete plants.

(B) Authority for all field surveillance activities for the Vermont Asbestos Group, Inc., and Rutland Fire Clay Co. as specified in 40 CFR 61.22(a) and 61.22(c) respectively. This delegation of authority specifically excludes the enforcement of any provision under 40 CFR Part 61 by the Agency.

This delegation is based upon the following conditions:

1. The Agency will continue to submit semi-annual reports as required to EPA.

2. Enforcement of NSPS in the State of Vermont will be the primary responsibility of the Agency. If the Agency determines that such enforcement is not feasible and so notifies EPA, or where the Agency acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Vermont subject to NSPS.

3. Acceptance of this delegation of enumerated presently promulgated NSPS and NESHAPS does not commit the Vermont Agency of Environmental Conservation to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of July 8, 1976, and for any delegated NSPS and NESHAPS which are revised subsequent to July 8, 1976. In addition, a new request will be required should the Agency desire delegation of the enforcement of any NESHAPS provision.

4. The Agency will at no time grant a variance or waiver from compliance with applicable NSPS and NESHAPS (40 CFR Parts 60 and 61). Should the Agency grant such a variance or waiver, EPA will consider the source receiving such relief to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such relief by the EPA.

5. The delegation of the State of Vermont does not include the authority to implement and enforce NSPS and NESHAPS for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61.

6. The Agency and EPA will develop a system of communication sufficient to guarantee that each office is fully informed regarding the current compliance status of subject sources in the State of Vermont and regarding interpretation of applicable regulations. EPA will make determinations regarding unique questions of applicability of delegated standards when requested by the Agency or at other times as determined by EPA. EPA will provide technical assistance as necessary to the Agency. The Agency will provide the following information, as a minimum, to EPA: the name and address of each facility subject to NSPS or NESHAPS; the operational status of each facility; the compliance status of each facility with accompanying explanations of noncompliance where applicable; notice of enforcement actions brought against facilities subject to delegated NSPS; surveillance actions undertaken for each facility; and the results of all reports relating to emission data.

7. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR Parts 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

8. The Agency will utilize the methods specified in 40 CFR Part 60 in performing source tests pursuant to the NSPS regulations.

9. The Agency shall apply the criteria of no visible asbestos emissions as specified in 40 CFR 61.22 (a) and (c) in performing field surveillance activities pursuant to the NESHAPS regulations as they apply to Vermont Asbestos Group, Inc., and Rutland Fire Clay Co.

10. If the Regional Administrator determines that a State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Agency.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS from sources located in the State of Vermont should be submitted to the Vermont Agency of Environmental Conservation.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the receipt of this letter, the State will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

JOHN A. S. MCGLENNON,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified Dr. Johnson on September 3, 1976, that authority to implement and enforce specified Standards of Performance for New Stationary Sources and implement specified National Emission Standards for Hazardous Air Pollutants was delegated to the State of Vermont Agency of Environmental Conservation.

Copies of the request for delegation of authority are available for public inspection at the U.S. Environmental Protection Agency, Region I Office, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Effective immediately, all reports required pursuant to the National Emission Standards for Hazardous Air Pollutants and the Standards of Performance for New Stationary Sources listed in the above letter should be submitted to the EPA, Region I Office and should also be submitted to the State Agency at the following address: Vermont Agency of Environmental Conservation, Box 489, Montpelier, Vermont 05602.

This notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6 and 7.

Dated: December 6, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator.

[FR. Doc.77-546 Filed 1-5-77;8:45 am]

[OPP-42004B; FRL 667-3]

STATE OF SOUTH CAROLINA

Extension of Contingency Approval of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 (39 FR 36445 (October 9, 1974) and 40 FR 11698 (March 12, 1975)) the Honorable James B. Edwards, Governor of the State of South Carolina, submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending promulgation of implementing regulations. On December 12, 1975, the Regional Administrator, EPA Region IV, approved the Plan on a contingency basis for a twelve-month period. Notice of the approval was published in the FEDERAL REGISTER on January 6, 1976 (41 FR 1125).

The South Carolina Pesticide Control Act was passed by the South Carolina Legislature on June 4, 1975. Proposed regulations for the enforcement of the Act have been drafted, public hearings have been held and final regulations are expected to be published by March 1, 1977. As a result, on December 2, 1976, the state of South Carolina requested an extension of the South Carolina contingency approval pending final promulgation of regulations. The Agency finds that there is good cause for approving the request and as such has granted an extension until October 20, 1977.

Dated: December 14, 1976.

JACK E. RAVAN,
Regional Administrator, Region IV.

[FR Doc.77-476 Filed 1-5-77;8:45 am]

FEDERAL COMMUNICATION COMMISSION

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Adopted: December 23, 1976.

Released: December 29, 1976.

The following application specifies the facilities of station WKYZ, Madisonville, Tennessee, which must cease operation after the expiration of its operating authority on January 10, 1977. The Commission will accept other applications for consolidation with this application which propose essentially the same facilities.

BP-20686. NEW, Madisonville, Tennessee, Man Corporation, Req: 1250 kHz, 500 W, Day.

Pursuant to the provisions of §§ 1.227 (b)(1) and 1.591(b) of the Commission's Rules, an application, in order to be considered with this application must be tendered no later than February 15, 1977.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for the provisions governing the time of filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-532 Filed 1-6-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 389]

ALI-SON INTERNATIONAL CO.

Erratum to Order of Revocation

On December 9, 1976, Mr. Joseph L. Alicea, President, Ali-Son International Co., 80-82 Wall Street, New York, N.Y. 10005, voluntarily surrendered his Independent Ocean Freight Forwarder License No. 389 for revocation.

By Order served December 20, 1976, revoking the subject license, the effective date of revocation was erroneously stated to be December 13, 1976. Therefore, the Order of December 20, 1976 is hereby amended to show the correct effective date of revocation to be December 31, 1976.

It is ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ali-Son International Co.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-470 Filed 1-5-77;8:45 am]

AMERICAN EXPORT LINES, INC. AND UNITED STATES LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esq., Kurrus and Ash, 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007.

Agreement 10276 would permit American Export Lines, Inc. and United States Lines, Inc., to interchange " • • • cargo containers, chassis, trailers and/or related equipment • • •" as circumstances may require in accordance with the terms of the agreement.

By Order of the Federal Maritime Commission.

Dated: December 32, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-474 Filed 1-5-77;8:45 am]

INTERNATIONAL MOVERS RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Carroll F. Genovese, Executive Director Movers' & Warehousemen's Association of America, Inc., Suite 522 Munsey Building, Washington, D.C. 20004.

Agreement No. 8530-3 would extend the scope of the International Movers' Rate Agreement to cover through intermodal movements between U.S. and foreign inland points as more specifically set forth in the agreement. Presently, the agreement covers only port-to-port movements.

By Order of the Federal Maritime Commission.

Dated: December 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-475 Filed 1-5-77;8:45 am]

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Office located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances

said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10273 is (1) a discussion and rate agreement among Lykes Bros. Steamship Co., Inc., Delta Steamship Lines, Inc., and Gulf Caribbean Marine Line, Inc. in the trade from U.S. Gulf ports to ports in the Dominican Republic and Haiti, and (2) a discussion agreement among the above-named carriers and the United States Atlantic & Gulf/Haiti Conference in the Gulf/Haiti trade with agreement by the conference to give the other parties 48 hours' advance notice of rate and tariff changes.

By Order of the Federal Maritime Commission

Dated: December 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-473 Filed 1-5-77;8:45 am]

MOVER'S RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Carroll F. Genovese, Executive Director, Movers' & Warehousemen's Association of America, Inc., Suite 522 Munsey Building, Washington, D.C. 20004.

Agreement No. 8540-D would extend the scope of the Movers' Rate Agreement to cover through intermodal movements between U.S. inland points in the contiguous 48 states, on the one hand, and inland points in Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands, on the other. Presently, the agreement covers only port-to-port movements.

By Order of the Federal Maritime Commission.

Dated: December 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-472 Filed 1-5-77;8:45 am]

SEATRAIN INTERNATIONAL, S.A. AND MARITIME y TRANSPORTES HONDURAS, S. de R.L.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Neal M. Mayer, Esquire, Coles & Goertner, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 10275 between the above-named carriers is an equipment interchange agreement whereby the parties agree to interchange cargo containers and/or related equipment applicable to Seatrain's services between the United States and Europe and Far East on the one hand; and Honduran Line's services between the United States and the Caribbean, Central and South America on the other hand.

By Order of the Federal Maritime Commission.

Dated: December 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-471 Filed 1-5-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP76-15 and RP76-98]

ALGONQUIN GAS TRANSMISSION CO.

Certification of Settlement Agreement

DECEMBER 28, 1976.

Take notice that on December 6, 1976, Presiding Administrative Law Judge Israel Convisser certified to the Commission a proposed settlement agreement in the captioned proceeding. The settlement agreement was submitted to the Presiding Administrative Law Judge by Algonquin Gas Transmission Company and the Algonquin Customer Group. The evidentiary record in this proceeding was certified to the Commission as well as the proposed agreement.

Copies of the proposed settlement agreement are on file with the Commission and are available for public inspection. Any person desiring to comment on matters contained therein should file comments with the Federal Power Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before January 28, 1977. Any reply comments should be filed on or before February 11, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-497 Filed 1-5-77;8:45 am]

[Docket Nos. RP76-15, et al]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Filing

DECEMBER 28, 1976.

Take notice that on December 6, 1976, Algonquin Gas Transmission Company ("Algonquin Gas") tendered for filing Second Substitute First Revised Sheet No. 10-A to its FPC Gas Tariff, First Revised Volume No. 1. Algonquin Gas states that said tariff sheet is being filed to comply with the Commission's order issued October 15, 1976 in the above-captioned proceedings rejecting a portion of Substitute First Revised Sheet No. 10-A to its tariff, First Revised Volume No. 1, which sheet had been filed September 30, 1976.

Algonquin Gas states that Second Substitute First Revised Sheet No. 10-A contains the amortizing unit adjustment applicable to the Purchased Feedstock Adjustment Clause ("PFAC") based upon the amount of overcollections under such PFAC during the 1975-76 SNG season, together with interest thereon calculated in accordance with the method prescribed in the October 15, 1976 order. Algonquin Gas states that the instant filing is being made without prejudice to its pending application for rehearing of said October 15, 1976 order.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 17, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing with respect to the instant filing must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-522 Filed 1-5-77;8:45 am]

[Docket No. E-7775, et al.]

APPALACHIAN POWER CO.

Filing of Compliance Report

DECEMBER 28, 1976.

Take notice that on December 14, 1976, Appalachian Power Company (APCO) tendered for filing a refund compliance report pursuant to the Federal Power Commission's Order of November 2, 1976, approving a settlement agreement in the above-captioned docket and its related dockets.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-501 Filed 1-5-77;8:45 am]

[Docket No. RP76-10 (PGA 77-3)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

DECEMBER 29, 1976.

Take notice that on December 13, 1976, Arkansas Louisiana Gas Company (Arkla) tendered for filing in the above docket:

Ninth Revised Sheet No. 185 for its Rate Schedule X-26 in its FPC Gas Tariff Original Volume No. 3.

The proposed tariff sheet is being filed to track increases in Arkla's cost of gas due to pipeline supplier rate changes. The change in Arkla's rates proposed by this filing reflects rate increases filed by four of Arkla's pipeline suppliers, Tennessee Gas Pipeline Company, Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation and United Gas Pipe Line Company.

The proposed effective date of the above described tariff sheet is January 15, 1977.

The company states that copies of the revised tariff sheet and supporting data are being mailed to the customers affected by the tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-516 Filed 1-5-77;8:45 am]

[Docket No. RP74-61 (PGA77-3)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

DECEMBER 29, 1976.

Take notice that on December 13, 1976, Arkansas Louisiana Gas Company (Arkla) tendered for filing in the above docket:

12th Revised Sheet No. 44 for its Rate Schedule G-2 in its FPC Gas Tariff First Revised Volume No. 1.

The proposed tariff sheet is being filed to track increases in Arkla's cost of gas due to pipeline supplier rate changes. The change in Arkla's rates proposed by this filing reflects rate increases filed by four of Arkla's pipeline suppliers, Tennessee Gas Pipeline Company, Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation and United Gas Pipe Line Company.

The proposed effective date of the above described tariff sheet is January 15, 1977.

The company states that copies of the revised tariff sheet and supporting data are being mailed to the customers affected by the tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of his filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary

[FR Doc 77 513 Filed 1-5-77;8:45 am]

[Docket No. E-8071, E-8142, E-8250, ER76-110]

ARKANSAS POWER & LIGHT CO.

Filing of Corrections to Compliance Report

DECEMBER 28, 1976.

Take notice that on December 15, 1976, Arkansas Power and Light (AP&L) tendered for filing corrections to a refund compliance report filed on December 10, 1976, pursuant to the Order issued November 15, 1976, approving a Settlement Agreement reached in the above-numbered dockets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-504 Filed 1-5-77;8:45 am]

[Docket No. ER76-45]

CONSUMERS POWER CO.

Certification of Settlement Agreement

DECEMBER 29, 1976.

Take notice that on December 16, 1976, Presiding Administrative Law Judge Grossman certified to the Commission a proposed settlement agreement in the above-captioned proceeding which, if approved, would resolve all the issues in the proceeding.

Any person desiring to be heard or to protest said agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 12, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-511 Filed 1-5-77;8:45 am]

[Docket No. ER77-118]

DUKE POWER CO.

Supplement to Electric Power Contract

DECEMBER 29, 1976.

Take notice that Duke Power Company tendered on December 16, 1976, a supplement to Duke Power Company Rate Schedule FPC No. 146. The customer affected by the supplement is York Electric Cooperative, Inc. (customer). The dates on which these supplement changes are to become effective are December 20, 1976 for Delivery Points No. 5 and 12, and January 19, 1977 for Delivery Points No. 6, 7, 9 and 11. Duke Power's contract supplement, agreed to by the customer, provides for increases in demands as follows:

	Designated kilowatts	
	From	To
Delivery points:		
5		
6	5,700	6,500
7	2,000	2,400
9	1,000	1,500
11	4,200	6,000
12	1,200	1,500

Delivery Point No. 5 provides only for the SEPA (Southeastern Power Administration) reallocation of preference customer capacity and energy.

These figures are based on estimates of sales and revenues for the 12 months immediately preceding and for the 12 months immediately succeeding the effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-528 Filed 1-5-77;8:45 am]

[Docket No. ER77-118]

DUKE POWER CO.

Supplement to Electric Power Contract

DECEMBER 29, 1976.

Take notice that Duke Power Company tendered on December 16, 1976, a supplement to Duke Power Company Rate Schedule FPC No. 146. The customer affected by the supplement is York Electric Cooperative, Inc. (customer). The dates on which these supplement changes are to become effective are December 20, 1976 for Delivery Points No. 5 and 12, and January 19, 1977 for Delivery Points No. 6, 7, 9 and 11. Duke Power's contract supplement, agreed to by the customer, provides for increases in demands as follows:

	Designated kilowatts	
	From	To
Delivery points:		
5		
6	5,700	6,500
7	2,000	2,400
9	1,000	1,500
11	4,200	6,000
12	1,200	1,500

Delivery Point No. 5 provides only for the SEPA (Southeastern Power Administration) reallocation of preference customer capacity and energy.

These figures are based on estimates of sales and revenues for the 12 months immediately preceding and for the 12 months immediately succeeding the effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-483 Filed 1-5-77;8:45 am]

[Docket No. RP77-17]

EASTERN SHORE NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Waiver, and Establishing Procedures

DECEMBER 29, 1976.

On November 24, 1976, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing certain revised tariff sheets[1] to its FPC Gas Tariff, Original Volume No. 1, requested to become effective on January 1, 1977. For the reasons set forth below, the Commission shall accept for filing and suspend the subject tariff sheets until June 1, 1977, and establish procedures to determine the justness and reasonableness of the changes proposed therein.

According to Eastern Shore, the proposed traiff changes would increase its revenues from jurisdictional sales and services in the amount of $138,048 annually, based upon costs and sales volumes for the 12-month period ended June 30, 1976, as adjusted. Eastern Shore states that such increased revenues are necessary to compensate it for increased operating expenses, and to permit it to earn an overall return of 9.5 percent, including an 11.5 percent return on common equity. In addition, the Company states that the proposed rate increase reflects reduced sales due to projected curtailment by its sole supplier, Transcontinental Gas Pipe Line Corporation.

Eastern Shore has requested that the Commission waive that portion of § 154.63(e)(2)(i) of its Regulations which requires that the end of the 12 months of actual experience (the "base period") be not more than four months prior to the filing date of the proposed rate increase. In support of this request, the Company states that the instant filing was unavoidably delayed pending completion of an audit of its books for the 12 months ended June 30, 1976. Good cause having been shown, the subject request shall be granted, as hereinafter ordered.

Eastern Shore has also requested waiver of § 154.63(a)(3) of the Commission's Regulations to permit acceptance of its filing, as tendered, in the format prescribed for a "Minor rate increase." In support of this request, the Company argues that the proposed increase only slightly exceeds the $100,000 limit established for a "minor" increase. The Company states further that the additional material required for a "major" rate increase filing[2] would have substantially increased the cost to prepare the instant filing without materially aiding in the analysis and review thereof. The Commission's review indicates that good cause exists to grant this request for waiver, as hereinafter ordered.

Review of the instant filing indicates that costs have been classified and allocated according to the unmodified *Seaboard* methodology.[3] The propriety of use of such methodology in the instant case must be questioned, given the substantial curtailment of gas supply projected for the test period.[4] Accordingly, the Commission hereby places Eastern Shore on notice of its potential liability for undercollections if commodity rate levels lower than those produced by the 25/75 *United* methodology[5] are placed into effect by the Company, subject to refund, and subsequently found by the Commission in this proceeding to be inappropriate.

Public notice of Eastern Shore's filing was issued on December 7, 1976, providing that any comments, protests or petitions to intervene should be filed on or before December 27, 1976.

The Commission's review of the instant filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the Commission shall accept the revised tariff sheets for filing and suspend their use for five months until June 1, 1977, when they may become effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act. The Commission shall also establish procedures to determine the lawfulness of the proposed rate increase.

The Commission finds: (1) Eastern Shore's proposed revised tariff sheets should be accepted for filing and suspended for five months until June 1, 1977, when they may become effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act.

(2) Good cause exists to grant Eastern Shore's request for waiver of § 154.63(e)(2)(i) and § 154.63(a)(3) of the Commission's Regulations.

The Commission orders: (A) Eastern Shore's proposed revised tariff sheets are hereby accepted for filing and suspended until June 1, 1977, or until such other time as they are made effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed herein.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Waiver of § 154.63(e)(2)(i) and § 154.63(a)(3) of the Commission's Regulations is hereby granted.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-519 Filed 1-5-77;8:45 am]

[Docket No. RP72-134 (PGA 77-3)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

DECEMBER 29, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 13, 1976, tendered for filing Thirty-Eighth Revised Sheet No. 3A Superseding Thirty-Seventh Revised Sheet No. 3A and Thirty-Eighth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective January 1, 1977, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by $.017 per Mcf. These increases reflect corresponding increases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of November 30, 1976, in Docket No. RP72-99.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of November 1, 1977, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's November 30, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 CFR. 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary

[FR Doc 77-517 Filed 1-5-77;8:45 am]

[Docket No. RP77-18]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures

DECEMBER 29, 1976.

On November 30, 1976, El Paso Natural Gas Company (El Paso) tendered for filing proposed changes to its FPC Gas Tariff[1] which would increase its revenues for jurisdictional natural gas sales and services by approximately $145 million annually over its currently effective rates, based on costs and sales volumes for the 12 months ended August 31, 1976, as adjusted for known and measurable changes through May 31, 1977. For the reasons stated below, the Commission shall accept the proposed rate increase for filing, with conditions, suspend its operation for five months, and set the matter for hearing.

Public notice of El Paso's filing was issued on December 8, 1976, with comments, protests or petitions to intervene due to be filed on or before December 21, 1976.

El Paso claims the principal reasons for the proposed rate increase are declining gas supply and increases in virtually all items of cost, including labor, capital, materials and supplies, special overriding royalties, regular royalties and taxes. El Paso requests waiver of § 154.63(e)(2)(ii) of the Commission's Regulations to permit the inclusion of construction work in progress in its rate base. El Paso also requests waiver of § 154.63(e)(2)(i) of the Regulations to permit increases in the amounts payable to certain special overriding royalty interests which will become effective on June 1, 1977.

The Commission finds that waiver of § 154.63(e)(2)(ii) of the Regulations

[1] Thirty-Seventh Revised Sheet No. 3A and Thirty-Seventh Revised PGA-1 Sheet Nos. 1, 2 and 3.

[2] 18 CFR 154.63(b)(3).

[3] *Atlantic Seaboard Corporation, et al.* (Opinion No. 225), 11 FPC 43 (1952).

[4] *See*, in this regard, the Commission's recent opinion in *Natural Gas Pipeline Company of America* (Opinion No. 782). —— FPC —— (Docket No. RP73-110, issued November 9, 1976).

[5] *United Gas Pipe Line Company* (Opinion No. 671), 50 FPC 1348 (1973), *reh. denied* 51 FPC 1014 (1974), *aff'd sub nom. Consolidated Gas Supply Corp. v. F.P.C.*, 520 F. 2d 1176 (D.C. Cir. 1975).

[1] The tariff sheets which were submitted are: (a) Original Volume No. 1: Twentieth Revised Sheet No. 3-B and Fifth Revised Sheet No. 63-C.5; (b) Third Revised Volume No. 2: Tenth Revised Sheet No. 1-D and Fifth Revised Sheet No. 1-M.5; (c) Original Volume No. 2A: Twelfth Revised Sheet No. 1-C and Fifth Revised Sheet 7-MM.5.

should be granted, subject to condition. This waiver will permit the inclusion in rate base of $2,461,484 associated with facilities not yet placed in service upon condition that El Paso shall file revised rates to go into effect June 1, 1977, which reflect the elimination of all plant which is not certificated and placed in service as of June 1, 1977, and the elimination of any construction work in progress from rate base.

The Commission shall grant waiver of § 154.63(e)(2)(i) of the Regulations to allow El Paso to include in its proposed rates increases in special royalty and tax expense associated with company-owned production. The increases in the special overriding royalty and tax expenses will go into effect on June 1, 1977, under the existing agreements. This is only one day after the end of the test period. In addition, these expenses are known and measurable as a result of Opinion Nos. 770 and 770-A issued July 27, 1976, and November 5, 1976. The fact that the known and measurable change will occur only one day after the end of the test period constitutes good cause for waiving § 154.63(e)(2)(i) in this case.

The Commission notes that El Paso included in its proposed rates "the effect of an increase in the amount payable as regular royalty and production tax expense which is expected to result given a change which has been proposed by the United States Geological Service in the method of valuing, for royalty purposes, natural gas produced from or for the benefit of onshore Federal and Indian oil and gas leases." El Paso requests that § 154.63(e)(2)(i) of the regulations be waived in order to allow inclusion of these expected changes in the proposed rates. The Commission shall permit these expected changes to be included provisionally, subject to the condition that El Paso file revised tariff sheets to go into effect on June 1, 1977, reflecting the elimination of any and all amounts related to this expected change, if the expected change is not effective by June 1, 1977.

El Paso uses the Seaboard method of cost classification, allocation, and rate design in its filing. The Commission has indicated that use of the Seaboard method of cost classification and rate design may be inadequate and contrary to the public interest in the present situation. See, e.g., Natural Gas Pipeline Company of America, Opinion No. 782, issued November 9, 1976. Notice is hereby given to El Paso of the potential liability for undercollections in the event methods of cost classification, allocation, and rate design are adopted which assign more fixed costs to the commodity component than are assigned under the Seaboard method.

El Paso states that the depreciation rate and the rate treatment for its production from wells commenced on or after January 1, 1973, on leases acquired prior to October 8, 1969, are the subject of proposed settlement agreements in Docket Nos. RP73-104, RP74-57 and RP75-39 and Docket No. RP76-59. These agreements are presently pending before the Commission. Should Commission action on these agreements result in a different depreciation rate or a different treatment for El Paso's production noted above from those which are included in the instant filing, El Paso shall file revised tariff sheets reflecting the necessary changes resulting from the Commission's order.

The Commission's review of the increased rates proposed herein by El Paso indicates that such rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, the Commission shall accept the proposed rate increase for filing and suspend its operation for five months, or until June 1, 1977, at which time it shall be permitted to become effective, subject to refund, in the manner prescribed by the Natural Gas Act, and in accordance with the terms of this order.

The Commission finds. (1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by El Paso in the instant docket, and that the tariff sheets reflecting such increased rates be accepted for filing and the use thereof suspended for five months, as hereinafter ordered and conditioned.

(2) Good cause exists to grant waiver of § 154.63(e)(2)(i) and (ii) as hereinafter ordered and conditioned.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness and reasonableness of the increased rates as proposed herein.

(B) Pending hearing and decision as to the justness and reasonableness of the increased rates proposed by El Paso, the revised tariff sheets filed herein are accepted for filing and suspended for five months, that is, until June 1, 1977, at which time they will be permitted to become effective subject to refund, in the manner provided by the Natural Gas Act; provided, however, that El Paso shall file revised tariff sheets and filing statements showing the elimination of costs included in the proposed rates associated with facilities which have not been certificated and placed in service by June 1, 1977, and the elimination of construction work in progress from rate base; and, provided further, El Paso shall file revised tariff sheets and filing statements showing the elimination of any and all amounts related to the expected change in valuation for royalty purposes of natural gas from onshore Federal and Indian oil and gas leases, if such change by the U.S.G.S. is not effective on June 1, 1977.

(C) The Commission Staff shall prepare and serve top sheets on all parties on or before April 1, 1977. (See Administrative Order No. 157.)

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 No. Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitons to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Waiver of § 154.63(e)(2)(ii) and § 154.63(e)(2)(i) of the Commission's Regulations is hereby granted, subject to the limitations and conditons prescribed by this order.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-518 Filed 1-5-77;8:45 am]

[Docket No. ER77-116]

HARTFORD ELECTRIC LIGHT CO.

Amendment to Purchase Agreement With Respect to Middletown Station

DECEMBER 29, 1976.

Take notice that on December 15, 1976, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Amendment to Purchase Agreement with respect to Middletown Station (Amendment) dated November 1, 1976 between (1) HELCO and (2) Westfield Gas and Electric Department (Westfield). HELCO states that a change has been made to the text of the Purchase Agreement with respect to Middletown Station from 5000 kilowatts to 6248 kilowatts for the period from November 1, 1976 to October 31, 1979.

HELCO states that they were not notified of Westfield's intent to increase their entitlement percentage of Middletown Station until a date which prevented the filing of the Amendment thirty days prior to the expected effective date of the Amendment. Therefore, HELCO requests that the Commission waive the thirty day notice period and permit the Amendment to become effective as of November 1, 1976.

HELCO states that copies of this Amendment have been mailed or delivered to HELCO, Hartford, Connecticut and Westfield, Westfield, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1977. Protests

will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-529 Filed 1-5-77;8:45 am]

[Docket Nos. ER76-322 and ER76-199]

ILLINOIS POWER CO.

Request for Waiver

DECEMBER 28, 1976.

Take notice that on December 13, 1976, the Illinois Power Company tendered for filing on behalf of itself and nine electric cooperative customers a request for further waiver of § 35.14(a)(8) of the Commission's Regulations to permit a June 1, 1977 date for the Company's compliance filing of its fuel adjustment clause.

A letter stating the concurrence of the nine electric cooperatives accompanied the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-502 Filed 1-5-77;8:45 am]

[Docket No. ER77-47]

INDIANA & MICHIGAN ELECTRIC CO.

Changes In Rates and Charges

DECEMBER 28, 1976.

Take notice that American Electric Power Service Corporation (AEP) on December 14, 1976, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), a letter of agreement dated October 4, 1976 to the Interconnection Agreement dated June 1, 1968, between I&M and Central Illinois Public Service Company, designated Indiana Rate Schedule FPC No. 67.

AEP states that the letter of agreement provides for an increase in the minimum energy charge for Emergency Service from 17.5 mills to three ($0.03) cents per kilowatt hour, proposed to become effective December 15, 1976. A similar letter agreement between Illinois Power Company and I&M was recently submitted to the Commission as a proposed settlement of FPC Docket No. ER 76-21 and on September 8, 1976 the Commission issued an order approving this settlement making it effective as of March 2, 1976. AEP also states that since the use of Emergency Service under the proposed minimum charge cannot be accurately determined or estimated, it is impossible to determine or estimate the increase in revenues resulting from the letter of agreement.

Copies of the filing were served upon Central Illinois Public Service Company, the Public Service Commission of Indiana, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-503 Filed 1-5-77;8:45 am]

[Docket Nos. RP76-100, RP73-14 (PGA Nos. 76-4, 76-4a, and 77-1a)]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Purchased Gas Cost Adjustment, Subject to Conditions and Deferring Hearing Procedures

DECEMBER 29, 1976.

On December 1, 1976, Michigan Wisconsin Pipe Line Company (Mich-Wisc) filed revised tariff sheets [1] replacing certain tariff sheets which Mich-Wisc had filed on October 27, 1976, to reflect the elimination from rate base of certain non-certificated facilities pursuant to Ordering Paragraph (A) of the Commission order issued November 24, 1976, in Docket Nos. RP76-100 and RP73-4 (PGA 76-4 and PGA76-4a).

For the reasons hereinafter stated, the Commission will accept one tariff sheet and permit it to become effective on November 1, 1976. The Commission will accept the other tariff sheet and suspend it for one day, until November 2, 1976, when it will become effective, subject to refund.

By order issued May 28, 1976, in Docket No. RP76-100, the Commission suspended Mich-Wisc's proposed increased rates for lve months, granting waiver of the Regulations subject to the condition that Mich-Wisc file revised tariff sheets to become effective November 1, 1976, reflecting the exclusion of non-certificated facilities from its rate base. On October 27, 1976, Mich-Wisc filed revised tariff sheets and a motion to make its suspended rates effective subject to refund. In that these tariff sheets did not reflect the exclusion of noncertificated facilities from rate base, the Commission rejected them by order issued on November 24, 1976.

In response to that order, Mich-Wisc filed the instant tariff sheets, reducing the base tariff rates by 0.09 cent per Mcf to reflect exclusion of the non-certificated facilities from rate base. The tariff sheets also include a 15.26 cents per Mcf PGA rate increase reflecting (1) a 9.22 cents per Mcf, or $71,791,748 per year increase in the current cost of gas to reflect increased gas costs resulting from Opinion No. 749 and the increase in the cost of Canadian gas effective September 10, 1976, (2) a 6.04-cent surcharge to recover $28,952,364 in deferred purchased gas costs. Anticipating a one day suspension due to the inclusion therein of emergency purchases in excess of Opinion No. 770-A rate levels, Mich-Wisc also filed an alternate PGA increase of 14.54 cents per Mcf to be effective November 1, 1976, excluding such costs. The subject PGA filing replaces a prior filing made on September 27, 1976, which had included the impact of Opinion No. 770 increases.

The instant filing complies with the November 24, 1976, order. On December 1, 1976, Mich-Wisc also filed a revised tariff sheet [2] to reflect the elimination of the 0.09 cent per Mcf from its special Opinion No. 770-A PGA rate increase filing which became effective December 1, 1976, subject to the elimination of the costs associated with non-certificated facilities in Docket No. RP 76-100.[3]

Our review of Mich-Wisc's filing indicates that the rates included in Third Substitute Fourteenth Revised Sheet No. 27F are based in part on emergency purchases made in excess of Opinion No. 770-A rate levels. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful.

Accordingly, we shall accept that sheet for filing and suspended its effectiveness for one day until November 2, 1976, when it shall become effective subject to refund, as hereinafter ordered and conditioned.

Our review of Mich-Wisc's claimed increased purchased gas costs indicates that they comply with the standards set forth in Docket No. R-406 with the ex-

[1] Third Substitute Fourteenth Revised Sheet No. 27F and Alternate Third Substitute Fourteenth Revised Sheet No. 27F to FPC Gas Tariff, Second Revised Volume No. 1.

[2] Substitute Fifteenth Revised Sheet No. 27F to FPC Gas Tariff, Second Revised Volume No. 1.

[3] Commission Order issued November 30, 1976, in Docket Nos. RP73-77 (PGA77-2), et al.

ception of those claimed increased costs associated with that portion of emergency purchases in excess of Opinion No. 770–A rate levels. In addition Mich-Wisc revised filings comply with the referenced order and its PGA. Accordingly, we shall accept Mich-Wisc's Alternate Third Substitute Fourteenth Revised Sheet No. 27F and permit it to be effective on November 1, 1976, inasmuch as it does not include emergency purchases above Opinion No. 770–A rate levels.

The Commission shall grant waiver of Section 154.22 of the Regulations to permit these traiff sheets to become effective November 1 and 2, 1976.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of emergency purchases in excess of Opinion No. 770–A rate levels be deferred pending further Commission order and that Mich-Wisc's Third Substitute Fourteenth Revised Sheet No. 27F in substitution for said sheet originally suspended in Docket No. RP76–100 be accepted for filing and suspended for one day, to become effective November 2, 1976, subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Mich-Wisc's Alternate Third Substitute Fourteenth Revised Sheet No. 27F, reflecting the elimination of emergency purchases in excess of Opinion No. 770–A rate levels, be accepted for filing, to become effective November 1, 1976, for one day only.

(3) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that, Mich-Wisc's Substitute Fifteenth Revised Sheet No. 27F in substitution for the traiff sheet which became effective on December 1, 1976, be accepted for filing in order to track the special rate increases permitted by Opinion No. 770–A.

(4) Good cause exists to grant waiver of Section 154.22 of the Commission's Regulations.

The Commission orders: (A) Mich-Wisc's proposed Third Substitute Fourteenth Revised Sheet No. 27F to its FPC Gas Tariff Second Revised Volume No. 1 is hereby accepted for filing and suspended for one day, until November 2, 1976, when it shall become effective subject to refund.

(B) Mich-Wisc's proposed Alternate Third Substitute Fourteenth Revised Sheet No. 27F to its FPC Gas Tariff Second Revised Volume No. 1 is accepted for filing to be effective for one day only on November 1, 1976, subject to refund.

(C) Mich-Wisc proposed Substitute Fifteenth Revised Sheet No. 27F to its FPC Gas Tariff Second Revised Volume No. 1 is accepted for filing to be effective, subject to refund, on December 1, 1976.

(D) The hearing procedures on the issue of emergency purchases of gas made in excess of Opinion No. 770–A rate levels are hereby deferred until further Commission order.

(E) To assist in Commission review of the emergency purchases and in determining whether a public hearing is necessary thereon, Mich-Wisc shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas obtained under the emergency purchases, (4) a comparison of the emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criteria, we shall terminate the proceedings and relieve Mich-Wisc of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the emergency purchases, they would be established by subsequent order.

(F) Waiver of the notice requirements of § 154.22 is hereby granted.

(G) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–507 Filed 1–5–77;8:45 am]

[Docket No. ER76–585]

MISSOURI PUBLIC SERVICE CO.

Compliance Filing

DECEMBER 29, 1976.

Take notice that on November 1, 1976, Missouri Public Service Company (MPSC) filed revised rate schedule sheets for the Cities of Eldorado Springs, Liberal, Pleasant Hill, and Rich Hill, Missouri. MPSC's filing complies with ordering paragraph (C) of the Commission's Order Accepting In Part And Rejecting In Part Proposed Rate Changes, issued on September 30, 1976, in this docket. The revised sheets omit restrictive resale provisions previously contained in the respective cities' contracts with MPSC.[1] Copies of the compliance letter and the revised rate schedule sheets have been sent to the respective cities as notification of the changes in compliance with the Commission's September 30, 1976 order.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–510 Filed 1–5–77;8:45 am]

[Docket No. CP77–87]

MOUNTAIN FUEL SUPPLY CO.

Application

DECEMBER 30, 1976.

Take notice that on December 13, 1976, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP77–87 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Northwest Pipeline Corporation (Northwest) on a deferred basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange natural gas with Northwest under the terms of a deferred gas exchange agreement (Agreement) entered into between the parties and dated December 10, 1976. The Agreement, it is stated, calls for the delivery of natural gas by Applicant to Northwest during the period commencing with the granting and acceptance of regulatory approval and continuing through April 30, 1977, and the redelivery of equivalent volumes of gas to Applicant by Northwest beginning June 1, 1982. The Agreement provides further, it is stated, that initial exchange volumes shall not exceed an average of 20,000,000,000 Btu's per day for any seven-day period beginning on any Monday and shall be limited to a total of 2,000,000,000,000 Btu's for the entire delivery period. It is stated that Northwest will redeliver a volume of gas equivalent to volumes taken from Applicant plus an additional 3.0 percent to compensate Applicant for line loss and compressor fuel. Such redeliveries, it is stated, would begin on June 1, 1982, and Northwest, it is stated, would be required to use its best efforts to redeliver no less than twenty percent and not more than thirty-five percent of the volumes due Applicant during each summer season beginning on June 1, 1982. It is stated that any balance due Applicant as of September 30, 1986, will be redelivered to Applicant during the period June 1, 1987, through September 30, 1987, or, at Applicant's option, shall be immediately paid for by Northwest.

It is stated that delivery would be made at an existing point of interconnection between Applicant's and Northwest's facilities in Sweetwater County, Wyoming. It is further stated that Northwest would pay Applicant 40.88 cents per 1,000,000 Btu's of natural gas, the current average price of gas stored in Applicant's Leroy Storage Reservoir, plus an additional two cents per 1,000,000 Btu's for all exchange volumes delivered to compensate Applicant for alcohol treatment and storage withdrawal. It is stated that Applicant will pay Northwest 40.88 cents per 1,000,000 Btu's upon the redelivery of exchange volumes.

It is indicated that the exchange volumes which Applicant proposes to deliver to Northwest under the proposed exchange agreement would enable Northwest partially to offset the 1976–77 heating season shortfall of 240,000 Mcf per day anticipated from Northwest's Canadian imports. Applicant estimates that it would not require the full withdrawal capacity of its underground storage facilities during the 1976–77 winter heating season and can, therefore, make such unused withdrawal capability available to Northwest under the proposed exchange. It is indicated that Applicant can, in its sole opinion, discontinue exchange deliveries when its system requires partial or complete restoration of service and, furthermore, that Applicant would make deliveries to Northwest only on those days when one or more of Northwest's firm customers are requesting service under Northwest's Rate Schedule SGS–1, the Jackson Prairie Storage Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–527 Filed 1–5–77;8:45 am]

[Docket No. RP76–106]

NATURAL GAS PIPELINE CO. OF AMERICA

Filing in Compliance With Commission Order

DECEMBER 30, 1976.

Take notice that on December 6, 1976, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective December 1, 1976.

Third Substitute Thirtieth Revised Sheet No. 5
Third Substitute Fifth Revised Sheet No. 5A

Natural states that this filing was made in compliance with Ordering Paragraph (C) of the Commission's order accepting filing with condition issued June 30, 1976, at Docket No. RP76–106 to reduce the Base Rates to reflect the elimination of the costs associated with the project proposed at Docket No. CP76–370 for which temporary certificate was issued by Commission's letter order dated November 1, 1976. While the project had been authorized, Natural was unable to complete construction in time to put the facilities in service by November 30, 1976; and therefore, the costs associated with this project were removed from the RP76–106 Base Rates to be effective subject to refund.

Natural also states that the PGA unit adjustment to be effective December 1, 1976 is at the levels approved to be effective by Commission "Order Accepting for Filing and Permitting to Become Effective Pipeline PGA Rate Increases Pursuant to Opinion No. 770–A," issued November 30, 1976.

Copies of Natural's Filing and tariff sheets, together with supporting data, are on file with the Commission and are available for public inspection.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–523 Filed 1–5–77;8:45 am]

[Docket No. RP76–106]

NATURAL GAS PIPELINE CO. OF AMERICA

Revision to Tariff Sheets Filed Under Motion

DECEMBER 30, 1976.

Take notice that on November 24, 1976, Natural Gas Pipeline Company of America (Natural) requested that the below listed tariff sheets be inserted in lieu of the corresponding tariff sheets filed on October 26, 1976 with its Motion to Make Suspended Tariff Sheets Effective:

Second Substitute Thirtieth Revised Sheet No. 5
Second Substitute Fifth Revised Sheet No. 5A.

Natural states that it is concurrently filing a PGA unit adjustment in Docket No. RP71–125 (PGA 76–9a). The PGA adjustment is being filed in accordance with Commission Opinion No. 770–A issued November 5, 1976. The effect of that adjustment is to refile for a PGA adjustment previously filed September 27, 1976 to be effective October 27, 1976. As more fully explained in the concurrently filed PGA transmittal letter, the effectiveness of the PGA adjustment was deferred to December 1, 1976. The refiled adjustment has an effect on the Sheet Nos. 5 and 5a and Appendix C included with Natural's motion filed October 26, 1976.

Natural requested that the above listed tariff sheets and revised copies of Appendix C be inserted in its motion in lieu of corresponding tariff sheets and Appendix C sheets filed on October 26, 1976.

The Base Rates on the above tariff sheets are the same as those previously filed under motion, the current and cumulative PGA adjustment amounts reflect the changes concurrently filed in Docket No. RP71–125 (PGA 76–9a).

Natural states that it does not believe any waivers of the Commission's regulations are necessary to permit the requested substitution, Natural, however, requested the Commission to grant such waivers as it may deem necessary.

Copies of this filing were mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–525 Filed 1–5–77;8:45 am]

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[1] The last paragraph of Article 1, Page 2 of the contracts has been deleted. Designations: Eldorado Springs—FPC Electric Rate Schedule No. 35; Liberal—FPC Electric Rate Schedule No. 30; Pleasant Hill—FPC Electric Rate Schedule No. 34; Rich Hill—FPC Electric Rate Schedule No. 32.

[Docket No. CP77-84]

NORTHERN NATURAL GAS CO. OPERATING AS PEOPLES NATURAL GAS DIVISION

Application

DECEMBER 30, 1976.

Take notice that on December 9, 1976, Northern Natural Gas Company, operating as and through its Peoples Natural Gas Division (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP-7784 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the delivery of natural gas to Panhandle Eastern Pipeline Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant and Panhandle were jointly authorized by the Commission's order issued October 19, 1971, in Docket Nos. CP71-270 and CP71-152 to construct and operate delivery facilities. Panhandle, it is stated, was authorized in the said docket to transport up to 20,000 Mcf per day of natural gas for Applicant from the Hugoton Field in Stevens and Grant Counties, Kansas, to Applicant's intrastate pipeline system located in central Kansas. Applicant further states that it no longer has gas volumes available from the Hugoton Field and that it consequently advised Panhandle that it would exercise its election to terminate the transportation agreement.

Applicant states that it proposes to leave the two measuring stations, installed to accommodate gas delivery to Panhandle, in place as emergency interconnections with Panhandle.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-526 Filed 1-5-77;8:45 am]

[Docket No. CP77-78]

NORTHERN NATURAL GAS CO.

Application

DECEMBER 30, 1976.

Take notice that on December 3, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reclassification and reassignment of presently authorized contract demand service to Interstate Power Company (Interstate) all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that its customer, Interstate, requested it to seek realignment of its Group C Zone 3 contract demand service. Applicant indicates that one of Interstate's customers, Armour and Company (Armour), is incorrectly classified in Priority 2C. Armour, it is indicated, receives a maximum of 200 Mcf of natural gas per day at its plant in Mason City, Iowa. It is stated that said gas is used for house heat, smoke houses and food processing exclusively. Applicant seeks reclassification for this 200 Mcf of gas by reassigning it to the entitlement of Mason City, Iowa. The effect would be to transfer 200 Mcf of contract demand service from Priority 2C to Priority 1 with no effect on total entitlement, it is indicated.

Applicant states that at the appropriate time it will submit to the Commission a revised service agreement with Interstate reflecting the proposed changes. Applicant claims this proposal will more efficiently utilize available sources of supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-524 Filed 1-5-77;8:45 am]

[Docket No. RP73-8 (PGA 77-4)]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 29, 1976.

Take notice that North Penn Gas Company (North Penn) on December 13, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective January 1, 1977.

North Penn states that the proposed increase in rates reflects an increase in rates filed by Consolidated Gas Supply Corporation on December 9, 1976, and an increase in rates from Tennessee Gas Pipeline Company filed December 1, 1976 both for effectiveness January 1, 1977 and will increase North Penn's jurisdictional revenues by approximately $341.9 thousand annually.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on January 1, 1977.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-508 Filed 1-5-77;8:45 am]

[Docket No. E-9560]

OHIO ELECTRIC CO.

Order Granting Motion To Withdraw Complaint and Terminating Docket

DECEMBER 28, 1976.

On May 5, 1976, Ormet Corporation (Ormet) filed a complaint regarding the rate charged Ohio Power Company (Ohio Power) by Ohio Electric Company (Ohio Electric) and requested an investigation and hearing with respect to such rate. On June 18, 1976, Ohio Electric filed an answer to the complaint. On July 6, 1976, Ormet moved to strike the third affirmative defense by Ohio Electric, and Ohio Electric responded on July 16, 1976. On October 7, Ormet filed a motion to withdraw its complaint.

Ormet supports its present motion by stating that due to a favorable decision by the Public Utilities Commission of Ohio concerning service to Ormet by Ohio Power retaining Ormet's individual power agreement rather than the status of tariff customer, the matters complained of in this proceeding will have less impact upon it. Further, Ormet believes that its continued participation in the present proceeding will strain its business relationship with Ohio Power and will generate unjustified legal and other expenses.

As complainant in the present docket moves to voluntarily withdraw its complaint against Ohio Electric, the Commission grants the motion to withdraw, and terminates the docket.

The Commission finds. Good cause exists to grant Ormet Corporation's Motion to Withdraw its Complaint against Ohio Electric Company.

The Commission orders. (A) The Motion to Withdraw the Complaint filed by Ormet Corporation against Ohio Electric Company on May 5, 1976, is hereby granted.

(B) This docket is hereby terminated.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-500 Filed 1-5-77;8:45 am]

[Docket No. ER77-107]

PACIFIC POWER & LIGHT CO.

Initial Rate Filing

DECEMBER 28, 1976.

Take notice that Pacific Power & Light Company (Pacific Power) on December 13, 1976, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, a rate schedule for service to Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company (the Companies).

The proposed rate schedule provides for provisional delivery of nonfirm hydro energy to the Companies. Provisional energy not returned to Pacific upon request prior to April 30, 1977, will be paid for at a rate of 12 mills per kilowatthour under the terms and conditions of Pacific Power & Light Company FPC Electric Tariff, Original Volume No. 2.

Pacific Power requests waiver of the Commission's notice requirements to permit this rate schedule to become effective on November 21, 1976 for service to Southern California Edison Company and on November 24, 1976, for service to Pacific Gas and Electric Company and San Diego Gas & Electric Company, which it claims are the dates of commencement of service.

Copies of the filing were supplied to the Companies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 7, 1977. Protests will be considered by the Commisison in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-499 Filed 1-5-77;8:45 am]

[Docket No. RP73-36 (PGA 77-2) (DCA 72-1)]

PANHANDLE EASTERN PIPE LINE CO.

Change In Tariff

DECEMBER 29, 1976.

Take notice that on December 16, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Nineteenth Revised Sheet No. 3-A to its F.P.C. Gas Tariff, Original Volume No. 1. Panhandle submits that this revised tariff sheet reflects rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; and

(2) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(3) A PGA Rate Adjustment pursuant to Section 18.2 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

An effective date of February 1, 1977 is proposed.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Jan. 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-509 Filed 1-5-77;8:45 am]

[Docket No. RP73-89 (PGA77-1)]

SEA ROBIN PIPELINE CO.

Order Accepting for Filing and Permitting Tariff Sheet To Become Effective

DECEMBER 29, 1976.

On November 22, 1976, Sea Robin Pipeline Company tendered for filing a revised tariff sheet[1] seeking an increase in its rates of 22.06¢ per Mcf under its PGA clause. The rate increase is intended to recover increased costs resulting from producer rate increases pursuant to Opinion No. 770-A and includes a surcharge to recover amounts in its deferred gas cost account. The revised tariff sheet would increase Sea Robin's revenues by $34.9 million. Sea Robin seeks to place the revised sheet into effect on January 1, 1977.

Sea Robin's filing is based in part on purchases from Mesa Offshore Company (Mesa) as if Mesa qualified as a small producer. By order issued December 31, 1975, in Sea Robin's Docket No. RP73-89 (PGA76-1), Mesa was required, *inter alia*, to show cause why it should not reduce its rates and make refunds. This matter is still pending. We shall permit Sea Robin's revised tariff sheet to become effective on January 1, 1977, subject to the outcome of the Mesa show cause proceeding.

The Commission orders. (A) Sea Robin's revised tariff sheet filed herein is accepted for filing and permitted to become effective on January 1, 1977, subject to the outcome of the proceedings in Docket No. RP73-89 (PGA76-1).

[1] Twelfth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-515 Filed 1-5-77;8:45 am]

[Docket No. G-4715]

SOUTHERN NATURAL GAS CO. AND TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Petition To Amend

DECEMBER 29, 1976.

Take notice that on December 7, 1976, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. G-4715 a petition to amend the Commission's order issued pursuant to Section 7(c) of the Natural Gas Act of February 25, 1955 (14 FPC 577), as amended by orders issued June 5, 1962 (27 FPC 1113), July 31, 1963 (30 FPC 419), February 1, 1968 (39 FPC 124), March 24, 1969 (41 FPC 407) and May 6, 1976 (55 FPC ——), in the instant docket so as to authorize the establishment of three additional delivery points from Southern to Tennessee and one additional delivery point from Tennessee to Southern, the deletion of two existing delivery points from Tennessee to Southern, the exchange of gas at the election of either party at two delivery points; and to authorize as points of exchange eight existing points of interconnection between the facilities of either Southern or Tennessee and a third party, at which interconnections either Southern or Tennessee is currently authorized to exchange gas with such third party, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Southern and Tennessee have entered into an Exchange Agreement dated November 5, 1976, which updates, revises and supersedes their original exchange agreement dated October 1, 1954. The Superseding Exchange Agreement, it is stated, proposed to add South Pass Block 6, Bastian Bay, Plaquemines Parish, Louisiana, and Past Temballer Island, Lafourche Parish, Louisiana, as delivery points from South ern to Tennessee and South Pass Block 62 as a delivery point from Tennessee to Southern, to delete Eloi Bay and Bastian Bay both located in Plaquemines Parish, Louisiana, as delivery points from Tennessee to Southern and to exchange gas at the election of either party at the Enterprise delivery point in Clark County, Mississippi and at Pugh delivery point in Lowndes County, Mississippi. The Superseding Agreement further proposes points of exchange at the following existing points of interconnection with either Southern or Tennessee: Shadyside (St. Mary Parish, Louisiana), Perryville No. 1 (Ouachita Parish, Louisiana), Epps (West Carroll Parish, Louisiana), Perryville No. 2 (Morehouse Parish, Louisiana), Kosciusko No. 1 (Attala County, Mississippi), Kosciusko No. 2 (Attala County, Mississippi), Venice (Plaquemines Parish, Louisiana), and Erath (Vermilion Parish, Louisiana).

Petitioners state that no new or additional facilities are required for the points proposed, nor would the proposal have any adverse effect upon their ability to serve their respective existing customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-512 Filed 1-5-77;8:45 am]

[Docket No. RP77-19]

TRANSWESTERN PIPELINE CO.

Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures

DECEMBER 29, 1976.

On December 1, 1976, Transwestern Pipeline Company (Transwestern) tendered for filing in the above docket certain revised tariff sheets to its FPC Gas Tariff, Second Revised Volume No. 1.[1] Transwestern is proposing to increase its rates by approximately $39 million annually for jurisdictional natural gas sales and services, based on actual costs for the 12 months ended August 31, 1976, as adjusted for known and measurable changes through May 31, 1977. Transwestern seeks to make its proposed rate increase effective on January 1, 1977, 30 days after filing. For the reasons hereinafter stated, the Commission shall accept Transwestern's proposed rate increase for filing, suspend it for five months, or until June 1, 1977, when it shall be permitted to become effective, subject to refund.

Public notice of Transwestern's filing was issued on December 9, 1976, providing for protests or petitions to intervene to be filed on or before December 27, 1976.

[1] First Revised Sheet Nos. 1, 23, 24, 50, 63, 74, 76, and 78 and Sixth Revised Sheet Nos. 5 and 6.

Transwestern states the principal reasons for its proposed rate increase are (1) increases in the cost of labor and other expenses, (2) a higher claimed rate of return, (3) a higher claimed depreciation rate, (4) increased Federal and state income taxes, and (5) lower sales volumes.

In addition to the proposed increase in rates, Transwestern also proposes to amend its tariff to establish a $10 per Mcf unauthorized overrun penalty and to increase interest on unpaid bills from 6 to 9 percent annually. Transwestern also proposes to incorporate in its tariff a 30 day notice requirement applicable to tracking provisions in accordance with the Commission's Regulations.

Based on a review of Transwestern's filing herein, the Commission finds that the proposed higher rates and tariff amendments have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Transwestern's proposed rate increase for filing and suspend its use for five months, or until June 1, 1977, when it shall be permitted to become effective, subject to refund, in the manner prescribed by the Natural Gas Act, and shall set the matter for hearing.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges and tariff revisions proposed by Transwestern, and that the same be accepted for filing and suspended in the manner prescribed by the Natural Gas Act.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates and tariff modifications proposed herein by Transwestern.

(B) Pending hearing and decision thereon, Transwestern's proposed rate increase and tariff modifications are accepted for filing and suspended for five months, or until June 1, 1977, when they shall be permitted to become effective, subject to refund, in the manner prescribed by the Natural Gas Act.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before April 1, 1977.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-520 Filed 1-5-77;8:45 am]

[Docket No. RP73-35 and RP74-89 (PGA 77-2 (AP 77-1))]

TRUNKLINE GAS CO.

Change in Tariff

DECEMBER 29, 1976.

Take notice that on December 16, 1976, Trunkline Gas Company (Trunkline) tendered for filing Eighteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Trunkline submits that this revised tariff sheet reflects rate adjustments as follows:

(1) An Advance Payment tracking adjustment pursuant to Article V of the Agreement as to Rates and Related Matters in Docket No. RP74-89, approved by the Commission's Order dated July 9, 1975; and

(2) A Purchased Gas Transmission and Compression tracking adjustment pursuant to Article VI of the Agreement as to Rates and Related Matters in Docket No. RP74-89, approved by the Commission's Order dated July 9, 1975; and

(3) A PGA Rate Adjustment pursuant to Section 18 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

An effective date of February 1, 1977 is proposed.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Jan. 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-514 Filed 1-5-77;8:45 am]

[Docket No. CP77-92]

TRUNKLINE GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.

Application

DECEMBER 28, 1976.

Take notice that on December 15, 1976, Trunkline Gas Company and Panhandle Eastern Pipe Line Company (Applicants), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-92 a joint application pursuant to Section 7 of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity and for a temporary certificate authorizing the transportation of natural gas on behalf of Northern Natural Gas Company (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport 13,000 Mcf of gas on a firm basis and 6,500 Mcf of gas on a best-efforts basis for the account of Northern utilizing the capacity of their respective systems and the capacity obtained by Trunkline from Stingray Pipeline Company (Stingray) and Natural Gas Pipeline Company of America (Natural).

Northern has made arrangements with Natural whereby Natural will transport the gas purchased by Northern from West Cameron Block 543 to Stingray's existing pipeline in West Cameron Area, South Addition, Block 565. Trunkline has made arrangements with Natural whereby Natural will transport the gas from the terminus of Stingray's offshore facilities to Trunkline's onshore facilities. The gas will be transported by Applicants to Longville, Louisiana, under a transportation agreement between Applicants and Northern dated October 27, 1976. The gas will then be further transported throughout Applicants' facilities to the ultimate point of redelivery to Northern in Kiowa County, Kansas, near Mullinville. This latter transportation service is pursuant to a transportation agreement dated September 24, 1976, which is the subject of Applicants' application at Docket No. CP77-17. For the transportation service from offshore Louisiana to Longville, Northern will pay a monthly charge of Forty Thousand One Hundred Seven Dollars ($40,107).

As partial consideration for this transportation service, Northern has agreed to sell Panhandle up to twenty percent (20%) of the volumes delivered at the point of receipt.

Applicants also seek authorization to effectuate a transportation agreement between Applicants which provides for the transportation by Trunkline of the gas purchased by Panhandle from Northern. In consideration for said transportation Panhandle will pay Trunkline a monthly charge of Twenty-four Thousand Nine Hundred Fifty-one Dollars ($24,951).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1977, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time herein, if the Commission on its own review of the matter finds that an abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-505 Filed 1-5-77;8:45 am]

[Docket No. ER77-114]

UTAH POWER & LIGHT CO.

Interconnection Agreement

DECEMBER 29, 1976.

Take notice that on December 15, 1976, Utah Power & Light Company Utah states that this Service Schedule Service Schedule IV providing for the interchange of energy between Utah and The Washington Water Power Company. Utah states that this Service Schedule is agreed to under and as part of the Interconnection Agreement dated April 21, 1965, between The Washington Water Power Company, Idaho Power Company, The Montana Power Company, Pacific Power & Light Company, and Utah, which is on file with the Federal Power Commission as Utah Power & Light Company Rate Schedule FPC No. 103. Utah requests that the filing be accepted retroactively as of August 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-521 Filed 1-5-77;8:45 am]

[Docket No. ER77-92]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

DECEMBER 28, 1976.

Take notice that on December 3, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated August 26, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 85-50 between Virginia and Southside Electric Cooperative.

Said supplement requests Commission authorization for the relocation of metering facilities from 12.5 kV to 34.5 kV at Cherry Hill Delivery Point, located on the south side of Route 659 approximately 0.5 mile east of Route 619 near Dinwiddie, Dinwiddie County, Virginia.

Virginia requests an effective date as that of the date connection of facilities which is August 27, 1976.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-498 Filed 1-5-77;8:45 am]

FEDERAL RESERVE SYSTEM

BANKS OF IOWA, INC.

Acquisition of Bank

Banks of Iowa, Inc., Cedar Rapids, Iowa, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Trust & Savings Bank, Davenport, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 27, 1977.

Board of Governors of the Federal Reserve System, December 30, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-448 Filed 1-5-77;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Beaumont State Bank, Beaumont, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 27, 1977.

Board of Governors of the Federal Reserve System, December 30, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-449 Filed 1-5-77;8:45 am]

KRUSE INSURANCE AGENCY, INC.

Formation of Bank Holding Company

Kruse Insurance Agency, Inc., Mineola, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Mineola State Bank, Mineola, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Kruse Insurance Agency, Inc., Mineola, Iowa has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Mineola State Bank, Mineola, Iowa. Notice of the application was published on November 24, 1976 in Glenwood Opinion-Tribune, a newspaper circulated in Mills County, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of insurance sales related to extensions of credit by Mineola State Bank, including credit life, accident or health. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 27, 1977.

Board of Governors of the Federal Reserve System, December 30, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-450 Filed 1-5-77;8:45 am]

FEDERAL TRADE COMMISSION

[File No. 762 3107]

CEZAR, LTD., ET AL.

Consent Agreement With Analysis To Aid Public Comment

Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34, 40 FR 15236, April 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited on or before March 6, 1977. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14), 40 FR 15236, April 4, 1975). Comments should be directed to:

Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

CEZAR, LTD., ET AL.

FILE NO. 762 3107

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Cezar, Ltd., and William Arnold.

The proposed order has been placed on the public record for sixty (60) days for reception of comments by the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Cezar Ltd., is a New York corporation and is a manufacturer and distributor of men's and boys' shirts. William Arnold is the secretary of the corporation. He controls and is responsible for the firm's acts and practices during the period when the violations are alleged to have occurred.

The complaint alleges that respondents falsely represented the constituent fibers on labels attached to their shirts, and failed to disclose the percentages of such fibers. It further alleges that they sold the shirts with labels which failed to disclose the true generic names of the fibers present. Finally, the complaint alleges that the respondents failed to maintain proper records showing the fiber content of the shirts.

The consent order prohibits Cezar, Ltd., and William Arnold from falsely and deceptively labeling or otherwise misrepresenting the textile fiber content of textile products. In addition, the order requires respondents to disclose the generic name of a fiber in conjunction with the use of a fiber trademark. It further requires respondents to maintain records of the textile fiber content of textile products in accordance with the provisions of the Textile Act.

The order is generally designed to prevent deception as to the fiber content of clothing and to protect competitors from unfair competition.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

[File No. 762 3107]

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Cezar Ltd., a corporation, and William Arnold, individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Cezar Ltd., a corporation, and William Arnold, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between Cezar Ltd., by its duly authorized officer, and William Arnold, individually and as an officer of said corporation, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Cezar Ltd., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 232 Madison Avenue, New York, New York 10016.

Proposed respondent William Arnold is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto.

When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agree-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents Cezar Ltd., a corporation, its successors and assigns and its officers, and William Arnold, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, sale, advertising or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by:

a. Falsely or deceptively stamping, tagging, labeling, invoicing or otherwise identifying such products as to the name or amount of the constituent fibers contained therein;

b. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act;

c. Using a fiber trademark on labels affixed to textile fiber products without the generic name of the fiber appearing in immediate conjunction therewith in type or lettering of equal size and conspicuousness.

2. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the

Textile Fiber Products Identification Act and Rule 39 of the rules and regulations promulgated thereunder.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of his present business or employment and each affiliation with a new business or employment, for ten (10) years following the effective date of this order. Such notice shall include respondent's current business address and a description of the business or employment in which he is engaged as well as a description of his duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligations arising under this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-418 Filed 1-5-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on December 29, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before January 24, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

FEA requests an extension no change clearance of the Form FEA-100A entitled "Producers and Wholesale Purchaser-Resellers Monthly Report." This form is designed to provide summary data regarding product availability in inventory, product supply (production, imports, purchases and exchanges) and the demand on inventory and supply for the current month, the preceding month and the following month. This information is mandatory under 10 CFR 211, Subparts D & E, issued pursuant to the Federal Energy Administration Act of 1973 (Pub. L. 93-275) as amended by the Energy Policy and Conservation Act (Pub. L. 94-163). FEA estimates the number of respondents to be approximately 1,000 and the reporting burden to be 2 hours per response. Potential respondents are refiners, importers, suppliers and certain resellers of propane and butane.

FEA requests an extension no change clearance of the Form FEO-17, "Request For Assignment Of A Supplier Or Adjustment Of Base Period Supply Volume." The FEO-17 is not a mandatory form but is required to obtain benefit, such as, assignment of a supplier. The Mandatory Petroleum Allocation Program established 1972 as the base period for current petroleum allocation. However, FEA realizes that economic growth and changing use patterns necessitate adjustments to initial allocations. The FEO-17 provides a tool for wholesale purchasers to apply for the base period supply volume. FEA estimates potential respondents to number approximately 20,000, each filing one response per year. FEA estimates burden to average one hour to complete the form.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-550 Filed 1-5-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ABBOTT LABORATORIES

Withdrawal of Food Additive Petition and Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 76-36751, appearing on page 55240 in the issue for Friday, December 17, 1976, the following changes should be made:

1. The last word in the seventh line of the fourth full paragrph in column three should read, "benzoic".

2. The third line of the fifth full paragraph in column three should read, "121.40) is filed by FDA. There is no pre-".

[Docket No. 76N-0479; DESI 5963]

CERTAIN SULFONAMIDE OPHTHALMIC OINTMENTS AND SOLUTION

Drug for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 76-36750, appearing at page 55241 in the issue for Friday, December 17, 1976, make the following changes:

1. In the first column, page 55241, in the third line of the third full paragraph beginning with "NDA 7-757", the second word should read "Roche".

2. In the second column, in paragraph numbered 3, in the fifth line, "February 15, 1977", should have been inserted.

Office of Education

TEACHER CORPS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Part B-1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255-1258 as amended) (20 U.S.C. 1101-1107 a), applications are being accepted from institutions of higher education and local educational agencies for non-competing continuation grants for the second year of "Eleventh Cycle" Teacher Corps projects which began in fiscal year 1976. Although the appropriation for fiscal year 1977 has not yet been made, the appropriation is anticipated to allow the funding of 122 grants within 66 project sites. The average amount to be awarded to each project site (2 grants) will be $235,000,000.

In order to be assured of consideration for funding, applications should be received by the U.S. Office of Education, Application Control Center on or before June 1, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.489. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 27, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the U.S. Office of Education,

Grant and Procurement Management Division, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., except Saturdays, Sundays, or Federal holidays.

C. *Program information and forms.* Information and application forms may be obtained from the Teacher Corps, Office of the Commissioner, Office of Education, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a).

(20 U.S.C. 1101-1107a.)

Dated: December 29, 1976.

(Catalog of Federal Domestic Assistance Number 13.489—Teacher Corps—Operations and Training.)

JOHN W. EVANS,
Acting United States Commissioner of Education.

[FR Doc.77-419;Filed 1-5-77;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, January 24, 1977, at 4:15 p.m. and Tuesday, January 25, 1977 at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from John D. Rust, Executive Secretary, Review Panel on New Drug Regulation, Room 1187 Donahue Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472-3000.

Dated: December 30, 1976.

JOHN D. RUST,
Executive Secretary, Review Panel on New Drug Regulation.

DECEMBER 29, 1976.

[FR Doc.77-405 Filed 1-5-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-3015-EM Docket No. NFD-380]

SOUTH DAKOTA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of South Dakota dated June 17, 1976, and amended on July 8, 1976, October 18, 1976, and December 16, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The Counties of:

Corson	Shannon
Dewey	Washabaugh
Ziebach	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: December 27, 1976.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-479 Filed 1-5-77;8:45 am]

[FDAA-3016-EM; Docket No. NFD-381]

NORTH DAKOTA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of North Dakota dated July 21, 1976, and amended on December 16, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 21, 1976:

The Counties of:

Ransom	Sargent
Richland	

The Purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: December 27, 1976.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-480 Filed 1-5-77;8:45 am]

[FDAA-3013-EM Docket No. NFD-382]

MINNESOTA

Amendment to Notice of Emergency Declaration

Notice of Emergency for the State of Minnesota, dated June 17, 1976, and amended on June 28, 1976, and August 27, 1976, November 9, 1976, and on December 16, 1976, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The County of:

Todd

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected area.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: December 27, 1976.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-481 Filed 1-5-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 29465]

NEW MEXICO

Notice of Application

DECEMBER 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 32 E.,
Sec. 3, lots 7, 8, 10, 11, 14 and 15.
This pipeline will convey natural gas across .746 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-488 Filed 1-5-77;8:45 am]

[NM 29457; 29458]

NEW MEXICO

Notice of Applications

DECEMBER 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for two 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 23, E½SE¼;
Sec. 26, E½NE¼, SW¼NE¼ and N½SE¼.
T. 31 N., R. 11 W.,
Sec. 1, lot 1;
Sec. 12, N½NW¼.
These pipelines will convey natural gas across 1.431 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations

[FR Doc.77-489 Filed 1-5-77;8:45 am]

[NM 29464]

NEW MEXICO

Notice of Application

DECEMBER 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 10 W.,
Sec. 19, lots 1 and 2.
T. 25 N., R. 11 W.,
Sec. 24, SE¼SE¼.

This pipeline will convey natural gas across .343 of a mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-490 Filed 1-5-77;8:45 am]

[NM 29450, 29466, 29468, 29469, and 29470]

NEW MEXICO

Notice of Applications

DECEMBER 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 6⅝-inch and three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 24 E.,
Sec. 4, N½SE¼, E½SW¼ and SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 9, SW¼NE¼.
T. 19 S., R. 28 E.,
Sec. 33, NW¼SE¼.
T. 20 S., R. 37 E.,
Sec. 8 NE¼NW¼.
T. 26 S., R. 37 E.,
Sec. 13, S½SE¼;
Sec. 24, NW¼NE¼.

These pipelines will convey natural gas across 1.766 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc 77-491 Filed 1-5-77;8:45 am]

[NM 29452, 29453 and 29454]

NEW MEXICO

Notice of Applications

DECEMBER, 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), TUCO, Inc., has applied for three pumping plant site rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 S., R. 29 E.,
Sec. 12, SE¼SW¼.
T. 17 S., R. 31 E.,
Sec. 4, lot 3.
T. 18 S., R. 32 E.,
Sec. 3, lots 3 and 4.

The plant sites will be used in connection with natural gas operations and will occupy .171 acres of national resource lands in Chaves, Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-492 Filed 1-5-77;8:45 am]

[Wyoming 57850]

WYOMING

Application

DECEMBER 28, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Western Oil Transportation Co., Inc. of Casper, Wyoming filed an application for a right-of-way to construct an 8 inch pipeline for the purpose of transporting crude oil across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 53 N., R. 72 W.,
Sec. 9, E½NE¼
Sec. 10, SW¼NE¼

The pipeline will transport crude oil from a point in the SW¼NE¼ of sec. 10, T. 53 N., R. 72 W. to a point in the NE¼NE¼ sec. 9, T. 53 N., R. 72 W. in Campbell County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "B" Street, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-411 Filed 1-5-77; 8:45 am]

National Park Service

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 a.m., Tuesday, February 1, 1977, at 26 Federal Plaza, Room 305, New York, New York. The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The members of the Commission are:

Marian Heiskell, Chairman, New York, New York
Archibald S. Alexander, Bernardsville, New Jersey
John F. Haggerty, Forest Hills, New York
Orin Lehman, New York, New York
Gordon N. Litwin, Little Silver, New Jersey
Terrence D. Moore, Newark, New Jersey
Sheldon Pollack, New York, New York
Barbara Reach, New York, New York
Richard J. Sullivan, Hoboken, New Jersey
Nathaniel Washington, Newark, New Jersey.
Joseph B. Williams, Brooklyn, New York

The matters to be be discussed at this meeting include:

1. Planning status report.
2. Operations status report.
3. Sub-committee report presentations.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any members of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Joe Antosca, Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code 212-252-9150.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: December 17, 1976.

JOE ANTOSCA,
Superintendent.

[FR Doc.77-458 Filed 1-5-77;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. ATLANTA NEWS AGENCY, INC.; AND FAMILY READING SERVICE, INC.

Proposed Consent Judgment as to Defendant Family Reading Service, Inc. and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that with respect to defendant Family Reading Service, Inc., a proposed consent judgment and competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Georgia (Atlanta Division) in *United States of America* v. *Atlanta News Agency, Inc.; and Family Reading Service, Inc.*, Civil Action No. C76-435A.

Defendants Family Reading Service, Inc. ("FRS") and Atlanta News Agency Inc. ("ANA") are independent wholesale distributors of periodicals and paperback books in the areas surrounding and including Albany and Atlanta, Georgia, respectively. The complaint in this case alleges that beginning sometime after May 1, 1972, and continuing thereafter at least until December 1973, FRS, ANA, and other co-conspirators combined and conspired, in violation of section 1 of the Sherman Act, to induce and coerce Town & Country News Co., Inc. ("Town & Country") and its owner to refrain from soliciting or doing business in the territories of the defendant companies. The complaint also alleges that in furtherance of said combination and conspiracy, the defendants each entered into a contract with Town & Country wherein one of the parties to each contract sold to the other party all of its business and potential business in specified areas and agreed not to compete with or interfere with the business or potential business of the other party in specified areas.

The proposed consent judgment enjoins defendant FRS from entering into or continuing any agreement to induce or coerce any third person from doing business with anyone or in any territory. The judgment also prohibits defendant FRS from unilaterally engaging in coercive conduct for such a purpose. Additionally, the judgment prohibits defendant FRS from entering into or enforcing any agreements to limit territories or customers, specifically including the contract with Town & Country. However, a contract for the sale of an entire business, containing an ancillary covenant not to compete, is permitted provided that such covenant is confirmed geographically and limited in time to two years.

Entry by the Court of the proposed consent judgment will terminate the action as to defendant FRS only. The action against defendant ANA will continue.

Public comment is invited on or before March 4, 1977. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be addressed to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, United States Department of Justice, Suite 420, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309.

Dated: December 17, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

United States of America, Plaintiff, v. Atlanta News Agency, Inc.; and Family Reading Service, Inc., Defendants.

Civil No. C76-435A.

Filed: December 17, 1976.

STIPULATION

It is stipulated by and between the undersigned parties that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant Family Reading Service, Inc. and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendant Family Reading Service, Inc. in this and any other proceeding.

Dated: December 15, 1976.

For the Plaintiff: Donald I. Baker, *Assistant Attorney General*: William E. Swope, Charles F. B. McAleer, Donald *A. Kinkaid, Attorneys, United States Department of Justice;* John R. Fitzpatrick, Carl W. Mullis III, *Attorneys, United States Department of Justice,* Antitrust Division.

For Defendant Family Reading Service, Inc.: By: Lowell D. Greer, *President.*

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

United States of America, Plaintiff, v. Atlanta News Agency, Inc.; and Family Reading Service, Inc., Defendants.

Civil No. C76-435A.

Filed: December 17, 1976.

FINAL JUDGMENT AS TO DEFENDANT FAMILY READING SERVICES, INC.

Plaintiff, United States of America, having filed its complaint herein on March 8, 1976, and defendant, Family Reading Service, Inc. ("FRS"), having appeared by its attorneys, and the plaintiff by its attorneys and the defendant by its president, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by either party in respect to any issue of fact or law herein:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction over the subject matter herein and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Paperback books" mean mass media market paperback books;

(B) "Periodicals" mean mass media market paper cover magazines; it excludes daily newspapers but includes tabloids and comic books;

(C) "Person" means any natural person, association, cooperative, partnership, corporation, or other form of legal entity; and

(D) "ID wholesaler" means any person engaged in the business of purchasing periodicals and paperback books from the principal national distributors for resale at wholesale rates to retailers, and who itself delivers said merchandise, stocks its customers' display fixtures, bills its customers, credits and removes out-of-date merchandise and accounts for all sales and returns to its national distributor clients.

III

The provisions of this Final Judgment applicable to defendant FRS shall also apply to each of its officers, directors, agents, employees, subsidiaries, affiliates, successors, and assigns, and in addition, to all other persons in active concert or participation with any of them who shall receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant FRS is enjoined and restrained from:

(A) Entering into, continuing, maintaining or renewing any contract, combination, conspiracy, agreement, understanding or concert of action with any ID wholesaler or other person to induce or coerce, or attempt to induce or coerce, any other ID wholesaler or any other third person to refrain from soliciting or doing business with any person or in any territory.

(B) Adopting, continuing, maintaining or renewing any practice, plan, program, or device to coerce, or attempt to coerce, any ID

wholesaler or any other person from soliciting or doing business with any person or in any territory.

(C) Entering into, continuing, maintaining or renewing any combination, conspiracy, agreement, understanding, concert of action, or contract, including the contract defendant FRS entered into with Town and Country News Co., Inc., dated October 19, 1973, to limit or restrict the territory within which or the customers to which any ID wholesaler, or any other person including defendant FRS, may do business. Subject to the provisions of Sections IV (A) and (B), nothing in this Section shall be deemed to prohibit defendant FRS from entering into a contract for the bona fide purchase or sale of an entire business, which contract contains an ancillary covenant not to compete on the part of the seller; provided, however, that said covenant not to compete must be confined geographically to an area no larger than that in which the business sold was then doing business and be not longer than two years in duration.

V

Within sixty (60) days after date of entry of the Final Judgment, defendant FRS is ordered and directed to furnish a copy thereof to each of its officers, directors, and employees, and to file with this Court and to serve upon the plaintiff an affidavit as to the fact and manner of its compliance with this Section V.

VI

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant FRS made to the principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners or employees of such defendant, who may have counsel present, regarding any such matters.

(B) Defendant FRS, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof and for the enforcement of compliance therewith and the punishment of violations thereof.

VIII

Entry of this Final Judgment is in the public interest.

Dated:

JAMES C. HILL,
United States Circuit Judge Sitting by Designation.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

United States of America, Plaintiff, v. *Atlanta News Agency, Inc.; and Family Reading Service, Inc.*, Defendants.

Civil No. C76-435A.
Filed: December 17, 1976.

PROPOSED CONSENT JUDGMENT AS TO DEFENDANT FAMILY READING SERVICE, INC.: COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. §§ 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment as to defendant Family Reading Service, Inc. submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THIS PROCEEDING

On March 8, 1976, the Department of Justice filed a civil action under Section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 4), commonly known as the Sherman Act, against defendants Family Reading Service, Inc. ("FRS") and Atlanta News Agency, Inc. ("ANA"). The complaint alleges that beginning sometime after May 1, 1972, and continuing thereafter at least until December 1973, the defendants and other co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

Entry by the Court of the proposed consent judgment will terminate the action as to defendant FRS only. In connection with the proposed judgment, the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment. The suit against defendant ANA will continue.

II. DESCRIPTION OF THE PRACTICES INVOLVED IN THE ALLEGED VIOLATION

Defendant FRS is a Georgia corporation, having its principal offices in Albany, Georgia. FRS is engaged in the independent ("ID") wholesale distribution of periodicals and paperback books primarily in the area surrounding and including Albany, Georgia. It purchases periodicals and paperback books for resale at wholesale rates to customers such as newsstands, variety stores, supermarkets, and convenience stores. FRS had total sales of periodicals and paperback books of approximately $800,000 for its fiscal year ending on September 30, 1973, and approximately $800,000 for the nine-month period from October 1973 through June 1974.

Defendant ANA is a Georgia corporation having its principal offices in Atlanta, Georgia. ANA is engaged in the ID wholesale distribution of periodicals and paperback books primarily in the area surrounding and including Atlanta, Georgia. ANA had total sales of periodicals and paperback books of approximately $9.2 million for a 53-week period ending on February 3, 1974.

The complaint alleges that the defendants and other co-conspirators engaged in a combination and conspiracy, the substantial term of which was to induce and coerce a competitor, Town & Country News Co., Inc. ("Town & Country"), and its owner, Kendell Morris, of Alley, Georgia, to refrain from soliciting or doing business in the territories of the defendant companies.

In furtherance of this combination and conspiracy, the complaint alleges that the defendants ANA and FRS each entered into contracts with Town & Country wherein the parties to each contract sold to the other party all their business and potential business in specified areas and agreed not to compete with or interfere with the business or potential business of the other party in specified areas.

The complaint alleges that the effects of this combination and conspiracy have been, among other things, to: (a) allocate territories between FRS and Town & Country and between ANA and Town & Country; (b) to restrain and eliminate actual and potential competition between FRS and Town & Country and between ANA and Town & Country in the ID wholesale distribution of periodicals and paperback books in the areas surrounding and including Atlanta, Albany, and Alley, Georgia; and (c) to deprive readers, retailers, national distributors and publishers of the benefits of actual and potential competition in the ID wholesale distribution of periodicals and paperback books in the areas surrounding and including Atlanta, Albany, and Alley, Georgia.

The complaint requests the Court to find that the defendants and co-conspirators have entered into a combination and conspiracy in unreasonable restraint of interstate trade and commerce in the ID wholesale distribution of periodicals and paperback books in violation of Section 1 of the Sherman Act (15 U.S.C § 1). The complaint also requests the Court to enjoin and restrain the defendants from engaging in this combination and conspiracy and to grant additional relief to prevent its recurrence. Lastly, the complaint requests the Court to enjoin and restrain the defendants from entering into, continuing, maintaining, or renewing any contract, combination, conspiracy, agreement, understanding or concert of action (including the contracts with Town & Country) to limit or restrict the territory within which, or the customers to which, any ID wholesaler, including defendants, may sell periodicals or paperback books.

III. EXPLANATION OF THE PROPOSAL FOR A CONSENT JUDGMENT AND ITS ANTICIPATED EFFECTS ON COMPETITION

The United States and the defendant FRS have stipulated that the proposed consent judgment, in the form negotiated by and between the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed consent judgment provides for all of the relief with respect to defendant FRS which would have been demanded by the plaintiff if this case had been tried. Section IV (A) enjoins defendant FRS from entering into or maintaining with any other person an agreement to induce or coerce any third person to refrain from soliciting or doing business with any person or in any territory. Section IV (B) prohibits defendant FRS from unilaterally engaging in coercive conduct for such a purpose. Section IV (C) prohibits defendant FRS from entering into or enforcing any agreement which limits or restricts territories in which or customers with which a person may do business, including specifically the contract between FRS and Town & Country. However, Section IV(C) does allow defendant FRS to enter into contracts for the *bona fide* purchase or sale of an entire business, with an ancillary covenant not to compete, provided that such covenant is confined geographically to an area no larger than that in which the business sold was then doing business and further provided that it does not run longer than two years. Such a contract, however, cannot be the result of coercive action by defendant FRS, as enjoined in Section IV (A) and (B).

In order to insure continued compliance with the terms of the judgment, upon written request of the plaintiff, defendant FRS is required to allow attorneys for the plaintiff to inspect its business records and to interview its officers or employees. Upon written request, defendant FRS is also required to submit written reports with respect to any matter contained in this judgment.

IV. ALTERNATIVE REMEDIES CONSIDERED BY THE GOVERNMENT

The United States did not actually consider any alternatives to the proposal now being filed, since the defendant agreed to provide all of the relief sought by the United States.

V. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this consent judgment has no *prima facie* effect in any subsequent lawsuits which may be brought against these defendants.

VI. PROCEDURES AVAILABLE FOR THE MODIFICATION OF THIS PROPOSAL

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may, for a sixty-day period, submit written comments to Donald A. Kinkaid, Chief, Atlanta Field Office, United States Department of Justice, Antitrust Division, 1776 Peachtree Street, N.W., Suite 420, Atlanta, Georgia 30309, who will file with the Court and publish in the FEDERAL REGISTER such comments and the responses of the United States thereto. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of it is necessary. The proposed judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VII. ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT

The alternative to the proposed judgment considered by the Antitrust Division was a full trial of the issues on the merits and on relief. The Division considered the substantive language of the judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the judgment provides appropriate relief against the violations charged in the complaint.

VIII. MATERIALS OR DOCUMENTS WHICH WERE DETERMINATIVE IN FORMULATING THE PROPOSAL FOR A CONSENT JUDGMENT

Since there are no materials or documents which were determinative in formulating the proposal for a consent judgment, none are being filed by the plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)).

Dated: December 17, 1976.

JOHN R. FITZPATRICK
CARL W. MULLIS, III,
Attorneys, U.S. Department of Justice, Antitrust Division

[FR Doc.77-416 Filed 1-5-77;8:45 am]

Office of the Attorney General

[Order No. 677-76]

PRIVACY ACT OF 1974

Systems of Records and Proposed Routine Uses

DECEMBER 27, 1976.

Enclosed are notices of proposed systems of records maintained by the Department of Justice and required to be published in the FEDERAL REGISTER pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a.

JUSTICE/LEAA-012 is a new system of records for which no public notice is currently published in the FEDERAL REGISTER. This system will come into existence thirty (30) days after publication of this notice.

JUSTICE/ATR-009 is currently an ongoing system of records that was inadvertently omitted from past publication because of oversight.

JUSTICE/FBI-002, FBI Central Records System and OPA-001, Executive Clemency Files and JUSTICE/USA-007, Criminal Case Files are reprinted in their entirety with a summary of changes to reflect a proposed routine use for each system of records.

A summary of minor changes in existing systems notices: JUSTICE/OPA-001, JUSTICE/LDN-001 and 002 and JUSTICE/ATR-002, 003, 004, 006, 007 and 008 and JUSTICE/USA-001 are published to correct spelling or grammatical errors or similar mistakes or more specific restatements in the existing systems notices.

Finally, JUSTICE/CRM-999 is published in its entirety to reflect the deletion of four locations for the maintenance of Criminal Division records in New Orleans, Louisiana, Pittsburgh, Pennsylvania, St. Louis, Missouri and New York, New York and the transfer of these records to the U.S. Attorneys' Offices within these districts.

Interested persons are invited to submit written comments on those portions of the notices which describe the new routine uses of the systems of records listed. Reports for JUSTICE/LEAA-012 and JUSTICE/ATR-004 in conformity with OMB Circular A-108, Transmittal Memoranda No. 1 and 3 have been supplied to Congress, the Privacy Protection Study Commission, and the Office of Management and Budget contemporaneously with the publication of this notice. No reports have been filed for a proposed additional routine use in JUSTICE/FBI-002 and JUSTICE/USA-007 because these uses have been determined to be compatible with the purposes for which the systems are maintained. Comments should be mailed to the System Manager at the address listed in the relevant System Notice. All comments must be received by February 7, 1977. No oral hearings are contemplated. Comments received will be available for inspection in Room 1266, Main Department of Justice Building, 10th and Constitution Avenue, N.W.

Dated: DECEMBER 27, 1976.

EDWARD H. LEVI,
Attorney General.

JUSTICE/LEAA-012

System name:

Public Safety Officers' Benefits System.

System location:

Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

Categories of individuals covered by the system:

Public Safety Officers who died while in the line of duty and their surviving beneficiaries.

Categories of records in the system:

This system contains an index by claimant and deceased Public Safety Officers; case files of eligibility documentation; and benefit payment records.

Authority for maintenance of the system:

Authority for maintaining this system exists under 42 U.S.C. 3701, et seq., Pub. L. No. 94-430 (Sept. 29, 1976) and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

(1) State and local agencies to verify and certify eligibility for benefits; (2) educational institutions where beneficiary is full-time student to verify eligibility status; (3) appropriate Federal agencies to coordinate benefits paid under similar programs; and (4) members of Congress or staff acting upon the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is a party in interest.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information in this system is maintained on a master index, in folders and on computer magnetic tape.

Retrievability:

Information is retrievable by name of claimant, name of deceased Public Safety Officer, and case file number.

Safeguards:

Computerized information is safeguarded and protected by computer password key and limited access. Non-computerized data is safeguarded in locked cabinets. All files are maintained in a guarded building.

Retention and disposal:

Files are retained, retired to Federal records centers and disposed of in accordance with General Services Administration disposal schedules.

System manager(s) and address:

PSOB Program Officer, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

Notification procedure:

Same as above.

Record access procedure:

Request for access to a record from this system should be made in writing with the envelope and the letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above and state clearly and concisely what information is being contested, the reason for contesting it and the proposed amendment to the information sought.

Record source categories:

Public agencies including employing agency, beneficiaries, educational institutions, physicians, hospitals, official State and Federal documents.

Systems exempted from certain provisions of the act:

None.

System name:

Consumer Inquiry Index.

System location:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system:

Individuals making inquiries relating to consumer matters.

Categories of records in the system:

System contains an index record to inquiries made directly to the Consumer Affairs Section, Antitrust Division and those referred to the Section both from within the Department and from outside sources.

Authority for maintenance of the system:

44 U.S.C. 3101; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The system is maintained as a record of inquiries and referrals to the Consumer Affairs Section relating to consumer matters. Information provided by consumers and the identity of individuals making the inquiry are occasionally disclosed to outside parties and other governmental agencies in an effort to resolve a matter brought to the attention of the Section through the incoming correspondence.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information in this system is maintained on index cards, which identify incoming letters of inquiry and outgoing letters of response. To a limited extent information may be retrieved by using the name of the inquiring party.

Safeguards:

Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust Division personnel in the area where the system is maintained. Access to the building during non-working hours is limited to Department of Justice personnel.

Retention and disposal:

Indefinite.

System manager(s) and address:

Chief, Consumer Affairs Section, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure:

Address inquiries to the Assistant Attorney General, Antitrust Division, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Record access procedures:

Request for access for a record from this system shall be written and clearly identified as a "Privacy Access Request." The request should include the name of the party making the consumer inquiry and the date of the inquiry. Requester should indicate a return address.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should state clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

Source of information maintained in the system are those records (e.g., consumers' correspondence) reflecting direct inquiries or referrals by other offices or organizations.

Systems exempted from certain provisions of the act:

None.

SUMMARY OF CHANGES FOLLOWED BY THE ENTIRE SYSTEMS NOTICE

JUSTICE/FBI–002

System name:

The 'FBI Central Records System' containing investigative, personnel, administrative, applicant and general files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Upon specific approval of the Director, information may be disseminated from this system to individuals in the private sector in extenuating circumstances in order to protect life or property. Information which relates to foreign counter-intelligence matters may be disseminated to individuals in the private sector with the specific authority of the Attorney General where he deems it necessary in order for the Federal Bureau of Investigation (FBI) to fulfill its statutory responsibilities to investigate espionage in the United States. The FBI has received inquiries from private citizens and Congressional offices in behalf of constituents seeking assistance in locating such individuals as missing children or heirs to estates. Where the need is acute and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the inquiring individual. Information will be provided only in those instances where it can be determined from the information at hand that the individual being sought would want the information to be furnished, e.g. an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority. The decision to make any dissemination under these circumstances can be made only by the Director, and this authority cannot be delegated.

JUSTICE/OPA–001

System name:

Executive Clemency Files.

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

(f) Upon specific request, to make closed files available for historical research purposes when in the public interest and in conformity with Department of Justice policy.

JUSTICE/USA–007

System name:

Criminal Case Files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

JUSTICE/FBI–002

System name:

The 'FBI Central Records System' containing investigative, personnel, administrative, applicant, and general files.

System location:

a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20535; b. 59 field divisions (see Appendix); c. 14 Legal Attaches (see Appendix).

Categories of individuals covered by the system:

a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto that are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals, associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

Categories of records in the system:

The FBI Central Records System—The FBI utilizes a 'central records system' of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

Files kept in FBI Field Offices—Field offices maintain certain records that are not contained at FBIHQ that include files, index cards, and related material pertaining to cases in which there was no prosecutive action undertaken; perpetrators of violations not developed during investigation; or investigation revealed allegations were unsubstantiated or not within the investigative jurisdiction of the Bureau. These investigations closed in field offices and correspondence not forwarded to FBI Headquarters. Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. Some of the information contained in the main files has also been extracted and placed on computer to enable various divisions to retrieve information more rapidly by avoiding the need for a manual search for information maintained in the main files. Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

Authority for maintenance of the system:

Federal Records Act of 1950, The Constitution of the United States, various provisions of U.S. Code, Executive Orders and Presidential directives.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records contained in this system are utilized by the FBI in support of its mission to conduct investigations within its jurisdiction and for various administrative purposes. Information from these files is disseminated to appropriate Federal, State, local, and foreign agencies where the right and need to have access to this information exists—For example, to assist in the general crime prevention and detection efforts of the recipient agency. Information is also disseminated to these agencies and to individuals and organizations, where such dissemination is necessary to elicit information from such agencies and individuals. Information from this system is also disseminated during appropriate legal proceedings. For example, witness interviews are made available to defendants pursuant to the Jencks Act during Federal criminal trials. In the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed as a 'routine use' to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, this issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. For example, in discharging its obligations under Executive Order 10450, this agency would disseminate record information as a direct result of a name check request submitted by another government agency. A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such title. Background and descriptive information on Federal fugitives is disseminated to the general public and the news media in an effort to bring about the apprehension of these wanted individuals. News releases are also disseminated to the public and the news media concerning apprehensions of FBI fugitives and other notable accomplishments. Additionally, public source information is distributed on a continuing basis, upon request, to the general public and representatives of the media. Upon specific approval of the Director, information may be disseminated from this system to individuals in the private sector in extenuating circumstances in order to protect life of property. Information which relates to foreign counter-intelligence matters may be disseminated to individuals in the private sector with the specific authority of the Attorney General where he deems it necessary in order for the Federal Bureau of Investigation (FBI) to fulfill its statutory responsibilities to investigate espionage in the United States. The FBI has received inquiries from private citizens and Congressional offices in behalf of constituents seeking assistance in locating such individuals as missing children or heirs to estates. Where the need is acute and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the inquiring individual. Information will be provided only in those instances where it can be determined from the information at hand that the individual being sought would want the information to be furnished, e.g. an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority. The decision to make any dissemination under these circumstances can be made only by the Director, and this authority cannot be delegated.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in sys-

tems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files are maintained in hardcopy form, computer tape, and microfilm.

Retrievability:

The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. The index cards are on all manner of subject matters, but primarily a name index of individuals. It should be noted the FBI does not index all individuals that furnish information or names developed in an investigation. Only that information that is considered pertinent and relevant and essential for future retrieval, is indexed. In certain major cases most persons contacted are indexed in order to facilitate the proper administrative handling of a large volume of material. The FBI is in the process of automating its 'Central Records System' and, therefore, the retrieval of certain data will be accomplished by utilizing certain computer peripheral equipment such as CRT (Cathode Ray Tube) video screens, and printers. This will basically involve certain personnel information, general index information, and the abstracting system. Automation in no way changes the 'Central Records System'; it only facilitates access more effectively and efficiently.

Safeguards:

Records are maintained in a restricted area and are accessed only by FBI employees. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a 10,000 dollar fine or 10 years' imprisonment or both. Employees that resign or retire are also cautioned about divulging information acquired in the job.

Retention and disposal:

The Bureau, by its investigative mandate, collects and maintains information from a wide variety of sources. The records support the Bureau's investigative and administrative needs and its obligations to act as a clearinghouse under Executive Order 10450 regarding the security of Government employees. An active destruction program includes microfilming of certain files over 10 years old and researching files to determine whether they contain sufficient historical, research, investigative, or intelligence value to wararnt their retention. The Code of Federal Regulations, Title 41, and Title 44 of the U.S. Code set forth Records Management procedures to be followed by Government agencies in relation to their records. All agencies are required to retain any material made or received during the course of public business which has been preserved or is appropriate for preservation. Accordingly, disposition of record material must be in accordance with established regulations. Subsequent destruction is accomplished through authority granted by National Archieves and Records Service, GSA, utilizing either the General Records Schedules or a specific request for record destruction which is approved by the Archivist. Records are also destroyed or returned to source as a result of Court Order. Subsequent to January 27, 1975, a Congressional moratorium on all destruction, and a later decision rendered on further retention of security and intelligence material, has substantially reduced the tangible effects of the destruction program.

System manager(s) and address:

Director; Federal Bureau of Investigation; Washington, D.C. 20535.

Notification procedure:

Same as above.

Record access procedures:

A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request". Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests will be directed to the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the informaion sought.

Record source categories:

The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G) and (H), (e) (5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/OPA–001

The following Notice is published for the benefit of the public. Executive Clemency Files, while maintained in the Office of the Pardon Attorney, U.S. Department of Justice, are files of the President of the United States compiled and maintained to provide for the exercise of his constitutional responsibilities pursuant to Article II, section 2, and are not subject to the provisions of the Privacy Act of 1974, Pub. L. No. 93–579.

System name:

Executive Clemency Files

System location:

Office of the Pardon Attorney; U.S. Department of Justice; HOLC Building; 320 First Street, N.W.; Washington, D.C. 20534.

Categories of individuals covered by the system:

Applicants for Executive clemency.

Categories of records in the system:

The system contains the individual petitions for Executive clemency (OPA–6 or 6–15) submitted by the applicants and accompanying oath and character affidavits (DOJ–1973–06), investigatory material, evaluative reports, interagency and intra-agency correspondence and memoranda relating to individual petitions for clemency. The system includes Presidential Clemency Board files transferred to the Office of the Pardon Attorney upon termination of the Board's existence on Sept. 15, 1975.

Authority for maintenance of the system:

The system is established and maintained in accordance with the United States Constitution, Article II, Section 2, Executive Order of the President dated June 16, 1893, Order No. 288–62, 27 FR 11002, November 10, 1962, as codified in 28 CFR 1.1 through 1.9 and E.O. 11878 dated Sept. 10, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Executive clemency files are used to (a) enable the Attorney General to investigate each petition for Executive clemency to review each petition and information developed by his investigation thereof and to advise the President whether, in his judgment, the request for clemency is of sufficient merit to warrant favorable action by the President; (b) prepare notices to the public of the

name of each grantee of clemency, date of Presidential action, nature of clemency granted, nature of grantee's offense, date and place of sentencing, description of sentence imposed, and names of character affiants and interested members of Congress; (c) prepare bound and indexed volumes containing photocopies of the official warrant of clemency granted each recipient of clemency as a public and official record of Presidential action; (d) upon request of the President and members of his staff, to make available to them individual clemency files; (e) upon specific request by an individual, to advise the requester whether a named person has applied for, been granted or denied clemency, the date thereof and the nature of the clemency granted or denied; and (f) upon specific request, to make closed files available for historical research purposes when in the public interest and in conformity with Department of Justice policy.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information maintained in the system is stored in the Office of the Pardon Attorney and in Archives.

Retrievability:

Information is retrieved by reference to the file number assigned to the name of each applicant for clemency.

Safeguards:

Information contained in the system is safeguarded and protected in accordance with Department of Justice rules governing petitions for Executive clemency, specifically, 28 CFR 1.6. Executive clemency files are maintained in the Office of the Pardon Attorney and are not commingled with Department of Justice records.

Retention and disposal:

Records are stored in the Office of the Pardon Attorney as long as space requirements permit and are then transferred to Archives. These records are not destroyed.

System manager(s) and address:

Pardon Attorney; Office of the Pardon Attorney; Department of Justice; 654 HOLC Building; 320 First Street NW., Washington, D.C. 20530.

Notification procedure:

Address inquiries to the Pardon Attorney; Department of Justice; Washington, D.C. 20530.

Record access procedures:

While the Attorney General has exempted Executive Clemency files from the access provisions of the Privacy Act, requests for discretionary releases of records contained in the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document and the name of the clemency applicant in whose file it is contained. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures:

While the Attorney General has exempted Executive Clemency files from the correction (contest and amendment) provisions of the Privacy Act, requests for the discretionary correction (contest or amendment) of records contained in this system should be directed to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

Sources of information contained in this system are the individual applicants for clemency, Federal Bureau of Investigation or other official investigatory reports, Bureau of Prison records, Selective Service System and Armed Forces Reports, probation or parole reports and reports from individuals or non-Federal organizations, both solicited and unsolicited.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/USA–007

System name:

Criminal Case Files.

System location:

Ninety-four United States Attorneys' Offices (See attached Appendix).

Categories of individuals covered by the system:

(a) Individuals charged with violations; (b) Individuals being investigated for violations; (c) Defense Counsel(s); (d) Information Sources; (e) Individuals relevant to development of Criminal Cases; (f) Individuals investigated, but prosecution declined; (g) Individuals referred to in potential or actual cases and matters of concern to a U.S. Attorney's Office.

Categories of records in the system:

(a) All case files (USA–33); (b) Docket Cards (USA–115); (c) Criminal Debtor Cards (USA–117a); (d) Criminal Case Activity Card (USA–163); (e) Criminal Debtor Activity Card (USA–164); (f) 3'×5' Index Cards; (g) Caseload Printouts; (h) Attorney Assignment Sheets; (i) General Correspondence re: Criminal Cases; (j) Reading Files re: Criminal Cases; (k) Grand Jury Proceedings; (l) Miscellaneous Investigative Reports; (m) Information Source Files; (n) Parole Recommendations; (o) Immunity Requests; (p) Witness Protection Files; (q) Wiretap Authorizations; (r) Search Warrants; (s) telephone records; (t) Criminal Complaints; (u) Sealed Indictment Records; (v) Files unique to a District; (w) Criminal Miscellaneous Correspondence File; (x) Prosecution Declined Reports.

Authority for maintenance of the system:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A record maintianed in this system of records may be disseminated as a routine use of such record as follows;

(a) In any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) In the course of investigating the potential or actual violation of any law, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, State, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, State, or local administrative or regula-

tory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, State, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement.

(i) A record may be disseminated to a Federal, State, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60;

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

Retrievability

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices by means of catho-ray tube terminals (CRT's).

Safeguards

Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices requires user identification numbers which are issued to authorized employees of the Department of Justice.

Retention and disposal

Records are maintained and disposed of in accordance with Department of Justice retention plans.

System manager(s) and address

System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See system designated Justice/CRM-999).

Notification procedures

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See system designated JUSTICE/CRM-999).

Record access procedures

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (see system designated JUSTICE/CRM-999).

Contesting record procedures

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See system designated JUSTICE/CRM-999) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories

Sources of information contained in this system include, but are not limited to investigative reports of Federal, State and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data, memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

Systems exempted from certain provisions of the act

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8) (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

SUMMARY OF MINOR CHANGES

JUSTICE/OPA-001, Executive Clemency Files—the word "upon" was misspelled in paragraph 3, line 5 of the routine use section. In line 4 of the record source categories section, the word "reports" should not have been capitalized.

JUSTICE/LDN-001, Appraisers File—in the record access section, the words "Privacy Act Request" should be surrounded by quotes. In the record source categories section the word "principally" was misspelled.

JUSTICE/LDN-002, Congressional Correspondence File—the word "of" was omitted in the fifth line of the routine use section. A comma should be deleted after the word "role" in the safeguards section.

JUSTICE/ATR-002, Congressional Correspondence Log File—the word "are" was omitted in the second line of the record source categories section.

JUSTICE/ATR-003—Index of Defendants in Pending and Terminated Antitrust Cases—the word "contest" was misspelled in the first line of the contesting record procedures section.

JUSTICE/ATR-004, Statements by Antitrust Division Officials—the word "records" was misspelled in the second line of record source categories section.

JUSTICE/ATR-006, Antitrust Caseload Evaluation System—Monthly Report—the word "Director" was misspelled in the first line of the system manager section.

JUSTICE/ATR-007, Antitrust Division Case Cards—the words "clearly and" were omitted from the third line of the contesting records procedures section.

JUSTICE/ATR-008, Freedom of Information/Privacy Requester/Subject Index File—the word "name" was omitted in the second line of the record access section.

JUSTICE/USA-001, Administrative Files—delete proposed routine use "(n)" which is in this notice as an additional routine use for JUSTICE/USA-007.

JUSTICE/CRM—999

System name:

Appendix to Criminal Division System of Records Field Offices of the Organized Crime and Racketeering Section are located as follows:

Organized Crime and Racketeering Section, U.S. Department of Justice, P.O. Box 834, Atlanta, Georgia 30301.

Organized Crime and Racketeering Section, U.S. Department of Justice, U.S. Attorney's Office, P.O. Box 375, 600 East Monroe Street, Springfield, Illinois 62705.

Organized Crime and Racketeering Section, U.S. Department of Justice, Room 1703, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Organized Crime and Racketeering Section, U.S. Department of Justice, Room 327-A, Federal Building, Brooklyn, New York 11201.

Organized Crime and Racketeering Section, U.S. Department of Justice, Suite 921, Genesee Building, 1 West Genesse Street, Buffalo, New York 14202.

Organized Crime and Racketeering Section, U.S. Department of Justice, Room 1552, 219 South Dearborn Street, Chicago, Illinois 60604.

Organized Crime and Racketeering Section, U.S. Department of Justice, Room 526, Northern Ohio Bank Building, Cleveland, Ohio 44113.

Organized Crime and Racketeering Section, U.S. Department of Justice, Room 940, Federal Building, Detroit, Michigan 48226.

Organized Crime and Racketeering Section, U.S. Department of Justice, Federal Building, Hartford, Connecticut 06103.

Organized Crime and Racketeering Section, U.S. Department of Justice, Suite 717, 906 Grand Avenue, Kansas City, Missouri 64106.

Organized Crime and Racketeering Section, U.S. Department of Justice, Room 2307, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

Organized Crime and Racketeering Section, U.S. Department of Justice, 111 Northwest 5th Street, Miami, Florida 33128.

Organized Crime and Racketeering Section, U.S. Department of Justice, P.O. Box 89, Newark, New Jersey 07101.

Organized Crime and Racketeering Section, U.S. Department of Justice, Suite 900, PNB Plaza Bldg., Fifth and Market Streets, Philadelphia, Pennsylvania 19106.

Organized Crime and Racketeering Section, U.S. Department of Justice, P.O. Box 996 Postal Annex Building, Providence, Rhode Island 02901.

Organized Crime and Racketeering Section, U.S. Department of Justice, Room 318, New Federal Building, 100 State Street, Rochester, New York 14614.

Organized Crime and Racketeering Section, U.S. Department of Justice, Box 36132, 450 Golden Gate Avenue, San Francisco, California 94102.

Organized Crime and Racketeering Section, U.S. Department of Justice, Box 571, Ben Franklin Station, Washington, D.C. 20044.

Organized Crime and Racketeering Section, U.S. Department of Justice, P.O. Box 2799, Tampa, Florida 33601.

[FR Doc.77-384 Filed 1-5-77;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

PRIVACY ACT OF 1974

Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, the National Commission on Electronic Fund Transfers hereafter known as the Commission, hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Commission. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the Chairman, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Comments should be submitted on or before February 7, 1977. The Commission's proposed procedures for access to records in the systems are published in the Proposed Rule section of this issue of the FEDERAL REGISTER. In the event that no comments are received which would warrant amendment of these systems of records, these systems of records will become final on January 29, 1977.

Dated at Washington, D.C., on December 29, 1976.

WILLIAM B. WIDNALL,
Chairman

[NCEFT-1]

System name:

Payroll Records—National Commission on Electronic Fund Transfers.

System location:

General Services Administration, Region 3 Office; copies held by the Commission. GSA holds records for the National Commission on Electronic Fund Transfers under contract.

Categories of records maintained in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C., generally, also, P.L. 93-495, Title II.

Routine use of records:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to prviate attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Chairman, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. The re-

quest must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Chairman of the Commission.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93–579.

Policies and practices for storing and retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability and accessing:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager:

Administrative Assistant, GSA Liaison, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Notification procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Record access procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Contesting records procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Categories of sources of records in the system:

The subject individual; the Commission.

[NCEFT–2]

System name:

General Financial Records — National Commission on Electronic Fund Transfers.

System location:

General Services Administration, Central Office; copies held by the Commission. GSA holds records for the National Commission on Electronic Fund Transfers under contract.

Categories of individuals covered by the system:

Employees of the Commission and members of the Commission.

Categories of records maintained in the system:

SF–1038, Application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C., generally; also Pub. L. 93–495, Title II.

Routine use of records:

See appendix. Records are also released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing and retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper and tape.

Retrievability and accessing:

Manual and automated by name.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager:

Administrative Assistant, GSA Liaison, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Notification procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Record access procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Contesting records procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Categories of sources of records in the system:

The subject individual; the Commission.

[NCEFT–3]

System name:

General Informal Personnel Files — National Commission on Electronic Fund Transfers.

System location:

National Commission on Electronic Fund Transfers.

Categories of individuals covered by the system:

Members of the Commission, employees of the Commission, and consultants to the Commission.

Categories of records maintained in the system:

Personnel qualifications statements, personnel action requests and notifications, oaths of office, consultant and/or expert certifications, delegations of authority, background information for security clearances, statements of employment and financial interests, correspondence with members of the Commission.

Authority for the system:

5 U.S.C., generally, also Pub. L. 93–495, Title II.

Routine use of records:

See Appendix.

Policies and practices for storing and retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper.

Retrievability and accessing:

Manual.

Safeguards:

Stored in lockable file cabinets, released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the GSA records maintenance and disposition system.

System manager:

Administrative Assistant, GSA Liaison, National Commission on Electronic Fund Transfers, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Notification procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Record access procedures:

Refer to Commission access regulations ,codified at 1 CFR Part 442.[1]

Contesting records procedures:

Refer to Commission access regulations codified at 1 CFR Part 442.[1]

Categories of sources of records in the system:

The subject individual; the Commission.

[1] Codified regulations for 1 CFR Part 442 published in the proposed rules section of this issue of the FEDERAL REGISTER. Final regulations have not been issued.

APPENDIX—NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GGSA.

[FR Doc.77–360 Filed 12–30–76;2:19 pm]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77–1]

NASA SPACE PROGRAM ADVISORY COUNCIL (SPAC)

Meeting

The NASA SPAC Applications Committee will meet on January 26, 1977, at NASA Headquarters, Federal Office Building 10B, Room 226A, 600 Independence Avenue, S.W., Washington, D.C. Members of the public will be admitted to the meeting beginning at 9 a.m. on a first come first served basis to within the 35 seating capacity of the room. Visitors will be requested to sign a visitor's register.

The NASA SPAC Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently the Committee comprises 6 members including the Chairman, Mr. Thomas Rogers.

For further information regarding the meeting, please contact Mr. Louis B.C. Fong, (202) 755–8617. The approved agenda for the meeting on January 26, 1977 is as follows:

Time	*Topic*
9 a.m.	Opening Remarks by Chairman.
9:30 a.m.	Seasat-A Program. Current status of Seasat Program will be reviewed for the members' recommendations and comments.
10:30 a.m.	Satellite Telecommunications Program. The report of the National Research Council-Space Applications Board Committee on Satellite Communications (CSC) will be presented for the members' advice on how NASA might proceed to implement the CSC's findings and recommendations.
2:30 p.m.	Adjourn.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs.

DECEMBER 29, 1976.

[FR Doc.77–407 Filed 1–5–77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR–51, issued to Arkansas Power & Light Company (the licensee), which revised the license and its appended Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

Safety Analysis Report. The changes in the design of the ANO–1 spent fuel storage pool from that reviewed and approved in the operating license review and as described in the ANO–1 Final Safety Analysis Report. The changes will increase spent fuel storage capacity from 253 to 590 assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Consideration of Proposed Modification to Facility Spent Fuel Storage Pool in connection with this action was published in the FEDERAL REGISTER on October 28, 1976 (41 FR 47294). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

vironmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated October 7, as supplemented by letters dated October 18, October 25, November 11, November 16, and November 19, 1976, (2) Amendment No. 17 to Facility Operating License No. DPR–51 and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of December 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-435 Filed 1-5-77;8:45 am]

[Dockets Nos. 50-3, 50-247, 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendments to Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued to Consolidated Edison Company of New York, Inc. (Con Ed) Amendment No. 13 to Provisional Operating License No. DPR-5 for Indian Point Nuclear Generating Unit No. 1, and Amendment No. 24 to Facility Operating License No. DPR-26 for Indian Point Nuclear Generating Unit No. 2, and has issued to Con Ed and the Power Authority of the State of New York Amendment No. 3 to Facility Operating License No. DPR-64 for Indian Point Nuclear Generating Unit No. 3. These amendments revised Technical Specifications for operation of the Indian Point Nuclear Generating Units located in Westchester County, New York. The amendments are effective as of the date of issuance.

The amendments permit tests on various fish impingement mitigating measures at Indian Point Nuclear Generating Unit No. 1 intakes during the period when Unit No. 1 is shut down.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendments dated February 24, 1976, (2) Amendment No. 13 to License No. DPR-5, (3) Amendment No. 24 to License No. DPR-26, (4) Amendment No. 3 to License No. DPR-64 and (5) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

A copy of items (2) through (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 20th day of December 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-433 Filed 1-5-77;8:45 am]

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO., (MIDLAND PLANT, UNITS 1 AND 2)

Order and Notice of Evidentiary Hearing

It is ordered: (1) That the evidentiary hearing concerning the suspension proceeding in this matter will continue beginning at 9:30 a.m. on January 18, 1977, at the U.S. Court of Claims, Courtroom 1614, 219 South Dearborn Street, Chicago, Illinois 60604;

(2) That the parties will notify the Board no later than January 5, 1977, whether they have been able to agree on a schedule for the presentation of evidence beginning on that date and continuing during the balance of that week.

(3) That if no agreement has been reached by the parties by said date, each will then submit to the Board a list of its witnesses so that the Board may fix such a schedule.

Dated at Bethesda, Md., this 23rd day of December 1976.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.77-426 Filed 1-5-77;8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO., (ST. LUCIE NUCLEAR POWER PROJECT, UNIT NO. 2)

Order for Evidentiary Hearing

The evidentiary hearing in this matter will resume on Tuesday, January 11, 1977 at 9:00 a.m., in Banquet Room D, at the Holiday Inn-North, 4900 Powerline Road, Ft. Lauderdale, Florida. The hearing wil continue through Thursday, January 13, 1977.

It is so ordered.

Dated at Bethesda, Md., this 28th day of December 1976.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.77-430 Filed 1-5-77;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO., (OYSTER CREEK NUCLEAR GENERATING STATION)

Special Prehearing Conference on Late Petition for Leave To Intervene

DECEMBER 27, 1976.

On February 13, 1976, a Petition for Leave to Intervene in the captioned proceeding was filed by Sands Point Harbor, Inc., Philip Maimone, Wilson T. Crisman and Ruth L. Crisman (hereinafter collectively referred to as "Petitioners"). Applicant Jersey Central Power & Light Company and the Staff of the U.S. Nuclear Regulatory Commission, both have opposed the Petition on the grounds that it is admitted untimely and that a substantial showing of good cause for failure to file on time has not been made.

As discussed with counsel for Petitioners, the State of New Jersey, the Applicant and the NRC Staff, during a telephone conference call on December 16, 1976, the Atomic Safety and Licensing Board has determined to hear evidence on the question of good cause for granting the Petition for Leave to Intervene filed by Petitioners.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, particularly § 2.751(a) (10 CFR), a special two-day prehearing conference for the purpose of hearing evidence on the question of good cause for granting the Petition for Leave to Intervene filed by Sands Point Harbor, Inc., et al. shall convene at 10:00 am, local time, on Wednesday, January 26, 1977, in Courtroom 438 in the State House Annex, Trenton, New Jersey.

Issued at Bethesda, Md., this 27th day of December 1976.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.77-427 Filed 1-5-77;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment extended the surveillance interval for certain hydraulic shock suppressors to 6 months ± 25%, or until the first plant shutdown during which access to the inaccessible snubbers is afforded, and makes several minor corrections to Table 3.6.1 "Safety Related Shock Suppressors (Snubbers)" of the facility's Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 24, 1976, (2) Amendment No. 33 to License No. DPR-46, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 20th day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-434 Filed 1-5-77;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE COMMISSION BAILLY GENERATING STATION, NUCLEAR-1

Issuance of Amendment to Construction Permit and Notice of Availability of Initial Decision and Supplemental Initial Decision

Notice is hereby given that pursuant to an Initial Decision dated November 22, 1974 and a Supplemental Initial Decision issued February 21, 1975, by the Atomic Safety and Licensing Board (ASLB), the Nuclear Regulatory Commission has issued Amendment No. 1 to Construction Permit No. CPPR-104 issued to the Northern Indiana Public Service Company for construction of the Bailly Generating Station, Nuclear-1, located in Porter County, Indiana. The Board's Initial Decision and Supplemental Initial Decision authorize the construction of a slurry wall subject to certain conditions to the construction permit for the protection of the environment. The Initial Decision and Supplemental Initial Decision were reviewed by the Atomic Safety and Licensing Appeal Board prior to their becoming final.

A copy of the Atomic Safety and Licensing Board Initial Decision dated November 22, 1974 and Supplemental Initial Decision dated February 21, 1975; the Atomic Safety and Licensing Appeal Board Supplemental Decision dated December 17, 1975; Amendment No. 1 to Construction Permit No. CPPR-104, and the Commission Staff's Final Environmental Statement are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and in the Westchester Township Public Library, 125 South Second Street, Chesterton, Indiana 64304.

The Nuclear Regulatory Commission has found that the provisions of this amendment comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

The ASLB Initial Decision and Supplemental Initial Decision; the ASLAB Supplemental Decision; and Amendment No. 1 to CPPR-104 are also being made available at the Indiana Budget Agency, 212 State House, Indianapolis, Indiana 46204 and at the Lake-Porter County Regional Transportation and Planning Commission, 8149 Kennedy Avenue, Highland, Indiana 46322.

Based upon the record developed in the public hearing in the above captioned matter, the November 22, 1974 Initial Decision and February 21, 1975 Supplemental Initial Decision modified in certain respects the Final Environmental Statement relating to the construction of the Bailley Generating Station, Nuclear-1, prepared by the Commission. Pursuant to 10 CFR 51.52(b)3, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to the environmental matters contained in the Initial Decision and Supplemental Initial Decision are different from those contained in the Final Environmental Statement issued February 1973. The conditions are in addition to those recommended in the Final Environmental Statement and those given in the ASLB Initial Decision of April 5, 1974 for the Bailly Station. Copies of the Initial Decision and Supplemental Initial Decision have been transmitted to the Council on Environmental Quality and are being made available to the public as noted herein.

Single copies of the ASLB Initial Decision and Supplemental Initial Decision; the ASLAB Supplemental Decision; and Amendment No. 1 to CPPR-104 may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Md., this 22d day of December 1976.

For the Nuclear Energy Commission.

S. A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc.77-436 Filed 1-5-77;8:45 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK (GREENE COUNTY NUCLEAR POWER PLANT)

Order and Notice for Prehearing Conference

An Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission and a Presiding Examiner and Associate Examiner of the Board on Electric Generation Siting and the Environment of the State of New York will conduct a joint prehearing conference to consider further scheduling, the Protocol adopted by the Nuclear Regulatory Commission and the New York State Public Service Commission and such other matters as may be appropriate.

The conference will be held in the Office of the New York State Public Service Commission, Agency Building 3, Empire State Plaza, Albany, New York, beginning at 1 p.m. on January 10, 1977.

It is so ordered.

Dated at Bethesda, Md, this 23rd day of December 1976.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.77-428 Filed 1-5-77;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO. AND ATLANTIC CITY ELECTRIC CO., (HOPE CREEK GENERATING STATION, UNITS 1 AND 2)

Order for Evidentiary Hearing

The evidentiary hearing on the matters remanded to the Licensing Board by ALAB-251 (December 31, 1974), and any other matters remaining outstanding in the captioned proceeding, will commence on Tuesday, January 18, 1977 at 9:00 a.m. in Courtroom No. 1 at the Salem County Courthouse, 92 Market Street, Salem, New Jersey. If necessary the hearing will continue through Friday, January 21, 1977.

It is so ordered.

Dated at Bethesda, Md, this 28th day of December 1976.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc. 77-429 Filed 1-5-77;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

This amendment changes the power distribution Technical Specifications limiting control rod insertion and power imbalance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 4, 1976, (2) Amendment No. 8 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23rd day of December 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-437 Filed 1-5-77;8:45 am]

[Docket Nos. STN 50-518, STN 50-519, STN 50-520, STN 50-521]

TENNESSEE VALLEY AUTHORITY HARTSVILLE NUCLEAR PLANTS, PLANT A, UNIT NOS. 1 AND 2 AND PLANT B, UNIT NOS. 1 AND 2

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Tennessee Valley Authority to conduct certain site activities in connection with the Hartsville Nuclear Plants, Plant A, Unit Nos. 1 and 2 and Plant B, Unit Nos. 1 and 2, in addition to those activities previously authorized in the Commission's letters dated April 22, July 23 and September 9, 1976. The effective date of this further authorization is December 27, 1976.

The additional activities authorized are within the scope of those activities authorized by 10 CFR 50.10(e)(3) and are also within the scope of the activities included in the assessment of environmental impacts considered by the Atomic Safety and Licensing Board in its Partial Initial Decisions referenced below. The additional activities authorized includes drilling, grouting and placing dental and fill concrete and work on the auxiliary building, the fuel building and the reactor building (installation of reinforcing, installation of embedded items, setting and removal of form work, placing engineered backfill and placement of concrete).

Any activities undertaken pursuant to this authorization are entirely at the risk of the Tennessee Valley Authority and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on April 20, 1976. On September 30, 1976, the Board issued its First Supplemental Partial Initial Decision Limited Work Authorization II—Part I, and on December 10, 1976, the Board issued its Second Supplemental Partial Initial Decision Limited Work Authorization II—Part II. A copy of (1) the Partial Initial Decisions, (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) The applicant's Environmental Report and amendments thereto; (4) the Staff's Final Environmental Statement dated June 1975, (5) the Commission's letters of authorization dated April 22, July 23, and September 9, 1976 and (6) the Commission's further letter of authorization, dated December 27, 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

Dated at Rockville, Md., this 27th day of December 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.77-431 Filed 1-5-77;8:45 am]

[Docket Nos. STN 50-566, STN 50-567]

TENNESSEE VALLEY AUTHORITY YELLOW CREEK NUCLEAR PLANT, UNIT NOS. 1 AND 2

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the Tennessee Valley Authority has filed an environmental report, dated December 17, 1976, in support of their application to construct and operate the Yellow Creek Nuclear Plant, Unit Nos. 1 and 2, to be located in Tishomingo County, Mississippi. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Corinth Public Library, 1023 Fillmore Street, Corinth, Mississippi. Copies of the report are also being made available at the Office of the Governor, Coordinator, Federal-State Programs, 400 Watkins Building, 510 George Street, Jackson, Mississippi, and at the Northeast Mississippi Planning and Development District, P.O. Drawer 6-D, Booneville, Mississippi.

After the environmental report has been analyzed by the Office of Nuclear Reactor Regulation staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Rockville, Md., this 28th day of December 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc. 77-432 Filed 1-5-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-1]

MARINE CASUALTY REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

The National Transportation Safety Board has released, jointly with the U.S. Coast Guard, the report on investigation of the stranding on September 26, 1974, of the *SS Transhuron* at Kiltan Island, near the southwest coast of India. The report, No. USCG/NTSB-MAR-76-2, was released December 30, 1976.

The Safety Board determined that the probable cause of the accident was the ship's loss of power, resulting in the grounding on Kiltan Island reef after the vessel was adrift for 2 days. Contributing to the accident were the rendering inoperative of the vessel's propulsion switchboard by a fire, caused by the failure of the iron pipe nipple in the bronze condenser head, the reluctance of the Master of the *Transhuron* to accept offers of aid from other vessels, and his failure to use available information in order to anchor prior to the grounding.

As a result of its analysis of this casualty, the Safety Board on December 30 submitted the following recommendations:

To the U.S. Coast Guard—

Insure that required specifications and plan-approved documents for ship modification are transmitted to the inspectors before equipment is installed or construction and modification is begun. (M-76-20)

Expedite the issuance of regulations to require spray shield protection when saltwater piping must be in the vicinity of switchboards or other open electrical equipment. (M-76-21)

Expand either the Merchant Marine Safety Manual or other suitable instructions to include aids for inspection and repair of firefighting equipment, particularly CO_2 semi-portable equipment. (M-76-22)

Continue to disseminate to Coast Guard inspectors and licensed Merchant Marine officers the information that all concerned are responsible for the compliance of any vessel with the regulations and that this responsibility is found in and protected by law and regulations. (M-76-23)

Include in the engineers' license examination, questions on all phases of damage control and engineering casualty control for various powerplants in addition to the existing firefighting and emergency equipment questions. (M-76-24)

To the Office of Maritime Affairs, Department of State—

Introduce before IMCO a suitable resolution to reaffirm that masters are responsible to call for assistance based upon the immediate casualty situation and are not to depend solely on company arrangements or assume responsibility for potential salvage claims. (M-76-25)

To the Maritime Administration, Department of Commerce—

Urge shipowners to install communications equipment to use MARISAT communications satellites. (M-76-26)

Issue an advisory to restate the master's responsibility to call for assistance based upon the immediate casualty situation and to urge owners and operators to develop procedures and informational guides to assist masters and inform management personnel of potential communications and logistics problems. (M-76-27)

(With the exception of M-76-24, all of these recommendations are designated "Class II—Priority Followup"; M-76-24 is a Class III recommendation, for longer-term followup.)

RESPONSES TO SAFETY RECOMMENDATIONS

The U.S. Coast Guard on December 13 provided the Safety Board with an update on recommendation M-76-3, issued as a result of investigation into the June 2, 1973, collision in New York Harbor between the *SS C. V. Sea Witch* and the *SS Esso Brussels*. (See 41 FR 19481, March 11, 1976.) The recommendation asked the Coast Guard to require the reporting to Coast Guard of all steering failures aboard U.S. oceangoing vessels, and to require the reporting of steering failures aboard foreign vessels if the failure occurs in U.S. waters. Coast Guard responded last June 2 (41 FR 24260, June 17, 1976) by indicating that 46 CFR 4.05 was being revised to specify reportable casualties and to require that steering failures be reported. Coast Guard's December 13 letter notes that these requirements have been drafted and it is anticipated that an advance notice will be published prior to July 1, 1977.

The Federal Railroad Administration has provided two letters during the past week in response to Safety Board recommendations issued during 1976.

Under date of December 20, FRA comments on recommendations R-76-13 and R-76-14, issued after investigation into the June 5, 1975, collision of a Reading Company commuter train and a tractor-semitrailer near Yardley, Pennsylvania. (See 41 FR 17974, April 29, 1976.) Concerning recommendation R-76-13, which would require flashing lights and gates as minimum protection at all grade crossings used by commuter trains, FRA states that by the direction of Congress the selection and prioritization of grade crossing improvement projects are State responsibilities, and that section 203(a) of the Highway Safety Act of 1973, as amended, applies. FRA notes that the Federal Highway Administration (FHWA) currently lists three factors in making selection and prioritization decisions—a ranking of locations according to a hazard index, an onsite inspection of each rail-highway crossing, and the accident history of the crossing. FRA also notes that, as a result of Safety Board recommendation H-76-22, FHWA will add a fourth consideration—the number of people exposed to the crossing. (See 41 FR 26078, June 24, 1976, and 41 FR 46526, October 21, 1976.)

Further speaking to recommendation R-76-13, FRA's December 20 letter indicates that to develop more accurate hazard rating formulas FRA is sponsoring research to analyze grade crossing inventory data in conjunction with grade crossing accident data. The formulas, which will be available to the States in late 1977, will include such considerations as accident histories, traffic volumes, physical characteristics of the site, currently available warning devices and locale. FRA also states that rail passenger data are being collected for inclusion in the grade crossing inventory, which also will identify all Amtrak and Auto Train routes (crossings).

In answer to recommendation R-76-14 which called for the development of a program directed at the improvement of all grade crossings used by commuter trains, contemplating the separation of grades of all these crossings in the forseeable future, FRA states, "Although grade separation is certainly an alternative to be considered in addressing the safety enhancement of a grade crossing, it is an inordinately expensive solution, so much so that it probably cannot be justified solely on the basis of safety." FRA contends that approximately 10 at-grade crossings can be provided with warning devices at a cost equivalent to that of one low-cost grade separation, which, according to FRA, "seems too high a price to pay for the marginal gain in effectiveness, particularly when proper warning devices may have to be foregone at alternative crossings." FRA concludes, "If there are other non-safety related concerns, e.g., traffic flow or emergency vehicles, they, combined with the safety considerations, may justify a grade separation. However, neither is a meet subject for FRA regulatory action." FRA states that its current aim is to make available "the necessary algorithms for rating and ranking individual grade crossings on a nationally comparable basis."

FRA's comments on recommendations R-76-20 through R-76-22 are provided in a letter dated November 30, 1976. These recommendations resulted from investigation of the October 1, 1975, derailment of an Amtrak Train on the tracks of the Louisville and Nashville Railroad Company near Pulaski, Tennessee. (See 41 FR 29222, July 15, 1976.) Review of the Federal Track Safety Standards to determine whether current requirements are adequate for safe accommodation of six-wheel truck locomotives was asked by recommendation R-76-20. In answer, FRA states that it has established as one of its priority ob-

jectives the review not only of the geometry requirements but also of all of the Federal Track Safety Standards; this review is being conducted in conjunction with FRA's Accident Reduction Research Program. FRA anticipates receiving the results during the latter part of 1977.

In response to R–76–21, which would require that rail passenger equipment be fitted with roof hatches so that passengers can escape through the ceiling of a car which is lying on its side, the November 30 letter indicates that FRA and Amtrak have agreed to investigate jointly the merits of the Safety Board recommendations concerning improvement of the level of safety provided occupants of passenger-carrying rail vehicles in accident situations. To this end, Amtrak has agreed to make available two retired passenger coaches for testing at the Transportation Test Center in Pueblo, Colorado. FRA notes that one aspect of passenger safety to be investigated is fitting rail passenger cars with roof hatches to facilitate passenger escape through the overhead of a car lying on its side. FRA will notify the Board of test results and will advise concerning any regulatory action deemed appropriate.

Re recommendation R–76–22, which asked FRA to require that Amtrak or the railroad operating an Amtrak train disseminate information to emergency units along the route on emergency entry techniques and on where emergency equipment within the car is located, FRA states that last September 17 comments concerning this recommendation were requested by FRA from the National Railroad Passenger Corporation. The Corporation advised on October 15 that Amtrak had written to its member roads for any applicable input, and further, that Amtrak intends to "act upon this recommendation."

SAFETY BOARD REPLIES TO RECOMMENDATION RESPONSES

Board letter of December 23 to the Washington State Highway Commission reaffirms the Board's position concerning friction tests used in reaching conclusions Nos. 2 and 9 in accident report NTSB–HAR–76–7. The report followed Board investigation of the crash of a gasoline truck and trailer which occurred December 4, 1975, during a heavy rainstorm in Seattle, Washington. Recommendations H–76–29 and H–76–30 were predicated on conclusions 2 and 9 of the report and have been the subject of recent correspondence between the Board and the Commission. (See 41 FR 55954, December 23, 1976.) The Board's December 23 letter states that regardless of skid test numbers obtained prior to or subsequent to the occurrence of the accident, "the highway-to-vehicle tire coefficient of friction was inadequate to sustain the position of the articulated vehicle." Board calculations indicate that this stability failure would occur at 0.23 at the time of and under the environmental circumstances of the accident. As previously indicated by the Board, test skid numbers and accident circumstances, especially considering the difference between ASME test tires and real-world truck tires, are not the same. The Board remains convinced that conclusions 2 and 9 are valid as they factually relate to the circumstances of the accident and are not dependent upon test skid numbers.

Board letter of December 29 to the Federal Aviation Administration concerns recommendations A–76–59 through A–76–64 and is in reply to FAA letter of September 22 (41 FR 44235, October 1, 1976) commenting on the use of advisory circulars and citing rationale for not implementing all of the features of AC 33–1A during tests of General Electric CF6 engines. The Board acknowledges FAA's explanation that the GE dynamic structural tests as supplemented during the past year are more stringent than any likely in-service strike incident. Accordingly, the Board will continue to hold these recommendations in "open" status until completion of the engine modification program for U.S. and foreign carriers as recommended.

The marine casualty report and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters in response to recommendations and copies of Safety Board replies may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the marine casualty report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 3, 1977.

[FR Doc.77–535 Filed 1–5–77;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

INMARSAT PREPARATORY COMMITTEE WORKING GROUP

Meeting

Notice is hereby given that the U.S. INMARSAT Preparatory Committee Working Group will meet at 9:30 a.m., in Room 712, Office of Telecommunciations Policy, 1800 G Street, NW., Washington, D.C. on Monday, January 24, 1977.

The principal agenda items will be: (1) A report on the first session of the INMARSAT Preparatory Committee held in London from January 10–14, 1976; (2) Development of a Working Group work program to prepare for the second session of the INMARSAT Preparatory Committee and (3) other business which might be raised at the meeting.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Working Group before or after the meeting.

The names of the members of the Working Group, a copy of the agenda, a summary of the meeting and other information pertaining to the meeting may be obtained from Mr. William T. Adams, Office of Telecommunications Policy, Washington, D.C. 20504 (Tel: 202: 395–3782).

L. DANIEL O'NEILL,
Advisory Committee Management Officer.

[FR Doc.77–420 Filed 1–5–77;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

PRIVATE INVESTIGATION FIRMS

Hearing or Certain Practices

The Privacy Protection Study Commission will hold a public hearing on certain practices of private investigations firms between 9:30 a.m. and 5:30 p.m. on January 26, 1977 in Room 1318, Dirksen Senate Office Building, Washington, D.C. This hearing is part of the Commission's study of the desirability and feasibility of extending the principles and requirements of the Privacy Act of 1974 to the private sector, and State and local governments.

To assist in the development of this inquiry, the Commission wishes to learn about the experiences and views of all interested persons prior to the hearing. Written statements should be submitted to the Executive Director, Privacy Protection Study Commission, Suite 424, 2120 L Street, N.W., Washington, D.C., 20506, and received in the Commission's office no later than January 15, 1977. Additional statements will be accepted for inclusion in the record until February 25, 1977.

The Commission's inquiry into private investigations firms is part of its broader examination of the employment and personnel record-keeping practices of private industry, State and local governments, private nonprofit organizations, employment agencies, consumer investigative companies, private investigating agencies and labor unions.

The Commission's intention is to focus on the services provided by private investigations firms where (a) the subject of an investigation is an employee or prospective employee of the client and (b) such employment status is a fundamental criterion underlying the request for investigative services. Specifically, the Commission wishes to learn about: (1) the scope and nature of services requested by employers and provided to them for such purposes as pre-employment and pre-promotion investigations, as well as the scope and nature of investigative services provided in response to client concerns over, or suspicions of, employee dishonesty, disloyalty, or immorality; (2) the impact upon subject individuals resulting from the provision of such services, both in respect to relations with the employer who initiated the request for services and in respect to the consequences for the individual of the further dissemination of information acquired in the course of providing such services; and (3) the accountability mechanisms which operate to insure the fair treatment of individual subjects of investigation, before, during, and after the provision of services to the employer or prospective employer. The elements of service of interest to the Commission include the investigative methods and techniques employed, the record-keeping practices of private investigations firms, and the content, format and manner of delivery of formal and informal reports to clients.

The Commission also seeks information concerning the exchange of information about prospective, current, or former employees among private investigations firms and between private investigations firms and clients other than the client for whom information was originally collected. Additionally, the Commission is seeking information concerning the exchange of information between law enforcement agenices and private investigations firms in relation to the practices described above.

The Commission would like to receive information describing the extent to which the data collection and record-keeping practices described above conform to the following five information practice principles:

There must be no personal data record-keeping system whose very existence is secret;

There must be a way for an individual to find out what information about him is in a record and how it is used;

There must be a way for an individual to prevent information about him that was obtained for one purpose from being used or made available for other purposes without his consent;

There must be a way for an individual to correct or amend a record or identifiable information about him; and

Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability (i.e., accuracy, relevance, timeliness, and completeness) of the data for their intended use and must take precautions to prevent misuse of the data.

DAVID F. LINOWES,
Chairman.
CAROLE W. PARSONS,
Executive Director.

[FR Doc.77–406 Filed 1–5–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76–233]

PEORIA AND PEKIN UNION RAILWAY COMPANY BRIDGE; PEORIA, ILLINOIS

Public Hearing on Proposed Bridge Alteration

A public hearing on proposed alteration of the Peoria and Pekin Union Railway Company bridge across the Illinois River, mile 160.7, at Peoria, Illinois, will be held on Thursday afternoon, February 10, 1977, at 1:30 p.m., in the County Board Room, Peoria County Court House, Main and Jefferson Streets, Peoria, Illinois. This hearing is being held under the authority of section 3 of the Act of June 21, 1940 (Truman-Hobbs Act) (33 U.S.C. 513).

The existing bridge, which has a bascule span, provides approximately 140 feet of horizontal clearance in the draw when measured normal to the channel axis. A number of complaints have been received alleging that the bridge is unreasonably obstructive to navigation. The purpose of the hearing is to determine whether alteration is needed and, if so, what alteration is necessary, with due regard for the necessity of free, easy, and unobstructed navigation upon the waterway and the needs of rail traffic.

Public comments, views, and data are necessary for determining whether the bridge unreasonably obstructs navigation, whether vessels have unreasonable difficulty and delay in passing through the bridge, the costs associated with collisions, swampings, and delays to navigation, the character and amount of commerce affected, whether the commerce affected is sufficient to justify alteration of the bridge, the changes necessary to make navigation through or under the bridge reasonably free and unobstructed, and the impact of the alteration, if made, upon the quality of the human environment.

Any person may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Commander, Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Missouri 63103 any time before the hearing stating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. These written statements and exhibits may be delivered at the hearing or mailed in advance to the Commander, Second Coast Guard District.

(54 Stat. 498, 33 U.S.C. 513; Section 4(f), 80 Stat. 934, as amended, 49 U.S.C. 1653(f); Section 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655 (g)(3); 33 CFR 116.20 and 49 CFR 1.46 (c)(6).)

Dated: December 28, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.77–538 Filed 1–5–77;8:45 am]

[CGD 76–231]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Notic of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Chemical Vessels to be held January 12, 1977, 9 a.m., Room 8334, NASSIF Building, 400 7th Street, SW, Washington, D.C. 20590. The agenda for this meeting is as follows: (1) To begin revision of the rules for bulk hazardous chemicals shipped in barges, 46 CFR Part 151. (2) To draft recommendations for the Coast Guard in developing a position paper on bulk hazardous chemical charges for presentation to the Inter-Governmental Maritime Consultative Organization's Subcommittee on Bulk Chemicals.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Capt. C. E. Mathieu, Commandant (G–MHM), U.S. Coast Guard, Washington, D.C. 20590, 202–426–2296. Any member of the public may present a written statement to the Committee at any time. Special notice: The lateness of this notice is due to administrative oversight.

Issued in Washington, D.C. on December 16, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77–584 Filed 1–4–77;11:51 am]

NOTE: This document is reprinted without change from the issue of Wednesday, January 5, 1977.

Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Grants and Denials of Applications for Exemptions

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted October 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent application for Emergency Exemptions.

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2582-P	DOT-E 2582	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.304(a)(2)	To become a party to E 2582. (See application No. 76-392.) (Modes 1 and 2.)
2981-X	DOT-E 2981	Hercules, Inc., Wilmington, Del.	49 CFR 173.64(a), 173.93(a).	To ship certain class A or class B explosives in a 8-mil thickness polyethylene bag contained within 8-ply (minimum) fiberboard tubes. (Modes 1 and 2.)
4247-X	DOT-E 4247	High Point Chemical Corp., High Point N.C.	49 CFR 173.223(a)	To ship peracetic acid solution in a DOT specification 21P fiber drum overpack with inside DOT specification 2SL polyethylene container. (Mode 1.)
5064-X	DOT-E 5064	FMC Corp., Philadelphia, Pa.	49 CFR 173.377(g) (1).	To ship organic phosphate compound mixtures, dry, n.o.s. in DOT specification 44B multiwall paper bags having up to 5 DOT specification 2D inner bags. (Modes 1, 2, and 3.)
6197-X	DOT-E 6197	Providence Gas Co., Providence, R.I.	49 CFR 173.315(a)(1), 172.101.	To ship liquefied natural gas, liquefied methane in a vacuum perlite insulated 11,000 gal nominal water capacity cargo tank. (Mode 1.)
6205-X	DOT-E 6205	Northern Petrochemical Co., Des Plaines, Ill.	49 CFR 173.315(a)(1), 172.101.	To ship certain flammable cryogenic gases in a 11,725 gal nominal water capicity aluminum vessel. (Mode 1.)
6309-X	DOT-E 6309	Olin Corp., Stamford, Conn.	49 CFR 173.315(a) (1).	To ship compressed gas, n.o.s. in a non-DOT specification steel portable tank. (Mode 1.)
6325-X	DOT-E 6325	Hercules, Inc., Wilmington, Del.; Atlas Powder Co., Dallas, Tex.	49 CFR 173.154(a)	To ship certain oxidizing materials in non-DOT specification cargo tanks complying with DOT specification MC-306, MC-307, or MC-312 cargo tanks. (Mode 1.)
6580-X	DOT-E 6580	Lear Siegler, Inc., Anaheim, Calif.; Robertshaw Controls Co., Anaheim, Calif.	49 CFR 173.302(a) (1), 175.3.	To ship compressed air in a pressure vessel assembly consisting of 3/16 in. diameter stainless steel tubing in a double coil configuration. (Modes 1, 2, and 4.)
6671-X	DOT-E 6671	Dow Chemical Co., Midland, Mich.; Hercules, Inc., Wilmington, Del.	49 CFR 173.1; pt. 173, subpt. C, E, G; 177.854.	To ship certain flammable liquids, corrosive liquids, and class B poisonous liquids contained in damaged DOT specification drums overpacked in outside metal drums. (Modes 1 and 2.)
6775-X	DOT-E 6775	Riverside Chemical Co., Memphis, Tenn.; United States Steel Corp.; Atlanta, Ga.	49 CFR 173.358, 173.359.	To ship certain class B poisonous liquids in DOT specification MC-330 or MC-331 tank motor vehicles. (Mode 1.)
6801-X	DOT-E 6801	Phillips Petroleum Co.,	49 CFR 173.119(a) (7), 173.119(e)(1).	To ship certain flammable liquids in a 1-gal glass bottle overpacked in a DOT specification 12B-65 double walled corrugated fiberboard box. (Modes 1 and 2.)
6998-X	DOT-E 6998	Greer Hydraulics, Inc., Los Angeles, Calif.	49 CFR 173.34(d), 173.302(a)(1).	To ship nitrogen in a non-DOT specification steel pressure vessel made to comply with sec. VIII of the ASME code. (Mode 1.)
7024-X	DOT-E 7024	Burlington Industries, Inc., Burlington, N.C.	49 CFR 173.249(a)	To ship indigo dye paste in collapsible rubber container called Sealdtank. (Mode 1.)
7045-P	DOT-E 7045	Eastman Kodak Co., Rochester, N.Y.	49 CFR 173.242(c), 173.245(a)(18).	To become a party to E 7045. (See application No. 75-157). (Modes 1, 2, and 3.)
7048-X	DOT-E 7048	Martin Marietta Corp., Charlotte, N.C.	41 CFR 173.365(a) (14).	To ship class B poisonous solid in a DOT specification 21C400 fiber drum. (Mode 1.)
7072-X	DOT-E 7072	Container Corp. of America, Wilmington, Del.	49 CFR pt. 173, 178.19.	To ship certain corrosive liquids and oxidizers in a non-DOT specification molded polyethylene container. (Mode 1, 2, and 3.)
7438-X	DOT-E 7438	Ethyl Corp., Baton Rouge, La.	49 CFR 173.354(a)	To ship motor fuel antiknock compound in 4 cargo tanks designed and built to ASME specification U-68. (Mode 1.)

NEW EXEMPTIONS

7404-N	DOT-E 7404	Seaboard World Airlines, Jamaica, N.Y.	49 CFR 175.85(b)	To transport poison B poisons and irritating materials stowed in a location inaccessible to crew members. (Mode 4.)
7405-N	DOT-E 7405	Sigma Chemical Co., St. Louis, Mo.	49 CFR 173.242, 175.3.	To ship hydrochloric acid packages commingled with other chemicals in an ontside DOT-12B box. (Modes 1, 4, and 5.)
7407-N	DOT-E 7407	U.S. Department of Agriculture, Washington, D.C.	49 CFR pt. 172, 172.88, 173.91, 175.3, 175.75(a)(2).	To ship incendiary grenades under certain conditions via cargo-only aircraft. (Mode 4.)
7409-N	DOT-E 7409	Sea-Land Service, Inc., Elizabeth, N.J.	46 CFR 90.05-35, 98.35-3.	To transport combustible liquids, n.o.s. in a portable tank manufactured in accordance with a DOT specification MC-303 cargo tank with certain exceptions. (Mode 3.)
7410-N	DOT-E 7410	Dow Corning Corp., Midland, Mich.	49 CFR 173.135(a)	To ship trimetbylchlorosilane in a DOT-51 portable tank. (Modes 1 and 3.)
7413-N	DOT-E 7413	Chilton Metal Products Division, Western Industries, Inc., Chilton, Wis.	49 CFR 173.304(a)	To ship carbon dioxide, liquefied in a non-DOT specification brazed steel cyclinder complying with DOT specification 3E with certain exceptions. (Modes 1, 2, and 4.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7423-N	DOT-E 7423	Dow Chemical Co., Freeport, Tex.	49 CFR 173.220	To ship magnesium powder in a DOT specification 56 portable tank. (Modes 1, 2, and 3.)
7431-N	DOT-E 7431	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.365	To ship poisonons solid, n.o.s. in DOT specification 56 portable tanks. (Mode 1.)
7434-N	DOT-E 7434	Natico, Inc., Chicago, Ill.	49 CFR 173.1; pt. 173, subpts. C, E, and G; 177.854.	To manufacture a recovery drum for shipment of certain flammable liquids, corrosive liquids, and class B poisonous liquids. (Modes 1 and 2.)
7440-N	DOT-E 7440	Roux Laboratories, Inc., Jacksonville, Fla.	49 CFR 173.306, 173.1200.	To ship compressed gas, n.o.s. in non-DOT specification 1-piece impact-extruded, cylindrical, aluminum container complying with DOT-2Q specification with certain exceptions. (Modes 1, 2, and 3.)
7466-N	DOT-E 7466	Firmenich, Inc., Princeton, N.J.	49 CFR 173.119(a)(7)	To ship flammable liquids, n.o.s. in a spun 99-pct pure aluminum can overpacked in a non-DOT specification fiberboard box. (Modes 1, 2, 3, and 4.)
75-161	DOT-E 7505	Platte Chemical Co., Greeley, Colo.	49 CFR 173.26, 173.346, 173.358, 173.359.	To ship class B poisons in reconditioned 55-gal DOT specification 17C drums. (Mode 1.)
76-290	DOT-E 7516	Eurotainer Co., Paris, France.	49 CFR 173.125	To ship ethanol in a non-DOT specification portable tank. (Mode 3.)

EMERGENCY EXEMPTIONS—APPLICATION RECEIVED AND GRANTED

EE7518-N	DOT-E 7518	Wein Air Alaska, Anchorage, Alaska.	49 CFR 172.101, 175.85.	To transport an intensive care unit containing an oxygen cylinder in the cabin of a passenger-carrying aircraft. (Mode 5.)
EE7515-N	DOT-E 7515	Velsicol Chemical Corp., Chicago, Ill.	49 CFR 172.101(6)(b), 175.3.	To ship class B poisonous solid in DOT specification 37A400 drums. (Mode 4.)
EE7513-N	DOT-E 7513	Burdett Oxygen Co., Norristown, Pa.	49 CFR 172.101, 173.315.	To ship liquid oxygen in accordance with the terms of U.S. Coast Guard special permit No. 40-72. (Mode 3.)

DENIALS

75-109	Petition by Pennwalt Corporation, Philadelphia, Pa.—For reconsideration of denial of application for relief fro mthe specification packaging requirements for chlorine, denied Octqber 8, 1976.
76-81	Petition by William E. Wickens, Washington, D.C. on behalf of others for reconsideration of denial of application to remove styrene unsaturated polyester resins from the flammable liquid class and from regulation as a hazardous materials for a period of two years, denied October 8, 1976.
76-377	Petition by Amtrol, Inc., West Warwick, Rhode Island—For reconsideration of denial of application to allow the shipment of chloropicrin water mixtures in DOT Specification 39 cylinders, denied October 1, 1976.
6792-X	Request by Great Lakes Chemical Corp., El Dorado, Ark.—To renew SP 6792 authorizing the packaging prescribed in 173.353(a) for pressurized methyl bromide—chloropicrin (2 percent) mixture, denied October 12, 1976 (Docket HM-112 obviates the need).

DENIALS—Continued

7250-X	Request by Atlantic Container Line, Ltd., New York, New York—To renew E 7250 which authorizes stowage of certain hazardous materials in accordance with the International Maritime Dangerous Goods Code denied October 12, 1976 (Docket HM-112 obviates the need).
7263-X	Request by Atomized Metal Products, Incorporated, Flemington, N.J.—To renew E 7263 allowing the transportation of aluminum powder in steel drums not exceeding 650 pounds gross weight, denied October 4, 1976 (Docket HM-112 obviates the need).
7401-N	Request by Ventron Corporation, Beverly, Massachusetts—For an exemption from the Department of Transportation's packaging requirements in 49 CFR 173.154 for the transportation of sodium borohydride, dry, denied October 15, 1976.
7427-N	Request by Container Corporation of America, Wilmington, Del.—For an exemption from 46 CFR 146.23-100 to ship electrolyte battery fluid in 15-gallon capacity DOT Specification 37P containers by water, denied October 8, 1976 (Docket HM-112 obviates the need).
7433-N	Request by Ciba-Geigy Corporation, Ardsley, N.Y.—For an exemption to ship approximately 65,000 pounds of sodium methylate in drums equivalent to DOT Specification 37A drums, denied October 14, 1976 (Docket HM-112 obviates the need).
7441-N	Request by Lawrence W. Bierlein, Washington, D.C.—Requesting authorization to ship two products in 32 fluid ounce plastic bottles under the partial exceptions prescribed in 49 CFR 173.244(a) and 173.1200(a)(2), denied October 4, 1976.
7467-N	Request by Flying Dutchman, Inc., Austin, Minn.—Request for waiver of oxygen equipment ownership requirements in 14 CFR 135.114 and compressed gas requirements in 14 CFR Part 103, denied October 13, 1976.

DR. C. H. THOMPSON, P.E.,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.77-539 Filed 1-5-77;8:45 am]

National Highway Traffic Safety Administration

MONITOR TRAVEL TRAILER SUSPENSION SYSTEM OVERLOAD

Rescheduling of Public Proceeding

On December 9, 1976 (41 FR 53881), the NHTSA published notice of a public proceeding in the above-captioned matter, to be held on January 6, 1977. In response to a request from the manufacturer for additional time, the NHTSA has rescheduled the proceeding for 10 a.m., January 27, 1977, in Room 5332, Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 113, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 3, 1977.

ROBERT L. CARTER,
Associate Administrator Motor Vehicle Programs.

[FR Doc.77-705 Filed 1-5-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

FULLY AUTOMATIC DIGITAL SCALES FROM JAPAN

Antidumping Determination of Sales At Not Less Than Fair Value

Information was received on March 8, 1976, from counsel acting on behalf of Reliance Electric Company, of Cleveland,

Ohio, alleging that fully automatic digital scales from Japan were being sold in the United States at less than fair value thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of March 31, 1976 (41 FR 13638). A "Notice of Tentative Negative Determination" was published in the FEDERAL REGISTER on October 4, 1976 (41 FR 43746–47). A statement of reasons was published in the above-mentioned notice and interested persons were afforded an opportunity to make written submissions and present oral views.

For purposes of this notice, the term "fully automatic digital scales" means fully automatic digital scales that display weight, unit price and total price and have a weight measuring capacity of 25 pounds or less.

DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

On the basis of the information developed in Customs investigation and for reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that the purchase price of fully automatic digital scales from Japan is not less, nor likely to be less, than the fair value and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* It appears that all, or virtually all, imports of the subject merchandise from Japan were manufactured by Kubota, Ltd., and Teraoka Seikosho Co., Ltd., both of Tokyo, Japan, or Yamato Scale Co., Ltd., of Osaka, Japan. Therefore, the investigation was limited to these manufacturers.

b. *Basis of Comparison.* For the purposes of considering whether merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to unrelated purchasers in the United States or to an unrelated trading company in the home market which then sells the merchandise to a related firm in the United States. Home market price, as defined in section 153.2, Customs Regulations (19 CFR 153.2) was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales of fully automatic digital scales from Japan during the period May 1, 1975, through February 29, 1976.

c. *Purchase Price.* For the purposes of this determination of sales at not less than fair value, since all merchandise was purchased prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, purchase price has been calculated on the basis of the f.o.b. port, packed price to the United States, or to an unrelated trading company, with deductions for inland freight, insurance, and shipping, as appropriate.

d. *Home Market Price.* For the purposes of this determination of sales at not less than fair value, the home market price was calculated on the basis of the f.o.b. delivered price to distributors. Adjustments were made for dealer incentive rebates, inland freight, insurance, warranty costs, a government calibration fee, interest costs, a trade-in allowance, an operation manual, a warranty card, differences in merchandise, and differences in packing, as appropriate.

Adjustments for differences in circumstances of sale in accordance with § 153.10, Customs Regulations (19 CFR 153.10), for rebates, warranty costs, government calibration fee, trade-in allowance, operation manual, and warranty card, were based on actual costs incurred in the home market and were directly related to the sales under consideration.

Adjustments for interest expenses and packing expenses relate to the difference in those costs between home market sales and sales for export to the United States.

Adjustments were made in the case of Kubota and Yamato Scale for differences in merchandise. The adjustment relates to the differences in cost of materials and direct labor in the production of the home market scales and those exported to the United States.

Adjustments were claimed by all three manufacturers for differences in circumstances of sale in accordance with § 153.10, Customs Regulations (19 CFR 153.10), for advertising costs. Adjustments for these claims have been disallowed as not having been shown to be directly related to the sales under consideration.

A claim has been made by the petitioner that there is no foreign market value since the Japanese manufacturers do not sell in the home market at a single price in accordance with section 205 of the Antidumping Act, 1921, as amended (19 U.S.C. 164 *et seq.*). The fair value, and thereby the foreign market value, in this case was based upon the weighted average price as defined in § 153.16 of the Customs Regulations (19 CFR 153.16), which further defines section 205 of the Act. The use of weighted average price is established practice in the determination of fair value in cases of sales at varying prices when there is no preponderant price.

Additionally, notwithstanding the prior paragraph, the petitioner has claimed in accordance with section 202 of the Act that an upward adjustment should be made in the fair value, and thereby the foreign market value, for differences in the quantity of the subject articles sold in the home market and to the United States. However, although the aggregate quantity of the subject merchandise sold in the home market by each of the manufacturers investigated exceeded that sold to the United States, the quantities of individual sales to the United States were greater in every case than the quantities of individual sales in the home market. Consequently, in accordance with section 202 of the Act and § 153.9 of the Customs Regulations (19 CFR 153.9), no upward adjustment in the foreign market value is warranted.

e. *Results of Fair Value Comparisons.* Using the above criteria, purchase price was found to be not less than the home market price of such or similar merchandise. Comparisons were made on approximately 95 percent of all fully automatic digital scales from Japan sold to the United States during the period of investigation.

This determination and statement of reasons therefor are published pursuant to § 153.34(c) of the Customs Regulations (19 CFR 153.34(c)).

PETER O. SUCHMAN,
Acting Assistant Secretary of the Treasury.

DECEMBER 30, 1976.

[FR Doc.77-469 Filed 1-5-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 228]

ASSIGNMENT OF HEARINGS

JANUARY 3, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36307 Sub 4, Radioactive Materials, Illinois Terminal Railroad Company now assigned January 11, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C. is now being cancelled.

MC 3005, Chicago Kansas City Freight Line, Inc., now being assigned February 2, 1977 (1 day), at Kansas City, Missouri; in Room 609 Federal Office Building, 911 Walnut Street.

MC 134068 Sub 28, Kodiak Refrigerated Lines, Inc. now assigned January 13, 1977 at San Francisco, California is now cancelled, application dismissed.

MC 78228 Sub 55, J. Miller Express, Inc. now assigned January 13, 1977 at the Interstate Commerce Commission in Washington, D.C. is cancelled and being transferred to Modified Procedure.

MC 140829 (Sub-14), Cargo Contract Carrier Corp., now assigned March 3, 1977 at Omaha, Nebraska, has been postponed indefinitely.

MC 138328 Sub 30, Clarence L. Werner, dba Werner Enterprises now being assigned March 3, 1977 (2 days), at Omaha, Nebraska in a hearing room to be later designated.

MC 140513 Sub 1, L.S.T. Co., Inc. now assigned January 25, 1977 at the Interstate Commerce Commission in Washington, D.C. is now cancelled, application dismissed.

MC 119988 Sub 94, Great Western Trucking Co., Inc. now being assigned March 14, 1977 (1 day), at Denver, Colorado in a hearing room to be later designated.

MC 138253 Sub 2, Monfort Transportation Company now assigned March 14, 1977 at Denver, Colorado is now cancelled, application dismissed.

MC–F 12844, Aurora Fast Freight, Inc.—Purchase (Portion)—Kessman Tank Service, Inc. and MC 120523 Sub No. 2, Aurora Fast Freight, Inc. now being assigned April 12, 1977 (9 days), at Chicago, Illinois in a hearing room to be later designated.

MC 141730, Andrews & Sons Trucking Inc. now assigned March 2, 1977 at Los Angeles, California is cancelled, application dismissed.

MC 107515 (Sub-1019), Refrigerated Transport Co., Inc., now being assigned March 7, 1977 (1 week), at Atlanta, Georiga, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-542 Filed 1-5-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 3, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 21, 1977.

FSA No. 43293—*Iron and Steel Pipe to the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–647), for interested rail carriers. Rates on iron or steel pipe or tubing, in carloads, as described in the application, from points in official (including Illinois) and western trunk-line territories, to Stephenville, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 114 to Southwestern Freight Bureau, Agent, tariff 259–P, I.C.C. No. 5080. Rates are published to become effective on February 4, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-543 Filed 1-5-77;8:45 am]

[Notice No. 100]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before February 7, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76798 filed December 9, 1976. TRANSFEREE: A. D. Ray Trucking, Inc., 1948 Edgar, Rock Springs, Wyoming, 82901. TRANSFEROR: A. D. Ray Trucking Company, A Partnership, P.O. Box 1363, Rock Springs, Wyoming, 82901. APPLICANTS' REPRESENTATIVE: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, Colorado, 80203. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC–106887 and MC–106887 (Sub-No. 5) issued June 30, 1948, and January 12, 1951 respectively, as follows: *Machinery, equipment, materials, and supplies* (except gilsonite), used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* (except gilsonite), used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (but not including the stringing or picking up of pipe in connection with main pipe lines), between points and places in Lincoln, Sweetwater, Unita, Sublette, and Teton Counties, Wyo., Uintah, Daggett, Duchesne, Carbon, and Emery Counties, Utah, and in that portion of Colorado on and west of U.S. Highway 85 and on and north of U.S. Highway 50. *Unrefined petroleum*, in bulk, in tank trucks between points and places in Colorado, Utah, and Wyoming, within 100 miles of Rock Springs, Wyo., including Rock Springs. MC–106887 Sub-No. 5—*Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with pipe lines, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Fremont County, Wyo.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76807, filed December 26, 1976. Transferee: Hemmings Moving & Storage Co., Inc., P.O. Box 96, Chester, N.J. 07930. Transferor: Kinnaman Storage, Brown St., Washington, N.J. 07882. Applicants' representative: Thomas F. X. Foley, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificates Nos. MC–94007 and MC–94007 (Sub-No. 9), issued by the Commission July 7, 1953 and October 10, 1962, respectively, as follows: Oil, cardboard boxes, textile materials, metal tile, sawdust, household goods, flowers, plants, shrubbery, and greenhouse supplies, from, to, and between points in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maryland, Delaware, Virginia, Michigan, Virginia, Ohio, West Virginia, and the District of Columbia. Transferee presently holds authority from this Commission under No. MC–142671 TA. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76816, filed November 5, 1976. Transferee: Di-Jub Leasing Corp., P.O. Box 155 Uptown, Hoboken, New Jersey 07030. Transferor: Water Transport, Inc., Suite 960, 17 Battery Place North, New York, New York 10004. Applicant's representatives: Thomas F. X. Foley, Attorney for transferee, c/o Bowes, Millner, Rodgers & Liberstein, P.O. Box 1409, Fairfield, New Jersey 07006. Maxwell A. Howell, Attorney for transferor, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC–90794 and MC–90794 (Sub-No. 5), issued January 8, 1971, and December 4, 1972, respectively, as follows: Rugs, draperies, ticket booths, advertising material, motion picture machines, premiums, programs, and theatre furniture and furnishings between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa. and points in New Jersey within 60 miles of Columbus Circle, New York, N.Y.; and general commodities with the usual exceptions in containers or trailers having a prior or subsequent movement by water between points in that part of the New York, N.Y. Commercial Zone within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, on the one hand, and, on the

other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and specified portions of Pennsylvania and New York.

Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-76823, filed November 22, 1976. Transferee: QUIMBY TRUCKING, INC., P.O. Box 807, Hermiston, Oregon 97838. Transferor: Henry L. Campbell, P.O. Box 307, Helix, Oregon 97835. Applicant's representative: Lawrence V. Smart, Jr., Attorney at Law, 419 N.W. 23rd Avenue, Portland, Oregon 97210. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-115865, issued March 22, 1957, as follows: General commodities with the usual exceptions over specified regular routes between Pendleton, Oreg. and Helix, Oreg. Transferee presently holds no authority from this Commission. Application has been made for temporary authority under section 210a(b).

No. MC-FC-76845, filed December 1, 1976. Transferee: Sibony Lease & Finance Co., a corporation, U.S. Highway #27 at N.W. 1st St., South Bay, Florida 33493. Transferor: J. G. Weeks & Sons, Inc., 140 Market St., Pahokee, Florida 33476. Applicants' representative: John P. Bond, Attorney at Law, 2766 Douglas Rd., Miami, Fla. 33133. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC-128775 Sub 1, issued April 26, 1976, as follows: Raw sugar, in bulk, over irregular routes and on irregular schedules between points and places in Palm Beach County, Florida. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-76848, filed December 7, 1976. TRANSFEREE: Brainerd A. Brown, 48 Leetes Road, Branford, Connecticut 06405. TRANSFEROR: Sciarra Trucking and Moving, Inc., P.O. Box 613, Branford, Connecticut 06405. APPLICANT'S REPRESENTATIVE: John E. Fay, Esq., 630 Oakwood Avenue, West Hartford, Connecticut 06110. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC-97447 (Sub-No. 1), issued September 15, 1972, as follows: General commodities with the usual exceptions over a regular route between Branford and New Haven and over irregular routes within all points in Connecticut, and household goods and office furniture and equipment between all points in Connecticut.

Transferee presently holds no authority from this Commission. Application has not been made for temporary authority under section 210a(b).

No. MC-FC-76850, filed December 2, 1976. TRANSFEREE: Frank Potter Trucking Co., A Corporation, 215 Main Street, Boonville, Mo. 65233. TRANSFEROR: Frank Potter, Doing Business As Frank Potter Trucking Company, RFD 1, Boonville, Mo. 65233. APPLICANTS' REPRESENTATIVE: Herman W. Huber, Esquire, 101 East High Street, Jefferson City, Mo. 65101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-124393, issued May 13, 1963, as follows: Fiberboard, from Boonville, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; wastepaper, from Kansas City, Kans., and East St. Louis, Ill., to Boonville, Mo.; granulated asphalt, from Augusta, Kans., to Boonville, Mo.; aluminum sulphate, in bags, from the site of the plant of Allied Chemical Company at or near Collinsville, Ill., to Boonville, Mo.; and wax, in drums, from Kalamazoo, Mich., to Boonville, Mo.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-541 Filed 1-5-77;8:45 am]

[Volume No. 64]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

DECEMBER 31, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before February 7, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 129068 (Sub-No. 8), (notice of filing of petition to modify commodity description) filed October 21, 1976. Petitioner: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Petitioner's representative: C. L. Phillips, Room 248, 1411 Classen Boulevard, Oklahoma City, Okla. 73106. Petitioner holds a motor *common carrier* Certificate in No. MC 129068 (Sub-No. 8), issued January 5, 1973, authorizing transportation, as pertinent, over irregular routes, of *Used mobile homes*, in secondary movements, in truckaway service, from Lawton, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico and Texas.

By the instant petition, petitioner seeks to delete the restrictive word "used" from the above commodity so as to read "Mobile homes".

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 343), filed November 26, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tung oil*, in bulk, in tank vehicles, from Elizabeth and Weehawken, N.J. to Dallas, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex. or San Francisco, Calif.

No. MC 730 (Sub-No. 400), filed December 6, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* used for or in soil sealing or binding, from the plantsite of Seepage Control, Inc., located in Maricopa County, Ariz., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 730 (Sub-No. 401), filed December 6, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (some address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed supplement*, in bulk, in tank vehicles, from Bisbee, Ariz., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 4405 (Sub-No. 538), filed November 26, 1976. Applicant: DEALERS TRANSIT, INC., 522 Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers and trailer chassis, other than those designed to be drawn by passenger automobiles*, in initial movements, in truckaway service, from points in Carter County, Okla., to points in the United States (except Oklahoma, Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 11220 (Sub-No. 150), filed December 6, 1976. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38101. Applicant's representative: James J. Emigh, P.O. Box 59, Memphis, Tenn. 38101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classas A and B explosives, commodities in bulk, and commodities requiring special equipment): Serving the plantsite and warehouse facilities of Rheem Manufacturing Company, located at or near Milledgeville, Ga., as an off-route point in connection with carrier's authorized regular route operation, from and to Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 29643 (Sub-No. 9), filed December 1, 1976. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, N.Y. 13662. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal*, from Massena, N.Y., to Jersey Shore, Pa., and (2) *returned shipments*, from Jersey Shore, Pa., to Massena, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Massena, N.Y.

No. MC 42537 (Sub-No. 55), filed November 29, 1976. Applicant: CASSENS TRANSPORT COMPANY, a Corporation, P.O. Box 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs, chassis and unfinished automobiles, including ambulances, hearses, and taxis*, in truckaway service, in initial and secondary service, from Newark, Del., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, the secondary service is restricted to traffic having a prior movement from facilities of Chrysler Corporation or imported by Chrysler Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 42537 (Sub-No. 56), filed November 26, 1976. Applicant: CASSENS TRANSPORT COMPANY, a Corporation, P.O. Bov 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs, chassis and unfinished automobiles, including ambulances, hearses, and taxis*, in truckaway service, in initial and secondary movements, from points in Wayne and Macomb Counties, Mich., to points in Delaware, the secondary service is restricted to traffic having a prior movement from facilities of Chrysler Corporation or imported by Chrysler Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 42537 (Sub-No. 57), filed November 26, 1976. Applicant: CASSENS TRANSPORT COMPANY, a Corporation, P.O. Box 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* in initial and secondary movements, in truckaway service, *bodies, cabs and chassis*, from the facilities of Chrysler Corporation located in Boone County, Ill., to points in Delaware, Maryland, New Jersey, Virginia, and the District of Columbia, the secondary service is restricted to traffic having a prior movement from facilities of Chrysler Corporation or imported by Chrysler Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 56409 (Sub-No. 12), filed November 26, 1976. Applicant: MAJOR TRANSPORT, INC., Box 204, Highway 135 and Airport Road, Palmyra, Wisc. 53156. Applicant's representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, Wisc. 53202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Generators, parts, and accessories*, from the plantsite and facility of Generac Corporation, in Waukesha County, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 59120 (Sub-No. 41), filed November 18, 1976. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in West Virginia, points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along Interstate Highway 64 to junction

U.S. Highway 220, and thence along U.S. Highway 220 to the Virginia-North Carolina State line, and points in Kentucky on and east of Interstate Highway 75, as off-route points in connection with carrier's presently authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 70267 (Sub-No. 14), filed November 16, 1976. Applicant: ECKERT TRUCKING, INC., 1090 East Springettsbury Avenue, York, Pa. 17403. Applicant's representative: Norman T. Petow, 43 North Duke Street, York, Pa. 17401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from West Manchester Township (York County), Pa., to Birmingham, Demopolis, Gadsden, Leeds, Mobile, N. Birmingham, Phenix City, Ragland, and Robertsdale, Ala.; Brooksville, Bunnell, Dania, Port La Dania, Miami, Tampa, Tarpon Springs, and W. Palm Beach, Fla.; Atlanta, Roberta, and Rockmart, Ga.; Chicago, Hampton, and Granite City, Ill.; Buffalo, Chesterton, E. Chicago, Gary, Greencastle, Speed, and Mitchell, Ind.; Ashland, Butler, Newport, and S. Shore, Ky.; Thomaston, Maine, Alpenas, Bay City, Cement City, Charlevoix, Dearborn, Detroit, Dundee, Essexville, Ludington, Petoskey, Port Huron, and Trenton, Mich.; Artesia, Brandon, and Red Wood, Miss.; Catawba, Harleyville, and Holly Hill, S.C.; Chattanooga, Counce, Cowan, N. Birmingham, and Nashville, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 83539 (Sub-No. 447), filed December 6, 1976. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), from points in Coffee County, Ala., to points in the United States (except Alabama and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 86247 (Sub-No. 8), filed November 29, 1976. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada N9C3Y9. Applicant's representative: Joseph P. Allen, 1020 18th Street, Detroit, Mich. 48216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in dump vehicles, from the plant site of the Ottawa Silica Company located at or near Rockwood, Mich., to ports on the International Boundary line between the United States and Canada at Detroit, Mich., restricted to a service performed in the provinces of Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 103498 (Sub-No. 49), filed December 6, 1976. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer "C", De Queen, Ark. 71832. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, Ark. 71832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, sawdust, wood shavings and other wood residual products*, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 107012 (Sub-No. 232), filed November 26, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, equipment, and commercial and institutional fixtures* (except commodities which because of size or weight require the use of special equipment), and *materials, parts and supplies* used in the manufacture of appliances, equipment and commercial and institutional fixtures, between points in Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii.

NOTE:—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Kansas City, Mo.

No. MC 107403 (Sub-No. 991), filed November 26, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Pearl River Chemical Co., located at or near Pearl River, La., to points in Albama, Arkansas, Florida, Georgia, Mississipi, Tennessee, Texas; and (2) *ferrio sulphate*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Louisiana.

NOTES.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 992), filed December 1, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from the plant site of Monsanto Company located at or near Gonzales and Pensacola, Fla., to points in Alabama, Connecticut, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1177), filed December 6, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's Representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from the plantsite of Monsanto Company, at or near Gonzales and Pensacola, Fla., to points in Alabama, Connecticut, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Miami, Fla., or New Orleans, La.

No. MC 111045 (Sub-No. 137), filed November 19, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid, dry*, in bulk, in tank vehicles, from the plantsite of Mansanto Company, at or near Gonzalez and Pensacola, Fla., to points in Illinois, Maryland, Massachusetts, New Jersey, Ohio, and West Virginia.

NOTE.—Common control may be involved If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Pensacola, Fla.

No. MC 114273 (Sub-No. 275), filed December 6, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave, N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, paper products, wrapping paper, printing paper, and pulpboard*, from Franklin, Va., to points in Ohio.

NOTE.—Common control may be involved If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C

No. MC 115904 (Sub-No. 67) filed December 6, 1976. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from the plantsite of Amalia Lumber Co., at or near Amalia, N. Mex., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Salt Lake City, Utah.

No. MC 117068 (Sub-No. 74), filed December 6, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction, earth moving, excavating and material handling machinery and equipment, and parts thereof*, from Skyland, N.C., to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 117815 (Sub-No. 260), filed November 26, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of U.S. Cold Storage, at Chicago, Ill., to points in Iowa, Kansas, Missouri and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119726 (Sub-No. 77), filed December 6, 1976. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, Suite 1000, 130 East Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in cans, bottles, kegs and other containers (except in bulk), from the brewery and warehouse facilities of Anheuser-Busch located at or near Jacksonville and Tampa, Fla., and St. Louis, Mo., to points in Bibb County, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Atlanta, Ga.

No. MC 119765 (Sub-No. 42), filed December 2, 1976. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, Nebr. 68106. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionary* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chicago and Carol Stream, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119934 (Sub-No. 208), filed November 30, 1976. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid*, from Louisville, Ky., to points in Illinois, Indiana, Missouri and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Louisville, Ky.

No. MC 121496 (Sub-No. 3), filed December 6, 1976. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Building, Houston, Tex. 77002. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquefied petroleum gases, anhydrous ammonia, and asphalt), in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston, Hansford, Hardin, Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery and Orange Counties, Tex., to points in Florida and Tennessee, (B) *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston, Matagorda, Midland, Montgomery and Orange Counties Tex., to points in Alabama, Arkansas, Georgia, Oklahoma and South Carolina, (C) *petroleum products* (except liquefied petroleum gas), in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colo., Dallas, Ector, Fayette, Galveston, Hansford, Hardin Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery and Orange Counties, Tex., to points in Louisiana and Mississippi (except points in Washington and Warren Counties, Miss.) (D) *petroleum products* (except liquefied petroleum gas) that are liquid chemicals (petrochemicals), in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston Hansford, Hardin, Harris Jefferson, Liberty, Matagorda Midland, Montgomery and Orange Counties, Tex., to points in Alabama, Florida, Georgia, Illinois, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; and (E) *liquefied petroleum gases*, in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston Hansford, Hardin, Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery and Orange Counties, Tex., to points in Arkansas, Mississippi and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with McNair Transport, Inc., at Houston, Tex.

No. MC 123407 (Sub-No. 342), filed December 2, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, and millwork*, (1) from points in Wyoming (except Crook County, Wyo.), to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin; and (2) from Crook County, Wyo., to points in Kansas, Nebraska, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 123407 (Sub-No. 346), filed December 6, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind., 46383. Applicants' representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, and millwork* (except commodities in bulk), from points in Idaho, to points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 123407 (Sub-No. 709), filed November 26, 1976. Applicant SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from the plantsite of Monsanto Company located at or near Gonzales and Pensacola, Fla., to points in Alabama, Connecticut, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 124078 (Sub-No. 68), therefore dual authority may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 124211 (Sub-No. 281), filed November 29, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed

and dealt in by manufacturers, converters, distributors, and printers or paper and paper products (except in bulk), between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a Consolidated record with Aubrey Freight Lines, Inc., Container Transit, Inc., Curtis Inc., Carl Subler Trucking Inc., Truck Transport, Inc., and Diamond Transportation Systems, Inc., at Milwaukee, Wis.

No. MC 124904 (Sub-No. 5), filed December 3, 1976. Applicant: GIBNEY DISTRIBUTORS, INC., 300 Old Indian Head Road, Kings Park, N.Y. 11754. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage*, in seasonal operations extending from June 1 to October 1, both dates inclusive, of each year, between points in Connecticut, Delaware, Maryland, New Jersey, New York and Pennsylvania, points in Suffolk, Norfolk, Plymouth, Essex, Middlesex and Bristol, Counties, Mass., and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 125777 (Sub-No. 182), filed December 3, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46406. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in dump vehicles, from Hammond, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126049 (Sub-No. 18), filed November 29, 1976. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa 50484. Applicant's representative: Clayton L. Wornson, 626 Brick and Tile Bldg., Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice milk, and sherbet; and ice milk, sherbet, and fruit flavored novelty items*, between Milwaukee, Wis., on the one hand, and, on the other Dubuque and Cedar Rapids, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Mason City, or Des Moines, Iowa.

No. MC 126276 (Sub-No. 161), filed December 3, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Containers, container closures, container components, and materials and supplies* used in the manufacture or distribution of containers, (1) from Itasca, Peoria Heights and Chicago, Ill., Kansas City and Lenexa, Kans., Louisville, Ky., Mankato, Minn., St. Joseph and St. Louis, Mo., Omaha, Nebr., Bedford Heights, Cleveland, Columbus and Worthington, Ohio, West Mifflin, Pa., and LaCrosse, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin, (2) from Danville, Ill., to points in Arkansas, Iowa, Michigan, Nebraska and points in Milwaukee, Kenosha and Racine Counties, Wis., and Kansas City and St. Louis, Mo., (3) from St. Paul and Arden Hills, Minn., to points in Michigan, (4) from Cincinnati, and Sharonville, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, and St. Louis, Mo., Minneapolis, Minn., and Kenosha, Milwaukee and Racine, Wis., and (4) from Racine, Wis., to points in Arkansas, Iowa, Kansas, Michigan and Nebraska, and Danville and Chicago, Ill., (B) *closures and materials* used in the manufacture of containers (1) from Burns Harbor, Portage and Chesterton, Ind., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee and Wisconsin; and (C) *materials and supplies* used in the manufacture and distribution of containers, (1) between the plant and warehouse sites of Continental Can Company, U.S.A., a member of The Continental Group, Inc. at Alsip, Bridgeview, Chicago, Danville, Itasca, and Peoria Heights, Ill., Burns Harbor, Chesterton, Elwood and Portage, Ind., Kansas City and Lenexa, Mo., Louisville, Ky., Shoreham, Mich., Arden Hills, Mankato, and St. Paul, Minn., St. Joseph and St. Louis, Mo., Omaha, Nebr., Bedford Heights, Cincinnati, Cleveland, Columbus, Sharonville, and Worthington, Ohio, Oil City and West Mifflin, Pa., LaCrosse, Milwaukee and Racine, Wis., under a continuous contract or contracts in (A), (B), and (C) above with The Continental Group Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127539 (Sub-No. 53), filed December 2, 1976. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave. East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 3rd Ave., Seattle, Wash. 98204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in cartons or packages, in vehicles equipped with mechanical refrigeration, from Hughson and Willows, Calif., to the facilities of Brown & Haley Candy Company, and Tacoma, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128030 (Sub-No. 112), filed December 6, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 120 West Madison, Suite 718, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and closures thereof and corrugated boxes*, from Joliet, Ill., to points in Kentucky and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago or Springfield, Ill.

No. MC 128273 (Sub-No. 244), filed December 2, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except commodities which because of size or weight require the use of special equipment), from Chalmette, La. to Philadelphia, Pa. and points in its commercial zone as defined by the Commission; St. Louis, Mo., and points in its commercial zone as defined by the Commission, and points in Illinois, Indiana, Minnesota, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either New Orleans, La. or Washington, D.C.

No. MC 128862 (Sub-No. 25), filed November 29, 1976. Applicant: B. J. CECIL TRUCKING, INC., P.O. Box C, Claypool, Ariz. 85532. Applicant's representative: B. J. Cecil (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precipitation material*, in bulk, used in a leaching process to extract copper precipitates, from Deming, N. Mex., to Morenci, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Silver City, N. Mex.

No. MC 128988 (Sub-No. 92), filed November 22, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Watt hour meters*, from the facilities of Westinghouse Electric Corporation located at or near Raleigh, N.C., to points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Pittsburgh, Pa.

No. MC 133591 (Sub-No. 28) (correction), filed October 26, 1976, published in the FEDERAL REGISTER issue of December 2, 1976, and republished in part this issue. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. The purpose of this partial republication is to correct the "Note" incorrectly as published: Applicant seeks by this application to convert its Certificate in MC 133591, Sub 3 and other subs, into a Permit of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. This should have read, as pertinent: Applicant seeks by this application to convert its contract carrier authority in Permits No. MC 134494 (Subs 1, 3, and 6) to common carrier authority. The rest of the publication remains the same.

No. MC 135381 (Sub-No. 5), filed November 30, 1976. Applicant: DRUM TRANSPORTATION COMPANY, A Corporation, R.D. No. 1, Montgomery, Pa. 17752. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Traffic and maintenance paints;* (2) *thermoplastic and cold applied plastic* for street and highway marking; (3) *street and highway marking machines;* and (4) *materials, components, and supplies* used in the manufacture of the commodities named in (1), (2), and (3) above, (except commodities in bulk), between the facilities of Prismo Universal Corporation located at or near Montgomery and Pennsdale, Pa., and Marble Falls, Tex., on the one hand, and, on the other, points in the United States in and east of Arizona, Colorado, Nebraska, North Dakota, and South Dakota, under a continuing contract or contracts with Prismo Universal Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135696 (Sub-No. 4), filed December 3, 1976. Applicant: LAKE PORT TRUCKING AND LEASING, INC., 620 South Strange Road, Elmore, Ohio 43416. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp*, from Findlay and Fremont, Ohio, to Huron and Toledo, Ohio, restricted to commodities destined in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Lansing, Mich.

No. MC 136605 (Sub-No. 20), filed December 1, 1976. Applicant: DAVIS BROS DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from the plantsite of the Lovell Clay Products Company, located at or near Billings, Mont., to points in Idaho: Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Utah, Wasatch and Weber Counties, Utah; and Baker, Malheur, Umatilla, Union and Wallowa Counties, Oreg.

NOTE. — Applicant holds contract carrier authority in MC 127349 (Sub-No. 2); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Billings or Missoula, Mont.

No. MC 138875 (Sub-No. 39), filed November 17, 1976. Applicant, SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho. 83705. Applicant's representative: Frank L. Sigloh, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and potato products*, other than frozen, from points in Idaho and those in Washington and Oregon (including Metolius), located east of U.S. Highway 97, to points in Indiana, Rhode Island, Delaware, Maryland, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Washington, D.C.

No. MC 139254 (Sub-No. 4), filed December 2, 1976. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: J. T. Fittipaldi, 1329 E St., N.W., Suite 1150 Munsey Bldg., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Champion International Corporation, located at or near Courtland, Ala., to points in Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin and the District of Columbia, under a continuing contract with Champion International Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Washington, D.C.

No. MC 139495 (Sub-No. 182), filed November 29, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hose*, from Olney, Tex., to Los Angeles, Calif., Elmhurst, Ill. and Wilmington, Del.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139696 (Sub-No. 1), filed December 3, 1976. Applicant: DOOR TO DOOR TRANSPORT, INC., 8300 Military Rd. S., Seattle, Wash. 98108. Applicant's representative: John B. Schenck, P.O. Box 80305, Seattle, Wash. 98108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in King, Pierce, Kitsap, Mason and Snohomish Counties, Wash., restricted to the transportation of traffic having a prior or subsequent movement beyond said points, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Olympia, Wash.

No. MC 139973 (Sub-No. 9), filed December 2, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Farmland Foods, Inc., located at or near Crete, Nebr., and Denison, Carroll, and Iowa Falls, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 138375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 140097 (Sub-No. 1), (CORRECTION), filed August 30, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, and republished as corrected this issue. Applicant: C. V. TRANSPORTATION, INC., 40 Court Street, Newport, N.H. 03773. Applicant's representative: Michael M. Patten, R.F.D. #2, Box 126, Newport, N.H. 03773. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, in bulk, from points in Massachusetts and Vermont, to points in New Hampshire, Maine, New York and Rhode Island, and (2) *square edge lumber*,

from points in New Hampshire and Massachusetts, to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island.

NOTE.—The purpose of this republication is to indicate applicant's request for Connecticut as a destination point in (2) above in lieu of Kentucky. If a hearing is deemed necessary, the applicant requests it be held at either Concord or Newport, N.H.

No. MC 140389 (Sub-No. 11), filed November 22, 1976. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 180, Highway 77 North, Gadsden, Ala. 35902. Applicant's representative: Larry Smith, P.O. Box 1830, Gadsden, Ala. 35902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facility of Mid-Continent Underground Storage, located at or near Kansas City, Kans., to points in Georgia, Kentucky, Tennessee, Virginia, West Virginia and North Little Rock, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 140829 (Sub-No. 35), filed December 2, 1976. Applicant: CARGO CONTRACT CARRIER CORP., U.S. Highway 20, P.O. Box 206, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J., 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, Meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from points in Iowa, Minnesota, Missouri, Nebraska and South Dakota to Paris, Tex.

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141503 (Sub-No. 2), filed December 6, 1976. Applicant: JAMES R. HAYES, 14919 Issaquah Hobart Road, Issaquah, Wash. 98027. Applicant's representative: Michael D. Duppenthaler, 607 3rd Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and piling, and untreated poles and pilings*, when shipped in mixed truckloads with untreated poles and pilings, on hydraulic grabble equipped self-unloading equipment, between points in Washington, on the one hand, and, on the other, points in Idaho, Montana and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 142152 (Sub-No. 1), filed November 22, 1976. Applicant: N.A.T. TRANSPORTATION, INC., 229 North Main Street, Brader, Ohio 43406. Applicant's representative: Robert J. Gill, 29 South LaSalle Street, Chicago, Ill. 60603. Authorty sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment* for installation in industrial, residential, commercial and marine construction projects used for heating, cooling, air conditioning, pollution control, and the movement of air and other gasses, between Waldron, Mich., and Bradner, Ohio, on the one hand, and, on the other, points in the United States, and (2) *parts, materials, equipment and supplies*, used in the manufacture, distribution, and installation or operation of the items listed in (1) above, (a) between Waldron, Mich., and Bradner, Ohio, on the one hand, and, on the other, points in the United States; and (b) between Waldron, Mich; and Bradner, Ohio and Toledo, Ohio, under a continuing contract or contracts with American Warming and Ventilating, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Toledo, Ohio.

No. MC 142173 (Sub-No. 2), filed November 12, 1976. Applicant: BYRON DWYER, doing business as, DWYER'S DELIVERY COMPANY, 1217 Millbury, Northwood, Ohio 43619. Applicant's representative: Michael, M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household appliances*, from the facilities of Highland Appliance Co., located at Toledo, Ohio to points in Lenawee and Monroe Counties, Mich.; and (2) *return of defective household appliances*, from the above named destinations in (1) above to the facilities of Highland Appliance Co., located at Toledo, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Toledo, Ohio or Washington, D.C.

No. MC 142329 (Sub-No. 2) (Correction), filed October 4, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, republished as corrected this issue. Applicant: J. D. JOHNSON, doing business as, HOUSTON CARTAGE, 3100 Air Cargo Road, P.O. Box 60123, Houston, Tex. 77205. Applicant's representative: J. D. Johnson, 12911 Breezway, Houston, Tex. 77037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies* used in the maintenance, service, repair and operation of ships, moving in Bond under the control of U.S. Customs, from Houston, Tex., to ships docked in the Gulf ports of Brownsville, Corpus Christi, Port Lavaca, Point Comfort, Freeport, Galveston, Texas City, Port Neches, Port Arthur, Beaumont and Orange, Tex.; New Orleans, Baton Rouge and Lake Charles, La.

NOTE.—The purpose of this republication is to remove the commodity restriction from this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 142458 (Sub-No. 1), filed November 22, 1976. Applicant: GOLIATH TRACTOR SERVICE LTD., 32 Atlanta Crescent, S.E., Calgary, Alberta, Canada T2J 0Y1. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizers, herbicides, fungicides, pesticides, insecticides, and ingredients thereof*, in ocean going containers on specially designed wheeled undercarriages, from the port of entry on the International Boundary line between the United States and Canada, located at or near Sweetgrass, Mont., to points in Yellowstone and Cascade Counties, Mont., restricted to traffic originating at the Province of Alberta, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at any city in Montana.

No. MC 142603 (Sub-No. 1), filed November 22, 1976. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, Mass. 01101. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Abrasives*, from Chester and Westfield, Mass., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 142664 (Sub-No. 2), filed November 30, 1976. Applicant: IMPORT DEALERS SERVICE CORPORATION, 2222 East Sepulveda, Carson, Calif. 90744. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, having a prior or subsequent movement by water or rail, between Los Angeles, Calif., Los Angeles Harbor Commercial Zones, on the one hand, and, on the other, points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142698, filed November 12, 1976. Applicant: B. A. STRICKLAND, 620 Old Highway 99 North, Burlington, Wash. 98233. Applicant's representative: Robert G. Gleason, 15 South Grady Way, Suite 217, Renton, Wash. 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities as may be dealt in by retail companies dedicated to the needs of the do-it-yourself market and retailing electrical, lighting, plumbing, promotional merchandise, building materials automotive parts, accessories, carpeting and sporting goods; and* (2) *cabinets*, wooden set up, and *dairy equipment* including *tanks, electrical and building materials*, between points in California, Colorado, Idaho, Kansas, Montana, North Dakota, Nevada, Oklahoma, Oregon, South Dakota,

Utah, Washington and Wyoming, and Springfield, Mo., under a continuing contract or contracts with Sunset Western, Pay 'NPak Stores, Inc., Lobo Auto Parts, and Olympia Sales Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seatle, Wash. or Portland, Oreg.

No. MC 142700, filed November 18, 1976. Applicant: U.I.P. TRANSPORT SERVICES CORP., 366 Garfield Avenue, Duluth, Minn. 55801. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Il. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Such commodities as are dealt in or used by fabricators of or dealers in metal products, machinery, and machinery components* (except commodities in bulk), (1) between (a) Stambaugh, Mich., (b) Stoughton, Wis., and (c) Proctor, Minn., on the one hand, and, on the other, points in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts in (a) above with Upper Peninsula Industries, Inc.; (b) above with Mid-States Steel, Inc.; and (c) above with Zalk-Josephs Company; and (B) *building materials* (except commodities in bulk), between Proctor, Minn., on the one hand, and, on the other, points in Minnesota, Wisconsin, and the Upper Peninsula of Michigan under a continuing contract or contracts with Zalk-Josephs Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Paul, Minn.

No. MC 142701, filed November 30, 1976. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8418 Tallmadge Road, Ravenna, Ohio 44266. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, 3426 North Washington Boulevard, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except pig iron), from Buffalo and Lackawanna, N.Y., Sparrows Point, Md., Bethlehem, Johnstown, and Sharon, Pa., points in Allegheny County, Pa., Chicago and Sterling, Ill., Burns Harbor, Gary, and Kokomo, Ind., Weirton, W. Va., Detroit, Mich., and Roanoke, Va., to Akron, Ohio; and (2) *Iron and steel articles and fabricated, processed and structural steel* (except pig iron), from Akron, Ohio, to points in Illinois, Indiana, Michigan, New York, Pennsylvania and West Virginia, restricted to the transportation of shipments to or from the facilities of Summit Steel Corporation of Akron, Ohio, and further restricted against the transportation of traffic to or from the plant site of the United States Concrete Pipe Company located at or near Mogadore, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 127827 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142702, filed November 22, 1976. Applicant: NOLIA TRUCKING CO., INC., P.O. Box 1091, Augusta, Ga. 30903. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery products*, from Augusta, Ga., to points in Florida and South Carolina, under contract with Murray Biscuit Co., Division of Beatrice Foods.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Augusta, Ga.

No. MC 142709, filed December 1, 1976. Applicant: W. L. ROENIGK, 796 Ekastown Road, Sarver, Pa. 16055. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by building materials and supplies stores or warehouses (except commodities in bulk), between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Ohio and those points in New York on and west of U.S. Highway 15, restricted to service either to or from the facilities of Busy Beaver Building Centers, Inc. or subsidiaries thereof, under a continuing contract, or contracts, with Busy Beaver Building Centers, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 142712, filed November 26, 1976. Applicant: JERRY PAUL, doing business os JERRY PAUL TRUCKING, 1401 East Brady, P.O. Box 699, Clovis, N. Mex. 88101. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger vehicles, and *prefabricated buildings*, in sections, between points in New Mexico, on the one hand, and, on the other, points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Clovis or Sante Fe, N. Mex. or Dallas, Tex.

No. MC 142716, filed November 26, 1976. Applicant: C & L TRUCKING, INC., 1609 27th Street, NW., Cedar Rapids, Iowa 52405. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and dry fertilizer*, in bulk, from Fulton, Ill., to points in Iowa, Illinois, Minnesota, Missouri, and Wisconsin; and (2) *dry fertilizer*, in bulk, from Pekin, Ill., to points in Iowa, Minnesota, Missouri, Wisconsin, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

PASSENGER APPLICATIONS

No. MC 45626 (Sub-No. 69), filed November 18, 1976. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. 05401. Applicant's representative: J. J. Dwyer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (I) IRREGULAR ROUTES: *Passengers and their baggage*, in round-trip special operations, beginning and ending at points in Vermont, points in Cheshire and Sullivan Counties, N.H., and points in that part of Grafton County, N.H., west of U.S. Highway 3 and extending to race tracks located at Saratoga Springs, N.Y., and the ports of entry on the International Boundary line between the United States and Canada located in New York, for furtherance to Blue Bonnets Race Track located at Montreal, Quebec, Canada, and return; and (II) regular routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between the junction of New Hampshire Highways 103 and 114 east of Bradford, N.H. and Hopkinton, N.H., serving all intermediate points: From the junction of New Hampshire Highways 103 and 114 east of Bradford, N.H. over New Hampshire Highway 114 to its junction with U.S. Highway 202 at Henniker, N.H., thence over U.S. Highway 202 to its junction with New Hampshire Highway 103 at Hopkinton, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Burlington, Montpelier or Rutland, Vt.

No. MC 141447 (Sub-No. 1), filed November 11, 1976. Applicant: AUTOBUS DES BOIS-FRANCS LTEE, P.O. Box 1134, R.R. No. 1, Plessisville, P.Q., Canada. Applicant's representative: Guy Poliquin, 580 East, Grade-Alle, No. 140, Quebec, G1R 2K3, P.Q., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, from ports of entry on the International Boundary line between the United States and Canada, located in Maine, Michigan, New Hampshire, New York and Vermont, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Trois-Rivieres, Victoriaville, Plessisville, in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 142385 (Sub-No. 1), filed November 11, 1976. Applicant: VOTRE CHOIX TRANSPORT, INC., 270 Leonidas, Rimouski, P.Q., Canada. Applicant's representative: Guy Poliquin, 580 East, Grand-Allee, No. 140, Quebec, G1P 3B8, P.Q., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, from

ports of entry on the International Boundary line between the United States and Canada, located in Maine, Michigan, New Hampshire, New York and Vermont to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Rimouski, in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 142650, filed November 11, 1976. Applicant: PAQUETTE AUTOBUS INC., 295 Grande Cote, St-Eustache, P.Q., Canada. Applicant's representative: Guy Poliquin, 580 East, Grande-Allee, No. 140, Quebec, G1R 2K3, P.Q., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, from ports of entry on the International Boundary line between the United States and Canada, located in Maine, Michigan, New Hampshire, New York and Vermont, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Montreal, St-Eustache, Deux-Montagnes, in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 142658, filed November 15, 1976. Applicant: AUTOBUS VIENS, INC., 590 Yamaska, Farnham Province of Quebec. Applicant's representative: Adrien R. Paquette, 200 St-Jacques Street West, Montreal, Quebec H2Y 1M1 Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada, located at points in New York, Vermont, New Hampshire and Maine and extending to points in the United States (except Alaska and Hawaii), for furtherence to the province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y. or Montpelier, Vt.

BROKER APPLICATION

No. MC 12981 (Sub-No. 1), filed November 26, 1976. Applicant: FALDMO TOURS, INC., 88 West 500 South, Bountiful, Utah 84010. Applicant's representative: I. Mark Faldmo (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Bountiful, Utah, to sell or offer to sell the transportation of *groups of passengers and their baggage*, in special or charter operations, in all expense round trip tours, by motor carriers, beginning and ending in points in Utah (except Davis County), and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City or Ogden, Utah.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to section 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before February 7, 1977. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13058. Authority sought for purchase by JOHN A. JUNGERMANN AND SON, INC., P.O. Box 428, Lindenhurst, N.Y. 11757, of a portion of the operating rights of Peak Transfer Co., Inc., 57 Hathaway Street, Wallington, N.J. 07055, and for acquisition by John G. Jungermann, 215 W. Hoffman Avenue, Lindenhurst, N.Y., 11757, of a control of such rights through the purchase. Applicants' attorney and representative: Martin Werner, 2 West 45th St., N.Y., N.Y. 10036 and Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes between points in Passaic, Bergen, Essex, Union, and Hudson Counties, N.J., on the one hand, and, on the other, New York, N.Y. Under a certificate of Registration in Docket No. MC-120679 (Sub-No. 1), vendee is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-120679 (Sub-No. 2) is a directly related matter.

No. MC-F-13060. Authority sought for purchase by DAGGETT TRUCK LINE, INC., Frazee, MN. 56544, of a portion of the operating rights of Johnsrud Transport, Inc., Highway 9 West, P.O. Box 447, Cresco, IA. 52136, and for acquisition by Vernon Daggett, Frazee, MN, 56544, of control of such rights through the purchase. Applicants' attorneys: Gene P. Johnson, 425 Gate City Bldg., Fargo, N.D. 58102, and Patrick E. Quinn, P.O. Box 82028, Lincoln, NB. 68501. Operating rights sought to be transferred: *Mink and calf feed* and *mink and calf feed ingredients*, except commodities in bulk, as a *common carrier* over irregular routes from New Holstein, Wis., to points in Minnesota, North Dakota, South Dakota, Iowa, Montana, Idaho, Washington, Wyoming, and Colorado, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *contract carrier* in all points in the United States (except Alaska and Hawaii) and as a *common carrier* in North Dakota, Minnesota, Wisconsin, Idaho, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13067. Authority sought for control and merge by ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309, of Western Gillette, Inc., 2550 E. 28th Street, Los Angeles, CA 90058, and for acquisition by the Roush Voting Trust, 1077 Gorge Blvd., Akron, OH 44309, of control of Western Gillette, Inc. through the acquisition by The Roush Voting Trust. Applicants' attorneys: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014, and Theodore W. Russell, Suite 606, 1545 Wilshire Blvd., Los Angeles, CA 90017. Operating rights sought to be controlled and merged: General commodities, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between specified points in the States of California, Arizona, Texas, New Mexico, Nevada, Oklahoma, Missouri, Kansas, Illinois, Arkansas, Tennessee, Indiana, Nebraska, Iowa, Utah, Idaho, Montana, Oregon, Colorado, Wyoming, Ohio, Alabama, Florida, Louisiana, Maryland, Mississippi, Washington, Georgia, Michigan, North Dakota, Pennsylvania, South Dakota, and Vermont, with certain restrictions, serving various intermediate and off-route points, over alternate routes for operating convenience only, as more specifically described in Docket No. MC-8948 and Sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, The District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

(AMENDED) NOTICE

Star Lake Railroad Company, 80 East Jackson Boulevard, Chicago, Illinois 60604, represented by Mr. Harvey Huston, 80 East Jackson Boulevard, Chicago, Illinois 60604, hereby gives notice that on the 9th day of November, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an amended application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing the construction and operation of a line of railroad in the State of New Mexico, in McKinley and San Juan Counties, a distance of approximately 82 miles, which application is assigned Finance Docket No. 28272, and previously published in the FEDERAL REGISTER, September 23, 1976, on page 41826.

The route will begin at a connection on the existing line of The Atchison, Topeka Santa Fe Railway Company's Albuquerque Division near Baca (Railroad name for Prewitt); thence in a southeasterly direction around Haystack Mountain; thence northward for about 20 miles to the Continental Divide; thence northeasterly along the Divide for about 20 miles; thence northwesterly about 10 miles to Tucker Gap; thence north 5 miles through the Pueblo Pintado Canyon to a junction point of the line (Star Lake Junction), the right fork branching to the southeast for about 10 miles terminating in the Star Lake area of McKinley County, and the left fork from the junction branching to the northwest for about 10 miles terminating in the Gallo Wash area of San Juan County. The line will not pass through any incorporated city or village.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after the date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such amended application.

STAR LAKE RAILROAD COMPANY

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before February 7, 1977. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 21572 (Sub-No. 3), filed December 6, 1976. Applicant: SCHIPPER'S EXPRESS, INC., 11425 Williamson Road, Cincinnati, Ohio 45241. Applicant's representative: Richard L. Goodman, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular & irregular routes, transporting: (I) Irregular routes: *General commodities*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio. The purpose of this portion of the application is to convert applicant's Certificate of Registration to a Certificate of Public Convenience and Necessity. (II) Regular routes: *general commodities*, between Cincinnati, Ohio and Cleveland, Ohio: (a) From Cincinnati north over Interstate Highway 71 to Cleveland and return over the same route; (b) from Cincinnati north over Interstate Highway 71 to its junction with Interstate Highway 271, thence east over Interstate Highway 271 to its junction with Interstate Highway 77, thence north over Interstate Highway 77 to Cleveland and return over the same route; and (c) From Cincinnati north over Interstate Highway 71 to its junction with Cincinnati Highway 18, thence east over Cincinnati Highway 18 to its junction with Interstate Highway 77, thence north over Interstate Highway 77 to Cleveland and return over the same route; (2) between Cincinnati and Columbus, Ohio: (a) From Cincinnati north over Interstate Highway 71 to Columbus and return over the same route; and (b) From Cincinnati north over U.S. Highway 42 to its junction with U.S. Highway 40, (or Interstate Highway 70), thence east on U.S. Highway 40 (or Interstate Highway 70) to Columbus and return over the same route; (3) between Cincinnati, Ohio and Portsmouth, Ohio: (a) From Cincinnati east over U.S. Highway 50 to its junction with U.S. Highway 23, thence south on U.S. Highway 23 to Portsmouth and return over the same route.

(b) From Cincinnati east over Cincinnati Highway 32 to its junction with Cincinnati Highway 247, thence south on Cincinnati Highway 247 to its junction with Cincinnati Highway 125, thence east on Cincinnati Highway 125 to its junction with U.S. Highway 52, thence east on U.S. Highway 52 to Portsmouth and return over the same route; (c) From Cincinnati east over Cincinnati Highway 125 to its junction with U.S. Highway 52, thence east on U.S. Highway 52 to Portsmouth and return over the same route; (d) From Cincinnati east over U.S. Highway 52 to Portsmouth and return over the same route; (e) From Cincinnati east over Cincinnati Highway 125 to its junction with U.S. Highway 68, thence south over U.S. Highway 68 to its junction with Cincinnati Highway 353, thence east over Cincinnati Highway 353 to its junction with Cincinnati Highway 125, thence east over Cincinnati Highway 125 to its junction with U.S. Highway 52, thence east on U.S. Highway 52 to Portsmouth and return over the same route; and (f) From Cincinnati east over U.S. Highway 22 to its junction with U.S. Highway 23, thence south over U.S. Highway 23 to Portsmouth and return over the same route; (4) between Cincinnati and Toledo, Ohio: From Cincinnati north over Interstate Highway 75 to Toledo and return over the same route; (5) between Columbus and Circleville, Ohio: From Columbus south over U.S. Highway 23 to Circleville and return over the same route; (6) between Cincinnati and Circleville, Ohio: (a) From Cincinnati north over U.S. Highway 22 to Circleville and return over the same route; (b) From Cincinnati north over Interstate Highway 71 to its junction with U.S. Highway 35, thence east over U.S. Highway 35 to its junction with U.S. Highway 22, thence east over U.S. Highway 22 to Circleville, and return over the same route; and (c) From Cincinnati north over Interstate Highway 71 to its junction with Cincinnati Highway 73; thence east over Cincinnati Highway 73 to its junction with U.S. Highway 22, thence east on U.S. Highway 22 to Circleville and return over the same route; (7) between Cleveland, and Ravenna, Ohio: From Cleveland south over Cincinnati Highway 14 to Ravenna and return over the same route; (8) between Cincinnati and Ravenna, Ohio.

(a) From Cincinnati north over Interstate Highway 71 to its junction with Interstate Highway 76, thence east over Interstate Highway 76 to its junction with Cincinnati Highway 44, thence north over Cincinnati Highway 44 to Ravenna and return over the same route; (b) From Cincinnati north over Interstate Highway 71 to its junction with U.S. Highway 30, thence east over U.S. Highway 30 to its junction with Interstate Highway 77, thence north over Interstate Highway 77 to its junction with Interstate Highway 76, thence east on Interstate Highway 76 to its junction with Cincinnati Highway 44, thence north over Cincinnati Highway 44 to Ravenna and return over the same route; (9) between Cincinnati, and Dayton, Ohio: (a) From Cincinnati north over Interstate Highway 75 to Dayton and return over the same route; (b) From Cincinnati north over U.S. Highway 42 to its junction with U.S. Highway 35, thence west over U.S. Highway 35 to

Dayton and return over the same route; (c) From Cincinnati north over Cincinnati Highway 4 to Hamilton, Ohio, thence continuing north over Cincinnati Highway 4 to Middletown, thence north over Cincinnati Highway 4 to Dayton and return over the same route; (d) From Cincinnati north over Cincinnati Highway 4 to Hamilton, Ohio, thence continuing north over Cincinnati Highway 4 to Middletown, thence north over Cincinnati Highway 73 to its junction with Interstate Highway 75, thence north over Interstate Highway 75 to Dayton and return over the same route; (e) From Cincinnati north on U.S. Highway 127 to Hamilton, thence north over Cincinnati Highway 4 to Middletown, thence east over Cincinnati Highway 73 to Franklin, thence north over Interstate Highway 75 to Dayton and return over the same route.

(f) From Cincinnati north over Interstate Highway 75 to its junction with Cincinnati Highway 122, thence west over Cincinnati Highway 122 to Middletown, Ohio, thence north over Cincinnati Highway 4 to Germantown, Ohio, thence west over Cincinnati 725 to Gratis, Ohio, thence north over Cincinnati Highway 122 to Eaton, Ohio, thence north over U.S. Highway 127 to Celina, Ohio, thence east over U.S. Highway 33 to its junction with Cincinnati Highway 66, thence south over Cincinnati Highway 66 to its junction with Interstate Highway 75, thence south over Interstate Highway 75 to Dayton and return over the same route; and (g) From Cincinnati north over Interstate Highway 75 to its junction with Cincinnati Highway 122, thence west over Cincinnati Highway 122 to Middletown, Ohio, thence north over Cincinnati Highway 4 to Germantown, Ohio, thence west over Cincinnati Highway 725 to Gratis, Ohio, thence north over Cincinnati Highway 122 to Eaton, Ohio, thence north over U.S. Highway 127 to Celina, Ohio, thence east over U.S. Highway 33 to Wapakoneta, Ohio, thence south over Interstate Highway 75 to Dayton and return over the same route; (10) between Xenia, and Fairborn, Ohio: From Xenia north over Cincinnati Highway 235 to Fairborn and return over the same route; (11) between Xenia, Ohio and Springfield, Ohio: From Xenia north over U.S. Highway 68 to Springfield and return over the same route; (12) between Cincinnati and Lebanon, Ohio: From Cincinnati north over U.S. Highway 42 to Lebanon and return over the same route; and (b) From Cincinnati west over Interstate Highway 275 to its junction with Cincinnati Highway 128, thence north over Cincinnati Highway 128 to its junction with U.S. Highway 27, thence north over U.S. Highway 27 to its junction with Cincinnati Highway 73, thence east over Cincinnati Highway 73 to its junction with U.S. Highway 127, thence north over U.S. Highway 127 to Eaton, Ohio, thence south over U.S. Highway 127 to its junction with U.S. Highway 73, thence east over U.S. Highway 73 to its junction with U.S. Highway 42, thence south over U.S. Highway 42 to Lebanon and return over the same route; (13) between Cincinnati and Lima, Ohio: From Cincinnati north on Interstate Highway 75 to Lima and return over the same route, serving the off-route points in Mason, Monroe, Lebanon, Middletown, Franklin, Miamisburg, West Carrollton, Vandalia, Tipp City, Troy, Piqua, Sidney, and Wapakoneta; (14) between Cincinnati and Sidney, Ohio.

(a) From Cincinnati north over Interstate Highway 75 to Sidney and return over the same route; and (b) From Cincinnati north over Interstate Highway 75 to its junction with U.S. Highway 40, thence east over U.S. Highway 40 to Springfield, Ohio, thence north over U.S. Highway 68 to Bellefontaine, Ohio, thence west over Cincinnati Highway 47 to Sidney and return over the same route; (15) between Cincinnati and Piqua, Ohio: (a) From Cincinnati north over Interstate Highway 75 to Piqua and return over the same route; and (b) From Cincinnati north over Interstate Highway 75 to its junction with U.S. Highway 40, thence east over U.S. Highway 40 to Springfield, Ohio, thence north on U.S. Highway 68 to Urbana, Ohio, thence west on U.S. Highway 36 to Piqua and return over the same route; (16) between Cincinnati, and Fremont, Ohio: (a) From Cincinnati north over Interstate Highway 75 to Findlay, Ohio, thence east over Cincinnati Highway 12 to its junction with Cincinnati Highway 53, thence north over Cincinnati Highway 53 to Fremont and return over the same route; (b) From Cincinnati north over Interstate Highway 75 to its junction with Cincinnati Highway 18, thence west over Cincinnati Highway 18 to its junction with Cincinnati Highway 65, thence north over Cincinnati Highway 65 to its junction with U.S. Highway 6, thence east over U.S. Highway 6 to Fremont and return over the same route; (c) From Cincinnati north over Interstate 75 to Lima, Ohio, thence north over Cincinnati Highway 65 to Ottawa, Ohio, thence north over Cincinnati Highway 109 to Hamler, Ohio, thence east over Cincinnati Highway 18 to its junction with Cincinnati Highway 65, thence north over Cincinnati Highway 65 to its junction with U.S. Highway 6, thence east over U.S. Highway 6 to Fremont and return over the same route; and (d) From Cincinnati north over Interstate Highway 71 to Columbus, Ohio, thence north over U.S. Highway 23 to Fostoria, Ohio, thence east over Cincinnati Highway 12 to its junction with Cincinnati Highway 53, thence north over Cincinnati Highway 53 to Fremont and return over the same route.

(17) between Cincinnati, Ohio and Bellefontaine, Ohio; (a) From Cincinnati north over Interstate Highway 75 to its junction with Cincinnati Highway 47, thence east over Cincinnati Highway 47 to Bellefontaine, and return over the same route; (b) From Cincinnati north over Interstate Highway 75 to Dayton, Ohio, thence north over Cincinnati Highway 4 to its junction with U.S. Highway 68, thence north over U.S. Highyaw 68 to Bellefontaine and return over the same route; and (c) From Cincinnati north over Interstate Highway 71 to its junction with Interstate Highway 270, thence north over Interstate Highway 270 to its junction with U.S. Highway 33, thence north over U.S. Highway 33 to its junction with Cincinnati Highway 540, thence west over Cincinnati Highway 540 to Bellefontaine and return over the same route; and (18) between Cincinnati, and Wapakoneta, Ohio: (a) From Cincinnati north over Interstate Highway 75 to its junction with U.S. Highway 36, thence east over U.S. Highway 36 to Urbana, Ohio, thence north over U.S. Highway 68 to Bellefontaine, Ohio, thence west over U.S. Highway 33 to Wapakoneta and return over the same route; and (b) From Cincinnati north over Interstate Highway 75 to Wapakoneta and return over the same route. On all routes, (1) through (18) above, serving all intermediate points. The purpose of this portion of the application is to convert a portion of the above irregular route authority to regular routes.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC–F–13039 published in the FEDERAL REGISTER issue of December 16, 1976. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 68860 (Sub-No. 23), filed November 23, 1976. Applicant: RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, commodities in bulk, and commodities which because of size and weight require the use of special equipment), (1) between points in Kanawha County, W. Va., on the one hand, and, on the other, points in West Virginia; and (2) between Roanoke, Va., on the one hand, and, on the other, points in West Virginia.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. Applicant also seeks to eliminate the Kanawha County gateway so as to provide a through service between Roanoke, Va., on the one hand, and, on the other, points in West Virginia. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–13042, published in the FEDERAL REGISTER issue of December 16, 1976. If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Va.

No. MC 95336 (Sub-No. 8), filed December 3, 1976. Applicant: J. B. WILLIAMS EXPRESS, INC., 120 Apollo Street, Brooklyn, N.Y. 11222. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) between points in Essex, Hudson and Union Counties, N.J., and those in that part of Middlesex County, N.J., on the one hand, and, on the other, New York and Yonkers, N.Y., and points in Nassau County, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y. (b) between New York and Yonkers, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and Camden, N.J. The purpose of this filing is to eliminate the alternate gateways of Essex, Hudson, Union and Middlesex Counties, N.J. (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and commodities requiring special equipment), between New York and Yonkers, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Orange, Westchester, Putnam, Dutchess, Rockland, Ulster, Sullivan and Delaware Counties, N.Y., and those in Fairfield County, Conn. and Berks, Lehigh and Northampton Counties, Pa. The purpose of this filing is to eliminate the alternate gateways of Union or Middlesex Counties, N.J.

NOTE.—This is a matter directly related to a section 5(2) finance proceeding in MC–F–13050 published in the FEDERAL REGISTER issue of December 23, 1976. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers on or before February 7, 1977, unless the instructions set forth in the notices are followed.

[Docket No. AB–26 (Sub-No. 9)]

SOUTHERN RAILWAY COMPANY ABANDONMENT OF OPERATIONS BETWEEN ATLANTA JUNCTION, GA., AND PIEDMONT, ALA.

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on June 2, 1976, and the decision and order of the Commission, Division 3, served November 29, 1976, which affirmed and adopted the initial decision of the Administrative Law Judge entered on June 2, 1976, a finding, which is administratively final, was made stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment of branch-line operations by the Southern Railway Company over its line of railroad in Floyd and Polk Counties, Georgia, and Cherokee and Calhoun Counties, Alabama, extending from milepost 0.0 south of Rome, Georgia, known as Atlanta Junction, Georgia, to milepost 35.8–N near Piedmont, Alabama, a distance of 35.8 miles. A certificate of abandonment will be issued to the Southern Railway Company based on the above-described finding of abandonment, on or before February 7, 1977, unless on or before February 7, 1977, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–55 (Sub-No. 3)]

SEABOARD COAST LINE RAILROAD COMPANY ABANDONMENT BETWEEN MALMO AND WHITEVILLE, NORTH CAROLINA

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by order entered on October 26, 1976, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of its line of railroad lying between Whiteville, Columbus County, North Carolina, and Malmo, Brunswick County, North Carolina, extending 32.18 miles from milepost 256.82 to milepost 289.60. A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, on or before February 7, 1977, unless on or before February 7, 1977, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the

Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 7, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 52953 (Deviation No. 21), ET&WNC TRANSPORTATION COMPANY, 132 Legion St., Johnson City, Tenn. 37601, filed December 23, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Monroe, La., over Interstate Highway 20 to Dallas, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Monroe, La., over U.S. Highway 165 to Bastrop, La., thence over Louisiana Highway 139 to Louisiana-Arkansas state line, thence over Arkansas Highway 81 to junction U.S. Highway 65, thence over U.S. Highway 65 to Pine Bluff, Ark., thence over U.S. Highway 270 to junction Interstate Highway 30, thence over Interstate Highway 30 to Dallas, Tex., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 7, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 55312 (Deviation No. 8), CONTINENTAL TENNESSEE LINES, INC., 418 50th Avenue South, Nashville, Tenn. 37203, filed December 21, 1976. Carrier's representative: D. Paul Stafford, 1500 Jackson St., Suite 422, Dallas, Tex. 75201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Shepherdsville, Ky., over Interstate Highway 65 to junction Tennessee Highway 25, thence over Tennessee Highway 25 to junction U.S. Highway 31E at Gallatin, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Shepherdsville, Ky., over Kentucky Highway 61 to Boston, Ky., thence over U.S. Highway 62 to Leitchfield, Ky., thence over Kentucky Highway 259 to junction U.S. Highway 31W, thence over U.S. Highway 31W to junction Kentucky Highway 101 to Scottsville, Ky., thence over U.S. Highway 31E to Gallatin, Tenn., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 7384M, filed December 21, 1976. Applicant: FRANCIS J. GORRELL, doing business as TOPLIFF TRUCK LINE, 746 North Santa Fe. Salina, Kans. 67401. Applicant's representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kans. 67213. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (1) *General commodities:* (except those of unusual value, and household goods as defined by the Interstate Commerce Commission and Classes A and B explosives), (a) to, from, and between Salina, Kansas, on the one hand, and Montrose, Kansas, on the other hand, serving the intermediate points of Rydal, Scandia, Courtland, Formosa, and the off-route points of Esbon, Kackley and Norway, Kans., (b) from the intersection of U.S. 81 and U.S. 24, on present authorized route, north over U.S. 81 to the intersection of U.S. 81 and U.S. 36; thence west over U.S. 36 to the intersection of U.S. 36 and Kansas 181, thence south over Kansas 181 to U.S. 24 on present authority route, and return over the same route; (c) also as alternate routes for operating conveniences only: from U.S. 36 south over Kansas 14 to U.S. 24 on present route and return over same route and; (d) from U.S. 36 south over Kansas 128 to U.S. 24 on present authorized route and return over some route. II. *General commodities:* (except those of unusual value, and household goods as defined by the Interstate Commerce Commission and Classes A and B explosives), (a) to, from, and between Salina, Kansas, on the one hand, and Barnard and Ada, Kansas, on the other hand; From Salina, Kans., north on U.S. 81 to the junction of Kansas 93, thence west to Minneapolis, Kans., thence west on unnumbered county road to the junction of Kansas Highway 14 and return over same route. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for Thursday, February 3, 1977, at 10 a.m. at the District Court Conference Room, Saline County Courthouse, 300 West Ash Street, Salina, Kans. Requests for procedural information should be addressed to the Kansas State Office Building, Topeka, Kans. and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-378 Filed 1-5-77;8:45 a.m.]

federal register

THURSDAY, JANUARY 6, 1977

PART II



DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN DES MOINES, IOWA AND CERTAIN OTHER AREAS

Tentative Marketing Agreement and Orders; Recommended Decision and Opportunity to File Exceptions

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1063, 1070, 1078, and 1079]

[Docket No. AO–295–A32, etc.]

MILK IN THE DES MOINES, IOWA AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1079	Des Moines, Iowa	AO-295-A32
1070	Cedar Rapids-Iowa City	AO-229-A32
1078	North central Iowa	AO-272-A27
1063	Quad Cities-Dubuque	AO-105-A43

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before January 26, 1977. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Des Moines, Iowa, on March 29 to April 2, 1976, pursuant to notice thereof which was issued on March 9, 1976 (41 FR 10612).

The material issues on the record of the hearing relate to:

1. Whether the handling of milk produced for sale in the proposed merged marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether the aforesaid marketing areas should be included under one order;

3. Whether any proposed marketing area should be expanded to include additional territory in the States of Iowa, Illinois, and Missouri; and

4. The appropriate provisions of any proposed merged order with respect to:

(a) Milk to be priced and pooled;

(b) Classification of milk;

(c) Class prices, location adjustments, and the butterfat differential;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk in the proposed Iowa marketing area is in the current of interstate commerce and directly burdens or affects interstate commerce in milk and milk products.

The proposed marketing area, designated the "Iowa marketing area," will include the present marketing areas of Orders 63 (Quad Cities-Dubuque), 70 (Cedar Rapids-Iowa City), 78 (North Central Iowa), and 79 (Des Moines, Iowa), and 22 other Iowa counties between or adjacent to these four marketing areas.

Milk procurement in this area crosses state boundaries. During 1975, handlers regulated by the Quad Cities-Dubuque order procured milk in Iowa, Minnesota, Illinois, and Wisconsin; handlers regulated under the Cedar Rapids-Iowa City order procured milk in Iowa and Minnesota; handlers regulated under the North Central Iowa order procured milk in Iowa, Minnesota, and Illinois; and handlers regulated under the Des Moines order procured milk in Iowa, Minnesota, Illinois, Wisconsin, and Missouri.

Handlers regulated under the Iowa orders dispose of fluid milk products in neighboring states. Similarly, handlers regulated under Federal orders in neighboring states dispose of fluid milk products in each of the Iowa marketing areas. In addition to the Interstate movements of bulk milk or packaged fluid milk products, there are numerous manufacturing plants within the proposed marketing area that produce manufactured dairy products for sale in other states.

2. *Need for merger of orders.* Marketing conditions in the four separately regulated marketing areas under consideration justify merger of the orders regulating the handling of milk in these areas.

Federal regulation of milk marketing in the Iowa area was first initiated on October 1, 1936, with the establishment of the Dubuque, Iowa, order. The Quad Cities order was established in 1940, followed by the Clinton, Iowa, order in 1944. These three markets were merged into the Quad Cities-Dubuque order on January 1, 1961. The marketing area was expanded to include the Illinois counties of Mercer and Henry on February 1, 1965.

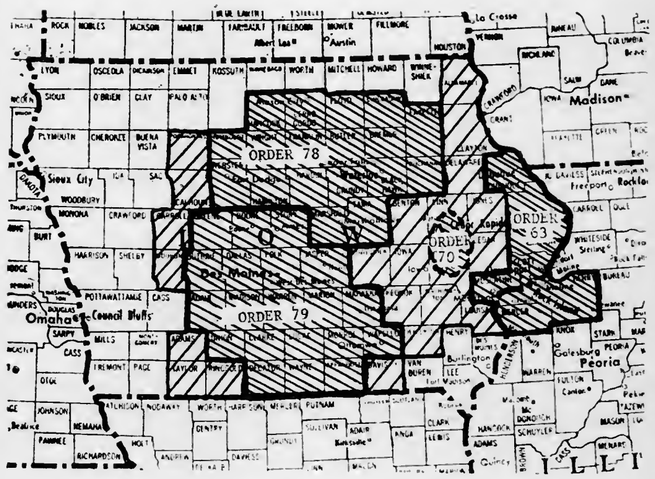
The Cedar Rapids-Iowa City order became effective on September 1, 1951. The marketing area has remained unchanged since its inception.

The North Central Iowa order became effective on November 1, 1957. The marketing area was expanded on December 1, 1959 and has not been modified since that time.

The Des Moines order was promulgated on October 1, 1958. The marketing area has not been changed since then.

The present marketing areas of the four Iowa orders and the proposed merged and expanded Iowa marketing area are shown on the following map.

PROPOSED IOWA MARKETING AREA



The merger of all four markets was proposed by Associated Milk Producers, Inc. (AMPI), Land O'Lakes, Inc. (LOL), Mid-America Dairymen, Inc. (MID–AM), Mississippi Valley Milk Producers Association (MVMPA), and National Farmers Organization (NFO). These cooperative associations represent producers supplying milk to one or more of the four Iowa orders.

There was no opposition expressed to merging the four markets.

The basic reasons given by proponents for merging the several orders include the following: (a) Overlap of Class I distribution, (b) overlap of procurement areas; and (c) changes in market structure and inaccessability of markets to producer groups seeking to supply those markets.

A. *Overlap of Class I distribution.* The range of distribution by regulated handlers has expanded greatly since these four orders were promulgated. The reasons for this expansion are varied, but generally can be attributed to the spread of urbanized areas, better roads, improved technology, economies of large scale operation, and reciprocity of health standards.

As handlers have extended their range of distribution, they have increasingly disposed of fluid milk products in the marketing areas of neighboring orders. In October 1795, only 52 percent of the packaged fluid milk products disposed of in the Order 63 marketing area came from handlers fully regulated under that order. Eighteen percent of the sales came from handlers regulated under Orders 70, 78, or 79, and the remaining 30 percent came from handlers regulated under the Chicago Regional order (Order 30), the St. Louis-Ozarks order (Order 62), the Central Illinois order (Order 50), the Southeastern Minnesota-Northern Iowa order (Order 61), and the Southern Illinois order (Order 32).

In the Cedar Rapids-Iowa City market, 68 percent of the packaged fluid milk products sold on routes during October 1975 were disposed of by handlers fully regulated under Order 70. Eighteen percent of the sales were made by handlers regulated under Orders 63 and 79, while the remaining 14 percent were made by handlers regulated under Orders 30, 50, and 61.

During the same month, only 45 percent of the fluid milk products sold on routes in the North Central Iowa marketing area were made by handlers regulated under Order 78. Forty percent of the sales were made by handlers regulated under Orders 63, 70, and 79, and the remaining sales were made by handlers regulated under Orders 61 and 65 (Nebraska-Western Iowa).

In the Des Moines market, 87 percent of the packaged fluid milk products sold on routes came from fully regulated Order 79 handlers during March 1975. Five percent of the sales came from handlers regulated under Orders 63, 70, and 78, and the remaining 8 percent came from handlers regulated under Orders 30, 61 64 (Kansas City), and 65.

The above figures indicate a substantial overlap of Class I route disposition by handlers regulated by each of the four Iowa orders. They illustrate that the four regulated areas have lost their identity as distinct markets and actually constitute one marketing area.

Producers supplying a common marketing area should receive a common uniform price. As shown later, however, this has not been the case under the four separate orders. Merger of the four markets will allow all producers supplying the single Iowa marketing area to share equally in the returns generated by that market.

B. *Overlap of procurement areas.* The procurement area for the four Iowa markets is largely confined to three crop reporting districts—the southern district in Minnesota and the northeastern and east central districts in Iowa. In December 1975, these three districts provided about 92 percent of the milk pooled under Order 63, 95 percent of the milk under Order 70, 79 percent of the milk under Order 78, and 52 percent of the milk under Order 79. The northeastern Iowa district alone, which consists of a block of 11 counties, accounted for 62 percent of the producer milk on Order 63, 60 percent of the milk on Order 70, 50 percent of the milk on Order 78, and 35 percent of the milk on Order 79. All of the proponent cooperative associations have member producers in this district.

When similarly located producers receive different prices for their milk, orderly marketing is threatened. Such circumstances could result in a cooperative providing services at below cost to a handler to get its member producers pooled on a particular market. (This would mean, in turn, non-uniform prices to handlers.) It could also result in changes in cooperative affiliation simply for the purpose of getting in a particular pool, or it could mean payments by one cooperative to another for the privilege of using the latter's pool plant as a pooling base. Fortunately, these things have not yet occurred to any great extent in the Iowa markets, although the potential for such disruption is certainly present.

Of the 19 cooperatives operating in the four Iowa markets in January 1976, five had producers on at least two of the markets. Three of these five cooperatives have more producer milk pooled on these four markets than the remaining 11 cooperatives combined. Because these larger cooperatives have followed a prac-

tice of "reblending" returns to their producers, they have been able to mitigate differences in order uniform prices by paying their producers a price that is competitive with that paid by other cooperatives in a particular area. The fact that such reblending has been taking place is evidence that the four separate marketing areas, in actuality, are not separate markets for different groups of producers. It is clear that orderly marketing can best be insured for the future by effecting uniform prices to producers supplying these markets by merging the four markets into a single marketing area.

C. *Market structure and accessibility.* Substantial changes in the operations of milk handlers and cooperative associations have modified the marketing of milk in the Iowa markets. These changes, which have been virtually continuous over the past 15 years (1960–1975), have affected dairy farmers' participation in the returns for milk priced under these orders.

One such change is the number of pool distributing plants. Fluid milk processing plants in these markets have become fewer in number, but generally larger in capacity. The decline in number of plants is shown in the following table:

TABLE 1.—*Pool distributing plants, 4 orders, December 1960, 1970, and 1975—Number of pool distributing plants*

	December—		
	1960	1970	1975
Order No.:			
63	10	12	7
70	5	3	3
78	32	6	3
79	21	12	8
Total	77	33	21

The Iowa markets are somewhat unique in that in each of these markets a major pool distributing plant is owned by a cooperative association. Land O' Lakes operates a distributing plant located at Cedar Rapids that is regulated under Order 63; Mid-America Dairymen, Inc., operates Home Town Dairies, Inc., which is located at Iowa City and regulated by Order 70; Mississippi Valley Milk Producers Association operates Carnation Fresh Milk at Waterloo, Iowa, which is regulated by Order 78; and Prairie Farms Dairy, Inc., operates Flynn Dairy, which is located at Des Moines and regulated by Order 79.

It is noteworthy that, while three of the major cooperatives have guaranteed entry ot the respective markets through such plants, they nevertheless have proposed merging the markets in the interest of stability and orderly marketing.

The instability that can result from the separate markets is evident by the shifts in regulation of plants from one market to another in response to slight shifts in sales patterns. From January 1971 through December 1975, for example, the Land O'Lakes plant at Cedar Rapids was regulated, in succession, for 4 months under Order 63, 4 months under Order 78, 6 months under Order 63, 5 months under Order 78, 10 months under Order 63, 2 months under Order 78, 22 months under Order 63, one month under Order 78, and 6 months under Order 63. The Mid-America supply plant at Marion, Iowa, was regulated, in succession, for 7 months under Order 70, one month under Order 79, one month under Order 70, 4 months under Order 63, 2 months under Order 70, one month under 63, one month under Order 70, 2 months under Order 63, 8 months under Order 70, 2 months under Order 63, one month under Order 70, 2 months under Order 63, and 28 months under Order 70. Another Mid-America supply plant, at Sully, Iowa, has been regulated under all four Iowa orders at various times from 1971 through 1975.

These shifts in regulation demonstrate the small size of the markets involved to the increasingly widespread distribution of sales by handlers. It is, indeed, unusual for a plant located in one marketing area—the Land O'Lakes plant at Cedar Rapids—to be alternately regulated in two other marketing areas. The shifts in regulation also underscore the common procurement area for these markets, which is evident by the fact that a single supply plant has at various times supplied enough milk to each of the four markets to be regulated under each order.

With the major distributing plants under Orders 63, 70, and 78 operated by cooperative associations, the access to these markets by other cooperatives has been limited. As a result, in December 1975, there were only 3 co-ops marketing milk under Order 70, 3 co-ops marketing milk under Order 63, and 6 co-ops marketing milk under Order 78. By contrast, there were 12 co-ops marketing milk under Order 79 in December 1975. Although Prairie Farms Dairy, Inc., a cooperative, operates a large distributing plant under Order 79, it relies on other cooperatives to furnish a supply of milk.

While a merged order will not necessarily increase access to the cooperatives' pool distributing plants, it will, in combination with the pooling standards adopted herein, provide greater access to the market as a whole and will allow more equitable sharing of the returns available from the four separate markets.

Market structure and marketing practices are important in evaluating the effect of separate order regulations compared to a single order for the entire area. This is illustrated in the comparison of the proportions of milk supplies used in Class I in the several order markets. Specifically, in the Cedar Rapids-Iowa City and North Central Iowa markets, there is a substantially higher proportion of milk supplies used in Class I than in the other two markets, as shown in Table 2.

TABLE 2.—*Class I utilization percentage Iowa orders, 1971–75*

	Order—				Combined
	63	70	78	79	
1971	54	61	66	54	57
1972	48	81	64	53	56
1973	55	85	81	52	59
1974	52	65	88	49	55
1975	46	62	79	50	54
Average	51	71	76	52	56

Orders 70 and 78, which in each case had only three pool distributing plants in December 1975 compared to 7 and 8 for Orders 63 and 79, experienced significantly higher Class I utilizations than did Orders 63 and 79. This reflects the limited access to these two markets. In the case of Order 78, which is an individual handler pool, it also reflects each handler's incentive to keep reserve milk supplies to a minimum, thereby maintaining a high Class I utilization and a high uniform price to his producers. (In an individual handler pool market, each handler pays producers a uniform price based on the utilization in his plant, rather than the market's average utilization value.)

The effect of different Class I utilizations on returns to producers under the four orders is manifested through the uniform price. The average uniform prices for the years 1971 through 1975 for the four orders are shown in Table 3.

TABLE 3.—*Average uniform price, Iowa orders, 1971–75*

	Order—			
	63	70	78 [1]	79
1971	5.48	5.67	5.63	5.61
1972	5.68	6.08	5.84	5.82
1973	6.79	7.10	6.98	6.86
1974	7.82	8.00	8.37	7.88
1975	8.10	8.21	8.35	8.21
Average	6.77	7.01	7.03	6.88

[1] Uniform prices shown are weighted average of all handlers.

Even though the Class I differentials of Orders 70 and 78 are only $1.33 and $1.25, respectively, compared to $1.40 and $1.33 for Orders 79 and 63, the uniform prices of Orders 70 and 78 have generally been significantly higher than the uniform prices of Orders 63 and 79. This is due to the higher Class I utilizations of these markets.

The uniform price differences among the four orders have not been conducive to orderly marketing. The four orders in their present form have failed to provide dairy farmers with the opportunity to share equally in market returns, even though the bulk of the Grade A milk pooled is situated in the same general area and is available to all of the four markets.

The aforementioned overlap in Class I distribution, the overlap in procurement area, and the inability of producers in

this area to share equally in the returns from this common sales and procurement area indicate a need for modification of the form of order regulations. The separate regulations for Orders 63, 70, 78, and 79 are not achieving a proper distribution of returns from these markets among the milk supplies immediately to them. As a result, there are disparities in conditions affecting producers marketing their milk under the several orders which will likely result in disorderly marketing conditions if the orders are maintained in their present form. Since roughly half of the milk in Iowa is still manufacturing grade milk, the situation will become increasingly severe as producers of manufacturing grade milk convert to Grade A and seek a market outlet.

Producers can be expected to sell their milk on that market which returns the highest price. In the Iowa markets, this has not been possible because there are certain barriers to market entry. These barriers include: (1) The limited number of pool distributing plants through which to pool milk (especially in the Cedar Rapids-Iowa City and North Central Iowa markets); (2) the fact that cooperative associations operate most of the major pool distributing plants; (3) the individual handler pool in the North Central Iowa market (which discourages the pooling of reserve milk supplies because that results in a lower uniform price for the handler pooling the milk); (4) traditional supply patterns (which impede entry of new cooperative associations on the market); and (5) the pooling standards now in the separate orders (which, of necessity, limit the pooling of milk to that milk associated with distributing plant outlets in the respective markets).

Merger of the four orders will remove the basic problem of nonuniform sharing of market proceeds among all of the Grade A producers in this area. It will also promote greater efficiency in the moving and handling of milk. Present efforts of cooperative associations and handlers to pool on these markets the milk produced in associated production areas have, at times, involved movements unrelated to economical supply systems for a particular market. This is particularly true in the case of supplies moved to more distant markets for lack of a pooling outlet in Iowa. In conjunction with the pooling standards adopted herein, the merged order will provide a broader base for pooling Grade A milk supplies produced within and close to the proposed marketing area and will reduce uneconomic milk handling resulting from cooperatives attempting to maintain or adjust levels of Class I utilization in individual markets.

3. *Additional territory to be regulated.* The merged Iowa marketing area should include additional unregulated territory comprised of 22 Iowa counties, including Linn and Johnson Counties, part of which are now regulated.

AMPI, LOL, MID-AM, and MVMPA (hereinafter referred to as Proponent No. 1) proposed the inclusion of 18 unregulated counties (including Linn and Johnson). The territory extends from Clayton County in northeastern Iowa to the Missouri border and includes the counties of Clayton, Delaware, Benton, Linn, Jones, Poweshiek, Iowa, Johnson, Cedar, Keokuk, Washington, Louisa, Jefferson, Henry, Des Moines, Davis, Van Buren, and Lee.

NFO also proposed inclusion of these 18 counties and also Allamakee County in northeastern Iowa. In addition, NFO proposed inclusion of 12 counties to the west of Orders 78 and 79. These counties include Dickinson, Emmet, Clay, Palo Alto, Buena Vista, Pocahontas, Calhoun, Carroll, Audubon, Adams, Taylor, and Ringgold. At the hearing, NFO suggested that Dickinson, Emmet, Clay, and Palo Alto Counties should not be included in the Iowa marketing area but should be reserved for inclusion in the Nebraska-Western Iowa marketing area or any merged order including that market. However, in its brief, NFO stated that these four counties should be included in the Iowa marketing area.

A third proposal regarding marketing area was submitted by Beatrice Foods Company. Beatrice proposed adding 13 unregulated Iowa counties, 18 unregulated northeastern Missouri counties, and Adams County, Illinois, to the merged marketing area. However, no spokesman for Beatrice appeared at the hearing to support this proposal when it came up on the agenda, and the Administrative Law Judge ruled the proposal abandoned. The Iowa counties proposed by Beatrice were proposed and supported by the other merger proponents at the hearing. No other parties proposed or supported inclusion of the other territory proposed by Beatrice, but several handlers went on record as opposing any such proposal.

Fifteen of the 19 unregulated Iowa counties to the east of Orders 78 and 79 should be included in the merged marketing area. These counties include all all of those proposed at the hearing with the exception of Lee, Des Moines, Van Buren, and Henry Counties in the southeastern corner of Iowa. A majority of the sales in each of these counties are made by handlers regulated under the four Iowa orders.

There is only one unregulated distributing plant located in the 15 now-unregulated counties proposed for inclusion in the merged order. This is Superior Dairy at Tipton, Iowa, which is part of Cedar County. Testimony by merger proponents indicated that 98 percent of the Class I sales through stores in this county are made by handlers fully regulated under Orders 63 and 70 and that the remaining 2 percent are made by a handler regulated under the Central Illinois order. Another witness, a sales manager for Land O'Lakes, Inc., testified that these figures conform reasonably well to his knowledge of the area, although he did state that the figures would change somewhat if home delivery and institutional business were taken into account.

Testimony at the hearing indicates that Superior Dairy's sales are confined to Cedar County and constitute a small portion of the total Class I sales in that county. Nevertheless, the overwhelming proportion of the Class I sales in Cedar County and those counties that surround it by regulated Iowa handlers indicates that this county is an integral part of the sales area for such handlers. Thus, Cedar County should be included in the merged marketing area to insure equity among competing handlers. Although Superior Dairy's area of competition is relatively limited, the unregulated status of this plant can still provide this distributor with a cost advantage on raw milk supplies relative to the regulated handlers who must pay minimum class prices for their milk. Moreover, it is apparent that Superior Dairy's milk supply is produced in competition with presently regulated Iowa handlers, since nearly all the Grade A milk produced in this county is marketed under the Iowa orders. Thus, regulation of the Tipton handler under the Iowa order will tend to insure uniformity in returns to producers located in this county.

No one from Superior Dairy either appeared at the hearing or filed a brief expressing any opposition to inclusion of Cedar County in the merged marketing area.

With respect to the unregulated territory in the southeastern corner of Iowa, a Quincy, Illinois handler, in his brief, opposed expansion of regulation in this area. He contends that regulation of the small handlers in Burlington (Des Moines County) and Fort Madison (Lee County) would place such handlers in a difficult position in competing for a supply of milk.

The southeastern corner of Iowa is on the fringe of the main sales territory of presently regulated Iowa handlers. Much of the fluid milk sales into this area originates from plants regulated under the Central Illinois, Southern Illinois, and Chicago Regional milk orders. A small proportion of the fluid milk sales business is by local unregulated plants. The primary Federal order market outlets for milk produced in this area are the Southern Illinois and St. Louis-Ozarks markets.

In Henry, Lee, and Van Buren Counties, the majority of the fluid milk sales are not made by handlers regulated under the four Iowa orders. In Van Buren County, only 23 percent of the sales are made by Iowa handlers; in Henry County, 48 percent; and in Lee County, only 18 percent.

According to the data collected by Mid-America Dairymen, Inc., 53 percent of the sales in Des Moines County are made by Iowa handlers, and 37 percent of the sales are accounted for by handlers regulated under other orders. Ten percent of the sales in this county are accounted for by an unregulated distributing plant, Gustafson's Sunshine Dairy, at Burlington, Iowa. This handler is apparently very small in terms of volume. His distribution—as can be ascertained from the limited information on the record—is limited to the counties of Des Moines, Henry, Washington, and Louisa. He buys all of his milk from nonmember producers, although he occasion-

ally purchases supplemental milk from Mississippi Valley Milk Producers Association. According to one witness, this handler pays his producers a price competitive with the uniform price under the Southern Illinois order, adjusted for the Burlington location.

There are also two unregulated handlers located in Lee County. The Blue Grass Dairy at Fort Madison is a producer-handler and has limited sales only in Lee County. Freesmeir's Home Town Dairy, which is also located at Fort Madison, has sales in Lee County and also in northern Missouri and, perhaps, Illinois.

The testimony on the record does not indicate that these three unregulated handlers have been a disruptive factor in southeastern Iowa. To regulate them would require inclusion of territory that, at this point, is not closely related—in terms of sales and procurement—to the rest of the proposed marketing area. It is also questionable whether the uniform price generated by the merged order would enable these handlers to hold a milk supply in competition with handlers under the Southern Illinois and St. Louis-Ozarks orders. For these reasons, the four Iowa counties of Van Buren, Lee, Henry, and Des Moines should not be included in the Iowa marketing area.

The Iowa marketing area should also include seven now-unregulated counties to the west of Orders 78 and 79. These counties are Pocahontas, Calhoun, Carroll, Audubon, Adams, Taylor, and Ringgold. Five other counties—Dickinson, Emmet, Clay, Palo Alto, and Buena Vista—should not be incorporated in the new marketing area.

All of these 12 counties were proposed by the National Farmers Organization. Other parties indicated either support or indifference to inclusion of these 12 counties in the marketing area.

There are no distributing plants located in any of these seven counties proposed herein to be included in the marketing area. No new plants will become regulated as a result of their inclusion in the marketing area. However, to assure that orderly marketing conditions prevail as orders are merged and enlarged in this general area, these seven counties should be brought under the merged Iowa marketing area.

A survey by NFO showed that in each of these seven counties the majority of sales to supermarkets were made by handlers regulated under Orders 78 and 79. In each of the other five counties, the majority of such sales were made by handlers regulated under Orders 65 (Nebraska-Western Iowa) or 76 (Eastern South Dakota). In view of this, the latter five counties should not be included in the Iowa marketing area.

A proposal to remove seven—amended at the hearing to eight—countries (Union, Clarke, Lucas, Monroe, Appanoose, Wayne, Decatur, and Ringgold) from the Des Moines, Iowa, marketing area must be denied. The proponent handler, Jones Dairy, Inc., Corydon, Iowa, testified that 15 producers supplying his plant did not want the marketing service charge of 5 cents per hundredweight increased to 6 cents, which was one of the proposals for the merged order. Proponent also contended that the market administrator was losing money having to sample the milk of the handler's producers and audit his plant, which is located 85 miles from the market administrator's office. Moreover, he stated it takes up some of his own time to fill out reports to the market administrator.

Proponent handler testified that 65 percent of his Class I sales are within the eight counties proposed for exclusion. At least two other fully regulated handlers located at Des Moines also do business in this eight-county area. In addition, a fully regulated handler located at Ottumwa, Iowa, competes in several of these counties. The remainder of his sales are in Missouri territory where he competes with Order 79 handlers and a Federal order handler whose plant is in St. Joseph, Missouri. Proponent testified that he purchased milk from a cooperative association to supplement his own producers' milk during the short production months of the year.

Proponent would have a substantial price advantage over his competitors if he were not required to pay the classified use value for his milk. If the handler did pay his producers the classified use value for his milk—as he says he would, this would result in a wide disparity in returns among producers supplying milk for sale in the 8 counties because the handler's use value would be well above the uniform price under the merged order.

There is no basis to exclude this handler from regulation merely because he would like to avoid the costs of administration of the order. Even though he testified he would pay his producers on a classified use basis, there is no certainty this would be so in the absence of an actual audit.

The continued regulation of this eight-county area is necessary to insure orderly marketing under the merged order. Accordingly, the proposal is denied.

4. (a) *Milk to be priced and pooled.* It is necessary to designate clearly what milk and which persons would be subject to the merged order. This is accomplished by providing definitions to describe the persons, plants, and milk to which the applicable provisions of the order relate.

The following provisions included in the proposed order will serve to identify the specific types of milk and milk products to be subject to regulation and the persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are "route disposition," "plant," "pool plant," and "nonpool plant." Definitions relating to milk and milk products include "produced milk," "fluid milk product," "fluid cream product," "filled milk," and "other source milk." A number of these definitions were of particular issue at the hearing and are discussed below.

Route disposition. A definition for "route disposition" is a convenience for specifying the various kinds of fluid milk sales outlets that will be considered in determining whether a distributing plant would be regulated under the order. At present, none of the four Iowa orders has a route disposition definition; however, the substance of such a definition is included in the distributing plant and pool plant definitions.

As adopted herein, route disposition would include any delivery of a fluid milk product classified as Class I milk, other than bulk fluid milk products transferred to other plants. It would include a delivery by a vendor or disposition at a store located on the plant premises. It would also include packaged fluid milk products transferred to other plants—pool plants or nonpool plants.

Two different route disposition definitions were proposed at the hearing. The proposal by Proponent No. 1 defined route disposition as "a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I milk to a retail or wholesale outlet other than a pool plant or a nonpool plant."

A slightly different proposal by Prairie Farms Dairy, Inc., defines route disposition as "distribution of Class I milk by a handler to retail or wholesale outlets which include vending machines but do not include plants or distribution points."

It was the expressed desire of both proponents that final route disposition of a product would occur only when control and title of the product are transferred from one party to another. Thus, proponents would not consider transfers of fluid milk products from a handler's plant to a distribution point of the handler off the premises of the plant as a final disposition.

This issue—when "disposition" occurs—is involved with accounting and pricing of milk. Under the terms of each of the Iowa milk orders, a fluid milk product is considered disposed of on a route when it leaves the plant (except when delivered to another plant). The handler must account for the product at the Class I price. This has generally been reasonable, since in most instances the handler has made final use of the product at the time of disposition from the plant. When a fluid milk product is in inventory at the plant at the end of the month, the handler is only required to account for the product at the Class III price.

The problem concerning Prairie Farms arises because Prairie Farms, like many other handlers, operates a distribution point off the premises of the plant. Therefore, even though a fluid milk product leaves its plant—and, accordingly, is priced as Class I—it is not unusual for the product to be in inventory at the distribution point at the end of the month. According to the Prairie Farms witness, this necessitates keeping two sets of inventories—one for the administrator and the other for the company's records based on "generally accepted accounting principles".

It would be an undue administrative burden on the market administrator to adopt the route disposition concept suggested by proponents.

It is common knowledge that many handlers in the Iowa market have distribution points and/or retail outlets in several locations and even several states. Under these circumstances, it might take the entire audit staff of the market administrator to make a physical inventory of one handler on the last day of a given month.

The "transfer of title" principle expounded by proponents cannot be faulted logically. Similarly, the problems described by Prairie Farms cannot be dismissed lightly. On balance, however, the benefits to be reaped from incorporating their concept in the order cannot justify the additional time, travel, and administrative expense that would necessarily be involved. For these reasons, the proposal is denied.

Plant. A "plant" definition should be provided for the purpose of designating the type of handling facilities to which the order provisions would apply. As defined under the merged order, a plant would be the land, buildings, facilities, and equipment that constitute a single operating unit at which milk or milk products are received, processed, or packaged. Separate facilities used solely as intermediary distribution points in the disposition of packaged fluid milk products would not be plants. Similarly, separate facilities at which milk is only reloaded from one tank truck to another would not be a plant as defined herein.

None of the four orders provide for the pricing or pooling of milk at a reload point. It is not intended under the merged order that facilities that are used only for the reloading of milk from one tank truck to another be the pricing point for milk so handled. A reload operation must be distinguishable, however, from facilities at which milk handled is to be priced.

It is not usual for milk to be received, processed, or packaged at a reload point. Rather, it is customary for milk that has been picked up at the farm by several tank trucks to be brought to the reload point and transferred directly to a large over-the-road tank truck for movement to processing plants. In this circumstance the identity of the producer milk that is transshiped in the over-the-road tank truck is ascertainable. Thus, it is not necessary to consider milk as being received at a reload point for purposes of accounting for an individual producer's milk. Accordingly, any facility at which milk from farms is only reloaded onto another tank truck is a reasonable means of identifying a reload facility.

Situations could arise where the individual producer identity for milk handled at reload points is lost. Some of the milk on a farm pick-up tanker could be reloaded onto an over-the-road tank truck and delivered to a pool plant while the remaining milk on the farm truck is held overnight in a tank truck and perhaps transported to another plant (either pool or nonpool) the next day. In this situation, it is not possible to know which producer's milk was delivered to which plant on which day. It is necessary, nonetheless, for the order to provide for the pricing of the milk of those dairy farmers at a plant location. Under these circumstances, the milk of individual producers involved should be prorated between the plants at which their commingled milk was received.

As described later in this decision, it is provided that milk picked up at a producer's farm during the month in a tank truck owned and operated by, or under the control of, a handler (including a cooperative association in its capacity as a bulk tank handler) but which is not received at a plant until the following month shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where the milk is physically received in the following month. These guidelines are discussed later in more detail under the heading "Producer milk."

Pool plant. Essential to the operation of a marketwide pool is the establishment of minimum performance standards to distinguish between those plants engaged in serving the fluid needs of the regulated market and those plants that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market. The pooling standards for distributing plants and supply plants that are contained in the attached order have been structured to accomplish this.

The "pool plant" definition adopted herein sets forth all of the various performance standards that plants must meet to qualify for pooling. For this reason, definitions of a "distributing plant" and a "supply plant," as contained in the individual orders, are not needed. Reference is made in this decision to such types of plants, nevertheless, since the adopted pooling standards relate to plants performing different types of functions in the market.

The following discussion sets forth the pooling standards that should apply to the several types of plants. To facilitate the discussion, it is noted that the pooling standards for a distributing plant or a supply plant provide that the plant's required association with the market shall be measured in terms of the proportion of its milk supply that is disposed of in the market. It is intended that such milk supply shall include any producer milk that is diverted from the plant by the plant operator to other plants. Although diverted milk is not physically received at the plant from which diverted, it is, nevertheless, an integral part of that plant's supply of milk and acquires pool status by virtue of its association with such plant. Therefore, diverted milk must be included as a receipt for purposes of establishing the diverting plant's qualification for pooling.

Milk that a cooperative may divert from a pool plant (other than its own) should not be included in the plant's receipts for purposes of determining the plant's pool plant status. Milk handling arrangments in this market may make it difficult at times for a plant operator to know how much milk is being diverted from his plant by a cooperative. Consequently, his plant could fail to meet the pooling standards by virtue of diverted milk being associated with his plant without his knowledge. The diversion limitations discussed later will effectively limit diversions by a cooperative from another handler's plant to an appropriate level without the necessity of this milk being included as part of the pool plant's receipts.

Under the adopted standards, any distributing plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk would be a pool plant if it meets certain performance standards during the month. Specifically, during September through November, a plant's "route disposition" must be not less than 40 percent of the bulk Grade A fluid milk products received at the plant during the month. During other months of the year, this requirement would be 35 percent. In addition, at least 15 percent of a plant's receipts should be disposed of as route disposition in the marketing area.

This definition is basically the same as the one proposed by Proponent No. 1, but with certain minor differences. Under proponent's proposal, all milk diverted from the plant would be included in the plant's receipts for pooling purposes. This is being modified for the reasons just noted.

Another difference is that proponent would require a pool distributing plant to have route disposition equal to 40 percent of its receipts during the months of September through January and 35 percent during all other months, as opposed to 40 percent during September through November and 35 percent all other months, as adopted herein. During 1975, the five highest Class I utilization months for the four orders combined were October (68.7 percent), September (68.2 percent), November (62.2 percent), December (58.7 percent), and January (56.9 percent). While it is somewhat arbitrary as to which months are chosen for the higher route disposition requirement, it would be logical to choose the same months—for the same reasons—that also apply to supply plant pooling standards and to diversion limitations, both of which will be discussed later. At present, however, and as proposed by Proponent No. 1, different months apply to all three categories, which is possibly a result of piece-meal amendment of the orders over time. In any event, it would appear that the months of September, October, and November are most clearly distinguishable as the high utilization months and would best serve as the high-performance, low-diversion period.

NFO proposed that the total route disposition requirement be set at the Class I utilization for the same month of the preceding year. This is the same kind of provision contained in the Upper Midwest order, which was presumably used as a model. Because of the much smaller size of the Iowa market compared to the Upper Midwest market, there could be considerably greater variation in Class I utilization in Iowa. For this reason, the Class I utilization for the same month of

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the preceding year may not be a good indication of what the appropriate pooling standard should be for the current month. Accordingly, it is preferable in this order to adopt a fixed percentage as now in the four separate orders and as proposed by Proponent No. 1.

Presently, the total route disposition requirement for distributing plants under the Des Moines and Cedar Rapids-Iowa City orders is 35 percent during every month of the year. Under the Quad Cities-Dubuque order, it is 45 percent during September through January and 40 percent during February through August. Under the North Central Iowa order, the total route disposition requirement is an average of 1000 pounds per day.

The in-area route disposition requirements adopted herein fit closely with what was proposed and with what is currently in effect. They are reasonable in view of the expected Class I utilization of the merged order.

The total route disposition requirement is now 15 percent under all four orders. NFO proposed this same standard for the merged order. Although the other cooperative proponents proposed a 10 percent standard, their spokesman expressed no objection to retaining the 15 percent standard as a reasonable measure of a plant's association with the market. Thus, the 15 percent standard should be retained for the merged order.

Several variations of the supply plant provisions were proposed for the merged order. Proposal No. 1, as modified at the hearing, would provide for "unit pooling", which would allow two or more plants of one or more cooperatives (or one proprietary handler) to be combined in a unit for the purpose of meeting the shipping requirement under the order. Another feature of this proposal is that receipts at distributing plants directly from member producers' farms would be considered as having been shipped from a supply plant of the cooperative.

The shipping requirements of this proposal are 35 percent of Grade A receipts every month. However, if a plant shipped 50 percent during the immediately preceding period of September through November, it would have to ship only 20 percent during the following months of December through August.

The NFO proposed supply plant provisions requiring regular shipments every month and a "reserve supply plant" provision patterned after the one in the Upper Midwest order. The latter provision does not require regular shipments from a supply plant, but a "call" (or shipping requirement) is announced by the market administrator when he determines that shipments are needed.

A spokesman for AMPI stated at the hearing that his organization would favor either proposal No. 1—but with reduced shipping percentages—or, alternatively, the "reserve supply plant" provision proposed by NFO.

Both AMPI and NFO testified that present pooling standards have not permitted them to pool their member producer milk on the Iowa markets, even though such milk was produced in the same general area as the milk of other cooperatives on these markets. In particular, they testified that they had difficulty finding pooling outlets through which to pool milk of member producers located in Iowa. Earlier, in the discussion concerning the need for merger, the potential problems associated with the limited access to these markets were discussed.

In view of the record testimony and the marketing conditions in the Iowa area, it is concluded that supply plant pooling provisions similar to those proposed by Proponent No. 1 are most appropriate for the merged order. However, certain additional features should be included in such provisions to accommodate the pooling of additional Grade A milk that is available in the Iowa procurement area.

During the months of September through November, any supply plant, regardless of location, should qualify for pooling by shipping 35 percent of its Grade A receipts to pool distributing plants. During December through August, a supply plant should have to ship only 20 percent of its receipts. For those supply plants that are within the customary procurement area of the Iowa market, additional flexibility should be provided in meeting these standards. The procurement area, for this purpose, should include the States of Iowa, Minnesota, and Wisconsin, and that portion of Illinois north of Interstate 80.

In this area, untis of two or more supply plants operated by one or more cooperatives or by a single proprietary handler should be allowed to qualify as a single plant; producer milk that is delivered by a coopertaive directly from producers' farms to pool distributing plants should be considered as qualifying shipments from a supply plant or unit if so requested by the handler; and shipments to distributing plants that are fully regulated under other Federal orders should be considered as qualifying shipments under this order, except that credits for shipments to other Federal orders should not exceed shipments to pool distributing plants under this order.

The four separate orders now differ considerably in their supply plant pooling standards. Under the Quad Cities-Dubuque order, a supply plant has to ship 35 percent of its receipts to pool distributing plants. However, if it ships 50 percent of its receipts during the months of September through November, it would automatically qualify as a pool plant during the following months of December through August. In addition, a plant operated by a cooperative association would qualify as a pool plant if the total pounds of member producer milk received at pool plants of other handlers during the month, or during the 12-month period preceding the month, are more than the total pounds of Grade A milk received at its plant during the corresponding period.

Under the Cedar Rapids-Iowa City order, a supply plant operated by a proprietary handler has to ship 35 percent of its Grade A receipts to pool distributing plants to qualify as a pool plant. If it ships 50 percent of its receipts during the months of September through November, it would automatically qualify as a pool plant during the following months of March through June. A supply plant operated by a cooperative association may qualify for pooling if the association delivers milk (any amount) to pool distributing plants during the month.

Under the North Central Iowa order, a supply plant qualifies for pooling it if ships milk to pool distributing plants on not less than 10 days during the months of September through November and on not less than 5 days during other months.

Under the Des Moines order, a supply plant must ship 35 percent of its receipts to pool distributing plants during the months of September through March and 30 percent during April through August. However, if it ships 50 percent of its receipts during the months of September through November, it would automatically qualify for pooling during the following months of March through June.

A spokesman for Proponent No. 1, in explaining their proposal, testified that supply plant shipping requirements are necessary to identify those plants that are willing, able, and actively supplying the Class I needs of the market. Year-round shipping requirements, he said, assure that a potential supplier has both the ability to ship and has a customer.

The witness also stated that unit pooling, in combination with allowing direct shipments from producers' farms to pool distributing plants to count as qualifying shipments, would provide a maximum degree of flexibility in supplying the market. It would allow shipments to be made from those supply plants most favorably situated to the distributing plants needing the milk. It would give an organization with a variety of facilities and capabilities the opportunity to serve the requirements of the market in the most efficient manner.

The witness gave several examples of how the market could be better served with this provision. He said that supply plant operations are superior in terms of efficiency and quality to direct deliveries of milk from producers' farms. Because supply plants are generally located in the proximity of the farms where the milk is produced, he said, it is shorter to haul the milk to a supply plant than to a distributing plant. Therefore, less quality deterioration takes place before the milk is delivered. Once received in the plant, the milk is cooled to a temperature which inhibits further deterioration. It can then be shipped to a distributing plant at a lower temperature than milk shiped directly from producers' farms.

The witness said another advantage of supply plants is that full loads can be made up in supply plant shipments to distributing plants, whereas with milk shipped directly from the farm or through a reload, it is rare that a full load can be made up. He said that supply plant milk, thus, results in fuel savings. Also, because the loads are full, the milk is agitated less and arrives with less quality deterioration.

A final advantage which the witness described is the "banking" of milk which is possible with supply plants. Direct-shipped milk that is not needed on a given day must be diverted to a nonpool plant, where it is no longer available for fluid use. However, milk delivered to a supply plant can be stored there until the following day and then delivered. Thus, a smaller amount of reserve milk is needed to supply the fluid needs of the market.

The witness also testified that certain provisions of the four Iowa orders have deterred the operation of supply plants, accounting for the small number (5) of supply plants now operating as pool plants. He said that the unit pooling provision, in conjunction with their proposal concerning location adjustment credits for supply plants, would allow a greater number of supply plants to be established, thereby providing greater service and efficiency to the market.

A spokesman for NFO testified that it has been unusually difficult to pool milk on the Iowa markets because other cooperative associations operate pool distributing plants which account for more than half of the total milk pooled under the four orders. When his organization has tried to supply direct-ship milk to certain distributing plants, he said, they have been refused because such shipments would have displaced shipments from the handler's own supply plants, even though the direct-shipped milk was cheaper than the milk brought in through such supply plants. The NFO spokesman said the pooling standards proposed by Proponent No. 1—in particular, the year-round shipping requirement—would continue to discourage the purchase of direct-shipped milk from NFO.

The witness also stated that more equitable, broader-based pooling standards are needed in Iowa to accommodate the pooling of all of the Grade A milk available and to avoid disorderly marketing conditions in the future.

A spokesman for AMPI testified that significant volumes of milk produced in the State of Iowa are being pooled outside the four Iowa markets. AMPI, he said, has pooled such milk in many other markets, sometimes because of a better return on such other markets, and sometimes because they were unable to pool the milk under the Iowa markets.

The witness also testified that the pooling standards proposed by Proponent No. 1 (of which it is a part, but not on this issue) would provide no better access to the merged order than has been available under the four separate orders. For this reason, AMPI proposes either reducing the shipping requirements or adopting the reserve supply plant provision that is in the Upper Midwest order. The witness specifically suggested a shipping requirement of 25 percent year-round or 40 percent in the fall months and 15 percent during the other months of the year.

The president of Anderson-Erickson Dairy, Des Moines, Iowa, also offered testimony on supply plant pooling standards. He stated that he favors year-round shipping requirements as contained in proposal No. 1, but opposes the unit pooling aspect of the proposal because it discriminates against a proprietary handler.

The Iowa market, unlike the Upper Midwest market, is not a uniformly heavy milk producing area. Seventy-nine percent of the milk pooled under the four Iowa orders in 1975 was produced in Iowa, 17 percent was produced in Minnesota, 3 percent was produced in Wisconsin, and about 1 percent was produced in Illinois. Of the 79 percent produced in Iowa, 47 percent was produced in the 11 counties that comprise the northeastern district. Of the 17 percent produced in Minnesota, 13 percent was produced in the 9 counties comprising the southeastern district (directly north of the northeastern district in Iowa).

While most of the milk produced in Iowa comes from the northeastern corner of the State, most of the fluid milk products are consumed in the major population centers outside of this area. For example, Polk County, which encompasses Des Moines, had an estimated population of 294,000 in 1973, which made it the most populated county in the State. Des Moines is 108 miles from the closet part of the northeastern district of Iowa.

Similarly, Cedar Rapids, Iowa City, and the Quad Cities are also outside this heavy milk producing area. Accordingly, milk must be imported into these heavily populated areas on a year-round basis.

Iowa handlers compete with other order handlers for milk supplies. The supply area for the Iowa market is also part of the supply area for more southerly deficit production areas such as the Central Illinois, Southern Illinois, and St. Louis-Ozarks Federal order markets. These markets and the Iowa market also obtain milk supplies from the more northerly heavy milk production area in Minnesota and Wisconsin encompassed by the Upper Midwest Federal order marketing area.

These neighboring Federal order market pools represent alternative outlets for milk produced in the Iowa market production area. Consequently, the Iowa order uniform price should be maintained at a competitive level with other order uniform prices in the supply area in order for the Iowa handlers to obtain adequate supplies. Moreover, to effect orderly marketing among orders, the Iowa order uniform price should be maintained in close relationship to alternative market uniform prices in common procurement areas.

Pooling standards can aid in accomplishing the appropriate alignment of intermarket uniform prices. Should pooling standards be set too low, it would be possible for pool handlers to attach excessive milk supplies with the market for manufacturing use and thereby reduce the uniform price below the competitive level, while other handlers in the pool are in need of additional milk for Class I use. On the other hand, if pooling standards are set too high, the order would tend to deny access of milk to the pool in the event the uniform price is sufficiently above alternative market uniform prices to attract additional milk supplies. This would disrupt orderly marketing among orders.

The institutional structure of the Iowa market and neighboring markets presents the risk of a handler attaching an excessive amount of milk to the Iowa pool for manufacturing use. The larger cooperative associations that operate pool plants and whose member producers supply milk to the Iowa market also have a large number of member producers in the Iowa supply area whose milk is marketed under neighboring orders. Such milk supplies could be shifted readily to the Iowa pool by the cooperatives.

The Order 63 (Quad Cities-Dubuque) and Order 79 (Des Moines) uniform prices were generally in close alignment with alternative market uniform prices in common supply areas during 1975. But the Order 70 uniform price and the Order 78 weighted average uniform price have tended to be somewhat higher than other uniform prices in the Iowa supply area. Consequently, at the outset of the merger of the orders, it can be expected that the uniform price under the Iowa order will be slightly higher than other order uniform prices in the supply area. This will tend to attract additional milk to the pool and thus reduce the uniform price to where it is comparable to alternative market uniform prices.

In 1975, the combined Class 1 utilization of the Iowa orders averaged about 54 percent, or 4 percent higher than the Class I utilization under the Des Moines order and 8 percent higher than the 46 percent Class I utilization under the Quad Cities order. Under the combined Iowa order, producer receipts averaged 107 million pounds and Class I disposition averaged 58 million pounds per month in 1975. To reduce the combined market Class I utilization percentage to the Des Moines order level, 8 million pounds of milk per month would need to be added to the pool. It would have taken an increase of 18 million pounds of producer milk receipts monthly to reduce the Iowa Class I utilization to the 46 percent that prevailed under the Quad Cities-Dubuque order. Thus, it can be expected that under the merged order the uniform price will attract some 10 to 15 million pounds of milk to be shifted from other order pools to the Iowa order pool.

It is not uncommon for a single supply plant to have monthly receipts of 10 to 15 million pounds of milk. Accordingly, no major reduction need be made in the level of supply plant shipping percentages to accommodate pooling the milk supplies that should be accommodated in the Iowa pool. In fact, the pooling standards should require pool milk to be continuously associated with the fluid use outlets as a basis of pooling. Otherwise, excessive supplies of milk could be tied up for manufacturing use at Iowa locations when it is needed for fluid use in

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Iowa or in the more southerly deficit markets. This would tend to force shipment of milk from the more northerly reserve milk supply areas of Minnesota and Wisconsin for bottling use which would entail greater transportation costs.

Additionally, pooling standards that require continuous association with distributing plant outlets need to be maintained so that the reserve milk supplies in the production area that are pooled on more southerly markets will not be shifted to the Iowa pool during the flush production season. Any such shift of milk supplies seasonally could be accomplished rather easily by handlers who operate pool plants in both markets. Moreover, the seasonal incentive payment plans in the Central Illinois, Southern Illinois, and St. Louis-Ozarks Federal order markets result in seasonal uniform price differences that would encourage such shifts of milk to the Iowa pool in the absence of shipping requirements.

In light of the abovementioned circumstances prevailing in this market, the supply plant shipping standards adopted herein are most appropriate for the merged order.

Unit pooling will permit the economic movement of milk to the market. Savings to the pool can result from reducing shipments of milk to pool distributing plants from distant supply plants solely for the purpose of qualifying such plants when closer milk is available, either on a direct-ship basis or from a closer plant.

Unit pooling will permit a cooperative or proprietary handler to direct milk shipments from supply plants according to the most efficient use of the milk at all plants in the system. In the event some phase of the milk manufacturing operation were to become more profitable than another, adjustments could be made in supply arrangements so that reserve milk could be manufactured at certain plants, while other plants supply the market with milk for fluid use.

In order to form a unit, a handler (or group of cooperatives) must notify the market administrator in writing prior to the first day in September that he (they) is requesting that two or more of his (their) plants be considered a unit for the subsequent months of September through August. In such request, the handler shall list the plants in the sequence in which they will qualify for pooling based on the deliveries made. In the event that insufficient deliveries are made to qualify the entire unit, the plant(s) last on the list will be disqualified from pooling and removed from the unit.

Once a unit is formed, no plants may be added to it in subsequent months. A plant may be removed from a unit or the unit may be discontinued if the handler notifies the market administrator of such intent prior to the first day of the month that the action is to be effective. Such actions shall then be permanent until the following September, when units may be formed anew.

Since the prospective date on which the new order will become effective is several months away from the next unit-forming period, units should be allowed to form as of the effective date of the Iowa order. Such units may then continue in effect until the next qualifying period in September 1977. Parties seeking to form a unit should notify the market administrator of such intent prior to the effective date of the new order.

Cooperatives and proprietary handlers should be allowed to meet supply plant shipping requirements on the basis of direct deliveries from producers' farms. Much of the milk produced for the Iowa market can and should be delivered on a direct-delivery basis. Although one witness explained that supply plant milk is of better quality and is more efficient to supply, the operator of the largest distributing plant in the market testified that he preferred to purchase milk on a direct-ship basis.

Under certain circumstances, both of these points of view probably have merit. What is of primary importance, however, is that handlers and cooperatives have the opportunity to market milk in the most efficient way possible. Testimony indicates that current order provisions have not always permitted this. Inclusion of direct deliveries as qualifying shipments will remove the necessity of supplying milk through a supply plant—simply to keep the plant qualified for pooling—when the milk can be more economically supplied directly from producers' farms.

A supply plant or unit should be given credit for its shipments to distributing plants regulated under other orders. Such credit, however, should be limited to the amount of milk supplied by the plant or unit to pool distributing plants under the Iowa order. This provision will help accommodate the orderly pooling of Grade A milk that is produced in the Iowa market procurement area, even though local fluid outlets might not require all of the milk that is available.

Frequently, cooperatives have the opportunity of supplying milk to distributing plants regulated under different orders, but are reluctant to do so because of the necessity of supplying a minimum quantity of milk to distributing plants under just one order. For example, if the shipping requirements for each of three hypothetical orders were 50 percent, and a supply plant supplied 25 percent of its milk to one order, 19 percent to another order, and 10 percent to the remaining order, it would not qualify for pooling under any of them. Even though these other orders would provide the most lucrative outlet for this cooperative's milk, the cooperative would be unable to supply these other markets because of the necessity of qualifying its plant for pooling.

If a supply plant is given credit for its shipments to other markets, it will be encouraged to offer "spot" shipments of milk where needed. This will not only help the cooperative maximize its returns, it will also help the handler in the buying market to obtain milk from the closest available source.

Credit for shipments to other markets should be limited to the amount of milk delivered to distributing plants regulated under this market to insure that adequate supplies of milk will be made available to distributing plants in this market. If no limit were provided on credit for shipments to other markets, situations could arise where most of the milk in Iowa would be moved to other markets. In such a case, it would undermine the effectiveness of the Iowa order in insuring an adequate supply of milk for fluid use within the market.

The provisions discussed above, i.e., unit pooling, direct-delivery credits, and other order credits, should be limited to plants within the procurement area because they allow a plant to pool without any actual shipments from that plant. Consequently, a plant operated by an Iowa handler in a distant, higher-priced market could conceivably qualify for pooling on the Iowa market based on direct deliveries or the performance of a local plant if it were included in a unit. This could result in serious price misalignment between similarly located plants that are regulated under different orders. Therefore, the pooling options mentioned above should be confined to plants located in lower-priced areas, i.e., Iowa, Minnesota, Wisconsin, and northern Illinois.

All proponents proposed a provision that would allow a plant to qualify as a pool plant in the current month if it met the pool performance standards in the immediately preceding three months. This provision should be adopted for the merged order. However, it should not apply to plants qualifying as part of a unit.

Allowing a plant that failed to meet the pooling standards for the month to be a pool plant if it met the requirements in each of the three preceding months is a reasonable and equitable basis for protecting producers' interests. It will afford handlers the opportunity to make corrective adjustments in their operations in the event of unanticipated circumstances or a miscalculation, and it will afford producers reasonable opportunity to find an alternative pool outlet for their milk without losing pooling privileges in the interim.

It is not necessary to extend the one-month automatic pooling privilege to plants that are included in a unit since such plants already have the security of being in a unit. Thus, failure to perform does not mean such a plant will lose its pool status so long as the unit as a whole performs.

Nonpool plant. The "nonpool plant" definition of the merged order should specify those categories of plants other than pool plants. The four Iowa orders now have identical "nonpool plant" definitions.

A spokesman for Proponent #1 proposed that a governmental agency plant also be included in the nonpool plant definition. This suggestion should be adopted. A governmental agency plant should be defined as a plant operated by a governmental agency from which fluid

milk products are distributed in the marketing area.

Presently, there are no known governmental agency plants located in or near the Iowa marketing area. However, in the event that a state university, state prison, or some other governmental institution establishes a plant in the future, provision should be made for its exclusion from regulation under the order.

Governmental agency plants are generally operated in the public interest to carry out a recognized function of the State. These operations are not in the nature of operations of proprietary handlers whose regulation is necessary to effectuate the intent of the Act.

A governmental agency plant which operates its own farms may at time have production in excess of its usual requirements. In light of the exempt status here provided, whereby producers generally do not share in the Class I utilization of such operations, it would be inappropriate to permit such institutions to share in the proceeds from the sales of pool milk. Accordingly, the order should provide that milk received at pool plants from such operations be allocated to Class III. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and Class III prices. This is identical to the treatment accorded producer-handlers with respect to any sale of milk to pool plants.

A governmental agency plant may at times find it necessary to purchase supplemental supplies from regulated handlers under the merged order. It may reasonably be expected that purchases in the form of fluid milk products would be made and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted from pool plants to governmental agency plants be classified as Class I.

Handler. The impact of regulation under an order is primarily on handlers. The handler definition identifies persons who will have responsibility for filing reports and making payments for milk under the merged order.

Accordingly, the order should designate handler status for the following persons:

(1) The operator of a pool plant;

(2) A cooperative association with respect to milk that is diverted for its account;

(3) A cooperative association with respect to bulk tank milk picked up at the farm for delivery to a pool plant under specified circumstances;

(4) The operator of a partially regulated distributing plant;

(5) A producer-handler;

(6) The operator of an other order plant from which milk is disposed of in the market; and

(7) The operator of an unregulated supply plant.

Presently, the Des Moines order defines all of these categories of handlers. The Quad Cities-Dubuque order does not include a cooperative association as a handler on bulk tank milk. The Cedar Rapids-Iowa City order does not define the operator of an unregulated supply plant as a handler. The North Central Iowa order does not define as a handler a cooperative association with respect to milk diverted for its account, the operator of a partially regulated distributing plant, a producer-handler, the operator of an other order plant from which milk is disposed of in the marketing area, or the operator of an unregulated supply plant.

All parties that may have an obligation under the order should be included in the handler definition. This will assure that all information necessary to determine their status under the order can be readily obtained.

The definition for a cooperative association acting as a handler on bulk tank milk proposed for the merged order by Proponent #1 should not be adopted. Such proposal would give a cooperative the option of not being the handler on bulk tank milk under its control. The present cooperative bulk tank handler definition under the Des Moines order should be retained for the new order. It requires a cooperative to be the handler on bulk tank milk under its control, unless the buying handler agrees to buy such milk on the basis of weights and tests determined from measurement at the farm.

Supporters of proposal No. 1 testified in opposition to the bulk tank handler provision in the Des Moines order. Such provision states that "unless both the cooperative association and the operator of the pool plant notify the market administrator that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples", the cooperative association will be the handler on such milk.

A spokesman stated that this provision places a cooperative in a difficult position because it must absorb the shrinkage (or loss) between farm weights and tests and tanker weights and tests. He argued that this difference is a part of raw ingredient cost and should be passed on up the marketing chain, ultimately reaching the consumer level.

Two handlers testified in opposition to the proposed definition. One handler testified that the proposed definition works to the detriment of the handler, who has no power to enforce weighing and testing procedures because the hauler who transports the milk from the farm to his plant is under the control of the producers and cooperative associations. Consequently, he stated, the handler must absorb losses over which he has no control. Another handler supported the current provision of the Des Moines order, testifying that a handler should only pay for that milk actually received at his plant.

A cooperative should be a handler with respect to any such milk which it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative. However, if there is a mutual arrangement between the cooperative and the plant operator, noticed to the market administrator, whereby the plant operator agrees to purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, either the cooperative or the pool plant operator may be the reporting handler for such milk, according to the agreement reached between them.

When the milk of any producer is commingled in a tank truck with that of other producers, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the hauler and commingled with the milk of other producers, there is no opportunity to measure, sample, or reject the milk of an individual producer.

Much of the milk received at pool plants in the proposed marketing area is picked up at the farm in trucks owned or operated by, or under the control of cooperative associations. In this case, it is only the association that has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm.

When a cooperative is the handler for farm bulk tank milk, certain accounting and payment procedures should apply under the merged order with respect to such milk. As provided in the attached order, the milk would be considered as a receipt of producer milk by the cooperative at the location of the pool plant to which the milk is delivered. The purchase of such milk by the pool plant operator would be treated as an interhandler transfer but would be classified pro rata with producer milk that the pool plant operator may receive. The pool plant operator would be obligated to the producer-settlement fund for the milk received directly from producers and by transfer from bulk tank cooperative handlers at its classified use value. The cooperative in turn would be reimbursed by the handler at the blended price. Milk which the cooperative has picked up from the farm bulk tank and which has not been delivered to a plant during the month will be accounted for by the cooperative as ending inventory and the cooperative will be paid the blended price applicable at the location of the plant of physical receipt in the following month. In the following month, the cooperative's pool obligation will be adjusted to reflect the value of such inventory at the Class III price for the previous month.

The adopted accounting and payment procedure will facilitate administration of the order with respect to matters of financial responsibility and audit adjustments. It is the pool plant operator who processes the milk and distributes it to

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consumers. It is reasonable, then, that the responsibility for accounting for the utilization of such milk and for its payment be placed directly on the plant operator. Were settlement with the pool to be made by the cooperative association, i.e., should the plant operator settle with the cooperative at class prices and the cooperative pay to the producer-settlement fund, an unnecessary third party is involved in the transaction. Also, the adopted procedure will facilitate the handling of audit adjustments that might result from the verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and, thus, its obligation to the pool for such milk.

A pool plant operator receiving farm bulk tank milk from a cooperative also should be responsible for paying to the market administrator the administrative assessment on such milk. The audit and verification activities of the market administrator relate essentially to the operations of the pool plant where the milk is processed. Accordingly, the plant operator should pay his pro rata share of the administrative costs on milk received from the cooperative in its capacity as a bulk tank handler, just as he does on milk received directly from producers.

When the cooperative is the responsible handler on farm bulk tank milk, the pool plant operator may buy such milk on the basis of weights and butterfat tests determined at the plant rather than on the basis of those determined at the farm. Usually, the quantity of milk picked up at the farm slightly exceeds the quantity ascertained as actually received at the plant. In such cases, the difference should be considered as a receipt of producer milk by the cooperative association at the location of the pool plant where the milk in the tank truck was delivered. The cooperative should be obligated to settle with the producer-settlement fund and to pay the administrative assessment on the milk involved.

The pool plant operator should be permitted under the merged order to be the responsible handler on bulk tank milk moved by the cooperative from the farm to the plant if both the cooperative and the pool plant operator notify the market administrator that they have agreed to such a handler arrangement and that the plant operator agrees to purchase the milk on the basis of weights and tests determined at the farm. Under this arrangement, the pool plant operator may agree to be responsible for the milk in the same manner as for producer milk that he receives at his plant directly from the farm. This could include being responsible for submitting to the market administrator monthly reports showing for each producer the farm weights and tests of milk received at his plant. It should be noted, however, that when the pool plant operator purchases milk from the cooperative on the basis of farm weights and tests, he need not be the reporting handler for such milk.

A cooperative association also should be a handler with respect to the milk of a producer which is diverted for the account of the association from a pool plant of another handler to a nonpool plant that is not a producer-handler plant. Three of the four orders proposed to be merged provide that a cooperative may act as a handler for diverted milk. Continuation of this handling arrangement will facilitate the movement of milk not needed for fluid use to nonpool plants for manufacturing.

The merged order should afford all cooperatives in the market flexibility in the arrangements under which they sell milk to pool plants or dispose of reserve supplies. If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its members for delivery to a pool plant or for diversion to nonpool plants. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. Nothing in the order would require a cooperative to pick up the milk of nonmember producers. It would provide, however, that, when a cooperative does pick up milk of nonmember producers on trucks under its control, it must assume varying degrees of responsibility with respect to such milk, depending on the handling arrangements made.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. With the adopted handler definition, the merged order would be consistent with that provision of the Capper-Volstead Act which recognizes that cooperatives may "deal in the products of nonmembers" and which limits such dealings to amounts not greater in value than as are "handled by it for members."

In the event a cooperative does market the milk of a producer who is not a member of the association, a question arises about the appropriate method of paying such producer. If the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk and collect payments therefor, the cooperative may pay the nonmember in accordance with the contract. If such marketing functions occur in the absence of a written contract, the cooperative would be required to pay the nonmember producer not less than the prices prescribed by the order.

Producer-handler. The merged order should continue the exemption now contained in each of the four individual orders of a "producer-handler" from the pooling and pricing provisions of the order.

Experience under the separate orders has demonstrated that effective regulation can be insured without the full regulation of individuals who process and distribute milk produced on their own farm and who buy no milk from other dairy farmers. Such operations are basically self-sufficient in that they rely primarily on their own farm production and assume the burden of maintaining the necessary reserve supply of milk associated with their fluid milk operation and of disposing of any daily or seasonal surpluses they may produce.

As adopted herein, a "producer-handler" would be any person who operates a dairy farm and a processing plant and who receives no fluid milk products from sources other than his own farm production, pool plants of other handlers, and other order plants. He could use no nonfluid milk products for reconstituting fluid milk products. To qualify as a producer-handler, such person would have to provide proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

The producer-handler definition adopted herein is almost identical to the one proposed and supported by merger proponents. It forbids the receipt of nonfluid milk products for use in reconstituting fluid milk products, but such receipts are allowed for use in fortifying fluid milk products. Also, receipts of fluid milk products during the month from fully regulated plants are limited to 50,000 pounds.

Producer-handler definitions under most orders limit such purchases of supplemental milk supplies and require that such supplies only come from pool plants or other order plants. Since producer-handlers are expected to be self-sufficient in their operation, only occasionally should they require a supplemental supply of milk.

Although this 50,000 pound limit is somewhat arbitrary, it was proposed and supported by all merger proponents and represents a realistic, but not excessive, limit on the purchase of supplemental milk supplies by a producer-handler.

There are two known producer-handlers operating in the merged Iowa marketing area. What testimony there is on the record relative to producer-handlers indicates that neither of these handlers purchases supplemental milk supplies from any source. Therefore, the 50,000 pound limitation on the purchase of supplemental supplies will not cause these handlers to lose their exemption under the order.

Under the merged order, producer-handler status would be contingent upon such person substantiating to the satisfaction of the market administrator that the operation of the dairy farm and processing plant in question is at his sole risk. As indicated, a producer-handler's exemption from the pooling and pricing provisions is predicated on the premise of self-sufficiency of the total operation. Accordingly, no other person should be permitted to share the risk involved with the operation of a producer-handler's farm or his plant. All resources necessary for his own farm production of milk and for the operation of the processing plant must be his personal risk.

The risk concept need not extend to the actual distribution on routes of the milk processed by the producer-handler. Experience with the producer-handler provision indicates it is unnecessary to require a producer-handler to have sole responsibility for his route distribution. It must be understood, however, that the restrictions applicable to a producer-handler regarding milk supplies from sources other than his own farm are equally applicable to any distribution facility (including routes) operated by him, an affiliate, or by any person who controls or is controlled by him. Any receipts of milk from other than his own farm that are disposed of through such a facility or on such routes will be included as though a receipt at his plant for the purpose of determining his status as a producer-handler.

Producer. The term "producer" defines those dairy farmers who constitute the regular source of supply for the market. The producer definition proposed herein follows closely the one proposed and supported by each of the merger proponents. It is virtually identical to the producer definitions in each of the four separate orders.

Producer status under the merged order should be provided for any dairy farmer who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is received at a pool plant directly from the dairy farmer or received by a cooperative association as a handler for farm bulk tank milk for delivery to a pool plant. Producer status also should be accorded such a dairy farmer who has an established association with the market and whose milk is diverted to nonpool plants for surplus disposal. To determine a producer's association with the market and to insure the marketability of his milk in Grade A channels, it is reasonable to require that a dairy farmer's milk be received at a pool plant at least once each month in order to be eligible for diversion to a nonpool plant.

A producer-handler, who would have exempt status under the order, is excepted from the producer definition. In addition, provision must be made to preclude the possibility of a dairy farmer being a producer under two orders with respect to the same milk. In this regard, the producer definition should continue the provisions of the present orders that exclude (1) a person with respect to milk which is received at a pool plant regulated under this order as diverted milk from a pool plant under another order if the dairy farmer whose milk is involved is a producer under the other order with respect to such milk and it is allocated to Class II or Class III use under this order, and (2) a person with respect to milk which is diverted to another order plant from a pool plant regulated under this order if assigned to Class I milk under the other order.

Producer milk. The "producer milk" definition is intended to define that milk to be priced and pooled under the merged order. The definition adopted herein contains the basic features in the proposals by the merger proponents.

As provided herein, producer milk would include milk received directly from a producer at a pool plant by the plant operator, milk picked up at a producer's farm during the month in a tank truck under the control of a handler that is received at a plant in the following month, and milk of a producer that is received by a cooperative association as a bulk tank handler for delivery to a pool plant. Producer milk also would include milk of producers that is diverted under specified conditions.

Producer milk should include milk picked up at a producer's farm during the month in a tank truck owned and operated by, or under the control of, a pool handler but which is not received at a plant until the following month. Such milk should be considered as having been received by the handler in the month it is picked up at the producer's farm and should be priced at the location of the plant where the milk is physically received in the following month.

Under the present accounting procedure in the respective orders, milk which is picked up at the farm in the current month, but which is not physically received at a plant until the following month, is treated as a receipt of producer milk in such following month. This procedure has presented substantial accounting problems, particularly when milk passes through a reload facility. In such instance, a portion of the pick-up tanker's load may be transferred to an over-the-road tanker and delivered during the month, while the remainder of the load may be held at the reload facility. While administrative guidelines have been adopted to insure uniform accounting procedures for such milk throughout much of the Federal order system, the procedures have not fully resolved the accounting problems to the satisfaction of affected parties. Further, individual producers have not understood the deferred settlement which results when milk picked up in the current month is not physically received at a plant during the month.

Dairy farmers need not be required to wait one and a half months before receiving the uniform price for milk that is picked up at their farms on the last day of a month but is not received at a plant until the following month. The accounting procedure will be simplified and should be more readily accepted if milk is pooled in all cases in the month in which it is picked up at the farm. Milk not physically received at a plant in the current month will be included in the responsible handler's end-of-the-month inventory and will be priced at the location of the plant where the milk is physically received in the following month. Since this milk normally will be received at a plant on the first day of the following month, the handler will know the location of the plant of actual receipt in time to include this information in his monthly report, which he is required to file by the 8th day of the following month. If, however, none of the milk loaded into a pickup tanker is received at a plant, such milk will not be included in the responsible handler's report and he will have no pool obligation on it. This conforms with the present provisions, which tie the producer milk provisions to receipt of such milk at a plant.

If the operator of a pool plant is the responsible handler, he will account for the producer milk which has not arrived at his plant by the end of the month as part of his end-of-the-month inventory and will be charged the Class III price in the month it is picked up at the farm. In the following month, this milk will be treated in the same manner as other fluid milk products he had in inventory.

If a cooperative association bulk tank handler is the responsible handler, such cooperative will account for the milk in transit as inventory at the Class III price and will be credited at the blend price. Additional conforming changes are needed to implement this procedure to insure that in the following month the cooperative is credited for its pool obligation in the preceding month on such milk. In such following month, this milk is included in the obligation of the pool plant handler who physically received it and he will account to the market administrator for this milk at the classified prices. Such monies would be deposited in the producer-settlement fund, but, since the milk was pooled in the preceding month, it would not be included in the pool computation of the current month.

NFO proposed that diversion limitations be set at the combined Class II and III utilization percentage for the same month of the preceding year. Proponent No. 1 proposed that diversion limits be set at 50 percent during the months of September through January and 70 percent in other months.

The diversion limits adopted herein are 50 percent during the months of September through November and 70 percent in all other months. Although the Class I utilization can be expected to vary from year to year, in the most recent year the highest utilization occurred during the months of September through November. Accordingly, diversion limits should be lowest during those months since less milk is produced in excess of fluid needs at this time of year. Moreover, these months best fit in with the pooling standards proposed. As discussed earlier, the months of high performance should also be the months of lower diversions. The months of September through November are those adopted for the highest pooling performance and, therefore, should also be used for the lowest diversion limitation.

Since the market's Class I utilization may vary from 50 percent in the fall months to 30 percent in the flush production months, the 50 and 70 percent limits adopted are well coordinated with the expected Class II and III utilization.

The proposal by NFO to use the combined Class II and III utilization for the same month of the preceding year should not be adopted for the same reasons ex-

plained above with regard to pooling standards: namely, that the Iowa market is not expected to have the same stability in utilization as the larger Upper Midwest market. Therefore, the combined Class II and III utilization of a year ago may not be a good reflection of this year's supply-demand situation. While the same criticism would apply to the fixed percentages adopted here, we believe they are liberal enough to preclude any problems for the foreseeable future.

The diversion limits adopted are applied as a percent of a handler's total producer milk. Thus, individual producers may be diverted on an unlimited basis, except for the requirement that their milk be received at a pool plant at least once each month. Under these circumstances, it is unlikely that a handler would have any difficulty disposing of his surplus milk on a diversion basis.

The merged order should permit the proprietary operator of a pool plant to divert milk to any other pool plant for his (the diverting handler's) account. Such treatment is necessary to assure proprietary handlers the same privileges accorded cooperative associations, who, as previously mentioned, operate pool plants in the four markets in direct competition with proprietary handlers.

Diversions between pool plants need not be allowed in the case of a plant operated by a cooperative association, since provision is already provided in the order for the cooperative to be a handler on milk shipped directly from producers' farms to pool plants of other handlers. Further latitude in the handling of milk by a cooperative association is not needed.

The merged order should, in so far as possible, promote the most efficient handling of milk. To this end, the proprietary operator of a pool plant should be permitted to divert milk supplies to another pool plant and retain the producer milk status and payroll responsibility for such milk. Without such a provision, a handler wishing to retain his regular producers on his payroll for the entire month would have to physically receive the milk of such producers into his plant (so that it will be considered "producer milk" there), then pump it back into the truck, and deliver it to the other pool plant. Such milk would then be considered a transfer from one plant to another with the transferor handler accounting to the pool for the milk and paying those producers as well.

This practice is obviously uneconomic, resulting in unnecessary and costly movements of milk. In addition, the unnecessary pumping of milk is damaging to its quality. Permitting diversions of milk between proprietary pool plants will promote efficient handling of milk and also will facilitate more simplified accounting procedures on producer milk weights, butterfat testing, and payrolling.

A cooperative association spokesman testified to the desirability of recognizing the transfer of milk through a pipeline connecting a pool plant to an adjoining or adjacent facility which is not approved for the handling of Grade A milk, in lieu of transfer in a tank truck. The witness stated that recognition of pipeline transfers would promote efficient handling of milk and facilitate the use of storage capacity in the Grade A part of any such plant or complex.

It is essential to the proper operation of the order that movements of milk between plants be fully and accurately reported to the market administrator and that reported movements be readily verifiable. Transfers of milk through a pipeline may not always be readily verifiable. Thus, the flexibility to be accorded handlers with respect to the manner of movement of milk is an administrative matter that may be left to the discretion of the market administrator.

As proposed by the merger proponents, all diverted milk for pricing purposes is treated as a receipt by the diverting handler at the location of the plant to which the milk was diverted. This treatment is presently applicable under two of the four separate orders and must be retained. The Act specifically provides for the pricing of milk "at the location at which delivery * * * is made."

(b) *Classification of milk.* The uniform classification plan that became effective on August 1, 1974 (as amended August 1, 1975), for each of the orders under consideration should be continued under the merged order.

All of the proponent cooperative associations supported the continuation of the current classification plan, which was developed on the basis of very extensive hearings that had been held on this issue relative to 39 orders. However, Prairie Farms Dairy, Inc., proposed certain modifications of the plan.

Prairie Farms proposed including certain language that would have the effect of classifying certain products in the handler's distribution system, such as packaged fluid milk products, as end-of-month inventory even though such products had left the handler's plant. A spokesman testified that such changes would complement their proposed definition of route disposition.

As previously discussed, the route disposition definition adopted herein would include fluid milk products held at a distribution point (except a distribution point on the plant premises) of a handler at the end of the month. Such products, accordingly, would receive a Class I classification.

Prairie Farms also proposed that fluid milk products disposed of for animal feed receive a Class III classification "at any point of the handler's distribution system if adequate records are maintained." A spokesman testified that under some orders the market administrator requires that unsaleable products must be returned to the distributing plant to receive a Class III classification.

To preserve the integrity of the order, disposition of fluid milk products in other than Class I use must be verifiable by the market administrator's office. For verification purposes, it may be necessary that route returns or unsaleable products be brought back to the handler's plant for reclassification in Class III. The precise manner of handling such products should be left to the discretion of the market administrator, who has the overall responsibility of administering the order.

Shrinkage. Shrinkage provisions for the merged order should be patterned after those presently in the Des Moines order, except for conforming modification to accommodate diversions between pool plants.

All of the proponents, except Prairie Farms, proposed the basic shrinkage provisions now in most Federal orders, including the four Iowa orders. These provisions provide a Class III shrinkage limit for fluid milk products lost either enroute from farm to plant or in plant processing. Excess shrinkage is classified as Class I use.

Essentially, a handler is given a 0.5 percent Class III shrinkage limit for milk transported from producers' farms to his plant and a 1.5 percent Class III shrinkage limit for fluid milk products processed at the plant. If a cooperative is the handler on milk delivered from producers' farms, then the pool plant operator gets only a 1.5 percent shrinkage limit and the cooperative gets the other 0.5 percent. The Class III shrinkage limit is also adjusted to reflect bulk transfers or diversions to other plants and bulk receipts from other plants. No shrinkage limit is provided on certain categories of other source milk.

Prairie Farms proposed that all shrinkage experienced by a handler be classified as Class I milk and that the handler receive a fixed money credit based on his total receipts. The money credit would be computed by multiplying the Class I differential by a factor of 0.02, 0.015, or 0.005 (to conform with the present division of shrinkage as between milk assembly and processing functions), and the resulting product would then be multiplied by the hundredweight of milk received.

If a handler experienced the maximum shrinkage limit, there would be no difference in the impact of the present and proposed treatment of shrinkage of producer milk (for the handlers not using other source milk). However, if a handler experienced less than the maximum Class III shrinkage now allowed, he would still get, under the proposal, the fixed maximum credit allowance rather than a Class III classification of shrinkage based only on the actual shrinkage as under the present provisions. Accordingly, handlers could gain from the proposed provision to the extent that they receive an allowance for shrinkage which they did not incur. However, the proposed provisions would establish a shrinkage limit on other source milk, such as other order milk and unregulated supply plant milk for which Class II and Class III classification is requested. This could impose a greater obligation on handlers than presently.

Proponent contended that the proposed shrinkage provision would encourage a handler to better account for all milk product disposition. This would seem to be the case only with respect to use of other source milk on which no shrinkage

limit is now provided under the orders. The proposed provision would encourage handlers to better account for receipts of other source milk since any amount of disappearance of such milk in excess of 2 percent would be priced as Class I milk compared to Class III under the present provisions. With respect to receipts of producer milk, it appears there would be no greater incentive than now to fully account for disposition of fluid milk products that would be a Class I use, but there would be a greater incentive to account for disposition in Class II or III use in the case of a handler with less than 2 percent of his milk unaccounted for because whatever was unaccounted for would be priced as Class I and thereby increase his pool obligation. For a handler with 2 percent or more shrinkage, there would be no change in the incentive for a handler to better account for packaged fluid milk product disposition, as in either case unaccounted for milk would be priced as Class I.

Proponent also proposed that shrinkage be accounted for on a product pounds basis as opposed to the present skim milk and butterfat basis. This would be workable so long as handlers experienced only shrinkage of milk receipts, since the price difference between a hundredweight of Class I and Class III skim milk is the same as the price difference between a hundredweight of Class I and Class III butterfat. Therefore, it makes no difference whether the shrinkage is accounted for on a skim milk and butterfat basis or on a product pound basis. In actual practice, however, handlers sometimes experience overages (i.e., have greater disposition of skim milk or buttterfat than reported receipts) which are offset by any shrinkage in the plant. Since a hundredweight of butterfat has a far higher value than a hundredweight of skim milk, it would not be appropriate to offset an overage of butterfat with a shrinkage of skim milk, which could result from not accounting for disappearance of milk on both a skim milk and butterfat basis.

Adoption of the proposed shrinkage provisions could result in a handler being charged the Class I price on shrinkage of other source milk that he accepted for allocation to Class II or Class III use and also could result in a handler not making full payment for an overage of butterfat. Therefore, the proposal should be denied.

(c) *Class I price and location adjustments.* The Class I price in the Iowa marketing area should be the basic formula price for the second preceding month plus $1.40. It should continue to be announced on the fifth day of the preceding month.

Three pricing zones should be defined for the purpose of determining plant location adjustments. The accompanying map illustrates these zones.

Zone 1 should include all of the territory, both inside and outside the marketing area, not included in Zones 2 and 3. No location adjustment should apply in this territory.

Zone 2 should include the Iowa counties of Marshall, Tama, Benton, Linn, Poweshiek, Iowa, Johnson, Jones, Clinton, Cedar, Scott, Muscatine, Keokuk, Washington, and Louisa, and also the Illinois counties of Rock Island, Henry and Mercer. A minus location adjustment of 7 cents should apply in Zone 2.

Zone 3 should include the Iowa counties of Alamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clay, Clayton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Kossuth, Mitchell, Palo Alto, Pocahontas, Webster, Winnebago, Winneshiek, Worth, and Wright; the States of Minnesota and Wisconsin: and that portion of Illinois north of Interstate 80. Location adjustments in Zone 3 should be based on mileage from three basing points—Ames, Marshalltown, or Cedar Rapids, Iowa. The location adjustment would be computed by subtracting 7 cents and an additional 1.5 cents per 10 miles that a plant is located from the nearer of the Post Offices in Ames, Marshalltown, or Cedar Rapids.

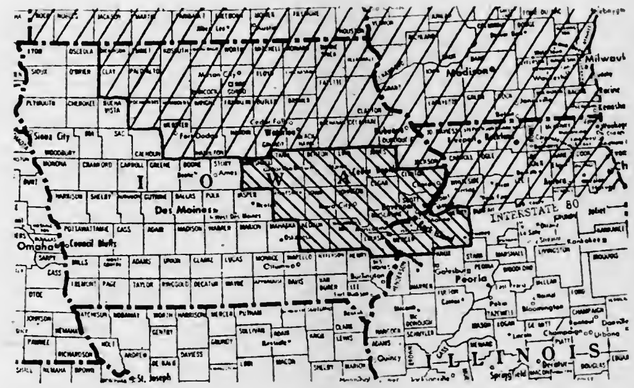
Presently, the Class I differential under the Des Moines order is $1.40. For plants located outside the marketing area and betwen 60 and 75 miles from Des Moines or Ottumwa, the Class I price is reduced by 10 cents and by an additional 1.5 cents per 10 miles beyond 75 miles.

PLANT LOCATION ADJUSTMENTS - IOWA MARKETING AREA

☐ ZONE 1, No adjustment

▨ ZONE 2, Minus 7 cents

▨ ZONE 3, Minus 7 cents and minus 1.5 cents per 10 miles from nearer of Ames, Marshalltown, or Cedar Rapids



The Class I differential under the Cedar Rapids-Iowa City order is $1.33. For plants located between 50 and 65 miles of the nearer of Cedar Rapids or Iowa City, the Class I price is reduced by 10 cents and by an additional 1.5 cents per 10 miles beyond 65 miles.

The Class I differential for the Quad Cities-Dubuque market is also $1.33. It is reduced by 10 cents in Dubuque and Jackson Counties and in East Dubuque, Illinois. There are various plus and minus location adjustments in areas outside the marketing area.

The North Central Iowa marketing area is now divided into four pricing zones. The Class I differential in Zone I is $1.25. In the remaining three zones, it is adjusted to $1.33, $1.20, and $.15. At locations outside the marketing area that are more than 65 miles from the nearer of Fort Dodge, Marshalltown, Mason City, and Waterloo, there is a location adjustment of minus 10 cents for the first 65 miles and an additional 1.5 cents per 10 miles thereafter.

The heaviest milk production in the Upper Midwest stretches from central to southeastern Minnesota into northeastern Iowa and into southern and central Wisconsin. When local market supplies are inadequate for Class I needs, it is this heavy production area that must be considered the prime reserve supply area. In fact, as mentioned earlier, significant quantities of milk for the Iowa markets already come out of southeastern Minnesota and western Wisconsin.

In order to encourage milk to move from production areas to consumption areas, prices must be aligned so as to cover transportation costs associated with distance and provide a favorable return compared to alternative local manufacturing outlets or other fluid markets. A differential of $1.40 in the base zone for the Iowa marketing area will provide the necessary economic incentive to attract the needed supplies. As indicated, this is the Class I differential presently applicable in the Des Moines market.

The National Farmers Organization proposed a pricing structure comprised of four pricing zones with Class I differentials ranging from $1.50 in southern Iowa and Missouri to $1.26 in Minnesota

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and Wisconsin. However, in its brief, NFO modified this proposal to include six pricing zones, with Class I differentials ranging from $1.50 in the southern half of Iowa to $1.06 in Minnesota and Wisconsin.

The NFO proposal, as modified, should not be adopted. The proposal would increase the Class I differential from $1.40 to $1.50. This increase cannot be justified on the basis of this record. There was no evidence to suggest that such an increase was necessary to insure an adequate supply of milk for the Iowa market, which in 1975 had a Class I utilization slightly above 50 percent. As noted in the discussion on pooling standards, substantial quantities of milk are already available in Iowa for the fluid market.

Although the NFO proposal is structured to provide location adjustments that would align prices with neighboring markets, the price-breaks between zones are of necessity rather large (23 cents between zones III and IV, for example). Such a large change in price might unduly influence plant location and milk movements merely to take advantage of a higher price zone. This would be disruptive to orderly marketing.

Because any zone pricing involving only a few zones north into Minnesota and Wisconsin would—even with a Class I differential of $1.40—involve rather large price increments, a zone pricing structure based on 10 mile increments should be adopted for the heavy milk production area in northeastern Iowa and farther north into Minnesota and Wisconsin.

The pricing structure adopted herein is very similar to that proposed by Proponent No. 1. However, Zone 1 as adopted herein does not include Poweshiek County, as proposed by Proponent No. 1. Poweshiek County should be excluded from Zone 1 because geographically it is located about the same distance from the main production area for the market as are plants in the Zone 2 suggested by proponents.

The president of Boone Dairy, speaking also on behalf of Boyd's Dairy at Boone, Iowa, proposed that Boone and Story Counties be priced 15 cents below the price in the Des Moines area. He testified that, prior to December 1971, Boone and Story Counties were priced 10 cents below Des Moines. However, at a public hearing held in April of 1971 it was proposed that this minus location adjustment be removed. Since there was no opposition to this proposal, the minus 10 cents was removed effective December 1, 1971.

The witness testified that he and other handlers in Boone and Story Counties erred in not being present at the April 1971 hearing. He contends that, in any event, the decision based on that hearing does not give any material reasons for the change. By contrast, he cited an April 1969 decision which defends and reaffirms the need for a minus 10-cent location adjustment in Boone and Story Counties.

This handler testified that he distributes only in Boone and Story Counties and that he competes extensively with handlers to the north of him. He cited handlers in Rochester, Waterloo, Omaha, and Des Moines with whom he competes. He contends that the present and proposed pricing structure would put him at a competitive disadvantage with respect to his major competitors from the north.

On the basis of this record, it is concluded that the price in Boone and Story Counties should be the same as the price at Des Moines, about 40 miles south of Boone.

The primary contention of the Boone handlers is that the current and proposed pricing structure puts them at a competitive disadvantage with plants to the north of them. In particular, they cited a plant at Rochester, Minnesota, and one at Waterloo, Iowa.

It is widely accepted that the cost of transporting packaged fluid milk products is at least the 1.5 cents per hundredweight per 10 miles location adjustment rate provided under the order and probably more than that. Under the Upper Midwest order, the Rochester plant has a Class I differential of $1.12 per hundredweight. Since Rochester is about 200 miles from Boone, the cost for transporting milk from Rochester to Boone is at least 30 cents per hundredweight. Thus, the Rochester plant has an effective Class I differential of $1.42 at Boone, compared to Boone's Class I differential of $1.40 under the Des Moines order.

Waterloo is approximately 110 miles from Boone. The Class I differential at Waterloo is presently $1.25. Adding transportation at 1.5 cents per 10 miles, the Waterloo plant has an effective Class I differential cost of $1.41 at Boone.

These figures, which must be considered minimum costs, clearly refute the Boone spokesman's argument that the order prices put Boone at a disadvantage with its competition from the north. If competing handlers have a competitive advantage over Boone Dairy, it is likely that economies of large scale operation is the reason for it and not the minimum Class I price under the order.

The Boone witness did not know how his proposed 15-cent price reduction would affect his procurement of milk. However, it is certainly doubtful that the handler could procure his supply of milk at 15 cents per hundredweight under the price at Des Moines, since the cooperative which supplies him has the option of delivering the milk to Des Moines. Therefore, even if the order price were reduced, as he suggests, in all probability he would still have to pay an effective price to the co-op equal to what he is paying now.

As mentioned above, the witness cited a 1969 decision which removed a minus 10-cent location adjustment in all of the counties in the Des Moines marketing area with the exception of Boone and Story Counties. At the time of that hearing, there was a handler at Fort Dodge, in Webster County (directly north of Boone County), regulated under the North Central Iowa order, and there were two handlers at Ames, in Story County. A handler at Marshalltown, in Marshall County (adjacent to Story County) competed with the Ames handlers in Ames. The Marshalltown handler had a price under the North Central Iowa order that was 5 cents lower than the Des Moines order price at Ames. The transportation from Marshalltown to Ames was equal to about 6 cents per hundredweight. Therefore, to remove the minus 10-cent location adjustment in Story County at the time of the 1969 hearing would have put the Ames handlers at a competitive disadvantage with respect to the Marshalltown handlers.

A similar situation existed with respect to the Boone handlers. The Fort Dodge handler, who by the 1971 hearing had gone out of business, had a Class I price that was 10 cents below the price at Boone. The distance from Fort Dodge to Boone is 50 miles, which would support a transportation allowance of about 7.5 cents. If the minus 10-cent location adjustment had been removed from Boone County at that time, the Boone handlers would have been at a serious price disadvantage with respect to the Fort Dodge handler. It was primarily for this reason—competition among handlers—that the minue 10-cent location adjustment was not removed from Boone and Story Counties.

By 1971, the situation had changed considerably. The two Ames handlers and the Fort Dodge handler were no longer in business. Thus, the competive situation was substantially different at the time a Des Moines handler proposed at the 1971 hearing that Boone and Story Counties be includde in the base zone (i.e., removing the 10-cent location adjustment). The 1971 amendments resulting from that hearing removed the 10-cent location adjustment from Boone and Story Counties. The change in price was deliberate and was supported by evidence and was not an oversight as suggested by the Boone handler.

Zone 2 adopted herein differs from the proposed Zone 2 by the exclusion of Jackson County.

There is one pool distributing plant in Jackson County in Maquoketa. Jackson County, presently part of the Quad Cities-Dubuque marketing area, has an adjusted Class I differential of $1.23. Proposal #1 would increase the differential to $1.33. Since Jackson County is close to the heavy milk production area in northeastern Iowa, there is no need to increase the Class I price 10 cents in this county to insure an adequate supply of milk for the Maquoketa handler. Moreover, since Jackson County borders on the Chicago Regional market, which has an adjusted Class I differential of $1.10 in adjacent Jo Daviess County, a differential of $1.33 in this county would clearly worsen price allgnment between the two orders. For these reasons, Jackson County should be included in Zone 3. At Maquoketa, Iowa, the Class I differential under the merged order thus would be $1.24, one cent more than it is now under the Quad Cities-Dubuque order.

Proponent #1 proposed a location adjustment of minus 15 cents in their Zone 3, which included a band of 13 counties directly north of their Zone 2. They proposed a fourth zone, comprised of six counties directly north of Zone III, that would carry a location adjustment of minus 20 cents.

The location adjustments adopted herein do not differ appreciably from those proposed by Proponent #1 but do provide a more gradual decline, thereby eliminating large price-breaks at county lines. A breakdown of the adjusted Class I differential at present, as proposed, and as adopted herein at various locations is shown in the following table:

TABLE 4.—*Adjusted class I differential—Iowa market*

Location	Presently	Per proposal No. 1	Per NFO proposal	As adopted
Des Moines	1.40	1.40	1.50	1.40
Pella	1.40	1.40	1.50	1.40
Ottumwa	1.40	1.40	1.50	1.40
Corydon	1.40	1.40	1.50	1.40
Boone	1.40	1.40	1.50	1.40
Marshalltown	1.33	1.33	1.35	1.33
Cedar Rapids	1.33	1.33	1.35	1.33
Iowa City	1.33	1.33	1.35	1.33
Quad Cities	1.33	1.33	1.35	1.33
Maquoketa	1.23	1.33	1.35	1.24
Dubuque	1.23	1.25	1.35	1.225
Waterloo	1.25	1.25	1.35	1.24
Stacyville	1.165	1.20	1.35	1.165

For a plant located outside the Iowa marketing area, inside some other Federal order marketing area, Proponent #1 proposed a Class I location adjustment that would result in the same price under the Iowa order as would be applicable under the order in which the plant was located. For a plant located outside of any Federal order marketing area, proponent proposed a minus location adjustment at the rate of 1.5 cents per 10 miles from the nearer of Des Moines, Davenport, or Waterloo.

As adopted herein, plants that may be located in lower priced marketing areas would be located in Zone 3 and would, accordingly, have a minus location adjustment based on the distances from Ames, Marshalltown, or Cedar Rapids. All locations that are not included within Zones 2 or 3 would be included in Zone 1, with no location adjustment applicable.

The Class I price adopted herein for the merged order is the price that is considered necessary to attract adequate milk supplies to the market for fluid use. However, because milk supplies often must be moved from distant supply plants to the market center, it is necessary to adjust the Class I price downward at such plants because of the costs involved in moving the milk. Without such adjustments, distributing plant operators could not attract the milk to the market center unless they assumed the cost of transporting the milk. This would place such handlers at a competitive disadvantage relative to other handlers at the market center who receive milk directly from producers and who thus do not incur the additional transportation costs.

Customarily, Class I prices under the Iowa orders have been reduced at distant plants irrespective of their location. Under the merged order, however, downward adjustments should be applicable only in those areas from which milk supplies logically would be drawn for the Iowa market. Milk supplies in Minnesota, Wisconsin, and northeastern Iowa are very heavy, while in areas south and west of Iowa milk supplies are generally much less plentiful. Thus, Iowa handlers should not be encouraged to procure milk from plants in these tighter-supply areas through the application of minus location adjustments. In the interest of marketing efficiency, any available milk supplies in the southern and western areas should be encouraged to move to those markets that are more distant from the heavy production areas than is the Iowa market.

Although Proponent #1 proposed that plus location adjustments be applicable in areas generally south and west of the Iowa market, the record does not indicate a need at this time for adjusting the Class I price upward in these areas. Presently, none of the plants now pooled under the four Iowa orders is located south or west of the marketing area adopted. Moreover, because the Class I prices in the southern and western areas are generally higher than the Class I price for the Iowa market, distributing plants in these areas normally would not be expected to become associated with the Iowa market to the extent that they would become pooled under the Iowa order.

Should such a plant become regulated by the Iowa order, it is reasonable to expect that the plant operator would have to pay more than the base zone Class I price to obtain a supply of milk on a normal and regular basis. The handler would still be competing with nearby handlers for milk supplies and presumably would have to pay the higher price prevailing in his local area. On this basis, the Class I price applicable under the Iowa order in areas to the south and west of the Iowa marketing area perhaps should be comparable to the Class I prices prevailing in those areas. From an administrative standpoint, however, it is difficult to provide under the Iowa order a broad price structure that would parallel the prices prevailing at various locations in the southern and western areas. Thus, in the absence of testimony with respect to specific plant locations that require special consideration at this time, it is preferable that no plus adjustments be established under the order for areas south and west of the central market.

To encourage efficient movement of milk between plants under Federal orders, it is generally necessary, either through the allocation procedure in the assignment of milk receipts to classes of utilization or in the application of location adjustment credits, to protect the pool from bearing the costs of unnecessarily moving milk to the central market for other than Class I use. In the Iowa markets, this has been done by assigning location adjustment credits for Class I milk transferred between pool plants first to the transferor plants at which the least location adjustment applies and then in sequence to plants having the next least location adjustment (or the next highest price). This procedure is intended to encourage milk to come from the closest sources of production.

Proponent No. 1 testified in opposition to the present procedure. The cooperatives object to the amount of location adjustment credits assigned and to the manner in which they are assigned.

With regard to the first point, a spokesman presented data showing the unavoidable Class II and Class III utilization associated with Class I use at the Land O'Lakes, Cedar Rapids, Iowa, distributing plant during the period from March 1975 through February 1976. There were four types of non-Class I uses involved: (1) Disposing of excess cream resulting from standardization of milk to a lower fat content than that of milk received from the farm: (2) route returns that were disposed of for animal feed; (3) inventory variation (fluid milk products that are classified as Class III because they are in inventory at the end of the month); and (4) shrinkage.

The witness testified that an allowance should be provided for this unavoidable Class II and III utilization based on the highest possible unavoidable Class II and III use that might be experienced in a plant. He computed this figure by taking the highest percentage use in each of the four categories for the 12-month period and arrived at a potentially unavoidable Class II and III use of 11.25 percent of Class I sales. The monthly unavoidable Class II and III use for this period ranged from 2.6 to 9.9 percent of Class I sales.

The witness also testified that the unavoidable Class II and III uses at the Cedar Rapids plant might be understated for a variety of reasons. Therefore, he proposed that an allowance of 15 percent be provided for unavoidable Class II and III utilization.

Presently, no allowance for unavoidable Class II and III utilization is provided under Orders 63 and 78; an allowance of 5 percent is provided under Orders 70 and 79.

It is concluded on the basis of the evidence presented that an allowance of 10 percent should be provided under the merged order. A 10 percent allowance should accommodate the necessary Class II and III use experienced by most plants in the market. An allowance above 10 percent, as proposed, is clearly excessive and should not be adopted.

The second objection voiced by the witness was the manner in which the location adjustment credits were allocated. Under the Des Moines order, Class I location adjustment credits are determined by first subtracting receipts from unregulated supply plants and other order plants that are assigned a Class I classification and then subtracting from the remaining Class I use at the transferee-plant receipts from producers and from cooperative associations acting as handlers on bulk tank milk.

The remaining Class I milk is then allocated to transferor-plants, allocating

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it first to the closest plant and then to progressively more distant plants until all of the Class I milk is allocated.

Opponents of this procedure argued that all bulk receipts of milk at the plant should share pro rata in the plant's Class I utilization. It was charged that the present procedure gives preference to receipts from unregulated supply plants and other order plants.

Presently, the Des Moines order does, in fact, assign Class I milk first to bulk receipts from unregulated supply plants and other order plants in computing location adjustment credits. However, it should be noted that, under the allocation provisions of the order, such receipts are allocated pro rata to the classes of utilization in the transferee-plant. Accordingly, such other source milk does not receive a disproportionate share of the Class I utilization, as charged.

The milk received directly from producers and cooperative associations does receive a priority assignment to Class I for location adjustment credit purposes, though, since 100 percent of these receipts are subtracted from the remaining Class I milk at the transferee-plant prior to assignment of receipts from transferor pool plants. The allowance for 10 percent unavoidable Class II and III use at the transferee-plant, however, should facilitate the transportation of supply plant milk needed at distributing plants for Class I use.

The aggregate amount of Class I milk assigned to transferor pool plants for location adjustment credit purposes should be prorated to each transferer pool plant based on the proportion of receipts from each plant. This will assure that each transferor pool plant gets a proportionate share of the Class I location adjustment credits, instead of, as presently being done, giving preference first to the closest plant and then to successively more distant plants.

The latter procedure was adopted to encourage milk to come from the closest sources of production, thereby eliminating unnecessary transportation. However, changes in milk marketing have made this procedure impractical and inappropriate for the merged Iowa market.

Whereas, in the past, a handler would bottle a fairly even amount of milk six or seven days a week, now handlers bottle on only 4 or 5 days a week, and there is a wide variation in the amount bottled from one day to the next. Accordingly, on certain days handlers may require more milk than can be supplied from the nearest supply plant. However, if a handler purchases milk from more than one supply plant, the more distant supply plant may not be allocated its proportionate share of Class I location adjustmet credits. To avoid this problem, a handler would have the incentive to purchase all of his milk from a larger, but more distant, supply plant, thereby being assured that all of the milk purchased from the supply plant would get the maximum amount of Class I location adjustment credits available. Under these cirumstances, the provision now in the orders would result in greater transportation costs from the pool—exactly the opposite of what it is intended to do.

The pro rata assignment of location adjustment credits will provide greater equity for milk trasferred from supply plants to distributing plants because all plants will share equally in the Class I location adjustment credits, regardless of their location. Since supply plant pooling standards may be met by direct deliveries from producers' farms, it may be presumed that, when milk is transferred to pool distributing plants, such transfers reflect a need for milk that can not otherwise be met. In view of this, the interest of both handlers and producers will best be served by providing for equal treatment to all supply plants that ship milk to a pool distributing plant.

Mississippi Valley Milk Producers Association, in its brief, urged that the allowance for location adjustment credits be increased to 125 percent of the Class I milk in the plant to accommodate "companion products" (products other than fluid milk products) that are also produced by handlers to augment area needs of consumers. MVMPA stated that the allowance of 15 percent above Class I proposed at the hearing will not adequately serve the market and may restrict unnecessarily the movement of milk to market, presumably because the allowance will not provide transportation credits for milk intended for Class II and III use.

Only that milk needed for Class I use should be encouraged to move from production areas to bottling plants. That is why location adjustments for handlers apply only on Class I milk. No location adjustments are applied to Class II and Class III milk, so as not to encourage the movement of milk for such uses. Rather than be processed at the city, manufactured products should be processed and packaged near procurement areas and transported to the central market in finished form, since it is cheaper to transport these products in packaged form than to ship the bulk milk necessary to manufacture them.

It has been argued by Mississippi Valley and others, however, that Class II products are part of a handler's regular product line. Many handlers expect to receive a regular supply of milk for Class II use as well as Class I.

It would not be appropriate under the order to encourage the movement of milk to the city for Class II use unless handlers paid for such transportation under the order. Otherwise, the handlers would get free transportation of this milk at the expense of all producers in the market. If handlers want milk at deficit production locations for Class II use, they should be willing to pay for it, either under the order or outside the order. Under the order, this could be accomplished by substantially increasing the Class II price. Location adjustments could then be incorporated in the order to accommodate the movement of milk for this use. Any further accommodation for the movement of milk for Class II use should be accompanied by some restructuring of the classification and pricing provisions for such milk under the order, which is beyond the scope of this hearing.

Pricing milk not needed for Class I use. The Class II price under the merged order should be the basic formula price for the month plus 10 cents. The Class III price should be the basic formula price for the month. These prices should be announced by the 5th day after the month to which they apply.

These prices were proposed by all of the proponent organizations and are now applicable under each of the orders to be merged. They were adopted for all of these orders in conjunction with the 39-market classification proceedings referred to earlier in this decision and are appropriate for the identical reason for which they were adopted in the separate orders.

Butterfat differential. A single butterfat differential should apply under the merged order. It should be computed by multiplying the average Chicago 92-score butter price for the month by 0.115 and rounding such amount to the nearest 0.1 cent. The differential should be announced by the market administrator by the 5th day after the end of the month in which it applies. This differential is now applicable under the separate orders and was adopted in conjunction with the uniform classification plan now in use.

Land O'Lakes proposed that the butterfat differential be reduced to 10.5 percent of the Chicago 92-score butter price. No other parties supported the proposal either at the hearing or in the briefs that were filed. NFO opposed the reduction in its brief.

LOL spokesman testified that the butterfat differentials now under the separate orders price surplus cream considerably higher than its market value. He presented a table showing that LOL's Cedar Rapids plant lost from $1.86 to $4.26 per hundredweight on its sales of surplus cream between January and December of 1975. He also presented a table showing the effect of his proposed lower butterfat differential for the same period. With a butterfat differential of 10.5 percent of the Chicago 92–score butter price, LOL would have lost as much as $1.71 per hundredweight in January 1975 and would have gained up to $1.66 per hundredweight during December 1975.

The witness stated that a fluid milk handler buying whole milk is at a disadvantage compared to one who buys skim milk since the former must absorb a loss on the cream portion of his milk. He acknowledged, however, that LOL charges over-order prices on skim milk sold to handlers which would reduce this advantage.

The testimony given by the witness raises some serious questions about the appropriateness of the present butterfat differential in this area of the country. It would appear that, if it were not for other overriding considerations that relate to this issue, some reduction in the butterfat differential could be justified based on his testimony. However, other factors must also be considered, such as the wide-ranging repercussions such a change would have on intermarket competition.

Since the market for butter, nonfat dry milk, and cheese is national in scope, handlers in surrounding markets would be adversely affected by such a change since it would give handlers in the Iowa market a competitive advantage with respect to milk products testing above 3.5 pecent butterfat. Similarly, handlers manufacturing products that require milk testing below 3.5 percent butterfat would be at a competitive disadvantage compared to handlers in other markets because the cost of milk with less than 3.5 percent butterfat would be increased.

The matter of the appropriate butterfat differential was an issue dealt with fully in the 39-market proceedings mentioned earlier. Although the present record indicates that some reduction in the butterfat differential might be appropriate, such a modification must be accomplished on a regional or national basis if orderly marketing is to be maintained.

(d) *Distribution of Proceeds to Producers.* A marketwide pool should be provided under the merged order as a means of equitably distributing among all producers in the market the total proceeds derived from the sale of producers' milk by all regulated handlers. Under marketwide pooling, one uniform price, adjusted for location of the plant to which the milk was delivered, is paid to all producers regardless of how a particular producer's milk is used by the handler to whom it is delivered. By receiving payment at the market uniform price, each producer shares equally in the higher-valued Class I milk of the market as well as in the lower-valued Class II and Class III uses of milk. This type of pooling is now being used in three of the four Iowa orders and was supported by all parties of interest for use under the merged order.

The North Central Iowa market is now an individual handler pool. As such, a uniform price is computed for each handler based on the utilization of his milk.

This type of pooling would be contrary to the proposals and testimony offered by all of the interested parties involved. One of the primary reasons for the merger is that a broad sharing of returns is needed for producers supplying handlers in this common procurement and marketing area. This can only be accomplished through a marketwide pool.

COMPUTATION AND ANNOUNCEMENT OF UNIFORM PRICE

A uniform price to producers should be computed for each month by the market administrator and announced by the 12th day of the following month.

Presently, all four individual orders provide for announcement of the previous month's uniform price by the 10th day of the month. Proponent #1 recommended extending the announcement date by two additional days to compensate for the additional day given to handlers in filing reports of receipts and utilization and also to allow the market administrator one additional day to compute the uniform price. This proposal should be adopted.

NFO proposed computation of a uniform price based on estimated pool values. This type of provision was recently incorporated in the new Upper Midwest order. Its principal advantage is that it allows somewhat earlier announcement of the uniform price, since the market administrator does not have to wait until all reports are processed.

This provision should not be adopted for the merged Iowa market because of the much greater chance for error in esstimating a price for this much smaller market. While the Upper Midwest market has in excess of 400 million pounds of milk per month, the Iowa market will average only slightly more than 100 million pounds per month. Combined with the higher Class I price and Class I utilization for the Iowa market, this makes it much more difficult to accurately estimate the uniform price. For these reasons, this procedure should not be adopted for the Iowa market.

Proponent #1 proposed a provision that is not presently in the separate orders which would allow the market administrator to include in his computation of the uniform price the report of a handler who has not made payment to the producer-settlement fund for the preceding month if the unreserve cash balance in the producer-settlement fund is not less than two cents per hundredweight. A witness testified that this language is intended to prevent complete depletion of the producer-settlement fund in the event a handler defaults on his payments.

Presently, the orders exclude from the current month's pool computation the reports of handlers who failed to make payments to the producer-settlement fund for the preceding month. The proposal would include those reports if there is two cents per hundredweight unreserved cash balance in the producer-settlement fund.

Technically, the present provision of the orders would exclude a handler from the pool, even though he owed only a very small amount to the producer-settlement fund. Such obligation could have resulted in an error discovered during audit of the handler's records.

No purpose is served in excluding a handler's report from the pool computation, except to guard against depletion of the fund to where obligations from the fund cannot be paid in the event the handler defaults on his obligation. The proposed two-cent per hundredweight balance provides sufficient safeguard to preclude this from happening.

Payments to producers. The merged order should continue to require handlers to make payments to cooperative associations and producers for milk received. This is now the method of payment under each of the four orders.

Proponent #1 proposed a payment plan whereby all handlers receiving milk from a cooperative association would pay their total pool obligation for such milk to the market administrator who, in turn, would pay the cooperative associations. Under their plan, proprietary handlers who have not been delinquent in their payment obligations under the order would be allowed to pay their nonmember producers if a cooperative association is not collecting payment on their behalf.

Proponents' witness testified that their proposal would provide handlers with a stronger incentive for making prompt payment of their order obligations because handlers tend to pay the Market Administrator on a timely basis. He stated that late payments by certain handlers could result in an inequitable situation for those handlers making timely payments because the delinquent handlers are using money due producers to overcome cash-flow problems, while the prompt handlers with similar problems must borrow money or use their own capital.

The witness also testified that the proposed payment procedure would make it easier for the market administrator to enforce timely payments to producers. Proponents contend that their proposal would strengthen the position of the market administrator considerably in any legal proceeding involving payment, since the amount owed would be to the producer-settlement fund.

In support of their proposal, proponents offered an exhibit purporting to show late payments by six handlers. Proponents did not identify the six handlers, but conceded that they could include both proprietary handlers and co-op handlers.

The exhibit showed that for the 12 months of 1975, the six handlers averaged 3.4, 1.9, 14.5, 1.8, 10.5, and 12.9 days late in making the partial payment and 6.8, 2.4, 12.0, 3.8, 10.0, and 16.3 days late in making the final payment. In computing these figures, proponent considered payments to be late if not received by the date specified in the order.

The market administrator of the four Iowa orders has considered payments to be on time if postmarked by the date specified in the orders. With this interpretation, two of the six handlers included in the survey may not actually have been late in making the payments, since two or three days for mail delivery is not uncommon.

Also, it is possible that one or more of the three chronically late-paying handlers included in the survey are cooperative associations. The proposed provision would do nothing to insure prompt payment from such handlers, since, under the proposal, cooperatives are allowed to offset payments to the producer-settlement fund by the amount of payments due from the market administrator.

The largest handler in the four Iowa markets stated in his brief that he has never failed to make timely payments. He emphasized that only proprietary handlers would be required to make payments to the producer-settlement fund. Consequently, a cooperative handler would have the use of its money for this period of time, with the result that a cooperative handler would have an unfair advantage over a proprietary handler.

Proponents testified that this advantage was not intended and that their

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proposal should be modified to provide equal treatment between proprietary handlers and cooperative association handlers.

Proponents have not made a convincing argument as to the need for channelling payments through the market administrator. They have not, by their own admission, strictly enforced prompt payments by handlers, either through threatening to cut off supplies or by charging interest on late payments. Proponents indicated that the competitive situation precluded them from taking such steps.

Under the merged order, cooperatives should have a stronger hand to enforce prompt payments by handlers. The broader pooling opportunities under the merged order will ease the pressure to maintain customers who do not pay their bills on time. Accordingly, cooperatives should be better able to enforce prompt payments without subjecting those handlers who are conscientious about making timely payments to their proposed payment arrangement.

In referring to the payment dates specified below, it is intended that payments must be postmarked by such dates, rather than be received by such dates. If a payment must be postmarked by a certain date, it reasonably should be received a day or two later.

Under the terms adopted herein for the merged order, milk received from a cooperative acting as a handler for farm bulk tank milk will be treated as an interhandler transfer but will be classified pro rata with producer milk at the transferee-plant. The pool plant operator will be obligated to the producer-settlement fund for the milk received directly from producers and by transfer from bulk tank cooperative handlers at its classified use value.

In its capacity as the operator of a pool plant, the cooperative association will account to the pool at class prices for milk transferred to other pool plants. The transferee-handler will pay the cooperative the class prices for such milk.

A handler should be required to make a partial payment to a cooperative association or a producer on or before the last day of the month for milk received during the first 15 days of the month. The partial payment should be at the uniform price for the preceding month adjusted at the handler's plant location.

Final accounting for milk from producers and cooperative bulk tank handlers will be completed after the end of the month. Handlers will be required to submit to the market administrator a report of all receipts and utilization by the 8th day after the end of the month. The uniform price is announced by the 12th day. On the 12th day, handlers are required to pay cooperative associations for all skim milk and butterfat received from pool plants operated by such cooperative associations at not less than the class prices, as adjusted by the butterfat differential, applicable at the location of the receiving handler's pool plant less the amount of partial payment. Earlier payment on such plant milk is necessary to allow the cooperative association operating the transferor pool plant to meet any possible obligation to the producer-settlement fund.

Handlers whose pool obligation exceeds the value of their producer milk at the uniform price should be required to make payment to the producer-settlement fund on or before the 15th day after the end of the month. On or before the 17th day after the end of the month, the market administrator will make payments to handlers whose total pool obligation is less than the value of their producer receipts at the uniform price.

Final payment by proprietary handlers to cooperative association handlers on farm bulk-tank milk will be made on or before the 18th day after the end of the month. Such payment will be at not less than the uniform price for the month, less the amount of partial payment made for milk received during the first 15 days of the month. On or before the 18th day after the end of the month, handlers will also make final payment to each producer for milk which was not caused to be delivered by a cooperative association acting as a handler on farm bulk tank milk. Such payment will also be at the uniform price for the month, less the amount of partial payment for milk received during the first 15 days of the month.

This schedule of reporting and payment dates adopted is intended to insure producers prompt payment for their milk. It closely resembles the payment schedule proposed, except for the interpretation of the dates specified, which are considered to be postmark dates.

Plant location adjustments for producers and on nonpool milk. The uniform price to producers should be adjusted for the location of the plant of actual receipt. The location adjustments should be the same as those provided for handlers with respect to Class I milk. The uniform price applicable to other source milk should also be adjusted at these rates, except that the adjusted uniform price should not be less than the Class III price.

Provisions of this nature are included in the four Iowa orders. They were proposed for the merged order by Proponent #1.

The National Farmers Organization proposed that there be no location adjustments for producers, but that there be credits from the pool for supply plants and reload points that ship milk for Class I use to pool distributing plants. Four basing points were proposed for this purpose. Location adjustments would be computed at the rate of 8 cents for the first 45 miles and 2 cents per 10 miles thereafter that such supply plant or reload point is located from the nearer of Des Moines, Rock Island, Cedar Rapids, or Dubuque.

A NFO spokesman testified that the practice of equating location adjustments to producers with Class I location adjustments for handlers creates inequities. He stated that, from a cost of production viewpoint, there is no legitimate reason for paying a producer a lower price because he happens to be located farther from a market than another producer.

He stated the proposed pool credits, coupled with a flat price to producers, would bring about a much more equitable arrangement in the marketing of Federal order milk.

The pricing structure in the Federal order system generally increases from north to south to reflect costs associated with distance in transporting milk from surplus milk production areas to deficit areas. Accordingly, a dairy farmer always has the choice of shipping his milk to the local market or shipping it to a higher priced market at his own expense. If the price in the alternative market will at least equal the local market price plus transportation, the dairy farmer will have the incentive to ship his milk to the alternative market.

Under the NFO proposal, all producers supplying the market would receive the same uniform price. This would result in a substantial redistribution of income from producers in the southern part of the market to those in northeastern Iowa and into Minnesota and Wisconsin.

The reduction in price to producers in central and southern Iowa would make alternative market prices very attractive. Thus, there would be an undue price incentive for such producers to associate with the St. Louis, Southern Illinois, or Kansas City markets, to name a few.

The proposal would also have a disruptive effect on price alignment in southern Minnesota and west-central Wisconsin, since the Iowa uniform price would provide an incentive for producers supplying the Upper Midwest and Chicago markets to switch over to the Iowa market. This would cause handlers in the former two markets to pay excessive prices in order to hold their milk supply.

The NFO proposal would provide no incentive for producers to move their milk to other than the closest outlet, since they would get the same price whether they shipped their milk to a supply plant five miles from their farm or to a city distributing plant 70 miles away. Furthermore, the proposal would force all milk into the nearest pool plant, which is not likely to be a pool distributing plant, since most of the milk supply of Iowa handlers is produced in northeastern Iowa. The milk would then have to be transferred to pool distributing plants. Although, in many cases, this milk can be moved more efficiently on a direct-ship basis, the incentive would be to move it from a supply plant to a distributing plant because only in that way can transportation cost be recovered.

While under the NFO proposal producers would get no reimbursement for transportation through a higher uniform price, supply plants would seemingly—and perhaps inadvertently—get a double location adjustment for milk transferred for Class I use. This is because the NFO proposal provides a minus 15-cent location adjustment between Zones I and III. On top of the 15 cents, there would apparently be a further transportation credit based on the distance from the supply plant to the nearest basing point.

In light of the above considerations, it is concluded that the NFO proposal would promote inequities and a misallocation of resources, and would not be conducive to the most efficient marketing of milk. For these reasons, the proposal is denied.

Service Charges

Service charges for milk received from a cooperative association should not be adopted for the merged order.

Land O'Lakes, Inc., proposed that service charges be incorporated in the order to accommodate the recovery of a cooperative association's costs for field services, testing for milk quality, coordination of milk movements, disposition of reserve supplies, producer payrolls, and operation and maintenance of storage and handling facilities. Its proposal would provide a charge of 10 cents per hundredweight on milk delivered directly from the farm to a handler's plant and 18 cents per hundredweight on milk delivered from a supply plant to a handler's plant.

A Land O'Lakes witness testified that most cooperative associations supplying proprietary handlers are able to recover the cost of various services rendered through service charges levied by the cooperative. He said, however, that not all cooperatives in the Iowa marketing area always levey such a charge and the charges that are made vary from organization to organization and possibly from customer to customer. Consequently, a milk distributor who pays a small charge or none at all has a procurement cost advantage over a competitor buying milk from a cooperative that does charge for services rendered. The witness concluded that this situation is not in keeping with the legislative requirement of the Agricultural Marketing Agreement Act that "prices shall be uniform to all handlers."

Mississippi Valley Milk Producers Association and the National Farmers Organization also gave testimony in support of the Land O'Lakes proposal. A MVMPA spokesman stated that his organization heartily supports Land O'Lakes' proposal. He testified, however, that MVMPA has experienced higher costs than LOL for the services covered in the proposal.

The NFO spokesman testified that, if a service charge is provided for milk received from supply plants, a similar service charge should apply to milk handled through reload stations. He stated that NFO has experienced little, if any, difference in the actual operating cost of a reload station versus a supply plant.

Land O'Lakes presented an exhibit showing the costs experienced by it in providing supply plant milk and direct-shipped milk to other handlers. Although LOL does not presently operate any supply plants under the four separate Iowa orders, the cooperative indicated that its cost in handling milk through supply plants in neighboring markets amount to 18 cents per hundredweight. Its costs on direct-shipped milk were given as 9 cents per hundredweight. These costs are broken down as follows:

Table 5.—*Land O'Lakes milk procurement costs per hundredweight for 1975*

Cost item	Supply plant milk	Direct-shipped milk
Depreciation	$0.0188	
Corporate overhead and interest	.0062	
Plant labor	.0498	
Utilities	.0100	
Grade A division overhead	.0170	$0.0170
Shrinkage	.0307	.0262
Producer payroll costs	.0122	.0122
Field service	.0281	.0281
Quality testing	.0066	.0066
Total	.1803	.0901

As proponent pointed out, a basic requirement of the statutory authority for milk orders is that the class prices established thereunder be uniform to all handlers except for specified adjustments, such as for locations at which delivery of milk is made to such handlers and butterfat content of the milk. It is questionable, however, whether this can be construed to mean that the "cost" of milk shall be uniform to all handlers. Proponent's position would suggest that the orders should assure that the total "cost" of obtaining milk be made the same for each handler in the market. This does not appear to be a reasonable interpretation of the Act, nor does the attainment of such cost uniformity appear feasible.

The Act provides that the class prices under an order are minimum prices that handlers must pay producers or associations of producers for milk. Handlers may, and do, pay producers or their cooperatives prices that are higher than the established minimum level. There is no statutory requirement that such over-order prices be related to specific costs that producers or cooperatives may incur in making milk available to handlers. Even if service charges were applied under the order, handlers could still make additional payments to producers in excess of those necessary to meet the minimum class prices and applicable service charges. Thus, it is difficult to conclude that, under the statutory requirement for uniform class prices to handlers, the order is intended also to assure uniform milk costs to all handlers in a regulated market.

From a practical standpoint, it is not possible to assure that all handlers incur the same costs in obtaining their milk supplies. The extent of the procurement costs incurred by competing handlers may be influenced by any number of things. A handler may choose to obtain his milk supply directly from producers, for example. In doing so, a small handler may be able to limit his procurement activities to milk testing and producer payrolling. Other handlers may undertake various additional activities, such as field services, hauling and operation of reload points or supply plants. The cost of such activities may be affected by such factors as the volume of milk handled, location of producers, type and size of hauling equipment, and payrolling procedures, to name just a few. The handler may choose, on the other hand, to obtain his supply of milk solely from a cooperative association, or perhaps just a portion of his supply from a cooperative. Under these arrangements, also, a handler can expect to experience still different sets of costs for his milk supply. Because handlers in Iowa use different means of procuring their milk supplies, the procurement costs can be expected to differ among the competing handlers.

Undoubtedly, wide differences in procurement costs are of great concern to both cooperatives and proprietary handlers. Assuming comparable operating efficiencies, those handlers with the lower procurement costs obviously have a competitive advantage in the marketplace. It is understandable, then, why there is support for the institution of service charges under the proposed Iowa order.

There are significant problems inherent in the establishment of service charges under an order. Some of these are clearly evident from the record of this proceeding. The only detailed cost information introduced at the hearing in support of the proposed service charges was that offered by Land O'Lakes, the proponent cooperative. Actually, the cooperative's supporting data for a service charge on supply plant milk reflected its operating experience in other markets rather than under the four separate Iowa orders. Another cooperative indicated that its costs for similar services were higher than those experienced by Land O'Lakes. Because of differences in their methods of operation, each cooperative in the market can be expected to incur different costs for similar services. This makes it difficult to establish representative service charges under the order. In the case of this proceeding, the record evidence does not provide an adequate basis for determining representative charges.

Other problems are involved, also. Each organization can be expected to allocate costs to various services differently. In the case of Land O'Lakes, the proposed 18-cent service charge for supply plant milk was derived in part from costs for "Corporate overhead" and "Grade A Division overhead." Corporate overhead was not used in arriving at the proposed 10-cent charge on direct-shipped milk. The particular corporate structure and scope of operations for other cooperatives presumably would result in a different make-up of costs for services.

In addition, the question arises as to what services should be represented by any service charge that might be adopted. If a mandatory charge is made for a service or services not wanted by a buying handler, this could place a cooperative's milk at a competitive disadvantage relative to the milk of proprietary supply plants or nonmember producers. A major cost component used in the make-up of Land O'Lakes' proposed service charges was shrinkage. If a pool plant operator were to purchase milk on the basis of farm weights and tests,

the cooperative would not be accountable for any shrinkage and the handler would have no basis for paying a charge on such shrinkage.

Also, service charges incorporated in the order would need to be up-dated on a reasonably current basis if such charges are to be reflective of actual operating conditions in the market. This would place an additional burden on the administration of the program. The level of service charges in Iowa has been determined largely by the competitive forces in the market. Such charges can be changed almost immediately in response to changing conditions.

For these several reasons, it is much more preferable that service charges be a matter of negotiation between cooperatives and buying handlers. The record does not provide compelling reasons for mandating service charges at prescribed levels under the merged order. Accordingly, the proposal for service charges is denied.

(e) *Administrative provisions.—Charges on overdue accounts.* The merged order should provide for charges on handler obligations to the producer-settlement fund that are overdue. Such charge should be at the rate of three-fourths of one percent per month (9 percent annually). The charge should apply beginning the day following the date on which payment of an obligation is due.

It is essential that all handler payments to the producer-settlement fund be made promptly in order that the market administrator will be able to make the required payments out of the producer-settlement fund. A charge on overdue accounts should provide an incentive to handlers to make their payments on time. Moreover, handlers who pay late are, in effect, borrowing money from producers. Without a charge for late payments, handlers delinquent in their payments would have a financial advantage relative to those handlers making timely payments.

It should be noted that such charges are not a substitute for prompt payments by handlers. Those delinquent in their obligations will be subject to legal enforcement action as authorized under the Act.

Presently, none of the four orders provides for a late payment charge. The charge was proposed by Proponent #1. No one testified or filed a brief in opposition to it.

Administrative assessment. The maximum rate of payment by handlers for the cost of administering the merged order should be 4 cents per hundredweight. Currently, the maximum rates under the separate orders are 4 cents per hundredweight under the Cedar Rapids-Iowa City, Des Moines, and North Central Iowa orders, and 3 cents per hundredweight under the Quad Cities-Dubuque order.

Proponent No. 1 proposed a maximum administrative assessment rate of 5 cents per hundredweight. Recognizing that the maximum rate need not be charged by the market administrator, proponent testified that the higher rate would eliminate the necessity of a hearing at some future date in the event administrative costs should rise.

The maximum rate of 4 cents per hundredweight, now included in three of the four orders, should be adequate for the merged order, which can be expected to be administered somewhat more efficiently than four separate orders. It is necessary, of course, that the administrator have adequate funds to perform all of those functions necessary for effective administration. However, if experience indicates that the merged order can be administered at a lesser rate, the Secretary, under the terms of the order, may adjust the effective rate of assessment without the necessity of a hearing.

The administrative assessment should apply to all receipts of milk within the month from producers, including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order), milk received from a cooperative association in its capacity as a handler on farm bulk tank milk, and milk transferred to a pool plant from a plant owned and operated by a cooperative association. A cooperative association should pay the administrative assessment only on its receipts for which such assessment is not to be paid by other handlers.

The Act provides that the administrative cost of the order shall be borne by handlers and that minimum prices to all handlers be fixed for milk received from producers or associations of producers. When a proprietary handler purchases milk from a cooperative association handler, the assessment should be passed on to the proprietary handler.

Presently, none of the four orders places on proprietary handlers the administrative assessment on milk received from a cooperative association in its capacity as a handler on plant milk transferred. Proponents testified that the administrative assessment should be borne by the proprietary handler ultimately receiving the milk.

When a cooperative association operates a processing plant or acts in the capacity of a handler diverting milk to nonpool plants or in the limited capacity as responsible handler with respect to farm bulk tank milk which it causes to be picked up at the farm and which is not received at any plant, it, of course, must be held responsible for the assessment payable on such milk.

Marketing service deduction. With respect to payments to producers, the order should provide for a maximum deduction of 6 cents per hundredweight for marketing services furnished by the market administrator. Such deductions are necessary to enable the market administrator. Such deductions are necessary to enable the market administrator to conduct an adequate marketing service program for producers supplying the market.

The maximum rates now for such services are 5 cents under the Cedar Rapids-Iowa City, Des Moines, and North Central Iowa orders, and 6 cents under the Quad Cities-Dubuque order.

The 6-cent rate, which was proposed at the hearing, should permit the market administrator to conduct an adequate marketing service program for those producers not receiving such services (providing for market information to producers and verification of weights, sampling, and testing of milk purchased from producers) from a cooperative association. The average rate now charged under the four markets is slightly above 5 cents per hundredweight. Therefore, a maximum rate of 6 cents should provide adequate funds for these services.

The order should provide for the transfer of funds from a proprietary handler to a cooperative association when the latter is performing the marketing services for producers. The language suggested by proponents would merely direct that no money be withheld in the case of producers for whom a cooperative is performing the marketing services. This would be adequate when the handler pays the cooperative association for the milk and the cooperative then pays the producers. In this case, the cooperative could obviously withhold the marketing service fee. But in the case where the handler pays the producer directly, a provision is needed to provide for the transfer of funds from the handler to the cooperative to cover the marketing services performed. The language adopted herein specifically provides for this transfer of funds, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Merger of the administrative expense, marketing service, and producer-settlement funds. To accomplish the merger of the orders effectively and equitably, the reserves in the administrative expense funds that have resulted under the four separate orders should be combined. Similar procedure should be followed with respect to the marketing service fund reserves of these individual orders. Any liabilities of such funds under the individual orders should be paid from the appropriate new fund established under the merged order. Similarly, obligations that are due the several funds under the individual orders should be paid to the appropriate combined fund under the merged order.

The money paid to the administrative expense fund is each handler's proportionate share of the cost of administering the order. It is anticipated that all handlers currently regulated under the individual orders will continue to be regulated under the merged order. In view of this, it would be an unnecessary administrative and financial burden to allocate back to handlers the reserve funds under the individual orders and then accumulate an adequate reserve for the merged order. It is more efficient to combine the administrative monies accumulated under the individual orders and to pay any liabilities against such funds from the consolidated fund of the merged order.

The money accumulated in the marketing service funds of the four orders is that which has been paid by producers for whom the market administrator is performing services. The producers who have contributed to the marketing service fund of each order are expected to continue to supply milk for the Iowa market. The consolidation of the reserves in the individual marketing service funds is therefore appropriate in view of the continuation of the marketing service program for these producers under the merged order.

The producer-settlement fund balances in Orders 63, 70, and 79 should be liquidated and paid out to producers through the blend price computed for the month immediately preceding the month the merged order becomes effective. Since the North Central Iowa market is an individual handler pool market, there is no producer-settlement fund. Consequently, a combining of the producer-settlement fund balances would not be fair to those producers who have contributed to the funds, while it would result in a windfall to producers under Order 78 who have not contributed to a producer-settlement fund.

PROVISIONS REQUIRING NO REVISION

Handlers and producers indicated that provisions of the Des Moines order for which they were proposing no changes were appropriate for the expanded marketing area.

No testimony was presented indicating that the reasons set forth in the decisions providing for the adoption of such provisions were not equally applicable to regulation of the expanded marketing area.

For the reasons previously stated, the remaining unrevised provisions of the order are appropriate for the extended order and are hereby adopted.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the Iowa order, which amends and merges the Des Moines, Quad Cities-Dubuque, Cedar Rapids-Iowa City, and North Central Iowa orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Iowa marketing area, and the minimum prices specified in the tentative marketing agreement and the Iowa order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the Iowa order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the Iowa order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It s hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1079.85 of the aforesaid tentative marketing agreement and the Iowa order.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the Iowa order. The following order regulating the handling of milk in the Iowa marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

Part 1079 is revised in its entirety, including the heading.

PART 1079—MILK IN THE IOWA MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1079.1 General provisions.

DEFINITIONS

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1079.3 Route disposition.
1079.4 Plant.
1079.5 [Reserved]
1079.6 [Reserved]
1079.7 Pool plant.
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1079.9 Handler.
1079.10 Producer-handler.
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1079.12 Producer.
1079.13 Producer milk.
1079.14 Other source milk.
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HANDLER REPORTS

1079.30 Reports of receipts and utilization.
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CLASSIFICATION OF MILK

1079.40 Classes of utilization.
1079.41 Shrinkage.
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1079.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1079.50 Class prices.
1079.51 Basic formula price.
1079.52 Plant location adjustments for handlers.
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1079.54 Equivalent price.

UNIFORM PRICE

1079.60 Handler's value of milk for computing uniform price.
1079.61 Computation of uniform price.
1079.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1079.70 Producer-settlement fund.
1079.71 Payments to the producer-settlement fund.
1079.72 Payments from the producer-settlement fund.
1079.73 Payments to producers and to cooperative associations.
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1079.75 Plant location adjustments for producers and on nonpool milk.
1079.76 Payments by handler operating a partially regulated distributing plant.
1079.77 Adjustment of accounts.
1079.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1079.85 Assessment for order administration.
1079.86 Deduction for marketing services.

GENERAL PROVISIONS

§ 1079.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1079.2 Iowa marketing area.

"Iowa marketing area" (referred to in this Part as the "marketing area") means all the territory within the boundaries listed below, including all territory that is now, or in the future, occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

(a) The Iowa counties of:

Adair	Humboldt
Adams	Iowa
Allamakee	Jackson
Appanoose	Jasper
Audubon	Jefferson
Benton	Johnson
Black Hawk	Jones
Boone	Keokuk
Bremer	Linn
Buchanan	Louisa
Butler	Lucas
Calhoun	Madison
Carroll	Mahaska
Cedar	Marion
Cerro Gordo	Marshall
Chickasaw	Monroe
Clarke	Muscatine
Clayton	Pocahontas
Clinton	Polk
Dallas	Poweshiek
Davis	Ringgold
Decatur	Scott
Delaware	Story
Dubuque	Tama
Fayette	Taylor
Floyd	Union
Franklin	Wapello
Greene	Warren
Grundy	Washington
Guthrie	Wayne
Hamilton	Webster
Hancock	Wright
Hardin	

and the city of Osage in Mitchell County.

(b) The Illinois counties of:

Henry	Rock Island
Mercer	

and the city of East Dubuque in Jo Daviess County.

§ 1079.3 Route disposition.

"Route disposition" means any delivery (including any delivery by a vendor or disposition at a plant store) of a fluid milk product classified as Class I milk, other than bulk fluid milk products transferred to other plants.

§ 1079.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit or separate facilities at which milk is only reloaded from one tank truck to another for transshipment shall not be a "plant" under this definition.

§ 1079.5 [Reserved]

§ 1079.6 [Reserved]

§ 1079.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool distributing plant") that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) The total route disposition (excluding packaged fluid milk products received from other plants and filled milk) as a percent of the total Grade A fluid milk products received in bulk form at such plant or diverted therefrom by the plant operator is equal to 40 percent or more during each of the months of September through November and 35 percent or more during all other months; and

(2) Not less than 15 percent of such receipts are disposed of as route disposition (except filled milk) in the marketing area.

(b) Any plant (which, if qualified pursuant to this paragraph, shall be known as a "pool supply plant") that is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which during the month the volume of bulk fluid milk products transferred to pool distributing plants during each of the months of September through November is 35 percent or more and during each of the months of December through August is 20 percent or more of the total Grade A milk received at the plant from dairy farmers and handlers described in § 1079.9(c), including milk diverted therefrom by the plant operator pursuant to § 1079.13. For plants located within the States of Iowa, Minnesota, Wisconsin, or that portion of Illinois north of Interstate 80, the shipping requirements of this paragraph may also be met in the following ways:

(1) Upon written request to the market administrator, a cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1079.9(c);

(2) Upon written request to the market administrator, a proprietary handler may include as qualifying shipments milk diverted pursuant to § 1079.13(d) to pool distributing plants;

(3) Upon written request to the market administrator, the operator of a supply plant may include as qualifying shipments transfers of fluid milk products to distributing plants regulated under other Federal orders, except that credit for such transfers shall be limited to the amount of milk, including milk shipped directly from producers' farms, delivered to pool distributing plants under this order; and

(4) Two or more supply plants operated by the same handler or by one or more cooperative associations may qualify for pooling as a unit by meeting the applicable percentage requirements of this paragraph in the same manner as a single plant if the handler submits a written request to the market administrator prior to the first day of September requesting that such plants qualify as a unit for the period September through August of the following year. (Units may form on the effective date of the merged order. Such units may continue in effect through August 1977.) The request shall list the plants to be included in the unit in the sequence in which they shall qualify for pool plant status based on the minimum deliveries required. If the deliveries made are insufficient to qualify the entire unit for pooling, the plant last on the list shall be excluded from the unit, followed by the plant next-to-last on the list, and continuing in this sequence until the remaining plants on the last have met the minimum shipping requirements. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant falls subsequently to qualify for pooling or the handler submits a written request to the market administrator prior to the first day of the month that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or that has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in any subsequent month through the following August to a unit that qualifies in September.

(c) Any plant, except a plant included in a unit, that qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified as a pool plant pursuant to this section if the conditions of paragraph (d)(3) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1079.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of fluid milk products in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, excluding filled milk, or to other order plants qualified on the basis of route disposition, than is disposed of from such plant in the Iowa marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part; and

(4) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1079.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as

defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant, from which Grade A milk or filled milk is disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant from which fluid milk products are shipped during the month to a pool plant.

(e) "Governmental agency plant" means a plant that is operated by a government institution and from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1079.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted for the account of the cooperative association from a pool plant of another handler in accordance with §1079.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) Any person who is a producer-handler;

(f) Any person who operates another order plant described in § 1079.7(d); and

(g) Any person who operates an unregulated supply plant.

§ 1079.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant at which Grade A milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products at his plant (or at any distribution facility, including routes, operated by him, an affiliate, or any person who controls or is controlled by him) from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of fluid milk products during the month from pool plants or from other order plants;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1079.11 [Reserved]

§ 1079.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1079.9(c); or

(3) Diverted from a pool plant in accordance with § 1079.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1079.44 (a)(8) (iii) and the corresponding step of § 1079.44 (b);

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) Any government institution which produces milk in conjunction with the operation of a plant exempt from all provisions of this Part pursuant to § 1079.8(e).

§ 1079.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1079.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1079.9(c), is the handler for such milk;

(d) Diverted from the pool plant of a proprietary handler for the account of the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1079.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant;

(2) The total quality of milk diverted by a cooperative association during the month may not exceed 50 percent in the months of September through November and 70 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The operator of a pool plant (other than a cooperative association) may divert for his account any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d)(2) of this section. The total quantity so diverted during the month may not exceed 50 percent in the months of September through November, and 70 percent in other months, of the milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator;

(4) Any milk diverted in excess of the limits prescribed in paragraph (d)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1079.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1079.40(b)(1) from any source other than producers, handlers described in § 1079.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1079.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1079.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1079.40(b)(1) for which the handler fails to establish a disposition.

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§ 1079.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1079.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1079.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1079.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

§ 1079.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1079.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1079.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1079.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1079.31 Payroll reports.

(a) On or before the 22nd day of each month, each handler described in § 1079.9(a), (b), and (c) shall report to the market administrator his producer payroll for the preceding month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1079.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1079.32 Other reports.

In addition to the reports required pursuant to §§ 1079.30 and 1079.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1079.10 Classes of utilization.

Except as provided in § 1079.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1079.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In fluid milk products destroyed or lost under extraordinary circumstances;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1079.15; and

(7) In shrinkage assigned pursuant to § 1079.41(a) to the receipts specified in § 1079.41(a)(2) and in shrinkage specified in § 1079.41 (b) and (c).

§ 1079.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1079.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1079.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5) and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1079.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1079.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1079.44 (a)(12) and the corresponding step of § 1079.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1079.44(a)(7) or the corresponding step of § 1079.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1079.44(a) (11) or (12) or the corresponding steps of § 1079.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section;

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1079.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted to a governmental agency plant shall be classified:

(1) As Class I milk, if transferred or diverted in the form of a fluid milk product; and

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(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat, transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1079.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route dispostion in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in paragraph (d)(2) of this section.

(e) *Transfers by a handler described in § 1079.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1079.9(c) to another handler's pool plant shall be classified pursuant to § 1079.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1079.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1079.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1079.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1079.40, 1079.41, and 1079.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1079.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1079.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1079.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1079.9(a) for each of his separate pool plants the classification of producer milk and milk received from a handler described in § 1079.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1079.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) For a pool plant that was subject to § 1079.40(b)(1) or comparable provisions of another Federal order in the immediately preceding month, subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that

were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1079.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1079.40b(1) that was not subtracted pursuant to paragraphs (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1079.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1079.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to paragraph (a)(11) of this section exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to paragraph (a)(11) of this section exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraphs (a)(7)(vi) and (a)(8)(iii) of this section:

(i) Subject to the provisions of paragraps (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1079.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all poolplants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at

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all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computation pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1079.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, and milk received from a handler described in § 1079.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1079.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1079.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1079.44(a)(12) and the corresponding step of § 1079.44(b), estimate and publicly announce on or before the 12th day of the month the Class I utilization (to the nearest whole percentage) during the previous month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1079.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

Class Prices

§ 1079.50 Class prices.

Subject to the provisions of § 1079.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1079.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1079.52 Plant location adjustments for handlers.

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include that teritory, both inside and outside the marketing area, not included in Zones 2 and 3.

(2) Zone 2 shall include:

(i) The Iowa counties of Benton, Cedar, Clinton, Iowa, Johnson, Jones, Keokuk, Linn, Louisa, Marshall, Muscatine, Poweshiek, Scott, Tama, and Washington; and

(ii) The Illinois counties of Henry, Mercer, and Rock Island.

(3) Zone 3 shall include:

(i) The Iowa counties of Alamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clay, Clayton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Kossuth, Mitchell, Palo Alto, Pocahontas, Webster, Winnebago, Winneshiek, Worth and Wright; and

(ii) The States of Minnesota and Wisconsin and that portion of Illinois that is north of Interstate 80.

(b) For milk received at a plant from producers or from a handler described in § 1079.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant, the price specified in § 1079.50(a) shall be adjusted as follows:

(1) In Zone 1, no adjustment;

(2) In Zone 2, minus 7 cents; and

(3) In Zone 3, the price shall be reduced by 7 cents and by an additional 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Ames, Marshalltown, or Cedar Rapids, Iowa.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

(d) For fluid milk products transfered in bulk from a pool plant to a pool distributing plant, a Class I location adjustment credit for the transferor-plant shall be determined by the market administrator as follows:

(1) Multiply the pounds of Class I milk at the transferee-plant after the computations pursuant to § 1079.44 (a)(12) and (b) by 110 percent;

(2) Subtract the pounds of fluid milk products received at the transferee-plant from producers and handlers described in § 1079.9(c) from the total pounds computed in paragraph (d)(1) of this section; and

(3) Assign the pounds computed in paragraph (d)(2) of this section pro rata to the bulk receipts of fluid milk products from each transferor pool plant.

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and III prices for the preceding month.

§ 1079.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constitutent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1079.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1079.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1079.9(c) in each class as determined pursuant to § 1079.43(a) and § 1079.44(c) by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1079.44(a)(14) and the corresponding step of § 1079.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1079.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1079.44(a)(9) and the corresponding step of § 1079.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1079.44(a)(7)(i) through (iv) and the corresponding step of § 1079.44 (b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a)(7)(v) and (vi) and the corresponding step of § 1079.44 (b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a)(11) and the corresponding step of § 1079.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract, for a handler described in § 1079.9(c), the amount obtained from multiplying the Class III price for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1079.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content at plants in Zone 1 pursuant to paragraphs (a) through (e) of this section. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1079.71 for the preceding month shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the values computed pursuant to § 1079.60 for all handlers;

(b) Add an amount equal to the sum of the location adjustments computed pursuant to § 1079.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight of milk for which a value is computed pursuant to § 1079.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The result shall be known as the uniform price for milk received from producers.

§ 1079.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1079.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1079.71, 1079.76, and 1079.77 and out of which he shall make all payments due handlers pursuant to §§ 1079.72 and 1079.77: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1079.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1079.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1079.75, of such handler's receipts of producer milk and milk received from a handler described in § 1079.9(c). In the case of a handler described in § 1079.9(c), less the amount due from other handlers pursuant to § 1079.73, exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1079.60(f).

§ 1079.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of the month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.71(a)(2) exceeds the amount computed pursuant to § 1079.71(a)(1): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such pay-

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ments and shall complete such payments as soon as the necessary funds become available.

§ 1079.73 Payments to producers and to cooperative associations.

(a) On or before the last day of the month, each handler shall pay for milk received from producers and cooperative associations during the first 15 days of the month as follows:

(1) If received from a cooperative association that is a handler pursuant to § 1079.9(a), at not less than the uniform price at the transferee plant location for the preceding month, adjusted by the butterfat differential for the preceding month;

(2) If received from a cooperative association that is a handler pursuant to § 1079.9(c), at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75;

(3) If received from a cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate, at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75; and

(4) If received from a producer for whom payment is not being made pursuant to paragraph (a) (2) or (3) of this section and who has not discontinued shipping to such handler, at not less than the uniform price for the preceding month, adjusted by the location adjustments specified in § 1079.75.

(b) On or before the 12th day after the end of the month, each handler shall pay for milk received during the month from a cooperative association which is a handler pursuant to § 1079.9(a) at not less than the value of such milk computed at the applicable class prices for the month, as adjusted by the butterfat differential specified in § 1079.74 and plant location adjustments specified in § 1079.52, less the partial payment pursuant to paragraph (a) of this section.

(c) On or before the 18th day after the end of the month, each handler shall make a final payment for milk received during the month from producers and cooperative associations that were not handlers for such milk pursuant to § 1079.9(a). The amount of such payment shall be computed by multiplying the hundredweight of milk received from the producer or cooperative association by not less than the uniform price for the month (as adjusted by the butterfat differential specified in § 1079.74 and the location adjustments specified in § 1079.75) and by subtracting from this product any payment made to such producer or cooperative pursuant to paragraph (a) of this section. Those producers and cooperative associations covered by this paragraph include:

(1) A cooperative association that is a handler pursuant to § 1079.9(c);

(2) A cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers and has requested that payment be made to it in aggregate; and

(3) A producer for whom payment is not being made pursuant to paragraph (c)(1) or (2) of this section.

(d) In making payments pursuant to paragraph (a)(3) and (4) and (c)(2) and (3) of this section, deductions may be made for marketing service pursuant to § 1079.86 and for any proper deductions authorized in writing by the producer. In the event a handler has not received full payment from the market administrator pursuant to § 1079.72 by the 18th day of the month, he may reduce pro rata his payments to producers pursuant to paragraph (c) of this section by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this section.

(e) In making payment to individual producers as required by this section, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment to the producer is required pursuant to this section;

(4) The rate used in making the payment, if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1079.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1079.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1079.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant or diverted from a pool plant shall be adjusted according to the location of the plant of actual receipt at the rates set for in § 1079.52.

(b) The uniform price applicable to other source milk shall be reduced at the rates set forth in § 1079.52, except that the adjusted uniform price shall not be less than the Class III price.

§ 1079.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1079.30(b) and 1079.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition of fluid milk products in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition of fluid milk products in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1079.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1079.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective orders; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1079.60 for such handler shall include, in lieu of the value of other source milk specified in § 1079.60(f) less the value of such other source milk specified in § 1079.71(a)(2)(ii), a value of milk determined pursuant to § 1079.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1079.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1079.30(b) and 1079.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1079.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74, for milk received at the plant during the month that would have been producer milk of the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1079.77 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 1079.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payments to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1079.73, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1079.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1079.71, 1079.76, 1079.77 (a), and 1079.85, for which remittance has not been made (or, if mailed, postmarked) by the date specified for such payment, shall be increased three-fourths of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1079.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than:

(1) Receipts of producer milk by a handler described in § 1079.9(c) that were delivered to pool plants of other handlers; and

(2) Receipts of producer milk that were transferred to pool plants of other handlers by a cooperative association in its capacity as a handler pursuant to § 1079.9(a);

(b) Receipts from a handler described in § 1079.9(c);

(c) Receipts from a cooperative association in its capacity as a handler pursuant to § 1079.9(a);

(d) Other source milk allocated to Class I pursuant to § 1079.44(a)(7) and (11) and the corresponding steps of § 1079.44(b), except such other source milk that is excluded from the computations pursuant to § 1079.60 (d) and (f); and

(e) Route dispostion in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat specified in § 1079.76(a)(2).

§ 1079.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers (other than himself) pursuant to § 1079.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Inflation Impact Statement. The United States Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C., on December 29, 1976.

DONALD E. WILKINSON,
Administrator.

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THURSDAY, JANUARY 6, 1977

PART III

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

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PUBLIC SAFETY OFFICERS' DEATH BENEFITS

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DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[28 CFR Part 32]

PUBLIC SAFETY OFFICERS' DEATH BENEFITS

INTRODUCTION

The Public Safety Officers' Benefits Act of 1976, Pub. L. 94-430, 90 Stat. 1346 ("the Act") was signed into law on September 29, 1976. The Act provides for payment of a $50,000 death benefit to the specified survivors of a public safety officer who dies as the direct and proximate result of a personal injury sustained in the line of duty.

Section 704(a) of the Act, 42 U.S.C. 3796c, authorizes LEAA to "establish such rules, regulations, and procedures as may be necessary to carry out the purposes of (the Act)." The regulations herein proposed are intended to explain which officers are covered by the Act, the standards of eligibility, and the administrative process by which LEAA will make its determinations.

LEAA invites comment on all aspects of the proposed regulations. This introduction highlights several key proposals on which comment is specifically invited. A section-by-section commentary is also appended to the regulations.

In order that there will be a full opportunity to consider the opinions of interested persons, written comments, suggestions, and data or arguments may be submitted to the Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20531. Attention: Thomas J. Madden, General Counsel, on or before February 20, 1977. LEAA will consider these comments and publish final rules no later than April 6, 1977. Public hearings will be held in Washington at LEAA offices if requested on or before January 31, 1977. Requests for hearings should be sent to Thomas J. Madden at the above address.

Comment is specifically invited on the following issues:

Officers covered. The Act defines "public safety officer" as "a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman." "Law enforcement officer" means "a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers." "Fireman" is defined by the Act to include "a person serving as an officially recognized or designated member of a legally organized volunteer fire department." The definitions in § 32.2 (g) and (h), and the Commentary on those sections, elaborate further on the scope of "fireman" and "law enforcement officer."

LEAA has generally proposed to make the authority of the deceased officer the touchstone of the Act's applicability, rather than his status. Classifications such as sworn and non-sworn, uniformed and civilian, full-time and part-time, paid and volunteer, and the difference between agencies in duties assigned persons in those classifications make an analysis of authority rather than status more appropriate. In short, the duties the decedent was authorized to perform in the line of duty will determine whether he was a "public safety officer" within the meaning of the Act. See the Commentary on § 32.2 (g) and (h). Comment is specifically invited on this approach as well as other possible criteria for determining which officers are covered by the Act.

Potential beneficiaries. The eligibility of a deceased officer's spouse or children for benefits under the Act is not conditioned on any demonstration of dependence. Only the officer's parents must show they were "substantially reliant for support" on the officer to be eligible for benefits. Accordingly, the terms "spouse" (§ 32.2(l)) and "stepchild" (§ 32.2(j)) are defined very broadly. A spouse living apart from a deceased officer "for any reason" at the time of death is eligible for benefits, as is a stepchild whose parent may no longer be married to the deceased officer. See the Commentary of § 32.2(j).

Comment on these definitions in particular is specifically invited.

Representation of claimants. The "rules, regulations, and procedures" LEAA is authorized to establish by section 704(a) may include:

> regulations governing the recognition of agents or other persons representing claimants under this part before the Administration. The Administration may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Administration, and any agreement in violation of such rules and regulations shall be void.

During the debate of an earlier Public Safety Officers' Benefits bill, Congressman Hamilton Fish of New York, a manager of the bill, explained the intent of a provision identical to present section 704(a):

> To avoid development of a so-called "bar association" of lawyers who file questionable claims for benefits, with a high percentage of the $50,000 as their contingent fee, one committee amendment provides that LEAA may, by regulation prescribe the maximum fee allowable for representing claimants. Cong. Rec. H 3121 (April 24, 1974, daily ed.).

LEAA has not proposed fixed-dollar fee ceilings; the appropriate fee for each case will be determined on the basis of the representative's petition (§ 32.22(e)) and the review criteria listed in § 32.22 (f). Stipulated and contingency fee contracts are expressly prohibited.

The LEAA fee determination applies only to the representation of a claimant "before the Administration"; it does not purport to limit an attorney's fees if the claimant seeks judicial review of a final determination by the Administration.

Comment is specifically invited on whether a fixed-dollar ceiling for specific services rendered is an appropriate alternative to the fee determination method proposed and on the scope and adequacy of the review criteria proposed in § 32.22(f).

PART 32—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

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AUTHORITY: Secs. 501 and 704(a) of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, and Pub. L. 94-503).

Subpart A—Introduction

§ 32.1 Purpose.

The purpose of this regulation is to implement Part J, "Public Safety Officers' Death Benefits," of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430 and Pub. L. 94-503).

§ 32.2 Definitions.

(a) "The Act" means the Public Safety Officers' Benefits Act of 1974, 42 U.S.C. 3796, et seq., Pub. L. 94-430, 90 Stat. 1346 (September 29, 1976).

(b) "Administration" means the Law Enforcement Assistance Administration.

(c) "Line of duty" means any action which an officer is obligated or authorized by rule, regulation, condition of employment, or law to perform, including those social, ceremonial, or athletic functions to which he is assigned, or for which he is compensated, by the public agency he serves.

(d) "Direct and proximate" or "proximate" means that the antecedent event is a substantial factor in the result.

(e) "Personal injury" means any injury to the body which is inflicted by an outside force, whether or not it is accompanied by physical impact, as well as diseases which are caused by or result from such an injury, but not diseases which arise merely out of the performance of duty.

(f) "Public safety officer" means any person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or firefighter.

(g) "Law enforcement officer" means any official involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws, including but not limited to police, corrections, probation, parole, and judicial officers, and officials engaged in programs relating to narcotics addiction, such as those responsible for screening arrestees or prisoners for possible diversion into drug treatment programs, who are exposed, on a regular basis, to criminal offenders.

(h) "Firefighter" includes all fire service personnel serving a public agency in an official capacity, including any individual serving as an officially recognized or designated member of a legally-organized volunteer fire department.

(i) "Child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

(1) Eighteen years of age or under;

(2) Over eighteen years of age and a student; or

(3) Over eighteen years of age and incapable of selfsupport because of physical or mental disability.

(j) "Stepchild" means a child of the officer's spouse. The relationship of stepchild is not terminated by the divorce, remarriage, or death of the stepchild's natural parent.

(k) "Student" means an individual under 23 years of age who has not completed four years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is—

(1) A school or college or university operated or directly supported by the United States, or by a State or local government or political subdivision thereof;

(2) A school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body;

(3) A school or college or university not so accredited but whose credits are accepted, on transfer, by at least three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; or

(4) An additional type of educational or training institution as defined by the Secretary of Labor.

Such an individual is deemed not to have ceased to be a student during an interim between school years if the interim is not more than four months and if he shows to the satisfaction of the Administration that he has a bona fide intention of continuing to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim or during periods of reasonable duration during which, in the judgment of the Administration, he is prevented by factors beyond his control from pursuing his education. A student whose 23rd birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period.

(l) "Spouse" means the husband or wife of the deceased officer at the time of the officer's death, and includes a spouse living apart from the officer at the time of the officer's death for any reason.

(m) "Dependent" means a person who was substantially reliant for support upon the income of the deceased public safety officer.

(n) "Intoxication" means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body.

(o) "Public agency" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of local government, combination of such States, or units, or any department, agency, or instrumentality of any of the foregoing.

(p) "Support" means food, shelter, clothing, ordinary medical expenses, and other ordinary and customary items for maintenance of the person supported.

Subpart B—Officers Covered

§ 32.3 Coverage.

In any case in which the Administration determines, pursuant to these regulations, that a public safety officer, as defined in § 32.2(f), has died as the direct and proximate result of a personal injury sustained in the line of duty, the Administration shall pay a benefit of $50,000 in the order specified in § 32.10, subject to the conditions set forth in §§ 32.6, 32.9, or 32.11.

§ 32.4 Reasonable doubt of coverage.

The Administration shall resolve any reasonable doubt arising from the circumstances of the officer's death in favor of payment of the death benefit.

§ 32.5 Findings of State and local agencies.

The Administration will give substantial weight to the evidence and findings presented by State and local administrative and investigative agencies. The Administration will request additional assistance or conduct its own investigation when it believes that the existing evidence does not provide the Administration a rational basis for a decision on a material element of eligibility.

§ 32.6 Conditions on payment.

(a) No benefit shall be paid—

(1) If the death was caused by—

(i) The intentional misconduct of the public safety officer; or

(ii) The officer's intention to bring about his death;

(2) If voluntary intoxication of the public safety officer was the proximate cause of death; or

(3) To any person whose actions were a substantial contributing factor to the death of the officer.

(b) The Act applies only to deaths occurring from injuries sustained on or after September 29, 1976.

§ 32.7 Intentional misconduct of the officer.

The Administration will consider at least the following factors in determining whether death was caused by the intentional misconduct of the officer:

(a) Whether the conduct was in violation of rules and regulations of the employer, or ordinances and laws; and

(1) Whether the officer knew the conduct was prohibited and understood its import;

(2) Whether there was a reasonable excuse for the violation; or

(3) Whether the rule violated is habitually observed and enforced;

(b) Whether the conduct involved either intentional wrongdoing or reckless disregard of its probable consequence;

(c) Whether the officer had previously engaged in similar misconduct;

(d) Whether the officer's intentional misconduct was a substantial factor in the officer's death; and

(e) The existence of an intervening force which would have independently caused the officer's death and which would not otherwise prohibit payment of a death benefit pursuant to these regulations.

§ 32.8 Intention to bring about death.

The Administration will consider at least the following factors in determining whether the officer intended to bring about his own death:

(a) Whether the suicide was caused by insanity, through an uncontrollable impulse or without conscious volition to produce death;

(b) Whether the insanity resulted directly from an injury which would otherwise be within the scope of the Act if death had directly resulted from the injury;

(c) Whether the officer had a prior history of attempted suicide;

(d) Whether the officer's intent to bring about his death was a substantial factor in the officer's death; and

(e) The existence of an intervening force or action which would have independently caused the officer's death and which would not otherwise prohibit payment of a death benefit pursuant to these regulations.

§ 32.9 Voluntary intoxication.

The Administration will consider at least the following factors in determining whether voluntary intoxication was the proximate cause of the officer's death:

(a) The evidence of intoxication at the time the injury from which death resulted was sustained;

(b) Whether, and to what extent, the officer had a prior history of voluntary intoxication while in the line of duty;

(c) Whether and to what degree the officer had previously used the intoxicant in question;

(d) Whether the intoxicant was prescribed medically and was taken within the prescribed dosage;

(e) Whether the voluntary intoxication was a substantial factor in the officer's death; and

(f) The existence of an intervening force or action which would have independently caused the officer's death and which would not otherwise prohibit payment of a death benefit pursuant to these regulations.

Subpart C—Beneficiaries

§ 32.10 Order of priority.

(a) When the Administration has determined that a benefit may be paid according to the provisions of Subpart B of this part and § 32.11, a benefit of $50,000 shall be paid in the following order of precedence—

(1) If there is no surviving child of the deceased officer, to the spouse of such officer;

(2) If there is no spouse, to the child or children, in equal shares;

(3) If there are both a spouse and one or more children, one-half to the spouse and one-half to the child or children, in equal shares; and

(4) If there is no survivor in the above classes, to the dependent parent or parents, in equal shares.

(b) If no one qualifies as provided in paragraph (a) of this section, no benefit shall be paid.

§ 32.11 Contributing factor to death.

(a) No benefit shall be paid to any person who would otherwise be entitled to a benefit under this part if such person's intentional actions were a substantial contributing factor to the death of the public safety officer.

(b) When a potential beneficary is denied benefits under paragraph (a) of this section, the benefits shall be paid to the remaining eligible survivors, if any, of the officer as if the potential beneficiary denied benefits did not survive the officer.

§ 32.12 Determination of relationship of spouse.

(a) Marriage should be established by one (or more) of the following types of evidence in the following order of preference—

(1) Copy of the public record of marriage, certified or attested, or by an abstract of the public record, containing sufficient data to identify the parties, the date and place of the marriage, and the number of prior marriages by either party if shown on the official record, issued by the officer having custody of the record or other public official authorized to certify the record, or a certified copy of the religious record of marriage;

(2) Official report from a public agency as to a marriage which occurred while the officer was employed with such agency;

(3) The affidavit of the clergyman or magistrate who officiated;

(4) The original certificate of marriage accompanied by proof of its genuineness and the authority of the person to perform the marriage;

(5) The affidavits or certified statements of two or more eyewitnesses to the ceremony;

(6) In jurisdictions where marriages other than by ceremony are recognized, the affidavits or certified statements of the spouse setting forth all of the facts and circumstances concerning the alleged marriage, such as the agreement between the parties at the beginning of their cohabitation, the period of cohabitation, places and dates of residences, and whether children were born as the result of the relationship. This evidence should be supplemented by affidavits or certified statements from two or more persons who know as the result of personal observation the reputed relationship which existed between the parties to the alleged marriage including the period of cohabitation, places of residences, whether the parties held themselves out as husband and wife, and whether they were generally accepted as such in the communities in which they lived; or

(7) Any other evidence which would reasonably support a belief by the Administration that a valid marriage actually existed.

(b) If applicable, certified copies of divorce decrees of previous marriages of either party must be submitted.

§ 32.13 Determination of relationship of child.

(a) *In general.* A claimant is the child of a public safety officer if his birth certificate shows the officer as his parent.

(b) *Alternative.* If the birth certificate does not show the public safety officer as the claimant's parent, the sufficiency of the evidence will be determined in accordance with the facts of a particular case. Proof of the relationship may consist of—

(1) An acknowledgement in writing signed by the public safety officer; or

(2) Evidence that the officer has been identified as the child's parent by a judicial decree ordering him to contribute to the child's support or for other purposes; or

(3) Any other evidence which reasonably supports a finding of a parent-child relationship, such as—

(i) A certified copy of the public record of birth or a religious record showing that the officer was the informant and was named as the parent of the child; or

(ii) Statements of persons who know that the officer accepted the child as his; or

(iii) Information obtained from a public agency or public records, such as school or welfare agencies, which shows that with his knowledge the officer was named as the parent of the child.

(c) *Adopted child.* Except as may be provided in paragraph (b) of this section, evidence of relationship must be shown by a certified copy of the decree of adoption and such other evidence as may be necessary. In jurisdictions where petition must be made to the court for release of adoption documents or information, or where the release of such documents or information is prohibited, a revised birth certificate will be sufficient to establish the fact of adoption.

(d) *Stepchild.* The relationship of a stepchild to the deceased officer shall be demonstrated by—

(1) Evidence of birth to the spouse of the officer as required by paragraphs (a) and (b) of this section; or

(2) If adopted by the spouse, evidence of adoption as required by paragraph (c) of this section; or

(3) Other evidence, such as that specified in § 32.14(b), which reasonably supports the existence of a parent-child relationship between the child and the spouse; and

(4) Evidence of the marriage of the officer and the spouse, as required by § 32.12.

§ 32.14 Determination of relationship of parent.

(a) *In general.* A claimant is the parent of a public safety officer if the officer's birth certificate shows the claimant as his parent.

(b) *Alternative.* If the birth certificate does not show the claimant as the officer's parent, proof of the relationship may be shown by—

(1) An acknowledgement in writing signed by the claimant before the officer's death; or

(2) Evidence that the claimant has been identified as the officer's parent by judicial decree ordering him to contribute to the officer's support or for other purposes; or

(3) Any other evidence which reasonably supports a finding of a parent-child relationship, such as:

(i) A certified copy of the public record of birth or a religious record showing that the claimant was the informant and was named as the parent of the officer; or

(ii) Statements of persons who know the claimant had accepted the officer as his child; or

(iii) Information obtained from a public agency or public records, such as school or welfare agencies, which shows that with his knowledge the claimant had been named as the parent of the child.

(c) *Adopted child.* Except as provided in paragraph (b) of this section, evidence of relationship must be shown by a certified copy of the decree of adoption and such other evidence as may be necessary. In jurisdictions where petition must be made to the court for release of adoption documents or information, or where release of such documents or information is prohibited, a revised birth certificate will suffice.

(d) *Step-parent.* The relationship of a step-parent to the deceased officer shall be demonstrated by—

(1) (i) Evidence of the officer's birth to the spouse of the step-parent as required by § 32.13 (a) and (b); or

(ii) If adopted by the spouse of the step-parent, proof of adoption as required by § 32.13(c); or

(iii) Other evidence, such as that specified in paragraph (b) of this section, which reasonably supports a parent-child relationship between the spouse and the officer; and

(2) Evidence of the marriage of the spouse and the step-parent, as required by § 32.12.

§ 32.15 Determination of dependency.

(a) To be eligible for a death benefit under the Act, a parent of the deceased officer shall demonstrate that he or she was substantially reliant for support upon the income of the officer.

(b) The claimant parent shall demonstrate that he or she was dependent upon the decedent at either the time of the officer's death or of the personal injury that was a substantial factor in the officer's death.

(c) The claimant parent shall demonstrate dependency by submitting a signed statement of dependency within a year of the officer's death. This statement shall include the following information—

(1) A list of all sources of income or support for the twelve months preceding the officer's injury or death;

(2) The amount of income or value of support derived from each source listed; and

(3) The nature of support provided by each source.

(d) Generally, the Administration will consider a parent "dependent" if he or she was reliant on the income of the deceased officer for over one-third of his or her support.

Subpart D—Interim and Reduced Payments

§ 32.16 Interim payment in general.

Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $3,000, to a person entitled to receive a benefit under Subpart C of this part.

§ 32.17 Repayment and waiver of repayment.

Where there is no final benefit paid, the recipient of any interim benefit paid under § 32.16 shall be liable for repayment of such amount. The Administration may waive all or part of such repayment and shall consider for this purpose the hardship which would result from repayment.

§ 32.18 Reduction of payment.

(a) The benefit payable under this part shall be in addition to any other benefits that may be due from any other source, but shall be reduced by—

(1) Payments authorized by Section 8191 of Title 5, United States Code, providing compensation for law enforcement officers not employed by the United States killed in connection with the commission of a crime against the United States;

(2) Payments authorized by Section 12(k) of the Act of September 1, 1916, as amended (section 4–531(1) of the District of Columbia Code); and

(3) The amount of the interim benefit payment made to the claimant pursuant to § 32.16.

(b) No benefit paid under this part shall be subject to execution or attachment.

Subpart E—Filing and Processing of Claims

§ 32.19 Persons executing claims.

(a) The Administration shall determine who is the proper party to execute a claim in accordance with the following rules—

(1) The claim shall be executed by the claimant or his legally designated representative if the claimant is mentally competent and physically able to execute the claim.

(2) If the claimant is mentally incompetent or physically unable to execute the claim and

(i) Has a legally appointed guardian, committee, or other representative, the claim may be executed by such guardian, committee, or other representative, or

(ii) Is in the care of an institution, the claim may be executed by the manager or principal officer of such institution.

(3) For good cause shown, such as the age or prolonged absence of the claimant, the Administration may accept a claim executed by a person other than one described in paragraphs (a) (1) and (2) of this section.

(b) Where the claim is executed by a person other than the claimant, such person shall, at the time of filing the claim or within a reasonable time thereafter, file evidence of his authority to execute the claim on behalf of such claimant in accordance with the following rules—

(1) If the person executing the claim is the legally-appointed guardian, committee, or other legally-designated representative of such claimant, the evidence shall be a certificate executed by the proper official of the court of appointment.

(2) If the person executing the claim is not such a legally-designated representative, the evidence shall be a statement describing his relationship to the claimant or the extent to which he has the care of such claimant or his position as an officer of the institution of which the claimant is an inmate or patient. The Administration may, at any time, require additional evidence to establish the authority of any such person to file or withdraw a claim.

§ 32.20 Claims.

(a) Where an individual files a standardized claim form or other written statement with the Administration which indicates an intention to claim benefits, and such statement bears a signature or mark properly witnessed, the filing of such written statement shall be considered to be the filing of a claim for benefits.

(b) A claim by or on behalf of a survivor of a public safety officer shall be filed within one year after the date of death unless the Administration finds that the failure to file was justified by good cause.

(c) Except as otherwise provided in this part, the withdrawal of a claim, the cancellation of a request for such withdrawal, or any notice provided for pursuant to the regulations in this part, shall be in writing and shall be signed by the claimant or the person legally designated to execute a claim under § 32.19.

§ 32.21 Evidence.

(a) A claimant for any benefit or fee under the Act and the regulations shall submit such evidence of eligibility or other material facts as is specified by these regulations. The Administration may at any time require additional evidence to be submitted with regard to entitlement, the right to receive payment, the amount to be paid, or any other material issue.

(b) Whenever a claimant for any benefit or fee under the Act and the regulations has submitted no evidence or insufficient evidence of any material issue or fact, the Administration shall inform the claimant what evidence is necessary for a determination as to such issue or fact and shall request him to submit such evidence within a reasonable specified time. The claimant's failure to submit evidence on a material issue or fact, as requested by the Administration, shall be a basis for determining that the claimant fails to satisfy the conditions required to award a benefit or fee or any part thereof.

(c) In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated thereon, be certified as a true and exact copy or excerpt by the official custodian of such record, or other public official authorized to certify the copy.

§ 32.22 Representation.

(a) A claimant may be represented in any proceeding before the Administration by an attorney or other person authorized to act on behalf of the claimant pursuant to § 32.19.

(b) No contract for a stipulated fee or for a fee on a contingent basis will be recognized. Any agreement between a representative and a claimant in violation of this subsection is void.

(c) Any individual who desires to charge or receive a fee for services rendered for an individual in any application or proceeding before the Administration must file a written petition therefore in accordance with paragraph (e) of this section. The amount of the fee he may charge or receive, if any, shall be determined by the Administration on the basis of the factors described in paragraphs (e) and (f) of this section.

(d) Written notice of a fee determination made in accordance with paragraph (f) of this section shall be mailed to the representative and the claimant at their last known addresses. Such notice shall inform the parties of the amount of the fee authorized, the basis of the determination, and the fact that the Administration assumes no responsibility for payment.

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(e) To obtain approval of a fee for services performed before the Administration, a representative, upon completion of the proceedings in which he rendered services, must file with the Administration a written petition containing the following information—

(1) The dates his services began and ended;

(2) An itemization of services rendered with the amount of time spent in hours, or parts thereof;

(3) The amount of the fee he desires to charge for services performed;

(4) The amount of fee requested or charged for services rendered in the same matter before any State or Federal court;

(5) The amount and itemization of expenses incurred for which reimbursement has been made or is expected;

(6) The special qualifications which enabled him to render valuable services to the claimant (this requirement does not apply where the representative is an attorney); and

(7) A statement showing that a copy of the petition was sent to the person represented.

(f) In evaluating a request for approval of a fee, the purpose of the public safety officers' benefits program—to provide a measure of economic security for the beneficiaries thereof—will be considered, together with the following factors—

(1) The services performed (including type of service);

(2) The complexity of the case;

(3) The level of skill and competence required in rendition of the services;

(4) The amount of time spent on the case;

(5) The results achieved;

(6) The level of administrative review to which the claim was carried within the Administration and the level of such review at which the representative entered the proceedings;

(7) The amount of the fee requested for services rendered, excluding the amount of any expenses incurred, but including any amount previously authorized or requested;

(8) The customary fee for this kind of service; and

(9) Other awards in similar cases.

(g) In awarding a fee, the Administration shall consider and add thereto the amount of reasonable and unreimbursed expenses incurred in establishing the claimant's case. No amount of reimbursement shall be permitted for expenses incurred in obtaining medical or documentary evidence in support of the claim which has previously been obtained by the Administration, and no reimbursement shall be allowed for expenses incurred by him in establishing or pursuing his application for approval of his fee.

Subpart F—Determination and Request for Reconsideration

§ 32.23 Determination.

Upon making a determination of eligibility, the Administration shall notify each claimant of its disposition of his or her claim. In those cases where the Administration has determined the claimant to be ineligible for a death benefit, the Administration shall specify the reasons for the determination.

§ 32.24 Request for reconsideration.

(a) A claimant may, within 30 days after notification of ineligibility by the Administration, request the Administration to reconsider its determination of ineligibility. The Administration shall provide the claimant the opportunity for an oral hearing which shall be held within 30 days of the request for reconsideration. The claimant may waive the oral hearing, and present written evidence to the Administration within 30 days of the request.

(b) If requested, the oral hearing shall be conducted in the LEAA Regional Office most convenient to the claimant, or other mutually agreeable location, before the Deputy Administrator for Policy Development or his designee. The Deputy shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the Deputy shall exclude irrelevant or unduly repetitious evidence. The claimant, his representative, and the representatives of the Administration at the hearing shall be given the opportunity to cross-examine witnesses who appear and testify. Testimony shall be under oath or affirmation.

(c) The hearing shall be recorded and transcribed verbatim. All documents submitted to, and accepted by the Deputy at the hearing, shall be made part of the record of the hearing. If either party submits a document that is accepted, he shall furnish a copy to the other.

(d) The Deputy shall, within fifteen days after hearing, transmit the record and his recommendations to the Administrator for reconsideration. The Administrator shall, within fifteen days of the receipt of the record, make a final determination of eligibility and notify the claimant of his determination. The notice of determination shall set forth the findings of fact and conclusions of law supporting the determination.

(e) No payment of any portion of a death benefit may be made until all requests for reconsideration which may affect that payment have been acted on by the Administration.

JAMES M. H. GREGG,
Acting Administrator.

COMMENTARY

Section 32.2(c). An officer is not acting within the line of duty when he is grossly negligent. See the dialogue between Congressmen Brown and Eilberg at Cong. Rec. H 10135–36 (September 15, 1976, daily ed.).

Section 32.2(d). In determining whether an injury was a substantial factor in the officer's death, LEAA will make no presumptions with respect to the length of time between the injury and death. The claimant has the burden in all cases of showing that the injury was a substantial factor in the officer's death.

Section 32.2(e). Deaths arising from occupational diseases alone are not within the purview of the Act. The officer's death should ordinarily be traceable to a specific event or act. If an officer who has been stabbed while in the line of duty subsequently dies of hepatitis contracted from the knife wound, his death would be covered by the Act. If an officer's death is attributable to the general stress of the job, or prolonged exposure to a poor working environment, however, it would not.

Section 32.2 (g) and (h). Civilians are covered by the Act if they are performing an activity, or in a category of personnel listed in the definitions of "law enforcement officer" or "firefighter." Uniformed officers performing clerical or other non-law enforcement or firefighting duties are also covered if they are obligated to be available to perform as specified in §§ 32.2 (g) and (h).

Judicial officers include those attorneys involved in enforcement of the criminal law who serve a public agency in an official capacity, e.g., prosecutors and public defenders, as well as those officers of the court engaged in the activities listed in § 32.2(g).

Section 32.2(j). LEAA considered alternative definitions of "stepchild," which would require some dependence or status as a member of the household, but these were rejected for lack of support in either the legislative history of the Act or Federal case law.

Section 32.2(k). As directed by the Act, "student" is defined as provided in 5 U.S.C. 8101.

Section 32.2(o). Neither the United States, nor any of its agencies or instrumentalities, are public agencies within the meaning of the Act. Federal public safety officers are not, therefore, covered by the Act.

Section 32.3. In 42 U.S.C. 3796c, LEAA is authorized to "establish such rules, regulations, and procedures as may be necessary to carry out the purposes of (the Act). Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part."

In applying terms such as "direct and proximate result" or "line of duty," or in determining proof of relationship, the applicable State law will be considered, but will not be determinative. LEAA seeks to assure that eligibility will be determined by a uniform set of rules, regardless of where in the country the officer died or his beneficiaries reside. LEAA believes that the establishment of uniform rules and precedents best manifests congressional intent.

Section 32.9. The officer's history of treatment or counseling for alcoholic problems will also be considered in determining whether the voluntary intoxication of the officer was the proximate cause of his death.

Section 32.18(b). The Anti-Assignment Act, 31 U.S.C. 203, also prohibits

transfer or assignment of a claim against the United States prior to the allowance of the claim.

Section 32.24. Because the Act does not require the opportunity for a hearing on the record, the adjudication provisions of the Administrative Procedures Act (APA), 5 U.S.C. 554, do not apply. LEAA has, however, proposed an informal and expedited review process pursuant to which determinations may be reconsidered. The review process is intended to minimize the financial and logistical burden on the claimant, yet provide a fair hearing of his views. A claimant dissatisfied with the Administration's final determination may then proceed to seek such judicial relief as might be available.

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federal register

THURSDAY, JANUARY 6, 1977

PART IV



ENVIRONMENTAL PROTECTION AGENCY

■

PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 667-2]

PART 430—PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

Promulgation

Notice is hereby given of final amendments to the interim final rulemaking promulgated on February 19, 1976. Comments were solicited on the interim final rulemaking and review of submitted comments and further analysis of the existing data base has resulted in a number of changes to the interim final regulations as set forth below. Except as specifically noted, the preamble to the interim final regulations is incorporated herein by reference. On May 29, 1974, EPA promulgated a regulation adding Part 430 to Title 40 of the Code of Federal Regulations (39 FR 18742). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the pulp, paper, and paperboard point source category. The regulation set forth below will amend 40 CFR Part 430—pulp, paper, and paperboard point source category and will be applicable to existing sources pursuant to sections 301 and 304 (b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

A description and discussion of the legal authority for this regulation is contained in Appendix A to this preamble. Appendix B to this preamble contains definitions of the subcategories established for the purpose of identifying the best practicable control technology currently available.

Prior to this publication, many agencies and groups were consulted and given an opportunity to participate in the development of effluent limitations and standards proposed for the pulp, paper, and paperboard category. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. These comments were reviewed with a result that numerous significant changes were made. A second draft of the Development Document entitled "Development Document for Advanced Notice of Proposed or Promulgated Rulemaking for Effluent Limitations Guidelines and New Source Performance Standards for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Non-Integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Mills Point Source Category" (August 1975) was also distributed for comments. The Advance Notice of Proposed or Promulgated Rulemaking was published in the FEDERAL REGISTER on September 5, 1975. The Agency published the Advance Notice rather than propose the regulations in order to meet the court imposed deadline of January 30, 1976, and to allow the maximum possible participation of interested parties prior to promulgation of the effluent limitations as interim final. The Interim Final Regulations were published in the FEDERAL REGISTER on February 19, 1976, and the Development Document entitled "Development Document for Interim Final and Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Non-integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category" was distributed to all interested parties following the FEDERAL REGISTER notice and comments were solicited. A substantial number of comments were received and several provided new information and data. A summary of the comments received on the interim final regulations and the Agency's response is contained in Appendix C to this preamble. Review of the comments and analysis of the submitted information along with the existing data base pointed out a number of areas in which revisions to the regulations were warranted. As a result, the final regulations as set forth contain a number of significant changes from the interim final regulations. The primary changes are listed below:

1. Annual average effluent limitations were established to be met by mills using end-of-pipe treatment systems consisting of biological treatment followed by storage ponds with controlled discharges. The annual average limitations apply only to mills which in effect are required by the NPDES authorities to use these types of treatment systems due to water quality considerations. Mills are eligible for the annual average limitations only if maximum day and average of 30 consecutive days limitations are also established in their NPDES permits.

2. The woodyard allowance was revised for all wood pulping subcategories (Subparts F, G, H, I, J, K, L, M, N, O, P, and U) into three separate allowances for specific operations in the woodyard: (a) barking, (b) log washing and chip thawing or washing, and (c) log flumes and ponds.

3. The definition of production was changed in order to clarify the meaning of annual average and provide direction to the NPDES authority.

4. The zinc limitations for the four groundwood subcategories were changed to be based upon chemical coagulation, floculation, and sedimentation of waste waters from mills using zinc hydrosulfite. The result was that the zinc limitations were made less stringent.

5. The Low Alpha Subcategory and the High Alpha Subcategory were eliminated and combined into the Dissolving Sulfite Pulp Subcategory. Within the new subcategory, four separate allowances for the different grades of sulfite dissolving pulp were established (i.e., nitration, viscose, cellophane, and acetate). In addition, the definition of the Dissolving Sulfite Pulp Subcategory was revised to include only the manufacture of dissolving sulfite pulp from softwoods.

6. The definitions of the Bleached Kraft Fine Papers and the Bleached Kraft BCT Papers Subcategories were revised to include market pulp as one of the products from mills in these subcategories.

7. The definition of the Groundwood: Chemi-mechanical Subcategory was revised to include only those mills with yields of 90 percent or higher, and the definition of the Groundwood: Thermo-mechanical Subcategory was revised to include only those mills with yields of approximately 95 percent or greater.

8. Definitions of most subcategories were revised to provide clarity and consistency between subcategory definitions.

9. The Papergrade Sulfite Subcategory was divided into two subcategories, Papergrade Sulfite (Blow Pit Wash) and Papergrade Sulfite (Drum Wash), based upon the type of pulp washing equipment. Within both subcategories, separate allowances were established for (a) barometric condensers and (b) composition of the cooking liquor. In addition, a separate allowance was established for the use of continuous digestion operations within the Papergrade (Drum Wash) Subcategory.

10. The Papergrade Sulfite Market Pulp Subcategory was eliminated since papergrade sulfite market pulp mills are now included in the revised Papergrade Sulfite Subcategory.

11. The discussion of non-water quality impacts of the regulations has been expanded in the Development Document.

12. Costs of internal controls were revised, and costs of the external controls were revised based upon revised subcategory raw waste loads and effluent limitations. The revised costs are presented in the Development Document.

13. Revised energy estimates of achieving BPCTCA are included in the Development Document.

14. Analyses of new information and data along with the existing data base resulted in revisions of the BOD5 and TSS effluent limitations in the following subparts: F, G, H, I, J, K, L, M, N, O, Q, T, and U.

The revised cost estimates were examined in terms of economic impact. It was determined that the conclusions of the economic impact analysis reached for the interim final regulations were unchanged.

The report entitled "Development Document for Final Effluent Limitations Guidelines for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink and Non-Integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category" details the analysis undertaken in support of the final regulation set forth herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., S.W., Washington, D.C., at all EPA regional offices, and at State water pollution control offices. The analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations.

Copies of the Development Document are available for the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document are available through the National Technical Information Service, Springfield, VA 22151. (See EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973).

In addition, Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concern in effecting additions to or alterations in their equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program, write to EPA, Office of Analysis and Evaluation, WH-586, 401 M St., S.W., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 430 is hereby amended as set forth below.

Dated: December 23, 1976.

JOHN QUARLES,
Acting Administrator.

40 CFR Part 430 is amended by revising subparts F through U as set forth below.

Subpart F—Dissolving Kraft Subcategory

Sec.
430.60 Applicability; description of the dissolving kraft subcategory.
430.61 Specialized definitions.
430.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Market Bleached Kraft Subcategory

430.70 Applicability; description of the market bleached kraft subcategory.
430.71 Specialized definitions.
430.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—BCT Bleached Kraft Subcategory

430.80 Applicability; description of the BCT bleached kraft subcategory.
430.81 Specialized definitions.
430.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart I—Fine Bleached Kraft Subcategory

430.90 Applicability; description of the fine bleached kraft subcategory.
430.91 Specialized definitions.
430.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart J—Papergrade Sulfite (Blow Pit Wash) Subcategory

Sec.
430.100 Applicability; description of the papergrade sulfite (blow pit wash) subcategory.
430.101 Specialized definitions.
430.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart K—Dissolving Sulfite Pulp Subcategory

430.110 Applicability; description of the dissolving sulfite pulp subcategory.
430.111 Specialized definitions.
430.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart L—Groundwood-Chemi-Mechanical Subcategory

430.120 Applicability; description of the groundwood - chemi - mechanical subcategory.
430.121 Specialized definitions.
430.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart M—Groundwood-Thermo-Mechanical Subcategory

430.130 Applicability; description of the groundwood - thermo-mechanical subcategory.
430.131 Specialized definitions.
430.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart N—Groundwood-CMN Papers Subcategory

430.140 Applicability; description of the groundwood-CMN papers subcategory.
430.141 Specialized definitions.
430.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart O—Groundwood-Fine Papers Subcategory

430.150 Applicability; description of the groundwood-fine papers subcategory.
430.151 Specialized definitions.
430.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart P—Soda Subcategory

430.160 Applicability; description of the soda subcategory.
430.161 Specialized definitions.
430.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart Q—Deink Subcategory

430.170 Applicability; description of the deink subcategory.
430.171 Specialized definitions.
430.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart R—NI Fine Papers Subcategory

430.180 Applicability; description of the NI fine papers subcategory.
430.181 Specialized definitions.
430.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart S—NI Tissue Papers Subcategory

430.190 Applicability; description of the NI tissue papers subcategory.
430.191 Specialized definitions.
430.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart T—NI Tissue (FWP) Subcategory

430.200 Applicability; description of the NI tissue (FWP) subcategory.
430.201 Specialized definitions.
430.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart U—Papergrade Sulfite (Drum Wash) Subcategory

430.210 Applicability; description of the papergrade sulfite (drum wash) subcategory.
430.211 Specialized definitions.
430.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Dissolving Kraft Subcategory

§ 430.60 Applicability; description of the dissolving kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of dissolving pulp by kraft mills.

§ 430.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production in air-dry-tons (10% moisture) divided by the number of operating days during that year. Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking opera-

tions which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	23.6	12.25	6.9
TSS	37.9	20.05	11.06
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	47.2	24.5	13.8
TSS	74.6	40.1	22.1
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	3.2	1.7	0.95
TSS	6.0	3.75	2.0
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	6.4	3.4	1.9
TSS	13.8	7.5	4.0
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.35	0.2	0.1
TSS	0.7	0.4	0.2
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.7	0.4	0.2
TSS	1.4	0.8	0.4
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.6	0.35	0.2
TSS	1.45	0.8	0.4
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	1.2	0.7	0.4
TSS	2.9	1.6	0.8
pH		Within the range 5.0 to 9.0.	

Subpart G—Market Bleached Kraft Subcategory

§ 430.70 Applicability; description of the market bleached kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of market pulp by bleached kraft mills.

§ 430.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production in air-dry-tons (10 percent moisture) divided by the number of operating days during that year. Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for noncontinuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	3.3	1.2	0.7
TSS	5.3	2.85	1.65
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	4.6	2.4	1.4
TSS	10.6	5.7	3.3
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	15.45	8.05	4.5
TSS	30.4	16.4	9.0
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	30.9	16.1	9.0
TSS	60.8	32.8	18.0
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.2	0.1	0.1
TSS	0.6	0.3	0.15
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.4	0.2	0.2
TSS	1.2	0.6	0.3
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

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Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.4	0.2	0.15
TSS	1.15	0.6	0.35
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.8	0.4	0.3
TSS	2.3	1.2	0.7
pH		Within the range 5.0 to 9.0.	

Subpart H—BCT Bleached Kraft Subcategory

§ 430.80 Applicability; description of the BCT bleached kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of paper-board, coarse paper, and tissue paper by bleached kraft mills.

§ 430.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10 percent moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations, established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	13.65	7.1	4.0
TSS	24.0	12.9	7.1
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	27.3	14.2	8.0
TSS	48.0	25.8	14.2
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	2.25	1.2	0.65
TSS	5.75	3.1	1.7
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	4.5	2.4	1.3
TSS	11.5	6.2	3.4
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.25	0.15	0.05
TSS	0.65	0.35	0.2
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.5	0.3	1.0
TSS	1.3	0.7	0.4
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.45	0.25	0.1
TSS	1.25	0.7	0.35
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.9	0.5	0.2
TSS	2.5	1.4	0.7
pH		Within the range 5.0 to 9.0.	

Subpart I—Fine Bleached Kraft Subcategory

§ 430.90 Applicability; description of the fine bleached kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and fine papers by bleached kraft mills.

§ 430.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	10.6	5.6	3.1
TSS	22.35	12.0	6.55
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	21.2	11.0	6.1
TSS	44.3	23.8	13.2
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	1.95	1.0	0.55
TSS	5.3	2.85	1.55
pH		Within the range 6.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	3.9	2.0	1.1
TSS	10.6	5.7	3.1
pH		Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.2	0.1	0.05
TSS	0.55	0.3	0.15
pH		Within the range 6.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.4	0.2	0.1
TSS	1.1	0.6	0.3
pH		Within the range 6.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.35	0.2	0.1
TSS	1.15	0.6	0.3
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.7	0.4	0.2
TSS	2.3	1.2	0.6
pH		Within the range 5.0 to 9.0.	

established by this subpart for noncontinuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for noncontinuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

(e) Sulfite cooking liquor shall be defined as bisulfite cooking liquor when the pH of the liquor is between 3.0 and 6.0 and as acid sulfite cooking liquor when the pH is less than 3.0.

Subpart J—Papergrade Sulfite (Blow Pit Wash) Subcategory

§ 430.100 Applicability; description of the papergrade sulfite (blow pit wash) subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and paper by papergrade sulfite mills, which use blow pit pulp washing techniques.

§ 430.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10 percent moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharged unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations

§ 430.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	31.8	16.55	9.3
TSS	43.95	23.65	13.0
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	63.6	33.1	18.6
TSS	87.9	47.3	26.0
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	2.7	1.45	0.8
TSS	7.5	3.95	2.2
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	5.4	2.9	1.6
TSS	15.0	7.9	4.4
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.15	0.1	0.05
TSS	2.55	1.35	0.75
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.3	0.2	0.1
TSS	5.1	2.7	1.5
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.35	0.2	0.1
TSS	1.7	0.9	0.5
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.7	0.4	0.2
TSS	3.4	1.8	1.0
pH		Within the range 5.0 to 9.0.	

(e) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of bisulfite cooking liquor and barometric condensers, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	2.9	1.5	0.85
TSS	8.25	4.45	2.45
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	5.8	3.0	1.7
TSS	16.5	8.9	4.9
pH		Within the range 5.0 to 9.0.	

(f) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of acid sulfite cooking liquor and surface condensers, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.5	0.25	0.15
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	1.0	0.5	0.3
pH		Within the range 5.0 to 9.0.	

(g) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of acid sulfite cooking liquor and barometric condensers, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production subject to such operations.

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	3.75	1.96	1.1
TSS	8.25	4.45	2.45
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	7.5	3.9	2.2
TSS	16.5	8.9	4.9
pH		Within the range 5.0 to 9.0.	

Subpart K—Dissolving Sulfite Pulp Subcategory

§ 430.110 Applicability; description of the dissolving sulfite pulp subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp by dissolving sulfite mills.

§ 430.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production in air-dry-tons (10 percent moisture) divided by the number of operating days during that year. Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operatings shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for noncontinuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for noncontinuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	41.4	21.5	12.1
TSS	70.65	38.05	20.9
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	82.8	43.1	24.2
TSS	141.3	76.1	41.8
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.7	0.35	0.2
TSS	0.75	0.1	0.05
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	1.4	0.7	0.4
TSS	0.3	0.2	0.1
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.15	0.1	0.05
TSS	0.15	0.1	0.05
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.3	0.2	0.1
TSS	0.3	0.2	0.1
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.15	0.1	0.05
TSS	0.15	0.1	0.05
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.3	0.2	0.1
TSS	0.3	0.2	0.1
pH		Within the range 5.0 to 9.0.	

(e) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the production of viscose grade dissolving sulfite pulp, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production which includes this grade.

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	2.0	1.0	0.65
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	5.8	3.0	1.7
pH		Within the range 5.0 to 9.0.	

(f) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the production of cellophane grade dissolving sulfite pulp, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production which includes this grade.

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	6.65	3.45	1.95
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	13.3	6.9	3.9
pH		Within the range 5.0 to 9.0.	

(g) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the production of acetate grade dissolving sulfite pulp, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production which includes this grade.

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	9.1	4.9	2.75
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	18.8	9.8	5.5
pH		Within the range 5.0 to 9.0.	

Subpart L—Groundwood-Chemi-Mechanical Subcategory

§ 430.120 Applicability; description of the groundwood-chemi-mechanical subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and paper by groundwood chemi-mechanical mills.

§ 430.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart

for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	13.5	7.05	3.95
TSS	19.75	10.65	5.85
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	27.0	14.1	7.9
TSS	39.5	21.3	11.7
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.9	0.45	0.25
TSS	2.6	1.45	0.8
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	1.8	0.9	0.5
TSS	5.2	2.9	1.6
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.05	0.05	0.05
TSS	0.25	0.15	0.1
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.1	0.1	0.1
TSS	0.5	0.3	0.2
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.15	0.05	0.05
TSS	0.55	0.3	0.15
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.3	0.1	0.1
TSS	1.1	0.6	0.3
pH		Within the range 5.0 to 9.0.	

(f) For those mills using zinc hydrosulfite as a bleaching agent in the manufacturing process, the following effluent limitations are to be added to the base limitations set forth in paragraph (a):

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
Zinc	0.34	0.17	0.115
English units (pounds per ton of product)			
Zinc	0.68	0.34	0.23

Subpart M—Groundwood—Thermo—Mechanical Subcategory

§ 430.130 Applicability; description of the groundwood—thermo—mechanical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by groundwood thermo—mechanical mills.

§ 430.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	10.6	5.55	3.1
TSS	15.55	8.35	4.6
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	21.2	11.1	6.2
TSS	31.1	16.7	9.2
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.9	0.45	0.3
TSS	2.7	1.45	0.75
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	1.8	0.9	0.6
TSS	5.4	2.9	1.5
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.05	0.05	0.05
TSS	0.3	0.15	0.03
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.1	0.1	0.1
TSS	0.6	0.3	0.1
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due

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to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.15	0.1	0.05
TSS	0.6	0.35	0.15
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.3	0.2	0.1
TSS	1.2	0.7	0.3
pH		Within the range 5.0 to 9.0.	

(f) For those mills using zinc hydrosulfite as a bleaching agent in the manufacturing process, the following effluent limitations are to be added to the base limitations set forth in paragraph (a):

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
Zinc	0.26	0.13	0.065
English units (pounds per ton of product)			
Zinc	0.52	0.26	0.17

Subpart N—Groundwood–CMN Papers Subcategory

§ 430.140 Applicability; description of the groundwood–CMN papers subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and coarse paper, molded pulp products, and newspaper by groundwood mills.

§ 430.141 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	7.45	3.9	2.2
TSS	12.75	6.85	3.75
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	14.9	7.8	4.4
TSS	25.5	13.7	7.5
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	1.15	0.55	0.3
TSS	2.0	1.1	0.6
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	2.3	1.1	0.6
TSS	4.0	2.2	1.2
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.15	0.05	0.05
TSS	0.2	0.15	0.1
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.3	0.1	0.1
TSS	0.4	0.3	0.2
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.25	0.1	0.05
TSS	0.15	0.25	0.15
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.5	0.2	0.1
TSS	0.9	0.5	0.3
pH		Within the range 5.0 to 9.0.	

(f) For those mills using zinc hydrosulfite as a bleaching agent in the manufacturing process, the following effluent limitations are to be added to the base limitations set forth in paragraph (a):

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
Zinc	0.30	0.15	0.10
English units (pounds per ton of product)			
Zinc	0.60	0.30	0.20

Subpart O—Groundwood—Fine Papers Subcategory

§ 430.150 Applicability; description of the groundwood-fine papers subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and fine paper by groundwood mills.

§ 430.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	6.85	3.6	2.0
TSS	11.75	6.3	3.45
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	13.7	7.2	4.0
TSS	23.5	12.6	6.9
pH		Within the range 5.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	1.1	0.55	0.35
TSS	1.95	1.1	0.6
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	2.2	1.1	0.7
TSS	3.9	2.2	1.2
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.15	0.05	0.05
TSS	0.2	0.15	0.1
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.3	0.1	0.1
TSS	0.4	0.3	0.2
pH		Within the range 5.0 to 9.0.	

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.2	0.05	0.05
TSS	0.4	0.25	0.15
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.4	0.1	0.1
TSS	0.8	0.5	0.3
pH		Within the range 5.0 to 9.0.	

(f) For those mills using zinc hydrosulfite as a bleaching agent in the manufacturing process, the following effluent limitations are to be added to the base limitations set forth in paragraph (a):

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
Zinc	0.275	0.135	0.09
English units (pounds per ton of product)			
Zinc	0.55	0.27	0.18

Subpart P—Soda Subcategory

§ 430.160 Applicability; description of the soda subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and paper by soda mills.

§ 430.161 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10 percent moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization

and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	2.05	1.1	0.6
TSS	3.25	2.8	1.55
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	4.1	2.2	1.2
TSS	10.5	5.6	3.1
pH		Within the range 5.0 to 9.0	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	13.7	7.1	4.0
TSS	24.5	13.2	7.25
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	27.4	14.2	8.0
TSS	49.0	26.4	14.5
pH		Within the range 5.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.3	0.2	0.1
TSS	1.1	0.55	0.35
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	0.6	0.4	0.2
TSS	2.2	1.1	0.7
pH		Within the range 5.0 to 9.0.	

Subpart Q—Deink Subcategory

§ 430.170 Applicability; description of the deink subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and paper by deink mills.

§ 430.171 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations

for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive days effluent limitations set forth in this subpart.

§ 430.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such diseharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed	Effluent limitations: Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	18.1	9.4	5.3
TSS	24.05	12.95	7.1
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	36.2	18.8	10.6
TSS	48.1	25.9	14.2
pH		Within the range 5.0 to 9.0.	

Subpart R—NI Fine Papers Subcategory

§ 430.180 Applicability; description of the NI fine papers subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of fine paper by non-integrated mills.

§ 430.181 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Production shall be in terms of off-the-machine moisture content. Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed	Effluent limitations: Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	8.2	4.25	2.4
TSS	11.0	5.9	3.25
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	16.4	8.5	4.8
TSS	22.0	11.8	6.5
pH		Within the range 5.0 to 9.0.	

Subpart S—NI Tissue Papers Subcategory

§ 430.190 Applicability; description of the NI tissue papers subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of tissue papers by non-integrated mills.

§ 430.191 Specialized definitions.

For the purpose of this subpart. (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Production shall be in terms of off-the-machine moisture content. Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed	Effluent limitations: Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	11.4	6.25	3.5
TSS	10.25	5.0	2.85
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	22.8	12.5	7.0
TSS	20.5	10.0	5.7
pH		Within the range 5.0 to 9.0.	

Subpart T—NI Tissue (FWP) Subcategory

§ 430.200 Applicability; description of the NI tissue (FWP) subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of tissue paper from waste paper by non-integrated mills.

§ 430.201 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Production shall be in terms of off-the-machine moisture content. Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of

the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

§ 430.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	13.7	7.1	4.0
TSS	17.05	9.2	5.05
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	27.4	14.2	8.0
TSS	34.1	18.4	10.1
pH	Within the range 5.0 to 9.0.		

Subpart U—Papergrade Sulfite (Drum Wash) Subcategory

§ 430.210 Applicability; description of the papergrade sulfite (drum wash) subcategory.

The provisions of this subpart are applicable to discharges resulting from the integrated production of pulp and paper by papergrade sulfite mills, using vacuum or pressure drums in their pulp washing operations.

§ 430.211 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Production shall be defined as the annual off-the-machine production (including off-the-machine coating where applicable) divided by the number of operating days during that year. Paper production shall be measured in the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture). Production shall be determined for each mill based upon past production practices, present trends, or committed growth.

(c) Wet barking operations shall be defined to include hydraulic barking operations and wet drum barking operations which are those drum barking operations that use substantial quantities of water in either water sprays in the barking drums or in a partial submersion of the drums in a "tub" of water.

(d) A non-continuous discharger is a mill which is prohibited by the NPDES authority from discharging pollutants during specific periods of time for reasons other than treatment plant upset control, such periods being at least 24 hours in duration. A mill shall not be deemed a non-continuous discharger unless its permit, in addition to setting forth the prohibition described above, requires compliance with the effluent limitations established by this subpart for non-continuous dischargers and also requires compliance with maximum day and average of 30 consecutive days effluent limitations. Such maximum day and average of 30 consecutive days effluent limitations for non-continuous dischargers shall be established by the NPDES authority in the form of concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available in lieu of the maximum day and average of 30 consecutive day effluent limitations set forth in this subpart.

(e) Sulfite cooking liquor shall be defined as bisulfite cooking liquor when the pH of the liquor is between 3.0 and 6.0 and as acid sulfite cooking liquor when the pH is less than 3.0.

§ 430.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	26.7	13.9	7.8
TSS	43.95	23.65	13.0
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	53.4	27.8	15.6
TSS	87.9	47.3	26.0
pH	Within the range 5.0 to 9.0.		

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	6.35	3.2	2.1
TSS	2.53	1.35	0.75
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	12.7	6.4	4.2
TSS	5.1	2.7	1.5
pH	Within the range 5.0 to 9.0.		

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.7	0.35	0.2
TSS	1.7	0.9	0.5
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	1.4	0.7	0.4
TSS	3.4	1.8	1.0
pH	Within the range 5.0 to 9.0.		

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.35	0.2	0.1
TSS	0.65	1.35	0.75
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	0.7	0.4	0.2
TSS	5.1	2.7	1.5
pH	Within the range 5.0 to 9.0.		

(e) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of bisulfite cooking liquor and barometric condensers (not including those mills using continuous digesters), which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	3.05	1.6	0.9
TSS	7.5	3.95	2.2
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	6.1	3.2	1.8
TSS	15.0	7.9	4.4
pH	Within the range 5.0 to 9.0.		

factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available, except that all point sources other than non-continuous dischargers shall not be subject to the annual average limitations, and that non-continuous dischargers shall not be subject to the maximum day and average of 30 consecutive days limitations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	6.35	3.2	2.1
TSS	2.53	1.35	0.75
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	12.7	6.4	4.2
TSS	5.1	2.7	1.5
pH	Within the range 5.0 to 9.0.		

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of wet barking operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.7	0.35	0.2
TSS	1.7	0.9	0.5
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	1.4	0.7	0.4
TSS	3.4	1.8	1.0
pH	Within the range 5.0 to 9.0.		

(c) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of log washing or chip washing operations, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs and/or chips which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	2.7	1.4	0.8
TSS	8.25	4.45	2.45
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	5.4	2.8	1.6
TSS	16.5	8.9	4.9
pH	Within the range 5.0 to 9.0.		

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, resulting from the use of log flumes or log ponds, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production due to use of logs which are subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	0.7	0.35	0.2
TSS	1.7	0.9	0.5
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	1.4	0.7	0.4
TSS	3.4	1.8	1.0
pH	Within the range 5.0 to 9.0.		

(e) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of bisulfite cooking liquor and barometric condensers (not including those mills using continuous digesters), which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	3.05	1.6	0.9
TSS	7.5	3.95	2.2
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	6.1	3.2	1.8
TSS	15.0	7.9	4.4
pH	Within the range 5.0 to 9.0.		

(f) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of acid sulfite cooking liquor and surface condensers (not including those mills using continuous digesters), which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	2.7	1.4	0.8
TSS	8.25	4.45	2.45
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	5.4	2.8	1.6
TSS	16.5	8.9	4.9
pH	Within the range 5.0 to 9.0.		

(g) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of acid sulfite cooking liquor and barometric condensers (not including those mills using continuous digesters), which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	3.05	1.6	0.9
pH	Within the range 5.0 to 9.0.		
English units (pounds per ton of product)			
BOD5	6.1	3.2	1.8
pH	Within the range 5.0 to 9.0.		

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	5.8	3.0	1.7
TSS	8.25	4.45	2.45
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	11.6	6.0	3.4
TSS	16.5	8.9	4.9
pH		Within the range 5.0 to 9.0.	

(h) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the use of continuous digesters, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportion of the mill's total production subject to such operations.

Effluent characteristics	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric units (kilograms per 1,000 kg of product)			
BOD5	11.45	5.95	3.35
TSS	9.8	5.3	2.9
pH		Within the range 5.0 to 9.0.	
English units (pounds per ton of product)			
BOD5	22.9	11.9	6.7
TSS	19.6	10.6	5.8
pH		Within the range 5.0 to 9.0.	

APPENDIX A

LEGAL AUTHORITY

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available.

APPENDIX B

TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

For the purpose of identifying the best practicable control technology currently available and in order to establish effluent limitations, the bleached kraft, groundwood, sulfite, soda, deink and non-integrated paper mills segment of the pulp, paper and paperboard manufacturing industry category was divided into sixteen discrete subcategories, primarily based on a consideration of the raw materials utilized, production processes employed, products produced, size and age of mills, waste water characteristics and treatability, geographical location, and costs and economic factors as outlined in the report entitled, "Development Document for Final Rulemaking for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink and Non-Integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category". The definitions of the subcategories in the preamble to the interim final regulations have been revised and are given below.

(1) Subpart F—Dissolving Kraft Subcategory. This subcategory includes mills which produce a highly bleached pulp by a "full cook" process, utilizing a highly alkaline sodium hydroxide and sodium sulfide cooking liquor. Included in the manufacturing process is a "pre-cook" operation termed prehydrolysis. The principal product made by this process is a highly bleached and purified dissolving pulp used principally for the manufacture of rayon and other products requiring the virtual absence of lignin and a very high alpha cellulose content.

(2) Subpart G—Market Bleached Kraft Subcategory. This subcategory includes mills which produce a bleached pulp by a "full cook" process utilizing a highly alkaline sodium hydroxide and sodium sulfide cooking liquor. The product made by this process is papergrade market pulp.

(3) Subpart H—BCT Bleached Kraft Subcategory. This subcategory includes the integrated production of bleached kraft pulp and paper. Integrated production is considered to be pulp and paper manufacturing operations where all or part of the manufactured pulp is processed into paper at common or adjacent sites. The bleached kraft pulp is produced in a "full cook" process utilizing a highly alkaline sodium hydroxide and sodium sulfide cooking liquor. The principal products include paperboard (B), coarse papers (C), tissue papers (T), and market pulp.

(4) Subpart I—Fine Bleached Kraft Subcategory. This subcategory includes the integrated production of bleached kraft pulp and paper. Integrated production is considered to be pulp and paper manufacturing operations where all or part of the manufactured pulp is processed into paper at common or adjacent sites. The bleached kraft pulp is produced in a "full cook" process utilizing a highly alkaline sodium hydroxide and sodium sulfite cooking liquor. The principal products are fine papers, which include business, writing, and printing papers, and market pulp.

(5) Subpart J—Papergrade Sulfite (Blow Pit Wash) Subcategory. This subcategory includes integrated production of sulfite pulp and paper. The sulfite pulp is produced in a "full cook" process using an acidic cooking liquor of sulfites of calcium, magnesium, ammonia, or sodium. Following the cooking operations, the spent cooking liquor is separated from the pulp in the blow pits. The principal products made by this process are tissue papers, newspapers, fine papers, and market pulp.

(6) Subpart K—Dissolving Sulfite Pulp Subcategory. This subcategory includes mills which produce a highly bleached and purified pulp from softwoods by a "full cook" process using strong solutions of sulfites of calcium, magnesium, ammonia, or sodium. The pulps produced by this process are viscose, nitration, cellophane, or acetate grades and are used principally for the manufacture of rayon and other products that require the virtual absence of lignin.

(7) Subpart L—Groundwood—Chemi-Mechanical Subcategory. This subcategory includes the integrated production of chemi-mechanical groundwood pulp and paper. The chemi-mechanical groundwood pulp is produced utilizing a chemical cooking liquor to partially cook the wood followed by mechanical defibration by refining with or without brightening, resulting in yields of 90% or greater. The principal products include fine papers, newsprint, and molded fiber products.

(8) Subpart M—Groundwood—Thermo-Mechanical Subcategory. This subcategory includes the production of thermo-mechanical groundwood pulp and paper. The thermo-mechanical groundwood is produced by a brief cook utilizing steam, with or without the addition of cooking chemicals such as sodium sulfite, followed by mechanical defibration by refiners which are frequently under pressure with or without brightening, and resulting in yields of approximately 95% or greater. The principal products of this process are market pulp, fine papers, newsprint, and tissue papers.

(9) Subpart N—Groundwood—CMN Papers Subcategory. This subcategory includes the integrated production of groundwood pulp and paper. The groundwood pulp is produced, with or without brightening, utilizing only mechanical defibration by either stone grinders or refiners. The principal products made by this process include coarse papers (C), molded fiber products (M), and newsprint (N).

(10) Subpart O—Groundwood—Fine Papers Subcategory. This subcategory includes the integrated production of groundwood pulp and paper. The groundwood pulp is produced, with or without brightening, utilizing only mechanical defibration by either stone grinders or refiners. The principal products are fine papers which include business, writing, and printing papers.

(11) Subpart P—Soda Subcategory. This subcategory includes the integrated production of bleached soda pulp and paper. The bleached soda pulp is produced by a "full cook" process utilizing a highly alkaline sodium hydroxide cooking liquor. The principal products are fine papers, which include printing, writing, and business papers, and market pulp.

(12) Subpart Q—Deink Subcategory. This subcategory includes the integrated production of deinked pulp and paper. The deinked pulp is usually brightened or bleached from waste papers in which an alkaline treatment is utilized to remove contaminants such as ink and coating pigments. The principal products include printing, writing and business papers, tissue papers, and newsprint.

(13) Subpart R—NI Fine Papers Subcategory. This subcategory includes non-integrated(NI) mills which produce fine papers from wood pulp or deinked pulp prepared at another site. The principal products of this process are printing, writing, business, and technical papers.

(14) Subpart S—NI Tissue Papers Subcategory. This subcategory includes non-integrated(NI) mills which produce tissue papers from wood pulp or deinked pulp prepared at another site. The principal products of this process include facial and toilet papers, glassine, paper diapers, and paper towels.

(15) Subpart T—NI Tissue (FWP) Subcategory. This subcategory includes non-integrated(NI) mills which produce tissue papers from waste papers (FWP) without deinking. The principal products made by this process include facial and toilet papers, glassine, paper diapers, and paper towels.

(16) Subpart U—Papergrade Sulfite (Drum Wash) Subcategory. This subcategory includes integrated production of sulfite pulp and paper. The sulfite pulp is produced in a "full cook" process using an acidic cooking liquor of sulfites of calcium, magnesium, ammonia, or sodium. Following the cooking operations, the spent cooking liquor is washed from the pulp on vacuum or pressure drums. Also included are mills using belt extraction systems for pulp washing. The principal products made from pulp manufactured by this process are tissue papers, fine papers, newspapers, and market pulp.

APPENDIX C

SUMMARY OF PUBLIC PARTICIPATION

Prior to this publication, many agencies and groups were consulted and given an opportunity to participate in the development of effluent limitations and standards proposed for the pulp, paper, and paperboard category. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. These comments were reviewed with a result that numerous significant changes were made. A second draft of the Development Document entitled "Development Document for Advanced Notice of Proposed or Promulgated Rule Making for Effluent Limitations Guidelines and New Source Performance Standards for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Non-Integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Mills Point Source Category" (August 1975) was also distributed for comments. The Advance Notice of Proposed or Promulgated Rulemaking was published in the FEDERAL REGISTER on September 5, 1975. The Agency published the Advance Notice rather than propose the regulations in order to meet the court imposed deadline of January 30, 1976, to allow the maximum possible participation of interested parties prior to promulgation of the effluent limitations as interim final. The Interim Final Regulations were published in the FEDERAL REGISTER on February 19, 1976, and the Development Document entitled "Development Document for Interim Final and Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Non-integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category" was distributed to all interested parties following the FEDERAL REGISTER notice and comments were solicited. A substantial number of comments were received, some of which provided new information and data. Review of the comments and analysis of the submitted information along with the existing data base pointed out a number of areas in which revisions to the regulations were warranted. As a result, the final regulations as set forth contain a number of significant changes from the interim final regulations.

The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) other public agencies, interest groups, and associations; (4) U.S. Department of the Interior; (5) U.S. Department of Health, Education, and Welfare; (6) Environmental Defense Fund, Inc.; (7) Natural Resources Defense Council; (8) Water Pollution Control Federation; (9) National Wildlife Federation; (10) U.S. Department of Transportation; (11) Tennessee Valley Authority; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of Agriculture; (14) U.S. Nuclear Regulatory Commission; (15) U.S. Department of Defense; (16) U.S. Internal Revenue Service; (17) U.S. Federal Power Commission; (18) National Commission on Water Quality; (19) U.S. Federal Energy Administration; (20) Water Resources Council; (21) Office of Management and Budget; (22) Council on Environmental Quality; (23) U.S. Department of Treasury; (24) National Council for Air and Stream Improvement, Inc., Technical Association of the Pulp and Paper Industry; (25) American Paper Institute; (26) The American Society of Mechanical Engineers; (27) Businessman for the Public Interest; (28) The American Society of Civil Engineers; and (29) the Izaak Walton League.

The following responded with comments on the Notice of Interim Final Rulemaking: St. Regis Paper Co.; State of Texas; Union Camp Corporation; Council on Wage and Price Stability; P. H. Gladfelter Co.; Scott Paper Co.; State of Wisconsin; Northwest Pulp and Paper Assn.; Hammermill Paper Co.; Alaska Lumber and Pulp Co.; Crown Zellerbach Corp.; U.S. Department of the Interior; U.S. Department of Health, Education, and Welfare; National Council of the Paper Industry for Air and Stream Improvement, Inc.; Mead Corp.; State of Minnesota; Kimberly-Clark Corp.; American Can Co.; Fibreboard Corp.; Louisiana-Pacific Corp.; Weyerhaeuser Co.; Nekoosa Papers Corp.; International Paper Co.; The Buckeye Cellulose Corp.; Georgia-Pacific Corp.; Ketchikan Pulp Co.; American Paper Institute; The Procter and Gamble Co.; and Boise-Cascade Corp.

The primary issues raised in the comments on the interim final effluent limitations and the treatment of these issues herein are as follows:

1. Several comments were received that stated that the low alpha dissolving pulp subcategory should be further divided to take into account the differences in raw waste load resulting from the production of the different grades of pulp (nitration, viscose, and cellophane) produced by mills within the subcategory. Data were submitted showing raw waste BOD5 loads associated with the production of each grade.

The Agency has carefully examined the submitted data and has determined that significant differences in raw waste loads result from the production of the different grades of dissolving sulfite pulp. Previous analyses had shown significant differences in raw waste loads resulting from the production of high alpha (acetate) grades and low alpha (nitration, viscose, and cellophane) grades and, therefore, two subcategories were established. Additional information and data have shown that it is more appropriate to establish one subcategory for all dissolving sulfite pulp mills and provide four specific allowances within the one subcategory depending upon the grade of pulp: nitration, viscose, cellophane, and acetate.

2. One commenter objected to the Agency's determination that spent sulfite liquor (SSL) recovery and biological treatment represents BPCTCA for the dissolving sulfite subcategories. The commenter stated that only one mill had both SSL recovery and biological treatment when the Federal Water Pollution Control Act was passed in 1972.

In 1972, five of the six dissolving sulfite mills had SSL recovery systems and one of these mills had a biological treatment system. In addition, prior to finalizing this regulation, the Agency has found that all six dissolving sulfite mills had SSL recovery, two of the mills had biological treatment systems in place, two mills were installing biological treatment systems, and the other two mills had accepted NPDES permits which required effluent levels that were reflective of application of biological treatment systems. The Agency therefore properly determined that BPCTCA for dissolving sulfite mills includes both SSL recovery and biological treatment.

3. A number of commenters objected to the methodology used in determining the effluent limitations for the papergrade and dissolving sulfite subcategories. The objections included: (a) direct use of pilot plant data on an equal basis with full scale data without adjustment for the controlled characteristics of pilot plant operations, (b) use of activated sludge treatment system data in the analysis, and (c) use of data from both papergrade and dissolving sulfite mills in the same data analysis. One commenter stated that drawing any conclusions using the number of sulfite mills included in the analysis is questionable both on statistical and practical grounds. The commenter recommended setting effluent limitations on mill-by-mill basis as an alternative or delaying establishment of effluent limitations until more full scale biological treatment data are available.

Because of the limited application of full scale biological treatment systems at papergrade and dissolving sulfite mills, the Agency has developed the effluent limitations for these mills based upon both full scale systems as well as pilot plant operations at sulfite mills. Four sulfite mills presently have biological treatment facilities but one of these systems was determined not to be representative of BPCTCA. A number of sulfite mills have recently operated pilot plant biological treatment systems prior to installation of full-scale facilities. In order to achieve maximum representation, the data from these mills were included in the analyses used for establishing the effluent limitations. Additional data from full scale and pilot plant treatment systems at sulfite mills were submitted and have been included in reanalyzing the available data.

The Agency agrees that pilot plants are sometimes operated under certain controls in order to determine how effective the treatment system is in reducing the raw waste load. However, in scale-up to a full sized system, conservative design considerations are generally included in sizing the pieces of equipment in order to assure achievement of a specific effluent quality. This has been demonstrated by mill 512. Pilot plant data from mill 512 were used in the data analysis. Mill 512 is now designing a full scale system based upon its pilot plant operations to achieve effluent qualities equal to or better than those achieved by the pilot plant. Thus, the Agency believes that the use of pilot plant data along with full scale data is entirely proper.

The effluent limitations are based upon both activated sludge systems (AS) and aerated stabilization basins (ASB). Either of these systems is capable of achieving the effluent limitations and exclusion of activated sludge systems would therefore be inappropriate. Commenters contend that activated sludge systems can achieve better effluent qualities on an annual basis than aerated stabilization basins with standard designs. However, the commenters have also stated that activated sludge systems have higher effluent variabilities than aerated stabilization basins. The statistical reliability of each of the systems was examined and maximum 30 consecutive days and maximum day effluent limitations have been established which can be achieved by either system. Furthermore, examination of treatment systems in use by mills in other subcategories which have extensive experience with biological treatment performance shows that in many cases aerated stabilization basins are achieving better quality effluents than activated sludge systems. The contention that activated sludge systems cost more than aerated stabilization basins was considered in the economic impact analysis. In gen-

eral, it was determined that mills can install activated sludge treatment systems and maintain a competitive profitability level.

The Agency has determined that the use of both papergrade sulfite and dissolving sulfite data in the data analysis is fully justified and appropriate. Treatability of the waste waters are similar even though dissolving sulfite mills have higher raw waste loads. This would be expected since the manufacturing operations are similar in that similar raw materials and cooking and bleaching liquors are used. As an example, mill 401 produces both papergrade and dissolving sulfite pulp at separate times by changing operating conditions. The mill treats the raw waste waters generated during the production of either papergrade pulp or dissolving grade pulp in the same biological treatment system to comparable effluent quality.

The existing data base includes information and data from every sulfite mill in the country along with data from a number of foreign mills. Included in the data base therefore is information and data concerning the effects of such factors as different treatment technologies, different chemical bases, wood species, and ages and sizes of mills. Thorough examination of the available information and statistical analyses have shown that it is appropriate and technically practicable to establish effluent limitations from the existing data base.

4. Two commenters expressed concern that the Agency has not given sufficient attention to the adverse effects of sludge incineration, including air emissions and consumption of fuel oil.

The discussion in Section VIII of the Development Document on non-water quality impacts has been expanded to include the potential impacts of sludge incineration on air emissions and consumption of fuel oil. The potential impacts are not considered to be significant because air pollution control technologies are available. The Agency has determined that very few mills, if any at all, will install sludge incinerators.

5. One commenter contended that the costs presented in the Development Document were low and therefore, the economic impact was understated. The commenter was concerned that the costs of sludge incineration were not included and he questioned several of the basic design parameters used in the cost estimates including detention times and aeration capacities.

The Agency has examined the specific design variables pointed out in the comments and has evaluated the costs of sludge incineration. Several cost figures were revised and these are presented in the Development Document in addition to the costs of sludge incineration which are displayed separately. After consideration of the costs of sludge incineration, it has been determined that the differences in costs cause no significant differences in the results of the economic impact analysis.

6. Several commenters objected to the Agency's consideration of costs and effluent reduction benefits. The commenters felt that the Agency should examine the cost versus the benefits of alternative treatment systems, and one of the commenters stated that the Agency should do this for every mill in one of the subcategories. Examples were provided for two dissolving sulfite mills showing costs and effluent reductions associated with various levels of treatment. One of these showed the costs of five treatment alternatives (four of the five are considered to be less than full treatment of the mill waste waters) and the percent BOD removals associated with each treatment alternative.

Included in Section IX of the Development Document are total costs of treatment versus total effluent reduction benefits. The discussion has also been expanded to include the costs of treatment versus the effluent reduction benefits for model mills within each subcategory. Development of treatment alternatives for individual mills within each subcategory is beyond the scope of what Congress intended the Administrator to do in setting national effluent limitations.

7. A few commenters indicated that the Agency had not adequately considered non-water quality environmental impacts and had ignored indirect non-water quality environmental impacts.

The Agency has carefully considered all direct non-water quality environmental impacts of the effluent limitations. Such impacts were determined to be insignificant and the discussion in Section VIII of the Development Document has been expanded to more adequately explain this determination. The indirect impacts which the commenters suggested that the Agency examine include such items as impacts on energy consumption, air pollution, and solid waste generation resulting from such things as the production and transportation to the mill site of nutrients for use in biological treatment. The commenters did not provide any information or data that showed significant impacts. Evaluation of available information and data does not indicate any significant indirect impacts.

8. One of the primary concerns expressed by a number of commenters was the Agency's approach to consideration of effluent variability. The commenters stated that the Agency should provide some allowance for excursions which are beyond the control of the manufacturer, such as extended production shutdowns, catastrophic breakdowns, and labor interruptions. The commenters suggested that if no allowances for these types of excursions are provided then the effluent limitations should be increased substantially to provide some factor of safety from enforcement action by the NPDES authority for events beyond the manufacturer's control. The commenters suggested that basing the effluent limitations on 99.9 percent confidence rather than 99 percent confidence would be one method of making the effluent limitations less stringent to take this into account.

Data were analyzed from numerous pulp and paper mills in establishing variability factors to be utilized in determining the effluent limitations. The Agency included all available mill data in establishing the 99 percent confidence level for each mill, and the data analysis did not exclude any data due to such things as production shutdowns or breakdowns (See section VII of the Development Document). The use of 99 percent confidence should not be misinterpreted as meaning that mills will exceed the limitations approximately 4 times per year, or that these excursions will be due to uncontrollable factors such as shutdowns, breakdowns, and labor interruptions. While the determination of the variability factors did involve the 99 percent confidence level for mills properly operating treatment facilities representative of the best practicable control technology currently available, the variability factors were not determined by averaging the 99 percent confidence levels for all such mills. Instead, the variability factors were based upon those mills exhibiting the highest variabilities within this group (i.e., the marginal mills). For mills achieving levels better than the marginal mills, the variability factors actually represent better than 99 percent confidence and for a number of mills better than 99.9 percent confidence. Detailed examination of mills with BOD5 variability near the determined variability factors generally disclosed that treatment system operations or treatment system modifications have resulted in greater variability than would be exhibited by more properly operated treatment systems. The variability factors used in determining the effluent limitations allow for a daily maximum discharge of approximately three and one half times the pollutants discharged over the long term daily average. The Agency expects that the performance of the worst cases will be improved by proper controls and that the effluent limitations can be achieved by properly operated and maintained plants. Modification of the regulations to allow for excursions above the effluent limitations which have resulted from documented improper treatment system operations would be counter to the goals set forth by Congress to establish effluent limitations based upon the best practicable control technology currently available.

9. One commenter was concerned that clarifier sludge generated in the treatment of raw intake water was not considered in the development of the effluent limitations.

This source of waste water was not specifically addressed in the evaluation of data from the mills considered in determining the effluent limitations. However, a number of mills that discharge the raw water treatment sludge to the process waste water treatment facilities were included in the data analyses that determined the effluent limitations. The Agency believes that clarifier underflow from treatment of intake water should be treated prior to discharge and may be addressed in the NPDES permit.

10. One comment was received that stated that there was no recognition in the Development Document of the greater BOD raw waste loads resulting from a typical ammonia base dissolving sulfite mill over a magnesium base mill. The commenter stated that the higher waste load was a result of the inability of the ammonia base mill to economically neutralize the spent sulfite liquor (SSL) prior to evaporation.

The discussion in the Development Document has been expanded and includes the data on SSL neutralization which was submitted to the Agency. The subcategorization of the dissolving sulfite mills accounts for any differences in raw waste load attributable to the cooking liquor base since all of the mills using magnesium base produce similar grades of pulp (nitration, viscose, and cellophane) while all of the mills using an ammonia base primarily produce acetate grades of pulp. The type of cooking liquor chemical base was examined in relation to the raw waste loads from papergrade sulfite mills and it was determined that any impact of this factor is insignificant compared to the impact of more significant factors, such as the effectiveness of SSL recovery.

11. Several commenters felt that the Agency should either justify the assumption that the operating costs of internal controls are canceled by the operating benefits or include these costs in the Development Document and in the economic impact analysis.

The Agency has carefully reexamined the operating costs and benefits of internal controls and in every case except one has determined that the operating costs of internal controls are more than offset by the operating benefits. In fact, the analyses showed that a number of internal controls were earning positive returns on investment that were sufficient to be termed part of the manufacturing process and not pollution control. For these reasons, the capital costs for these controls were deleted from the costs tables presented in the Development Document, Section VIII.

It should be pointed out that based upon further information and data the list of internal controls applicable to BPCTCA has been revised to include several additional internal controls. Capital costs have been included in the cost tables for these added internal controls. Operating and maintenance costs were again determined to be more than offset by the operating benefits of the controls, and thus operating costs were not included in the cost tables.

It should be noted that the net benefits of internal controls (over and above the costs of internal controls) were not subtracted from the annual costs. The one exception, as mentioned above, is the internal control of SSL collection and evaporation which was determined to have net operating costs associated with it. These costs are included in Section VIII of the Development Document for the sulfite subcategories and are considered as maximum costs. Most sulfite mills have installed SSL collection and evaporation systems along with incineration in order to recover as much of the heat and chemicals as possible, and significantly lesser annual costs are incurred by these mills (the operating benefits nearly cover the operating costs and amortized capital) than mills that collect and evaporate their SSL without incineration. Costs of both systems are shown in the Development Document. It should be pointed out that mills using these systems produce a saleable by-product and the benefits of the sales are not subtracted from the operating costs (see also comment number 15). After consideration of these costs in the economic impact analysis, it has been determined that the conclusions of the economic impact analysis are unchanged.

12. One commenter stated that the impact of hardwood versus softwood on raw waste load in the sulfite industry was not addressed in the Development Document. The commenter provided information and data in support of his contention that the use of hardwood by sulfite mills results in a higher raw waste load than the use of softwood.

The Agency has carefully examined the impacts on raw waste load of the use of hardwood and softwood at sulfite mills, and the discussion in the Development Document in Sections IV and V has been revised to explain the analyses. With the exception of dissolving sulfite pulp manufacturing (see comment No. 27), the Agency has determined that differences in raw waste load between sulfite mills relate to process factors rather than to the type of wood used. It should be pointed out that allowances within the papergrade sulfite subcategory have been established for the process factors which were determined to have significant impacts on raw waste load; these include: type of pulp washing equipment, type of condenser, type of digestor, cooking liquor composition, and three types of woodyard operations.

13. Several commenters stated that the rationale in the Development Document explaining the determination of the TSS limitations for the sulfite subcategories was inadequate and difficult to follow. Other commenters stated that the data base as well as the rationale were inadequate and that the TSS limitations should be made less stringent to account for the limited data base. Data were presented for mill 051 showing higher TSS levels than those used for mill 051 in the development of the effluent limitations. It was suggested that the more recent TSS data for mill 051 be used in determination of less stringent TSS limitations.

The Agency has carefully examined the basis for the TSS limitations for the sulfite subcategories and has determined that the existing data base is adequate. None of the submissions provided any further data which would improve upon the data base. However, Section IX of the Development Document has been expanded to explain the analysis used in determining the TSS limitations for the sulfite subcategories. It should be pointed out that the Agency did expand the existing data base by inclusion of available pilot plant data. Use of the pilot plant data along with the existing data base resulted in TSS levels used as the basis for the final effluent limitations which were less stringent than the TSS levels used in the interim final regulations. From information from mill 051, it was determined that the most recent data for mill 051 was representative of a period of time when the treatment facility was operated at less than optimum treatment levels and therefore was considered as less than BPCTCA.

14. Several commenters were concerned that the Development Document understated the technical problems of dewatering and disposal of sludge and as a result the costs and non-water quality impacts were not correctly represented in the documents.

The costs, technical problems associated with sludge dewatering and disposal, and the non-water quality impacts of sludge disposal have been reviewed, and the revised costs and expanded discussions of these items are presented in the Development Document.

15. Comments were received which suggested that the Agency should further subcategorize the papergrade sulfite subcategories to take into account such factors as the degree of SSL recovery, yield loss, age, geographical location, and land availability. The commenters further stated that SSL recovery varies from zero to 98 percent recovery and does not designate one single, uniform process (as in kraft) but represents various processes including pulp washing, evaporation, and incineration, evaporation and sale of SSL by-products, and fermentation of blow pit SSL into by-products.

The Agency has carefully evaluated each of these factors and has revised the subcategorization to appropriately take each factor into account. While the commenters state that SSL recovery represents various processes, the objective of SSL recovery is to recover heat and chemicals (and by-products) and to reduce the raw waste load and as such is considered as a single technology. Full recovery of SSL is considered to be at least 85 percent and many mills are commonly achieving well over 90 percent removal of SSL. Twenty-six of twenty-nine sulfite mills have SSL recovery systems and only four of these are reported to have less than full (85 percent) recovery. While the Development Document shows that SSL recovery varies from zero to 98 percent, subcategorization for mills with less than full recovery would not fulfill the congressional intent that BPCTCA be based upon commonly used internal controls. The type of SSL recovery system (i.e., incineration or by-product recovery) does not impact the raw waste load so long as similar levels of recovery are being achieved. Therefore, the fact that SSL recovery is achieved by a number of methods, such as evaporation and incineration, evaporation and sale of by-products, or fermentation of SSL, makes no difference in establishing effluent limitations since BPCTCA includes full recovery of SSL.

Examination of mills with full recovery has shown that the most significant impacts of age is in the type of pulp washing and SSL collection equipment used and the type of condenser used in the SSL recovery system at the sulfite mills. In order to take these factors into account, the papergrade sulfite subcategory was divided into two subcategories; one of the subcategories, the Papergrade Sulfite (Blow Pit Wash) Subcategory is based upon the use of the older less efficient pulp washing techniques of blow pit washing, and the other subcategory, the Papergrade Sulfite (Drum Wash) Subcategory, is based upon vacuum (or pressure) drum pulp washing. Within each of the two subcategories, provisions have also been established for mills using barometric condensers whereas the subcategory limitations are based upon surface condensers. In addition, allowances were established for continuous digestion and the composition of the cooking liquor. In establishing the subcategories, the Agency also examined the yield loss and determined that the yield loss, which indicates process factors, was adequately taken into account in the present subcategorization. The discussion in Section IV of the Development Document has been revised in order to show how factors such as yield loss were taken into account and to more thoroughly explain and support the subcategorization of the sulfite mills. It should be noted that the geographical location and land availability factor was examined and considered in the economic impact analysis for sulfite mills. Since sulfite mills which are land limited (See Section V of the Development Document) will probably install activated sludge systems and since the costs of activated sludge systems were included in the Development Document and the economic impact analysis, the Agency determined that further subcategorization based upon land availability would not be necessary.

16. Several commenters objected to the methodology used to determine the effluent limitations for the sulfite subcategories stating that the Agency should base the limitations on concentrations actually obtained by mills using the designated technology rather than on achievable concentrations. One commenter felt that excluding mill 052 from the data analysis was inconsistent with the draft Development Document.

In determining effluent limitations, it is the Agency's responsibility to evaluate the technologies presently in use by mills within the industrial category in order to determine if the treatment systems represent BPCTCA. The draft report to which the commenter referred was a contractor's draft report and in the case of mill 052, further evalutions showed that the contractor's report was in error in that the detention time of the treatment system a mill 052 was inadequate and is thereby not representative of BPCTCA.

In order to include as much data as possible on which to base the effluent limitations, all available sulfite mill biological treatment data (with the exception of mill 052), including full scale systems and pilot plant operations, were used to determine achievable concentrations through use of biological treatment (See Comment No. 3). The achievable concentrations which were determined in the analyses are therefore based upon concentrations actually obtained by mills using the designated technology (as the commenter suggested would be proper).

17. Several commenters stated that the energy estimates in the Development Document were low and suggested that EPA reexamine the basis for the estimates.

The basis for the energy estimates have been reexamined and the Development Document has been revised to show the appropriate changes.

18. A number of commenters stated that the Agency's evaluation of the factors affecting flow and raw waste load from mills in the groundwood, bleached kraft, soda, and drink subcategories was inadequate. Some of the factors with which the commenters were concerned included the following: raw materials, including type of wood and season of harvest, geographical location including temperature impacts on manufacturing processes and external treatment efficiencies, age and type of equipment, production processes including variations in yield and bleaching, physical layout, and variations in papermaking operations including number of grades, frequency of grade changes, use of additives, and form of the final product (i.e., rolls vs sheets).

In determining the present subcategorization and the special provisions within several of the subcategories, the Agency thoroughly evaluated all of the appropriate factors including those listed above. The comments submitted were carefully reviewed and because of the length of the arguments presented are addressed in Section IV of the Development Document. Thus, Section IV has been expanded to describe more thoroughly how each of the factors was taken into account in developing the subcategorization.

19. One commenter was concerned that the Agency did not examine the reasons for differences in raw waste loads between mills and that a range of effluent limitations would be an appropriate methodology for taking into account any differences in raw waste loads between mills. Mills 106, 127, and 510 were cited as examples of mills with varying raw waste loads within the same subcategory. Another commenter contended that the differences between mill 510 and mills 127 and 108 were due to the use of hardwood at mill 510 which resulted in higher raw waste loads. The commenter felt that the Agency should take into account the higher raw waste loads due to the use of hardwoods.

The Agency examined all available information and data in determining the subcategory raw waste loads on which the effluent limitations were based. As an example of the detailed analyses which were made of mills for which data were available, the discussion in Section V of the Development Document has been expanded to present the detailed information analyzed for each mill used in determining the bleached kraft dissolving pulp subcategory raw waste load (mills 108, 127, and 510). The discussion shows that no allowances are necessary for hardwood used at mill 510 since mill 108 which uses primarily softwood has a higher raw waste load.

20. One commenter stated that the Agency has failed to demonstrate that overflow rates of 600 gallons per square foot per day will achieve the TSS limitations for the groundwood subcategories. The commenter also stated that the Agency failed to identify existing internal control technologies which would be used by groundwood mills to achieve the average raw waste loads.

The Agency has identified the internal control technologies available to groundwood mills for reduction in raw waste flow volumes. See Sections VII and VIII of the Development Document. The TSS limitations are based upon actual operating data for mills using systems representative of BPCTCA. The value of 600 gallons per square foot per day was identified as a parameter commonly used in designing secondary clarifiers (see treatment plant schematic drawings in Section VII of the Development Document) and was used in determining the costs presented in the Development Document.

21. Several comments were received that were concerned with the woodyard allowance. The commenters stated that some allowance for chip thawing or washing should be included and that the limitations should be based upon the wood yield achieved by mills within the different subcategories. One commenter provided yield data in terms of cords per ton for the groundwood, bleached kraft, and dissolving pulp subcategories.

The woodyard allowance now includes chip washing and thawing operations and was revised to reflect the different yields achieved by mills in the different pulping processes including groundwood pulps, chemical papergrade pulps, and dissolving pulps. In addition, instead of one woodyard allowance, three separate woodyard allowances have been established depending upon the specific woodyard operation; these include: (1) barking, (2) log transport and defreezing flumes and ponds, and (3) log and chip washing and dethawing.

22. Several comments were received that stated that the Agency cost estimates were low and that the Agency estimates were based upon annual average performance whereas the limitations are based upon 30 day and daily maximums.

The effluent limitations (30 day and daily maximum) were determined from actual operating data from mills using systems representative of BPCTCA. However, the cost estimates were based upon "worst case" design parameters in many cases and as a minimum were determined upon commonly used design considerations. For example, a number of mills are achieving the effluent limitations with ASBs with detention times ranging from 8 days to 14 days. In this case, costs were based upon the 14 day ASB. Costs of activated sludge systems, however, were based upon common design considerations because detention times used by mills with activated sludge systems to achieve the effluent limitations generally do not vary as much as detention times of ASBs.

The commenters are incorrect in their statements that the cost estimates were based upon annual average performance. The cost estimates used design waste characteristics based upon the maximum 30 consecutive days. As stated previously, the Agency has thoroughly reviewed the cost estimates in the Development Document and has determined that the costs are up-to-date and accurate.

23. Four comments were submitted that stated that the Agency should recognize in the regulation that long term storage of biologically treated waste waters with short term release systems are a viable alternative to continuous discharge systems. One of the commenters provided extensive information and data for a system which stores the treated effluents for eight months and releases over a four month period. The commenters suggested that mills which are required by the NPDES authority to use these types of systems because of water quality considerations should be required to meet annual average limitations rather than the average of 30 consecutive days and maximum day limitations.

The Agency has carefully examined the submitted comments and data and has determined that it is appropriate to establish annual average effluent limitations for those mills which in effect are required to use storage ponds following their biological treatment systems because of water quality considerations. However, as defined in the regulations, mills using these types of systems (non-continuous dischargers) must also meet maximum day and average of 30 consecutive days limitations as established by the NPDES authority. In setting the maximum day and average of 30 consecutive days limitations for each non-continuous discharger, the NPDES authority will refer to Section IX of the Development Document which sets forth effluent concentrations which reflect waste water treatment levels that are representative of application of best practicable control technology currently available.

It is emphasized that the pollutant control requirements for non-continuous dischargers are not any less stringent than those for continuous dischargers but that only the format of the limitations is changed.

24. Several commenters objected to the statement in the Development Document that all of the data used was based upon twelve or more months since mills 127 and 111 have only five months and seven months of data, respectively, included in the data base. In addition, the commenters questioned the inclusion of mills with fewer data points than one per day over 12 months (i.e., mill 101 has 123 data points over 12 months). The commenters also were concerned over several alleged discrepancies in the data base for specific mills in the Development Document and for differences between data bases from previous Development Documents.

The Agency has carefully examined the submissions to determine the technical adequacy of including in the data base several mills which have less than 12 months of data and mills with fewer data points than one per day. Inclusion of these mills is appropriate as discussed in the Development Document; however, additional data have recently been received for most of these mills. The Agency agrees that several data points for specific mills were incorrect and that additional discussion in the Development Document is necessary to more fully explain and justify which mills are included in the data base and how more recent data have been combined or not combined with the previous data. The Agency has recently collected additional data for many of the mills and these data have been combined with the previous data base. As a result, the Development Document has been updated to include new data, added discussions of the data base, and has been edited to remove any incorrect data.

25. One commenter stated that the use of flow and final effluent concentrations from different mills to establish the effluent limitations resulted in irrational limitation because it is an "apples and oranges" situation.

The Agency understands the commenter's concern that the use of a low flow from one mill and the use of a low concentration from another mill (which has a high flow) could result in improper effluent limitations. However, the effluent limitations were based upon actual data from a large number of mills and therefore, the data analysis does not represent the improper analysis which the commenter suggests could occur. The appropriateness of using flows, concentrations, and variability factors to determine effluent limitations is demonstrated by the large number of mills presently achieving the effluent limitations. See Sections VII and IX of the Development Document.

26. One commenter stated that the effect of temperature on the settleability of TSS from a high rate system was not given adequate treatment. The commenter stated that increases of 20 to 30% in TSS levels in the effluent are expected during the winter months even though the treatment system has been designed for a Northern location.

The Agency recognizes that well designed and operated treatment systems may experience variability in effluent qualities at mills located in Northern climates (as well as mills in Southern climates). In this regard, the effluent limitations were determined using variability factors based upon actual mill operating data which reflect maximum 30 consecutive and maximum day values that are achieved at plants using systems representative of BPCTCA. The Agency feels that these variability factors are more than adequate to provide for effluent variability and it appears that the data provided by the commenter supports the Agency's position. The variability to which the commenter referred translates to 1.2 to 1.3 (ratio of maximum 30 days or maximum day—commenter did not specify whether his data were maximum 30 days or maximum day—to the annual average). The effluent limitations were based upon approximately 1.8 and 3.4 (ratio of maximum 30 consecutive days to annual average and ratio of maximum day to annual average, respectively), which are much higher than the commenters' data and indicate that the

Agency has more than adequately taken his concerns into account.

27. One comment was received that provided a substantial amount of raw waste and final effluent data for mill 401. The data were submitted to support the contention that the raw waste load presented in the Development Document for mill 401 and used in determining the raw waste load for the low alpha dissolving sulfite pulp subcategory was understated. Information and data were also provided showing differences in raw waste load which result from production of nitration and cellophane grades of pulp using hardwood and softwoods. The commenter contended that use of hardwoods results in significantly higher raw waste loads than the use of softwoods.

The data submitted on mill 401 have been examined and were included in determining the raw waste loads on which the effluent limitations were based for the dissolving sulfite pulp subcategory. The submitted data from mill 401 showed significant differences in raw waste loads when producing nitration grades with either hardwoods or softwoods. Since mill 401 is the only dissolving sulfite mill using hardwoods, the subcategory raw waste loads have been based upon production of pulp from softwoods. In addition, the definition of the Dissolving Sulfite Subcategory has been revised to include only the production of dissolving sulfite pulp from softwoods.

28. One commenter objected to the inclusion of vacuum drum pulp washing as an internal control in BPCTCA for dissolving sulfite mills. The commenter suggested that vacuum drum washing should be included in BATEA.

As the commenter stated, BPCTCA emphasizes end-of-pipe treatment but also includes commonly practiced inplant control measures. Since five of the six dissolving sulfite mills use vacuum drum washers (one mill of the five is presently installing vacuum drum washers), the Agency has determined that vacuum drum washers may be appropriately included in BPCTCA.

29. One comment was received that suggested that the Agency reexamine the available information and data on mill 066 because the mill has recently completed a number of inplant changes and significantly altered the raw waste load.

A member of the Agency staff recently made an on-site inspection of mill 066 in order to collect the most recent information and data. These data are presented in the Development Document but only the flow data were used along with data from other mills to determine the effluent limitations for the papergrade sulfite subcategory. The mill management stated that inplant controls had been installed, and it would be expected that a reduction in the raw waste load would have been achieved. However, the mill management also stated that close-up of the SO2 system resulted in an additional BOD5 discharge of 5,000 pounds per day (41 pounds per ton). The data for the period previous to the inplant changes and SO2 system close-up showed a BOD5 raw waste load of 260 pounds per ton (represents 12 months of data), and data for the more recent period show a raw waste load BOD5 of 383 pounds per ton (four months of data). Since the new data are for only four months of operation and since the BOD5 data are inconsistent (i.e., inplant controls other than SO2 close-up resulted in higher raw waste loads), the BOD5 data were not used in the analyses.

30. Several comments were received that stated that the effluent limitations were far less restrictive than necessary and that the limitations may not be truly representative of the goals intended by Congress. The commenters cited several examples of mills which were nearly achieving the BATEA limitations using the BPCTCA technology or mills using less than BPCTCA but nearly achieving the BPCTCA limitations. The commenters suggested that the Agency closely examine the technologies in use in relation to the effluent qualities being achieved. Data were provided.

The effluent limitations are based upon actual data from mills using systems representative of BPCTCA. The Agency has recently received additional data which were analyzed along with the original data base and the data provided by the commenters. As a result, a number of effluent limitations have been revised to more accurately reflect the levels that can be achieved by the application of BPCTCA. The information and data are presented in the Development Document along with an extensive discussion of the methodology and rationale for the determination of the effluent limitations. The Agency believes that the effluent limitations are responsive to the intent of Congress and reflect those effluent levels presently being achieved by mills using systems representative of BPCTCA.

31. One commenter objected to the use of raw waste load data from certain mills which the commenter asserts are using BATEA internal controls in determining PBCTCA raw waste loads. The commenter also sugested that the Agency should delete from the final effluent averages the data from mills employing biological treatment followed by post stabilization ponds. The commenter contended that these systems are beyond BPCTCA.

The average BPCTCA raw waste loads for each subcategory are generally based upon all mills within a subcategory for which data were available. The extent of internal controls used by mills is generally indicated by the mill's raw waste load. Since BPCTCA properly includes normally or commonly used internal controls, it is appropriate to use data from all mills to determine average raw waste loads. It should be pointed out that the Agency did examine the raw waste loads and internal controls in use by mills, and mills with exceptionally low raw waste loads were excluded from the raw waste load averages. Thus, the subcategory raw waste loads reflect commonly used internal controls and not raw waste loads associated with BATEA internal controls.

In addition, the Agency believes that final effluent BOD5 data from mills using biological treatment systems followed by post stabilization basins should be included in determining the final effluent averages. These systems are considered to be BPCTCA since mills with biological treatment systems followed by post storage ponds have generally designed their biological treatment systems to rely on some additional BOD5 reduction in the storage pond. Thus, the entire system including both the biological treatment system and the post storage pond are considered to be BPCTCA at these mills. The Agency did exclude the TSS data from the analysis but this was because the large land areas used by the post storage ponds are not always available to all mills, and the TSS reduction that occurs in the post storage ponds cannot always be achieved by mills using only an aerated stabilization basin (ASB). This is in contrast to the BOD5 levels since the BOD5 levels achieved by mills using biological treatment followed by post storage can be achieved by mills using only an ASB. Thus, the Agency based the effluent limitations on BOD5 levels on both types of systems and TSS levels only on ASBs. See Section VII of the Development Document.

32. A number of comments were received that questioned the method used to take into account the raw waste loads resulting from the production of bleached kraft market pulp at mills producing both market pulp and papers. The commenters suggested that the Agency should revise its analysis of the raw waste load at these mills and consider that the raw waste load generated by the production of market pulp is the same as that resulting from the production of papers.

The available information and data for those mills producing market pulp and papers have been reexaminated and no evidence has been found to show that higher waste loads result from the production of market pulp at these mills. The Agency therefore concurs with the commenters and has revised the method for determining the raw waste load for the bleached kraft fine papers and the bleached kraft BCT papers subcategories. Revision of the method also resulted in a change in the definition of the two subcategories to include market pulp as one of the products.

33. One commenter stated that the Agency has used treatment systems employed at Southern mills in determining BPCTCA effluent limitations but failed to consider the increased costs and economic impact for mills located in Northern locations of achieving the limitations.

The effluent limitations were based upon mills located in both the North and South and can be achieved through use of BPCTCA. The Agency has carefully considered costs and economic impacts for mills located in Northern climates. Activated sludge treatment systems were identified as BPCTCA for mills located in Northern climates and appropriate costs have been included in the Development Document and in the economic impact analysis. It should again be emphasized that the Agency is not requiring mills to install a specific type of treatment system but has identified a type of treatment system capable of achieving the effluent limitations and one that may be used to establish costs and assess the economic impact. Depending upon the specific mill situation, other types of treatment may be more desirable and less expensive, such as a three day modified activated sludge system or an aerated stabilization pond with very long detention times. Relative costs of alternative treatment systems are presented in Section VIII of the Development Document.

34. Two commenters felt that the BOD5 raw waste load of 56 pounds per ton for the groundwood thermo-mechanical subcategory was low in view of recent data from mill 041. The commenters contended that the data from mill 041 show that BOD5 levels are in the range of 90 to 100 pounds per ton and the commenters suggested that EPA take the higher raw waste load into account. In addition, one of the commenters suggested that the groundwood thermo-mechanical subcategory be split into two subcategories to take into account the predicted lower raw waste loads from thermo-mechanical mills producing newsprint such as mill 184. Data were provided for a pilot plant conducted at mill 184 which showed a BOD5 raw waste load of 65 pounds per ton.

The raw waste load for the groundwood thermo-mechanical subcategory has been revised based upon the actual operating data from mill 041 which is one of the two mills in the country producing 100% thermo-mechanical pulp. The data from mill 041 shows a raw waste BOD5 of 78 pounds per ton rather than the 90 to 100 pounds suggested to be representative in the comments. Data from the other mill, mill 028, shows substantially less BOD5 raw waste loads than for mill 041. The BOD5 raw waste load for mill 028 is approximately 40 pounds per ton. The subcategory raw waste load has been based upon mill 041 in order to conservatively take the process factors into account. The effluent limitations have also been revised to reflect the higher raw waste loads.

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Since there are presently no mills producing newsprint from 100% thermo-mechanical pulping, it is considered more appropriate at this time to establish one subcategory based upon mill 041 which has a higher raw waste load than the predicted performance of mill 184.

35. One comment was received that suggested that the Agency reexamine the relationships between raw waste loads and bleaching in the bleached kraft subcategories. The commenter felt that there is every reason to believe that pulp brightness can be correlated with yield and BOD load from the bleach plant. However, the commenter did point out that the correlation may be masked to some extent by other variables.

The Agency has reviewed all available data with regard to waste loads generated within the bleach plant at bleached kraft mills. As the commenter pointed out, the incremental impacts of differences in bleaching are generally masked by other more significant variables within the mills. Most of the BOD that is generated during bleaching operations occurs in bleaching the unbleached pulp of brightness levels of 20 to 25 (% G. E.) up to brightness levels of about 75 to 80 (% G. E.). Thus, since brightness levels of the products of bleached kraft mills are generally above 80 (% G. E.), the relative differences in total raw waste BOD are insignificant when increasing brightness levels above 80 (% G. E.). In any event, the Agency believes that the present subcategorization does take into account any differences in raw waste loads as a result of bleaching operations. The available data show that dissolving kraft, market kraft, and kraft paper mills bleach to different levels of brightness (i.e., 90–92 (% G. E.), 86–90, and 80–86, respectively). Thus, the Agency believes that any effects of bleaching are taken into account in the present subcategorization which establishes the bleached kraft dissolving pulp, the bleached kraft market pulp, and the bleached kraft BCT and Fine Paper subcategories. These points are thoroughly discussed in Section IV of the Development Document.

36. One commenter suggested that the Agency use the TSS data for mills with post storage ponds which are measured between the aerated stabilization basin (ASB) and the post storage pond.

The Agency does not believe that the ASBs at these mills are representative of BPCTCA (see comment 31) and therefore, it would be inappropriate to use the TSS data measured between the ASB and the post storage pond. The Agency believes that it is more appropriate to use TSS data from a mill with an ASB without post storage. The total biological treatment system including both the ASB and the post storage pond are BPCTCA at these mills and the ASB alone is not representative of BPCTCA.

37. One commenter was concerned that the production basis for mill 512 appeared to be the maximum seven days production rather than the annual average. The commenter also stated that there was no indication in the Development Document that the Agency gave any consideration to demonstrated production capacity or committed growth in the calculation of the effluent limitations.

The raw waste data for mill 512 have been revised to reflect the annual average production rate rather than the maximum seven days. The commenter's reference to demonstrated production capacity or committed growth would more appropriately be addressed to the NPDES authority because development of the effluent limitations uses actual production data for the period of time for which the waste water data are used.

38. A number of commenters were concerned that the data base was biased towards mills located in southern climates and that because of better treatment efficiencies, this resulted in overly stringent limitations for mills in northern climates.

The Agency has examined the location of mills included in the data base to determine if mills located in southern climates are achieving effluent qualities better than those in northern climates. The results of the analyses as shown in the Development Document show that comparable effluent qualities are being achieved by mills in both locations. It should be pointed out that the type of biological treatment system upon which the limitations are based for mills in the northern climates is different than for mills located in southern climates, since treatment systems can be designed to take into account the effects of temperature on biological treatment efficiencies. Design for temperature considerations does not necessarily eliminate all impacts on treatment efficiencies, but the impacts can be minimized to the point where effluent variabilities for mills using treatment systems representative of BPCTCA are similar for mills located in both northern and southern climates. These points are demonstrated by a number of mills in Northern climates which are presently achieving the effluent limitations using the identified technologies. See section VII of the Development Document.

39. Concern was expressed by one commenter that the Agency ignored TSS levels as a basic factor in development of the subcategories. The commenter stated that many of the technologies discussed in the Development Document were for the reduction of TSS and that this should logically be a significant factor in subcategorization.

Many of the technologies identified in the Development Document are for the reduction of TSS as the commenter contends. However, the two primary factors of external treatment design are flow and BOD5 which were appropriately used as the primary bases for subcategorization. Design considerations for raw waste TSS relate primarily to primary treatment and sludge disposal since the TSS design considerations of biological treatment are more related to the raw waste BOD (due to generation of biological suspended solids) than to the raw waste TSS. Therefore, raw waste TSS is not as critical a factor as flow and BOD5.

40. One commenter felt that chemical addition in secondary clarifiers in order to improve suspended solids removal should be included as a necessary component of BPCTCA.

BPCTCA has been identified by the Agency to include commonly practiced internal controls, primary treatment, and biological treatment. The biological treatment portion of BPCTCA includes design and operating provisions for suspended solids removal. The effluent limitations are based upon well designed and operated aerated stabilization basins and activated sludge systems without the use of chemical addition in secondary clarifiers. This is not to say, however, that chemical addition in secondary clarifiers is not an available alternative technology which can be used to achieve the effluent limitations. Mills may choose to add chemicals to their secondary clarifiers to improve TSS (and BOD5) removal in order to make up for some design and operating deficiency in some other part of their treatment system which results in high TSS levels in the final effluents.

41. One commenter stated that the effluent limitations for the non-integrated tissue subcategory appear to be achievable with the Agency identified technology but that the explanation of how the actual limitations were determined was somewhat confusing. The commenter suggested that the precise methodology employed by the Agency be clarified.

The explanation of the method used in determining the effluent limitations for the non-integrated tissue subcategory has been revised to show how the effluent limitations were determined.

42. One comment was received that stated that EPA should examine the impact on production and raw waste load of using cull logs and sawdust. The commenter contended that the use of an annual average production would not properly describe the impact on raw waste load during times when large percentages of a mill's wood supply were cull logs and sawdust due to the lesser yields and higher waste loads. The commenter suggested that defining production as the maximum seven days of mill capacity would properly address the alledged problem.

The Agency believes that defining production as the annual average is entirely appropriate since the effluent limitations are based upon annual average production data. Issuance of NPDES permits based on maximum seven days of production using effluent limitations which are based upon annual average production would be inconsistent. Regarding the impact of cull logs and sawdust on production and raw waste loads, these items are included in the data base and any impacts are more than taken into account in the use of maximum 30 days and maximum day variability factors which were developed from actual mill data included in the data base. It should be noted that no specific data were submitted on the impacts of cull logs or sawdust.

43. The comment was made that off-the-machine production does not necessarily reflect production on any particular day since it does not take into consideration trim and furnish that are in various parts of the system as storage.

The Agency agrees with the commenter but feels that it is relatively unimportant when using annual average production since any particular day of production is included in the long term average.

44. One commenter stated that zinc hydrosulfite bleaches to a higher brightness level than sodium hydrosulfite and in order to achieve the same brightness levels more sodium hydrosulfite is required. The commenter was concerned because sodium hydrosulfite costs more and the Agency did not include such costs in the Development Document.

The zinc effluent limitations were revised and are now based upon chemical coagulation, floculation, and sedimentation of waste waters from mills using zinc hydrosulfite in the bleaching process. As a result, the zinc limitations were made less stringent. Costs of achieving the effluent limitations were determined and are included in Section VIII of the Development Document. After consideration of these costs in the economic impact analysis, it was determined that the conclusions were unaffected.

45. One commenter was concerned that the TSS limitations were overly stringent since the systems that he had investigated discharged TSS levels of 50 mg/l to 80 mg/l on many days using secondary clarifier overflow rates as low as 300 gpd/sq. ft.

The TSS effluent limitations are based upon annual average TSS levels of approximately 50 mg/l. The maximum day limitations were determined by multiplying the annual average TSS level by the daily maximum TSS variability factor which is 3.38. Using 50 mg/l as an example of the TSS annual average, the daily maximum limitation would be based upon 169 mg/l which is well above the 50 to 80 level mg/l with which the commenter is concerned.

46. A number of comments were received that were concerned with the selection of BOD5, TSS, ammonia, zinc, and pH as significant pollutant parameters. In addition,

several commenters stated that separate subcategories should be established for mills discharging to marine waters or into large bodies of water. The commenters suggested that BPCTCA for these mills would be primary treatment and deep water outfalls.

Both of these concerns were considered by the Agency prior to publishing the interim final regulations, and responses to these comments are contained in the preamble to those regulations. It can be again pointed out that Section VI of the Development Document presents the rationale for selection of each of the pollutant parameters.

47. One commenter suggested that mill closures were underestimated because average cost of compliance estimates were used and costs are recognized to vary substantially for individual mills.

The "average cost" approach was *not* used to identify or assess the impact of pollution abatement cost on possible closure candidates. The "average" or cost model approach was used solely to derive and aggregate the cost of compliance for (a) subcategories and (b) the total industry.

Closure candidates were identified on the basis of mill capacity and type and extent of in-place facilities for effluent treatment. Officials in these plants were interviewed by telephone, and from the information obtained plus process data, the costs and the resultant economic impact of achieving the effluent limitations were determined. Site-specific conditions were considered in developing the economic assessment of the closure candidates. Thus, closures were not underestimated because site-specific conditions were taken into account in determining the number of potential closures which would result from application of the regulations.

48. Several commenters noted that land costs were excluded from the average cost of compliance estimates and therefore concluded that land costs were ignored.

Land costs have not been ignored. They were not included in the industry-wide estimates because: (1) they are extremely variable, (2) many firms already own the land and do not face out-of-pocket costs, and (3) they would total only about $25 million industry-wide which is less than 1 percent of the total capital requirement for water pollution control. Availability of land for treatment technologies was considered in assessing a closure candidate.

49. Some comments noted that specific assumptions in the cost of compliance estimates were unrealistic and resulted in an underestimate of pollution control costs. More specifically, the commenters were concerned that the costs of sludge disposal were based upon land disposal which is less costly than sludge incineration which may have to be used by a number of mills.

It is true that the Development Document assumes land disposal of sludge and that the capital and operating costs for compliance would be greater for an individual mill if it were required to employ the incineration technique for sludge disposal. However, it appears that separate sludge incineration will only be used by a few mills, if any at all, and thereby, the overall cost to the industry is not significantly changed.

50. Several commenters criticized the basic methodology used in the economic report. The commenters contended that the report failed to recognize that firms possess limited capital resources and that pollution control investment will result in either slower capacity growth or increases in prices (and profits) in order to replenish available investment funds. The commenters concluded that the economic analysis ignored the impact of pollution control expenditures on potential capacity shortage or capital availability.

The concept that the pool of investment funds is fixed and that pollution control costs force a substitution from capital expansion investment is incorrect within the context of accepted economic theory. Firms can raise funds in capital markets and do not have to rely on price increases to replenish capital funds spent on pollution control. According to economic principles, pollution control should induce price increases which are sufficient to maintain an adequate return on investment. An adequate return is measured by the weighted cost of capital for debt and equity for the pulp and paper industry. The estimate of long term price impacts was computed in this manner.

Nevertheless, the economic analysis explicitly studied whether effluent limitations would lead to shortage-induced price increases by comparing future supply and demand and the effect of pollution control on supply. Supply was estimated by adding to existing capacity the announced capacity expansions as reported by the American Paper Institute and deducting estimated capacity lost through mill closures due to pollution control and other factors. Therefore, the effect of pollution control in contributing to shortages is directly considered by deducting mill closures. It is indirectly considered to the extent that announced capacity expansions are made with recognition of the firms' priority capital commitments to pollution control requirements.

51. One commenter criticized the economic analysis for excluding an analysis of secondary impacts of pollution control. In particular, the argument was made that intermediary paper distributors will retain historic profit margins on sales and therefore, the increase in final prices will become a multiple of pollution control costs to the manufacturer of paper.

The assumption that profit margins at intermediary levels will remain fixed is unsupported. Under conventional assumptions used in economic analysis (i.e., profit maximization and no entry barriers), economic theory suggests that the constant profit margin assumption is false with regard to both the short run and long run. In the long run, prices adjust to changing investment, operating, and materials costs. However, any price pass-on at the primary level of paper production does not generally affect investment requirements or operating costs. Intermediary dealers' prices are increased to a minor extent by pollution control induced price increases on the product held in inventory and by the increased price of paper at the primary level. However, even taking these factors into account, long run price increases will increase proportionately less for intermediary dealers than for the primary manufacturer of paper. In the short run, the supply curve or marginal cost is only affected by the increase in the price of paper and the intermediary dealer could pass this amount along at most. Therefore, the extent of secondary impacts for both the short and long run analysis are less than the primary impacts. Since the primary price impacts were not significant, and because the primary impacts provided an upper bound, a detailed analysis of secondary effects was not necessary.

52. Some commenters were concerned that the amortization of capital costs at the rate of 15% as presented in the Development Document underestimated common thresholds for investment decisions in the industry.

The amortization rate of capital costs as presented in the Development Document (i.e., 15%) was used only for illustrative purposes in determining annual costs. The economic impact analysis used a rate of 12.8% because it was determined to be appropriate as discussed below. For the long run price impacts, it was assumed that the industry would require between 10% and 12% return on investment after taxes. These figures approximate the average cost of capital to the pulp and paper industry. The estimate of price impacts in the short run by the full cost pass-on method used a 16 year depreciation life and a 10% interest rate which yields a capital recovery factor of 12.8% on capital charges. The life of pollution control equipment is generally greater than 16 years. (See Economic Impact Analysis).

53. Several comments suggested that economic impacts were underestimated because the cost of SSL recovery was excluded.

The capital cost of SSL recovery was excluded from the industry-wide cost of compliance estimates because operating savings from such an investment can nearly justify the investment on economic grounds alone. Since the capital costs and operating and maintenance costs are nearly covered by the operating benefits (chemical and heat recovery) (See Section VIII of the Development Document) and since there are so few mills involved relative to other types of mills competing in the same product markets any costs would have a negligible impact on the product market. In terms of the economic impact analysis, the screening procedure for plant closings paid particular attention to whether a mill had installed SSL recovery. Therefore, SSL recovery was explicitly considered in the analysis.

54. A number of commenters stated that the economic impact may have been understated because the costs in the Development Document appeared to be understated. The commenters cited several recent mill experiences with equipment purchases in concluding that the costs were low.

The Agency has carefully examined the basis for the costs presented in the Development Document and has concluded that the costs are accurate. In a number of cases costs have been revised reflecting such things as revisions in the costs of sludge disposal (i.e. inclusion of the operation of the sludge disposal site), addition of 1.5% of capital investment for taxes and insurance, revisions in subcategory raw waste loads and effluent limitations, and revisions in the list of internal control measures included in the BPCTCA costs. The costs were examined in terms of economic impact and the conclusions of the economic impact analysis reached for the interim final regulations were unchanged. The costs were developed using June 1974 prices and were for various size model plants within each subcategory, and it is not expected that these model plants would precisely fit the commenters' mills so that direct price comparisons could be made and especially if the commenters' prices are more recent than the June 1974 prices (i.e., the commenters prices should be adjusted to June 1974 prices using appropriate cost indices).

The Agency finding that the basis for the costs are accurate is supported by findings of the National Commission on Water Quality (NCWQ). Using the costs in the Development, the economic impact analysis concluded that compliance with BPCTCA would cost $2.28 billion for capital expenditures and $250 million for operating and maintenance. The NCWQ through an independent contractor estimated that compliance with BPCTCA would cost $2.19 billion for capital and $140 million for operating and maintenance costs.

55. Several comments noted that the macroeconomic forecast included a recession in

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1978 and may have therefore underestimated capacity shortages by underestimating demand.

The economic impact study used a forecast of national economic activity prepared by Chase Econometric Associates, Inc., which included the assumption of a recession in 1978. The analysis also utilized more optimistic forecasts of national economic activity. On the basis of further studies using these optimistic forecasts and thus assuming high demand for product, it was determined that (even after subtracting loss in capacity from mill closures) no significant capacity shortages could be identified.

56. One commenter was concerned that the BPCTCA TSS effluent limitations were abnormally high, especially in the dissolving sulfite subcategory. The commenter stated that at least one mill may be able to achieve the TSS effluent limitations while improperly operating the mill's treatment facilities by operations such as the following: (1) solids are not removed in the final clarifier to design levels (i.e., improper operation of the clarifier allowing the solids to be discharged over the weirs rather than being settled and removed with the sludge) or (2) solids are removed in the clarifier and then are reinjected back into the final effluent. The commenter felt that allowing pollutants to be discharged by such types of improper treatment facility operations was contrary to the concept of best practicable control technology currently available. The commenter suggested that either the TSS limitations should be made more stringent or that a settleable solids limitation of 1.0 milliliter per liter be established in addition to the TSS limitations.

The Agency has determined the effluent limitations based upon all available data from mills properly operating treatment facilities representative of the best practicable control technology currently available. It is emphasized that the determined effluent limitations are minimum levels of control and more stringent limitations can be established in NPDES permits.

The Agency concurs with the commenter in that improper treatment facility operations are contrary to the intent of Congress in establishing the best practicable control technology currently available. Certainly, treatment facilities should be operated such that pollutants are removed to the maximum efficiency and that pollutants, once removed, should not be allowed to be reintroduced into the final effluent. It should be pointed out that most NPDES permits contain requirements that waste water treatment facilities are to be operated at maximum efficiency at all times.

While establishment of settleable solids effluent limitations in the regulations is not appropriate at this time, the Agency feels that requirements for settleable solids limitations of 1.0 milliliter per liter in NPDES permits would be proper in such cases.

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THURSDAY, JANUARY 6, 1977

PART V



CONSUMER PRODUCT SAFETY COMMISSION

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ARCHITECTURAL GLAZING MATERIALS

Establishment of Safety Standards

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Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

Establishment of Standard

In this document, the Consumer Product Safety Commission issues a consumer product safety standard for architectural glazing materials (16 CFR Part 1201), effective July 6, 1977 except for wired glass used in doors or other assemblies to retard the passage of fire where such doors or other assemblies are required by a federal, state, local or municipal fire ordinance, for which the standard is effective January 6, 1980, as provided in § 1201.7 of this Part 1201. The standard is intended to reduce the unreasonable risks of injury associated with architectural glazing materials by ensuring that the glazing materials used in certain architectural products either do not break when impacted with a certain energy, or break with characteristics that are less likely than other glazing materials to present an unreasonable risk of injury.

The injuries this standard is designed to reduce or eliminate are as follows:

A. Lacerations, contusions, abrasions, and other injury or death resulting from walking or running into glazed doors or sliding glass doors believed to be open or glazed panels mistaken as a means of ingress or egress, or pushing against glazing material in doors or glazed panels in an attempt to open a door.

B. Lacerations, contusions, abrasions, and other injury or death resulting from accidentally falling into or through glazing material in doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures.

C. Lacerations, contusions, abrasions, and other injury or death resulting from the act of installing, replacing, storing or otherwise manipulating glazing material in doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures, or from broken glass in doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures.

Copies of all the documents, data, information relative to the original petition for a standard, the Commission's decisions thereon and other materials reviewed and considered by the Commission and/or the staff, in connection with the development of the proposed standard and the final standard, or otherwise mentioned in this notice are available for public inspection in the Office of the Secretary, 1111 18th Street, N.W., 3rd Floor, Washington, D.C. 20207.

I. Background

On June 20, 1973, the Consumer Safety Glazing Committee (CSGC) petitioned the Commission under section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) (hereinafter referred to as CPSA or act) to commence a proceeding for the development of a consumer product safety standard to address the hazards associated with architectural glass. CSGC is an ad hoc group of industry, labor and general interest groups initially formed in 1968 for the purpose of drafting and lobbying for passage of a Model Safety Glazing bill in the various states.

On November 1, 1973, the Commission granted the CSGC's petition on the basis of information submitted by CSGC, consideration of injury data reported by the National Electronic Injury Surveillance System (NEISS), and review of data and information gathered by the National Commission on Product Safety.

Thereafter, the Commission commenced a proceeding under section 7 of the act (15 U.S.C. 2056) to develop a consumer product safety standard applicable to architectural glass by publishing a notice in the FEDERAL REGISTER of May 28, 1974 (39 FR 18502). In the proceedings prior to publication by the Commission in the FEDERAL REGISTER of the proposed standard on February 11, 1976 (41 FR 6178), the product covered by the standard was referred to as "architectural glass". Commencing with the publication of the proposed standard, the designation of the product was changed to "architectural glazing materials". The change was made because the term "architectural glazing materials" includes materials that may consist in whole or in part of materials other than glass. As indicated in the notice of proceeding, the Commission had intended the standard to cover glass and non-glass glazing materials.

In the notice of proceeding, the Commission preliminarily determined (1) that hazards associated with architectural glass present unreasonable risks of injury or death and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury. The notice included an invitation to interested persons to submit offers to develop a recommended safety standard, or to submit an existing standard as a proposed product safety standard.

Four offers were received and two existing voluntary standards were submitted in response to the notice of proceeding. In the FEDERAL REGISTER of August 21, 1974 (39 FR 30191), the Commission announced its acceptance of a CSGC offer to develop a recommended standard. CSGC submitted a recommended standard to the Commission on January 24, 1975.

On February 11, 1976, the Commission published a proposed standard in the FEDERAL REGISTER (41 FR 6178) for public comment in accordance with sections 7 and 9 of the CPSA (15 U.S.C. 2056 and 2058). The proposed standard was designed to reduce or eliminate the unreasonable risks of injury associated with architectural glazing materials by ensuring that the glazing materials used in certain architectural products either do not break when impacted with a certain energy or break with characteristics that are less likely than other glazing materials to cause an unreasonable risk of injury. The proposed standard is basically the standard which was recommended by CSGC with certain revisions, additions, and deletions made by the Commission's staff in response to direction by the Commission.

A more complete discussion of the Commission's consideration of the CSGC recommended standard, the rationale for the changes made in that standard and a description of the provisions of the proposed standard were set forth in the preamble of the proposal of February 11, 1976. A discussion of the preliminary determination of unreasonable risk associated with architectural glazing materials, and a discussion of the technical rationale which formed the basis for the Commission's proposal of the standard were also set forth in that preamble.

In the FEDERAL REGISTER of April 15, 1976 (41 FR 15873), the Commission announced the extension of the period by 60 days, or until June 11, 1976, in which it must either issue a final consumer product safety standard for architectural glazing materials, or withdraw the notice of proceeding. In the FEDERAL REGISTER of July 7, 1976 (41 FR 27952), the Commission announced a further extension of this period until December 1, 1976, due to the complexity and variety of the technical issues raised in the public record requiring staff review and analysis.

II. Description of the Standard

The standard, 16 CFR Part 1201 published below, prescribes safety requirements for glazing materials manufactured after its effective date for use in storm doors or combination doors, doors used for human passage (both exterior and interior), shower and bathtub doors and enclosures, certain glazed panels, and sliding or patio-type doors. The standard also requires that the architectural products enumerated above which incorporate glazing materials and which are manufactured after the effective date of the standard be constructed with glazing materials that meet the requirements of the standard. Thus, the glazing materials and architectural products incorporating those glazing materials manufactured after the effective date of the standard must meet the requirements of the standard.

While the standard issued below prescribes a test method to determine whether glazing materials subject to the standard meet the requirements of the standard, the standard itself does not require that a manufacturer test any glazing materials or products subject to the standard. Manufacturers of glazing material, however, are required to perform testing under section 14 of the Consumer Product Safety Act (15 U.S.C. 2063) which prescribes certification requirements. The Commission will establish regulations regarding certification by a separate rulemaking proceeding. However, the Commission intends to use the test procedures set forth in the standard issued below to determine whether materials and products subject to the standard meet the requirements of the standard.

The standard is designed for residential and certain nonresidential applications. It does not cover glazing materials used in the manufacture and construction of architectural products not identified in the standard such as (but not necessarily restricted to) prime windows and storm windows.

After the effective date of the standard, no person shall manufacture for sale, offer for sale, distribute in commerce or import into the United States glazing material or the enumerated products incorporating glazing materials subject to the standard which do not comply with the requirements of the standard.

For purposes of this standard, fabricators (persons who assemble or otherwise incorporate glazing materials into the architectural products identified) are considered to be manufacturers as defined in § 1201.2(a) (15) and (16) of the standard and sections 3(a)(4) and 3(a)(8) of the act (15 U.S.C. 2052(a)(4) and (a)(8)). Distributors and retailers of glazing materials (including persons cutting glazing materials to size) are also subject to the standard. The effective date for the standard is July 6, 1977, except for wired glass used in doors or other assemblies to retard the passage of fire, where such doors or other assemblies are required by a federal, state, local or municipal fire ordinance, for which the standard is effective January 6, 1980 as provided in § 1201.7 of this Part 1201.

The standard, Part 1201 below, is designed to reduce or eliminate the unreasonable risks of injury associated with architectural glazing materials by ensuring that the glazing materials used in certain architectural products either do not break when impacted with a certain energy or break with characteristics that are less likely than other glazing materials to present an unreasonable risk of injury. The standard is basically the standard which was proposed by the Commission with certain revisions, additions, and deletions made in response to the comments submitted on the proposal by interested persons. The major provisions of Part 1201, and the principal differences from the proposed standard are described below. The Commission provides further explanations for the changes and addresses comments on the proposed standard under Section III of the preamble entitled "Response to the Proposal."

A. *Impact tests.* In § 1201.2 of the standard, affected products are defined and divided into two categories according to the expectation of whether in normal use or during reasonably foreseeable misuse they will be subjected to high energy or low energy impact and whether it is likely that an individual's full body will be involved in the impact. Included in the final standard is a revision in the definition of Category I and Category II doors and glazed panels. The dividing line is now 9 square feet rather than 6 square feet. (§ 1201.2(a) (3) and (4) below). Section 1201.4(d)(1) describes the impact tests for both categories. The requirements for impact kinetic energy of 150 foot pounds for Category I products (impact from a drop height of 18 inches) and 400 foot pounds for Category II products (impact from drop height of 48 inches) have been retained in the final standard.

B. *Breakage characteristics.* The standard, at § 1201.4(e)(1), provides that glazing materials when impacted as required must either not break, or break with one of a series of alternative acceptable breakage characteristics. These breakage characteristics are similar to the ones proposed, but have been revised as described below.

1. For reasons detailed in Section III (C)(2)(a)(3) of this preamble, § 1201.4(e)(1)(i), which describes a criterion for passing the impact test, has been revised to specify the period of time that a sphere should remain on the glazing material after it has been placed in a horizontal position.

2. Also for reasons detailed in Section III(C)(2)(c)(2) of this preamble, § 1201.4(e)(1)(ii), which describes a criterion for passing the impact test, has been revised by deleting the term "crack free" and by adding a definition of the term "particle" for purposes of this section. The purpose of these changes is to require that large shards having cracks that terminate in the shard be considered in determining the 10 largest pieces to be selected.

3. The standard does not require, as a criterion for passing the impact test, that glazing meet an included angle criterion. The Commission's position on this matter is further detailed in section III (C)(2)(d) of this preamble.

C. *Environmental durability tests.* Section 1201.4(a)(2) of the standard requires that accelerated or simulated weathering tests be conducted to ensure environmental durability of the glazing materials.

1. Section 1201.4(d)(2)(i) of the proposed standard specified a boil test procedure which included a first soak and a second soak (immersion) of test specimens. This requirement has been retained in that section of the final standard since the standard sets forth the manner in which the Commission will test for compliance with the standard. The first soak may be made optional for manufacturers of glazing materials in the Commission's certification testing program which will be published in another document. This is further discussed in part III(C)(3)(a)(1) of this preamble.

2. Section 1201.4(b)(3)(ii) regarding the simulated weathering test has been revised to eliminate the use of the carbon arc test equipment and to specify the type of xenon arc test equipment that will be used by the Commission to determine compliance with the standard. This is also further discussed in part III(C)(3)(a)(2) of this preamble.

D. *Glazed panel definition.* The definition of "glazed panel" included in §§ 1201.2(a)(10)(i) and 1201(a)(10(ii) of the standard has been revised to exclude transoms by restricting the definition of glazed panels to those "• • • whose bottom edge is below the level of the top of the door • • •". This addition clarifies that transoms and other glazed panels beginning above door level are not included within the standard.

E. *Exemptions to Part 1201.* Certain product exemptions to this Part 1201 have been included in § 1201.1(c) of the standard. The rationales for such exemptions are detailed in section III(A) of this preamble.

The Commission has deferred the applicability of the standard to wired glass used in doors or other fire assemblies to retard the passage of fire where such doors or other assemblies are required by a federal, state, local, or municipal fire ordinance for 2½ years from the effective date of the standard. A total exemption from the requirements of the standard has been provided for the louvers of jalousie doors as that term is defined in § 1201.2(a)(12). Non-complying glazing materials may be used in any door opening provided that a 3-inch diameter sphere cannot pass through the opening. This Part 1201 does not apply to the curved sidelights of revolving doors. Decorative leaded glass is excluded from the provisions of Part 1201 when no individual pane is greater than 30 square inches in area. Commercial refrigerated glass cabinet doors are also exempted. The basis for these exemptions is explained in section III(A) of this preamble.

III. Response to the Proposal

In response to the proposal of February 11, 1976, fifty-four written comments were received. In addition, a proceeding to receive oral comments was held on March 8, 1976, at the offices of the Commission in Washington, D.C. Oral comments were made by representatives of eight organizations. The principal issues raised by the comments and the Commission's conclusions thereon are set forth below. Significant revisions in the final standard resulting from the comments and/or Commission decisions are also discussed.

In addition, eight individual consumers expressed their approval of the Commission's action to increase the safety of architectural glazing materials and to reduce the number of injuries connected with architectural glazing products. One consumer expressed disapproval of a testing standard and recommended a labeling standard instead.

A. *Scope and application; exemptions.* A number of comments were received relating to § 1201.1 which deals with the scope and application of the proposed standard and the ancillary § 1201.2 setting forth definitions of terms used in the proposed standard.

1. *Glazed panels.* a. PPG Industries commented on § 1201.2(a)(10)(iv)(B) of the standard which exempts from the standard panels that have a visual barrier in the form of a horizontal member such as a piece of framing or a permanent chair rail of specified dimensions and location. PPG objected to this exemption on the grounds that this section does not provide for an adequate physical barrier.

One of the modes of injury associated with glazed panels is that of the person

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who walks or runs into the glazed panel because he/she fails to see the glazing and believes that the area is a passageway—an open door. The standard is designed to reduce or eliminate this mode of injury by providing for the use of a visual barrier when safety glazing is not used. Therefore, the Commission has not accepted the change recommended by PPG because the Commission does not intend the horizontal member to be a physical barrier.

b. The Federal Housing Administration (FHA) of the Department of Housing and Urban Development suggested in a comment that the Commission narrow the allowable range of heights for this visual barrier, i.e., 18 to 36 inches above the walking surface, because a single barrier at the 18 inch level might contribute to the severity of injury.

The Commission agrees that a barrier at 18 inches may be ineffective as a visual barrier and, in addition, may present a hazard of tripping. The Commission, therefore, has raised the minimum level to 24 inches for this visual barrier. The new range would continue to afford protection to children as well as adults, as a visual barrier, while reducing the risk of tripping by adults. Therefore, the Commission has revised the definition of glazed panel as contained in § 1201.2(a)(10)(iv)(B) to exempt from coverage as glazed panels those panels in nonresidential buildings which are not adjacent to doors and which have horizontal members located between 24 and 36 inches above the walking surface.

FHA also suggested an exemption for glazed panels having a painted stripe or design as a visual barrier. However, paint is not permanent and is easily omitted during construction or retrofit. Therefore, the request is denied.

2. *Windows and transoms.* The Flat Glass Marketing Association (FGMA) stated that there is no economic or empirical justification for excluding windows from the scope of a standard and yet, including those windows and transoms which are close enough to a door to come within the definition of a glazed panel as contained in § 1201.2(a)(10) of the standard.

Only when a window falls within the definition of a glazed panel does it come within the scope of the standard. The risks of injury associated with glazed panels include lacerations, contusions, abrasions, and other injuries and death resulting from walking or running into glazed panels mistaken as a means of ingress or egress, pushing against glazed panels in an attempt to open a door (e.g., when distracted while intending to open a door), or accidentally falling into or through glazed panels. The risks of injury from windows in general are lacerations, contusions, abrasions and other injuries and death resulting from falling against, opening, closing, washing or otherwise handling windows.

When the window falls within the definition of glazed panel as used in this standard, it is associated with the risks of injury from glazed panels as well as the risks of injury associated with windows in general. The purpose of including such windows in the standard is to address the risks of injury associated with glazed panels and not windows in general. The Commission will continue to encourage further efforts to reduce injuries associated with windows. The Commission will continue to review information available concerning injuries associated with windows and the technological practicability of developing a standard for that product and may, in the future if warranted, initiate a standard development proceeding relative to windows.

The comment on windows from FGMA appears to be based in part on the belief that the Commission intended that transoms be included within the scope of the proposed standard. This was not the Commission's intent. The location of the customary above-the-door transom, usually more than 6 feet above the walking surface, would generally forestall the specified risks of injury associated with architectural glazing materials to which the proposed standard was addressed. In addition, there were no injuries related to transoms discovered in a review of the Commission's investigative reports and a potential for injury does not appear to exist. Thus, a transom whose bottom edge is above the top of the door is not included in the standard. Accordingly, §§ 1201.2(a)(10)(i) and 1201.2(a)(10)(ii) have been revised to clarify that such transoms are excluded from the standard.

3. *Wired glass in fire assemblies.* Comments relative to the treatment to be accorded glazing used in fire doors were submitted by CSGC; Doorlite Producers Association; Flat Glass Association of Japan; Chairman, Committee on Fire Doors and Windows, National Fire Protection Association (NFPA); C-E Glass Co.; and the American Insurance Association. They recommended, in effect, that wired glass used in fire doors be exempt from the provisions of the standard or, in the alternative, be tested at an impact level of 100 foot pounds or less rather than the 150 or 400 foot pounds levels established in § 1201.4(d)(1) of the standard.

For the most part, the glazing used in fire doors is ¼ inch wired glass. Several of the commentors stated, in effect, that virtually every federal, state and muncipal fire code requires the use of wired glass, and that ¼ inch wired glass is the only material currently manufactured that meets the requirements of such fire codes. The commentors stated that such glass cannot now meet the requirements of the standard.

The commentors indicated that the hazards of injury by being struck by a door while it is being opened, or of death, personal injury, and more extensive property damage by handicapping fire fighting, outweigh the types of injury to which the standard is addressed. Presumably they believe that if wired glass for fire doors must comply with the standard, vision panels in fire doors would disappear, resulting in decreased safety to occupants and firefighters during a fire and increased door accidents during routine use of the building.

At the public hearing, a representative of the C-E Glass Co. advanced the proposal that should the Commission continue to believe that wired glass should be included within the scope of the standard, then the industry should be permitted sufficient time to develop the necessary technology for the production of glazing materials for use in fire doors which will meet the requirements of a standard.

The Commission has investigated these comments. It recognizes that wired glass which is intended to retard the passage of fire is often used in high risk locations where there is genuine potential for serious injury from the hazards the standard is designed to prevent. The Commission believes that wired glass intended for use in doors and other assemblies which will both retard the passage of fire and meet this standard can be developed. However, the Commission does not have sufficient information to determine whether wired glass intended to retard the passage of fire and which would met Category I impact test requirements (specified in § 1201.4(d)) is available at this time. Consequently, for the reasons advanced by the commentors, the Commission has decided for good cause and in the public interest and safety to defer for 2½ years from the effective date of the standard the effective date of the standard as to wired glass used in doors or other assemblies subject to this Part 1201 and used to retard the passage of fire, when such wired glass is required by federal, state, local or municipal fire ordinance. A deferred effective date of 2½ years from the overall effective date has been established in order to allow a period of time for the technological development of such materials, and additional time for fire codes to be amended in order that glazing materials meeting the requirements of both the fire codes for retarding the passage of fire and Category I of this standard might be readily manufactured and marketed. This deferred effective date is reflected in §§ 1201.1(c)(1) and 1201.7 of the final standard.

Furthermore, the Commission has made a revision in the standard which should further assist in meeting the requirements of both fire codes and the standard. In the proposed standard, § 1201.2(a)(3) and (4) established the dividing line between Category I and Category II doors, storm doors, and glazed panels at 6 square feet. Thus, depending on the size of the glazing material some products covered by this standard and required to retard the passage of fire would have been required to use glazing material meeting Category I requirements, whereas others would have been required to use glazing material meeting the more stringent Category II impact requirements (see § 1201.4(d)(1)). For reasons which are more fully discussed in section III(B) of this preamble, the dividing line between Category I and Category II doors, storm doors and glazed panels has been revised from 6 to 9 square feet. As a result of this change, fire doors, as defined by the National Fire Protection Association standard for firedoors and windows (NFPA 80-1975), would fall within Category I requirements which are less stringent than Category II requirements. The Commission believes that these changes continue to provide protection to the public because there is little, if any, likelihood for full body impact with glazing material in doors and other assemblies intended to retard the passage of fire, which is the hazard the impact levels of Category II are intended to address.

4. *Louvers of jalousie doors.* The Exterior Home Products Manufacturers Association, Karey Products Corporation, and The Perfect-Seal and Louvre-Seal Corporations have requested an exemption from the standard for the louvers of jalousie doors.

The operating louvers or vents in a jalousie door are generally made of annealed glass. Each louver is one of a series of overlapping pieces of glazing material designed to admit ventilation and light but exclude rain. The louvers have rounded edges which when opened point outward toward anyone approaching the door. When closed, the louvers overlap one another. The louvers are operated by a crank and gear mechanism located on one side of the door, and proper closing of one louver against the other to ensure a weather tight seal is dependent upon the louvers being rigid and perfectly flat.

Annealed glass appears to be uniquely suited for use in the louvers of jalousie doors. There is some question whether tempered glass can be used in louvers due to the possibility that such glass may warp when employed in sizes used in louvers. The use of laminated glass, whose edges allegedly cannot be polished, could result in sharp and potentially hazardous edges. The use of laminated glass may also meet with a good deal of consumer resistance because the exposed interlayer might be thought by many to be esthetically unsightly. It is also probable that organic-coated glass would be unsuited to this form of usage because the adhesive bond would be exposed to the weather creating the possibility of delamination. The practicability of mandating the use of plastics is undermined by the fact that plastics tend to lose visual clarity over a period of time through clouding or scratching. Some plastics also appear to be too flexible for louver use.

The Commission estimates from its surveillance information that 226 injuries associated with jalousie glass doors were treated in all hospital emergency rooms during 1975. There have been three in-depth investigations involving this product. Two of the injuries resulted from contact with the rough edge of the louver, while the third injury involved a person who punched the glass in anger and broke it.

Further, the Exterior Home Products Manufacturers Association has estimated that to require jalousie doors to meet the requirements of the standard would increase the cost of the product by 25 percent to 30 percent, a figure which the Commission believes is reasonably accurate based upon its own economic analysis. In view of this information, the Commission has determined to exempt the louvers of jalousie doors from the requirements of the standard. Accordingly, § 1201.1(c)(2) of the standard reflects this exemption. In addition, the Commission has added a definition of jalousie door at § 1201.2(a)(12).

5. *Exemptions for glazing materials in small openings.* a. PPG Industries has requested an exemption from the standard for glazing materials used in openings in doors through which a 3-inch diameter sphere is unable to pass. PPG contends that a piece of glazing material this narrow could not possibly fail the impact test requirements of the standard (see § 1201.4(e)(1)(i)).

The Commission agrees in principle that there are certain size openings in doors in which glazing materials are unlikely to present the hazards identified because it is unlikely that any part of a consumer's body is likely to impact such a small opening or, if it does, is unlikely to pass into such an opening. Therefore, the Commission has determined to permit the exemption as requested. Accordingly, § 1201.1(c)(3) of the standard has been added to reflect this exemption.

b. Exterior Home Products Manufacturers Association requested an exemption for vertical lites or strips which are 6 inches or less in width and are used as decorative strips in high fashion jalousie doors.

The Commission believes that openings in doors through which a 3 inch diameter sphere can pass present the injury potential which the standard has been designed to reduce or eliminate. Accordingly, this specific request for exemption is denied. However, as previously indicated, the Commission has granted exemptions for louvers in jalousie doors and for any openings in a door through which a 3 inch diameter sphere cannot pass.

6. *Commercial refrigerated cabinet doors.* Comments by Anthony's Manufacturing Company, Inc. recommend that the proposed standard include within the scope of its coverage glass doors of commercial refrigerated cabinets, typically used by consumers in food stores.

The definition of glazed panel contained in § 1201.2(a)(10)(iii) of the standard, if read literally, could be interpreted to include these products when the doors are open. However, it was not the intent of the Commission to include such products within the scope of the standard. Therefore with that fact in mind and since the Commission is unaware of any injury information as to these products, the Commission has determined to exempt commercial refrigerated cabinet glass doors from the scope of the standard at this time. Accordingly, § 1201.1(c)(6) reflects this exemption.

7. *Garage doors.* One commentor, Phenix Manufacturing Company, requested a clarification of § 1201.2(a)(7), which defines doors, as to whether glazing materials used in garage doors designed for vehicular passage are included in the scope of the standard.

The Commission intends that § 1201.2(a)(7) apply only to doors designed for human passage and therefore does not apply to garage doors designed for vehicular passage. However, glazing materials in doors of garages which are designed solely for human passage are included in the scope of Part 1201, since such doors are associated with the same types of injury as other doors designed for human passage. The Commission believes these explanations are clear in this standard and therefore has not changed the text as requested.

8. *Specialty products.* a. PPG Industries commented that certain specialty products, such as bullet resistant glazing, would be covered by the standard, but are consistently overdesigned when compared with the impact test criteria. For example, bullet resistant glazing is presumably so thick that it will consistently pass the impact test criteria.

PPG recommended that § 1201.4(a)(3) be amended to exempt these products from certain tests if it can be demonstrated that the product is overdesigned for the characteristic in question.

As stated earlier in the preamble, any obligation of a manufacturer to test glazing materials subject to the standard is created by provisions of section 14 of the Consumer Product Safety Act and any regulations thereunder prescribing a reasonable testing program which the Commission may issue. The Commission has stated its intention to begin a separate rulemaking proceeding to issue regulations governing reasonable testing programs for architectural glazing materials subject to the standard. Provisions to exempt materials from some or all of the requirements for testing, or to limit the amount of testing, will be addressed in a regulation governing testing programs when it is published for public comment.

b. A representative of The Association of Motion Picture and Television Producers, Inc. asked whether an exemption is being made for break-away glass in the making of motion pictures where such glass is needed in connection with the filming of motion picture stories.

Such glazing materials do not appear to be produced or distributed for sale to or for use or enjoyment of consumers, but are used only by employees of motion picture producers. Therefore, such products do not appear to be consumer products and would not be covered by the standard.

9. *Curved glazed panels of revolving doors.* One commentor, the Crane Fulview Glass Door Company, inquired whether the Commission intended to include within the scope of the standard the curved sidelights (glazed panels—see § 1201.2(a)(10)) of revolving doors.

The Commission does not have any injury information associated with the curved sidelights of revolving doors. It also recognizes that there is less likely to be a potential for injury from these items than with other sidelights by vir-

tue of the design of revolving door assemblies.

The Commission also has conflicting information as to whether the use of laminated and tempered glazing are technologically feasible in the curved sidelights of revolving doors. Available information indicates that the use of thick annealed glass would be costly and that the use of plastic glazing may present scratching and clouding problems. Finally, the specific test procedure set out in § 1201.4 would have to be adapted before it could be used with these curved glazing materials.

In view of the foregoing, the Commission is exempting curved sidelights of revolving doors from coverage of the standard. This exemption is set out in § 1201.1(c)(5). If the Commission obtains information indicating that an unreasonable risk of injury exists with respect to these curved sidelights, the Commission will consider amending the standard by repealing the exemption and, if necessary, revising the test procedure to accommodate such materials.

10. *Leaded glass.* Visador, a manufacturer of decorative leaded glass, requested a limited exception under suggested conditions for this product. Doorlite Producers Association requested a complete exemption for this product.

Leaded glass is a composite glazing panel composed of relatively small pieces of glass, the individual pieces being supported by lead or zinc bars. When used, it is used primarily as glazing material in doors and glazed panels of residential dwellings. Leaded glass is a specialized, rather expensive product used for its esthetic qualities. As a result, it is used infrequently. Because of the infrequent use of the product in locations addressed by the standard, it is difficult to assess the degree of the risk of injury associated with this product.

Visador has suggested that leaded glass be excluded from the scope of the standard when the individual panels are no greater than thirty square inches, and the total leaded glass area is no greater than 6 square feet. The 6 square feet limit was requested, in part, to be consistent with the Commission's dividing line between Category I and Category II doors and glazed panels included in the proposed standard (see proposed § 1201.2(a) (3) and (4)).

The Commission recognizes that inclusion of leaded glass within the scope of the standard would result in a reduction in its esthetic qualities, and loss of consumer utility. The Commission is also aware that leaded glass is a speciality product and represents an extremely small part of the total market for glazing materials.

Therefore, the Commission has determined to exclude leaded glass from the requirements of the standard when no individual panel of glass is greater than thirty square inches. The Commission has also concluded that no restriction is necessary for the total leaded glass area. Accordingly, § 1201.1(c)(4) has been added to reflect this exemption.

11. *Glazing materials in boats.* An interested individual recommended that glazing materials used in boats should be required to comply with the standard.

Section 3(a)(1)(G) of the CPSA (15 U.S.C. 2052(a)(1)(G)) excludes from the CPSC's jurisdiction boats which could be subject to safety regulation under the Federal Boat Safety Act. Since glazing materials on boats could be subject to such regulation, the Commission has no authority to require that glazing material used in boats comply with the Commission's standard.

12. *Residential greenhouses and storm windows.* The Plastic Safety Glazing Committee and Rohm and Haas Company requested that residential greenhouses and removable storm windows be included within the scope of the standard.

To the extent that doors of greenhouses and glazed panels fall within the definition of doors and glazed panels in § 1201.2(a) (7) and (10), they would be subject to the standard. The requirements of the standard would not apply, per se, to other portions of greenhouses. This principle would apply to all greenhouses used by consumers.

Removable storm windows are considered by the Commission to be windows. Windows in general are not included within the scope of the standard for reasons detailed in the preamble to the proposed standard (41 FR 6178, February 11, 1976).

13. *Glazing materials in mobile homes and motor homes.* a. The Skyline Corporation and the Flat Glass Marketers Association submitted a recommendation that the standard should expressly exclude glazing materials used in mobile homes.

The Commission has concurrent jurisdiction with the Department of Housing and Urban Development (HUD) over consumer products used in or around mobile homes as that term is defined in the Mobile Home Construction and Safety Standards Act (Mobile Home Act). Pursuant to that act, HUD has issued construction and safety standards for mobile homes which, in part, include requirements for the use of safety glazing materials in windows and sliding glass doors, unbacked mirrored wardrobe doors, shower and bathtub enclosures and surrounds to a height of 6 feet above the bathroom floor level, storm doors or combination doors, and in panels located within 12 inches on either side of exit or entrance doors (24 CFR 200.114, 40 FR 50757). In order to avoid a conflict between HUD's standards and the Commission's standard, the Commission has, as a matter of policy, determined not to apply this standard to architectural glazing material used in the architectural products identified in § 1201.1(a) of the standard when the products are used in mobile homes. Section 1201.1(b) of the standard has been changed, accordingly.

b. PPG Industries commented that the definition of mobile home appears to include motor homes and that such vehicles should be under the jurisdiction of the National Highway Traffic Safety Administration and not the Commission.

Section 3(a)(1)(C) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)(C)) excludes from the Commission's jurisdiction motor vehicles and motor vehicle equipment as defined by the National Traffic and Motor Vehicle Safety Act. To the extent that glazing materials used in motor homes would be motor vehicle equipment, they would not be included within the scope of the Commission's standard. No additional amendment to the standard is necessary to indicate this lack of authority.

14. *Laminated glass.* Representatives of manufacturers of laminated glass have objected to provisions of the standard which they believe adversely affect them. The Glass Tempering Association and the Ford Motor Company have suggested that there are no recorded instances of injury from the use of laminated glass, and that more severe test procedures than those recommended by CSGC are not warranted. Ford, Buchmin Industries, Globe Amerada Glass Company, Libbey-Owens Ford Company, and the Glass Laminators Committee have claimed that laminated glass should not be subject to the 400 foot pound impact test level set out in § 1201.4(d)(1). All have claimed that there would be a serious economic effect, primarily on competition between laminated glass and its competitors, by mandating the standard as proposed, and that this effect is unwarranted in view of the safety record of laminated glass.

Three remedies have been suggested by these commentors. These are: (1) A return to the test procedure recommended by CSGC which provides for incremental levels of impact and usually has the effect of subjecting laminated glass to no more than 150 foot pounds of kinetic energy, (2) testing laminated glass at one level intermediate between 150 foot pounds and 400 foot pounds rather than at 400 foot pounds, or (3) modifying the definitions of Category I and Category II (§ 1201.2(a) (3) and (4)) so that the dividing line for glazing materials used in doors, storm doors, and glazed panels is 18 square feet rather than 6 square feet.

The Commission acknowledges that laminated glass is safer than annealed glass. However, for the reasons discussed in section III(C)(1)(a) of this preamble, the Commission believes that 400 foot pounds is a foreseeable kinetic energy of human impact for glazing material, including laminated glass, where there is a possibility of full body impact. Failure of products used in such locations to withstand impacts or break acceptably at 400 foot pounds could result in those injuries which the standard is designed to reduce or eliminate. A possible explanation for the lack of injury data associated with laminated glass is that laminated glass has not been used to the same extent as annealed glass so that exposure to injury from laminated glass is less.

The Commission's economic analysis indicates that the competitive impact of the proposed changes would not severely weaken the position of laminated glass in the market place. (See Economic Considerations, Part III(D) of this preamble). This analysis indicates that there will be a price increase which will be borne by consumers but that the increase will be minor. Despite the increase, the Commission continues to believe that glazing materials should withstand impacts or break acceptably at levels of kinetic energy which are foreseeable in the event of human impact.

The Commission does not agree with the suggestion that the demarcation for glazing materials in Category I and Category II doors, storm doors, and glazed panels be changed from 6 square feet to 18 square feet. This change would have the effect of putting most, if not all, doors and glazed panels for residential uses in Category I and would fail to subject some sizes of glazing materials that are large enough for full body impacts to kinetic energy levels which are foreseeable. However, for reasons discussed in section III(B), "Distinction Between Category I and Category II," of this preamble, the dividing line will now be set at 9 square feet. (See § 1201.2(a) (3) and (4).)

15. *Organic-coated glass.* a. One manufacturer of organic-coated glass, Break-Safe Glass, and one manufacturer of the film used to make organic-coated glass, the 3M Company, have objected to provisions of the proposed standard which they believe adversely affect them. They have stated that there are no injuries from the use of organic-coated glass; that the product has more utility than its principal competitor (plastics) because of the scratch resistance provided by organic coated glass on one side; and that, a dividing line for glazing materials in Category I and Category II doors, storm doors, and glazed panels at six square feet so restricts their potential market that they could not continue to sell the product because it could not meet the test criteria for impact of Category II products (see § 1201.4(d)(1)). They recommended that the dividing line between Category I and II (§ 1201.2(a)(3) and (4)) be set at 18 square feet to allow most products to use glazing materials tested at 150 foot pounds.

The Commission acknowledges that organic-coated glass is safer than annealed glass. However, for the reasons discussed in section III(C)(1)(a) of the preamble, the Commission believes that 400 foot pounds is a foreseeable kinetic energy of human impact for glazing materials where there is a possibility of full body impact. Failure of products used in such locations to withstand impacts of or break acceptably at 400 foot pounds could result in those injuries which the standard is designed to reduce or eliminate.

A possible explanation for the lack of injury data associated with organic-coated glass is that organic-coated glass is a new product with relatively few sales. Thus, there has not been significant use information to evaluate the risk of injury based on injury statistics alone. However, for the reasons set forth in the preamble discussion on laminated glass in section III(A)(14) and in section III(B) below, entitled "Distinction Between Category I and Category II", the Commission declines to set the dividing line between Category I and Category II at 18 square feet but has instead set it at 9 square feet.

The Commission's economic analysis of the standard's effect upon organic-coated glass is discussed in section D of the preamble, entitled "Economic Considerations."

b. PPG Industries commented that the definition for organic-coated glass, proposed at § 1201.2(a)(18), permits organic-coated glass to have a polymeric coating on both sides of the glass but that the accelerated environmental durability tests, proposed at § 1201.4(d)(2)(ii), and the labeling provision which directs the orientation of the material on the product, proposed at § 1201.5(c), only permit use of glazing materials that have the coating on one side. It suggests that the Commission resolve this ambiguity.

The intent of the definition for organic-coated glass, now set out at § 1201.2(a)(20), is to include within its scope glass that has a polymeric coating on one or both sides. The intent of proposed § 1201.4(d)(2)(ii) and proposed § 1201.5(c) is to ensure that glass which has a polymeric coating on one side only, with an adhesive-coating system intended to be oriented to the inside of a building, is tested with that surface away from the radiant source of energy and labeled accordingly.

However, it was not intended that glass having a polymeric coating on both sides, or glass having an organic coating on one side and that is resistant on that side to outdoor weathering, be restricted to inside orientation. Accordingly, § 1201.4(c)(3)(ii) on test specimens, § 1201.4(d)(2)(ii) on test procedures, and § 1201.4(c)(2)(ii) have been revised to allow for testing under either condition. Section 1201.5(c) continues to prescribe labeling requirements for organic-coated glass that has been tested for environmental exposure from one side only.

16. *Windblown missiles and wind induced blowouts.* A professor at Villanova University commented that the standard should include requirements for hazards associated with the impact of windblown missiles and with wind induced blowouts of wall panels.

Such hazards were not included in the risks of injury cited in the notice of proceeding or in the proposed standard. The Commission also has no injury information associated with these hazards. Accordingly, the request is denied.

B. *Distinction between Category I and Category II.* Several comments were made recommending an upward revision of the 6 square foot division point for glazing materials in Category I and Category II doors, storm doors and glazed panels (§ 1201.2(a)(3) and (4)). Representatives of manufacturers of laminated glass and organic-coated glass suggested a division point of 18 square feet.

The proposed standard divided products containing architectural glazing materials into two categories for impact test purposes depending in part upon the area of the individual pieces of glazing used. The division point was established at 6 square feet. Section 1201.2(a)(3) of the proposal defines Category I doors, storm doors, and glazed panels as those in which no piece of glazing material is greater than 6 square feet in surface area, and § 1201.2(a)(4) defines Category II doors, storm doors, and glazed panels as those in which any piece of glazing material is greater than 6 square feet in surface area. Section 1201.4(d)(1) requires that glazing materials used in Category I products meet the criteria of the standard when tested at 150 foot pounds, while glazing materials used in Category II products must meet the criteria when tested at 400 foot pounds. These impact requirements are designed to ensure that glazing materials for each of the two categories will not break or will break with characteristics less likely than other glazing materials to cause an unreasonable risk of injury.

After careful consideration of the comments received in the public record engineering and medical sources, and information provided by its staff, the Commission has determined that the proposed division point of 6 square feet is unnecessarily restrictive. Consequently, the definitions of Category I and Category II doors, storm doors, and glazed panels have been revised. The two categories of products are intended to differentiate products where there is a potential for full body impact from those products where there is not such a potential. In order to have full body impact, an individual must be able to fit through an opening without contacting any portion of the supporting frame or the frame will absorb an unknown amount of the total energy. The age group most frequently injured in accidents associated with architectural glazing materials is children under the age of 15. In the judgment of the Commission, children aged 11 years and older appear to be able to generate 400 foot pounds of kinetic energy and could deliver a full body impact to glazed panels of 9 square feet or greater. Therefore, it is estimated that in an accident situation such children could impact a panel larger than 9 square feet with a kinetic energy greater than 150 foot pounds.

Moreover, many products containing glazing materials in pieces which are 9 square feet or less usually have the glazing material located so that full body impact is not likely to occur. For instance, in storm doors incorporating one large panel of glazing material over most of the area of the door, and in which full body impact is probable, the glazing material is in excess of 9 square feet. In storm doors containing one smaller panel of glazing material, that glazing material is generally located in the upper half of the door. Where 2 or more small panels are used, the area of each piece is less than 9 square feet and each piece is utilized in such a manner so as to make full body impact with either piece unlikely.

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Therefore, the Commission believes that a 9 square foot division point between Category I and Category II doors, storm doors, and glazed panels is reasonable. Section 1201.2(a) (3) now defines Category I doors, storm doors, and glazed panels as those in which no single piece of glazing material is greater than 9 square feet in surface area, and § 1201.2 (a) (4) now defines Category II doors, storm doors, and glazed panels as those in which any piece of glazing material is greater than 9 square feet in surface area.

C. *Test procedures.* Many of the written comments and a good deal of the oral testimony dealt with the test procedures contained in § 1201.4 of the proposed standard.

1. Impact test procedures. Eleven substantive written comments relate to the impact testing procedures of § 1201.4(d) (1) of the proposed rule. The transcript of the oral testimony also contains significant testimony on this matter. The commentors were Associated Laboratories, Inc.; CSGC; Associated Certification, Inc.; Glass Tempering Association; Flat Glass Marketing Association; PPG Industries; Fourco Glass Company; Libby-Owens-Ford Company; International Conference of Building Officials; Glass Laminators Committee; C. E. Glass Company; 3M Company; and the Globe Glass and Trim Company.

a. *Impact kinetic energies. 1.* A number of commentors requested the use of the incremental impact test procedure of the offeror's recommended standard, which provides for a test specimen of glazing material to be impacted at increasingly higher kinetic energies until breakage occurs or the specimen fails to break from a 48 inch drop height (400 foot pounds of kinetic energy). This incremental loading procedure does not check break patterns above the lowest drop height from which breakage occurs, and therefore the Commission believes it to be deficient.

The Commission is of the opinion that the incremental loading procedure also has the anomalous effect of passing materials which break acceptably at a lower energy yet failing others which do not even break at that lower energy but break unacceptably at a higher energy level. Accordingly, the Commission still approves of the procedure of the proposed standard, which abandons the incremental loading procedure, and instead provides a more performance oriented impact procedure which divides products into two categories according to the expectation of high energy or low energy impacts. In view of the foregoing, an impact test procedure based on two categories has been retained in the final standard at § 1201.4(d) (1).

2. One commentor argued that materials that pass the impact test level for Category II should not also be required to be tested at the impact test level for Category I in order to be used in Category I products. Others stated that impact testing should be required at both levels if the glazing material is to be certified at both levels.

The Commission is unaware of any instance in which glazing materials that pass the Category II requirements would not also be adequate for Category I requirements. Therefore, it has concluded that materials that pass the impact test requirements for Category II may be used in either Category I or Category II applications. Glazing materials intended solely for use in Category I applications must continue to be tested in accordance with the impact test procedure for Category I. Accordingly, § 1201.4 (e) (1) has been revised to reflect this alteration in the test procedure.

3. Several commentors stated that it is unnecessarily restrictive and unjustifiable to require glazing materials used in Category I and Category II products to meet the impact test drop heights in the proposed standard of 18 inches (150 foot pounds kinetic energy) and 48 inches, (400 foot pounds kinetic energy) respectively. Although these two drop heights were used in the impact test procedure recommended to the Commission by the offeror, they were used only if a material failed to break at a lower drop height of 12 inches. In the proposed standard, the 18 inch drop height is mandated for Category I products, resulting in a kinetic energy of 150 foot pounds at impact. The 48 inch drop height is mandated for Category II products, resulting in a kinetic energy at impact of 400 foot pounds.

When the Commission evaluated the recommended standard submitted to it by the offeror, it recognized that materials should not be accepted by tests based on unrepresentative energy levels. It further recognized that glazing materials used in products in such a manner that full body impacts are reasonably foreseeable should be tested at higher energy levels than glazing materials used in products where reasonably foreseeable impacts would tend to be at lower energy levels and generally confined to less than full body impacts.

Because the Commission had not conducted experiments of its own to determine appropriate levels of test impact energy, the Commission used data from the offeror, the National Center for Health Statistics, and from CPSC studies of football players to calculate probable ranges of expected energy levels for full body and less than full body impacts. The results of these calculations were then compared to the three energy levels of 100, 150 and 400 foot pounds found in the standard recommended by the CSGC to determine if any or all of them were appropriate. (Engineering Report, Bureau of Engineering Sciences, August 20, 1975). The Commission also reviewed information contained in the voluntary standard ANSI Z97.1–1975, "Performance Specifications and Methods of Tests for Safety Glazing Material Used in Buildings," September 26, 1975; information contained in the Testing and Standards Subcommittee Report submitted by CSGC; and calculations submitted by CSGC regarding energy levels of the impact test and energy levels involved in accidental human contact with glazing. (ANSI standards are approved and published by the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.)

Expected maximum velocity and mean weight, broken down by age group, were determined from the information supplied by the aforementioned sources. From this procedure, it was estimated that kinetic energies that could be generated ranged from 59 foot pounds for children under five years old to 1503 foot pounds for a running male football player. These energy levels were than adjusted using factors suggested by CSGC to estimate the kinetic energies likely to be generated by various body parts in different impact situations.

The results of the estimates, which as indicated in the preamble to the proposal are available for review by the public, showed that the 400 foot pound energy level (corresponding to the 48 inch drop height) could offer protection to most adult males for lower extremity, torso and arm contact and thus those in other age groups as well. The Commission therefore considered a 400 foot pound test requirement to be in an appropriate range of values to protect consumers against injuries due to full body impact.

For smaller glazing applications, the estimates showed that the 100 foot pound energy level (corresponding to the 12 inch drop height) of the CSGC's recommended standard would protect only the age group below five years old. On the other hand, the 150 foot pound energy level (corresponding to the 18 inch drop height) appears to offer protection for hand and arm impacts to adults and protection to children below 10 years old for whole body impacts. Thus, a more appropriate level for Category I appears to be 150 foot pounds. For this reason, the Commission has chosen the 150 foot pound energy level for Category I products instead of the 100 foot pound level. Section 1201.4(d) (1) of the standard has therefore not been changed in this regard.

4. 3M stated that the proposed test levels in § 1201.4(d) (1) appear to be inconsistent with CSGC test results. To determine if the proposed test levels are inconsistent with the CSGC test results, it is necessary to consider the test procedures used by CSGC. CSGC asked human volunteers to walk and run into panels which were instrumented to measure the energy absorbed by the panel when impacted by the subject. While this testing suggested the glazing materials when impacted absorbed energies lower than 400 foot pounds, the Commission believes that to ask volunteers to incur full body, full speed impacts, where the potential for harm appears so real, may result in test impacts of lower values than occur in actual accidental situations. Therefore, the Commission disagrees with the observation of 3M.

5. Several commentors objected to the concept in the proposed standard of two categories of products for which the glazing materials must meet different impact test levels. The Commission believes

it is meaningful to provide different tests for products that will be foreseeably subject to full body impact and those subject to less than full body impact because:

a. the prescribed test impacts are reasonably related to foreseeable human impacts, as discussed above, and;

b. the alternatives to the use of such categories at this time would appear to be either a return to the deficient incremental loading concept recommended by CSGC (discussed above); or imposition of uniform test requirements which are unnecessarily strict and would eliminate some safety glazing materials; or evaluation of breakage at a series of energy levels, which would cause an undue test burden.

After due consideration, the Commission determined to retain in § 1201.2(a) (3) and (4) of the final standard two categories with different impact test requirements for each category (§ 1201.4 (d) (1)), and a revised dividing line of 9 square feet.

b. *Impactor. 1.* Sears, Roebuck and Co. commented with regard to the impactor that glass will break at different kinetic energies depending upon the size and shape of the impactor, its velocity, and other characteristics of the impact. The Commission agrees with the comment. Glass breakage is typically a phenomenon which originates at the surface, and an impactor that is smaller or harder than the impactor prescribed in § 1201.4 (b) (2) of the standard will be able to raise higher surface stresses at the same kinetic energy. Similarly, various parts of the body impart differing types of impacts to glazing material.

Both CSGC and the Commission were aware of problems of matching a single impactor to several different body parts that could impact glazing materials. This anomaly will arise with any impactor chosen, and the Commission has not seen any persuasive specific data indicating that §§ 1201.4(b) (2) or 1201.4(d) (1) should be revised.

2. Another commentor, PPG Industries, suggested that the 4 ounce (0.11 kilograms) weight tolerance for the 100 pound impactor contained in § 1201.4(b) (2) (i) be increased to one pound, because PPG contends it is difficult to construct an impactor with the weight tolerance specified in the proposal. However, because this impactor is tightly filled with lead shot, the possibility arises that a fairly small decrease in the amount of shot would work a significant change in the impact absorbing characteristics of the impactor, thereby adding another variable to the test method. The weight tolerance specified in § 1201.4 (b) (2) (i) can be achieved by persons testing under the standard and, in fact, has an established and recognized history. Therefore, the Commission has retained it in the standard.

3. The Glass Laminators Committee commented that secondary impacts caused by the pumching bag impactor can occur. The Commission is of the opinion that secondary impacts can be controlled, for example, by means of a tie line in connection with a cam cleat or a jam cleat.

2. Interpretation of impact test results—a. *Three inch hole test. 1.* CSGC, PPG Industries, 3M Company, Libby-Owens-Ford Company, Glass Laminators Committee, and Globe Glass and Trim Company commented in regard to the provision in § 1201.4(e) (1) (i) (A) of the proposal (§ 1201.4(e) (1) (i) of the final standard), regarding one criterion for interpreting results of the impact tests. They stated that moving the broken glazing to a horizontal position in order to measure whether a 3 inch sphere will pass through might induce additional breakage not related to the punching bag impact or to impact conditions in real life, but related only to the weight of the glazing.

The Commission's intent in requiring the impacted glazing to be moved to a horizontal position is to deal with an inadequacy in CSGC's recommended test procedure for the 3 inch hole criterion which allowed specimens to pass if a shard of glazing material remains dangling in the opening. In such a case, the specimen would have passed because geometrically there is not a 3 inch hole, despite the fact that the specimen still presents an unacceptable hazard. The procedure in § 1201.4 (e) (i) requires turning the broken specimen horizontally so that such a shard will fall through, exposing the hole.

Another intent of the horizontal measurement is to address the situation where the material opens wide during impact (thus presenting the hazard of exposing limbs to entrapment) but closes to a smaller size before measurement. Furthermore, in an accident situation the victim could foreseeably create a larger opening by secondary contacts with the glazing material, or by momentum from the initial impact. Therefore, some additional breakage is foreseeable, and a procedure which may produce some additional breakage is not unreasonable. To address these two hazards, the Commission believes that the test procedure which causes additional stress on the opening by the force created by the weight of the glazing material in a horizontal position and by placing of a 4 pound ball on the opening is reasonable. Therefore, the Commission has retained the provisions of § 1201.4 (e) (1) (i).

2. Several commentors stated that in the interpretation of results of the impact test (§ 1201.4(e) (1) (i) the standard as worded does not cover the instance in which the edge of organic-coated glass pulls from the frame yet the broken specimen remains completely intact. Tests conducted for the Commission demonstrated that such occurrences can and do happen during testing. If the organic coating and adhesive are so strong that they hold the specimen intact even though it pulls out of the test frame, it is foreseeable that the same would happen even more frequently in architectural uses, where the glazing is less firmly gripped by the framing. In such a case, a person impacting the glazing would not be pierced or lacerated by holes opening in the specimen, which remains intact. In such a situation, the specimen would be acceptable under § 1201.4(e) (1) (i) since this section states: "• • • no opening shall develop *in* the test sample through which (the three-inch diameter sphere may pass)" [Emphasis added]. Therefore, § 1201.4 (e) (1) (i) has not been revised in this regard.

Because the broken specimen may hang limply out of the frame as in the above case, commentors have questioned how the 3 inch diameter sphere criterion of § 1201.4(e) (1) (i) may be applied with the specimen in a horizontal position. Although it is not desirable to handle broken glass, it should be possible to support the edges of the broken specimen in a horizontal position and then set the test sphere on this supported specimen. The Commission would permit this procedure only if the edge of the specimen had actually pulled out of the subframe, because it is only in that case where the edge of the original specimen needs to be supported.

3. A commentor implies that the 3 inch diameter sphere will pass through openings in different materials in different periods of time, and he asks how long the sphere should be left in the opening. The intent of using the sphere is to make a geometric test as is done in the offeror's recommended standard, to push aside any dangling shards, and to address the situation where the glazing material has closed after impact. The sphere may be removed quickly and still satisfy these intents. For the sake of uniformity, the Commission has determined that a time of one second would be technically appropriate. Section 1201.4(e) (1) (i) has been revised accordingly.

b. *Modulus of elasticity and hardness 1.* Comments on § 1201.4(e) (1) (i) (C) of the proposal (§ 1201.4(e) (1) (iii) of the final standard), relative to the hardness and modulus of elasticity of plastic glazing materials, were received from the Plastic Safety Glazing Committee, representing the domestic plastic industry; Rohm and Haas Company and Dow Chemical Co., manufacturers of plastic glazing materials; and Associated Laboratories, Inc. Two of these organizations also made oral presentations at the public hearing. Several of these comments requested different tests for modulus of elasticity (stiffness) and hardness from those specified in the proposed standard.

For the purposes of determining whether plastic glazing materials meet necessary stiffness and hardness values, the Commission has determined that the proposed tests shall be included in the final standard, rather than the other tests which the comments recommended. The tests which were proposed have an established and recognized history and the public record contains no arguments persuasive to the Commission as to why they should be revised or eliminated.

Section 14 of the CPSA regarding certification, rather than the standard, imposes obligations on manufacturers to test products subject to the standard. The Commission plans to issue regula-

tions under section 14 governing reasonable testing programs for certification of compliance with the standard. The Commission will in that proceeding consider the possibility of permitting stiffness and hardness tests for purposes of certification other than those currently set forth in § 1201.4(e)(1)(iii) of the final rule. Nevertheless, the Commission will employ the stiffness and hardness tests specified in the standard in its compliance program.

2. Rohm and Haas Company recommended that the first line of proposed § 1201.4(e)(1)(i)(C) be revised to specify that plastic glazing materials must actually be impacted.

In view of the fact that the proposed criteria for plastic glazing materials do not contain performance specifications, the Commission is of the opinion that there is no technical reason to require that plastics actually be impacted since the proposed criteria are measurements of stiffness and hardness, which can be measured independently of an impact test and would not be altered by an impact test. The Commission therefore has determined that the criteria in the final standard, now set out as § 1201.4(e)(1)(iii), should not be changed. For clarity, the Commission has indicated at § 1201.4(d)(1) that such specimens need not be impacted.

3. Associated Laboratories suggested that the allowable modulus of elasticity and hardness readings be raised by 33 percent. The comment states that this change would include all known plastics. (The proposed levels, so far as is known to the Commission, allow all presently used glazing plastics to pass the impact test. The suggested change would allow all plastics to pass the test.)

In the absence of empirical or experimental correlations between the two suggested measurements and safety, the Commission believes that the suggested revision should not be made. For a given thickness of material, such a revision would result in passing plastics of lesser impact resistance than would pass under the standard as proposed. If such plastics were marketed and used as glazing materials in the products covered by the standard, they could be involved in a statistically higher number of breakages, which marginally would increase the risks associated with these products. Moreover, no manufacturer of plastics has furnished information to the Commission indicating that a product will be adversely affected by the modulus of elasticity and hardness criteria as proposed and now included in the final standard at § 1201.4(e)(1)(iii).

c. *Criterion for 10 largest pieces.* The criterion contained in proposed § 1201.4(e)(1)(i)(B) was the subject of comments by Associated Laboratories, Inc. and Associated Certification, Inc. That section provides that specimens pass the impact test when the 10 largest crackfree particles selected within five minutes after the test weigh no more than a certain amount.

1. **Associated Laboratories suggested substituting a shape factor for the proposed criterion.** Associated Certification suggested shortening the time allowed to search for and weigh the 10 largest pieces and cushioning hard surfaces behind and below the test frame upon which the broken pieces impact.

After careful consideration, the Commission determined not to make these recommended revisions. The test as proposed has an established and recognized history as part of the voluntary standards and appears to have served well over the years. The Commission considers the test procedure included in the final standard at § 1201.4(e)(1)(ii) satisfactory to eliminate or reduce the risks of injury associated with glazing materials. The recommended revisions would make the test more stringent than the proposal, a development for which the Commission sees no compellingly persuasive reason.

2. Associated Certification, Inc. reported having seen a large number of poorly tempered specimens break into large pieces having cracks which terminate within the shard. Such cracks have prevented the particle from being a "crack free particle" within the meaning of the proposed criterion, as a result of which the particle is not used for determining whether the specimen passes or fails the test.

Results of tests conducted by the Commission corroborate the commentor's statements, and the Commission has concluded that use of the term "crack free" in the proposed test may actually favor poorly tempered glass over well-tempered glass. Consequently, the term "crack free" has been excised from the final standard and an additional sentence containing a definition of "particle" has been added to § 1201.4(e)(1)(ii) to clarify that a poorly tempered piece of glass which has a crack terminating within the shard is to be considered for inclusion as one of the 10 largest pieces, and to indicate that a network of granules is not considered a "particle" but is instead a grouping of many particles.

d. *Included angle criterion.* In the preamble to the proposed standard, the Commission solicited comment on a staff developed provision that plastics be impacted and pieces no longer than 2 inches remaining in the frame after the impact test be no sharper than 60 degrees (an included angle requirement). The Commission received a number of comments on this subject.

After consideration of the comments received relative to the issue of an included angle criterion, the Commission has determined that most of the issues raised on the proposal concerning this matter are still unresolved. Therefore, the final standard issued below contains no included angle criterion for determining whether a specimen passes the impact test. The Commission is commencing technical studies looking toward the resolution of this matter. If this additional effort leads to development of a criterion which is considered by the Commission to be acceptable either for plastics or for other glazing materials, the Commission may consider amending this standard in accord with the provisions of section 9(e), CPSA, 15 U.S.C. 2058(e).

3. *Environmental durability tests—a. Equipment.* PPG Industries, Atlas Electric Devices Company, and Rohm & Haas Company submitted comments addressed to the environmental durability test equipment specified in § 1201.4(b)(3)(i) and (ii) of the proposed standard.

1. PPG commented upon the equipment for conducting the boil test for laminated glass as specified in § 1201.4(d)(2)(i) of the proposed standard. PPG requested that the first soak required in the boil test be made optional. The request, if granted, would allow the test equipment to be composed of one tank of water instead of two. Under the proposed standard, this equipment consists in part of two tanks of water, one maintained at 150°±5° F (66°±2°C) and the second at a slow boil at atmospheric pressure. (See § 1201.4(b)(3)(i)). The test procedure of the proposed standard specified that the specimens shall first be placed for three minutes in the tank containing the water at 150° F. This is called the first soak. The specimens are then quickly removed and put in the tank containing the boiling water where they experience the second soak for two hours.

The actual test is the second soak. The purpose of the first soak is to provide a transition phase for the test specimens, in the form of an intermediate temperature, so that they are not exposed to severe thermal shock upon being thrust into boiling water directly from room temperatures. By protecting the test specimens from such thermal shock, the test procedure minimizes the likelihood of the glass cracking, which could invalidate that trial and require that the test be repeated.

The purpose of the test procedures in the standard is to specify how the Commission will conduct compliance testing. Omission of the first soak of the boil test would only affect the efficient conduct of such testing due to the increased likelihood of a test specimen's cracking from thermal shock, which in turn would lead to an increase in the number of specimens that must be discarded before an uncracked specimen can be evaluated. Accordingly, the Commission has not modified §§ 1201.4(d)(2)(i) and 1201.4(b)(3)(i) of the standard.

However in the certification regulation to be issued subsequently, the Commission will consider providing that a boil test, which omits the first soak (150° F) specified in the procedure, is the technical equivalent of a boil test when conducted exactly as specified in the standard. This change, if permitted, would allow manufacturers of laminated glass to conduct a reasonable testing program in accord with Section 14 of the CPSA, in which the first soak of the boil test specified in § 1201.4(b)(3)(i) is omitted.

2. Atlas Electric Devices Company made many technical comments concerning the range of test equipment available for accelerated weathering and the proper use of such equipment. Five of these comments were technical statements making no requests or suggestions for change and, therefore, they are not discussed in this document.

Eight of Atlas' comments pertain to the various types and uses of test equipment required by § 1201.4(b)(3)(ii) of the proposed standard for simulated weathering tests. These points were technical in nature and pointed out ambiguities in the description of the test equipment. The Commission has determined that the standard should clearly specify the particular pieces of test equipment to be used by the Commission when it conducts compliance testing using the simulated weathering test or other accelerated weathering tests specified in the standard. The Commission has deleted from the final standard the following sections that appeared in the proposal: 1201.4(b)(3)(iii) (Outdoor weathering test equipment), 1201.4(b)(3)(iv) (Intensified weathering test), and 1201.4(d)(2)(iv) (Identification of plastic and adhesive specimens). In addition, the language of § 1201.4(b)(3)(ii) has been changed by deleting the requirement for use of the carbon arc Weather-Ometer and specifically defining the type of xenon arc Weather-Ometer equipment which the Commission intends to use for compliance purposes in simulated weathering tests. The Commission will expose samples in the xenon arc Weather-Ometer for 1200 hours. This exposure time has been estimated to represent the equivalent ultraviolet exposure of 2000 hours exposure in the carbon arc Weather-Ometer used by many testers and of 375,000 langleys of solar radiation (in the range of two to three years outdoor exposure in Florida). There is underway an interlaboratory testing program sponsored by the American National Standards Institute which may determine and refine these equivalent exposures by measurement. When the study is completed, the Commission may consider amending the exposure requirements for the xenon arc Weather-Ometer. In such a situation, the amendment would be issued in accordance with section 9(e) of the CPA, 15 U.S.C. 2058(e).

3. Rohm and Haas requested that the sentence "Recorders shall monitor the energy reaching the specimens" be deleted from proposed § 1201.4(b)(3)(ii) regarding simulated weathering test equipment. The company states that none of the test apparatus enumerated in that section has provisions for recording the energy reaching the specimens. The Commission believes that the use of the word "recorders" has caused a misunderstanding. The Commission intended to specify a device to either monitor or record the total amount of energy reaching the specimens. The Commission believes that the changes made in the final standard in § 1201.4(b)(3)(ii), based on the comments from Atlas Electric Devices Company, have also addressed the comment by Rohm & Haas. The new wording of this section specifies a piece of commercially available test equipment that has such a monitor.

b. *Test procedures and interpretations of results. 1.* Sears, Roebuck and Co. recommended reducing the strength of the glazing material prior to impact testing through abrasion and scratching. The standard is intended to reduce the unreasonable risks of injury associated with architectural glazing materials by assuring that the glazing materials used in certain architectural products either do not break when impacted with a certain energy, or break with characteristics that are less likely than other glazing materials to present an unreasonable risk of injury. The Commission has no information to indicate that a decrease in the strength of the test specimen, which is brought about by abrasive conditioning of the specimen prior to the impact test, is likely to have an effect on the break pattern or likely to affect the result of the test. Therefore, the Commission declines to modify the standard as recommended.

2. 3M Company requested that the provisions of proposed § 1201.4(d)(2)(iv) regarding plastic specimens be extended to organic-coated glass. As proposed, this section permitted the use of infrared spectra for plastic specimens as a substitute for repeated accelerated environmental durability testing. The tester would attest that there had been no change in the formula of plastic safety glazing materials since material made to the same formula had first been subjected to environmental testing. 3M maintained that the weathering tests are long or expensive or both, and that the infrared spectrum can be used to show that the manufacturer is continuing to use the same plastic and adhesive.

For the reasons noted elsewhere in this preamble, § 1201.4(d)(2)(iv) of the proposal has been deleted from the final standard. However, as previously indicated, the Commission will issue regulations governing reasonable testing programs to support the certification required by section 14 of the CPSA by a separate rulemaking proceeding. Those regulations may allow the use of different test equipment or different test procedures as alternatives to the ones specified in the standard for particular materials under specified conditions.

(3) Associated Laboratories, Inc. and Eastman Chemical Products, Inc. commented in regard to the pass fail criterion set out in § 1201.4(e)(2)(ii)(A) for the accelerated weathering tests for plastics. They question whether permitting a 25 percent decrease in impact strength after weathering, as permitted by § 1201.4(e)(2)(ii)(A)(2), has any effect upon the break characteristics of plastic glazing material or any correlation with safety.

The intent of the pass fail criterion for weathering was to prohibit any significant change in the impact strength of a plastic glazing material after weathering. The Commission believes any change in impact strength of a plastic glazing material after accelerated environmental exposure could indicate that there would be a significant change in mechanical characteristics of that glazing material due to weathering during use. Such long term changes could affect the long term break characteristics of the glazing material, and, therefore, its safety performance characteristics. The permitted decrease of 25 percent is believed to be the maximum decrease in the impact strength that can be permitted in this test without the expectation of a serious decrease in the actual long term impact strength.

4. Both Associated Laboratories and the National Highway Safety Research Center suggested that the Commission substitute the stiffness/hardness criteria of the impact strength test of the proposal (proposed § 1201.4(e)(1)(i)(C), final § 1201.4(e)(1)(iii)) in place of the Charpy type impact strength test used in the environmental durability procedure (§ 1201.4(e)(2)(ii)(A)) both before and after environmental testing.

The Charpy type impact test has an established and recognized history as a standard engineering test method. The public record contains no arguments persuasive to the Commission that the Charpy type test is inappropriate for this standard. Furthermore, as indicated elsewhere in the preamble (Section III (C)(2)(d)), the Commission staff is currently studying alternative requirements to the stiffness/hardness tests as criteria to evaluate the breakage of plastics. Therefore, it appears to be premature to investigate whether the stiffness/hardness criteria should be used elsewhere in the standard. Accordingly, § 1201.4(e)(2)(ii)(A) is issued below without change.

D. *Labeling.* Proposed §§ 1201.5 (b) and (c) prescribed requirements for permanent labeling of certain types of plastic and organic-coated glazing to give information necessary for proper installation or use of those materials. Proposed § 1201.5(d) prohibited the removal of any labeling required by proposed §§ 1201.5 (b) and (c) by anyone other than the ultimate consumer.

1. A comment from the Flat Glass Marketing Association states that there is no economic or empirical justification for prohibiting a fabricator or installer from destroying a permanent label when cutting a sheet of glazing material into smaller pieces, if the smaller pieces are then relabeled. (See proposed § 1201.5(d)).

The purpose of proposed § 1201.5(d) was to assure that all of the information which is required by the standard to appear on a permanent label will reach the ultimate consumer of the glazing material or product containing that material. The text of proposed § 1201.5(d) did not take into consideration the possibility that some glazing materials may be cut to smaller sizes by fabricators and installers before they reach ultimate consumers. Accordingly, proposed § 1201.5(d) has been deleted from the standard issued below. However, requirements for labels required to appear on glazing materials subject to the standard or on products incorporating those materials when those materials or products are

sold to ultimate consumers may, under the authority of section 14(c) of the CPSA, be issued in a separate rulemaking proceeding.

2. The Plastic Safety Glazing Committee and Rohm & Haas Co. have recommended that the Commission eliminate the words "• • • and destructible polyester labels • • •" from the definition of permanent label set forth in § 1201.2(a)(20) as it is claimed that such labels cannot be permanent. The purpose of the permanent labels required in § 1201.5 is to ensure that a label cannot be transferred from the glazing material for which it is intended to some other glazing material. A destructible polyester label meets this intent. Therefore, the Commission has not changed the definition of permanent label now found at § 1201.2(a)(22) of the final standard.

E. *Economic considerations.* Numerous comments have been received relative to the economic implications of the proposed standard. The significant comments and the Commission's response thereto are set forth below.

1. *Laminated glass.* a. Buchmin Industries, Ford Motor Co., the Glass Tempering Association, Globe Amerada Glass Co., and the Glass Laminators Committee commented that currently manufactured laminated glass could not pass the 400 foot pound impact test level of § 1201.4(d)(1) of the proposed standard for Category II products. (See § 1201.2(a)(4)). Two of the commentors stated that this inability to pass the Category II impact levels would result in the elimination of the use of laminated glass in Category II products. Another commentor stated the plastic inner layer in laminated glass would have to be doubled in thickness to .030 inches in order to pass the impact test for Category II products. The commentors thus maintained that the standard would have an adverse economic effect on the laminated glass industry.

The Commission believes laminated glass currently used for Category I applications can meet the 150 foot pound impact test requirements found at § 1201.4(d)(1) of the proposal. However, not all laminated glass currently used for Category II applications can meet the Category II 400 foot pound impact test requirements. At the time the proposed standard was published most of the laminated glass applications covered by the proposal required classification into Category II. The final standard has revised upward the division point between Category I and Category II from 6 square feet to 9 square feet (See § 1201.2(a)(3) and (4)). As a result, more applications for laminated glass covered by the standard will fall into Category I. However, many applications within the scope of the standard will still be covered by Category II requirements.

Manufacturers have indicated to the Commission that to pass the 400 foot pound test, the standard .015 inch plastic interlayer material now used in laminated glass would need to be doubled to .030 inch. (Official Transcript of Proceedings before the Consumer Product Safety Commission, page 33.) There is no technological impediment to meeting the standard, i.e., an additional .015 inch would not create a problem in fitting frames because current manufacturing tolerances on glazing and framing materials should accommodate this increase. However, manufacturers are concerned about the economic consequences of doubling the size of the interlayer material.

The Commission has obtained the following information on the possible economic consequences of this change. The incremental cost to the consumer for laminated glass with the thicker interlayer will vary because of the variance in mark ups, which depends primarily on the particular end use application and the distribution method. The incremental cost at retail is estimated to range from 55 cents to 65 cents per square foot for most applications. Because the standard should not affect the price of competitive glazing materials, such as tempered glass and plastics, the concern of laminated glass manufacturers for their product is understandable. It is difficult to assess how seriously the price change will affect the market share of the 17 laminated glass manufacturers. However, there is some basis for suggesting that the laminated glass industry will maintain its overall market share.

First, the major share of the market held by the laminated glass industry as a whole is in the motor vehicle field. Since motor vehicles are not within the Commission's jurisdiction, automotive glazing materials are not subject to this standard. Secondly, some of the specialty laminated glass within the scope of the standard, and used, for example, for sound reduction, security, bullet proofing, light glare, and heat reduction can meet the Category II, 400 foot pound requirements at the present time.

In addition, it appears likely that the laminated glass industry will maintain its competitive advantage in the important replacement market which currently comprises more than half of all laminated glass sales for applications within the scope of the standard.

Tempered glass is cheaper than laminated glass. However, in much of the replacement market laminated glass has the price advantage over tempered glass since laminated glass can be installed almost immediately when needed, eliminating expensive board up charges which are associated with the extended delivery time of non-standard size tempered glass. With the increased cost of laminated glass in Category II applications caused by the standard, the price advantage of laminated glass over tempered glass in the replacement market is no longer certain. Nevertheless, estimates of board up costs associated with tempered glass (around $80) and data on the incremental cost of laminated glass indicate that laminated glass is likely to retain its price advantage over tempered glass by a narrow margin under most conditions. An analysis of this advantage is included in the Commission's Economic Impact Statement, dated December 14, 1976, which is included in the public record available in the Office of the Secretary of the Commission. Under certain conditions the price advantage of laminated glass could be lost, for example, if the variable board up costs are significantly below normal and the variable mark ups on laminated glass are on the high side. All in all, considering the relative price and the quick replacement advantage of laminated over tempered glazing material, there is reason to believe that laminated will not lose a significant share of the replacement market to tempered glass.

Laminated glass is currently priced about the same as plastics at the glazing dealer level. Both materials are used in the replacement market, since they can be easily stocked and readily cut to a custom size. An important use of laminated glass in the replacement market is for fixed panels in nonresidential entranceways. Presently, laminated is preferred to plastics in this use for esthetic reasons, for example, because it has better scratch resistance and is less likely to discolor. Considering the unique physical characteristics of laminated glass, it is unlikely that the price increase of laminated glass will cause it to lose a significant share of the replacement market to plastics.

In summary, if the laminated glass industry does double the thickness of the plastic interlayer for Category II applications in order to meet the standard, it appears likely that its market share generally will be maintained.

The effect of the standard will vary among the 17 U.S. firms that manufacture laminated glass. For most of these firms, laminated glass production affected by the standard would be well under 10 percent of the individual firm's total production of glazing materials, such as tempered, annealed glass and laminated glass unaffected by the standard. For at least one firm, the figure could reach 25 percent. For the largest firms, the figure is near zero.

Finally, it should be pointed out that the standard could provide increased sales opportunities for laminated glass since noncomplying glazing material will relinquish its share of the replacement market.

b. Several commentors from the U.S. laminated industry expressed a concern that the proposed standard would lead to major foreign inroads.

The possibility of increased foreign competition exists regardless of a CPSC standard. It is the Commission's view that the effect of the standard on the import situation will be minimal since the manufacturing cost differential between domestic and foreign firms will remain nearly constant. The additional interlayer plastic material required to meet the standard's 400 ft lb test is nearly equally priced for domestic and foreign firms.

2. *Wired glass.* The C–E Glass Company commented that the proposed standard would have a deleterious economic effect on the wired glass industry.

After reviewing information presented by the commentor, and its own analysis, the Commission concludes that the proposed standard will cause serious economic disruptions in the wired glass industry because technological improvements in the product will need to be made beforew ired glass can be used in Category I (low energy) applications, and because it probably will not be usable at all in Category II (high energy) applications, because the product probably will not be able to pass the impact test of § 1201.4(d)(1). Other than for the effects on wired glass manufacturers, disruption will be minor in most markets where wired glass is incorporated into a consumer product, since in most applications a complying glazing material is readily available as a substitute for wired glass and wired glass is only 2 percent of the total glazing used in the U.S. annually. However, in the market for doors and assemblies intended to retard the passage of fire, the unique physical properties of wired glass appear to make it the only practical material at this time for use in fire doors.

Therefore, depending on the success the wired glass industry has in technologically improving its products, the disruption to the fire door and fire assembly market could be extremely significant.

The Commission, for reasons more fully discussed in section B above, has in the final standard revised the division line between Category I and Category II doors and glazed panels from 6 square feet to 9 square feet.

(See § 1201.2(a) (3) and (4).) As a result, wired glass for use in doors intended to retard the passage of fire would now generally only be subject to the 150 foot pound impact requirements of Category I. (§ 1201.4(d)(1).)

Nevertheless, as described earlier in this preamble, since it is doubtful that much wired glass can now comply with the 150 foot pound Category I impact test requirements, the Commission has concluded that there is good cause for deferring for a period of 2½ years application of the standard to wired glass intended to retard the passage of fire. This period will allow the industry time to develop the technology necessary to produce glazing materials for such applications which will meet Category I requirements, and will allow time to amend federal, state and municipal fire codes to permit the use of the improved glazing material. This decision is reflected in §§ 1201.1(c)(1) and 1201.7 of the final standard.

3. *Organic-coated glass.* Comments were submitted on the economic implications of the proposed standard with respect to organic-coated glass.

Applications of a polymer film to glazing already in place is a relatively new concept to the field of architectural glazing with significant benefits for consumers. It allows consumers to upgrade glazing material for safety or for energy economy without replacing glazing material already installed. Comments expressed concern that this benefit might be lost to consumers under the standard. However, since the application of polymer film to glazing already in place is not within the scope of the standard, the Commission does not expect this market to be disrupted.

In most currently marketed thicknesses, organic coated glass which has the film applied to annealed glass at the factory cannot meet the Category II impact requirements of § 1201.4(d)(1). Some members of the industry believe that a market limited to Category I products alone is too small and segmented to be profitable for most manufacturers. The revised upward division point between Category I and Category II doors, storm doors, and glazed panels in the final standard will ease this problem (see §§ 1201.2(a) (3) and (4)). It is not clear to what extent the factory produced organic coated glass market will be disrupted. However, the economic impact in relation to the entire glazing industry will be negligible, since this material accounts for less than ⅓ of one percent of the total volume.

4. *Summary of economic impact.* The discussions above indicate that certain segments of the glazing industry are likely to be adversely affected by the standard. Specifically, there is likely to be disruption to the wired glass (other than fire door uses), the organic-coated glass market and, to a lesser extent, in the laminated glass market. However, these markets are small in relation to the entire industry. For the glazing industry in general, the disruptions and dislocations of existing manufacturing and commercial practices due to the standard are expected to be minor.

5. *Cost benefit analysis.* A comment received from the Council on Wage and Price Stability (CWPS) outlined a formal cost benefit analysis and urged that this approach be adopted by the Commission. While the Commission is required by section 9(c) of the CPSA, 15 U.S.C. 2058(c) to consider and make findings regarding certain economic matters, the act does not require the Commission to conduct a cost benefit analysis. The Commission has made the required findings in § 1201.1(d) of the standard and has discussed economic effects of the standard in this section of the preamble. Because important social costs and benefits have not been adequately identified and quantified in the present state of the art, the Commission believes that there are at this time substantial questions concerning the usefulness of cost benefit analysis when applied to product safety. However, the Commission has made certain cost benefit calculations, which are part of the public record.

In the comment, CWPS performed a rough calculation which indicated that the costs of the standard far exceed the benefits. The Commission believes that the CWPS calculation contains inadequacies and that CWPS has not supported its conclusion. Important benefits which are not easily quantifiable were ignored and implicitly assigned a value of zero; examples include savings to consumers due to reduced breakage of safety glazing, possible reduction in retail prices due to distribution efficiencies made possible by a uniform national standard, and social benefits from reduced pain and suffering. In addition, the calculation failed to recognize fully the need for dynamic analysis when considering both cost and benefit streams over a period of time.

Other potential economic effects of the standard taken into account by the Commission are discussed in an economic analysis prepared by the Commission and the findings set forth in § 1201.1(d) of the standard. A copy of the Commission's Economic Impact Statement is included in the public record and may be seen in the Office of the Secretary.

F. *Stockpiling.* Section 1201.6 of the proposed standard set forth provisions relative to what the Commission considered to be prohibited acts of stockpiling within the scope of section 9(d)(2) of the CPSA (15 U.S.C. 2058(d)(2)). This section authorizes the Commission to prohibit manufacturers from stockpiling a product subject to a consumer product safety standard between issuance of the final standard and its effective date. Stockpiling is defined as manufacturing or importing of a product during this time period at a rate significantly greater than the rate at which the product was produced or imported during a base period (set by rule) ending prior to the promulgation date.

The proposed stockpiling provision, § 1201.6, specified that manufacturers, fabricators, and importers of certain architectural products who incorporate glazing material into those products shall not incorporate glazing materials which do not comply with the requirements of the standard between the date the final standard is issued and the date the standard becomes effective, at a rate which is greater than the rate of production or importation during the base period plus ten percent.

The Consumer Safety Glazing Committee, the Glass Division of the Ford Motor Company, and the Glass Tempering Association commented that the fixed base period dates proposed in § 1201.6(c)(2) were inappropriate. The Commission believes that the fixed base period dates were appropriate for the proposed standard, and the earlier timetable for publication of the final standard. However, the intent of the stockpiling provision is to prevent a manufacturer from circumventing the purpose of a consumer product safety rule while permitting the manufacturer to continue at production rates that would have been typical in the absence of a rule. Therefore, it is appropriate for a base period to be set that takes into account the publication date of the standard. The Commission, therefore, has determined that the stockpiling provision be modified to provide for a base period related to the publication date as set forth below at § 1201.6.

IV. Other Considerations

A. *Environmental effects of the standard.* Prior to publishing the proposed standard, the Commission considered the

environmental effects of its action and determined that there was no potentially significant environmental effect associated with the implementation of the proposed standard. Because the factors leading to this determination have not changed as a result of any changes, additions, or corrections made in the standard as adopted below, and in view of its Economic Impact Statement of December 14, 1976, the Commission reaffirms its decision that there is no potentially significant environmental effect associated with the promulgation of the standard. The factors leading to the original determination were set forth in an environmental assessment of the proposed standard which may be seen in the Office of the Secretary.

B. *Certification and labeling.* 1. Comments were received from the Consumer Safety Glazing Committee and PPG Industries requesting the Commission to specify in the final standard a reasonable testing program for purposes of certifying that glazing materials and products subject to the standard comply with its requirements; and to include provisions within the standard for certification and labeling of glazing materials and products for compliance with the standard. Associated Laboratories recommended that the Commission include in the provisions of the final standard a specification of the number of specimens which must be tested to determine compliance with the standard. Ford Motor Company's Glass Division requested the Commission to issue product identification labeling provisions pursuant to section 14(c) of the CPSA. Additional comments and suggestions with respect to numbers of specimens, certification, and labeling were submitted by the Glass Tempering Association, the Flat Glass Marketing Association, the Plastic Safety Glazing Committee, PPG Industries, the Anderson Manufacturing Company, Rohm and Haas Company, the Pourco Glass Company, and Sheffield Poly-Glaz, Inc.

The standard does not impose any testing requirements upon manufacturers of glazing materials. However, section 14(a) of the CPSA requires manufacturers and private labelers of products subject to standards to issue certificates of conformance, based on a test of each product or upon a reasonable testing program. Section 14(b) authorizes the Commission to prescribe by rule reasonable testing programs. The Commission anticipates issuing such a rule under the authority of section 14(b). The rule will be issued in accordance with 5 U.S.C. 553 (Administrative Procedure Act).

In issuing a rule under section 14, the Commission will consider, among other things, such matters as the number of specimens to be tested in any reasonable testing program, possible alternative tests that industry members might conduct, existing third party certification, and labeling both before and after the glazing material has been cut. It is anticipated that such a regulation will be issued prior to the effective date of the architectural glazing material standard to become effective at the same time as the standard. If it appears that the certification rule under section 14 could not be made effective at the same time as the standard, the Commission will consider an extension in the effective date of the standard.

2. Ford Motor Co. and the Glass Tempering Association requested that provision be made for permitting the use of glazing materials after the effective date of the standard which were certified to comply with previously existing standards, but which also might meet the requirements of Part 1201. The Commission believes that the effective date of the standard contains an adequate lead time for fabricators to exhaust supplies of glazing material that have not been certified as complying with the standard and for glazing material manufacturers to provide glazing materials which have been certified as complying with the standard. However, the Commission will consider these concerns in the development of the certification and labeling regulation.

C. *Preemption.* The City of Phoenix, Arizona questioned the wisdom of the Commission's preempting local requirements for architectural glazing material.

Section 26(a) of the Act (15 U.S.C. 2075(a)) provides that whenever a consumer product safety standard issued under the act is in effect and applies to a risk of injury associated with a consumer product, no state or political subdivision of a state shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such products which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the standard promulgated under the act. This means, in effect, that most state standards in existence that are applicable to the same products and risks of injury subject to regulation under the standard will be completely or substantially preempted by the CPSC standard upon its effective date. Such state standards that address the same risks of injury dealt with by the federal standard must be identical to the federal standard to remain in effect. Thus, the act gives the Commission no discretion to avoid preemption of state and local regulations. It is the view of the Commission, however, that the preemption provisions of the Consumer Product Safety Act would not apply to those products exempted from the scope of this standard by § 1201.1(c).

Section 26(c) of the act as amended (15 U.S.C. 2075(c)), however, provides that upon application of a state or political subdivision thereof, the Commission may by rule, after notice and opportunity for oral presentation of views, exempt from the preemption provisions of section 26(a) (under such conditions as the Commission may impose) a proposed safety standard or regulation described in the application for exemption and which is designed to protect against a risk of injury associated with a consumer product subject to a consumer product safety standard. In such cases, the Commission must find that the proposed standard or regulation (1) provides a significantly higher degree of protection from such risk of injury than the consumer product safety standard under the act, and (2) does not unduly burden interstate commerce. Thus, states and local governments may apply to the Commission for exemption from preemption.

D. *Jurisdiction.* One commentor raised the question of what product the Commission is regulating in its proposed standard, and alleges that there are serious questions about the Commission's jurisdiction over glazing material used in the architectural products identified in the standard.

The consumer products that are the subject of the Commission's standard are the architectural glazing material itself used in storm doors or combination doors, doors, bathtub doors and enclosures, shower doors and enclosures, glazed panels and sliding glass doors (patio-type). In addition, the standard applies to the above enumerated architectural products in which the glazing material is incorporated, in that those products must be constructed of glazing material that complies with the standard.

In regard to the question of jurisdiction, it is the Commission's view that the architectural glazing material and the architectural products in which the glazing material is incorporated is produced or distributed for sale to and/or use or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise. Thus, the glazing material and architectural products subject to the standard are consumer products and within the jurisdiction of the Commission.

E. *Reference standards.* Certain voluntary standards have been referenced in this Part 1201. The references pertain to the voluntary standards issued on the cited dates, and not to any prior or subsequent revisions. Revisions to those reference standards would not be incorporated into the standard unless the Commission amends the standard to incorporate these revisions.

G. *Metric conversions.* This standard was developed using the English system of units. Metric equivalents have been included in the text of the standard for convenience. Metric equivalents have not been added to illustrations 1 through 5. The conversion factors to be used there are:

1 inch = 2.54 centimeters.
1 pound = .4536 kilograms.

H. *Elderly and handicapped.* Section 9(b) of the act, 15 U.S.C. 2058(b), as amended, requires the Commission to consider and take into account the special needs of elderly and handicapped persons to determine the extent to which such persons may be adversely affected by the standard. The Commission has done so and determined that no such adverse effect will result from the issuance of the standard, because it is unaware of any situation where an elderly or handicapped person would sustain injuries of greater severity because safety glazing had been present, or would be inconvenienced by the presence of safety glazing. To the extent that the elderly and handicapped may be likely to push on glazing to operate doors, their protection would be the same or greater as other persons.

I. *Findings.* Section 9(c) of the CPSA requires that prior to promulgating a consumer product safety rule the Commission shall consider, and shall make appropriate findings for inclusion in such a rule as to: (1) The degree and nature of the risk of injury the rule is designed to eliminate or reduce; (2) the approximate number of consumer products, or types or classes thereof, subject to such rule; (3) the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need; (4) any means of achieving the effect of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety; (5) that the rule is reasonably necessary to eliminate or reduce an unreasonable risk associated with such products; and (6) that the promulgation of the rule is in the public interest (15 U.S.C. 2058(c)).

The findings required by section 9(c) of the act have been made by the Commission and are incorporated in § 1201.1 below.

V. MISCELLANEOUS

In response to a number of comments which were received suggesting editorial changes, and upon its own review, the Commission has made certain revisions in the final standard. Among these changes are the following:

1. Wired glass and annealed glass have been added to the list of products in Table 1 of the final standard, with a notation that both are exempt from the environmental durability tests.

2. The definition of laminated glass contained in proposed § 1201.2(a)(12) has been modified to make it clear that laminated wired glass is to be considered laminated glass. (See § 1201.2(a)(13), of the final standard).

3. A compression tolerance of 10 percent to 15 percent has been added to § 1201.4(b)(1)(v) and to Figure 3.

4. In proposed § 1201.2(a)(31), now set out at § 1201.2(a)(33), the term "• • • properly tempered • • •" has been revised to "• • • highly tempered • • •", and the term "granular pieces" has been revised to read "particles".

5. The latter portion of proposed § 1201.4(b)(1)(i) has been deleted beginning with "• • • except that impact test frames • • •" to reflect that the Commission will only use test frames manufactured to the specifications of the standard.

6. One commenter, the Plastic Safety Glazing Committee, recommended the deletion of the term "Accelerated" from the title heading of § 1201.4(d)(2)(ii) which is "Accelerated weathering test." The Commission has not made this change because all of the testing specified in this section is, in fact, accelerated. Use of the term "accelerated" in this context is consistent with the practice of the National Bureau of Standards.

7. Proposed § 1201.4(e)(1)(i)(D), now set out as §§ 1201.4(e)(1)(iv) and (v), provides criteria for passing the impact test. It has been revised first to state more clearly that a specimen is considered to pass the test if "The specimen does not remain within the subframe and no breakage is caused by the impactor" (§ 1201.4(e)(1)(iv)). This revision covers those situations where the glazing material comes out of the frame upon impact. A new paragraph § 1201.4(e)(1)(v) has been added, to provide the other criterion which was set out in proposed § 1201.4(e)(1)(D). The new paragraph states, "The specimen does not break."

8. The definition of glazed panel, § 1201.2(a)(10)(1), pertaining to glazed panels in residential buildings, has been revised so that the definition includes any panel whose nearest vertical edge is within 12 inches of the door rather than only the first panel. This change is consistent with the intent of the Commission to apply the standard to all glazed panels beginning within 12 inches of a door in residential buildings.

9. The labeling language of proposed § 1201.5(c) has been revised to read "Glaze this side in" and now conforms with ANSI Z97.1–1975 entitled "Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings", September 26, 1975, approved and published by American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

10. Definitions for "jalousie door" and "leaded glass" have been added as §§ 1201.2(a)(12) and (14), and in proposed § 1201.2(a)(25), now set out as § 1201.2(a)(27), the definition of residential buildings, has been revised to additionally include "• • • any structure which is attendant to, a part of, or appurtenant to" the buildings described in the definition. Other definitions have been renumbered as necessary.

11. In response to comments submitted by Phenix Manufacturing Co. and Ford Motor Co., § 1201.1(b) has been revised to make clear that Part 1201 does not apply to glazing materials manufactured on or before the effective date of the standard. However, architectural products enumerated in the standard that are manufactured after the effective date must incorporate glazing materials that comply with the standard.

CONCLUSION

Having considered the offeror's submission, the published proposal, the oral and written response to the proposal, and other relevant material, the Commission issues the safety standard for architectural glazing materials as set forth below:

Therefore, pursuant to provisions of the Consumer Product Safety Act (Sec. 9(a), Pub. L. 92–573, 86 Stat. 1215; 15 U.S.C. 2058(a)), a new Part 1201 is added to Title 16, Chapter II, Subchapter B, as follows:

Sec.
1201.1 Scope, application and findings.
1201.2 Definitions.
1201.3 General requirements.
1201.4 Test procedures.
1201.5 Certification and labeling requirements.
1201.6 Prohibited stockpiling.
1201.7 Effective date.

AUTHORITY: Secs. 2, 3, 7, 9, 14, 19, Pub. L. 92–573, 86 Stat. 1212–17; (15 U.S.C. 2051, 2052, 2056, 2058, 2063, 2068).

§ 1201.1 Scope, application and findings.

(a) *Scope.* This Part 1201, a consumer product safety standard, prescribes the safety requirements for glazing materials used or intended for use in any of the following architectural products:

(1) Storm doors or combination doors.
(2) Doors.
(3) Bathtub doors and enclosures.
(4) Shower doors and enclosures.
(5) Glazed panels.
(6) Sliding glass doors (patio-type).

It also requires that these architectural products which incorporate glazing materials be constructed with glazing materials that meet the requirements of this part. The safety requirements are designed to reduce or eliminate unreasonable risks of death or serious injury to consumers when glazing material is broken by human contact.

(b) *Application.* This Part 1201 shall apply to glazing materials for use in the architectural products listed in paragraph (a) of this section and to those architectural products listed in paragraph (a) of this section if they are made with or incorporate glazing materials. The standard applies to glazing materials and architectural products incorporating glazing materials that are produced or distributed for sale to or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence or in recreational, school, public, or other buildings or parts thereof. This Part 1201 applies only to those glazing materials manufactured after the effective date of the standard; and to those architectural products identified in paragraph (a) of this section that are manufactured after the effective date of the standard. Thus, architectural products identified in paragraph (a) of this section manufactured after the effective date of the standard must incorporate glazing materials that comply with the standard. For purposes of this standard, fabricators and persons who assemble glazed panels are considered to be manufacturers of the architectural products listed in paragraph (a) of this section. Architectural glazing materials used in the products listed in paragraph (a) of this section and used in mobile homes are not subject to the

provisions of this Part 1201. While this Part 1201 prescribes a test method to determine whether glazing materials subject to this Part 1201 standard meet the requirements of the standard, the standard itself does not require that a manufacturer test any glazing materials or products subject to the standard. All obligations of manufacturers to perform testing are imposed by section 14 of the Consumer Product Safety Act and certification regulations which will be established by a separate rulemaking proceeding. However, the Commission intends to use the test procedures set forth in this Part 1201 to determine whether materials and products subject to the standard meet the requirements of the standard.

(c) *Exemptions.* The following products, materials and uses are exempt from this Part 1201:

(1) Wired glass used in doors or other assemblies to retard the passage of fire, where such door or assembly is required by a federal, state, local or municipal fire ordinance, except that this exemption shall terminate on January 6, 1980.

(2) Louvers of jalousie doors;

(3) Openings in doors through which a 3 inch diameter sphere is unable to pass;

(4) Leaded glass panels where no individual piece of glass has an area greater than 30 square inches;

(5) Glazing materials used as curved glazed panels in revolving doors;

(6) Commercial refrigerated cabinet glazed doors.

(d) *Findings*—(1) *The degree and nature of the risk of injury the rule is designed to eliminate or reduce.* The Commission finds that the nature of the risks of injury this standard is designed to eliminate or reduce are as follows:

(i) Lacerations, contusions, abrasions, and other injury or death resulting from walking or running into glazed doors or sliding glass doors believed to be open or glazed panels mistaken as a means of ingress or egress, or pushing against glazing material in doors or glazed panels in an attempt to open a door.

(ii) Lacerations, contusions, abrasions, and other injury or death resulting from accidentally falling into or through glazed doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures.

(iii) Lacerations, contusions, abrasions, and other injury or death resulting from the act of installing, replacing, storing or otherwise manipulating glazing material in doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures, or from broken glazing material in doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures. The Commission estimates that 73,000 injuries associated with architectural glazing materials in the architectural products within the scope of this standard were treated in hospital emergency rooms during 1975, and that about 2,400 of these injuries required the patients to be hospitalized. Extrapolating to total injuries in the United States the Commission further estimates that approximately 190,000 injuries were associated with architectural glazing products covered by this standard. Although injuries occur at any age, children aged 14 and under appear to be at particular risk of injury since as a group they represent approximately half the injuries while comprising less than 30 percent of the population. Lacerations are the most common injuries associated with architectural glazing materials and account for 72 percent to 93 percent of the injuries associated with the architectural products identified in paragraph (a) of this section. These lacerative injuries span a broad spectrum of severity and extent of body part affected. During 1975, an estimated 200 injuries were treated in emergency rooms for lacerations over 25 to 50 percent of the victims' bodies and over 7,000 persons were treated for lacerations to the head or face. On the basis of all injury information available to the Commission, it is apparent that the severity of the injuries associated with architectural glazing materials ranges from minor cuts to damage to tendons, nerves, muscles, and blood vessels resulting in extensive surgery. Peripheral nerve injuries result in varying degrees of loss in sensation and motion which may never be restored completely. Tendon and muscle injuries may involve loss of movement. Some victims of architectural glazing material incidents are disfigured, and sustain emotional trauma as well. Severing of arteries and veins has led to death. One way of quantifying the extent of the public health problem relating to injuries associated with products is to estimate the total number of disability days resulting from the injuries. Using average days of restricted activity by age for specific injuries and body parts (Vital and Health Statistics, Series 10, Number 57, National Center for Health Statistics, U.S. Department of Health, Education, and Welfare), it is estimated that about 230,000 days of restricted activity resulted from injuries associated with architectural products which were treated in emergency rooms alone.

(2) *The approximate number of consumer products, or types or classes thereof, subject to the standard.* The types of glazing materials affected by or subject to the standard are laminated glass, tempered glass, wired glass, organic-coated glass, annealed glass, and plastics. Architectural products that incorporate the aforementioned glazing materials that are also affected by or subject to the standard are: storm doors or combination doors, doors, bathtub doors and enclosures, shower doors and enclosures, glazed panels and sliding glass doors (patio-type) (see paragraph (a) of this section). The Commission has estimated that 13 to 16 percent of the total market for glazing material incorporated in products within the scope of the standard will be affected by the standard. Most of the glazing subject to the standard is currently covered by state safety glazing legislation. To date, more than 30 states have enacted safety glazing legislation, but this legislation is neither consistent nor completely uniform among states. Annual markets for the architectural products which incorporate glazing material and that are within the scope of the standard have been estimated by the Commission in terms of square feet of glazed area and number of units. The market for glazing material incorporated in products within the scope of the standard was estimated to be 234.8 million square feet in 1975. These figures are discussed in the Economic Impact Statement, pp. 3–7, and Appendix A to the Economic Impact Statement, pp. 18–30, which are available for review in the Office of the Secretary of the Commission, Washington, D.C. 20207.

(3) *The need of the public for the architectural glazing material and products incorporating that glazing material subject to the standard, and the probable effect of the standard upon the utility, cost or availability of those products to meet the need of the public*—(i) *The need of the public for the architectural glazing materials and products incorporating that glazing material.* The need of the public for architectural products within the scope of the standard incorporating glazing material is substantial since these products serve such functions as transmission of light, visual communication, protection from weather, ventilation, and indoor climate control, and since reasonable substitutes for these products do not exist as a group. Each of the types of glazing material subject to the standard has individual properties which meet public needs, although one type of glazing material is often an acceptable substitute for another.

(ii) *Probable effect of the standard upon the cost of architectural glazing materials and architectural products incorporating the glazing material to meet the need of the public for the products.* The probable cost effects of the standard for architectural glazing materials are listed below.

(A) The cost impact of the standard on consumers will be concentrated in those states with no present state safety glazing legislation. In those states, the average increase in cost per housing start resulting from the standard is estimated to range from $30 to $50, or approximately one-tenth of one percent of the price of a typical new house; and the cost for residential remodeling and replacement is expected to be in the range of $0.25 to $0.30 per household annually.

(B) The increased cost of glazing material for nonresidential uses will be paid ultimately by consumers through higher prices of goods and services. Generally, the increased cost of glazing is not passed to consumers immediately, but is spread over the life of the nonresidential structure. Therefore, the increased cost to consumers for glazing material in nonresidential structures will probably rise slowly over time to an annual level of approximately $1.10 per household in states with no safety glazing legislation and $0.20 to $0.50 per household in the other states. In many of the states with state regulations, the impact of the standard on residential construction and new housing prices will be near zero,

since most of the glazing is currently covered by the state glazing legislation.

(C) The probable effect of the standard on the various glazing materials within the scope of the standard will differ. The retail price of laminated glass used in some Category II applications will probably increase by 10 to 15 percent per square foot. The incremental cost to consumers for ungraded laminated glass is estimated to be approximately $0.14 per household, annually. The cost to consumers for tempered glass, organic-coated glass, and plastics is not expected to increase because of the standard. Information available to the Commission indicates that the technology needed for producing wired glass which can comply with the standard is not readily available. See Appendix A of the Economic Impact Statement, pp. 45–56, for the incremental cost calculation by product category and application.

(iii) *Probable effect of the standard upon the utility of architectural glazing materials and architectural products incorporating the glazing materials to meet the need of the public for the products.* The probable effect of the standard in regard to the utility of architectural glazing materials and the architectural products incorporating glazing material should be to increase the utility of the products. The basic effect of the standard would be the substitution of certain safer glazing materials for annealed glass in certain architectural products. The Commission believes that such a substitution would increase utility for most consumers because of the usually increased durability of the glazing material that complies with the Commission's standard, and the knowledge that the product incorporating the glazing material is safer. There will be disutility for those consumers who prefer non-complying wired glass and organic-coated glass when these materials become unavailable for certain applications due to their likely inability to comply with the standard. However, the share of the glazing material market claimed by organic-coated and wired glass is small.

(iv) *Probable effect of the standard upon the availability of architectural glazing materials and architectural products incorporating the glazing materials to meet the need of the public for the products.* The Commission finds that the proposed standard should not have impacts of significant magnitude on the availability of architectural products within the scope of the standard, since domestic production capacity appears to be sufficient to handle any increased demand for glazing material to be used in those products. In addition, an increased demand for raw materials necessary to manufacture glazing materials that comply with the standard will be small in comparison to the volume of raw materials currently used for glazing for the products that will be subject to the standard. Furthermore, no major change in demand for the architectural products subject to the standard incorporating glazing materials which would affect production is expected. The Commission finds that, in the absence of technological advances, certain glazing materials will no longer be available for particular applications. Unless technological advances are made, wired glass will be unavailable for use in the architectural products within the scope of the standard with the exception of fire door applications where special provisions of the standard apply. Similarly, organic-coated glass which has the film applied to annealed glass at the factory may no longer be available for Category II products due to an inability to pass those impact test provisions of the standard. The availability of glass replacement glazing in residential applications may be reduced, since plastic glazing often will be the only economical material available to consumers when immediate replacement is needed.

(4) *Any means of achieving the objectives of the standard while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.* The Commission has considered other means of achieving the objective of the standard, but has found none that it believes would have fewer adverse effects on competition or that would cause less disruption or dislocation of manufacturing and other commerical practices, consistent with the public health and safety. For the glazing industry in general, the disruptions and dislocations of existing manufacturing and commercial practices due to the standard are expected to be minor. However, it is possible that individual segments of the glazing materials industry are likely to be adversely affected by the standard. Specifically, there is likely to be disruption to the wired glass market, the organic-coated glass market and, to a lesser extent, to the laminated glass market. Manufacturers of wired glass will face a serious problem because technological improvements in the product will need to be made before wired glass can be used in Category I applications and because it probably will not be usable at all in Category II applications (see § 1201.2(a) (3) and (4) of the standard), since there appears to be little prospect at this time of developing a wired glass product capable of withstanding the Category II, 400 foot pound impact test prescribed in § 1201.4 of the standard. Laminated glass currently used for Category I applications can meet the 150 foot pound impact test requirements, but not all laminated glass currently used for Category II applications can meet the 400 foot pound impact test requirements. The price increase for technologically upgrading laminated glass will be borne by consumers. The Commission believes, however, that the competitive impact of the proposed changes would not severely weaken the position of laminated glass in the market place. The wired glass, organic-coated glass, and laminated glass markets affected by the standard are small in relation to the entire industry. The standard is not expected to have an appreciable impact on foreign or domestic competition. Increased competition is expected between primary glass temperers and regional temperers, with primary temperers taking an increased share of the original storm door, sliding door, bathtub enclosure and shower door markets. Sales of nonresidential glazing for major nonresidential buildings will remain with the primary glass companies. The regional temperers are expected to handle almost all the tempering of glazing for smaller nonresidential buildings. Thus, they will gain some of this market at the expense of local dealers and distributors. However, the distributors and dealers probably will operate as order takers for the smallest jobs. It is expected that glazing distibutors and dealers will experience reduced market shares in both the residential and nonresidential new glazing markets. This will occur as a result of the transfer of business to the primary glass manufacturers and regional temperers, since tempered glass must be produced to size and it is not feasible to keep in inventory all sizes which might be needed.

(5) *Summary finding.* The Commission finds that there are unreasonable risks of injury associated with architectural glazing materials used in the architectural products listed in paragraph (a) of this section. In assessing the question of whether unreasonable risks of injury or injury potential are associated with architectural glazing materials, the Commission has balanced the degree, nature and frequency of injury against the potential effect of the standard on the ability of architectural glazing materials to meet the need of the public and the effect of the standard on the cost, utility, and availability of architectural glazing materials to meet that need. The Commission finds that this standard, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with architectural glazing materials and that promulgation of the standard is in the public interest.

§ 1201.2 Definitions.

(a) As used in this Part 1201:

(1) "Annealed glass" means glass that has been subjected to a slow, controlled cooling process during manufacture to control residual stresses so that it can be cut or subjected to other fabrication. Regular polished plate, float, sheet, rolled, and some patterned surface glasses are examples of annealed glass.

(2) "Bathtub doors and enclosures" means assemblies of panels and/or doors that are installed on the lip of or immediately surrounding a bathtub.

(3) "Category I products" means any of the following architectural products:

(i) Storm doors or combination doors that contain no single piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(ii) Doors that contain no single piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(iii) Glazed panels that contain no single piece of glazing material greater

than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(4) "Category II products" means any of the following architectural products:

(i) Shower doors and enclosures.

(ii) Bathtub doors and enclosures.

(iii) Sliding glass doors (patio type).

(iv) Storm doors or combination doors that contain any piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(v) Doors that contain any piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(vi) Glazed panels that contain any piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(5) "Distributor" means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, including persons cutting glazing material to size, except that such term does not include a manufacturer or retailer of such product.

(6) "Distribution in commerce" means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(7) "Door" means an assembly that is installed in an interior or exterior wall; that is movable in a sliding, pivoting, hinged, or revolving manner of movement; and that is used by consumers to produce or close off an opening for use as a means of human passage.

(8) "Fabricator" means any person who assembles or otherwise incorporates glazing materials into an architectural product listed in § 1201.1(a). A fabricator is considered a manufacturer as defined in paragraph (a)(16) of this section.

(9) "Glass" means a hard, brittle, amorphous substance produced by fusion, usually consisting of mutually dissolved silica and silicates that also contains sods and lime. It may be transparent, translucent, or opaque.

(10) "Glazed panel" means a glazing material used in any building listed in § 1201.1(b) that is:

(i) In residential buildings, any piece of operable or nonoperable glazing material adjacent to a door whose nearest vertical edge is within 12 inches (31 centimeters) from the door in a closed position, and whose bottom edge is below the level of the top of the door; or

(ii) In all buildings other than residential buildings, any piece of operable or nonoperable glazing material adjacent to a door whose nearest vertical edge is within 48 inches (1.2 meters) from the door in a closed position and whose bottom edge is below the level of the top of the door; or

(iii) In all buildings other than residential buildings, all panes not described in paragraph (a)(10)(ii) of this section where:

(A) The lowest edge of the glazing material is less than 18 inches (46 centimeters) above any floor or any walking surface; and

(B) The exposed glazing material in such panel exceeds 9 square feet (0.3 square meters); and

(C) There is a walking surface on both sides, either of which is within 36 inches (92 centimeters) of such panel and the horizontal planes of such walking surfaces are within 12 inches (31 centimeters) of each other.

(iv) Not included in the definition of glazed panels are:

(A) Panels where an intervening interior permanent wall is between the door and the panel(s) described in paragraph (a)(10)(ii) of this section;

(B) Panels described in paragraph (a)(10)(iii) of this section that have a horizontal member such as a piece of the framing or permanent chair rail no less than 1½ inches (4 centimeters) in width, which is located between 24 and 36 inches (61 and 91 centimeters) above the walking surface.

(11) "Glazing material" means plastics, glass, including annealed glass, organic-coated glass, tempered glass, laminated glass, wired glass; or combinations thereof where these are used:

(i) In openings through the architectural products listed in § 1201.1(a), or

(ii) As the architectural products themselves, e.g. glazed panels or unframed doors.

(12) "Jalousie door" means a door (as "door" is defined in paragraph (a)(7) of this section) having an opening glazed with operable, overlapping louvers. Each louver is one of a series of overlapping pieces of glazing material designed to admit ventilation and light but exclude rain and is typically operated by a crank and gear mechanism.

(13) "Laminated glass" means glazing material composed of two or more pieces of glass, each piece being either tempered glass, heat strengthened glass, annealed glass or wired glass, bonded to an intervening layer or layers of resilient plastic material.

(14) "Leaded glass" means a decorative composite glazing material made of individual pieces of glass whose circumference is enclosed by lengths of durable metal such as lead or zinc and the pieces of glass are completely held together and supported by such metal.

(15) "Manufacture" means to manufacture, produce or assemble.

(16) "Manufacturer" means any person who manufactures, fabricates or imports a glazing material or architectural product listed in § 1201.1(a) that incorporates glazing material.

(17) "Mirror" means a treated, polished or smooth glazing material that forms images by the reflection of light.

(18) "Mobile home" means a structure transportable in one or more sections, which is eight body feet (2.4 body meters) or more in width and is thirty-two body feet (9.7 body meters) or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(19) "Other buildings or parts thereof" means buildings or parts thereof (other than residential, school, public, or recreational buildings) in which all or part of the building is open to the public with or without specific invitation. Included are buildings or parts thereof such as banks and recreational or retail facilities in a building and multiuse buildings that contain residential units.

(20) "Organic-coated glass" means a glazing material consisting of a piece of glass, coated and bonded on one or both sides with an applied polymeric coating, sheeting, or film.

(21) "Patio door" (See "sliding glass doors (patio-type)" in paragraph (a)(31) of this section).

(22) "Permanent label" means a label that will remain permanently legible and visible after installation of the glazing material and that would be destroyed in attempts to remove it from the glazing material and includes (but is not limited to) sandblast, acid etch, hot-stamp, and destructible polyester labels.

(23) "Plastic" means a single sheet of organic glazing material, a combination of two or more such sheets laminated or coextruded together, or a combination of such sheets and reinforcement material in the form of fiber or flakes.

(24) "Private labeler" means an owner of a brand or trademark on the label of a consumer product which bears a private label, and includes any fabricator, distributor, or installer who cuts certified and permanently labeled glazing materials into smaller pieces.

(25) "Public building" means a building of public assembly or meeting including (but not limited to) a museum, place of worship, or restaurant.

(26) "Recreational building" means a building used for recreational purposes including (but not limited to) a theater, stadium, gymnasium, amusement park building or library.

(27) "Residential building" means a building, permanent or temporary, such as a single or multifamily residence, including (but not limited to) a house, apartment building, lodging home, dormitory, hotel, motel, hospital, sanitarium, and nursing home, used as a dwelling for one or more persons or families and any structure which is attached to, a part of, or appurtenant to such a building. Public areas of all residential buildings, such as lobbies and other common facilities, are included within the definition of "other buildings or parts thereof" in paragraph (a)(19) of this section. For purposes of this Part 1201, a mobile home as defined in paragraph (a)(18) of this section is not considered to be a residential building.

(28) "Retailer" means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer; the term retailer includes a person who cuts glazing material to size for consumers.

(29) "School building" means a building designed primarily for the conduct of educational instruction and includes the classrooms, libraries, administrative offices, auditoriums, eating and sanitary facilities, stadiums, gymnasiums and all other structures associated with such buildings.

(30) "Shower door and enclosure" means an assembly of one or more panels installed to form all or part of the wall and or door of a shower stall.

(31) "Sliding glass door (patio-type)" means an assembly of one or more panels, at least one of which is suitably movable for use as a means of human ingress or egress. The term includes the nonmovable and movable panels of such assembly.

(32) "Storm door (or combination door)" means a movable assembly, used in tandem with an exterior door to protect the exterior door against weather elements and/or to improve indoor climate control.

(33) "Tempered glass" means a piece of specially heat treated or chemically treated glass that cannot be cut, drilled, ground, or polished after treatment without fracture. When fractured at any point, if highly tempered, the entire piece breaks into small particles.

(34) "Wired glass" means a single piece of annealed glass that contains wire embedded in the body of the glass.

(35) "Commission" means the Consumer Product Safety Commission.

(b) Definitions given in the Consumer Product Safety Act, and not repeated in this section, are applicable to this Part 1201.

(c) Test methods and recommended practices published by the American Society for Testing and Materials (ASTM), and referred to in this Part 1201, are hereby incorporated by reference into this Part 1201.[1]

§ 1201.3 General requirements.

(a) All glazing materials to which this standard applies, as described in § 1201.1, shall meet the impact and environmental test requirements in § 1201.4, and shall be labeled by manufacturers in accordance with § 1201.5.

(b) Glazing materials used in architectural products not listed in § 1201.1(a) are not subject to this Part 1201

§ 1201.4 Test procedures.

(a) *Types of tests*—(1) *Impact test.* Specimens shall be struck as prescribed by paragraph (d)(1) of this section using equipment specified by paragraphs (b)(1) and (2) of this section. Results of the impact test are to be interpreted in accordance with paragraph (e)(1) of this section. The test specimens shall be selected in accordance with paragraph (c)(1) and (2) of this section.

(2) *Accelerated environmental durability tests.* Each specimen of glazing material subject to this Part 1201 shall be tested in accordance with the accelerated tests referenced in table 1, "Accelerated Tests" of this section. However, tempered glass, wired glass, and annealed glass are not required to be subjected to the accelerated environmental durability tests.

TABLE 1.—*Accelerated tests (applicable paragraphs)*

Glazing material	Specimen	Test equipment	Exposure	Criteria for passing
Laminated glass	Sec. 1201.4(c)(1) and (c)(3)(i).	Sec. 1201.4(b)(3)(i)	Sec. 1201.4(d)(2)(i)	Sec. 1201.4(e)(2)(i)
Organic-coated glass.	Sec. 1201.4(c)(1) and (c)(3)(ii)(B).	Sec. 1201.4(b)(3)(ii)	Sec. 1201.4(d)(2)(ii)(B).	Sec. 1201.4(e)(2)(ii)(B).
Plastics	Sec. 1201.4(c)(1) and (c)(3)(ii)(A).	Sec. 1201.4(b)(3)(ii)	Sec. 1201.4(d)(2)(ii)(A).	Sec. 1201.4(e)(2)(ii)(A).
Plastics (indoor)	Sec. 1201.4(c)(1) and (c)(3)(iii).	Sec. 1201.4(b)(3)(iii)	Sec. 1201.4(d)(2)(iii)	Sec. 1201.4(e)(2)(ii)(C).
Tempered glass	Exempt	Exempt	Exempt	Exempt
Wired glass	do	do	do	Do
Annealed glass	do	do	do	Do

(3) Separate testing is required for different glazing materials or for differences within a type of glazing material that could noticeably affect performance in the impact or environmental durability tests. Such differences could include (but are not limited to): Nominal thickness or thicknesses, method of manufacture (in appropriate cases), types and amounts of additives, and composition of base materials and adhesives.

(b) *Test equipment*—(1) *Impact test frame and subframe.* (See figures 1, 2, 3, and 4.) (i) The impact test frame shall be constructed to minimize movement and deflection of its members during testing. For this purpose, the structural framing and bracing members shall be steel angles 3 inches by 5 inches by ¼ inch (7.7 centimeters by 12.7 centimeters by 0.7 centimeters) or other sections and materials of equal or greater rigidity.

(ii) The structural framing shall be welded or securely bolted at the corners and braced by one of the alternate methods shown in figure 1 and shall be securely bolted to the floor.

(iii) The subframe for securing the test specimen on all four edges shall be reinforced at each corner. The material is shown as wood in figure 3, but other materials may be used provided the test specimen will contact only the neoprene strips.

(iv) Any reasonable means may be used to secure the subframe to the test frame so long as the mounting is secure and the pressure on the glazing in the subframe is not significantly altered when the subframe is removed.

(v) Pressures on the test specimen shall be controlled, and the compression of the neoprene strips shall be between 10 and 15 percent of the original thickness of the neoprene. Securing methods such as wing bolts and clamps shall be uniformly spaced no greater than 18 inches (45 centimeters) apart with no fewer than two on any edge. To limit the compression of the neoprene and prevent distortion of the subframe, metal shims of an appropriate thickness shall be used as shown in figures 3 and 4.

(2) *Impactor.* (i) The impactor shall be a leather punching bag as shown in figure 5 of this section. The bag shall be filled with No. 7½ chilled lead shot to a total weight of completed assembly before taping, as shown in figure 5, of 100 pounds ±4 ounces (45.36±0.11 kilograms). The rubber bladder shall be left in place and filled through a hole cut into the upper part. After filling the rubber bladder, the top should be either twisted around the threaded metal rod below the metal sleeve or pulled over the metal sleeve and tied with a cord or leather thong. Note that the hanging strap must be removed. The bag should be laced in the normal manner. The exterior of the bag shall be completely covered by ½ inch (1.3 centimeters) wide glass filament reinforced pressure sensitive tape. (Figure 5).

(ii) The impactor shall be supported as shown in figure 2. Provisions shall be made for raising the impactor to drop heights of up to 48 inches (1.22 meters). At its release it shall have been supported so that the pin going through its center was in line with the steel cable. The impactor shall not wobble or oscillate after its release.

(3) *Environmental durability test equipment*—(i) *Boil test.* Two containers of water shall be provided with means to maintain one at 150° ±5° F (66° ±2° C) and the second at a slow boil at atmospheric pressure. The containers shall be large enough to accept a rack holding three specimens, each 12 inches (30 centimeters) square, of the glazing material in a vertical position. The rack shall be positioned so that each specimen is surrounded by at least one inch (2.5 centimeters) of water.

(ii) *Simulated weathering test.* The equipment shall be a xenon arc (water-cooled) Weather-Ometer employing a lamp rated at 6500 watts and automatic light monitoring and control systems. Borosilicate inner and outer filters shall be used. An appropriate water spray cycle shall be used. Operating procedures shall be in accordance with ASTM G 26-70, "Standard Recommended Practice for Operating Light- and Water-Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials," April 13, 1970, as augmented for plastics by ASTM D 2565-70, "Standard Recommended Practice for Operating Xenon-Arc Type (Water-Cooled) Light- and Water-Exposure Apparatus for Exposure of Plastics," Procedure B June 12, 1970

[1] ASTM test methods and recommended practices are approved by, published by, and available for purchase from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103

(iii) *Indoor aging test.* A test chamber large enough to contain four specimens of size used in the impact test (see paragraph (c)(2) of this section) shall be used. Hangers shall be provided to support the specimens vertically with a minimum of 4 inches (11 centimeters) of separation for air circulation. The chamber shall be capable of maintaining 140° F (60° C) at 95 percent relative humidity during testing.

(c) *Test specimens*—(1) *Condition of specimens.* All specimens shall be tested as supplied by the manufacturer, following removal of any temporary protective masking materials. No tests shall be commenced before the specimens have been stored in the laboratory for 4 hours. Specimens shall be arranged to permit free circulation of air to all surfaces during this period.

(2) *Impact specimens.* Impact specimens shall be of the largest size manufactured up to a maximum width of 34 inches (86 centimeters) and a maximum height of 76 inches (1.9 meters). Specimens shall be tested for each nominal thickness offered by the manufacturer.

(3) *Environmental durability specimens*—(i) *Boil test.* Three pieces 12 inches by 12 inches (30 centimeters by 30 centimeters) with nominal thickness identical to those submitted for the impact test shall be used.

(ii) *Weathering tests*—(A) *Plastics.* Not less than 10 plastic specimens ½ inches by 5 inches (1.3 centimeters by 12.7 centimeters) by nominal thickness identical to those submitted for the impact test shall be used.

(B) *Organic-coated glass*—(*1*) *Orientation specified.* Six organic-coated glass specimens 2 inches by 6 inches (5 centimeters by 15 centimeters) by nominal thickness identical to those submitted for the impact test shall be used.

(*2*) *Orientation unspecified.* Nine organic-coated glass specimens, 2 inches by 6 inches (5 centimeters by 15 centimeters) by nominal thickness identical to those submitted for the impact test shall be used except that when the glazing material is symmetric across its thickness, six specimens may be used.

(iii) *Indoor service.* Four additional samples identical to those submitted for the impact test.

(d) *Test procedures*—(1) *Impact test procedure.* Each specimen shall be struck within 2 inches (5 centimeters) of its geometric center with the impactor dropped from a single height, designated according to the product category. Specimens for Category I shall be impacted one time from a drop height of 18 to 18½ inches (458 to 470 millimeters). Specimens for Category II shall be impacted one time from drop height of 48 to 48½ inches (1.22 to 1.23 meters). For all specimens that are not symmetric from surface to surface, an equal number of specimens shall be impacted on each side. For glazing materials which will be evaluated by paragraph (e)(1)(iii) of this section, this impact test procedure is not required.

(2) *Environmental durability test procedures*—(i) *Boil test.* The specimens shall be immersed in the 150° F (66° C) water for 3 minutes. They shall then be quickly removed and immersed in the boiling water and left there for 2 hours. The specimens shall then be removed, cooled, and dried for examination as specified in § 1201.4(e)(2)(i) of this standard.

(ii) *Accelerated weathering test.* The specimens shall be retained in the Weather-Ometer (paragraph (b)(3)(ii) of this section) for a period of 1200±1 hours, and exposed to a radiant flux of 50 microwatts per square centimeter (12 calories per second per square centimeter) while monitoring at a wavelength of 340 nanometers.

(A) *Plastics.* Five of the specimens shall be exposed to radiation and five shall be kept in darkness at 73° F (23° C) for use as controls.

(B) *Organic-coated glass*—(*1*) *Orientation specified.* Three specimens shall be mounted with the surface that is intended to be oriented indoors faced away from the radiation source; the other three specimens shall be kept in darkness at 73° F (23° C) for use as controls. Materials so tested shall be labeled according to § 1201.5(c) of this Part 1201.

(*2*) *Orientation unspecified.* Three specimens shall be mounted with one of the surfaces toward the radiation; three specimens shall be mounted with the other surface toward the radiation, and three specimens shall be kept in darkness at 73° F (23° C) for use as controls. When the glazing material is symmetric across its thickness, three specimens shall be irradiated.

(iii) *Indoor aging test.* The specimens shall be hung in the test chamber for 10 complete cycles (480 hours). The procedure shall be in accordance with procedure A of ASTM D 756–56, "Test for Resistance of Plastics to Accelerated Service Conditioning," September 10, 1956, (Reapproved 1971) except that during the humid phase of the cycle the relative humidity shall be maintained at 95 percent.

(e) *Interpretation of results*—(1) *Impact test.* A glazing material may be qualified for use in both Category I and Category II products if it meets the impact requirements for Category II. A glazing material shall be judged to pass the impact test if the specimen tested meets any one of the criteria listed in paragraphs (e)(1)(i) through (v) of this section:

(i) When breakage occurs (numerous cracks and fissures may occur) no opening shall develop in the test sample through which a 3 inch (76 millimeter) diameter solid steel sphere, weighing 4 pounds ±3 oz (1.81±0.08 kilograms), passes when placed (not dropped) in the opening and permitted to remain for a period of one second. For this criterion, the sample after being impacted shall be placed, while remaining in the subframe, in a horizontal, impact side up position with a minimum of one foot (31 centimeters) of free space immediately beneath the specimen.

(ii) When breakage occurs, what appear to be the 10 largest particles shall be selected within 5 minutes subsequent to the test and shall weigh no more than the equivalent weight of 10 square inches (64 square centimeters) of the original specimen. For the purposes of this section "particle" means a portion of a broken test specimen which is determined by identifying the smallest possible perimeter around all points in the portion of the broken test specimen, always passing along cracks or exposed surfaces.

(iii) The specimen has:

(A) a modulus of elasticity less than 750,000 psi (5,170 megapascal) when measured by ASTM D 790–71, "Standard Method of Test for Flexural Properties of Plastics," October 29, 1971, and

(B) a Rockwell hardness (M or R scale) less than 140 when measured by ASTM D 785–65 (Reapproved 1970), "Standard Method of Test for Rockwell Hardness of Plastics and Electrical Insulating Materials," August 31, 1965.

(iv) The specimen does not remain within the subframe and no breakage is caused by the impactor.

(v) The specimen does not break.

(*2*) *Environmental durability tests*—(i) *Boil test.* The glass itself may crack in this test, but no bubbles or other defects shall develop more than ½ inch (12 millimeters) from the outer edge of the specimen or from any crack that may develop. Any specimen in which the glass cracks to an extent that confuses the interpretation of the results shall be discarded, and another specimen shall be tested in its stead.

(ii) *Accelerated weathering test*—(A) *Plastics.* (*1*) Plastic specimens shall be evaluated before and after exposure as described in Method B, "Simple Beam (Charpy-Type) Test," of ASTM D 256–73, "Test for Impact Resistance of Plastics and Electrical Insulating Materials," November 27, 1973. The exposed specimens shall be tested with the exposed surface subjected to tension. In the case of thin materials, the span of the specimens shall be reduced to 2 inches (50 millimeters) to avoid having the specimens bend enough to slip between the supports without breaking. For materials that will not break on this 2 inch (50 millimeters) span the specimens shall be notched across the ½ inch (12 millimeters) surface prior to exposure. The notch shall be a 45 degree angle and the radius at the bottom shall be 0.010±0.002 inch (0.25±0.04 millimeters). The thickness of the material beneath the notch shall be uniform within ±0.002 inch (±0.05 millimeters) for all specimens and shall not be less than 70 percent of the specimen thickness. During exposure the notch shall face the radiation source.

(*2*) Plastic materials shall be acceptable if the impact strength is not reduced by more than 25 percent during exposure. Some discoloration is permissible, but defects other than this discoloration shall not be permissible. No bubbles or other noticeable decomposition shall be permissible in the irradiated portion.

(B) *Organic-coated glass.* Specimens shall be judged satisfactory if they pass both the adhesion test and the tensile test described below in paragraph (e)(ii)(B) (*1*) and (*2*) of this section.

(*1*) *Adhesion test (organic-coated glass only)*—(*i*) *Specimens.* The specimens for this test are the 2 inch by 6 inch (5 centimeters by 15 centimeters) weathered specimens and the control specimens. The specimens shall be conditioned just prior to the performance of the adhesion test at 73° ±6° F (23° ±3° C) and 50 ±5 percent relative humidity for 24 hours.

(*ii*) *Apparatus.* The test apparatus shall consist of a constant-rate-of-extension-type (CRE) tensile tester with the moving crosshead set to move at 12 inches per minute (5 millimeters per second) and load range such that the average pull force will fall at 30 to 50 percent of full scale. A cutter shall be used containing new razor blades for cutting 1 inch (25 millimeter) wide specimens of the organic coating on the glass. The razor blades shall be used one time only.

(*iii*) *Procedure.* Using the 1 inch (25 millimeter) wide strip of the organic coating in the lengthwise direction of the glass specimen along and within ¼ inch (6 millimeters) of one edge, Peel back, cleanly and evenly, about 2 inches (50 millimeters) of one end of the 1 inch (25 millimeters) wide organic strip. Attach a strip of reinforced pressure sensitive tape to the side of the organic strip opposite the adhesive, to extend this free end to about 8 inches (200 millimeters) in length. Place the end of the glass panel from which the organic strip was removed in the lower clamp of the tensile tester and and the free end of the tape in the upper clamp. Peel the remainder of the organic strip from the glass mechanically and obtain a record of the pull force value. Determine and record the average pull force value for each specimen from the chart. Weathered and control specimens are to be tested alternately.

(*iv*) *Interpretation of results.* The organic-coated glass adhesion shall be judged satisfactory if the average pull force for the weathered specimens is no less than 90 percent of the average pull force for the control specimens.

(*2*) *Tensile strength test (organic-coated glass only).* (*i*) The specimens for this test are the same 2 inch by 6 inch (5 centimeter by 15 centimeter) specimens used in the adhesion test.

(*ii*) *Apparatus.* The CRE tensile tester shall be used with the moving crosshead set to move at 2 inches per minute (0.8 millimeter per second) and the load range such that the specimens will break at 30 to 60% of full scale. A cutter shall be used containing new razor blades for cutting ½ inch (12 millimeter) wide specimens of the organic coating on the glass. The razor blades shall be used one time only.

(*iii*) *Procedure.* Using the ½ inch (12 millimeter) razor cutter, cut a straight strip of the organic coating in the lengthwise direction of the glass specimen for the full 6 inch (15 centimeter) length. Carefully peel this strip from the glass panel and test it for breaking strength in the tensile tester.

(*iv*) *Interpretation of results.* The organic coating tensile strength shall be judged satisfactory if the average tensile value of the weathered specimens is no less than 75 percent of the average of the control specimens. Weathered and control specimens are to be tested alternately.

(*C*) *Plastic (indoor service).* Specimens shall be judged satisfactory if, after the indoor aging test (paragraph (d)(2)(iii) of this section), they again pass the impact test (paragraph (d)(1) of this section).

§ 1201.5 Certification and labeling requirements.

(a) Manufacturers and private labelers of glazing materials covered by this Part 1201 shall comply with the requirements of section 14 CPSA (15 U.S.C. 2063) and regulations issued under section 14.

(b) Any glazing material that for accelerated environmental durability tests meets only the requirements of § 1201.4(e)(2)(ii)(C) entitled "Plastic (indoor service)" shall bear the statement "INDOOR USE ONLY" as part of a permanent label.

(c) Organic-coated glass that has been tested for environmental exposure from one side only must bear a permanent label on the coating stating "GLAZE THIS SIDE IN" and shall bear in the central 50 percent of the surface area the following message in letters at least ¼ inch (7 millimeters) high: "SEE PERMANENT LABEL FOR IMPORTANT MOUNTING INSTRUCTION." The latter message shall be attached to either side of the glazing by any means which shall ensure the message will remain in place until installation.

§ 1201.6 Prohibited stockpiling.

(a) *Stockpiling.* For the purposes of this section, the term "stockpiling" means manufacturing or importing the affected products between the date of issuance of this Part 1201 in the FEDERAL REGISTER and the effective date set out below in § 1201.7 at a rate significantly greater (prescribed in paragraph (b) of this section) than the rate at which the affected products were produced or imported during a base period (prescribed in paragraph (c)(2) of this section).

(b) *Prohibited acts.* Manufacturers and importers of glazing materials, fabricators, and manufacturers or importers of architectural products specified in § 1201.1(a) who incorporate glazing material shall not incorporate glazing materials which do not comply with the requirements of this Part 1201 into such products between the date of issuance of this Part 1201 in the FEDERAL REGISTER and the effective date set out in § 1201.7 below at a rate greater than the rate of production or importation during the base period (defined in paragraph (c)(2) of this section) plus ten percent. For wired glass used in doors or other assemblies subject to this Part 1201 and intended to retard the passage of fire, when such doors or other assemblies are required by a federal, state, local or municipal fire ordinance, the rate of production during the base period may be increased annually by no more than 10 percent.

(c) *Definitions.* As used in this § 1201.6:

(1) "Rate of production (or importation)" means the total number of affected architectural products incorporating glazing material not complying with this Part 1201 manufactured or imported during a stated base period.

(2) "Base period" means, at the option of the manufacturer or importer, any period of 180 consecutive days prior to January 6, 1977, said period to be selected within an interval which begins July 6, 1975.

§ 1201.7 Effective date.

The effective date of this Part 1201 shall be July 6, 1977; except that for glazing materials used in doors or other assemblies subject to this Part 1201 and intended to retard the passage of fire, when such doors or other assemblies are required by a federal, state, local or municipal fire ordiance, the effective date shall be January 6, 1980.

(Sec. 9(a), Pub. L. 92-573, 86 Stat. 1216, 15 U.S.C. 2058(a)))

Dated: January 3, 1977.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

NOTE: Incorporation by reference provisions were approved by the Director of the Federal Register on December 30, 1976, and those materials are on file at the office of the Federal Register.

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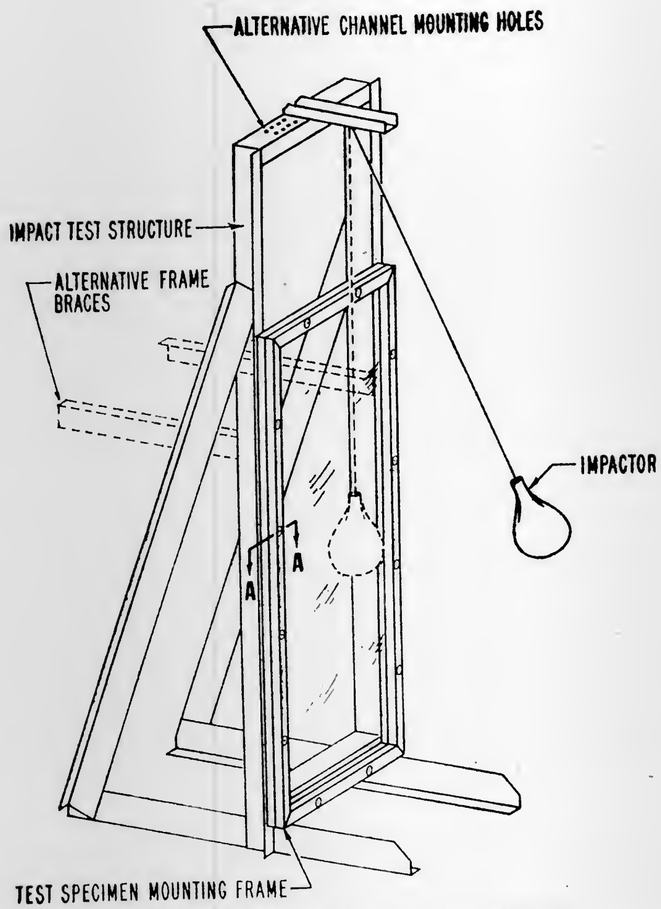


FIG 1-GLASS IMPACT TEST STRUCTURE

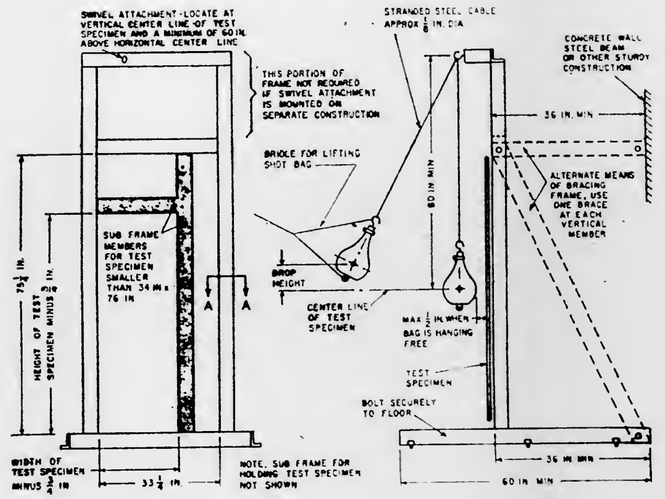


FIG 2-TEST FRAME

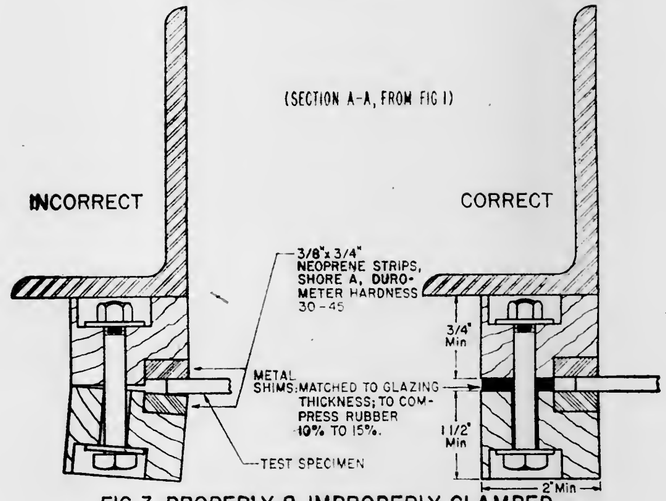


FIG 3-PROPERLY & IMPROPERLY CLAMPED TEST SPECIMEN(>1/8" THICK)

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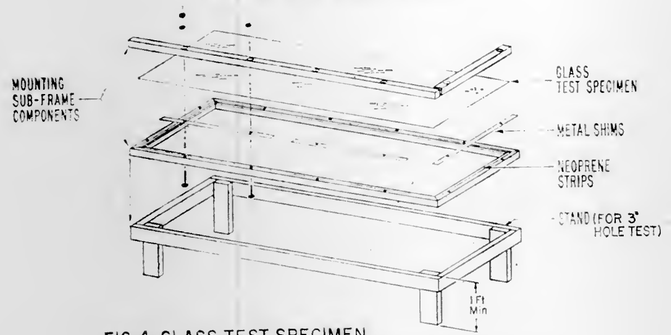


FIG 4-GLASS TEST SPECIMEN MOUNTING SUB-FRAME (EXPLODED) & STAND

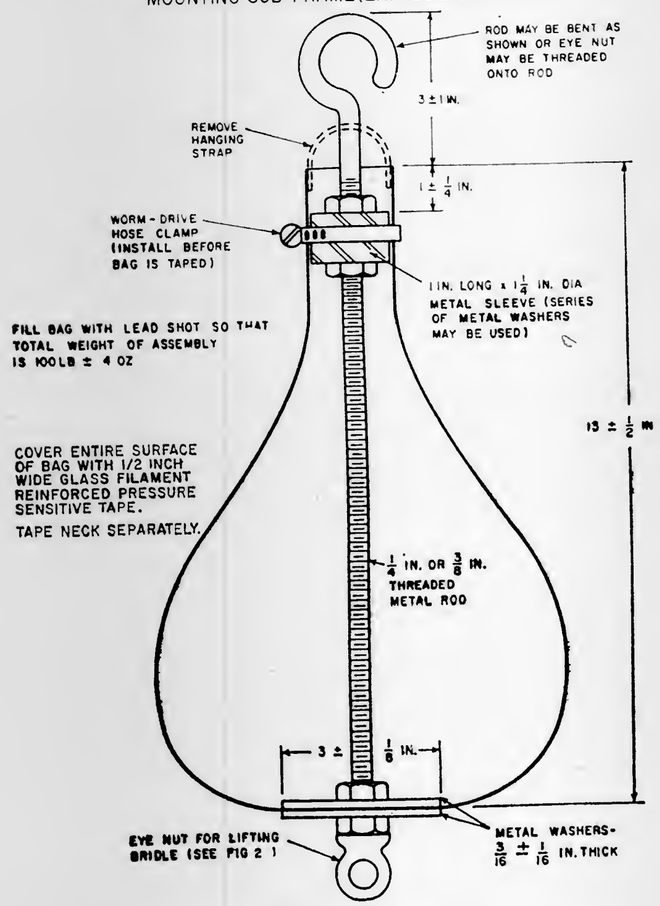


FIG 5 – IMPACTOR

[FR Doc.77-478 Filed 1-5-77;8:45 am]

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

Executive Order 11950 • **January 6, 1977**

Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems With Respect To Cost of Living Adjustments

By virtue of the authority vested in me by section 801(c) of the Department of Defense Appropriation Authorization Act, 1977 (90 Stat. 929; 10 U.S.C. 1401a note), section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (90 Stat. 2472; 50 U.S.C. 403 note), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of Central Intelligence shall:

(a) on January 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for December of the preceding year over the price index published for June of the preceding year, and

(b) on July 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for June of such year over the price index published for December of the preceding year.

SEC. 2. If in any year the percent change determined under either section 1(a) or 1(b) indicates a rise in the price index, then:

(a) effective March 1 of such year, in the case of an increase under section 1(a), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such March 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest $\frac{1}{10}$ of 1 percent, or

(b) effective September 1 of such year, in the case of an increase under section 1(b), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such September 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest $\frac{1}{10}$ of 1 percent.

SEC. 3. The changes made by sections 1 and 2 of this order shall apply to any increase in annuities after October 1, 1976, except that with respect to the first date after October 1, 1976 on which the Director is to determine a percent change, such percent change shall be determined by computing the change in the price index published for the month immediately preceding such first date over the price index for the last month immediately prior to October 1, 1976 for which the price index showed a percent rise forming the basis of a cost of living annuity increase under section 291(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as in effect immediately prior to October 1, 1976.

Gerald R. Ford

THE WHITE HOUSE,
January 6, 1977.

[FR Doc.77-839 Filed 1-6-77;10:47 am]

Executive Order 11951 • January 6, 1977

Relating to the Arrangement Regarding International Trade in Textiles

By virtue of the authority vested in me by the Constitution and statutes of the United States of America and as President of the United States of America, Section 1(c) of Executive Order No. 11651 of March 3, 1972, is amended by deleting "Articles 3 and 6 of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, as extended," and substituting "Articles 3 and 8 of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973,".

Gerald R. Ford

THE WHITE HOUSE,
January 6, 1977.

[FR Doc.77-840 Filed 1-6-77;10:48 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3109 is amended to show that professional, technical, managerial and administrative positions supporting space activities in the Department of the Air Force are excepted under Schedule A.

Effective: January 7, 1977, § 213.3109 (b) (1) is added as set out below:

§ 213.3109 Department of the Air Force.

* * * * *

(b) *General.*

(1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-617 Filed 1-6-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3115(b) is amended to show that up to 500 part-time and intermittent employees with salaries equivalent to GS–6 and below may be employed up to 1,440 hours a year in field survey, enumeration work in the Bureau of Labor Statistics. This amendment raises the grade level limit from GS–5 to GS–6, removes restrictions on the number of employees who can serve at the GS–5 level, removes differences in the amount of service allowed at each grade level, and restates the service limit in terms of hours rather than days.

Effective: January 7, 1977, § 213.3115 (b) (1) is amended as set out below:

§ 213.3115 Department of Labor.

* * * * *

(b) *Bureau of Labor Statistics*

(1) Not to exceed 500 positions involving part-time and intermittent employment for field survey enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–6 and below. Employment under this authority may not exceed 1,440 work hours in a service year. No new appointment may be made under this authority after December 31, 1978.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-616 Filed 1-6-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection or Quarantine at Airports

● *Purpose.* The purpose of this document is to amend 9 CFR 97.1 relating to charges for overtime work performed at airports outside of the regularly established hours of service. ●

Veterinary Services inspectors of the U.S. Department of Agriculture are charged with rendering inspection and quarantine services relating to imports and exports at border ports, ocean ports, and air ports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendment to § 97.1 changes the overtime rate to be charged owners and operators of aircraft for work performed outside of the regularly established hours of service to comply with the 1976 Amendments of the Airport and Airways Development Act of 1970 (49 U.S.C. 1741). This amendment provides that any required quarantine or inspection service for operation of aircraft at airports performed by an employee of Veterinary Services during regularly established hours of service on Sundays or holidays will be performed without reimbursement from the owners or operators of aircraft to the same extent as if service had been performed during regularly established hours of service during weekdays. Further administrative overhead costs associated with such services at airports shall not be assessed against the owners or operators of the aircraft.

Accordingly, Part 97, Title 9, Code of Federal Regulations, is amended in the following respect:

In § 97.1, the first sentence of paragraph (a) is amended, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and air ports.[1]

(a) Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period, except as provided in paragraph (b) of this section, shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $21.32 per man hour per employee on a Sunday and at a rate of $14.60 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, except as provided in paragraph (b) of this section for inspection or quarantine services requested by an owner or operator of an aircraft at an airport on a Sunday or holiday which are performed within regularly established hours of service, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

(b) Any owner or operator of an aircraft requesting inspection services or quarantine services at an airport during regularly established hours of service on a Sunday or holiday shall be provided service without reimbursement as if such service had been performed during regularly established hours of service on weekdays. When services are performed outside of the regularly established hours of service on a Sunday or holiday or any other day, the rate to be charged owners or operators of aircraft shall be $17.52 per hour on a Sunday and $10.84 per hour on a holiday or any other day.

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

which charges exclude administrative overhead costs.

• • • • • •

(64 Stat. 561 (7 U.S.C. 2260); Sec. 15 of Pub. L. 94–353, 90 Stat. 882) (49 U.S.C. 1741)).

Effective date: The foregoing amendment shall become effective January 1, 1977.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3rd day of January 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

PIERRE A. CHALOUX,
Acting Deputy Administrator Veterinary Services.

[FR Doc.77-619 Filed 1–6–77;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

• *Purpose:* To correct the number of samples required for testing. •

Statement of considerations. The number of samples of a product submitted by each licensee for testing by Veterinary Services is prescribed in § 113.3. The number is based on the requirements of tests which may be conducted on each class of product by Veterinary Services personnel.

Subsequent to preparing the current list of samples, some products have been reclassified by definition from a bacterin to a bacterin-toxoid. The number of samples prescribed in § 113.3 for these products was not adjusted accordingly. These changes will provide the necessary number of samples for proper testing.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158) Part 113, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making the following administrative changes:

Section 113.3 is amended by revising paragraphs (b) (2) and (b) (5) to read:

§ 113.3 Sampling of biological products.

• • • • • •

(b) • • •

(2) *Bacterins and Bacterin-Toxoids:*

(i) Twelve samples of single-fraction bacterins and bacterin-toxoids.

(ii) Thirteen samples of double-fraction bacterins and bacterin-toxoids.

(iii) Fourteen samples of triple-fraction bacterins and bacterin-toxoids.

(iv) Fifteen samples of bacterins and bacterin-toxoids containing more than three fractions.

• • • • • •

(5) *Toxoids:* Sixteen single-dose samples or thirteen multiple-dose samples of tetanus toxoid or twelve samples of all other toxoids.

• • • • • •

(21 U.S.C. 151 and 154; 37 FR 28477; 38 FR 19141.)

These amendments provide administrative changes in the biologics control program administered in accordance with the Virus-Serum-Toxin Act. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective December 28, 1976.

Done at Washington, D.C., this 23rd day of December, 1976.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76-38229 Filed 12–28–76;8:45 am]

(NOTE.—This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Crude Oil Prices; Further Extension of Current Domestic Crude Oil Ceiling Price Freeze and Corrective Adjustments to Upper Tier Ceiling Price Levels for January–March, 1977, To Comply With Statutory Composite Price Limitations

A. SUMMARY

FEA is today amending the domestic crude oil price regulations to provide for a continuation of the current freeze on crude oil ceiling prices and to adjust downward the upper tier ceiling price by 20 cents per barrel for the months of January through March, 1977. This action corrects for the amount by which the actual weighted average upper tier price was higher than intended when upper tier ceiling prices were first imposed in February, 1976, and is being taken to achieve compliance with the limitations on domestic crude oil prices of section 8 of the Emergency Petroleum Allocation Act of 1973 ("EPAA"). Upper tier crude oil accounts for about 35 percent of domestic crude oil production and 20 percent of all crude oil processed in United States refineries.

Section 8(f) of the EPAA provides an opportunity during March, 1977, for a full review by Congress of the operation of the crude oil pricing limitations which are required under section 8, including their impact on domestic production. Accordingly, today's action extends only through March, when that review will take place. However, in the event that there were to be no changes in the current statutory limitations on crude oil prices as a result of that review, an extention of the price levels specified in today's notice would serve to achieve full compliance with those limitations by July 31, 1977, based on current data and projections.

It should be noted that the 20 cents per barrel reduction in the upper tier ceiling price approximates the amount by which actual weighted average first sale prices of crude oil subject to the upper tier ceiling price exceeded the projected level in February, 1976, when the upper tier ceiling price was first implemented. At that time, no actual first sale data was available, and the attempt to achieve an actual weighted average upper tier price of $11.28 per barrel resulted instead in an actual weighted average upper tier price for February of $11.48 per barrel.

Today's action will have the effect of reducing the actual weighted average first sale price of domestic crude oil from December, 1976, levels by an average of four cents per barrel during the months of January and February, 1977. The actual composite price for March, 1977, should approximately equal the actual composite price of domestic crude oil for December, 1976.

B. BACKGROUND.

On November 16, 1976, the Federal Energy Administration ("FEA") issued a notice of proposed rulemaking and public hearing (41 FR 50960, November 18, 1976) in order to consider what steps FEA should take to comply with the requirement in section 8(c) of the EPAA, to make adjustments in crude oil price levels to compensate for actual weighted average first sale prices of domestic crude oil which have exceeded the statutory maximum weighted average first sale price limitations. In its notice of proposed rulemaking, FEA noted that the amounts in excess of the statutory limits appeared to have increased significantly in recent months, due primarily to recent statutory and regulatory amendments relating to qualification for atripper well status and the definition of "property," even though upper and lower tier crude oil price ceilings had remained since July 1, 1976, at the maximum levels permissible for June, 1976.

Alternative proposals upon which comments were requested were: (1) A rollback of upper tier price levels by an estimated $1.40 to $1.60 per barrel during December, 1976, and January, 1977, in order to compensate fully by January 31, 1977, for cumulative pricing overages since February which, as of September (preliminary data), totalled nearly $200 million; (2) A continuation of the limitation on crude oil ceiling prices at their June, 1976, levels through December, 1976, in order to obtain more complete data, followed by appropriate compensatory action extending over a seven-month period (January to July, 1977) in order to compensate fully by July 31, 1977, for cumulative pricing overages through December, 1976, while also minimizing disruptive effects on domestic production which might result from option (1); and (3) depending upon the results of data for December, 1976, under alternative (2), further continue the price freeze pending consideration by Congress of an energy action to be submitted by FEA pursuant to section 8(e) of the EPAA, under which a one-time increase in the statutory composite price for January, 1977, sufficient to compensate for total cumulative receipts projected to exist at that time, would be proposed.

FEA noted that, if preliminary results for September, 1976, were confirmed by available data in December, 1976, a continuation of the present freeze on crude oil price ceilings until July 31, 1977, would be sufficient to correct fully for all crude oil pricing overages which have occurred or which shall have occurred since February, 1976. FEA also stated, however, that later data might indicate that this course of action would not be sufficient, and in such event FEA would, under the proposed regulation amendments, be able to reduce upper tier ceiling price levels to the extent necessary to reduce cumulative excess revenues to zero by July 31, 1977.

Following receipt of written comment and public hearings on these matters, FEA on November 30, 1976, issued regulation amendments which (1) Extended the ceiling price freeze until December 31, 1976, in order to obtain more complete data before taking further corrective action to compensate for pricing overages, and (2) Provided FEA with authority to require price reductions should such action become necessary (41 FR 53333, December 6, 1976). In addition, the rulemaking proceedings were expressly continued with respect to a final decision on the appropriate action to be taken with respect to crude oil ceiling prices during the period January 1977–July 1977 to achieve compliance with the composite price constraints.

Based on preliminary data for October, 1976, and other information indicating a further decline in the percentage of lower tier crude oil (which automatically increases the actual composite price for crude oil), FEA has, as noted above, determined that, consistent with statutory composite price limitations, the following actions should be taken with respect to domestic crude oil produced and sold during the months of January through March, 1977: (1) Reduction of upper tier price ceilings by 20 cents per barrel, and (2) Continuation of the current freeze with respect to lower tier ceiling price levels. These actions are reflected in Price Schedule No. 5, issued today, effective January 1, 1977.

C. BASIS FOR TODAY'S ACTION

In its notice of proposed rulemaking in this matter, FEA presented the following table (Table V) indicating the extent to which actual composite prices had exceeded the statutory composite price based on preliminary data for September, 1976;

Month	Lower tier percent	Lower tier price	Upper tier price	Statutory composite price	Actual composite price	Cumulative excess receipts (millions)
February	56.12	$5.05	$11.48	$7.66	$7.87	$49
March	56.93	5.07	11.39	7.72	7.79	67
April	56.69	5.07	11.52	7.78	7.86	88
May	57.04	5.13	11.55	7.84	7.89	97
June	55.92	5.15	11.60	[1] 7.88	7.99	123
July	55.58	5.19	11.60	[1] 7.93	8.04	152
August [2]	55.68	5.18	11.62	[1] 7.96	8.03	164
September [3]	53.40	5.16	11.65	[1] 8.04	[1] 8.18	197

[1] Reduced from original projected figures (see table I) of $7.91 for June, $7.97 for July, $8.03 for August, and $8.09 for September, due to reduction in annual rate of increase from 9.8 pct to 8.5 pct (reflecting decline in rate of inflation from 6.8 pct to 3.5 pct) applicable to June, July, and Aug. 1-13. Pursuant to secs. 122 and 124 of the ECPA, a full 10-pct annual rate of increase is used for Aug. 14–31 and the month of September. The average rate of increase for August is 8.52 pct.

[2] Preliminary.

[3] Includes prices for stripper well crude oil production at an imputed value of $11.63 per barrel in accordance with sec. 121 of the ECPA.

In commenting on Table V, FEA indicated that the decline of about 2.28 percentage points in the percentage of lower tier crude oil between August and September, 1976, contributed to a 15 cents per barrel increase in the actual composite price between August and September and a $33 million increase in excess revenues for September. FEA attributed this decline in the percentage of lower tier crude oil to the following factors in the proportions indicated:

Change in definition of "stripper well property".	0.5 to 1.0.
Normal decline in lower tier production.	0.2.
Change in definition of "property".	1.0 to 1.5.

Based on preliminary data now available for October, 1976, the decline in the percentage of lower tier crude oil appears to have increased from 2.28 percentage points between August and September (preliminary) to about 3.2 percentage points between August and October. The further increase in this decline appears to be largely attributable to the change in the definition of "property" effective September 1, 1976, which, due apparently to the complexity of calculations relating to this subject, was not fully reflected in actual price data for September. An FEA survey of major crude oil producers indicates that the amendment to the "property" definition should be fully reflected by a further shift of 0.5 percentage points, which is expected in November, 1976.

If final data confirm this anticipated shift, excess receipts are projected to total about $270 million by the end of December, 1976, compared with about $200 million of excess receipts by the end of September, 1976.

Based on the data now available and on FEA projections concerning cumulative excess receipts, FEA has therefore decided to continue the current freeze on crude oil ceiling prices and to reduce the upper tier ceiling price by 20 cents per barrel. Consequently, within the framework of the second option originally proposed (noted in Section B, above), FEA in today's action has provided for a reduction in upper tier ceiling prices of 20 cents per barrel applicable to crude oil produced and sold in the months of January through March, 1977, while maintaining the current freeze on lower tier price ceilings until March 31, 1977. These actions are reflected in Price Schedule No. 5, issued today pursuant to § 212.77 as an appendix to 10 CFR Part 212, Subpart D.

As also noted above, this corrective action is taken with respect to the first three months of 1977 only, since section 8(f) of the EPAA affords an opportunity for full Congressional review of the operation of the crude oil pricing policy of section 8 of the EPAA and its effect on domestic production. In the event, however, that no change in that policy were to result from that review, an extension of the ceiling price levels provided for in today's action would, based on current projections, serve to eliminate all cumulative excess receipts by July 31, 1977.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective January 1, 1977.

Issued in Washington, D.C., December 31, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Subpart D of Part 212 is amended to add an Appendix to read as follows:

APPENDIX.—*Schedule No. 5 of monthly price adjustments, Effective Jan. 1, 1977*

Month	Lower tier May 15, 1973, posted price [1] (plus)	Upper tier Sept. 30, 1975, posted price [2] (less)
February 1976	1.35	1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05
September	1.48	1.05
October	1.48	1.05
November	1.48	1.05
December	1.48	1.05
January 1977	1.48	1.25
February	1.48	1.25
March	1.48	1.25

[1] The price referred to in 10 CFR 212.73(b)(1) or in 212.73(e)(1), 212.73(e)(3), and 212.73(e)(4).
[2] The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on December 31, 1976, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February through December, 1976, as determined under 10 CFR 212.73, 212.74, and 212.77, and holds the lower tier price ceilings applicable to crude oil to be produced and sold in the months of January through March, 1977, at the ceiling price level for the months of June–December, 1976, consistent with statutory composite price requirements. As the schedule indicates, consistent with statutory composite price limitations, a temporary reduction is also made in upper tier ceiling prices below the level of June–December, 1976.

This schedule is effective only through March 31, 1977. Price ceilings for subsequent months will be provided by Schedule No. 6, to be issued no later than March 31, 1977. This schedule may, however, be superseded prior to March, 1977, by early issuance of Schedule No. 6 to reflect further ceiling price adjustments based on unanticipated trends in actual composite price levels.

NOTE.—The footnote reference to the lower tier ceiling price rule has been corrected to include a reference to the rule for Alaska and California, which was inadvertently not included when that rule was adopted, effective October 1, 1976.

[FR Doc.77-408 Filed 1-3-77;10:26 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 704—CORPORATE CENTRAL FEDERAL CREDIT UNIONS

Establishment of Part

On pages 41725 and 41726 of the September 23, 1976, edition of the FEDERAL REGISTER (41 FR 41725 and 41726), there was published a proposal to establish 12 CFR Part 704.

The proposed regulation recognized that a central Federal credit union that is operated for the primary purpose of serving corporate accounts should be classified as a corporate central Federal credit union (CCFCU), as that term is defined in the regulation, and that the reserving requirements for a CCFCU should be modified to more accurately reflect the lower risk involved in granting loans to corporate accounts, i.e., loans to credit unions. The proposed regulation established a reserving requirement for a CCFCU which differed from that delineated in § 702.2 (12 CFR 700.1), and by creating a "corporate central reserve" (CCR), A CCFCU will be required to transfer to the regular reserve amounts as set forth in § 702.2 (12 CFR 702.2), except that in computing the amount that must be maintained in the regular reserve pursuant to § 702.2 (12 CFR 702.2), loans made to credit unions by a CCFCU under authority of sections 107(5) and 107(8)(A) of the Act (12 U.S.C. 1757 (5) and (8)(A)) will now be classified in the same category as loans presently made to other credit unions under authority of section 107 (8)(C) of the Act (12 U.S.C. 1757 (8)(C)), that is, as nonrisk assets. To cover any potential loss on loans to corporate accounts, a CCFCU would be required to establish and maintain a CCR as set forth below.

Interested persons were given until November 16, 1976, to submit written comments, suggestions, or objections regarding the proposed regulation.

After consideration of all such relevant matter presented by interested persons, proposed Part 704 is adopted as set forth below, effective immediately.

C. AUSTIN MONTGOMERY,
Administrator.

JANUARY 3, 1977.

Sec.
704.0 Scope.
704.1 Definitions.
704.2 Corporate Central Reserve.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 704.0 Scope.

Part 702 of this chapter sets forth the reserving requirements for Federal credit unions. As concerns corporate central Federal credit unions, this Part modifies the existing regular reserve structure by eliminating from outstanding loans and risk assets, when computing the amount that must be maintained in the regular reserve, loans to member credit unions (loans to other credit unions are presently excepted from risk assets by § 700.1(j)(4)), and by creating a corporate central reserve.

§ 704.1 Definitions.

(a) "Corporate central Federal credit union" means a Federal credit union operated for the primary purpose of serving corporate accounts. A Federal credit union will be deemed to be a corporate central Federal credit union when its total dollar amount of outstanding corporate loans plus corporate shareholdings is equal to or in excess of 75 per centum of its total outstanding loans plus shareholdings.

(b) Risk assets of a corporate central Federal credit union shall be as defined in § 700.1 of this chapter, except, however, loans made under authority of sections 107(5) and 107(8)(A) of the Act by a CCFCU to credit unions shall not be considered risk assets.

§ 704.2 Corporate Central Reserve.

(a) In addition to the Regular Reserve required by § 702.2 of this chapter, a corporate central Federal credit union shall establish and maintain a Corporate Central Reserve as described in this section.

(b) Immediately before the payment of each dividend, the treasurer shall determine the gross earnings, as defined in § 702.2 of this chapter, of the corporate central Federal credit union. From this amount there shall be transferred to a reserve to be known as the Corporate Central Reserve, as of the end of each dividend period, 2 per centum of gross earnings until the Corporate Central Reserve shall equal 1½ per centum of the corporate central Federal credit union's total assets.

(c) Whenever the Corporate Central Reserve falls below 1½ per centum of total assets it shall be replenished by regular transfers of 2 per centum of gross earnings or by contributions in such amounts as may be needed to maintain the Corporate Central Reserve at 1½ per centum of total assets, whichever is less.

(d) Charges may be made against the Corporate Central Reserve to the same extent and in the same manner as those permitted to be made against the Regular Reserve pursuant to § 702.2 of this chapter. No other charges shall be made against the Corporate Central Reserve except as may be authorized in writing by the Administrator or his designee.

[FR Doc.77-556 Filed 1-6-77;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

New Schedule of Remuneration

On December 3, 1976, a document was published in the FEDERAL REGISTER (41 FR 53048), proposing to amend 20 CFR 614.19, which prescribes the schedule used in computing Federal wages of ex-servicemen and ex-servicewomen covered under the program of Unemployment Compensation for Ex-servicemen (UCX program) established by Subchapter II of Chapter 85 of Title 5, United States Code (5 U.S.C. 8521–8525). Effective as of October 1, 1976, rates of monthly basic pay for members of the uniformed services were adjusted upward by Executive Order 11941 (41 FR 43889). The proposal published on December 3, 1976, would make corresponding adjustments in the schedule in 20 CFR 614.19.

A 30-day comment period was included in the proposal. No comments were received.

The new schedule of remuneration is hereby made applicable to all first claims under the UCX program which are filed after December 31, 1976. The purpose is to regularize the effective dates of new schedules of remuneration, which are issued annually to implement pay raises for members of the uniformed services. By making the new schedule effective at the beginning of the year, administration of the UCX program will be stabilized and the result will be fairer to claimants. While this necessitates making the new schedule effective this time in less than 30 days after it is published in the FEDERAL REGISTER, the reasons given for making the new schedule effective at the beginning of 1977 are believed to be overriding.

Accordingly, for the above reasons, I find that there is good cause for making this change effective January 1, 1977. Therefore, the amendments to 20 CFR 614.19 are published without change from the form proposed, except for a correction in the FEDERAL REGISTER citation in 20 CFR 614.19(b).

Effective date: January 1, 1977.

Signed at Washington, D.C., on January 4, 1977.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

Section 614.19 of Chapter V of Title 20, Code of Federal Regulations, is amended to read as follows:

§ 614.19 Schedule of remuneration.

(a) The following schedule of remuneration is issued pursuant to 5 U.S.C. 8521(a)(2), and shall apply to first claims which are filed after December 31, 1976:

Pay grade:	*Monthly rate*
(1) Commissioned officers:	
O–10	$4,088
O–9	4,086
O–8	4,072
O–7	3,587
O–6	2,982
O–5	2,454
O–4	2,021
O–3	1,693
O–2	1,354
O–1	997
(2) Warrant officers:	
W–4	1,936
W–3	1,616
W–2	1,316
W–1	1,173
(3) Enlisted personnel:	
E–9	1,658
E–8	1,410
E–7	1,224
E–6	1,049
E–5	885
E–4	749
E–3	669
E–2	622
E–1	572

(b) The deletion from paragraph (a) of this section of the schedule of remuneration published at 41 FR 16987, which was applicable prior to the effective date of the new schedule of remuneration set forth in paragraph (a) of this section, does not revoke the prior schedule or any preceding schedule or change the periods of time they were in effect.

(5 U.S.C. 8506, 8521(a)(2); Secretary's Order No. 4–75 (40 FR 18515).)

[FR Doc.77-656 Filed 1-6-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76N–0414]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart D—Public Hearing Before A Public Advisory Committee

ESTABLISHMENT OF PROCEDURES

Correction

In FR Doc. 76–34666 appearing at page 52148 in the issue of Friday, November 26, 1976 the following corrections should be made:

1. On page 52156, third column, the bold face section designated "§ 2.30" should read "§ 2.308".

2. On page 52163, third column, in § 2.340(c)(13)(ii) between the first and second line from the bottom insert the words "available data concerning safety and ef-".

3. On page 52167, middle column, in § 2.371(f), the ninth to twelfth lines should read "provisions of Part 4 of this chapter and the regulations referenced therein. The provisions of §§ 314.14, 431.71, and 601.51 of this chapter shall determine whether,".

[Docket No. 76N–0365]

PART 8—COLOR ADDITIVES

Provisional Regulations

POSTPONEMENT OF CLOSING DATES

The Commissioner of Food and Drugs, on his own initiative, is postponing the closing date for the use of 52 provisionally listed color additives until January 31, 1977. This order is effective December 30, 1976.

Under Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Pub. L. 86–618, 74 Stat. 404 (21 U.S.C. 376 note)) and under authority delegated to him (21 CFR 5.1), the Commissioner is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires promulgation, insofar as practical, of a current listing of color additives and the particular uses thereof deemed provisionally listed.

The current closing date, December 31, 1976, established by a regulation published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41856), was based upon the Commissioner's conclusion that postponement until December 31, 1976, was consistent with the objective of carrying to completion, in good faith and as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

In the FEDERAL REGISTER of September 23, 1976 (41 FR 41860), the Commissioner proposed to postpone further the closing date for the use of 52 provisionally listed color additives. In the preamble to that proposal, the Commissioner set forth his tentative conclusions with respect to listing or provisional listing for each of those color additives and a precise timetable for accomplishing the various actions described. The postponement of the closing date until January 31, 1977, accomplished by this order, is necessary to provide a brief additional period of time to complete scientific and legal review of the comments received on the September 23, 1976 proposal.

Because of the shortness of time until the December 31, 1976, closing date, the Commissioner concludes that notice and public procedure on this regulation are impracticable and contrary to the public interest and that good cause exists for issuing this postponement as a final order. The regulation, to be effective on December 30, 1976 will permit the uninterrupted use of the affected color

additives. Therefore, in accordance with 5 U.S.C. 553(b)(B), and (d)(1) and (3), this postponement is issued as a final regulation and is being made effective on December 30, 1976.

Nothing in this action affects the Commissioner's authority under the transitional proivsions of the Color Additive Amendments of 1960 to terminate a closing date, terminate a listing, or impose restrictions with respect to a specific color additive on the provisional list.

(Sec. 203(a)(2), (d)(1), Title II, Pub. L. 86-618; 74 Stat. 404-405 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262))

Part 8 is amended as follows:

§ 8.501 [Amended]

In § 8.501 *Provisional lists of color additives*, the closing dates for the color additives listed in paragraphs (a), (b), (c), (f), and (g) are changed to read "January 31, 1977."

Effective date. This order shall become effective on December 30, 1976.

(Sec. 203(a)(2), (d)(1), Title II Pub. L. 86-618; 74 Stat. 404-405 (21 U.S.C. 376 note).)

Dated: December 29, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-38490 Filed 12-30-76;11:27 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0362]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLONITRILE/STYRENE COPOLYMER

The Food and Drug Administration is amending the food additive regulations to provide for the use of a new acrylonitrile/styrene copolymer in contact with food, except for use as a bottle for alcoholic beverages and carbonated beverages; effective January 7, 1977; objections by February 7, 1977.

A notice published in the FEDERAL REGISTER of January 19, 1976 (41 FR 2663) announced that a petition (FAP 6B3121) had been filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, proposing that § 121.2629 *Acrylonitrile/styrene copolymer* (21 CFR 121.2629) be amended to provide for the safe use of an additional acrylonitrile/styrene copolymer produced by polymerization of 45–65 parts by weight of acrylonitrile and intended to contact all foods. The petitioner subsequently amended the petition to delete the coverage requested for use as a bottle for alcoholic and carbonated beverages.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.2629 should be amended as set forth below.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Part 121 is amended in § 121.2629 by adding a new acrylonitrile/styrene copolymer and revising the section to read as follows:

§ 121.2629 Acrylonitrile/styrene copolymer.

Acrylonitrile/styrene copolymers identified in this section may be safely used as a component of packaging materials subject to the provisions of this section.

(a) *Identity.* For the purposes of this section acrylonitrlie/styrene copolymers are basic copolymers meeting the specifications prescribed in paragraph (c) of this section.

(b) *Adjuvants.* (1) The copolymers identified in paragraph (c) of this section may contain adjuvant substances required in their production, with the exception that they shall not contain mercaptans or other substances which form reversible complexes with acrylonitrile monomer. Permissible adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted under applicable regulations in this part, and those authorized in paragraph (b)(2) of this section.

(2) The optional adjuvants for the acrylonitrile/styrene copolymer identified in paragraph (c)(1) of this section are as follows:

Substances	*Limitation*
Condensation polymer of toluene sulfonamide and formaldeyhde.	0.15 pct. maximum.

(c) Specifications.

Acrylonitrile/styrene copolymers	Maximum residual acrylonitrile monomer content of finished article	Nitrogen content of copolymer	Maximum extractable fractions at specified temperatures and times	Conformance with certain specifications
1. Acrylonitrile/styrene copolymer consisting of the copolymer produced by polymerization of 66–72 parts by weight of acrylonitrile and 23–34 parts by weight of styrene; for use with food of type VI–B identified in table 1 of sec. 121.2526(c) under conditions of use C, D, E, F, G described in table 2 of sec. 121.2526(e).	80 parts per million*	17.4 to 19 pct	Total nonvolatile extractives not to exceed 0.01 milligram per square inch surface area of the food contact article when exposed to distilled water and 3 pct acetic acid for 10 d at 150° F. The extracted copolymer shall not exceed 0.001 mg/in² surface area of the food contact article when exposed to distilled water and 3 pct acetic acid for 10 d at 150° F.*	Minimum number average molecular weight is 30,000.*
2. Acrylonitrile/styrene copolymer consisting of the copolymer produced by polymerization of 45–65 parts by weight of acrylonitrile and 35–55 parts by weight of styrene; for use with food of types I, II, III, IV, V, VI (except bottles), VII, VIII, and IX identified in table 1 of sec. 121.2526(c) under conditions B (not to exceed 200° F), C, D, E, F, G described in table 2 of sec. 121.2526(e).	50 parts per million*	12.2 to 17.2 pct.	Extracted copolymer not to exceed 2.0 parts per million in aqueous extract or *n*-heptane extract obtained when 100-gram sample of the basic copolymer in the form of particles of a size that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10 is extracted with 250 milliliters of deionized water or reagent grade *n*-heptane at reflux temperature for 2 hours.*	Minimum 10 pct solution viscosity at 25° C is 10 cP.*

*Method available from: Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St. SW., Washington, D.C. 20204

(d) *Interim listing.* Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 7, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall become effective January 7, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1)).)

Dated: December 29, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-327 Filed 1-6-77;8:45 am]

[Docket No. 76N-0499]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption or in Contact With Food on an Interim Basis Pending Additional Study

SACCHARIN AND ITS SALTS

The Food and Drug Administration (FDA) is extending the effective date of the interim food additive regulation for saccharin and its salts to authorize continued limited use of the food additives until ongoing studies are completed and evaluated. This order is effective January 7, 1977.

Saccharin and its salts (saccharin) were removed from the list of substances generally recognized as safe (GRAS) in § 121.101 (21 CFR 121.101) by an order published in the FEDERAL REGISTER of February 1, 1972 (37 FR 2437). That order also established in § 121.4001 (21 CFR 4001) an interim food additive regulation for saccharin that places limits on the use of saccharin as a sweetener in food used to reduce significantly the calorie value of certain foods. Those actions were taken because preliminary results from chronic feeding studies then being conducted by FDA and other groups suggested that saccharin might cause adverse effects. Continued limited use of saccharin was permitted based upon the conclusion of the Commissioner of Food and Drugs that such use would not involve any significant increased risk to the public health. The authority for the use of saccharin was initially due to expire on June 30, 1973.

In June 1972, FDA signed a contract with the National Academy of Sciences/National Research Council (NAS/NRC) to review the results of all experiments on the possible carcinogenicity of saccharin. A number of experiments involving saccharin were underway when FDA signed the contract with NAS/NRC in June 1972 and, as is frequently true with chronic feeding studies, no specific completion date could then be established for them. It therefore became necessary to extend the effective date of the interim food additive regulation beyond June 30, 1973 to provide time for NAS/NRC to complete its evaluation and report to FDA. The authority for the continued limited use of saccharin was extended, therefore, in § 121.4001(c), by order published in the FEDERAL REGISTER of May 25, 1973 (38 FR 13733), until such time that FDA "receives a final report and recommendations from the National Academy of Sciences Committee on Saccharin and publishes an order" based on that report. In extending the authority for limited use of saccharin, the Commissioner again concluded that continued limited use of saccharin would not involve any significant increased risk to the public health.

The NAS/NRC report was received by FDA in December 1974.[1] The report's primary conclusion was that the data then available had "not established conclusively whether saccharin is or is not carcinogenic when administered orally to test animals." The NAS/NRC recommended that several additional studies be undertaken to generate data that would permit a reasonably conclusive scientific judgment on the question of whether saccharin is a carcinogen and recommended further that the question be reconsidered when a substantial portion of the additional data became available. Specifically, NAS/NRC recommended that the following additional research on saccharin be conducted to determine whether it is carcinogenic or whether its use presents a significant increased risk to the public health:

1. Carcinogenesis study of purified contaminants of commercial saccharin, especially ortho-toluenesulfonamide (OTS);
2. Carcinogenesis study of pure saccharin;
3. Carcinogenesis study of mixtures of known amounts of saccharin and OTS;
4. Study of interaction of stones or parasites in bladder and saccharin in the diet;
5. Study of urine composition as affected by high saccharin and OTS intake in the diet;
6. Study of the significance of parenteral and in utero exposure in carcinogenesis studies;
7. Epidemiologic studies relating the incidence of cancer with long-term consumption of saccharin.

After the completion of the NAS/NRC report, and during FDA review of the report, several studies on saccharin were undertaken by the Health Protection Branch of the Department of Health and Welfare of Canada. These studies are expected to provide data that will enable FDA to make a final determination regarding the use of saccharin in food. The status of the Canadian studies is as follows:

1. Ortho-toluenesulfonamide was administered by gavage to female rats from the 1st day of pregnancy to the 21st day after parturition. After weaning, the pups were placed on diets that provided up to 250 milligrams per kilogram (mg/kg) per day of OTS, the same doses that had been administered to the dams. Histopathologic examination of the bladder and kidneys after 105 days revealed a higher incidence of bladder stones in all test groups (male and female) than the controls. On the other hand, hyperplasia was observed in only one male rat that received 100 mg/kg per day of OTS. These findings suggest that high doses of OTS may cause an increased incidence of bladder stones and possibly hyperplasia. These findings raise the question whether the adverse effects seen in test animals in earlier studies on saccharin may have been caused by OTS rather than saccharin itself. A second study, similar to the one described above, is underway in Canada to attempt to corroborate the findings of the first study.

2. A lifetime feeding study in the rat to assess the carcinogenicity and chronic toxicity of OTS and OTS-free saccharin was begun in early to mid-1974. In this study, the rats of the f_0 and f_1 generation are being exposed to OTS and OTS-free saccharin. The study is designed principally to determine the significance of in utero exposure of the test animals to OTS and OTS-free saccharin in relation to the possible induction of tumors by either substance. The test feeding for the f_0 generations was completed in September 1976; the test feeding for the f_1 generation is expected to be completed in January 1977. The Canadians estimate that 1 year will be required to compile and evaluate the data and to prepare a final report. The final report is thus expected shortly after January 1978.

The Commissioner is confident that a final determination based upon complete and up-to-date data on the safety of saccharin will be possible shortly after the final reports on the Canadian study are received by FDA. Food and Drug Administration scientists have, as the interim food additive regulation requires, maintained close contact with those persons who are conducting studies on saccharin and OTS, and they are fully informed about all developments relating to the safety of saccharin. The availability of final results from the Canadian studies, expected in a little over 1 year, will enable the agency's scientists to render a judgment on the safety of saccharian that will be legally sound and scientifically supportable.

In the Commissioner's view, allowing continued limited use of saccharin in the interim is appropriate because such use will not significantly increase the risk to the public health. Should new data become available that suggest an increased risk or make it impossible to conclude with reasonable certainty that the limited use of saccharin is safe, the Commissioner will not hesitate to take prompt action, including terminating the authority under the interim regulation for the limited use of saccharin. The Food and Drug Administration will continue to monitor closely the progress of the ongoing Canadian studies and will therefore be in a position to act expeditiously if circumstances warrant.

From time to time, FDA receives inquiries concerning the circumstances in which it is appropriate to use saccharin in food. The Commissioner therefore believes that it would be useful to reiterate the limited circumstances in which saccharin may be used in accordance with the interim food additive regulation.

The purposes of the interim regulation are to discourage general use of saccharin by consumers and to prevent an increase in saccharin usage by those persons who already consume saccharin-containing products. Under the regulation, saccharin may be used only as a substitute for nutritive sweeteners in accordance with current special dietary food regulations and policies, or for the technological purposes authorized by § 121.4001(e).

The only special dietary purpose for which sacharin may be used under § 121.4001(d) is for calorie reduction. To be used validly for calorie reduction, the food with the saccharin substitute must be significantly lower in calories than the comparable nutritionally sweetened food.

Saccharin may be combined with nutritive sweeteners to sweeten a food offered for calorie reduction only if the combination is authorized by an FDA

[1] Available from the National Technical Information Service, 5285 Fort Royal Rd., Springfield, VA 22151. Order number PB-238-137.

regulation or statement of policy or interpretation such as in § 3.72 (21 CFR 3.72). If sweeteners (saccharin and nutritive) could be combined freely, the taste variations attainable in food would increase significantly and could result in increased use of saccharin in food, contrary to the purpose of the interim regulation. Moreover, the use of a nutritive sweetener in combination with saccharin increases the calories in a food over the amount that would be present if only saccharin were used. Because the food does not then achieve the maximum possible calorie reduction, special scrutiny is required to ensure that the food serves a need for those in calorie reduction programs.

Manufacturers who seek to use saccharin in combination with nutritive sweeteners in circumstances in which the use is not already permitted may petition FDA to issue a regulation or a statement of policy or interpretation to provide for the use of the combination. Such petitions should include information to establish (1) that it is not feasible to produce an acceptable calorie-reduced food by using saccharin alone, and (2) that the production and sale of the product containing the combination of sweeteners will not result in increased saccharin consumption by consumers.

This order merely extends the interim food additive regulation for saccharin (21 CFR 121.4001). Accordingly, inflation and environmental impact assessments are not required.

(Sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262))

Section 121.4001 is amended by revising paragraph (c) to read as follows:

§ 121.4001 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.

* * * * *

(c) Authority for such use shall expire when the Commissioner receives the final reports on the ongoing studies in Canada and publishes an order on the safety of saccharin and its salts based on those reports and other available data.

Effective date. This order shall become effective on January 7, 1977.

(Sec. 409(d), 72 Stat. 1781 (21 U.S.C. 348(d)).)

Dated: December 28, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-424 Filed 1-6-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Acetyl Sulfamethoxypyridazine Oral Suspension

The Food and Drug Administration is revoking the regulation providing for use of acetyl sulfamethoxypyridazine oral suspension; effective January 7, 1977.

Elsewhere in this issue of the FEDERAL REGISTER, the Director of the Bureau of Veterinary Medicine is withdrawing approval of new animal drug application (NADA) 12-824V filed by Parke, Davis & Co., Detroit, MI 48232 for the use of acetyl sulfamethoxypyridazine oral suspension in the treatment of dogs and cats for sudfa-susceptible bacterial infections. Because approval of NADA 12-824V is being withdrawn, the corresponding regulation (21 CFR 520.2301) upon which the approval relied is hereby revoked.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262))

§ 520.2301 [Revoked]

Section 520.2301, *Acetyl sulfamethoxypyridazine oral suspension*, is hereby revoked.

Effective date. This order shall be effective January 7, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 28, 1976.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.77-326 Filed 1-6-77;8:45 am]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Intramammary Dosage Forms

STERILE BENZATHINE CLOXACILLIN FOR INTRAMAMMARY INFUSION

The Food and Drug Administration (FDA) approves a supplemental new animal drug application (NADA 55-069V) filed by Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, proposing the safe and effective use of a sterile benzathine cloxacillin for intramammary infusion for prevention and treatment of mastitis in nonlactating cows, in lieu of a previously approved nonsterile product. The approval is effective January 7, 1977.

The Commissioner of Food and Drugs is amending §§ 540.814 and 540.814a (21 CFR 540.814 and 540.814a) to reflect this approval.

Approval of the NADA has not required a reevaluation or confirmation of the safety and effectiveness data underlying the original approval because approval will not increase potential risk of human exposure to drug residues. Therefore, this approval does not constitute a reaffirmation of the drug's safety and effectiveness.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262))

Part 540 is amended as follows:

1. In § 540.814 by deleting paragraph (c)(2)(ii) and (3)(ii) and designating them "reserved."

§ 540.814 Benzathine cloxacillin for intramammary infusion.

* * * * *

(c) * * *

(2) * * *

(ii) [Reserved].

(3) * * *

(ii) [Reserved].

2. In § 540.814a by revising paragraph (c) to read as follows:

§ 540.814a Sterile benzathine cloxacillin for intramammary infusion.

* * * * *

(c) *Conditions of marketing*—(1)(i) *Specifications.* The drug contains benzathine cloxacillin equivalent to 500 milligrams cloxacillin in each 6 milliliters of peanut oil vehicle, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(iii) *Conditions of use.* (a) The drug is used for treatment of mastitus caused by *Staphylococcus aureus* and *Streptococcus agalactiae* in dairy cows at the time of drying-off of the cow.

(b) It is administered aseptically at the rate of 6 milliliters per infected quarter immediately after last milking at the time of drying-off of the cow.

(c) For use in dry cows only.

(d) Not to be used within 30 days of calving.

(e) Milk taken from treated cows prior to 72 hours (6 milkings) after calving must not be used for human food.

(f) Animals infused with this product must not be slaughtered for food from the time of infusion until 72 hours after calving.

(g) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2)(i) *Specifications.* The drug contains benzathine cloxacillin equivalent to 500 milligrams cloxacillin in each dose, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(iii) *Conditions of use.* (a) The drug is used for treatment and prophylaxis of bovine mastitis in nonlactating cows due to *Streptococcus agalactiae* and *Staphylococcus aureus.*

(b) It is administered at one dose per infected quarter immediately after last milking.

(c) For use in dry cows only.

(d) Not to be used within 4 weeks (28 days) of calving.

(e) Animals infused with this product must not be slaughtered for food use for 4 weeks (28 days) after the latest infusion.

(f) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. These amendments shall be effective January 7, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 306b(i)).)

Dated: December 28, 1976.

FRED J. KINGMAN,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.77-324 Filed 1-6-77;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Coumaphos

The Food and Drug Administration is amending the new animal drug regulation for coumaphos to clarify it; effective January 7, 1977.

The regulation for coumaphos is currently under § 558.185 (21 CFR 558.185). Before recodification, published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802), as amended in the FEDERAL REGISTER of March 3, 1976 (41 FR 9149), the section was designated under § 135e.-39 (21 CFR 135e.39). The former § 135e.-39(f) contained an incorrect number in the amount column of the table, and when the section was recodified, an incorrect reference was introduced into paragraph (b)(2). This document corrects the incorrect references.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)),

§ 558.185 [Amended]

Section 558.185, *Coumaphos*, is amended in paragraph (b)(2) by deleting the phrase "item 2 of the table" and by inserting in its place the phrase "paragraph (f)(1)(ii) of this section" and in paragraph (f)(1)(ii) by deleting the number "0.002" and by inserting in its place the number "0.0002."

Effective date: This amendment shall be effective on January 7, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 30, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-567 Filed 1-6-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7458]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Qualified Joint and Survivor Annuities

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for October 3, 1975 (40 FR 45828), amendments to the Income Tax Regulations (26 CFR Part 1) under section 401(a)(11) of the Internal Revenue Code of 1954, as added by section 1021(a)(1) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 935) were proposed in order to provide rules relating to qualified joint and survivor annuities.

A public hearing regarding the proposed regulations was held on February 26, 1976, and, after consideration of comments made orally at this hearing and those submitted in writing, the text of the proposed regulations has been revised in several respects.

In addition to several substantive changes described below, the organization of §1.401(a)-11 has been substantially revised with a view to making it more readable.

In general, section 401(a)(11) of the Code requires as a condition for qualification of a trust under section 401 that, if a plan of which such trust is a part provides for the payment of benefits in the form of an annuity, the plan must provide for the payment of such benefits in the form of a qualified joint and survivor annuity in accordance with the provisions of such section 401(a)(11).

The final regulations, like the proposed regulations, take the position that statutory joint and survivor requirements are applicable not only to defined benefit plans, but also to defined contribution (e.g., profit-sharing) plans which provide an optional life annuity form for payment of benefits. However, the final regulations specifically provide in § 1.401(a)-11(c)(2)(i)(G)(2) that defined contribution plans need not make available an election to receive an "early survivor annuity" if the plan provides a survivor benefit at least equal in value to the vested portion of the participant's account balance.

Section 1.401(a)-11(a) sets forth this general rule with respect to any form of life annuity. The proposed regulations described a "life annuity" as an annuity that provides retirement or disability payments and requires the survival of the participant or his spouse as one of the conditions for any payment or possible payment under the annuity. The final regulations (§-1.401(a)-11(b)(1)) further define the term "life annuity" to exclude ancillary benefits which are not treated as normal retirement benefits for vesting purposes under section 411(a)(9).

The general rule contained in § 1.401(a)-11(a)(1) has been substantially revised from that of the proposed regulations. It describes three plan provisions some or all of which are necessary for qualification. First, in accordance with section 401(a)(11)(A) and (B), the plan must provide that any participant is entitled to receive any benefits available to him in a form having the effect of a qualified joint and survivor annuity (as defined in § 1.401(a)-11(b)(2) and Code section 401(a)(11)(G)(iii)) if he: (1) Begins to receive payments under a plan on or after normal retirement age, (2) dies on or after the normal retirement age while still working for the employer, (3) begins to receive payments under a plan which provides for payment of benefits before the normal retirement age on or after the qualified early retirement age (as defined in § 1.401(a)-11(b)(4)), or (4) separates from service on or after the date the normal retirement age (or the qualified early retirement age) is attained without having made an election (as described in paragraph (c)(1) of this section) not to receive such benefits in the form of a qualified joint and survivor annuity, and after satisfaction of eligibility requirements for the payment of benefits under the plan (except for any plan requirement that there be filed a claim for benefits) and thereafter dies before beginning to receive such benefits.

In response to a question presented by several comments on the proposed regulations, § 1.401(a)-11(a)(2) makes it clear that a plan will not fail to satisfy the joint and survivor annuity requirements merely because it provides that, if the present value of the entire nonforfeitable benefit of a participant derived from employer contributions at the time of his separation from service does not exceed $1,750 (or such smaller amount as the plan may specify), the benefit will be paid to him in a lump sum. This provision solves a possible conflict between the joint and survivor annuity requirements and section 411(a)(7)(B)(i) of the Code (relating to minimum vesting requirements).

The term "qualified early retirement age" is defined by § 1.401(a)-11(b)(4) to mean the latest of (1) the earliest date, under the plan, on which the participant could elect to receive retirement benefits, (2) the first day of the 120th month beginning before the participant reaches normal retirement age, or (3) the date on which the participant begins participation. "Normal retirement age" has the meaning set forth in section 411(a)(8).

With respect to a plan which provides for payment of benefits before the normal retirement age, the requirement in the proposed regulations to provide a qualified joint and survivor annuity was significantly broader in the case of a participant who begins to receive benefits under the plan prior to the qualified early retirement age. Such a participant was entitled to receive the benefits in the form of a qualified joint and survivor annuity when he attained (or would have attained) the early retirement age. The absence of this requirement in the final regulations is expected to facilitate the administration of plans.

Secondly, in accordance with section 401(a)(11)(E), the plan must allow a participant to elect not to receive benefits in the form of a qualified joint and survivor annuity. Third, in accordance with section 401(a)(11)(C), plans that provide for the payment of benefits before the normal retirement age must also provide that participants may elect payment of an early survivor annuity (as defined in § 1.401(a)-11(b)(3)) should they die while in the active service of an employer after attaining the qualified early retirement age.

Section 1.401(a)–11(c)(1)(ii)(B) has a rule concerning the making of elections by participants who retired after the joint and survivor annuity requirements became effective but before regulations were issued.

Section 1.401(a)–11(c)(1) describes the election which all plans must offer, the election not to take benefits in the form of a qualified joint and survivor annuity. Section 1.401(a)–11(c)(2) describes the election which those plans which provide for the payment of benefits before normal retirement age must offer, the election to have an early survivor annuity.

Section 1.401(a)–11(c)(4) requires the plan to allow a participant to revoke any election made and make another election during the specified election period. Section 1.401(a)–11(c)(5) allows a plan to permit a surviving spouse to elect to have benefits paid in a form other than a survivor annuity. If a plan contains such an option, the plan administrator must furnish to the spouse upon his or her written request a written explanation in non-technical language of the survivor annuity and any other form of payment which may be elected.

Additional permissible plan provisions are set forth in § 1.401(a)–11(d). Among other things, a plan may provide that, as a condition precedent to the payment of benefits, a participant must express in writing to the plan administrator the form in which he prefers benefits to be paid and provide all information reasonably necessary for the payment of benefits. This paragraph also clarifies the rules relating to permissible marriage requirements.

Section 1.401(a)–11(e) explains the treatment by the plan of the costs of providing qualified joint and survivor annuity or early survivor annuity benefits. In response to questions presented in comments on the proposed regulations, the final regulations provide that a plan may take into account in any equitable manner consistent with generally accepted actuarial principles applied on a consistent basis any increased costs resulting from providing such benefits. A plan may give a participant the option of paying premiums only if it provides another option under which an out-of-pocket expense by the participant is not required.

These regulations supersede temporary regulations § 11.401(a)–11, published in the FEDERAL REGISTER for October 3, 1975 (40 FR 45810).

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On October 3, 1975, notice of proposed rulemaking with respect to amendments of the Income Tax Regulations (26 CFR Part 1) under section 401(a)(11) of the Internal Revenue Code of 1954, as added by section 1021(a)(1) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406, 88 Stat. 935), was published in the FEDERAL REGISTER (40 FR 45828). A public hearing regarding this notice of proposed rulemaking was held on February 26, 1976, and, after consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, certain revisions in § 1.401(a)–11 as proposed have been made. Section 1.401(a)–11 of these regulations supersedes § 11.401(a)–11 of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11). Section 1.401(a) (adopted without change) and § 1.401(a)–11, revised as set forth below, are adopted and inserted immediately after § 401–14.

§ 1.401(a) Statutory provisions; requirements for qualification.

SEC. 401. *Qualified pension, profit-sharing, and stock bonus plans*—(a) *Requirements for qualification.* A trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall constitute a qualified trust under this section—

(1) If contributions are made to the trust by such employer, or employees, or both, or by another employer who is entitled to deduct his contributions under section 404(a)(3)(B) (relating to deduction for contributions to profit-sharing and stock bonus plans), for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) If the plan of which such trust is a part satisfies the requirements of section 410 (relating to minimum participation standards); and

(4) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are—

(A) Officers,

(B) Shareholders, or

(C) Highly compensated.

For purposes of this paragraph, there shall be excluded from consideration employees described in section 410(b)(2)(A) and (C).

(5) A classification shall not be considered discriminatory within the meaning of paragraph (4) or section 410(b) (without regard to paragraph (1)(A) thereof) merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 3121(a)(1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 3121(a)(1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law. For purposes of this paragraph and paragraph (10), the total compensation of an individual who is an employee within the meaning of subsection (c)(1) means such individual's earned income (as defined in subsection (c)(2)), and the basic or regular rate of compensation of such an individual shall be determined, under regulations prescribed by the Secretary or his delegate, with respect to that portion of his earned income which bears the same ratio to his earned income as the basic or regular compensation of the employees under the plan bears to the total compensation of such employees. For purposes of determining whether two or more plans of an employer satisfy the requirements of paragraph (4) when considered as a single plan, if the amount of contributions on behalf of the employees allowed as a deduction under section 404 for the taxable year with respect to such plans, taken together, bears a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, the plans shall not be considered discriminatory merely because the rights of employees to, or derived from, the employer contributions under the separate plans do not become nonforfeitable at the same rate. For the purposes of determining whether two or more plans of an employer satisfy the requirements of paragraph (4) when considered as a single plan, if the employees' rights to benefits under the separate plans do not become nonforfeitable at the same rate, but the levels of benefits provided by the separate plans satisfy the requirements of regulations prescribed by the Secretary or his delegate to take account of the differences in such rates, the plans shall not be considered discriminatory merely because of the differences in such rates.

(6) A plan shall be considered as meeting the requirements of paragraph (3) during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(7) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part satisfies the requirements of section 411 (relating to minimum vesting standards).

(8) A trust forming part of a pension plan shall not constitute a qualified trust under this section unless the plan provides that forfeitures must not be applied to increase the benefits any employee would otherwise receive under the plan.

(9) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1), a trust forming part of such plan shall not constitute a qualified trust under this section unless, under the plan, the entire interest of each employee—

(A) Either will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or, in the case of an employee other than an owner-employee (as defined in subsection (c)(3)), in which he retires, whichever is the later, or

(B) Will be distributed, commencing not later than such taxable year, (i) in accordance with regulations prescribed by the Secretary or his delegate, over the life of such employee or over the lives of such employee and his spouse, or (ii) in accordance with regulations, over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and his spouse.

A trust shall not be disqualified under this paragraph by reason of distributions under a designation, prior to the date of the enactment of this paragraph, by any employee under the plan of which such trust is a part, of a method of distribution which does not meet the terms of the preceding sentence.

(10) In the case of a plan which provides contributions or benefits for employees some or all of whom are owner-employees (as defined in subsection (c)(3))—

(A) Paragraph (3), the first and second sentences of paragraph (5), and section 410 shall not apply, but—

(i) Such plan shall not be considered discriminatory within the meaning of paragraph (4) merely because the contributions or benefits of or on behalf of employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, and

(ii) Such plan shall not be considered discriminatory within the meaning of paragraph (4) solely because under the plan contributions described in subsection (e) which are in excess of the amounts which may be deducted under section 404 for the taxable year may be made on behalf of any owner-employee; and

(B) A trust forming a part of such plan shall constitute a qualified trust under this section only if the requirements in subsection (d) are also met.

(11)(A) A trust shall not constitute a qualified trust under this section if the plan of which such trust is a part provides for the payment of benefits in the form of an annuity unless such plan provides for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity.

(B) Notwithstanding the provisions of subparagraph (A), in the case of a plan which provides for the payment of benefits before the normal retirement age (as defined in section 411(a)(8)), the plan is not required to provide for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity during the period beginning on the date on which the employee enters into the plan as a participant and ending on the later of—

(i) The date the employee reaches the earliest retirement age under the plan, or

(ii) The first day of the 120th month beginning before the date on which the employee reaches normal retirement age.

(C) A plan described in subparagraph (B) does not meet the requirements of subparagraph (A) unless, under the plan, a participant has a reasonable period during which he may elect the qualified joint and survivor annuity form with respect to the period beginning on the date on which the period described in subparagraph (B) ends and ending on the date on which he reaches normal retirement age (as defined in section 411(a)(8)) if he continues his employment during that period. A plan does not meet the requirements of this subparagraph unless, in the case of such an election, the payments under the survivor annuity are not less than the payments which would have been made under the joint annuity to which the participant would have been entitled if he made an election described in this subparagraph immediately prior to his retirement and if his retirement had occurred on the day before his death and within the period within which an election can be made.

(D) A plan shall not be treated as not satisfying the requirements of this paragraph solely because the spouse of the participant is not entitled to receive a survivor annuity (whether or not an election described in subparagraph (C) has been made under subparagraph (C)) unless the participant and his spouse have been married throughout the 1-year period ending on the date of such participant's death.

(E) A plan shall not be treated as satisfying the requirements of this paragraph unless, under the plan, each participant has a reasonable period (as described by the Secretary or his delegate by regulations) before the annuity starting date during which he may elect in writing (after having received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subparagraph) not to take such joint and survivor annuity.

(F) A plan shall not be treated as not satisfying the requirements of this paragraph solely because under the plan there is a provision that any election described in subparagraph (C) or (E), and any revocation of any such election, does not become effective (or ceases to be effective) if the participant dies within a period (not in excess of 2 years) beginning on the date of such election or revocation, as the case may be. The preceding sentence does not apply unless the plan provision described in the preceding sentence also provides that such an election or revocation will be given effect in any case in which—

(i) The participant dies from accidental causes,

(ii) A failure to give effect to the election or revocation would deprive the participant's survivor of a survivor annuity, and

(iii) Such election or revocation is made before such accident occurred.

(G) For purposes of this paragraph—

(i) The term "annuity starting date" means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or by reason of disability),

(ii) The term "earliest retirement age" means the earliest date on which, under the plan, the participant could elect to receive retirement benefits, and

(iii) The term "qualified joint and survivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is not less than one-half of, or greater than, the amount of the annuity payable during the joint lives of the participant and his spouse and which is the actuarial equivalent of a single life annuity for the life of the participant.

For purposes of this paragraph, a plan may take into account in any equitable manner (as determined by the Secretary or his delegate) any increased costs resulting from providing joint and survivor annuity benefits.

(H) This paragraph shall apply only if—

(i) The annuity starting date did not occur before the effective date of this paragraph, and

(ii) The participant was an active participant in the plan on or after such effective date.

(12) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that in the case of any merger or consolidation with, or transfer of assets or liabilities to, any other plan after the date of the enactment of the Employee Retirement Income Security Act of 1974, each participant in the plan would (if the plan then terminated) receive a benefit immediately after the merger, consolidation, or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation, or transfer (if the plan had then terminated). This paragraph shall apply in the case of a multiemployer plan only to the extent determined by the Pension Benefit Guaranty Corporation.

(13) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that benefits provided under the plan may not be assigned or alienated. For purposes of the preceding sentence, there shall not be taken into account any voluntary and revocable assignment of not to exceed 10 percent of any benefit payment made by any participant who is receiving benefits under the plan unless the assignment or alienation is made for purposes of defraying plan administration costs. For purposes of this paragraph a loan made to a participant or beneficiary shall not be treated as an assignment or alienation if such loan is secured by the participant's accrued nonforfeitable benefit and is exempt from the tax imposed by section 4975 (relating to tax on prohibited transactions) by reason of section 4975(d)(1). This paragraph shall take effect on January 1, 1976 and shall not apply to assignments which were irrevocable on the date of the enactment of the Employee Retirement Income Security Act of 1974.

(14) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that, unless the participant otherwise elects, the payment of benefits under the plan to the participant will begin not later than the 60th day after the latest of the close of the plan year in which—

(A) The date on which the participant attains the earlier of age 65 or the normal retirement age specified under the plan,

(B) Occurs the 10th anniversary of the year in which the participant commenced participation in the plan, or

(C) The participant terminates his service with the employer.

In the case of a plan which provides for the payment of an early retirement benefit, a trust forming a part of such plan shall not constitute a qualified trust under this section unless a participant who satisfied the service requirements for such early retirement benefit, but separated from the service (with any nonforfeitable right to an accrued benefit) before satisfying the age requirement for such early retirement benefit, is entitled upon satisfaction of such age requirement to receive a benefit not less than the benefit to which he would be entitled at the normal retirement age, actuarially, reduced under regulations prescribed by the Secretary or his delegate.

(15) A trust shall not constitute a qualified trust under this section unless under the plan of which such trust is a part—

(A) In the case of a participant or beneficiary who is receiving benefits under such plan, or

(B) In the case of a participant who is separated from the service and who has nonforfeitable rights to benefits,

such benefits are not decreased by reason of any increase in the benefit levels payable under title II of the Social Security Act or any increase in the wage base under such title II, if such increase takes place after the date of the enactment of the Employee Retirement Income Security Act of 1974 or (if later) the earlier of the date of first receipt of such benefits or the date of such separation, as the case may be.

(16) A trust shall not constitute a qualified trust under this section if the plan of which such trust is a part provides for benefits or contributions which exceed the limitations of section 415.

(17) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1) or are shareholder-employees within the meaning of section 1379(d), only if the annual compensation of each employee taken into account under the plan does not exceed the first $100,000 of such compensation.

(18) In the case of a trust which is part of a plan providing a defined benefit for employees some or all of whom are employees within the meaning of subsection (c)(1), or are shareholder-employees within the

meaning of section 1379(d), only if such plan satisfies the requirements of subsection (j).

(19) A trust shall not constitute a qualified trust under this section if under the plan of which such trust is a part any part of a participant's accrued benefit derived from employer contributions (whether or not otherwise nonforfeitable), is forfeitable solely because of withdrawal by such participant of any amount attributable to the benefit derived from contributions made by such participant. The preceding sentence shall not apply to the accrued benefit of any participant unless, at the time of such withdrawal, such participant has a nonforfeitable right to at least 50 percent of such accrued benefit (as determined under section 411). The first sentence of this paragraph shall not apply to the extent that an accrued benefit is permitted to be forfeited in accordance with section 411(a)(3)(D)(iii) (relating to proportional forfeitures of benefits accrued before enactment of the Employee Retirement Income Security Act of 1974, in the event of withdrawal of certain mandatory contributions).

Paragraphs (11), (12), (13), (14), (15), and (19) shall apply only in the case of a plan to which section 411 (relating to minimum vesting standards) applies without regard to subsection (e)(2) of such section.

[Sec. 401(a) as amended by sec. 2, Self-Employed Individuals Tax Retirement Act, 1962 (76 Stat. 809); sec. 204(b)(1)(A), Act of Nov. 13, 1966 (Pub. L. 89-809, 80 Stat. 1577); by secs. 1012(b), 1016(a)(2), 1021, 1022(a), (b)(1), 2001(c), (d)(1), 2001(e)(4), 2004(a)(1), Employee Retirement Income Security Act, 1974 (88 Stat. 913, 929, 935, 938, 939, 952, 953, 955, 979)]

§ 1.401(a)-11 Qualified joint and survivor annuities.

(a) *General rule*—(1) *Required provisions.* A trust, to which section 411 (relating to minimum vesting standards) applies without regard to section 411(e)(2), which is a part of a plan providing for the payment of benefits in any form of a life annuity (as defined in paragraph (b)(1) of this section), shall not constitute a qualified trust under section 401(a)(11) and this section unless such plan provides that:

(i) Unless the election provided in paragraph (c)(1) of this section has been made, such benefits will be paid in a form having the effect of a qualified joint and survivor annuity (as defined in paragraph (b)(2) of this section) with respect to any participant who—

(A) Begins to receive payments under such plan on or after the date the normal retirement age is attained, or

(B) Dies (on or after the date the normal retirement age is attained) while in active service of the employer maintaining the plan, or

(C) In the case of a plan which provides for the payment of benefits before the normal retirement age, begins to receive payments under such plan on or after the date the qualified early retirement age (as defined in paragraph (b)(4) of this section) is attained, or

(D) Separates from service on or after the date the normal retirement age (or the qualified early retirement age) is attained and after satisfaction of eligibility requirements for the payment of benefits under the plan (except for any plan requirement that there be filed a claim for benefits) and thereafter dies before beginning to receive such benefits;

(ii) Any participant may elect, as provided in paragraph (c)(1) of this section, not to receive such benefits in the form of a qualified joint and survivor annuity; and

(iii) If the plan provides for the payment of benefits before the normal retirement age, any participant may elect, as provided in paragraph (c)(2) of this section, that such benefits be payable as an early survivor annuity (as defined in paragraph (b)(3) of this section) upon his death in the event that he—

(A) Attains the qualified early retirement age (as defined in paragraph (b)(4) of this section), and

(B) Dies on or before the day normal retirement age is attained while employed by an employer maintaining the plan.

(2) *Certain cash-outs.* A plan will not fail to satisfy the requirements of section 401(a)(11) and this section merely because it provides that if the present value of the entire nonforfeitable benefit derived from employer contributions of a participant at the time of his separation from service does not exceed $1,750 (or such smaller amount as the plan may specify), such benefit will be paid to him in a lump sum.

(3) *Illustrations.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). The X Corporation Defined Contribution Plan was established in 1960. As in effect on January 1, 1974, the plan provided that, upon his retirement, a participant could elect to receive the balance of his individual account in the form of (1) a lump-sum cash payment, (2) a lump-sum distribution consisting of X Corporation stock, (3) five equal annual cash payments, (4) a life annuity, or (5) a combination of options (1) through (4). The plan also provided that, if a participant did not elect another form of distribution, the balance of his individual account would be distributed to him in the form of a lump-sum cash payment upon his retirement. Assume that section 401(a)(11) and this section became applicable to the plan as of its plan year beginning January 1, 1976, with respect to persons who were active participants in the plan as of such date (see paragraph (f) of this section). Unless the X Corporation Defined Contribution Plan either discontinues the life annuity payment option or is amended to provide that the balance of a participant's individual account will be paid to him in a form having the effect of a qualified joint and survivor annuity except to the extent that the participant elects another form of benefit payment, the trust established under the plan will fail to qualify under section 401(a).

Example (2). The Y Corporation Retirement Plan provides that plan benefits are payable only in the form of a life annuity and also provides that a participant may retire before the normal retirement age of 65 and receive a benefit if he has completed 30 years of service. Under this plan, an employee who begins employment at the age of 18 will be eligible to receive retirement benefits at the age of 48 if he then has 30 years of service. This plan must allow a participant to elect in the time and manner prescribed in paragraph (c)(2) of this section an early survivor annuity (defined in paragraph (b)(3) of this section) to be payable on the death of the participant if death occurs while the participant is in active service for the employer maintaining the plan and on or after the date the participant reaches the qualified early retirement age of 55 (the later of the date the participant reaches the earliest retirement age (age 48) or 10 years before normal retirement age (age 55)) but before the day after the day the participant reaches normal retirement age (age 65).

Example (3). Assume the same facts as in Example (2). A, B, and C began employment with Y Corporation when they each attained age 18. A retires and begins to receive benefit payments at age 48 after completing 30 years of service. The plan is not required to pay a qualified joint and survivor annuity to A and his spouse at any time. B does not elect an early survivor annuity at age 55, but retires at age 57 after completing 39 years of service. Unless B makes an election under subparagraph (1)(ii) of this paragraph, the plan is required to pay a qualified joint and survivor annuity to B and his spouse. C makes no elections described in subparagraph (1) of this paragraph, and dies while in active service at age 66 after completing 48 years of service. The plan is required to pay a qualified survivor annuity to C's spouse.

(b) *Definitions.* As used in this section—(1) *Life annuity.* (i) The term "life annuity" means an annuity that provides retirement payments and requires the survival of the participant or his spouse as one of the conditions for any payment or possible payment under the annuity. For example, annuities that make payments for 10 years or until death, whichever occurs first or whichever occurs last, are life annuities.

(ii) However, the term "life annuity" does not include an annuity, or that portion of an annuity, that provides those benefits which, under section 411(a)(9), would not be taken into account in the determination of the normal retirement benefit or early retirement benefit. For example, "social security supplements" described in the third sentence of section 411(a)(9) are not considered to be life annuities for the purposes of this section, whether or not an early retirement benefit is provided under the plan.

(2) *Qualified joint and survivor annuity.* The term "qualified joint and survivor annuity" means an annuity for the life of the participant with a survivor annuity for the life of his spouse which is neither (i) less than one-half of, nor (ii) greater than, the amount of the annuity payable during the joint lives of the participant and his spouse. For purposes of the preceding sentence, amounts described in § 1.401(a)-11(b)(1)(ii) may be disregarded. A qualified joint and survivor annuity must be at least the actuarial equivalent of the normal form of life annuity or, if greater, of any optional form of life annuity offered under the plan. Equivalence may be determined, on the basis of consistently applied reasonable actuarial factors, for each participant or for all participants or reasonable groupings of participants, if such determination does not result in discrimination in favor of employees who are officers, shareholders, or highly compensated. An annuity is not a qualified joint and survivor annuity if payments to the spouse of a deceased participant are terminated, or reduced, because of such spouse's remarriage.

(3) *Early survivor annuity.* The term "early survivor annuity" means an annuity for the life of the participant's spouse the payments under which must not be less than the payments which would have been made to the spouse under the joint and survivor annuity if the participant had made the election described in paragraph (c)(2) of this section immediately prior to his retirement and if his retirement had occurred on the day before his death and within the period during which an election can be made under such paragraph (c)(2). For example, if a participant would be entitled to a single life annuity of $100 per month or a reduced amount under a qualified joint and survivor annuity of $80 per month, his spouse is entitled to a payment of at least $40 per month. However, the payments may be reduced to reflect the number of months of coverage under the survivor annuity pursuant to paragraph (e) of this section.

(4) *Qualified early retirement age.* The term "qualified early retirement age" means the latest of—

(i) The earliest date, under the plan, on which the participant could elect (without regard to any requirement that approval of early retirement be obtained) to receive retirement benefits (other than disability benefits),

(ii) The first day of the 120th month beginning before the participant reaches normal retirement age, or

(iii) The date on which the participant begins participation.

(5) *Normal retirement age.* The term "normal retirement age" has the meaning set forth in section 411(a)(8).

(6) *Annuity starting date.* The term "annuity starting date" means the first day of the first period with respect to which an amount is received as a life annuity, whether by reason of retirement or by reason of disability.

(7) *Day.* The term "day" means a calendar day.

(c) *Elections*—(1) *Election not to take joint and survivor annuity form*—(i) *In general.* (A) A plan shall not be treated as satisfying the requirements of this section unless it provides that each participant may elect, during the election period described in subdivision (ii) of this subparagraph, not to receive a qualified joint and survivor annuity. However, if a plan provides that a qualified joint and survivor annuity is the only form of benefit payable under the plan with respect to a married participant, no election need be provided.

(B) The election shall be in writing and clearly indicate that the participant is electing to receive all or, if permitted by the plan, part of his benefits under the plan in a form other than that of a qualified joint and survivor annuity. A plan will not fail to meet the requirements of this section merely because the plan requires the participant to obtain the written approval of his spouse in order for the participant to make this election or if the plan provides that such approval is not required.

(ii) *Election period.* (A) For purposes of the election described in paragraph (c)(1)(i) of this section, the plan shall provide an election period which shall include a period of at least 90 days following the furnishing of all of the applicable information required by subparagraph (3)(i) of this paragraph and ending prior to commencement of benefits. In no event may the election period end earlier than the 90th day before the commencement of benefits. Thus, for example, the commencement of benefits may be delayed until the end of such election period because the amount of payments to be made to a participant cannot be ascertained before the end of such period; see § 1.401(a)-14(d).

If a participant makes a request for additional information as provided in subparagraph (3)(iii) of this paragraph on or before the last day of the election period, the election period shall be extended to the extent necessary to include at least the 90 calendar days immediately following the day the requested additional information is personally delivered or mailed to the participant. Notwithstanding the immediately preceding sentence, a plan may provide in cases in which the participant has been furnished by mail or personal delivery all of the applicable information required by subparagraph (3)(i) of this paragraph, that a request for such additional information must be made on or before a date which is not less than 60 days from the date of such mailing or delivery; and if the plan does so provide, the election period shall be extended to the extent necessary to include at least the 60 calendar days following the day the requested additional information is personally delivered or mailed to the participant.

(B) In the case of a participant in a plan to which this subparagraph applies who separated from service after section 401(a)(11) and this section became applicable to such plan with respect to such participant, and to whom an election required by this subparagraph has not been previously made available (and will not become available in normal course), the plan must provide an election to receive the balance of his benefits (properly adjusted, if applicable, for payments received, prior to the exercise of such election, in the form of a qualified joint and survivor annuity) in a form other than that of a qualified joint and survivor annuity. The provisions of paragraph (c)(1)(ii)(A) shall apply except that in no event shall the election period end before the 90th day after the date on which notice of the availability of such election and the applicable information required by subparagraph (3)(i) of this paragraph is given directly to the participant. If such notice and information is given by mail, it shall be treated as given on the date of mailing. If such participant has died, such election shall be made available to such participant's personal representative.

(2) *Election of early survivor annuity*—(i) *In general.* (A) A plan described in paragraph (a)(1)(iii) of this section shall not be treated as satisfying the requirements of this section unless it provides that each participant may elect, during the period described in subdivision (ii) of this subparagraph, an early survivor annuity as described in paragraph (a)(1)(iii) of this section. Breaks in service after the participant has attained the qualified early retirement age neither invalidate a previous election or revocation nor prevent an election from being made or revoked during the election period.

(B) The election shall be in writing and clearly indicate that the participant is electing the early survivor annuity form.

(C) A plan is not required to provide an election under this paragraph if—

(*1*) The plan provides that an early survivor annuity is the only form of benefit payable under the plan with respect to a married participant who dies while employed by an employer maintaining the plan, or

(2) In the case of a defined contribution plan, the plan provides a survivor benefit at least equal in value to the vested portion of the participant's account balance, with respect to a participant who dies while in active service with an employer maintaining the plan.

(ii) *Election period.* (A) For purposes of the election described in paragraph (c)(2)(i) of this section the plan shall provide an election period which, except as provided in the following sentence, shall begin not later than the later of either the 90th day before a participant attains the qualified early retirement age or the date on which his participation begins, and shall end on the date the participant terminates his employment. If such a plan contains a provision that any election made under this subparagraph does not become effective or ceases to be effective if the participant dies within a certain period beginning on the date of such election, the election period prescribed in this subdivision (ii) shall begin not later than the later of (*1*) a date which is 90 days plus such certain period before the participant attains the qualified early retirement age or (2) the date on which his participation begins. For example, if a plan provides that an election made under this paragraph does not become effective if the participant dies less than 2 years after the date of such election, the period for making an election under this paragraph must begin not later than the later of (*1*) 2 years and 90 days before the participant attains the qualified early retirement age, or (2) the date on which his participation begins. However, the election period for an individual who was an active participant on the date this section became effective with regard to the plan need not begin earlier than such effective date.

(B) In the case of a participant in a plan to which this subparagraph applies who dies after section 401(a)(11) and this section became applicable to such plan with respect to such participant and to whom an election required by this subparagraph has not been previously made available, the plan must give the participant's surviving spouse or, if dead, such spouse's personal representative the option of electing an early survivor annuity. The plan may reduce the surviving spouse's annuity to take into account any benefits already received. The period for making such election shall not end before the 90th day after the date on which written notice of the availability of such election and applicable information required by subparagraph (3)(i) of this paragraph is given directly to such surviving spouse or personal representative. If such notice and information is given by mail, it shall be treated as given on the date of mailing.

(3) *Information to be provided by plan administrator.* (i) A plan which is required to provide either or both of the elections described in paragraph (c)(1) or (2) of this section must provide to the participants, at the time and in the manner specified in subdivision (ii) of this subparagraph, the following information, as applicable to the plan, in written nontechnical language:

(A) In the case of the election described in paragraph (c)(1) of this section, a general description or explanation of the qualified joint and survivor annuity, the circumstances in which it will be provided unless the participant has elected not to have benefits provided in that form, and the availability of such election;

(B) In the case of the election described in paragraph (c)(2) of this section, a general description of the early survivor annuity, the circumstances under which it will be paid if elected, and the availability of such election; and

(C) A general explanation of the relative financial effect on a participant's annuity of either or both elections, as the case may be.

Various methods may be used to explain such relative financial effect. With regard to a qualified joint and survivor annuity, they include: information as to the benefits the participant would receive under the qualified joint and survivor annuity stated as an arithmetic or percentage reduction from a single life annuity; a table showing the difference between a straight life annuity and a qualified joint and survivor annuity in terms of a reduction in dollar amounts; a table showing a percentage reduction from the straight life annuity or, in the case of a profit-sharing plan, an approximate dollar amount reduction. The notice and explanation required by this subdivision (i) must also inform the participants of the availability of the additional information specified in subdivision (iii) of this subparagraph and how they may obtain such information.

(ii) The method or methods used to provide the information described in subdivision (i) of this subparagraph may vary. See § 1.7476-2(c)(1) for examples of methods which can be used. One or more methods may be used to provide the required information provided that all of the required information is provided by one method or a combination of methods by or within the time period specified in this subdivision (ii). If mail or personal delivery is used, then, whether or not the information has been previously provided, there must be a mailing or personal delivery of the information by such time as to reasonably assure that it will be received on or about: (*1*) in the case of a plan which does not provide for the payment of benefits before the normal retirement age, the date which is 9 months before the participant attains normal retirement age; (2) in the case of a plan which provides for the payment of benefits before the normal retirement age and which is required to provide the election described in paragraph (c)(2) of this section (whether or not it is also required to provide the election described in paragraph (c)(1) of this section), the date which is 90 days before the latest date prescribed by paragraph (c)(2)(ii)(A) for the beginning of the election period for the early survivor annuity; or (3) in the case of a plan which provides for the payment of benefits before the normal retirement age and which is required to provide only the election described in paragraph (c)(1) of this section, the date which is nine months before the participant attains the qualified early retirement age; except that in the case of a plan described in (2) or (3), if the qualified early retirement age is the date the participant begins participation in the plan, the information may be provided on or about such date. If a method other than mail or personal delivery is used to provide participants with some or all of such information, it must be a method which is reasonably calculated to reach the attention of a participant on or about the date prescribed in the immediately preceding sentence and to continue to reach the attention of such participant during the election period applicable to him for which the information is being provided (as, for example, by permanent posting, repeated publication, etc.).

(iii) The plan administrator must furnish to a particular participant, upon a timely written request, a written explanation in nontechnical language of the terms and conditions of the qualified joint and survivor annuity and the financial effect upon the particular participant's annuity of making any election under this paragraph. Such financial effect shall be given in terms of dollars per annuity payment; and in the case of a defined contribution plan, the projected annuity for a particular participant may be based on his account balance as of the most recent valuation date. The plan administrator need not comply with more than one such request made by a particular participant. This explanation must be personally delivered or mailed (first class mail, postage prepaid) to the participant within 30 days from the date of the participant's written request.

(4) *Election is revocable.* A plan to which this section applies must provide that any election made under this paragraph may be revoked in writing during the specified election period, and that after such election has been revoked, another election under this paragraph may be made during the specified election period.

(5) *Election by surviving spouse.* A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it provides that the spouse of a deceased participant may elect to have benefits paid in a form other than a survivor annuity. If the plan provides that such a spouse may make such an election, the plan administrator must furnish to this spouse, within a reasonable amount of time after a written request has been made by this spouse, a written explanation in nontechnical language of the survivor annuity and any other form of payment which may be selected. This explanation must state the financial effect (in terms of dollars) of each form of payment. A plan need not respond to more than one such request.

(d) *Permissible additional plan provisions*—(1) *In general.* A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it contains one or more of the provisions described in paragraph (d)(2) through (4) of this section.

(2) *Claim for benefits.* A plan may provide that as a condition precedent to the payment of benefits, a participant must express in writing to the plan administrator the form in which he prefers benefits to be paid and provide all the information reasonably necessary for the payment of such benefits. However, if a participant files a claim for benefits with the plan administrator and provides the plan administrator with all the information necessary for the payment of benefits but does not indicate a preference as to the form for the payment of benefits, benefits must be paid in the form of a qualified joint and survivor annuity if the participant has attained the qualified early retirement age unless such participant has made an effective election not to receive benefits in such form. For rules relating to provisions in a plan to the effect that a claim for benefits must be filed before the payment of benefits will commence, see § 1.401(a)-14.

(3) *Marriage requirements.* A plan may provide that a joint and survivor annuity will be paid only if—

(i) The participant and his spouse have been married to each other throughout a period (not exceeding one year) ending on the annuity starting date.

(ii) The spouse of the participant is not entitled to receive a survivor annuity (whether or not the election described in paragraph (c)(2) of this section has been made) unless the participant and his spouse have been married to each other throughout a period (not exceeding one year) ending on the date of such participant's death.

(iii) The same spouse must satisfy the requirements of subdivisions (i) and (ii) of this subparagraph.

(iv) The participant must notify the plan administrator (as defined by section 414(g)) of his marital status within any reasonable time period specified in the plan.

(4) *Effect of participant's death on an election or revocation of an election under paragraph* (c). A plan may provide that any election described in paragraph (c) of this section or any revocation of any such election does not become effective or ceases to be effective if the participant dies within a period, not in excess of 2 years, beginning on the date of such election or revocation. However, a plan containing a provision described in the preceding sentence shall not satisfy the requirements of this section unless it also provides that any such election or any revocation of any such election will be given effect in any case in which—

(i) The participant dies from accidental causes,

(ii) A failure to give effect to the election or revocation would deprive the participant's survivor of a survivor annuity, and

(iii) Such election or revocation is made before such accident occurred.

(e) *Costs of providing qualified joint and survivor annuity form or early survivor annuity form.* A plan may take into account in any equitable manner consistent with generally accepted actuarial principles applied on a consistent basis any increased costs resulting from providing qualified joint and survivor annuity and early survivor annuity benefits. A plan may give a participant the option of paying premiums only if it provides another option under which an out-of-pocket expense by the participant is not required.

(f) *Application and effective date.* Section 401(a)(11) and this section shall apply to a plan only with respect to plan years beginning after December 31, 1975, and shall apply only if—

(1) The participant's annuity starting date did not fall within a plan year beginning before January 1, 1976, and

(2) The participant was an active participant in the plan on or after the first day of the first plan year beginning after December 31, 1975.

For purposes of this paragraph, the term "active participant" means a participant for whom benefits are being accrued under the plan on his behalf (in the case of a defined benefit plan), the employer is obligated to contribute to or under the plan on his behalf (in the case of a defined contribution plan other than a profit-sharing plan), or the employer either is obligated to contribute to or under the plan on his behalf or would have been obligated to contribute to or under the plan on his behalf if any contribution were made to or under the plan (in the case of a profit-sharing plan).

If benefits under a plan are provided by the distribution to the participants of individual annuity contracts, the annuity starting date will be considered for purposes of this paragraph to fall within a plan year beginning before January 1, 1976, with respect to any such individual contract that was distributed to the participant during a plant year beginning before January 1, 1976, if no premiums are paid with respect to such contract during a plan year beginning after December 31, 1975. In the case of individual annuity contracts that are distributed to participants before July 1, 1977, and which contain an option to provide a qualified joint and survivor annuity, the requirements of this section will be considered to have been satisfied if, not later than July 1, 1977, holders of individual annuity contracts who are participants described in the first sentence of this paragraph are given an opportunity to have such contracts amended, so as to provide for a qualified joint and survivor annuity in the absence of a contrary election, within a period of not less than one year from the date such opportunity was offered. In no event, however, shall the preceding sentence apply with respect to benefits attributable to premiums paid after June 30, 1977.

(Secs. 401(a)(11), 7805 Internal Revenue Code of 1954, (88 Stat. 935, 68A Stat. 917; (26 U.S.C. 401(a)(11), 7805)))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 3, 1977.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.77-588 Filed 1-4-77;1:16 pm]

[T.D. 7459]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Various Elections

This document contains temporary income tax regulations (26 CFR Part 7) under various sections of the Internal Revenue Code of 1954 and the Tax Reform Act of 1976, to provide the manner and time for making various elections contained in the Tax Reform Act of 1976 (90 Stat. 1520).

The Tax Reform Act of 1976 contains a number of provisions in which taxpayers are permitted to make elections. In order to provide immediate guidance to taxpayers, this regulation provides the manner in which many of the elections contained in the Act are to be made.

ADOPTION OF REGULATIONS

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, relating to the manner of making certain elections provided by the Tax Reform Act of 1976, the following regulations are hereby adopted:

§ 7.0 Various elections under the Tax Reform Act of 1976.

(a) *Elections covered by temporary rules.* The sections of the Internal Revenue Code of 1954, or of the Tax Reform Act of 1976, to which this section applies and under which an election or notification may be made pursuant to the procedures described in paragraphs (b) and (d) are as follows:

Section	Description of election	Availability of election
	(1) 1st category	
167(o) of code	Substantially rehabilitated historic property	Additions to capital account occurring after June 30, 1976, and before July 1, 1981.
172(b)(3)(E) of code	Forego of carryback period	Any taxable year ending after Dec. 31, 1975.
191(b) of code	Amortization of certain rehabilitation expenditures.	Additions to capital account occurring after June 14, 1976, and before June 15, 1981.
402(e)(4)(L) of code	Lump sum distributions from qualified plans.	Distributions and payments made after Dec. 31, 1975, in taxable years beginning after such date.
451(e) of code	Livestock sold on account of drought	Any taxable year beginning after Dec. 31, 1975.
812(b)(3) of code	Forego of carryback period by life insurance companies.	Any taxable year ending after Dec. 31, 1975.
819A of code	Contiguous country branches of domestic life insurance companies.	All taxable years beginning after Dec. 31, 1975.
825(d)(2) of code	Forego of carryback period by mutual insurance companies.	Any taxable year ending after Dec. 31, 1975.
911(c) of code	Foregoing of benefits of sec. 911	All taxable years beginning after Dec. 31, 1975.
	(2) 2d category	
185(d) of code	Amortization of railroad grading and tunnel bores.	All taxable years beginning after Dec. 31, 1974
528(c)(1)(E) of code	Certain homeowners associations	Do.
1057 of code	Transfer to foreign trusts etc	Any transfer of property after Oct. 2, 1975.
6013(g) of code	Joint return for nonresident alien	All taxable years ending on or after Dec. 31, 1975.
6013(h) of code	Joint return for year in which nonresident alien becomes resident.	Do.

(b) *Time for making election or serving notice*—(1) *Category (1).* A taxpayer may make an election under any section referred to in paragraph (a)(1) of this section for the first taxable year for which the election is required to be made or for the taxable year selected by the taxpayer when the choice of the taxable year is optional. The election must be made by the later of the time, including

extensions thereof, prescribed by law for filing income tax returns for such taxable year or March 8, 1977.

(2) *Category* (2). A taxpayer may make an election under any section referred to in paragraph (a)(2) for the first taxable year for which the election is allowed or for the taxable year selected by the taxpayer when the choice of the taxable year is optional. The election must be made (i) for any taxable year ending before December 31, 1976, for which a return has been filed before January 31, 1977, by filing an amended return, provided that the period of limitation for filing claim for credit or refund of overpayment of tax, determined from the time the return was filed, has not expired or (ii) for all other years by filing the income tax return for the year for which the election is made not later than the time, including extensions thereof, prescribed by law for filing income tax returns for such year. However, an organization which has its exempt status under section 501(a) of the Code revoked for any taxable year and which is described in section 528 of the Code, may make an election under section 528 (c)(1)(E) of the Code for such year, before the expiration of the period for filing claim for credit or refund of overpayment of tax.

(c) *Certain other elections.* The elections described in this paragraph shall be made in the manner and within the time prescribed herein and in paragraph (d) of this section.

(1) The following elections under the Tax Reform Act of 1976 shall be made:

(i) Sec. 207(c)(3) of Act; change from static value method of accounting; all taxable years beginning after December 31, 1976.

by filing Form 3115 with the National Office of the Internal Revenue Service before October 5, 1977.

(ii) Sec. 604 of Act; travel expenses of State legislators; all taxable years beginning before January 1, 1976.

by filing an amended return for any taxable year for which the period for assessing or collecting a deficiency has not expired before October 4, 1976, by the last day for filing a claim for refund or credit for the taxable year but in no event shall such day be earlier than October 4, 1977.

(iii) Sec. 804(e)(2) of Act; retroactive applications of amendments to property described in section 50(a) of Code; certain taxable years beginning before January 1, 1975.

by filing amended returns before October 5, 1977, for all taxable years to which applicable for which the period of limitation for filing claim for credit or refund for overpayment of tax has not expired.

(iv) Sec. 1608(d)(2) of Act; election as a result of determination as defined in section 859(c) of the Code; determinations made after October 4, 1976.

by filing a statement with the district director for the district in which the taxpayer maintains its principal place of business within 60 days after such determination.

(v) Sec. 2103 of Act; treatment of certain 1972 disaster losses. Any taxable year in which payment is received or indebtedness is forgiven.

by filing a return for the taxable year or an amended return by the last day for making a claim for credit or refund for the taxable year but in no event shall such day be earlier than October 4, 1977.

(2) The election provided in section 37(e) of the Code relating to the credit for the elderly and section 144(a) of the Code relating to the standard deduction, available for any taxable year beginning after December 31, 1975, may be made any time before the expiration of the period of limitation for filing claim for credit or refund. Once made such election may be revoked without the consent of the Commissioner any time before the expiration of such period by filing an amended return.

(3) The election provided for in section 167(e)(3) of the Code shall be made in accordance with § 1.167(e)-1(d) except that the election shall be applicable for the first taxable year of the taxpayer beginning after December 31, 1975.

(4) The election provided in section 501(i) of the Code relating to lobbying by public charities may be made for all taxable years beginning after December 31, 1976, by filing a statement with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155 (for organizations in the Central Region the Internal Revenue Service Center, Cincinnati, Ohio 45298) before the close of the first taxable year for which the election is effective.

(5) The election provided in section 936(e) of the Code relating to the Puerto Rico and possession tax credit, available for all taxable years beginning after December 31, 1975, shall be made by filing Form 5712 within 90 days after the beginning of the first taxable year for which such election is made with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155. If the first taxable year for which such an election is made is a taxable year beginning before January 1, 1977, such election shall be made in the manner prescribed in the preceding sentence by May 9, 1977.

(6) The election provided in section 1033(f)(3) of the Code may be made for any taxable year beginning after December 31, 1970, by filing an amended return for any taxable year for which the period of limitation for filing a claim for credit or refund of overpayment has not expired, and for any taxable year ending on or after December 31, 1976, by filing the income tax return for the year the election is made not later than the time, including extensions thereof, prescribed by law for filing income tax returns for such taxable year.

(d) *Manner of making election.* Unless otherwise provided in the return or in a form accompanying a return for the taxable year, the elections described in paragraphs (a) and (c) (except paragraphs (c)(1)(i), (c)(3) and (c)(5)) shall be made by a statement attached to the return (or amended return) for the taxable year. The statement required when making an election pursuant to this section shall indicate the section under which the election is being made and shall set forth information to identify the election, the period for which it applies, and the taxpayer's basis or entitlement for making the election.

(e) *Effect of election*—(1) *Consent to revoke required.* Except where otherwise provided by statute or except as provided in paragraph (c)(2) and subparagraph (2) of this paragraph, an election to which this section applies made in accordance with this section shall be binding unless consent to revoke the election is obtained from the Commissioner. An application for consent to revoke the election will not be accepted before the promulgation of the permanent regulations relating to the section of the Code or Act under which the election is made. Such regulations will provide a reasonable period of time within which taxpayers will be permitted to apply for consent to revoke the election.

(2) *Revocation without consent.* An election to which this section applies, other than the elections referred to in paragraph (c)(2) of this section, made in accordance with this section, may be revoked without the consent of the Commissioner not later than 90 days after the permanent regulations relating to the section of the Code or Act under which the election is made are filed with the office of the Federal Register, provided such regulations grant taxpayers blanket permission to revoke that election within such time without the consent of the Commissioner. Such blanket permission to revoke an election will be provided by the permanent regulations in the event of a determination by the Secretary or his delegate that such regulations contain provisions that may not reasonably have been anticipated by taxpayers at the time of making such election.

(f) *Furnishing of supplementary information required.* If the permanent regulations which are issued under the section of the Code or Act referred to in this section to which the election relates require the furnishing of information in addition to that which was furnished with the statement of election filed pursuant to paragraph (d) of this section, the taxpayer must furnish such additional information in a statement addressed to the district director, or the director of the regional service center, with whom the election was filed. This statement must clearly identify the election and the taxable year for which it was made. If such information is not provided the election may, at the discretion of the Commissioner, be held invalid.

§ 7.856(g)-1 Special rule for real estate investment trusts.

The election pursuant to section 856(c)(1) by a corporation, trust, or association to be treated as a real estate investment trust may be revoked under section 856(g) for any taxable year and all succeeding taxable years by filing a statement with the district director for the district in which the taxpayer maintains its principal place of business on or before the 90th day after the first day of the first taxable year for which the revocation is to be effective.

Because the purpose of this Treasury decision is to provide immediate guidance as to the manner of making certain elections made available by reason of the enactment of the Tax Reform Act of 1976, it is hereby found impracticable to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) and certain provisions of the Tax Reform Act of 1976 (P.L. 94-455)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 3, 1977.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.77-703 Filed 1-4-77;4:58 pm]

[T.D. 7457]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Temporary Regulations Relating to Information Reporting Requirements on Certain Winnings From Bingo, Keno, and Slot Machines

This document contains temporary income tax regulations (26 CFR Part 7) under section 6041 of the Internal Revenue Code of 1954 pursuant to section 1207(d) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1705) in order to provide rules with respect to information reporting requirements on certain winnings from bingo, keno, and slot machines.

Section 6041 of the Code provides, in general, that all persons engaged in a trade or business and making a payment in the course of such trade or business of $600 or more to another person must file an information return with respect to that payment under such regulations and in such form and manner and to such extent as the Secretary prescribes. Winnings from gambling are subject to this general rule of section 6041 and the existing regulations thereunder.

Section 7.6041-1 provides specific rules for reporting winnings from bingo, (keno, and slot machines. Effective February 1, 1977, every person engaged in a trade or business and making any payment of winnings of $600 or more from a bingo or keno game or a slot machine play is required to make an information return with respect to that payment. The regulation makes no exception to this requirement based on betting odds. Further, the regulation provides that in determining whether winnings equal or exceed $600 the following rules apply: (1) The amount of winnings shall not be reduced by the amount wagered; (2) winnings include the fair market value of a payment in any medium other than cash; (3) all winnings of the winner from one bingo or keno game must be aggregated; and (4) winnings and losses from any other wagering transaction by the winner shall not be taken into account.

A new Form W-2G is prescribed for use in reporting winnings from bingo, keno, and slot machines. The form shows the name, address, and social security or employer identification number of the payor and the winner and contains a general description of two types of identification furnished for verification of the winner's name, address, and social security number. In addition, the form contains the date and amount of the payment and certain other information depending upon the type of wagering transaction with respect to which the payment is made.

ADOPTION OF AMENDMENT TO THE REGULATIONS

In order to prescribe temporary income tax regulations relating to information reporting requirements on certain winnings from bingo, keno, and slot machines under section 6041 of the Internal Revenue Code of 1954, pursuant to section 1207(d) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1705), the following temporary regulations are hereby adopted and added to Part 7 of Title 26 of the Code of Federal Regulations:

§ 7.6041-1 Return of information as to payments of winnings from bingo, keno, and slot machines.

(a) *In general.* On or after February 1, 1977, every person engaged in a trade or business and making any payment in the course of such trade or business of winnings of $600 or more (including winnings which are exempt from withholding under section 3402(q)(5)) from a bingo or keno game or a slot machine play shall make an information return with respect to such payment.

(b) *Special rules.* For purposes of paragraph (a) of this section, in determining whether such winnings equal or exceed $600—

(1) The amount of winnings shall not be reduced by the amount wagered;

(2) Winnings shall include the fair market value of a payment in any medium other than cash;

(3) All winnings by the winner from one bingo or keno game shall be aggregated; and

(4) Winnings and losses from any other wagering transaction by the winner shall not be taken into account.

(c) *Prescribed form.* The return required by paragraph (a) of this section shall be made on Form W-2G and shall be filed with the Internal Revenue Service Center serving the district in which is located the principal place of business of the person making the return on or before February 28 of the calendar year following the calendar year in which the payment of winnings is made. Each Form W-2G shall contain the following:

(1) Name, address, and employer identification number of the person making the payment;

(2) Name, address, and social security number of the winner;

(3) General description of two types of identification (*e.g.*, "driver's license", "social security card", or "voter registration card") furnished to the maker of the payment for verification of the winner's name, address, and social security number;

(4) Date and amount of the payment; and

(5) Type of wagering transaction. In addition, in the case of a bingo or keno game, Form W-2G shall show any number, color, or other designation assigned to the game with respect to which the payment is made. In the case of a slot machine play, Form W-2G shall show the identification number of the slot machine.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 3, 1977.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.77-704 Filed 1-4-77;4:53 pm]

Title 31—Money and Finance: Treasury

SUBTITLE B—REGULATIONS RELATING TO MONEY AND FINANCE

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 101—MITIGATION OF FORFEITURE OF COUNTERFEIT GOLD COINS

Establishment of Part

Pursuant to the authority vested in me by 18 U.S.C. 492, Act of June 25, 1948, C. 645, 62 Stat. 710, I hereby issue in 31 CFR Chapter I, a new Part 101. This Part establishes a policy whereby certain innocent purchasers or holders of gold coins who have forfeited them to the United States because they were determined to be counterfeit, can, under certain conditions, recover the gold bullion from the coins. Since the material contained herein constitutes a general statement of policy for which public participation is unnecessary, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effec-

tive date are inapplicable. Therefore, Title 31, Chapter I, Code of Federal Regulations, is amended by adding a new Part 101, "Mitigation of Forfeiture of Counterfeit Gold Coins", as set forth below.

Dated: January 3, 1977.

JERRY THOMAS,
Under Secretary of the Treasury.

Sec.
101.1 Purpose and scope.
101.2 Petitions for mitigation.
101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.
101.4 Extraction of bullion from coins.
101.5 Payment of smelting costs.
101.6 Return of the bullion.
101.7 Exceptions.
101.8 Discretion of the Secretary.

AUTHORITY: 18 U.S.C. 492

§ 101.1 Purpose and scope.

The purpose of this part is to establish a policy whereby certain purchasers or holders of gold coins who have forfeited them to the United States because they were counterfeit may, in the discretion of the Secretary of the Treasury, recover the gold bullion from the coins. This part sets forth the procedures to be followed in implementing this policy.

§ 101.2 Petitions for mitigation.

(a) *Who may file.* Any person may petition the Secretary of the Treasury for return of the gold bullion of counterfeit gold coins forfeited to the United States if:

(1) The petitioner innocently purchased or received the coins and held them without the knowledge that they were counterfeit; and,

(2) The petitioner voluntarily submitted the coins to the Treasury Department for a determination of whether they were legitimate or counterfeit; and,

(3) The coins were determined to be counterfeit and were seized by the Treasury Department and forfeited to the United States.

(b) *To whom addressed.* Petitions for mitigation of the forfeiture of counterfeit gold coins should be addressed to the Assistant Secretary, Enforcement, Operations, Tariff Affairs, Department of Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

(c) *Form.* The petition need not be in any particular form, but must be under oath, and set forth at least the following:

(1) The full name and address of the petitioner;

(2) A description of the coin or coins involved;

(3) The name and address of the person from whom the coins were received or purchased by the petitioner;

(4) The date and place where they were voluntarily submitted for examination;

(5) Any other circumstances relied upon by the petitioner to justify the mitigation;

(6) A statement that the petitioner purchased or received and held the coins without the knowledge that they were counterfeit.

§ 101.3 Petitions reviewed by Assistant Secretary, Enforcement, Operations, Tariff Affairs.

The Assistant Secretary will receive and review all petitions for mitigation of the forfeiture of counterfeit gold coins. He shall conduct such further investigation, and may request such further information from the petitioner as he deems necessary. Petitions will be approved if the Assistant Secretary determines that:

(1) The gold coins have not been previously disposed of by normal procedures;

(2) The petitioner was an innocent purchaser or holder of the gold coins and is not under investigation in connection with the coins at the time of submission or thereafter;

(3) The coins are not needed and will not be needed in the future in any investigation or as evidence in legal proceedings; and

(4) Mitigation of the forfeiture is in the best interest of the Government.

§ 101.4 Extraction of gold bullion from the counterfeit coins.

If the petition is approved, the Assistant Secretary shall then forward the gold coins to the Bureau of the Mint where, if economically feasible, the gold bullion will be extracted from the counterfeit coins. The Bureau of the Mint will then return the bullion to the Assistant Secretary.

§ 101.5 Payment of smelting costs.

The petitioner shall be required to pay all reasonable costs incurred in extracting the bullion from the counterfeit coins, as shall be determined by the Assistant Secretary. Payment must be made prior to the return of the gold bullion to the petitioner.

§ 101.6 Return of the bullion.

After receiving the gold bullion from the Bureau of the Mint, the Assistant Secretary shall notify the petitioner that his petition has been approved and that payment of the smelting costs in an amount set forth in such notice must be made prior to the return of the bullion.

§ 101.7 Exceptions.

The provisions of this part shall not apply where the cost of smelting the gold coins exceeds the value of the gold bullion to be returned.

§ 101.8 Discretion of the Secretary.

The Secretary of the Treasury retains complete discretion to deny any claim of any petitioner when the Secretary believes it is not in the best interest of the Government to return the bullion to the petitioner or when the Secretary is not convinced that the petitioner was an innocent purchaser or holder without knowledge that the gold coins were counterfeit.

[FR Doc.77-566 Filed 1-6-77;8:45 am]

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 515—CUBAN ASSETS CONTROL REGULATIONS

Transactions by American-Owned or Controlled Foreign Firms

Section 515.559 of the Cuban Assets Control Regulations (31 CFR Part 515), stating the policies of the Office of Foreign Assets Control for the issuance of specific licenses for trade with Cuba by foreign affiliates of U.S. firms, is being amended by deletion of the provision in paragraph (a)(3) that such foreign affiliates be located in the importing or exporting country.

Section 515.201 prohibits any unlicensed involvement in Cuban trade by persons subject to the jurisdiction of the United States. The purpose of paragraph (a)(3) of § 515.559 was to minimize the possibility of unauthorized involvement by the United States parent firms in licensed transactions with Cuba by their foreign affiliates. In lieu thereof, a specific provision (paragraph (c)) is being added which explicitly describes the general types of involvement which are not permitted.

The amendment states that prohibited conduct would include such involvement as assistance by a U.S. parent firm, or any officer or employee thereof, in either the negotiation or performance of a transaction which was the subject of a license application. Such assistance or participation is a ground for denial of an application, or revocation of a license.

The new subparagraph makes clear that the affiliate must be generally independent of the parent in the conduct of licensed transactions, e.g., in decision-making, risk-taking, negotiation, financing or arranging of financing, and performance of licensed transactions with Cuba. For purposes of the section, an affiliate is not independent if there are a substantial number of officers or directors of the foreign affiliate who are also officers, or directors, of a person within the United States.

As the material contained herein clarifies existing published rules, and as those published rules involve a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable.

31 CFR Part 515 is amended by amending § 515.559 by revising paragraph (a)(3) and adding paragraph (c) to read as follows:

§ 515.559 Transactions by American-owned or controlled foreign firms with Cuba.

(a) • • •

(3) Importation of goods of Cuban origin into countries in the authorized trade territory.

• • • • • •

(c) Specific licenses issued pursuant to the policies set forth in this section do not authorize any person within the United States to engage in, participate in, or be involved in a licensed transaction with Cuba or Cuban nationals. Such involvement includes, but not by way of limitation, assistance or participation by a U.S. parent firm, or any officer or employee thereof, in the negotiation or performance of a transaction which is the subject of a license application. Such participation is a ground for denial of a license application, or for revocation of a license. To be eligible for a license under this section, the affiliate must be generally independent, in the conduct of transactions of the type for which the license is being sought, in such matters as decisionmaking, risk-taking, negotiation, financing or arranging of financing, and performance. For purposes of this section, an affiliate is not independent if there are a substantial number of officers or directors of the foreign affiliate who are also officers or directors of a person within the United States.

(50 U.S.C. App. 5(b); 22 U.S.C. 2370(a); E. O. 9193; 3 CFR 1959-1963 Comp. Treasury Department Order No. 128. 32 FR 3472.)

Effective date. These amendments take effect on January 10, 1977.

STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.77-741 Filed 1-6-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 606—THE OFFICIAL COMMEMORATIVE LICENSING PROGRAM

Disposition of Inventory

On November 30, 1976, there was published in the FEDERAL REGISTER (41 FR 52486) a notice that the American Revolution Bicentennial Administration (ARBA) proposes to amend Part 606 of Title 36 of the Code of Federal Regulations to authorize licensees under its official commemoratives program to sell inventory on hand and/or in process of manufacture at the end of their license period without payment of royalty thereon for a period of 60 calendar days thereafter.

Interested persons were invited to submit written comments on the proposed amendment. No comments having been received and pursuant to authorization of the ARB Board at its December 8, 1976 meeting, 36 CFR Part 606 is amended by the addition of § 606.106 "Disposition of Inventory" as follows:

§ 606.106 Disposition of inventory.

The licensee is authorized to sell inventory on hand and/or in process of manufacture on the date of expiration of the license, for an additional 60 calendar days thereafter without payment of royalty thereon.

HERBERT HETU,
Acting Administrator.

DECEMBER 30, 1976.

[FR Doc.77-608 Filed 1-6-77;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 13; Amendment 8]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Exemption—Foss Launch & Tug Co. and Certain Carriers in the United States North Pacific—Canada—Alaska Trade

Foss Launch & Tug Co. is a common carrier by water operating a barge movement of rail cars between North Vancouver, British Columbia, Canada and Seattle and Tacoma, Washington. This barge movement connects with rail operations in both the United States and Canada which are subject to regulation by the Interstate Commerce Commission. Foss serves as a participant in a through route service connecting the British Columbia Railway and the Burlington Northern Railroad and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

An application has been filed by attorneys for Foss Launch & Tug Co. for a section 35 exemption from the tariff filing requirements of section 18(b) of the Shipping Act, 1916. In response to this application, and to the knowledge that other similar carriers existed in that trade, as well as the Canadian/Alaskan trade, the Commission extended the provisions of this exemption request on its own initiative to all other water carriers participating in the through rail service between United States Puget Sound ports and ports in British Columbia, Canada; and between ports in British Columbia, Canada on the one hand, and ports and points in Alaska on the other hand.

Notice of the Commission's intention to consider Foss' application and its intention to broaden this exemption on its own initiative was published in the FEDERAL REGISTER on August 10, 1976 (41 FR 33586). During the 20-day notice period, we received only one letter of protest to the proposed extension of the exemption. This protest was received from Sea-Land Service, Inc., applicable with respect to traffic moving from U.S. origins via Canada to Alaska. Sea-Land's complaint appears to be that the broadening of this exemption would place it at a severe competitive disadvantage to the carriers operating in the Canada to Alaska trade because Sea-Land would have no knowledge of those water carriers' rates.

Sea-Land is a common carrier by water operating between U.S. ports on the one hand, and ports in Alaska on the other. It participates in joint motor and water rates covering this service, which rates are subject to the Interstate Commerce Act and filed with the Interstate Commerce Commission.

The divisions of revenue which accrue to Sea-Land are published in "Joint Division Sheets." These Joint Division Sheets are not required by the ICC to be filed on notice; thus these divisions do not constitute a regulated section of the joint rate tariffs.

Granting this exemption will not place Sea-Land in a severe competitive disadvantage as the division sheets and arrangements of the exempted carriers will be required to be filed at this Commission within 30 days of any change, as a condition to the exemption.

It appears that Sea-Land will not be placed at a severe competitive disadvantage regarding the availability of competitors' rates or divisions of rates for the port-to-port portion of the operations. In fact, the carriers which are granted this exemption are subject to the same rate regulation at the ICC as is Sea-Land, but the exempted carriers will also be subject to the filing requirement regarding division sheets and arrangements at this Commission.

Finally, we believe that Sea-Land has not shown that the proposed exemption would be detrimental to the commerce nor that it would substantially impair effective regulation by the Commission or be unjustly discriminatory.

Section 35 of the Shipping Act states, "The Federal Maritime Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this Act of any specified activity of such persons from any requirement of the Shipping Act, 1916, or Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

"The Commission may attach conditions to any such exemption and may, by order, revoke any such exemption.

"No order or rule of exemption or revocation of exemption shall be issued unless opportunity for hearing has been afforded interested persons."

The granting of this exemption by this Commission appears to present no impairment to our effective regulation. Additionally, there has been no showing that this exemption is unjustly discriminatory or is detrimental to commerce.

Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 533; sections 18(b), 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 817(b), 833(a), and 841(a), § 536.15, Title 46 CFR is amended by the addition of a new paragraph (e) reading as follows:

§ 536.15 Exemptions.

• • • • • •

(e) Foss Launch & Tug Co. is granted an exemption from the tariff filing requirements of Section 18(b) of the Shipping Act, 1916, as to the carriage of Canadian or United States origin cargo moving in rail cars carried on Foss Launch & Tug Co.'s vessels between North Vancouver, British Columbia, Canada and Seattle and Tacoma, Washington, United States provided that the through rates are filed in railroad tariffs filed with the Interstate Commerce Commission and/or the Canadian Transport Commission and provided further that Foss Launch & Tug Co. shall submit to the FMC certified true copies of: 1) its division sheets or tariffs containing the divisions; and 2) any and all agreements, arrangements and concurrences entered into in connection with transportation of cargo within 30 days of the effectiveness of such sheets, tariffs, agreements, arrangements and/or concurrences; and provided further that this exemption shall not apply to cargoes originating in or destined to foreign countries other than Canada; and provided further that the carrier will remain subject to all other provisions of the Shipping Act, 1916.

Further, the provisions of this exemption are extended to all other water carriers participating in the through rail service between United States Puget Sound ports and ports in British Columbia, Canada; and between ports in British Columbia, Canada on the one hand, and ports and points in Alaska on the other hand. This extension of the exemption is subject to the same provisions and conditions which are listed above for Foss Launch & Tug Co.

Effective date: Inasmuch as the amendment adopted herein provides an exemption from the requirements of Part 536 and Section 18(b) of the Shipping Act, 1916, it shall be effective January 7, 1977.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-625 Filed 1-6-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20825; FCC 76-1176]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

State Control Intership Communications

Adopted: December 21, 1976.

Released: January 4, 1977.

In the Matter of amendments of Parts 81 and 83 of the Commission's Rules and Regulations to allow the use of 156.850 MHz (very high frequency marine channel 17) for State Control intership communications.

1. On August 5, 1976, we released a Notice of Proposed Rule Making in this Docket. The Notice was published in the FEDERAL REGISTER on August 9, 1976, (41 FR 33281). The dates for filing comments and replies thereto have passed.

2. In that Notice, we proposed to amend Parts 81 and 83 to make channel 17 available for ship to ship State Control communications, in addition to the previously authorized use for ship to coast State Control communications. It was felt that the designation of channel 17 for intership State Control use would allow for more effective coordination between state agencies, and also provide a clear channel for state boats in times of emergencies.

3. The only comments filed were by the California State Communications Division, in which they fully supported the Commission's proposal. No reply comments were filed.

4. The Commission believes that the rule amendment will provide for closer coordination among state boats and related shore stations which will result in an improvement to safety, law enforcement activities, and search and rescue operations in state waterways.

5. In view of the foregoing, It is ordered, That, pursuant to the authority contained in Sections 4(i), 303(b), (f) and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 are amended effective February 7, 1977, as set forth below.

6. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

NOTE.—Rule changes herein will be covered by the 1976 Edition of Volume IV.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 81.7, paragraph (r) is amended to read as follows:

§ 81.7 Operational.

* * * * * * *

(r) *State Control.* Communications, in the maritime mobile service on very high frequencies (VHF), between non-Federal government coast and ship stations or between non-Federal government ship stations, in which messages are restricted to those related directly to the coordination, regulation or control of boating activities or the rendering of assistance to vessels.

* * * * * * *

2. In § 87.356, subparagraph (b) (9) is amended to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

* * * * * * *

(b) * * *

(9) Available for assignment to limited coast stations for State Control communications with ship stations. Also available for intership State Control communications.

* * * * * * *

1. In § 83.6 paragraph (k) is amended to read as follows:

§ 83.6 Operational.

* * * * * * *

(k) *State Control.* Communications, in the maritime mobile service on very high frequencies (VHF), between non-Federal government coast and ship stations or between non-Federal government ship stations, in which messages are restricted to those related directly to the coordination, regulation or control of boating activities or the rendering of assistance to vessels.

* * * * * * *

§ 83.351 [Amended]

2. In § 83.351(a), table is amended by adding limitation 40 to the conditions of use for 156.850 MHz.

3. In § 83.359, table is amended as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

* * * * * * *

State control			
17	156.850	156.850	Intership and ship to coast.

[FR Doc.77-756 Filed 1-6-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36126]

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS

PART 1249—REPORTS OF MOTOR CARRIERS

PART 1250—REPORTS OF WATER CARRIERS

PAT 1251—REPORTS OF FREIGHT FORWARDERS

Confidential Annual Report Supplement for Class I Carriers Revision to the Railroad Annual Report

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of December, 1976.

Upon consideration of the record in the above-entitled proceeding, including the petition, filed June 16, 1976, by the Association of American Railroads, for reconsideration of the report and order of the Commission, decided April 9, 1976 and served May 17, 1976, to which there were no replies; and

It appearing, That regulations adopted by said report do not appear necessary to fulfillment of the Commission's duties and responsibilities under the Interstate Commerce Act, at this time;

It further appearing, That information required by said regulations is presently available to the Commission through periodic audits of affected carriers.

It is ordered, That the petition for reconsideration be, and it is hereby, granted on the present record, and the proceeding dismissed.

It is further ordered, That the amendments to Parts 1241, 1249, 1250 and 1251 of Title 49 of the Code of Federal Regulations previously adopted in this proceeding be, and they are hereby, canceled.

By the Commission.[1]

ROBERT L. OSWALD,
Secretary.

EFFECT OF CANCELLATION UPON EXISTING REGULATIONS

In consideration of the foregoing: paragraph (b) to §§ 1241.11, 1241.21, 1241.31, 1241.61, and 1241.70 should be deleted; paragraph (b) to §§ 1249.1 and 1249.5 should be deleted; paragraph (b) to §§ 1250.10 and 1250.20 should be deleted; and paragraph (b) to § 1251.1 should be deleted.

[FR Doc.77-290 Filed 1-6-77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 226—CHILD CARE FOOD PROGRAM

Appendix—Apportionment of Child-Care Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1977

Pursuant to Section 17 of the National School Lunch Act, as amended by Pub. L. 94–105, child-care nonfood assistance funds available for the fiscal year ending September 30, 1977, are apportioned among the States as follows:

State	*Total apportionment*
Connecticut	$24,481
Maine	19,085
Massachusetts	58,964
New Hampshire	9,081
Rhode Island	12,898
Vermont	7,108
Total	131,617
Delaware	7,021
District of Columbia	12,961
Maryland	39,425
New Jersey	61,860
New York	213,883
Pennsylvania	128,573
Puerto Rico	109,046
Virginia	74,528
Virgin Islands	2,062
West Virginia	36,184
Total	685,543
Alabama	72,006
Florida	102,610
Georgia	98,290
Kentucky	56,150
Mississippi	65,507
North Carolina	100,990
South Carolina	68,047
Tennessee	66,287
Total	629,887
Illinois	$117,352
Indiana	51,651
Iowa	22,261
Kansas	20,561
Michigan	86,361
Minnesota	29,063
Missouri	49,315
Nebraska	15,305
Ohio	112,807
Wisconsin	45,040
Total	549,716
Arkansas	50,999
Colorado	36,869
Louisiana	100,774
Montana	14,338
New Mexico	39,771
North Dakota	8,348
Oklahoma	40,799
South Dakota	9,740
Texas	215,420
Utah	16,728
Wyoming	5,121
Total	538,907
Alaska	5,223
American Samoa	1,982
Arizona	39,771
California	313,371
Guam	1,466
Hawaii	12,856
Idaho	12,290
Nevada	5,803
Oregon	29,730
Trust Territory	1,260
Washington	40,578
Total	464,330
Total	$3,000,000

(Sec. 16(j), Pub. L. 94–105, 89 Stat. 522 (42 U.S.C. 1766(j)).)

Dated: December 27, 1976.

P. ROYAL SHIPP,
Acting Administrator
Food and Nutrition Service.

[FR Doc.77-344 Filed 1-6-77;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

• Purpose: The purpose of this document is to amend 7 CFR 354.1 relating to charges for overtime work performed at airports outside of the regularly established hours of service.•

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following document amends § 354.1, Overtime Work at Border Ports, Seaports, and Airports, by changing the overtime rate to be charged owners and operators of aircraft for work performed outside of the regularly established hours of service. One of the sections of the 1976 Amendments of the Airport and Airways Development Act provides that any required quarantine inspection service for operation of aircraft at airports during regularly established hours of service or Sundays and holidays will be performed without reimbursement from the owners or operators of the aircraft to the same extent such service had been performed during regularly established hours of service during weekdays, and by having any administrative overhead costs associated with such services at airports, also to be performed without reimbursement. These limitations of charges to owners and operators of aircraft for government inspection at airports are made in accordance with the Airport and Airways Development Act Amendments of 1976.

Pursuant to the authority conferred by the Act of August 28, 1950, (64 Stat. 561; 7 U.S.C. 2260) and the Airport and Airways Development Act Amendments of July 12, 1976, (90 Stat. 882; 48 U.S.C. 1741), § 354.1 of Part 354 Title 7, Code of Federal Regulations, the first sentence of § 354.1(a) is amended as set forth below:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $21.32 per man-hour per employee on a Sunday and at the rate of $14.60 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture; and except that owners and operators of aircraft will be provided service without reimbursement during regularly established hours of service on a Sunday or holiday; and except that the overtime rate to be charged owners and operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of

[1] A dissenting statement of Commissioners O'Neal and Murphy is filed as part of the original document.

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aircraft, for work performed outside of the regularly established hours of service on a Sunday will be $17.52, and for work performed outside of the regularly established hours of service for holiday or any other period will be $10.84 per hour, which charges exclude administrative overhead costs.

• • • • •

(64 Stat. 561 (7 U.S.C. 2260); (Sec. 15 of Pub. L. 94-353, 90 Stat. 882) (49 U.S.C. 1741).)

Effective date: The foregoing amendment shall become effective January 1, 1977.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., this 23rd day of December, 1976.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.76-38231 Filed 12-28-76;8:45 am]

(NOTE.—This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT) DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

1977 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

The regulation at 7 CFR 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1977 crop of extra long staple cotton held during the period December 6 to 10, 1976, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective upon filing this document with the Director, Office of the Federal Register. The material previously appearing in this section as "Subpart—1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

7 CFR 722.564 and the title to the subpart are amended to read as follows:

§ 722.564 Result of the national marketing quota referendum for the 1977 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1977 crop of extra long staple cotton was held by mail ballot during the period December 6 to 10, 1976, each inclusive, in accordance with § 722.561 (41 FR 45996) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 987 farmers engaged in the production of the 1976 crop of extra long staple cotton voted in the referendum. Of those voting, 841 farmers, or 85.2 percent, favored the 1977 national marketing quota, and 146 farmers, or 14.8 percent, opposed the 1977 national marketing quota.

(c) *1977 national marketing quota continues in effect.* The national marketing quota for the 1977 crop of extra long staple cotton of 113,000 bales proclaimed in § 722.558 (41 FR 45996) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended (7 U.S.C. 1343).)

NOTE.—The Agricultural Stabilization and Conservation Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date: These amendments become effective on January 4, 1977.

Signed at Washington, D.C., on January 3, 1977.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-583 Filed 1-4-77;11:26 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 74]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 9–15, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.374 Lemon Regulation 74.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier this week.

Average f.o.b. price was $5.03 per carton the week ended January 1, 1977 compared to $5.08 per carton the previous week.

Track and rolling supplies at 80 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1977.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 9, 1977 through January 15, 1977, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: January 5, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-847 Filed 1-6-77;11:48 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-38]

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Codification in 41 CFR 101 of the Motor Vehicle Management Policy in Federal Management Circular 74-1, Federal Energy Conservation

Federal Management Circular (FMC) 74-1, January 21, 1974, as amended, provides policy guidance for the executive branch concerning energy conservation. That circular is codified as 34 CFR Part 232. The policy and related guidance formerly appearing in Appendix A to 34 CFR Part 232 are revised as set forth below and redesignated as Subpart 101-38.13 of Title 41. Accordingly, Appendix A of 34 CFR Part 232 is hereby vacated and reserved.

The table of contents for Part 101-38 is amended by adding or revising the following entries:

Sec.
101-38.001-16 Types of vehicles.
101-38.001-17 Passenger automobiles.

Subpart 101-38.13—Energy Conservation in Motor Vehicle Management

101-38.1300 Scope.
101-38.1301 Applicability.
101-38.1302 General.
101-38.1303 Identification of passenger automobiles.
101-38.1304 Mandatory provisions affecting the acquisition and use of all motor vehicles.
101-38.1305 Mandatory provisions affecting the acquisition, use, and replacement of passenger automobiles.
101-38.1305-1 Large sedans and limousines.
101-38.1305-2 Law enforcement passenger automobiles.
101-38.1305-3 Diplomatic passenger automobiles.

Subparts 101-38.14—101-38.48 [Reserved]

Subpart 101-38.0—Definition of Terms

Section 101-38.001 is amended by revising §§ 101-38.001-8 and 101-38.001-9 and by adding new §§ 101-38.001-16 and 101-38.001-17 as follows:

§ 101-38.001 Definitions.

• • • • •

§ 101-38.001-8 Term rental.

"Term rental" means rental of a vehicle by a Federal agency by contract or other arrangement from a commercial firm for a period of 60 continuous days or more. It is synonymous with the word "leasing."

§ 101-38.001-9 Trip rental.

"Trip rental" means rental of a vehicle by a Federal agency from a commercial firm for a period of less than 60 days.

• • • • • •

§ 101-38.001-16 Types of vehicles.

"Types of vehicles" means those vehicle types as described and designated in Federal specifications issued by the General Services Administration and in comparable military specifications.

§ 101-38.001-17 Passenger automobiles.

"Passenger automobiles" means those automobiles (other than automobiles capable of off-highway operation) which the Secretary of Transportation determines by rule are manufactured primarily for use in the transportation of not more than 10 individuals. For purposes of this Part 101-38, passenger automobiles shall mean those vehicles within the purview of Federal Specifications KKK-A-811 (Sedans), KKK-A-850 (Station wagons), and comparable military specifications. Upon determination by the Secretary of Transportation, additional vehicles may be included in this definition.

New Subpart 101-38.13 is added as follows:

Subpart 101-38.13—Energy Conservation in Motor Vehicle Management

§ 101-38.1300 Scope.

This subpart prescribes requirements and guidelines to promote energy conservation in the acquisition, operation, management, and maintenance of motor vehicles used for official purposes by the Federal Government.

§ 101-38.1301 Applicability.

This subpart is applicable to executive agencies located in the United States, its territories, or its possessions and which operate Government-owned, leased, or rented motor vehicles in the conduct of official business. This subpart does not apply to motor vehicles exempted by law or other regulations. Other Federal agencies are encouraged to comply with the requirements and guidelines of this subpart so that maximum energy conservation benefits may be realized in the operation and management of Government-operated motor vehicles.

§ 101-38.1302 General.

This subpart sets forth guidelines for the improvement of Government motor vehicle management and fuel conservation by providing vehicle assignment controls, reduction in vehicle size, promotion of vehicle pooling, and other actions to foster economical and fuel efficient utilization of Government motor vehicles.

§ 101-38.1303 Identification of passenger automobiles.

Passenger automobiles shall be identified according to the current edition of Federal Specifications KKK-A-811 and KKK-A-850 (GSA-FSS), as follows:

Sedan class (new)	Station wagon class (new)	Type (old)	Descriptive name
IA			Small.
IB	IB	IA	Subcompact.
II	II	IB	Compact.
III	III	II	Midsize.
IV	IV	III, IV, V	Large.
V		VI	Limousines.

The terms "economy," "economy sedans," and "economy vehicles" refer to classes IA, IB, and II passenger automobiles.

§ 101-38.1304 Mandatory provisions affecting the acquisition and use of all motor vehicles.

(a) Subject to exceptions listed in §§ 101-38.1305 through 101-38.1305-3, all motor vehicles acquired for use by executive agencies shall be selected to achieve maximum fuel efficiency and shall be limited to the minimum body size, engine size, and operational equipment (if any) necessary to fulfill the operational needs for which the vehicles were acquired.

(b) Subject to exceptions listed in §§ 101-38.1305 through 101-38.1305-3, all motor vehicles operated by executive agencies shall be used on a pooled basis to encourage the highest level of utilization.

(c) Executive agencies shall follow the provisions of 31 U.S.C. 638a(c)(2), which define and govern the use of motor vehicles for official purposes.

(d) All requirements for rented motor vehicles exceeding the maximum order limitation established in Federal Supply Schedule Industrial Group 751, Motor Vehicle Rental Without Driver, shall be

submitted to the General Services Administration as specified in § 101–39.601 (a) and shall include full justification of the need for the vehicle and certification that the class (type) of vehicle required is in conformance with provisions thereof.

(e) Executive agencies shall ensure that all agency-held motor vehicles receive tuneups in accordance with the guidelines set forth in § 101–38.1003.

§ 101–38.1305 Mandatory provisions affecting the acquisition, use, and replacement of passenger automobiles.

The acquisition of passenger automobiles by an executive agency shall be limited to class IA, IB, or II (small, subcompact, or compact) unless the agency certifies to the Administrator of General Services that a larger class vehicle is essential to the agency's mission.

§ 101–38.1305–1 Large sedans and limousines.

(a) Use of Government limousines (class V) and large (class IV) sedans shall be eliminated. Exceptions shall be made only for the President and Vice President and for security and highly essential needs. Executive agencies shall certify all exceptions to the Administrator of General Services.

(b) All classes IV and V sedans shall be replaced by class II or smaller sedans unless a class III is absolutely essential to the agency's mission and certified accordingly to the Administrator of General Services.

§ 101–38.1305–2 Law enforcement passenger automobiles.

Passenger automobiles exceeding classes IA, IB, and II in size shall be certified by the head of the law enforcement agency to the Administrator of General Services as essential for the security and safety of its law enforcement mission.

§ 101–38.1305–3 Diplomatic passenger automobiles.

Passenger automobiles exceeding classes IA, IB, and II in size shall be certified by the appropriate official in the Department of State to the Administrator of General Services as being essential for the security of diplomatic officials.

Subparts 101–38.14–101–38.48— [Reserved]

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date: This regulation is effective January 1, 1977.

The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: January 4, 1977.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77–825 Filed 1–6–77;9:54 am]

Title 34—Government Management

CHAPTER II—GENERAL SERVICES ADMINISTRATION

PART 232—FEDERAL ENERGY CONSERVATION

Federal Motor Vehicle Management

CROSS REFERENCE: For a document which redesignates and transfers the provisions of 34 CFR Part 232, Appendix A, to 41 CFR Part 101–38, Subpart 101–38.13, see FR Doc. 77–825 appearing under Title 41 in the Rules and Regulations section of this issue of the FEDERAL REGISTER.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed Revised Pages of REA Specification PE–71 for Inside Wiring Cable

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 345–59 to announce revised pages 6 and 10 and new page 10a of REA Specification PE–71 for inside wiring cable. On issuance of REA Bulletin 345–59, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised pages of the specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 on or before February 7, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages 6 and 10, and new page 10a to REA Specification PE–71 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–59 announcing the revised pages of the specification is as follows:

REA BULLETIN 345–59

SUBJECT: REA Specification PE–71 for Inside Wiring Cable.

I. *Purpose:* To announce issuance of revised pages 6 and 10 and new page 10a of REA Specification PE–71 for Inside Wiring Cable.

II. *General:* Changes have been made requiring binder threads or tapes, core covering and slitting cord to be made of nonhygroscopic and nonwicking materials. In addition, a test procedure is established to determine that the completed cable meets long-term electrical stability requirements after having been subjected to high relative humidity and temperature cycling.

The revised pages 6 and 10 and new page 10a will each bear a revision date of January 1977. Pages 6 and 10 of REA Specification PE–71 dated March 1971 should be removed and replaced by the enclosed pages dated January 1977. These changes become effective April 1, 1977.

III. *Availability of Specification Changes:* Copies of the revised pages and new page of PE–71 will be furnished by REA upon request. Questions concerning these changes may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447–3827.

Dated: December 22, 1976.

C. R. BALLARD,
Assistant Administrator—Telephone.

[FR Doc.77–345 Filed 1–6–76;8:45 am]

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed Revised Pages of REA Specification PE–72 for Switchboard Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to revise REA Bulletin 345–61 to announce revised pages 5, 6, 10 and new page 10a of REA Specification PE–72 for switchboard cables. On issuance of REA Bulletin 345–61, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised pages of the specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before February 7, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages 5, 6, 10 and new page 10a to REA Specification PE–72 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–61 announcing the revised pages of the specification is as follows:

REA BULLETIN 345–61

SUBJECT: REA Specification PE–72 for Switchboard Cables.

I. *Purpose:* To announce issuance of revised pages 5, 6, 10 and new page 10a of REA Specification PE–72 for Switchboard Cables.

II. *General:* Changes have been made requiring binder threads or tapes, core covering and slitting cord to be made of nonhygroscopic and nonwicking materials. In addition, a test procedure is established to determine that the completed cable meets long-term electrical stability requirements after having been subjected to high relative humidity and temperature cycling.

The revised pages 5, 6, 10 and new page 10a will each bear a revision date of January 1977. Pages 5, 6 and 10 of REA Specification PE–72 dated February 1970 should be removed and replaced by the enclosed pages dated January 1977. These changes become effective April 1, 1977.

III. *Availability of Specification Changes:* Copies of the revised pages and new page of PE–72 will be furnished by REA upon request. Questions concerning these changes may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Washington, D.C. 20250, telephone number 202–447–3827.

Dated: Dec. 22, 1976.

C. R. BALLARD,
Assistant Administrator—Telephone.

[FR Doc.77–346 Filed 1–6–77;8:45 am]

Food and Nutrition Service

[7 CFR Parts 270, 271, 275]

[Amdt. 99]

FOOD STAMP PROGRAM

Proposed Rulemaking Regarding Coupon Vendors and State Agencies

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (7 U.S.C. 2011–2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend Parts 270, 271, and 275 of its regulations governing the operation of the Food Stamp Program. These regulatory provisions are proposed in response to Congressional directives contained in the "Emergency Food Stamp Vendor Accountability Act of 1976," (Pub. L. 94–339; July 5, 1976), hereinafter referred to as the Emergency Accountability Act.

Those sections of the Emergency Accountability Act, amending the Food Stamp Act of 1964 at sections 6 (b)(1) and (c)(1) and at sections 7(d) (2)(A), (3)(A), (4)(A), (5)(A), specifically direct the Secretary to promulgate regulations setting forth duties and responsibilities of coupon vendors and State agencies. Sections of the Emergency Accountability Act, incorporated as new sections 6(b)(1) and 7(d)(6) of the Food Stamp Act, specifically grant authority to the Secretary to promulgate regulations imposing reporting requirements on State agencies and coupon vendors. This rulemaking executes those explicit Congressional directives and proposes needed improvements in the coupon and cash accountability provisions of the Food Stamp Program.

The urgent need for stricter controls on coupon vendors and State agencies is detailed in the Senate [1] and House [2] Re-

[1] Senate Report No. 94–714 (March 29, 1976).
[2] House Report No. 94–1282 (June 18, 1976).

ports on the Emergency Accountability Act. Those reports point out, for example, that "• • • vendors have wrongfully withheld money they accumulated from the sale of food stamp coupons, and • • • used the money for their own purposes." (Senate Report, at 4.) A Department of Agriculture nationwide audit, begun in October 1975, discovered that 1,300 food stamp vendors "• • • apparently were not making timely deposits of the money they had collected on food stamp purchases, [and that] 12 vendors were unable to account for $5,669,840 between sales and deposits, and 14 were found to be slow in making deposits that totaled $6,831,428." (Senate Report, at 4, 5.) Moreover, the Senate and House Reports make clear that some State agencies have not exercised sufficient control over issuance and accountability sytems. (See Senate Report, at 5, and House Report, at 7.) The Senate Report, at 5, concluded that "• • • [t]imely and accurate reports of receipts and deposits are necessary to enable States to monitor vendor activities adequately." Departmental audits have identified serious vendor abuses and related problems; these include the discovery of coupon inventory shortages, vendor failure to establish separate accounts for food stamp funds, and the use of food stamp receipts for personal benefit.[3] The House Report pointed out that Department audits of 79 selected agents revealed late deposits of $18,500,000, coupon shortages of $98,000, and nondeposits of over $6,000,000.[4] Subsequent Departmental investigations uncovered additional instances of late deposits, shortages, and nondeposits. A tabulation of the results of those investigations is contained in the House Report, supra, at 6.

The regulations proposed herein are designed to reduce or eliminate the vendor abuses identified in Congressional Reports and Departmental investigations. The regulations strengthen State and Federal controls over vendor activity and establish procedures to closely monitor food stamp inventories to safeguard against vendor misuse and minimize coupon and cash exposure to loss.

Additionally, these regulations specify State agency and vendor responsibilities for coupon and cash receipts; set forth standards for the delivery of coupon inventories; and provide, in accordance with the Emergency Accountability Act, that coupon vendors are fiduciaries of the Federal Government and that funds they receive are Federal funds. The regulations also restate the criminal sanctions imposed by the Emergency Accountability Act for violations of the regulations promulgated by the Secretary.

Part of Section 3 of the Emergency Accountability Act, incorporated as Section 6(c)(1) of the Food Stamp Act, requires the Secretary to establish procedures for safeguarding coupons in the possession of vendors. However, specific regulatory requirements for security provisions are being deferred and 7 CFR 271.6(d)(2) is reserved for future rulemaking. Receipts from coupon issuances, as provided by 7 CFR 271.6(e), are also to be safeguarded in the manner to be prescribed by 7 CFR 271.6(d)(2). Because of the variety of coupon storage and issuance facilities currently in use, security procedures adaptable to each location are difficult to specify. The comment period affords an opportunity for interested persons to suggest minimum security standards, recognizing the possibility of criminal prosecution for failure to comply with such regulations as required by new Section 6(c)(2) of the Food Stamp Act. Currently, suggested security measures and a security checklist for food coupon vendors are outlined in FNS(FS) Instruction 733-3, A Security Program for Governmental Issuance Offices, which may serve as a useful reference to those interested in commenting.[5]

Amendments to 7 CFR 270.3(b) and 275.15(j)(2), on issuance agent contractual criteria and on payments to outlets for food stamp transactions, were proposed at 41 FR 11532 (March 19, 1976). These proposals stipulate provisions for issuance contracts and provide that payments to vendors be withheld until the State agencies receive transacted sales records and confirmations of deposits. Some technical changes were made on the basis of comments already received; and the proposed amendments, with revisions, are republished in proposed form herewith. Specifically, the language previously amending 7 CFR 270.3(b) has been republished as part of 7 CFR 271.6(g)(1). Comments previously received on these amendments will again be considered. Additional comments will be considered prior to issuing the final regulatory amendment.

Under these regulations, employees of the State agency, other agencies of the State, and political subdivisions, engaged in the issuance of coupons are included within the definition of "coupon vendor" and are subject to all penalties prescribed for coupon vendors. However, the regulations, in a manner consistent with sections 3(o) and 7(d)(7) of the Food Stamp Act, as amended, exclude the U.S. Postal Service from the definition of "coupon vendor" for the purposes of the regulations. The Postal Service regulatory exemptions are in accord with the Congressional intent set forth in the House and Senate Reports where it was stated that "• • • [t]he term 'coupon vendor' is not intended to include the Federal Government itself or its employees where arrangements have been made for one of its agencies to issue food stamps—for example where the Secretary and the Postal Service have established a program for the Postal Service to provide issuance services." (Senate Report at 7, House Report at 8.) The statutory and regulatory exemptions regarding the Postal Service will provide the flexibility needed to accommodate the policies and requirements of the Postal Service and insure its continued participation in the Food Stamp Program.

Interested parties should submit written comments, suggestions, or objections regarding the proposed amendments to Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250, not later than February 7, 1977. All comments, suggestions or objections received by this date will be assured of consideration before final regulations are issued.

All written comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director, Food Stamp Division, Room 650, 500 12th Street, S.W., Washington, D.C., during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday).

The new provisions governing the setting aside of all funds collected from the sale of coupons as Federal funds, 7 CFR 271.6(h)(4), their prompt deposit, 7 CFR 271.6(h)(5), and the criminal penalties applicable for failure to do so, and the provisions of 7 CFR 271.6(e)(1) concerning State agency arrangements for deposits, shall be effective upon final publication of the regulations. New provisions defining a coupon vendor, 7 CFR 270.2(nn), and governing the responsibilities of FNS, in 7 CFR 271.6(a)(1)–(4), shall also be effective upon final publication.

All other rvised provisions governing State agency and coupon vendor responsibilities shall be implemented by the State agencies not later than September 30, 1977. These provisions shall be implemented concurrently with or following implementation of an electronic funds transfer system to be used for the deposit of and accounting for food stamp cash receipts.

At the present time FNS is developing a nationwide Electronic Funds Transfer System (EFTS). A small pilot EFTS is operating in several project areas on the East and West coasts. Under this system issuance agents deposit food stamp sales receipts in an account established at a local bank (bank issuance agents will act as their own local bank). After each deposit, the agent places a telephone call (toll free) to a commercial service; this service collects deposit information and on a daily basis transmits this information, via telecommunications, to a concentration bank. This bank collects the cash deposited in the local banks and transfers the money, via wire, to the FNS Treasury account. The system will provide State agencies and FNS with reports on each agent's depositing activities.

[3] Senate Report, supra.

[4] House Report, supra, at 5. See also "Summary of Reviews made of Food Stamp Fiscal Operations," USDA Office of Audit, Report No. 2799-8-Hy (March 30, 1976).

[5] Copies of FNS Instruction 733-3 and the USDA Office of Audit Report No. 2799-8-Hy may be obtained upon request from: Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Therefore, it is proposed to amend Parts 270, 271, and 275 of Chapter II, Title 7 CFR as follows:

PART 270—GENERAL INFORMATION AND DEFINITIONS

1. Section 270.2 is amended by adding a new paragraph (nn) to read as follows:

§ 270.2 Definitions.

• • • • • •

(nn) "Coupon vendor" means any person, partnership, corporation, organization, political subdivision, or other entity with which a State agency has contracted for, or to which it has delegated administrative responsibilities in connection with, the issuance of coupons to eligible households. Offices of the United States Postal Service shall not be considered coupon vendors for the purposes of these regulations.

2. Section 270.4 is amended by adding new paragraphs (e), (f), and (g) to read as follows:

§ 270.4 Coupons as obligations of the United States, crimes and offenses.

• • • • • •

(e) Pursuant to Section 6 and 7 of the Food Stamp Act, any coupon vendor, or any officer, employee, or agent thereof shall be subject to a fine of not more than $3,000 or imprisonment for not more than one year, or both, upon being convicted of the following acts:

(1) Violations of regulations relevant to the delivery of coupons and the custody, care, control and storage of coupons in the hands of coupon vendors to secure such coupons against theft, embezzlement, misuse, loss, or destruction in accordance with § 271.6(d)(2);

(2) Failure to provide FNS with a monthly report of inventory levels in accordance with § 271.6(h)(3);

(3) Failure to deposit funds derived from the sale of coupons in accordance with § 271.6(h)(5);

(4) Failure to provide the State agency with a written notice confirming such deposits in accordance with § 271.6(h)(6); or

(5) Failure to provide FNS with a monthly written report of issuance operations in accordance with § 271.6(h)(7).

(f) Pursuant to Sections 6(b) and 7(d) of the Food Stamp Act, any coupon vendor, or any officer, employee, or agent thereof, who knowingly provides false information in any report required by § 271.6(h) shall, upon conviction, be subject to a fine of not more than $10,000, or imprisonment for not more than 10 years, or both.

(g) Pursuant to Section 7(d)(3) of the Food Stamp Act, any coupon vendor, or any officer, employee, or agent thereof, convicted of using funds derived from the sale of coupons for the benefit of any person, partnership, corporation, association, organization, or entity other than the Federal Government, prior to the deposit of such funds as required by these regulations, shall be subject to a fine of not more than $10,000, or a sum equal to the amount of funds involved in the violation, whichever is the greater, or imprisonment for not more than ten years, or both; *Provided*, That if the amount of such funds is less than $1,000, such vendor shall be subject to a fine of not more than $3,000, or imprisonment for not more than one year, or both.

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

3. Section 271.6 is amended by deleting paragraphs (b) and (f). Paragraph (a) is amended. Paragraphs (c), (d), and (e) are relettered (b), (c), and (c)(6), respectively, and the newly designated paragraph (b) and the first sentence of paragraph (c) are amended. New paragraphs (d), (e), (f), (g), and (h) are added. Paragraphs (g), (h), and (i) are relettered (i), (j), and (k), respectively, and newly designated paragraph (i) is revised and redesignated paragraph (j) is amended. The new and amended paragraphs of § 271.6 read as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

(a) *Responsibilities of FNS.* (1) FNS shall distribute coupons, printed in such denominations as it may determine necessary, directly to the receiving points the State agency has designated in its Plan of Operation. FNS shall bear the risk of loss for coupons while in transit to receiving points.

(2) FNS shall promptly advise the State agency when coupons are shipped to receiving points.

(3) FNS shall assess the reasonableness and propriety of food stamp requisitions submitted by State agencies based on prior months' inventory changes and shall notify the State agency of all adjustments to such requisitions regardless of who initiated the change.

(4) FNS shall notify the State agency each time there is a change in the coupon allotment tables.

(5) FNS shall review monthly reports of vendors' activities, submitted through the State agency in accordance with § 271.6(h)(7), for adequacy, accuracy, and reasonableness; reconcile cash with reports issued by the Federal Reserve Banks; and reconcile inventory with shipping records maintained by FNS. FNS shall review State agency verification of coupon vendor monthly reports and reserves the right to supplement this review by unannounced spot checks of inventory levels at selected receiving and issuance points.

(6) FNS shall review monthly reports from the State agency submitted in accordance with § 271.6(f) for adequacy, accuracy, and reasonableness.

(7) FNS may bill the State agency on a monthly basis for fiscal discrepancies as provided in § 271.7 of this subchapter.

(b) *State agency responsibilities for issuance.* The State agency is responsible for the acceptance, storage, and protection of coupons, after delivery to receiving points within the State; the issuance of coupons to eligible households; the control and accountability for coupons and cash receipts; and the submission to FNS of verified vendor activity reports and other reports in accordance with the provisions of this subchapter. The State agency shall monitor the activities of individual coupon vendors to assure compliance with the requirements of § 271.6(h), shall identify and correct deficiencies and report violations of the Food Stamp Act or regulations to FNS. Notwithstanding any other provisions of this subchapter, and notwithstanding any contractual agreement between State agencies and coupon vendors, State agencies shall retain fiscal liability on claims asserted under § 271.7 and shall be responsible for the compliance of coupon vendors with all applicable program requirements.

(c) *Method of Coupon Issuance.* The State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households for the purchase requirement.

• • • • • •

(d) *State agency responsibilities for coupon accountability.* (1) The State agency shall arrange for the ordering of coupons and the prompt verification of and the receipting for the contents of each coupon shipment. The State agency shall furnish FNS with the name of the person or persons authorized to sign receipts which acknowledge delivery of coupons. Deliveries of coupons shall be made only after an authorized person has signed the proper receipt.

(2) (Reserved for coupon security requirements.)

(3) The State agency shall monitor coupon inventories in the hands of receiving and issuance points to ensure inventories are at proper levels and are not in excess of the reasonable needs of such vendors. The State agency shall, at a minimum:

(i) Consider, among other things, in determining the reasonable needs of coupon vendors for inventory levels, the ease and feasibility of resupplying such inventories from bulk storage supplies within the State as well as the shipments of coupons from FNS. Such inventory levels shall not exceed a six month supply at either receiving or issuance points. The six month limitation applies to coupons on order in addition to coupons on hand at the issuance point.

(ii) Establish an accounting system for monitoring the activities of each receiving and issuance point. The State agency shall review the monthly coupon inventory reports from receiving and issuance points and shall determine the propriety and reasonableness of these inventories. Perpetual inventory records, Advices of Shipment, transfer documents, reports of returned Public Assistance Withholding (PAW) and mail issued coupons, reports of replacements of undelivered PAW and mail issued coupons, reports of improperly manufactured or mutilated coupons and reports of shortage or overage of food coupon books shall be used by the

State agency to assure the accuracy of monthly coupon inventory reports, compliance with inventory levels as required by subsection 3(i) of this subsection and the accuracy and reasonableness of coupon orders.

(iii) Take one unannounced physical inventory, at least yearly, at each bank and bulk storage facility; and, at least semiannually, at all other issuance points.

(4) The State agency shall require every official or employee, except officials and employees of the United States Postal Service, who is responsible for receiving and issuing coupons or accepting cash or other receipts from eligible households to be covered by an appropriate form of surety bond in favor of the State agency. The amount of such surety bond shall be adequate to protect the financial interests of the State agency.

(e) *State agency responsibilities for arranging for accounting for cash receipts.* (1) The State agency shall arrange for the continuous safeguarding of all receipts from coupon sales in accordance with the security requirements for coupons required by § 271.6(d)(2). The State agency shall arrange for the transfer of funds, received from the sale of coupons, to the appropriate Federal Reserve Bank (FRB) to the credit of the Treasurer of the United States via negotiable instruments or electronic funds transfers. The State agency shall arrange for the completion and delivery of a deposit document with each transmittal of funds to the FRB or shall provide for electronic funds transfers. Each such transfer of funds, as prescribed by FNS, shall be considered one deposit. The State agency shall provide that funds received from coupon sales be deposited at least weekly; *Provided*, That when such funds accumulate to $1,000 or more at any coupon sales location, the State agency shall arrange for the deposit of such funds to the FRB within one banking day following the day when the funds reached or exceeded $1,000, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the accumulation of such amount; and *Provided further*, That the State agency shall arrange for the deposit of all collections on hand, at any sales location at the end of the issuance month, regardless of amount, within one banking day following the last issuance day of the month, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the end of the issuance month.

(2) The State agency shall establish an accounting system to monitor compliance with the depositing requirements. The State agency shall compare notices of deposit received from coupon vendors, as required in § 271.6(h)(6), against ATP cards supporting such deposits for accuracy and compliance with depositing frequencies as outlined in § 271.6(h)(5). The State agency shall further reconcile such records against monthly reports received from such vendors, as required in § 271.6(h)(7), and confirm that deposits were made to the Treasury account of FNS.

(f) *State agency reporting requirements.* (1) The State agency shall review monthly reports received from coupon vendors, as required in § 271.6(h), for adequacy, accuracy, and reasonableness through the accounting system established in §§ 271.6(d)(3) and (e)(2). The State agency shall attest to the accuracy of these reports and submit them to FNS with consolidated reports summarizing coupon vendor activity.

(2) In any issuance system which uses ATP cards, the State agency shall further reconcile all coupon issuances with a master file of certified eligible households. The State agency shall report monthly to FNS, on a consolidated basis, the results of such reconciliation.

(g) *Issuance contracts.* (1) In accordance with § 270.3(b), the State agency may delegate, by contract, the duty to issue coupons to a coupon vendor. All contracts with coupon vendors shall be made in accordance with the procurement standards contained in § 275.15 of this subchapter.

(2) The State agency shall include in issuance contracts provision for the payment of interest on late deposits at 6 per centum per annum which interest shall be compounded daily from the date on which receipts were due to be deposited through the actual date of deposit.

(3) The State agency shall not contract for the issuance of coupons with any firm, or agency thereof, which is authorized to redeem coupons from households unless the State agency, with FNS concurrence, determines that such an arrangement would best achieve the purposes of the program.

(h) *Responsibilities of coupon vendors.* (1) Coupon vendors shall promptly verify and receipt for the contents of each coupon shipment delivered to them and shall be administratively responsible for the custody, care, control, and storage of coupons to secure such coupons against theft, embezzlement, misuse, loss, or destruction in accordance with written instructions issued by State agencies pursuant to § 271.6(d) of this subchapter.

(2) Coupon vendors shall maintain a proper level of coupon inventory, not in excess of reasonable needs, taking into consideration the ease and feasibility of resupplying such coupon inventories. The inventory levels shall not exceed a six month supply in accordance with § 271.6(d)(3)(i).

(3) Coupon vendors shall report monthly to FNS, through the State agency, on their inventory levels and shall forward to the State agency supporting documents for all coupon shipments and transfers.

(4) Coupon vendors shall receive funds from the sale of coupons as fiduciaries of the Federal Government. Coupon vendors shall immediately set aside all such funds as funds of the Federal Government, shall deposit the funds in the manner prescribed in § 271.6(h)(5) and shall not use such funds, prior to deposit, for the benefits of any person, partnership, corporation, association, organization, or entity other than the Federal Government. All such funds, prior to deposit, shall be safeguarded at all times from theft, embezzlement, misuse, loss or destruction as required by § 271.6(d)(2) for the security of food coupons.

(5) Coupon vendors shall transfer funds received from the sale of coupons to the appropriate FRB to the credit of the Treasurer of the United States via negotiable instruments or electronic funds transfers. Coupon vendors shall complete and send a deposit document with each transmittal of funds to the FRB or shall initiate an electronic funds transfer. Each such transfer of funds, as prescribed by FNS, shall be considered one deposit.

Coupon vendors shall deposit funds received from coupon sales at least weekly; *Provided*, That when such funds accumulate to $1,000 or more at any coupon sales location, coupon vendors shall deposit such funds to the FRB within one banking day following the day when the funds reached or exceeded $1,000, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the accumulation of such amounts; and *Provided further*, That coupon vendors shall deposit all collections on hand at any sales location at the end of the issuance month regardless of the amount of such funds within one banking day following the last issuance day of the month, unless extraordinary conditions prevent such deposit, in which case such deposit shall be made within two banking days following the end of the issuance month; and *Provided further*, That with regard to a maximum of $1,200 per month from Public Assistance Withholding collections only, with the approval of the Secretary, deposit by a State agency in its capacity as a coupon vendor, shall occur when such amount has been deposited in a joint FNS–State agency special trust account within the prescribed time limits. Such account shall be drawn upon by the State agency solely for the purpose of issuing refunds to PAW households electing not to participate in the Food Stamp Program for the month in which the deposit was made. Within two banking days after the last day of the month in which the deposit was made the State agency shall arrange for the transfer of all unused funds from such account to the appropriate FRB to the credit of the Treasurer of the United States.

(6) Coupon vendors shall, immediately upon deposit of funds from the sale of coupons, send a written notice to the State agency confirming such deposit. The written notice shall be accompanied by a copy of the deposit document and, in issuance systems using ATP cards, the transacted ATP cards supporting such deposit. At a minimum, the written notice shall contain:

(i) The name and address of the coupon vendor;

(ii) The total receipts derived from the distribution of coupons during the deposit period;

(iii) The amount of the deposit;

(iv) The name and address of the depository; and

(v) An oath, or affirmation, signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in such notice is true and correct to the best of such person's knowledge and belief.

(7) Coupon vendors shall report monthly to FNS, through the State agency, on issuance operations during the monthly reporting period. The report shall contain:

(i) The name and address of the coupon vendor;

(ii) The total receipts derived from the sale of coupons during the month;

(iii) The total amount of deposits;

(iv) The name and address of each depository receiving such funds; and

(v) An oath, or affirmation, signed by the coupon vendor, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon vendor, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.

(i) *State agency issuance instructions.* The State agency shall issue written program instructions for personnel responsible for all activity in connection with the issuance of coupons. No State agency instruction, or interpretation of FNS instructions, shall be issued without prior approval by FNS, unless FNS fails to respond to a request for approval within 30 days after the acknowledgment of its receipt by FNS.

(j) *United States Postal Service.* Fiscal practices with respect to funds collected from the sale of food coupons by the United States Postal Service and other responsibilities of the United States Postal Service in regard to the issuance of food coupons are prescribed by interagency agreement between the United States Postal Service and the Department.

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4. Section 271.7 is amended by revising paragraph (d), by adding new paragraphs (e) and (f) and redesignating present paragraphs (e) and (f) paragraphs (g) and (h), respectively. The new and amended paragraphs read as follows:

§ 271.7 Financial liabilities of the State agency.

• • • • •

(d) The State agency shall be liable to FNS for any overissuance of coupons or undercollection of cash as a result of mathematical or changemaking errors by personnel of any issuing office. The State agency shall also be liable to FNS for the bonus value of all coupons purchased through the use of expired documents or through the use of documents which are stolen or embezzled from, or lost by, the State agency.

(e) The State agency shall be liable for the loss or late deposit of any funds collected, or that should have been collected, from the sale of coupons within the State. FNS may demand payment of interest on late deposits at 6 per centum per annum which interest shall be compounded daily from the date on which receipts were due to be deposited through the actual date of deposit.

(f) FNS may, on a monthly basis, make demand on each State agency for any losses of cash or coupons reported in accordance with § 271.6(f)(2) of this subchapter, or otherwise determined.

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PART 275—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

5. Section 275.15 is amended by adding to paragraph (j)(2) a new subparagraph (v) to read as follows:

§ 275.15 Procurement standards.

• • • • •

(j) *Contract provisions.* • • •

(2) *Provisions.* • • •

(v) Contracts through which the State agency delegates its administrative responsibility for the issuance of coupons shall contain clear provisions for performance and compensation. Such contracts shall provide that State agencies shall make payment to the contractor for issuance services only after the State agencies receive: ATP cards representing the issuance transaction; properly executed reports accounting for the cash and coupons involved in the transactions; and written notices from the coupon vendors confirming the deposit of funds in accordance with § 271.6 of this Part.

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NOTE: It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

(78 Stat. 703, as amended, 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: January 3, 1977.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77–536 Filed 1–6–77;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 92]

RESTRICTIONS ON IMPORTATION OF BIRDS

Extension of Time for Submission of Comments

This notice extends the time period for submitting written comments, data, views and other information with respect to proposed restrictions on importation of birds into the United States, as published in the FEDERAL REGISTER November 12, 1976 (41 FR 50000), from December 14, 1976 to February 12, 1977. Certain representatives of importers of birds have requested that the comment period be extended an additional 60 days in order to give them adequate time to obtain relevant data and information and to develop sound views and comments.

Since the Department is interested in receiving meaningful views and comments, these circumstances are considered ample justification for an extension of the time period originally allotted for submitting views and comments.

Therefore, written comments and other material relating to this matter may be submitted to the Deputy Administrator, Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, on or before February 12, 1977.

Done at Washington, D.C., this 23rd day of December 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76–38230 Filed 12–28–76;8:45 am]

(NOTE: This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

ADVERTISING, DISCLOSURE, COOLING-OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Proposed Trade Regulation Rule; Public Availability of Staff Report to the Commission

Pursuant to Section 1.13(g) of the Commission's Rules, the staff has made its report, containing its analysis of the record and its recommendations as to the form of the final rule, to the Commission. The report is now available for public comment under Rule 1.13(h). Copies of the report may be obtained from the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Comment will be accepted on both the staff report and the presiding officer's report, which has previously been made public (see 41 FR 47267 (Oct. 28, 1976)), for a period of sixty days ending on March 8, 1977. Comments should be identified as "Comment on Presiding Officer and Staff Reports—Vocational School TRR," and addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, and submitted, when feasible and not burdensome, in five copies.

The Commission cautions all concerned that the staff report has not been reviewed or adopted by the Commission, and that its publication should not be interpreted as reflecting the present

views of the Commission or of any individual member thereof.

By direction of the Commission, dated December 21, 1976.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-554 Filed 1-6-77; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1301]

REFUSE BINS

Proposed Rule Under the Consumer Product Safety Act To Declare Certain Refuse Bins as Banned Hazardous Products

The purpose of this document is for the Consumer Product Safety Commission (Commission) to propose an amendment to provisions of the regulations under the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051–2081) by declaring as banned hazardous products certain unstable refuse bins having a capacity greater than one cubic yard (figure 1). The Commission is seeking written comment on the proposal and allowing an opportunity for oral presentation, as provided below.

BACKGROUND

On January 3, 1975, Stephen R. Redmond, the Commissioner of Health of Dutchess County, New York, petitioned the Commission to commence an appropriate proceeding to establish safe design criteria for the manufacture of refuse bins. A report accompanying the petition gave details of two serious accidents that occurred when children were playing or swinging on slant-sided refuse bins. The bins capsized, injuring two children, one fatally.

The petitioner believes that slant-sided refuse bins are unstable because the center of gravity is offset by virtue of their design and that any weight added to them, such as the weight of children hanging on or swinging on the slant side, tends to topple them. Therefore, he asks that corrective action be taken to prohibit further use of the unsafe bins and that safe design criteria be established for future use.

Thereafter, the Commission staff undertook a study to determine the use patterns and the nature of the alleged hazards associated with unstable refuse bins described in the petition.

The Commission staff studied nine in-depth investigation reports of accidents associated with refuse bins. Of the nine accidents, six were a result of refuse bins tipping over; five of these accidents were fatal. In all cases except one, the accident pattern was similar to that cited by the petitioner. In that one exception, the bin appeared to have capsized spontaneously. In addition, the Commission is aware of two other fatalities associated with refuse bins.

Tests by the Commission's Bureau of Engineering Sciences show that some slant-sided refuse bins with about a three cubic yard capacity can be tipped over by a force of as little as 44 pounds acting horizontally or 55 pounds acting vertically downward on the lip of the bin. Influencing factors include the inclination of the ground surface, the position of the lids, the orientation of the swivel wheels, and the location of the refuse within the bin.

The Commission's Office of Product Defect Identification (OPDI), and field offices studied the nature of manufacture and use patterns of slant-sided refuse bins. The OPDI survey indicates that some trash collection firms are aware of the inherent instability of their refuse bins and a few have modified units by adding braces or extensions to lessen the probability of capsizing.

The Commission's Office of Information and Education previously issued an informational fact sheet on the hazards surrounding certain unstable trash bins.

SUMMARY OF PROPOSAL

1. *Jurisdictional scope of proposed ban.* By virtue of the definition of the terms "distribute" and "commerce" in sections 3(a)(11) and (12) of the CPSA (15 U.S.C. 2052(a)(11) and (12)) the Commission has jurisdiction over consumer products which, among other things, are manufactured or offered for sale or distributed, directly into or in a manner otherwise affecting, interstate commerce. More specifically, "distribution in commerce" may include not only the sale, delivery for or the introduction, into interstate commerce, but the holding for sale or distribution *after* introduction, into commerce.

Based on this definition of "distribution in commerce" which indicates that "distribution" is not limited to sales, it is the Commission's intention that the scope of this proposed ban will extend not only to the sale of those refuse bins declared to be banned hazardous products but also to those banned bins which are the subject of a rental or lease transaction.

2. *Size of banned bins.* From six in-depth investigations for which dimensional data exists, the Commission found that the smallest bin involved in an incident causing injury or death was 1.3 cubic yards in volume. To allow for a reasonable margin of safety, it is the view of the Commission that a refuse bin with a volume of less than one cubic yard does not appear to pose an unreasonable risk of injury from tipover. Therefore, the proposed ban applies to refuse bins having an internal volume greater than one cubic yard.

3. *Proposed banning criteria.* The proposed criteria used for determining those refuse bins which are banned are based upon the actual hazard pattern prevalent in most of the cases known to the Commission. The proposal provides that bins are banned if they tip over when subjected to: (1) a vertically downward force of 191 pounds applied at a point most likely to cause tipping, or (2) a horizontal force of 70 pounds applied at a point and in a direction most likely to cause tipping. These criteria are suggested by a draft proposed standard developed by the American National Standards Institute (Z245.3–1976).

The vertical downward force of 191 pounds is based, in part, upon the weight of two 99th percentile eight year old females. Tests on representative bins disclosed that tip-over will occur with as little as 55 lbs. vertical force exerted on the lip. Therefore, requiring a bin to withstand 191 pounds of vertical downward force will provide the necessary margin of safety.

Tests conducted by the Commission on bins similar to those which are the subject of this ban disclosed that tip-over will occur with as little as 44 pounds horizontal force exerted on the lip of the bin. Other tests indicate that two eight year olds can pull horizontally with as much as 65 pounds. Therefore, in order to insure a margin of safety the horizontal force specified in the proposed ban is increased and set at 70 pounds.

EFFECTIVE DATE

The Commission suggests in the proposal that the effective date be delayed for nine months after the ban is promulgated as a final regulation. The Commission believes that unstable bins may be made stable and therefore does not recommend that these bins merely be discarded. Therefore, those persons and groups affected by this ban are encouraged to use this period for retrofitting the bins so as to make them stable and thereby no longer subject to the proposed ban. Although the Commission believes that the necessary retrofit is a relatively simple task, the nine-month period is reasonable to allow those in this rather fragmented industry who are affected by the ban, to carry out the retrofit.

ENVIRONMENTAL CONSIDERATIONS

Based upon an informal assessment of information presently available, the Commission anticipates no significant effects on the natural environment from the proposed ban. However, the Commission is soliciting information and comments on the subject for its consideration prior to making a final decision on the need for an environmental impact statement. The Commission anticipates it will make this decision by the end of January 1977 and urges all interested persons to provide views and data on this issue.

CONCLUSION AND PROPOSAL

Under sections 7 and 9 of the CPSA (15 U.S.C. 2056, 2058), the Commission has the authority to set standards and under sections 8 and 9 (15 U.S.C. 2057, 2058) it has the authority to issue rules declaring that hazardous consumer products are banned. Where the Commission determines that a consumer product is being, or will be, distributed in commerce and that it presents an unreasonable risk of injury against which no feasible consumer product safety standard under the CPSA can adequately protect the public, it may propose a rule declaring the product to be a banned hazardous product.

Based on the injury data, engineering analysis, and the apparently low incidence of modification of unstable refuse bins alluded to in the "Background" section, the Commission preliminarily determines that certain refuse bins having an internal volume greater than one cubic yard and which will tip over when subjected to a vertical downward force of 191 pounds or a horizontal force of 70 pounds applied at a point and in the direction most likely to cause tipping, present an unreasonable risk of injury. In addition, the Commission preliminarily determines that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these refuse bins because a consumer product safety standard addressing this unreasonable risk of injury would be applicable only to those bins manufactured after the effective date of the standard. In contrast, a consumer product safety rule declaring that certain refuse bins are banned hazardous products can apply to those already in commerce on the effective date of the ban.

The Commission therefore proposes to declare that certain unstable refuse bins that fail to satisfy the criteria set out below, are banned hazardous products.

Accordingly, pursuant to provisions of the CPSA (secs. 8 and 9), 86 Stat. 1215–17, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B the following new Part 1301:

PART 1301—BANNED HAZARDOUS REFUSE BINS

Sec.
1301.1 Scope and application.
1301.2 Purpose.
1301.3 Definitions.
1301.4 Banning criteria.
1301.5 Test conditions.
1301.6 Test procedures.
1301.7 Effective date.

AUTHORITY: Secs. 8, 9, 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2068.

§ 1301.1 Scope and application.

In this Part 1301 the Consumer Product Safety Commission (Commission) declares certain refuse bins banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to those refuse bins which are being distributed in commerce after the effective date which do not meet the criteria of § 1301.4 and which are produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise. The Commission has found that (a) these refuse bins are being, or will be distributed in commerce; (b) they present an unreasonable risk of injury; and (c) no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products. The ban is applicable to those refuse bins having an internal volume greater than one cubic yard which will tip over when subjected to the forces described in § 1301.6 and which are in commerce or being distributed in commerce after the effective date of the ban. Such refuse bins when they are the subject of rental or lease transactions involving owners of refuse bins or refuse collection agencies and persons who make such refuse bins available for use by the public, are considered to be distributed in commerce and therefore come within the scope of this ban.

§ 1301.2 Purpose.

The purpose of this rule is to ban certain refuse bins which have been found to present an unreasonable risk of injury due to tip-over resulting in serious injury or death from crushing.

§ 1301.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1301:

(b) "Refuse bin" means a metal receptacle having an internal volume greater than one cubic yard which temporarily receives and holds refuse for ultimate disposal either by unloading into the body or loading hopper of a refuse collection vehicle or by other means.

§ 1301.4 Banning criteria.

Any refuse bin produced or distributed, for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise which is in commerce or being distributed in commerce after the effective date of this ban and which has an internal volume greater than one cubic yard and tips over when subjected to the test procedures described below is a banned hazardous product.

§ 1301.5 Test conditions.

(a) The refuse bin shall be empty and have its lids or covers in a position which would most adversely affect the stability of the bin when tested.

(b) The refuse bin shall be tested on a hard, flat surface. During testing, the bin shall not be tilted from level in such a way as to increase its stability.

(c) Those refuse bins equipped with casters or wheels shall have the casters or wheels positioned in a position which would most adversely affect the stability of the bin and shall be chocked to prevent movement.

(d) The stability of the refuse bin shall be tested without dependence upon non-permanent attachments or restraints such as chains or guys.

(e) For purposes of enforcement, bins will be tested by the Commission in that position which would most adversely affects its stability.

§ 1301.6 Test procedure.

(a) The refuse bin shall be subjected to the following separate actions:

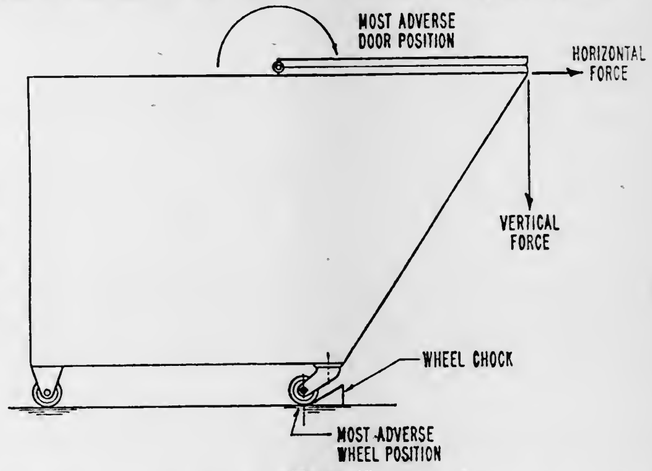
(1) A horizontal force of 70 pounds shall be applied at a point and in a direction most likely to cause tipping, and

(2) A vertically downward force of 191 pounds shall be applied to a point most likely to cause tipping. (See Figure 1.)

(b) These forces shall be applied separately.

§ 1301.7 Effective date.

The effective date of this ban shall be nine months after publication of this Part 1301 in the FEDERAL REGISTER.



"FIGURE 1"

Regarding proposed Part 1301, interested persons are invited to submit written comments before the close of business February 7, 1977. Comments may be accompanied by written data, views, and arguments and should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., 3rd floor, Washington, D.C. 20207. Received

comments and other related material may be seen in the Office of the Secretary, during working hours Monday through Friday.

Oral presentations. Interested persons will be afforded an opportunity to make an oral presentation of data, views, or arguments in addition to the opportunity to make written comments, on any aspect of the proposed standard on January 31, 1977. The proceedings for the oral presentation will be held at 10:00 a.m. at the Commission's hearing room at 1111 18th Street, NW., Washington, D.C. The procedural regulations for oral presentation, 16 CFR Part 1109, promulgated October 14, 1975. (40 FR 49122), shall govern this proceeding.

All persons wishing to make an oral presentation should notify Richard Danca of the Office of the Secretary, (202) 634–7700, no later than close of business January 17, 1977 for scheduling purposes. A summary or outline of each oral presentation and an estimate of the length of time it will require should be filed with the Office of the Secretary at least two business days prior to the oral presentation.

Section 9(c) of the CPSA (15 U.S.C. 2058(c)) requires the Commission, prior to promulgating a consumer product safety rule, to consider and make certain findings for inclusion in that rule. In order to aid the Commission in this endeavor, the Commission is particularly interested in soliciting, either by written comment or through the oral presentation, additional data, views and arguments as to the following:

1. The degree and nature of the risk of injury the rule is designed to eliminate or reduce;

2. The approximate number of consumer products, or types or classes thereof, subject to the rule;

3. The need of the public for the consumer product subject to such rule and the probable effect of such rule upon the utility, cost, or availability of such products to meet that need;

4. Any means of achieving the objective of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety;

5. The necessity of the rule to eliminate or reduce the unreasonable risk of injury associated with the consumer products subject to the rule;

6. Whether the rule is in the public interest;

7. The feasibility of a consumer product safety standard under the CPSA to protect the public adequately from the unreasonable risk of injury associated with those refuse bins which are the subject of this proposed ban;

8. The potential environmental effects of the rule; and

9. Any adverse effects that this proposed ban will have on elderly and handicapped persons.

In addition, the Commission is seeking public comment on the types and costs of possible retrofits and on any anticipated economic impact that this proposed ban will have on industry and the consumer.

In making its final decision on the rule proposed herein, the record shall consist of all information available to the Commission, whether obtained during the course of this proceeding or outside of this proceeding.

Dated: January 4, 1977.

SHELDON D. BUTTS,
Acting Secretary,
Consumer Product Safety Commission.

[FR Doc.77-730 Filed 1-6-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3e]

[Docket No. 76N-0400]

NONCLINICAL LABORATORY STUDIES

Proposed Regulations for Good Laboratory Practice Regulations

Correction

In FR Doc. 76-34014 appearing at page 51206 in the issue of Friday, November 19, 1976, the following corrections should be made:

1. On page 51206, first column, 13th line down, the figure "387" should read "381".

2. On page 51209, second column, the 16th line from the bottom should read "termine physical or chemical characteristics of a test".

3. On page 51214, third column, 4th full paragraph beginning "Proposed § 3e.130(e)", seventh line, second word "are" should read "with".

4. On page 51228, third column, next to last line in § 3e.219, should read, "facility. A determination that the testing facility has been reinstated is disclosable".

[21 CFR Part 121]

[Docket No. 76N-0510]

FOOD ADDITIVES

Saccharin and its Salts

The Food and Drug Administration (FDA) is proposing to amend the interim food additive regulation for saccharin and its salts to establish a tolerance for toluenesulfonamide of 25 parts per million (ppm), the lowest level currently achievable. Interested persons have until March 8, 1977 to submit comments.

Ortho-toluenesulfonamide (OTS) is the major impurity that is commonly found in commercial saccharin. The amount of OTS in saccharin has been found to range from practically none to 6,100 ppm. The amount of OTS present in saccharin appears to depend on the process used to manufacture it. Saccharin produced by the Remsen-Fahlberg process contains the highest amount of OTS (up to 6,100 ppm), while that produced by the Maumee process contains the lowest amount (up to 25 ppm).

Data from animal feeding studies have suggested that adverse effects may be caused by saccharin, its impurities, including OTS, or by interaction between saccharin and its impurities. Studies are underway in Canada which are expected to resolve the questions about these adverse effects and to pinpoint the responsible compound. These studies are more fully described in the notice extending the effective date of the interim food additive regulation for saccharin and its salts in § 121.4001(c) published elsewhere in this issue of the FEDERAL REGISTER.

OTS is a carbonic anhydrase inhibitor. Inhibition of this enzyme results in an alkaline urine that contains increased amounts of bicarbonate. It has been suggested that this condition favors stone formation in the bladder and kidneys. Some sulfonamides have been shown to produce bladder stones and ultimately tumors, and it has been inferred from certain studies that a cause-effect relationship could exist between the formation of stones and bladder tumors. Bladder stones could be responsible for tumors because prolonged irritation of the bladder or kidneys by the stones may cause hyperplasia and consequently tumors.

The interim food additive regulation under § 121.4001(b) for saccharin currently requires that saccharin and its salts "meet the specifications of the 'Food Chemicals Codex.'" In June 1974, the National Academy of Sciences/National Research Council (NAS/NRC), the body responsible for preparing the Food Chemicals Codex, issued the First Supplement to the Second Edition of the Food Chemicals Codex. In the Supplement, the NAS/NRC adopts a specification (tolerance) of not more than 100 ppm (0.01 percent) for total toluenesulfonamides in saccharin.

Data and information have recently come to the attention of FDA that indicate that technological advances now make it feasible, both for domestic and foreign manufacturers of saccharin, to reduce substantially the amount of impurities, including OTS, present in food grade saccharin. The data available to FDA indicate that the tolerance for toluenesulfonamide in saccharin can be lowered feasibly at this time to 25 ppm (0.0025 percent). This proposal would accordingly amend the interim food additive regulation for saccharin to limit the amount of toluenesulfonamide permitted in saccharin to 25 ppm.

Although data and information currently available to FDA indicate that 25 ppm for toluenesulfonamide is a reasonable and attainable tolerance, the Commissioner acknowledges that those data are incomplete. Accordingly, the Commissioner encourages all persons with additional data and information about the levels of toluenesulfonamide in saccharin to submit comments on this proposal. The Commissioner particularly solicits information concerning the following subjects:

1. Complete descriptions of the manufacturing processes used to manufacture saccharin and its salts.

2. Data on the amounts of total toluenesulfonamide typically found in saccharin and its salts produced by the various manufacturing processes. The data should also include the maximum amounts of ortho-toluenesulfonamide and para-toluenesulfonamide present in saccharin and its salts.

3. Description of the analytical methods used to determine the data requested in paragraph 2 above.

4. Descriptions of the procedures used to determine the accuracy and reliability of the analytical methods employed.

Information concerning the available analytical methods for determining the amount of total toluenesulfonamide, OTS, and para-toluenesulfonamide present in saccharin is required because the Commissioner is unaware of such a method that accurately and reliably detects the toluenesulfonamide impurities as low as 25 ppm. The Food and Drug Administration has been advised that efforts are underway to validate an analytical method that will accurately and reliably measure toluenesulfonamide at levels below 25 ppm. These efforts involve modification of the methodology currently set forth in the Food Chemicals Codex, 2d Ed., First and Second Supplements. The Commissioner hopes that these efforts will be completed before the comment period closes on this proposal.

An accurate and reliable analytical method for measuring toluenesulfonamide at levels below 25 ppm is required by FDA to assure compliance with the 25 ppm tolerance. The Commissioner advises that it may be necessary to modify the proposed tolerance of 25 ppm for toluenesulfonamide if efforts to validate an analytical method for measuring toluenesulfonamide below 25 ppm are not successful. The final regulation will specify not only the tolerance for toluenesulfonamide, but a validated analytical method for measuring the amount present.

The Commissioner has carefully considered the environmental effects of the proposed regulation and because the proposal will not significantly affect the quality of the human environment, he has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

(Sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262).)

It is proposed that § 121.4001 be amended by revising paragraph (b) to read as follows:

§ 121.4001 **Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.**

* * * * *

(b) The food additives meet the specifications of the Food Chemicals Codex, 2d Ed. (First and Second Supplements) [1] except that toluenesulfonamides may not be present at more than 25 parts per million (0.0025 percent).

Interested persons may, on or before March 8, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: December 29, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-423 Filed 1-6-77;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-77-429]

MOBILE HOME LOANS

Prepayment of Loans

The Department of Housing and Urban Development is considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart B, "Mobile Home Loans". The proposed amendments would state the method of calculation that must be used by insured lenders when a loan is prepaid or matured, and allow an acquisition or minimum retained charge not to exceed fifty dollars when a loan is prepaid when such charge is permitted by state law.

The purpose of the proposed amendment is to make the Department's mobile home financing program uniform with its mortgage insurance programs insofar as calculation of earned interest is concerned, and to provide a more equitable method of calculating such interest. The amendment will preclude use of the "sum of the digits" method (also known as the "78th's" method) which some lenders use to determine interest earned at any point in the life of a loan, which method favors the lender.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, and arguments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

All relevant materials received on or before February 8, 1977, will be considered before adoption of a final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

A Finding of Inapplicability pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, has been made with regard to these proposed regulations in accordance with HUD Handbook 1390.1. A copy of the Finding of Inapplicability is available for public inspection at the above address.

The proposed amendments are as follows:

1. In § 201.501 a new paragraph (n) is proposed to read as follows:

§ 201.501 **Definitions.**

* * * * *

(n) "Actuarial method" means the method of allocating payments made on an obligation between the amount financed and the amount of the finance charge, pursuant to which a payment is applied first to the accumulated finance charge and the balance is applied to the unpaid amount financed.

2. Section 201.540(b) is proposed to be amended to read as follows:

§ 201.540 **Financing charges.**

* * * * *

(b) *Prepayment rebate.* If an obligation is paid in full, or otherwise matured, prior to its scheduled maturity, the insured shall rebate the full unearned charge, if any, where such rebate is one dollar or more. The earned charge shall be calculated by the actuarial method. When an obligation is prepaid in full, where the law of the jurisdiction permits an acquisition or minimum retained charge, such charge, not to exceed fifty dollars, may be collected from the borrower.

3. Section 201.585 is amended by adding the following material after the first sentence, to read as follows:

§ 201.585 **Refinancing.**

* * * The full amount of any unearned finance charge on the original obligation shall be rebated to the borrower. The earned charge shall be calculated by the actuarial method. The borrower may be assessed a handling charge of not more than $25 in connection with the refinancing.

4. Section 201.680(a) is amended to read as follows:

§ 201.680 **Amount of claim.**

* * * (a) Deduct from the unpaid amount of the obligation (net unpaid principal and the earned portion of the finance charge calculated according to the actuarial method), * * *

* * * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703, as amended by P.L. 93-383)

Issued at Washington, D.C., December 30, 1976.

It is hereby certified that the economic and inflationary impacts of this proposed

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regulation have been carefully evaluated in accordance with OMB Circular A-107.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.77-590 Filed 1-6-77;8:45 am]

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 501]

[Docket No. R-71-151]

MANDATORY USE OF URBAN RENEWAL LAND DISPOSITION FORMS

Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is the withdrawal of proposed rulemaking. By notice published under the above Rules Docket Number at 36 FR 23576 December 10, 1971, it was proposed to amend Chapter V of Title 4 of the Code of Federal Regulations to add a new Part 501 entitled "Mandatory Use of HUD Standards Contract Forms for Urban Renewal Project Land Disposition". Having given consideration to the public comments and in view of the lapse of time since the initial proposal, the need to reduce paperwork, and the decentralization of decision making to the local level it has been determined that HUD will not finalize the proposed rule.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (36 FR 23576) on December 10, 1971, is hereby withdrawn.

Issued at Washington, D.C., December 30, 1976.

WARREN H. BUTLER,
Acting Assistant Secretary for Community Planning and Development.

[FR Doc.77-589 Filed 1-6-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[26 CFR Part 54; 29 CFR Part 2550]

EXEMPTIONS FOR PROVISION OF SERVICES AND OFFICE SPACE TO EMPLOYEE BENEFIT PLANS, INVESTMENT OF PLAN ASSETS IN BANK DEPOSITS, AND PROVISION OF BANK ANCILLARY SERVICES TO PLANS, AND TRANSITIONAL RULE FOR PROVISION OF SERVICES TO PLANS; AND PROPOSED CLASS EXEMPTION REQUESTED BY THE NATIONAL ASSOCIATION OF PENSION CONSULTANTS AND ADMINISTRATORS, INC., THE INVESTMENT COMPANY INSTITUTE, AND OTHERS

Hearing on Notices of Proposed Rulemaking and Proposed Class Exemption

Proposed regulations under sections 4975(d) (2), (4), (6), and (10) of the Internal Revenue Code of 1954 (the Code) and section 2003(c) (2) (D) of the Employee Retirement Income Security Act of 1974 (the Act), and sections 408 (b) (2), 408(b) (4), 408(b) (6), 408(c) (2) and 414(c) (4) of the Act, appeared in the FEDERAL REGISTER for July 30, 1976 (41 FR 31838, 31874). These proposed regulations relate to the provision of services and office space to employee benefit plans, the investment of plan assets in bank deposits, the provision of bank ancillary services to plans, and the transitional rule for the provision of services to plans until June 30, 1977.

By notice appearing in this issue of the FEDERAL REGISTER, the Department of Labor and the Internal Revenue Service (hereinafter collectively referred to as "the Agencies") have also announced the pendency of a proposed class exemption involving, among other things, the receipt of insurance and mutual fund sales commission by pension consultants, insurance agents and brokers and mutual fund principal underwriters and their affiliates who are fiduciaries of service providers with respect to employee benefit plans.

A public hearing on the provisions of the proposed regulations and the proposed class exemption will be held on February 14, 1977, beginning at 10:00 a.m. in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Service Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

In addition, the comment period with respect to the proposed regulations described above, which terminated on September 23, 1976, is hereby extended to January 27, 1977.

Proposed regulation 26 CFR 54.4975–6 (b) (1), relating to the statutory exemption for the provision of office space or services to plans set forth in section 4975(d) (2) of the Code, states that:

> It (the exemption in section 4975(d)(2)) does not provide an exemption from section 4975(c) (1) (E) (relating to fiduciaries dealing with the income or assets of plans in their own interest or for their own account) or from section 4975(c) (1) (F) (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in conection with a transaction involving the income or assets of the plan).

Thus, a person who is a fiduciary with respect to a plan may not provide additional services to the plan and receive any compensation or other consideration in connection therewith, unless such provision of services is arranged and approved on behalf of the plan by a fiduciary who is independent of and unrelated to the fiduciary providing such services, who is not a party to such arrangement for the provision of services, who does not receive any compensation or other consideration with respect to such provision of services, an dwho has no other interest with respect to the transaction that might affect the exercise of such fiduciary's best judgment as a fiduciary.

Proposed regulation 29 CFR 2550.408b–2(b) (1) contains a similar statement with respect to section 408(b) (2) of the Act (i.e., that it does not provide an exemption from the prohibitions of sections 406(b) (1), (2) and (3) of the Act).

The many comments received on these proposed regulations suggest the need for further explanation. The following points are offered.

First, a person is a "fiduciary" if that person exercises any authority or control regarding management or disposition of plan assets, or has or exercises discretionary authority, control or responsibility for plan administration or management, as described in sections 3(21) (A) (i) and (iii) of the Act and 4975(e) (3) (A) and (C) of the Code, or if that person renders investment advice to the plan for a fee or other compensation, direct or indirect, as defined in sections 3(21) (A) (ii) of the Act and 4975(e) (3) (B) of the Code, and the regulations thereunder (29 CFR 2510.3–21 and 26 CFR 54.4975–9.) In this connection, as noted in the Conference Report accompanying the Act (H.R. Rep. 93–1280, 93d Cong. 2d Sess. (1974) 323), there will be situations in which a person who renders advisory or consulting services to a plan will be a fiduciary, although not formally named as such, because, by virtue of his or her actions, he or she exercises discretionary authority or control with respect to the management or administration of such plan or has authortiy or control regarding the assets of the plan.

Second, if a person has or exercises authority, control, or responsibility over plan management or administration or over the disposition of plan assets sufficient to make such person a fiduciary respecting such plan, sections 406(b) (1) of the Act and 4975(c) (1) (E) of the Code prohibit that person from exercising such authority, control, or responsibility respecting such plan so as to deal with the income or assets of the plan in his or her own interest or for his or her own account.

Third, the rule in the proposed regulations cited above was not intended to mean that a fiduciary can exercise the authority, control or responsibility that makes such person a fiduciary to benefit himself or herself, even if a second fiduciary, who is independent and has no personal interest in the matter, approves the first fiduciary's undertakings. The first fiduciary is still subject to the prohibition contained in sections 406(b) of the Act and 4975(c) (1) (E) and (F) of the Code against the exercise of such fiduciary's powers to deal with plan income or assets for his or her own benefit or the benefit of others, notwithstanding the actions of a second fiduciary.

Fourth, sections 406(b) (1) of the Act and 4975(c) (1) (E) of the Code do not prohibit a person from providing additional services to a plan merely because that person is a fiduciary. A fiduciary may not use the authority, control or responsibility that makes such person a fiduciary to, for example, authorize the retention of himself or herself to provide such additional services. However, if such fiduciary does not have or exercise any such authority, control or responsibility in connection with the retention of himself or herself to provide such additional services, the retention of such fiduciary to provide such additional services to the plan by a second fiduciary does not constitute a violation by the first fiduciary of the prohibition against fiduciary self-dealing contained in sections 406(b) (1) of the Act and 4975(c) (1) (E) of the Code.

Examples of the above points in operation are as follows:

Example 1. On January 1, 1978, F, a fiduciary of plan P with overall authority over the administration of P, acting on behalf of P, successfully negotiates with I, a professional investment manager in which F has no interest which might adversely affect the exercise of F's judgment as a fiduciary, a contract under which I will render investment advice to P of a type which causes I to be a fiduciary of P under sections 3(21) (A) (ii) of the Act and 4975(e) (3) (B) of the Code. Thereafter F, acting on behalf of P, negotiates a second contract with I under which I will perform bookkeeping services for P for a fee. The making of such a contract does not constitute a prohibited transaction within the meaning of sections 406(b) (1) of the Act and 4975(c) (1) (E) of the Code because I did not use any of the authority, control or responsibility which makes I a fiduciary to cause the plan to retain I to perform the bookkeeping services.

Example 2. On January 1, 1976, F, a fiduciary of plan P, which covers F's employees, commences providing bookkeeping services at no charge to P. The provision of such services does not constitute a prohibited transaction within the meaning of sections 406(b) (1) of the Act and 4975(c) (1) (E) of the Code because F has received no compensation or other consideration with respect to the provision of such services.

Example 3. C, a consultant to plan P, is, under the particular facts and circumstances, a fiduciary with respect to P. On January 1, 1978, C recommends to D, a named trustee of the plan with discretion over the management and disposition of plan assets, that the plan purchase an insurance policy from insurance company U, which is not a party in interest or disqualified person with respect to P. C thoroughly explains the reasons for the recommendation, and makes a full disclosure concerning the fact that C will receive a commission from the sale of such policy from U. D considers the recommendation and approves the purchase of the policy by the plan. C receives a commission. Under such circumstances, C has engaged in a prohibited transaction under sections 406(b) (1) of the Act and 4975(c) (1) (E) of the Code. However, if the pending class exemption which appears elsewhere in this issue of the FEDERAL REGISTER is granted, the transaction would be exempt from the prohibited transaction provisions of section 406 of the Act and section 4975 of the Code if the transaction satisfies the conditions set forth in the exemption.

Example 4. Assume the same facts as in Example 3 except that the nature of C's relationship with the plan is not such that C is a fiduciary of P. The purchase of the insurance policy would not be a prohibited transaction under sections 406(b) (1) of the Act and 4975(c) (1) (E) of the Code.

Any interested person who desires to present oral comments at the hearing and who wishes to be assured of being heard should submit a statement to that effect, an outline of the topics he wishes to discuss, and the time he wishes to devote, by 3:30 p.m. on February 10, 1977. The statement and outline should be submitted to the Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room C–4526, Washington, D.C. 20216, attention, application D–183 Hearing. An agenda will then be prepared containing the order of presentation of oral comments and the time allotted to such presentation. Ordinarily, a period of 10 minutes will be the time allotted to each person for making his oral comments. Information with respect to the contents of the agenda may be obtained on February 11, 1977, by telephoning (Washington, D.C.) 202–523–8881.

At the conclusion of the presentations of comments by persons listed in the agenda, to the extent time permits, other comments will be received. The public hearing will be transcribed.

A person wishing to make oral comments at the hearing may do so without filing written comments. Persons making oral comments should be prepared to answer questions regarding information brought forth on their comments (including written comments, if any).

Signed at Washington, D.C., this 22d day of December, 1976.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-38232 Filed 12-28-76;8:45 am]

(NOTE: This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

[26 CFR Part 301]

CLASSIFICATION OF ORGANIZATIONS FOR PURPOSES OF FEDERAL TAXATION

Withdrawal of Notice of Proposed Rulemaking

In order to permit consideration of certain aspects of the notice of proposed rulemaking in the FEDERAL REGISTER for January 5, 1977 (42 FR 1038), said notice is hereby withdrawn.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.77-843 Filed 1-6-77;11:15 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Cooperative Agreement With Utah for the Enforcement and Administration of Surface Coal Mine Reclamation Standards

On May 17, 1976, the Department of the Interior adopted new regulations to govern the management of federally-owned coal resources. 41 F.R. 20252 (1976). These regulations authorize the Department of the Interior to enter into Cooperative Agreements with States in which federal coal leases have been or will be issued for the purpose of avoiding duality in the administration and enforcement of surface coal mining reclamation operations. 30 CFR 211.75.

The Secretary and the Governor of Utah have completed the negotiation of a Cooperative Agreement under this authority. The Agreement provides that the State of Utah will be the principal entity, wherever possible, responsible for the administration and enforcement of surface coal mine reclamation operations on Federal coal leases in Utah.

The Department of the Interior's surface mining regulations require a federal coal lessee to conduct mining operations in a manner which ensures the effective reclamation of mined lands.

An operator must, in particular, meet all the performance standards in 30 CFR 211.40 (1976). The Department's regulations require this degree of protection to be maintained, and the Department cannot enter into a Cooperatve Agreement which compromises the degree of environmental protection established under Federal laws and regulations. The proposed Cooperative Agreement maintains this degree of environmental protection.

The State of Utah's reclamation regulation's do not contain mandatory requirements that afford general protection of environmental quality and values at least as stringent as would occur under the exclusive application of federal law. However, the State of Utah has the authority to administer its reclamation laws and regulations in a manner that provides the same degree of environmental protection as required by Federal law. The proposed Cooperative Agreement commits the State of Utah to this degree of environmental protection on Federal coal leases and requires the State of Utah to ensure that "all mining plans approved under this Agreement shall afford general protection of the envirnoment at least as stringent as would occur under the exclusive application of 30 CFR Part 211." The proposed Agreement also requires that the procedures of the State are as effective as the procedures of the Department of the Interior to enforce the requirements of the mining plan. If the State of Utah is unable to meet these assurances, the Department has the duty, under the proposed Agreement, to notify Utah that it intends to cancel the Agreement. The Department of the Interior will require reports from the State of Utah and will conduct inspections to determine whether the State of Utah is complying with the assurances of the Agreement.

In the regulations promulgated on May 17, 1976, the Department also established a procedure by which the Department could adopt the principal substantive, on-the-ground standards of a state's reclamation law as the federal standards for operations on federal coal leases in the State, as long as the states' requirements afforded "general protection of environmental quality and values at least as stringent as would occur under exclusive application of the federal

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standards." 30 CFR 211.75(a). In an advance notice of proposed rulemaking, the Department explained what steps it would take to determine whether it would adopt the requirements of a State's reclamation law. 41 FR 27993 (1976). This rulemaking takes no action under this section, and does not affect the requirements of 30 CFR 211.40, or the standards the Department of the Interior will use to approve a mining plan.

The Department regards four elements as central to a Cooperative Agreement for the administration and enforcement of surface coal mine reclamation standards: Mine plans; inspections; enforcement provisions; and bonding requirements. The Department believes that the State of Utah is capable of administering and enforcing reclamation operations on federal coal lease in Utah in such a way that federal interests are protected.

Although the proposed Agreement grants the State the principal authority for administering and enforcing reclamation operations, we note the following. First, the First Coal Leasing Amendments Act of 1975, Pub. L. 94–377, requires the Secretary to approve the mining plan of a federal lessee. Article IV, section C of the Cooperative Agreement states the Secretary's duty to review and approve mining plans independently from state review and approval. The Agreement does avoid the application of conflicting standards by allowing the submission of one mining plan to the State and the Department.

Second, the Department retains its authority to establish the amount of the performance bond to be imposed. Article VII, section A avoids the imposition of double bonds by providing that the Department's bond requirement, if higher than the State's, will only be for the amount of the difference between the two amounts.

Variance procedures are treated in Article IV of this Agreement, which requires the Department to use, in Utah, its existing variance procedures.

The proposal contains the text of the Cooperative Agreement but it also contains proposed technical changes in 30 CFR 211.10 and 211.74(a) to conform those rules to the adoption of the Cooperative Agreement.

This proposed rulemaking does not explicitly amend 43 CFR Subpart 3041, but the Department wishes to state that the enforcement and administration provisions of that Subpart will be administered consistently with the changes in 30 CFR Part 211 proposed here.

The environmental impacts of this proposed action are discussed in the final Environmental Impact Statement, Surface Management of Coal Resources (43 CFR Subpart 3041) and Coal Mining Operation Regulations (30 CFR Part 211) (1976). NEPA does not require and the Department has not prepared a separate impact statement for this action.

The Department believes that this Cooperative Agreement can promote both coal production and proper surface coal mine reclamation by eliminating duplication in the administration and enforcement of reclamation laws.

The Department will accept and consider written comments on the proposed rulemaking until February 10, 1977. Comments should be directed to Deputy Under Secretary Lyons, Chairman, Task Force on the Determination of State Role in Federal Surface Coal Mine Programs, Department of the Interior, Washington, D.C. 20240.

Dated: January 4, 1977.

THOMAS S. KLEPPE,
Secretary of the Interior.

1. Accordingly, it is proposed that 30 CFR 211.10 be amended by the addition of a paragraph (e)(2) to read as follows:

§ 211.10 Exploration and mining plans.

* * * * * * *

(e) *States with § 211.75(b) agreements.* * * * (2) Utah. A Federal coal lessee in the State of Utah who must submit a mining plan or permit under both State and Federal law shall submit in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) Utah Code Ann., 1953, as amended, § 40–8–13.

(ii) Rule M–3, of Utah Division of Oil, Gas and Mining Rules and Regulations.

(iii) 30 CFR 211.10(c); and

(iv) A statement certifying that a copy of the plan or permit application has been given to both the Governor and the Secretary.

2. It is proposed that 30 CFR 211.74 be amended by the addition of a paragraph (g)(2) to read as follows:

§ 211.74 Variances.

* * * * * * *

(g) *States with § 211.75(b) agreements.* * * *

(2) *Utah.* A Federal coal lessee in the State of Utah shall request and receive variances from the State of Utah and the Secretary under the provisions of 30 CFR 211.74.

3. It is proposed that the Department enter into and approve a Cooperative Agreement to designate the State of Utah as the principal party to administer surface coal mine reclamation operations on Federal leases in Utah.

Cooperative Agreement Between the United States Department of the Interior and the State of Utah under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. 189, section 307 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Section 1737 and 30 CFR 211.75(b).

This Agreement (referred to as the Cooperative Agreement) is made between the State of Utah, acting by and through its Governor (hereinafter referred to as the "State") and the United States Department of the Interior, acting by and through the Secretary of the Interior or his duly authorized representative (referred to as the "Secretary").

ARTICLE I

PURPOSE

This agreement provides for a cooperative program between the U.S. Department of the Interior and the State of Utah with respect to the administration and enforcement of surface coal reclamation operations conducted under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of Utah, wherever possible, as the principal entity to enforce reclamation laws and regulations in Utah.

ARTICLE II

EFFECTIVE DATE

The Cooperative Agreement is effective on the _____ day of the _____, 19____ and remains in effect until terminated as provided in Article IX.

ARTICLE III

REQUIREMENTS FOR COOPERATIVE AGREEMENT

The State of Utah affirms that it will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The Utah Division of Oil, Gas and Mining of the Department of Natural Resources (hereinafter referred to as "State Agency") is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the State throughout the State of Utah.

B. *Authority of State Agency.* The State agency designated in Paragraph A of this Article has, and shall continue to have authority to carry out this Cooperative Agreement, on behalf of the State throughout the State of Utah.

C. *State Reclamation Law.* The State shall ensure that all mining plans approved under this agreement shall afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 CFR Part 211, and that the standards used to approve a mining plan of a Federal lessee will not unreasonably impair coal mining that is in the overriding national interest.

D. *Effectiveness of State Procedures.* The procedures of the State shall be in the judgment of the Secretary substantially as effective for the purpose of enforcing the reclamation requirements of 30 CFR Part 211 as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The State affirms that the State Agency will inspect all mines located in the State, in accordance with minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agency will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State will devote adequate funds to the administration and enforcement of reclamation requirements in the State.

I. *Reports and records.* The State Agency shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agency shall also make

available to the Secretary, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all the provisions of this Cooperative Agreement.

ARTICLE IV

MINE PLANS

Federal regulations, 30 CFR 211.10(b), (c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining to receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of mining plans and permits.* The State and the Secretary agree to require a federal coal lessee who must submit a mining plan or permit application under both State and federal law to submit a plan or permit with the following information:

1. The information required by: (a) Utah Code Ann., 1953, as amended, § 40–8–13; (b) Rule M–3, of Utah Division of Oil, Gas and Mining Rules and Regulations; (c) 30 CFR 211.10(c).

2. A statement certifying that a copy of the plan or permit has been given to both the State Agency and the Secretary.

If either the State or the Secretary require the operator to submit additional information, the operator shall submit the information to both the Governor and the Secretary. The operator will request variances from the mining plan in accordance with 30 CFR 211.74, and shall file the request with the State Agency and the Secretary.

B. *Review of Plans.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan or request for a variance from a plan or changes in an approved plan.

C. *Approval of Mining Plans.* The State Agency shall review the adequacy of the mining plan, any request for a variance as provided in 40–8–13–18, Utah Code Ann. 1953, as amended, or a request for a change in a mining plan, and shall notify the Secretary of its action. The Secretary shall then independently review and take final action on the mining plan as required by 30 CFR 211.10(d), a request for a variance as required by 30 CFR 211.74, or a change in an approved mining plan which was acted on by the State Agency. The Secretary shall notify the State Agency of his action, and the State Agency shall reconsider its action if necessary to comply with this Agreement.

ARTICLE V

INSPECTIONS

A. The State Agency shall inspect as authorized by Utah Code Ann., 1953, as amended, 40–8–6–17 as frequently as necessary, but at least quarterly, the operations area of all federal leases, permits and licenses where operations affecting the reclamation of mine lands are conducted or to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved exploration or mining plans that affect the reclamation of mined lands.

B. The State Agency shall subsequent to conducting any inspection, file with the Secretary a report on (1) the general conditions of the lands under lease permit or license, (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable requirements. A copy of such report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines within the State of Utah. Inspections by the Secretary may be made in association with a regular inspection by the State Agency.

D. The Secretary may conduct inspections to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI

ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, he shall take such steps as required by Utah Code Ann., 1953, as amended, § 40–8–6–16.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation, and those activities threaten immediate and serious damage to the environment, the State shall order the immediate cessation of such activities, as authorized by Utah Ann. Code 1953, as amended, § 40–8–6.

C. The State shall notify the Secretary of all violations of applicable laws regarding reclamation including violations of federal laws and regulations or lease terms and of all actions taken under Utah Ann. Code, 1953, as amended, §§ 40–8–6–16.

D. This Article does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal, but not State law.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Agreement.

ARTICLE VII

BONDS

A. *Amount and Responsibility.* The State Agency shall require all Federal coal lessees subject to the provisions of 30 CFR Part 211 to submit a bond as required by Utah Ann. Code, 1953, as amended, § 40–8–14. The Secretary shall reduce the federal bond required for reclamation purposes under 43 CFR 3041.3, and 30 CFR 211.3 by the amount of the bond required by the State Agency only if the release of all or any portion of the State's bond is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the bond.

B. *Notification.* Prior to releasing the bond required by Utah Code Ann., 1953, as amended, § 40–8–14 for lands the surface of which is owned by the Federal Government, the State Agency shall consult with and seek the advice and consent of the Secretary.

C. *Release of bond.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by Utah Code Ann., 1953, § 40–8–16.

ARTICLE VIII

OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX

TERMINATION OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* This Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the State plan shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State and affording the State an opportunity for a hearing:

1. That the State has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State has failed to comply with any assurance given by the State upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That State action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by federal laws and regulations.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement.

3. Specify the date upon which and the place where the State will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall be not less than 30 days from the date of such notice, and the place of hearing shall be in the State of Utah.

4. The Secretary shall also publish a notice in the Federal Register containing the items in 1–3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in per-

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son and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

ARTICLE X

REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement plan and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI

AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the State and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

ARTICLE XII

CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior or the State of Utah may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII

QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of Interior personnel.

ARTICLE XIV

CONFLICT OF INTEREST

No member of the State Agency or agencies responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV

EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, analyses, can be performed or determined, and which are necessary to carry out the requirements of the Cooperative Agreement or have access to such facilities and personnel.

ARTICLE XVI

EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The State Agency and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of a department or division, or a change in the functions or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The State Agency and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII

RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act or the Constitution of the United States.

State of Utah,
SCOTT MATHESON,
Governor of Utah.

Department of the Interior,
THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.77-649 Filed 1-6-77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 242a]

BOARD OF REGENTS OF UNIFORMED SERVICES, UNIVERSITY OF THE HEALTH SCIENCES

Public Meeting Procedures

Correction

In FR Doc. 76-37531 appearing at page 55724 of the issue for Wednesday, December 22, 1976, on page 55726, from the fifth, sixth, and seventh lines of § 242a.5 (b), first column, page 55726, delete the phrase "determine by a recorded vote that Board or committee, as applicable,".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 22]

[FRL 668-3]

ADMINISTRATIVE PRACTICES AND PROCEDURES

Financial Assistance to Participants in Agency Proceedings; Advance Notice of Proposed Rulemaking

1. *Introduction.* On June 11, 1976, a petition for rulemaking to provide for agency reimbursement of the costs of public participation in EPA decision-making was filed with EPA by the Environmental Defense Fund (EDF), joined by Consumers Union and the Center for Auto Safety. On October 20, 1976, the Administrator wrote to EDF expressing his opinion that "EDF's proposal has merit and warrants EPA's serious consideration," and promising to establish a task force of agency employees to explore the question and prepare recommendations. Although no final agency decision has yet been made, upon further consideration the merits of EDF's proposal appear clear enough to justify issuing this Advance Notice of Proposed Rulemaking to solicit comment. These comments should provide information that could then be used to prepare, if appropriate, a Notice of Proposed Rulemaking setting forth the mechanics of a permanent program in some detail. No money will be disbursed for funding participation in EPA decision-making until rulemaking proceedings are completed and a final rule has been issued.

Comments on all aspects of the proposed program, and in particular on the questions specified in part 5 below, are invited. All comments received on or before March 8, 1977, will be considered. Comments should be addressed to the

General Counsel (A-130), Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460, Attention: Public Participation ANPRM.

This proposal addresses only the question of public participation in EPA proceedings other than rulemakings held under authority of section 6 of the Toxic Substances Control Act (TSCA), 90 Stat. 2003, 2020-27 (October 11,1976). Explicit statutory authority to compensate participants in such rulemakings has been delegated to EPA, and EPA intends to make use of that authority. However, if a program of compensation for participation in other agency activities is authorized, it is anticipated that it will be similar in many respects to the compensation program under TSCA.

2. *Policy considerations.* The past decade or so has seen a very great increase in participation in agency proceedings by representatives of interests without a direct financial stake in the outcome. By now there is a substantial body of comment on this development by judges, legal scholars, agency officials, Congressional committees, and individual Congressmen.[1] Most of it speaks very favorably both of the technical abilities of these representatives and of the contribution they have made to better agency decisions. They have often provided facts and arguments relevant to the statutory purpose that would not otherwise have been urged on the agency and which the agency might not have uncovered or fully appreciated on its own.

Such groups and individuals have been particularly active in EPA proceedings, and past and present EPA officials have testified to the value of their contribution.

The lack of a financial stake in the outcome, however, has meant that participation in agency proceedings by representatives of these interests has often been constrained for lack of funds. Even at EPA, participation by such groups in agency decisions to which they could potentially have made a valuable contribution has been spotty, particularly where highly technical areas are concerned.

Accordingly, the view has grown up, and is expressed in much of the literature, that informed decisions by an agency as to what the statutory purpose requires would be assisted by wider representation of these interests, and that public funds should be made available where necessary to that end.

3. *Legal authority.* No EPA statute other than TSCA explicitly authorizes the payment of appropriated funds to assist public participation in agency proceedings. However, the Comptroller General of the United States has decided that even in the absence of such explicit authority such expenditures are proper in some circumstances.

In an opinion dated February 19, 1976, rendered at the request of the General Counsel of the Nuclear Regulatory Commission (NRC) the Comptroller General stated as the basic principle governing his decision the long-standing position of his office that

> where an appropriation is made for a particular object, purpose, or program, it is available for expenses which are reasonably necessary and proper or incidental to the execution of the object, purpose or program for which the appropriation was made, except as to expenditures in contravention of law or for some purpose for which other appropriations are made specifically available. [Citations omitted.] Comptroller General's decision No. B-92288, Feb. 16, 1976 at 3.

The Comptroller General emphasized that under this test the agency concerned would have broad authority to make either a positive or a negative decision on public funding. Applying these principles, he stated his final conclusion in two slightly different forms which we presume are meant to be equivalent in substance:

> In view of [these principles], if NRC in the exercise of its administrative discretion, determines that it cannot make the required determination unless it extends financial assistance to certain interested parties who require it, and whose participation is essential to dispose of the matter before it, we would not object to use of its appropriated funds for this purpose.
> Id. at 4.
>
> • • • • • •
>
> We hold only that NRC has the statutory authority to facilitate public participation in its proceedings by using its own funds to reimburse interveners when (1) it believes that such participation is required by statute or necessary to represent adequately opposing points of view on a matter and (2) when it finds that the intervenor is indigent or otherwise unable to bear the financial costs of participation in the proceedings.
> Id. at 7.

After this opinion was rendered, Congressman John Moss inquired of the Comptroller General whether the same result would apply to nine other agencies, including EPA. In a letter dated May 10, 1976, the Comptroller General replied that it would for the same reasons given in his formal opinion, and added "We would like to emphasize, however, that it is within the discretion of each individual agency to determine" whether the specified tests have been met.

EPA does not believe the Comptroller General means that funding is only authorized where without it the agency will be unable to make any decision at all, or unable to make a decision that will survive judicial review. Such tests are not the measure of the Agency's responsibility under its statutes. EPA's responsibility is rather to make the best decision possible with the time and resources available, and we believe it follows from this standard that EPA is authorized to fund participation whenever the funded participation, in EPA's judgment, is "necessary" or "essential" to that result. Indeed, any other reading would make the Comptroller General's opinion applicable to so few cases as to largely drain it of meaning.

Similarly, we do not believe that simply because a potential participant in an agency proceeding does have some resources which it might conceivably devote to that proceeding it should be held ineligible for funding. Such a view could lead to a "Catch-22" situation in which a group which might conceivably be eligible for funding in, for example, eight proceedings, and had enough resources of its own to participate adequately in three of them, might be denied funding for all eight because each of the eight might conceivably turn out to be one of the three in which it might choose to participate with its own resources. Instead, we believe that potential participants should be allowed to make a showing of what they would do without agency funding, and that agency funding should then be potentially available for any activity above that baseline.

4. *Draft regulation.* Although no final regulation giving permanent form to any EPA participation funding program will be promulgated, and no funds will be disbursed for that purpose, without a formal notice of proposed rulemaking and opportunity for comment on it, in this section we reproduce EDF's proposed regulation to give some advance idea of what such a proposal might contain. EPA does not endorse this regulation; it is proposed for preliminary comment only. Any final regulation would be the first regulation in a new Part 22 to Title 40 of the Code of Federal Regulations. This new Part would be entitled "Administrative Practices and Procedures."

EDF PROPOSAL

§ 22.1

(1) The Administrator may provide compensation for reasonable attorney's fees, expert witness fees, and other reasonable costs of participation incurred by eligible participants in any rulemaking, adjudicatory, or enforcement proceeding conducted pursuant to the Agency's authority, whenever public participation in such a proceeding promotes or can reasonably be expected to promote a full and fair determination of the issues involved in the proceeding.

(2) Any person is eligible to receive an award under this section for participation (whether or not as a party) in a rulemaking, adjudicatory, or enforcement proceeding if—

(i) The person represents an interest the representation of which contributes or can reasonably be expected to contribute substantially to the resolution of the subject matter of the proceeding, taking into account the number and complexity of the issues presented, the importance of public participation, and the need for representation of a fair balance of interests; and

(ii) (a) The economic interest of the person in the outcome of the proceeding is small in comparison to the costs of effective participation in the proceeding by that person or, in the case of a group or organization, the economic interest of the individual mem-

[1] The literature is well known and freely available and will not be analyzed in detail here. Full citations can be found in the FDA's republication of a petition parallel to this one, 41 FR 35855 et seq. (August 25, 1976), and in a volume of hearings on the subject. Hearings on S. 2715 before the Senate Subcommittee on Administrative Practice, 94th Cong., 2d Sess. (Jan. 30, 1976, February 6, 1976).

bers of such group or organization is small in comparison to the costs of effective participation in the proceedings; or

(ii) (b) The person demonstrates to the satisfaction of the Administrator that such person does not have sufficient resources available adequately to participate in the proceeding in the absence of an award under this section.

(3) (i) In order to facilitate public participation, the Administrator shall make a determination of the eligibility of a person for an award under this section, and the amount of such award, prior to the commencement of any proceeding, unless the Administrator makes an express written finding that such a determination cannot practically be made at that time.

(ii) Payment of fees and costs under this section shall be made within 90 days of the date on which a final decision or order disposing of the matters involved in the proceeding is made by the Administrator. If an eligible person establishes, in a manner to be prescribed by the Administrator, that its ability to participate in the proceeding will be impaired by the failure to receive funds prior to the conclusion of the proceeding, then the Administrator shall make the necessary advance payments to permit the person to participate or to continue to participate in the proceeding.

(iii) Reasonable attorney's fees, expert witness fees, and other reasonable costs of participation awarded under this section shall be based upon prevailing market rates for the kind and quality of service provided, but in no event shall expert witness fees exceed the rate of compensation (including fringe benefits and overhead) paid to EPA's expert witnesses, and other personnel with comparable experience and expertise.

5. *Questions.* Comment is requested on all aspects and implications of the funding proposal discussed above. Of particular importance however, are comments related to the detailed mechanical and policy problems of setting up and operating any actual compensation system. Whatever the general or theoretical merits of funding public participation in agency decision-making, EPA cannot responsibly take steps to establish a program to fund it until these questions have been answered in some detail, and in a way which provides a basis for concluding that the effort needed to administer it will not amount to an impractical burden. Those with an interest in seeing EPA proceed to the stage of practical implementation are therefore particularly advised to address the questions set forth below. If a decision to proceed further is then made, the answers will be used to prepare a detailed Notice of Proposed Rulemaking.

1. The budget for any program of compensating public participation is likely to be severely limited, particularly during the first few years. Accordingly, it will be necessary to set priorities for the use of what money is available. To help gather information on the basis of which such priorities can be established, all those who consider themselves potential recipients of funds under such a program are asked the following questions:

i. What EPA proceedings did you participate in during the last fiscal year? What was the nature and extent of your participation?

ii. If unlimited EPA funding for public participation in agency proceedings had been available during the past fiscal year, what agency proceedings would you have participated in? What would the nature and extent of your participation have been? How much agency funding would you have required for this level of participation?

iii. Please answer question ii on the assumption that the agency funding available was (a) a half (b) a quarter (c) an eighth (d) a sixteenth, of what you would have spent had funds been unlimited.

2. More generally, what standards of priority and eligibility for funding should be established under any compensation scheme? Should participation be restricted to or focused upon certain classes of agency proceedings? If so, what should they be and why? Should certain classes of proceedings be excluded or given lower priority, such as enforcement proceedings or informal meetings? If so, what should they be, and why?

Should all expenses be eligible for compensation, or should certain types of expense be excluded from the outset? If the latter, what should be excluded? Should certain types of expense (such as fees for expert witnesses) be more readily compensated than others? If so, what should they be?

How should applicants for funding be evaluated? Should any potential applicants be excluded from the beginning? Should any be treated particularly favorably? If so, what should the criteria be?

Commenters who have answered question 1 are encouraged to integrate their responses to that question into their answer to this one.

3. Details of administration must also be settled before any program can be implemented. In this connection:

i. It would seem that the program office[2] most directly involved with a particular proceeding should make decisions as to funding since it is in the best position to judge the contribution to the decision that such funding can make. Are there reasons why such an approach should not be adopted? What alternatives are there, and what are the arguments in favor of them?

ii. When should decisions on funding be made, and when should the money be disbursed—before a proceeding or shortly after its close? Is some combination of these approaches the best alternative? If so, what should it be?

iii. In general, what method of administering such a program can you suggest that would both hold costs of administration down to a small fraction of the money disbursed and at the same time be fair to all concerned and be perceived as fair to all concerned?

This Advance Notice of Proposed Rulemaking is issued under authority of Section 301(a) of the Clean Air Act, 42 U.S.C. 1857(a), Section 501(a) of the Federal Water Pollution Control Act, 33 U.S.C. 1361(a).

(Sec. 25(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 (w), and sec. 1450(a) of the Safe Drinking Water Act, 42 U.S.C. 300j–9, 7004 of the Solid Waste Disposal Act, 42 U.S.C. 6974, and 108 of the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1418.)

Dated: January 3, 1977.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.77-651 Filed 1-6-77;8:45 am]

[2] E.g., Office of Water Planning and Standards, Office of Noise Abatement and Control, Office of Pesticides Programs.

[40 CFR Part 52]

[FRL 667-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Amendments to the Utah Transportation Control Plan

On June 22, 1973 (38 FR 16550) the Administrator disapproved the control strategy for carbon monoxide contained in the Utah transportation control plan which was submitted to EPA on April 16, 1973. The Administrator proposed a substitute plan for the attainment and maintenance of the national ambient air quality standards for carbon monoxide in the Wasatch Front Intrastate Air Quality Control Region on July 16, 1973 (38 FR 18964).

Following public hearings in Salt Lake City in July and August of 1973, the Administrator promulgated a transportation control plan for the Wasatch Front AQCR on November 27, 1973 (38 FR 32663).

The EPA plan included specific carbon monoxide reduction strategies for Ogden, Provo and Salt Lake City, and required the State to implement a retrofit and inspection/maintenance program in a four-county area.

Since the promulgation of the federal plan, the State has been working to revise its plan to incorporate more recent data on carbon monoxide emission reductions anticipated from the Federal Motor Vehicle Control Program and the retrofit and inspection/maintenance strategies. On September 7, 1976, EPA received Utah's revised transportation control plan which was adopted by the Utah Air Conservation Committee on July 29, 1976 and the State Board of Health on August 18, 1976. The revised plan includes a summary of ambient carbon monoxide concentrations in the Wasatch Front AQCR through 1975 and a control strategy which predicts that the national standards for carbon monoxide will be attained in the region by December 31, 1978. The second highest 8-hour carbon monoxide concentrations on which the control strategies are based were: Salt Lake City—22 ppm (1970), Ogden—22 ppm (1973), and Provo—20 ppm (1971). A summary of the transportation control strategies and the anticipated reductions in carbon monoxide emissions are presented in Table 1.

TABLE 1.—*Summary of the effect of the Utah transportation control plan by Dec. 31, 1978*

Transportation control measure	Reduction in cargon monoxide emissions (percent)		
	Salt Lake City	Ogden	Provo
1. FMVCP	42	47	48
2. Inspection and maintenance program	4	4	4
3. Salt Lake City:			
(a) Reduce Main St. traffic	3		
(b) Reduce traffic circulation	8		
(c) Traffic flow improvements	3		
(d) Mass transit improvements	2		
4. Ogden:			
(a) Traffic operations improvements		5	
(b) 20th to 21st St. link to I-15		1	
(c) Mass transit improvements		5	
(d) I-80 bypass		1	
5. Provo:			
(a) Traffic flow measures			16
(b) Mass transit improvements			2
Total reductions	62	63	68
Reductions required	59	59	55

Many of the individual strategies for the cities have already been implemented, with only the traffic flow improvements in Ogden and Salt Lake City and the 20th–21st Street link to I–15 in Ogden yet to be completed. Based on the results of detailed retrofit studies conducted at high-altitude by the State of Colorado and EPA which indicated that the retrofit strategies would not achieve the emission reductions anticipated, the revised Utah plan has eliminated these strategies.

The Regional Administrator believes that based on currently published information, the revised Utah plan, when fully implemented, should result in the attainment and maintenance of the national standards for carbon monoxide throughout the Wasatch Front AQCR and that the schedule for implementing these strategies is as expeditious as practicable. Therefore, this notice proposes to approve the State's transportation control plan and revoke the current EPA plan. Before final action can be taken, however, the State needs to obtain authority to charge vehicle inspection fees and must also adopt regulations to implement the inspection/maintenance program contained in the revised plan. Although the emission reductions that are likely from several of the control measures are uncertain, recent information indicates that the carbon monoxide reduction achievable from inspection/maintenance is much greater than that estimated in the State plan. Consequently, the Agency will defer final action on the proposal until the State has had an opportunity to obtain the necessary authority and regulations.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Office of Regional Counsel, U.S. Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80295. All relevant comments received on or before January 31, 1977 will be considered. Copies of the revised State plan will be available for public inspection and copying at the address given above, at EPA's Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460, and at the EPA office located in Room 4223, Federal Building, 125 South State Street, Sale Lake City, Utah 84111. This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 1857c–5).

Dated: December 23, 1976.

ROGER WILLIAMS,
Regional Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart TT—Utah

1. In § 52.2320, paragraph (c), paragraph (5) is added as follows:

§ 52.2320 **Identification of plan.**

* * * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * * *

(5) Revised transportation control plan submitted August 31, 1976, by the Governor.

§ 52.2335 [Revoked]

2. Section 52.2335 is revoked.

§ 52.2336 [Revoked]

3. Section 52.2336 is revoked.

§ 52.2338 [Revoked]

4. Section 52.2337 is revoked.

§ 52.2338 [Revoked]

5. Section 52.2338 is revoked.

§ 52.2339 [Revoked]

6. Section 52.2339 is revoked.

§ 52.2340 [Revoked]

7. Section 52.2340 is revoked.

§ 52.2341 [Revoked]

8. Section 52.2341 is revoked.

§ 52.2342 [Revoked]

9. Section 52.2342 is revoked.

§ 52.2343 [Revoked]

10. Section 52.2343 is revoked.

[FR Doc.77-544 Filed 1-6-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MARKETING ORDER NO. 905–7 CFR PART 905 REGULATING THE HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Public Meeting

Pursuant to the provisions of 10(a)(2) of the Federal Advisory Committee (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on January 25, 1977.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802: telephone 813–682–3103.

Dated: January 3, 1977.

WILLIAM T. MANLEY,
Deputy Administrator
Program Operations.

[FR Doc.77–582 Filed 1–6–77;8:45 am]

Food and Nutrition Service

NATIONAL ADVISORY COUNCIL ON MATERNAL, INFANT AND FETAL NUTRITION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.
Date and time: February 9–10, 1977; 8:30 a.m.
Place: Holiday Inn, 175 Piedmont Avenue, Atlanta, Georgia.
Purpose of meeting: The Council will study and discuss various issues concerning the operation of the Special Supplemental Food Program for Women, Infants and Children (WIC).
Proposed agenda: The agenda will cover the WIC Program's proposed regulations, and issues related to Program operations to be dealt with in the Advisory Council's report to the Congress.
This meeting will be open to the public.

Persons wishing to attend the meeting as observers, or wishing to submit written comments, should write Bill Shaw, Special Supplemental Food Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–8421.

Dated: January 3, 1977.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77–540 Filed 1–6–77;8:45 am]

Commodity Credit Corporation

[Amdt. 3]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Period July 1, 1976 Through May 31, 1977); CCC-Owned Commodities Notice to Buyers

The CCC Monthly Sales List for the period July 1, 1976 through May 31, 1977, published at 41 FR 29198 is amended as follows:

1. The last sentence of Section 1(b) entitled "General" is revised to read as follows:

Interest at 8 percent will be charged for delinquent payments on dairy product sales and on consignment and track grain sales.

2. Section 31 is added which reads as follows:

Peanut Farmers Stock—Restricted Use Sales—Crushing or Export—(Segregation 1 lots)

1. The minimum price is the market price but not less than the formula price which is 100 percent of the 1976 crop price support value (prior to deduction for storage, handling and inspection) for the applicable location type and quality, plus a markup. On December 8, 1976, a markup will begin to accumulate at the rate of $1.00 per net ton per week (farmers stock basis).

2. Pending final determination of 1976 price support values the following factor shall apply for sales purposes:

Type	SMK dollars per percent net ton basis	OK dollars per percent net ton basis	LSK dollars per pound	ELK dollars per percent net ton basis
Runner	5.803	1.40	0.07	
Spanish	5.803	1.40	.07	
Virginia	5.919	2.00	.10	0.63
Valencia	6.382	2.00	.10	

3. Sales are made under announcement PV–P–FS–1. When stocks are available, lot lists or invitations to bid will be issued by peanut associations for submission of competitive bids each Monday to the Prairie Village ASCS Commodity Office.

4. Permissible uses of the peanuts, which are listed in more detail in announcement PV–P–FS–1, include the export of shelled peanuts, of any type, which grade U.S. Splits or U.S. No. 1 or better or "With Splits" grades as defined in Marketing Agreement for Peanuts No. 146, and the remaining kernels crushed domestically or exported for crushing if fragmented in accordance with PV–P–FS–1.

3. Section 32 is added which reads as follows:

Peanuts, Farmers Stock—Restricted Use Sales—Domestic Crushing and Domestic Use of Oil (Segregation 1 and 2 lots)

Competitive offer basis under Announcement PVP–DCO–1. Adjustments in the sales price, for oil and ammonia content, will be made after delivery. Proof of domestic utilization of peanut oil will be required per Announcement PVP–DCO–1.

When stocks are available, lot lists or invitations to bid will be issued by peanut associations for submission of bids each Monday to the Prairie Village ASCS Commodity Office.

4. Section 33 is added which reads as follows:

Peanut Oil, Prime Crude—Restricted Use Sales—Domestic Use (Bulk—FOB origin—Carlot Quantities)

Competitive offer basis under Announcement PVP–CPO–1 with issuance of invitations by and submission of bids to the Prairie Village ASCS Commodity Office. Proof of domestic utilization is required per Announcement PVP–CPO–1.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective date: 2:30 p.m. (EST) November 30, 1976.

Signed at Washington, D.C. on December 27, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77–581 Filed 1–6–77;8:45 am]

Rural Electrification Administration

NORTHERN MICHIGAN ELECTRIC COOPERATIVE, INC., BOYNE CITY, MICHIGAN

Proposed Loan Guarantee

Under the Authority of Pub. L. 93–32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $135,000,000 to Northern Michigan Electric Cooperative, Inc., of Boyne City, Michigan. These loan funds will be used to finance the purchase of 11.22 percent of Detroit Edison Company's Enrico Fermi No. 2 nuclear powered 1100 MW generating unit and to construct approximately 48 miles of transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Clyde L. Johnson, Jr., General Manager, Northern Michigan Electric Cooperative, Inc., P.O. Box 138, Boyne City, Michigan 49712.

In order to be considered, proposals must be submitted on or before February 7, 1977, to Mr. Johnson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Northern Michigan Electric Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 28 day of December, 1976.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.77–347 Filed 1–6–77;8:45 am]

WOLVERINE ELECTRIC COOPERATIVE, INC., BIG RAPIDS, MICHIGAN

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $106,000,000 to Wolverine Electric Cooperative, Inc., of Big Rapids, Michigan. These loan funds will be used to finance the purchase of 8.78 percent of Detroit Edison Company's Enrico Fermi No. 2 nuclear powered 1100 MW generating unit and to construct approximately 21 miles of transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. John N. Keen, Manager, Wolverine Electric Cooperative, Inc., P.O. Box 1133, Big Rapids, Michigan 49307.

In order to be considered, proposals must be submitted on or before February 7, 1977, to Mr. Keen. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Wolverine Electric Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 28th day of December, 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

Acting Administrator,
Rural Electrification Administration.

[FR Doc.77–348 Filed 1–6–77;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON CONTAINER STANDARDS FOR FRESH FRUITS AND VEGETABLES

Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), and after consultation with the Office of Management and Budget, the Secretary of Agriculture has determined that it is in the public interest to establish an Advisory Committee on Container Standards for Fresh Fruits and Vegetables.

The purpose of this committee will be to study the problems associated with voluntary container standards and to recommend ways to reduce the number of different shipping containers used for fresh fruits and vegetables to encourage uniformity and consistency in commercial practices and to promote more efficient handling of said shipping containers. The committee will include representatives of all segments of the fresh fruit and vegetable industry including producers, packers, carriers, wholesalers, retailers and consumers.

Any comment on the establishment of this committee may be directed to Floyd F. Hedlund, Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 21, 1977.

All written submissions made pursuant to this notice shall be made available for public inspection at the Office of Director, Fruit and Vegetable Division, during regular business hours.

Dated: January 4, 1977.

J. PAUL BOLDUC,
Assistant Secretary
for Administration.

[FR Doc.77–580 Filed 1–6–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77–1–6; Docket 30252]

BRITISH AIRWAYS

Transatlantic Specific Commodity Rates; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of December, 1976.

On December 6, 1976, British Airways filed tariff revisions proposing several new specific commodity rates (SCR's) for traffic from the United Kingdom to the United States, to be effective January 5, 1977.[1] The rates, for items 2102 (Cloth), 6807 (Plastic Foil and/or Sheets) and 7047 (Decals), would be set at a level of 28 U.K. pence per kg., with a minimum weight of 4,000 kgs., from London, Glasgow, and Manchester to New York. Complaints requesting suspension pending investigation have been submitted by Pan American World Airways, Inc. (Pan American), Seaboard World Airlines, Inc. (Seaboard), and Trans World Airlines, Inc. (TWA).

In support of its proposal, British Airways alleges that the rates are necessary to move the affected commodities by air rather than surface; that in the last three months well over half the traffic that could be carried at these rates has reverted to surface transportation; and that all of these commodities are extremely dense (over 13 kgs. per cu. ft.) and would produce a much higher yield per cu. ft. than the regular, general container rates.

The complainants generally assert that British Airways' proposed SCR's are patently uneconomic, represent significant reductions (35–42 percent) from the rates currently applicable to these commodities, and would produce yields far below the U.S. carriers' costs of service; that the proposal runs directly counter to the Board's long-standing policy, repeatedly expressed in orders and policy statements, of urging the carriers to reduce reliance on discounted specific commodity rates; and that British Airways has provided no meaningful data or support for its allegations about the movement of this traffic on surface as opposed to air transportation. TWA adds, with supporting U.S. Commerce Department data, that over the last year air traffic, as a percent of the total U.K.–U.S. air/surface traffic in these commodities, has actually increased and thus, there has been no diversion to surface; and that the applicable surface rates for these items are still so far below even the reduced rates proposed by British Airways

[1] Filed by John M. Sampson, Agent, Tariff C.A.B. No. 19.

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that the latter offer no serious generative value.

Upon consideration of the tariff filing, the complaints, and all other relevant matters, the Board has concluded that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the rates should be suspended pending investigation.

The Board, in its policy statements and in prior orders, has often urged the carriers to reduce their reliance on specific commodity rates to move so large a portion of international cargo traffic. Any new commodity rates should be introduced for the specific purpose of attracting new traffic to air, should have a strong generative potential with a minimum possibility of diverting traffic already moving at existing air rates, and should be priced at the maximum level possible, reflecting the value of air service to the shipper. The subject rates are proposed at levels which appear to be so significantly below the costs of service that we could accept them only upon the most convincing showing that they offer a real potential for generating new traffic with little possibility of diversion from existing rates. In this respect British Airways fails to justify adequately the reduced rates contemplated in the proposal.

The SCR's proposed by the carrier would produce yields ranging from 12.21 to 13.14 cents per revenue ton-mile (RTM), far below the U.S. carriers' transatlantic freighter costs which ranged from 23.15 to 32.04 cents per RTM for the year ended June 30, 1976, the latest period for which data are available. In fact, the proposed rates are even lower than the U.S. carriers' all-cargo cost per available ton-mile (ATM) and, therefore, appear to be unreasonably low on their face. In addition, while British Airways claims that half of the traffic in the relevant items has "reverted to surface" in the last three months, it has provided no supporting evidence, no comparison of surface and air rates, and no explanation why this traffic should shift from air transportation to surface means when the rates in either mode have not changed.[2] The complainants, on the other hand, have provided detailed data which indicate there is no reason to believe that there has been such a massive movement of this traffic from air to surface, or that the proposed rate reductions would generate any new traffic.

[2] These rates were previously filed several times, but rejected by the Board's Tariffs Section for technical violations of the Economic Regulations; on each occasion complaints were filed by the U.S. carriers. Armed with the almost certain knowledge that there again would be complaints filed, as well as their probable content, British Airways inexplicably presented a justification which was completely lacking in factual support and documentation for its allegations of the "need" for these extremely low rates.

British Airways has furnished no estimates of the volume of traffic it expects to move on the proposed rates, or of the effects on load factor, existing traffic, or revenue. Even its allegation that the commodities involved are of unusually high density, and hence are entitled to a lower rate, is unsupported by any evidence.

In summary, British Airways has provided no basis whatsoever for the filing of such extremely low rates, which appear to have no rational foundation in costs or generative potential. The complaints have raised such serious doubts about the reasonableness of the SCR's here proposed that the Board has concluded the rates should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, 801, and 1002(j) thereof,

IT IS ORDERED THAT:

1. An investigation be instituted to determine whether the rates and provisions for Item Nos. 2102, 6807 and 7047 from Glasgow, Scotland, London, England and Manchester, England to New York, New York on 14th Revised Page 130, 18th Revised Page 134 and 21st Revised Page 136–A of Tariff C.A.B. No. 19, issued by John M. Sampson, Agent, and rules, regulations, or practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions and rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff rates and provisions specified in ordering paragraph 1 above are suspended and their use deferred from January 5, 1977 to and including January 4, 1978, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [3] and shall become effective on January 5, 1977;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

5. Except to the extent granted herein, the complaints of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in Dockets 30172, 30186, 30190, respectively, be and hereby are dismissed; and

6. Copies of this order be filed in the aforesaid tariffs and be served upon British Airways, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc.

[3] This order was submitted to the President on December 23, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-635 Filed 1-6-77; 8:45 am]

[Order 77-1-9; Docket 29751]

PIEDMONT AVIATION INC.

Removal of a One-Stop Restriction Between New York City and Tri-City, Tenn./Va.; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of January, 1977.

On September 7, 1976, Piedmont Aviation filed, in Docket 29751, an application for an order to show cause why its certificate of public convenience and necessity for Route 87 should not be amended so as to remove Piedmont's one-stop restriction between Tri-City, Tenn./Va.[1] and New York, N.Y.-Newark, N.J.[2]

On September 16, 1976, Allegheny Airlines, Inc., filed an answer in opposition to Piedmont's motion for an order to show cause. The Tri-City Airport Commission filed an answer on September 29, 1976, and requested that the Board defer action on the Piedmont application until sixty days following final decision in the *Service to Tri-City Case*, Docket 29014. On September 24, 1976, Piedmont filed a reply to the Allegheny answer together with a motion for leave to file an otherwise unauthorized document.[3]

In support of its application, Piedmont states that it now provides three round-trip flights between Tri-City and New York, two of these flights serve one intermediate point, and the third serves two intermediate points; that New York-Tri-City is a sizeable market with potential for growth; that removal of the restriction will permit Piedmont to convenience many passengers with its nonstop service; and that removal of the restriction will have little or no adverse impact on United, the carrier which holds unused nonstop authority in the market.

Piedmont anticipates that it will add a new flight on a nonstop basis, or that it will change one of its existing one-stop flights to a nonstop.

Upon consideration of the foregoing and all of the relevant facts, we have tentatively concluded that the public convenience and necessity require the removal of Piedmont's one-stop restric-

[1] The point appears as "Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn." on Piedmont's certificate. All of these cities are served through the same Tri-City airport and we will hereinafter refer to the point as "Tri-City," since that is its popular designation.

[2] Piedmont's current certificate was issued pursuant to Order 76-8-171, March 26, 1976. The one-stop restriction between Tri-City and New York City is listed in condition 4.

[3] We will grant the motion and receive Piedmont's reply.

tion in the Tri-City-New York market; that the application presents no questions of fact or law which require a hearing; and that all interested persons should be directed to show cause why the Board's tentative findings and conclusions herein should not be made final.[4]

In support of our ultimate determination, we make the following tentative findings and conclusions. The principal benefit which will derive from the grant of improved authority to Piedmont will be the provision of more convenient service between Tri-City and New York. On the basis of traffic data for the 12 months ended September 30, 1975, New York, with 26,190 true O&D passengers, is Tri-City's largest market without nonstop service.[5] Piedmont's present one and two-stop flights have an average elapsed time of 2 hours and 12 minutes. The modification proposed here will permit Piedmont to reduce travel time on its flights between Tri-City and New York by approximately 41 minutes.[6]

We further find that the relaxation proposed here is consistent with the Board's often reiterated general policy of eliminating or modifying certificate restrictions, the retention of which have been placed in issue, absent an affirmative showing that their continuance is required.[7] The authority requested involves no new stations or equipment for Piedmont and will permit the carrier more scheduling and operating flexibility.

Allegheny, in its answer, objects to the Board's taking any action on the Piedmont request at this time. Allegheny argues that the Board should deny the Piedmont petition or at least defer action upon it until final decision in the Service to Tri-City Case, Docket 29014. In Allegheny's opinion, if United is not deleted at Tri-City, pursuant to its request, which is now being heard in the Service to Tri-City Case, then the Board would not consider the need for a second nonstop authorization; if United is deleted, and Allegheny is authorized to serve Tri-City-Pittsburgh, then Allegheny will hold one-stop authority between Tri-City and New York and will be able to offer service in the market which will be equal to Piedmont's current best service. In these circumstances, Allegheny urges that the award of nonstop authority to one of two carriers holding one-stop authority without a hearing would be inappropriate. Allegheny also argues that Piedmont has offered insufficient evidence on which to base an award of new authority, especially in the absence of a hearing.

It is our tentative view that neither Allegheny nor the Tri-City Airport Commission has provided valid reasons for deferring action upon Piedmont's request. An initial decision in the Tri-City case has already been issued and the case is currently awaiting disposition by the Board. We are mindful of the possible overlap between that case and Piedmont's request for improved Tri-City-New York authority and we are capable of weighing all relevant matters in reaching our ultimate disposition of both proceedings.

We further tentatively find that the grant of Piedmont's application will have no significant effect on United, which has not filed in opposition to Piedmont's request. United holds unrestricted nonstop authority in the market, but currently offers a single two-stop round trip inaugurated in September 1976.[8]

Piedmont's unchallenged estimate is that only $38,498 of United's traffic revenue and less than $70,000 of the traffic revenue of other carriers would even be subject to diversion should the restriction in question be lifted. Consequently, we tentatively find that such slight possible diversion is more than outweighed by the carrier and public benefits—improved scheduling and equipment flexibility and expedited air service between Tri-City and New York—which should flow from the proposed action.[9]

Interested persons will be given thirty days from the date of the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to set forth their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

[4] We further find that Piedmont is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements, thereunder.

[5] Civil Aeronautics Board Origin and Destination Survey, 1975, Table 8.

[6] Piedmont Exhibit Pi-8.

[7] See e.g., Order 75-7-15, July 2, 1975; Order 74-7-63, July 16, 1974; Order 69-6-87, June 17, 1969. Thus, Piedmont's nonstop authority, if finalized, would be permissive in character giving carrier management the discretion to operate nonstop in accordance with traffic requirements.

[8] Prior to that time, United's flights serving Tri-City did not serve New York on a regular basis.

[9] Piedmont has submitted an evaluation of the environmental impact of its proposed new service. The evaluation indicates that the impact of the new service will be slight and that the preliminary findings do not show a need for further evaluation. Consequently, we also tentatively find and conclude that the Board action sought by the applicant will not result in a major federal action significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA).

Accordingly, it is ordered That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Piedmont Aviation, Inc. for Route 87 so as to eliminate the one-stop restriction in condition 4 on flights between Tri-City, Tenn./Va. and New York, New York-Newark, N.J.;[10]

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein, shall, within thirty days after the date of the adoption of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[11]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. A copy of this order will be served upon Piedmont Aviation, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., Southern Airways, Inc., the Governor of New York, the Director of the New York Port Authority, the Aeronautics Division of the Virginia Corporation Commission, the Tennessee Aeronautics Commission, the Mayors of the Cities of New York, New York; Newark, New Jersey; Bristol, Kingsport, and Johnson City, Tennessee; and Bristol, Charlottesville, Lynchburg, and Roanoke, Virginia; and upon the Tri-City Airport Commission; and

6. The motion of Piedmont Aviation, Inc., for leave to file an otherwise unauthorized document be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-634 Filed 1-6-77; 8:45 am]

[Docket 28213]

YUSEN AIR & SEA SERVICE COMPANY, LTD., (JAPAN)

Indirect Foreign Air Carrier Permit Renewal; Notice of Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Janet

[10] Any award of new route authority to Piedmont in the final order will be subsidy ineligible.

[11] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

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D. Saxon to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., January 3, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-633 Filed 1-6-77;8:45 am]

OFFICE OF THE FEDERAL REGISTER

LEGAL DRAFTING WORKSHOP

Announcement

The Office of the Federal Register announces a legal drafting workshop beginning at 9:00 a.m. on Wednesday, January 26, 1977, and ending on Tuesday afternoon, February 1, 1977.

The workshop meets in the Federal Register Conference Room, Room 9409, 9th floor, 1100 L Street, NW, Washington, DC.

The workshop is open only to Federal agency personnel who draft regulations, preambles, or notices for publication in the FEDERAL REGISTER.

The workshop covers the following areas:

1. Legal drafting techniques—Preferred usage, Organization, Clarity;

2. Legal drafting exercises—Regulations, Preambles, Notices;

3. Review and discussion of documents for the use of legal drafting techniques and for substance;

4. How to comply with new preamble requirements ((1 CFR 18.12) effective date: April 1, 1977);

5. The regulatory process—Where has it been, Where is it going; and

6. The role of the FEDERAL REGISTER and how to use it.

The workshop schedule provides ample time for drafting assignments.

Space is extremely limited and reservations are required. Reservations may be made by calling Dean Smith at 202-523-5282.

FRED J. EMERY,
Director, Office of the Federal Register.

JANUARY 6, 1977.

[FR Doc.77-835 Filed 1-6-77;10:19 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since June 30, 1976, for which tabulations were completed between December 1, 1976, and December 31, 1976.

Dated: January 3, 1977.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas:			
Blue Mountain, city.	Logan	Oct. 4	157
Central City, town.	Sebastian	Oct. 25	361
McCrory, city	Woodruff	Oct. 8	1,896
Illinois:			
Bourbonnais, village.	Kankakee	Oct. 28	10,620
Harvard, city	McHenry	Oct. 6	5,156
Marengo, city	do	Oct. 19	4,104
Troy, city	Madison	Oct. 22	2,818
Iowa:			
Asbury, town	Dubuque	Aug. 2	1,098
Hartford, city	Warren	Sept. 22	801
Michigan:			
Brighton, city	Livingston	Oct. 21	3,437
Ida, township	Monroe	Oct. 16	4,086
Lowell, township	Kent	Oct. 12	3,863
Sterling Heights, city.	Macomb	Sept. 21	92,904
Unadilla, township.	Livingston	Oct. 19	2,405
Minnesota: Biwabik, city.	St. Louis	Oct. 12	1,483
Missouri: Lake St. Louis, town.	St. Charles	do	2,445
North Carolina: Mint Hill, town.	Mecklenburg	July 12	4,099
Pennsylvania:			
Bear Creek, township.	Luzerne	Oct. 4	2,450
Hamilton, township.	Franklin	Oct. 13	5,675
Murraysville, borough.	Westmoreland	Sept. 28	14,640
Penn Lake Park, borough.	Luzerne	Oct. 7	178
South Carolina: Greenville, city.	Greenville	Sept. 13	57,849
South Dakota: Hot Springs, city.	Fall River	Oct. 18	4,728
Texas: San Angelo, city—Annexed areas only.	Tom Green	do	2,606
Wisconsin:			
Boaz village	Richland	Nov. 3	145
Sturgeon Bay, city.	Door	Oct. 21	7,764

[FR Doc.77-467 Filed 1-6-77;8:45 am]

Domestic and International Business Administration

PRESIDENT'S EXPORT COUNCIL TASK FORCE ON EXPORT PROMOTION

Termination

Correction

In FR Doc. 76-37975 appearing on page 56378 of the issue for Tuesday, December 28, 1976, the termination date in the last line of the first paragraph, reading "December 31, 1975", should read "December 31, 1976".

CORNELL UNIVERSITY, ET AL

Consolidated Decision on Applications for Duty-Free Entry of Scientific Article: Correction

In the Notice of Consolidated Decision on Application for Duty-Free Entry of Scientific Articles appearing at page 55218 of the FEDERAL REGISTER of Friday, December 17, 1976, the following dockets should be deleted:

Docket Number: 76-00317. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Mass Spectrometer, MAT 311A. Date of denial without prejudice to resubmission: July 14, 1976.

Docket Number: 76-00327. Applicant: Methodist Hospital of Indiana, Inc., 1604 North Capitol Avenue, Indianapolis, Indiana 64202. Article: Electron Microscope, Model EM 201C and attachments. Date of denial without prejudice to resubmission: July 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-610 Filed 1-6-77;8:45 am]

UNIVERSITY OF IOWA ET AL

Application for Duty-Free Entry of Scientific Articles: Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 55923 in the FEDERAL REGISTER of Thursday, December 23, 1976, the following correction should be made:

Docket Number: 77-00048 should be corrected to read:

Docket Number 77-00048. Applicant: University of Cincinnati, Dept. of Physics, Cincinnati, Ohio 45221. Article: Makrafoil Scanner (partially fabricated). • • •

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-611 Filed 1-6-77;8:45 am]

National Oceanic and Atmospheric Administration

AQUARIUM OF CAPE COD, INC.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Aquarium of Cape Cod, Inc., Route 28, West Yarmouth, Massachusetts 02673, to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

The requested dolphins will be taken by a professional collector from the Gulf of Mexico, by means of an encircling net. The dolphins will be transported to the facility via commercial freight and truck, with a qualified staff member of the collector accompanying the shipment.

The animals will be displayed in a pool 39 feet by 24 feet by 10 feet deep with a holding pool 15 feet by 15 feet by 10 feet deep.

The dolphins are desired to provide recreational and education benefits to the 110,000 visitors that visit the facility annually. The facility is operated for profit. The staff has 4 to 5 years experience working with marine mammals.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 7, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

DECEMBER 15, 1976.

[FR Doc.77-561 Filed 1-6-77;8:45 am]

SEA LIFE, INC.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Sea Life, Inc., Makapua Point, Waimanalo, Hawaii 96795, to take four (4) pygmy killer whales (*Peresa attenuata*) and four (4) melon-headed whales (*Peponocephala electra*) for public display.

The animals will be captured in the waters off the Hawaiian Islands by Sea Life's collecting staff supervised by Dr. Shallenberger. Capture will be done by using a specially modified collecting boat by means of a hoop net.

The requested animals will be displayed at the facilities Ocean Science Theater. The display consists of a glass walled tank, 50 feet in diameter and 12 feet deep, with four connecting holding tanks, each 7 feet deep. In addition, Sea Life Park has several large cetacean pools ranging from 11,000 to 1.8 million gallons.

The display is for profit, open daily to the public with an annual attendance of 500,000 visitors .The staff has from five to ten years experience working with marine mammals.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 7, 1977. Those ndividuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

JANUARY 3, 1977.

MORRIS M. PALLOZZI,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-560 Filed 1-6-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1977, November 18, 1976 (41 FR 50975).

Military Resale Item No. 901

Broom, Mixed Fiber.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the above commodity from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed addition may be filed with the Committee on or before February 7, 1977. Communications should be addressed to the Executive Dierctor, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER (July 7, 1977).

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-615 Filed 1-6-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77 of the proposed deletions of the following commodity from Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 7210

Bedspring, 7210-00-559-5085, 7210-00-559-6025.

Comments and views regarding the proposed deletion may be filed with the Committee on or before February 7, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other

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Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER (July 7, 1977).

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-614 Filed 1-6-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from December 27 through December 30, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (February 21, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Final

Clarkdale-Williams Highway, Coconino, Yavapai Counties, Ariz., December 29: Proposed is the construction of a new highway on National Forest land to extend State Route 279 from its present northern terminus near Clarkdale, Arizona, to a new terminus 23 miles south of Williams, Arizona at the Yavapai/Coconino county line. The highway extension would involve the construction of approximately 21 miles of new highway northwest from Clarkdale and would connect with the 23-mile section of a paved County Road 8-211. Seven hundred acres of grazing land would be removed (125 pages). Comments made by: COE, FPC, DOI, DOT and State and local agencies. (ELR Order No. 61797.)

Selway-Bitteroot Wilderness Fire Management, Idaho, Montana, December 27: This statement discusses a proposal to allow some fires in the Selway-Bitterroot Wilderness (SBW) to go unsuppressed so that fire may more nearly play a natural role in shaping, maintaining, and directing ecosystem development in the SBW. The proposal will directly affect Bitterroot, Clearwater, Lolo, and Nez Perce National Forest personnel who have administrative responsibility in the SBW. The potential exists for adverse impacts on airshed and the social system including SBW users, permittees, and adjacent and included landowners (229 pages). Comments made by: HUD and State and local agencies, concerned citizens. (ELR Order No. 61784.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

Missouri R. Main Stem System, O&M, December 27: Proposed is the continued operation and maintenance of the Missouri River main stem system consisting of six major dams existing for the multipurposes of flood control, irrigation, hydroelectric power generation, navigation, municipal and industrial water supply, fish and wildlife enhancement, and water control. The states which are primarily affected are Montana, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Kansas, Iowa, Missouri, and Minnesota. (Omaha District) (225 pages). (ELR Order No. 61786.)

Lucky Peak Modification, Boise River, Idaho, December 28: The proposed action is to add hydroelectric power production to the existing Lucky Peak Dam, Idaho. This would involve the construction of a side tunnel from the existing outlet tunnel and the construction of a new powerhouse near the outlet. The powerhouse would contain five generating units having a total rated capacity of 75 megawatts. The project is located on the Boise River approximately 10 miles upstream from Boise. Effects include the possibility of a surge tank requirement which would adversely affect the aesthetics of the area. (Walla Walla District) (30 pages). (ELR Order No. 61791.)

George's R. Maintenance Dredging, Thomaston, Maine, December 27: The proposed action calls for maintenance dredging on George's River along the entire project length, restoring the channel to a depth of 10 feet mean low water, to accommodate present navigational needs. Approximately 11,000 cubic yards of material will be removed by hydraulic dredge. Adverse effects include the killing of immobile and slow moving biota in the immediate area to be dredged. Disturbance of the estuary bottom and suspension of sediments will also result. (New England Division) (30 pages). (ELR Order No. 61782.)

Yakima-Union Gap Flood Damage, Columbia R., Yakima County, Wash., December 27: The proposed project calls for the improvement of 7.3 miles of existing right and left bank levees along the Yakima River, extending from the confluence of the Naches and Yakima Rivers downstream to the Highway 24 Bridge. The project also involves the construction of new levees and flood control structures immediately downstream of the Highway 24 Bridge, including a 2.5 mile left bank levee and a 1.1 mile right bank levee. Effects resulting from construction on 58 acres of land include the elimination of about 17 acres of important wildlife habitat and also wildlife. (Seattle District) (160 pages). (ELR Order No. 61788.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

Norman Sewage Treatment Upgrade, Cleveland County, Okla., December 27: The City of Norman, Oklahoma has received Federal Grant Assistance for the enlargement and upgrading of the existing sewage treatment plant, enlargement of several existing lines that are overloaded, and extension of sewage collection facilities into areas outside the presently urbanized sections of the city. The first two portions of this project have been completed; the third has not. An EPA evaluation has determined that construction of sewage collection systems outside the urbanized sections of the city would be detrimental. The EPA has therefore decided to withdraw the remaining approved construction funds. (Region VI) (139 pages). (ELR Order No. 61789.)

Final

Emission Standards for New Light Duty Trucks, December 29: The EPA is proposing to set more stringent emission standards for new light duty trucks, and to enlarge the current light duty truck class to include trucks up to 500 pounds gross vehicle weight rating (GVWR). The proposed standards which would apply to trucks up to 8500 pounds GVWR are 1.7 grams/mile hydrocarbons, 18 g/m carbon monoxide, and 2.3 g/m oxides of nitrogen. The standards are being proposed for 1978 and later model light duty trucks. (120 pages).

Comments made by: DOD, DOT, ERDA, and State agencies, private companies. (ELR Order No. 61793.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Clovis Heights/Cougar Estates No. 10-13 Development, Fresno County, Calif., December 27: Proposed is the ultimate development of a primarily vacant parcel of land into a 135 acre residential subdivision of slightly over 500 dwelling units to be designated "Clovis Heights." The first phase of 35 acres is to contain 136 units. Also proposed is the development of a second primarily vacant parcel into a residential subdivision of slightly over 500 dwelling units in four phases. This development is designated "Cougar Estates No. 10-13; the first phase of 35.4 acres is already being developed into 147 units. Conversion of vacant grazing and farming land to urbanized residential development will result (100 pages). (ELR Order No. 61785.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Lowndes County Rural Water System Improvements, Lowndes County, Ala., December 27: Proposed is the extension of residential water service to several areas of the unincorporated Lowndes County area. This action will involve three separate projects: (1) Tri-System Improvements (interconnection of the Mosses, Corsby, and Black Belt Water Systems); (2) the Steep Creek Project (extension of water lines to rural residential developments east of Hayneville); and, (3) the Russell School Project (extension of water lines to rural residential developments southeast of Hayneville). Few adverse effects are anticipated (85 pages). (ELR Order No. 61783.)

Santa Cruz Riverpark, Tucson, Ariz., December 27: Proposed is a master plan for the Santa Cruz Riverpark in Tucson, Arizona, to be implemented over a ten to fifteen year period. The Riverpark is located west of Interstate highways I-10 and I-19 between the

north limits of the City of Tucson at Camino del Cerro and the south City limits at Los Reales Road. Five major categories of interest are included in the project: land use, recreation, water management, other resource management, and implementation. Impacts, both beneficial and adverse, are discussed at length (450 pages). (ELR Order No. 61790.)

Final

Lake Alma Project, Georgia (2), Alma-Bacon County, Ga., December 29: The purpose of the proposed project is to construct and develop a 1,400-acre public reservoir principally to provide water-oriented outdoor recreation opportunities in Alma-Bacon County, Georgia and the surrounding area. Adverse effects include erosion and slumping of the banks, sedimentation in the reservoir, and increased noise levels. Elimination and inundation of approximately 1,400 acres of bay and branch swamp habitat would also result (324 pages). Comments made by: AHP, USDA, COE, FPC, and DOI. (ELR Order No. 61792.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Draft

Tuskegee Institute Management Plan, Macon County, Ala., December 29: Proposed is the implementation of a general management plan for Tuskegee Institute National Historic site in Tuskegee, Alabama. The plan proposes to preserve and interpret this educational resource; protection and preservation of 22 buildings (21 on the historic Tuskegee campus and 1 adjacent to the campus) are involved. A proposal to acquire certain historic properties is also included. No adverse effects are anticipated (45 pages). (ELR Order No. 61796.)

Final

Electric Distribution Line, McKinley Park, Alaska, December 29: The National Park Service proposes to grant a right-of-way to Golden Valley Electric Association, Inc., for an electric distribution line to McKinley Park, Alaska, from its present terminus at Healy Roadhouse. The proposed action is for the purpose of providing commercial electric power to McKinley Park and eventually extending service south to Cantwell and Summit, Alaska. Approximately 3100 cubic yards of soil, parent material, and highway fill will be excavated and permafrost may be affected by vegetation clearing with resultant soil creep. Scenic resources will be adversely affected, and development resulting from commercial electric power will affect air quality (100 pp). Comments made by: AHP, USDA, DOI, DOT, EPA, and State agencies. (ELR Order No. 61798.)

INTERSTATE COMMERCE COMMISSION

Draft

South Bend—Chicago RR Abandonment, Indiana, and Illinois, December 30: Proposed is the granting of authority to the Chicago, South Shore and South Bend Railroad (South Shore) to discontinue its passenger train service between South Bend, Indiana, and Chicago, Illinois, a distance of 88 miles. Authority is also requested to abandon trackage rights over a portion of the Illinois Central Gulf Railroad between Kensington Station and Randolph Street, a distance of approximately 14.2 miles in Chicago. Discontinuance of all passenger train service would cause approximately 6,200 weekday and 3,100 weekend riders to seek other modes of transportation. (ELR Order No. 61800.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rerscke, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Bear Creek Project, Rocky Mountain Energy Co., Converse County, Wyo., December 29: The proposed action is the issuance of approvals, permits, and licenses to the Rocky Mountain Energy Company for the implementation of the Bear Creek Project. This project consists of certain mining and milling operations involving uranium ore deposits located in Converse County, Wyoming. Mining of uranium from six known ore bodies will take place over a period of ten years; a mill with a nominal capacity of 1000 tons per day will be constructed and operated as long as ore is available. The waste material will be stored on site in an impoundment (200 pages) (ELR order No. 61795.

DEPARTMENT OF TRANSPORTATION

Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

C. D. Lemons Field Runway Construction, Tupelo, Miss., Lee County, December 29: The statement concerns the construction of a new runway and related improvements at the C. D. Lemons Field in Tupelo. The project includes the acquisition of 284 acres of land, the construction of a new runway and air carrier apron, the expansion of the general aviation apron, the construction of an access road, the relocation of Jackson Street, and the installation of an instrument landing system. Adverse impacts of the project include the relocation of approximately 198 persons and increased noise and pollution levels due to larger jet aircraft use of the airport. (200 pages).

Comments made by: EPA, DOI, HUD, USDA, HEW, DOT and state and local agencies. (ELR Order Section 61799.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 275-U.S. 81, Norfolk, Madison County, Nebr., December 29: The proposed roadway improvement involves the upgrading and reconstruction of a segment of Norfolk Avenue and 13th Street in Norfolk, Nebraska. The segment of highway under consideration on Norfolk Ave. begins at 15th St. and extends approximately 0.55 miles easterly terminating immediately east of 9th St. The segment of highway on 13th St. begins immediately south of Pasewalk Ave. and extends approximately 1.27 miles northerly to Maple Ave. Improvements consist of widening both streets to four lanes with curb, medians, sidewalks, intersections, and driveways. One business establishment will be relocated. (Region 7) (75 pages). (ELR Order No. section 61787.)

U.S. COAST GUARD

Draft

LORAN-C Transmitting Sta., Northern Minnesota, Koochiching County, Minn. December 29: This project proposes to expand LORAN-C (Long Range Aid to Navigation) coverage to include the Great Lakes in accordance with the July 1974 Annex to the DOT's National Plan for Navigation, dated April, 1972. The Northern Minnesota LORAN-C transmitting station, a secondary station, will be used in conjunction with an existing LORAN-C master station at Dana, Indiana, and a secondary LORAN-C transmitting station in Seneca County, New York. Three sites have been proposed for the N. Minnesota station: International Falls, Manitou, and Baudette. (140 pages). (ELR Order No. 61794.)

DAVID TUNDERMAN,
Acting General Counsel.

[FR Doc.77-603 Filed 1-6-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL ADVISORY COMMITTEE

Cancellation of Meeting

JANUARY 4, 1977.

Notice is hereby given that the meeting of the GAC's Solar Working Group which was scheduled for January 13, 1977, and published in the FEDERAL REGISTER on December 23, 1976, 41 FR 55930, has been cancelled. The meeting will be rescheduled at a later date, announcement of which will be published in the FEDERAL REGISTER.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-737 Filed 1-6-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 659-5]

CALIFORNIA STATE MOTOR VEHICLE

Pollution Control Standards Waiver of Federal Preemption

I. INTRODUCTION

On July 23, 1976, the Environmental Protection Agency (EPA), by notice published in the FEDERAL REGISTER (41 FR 30383), announced a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (hereinafter the "Act") (42 U.S.C. 1857f-6a(b)). That hearing was called to consider a request by the State of California that the Administrator waive application of section 209(a) of the Act with respect to a number of actions taken to revise California's motor vehicle emissions control program. Section 209(b) of the Act requires the Administrator to grant such waiver, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is not, or does not appear to be, adequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame.

The California waiver request was by letter dated May 20, 1976. The letter de-

scribed seven actions taken by the California Air Resources Board (CARB), and sought waivers for such of those actions as the Administrator deemed to require a waiver prior to enforcement of the action by California. I determined that the following four items addressed in the letter are within the scope of waivers currently in effect, and therefore no new waiver was required:

(i) Multiplicative methane correction factor for hydrocarbon (HC) emissions, and clarification of the vehicle emission labeling requirement;

(ii) Emission standards for 1978 model year light duty trucks, insofar as these standards are the same as those in effect for the 1977 model year;

(iii) Revision of the assembly line test procedures for 1977 model year gasoline-powered passenger cars and light duty trucks; and

(iv) Emission standards for 1978 model year passenger cars, insofar as these standards are the same as those in effect for the 1977 model year.

These items involve revisions of a minor technical or administrative nature, as well as continuations of the present emission standards for an additional model year. This position was communicated to the CARB by letter dated July 18, 1976.

The public hearing was held in Los Angeles, California, on August 25 and 26, 1976, and the remaining three items of the May 20 letter were considered. The items addressed at the hearing were:

(i) Exhaust emission standards and test procedures for 1978 model year medium duty vehicles;

(ii) Application of the fuel evaporative emission standard and test procedure (SHED test) to 1978 and subsequent model year medium duty vehicles and heavy duty vehicles; and

(iii) Fill pipe and opening specifications for 1977 and subsequent model year gasoline-powered motor vehicles. The record was kept open until September 10, 1976, for the submission of written material, data or arguments by interested persons.

Today's decision will deal solely with the third item above, specifications for fill pipes and openings of motor vehicle fuel tanks. The first two items are still under consideration and a decision will be published as soon as a determination has been made.

I have determined that I cannot make the findings required for denial of the waiver under section 209(b), and therefore I am compelled to grant the requested waiver of Federal preemption for 1977 and subsequent model years. The record of the hearing and the other evidence available to me clearly reveal that compelling and extraordinary conditions exist in the State of California, that the requisite technology is currently available, and that there appears to be adequate lead time to permit manufacturers to comply with the California requirements. California's fill pipe specifications are more stringent than applicable Federal standards, since no Federal standards are currently in effect.

II. Background

On March 24, 1976, the CARB adopted its "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" (dated March 19, 1976) for all 1977 and subsequent model year gasoline-powered motor vehicles. The specifications were subsequently amended on August 5, 1976. These specifications place requirements on the construction and orientation of the fill pipe, as well as on the access allowed to the fill pipe by exterior portions of the vehicle such as body sheet metal, bumpers, and license plate frames. The purpose of these specifications is to achieve compatibility between vehicle fuel tank fill pipes and vapor recovery nozzles, so as to permit the recovery of gasoline vapors which are forced out of the fuel tank during the refueling process.

As stated by representatives of the CARB, the specifications basically require that:

(i) The fill pipe be flat, smooth, round in cross section, and less than 5.75 centimeters in diameter, in order to allow a vapor recovery nozzle to seal effectively;

(ii) There be a locking lip inside the fill pipe to allow a vapor recovery nozzle to latch adequately;

(iii) An access zone (i.e., a sufficient void space) be provided to allow the nozzle body and operator's hand to remain clear of vehicle body parts during refueling, so as to prevent binding and jamming of the nozzle; and

(iv) The angle that the nozzle spout makes with the horizontal, while latched to the fill pipe, be at least 15 degrees for 1978 and 1979 model year vehicles, and at least 30 degrees for 1980 and later model year vehicles, so as to prevent defeat of the nozzle's automatic shut-off mechanism (and consequent excess spillage). See Transcript of Public Hearing on California's Request for Waiver of Federal Preemption With Respect to Medium Duty Vehicles, Application of SHED Test Procedure, and Fill Pipe and Opening Specifications, August 25 and 26, 1976, at 316–17 (hereinafter "Tr.").

In their original form, the specifications provided that no new 1977 or later model year gasoline-powered motor vehicle could be sold, offered for sale, or registered in California unless such vehicle was in compliance with the fill pipe construction, orientation, and access requirements. A provision was included whereby a manufacturer could seek a waiver of the requirements for the 1977 model year on the basis of inadequate lead time, and seek an exemption for a subsequent model year on the basis of technological infeasibility. As a means of implementing this provision in an effective manner to deal with the significant lead time and technology problems expressed by various segments of the motor vehicle industry, the Executive Officer of the CARB, pursuant to the authority vested in him, issued a series of executive orders. These executive orders are an integral part of the specifications themselves, and they will be treated as such throughout this decision.

The two executive orders with which we will be concerned are Executive Order G–70–1, dated July 27, 1976, and Executive Order G–70–3, dated August 25, 1976. Executive Order G–70–1 granted a waiver from compliance with the fill pipe specifications to all 1977 model year vehicles. The only requirement placed upon 1977 model year vehicles is that vehicles which use leaded fuel must be capable of being refueled by any nozzle campatible with the fill pipe specifications, and vehicles which require unleaded fuel must be capable of being refueled by a nozzle which conforms to the "Alternate Nozzle Description" attached to the order. Executive Order G–70–1 also includes a provision whereby a manufacturer may seek an exemption from the fill pipe specifications for 1978 or subsequent model year vehicles if compliance is technologically infeasible despite the manufacturer's good faith efforts to develop the technology.

Executive Order G–70–3, dated August 25, 1976, establishes a schedule for achieving full compliance with the fill pipe specifications by the 1982 model year. Executive Order G–70–3 partially supersedes Executive Order G–70–1 for 1978 and subsequent model years. See Tr. at 356. Under the schedule provided in Executive Order G–70–3, full compliance for 1978 through 1981 model year vehicles is made coincident with scheduled changes to the vehicle's bumper or body panel surrounding the access to the fill pipe. As a result individual manufacturers will be required to comply with the fill pipe specifications at different times. More specifically, Executive Order G–70–3 provides that:

(i) Full compliance is required for all 1978 and later model year vehicles which have undergone changes to the relevant bumper or body panel subsequent to the 1977 model year, or which do not require any such changes to achieve compliance with the specifications;

(ii) 1978 and 1979 model year vehicles which require, but are not scheduled for, bumper or body panel changes to achieve compliance must be designed to be refueled by either the nozzle described in the attachment to Executive Order G–70–1 or every nozzle which is compatible with the fill pipe specifications, and there must be a positive fill angle when the nozzle is in the normal resting position; and

(iii) 1980 and 1981 model year vehicles which require, but are not scheduled for, bumper or body panel changes to achieve compliance must be designed to meet all aspects of the fill pipe specifications except that the fill angle may be less than 30 degrees, but not less than 15 degrees.

It should be noted that the exemption for technological infeasibility provided in Paragraph 5 of the fill pipe specifications (and in Executive Order G–70–1) is still available to the manufacturers for 1978 and subsequent model years. That is, a manufacturer may receive an exemption from the fill pipe specifications even if a change is scheduled to the relevant bumper or body panel, provided that the manufacturer can demonstrate to the CARB that, despite his good faith efforts to develop the technology, it is technologically infeasible to comply with the specifications.

III. Discussion

Technology and Lead Time. Due to the different considerations involved for motorcycles and other gasoline-powered motor vehicles, these two categories will be discussed separately.

With regard to all gasoline-powered motor vehicles except motorcycles, none of the manufacturers at the hearing raised any questions of technological feasibility. No manufacturer stated that technology is not currently available to meet the California specifications. The only significant issue in this area is whether there is adequate lead time within which to implement the required changes to the fill pipe and surrounding vehicle body parts. In considering this question, Executive Orders G–70–1 and G–70–3 are crucial to the waiver decision, since they eliminate what would otherwise be a serious lead time problem. Under Executive Order G–70–1, the only requirement being placed on 1977 model year vehicles is that they be capable of being refueled by specified nozzles. All the statements of the manufacturers on this issue indicated that there should be no problem in complying with this requirement. See Tr. at 312, 340, 367–69, 377.

As described earlier, Executive Order G–70–3 establishes a schedule for phasing 1978 through 1981 model year vehicles into full compliance coincident with scheduled changes to the bumper and body panel surrounding the fill pipe. Once again, none of the manufacturers stated that they could not comply with the requirements of Executive Order G–70–3. In fact, in most cases it is precisely this order which makes compliance with the fill pipe specifications feasible in a reasonable and cost effective manner. See Tr. at 301–03, 363. At the hearing the Ford Motor Company supported granting the requested waiver to California (see Tr. at 296) and stated that they could achieve full compliance with the fill pipe specifications as implemented by Executive Orders G–70–1 and G–70–3. See Tr. at 302–03. The General Motors Corporation similarly stated that they did not oppose the granting of the waiver (see Tr. at 357–58) and could achieve full compliance within the guidelines of the two executive orders. See Tr. at 360–63. The Chrysler Corporation, although disapproving of the entire regulatory mechanism chosen by California in this area of fill pipe specifications (see Tr. at 336–39, 341–43), nevertheless stated that they expected to be in full compliance with the specifications by the 1979 model year without the need for further exemptions under Executive Order G–70–3. See Tr. at 344–45. In written comments dated September 8, 1976, the American Honda Motor Company stated that their automobiles will be able to comply with the California requirements.

Regarding the cost of compliance with the fill pipe specifications, in general compliance does not require the use of new technology or additional materials. The principal costs are one time expenses associated with the modification or procurement of new production tooling. These costs can be minimized by allowing the vehicle manufacturer to bring each model line into compliance at a time when the vehicle is scheduled for other modifications to the bumper or body panel surrounding the fill pipe. Although the purpose of Executive Order G–70–3 was to reduce costs in this manner, some vehicles may nevertheless require modifications out of their normal cycle. The most detailed statements regarding costs were submitted by the Ford Motor Company. Before Executive Order G–70–3 was issued, Ford estimated that compliance would cost $8.9 million in the 1978 through 1980 model years. See Tr. at 296–97. This cost was primarily due to the unscheduled modifications that would be required. Ford also stated that $2.7 million could be saved if California used 1977, rather than 1976, as the base year in the cover letter accompanying Executive Order G–70–1. See id. Executive Order G–70–3 (which basically implemented the cover letter sent by the CARB to the manufacturers to accompany Executive Order G–70–1) did specify that the base year was to be 1977 and so the estimated cost to Ford will be $6.2 million over a period of three years. The General Motors Corporation did not provide any specific cost information, but stated that Executive Order G–70–3 does appear to permit compliance to be achieved in a cost effective manner. See Tr. at 363. The Chrysler Corporation did not supply a precise estimate of the cost of compliance, but expressed the expected cost as "hundreds of thousands" of dollars, responding to a question as to whether the cost would be more than one million dollars. See Tr. at 349.

With regard to the motorcycle industry, the situation concerning technology, lead time and cost is somewhat different. This is primarily due to the manner in which motorcycle fuel tanks are designed and refueled. As opposed to the procedure for other gasoline-powered motor vehicles, motorcycle refueling does not rely on the automatic shut-off mechanism on the fill nozzle. In the first place, most motorcycle fuel tanks straddle the frame of the motorcycle, and have the filler inlet directly over the frame with a very short fill pipe. Therefore, the fill nozzle can generally not be fully inserted and is consequently hand held. Furthermore, even where the nozzle can be fully inserted into the fill pipe, it extends into the tank itself so that the automatic shut-off mechanism would stop the flow of gasoline well before the tank was full, and often before it was even half full. Motorcycle refueling is not designed for unattended operation. The fuel level in the tank is verified visually, and the fill nozzle is gradually withdrawn until the tank is completely filled. See Tr. at 384–85. For these reasons, designing a system which would be effective to recover vapors from motorcycle fuel tanks during refueling presents problems.

The requisite technology for an effective design is not currently available, as was recognized at the hearing by representatives of the CARB. See Tr. at 319, 329. However, the CARB did offer two solutions to the motorcycle problem. These suggestions were to install a telescoping fill pipe on top of the fuel tank, or to relocate the fuel tank under the seat and use a fill pipe arrangement similar to that for automobiles. See Tr. at 317–18. The CARB felt that compliance with the specifications by motorcycles was possible within the framework of Executive Orders G–70–1 and G–70–3, since the effect of these orders would be to provide the lead time necessary for the motorcycle manufacturers to develop and apply the required technology. See Tr. at 319, 328–30. The CARB stated that the provisions of Executive Order G–70–3 are applicable to motorcycles. See Tr. at 323. The CARB further stated that they were not aware of any plans of the motorcycle manufacturers to change the designs of the fuel tanks prior to 1982, and therefore motorcycles would not have to make any changes to comply with the fill pipe specifications until the 1980 model year. See Tr. at 328–29.

In responding to the statements of the CARB, the Motorcycle Industry Council indicated that changes to motorcycle fuel tanks were expected to be implemented prior to the 1980 model year to accommodate new designs or safety considerations. See Tr. at 388, 395. The Council felt that the effect of Executive Order G–70–3 would be to prevent such changes and to freeze motorcycle fuel tank designs, since any change to the fuel tank in 1978 or 1979 would require full compliance with the fill pipe specifications. See Tr. at 388, 395–96.[1]

Concerning CARB's suggested solution of relocating the fuel tank under the seat, the Motorcycle Industry Council stated that this approach would require complete redesign of frame, engine and transmission configurations, a major design effort which would cost the motorcycle industry hundreds of millions of dollars. See Tr. at 388–89. Specific cost information for such an alternative was provided by the Yamaha International Corporation in a supplementary statement dated September 7, 1976. Yamaha estimated that it would take from twelve to

[1] What was not realized by the Council, though, was that the exemption for technological infeasibility provided in Executive Order G–70–1 and Paragraph 5 of the specifications is still available to a motorcycle manufacturer even if a change is made to the fuel tank. Of course, if this exemption were sought, the manufacturer would have to demonstrate to the CARB that compliance was technologically infeasible despite good faith efforts to overcome any problems.

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fifteen years to redesign their entire model line, at a total cost of $67 million. In the written statement of the American Honda Motor Company, dated September 8, 1976, it was stated that such redesign of the motorcycle was not even possible for some models.

Both Honda and Yamah also commented on the CARB suggestion of a telescoping fill pipe. In a second supplementary statement dated September 7, 1976, Yamaha noted that such a design has not yet been developed, and said that there are serious safety considerations which must be examined. Honda commented that a considerable amount of time would be required to consider this alternative in the context of safety and design compatibility. Although not specifically mentioned by any of the manufacturers, one of the safety problems with this alternative would appear to be the possibility of spillage. With the fill pipe in its fully extended (telescoped) position, it would be possible for this extended portion itself to fill up with gasoline due to nozzle after-flow upon shutoff. When the fill pipe is then compressed into its closed position this fuel would be spilled, causing a potential safety hazard as well as creating a source of hydrocarbon emissions.

The only specific lead time information for motorcycles was provided by Yamaha. Yamaha stated that regardless of the approach taken, they do not believe that it is technologically feasible to comply with the fill pipe specifications before 1980. See Tr. at 401. They further stated that they were not aware that compliance would be possible even after 1980. See Tr. at 401–02.

The entire discussion of technology and lead time up to this point has been concerned with the technology necessary to achieve an "effective" design for motorcycle fill pipes. Effective technology means technology that is both likely to be used in the field by motorcycle owners and filling station attendants, and also will accomplish the purpose of permitting the recovery of gasoline vapors during the refueling process while allowing the motorcycle fuel tank to be completely filled. These considerations, however, are outside my permissible scope of inquiry in a California waiver situation. In keeping with the Congressional intent behind section 209(b) of the Act as stated in the previous motorcycle waiver decision (41 FR 44209, 44210, October 7, 1976), my determinations regarding the availability of the requisite technology do not extend into evaluating the effectiveness of any available technology. I therefore cannot deny a waiver request if technology is available to achieve compliance with the California requirements, regardless of whether this technology may be of questionable effectiveness.

There is technology currently available to the motorcycle industry which would permit motorcycles to comply with the California fill pipe specifications as early as the 1978 model year. This technology involves simply relocating the fuel tank opening off center so that the fill nozzle can be fully inserted into the tank without striking the center hump in the fuel tank. The only other modification which may be required would be to place a positioning bracket inside the filler inlet to retain the nozzle spout within the required orientation. The technology required to implement these changes is currently available, and in fact some motorcycles already have an off center filler inlet. This option of relocating the fuel tank opening was not given much discussion at the hearing (see Tr. at 401), most likely due to the fact that this is not generally considered a desirable option. Although this design would allow the fill nozzle to be fully inserted and sealed, the spout would extend at least three inches into the fuel tank. In this position the nozzle's automatic shut-off mechanism would stop the flow of gasoline well before the tank was full. Therefore in order to completely fill the tank, the nozzle would have to be unsealed and withdrawn so as to allow the continued flow of gasoline. In addition, since the automatic shut-off would occur very quickly (after dispensing one to three gallons of fuel), it is not likely that the operator would fully insert and seal the nozzle in the first place. Nevertheless, this option of relocating the fuel tank opening does appear to comply with the California fill pipe and opening specifications, and nothing prohibits a manufacturer from implementing this approach. Of all the suggested solutions for motorcycles, relocating the fuel tank opening is technologically the easiest and least expensive method.

It should also be noted that if a motorcycle manufacturer does not plan to make any changes to the fuel tank prior to the 1980 model year, under Executive Order G–70–3 the manufacturer will not have to comply with the fill pipe specifications. Furthermore, even if changes to the fuel tank are planned prior to the 1980 model year, a motorcycle manufacturer may apply to the CARB for an exemption from the fill pipe specifications.

Based upon all the information available to me, I cannot conclude that with respect to motorcycles the technology required to achieve compliance with the California fill pipe specifications cannot be developed and applied by the 1978 model year.

Objections to granting the waiver. Representatives of the Chrysler Corporation objected to the entire regulatory approach taken by the CARB in the area of fill pipe specifications. See Tr. at 336–39, 341–43. Specifically, Chrysler felt that that provisions for exemptions and waivers specified in Executive Orders G–70–1 and G–70–3 did not permit any realistic determination of available lead time to be made by the Administrator, as is required for consistency with section 202(a) of the Act. Chrysler took the position that a determination as to lead time must be made on an industry-wide basis, as opposed to individual manufacturers seeking exemptions for various model years from the CARB if certain criteria are met.

Additional questions were raised at the public hearing concerning whether, in granting this waiver, the Administrator would effectively be improperly transferring to the Executive Officer of the CARB the responsibility to determine whether adequate lead time exists. See Tr. at 301, 325–27, 361. On the other side, however, both Ford and General Motors stated that the executive orders represented a reasonable, flexible, and cost effective way of implementing the fill pipe specifications. See Tr. at 301–02, 362–63. As noted earlier, these executive orders solve what would otherwise be serious lead time problems.

After careful consideration of this issue, I find that I cannot agree with Chrysler's position. The implementation of the fill pipe specifications through the executive orders does not prevent me from making the required determination regarding lead time. The criteria for an exemption under Executive Order G–70–3, which relates compliance to required scheduled changes to the bumper and body panel surrounding the fill pipe, are sufficiently definite such that reasonable decisions regarding available lead time can be made for each manufacturer. See Tr. at 301–03, 343, 361–63. The unambiguous nature of these criteria prevents excessive discretion from being given to the Executive Officer of the CARB. Executive Order G–70–3 represents a sensible mechanism for achieving full compliance with the fill pipe specifications at the earliest possible date, while at the same time recognizing the realities of the motor vehicle production process and giving consideration to the economic factors involved. This executive order minimizes the impact that compliance with the specifications will have on motor vehicle manufacturers.

Various objections to this waiver request on behalf of the motorcycle industry were raised by the Motorcycle Industry Council and the Yamaha International Corporation, who contended that motorcycles should be excluded as a class from compliance with the fill pipe specifications. The Motorcycle Industry Council discussed the reasons why motorcycle fuel tanks were unsuited to developing any effective method for recovering gasoline vapors during refueling. See Tr. at 380–89. Yamaha presented data which demonstrated the extremely small contribution to air pollution caused by hydrocarbon vapors escaping from motorcycle fuel tanks during refueling, and discussed the cost effectiveness of compliance with the fill pipe specifications. See Tr. at 397–402. However, I have concluded that I cannot deny the requested waiver with respect to motorcycles on these grounds. As explained in detail in the previous waiver decision concerning motorcycle exhaust emission standards, 41 FR 44209 (October 7, 1976), arguments concerning the wisdom of California's actions, the cost effectiveness of compliance with the fill pipe specifications and the degree of improvements in air quality that will result, are all outside my permissible scope of inquiry. These matters are questions of public policy, which are left to California's judgment. As discussed earlier, questions concerning the effectiveness of the available technology are also within this category.

Deferment of Federal Standards. In the past year EPA has done preliminary work on developing Federal standards for fill pipes and openings. EPA has informally advised the affected industry that such Federal standards would not be issued if California adopted standards adequate for Federal purposes and if the industry utilized designs on a nationwide basis that comply with such standards.

On the assumption that the California specifications subject to this waiver are utilized by the manufacturers of gasoline-fueled light duty vehicles and light duty trucks on the same schedule as has been required in the State of California, EPA will indefinitely defer the issuance of Federal standards for these vehicles' fill pipes and openings. Should the nationwide compliance of these manufacturers obviate the need for the promulgation of Federal standards, such rulemaking will be foregone completely. EPA will monitor plans for utilization of filler-inlet designs on non-California vehicles and determine at some future date whether Federal action on this matter is necessary.

Findings. Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I hereby make the following findings.

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles.

2. The California fill pipe and opening specifications for 1977 and subsequent model year gasoline-powered motor vehicles are more stringent than applicable Federal standards, since no Federal standards are currently in effect.

3. Compelling and extraordinary condition continue to exist in the State of California. The State oxidant pollution problem remains the worst in the nation. The testimony of the representatives of the CARB revealed that unless a virtual shutdown of Los Angeles is assumed, no current projections indicate that compliance with the ambient air quality standards can be achieved for California's South Coast Air Basin, a region which contains five percent of the nation's population.

4. With respect to all 1977 and subsequent model year gasoline-powered motor vehicles, I cannot find that the California fill pipe and opening specifications, and accompanying enforcement procedures, are not consistent with section 202(a) of the Clean Air Act. Taking into account the cost of compliance, I find that the requisite technology is currently available and that there appears to be adequate lead time to permit the application of this technology so as to achieve compliance with the California requirements as implemented by Executive Orders G–70–1 and G–70–3.

IV. DECISION

Based upon the above discussion and findings, I hereby waive application of section 209(a) of the Act to the State of California with respect to section 2290 of Title 13, California Administrative Code, and "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks," dated March 19, 1976, as amended August 5, 1976, as implemented by Executive Order G–70–1, dated July 27, 1976, and Executive Order G–70–3, dated August 25, 1976, for all 1977 and subsequent model year gasoline-powered motor vehicles.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95814.

Dated: December 30, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.77–655 Filed 1–6–77;8:45 am]

[FRL 668–4]

EMISSION STANDARDS FOR NEW LIGHT DUTY TRUCKS

Availability of Final Environmental Impact Statement

Pursuant to the EPA procedures for the Voluntary Preparation of Environmental Impact Statements (39 FR 37419), the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Emission Standards for New Light Duty Trucks.

The EPA has set more stringent emission standards for new light duty trucks, and has enlarged the current light duty truck class to include trucks up to 8500 pounds gross vehicle weight rating (GVWR). The emission standards which apply to trucks up to 8500 pounds GVWR are 1.7 grams/mile (g/m) hydrocarbons, 18 g/m carbon monoxide and 2.3 g/m oxides of nitrogen. The EPA has set these standards for 1979 and later model year light duty trucks.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on December 29, 1976. These standards become effective February 11, 1977 (see 41 FR 56316).

Copies of the FEIS are available for review and comment from: Public Information Center (PM–215), U.S. Environmental Protection Agency, Washington, DC 20460 (telephone: 202–755–0707).

Copies of the FEIS are available for public inspection at the following location:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the FEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036. Please reference ELR No. 61793.

Copies of the FEIS have been sent to various Federal, State, and local agencies as well as interested individuals who made substantive comments on the draft EIS as outlined in the CEQ guidelines or who requested a copy of the FEIS.

Dated: January 4, 1977.

REBECCA W. HAMMER,
Director,
Office of Federal Activities.

[FR Doc.77–653 Filed 1–6–77;8:45 am]

[FRL 668–5]

WASTEWATER TREATMENT FACILITIES, NORMAN, OKLAHOMA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Wastewater Treatment Facilities, Norman, Oklahoma.

The City of Norman, Cleveland County, Oklahoma has received Federal Grant Assistance for the enlargement and upgrading of the existing sewage treatment plant, enlargement of several existing lines that are overloaded and extension of sewage collection facilities into areas outside the presently urbanized sections of the city. All of the facilities have been completed with the exception of that portion of the grant which would extend service outside the urbanized area and would replace five oxidation ponds and two lift stations.

The DEIS was transmitted to the Council on Environmental Quality (CEQ) on December 27, 1976. In accordance with CEQ's notice of availability, comments are due on February 21, 1977. Copies of the DEIS are available for review and comment from:

Mr. Clinton Spotts, Regional EIS Coordinator, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270 (telephone: 214 749–1236).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region VI Library, 28th Floor, First International Building, 1201 Elm Street, Dallas, Texas 75270.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Information copies of the DEIS are available at cost (10 cents/page) from

the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036. Please reference ELR No. 61789.

Copies of the DEIS have been sent to various Federal, State and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: January 4, 1977.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.77-654 Filed 1-6-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Iowa Public Service Company's Maynard Generating Station Powerplant 14; Negative Determination of Environmental Impact

Pursuant to 10 CFR 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Iowa Public Service Company's Maynard Generating Station, Powerplant 14.

On June 30, 1975, the FEA issued a prohibition order to the above-listed powerplant which prohibited the powerplant from burning natural gas or petroleum products as its primary energy source. The prohibition order provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the order would not become effective until either, (1) The Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that a particular powerplant will be able to comply with all applicable air pollution requirements under section 119 of that Act; and, until FEA has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplant the Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7(b).

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined it is clear that issuance of a Notice of Effectiveness for the prohibition order to the above listed powerplant is not a "major Federal action significantly affecting the quality of the human environment." National Environmental Policy Act at 42 U.S.C. 4332 (2)(C). Therefore pursuant to 10 CFR 208.4(c) FEA has determined that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the FEA Office of Communications and Public Affairs, Room 2140, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue, N.W., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the negative determination and the associated environmental assessment to Executive Communications, Box, KA, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination—Proposed NOE to Iowa Public Service Company's Maynard Generating Station, Powerplant 14." Fifteen copies should be submitted on or before January 27, 1977.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., December 29, 1976.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-620 Filed 1-4-77;3:48 pm]

RATE DESIGN INITIATIVES SUBCOMMITTEE OF THE STATE REGULATORY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat 770), notice is hereby given that the Rate Design Initiatives Subcommittee of the State Regulatory Advisory Committee will meet Monday, January 31, 1977, at 9:30 a.m., Room 3000A, FEA Headquarters Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C.

The objectives of this Subcommittee are to advise FEA on its preparation and analysis of electric utility rate design proposals which are to be submitted to the Congress pursuant to Title II, Section 203, Pub. L. 94-385, Energy Conservation and Production Act.

The agenda for the meeting is as follows:

1. FEA presentation of status report on preparation of the February 14 submittal to Congress and the Quantitative modeling contract.
2. Subcommittee discussion—current efforts, future needs.
3. Comments from the general public.

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 566-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection and copying in the FEA Freedom of Information Office, Room 2107, FEA Headquarters, 12th & Pennsylvania Avenue, N.W., Washington, D.C.

Issued at Washington, D.C. on January 4, 1977.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.77-621 Filed 1-4-77;3:49 pm]

FEDERAL MARITIME COMMISSION

SECURITY FOR THE PROTECTION OF THE PUBLIC

Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provision of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Aegean Cruises, S.A., c/o Epirotiki Lines, Inc., 608 Fifth Avenue, New York, New York 10020.

Dated January 4, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-623 Filed 1-6-77;8:45 am]

SECURITY FOR THE PROTECTION OF THE PUBLIC

Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate [Performance]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 9-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Aegean Cruises, S.A., c/o Epirotiki Lines, Inc., 608 Fifth Avenue, New York, New York 10020.

Dated: January 4, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-624 Filed 1-6-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-17014, et al]

CIMARRON TRANSMISSION COMPANY, ET AL

Filing of Pipeline Refund Reports and Refund Plans

DECEMBER 29, 1976.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket numbers, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 14, 1977. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

Appendix

Company	Date of filing	Type of filing	Docket No.
Cimarron Transmission Co.	June 7, 1976	Report	G-17014.
Consolidated Gas Supply Corp.	Nov. 22, 1976	Plan	RI72-157.
Do.	May 19, 1976	...do	RI72-157.
Mid-Louisiana Gas Co.	Nov. 26, 1976	Plan (revised)	AR67-1.
Northwest Pipeline Corp.	Dec. 8, 1976	Plan	RI74-65.
Southern Natural Gas Co.	Aug. 2, 1976	...do	AR67-1, et al.
South Texas Natural Gas Gathering Co.	Oct. 4, 1976	...do	AR64-2, et al.
Texas Eastern Transmission Corp.	Nov. 29, 1976	Report	RI70-29, et al
Do.	July 29, 1976	Plan	AR64-2, et al., AR67-1, et al.
Texas Gas Transmission Corp.	Nov. 15, 1976	Report	RI76-17.
Transcontinental Gas Pipe Line Corp.	Aug. 3, 1976	Plan	RI73-3.
Columbia Gas Transmission Corp.	Nov. 10, 1976	Report	RI73-65.

[FR Doc.77-495 Filed 1-6-77;8:45 am]

[Docket No. C177-149]

GULF OIL CORP.

Application for Abandonment Authorization[1]

DECEMBER 30, 1976.

Take Notice that the Applicant listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendment which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time herein, if the Commission on its own review of the matter finds that an abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
C177–149..... (G–6813) B 12–12–76	Gulf Oil Corp., P.O. Box 3725, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Cameron Field, Cameron Parish, La.	(1)	.....

1 Gulf to terminate deliveries to MichWis and to commence deliveries of this supply of gas to Texas Eastern Transmission Corp., under Gulf's rate schedule No. 278. Gulf states that its contract dated Nov. 6, 1953, was for a period from June 1, 1953, to June 1, 1976, at which time the contract terminated by its own terms.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[FR Doc.77-494 Filed 1-6-77;8:45 am]

[Docket No. CS71-1134, et al]

REX MONAHAN, ET AL

Applications for "Small Producer" Certificates [1]

DECEMBER 30, 1976.

Take notice that each of the Applicants listed herein has failed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date Filed	Applicant
CS71-1134 (G-5077).	Nov. 26, 1976	Rex Monahan, Room 12 I. & M. Bldg., Sterling, Colo.
CS75-470..	Oct. 26, 1976	Texas Oil & Gas Corp., et al., 730 15th St., NW., Washington, D.C. 20005.
CS76-233.. (CS72-1026).	Dec. 2, 1976	Barber Oil Exploration, Inc., One Shell Plaza, Houston, Tex. 77002.
CS76-889..	Dec. 6, 1976	J. K. Fortner and William A. Snyder, d/b/a Kenbill Oil Co., 3701 22d St., Great Bend, Kans. 67530.
CS77-164..	Dec. 8, 1976	Jar Timber Corp., 3635 Lemmon Ave., Suite 303, Dallas, Tex. 75219.
CS77-165.....	do.....	James R. Sowell, 3635 Lemmon Ave., Suite 303, Dallas, Tex. 75219.
CS77-166..	Dec. 9, 1976	A. S. Edgerton, 50 California St., San Francisco, Calif. 94111.
CS77-167.....	do.....	Susan H. Smith, 2568 East Shore Place, Reno, Nev. 89509.
CS77-168..	Dec. 10, 1976	McCloskey Gas Co., 76 Liberty Lane, Huntington, W. Va. 25705.
CS77-169.....	do.....	Robinson Gas Co., et al., 76 Liberty Lane, Huntington, W. Va. 25705.
CS77-170.....	do.....	Pinnacle Co., 940 Esperson Bldg., Houston, Tex. 77002.
CS77-171.....	do.....	John Loeb, 42 Wall St., New York, N.Y. 10005.
CS77-172.....	do.....	ENI Exploration Program—1975, 1401 Bank of California Center, Seattle, Wash. 98164.
CS77-173.....	do.....	Century Oil & Gas Co., P.O. Box 94010, Oklahoma City, Okla.
CS77-174..	Dec. 13, 1976	Royal Resources Exploration, Inc., 1660 South Albion St., Suite 505, Denver, Colo. 80222.
CS77-175.....	do.....	James W. Hines, Jr., 36 Linda Isle, Newport Beach, Calif. 92660.
CS77-176.....	do.....	John W. Ramsey, P.O. Box 173, Carter, Okla. 73627.
CS77-177.....	do.....	Thomas H. Cleavenger, 112 South Michigan Ave., Chicago, Ill. 60603.
CS77-178.....	do.....	Rose Long McFarland, 1014 Mid-South Towers, Shreveport, La. 71101.
CS77-180.....	do.....	Albert S. Keston, c/o Aaron Shapiro, 1180 6th Ave., New York City, N.Y. 10036.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[2] This application is being renoticed to reflect that Texas Oil & Gas Corp., et al., acquired all of the outstanding common stock of Western Transmission Corp., a class Cinterstate pipeline company. Applicant requests a waiver of the Commission's regulations, sec. 157.40(a)(1), insofar as they might exclude from small producer status a producer that is affiliated with a jurisdictional pipeline company.

[3] Being renoticed to reflect that the sales which were being made on Nov. 11, 1976, under MACPET's (McKnight Petroleum Trust) small producer certificate issued in docket No. CS72-1026, are henceforth made by Barber Oil Exploration, Inc., under a small producer certificate issued in docket No. CS76-233.

[FR Doc.77-493 Filed 1-6-77;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of November 16, 1976

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 16, 1976.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services in the fourth quarter may be falling somewhat below the third-quarter rate. In October retail sales increased little following a decrease in September. Industrial production and employment in manufacturing declined, in part because of strikes. After adjustment for strikes, total payroll employment in manufacturing establishments rose somewhat further. According to household survey data, the unemployment rate edged up from 7.8 to 7.9 per cent. The wholesale price index for all commodities rose less rapidly in October than in September as average prices of farm products and foods declined; however, average prices of industrial commodities rose sharply further. The advance in the index of average wage rates over recent months has remained somewhat below the rapid rate of increase during 1975.

The average value of the dollar against leading foreign currencies has remained steady in recent weeks, declining slightly against the German mark and associated European currencies but rising against the pound sterling and the lira. In September the U.S. foreign trade deficit widened again, and the third-quarter deficit was about double the average of the first two quarters of 1976.

M_1, which was about unchanged in September, expanded sharply in October. Growth in M_2 and M_3 accelerated as inflows of the time and savings deposits included in these broader aggregates continued exceptionally strong. Interest rates have fluctuated in a narrow range in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic expansion, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the period ahead.

By order of the Federal Open Market Committee, December 29, 1976.

MURRAY ALTMANN,
Deputy Secretary.

[FR Doc.77-607 Filed 1-6-77;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of November 16, 1976, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

BANCO UNION, C.A.; CONSORCIO FINANCIERO UNION, S.A. AND UNION INTERNATIONAL CORP.

Order Approving Formation of Bank Holding Companies

Banco Union, C.A., Caracas, Venezuela ("Banco Union"); Consorcio Financiero Union, S.A., Caracas, Venezuela ("Consorcio Financiero"); and Union International Corporation, Wilmington, Delaware ("Union International") have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of bank holding companies through acquisition directly or indirectly of all of the voting shares (less directors' qualifying shares) of Union Chelsea National Bank, New York, New York ("Bank"). Bank, a new bank recently chartered by the Comptroller of the Currency, proposes to purchase assets and assume liabilities of Chelsea National Bank, New York, New York ("Chelsea Bank").[2] Bank would be the successor to Chelsea Bank and, accordingly, the proposed acquisition of voting shares of Bank is treated herein as the proposed acquisition of the voting shares of Chelsea Bank. Union International proposes to acquire all of the voting shares of Bank. Banco Union would own 10 per cent of the shares of Union International; however, as a result of a voting agreement entered into with Consorcio, it would have the power to vote an additional 15 per cent of the shares of Union International.[3] Consorcio Financiero would own 90 per cent of the shares of Union International,[4] but as a result of the voting agreement would have the power to vote only 75 per cent of Union International shares.

Notice of the applications has been given to the Comptroller of the Currency in accordance with section 3(b) of the Act. The Comptroller has recommended approval of the applications. Published notice of the applications has been dispensed with because of the emergency situation that exists. Such notice is not required by the Act. The Board has considered the applications and the comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Banco Union, a Venezuelan commercial bank with total assets of approximately $1.1 billion and total deposits of approximately $1 billion, is the second largest commercial bank in Venezuela. Banco Union has 82 offices located throughout Venezuela and has two overseas offices, including an agency in New York City. Consorcio Financiero is a holding company with substantially the same shareholders as Banco Union and was formed to hold interests in mortgage banking and other companies formerly held by Banco Union. Consorcio Financiero has total assets of approximately $12.7 million. Union International is a United States company that has been formed for the purpose of holding the shares of Bank. Upon acquisition of Bank (deposits of approximately $28 million), Applicants would control .02 per cent of deposits in commercial banks in the State of New York.[4]

Chelsea Bank, whose assets and liabilities are to be acquired by Bank, is the 78th largest of 122 banking organizations in the relevant market.[5] Because of the nature of the business conducted at Banco Union's New York agency and the large number of intervening banks, it does not appear that any meaningful competition would be eliminated as a result of the proposal. On the other hand, consummation of the proposals should have a salutary effect on competition by restoring Chelsea Bank to a condition whereby it will be able to compete with other banking organizations in the market. On the basis of the record, the Board concludes that consummation of the proposals would not have a significant adverse effect on existing or potential competition in any relevant area and that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Banco Union are regarded as generally satisfactory. Similar considerations with respect to Consorcio Financiero and Union International appear to be consistent with approval of the subject applications. Bank's financial resources and future prospects, absent consummation of the instant proposals, are unsatisfactory and additional funds are needed in order for Bank to be able to continue its operations. In this connection, Banco Union has agreed to directly or indirectly inject $6 million of additional capital into Bank. In addition, Banco Union will make a $6 million line of credit available to Union International to enable Union International to make such additional capital investments in Bank as may be necessary. Thus, banking factors lend weight toward approval of the applications. Although there will be no immediate change or increase in the services offered by Bank, consummation of the proposed transactions would preserve Bank as an alternative source of banking services. Thus, convenience and needs considerations lend significant weight toward approval of the applications. Accordingly, it is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the applications should be approved.

Pursuant to section 4(a)(2) of the Act, Applicants would have two years from the date on which they become bank holding companies in which to divest direct or indirect ownership or control of any companies engaged in impermissible nonbanking activities. Under section 4(c)(9) of the Act and section 225.4(g) of Regulation Y [12 CFR 225.4(g)] issued pursuant thereto, a "foreign bank holding company," as defined in the regulation,[6] is eligible for certain exemptions from the nonbanking prohibitions of the Act. Specifically, a foreign bank holding company may, without the Board's prior specific consent, retain and acquire shares of any company that is not engaged, directly or indirectly, in any activities in the United States except as shall be incidental to the international or foreign business of such company. It appears that Banco Union would qualify as a foreign bank holding company upon consummation of the proposed transactions. Based on the available information, however, it does not appear that Consorcio Financiero, as persently constituted, would qualify as a foreign bank holding company. Unless Consorcio Financiero can demonstrate to the Board that it is a "foreign bank holding company," and thus qualifies for the exemption of section 4(c)(9), it must, within two years of the date on which it becomes a bank holding company, either reduce its investments in foreign companies to less than 5 percent,[7] or apply to the Board to retain its foreign investments pursuant to section 4(c)(13) of the Act.[8]

While Banco Union and Consorcio Financiero are primarily engaged in activities outside the United States, Banco Union presently owns 39 percent, and Consorcio Financiero owns 45 percent, of the voting shares of Administradora

[1] The Comptroller has declared that an emergency exists with respect to the condition of Chelsea Bank and, acting pursuant to 12 U.S.C. section 181, waived the requirement that the owners of two-thirds of Chelsea Bank's stock vote to approve the transaction.

[2] Banco Union has undertaken to apply to the proper Venezuelan authorities for permission to acquire all of the shares of Union International.

[3] Both Banco Union and Consorcio Financiero have agreed to maintain the voting agreement regarding 15 per cent of the shares of Union International, until the Board consents to termination of the arrangement.

[4] All banking data are as of December 31, 1975, unless otherwise indicated.

[5] The metropolitan New York market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut. Chelsea Bank's rank in the market is as of June 30, 1975.

[6] Section 225.4(g)(1)(iii) defines "foreign bank holding company" as a bank holding company "organized under the laws of a foreign country, more than half of whose consolidated assets are located, or consolidated revenues derived, outside the United States."

[7] Pursuant to section 4(c)(6) of the Act a bank holding company may hold up to 5 per cent of the outstanding voting shares of nonbanking companies.

[8] Bank holding companies that do not qualify as foreign bank holding companies under § 225.4(g) of Regulation Y must apply to retain or acquire shares of foreign companies under § 225.4(f) of Regulation Y implementing § 4(c)(13) of the Act. In general, under § 225.4(f) of Regulation Y, domestic bank holding companies are limited to owning and controlling shares of foreign companies that are engaged in international or foreign banking and other foreign or international financial operations. In contrast, under § 4(c)(9), a foreign bank holding company can own and control shares of any foreign company, regardless of the activities the company is engaged in, so long as it is only engaged in incidental activities in the United States.

Union, a Venezuelan company which indirectly engages in real estate management activities in the United States through its wholly-owned subsidiary Administradora Union Management Corp., Coral Gables, Florida ("Management Company"). It does not appear that any of the exemptive provisions of section 4 of the Act, including section 4(c)(9), are applicable to Applicants' indirect investments in Management Company. In accordance with section 4(a)(2) of the Act, Banco Union and Consorcio Financiero have agreed to, within two years from the date on which they become bank holding companies, either divest their ownership of shares of Management Company or Management Company will cease its United States activities.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 31, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-604 Filed 1-6-77;8:45 am]

FIRST MARYLAND BANCORP

Order Approving Acquisition of Bank

First Maryland Bancorp, Baltimore, Maryland ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent of the voting shares of The Hancock Bank, Hancock, Maryland ("Bank"). Subsequent to consummation of the proposed transaction, Applicant intends to merge Bank into Applicant's sole subsidiary bank, in the event the Comptroller of the Currency approves an appropriate application under the Bank Merger Act (12 U.S.C. 1828(c)).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of Mr. Donald Wolpe, a former stockholder of Bank ("Protestant"), and the Department of Licensing and Regulation of the State of Maryland (which recommended approval of the application), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[1] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

Applicant, the third largest banking organization in Maryland, controls deposits of approximately $932 million, representing 10.7 percent of total deposits in commercial banks in the state.[2] Acquisition of Bank (deposits of $9.5 million) by Applicant would increase Applicant's share of deposits in the state by 0.1 percent and would not alter Applicant's rank among other banking organizations in the State of Maryland.

Bank's sole office is located in Hancock, Maryland. Hancock is located in Washington County, Maryland, and is only one-half mile north of the West Virginia-Maryland border and one mile south of the Pennsylvania-Maryland border. Protestant contends that the relevant geographic market in which to assess the competitive effects of the proposed acquisition is approximated by Washington County, Maryland. Washington County includes Hagerstown, where six branches of Applicant's only subsidiary bank, The First National Bank of Maryland, Baltimore, Maryland, are located. To support his contention that Hagerstown and the city of Hancock, where Bank is located, are in the same market, Protestant asserts that the two are approximately 25 miles apart and are connected by several roads including a four lane interstate highway. These roads are the only route from eastern Maryland to its four western counties. Protestant characterizes Hancock as a suburb of Hagerstown, and asserts that approximately 10 percent of its workers are employed in Hagerstown. Further, he notes that a large shopping center is located near the Hagerstown exist on the above-mentioned interstate highway and that Hancock residents visit the shopping center and travel to Hagerstown to shop or for entertainment. Finally, noting that standard metropolitan statistical areas ("SMSAs") are often used as the basis for analysis of geographic markets, Protestant states that a publication widely used by advertising and marketing managers treats Washington County as a potential SMSA. According to this source, 80 percent of the metropolitan areas that it has deemed potential SMSAs in the past eventually have been officially designated SMSAs.

In light of Protestant's assertions, the Federal Reserve Bank of Richmond conducted a field study of the Hancock and Hagerstown areas in order to define the relevant market. This study and other information of record indicate the following: Approximately 83 percent of the total dollar volume of Bank's demand deposits originates within a nine mile radius of Hancock. Hancock is approximately 27 miles west of Hagerstown. The two are connected primarily by a two lane highway, U.S. 40, and a four-lane highway, Interstate 70. U.S. 40 merges with Interstate 70 approximately 19 miles west of Hagerstown. The area west of Hagerstown beyond Clear Spring, Maryland (located approximately eight miles to the west of Hagerstown) is mountainous, sparsely populated, and unsuited for development. Although there has been some development immediately to the west of Hagerstown, the majority of growth has been directed to the north, south and east. Similarly, banking and business development in the Hancock area has been concentrated on a north-south axis. Of the banks outside of Hancock, the bank located closest to Hancock is five miles to the south in Berkeley Springs, West Virginia. In the area separating Hancock and Berkeley Springs is a large manufacturing plant. Most of the other businesses in the Hancock area are located on the road to Berkeley Springs, in Hancock itself, or to the north along Interstate 70.[3] Data generated by the Washington County Economic Development Commission ("Development Commission") indicates that the County's Planning Sector VI, which encompasses the Hancock area and consists of the westernmost 15 miles of Washington County, is the only sector of the county that experienced a decline in population between 1960 and 1970. The total population decrease for Sector VI during that period was 5.5 percent. By contrast, the population of the sector centered around Clear Spring increased by 7.7 percent.

The Development Commission has no information regarding commuting patterns in the County.[4] Officers of three Hagerstown banks that are major competitors of Applicant's subsidiary bank's branches in Hagerstown have stated that their respective banks derive little business from the Hancock area,[5] and thus it does not appear that a significant portion of Hancock consumers of banking services turn to Hagerstown banks for those services (other than for loans in excess of the lending limits of the Hancock banks). All three officers regarded Hancock as being outside of their market and felt that Applicant's proposed acquisition of Bank would have no competitive impact on their respective banks. Each of these bankers felt that their primary competitors, outside of the banks in Hagerstown itself, were located in southern Franklin County, Pennsylvania, in an area ten to 15 miles north of Hagerstown, and thus two of these bankers have recently opened, or are in the process of opening, branch offices north of Hagerstown. Accordingly, it does not appear that the proposed acquisition, if consummated, would have a direct or immediate effect upon competition in Hagerstown.

On the basis of the above and other information of record, the Board concludes that Hancock is located in a banking market separate from Hagerstown. The best approximation of the Hancock

[2] Unless otherwise indicated, all banking data are as of December 31, 1975.

[3] Interstate 70 turns north at Hancock.

[4] Even if Protestant's unsubstantiated assertion that 10 percent of Hancock's workforce is employed in Hagerstown is accepted, it would be insufficient to establish that Hancock and Hagerstown are in the same market.

[5] As discussed below, Applicant also derives little banking business from the Hancock area.

Banking Market appears to be the western portion of Washington County (excluding Clear Spring) and the northern half of Morgan County, West Virginia, including Berkeley Springs (approximately five miles south of Hancock). The Hagerstown Banking Market is approximated by the remainder of Washington County and the extreme southern portion of Franklin County, Pennsylvania.[6]

Bank, with deposits of $9.5 million, is the second largest of three banks in the Hancock market and holds 30.0 percent of the total deposits in commercial banks in that market.[7] Applicant, with total deposits of $69.9 million in the Hagerstown market, is the largest of 16 banking organizations in that market, and controls 18.6 percent of market deposits.[8] Five other banks in the market have deposits in excess of $30 million.

Bank's sole office is located 25 miles west of the closest branch of Applicant's subsidiary bank. Both Applicant and Bank currently derive negligible amounts of business from the service area[9] of the other. Applicant's subsidiary bank's Hagerstown offices acquire approximately 0.5 percent of their deposits and 0.7 percent of their loans from Bank's service area, while Bank derives approximately 2.8 percent of its deposits and 9.0 percent of its loans from Applicant's subsidiary bank's service areas throughout the state. These figures represent less than two percent in each case of the loans and deposits outstanding in the Hancock market and in the Hagerstown market and suggest that there is little existing competition between Applicant and Bank. On balance the Board concludes that the effects of the proposed transaction on existing competition would, at most, be slightly adverse and that there would be no adverse effects on the concentration of banking resources in any relevant area.

Protestant suggests that the Hancock area would not be attractive for de novo entry by a new bank unaffiliated with a bank holding company, but that de novo entry into the Hancock area could prove profitable for a bank holding company with an established Washington County presence such as Applicant. Moreover, Protestant argues, allowing Applicant to enter the Hancock market will discourage other banks from entering that market and will place the "remaining small competitor"[10] in Hancock in competition with Applicant's much larger organization.

The Board is unable to conclude that the Hancock market is attractive for de novo entry generally or in the manner described by Protestant. The median family income of the Hancock market in 1970 was $7,100. This figure compares unfavorably with the $8,800 median for the Hagerstown market and the State median of $11,100. More significantly, the population per banking office in the State is approximately 5,200, whereas the Hancock market has only approximately 1200 people per banking office. Coupling this income and population data with the Hancock market's declining population suggests that the market is quite unattractive for de novo entry. This data also undermines Protestant's tacit assumption that State and Federal bank chartering authorities would readily grant an application to open either a branch office or a new bank in the Hancock market. With regard to Protestant's assertion that consummation of the proposed transaction will discourage entry by others, it is the Board's judgment that Applicant's acquisition of Bank will not raise significant additional barriers to de novo entry in view of the fact that the market is already quite unattractive for such entry. In view of the unattractiveness of the Hancock market for de novo entry, it does not appear that Applicant is a potential entrant into the market other than by acquisition of Bank.[11] Thus, it does not appear that consummation of the proposed acquisition would eliminate a substantial prospect for potential competition between Applicant and Bank.[11]

The financial and managerial resources of Applicant and its subsidiaries are satisfactory and their future prospects appear favorable. The financial resources of Bank are also satisfactory and its future prospects are favorable. It appears, however, that the managerial strength of Applicant could be a significant benefit for Bank and the Board concludes that banking factors lend some weight toward approval of the application.

With regard to the convenience and needs of the community to be served, Protestant states that there is generally no need in the Hancock area for the additional services Applicant proposes to offer. Applicant has submitted additional information regarding these matters and it appears that residents of the Hancock market will benefit from the addition of higher lending limits,[12] trust services, individual retirement accounts, and credit card services, all currently unavailable from Hancock area banks. Accordingly, the Board concludes that considerations related to the convenience and needs of the community to be served lend weight toward approval of the application. Any slight anticompetitive effects associated with the proposed transaction are clearly outweighed by convenience and needs considerations and the Board finds that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[13] effective, December 29, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-606 Filed 1-6-77;8:45 am]

MANUFACTURERS NATIONAL CORP.

Order Approving Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, a bank holding com-

[6] Although Protestant asserts that Washington County is the relevant market, complete application of Protestant's rationale for placing Hancock and Hagerstown in the same banking market would require the inclusion of additional banks in Franklin County, Pennsylvania, all of the banks in Martinsburg, West Virginia, and several banks in Frederick County, Maryland. Applicant's share of such a market would approximate seven percent and Bank's would approximate 0.9 percent. In view of Bank's size and the small amount of competition presently existing between Applicant and Bank, an acquisition of Bank by Applicant if such were the relevant market would not have significant adverse effects on either existing or potential competition or market concentration.

[7] As of June 30, 1975.

[8] As of June 30, 1975.

[9] A service area is that geographic area contiguous to an office from which approximately 90 percent of the dollar amount of that office's deposits from individuals, partnerships, and corporations is derived.

[10] Protestant's reference to the "remaining small competitor" in Hancock ignores the existence of the third (and largest) bank in the Hancock market which is located five miles to the south of Hancock in Berkeley Springs, West Virginia.

[11] Protestant's reliance on Old Kent Financial Corp./National Lumberman's Bank and Trust Co., 60 *Fed. Res. Bull.* 133 (1974), reconsideration 61 *Fed. Res. Bull.* 247 (1975) (denied on competitive grounds), is misplaced. In that case the Board found the relevant market to be capable of supporting *de novo* entry and Old Kent was regarded as a likely *de novo* entrant. Old Kent was located in an adjacent market in which its market share was 49 percent, as opposed to Applicant's 18.6 percent.

Western Michigan Corp. First National Bank of Cassopolis, 62 *Fed. Res. Bull.* 624 (1976) and Alabama Bancorporation/Muscle Shoals National Bank, 61 *Fed. Res. Bull.* 672 (1975), also cited by Protestant, are inapplicable as in each of those cases the Applicant was located in the same market as the bank to be acquired.

[11] The record in this matter does not indicate whether the smallest bank in the Hancock market is available for acquisition by Applicant. While such availability might initially seem probative of the feasibility of foothold entry into the market, the facts that the smallest bank holds deposits of $8.3 million compared to Bank's $9.2 million, that the market share of the smallest bank is 26.8 percent while Bank's is 30 percent, and that the smallest bank operates two offices in the market to Bank's one, resolve the foothold entry question in favor of Applicant.

[12] Bank is presently prohibited by law from making loans in excess of $55,000. The legal lending limit of Applicant's subsidiary bank is approximately $8 million. As indicated above, each of the three Hagerstown competitors of Applicant's subsidiary bank has attempted to meet a need on the part of Hancock customers for loans exceeding the lending limits of the Hancock area banks.

[13] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

pany within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of National Bank of Southfield, Southfield, Michigan ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Michigan, controls four banks with aggregate deposits of approximately $2.5 billion, representing 8.3 per cent of the total deposits held by commercial banks in Michigan.[1] Acquisition of Bank ($83.4 million in deposits) would increase Applicant's share of Statewide deposits to 8.6 per cent but would not change Applicant's ranking in the State.

Bank, a subsidiary of NBS Financial Corporation, Southfield, Michigan ("NBS"), a registered bank holding company now in the process of liquidating its assets, is located in a northwest suburb of Detroit in the Detroit banking market. Bank controls 0.5 per cent of the total deposits in commercial banks in the relevant market[2] and, were it an independent institution, would be the 18th largest of 38 banking organizations operating in the market.[3] Applicant is the third largest banking organization in the relevant market, controlling two banks (aggregate deposits of aproximately $2.4 billion) and 15.1 per cent of the commercial bank deposits in the market. Consummation of the proposal would increase Applicant's market share to 15.6 per cent.

In view of the already high level of banking concentration existing in the Detroit banking market (the four largest banking organizations control about 71.5 per cent of the deposits), the Board views with serious concern the increase in concentration that would result from the consummation of this proposal, and regards such an increase as a significantly adverse factor in its consideration of this application.

In addition to the effects of the proposal on banking concentration in the Detroit market, the Board is of the view that the proposal would have substantially adverse effects on existing competition between Applicant and Bank. Bank is headquartered in the Detroit suburb of Southfield wherein it operates five of its six banking offices; its other branch is located in a nearby township. Applicant has two subsidiary banks, including its lead bank, in the Detroit market, and many of their offices are located in close proximity to Southfield. Consequently, consummation of this proposal would eliminate a significant amount of existing competition within the Detroit market.

In view of the foregoing discussion and based on the facts of record, the Board concludes that the competitive effects of the proposal are substantially adverse. Under the standards set forth in section 3(c) of the Bank Holding Company Act, it is clear that the Board may not approve the subject proposal unless the Board finds that "the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served." In assessing such considerations in light of the facts surrounding this proposal, the Board finds that the anticompetitive effects are clearly outweighed in the public interest.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are considered satisfactory and consistent with approval of this application. Bank's financial and managerial resources, absent consummation of the instant proposal, are less than satisfactory, and its future prospects are uncertain. Bank has suffered losses in its operations and, lacking the internal capability of reversing the adverse trend, it appears unlikely that Bank will be able to continue as a viable organization in serving the public. Under this proposal, Applicant has agreed to inject capital of $2 million and to provide significant managerial assistance to Bank. These actions would assure bank's continued viability and the availability of Bank as a source of banking services in the Detroit banking market. While the Board would prefer a less anticompetitive acquisition as a means of assuring the continuation of Bank as a vehicle for serving the convenience and needs of the public, it appears that such an alternative is not readily available. Therefore, the Board views the improved financial prospects of Bank and the convenience and needs considerations as lending significant weight toward approval of the application and clearly outweighing the substantially adverse competitive effects that would result from consummation of the proposal. Accordingly, it is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] cause by the Board, or by the Federal effective December 30, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-605 Filed 1-6-77;8:45 am]

[1] All banking data are as of December 31, 1975.

[2] The Detroit banking market is the relevant banking market and is approximated by Macomb, Oakland, and Wayne Counties.

[3] With its two subsidiary banks, NBS has aggregate deposits of approximately $118.1 million and is the fifteenth largest banking organization in the market with 0.7 per cent of the market's deposits.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of February 1977:

Epidemiologic Studies Review Committee:
February 7–8; 9:00 a.m., Brent Room, Old Town Holiday Inn, 480 King Street, Old Towne Alexandria, Va. Open—February 7, 9:00–10:00 a.m. Closed—Otherwise. Contact Mrs. Lavinia Walsh, Parklawn Building, Room 10C–09, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3774

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., February 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

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Drug Abuse Training Review Committee

Date and time: February 14–16; 8:30 a.m.
Place: 8th Floor Conference Room, One Central Plaza, 11300 Rockville Pike, Rockville, Maryland.
Type of meeting: Open—February 14, 8:30–9:00 a.m.; Closed—Otherwise.
Contact: Ms. Sally Connell, Rockwall Building, Room 640, 11400 Rockville Pike, Rockville, Maryland 20852, 301–443–6720.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 8:30 a.m. to 9:00 a.m., February 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Community Alcoholism Services Review Committee

Date and time: February 14–18; 9:00 a.m.
Place: Conference Room I, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—February 14, 9:00–10:00 a.m.; Closed—Otherwise.
Contact: Mr. Sidney Leopold, Room 14C–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–4983.
Purpose: The Committee provides initial review of applications for community alcoholism services demonstration grants for the prevention of alcoholism and the treatment and rehabilitation of special population groups with drinking problems, such as cross-population, poverty, women and youth and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.
Agenda: From 9:00 a.m. to 10:00 a.m., February 14, the meeting will be open for discussion of administrative announcements. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Crime and Delinquency Review Committee

Date and time: February 23–25; 9:00 a.m.
Place: Circle Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C.
Type of meeting: Open—February 23, 9:00–10:30 a.m.; Closed—Otherwise.
Contact: Carol Beall, Parklawn Building, Room 18C–04, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3728.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health interactions, and individual violent behavior and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:30 a.m., February 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Metropolitan Mental Health Problems Review Committee

Date and time: February 24–25; 9:00 a.m.
Place: Cardinal Room, Holiday Inn, 1850 N. Fort Meyer Drive, Rosslyn, Virginia.
Type of meeting: Open—February 24, 9:00–9:30 a.m.; Closed—Otherwise.
Contact: Mrs. Phyllis Pinsow, Room 15–99, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3373.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to metropolitan mental health problems and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 9:30 a.m., February 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Juvenile Problems Research Review Committee

Date and time: February 24–26; 9:00 a.m.
Place: Parlor A, The Burlington Hotel, Vermont Avenue at Thomas Circle, N.W., Washington, D.C.
Type of meeting: Open—February 24, 9:00–9:30 a.m.; Closed—Otherwise.
Contact: Mrs. Diana Souder, Parklawn Building, Room 10–104, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3566.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 9:30 a.m., February 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Neuropsychology Research Review Committee

Date and time: February 24–26; 9:00 a.m.
Place: Shenandoah Room, Ramada Inn, 1900 North Fort Meyer Drive, Arlington, Va.
Type of meeting: Open—February 24, 9:00–10:00 a.m.; Closed—Otherwise.
Contact: Mrs. Eileen Nugent, Parklawn Building, Room 10C–06, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3942.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., February 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, NIAAA, Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3306. The NIDA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Ms. Mary Carol Kelly, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301–443–6245. The NIMH Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3600.

Dated: January 3, 1977.

CAROLYN T. EVANS,
Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-564 Filed 1-6-77;8:45 am]

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

Meeting

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

Date and time: January 25; 9:00 a.m.
Place: Conference Room "F," Parklawn Building, Rockville, Maryland.
Open meeting.
Contact: James Vaughan, Parklawn Building, Room 16C–17, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–2954.
Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.
Agenda: This meeting will be open to the public. The meeting will consist of presentations by working groups of their current and proposed activities and a discussion concerning future working group activities. Attendance by the public will be limited to space available.

Substantive program information may be obtained from the contact person listed above.

The NIAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3306.

Dated: January 3, 1977.

CAROLYN T. EVANS,
Committee Management Officer
Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77–563 Filed 1–6–77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meetings

Notice is hereby given, pursuant to Public Law 92–463, that the next meetings of the National Advisory Council on Women's Educational Programs will be held from 8:30 a.m. to 12:30 p.m. on January 31, from 8:30 a.m. to 5:00 p.m. on February 1 and from 8:30 a.m. to 11:00 a.m. on February 2, 1977, in Room 370 of the New Federal Office Building at 915 2nd Avenue, Seattle, Washington. ceded by a meeting of the Executive Co The meeting of the Council will be preceded by a meeting of the Executive Committee from 3:00 p.m. to 6:00 p.m. on January 30, 1977, in Room 351 of the Olympic Hotel, Fourth Avenue at Seneca, Seattle, Washington. There will also be meetings of the Council's Federal Policy and Practices, Legislation and Program Committees from 2:00 p.m. to 5:30 p.m. on January 31, 1977 at the New Federal Office Building.

The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 93–380 section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93–380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under section 408 of Public Law 93–380.

The meetings of the Council and of the Committees will be open to the public. The agenda for the Council meeting will include (1) Executive Director's Report; (2) discussion of draft regulations for the Women's Educational Equity Act; (3) discussion of the Council evaluation of the WEEA Program; (4) the Council's 1976 Annual Report; (5) presentations by members of the public; (6) committee reports; and (7) other business.

The agenda for the Executive Committee meeting will include preparation of the Council meeting.

The agenda for the Federal Policy and Practices Committee meeting will include discussion of the Council's reviews of the Education Division of HEW and of the Commissioner's Reports on Sexism.

The agenda for the Legislation Committee meeting will include discussion of the FY 1977 regulation for the Women's Educational Equity Act Program.

The agenda for the Program Committee will include discussion of the Council's evaluation of the Women's Educational Equity Act Program.

Records will be kept of all Council proceedings and will be available for inspection at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C. on January 5, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.77–618 Filed 1–6–77;8:45 am]

ARTS EDUCATION PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1977

Notice is hereby given that, pursuant to the authority contained in section 409 of the Education Amendments of 1974, Pub. L. 93–380 (20 U.S.C. 1867), applications are being accepted from State and local educational agencies for arts education project grants.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 1, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.566. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 24, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or by the U.S. Office of Education mail rooms in Washington, D.C.

In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Application routing.* All local educational agency applicants must furnish an information copy of their application to the State educational agency of the State within which the applicant is located. This information copy must be submitted concurrently with the submission of the application to the U.S. Office of Education. The application submitted to the U.S. Office of Education must contain a statement that this has been accomplished. The State educational agency, in consultation with the State Alliance for Arts Education Committee, if any, has an opportunity to review and comment on the application. A State educational agency wishing to submit advice and comment on an LEA application originating within its State may do so by forwarding such advice and comment to the Arts and Humanities Staff, U.S. Office of Education, 400 Maryland Avenue, S.W. (Room 421, Reporters Building), Washington, D.C. 20202. If the State educational agency does not send comments on the application to the Commissioner within 30 days after receipt of the copy, it is considered to have waived the right to comment (45 CFR 160g.15).

D. *Application instructions and forms.* Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Arts and Humanities Staff, U.S. Office of Education, 400 Maryland Avenue, S.W. (Room 421, Reporters Building), Washington, D.C. 20202. (Telephone: 202–245–8912 or 202–245–9097)

E. *Program information.* It is expected that $750,000 in grants will be awarded to State and local educational agencies during Fiscal Year 1977. It is anticipated that up to 100 awards will be made and that grants will range from $5,000 to $10,000. No funds are reserved for the continuation awards, but a current grantee may submit an application which will be evaluated in competition with all other applications. Projects are up to one year in duration (45 CFR 160g.4).

F. *Applicable regulations.* The regulations applicable to the Arts Education Program are:

(1) The Office of Education General Provisions Regulations, which were published in the FEDERAL REGISTER on November 6, 1973, at 30653, as amended (45 CFR Parts 100, 100a, and appendices).

(2) The regulation for the Arts Education Program which was published in the FEDERAL REGISTER on April 26, 1976 at 17390 (45 CFR Part 160g).

(20 U.S.C. 1867.)

(Catalog of Federal Domestic Assistance Number 13.566, Arts Education Program.)

Dated: December 27, 1976.

JOHN W. EVANS,
Acting
Commissioner of Education.

[FR Doc.77–552 Filed 1–6–77;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEE

Meeting

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committee and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and the FDA regulations, 21 CFR Part 2, Subpart D, relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Ear, Nose, and Throat Panel.	Jan. 24 and 25, 9 a.m., Room 1813, FB–8, 200 C St., SW., Washington, D.C.	Open public hearing Jan. 24, 9 a.m. to 10 a.m.; open committee discussion Jan. 24, 10 a.m. to 4:30 p.m., Jan. 25, 9 a.m. to 4:30 p.m.; Harry R. Sanberman, P.E., (HFK–450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to devices to be classified at this meeting to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by January 14, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. Completion and review of supplementary classification data sheets for middle ear implants, esophageal implants, nasal implants, laryngeal implants, facial implants, and ENT prosthetic materials, which include the following devices: Middle ear implants: Tubes for aeration and/or drainage of the middle ear, middle earmold (Teflon TM, Silastic TM, Supramid TM), ossicular replacement-incus and stapes with normal malleus, total ossicular replacement-sacculotomy tacks (Cody Tacks), and endolymphatic shunt tubes; esophageal implants; Esophageal stent and esophageal prosthesis; nasal implants: Columella—nasal struts and septal implants and teflon paste (for both nasopharyngeal and laryngeal applications); laryngeal implants: Laryngeal stent and laryngeal prosthesis; facial implants: Facial prosthesis—immobile implants (maxillofacial, crainofacial, and external otologic), and facial prosthesis—mobile implants (mandibular); prosthetic implant materials: Natural polymers (Gelfoam TM, Gelfilm TM), synthetic polymers (Plastipore TM, Teflon TM, Silastic TM, polyethylene, polymethylmethacrylate, Dacron TM, and polyurethane); other prosthetic implant materials; Composite synthetic polymers (proplast TM) and metal materials (stainless steel, silver, tantalum, platinum, vitallium, titanium); miscellaneous ENT devices and implants: Tracheostomy tubes and tracheostomy tube cuffs, sutures—absorbable (gut, collagen, and some synthetic polymers), sutures—nonabsorbable (cotton, silk, nylon, linen, mersilene TM, polypropylene, stainless steel, and ethibond TM).

As time is available, the panel will also complete supplementary data sheets for the following devices: Hearing evaluation equipment: acoustic chambers, air conduction transducers, bone conduction transducers, hearing trumpets, mechanical noise generators, sisi adapters, tuning forks, hearing aid measurement systems, and hearing protective devices; physiological evaluation equipment: gustometers, nasomanometers, toynbee diagnostic tubes, and transilluminators; multiple function ENT equipment: Cuspidors, powered ENT examining/treatment chairs, ENT examining/treatment tables, ENT treatment units, and oral lavage units; ENT prosthetic devices (nonimplantable) and instruments: Otoplasty prosthesis, rhinoplasty prosthesis, cutting blocks, gelfoam punch; ossicular finger vise, piston cutting jigs, wire bending die, wire closure forceps, wire crimpers, and wire cutting scissors.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 2, Subpart D, published in the FEDERAL REGISTER of November 26, 1976 (41 FR 52148).

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of § 2.307 (21 CFR 2.307) of FDA's regulations relating to public advisory committees.

Dated: December 30, 1976.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc.77–421 Filed 1–6–77;8:45 am]

[Docket No. 76N–0458; DESI 11836]

IMIPRAMINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

The Food and Drug Administration is offering an opportunity for a hearing on indications previously reclassified from possibly effective to lacking substantial evidence of effectiveness for imipramine hydrochloride and announcing the conditions under which the drug products may be marketed on the basis of ap-

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proved abbreviated new drug applications. Persons who wish to request a hearing may do so on or before February 7, 1977.

In a notice (DESI 11836; Docket No. FDC-D-219 (now Docket No. 76N-0458)) published in the FEDERAL REGISTER of August 26, 1970 (35 FR 13608), the Food and Drug Administration announced its conclusions that the drug products described below are effective, possibly effective, and lacking substantial evidence of effectiveness for their various labeled indications. The notice offered opportunity for hearing on the indications that, at that time, lacked substantial evidence of effectiveness. No one requested a hearing.

A followup notice published in the FEDERAL REGISTER of September 20, 1972 (37 FR 19390), reclassified the possibly effective indications to lacking substantial evidence of effectiveness. An opportunity for a hearing was not offered at that time for those indications, but is now offered in the notice below. The holder of the new drug applications has deleted all less-than-effective indications from the labeling.

NDA 11-836; Tofranil Tablets; and
NDA 11-838; Tofranil Ampuls, each containing imipramine hydrochloride; Geigy Pharmaceuticals, Division of Ciba-Geigy Corp., Saw Mill Rd., Ardsley, NY 10502.

Other drugs included in the above notices are not affected by this notice.

Accordingly, the notice of August 26, 1970 is amended to read as follows insofar as it pertains to the products named above.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder of the new drug applications specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indication stated in the labeling conditions below. The drug products now lack substantial evidence of effectiveness for the indications reclassified from possibly effective to lacking substantial evidence of effectiveness in the September 20, 1972 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications.

1. *Form of drug.* The drug products are in tablet form suitable for oral administration or in sterile aqueous solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. Any indication other than that stated below must be supported by clinical evidence providing substantial evidence of effectiveness and submitted in a full new drug application except that manufacturing control information submitted should be that required under 21 CFR 314.1(f). The Indication is as follows:

For the relief of symptoms of depression. Endogenous depression is more likely to be alleviated than other depressive states.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that the holder of the application submits the following, if he has not previously done so, on or before March 8, 1977: (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c) to the extent required in abbreviated new drug applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)), must be obtained prior to marketing such product. The applications shall contain the information specified in 21 CFR 314.1(f), and for imipramine hydrochloride oral dosage forms, shall include data of the kind required for this drug at the time of submission of the application to show that it is biologically available in the formulation proposed for marketing. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before February 7, 1977, a written notice of appearance and request for hearing, and (2) on or before March 8, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 11836, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: December 20, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-323 Filed 1-6-77;8:45 am]

[NADA 12-824V]

MIDICEL ACETYL SUSPENSION

Withdrawal of Approval of New Animal Drug Application

The Food and Drug Administration is withdrawing approval of a new animal drug application (NADA) for Midicel Acetyl Suspension, Veterinary; effective January 7, 1977.

Published elsewhere in this issue of the FEDERAL REGISTER is the revocation of § 520.2301 *Acetyl sulfamethoxypyridazine oral suspension* (21 CFR 520.2301), which provided for use of the product as approved in NADA 12-824V.

Parke, Davis & Co., Detroit, MI 48232 is the holder of NADA 12-824V, which provides for the use of Midicel Acetyl Suspension, Veterinary, for the treatment of sulfa-susceptible bacterial infections in dogs and cats.

On July 27, 1976, the applicant notified the agency that it ceased marketing the drug as of November 1975 and had no plans to market the drug in the future. On this basis it requested that the agency withdraw approval of the NADA and accordingly waived an opportunity for hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)) and pursuant to authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of Veterinary Medicine (21 CFR 5.29) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the following notice is issued:

In accordance with § 514.115 (21 CFR 514.115), approval of NADA 12-824V and all supplements and amendments thereto is hereby withdrawn, effective January 7, 1977.

Dated: December 28, 1976.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.77-325 Filed 1-6-77;8:45 am]

[Docket No. 76N-0467]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

The Food and Drug Administration is announcing an opportunity for public hearing on the safety of certain food ingredients to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction. Requests to make oral presentations at the public hearing must be postmarked on or before February 7, 1977.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: Glycerophosphates (calcium, magnesium, manganese, potassium); magnesium salts (carbonate, chloride, hydroxide, oxide, phosphate (di-and tribasic), stearate, sulfate); hydroxides (potassium, sodium); sulfiting agents (potassium bisulfite, potassium metabisulfite, sodium bisulfite, sodium metabisulfite, sodium sulfite, sulfur dioxide). The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner

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now practiced, uncertainties exist requiring that additional studies be conducted. (This conclusion has not been reached for any of the substances discussed in this notice.)

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced. (This conclusion has not been reached for any of the substances discussed in this notice.)

5. The information available is not sufficient to make a tentative conclusion. (This conclusion has not been reached for any of the substances discussed in this notice.)

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions.

Substance	Select committee tentative conclusion	Scientific literature review: Order No.	Scientific literature review: Cost	Animal study report order No. and cost	Other information
Glycerophosphates		PB-228-543/AS	$3.75	None	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. Letter dated Nov. 20, 1974, from N. G. Barker, The Delmark Co., Inc., Minneapolis, MN.
Calcium glycerophosphate	1				
Calcium glycerophosphate (used in food-packaging materials).	1				
Magnesium glycerophosphate (used in food-packaging materials).	1				
Manganese glycerophosphate	1				
Potassium glycerophosphate	1				
Magnesium salts		PB-228-50/AS	$5.50	Mutagenic evaluation (tier 1) of magnesium oxide USP heavy power (73-77) by Litton Bionetics, Inc., under FDA contract (PB-245-472/AS, $3.75).	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. Letter dated June 22, 1961, from F. A. Cassidy, FDA. c. Letter dated Apr. 13, 1962, from M. R. Stephens, FDA.
Magnesium carbonate	1				
Magnesium chloride	1				
Magnesium hydroxide	1				
Magnesium oxide	1				
Magnesium phosphate, dibasic	1				
Magnesium phosphate, tribasic	1				
Magnesium stearate	1				
Magnesium sulfate	1				
Hydroxides		PB-234-899/AS	$3.75	None	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Potassium hydroxide	1				
Sodium hydroxide	1				
Sodium hydroxide (used in food packaging materials).	1				
Sulfiting agents		PB-221-217	$6.00	Mutagenic evaluation (tier 1) of potassium metabisulfite (71-21) by Litton Bionetics, Inc., under FDA contract (PB-245-485/AS, $3.75). Teratologic evaluation of potassium metabisulfite (71-21) by Food and Drug Research Labs. Inc., under FDA contract (PB-245-529/AS, $3.75). Mutagenic evaluation (host-mediated, dominant lethal and cytogenetic) of sodium bisulfite (71-20) by Litton Bionetics, Inc., under FDA contract (PB-245-456/AS, $5.25). Teratologic evaluation of sodium bisulfite (71-20) by Food and Drug Research Labs., Inc., under FDA contract (PB-221-788, $3.75). Mutagenic evaluation (host-mediated, dominant lethal and cytogenetic) of sodium metabisulfite (71-22) by Stanford Research Institute, under FDA contract (PB-221-825, $5.45). Teratologic evaluation of sodium metabisulfite (71-22) by Food and Drug Research Labs., Inc., under FDA contract (PB-221-795, $3.75). Mutagenic evaluation (tier 1) of sodium sulfite (73-43) by Litton Bionetics, Inc., under FDA contract (PB-245-488/AS, $3.75).	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. Letter dated June 11, 1976, from D. F. Dodgen, NAS. c. "Investigation of the toxic and teratogenic effects of GRAS substances to the developing chick embryo: potassium metabisulfite," St. Louis University School of Medicine. d. "Sodium bisulfite: Toxicity and teratogenicity studies in avian embryos," submitted to FDA by University of Arizona. e. "Evaluation of chemicals for toxic and teratogenic effects using the chick embryo as the test system: Sodium metabisulfite," submitted to FDA by WARF Institute, Inc. f. "Investigations of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: sodium sulfite," FDA in-house investigation.
Potassium bisulfite	2				
Potassium metabisulfite	2				
Sodium bisulfite	2				
Sodium metabisulfite	2				
Sodium sulfite	2				
Sulfur dioxide	2				

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, its reviews with specific information from specialized sources, as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) glycerophosphates (calcium, magnesium, manganese, potassium), (2) magnesium salts (carbonate, chloride, hydroxide, oxide, phosphate (di- and tribasic), stearate, sulfate), (3) hydroxides (potassium, sodium), and (4) sulfiting agents (potassium bisulfite, potassium metabisulfite, sodium bisulfite, sodium metabisulfite, sodium sulfite, sulfur dioxide) are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 "C" St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the length of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all such requests shall be placed on public display in that office. Any such request must be postmarked on or before February 7, 1977, and shall state the substances(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: December 30, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-422 Filed 1-6-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1023]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

DECEMBER 30, 1976.

Docket or RM No.	Rule No.	Subject	Date received
RM-2676	Parts 0 and 1	Request amendment of pts. 0 and 1 of the Commission rules to facilitate participation of indigent interested persons in Commission proceedings. Filed by Collot Guerard, Harvey J. Shulman, and Lawrence A. Cook attorneys for National Black Media Coalition, National Citizens Committee for Broadcasting, National Organization for Women, and Action for Children's Television.	Dec. 28, 1976
18875		Inquiry into policy to be followed in future licensing of facilities for overseas communications. Filed by Robert E. Conn, executive vice president for Western Union International, Inc.	Dec. 29, 1976
		Filed by Francis J. De Ross and Charles M. Lehrhaupt, attorneys for RCA Global Communications, Inc.	Do.
19995	Sub. E, pt. 76.	Amendment of sub. F of pt. 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems. Filed by Sol Schildhause, attorney for Moscow TV Cable Co, Inc, and Pullman TV Cable Co, Inc.	Do.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Jan. 24, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-533 Filed 1-6-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-383]

NOTICE OF EMERGENCY DECLARATION

Amendment and Republishing of Amendments

On December 15, 1976, the President directed the Secretary of Agriculture and the Administrator of the Federal Disaster Assistance Administration to cooperate in providing emergency livestock feed assistance in several States which have been declared emergency areas because of drought. On December 16, 1976, I designated certain counties in the States of Minnesota, Wisconsin, South Dakota, and North Dakota eligible for emergency livestock feed assistance. Notice of these designations appeared in the FEDERAL REGISTER on December 27, 1976 (41 FR 56240).

The Agricultural Stabilization and Conservation Service of the Department of Agriculture has notified us that an additional 24 counties in these four states should have been included among the counties in the original designation. Nine of these 24 counties were designated eligible for assistance effective December 27, 1976. As a result, I am amending the December 16, 1976, designations to include these 24 counties and am republishng the notices for convenience.

Accordingly, the notices dated December 16, 1976, and December 27, 1976, are rescinded and replaced by the following:

(FDAA-3013-EM)

MINNESOTA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Minnesota, dated June 17, 1976, and amended on June 28, 1976, August 27, 1976, and on Novemer 9, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Aitkin	Lac qui Parle
Becker	Lincoln
Beltrami	Lyon
Benton	Morrison
Big Stone	Otter Tail
Brown	Pope
Carlton	Redwood
Cass	Stearns
Chippewa	Stevens
Chisago	Swift
Clearwater	Todd
Crow Wing	Traverse
Douglas	Wadena
Hubbard	Yellow Medicine
Isanti	

(FDAA-3014-EM)

WISCONSIN

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Wisconsin, dated June 17, 1976, and amended on July 29, 1976, September 7, 1976, and on September 30, 1976, is hereby further amended to include the following counties among those counties determned to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Ashland	Marathon
Bayfield	Oneida
Burnett	Price
Clark	Rusk
Douglas	Sawyer
Florence	Shawano
Forest	Taylor
Iron	Washburn
Langlade	Waushara
Lincoln	Wood

(FDAA-3015-EM)

SOUTH DAKOTA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of South Dakota dated June 17, 1976, and amended on July 8, 1976, and October 18, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Aurora	Faulk
Beadle	Grant
Brookings	Gregory
Brown	Hamlin
Brule	Hand
Buffalo	Hanson
Campbell	Hughes
Clark	Hyde
Codington	Jerauld
Corson	Kingsbury
Davison	Lake
Day	Lyman
Deuel	McCook
Dewey	McPherson
Douglas	Marshall
Edmunds	Mellette

Minor	Sully
Potter	Todd
Roberts	Tripp
Sanborn	Walworth
Shannon	Washabaugh
Spink	Ziebach
Stanley	

(FDAA-3016-EM)

NORTH DAKOTA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of North Dakota dated July 21, 1976, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 21, 1976:

The counties of:

Dickey	McIntosh
Emmons	Ransom
LaMoure	Richland
Logan	Sargent

The purpose of these designations is to provide emergency livestock feed assistance only in the aforementioned affected areas. The Effective date for this assistance is December 16, 1976.

Dated: December 30, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-612 Filed 1 6 77;8:45 am]

Federal Insurance Administration

[Docket No. N-76-680]

NATIONAL FLOOD INSURANCE PROGRAM; CONSULTATION WITH LOCAL OFFICIALS

Determination of Minimal Special Flood Hazard Areas

The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the Special Flood Hazard areas, that it is appropriate at this time to convert these communities to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

Community	County	State
City of Cullman	Cullman	Alabama.
Town of Parker	Yuma	Arizona.
City of Foster City	San Mateo	California.
Town of:		
Prospect	New Haven	Connecticut.
Bridgeville	Sussex	Delaware.
Cheswold	Kent	Do.
Felton	do	Do.
Middletown	New Castle	Do.
City of:		
Grovetown	Columbia	Georgia.
Harlem	do	Do.
Leona	Doniphan	Kansas.
Pawnee Rock	Barton	Do.
Valley Center	Sedgwick	Do.
Town of:		
Hebron	Oxford	Maine.
Brookview	Dorchester	Maryland.
Brunswick	Frederick	Do.
Village of Waterloo	Douglas	Nebraska.
Township of Rush	Northumberland.	Pennsylvania.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: December 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-482 Filed 1-6-77;8:47 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

EARTHQUAKE STUDIES ADVISORY PANEL

Public Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Friday, February 4, 1977, and continuing through Saturday, February 5, 1977. The Advisory Panel will meet in U.S. Geological Survey Offices, Menlo Park, California 94025: on Friday in Conference Facility A, 345 Middlefield Road and on Saturday in Conference Room 8111, 275 Middlefield Road.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is chaired by Professor Frank Press and is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socio-economics, primarily from the academic community.

(3) *Agenda.* Review of the studies of the Southern California land uplift and plans for the 1978 Fiscal year program.

For more detailed information about the meeting, please call Dr. Robert M. Hamilton, Chief, Office of Earthquake Studies, Reston, Virginia 22092 (703) 860-6472.

V. E. MCKELVEY,
Director,
United States Geological Survey.

[FR Doc.77-648 Filed 1-6-77;8:45 am]

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mid-Atlantic Region of the Appalachian National Scenic Trail Advisory Council will be held at 9 a.m., e.s.t. on February 4, 1977, at Skylands Manor, Ringwood State Park, Ringwood, New Jersey.

The Council was originally established by Pub. L. 90-543 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration of the Appalachian National Scenic Trail. It was rechartered by the Secretary of the Interior on February 24, 1975, under the authority of Pub. L. 91-383.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to encourage suggestions and ideas from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) To discuss the progress of State and Federal programs; (2) to review specific Trail protection priorities and strategies; (3) to discuss Trail corridor studies completed by the Appalachian Trail Conference and Pennsylvania State University; (4) to analyze the problems related to private property.

The meeting will be open to the public. However, space is limited to seats for 30 people. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements, may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Charlestown Navy Yard, Boston, Massachusetts 02129, at area code 617-242-1730.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and at the headquarters of the Appalachian Trail Conference, Washington and Jackson Streets, Harpers Ferry, West Virginia 25425. Copies of the minutes may be obtained by writing to the Appalachian Trail Project Office in Boston.

Dated: December 13, 1976.

DAVID A. RICHIE,
Project Manager,
North Atlantic Region.

[FR Doc.77-707 Filed 1-6-77;8:45 am]

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southern Region of the Appalachian National Scenic Trail Advisory Council will be held at 9 a.m., e.s.t. on January 22, 1977, at the headquarters of the National Forests in North Carolina, Asheville, North Carolina.

The Council was originally established by Pub. L. 90-543 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration of the Appalachian National Scenic Trail. It was rechartered by the Secretary of the Interior on February 24, 1975, under the authority of Pub. L. 91-383.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to encourage suggestions and ideas from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) To discuss the progress of State and Federal programs; (2) to review specific Trail protection priorities and strategies; (3) to discuss Trail corridor studies completed by the Appalachian Trail Conference and Pennsylvania State University; (4) to review the issues related to the designation of a protection zone for the Trail.

The meeting will be open to the public. However, space is limited to seats for 30 people. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements, may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Charlestown Navy Yard, Boston, Massachusetts 02129, at area code 617-242-1730.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and at the Headquarters of the Appalachian Trail Conference, Washington and Jackson Streets, Harpers Ferry, West Virginia 25425. Copies of the minutes may be obtained by writing to the Appalachian Trail Project Office in Boston.

Dated: December 13, 1976.

DAVID A. RICHIE,
Project Manager,

[FR Doc.77-709 Filed 1-6-77;8:45 am]

CUYAHOGA VALLEY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held at 7:30 p.m., e.s.t., January 27, 1977, at the Bath Township Hall, 1241 North Cleveland-Massillon Road, Bath, Ohio.

The Commission was established by Pub. L. 93-555 to meet and consult with the Secretary of the Interior on matters relating to the development of the Cuyahoga Valley National Recreation Area and with respect to carrying out the provisions of the Pub. L.

The members of the Commission are as follows:

Mrs. Robert G. Warren (Chairman)
Mr. Courtney Burton
Mr. Norman A. Godwin
Mr. Donald W. Haskett
Mr. Robert L. Hunker
Mr. James S. Jackson
Mr. Melvin J. Robbins
Mrs. Roger Rossi
Mrs. George N. Seltzer
Ms. R. Robin Stillman
Mr. Barry K. Sugden
Mr. Robert W. Teater
Mr. William O. Walker

Matters to be discussed at this meeting include:

1. Report on park operations.
2. Status of land acquisition.
3. Recent legislation affecting the park.
4. Status of the General Management Plan.
5. Report on community relations.
6. Report on adverse land use.

The meeting will be open to the public. It is expected that about 100 persons in addition to members of the Commission will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from William C. Birdsell, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone 216-653-9036. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road, (State Route 303), two miles east of Peninsula, Ohio.

Dated: December 22, 1976.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.77-708 Filed 1-6-77;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., C.s.t., on Friday, January 21, 1977, at the Indiana Dunes National Lakeshore Tremont Visitor Center, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Pub. L. 89-761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Harry W. Frey (Chairman)
Mrs. Anna R. Carlson
Mr. John A. Hillenbrand II
Mr. William L. Lieber
Mr. Lawrence Miller
Mr. John R. Schnurlein
Mr. Norman E. Tufford
Mr. George H. Williams (Secretarial Consultant)

Matters to be discussed at this meeting include:

1. In-depth interpretation of Pub. L. 94-549, an amending act that provides for the expansion of the Lakeshore and other purposes.
2. Status of Lakeshore construction contracts.
3. Report on the Little Calumet River Basin Recreational Development Program.
4. Explanation of NPS/Northern Indiana Public Service Company study agreement regarding fly ash and other pollutants in Cowles Bog area of Lakeshore.
5. Land Acquisition Report.
6. Discussion of future role of Advisory Commission.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Indiana 46304, telephone area code 219, 926-7561.

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: December 20, 1976.

MERRILL D. BEAL,
Regional Director, Midwest Region, National Park Service.

[FR Doc.77-710 Filed 1-6-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-26]

CERTAIN SOLDIER-REMOVAL WICKS

Postponement of Hearing Date

Notice is hereby given that the date for the commencement of the hearing in this proceeding is postponed until January 19, 1977 at 10:00 a.m. The hearing will be held in Room 610 Bicentennial Building, 600 E Street, NW., Washington, D.C. and will continue daily until completed.

This hearing was originally scheduled to commence on January 11, 1977, by order of the undersigned Presiding Officer issued December 13, 1976. (41 FR 54998, December 16, 1976.) Certain facts regarding the respondents' status have been brought to the attention of the Presiding Officer which require the parties' review and perhaps comment by them. This postponement is being ordered to permit the parties to review such factual developments and to file whatever motions or responses to motions which they may deem appropriate. Accordingly, the Presiding Officer is taking under advisement the motions currently pending before him which relate to further extensions of time.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

Issued January 3, 1977.

Judge MYRON R. RENICK,
Presiding Officer.

[FR Doc.77-646 Filed 1-6-77;8:45 am]

GOVERNMENT IN THE SUNSHINE

Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on January 14, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Agenda for the week of January 24, 1977;
2. Minutes of December 28 and 30, 1976;
3. Reorganization;
4. Briefing by the staff on sugar (Inv. TA-201-16);
5. Memorandum from Mr. Wallington, Chief, Financial Management, dated December 28, 1976—1977 travel budget; recommendation that the statutory limitation on travel expenditures be raised;
6. Mushrooms (TA-201-17)—consideration of draft determination (see action jacket GC-76-162);
7. Any other items left over from previous agenda.

If you have any questions concerning the agenda for the January 14, 1977, Commission meeting, please contact the Secretary to the Commission at 202-523-0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 CFR 201.39(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: January 4, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-647 Filed 1-6-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

FEDERAL SUPPLEMENT BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability of Federal Supplemental Benefits in the State of Arkansas

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Arkansas, effective December 26, 1976.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State, that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Arkansas has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending December 11, 1976, and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a) and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Arkansas for the week ending on December 11, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on December 26, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Arkansas which terminated with the week ending on October 9, 1976, as announced in the notice published in the FEDERAL REGISTER on October 15, 1976, at 41 FR 45636. Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Because the new Federal Supplemental Benefit Period began prior to the end of the 13-week period, the individual additional eligibility periods terminated immediately prior to the beginning of the new benefit period.

Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or a 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Arkansas, or who wish to inquire about their rights under this program, should contact the nearest State Employment Office of the Arkansas Department of Labor in their locality.

Signed at Washington, D.C., on January 4, 1977.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.77-657 Filed 1-6-77;8:45 am]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Appointment of Members

This is to announce the appointment of members to the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The membership of the Committee and the categories represented are as follows:

EMPLOYEE

Melvin J. Boyle, Assistant to the International Brotherhood of Electrical Workers, 1125 Fifteenth Street NW., Washington, D.C. 20005.

Paul H. Connelley, Safety Director, United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue, Washington, D.C. 20001.

Robert E. P. Cooney, General Vice President, International Association of Bridge, Structural and Ornamental Iron Workers, 400 First Street, N.W., Washington, D.C. 20001.

Robert M. Farrell, Safety Director, International Union of Operating Engineers, 6200 Joliet Road, Countryside, Illinois 60525.

Joe M. Short, Director, Education and Training, Laborers International Union of North America, 905 Sixteenth Street, N.W., Washington, D.C. 20006.

EMPLOYER

Wayne L. Christensen, Corporate Safety Director, The Rust Engineering Company, P.O. Box 101, Birmingham, Alabama 35201.

Richard L. Daley, Director of Safety and Environmental Services, Morrison-Knudsen Company, Post Office Box 7808, Boise, Idaho 83729.

Robert E. Linck, President, Warren-Ehret-Linck Company, Luzerne and E Streets, Philadelphia, Pennsylvania, 19124.

Frederick M. Livingston, Jr., Corporate Safety Director, Turner Construction Company, 150 East 42nd Street, New York, New York 10017.

Harold E. Van Werden, President, Van Werden Construction Company, Inc., 2928 Lovers Lane, Kalamazoo, Michigan 49001.

PUBLIC

Michael S. Baram, Associate Professor, Civil Engineering, Massachusetts Institute of Technology, Building 48, Room 335, Cambridge, Massachusetts 02139.

Fred L. Ottoboni, Coordinating Engineer, State of California Department of Health, 2151 Berkeley Way, Berkeley, California 94704.

STATE

Clifford W. Farmer, Supervising Engineer, Construction, California State Department of Industrial Relations, 3988 Lonesome Pine Road, Redwood City, California 94102.

E. I. "Bud" Malone, Commissioner, Department of Labor and Industry, State of Minnesota, Space Center Bldg., 5th Floor, 444 Lafayette Road, St. Paul, Minnesota, 55101.

FEDERAL

Thomas L. Anania, Chief, Industrial Hygiene Services, National Institute for Occupational Safety and Health, 514 Post Office Building, Cincinnati, Ohio 45202.

Messrs. Baram, Christensen, Linck and Ottoboni are new members; all others are reappointments.

The members were selected on the basis of their experience and competence in the field of construction safety and health and will serve until June 30, 1978. Mr. Clifford W. Farmer will serve as Committee Chairman.

Signed at Washington, D.C. this 20th day of December 1976.

W. J. USERY JR.,
Secretary of Labor.

[FR Doc.77-659 Filed 1-6-77;8:45 am]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

[Application Nos. D-183, D-301, D-419, D-459, D-466 and D-473]

Notice of Pendency of Proposed Class Exemption Requested by the National Association of Pension Consultants and Administrators, Inc., the Investment Company Institute, and Others.

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed class exemption from the restrictions of sections 406(a)(1) (A) through (D) and 406(b) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code. The pending class exemption was requested in applications submitted by the National Association of Pension Consultants and Administrators, Inc. (NAPCA) (D-183); jointly by the American Council of Life Insurance (ACLI) [1], the National Association of Life Underwriters (NALU) and the Association for Advanced Life Underwriting (AALU) (D-301); the Investment Company Institute (ICI) (D-419 and D-466); jointly by Marsh & McLennan Companies, Inc. and Johnson & Higgins (M & M) (D-459); and jointly by Investors Diversified Services, Inc. and American General Capital Distributors, Inc. (D-473).

The pending class exemption would exempt from the prohibited transactions provisions: (1) The receipt of sales commissions from an insurance company, directly or indirectly, by an insurance agent or broker or a pension consultant [2] in connection with the purchase of insurance contracts or annuities with employee benefit plan assets when such insurance agent or broker or pension consultant is a service provider or a fiduciary with respect to the plan; (2) the receipt of sales commissions by a mutual fund principal underwriter in connection with the purchase of mutual fund shares with plan assets when such principal underwriter is a plan fiduciary or service provider; (3) the execution by an insurance agent or broker or a pension consultant of the purchase of insurance with plan assets from an insurance company when such insurance agent or broker or pension consultant is a service provider or fiduciary with respect to the plan and, in connection with the execution of such transaction, is acting as the agent of the insurance company; (4) the purchase of insurance with plan assets from an insurance company which is a party in interest or disqualified person (including a fiduciary) with respect to the plan solely by reason of providing services, directly or indirectly, to the plan (e.g., in connection with an insurance company-sponsored master or prototype plan which has been adopted as the plan) or by reason of a relationship described in section 3(14) (G), (H) or (I) of the Act or section 4975(e)(2) (G), (H) or (I) of the Code to an insurance agent or broker or pension consultant who provides services to or is a fiduciary with respect to the plan; and (5) the purchase of mutual fund shares with plan assets from, or the sale of mutual fund shares to, a principal underwriter with respect to the mutual fund, where the principal underwriter or mutual fund, or both, are parties in interest or disqualified persons (including fiduciaries) with respect to the plan by reason of providing services, directly or indirectly, to the plan (e.g., in connection with a mutual fund-sponsored master or prototype plan which is adopted as the plan).

The applications for class exemption were filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the proce-

[1] The American Council of Life Insurance is the successor to the American Life Insurance Association.

[2] All references to the terms "insurance agent or broker", "pension consultant", "insurance company", "principal underwriter", "fiduciary" and "service provider" include such persons and any affiliates thereof. The term "affiliate" is defined in section IV (d) of the pending class exemption, and would include, for example, an employee of an insurance agency or pension consulting firm or a corporation of which an insurance agent or pension consultant is an employee.

dures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722.

Numerous applications have also been received for individual exemptions covering transactions of the type described in this proposed class exemption. All such transactions will be exempted if they satisfy the terms and conditions of the proposed class exemption. As stated in section 3.04 of ERISA Proc. 75–1 and Rev. Proc. 75–26, an application for an individual exemption will not ordinarily be considered separately if a class exemption which may encompass the transaction described in the application for an individual exemption is under consideration by the Department and the Service. Accordingly, the agencies are notifying directly each applicant for an individual exemption of the fact that such applicant's application is not being considered separately from this proposed class exemption, that such application will ordinarily be closed, and, therefore, that such applicant's comments with respect to this pending class exemption are sought by the agencies.

PREAMBLE

Summary of representations. The applications contain representations with regard to the pending class exemption, which are summarized below. Interested persons are referred to the applications on file with the Department and the Service for the complete representations of the applicants.

Pension consultants. The applications submitted by NAPCA and by Marsh & McLennan Companies, Inc. and Johnson & Higgins request class exemptions to permit pension consultants who are fiduciaries with respect to plans (as defined in section 3(21) of the Act and section 4975(e)(3) of the Code) to receive commissions from insurance companies in connection with the purchase of insurance by such plans. The applicant's represent that pension consultants provide a wide variety of administrative, consulting and advisory services to plans. These services include, among others; advice on the cost of various types of benefits; advice on the structure of plan management and operations; advice on the types of funding media available to provide particular plan benefits; actuarial evaluations; designing funding media, plan investment objectives and policies, administrative policies, forms, etc.; and numerous administrative support services. The provision of some of these services in individual cases could cause a pension consultant to become a plan fiduciary.

Customarily, pension consultants are compensated for the provision of their services to plans through the receipt of fees from plans, plan sponsors or other persons or by means of the receipt of initial and renewal sales commissions on the sale of insurance products to such plans. The applicants represent that if and when pension consultants are plan fiduciaries, a question exists whether the receipt of insurance sales commissions by such persons violates section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code, which prohibit plan fiduciaries from receiving consideration for their own personal accounts from any party (e.g., an insurance company) dealing with the plan in connection with a transaction involving plan assets. A question also exists whether such a pension consultant, who is also a plan fiduciary, would be in violation of section 406(b)(1) and (2) of the Act and section 4975(c)(1)(E) of the Code when acting as agent of an insurance company in connection with the purchase of insurance by the plan. Section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code prohibit a plan fiduciary from dealing with the income or assets of the plan in his own interest or for his own account. Section 406(b)(2) of the Act prohibits a plan fiduciary from representing a party whose interests are adverse to the interests of the plan or its participants and beneficiaries in connection with a transaction involving the plan.

The applicants further represent that the provision of services to plans by pension consultants is exempt from the prohibited transaction provisions pursuant to section 508(b)(2) of the Act and section 4975(d)(2) of the Code, and that the receipt of insurance sales commissions, and the sale of insurance to plans, by most pension consultants when they are plan fiduciaries, is exempt until June 30, 1977 pursuant to the transitional rules of sections 414(c)(4) and 2003(c)(2)(D) of the Act, as interpreted in ERISA IB 75–1 and IRS TIR–1329 (issued December 31, 1974).

The applicants state that they believe that if their requested exemptions are not granted, the normal business practices of pension consultants will be restricted, and that this will result in a constriction in the variety of consulting and administrative services that would be available to plans. The applicants represent that this would be highly disruptive of plan operations and would lead to increased plan administrative and operating costs.

Insurance agents and brokers. The applications submitted by NAPCA, M & M, and jointly by the ACLI, NALU and AALU request a class exemption to permit life insurance agents and brokers to continue to sell insurance to plans with respect to which such agents or brokers are fiduciaries or otherwise parties in interest or disqualified persons by reason of the consultative and advisory services performed for plans by such agents or brokers.

In this connection, the applicants have also requested that the Department and the Service rule that the normal sales presentation and recommendations made by an insurance agent or broker to a plan or a plan fiduciary will not be considered to constitute the rendering of investment advice for a fee so as to classify such agent or broker as a fiduciary.[1] However, the applicants represent that, even if their requested ruling is issued, the consultative or advisory services performed for plans by insurance agents and brokers are such that in particular cases the agent or broker would become a plan fiduciary.

In this regard, the applicants represent that insurance agents and brokers customarily provide a variety of administrative and consultative services to plans, besides the sale of insurance products. Among other things, these services include: describing available funding media; advice on procedures for obtaining Service approval of plans; communicating plan details to employees and obtaining necessary employee information for initial plan operation; actuarial services; preparation of plan reports and plan operating procedures; and advice on termination procedures. If the plan is not funded through insurance company products, the agent or broker will normally be compensated through the payment of a fee. If insurance products are involved, the agent or broker is fully or partially compensated through commissions on the sale of insurance to the plan. Such commissions are paid by the insurance companies whose products are sold to the plan.

The applicants further represent that where the agent or broker is a plain fiduciary, such insurance sales commissions could be considered to constitute consideration for the agent's or broker's own personal account from a party (i.e., the insurance company) dealing with the plan in connection with a transaction involving the assets of the plan, in violation of section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code. In addition, such agent or broker could be deemed to be self-dealing in violation of section 406(b)(1) of the Act and 4975(c)(1)(E) of the Code and to be acting on behalf of an adverse party in connection with such transactions in contravention of section 406(b)(2) of the Act.

Although the applicants state that they believe that many of the "prohibited transactions" described above are exempt from the prohibitions and excise taxes of the Act and the Code for the period from January 1, 1975 through June 30, 1977 by reason of the transitional rules of sections 414(c)(4) and 2003(c)(2)(D) of the Act, they represent that a class exemption is necessary to permit these transactions to continue subsequent to June 30, 1977. In addition, because the transitional rules of section 414(c)(4) and 2003(c)(2)(D) of the Act are not available for agents and brokers who are not considered to have furnished the type of services involved as of June 30, 1974, the applicants have requested that the pending class exemption be effective as of January 1, 1975, the effective date of the prohibited transaction provisions of the Act and the Code.

In support of their exemption request, the applicants represent that, without an exemption, insurance agents and brokers will be precluded from receiving their customary form of compensation for the furnishing of services to plans (i.e., sales commissions) and would, therefore, be compelled to curtail the provision of many of the services that they currently provide to plans. The applicants contend that these developments would severely disrupt long established business practices and relationships and would create hardships for plans, plan sponsors and plan participants. The applicants note that such hardships would be most severe for insured plans of small employers which have commonly relied heavily on the services of insurance agents and brokers because the limited resources of such plans do not permit them to retain consultants.

For essentially the same reasons outlined above, the applicants have also requested an exemption to permit an insurance company to sell insurance to a plan when such insurance company is a party in interest or disqualified person (including a fiduciary) with respect to the plan by reason of providing services, directly or indirectly, to the plan or by a reason of a relationship described in section 3(14)(G), (H) or (I) of the Act or section 4975(e)(2)(G), (H) or (I) of the Code to an insurance agent or broker who provides services to or is a fiduciary with respect to the plan.

Mutual fund principal underwriters. On October 31, 1975, notice was published in the FEDERAL REGISTER (40 FR 50845) of the granting of class exemptions (Prohibited Transaction Exemption 75–1) for certain transactions involving plans and certain broker-dealers, reporting dealers and banks. One of these class exemptions permits, among other things, the purchase and sale of securities, including mutual fund shares, by a plan from or to a broker-dealer which is a party in interest or disqualified person (other than a fiduciary) with respect to the plan by virtue of providing services to the plan. This class exemption also covers, as of January 1, 1975, the purchase and sale of mutual fund shares by a plan from or to a broker-dealer which is a plan fiduciary, provided that such broker-dealer is not a principal underwriter for, or affiliated with, such mutual fund, and the receipt of commissions by such fiduciary/broker-dealer is in connection with the purchase of mutual fund shares by plans.

The applications submitted by the ICI and by Investors Diversified Services, Inc. and American General Capital Distributors, Inc., request a class exemption to permit mutual fund principal underwriters (and their affiliates) to purchase or sell shares of the mutual fund from and to plans with respect to which such principal underwriters are fiduciaries, and to permit such fiduciary principal underwriters (and their affiliates) to receive sales commissions in connection with such plan purchases of mutual fund shares. The requested exemption would cover not only the prohibitions of sections 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code, but also the provisions of section 406(a)(1)(A) through (D) of the Act and sections 4975(c)(1)(A) through (D) of the Code, which prohibit, among other things, the sale of property between a plan and a party in interest or disqualified person. The applicants represent that if their requested exemption is granted, it will remove unwarranted discrimination between the sale of mutual fund shares effected by broker-dealers who are plan fiduciaries and who are unrelated to mutual funds (which sales are covered by Prohibited Transaction Exemption 75–1) and sales made directly by mutual fund principal underwriters who are plan fiduciaries.

In this regard, the applicants have made a request, similar to that made in the NAPCA, M&M and ACLI, NALU and AALU applications, that the Department and the Service rule that the normal sales presentation and recommendations made by a mutual fund principal underwriter or an employee thereof to a plan or a plan fiduciary will not be considered to constitute the rendering of investment advice for a fee so as to classify such person as a fiduciary.

Notwithstanding the issuance of such a ruling, the applicants represent that a class exemption is still necessary for those situations in which a mutual fund principal underwriter or an affiliate thereof is a plan fiduciary. In support of this request, the applicants note that the distribution of mutual fund shares to plans and other investors through principal underwriter direct sales forces has been a standard and customary practice for over forty years and that the activities of mutual funds, their investment advisers and their principal underwriters, and the sale of mutual fund shares to investors, is closely regulated by the Securities and Exchange Commission under the Investment Company Act of 1940, the Securities Act of 1933, the Investment Advisers Act of 1940, and the Securities Exchange Act of 1934.

The applicants also represent that mutual fund principal underwriter direct sales forces normally recommend mutual fund shares as the funding medium for small employee benefit plans which can neither afford to retain professional investment managers nor otherwise obtain diversification of assets. These sales forces often recommend and sell mutual fund shares to employee benefit plans which are not readily serviced by regular retail broker-dealers or other financial institutions. If the requested exemption is not granted, the applicants represent that these plans would be foreclosed from continuing to receive these services, and that this would result in substantial hardship and economic loss for such plans.

For essentially the same reasons outlined above, the ICI has also requested, in Application D–466, an interpretation of the applicable provisions of the Act and the Code or, in the alternative, an exemption to permit the purchase or sale of mutual fund shares from or to a principal underwriter with respect to the mutual fund, where the principal underwriter or mutual fund, or both, may be parties in interest or disqualified persons (including fiduciaries) with respect to the plan because they may be considered to be providing services, directly or indirectly, to the plan (e.g., in connection with a mutual fund-sponsored master or prototype plan which is adopted as the plan).

Regarding Application D–466 filed by the ICI, and the joint application of the ACLI, NALU and AALU insofar as it relates to the question of whether a sponsor of a master or prototype plan may be considered to be a service provider or fiduciary with respect to the plan, the Department and the Service wish to emphasize that the proposal of a class exemptions to permit the purchase or sale of mutual fund shares or insurance contracts or annuities from or to the principal underwriter or insurance company when the principal underwriter, mutual fund or insurance company is the sponsor of the master or prototype plan is not intended to reflect a decision on this question by the Department and the Service. Rather, the class exemption, to the extent that it covers the master and prototype plan situation, is proposed, in part, to eliminate the adverse effects under the prohibited transaction provisions for plans and their participants and beneficiaries that may be caused by any uncertainties regarding the resolution of this question. Thus, to the extent that an insurance company, mutual fund or principal underwriter of a mutual fund may be considered to be a service provider or fiduciary as a result of services performed in connection with a master or prototype plan that it sponsors, the exemption provides relief from the prohibited transaction provisions of section 406 of the Act and section 4975(c)(1) of the Code for the purchase of insurance contracts or annuities from the insurance company or the purchase or sale of mutual fund shares from or to the mutual fund or principal underwriter.

Definition of "Fiduciary." Several of the applicants for class exemption have requested that the Department and the Service rule that the normal sales presentation and recommendations made to a plan or a plan fiduciary by an insurance agent or broker, pension consultant, or a mutual fund principal underwriter, or an employee thereof, will not be considered to constitute the rendering of investment advice for a fee so as to classify such agent or broker, pension consultant, or principal underwriter, or employee thereof, as a "fiduciary." Section 3(21)(A)(ii) of the Act and section 4975(e)(3)(B) of the Code define the term "fiduciary" with respect to a plan as a person who "renders investment advice

[1] For a discussion of this question, see the section of the Preamble entitled "Definition of Fiduciary," infra. reports and plan operating procedures; and advice on termination procedures. If the plan is not funded through insurance company products, the agent or broker will normally be compensated through the payment of a fee. If insurance products are involved, the agent or broker is fully or partially compensated through commissions on the sale of insurance to the plan. Such commissions are paid by the insurance companies whose products are sold to the plan.

for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so."

By notices published in the FEDERAL REGISTER (40 FR 50840, 50842) on October 31, 1975, the Service and the Department adopted regulations, 26 CFR 54.4975-9(c) and 29 CFR 2510.3-21(c), clarifying the applicability of the definition of the term "fiduciary" to persons who render investment advice to plans. As here relevant, those regulations provide:

(c) *Investment Advice.* (1) A person shall be deemed to be rendering "investment advice" to an employee benefit plan * * * only if:

(i) Such person renders advice to the plan as to the value of securities or other property, or makes recommendations as to the advisability of investing in, purchasing, or selling securities or other property; and

(ii) Such person either directly or indirectly (e.g., through or together with any affiliate)—

(A) Has discretionary authority or control, whether or not pursuant to agreement, arrangement or understanding, with respect to purchasing or selling securities or other property for the plan; or

(B) Renders any advice described in paragraph (c)(1)(i) of this section on a regular basis to the plan pursuant to a mutual agreement, arrangement or understanding, written or otherwise, between such person and the plan or a fiduciary with respect to the plan, that such services will serve as a primary basis for investment decisions with respect to plan assets, and that such person will render individualized investment advice to the plan based on the particular needs of the plan regarding such matters as, among other things, investment policies or strategy, overall portfolio composition, or diversification of plan investments.

The advice and recommendations made to plans and plan fiduciaries by insurance agents and brokers, pension consultants, and mutual fund principal underwriters (or their employees) regarding plan purchases of insurance contracts or annuities or mutual fund shares come within the type of advice described in paragraph (c)(1)(i) of the regulations cited above and could constitute "investment advice" so as to classify the persons who furnish such advice as "fiduciaries" if it is rendered under the circumstances described in either paragraph (c)(1)(ii)(A) or paragraph (c)(1)(ii)(B) of such regulations. A determination whether such advice constitutes "investment advice" under these regulations and section 3(21)(A)(ii) of the Act and section 4975(e)(3)(B) of the Code can be made only on a case-by-case basis.

In addition, the Department and the Service stated in the preamble sections of the notices announcing the adoption of the regulations that, until a more definitive statement is issued, the phrase "fee or other compensation, direct or indirect" for the rendering of investment advice for purposes of section 3(21)(A)(ii) of the Act and section 4975(e)(3)(B) of the Code should be deemed to include all fees or other compensation incidental to the transaction in which the investment advice to the plan has been rendered or will be rendered, and may therefore include insurance and mutual fund sales commissions. The Department and the Service have not modified or revised this position, notwithstanding the contrary views expressed in several of the applications for class exemption.

Exemption for services. Section 408(b)(2) of the Act and section 4975(d)(2) of the Code provide an exemption from the prohibited transaction provisions for, as here relevant, the provision of services to plans by parties in interest and disqualified persons if certain conditions are met. By notices published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31838, 31874), the Service and the Department proposed regulations, 26 CFR 54.4975-6 and 29 CFR 2550.408b-2, designed to clarify the scope and conditions of these statutory exemptions.

Among other things, the proposed regulations indicate that the statutory exemptions cover all parties in interest and disqualified persons, including plan fiduciaries. Thus, the services provided to plans by persons who are insurance agents or brokers, pension consultants, or mutual fund principal underwriters would be covered by the exemption set forth in section 408(b)(2) of the Act and section 4975(d)(2) of the Code, whether or not such persons are plan fiduciaries, if the arrangements under which such persons provide services to plans satisfy the provisions of the regulations under sections 408(b)(2) of the Act and 4975(d)(2) of the Code. To the extent that an insurance agent or broker, pension consultant, or mutual fund principal underwriter is not a fiduciary, he or she may rely on the statutory exemption contained in sections 408(b)(2) of the Act and 4975(d)(2) of the Code or on this exemption, if granted.

The proposed regulations also provide that the statutory exemption covers only the furnishing of services and not the prohibitions against certain fiduciary conduct described in section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code that might be present in the arrangement for the furnishing of services to a plan. The proposed regulations indicate, however, that if the arrangements for the provision of services to a plan by a fiduciary are arranged and approved on behalf of the plan by a second fiduciary who is independent of and unrelated to the fiduciary providing the services, the fiduciary/service provider would not be considered to be dealing with plan assets in his own interest or for his own account in contravention of section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code. Interested persons are directed, however, to the notice of hearing on the proposed regulations under section 408(b)(2) of the Act and section 4975(d)(2) of the Code and this pending class exemption, which notice appears elsewhere in this issue of the FEDERAL REGISTER, for a further explanation of the views of the Department and the Service with respect to the effect of the approval of a second fiduciary in situations where the fiduciary/service provider might be considered to be dealing with plan assets in his own interest or for his own account.

In connection with this notice of pendency of exemption, the Department and the Service wish to emphasize that satisfaction of the conditions of the pending class exemption will not permit a breach of the general fiduciary responsibility provisions of section 404 of the Act or excuse a violation of the "exclusive benefit of employees" requirement contained in section 401(a) of the Code. Such breach or violation might occur, for example, if a fiduciary with respect to the plan recommends or causes the plan to select a funding medium or investment which, under the particular circumstances, is not suitable for the plan. Thus, in the circumstances of a given case, an insurance agent who is a fiduciary with respect to a plan might be found to have breached his fiduciary responsibilities under section 404 of the Act and to have caused the plan to violate section 401(a) of the Code if he caused the plan to purchase individual insurance or annuity policies or other high commission products when similar benefits or protections could have been secured at a lesser cost to the plan (i.e., for lower premiums) under a group policy.

Further, while receipt of the disclosure required by the conditions of the exemption set forth below is expected to aid plan fiduciaries to evaluate recommendations made by persons selling insurance or mutual fund shares to the plan, such fiduciaries must still determine that the purchase of any insurance product or mutual fund shares for the plan satisfies the general fiduciary responsibility provisions of section 404(a)(1) of the Act. Such determination would require the evaluation of various factors not addressed in this exemption, such as, for example, whether the insurance product or mutual fund shares are an appropriate funding medium or investment for the particular plan involved.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the

employer maintaining the plan and their beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(3) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(5) The applications for exemption referred to herein are available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C., 20210 and in the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

All interested persons are invited to submit written comments on the pending class exemption set forth herein. In order to receive consideration, such comments should be received by the Department of Labor on or before January 27, 1977.

By notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Department and the Service have announced that a public hearing will be held on February 14, 1977 with respect to the proposed class exemption and with respect to proposed regulations of the Department and the Service under sections 408(b)(2), 408(b)(4), 408(b)(6), 408(c)(2) and 414(c)(4) of the Act and sections 4975(d)(2), (4), (6) and (10) of the Code and 2003(c)(2)(D) of the Act, published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31838, 31874). These proposed regulations relate to the provision of services and office space to plans, the investment of plan assets in bank deposits, the provision of bank ancillary services to plans, and the transitional rule for the provision of services to plans until June 30, 1977.

All written comments on the pending class exemption (at least six copies) should be addressed to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room C-4526, Washington, D.C., 20216, Attention: Application No. D-183. All such comments will be made part of the record, and will be available for public inspection at the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20210, and at the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

PENDING EXEMPTION

Based on the applications referred to above, the Department and the Service have under consideration the granting of the following class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722:

Section I—Introduction. Effective January 1, 1975, the restrictions of sections 406(a)(1)(A) through (D) and 406(b) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to the transactions described in section II of this exemption, provided that the conditions set forth in section III of this exemption are met.

Section II—Transactions. (a) The receipt of sales commissions from an insurance company, directly or indirectly, by an insurance agent or broker or a pension consultant in connection with the purchase of insurance contracts or annuities with plan assets when such insurance agent or broker or pension consultant is a service provider or fiduciary with respect to the plan.

(b) The receipt of sales commissions by a principal underwriter for an investment company registered under the Investment Company Act of 1940 (hereinafter referred to as a "mutual fund") in connection with the purchase of mutual fund shares with plan assets when such principal underwriter is a fiduciary or service provider with respect to the plan.

(c) The execution by an insurance agent or broker or pension consultant of a transaction for the purchase of insurance contracts or annuities with plan assets from an insurance company when such insurance agent or broker or pension consultant is a fiduciary or service provider with respect to the plan and, in connection with the execution of such transaction, is acting as the agent of the insurance company.

(d) The purchase of insurance contracts or annuities with plan assets from an insurance company which is a party in interest or disqualified person (including a fiduciary) with respect to the plan solely by reason of providing services directly or indirectly to the plan, or which, by reason of a relationship described in section 3(14)(G), (H) or (I) of the Act or section 4975(e)(2)(G), (H) or (I) of the Code to an insurance agent or broker or a pension consultant, is a service provider or a fiduciary with respect to the plan.

(e) The purchase of mutual fund shares with plan assets from, or the sale of such shares to, a mutual fund or a principal underwriter with respect to a mutual fund, when such mutual fund or principal underwriter, or both, are parties in interest or disqualified persons (including fiduciaries) with respect to the plan by reason of providing services, directly or indirectly, to the plan.

Section III—Conditions. (a) The insurance agent or broker, pension consultant, insurance company, mutual fund or principal underwriter referred to in any of the paragraphs of section II above does not have any authority on behalf of the plan to retain or terminate the provision of services of such insurance agent or broker, pension consultant, insurance company, mutual fund or principal underwriter for the plan.

(b) Each of the transactions described in section II above, and any transactions in connection therewith for the purchase of insurance contracts or annuities or mutual fund shares with plan assets or the sale of mutual fund shares, is:

(1) On terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be; and

(2) Prior to the execution of the transaction, approved in writing on behalf of the plan by a fiduciary who is not an affiliate of the insurance agent or broker, pension consultant, insurance company, mutual fund, mutual fund principal underwriter, or mutual fund investment adviser and who does not receive, directly or indirectly, any compensation or other consideration for his or her own personal account in connection with any such transaction. Such approval must be based, in part, on the information disclosed pursuant to paragraph (e) of this section.

(c) The total of all fees and other consideration received by such insurance agent or broker, insurance company, pension consultant, or mutual fund principal underwriter for the rendering of services to the plan, plus commissions received in connection with the purchase of insurance contracts or annuities or mutual fund shares with plan assets, is not in excess of "reasonable compensation" within the contemplation of sections 408(b)(2) and 408(c)(2) of the Act and sections 4975(d)(2) and 4975(d)(10) of the Code.

(d) With respect to any purchase of insurance contracts or annuities or mutual fund shares referred to in paragraphs (a), (b) and (c) of section II above, the insurance agent or broker, pension consultant, or mutual fund principal underwriter referred to in any of such paragraphs:

(1) Is a party in interest or disqualified person (including a fiduciary) with respect to the plan solely by reason of the provision of consultative, administrative or investment advisory services to the plan; and

(2) Effects the purchase of insurance or mutual fund shares in the ordinary course of its business as an insurance agent or broker, pension consultant, or mutual fund principal underwriter.

(e) With respect to any purchase of insurance contracts or annuities or mutual fund shares referred to in paragraphs (a), (b) and (c) of section II above, or any contract or agreement for such a purchase which is executed more than 60 days after the date of granting of this exemption, the insurance agent or brok-

er, pension consultant or mutual fund principal underwriter provides to the fiduciary referred to in paragraph (b)(2) of this section, prior to the written approval described in paragraph (b)(2), written disclosure of the following information and such fiduciary acknowledges receipt of such written disclosure in writing:

(1) The names of all insurance companies and mutual funds with respect to which such insurance agent or broker, pension consultant or mutual fund principal underwriter is an affiliate, and a description of the nature of such affiliation.

(2) The amount of any sales commissions that will be received, directly or indirectly, by the soliciting agent in connection with the purchase of any insurance contracts or annuities or mutual fund shares which are recommended by the soliciting agent for purchase with plan assets. In the case of insurance, commissions should be disclosed as a percentage of gross premium payments for both first-year sales commissions and renewal commissions, if any. In the case of mutual funds, sales commissions should be disclosed as a percentage of the dollar amount of the plan't investment.

(3) With respect to any insurance contracts or annuities or mutual fund shares which are recommended by the soliciting agent, (i) if the soliciting agent has received any special instructions with respect to soliciting purchases of such contracts, annuities or shares (other than with respect to describing the characteristics of such contracts, annuities or shares) from any insurance agent or broker, pension consultant, insurance company, mutual fund, or principal underwriter, a description of such instructions, (ii) if the soliciting agent has a special incentive arrangement (other than the receipt of sales commissions) in connection with the sale of such insurance contracts or annuities or mutual fund shares, a statement that the soliciting agent has such an arrangement and, if requested by the aforementioned fiduciary, a description of such arrangement, and (iii) if the soliciting agent or an insurance agent or broker, pension consultant or mutual fund principal underwriter for which the soliciting agent is an employee has, for any of its three taxable years prior to the making of such recommendation by the soliciting agent, received more than 20 percent of its gross commissions from all sales of insurance or mutual fund shares for any such year from the insurance company or mutual fund whose insurance contract, annuity or shares are recommended, the soliciting agent must disclose such facts.

Once the disclosures required by this paragraph (e) have been made to the fiduciary described in paragraph (b)(2) of this section with respect to the purchase of insurance contracts or annuities or mutual fund shares, no further disclosure need be made with respect to additional purchases of such contracts, annuities, or shares with plan assets within three years subsequent to such disclosure, unless the commission or special incentive arrangement with respect to such additional sales of such contracts, annuities or shares is materially different from that for which the disclosure was made, or the contract, annuity or mutual fund is materially different from that for which the disclosure was made.

(f) Such records as are necessary to enable the persons described in paragraph (g) of this section to determine whether the conditions of this exemption have been met shall be maintained for a period of six years from the date of any transaction described in section II above, except that:

(1) This paragraph (f) and paragraph (g) below shall not apply to transactions effected prior to 60 days subsequent to the date of granting of this exemption; and

(2) A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, or of such insurance agent or broker, pension consultant, mutual fund principal underwriter or insurance company, such records are lost or destroyed prior to the end of such six-year period.

For transactions described in paragraphs (a) and (c) of section II above, such records shall be maintained by the insurance agent or broker or pension consultant; for transactions described in paragraphs (b) and (e) of section II above, such records shall be maintained by the principal underwriter of the mutual fund; and for transactions described in paragraph (d) of section II above, such records shall be maintained by the insurance company.

(g) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (f) of this section are unconditionally available for examination during normal business hours by duly authorized employees or representatives of (1) the Department ofof Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by the plan.

Section IV—Definitions. For purposes of this exemption:

(a) The term "principal underwriter" is defined in the same manner as that term is defined in section 2(a)(29) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(29)).

(b) The terms "fiduciary", "service provider", "insurance agent or broker," "pension consultant", "insurance company", "mutual fund", and "principal underwriter" include such persons and any affiliates thereof.

(c) The term "soliciting agent" means the individual who solicits the purchase of the insurance contract or annuity or the purchase of mutual fund shares.

(d) The term "affiliate" of a person includes:

(1) Any person directly or indirectly controlling, controlled by, or under common control with such person;

(2) Any officer, director, partner, employee or relative of such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(e) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(f) the term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(g) The term "special incentive arrangement" means an arrangement whereby consideration is available or payable (directly or indirectly) to a soliciting agent because of the insurance agent's or broker's, pension consultant's, or mutual fund principal underwriter's contractual relationship with an insurance company or mutual fund, and not an arrangement whereby consideration is available to any soliciting agent who sells a product of that insurance company or mutual fund.

Signed at Washington, D.C., this 22d day of December, 1976.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-38233 Filed 12-28-76;8:45 am]

(NOTE.—This document is being reprinted entirely without change from the issue of Wednesday, December 29, 1976.)

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, The Secretary of Labor announced in the FEDERAL REGISTER (41 CFR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. The first meeting of this Advisory Committee was held on February 27, 1976 (41 CFR 5880).

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the ninth meeting of the above committee has been scheduled for 10:00 A.M. on January 31, 1977, in Room S-3215 (A.B.C.), New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

The agenda for the January 31, meeting calls for the continued effectiveness of Affirmative Action Programs in Higher Education.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary: David G. Speck, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, New U.S. Department of Labor Building, Room C-3325, Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of January, 1977.

DR. DAVID G. SPECK,
Executive Secretary.

[FR Doc.77-658 Filed 1-6-77;8:45 am]

Office of the Secretary

[TA-W-1,458]

ALLIED CHEMICAL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Semet-Solvay Division, Detroit Mich., of Allied Chemical Corp., Morristown, New Jersey (TA-W-1,458). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Allied Chemical Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-660 Filed 1-6-77;8:45 am]

[TA-W-1,454]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sand Springs Works, Sand Springs, Oklahoma of Armco Steel Corporation, Middletown, Ohio (TA-W-1,454). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-661 Filed 1-6-77;8:45 am]

[TA-W-1,455]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Marion Works, Marion, Ohio, of Armco Steel Corporation, Middletown, Ohio (TA-W-1,455). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars, rebars, fenceposts & sign posts produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivison. The investigation will further relate, as appropirate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigaton to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment As-

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sistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-662 Filed 1-6-77;8:45 am]

[TA-W-1,456]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Ambridge Works, Ambridge, Pa. of Armco Steel Corp., Middletown, Ohio (TA-W-1,456). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon & alloy seamless tube and couplings produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-663 Filed 1-6-77;8:45 am]

[TA-W-1,465]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Ashland Works, Ashland, Kentucky of Armco Steel Corporation, Middletown, Ohio (TA-W-1,465). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sheets, plates strip slabs, & galvanized sheets, coils, and billets produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-664 Filed 1-6-77;8:45 am]

[TA-W-1,482]

CALUMET STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Calumet Steel Company, Chicago Heights, Illinois (TA-W-1,482). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hot rolled carbon steel bars, rounds, squares, angles and flats produced by Calumet Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-665 Filed 1-6-77;8:45 am]

TA-W-1,459

CYCLOPS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Mansfield, Ohio plant of Cyclops Corporation, Pittsburgh, Pa. (TA-W-1,459). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rolled carbon, silicon and stainless sheets produced by Cyclops Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interest persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-666 Filed 1-6-77;8:45 am]

[TA-W-1,353]

HUNT VALVE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hunt Valve Company, Inc., Salem, Ohio (TA-W-1,353). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel and stainless steel auto and hand hydraulic and water valves produced by Hunt Valve Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-667 Filed 1-6-77;8:45 am]

[TA-W-1,475]

INTERLAKE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Riverdale, Illinois plant of Interlake, Inc., Oakbrook, Illinois (TA-W-1,475). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with basic steel produced by Interlake, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are inivted to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc 77-668 Filed 1-6-77;8:45 am]

[TA-W-1,476]

INTERLAKE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Newport Works, Newport, Kentucky of Interlake, Inc., Oakbrook, Ill. (TA-W-1,476). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with basic steel produced by Interlake, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

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Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc 77-669 Filed 1-6-77;8:45 am]

[TA-W-1,477]

INTERLAKE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Chicago, Illinois plant of Interlake, Inc., Oakbrook, Ill. (TA-W-1,477). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with molten iron produced by Interlake, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-670 Filed 1-6-77;8:45 am]

[TA-W-1,478]

INTERLAKE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Toledo, Ohio plant of Interlake, Inc., Oakbrok, Ill. (TA-W-1,478). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with molten iron produced by Interlake, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the

date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-671 Filed 1-6-77;8:45 am]

[TA-W-1,479]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hazelwood, Pennsylvania plant of Jones & Laughlin Steel Corp., Pittsburgh, Pa. (TA-W-1,479). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cold finished bars produced by Jones & Laughlin Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-672 Filed 1-6-77;8:45 am]

[TA-W-1,480]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976, the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hennepin, Illinois plant of Jones & Laughlin Steel Corporation, Pittsburgh, Pa. (TA-W-1,480). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon flat rolled products produced by Jones & Laughlin Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-673 Filed 1-6-77;8:45 am]

[TA-W-1,481]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Cleveland, Ohio plant of Jones & Laughlin Steel Corporation, Pittsburgh, Pa. (TA-W-1,481). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat rolled products produced by Jones & Laughlin Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under

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Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 77-674 Filed 1-6-77;8:45 am]

[TA-W-1,466]

KOPPERS COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Woodward, Alabama plant of the Organic Materials Div. of Koppers Company, Inc., Pittsburgh, Pennsylvania (TA-W-1,466). Accordingly, the Director of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Koppers Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in acordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-675 Filed 1-6-77;8:45 am]

[TA-W-1,467]

KOPPERS COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Erie, Pa. plant of the Organic Materials Div. of Koppers Company, Inc., Pittsburgh, Pennsylvania (TA-W-1,467). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Koppers Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-676 Filed 1-6-77;8:45 am]

[TA-W-1,461]

LACLEDE STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Alton, Illinois plant of Laclede Steel Company, St. Louis, Missouri (TA-W-1,461). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wire products, pipes, small sizes of sheets and strips produced by Laclede Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

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Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-677 Filed 1-6-77;8:45 am]

[TA-W-1,462]

LACLEDE STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Madison, Illinois plant of Laclede Steel Company, St. Louis, Missouri (TA-W-1,462). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with reinforcing bars produced by Laclede Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

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Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-678 Filed 1-6-77;8:45 am]

[TA-W-1,351]

MUELER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Chattanooga, Tenn. plant of Mueler Co., Decatur, Illinois (TA-W-1,351). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with firehydrants 7 other waterworks products produced by Mueler Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc 77-679 Filed 1-6-77 8:45 am]

[TA-W-1,453]

PHILADELPHIA COKE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Philadelphia Coke Company, Inc., Philadelphia, Pa. a wholly owned subsidiary of Eastern Gas & Fuel Associates, Boston, Mass (TA-W-1,453). According, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Philadelphia Coke Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-680 Filed 1-6-77;8:45 am]

[TA-W-1,380]

SONDRA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 7, 1976 the Department of Labor received a petition dated November 29, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Sondra, Incorporated, Allentown, Pennsylvania (TA-W-1,380). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's and mens' slacks, women's tops, dresses, leotards, shirts, shorts, etc. produced by Sondra, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-681 Filed 1-6-77;8:45 am]

[TA-W-1,142]

STANDARD GLOVE CO. OF N.J., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976, the Department of Labor received a petition dated September 29, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers on behalf of the workers and former workers of Standard Glove Co. of N.J., Inc., Newark, New Jersey (TA-W-1,142). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with work gloves produced by Standard Glove Co. of N.J., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-682 Filed 1-6-77;8:45 am]

[TA-W-1,460]

TIMKIN CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of The Timkin Company, Canton, Ohio (TA-W-1,460). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ingots, blooms, billets, tube rounds, seamless tubing, wire rods, bars, tool steel, taper roller carbon bearings produced by The Timkin Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor

Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-683 Filed 1-6-77;8:45 am]

[TA-W-1,474]

TITANIUM METALS CORP. OF AMERICA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Standard Steel Div., Burnham, Pa. of Titanium Metals Corp., of America, Pittsburgh, Pa. (TA-W-1,474). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with railroad wheels and angles and rings produced by Titanium Metals Corp. of America or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-684 Filed 1-6-77;8:45 am]

[TA-W-1,473]

UNION ELECTRIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Union Electric Steel Corp. Carnegie, Pa. (TA-W-1,473). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with finished forged hardened steel rolls produced by Union Electric Steel Corp. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-685 Filed 1-6-77;8:45 am]

[TA-W-1,431]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Clairton, Pennsylvania plant of U.S. Steel Corp., Pittsburgh, Pa. (TA-W-1,431). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Direcor, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-686 Filed 1-6-77;8:45 am]

[TA-W-1,443]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of McDonald, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa., (TA-W-1,443). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-687 Filed 1-6-77;8:45 am]

[TA-W-1,443]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of McDonald, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa., (TA-W-1,443). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-688 Filed 1-6-77;8:45 am]

[TA-W-1,444]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of McKeesport, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,444). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20200.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[TA-W-1,445]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of McKees Rocks, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,445). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-690 Filed 1-6-77;8:45 am]

[TA-W-1,446]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Pittsburg, California plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,446). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Supart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc 77-691 Filed 1-6-77;8:45 am]

[TA-W-1,447]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Provo, Utah plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,447). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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Signed at Washington, D.C. this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-692 Filed 1-6-77;8:45 am]

[TA-W-1,448]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Rankin, Pennsylvania plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,448). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-693 Filed 1-6-77;8:45 am]

[TA-W-1,449]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Torrance, California plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,449). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-694 Filed 1-6-77;8:45 am]

[TA-W-1,451]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Bessemer, Alabama plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,451). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-695 Filed 1-6-77;8:45 am]

[TA-W-1,452]

U.S. STEEL CORPORATION

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fairfield, Alabama plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,452). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron & steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-696 Filed 1-6-77;8:45 am]

[TA-W-1,468]

WHEELING PITTSBURGH STEEL CORPORATION

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Ohio Valley plant, Steubenville, Ohio of Wheeling Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,468). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with strip steel, coated coils, pig iron, ingots, slabs & cold rolled coils produced by Wheeling Pittsburgh Steel Corp. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance

[FR Doc.77-697 Filed 1-6-77;8:45 am]

[TW-W-1,469]

WHEELING PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Ohio Valley plant, Follansbee, West Virginia of Wheeling Pittsburgh Steel Corp., Pittsburgh, Pa (TA-W-1,469).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with strip steel and coated coils produced by Wheeling Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-698 Filed 1-6-77;8:45 am]

[TA-W-1,470]

WHEELING PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Ohio Valley plant, Yorkville, Ohio of Wheeling Pittsburgh Steel Corp., Pittsburgh, Pa. (TA-W-1,470).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tin and black plate, tin foil steel and cold rolled steel produced by Wheeling Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-699 Filed 1-6-77;8:45 am]

[TA-W-1,471]

WHEELING PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Ohio Valley plant, Mingo Junction, Ohio of Wheeling Pittsburgh Steel Corporation, Pittsburgh, Pa. (TA-W-1,471). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with slabs & rolled coils produced by Wheeling Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-700 Filed 1-6-77;8:45 am]

[TA-W-1,472]

WHEELING PITTSBURGH STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Ohio Valley plant, Benwood, West Virginia of Wheeling Pittsburgh Steel Corporation, Pittsburgh, Pa. (TA-W-1,472). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with black and galvanized standard, structural and line pipes, welding castings, conduits and electrical metallic tubing produced by Wheeling Pittsburgh Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are inivted to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-701 Filed 1-6-77;8:45 am]

[TA-W-1,463]

YOUNGSTOWN SHEET AND TUBE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of East Chicago, Indiana plant of Youngstown Sheet and Tube Co., Youngstown, Ohio (TA-W-1,463). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with basic steel produced by Youngstown Sheet and Tube Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 17, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-702 Filed 1-6-77;8:45 am]

NATIONAL CENTER FOR PRODUCTIVITY AND QUALITY OF WORKING LIFE

NATIONAL CENTER FOR PRODUCTIVITY OF QUALITY OF WORKING LIFE BOARD OF DIRECTORS

Meeting

JANUARY 5, 1977.

Notice is hereby given of a meeting of the Board of Directors of the National Center for Productivity and Quality of Working Life established by the National Productivity and Quality of Working Life Act of 1975 (Pub. L. 94-136). The Board is presently composed of 23 members representing business, labor, the Federal Government, State and local governments, institutions of higher education and others from the private and public sectors.

The Directors will meet January 12, 1977 at 9:30 a.m. in the Old Executive Office Building. The proposed agenda for the meeting which will adjourn at 12:00 p.m. is a discussion of a draft statement on productivity issues.

To receive additional information, and changes, if any, to the agenda, interested persons of the public should contact: Charles E. Courtney, National Center for Productivity and Quality of Working Life, 2000 M Street, N.W. at 202-254-9890.

GEORGE M. KUPER,
Executive Director.

[FR Doc.77-808 Filed 1-6-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARCHITECTURE PLUS ENVIRONMENTAL ARTS ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Architecture Plus Environmental Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Architecture Plus Environmental Arts Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Architecture Plus Environmental Arts Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-570 Filed 1-6-77;8:45 am]

DANCE ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Dance Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Dance Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Dance Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-571 Filed 1-6-77;8:45 am]

EXPANSION ARTS ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Expansion Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Expansion Arts Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Expansion Arts Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

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Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-572 Filed 1-6-77;8:45 am]

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Federal Graphics Evaluation Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Federal Graphics Evaluation Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Federal Graphics Evaluation Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-573 Filed 1-6-77;8:45 am]

LITERATURE ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Literature Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Literature Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Literature Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-574 Filed 1-6-77;8:45 am]

MUSEUM ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Museum Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Museum Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Museum Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-575 Filed 1-6-77;8:45 am]

MUSIC ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Music Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Music Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Music Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-576 Filed 1-6-77;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Public Media Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Public Media Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Public Media Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-577 Filed 1-6-77;8:45 am]

THEATRE ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Theatre Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Theatre Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Theatre Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-578 Filed 1-6-77;8:45 am]

VISUAL ARTS ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A-63; notice is hereby given that renewal of the Visual Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Visual Arts Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Visual Arts Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 3, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-579 Filed 1-6-77;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel (Master Craftsmen Apprenticeships) to the National Council on the Arts will be held on January 24-25, 1976 from 9:30 a.m.-6:00 p.m., in Room 1115, Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-650 Filed 1-6-77;8:45 am]

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held on January 19, 1977, from 9:00-5:30, in Room 1425, Columbia Plaza Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-813 Filed 1-6-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MEMORY AND COGNITIVE PROCESSES

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Memory & Cognitive Processes.
Date and time: January 31 and February 1, 1977 9:00 A.M. each day.
Place: National Science Foundation, 1800 G Street, NW, Washington, D.C., Room 338.
Type of meeting: Closed.
Contact person: Dr. Joseph L. Young, Program Director for Memory and Cognitive Processes, Room 320, National Science Foundation, Washington, D.C., Telephone: 202-634-1583.
Purpose of panel: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 3, 1977.

[FR Doc.77-557 Filed 1-6-77;8:45 am]

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, January 12, 1977, from 9:30 a.m.-12 noon, at the Office of Telecommunications, 1325 G Street, NW, Forum Room, Second Floor. The theme of this meeting will be the "Developments in Computers and Telecommunications Technology: What Impacts on S&T Communication?"

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should notify Mr. Andrew A. Aines, Division of Science Information, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, telephone: (202) 632-5836.

Dated: December 29, 1976.

LEE G. BURCHINAL,
Director, Division of Science Information

[FR Doc.77-553 Filed 1-6-77;8:45 am]

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SUBPANEL FOR THE COMPREHENSIVE ASSISTANCE TO UNDERGRADUATE SCIENCE EDUCATION PROGRAM (CAUSE); ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: SubPanel for the Comprehensive Assistance to Undergraduate Science Education Program (CAUSE) Advisory Panel on Science Education Projects

Date and time: January 30, 1977—7:30 p.m.—9:30 p.m. January 31, 1977—7:30 a.m.—5:00 p.m. February 1, 1977—7:30 a.m.—5:00 p.m.

Place: Biltmore Hotel, 515 South Olive Street, Los Angeles, California.

Type of Meeting: Closed.

Contact person: Dr. John A. Maccini, Program Director, CAUSE, Room W-408, National Science Foundation, Washington, D.C. 20550, Tel: 202-282-7736.

Purpose of panel: To provide advice and recommendations concerning support for the CAUSE Program.

Agenda: To review and evaluate specific science education proposals as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 3, 1977.

[FR Doc. 77-558 Filed 1-6-77;8:45 am]

SUBPANEL FOR THE RESEARCH INITIATION AND SUPPORT PROGRAM, (RIAS); ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel for the Research Initiation and Support Program (RIAS); Advisory Panel on Science Education Projects

Date and time: January 27, 1977—7:30 p.m.–9:30 p.m. January 28, 1977—8:30 a.m.–5:00 p.m. January 29, 1977—8:30 a.m.–3:00 p.m.

Place: Quality Inn—Pentagon City, 300 Army Navy Drive, Arlington, Virginia

Type of meeting: Closed.

Contact person: Dr. Alfred F. Borg, Program Director, RIAS, Room W-420, National Science Foundation, Washington, D.C. 20550, Tel: 202-282-7777.

Purpose of panel: To provide advice and recommendations concerning support for the RIAS Program.

Agenda: To review and evaluate specific science education proposals as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(b) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 4, 1977.

[FR Doc.77-585 Filed 1-6-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13118; File No. SR-Amex-76-32]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change; Self-Regulatory Organization

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed addition to the Amex's Constitution provides:

WRITTEN CONSENT TO ACTION WITHOUT MEETING

Any action required or permitted to be taken by the Board or any committee thereof may be taken without a meeting if all members of the Board or such committee consent in writing to the adoption of a resolution authorizing such action.

STATEMENT OF BASIS AND PURPOSE

The purpose of this proposed change is to enable the Board or any of its committees to take action between regularly scheduled meetings without the necessity of calling a special meeting where unanimity is available among Board or committee members. The new section being added to the Amex's Constitution is consistent with the provisions of the New York Not-For-Profit Corporation Law, which allow action by written consent only if specifically authorized in a corporation's charter documents.

The proposed amendment is based upon section 6(b)(1) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975, and will facilitate procedural aspects of Board and committee action in certain situations.

No comments were solicited or received with respect to the proposed amendment.

The Amex has determined that the proposed addition to its Constitution will not impose any burden on competition.

On or before February 11, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 29, 1976.

[FR Doc.77-644 Filed 1-6-77;8:45 am]

[Release No. 34-13119; File No. SR-CBOE-1976-25]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 17, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

(Brackets indicate deletions; *italics*, new material.)

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

DISCIPLINARY JURISDICTION

Rule 17.1 A member *or a person associated with a member* [, Approved Person or person registered under Chapter IX of these Rules] (the "Respondent") who [has violated] *is alleged to have violated or aided and abetted a violation of any provision of the Securities Exchange Act of 1934, as amended ("Exchange Act"), the rules and regulations promulgated thereunder, or any constitutional provisions* by-law or rule of the Exchange or of the Clearing Corporation *or any interpretation thereof* or resolution of the Board of the Exchange or of the Clearing Corporation regulating the conduct of business on the Exchange [may be expelled, suspended or disciplined] *shall be subject to the disciplinary jurisdiction of the Exchange under this Chapter, and after notice and opportunity for a hearing may be appropriately disciplined by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member or any other fitting sanction,* in accordance with provisions of the Chapter.

An individual member, nominee of [Approved Person] *other person associated with a member organization* may be charged with any violation committed by [his] employees *under his supervision* or by the member organization with which he is associated, as though such violation were his own. A member organization may be charged with any violation committed by its employees or by a member or [Approved Person] *other person* who is associated with such member organization, as though such violation were its own.

* * * *Interpretations and Policies*

.01 *Any member or person associated with a member shall be subject to the disciplinary jurisdiction of the Exchange for a period of one year following such person's termination of membership or association with a member: Provided however, That within such period the Exchange serves written notice to such former member or associated person that the Exchange is making inquiry into a specified matter or matters which occurred prior to the termination of such person's status as a member or person associated with a member.*

.02 *A summary suspension or other action taken pursuant to Chapter XVI of the Rules shall not be deemed to be disciplinary action under this Chapter, and the provisions of this Chapter shall not be applicable to such action.*

COMPLAINT AND INVESTIGATION

Rule 17.2 (a) *Initiation of Investigation.* The *Exchange* [Department of Compliance] shall investigate possible violations within the disciplinary jurisdiction of the Exchange upon order of the Board, the Business Conduct Committee, the President or [the Compliance Director] *other Exchange officials designated by the President* or upon receipt of a complaint alleging such violations filed by a member or by any other person alleging injury as a result of such violations (the "Complainant"). All complaints shall be in writing signed by the Complainant and shall specify in reasonable detail the facts constituting the violation, including the specific *statutes*, by-laws, rules, *interpretations* or resolutions allegedly violated.

(b) Report. In every instance where an investigation has been instituted as a result of a complaint received by the Exchange, and in every other instance in which an investigation results in a finding that there are reasonable grounds to believe that a violation has been committed, the *Exchange staff* [Department of Compliance] shall submit a written report of its investigation to the Business Conduct Committee.

CHARGES

Rule 17.3. (a) Determination Not to Initiate Charges. Whenever it shall appear to the Business Conduct Committee from the report of the *staff of the Exchange* [Department of Compliance] that no probable cause exists for finding a violation within the disciplinary jurisdiction of the Exchange, or whenever the Business Conduct Committee otherwise determines that no further proceedings are warranted, it shall issue a written statement to that effect setting forth its reasons for such finding. A copy of the statement shall be sent to the Complainant, if any.

(b) Initiation of Charges. Whenever it shall appear to the Business Conduct Committee from the report of the *staff of the Exchange* [Department of Compliance] that there is probable cause for finding a violation within the *disciplinary* jurisdiction of the Exchange and that further proceedings are warranted, the Business Conduct Committee shall direct the *staff of the Exchange* [Department of Compliance] to prepare a statement of charges against the person or organization alleged to have committed a violation (the "Respondent") specifying the acts in which the Respondent is charged to have engaged and setting forth the specific *provisions of the Securities Exchange Act of 1934, as amended, rules and regulations promulgated thereunder, constitutional provisions, by-laws, rules, interpretations* or resolutions of which such acts are in violation. A copy of the charges shall be served upon the Respondent in accordance with Rule 17.11. *The Complainant, if any, shall be notified if further proceedings are warranted.*

HEARING

Rule 17.5 (a) Participants. Subject to Rule 17.6 of this Chapter concerning summary proceedings, a hearing on the charges shall be held before one or more members of the Business Conduct Committee, a senior officer of the Exchange, or a special sub-committee consisting of *one or more* members of the Business Conduct Committee and *one or more* senior Exchange officers. Any other person possessing expertise over matters to be considered at the hearing may participate in the hearing in a capacity agreed upon by the Respondent and the Business Conduct Committee. The person or persons conducting the hearing shall exercise the authority of the Business Conduct Committee in respect of matters pertaining to the hearing and for purposes of this Chapter shall be referred to as the "Panel." A representative of the *Exchange* [Department of Compliance] and the Respondent shall be the parties to the hearing. [In addition, the Panel shall determine whether and to what extent any other interested persons may participate as parties to the hearing.] Where a member organization is a party, it shall be represented by one of its members (including nominees) at the hearing.

(b) Notice and List of Documents. Parties shall be given at least 15 days notice of the time and place of the hearing and a statement of the matters to be considered therein. All documentary evidence intended to be presented in the hearing by the Respondent, [the Compliance Officer] *the Exchange*, or any other party must be received by the Panel at least eight days in advance of the hearing or it may not be presented in the hearing [or relied on by the Panel in its determinations]. The parties shall [be furnished] *furnish each other* with a list of all documents submitted for the record not less than four days in advance of the hearing, and the documents themselves shall be made available to the parties for inspection and copying.

(c) Conduct of Hearing. The Panel shall determine all questions concerning the admissibility of evidence and shall otherwise regulate the conduct of the hearing. Formal rules of evidence shall not apply. The charges shall be presented by *a representative of the Exchange* [the Compliance Officer] who, along with Respondent *and any other party*, may present evidence and produce witnesses[.] *who shall testify under oath and are subject to being* [Witnesses may be] questioned by the Panel *and the other parties.* [as well as by the Compliance Officer and the Respondent.] The Respondent *and intervening parties are* [is] *entitled* to be represented by counsel who may participate fully in the hearing. [Additional parties may participate to the extent permitted by the Panel.] A transcript of the hearing shall be made and shall become part of the record.

* * * *Interpretations and Policies*

.01 *Intervention. Any person not otherwise a party may intervene as a party to the hearing upon demonstrating to the satisfaction of the Panel that he has an interest in the subject of the hearing and that the disposition of the matter, may, as a practical matter, impair or impede his ability to protect that interest. Also, the panel may in its discretion permit a person to intervene as a party to the hearing when the person's claim or defense and the main action have questions*

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of law or fact in common. Any person wishing to intervene as a party to a hearing shall file with the Panel a notice requesting the right to intervene, stating the grounds therefor, and setting forth the claim or defense for which intervention is sought.

.02 The panel, in exercising its decretion concerning intervention shall take into consideration whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

OFFERS OF SETTLEMENT

Rule 17.7. At any time during the course of any proceeding under this Chapter, the Respondent may submit to the Business Conduct Committee a written offer of settlement which shall contain a proposed stipulation of facts and shall consent to a specified penalty. Where the Business Conduct Committee accepts an offer of settlement, it shall issue a decision, including findings and conclusions and imposing a penalty, consistent with the terms of such offer. Where the Business Conduct Committee rejects an offer of settlement, *it shall notify the Respondent and* the matter shall proceed as if such offer had not been made, and the offer and all documents relating thereto shall not become part of the record. A decision of the Business Conduct Committee issued upon acceptance of an offer of settlement as well as the determination of the Committee whether to accept or reject such an offer shall be final, [except as provided in Rule 17.9(c) of this Chapter] and the Respondent may not seek review thereof.

DECISION

Rule 17.8. Following a hearing conducted pursuant to Rule 17.5 of this Chapter, the Panel shall prepare a decision in writing, based solely on the record, determining whether the Respondent has committed a violation and imposing the penalty, if any, therefor. Where the Panel is not composed of *at least a majority* [all] of the members of the Business Conduct Committee, its determination shall be automatically reviewed by [the full] *a majority of the* Committee, which may accept or modify the determination or remand the matter for additional findings or supplemental proceedings. The decision shall include a statement of findings and conclusions, with the reasons therefor, upon all material issues presented on the record. Where a penalty is imposed, the decision shall include a statement specifying the acts or practices in which the Respondent [may be] *has been* found to have engaged and setting forth the specific *provisions of the Securities Exchange Act of 1934; as amended, rules and regulations promulgated thereunder*, constitutional provisions, by-laws, rules, *interpretations* or resolutions of which the acts are deemed to be in violation. The Respondent shall be promptly sent a copy of the decision.

REVIEW

Rule 17.9. (a) Petition. The Respondent shall have 10 days after service of notice of a decision made pursuant to Rule 17.8 of this chapter to petition for review thereof. Such petition shall be in writing and shall specify the findings and conclusions to which exceptions are taken together with reasons for such exceptions. Any objections to a decision not specified by written exception shall be considered to have been abandoned [and may be disregarded].

(b) (No Change)

(c) Review on Motion of Board. The Board may on its own initiative order review of a decision made pursuant to Rules 17.6 or 17.8 [or a rejection of an offer of settlement made pursuant to Rule 17.7] of this Chapter within 30 days after notice of the decision has been served on the Respondent. Such review shall be conducted in accordance with the procedure set forth in paragraph (b) of this Rule.

JUDGMENT AND PENALTY

Rule 17.10. (a) Penalties. [In disciplining violations pursuant to this Chapter,] *Members and persons associated with members shall (subject to any rule or order of the Securities and Exchange Commission) be appropriately disciplined by* the Business Conduct Committee *for violations under these Rules by expulsion, suspension, limitation of activities, functions and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.* [may censure or impose a fine on the Respondent, suspend his membership, approval, or registration, for a definite period or until he has complied with specified requirements and obtained reinstatement pursuant to Rule 16.3 of the Rules, order the suspension or termination of any business connections with any employee or affiliate or organization, terminate the Respondent's membership, approval or registration, or impose any other penalty considered appropriate under the circumstances.]

EXCHANGE STATEMENT OF BASIS AND PURPOSE

Rule 17.1. The Amendment to Rule 17.1 brings the rule into conformity with the provisions of Sections 6(b)(1), 6(b)(6) and 6(d)(1) of the 1934 Act governing the disciplinary jurisdiction of exchanges by extending the Exchange's disciplinary jurisdiction to persons associated with members, by bringing within such jurisdiction violations of the 1934 Act and by otherwise conforming the terminology of the rule to that of the 1934 Act.

Furthermore, the purpose of the amendments is to specifically subject persons to the Exchange's disciplinary jurisdiction within one year after such person's termination of membership or association with a member for acts committed during the period of his membership or membership association. In addition, the amendment makes it clear that the provisions of Chapter XVII do not apply to actions taken in accordance with Chapter XVI of the Exchange's Rules.

Rule 17.2. The purpose of the proposed amendment to this rule is to enlarge the category of Exchange officials having authority to order investigation of possible violations. Such an amendment will give the Exchange greater freedom in organizing its administration of disciplinary matters.

Rule 17.3. The proposed amendment to this rule reflects the amendment discussed under Rule 17.2 whereby departments of the Exchange other than the Compliance Department may have responsibility for disciplinary investigations and the initiation of charges.

Rule 17.5. The proposed interpretation to this rule clarifies the procedures to be followed in permitting persons to intervene as parties in disciplinary hearings.

Rule 17.7. The proposed amendment requires that the Business Conduct Committee notify the Respondent when it rejects an offer of settlement. Although this has been the practice in the past, it has not been a formal part of the Exchange's disciplinary procedures.

Rule 17.8. The proposed amendment to this rules provides for a review by a majority of the members of the Business Conduct Committee of all decisions by hearing Panels composed of less than a majority of the members of the Committee. This amendment was proposed in an effort to expedite the disciplinary process and at the same time ensure that disciplinary decisions involving Respondents are exposed to the knowledge and expertise of a representative number of the Business Conduct Committee members.

Rule 17.9. The proposed amendment primarily deletes review on motion of the Board of Directors of rejections of offers of settlement. As a practical matter, such review has not occurred, and provision for it merely serves to delay the prompt completion of disciplinary actions. Such an amendment will serve to expedite the processing of a disciplinary case, and also, maintain the opportunity for review of Business Conduct Committee decisions by the Board of Directors.

Rule 17.10. The proposed amendment brings this rule into conformity with the language of section 6(b)(6) of the 1934 Act.

Pursuant to the requirements of sections 6(b)(1), 6(b)(6) and 6(d)(1) of the 1934 Act, the Exchange has proposed amendments to that chapter of its Rules which concerns disciplinary procedures, jurisdiction, penalties and review of Business Conduct Committee decisions regarding members and persons associated with members.

Comments were not solicited from members on the proposed rules change.

The Exchange does not believe the proposed rules change will impose any burden upon competition.

On or before February 11, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 31, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 29, 1976.

[FR Doc.77-638 Filed 1-6-77;8:45 am]

[811-2222]

FIDELITY CONVERTIBLE & SENIOR SECURITIES FUND, INC.

Filing of Application for an Order Declaring That Fidelity Convertible & Senior Securities Fund, Inc., Has Ceased To Be an Investment Company

Notice is hereby given that Fidelity Equity-Income Fund, Inc. ("Applicant"), 82 Devonshire Street, Boston, Massachusetts 02109, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 1, 1976, and an amendment thereto on December 21, 1976, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Fidelity Convertible & Senior Securities Fund, Inc. ("Fidelity Convertible"), an open-end, diversified, management investment company also registered under the Act, has ceased to be an investment company as defined in the Act. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Fidelity Convertible was incorporated in the Commonwealth of Massachusetts on August 25, 1971, and registered under the Act on August 25, 1971.

Applicant represents that on September 12, 1975, pursuant to an Amended Agreement of Merger which was approved by the shareholders of Fidelity Convertible on September 9, 1975, Fidelity Convertible was merged with and into Applicant and the outstanding shares of Fidelity Convertible were converted into shares of Applicant. Applicant further represents that Articles of Merger were filed with the Secretary of the Commonwealth of Massachusetts and that, pursuant to state law, on the effective date of the merger, title to and possession of all the estate, property, franchises and other interests of Fidelity Convertible vested in Applicant. Applicant states that Fidelity Convertible has no separate corporate existence, no assets and no shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 24, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-641 Filed 1-6-77;8:45 am]

[File No. 500-1]

GEMEX MINERALS, INC.

Suspension of Trading

DECEMBER 23, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Gemex Minerals, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:25 a.m. (EST) on December 23, 1976 through January 1, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-636 Filed 1-6-77;8:45 am]

[File No. 20-209A1, 3-5047]

GENERAL OIL, INC. AND MORRIS DICKEY WELL #1

Order Permanently Suspending Regulation B Exemption Regarding Schedule D Offering Sheet

JANUARY 3, 1977.

I. On July 13, 1976, the Commission issued an order temporarily suspending the Regulation B exemption in the captioned offering sheet filed by General Oil, Inc., Indianapolis, Indiana, stating that it had reasonable cause to believe that:

1. No exemption is available for this offering under Regulation B because General Oil, Inc. failed to comply with Rule 310(d) of Regulation B (17 CFR 230.310(d)) in that General Oil, Inc. sold interests in the offering and accepted money for said interests without delivering to those persons who bought the interests a copy of the offering sheet at least 48 hours before the sale.

2. No exemption is available for this offering under Regulation B because General Oil, Inc. failed to comply with Rule 302(b) of Regulation B (17 CFR 230.302(b)) in that General Oil, Inc. failed to keep that percent of the working interest, from the Morris Dickey No. 1 tract, as is required under such Rule.

3. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and (b) of Regulation B (17 CFR 230.330(a) and (b)) by failing to disclose that:

a. Robert S. Chappell, president and sole shareholder of General Oil, Inc. was permanently enjoined by a United States District Court from violations of the anti-fraud provisions of the Federal securities laws in connection with the offer and sale of certain securities of Investment Corporation of America, and Air & Space Underwriters, Inc. and that this Order is still in force;

b. Robert S. Chappell is a defendant in a class action filed on March 14, 1975, in the United States District Court, Southern District of Indiana, alleging violations of the anti-fraud provisions of the Federal securities laws, and that the case is still pending;

c. Robert S. Chappell is a defendant in a class action filed on March 18, 1975, in the Allen Superior Court, County of Allen, State of Indiana, alleging fraud in connection with the sale of land, and that, such case is still pending; and

d. In excess of $100,000 of the proceeds would be used for and applied to the purchase of a motel in Arkansas.

II. No hearing having been requested by the issuer within thirty days after the entry of the order temporarily suspending its exemption under Regulation B, the Commission finds that it is in the

public interest and for the protection of investors that the exemption be permanently suspended.

Accordingly, it is ordered, Pursuant to Rules 334 and 336 of Regulation B under the Securities Act of 1933 that the exemption from registration with respect to General Oil, Inc.'s Morris Dickey Well No. 1 offering be, and hereby is, permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-642 Filed 1-6-77;8:45 am]

[70-5946]

MONONGAHELA POWER CO. ET AL

Proposed Issuance of Promissory Notes to County Authority for Pollution Control Equipment

In the matter of Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Company, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601.

Notice is hereby given that Monongahela Power Company ("Monongahela") The Potomac Edison Company ("PE"), and West Penn Power Company ("West Penn") (collectively referred to herein as the "Companies") which are public utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9 and 12 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Hatfield's Ferry Power Station ("Hatfield"), located in Greene County, Pennsylvania, is jointly owned by Monongahela, PE, and West Penn as follows:

	Percent
Monongahela	27½
PE	20
West Penn	52½

Various pollution control equipment including certain precipitators, fly-ash handling systems, a cooling tower and cooling water recirculating system, a water treatment system and associated equipment (collectively referred to herein as the "Facilities") are now under construction at Hatfield. The Facilities are required to be installed at Hatfield in order to meet air quality standards as to particulate emissions and various state and federal water quality standards.

The proposed transactions involve the transfer of the Facilities to the Greene County Industrial Authority ("the Authority") by Monongahela, PE and West Penn. All conveyances to the Authority will be made subject to the liens of the first mortgages of Monongahela, PE and West Penn. The Authority will complete the construction of the Facilities. It is expected that the total cost of the Facilities to be financed by the Authority will not exceed $27½ million. The Authority will finance the Facilities by issuing and selling to the public its tax exempt pollution control revenue bonds ("the Bonds") with a maturity of not less than five and not more than thirty-five years in one or more series. It is expected that the total amount of Bonds to be issued by the Authority will not exceed $27½ million.

The Bonds will be issued in respect of each Company's interest by the Authority under a separate trust indenture ("the indenture") with a corporate trustee, approved by each respective Company, and shall be sold in one or more series, at such times, in such principal amounts, at such interest rates, and for such prices as shall be approved by that Company. The issue in respect of Monongahela's interest in Hatfield will not exceed $7,562,500, the issue in respect of PE's interest in Hatfield will not exceed $5.5 million and the issue in respect of West Penn's interest in Hatfield will not exceed $14,437,500. The Bonds will not be secured by the Facilities but will be supported by various covenants of the Companies to be contained in a pollution control financing agreement ("the Agreement").

The Agreement provides that each Company will purchase an undivided interest in the Facilities from the Authority. The aggregate purchase price for all the Facilities will be an amount equal to the aggregate principal amount of the Bonds issued by the Authority and the share of the aggregate purchase price to be paid by each Company will be equal to the principal amount of the Bonds issued with respect to that Company's interest in Hatfield. As the Facilities are completed, title thereto will be transferred by the Authority to each of the Companies in accordance with their respective ownership in Hatfield.

To evidence its obligation to pay its share of the purchase price, each Company will deliver concurrently with the issuance of each series of Bonds its nonnegotiable unsecured pollution control note or notes corresponding to such series of Bonds in respect of principal amount, interest rates and redemption provisions and having installments of principal corresponding to any mandatory sinking fund payments and stated maturities. Payments on each Company's notes will be made to the trustee under that Company's indenture and applied by the trustee to pay the maturing principal and redemption prices of and interest and other costs on the Bonds with respect to that Company as the same become due.

The obligations of each Company to pay the purchase price for its interest in the Facilities is several and not joint, and the notes delivered by each Company are the obligations solely of that Company. The Companies will cause the Facilities to be completed and upon completion of all of the transactions the Companies will have complete control of the operation of the Facilities and will be responsible for the maintenance thereof. As of November 30, 1976, the actual coverage under Monongahela, PE and West Penn's respective Indentures is 4.38 times, 2.94 times and 2.59 times, respectively. If the issuance of the pollution control notes were included as first mortgage bonds, the pro forma coverage would be 4.24 times, 2.87 times and 2.49 times, respectively.

It is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Bonds. The Companies have been advised that the annual interest rate on tax-exempt bonds of the type to be sold by the Authority have been approximately 2% lower than the interest rate on taxable obligations of comparable quality.

It is expected that the Authority will engage Goldman, Sachs & Co. to provide financial advice and, together with such other underwriters as may be designated, underwrite the sale of the Bonds. Fees, commissions and expenses of the underwriters and legal counsel will be included in the total cost of the Facilities. The Companies have been informed that the Authority has legal authority to issue tax exempt revenue bonds in accordance with the proposed documents. The Bonds may be in either coupon or registered form and will bear interest semi-annually at rates to be determined. The Bonds will be issued pursuant to the indentures which will provide for redemption, sinking funds, no-call and other appropriate provisions to be determined. The indenture will also provide that the proceeds of the sale of the Bonds by the Authority must be applied to the cost of the Facilities.

The proceeds to be received by the Companies will be added to each of the Companies' general funds to reimburse the treasury of each of the Companies for expenditures made in connection with the Facilities and are expected to be used as follows: (a) To complete construction of the Facilities and to pay fees and expenses associated therewith, (b) to pay or prepay, to the extent deemed desirable, short-term debt outstanding, if any, and (c) for the construction program of each of the Companies.

The Public Service Commission of West Virginia and the Public Utilities Commission of Ohio has jurisdiction over the proposed issuance of the pollution control notes by Monongahela; the Public Utility Commission of Pennsylvania has jurisdiction over the proposed issuance of the pollution control notes by West Penn; the Public Service Commission of West Virginia, the State Corporation Commission of Virginia and the Public Service Commission of Maryland has jurisdiction over the proposed issuance of the pollution control notes by PE. The Department of Environmental Regulation of the State of Pennsylvania will be required to certify that the Facilities are

being constructed and installed for water and air quality purposes. The Secretary of Commerce of the Commonwealth of Pennsylvania is required to certify to the proposed transactions. No other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 24, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General rules and regulations permitted under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-639 Filed 1-6-77;8:45 am]

[File No. 500-1]

OMNI-RX HEALTH SYSTEMS

Suspension of Trading

DECEMBER 23, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Omni-Rx Health Systems being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:25 a.m. (EST), on December 23, 1976 through January 1, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-637 Filed 1-6-77;8:45 am]

[Release No. 34-13117; File No. SR-PSE-76-39]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 22, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends Rule II of the Pacific Stock Exchange Incorporated ("PSE") to provide for the expansion of the PSE Board from thirteen members to fifteen members. The proposed rule change further divides these members into three classes, with each class serving three year terms. The proposed rule change provides for annual election of a Chairman and Vice Chairman, and provides that action on various matters which presently require approval by a specified number of Governors may be taken with approval of a majority of the Governors voting at a meeting at which a quorum is present.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

The proposed rule change is primarily for the purpose of increasing the size of the PSE Board of Governors from thirteen to fifteen members. This change required a change in the provisions of the PSE Rules governing the division of directors into three classes. This change also required a change in the provision of the Constitution requiring approval by a specified number of directors for certain matters. In recognition of the increased size of the Board, and to provide the Board with greater flexibility, these provisions are proposed to be amended to provide that action of the type previously requiring approval by a specified number of directors, could be taken with the approval of a majority of the directors voting at a meeting at which a quorum is present.

The proposed rule change, by enlarging the Board of Governors of PSE, facilitates the fair representation of members of PSE in the selection of Governors and facilitates the provision for directors to be representative of issuers and investors and not associated with members, brokers, or dealers.

Comments on the proposed rule change were neither solicited nor received.

The proposed rule change does not impose any burden on competition.

On or before February 11, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 28, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 29, 1976.

[FR Doc.77-643 Filed 1-6-77;8:45 am]

[812-4041]

PARAMOUNT MUTUAL FUND, INC. AND UNIFUND, INC.

Amendment to Application for an Order Exempting Proposed Transaction

On December 16, 1976, there was issued a notice (Investment Company Act Release No. 9576) of an application filed on October 14, 1976, and amendments filed thereto on December 6, 1976 and December 13, 1976, by Paramount Mutual Fund, Inc. ("Paramount"), a Delaware corporation, and Unifund, Inc. ("Unifund"), 2441 Honolulu Avenue, Montrose, California 91020, a California corporation, (referred to collectively as "Applicants"), both registered as diversified, open-end management investment companies under the Investment Company Act of 1940 ("Act"), requesting an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act a proposed merger of Unifund into Paramount.

Notice is hereby given that an additional amendment to said application was filed on December 22, 1976. To reflect the additional representations made in such amendment, for a statement of which all interested persons are referred to the application, as amended, on file with the Commission, the following material should be stricken from said notice:

Applicants state that the portfolio of Unifund will continually be reviewed to ascertain that all securities held by Unifund are compatible with Paramount's investment ob-

jective, and that, should any security held by Unifund be deemed to be incompatible with that objective, it will be sold prior to the merger.

In its place, the following language should be inserted:

Applicants state that Paramount invests primarily in "blue chip" securities, whereas Unifund has invested in securities which are more volatile in their price movements. In order to avoid delivery of securities to Paramount which are not compatible with Paramount's investment objectives, Applicants state that any security held by Unifund which is incompatible with that objective will be sold prior to the merger. In this regard, Applicants assert that, based upon a review of Unifund's portfolio, approximately 80 percent of Unifund's portfolio is incompatible with that of Paramount and will therefore be sold and the proceeds reinvested. Such liquidation and reinvestment is expected by Applicants to result in brokerage expenses of approximately $40,000. Applicants assert, however, that the entire portfolio of Unifund would normally be "turned over" in approximately eight months.

Similarly, the following material should be stricken from said notice:

It is estimated by Applicants that their combined expenses in the twelve months ended September 30, 1976, assuming that the Applicants' current investment advisory agreements had been in effect throughout the period, would have been reduced by more than $17,400 had the Funds been combined during that period. Applicants further assert that the increased size of the combined fund also would provide it with certain other strengths and flexibilities including somewhat greater investment flexibility with respect to portfolio transactions.

According to the Application, each of the Applicants will bear its own expenses in connection with the merger. Such expenses are estimated by Applicants to be $15,000 in the aggregate, of which Unifund will bear $5,000 and the remainder of approximately $10,000 will be borne by Paramount.

In its place, the following language should be inserted:

According to the application, the Funds investment advisory contracts, as affected by the Rules of the California Department of Corporations require the Funds' investment adviser to reimburse the Funds (1) to the extent the Funds' expenses (excluding, among other things, costs incurred in connection with any merger) exceed 1½ percent of the Funds' net assets each year, and (2) to the extent the Funds' expenses (including such merger costs) exceed 2 percent of those assets.

It is estimated by Applicants that their combined expenses in the twelve months ended September 30, 1976, assuming that the Applicants' current investment advisory agreements had been in effect throughout the period, would have been reduced by more than $17,400 had the Funds been combined during that period. However, in view of the aforementioned limitation on expenses during the fiscal year ended September 30, 1976, Applicants state that TCA Management paid to the Funds a total of $19,545 as reimbursement of such excess expenses.

Applicants thus submit that during the fiscal year ended September 30, 1976, the savings in expenses brought about by the merger would have inured to the benefit primarily of TCA Management and would not have resulted in any savings of out of pocket expenses to the Funds; if the expenses and the assets of the Funds continue to be the same as in the fiscal year ended September 30, 1976, the merger would not reduce the out of pocket expenses of the merged Funds themselves. Nevertheless, it is the contention of the Applicants that the reduction in expenses of the Funds will benefit both Paramount and Unifund. In this regard, Applicants assert that Paramount has, over the years, paid substantially all its operating expenses and that the reimbursement to Paramount by TCA Management for excess expenses in the fiscal year ended September 30, 1976, was only $1,627. Thus, Applicants argue, the ability to spread its fixed expenses over a larger asset base should serve to reduce Paramount's per share expenses in the future. Applicants further assert that the increased size of the combined fund also would provide it with certain other strengths and flexibilities including somewhat greater investment flexibility with respect to portfolio transactions.

Applicants further submit that it is economically unfeasible for any management company to manage the affairs of a company such as Unifund; in support of this submission they assert that the total consideration received by TCA Management for managing Unifund for the latter's fiscal year ended September 30, 1976, was, after reimbursement of Unifund's excess expenses, $1,108. Thus, Applicants conclude, the only course available to Unifund is either to liquidate or to merge with another investment company. Applicants state that Unifund's Board of Directors considered and rejected liquidation as a viable alternative; they argue that liquidation would be a taxable event for Unifund's shareholders, and that a Unifund shareholder who wished to reinvest the proceeds of such liquidation in Paramount would be required to pay an additional sales load. Applicants assert that the proposed merger would avoid such consequences. They concede that a Unifund shareholder could avoid the aforementioned sales charges by exercising his right to exchange his Unifund shares for shares of Paramount, but they submit that such an exchange would also be a taxable event and would involve additional service charges.

Applicants estimate that the total expenses of the merger to both funds over and above normal expenses will be approximately $24,000. Applicants assert, however, that the aforementioned constraints on excess expenses are expected to result in the Funds' investment adviser bearing approximately $20,000 of such merger expenses. It is proposed that the remaining cost to the Funds will be borne by them on a pro-rata basis, based on their relative net assets on the date of the merger.

Notice is further given that the period during which any interested person may submit to the Commission a request for a hearing on this matter, in accordance with the procedures set forth in Investment Company Act Release No. 9576, is hereby extended until January 21, 1977 at 5:30 p.m.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-645 Filed 1-6-77;8:45 am]

[File No. 812-4069]

THOMSON & MCKINNON AUCHINCLOSS KOHLMEYER INC. AND JAMES F. JOY

Filing of Application for Exemption and Order of Temporary Exemption Pending Determination of the Application

Notice is hereby given that Thomson & McKinnon Auchincloss Kohlmeyer Inc. ("Thomson & McKinnon"), and James F. Joy ("Joy"), One New York Plaza, New York, N.Y. 10004, (sometimes hereinafter referred to as "Applicants") have filed an application pursuant to section 9(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicants from section 9(a) of the Act, and for an order of temporary exemption pending the Commission's determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Thomson & McKinnon is a broker-dealer registered under the Securities Exchange Act of 1934 ("Exchange Act") and an investment adviser registered under the Investment Advisers Act of 1940. Thomson & McKinnon states that it is currently acting as co-sponsor and co-manager of an offering of the securities of, and, accordingly, would be deemed a depositor and a principal underwriter of, National Municipal Trust, Seventeenth Series. National Municipal Trust ("NMT") is a unit investment trust registered under the Act. Thomson & McKinnon also states that it acts and has acted in similar capacities with respect to other registered investment companies.

Joy is a vice-president of, and, accordingly, would be deemed an affiliated person of, Thomson & McKinnon. Joy was formerly a partner of the brokerage firm of W. E. Hutton & Company, certain assets of which were acquired by Thomson & McKinnon in 1974. During the period 1968–1970, Joy was an officer and director of National Student Marketing Corporation ("NSMC").

On February 3, 1972 the Commission commenced a civil action in the United States District Court for the District of Columbia entitled "Securities and Exchange Commission v. National Student Marketing Corporation, et al.", against some twenty (20) defendants, including Joy. The Complaint and First Amended Complaint therein were based upon acts and transactions which allegedly took place in 1968–1970 while Joy was an officer and director of NSMC and alleged, with respect to Joy, violations of section 10(b) and 14(a) of the Exchange Act, Rule 10b–5 promulgated thereunder, and section 17(a) of the Securities Act of 1933 ("Securities Act"). Neither Thomson & McKinnon nor W. E. Hutton & Company were named as defendants in the Complaint or First Amended Complaint or otherwise alleged to have been involved in the acts and transactions complained of therein.

Joy, without admitting or denying any of the allegations of the Complaint and First Amended Complaint, has consented to the entry of a Final Judgment of Permanent Injunction ("Consent Judgment") terminating the action against Joy, with prejudice. The Consent Judgment was entered by the Court on December 30, 1976, and enjoins Joy and his agents, servants and assigns from violating the anti-fraud, reporting and proxy provisions of the federal securities laws. The Consent Judgment does not constitute an adjudication of any liability or wrongdoing by Joy.

Section 9(a) of the Act, as here pertinent, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of advisory board, investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company, if such person is, by reason of any misconduct, permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that upon application the Commission by order shall grant an exemption from the provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants state that although the Consent Judgment does not constitute an adjudication of any misconduct by Joy, the entry of a permanent injunction against Joy may nevertheless be deemed to impose upon Applicants the prohibitions set forth in section 9(a) which would, among other things, make it unlawful for Thomson & McKinnon to continue to act as a depositor and a principal underwriter of NMT and in similar capacities with respect to other registered investment companies.

Applicants submit that, for the following reasons, the prohibitions of section 9(a), to the extent applicable by virtue of the Consent Judgment, would be unduly and disproportionately severe as applied to Applicants and the conduct of Applicants has been such as not to make it against the public interest or protection of investors for the Commission, pursuant to section 9(c), to enter an order granting Applicants, and any company or person of which either Applicant is or may become an affiliated person, a temporary exemption from the provisions of section 9(a) pending the Commission's determination of this application and thereupon to enter an order granting Applicants, and any company or person of which either Applicant is or may become an affiliated person, the requested permanent exemption from the provisions of section 9(a):

(a) The Consent Judgment does not constitute an adjudication of any liability or wrongdoing by Joy and was entered with the consent of Joy for purposes of that action only, without admitting or denying the allegations of the Complaint and First Amended Complaint;

(b) The prohibitions of section 9(a) of the Act would deprive NMT and other registered investment companies of the continuity of services rendered by Thomson & McKinnon as depositor and underwriter, which are important to those registered investment companies;

(c) Neither Thomson & McKinnon, NMT nor the other registered investment companies for which Thomson & McKinnon acts as depositor and principal underwriter participated in the alleged acts or transactions set forth in the Complaint and First Amended Complaint;

(d) Applicants have never before applied for an exemption from the provisions of section 9(a) of the Act. The Commission has considered the matter and finds that:

(1) The prohibitions of section 9(a) may be unduly or disproportionately severe as applied to Applicants and it would not be against the public interest or protection of investors to grant the application for a temporary exemption from section 9(a) pending determination of the application; and

(2) In order to maintain the services provided by Thomson & McKinnon to NMT and other registered investment companies, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, IT IS ORDERED, pursuant to section 9(c) of the Act, that Thomson & McKinnon and Joy, and any company or person of which either is or may become an affiliated person, be and they hereby are temporarily exempted from any of the provisions of Section 9(a) of the Act operative as a result of the entry of the Consent Judgment against Joy in "Securities and Exchange Commission v. National Student Marketing Corporation, et al.," pending final determination by the Commission of the application for an order exempting Thomson & McKinnon and Joy, and any company or person of which either is or may become an affiliated person, from any of the provisions of section 9(a) operative as a result of the entry of such Consent Judgment.

Notice is further given that any interested person may, not later than January 31st, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants, to the attention of John B. Meehan, Senior Vice President, at the address stated above. Proof of service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-640 Filed 1-6-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Determination

The Advisory Committee on Voluntary Foreign Aid serves as liaison between the U.S. Government and the private and voluntary organization community engaged in foreign asistance activities. In addition to its statutory duty to register and approve private and voluntary organizations, the Committee advises A.I.D. on policies and procedures concerning the private and voluntary community; provides a forum for the exploration of topics of mutual concern; provides information, counsel and asistance to private and voluntary organizations; and fosters public interest in the field of voluntary foreign aid. There continues to be a significant need for such liaison and the related functions of the Committee.

Accordingly, I hereby determine, pursuant to the provisions of section 14(c) of the Federal Advisory Committee Act (Pub. L. 92–463), that continuation of the Advisory Committee for a two year period, beginning December 31, 1976, is in the public interest.

Dated: November 18, 1976.

DANIEL PARKER,
Administrator.

[FR Doc.77-609 Filed 1-6-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

The Department of Transportation publishes seven new proposed Systems of Records, and one editorially modified,

which contain personal information on individuals as defined by the Privacy Act.

Complete information on these systems is contained in the separate announcements which follow. Any person or agency reviewing the information may submit written comments on the proposed systems to the Privacy Act Officer (TAD–20), Room 10320, U.S. Department of Transportation, 400–7th Street, S.W., Washington, D.C. 20590. Comments must be received on or before February 7, 1977, in order to be considered.

If no comments are received, the proposed systems will become effective February 7, 1977. If comments are received, the comments will be considered and where adopted, the system will be republished with the changes.

The publication of six systems DOT/UMTA 190–195, complements the Notices of Systems of Records to be republished by the Office of the Federal Register under the title "Privacy Act Issuances, 1976 Compilation, Volume 2." The system DOT/OST 060, which is a report of an entirely new program and DOT/UMTA 181 republished with editorial corrections, both supplement the 1976 compilation and must be added to it.

Issued in Washington, D.C. on December 30, 1976.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

DOT/OST 060

System name:

Medical Records of Participants in Study of Health Effects of Bicycling in Polluted Air. DOT/OST

System location:

Department of Transportation (DOT), Office of the Secretary (OST), Office of Environmental Affairs (TES–70), 400 7th Street, S.W., Washington, D.C. 20590.

Categories of individuals:

Volunteers who bicycle in selected urban transportation corridors.

Categories of records:

Medical histories, results of medical tests.

Routine uses:

Records may be released to the Department of Justice in defending claims against the United States when the claim is based upon an individual's mental or physical condition, and is alleged to have arisen because of activities of the Department of Transportation in connection with such individual. See also prefatory statement of General Routine Uses.

Records will be used in preparation of the Final Report for this study and by Project Officer in reviewing contractor's Final Report.

Policies and practices:

Storage:

File folders, locked file cabinets.

Retrievability:

Personal name is the identifier which is used to retrieve a record from this system. The purpose of this system of records is to identify and evaluate any adverse health effects caused by bicycling in polluted air.

Safeguards:

Disclosure of records is limited to the Department's consultants involved in collection and analysis of medical data. Safeguards include locked building, guard service, and locked file cabinets.

Retention and disposal:

The records will be retained at contractor's facilities until completion of study, and thereafter transmitted to contract Project Officer (TES–70) to be held for one year. Contractor's facilities will have security provisions in accordance with the government standards. Subjects will sign consent forms allowing disposal of records one year after completion of the approved Final Report.

System manager:

Project Officer, Research and Coordination Division (TES–74), Office of Environmental Affairs, Office of the Assistant Secretary for Environment, Safety and Consumer Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

Notification procedure:

Inquiries should be directed to the: Department of Transportation, Office of the Secretary, Office of Environmental Affairs (TES–70), 400 7th Street, S.W. Washington, D.C. 20590.

Record access procedure:

Contact or write to System Manager for information on procedures for gaining access to records.

Contesting record procedure:

Write the Privacy Act Officer, Office of Management Systems, Office of the Secretary, Department of Transportation, 400 7th Street, S.W., Washingotn, D.C. 20590. Reasonably identify the record and specify the information to be contested.

Record source categories:

Information is obtained directly from the individual and from results of medical tests.

DOT/UMTA 190

System name:

Employee Travel Records. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of Financial Management, Accounting Division, 2100 2nd Street, SW, Washington, DC 20590.

Categories of individuals:

All UMTA employees. Private persons, congressional committee members or other persons issued invitational travel orders to confer on government matters.

Categories of records:

Individual travel folders.

Routine uses:

Maintain accounting records. Analysis of travel trends. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Records are maintained in a file cabinet secured with lock and key.

Retrievability:

System is indexed by name.

Safeguards:

Individuals requesting individual travel folders are screened by Accounting Branch personnel. Records are maintained by Accounting Branch personnel in secured file.

Retention and disposal:

Retained three years, then forwarded to Federal Records Center with other accounting records.

System manager:

Fiscal Officer, Accounting Branch, Department of Transportation, Urban Mass Transportation Administration, 2100 2nd Street, SW, Room 6613, Washington, DC 20590.

Notification procedure:

Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

Record access procedure:

An individual may gain access to his records by request to the System Manager.

Contesting record procedure:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation addressed to the following: Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Record source categories:

Travel orders, individual travel vouchers.

DOT/UMTA 191

System name:

Travel Advance File. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of Financial Management, Accounting Division, 2100 2nd Street, S.W., Washington, D.C. 20590.

Categories of individuals:

Recipients of travel advances.

Categories of records:

Records of travel advances and liquidation and repayment thereof.

Routine uses:

Maintain accounting records. Ensure collection of amounts due the United States. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Maintained on 5×8 card form.

Retrievability:

By name.

Safeguards:

Records are maintained by Accounting Branch personnel in locked file.

Retention and disposal:

Retained three years then forwarded to Federal Records Center with other accounting records.

System manager:

Fiscal Officer, Accounting Branch, Department of Transportation, Urban Mass Transportation Administration, 2100 2nd Street, S.W., Room 6613, Washington, D.C. 20590.

Notification procedure:

Individuals may contact the System Manager to confirm whether or not the system contains records on them.

Record access procedure:

An individual may gain access to his records by request to the System Manager.

Contesting record procedure:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation, addressed to the following: Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590.

Record source categories:

Travel advance card signed by individual.

DOT/UMTA 192

System name:

Urban Tarnsportation Planning System (UTPS) Address File. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of Transit Planning, Planning Methodology and Technical Support Division, UTP–40, 400 7th Street, S.W., Room 9311, Washington, D.C. 20590.

Categories of individuals:

UTPS users. Persons indicating continuing interest in UTPS developments. Federal Highway Administration (FHWA) Planning Package users.

Categories of records:

Individual's name, business address, telephone number, UPTS or FHWA Planning Package version date, UTPS course/symposium/conference attendance.

Routine uses:

For technical information dissemination. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Records are maintained in a computer file.

Retrievability:

Access by computer terminal by any item.

Safeguards:

Available for use under the control of the System Manager. Computer file is protected by account number and code words.

Retention and disposal:

Records are retained until notified that individual no longer desires information and then record is destroyed.

System manager:

Director, Planning Methodology and Technical Support Division, UTP–40, Department of Transportation, Urban Mass Transportation Administration, Office of Transit Planning, 400 7th Street, S.W., Room 9311, Washington, D.C. 20590.

Notification procedure:

Inquiries are addressed to the System Manager, UTP–40 (address same as above).

Record access procedure:

Direct control is maintained by the System Manager.

Contesting record procedure:

Contest of these records is at Headquarter's level (i.e. the System Manager). Individual may appeal adverse decision to the Secretary of Transportation, addressed as follows: Department of Transportation, Urban Mass Transportation Administration, Office of the Administrator, 400 7th Street, S.W., Room 9324, Washington, D.C. 20590.

Record source categories:

UTPS order forms, UTPS course registration forms, letter and/or verbal request to be placed on mailing list.

DOT/UMTA 193

System name:

Docket. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of the Chief Counsel, 400 7th Street, SW, Room 9320. Washington, DC 20590.

Categories of individuals:

Individuals who have commented on notices of UMTA appearing in the FEDERAL REGISTER; authors of reports which are added to the Docket as background information.

Categories of records:

Summary of the nature of the comment or the report, date written and filed, author affiliation.

Routine uses:

To gather information in response to rules promulgated by UMTA. Users are both UMTA staff members and the public. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Legal-size file folders stored in file cabinets.

Retrievability:

By name and Docket number assigned at the time of receipt.

Safeguards:

None required. Publically available file.

Retention and disposal:

Indefinite.

System manager:

Docket Clerk, Office of the Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9300, Washington, DC 20590.

Record access procedure:

Same as "System Manager."

Notification procedure:

Same as "System Manager."

Contesting record procedure:

Same as "System Manager."

Record source categories:

Correspondence freely sent by the public to UMTA.

DOT/UMTA 194

System name:

Litigation and Claims Files. DOT/UMTA.

System location:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA), Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Categories of individuals:

Persons who are involved in litigation or claims actions.

Categories of records:

Litigation and claim pleadings, discovery material, related documents (including background data on individuals involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings.

Routine uses:

The documents are produced or used in and for litigation and claims. These documents are disclosed to the Depart-

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ment of Justice. See Prefatory Statement for General Routine Uses.

Policies and practices:

Storage:

Legal-size file folders stored in lockable and unlockable file cabinets and individual attorney's offices.

Retrievability:

Retrieved by caption of the particular litigation.

Safeguards:

Data from these files are retrievable only by persons within the Office of the Chief Counsel.

Retention and disposal:

Litigation files are kept for two years after case is closed, then sent to Federal Records Center. All other records in the system are retained indefinitely.

System manager:

Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Notification procedure:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedure:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedure:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the System Manager.

Record source categories:

Federal courts, individuals and their attorneys, UMTA records, litigation files, etc.

DOT/UMTA 195

System name:

Confidential Statement of Employment and Financial Interests. DOT/UMTA.

System location:

Department of Transportation, (DOT), Urban Mass Transportation Administration, (UMTA), Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Categories of individuals:

Employees of the Urban Mass Transportation Administration in supervisory positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are consultants and experts of the Urban Mass Transportation Administration.

Categories of records:

Information on employment and financial interests and debts.

Routine users:

The information to be furnished is required by Executive Order 11222 and the regulations of the Civil Service Commission issued thereunder and may not be disclosed except as the Commission or the agency head may determine. The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in UMTA employees. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

Legal size folders.

Retrievability:

Indexed by name in alphabetical sequence.

Safeguards:

Records are stored in locked file cabinet.

Retention and disposal:

Records are kept 3 years and then transferred to Federal Records Center for 6 years.

System manager:

Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590.

Notification procedure:

Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, SW, Room 9320, Washington, DC 20590. Inquiries may be addressed to the Chief Counsel either in person or in writing. If written the individual must provide a notarized signature.

Record access procedure:

Access to records requires the individual to contact in person or write the Chief Counsel at the address in "Notification Procedure."

Contesting record procedure:

Contest of a record is also through the Chief Counsel.

Record source categories:

Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Urban Mass Transportation Administration. Initial requests for submission of statements are through the Personnel Division, Office of Administration, Urban Mass Transportation Administration.

DOT/UMTA 181, previously published December 7, 1976, Volume 41, Page 53565 is republished with editorial corrections. As before, it supplements the compilation published by the Office of the FEDERAL REGISTER under the title "Privacy Act Issuance, 1976 Compilation Volume 2:"

DOT/UMTA 181

System name:

Attendees Names and Addresses for R&D Priorities Conference.

System location:

UMTA Office of Research and Development and American Public Transit Association (acting as contractor to UMTA).

Categories of individuals:

Persons attending first R&D Priorities Conference in February 1976; those to be invited to the second and subsequent annual conferences, and those to whom copies of the proceedings of each conference are to be sent.

Categories of records:

These records contain names, organizational affiliation and addresses only.

Routine uses:

Including categories of users and the purposes of such uses: To communicate plans for planned conferences to likely participants. To distribute to participants and those who have requested, or are likely to benefit from, informational materials, proceedings, and other documents related to UMTA's research, development and demonstration activity. Records are subject to examination by federal officials concerned with the dissemination of research and development information, but are not disclosed to members of the public (except through publication in the proceedings of names of individuals who actually participate in each conference).

Policies and practices:

Storage:

Paper documents in file system.

Retrievability:

Alphabetically by name.

Safeguards:

Access is restricted to officials of UMTA and APTA involved in planning and disseminating information about conferences.

Retention and disposal:

Records are maintained in current status. Deleted names and addresses are discarded completely. The system itself will be discarded within two years after the last R&D priorities conference of the current series has been concluded.

System manager:

Official responsible is Executive Assistant to Associate Administrator for Research and Development, URD-3, UMTA, Washington, DC 20590.

Notification procedure:

Individual may contact the systems manager to confirm whether or not the system contains a record on them.

Record access procedures:

Same as Notification Procedure.

Contesting record procedure:

Content of these records may be settled with the system manager. If this is unsatisfactory to the individual, the person may appeal in writing to: Privacy Act Officer, UAD-60 Urban Mass Transportation Administration Room 4116, Nassif Building 400 7th Street, SW., Washington, D.C. 20690.

Record source categories:

Names of individuals who have attended past R&D Priorities Conferences and individuals who have requested copies of the proceedings.

[FR Doc.77-400 Filed 1-6-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Change of Name of Treasury Advisory Committee

In reference to the published Notice of December 17, 1976 (41 FR 55765) regarding the January 25 and 26, 1977 meetings of Treasury debt management advisory committee meetings, it should be noted that the name of the *Securities Industry Association, Government Securities and Federal Agencies Committee* has been changed to the *U.S. Government and Federal Agencies Securities Committee of the Public Securities Association.*

EDWIN H. YEO, III,
Under Secretary for Monetary Affairs.

JANUARY 3, 1977.

[FR Doc.77-559 Filed 1-6-77;8:45 am]

[TDO No. 190-1 Rev.]

DEPUTY ASSISTANT SECRETARY (TAX LEGISLATION), ET AL.

Delegation of Authority To Approve Internal Revenue Regulations

By virtue of the authority vested in the Secretary of the Treasury, which authority has been delegated to me as Assistant Secretary (Tax Policy) by Treasury Department Orders No. 150-41 and No. 190 (Revised), the authority to approve regulations relating to the internal revenue laws is redelegated as follows:

1. To the Deputy Assistant Secretary (Tax Legislation). This authority may be exercised by him in his own capacity and under his own title, and he shall be responsible for referring to the Assistant Secretary (Tax Policy) any regulations on which action should be appropriately taken by him.

2. To the Tax Legislative Counsel, but only if the positions of Deputy Assistant Secretary (Tax Legislation) and Deputy Assistant Secretary (Tax Analysis) are both vacant and the Assistant Secretary (Tax Policy) is away from Washington, D.C. This authority shall not be exercised by the Tax Legislative Counsel if in his judgment the regulation should be approved by the Assistant Secretary (Tax Policy).

3. The authority delegated herein to the Tax Legislative Counsel may be exercised by the Deputy Tax Legislative Counsel, in his own capacity and under his own title, but only if there is a vacancy in the position of Tax Legislative Counsel.

Treasury Department Order No. 190-1, dated January 8, 1973, is rescinded effective this date.

DECEMBER 29, 1976.

CHARLES M. WALKER,
Assistant Secretary (Tax Policy).

[FR Doc.77-565 Filed 1-6-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 229]

Assignment of Hearings

JANUARY 4, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136897 (Sub No. 19), Swift Transportation Co., Inc. now being assigned March 2, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 142071 Sub 1, American Terminal, Inc. now assigned February 1, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C. is cancelled, application dismissed.

MO 119632 Sub 66, Reed Lines, Inc. now assigned Jannary 31, 1977 at Columbus, Ohio is cancelled, application dismissed.

MC-F 12811, Chicago-St. Louis Transport, Inc.—Purchase—Airline Cartage, Inc. and MC 134493 Sub 2, Chicago-St. Louis Transport, Inc., now being assigned March 21, 1977 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MX 134922 (Sub-192), B. J. McAdams, Inc., now being assigned March 15, 1977 (1 day), at Columbus, Ohio; in a hearing room to be later designated.

MC 134150 (Sub-7), Southwest Equipment Rental, Inc., dba Southwest Motor Freight, now being assigned March 16, 1977 (1 day) at Columbus, Ohio; in a hearing room to be later designated.

MC 41406 (Sub-54), Artim Transportation System, Inc.; MC 95876 (Sub-188), Anderson Trucking Service, Inc; MC 106674 (Sub-208), Schilli Motor Lines, Inc.; MO 112304 (Sub-111), Ace Doran Hauling & Rigging Co.; MC 117068 (Sub-No. 70), Midwest Specialized Transportation, Inc.; MC 119774 (Sub-90), Eagle Trucking Company; MC 120737 (Sub-40), Star Delivery & Transfer, Inc.; MO 123407 (Sub-313), Sawyer Transport, Inc.; MC 138144 (Sub-12), Fred Olson Co., Inc. and MC 138741 (Sub-22), E. K. Motor Service, Inc., now being assigned March 17, 1977 (2 days) at Columbus, Ohio, in a hearing room to be later designated.

MC 33641 (Sub-126), IML Freight, Inc., now assigned January 10, 1977 at Boise, Idaho, will be held in Room 429 Federal Building, 550 West Fort Street; instead of Owyhee Plaza Hotel, 11th & Main Streets.

MC 140146 Sub 4, Jeffery P. Jenks, dba Jenks Cartage Co. now assigned January 14, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 119632 Sub 68, Reed Lines, Inc. now assigned January 12, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 138991 Sub 14, K.J. Transportation, Inc., now assigned January 13, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 124939 Sub 9, Food Haul, Inc. now assigned January 11, 1977 at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

AB 19 Sub 19, Baltimore and Ohio Railroad Company Abandonment Portion of the Ohio and Little Kanawha Branch Between Relief and Philco, in Muskingum, Morgan and Washington Counties, Ohio now assigned January 17, 1977 at McConnelsville, Ohio and will be held at the Courthouse, 19 East Main Street.

MC 136899 (Sub-18), Higgins Transportation Ltd., now assigned February 23, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123407 (Sub-306), Sawyer Transport, Inc., now assigned February 24, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 118159 (Sub-176), National Refrigerated Transport, Inc., now assigned February 28, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 119657 (Sub-22), George Transit Line, Inc., now assigned March 1, 1977 at Chicago, Illinois, will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123407 (Sub-309), Sawyer Transport, Inc., now assigned March 3, 1977 at Chicago, Illinois; will be held in Room 1319 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 135518 Sub 4, Everett Trucking, Inc. now being assigned February 14, 1977 (1 week) at San Francisco, California in a hearing room to be later designated.

FD 28322, Chicago, South Shore and South Bend Railroad Discontinuance of all Passenger Train Service, now being assigned continued hearing January 17, 1977 (1 day) at Chicago, Illinois; in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-630 Filed 1-6-77;8:45 am]

[Amdt. No. 2 to Exemption No. 126]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To All Railroads: Upon further consideration of Exemption No. 126 issued June 28, 1976.

It is ordered, That under authority vested in me by Car Service Rule 19, Exemption No. 126 to the Mandatory Car Service Rules ordered in Ex Parte No. 241

be, and it is hereby, amended to expire March 31, 1977.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 26, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.77-627 Filed 1-6-77;8:45 am]

[Amdt. No. 5 to Corrected Exemption No. 104]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Upon further consideration of Corrected Exemption No. 104 issued October 7, 1975.

It is ordered, That under the authority vested in me by Car Service Rule 19, Corrected Exemption No. 104 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire March 31, 1977.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 23, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.77-628 Filed 1-6-77;8:45 am]

[Amdt. No. 8 to Exemption No. 95]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To: Bessemer and Lake Erie Railroad Company, Norfolk and Western Railway Company. Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire March 31, 1977.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 23, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.77-629 Filed 1-6-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 4, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before January 24, 1977.

FSA No. 43294—*Pipeline Rates—Petroleum Products from the Southwest.* Filed by William Pipe Line Company, (No. 8), for interested carriers. Rates on petroleum products, as described in the application, from specified points in Kansas, Oklahoma, and Texas, to specified points in Missouri, Iowa, and Illinois.

Grounds for relief—Market and carrier competition.

Tariffs—William Pipe Line Company tariffs Nos. 6, 3-B, and 4, I.C.C. Nos. 8, 10, and 5. Rates are published to become effective on February 1, 1977, and later.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-632 Filed 1-6-77;8:45 am]

[Notice No. 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35807 (Sub-No. 65TA), filed December 21, 1976. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: David E. Wells (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin securities and other negotiable instruments*, between Salt Lake City, Utah and the cities of Ontario, Nyssa and Vale, Oreg., under a continuing contract with Federal Reserve Bank of San Francisco, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Federal Reserve Bank of San Francisco, 400 Sasome St., San Francisco, Calif. 94120. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., N.W., Room 546, Interstate Commerce Commission. Atlanta, Ga. 30309.

No. MC 44639 (Sub-No. 90TA), filed December 20, 1976. Applicant: L. & M. EXPRESS COMPANY, INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Robert B. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Dublin, Independence and Rural Retreat, Va., on the one hand, and on the other, Lyndhurst, N.J., and New York, N.Y., Applicant intends to interline at Lyndhurst, N.J., and New York, N.Y., for 180 days. Supporting Shipper: Danskin Inc., State St., opposit Chestnut St., York, Pa. 17403. Send protests to: Julia M. Papp, Transportation Assistant. Interstate Commerce Commission. 9 Clinton St., Newark, N.J. 07102.

No. MC 46313 (Sub-No. 14TA), filed December 21, 1976. Applicant: SUHR TRANSPORT, 117 Park Drive South, P.O. 1717, Great Falls, Mont. 59401. Applicant's representative: H. H. Lowthian, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement; hydraulic, masonry, mortar, natural or portland*, in bulk and in bags, from Montana City, Mont., to points in Duchesne, Uinta, Daggett and Summit Counties, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: F. E. Heiser, Assistant Manager, Traffic-Marketing Services, Rocky Mountain Division, Kaiser Cement & Gypsum Corporation, 515 N. Sanders, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 64932 (Sub-No. 570TA), filed December 21, 1976. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from the plantsite of Ashland Chemical Co., at or near Neal, W. Va., to points in Illinois, Indiana, Michigan, Missouri, Ohio and Wisconsin, for 180 days. Supporting shipper: Ashland Chemical Company, William A. Thompson, Assistant, Traffic Manager, P.O. Box 2219, Columbus, Ohio 43216. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386. Chicago, Ill. 60604.

No. MC 82841 (Sub-No. 202TA), filed December 21, 1976. Applicant: HUNT TRANSPORTATION, INC., 10707 I St., Omaha, Nebr. 68127. Applicant's representative: William E. Christensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Belle Fourche, S. Dak., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John C. Mares, President, Southwestern Sales, Inc., P.O. Box 14703. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 103051 (Sub-No. 385TA), filed December 21, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid arsenic acid*, in bulk, in tank vehicles, from Bonham, Tex., to Conley, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, Pa. 15219. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 107515 (Sub-No. 1043TA), filed December 22, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Landy of Wisconsin, Inc., Eau Claire, Wis., to points in Arizona, California, New Mexico, Oregon and Washington, for 180 days. Supporting shipper: Landy of Wisconsin, Inc., P.O. Box 1265, Eau Claire, Wis. 54701. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 1044TA), filed December 21, 1976. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Landy of Wisconsin, Inc., Eau Claire, Wis., to points in Georgia, North Carolina, South Carolina, Tennessee, Florida, Louisiana, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Landy of Wisconsin, Inc., P.O. Box 1265, Eau Claire, Wis. 54701. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 109533 (Sub-No. 83TA), filed December 20, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, Va. 23224. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond, Va. 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as described by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Johnson Controls, Inc., located at or near Georgetown, Ky. Applicant intends to tack its existing authority with MC 109533 (Sub-No. 42). Applicant also intends to interline at Atlanta, Ga.; Birmingham, Ala.; Charleston, W. Va.; Baltimore, Md.; Richmond, Va.; Charlotte, N.C.; Jacksonville, Fla.; Louisiana, Ky., and Memphis, Tenn., for 180 days. Supporting shipper: Johnson Controls, Inc., James R. Hoogenboom, Traffic Manager, P.O. Box 544, Georgetown, Ky. 40324. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502 Federal Bldg., 400 N. 8th St., Richmond, Va. 23240.

No. MC 110988 (Sub-No. 33TA), filed December 21, 1976. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ferrous chloride*, from Monroe, Ohio, to the facilities of K. A. Steel Chemicals, Inc., located at or near Gary, Ind., and Lemont, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: K. A. Steel Chemicals, Inc., 2700 River Road, Des Plaines, Ill. 60018. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 111401 (Sub-No. 474TA), filed December 21, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural aldehyde*, in bulk, in tank vehicles, from Brownsville, Tex., to Houston, Tex., restricted to shipments in foreign commerce only, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ICC Industries, Inc., 3701 Kirby Drive, Suite 828, Houston, Tex. 77098. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 475TA), filed December 21, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral water* (industrial waste sludge), in bulk, from Tinker Air Force Base, Oklahoma City, Okla., to Bio-Ecology Systems, Inc., at Grand Prairie, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Department of Defense, Chief, Regulatory Law Office, Office of the Judge Advocate General, Dept. of the Army, Washington, D.C. 20310. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 114284 (Sub-No. 75TA), filed December 21, 1976. Applicant: FOX-SMYTHE TRANSPORTATION CO., 1700 S. Portland, P.O. Box 82307, Oklahoma City, Okla. 73108. Applicant's representative: M. W. Thompson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packinghouses and foodstuffs* (except hides and commodities in bulk), from the plantsite and or warehouse facility utilized by

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George A. Hormel & Co., at or near Fremont, Nebr., to points in Kansas and Missouri, restricted to product originating at named origin and destined to named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Hormel & Co., Box 800, Austin, Minn. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 114725 (Sub-No. 75TA), filed December 22, 1976. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 N. 11th St., Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Shickley, Nebr., to points in Iowa, Illinois and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Biegert Bros. Fertilizer and Feed Co., Jeff Biegert, Manager, Shickley, Nebr. 68436. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 114896 (Sub-No. 42 TA), filed December 17, 1976. Applicant: PUROLATOR SECURITY, INC., 1111 W. Mockingbird Lane, Suite 1401, Dallas, Tex. 75247. Applicant's representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Credit cards and magnetic tape*, between Garrison, Md., and Trenton, N.J., under a continuing contract with Malco Plastics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Malco Plastics, Inc., Plastics Park, Garrison, Md. 21055. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 116947 (Sub-No. 52TA), filed December 21, 1976. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., S.W., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre cans, and can ends, aluminum, steel or tin*, from the plantsite of Container Corporation of America, in Fulton County, Ga., to points in Alabama, Florida, Illinois, Kentucky, Indiana, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee and Virginia; *and materials and supplies* (except commodities in bulk) used in the manufacture and distribution of fibre cans and can ends, from the destination states to the plantsite of Container Corporation of America in Fulton County, Ga., under a continuing contract with Container Corporation of America, for 180 days. Supporting shipper: Container Corporation of America, P.O. Box 957, Atlanta, Ga. 30301. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., N.W., Room 546, Interstate Commerce Commission, Atlanta, Ga. 30309.

No. MC 119789 (Sub-No. 320TA), filed December 22, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from El Paso, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Massachusetts, Rhode Island, Missouri, Nebraska, New Jersey, South Carolina, Tennessee, Virginia and West Virginia, for 180 days. Supporting shipper: Prepared Foods, Inc., P.O. Box 26918, 6930 Market St., El Paso, Tex. 79915. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 124078 (Sub-No. 710TA), filed December 21, 1976. Applicant: SCHWERMAN TRUCKING COMPANY, 611 S. 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, in tank vehicles, from Bristol, Tenn., to points in Alabama (except Birmingham), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reiss Viking Corporation, P.O. Box 688, Sheboygan, Wis. 53081. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 126276 (Sub-No. 162TA), filed December 21, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Millis, Mass., to St. Paul, Minn., under a continuing contract with National Can Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Can Corporation, Floyd C. Stone, District Supervisor, 8101 W. Higgins, Chicago, Ill. 60631. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 163TA), filed December 21, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and containers closures*, from Chicago, Ill., to Jeanette, Pa., and Jonesboro, Ark., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., James R. Jandora, Analyst—Traffic & Distribution, 150 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 164TA), filed December 17, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Totowa and Plainfield, N.J., to Sharonville, Ohio, under a continuing contract with National Can Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: National Can Corporation, Floyd C. Stone, District Manager, 8101 W. Higgins Road, Chicago, Ill. 60631. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 12725 (Sub-No. 543TA), filed December 17, 1976. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Tex. 75692. Applicant's representative: Kenneth Sitton, FM 9 South, Waskom, Tex. 75692. Authority sought ot operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contaminated water*, from Tinker Air Force Base, Okla., to Grand Prairie, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Department of Defense, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Opal M, Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 133966 (Sub-No. 46TA), filed December 21, 1976. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave., & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from West Hazleton, Pa., to points in Ohio, Illinois, Indiana, Minnesota and Wisconsin, for 180 days. Supporting shipper: Tenneco Chemicals, Foam and Plastics Division, West 100 Century Road, Paramus, N.J. 07652. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 135425 (Sub-No. 22TA), filed December 21, 1976. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer whose products are sold in drug, variety and food stores (except in bulk), from Andover, Mass., and St. Paul, Minn., to La Mirada, Calif., and Kent, Wash., under a continuing contract with The Gillette Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Gillette Company, 30 Burtt Road, Andover, Mass. 01810. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 140469 (Sub-No. 7TA), filed December 21, 1976. Applicant: FUNCTIONAL MARKETING SYSTEM, INC., 147-02 Liberty Ave., Jamaica, N.Y. 11435. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, and educational materials, equipment and supplies*, between points in New Jersey and New York City, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn.; New Castle County, Del.; Putnam County, N.Y.; Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., under a continuing contract with Field Enterprises Educational Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Field Enterprises Educational Corporation, Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140792 (Sub-No. 2TA), filed December 20, 1976. Applicant: STANLEY E. WHITEHEAD, 1017 Third Ave., Monroe, Wis. 53566. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk, in tank vehicles), from the facilities of Milk Specialties Co., a Division of Cudahy Foods Co., at or near Browntown, Wis., to Peoria, Ill., for 180 days. Supporting shipper: Milk Specialties Co., a Division of Cudahy Foods Co., P.O. Box 278, Dundee, Ill. 60118. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 142025 (Sub-No. 3TA), filed December 23, 1976. Applicant: DON FOWLER, doing business as FOWLER'S MOBILE HOME TRANSIT, Rt. 1, Box 48, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Winchester, Va., Commercial Zone (except Winchester, Va.), on the one hand, and, on the other, points in Prince Georges County, Md., and points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph and Tucker Counties, W. Va., for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 141247 (Sub-No. 6TA), filed December 21, 1976. Applicant: PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Jeffrey Kohlman, Suite 400, 1447 Peachtree St., N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cleveland, Ga., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania and West Virginia, under a continuing contract with Appalachian Industries, Inc., for 180 days. Supporting shipper: Appalachian Industries, Inc., Route 75, Cleveland, Ga. 30528. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 142231 (Sub-No. 2TA), filed December 21, 1976. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Road, N.E., Atlanta, Ga. 30326. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire impregnated iron or steel pipe, and iron or steel articles;* and (2) *such commodities* as are used by or are useful in the manufacture, distribution or sale of wire impregnated iron or steel pipe and iron and steel articles (except commodities in bulk and commodities which because of size or weight require special equipment), between the plantsite and facilities utilized by the Oxylance Corporation in Fulton County, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Oxylance Corporation, for 180 days. Supporting shipper: Oxylance Corporation, 3340 Peachtree Road, N.E., 2400 Tower Place, Atlanta, Ga. 30326. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

PASSENGER APPLICATION

No. MC 453 (Sub-No. 24TA), filed December 22, 1976. Applicant: THE GRAY LINES, INC., 1000 12th St., N.W., Washington, D.C. 20005. Applicant's representative: L. C. Majors, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in special operations, during the official racing seasons, between Washington, D.C., and Dover Downs Race Track, at or near Dover, Del.; from Washington, D.C., over U.S. Highway 50 to Junction U.S. Highway 301, thence over U.S. Highway 301 to Junction Maryland Highway 300, thence over Maryland Highway 300 to the Maryland-Delaware State line, thence over Delaware Highway 300 to Junction Delaware Highway 44, thence over Delaware Highway 44 to Junction Delaware Highway 8, thence over Delaware Highway 8 to Junction U.S. Highway 13, thence over U.S. Highway 13 to Dover Downs Race Track, and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Room 1413, 12th & Constitution Ave., N.W., Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-631 Filed 1-6-77;8:45 am]

federal register

FRIDAY, JANUARY 7, 1977

PART II



DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

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FIDUCIARY RESPONSIBILITY

Employer Securities and Employer Real Property

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DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[29 CFR Part 2550]

RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

Proposed Regulations Relating to the Acquisition and Holding of Employer Securities and Employer Real Property and the Requirement That Certain Employer Securities and Employer Real Property Be Divested No Later Than December 31, 1979

Notice is hereby given that the Department of Labor (the Department) has under consideration a proposal to adopt regulations, 29 CFR 2550.407a–1, 2550.407a–2, 2550.407a–3 and 2550.407a–4 under sections 407(a)(1), 401(a)(2), 401(a)(3) and 407(a)(4) of the Employee Retirement Income Security Act of 1974 (the Act) with respect to the acquisition and holding of employer securities and employer real property by certain employee benefit plans, and the requirement that certain employer securities and employer real property held by such plans be divested no later than December 31, 1979.

PREAMBLE

Section 407(a) of the Act prohibits all employee benefit plans from acquiring or holding any employer security or employer real property which is not a qualifying employer security or qualifying employer real property. The terms "employer security" and "employer real property" are defined in sections 407(d)(1) and (2) of the Act.[1] The term "qualifying employer security" is defined in section 407(d)(5) of the Act and in proposed regulation § 2550.407d–5 (41 FR 31870, July 30, 1976). The term "qualifying employer real property" is defined in section 407(d)(4) of the Act.

Section 407(a) also sets forth certain limitations with respect to the acquisition and holding of qualifying employer securities and qualifying employer real property. Section 407(a)(3) of the Act provides that after December 31, 1984, a plan (other than an eligible individual account plan within the meaning of section 407(d)(3) of the Act) may not hold any qualifying employer securities or qualifying employer real property (or both) to the extent that the aggregate fair market value of such securities and real property exceeds 10 percent of the fair market value of the plan's assets, determined in accordance with the requirements of section 407(a)(3). Under section 407(c) of the Act, a plan which satisfies the requirements of section 407(c)(3) may elect an alternative means of complying with the terms of section 407(a)(3) regarding the holding of employer securities. See 29 CFR 2550.407c–3 (41 FR 43726, September 23, 1975).

Section 407(a)(4)(B) of the Act provides that not later than December 31, 1976, the Department shall prescribe regulations which shall have the effect of requiring that a plan subject to the requirements of section 407(a)(3) or 407(c) divest 50 percent of its holdings of employer securities and real property which the plan would be required to divest before January 1, 1985.

Section 406(a) of the Act prohibits a fiduciary from knowingly causing a plan to engage in a transaction which would be in violation of section 407(a). Sections 414(c)(1) and (2) contain transitional rules which delay the effective date of sections 406 and 407(a) for certain loan and lease transactions. The proposed regulations set forth below establish requirements with respect to the divestiture of employer securities and employer real property by December 31, 1979, pursuant to section 407(a)(4) of the Act and interpret certain relationships between section 407(a) and sections 407(c) and 414(c)(1) and (2) of the Act.

Although the proposed regulations prescribe certain rules for determining the fair market value of employer real property, employer securities and other plan assets for purposes of section 407(a) of the Act, the Department ordinarily will not issue opinions as to whether the value ascribed to any parcel of employer real property, any employer security or any other plan asset constitutes fair market value. In this regard, reference is made to section 5.02(p) of ERISA Procedure 76–1 (41 FR 36281, August 27, 1976), the Department's Advisory Opinion Procedure.

The following points should be noted with respect to the proposed regulations:

(1) Section 407(a)(4)(B) requires divestiture of 50 percent of the holdings of employer securities and employer real property which are required to be divested before January 1, 1985, "under paragraph (2) (of section 407(a)) or subsection (c) (whichever is applicable)." However, section 407(a)(2) does not refer to "holding" of employer securities and employer real property, but refers to the acquisition of qualifying employer securities and qualifying employer real property. The "holding" limitation of section 407(a) is contained in paragraph (3). The proposed regulations take the position that the statutory reference to "paragraph (2)" is erroneous, and should have been to "paragraph (3)". See the last sentence of § 2550.407a–4(a). Not only is this position consistent with the Joint Explanatory Statement of the Managers of the Committee of Conference (H.R. Rep. No. 93–1280, 93d Cong., 2d Sess. (1974) 318–320), but is also necessary to give meaning to the divestiture requirements of section 407(a)(4).

(2) Section 407(b)(1) provides that the 10 percent limitation and related rules contained in section 407(a) with respect to the acquisition, holding and divestiture of qualifying employer securities and qualifying employer real property do not apply to the acquisition or holding of qualifying employer securities or qualifying employer real property by an eligible individual account plan. Section 407(d)(3) defines an eligible individual account plan as an individual account plan which is a profit sharing, stock bonus, thrift or savings plan, an employee stock ownership plan, or a money purchase plan which was in existence on the date of the enactment of the Act and which on such date invested primarily in qualifying employer securities. In addition, section 407(d)(3) provides that a plan shall be treated as an eligible individual account plan with respect to the acquisition or holding of qualifying employer real property or qualifying employer securities only if such plan explicitly provides for the acquisition and holding of qualifying employer securities or qualifying employer real property. Because eligible individual account plans are not subject to the limitations of section 407(a)(2) and (3), such plans are not subject to the divestiture requirements of section 407(a)(4) of the Act.

(3) Section 407 does not distinguish between single employer plans and multiple employer plans regarding its acquisition, holding and divestiture rules and, consequently, the proposed regulations contain no such distinction. However, the Department recognizes that the 10 percent limitation, applied to qualifying employer securities of all contributing employers in the aggregate, may impose a restraint on investment that is not administratively feasible or is otherwise inappropriate for certain multiple employer plans. Accordingly, the Department specifically solicits comments regarding the particular problems multiple employer plans have encountered or will encounter in complying with the 10 percent limitation in section 407(a) and the manner in which the Department should deal with those problems.

The regulations set forth below are proposed pursuant to the authority contained in section 407(a)(4)(B) of the Act (Pub. L. 93–406, 88 Stat. 880 (29 U.S.C. 1107)), and section 505 of the Act (Pub. L. 93–406, 88 Stat. 894 (29 U.S.C. 1135)).

All interested persons are invited to submit written data, views or arguments concerning the proposed regulations set forth herein. Three copies of such written data, views or arguments should be submitted on or before February 22, 1977 to Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Attention: Proposed §§ 2550.407a–1 et al.

All written submissions will be open to public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Proposed regulations. Accordingly, it is proposed to amend Part 2550 of Chapter XXV of Title 29 of the Code of Federal Regulations by inserting §§ 2550.407a–1, 2550.407a–2, 2550.407a–3 and 2550.407a–4 as set forth below.

PAR. 1. Section 2550.401a–1 is inserted in the appropriate place to read as set forth below:

§ 2550.407a–1 General rule for the acquisition and holding of employer securities and employer real property.

(a) *In general.* Section 407(a)(1) of the Employee Retirement Income Security Act of 1974 (the Act) states that except as otherwise provided in section 407 and section 414 of the Act, a plan may not acquire or hold any employer security which is not a qualifying employer security or any employer real property which is not qualifying employer real property. Section 406(a)(1)(E) prohibits a fiduciary from knowingly causing a plan to engage in a transaction which constitutes a direct or indirect acquisition, on behalf of a plan, of any employer security or employer real property in violation of section 407(a), and section 406(a)(2) prohibits a fiduciary who has authority or discretion to control or manage assets of a plan to permit the plan to hold any employer security or employer real property if he knows or should know that holding such security or real property violates section 407(a).

(b) *Requirements applicable to all plans.* A plan may hold or acquire only employer securities which are qualifying employer securities and employer real property which is qualifying employer real property. A plan may not hold employer securities and employer real property which are not qualifying employer securities and qualifying employer real property, except to the extent that:

(1) The employer security is held by a plan which has made an election under section 407(c)(3) of the Act; or

(2) The employer security is a loan or other extension of credit which satisfies the requirements of section 414(c)(1) of the Act or the employer real property is leased to the employer pursuant to a lease which satisfies the requirements of section 407(c)(3) of the Act; or

PAR. 2. Section 2550.407a–2 is inserted in the appropriate place to read as set forth below:

§ 2550.407a–2. Limitation with respect to the acquisition of qualifying employer securities and qualifying employer real property.

(a) *In general.* Section 407(a)(2) of the Employee Retirement Income Security Act of 1974 (the Act) provides that a plan may not acquire any qualifying employer security or qualifying employer real property, if immediately after such acquisition the aggregate fair market value of qualifying employer securities and qualifying employer real property held by the plan exceeds 10 percent of the fair market value of the assets of the plan.

(b) *Acquisition.* For purposes of section 407(a) of the Act, an acquisition by a plan of qualifying employer securities or qualifying employer real property shall include, but not be limited to, an acquisition by purchase, by the exchange of plan assets, by the exercise of warrants or rights, by the conversion of a security (except any acquisition pursuant to a conversion exempt under section 408(b)(7) of the Act), by default of a loan where the qualifying employer security or qualifying employer real property was security for the loan, or by the contribution of such securities or real property to the plan. However, an acquisition of a security shall not be deemed to have occurred if a plan acquires the security as a result of a stock dividend or stock split.

(c) *Fair market value—Indebtedness incurred in connection with the acquisition of a plan asset.* In determining whether a plan is in compliance with the limitation on the acquisition of qualifying employer securities and qualifying employer real property in section 407(a)(2), the limitation on the holding of qualifying employer securities and qualifying employer real property in section 407(a)(3) and § 2550.407a–3 thereunder, and the requirement regarding the disposition of employer securities and employer real property in section 407(a)(4) and § 2550.407a–4 thereunder, the fair market value of total plan assets shall be the fair market value of such assets less the unpaid amount of:

(1) Any indebtedness incurred by the plan in acquiring such assets;

(2) Any indebtedness incurred before the acquisition of such assets if such indebtedness would not have been incurred but for such acquisition; and

(3) Any indebtedness incurred after the acquisition of such assets if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition. However, the fair market value of qualifying employer securities and qualifying employer real property ably foreseeable at the time of such assets without any reduction for the unpaid amount of any indebtedness incurred by the plan in connection with the acquisition of such employer securities and employer real property.

(d) *Examples.* (1) Plan assets have a fair market value of $100,000. The plan has no liabilities other than liabilities for vested benefits of participants and does not own any employer securities or employer real property. The plan proposes to acquire qualifying employer securities with a fair market value of $10,000 by paying $1,000 in cash and borrowing $9,000. The fair market value of plan assets would be $100,000 ($100,000 of plan assets less $1,000 cash payment plus $10,000 of employer securities less $9,000 indebtedness), the fair market value of the qualifying employer securities would be $10,000, which is 10 percent of the fair market value of plan assets. Accordingly, the acquisition would not contravene section 407(a).

(2) Plan assets have a fair market value of $100,000. The plan has liabilities of $20,000 which were incurred in connection with the acquisition of those assets, and does not own any employer securities or employer real property. The plan proposes to pay cash for qualifying employer securities with a fair market value of $10,000. The fair market value of plan assets would be $80,000 ($100,000 of plan assets less $10,000 cash payment plus $10,000 of employer securities less $20,000 indebtedness), the fair market value of the qualifying employer securities would be $10,000, which is 12.5 percent of the fair market value of plan assets. Accordingly, the acquisition would contravene section 407(a).

PAR. 3. Section 2550.407a–3 is inserted in the appropriate place to read as set forth below:

§ 2550.407a–3 Limitation with respect to the holding of qualifying employer securities and qualifying employer real property.

(a) *In general.* (1) Section 407(a)(3) of the Employee Retirement Income Security Act of 1974 (the Act) provides that a plan (other than an eligible individual account plan) may not hold, after December 31, 1984, any qualifying employer securities or qualifying employer real property (or both) to the extent that the aggregate fair market value of such securities and property, determined on December 31, 1984, exceeds 10 percent of the greater of:

(i) The fair market value of the assets of the plan, determined on December 31, 1984, or

(ii) The fair market value of the assets of the plan determined on January 1, 1975.

(2) Section 407(a)(3)(B) makes section 407(a)(3)(A) inapplicable to a plan which on any date after December 31, 1974, and before January 1, 1985, did not hold qualifying employer securities or qualifying employer real property (or both) the aggregate fair market value of which determined on such date exceeded 10 percent of the greater of:

(i) The fair market value of the assets of the plan, determined on such date, or

(ii) The fair market value of the assets determined on January 1, 1975.

(b) *Ten percent limitation.* (1) The requirement of section 407(a)(3) that a plan hold no more than 10 percent of the fair market value of its assets in qualifying employer securities or qualifying employer real property (or both) can be met at any time between December 31, 1974, and January 1, 1985. In accordance with section 407(a)(3)(B) of the Act, if at any time between December 31, 1974 and January 1, 1985, the fair market value of qualifying employer securities and qualifying employer real property does not exceed 10 percent of the fair market value of total plan assets, the plan will be in compliance with the holding requirements of section 407(a)(3), notwithstanding any subsequent increase in such percentage above 10 percent which occurs as the result of changes in the fair market value of either the qualifying employer securities or qualifying employer real property, or the other assets of the plan. Moreover, if such percentage falls below 10 percent, the plan may acquire additional qualifying employer securities or qualifying

[1] The term "employer security" is defined as a security issued by an employer of employees covered by the plan or by an affiliate of such employer. "Employer real property" is defined as real property (and related personal property) which is leased to an employer of employees covered by the plan, or to an affiliate of such employer.

employer real property not to exceed the limitation on such acquisitions contained in section 407(a)(2).

(2) *Example.* On January 1, 1975 a plan holds qualifying employer securities and qualifying employer real property with a fair market value of $200,000 and has total assets with a fair market value of $1,000,000. The plan would have to divest qualifying employer securities or qualifying employer real property with a value of $100,000 to comply with section 407(a)(3). If, however, there is a substantial rise in the market value of the plan's other assets in 1976 and the first quarter of 1977 so that the fair market value of total plan assets on March 31, 1977, is $2,000,000, but the aggregate fair market value of the qualifying employer securities and qualifying employer real property is still $200,000, the 10 percent holding requirement of section 407(a)(3) would have been met on March 31, 1977. Henceforth, the plan would not be subject to the holding limitations of section 407(a)(3), but only the limitations regarding the acquisition of qualifying employer securities and qualifying employer real property set forth in section 407(a)(2) of the Act. If the plan does not acquire any additional employer securities or employer real property, and if in 1978, the fair market value of other plan assets decreases to $1,500,000 while the fair market value of qualifying employer securities and qualifying employer real property held by the plan remains at $200,000, or even increases to $300,000, the plan will not contravene the holding requirement of section 407(a)(3), inasmuch as the plan was in compliance with that requirement on March 31, 1977. If, on February 1, 1980, the fair market value of total plan assets is $2,500,000 and the fair market value of qualifying employer securities and qualifying employer real property is $200,000, the plan may acquire additional qualifying employer securities and qualifying employer real property in the amount of $50,000.

(c) *Fair market value—Indebtedness incurred in connection with the acquisition of a plan asset.*

In determining whether a plan is in compliance with the limitation on the holding of qualifying employer securities and qualifying employer real property in section 407(a)(3), the fair market value of total plan assets, qualifying employer securities and qualifying employer real property for purposes of section 407(a)(3), and this section shall be determined in accordance with the provisions of § 2550.407a-2(c).

Par. 4 Section 2550.407a-4 is inserted in the appropriate place to read as set forth below:

§ 2550.407a-4 Divestiture of employer securities and real property by December 31, 1979.

(a) *In general.* Section 407(a)(4)(A) of the Employee Retirement Income Security Act of 1974 (the Act) provides that a plan may not hold, after December 31, 1979, any employer securities or employer real property in excess of the amount specified in regulations promulgated by the Secretary of Labor under section 407(a)(4)(B) of the Act. That section directs the Secretary to prescribe regulations not later than December 31, 1976, which shall have the effect of requiring a plan to divest 50 percent of the holdings of employer securities and employer real property which the plan would be required to divest before January 1, 1985, under sections 407(a)(3) or 407(c) of the Act.

(b) *Fair market value—Indebtedness incurred in connection with the acquisition of a plan asset.*

In determining whether a plan is in compliance with the requirement regarding the disposition of employer securities and employer real property set forth in section 407(a)(4), the fair market value of total plan assets, employer securities and employer real property for purposes of section 407(a)(4) and this section shall be determined in accordance with the provisions of § 2550.407a-2(c).

(c) *Fifty percent divestiture.*—(1) *Divestiture which would be required under section 407(a)(3).*

(i) A plan which would be required to divest qualifying employer securities or qualifying employer real property before January 1, 1985, pursuant to section 407(a)(3), and which has not met the requirements of that section by December 31, 1979, will be in compliance with the requirements of section 407(a)(4) of the Act and this section if the plan divests by December 31, 1979, qualifying employer securities and qualifying employer real property which have, on any date between December 31, 1974, and January 1, 1980 (hereafter referred to as the "valuation date"), a fair market value equal to 50 percent of the amount by which such qualifying employer securities and qualifying employer real property exceed 10 percent of the fair market value of plan assets as of the valuation date. For purposes of this section, the fair market value of plan assets on the valuation date, shall be deemed to be an amount equal to:

(A) The fair market value of the assets of the plan on the valuation date, or

(B) An actuarial estimate of the fair market value of the assets of the plan on any date between December 31, 1979 and January 1, 1985. The actuarial estimate under paragraph (c)(i)(B) must be made in good faith and its basis must be set forth in writing.

(ii) The fair market value of qualifying employer securities and qualifying employer real property which must be divested pursuant to paragraph (c)(i) shall be reduced by an amount equal to the fair market value of any qualifying employer security which is a loan or other extension of credit that satisfies the requirements of section 414(c)(1) of the Act or any qualifying employer real property leased to the employer pursuant to a lease that satisfies the requirements of section 414(c)(2) of the Act.

(iii) *Examples.*

(A) On January 1, 1975, the assets of a plan have a fair market value of $800,000. On December 31, 1977, plan assets have a fair market value of $900,000 and the actuarial estimate of the fair market value of plan assets as of December 31, 1984, is $1,000,000. The plan has chosen December 31, 1977, as the valuation date, and has decided that for purposes of section 407(a)(4) and § 2550.407a-4 the fair market value of plan assets on the valuation date shall be the actuarial estimate of the fair market value of plan assets as of December 31, 1984, which is $1,000,000.

The qualifying employer securities and qualifying employer real property held by the plan on December 31, 1977 have a fair market value of $200,000. A qualifying employer security, which has a fair market value of $25,000, is a loan by the plan which meets the conditions of section 414(c)(1) of the Act. The fair market value of qualifying employer securities and qualifying employer real property held by the plan exceed by $100,000. 10 percent of the greater of the fair market value of plan assets on January 1, 1975 or the valuation date. In order to comply with section 407(a)(4) of the Act and this section, the plan ordinarily would have to divest, by December 31, 1979, $50,000 of qualifying employer securities or qualifying employer real property, which would be 50 percent of the amount which exceeds 10 percent of plan assets. However, because qualifying employer securities which have a fair market value of $25,000 are held by the plan pursuant to the transitional rules of section 414(c)(1) of the Act, the plan will have to divest by December 31, 1979, only $25,000 of qualifying employer securities and qualifying employer real property because it may subtract the fair market value of any qualifying employer securities or qualifying employer real property held by the plan which satisfies the requirements of the transitional rules of section 414(c)(1) or (2) of the Act from any amounts which it is required to divest.

(B) Same facts as example (A), except that the plan has $100,000 in indebtedness outstanding, which was incurred in connection with the acquisition of a plan asset (other than qualifying employer securities or qualifying employer real property). For purposes of determining the percentage of plan assets represented by the investment in qualifying employer securities and qualifying employer real property, the fair market value of plan assets on the valuation date is $900,000 ($1,000,000 less $100,000 in indebtedness). The fair market value of qualifying employer securities and qualifying employer real property (i.e. $200,000) held by the plan exceeds 10 percent (i.e. $90,000) of the fair market value of plan assets by $110,000. In order to comply with section 407(a)(4) of the Act and this section, the plan would be required to divest $30,000 of qualifying employer securities or qualifying employer real property by December 31, 1979, which would be 50 percent of $110,000, less the fair market value of qualifying employer securities or qualifying employer real property held pursuant to section 414(c)(1) or (2) of the Act.

(2) *Divestiture which would be required under section 407(c).*

(i) Notwithstanding the prohibition of section 407(a)(1)(A) of the Act regarding the holding of employer securities, and subject to the limitations of section 407(c)(1) of the Act, section 407(c) permits a plan which has made a valid election under section 407(c)(3) to hold an employer security which is neither a qualifying employer security nor a loan or other extension of credit covered by the transitional provisions of section 414(c)(1) of the Act. An election under section 407(c) must have been made before January 1, 1976, and in accordance with § 2550.407c-3 (41 FR 43726, September 23, 1975). A plan which has made a valid election under section 407(c)(3) will be in compliance with the requirements of section 407(a)(4) of the Act and this section if, be December 31, 1979, the plan divests employer securities which have on any date between December 31, 1974 and January 1, 1980 (hereafter referred to as the "valuation date", a fair market value determined as of December 31, 1974 equal to 50 percent of the amount in excess of 10 percent of the lesser of:

(A) The fair market value of the assets of the plan determined on the valuation date (disregarding any portion of the fair market value of employer securities which is attributable to appreciation of such securities after December 31, 1974) but not less than the fair market value of plan assets on January 1, 1975, or

(B) An amount equal to the sum of (*1*) The total amount of the contributions to the plan received after December 31, 1974 and prior to the valuation date, plus (*2*) The fair market value of the assets of the plan, determined as of January 1, 1975.

For purposes of this paragraph (c)(2)(i)(B)(*2*), the fair market value of plan assets on the valuation date shall be deemed to be an amount equal to (*1*) The fair market value of the assets of the plan on the valuation date, or (*2*) An actuarial estimate of the fair market value of the assets of the plan on any date between December 31, 1979 and January 1, 1985. The actuarial estimate must be made in good faith and its basis must be set forth in writing.

(ii) The fair market value of employer securities which must be divested pursuant to this section shall be reduced by an amount equal to the fair market value of any employer security which is a loan or other extension of credit that satisfies the requirements of section 414(c)(1) of the Act.

(iii) *Examples.* (A) A plan has made a valid election under section 407(c) of the Act and has been in compliance with the requirements of section 407(c)(3). On January 1, 1975, total plan assets have a fair market value of $105,000 and employer securities have a fair market value of $15,000. On June 30, 1975, the fair market value of plan assets is $105,000, and the actuarial estimate of the fair market value of plan assets as of December 31, 1984 is $145,000. The plan has chosen June 30, 1975 as the valuation date and has decided that for purposes of section 407(a)(4) and § 2550.407a-4 the fair market value of plan assets on the valuation date shall be the actuarial estimate of the fair market value of assets as of December 31, 1984, which is $145,000. No contributions have been made to the plan for December 31, 1974 to June 30, 1975, and the employer securities held by the plan on June 30, 1975, are the same employer securities held on January 1, 1975. Five thousand dollars of employer securities held by the plan is a loan which meets the conditions of section 414(c)(1) of the Act. One thousand dollars of employer securities is neither qualifying employer securities nor a loan or other extension of credit covered by the provisions of section 414(c)(1). Ten percent of the fair market value of plan assets on the valuation date is $14,500; and 10 percent of the sum of the amount of contributions received after December 31, 1974, and prior to July 1, 1975 (nothing, because no contributions were received) plus the fair market value of plan assets on January 1, 1975 ($105,000) is $10,500. Ordinarily, as of December 31, 1979, the plan would have to divest employer securities in excess of 50 percent of the fair market value of the lesser of these amounts. The fair market value of employer securities held by the plan exceeds the lesser of these amounts by $4,500 and 50 percent of $4,500 is $2,250. However, because $5,000 of employer securities is a loan covered by the provisions of section 414(c)(1), the amount of employer securities which would have to be divested is reduced by $5,000. Accordingly, the plan is not required to divest any employer securities by December 31, 1979.

(B) A plan has made a valid election under section 407(c) and has been in compliance with the requirements of section 407(c)(3). On January 1, 1975, total plan assets have a fair market value of $100,000 and employer securities have a fair market value of $30,000. On April 30, 1977, the fair market value of total plan assets is $110,000, none of which is attributable to appreciation of employer securities after December 31, 1974. The actuarial estimate of the fair market value of plan assets as of December 31, 1984 is $160,000. Contributions to the plan from December 31, 1974, through April 30, 1977, total $12,000. The plan has chosen April 30, 1977 as the valuation date, and has decided that the fair market value of plan assets on the valuation date shall be the actuarial estimate of the fair market value of plan assets as of December 31, 1984, which is $160,000. The employer securities held on April 30, 1977, are the same employer securities held on January 1, 1975. Ten percent of the fair market value of plan assets on the valuation date is $16,000; and 10 percent of the sum of the amount of contributions received after December 31, 1974 and prior to May 1, 1977, plus the fair market value of plan assets on January 1, 1975, is $11,200. The fair market value of employer securities held by the plan exceeds the lesser of these two amounts by $18,800. In order to comply with section 407(a)(4) of the Act and this section, the plan would be required to divest, by December 31, 1979, $9,400 of employer securities.

Signed at Washington, D.C., this 30th day of December, 1976.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-38493 Filed 12-30-76;12:35 pm]

federal register

FRIDAY, JANUARY 7, 1977

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DRUG PRODUCTS

Bioequivalence Requirements and In Vivo Bioavailability Procedures

V 42 5 JAN 7 7 UM

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0050]

PART 314—NEW DRUG APPLICATIONS

PART 320—BIOAVAILABILITY AND BIOEQUIVALENCE REQUIREMENTS

Procedures for Establishing a Bioequivalence Requirement

The Food and Drug Administration (FDA) is issuing final regulations defining certain terms relating to bioequivalence and setting forth procedures for establishing a bioequivalence requirement. These regulations are effective on February 7, 1977.

In the FEDERAL REGISTER of June 20, 1975 (40 FR 26164), the Commissioner of Food and Drugs proposed procedures for establishing a bioequivalence requirement when there is evidence that drug products containing the same active drug ingredient or therapeutic moiety and intended to be used interchangeably for the same therapeutic effect are not or might not be bioequivalent drug products. The Commissioner also proposed to define certain terms relating to bioequivalence and to amend the regulations to specify that failure to submit required bioavailability or bioequivalence data is reason for refusal to approve, or reason to withdraw approval of, a new drug application (NDA). Interested persons were invited to submit comments regarding the proposed regulations on or before August 4, 1975. In response to requests, the Commissioner extended the comment period to September 19, 1975, notice of which was published in the FEDERAL REGISTER of August 15, 1975 (40 FR 34407).

The Commissioner received 68 written comments regarding the proposed regulations. The comments were from individuals, trade and professional associations, pharmaceutical manufacturers, and Federal and State agencies. All of the comments may be seen in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

After reviewing the comments and the proposed regulations, the Commissioner concludes that the proposed regulations should be reorganized. He believes that the procedures for establishing a bioequivalence requirement proposed in § 320.3 are too complex to be contained in only one section of the Code of Federal Regulations. Therefore, in the final regulations he is rearranging and redesignating proposed § 320.3 as §§ 320.50 through 320.62 and placing them in new Subpart C—Bioequivalence Requirements. This action will assure that the procedures for establishing a bioequivalence requirement are easier to find, read, and understand.

To aid the reader, the following table is provided to show the relationship of the final regulations to those proposed in § 320.3.

Proposed section	*Final section*
320.3(a)	320.51(a)
320.3(b)(1)-(6)	320.52
320.3(b)(7)	320.51(a)(3)
320.3(c)	320.51(a)-(b)
320.3(c)(1)-(5)	320.54
320.3(d)	320.51(a)
320.3(e)	320.55
320.3(f)	320.57
320.3(g)	320.58(a)
320.3(h)	320.58(b)
320.3(i)	320.58(c)
320.3(j)	320.58(d)
320.3(k)	320.58(e)
320.3(l)	320.56
320.3(m)	320.59
320.3(n)	320.51(d)
320.3(o)	320.60
320.3(p)	320.61
320.3(q)	320.62

The substantive comments received and the Commissioner's conclusions based on his evaluation of these comments are discussed below.

GENERAL

1. Thirty-nine comments from consumers, labor unions, and an association of retired persons expressed the opinion that the proposed regulations, if made final, would require physicians to prescribe drugs by generic name rather than by trade name and thus reduce the cost of prescription drugs. Thirty-eight of these comments supported a requirement that physicians prescribe by generic name; one comment opposed such a requirement.

The Commissioner advises that these bioequivalence regulations are not intended to, and do not, require a physician to prescribe any drug product by its generic name. The intent of the bioequivalence regulations is to assure that all drug products that are intended to be used interchangeably and that have a known or potential bioequivalence problem are identified and adequately manufactured and tested to assure that they are bioequivalent. The FDA, in approving a drug product for marketing, assures that the drug product is safe and effective for its labeled indications for use and meets all applicable standards of identity, strength, quality, and purity. The purpose of the bioequivalence regulations is to assure that, where necessary, these standards include a bioequivalence requirement.

2. One comment stated that the proposed regulations should not be implemented since they are unnecessary and would be destructive to the present method by which drugs are discovered, prescribed by doctors, and used by patients. The comment added that bioequivalence is an inadequately defined concept that may be used to establish a reckless system of equivalence whereby unequal drug products become equal and thereby interfere with the physician's freedom to utilize his trained judgment in the choice of drugs.

The Commissioner does not agree that bioequivalence is an inadequately defined concept whereby unequal drug products become equal, or that the proposed regulations will interfere with the physician's right or ability to choose appropriate drug therapy. The Commissioner recognizes that much of the variability in patient response to drug therapy classically has been attributed to patient variability rather than to drug product variability. Advances in pharmaceutical technology have made bioequivalence a most precise and reproducible method of determining drug product variability. These bioequivalence techniques are not inadequately defined or reckless concepts. They are scientifically valid methods of comparing different drug products as well as different batches of the same drug product. The Commissioner believes that the actions he is taking to assure bioequivalence of marketed drug products will enhance the physician's ability to choose appropriate drug therapy, because the physician will be assured that the product he selects will perform with greater consistency. The Commissioner also believes that information regarding drug product absorption, metabolism, and excretion can be constructive in revising the directions for use in the labeling and thereby provide for better patient care.

3. One comment stated that the proposed regulations exceed statutory authority, contravene the intent of Congress, and should not be finalized. The comment stated that there is no statutory basis for requiring bioequivalence evidence, that such evidence of relative comparability goes beyond the intent of Congress to assure that drugs are safe and effective, and that the legislative history expressly ruled out a requirement for a showing of relative effectiveness of a drug.

The bioequivalence regulations are not an attempt to equate evidence of bioequivalence with evidence of relative therapeutic effectiveness. All drug products are required under the Federal Food, Drug, and Cosmetic Act to meet appropriate standards to assure that they have their purported identity, strength, quality, and purity. Traditionally, these standards have used physical and chemical tests to characterize a drug product. With the development of the science of biopharmaceutics and pharmacokinetics, however, it is now possible to characterize a drug product more fully by determining its biological availability. Therefore, standards for certain drug products should be amended to include bioequivalence requirements. The Commissioner believes that the bioequivalence regulations are consistent with the intent of Congress to assure that drug products that contain the same active drug ingredient or therapeutic moiety and are intended to be used interchangeable meet the same standards.

4. One comment stated that the use of notice and comment rulemaking to establish a bioequivalence requirement for particular therapeutic moieties is procedurally improper. The comment alleged that such requirements may be imposed on new drugs only through adjudicatory procedures, and the proposed regulations should be amended to provide for the imposition of a bioequivalence requirement only after opportunity

for a hearing on the issuance of a declaratory order under the new drug provisions of the Federal Food, Drug, and Cosmetic Act.

The Commissioner does not agree with this comment. He believes that adjudicatory hearings are not appropriate for agency decisionmaking regarding the establishment of a bioequivalence requirement. The establishment of a bioequivalence requirement will ordinarily involve complex scientific and medical issues of general applicability that can be resolved more appropriately in the notice and comment rulemaking procedures. The legality of the rulemaking approach to drug regulation has been upheld by the Supreme Court ("Weinberger v. Hynson, Wescott & Dunning", 412 U.S. 609 (1973)). The Commissioner may, however, in his discretion, also subject any proposed bioequivalence requirement for a particular drug to an informal public hearing or a formal evidentiary public hearing, where such a procedure would contribute to resolution of the issues.

5. One comment objected to the assertion in the preamble that section 704 of the act (21 U.S.C. 374) authorizes the agency to require manufacturers to submit records and reports and information regarding bioequivalence. The comment argued that section 704, by its plain terms, precludes any such construction and the proposed regulations predicated thereon should be withdrawn.

Section 704 of the act provides that establishments that process prescription drug products are subject to FDA inspection, including review of certain records to determine compliance with the act and regulations. As noted in the preamble to the proposal, section 704(a) of the act distinguishes between physical entry of an establishment for inspection of the premises, and inspection of records that are maintained by an establishment. Physical entry is not required to inspect records, which are readily removable from the establishment. In the Commissioner's opinion, the law presently permits the adoption of a requirement for submission of these records directly to FDA, rather than requiring agency representatives to visit each facility to obtain such records. The Commissioner believes that submission of records directly to FDA presents no undue hardship for an establishment and is an effective, practical, and efficient procedure for obtaining certain information consistent with FDA's inspection authority. In addition, this approach may ease the burden of compliance by permitting a firm to assemble and submit the information to FDA in a reasonable period of time, rather than responding immediately when an FDA investigator arrives at the door of the establishment.

6. Two comments stated that, in their view, it is manifest that the Commissioner intends to establish a bioequivalence requirement in lieu of the need to file an NDA under section 505(b) of the act (21 U.S.C. 355(b)). The comment stated that such a policy is unlawful and in contravention of the dictates of section 505 of the act and the intent of Congress in requiring premarket approval of new drugs.

The Commissioner advises that establishment of a bioequivalence requirement does not relieve any manufacturer of the need to file a new drug application. If a bioequivalence requirement is established for a drug product that is a "new drug" as defined in section 201(p) of the act (21 U.S.C. 321(p)), each manufacturer will be required to submit a full or abbreviated NDA or supplemental application containing evidence that the drug product complies with the bioequivalence requirement. Evidence of bioequivalence will be in addition to evidence that the drug product is safe and effective for its intended use.

7. One comment expressed concern with the assumption that drug products that are bioequivalent are therefore equally safe. The comment explained that it is clear that two formulations of the same therapeutic moiety that demonstrate in vitro bioequivalence may have dramatically differing results when used in man. The comment added that even proven evidence of bioequivalence under proposed § 320.3 is no guarantee of safety.

Evidence of bioequivalence is only one test of equivalent safety and effectiveness among different drug products containing the same active drug ingredient or therapeutic moiety. Other factors that may affect the safety and effectiveness of different drug products containing the same active drug ingredient or therapeutic moiety include similarity of or differences between inactive ingredients; compliance of the manufacturing process with current good manufacturing practice; conformity with compendial or other standards of identity, strength, quality, and purity; and adequacy of drug product labeling. These factors are regulated through mechanisms other than the bioequivalence requirements. The Commissioner believes that if two or more drug products not presenting a bioequivalence problem contain identical amounts of the same active drug ingredient or therapeutic moiety in the same dosage form, are both manufactured in compliance with current good manufacturing practice, both contain inactive ingredients generally recognized as safe and suitable for the drug product formulation, both meet compendial or other standards of identity, strength, quality, and purity and are both adequately labeled, it is reasonable to assume that these products will be of equivalent safety and effectiveness. Moreover, if one of these products has been shown in adequate and well-controlled clinical trials to be safe and effective for its intended uses, there is no justification for requiring clinical trials to establish the safety and effectiveness of the second product in the absence of reasonable grounds for believing that the two products will not be of equivalent safety and effectiveness. It is neither feasible, nor in the interest of the public health, nor a productive use of scarce resources to require costly duplication of these tests.

8. One comment, noting that the preamble to the proposed regulation states that efforts should be made to develop in vitro tests that will be valid predictors of bioequivalence, stated that this opinion should be expanded to include a definition of in vitro tests that are correlated with in vivo data.

As stated in the preamble to the proposal, the Commissioner believes that the solution to a bioequivalence problem is to develop an in vitro bioequivalence standard that has been correlated with in vivo data. If, however, an in vitro bioequivalence standard does not exist, he believes that a solution to a bioequivalence problem is, where practicable, in vitro testing using a method specified by FDA that has not been correlated with in vivo data. This requirement would be imposed only until an in vitro bioequivalence standard that has been correlated with in vivo data is available. The relevant in vitro test will be defined in the individual bioequivalence requirement when the latter is issued.

9. One comment stated that the proposed bioequivalence requirements would force many of the smaller firms to cease selling generic products because of the cost involved in meeting these requirements. The comment added that bioequivalence requirements should be limited to the few cases where slight differences in the drug products constitute a substantial hazard to the public health.

The Commissioner is of the opinion that cost considerations cannot be the prime factor in determining whether to establish a bioequivalence requirement for certain drug products. A bioequivalence requirement would only be imposed however, when bioinequivalence may have therapeutic significance. He believes, moreover, that bioequivalence can be determined for many drug products using less costly in vitro methodology. The Commissioner anticipates that in vivo testing will generally be limited to those drug products for which (a) there is well-documented evidence of therapeutic failure or bioinequivalence in drug products used for treatment of a serious disease, (b) careful dosage titration and patient monitoring is essential for safe and effective use, and (c) an in vitro bioequivalence standard, i.e., one that has been correlated with in vivo data, is unavailable.

10. One comment inquired as to how FDA will do in vivo and/or in vitro testing to assure bioequivalence. The comment stated that perhaps the agency could make use of university scientists who have no vested interest in the products in question to test these products for bioequivalence.

The Commissioner advises that the primary responsibility for performing in vivo and in vitro bioequivalence testing of a drug product rests with its manufacturer. The FDA will continue to do studies to improve existing methodology and specifications relating to bioequivalence and to test samples of marketed

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drug products to assure the bioequivalence of these products. This testing will be done both in-house and through grants and contracts to competent university scientists and other appropriate investigators.

11. Several comments objected to what they consider to be the inherent assumption in the proposal that no prescription drug products except those listed in the preamble have a bioequivalence problem. The comment stated that FDA has failed to produce any valid scientific evidence to back up this assumption of equivalence.

The Commissioner advises that the proposed regulations were not based on the inherent assumption that only the prescription drug products listed in the preamble have a bioequivalence problem. The proposed regulations under § 320.3 (b) listed factors that the Commissioner would consider in determining whether there is a bioequivalence problem that requires the establishment of a bioequivalence requirement. Using these criteria, the Commissioner made a tentative finding that the drug products listed in the preamble had a known or potential bioequivalence problem. The purpose of the list was to generate public understanding of how FDA intends to apply the factors set forth in proposed § 320.3(b) to identify drug products for which a bioequivalence requirement should be established. Although an attempt was made to identify each drug product with a known or potential bioequivalence problem, the Commissioner recognizes that the list may omit some drug products with a known or potential bioequivalence problem. Likewise, the Commissioner emphasizes that a drug product's inclusion on the list does not necessarily imply that FDA has positive evidence of bioinequivalence among the various brands of the drug product.

12. One comment questioned the statement in the preamble to proposed § 320.3 that the Commissioner believes that relatively few of the marketed drug products meeting current in vitro standards and current good manufacturing practices will be found to have medically significant bioequivalence problems. The comment noted that the lengthy list of drug products in the preamble suggests more than a few potential bioequivalence problems.

In paragraph 11, the Commissioner emphasizes that a drug product's inclusion on the list does not necessarily imply that FDA has positive evidence of bioinquivalence among the various brands of the drug product. In compiling the list, FDA took a conservative approach. Therefore, a drug product was included on the list if, in FDA's opinion, there was any suspicion that the drug product had a known or potential bioequivalence problem or was a member of a class of drug products for which there was suspicion that at least one member of the class had a known or potential bioequivalence problem. The Commissioner is of the opinion that, as evidence of bioinequivalence is closely examined, few of the drug products listed will be determined to have well-documented, medically significant bioequivalence problems. A "medically significant bioequivalence problem" is one that would result in therapeutic failure or a hazard to a patient if different brands of the same drug product or different batches of the same brand are not bioequivalent. The Commissioner believes that a determination of bioequivalence is most critical in a drug product that has a narrow therapeutic-toxicity dosage range and requires careful patient titration and monitoring for safe and effective use.

13. Two comments objected to the list of drug products included in the preamble and identified as having known or potential bioequivalence problems. The comment added that the list is arbitrary, and, contrary to a statement made in the preamble, does not provide adequate information to manufacturers to assemble data and conduct bioequivalence studies in anticipation of a bioequivalence requirement. Several comments suggested that the list be amended to include additional drug products.

In responding to the comment in paragraph 11 of this preamble, the Commissioner acknowledges that the list of drug products may omit some drug products with a known or potential bioequivalence problem. The Commissioner does not agree that the list is arbitrary. The drug products listed were selected by the Commissioner using the factors proposed in § 320.3(b). The purpose of the list was to alert persons marketing a drug product on the list that, on the basis of an in-house review of data available to FDA, the Commissioner is concerned that the product has a bioequivalence problem and he will likely propose to establish a bioequivalence requirement for the drug product. At the time the Commissioner proposes a bioequivalence requirement, he will document the data to support the requirement. These persons, therefore, can rely on this advance information if they wish to conduct bioequivalence studies in anticipation of the establishment of the requirement by rule making.

The majority of the drug products listed in the preamble and identified as having a known or potential bioequivalence problem were drug products evaluated as effective for at least one indication in the Drug Efficacy Study. The Commissioner advises that FDA will continue to require the submission of bioavailability data in a full or abbreviated NDA for any of these products and for identical, related, or similar drug products. This policy is being codified in § 320.22(c) (21 CFR 320.22(c)) of the bioavailability regulations under Subpart B—Procedures for Determining the Bioavailability of Drug Products published elsewhere in this issue of the FEDERAL REGISTER. The FDA intends to propose in the near future under the procedures set forth in Subpart C of Part 320 the establishment of a bioequivalence requirement for all of these drug products, which upon examination, are determined to have well-documented, medically significant bioequivalence problems. If a bioequivalence requirement is finally established for a drug product after completion of these procedures, the applicant will be required to submit data in the full or abbreviated NDA to demonstrate that the product meets the bioequivalence requirement.

The Commissioner also advises that FDA's current policy is that, until a bioequivalence requirement is established for a drug product, manufacturers submitting a full or abbreviated NDA for a drug product already identified by FDA as having a known or potential bioequivalence problem will be required to meet the same requirements as previous manufacturers. Thus if previous manufacturers have been required to conduct in vivo studies, new manufacturers will be required to conduct in vivo studies even though there is evidence that a bioequivalence requirement could be established on the basis of an in vitro test. This assures that opportunity for public comment will be provided before an in vitro test is substituted for an existing in vivo test to demonstrate bioequivalence, and that competing firms are treated fairly and equally by the agency. The Commissioner advises that, pursuant to the agency's policy of minimizing human studies, FDA will give priority to the establishment of bioequivalence requirements to those products for which an in vitro test is available.

DEFINITIONS

14. One comment objected to the definition of "drug product" proposed in § 320.1(b). The comment stated the definition should connote an item that is capable of being introduced into interstate commerce and should embrace the active drug ingredient, the labeling, and the final package in which the product is distributed, and not merely the product's dosage form. The comment recommended that "drug product" be defined as "a dosage form defined by the USP monograph in a suitable protective container with labeling that includes directions for use and storage."

The Commissioner does not agree that the term "drug product" should be defined, for the purposes of the bioavailability and bioequivalence regulations, to include the container and labeling. The purpose of defining the term "drug product" is to differentiate that term from the term "drug", i.e., the active drug ingredient. The Commissioner does not believe that the suggested change adds clarity to the definition. On the contrary, he believes that inclusion of the container and labeling in the definition of drug product might mislead persons into believing that a bioequivalence requirement would have to specify the type of container and labeling. The purpose of the bioequivalence regulations is to assure that pharmaceutical equivalents or pharmaceutical alternatives have equivalent bioavailability. The container and labeling have no bearing on this purpose. While a container may affect the stability of a drug product, a product whose strength or purity has deteriorated over time is no longer a pharmaceutical equivalent or a pharmaceutical alternative.

15. One comment concerning the definition of the term "pharmaceutical alternatives" proposed in § 320.1(d) stated that this implies that two different salts may have the same effect, but whereas the rate of deposit in situ may be different, this difference is not an effect of bioavailability.

While the comment is not clear, the Commissioner reiterates that certain pharmaceutical alternatives, as defined in proposed § 320.1(d), should be bioequivalent because their therapeutic effect is based on the same therapeutic moiety and they are labeled to be used interchangeably, e.g., theophylline and aminophylline (theophylline ethylenediamine). On the other hand, other pharmaceutical alternatives, e.g., erythromycin estolate and erythromycin stearate, are not labeled to be used interchangeably and need not be bioequivalent. The Commissioner will propose to establish a bioequivalence requirement for pharmaceutical alternatives only if the labeling indicates that they are intended to be used interchangeably. If pharmaceutical alternatives are not intended to be used interchangeably, the labeling should note differences in pharmacokinetic properties affecting metabolism and tissue distribution, toxicity, and adverse reactions.

16. Two comments recommended that the definition of the term "bioequivalent drug products" proposed in § 320.1(e) be modified to read: "'Bioequivalent drug products' means pharmaceutical equivalents or pharmaceutical alternatives that have comparable location parameters, e.g., means, medians, etc., with respect to rate and extent of absorption to the reference material, provided that the bioavailability test shall be sufficiently sensitive to discriminate between specified differences in formulations. A drug product may be equivalent to the reference material in the extent of absorption, but not in its rate of absorption and yet may be considered to be bioequivalent because such differences in rate of absorption may be intentional or are not essential to the attainment of effective body drug concentration on chronic usage." Another comment recommended that confidence intervals should be used to interpret bioequivalence data. The comment stated that the use of confidence intervals would remove the decision on bioequivalence from the statistician, who should not make therapeutic decisions, to its rightful place with the investigating clinician. For example, in a comparative bioavailability trial of a new formulation (B) against a standard formulation (A) of a drug, analysis may indicate that the total urinary excretion of (B) is (with 95 percent confidence) 91.8 to 108.2 percent of the urinary excretion of (A). The investigator can then decide whether this 8.2-percent variation is, or is not, sufficiently small to consider the two preparations therapeutically equivalent.

The Commissioner believes that a determination that two or more pharmaceutical equivalents or pharmaceutical alternatives are bioequivalent drug products should consider not only the statistical significance of numerical values, e.g., means, medians, etc., but also inter- and intra-subject variability, product reproducibility and variability, and the medical significance of differences in bioavailability. For certain drug products, greater variance in bioavailability can be tolerated because of the intended therapeutic use or because the products do not require careful patient titration. In addition, variation in bioavailability must be allowed because the reference material used as a standard for bioequivalence testing will, in most cases, be from a batch of the product produced by the original NDA holder and this reference material, in itself, is not an absolute bioequivalence standard.

As suggested in the first comments, the Commissioner has revised the second sentence in the definition of "bioequivalent drug products" to include a statement that some pharmaceutical equivalents or pharmaceutical alternatives may be equivalent in the extent of their absorption but not in their rate of absorption and yet may be considered bioequivalent because such differences in the rate of absorption are intentional and are reflected in the labeling, are not essential to the attainment of effective body drug concentrations on chronic usage, or are medically insignificant for the particular drug product studied. The Commissioner believes that this statement serves to clarify when differences in bioavailability may be tolerated.

The Commissioner, in response to the second comment regarding the use of confidence intervals, has revised the definition of bioequivalent drug products in § 320.1(e) by deleting the word "statistically" because this word incorrectly implies that the statistical significance of numerical values is the sole basis upon which bioequivalence is determined.

ACCEPTABILITY OF IN VITRO DATA AS EVIDENCE OF BIOEQUIVALENCE

17. Two comments stated that in vivo bioequivalence testing should be required, where methodology permits, for all prescription drug products subject to the new drug provisions of the act that have not been studied in clinical trials. Another comment questioned the preamble statement that, for many drug products, in vivo bioavailability testing would involve human risk and would be a waste of human resources with little benefit to the public health. This comment said that a statement should also be made that not testing all drug products could conceivably result in greater harm and risk if ineffectively compounded drug products are allowed on the market.

The Commissioner is of the opinion that, ordinarily, in vivo bioequivalence testing in humans should be limited to those drug products determined to have a medically significant bioequivalence problem. He believes that it is neither feasible nor in the interest of public health to require in vivo testing in humans for all drug products. To conduct in vivo studies to assure the bioequivalence of all marketed drug products, an enormous number of human subjects and clinical investigators would be needed. In addition, the administration of drugs to research subjects is never without some risk or discomfort to the subject. Therefore, in vivo bioequivalence studies are justifiable only where the benefits of the studies outweigh the risks. Furthermore, the Commissioner believes that, for many drug products, the use of a currently available in vitro test comparing the product to a reference material of known bioavailability is adequate to assure the bioequivalence of different brands of the same drug products as well as batch-to-batch uniformity.

18. Several comments objected to proposed § 320.1(f)(1)(i) allowing for the use of an in vitro test, usually a dissolution rate test not correlated with in vivo data, as a method for establishing bioequivalence. These comments stated that a bioequivalence requirement can only be met by an in vivo standard or by specifically showing that the in vitro standard correlates with in vivo data. Unless an in vitro test presents a valid predictive standard for the in vivo bioavailability of a drug product, it should not be used as a standard of bioequivalence. One comment urged that only in vivo testing be used to determine the bioequivalence of drug products unless and until carefully evaluated and validated in vitro methods, unequivocally capable of correlating with bioanalytical findings, are available and published for review by competent scientists.

The Commissioner reiterates his opinion that it is neither feasible nor in the public interest to require in vivo studies in humans for the majority of drug products identified as having a bioequivalence problem. He believes that, ordinarily, in vivo bioequivalence studies should be limited to those drug products for which there is well-documented evidence of therapeutic failure or bioinequivalence in different brands of a drug product that exhibits a narrow therapeutic/toxicity ratio or has an effective concentration in the blood that is in close proximity to the toxic concentration in the blood, and safe and effective use of the drug product requires careful dosage titration and patient monitoring.

The Commissioner believes that a bioequivalence requirement for the majority of drug products should be an in vitro test in which the drug product is compared to a reference material. Preferably, the in vitro test should be an in vitro bioequivalence standard, i.e., an in vitro test that has been correlated with human in vivo data. If an in vitro bioequivalence standard does not exist, however, the Commissioner believes that a solution to a bioequivalence problem is to require an FDA-specified in vitro test not correlated with human in vivo data. Based on current technology, the Commissioner anticipates that, in most instances, the in vitro test will be a dissolution test. Section 320.53 of the final regulations provides for such an in vitro test. The Commissioner advises that a drug product will not be approved for marketing solely on the basis of dissolution rates. A dissolution test, however, may constitute a proper element in reaching the

decision to approve an NDA or supplemental application for a drug product with a bioequivalence problem.

19. One comment stated that, although dissolution rates should be standard analytical procedures, they should not be used as a means of approving a drug product for marketing.

The FDA's experience shows that poor bioavailability is associated with poor dissolution. Where the FDA has performed both blood level studies and dissolution studies on the same lots of different brands of a drug product, test results show that, if there is a significant difference in blood levels, there is also a significant difference in dissolution rates. The FDA, however, is unaware of any instance where noncontrolled release drug products with high dissolution rates were shown not to be bioavailable when tested in vivo.

In most instances, the reference material used in a bioequivalence study will be a drug product that is the subject of an approved NDA. The Commissioner is concerned that the validity of a dissolution rate test will be questioned if the reference material has a low dissolution rate or fails to achieve its full dissolution potential. In proposing a bioequivalence requirement involving an in vitro test not correlated with human in vivo data, the Commissioner will invite comments regarding the adequacy of the test to demonstrate product comparability. The FDA is studying the dissolution rates of a number of multiple source drugs to obtain basic data to support a bioequivalence requirement involving a dissolution test for these products.

20. One comment proposes deleting both the in vitro dissolution testing as an indication of in vivo bioavailability and, in most instances, in vivo studies in humans and replacing both with in vivo animal studies.

The Commissioner agrees that in vivo animal studies may be suitable for demonstrating bioequivalence. To date, however, the FDA has seen little outside data correlating in vivo animal data on the different brands of a drug product or on different batches of the same brand. The FDA is now conducting these studies on some drug products and expects to conduct studies on additional drug products in the future. Information from these studies will provide first hand information as to the extent that animal studies may be able to substitute for human studies where in vivo testing is required. Therefore, until that time, the Commissioner believes that animal studies should be limited to those instances where an in vitro test is not suitable or in vivo testing in humans is impractical or not feasible. Section 320.53 of the final regulations provides for in vivo animal studies in a bioequivalence requirement.

21. The Commissioner also concludes that it is inappropriate to include in the definition of the term "bioequivalence requirement," the types of bioequivalence requirements that may be established. Therefore, in the final regulations he has limited § 320.1(f) to a definition of the term "bioequivalence requirement." He has deleted the information in proposed § 320.1(f)(1) and (2) regarding the types of bioequivalence requirements, and has included this information in new § 320.53.

PROCEDURES FOR ESTABLISHING OR AMENDING A BIOEQUIVALENCE REQUIREMENT

22. One comment proposed deletion of the phrase "or may not be" from proposed § 320.3(a) (now § 320.51(a)(2)). The comment explained that it is a contradiction in terms to impose bioequivalence requirements on products when the Commissioner does not know them to be ordinarily lacking in bioequivalence. Furthermore, if a lack of bioequivalence cannot be established by available scientific techniques, it is doubtful at best that a meaningful bioequivalence requirement could be established. The comment added that, if a bioequivalence requirement is not in fact necessary to assure that a drug is safe and effective for use under the conditions prescribed, recommended, or suggested in its labeling, then it cannot be required under the statute.

The Commissioner agrees in part with this comment; however, he does not agree that the phrase "or may not be" should be deleted. He advises that a bioequivalence requirement will not be established for a particular drug product unless there is well-documented evidence that different brands of the same drug product present a high potential for not being bioequivalent or are not bioequivalent. The Commissioner recognizes, however, that there may be instances where there is well-documented evidence of a bioequivalence problem with several drug products in a class of drug products, e.g., the thiazides, but this evidence does not include data for all of the drug products in the class. The Commissioner is of the opinion that, on the basis of this evidence, protection of the public health requires that he establish a bioequivalence requirement for all of the drug products in the class, and not only for the particular drug products in the class for which there is well-documented evidence of a bioequivalence problem. Proposed § 320.3(b)(7) stated that one of the factors to be considered in determining whether a bioequivalence requirement should be established is evidence that pharmaceutical alternatives or pharmaceutical equivalents are members of a class of drug products that have close structural similarity and physicochemical or pharmacokinetic properties and evidence that other drug products in this same class are not bioequivalent drug products; this has now been merged with proposed § 320.3(a) in new § 320.51(a). The Commissioner advises that the intent of the phrase "or may not be" in proposed § 320.3(a) is to reflect the factor in proposed § 320.3(b). Section 320.51(a) of the final regulations states that a bioequivalence requirement may be established if the Commissioner determines that drug products may not be bioequivalent drug products based on the criteria set forth in § 320.52 or because they are members of a class of drug products and have close structural similarity and similar physicochemical or pharmacokinetic properties to other drug products in the same class that the Commissioner finds proposed § 320.3(a) is to reflect the factor

23. One comment stated that the petition procedures for establishing a bioequivalence requirement in proposed § 320.3(c) would shift to manufacturers FDA's reponsibility for monitoring the safety and effectiveness of other manufacturers' "me-too" products. The comment added that FDA should not establish procedures that would permit the marketing of untested products and that would rely upon manufacturers' testing of competitors' products to detect effectiveness problems.

The Commissioner believes that this comment incorrectly assumes that once the regulations are finalized FDA will take a passive role and wait for manufacturers to submit data on their competitors' products before taking action. This is not the case. The FDA will continue to conduct studies to identify bioequivalence problems with multiple source drug products. The FDA will itself propose to establish a bioequivalence requirement for a drug product if the data needed to establish this requirement are known to the agency. While FDA does not expect manufacturers to submit information on the deficiencies of competing products, it is naive to believe that many manufacturers do not routinely test their competitors' products. In the past manufacturers have submitted data to FDA showing that there are bioequivalence problems with their competitors' products and requested regulatory action. The petition procedure does not transfer to anyone FDA's responsibility to assure the safety, effectiveness, and quality of drug products. The purpose of the procedure is to provide an orderly process for any person, including manufacturers who desire to do so, to submit evidence of a bioequivalence problem to FDA. This procedure will assure, however, that such evidence is public and scientifically valid and that the petition is not simply an attempt to make it harder for competitors to market products.

24. One comment proposed that the following new sentence be inserted between the first and second sentence of proposed § 320.3(c): "A proposal to establish a bioequivalence requirement initiated by the Commissioner of Food and Drugs shall contain the same information required by this section to be included in citizen petitions to establish such a requirement." The comment argued that the Commissioner should subject himself to no less substantial requirements than those imposed on private parties.

The Commissioner agrees that if he proposes to establish a bioequivalence requirement the proposal must contain well-documented evidence to support the proposal. If the Commissioner proposes to establish a bioequivalence requirement, the supporting data will be placed on public display in the office of the Hearing Clerk, Food and Drug Administration, and referred to in the proposal published in the FEDERAL REGISTER for public comment. The Commissioner is amending § 320.51(c) of the final regulations to clarify this issue.

25. One comment stated that the person petitioning for a bioequivalence requirement having justified the bioequivalence requirement under proposed § 320.3(c)(1) should not be required to provide a proposed in vitro or in vivo test. The comment explained that if a bioequivalence problem is shown to exist, the drug product should be added to the list of drug products needing in vivo or in vitro testing and the same procedures followed as with drug products already listed.

The Commissioner believes that, in the majority of cases, if there is well-documented evidence of a bioequivalence problem, the petitioner will be able to propose an in vitro or in vivo test for determining bioequivalence. The intent of the regulations is to require a petitioner to include in his petition any in vitro or in vivo test he proposes to be used in a bioequivalence requirement. The Commissioner advises, however, that he will not deny a petition solely because it does not contain a proposed in vitro or in vivo test. The Commissioner is modifying the final regulations in § 320.54(b) to state that the petitioner is requested to, but is not required to, include in the petition a description of any in vitro or in vivo test he proposes to be used in a bioequivalence requirement.

26. One comment stated that proposed § 320.3(n) would allow FDA to amend a bioequivalence requirement without revealing the reasons for this requirement. The comment explained that this situation can arise if a revision of a bioequivalence requirement is based on confidential information obtained from one drug company. The comment added that, if a new standard based on confidential information is imposed, it is not possible to know whether an arbitrary standard is being required or whether the standard is justified but based on confidential information. The comment recommended that FDA state when the standard is based on confidential data.

Section 320.51(d) of the final regulations provides that the Commissioner, on his own initiative or in response to a petition by an interested person, may amend a bioequivalence requirement. An amendment will be made with the same criteria and procedural steps that are to be used in establishing a bioequivalence requirement initially. Data submitted in a petition or otherwise available to FDA to support the amendment will be made part of the administrative record. If the amendment proposes a new or revised method based on data in an approved NDA or data voluntarily submitted to FDA and shown to be exempt from public disclosure, the administrative record will include a summary of the data and indicate that the new or revised method is based on data in an approved NDA or on confidential data voluntarily submitted to FDA.

EVIDENCE TO ESTABLISH A BIOEQUIVALENCE REQUIREMENT

27. One comment stated that the proposal is unclear whether the factors listed in proposed § 320.3(b) (now § 320.52) are those to be considered in deciding whether to initiate a proceeding to establish a bioequivalence requirement as well as being the factors that will control the outcome of such a proceeding. The comment proposed that the phrase "which, if demonstrated to be reliable and persuasive, establishes" be inserted prior to the phrase "that such drug products" in proposed § 320.3(b) (1), (2), and (3), and prior to the word "that" appearing in the first lines of proposed § 320.3(b) (4), (5), (6), and (7).

The Commissioner agrees in principle with this comment and advises that the factors listed in proposed § 320.3(b) are to be considered both in deciding whether to propose establishing a bioequivalence requirement and in determining whether a proposed requirement be finalized. In response to the comment, the Commissioner is revising the final regulations in § 320.52 to state that the factors listed, when supported by well-documented evidence, will be considered by the Commissioner to identify specific pharmaceutical equivalents and pharmaceutical alternatives that are not or may not be bioequivalent drug products and to determine whether to propose or promulgate a regulation to establish a bioequivalence requirement for these products.

28. One comment stated that the Commissioner should specify what factors, other than those proposed in § 320.3(b), are referred to in the statement that the "following factors, among others," will be taken into account in a bioequivalence proceeding. The comment stated that it is necessary that all the factors to be considered be spelled out in advance, in order that affected parties may meet the alleged theoretical and factual justification for a proposal that a bioequivalence requirement is necessary for a drug product.

The Commissioner disagrees with this comment. The FDA has attempted to identify prospectively all factors known at this time that would require the establishment of a bioequivalence requirement. These factors reflect the current state of the art and available technology. As with all new regulations relating to an evolving science, the Commissioner reserves the right to consider other factors that may indicate the need to establish a bioequivalence requirement. The Commissioner advises, however, that in establishing a bioequivalence requirement FDA will identify all of the factors considered in determining that a bioequivalence problem exists. Interested persons will have ample opportunity to comment on the scientific merits of these factors before issuance of a final regulation establishing a bioequivalence requirement.

29. One comment stated that proposed § 320.3(b)(1) stipulates that evidence from controlled observations or well-controlled studies in patients that pharmaceutical equivalents or pharmaceutical alternatives intended to be used interchangeably for the same therapeutic effect do not give comparable therapeutic effects will be considered in determining whether to establish a bioequivalence requirement. The comment explained that it would also appear that a lack of well-controlled studies, coupled with a reasonable amount of anecdotal evidence indicating therapeutic failure, should necessitate a direct demonstration of bioavailability. Otherwise, the burden lies not with the new producer of a drug product to demonstrate that his product has comparable bioavailability with those products preceding it on the market, but rather with others to demonstrate that in fact a significant therapeutic risk may exist due to the bioavailability of the product of the new producer.

The Commissioner concludes that a bioequivalence requirement should be established only if there is well-documented evidence that an actual or potential bioequivalence problem exists. Anecdotal evidence is not well-documented evidence. The Commissioner will not establish a bioequivalence requirement on anecdotal evidence alone. In paragraph 7, the Commissioner states his opinion that there are sound reasons for assuming the bioequivalence of pharmaceutical equivalents or pharmaceutical alternatives (based both on data showing the absence of a problem and on the reasonable allocation of scarce technical and human resources), and this assumption is not to be set aside on mere anecdotal contentions.

The Commissioner does not agree that failure to establish a bioequivalence requirement on the basis of anecdotal evidence alters the burden on competing manufacturers, on physicians, consumers, or FDA itself to show that a bioequivalence problem exists with the product of a new producer. The procedures in the final regulations are intended to establish criteria for identifying significant bioequivalence problems that justify additional in vitro and/or in vivo testing to assure that different brands of the same drug product meet the same standards. These procedures provide a means for any person to submit well-documented evidence to support the establishment of a bioequivalence requirement.

30. One comment regarding proposed § 320.3(b)(3) (now § 320.52(c)) stated that an active drug ingredient, not a drug product, has a "therapeutic ratio." The comment added that the inherent pharmacology of the active drug ingredient would determine the therapeutic ratio regardless of the method or rate of delivery to the blood.

The Commissioner does not agree that the therapeutic ratio is a function of the

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active drug ingredient and not of the drug product. The therapeutic ratio of an active drug ingredient is not independent from its dosage form. For example, the route of administration affects drug absorption and metabolism and thereby affects the therapeutic ratio.

31. One comment stated that proposed § 320.3(b)(3) does not include the parameters, e.g., the median effective dose (ED_{50}), to be used in determining the therapeutic ratio and, accordingly, the "2-fold difference" guideline should be deleted since it is inherently vague. Another comment stated that the "2-fold difference" guideline seems somewhat arbitrary. This comment added that such a decision would more properly be made for each individual compound, based upon its pharmacology, the nature and severity of the toxic responses, and its pharmacokinetics, especially the rate of elimination and the volumes of distribution. Furthermore, it would be more appropriate to establish a bioequivalence requirement based on therapeutic ratio standards for a group of drug products using those factors that control the biological response to a given dose of a drug product.

The intent of § 320.52(c) is to establish criteria for identifying drug products that require careful dosage titration and patient monitoring for safe and effective use. A bioequivalence problem in these drug products could present a serious health hazard. One method of making such a determination is based on the therapeutic ratio of the drug products. In classical pharmacology the term "therapeutic ratio" is defined as the ratio of the median lethal dose (LD_{50}) to the median effective dose (ED_{50}). See Goodman and Gilman, "The Pharmacological Basis of Therapeutics," 5th Ed., p. 27, Macmillan Publishing Co., Inc., New York, 1975. A copy of this reference has been placed on file in the office of the Hearing Clerk, Food and Drug Administration. The therapeutic ratio as defined in classical pharmacology is based partly on the median lethal dose and thus such a determination is usually done in animal studies. For this reason, the therapeutic ratio is rarely used in clinical pharmacology and biopharmaceutics to identify drug products that require careful dosage titration and patient monitoring. This determination is usually made by biopharmaceutical scientists by comparing the minimum effective concentration and minimum toxic concentration in the blood achieved in a multiple dose steady state study. The Commissioner concludes that either the therapeutic ratio of a drug product or a comparison of the minimum effective concentration and the minimum toxic concentration can be used to identify drug products that require careful dosage titration and patient monitoring.

The Commissioner does not agree that the 2-fold difference guideline is arbitrary. He believes that this guideline is generally accepted by the medical community as being adequate to identify drug products that require dosage titration and careful patient monitoring. He emphasizes that this is a guideline that must be applied to an individual drug product on the basis of the product's pharmacology and usage.

The Commissioner is revising the final regulations to specify the parameters to be used in determining the therapeutic ratio and to provide for the comparison of minimum effective concentration and minimum toxic concentration to identify drug products requiring dosage titration and careful patient monitoring.

32. One comment stated that proposed § 320.3(b)(4) (now § 320.52(d)), as written, would not require the establishment of a bioequivalence requirement if a bioequivalence problem could result in a less than serious adverse effect in a serious condition or a serious adverse effect in a less than serious condition. Another comment stated that proposed § 320.3(b)(4) seems to qualify proposed § 320.3(b)(2). This comment explained that it is possible that FDA would allow bioinequivalent products on the market if the agency judged this inequivalence as not being a serious threat in the treatment or prevention of a serious disease condition. The comment added that proposed § 320.3(b)(4) could negate all the other factors to be considered in determining the need for a bioequivalence requirement, since it would be at the discretion of the Commissioner to decide whether this inequivalence would be clinically meaningful.

The Commissioner advises that the intent of § 320.52(d) is to permit the establishment of a bioequivalence requirement where competent medical determination indicates that a lack of bioequivalence would have serious adverse effects in the treatment or prevention of a serious disease or condition even though the available pharmacokinetic or physicochemical data are less than conclusive. Section 320.52(d) does not exclude the establishment of a bioequivalence requirement when a lack of bioequivalence could have a less than serious adverse effect. If evidence demonstrates a known or potential bioequivalence problem, the Commissioner will propose to establish a bioequivalence requirement regardless of whether a lack of bioequivalence could result in a serious adverse effect. The Commissioner, however, does not intend to establish a bioequivalence requirement solely on a medical determination that a lack of bioequivalence could result in a serious adverse effect in the treatment or prevention of a serious disease or condition. A medical determination that a bioequivalence problem could have a serious adverse effect is, of course, of great concern to FDA and would be given great weight in determining whether to establish a bioequivalence requirement if there is other evidence that there is a potential bioequivalence problem even though this evidence is less than conclusive. All of the factors listed in § 320.52 will be considered together in determining whether to establish a bioequivalence requirement. Finally, the Commissioner reiterates that he does not intend to allow drug products with bioequivalence problems to remain on the market. The Commissioner believes, however, that priority should be given to establishing bioequivalence requirements for those drug products where bioequivalence is critical for their safe and effective use in the treatment or prevention of a serious disease or condition.

33. One comment concerning proposed § 320.3(b)(5)(i) (now § 320.52(e)(1)) stated that, although low solubility of a compound has an important effect on its bioavailability from a product, the statement that the dose far exceeds the solubility in the volume of fluids present in the stomach (taken as 100 milliliters) appears to be somewhat vague. The comment added that one cannot determine what fluid is intended or what provisions will be made for doses intended in pediatric patients. Another problem would be those drugs that are utilized in a large range of strengths. By this criterion, fixed volume would affect the testing of increased doses of the same product differently, or a single strength product for which various dosage regimens are suggested for different indications.

The Commissioner agrees that proposed § 320.3(b)(5)(i) is vague and should be revised. The Commissioner advises that the fluid intended is the gastric fluid normally in the stomach. The volume of gastric fluid normally in the stomach is taken to be 100 milliliters for adults and prorated for infants and children. The Commissioner also advises that if a drug product is marketed in more than one dosage strength in the same dosage form and if the volume of gastric fluid required to dissolve any of the dosage strengths far exceeds the volume of gastric fluids normaly in the stomach, he will consider this factor as applicable to all dosage strengths since multiple amounts of this dosage strength may be used.

Section 320.52(e)(1) of the final regulations reads: "The active drug ingredient has a low solubility in water, e.g., less than 5 milligrams per 1 milliliter, or, if dissolution in the stomach is critical to absorption, the volume of gastric fluids required to dissolve the recommended dose far exceeds the normal volume of gastric fluids in the stomach (taken to be 100 milliliters for adults and prorated for infants and children)."

34. Four comments objected to proposed § 320.3(b)(5)(ii) (now § 320.52(e)(2)) that lists a slow dissolution rate, i.e., less than 50 percent in 30 minutes, as one of the factors used to determine whether a bioequivalence requirement should be established. One comment stated that the condition of this determination, such as pH and apparatus, should be specified. The comment added that this is an unnecessarily rigid requirement, and more flexibility is needed. The other comments stated that the standard for slow dissolution is not meaningful because it fails to take into account the nature of the drug entity and its intended function in the body. Another comment stated that the fact that a drug product has a dissolution rate of less than 50 percent in 30 minutes is not sufficient reason to believe that this product has a bioequivalence problem.

The Commissioner agrees that for some drug products a dissolution rate of less than 50 percent in 30 minutes does not indicate a bioequivalence problem. He believes, however, that such a slow dissolution rate should be one of the factors, but not the only factor, considered in determining whether to establish a bioequivalence requirement. The FDA's experience is that, generally, drug products shown not to be bioequivalent when tested in vivo have a dissolution rate of less than 50 percent in 30 minutes. The Commissioner believes that this guideline can be used as an effective screen to identify drug products with a potential bioequivalence problem that deserve further study. The Commissioner advises that the decision to establish a bioequivalence requirement on the basis of the dissolution rate would consider the dissolution profile of a drug product that is the subject of a full NDA. The Commissioner also agrees that the conditions for determining dissolution rate, such as pH and apparatus, should be specified. The Commissioner is revising § 320.52(e)(2) of the final regulations to read: "The dissolution rate of one or more such products is slow, e.g., less than 50 percent in 30 minutes when tested using either a general method specified in an official compendium or a paddle method at 50 revolutions per minute in 900 milliliters of distilled or deionized water at 37° C. or differs significantly from that of an appropriate reference material such as an identical drug product that is the subject of an approved full new drug application."

35. One comment suggested that proposed § 320.3(b)(5)(iv) (now § 320.52(e)(4)) be amended to read "Certain polymorphic forms, conforms, solvates, complex, crystal modifications, etc., of the active ingredient are poorly dissolved." Another comment stated that it is improper to discuss the absorption of a polymorph according to the presently held view of gastrointestinal absorption where absorption is from the solution state. This comment stated that it would be better to note that polymorphic forms of the same compound may have different dissolution characteristics and thus affect the bioavailability of products containing different polymorphs.

The Commissioner agrees that proposed § 320.3(b)(5)(iv) should be amended to include other physical structural characteristics that may affect bioavailability. Therefore, he is revising § 320.52(e)(4) of the final regulations to read: "Certain physical structural characteristics of the active drug ingredient, e.g., polymorphic forms, conforms, solvates, complexes, and crystal modifications, dissolve poorly and this poor dissolution may affect absorption."

36. One comment stated that, although the physicochemical factors set forth in proposed § 320.3(b)(5)(i), (ii), and (v) (now § 320.52(e)(1), (2), and (5)) are appropriate for consideration in determining whether a bioequivalence requirement should be established, the examples should be deleted because they offer a potential of being misleading since they are at best mere benchmarks.

The Commissioner believes that, although the specific guidelines in proposed § 320.3(b)(5)(i), (ii), and (v) may not apply to all drug products, they are applicable to most drug products and are accepted by biopharmaceutical scientists. To clarify the intent of the inclusion of these guidelines in these sections, however, he has revised the "i.e." notation before each of these guidelines to "e.g."

37. One comment regarding proposed § 320.3(b)(5)(vi) (now § 320.52(e)(6)) stated that it is well known that many excipients used in the manufacture of drug products can have a profound effect on the disintegration, deaggregation, and dissolution of drug products, and thus potentially affect their bioavailability. These excipients are present in nearly every product on the market and the amount used and the mode of application, as well as the ratio of total excipients to active drug ingredient, can have a significant effect on the products.

The Commissioner believes that proposed § 320.3(b)(5)(vi) appropriately reflects the intent of this comment, i.e., excipients used in the manufacture of a prescription drug product may affect its bioavailability, and, therefore, the use of inactive ingredients should be considered in determining whether a bioequivalence requirement should be established. There is no change in § 320.52(e)(6) of the final regulations.

38. One comment regarding proposed § 320.3(b)(6)(ii) (now § 320.52(f)(2)) stated that, although compounds which show poor absorption would be prime candidates for a close scrutiny with respect to bioequivalence, it appears that bioequivalence for the most part involves relative availability using some standard dose such as a marketed product or an oral solution or suspension, rather than the absolute availability utilizing the area under the plasma curve or urinary excretion profile with an intravenous dose. Without such intravenous data, however, the percent absorbed from an oral solution could not be determined.

The Commissioner agrees with this comment. He is revising § 320.52(f)(2) of the final regulations to read: "The degree of absorption of the active drug ingredient, therapeutic moiety, or its precursor is poor, e.g., less than 50 percent, ordinarily in comparison to an intravenous dose, even when it is administered in pure form, e.g., in solution."

39. One comment regarding proposed § 320.3(b)(6)(iii) (now § 320.52(f)(3)) stated that the existence of rapid metabolism through a high hepatic clearance, or intestinal metabolism, would be viewed therapeutically as poor oral absorption when measured as active drug reaching the general circulation. The existence of a high first-pass effect would not have an effect on the relative bioavailability of various oral doses unless the metabolic step was easily saturated so that nonlinear kinetics would be in effect. This latter situation would mean that the extent of absorption was in fact a function of the rate of absorption. Dose dependent bioavailability would result from rapidly releasing dosage forms or solutions with a reduction in the extent of availability with increasing dosage.

The Commissioner believes that the comment misinterprets the clinical significance of the factor set forth in proposed § 320.3(b)(6)(iii). If the active drug ingredient or therapeutic moiety of two drug products undergoes first-pass metabolism either in the gastrointestinal tract or in the liver, the ingredient or moiety of each of the products may be available to the same extent in the systemic circulation at steady state conditions but may differ significantly in their peak concentrations. This difference in concentrations could alter their therapeutic or toxic effects. Drug products that undergo a rapid first-pass metabolism are of greater clinical concern because large differences in peak concentrations will manifest themselves as a function of rates of metabolism and absorption. Therefore, great emphasis may need to be placed on the rate of absorption of a rapidly metabolized active drug ingredient or therapeutic moiety particularly if blood concentrations are critical for the safe and effective use of the drug product.

The comment also refers to dose dependent kinetics where the rate of absorption affects the extent of absorption and, therefore, bioavailability and bioequivalence. The Commissioner agrees that dose dependent kinetics is a factor that should be considered in determining whether to establish a bioequivalence requirement. Therefore, he is adding a new § 320.52(f)(6) that reads: "The drug product is subject to dose dependent kinetics in or near the therapeutic range and the rate and extent of absorption are important to bioequivalence."

40. One comment relating to proposed § 320.3(b)(7) (now § 320.51(a)(3)) stated that it is inappropriate to define a potential for a bioequivalence problem on the basis that a drug product is a member of a closely related class in which a bioequivalence problem has been identified. The comment explained that within a class of compounds there are both very soluble and very insoluble substances and their potential bioequivalence problems relate to each compound's inherent physicochemical properties and not to its relationship to other similar compounds.

The Commissioner advises that if a bioequivalence requirement is established for a class of drug products, the requirement will apply only to the drug products in the class that have close structural similarity and physicochemical or pharmacokinetic properties similar to the drug product for which there is well-documented evidence of a bioequivalence problem. This concept is included in § 320.51(a)(3) of the final regulations.

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REQUIREMENTS FOR BATCH TESTING AND CERTIFICATION BY FDA

41. Three comments objected to § 320.3(e) (now § 320.55) regarding individual batch testing and certification by FDA of drug products for which a bioequivalence requirement is established. The comments stated that the agency does not have the authority to require such testing and certification under the act.

The Commissioner concludes that section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) authorizes FDA to require batch testing and certification of drug products where no more practicable means exists to assure that they are safe and effective for their intended use. Section 505 of the act permits a new drug to be marketed only after an NDA provides for safety and effectiveness, under approved labeling, and with approved methods of manufacture and quality control adequate to assure batch-to-batch consistency in making the product so that the product being marketed is identical to that tested for safety and effectiveness and approved by FDA. The Commissioner's opinion is that batch testing and certification may be required in an NDA as part of the methods to assure the drug product's identity, strength, quality, and purity. Ordinarily batch testing and certification for any manufacturer will not be required after four consecutive batches have been certified. The ability of the firm to make a satisfactory product consistently in four batches will generally assure FDA that the methods of manufacture and quality control are adequate.

REQUIREMENTS FOR MARKETING A DRUG PRODUCT SUBJECT TO A BIOEQUIVALENCE REQUIREMENT

42. One comment objected to proposed § 320.3(f) (now § 320.57). The comment stated that a holder of an approved NDA should not have to conduct in vivo bioavailability tests if his product had been shown to be safe and effective in adequate and well-controlled clinical trials.

The Commissioner concludes that, if a bioequivalence requirement is established, each person marketing a drug product that is subject to the requirement must conduct studies to assure that his product meets the requirement and is equivalent to the reference material. In many cases, the drug product that is the subject of an approved NDA has been reformulated or there have been changes in the manufacturing procedures since the approval of the initial application. The reformulated product has not been studied in clinical trials. The FDA's experience is that bioequivalence problems involve products manufactured by holders of approved NDA's as well as those manufactured by persons who do not hold an approved NDA. In addition, the Commissioner believes that clinical trials are not as sensitive, accurate, or reproducible as other bioequivalence methods and should be used to determine bioequivalence only if these other methods are not available.

43. Two comments stated that proposed § 320.3(g) (now § 320.58(a)) should be withdrawn since it would impose a requirement set forth in proposed § 310.7 (21 CFR 310.7) on drug products subject to an NDA approved before October 10, 1962. The comments added that § 310.7 cannot be finalized because of the order of the United States District Court for the District of Columbia in "Hoffmann-LaRoche, Inc., v. Weinberger" (Civil Action No. 75-0270) filed July 29, 1975.

The Court's order in "Hoffmann-LaRoche, Inc. v. Weinberger" was primarily addressed to proposed § 310.7(a), which would have allowed certain drug products to be marketed without prior submission or approval of a full or abbreviated NDA. Proposed § 310.7(c) would have required that, for any drug product subject to a Drug Efficacy Study Implementation (DESI) notice being marketed for the first time after a bioequivalence requirement was established, an NDA be approved before marketing. Proposed § 310.7(c) would have permitted any drug product subject to a DESI notice being marketed at the time a bioequivalence requirement was established to remain on the market pending review and approval or disapproval of a full or abbreviated NDA or supplemental application. This provision was intended solely as a transitional procedure to bring everyone into compliance with a bioequivalence requirement promptly and effectively. The only effect that the Court's order had on proposed § 310.7(c) was to preclude application of the transition procedures to marketed drug products that were not the subject of an approved full or abbreviated NDA at the time a bioequivalence requirement was established. The FDA is taking regulatory action against all drug products known to the agency that were identified in the preamble to the proposed bioequivalence regulations as having a known or potential bioequivalence problem and that are not the subject of an approved full or abbreviated NDA. Thus the transitional procedures in § 310.7(c) that were affected by the Court's order are no longer necessary for those drug products already identified by FDA as having a known or potential bioequivalence problem. In the future, when a bioequivalence requirement is established for a drug product that is subject to a DESI notice and that has not already been identified by FDA as having a known or potential bioequivalence problem, FDA will immediately act to remove from the market all of these products that are not the subject of an approved full or abbreviated NDA. The FDA no longer intends to follow the transitional procedures provided for in proposed § 310.7(c) and no other transitional procedures will be necessary for marketed, unapproved drug products. As discussed in paragraph 46 below, the Commissioner believes that the Court's order, as amended, permits him to establish transitional procedures for marketed drug products that are the subject of an approved full or abbreviated NDA when a bioequivalence requirement is established for these products. Therefore, he is including such transitional procedures in the final regulations.

Section 320.58(a) of the final regulations provides that if a bioequivalence requirement is established for a drug product subject to an NDA that became effective before October 10, 1962, or for any identical, similar, or related drug product covered by such an NDA under § 310.6 (21 CFR 310.6), marketing of the product may lawfully be continued as follows:

a. Any manufacturer who holds an approved full or abbreviated NDA for the drug product on the effective date of the bioequivalence requirement must submit and obtain approval by FDA of a supplemental application that provides evidence that the drug product meets the bioequivalence requirement. If a supplemental application is submitted within the time frame specified in the regulation establishing the bioequivalence requirement, the manufacturer may continue to market the drug product unless and until the supplemental application is disapproved and approval of the NDA is withdrawn.

b. Any manufacturer who does not hold an approved full or abbreviated NDA for the drug product on the effective date of the bioequivalence requirement shall, before introducing the drug product into interstate commerce, submit and obtain approval by FDA of a full or abbreviated NDA, as applicable, that provides evidence that the drug product meets the bioequivalence requirement.

The requirements for a drug product subject to an NDA that became effective before October 10, 1962, or for any identical, similar, or related drug product covered by such an NDA under § 310.6, and further subject to a bioequivalence requirement parallel the requirements proposed in § 320.3(h) (now § 320.58(b)) for a drug product subject to an NDA that was approved on or after October 10, 1962.

44. Two comments objected to proposed § 320.3(h)(2) (now § 320.58(b)(2)) that would allow the submission of an abbreviated NDA for a new drug product first approved after 1962. The comments stated that full NDA's are applicable to post-1962 new drugs, whether or not a bioequivalence requirement has been established. One of the comments recommended that proposed § 320.3(h)(2) be revised to read: "The manufacturer has submitted and obtained approval from FDA of a new drug application containing evidence that the drug product meets bioequivalence requirements and otherwise meets the requirements of Section 314.1(a)-(e) of this chapter."

The Commissioner advises that proposed § 320.3(h)(2) was not intended to permit the submission of an abbreviated NDA for a new drug product that is identical, similar, or related to a new drug product subject to an NDA that was approved on or after October 10, 1962, i.e., after the effective date of the Kefauver-Harris Amendments to the act. The FDA has not yet permitted the submission of an abbreviated NDA for these post-1962 drug products. Reference to the submission of an abbreviated NDA was included in proposed § 320.3(h)(2) in anticipation that the submission of an abbreviated NDA for these post-1962 drug products may be allowed in the future. To eliminate possible confusion at this time, however, the Commissioner is revising § 320.58(b)(2) of the final regulations to read: "Any manufacturer who does not hold an approved full new drug application for the drug product on the effective date of the bioequivalence requirement shall, before introducing the drug product into interstate commerce, submit and obtain approval by the Food and Drug Administration of a full new drug application that provides evidence that the drug product meets the bioequivalence requirement."

45. One comment stated that proposed § 320.3(i) (now § 320.58(c)) should be withdrawn. The comment explained that, if a drug product is not subject to the new drug provisions of the act, it is an "old drug", and the FDA does not have the legal authority to require submission of bioequivalence data or submission of reports under § 310.300(b)(1) and (2). The comment suggested revision of proposed § 320.3(i) to provide for the voluntary submission of these data and reports with respect to old drugs.

The FDA is reviewing the entire matter of the scope of the new drug provisions of the act and the voluntary or mandatory submission of special reports for all prescription drug products is part of this review. The Commissioner therefore is revising § 320.58(c) of the final regulations to delete the requirement regarding the submission of reports under § 310.300(b)(1) and (2).

The Commissioner concludes, however, that, if a bioequivalence requirement is established for a prescription drug product that is not subject to the new drug provisions of the act, each manufacturer must record and maintain evidence that the product meets the bioequivalence requirement. Such a drug product that does not meet the bioequivalence requirement would be regarded as misbranded under section 502 of the act. For the reasons set forth in paragraph 5, the Commissioner believes that the law presently permits the adoption of a requirement for the submission of evidence that a drug product meets a bioequivalence requirement directly to FDA. Therefore, § 320.58(c)(1) of the final regulations requires a manufacturer of a drug product not subject to the new drug provisions of the act to record and maintain evidence that the product meets the bioequivalence requirement and, upon written request or notice in the FEDERAL REGISTER, to submit this evidence promptly to FDA.

46. Two comments stated that proposed § 320.3(k) (now § 320.58(e)) would permit new drugs to be marketed without prior approval if the Commissioner, in his discretion, so allows. The comment noted that such actions are prohibited by the decision of the Court in "Hoffmann-LaRoche, Inc., v. Weinberger."

The Commissioner advises that the Court's order of July 29, 1975 in "Hoffmann-LaRoche, Inc., v. Weinberger" was amended on November 3, 1975 to add the following separate final paragraph:

ORDERED that nothing in the foregoing provision of this ORDER shall prevent defendants, upon making and publishing in the FEDERAL REGISTER a determination that prescription new drugs in the following categories are medically necessary, from allowing such drugs to continue to be marketed pending completion of scientific studies required for an evaluation of their safety and effectiveness: (a) Drugs covered by approved new drug applications with respect to which new information causes defendants to initiate proceedings to withdraw approvals of applications pursuant to provisions of 21 U.S.C. 355(e); and (b) drugs not previously declared as new drugs and not covered by effective new drug applications, which, upon the basis of new information, the defendants have classified as new drugs.

The amendment to the Court's order was published in the FEDERAL REGISTER of March 2, 1976 (41 FR 9001).

The Commissioner believes that the amendment to the Court's order permits him to stay disapproval of an NDA or supplemental application pending completion of bioequivalence studies.

The Commissioner is revising § 320.58(e) of the final regulations to clarify the conditions under which he may stay disapproval. Section 320.58(e) sets forth that the Commissioner, in his discretion, may stay disapproval for a particular drug product if he finds that all of the following conditions are met:

a. The drug product was being lawfully marketed on the effective date of the bioequivalence requirement, e.g., if a new drug, it was already the subject to an approved full or abbreviated NDA (see paragraph 43).

b. The drug product is medically necessary, e.g., it is used in the treatment of a serious disease or condition for which no alternative therapy is available.

c. There is not an adequate supply of identical or similar drug products subject to an approved full or abbreviated NDA containing bioequivalence data to fulfill medical needs.

d. The manufacturer submits a full or abbreviated NDA or supplemental application, as applicable, containing an acceptable protocol for the conduct of the bioequivalence studies and completes the necessary studies within the time frame set forth in the bioequivalence requirement.

CONFIDENTIALITY OF DATA TO ESTABLISH A BIOEQUIVALENCE REQUIREMENT

47. One comment recommended that proposed § 320.3(m) (now § 320.59) should be revised to make it clear that FDA will not disclose bioequivalence data that are trade secrets.

Section 320.59 is intended to state that a bioequivalence requirement can be established by FDA on the basis of data and information voluntarily submitted to the agency even if these data and information are not publicly disclosable. This section does not govern the disclosability of the actual data and information; the availability of data and information is governed by Part 4 (21 CFR Part 4). The Commissioner stated in the proposal's preamble that FDA intends to maintain the confidentiality of data and information voluntarily submitted to the agency that are trade secrets under § 4.61 (21 CFR 4.61).

48. Two comments regarding proposed § 320.3(m) (now § 320.59) noted that the pharmaceutical industry invests millions of dollars to develop data that may ultimately lead to an in vitro method or animal model that successfully predicts the bioavailability of a drug product. These comments stated that a novel testing apparatus or a better screening procedure offers a competitive advantage that, if disclosed to the public by FDA, would be in violation of 18 U.S.C. 1905 or 21 U.S.C. 331(j).

The Commissioner does not agree with these comments. The Commissioner believes that, if a bioequivalence requirement is established, analytical methods are necessary for regulatory purposes to permit FDA to assure that all marketed drug products meet this requirement. For many years FDA has routinely made available for public disclosure, and has included in its widely distributed manuals, analytical methods that are contained in petitions and NDA's, and which are needed for regulatory assays of drug products. The U.S.P. publishes official analytical methods. Other methods are frequently published in the scientific literature. Accordingly, methods of this type are not customarily regarded as confidential information. The Commissioner believes that an analytical method to determine if a product meets a bioequivalence requirement is not a quality control procedure per se and exempt from public disclosure under § 314.14(g)(1) (21 CFR 314.14(g)(1)), but, rather, is necessary for regulatory purposes to determine if a drug product is safe and effective and may lawfully be marketed. The Commissioner believes that the failure to make such an analytical method public would deter regulatory activity. Accordingly, the Commissioner concludes that all such methods will be made public except where they serve no regulatory function whatever. The Commissioner is including in § 320.59(c) of the final regulations a statement that a bioequivalence requirement may specify an analytical method contained in a petition or an approved new drug application, or that is based on data and information voluntarily submitted to FDA, unless the method serves no regulatory or compliance purpose and is shown to be exempt from public disclosure under § 4.61.

49. One comment regarding proposed § 320.3(m) stated that the proposal to establish tests and standards based on secret data is so novel and raises such serious questions of consistency with established principles of due process that it requires further explanation and opportunity for comment.

The Commissioner advises that if data and information voluntarily submitted to

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FDA are determined to be trade secrets under § 4.61 FDA is precluded from disclosing these data and information. If the data and information identify a bioequivalence problem, however, protection of the public health requires FDA to take regulatory action to remedy the problem. The Commissioner believes it is inconsistent with due process to issue a proposed bioequivalence requirement on the basis of "secret data and information" that interested persons can neither see nor comment upon. Therefore, FDA will release a summary of these data and information (see paragraph 47) at the time a proposed bioequivalence requirement is published in the FEDERAL REGISTER. The Commissioner concludes that the comment's proposal to delay finalizing these regulations for further consideration of the procedural question is inconsistent with the public interest. The Commissioner, however, invites any interested person to submit a petition proposing a change in these regulations to prohibit the disclosure of analytical methods to determine bioequivalence. The Commissioner also requests that Congress reconsider whether any safety and effectiveness data, including bioequivalence data and methodology, should be treated as trade secrets.

OLD DRUG MONOGRAPHS

50. One comment concerning proposed § 320.3(o) (now § 320.60) stated that it is assumed that the yet-to-be-formalized old drug monograph concept will include a bioequivalence requirement for such monographed drug.

The Commissioner advises that, one of the approaches to old drug monographs now under consideration in FDA would provide that, if an old drug monograph is established for a drug product for which a bioequivalence requirement has been established, the monograph will include a requirement for bioequivalence testing.

MARKETING PRODUCTS THAT DO NOT MEET AN IN VITRO STANDARD

51. Several comments regarding proposed § 320.3(p) (now § 320.61) questioned why a manufacturer whose product does not meet an in vitro bioequivalence standard must, in lieu of reformulation to meet the standard, demonstrate that his product is bioavailable by in vivo testing of three consecutive batches of the drug product. The comments noted that one lot testing is apparently satisfactory if the product meets the in vitro bioequivalence standard, while in vivo testing is specific, absolute, and represents the primary standard of bioavailability; therefore, the comments suggested that in vivo testing be required for only one batch.

The Commissioner is of the opinion that in vivo testing of a single batch of a drug product that fails to meet an in vitro bioequivalence standard established through correlation with in vivo data is not sufficient to assure batch-to-batch uniformity. Therefore, if a drug product does not meet an in vitro bioequivalence standard, the manufacturer has the option of either reformulating the product to meet the standard or testing three consecutive batches in vivo to demonstrate bioequivalence and batch-to-batch uniformity. The option for in vivo testing was included in proposed § 320.3(p) because the Commissioner recognizes that, occasionally, a drug product that fails to meet an in vitro bioequivalence standard will nonetheless be shown to be bioequivalent when tested in vivo. This is because the in vitro bioequivalence standard is designed to identify and screen out all batches that may not be bioequivalent. In selecting the standard, FDA must, if necessary for protection of the public health, err in favor of a standard that may result in the failing of a few batches that are later shown to be bioequivalent when tested in vivo rather than a standard that may result in the passing of a few batches that are shown not to be bioequivalent when tested in vivo. The Commissioner advises that proposed § 320.3 (1) (now § 320.56) requires that if a bioequivalence requirement specifies an in vitro bioequivalence standard, the manufacturer shall conduct the test on a sample of each batch to assure batch-to-batch uniformity. Thus, one lot testing is not satisfactory if the bioequivalence requirement is an in vitro bioequivalence standard.

Requirements for in vivo testing of a drug product not meeting an in vitro bioequivalence standard proposed in § 320.3 (p) have been revised for clarity and are in § 320.61 of the final regulations.

The Commissioner has carefully considered the environmental effects of the regulations and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the regulations as required by Executive Order 11821, OMB Circular A-107, and Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701(a), 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321(p), 352, 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 314:

a. By adding to § 314.111 new paragraph (a)(8) to read as follows:

§ 314.111 Refusal to approve the application.

(a) • • •

(8) The applicant fails to submit bioavailability or bioequivalence data required under Part 320 of this chapter.

• • • • • •

b. By adding to § 314.115 new paragraph (c)(5) to read as follows:

§ 314.115 Withdrawal of approval of an application.

• • • • • •

(c) • • •

(5) That the applicant has failed to submit bioavailability or bioequivalence data required under Part 320 of this chapter.

• • • • • •

2. By adding new Part 320 consisting at this time of Subparts A and C to read as follows:

Subpart A—General Provisions

Sec.
320.1 Definitions.

Subpart B—[Reserved]

Subpart C—Bioequivalence Requirements

320.50 Purpose.
320.51 Procedures for establishing or amending a bioequivalence requirement.
320.52 Criteria and evidence to establish a bioequivalence requirement.
320.53 Types of bioequivalence requirements.
320.54 Contents of a petition to establish a bioequivalence requirement.
320.55 Requirements for batch testing and certification by the Food and Drug Administration.
320.56 Requirements for in vitro testing of each batch.
320.57 Requirements for the conduct of in vivo bioequivalence testing in humans.
320.58 Requirements for marketing a drug product subject to a bioequivalence requirement.
320.59 Bioequivalence requirements based on data voluntarily submitted.
320.60 Bioequivalence requirements for a drug product subject to an old drug monograph.
320.61 Requirements for in vivo testing of a drug product not meeting an in vitro bioequivalence standard.
320.62 Requirements for maintenance of records of bioequivalence testing.

AUTHORITY: Secs. 201(p), 502, 505, 701(a), 52 Stat. 1041–1042 as amended, 1055 (21 U.S.C. 321(p), 352, 355, 371(a)), unless otherwise noted.

Subpart A—General Provisions

§ 320.1 Definitions.

(a) [Reserved]

(b) "Drug product" means a finished dosage form, e.g., tablet, capsule, or solution, that contains the active drug ingredient, generally, but not necessarily, in association with inactive ingredients.

(c) "Pharmaceutical equivalents" means drug products that contain identical amounts of the identical active drug ingredient, i.e., the same sat or ester of the same therapeutic moiety, in identical dosage forms, but not necessarily containing the same inactive ingredients, and that meet the identical compendial or other applicable standard of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times and/or dissolution rates.

(d) "Pharmaceutical alternatives" means drug products that contain the identical therapeutic moiety, or its precursor, but not necessarily in the same

amount or dosage form or as the same salt or ester. Each such drug product individually meets either the identical or its own respective compendial or other applicable standard of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times and/or dissolution rates.

(e) "Bioequivalent drug products" means pharmaceutical equivalents or pharmaceutical alternatives whose rate and extent of absorption do not show a significant difference when administered at the same molar dose of the therapeutic moiety under similar experimental conditions, either single dose or multiple dose. Some pharmaceutical equivalents or pharmaceutical alternatives may be equivalent in the extent of their absorption but not in their rate of absorption and yet may be considered bioequivalent because such differences in the rate of absorption are intentional and are reflected in the labeling, are not essential to the attainment of effective body drug concentrations on chronic use, or are considered medically insignificant for the particular drug product studied.

(f) "Bioequivalence requirement" means a requirement imposed by the Food and Drug Administration for in vitro and/or in vivo testing of specified drug products which must be satisfied as a condition of marketing.

Subpart B—[Reserved]

Subpart C—Bioequivalence Requirements

§ 320.50 Purpose.

This subpart establishes criteria and procedures for:

(a) Identifying pharmaceutical equivalents and pharmaceutical alternatives that are intended to be used interchangeably for the same therapeutic effect and that are not bioequivalent drug products; and

(b) Establishing a bioequivalence requirement for these drug products.

§ 320.51 Procedures for establishing or amending a bioequivalence requirement.

(a) The Commissioner of Food and Drugs, on his own initiative or in response to a petition by an interested person, may propose and promulgate a regulation to establish a bioequivalence requirement if he finds there is well-documented evidence that specific pharmaceutical equivalents or pharmaceutical alternatives intended to be used interchangeably for the same therapeutic effect:

(1) Are not bioequivalent drug products; or

(2) May not be bioequivalent drug products based on the criteria set forth in § 320.52; or

(3) May not be bioequivalent drug products because they are members of a class of drug products that have close structural similarity and similar physicochemical or pharmacokinetic properties to other drug products in the same class that the Commissioner finds are not bioequivalent drug products.

(b) Any person submitting a petition to the Commissioner to propose a regulation to establish or amend a bioequivalence requirement shall submit the petition under §§ 2.5 and 2.7 of this chapter, and include in the petition the applicable information set forth in § 320.54.

(c) The Commissioner shall include in a notice of proposed rulemaking to establish a bioequivalence requirement the evidence and criteria set forth in § 320.52 that are to be considered in determining whether to issue the proposal. If the rulemaking is proposed in response to a petition, the Commissioner shall include in the proposal a summary and analysis of the relevant information that was submitted in the petition as well as other available information to support the establishment of a bioequivalence requirement.

(d) The Commissioner, on his own initiative or in response to a petition by an interested person, may propose and promulgate an amendment to a bioequivalence requirement established under this subpart.

§ 320.52 Criteria and evidence to establish a bioequivalence requirement.

The Commissioner shall consider the following factors, when supported by well-documented evidence, to identify specific pharmaceutical equivalents and pharmaceutical alternatives that are not or may not be bioequivalent drug products and to determine whether to propose or promulgate a regulation to establish a bioequivalence requirement for these products:

(a) Evidence from well-controlled clinical trials or controlled observations in patients that such drug products do not give comparable therapeutic effects.

(b) Evidence from well-controlled bioequivalence studies that such products are not bioequivalent drug products.

(c) Evidence that the drug products exhibit a narrow therapeutic ratio, e.g., there is less than a 2-fold difference in median lethal dose (LD_{50}) and median effective dose (ED_{50}) values, or have less than a 2-fold difference in the minimum toxic concentrations and minimum effective concentrations in the blood, and safe and effective use of the drug products requires careful dosage titration and patient monitoring.

(d) Competent medical determination that a lack of bioequivalence would have a serious adverse effect in the treatment or prevention of a serious disease or condition.

(e) Physicochemical evidence that:

(1) The active drug ingredient has a low solubility in water, e.g., less than 5 milligrams per 1 milliliter, or, if dissolution in the stomach is critical to absorption, the volume of gastric fluids required to dissolve the recommended dose far exceeds the volume of fluids present in the stomach (taken to be 100 milliliters for adults and prorated for infants and children).

(2) The dissolution rate of one or more such products is slow, e.g., less than 50 percent in 30 minutes when tested using either a general method specified in an official compendium or a paddle method at 50 revolutions per minute in 900 milliliters of distilled or deionized water at 37° C, or differs significantly from that of an appropriate reference material such as an identical drug product that is the subject of an approved full new drug application.

(3) The particle size and/or surface area of the active drug ingredient is critical in determining its bioavailability.

(4) Certain physical structural characteristics of the active drug ingredient, e.g., polymorphic forms, conforms, solvates, complexes, and crystal modifications, dissolve poorly and this poor dissolution may affect absorption.

(5) Such drug products have a high ratio of excipients to active ingredients, e.g., greater than 5 to 1.

(6) Specific inactive ingredients, e.g., hydrophilic or hydrophobic excipients and lubricants, either may be required for absorption of the active drug ingredient or therapeutic moiety or, alternatively, if present, may interfere with such absorption.

(f) Pharmacokinetic evidence that:

(1) The active drug ingredient, therapeutic moiety, or its precursor is absorbed in large part in a particular segment of the gastrointestinal tract or is absorbed from a localized site.

(2) The degree of absorption of the active drug ingredient, therapeutic moiety, or its precursor is poor, e.g., less than 50 percent, ordinarily in comparison to an intravenous dose, even when it is administered in pure form, e.g., in solution.

(3) There is rapid metabolism of the therapeutic moiety in the intestinal wall or liver during the process of absorption (first-class metabolism) so the therapeutic effect and/or toxicity of such drug product is determined by the rate as well as the degree of absorption.

(4) The therapeutic moiety is rapidly metabolized or excreted so that rapid dissolution and absorption are required for effectiveness.

(5) The active drug ingredient or therapeutic moiety is unstable in specific portions of the gastrointestinal tract and requires special coatings or formulations, e.g., buffers, enteric coatings, and film coatings, to assure adequate absorption.

(6) The drug product is subject to dose dependent kinetics in or near the therapeutic range, and the rate and extent of absorption are important to bioequivalence.

§ 320.53 Types of bioequivalence requirements.

(a) A bioequivalence requirement may be one or more of the following, as specified by the Food and Drug Administration:

(1) An in vivo test in humans.

(2) An in vivo test in animals other than humans that has been correlated with human in vivo data.

(3) An in vivo test in animals other than humans that has not been correlated with human in vivo data.

(4) An in vitro bioequivalence standard, i.e., an in vitro test that has been

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correlated with human in vivo bioavailability data.

(5) A currently available in vitro test (usually a dissolution rate test) that has not been correlated with human in vivo bioavailability data.

(b) In vivo testing in humans shall ordinarily be required if there is well-documented evidence that pharmaceutical equivalents or pharmaceutical alternatives intended to be used interchangeably for the same therapeutic effect meet one of the following conditions:

(1) They do not give comparable therapeutic effects.

(2) They are not bioequivalent drug products.

(3) They exhibit a narrow therapeutic ratio, e.g., there is less than a 2-fold difference in LD_{50} and ED_{50} values, or there is less than a 2-fold difference in the minimum toxic concentrations and minimum effective concentration in the blood, and safe and effective use of the product requires careful dosage titration and patient monitoring.

§ 320.54 Contents of a petition to establish a bioequivalence requirement.

(a) Each person submitting a petition to establish a bioequivalence requirement under this subpart shall include in the petition each of the following three types of information to justify this action:

(1) A statement summarizing the bioequivalence problem.

(2) Well-documented evidence that the drug products for which a bioequivalence requirement should be established are pharmaceutical equivalents or pharmaceutical alternatives that are labeled to be administered at the same dose of the same therapeutic moiety for the same therapeutic effect.

(3) Well-documented evidence and data in the categories listed in this paragraph, as applicable, to support the contention that a documented or potential bioequivalence problem exists.

(i) Well-documented evidence that the subject pharmaceutical equivalents or pharmaceutical alternatives do not give comparable therapeutic effects, together with a citation of supporting well-controlled observations or clinical trials in patients and a summary of their contents.

(ii) Well-documented evidence that the subject pharmaceutical equivalents or pharmaceutical alternatives are not bioequivalent drug products, together with appropriate data and/or citations of supporting well-controlled bioequivalence studies and a summary of their contents.

(iii) Well-documented evidence that the subject pharmaceutical equivalents or pharmaceutical alternatives exhibit a narrow therapeutic ratio, e.g., there is less than a 2-fold difference in LD_{50} or ED_{50} values, or have a less than 2-fold difference in the minimum toxic concentration and minimum effective concentrations in the blood, and safe and effective use of the drug product requires careful dosage titration and patient monitoring.

(iv) Competent medical determination that lack of bioequivalence would have a serious adverse effect in the treatment of a serious disease or condition.

(v) Well-documented evidence that the subject pharmaceutical equivalents or pharmaceutical alternatives, because of the physicochemical and/or pharmacokinetic characteristics set forth in § 320.52 (e) and (f), may not be bioequivalent drug products.

(vi) Well-documented evidence to support a finding that the pharmaceutical equivalents or pharmaceutical alternatives are members of a class of drug products that have close structural similarity and physicochemical or pharmacokinetic properties similar to other drug products that have been specifically shown to lack therapeutic equivalence or bioequivalence.

(b) Each person submitting a petition to establish a bioequivalence requirement under this subpart is requested, but is not required, to include in the petition a description of a proposed bioequivalence test as follows:

(1) A description of any proposed current in vitro test to be used pending the development of a definitive in vitro bioequivalence standard together with the evidence described in paragraph (c) of this section that this current in vitro test is suitable for comparing the subject pharmaceutical equivalents or pharmaceutical alternatives to a reference material.

(2) A description of any proposed in vitro bioequivalence standard, including a citation of in vivo data and other evidence described in paragraph (c) of this section which support the applicability of the proposed in vitro bioequivalence standard.

(3) A description of any proposed in vivo bioequivalence test, including the reference material to be used and other technical specification needed to assure uniform testing of the subject pharmaceutical equivalents or pharmaceutical alternatives together with a citation of supporting evidence described in paragraph (c) of this section and a summary of its contents.

(c) Scientific evidence cited in the petition shall include specific, precise information such as:

(1) The product names, batch numbers, labeling, and the identity of the manufacturer, packer, or distributor of the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives included in the studies on which the evidence is based.

(2) The results of all in vitro physical and chemical tests conducted on the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives to determine whether they meet compendial or other applicable standards of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration rates, and dissolution rates.

(3) The results of any in vitro physicochemical tests conducted on the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives studied other than those specified in the compendial or other applicable standard, e.g., particle size.

(4) The results of any in vivo bioequivalence test or in vitro bioequivalence test conducted on the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives studied. These results shall present a validation of the analytical methodology, including the standard curve used and a description of the method of calculation of results, and a description of the pharmacokinetic model and/or statistical model used in analyzing the data.

(5) A full description of the analytical procedures and equipment used in conducting an in vivo or in vitro test on the subject pharmaceutical equivalents or pharmaceutical alternatives.

(d) Each person submitting a petition to establish a bioequivalence requirement under this subpart shall include in the petition copies of published reports in the scientific literature and unpublished material that support the establishment of a bioequivalence requirement for the subject pharmaceutical equivalents or pharmaceutical alternatives.

(e) Each person submitting a petition to establish a bioequivalence requirement under this subpart shall include in the petition information as to the availability of sufficient samples of the subject pharmaceutical equivalents or pharmaceutical alternatives studied to permit confirmatory testing by the Food and Drug Administration.

§ 320.55 Requirements for batch testing and certification by the Food and Drug Administration.

(a) If the Commissioner determines that individual batch testing by the Food and Drug Administration is necessary to assure that all batches of the same drug product meet an appropriate in vitro test he shall include in the bioequivalence requirement a requirement for manufacturers to submit samples of each batch to the Food and Drug Administration and to withhold distribution of the batch until notified by the Food and Drug Administration that the batch may be introduced into interstate commerce.

(b) The Commissioner will ordinarily terminate a requirement for a manufacturer to submit samples for batch testing on a finding that the manufacturer has produced four consecutive batches that were tested by the Food and Drug Administration and found to meet the bioequivalence requirement, unless the public health requires that batch testing be extended to additional batches.

§ 320.56 Requirements for in vitro testing of each batch.

If a bioequivalence requirement specifies a currently available in vitro test or an in vitro bioequivalence standard comparing the drug product to a reference standard, the manufacturer shall conduct the test on a sample of each batch of the drug product to assure batch-to-batch uniformity.

§ 320.57 Requirements for the conduct of in vivo bioequivalence testing in humans.

(a) If a bioequivalence requirement provides for in vivo testing in humans, a manufacturer shall conduct this testing according to the procedures in § 320.24, using the most accurate, sensitive, and reproducible method available, and using the reference material specified in the bioequivalence requirement.

(b) Clinical trials demonstrating safety and effectiveness shall be used to establish bioequivalence only if other methods are not available.

(c) If a bioequivalence requirement provides for in vivo testing in humans using a method other than clinical trials, a manufacturer shall conduct this testing to assure that his product meets the bioequivalence requirement even though his product is the subject of an approved full new drug application containing clinical evidence of safety and effectiveness.

§ 320.58 Requirements for marketing a drug product subject to a bioequivalence requirement.

(a) If a bioequivalence requirement is established for a drug product subject to a new drug application that became effective before October 10, 1962, or for an identical, related, or similar drug product under § 310.6 of this chapter, the product may lawfully be introduced into interstate commerce as follows:

(1) Any manufacturer who holds an approved full or abbreviated new drug application for the drug product on the date the bioequivalence requirement becomes effective shall submit and obtain approval by the Food and Drug Administration of a supplemental application that provides evidence that the drug product meets the bioequivalence requirement. If a supplemental application is submitted within the time frame specified in the regulation establishing the bioequivalence requirement, the manufacturer may continue to market the drug product unless and until the supplemental application is disapproved and approval of the new drug application is withdrawn.

(2) Any manufacturer who does not hold an approved full or abbreviated new drug application for the drug product on the effective date of the bioequivalence requirement shall, before introducing the drug product into interstate commerce, submit and obtain approval by the Food and Drug Administration of a full new drug application that provides evidence that the drug product meets the bioequivalence requirement.

(b) If a bioequivalence requirement is established for a drug product subject to a new drug application that was approved on or after October 10, 1962, the product may lawfully be introduced into interstate commerce as follows:

(1) Any manufacturer who holds an approved full new drug application for the drug product on the effective date of the bioequivalence requirement shall submit and obtain approval by the Food and Drug Administration of a supplemental application that provides evidence that the drug product meets the bioequivalence requirement. If a supplemental application is submitted within the time frame specified in the regulation establishing the bioequivalence requirement, the manufacturer may continue to introduce the drug product into interstate commerce unless and until the supplemental application is disapproved and approval of the new drug application is withdrawn.

(2) Any manufacturer who does not hold an approved full new drug application for the drug product on the effective date of the bioequivalence requirement shall, before introducing the drug product into interstate commerce, submit and obtain approval by the Food and Drug Administration of a full new drug application that provides evidence that the drug product meets the bioequivalence requirement.

(c) If a bioequivalence requirement is established for a drug product that is not subject to the new drug provisions of the act, the product may lawfully be introduced into interstate commerce as follows:

(1) The manufacturer records and maintains evidence that the drug product meets the bioequivalence requirement. Upon written request or notice in the FEDERAL REGISTER, the manufacturer shall promptly submit this evidence to the Food and Drug Administration.

(2) The drug product is manufactured in accordance with current good manufacturing practice, as determined by the requirements in Part 211 of this chapter.

(3) The drug product is labeled in compliance with the act and this chapter.

(d) A manufacturer may introduce into interstate commerce a drug product for which a bioequivalence requirement is established only if he complies with this section. Introduction of the drug product into interstate commerce not in compliance with this section is illegal and subject to regulatory action.

(e) Upon disapproval of a full or abbreviated new drug application or supplemental application, the procedures for disapproval of any new drug application under section 505(d) of the act apply. Introduction of the drug product involved into interstate commerce is illegal unless the Commissioner, in his discretion, determines to stay this disapproval for a particular drug product on a finding that all of the following conditions are met:

(1) The drug product was being lawfully marketed on the effective date of the bioequivalence requirement, i.e., if a new drug, it was already subject to an approved full or abbreviated new drug application.

(2) The drug product is medically necessary, e.g., it is used in treatment of a serious disease or condition for which no alternative therapy is available.

(3) There is not an adequate supply of identical or similar drug products subject to an approved full or abbreviated new drug application containing bioequivalence data to fulfill medical needs.

(4) The manufacturer submits a full or abbreviated new drug application or supplemental application, as applicable, containing an acceptable protocol for the conduct of bioequivalence studies and initiates action to conduct and complete the necessary studies within the time frame set forth in the bioequivalence requirement.

§ 320.59 Bioequivalence requirements based on data voluntarily submitted.

(a) A bioequivalence requirement established under this subpart may specify an analytical method, e.g., a current in vitro test, an in vitro bioequivalence standard, or an in vivo bioequivalence test, that is based on data and information voluntarily submitted to the Food and Drug Administration, even though these data and information are exempt from public disclosure under § 4.61 of this chapter.

(b) A summary of the voluntarily submitted data and information on which the bioequivalence requirement is based, prepared in one of the following two alternative ways, shall be publicly released when the bioequivalence requirement is proposed:

(1) The Food and Drug Administration may at an appropriate time before proposing the bioequivalence requirement require the person who voluntarily submitted the data and information to prepare a summary of these data and information, that will be reviewed and, where appropriate, revised by the agency.

(2) The Food and Drug Administration may prepare its own summary of these data and information.

(c) A bioequivalence requirement may specify an analytical method contained in a petition or approved new drug application, or based on data and information voluntarily submitted to the Food and Drug Administration, unless the method serves no regulatory or compliance purpose and is shown to be exempt from public disclosure under § 4.61 of this chapter.

§ 320.60 Bioequivalence requirements for a drug product subject to an old drug monograph.

If the Commissioner establishes an old drug monograph for a drug product for which a bioequivalence requirement has been established under this subpart, the provisions of this subpart as they relate to that drug product are thereby revoked.

§ 320.61 Requirements for in vivo testing of a drug product not meeting an in vitro bioequivalence standard.

(a) If a drug product fails to meet an in vitro bioequivalence standard established under this subpart and a manufacturer nevertheless wishes to market the product without reformulation, the manufacturer may do so if he demonstrates the bioequivalence of the drug product by in vivo testing in humans of three consecutive batches of the drug product and develops an in vitro test that assures the bioequivalence of his product from batch-to-batch.

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(b) The reference material to be used by a manufacturer in conducting in vivo testing in humans under this section shall be a drug product that meets the in vitro bioequivalence standard.

§ 320.62 Requirements for maintenance of records of bioequivalence testing.

All records of in vivo or in vitro tests conducted on any marketed batch of a drug product to assure that the product meets a bioequivalence requirement shall be maintained by the manufacturer for at least 2 years after the expiration date of the batch and submitted to the Food and Drug Administration on request.

Effective date: These regulations shall become effective February 7, 1977.

(Secs. 201(p), 502, 505, 701(a), 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321(p), 352, 355, 371(a)))

Dated: December 30, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-568 Filed 1-6-77;8:45 am]

[Docket No. 75N-0057]

PART 314—NEW DRUG APPLICATIONS

PART 320—BIOAVAILABILITY AND BIOEQUIVALENCE REQUIREMENTS

Procedures for Determining the In Vivo Bioavailability of Drug Products

The Food and Drug Administration (FDA) is issuing final regulations defining the term "bioavailability" establishing requirements for the inclusion of bioavailability data in certain new drug applications and supplements, and establishing acceptable procedures for determining the bioavailability of drug products. These regulations are effective July 7, 1977.

In the FEDERAL REGISTER of June 20, 1975 (40 FR 26157), the Commissioner of Food and Drugs proposed regulations to define the term "bioavailability," to set forth the purposes of bioavailability studies, and to establish methods and procedures for determining the bioavailability of drug products. Interested persons were invited to submit comments regarding the proposal on or before August 4, 1975. In response to requests, the Commissioner extended the comment period to September 19, 1975, notice of which was published in the FEDERAL REGISTER of August 15, 1975 (40 FR 34407).

The Commissioner received a total of 34 written comments from individuals, trade and professional associations, pharmaceutical manufacturers, and State and Federal government agencies. Twenty of these made substantive comments on the proposed regulations, 4 comments from individual consumers supported action to assure drug uniformity, and 10 other comments were more closely related to other proposed regulations published in the FEDERAL REGISTER of June 20, 1975 (40 FR 26164), and will be considered along with other comments submitted in response to those other proposed regulations. All of the comments may be seen at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

After reviewing the comments and the proposed regulations, the Commissioner concludes that the proposed regulations should be reorganized. He believes that the bioavailability regulations proposed in § 320.2 are too complex to be contained in only one section of the Code of Federal Regulations. Therefore, in the final regulations he is rearranging and redesignating proposed § 320.2 as §§ 320.21 through 320.31 and placing them in new Subpart B—Procedures for Determining the Bioavailability of Drug Products. This action will assure that the bioavailability regulations are easier to find, read, and understand.

To aid the reader, the following table is provided to show the relationship of the final regulations to those proposed in § 320.2.

Proposed	*Final*
§ 320.2(a)	§ 320.21
§ 320.2(b)	§ 320.24
§ 320.2(c)	§ 320.22
§ 320.2(d) (1), (2), (3), and (4)	§ 320.25
§ 320.2(d)(5)(i)–(vi)	§ 320.26
§ 320.2(d)(5)(vii)	§ 320.28
§ 320.2(d)(6)	§ 320.27
§ 320.2(d)(7)	§ 320.29
§ 320.2(d)(8)	§ 320.30(a)–(b)
§ 320.2(d)(9)	§ 320.23
§ 320.2(e)	§ 320.31
§ 320.2(f)	§ 320.30(c)

The substantive comments were concerned with various specific provisions of the proposed regulations and contained recommendations for changes. These comments and the Commissioner's conclusions concerning them are discussed below.

DEFINITION OF BIOAVAILABILITY

1. One comment stated that the term "therapeutic moiety" in the proposed definition of "bioavailability" should be replaced by "parent drug and/or its metabolites." The comment noted that, in determining bioavailability, one is limited by available methodology and knowledge with the result that, in many cases, there is no assurance that the actual therapeutic moiety is measured. This comment also recommended that the phrase "becomes available to the site of drug action" be deleted since it is overly optimistic to presume that bioavailability data consisting of estimates of parent drug and/or metabolite concentration in body fluids, rate of excretion, or the measurement of an acute pharmacologic effect provides, as a general rule, an estimate of the availability of the therapeutic moiety at the site of drug action.

The Commissioner, while agreeing in principle with the comment regarding the term "therapeutic moiety," believes that the term "active drug ingredient" is more appropriate and better understood than the term "parent drug." The Commissioner does not agree that the term "bioavailability" should refer to "metabolites." Although bioavailability may be determined by measurements of metabolites in body fluids or excretory products, bioavailability per se does not involve absorption of metabolites. He also believes that in some drug products the therapeutic moiety, not the active drug ingredient, is absorbed. Therefore, he concludes that the term "active drug ingredient or therapeutic moiety" shall be substituted for the term "therapeutic moiety" in the definition of "bioavailability" in § 320.1.

The Commissioner agrees that bioavailability data alone do not estimate the availability of the therapeutic moiety at the site of drug action. It is scientifically valid to assume, however, that if an active drug ingredient or therapeutic moiety reaches a reasonable extent of systemic circulation at a reasonable rate, the therapeutic moiety will also become available at the site of drug action, e.g., brain, heart, or kidneys. For this reason, the Commissioner concludes that reference to availability at site of drug action should not be deleted. He also believes that omission of such a reference would incorrectly focus the definition of bioavailability exclusively on absorption of the active drug ingredient or therapeutic moiety from the drug product. Even where such absorption is total, the product may not be bioavailable because an insufficient amount of the active drug ingredient or therapeutic moiety reaches the systemic circulation. In certain instances, e.g., high first-pass metabolism in the liver or rapid renal clearance, the active drug ingredient or therapeutic moiety must be absorbed at a rate sufficient to overcome the metabolic or elimination mechanism and reach the systemic circulation so that the therapeutic moiety will become available at the site of drug action in sufficient amounts to elicit the intended therapeutic effect.

The Commissioner also concludes that it is inappropriate to include in the definition of bioavailability the means by which bioavailability is usually estimated. Therefore, in § 320.1 of the final regulations he is defining bioavailability as "the rate and extent to which the active drug ingredient or therapeutic moiety is absorbed from a drug product and becomes available at the site of drug action." He is deleting the phrase "usually as estimated by its concentrations in body fluids, rate of excretion, or acute pharmacological effect" from the proposed definition of bioavailability. The measurements usually used in a determination of bioavailability are set forth in § 320.24(a) of the final regulations.

2. Another comment suggested that the definition of bioavailability be restricted to the time course of the administered drug in the systemic circulation. This comment stated that it is important that the time dependency of the event be emphasized because it is critical to the definition and, while urinary excretion and acute pharmacological effects are important methods, they are used under the assumption that they reflect, via a linear transformation, the rate and extent of availability to the general circulation. Thus, the concept of bioavailability is understood by most of the pharmaceutical scientific community to mean the rate and extent of absorption from those drug products in which the object of the formulation is to put the active drug ingredient into the systemic circulation. The comment also suggested that the definition be restricted to systemic drug products since bioavailability of products intended for topical or local use is not measured by the rate and extent of absorption from these products into the systemic circulation.

The Commissioner disagrees that bioavailability is determined only by measurement of the concentration of the active drug ingredient or therapeutic moiety in the systemic circulation. He concludes that other methods used for determining bioavailability, e.g., measurements of urinary excretion rates or acute pharmacological effects, are based on valid scientific assumptions that are understood and accepted by the scientific community. He also finds that such a restriction is not practicable in view of available methodology and scientific knowledge.

The Commissioner also disagrees that the definition of bioavailability should be restricted to systemic drug products. The concept of bioavailability applies to all drug products. The Commissioner acknowledges, however, that a requirement for bioavailability studies should not apply to certain drug products, e.g., topicals for local therapeutic effect. Section 320.22 of the final regulations sets forth the criteria that FDA will use to waive a requirement for the submission of evidence of in vivo bioavailability.

3. A third comment stated that, to avoid ambiguity and confusion, the term bioavailability should be redefined to allow a determination of bioavailability by measurement of a number of physical dimensions. The comment suggested that bioavailability be defined as "the sum of knowledge that allows one quantitatively to define, insofar as is technically feasible, the dynamic interrelations among the following: (a) The time-dependent drug release from a pharmaceutical product. (b) the time-dependent concentrations of drug in various body fluids and tissues, (c) the time-dependent concentrations of drug at the sites of its actions, (d) the time-dependent actions of the drug, (e) the time-dependent rates at which drug leaves the body, by its metabolic conversion to other substances and by the excretion of unaltered drug and its metabolites through various routes."

The Commissioner concludes that the definition suggested in the comment is not practical for regulatory purposes. The concepts set forth in the suggested definition are more properly related to the broad subject of pharmacokinetics and pharmacodynamics, than to the more limited concept of bioavailability.

REQUIREMENTS FOR SUBMISSION OF BIOAVAILABILITY DATA

4. Two comments regarding proposed § 320.2(a) indicated that, although there is great emphasis in the proposed regulations on bioavailability problems derived from active drug ingredients, this same emphasis is not given to the effects that changes in inactive ingredients may have on bioavailability. These comments stated that subtle inclusions or changes of inactive ingredients in a drug product may have a significant effect on bioavailability. Another comment indicated that changes in dyes, flavors, or preservatives are not necessarily good examples of significant changes in product formulations. The comment suggested that better examples of significant changes requiring bioavailability tests are changes in excipients, tablet compression, coatings, vehicles, and particle size. One comment noted that the phrase "significant change in product formulation" in proposed § 320.2(a)(1) is too narrow and vague and suggested the phrase be revised to read "changes beyond the variations provided for in the application with respect to product formulation."

The Commissioner agrees with these comments and concludes that any proposed change in the manufacturing process, including a change in product formulation or dosage strength, beyond the variations provided for in the approved application must first be evaluated and approved by FDA. These requirements are included in § 320.21(b) of the final regulations.

The Commissioner advises that past FDA policy has been to require in vivo bioavailability data (particularly pharmacokinetic data) in a supplemental application proposing a change in the labeling to provide for a new indication for use, a new dosage regimen, or an additional dosage regimen for a special patient population, e.g., infants, if clinical studies are required to support the proposed change in the labeling.

In the final regulations the Commissioner is redesignating proposed § 320.2(a) as § 320.21. He is also expanding § 320.21 to clarify the requirements for the submission of in vivo bioavailability data in a full or abbreviated new drug application (NDA) or supplemental application. Section 320.21 requires that any full or abbreviated NDA, and certain supplemental applications, submitted after July 7, 1977, must include either evidence demonstrating the in vivo bioavailability of the drug product that is the subject of the application or information to permit FDA to waive this requirement. (The conditions justifying waiver are discussed below.) Supplemental applications for which bioavailability data or waiver information is required are those proposing (a) a change in the manufacturing process, including a change in product formulation or dosage strength, beyond the variations provided for in the approved application, or (b) a change in the labeling to provide for a new indication for use, a new dosage regimen, or an additional dosage regimen for a special patient population. Bioavailability data or waiver information are required for a proposed change in the labeling only if clinical studies are required to support the proposed change.

5. One comment suggested that the words "concerning a significant change in product formulation" be added after the words "supplemental application" in proposed § 320.2(a)(2). The suggestion was made in order that the wording of paragraph (a)(2) may be consistent with the wording of paragraph (a)(1).

The wording in proposed § 320.2(a)(2) was intended to be consistent with the wording of proposed § 320.2(a)(1). The inconsistency is eliminated in § 320.21 of the final regulations, but the word "significant" has been deleted as discussed in paragraph 4 above.

6. Two comments recommended that the requirements of proposed § 320.2(a)(1) and (2) regarding the submission of bioavailability data in an original NDA be deleted. The comments stated that the inclusion of such data is unnecessary and may contribute to unwarranted delay in approval of the application. Furthermore, they argued, there is no need to show bioavailability of a drug product subject to an original NDA since the product must by clinical data be proven effective and, therefore, bioavailable.

The Commissioner disagrees with these comments. As discussed in paragraph 1 of the preamble to the proposal of June 20, 1975 (40 FR 26157), bioavailability data are necessary to define the pharmacokinetic profile of the new drug and to evaluate the adequacy of the proposed labeling recommendation regarding dosage and administration. These pharmacokinetic data are also needed to assure that the dosage formulation intended for marketing has the same characteristics as the dosage formulation used in clinical studies to determine safety and effectiveness and that there is batch-to-batch consistency. The inclusion of bioavailability data in the application will assist in evaluating future product reformulations or changes in manufacturing processes. As also noted in the preamble to the proposal, a clinical trial to establish the safety and effectiveness of a drug product is the least accurate, sensitive, and reproducible method for determining bioavailability and is adequate only when other methods are not available.

7. Under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), FDA may require a holder of an approved full or abbreviated NDA to conduct additional in vivo studies to demonstrate the bioavailability of the drug product that is the subject of the application. The Commissioner therefore is including in § 320.21(f) of the final regulations a requirement for the submission of in vivo bioavailability data if FDA notifies the applicant that there are data demonstrating that (a) the

dosage regimen in the labeling is based on incorrect assumptions or facts regarding the pharmacokinetics of the drug product and following this dosage regimen could potentially result in subtherapeutic or toxic levels, or (b) there is significant intra-batch or batch-to-batch variability, e.g., plus or minus 25 percent, in the bioavailability of the drug product. The Commissioner advises that these requirements represent existing FDA policy under section 505(j) of the act. Notice-and-comment rule making procedures are not a prerequisite to promulgation of § 320.21(f) with these final regulations, because it imposes no regulatory requirements but merely describes the criteria used by FDA in determining when to require an NDA holder to submit evidence demonstrating in vivo bioavailability. Section 505(j) of the act authorizes FDA to require, either by general regulation or by order with respect to a specific NDA, an applicant to make reports with respect to the drug subject to the application. For these reasons, the Commissioner finds it unnecessary to utilize notice-and-comment procedures in adopting § 320.21(f); he does, however, invite comments to determine whether these criteria should be amended, modified or revoked. Interested persons may, on or before March 8, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments in quintuplicate on § 320.21(f). Comments received will be available for public inspection at the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday. Any changes justified by such comments will be the subject of a further order.

8. The Commissioner, to clarify the intent of § 320.21, has included in § 320.21(g) a statement that the requirements for the submission of evidence demonstrating in vivo bioavailability apply only to a full or abbreviated NDA or supplemental application for a finished dosage formulation.

General Approaches for Determining Bioavailability

9. One comment suggested that the term "therapeutic moiety" in proposed § 320.2(b)(2)(ii) be replaced by the term "parent drug and/or its metabolites." The comment noted that the acute pharmacologic effect measured may not always be elicited by the therapeutic moiety.

The Commissioner agrees, in principle, with this comment. He concludes, however, that the term "active drug ingredient" is more appropriate than "parent drug." He is revising §§ 320.21 through 320.31 of the final regulations to expand the term "therapeutic moiety" to include the active drug ingredient and metabolites, as appropriate.

10. One comment recommended that proposed § 320.2(b)(2)(ii) be revised to specify that the acute pharmacological effect that forms the basis of a bioavailability study should bear a relationship to the anticipated therapeutic effect of the drug product and not an ancillary side effect. The comment indicated, for example, it would be inappropriate to base a bioavailability evaluation of an antidepressant or other drug affecting the central nervous system on an acute cardiovascular or other peripheral pharmacologic response elicited by the compound.

The Commissioner disagrees with this comment. The purpose of a bioavailability study is to determine the rate and extent of the absorption of the active drug ingredient or therapeutic moiety from a drug product. He concludes that it is scientifically valid to determine bioavailability by a measurement of an acute pharmacological effect that is attributable to the systemic circulation of the active drug ingredient or therapeutic moiety, even though this effect does not bear a direct relationship to the drug product's anticipated therapeutic effect. For example, FDA has contracted for bioavailability studies on chlorpromazine hydrochloride (an antiemetic or antipsychotic agent) that relate absorption of the drug to its pharmacological effect on the eye.

11. One comment regarding proposed § 320.2(b)(2)(iii) stated that, although a well-controlled clinical trial may in the abstract seem a less sensitive means of determining bioavailability, such a trial is the superior means for determining therapeutic effectiveness, which is the intended goal of bioavailability studies in the first place. The comment noted that proposed § 320.2(b) implies that bioavailability studies produce more reliable data than the well-controlled clinical trial for determining therapeutic equivalence among drug formulations and tends to give the bioavailability study greater importance than it deserves. The comment suggested that some statements be put in the regulations to reflect a balanced perspective regarding clinical trials.

The Commissioner agrees that clinical trials are the optimal method for determining the effectiveness of a drug product. It is not, however, the intent of a bioavailability study to demonstrate effectiveness. The purpose of a bioavailability study is to determine the rate and extent of absorption. If a drug product is not bioavailable, it cannot be regarded as effective. However, a determination that a drug product is bioavailable is not in itself a determination of effectiveness. The requirement for evidence of bioavailability is intended to supplement, nor replace, clinical evidence of effectiveness. Although clinical trials do demonstrate the bioavailability of a drug product, such trials are not as accurate, sensitive, or reproducible as other methods, e.g., blood level studies, for obtaining bioavailability data. Therefore, the Commissioner concludes that no revision of the regulations is necessary.

12. One comment stated that it is evident that safety and effectiveness, as established in clinical trials, are direct evidence of whether the product is absorbed. For this reason, it is inappropriate to impose a retroactive requirement for in vivo bioavailability data on NDA holders who have conducted clinical trials to establish safety and effectiveness, except in those instances of significant changes in product formulation.

The Commissioner advises that the bioavailability regulations do not require a current holder of an approved NDA to submit bioavailability data on the drug product that is the subject of the application. To conserve testing resources and to implement the requirements for the submission of bioavailability data in an orderly manner and with logical priorities, the regulations are being applied prospectively to all future NDA's and future supplements to existing NDA's. The Commissioner believes that this approach is justified because clinical trials on drug products subject to existing NDA's create a presumption of bioavailability that should remain unless there is evidence to the contrary.

13. One comment, noting that proposed § 320.2(b)(1) states that bioavailability testing shall be conducted using the most accurate and sensitive approach available, questioned whether a manufacturer will be required to conduct additional bioavailability studies if a more sensitive method becomes available after he completes such studies for his drug product using a less sensitive method.

The Commissioner advises that a manufacturer may be required to conduct additional bioavailability studies if a more sensitive method becomes available and if there is evidence that the method used by the manufacturer is not adequate to demonstrate the bioavailability of the drug product. The Commissioner believes that, in view of limited testing resources, it is impractical and not in the interest of public health to require retesting whenever a more sensitive method becomes available, particularly if this new method is only marginally more sensitive than previous methods.

14. One comment suggested that proposed § 320.2 specify that an isotopically labeled drug product may be used for assay in those cases where a more specific assay method is not available.

The Commissioner does not rule out studies using radioactive or nonradioactive isotopes; however, each such study must be considered on an ad hoc basis. The Commissioner concludes that a bioavailability study using an isotopically labeled drug may be deficient in that such a study involves a nonmarketable form of the drug product. The key to proper bioavailability studies is to use the dosage form intended for commercial distribution. If an isotopically labeled version of the drug product is used, it means that a special form of the active drug ingredient is being used. This version may differ in polymorphic form, particle size, or other physicochemical characteristics from the nonlabeled active drug ingredient. The bioavailability of the isotopically labeled drug product may differ from the nonlabeled drug. Such studies, however, may be approved if the in vivo performance of the isotopically labeled drug product is fully characterized to assure that it is equivalent to the dosage form intended for commercial distribution. The Commissioner is including in § 320.24(d)(4) of the final regulations specific reference to radioactive and nonradioactive isotopically labeled drug products. The Commissioner concludes that a bioavailability study involving a nonradioactive isotopically labeled drug product need not be conducted under a "Notice of Claimed Investigational Exemption for a New Drug" if the study is otherwise exempt from such a requirment under § 320.31. There is no evidence that the use of a nonradioactive isotope per se presents a hazard to research subjects. The use of a radioactively labeled drug product in a bioavailability study shall be under a "Notice of Claimed Investigational Exemption for a New Drug" submitted under § 312.1. The Commissioner is including this requirement in § 320.31(a)(2) of the final regulations.

Criteria for Waiver of In Vivo Bioavailability Data

15. One comment stated that proposed § 320.2(c)(2)(i) should be revised by adding the words "or oral" after "intravenous." This revision would permit waiver of evidence of in vivo bioavailability for a drug product in solution for oral use.

The Commissioner does not fully agree with this comment. Any oral dosage form, solution or otherwise, must be formulated and manufactured in such a manner that the active drug ingredient or therapeutic moiety is released from the drug product and becomes bioavailable, i.e., the active drug ingredient or therapeutic moiety is absorbed into the systemic circulation and becomes available at the site of drug action. Although release of the active drug ingredient or therapeutic moiety is not a factor in an oral solution, absorption into the systemic circulation depends upon many factors, including the pKa (the negative logarithm of the ionization constant of a chemical compound) of the active drug ingredient or therapeutic moiety, the pH of the physiological environment, lipid solubility, viscosity of the solution, the presence of certain inactive ingredients, and the stability of the active drug ingredient or therapeutic moiety in the gastrointestinal tract. The fact that an oral drug product is in solution does not guarantee its absorption into the systemic circulation. The Commissioner concludes, however, that the requirement for the submission of in vivo bioavailability data shall be waived if a drug product (a) is an oral solution, elixir, syrup, tincture, or similar other solubilized form, (b) contains an active drug ingredient or therapeutic moiety in the same concentration as a drug product that is the subject of an approved full NDA; and (c) contains no inactive ingredient that is known to significantly affect absorption of the active drug ingredient or therapeutic moiety. Section 320.22(b)(5) of the final regulations permits this waiver if all of these conditions are met.

16. Proposed § 320.2(c)(2)(i) could be interpreted as permitting waiver of the submission of in vivo bioavailability data for any intravenous solution.

The Commissioner advises that this was not the intent of the proposal. Bioavailability data are needed to support dosage recommendations if the intravenous solution contains (a) an active drug ingredient or therapeutic moiety that is not the subject of an approved full NDA or (b) an active drug ingredient or therapeutic moiety that is the subject of an approved full NDA but which has not been approved for use in an intravenous solution in the same solvent and concentration. The Commissioner is clarifying the proposal's intent in the final regulations. Section 320.22(b)(1) permits waiver of the submission of in vivo bioavailability data if the intravenous solution contains an active drug ingredient or therapeutic moiety in the same solvent and concentration as an intravenous solution that is the subject of an approved full NDA.

17. One comment regarding proposed § 320.2(c)(2)(ii) and (iii) stated that the term bioavailability is simply unsuitable when applied to vehicles (e.g., emollients and syrups) and devices. Another comment stated that products such as emollients to the skin or syrups used as flavored placebos are not drugs as defined in section 210(g) of the act (21 U.S.C. 321(g)) or drug products as defined in § 320.1(b) of the proposed procedures for establishing a bioequivalence requirement and the final regulations published elsewhere in this issue of the Federal Register. The comment recommended that these examples be deleted from the proposed regulations.

The Commissioner advises that the intent of proposed § 320.2(c)(2)(ii) and (iii) was to specify kinds of drug products for which evidence of in vivo bioavailability may be waived. The Commissioner disagrees that emollients to the skin or syrups used as flavored placebos are not drugs. Such products may be drugs depending upon their intended use. To clarify the intent of the proposal, the Commissioner is revising the final regulations. Section 320.22(b) permits waiver of the submission of in vivo bioavailability data if the product's bioavailability is self evident or not necessary for the product to achieve any of its intended purposes. This section permits waiver if the product is a topically applied preparation intended for local therapeutic effect. The Commissioner is deleting the reference to devices such as lenses for the eye and surgical sutures. These devices are subject to and will be regulated under the provisions of the Medical Device Amendments of 1976, not the new drug provisions of the act.

18. Four comments regarding proposed § 320.2(c)(3) stated that bioavailability cannot be established or guaranteed by an in vitro test without proper in vivo correlation.

The Commissioner concludes that, under the conditions set forth in § 320.22(d) of the final regulations, bioavailability may be demonstrated by evidence obtained in vitro in lieu of in vivo data. These conditions allow in vitro testing only if (a) the in vitro test has been correlated with in vivo data, (b) the test product is compared to a reference material that has been shown to be bioavailable, or (c) the test product is compared to an identical drug product that is the subject of an approved full or abbreviated NDA. The Commissioner believes that this approach is justified in view of the limited resources available for in vivo testing and is in keeping with the guiding principle that no unnecessary human research should be done.

19. One comment stated that in vitro testing may be adequate to demonstrate the equivalence of a reformulated drug product if the reformulation involves changes in color, flavors, or preservatives.

The Commissioner agrees and the final regulations under § 320.22(d)(4) permit in vitro testing when the proposed reformulated drug product is identical, except for color, flavor, or preservatives, to another drug product made by the same manufacturer, e.g., the same product before reformulation, and if the in vitro test approved by FDA compares the reformulated product to the other drug product and that other product has previously been shown to be bioavailable.

20. One comment noted that proposed § 320.2(c)(3)(ii) requires the use of an in vitro dissolution test. The comment stated that in vitro indicators other than dissolution tests have been used that successfully correlate with in vivo results and recommended that the statement "in vitro dissolution test" be changed to read "in vitro test."

The Commissioner agrees and is amending the final regulations to delete the word "dissolution" wherever it appears in conjunction with a requirement for in vitro testing.

21. The Commissioner concludes that the requirements for the submission of evidence demonstrating the in vivo bioavailability of a solid oral dosage form (other than an enteric coated or controlled release dosage form) of a drug product determined to be effective for at least one indication in a DESI (Drug Efficacy Study Implementation) notice, or identical, related, or similar to such a drug product under § 310.6 (21 CFR 310.6), shall be waived if the drug product is neither one of those identified in the preamble to the proposed bioequivalence regulations as having an actual or potential bioequivalence problem (see proposed procedures for establishing a bioequivalence requirement published in the Federal Register of June 20, 1975 (40 FR 26164)) nor an identical, related or similar drug product. The FDA, in preparing the proposed bioequivalence regulations, reviewed all of the drug products evaluated as effective for at least one indication in a DESI notice and determined that, except for those drug products listed in the preamble, there is at the present time no evidence that these drug products have a known or

potential bioequivalence problem. The Commissioner believes that this approach is justified in view of the limited availability of resources for in vivo testing and is in keeping with the guiding principle that no unnecessary human research be conducted. The Commissioner, on his own initiative, has amended § 320.22(c) of the final regulations to permit such a waiver. Section 320.22(c) specifies those drug products determined to be effective for at least one indication in a DESI notice that have been identified by FDA as having a known or potential bioequivalence problem. Those drug products are the same as those listed in the preamble to the proposed bioequivalence regulations except that drug products not evaluated as effective for at least one indication have been deleted.

The Commissioner advises that, on an ad hoc basis, additional data regarding product specifications or testing may be required for approval of a full or abbreviated NDA for individual drug products if these data are needed to assure proper manufacturing controls or biopharmaceutical quality. These data may include, among others, requirements regarding particle size or in vitro dissolution testing.

The Commissioner also advises that the requirements of Subpart B of Part 320 regarding the submission of bioavailability data for drug products evaluated as effective for at least one indication in a DESI notice, or identical, related, or similar to such products under § 310.6, supersede all requirements for the submission of bioavailability data in prior individual DESI notices. The Commissioner also advises that the procedures for establishing a bioequivalence requirement (see Subpart C of Part 320 published elsewhere in this issue of the FEDERAL REGISTER) will be used to establish requirements for the submission of bioequivalence data for drug products evaluated in the Drug Efficacy Study. When a bioequivalence requirement is established for any of the drug products listed in § 320.22(c), the Commissioner will act to amend this section to delete the drug product.

22. The Commissioner, on his own initiative, is also amending § 320.22(e) of the final regulations to permit FDA, for good cause, to defer or waive a requirement for the submission of evidence of in vivo bioavailability if deferral or waiver is compatible with the protection of the public health. The Commissioner believes that these provisions are necessary to allow FDA to permit the continued marketing of medically important drug products while adequate methodology is being developed or bioavailability studies are being conducted. For example, FDA may defer or waive the requirement for the submission of evidence of in vivo bioavailability when FDA, on the basis of new evidence, requires manufacturers to reformulate their products to delete an inactive ingredient. The FDA may also defer such a requirement if adequate methodology is not available for in vivo testing. The Commissioner believes that such a deferral is necessary to avoid the conduct of an improper study and unwarranted human research. In deferring or waiving such a requirement, FDA will consider whether protection of the public health will best be served by such deferral or waiver or by removal from the market of the drug products until the required data are submitted in a supplemental application.

GUIDELINES FOR THE CONDUCT OF IN VIVO BIOAVAILABILITY STUDIES

23. Two comments suggested that the guidelines for the conduct of in vivo bioavailability studies be revised to indicate that, for systemic drug products, the reference material of choice is the same active drug ingredient or therapeutic moiety administered intravenously in solution.

The Commissioner does not agree that the intravenous administration of a solution of the active drug ingredient or therapeutic moiety is necessarily the reference material of choice in determining the in vivo bioavailability of systemic drug products. Intravenous solutions can be utilized only if there are data available that demonstrate the safety of the intravenous administration of the active drug ingredient or therapeutic moiety, to assure that the intravenous administration is not toxic or does not produce adverse, life-threatening effects. In the absence of information about the performance of the intravenous administration of the drug in humans, such studies should be limited to animals.

REFERENCE MATERIALS

24. Three comments recommended that proposed § 320.2(d)(1)(i) be revised to make clear that the use of an oral solution or suspension as a reference material can give only an index of the relative bioavailability, because a comparison with that form and the pharmacokinetic description derived will always contain the unknown factor of the fraction of the dose absorbed. Moreover, it is quite conceivable that a dosage form could be developed which, by means of surfactant, buffering, or other pharmaceutical techniques, shows better bioavailability than a solution or suspension form of an inherently poorly absorbed drug.

The Commissioner recognizes that only an index of the relative bioavailability can be determined by the comparison of a drug product to an oral solution or suspension of the active drug ingredient or therapeutic moiety. This was the intent of the proposed regulations. Section 320.25(d) of the final regulations, however, provides for a determination of absolute bioavailability where necessary and where data are available to show that the reference material may safely be administered intravenously in humans.

25. Another comment regarding proposed § 320.2(d)(1)(i) stated that the reference material should be a solution of the product or other appropriate dosage form but not a suspension because of the bioavailability variability of the suspension dosage form. This comment stated that in many instances a suspension of a poorly soluble active drug ingredient may be more poorly absorbed than a well-formulated tablet because of the presence of suspending agents which add viscosity, may bind to the ingredient, and, in general, may decrease both the rate and extent of absorption.

The Commissioner has determined that the provision of proposed § 320.2(d)(1)(i) (now § 320.25(d)(1)) allowing for the use of an oral suspension as a reference material is intended to cover those instances where the active drug ingredient or therapeutic moiety was not soluble in a solvent that is generally recognized as safe for human consumption. In such cases, a suspension may be an appropriate reference material provided any suspending agents used in preparing the suspension do not affect the bioavailability of the suspension and are generally recognized as safe for human consumption.

26. One comment questioned the example cited in the last sentence of proposed § 320.2(d)(1)(ii) providing that, in the case of a newly marketed tablet of a drug already marketed for intravenous administration only, the reference material shall ordinarily be not only the currently marketed intravenous solution but also the pure drug substance in an oral solution or suspension. The comment stated that it is difficult to see the benefit of the additional sampling necessary for a three-way study involving an oral solution or suspension of the drug when the optimum reference for bioavailability already exists as the intravenous form, unless the compound or product is such as to raise the suspicion of a problem with the bioavailability of the oral dosage form.

The Commissioner concludes that when a new dosage form of a drug (already marketed in another dosage form) is proposed for marketing, it is necessary to characterize fully the pharmacokinetic profile of the new dosage form to support dosage recommendations. The selection of the reference material depends upon the scientific questions to be answered and the data needed to establish dosage recommendations. He agrees with this comment, however, that in the specific example cited such information can be obtained using the intravenous dosage form of the drug product as the sole reference material and in § 320.25(d) of the final regulations has deleted the example.

27. Two comments stated that proposed § 320.2(d)(1)(ii) does not adequately differentiate formulation changes involving alternate routes of administration from other types of changes. For example, there should be no expectation that the bioavailability of orally, parenterally, and rectally administered drug products will be comparable, and it may be desirable for a dosage form with a different route of administration not to be "comparable" to the marketed drug product. The comment suggested that the last sentence in this section be

modified to state that when a new formulation, a new dosage form, or a new salt or ester of a marketed drug product is to be administered by an alternative route to those of the currently marketed drug product, the purpose of an in vivo bioavailability test is to determine the bioavailability of the proposed dosage form relative to a reference material.

The Commissioner agrees that it may be desirable for different dosage forms of the same active drug ingredient or therapeutic moiety to have different bioavailability profiles and that the purpose of a bioavailability study is to determine the bioavailability of the new dosage form. He concludes, however, that the regulation should clarify that bioavailability data are needed to define the pharmacokinetic profile of the new dosage form to establish dosage recommendations. The selection of the reference material will vary. For example, if the new dosage form is a tablet and the dosage form currently marketed is a suspension, the appropriate reference material would be not only the marketed dosage form but also the active drug ingredient or therapeutic moiety in an oral solution. However, if the new dosage form is a tablet and the dosage form currently marketed is an intravenous solution, the appropriate reference material would be the marketed dosage form. The appropriate reference material will vary depending upon the scientific questions to be answered and the data needed to establish dosage recommendations. The Commissioner is revising § 320.25(e) of the final regulations to state that the purpose of an in vivo bioavailability study involving a drug product that is a new formulation, a new dosage form, or a new salt or ester of an active drug ingredient or therapeutic moiety that has been approved for marketing is (a) to determine the bioavailability of the new formulation, new dosage form, or new salt or ester relative to an appropriate reference material and (b) to define the pharmacokinetic parameters of the new formulation, new dosage form, or new salt or ester to establish dosage recommendations. In such a case, the selection of the reference material(s) depends upon the scientific questions to be answered, the data needed to establish comparability to a currently marketed drug product, and the data needed to establish dosage recommendations.

CONTROLLED RELEASED DRUG PRODUCTS

28. One comment suggested that, for clarification, the words "controlled release" be inserted before the word "claims" at the end of the first sentence in proposed § 320.2(d)(1)(iii). As revised the sentence would read: "For a new drug product for which a controlled release claim is made, the purpose of an in vivo bioavailability test is to determine that the new product meets the controlled release claims made for it."

The Commissioner disagrees with that comment. He concludes that the purposes of an in vivo bioavailability study of a controlled release drug product are to determine: (a) If the drug product meets the controlled release claim made for it, (b) if the bioavailability profile established for the drug product rules out the occurrence of any dose dumping, (c) if the drug product's steady-state performance is equivalent to a currently marketed noncontrolled release or controlled release drug product that contains the same active drug ingredient or therapeutic moiety, and (d) if the drug product's formulation provides consistent pharmacokinetic performance between individual dosage units. He is revising § 320.25(f) of the final regulations to clarify the purpose of a bioavailability study for a controlled release drug product.

COMBINATION DRUG PRODUCTS

29. One comment objected to proposed § 320.2(d)(3) requiring that combination drug products must establish bioavailability by reference to simultaneous administration of the individual active drug ingredients. The comment stated that, if an in vivo-correlated in vitro bioavailability test exists for each component, and the component is established to be bioavailable from the combination in accordance with that test, then consistent with the mandate in other sections of the proposal to limit human testing, there is no good reason to require that bioavailability of each component be established by reference to simultaneous administration of each component, unless reason exists to suspect a probable drug interaction affecting the bioavailability of a component from the combination. Another comment stated that in certain combination products the purpose of the second ingredient may actually be to enhance or inhibit the rate of absorption of the primary ingredient and, therefore, provision for this type of combination should be included in the regulation.

The Commissioner advises that the intent of the regulations is to establish that, generally, the purpose of a bioavailability study involving a combination drug product is to determine if the rate and extent of absorption of each active drug ingredient or therapeutic moiety in the combination drug product is equivalent to the rate and extent of absorption of each active drug ingredient or therapeutic moiety in separate single-ingredient preparations given concurrently. The Commissioner reiterates that the regulations require the submission of in vivo bioavailability data unless the requirement is waived. Section 320.22 of the final regulations permits waiver of this requirement for a number of reasons, including evidence that the product meets an in vitro test that assures bioavailability, i.e., an in vitro test that has been correlated with in vivo data. Thus the requirement for the submission of in vivo data may be waived if the applicant submits evidence that the components of a combination drug product meet an in vitro test that assures that each component is bioavailable.

The Commissioner recognizes that in certain cases a second ingredient in a combination drug product is intended to affect the rate or extent of absorption of the primary active drug ingredient or therapeutic moiety. For example, probenecid may be combined with ampicillin to inhibit the tubular renal secretion of ampicillin and thus increase ampicillin plasma levels. The Commissioner is revising § 320.25(g)(3) of the final regulations to permit a bioavailability study involving a combination drug product to determine the rate and extent of absorption of selected, but not all, active drug ingredients or therapeutic moieties in the combination drug product. The FDA may permit this determination if the pharmacokinetics and interactions of the active drug ingredients or therapeutic moieties in the combination drug product are well known and the therapeutic activity of the combination drug product is generally recognized to reside in only one of the active drug ingredients or therapeutic moieties.

CRITICALLY ILL PATIENTS

30. Two comments questioned proposed § 320.2(d)(4) banning bioability testing using critically ill patients. The comments stated that it is conceivable that products intended for use in a vastly altered physiological setting, such as altered clearance rate, electrolyte imbalance, or hemodynamic changes, could be validly examined only in studies involving critically ill patients suffering from renal, respiratory, or cardiovascular insufficiency. One of these comments added that it is appreciated that the therapeutic support of the patient is paramount and studies in critically ill patients should be allowed only under very special situations where the patient's safety is uncompromised and the scientific goals warrant the study.

The Commissioner stated in the preamble to the proposed regulations that, in the cases cited in the comment, bioavailability studies may be conducted on suitable noncritically ill patients. He believes that studies on critically ill patients are inappropriate and contrary to the best medical interest of such individuals unless there is a potential benefit to the patient. He recognizes that concomitant bioavailability studies can be conducted using critically ill patients to allow for dosage titration and further dosage prediction. These studies offer a direct benefit to the patient because the study results can be used to customize the dosage regimen for the critically ill patient. For example, a bioavailability study with kanamycin in uremic patients would permit dosage adjustments based on renal creatinine clearance and serum creatinine levels. Therefore, the Commissioner is revising § 320.25(a)(3) of the final regulations to state that critically ill patients shall not be included in an in vivo bioavailability study unless the attending physician determines that there is a potential benefit to the patient. Pharmacokinetic studies in critically ill patients with an established formulation for the purpose of determining the effects of a disease mechanism on drug metabolism and drug action are in no way prohibited or hindered by these regulations.

SUBJECT VARIABILITY

31. One comment stated that the procedures used by the majority of investigators to determine bioavailability do not compare the physiological variables of subjects receiving test and reference materials, rather they compare mean values of a measured variable. The comment added that, although these investigators have measured the extent of absorption, they have not measured the rate of absorption in determining the bioavailability of a drug product. The comment stated that, if the proposed regulation is implemented, FDA must insist on a reevaluation of the submitted evidence of bioavailability for all marketed drug products and should not accept evaluations that have compared the average extent of absorption.

The Commissioner agrees that early bioavailability studies did not consider inter- and intra-subject variabilities. In the last 3 years, however, FDA in reviewing bioavailability data has considered subject variabilities. The FDA has always considered both the extent and rate of absorption in approving bioavailability studies. Thus, the data submitted within the last 3 years have been evaluated using the guidelines set forth in the bioavailability regulations. The Commissioner does not believe that failure of the early studies to consider subject variabilities is reason to reevaluate the early bioavailability studies unless there is evidence that the drug products included in such studies have a bioequivalence problem. The procedures that the Commissioner is establishing in Subpart C of Part 320 (see the June 20, 1975 proposed procedures for establishing a bioequivalence requirement and the final regulations published elsewhere in this issue of the FEDERAL REGISTER) are intended to provide a mechanism for reviewing the bioequivalence of marketed drug products and for establishing additional testing requirements for those drug products with bioequivalence problems.

SAMPLING TIME INTERVALS

32. Two comments regarding proposed § 320.2(d)(5)(iii) and (iv) stated that this section requires that sampling time intervals for both the test product and the reference material be similar; however, to obtain competent estimates of the rate and extent of absorption, sampling time intervals occasionally need not be the same. For example, in a study comparing an intravenous solution to a tablet, one may desire to take many blood samples shortly after injection of the intravenous solution whereas, because of the characteristics of absorption from a tablet, only a relatively few blood samples need be taken during the same time period. Clearly, patients should not be subjected to needless sampling of blood. These comments suggested that in proposed § 320.2(d)(5)(iii) and (iv) the language "• • • similar time intervals for both the test product and the reference material. Such samples shall be taken with • • •" be deleted. Another comment stated that the words "similar time intervals" in proposed § 320.2(d)(5)(iii) and (iv) should be changed to "identical time intervals" to assure true equivalence.

The Commissioner concludes from these comments that there is a misunderstanding regarding the intent of proposed § 320.2(d). This section is intended to provide general guidelines for the study of a multitude of drug products each of which could require a unique approach. For this reason, he rejects the comment that samples of body fluids should be collected at identical time intervals; such a requirement would not permit the variability needed in studying different products. To clarify these provisions, the Commissioner is revising § 320.26(c) and (d) of the final regulations to provide general guidelines for selection of sampling times. To allow flexibility in the selection of sampling times, he is deleting the phrase "similar time intervals for both the test poduct and the reference material." By way of example, § 320.26(c) of the final regulations states that, in a study comparing oral dosage forms, the blood sampling times should be identical. In a study comparing an intravenous dosage form and an oral dosage form, the blood sampling times should be those needed to describe both the distribution and elimination phase of the intravenous dosage form, and the absorptive and elimination phase of the oral dosage form. For other drug delivery systems, the sampling times should be based on valid scientific reasons.

33. One comment stated that, to assure some flexibility in the selection of urine sampling times, the phrase "unless some other approach is more appropriate for valid scientific reasons" should be inserted at the end of the last sentence in proposed § 320.2(d)(5)(iv).

The Commissioner agrees and is including the phrase suggested in the comment in § 320.26(d) of the final regulations.

34. Three comments objected, as being somewhat arbitrary, to the requirements in proposed § 320.2(d)(5)(iii) and (v) which stated that a drug product must be followed for three half-lives to study it for bioavailability purposes by plasma assay or acute pharmacological effect. The comments noted that three half-lives may not be sufficient in some cases. The duration of the study must instead be based upon the pharmacokinetics of the compound under discussion and suggested that a more reasonable statement might be to ask that the study be continued for a sufficient period to allow for the achievement of a valid bioavailability comparison between the test and reference material. The comments added that, if three half-lives is nonetheless to be a minimum standard, the appropriate portions of these paragraphs should be changed to read: "the total area under the time curve for a time period for at least three times the half-life or sufficiently longer for accurate determination of the individual terminal half-lives."

The Commissioner believes that the pharmacokinetic profile of most drug products can be determined by measuring the rate and extent of absorption for a period of three half-lives of the active drug ingredient, therapeutic moiety, or its metabolite(s) being measured. For some drug products, measurement must be made for a longer period, e.g., five half-lives, because the profile can be determined only by following the rate and extent of absorption for longer than three half-lives. Measurement for three half-lives is intended as a minimum requirement unless another approach is appropriate for valid scientific reasons. The Commissioner emphasizes the words "at least" in proposed § 320.2(d)(5)(iii) and (v), which read in part: "for a time period at least three times the half-life • • •." The Commissioner rejects the proposed alternative wording of the comment as adding nothing to the current language of § 320.26(c).

35. One comment suggested a revision of proposed § 320.2(d)(5)(iv) by changing the words "and extent of urinary excretion" to "and the total urinary excretion."

The Commissioner does not agree with this comment because "total urinary excretion" implies that the active drug ingredient, therapeutic moiety, or metabolite(s) being measured will be completely eliminated in the urine during the time frame in which urinary excretion is being studied. For many drug products, the pharmacokinetic profile of the drug product may be adequately determined before all of the active drug ingredient, therapeutic moiety, or metabolite(s) being measured is eliminated in the urine.

The Commissioner has revised the term "concentration-time curves" in § 320.26(d) of the final regulations to read "cumulative urinary excretion-time curves" because the concentration of the active drug ingredient, therapeutic moiety, or metabolite in the urine depends upon the fluid intake and renal function, thereby making comparison based on concentration unfeasible. Such concentration varies from subject to subject and from day to day in a crossover study.

DATA CORRELATION

36. One comment suggested that the word "correlation" in proposed § 320.2(d)(5)(vii) be changed to "cannonical correlation and/or partial correlation." The comment stated that the statistical procedures commonly used by investigators do not allow for a simple correlation.

The Commissioner does not accept this comment. The term "correlation" as used in proposed § 320.2(d)(5)(vii) (now § 320.28) is not intended to be applied in a statistical sense, but rather to express the concept of showing a cause-and-effect relationship between variables.

37. One comment objected to the statement in proposed § 320.2(d)(5)(vii) that correlation of bioavailability with acute pharmacological effects or clinical evidence of effectiveness may be required if needed to establish the clinical significance of special claims, e.g., in the case of a controlled release preparation. The comment stated that no reason is given for singling out controlled release preparations and none is apparent. The comment added that for purposes of demonstrating bioavailability, data verifying claims of protracted availability of the active moiety in body fluids in vivo are sufficient.

This section was not intended to single out controlled release dosage forms but to emphasize the need for correlation of pharmacological effects with bioavailability data to support labeling claims. Bioavailability was purposely defined both in terms of rate and extent of absorption, because it can be shown with certain drugs that alterations in rate of absorption may impart significantly differences in pharmacological properties of a drug. In such cases, correlation studies with clinical data may be required for approval of a new dosage form that differs in rate but not extent of absorption. Controlled release preparations were selected as an example because it often can be shown that an increase or decrease in side effects coupled with an increased duration of action is associated with significant differences in the pharmacokinetic profile.

The Commissioner, on his own initiative, is amending § 320.28 of the final regulations to include the word "safety" in the phrase "clinical evidence of effectiveness may be required," because in many instances safety considerations are of prime concern.

SINGLE-DOSE AND MULTIPLE-DOSE STUDIES

38. One comment stated that, with respect to proposed § 320.2(d)(6) (now § 320.27), multiple-dose studies performed in the manner proposed are difficult to execute and do not contain sufficient experimental safeguards to assure that a valid estimate of bioavailability will result. Thus, no recognition is given to the usefulness of terminal plasma disappearance data or to estimates of bioavailability under non-steady-state conditions. The complexities of multiple-dose comparisons are not readily amenable to detailed guidelines for their implementation. The comment suggested that proposed § 320.2(d)(6)(i)–(v) be deleted and the following be inserted in its place: "(6) In selected circumstances, it may be necesary for the test product and the reference material to be compared after repeated administration. The same considerations as in single-dose studies shall generally apply, (except that the method of administration, e.g., fasting and non-fasting, shall reflect the proposed labeling of the drug product) unless some other approach is more appropriate for valid scientific reasons."

The Commissioner agrees that multiple-dose studies are difficult to execute and that there is an obvious need for subject monitoring in such studies. There are, however, a number of circumstances where such studies are the optimal methods to demonstrate the bioavailability of a drug product. While it is not the intent of the Commissioner to constrain research on new methodology in this area, it is his opinion that some broad guidelines should be provided for such studies, particularly because many manufacturers have requested FDA's guidance in conducting such studies. On that basis, the more detailed version of the guidelines has been retained in § 320.27 of the final regulations and expanded in reply to a number of comments to this section.

39. One comment stated that proposed § 320.2(d)(5)(i) and (vi) and (6)(ii) should be amended to indicate that while single-dose crossover studies should have a drug elimination period, multiple-dose crossover studies should not have a drug elimination period and therefore should be performed under protocols of continuous administration. In support of this statement, the comment noted that once the "steady state" has been achieved by administration of the initial drug, the second drug given should, if equally bioavailable and given at the same dosage, maintain the same levels. If the level of bioavailability being measured either decreases or increases, the two drug formulations are not comparable. The changes in effect would be shown on the crossover with clearer results without a washout period than with such a period. On the other hand, a single-dose study does not achieve a constant level, hence any drug remaining in the test subject can alter the results on crossover. Therefore, single-dose crossover studies should specifically be required to utilize elimination periods unless, for some reason, such a period is not necessary.

The Commissioner agrees that a drug elimination period is not ordinarily required in a multiple-dose study, provided steady-state conditions are achieved. The Commissioner recognizes that, in studies involving drugs having a very long half-life, multiple-dose studies may be unfeasible and/or hazardous, particularly in normal volunteers, where the dosing interval is significantly shorter than the half-life of the drug. Section 320.26(b) of the final regulations states that a drug elimination period should be provided for in a single-dose crossover study. Section 320.27(b) states that a drug elimination period should be provided for in multiple-dose crossover studies if steady-state conditions are not achieved.

40. The Commissioner advises that the guidelines on the design of a single-dose or multiple-dose in vivo bioavailability study in §§ 320.26 and 320.27 of the final regulations are very basic guidelines. They are not intended to include all of the requirements necessary for designing and conducting a bioavailability study. The FDA is preparing detailed guidelines for bioavailability studies that will be available from the Bureau of Drugs, Division of Biopharmaceutics (HFD–520), 5600 Fishers Lane, Rockville, MD 20857. To clarify that the guidelines are not absolute requirements, the word "should" is substituted for "shall" in §§ 320.26 and 320.27 of the final regulations.

41. Proposed § 320.2(d)(5)(vi) stated that the drug elimination period in a single-dose crossover study should be at least five times the half-life of the therapeutic moiety or its metabolite or five times the half-time of decay of the acute pharmacological effect. The Commissioner believes that, because of the limitations of available technology, it may not be possible to monitor the drug elimination period for five half-lives in a single-dose study. Therefore, he is revising § 320.26(b)(2) of the final regulations to state that, unless some other approach is appropriate for valid scientific reasons, the drug elimination period in a single-dose crossover study should be either at least three times the half-life of the active drug ingredient or therapeutic moiety or its metabolite(s) measured in the blood or urine, or at least three times the half-life of decay of the acute pharmacological effect. The Commissioner believes that, with available technology, it is possible to monitor the drug elimination period in a multiple-dose crossover study for at least five half-lives. Therefore, § 320.27(b)(3) of the final regulations states that, if a drug elimination period is required in a multiple-dose study, unless some other approach is more appropriate for valid scientific reasons, the drug elimination period should be either at least five times the half-life of the active drug ingredient or therapeutic moiety, or its metabolite(s), measured in the blood or urine, or at least five times the half-life of decay of the acute pharmacological effect.

42. One comment objected to the statement in proposed § 320.2(d)(6)(i) that multiple-dose studies may be required to determine bioavailability where there is a difference in the rate of absorption but not in the extent of absorption. The comment noted that bioavailability is defined as both the rate and extent of absorption; at steady state, the mean plasma level (Cp mean) will be a function of the extent of absorption only. Where the difference in bioavailability lies with the rate of absorption, the single-dose study is more appropriate. The comment added that this would especially apply to controlled release preparations where the input rate has been deliverately altered. The single-dose study would be more appropriate in following the absorption rate to determine that the controlled release claim for the product was correct.

The Commissioner believes that occasionally there is a need to define maximum (Cmax) and minimum (Cmin) concentrations under steady-state conditions. Multiple-dose studies that define Cmax and Cmin blood concentrations are most appropriate when dealing with drugs possessing a narrow therapeutic ratio, drugs requiring careful patient titration, and controlled release dosage forms. In the case of controlled release dosage forms, it is not sufficient to demonstrate merely the slow release and absorption of the dosage form; both safety and effectiveness of the product must also be demonstrated. The latter requires sufficient proof of reproducibility in release rate; proof is best determined in multiple-dose studies. In addition there is the need to obtain sufficient pharmacokinetic data for purposes of labeling the controlled release dosage form.

43. Two other comments stated that among the instances requiring multiple-dose studies are those where there is excessive variability from subject to subject or where the concentration of the therapeutic moiety in the blood or urine, resulting from a single dose, is too low for accurate anlysis. These comments added that the two instances should be deleted since neither is a valid reason to require multiple-dose studies and accurate results can be achieved by increasing the patient population in the first instance or increasing the dose in single-dose studies in the second instance.

The Commissioner does not agree with these comments. Excessive subject variability and the existence of blood concentration too low for the analytical method may indeed be valid reasons for requiring multiple-dose studies. In many cases, increasing the dose administered may be both hazardous to the subject and not reflective of the absorption pattern of the drug product under question. If there is excessive variability from subject to subject, large numbers of subjects employing single-dose studies would be required to demonstrate bioavailability. In his opinion, such studies are technically unfeasible because of the difficulty of assuring adequate clinical monitoring.

44. Although no comments were received regarding proposed § 320.2(d)(6)(ii), the Commissioner has reviewed this provision and is modifying it to clarify that crossover studies are not required if the purpose of a multiple-dose study is to establish dose proportionality under a multiple-dose regimen or the pharmacokinetic profile of a new drug entity, new drug delivery system, or controlled release dosage form. As revised § 320.27(b)(2) of the final regulations reads: "A multiple-dose study is not required to be of crossover design if the study is to establish dose proportionality under a multiple-dose regimen or to establish the pharmaeokinetic profile of a new drug product, a new drug delivery system, or a controlled release dosage form."

45. Although no comments were filed regarding proposed § 320.2(d)(6)(iii), the Commissioner is revising § 320.27(c) of the final regulations to provide for flexibility in protocol design by including the phrase "unless some other approach is more appropriate for valid scientific reasons." As revised, § 320.27(c) reads: "Whenever a multiple-dose study is conducted, unless some other approach is more appropriate for valid scientific reasons, sufficient doses of the test product and reference material should ordinarily be administered in accordance with the labeling to achieve steady-state conditions."

46. One comment regarding proposed § 320.2(d)(6)(iv) stated that the wording of the sentence "A more complete characterization * * * of the total area under the concentration curve" gives the impression that calculation of the area under the concentration curve is required. The comment noted that this is redundant because, if a statistical procedure shows that test and reference material do not differ in rate and extent variables, then there is no need to demonstrate that the areas under the curves of the two materials do not differ. The determination of the rate and extent of absorption is necessary to establish bioavailability, while determining the area under the curve is a necessary but not sufficient requirement for establishing bioavailability.

Proposed § 320.2(d)(6)(iv) encourages, but does not require, a more complete characterization of the blood level or urinary excretion rate during the absorption and elimination phases of a single-dose administered at steady state. The Commissioner encourages such complete characterization to permit estimation of the total area under the concentration-time curves and to obtain pharmacokinetic information, e.g., half-life, or blood clearance, that is essential in preparing adequate labeling for the drug product. The Commissioner has expanded § 320.27(d)(3) of the final regulations to clarify why complete characterization is encouraged.

47. One comment regarding proposed § 320.2(d)(6)(iv) stated that, while a protocol of frequent sampling would be a better estimate of the plasma profile, the area under the concentration-time curve for the dosing interval at steady state is proportional (assuming a linear system) to the fraction of the dose absorbed and thus also to the extent of availability, even when no postabsorptive or elimination phase is seen because of slow absorption relative to the dose interval.

The Commissioner agrees with this comment. These facts have been both kinetically predicted and experimentally demonstrated in the selentific literature. Therefore, the Commissioner is revising § 320.27(e)(2) of the final regulations by adding the following statement: "In a linear system, the area under the blood concentration-time curve during a dosing interval in a multiple-dose steady-state study is directly proportional to the fraction of the dose absorbed and is equal to the corresponding 'zero to infinity' area under the curve for a single-dose study. Therefore, when steady-state conditions are achieved, a comparison of blood concentrations during a dosing interval may be used to define the fraction of the active drug ingredient or therapeutic moiety absorbed." Section 320.27(e)(3) states that other methods based on valid scientific reasons should be used to determine the bioavailability of a drug product having dose-dependent kinetics (nonlinear system).

Analytical Methods

48. One comment stated that proposed § 320.2(d)(7) discusses the analytical method used in bioavailability studies to measure acute pharmacological effect or the concentration of the active drug ingredient, therapeutic moiety, or metabolite(s) in body fluids or excretory products. The section omits bioavailability studies conducted with radioactively labeled drugs. As a part of the analytical methodology, the comment suggested that studies conducted with radioactively labeled drugs be included.

In paragraph 14 above, the Commissioner discusses the use of isotopically labeled drugs in a bioavailability study and is amending the final regulations to provide for such use when approved by FDA. The Commissioner, however, concludes that it is unnecessary to amend § 320.29 in the final regulations to refer to the use of radioactively labeled drugs because this section is concerned with the sensitivity of, not the choice of, the analytical method.

49. One comment stated that proposed § 320.2(d)(9) (now § 320.23) contains no mechanism to satisfy the requirement that the bioavailability test shall be of sufficient sensitivity to discriminate between inequivalent products. The comment stated that the requirement implies that a product of known poor bioavailability must be compared against the reference material to determine whether the method can detect differences between the two products.

Statistical analysis of data is the mechanism for determining whether a bioavailability test is sufficiently sensitive to discriminate between inequivalent products. A variety of statistical techniques are available for this analysis, e.g., analysis of variance, student T test, chi square test, and Hottelings' T^2 test. The investigator has to choose from among those many statistical techniques one of sufficient sensitivity to detect differences in bioavailability that are not attributable to subject variability. The statement in proposed § 320.2(d)(9) was not intended to suggest that a product of known poor bioavailability is to be run against the reference material, and, as noted in paragraph 51 below, has been revised.

50. Two comments stated that proposed § 320.2(d)(9) does not distinguish bioavailability from bioequivalence testing. For example, the relationship of a new therapeutic pharmaceutical alternative with comparable labeling should be shown to have comparable rate and extent of absorption to the reference standard, e.g., marketed product. One of the comments added that the phrase "may be considered medically insignificant" appears to be vague. The comments proposed that § 320.2(d)(9) be revised to read: "For new products containing a new therapeutic moiety that has not been previously marketed and for new formulations, new dosage forms, or new salts or esters of an already marketed therapeutic moiety that are to be administered by an alternate route to those of the currently marketed drug products, the drug product shall be shown to be bioavailable by evidence of the rate and extent of absorption, as determined by comparison of measured parameters, e.g., concentrations of the drug in the plasma, urinary excretion rates, pharmacological effects, etc., to those of the reference material. In this case (where bioavailability only is determined) ordinarily the drug product will not be similar in rate and extent of absorption to that of the reference material. For

drug products undergoing testing to determine whether they meet bioequivalence requirements and for new formulations, new dosage forms, or new salts or esters of an already marketed therapeutic moiety that are to be administered by the same route as that of a currently marketed drug product, said drug product(s) shall be deemed to be bioequivalent if the rate and extent of absorption, as determined by measured parameters, e.g., concentrations of the drug in the plasma, urinary excretion rates, pharmacological effects, etc., have comparable location parameters, e.g., means, medians, etc., to those of the reference material, provided that the bioavailability test is sufficiently sensitive to discriminate between specified differences in formulations. A drug product may be equivalent to the reference material in the extent of absorption but not in its rate of absorption and yet may be considered to be bioequivalent because such differences in rate of absorption may be intentional or are not essential to the attainment of effective body drug concentrations on chronic usage."

Another comment recommended that proposed § 320.2(d)(9) be deleted entirely because it confuses the terms bioavailability and bioequivalence. Two other comments stated that the phrase "do not differ significantly" is vague. One of these comments recommended insertion of the word "statistically" before the words "differ significantly."

The Commissioner agrees that proposed § 320.2(d)(9) confuses the terms bioavailability and bioequivalence and that the phrases "do not differ significantly" and "may be considered medically insignificant" need to be clarified. The intent of this section is to provide guidance in evaluating data to determine the bioavailability of a new drug product containing a new therapeutic moiety, or a new dosage form or new salt or ester of an already marketed therapeutic moiety. Therefore, the Commissioner is revising § 320.23 of the final regulations. Under § 320.23 the in vivo bioavailability of a drug product is demonstrated if the product's rate and extent of absorption, as determined by comparison of measured parameters, e.g., concentrations of the active drug ingredient in the blood, urinary excretion rates, or pharmacological effects, do not indicate a significant difference from the reference material's rate and extent of absorption. Statistical techniques used shall be of sufficient sensitivity to detect differences in rate and extent of absorption that are not attributable to subject variability. A drug product that differs from the reference material in its rate of absorption, but not in its extent of absorption, may be considered to be bioavailable if the difference in the rate of absorption is intentional and appropriately reflected in the labeling, and/or not detrimental to the safety and effectiveness of the drug product.

51. One comment noted that proposed § 320.2(d)(9) states that significant differences in rate of absorption will be disregarded in determining bioavailability or bioequivalence if the difference is medically insignificant. The comment added that the principle thus recognized, is equally applicable to the extent of absorption and recommended that the third sentence in proposed § 320.2(d)(9) be revised to read: "A drug product may be inequivalent to the reference material in the extent or rate of absorption and yet may be considered to be bioavailable or bioequivalent because such difference may be considered medically insignificant for the particular drug product." Two other comments added that while there are little, if any, data that identify those instances where one can make the judgment that differences in the rate of absorption will not be medically significant, there are data that document or strongly suggest that differences in the rate of absorption of glucocorticoids can result in therapeutic failures.

The Commissioner is of the opinion that a drug product's safety and effectiveness is dependent primarily on its ability to deliver a therapeutic quantity of the drug to the site of action and, thus, the extent of absorption, not the rate of absorption, will determine steady-state concentrations. The Commissioner advises, however, that the rate of absorption must be considered in determining bioavailability unless there are data available to support a determination that the rate of absorption is not essential to the safe and effective use of the drug product.

Submission of Protocols

52. One comment stated that proposed § 320.2(d)(8) (now § 320.30(a) and (b)) "recommends" the submission of proposed protcols for bioavailability studies for FDA review where, assumedly, the submission is not required under proposed § 320.2(e). The comment added that if a protocol is submitted as part of an IND under the provisions of § 312.1(a)(2) (21 CFR 312.1(a)(2)), FDA is supposed to respond within 30 days of receipt of the IND; however, proposed § 320.2(d)(8) contains no similar time provision for what is essentially a voluntary submission. To eliminate unnecessary delays and to encourage submissions under this provision, the comment suggested that the following language be added at the end of proposed § 320.2(d)(8): "Proposed protocols for bioavailability studies submitted under this provision will be reviewed and all substantive comments transmitted in writing to the sender within 30 days of receipt of the proposed protocol by the Food and Drug Administration. If no substantive response is received by the sender within this period, the proposed protocol is deemed approved by the Food and Drug Administration." This concept was supported by two other comments.

The Commissioner agrees that proposed protocols for bioavailability studies should be evaluated by FDA as soon as possible consistent with agency resources and priorities. As noted in the preamble to the proposal, FDA will attempt to evaluate these protocols within 30 days of their receipt. While every effort will be made to complete such evaluations as soon as possible, it is impractical and not in the public interest to encourage hasty or superficial evaluation by establishing a requirement that evaluations of protocols be completed within a specific time. The Commissioner advises that protocols submitted in an IND notice will not receive preferential treatment or be deemed approved if FDA has not responded within 30 days. The sponsor of an IND notice is required under § 312.1 to wait until 30 days after receipt of the notice by FDA before initiating clinical studies. Clinical studies are permitted to begin if FDA does not request the sponsor to withhold or to restrict such studies within 30 days. Important questions regarding safety issues are resolved within 30 days; however, a detailed review of the study protocol takes longer. Therefore, the sponsor cannot assume that a protocol for a bioavailability study submitted in an IND notice is deemed approved if he does not hear from FDA within 30 days.

Sample Source

53. Two comments recommended that proposed § 320.2(d)(9) be revised by adding a new sentence, after the first sentence, to read: "The lots tested for bioequivalence should be representative of a full size production lot."

The Commissioner agrees in part with this comment. Although the drug product tested must be identical to the product intended for marketing and be manufactured using the same equipment and under the same conditions as those used for full-scale production, it is not necessary that samples intended for bioavailability testing be taken from a full size production lot. The Commissioner is including in § 320.25(i)(2) of the final regulations a requirement that samples of the drug product to be tested be manufactured using the same equipment and under the same conditions as those used for full-scale production.

Informed Consent

54. Proposed § 320.2(e)(3) (now § 320.31(c)) requires written informed consent of any subject who participates in a bioavailability study conducted under an IND. Section 320.2(e)(2) (now § 320.31(b)) permits certain bioavailability studies involving marketed drug products to be conducted without submission of an IND, and thus subjects who participate in a study that is not conducted under an IND would not be required to give written informed consent. The Commissioner concludes that although protection of the public health does not require that every bioavailability study involving commercially available drug products be conducted under an IND, written informed consent shall be obtained from all subjects who participate in a bioavailability study. Such subjects will normally be healthy volunteers for whom no health benefit will be achieved by participation in the study. Nonetheless, the subjects are

placing themselves at risk, albeit small, by participation in the study. Protection of these subjects requires that they be adequately informed of this risk and give written consent to participate in the study. The Commissioner is revising § 320.31(d) of the final regulations to require written informed consent of all subjects who participate in a bioavailability study regardless of whether the study is conducted under an IND.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 501, 502, 505, 701(a), 52 Stat. 1041–1042 as amended, 1049–1053 as amended, 1055 (21 U.S.C. 321(p), 351, 352, 355, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 314, § 314.1 is amended in paragraph (c)(2) by adding a new subitem h to item 12 in Form FD–356H to read as follows:

§ 314.1 Applications.

• • • • • •

(c) • • •
(2) • • •

FD–356H • • •
12. • • •

h. In vivo bioavailability data or information to permit waiver of this requirement in accordance with Subpart B of Part 320 (21 CFR Part 320, Subpart B).

• • • • • •

2. In Part 320:

a. By adding new paragraph (a) to § 320.1 to read as follows:

§ 320.1 Definitions.

(a) "Bioavailability" means the rate and extent to which the active drug ingredient or therapeutic moiety is absorbed from a drug product and becomes available at the site of drug action.

• • • • • •

b. By adding new Subpart B to read as follows:

Subpart B—Procedures for Determining the Bioavailability of Drug Products

Sec.
320.21 Requirements for submission of in vivo bioavailability data.
320.22 Criteria for waiver of evidence of in vivo bioavailability.
320.23 Basis for demonstrating bioavailability.
320.24 General approaches for determining bioavailability.
320.25 Guidelines for the conduct of an in vivo bioavailability study.
320.26 Guidelines on the design of a single-dose in vivo bioavailability study.
320.27 Guidelines on the design of a multiple-dose in vivo bioavailability study.
320.28 Correlation of bioavailability with an acute pharmacological effect or clinical evidence.
320.29 Analytical methods for an in vivo bioavailability study.
320.30 Inquiries regarding bioavailability requirements and review of protocols by the Food and Drug Administration.
320.31 Applicability of requirements regarding a "Notice of Claimed Investigational Exemption for a New Drug".

AUTHORITY: Secs. 201(p), 501, 502, 505, 701(a), 52 Stat. 1041–1042 as amended, 1049–1053 as amended, 1055 (21 U.S.C. 320(p), 351, 352, 355, 371(a)), unless otherwise noted.

§ 320.21 Requirements for submission of in vivo bioavailability data.

(a) Any person submitting a full or abbreviated new drug application to the Food and Drug Administration after July 7, 1977, shall include in the application either:

(1) Evidence demonstrating the in vivo bioavailability of the drug product that is the subject of the application; or,

(2) Information to permit the Food and Drug Administration to waive demonstration of in vivo bioavailability.

(b) Any person submitting a supplemental application to the Food and Drug Administration after July 7, 1977, shall include in the supplemental application the evidence or information set forth in paragraph (a) of this section if the supplemental application proposes any of the following changes:

(1) A change in the manufacturing process, including a change in product formulation or dosage strength, beyond the variations provided for in the approved application.

(2) A change in the labeling to provide for a new indication for use of the drug product, if clinical studies are required to support the new indication for use.

(3) A change in the labeling to provide for a new dosage regimen or for an additional dosage regimen for a special patient population, e.g., infants, if clinical studies are required to support the new or additional dosage regimen.

(c) The Food and Drug Administration may approve a full or abbreviated new drug application, or a supplemental application proposing any of the changes set forth in paragraph (b) of this section, that does not contain evidence of in vivo bioavailability or information to permit waiver of the requirement for in vivo bioavailability data, if all of the following conditions are met:

(1) The application is under review by the Food and Drug Administration on July 7, 1977.

(2) The application is otherwise approvable.

(3) The applicant agrees to submit, within the time specified by the Food and Drug Administration, either:

(i) Evidence demonstrating the in vivo bioavailability of the drug product that is the subject of the application; or,

(ii) Information to permit the Food and Drug Administration to waive demonstration of in vivo bioavailability.

(d) Evidence demonstrating the in vivo bioavailability of a drug product shall be obtained using one of the approaches for determining bioavailability set forth in § 320.24.

(e) Information to permit the Food and Drug Administration to waive demonstration of in vivo bioavailability shall meet the criteria set forth in § 320.22.

(f) Any person holding an approved full or abbreviated new drug application shall submit to the Food and Drug Administration a supplemental application containing new evidence demonstrating **the in vivo bioavailability of the drug product that is the subject of the application if notified by the Food and Drug Administration that:**

(1) There are data demonstrating that the dosage regimen in the labeling is based on incorrect assumptions or facts regarding the pharmacokinetics of the drug product and following this dosage regimen could potentially result in subtherapeutic or toxic levels; or,

(2) There are data demonstrating significant intra-batch and batch-to-batch variability, e.g., plus or minus 25 percent, in the bioavailability of the drug product.

(g) The requirements of this section regarding the submission of evidence demonstrating in vivo bioavailability apply only to a full or abbreviated new drug application or a supplemental application for a finished dosage formulation

§ 320.22 Criteria for waiver of evidence of in vivo bioavailability.

(a) Any person submitting a full or abbreviated new drug application, or a supplemental application proposing any of the changes set forth in § 320.21(b), may request the Food and Drug Administration to waive the requirement for the submission of evidence demonstrating the in vivo bioavailability of the drug product that is the subject of the application. A request for waiver shall be submitted with the application. The Food and Drug Administration shall waive the requirement for the submission of evidence of in vivo bioavailability if the drug product meets any of the provisions of paragraph (b), (c), or (d) of this section.

(b) For certain drug products the in vivo bioavailability of the drug product may be self evident or not necessary for the product to achieve any of its intended purposes. The Food and Drug Administration shall waive the requirement for the submission of evidence obtained in vivo demonstrating the bioavailability of the drug product if the product meets one of the following criteria:

(1) The drug product meets both of the following conditions:

(i) It is a solution intended solely for intravenous administration.

(ii) It contains an active drug ingredient or therapeutic moiety in the same solvent and concentration as an intravenous solution that is the subject of an approved full new drug application.

(2) The drug product is a topically applied preparation, e.g., a cream, ointment, or gel, intended for local therapeutic effect.

(3) The drug product is an oral dosage form that is not intended to be absorbed, e.g., an antacid or a radiopaque medium.

(4) The drug product meets both of the following conditions:

(i) It is administered by inhalation as a gas or vapor, e.g., a medicinal or an inhalation anesthetic.

(ii) It contains an active drug ingredient or therapeutic moiety in the same dosage form as a drug product that is the subject of an approved full new drug application.

(5) The drug product meets all of the following conditions:

(i) It is an oral solution, elixir, syrup, tincture, or similar other solubilized form.

(ii) It contains an active drug ingredient or therapeutic moiety in the same concentration as a drug product that is the subject of an approved full new drug application.

(iii) It contains no inactive ingredient that is known to significantly affect absorption of the active drug ingredient or therapeutic moiety.

(c) The Food and Drug Administration shall waive the requirement for the submission of evidence demonstrating the in vivo bioavailability of a solid oral dosage form (other than an enteric coated or controlled release dosage form) of a drug product determined to be effective for at least one indication in a Drug Efficacy Study Implementation notice or which is identical, related, or similar to such a drug product under § 310.6 of this chapter if the drug product is neither one of the following nor an identical, related, or similar drug product under § 310.6 of this chapter:

ANTI-ARRHYTHMICS

Procainamide hydrochloride capsules.
Quinidine polygalacturonate tablets.

ANTI-COAGULANTS

Bishydroxycoumarin tablets and capsules.
Warfarin, sodium and postassium tablets.

ANTI-CONVULSANTS

Ethosuximide capsules.
Ethotoin tablets.
Mephenytoin tablets.
Methsuximide capsules.
Paramethadione capsules.
Phenacemide tablets.
Phensuximide capsules and suspension.
Phenytoin suspension.
Primidone tablets and suspension.
Trimethadione capsules.

ANTI-HYPERTENSIVE/DIURETICS

Alseroxylon tablets.
Bendroflumethiazide tablets.
Benzthiazide tablets.
Chlorothiazide tablets.
Deserpidine tablets.
Hydrochlorothiazide tablets.
Hydroflumethiazide tablets.
Methyclothiazide tablets.
Polythiazide tablets.
Quinethazone tablets.
Rauwolfia serpentina tablets.
Rescinnamine tablets.
Reserpine tablets.
Trichlormethiazide tablets.

ANTI-HYPERTENSIVE DIURETICS IN COMBINATION

Chlorothiazide and reserpine tablets.
Hydralazine and reserpine tablets.
Hydralazine hydrochloride and hydrochlorothiazide tablets.
Hydrochlorothiazide and deserpidine tablets.
Hydrochlorothiazide and reserpine tablets.
Hydroflumethiazide and reserpine tablets.
Methyclothiazide and deserpidine tablets.
Reserpine, hydralazine hydrochloride and hydrochlorothiazide tablets.
Spironolactone and hydrochlorothiazide tablets.
Trichloromethiazide and reserpine tablets.

ANTI-INFECTIVES

Nitrofurantoin tablets and suspension.
Salicylazosulfapyridine tablets.

Sulfadiazine sodium bicarbonate suspension.
Sulfadiazine, sulfamethazine, and sulfamerazine (triple sulfa) tablets and suspension.
Sulfadiazine tablets.
Sulfadimethoxine tablets, drops, and suspension.
Sulfamerazine tablets.
Sulfamethoxypyridazine acetyl tablets and suspension.
Sulfaphenazole suspension.
Sulfapyridine tablets.
Sulfisomidine tablets.
Sulfisoxazole acetyl suspension.
Sulfisoxazole tablets.

ANTI-MALARIALS

Pyrimethamine tablets.

ANTI-NEOPLASTICS

Chlorambucil tablets.
Methotrexate tablets.
Triethylene melamine tablets.
Uracil mustard capsules.

ANTI-THYROID

Propylthiouracil tablets.

ANTI-TUBERCULAR

Aminosalicylic acid and isoniazid tablets.
Aminosalicylic acid powder, tablets, and resin.
Aminosalicylic calcium granules, tablets, and capsules.
Aminosalicylic potassium tablets, capsules, and powder.
Aminosalicylic sodium powder, tablets, and granules.
Benzoylpas calcium tablets and powder.
Para-aminosalicylate sodium and isoniazid tablets.
Phenylaminosalicylate powder and tablets.

BRONCHIAL DILATORS

Aminophylline tablets.
Dyphylline tablets.
Oxtriphylline tablets.
Theophylline sodium glycinate tablets.

CARBONIC ANHYDRASE INHIBITORS

Acetazolamide tablets.
Dichlorphenamide tablets.
Ethoxzolamide tablets.
Methazolamide tablets.

CARDIAC GLYCOSIDES

Acetyldigitoxin tablets.

CORTICOIDS

Betamethasone tablets.
Cortisone acetate tablets.
Dexamethasone tablets.
Fludrocortisone acetate tablets.
Fluprednisolone tablets.
Hydrocortisone acetate tablets and powder.
Hydrocortisone tablets.
Methylprednisolone tablets.
Paramethasone acetate tablets.
Prednisolone tablets.
Prednisone tablets.
Triamcinolone tablets.

ESTROGENS

Dienestrol tablets.
Diethylstilbestrol diphosphate tablets.
Diethylstilbestrol tablets.
Ethinyl estradiol tablets.

HYPOGLYCEMICS

Tolbutamide tablets.

MISCELLANEOUS

Imipramine hydrochloride tablets.
Isoproterenol sublingual tablets.
Methyltestosterone tablets.
Probenecid tablets.
Sodium sulfoxone tablets.

THYROID SUPPLEMENT

Liothyronine sodium tablets.

TRANQUILIZERS

Chlordiazepoxide hydrochloride capsules.
Chlorpromazine tablets.
Fluphenazine hydrochloride tablets.
Perphenazine tablets.
Prochlorperazine tablets.
Promazine tablets.
Promethazine tablets.
Thioridazine tablets.
Trifluoperazine tablets.
Triflupromazine tablets.
Trimeprazine tablets.

VITAMIN K

Menadione tablets.
Phytonadione tablets.

(d) For certain drug products bioavailability may be demonstrated by evidence obtained in vitro in lieu of in vivo data. The Food and Drug Administration shall waive the requirement for the submission of evidence obtained in vivo demonstrating the bioavailability of the drug product if the drug product meets one of the following criteria:

(1) The drug product is subject to a bioequivalence requirement established by the Food and Drug Administration under Subpart C of this Part that specifies only an in vitro testing requirement.

(2) The drug product is in the same dosage form, but in a different strength, and is proportionally similar in its active and inactive ingredients to another drug product made by the same manufacturer and the following conditions are met:

(i) The bioavailability of this other drug product has been demonstrated.

(ii) Both drug products meet an appropriate in vitro test approved by the Food and Drug Administration.

(iii) The applicant submits evidence showing that both drug products are proportionally similar in their active and inactive ingredients.

(3) The drug product is, on the basis of scientific evidence submitted in the application, shown to meet an in vitro test that assures bioavailability, i.e., an in vitro test that has been correlated with in vivo data.

(4) The drug product is a reformulated product that is identical, except for color, flavor, or preservative, to another drug product made by the same manufacturer and both of the following conditions are met:

(i) The bioavailability of the other product has been demonstrated.

(ii) Both drug products meet an appropriate in vitro test approved by the Food and Drug Administration.

(5) The drug product contains the same active drug ingredient or therapeutic moiety and is in the same strength and dosage form as a drug product that is the subject of an approved full or abbreviated new drug application, and both drug products meet an appropriate in vitro test that has been approved by the Food and Drug Administration.

(e) The Food and Drug Administration, for good cause, may defer or waive a requirement for the submission of evidence of in vivo bioavailability if deferral

or waiver is compatible with the protection of the public health.

§ 320.23 Basis for demonstrating bioavailability.

(a) The in vivo bioavailability of a drug product is demonstrated if the product's rate and extent of absorption, as determined by comparison of measured parameters, e.g., concentration of the active drug ingredient in the blood, urinary excretion rates, or pharmacological effects, do not indicate a significant difference from the reference material's rate and extent of absorption.

(b) Statistical techniques used shall be of sufficient sensitivity to detect differences in rate and extent of absorption that are not attributable to subject variability.

(c) A drug product that differs from the reference material in its rate of absorption, but not in its extent of absorption, may be considered to be bioavailable if:

(1) The difference in the rate of absorption is intentional and appropriately reflected in the labeling; and/or

(2) The rate of absorption is not detrimental to the safety and effectiveness of the drug product.

§ 320.24 General approaches for determining bioavailability.

(a) Bioavailability is usually determined by measurement of:

(1) The concentration of the active drug ingredient or therapeutic moiety, or its metabolite(s), in biological fluids as a function of time; or

(2) The urinary excretion of the therapeutic moiety or its metabolite(s) as a function of time; or

(3) An appropriate acute pharmacological effect.

(b) Bioavailability may be determined by several direct or indirect in vivo methods, generally involving testing in humans. The selection of the method depends upon the purpose of the study, the analytical method available, and the nature of the drug product. These limitations affect the degree to which precise pharmacokinetic studies can be applied and, in some cases, necessitate the use of other methods. Bioavailability testing shall be conducted using the most accurate, sensitive, and reproducible approach available among those set forth in paragraph (c) of this section.

(c) The following in vivo approaches, in descending order of accuracy, sensitivity, and reproducibility, are acceptable for determining the bioavailability of a drug product.

(1) In vivo testing in humans in which the concentration of the active drug ingredient or therapeutic moiety or its metabolite(s), in whole blood, plasma, serum, or other appropriate biological fluid is measured as a function of time, or in which the urinary excretion of the therapeutic moiety, or its metabolite(s), is measured as a function of time. This approach is particularly applicable to dosage forms intended to deliver the active drug ingredient or therapeutic moiety, or to the blood stream for systemic distribution within the body, i.e., injectable drugs, most oral dosage forms, most suppositories, certain drugs administered by inhalation, and some drugs administered by local application to mucous membranes.

(2) In vivo testing in humans in which an appropriate acute pharmacological effect of the active drug ingredient or therapeutic moiety, or metabolite(s), is measured as a function of time if such effect can be measured with sufficient accuracy, sensitivity, and reproducibility. This approach is applicable when appropriate methods are not available for measurement of the concentration of the active drug ingredient or therapeutic moiety, or its metabolite(s), in biological fluids or excretory products but a method is available for the measurement of an appropriate acute pharmacological effect. This approach is applicable to the same dosage forms listed in paragraph (c)(1) of this section.

(3) Well-controlled clinical trials in humans that establish the safety and effectiveness of the drug product. This approach is the least accurate, sensitive, and reproducible of the general approaches for determining in vivo bioavailability in humans. For dosage forms intended to deliver the active drug ingredient or therapeutic moiety to the bloodstream for systemic distribution within the body, this approach shall be considered as providing a sufficiently accurate estimate of in vivo bioavailability only when analytical methods are not available to permit use of one of the approaches outlined in paragraph (c) (1) and (2) of this section. This approach shall also be considered as sufficiently accurate for determining the bioavailability of dosage forms intended to deliver the therapeutic moiety locally, e.g., topical preparations for the skin, eye, ear, mucous membranes; oral dosage forms not intended to be absorbed, e.g., an antacid or a radiopaque medium; and bronchodilators administered by inhalation if the onset and duration of pharmacological activity are defined.

(4) Any other in vivo approach approved by the Food and Drug Administration. This provision is intended for special situations and to include those circumstances where the in vivo bioavailability of a drug product might be determined in a suitable animal model rather than in humans or by using a radioactive or nonradioactive isotopically labeled drug product.

§ 320.25 Guidelines for the conduct of an in vivo bioavailability study.

(a) *Guiding principles.* (1) The basic principle in an in vivo bioavailability study is that no unnecessary human research should be done.

(2) An in vivo bioavailability study shall not be conducted in humans if an appropriate animal model exists and correlation of results in animals and humans has been demonstrated. If an appropriate animal model does not exist, however, an in vivo bioavailability study shall ordinarily be done in normal adults under standardized conditions.

(3) In some situations, an in vivo bioavailability study in humans may preferably and more properly be done in suitable patients. Critically ill patients shall not be included in an in vivo bioavailability study unless the attending physician determines that there is a potential benefit to the patient.

(b) *Basic design.* The basic design of an in vivo bioavailability study is determined by the following:

(1) The scientific questions to be answered.

(2) The nature of the reference material and the dosage form to be tested.

(3) The availability of analytical methods.

(4) Benefit-risk considerations in regard to testing in humans.

(c) *Comparison to a reference material.* In vivo bioavailability testing of a drug product shall be in comparison to an appropriate reference material unless some other approach is more appropriate for valid scientific reasons.

(d) *Previously unmarketed active drug ingredients or therapeutic moieties.* (1) The purpose of an in vivo bioavailability study involving a drug product containing an active drug ingredient or therapeutic moiety that has not been approved for marketing is to determine:

(i) The bioavailability of the formulation proposed for marketing; and

(ii) The essential pharmacokinetic characteristics of the active drug ingredient or therapeutic moiety, such as the rate of absorption, the extent of absorption, the half-life of the therapeutic moiety in vivo, and the rate of excretion and/or metabolism. Dose proportionality of the active drug ingredient or the therapeutic moiety needs to be established after single-dose administration and in certain instances after multiple-dose administration. This characterization is a necessary part of the investigation of the drug to support drug labeling.

(2) The reference material in such a bioavailability study should be a solution or suspension containing the same quantity of the active drug ingredient or therapeutic moiety as the formulation proposed for marketing.

(3) The reference material should be administered by the same route as the formulation proposed for marketing unless an alternative or additional route is necessary to answer the scientific question under study. For example, in the case of an active drug ingredient or therapeutic moiety that is poorly absorbed after oral administration, it may be necessary to compare the oral dosage form proposed for marketing with the active drug ingredient or therapeutic moiety administered in solution both orally and intravenously.

(e) *New formulations of active drug ingredients or therapeutic moieties approved for marketing.* (1) The purpose of an in vivo bioavailability study involving a drug product that is a new formulation, a new dosage form, or a new salt or ester of an active drug ingredient or therapeutic moiety that has been approved for marketing is to:

(i) Determine the bioavailability of the new formulation, new dosage form, or new salt or ester relative to an appropriate reference material; and

(ii) Define the pharmacokinetic parameters of the new formulation, new dosage form, or new salt or ester to establish dosage recommendation.

(2) The selection of the reference material(s) in such a bioavailability study depends upon the scientific questions to be answered, the data needed to establish comparability to a currently marketed drug product, and the data needed to establish dosage recommendations.

(3) The reference material should be taken from a current batch of a drug product that is the subject of an approved new drug application and that contains the same active drug ingredient or therapeutic moiety, if the new formulation, new dosage form, or new salt or ester is intended to be comparable to or to meet any comparative labeling claims made in relation to the drug product that is the subject of an approved new drug application.

(f) *Controlled release formulations.* (1) The purpose of an in vivo bioavailability study involving a drug product for which a controlled release claim is made is to determine if all of the following conditions are met:

(i) The drug product meets the controlled release claims made for it.

(ii) The bioavailability profile established for the drug product rules out the occurrence of any dose dumping.

(iii) The drug product's steady-state performance is equivalent to a currently marketed noncontrolled release or controlled release drug product that contains the same active drug ingredient or therapeutic moiety and that is subject to an approved full new drug application.

(iv) The drug product's formulation provides consistent pharmacokinetic performance between individual dosage units.

(2) The reference material(s) for such a bioavailability study shall be chosen to permit an appropriate scientific evaluation of the controlled release claims made for the drug product. The reference material shall be one of the following or any combination thereof:

(i) A solution or suspension of the active drug ingredient or therapeutic moiety.

(ii) A currently marketed noncontrolled release drug product containing the same active drug ingredient or therapeutic moiety and administered according to the dosage recommendations in the labeling of the noncontrolled release drug product.

(iii) A currently marketed controlled release drug product subject to an approved full new drug application containing the same active drug ingredient or therapeutic moiety and administered according to the dosage recommendations in the labeling proposed for the controlled release drug product.

(iv) A reference material other than one set forth in paragraph (f)(2)(i), (ii) or (iii) of this section that is appropriate for valid scientific reasons.

(g) *Combination drug products.* (1) Generally, the purpose of an in vivo bioavailability study involving a combination drug product is to determine if the rate and extent of absorption of each active drug ingredient or therapeutic moiety in the combination drug product is equivalent to the rate and extent of absorption of each active drug ingredient or therapeutic moiety administered concurrently in separate single-ingredient preparations.

(2) The reference material in such a bioavailability study should be two or more currently marketed, single-ingredient drug products each of which contains one of the active drug ingredients or therapeutic moieties in the combination drug product. The Food and Drug Administration may, for valid scientific reasons, specify that the reference material shall be a combination drug product that is the subject of an approved new drug application.

(3) The Food and Drug Administration may permit a bioavailability study involving a combination drug product to determine the rate and extent of absorption of selected, but not all, active drug ingredients or therapeutic moieties in the combination drug product. The Food and Drug Administration may permit this determination if the pharmacokinetics and the interactions of the active drug ingredients or therapeutic moieties in the combination drug product are well known and the therapeutic activity of the combination drug product is generally recognized to reside in only one of the active drug ingredients or therapeutic moieties, e.g., ampicillin in an ampicillin-probenecid combination drug product.

(h) *Use of a placebo as the reference material.* Where appropriate or where necessary to demonstrate the sensitivity of the test, the reference material in a bioavailability study may be a placebo if:

(1) The study measures the therapeutic or acute pharmacological effect of the active drug ingredient or therapeutic moiety; or

(2) The study is a clinical trial to establish the safety and effectiveness of the drug product.

(i) *Standards for test drug product and reference material.* (1) Both the drug product to be tested and the reference material, if it is another drug product, shall be shown to meet all compendial or other applicable standards of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times, and dissolution rates.

(2) Samples of the drug product to be tested shall be manufactured using the same equipment and under the same conditions as those used for full-scale production.

§ 320.26 Guidelines on the design of a single-dose in vivo bioavailability study.

(a) *Basic principles.* (1) An in vivo bioavailability study should be a single-dose comparison of the drug product to be tested and the appropriate reference material conducted in normal adults.

(2) The test product and the reference material should be administered to subjects in the fasting state, unless some other approach is more appropriate for valid scientific reasons.

(b) *Study design.* (1) A single-dose study should be crossover in design, unless a parallel design or other design is more appropriate for valid scientific reasons, and should provide for a drug elimination period.

(2) Unless some other approach is appropriate for valid scientific reasons, the drug elimination period should be either:

(i) At least three times the half-life of the active drug ingredient or therapeutic moiety, or its metabolite(s), measured in the blood or urine; or

(ii) At least three times the half-life of decay of the acute pharmacological effect.

(c) *Collection of blood samples.* (1) When comparison of the test product and the reference material is to be based on blood concentration time curves, unless some other approach is more appropriate for valid scientific reasons, blood samples should be taken with sufficient frequency to permit an estimate of both:

(i) The peak concentration in the blood of the active drug ingredient or therapeutic moiety, or its metabolite(s), measured; and

(ii) The total area under the curve for a time period at least three times the half-life of the active drug ingredient or therapeutic moiety, or its metabolite(s), measured.

(2) In a study comparing oral dosage forms, the sampling times should be identical.

(3) In a study comparing an intravenous dosage form and an oral dosage form, the sampling times should be those needed to describe both:

(i) The distribution and elimination phase of the intravenous dosage form; and

(ii) The absorption and elimination phase of the oral dosage form.

(4) In a study comparing drug delivery systems other than oral or intravenous dosage forms with an appropriate reference standard, the sampling times should be based on valid scientific reasons.

(d) *Collection of urine samples.* When comparison of the test product and the reference material is to be based on cumulative urinary excretion-time curves, unless some other approach is more appropriate for valid scientific reasons, samples of the urine should be collected with sufficient frequency to permit an estimate of the rate and extent of urinary excretion of the active drug ingredient or therapeutic moiety, or its metabolite(s), measured.

(e) *Measurement of an acute pharmacological effect.* (1) When comparison of the test product and the reference material is to be based on acute pharmacological effect-time curves, measurements of this effect should be made with sufficient frequency to permit a reasonable estimate of the total area under the curve for a time period at least three times the half-life of decay of the pharmacological effect, unless some other approach is more appropriate for valid scientific reasons.

(2) The use of an acute pharmacological effect to determine bioavailability may further require demonstration of dose-related response. In such a case, bioavailability may be determined by comparison of the dose-response curves as well as the total area under the acute pharmacological effect-time curves for any given dose.

§ 320.27 Guidelines on the design of a multiple-dose in vivo bioavailability study.

(a) *Basic principles.* (1) In selected circumstances it may be necessary for the test product and the reference material to be compared after repeated administration to determine steady-state levels of the active drug ingredient or therapeutic moiety in the body.

(2) The test product and the reference material should be administered to subjects in the fasting or nonfasting state, depending upon the conditions reflected in the proposed labeling of the test product.

(3) A multiple-dose study may be required to determine the bioavailability of a drug product in the following circumstances:

(i) There is a difference in the rate of absorption but not in the extent of absorption.

(ii) There is excessive variability in bioavailability from subject to subject.

(iii) The concentration of the active drug ingredient or therapeutic moiety, or its metabolite(s), in the blood resulting from a single dose is too low for accurate determination by the analytical method.

(iv) The drug product is a controlled release dosage form.

(b) *Study design.* (1) A multiple-dose study should be crossover in design, unless a parallel design or other design is more appropriate for valid scientific reasons, and should provide for a drug elimination period if steady-state conditions are not achieved.

(2) A multiple-dose study is not required to be of crossover design if the study is to establish dose proportionality under a multiple-dose regimen or to establish the pharmacokinetic profile of a new drug product, a new drug delivery system, or a controlled release dosage form.

(3) If a drug elimination period is required, unless some other approach is more appropriate for valid scientific reasons, the drug elimination period should be either:

(i) At least five times the half-life of the active drug ingredient or therapeutic moiety, or its metabolite(s), measured in the blood or urine; or

(ii) At least five times the half-life of decay of the acute pharmacological effect.

(c) *Achievement of steady-state conditions.* Whenever a multiple-dose study is conducted, unless some other approach is more appropriate for valid scientific reasons, sufficient doses of the test product and reference material should be administered in accordance with the labeling to achieve steady-state conditions.

(d) *Collection of blood or urine samples.* (1) Whenever comparison of the test product and the reference material is to be based on blood concentration-time curves at steady-state, sufficient samples of blood should be taken to define adequately the maximum (Cmax) and minimum (Cmin) blood concentrations on 2 or more consecutive days to establish that steady-state conditions are achieved.

(2) Whenever comparison of the test product and the reference material is to be based on cumulative urinary excretion-time curves at steady-state, sufficient samples of urine should be taken to define the rate and extent of urinary excretion on 2 or more consecutive days to establish that steady-state conditions are achieved.

(3) A more complete characterization of the blood concentration or urinary excretion rate during the absorption and elimination phases of a single dose administered at steady-state is encouraged to permit estimation of the total area under concentration-time curves or cumulative urinary excretion-time curves and to obtain pharmacokinetic information, e.g., half-life or blood clearance, that is essential in preparing adequate labeling for the drug product.

(e) *Steady-state parameters.* (1) In certain instances, e.g., in a study involving a new drug entity, blood clearances at steady-state obtained in a multiple-dose study should be compared to blood clearances obtained in a single-dose study to support adequate dosage recommendations.

(2) In a linear system, the area under the blood concentration-time curve during a dosing interval in a multiple-dose steady-state study is directly proportional to the fraction of the dose absorbed and is equal to the corresponding "zero to infinity" area under the curve for a single-dose study. Therefore, when steady-state conditions are achieved, a comparison of blood concentrations during a dosing interval may be used to define the fraction of the active drug ingredient or therapeutic moiety absorbed.

(3) Other methods based on valid scientific reasons should be used to determine the bioavailability of a drug product having dose-dependent kinetics (nonlinear system).

(f) *Measurement of an acute pharmacological effect.* When comparison of the test product and the reference material is to be based on acute pharmacological effect-time curves, measurements of this effect should be made with sufficient frequency to demonstrate a maximum effect and a lack of significant difference between the test product and the reference material.

§ 320.28 Correlation of bioavailability with an acute pharmacological effect or clinical evidence.

Correlation of in vivo bioavailability data with an acute pharmacological effect or clinical evidence of safety and effectiveness may be required if needed to establish the clinical significance of a special claim, e.g., in the case of a controlled release preparation.

§ 320.29 Analytical methods for an in vivo bioavailability study.

(a) The analytical method used in an in vivo bioavailability study to measure the concentration of the active drug ingredient or therapeutic moiety, or its metabolite(s), in body fluids or excretory products, or the method used to measure an acute pharmacological effect shall be demonstrated to be accurate and of sufficient sensitivity to measure, with appropriate precision, the actual concentration of the active drug ingredient or therapeutic moiety, or its metabolite(s), achieved in the body.

(b) When the analytical method is not sensitive enough to measure accurately the concentration of the active drug ingredient or therapeutic moiety, or its metabolite(s), in body fluids or excretory products produced by a single dose of the test product, two or more single doses may be given together to produce higher concentration if the requirements of § 320.31 are met.

§ 320.30 Inquiries regarding bioavailability requirements and review of protocols by the Food and Drug Administration.

(a) The Commissioner of Food and Drugs strongly recommends that, to avoid the conduct of an improper study and unnecessary human research, any person planning to conduct a bioavailability study submit the proposed protocol for the study to the Food and Drug Administration for review prior to the initiation of the study.

(b) The Food and Drug Administration shall review a proposed protocol for a bioavailability study and determine if all of the following conditions are met:

(1) The design of the proposed bioavailability study is appropriate.

(2) The reference material to be used in the bioavailability study is appropriate.

(3) The proposed chemical and statistical analytical methods are adequate.

(c) General inquiries relating to in vivo bioavailability requirements and methodology shall be submitted to the Food and Drug Administration, Bureau of Drugs, Division of Biopharmaceutics (HFD–520), 5600 Fishers Lane, Rockville, MD 20857.

§ 320.31 Applicability of requirements regarding a "Notice of Claimed Investigational Exemption for a New Drug."

(a) Any person planning to conduct an in vivo bioavailability study in humans shall submit a "Notice of Claimed Investigational Exemption for a New Drug" if either:

(1) The test product contains a new chemical entity that is not the subject of an approved new drug application; or

(2) The study involves a radioactively labeled drug product.

(b) Any person planning to conduct a bioavailability study in humans using a currently commercially available drug product that is the subject of an approved new drug application, or is identical, similar, or related to such a drug product shall submit an IND if the study is one of the following:

(1) A single-dose study in normal subjects or patients where the dose exceeds that specified in the labeling of the drug product that is the subject of an approved new drug application.

(2) A multiple-dose study in patients where the dose exceeds that specified in the labeling of the drug product that is the subject of an approved new drug application.

(3) A multiple-dose study in normal subjects whether or not the dose exceeds that specified in the labeling of the drug product that is the subject of an approved new drug application.

(c) The provisions of § 312.1 of this chapter are applicable to any bioavailability study conducted under a "Notice of Claimed Investigational Exemption for a New Drug."

(d) The consent of all human subjects (or their representatives) who participate in a bioavailability study (regardless of whether the study is conducted under a "Notice of Claimed Investigational Exemption for a New Drug") shall be obtained in writing under § 310.102 of this chapter.

Effective date: This regulation shall be effective July 7, 1977.

(Secs. 201(p), 501, 502, 505, 701(a), 52 Stat. 1041–1042 as amended, 1049–1053 as amended, 1055 (21 U.S.C. 321(p), 351, 352, 355, 371(a)))

Dated: December 30, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-569 Filed 1-6-77;8:45 am]

federal register

FRIDAY, JANUARY 7, 1977

PART IV



DEPARTMENT OF LABOR

Office of the Secretary

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

Miscellaneous Amendments

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Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Migrant and Other Seasonally Employed Farmworkers Programs

MISCELLANEOUS AMENDMENTS

On Tuesday, October 19, 1976, the Department of Labor published in the FEDERAL REGISTER (41 FR 46125) proposed revisions to the regulations under the Comprehensive Employment and Training Act at 29 CFR Parts 94 and 97. The Department invited interested persons to submit comments on the proposed regulations until November 17, 1976.

Several comments were received. The Department studied these comments carefully, and established an evaluation procedure to allow consideration of each comment on its own merits and in relation to other comments received on the same or similar subjects.

This evaluation procedure has resulted in a decision to amend the current regulations for section 303 in certain respects.

The following significant changes have been made in response to the comments received on the October 19, 1976, proposed rulemaking:

1. In § 97.203 *Definitions*, in "Farmwork," 0761 of the Standard Industrialization Classification (SIC) Code definitions is removed as an exclusion so as not to prohibit provision of services to individuals who work for crew leaders. Provision of services to crew leaders, as such, is excluded under the definition of "Seasonal Farmworker."

2. In § 97.215 *Review of Funding Requests*, in paragraphs (a)(2)(F)(1) and (a)(2)(F)(2), language is added to make experience criteria for 303 grantees and for other applicants consistent.

3. In § 97.255 a new paragraph (i) is added which makes clear that section 303 sponsors are permitted to use grant funds to join associations which serve the professional needs of section 303 program operators, and foster the exchange of technical employment and training information among such professionals. It also makes clear that Federal funds shall not be used for lobbying or political purposes. In response to comments received on the proposed amendment published August 24, 1976, the requirement that sponsors receive written authorization from the Secretary before joining an approved association was deleted. Since an association must be approved by the Secretary and announced, it was felt that to require additional written approval was duplication of effort.

4. In § 97.262 *Basic personnel standards for grantees and subgrantees*, a new paragraph (l) entitled "Staff complaint procedures" is added which requires sponsors to establish as part of their written personnel policies a procedure for resolving staff personnel complaints.

In response to comments received, the subparagraph allowing staff members who have exhausted their employer's administrative procedure to initiate procedures under § 97.291(b) has been deleted.

5. In § 97.232 *Eligibility for participation in Section 303 programs*, paragraphs (a)(1) and (a)(2) have been revised to clarify that farmworkers who supplement their income by working in food processing should not be disqualified. The intent of this section has never been to qualify workers exclusively employed in food processing industries.

6. In § 97.271 *Procurement Standards*, paragraph (d) is amended to eliminate dollar limitations and simply refer to definition of nonexpendable property as spelled out in the Property Handbook for MA Contractors.

7. In addition, several editorial, clarifying, and interpretative changes have been made. The more significant changes are as follows:

In § 97.203 *Definitions*, a definition for "Supplemental Funds" is added.

In § 97.204 *Allocation of funds*, language is revised to clarify that the hold harmless amount does not include supplemental funds.

In § 97.213 *Content and Description of Funding Request*, in paragraph (b)(3)(i)(C), a new item (10) is added for description of monitoring and self-evaluation system.

In § 97.233 *Types of program activities available*, language is added to paragraph (c)(2)(ii) to require prior approval of the Secretary for use of designs other than the 50 percent method for OJT.

Section 97.266 *Termination of a grant*, has been revised by deleting paragraph (b) of the proposed regulation, and putting it in a new section 97.267, *Suspension and debarment*. This new section provides that the Secretary may suspend a grantee from being considered for section 303 funds when there is adequate evidence of illegal use of program funds and provides that DOL Procurement Regulations will be followed if suspension or debarment is proposed.

Several comments were received on § 97.213(b)(2)(iii) and § 97.251(a)(1) and (2), the accounting certification process. The Department will continue to evaluate these comments and may propose changes in the accounting certification process at a later date.

A short explanatory statement was provided in the proposal of October 19, 1976, to describe the substantive amendments to the July 9, 1975 regulations. A description of the amendments, which are adopted herein, for the Fiscal Year 1977 regulations are repeated for the reader's convenience.

In § 97.203 *Definitions*, the following changes are made:

The definition of "Allocation" has been changed to clarify that it refers to the amount of funds calculated to be used as planning estimates for section 303 programs.

The definition of "manpower services" has been changed to eliminate the services of outreach, intake and assessment, and transportation, as specified in § 97.233.

The definition of "supportive services" has been changed to include transportation.

Section 97.212 has been revised to require the submission of the revised Preapplication for Federal Assistance Form (SF 424).

Section 97.213(b)(3)(i)(C)(8) has been revised to give examples of the types of items which may be submitted as evidence of past experience.

Paragraph (b)(4) contains three new assurances (xiv), (xv), and (xvi).

Section 97.214 *Submission of Funding Request*, (c)(1), language has been changed to clarify that copies of the Funding Request shall be submitted to appropriate State and/or area clearinghouses. Language has been added to require applicants to indicate in their Funding Request that the procedures of § 97.214 have been followed:

In paragraph (a)(2)(E), § 97.215 *Review of Funding Requests*, language has been loosened to provide for the higher rating to be awarded to applicants which would operate programs incorporating services at less than or no cost to section 303.

A new paragraph, § 97.215(b)(4) has been added which allows the Secretary to not select an applicant if there is evidence of substantial mismanagement of government funds.

In § 97.216(a)(2) time limitation is added to clarify that the Secretary will notify clearinghouses that submit comments on an application of the selection within seven working days of selection.

In paragraph (b) language has been clarified to allow the Secretary to invite one or more organizations to submit a proposal for a State or area.

In paragraph (d) of § 97.217 *Negotiation of final grant*, a new provision has been added to allow the Secretary to negotiate with any organization in the event that negotiations did not result in any acceptable negotiated grant for a section 303 program in a State or area.

Sections 97.220 and 97.221 *Modifications of Grant Agreement* and *Modification of Comprehensive Manpower Plan* have been combined as § 97.220 and completely revised. The following is a summary of the changes: (1) Modifications of grant agreement and major plan modifications are combined.

(2) A narrative modification is included in the overall definition of major modification.

(3) Language is added restricting modifications being initiated solely to adjust planned performance to meet actual performance.

(4) Language is added to clarify for which items prior approval of the Secretary is required.

(5) Paragraph (b)(3) requires that the revised signature sheet shall be used on all modifications requiring prior approval by the Secretary, which would have an additional block to show the type of modification.

(6) In paragraph (c) minor plan and narrative modifications are combined.

In paragraph (a)(c) of § 97.232 *Eligibility for participation in section 303 programs*, the language regarding participation of aliens has been revised.

A new paragraph (e) has been added which prohibits sponsors from providing services to persons violating the terms of the Farm Labor Contractor Registration Act of 1963, as amended.

In § 97.233 *Types of program activities available* paragraph (c)(iii) has been clarified to indicate that allowances and benefits shall be provided as specified in § 97.256.

Time limitation is removed from § 97.233 because it is covered under § 97.256.

In § 97.233(c)(2)(ii), language has been added to indicate that use of a formula which incorporates the trainee's wage as a factor and fixed unit cost contracting are acceptable methods of reimbursement to private-for-profit employers for extraordinary on-the-job training costs, as long as the reimbursement does not exceed 50 percent of the trainee's entry level wage.

The paragraph in § 97.233 prohibiting direct subsidation of wages for participants placed with private-for-profit employers has been separated and renumbered as (iii).

Section 97.233(e) has been renumbered as (c)(3) and has been revised to further clarify appropriate work experience activities. In addition, a new paragraph has been added regarding periodic review of each work experience participant.

A new § 97.233(c)(3)(viii)(A)(3) has been added to include for participants in Federally funded or assisted construction projects, the prevailing rate established by the Secretary in accordance with the Davis-Bacon Act, when such rates are required by the Federal statute under which the assistance was provided.

In § 97.233(c)(4) the services of outreach and intake have been labeled as services to applicants, and paragraphs (i), (ii), (iii), and (iv) have been renumbered. The services of intake, orientation, counseling, and child care have been defined and transportation has been moved from manpower services to supportive services.

In § 97.233(c)(4)(iii) transportation has been moved from manpower services to supportive services.

In § 97.233(c)(4)(iii)(C)(9), Adult Basic Education has been removed from supportive services and Referral to non-303 funded services has been added.

In § 97.233(c)(4)(iii)(E) and § 97.233(c)(5)(iii), the words "as the only activity in which the participant is enrolled" have been deleted.

In § 97.236 *Cooperative relationships between sponsor and other manpower agencies*, in paragraph (a), the examples of Job Corps and the Employment Service has been inserted. Also, grantees are required to maintain documentation on linkages established.

In § 97.236(b) the requirement to establish cooperative relationships with SESA's is added.

§ 97.237 *Performance standards*. In the proposed regulations published October 19, 1976, this section was reserved. A revised set of performance measurements is being reviewed by the Department for future implementation. Until that is finalized, the section on performance standards remains unchanged from the July 9, 1975, regulations.

In § 97.252 *Audit* two provisions have been added which are different from those in § 98.6(e)(2). Audits shall be conducted every year for section 303 grantees for grants of $25,000 or more.

In § 97.253 *Reporting Requirements*, paragraph (b) a new reporting requirement has been added. Sponsors are required to submit a current list of all CETA participants receiving wages to the SESA's upon request.

In § 97.255 *Allowable Federal Costs*, the language has been revised in paragraph (a) clarifying the definition of direct and indirect costs.

In § 97.255(d), language has been added to require grantees to assure that all subgrantees and contractors plan, control and report expenditures against the six cost categories defined in § 97.255(e) and plan for unemployment insurance costs to be incurred during the grant year.

In § 97.255(e)(2) the language has been changed to allow grantees to charge the cost of insurance policy premiums incurred to provide comparable insurance to workmen's compensation for classroom training or services to participants' enrollees, to the cost categories of Training or Services.

In § 97.255(e)(4) language has been added to clarify that training costs consisting of goods and services which directly affect participants should be for instruction of participants in either a work environment or classroom.

In § 97.255(e)(6) language has been added to define administration costs as all indirect and direct costs identified with the management of the grant including subgrantee and contractors, and supervision.

In § 97.255(e)(7), language has been added to allow grantees to charge single unit charges to the dominant cost category if the cumulative amount of common charges such as doctor's bills or tuition fees will not exceed $25,000 during the grant year, and clarify that for such charges as tuition fees in excess of the $25,000 for which details cannot be obtained, benefits can be charged to cost categories based on estimates.

In § 97.255(f)(1), Wages, language has been added to specify that cost of living increases are to be considered wages.

In § 97.255(f)(2), Fringe benefits, language has been added to prohibit the charging of cost of living increases to fringe benefits and to require grantees to charge unemployment insurance costs as they are incurred.

In § 97.255(f)(4) Training, the language has been revised to allow grantees to charge the costs of classroom space and utilities, instructor's equipment and clerical support to the cost category of Training.

In § 97.255(f)(5)(v), Services, language has been added to allow grantees to charge the travel, equipment, space and utilities costs identified with such positions as job developers, counselors, and outreach workers. Additionally, transportation of participants will be an allowable cost under Services.

In § 97.255(g) Travel Costs, language is revised and clarified so that prior approval of the Secretary is not required for section 303 staff and board members if travel is within the section 303 target area or for a Department sponsored conference or meeting.

Section 97.256 *Allowances, wages, general benefits, and working conditions for program participants* has been divided into separate sections so that § 97.256 is titled *Allowances;* § 97.257 is titled *Wages;* § 97.258 is titled *Minimum duration of training, reasonable expectation of employment;* and § 97.259 is titled *General benefits and working conditions for program participants*. Each of these sections has been written out in order to eliminate the need to reference corresponding paragraphs in sections 95 and 98. As a result, § 97.257–97.269 have been renumbered.

In paragraph (b) of § 97.256 *Training allowances*, clarification has been made that allowances shall be paid for classroom training except in cases where waivers have been granted; and allowances may be paid only for participation in activities listed under manpower services, § 97.233(c)(4)(iii)(B), or in other activities.

In § 97.258 *Minimum duration of training; reasonable expectation of employment*, language has been added so that an individual may not be referred for training which requires less than two weeks pre-employment training unless there are immediate employment opportunities available in that occupation.

In § 97.269, *Program income and limitations on program expenditures*, language was added to paragraph (a)(1) to require grantees to return interest earned from program funds within 30 days of the end of each grant quarter and paragraph (a)(3) to require that noninterest program income be expended according to the appropriate title of the Act.

In § 97.270 *Procurement standards*, a new paragraph (c) has been added to make applicable to non-governmental grantees the definitions of subgrant and contract spelled out in § 98.20.

In paragraph (a) of § 97.292 *Procedures for complaints arising from the selection of potential grantees*, a sentence is added to clarify that this does not apply to subjects of negotiation.

Additionally, editorial, stylistic and technical changes are made in this revision.

Accordingly, 29 CFR Parts 94 and 97 are revised, effective February 7, 1977, for the operation of Fiscal Year 1977 grants, to read as follows:

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Section 94.3 of Part 94 is revised by deleting the present Table of Contents for Part 97, Subpart C, and substituting therefor the new Table of Contents for Part 97, Subpart C, so that the revised section reads as follows:

§ 94.3 Consolidated Table of Contents for Parts 94–99.

. . . . .

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART C—MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

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97.291 Procedure for complaints by eligible individuals and program participants.
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. . . . .

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93–203, 87 Stat. 839; Pub. L. 93–567, 88 Stat. 1845), secs. 702(a) and 303, unless otherwise noted.

Part 97, Subpart C is revised to read as set forth below:

. . . . .

SUBPART C—MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

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97.202 Scope and purpose of this subpart
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97.280 Assessment and evaluation

ADMINISTRATIVE REVIEW

97.290 Purpose and policy.
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97.292 Procedure for complaints arising from the selection of potential grantees.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub L. 93–203, 87 Stat. 839; Pub L. 93–567, 88 Stat 1845), secs. 702(a) and 303, unless otherwise noted.

Subpart C—Migrant and Seasonally Employed Farmworkers programs

GENERAL

§ 97.201 Scope and purpose of Title III, section 303 Programs.

(a) It is the purpose of Title III section 303, of the Act to provide manpower and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry, which has been substantially affected by recent advances in technology and mechanization. These individuals constitute a substantial portion of the nation's rural manpower problem and substantially affect the entire national economy.

(b) Because of the special nature of the problem faced by migrant and seasonal farmworkers, the programs developed and implemented under this section of the Act shall be administered by the Employment and Training Administration at the national level. Such programs will be flexible in design and shall have these primary objectives:

(1) *Alternatives to agricultural labor.* Provision of services to migrant and other seasonally employed farmworkers and their families who wish to seek alternative job opportunities to seasonal farmwork which will equip them to compete in other labor markets and to secure stable year-round employment providing an income above the poverty level.

(2) *Improved agricultural life style.* Provision of services necessary to improve the well-being of migrants and other seasonally employed farmworkers and their families who remain in the agricultural labor market and/or to upgrade their skills to enable them to take advantage of job opportunities created by changing agricultural technology.

§ 97.202 Scope and purpose of this subpart.

(a) The regulations promulgated to carry out the Act are set forth in 29 CFR Parts 94–99 as published in the FEDERAL REGISTER on June 25, 1976 (40 FR 26334). As each substantive title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts 94 through 99 provide a separate part for each basic type of activity, and two parts deal with general matters relating to the Act. This subpart deals with all matters pertaining to the implementation and operation of Migrant and Seasonal Farmworker Programs pursuant to section 303 of the Act. It is designed to contain in itself all the regulatory material under the Act necessary for the operation of section 303 programs except where specific reference is made to other parts of this title. When the provisions of this subpart conflict with the provisions of other regulations under the Act, the provisions of this subpart shall prevail.

(b) Statutory authority for the regulations contained in this Subpart C may be found in sections 303 and 702(a) of the Act, as amended as well as in other substantive provisions of the Act.

§ 97.203 Definitions.

A listing of definitions of terms used in the regulations promulgated to implement the Act is set forth in § 94.4 of this subtitle. Those definitions applicable only to section 303 or having special significance to section 303 are the following:

"Allocation" shall mean the amount of funds calculated in accordance with section 97.204 of this subpart to be used as planning estimates for section 303 programs in each State and distributed in accordance with the requirements of this subpart.

"Appropriate amount" for the purposes of committing Title I and/or II funds for farmworkers shall mean an amount proportional to the significance of the farmworkers in the prime sponsor's population; for example, the amount whose ratio to the total Title I funds available to the prime sponsor is equivalent to the ratio of the number of farmworkers to the total number of low-income workers in the prime sponsor's jurisdiction.

"Eligible Applicant," for purposes of receiving funds allocable pursuant to § 97.204(c) of this title, shall mean:

(a) A recognized prime sponsor under CETA Title I having within its jurisdiction a significant segment of migrant and other seasonally employed farmworkers for whom it has committed funds provided under Title I and/or II of the Act in an appropriate amount; or a public agency designated by such prime sponsor to receive section 303 funds;

(b) A private nonprofit organization authorized by its charter or articles of incorporation to provide manpower or such other services as may be funded under this subpart.

"Emergency assistance" shall mean temporary services on an emergency basis which are not immediately available from non-section 303 sources.

"Establishment" shall mean an economic unit, generally at a single physical location, where business is conducted (For example: Farm, orchard, ranch). For the purposes of the "seasonal farmworker" definition, farm labor contractors and crew leaders are not considered establishments; it is the organizations to which they supply the workers that are the establishments.

"Family" shall mean one person, or more than one person living in a single household who are related to each other by blood, marriage, or adoption. A stepchild or foster child who receives at least 50 percent of his/her support from the stepparent or foster parents shall be counted as a member of the stepparent's or foster parents' family. A member of a household:

(1) Who is 18 or older, and

(2) Who receives less than 50 percent (50%) of his/her maintenance from the family, shall not be considered to be a member of the family. Such an individual shall be considered as a family residing alone or in group quarters.

"Farmwork" shall mean work performed for wages in agricultural production or agricultural services (as defined in the most recent edition of the Standard Industrial Classification (SIC) Code definitions included in industries 01, 02 (excluding 027), and 07 excluding 074, 0752, and 078).

"Farmworker organization" shall mean a private nonprofit organization directed principally by farmworkers.

"Funding request" shall mean a formal proposal submitted by an applicant which detail the type and extent of services to be provided to farmworkers and their dependents for consideration by the Secretary for funding under section 303.

"Health care" shall include but is not limited to preventive and clinical medical treatment for farmworkers and their dependents.

"Manpower services" shall mean such services as (a) orientation; (b) counseling; (c) job development; (d) referral; (e) job placement; (f) followup.

"Migrant farmworker" shall mean a seasonal farmworker who performs or has performed during the preceding twelve months agricultural labor which requires travel such that the worker is unable to return to his/her domicile (accepted place of residence) within the same day.

"Nutritional assistance" shall mean services including but not limited to assisting farmworkers and their dependents to obtain food stamps and vouchers, access to other food programs, fair hearings and limited direct cash purchases of food.

"Participant" shall mean an individual who qualifies and receives services except for an individual who receives only outreach and intake (including assessment) services. An individual applicant becomes a participant when:

(1) The individual is declared eligible upon intake; and

(2) The individual receives employment, training or services funded under the Act following intake, except for an individual who receives only outreach and intake (including assessment) services.

"Planning estimates" shall mean the preliminary allocations announced for the purpose of providing target funding levels for each State.

"Relocation assistance" shall mean the activities necessary to arrange for a family to move to a new abode for the purpose of receiving services and/or training which will lead to alternative job opportunities to seasonal farmwork. Activities may include but are not limited to: Necessary manpower services; the costs of the actual transfer of goods and property including mileage for the families' travel; emergency assistance; rent subsidies; and other supportive services.

"Residential support" shall mean the provision of temporary housing for families receiving training, supportive services, or post-placement services. The grantee may offer such housing in several ways including but not limited to directly operating a residential facility with all necessary services or through the grantee's subsidizing all or part of the rental and utility costs for an enrolled family

"Seasonal farmworker" shall mean a person who during the preceding twelve months worked at least 25 days in farm work and worked less than 150 consecutive days at any one establishment. "Seasonal farmworker" includes both migratory and nonmigratory farmworkers, but does not include supervisors or nonmigratory individuals who are full-time students or farmworkers who are not "seasonal" as defined in the preceding sentence.

"Section 303" shall mean the Migrant and Seasonal Farmworker Programs, section 303, Title III of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203, 87 Stat. 839).

"State" includes the Commonwealth of Puerto Rico.

"Supplemental funds" shall mean any funds allocated in excess of that amount announced as a "planning estimate."

"Supportive Services" shall mean such services as health and medical service, child care, transportation, emergency assistance, relocation assistance, residential support, nutritional services, and legal services, designed to improve the well being of those remaining as seasonal farmworkers as well as such services described in § 94.4(ddd) of the subtitle.

"Target area" shall mean a geographic area to be served by a section 303 grant. Such an area may be a county, multicounty area, a state, or a multi-state area.

"Target population" shall mean farmworkers and their dependents who meet § 97.232.

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§ 97.204 Allocation of funds.

(a) *Available funds.* For the purpose of implementing this subpart and pursuant to section 303 of the Act, the Secretary shall reserve, from funds available for Title III programs, funds to serve migrants and other seasonally employed agricultural workers in an amount equal to not less than 5 percent of the amount allocated pursuant to section 103 (a) (1) of the Act.

(b) *National Account.* (1) No more than twenty percent (20%) of the statutory reserve for section 303 activities will be set aside for the National Account, to be used at the discretion of the Secretary for experimental programs; clearing house activity; labor market information; interstate programs; special needs, including but not limited to projects such as permanent housing; programs to meet the needs of emergency situations and changing agricultural technology; and other programs.

(2) Funds from the National Account may be obligated by the Secretary by means of either contracts or grants to private nonprofit agencies or contracts to private profit making organizations. National Account funds obligated to states and local units of government shall be awarded through grants.

(3) The Secretary shall fund programs from the National Account according to procedures deemed advisable by the Secretary, but all National Account programs shall include performance standards specifically designed for those programs.

(4) The provisions of this Subpart C apply in their entirety to programs funded from the National Account, with the exception of §§ 97.205, (Eligibility for Allocable Funds), 97.211 (Allocations), 97.213–97.215 (Selection of Potential Grantees) and paragraph (b) of § 97.237 (Performance Standards).

(c) *State allocations (allocable funds).* (1) No less than eighty percent (80%) of the funds reserved for section 303 activities shall be allocated for farmworker programs in individual states in an equitable manner using the best data available as determined by the Secretary.

(2) *Hold harmless clause.* No state shall be allocated an amount which is less than 90 percent of the amount of allocable section 303 funds announced as the State planning estimate. The base amount on which the 90 percent is calculated shall not include any supplemental funds which may have been allocated in the prior fiscal year. If during any fiscal year the appropriation for section 303 is less than that appropriated in the previous fiscal year, the Secretary reserves the right to suspend the provisions of paragraphs (c) (1) and (2) of this section.

(3) *Allocation Exceptions.* (i) The Secretary reserves the right not to allocate any funds for use in a State whose allocation is less than $50,000. The Secretary will announce which state(s) will not be allocated funds on or about July 1 of each fiscal year. If the State allocation would be an amount less than $50,000, the Secretary may allocate $50,000 for programs in that State.

(ii) Currently funded programs which are unsuccessful applicants for grant funds shall be given notice that funding will terminate upon expiration of the current grant and at least ninety-days lead time to phase out their operations, but such notice will not bind the Secretary to obligate additional funds. The notification of non-selection shall be the notice of termination and the requirements of § 97.267 are to be followed.

(4) *Funding cycle.* All projects funded through State allocations shall be funded beginning January 1 of each year in accordance with the following funding cycle:

(i) On or about July 1: Announcement of State planning estimates and the invitation to submit Funding Requests for State(s) or area(s) open for competition as provided in § 97.219.

(ii) August 1: Deadline for submission of Preapplication Forms for Federal Assistance forms (3 p.m., e.d.t.).

(iii) September 1: Deadline for submission of Funding Requests (3 p.m., e.d.t.).

(iv) On or about November 1: Notification of selection as potential grantees.

(v) January 1: Commencement of grant awards.

If the Secretary deems it advisable to alter the funding cycle provided herein a revised funding cycle shall be published in the FEDERAL REGISTER on or about July 1 of any fiscal year.

§ 97.205 Eligibility for allocable funds.

The following organizations and units of government shall be eligible to receive allocable funds available under section 303:

(a) A recognized prime sponsor under CETA Title I having within its jurisdiction a significant segment of migrant and other seasonally employed farmworkers for whom it has committed funds provided under Title I and/or II of the Act in an appropriate amount; or a public agency within such a prime sponsor's geographic boundaries designated by that eligible prime sponsor to receive section 303 funds in its place.

(1) An applicant eligible under paragraph (a) of this section which wishes to apply for consideration for grant funds to operate programs in an area outside the area in which it is eligible to operate under CETA Title I may do so only with the concurrence of the Title I prime sponsor for that area so affected. Such concurrence may be accomplished by means of an agreement that provides for a subgrant from the applicant prime sponor to the affected Title I prime sponsor or by letter from the affected prime sponsor authorizing the applicant prime sponsor to operate programs in the affected area.

(b) A private nonprofit organization authorized by its charter or articles of incorporation to provide manpower or such other services as are permitted by this subpart.

(c) An organization which wishes to be considered for grant funds to operate programs in more than the State shall submit separate Funding Requests for each state for which it wishes to be considered for funding. An applicant eligible under paragraph (a) of this section which wishes to operate programs in an area outside of its State may do only with the concurrence of the Title I prime sponsor for that area.

GRANT PLANNING AND APPLICATION PROCEDURES

§ 97.210 Grant planning and application procedures in general.

Section 97.210–07.220 provide procedures for obtaining and modifying a grant to operate programs under section 303 of the Act. Specifically, these sections describe the procedures in the grant award process from the announcement of invitation to submit Funding Requests, through the grant application process, to review by the Department and approval of the grant.

§ 97.211 Announcement of State planning estimates and invitation to submit Funding Requests.

(a) *Announcements.* (1) *State planning estimates.* On or about July 1 of each fiscal year the Secretary shall announce State planning estimates of resources available to implement section 303 programs.

(2) *States or areas open for competition under section 303.* On or about July 1 of each fiscal year the Secretary shall announce a list of States and/or areas open for competition under section 303 as provided in § 97.219.

(3) *Invitation to submit funding requests.* On or about July 1 of each fiscal year, the Secretary shall invite applicants as defined in § 97.203 interested in receiving funding under section 303 to submit a Funding Request. The invitation will cover only those areas designated by the Secretary as open for competition.

(4) These announcements shall be made in the FEDERAL REGISTER and through the appropriate Regional Administrator for Employment and Training.

(b) *Intention to apply.* (1) Any eligible applicant intending to apply for funds from a State allocation must submit a Preapplication for Federal Assistance form to the Secretary by August 1, of each fiscal year.

(c) *Opportunity for review and comment:* (1) On or about August 20 of each fiscal year, the Secretary shall publish in the FEDERAL REGISTER a list of all eligible applicants which have submitted preapplications for all or part of each State allocation: (2) Eligible applicants wishing to review and comment on the Funding Request of any eligible applicant within their State as listed in the FEDERAL REGISTER pursuant to paragraph (c) (1) of this section must request a copy of the Funding Request from the eligible applicant so listed.

(3) Eligible applicants submitting a Funding Request to the Secretary to be considered for all or part of a State's allocable funds must send a copy of the Funding Request to all other eligible applicants within the State which have requested a copy of the Funding Request pursuant to paragraph (c) (2) of this section.

(4) These copies must be submitted to requesting organizations at the same time the Funding Request is submitted to the Secretary. Funding Requests sent by mail to requesting organizations pursuant to paragraph (c) (2) and (3) of this section shall be sent by registered or certified mail with return receipt requested or if a Funding Request is delivered by hand, the recipient eligible applicant shall provide a written receipt bearing the time and date of delivery.

(5) Comments of Funding Requests shall be submitted to the Secretary at the address provided in § 97.214, within 30 days of receipt of the Funding Request, but no later than October 8, of each fiscal year. A copy of all comments must also be sent to the concerned eligible applicant by registered mail at the same time.

§ 97.212 Preapplication for Federal assistance.

(a) An applicant eligible to receive allocable funds available under section 303 shall submit a preapplication to the Secretary. The preapplication shall consist of Standard Form 424 as prescribed by Federal Management Circular (FMC) 74–7, with an attachment identifying the target area by State and Counties.

(b) Preapplication for Federal Assistance form, Part I, shall be submitted to the offices identified in § 97.214 (a) and (b). If an organization does not submit a Preapplication for Federal Assistance form by August 1, its Funding Request shall not be considered.

§ 97.213 Content and description of funding request.

(a) *General.* (1) This section describes the Funding Request forms which applicants shall use to apply for funds under section 303.

(2) Forms and instructions are contained in the Forms Preparation Handbook and its section 303 supplement and are available from the Secretary upon request.

(3) The Funding Request consists of four parts: The application for Federal Assistance; the Eligibility documentation; the Comprehensive Plan for Farmworkers; and the Assurances and Certifications form.

(b) *Funding Request forms.* (1) *Application for Federal Assistance.* This identifies the applicant and the amount of funds requested. It provides information concerning the area to be served and the number of farmworkers expected to benefit from the program. The form provided in Federal Management Circular 74–7, Part I, grant application for nonconstruction programs, shall be used with such other forms, as may be required.

(2) *Eligibility documentation.* The following documents shall be submitted by an applicant to meet the eligibility requirements for section 303.

(i) A statement indicating the legally constituted authority under which the organization functions;

(ii) An employer identification number from the Internal Revenue Service; and, for private nonprofit applicants, proof of their tax-exempt status;

(iii) A certification by the chief fiscal officer of a public organization or by a CPA for private nonprofit organizations attesting to the adequacy of the applicant's accounting system, if applicable (refer to § 97.251 to determine applicability);

(iv) A copy of the Comprehensive Manpower Plan component which describes CETA Titles I and/or II services to be made available to farmworkers for the fiscal year for which funds are requested (for CETA prime sponsor applicants only) pursuant to § 97.205(a).

(v) Documentation of concurrences from affected prime sponsor(s), as described in § 97.205(a) (for CETA prime sponsor applicants only).

(3) *Comprehensive Plan for Farmworkers.* The Comprehensive Plan for Farmworkers is a detailed explanation of how the applicant proposes to use section 303 funds for farmworkers within its target area. Upon incorporation into the grant agreement, the amended Comprehensive Plan for Farmworkers will become the basis for programmatic and fiscal accountability of the section 303 grant. The Comprehensive Plan for Farmworkers consists of the Narrative Description of the Program, the Program Planning Summary, and Budget Information Summary described below:

(i) *Narrative description of program.* The Narrative Description of the Program analyzes the manpower and social problems of the target population within the target area to set priorities and goals, describes proposed program activities and delivery systems to meet those goals, proposes performance standards for all program activities, and projects the results which may be expected from the program. The Narrative Description of the Program requires a detailed justification and description of each program activity, including the following specific items (the Forms Preparation Handbook is a guide for completing these items):

(A) Objectives and needs for assistance:

(1) Policy statement on purpose of program;

(2) Description of economic conditions;

(3) Analysis of labor market and social service situation;

(4) Statement of number of farmworkers and dependents to be served; and

(5) Goals and priorities.

(B) Program design and results expected:

(1) Statement of strategy for accomplishing goals;

(2) Detailed description of each program activity and service, including costs, manner of delivery, specific objectives, and performance standards; and

(3) Enumeration of objectives and performance standards related to goals identified in Part A of the Narrative Description of Program.

(C) Approach:

(1) Description of the planning system, participation of and role of the governing board or advisory councils in planning and implementation;

(2) A copy of the by-laws or other official documents showing the structure of pertinent Boards, Area Councils, or Advisory bodies;

(3) Description of the delivery system;

(4) Description of recruitment and eligibility verification methods;

(5) Description of the applicant's administrative system;

(6) Resumes of key management staff;

(7) Justification of section 303 funded administrative costs as defined in § 97-255, in excess of 20 percent;

(8) Documentation of past experience including, but not limited to, the following:

(i) Reports both programmatic and financial, submitted to agencies to which the applicant is accountable for program performance;

(ii) Names and telephone numbers of responsible officials who can substantiate any narrative assertions of past experiences;

(iii) Evaluations, assessments, reports, letters, etc., compiled by organizations other than the applicant;

(iv) A statement for all documentation giving the relationship between the applicant and other organization(s) involved; and

(9) A description of linkages with other manpower programs, other social service programs, and farmworker organizations, including letters of commitment for all services to be provided section 303 participants at no cost to section 303;

(10) Description of monitoring and self-evaluation system.

(D) Geographic location served. Description of the geographic locations within the target area in which the applicant has operated and in which the proposed program will operate, and in which it will recruit and refer participants.

(E) Detailed Budget. For each program activity, section 303 grantees will be required to submit an itemized budget of allowable costs, as defined in §§ 97-255 and 97.260. The CETA and the non-CETA share of the total costs shall be noted for each program activity. For all section 303 funds requested, personnel and nonpersonnel costs shall be itemized for each program activity proposed and for the cost category of administration. This itemization shall include individual operational staff salaries, staff fringe benefits, staff travel, equipment purchases, etc.

(ii) *Program planning summary.* The Program Planning Summary requires an applicant to provide a quantitative statement of enrollment levels, the number of participants to be served by each program activity (classroom training, on-the-job training, work experience, serv-

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ices to participants, and other activities', and outcomes for program participants. It also requires identification of the number of individuals to be served within the target population.

(iii) *Budget information summary.* The Budget Information Summary requires an applicant to provide a quantitative statement of planned expenditures and obligations. It requires an applicant to indicate yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services); the applicant is to reflect planned quarterly obligations and expenditures by program activity.

(4) *Assurances and certifications.* The Assurances and Certifications form is a signature sheet on which the applicant assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable Federal Management Circulars from the General Services Administration (GSA). Signature of the Assurances and Certifications form by private nonprofit section 303 Eligible Applicants and Grantees shall mean that section 303 funds shall be expelled in compliance with Federal Management Circulars 74–4 and 74–7; provided that if a Federal Management Circular applicable to the administration of grants to non-profit organizations becomes effective before the grant period, such Circular shall supersede any provisions of FMC 74–4 and 74–7 (made applicable to private nonprofit organizations by this subpart) which conflict with the provisions of such Circular. The Assurances and Certifications form is contained in the Forms Preparation Handbook. The following is a summary of the items which are described in detail on that form:

(i) Compliance with the Act and regulations issued under the Act

(ii) Compliance with Federal Management Circulars 74–4 and 74–7 and OMB Circular A–95;

(iii) Legal authority to apply for a section 303 grant;

(iv) Nondiscrimination (section 703 (l));

(v) Compliance with Title VI and VII of the Civil Rights Act of 1964;

(vi) Compliance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970;

(vii) Compliance with the Hatch Act and restrictions on political activities (as applicable);

(viii) Prohibition on use of position for private gain;

(ix) Access of Comptroller General and Secretary to records and documents pertaining to the Act;

(x) Nonsupport of religious facilities;

(xi) Maintenance of required health and safety standards;

(xii) Position of appropriate worker's compensation to participants;

(xiii) Use of funds under the Act to supplement rather than supplant funds otherwise available, prohibition on displacement of employed workers by participants employed under the Act, and prohibition on impairment of existing contracts for services;

(xiv) Prohibition of use of funds for lobbying activities in violation of 18 USCA 1913.

(xv) Compliance with Department of Treasury Regulations found at 31 CFR 205.

(xvi) Compliance with the provisions in the Clean Air Act and Federal Water Pollution Control Act.

§ 97.214 Submission of Funding Request.

(a) An eligible applicant shall submit three copies of the Funding Request to the address listed below:

U.S. Department of Labor
Employment and Training Administration
Patrick Henry Building—Room 7122
601 D Street NW.
Washington, D.C. 20213
ATTN: Chief, Division of Farmworker Programs

(b) Two copies of the Funding request shall also be submitted directly to the appropriate Regional Administrator for Employment and Training Administration at the same time the three copies are submitted to the above address and labeled: Funding Request for CETA 303 Farmworker Program.

(c) (1) Copies of the Funding Request shall also be submitted to the appropriate State and/or area clearinghouse(s), as well as to those eligible applicant(s) which request an opportunity for review and comment as provided in § 97.211(c) at the same time the Funding Request is submitted to the above address. Eligible applicants shall send a statement to the above address accompanying the Funding Request, indicating that the procedures in this paragraph have been followed.

(2) All comments from clearinghouses and other reviews shall be submitted to the above address by October 8. However, no notification of selection of potential grantee(s) for a State or area will be made until all clearinghouses and other reviews have had at least 30 days from receipt of the Funding Request from that State or area to submit comments.

(d) Funding Requests sent by mail to the address provided in paragraphs (a) and (c) of this section must be registered or certified with return receipt requested. In order to be considered to be submitted on time by the Employment and Training Administration, the following conditions must be met:

(1) The Funding Request must be registered or certified by the Postal Service on or before 3 p.m. September 1. In the event that September 1 falls on a Sunday, on a holiday, or at any other time during which the Postal Service is not operational, it shall be the responsibility of the applicant to properly register and certify the Funding Request so that it will bear a post mark prior to 3:00 p.m. September 1. No deviation in this condition will be made by the Employment and Training Administration, and all Funding Requests received bearing postmarks after 3:00 p.m. September 1, shall be returned without consideration.

(e) Funding Requests delivered by hand must be taken to the address given in paragraph (a) of this section. All applicants who deliver a Funding Request will be given a receipt bearing a time and date of delivery. Funding Requests will be accepted daily between the hours of 8:15 a.m., and 4:45 p.m., Washington, D.C. time, except Saturdays, Sundays, and holidays. Funding Requests will not be received after 3 p.m., e.d.t., on September 1. In the event that September 1 falls on a Saturday, Sunday or, holiday, it shall be the responsibility of the applicant to deliver the Funding Request so that it will be received prior to 3 p.m., e.d.t., September 1. No deviation in this condition will be made by the Employment and Training Administration and no Funding Request delivered after 3 p.m., e.d.t., September 1 shall be accepted.

§ 97.215 Review of Funding Requests.

(a) *Standards for reviewing Funding Requests for allowable funds.* Funding Requests submitted by applicants shall be reviewed and evaluated by the Secretary to determine those judged to be most qualified to receive a grant under section 303 for program operations in a particular target area according to the procedures outlined in paragraph (a) of this section. In addition, when appropriate under section 306 of the Act. Funding Requests shall be reviewed by the Secretary of the Department of Health, Education, and Welfare (DHEW) or his/her designee in accordance with section 306 of the Act.

(1) *Determination of eligibility.* The Secretary shall review the documentation described in § 97.213(b)(2) to determine the eligibility of each applicant and shall: (i) Designate the organization as eligible under section 303; or (ii) determine that the organization is conditionally eligible pending submission of further documentation; or (iii) determine that the organization is ineligible under section 303. An organization determined to be ineligible shall not be reviewed further.

(2) *Review of Comprehensive Plan for Farmworkers.* The Comprehensive Plans for Farmworkers submitted by applicants shall be reviewed and evaluated by the Secretary to determine those applicants which will be designated potential grantees for a particular target area.

(i) Factors for evaluating Plans. Plans shall be evaluated by the Secretary based on the criteria listed in this paragraph.

(ii) Each of the following factors is assigned a numerical range which shall be used to rank Plans. A separate rating within the identified range for each factor shall be assigned to each Plan based on information provided in the Plan. The sum of the ratings shall constitute the overall rating of the Plan. The following factors shall be considered in assigning ratings:

(A) *Program development.*—Range 0–10. The program development factor is a rating of the proposed program's potential impact on the full range of farmworker needs and its fulfillment of the intent of section 303. The rating will consider the following elements:

(*1*) *Training.* The proposed program provides alternatives for farmworkers to leave farmwork by offering training in a number of occupations providing a wage above the poverty level into which participant can be successfully placed within the existing economic and labor market conditions in the target area. The proposed program provides alternatives for farmworkers to secure full time argriculture work providing an income above the poverty level.

(2) *Services.* The proposed program provides supportive services which are necessary to assist farmworkers in leaving seasonal farmwork and/or provides services which will improve the living and working conditions of farmworkers remaining in agriculture.

(3) *Program impact.* The proposed program will directly impact on the problems and needs of farmworkers in the particular target area. The highest rating of 10 shall be awarded to an organization which has adequately analyzed the economic situation of the target area and identified the social and economic needs of the target population, and has developed a program based on this analysis and identification, which provides service including training and supportive services that can be successfully implemented within the existing target area economic and labor market situations to meet these needs.

(B) *Delivery system—Range* 0–10. The delivery system factor is a rating of the applicant's system for delivering the comprehensive program services and its potential ability to provide effective and timely services to farmworkers. This rating shall include the potential effectiveness of subgrantees and contractors in providing services specifically for farmworkers.

(*1*) The highest rating of 10 shall be awarded to an organization whose delivery system is efficiently integrated and whose subgrantees' and contractors' delivery systems are coordinated with the applicant's into a functioning unit.

(C) *Administrative capability.—Range* 0–10. The administrative capability factor is a rating of the applicant's management experience and efficiency. The rating shall include consideration of the managerial expertise of the organization's present and proposed staff in managerial and decisionmaking positions. This factor shall also consider administrative efficiency based on comparative administrative cost. The highest rating of 10 shall be awarded to organizations which can demonstrate the capability to administer efficiently a multi-activity delivery system with comparatively low administrative costs.

(D) *Responsiveness to farmworkers.—Range* 0–10. The responsiveness to farmworkers factor is a rating of the organization's active and visible involvement of farmworkers in its planning and the proposed involvement of farmworkers in implementation of its proposed program of services. The rating will also consider the sensitivity of the organization's present and proposed staff in program positions. The rating will consider the following elements:

(*1*) *Involvement of Farmworker Boards/Advisory Councils.* This factor is a rating of the involvement of farmworkers on applicant's governing boards and advisory councils in the planning, implementation and operation of the proposed program. This involvement shall be manifested by the responsibilities incorporated in the board's or advisory council's by-laws and the farmworker representation on these bodies. The highest rating of seven shall be awarded to organizations whose boards or advisory councils have responsibility for reviewing and making recommendations on section 303 plans, monitoring section 303 program operations, recommending corrective action, and having established mechanisms for effecting necessary corrective actions, and whose membership includes farmworkers.

(*2*) *Staff sensitivity.* The sensitivity factor is a rating of the ability of the organization's staff to relate to farmworkers and be responsive to their needs. The highest rating of 3 shall be awarded to those organizations whose staffing includes ex-farmworkers and reflects the ethnic, racial, and sexual composition of the target population.

(E) *Linkages and coordination.—Range 0–10.* The linkages and coordination factor is a rating of an organization's demonstrated and documented programmatic ties with appropriate State and local agencies, private nonprofit organizations, and other groups providing resources and services to farmworkers. The highest rating of 10 shall be awarded to applicants which would operate programs incorporating services at less than, or no cost to section 303 from other agencies for the purpose of providing manpower and other services to participants and whose Funding Request includes letters of commitment for these services.

(F) *Review of experience.*—Range 0–50. The organization's past experience in providing a comprehensive program of manpower and other services shall be reviewed and evaluated by the Secretary to determine those judged to be most qualified to receive a grant under section 303 for program operations in a particular target area. A numerical range of 0–50 shall be used to rank the experience of applicants.

(*1*) *Existing section 303 grantees.* For existing section 303 grantees competing as eligible applicants, the review of experience will be based on the record of performance in delivering section 303 services. The Secretary shall review and evaluate the grantee's performance through review of reports, monitoring and/or auditing of the program. The highest rating of 50 may be awarded to a grantee which has provided an effective program of services for farmworkers; the factors in this ratio shall include but not be limited to (A) meeting or exceeding all of the individual grant performance standards in its Comprehensive Plan for Farmworkers; (B) meeting planned performance levels on its Program Planning Summary, and Budget Information Summary for the prior fiscal year (or on its Project Operating Plan); and (C) having met the requirements for program operations and grant administration of this Subpart C.

(*2*) *Other eligible applicants.* For applicants who are not section 303 grantees, the review of experience will be based on information submitted in the Funding Request. In order to receive a rating for experience, an applicant must have adequately identified the funding source(s) to which it was accountable. The assertions of success should be adequately substantiated and documented in the Funding Request, including official evaluations, if available. The Secretary reserves the right to verify the information submitted in the Funding request and to obtain additional information if the information submitted is not adequate for the purpose of this review. The following factors shall be considered in assigning ratings:

(A) *Program experience, regardless of nature of clientele.—Range* 0–40.

(*1*) The organization has operated an effective comprehensive program of services, including but not limited to the program activities and supportive services described in paragraphs (c) through (g) of § 97.233.

(*2*) The organization has provided training and other manpower services effectively.

(*3*) The organization has met or exceeded the stated objectives for program performance of all program activities it has provided.

(*4*) The organization has effectively administered a multi-activity delivery system, if applicable.

(*5*) The administration and management of the program has conformed to acceptable management standards, including but not limited to those set forth in the Grant Administration sections of this Subpart C and Part 98 of this subtitle.

(B) *Farmworker experience.—Range* 0–10. The organization or its subgrantee(s) has provided services specifically for farmworkers. A maximum rating of 10 shall be awarded for farmworker clientele. The highest rating of 50 shall be awarded to an organization which has operated a comprehensive multi-activity program of manpower and other services, whose assertions of effectiveness are supported by individuals from the funding source(s) and/or by an official evaluation, and has served farmworkers. The highest rating of 50 shall also be awarded to prime sponsors whose experience meets the standards presented above and whose subgrantees include farmworker organization(s).

(b) *Selection of potential grantees.* (1) As a result of the procedures set forth in paragraph (a) of this section, of consideration of the potential effectiveness and efficiency of the proposed programs, and of comments received pursuant to § 97.214(c), the Secretary shall designate potential grantees to receive a grant under section 303 for program

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operations in a designated target area. The consideration of the potential effectiveness and efficiency of the proposed programs includes but is not limited to the following: (i) cost effectiveness, and (ii) service delivery consideration.

(2) The Secretary may conditionally designate organizations as potential grantees pending resolution of their eligibility status, submission of additional documentation, or changes in the proposed program.

(3) The Secretary also reserves the right to defer designation of any organization which has submitted a Funding Request for a state or area or to invite the submission of new proposals. Such designations will be deferred pending (i) adequate time to consider performance of current CETA section 303 applicants, or (ii) timely and satisfactorily correction of deficiencies by applicants in their current CETA section 303 programs.

(4) The Secretary reserves the right to not select an applicant if there is adequate evidence of substantial mismanagement of government funds.

§ 97.216 Notification of selection.

(a) (1) Potential grantees selected as a result of the procedures set forth in § 97.215 shall be so notified by the Secretary. The notification shall invite each potential grantee to negotiate the final terms and conditions of the grant, shall establish the time and place of the negotiation, and shall indicate the State or area to be covered by the grant. Changes in the proposed program's target area and/or funding level are not appealable under the provision of §§97.290–97.292.

(2) Clearinghouses submitting comments on the application will be notified of the selection of the potential grantee within seven working days of selection. Where a clearinghouse has recommended against the selection of the potential grantee, the notification shall include an explanation as to the reasons why its substantive comments were not accepted.

(b) In the event that no Funding Requests are received for a specific State or area or that those received are deemed to be unacceptable, for where a grant agreement is not successfully negotiated, the Secretary reserves the right to invite one or more organizations to submit a proposal for that State or area. In the event of a second invitation, the review criteria for allocable funds need not apply, and funds may be awarded at the discretion of the Secretary.

(c) An applicant whose Funding Request is not selected by the Secretary to receive section 303 grant funds shall be notified in writing and shall be provided the names and addresses of potential grantees for its State.

(d) Applicants who submit Funding Requests which have been rejected may resubmit a new Funding Request the State(s) or area(s) in which they are interested in providing services is announced by the Secretary as open for recompetition.

(e) Any applicant whose Funding Request is considered and rejected by the Secretary for a section 303 grant may request an administrative review as provided in § 97.290 and § 97.292.

§ 97.217 Negotiations of final grant.

(a) Notice of selection as a potential grantee does not constitute approval of the totality of the Funding Request, the funding level sought, nor of the target area requested.

(b) Prior to the actual award of a grant, representatives of the potential grantee and of the Secretary shall enter into negotiations. The subjects of negotiations shall include but shall not be limited to: (1) Program components; (2) subgrantees; (3) funding levels; (4) program objectives; (5) performance levels and standards; and (6) administrative systems.

(c) The Secretary reserves the right to decline to fund any program component(s) or subgrantee(s) or contractor(s) listed in a potential grantee's Funding Request, to add subgrantees, and to modify the target area to be served.

(d) In the event that the negotiations do not result in an acceptable negotiated grant for a section 303 program in a State or area, the Secretary reserves the right to terminate the negotiation and (1) decline to provide funds for section 303 programs in that State or area for that fiscal year or (2) publicly by announcement in the FEDERAL REGISTER invite submission of new proposals for the State or area or (3) negotiate with any organization.

§ 97.218 Grant Award.

(a) At the conclusion of negotiations a grant document which incorporates the results of all negotiations shall be prepared in conformity with FMC 74–7.

(b) The Secretary shall make a grant award by providing the grantee with a grant agreement consisting of the Grant Signature Sheet, the Assurances and Certification form, the Program of Work, the Program Planning Summary, Budget Information Summary, and Grant Conditions.

(1) The Grant Signature Sheet specifies the amount obligated by the Department, delineates the terms of the grant, and contains the signatures of the Secretary and the grantee official.

(2) The Assurance Certification form is described in § 97.213(b)(4).

(3) The Program of Work shall be a summary statement of the Comprehensive Plan for Farmworkers and shall incorporate the amended Comprehensive Plan for Farmworkers by reference.

(4) Grant Conditions are special restrictions placed on the grant by the Secretary.

(c) The grant agreement becomes effective upon signature by the Secretary.

(d) In signing the Grant Signature Sheet, the grantee official indicates the grantee's acceptance of the grant and of all grant conditions incorporated therein. The grant agreement becomes operational upon signature by both the Secretary and the grantee official.

§ 97.219 Annual competition.

(a) At the discretion of the Secretary, a section 303 sponsor which has obtained a grant on the basis of competition may receive a grant for the following program year without competition.

(b) No grant shall be operated in any State or area for a period of more than two years without recompetition.

(c) Target areas open for competition will be announced by the Secretary

§ 97.220 Modifications.

(a) *Major modifications.* (1) A major modification to the grant is required under any of the following conditions:

(i) change in duration of the grant;

(ii) change in grant allotment;

(iii) change in the assurances and certifications;

(iv) substantial change in program design and/or program goals defined as follows:

(A) When the cumulative number of participants to be served, planned enrollment levels for program activities, planned placement terminations, or participants to be served is to be increased or decreased by 15 percent or more.

(B) When the cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget whichever is greater; except as provided in § 97.255 (e)(5).

(C) When the program design is altered significantly such as when there is a change from the approved plan in the allowance payment system including but not limited to, the conditions of waiver or when there are changes in program design including but not limited to changes in the design in program activities or changes in target area(s).

(D) When the sponsor adds or terminates any subgrantee, contractor, or program operators.

(v) at the initiation of the Secretary as necessary after consultation with the grantee to assure compliance with the regulations and the approved plan and/or to insure responsiveness to changing economic conditions.

(2) Major grant modifications will not be initiated solely to adjust planned performance to meet actual performance.

(3) Prior approval of the Secretary is required for items covered in (a)(iv)(A), (B), (C), (D) of this section

(b) *Format.* Major modifications shall consist of the following:

(1) Revised Program Planning Summary Budget Information Summary for current and future quarters and a narrative explanation of the proposed changes as appropriate to the Secretary with a copy to the appropriate Regional Administrator.

(2) Each request for a modification must contain adequate documentation and analysis to support the request.

(3) Revised signature sheet.

(c) *Minor Modifications.* A sponsor may make any change in its Program Planning Summary, Budget Information Summary, or narrative description which is not set out in paragraph (a) of this section without prior approval, but must

show any such change in the first Program Status Summary or Financial Status Report as appropriate submitted to be Department after the change has been made. At the same time this report is submitted, an updated Program Planning Summary or Budget Information Summary shall also be submitted to the Secretary with a copy to the appropriate Regional Administrator; only those lines and columns affected by the modification need to be shown.

PROGRAM OPERATIONS

§ 97.230 General.

Sections 97.230–97.237 set forth the program operation requirements for grantees under section 303. The utilization of funds under section 303 is conditioned upon adherence to the Act, terms and conditions of the grant, the regulations under the Act and other applicable law.

§ 97.231 Basic responsibilities of grantees under section 303.

A grantee shall be responsible for: (a) Compliance with plans and assurances, Grant Conditions, and official written communications from the Department;

(b) Compliance with the Grant Administration sections of this Subpart C;

(c) Designing training which is, to the maximum extent feasible, consistent with every participant's fullest capabilities and will lead to employment opportunities enabling every participant to become economically self-sufficient.

(d) Designing program activities which will, to the maximum extent feasible, contribute to the occupational development and upward mobility of every participant;

(e) Providing services only to eligible farmworkers as defined in § 97.232 and their dependents;

(f) Providing training only to participants who are legally able to accept employment in the occupation for which training is being provided;

(g) Advising every participant of his or her rights and responsibilities prior to entering the program and granting the opportunity for an informal hearing as provided in § 97.234; and

(h) Making maximum efforts to achieve the goals set forth in the Program of Work.

§ 97.232 Eligibility for participation in section 303 programs.

(a) Eligibility for participation in section 303 programs is limited to farmworkers and their dependents who have, during the 12 months preceding their application for enrollment: (1) Received at least 50 percent of their total earned income as agricultural workers during any consecutive 12 month period (time spent and income earned by individuals while employed in food processing establishments shall be counted as agriculture-related employment for eligibility purposes provided that the person spends at least 50 percent of his/her employment time in farmwork or derives at least 50 percent of his/her income from farmwork as defined in § 97.203), and

(2) Been employed in agriculture on a seasonal basis; and

(3) Been identified as economically disadvantaged as defined below:

(i) Member of a family which receives cash welfare payments; or

(ii) Member of a family whose annual family income in relation to family size does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget (OMB). The "nonfarm family" tables shall be used in determining the poverty level for farmworker families.

(b) It shall be the responsibility of the grantee to establish the necessary procedures to ensure that participants meet the above eligibility criteria. Application forms will be completed for all participants, and the forms must contain sufficient information to determine whether or not the applicants meet the prescribed eligibility criteria.

(c) Citizenship shall not be used as a criterion to prevent persons from participating in a program. However, program participants shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are otherwise legally available for work in the United States.

(d) Participants in programs authorized under CETA Titles I, II, and VI and under other sections of Title III who met the eligibility criteria for section 303 at the time of their enrollment may also be transferred into or enrolled concurrently in the section 303 programs. Section 303 participants who met eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (§ 95.32(f) of this title).

(e) No section 303 service shall be provided to persons violating the terms of the Farm Labor Contractor Registration Act of 1963 as amended (Pub. L. 88–582, 78 Stat. 920, as amended by Pub. L. 93–518, 88 Stat. 1652).

§ 97.233 Types of program activities available.

(a) A grantee may provide any type of activity consistent with the purpose of section 303 of the Act. Such activities include, but are not limited to the placement of farmworkers and their dependents in jobs above the poverty level, training, education, and other services needed to enable a farmworker to improve his or her well-being and economic self-sufficiency. A program funded under section 303 may include any activity described in paragraph (c) of this section.

(b) A program funded under section 303 may not utilize section 303 funds to implement public service employment programs as described in Part 96 and 99 of this title or to publish a newsletter in violation of the provisions of § 98.23 of this Subtitle.

(c) The basic types of program activities available to a sponsor include, but are not limited to the following. (1) *Classroom training.* (i) This program activity is any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, including GED (General Education Development) opportunities to earn the equivalent of a high school diploma for farmworkers who dropped out of school; and the provision of other courses, for example, remedial education Grantees whose target populations include a significant number of persons of limited English-speaking ability should include provisions for training in the primary language of such persons and/or training in English-as-a-second language or both.

(ii) Occupational training shall be designed for occupations in which skills shortages exist (section 105(a)(6)) and for which there is reasonable expectation of employment (section 703(10)). In making these determinations, a grantee shall utilize available community resources such as the local SESA office, the National Alliance of Businessmen, and similar organizations.

(iii) Allowances. Allowances and other benefits shall be provided in accordance with § 97.256.

(iv) Training agreements. Vocational classroom training may be supported with section 303 funds. In order to obtain such classroom services, grantees may negotiate either financial or nonfinancial agreements on either a class size or individual referrals basis with local educational institutions or boards.

(2) *On-the-job training.* (i) On-the-job training (OJT) is training conducted in a work environment designed to enable individuals to learn a bonafide skill and/or qualify for a particular occupation through demonstration and practice Such training should be conducted on a "hire first, train later" basis, or with reasonable assurance of ultimate placement with an employer other than the training organization. Training shall be designed to lead to the maximum development of participants' potentials and to their economic self-sufficiency.

(ii) Inducements to employers. Grantees may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training, and supportive services which are over and above those normally provided by the employer. Use of a formula which incorporates the trainee's wage as a factor and fixed unit cost contracting are acceptable methods of reimbursement to private-for-profit employers for extraordinary training costs associated with providing on-the-job training. When using a formula, the sponsor can reimburse the employer for extraordinary training costs for training on-the-job, up to a level not to exceed 50 percent of entry

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level wages. Sponsors may design other methods of cost reimbursement provided that payments reflect only extraordinary training costs. However, use of designs other than the 50 percent method require prior approval of the Secretary.

(iii) Direct subsidization of wages for participants employed by private employers organized for profit is not an allowable expenditure (section 101(5)).

(iv) Labor organization consultation. Appropriate labor organizations shall be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer.

(v) Participant benefits. Wages and other benefits provided to OJT participants shall be in accordance with conditions specified in § 97.257.

(3) *Work experience.* (i) (A) Work experience is a short-term and/or part-time work assignment with a public employer or a private non-profit employing agency and is designed to enhance the employability of individuals who have either never worked or who have not been working in the competitive labor population for an extended period of time, i.e., new or recent entrants into the labor force. The work experience activity is designed to increase the employability of such individuals by providing them with experience on a job, an opportunity to develop occupational skills and good work habits and an opportunity to develop specific occupational goals through exposure to various occupational opportunities.

(B) In addition, work experience may include a short-term work assignment while an appropriate classroom training or on-the-job training opportunity funded under this Act is being developed. Sponsors should limit the participation of individuals placed in work experience while an appropriate activity is being developed to 90 working days.

(C) Participation in work experience for purposes other than that indicated in paragraph (c)(3)(i)(B) of this section shall be for a reasonable length of time determined in accordance with the needs of the participant.

(D) Except as provided above, the participation in work experience of individuals whose only manpower need is for employment, e.g., unemployed individuals who have occupational skills and good work habits, is generally inappropriate.

(ii) Sponsors shall describe in their Comprehensive Plan for Farmworkers the basic design of their work experience activity, including the characteristics of participants who will participate in the work experience activity, the objectives of the activity and the duration and planned outcomes of work experience.

(iii) Work experience activities for youth include part-time employment for students attending school, short-term employment for students during summer, short-term employment for out-of-school youth adjusting to a work setting and in transition from school to employment, short-term employment for those youth who have no definite occupational goal, and short-term or part-time employment for youth for whom no training or job opportunity immediately exists.

(iv) Work experience for adults includes part-time or short-term employment for the chronically unemployed, retired persons, recently discharged military individuals, handicapped individuals, institutional residents and inmates and others who have not been working in the competitive labor population for extended periods of time.

(v) Sponsors shall periodically review the progress of each work experience participant to determine whether continued participation in work experience, transfer to another activity, placement in unsubsidized employment or some other action is most appropriate. The sponsor shall make this determination based on whether the purposes of the work experience activity described in paragraph (c)(3)(i) of this section have been achieved.

(vi) Program outcomes for work experience participants include (A) return to school; (B) enrollment in post-secondary education; (C) enlistment in the military services; (D) enrollment in manpower training and (E) placement in subsidized or unsubsidized employment.

(vii) Work experience in the private for profit sector is prohibited.

(viii) Participant benefits. Each participant in a work experience activity shall receive wages. Wages shall be commensurate with such factors as the type of work performed, the geographic region of the program, and the skill proficiency of the participant with such factors as the type of work performed, the geographic region of the program, and the skill proficiency of the participant.

(A) In no event shall the rate be less than the highest of the following: (*1*) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, except as provided in paragraph (B) below.

(*2*) The minimum wage prescribed by State or local law for similar employment;

(*3*) For participants on Federally funded or Federally assisted construction projects, the prevailing rate established by the Secretary, in accordance with the Davis-Bacon Act, as amended, when such rates are required by the Federal Statute, other than CETA, under which the assistance was provided.

(B) Wages in the Commonwealth of Puerto Rico shall be consistent with provisions of Federal, State or local law otherwise applicable.

(C) Participants in work experience activities shall be provided workmen's compensation and other fringe benefits as specified in § 97.257.

(ix) Work experience participants may be outstationed at worksites, including Federal agencies and private nonprofit agencies. Outstationed participants are still to be considered employees of the sponsor and shall be assured of the same working conditions and benefits, as specified in § 97.257 as received by other similarly employed employees of the sponsor (not the outstationed worksite).

(*4*) *Services to participants.* This program activity is designed to provide those services which are needed: (i) To enable farmworkers and their dependents to obtain or retain employment or to participate in other program activities leading to their eventual placement in unsubsidized nonseasonal agricultural employment; or

(ii) To assist those farmworkers, who remain as seasonal agricultural employees, in improving their well-being.

(iii) Such services may include, but are not limited to, the following:

(A) Services to applicants

(*1*) Outreach;

(*2*) Intake: This includes screening for eligibility, the initial assessment process to determine whether the program can benefit the individual and to determine the appropriate manpower activity to which the individual should initially be referred, a determination as to the availability of an appropriate manpower activity; a decision on selection; and dissemination of information on the program;

(B) Manpower Services

(*1*) Orientation;

(*2*) Counseling: This includes employment related counseling, testing, and vocational or career exploration;

(*3*) Referral to non-303 funded training and placement;

(*4*) Job development

(*5*) Job placement;

(*6*) Follow-up.

(C) Supportive Services (Training and non-training related).

(*1*) Health and medical services;

(*2*) Child care: Day care program shall meet Federal interagency Day Care Standards and comply with applicable state standards including state licensing requirements.

(*3*) Transportation;

(*4*) Emergency assistance;

(*5*) Relocation assistance;

(*6*) Residential support;

(*7*) Nutritional services;

(*8*) Assistance in securing bonds;

(*9*) Referral to non-303 funded supportive services

(*10*) Family counseling;

(*11*) Family planning services. Provided that such services are made available only on a voluntary basis and are not to be a prerequisite for participants in or receipt of any service of benefit from the program; and

(*12*) Legal Services.

(D) Post-placement service. Manpower and supportive services as described in paragraphs (4)(iii)(A) and (B) of this section may be provided as appropriate to terminated participants who have been placed in unsubsidized employment. These services shall be provided at the discretion of the grantee and shall enable the terminated participant to retain employment. Such services may be provided during the 30-day period following a participant's termination from the program.

(E) Participant benefits. Allowances as described in § 97.256 may be paid to participants enrolled in manpower services as described in this paragraph (4)(iii) of this section when such services are a component of another activity as described in § 97.233 or when such services are provided on a regularly scheduled basis.

(5) Other activities. (i) These activities are manpower activities which are not described in the categories above or manpower-related activities designed to enhance the economic self-sufficiency of individuals who are eligible to participate in programs funded under section 303. This activity includes, but is not limited to high school equivalency programs and to tuition assistance projects (extended tuition support programs and other opportunities in post-secondary education). No individual may be a participant in a tuition support program for more than two years.

(ii) The approved Comprehensive Plan for Farmworkers must describe the basic design, and provide performance standards and a detailed budget for each of the "Other Activities" to be undertaken.

(iii) Participant benefits. Allowances as described in § 97.256 may be paid to a participant enrolled in "Other Activities" as described in paragraph (5) of this section when such activities are a component of other activity described in § 97.233 or when such activities are regularly scheduled and are described in the approved Comprehensive Plan for Farmworkers.

(6) Combined activities. A participant enrolled in any activity funded under the Act may be enrolled simultaneously in any other activity as a component of the participant's primary activity. The primary activity constitutes any activity in which the participant is enrolled for more than 50 percent of the scheduled time.

§ 97.234 Complaint procedure.

(a) Each grantee shall establish a complaint or grievance procedure for resolving any issue arising between it (including any subgrantee or contractor) and a participant or an individual denied participation under section 303.

(b) Such procedure shall include an opportunity for an informal hearing, and a prompt determination of any issue which has not been resolved in an informal manner. When the grantee proposes to take an adverse action against a participant, such procedures shall also include a written notice setting forth the grounds for any adverse action proposed to be taken by the grantee and giving the participant an opportunity to respond. Final determinations made after an opportunity to respond shall be so identified and provided to the participant in writing.

(c) Any person subject to the issue resolution requirements of this section may initiate the procedures provided in § 97.291(b) only after all remedies provided under paragraphs (a) and (b) of this section have been exhausted.

§ 97.235 Training for low wage industries: relocation of industries.

No participant may be enrolled in any activity or service under this Act in any low wage industry in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, nor may any authority conferred by this Act be used to assist in any relocation of an establishment from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or any other area where the business entity conducts operations (sec. 704(a)).

§ 97.236 Cooperative relationships between grantee and other manpower agencies.

(a) Each grantee shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (sec 105(a)(3)(D)), e.g., Job Corps. Grantees shall document linkages with other agencies. Documentation may include, but not be limited to, written memoranda of understanding, written agreements, or contracts and shall be available to the Secretary upon request.

(b) The establishment of such cooperative relationships or linkages shall include, at a minimum, contacting all appropriate Title I Prime Sponsor(s), SESA's, and farmworker programs, if any, in the target area prior to implementing the section 303 program of services and developing working relationships with them.

(c) Grantees shall, to the extent feasible, notify the appropriate apprenticeship agency of training activities in apprenticeable occupations (sec. 105(a)(3)(D)).

(d) Any grantee which intends to provide services under the Act to recipients of Aid to Families with Dependent Children (AFDC) should coordinate such services with the local sponsor of the Work Incentive Program, if any, to assure that the delivery of services under this Act is consistent with the WIN requirements. The provision of comprehensive manpower services to recipients of AFDC who are required to register for the WIN program may be affected by provisions of Title IV of the Social Security Act. Limitations on length of training, requirements to accept work in lieu of training, and other regulatory requirements may affect the AFDC recipient's participation in programs under the Act.

§ 97.237 Performance standards.

(a)(1) The purpose of this section is to establish comparative standards of performance for projects and activities funded under section 303. The Secretary will develop comparative performance standards, which will set national guidelines to serve as bench marks for the development and negotiation of individual grant performance standards in the grant agreement. The comparative performance standards will include, but are not limited to, the standards set forth in paragraph (b), of this section. The Secretary shall apply these standards when evaluating the quality and effectiveness of the components of section 303 programs.

(2) The performance standards contained in the individual grant agreement shall constitute the performance standards for that grant. For those projects and activities for which no comparative performance standards are provided in paragraph (b) of this section, the grant agreement shall specify levels of performance. Individual grants may include performance standards developed by the grantee and approved by the Secretary, which will be in lieu of one or more of the comparative performance standards set forth in paragraph (b) of this section. In addition, the comparative performance standards are not intended to cover fully the requirements of local program operations so that most grant agreements should contain additional performance standards tailored to the specific goals and objectives of that grant. If the grant agreement does not contain performance standards, any comparative performance standard(s) applicable to the program activity or service funded shall apply after such standards are published in the FEDERAL REGISTER.

(3) Grantees shall maintain the documentation necessary for adequate demonstration of actual performance. This documentation shall be made available to the Secretary for the purposes of monitoring, evaluation, and auditing.

(4) It is the responsibility of the grantee to notify the Secretary if the grantee anticipates that performance standards may not be met and to request technical assistance in a timely manner. In order to do so, a grantee shall establish at least quarterly bench mark projections which will enable it to predict the likelihood of meeting its applicable performance standards.

(b) *Comparative performance standard for programs funded from allocable funds.* (1) *Administration.* Cost for administration not to exceed 20 percent of the total amount of the grant.

(2) *Referral.* (i) 100 percent of the goal identified in the grant achieved

(ii) Followup completed on 85 percent of all those participants referred to other agencies for services.

(3) *Training and employment.* (i) 100 percent of enrollment, and referral goals identified in the grant achieved.

(ii) 80 percent of placement goals identified in the grant achieved.

(iii) 100 percent of all placements will be employed at a wage at or above the Federal or State minimum wage, whichever is higher.

(iv) 90 percent of all placements will be employed at a wage at or above the

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prevailing rate for the particular occupation in the geographic area.

(v) 75 percent of those placed continue to be on the job 90 days after placement in unsubsidized employment.

(4) *Classroom training and on-the-job training.* (i) 100 percent of enrollment goals identified in the grant be achieved.

(ii) 90 percent of enrollees in classroom training and on-the-job training and their families receive services.

(iii) 60 percent of those enrolled in classroom training are placed in unsubsidized employment after training either by their own efforts or through program efforts.

(iv) 75 percent of those placed in on-the-job training continue to be on the job 90 days after the completion of their training period.

(v) At least one-third of classroom training and OJT enrollees are placed in jobs paying at least $1.00 per hour above the Federal or State minimum wage, whichever is higher.

(5) *Day care.* (i) 90 percent capacity is maintained.

(ii) Cost per child for day care operations serving 0–5 year old children for an extended day of more than 8 hours of operation do not exceed a total cost of $200 per month. This cost will be based on total cost of operation including funds from sources other than section 303 grants.

(iii) Day care programs shall meet Federal Interagency Day Care Standards and comply with applicable State standards including State licensing requirements.

(6) *Medical services.* Average cost per family not to exceed $250. This average cost is obtained by dividing the amount of funds available for this service by the number of families receiving this service. The maximum cost for any single family not to exceed $500.

(7) *Emergency assistance.* Average cost per family not to exceed $75. This average cost is obtained by dividing the amount of funds available for this service by the number of families receiving this service.

(8) *Relocation assistance.* Average cost per family not to exceed $600. This average cost is obtained by dividing the total amount of funds allowable for this component (set forth in the definition of relocation assistance in § 97.203) by the number of families in the relocation component. The maximum cost for any single family not to exceed $1,000.

(9) *Residential Support.* Average cost per family not to exceed $500. This average cost is obtained by dividing the total amount of funds allowable for this component (set forth in the definition of residential support in § 97.203) by the number of families in the residential component. The maximum cost for any single family not to exceed $700.

GRANT ADMINISTRATION

§ 97.250 Grant Administration in general.

(a) Sections 97.250–97.273 describe Federal requirements relating to the administration by grantees of grants under section 303 of the Act.

(b) In general, administration of section 303 grants shall be governed by Part 98, Subpart A, "Grant Administration," of this Subtitle.

(c) Sections 97.251, 97.262, and 97.270 relate to grantees which are nongovernmental organizations and set forth requirements applicable only to such organizations. Sections 97.252, 97.260, and 97.263, 97.269 set forth exception and variations from 29 CFR Part 98, Subpart A, which are applicable to all section 303 grantees. Sections 97.261 and 97.269 (b)–97.272 provide additional grant administration requirements applicable to all section 303 grants.

(d) In Part 98, Subpart A of this Subtitle, (1) All reference to the "RA" shall read "the Secretary" when applicable to section 303 programs.

(2) FMC 74–4 and FMC 74–7, designed for public agencies, are hereby made applicable to private nonprofit section 303 grantees. At such time that GSA issues comparable FMC's for private nonprofit organizations, they shall supersede the above Federal Management Circulars.

§ 97.251 Private nonprofit organizations; financial management systems.

For private nonprofit organizations the requirements for financial management systems set forth in § 98.5 of this Subtitle shall apply in their entirety, and in addition the following requirements shall be observed:

(a) *Certification of accounting systems.* Before funds are released to a grantee receiving an initial DOL grant or to a grantee any of whose nongovernmental subgrantees has never administered DOL funds the grantee shall submit a statement to DOL certifying that its accounting system and/or that of the subgrantee(s) meets the standards set in paragraphs (1), (2), and (3) of this section.

(1) Prior to the release of funds of an initial DOL grant, the grantee shall have its accounting system surveyed and evaluated by an auditor. On the basis of the auditor's findings and conclusions, the Secretary shall determine whether the accounting system meets DOL's standard and, if not, whether to suspend the grant.

(2) The accounting system certification shall state that the grantee and/or the subgrantee(s) have established adequate accounting systems with appropriate internal controls to safeguard assets, to check the accuracy and reliability of their accounting data, to promote operating efficiency, and to encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by DOL.

(3) The certification may be furnished by an independent certified public accountant, or an independent state-licensed public accountant.

(b) *Subgrantees.* A grantee shall not release or commit any grant funds to a new subgrantee unless it has received from the proposed subgrantee an accounting system certification appropriately modeled after those required in paragraphs (a) (1), (2) and (3) of this section. These certifications are to be obtained by the grantee from its subgrantees for retention among the grantee's records and need not be transmitted to DOL unless DOL requests them. DOL may disallow as a charge against the grant any funds released in violation of the requirement stated in this paragraph.

(c) The cost incurred by the grantee or subgrantee in providing certifications of accounting systems is not an allowable cost under section 303 unless such cost is approved as part of the Comprehensive Plan for Farmworkers.

§ 97.252 Audit.

The requirements for audit shall be as described in § 98.6 of this subtitle, except that the following special provisions shall apply:

(a) The term "prime sponsor" in § 98.6 of this Subtitle for the purposes of section 303 shall mean grantee.

(b) The requirement for access to books, documents, papers, and records described in paragraph (a) of § 98.6 of this Subtitle shall apply to all section 303 grantees, subgrantees, contractors and other program operators.

(c) (1) Audits conducted under the provisions of § 98.6(e) of this Subtitle shall be subject to prior approval by the Secretary. (2) The reference to every "two years" in § 98.6(e)(2) for the purposes of section 303 shall read "every year." (3) The cost of "$100,000" in § 98.6(e)(2) for the purposes of section 303 shall read "$25,000."

§ 97.253 Reporting requirements.

"Reporting requirements in general," set forth in § 98.7 of this Subtitle shall be superseded as follows:

(a) Each grantee will be required to submit four periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. These four reports are: (1) The Program Status Summary; (2) The Financial Status Report (These two reports replace the Quarterly Progress Report); (3) The Quarterly Summary of Participant Characteristics; and (4) The Report of Federal Cash Transactions. In addition, grantees may from time to time be required to prepare and submit reports requested by other Federal agencies for the performance of the legislative responsibilities of these agencies.

(b) In order to avoid duplication of payments by unemployment insurance and CETA programs, sponsors shall, upon request, provide SESA'S a current list of all CETA participants enrolled in their programs receiving wages.

(c) *Program Status Summary and Financial Status Report:* The Program Status Summary and Financial Status Report requirements set forth in § 98.8 (a) and (b) of the Subtitle shall be applicable.

(d) *Quarterly Summary of Participant Characteristics:* The Quarterly Summary of Participant Characteristics requirements set forth in § 98.9 of this Subtitle shall be applicable.

(e) *Report of Federal Cash Transactions:* The Report of Federal Cash Transactions requirement set forth in § 98.10 of this Subtitle shall be applicable.

(f) In addition, special reports may be required by the Secretary.

(g) The reports required by paragraphs (b) and (c) of this section shall be prepared to coincide with the ending dates of Federal Fiscal Year quarters. These reports shall be sent by the grantee to be received by the Secretary no later than 30 days after the end of the reporting period. If a grantee's grant period ends on a date other than the end of a Federal fiscal quarter, a fifth set of reports covering the entire grant period will be required.

(h) Accountability must be maintained by the grantee for each of the activities authorized under the various Titles of the Act. Therefore, separate reports will be required for the section 303 grants.

(i) The Secretary reserves the right to require the submission of these reports by grantees more frequently than quarterly in cases where there appears to be a major negative deviation from the Program Planning Summary or the Budget Information Summary.

(j) Detailed descriptions of the forms required by paragraphs (c) and (d) are in the Forms Preparation Handbook and supplement.

(k) All required reporting shall be submitted directly to the Secretary at the following address:

U.S. Department of Labor,
Employment and Training Administration,
Patrick Henry Building—Room 7122,
601 D Street, NW, Washington, D.C. 20213.
Attention: Chief, Division of Farmworker Programs.

Copies of the reports required by paragraphs (a), (b), (c), and (d) of this section shall be sent to the appropriate RA at the time of submission to the National Office.

§ 97.254 Reallocation of funds.

The requirements regarding reallocation of funds set forth in § 98.11 of this Subtitle shall be superseded as follows:

(a) *General.* The Secretary may reallocate funds from a grantee under the circumstances and in accordance with the procedures described in this section.

(b) *Reallocation based on nonperformance.* (1) When the Secretary considers through review of the grantee's reports, monitoring, or auditing of the program that its performance may be inadequate or that it may have failed to comply with the Act or regulations, notice shall be given and opportunity shall be allowed for an administrative review as provided in § 97.292.

(2) If the Secretary then decides to reallocate funds based on a ground set forth in paragraph (b)(1) of this section:

(i) The grantee's plan for the area shall be revoked in whole or in part;

(ii) No further payments shall be made under this Act to the grantee, to the extent which the Secretary deems necessary; and

(iii) The grantee shall be notified of the amount of funds which shall be returned from unexpended funds paid to the grantee during that fiscal year.

(3) The Secretary shall make provision for the reallocation of funds to be used by an alternative grantee to service the area which was served by the grantee before the reallocation or the Secretary may serve such an area directly.

(c) *Reallocation based on need.* (1) In a limited number of circumstances, the Secretary may determine that the unobligated portion of a grantee's grant shall be reallocated to another area because the funds are not needed where they were originally allocated.

(2) Before reallocating funds as set forth in paragraph (c)(1) of this section, the Secretary shall determine that:

(i) The grantee's plan will be carried out without expending all the funds previously made available for that plan; and

(ii) The excess funds identified under paragraph (c)(2)(i) of this section cannot reasonably be expected to be needed in the following grant period.

(d) *Reallocation.* When the Secretary determines that funds should be reallocated based on the criteria in paragraph (c) of this section, the following actions shall be taken:

(1) *Notice of intent to reallocate funds.* When the Secretary determines that a reallocation is appropriate, the grantee shall be notified of the proposed action to remove funds from the grant. The notice shall include the basis for the proposed reallocation.

(2) *Comments by grantee.* The grantee shall be invited to submit comments on a proposed reallocation of funds out of its area. These comments shall be submitted to the Secretary within 30 days of receipt of the notice. The Secretary shall consider these comments before making a final determination to reallocate.

(3) *Notification of final determination.* The Secretary shall notify the grantee of the final determination after reviewing any comments submitted by the grantee. A final decision to reallocate funds of a grantee shall be published in the FEDERAL REGISTER, and a modification of the grant shall be made.

(4) *Reallocation procedures.* In reallocating such funds to supplement other grants, the Secretary shall first consider the need for additional funds by other grantees within the same State. A decision to increase a grant with reallocated funds shall not be made without prior consultation with the grantee as to how the funds will be expended. Such a decision shall be published in the FEDERAL REGISTER with an announcement to the grantee(s) receiving additional allocations and the amounts.

(5) *Reallocated funds.* Reallocated funds shall not be considered allocable funds for the purpose of paragraph (c)(2) of § 97.204, the "hold harmless" provision.

§ 97.255 Allowable Federal costs.

The requirements regarding allowable Federal costs set forth in § 98.12 of this Subtitle shall be superseded as follows:

(a) *General.* Except as modified in these regulations, Federal funds granted under the Act may be expended only for purposes permitted under the provisions of Subpart 1–15 of Title 41 of the Code of Federal Regulations. 41 CFR 1–12.2 applies to educational institutions, and 41 CFR 1–15.7 applies to state and local governments. Allowable costs include both direct and indirect costs.

(1) *Direct and Indirect Costs.* Direct costs are those which can be identified specifically with a particular cost objective such as an organizational unit, function or object, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities. Indirect costs are those costs of a grantee organization which are not readily identifiable with a particular function or project but nevertheless are necessary to the general operation of the grantee organization and the conduct of the activities it performs. Indirect costs are usually grouped into a common pool and distributed to those activities which benefit from them through the expedient of an indirect cost rate.

(2) *Policies and Procedures.* Cost allocation plans including indirect cost rate proposals shall be developed and approved in accordance with the applicable cost principles and procedures set forth in 41 CFR 1–3.7 and 41 CFR 1–15. Whenever costs jointly serve one or more CETA titles and CETA is the only source of funding, a cost allocation plan must be developed to allocate those costs among the title if these are shared services. These plans are to be used and retained for future audits. Where there are multiple sources of funding, such as other Federal programs or state or local funded programs simultaneously operated by the grantee organization, a cost allocation plan is necessary if there are shared services. This cost allocation plan must equitably allocate costs between the programs (and within the CETA program, among the various titles). All cost allocation plans must be approved in advance by the Secretary.

(b) *Restrictions on use of funds.* No funds granted under the Act may be used, directly or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under one title of the Act as a matching contribution in order to obtain additional funds under another title of the Act is permitted.

(c) *Expenditures for repairs, maintenance and capital improvements and construction.* (1) Section 303 funds may not be expended for new construction (including additions to existing facilities) but may be expended for building

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repairs, maintenance, and capital improvements to existing facilities. These costs must be related to a facility or building which is used primarily for programs under the Act (sec. 702(b)).

(2) No funds for new construction (including additions to existing facilities) are allowable except as a part of a training program in a construction occupation. Training costs may include such items as instructors' salaries, training tools and books, allowances or wages to participants (if appropriate), but may not include materials used in construction or land acquisition. Construction costs for training programs shall be allowable only when such construction would not normally be performed by an outside contractor.

(d) *Allowable cost categories.* Allowable costs shall be reported against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services (sec. 101).

(1) Costs are allocable to a particular cost category to the extent of benefits received by such category.

(2) All grantees are required to plan, control, and report expenditures against the aforementioned cost categories.

(3) All grantees are responsible for assuring that subgrantees and contractors plan, control, and report expenditures against the aforementioned cost categories.

(4) When required by § 98.24 of this Part or State Unemployment Insurance Laws to pay unemployment insurance costs, sponsors shall plan for those obligations to be incurred during the grant year. This responsibility includes unemployment insurance charge which will be incurred by subgrantees and contractors because of unemployment insurance liabilities incurred under programs under the Act.

(e) *Classification of costs by category.* The following principles shall be followed in classifying costs by cost category:

(1) Participants' wages shall be charged to wages.

(2) Participants' fringe benefits shall be charged to fringe benefits (premiums for insurance with comparable coverage to workmens compensation for participants enrolled in classroom training and services to participants is considered to be a training or service cost as appropriate).

(3) Allowances paid to program participants shall be charged to allowances.

(4) Training costs consisting of goods and services which directly and immediately affect program participants shall be charged to training. Such costs should be those incurred for instruction of participants in either a work environment or classroom. Goods and services which have direct and immediate impact on participants are limited to those actually involved in the participant training process itself as opposed to those which are supportive of that process. For examples of training-related costs which may and may not be charged to training see paragraph (f)(4), Training.

(5) Supportive and manpower services costs which consist of goods and services which directly and immediately affect program participants shall be charged to Services. Goods and services considered to have direct and immediate impact on participants are limited to those actually involved in the process of providing participants with supportive and manpower services as opposed to those which are ancillary to that process. For examples of service-related costs which may and may not be charged to Services see paragraph (f)(5), Services.

(6) Administration costs shall consist of all indirect and direct costs associated with the management of the grant. Such costs are those which do not directly and immediately benefit participants but are necessary for effective delivery of direct participants benefits. These costs are generally identified with supervision, and management, fiscal and recordkeeping systems. These costs shall also include the administration costs both direct and indirect of subgrantees and contractors. For examples of administration costs see paragraph (f)(6), Administration costs.

(7) When contractors bill the grantee with a single unit charge containing costs which are chargeable to more than one cost category the grantee will endeavor to obtain the detail necessary to charge these costs to the proper cost categories. For unit charges such as tuition fees for which the necessary detail cannot be provided, an estimate of the breakdown of the single unit charge among cost categories will be obtained; except when such unit charges are normally billed as a single charge and the cumulate amount of the common charges such as tuition fees or doctors' bills do not exceed $25,000. These exempted charges do not need to be prorated among the benefitting categories but can be charged to the category receiving the most benefit. Any profit (or loss) should be prorated among all the affected cost categories.

(8) Classification of equipment costs present special problems since many items of equipment can be used for various purposes. In the case of multi-use equipment there must be a proration of cost, or, if there is a predominant usage relating to one cost category, a charge shall be made to that category.

(9) Any single cost such as staff salaries and/or fringe benefits which is properly chargeable to more than one cost category shall be prorated among the affected categories.

(f) *Costs allowable by each cost category.* Following are examples of costs properly chargeable to each of the cost categories.

(1) *Wages.* All wages paid to participants receiving on-the-job training in public or private nonprofit organizations, and all wages paid to participants in work experience will be allowed. Cost of living increases are considered wages. Wages paid to participants while receiving on-the-job training from a private employer organized for profit cannot be supported by funds under the Act (sec. 101(5)).

(2) *Fringe benefits.* Allowable fringe benefits costs for participants include but are not limited to the following: annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employees' life and health insurance plans; unemployment insurance, worker's compensation insurance; and retirement benefits provided such benefits are granted as part of the approved Comprehensive Plan for Farmworkers. Unemployment insurance costs are allowable fringe benefits and shall be charged to the grant as they are incurred. Cost of living increases may not be charged to fringe benefits.

(3) *Allowances.* All allowances paid to program participants pursuant to § 97.256(a) shall be charged to this cost category.

(4) *Training.* Training costs include, but are not limited to the following: salaries, fringe benefits, equipment, and supplies of personnel engaged in providing training, books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utilities costs; and that part of tuition and entrance fees which represent instructional cost having a direct and immediate impact on participants (see § 98.12(e)(7) for exceptions). The following are examples of costs not properly chargeable to training: General and administrative costs of the training facility, supervision, clerical support for non-instructors, and training (skill maintenance and upgrading) of instructors, staff travel except when such travel is an integral part of the instruction, costs of non-classroom space and utilities, transportation of participants to training sites, and cost of processing allowance payments. The compensation of individuals who both instruct participants and supervise other instructors must be prorated among the Training and Administration cost categories on the basis of time records or other equitable means. Similarly, tuition fees and the cost of supplies used in the course of both participant instruction and other activities should be prorated among the benefitting uses.

(5) *Services.* (i) Services include, but are not limited to services to applicants, manpower services and supportive services, as set forth in § 97.233(c)(4).

(ii) Services to applicants includes outreach, intake, and assessment.

(iii) Supportive services include child care, health care, medical and dental services, residential support, assistance in securing bonding, transportation, and family planning.

(iv) Manpower services include orientation, counseling, job development and job placement.

(iv) Allowable service costs include, but are not limited to, salaries and fringe benefits, space, utility, equipment and travel costs when an integral part of the job of personnel engaged in providing services to participants (e.g., job developers, counselors, and outreach workers); and that part of single unit charges for child care, health care, and other

services which represent only the costs of services directly beneficial to participant (see § 98.12(e)(7) for exceptions). Transportation of participants is properly chargeable to services.

(v) The following are examples of costs not properly chargeable to services: General and administrative costs of the services provided; supervision, clerical support, staff training, travel of supervisory staff, rent and other facilities costs except as provided for in (iv), and costs of supplies, materials, and equipment not used directly in providing services to participants.

(6) *Administrative Costs.* (i) Administrative costs shall be limited to those necessary to effectively operate the program. They shall not exceed 20 percent of the total planned costs for the entire grant unless such additional costs have been approved in writing by the Secretary. Consultant services under contract must have the prior approval of the Secretary.

(ii) Supportive costs are comprised of general and administrative costs, overhead, and similar cost groupings representing the general management and support functions of an organization as well as secondary management and support functions. Included are salaries and fringe benefits of personnel engaged in executive, fiscal, personnel, legal, audit, procurement, data processing, communications, transportation, maintenance, and similar functions, related materials, supplies, equipment, office space costs, and staff training.

(iii) Direct program costs which are not an integral part of training and services provided participants are comprised of goods and services which neither contribute to the management and support functions of an organization nor directly and immediately affect participants. Included are direct program salaries and fringe benefits of supervisory and clerical personnel, program analysts, labor market analysts, and project directors. In addition, all costs of materials, supplies, equipment, space, utilities, and travel which are identifiable with these direct program administration positions shall be charged to administration. Some examples of administrative costs are the salary of a clerical assistant to a supervisor, that part of an instructor's salary representing time spent supervising other instructors, desk-top supplies used by supervisors and in general office administration, rent, depreciation or maintenance of non-classroom space, staff training, consultants services under contract not involving direct training or services to participants, costs incurred in the establishment and maintenance of farmworker boards and advisory councils as provided in § 97.273 and costs of providing technical assistance to contractor and subgrantee staff.

(iv) Services normally chargeable to Administration when performed by staff personnel shall be charged to Wages or Fringe Benefits, as appropriate, when performed by program participants.

These services when performed by program participants, may not be paid by section 303 funds unless this use of participants' services has been described in the approved Comprehensive Plan for Farmworkers.

(g) *Travel costs.* (1) The cost of participant travel and staff travel necessary for the operation or administration of programs under the Act is allowable as provided herein.

(2) Travel costs of section 303 staff or board members are allowable only if the travel specifically relates to programs under section 303 and is within the CETA section 303 target area or for a Department sponsored or approved conference, meeting, etc. All other travel to be charged to the CETA section 303 grant shall require the prior approval of the Secretary. These costs shall be charged to administration.

(3) Travel costs of other grantee officials of multi-funded programs charged with overall grantee responsibilities (e.g., the Governor of a state or the chief executive of a political subdivision, or their immediate staff that do not have continuing programmatic responsibilities) are allowable if costs specifically relate to programs under the Act. Prior approval by the Secretary is not required. These costs shall be charged to administration.

(4) Travel costs for participants in administrative positions, are allowable when the travel is specifically related to the operation of programs under section 303. These costs shall be charged to administration.

(5) Travel costs, based on mileage, for participants using their personal automobiles in the performance of their jobs are allowable if the employing agency normally reimburses its other employees in this way. These costs shall be charged to fringe benefits.

(6) Travel costs to enable participants to obtain employment or to participate in programs under the Act are allowable as supportive services but shall be restricted to the grantee's jurisdiction or within daily commuting distance, unless part of an approved component in the Comprehensive Plan for Farmworkers.

(7) Travel policies set forth in the Standardized Government Travel Regulations (SGTR) are required of all grantees, subgrantees and contractors. Where a grantee, subgrantee, or contractor, has a more restrictive travel policy than the SGTR, the more restrictive requirements shall be followed.

(8) Other travel requirements may be issued by the Secretary for private nonprofit grantees.

(h) *Association Membership.* (1) CETA Section 303 sponsors are permitted to utilize grant funds to join those associations which provide bona fide, relevant technical and administrative services in support of Section 303 program efforts. The activities of such associations must be designed to contribute to the enhancement of professional and technical program knowledge.

(2) For membership dues or other membership-related costs to be allowable, the following conditions shall be observed: (i) The association's activities shall not violate the Anti-lobbying Act, 18 U.S.C. 1913, which prohibits organizations from using Federal funds "directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote, or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation. * * *"

(ii) The association shall not violate the principles contained in the assurances set forth in the Section 303 sponsor grant package regarding restrictions against political activities for Federal grantees.

(iii) Those organizations substantially involved in lobbying are inappropriate selections for membership by CETA Section 303 sponsors. (See 41 CFR 1-15.711-19.) However, affiliated associations which are offshoots of such lobbying organizations, and whose only activity is to foster information exchanges and professional growth, may be appropriate selections for membership, if it can be demonstrated that their activities are separate from the parent association, and that the affiliate association does not contribute to the support of the parent organization.

(3) Sponsors wishing to utilize grant funds for membership in associations must obtain the prior approval of the Secretary before initiating membership procedures. Sponsors should submit documents which show that the association meets the conditions set forth in this paragraph 97.255(h), as well as budget information detailing the sponsor's proposed costs related to the proposed membership.

(4) Sponsors who seek to join an association shall submit (or cause the association to submit) to the Secretary a copy of the corporate charters, bylaws, constitution, or any other pertinent official document which explains the purpose of the association and demonstrates that the association will not be involved in activities which would violate the standards set forth in this paragraph 97.255(h). In the case of an association that is affiliated with an organization which conducts lobbying or political activities, the documentation must demonstrate that the activities of the association to be joined are separate from those of the affiliated organization.

(5) When the use of grant funds for membership in an association has been approved by the Secretary for one Section 303 sponsor, the Secretary will announce the approval and it will thereafter be unnecessary for any other 303 sponsor to submit the documentation required by paragraph (4) above.

(6) Sponsor reviews will be conducted by the Secretary to determine that the purposes of such memberships are being carried out, and that program and operations are thereby enhanced.

(7) The cost shall be for Section 303 membership rather than an individual person's membership

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(8) The cost of the membership shall be reasonably related to the value of the services or benefits received. Sponsors are authorized to use up to one-tenth of one percent of their respective Section 303 allocations annually, with a maximum of $750.00 for association-related costs.

(9) Association-related costs shall be incorporated in the sponsor's Section 303 grant budget, charged to the administration category, and as such, shall be subject to the standard 20 percent overall grant administrative cost ceiling.

§ 97.256 Training allowances.

The requirements for training allowances shall be as described in § 95.34 of this subtitle with the following special provisions:

(a) The term "prime sponsor" in § 95.34 of this subtitle for the purpose of section 303 shall mean grantee.

(b) The requirements for eligibility for allowances described in § 95.34(c) of this subtitle for programs funded under section 303 shall read: "Subject to the provision of § 95.34(j) of this subtitle and § 97.233, allowances shall be paid to participants for time spent in classroom training. In addition, allowances may be paid for time spent in other activities as specified in § 97.233(c)(5) or manpower services such as orientation and counseling. However, allowances for participation in manpower services or other activities shall be provided only if such activities are a component of another activity described in § 97.233, or participation is on a regularly scheduled basis described in the approved Comprehensive Plan for Farmworkers. Furthermore, no allowances will be paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

§ 97.257 Wages.

(a) Participants in work experience shall be paid wages as required by § 97.233(c)(3)(viii).

(b) Participants in on-the-job training shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographical region, and trainee proficiency (sec. 111(b)). In no event shall the rate be less than the highest of the following:

(1) The minimum wage rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. The exceptions to section 6(a)(1) shall not apply to on-the-job training participants, except as provided in paragraph (c).

(2) The State or local minimum wage for the most nearly comparable covered employment;

(3) The prevailing rates of pay for persons employed in similar occupations by the same employer; or

(4) The minimum entrance rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area or, any minimum rate required by an applicable collective bargaining agreement.

(5) For participants on Federally funded or Federally assisted construction projects, the prevailing rate established by the Secretary in accordance with the Davis-Bacon Act, as amended, when such rates are required by the Federal statute under which the assistance was provided.

(c) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private, shall be specified in a written agreement entered into by the training or employing facility and the prime sponsor.

(d) Wages in the Commonwealth of Puerto Rico shall be consistent with provisions of the Federal, State or local law, otherwise applicable.

§ 97.258 Minimum duration of training; reasonable expectation of employment.

(a) *Duration of training.* An individual shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation (sec. 703(8)).

(b) *Reasonable expectation of employment.* An individual shall not be referred to training unless the grantee determines, after utilizing available and appropriate community resources, that there is a reasonable expectation of employment for such an individual in the occupation for which the person is being trained (sec. 703(10)).

§ 97.259 General benefits and working conditions for program participants.

(a) Each participant in an on-the-job training or work experience under the Act shall be assured of workmen's compensation benefits at the same level and to the same extent as other employees of the employer who are covered by a state or industry workmen's compensation statute. Participants engaged in any CETA program activity, i.e., work experience, on-the-job training, classroom training, services to participants and other activities where others similarly engaged are not covered by an applicable workmen's compensation statute shall be provided workmen's compensation insurance or coverage under a medical and accident insurance policy for injury or diseases resulting from such participation. The costs of such insurance shall be charged to the appropriate cost category as provided in § 97.255.

(b) Each participant in an on-the-job training or work experience, shall also be assured of health insurance, unemployment insurance, coverage under collective bargaining agreements and other benefits at the same levels and to the same extent as other employees similarly employed, and to working conditions and promotional opportunities neither more nor less favorable than such other employees similarly employed (secs. 208(a)(4), 703(5) and 703(6)). Nothing in this section shall be interpreted to require coverage for health insurance, unemployment insurance and similar benefits for participants, such as, work experience participants, where there is no employee of the employer performing the same or similar work in the employment situation. In determining whether the work is the same or similar to that of a person regularly employed, the prime sponsor will take into consideration, but shall not be limited to, employment status, type of work performed, job classification and method of appointment to the position.

(c) Every participant must be advised prior to entering employment of the name of his employer, and of his rights and benefits in connection with his employment (sec. 208(a)(8)).

(d) No participant will be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety. In the case of participants employed or trained for jobs inherently dangerous, e.g., fire or police jobs, participants will be assigned to work in accordance with reasonable safty practices. The provisions of section 2(a)(3) of Pub. L. 89-286 (relating to health and safety conditions) shall apply to such programs or activity (secs. 208(a)(5) and 703(5)).

(e) The requirements for participants retirement benefits shall be as provided in § 98.25 of this subtitle.

§ 97.260 Allocation of Allowable Costs Among Program Activities.

The requirements regarding allocation of allowable costs among program activities set forth in § 98.13 of this subtitle shall be superseded as follows: The program activities against which program costs shall be planned, controlled and reported upon are: Classroom training; on-the-job training; work experience; services to participants; and other activities. The cost categories under each of these activities is defined in § 97.255(e). The extent to which these cost categories are chargeable to specific program activities is set forth below. Administration includes all allowable administrative costs directly associated with the program activity and a pro rata share of the grantee's administrative costs under section 303 not directly associated with any program activity.

(a) *Classroom training.* Cost categories chargeable are: administration, allowances, training, and services.

(b) *On-the-job training.* Cost categories chargeable are: administration, wages (with public or private nonprofit employers only), fringe benefits, training, and services.

(c) *Work Experience.* Cost categories chargeable are: administration, wages, fringe benefits, training, and services.

(d) *Services to participants.* (1) *Manpower services.* Cost categories chargeable are:

(i) Administration.

(ii) Allowances. This includes all allowances paid for short periods of time to participants who are registered for training, but are waiting for startup of a component and includes additional allowances as described in § 97.233(f).

(iii) Services. This includes all manpower services including postplacement services which are not part of another program activity and which are provided to participants by a grantee, contractor, or subgrantee.

(2) *Supportive services.* These services include but are not limited to health and medical services, child care, emergency assistance, relocation assistance, residential support, nutritional services, and other supportive services. Cost categories chargeable are:

(i) Administration.

(ii) Services. This includes all supportive services, including postplacement services, which are not part of another program activity and which are provided to participants by a grantee, contractor, or subgrantee.

(e) *Other activities.* Cost categories chargeable are: administration, allowances, training and services.

§ 97.261 Bond coverage of officials.

(a) Prior to the release of funds to any grantee, public or private, DOL shall receive written assurance that arrangements have been made for appropriate bonding of grantee officials. This assurance may take the form of either a statement that no bond is needed because the conditions of paragraphs (b) have been met, or of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond which has been obtained.

(b) A bond need not be provided by a public grantee if funds are to be deposited in a public treasury and disbursed and audited by local and state public officials who normally perform these duties. In this case, the financial role of the officials of the grantee agency shall be limited to making withdrawals from the Federal Reserve System for deposit in the public treasury and certifying appropriate expenditures for disbursement. A grantee which is a public agency need not provide a new bond if all employees who are authorized to sign or countersign checks on the grantee's commercial bank account or to disburse cash are already bonded in an amount consistent with local requirements and practices.

(c) Private grantees shall take steps to secure blanket fidelity bond coverage in accordance with the following provisions:

(1) Coverage shall be secured in an amount equal to the average of funds to be expended each month, up to the aggregate amount of $25,000, whichever is less, for all persons authorized to sign or countersign checks or to disburse sizeable amounts of cash, such as for payrolls.

(2) Grantees shall assure that appropriate officials of subgrantees and contractors are bonded. Existing bond coverage on officials of subgrantees which are public agencies shall be considered acceptable. Coverage for officials of subgrantees and contractors which are private organizations shall be equal to the average of funds to be expended each month, up to an aggregate amount of $25,000. If a subgrantee or contractor will expend less than $1,000 per month in program funds, on the average, bond coverage shall not be required, but may be obtained and is an allowable cost.

§ 97.262 Basic personnel standards for grantees and subgrantees.

The basic personnel standards set forth in §§ 98.14, 98.21, 98.22, and 98.23 of this Subtitle shall be applicable to public grantees and to public subgrantees receiving section 303 funds. The following provisions shall be applicable only to private nonprofit grantees and to private nonprofit subgrantees receiving section 303 funds.

(a) *Personnel policies.* Each grantee and subgrantee shall maintain personnel policies and practices in accord with applicable laws and regulations, the provisions of §§ 98.21, 98.22, 98.23 of this Subtitle and the provisions of paragraphs (b) through (h) of this section. Such personnel policies must be in written form and available to the Secretary upon request.

(b) *Discrimination prohibited.* No grantee or subgrantee shall discriminate in its hiring and personnel procedures against any applicant for employment or any employee because of race, creed, color, national origin, sex, or age.

(c) *Opportunities for farmworkers.* Each grantee and subgrantee shall insure that its recruiting procedures afford adequate opportunity for the hiring and advancement of persons in the target population.

(d) *Prohibition against partisan political and sectarian activities.* In addition to the prohibitions described in § 98.23, of this Subtitle grantees and subgrantees shall assure that no program under section 303 involves sectarian activities and that neither section 303 funds nor the personnel employed in the program shall be engaged in the conduct of sectarian activities.

(e) *Nepotism.* The provisions of § 98.22 of this Subtitle shall apply to all grantees and subgrantees with the following special provision:

(1) The term "employed in an administrative capacity" in § 98.22(a) Subtitle for the purposes of section 303 shall mean employed in an administrative capacity or membership on a governing board.

(f) *Prohibition against acceptance of gifts and gratuities.* Employees of grantees and subgrantees shall not accept gifts, money, or gratuities from persons receiving benefits or services under the program, or performing services under contract, or otherwise in a position to benefit from an action of the grantee's employees.

(g) *Outside employment.* Grantees and subgrantees shall include the following provisions in their published personnel policies relating to outside employment of their employees: (1) Such employment shall not interfere with the efficient performance of the employee's duties in the DOL-assisted program;

(2) Such employment shall not involve a conflict of interest or conflict with the employee's duties in the DOL-assisted program;

(3) Such employment shall not involve the performance of duties which the employee should perform as part of employment in the DOL-assisted program; and

(4) Such employment shall not occur during the employee's regular or assigned working hours in the DOL-assisted program, unless the employee during the entire day on which such employment occurs is on annual leave, compensatory leave, or leave without pay.

(h) *Salaries and wages.* (1) Minimum wage; Employees shall be paid at a rate no lower than the applicable minimum wage. Subject to this minimum, the salary for each position supported by DOL funds shall accord with prevailing local practice for comparable positions in local public or private nonprofit agencies.

(2) Wage comparability: (i) Persons employed in carrying out programs financed under section 303 shall not receive compensation at a rate which is (A) in excess of the average rate of compensation paid in the area where the program is carried out to persons providing substantially comparable services; (B) less than the applicable Federal or State minimum wage rate, whichever is higher.

(ii) Some grantees or subgrantees are part of long-established private agencies which have merit systems and will apply these systems to section 303-supported employees. In these instances, all positions covered under such merit systems shall be deemed comparable and no extensive organizational reviews, position analyses, or comparability determinations shall be necessary; provided that these employees are filling positions or types of positions in existence before the agency or institution received a section 303 grant and that the salary scale has not been changed as a result of the grant.

(iii) Those grantees for which paragraph (h)(2)(ii) of this section is not applicable, shall establish wage rates for each section 303-supported position based upon a wage comparability study.

(3) *Salary and wage schedule.* Each grantee shall maintain an up-to-date salary and wage schedule. This schedule shall be based upon an up-to-date wage comparability study as described in paragraph (h)(2) of this section. Each position supported by section 303 funds shall: (i) be part of a salary and wage schedule which assigns a specific salary or wage range incorporating periodic increases to each position;

(ii) Be described in a written detailed job description identifying job functions and responsibilities;

(iii) Have specific qualifications required of each person to be hired into the position; and

(iv) Be distinguishable from every other position by reason of its responsi-

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bilities, and job functions: Positions requiring higher salaries or wages shall include higher levels of responsibilities commensurate with the salary. All such materials shall be incorporated into personnel policies, procedures, and practice manuals.

(4) *Promotions and salary increases.* Each grantee shall maintain as part of its personnel policies and procedures and practices manual detailed proecdures for hiring new employees, promoting present employees and granting salary increases. Documentation shall be maintained for all such personnel actions to substantiate compliance with established procedures for all hires, promotions, and salary increases. Such documentation shall include identification of the procedures used to select new employees or promote present employees, and substantiation of the concerned individual's eligibility for such a personnel action.

(5) *Salaries over $20,000.* No employee engaged in carrying out program activities receiving financial assistance under section 303 shall be compensated from funds so provided at a rate in excess of $20,000 per year, without approval from DOL. An employee subject to the provisions of salary proration in paragraph (h)(5) of this section shall not be compensated from funds so provided at a rate in excess of the prorated share of $20,000, without approval from DOL. Exceptions shall be granted by DOL in cases where, because of the need for specialized or professional skills or prevailing local salary levels, application of the foregoing restrictions would greatly impair program effectiveness or otherwise be inconsistent with the purposes to be achieved by the program.

(6) *Prorating salaries.* In cases where an individual performs functions under several grants, their time shall be prorated among the different grants and the portion of the salary charged to the section 303 grant shall not exceed the percentage of time spent performing section 303 functions.

(7) *Employee benefits.* Shall be established in accord with prevailing practice in comparable public or private nonprofit agencies.

(i) *Staff complaint procedures.* Each sponsor and subgrantee shall establish as part of their written personnel policies a staff complaint procedure for resolving any issue arising between it and a staff member hired with CETA section 303 funds. Such procedures shall include an opportunity for an informal hearing, and a prompt determination of any issue which cannot be resolved in an informal manner. When the sponsor (or subgrantee) proposes to take an adverse action against a staff member, such procedures shall require that a written notice be given to that staff member. The written notice shall set forth the grounds for any adverse actions proposed to be taken by the sponsor (or subgrantee) and give the staff member an opportunity to respond. Final determinations made after an opportunity to respond shall be so identified and provided to the staff member in writing.

§ 97.263 Non-Federal status of participants.

The requirements for this section shall be as described in § 98.28 of this subtitle.

§ 97.264 Grantee contracts and subgrants.

A grantee funded under section 303 may enter into contracts or subgrants under the provisions described in § 98.27 of this subtitle, except that the following special provisions shall apply:

(a) The procurement of contracts shall be in conformance with the standards in § 97.270.

(b) The requirements for cancellation described in § 98.27(e) of this subtitle for programs funded under section 303 shall read as follows:

If a contractor or subgrantee does not comply with any requirement of the Act, the regulations promulgated under the Act, other applicable law, the grant agreement, grant conditions, or other grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the grantee shall cancel the contract or subgrant. Cancellations of subgrants are major modifications as described in § 97.221 and require approval by the Secretary.

(c) The reference in § 98.27(g) of this subtitle of the provisions of § 98.15 and § 98.16 shall read "the provisions of §§ 97.265, 97.266, and 97.268."

§ 97.265 Adjustments in payments.

The requirements for adjustments in payments shall be as described in § 98.15 of this Subtitle, except that the following special provisions shall apply:

(a) The term "Comprehensive Manpower Plan" for the purposes of section 303 shall mean Comprehensive Plan for Farmworkers.

(b) The Secretary may also make adjustments in payments as described in § 97.267. The adjustments need not be based on a ground set forth in § 98.15(a) of this Subtitle.

§ 97.266 Termination of a grant.

The requirements for termination of a grant shall be as described in § 98.16 of this Subtitle, except that the following special provisions shall apply:

Section 98.16(a) shall be superseded as follows: If a grantee violates or permits a subgrantee or contractor to violate the regulations, grant conditions, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part, unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation.

§ 97.267 Suspension and debarment.

In situations where there is adequate evidence that there has been substantial mismanagement of program funds under the Act, the Secretary may determine that a grantee be suspended from consideration for CETA section 303 funds. If suspension or debarment is proposed, the procedures set forth in the DOL Procurement Regulations, 41 CFR Subpart 29–1.6 will be followed.

§ 97.268 Grant closeout procedures.

The grant closeout procedures shall be as described in § 98.17, except that the following special provisions shall apply:

(a) Paragraphs (a), (b), and (c) of § 98.17 of this substitle shall apply in their entirety, and in addition the following special provisions shall apply:

(1) Any contracts or subgrants which extend beyond the termination date or completion of the legal grant period, as permitted by § 98.27(g) of this subtitle shall not exceed six months, unless the grantee has been notified of its selection as a potential grantee for the succeeding fiscal year.

(2) The Secretary may make adjustments in payments of the unexpended funds committed under contracts and subgrants described in paragraph (a)(1) of this section at any time between the completion or termination date of the grant and the termination date or completion of the subgrant or contract.

(b) § 98.17(d) of this subtitle shall be superseded as follows: Upon closeout, the Secretary will insure that:

(1) Prompt payment is made to the grantee for reimbursement of costs under the grant being closed out.

(2) After the final reports are received, a settlement is made for any upward or downward adjustments which are made to the Federal share of the costs, including those described in paragraph (a)(2) of this section.

(3) The letter of credit is cancelled unless the grantee is a potential grantee for the succeeding fiscal year.

(4) Final program and fiscal audits are performed as soon as possible after the completion or termination date of the grant.

§ 97.269 Maintenance and retention of records.

The requirements for the maintenance and retention of records shall be as described in § 98–18 of this subtitle, except that the following special provisions shall apply

(a) The requirement for maintaining information on the work history of participants shall not apply to participants who are minor children.

(b) The term "State and local prime sponsors" for the purposes of section 303 shall mean grantees.

§ 97.270 Program income and limitations on program expenditures.

(a) *Program income.* Section 98.19 of this title prescribes the requirements relating to program income applicable to public grants and subgrantees. The requirements for private grantees and subgrantees shall be as follows:

(1) Private organizations shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds. Interest income shall be returned to the Secretary within 30 days after the end of each grant quarter.

(2) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds and royalties received from copyrights and patents during the grant period, shall be handled in accordance with grant conditions the Secretary has issued or shall subsequently issue during the period of the grant.

(3) Program income earned during the grant period which has been included in the Comprehensive Plan for Farmworkers shall be retained by the grantee and, in accordance with the grant agreement, shall be added to funds committed to the project and be used to further program objectives. Expenditures of program income shall be subject to the provisions of this part. Further, program income shall be expended according to the provisions of the Title of the Act under which the income was generated. All other program income earned by the grantee shall be returned to the Federal Government, except as provided by grant conditions the Secretary has issued or shall subsequently issue during the period of the grant.

(4) The grantee shall record the receipt and expenditure of revenues as a part of grant project transactions.

(b) *Limitations on program expenditures.* Program expenditures shall not be made prior to the effective date of the grant period as set forth in the grant agreement or as subsequently modified by DOL. Expenditures made before such date shall be disallowed unless approved by the Secretary in advance. If the grantee incurs expenditures in excess of the total amount of the approved program, the amount of the overexpenditure shall be absorbed by the grantee from nonsection 303 funds.

§ 97.271 Procurement standards.

(a) The standards to be used for the procurement of supplies, equipment, and other materials and services by State and local governments with Federal grant funds shall be those described in § 98.20 of this subtitle.

(b) The standards to be used for the procurement of supplies, equipment, and other materials and services by private grantees and subgrantees shall be those described in the Federal Procurement Regulations, the Property Handbook for MA Contractors issued by the Department, and 41 CFR 1–5.2 or 41 CFR 1–15.3. On-the-job training contracts are not subject to sole source approval requirements and the procurement of subgrants is exempt from procurement requirements. When on-the-job training contracts are made, the grantees shall to be provided, and such record shall be available to the Secretary upon request. The foregoing standards are prescribed to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive Orders.

(c) The definitions of subgrant and contract described in § 98.20(a)(1) and (a)(2) of this subtitle shall also be applicable to grantees which are nongovernmental organizations.

(d) Sponsors shall obtain prior approval from the Secretary for all purchases of nonexpendable property as defined in the Property Handbook for MA Contractors.

§ 97.272 Labor standards.

All laborers are mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, or projects, buildings, and works which are federally assisted under a grant shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–5).

§ 97.273 Allowances and reimbursements for board and advisory council members.

(a) *General.* A reasonable allowance to members who attend meetings of any board, council, or committee, and reimbursement of actual expenses connected with those meetings are allowable costs; but grant funds shall not be used to pay such allowances to any individual who is a Federal, State, or local government employee, or to an employee of a grantee or subgrantee.

(b) *Allowances.* Any person who is a member of a private nonprofit grantee or subgrantee policymaking body or of a public agency grantee or subgrantee farmworker advisory council is eligible to be paid an allowance; provided (1) such person's family income falls within OMB Poverty Guidelines and (2) the person is not a Federal employee, an employee of a DOL-assisted organization, or an employee of a State or local public agency. Allowances shall not exceed five dollars per meeting, unless the grantee's chief elected official or governing board determines a higher payment more suitable. Allowances in excess of five dollars shall be approved in advance by DOL. No person shall be paid an allowance by any one DOL-assisted organization for attendance at more than two meetings per month, regardless of whether the meetings are for the same or different policymaking bodies.

(c) *Reimbursements.* (1) Any person, whose family income falls within OMB Poverty Guidelines and who is a member of a private nonprofit grantee or subgrantee policymaking body or of a public agency grantee or subgrantee farmworker advisory council shall be eligible for reimbursement of actual expenses, including actual wages lost up to $18 a day. Receiving an allowance shall not preclude receiving reimbursement for actual expenses incurred in attending that meeting.

(2) Where the community served by the program covers a large geographic area, as in the case of a multi-county or a statewide grantee, reimbursements may also be made to those nonpoor members of a policymaking body who must travel a substantial distance from their home to attend meetings within the community. The grantee's principal representative board shall determine what constitutes a "substantial distance" in its community.

(3) Persons may be reimbursed no more than two meetings per month. A grantee desiring to make reimbursement to an individual for more than two monthly meetings shall obtain the prior approval of DOL.

(4) The grantee shall define which expenses may be reimbursed, whether incurred as the result of actual attendance at meetings or in the performance of other official duties and responsibilities in connection with the program, and shall establish procedures for the reimbursement of such expenses. The grantee shall obtain the approval of the Secretary for such definitions and procedures prior to reimbursing any individuals under the provisions of paragraphs (c)(1) and (2) of this section.

(d) *Administrative cost:* Allowances and reimbursement as described in paragraphs (a), (b), and (c) of this section shall be charged to the cost category "Administration". Allowances and reimbursement cost for governing Boards and Advisory council should be prorated as administrative costs among all of the grants, from whatever source, administered by the grantee.

ASSESSMENT AND EVALUATION

§ 97.280 Assessment and evaluation.

Assessment and evaluation of section 303 programs shall be conducted in accordance with § 98.30 through § 98.33 of this subtitle. Moreover, the Secretary of Labor shall obtain the approval of the Secretary of Health, Education, and Welfare with respect to direct arrangements by the Secretary of Labor for the provision of basic education and vocational training. This approval shall focus on the legality and quality of such service arrangements as well as the relationships of such services to those being delivered under other applicable laws for which the Secretary of Health, Education, and Welfare is responsible (section 306 of the Act).

ADMINISTRATIVE REVIEW

§ 97.290 Purpose and policy.

Sections 97.290 through 97.292 set forth the procedures established by the Secretary for (a) the receipt, investigation, and determination of formal allegations of denial of services by a grantee or subgrantee to participants in a section 303 program or to any individual who may have been eligible for services under section 303; and (b) the review of Petitions for Reconsideration arising out of the procedures for determining potential grantees for allocable funds.

§ 97.291 Procedure for complaints by eligible individuals and program participants.

(a) *Grantee administrative remedies.* An individual denied services who may have been eligible, or an aggrieved participant in a program under section 303, must exhaust the administrative remedies established by the grantee for resolving matters in dispute prior to utilizing the procedures under this section. An individual denied service who may have otherwise been eligible or an aggrieved participant may initiate an action under this review procedure within 30 days of any final decision by a grantee.

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The filing of a formal complaint under this section shall not be automatically act as a stay of the decision rendered by the grantee, but such decision may be stayed at the discretion of the Secretary.

(b) *Complaints: Filing of formal allegations; dismissal; form; contents of formal allegations, amendments; investigations.* Procedures for complaints filed pursuant to this section shall be as provided in § 98.42 through § 98.45 of this subtitle except that all formal allegations shall be filed with the Secretary and the term "Comprehensive Manpower Plan" for the purpose of section 303 shall mean Comprehensive Plan for Farmworkers.

§ 97.292 Procedure for complaints arising from the selection of potential grantees.

(a) *Administrative remedies.* Potential grantees shall be determined according to the procedures described in § 97.213 through § 97.215. An applicant which wishes to object formally to its nonselection as a potential grantee, after consideration by the Secretary as provided in § 97.214, may file a Petition for Reconsideration with the National Office within 14 days of the notification of the Department's decision not to award a grant. Reconsideration under this section will not be given to objections by potential sponsors regarding the subjects of negotiation listed in 97.217.

(b) *Petition for Reconsideration.* A petition for Reconsideration shall be a written statement by a responsible official of the complainant requesting a review of the nonselection and may enumerate the factors which the applicant asserts should be reviewed in reconsidering its Funding Request, but such enumeration is not required.

(c) *Reconsideration.* (1) Upon receipt of the Petition for Reconsideration, the Secretary shall, within 14 days, make one of the following determinations:

(i) That the organization be designated a potential grantee.

(ii) That the Granting Officer's decision be sustained.

(2) The representative of the Secretary responsible for resolution of the Petition for Reconsideration shall be an official of the Employment and Training Administration not directly involved in the original determination. The determination described in paragraph (c) (1) of this section shall be final.

Signed at Washington, D.C., this 4th day of January 1977.

WILLIAM H. KOHLBERG,
Assistant Secretary for Employment and Training.

[FR Doc. 77-602 Filed 1-6-77;8:45 am]

federal register

FRIDAY, JANUARY 7, 1977

PART V



DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTUCTION

General Wage Determination Decisions; Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Illinois:	
IL76–2121	Oct. 1, 1976.
IL76–2145	Dec. 3, 1976.
Louisiana:	
LA76–4187	Nov. 19, 1976.
Michigan:	
MI76–2139; MI76–2140	Do.
Minnesota:	
MN76–2058	May 14, 1976.
Utah:	
UT76–5097	Nov. 5, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Kentucky:	
KY76–1103 (KY77–1002)	Sept. 17, 1976.
Nebraska:	
NE76–4076 (NE77–4001)	Apr. 30, 1976.
Tennessee:	
TN76–1001 (TN77–1001)	Jan. 5, 1976.

Signed at Washington, D.C., this 30th day of December 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA76-4187 - Mod. #2 (41 FR 51268 - November 19, 1976) Statewide Louisiana					
Change:					
Boilermakers	$10.00	.50	1.00		.02
Electricians:					
Electricians:					
Zone 7	9.95	.85	17%		17%
Cable splicers:					
Zone 7	10.45	.85	17%		17%
Laborers (Highway Construction):					
Group 4:					
Zone 4	6.30	.15	.20		.05
Zone 5	4.85	.15	.10		.05
Line Construction:					
Zone 7:					
Linemen; Operators	9.95	.85	17%		17%
Cable splicers	10.45	.85	17%		17%
Groundmen	7.95	.85	17%		17%

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2121 - Mod. #1 (41 FR 43573 - October 1, 1976) Champaign & Vermilion Counties, Illinois					
CHANGE:					
Power Equipment Operators:					
Class I	$11.00	.40	.75		.13
Class II	10.95	.40	.75		.13
Class III	10.75	.40	.75		.13
Class IV	7.25	.40	.75		.13
Electricians:					
Champaign County	11.10	.40	17%+.30		.3%
Vermilion County	10.87	.40	17%+.30		.25%
DECISION #IL76-2145 - Mod. #1 (41 FR 53251 - December 3, 1976) Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby, & Vermilion Counties, Illinois					
CHANGE:					
Power Equipment Operators:					
Remainder of Counties					
Class I	$11.00	.40	.75		.13
Class II	10.95	.40	.75		.13
Class III	10.75	.40	.75		.13
Class IV	7.25	.40	.75		.13
Electricians:					
Champaign Co; N. ½ of Douglas Co; Tops. of Blue Ridge, Sangamon & Monticello in DeWitt County	11.10	.40	17%+.30		.3%

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DECISION #MI76-2139 - Mod. #3 (41 FR 51313 - November 19, 1976) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Monroe County	$12.35	.50	1%+.55		.2%
Ironworkers:					
Remainder of Counties:					
Structural & Ornamental	10.43	8%	14%	17%	.09
Rainforcing	9.42	.98+.25	15%	15%	.07
Plasterers:					
South of Hwy. #151 in Monroe County	12.20	.65			.01
Plumbers & Steamfitters:					
Monroe County	10.28	.75	.70		.07
Sheet Metal Workers:					
Remainder of Counties	9.73	1.50	.91	1.07	.11
Sprinkler Fitters:					
Remainder of Counties	12.185	.60+.30	.90		.10
Laborers:					
Open Cut Construction					
Washtenaw County					
Class 1	7.14	.55	.35	.55	.04
Class 2	7.22	.55	.35	.55	.04
Class 3	7.27	.55	.35	.55	.04
Class 4	7.32	.55	.35	.55	.04
Class 5	7.37	.55	.35	.55	.04
Wayne, Oakland & Macomb Cos.					
Class 1	7.77	.70	.60	.75	.04
Class 2	7.85	.70	.60	.75	.04
Class 3	7.90	.70	.60	.75	.04
Class 4	7.95	.70	.60	.75	.04
Class 5	8.00	.70	.60	.75	.04
Monroe County					
Class 1	7.14	.55	.35	.55	.04
Class 2	7.24	.55	.35	.55	.04
Class 3	7.34	.55	.35	.55	.04
Class 4	7.39	.55	.35	.55	.04
Class 5	7.49	.55	.35	.55	.04

DECISION #MI76-2139 Mod. #3 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Tunnel, Shaft & Caisson Construction					
Washtenaw & Monroe Counties					
Class 1	$7.73	.55	.35	.55	.04
Class 2	7.81	.55	.35	.55	.04
Class 3	7.86	.55	.35	.55	.04
Class 4	8.01	.55	.35	.55	.04
Class 5	8.21	.55	.35	.55	.04
Class 6	8.46	.55	.35	.55	.04
Wayne, Oakland & Macomb Counties					
Class 1	7.77	.70	.60	.75	.04
Class 2	7.85	.70	.60	.75	.04
Class 3	7.90	.70	.60	.75	.04
Class 4	8.05	.70	.60	.75	.04
Class 5	8.25	.70	.60	.75	.04
Class 6	8.50	.70	.60	.75	.04

DECISION #MI76-2140 - Mod. #2 (41 FR 51318 - November 19, 1976) Statewide, Michigan	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters - Zone 1	$10.48	.75	9%	11%	.04
Laborers:					
Open Cut Construction					
Zone 1					
Class 1	7.77	.70	.60	.75	.04
Class 2	7.85	.70	.60	.75	.04
Class 3	7.90	.70	.60	.75	.04
Class 4	7.95	.70	.60	.75	.04
Class 5	8.00	.70	.60	.75	.04
Zone 2					
Class 1	7.14	.55	.35	.55	.04
Class 2	7.22	.55	.35	.55	.04
Class 3	7.27	.55	.35	.55	.04
Class 4	7.32	.55	.35	.55	.04
Class 5	7.37	.55	.35	.55	.04
Zones 3 and 5					
Class 1	7.14	.55	.35	.55	.04
Class 2	7.24	.55	.35	.55	.04
Class 3	7.34	.55	.35	.55	.04
Class 4	7.39	.55	.35	.55	.04
Class 5	7.49	.55	.35	.55	.04
Zone 4					
Class 1	6.86	.55	.35	.55	.04
Class 2	6.96	.55	.35	.55	.04
Class 3	7.06	.55	.35	.55	.04
Class 4	7.11	.55	.35	.55	.04
Class 5	7.21	.55	.35	.55	.04
Zone 6					
Class 1	7.09	.55	.40	.55	.04
Class 2	7.19	.55	.40	.55	.04
Class 3	7.29	.55	.40	.55	.04
Class 4	7.34	.55	.40	.55	.04
Class 5	7.44	.55	.40	.55	.04

DECISION #MI76-2140 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Open Cut Construction					
Zone 7					
Class 1	$7.09	.55	.35	.55	.04
Class 2	7.19	.55	.35	.55	.04
Class 3	7.29	.55	.35	.55	.04
Class 4	7.34	.55	.35	.55	.04
Class 5	7.44	.55	.35	.55	.04
Zone 8					
Class 1	6.16	.55	.35	.55	.04
Class 2	6.26	.55	.35	.55	.04
Class 3	6.36	.55	.35	.55	.04
Class 4	6.41	.55	.35	.55	.04
Class 5	6.51	.55	.35	.55	.04
Zone 9					
Class 1	5.64	.55	.35	.55	.04
Class 2	5.74	.55	.35	.55	.04
Class 3	5.84	.55	.35	.55	.04
Class 4	5.89	.55	.35	.55	.04
Class 5	5.99	.55	.35	.55	.04
Zone 10					
Class 1	5.31	.55	.35	.55	.04
Class 2	5.41	.55	.35	.55	.04
Class 3	5.51	.55	.35	.55	.04
Class 4	5.56	.55	.35	.55	.04
Class 5	5.66	.55	.35	.55	.04
Zone 11					
Class 1	6.27	.55	.35	.55	.04
Class 2	6.37	.55	.35	.55	.04
Class 3	6.47	.55	.35	.55	.04
Class 4	6.52	.55	.35	.55	.04
Class 5	6.57	.55	.35	.55	.04

DECISION #MT76-2140 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Tunnel, Shaft & Caisson					
Zone 1					
Class 1	$7.77	.70	.60	.75	.04
Class 2	7.85	.70	.60	.75	.04
Class 3	7.90	.70	.60	.75	.04
Class 4	8.05	.70	.60	.75	.04
Class 5	8.25	.70	.60	.75	.04
Class 6	8.50	.70	.60	.75	.04
Zone 2					
Class 1	7.73	.55	.35	.55	.04
Class 2	7.81	.55	.35	.55	.04
Class 3	7.86	.55	.35	.55	.04
Class 4	8.01	.55	.35	.55	.04
Class 5	8.21	.55	.35	.55	.04
Class 6	8.46	.55	.35	.55	.04
Zone 3					
Class 1	7.68	.55	.40	.55	.04
Class 2	7.76	.55	.40	.55	.04
Class 3	7.81	.55	.40	.55	.04
Class 4	7.96	.55	.40	.55	.04
Class 5	8.16	.55	.40	.55	.04
Class 6	8.41	.55	.40	.55	.04

DECISION #MN76-2058 - Mod. #2
(41 FR 20131 - May 14, 1976)
Aitken, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Crow Wing, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Koochiching, Lake, LeSueur, Martin, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmsted, Pine, Ramsey, Rice, Rock, S ott, Sherburne, Sibley, Stearns, Steele, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Under Cement Masons:					
Counties of Aitkin, Carlton, Cook, Lake & Pine Co:(North of T-42-N; St. Louis County (South of T-55-N)	$10.18	.30			
Under Linemen:					
South of a line west from the S.W. Corner of T-55-R-23; Saint Louis County-that portion south of Ault, Ellsburg, Lavell, T-55-R-14, T-55-R-15, T-55-R-18 & T-55-R-21 Townships, Kanabec County north of Ann Lake, Knife Lake & Whited Townships; Mille Lacs County north of Baily & Mudgett Twps. & Pine Co; north of Brook Park, Crosby, Mission Creek & Munch Townships	9.54	4%	6%	11%	1½%

DECISION #UT76-5097 - Mod. #4
(41 FR 49003 - November 5, 1976)
Statewide Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Power Equipment Operators:					
Steel Erection:					
Group 1	$9.22	.75	$1.615	.85	.14
Group 2	9.60	.75	1.615	.85	.14
Group 3	10.61	.75	1.615	.85	.14
Group 4	10.75	.75	1.615	.85	.14
Group 4-A	11.04	.75	1.615	.85	.14
Group 5	11.52	.75	1.615	.85	.14
Group 6	11.93	.75	1.615	.85	.14
Group 6-A	12.49	.75	1.615	.85	.14
Group 7	13.47	.75	1.615	.85	.14
Piledriving:					
Group 1-A	8.78	.75	1.615	.85	.14
Group 1-B	9.11	.75	1.615	.85	.14
Group 1-C	9.26	.75	1.615	.85	.14
Group 2-A	9.89	.75	1.615	.85	.14
Group 2-B	10.10	.75	1.615	.85	.14
Group 3	10.40	.75	1.615	.85	.14
Group 3-A	10.78	.75	1.615	.85	.14
Group 4	11.33	.75	1.615	.85	.14
Group 5	11.48	.75	1.615	.85	.14
Group 6	12.49	.75	1.615	.85	.14

DECISION #UT76-5097 (Cont'd)

	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):						
Power Equipment Operators:						
Group 1	$7.76	$8.76	.75	$1.615	.85	.14
Group 2	8.04	9.04	.75	1.615	.85	.14
Group 3	8.39	9.39	.75	1.615	.85	.14
Group 4	8.57	9.57	.75	1.615	.85	.14
Group 4-A	8.68	9.68	.75	1.615	.85	.14
Group 5	8.68	9.68	.75	1.615	.85	.14
Group 6	9.14	10.14	.75	1.615	.85	.14
Group 7	9.29	10.29	.75	1.615	.85	.14
Group 7-A	9.40	10.40	.75	1.615	.85	.14
Group 8	9.70	10.70	.75	1.615	.85	.14
Group 8-A	9.76	10.76	.75	1.615	.85	.14
Group 9	9.82	10.82	.75	1.615	.85	.14
Group 10	9.98	10.98	.75	1.615	.85	.14
Group 11	10.42	11.42	.75	1.615	.85	.14
Group 11-A	11.38	12.38	.75	1.615	.85	.14
Group 11-B	11.83	12.83	.75	1.615	.85	.14
Group 12	11.99	12.99	.75	1.615	.85	.14

SUPERSEDEAS DECISION

STATE: Kentucky
COUNTIES: *See below
DECISION NO.: KY77-1002
DATE: Date of Publication
Supersedes Decision Nos.: KY76-1103 dated September 17, 1976 in 41 FR-40366
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Bell, Knox, Laurel, McCreary, and Whitley

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & Heating mechanics	5.00				
Bricklayers	6.60				
Carpenters	4.82				
Cement masons	4.65				
Drywall finishers & hangers	4.00				
Electricians	5.00				
Insulation Installer	3.81				
Laborers:					
Hod carriers	3.07				
Laborers	3.00				
Painters	4.50				
Plumbers & fitters	5.00				
Roofers	4.00				
Sheet metal workers	5.00				
Soft floor layers	4.61				
Tile setters	4.50				
Truck drivers	3.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	4.50				
Loader	5.00				

SUPERSEDEAS DECISION

STATE: Nebraska
COUNTIES: Statewide (except Douglas, Cass, Sarpy, Washington and that portion of Saunders County East of Highway #109
DECISION NO.: NE77-4001
DATE: Date of Publication
Supersedes Decision No. NE76-4076 dated April 30, 1976 in 41 FR 18273
DESCRIPTION OF WORK: Heavy and Highway Construction (excluding bridges across navigable waterways).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenter	$5.70				
Carpenter Helper	4.40				
Cement Finisher	5.50				
Concrete Saw Operator	5.00				
Form Setter (road)	5.00				
Form Setter (structures)	4.75				
Laborer	3.80				
Manhole Builder	4.75				
Painter	4.00				
Pile Driver Leadsman	4.00				
POWER EQUIPMENT OPERATORS:					
All Purpose Spreader	4.50				
Asphalt Distributor	4.40				
Asphalt Distributor Helper	4.15				
Asphalt Heaterman	4.15				
Asphalt Paving Machine	5.50				
Asphalt Paving Machine Screedman	4.75				
Stationary Fl. (base or stabilization)	5.00				
Stationary Fl. (asphalt or concrete)	5.70				
Beginner Operator	4.75				
Bulldozer:					
Less than 115 Drawbar H.P.	5.10				
115 Drawbar H.P. and over	5.70				
Cement Handler	3.80				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	5.80				
Concrete Mixer	4.00				
Concrete Paver	5.00				
Slip Form Paver	5.70				
Concrete Finishing Machine and Spreader	5.70				
Conveyor	4.00				
Crusher (incl. those with integral screening plant)	5.10				
Dredge Pump Under 10"	4.50				
Dredge Pump 10" and over	5.00				
Fireman (boiler)	4.15				

DECISION NO. NE77-4001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Front End Loader:					
3½ Cu. Yds. or Less	$5.00				
over 3½ Cu. Yds.	5.50				
Mechanic	5.80				
Mechanic Helper	5.00				
Motor Grader	5.80				
Oiler or Greaser	5.00				
Roller or Compactor, Self-Propelled	5.10				
Scraper, Under 16 Cu. Yds.	5.10				
Scraper 16 Cu. Yds. and over	5.70				
Power Grade Machine (trimmer)	5.70				
Tractor:					
Farm Type	4.50				
Less than 115 Drawbar H.P.	5.10				
115 Drawbar H.P. and over	5.50				
Traveling Plant (stabilization)	5.10				
Traveling Plant Helper. (stabilization)	4.50				
Trenching Machine	4.75				
TRUCK DRIVER:					
Single Axle	4.00				
Tandem Axle	4.50				
Semi-Trailer	4.50				
Transit Mix	4.50				
Lowboy	5.00				
Water Tanker, 6,000 Gal. & over	5.10				
Welder	5.50				

SUPERSEDEAS DECISION

STATE: Tennessee
DECISION NUMBER: TN77-1001
Supersedes Decision No.: TN76-1001 dated January 5, 1976, in 41 FR-965
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.85				
Carpenters or leadsman	5.70				
Cement masons	5.70				
Electricians	6.60				
Ironworkers, reinforcing	5.45				
Ironworkers, structural	6.10				
Laborers:					
Laborers, unskilled, Flagman	3.50				
Chain saw, Concrete rubber					
Mortar mixer, Pipelayer	3.75				
Air tool operator	3.75				
Fireman	3.80				
Concrete edger	3.90				
Concrete saw operator, fence erector, guard rail erector	4.00				
Asphalt raker	4.10				
Sign erector	4.25				
Form setter, Steel road	4.55				
Powderman	4.85				
Nozzleman or gunman (gunite)	5.70				
Painters or sand blaster	5.70				
Truck drivers:					
2 & 3 axles	3.90				
4 & 5 axles or more or heavy duty off-the-road trucks.	4.60				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Pump operator, welder helper	3.65				
Ditch paver, mechanic helper	3.80				
Curb machine	3.90				
Motor crane driver, mulcher or seeder, scale operator	4.00				
Tractor, farm	4.05				
Concrete mixer, less than 1 yd					
Earth drill	4.10				
Track drill	4.30				
Dozer or loader - stock pile only	4.40				
Oiler, roller, other than finish	4.45				

TN77-1001 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Distributor (bituminous)	4.65				
Tractor, crawler, utility	4.70				
Spreader (self-propelled)	4.80				
Asphalt paver, central mixing (asphalt or concrete), Concrete finishing machine, mechanic, Class II, Motor patrol (rough), Roller (high-type), Soil cement machine	5.00				
Tractor - boom & hoist, trenching machine	5.15				
Bulldozer or push dozer, scraper	5.70				
Backhoe, concrete paver, Cranes end loader, Mechanic, Class I, Motor patrol finish, pile-driver, Shovel.	5.70				

[FR Doc.77-358 Filed 1-6-77;8:45 am]

Index to General Wage Determination Decisions and Modifications as of December 3, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
(MOD)—Modification.
(HEE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 30th day of December 1976.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #AL76-1082 (Hw)(Excluding Airport Construction)
41 FR 32108 - 7/30/76
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(D,Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
Mod. #2 - 41 FR 52175 - 11/26/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
Decision #AL76-1125 (B)
41 FR 47713 - 10/29/76
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741 - 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 32101 - 7/30/76
Mod. #4 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1117 (B)
41 FR 44610 - 10/8/76
Mod. #1 - 41 FR 47714 - 10/29/76
Mod. #2 - 41 FR 52175 - 11/26/76
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1134 (B)
41 FR 53239 - 12/3/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 15238 - 4/9/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 26423 - 6/25/76
Mod. #3 - 41 FR 40369 - 9/17/76
Mod. #4 - 41 FR 51237 - 11/19/76
Mod. #5 - 41 FR 53228 - 12/3/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1124 (B)
41 FR 47719 - 10/29/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #AL76-1138 (B)
41 FR 53241 - 12/3/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
Mod. #2 - 41 FR 33125 - 8/6/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5095 (B,H,Hw,D,R)
41 FR 42060 - 9/24/76
Mod. #1 - 41 FR 44590 - 10/8/76
Mod. #2 - 41 FR 45783 - 10/15/76
Mod. #3 - 41 FR 46806 - 10/22/76
Mod. #4 - 41 FR 50117 - 11/12/76

ARIZONA

STATEWIDE
Decision #AZ76-5109 (B,H,Hw)
41 FR 52189 - 11/26/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5110 (R)
41 FR 52198 - 11/26/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5111 (R)
41 FR 52204 - 11/26/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR76-4111 (Construction Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
41 FR 27547 - 7/2/76
Mod. #1 - 41 FR 29606 - 7/16/76
Decision #AR76-5090 (D)
41 FR 44609 - 10/8/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

CLARK COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewice
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4130 (B)
41 FR 30509 - 7/23/76
Mod. #1 - 41 FR 43557 - 10/1/76
Mod. #2 - 41 FR 52175 - 11/26/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4132 (B)
41 FR 30511 - 7/23/76
Mod. #1 - 41 FR 45783 - 10/15/76
Mod. #2 - 41 FR 47714 - 10/29/76
Mod. #3 - 41 FR 52176 - 11/26/76
Mod. #4 - 41 FR 53229 - 12/3/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4133 (B)
41 FR 30513 - 7/23/76
Mod. #1 - 41 FR 47715 - 10/29/76
Mod. #2 - 41 FR 52176 - 11/19/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOXE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4188 (B)
41 FR 51253 - 11/19/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4129 (B)
41 FR 30507 - 7/23/76
Mod. #1 - 41 FR 52175 - 11/26/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(B) - See Crawford County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5101 (B,H,Hw,D)
41 FR 51255 - 11/19/76
Decision #CA76-5102 (R)
41 FR 51272 - 11/19/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DEL NORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
EL DORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5058 (B,D,H,Hw)
41 FR 27549 - 7/2/76
Mod. #1 - 41 FR 30492 - 7/23/76
Mod. #2 - 41 FR 42045 - 9/24/76
Mod. #3 - 41 FR 45783 - 10/15/76
Decision #CA76-5059 (R)
41 FR 27559 - 7/2/76
Mod. #1 - 41 FR 30496 - 7/23/76
Mod. #2 - 41 FR 42046 - 9/24/76
Mod. #3 - 41 FR 45784 - 10/15/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,HW,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5061 (B,H,Hw,D)
41 FR 26429 - 6/25/76
Mod. #1 - 41 FR 30499 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76
Mod. #3 - 41 FR 45785 - 10/15/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision # CA76-5062 (R)
41 FR 26436 - 6/25/76
Mod. #1 - 41 FR 30500 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76
Mod. #3 - 41 FR 45785 - 10/15/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO76-5067 (Hw)
41 FR 32115 - 7/30/76
Mod. #1 - 41 FR 46806 - 10/22/76
Mod. #2 - 41 FR 52176 - 11/26/76
ADAMS COUNTY
Decision #CO76-5104 (B,H)
41 FR 52209 - 11/26/76
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO76-5107 (B,H)
41 FR 53242 - 12/3/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO76-5105 (B,H)
41 FR 52219 - 11/26/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R)— See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO76-5106 (B,H)
41 FR 52225 - 11/26/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
((B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2111 (B,H,Hw,R)
41 FR 40378 - 9/17/76
Mod. #1 - 41 FR 48981 - 11/5/76
Mod. #2 - 41 FR 52177 - 11/26/76
Decision #CT76-5118 (D)
41 FR 53250 - 12/3/76
HARTFORD COUNTY
Decision #CT76-2112 (B,H,Hw)
41 FR 40386 - 9/17/76
Mod. #1 - 41 FR 48982 - 11/5/76
Mod. #2 - 41 FR 52177 - 11/26/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #CT76-2109 (R)
41 FR 38705 - 9/10/76
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT76-5118 (D)
41 FR 53250 - 12/3/76
Decision #DE76-3212 (B,H,Hw)
41 FR 32122 - 7/30/76
Mod. #1 - 41 FR 35318 - 8/20/76
Mod. #2 - 41 FR 40371 - 9/17/76
Mod. #3 - 41 FR 43560 - 10/1/76
Mod. #4 - 41 FR 47715 - 10/29/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Entire County)
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
Decision #FL76-1105 (R)
41 FR 40365 - 9/17/76
(Cape Kennedy, Kennedy Space Flight Center and Patrick AFB only)
Decision #FL76-1049 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Mod. #2 - 41 FR 35318 - 8/20/76
Mod. #3 - 41 FR 37474 - 9/3/76
Mod. #4 - 41 FR 40371 - 9/17/76
Mod. #5 - 41 FR 46809 - 10/22/76
Mod. #6 - 41 FR 50117 - 11/12/76
(Remainder of County)
Decision #FL76-1108 (B)
41 FR 43555 - 10/1/76
Decision #FL76-1082 (Hw)
41 FR 41360 - 9/5/76
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16306 - 4/16/76
Mod. #2 - 41 FR 37473 - 9/3/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Mod. #2 - 41 FR 53229 - 12/3/76
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1102 (H)
41 FR 40365 - 9/17/76
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Mod. #1 - 41 FR 37474 - 9/3/76

FLORIDA (cont'd)

DADE COUNTY (Cont'd.)
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75
Mod. #1 - 41 FR 55609 - 11/29/76
Mod. #2 - 41 FR 27539 - 7/2/76
(D) - See Brevard County
DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1098 (R)
41 FR 37469 - 9/3/76
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
Mod. #1 - 41 FR 51237 - 11/19/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1133 (B)
41 FR 52233 - 11/26/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 37473 - 9/3/76
(Hw) - See Brevard Co. (Remainder of Co.)
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL76-1135 (B)
41 FR 52234 - 11/26/76
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY
(D) - See Brevard County (Entire County)
(Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Only)
(B,H,Hw) - See Brevard County (Cape Kennedy etc.)
(Remainder of County)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
Mod. #2 - 41 FR 46809 - 10/22/76
(Hw) - See Brevard County
(Remainder of County)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/76
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/76
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide

GEORGIA (Cont'd.)

BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
Decision #GA76-1122 (B)
41 FR 46803 - 10/22/76
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA76-1120 (B)
41 FR 47722 - 10/29/76
Mod. #1 - 41 FR 52178 - 11/26/76
(R) - See Bryan County
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Mod. #5 - 41 FR 24833 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1089 (B)
41 FR 36378 - 8/27/76
Mod. #1 - 41 FR 38708 - 9/10/76
Mod. #2 - 41 FR 45785 - 10/15/76
Mod. #3 - 41 FR 46810 - 10/22/76
Mod. #4 - 41 FR 50117 - 11/12/76
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(R) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide.

GEORGIA (Cont'd.)

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 30500 - 7/23/76
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
Decision #GA76-1123 (B)
41 FR 46804 - 10/22/76
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1119 (B)
41 FR 45800 - 10/15/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County

GEORGIA (Cont'd.)

TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIOE
Decision #H176-5092 (B,H,Hw,D,R)
41 FR 42099 - 9/24/76
Mod. #1 - 41 FR 45785 - 10/15/76
Mod. #2 - 41 FR 51237 - 11/19/76

IDAHO

STATEWIDE
Decision #ID76-5112 (B,H,Hw)
41 FR 52236 - 11/26/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2120 (B)
41 FR 43570 - 10/1/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2132 (B)
41 FR 47729 - 10/29/76
Decision #IL76-2154 (H,Hw)
41 FR 53256 - 12/3/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2079 (H,Hw)
41 FR 34496 - 8/13/76
Decision #IL76-2080 (B)
41 FR 34475 - 8/13/76

ILLINOIS (Cont'd.)

BOONE COUNTY
Decision #IL76-2133 (B)
41 FR 46831 - 10/22/76
Decision #IL76-2141 (H,Hw)
41 FR 47733 - 10/29/76
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2125 (B)
41 FR 44620 - 10/8/76
Decision #IL76-2142 (H,Hw)
41 FR 50126 - 11/12/76
CALHOUN COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
Decision #IL76-2129 (B)
41 FR 44625 - 10/8/76
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2121 (B)
41 FR 43573 - 10/1/76
Decision #IL76-2145 (H,Hw)
41 FR 53251 - 12/3/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2128 (B)
41 FR 46823 - 10/22/76
CLARKE COUNTY
Decision #IL76-2108 (B)
41 FR 36361 - 8/27/76
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2153 (H,Hw)
41 FR 52253 - 11/26/76
(B) - See Clarke County
CLINTON COUNTY
(B,H,Hw) - See Bond County
COLES COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2122 (B,H,Hw,R)
41 FR 43576 - 10/1/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76

ILLINOIS (Cont'd.)

CRAWFORD COUNTY
(H,Hw) - See Clay County
(B) - See Clarke County
CUMBERLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2123 (B,R)
41 FR 44612 - 10/8/76
Mod. #1 - 41 FR 51237 - 11/19/76
(H,Hw) - See Boone County
EDGAR COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
EDWARDS COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2124 (B)
41 FR 44616 - 10/8/76
Decision #IL76-2143 (H,Hw)
41 FR 50133 - 11/12/76
FRANKLIN COUNTY
(B,H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2068 (B)
41 FR 21977 - 5/28/76
Decision #IL76-2144 (H,Hw)
41 FR 52247 - 11/26/76
GALLATIN COUNTY
(B,H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(B,H,Hw) - See Alexander County
HENDERSON COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
HENRY COUNTY
(B) - See Rock Island County
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County

ILLINOIS (Cont'd)

JACKSON COUNTY
(B,D,H,Hw) - See Alexander County
JASPER COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
JEFFERSON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
JERSEY COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(B,H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2126 (B)
41 FR 44630 - 10/8/76
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MC LEAN COUNTY
Decision #IL76-2127 (B)
41 FR 44627 - 10/8/76
Mod. #1 - 41 FR 52178 - 11/26/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2078 (B,R)
41 FR 34492 - 8/13/76
(D) - See Alexander County
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(B,D,H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
MONROE COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(B,H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
(H,Hw) - See Fulton County
PERRY COUNTY
(B,H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(B,D,H,Hw) - See Alexander County
PULASKI COUNTY
(B,D,H,Hw) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(B) - See Bond County
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2130 (B)
41 FR 47724 - 10/29/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(B,H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2131 (B,R)
41 FR 46829 - 10/22/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(B,D,H,Hw) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WARREN COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(B,H,Hw) - See Bond County
WAYNE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WHITE COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(B,H,Hw) -See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN76-2148 (H,Hw)
41 FR 47755 - 10/29/76
Mod. #1 - 41 FR 51238 - 11/19/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2146 (B)
41 FR 47737 - 10/29/76
Mod. #1 - 41 FR 50117 - 11/12/76
Mod. #2 - 41 FR 51238 - 11/19/76
Mod. #3 - 41 FR 52178 - 11/26/76
Mod. #4 - 41 FR 53230 - 12/3/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(D) - See Clarke County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2147 (B,H,Hw)
41 FR 47747 - 10/29/76
Mod. #1 - 41 FR 51238 - 11/19/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
Decision #IA76-4120 (H,Hw)
41 FR 30481 - 7/23/76
ADAMS COUNTY
(H,Hw) - See Adair County
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
Mod. #1 - 41 FR 33127 - 8/6/76
Mod. #2 - 41 FR 38708 - 9/10/76
Mod. #3 - 41 FR 44594 - 10/8/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
Decision #IA76-4121 (H,Hw)
41 FR 30483 - 7/23/76
BUENA VISTA COUNTY
None
BUTLER COUNTY
Decision #IA76-4122 (H,Hw)
41 FR 30483 - 7/23/76
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Buchanan County
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4099 (B,H,Hw)
41 FR 24844 - 6/18/76
Mod. #1 - 41 FR 33127 - 8/6/76
Mod. #2 - 41 FR 38708 - 9/10/76
Mod. #3 - 41 FR 44594 - 10/8/76
Mod. #4 - 41 FR 48984 - 11/5/76
(H,Hw) - See Butler Co. (Excl Mason City)
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
(H,Hw) - See Adair County

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4145 (B,H,Hw)
41 FR 38711 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 41 FR 51239 - 11/19/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington and abutting Municipalities; and Burlington Ordance Plant
Decision #IA76-4146 (B,H,Hw)
41 FR 38713 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
Mod. #3 - 41 FR 51240 - 11/19/76
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4147 (B,H,Hw)
41 FR 38716 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41 FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4184 (Channel Stabilization)
41 FR 53259 - 12/3/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
Mod. #1 - 41 FR 51239 - 11/19/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4148 (B,H,Hw)
41 FR 38719 - 9/10/76
Mod. #1 - 41 FR 48984 - 11/5/76
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4149 (B,H,Hw)
41 FR 38722 - 9/10/76
Mod. #1 - 41 FR 48985 - 11/5/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #1A76-4150 (B,H,Hw)
41 FR 40393 - 9/17/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #1A76-4185 (B,H,Hw)
41 FR 51285 - 11/19/76
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #1A76-4172 (B,H,Hw)
41 FR 45802 - 10/15/76
Mod. #1 - 41 FR 48985 - 11/S/76
Mod. #2 - 41 FR 51239 - 11/19/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #1A76-4173 (B,H,Hw)
41 FR 45805 - 10/15/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #1A76-4174 (B,H,Hw)
41 FR 45808 - 10/15/76
Mod. #1 - 41 FR 51240 - 11/19/76
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #1A76-4175 (B)
41 FR 45811 - 10/15/76
(Chann. Stab.) - See Freemont Co.
(H,Hw) - See Harrison County
WORTH COUNTY
(H,Hw) - See Butler County
WRIGHT COUNTY
(H,Hw) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
Mod. #1 - 41 FR 27542 - 7/2/76
Mod. #2 - 41 FR 29609 - 7/16/76
Mod. #3 - 41 FR 48985 - 11/5/76
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - See Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CASS COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS76-4134 (Hw)
41 FR 32127 - 7/30/76
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO76-4177 (B,H,Hw)
41 FR 50139 - 11/12/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS76-4098 (B)
41 FR 23899 - 6/11/76
Mod. #1 - 41 FR 44596 - 10/8/76
(D) - See Atchison County
(Hw) - See Douglas County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County
RAY COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS76-4097 (B)
41 FR 23896 - 6/11/76
Mod. #1 - 41 FR 44596 - 10/8/76
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Mod. #1 - 41 FR 44595 - 10/8/76
Decision #KS76-4095 (R)
41 FR 23890 - 6/11/76
Mod. #1 - 41 FR 44595 - 10/8/76
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY76-1093 (R)
41 FR 37472 - 9/3/76

Decision #KY76-1112 (H,Hw)
41 FR 43579 - 10/1/76
ALLEN COUNTY
Decision #KY75-1128 (H,Hw)
41 FR 50144 - 11/12/76

ANDERSON COUNTY
Decision #KY76-1114 (H,Hw)
41 FR 44633 - 10/8/76
BALLARD COUNTY
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AO-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY76-1092 (R)
41 FR 37471 - 9/3/76
Decision #KY76-1113 (H,Hw)
41 FR 43582 - 10/1/76
Decision #KY76-1086 (B)
41 FR 36384 - 8/27/76
Mod. #1 - 41 FR 45887 - 10/15/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY76-1110 (B)
41 FR 42113 - 9/24/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 48985 - 11/5/76
Mod. #3 - 41 FR 51241 - 11/19/76
(D) - See Ballard County
(H,Hw) - See Anderson County
BOYLE COUNTY
Decision #KY76-1096 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County
Decision #KY76-1101 (R)
41 FR 40366 - 9/17/76

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #KY76-1080 (R)
41 FR 30532 - 7/23/76
Mod. #1 - 41 FR 38709 - 9/10/76
(H,Hw) - See Anderson County
(O) - See Ballard County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw,R) - See Ballard County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(O) - See Ballard County
(R) - See Boone County
CARTER COUNTY
Decision #KY76-1111 (R)
41 FR 43456 - 10/1/76
(H,Hw) - See Anderson County
CASEY COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
Decision #KY76-1091 (B)
41 FR 37470 - 9/3/76
Mod. #1 - 41 FR 51241 - 11/19/76

Decision #KY76-1118 (R)
41 FR 45801 - 10/15/76
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
Decision #KY76-1097 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Adair County
CLINTON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(O) - See Ballard County
CUMBERLAND COUNTY
(H,Hw,R) - See Adair County
DAVIESS COUNTY
Decision #AO-4122 (B)
39 FR 20287 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 43560 - 10/1/76
Decision #KY76-1136 (R)
41 FR 53260 - 12/3/76
(H,Hw) - See Allen County
(D) - See Ballard County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

ELLIOTT COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
FAYETTE COUNTY
Decision #KY76-1079 (B)
41 FR 30529 - 7/23/76
Mod. #1 - 41 FR 33128 - 8/6/76
Mod. #2 - 41 FR 36368 - 8/27/76
Mod. #3 - 41 FR 45787 - 10/15/76
Mod. #4 - 41 FR 51241 - 11/19/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1132 (B)
41 FR 52260 - 11/26/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
R(R) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
GRANT COUNTY
(H,Hw) - See Anderson County
(R) - See Boone County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw,R) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
HARLAN COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw,R) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
Mod. #1 - 41 FR 43560 - 10/1/76
Mod. #2 - 41 FR 45787 - 10/15/76
Mod. #3 - 41 FR 53230 - 12/3/76
(H,Hw) - See Allen County
(D) - See Ballard County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1129 (B)
41 FR 52257 - 11/26/76
(D) - See Ballard County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Boone County
KNOTT COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(R) - See Adair County
(H,Hw) - See Anderson County
LAUREL COUNTY
Decision #KY76-1103 (R)
41 FR 40366 - 9/17/76
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LETCHER COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LEWIS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
LINCOLN COUNTY
(R) - See Boyle County
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(O) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY76-1058 (B)
41 FR 21082 - 5/21/76
Mod. #1 - 41 FR 29612 - 7/16/76
Mod. #2 - 41 FR 45786 - 10/15/76
Mod. #3 - 41 FR 51240 - 11/19/76
(D) - See Ballard County
(H,Hw) - See Allen County

KENTUCKY (Cont'd.)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(O) - See Ballard County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Ballard County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw,R) - See Adair County
MONROE COUNTY
(H,Hw,R) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(R) - See Clay County
(H,Hw) - See Adair County
PENDLETON COUNTY
(B,R) - See Boone County
(D) - See Ballard County
PERRY COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
(R) - See Clay County
ROBERTSON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
ROWAN COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
RUSSELL COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(R) - See Adair County
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
WARREN COUNTY
Decision #KY76-1077 (B)
41 FR 30525 - 7/23/76
Mod. #1 - 41 FR 35323 - 8/20/76
Mod. #2 - 41 FR 45787 - 10/15/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #LA76-4187 (B,Hw,R)
41 FR 51288 - 11/19/76
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/75
Mod. #1 - 41 FR 21981 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parisn
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
(F) - See Acadia Parish
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
Decision #ME76-2159 (Hw)
41 FR 52173 - 11/26/76
AROOSTOOK COUNTY
Decision #ME76-2156 (Hw)
41 FR 52171 - 11/26/76
CUMBERLAND COUNTY
Decision #CI76-5118 (D)
41 FR 53250 - 12/3/76
(Hw) - See Aroostook County
FRANKLIN COUNTY
(Hw) - See Androscoggin County
HANCOCK COUNTY
Decision #ME76-2166 (Hw)
41 FR 53227 - 12/3/76
(D) - See Cumberland County
KENNEBEC COUNTY
(Hw) - See Androscoggin County
KNOX COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
LINCOLN COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
OXFORD COUNTY
(Hw) - See Androscoggin County
PENOBSCOT COUNTY
(Hw) - See Aroostook County
PISCATAQUIS COUNTY
(Hw) - See Androscoggin County
SAGADAHOC COUNTY
(D) - See Cumberland County
(Hw) - See Aroostook County
SOMERSET COUNTY
(Hw) - See Androscoggin County
WALDO COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
WASHINGTON COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
YORK COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3275 (B)
41 FR 50156 - 11/12/76
Decision #MD76-3276 (H,Hw)
41 FR 50158 - 11/12/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3274 (B,H)
41 FR 50152 - 11/12/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3273 (Hw)
41 FR 50150 - 11/12/76
Decision #MD76-3272 (B,H)
41 FR 50147 - 11/12/76
Decision #CT76-5118 (D)
41 FR 53250 - 12/3/76
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3285 (B)
41 FR 51308 - 11/19/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA76-2095 (B,H,Hw, & Marine)
41 FR 34501 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Decision #CT76-5118 (D)
41 FR 53250 - 12/3/76
BERKSHIRE COUNTY
Decision #MA76-2096 (B,H,Hw)
41 FR 34505 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
BRISTOL COUNTY
Decision #MA76-2097 (B,H,Hw,R & Marine)
41 FR 34509 - 8/13/76
Mod. #1 - 41 FR 45789 - 10/15/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B,H,Hw, & Marine)
41 FR 34514 - 8/13/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 51241 - 11/19/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2099 (B,H,Hw)
41 FR 34519 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
HAMPDEN COUNTY
Decision #MA76-2100 (B,H,Hw)
41 FR 34522 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B,H,Hw)
41 FR 35369 - 8/20/76
Mod. #1 - 41 FR 46813 - 10/22/76
MIDDLESEX COUNTY
Decision #MA76-2102 (B,H,Hw, R, & Marine)
41 FR 37479 - 9/3/76
Mod. #1 - 41 FR 46813 - 10/22/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA76-2103 (B,H,Hw,R)
41 FR 35373 - 8/20/76
Mod. #1 - 41 FR 46814 - 10/22/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA76-2104 (B,H,Hw,R)
41 FR 37485 - 9/3/76
Mod. #1 - 41 FR 46815 - 10/22/76
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #MA76-2105 (B,H,Hw,D,R, & Marine)
41 FR 35377 - 8/20/76
Mod. #1 - 41 FR 46815 - 10/22/76
(D) - See Barnstable County
WORCESTER COUNTY
Decision #MA76-2106 (B,H,Hw,R)
41 FR 37490 - 9/3/76
Mod. #1 - 41 FR 46816 - 10/22/76

MICHIGAN

STATEWIDE
Decision #MI76-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
Mod. #1 - 41 FR 22719 - 6/4/76
ALCONA COUNTY
Decision #MI76-2135 (B,H)
41 FR 47766 - 10/29/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2136 (B,H)
41 FR 47771 - 10/29/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2137 (B,H)
41 FR 47774 - 10/29/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(D) - See Alcona County
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2138 (B,H)
41 FR 48989 - 11/5/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #MI76-2107 (R)
41 FR 35381 - 8/20/76
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKERSON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
(B,H) - See Alger County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI176-2081 (R)
41 FR 26448 - 6/25/76
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(B,H) - See Bay County
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2049 (B,H)
41 FR 16390 - 4/16/76
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(D) - See Alcona County
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(D) - See Alcona County
(B,H) - See Grant Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI176-2139 (B,H,R)
41 FR 51313 - 11/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

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MINNESOTA

AITKIN COUNTY
Decision #MN76-2058 (H,Hw)
41 FR 20131 - 5/14/76
Mod. #1 - 41 FR 43561 - 10/1/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
Mod. #4 - 41 FR 52178 - 11/26/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
Mod. #1 - 41 FR 52179 - 11/26/76
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(B,R) - See Saint Louis County
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 9358 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
Mod. #2 - 41 FR 52179 - 11/26/76
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2134 (B,R)
41 FR 47780 - 10/29/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
Mod. #3 - 41 FR 52179 - 11/26/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/75
(D,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,H, W&S) - See Statewide
(F) - See Adams County
AMITE COUNTY
(D,H, W&S) - See Statewide
(F) - See Adams County
ATTALA COUNTY
(D,Hw, W&S) - See Statewide
BENTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
BOLIVAR COUNTY
(D,Hw, W&S) See Statewide
(F) - See Adams County
CALHOUN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CARROLL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CHICKASAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
Decision #MS76-1099 (R)
41 FR 40368 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CLARK COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
Mod. #1 - 41 FR 40371 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
COVINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.

DE SOTO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FRANKLIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GREENE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GRENADA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1-41 FR 16308 - 4/16/76
Mod. #2-41 FR 19009 - 5/7/76
(D) - See Statewide
(F) - See Adams County
(R) - See George County
HARRISON COUNTY
(B,H) - See Hancock County
(R) - See George County
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HINDS COUNTY
Decision #MS76-1084 (B)
41 FR 35382 - 8/20/76
Mod. #1 - 41 FR 36368 - 8/27/76
Mod. #2 - 41 FR 37476 - 9/3/76
(D,Hw, W&S) - See Statewide
(R) - See Copiah County
(F) - See Adams County
HOLMES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HUMPHREYS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
ISSAQUENA COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(R) - See Claiborne County
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

ITAWAMBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JACKSON COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON DAVIS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JONES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAFAYETTE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAMAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAUDERDALE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAWRENCE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEAKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
LEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEFLORE COUNTY
(F) - See Adams County
(D,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LOWNDES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MADISON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
MARION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MARSHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

MONROE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONTGOMERY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NESHOBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NEWTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NOXUBEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
OKTIBBEHA COUNTY
(D,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PEARL RIVER COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(F) - See Adams County
(R) - See George County
PERRY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PIKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PONTOTOC COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PRENTISS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
QUITMAN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
RANKIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SCOTT COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SHARKEY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
(B) - See Issaquena County
SIMPSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SMITH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSISSIPPI (Cont'd.)

STONE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See George County
SUNFLOWER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(D) - See Issaquena County
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TATE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TIPPAH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TISHOMINGO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TUNICA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
UNION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WALTHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/15/76
Mod. #3 - 41 FR 18266 - 4/30/76
Mod. #4 - 41 FR 30502 - 7/23/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
WASHINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
WAYNE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WEBSTER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WILKINSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WINSTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

YALOBUSHA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YAZOO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO76-4159 (H,Hw)
41 FR 43584 - 10/1/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO76-4177 (B,H,Hw)
41 FR 50139 - 11/12/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO76-4108 (B)
41 FR 27624 - 7/2/76
Mod. #1 - 41 FR 34483 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
Decision #MO76-4107 (R)
41 FR 27621 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GREENE COUNTY
(H,Hw) - See Statewide
GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
(B,H,Hw) - See Cass County
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
Decision #MO76-4176 (B)
41 FR 45781 - 10/15/76
Mod. #1 - 41 FR 48985 - 11/5/76
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
(B) - See Jasper County
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5103 (B)
41 FR 51326 - 11/19/76
Decision #MT76-5099 (H,Hw)
41 FR 47789 - 10/29/76
Mod. #1 - 41 FR 51241 - 11/19/76
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5100 (R)
41 FR 47798 - 10/29/76
Mod. #1 - 41 FR 51244 - 11/19/76
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
) (B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4076 (H,Hw)
41 FR 18273 - 4/30/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4184 (Channel Stabilization)
41 FR 53259 - 12/3/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE76-4179 (H,Hw)
41 FR 46837 - 10/22/76
Mod. #1 - 41 FR 50118 - 11/12/76
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4180 (B,R)
41 FR 47810 - 10/29/76
Mod. #1 - 41 FR 51249 - 11/19/76
Mod. #2 - 41 FR 53231 - 12/3/76
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
(H,Hw) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4167 (B)
41 FR 44636 - 10/8/76
Mod. #1 - 41 FR 47715 - 10/29/76
Mod. #2 - 41 FR 50118 - 11/12/76
Decision #NE76-4178 (R)
41 FR 45813 - 10/15/76
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
(B) - See Hall
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #M075-4070 (O)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County'
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

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NEBRASKA (Cont'd.)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5098 (B,H,Hw)
41 FR 47812 - 10/29/76
Mod. #1 - 41 FR 51250 - 11/19/76
Mod. #2 - 41 FR 52180 - 11/26/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5091 (R)(Excluding Nevada Test Site)
41 FR 42124 - 9/24/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 45792 - 10/15/76
Mod. #3 - 41 FR 46817 - 10/22/76
Mod. #4 - 41 FR 52180 - 11/26/76
(B,H,Hw) - See Statewide
Decision #NV76-5080 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 35384 - 8/20/76
Mod. #1 - 41 FR 51250 - 11/19/76
Mod. #2 - 41 FR 52180 - 11/26/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5113 (R)
41 FR 52263 - 11/26/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH76-2093 (B,H,Hw,R)
41 FR 32162 - 7/30/76
Mod. #1 - 41 FR 53231 - 12/3/76
MERRIMACK COUNTY
Decision #NH76-2113 (B,H,Hw, & Marine)
41 FR 40396 - 9/17/76
Mod. #1 - 41 FR 53233 - 12/3/76
ROCKINGHAM COUNTY
Decision #CT76-5118 (D)
41 FR 53250 - 12/3/76
Decision #NH76-2094 (B,H,Hw,R, & Marine)
41 FR 32165 - 7/30/76
Mod. #1 - 41 FR 53232 - 12/3/76
STRAFFORD COUNTY
Decision #NH76-2114 (B,H,Hw, & Marine)
41 FR 40399 - 9/17/76
Mod. #1 - 41 FR 53232 - 12/3/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3248 (B,H,Hw)
41 FR 43598 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
MMod. #2 - 41 FR 52180 - 11/26/76
Mod. #3 - 41 FR 53233 - 12/3/76
Decision #CT76-5118 (D)
41 FR 53250 - 12/3/76
BERGEN COUNTY
Decision #NJ76-3252 (R)
41 FR 47827 - 10/29/76
Mod. #1 - 41 FR 52182 - 11/26/76
Decision #NJ76-3249 (B,H,Hw)
41 FR 43613 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 52181 - 11/26/76
Mod. #3 - 41 FR 53233 - 12/3/76
(D) - See Atlantic County

NEW JERSEY (Cont'd)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,D,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County

NEW MEXICO

STATEWIDE
Decision #NM76-4181 (Streets, Highways, Utilities and Light Engineering Construction)
41 FR 50160 - 11/12/76
Decision #NM76-4182 (Building, including residential in McKinley, Santa Fe, San Juan, Bernalillo, Rio Arriba, Taos, Sandoval & Valencia Cos., but not on the Indian Reservation, and Heavy engineering construction.
41 FR 50163 - 11/12/76
Mod. #1 - 41 FR 53234 - 12/3/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw,R) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw,R) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw,R) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw,R) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY76-3277 (B,H,Hw)
41 FR 51342 - 11/19/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3256 (B,H,Hw)
41 FR 44645 - 10/8/76
Mod. #1 - 41 FR 50120 - 11/12/76
Decision #NY76-3257 (R)
41 FR 44649 - 10/8/76
Mod. #1 - 41 FR 50120 - 11/12/76
Decision #CT76-5118 (D)
41 FR 53250 - 12/3/76
BROOME COUNTY
Decision #NY76-3240 (B,H,Hw)
41 FR 35439 - 8/20/76
Mod. #1 - 41 FR 44600 - 10/8/76
Mod. #2 - 41 FR 50120 - 11/12/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3259 (B,H,Hw)
41 FR 47840 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3263 (B,H,Hw)
41 FR 47860 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3280 (B,H,Hw)
41 FR 50174 - 11/12/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3236 (B,H,Hw)
41 FR 36387 - 8/27/76
Mod. #1 - 41 FR 50119 - 11/12/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY76-3269 (B,H,Hw)
41 FR 47896 - 10/29/76
Mod. #1 - 41 FR 50122 - 11/12/76
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3262 (B,H,Hw)
41 FR 47854 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3278 (B,H,Hw)
41 FR 51348 - 11/19/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3261 (B,H,Hw)
41 FR 47850 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY76-3270 (B,H,Hw)
41 FR 4790 - 10/29/76
Mod. #1 - 41 FR 50122 - 11/12/76
ONONDAGA COUNTY
Decision #NY76-3258 (B,H,Hw)
41 FR 47835 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3279 (B,H,Hw)
41 FR 52271 - 11/26/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
(D) - See Bronx County
QUEENS COUNTY
(B,D,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3268 (B,H,Hw)
41 FR 47890 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3267 (B,H,Hw)
41 FR 47884 - 10/29/76
Mod. #1 - 41 FR 50121 - 11/12/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3281 (B,H,Hw)
41 FR 50181 - 11/12/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #NC76-1095 (R)
41 FR 37507 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #NC76-1109 (R)
41 FR 42128 - 9/24/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BERTIE COUNTY
(D,R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
Mod. #1 - 41 FR 28464 - 7/9/76
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 34486 - 8/13/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28469 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 5/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1094 (R)
41 FR 37506 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B) - See Carteret County
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
Decision #NC76-1065 (R)
41 FR 35317 - 8/20/76
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
Decision #NC76-1046 (B)
41 FR 15931 - 4/9/76
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
Decision #NC76-1121 (B)
41 FR 46805 - 10/22/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water, H,Hw) -See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water,H,Hw) - See Statewide
(R) - See Beaufort County
ONSLOW COUNTY
(D) - See Beaufort County
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Durham County
PAMLICO COUNTY
(B) - See Carteret County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd)

ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1087 (B)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(R) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water,H,Hw) - See Statewide
(R) - See Beaufort County
ONSLOW COUNTY
(D) - See Beaufort County
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Durham County
PAMLICO COUNTY
(B) - See Carteret County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd)

ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1087 (B)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(R) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water. H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5108 (B)
41 FR 51353 - 11/19/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
Mod. #1 - 41 FR 32101 - 7/30/76
Mod. #2 - 41 FR 34486 - 8/13/76
Mod. #3 - 41 FR 37477 - 9/3/76
Mod. #4 - 41 FR 52183 - 11/26/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #OH76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Mod. #1 - 41 FR 47716 - 10/29/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH76-2070 (B)
41 FR 22751 - 6/4/76
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 3/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #OH76-2069 (B,R)
41 FR 23909 - 6/11/76
Mod. #1 - 41 FR 51250 - 11/19/76
(D) - See Ashtabula County
(H,Hw) - See Statewide

OHIO (Cont'd)

DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #OH76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #OH76-2115 (B)
41 FR 42129 - 9/24/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #OH76-2118 (B)
41 FR 43633 - 10/1/76
Mod. #1 - 41 FR 53234 - 12/3/76
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #OH76-2110 (B)
41 FR 40402 - 9/17/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide
HANCOCK COUNTY
Decision #OH76-2076 (B)
41 FR 24851 - 6/18/76
Mod. #1 - 41 FR 37477 - 9/3/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd)

HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
Decision #OH76-2088 (B)
41 FR 32089 - 7/30/76
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #OH76-2077 (B)
41 FR 24849 - 6/18/76
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #OH76-2073 (B)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH76-2117 (B)
41 FR 43631 - 10/1/76
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #OH76-2085 (B,R)
41 FR 30557 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #OH76-2086 (B)
41 FR 32169 - 7/30/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #OH76-2087 (B)
41 FR 30559 - 7/23/76
Mod. #1 - 41 FR 52184 - 11/26/76
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #OH76-2089 (B,R)
41 FR 30561 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #OH76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #OH76-2090 (B,R)
41 FR 32171 - 7/30/76
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #OH76-2091 (B,R)
41 FR 32173 - 7/30/76
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #OH76-2092 (B,R)
41 FR 34528 - 8/13/76
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH76-2054 (B)
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/7
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide

ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4136 (B)
41 FR 32177 - 7/30/76
Mod. #1 - 41 FR 35328 - 8/20/76
Mod. #2 - 41 FR 42050 - 9/24/76
Mod. #3 - 41 FR 43566 - 10/1/76
Mod. #4 - 41 FR 44601 - 10/8/76
Decision #OK76-4109 (R)
41 FR 27648 - 7/2/76
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Decision #OK76-4138 (B)
41 FR 32182 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 47717 - 10/29/76
COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4160 (B)
41 FR 43629 - 10/1/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

UMI

OKLAHOMA (Cont'd.)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4137 (B)
41 FR 32180 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 51251 - 11/19/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4139 (B,H,Hw)
41 FR 32184 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 51251 - 11/19/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
Mod. #1 - 41 FR 24837 - 6/18/76
Mod. #2 - 41 FR 32103 - 7/30/76
Mod. #3 - 41 FR 35328 - 8/20/76
Mod. #4 - 41 FR 36377 - 8/27/76
Mod. #5 - 41 FR 51251 - 11/12/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4186 (B)
41 FR 51359 - 11/19/76
WAGONER COUNTY
Decision #OK76-4189 (B)
41 FR 52278 - 11/26/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIUE
Decision #OR76-5057 (B,H,Hw,D)
41 FR 26520 - 6/25/76
Mod. #1 - 41 FR 42051 - 9/24/76
Mod. #2 - 41 FR 46818 - 10/22/76
Mod. #3 - 41 FR 48986 - 11/5/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Mod. #1 - 41 FR 45797 - 10/15/76
Mod. #2 - 41 FR 47717 - 10/29/76
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44604 - 10/8/76
ALLEGHENY COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
Decision #PA75-3070 (R)
40 FR 30433 - 8/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
ARMSTRONG COUNTY
(H,Hw) - See Butler County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Mod. #1 - 41 FR 42052 - 9/24/76
Mod. #2 - 41 FR 52185 - 11/26/76
BEAVER COUNTY
(H,Hw) - See Armstrong County
(B) - See Butler County
BEDFORD COUNTY
Decision #PA76-3250 (B)
41 FR 42131 - 9/24/76
Mod. #1 - 41 FR 52186 - 11/26/76
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA76-3178 (B)
41 FR 23919 - 7/9/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44602 - 10/8/76
Mod. #5 - 41 FR 52185 - 11/26/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Butler County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
Mod. #1 - 41 FR 43567 - 10/1/76
Mod. #2 - 41 FR 44604 - 10/8/76
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA76-3247 (B,R)
41 FR 40409 - 9/17/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 41 FR 48987 - 11/5/76
Mod. #3 - 41 FR 53235 - 12/3/76
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76

Mod. #1 - 41 FR 45797 - 6/25/76
Mod. #2 - 41 FR 45797 - 10/15/76
Mod. #3 - 41 FR 53235 - 12/3/76
BUTLER COUNTY
(B) - See Armstrong County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
Mod. #1 - 41 FR 20129 - 5/14/76
Mod. #2 - 41 FR 45796 - 10/15/76
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Butler County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CLEARFIELD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Butler County
COLUMBIA COUNTY
Decision #PA76-3210 (B)
41 FR 30486 - 7/23/76
Mod. #1 - 41 FR 44605 - 10/8/76
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CUMBERLAND COUNTY
Decision #PA76-3175 (B)
41 FR 21137 - 5/21/76
Mod. #1 - 41 FR 24840 - 6/18/76
Mod. #2 - 41 FR 28465 - 7/9/76
Mod. #3 - 41 FR 32104 - 7/30/76
Mod. #4 - 41 FR 42150 - 9/24/76
Mod. #5 - 41 FR 44602 - 10/8/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3251 (B)
41 FR 42143 - 9/24/76
Mod. #1 - 41 FR 44606 - 10/8/76
Mod. #2 - 41 FR 52186 - 11/26/76
(H,Hw) - See Butler County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 7/9/76
Mod. #1 - 41 FR 26428 - 6/25/76
Mod. #2 - 41 FR 44602 - 10/8/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(H,Hw) - See Butler County
FULTON COUNTY
(H,Hw) - See Butler County
GREENE COUNTY
Decision #PA76-3211 (B)
41 FR 32091 - 7/30/76
Mod. #1 - 41 FR 42054 - 9/24/76
Mod. #2 - 41 FR 52185 - 11/26/76
(H,Hw) - See Butler County
HUNTINGDON COUNTY
(H,Hw) - See Butler County
INDIANA COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
JEFFERSON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 47717 - 10/29/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA76-3186 (B)
41 FR 24866 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44603 - 10/8/76
Mod. #5 - 41 FR 53235 - 12/3/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3246 (B)
41 FR 40506 - 9/17/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 41 FR 52186 - 11/26/76
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
Mod. #1 - 41 FR 28464 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 42051 - 9/24/76
Mod. #4 - 41 FR 44602 - 10/8/76
Mod. #5 - 41 FR 53235 - 12/3/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
Mod. #4 - 41 FR 52185 - 11/26/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3271 (B)
41 FR 48993 - 11/5/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3185 (B)
41 FR 24864 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44603 - 10/8/76
Mod. #5 - 41 FR 53235 - 12/3/76

(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Butler County
MERCER COUNTY
(B) - See Lawrence County
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Butler County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
(H,Hw) - See Adams County
Decision #PA76-3187 (B)
41 FR 24868 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 44604 - 10/8/76
Mod. #4 - 41 FR 52185 - 11/26/76
Mod. #5 - 41 FR 53235 - 12/3/76
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
Mod. #4 - 41 FR 53235 - 12/3/76
Mod. #7 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT76-S118 (D)
41 FR 53250 - 12/3/76
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SCHYUKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 33709 - 9/10/76
Mod. #4 - 41 FR 45798 - 10/15/76
MMod. #5 - 41 FR 47717 - 10/29/76
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3205 (B)
41 FR 24872 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 44604 - 10/8/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
UNION COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
WASHINGTON COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT76-S118 (D)
41 FR 53250 - 12/3/76
BRISTOL COUNTY
Decision #R176-2150 (B,H,Hw,R, & Marine)
41 FR 48996 - 11/5/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #R176-2151 (B,H,Hw,R, & Marine)
41 FR 50186 - 11/12/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #R176-2152 (B,H,Hw,R, & Marine)
41 FR 51362 - 11/19/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC76-1115 (R)
41 FR 44657 - 10/8/76
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC76-1100 (R)
41 FR 38739 - 9/10/76
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1088 (R)
41 FR 36399 - 8/27/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,HW) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC76-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC76-1178 (R)
41 FR 47907 - 10/29/76
(Sewer & Water, H,Hw) - See Statewide
McCORNICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (H,Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD76-5094 (B)
41 FR 42148 - 9/24/76
Mod. #1 - 41 FR 52186 - 11/26/76
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD76-5093 (B)
41 FR 42147 - 9/24/76
Mod. #1 - 41 FR 52186 - 11/26/76
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(Hw) - See Statewide
BEDFORD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BENTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CANNON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARROLL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
41 FR 44476- 9/26/75
(F) - See Anderson County
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F) - See Anderson County
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COCKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CROCKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F) - See Anderson County
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
(F) - See Anderson County
(Hw) - See Statewide
FAYETTE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
FENTRESS COUNTY
(F)- See Anderson County
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GIBSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GREENE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1130 (B,H)
41 FR 51366 - 11/19/76
(F) - See Anderson County
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDEMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAYWOOD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
KNOX COUNTY
Decision #TN76-1081 (B)
41 FR 33178 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 47718 - 10/29/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F) - See Anderson County
(Hw) - See Statewide
LAKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
LAUDERDALE COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Anderson County
(Hw) -See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MACON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(F) - See Anderson County
(Hw) - See Statewide
MARION COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONROE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MORGAN COUNTY
(F) -See Anderson County
(Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PERRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
POLK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Anderson County
(Hw) - See Statewide
RHEA COUNTY
(Hw) - See Statewide
(F) - See Anderson County
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F) - See Anderson County
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN76-1056 (B)
41 FR 20147 - 5/14/76
Mod. #1 - 41 FR 53236 - 12/3/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1116 (B,H,W&S, & Utility)
41 FR 44658 - 10/8/76
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Anderson County
(Hw) - See Statewide
STEWART COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd.

UNICOI COUNTY
(F) - See Anderson County
(Hw) - See Statewide
UNION COUNTY
(F) - See Anderson County
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Anderson County
WARREN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F) - See Anderson County
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WEAKLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4153 (H(Excluding tunnels and dams,) Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 43635 - 10/1/76
ANDERSON COUNTY
Decision #TX76-4154 (R)
41 FR 43643 - 10/1/76
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4168 (B)
41 FR 44671 - 10/8/76
Mod. #1 - 41 FR 46820 - 10/22/76
Mod. #2 - 41 FR 53237 - 12/3/76
Decision #TX76-4155 (R)
41 FR 43645 - 10/1/76
Mod. #1 - 41 FR 45799 - 10/15/76
Mod. #2 - 41 FR 46820 - 10/22/76
Mod. #3 - 41 FR 53236 - 12/3/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4125 (B)
41 FR 30563 - 7/23/76
Mod. #1 - 41 FR 35330 - 8/20/76
Mod. #2 - 41 FR 43568 - 10/1/76
Mod. #3 - 41 FR 45798 - 10/15/76
Mod. #4 - 41 FR 51252 - 11/19/76
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4157 (B)
41 FR 43649 - 10/1/76
Mod. #1 - 41 FR 45799 - 10/15/76
Mod. #2 - 41 FR 46820 - 10/22/76
Mod. #3 - 41 FR 51252 - 11/19/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) - See Statewide
Decision #TX76-4140 (B)
41 FR 33184 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 45798 - 10/15/76
Mod. #3 - 41 FR 50125 - 11/12/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX76-4161 (R)
41 FR 46838 - 10/22/76
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4169 (B)
41 FR 44662 - 10/8/76
Mod.#1 - 41 FR 51252 - 11/19/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4170 (B)
41 FR 44674 - 10/8/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4126 (B)
41 FR 30565 - 7/23/76
Mod. #1 - 41 FR 42058 - 9/24/76
Mod. #2 - 41 FR 46819 - 10/22/76
Decision #TX76-4162 (R)
41 FR 44669 - 10/8/76
Mod. #1 - 41 FR 46820 - 10/22/76
(H,Hw) - See Statewide
CAMP COUNTY
Decision #TX76-4156 (R)
41 FR 43647 - 10/1/76
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4183 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 50191 - 11/12/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide

TEXAS (Cont'd)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/16/76
Mod. #2 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4087 (B)
41 FR 21151 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 46818 - 10/22/76
Mod. #4 - 41 FR 47718 - 10/29/76
Mod. #5 - 41 FR 48986 - 11/5/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4151 (B)
41 FR 42149 - 9/24/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 45799 - 10/15/76
Mod. #3 - 41 FR 46820 - 10/22/76
Mod. #4 - 41 FR 53236 - 12/3/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX76-4115 (B)
41 FR 29652 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/6/76
Mod. #2 - 41 FR 44607 - 10/8/76
Mod. #3 - 41 FR 46819 - 10/22/76
Decision #TX76-4163 (R)
41 FR 44676 - 10/8/76
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
Mod. #2 - 41 FR 17297 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
Mod. #4 - 41 FR 46818 - 10/22/76
(H,Hw) - See Statewide
(R) - See Gregg County
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4164 (B,R)
41 FR 44665 - 10/8/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4106 (B,R)
41 FR 27649 - 7/2/76
Mod. #1 - 41 FR 32107 - 7/30/76
Mod. #2 - 41 FR 33129 - 8/6/76
Mod. #3 - 41 FR 42058 - 9/24/76
Mod. #4 - 41 FR 46819 - 10/22/76
Mod. #5 - 41 FR 51252 - 11/19/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Bosque County
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4110 (B)
41 FR 27652 - 7/2/76
Mod. #1 - 41 FR 30505 - 7/23/76
Mod. #2 - 41 FR 33129 - 8/6/76
Mod. #3 - 41 FR 47718 - 10/29/76
Mod. #4 - 41 FR 53236 - 12/3/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(B) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX76-4165 (R)
41 FR 44678 - 10/8/76
Decision #TX76-4127 (B)
41 FR 30491 - 7/23/76
Mod. #1 - 41 FR 46819 - 10/22/76
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4171 (B)
41 FR 44664 - 10/8/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 30503 - 7/23/76
Mod. #3 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4152 (B)
41 FR 42152 - 9/24/76
Mod. #1 - 41 FR 44608 - 10/8/76
Mod. #2 - 41 FR 45799 - 10/15/76
Mod. #3 - 41 FR 51252 - 11/19/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4166 (R)
41 FR 44667 - 10/8/76
Decision #TX76-4128 (B)
41 FR 30566 - 7/23/76
Mod. #1 - 41 FR 33129 - 8/6/76
Mod. #2 - 41 FR 35330 - 8/20/76
Mod. #3 - 41 FR 44607 - 10/8/76
Mod. #4 - 41 FR 45798 - 10/15/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5097 (B,H,Hw)
41 FR 49003 - 11/5/76
Mod. #1 - 41 FR 52187 - 11/26/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd.)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Mod. #4 - 41 FR 50122 - 11/12/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
ALEXANDRIA CITY
Decision #MD76-3225 (B)
41 FR 32141 - 7/30/76
Mod. #1 - 41 FR 34487 - 8/13/76
Mod. #2 - 41 FR 38709 - 9/10/76
Mod. #3 - 41 FR 42059 - 10/1/76
Mod. #4 - 41 FR 48987 - 11/5/76
ALLEGHANY COUNTY
None
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
None
BATH COUNTY
None
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 41 FR 50122 - 11/12/76
BLAND COUNTY
Decision #VA76-3253 (Hw)
41 FR 42154 - 9/24/76

VIRGINIA (Cont'd)

BOTEBOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
Mod. #2 - 41 FR 50123 - 11/12/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA76-3214 (B)
41 FR 32789 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 50122 - 11/12/76
Mod. #2 - 41 FR 43569 - 10/1/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
None
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
None
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
None
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
None
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
None
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #VA76-3254 (R)
41 FR 44680 - 10/8/76
(B,H,W&S) - See York County
(Hw) - See Chesapeake County
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA76-3213 (B)
41 FR 32187 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50123 - 11/12/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
None
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
None
LOUISA COUNTY
None
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
None
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
None

VIRGINIA (Cont'd)

PAGE COUNTY
None
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,D) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA76-322D (B)
41 FR 33186 - 8/6/76
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
None
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
None
ROCKINGHAM COUNTY
None
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Allegheny County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Allegheny County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA76-3215 (B,H,W&S)
41 FR 32191 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Mod. #3 - 41 FR 50124 - 11/12/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5079 (B,H,Hw,D)
41 FR 35457 - 8/20/76
Mod. #1 - 41 FR 46821 - 10/22/76
Mod. #2 - 41 FR 48987 - 11/5/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw.D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74

(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3284 (B,Hw, W&S)
41 FR 51368 - 11/19/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
Mod. #4 - 41 FR 21041 - 5/21/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 FR 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21041 - 5/21/76
Mod. #4 - 41 FR 24842 - 6/18/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12/5/75
Mod. #1 - 41 FR 8631 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21042 - 5/21/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI76-2119 (Hw)
41 FR 44681 - 10/8/76
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
Mod. #1 - 41 FR 52188 - 11/26/76
Mod. #2 - 41 FR 53237 - 12/3/76
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Con't.d)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,D,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND OU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
Decision #WI76-2165 (B)
41 FR 53261 - 12/3/76
KENOSHA COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 1/21/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #WI76-2155 (B,R)
41 FR 52280 - 11/26/76
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36940 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2116 (B,R)
41 FR 42155 - 9/24/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 1430? - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5070 (B,H)
41 FR 33187 - 8/6/76
Mod. #1 - 41 FR 53238 - 12/3/76
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(H(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide

TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.77-359 Filed 1-6-77;8:45 am]

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federal register

BOOK 2 OF 2 BOOKS
FRIDAY, JANUARY 7, 1977
PART VI



DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MACHINERY AND MACHINE GUARDING

Request for Information on Technical Issues and Notice of Public Meetings

V42 5 JAN 7 77 UMI

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket O]

MACHINERY AND MACHINE GUARDING

Request for Information and Notice of Public Meeetings

• *The purpose* of this notice is to solicit comments and information on approaches to revising 29 CFR Part 1910, Subpart O, "Machinery and Machine Guarding," of the OSHA General Industry Standards. This notice does not reflect a decision by OSHA to revise Subpart O in any particular manner. It is a preliminary inquiry as to the merits of various approaches to revising Subpart O. OSHA believes that this public notice and solicitation of comments is the best way to generate informed and useful comments.•

THE NEED FOR REVISION

Under section 6(a) of the Occupational Safety and Health Act of 1970, OSHA was required to adopt existing national consensus standards and established Federal standards unless it determined that a particular standard would not improve safety and health in the workplace. Five months after the Act was passed, OSHA adopted a large group of the standards as mandatory standards under the Act. Because OSHA recognizes the need for obtaining data for use in revising these standards, on April 23, 1976, it published a request for information in the FEDERAL REGISTER calling for comment on approximately fifteen percent of its safety standards (41 FR 17100).

OSHA specifically requested comments on six general issues which had been suggested as problem areas or deficiencies of the current safety standards. The six areas of concern were:

1. How to simplify and clarify the standards.
2. Which standards are not relevant to employee safety.
3. Whether there are gaps in the coverage of the standards which should be closed.
4. Whether performance criteria are more useful than design specifications.
5. Whether standards developed by consensus organizations should be incorporated by reference in the OSHA standards.
6. What methods of achieving safety should be developed, in the face of rapid advances in technology and the creation of new hazards.

This notice addresses issues particular to Subpart O of the safety standards. Subpart O was derived almost entirely from seven American National Standards Institute ("ANSI") machinery standards. Section 1910.212, "General requirements for all machines" was based on the existing Federal standards issued under the Walsh-Healey Act. These ANSI standards cover only seven machinery groups so that many machines have been regulated solely by the provisions of § 1910.212 requiring generally that machines shall be guarded to protect the operator and other employees in the machine area from hazards. For example, printing presses, rolling mills, and saws cutting either metal or plastic are covered only by § 1910.212. Moreover, certain other machinery, such as cranes and air compressors, are covered by other subparts.

THE PRESIDENT'S TASK FORCE ON REVISION OF THE OSHA SAFETY REGULATIONS

On May 7, 1976, the President established a series of task forces to work in close conjunction with selected agencies of the Executive Branch in improving and simplifying their regulations. OSHA was one of the agencies. The mandate of the OSHA Task Force included preparation of the materials for eliciting public comment on the standards of Subpart O (Machinery and Machine Guarding) and development of a suggested new approach for OSHA safety standards using Subpart O as a prototype.

The Co-chairmen of the Task Force were Philip J. Harter, Senior Staff Attorney of the Administrative Conference of the United States and Joseph L. Kirk, Director of the Policy Analysis Staff of the Occupational Safety and Health Administration. Anson Keller, Special Assistant to the Assistant Secretary for OSHA, was the operating director. The Task Force was comprised of government employees, selected by the Co-chairmen, who were loaned by their employing agencies to the Committee on Regulatory Improvement of the Secretary of Labor. Full-time members included safety engineers, lawyers experienced in drafting regulations, and policy analysts:

Paul Kaller, Deputy Director, Bureau of Hearing Counsel, Federal Maritime Commission;
Richard Greene, Office of General Counsel, Federal Energy Administration;
Judith Goldstein, Office of General Counsel, Pension Benefit Guarantee Corporation;
Margaret Weekes, Office of General Counsel, Department of the Treasury;
Lawrence Brill, Office of General Counsel, Department of Commerce;
Catesby Jones, Director of Safety, Naval Sea System Command, Department of the Navy;
Clarance Campbell, Safety Manager, Rock Island Arsenal, Department of the Army;
Coralee Kuhn, Regulatory Policy Analyst, National Bureau of Standards;
Ruth Day, Regulatory Specialist, Office of Administrative Law Judges, Food and Drug Administration;
Diane Menefee, Paralegal Specialist, Office of Commissioner Robinson, Federal Communications Commission;
Gary Geffert, Legal Publications Specialist, Federal Register.

In addition, two members of the OSHA safety staff served part-time, and the Task Force called upon a wide variety of safety experts from the Department of Defense and its safety schools.

The Task Force operated independently of the Department of Labor but reported progress monthly through the Committee on Regulatory Improvement. The Task Force began work on July 1, 1976, and ended its activities on December 27, 1976. The Task Force made a comprehensive review of Subpart O, which included: all the relevant decisions of the Occupational Safety and Health Review Commission; all petitions and variances and OSHA's responses to them; all relevant correspondence with OSHA; views of OSHA safety staff and field compliance staff; and all relevant consensus standards (as well as consultation with the committee members and the officers of the American National Standards Institute which developed most of those standards). The Task Force also read widely in the field of industrial safety from a bibliography prepared by the Library of Congress.

The Task Force developed the approach which is the subject of this notice. The Task Force believes such an approach will improve safety in the workplace while permitting necessary flexibility in meeting the obligations it imposes. The Task Force also believes its approach can undoubtedly be refined through robust comments.

In addition, the Task Force prepared a document comparing the current standards in Subpart O with the ANSI revisions of the standards on which the OSHA regulations are based and indicating key issues which should be addressed in revising the standards. The Task Force believes such an approach would substantially help the public focus on the important issues and would provide OSHA with necessary commentary and information to propose revisions. The Task Force presented that material to OSHA in September, and OSHA, with modifications, presents this document in the accompanying notice, published today at FR Doc. 77-101, 42 FR 1806.

The Task Force approach was reviewed in detail by the policy and standards subgroups of the National Advisory Committee on Occupational Safety and Health ("NACOSH") on October 7 and November 4 and by NACOSH itself on November 18. NACOSH recommended that OSHA publish the approach in an advance notice of proposed rulemaking, but requested that OSHA first investigate the litigation implications of the approach. This issue is discussed below. OSHA agrees that publication of the approach developed by the Task Force is a desirable way to solicit specific comments and information on the revision of Subpart O during the period when OSHA is searching for methodology appropriate to revision of consensus safety standards. The Task Force recommendations represent one possible approach to the revision process.

THE TASK FORCE APPROACH

The approach developed by the Task Force has three parts: general performance/hazard obligations, an illustrated guide on machine guarding, and a regulatory guide containing specification provisions.

The section on general obligations (§ 1910.213) enumerates the hazards which are associated with the use of machinery and requires each employer to use one of several specific methods of safeguarding to protect employees from injury caused by any of the hazards. The

illustrated guide to machine guarding (Appendix A) contains principles and techniques on general approaches that an employer could consult for guidance. The regulatory guide (Appendix B) contains more detailed specification provisions which may be applicable to particular machines and machine groups.

Because certain situations and machines are extraordinarily dangerous, the approach contains § 1910.217 which imposes mandatory specification standards. In these instances, the employer would not be free to select a method of safeguarding, but instead would have to adhere to any specification requirements set forth in the suggested § 1910.217. Because of the relatively narrow scope of these specification provisions, compliance with them would not automatically insure compliance with the broader requirements of suggested § 1910.213 as to that machine. The employer would have to take additional steps to insure that those portions of his operation not covered by the special rules meet suggested § 1910.213. It is anticipated that, if the approach is adopted, certain requirements pertaining to mechanical power presses would be included in § 1910.217.

The general performance/hazard obligations are set forth in several sections. Section 1910.211 defines the purpose and scope, while § 1910.212 lists relevant definitions.

Section 1910.213 defines the employer's duty in terms of protecting against identified hazards associated with the machinery covered by Subpart O. It requires the employer to install, safeguard, operate and maintain all machinery so as to avoid injury or death from the hazards listed in § 1910.214. These hazards are moving parts, flying material, falling material and inherently hazardous material and must be protected against in situations in which exposure would cause immediate rather than eventual harm to the individual.

Section 1910.215 contains a listing and description of the various types of guarding, at least one of which the employer must use in order to protect against the hazards created by his machinery. These methods of safeguarding are: barrier guard; shield; interlock; automatic device; remote control, placement, feeding and ejecting; location; and lockout. Paragraph (h) of this section sets forth secondary methods of safeguarding which may be used alone only when the employer can show that it is impossible to use any of the primary methods. The secondary methods are: awareness barrier or device; special hand-feeding tools or devices; safety blocks; tag-out; and personal protective equipment.

In order to provide guidance to employers with respect to how they can comply with the requirements of § 1910.213, the regulation contains two appendices. Appendix A contains a simplified explanation of the basic principles of guarding, with illustrations of various types of safeguarding devices. Additionally, this Appendix identifies 22 ANSI standards, relevant to machine guarding, which have not been reviewed or adopted by OSHA. These are published solely for informational purposes, and no approval by OSHA of these standards is intended by their inclusion in this Appendix.

Appendix B would contain detailed specification provisions on the types of safeguarding that could be used for various machine groups (such as abrasive wheels, mills and calenders, or mechanical power presses). It is anticipated that Appendix B will contain revisions of the existing OSHA standards on machine guarding. It is further expected that, if the approach set forth herein is adopted by OSHA, upon completion of appropriate rulemaking procedures, future Appendix B material would be based on other applicable national consensus standards as well as any other material that OSHA determines is appropriate, such as specification provisions developed by OSHA itself.

Compliance with either or both of the appendices would not be required; they are intended merely to serve as guidelines. However, for employers who desire certainty that they are in compliance with § 1910.213, the approach proposes a rule of presumptive compliance. As set forth in § 1910.216, if an employer chooses to comply with all of the requirements contained in Appendix B relating to a particular machine, he will be presumed to be complying with the requirements of § 1910.213, with respect to that machine, absent unusual conditions or circumstances in his workplace that would require additional or different safety practices from those specified in Appendix B. This concept of presumptive compliance seems appropriate because OSHA has reviewed and approved all of the material in Appendix B.

It must be stressed that the rule of presumptive compliance is only applicable in "ordinary" work situations. Unusual circumstances in the employer's workplace, such as the use of a machine for a purpose other than that for which it is generally intended, may defeat the presumption. Under the approach, OSHA would then determine whether the machine complies with § 1910.213.

AN EXAMPLE

Under the suggested approach, an employer could fulfill his obligations with respect to a machine in one of two ways. He could decide to follow all the applicable provisions in Appendix B, but he would first have to ensure that the machine is not used in unusual circumstances. Or, if the employer elects not to follow these provisions or if there are none applicable to his machine, the employer must analyze the machine to determine if it creates any of the enumerated hazards. If it does, then the employer must use at least one of the acceptable methods of safeguarding to protect the employees from the hazards.

Similarly, when making an inspection a compliance officer would assess each machine to determine if an employee is exposed to an enumerated hazard. If an employee was so exposed and an acceptable method of safeguarding was not used or applicable specification provisions were not followed, then the employer would be in violation of the regulation.

Under the suggested revision of Subpart O, OSHA would have the following burden of proof in sustaining a contested citation: (1) The presence of an enumerated hazard which may cause traumatic injury or death; (2) the absence of any of the listed methods of safeguarding or, where guarding is in use, its inadequacy to protect the employee from the hazard; (3) exposure of employees, such as the machine operator or other employees who have access to the point of hazard. The cited employer could, in turn, interpose any of the following defenses: (1) A factual defense rebutting the hazard on the grounds that it is de minimis, the adequacy of the method of safeguarding used, or the lack of exposure of employees; (2) compliance with all applicable provisions in Appendix B thereby creating a presumption of compliance and shifting the burden of proving unusual circumstances necessitating additional guarding to the Secretary; (3) compliance with all of the primary methods of safeguarding is impossible and that an appropriate secondary method is in use.

ISSUES RAISED BY THE TASK FORCE APPROACH

BREADTH OF COVERAGE

Currently, some have suggested that, because Subpart O does not explicitly state the extent of its coverage, there is some confusion as to which standards apply to particular machines. The approach makes explicit that it imposes a consistent performance-type standard which applies uniformly to all machines, regardless of function, unless they are specifically exempted from it.

OSHA solicits comment on whether this broad coverage would clarify the obligations, and whether there are additional machines or machine types which should be exempted because, for example, they are covered by other OSHA standards or the hazards presented are different from those enumerated.

COMBINATION OF PERFORMANCE AND SPECIFICATION STANDARDS

The April 23, 1976 notice pointed out that one of the major issues of the revision process is whether to use "performance" or "specification" standards. It is important to note that there are no commonly agreed to definitions of "performance" or "specification" standards. Rather there is a spectrum of obligations from the most general (section 5(a)(1) of the Act—workplace free from recognized hazards) to the most specific (rivets 5 inches apart).

Unlike a design standard which dictates how a machine must be constructed and operated, a performance standard states obligations in terms of ultimate goals which must be achieved. The employer is then free to achieve those goals through any appropriate means.

A large number of employers appear to favor the adoption of a performance

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approach. These employers argue that the specification-type standard is unduly rigid, inhibits the development and use of new technology, and is often so complicated that many employers and employees cannot understand the standards. On the other hand, a significant number of employers have expressed concern that under a performance standard they would lack sufficient guidance to know exactly what they must do in order to comply with the regulations. Similarly, some employees have suggested that performance standards may not adequately inform them about what obligations are imposed on their concerns. A question has also arisen as to the degree to which a performance approach might impose greater burdens on OSHA compliance officers. The new approach embodies a performance standard, but also provides specific information in the appendices to the regulation to assist employers and employees in understanding how to safeguard in certain situations.

The approach sets forth a list of hazards and a list of acceptable safeguarding methods against which compliance can be tested: does a hazard exist, is an employee exposed, is an appropriate method of safeguarding used so that no employee is exposed? Hazards which could cause traumatic injury or death must be safeguarded. If no hazard is present, no safeguarding is necessary.

OSHA specifically solicits comment as to whether the obligations of the approach are sufficiently clear so that employers can readily determine what is required of them and that employees can more easily determine whether a safe workplace is being provided.

DEFINITION OF TRAUMATIC INJURY

Traumatic injury or death is defined by the model approach as bodily injury or death produced by any physical contact including contact with any thermal, chemical, or other agent capable of burning, corroding or otherwise causing bodily harm. This definition would be applicable only to those hazards which threaten an employee's safety, generally not to health hazards. OSHA solicits specific comments on the need for this distinctoni and on ways in which the definition can be clarified.

Comments are also invited on whether and how to exclude from coverage minor or insignificant injuries, and on the consistency of the above definition with those used in the OSHA statistical programs and in the worker's compensation program.

COMPREHENSIVENESS OF LIST OF HAZARDS

The suggested approach has attempted to catalog all of the hazards associated with the use of machinery, other than electrical hazards (covered under Subpart S) and those associated with hazardous materials (Subpart H) and toxic and hazardous substances (Subpart Z). Specific suggestions regarding additions to the list of hazards (§ 1910.214) and on ways in which the list can be improved are solicited. Comments are also invited on how to deal with new or unusual hazards.

COMPREHENSIVENESS OF METHODS OF SAFEGUARDING

The suggested approach has attempted to catalog all of the methods of safeguarding which effectively protect employees from hazards. Some are characterized as secondary methods of safeguarding, which can be used alone only if the employer can show that it is impossible to use any of the primary methods. OSHA solicits comments on the clarity of the definitions of the various methods (§ 1910.215), on whether additional primary or secondary methods of safeguarding should be included, and on whether the classification of the methods is appropriate.

Comment is also invited on the difficulty employers might encounter in matching safeguarding methods to hazards, and on whether the ability of an employer to use a secondary method inhibits his incentive to redesign his machine or use another machine in order to accomplish the same operation in a manner which permits use of a primary method of safeguarding. Finally, comment is invited on the likelihood that entirely new methods of safeguarding, not now included on the approved list, would be developed and on the problems that temporary exclusion of such methods, prior to rulemaking, might cause.

POSSIBLE VARIATIONS OF THE APPROACH

Two variations of the approach arose during the discussions by NACOSH. They are presented here for public comment.

VARIATION 1

This variation would require the employer to comply with all the requirements of the suggested approach described above and would make mandatory compliance with the specification standards in Appendix B. Compliance under this variation would involve a two-pronged process. An employer would have to comply both with the requirements of suggested § 1910.213 and also with all applicable specification standards. In effect, this variation would replace the existing § 1910.212 with the suggested approach.

Some have suggested that by requiring compliance with specification standards and by clarifying the performance standard, Variation 1 could lead to a higher level of workplace safety. Adopting this variation would raise the same objections discussed above with regard to specification standards. Another difficulty is that, because of the gaps of coverage in the specification standards, similar hazards would be subject to different guarding requirements. OSHA solicits comments on the merits of this variation.

VARIATION 2

The second variation would use the suggested approach including the specifications guidelines (Appendix B) but would also include a provision requiring an employer to follow the specification provision unless he could prove he has complied with the general requirements of suggested § 1910.213. Under Variation 2, OSHA would need only to prove, as now with regard to the specification standards of §§ 1910.213 to 1910.219, that an employer is not complying with a specification provision and that the employee was exposed to a hazard; and if an employer chooses to deviate from an applicable specification standard, he would have to prove that either the machine did not create a hazard or, if it did, that the hazard was adequately safeguarded. This would be the reverse of the burden of proof under the approach in which OSHA would have to prove the existence of a hazard in the workplace and the failure of the employer to adequately safeguard the hazard.

For example, under the approach if a citation were issued for failure to protect against the hazard of flying material on an abrasive wheel machine, OSHA would have to demonstrate that the flying material constituted a hazard to employees and that the employer had failed to use an effective method of safeguarding to protect against this hazard. On the other hand, under Variation 2, if the employer did not follow Appendix B, he would be presumed initially not to be in compliance with the regulation, and he would have to prove either that no hazard existed from the flying materials or that he had utilized an adequate safeguard to protect against the hazard. However, if the employer followed Appendix B, he would be presumed in compliance and OSHA would have to sustain the burden of proving that unusual circumstances existed in the employer's workplace which made the safeguarding method inadequate to protect against the hazard.

A potential advantage of this variation is that it may provide for easier enforceability by OSHA. However, current Subpart O does not contain specification standards for all types of machines. Since the burden of proof would be shifted only for those relatively limited numbers of machines for which specification standards exist, under Variation 2, the burden would be the same, absent a specification standard, as that under the suggested approach or under the current § 1910.212.

A potential difficulty is that it may be difficult to prove the non-existence of a hazard. In addition, this variation would tend to stress reliance upon technical specification standards.

ISSUES REGARDING MANDATORY REQUIREMENTS

The suggested approach proposes some new mandatory requirements for employers and several others were considered. These are presented in this section to facilitate public comment on their usefulness in improving workplace safety. Some of these issues are further discussed in the accompanying notice, published today at 42 FR 1806.

TRAINING

The suggested approach would impose a requirement that each employee be instructed on the hazards created by the machines he will be using or their operation and that he be educated on the safe use, care and inspection of those machines before he begins to operate them. It further requires that the employee be aadequately supervised to ensure the safe operation of the machines.

The suggested approach does not specify the extent or nature of training or supervision which it would require. OSHA solicits comment on whether it is necessary to make the requirements more specific and, if so, what specific obligations should be imposed.

MAINTENANCE AND INSPECTION

The suggested approach would impose a requirement that machines be inspected and maintained to ensure their safe operating condition. OSHA requests comments on whether it is feasible for OSHA to establish the parameters of the required inspection and maintenance program and what those parameters should be; or whether, because of the diverse types of machinery covered and because of the varying utilization of machinery, it is only practicable to require that each employer adopt a program that is reasonable in the context of his particular operations. OSHA also requests comments on whether a specific definition of maintenance should be included in the standard, and, if so, what it should be.

LOCKOUT AND TAGOUT

Some have suggested that tagout procedures are acceptable alternatives to lockout procedures and should not therefore be classified as a secondary method of safeguarding. Others say that they are not acceptable at all. OSHA requests comments on whether tagout procedures should be acceptable as a primary method of safeguarding, and on whether tagout procedures provide an adequate level of safety to be included even as a secondary method.

RECORDKEEPING

Some have suggested that the Task Force approach should require records of maintenance and inspection activity to be kept. They believe that the mere act of recordkeeping will focus attention on the need for these activities, which will in turn improve workplace safety. Others have suggested that recordkeeping would impose an unnecessary and substantial burden. OSHA requests comments on the effectiveness, burden, and retention period of such a recordkeeping requirement.

MACHINE CONTROLS

Some have suggested the inclusion of a separate section on machine controls which would require that controls: Be clearly marked as to function, be designed for operation without exposing an employee to a hazard, and be designed to prevent inadvertent operation. Others are of the view that all of these requirements are encompassed within the current language of the model approach in all those instances where an employee would be exposed to a hazard caused by deficient machine controls. OSHA requests comment on whether a separate section containing detailed machine control requirements is necessary or whether it is clear that such requirements are imposed by the suggested approach.

SPECIAL RULES

The suggested approach contains a § 1910.217 which would impose mandatory specification standards which must be followed. These mandatory standards would be imposed only for those machines or machine operations which are particularly dangerous, when little discretion as to how to safeguard the hazard can be provided. OSHA invites comments on what types of machines and machine operations should be included in this mandatory section, and what criteria should be used to make such determinations.

PUBLIC PARTICIPATION

As discussed above the purpose of this notice is to gather as much relevant data and comments as possible from as many interested persons as possible. Public participation in this information gathering process is critical to its success. All persons concerned with these regulations, including employees who are protected by them, employers who must comply with them, experts in machine guarding, elected representatives and members of the public at large, are urged to participate in this process.

You are invited to submit written comments on the issues raised in this notice or on any other aspects of the regulations concerning machine guarding. Comments are solicited on the existing standards of Subpart O, raised in the accompanying detailed three-column presentation, as well as on the suggestions, comments, and other matters discussed in this document. Any additional recommendations pertaining to the subject matter of Subpart O are equally welcome, and will materially assist OSHA in making determinations with respect to a possible subsequent proposal.

These comments should be in the form not only of agreement or disagreement with the issues set forth, but should include alternatives, data (including injury data) to support recommendations, reasons and rationale for positions, and issues not raised herein.

Written comments should be submitted on or before April 7, 1977 and should be sent to Docket O, Technical Data Center, Room N3620, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210. Written submission should clearly identify the standards or sections addressed and the position taken. The data, views, and information submitted will be available for public inspection and copying at the above address.

Everyone interested in commenting, employees, employers, manufacturers, and others with data, are urged to submit their comments and information in writing. In addition to this request for written submissions, OSHA is scheduling several public meetings at various locations around the country to afford the public the widest possible opportunity to submit their data and views. The meetings will be held on the dates and at the locations listed below:

Dates: March 1-3, 1977:
Atlanta—Gulf Oil Building, Room 185, 1375 Peachtree Street, N.E.
Boston—Hilton Hotel, Logan Airport.
Cleveland—Cleveland Holiday Inn, 1111 Lakeside.
Dates: March 8-10, 1977:
Chicago—Sheraton O'Hare, 6810 N. Mannheim Road.
Dallas—Baker Hotel, The Texas Room, 1400 Commerce Street.
Denver—Stouffers Denver Inn, 3203 Quebec St.
Dates: March 15-17, 1977:
Los Angeles—Biltmore Hotel, Roman Room, 515 So. Olvie St.
Winston-Salem—Benton Convention Center, Conference Rooms Nos. 6 & 7, 301 West 5th St.
Dates: March 22-24, 1977:
Kansas City—Philip House, The London Room, 12th and Baltimore.
New York—U.S. Department of Labor, Room 3560, 35th Floor, 1515 Broadway.
Seattle—Edgewater Inn, 2411 Alaskan Way.

Each meeting will begin prompty at 10 a.m., will recess from 12 noon until 2 p.m., and will continue until 5 p.m. Although OSHA has scheduled evening sessions for public meetings of this sort in the past, participation in such sessions was very limited. However, OSHA will either extend the evening schedule or schedule a separate night meeting, if a sufficient number of requests are received to warrant such action. The meetings are intended as a forum for the public to orally submit information concerning issues raised by this notice and any others concerning machine guarding. The chairperson of each meeting will be a representative of the Department of Labor designated by the Assistant Secretary for Occupational Safety and Health, and will have all necessary authority to regulate the conduct of the meetings.

In order to reasonably anticipate the response at each meeting location, OSHA requests that any person wishing to make an oral presentation notify OSHA by advance written notice. The notice should identify the person and/or organization intending to testify, the amount of time requested for oral presentation, and the subject matter and a brief summary of the intended oral presentation, if possible. Such written notice of a desire to make an oral presentation should be sent to Docket O, Technical Data Center, Room N3620, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210, no later than two weeks before the scheduled meeting date. All persons giving advance notice by mail will have time reserved for oral presentation. Persons wishing to testify, who have not submitted advance notice, are requested to register for each meeting at the place and on the day scheduled, from 9 a.m. to 10 a.m.

As long as time permits, all persons who wish to be heard will be allowed to make oral presentations. However, should time restraints so require, priority will be made for OSHA's use in resolving vance.

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A written transcript of these meetings will be made for OSHA's use in resolving the various issues raised by these proceedings. Copies of the transcripts will be available for inspection at the Technical Data Center, U.S. Department of Labor, Room N3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Following completion of the meetings and expiration of the comment period, OSHA will review all the information, arguments, views, and data collected as well as any other relevant data. If appropriate, OSHA will develop a proposal to amend the existing standards and will initiate rulemaking proceedings under section 6(b) of the Act. In the event that a new proposal is issued, all the information gathered will become part of the public record in that proceeding.

Signed at Washington, D.C., this 27th day of December 1976.

MORTON CORN,
Assistant Secretary of Labor.

PART 1910—MACHINERY AND MACHINE GUARDING

Subpart O—Machinery and Machine Safeguarding

Sec.
1910.211 Purpose and scope.
1910.212 Definitions.
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1910.214 Hazards of machines.
1910.215 Methods of safeguarding the point of hazards.
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1910.217 Special rules.
Appendix A—Principles and Techniques of Machine Safeguarding.
Appendix B—Regulatory guide on specification provisions.

Subpart O—Machinery and Machine Safeguarding

§ 1910.211 Purpose and scope.

(a) *Purpose.* The purpose of this Subpart is to set forth mandatory performance criteria for protecting against those hazards which are associated with operation of machinery and which may cause traumatic injury or death and to provide methods for safeguarding against such hazards. In addition to these mandatory requirements, certain specifications and diagrams intended as guidelines for compliance are provided in the Appendices to this Subpart.

(b) *Scope.* (1) This subpart applies to all machinery except as provided in paragraph (b)(2) of this section. Examples of machinery subject to this Subpart are:

(i) *Sawing, boring, and finishing machinery*

Power-driven saws
Cooperage machinery
Milling machines
Polishing and buffing machines
Drilling and boring machines
Sanding machines
Grinding and abrasive wheel machines
Wirebrush machines

(ii) *Cutting and shaping machinery*

Lathes
Turning machines
Shapers
Jointers
Tenoning machines
Planing machines
Routers

(iii) *Machines for farm and cold forming of materials*

Mechanical power presses
Hydraulic presses
Compactors
Balers
Shears
Punches
Pneumatic presses
Iron workers
Extruders
Headers
Rollers

(iv) *Machines for hot forming materials*

Forging hammers
Presses
Rollers
Die casting machines
Upsetters
Extruders
Shears
Molding machines

(v) *Other*

Belts, chains, pulleys, sprockets and similar apparatus
Roller mills and calendars
Ball mills, crushers, and similar machines
Rivet setting equipment and similar fastening machines
Folding, crimping, scoring, and similar machines
Packaging and canning machines
Stationary refuse collection equipment
Sewing, stitching and similar machines
Mixers

(2) This Subpart does not apply to the following:

(i) Machinery subject to Subparts F, M, N, P, Q, and R of this Part; and

(ii) Vehicular equipment.

§ 1910.212 Definitions.

For purposes of this Subpart:

"Cutting and shaping machines" means any power driven equipment used to shape or form materials by means of mechanical or electrical cutting. Mechanical presses are excluded from this definition and are included under machines for warm or cold forming materials.

"Hand-feeding tool" means any handheld device used to insert, manipulate, or remove the workpiece.

"Machine for warm or cold forming material" means any power driven equipment used to shape or cut material at ambient temperatures of less than 149° F (65° C) through impact or pressure forces.

"Machine for hot forming material" means any equipment used in the process of cutting or shaping materials at 149° F (65° C) or higher by melting and molding or by impact or pressure forces.

"Point of hazard" means that zone or area of or near any machine, machine part, or workpiece—including the point of operation—which, if entered or contacted by an employee, may subject the employee to danger or traumatic injury or death.

Machine motions or actions which are commonly recognized as possibly subjecting an employee to such hazards include:

1. Rotating, reciprocating, and transverse motions;
2. In-running nip points;
3. Cutting actions; and
4. Pressing, punching, shearing, and bending actions.

Machinery at rest which may subject an employee to a danger of traumatic injury include the cutting edge of saws or shears, hot dies, elevated tools subject to release, and pressurized systems.

"Point of operation" means that point where the workpiece is positioned, and work such as drilling, milling, boring, shearing, cutting, punching or grinding is performed upon the workpiece during the production process.

"Presence-sensing device" means a device which creates a sensing field or area and initiates action to stop the machine when a hand or other body part enters the sensing field or area.

"Sawing, Boring or Finishing Machine" means any power-driven equipment used to bore, drill, or change the shape or size of a piece of wood, plastic, metal or other material, or to finish a piece of wood, plastic, metal or other material by sanding, grinding, buffing or similar operations.

"Traumatic injury or death" means bodily injury or death produced by any physical contact, including contact with any thermal, chemical or other agent capable of burning, corroding or otherwise causing bodily harm.

"Two-hand control" means a machine actuating device requiring concurrent use of both hands of the operator(s) and continued concurrent pressure from both hands (or pairs of hands) during that part of the machine running cycle in which a hazard exists.

"Two-hand trip" means a machine actuating device requiring concurrent use of both hands of the operator to trip or initiate a machine cycle.

"Workpiece" means the material to be processed.

§ 1910.213 General requirements.

(a) *Protection against hazards.* Each employer shall install, safeguard, operate and maintain at all times all machinery subject to this Subpart in a manner which protects all employees from traumatic injury or death resulting from the hazards enumerated in § 1910.214. One or more of the methods of safeguarding described in § 1910.215 shall be used to protect employees against the hazards enumerated in § 1910.214.

(b) *Employee training and supervision.* Each employer shall establish a training program for operators, inspectors, and maintenance personnel for the purpose of instructing and training them in the hazards presented by and the safe use, care and inspection of their machines before they begin operation on a machine. Each employer shall also provide adequate supervision of employees so that safe operating, set-up and maintenance procedures are followed.

(c) *Machine inspection.* Each employer shall establish a program for the periodic and regular inspection of machinery subject to this Subpart so that all parts, auxiliary equipment, and safeguards are in a safe operating condition. Maintenance or repair, or both, necessary to provide a safe operating condition shall be performed and completed before the machines are operated.

§ 1910.214 Hazards of machines.

The following are hazards which must be protected against in accordance with § 1910.213, where physical

contact with them may cause traumatic injury or death.

(a) *Moving parts*—rotating, reciprocating, in-running, cutting, punching, shearing, sawing, bending, or any other moving machine parts, actions, accessories, workpieces, or mechanical power transmission apparatus.

(b) *Flying material*—flying chips, sparks, workpieces, workpiece fragments, or fragments of machine parts or accessories, substances in a vacuum or under pressure, constraint or tension which may be released in an uncontrolled way.

(c) *Falling material*—elevated workpieces, machine parts or accessories.

(d) *Inherently hazardous material*—sharp or pointed machine parts or workpieces, extremely hot or cold machine parts or workpieces, or highly reactive, flammable or caustic workpieces or substances used in machine operations.

§ 1910.215 Methods of safeguarding the point of hazard.

Methods are classified into two groups: primary methods (paragraphs (a) through (g)), any of which may be used to protect employees against hazards, and secondary methods (paragraph (h)) which may be used alone only if it is impossible to use any of the primary methods.

(a) *Safeguarding by barrier guard.* Safeguarding by barrier guard is accomplished when the machinery is equipped with an enclosure which prevents hands, fingers, or other parts of the employee's body from reaching through, over, under, or around the enclosure into the point of hazard.

(b) *Safeguarding by shield.* Safeguarding by shield is accomplished when machinery is equipped with a fixture which prevents chips, sparks, coolants, fluids, hazardous materials, workpieces, workpiece fragments or fragments of machine parts or accessories from flying out in the direction of the operator or other employees.

(c) *Safeguarding by interlock.* Safeguarding by interlock is accomplished when machinery is equipped with a device which:

(1) Prevents or immediately stops all motion at the point of hazard whenever any employee opens or removes an enclosure, barrier, or shield or whenever any part of an employee's body comes in contact with a bar, rod, or wire, or interrupts a photo-electric beam, magnetic or electrical field, or a pressure sensor or similar presence sensing device; and

(2) Prevents the resumption of motion at the point of hazard until some deliberate action is taken to reset the machinery or equipment.

(d) *Safeguarding by automatic device.* Safeguarding by automatic device is accomplished when machinery is equipped with a device which, through a system of linkages connected to the operating mechanism, pushes or pulls an operator, or any part of his body, away from a point of hazard.

(e) *Safeguarding by remote control, placement, feeding, and ejecting.*

(1) *Two-hand trip.* Safeguarding by two-hand trip is accomplished when:

(i) Concurrent pressure of both hands on the actuating device is necessary to initiate or trip the machine;

(ii) The actuating device is a sufficient distance from the point of hazard to prevent the operator's hands from entering the point of operation while the hazard exists; and

(iii) If more than one employee is exposed to the hazard additional two-hand trips are installed so that all employees must activate the starting mechanism concurrently.

(2) *Two-hand control.* Safeguarding by two-hand control is accomplished when the requirements of paragraph (e)(1) of this section are met and the machine brake, power disconnect, and/or clutch systems are adjusted to stop all machine motion if any of the controls are released prior to the cessation of the hazard and the machine is adjusted to prevent resumption of motion until the machine has been reset.

(3) *Automatic or semi-automatic feed, stripping or removal.* Safeguarding by automatic or semi-automatic feed, stripping, ejection, or removal, is accomplished when the workpiece or material is fed into the machine by chutes, hoppers, conveyors, movable dies, dial feed rolls, strippers, or other similar devices, and barrier guards prevent entry into the point of hazard or shields prevent exposure to flying material.

(f) *Safeguarding by location.* Safeguarding by location is accomplished when any of the following conditions exist:

(1) The machinery is located so as to protect against inadvertent contact with or entry into a point of hazard;

(2) The machinery is located in an enclosed area and employees are prevented from entering or having access to the machinery when the machinery is operating and the machine controls have lockout capability;

(3) The operator controls the operation from an enclosure which protects against inadvertent contact with, or entry into, a point of hazard, and the machine controls have lockout capability. Additional safeguards are required if other employees may be exposed to the point of hazard.

(g) *Safeguarding by lockout.* Safeguarding by lockout is accomplished when all motion in the point of hazard, whether caused by a power source or gravity, is physically prevented from restarting and any inherently hazardous material is expelled from the point of hazard and its further release is physically prevented.

(h) *Secondary safeguarding.* The following safeguards may be used alone only when the employer can establish that it is impossible to use any of the methods of safeguarding set forth in paragraphs (a) through (g) of this section.

(1) *Secondary safeguarding by awareness barrier or device.* Safeguarding by awareness barrier or device is accomplished when machinery is equipped with an enclosure or audio or visual device that warns an employee that he is approaching a point of hazard.

(2) *Secondary safeguarding by special hand-feeding tools or devices.* Safeguarding by special hand-feeding tools or devices is accomplished when specially designed hand-feeding tools for placing material into, manipulating, or removing material from the point of hazard are utilized.

(3) *Secondary safeguarding by safety blocks.* Safeguarding by the use of safety blocks is accomplished when blocks are manually or mechanically placed into the point of hazard or prevent machine movement.

(4) *Secondary safeguarding by tag out.* Safeguarding by tag out is accomplished when warning tags are placed on machine controls clearly indicating that machinery is not to be operated.

(5) *Secondary safeguarding by personal protective equipment.* Safeguarding by personal protective equipment is accomplished when the requirements of Subpart I of this Part are complied with.

§ 1910.216 Rules for compliance.

(a) In order to comply with § 1910.213(a), each employer shall determine the appropriate methods of safeguarding from § 1910.215 to use in protecting against the hazards listed in § 1910.214. Appendices A and B to this Subpart are set forth in order to provide employers with guidance in meeting the requirements of § 1910.213(a). If an employer chooses to follow all the applicable specification provisions contained in Appendix B, he shall be presumed to be in compliance with § 1910.213(a), except where unusual circumstances or conditions exist in his workplace which require additional or more stringent protection of employees.

(b) In addition to the requirements of paragraph (a) of this section, the special rules of § 1910.217 are mandatory requirements which must be met by all employers to whom the particular requirements apply.

§ 1910.217 Special rules. [Reserved]

APPENDIX A

PRINCIPLES AND TECHNIQUES OF MACHINE SAFEGUARDING

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I. ACTIONS AND MOTIONS THAT CREATE HAZARDS

Since safety standards cannot be drawn which will cover every conceivable hazardous mechanical exposure, it is often necessary to use imagination and ingenuity to protect unusual situations. If the basic hazardous actions and motions are understood, it is easier to evaluate the hazard and to develop effective control measures, whatever the machine. Actions or motions involving the most hazardous exposures may be classified as:

Rotating, Reciprocating, and Transverse Motions.
In-Running Nip Points.
Cutting Actions.
Punching, Shearing, and Bending Actions.

A discussion of these actions or motions, along with typical illustrations of each, follows:

Rotating, Reciprocating, and Transverse Motions

Rotating, reciprocating, and transverse motions create hazards in two general areas—at the point-of-operation where work is being done, and at the points where power or motion is being transmitted from one part of a mechanical linkage to another. Since guarding at the point-of-operation will be discussed under the other classifications of action or motion, this section will be devoted primarily to situations where power is being transmitted or the point-of-operation is not clearly defined (extractors, mixers, etc.).

Any rotating object is dangerous. Even smooth, slowly rotating shafts can grip clothing or hair, and through mere skin contact force an arm or hand into a dangerous position. Accidents due to contact with rotating objects are not frequent, but the severity of injury is always high.

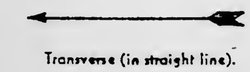
Collars, couplings, cams, clutches, flywheels, shaft ends, spindles, rotating bar stock, lead screws, and horizontal or vertical shafting are typical examples of common rotating mechanisms which are hazardous. The danger increases when bolts, oil cups, nicks, abrasions, and projecting keys or screw threads are exposed when rotating.



Rotating.

In many cases, the rotating mechanism is located within a stationary case or shell and consists of a revolving cylinder, a screw, agitator blades, or paddles. Washing machines, extractors, raw material mixers, and screw conveyors are typical examples of this type of hazardous rotating mechanism.

Reciprocating and transverse motions are hazardous because, in the back and forth or straight line action, a worker may be struck or caught in a pinch or shear point between a fixed or other moving object.

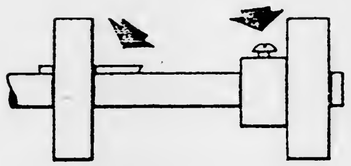


Transverse (in straight line).

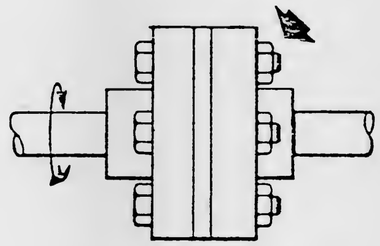


Reciprocating.

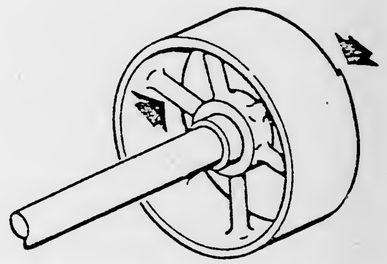
Examples of Typical Rotating, Reciprocating, and Transverse Mechanisms



Rotating shaft and pulleys with projecting key and set screw.



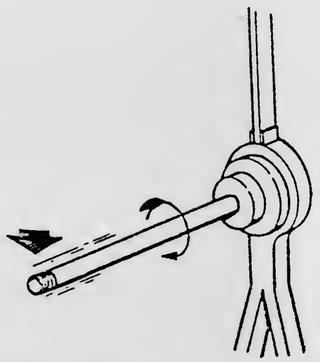
Rotating coupling with projecting bolt heads.



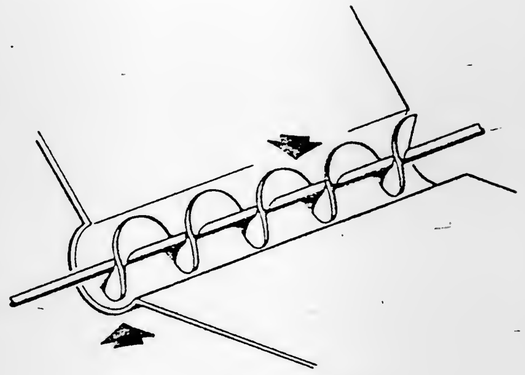
Rotating pulley with spokes and projecting burr on face of pulley.

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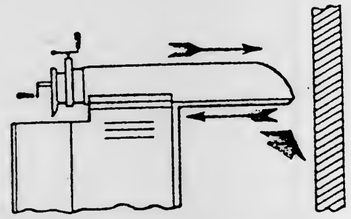
Examples of Typical Rotating, Reciprocating, and Transverse Mechanisms



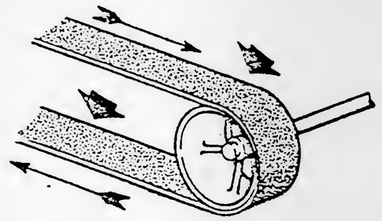
Rotating bar stock at end of screw machine.



Rotating screw conveyor.



Reciprocating action of machine creating pinch point at fixed object.

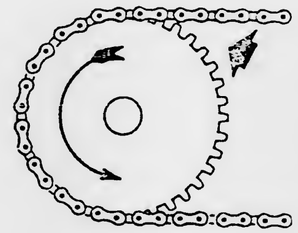


Transverse motion of belt and rotating pulley.

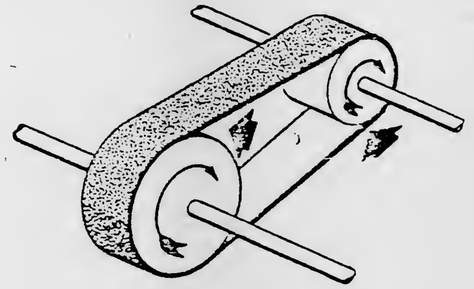
In-Running Nip Points

In-running nip points are a special danger existing only through action of rotating objects. Whenever machine parts rotate toward each other, or where one rotates toward a stationary object, an in-running nip point is formed. Objects or parts of the body may be drawn into this nip point and be bruised or crushed.

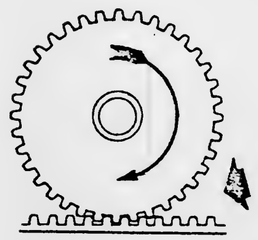
The in-running side of rolling mills and calenders, of rolls used for bending, printing, corrugating, embossing or feeding and conveying stock, the in-running side of a chain and sprocket, belt and pulley, a gear rack, a gear and pinion, and a belt conveyor terminal are typical examples of nip point hazards.



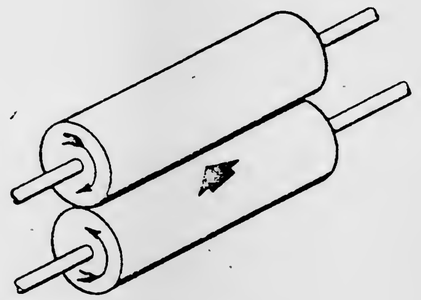
Chain and sprocket.



Belt and pulley.

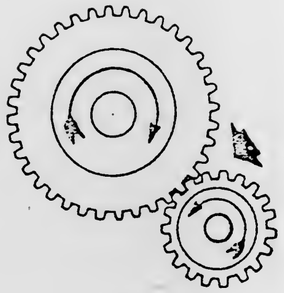


Rack and gear.

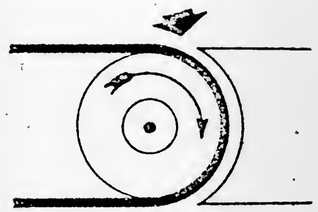


Pressure rolls.

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Gear train.



Conveyor terminal.

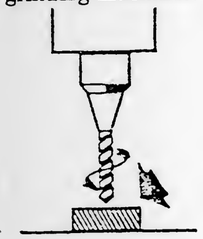
Cutting Actions

Cutting action results when rotating, reciprocating, or transverse motion is imparted to a tool so that material being removed is in the form of chips. The danger of cutting action exists at the movable cutting edge of the machine as it approaches or comes in contact with the material being cut. Such action takes place at the point-of-operation in cutting wood, metal, or other materials as differentiated from punching, shearing, or bending by press action.

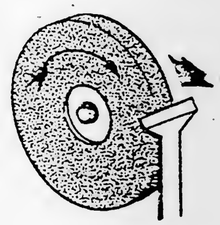
Typical examples of mechanisms involving cutting action include band and circular saws, milling machines, planing or shaping machines, turning machines, boring or drilling machines, and grinding machines.



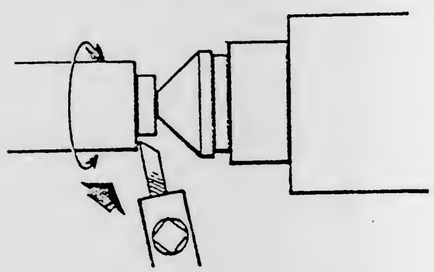
Circular saw.



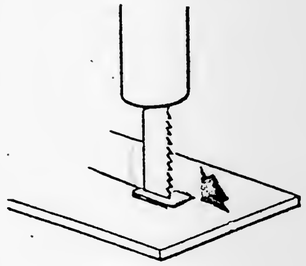
Drill.



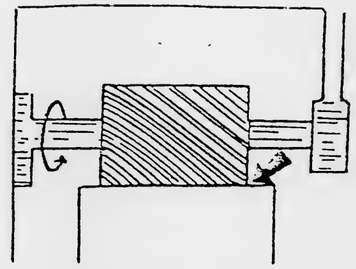
Abrasive wheel.



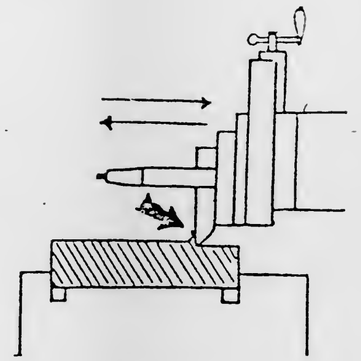
Engine lathe.



Band saw.



Milling machine.

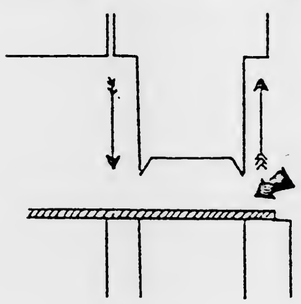


Shaper.

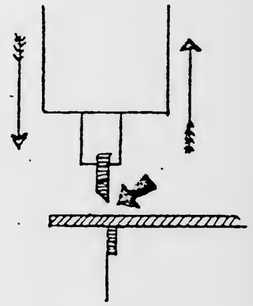
Punching, Shearing, and Bending Actions

Punching, shearing, or bending action results when power is applied to a ram (plunger) or knife for the purpose of blanking, trimming, drawing, punching, shearing, or stamping metal or other materials as differentiated from removing the material in the form of chips. The danger of this type of action lies at the point-of-operation where stock is actually inserted, maintained, and withdrawn.

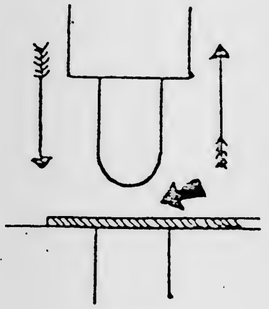
Typical examples of equipment involving punching, shearing, or bending action include power presses, foot and hand presses, bending presses or brakes as well as squaring, guillotine, and alligator shears.



Punching.



Shearing.



Bending.

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II. SUMMARY OF SAFEGUARDING METHODS

Methods of guarding actions and motions cited in §1910.214 are addressed in the following tables detailing the functions and actions of the various guarding methods with limitations which may be applicable to a particular safeguarding method:

Methods of Guarding Actions and Motions—Enclosure Guards

Guarding methods	Guard action
Fixed enclosure	Barrier or enclosure which admits the stock but which will not admit hands into danger zone because of feed opening size, remote location, or unusual shape. Also used to completely enclose power transmission apparatus. Used to contain bursting machine parts.
Adjustable enclosure	Barrier or enclosure which is adjusted to fit around different sizes or shapes of the die. When adjusted, provides same protection as fixed enclosure.

Methods of Guarding Actions and Motions—Interlocking Guards

Guarding methods	Guard action
Enclosure with electrical or mechanical interlock.	Enclosure or barrier shuts off or disengages power and prevents starting of machine when guard is open; prevents opening of the guard while machine is under power or coasting. (Interlocks should not prevent manual operation or "inching" by remote control.)
Barrier with electric contact or mechanical stop activating mechanical or electric brake.	Barrier quickly stops machine or prevents application of injurious pressure when any part of the operator's body contacts it or approaches danger zone.
Electric eye	Electric-eye beam and brake quickly stops machine or prevents its starting if the hands are in the danger zone.

Methods of Guarding Actions and Motions—Automatic Guards

Guarding methods	Guard action
Push-away device with barrier.	A movable barrier, attached to pressure part, pushes or lifts hands out of danger zone.
Pull-away device	A cable operated attachment on ram, connected to the operator's hands or arms to pull the hands back only if they remain in the danger zone; otherwise, it does not interfere with normal operation.
Limitation of stroke	Plunger travel limited to ¼ inch or less; fingers cannot enter between pressure points.

Methods of Guarding Actions and Motions—Remote Control, Placement, Feeding, Ejecting

Guarding methods	Guard action
Two-hand trip (can be adapted to multiple operation).	Simultaneous pressure of two hands on switch buttons in series actuates machine.
	Simultaneous pressure of two hands on air control valves, mechanical levers, controls interlocked with foot controls, or the removal of solid blocks or stops permits normal operation of machine.

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Automatic or semiautomatic feed (with enclosure of danger points).	Stock fed by chutes, hoppers, conveyors, movable dies, dial feed rolls, etc. Enclosure will not admit any part of body.
Special jigs or feeding devices.	Hand-operated feeding devices of metal or wood which keep the operator's hands at a safe distance from the danger point.
Special tools or handles on dies.	Long handled tongs, vacuum lifters, or hand die holders which avoid need for operator putting his hand in the danger zone.
Special ejecting devices	Air or mechanical ejection

[Tables on guarding by location, awareness devices and lockout should follow here.]

III. TECHNIQUES OF MACHINERY SAFEGUARDING

It is recognized that a given situation—a hazard-creating motion or action—may frequently be guarded in a number of ways, several of which may be satisfactory. The selection of guarding method to be used may depend upon a number of things—space limitations, production methods, size of stock, frequency of use, and still other factors may be important in making the final decision. It is not the intent of this appendix suggest which method of guarding is the best for a given situation, but rather to show that there are a number of ways to guard each different condition. This will be done by illustrative typical situations which may be guarded by a variety of methods.

In the illustrations, the various motions and actions are shown with typical guards illustrating the various guarding techniques. It is not possible to apply all of the guarding techniques to all of the motions or actions, but an effort has been made to show those that are frequently found in industry.

Illustrations contained in this section of Appendix A are as follows:

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GUARDING ROTATING, RECIPROCATING, OR TRANSVERSE MOTIONS

Rotating, reciprocating, and transverse motions are forms or directions of motion that are used for a variety of purposes. They may be used to transmit power, as for example a revolving shaft or pulley (rotating), a moving piston (reciprocating), or a moving belt (transverse). Motions are also used to perform work by giving action to a tool or die which performs a cutting or shearing action. Thus, a circular saw or milling cutter (rotating), a metal planer or shaper (reciprocating), or a band saw (transverse) are examples of using motion to perform useful work by means of a tool.

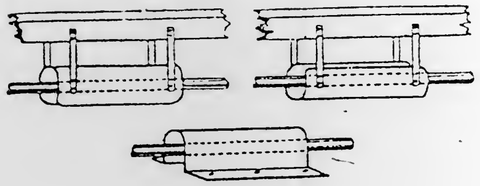
Motion is also used as a means of performing work without the cutting action of tools. A centrifugal extractor or dough mixer (rotating), a shaker screen (reciprocating), or a belt or screw conveyor (transverse) are examples of using the energy of motion to perform useful work.

The illustrations on the next nine pages are intended to show recognized techniques for guarding various forms of motion used for transmitting power and for performing work without the benefit of tools.

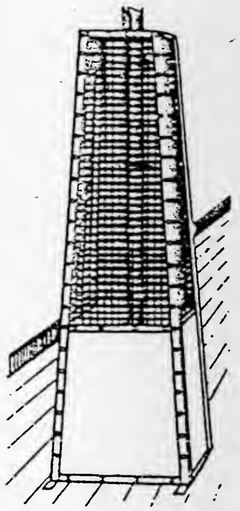
Where tools are used to perform useful work, a cutting, punching, bending, or shearing action is involved. Techniques of guarding these various actions will be illustrated under the general heading of the type of action, instead of under the heading of the type of motion, used to drive or power the tool.

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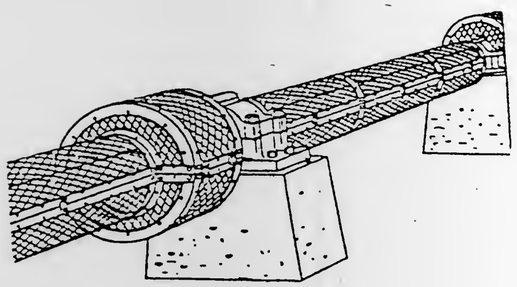
Guarding Rotating Motion by Enclosure Guards



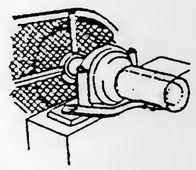
Horizontal shafting.



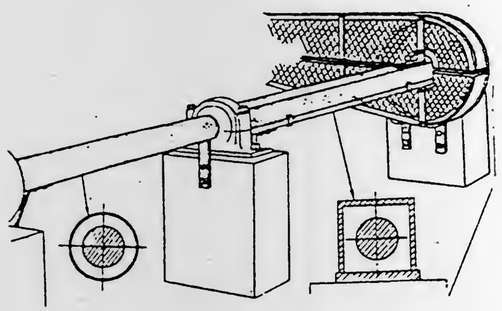
Vertical shafting.



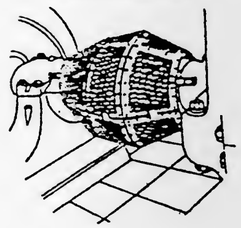
Horizontal shafting.



Sleeve for shaft end.

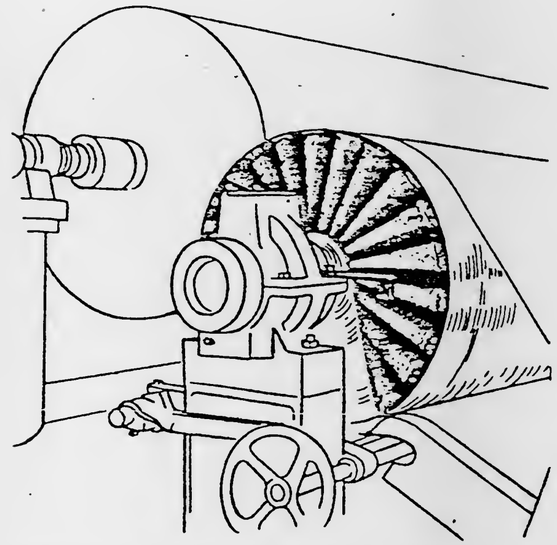


Horizontal shafting and belt and pulley.

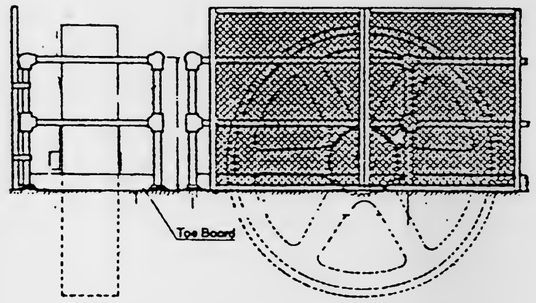


Coupling.

Guarding Rotating Motion by Barrier Guards



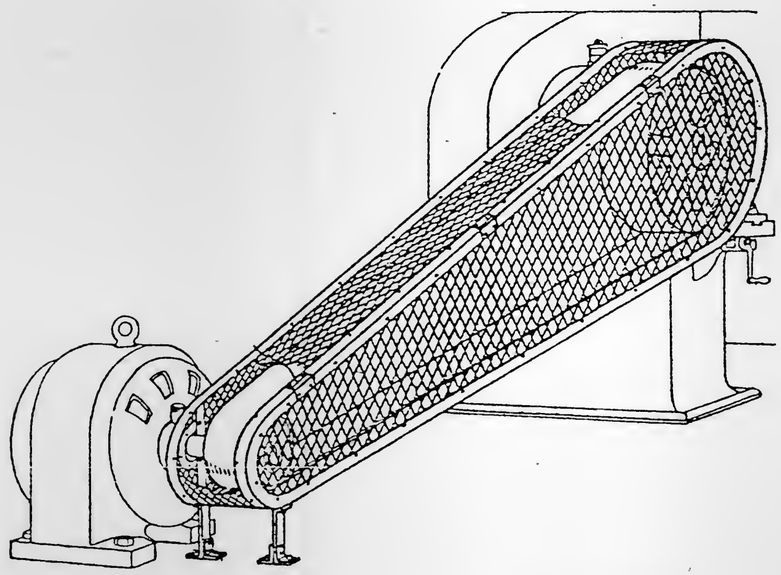
Winder drum end guard—guard provides a stationary object to grasp if operator should slip while changing paper.



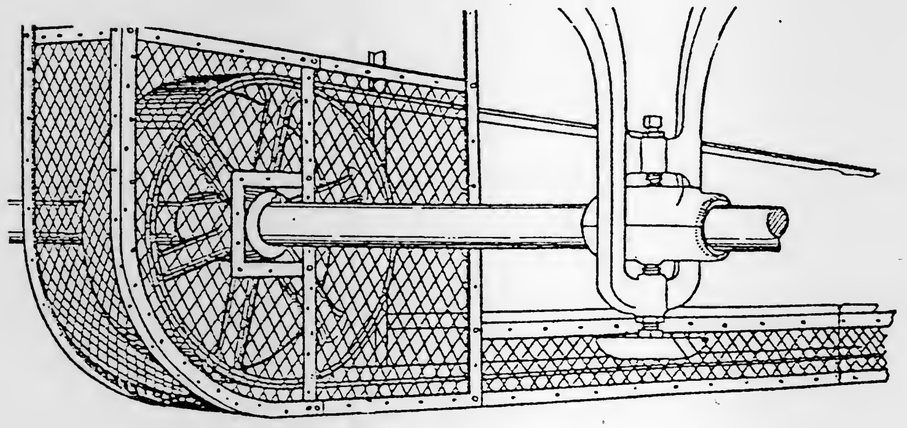
Flywheel guard—barrier for flywheel and flywheel pit guard.

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Guarding Rotating and Transverse Motions by Enclosure Guards

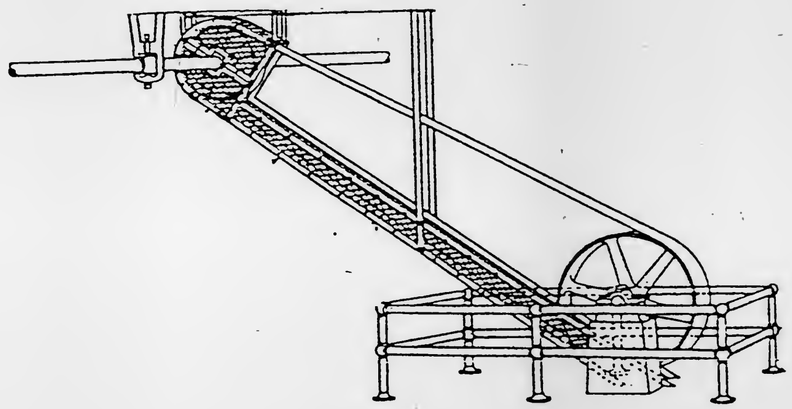


Pulleys with inclined belt.

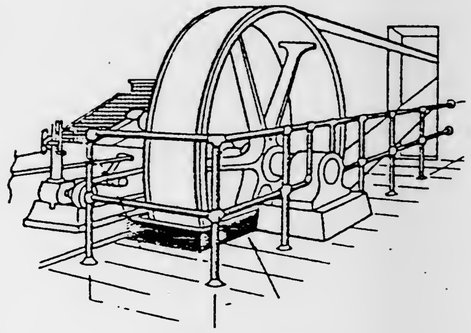


Overhead horizontal belt and pulley.

Guarding Rotating and Transverse Motions by Barrier Guards



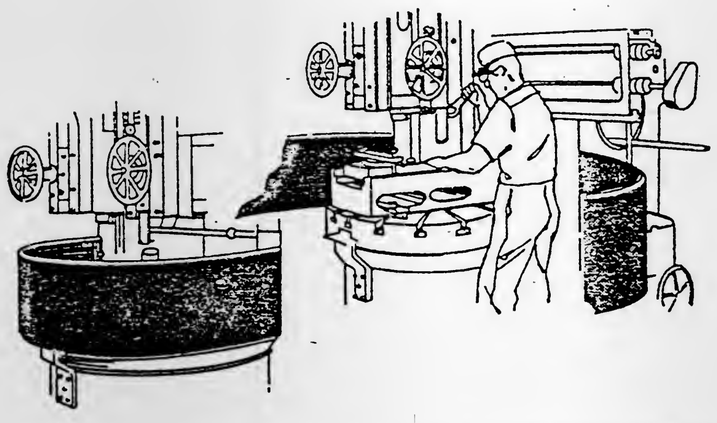
Pulleys and inclined belt.



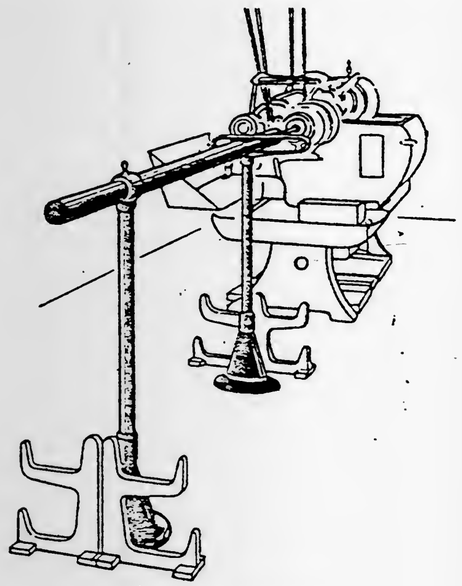
Flywheel with horizontal belt.

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Guarding Rotating Machines or Machine Parts With Barrier Guards

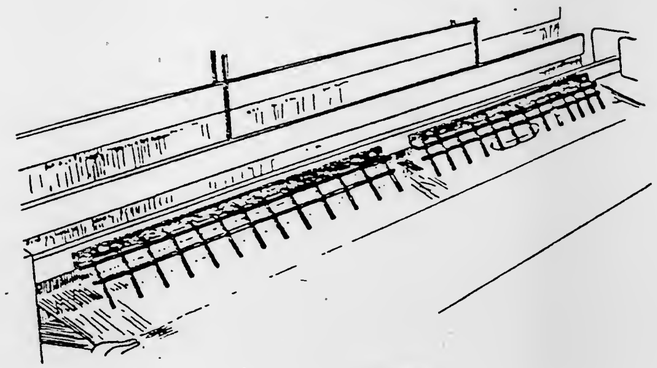


Barrier guard for vertical boring mill—guard is made in two sections, hinges to the machine and easily opened.

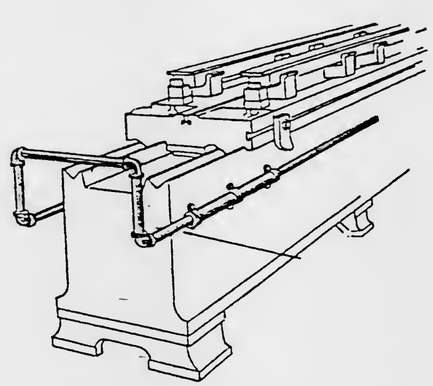


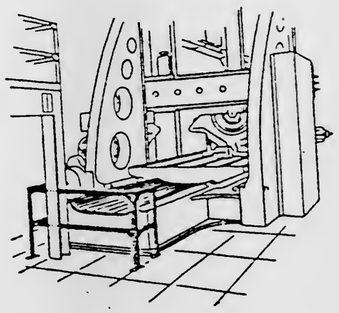
Revolving bar stock guard.

Guarding Reciprocating Motion of Machine Parts by Barrier Guard



Shuttle guard on loom.

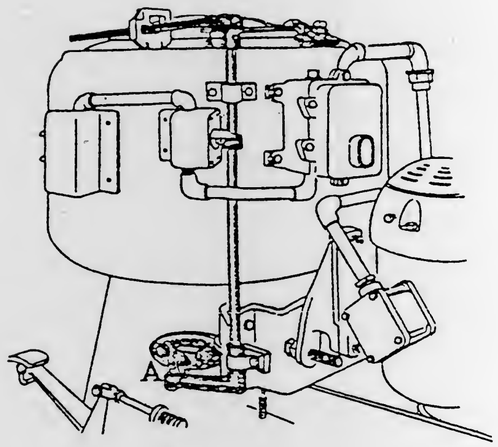




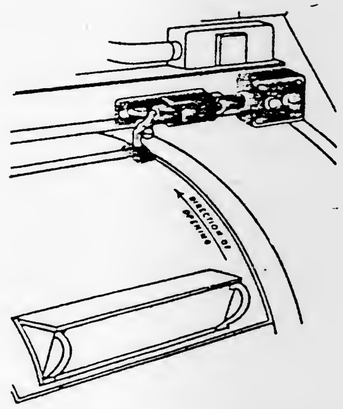
Planer table guards.

V 42 5 JAN 7 7 7 UMI

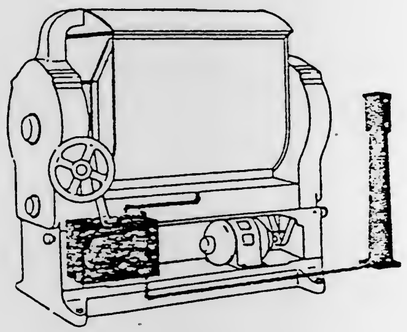
Guarding Rotating Motion of Machine Parts by Interlocks



Interlocking extractor cover guard. The cover is mechanically interlocked with the spindle so that the cover cannot be removed until the spindle is at rest.

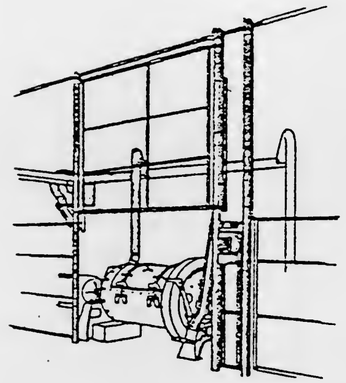


Electrical interlock on washing machine. When door is opened the circuit to motor drive is broken, thus stopping the machine.

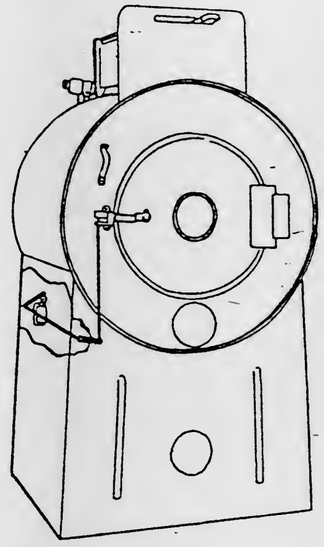


Electrical interlock for tilting dough mixer. The electric circuit is closed only when the barrel is in upright position. Mixer can be operated in tilted position by constant pressure applied to a second switch.

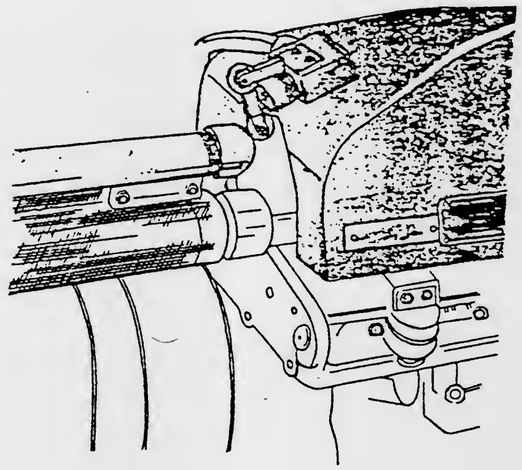
Guarding Rotating Motion of Machine Parts by Interlocks



Guard for rattler or tanning drum. Angle iron gate frame is electrically interlocked so that the rattler cannot be operated unless the gate is closed.



Guard for tumbler barrel. When door is opened the circuit is broken and the revolving cylinder stops.



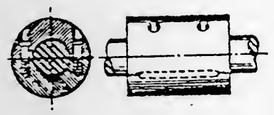
Guard for bar support of screw machine. When bar support or spindle cover is removed to open position, power to machine is cut off.

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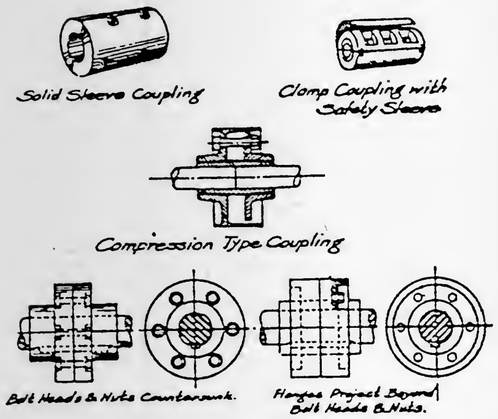
Elimination of Rotating Motion Hazard by Means Other Than Guarding



Safety set screws.



Split Coupling



Safety shaft couplings.

GUARDING IN-RUNNING NIP POINTS

In-running nip points may exist under two broad classes of conditions, namely:

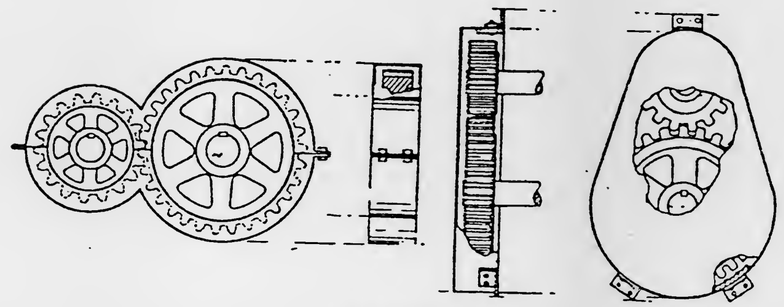
1. Those purposely created to do useful work.
2. Those which are incidental to the transmission of power or the application of motion, the nip point itself doing no useful work.

Nip points that are purposely created to do useful work would include situations such as calender rolls used for finishing paper, rolls used for mixing ink or rubber, and rolling mills used for reducing the thickness of or changing the shape of metals.

Nip points created incidental to the transmission of power would include the nip point of a belt and pulley, the meshing of gears, or the take-off point of a belt conveyor. Nip points created incidental to the application of motion would include the nip or pinch point of the moving bed of a metal planer with the frame of the machine or an adjacent fixed object.

In any case, guarding is necessary and various means may be used to provide protection. The following illustrations show typical nip point situations and techniques for guarding them.

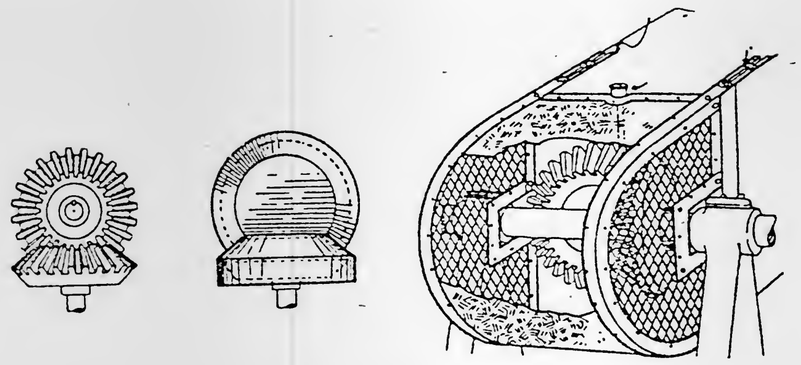
Guarding In-Running Nip Points by Enclosure Guards



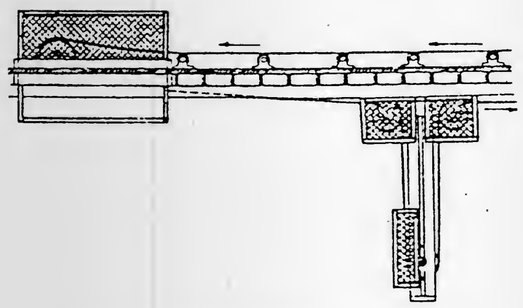
Spur gear guards.

V 42 5 JAN 7 7 7 UMI

Guarding In-Running Nip Points by Enclosure Guards

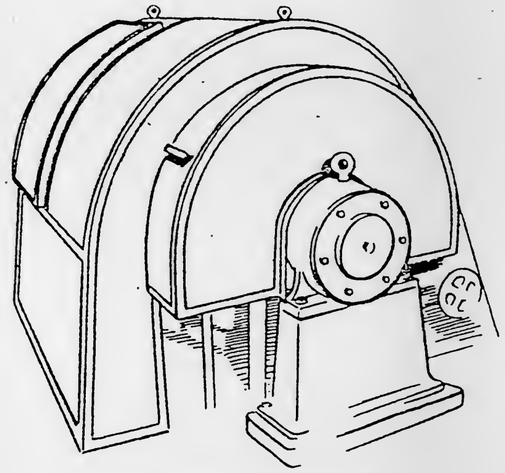


Bevel gear guards.

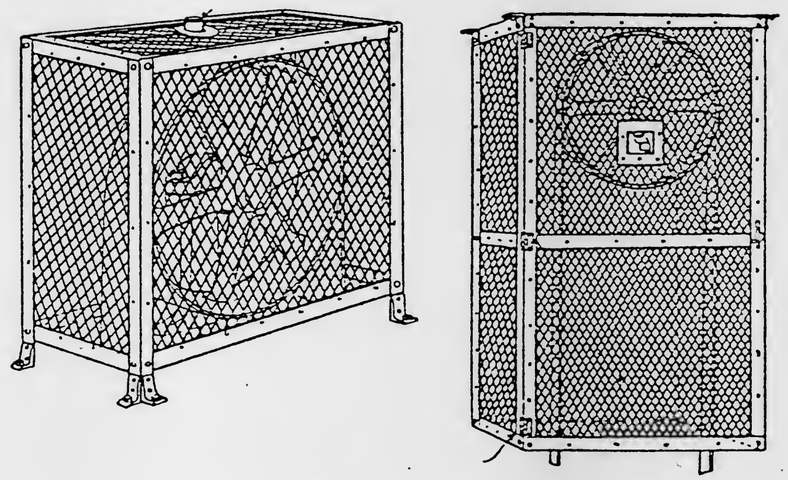


Elevated conveyor belt, pulleys, and belt tightener guard.

Guarding In-Running Nip Points by Enclosure Guards



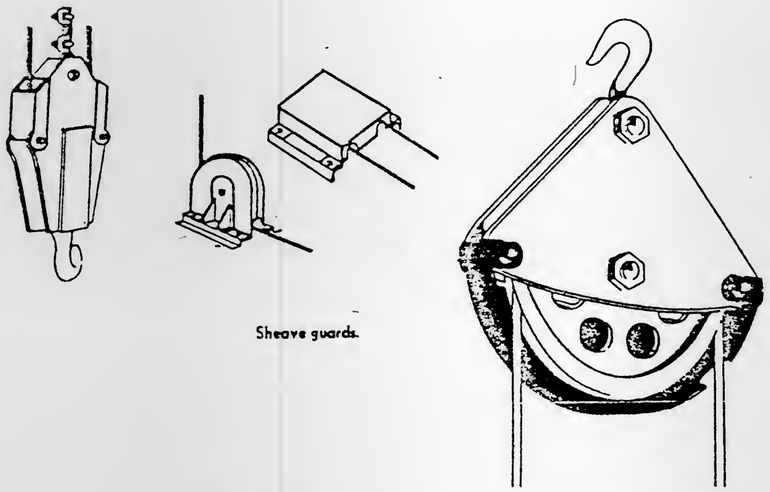
Calender stock drive guard.



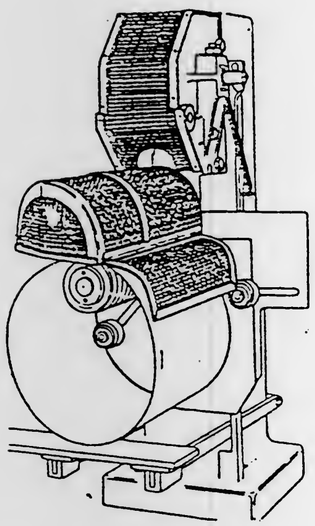
Belt and pulley guards.

V 42 5 JAN 7 77 UMI

Guarding In-Running Nip Points by Enclosure Guards

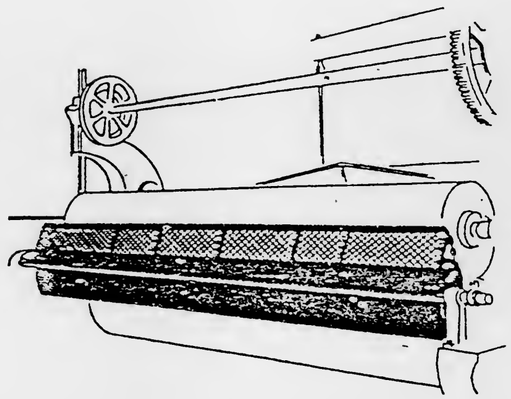


Sheave guards.



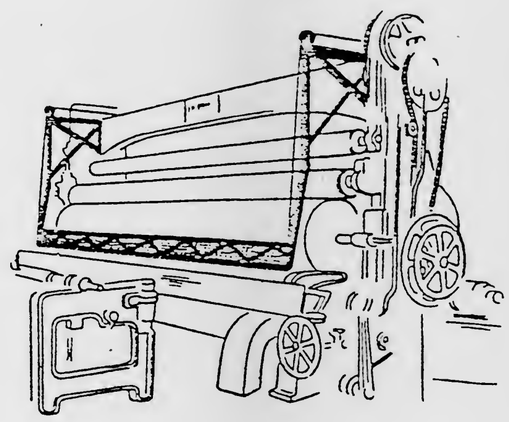
Dies of drum-corrugating machine.

Guarding In-Running Nip Points by Barrier Guards



Guard is hung so that it can be swung down and out of the way when roll is being started or removed.

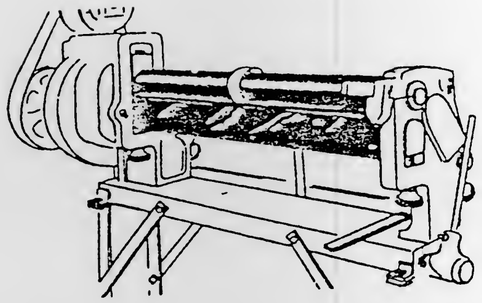
Guard is counterweighted and swung up out of the way when roll is being started or removed.



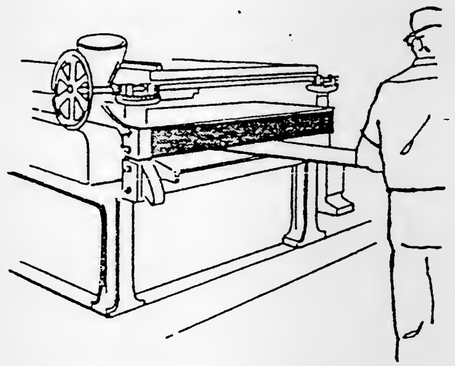
PAPER ROLL WINDER GUARDS

V 42 5 JAN 7 77 UM

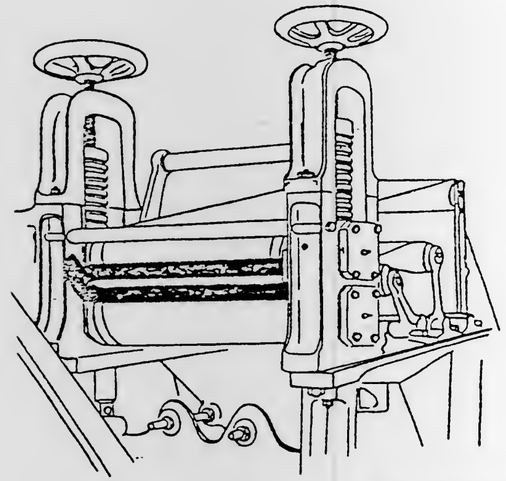
Guarding In-Running Nip Points by Barrier Guards



Upper roll covered with stationary cylindrical guard. Lower roll has an apron guard. Opening between guards is less than 3/8 inch.



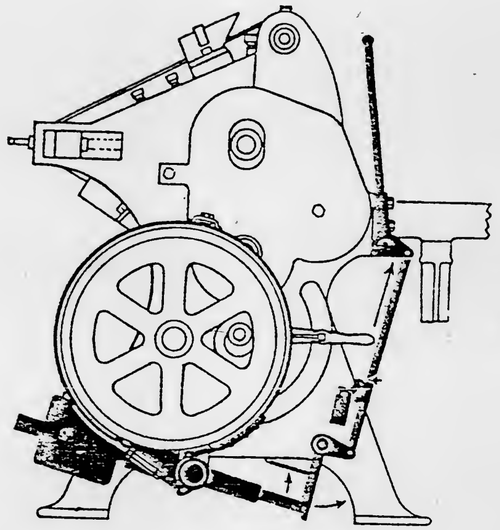
Barrier guard protecting rolls of leveling machine.



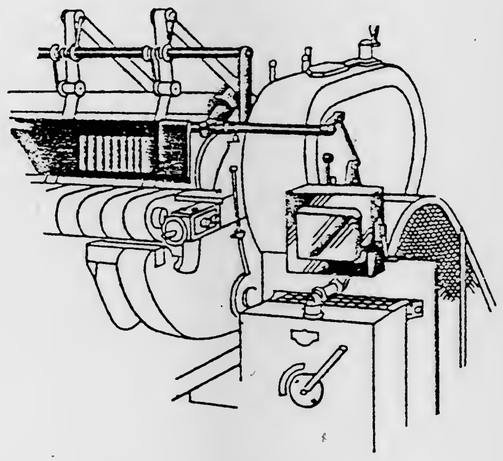
Barrier guard for rolls on paper embossing machine.

METAL ROLL GUARDS

Guarding-In Running Nip Points by Interlocking Device



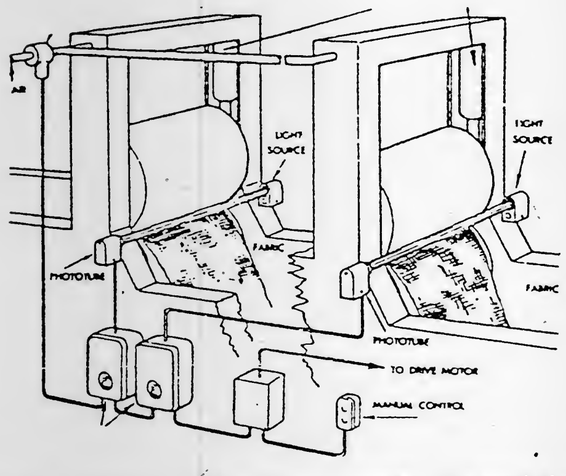
Dough brake guard. The pressure of the operator's body against horizontal release across front of machine simultaneously breaks electric current at contact switch and trips weight operating brake on flywheel, thus quickly stopping machine.



Flatwork ironer guard. If operator's hand strikes hinged barrier, the contact switch opens circuit and stops machine.

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Guarding In-Running Nip Points by Interlocking Device



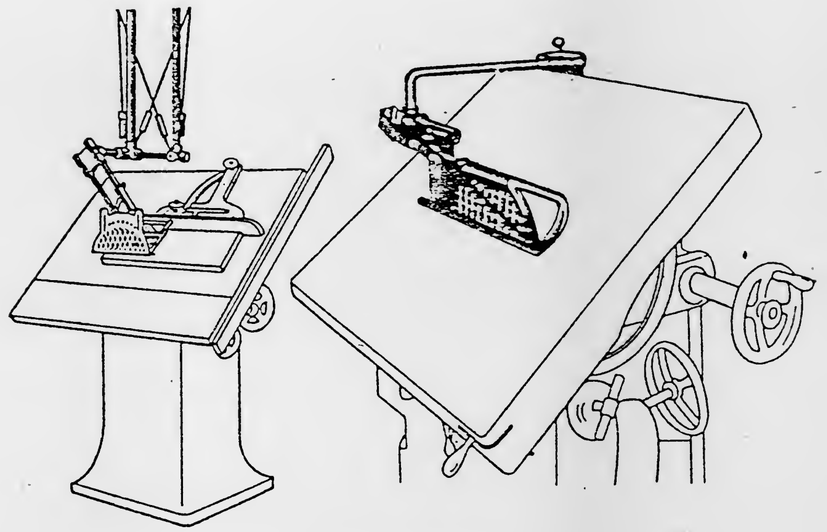
Textile finishing machine. The photoelectric control beam is projected across the 12-foot width of the pressure rolls at the nip where the two rolls meet. Any part of an operator's body or any other object coming within the danger area of the nip will break the control beam. If the beam is broken, photoelectric relay action immediately stops the drive motor and at the same time operates the air cylinder solenoid valve, releasing the pressure and opening the rolls.

GUARDING CUTTING ACTIONS

Cutting action is involved in the whole range of machine tools used for cutting metal, also for machines used for working on wood. The characteristic of a machine tool is that the metal removed is in the form of chips. This characteristic also applies to machines used for cutting wood, although woodworking machines are not referred to as machine tools. Many machines used in the food, plastic, paper, or textile industries, as well as other industries, also employ cutting action. The hazard lies at the point where cutting takes place.

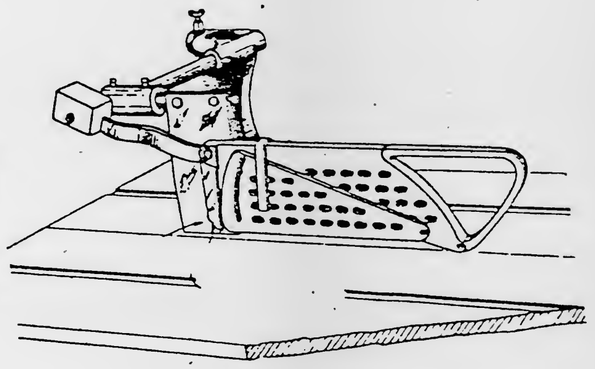
Various forms of motion may be involved in cutting action, but the kind of motion is not the determining factor in selecting the best guarding method. In many cases, a choice of guarding methods is available. The following illustrations show various methods of guarding typical cutting actions.

Guarding Cutting Actions by Enclosure Guards



Tilting table saw guard.

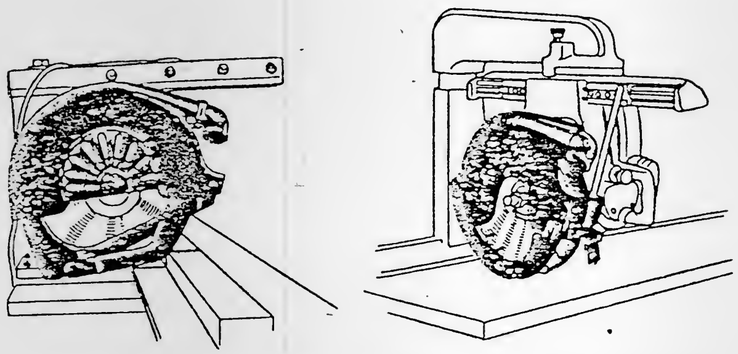
Circular saws should be provided with a hood that covers the saw at all times to the depth of the teeth. Hood should adjust itself automatically to thickness of, and remain in contact with, material being cut. A spreader and antikickback device should be provided. The exposed part of the saw underneath the table should be guarded.



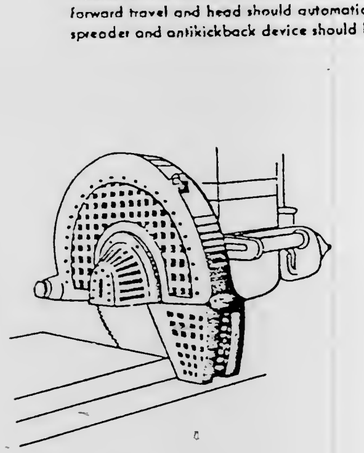
Rip saw guard.

V 42 5 JAN 7 7 7 UMI

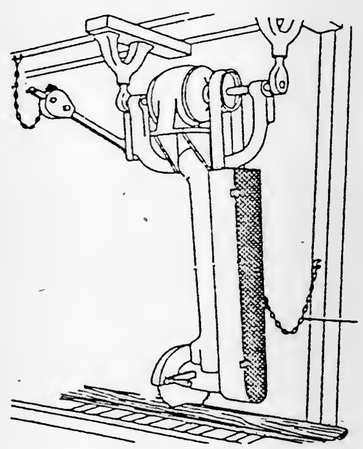
Guarding Cutting Actions by Enclosure Guards



Radial saw. In addition to hood enclosing the blade, an adjustable stop should be provided to limit forward travel and head should automatically return to starting position. When used for ripping, a spreader and antikickback device should be provided.



Swing saw hood

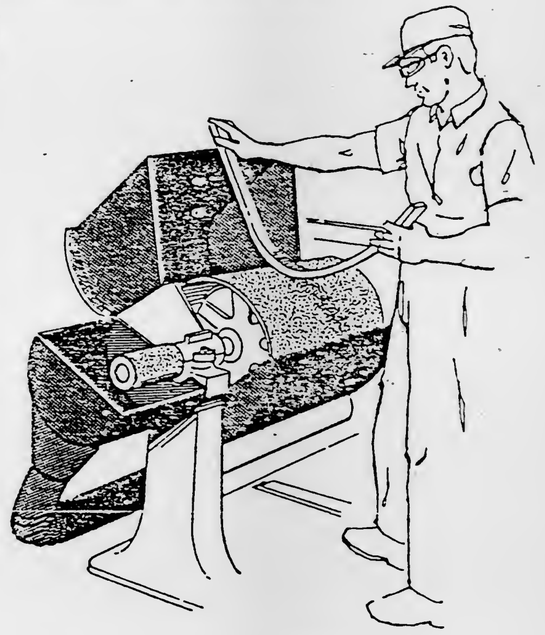


Swing saw. In addition to the hood enclosing the blade, the swing saw should be provided with a limit chain or other device to limit forward travel and a device to automatically return the head to starting position. Hood should enclose saw.

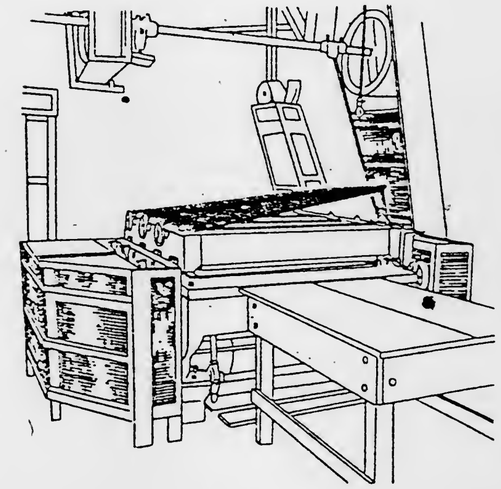
Guarding Cutting Actions by Enclosure Guards



Disc sander.



Drum sander.

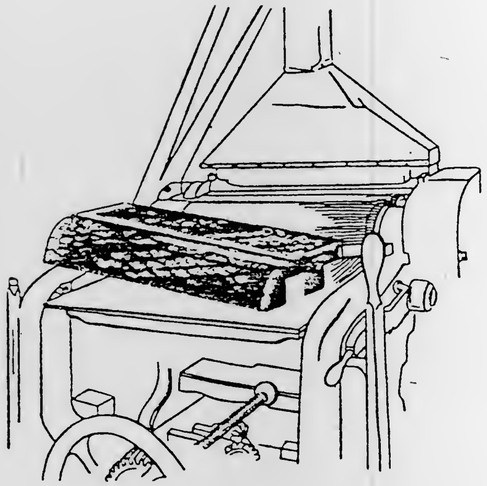


Roll feed sander.

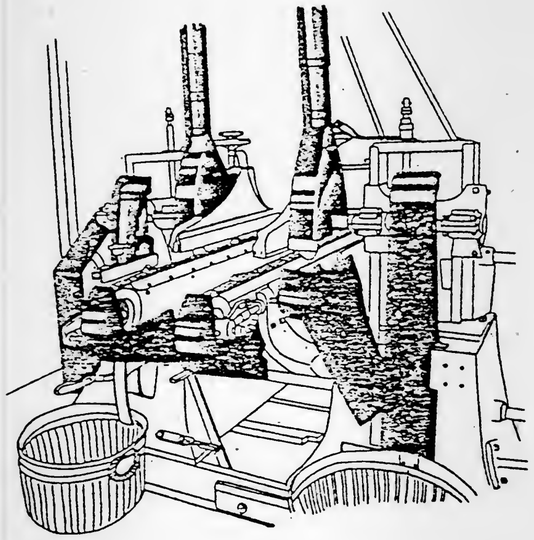
Exposed parts of disc, drum or roll feed sanders should be guarded except that portion where the material comes in contact with the abrasive. Feed rolls in front of sander should also be guarded. Guards serve as dust collectors.

V 42 5 JAN 7 7 UMI

Guarding Cutting Actions by Enclosure Guards

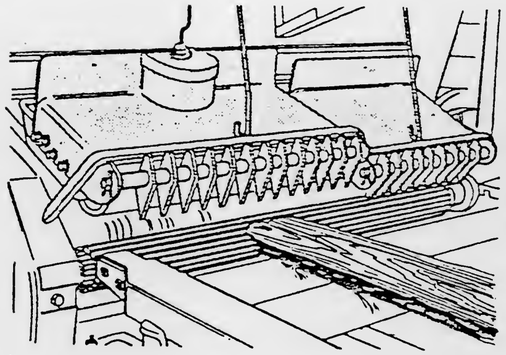


Planer. Guard for feed rolls removed showing substantial construction.



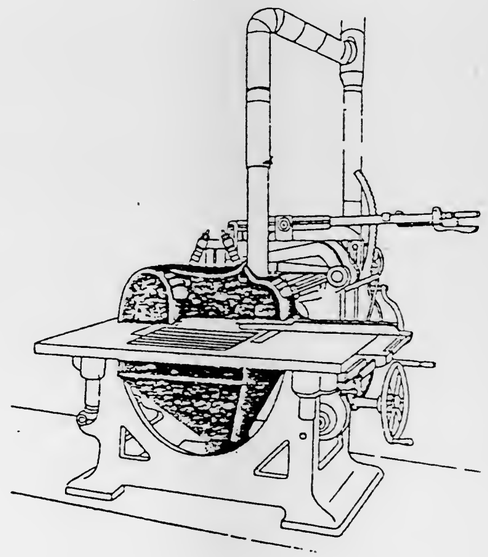
Double end tenoner.

Guarding Cutting Actions With Enclosure Guards



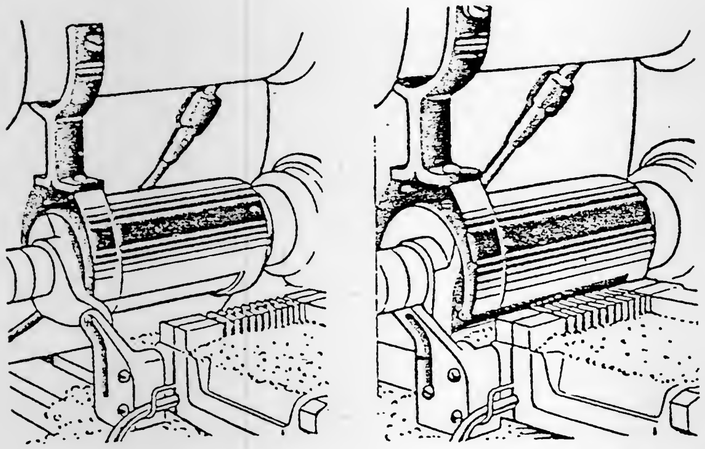
Edger. The saws of the edger should be enclosed and there should be pressure rolls on both the feed and take-off sides. Nonkickback teeth should be provided on at least the feed side of the saws. All belts, pulleys, and gears should be enclosed.

Self feed rip saw. Saw and feed rolls should be completely enclosed.

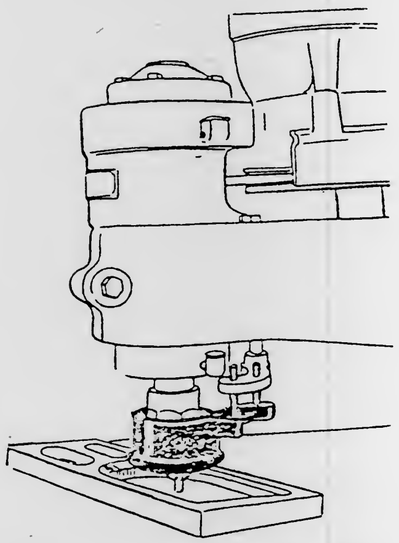


V 42 5 JAN 7 7 7 UMI

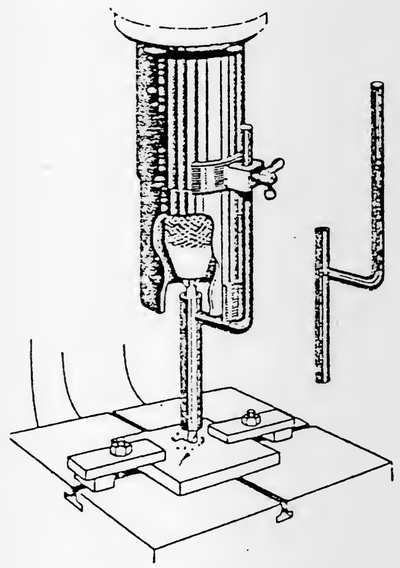
Guarding Cutting Actions by Enclosure Guards



Milling machines. Cutter is entirely enclosed when the table is withdrawn and the guard opens automatically as the table moves forward.

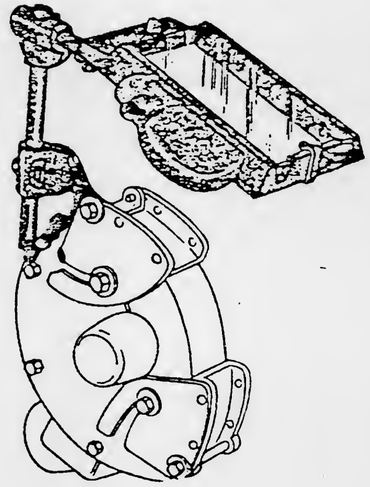


Router. Enclosure covers top and sides of router.



Drill. Enclosure covers spindle and drill.

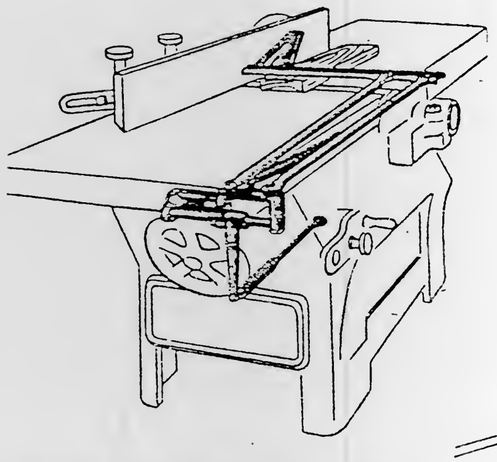
Guarding Cutting Actions by Enclosure Guards



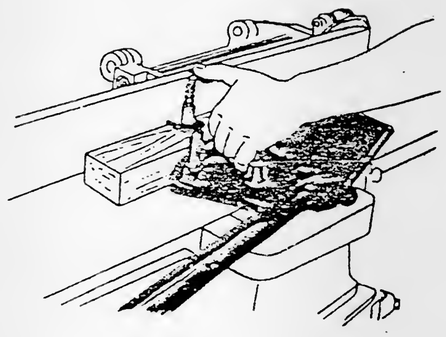
Abrasive wheel guard. Guard should be stong enough to withstand the shock of a bursting wheel and be adjustable to the wear of the wheel; tempered or laminated glass with protective gloss on the underside should be used. Work rests should be kept adjusted close to the wheel with a maximum distance of 1/8 inch.

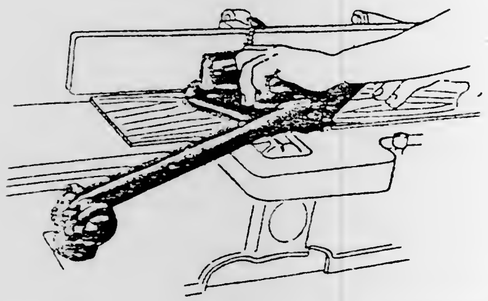
V 42 5 JAN 7 77 UMI

Guarding Cutting Actions by Barrier Guards



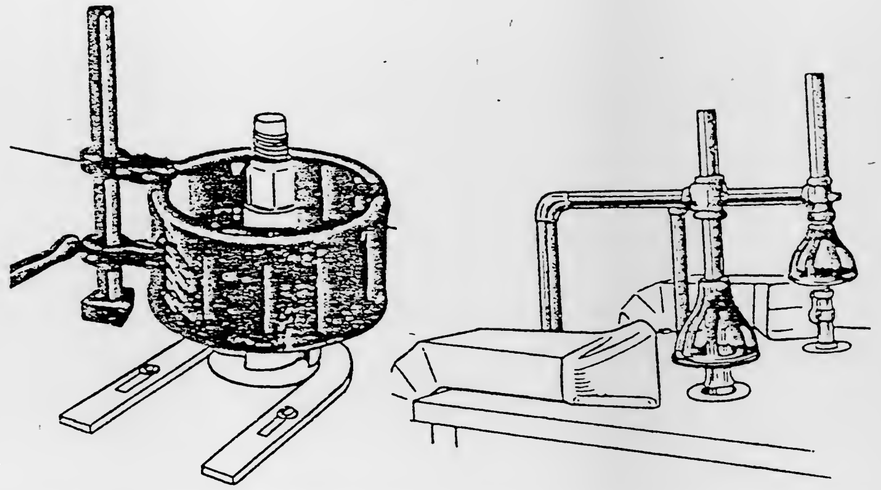
Jointer guards should automatically adjust themselves to cover all sections of the head on the working side of the fence or gage and should remain in contact with the material at all times. The section of the cutting head back of the fence or gage should also be guarded.



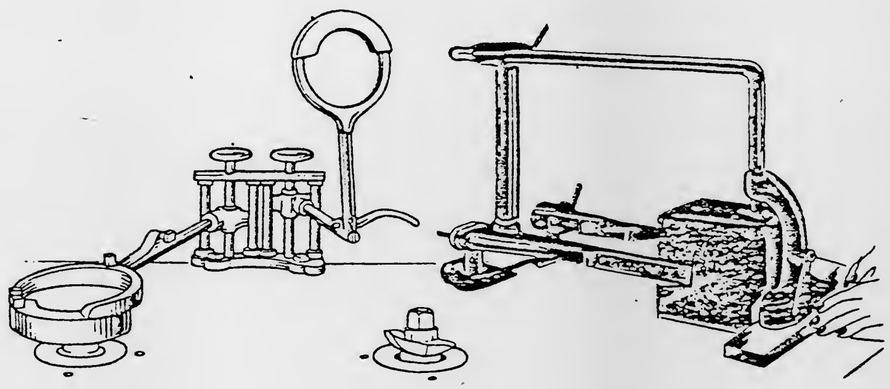


JOINTER GUARDS

Guarding Cutting Actions by Barrier Guards



The cutting head of each wood shaper should be enclosed by an adjustable guard so designed as to keep the operator's hand away from the cutting edge. Patterns or jigs for holding stock while shaping are also desirable.

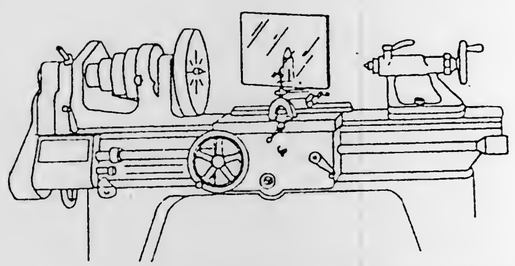


SHAPER GUARDS

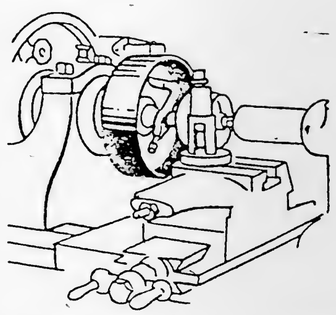
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Guarding Cutting Actions by Barrier Guards

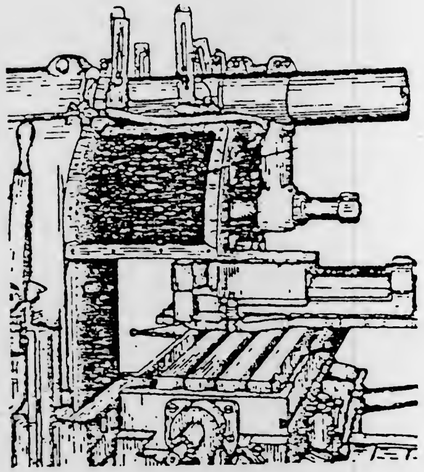
LATHES



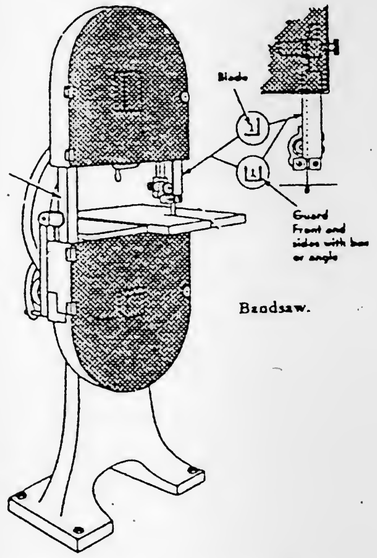
A clear plastic shield held in place by a magnet will protect against flying particles.



A metal band around the face plate prevents contact with the lathe dog.



Milling machine. Mesh guard over cutter to protect against contact and flying particles.



Bandsaw.

Band or band resaw wheels should be completely enclosed and all portions of the blade should be guarded, except that portion between the guide rolls and the table.

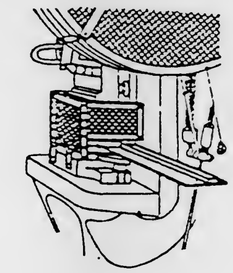
GUARDING PUNCHING, BENDING, AND SHEARING ACTIONS

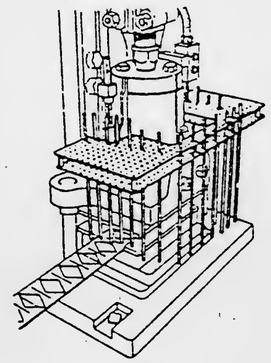
Punching, bending, and shearing actions differ from cutting actions in that material is not removed in the form of chips. This class of action is used primarily to form or shape metals, but may be used on materials other than metal, as for example, plastics, fabrics, and papers.

Punching, bending, and shearing actions are particularly hazardous with respect to the severity of injury inflicted, many such injuries resulting in amputations or other permanent disability. As in the case of cutting actions, the hazard is at the point-of-operation.

The following are illustrations of machines which perform punching, bending, or shearing actions and techniques by which they are guarded.

Guarding Punching or Bending Actions by Enclosure Guards

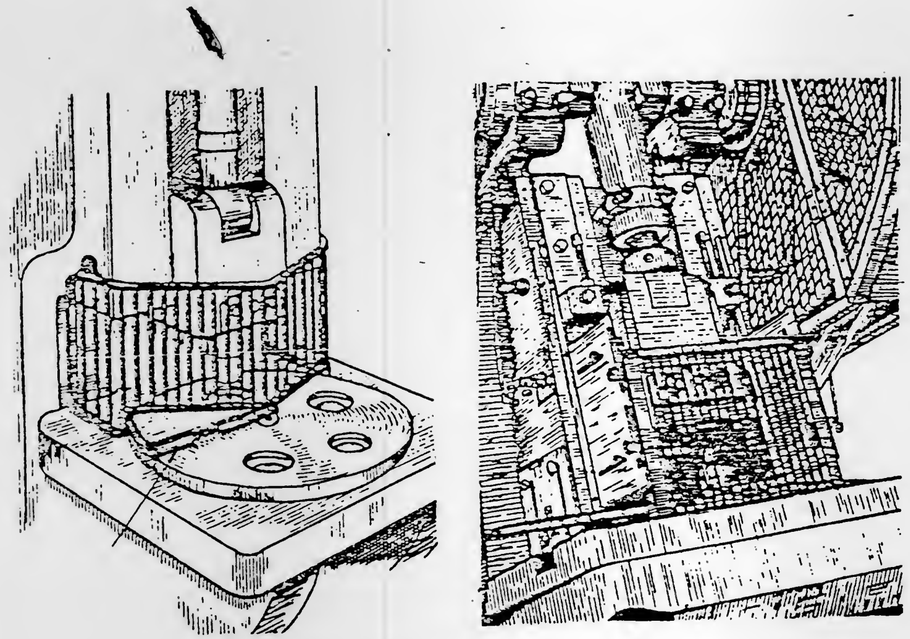




Enclosure guards for punching or forming presses for use with strip feeding.

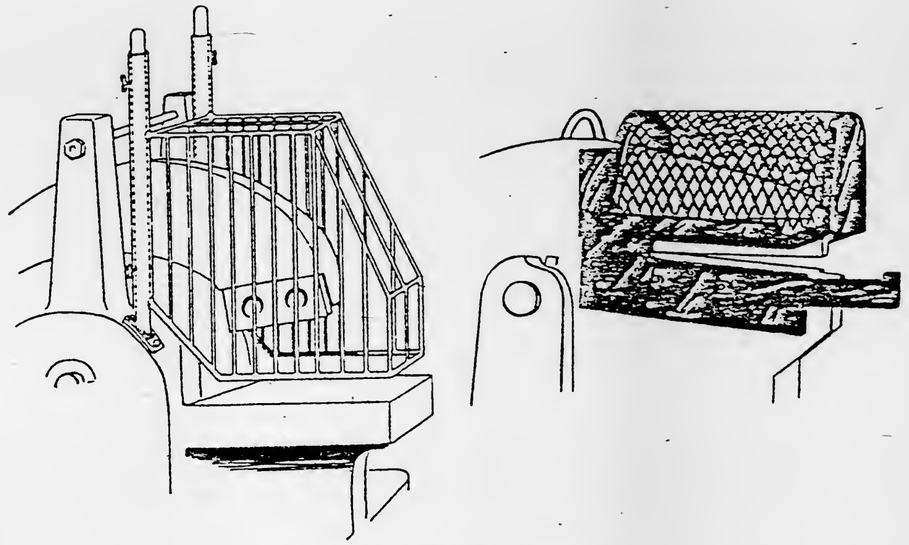
V 42 5 JAN 7 7 UM

Guarding Punching or Bending Actions by Enclosure Guards

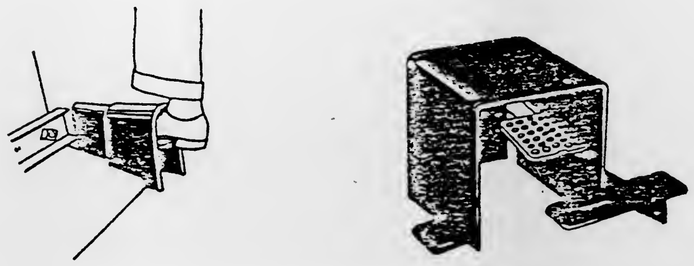


Enclosure guards for punching or forming presses for use with dial or strip feeding.

Guarding Shearing Action by Enclosure Guards



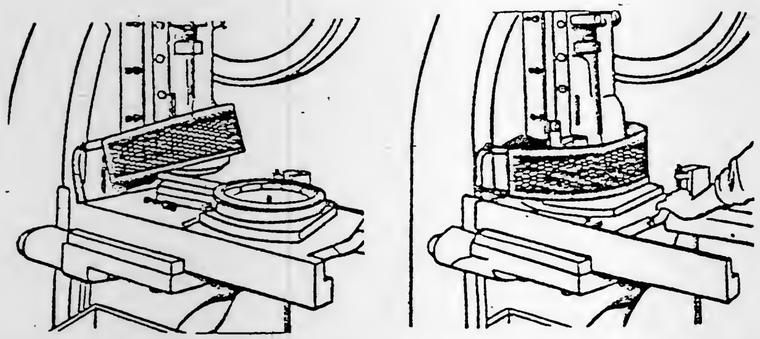
Enclosure guards for alligator shears.



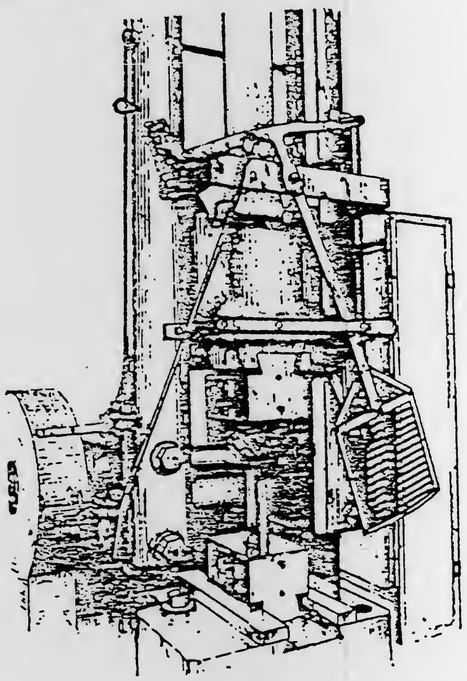
Treadle guards for presses and shears to prevent unintentional tripping.

V 42 5 JAN 77 UM

Guarding Punching or Bending Actions by Barrier Guards



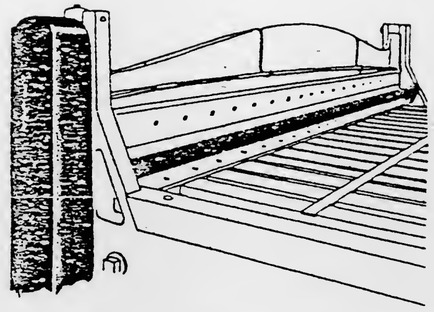
Stock is fed into die outside of danger zone. Hinged barrier guard closes automatically when sliding die is moved into position.



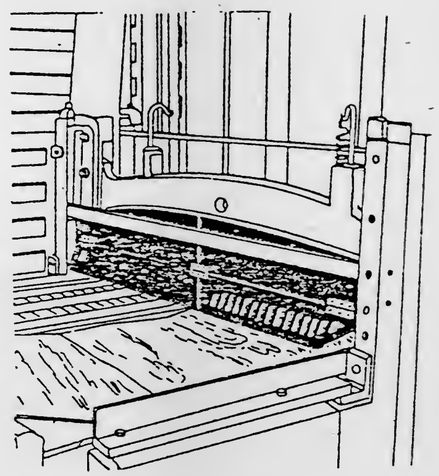
A barrier guard, operated by the tripping device of the press, is interposed in front of the plunger before the plunger descends.

BARRIER GUARD ON PUNCH PRESSES

Guarding Shearing Action by Barrier Guards

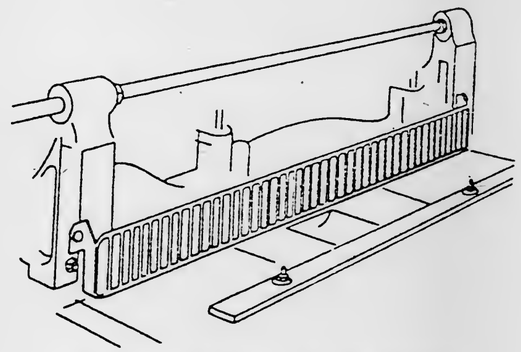


Back side



Front side

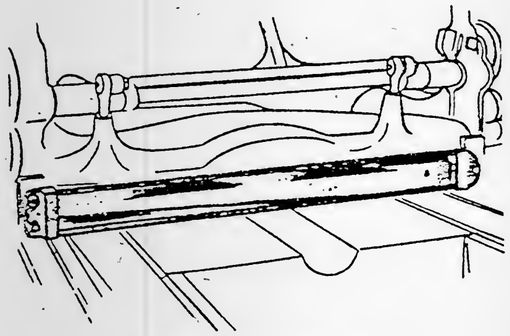
Barrier guard for veneer clipper.



Adjustable barrier guard for feed side of squaring shear.

V 42 5 JAN 7 7 UM

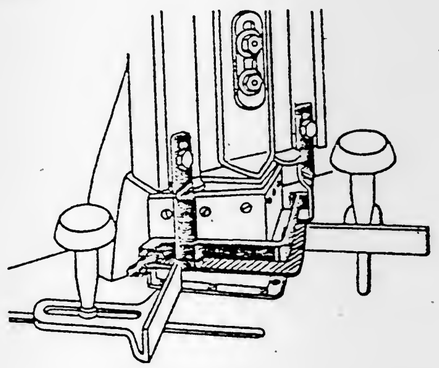
Guarding Shearing Action by Barrier Guards



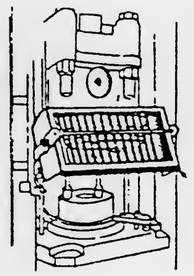
Fixed transparent barrier guard for shear.

Barrier guard on feed side of paper slitter.

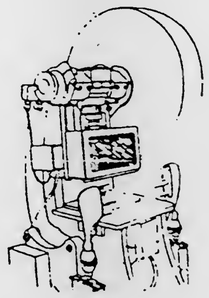
Barrier guard on paper corner cutter.



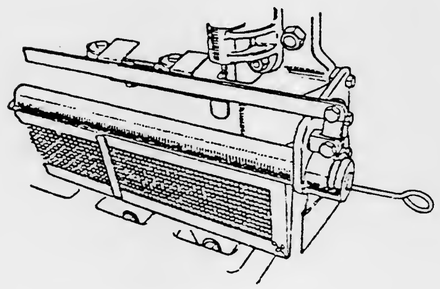
Guarding Punching or Bending Actions by Interlocking Guards



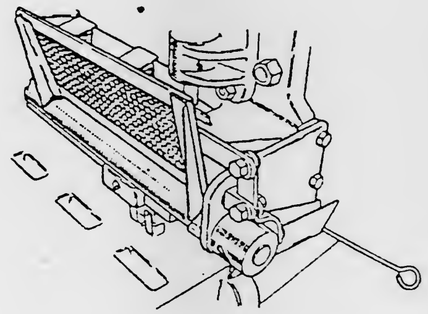
Gate guard on punch press. Guard is interlocked with tripping device of press so that plunger cannot descend until gate is in closed position.



Photoelectric relay (electric eye) prevents operation of press while operator's hands are in the danger zone. Should not be used on positive clutch presses where ram continues its stroke after tripping of press.



Guard closed, starting control accessible.

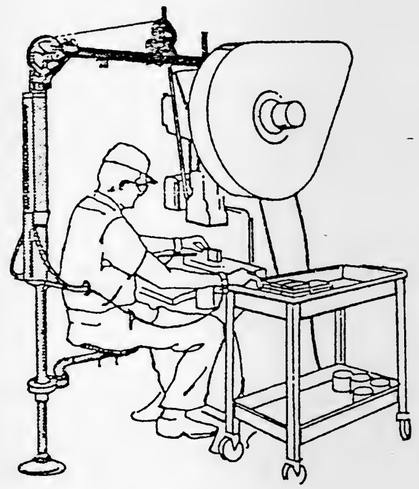


Guard open, starting control inaccessible.

GUILLOTINE SHEAR EQUIPPED WITH TWO-HANDED CONTROL INTERLOCKED WITH BARRIER GUARD

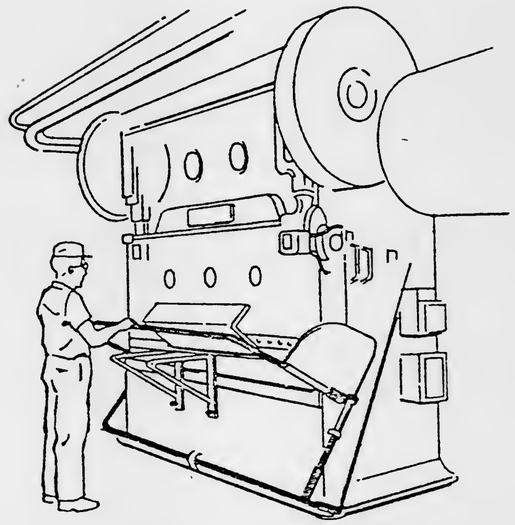
V 42 5 JAN 7 7 UM

Guarding Punching or Bending Actions by Automatic Guards

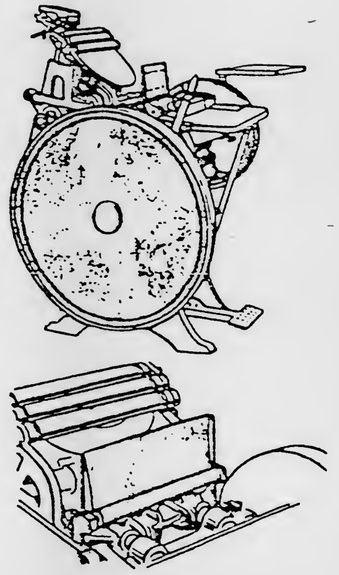


Pull-oway guard. Operator's hands are pulled away from danger zone before ram descends.

Guarding Punching and Bending Actions by Automatic Guards



Power brake. Automatic device pushes operator away from danger zone when power brake is operated.

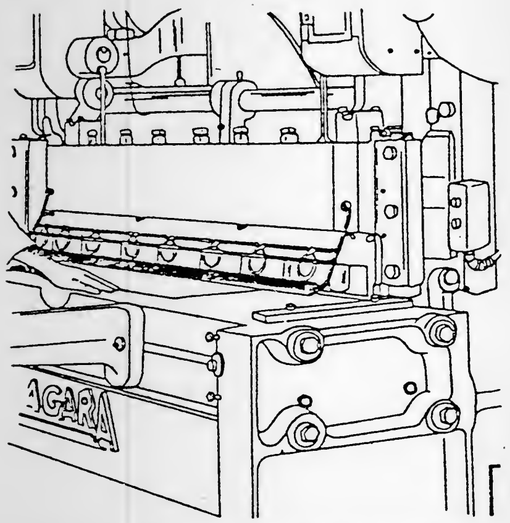


Platen press. Barrier guard, operated by the reciprocating crank, pushes operator's hands out of danger zone when press closes.

GUARDING BRAKES AND PRESSES BY AUTOMATIC PUSH-AWAY GUARDS

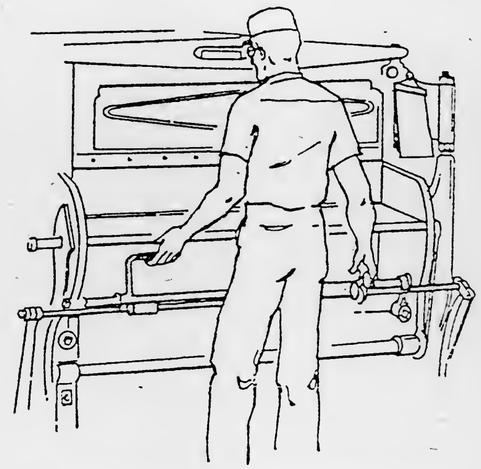
V 42 5 JAN 77 UM

Guarding Shearing Action by Automatic Guards

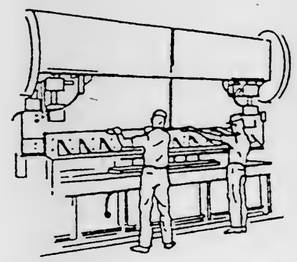


Power shears. Roller guard rests on sheet stock as it is fed into the shear. Descending ram will force roller out, and roller pushes operator's hands away from knife. When ram ascends, roller will rest in vertical position.

Guarding Shearing Action by Remote Control Placement, Feeding or Ejection

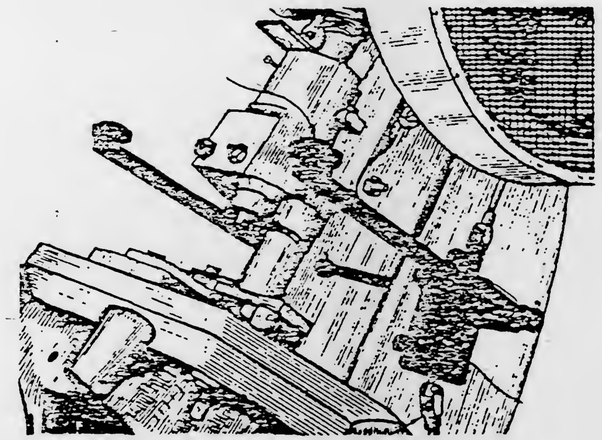


Two-handed tripping device for paper guillotine shear.



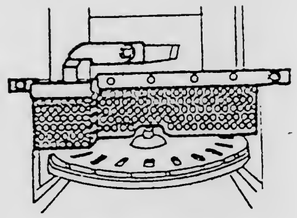
Two-man operated press with each operator required to activate two switches simultaneously.

Punch press. Two-handed tripping device requires the simultaneous use of both hands to trip the press. On presses with noninterrupting stroke, device should require continuous pressure on controls so that operator cannot reach into the press.

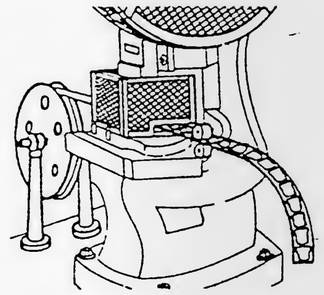


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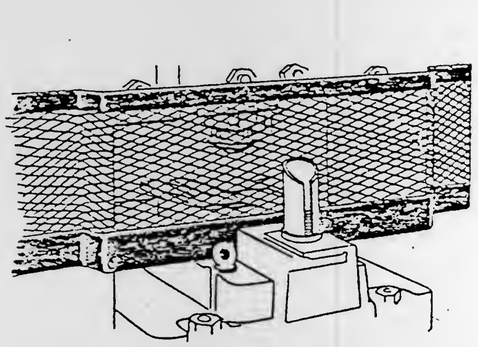
Guarding Punching Action by Remote Control, Feeding or Ejection

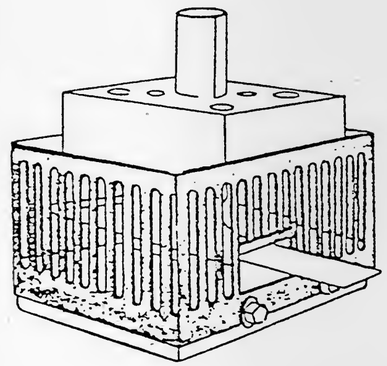


Rotating die. Stock is fed manually into rotating die and is carried automatically under the plunger.



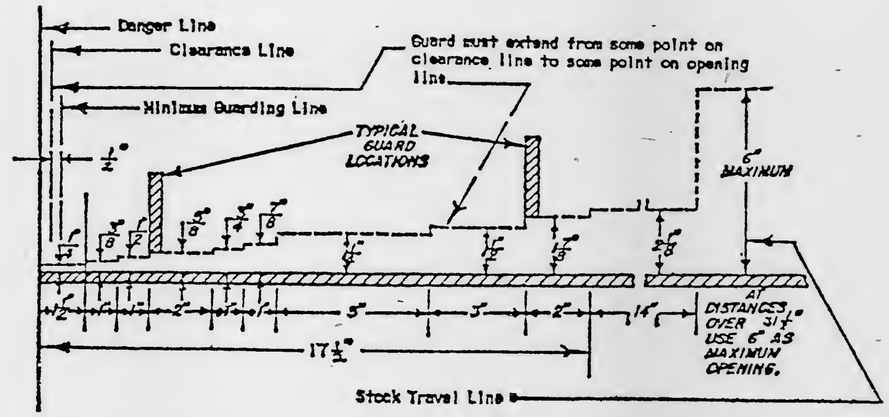
Automatic feed: Stock is fed automatically to plunger, operator required only to restock feeding device.





Other types of enclosure guards for use with automatic feeding.

Guarding Punching Action by Remote Control, Feeding or Ejection



Explanation of above diagram:

This diagram shows the accepted safe openings between the bottom edge of a guard and feed table at various distances from the danger line (point of operation).

The *clearance line* marks the distance required to prevent contact between guard and moving parts.

The *minimum guarding line* is the distance between the infeed side of the guard and the danger line which is one-half inch from the danger line.

The various openings are such that for average size hands an operator's fingers won't reach the point of operation.

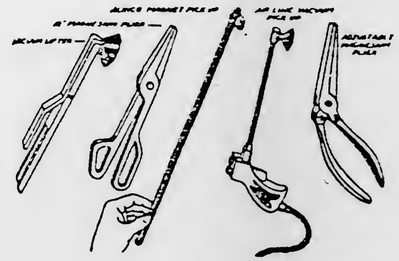
After installation of point of operation guards and before a job is released for operation a check should be made to verify that the guard will prevent the operator's hands from reaching the point of operation.

Table O–10

Distance of opening from point of operation hazard (inches)	*Maximum width of opening (inches)*
½ to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 12½	1¼
12½ to 15½	1½
15½ to 17½	1⅞
17½ to 31½	2⅛

This table shows the distances that guards shall be positioned from the danger line in accordance with the required openings.

Guarding by the use of special tools. The use of specially designed hand-tools for placing material into the press is also acceptable.



D. Guard Construction and Specifications

Machine guards to be effective must be built in accordance with recognized standards of construction and of performance. They must be designed so as to eliminate the hazard; they must create no hazard of their own; they must be sturdy enough to withstand normal wear; and they should not interfere with production.

Refer to Appendix B for information on specifications available for particular machinery items or machine groupings.

The general specifications listed below may be used as guidelines in constructing enclosure or barrier-type safeguarding devices to meet the requirements of §1910.213.

Size of Framework Materials

(1) Minimum dimensions of materials for the framework of all guards except as noted in paragraph 3 shall be angle iron 1 inch × 1 inch × ⅛ inch, metal pipe of ¾ inch inside diameter or metal construction of equivalent strength.

All guards shall be rigidly braced every 3 feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment, additional strength may be necessary.

(2) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1½ inch × 1½ inch × ⅛ inch angle iron, metal pipe of 1½ inch inside diameter or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto.

Cylindrical guards shall have at least three supporting members carried to floor.

(3) Guards 30 inches or less in height and with a total surface area not in excess of 10 square feet may have a framework of ¾ inch solid rod, ¾ inch × ¾ inch × ⅛ inch angle or metal construction of equivalent strength.

Size of Filler Materials

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gage (U.S. standard) or thickness	Minimum height of guard from floor or platform level
	(Inches)	(Inches)		Feet-Inches
Woven wire	Under 2	½	No. 16	7–0
	2–4	½	No. 16	7–0
	Under 4	½	No. 16	7–0
	4–15	2	No. 12	7–0
Expanded metal	Under 4	½	No. 18	7–0
	4–15	2	No. 13	7–0
Perforated metal	Under 4	½	No. 20	7–0
	4–15	2	No. 14	7–0
Sheet metal	Under 4		No. 22	7–0
	4–15		No. 22	7–0
Wood or metal strip crossed	Under 4	½	Wood ¾ inch or Metal No. 16	7–0
	4–15	2		
Wood or metal strip not crossed	Under 4	½ width		
	4–15	1 width		
Standard rail	Minimum 15			
	Maximum 20			

Method of Fastening Filler to Frame

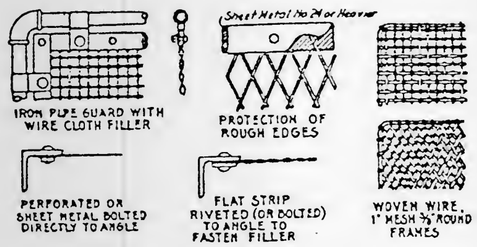
(1) With rivets or bolts spaced not more than 5 inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts.

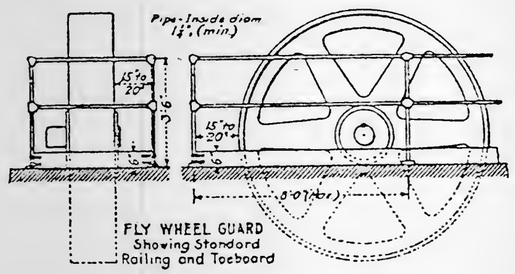
(2) By welding to frame every 4 inches.

(3) By weaving through channel or angle frame; or if No. 14 gage ½ inch mesh or heavier is used, by bending entirely around rod frames.

(4) Where openings in pipe railing are to be filled in with expanded metal, wire mesh, or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than 5 inches center to center. The bound panels shall be fastened to the railing by sheet-metal clips spaced not more than 5 inches center to center.

Note: Diamond or square mesh made of crimped wire fastened into channels, angle or round-iron frames, may also be used as a filler in guards.





Acceptable Guard Construction.

VOLUNTARY ANSI STANDARDS

This section of the Appendix lists 22 ANSI standards, relevant to machine guarding, which have not been reviewed or adopted by OSHA. They are listed solely for informational purposes, and no approval by OSHA of these standards is intended by their conclusion in this Appendix.

(1)	ANSI B11. 13-1975	Automatic Screw Bar and Chucking Machines, Safety Requirements for Construction, Care, and Use of Single and Multiple Spindle
(2)	ANSI B153.1-1974	Automotive Lifts, Safety Requirements for Construction, Care, and Use of
(3)	ANSI B11. 7-1974	Cold Headers and Cold Formers, Safety Requirements for Construction, Care, and Use of
(4)	ANSI B20.1-1972	Conveyors and Related Equipment, Safety Standards for
(5)	ANSI B152.11-1973	Die Casting Machines, Safety Requirements for Construction, Care and Use of
(6)	ANSI B11.8-1974	Drilling, Milling, and Boring Machines, Safety Requirements for Construction, Care and Use of
(7)	ANSI B169.1-1975	Envelope Manufacturing Equipment, Safety Requirements for
(8)	ANSI B11.9-1975	Grinding Machines, Safety Requirements for Construction, Care, and Use of
(9)	ANSI B11.5-1975	Iron Workers, Safety Requirements for Construction, Care and Use of
(10)	ANSI B11.6-1975	Lathes, Safety Requirements for Construction Care, and Use of
(11)	ANSI B11.10-1974	Metal Cutting Saws, Safety Requirements for Construction, Care, and Use of
(12)	ANSI Z268.1-1974	Metal Scrap Processing Equipment, Safety Requirements for
(13)	ANSI Z259.1-1974	Paper Bag and Sack Manufacture, Minimum Safety and Health Requirements for

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(14) ANSI B11.3-1973	Power Press Brakes, Safety Requirements for Construction, Care, and Use of
(15) ANSI B155.1-1973	Packaging and Packaging Related Converting Machinery, Safety Requirements for
(16) ANSI Z245.1-1975	Refuse Collection Equipment, Safety Requirements for
(17) ANSI B154.1-1974	Rivet Setting Equipment, Safety Requirements for Construction, Care, and Use of
(18) ANSI Z241.1-1975	Sand Preparation, Molding, and Core Making in the Sand Foundry Industry, Safety Requirements for
(19) ANSI B157.1-1974	Scales, Weighing Machines, and Weighing Systems, Safety Requirements for
(20) ANSI B11.4-1973	Shears, Safety Requirements for Construction, Care and Use of
(21) ANSI Z229.1-1973	Shops Fabricating Structural Steel, Safety Requirements for
(22) ANSI B177.1-1975	Three Roller Printing Ink Mills, Safety Requirements for

APPENDIX B

Regulatory Guide on Specification Provisions

[To contain revised OSHA machine guarding standards, s1910.213 through s1910.219. See the accompanying notice for these standards and for a description of how to provide comment to OSHA on their revision.]

[FR Doc.77-100 Filed 1-6-77;8:45 am]

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[29 CFR Part 1910]

[Docket 0–1]

MACHINERY AND MACHINE GUARDING

Request for Information on Technical Issues

The Occupational Safety and Health Administration (OSHA) is considering revising Subpart O of Title 29, Code of Federal Regulations, Part 1910, which establishes standards relating to machinery and machine guarding. These standards contain general requirements for the guarding of machinery (§ 1910.212), and specific requirements for woodworking machinery (§ 1910.213), cooperage machinery (§ 1910.214), abrasive wheel machinery (§ 1910.215), mills and calendars in the rubber and plastics industries (§ 1910.216), mechanical power presses (§ 1910.217), forging machines (§ 1910.218) and mechanical power-transmission apparatus (§ 1910.219).

This notice is intended to solicit data necessary for the revision of Subpart O, and to provide the public an early opportunity to participate in the review of the existing standards by inviting public comments on the scope and form that possible revisions of Subpart O of Part 1910 should take. In addition to inviting the submission of written comments and data, the notice announces the scheduling of informal information-gathering meetings to permit oral presentation of data and information to OSHA.

This notice is issued in accordance with OSHA's new procedure announced in the FEDERAL REGISTER on April 23, 1976 (41 FR 17100) for the revision of safety standards originally promulgated pursuant to section 6(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655). That notice stated, among other things, that OSHA would announce individually the standards to which the new procedure would apply. OSHA has now decided to apply this new procedure in revising Subpart O of Part 1910.

I. BACKGROUND

The existing Subpart O became effective on August 27, 1971, and February 15, 1972, after promulgation pursuant to section 6(a) of the Act, which allowed OSHA during a two-year period ending on April 28, 1973, to promulgate national consensus standards and federally established standards without public comment or hearing. Subpart O was derived primarily from the then existing national consensus standards published by the American National Standards Institute (ANSI) and in part on established Federal standards issued under the authority of the Walsh-Healey Act (41 U.S.C. 35). Subsequently, OSHA amended particular paragraphs of §§ 1910.211 and 1910.217 (36 FR 157, 8/13/71; 37 FR 23718, 11/8/72; 38 FR 16223, 6/21/73; 39 FR 41841, 12/3/74; 40 FR 3982, 1/27/75.) Experience since promulgation of Subpart O has indicated many difficulties in the application of certain specific requirements of this subpart. Additionally, it has been suggested that particular requirements have no direct effect upon the safety of employees, that many details are such as to directly concern only the manufacturer of machinery, and that there may be areas where current technology has surpassed existing requirements with the result that the present Subpart O may no longer be an effective means of providing the employee safety intended by the Act. Finally, the provisions of many of the ANSI standards on which Subpart O was based have been changed and OSHA has been petitioned to modify its standards accordingly.

On April 23, 1976, when OSHA announced its new procedure for the revision of safety standards, OSHA solicited public participation in the development of new approaches to OSHA's safety standards. In today's issue of the FEDERAL REGISTER (42 FR 1742), one possible approach to revising Subpart O is discussed. If OSHA were to adopt that suggested approach, the standards of Subpart O would need to be revised to conform to that approach. In any event, however, there is a need to consider revision of the standards comprising Subpart O. In this effort to review and revise the various provisions of Subpart O, OSHA invites the full participation of the public.

II. THE ISSUES

(a) *General issues.* As discussed in the Notice of New Procedures for Revision of Safety Standards (41 FR 17100), there are certain issues which have been raised that are common to many of the standards promulgated under section 6(a) of the Act. These issues, as applied to Subpart O, are set forth below:

1. Whether particular provisions of Subpart O should set forth specifications which must be met by employers or should, rather, require a level of performance or the achievement of a goal which would ensure employee safety without requiring specific means of meeting that performance level. For example, the requirement in § 1910.216(c)(1) that "safety tripping devices shall be located within reach of the operator and the bite" has been criticized for not informing employers of the distances at which these safety devices should be installed. On the other hand, sections 1910.213–1910.219 of Subpart O set forth detailed specifications for the design and construction of guards on particular machines without allowing for differences in design or material either on existing machinery or on machines which are built subsequent to promulgation of the standard, and without providing for subsequent advances in new technology. Many of these differences, if allowed, might not materially affect the safety of employees. Should a revised Subpart O explicitly permit equipment which provides safety substantially equivalent to the established standard by requiring the employer to meet a level of performance rather than design specifications?

Related to the question of whether particular provisions of the standards in §§ 1910.213–1910.219 should contain specifications or should be performance oriented, is the broader question of whether all machines should be covered by the same performance requirements, such as the requirement in the existing § 1910.212. This question is discussed at length in a notice of a suggested approach to Subpart O published in today's issue of the FEDERAL REGISTER (42 FR 1742). If any performance approach is adopted—whether it is the suggested approach, an expanded § 1910.212, or any other overall performance requirement—should the standard also include recommended means or alternatives, showing details of design, material and construction, which would constitute one way but not necessarily the only way of meeting the performance requirements of the standard?

2. Whether particular provisions of Subpart O should be revoked because they are of marginal value in terms of employee safety or because they are directed to protection of equipment or property rather than employees. For example, § 1910.219(o)(3)(iii) requires that overhead belt guards "shall be at least one-quarter wider than the belt which they protect." Should this requirement be revoked on that view that it is primarily designed to prevent abrasion of the belt and thus extend its life rather than prevent exposure of employees to the belt which can create a hazard and result in injury. As another example, § 1910.217(f)(4) requires employers to operate mechanical power presses "within the tonnage and attachment weight ratings, specified by the manufacturer." Does this section have any relevance to employee safety: To what extent are there requirements in Subpart O that have little, if any, relevance to employee safety?

3. Whether there are gaps in coverage in Subpart O that give rise to unsafe conditions for employees, and how these gaps should be remedied? There are 22 ANSI standards covering machine groups for which there are no OSHA counterpart specification standards. As just one example, ANSI B.11.6–1975 contains detailed safety requirements for the construction, care and use of lathes, whereas Subpart O specification standards do not cover lathes. Should lathes be subject to specific requirements? If so, how should the point of operation of lathes be guarded? Should any of the other ANSI machine groups be covered by specific requirements or should these machine groups be subject only to the general guarding requirements of § 1910.212? (A list of the ANSI machine standards is available in Appendix A of the notice on the suggested approach to Subpart O in today's issue of the FEDERAL REGISTER at page 1742). Do particular machine groups present greater hazards to employees than other machine groups? What injury data showing frequency, severity and cause of injury are available?

In addition to gaps created by the lack of specification standards for particular machine groups, are there gaps in coverage of the individual specification standards of §§ 1910.213–1910.219 of Subpart O. For example, bung—boring machines are not covered by the cooperage standard in § 1910.214. What other gaps are there which deprive employees of needed protection?

4. Whether particular provisions of the existing standards need simplification or clarification? For example, should the definition of flanges in § 1910.211(b)(9) be clarified by substituting in that definition "straight relieved or straight unrelieved types" for the words "back up type"?

5. How should ANSI standards be utilized in these OSHA regulations? If an ANSI standard is referred to, either in connection with legally binding requirements or with recommended means of compliance, should it be done merely by reference to an ANSI standard or should it be done by reprinting the relevant text of that standard in the OSHA regulation? In considering this question, it should be recognized that the specifications dealing with machinery and machine guarding are voluminous. What, if anything, should be done as the ANSI standards are periodically updated?

(b) *Specific issues.* In addition to the above general issues, OSHA invites comments on specific issues relating to Subpart O. OSHA's paragraph-by-paragraph presentation of comments and requests for revision raises a number of specific issues. Some of these issues apply across the board to all standards in Subpart O, and it is to these that the attention of the interested public is particularly directed. These issues are:

1. *Scope:* (a) Whether there is a need for a scope provision which clearly identifies the machines covered and excluded from Subpart O, so as to avoid possible confusion with machinery that is covered by Subpart F (Powered Platforms, Manlifts and Vehicle-Mounted Work Platforms), Subpart M (Compressed Gas and Compressed Air Equipment), Subpart N (Materials Handling and Storage), Subpart P (Hand and Portable Powered Tools and Other Hand-Held Equipment), Subpart Q (Welding, Cutting and Brazing) and Subpart R (Special Industries)? What type of machinery should be covered by Subpart O? What equipment should be excluded? Should elevators, vehicles and food processing equipment be excluded?

(b) Whether there is a need for a scope section for each of the specification standards (§§ 1910.213–1910.219) of Subpart O in order to clarify the coverage of each of these standards. For example, a scope section for § 1910.213 would indicate whether the requirements of that section applied to woodworking saws cutting materials other than wood.

2. *Guard materials:* Whether Subpart O should universally allow the use of guards made from all materials which are of equivalent strength, impact resistance and rigidity. Should a strength specification be required for construction of guards or would performance criteria be sufficient if such criteria identified the hazard to protect against? Particular provisions of Subpart O specification standards, such as § 1910.219 (h)(1) require metal guards. Other sections, such as §§ 1910.215(b)(10) and 1910.219 (m)(2) specify the allowable types of metal. Should OSHA allow guards constructed of other materials? In which situations would employee safety necessitate limiting the materials from which a guard can be constructed?

3. *Lockouts:* Should lockout be required when machinery is not in normal operating mode, or should alternative methods for employee protection, such as tag-out, be permitted? One of the most common hazards of machinery is unintended operation or movement during set-up, maintenance, repair, inspection, and testing. Many current OSHA or voluntary standards direct their major emphasis at machinery operator safety while performing normal operations. A few standards do make special provision for the safety of other than the operator when machinery is not in normal operating mode. The need to disable machinery using more than the normal stop or shutdown controls has resulted in the development of systems for lockout of machine actuation controls. Some methods of lockout are: the use of locks; plugging of piping or tubing; disconnect of power by removal of electric plug; operating mode, control key-locked selector; electrical fuse removal; or wiring disconnect. The substitution of a tag in lieu of positive lock or seal is used by some industries which can police and enforce the tagging rule. A combination lock and tag is sometimes used to enable ready identification of the person or craft which secured the machine and attached the identifying tag. A review of the newer voluntary standards for machine tools discloses that provisions for facilitating locking out and/or tagging are now incorporated in the requirements for machine actuating controls or main power supply. In the case of controls it is possible to provide restrictions which would not necessarily completely disable a machine. Some examples of more limited forms of machine energy control are die safety blocks, ram blocks, machine mode selector (for jog using flywheel bar or inch using separate control circuits) or actuating button performance characteristics (continuous, single, inch, jog).

What are the characteristics of a machine, for example size, tooling, power train, control system, prime mover (electrical, air, hydraulic), which would require that a means of securing power to prevent motion either by lockout or tagout or some other alternative method be provided? What criteria should be used to determine which types of machines should be capable of lockout and/or tagging for purposes of employee safety? What machines should be exempted from any lockout and/or tagging requirements, i.e., machines provided with cord and plug power connector? What machine characteristics distinguish those which should be provided with a means for accomplishing lockout from those that could be tagged out? Should limitations be placed on the acceptability of certain methods for securing power, such as tagging or operating mode selectors? OSHA solicits detailed information as to lockout, tag-out and any alternative methods for securing power. Experience with particular methods, as well as detailed injury data, is requested.

4. *Equipment design responsibility.* What responsibility, if any, as to the design and construction of new equipment and the modification of existing equipment can reasonably be placed on an employer?

5. *Passerby protection.* Should guarding requirements address hazards to the operator only or should they be designed to also protect employees at adjacent machines or passageways?

6. *Inspection and maintenance.* Is there a need to require machine inspection and maintenance of all machinery or should inspection and maintenance programs be required only for such inherently dangerous machines as mechanical power presses? What are the requirements which should be applied to all machinery? To particular machinery? What should constitute maintenance; oiling a machine, changing the abrasive wheel of a simple pedestal grinder with a sealed-bearing motor?

7. *Training.* Should operator training programs be required? If so, what should be the contents of such programs?

8. *Guarding by location.* Whether guarding by location should be recognized as a safeguarding method meeting the requirements of § 1910.212? If so, under what circumstances should additional guarding be required? Some of the ways in which guarding by location may be accomplished are: installation of machinery at heights above the reach of employees; locating a machine behind a partition or solid barrier which protects the operator and other employees in the area; designing other machine components around the hazardous part of the machine so as to prevent the operator from reaching through, over, under or around the hazardous area; restricting access by placement of pedestrian type barriers, fencing, cables or guardrails; restricting access through use of an electrically interlocked gate which has a control that stops operation of the machine upon opening of the gate and has a reset button, located outside of the barrier, which must be activated before machine operations are resumed; and locating machine controls at an operator's station which is protected from the hazards of the machine either because the operator controls are remotely located in a cab, platform, pulpit or fixed seat, or because the controls are provided with devices such as presence sensing mats or continuous pressure switches. Some of these methods protect only the operator of the machine, and some protect the operator and other employees in the area. Should guarding by location be permitted only when it protects all employees in the area during normal operation of the machine? Should guarding by location not be acceptable during other than normal operation of the machines, such as servicing, maintenance or testing of equipment? Maintenance employees need to enter areas barred to regular em-

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ployees to operate the machine, or a part thereof, in order to service or repair it. Guarding by location may not be an effective safeguard in such situations.

OSHA solicits information on these questions and also on all methods of guarding by location currently in use. Specific information is requested on the circumstances in which each method is used and on specific requirements which should attach to each method.

(c) Additional Issues. Other specific issues, which pertain to patricular sections of the existing Subpart O are also raised in the columnar document. Some of these issues are:

1. § *1910.211 (Definitions)*. Whether there should be one definition of "point of operation" which would be applicable to all machines covered by Subpart O? The existing standard defines "point of operation(s)" for woodworking and cooperage machines (§ 1910.211(a)(1)), for mechanical power presses (§ 1910.211(d)(45)), for mechanical power transmission apparatus (§ 1910.211(f)(8)), and for machinery in general (§ 1910.212(a)(3)). (In this connection, it should be noted that OSHA contemplates, in revising the standard, to include the definitions applicable to particular types of machinery within the same standard as the requirements for that machinery, and to retain in a general definitions section, such as § 1910.211, only definitions applicable to all types of machinery.)

2. § *1910.212 General requirements for all machines.* (a) Whether § 1910.211 should be expanded to afford greater protection to employees? Should this section cover hazards, other than point of operation hazards, such as electrical hazards, hazards of machine installation, and hazardous workpieces? Should employers be required to replace dull or damaged tools or machine parts to protect employees from the hazards created thereby? Should § 1910.212 be expanded to include requirements for machinery other than those requirements for guarding and anchoring? Should OSHA require, for example, that operator actuated controls be located within easy reach of the operator's work station in order to eliminate the need for the operator to reach over or into a hazardous area to start, stop or adjust the machine? Should emergency stop controls be required near the point of operation, and, if so, under what conditions? If control requirements should be included, to what extent do such controls exist on machinery currently in use? If such controls do not currently exist, to what extent would they be feasible for all types and sizes of machines; does the technology exist to design such controls so that they do not interfere with normal operation of the machine or would an across the board requirement mean that particular machines would be outlawed? If employers are required to retrofit, what would be a reasonable period of time to accomplish this retrofitting on particular types of machines? Should special requirements be applicable where existing machinery is modified or is used other than for its intended purpose? What should such requirements include?

(b) Whether there is a need to clarify the machine guarding methods which meet the requirements of § 1910.212? Should particular safeguarding methods be required for particular hazards or for particular machines, or should an employer be allowed the option of selecting any kind of safeguarding method, including safeguarding by location, shield or barrier, which he feels is adequate to protect against the hazard created by his machine in his workplace?

(c) Is additional guidance necessary so that employers are informed on how to meet the level of performance required by § 1910.212? Should a list of industry consensus standards be developed for this purpose?

(d) Whether fan blade exposure requirements more properly should be treated in Subpart P which contains standards for portable power tools and equipment? Should different requirements apply to fans depending on whether they are used for employee comfort cooling or process air movement? Should the size of the guard opening vary depending on the distance of the guard from the blade of the fan?

3. § *1910.213 Woodworking machinery.* (a) What should be the scope of this standard? Should the structural plywood industry be included or excluded from coverage by this section? To what extent is the woodworking machinery currently described in § 1910.213 used in the structural plywood industry? What particular provisions of § 1910.213 present conflicts for sawmill operations covered by § 1910.-265 of Part 1910?

(b) Whether particular terms used in the standard should be defined and, if so, how should they be defined? For example, how should "swing-head lathes" used in both § 1910.213(o) and the ANSI source standard (ANSI) 01.1–1975) be defined? OSHA solicits information, particularly from woodworking machine tool manufacturers and users, as to the machine equipment terms used through § 1910.213. Comment is also requested on whether particular terminology in the standard is outdated or is commonly used only in particular industries. For example, § 1910.213 refers to "drag saws." The ANSI source standard refers to the same equipment as "log cut-off saws." Which is the more universal term? Paragraph (q) of § 1910.213 includes the term "veneer wringers" in its title. The ANSI source standard does not mention "veneer wringers." Should this term be included?

(c) Should the standard allow the use of a fixed or manually adjusted blade guard in place of an automatically adjustable guard on a circular hand fed ripsaw? What clearance dimensions between the fixed or manually adjusted guard and the work piece should be established in order to provide sufficient operator protection?

(d) Should the standard mandate braking on all woodworking machines where a coasting saw blade might expose employees to a hazard, and if so, what design specifications or performance criteria should be required to effectively control the hazard exposure?

(e) Is there a need to require the marking of saw blades to ensure the use of correct operating speed on woodworking machines?

(f) What problems and what hazards occur when using lower blade guards on radial arm saws for universal application? Are there any commercially available lower blade guards which will permit unrestricted operation for bevel and compound cuts, and if not, what methods other than lower blade guards can be used which will afford equivalent operator protection?

4. § *1910.214 Cooperage machinery.* (a) whether there is need for a separate cooperage standard or whether cooperage should be covered, as in ANSI 01.1–1975, by the same standard as woodworking? To what extent are the same or similar machines used in both industries? Are the hazards different if a machine is used for cooperage or for other woodworking products? Data on the number of cooperage facilities and the number of persons employed at such facilities is requested.

(b) Whether requirements for additional cooperage machines, for example, hog mills, should be included in the standard?

5. §*1910.215 Abrasive wheel machinery.* (a) Whether this standard should also cover grinding operations using sandstone, pulpstone and abrasive coated discs of metal, wood, cloth, or paper?

(b) Whether particular design specifications for guards and flanges in paragraphs (b) and (c) of this standard are more restrictive than necessary for employee protection? For example, § 1910.-215(a)(4) requires that work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch. Would larger openings, proportional to the size of the piece being ground, be more hazardous?

(c) Is there a need to include within this standard mandatory work practices, and, if so, what particular practices?

(d) Should specific rules regarding the use of personal protective equipment be included in this standard or would a reference to Subpart I, Part 1910 be sufficient? Since eye injury is said to be the most frequent type of injury associated with abrasive wheel machinery, what particular requirements should be incorporated in this standard to reduce the occurrence of eye injury?

6. § *1910.216 Mills and calendars in the rubber and plastics industries.* (a) Whether the requirements of § 1910.216 should apply to mills and calendars in industries other than the rubber and plastics industry?

(b) Whether installations of mills in the rubber and plastics industry, built prior to August 31, 1971, should be required to meet the 50-inch mill roll height requirements of section 1910.216(a)(4)? Injury data for such mills is solicited. What would be a reasonable length of time to allow for compliance by these older facilities?

7. § *1910.217 Mechanical power presses.* (a) Whether a scope and application statement based on ANSI B11.1–1971 should be added to this standard or a different scope be developed by OSHA? It has been suggested that there is much confusion regarding what machines constitute mechanical power presses covered by § 1910.217. This section does not apply to such presses as ironworkers, shears, press brakes, envelope making machinery, engraving presses, leather cutting presses, brick presses and welding presses. Should the list of the excluded machines be expanded to explicitly exclude these machines and others from application of the standard?

(b) Whether press brakes, operated for production and functioning as mechanical power presses, shoud be subject to the § 1910.217 standards? When a press brake machine is fitted with dies for a production run and fed by an operator, the press brake functions in the same manner as the mechanical power press and the operator is exposed to the same hazards as the operator of the mechanical power press.

(c) Should the construction requirements in § 1910.217(b) be deleted as being relevant only to press builders and rebuilders?

(d) Brake monitors are required to be used with certain forms of safeguarding for hands-in-dies presses. What problems if any have been experienced with the procurement, installation, and performance of brake monitors? Does brake monitoring add significantly to operator safety? Should brake monitors be optional?

(e) What recognition or status should be accorded to the Tentative ANSI B11.1 revision relating to alternative (redundant) safeguarding, such as presence sensing devices in combination with pullouts, when feeding with hands-out-of-dies is not feasible? Should the option of using redundant safeguarding satisfy § 1910.217(c)(5) in lieu of control reliability and brake monitoring? Should handtools for manual feeding continue to be acceptable as a form of hands-out-of-dies when meeting § 1910.217(c)(5) alternative safeguarding?

(f) Full revolution clutch presses account for about three quarters of operator injuries reported to OSHA. Should full revolution clutch presses operated with hands-in-dies feeding be required to have either redundant safeguards or limited choice of actuating means, for example, prohibition of foot treadle operation?

(g) Should the current prohibition of self-tripping using presence sensing devices effective December 31, 1976 continue to remain in effect?

(h) Should the ban on sweeps effective December 31, 1976 continue to remain in effect?

(i) Should foot pedal actuation be limited to fully guarded presses?

(j) Should a different safety distance formula based on the time for the closing portion of the press stroke be prescribed for part revolution clutch presses actuated by 2-hand trips?

(k) Can brake monitors checking on each application of the brake be as effective as those monitoring brake performance on every stroke?

8. *Section 1910.218 Forging machines.* (a) Which particular machines are considered forging machines that should be covered within § 1910.218?

(b) What hazards associated with saws, billet shears, conveyors, shot blast and other machines are unique only to forging operations?

(c) What hazards are associated with the use of lead in forge shops or die shops as opposed to the use of lead in any other type of operation?

(d) Should lockout be required for all forging machines? Lockout is currently required to forging presses (§ 1910.218(f)), for trimming presses (§ 1910.218(g)), for upsetters, (§ 1910.218(h)), for boltheading and rivet making (§ 1910.-218(i)), and for billet shears (§ 1910.218(j)). What alternatives, if any, to lockout, would provide equivalent safety to employees?

(e) Data on machine injuries in the forging industry are solicited.

9. *Section 1910.219 Mechanical power-transmission apparatus.* (a) What particular machine elements or combinations thereof constitute power-transmission apparatus which should be covered by the requirements of § 1910.219 rather than the general machine guarding requirements of § 1910.212? Power-transmission apparatus can be an integral part of the machine. Belts and sheaves, chains and sprockets, and coupling and shafts are the most common types of power transmission apparatus. Other elements, such as cams, clutches, collars, and lead screws may be considered parts of the driven machine or a part of the power-transmission apparatus. How should the distinction as to applicability of the power transmission standard be made? Should machine elements be covered by the same requirements regardless of whether they are considered part of the power transmission apparatus or the driven machine?

(b) What present day design techniques and safeguarding methods should be incorporated into § 1910.219? The current standard is essentially the same as a 1924 standard published by the Bureau of Labor Standards. Most of the standard refers to the state-of-the-art of that era. What hazards are associated with newer power transmission apparatus? Injury data associated with equipment of particular design is solicited.

III. The Procedure

(a) *Written comments.* In order to facilitate the desired public comment on all relevant issues, this notice includes a three column presentation. One column contains the text of the existing standards; the second column sets forth the related ANSI provision where ANSI has modified the standard on which OSHA's existing standard was based; and the third column presents comments on the existing standard, requests for revision which OSHA has received and questions raised concerning the existing standard. The comments and recommendations contained in this document do not represent an OSHA position. It is hoped, however, that by setting them forth, OSHA will focus attention on some of the issues and questions relating to Subpart O and will encourage the submission of additional comments, alternatives, data (including injury data) and information from interested persons. Accordingly, interested persons are invited to submit written comments on the issues raised in this notice or on any other aspect of the standards comprising Subpart O. Written comments should be submitted on or before April 7, 1977, and should be sent to Docket O, Technical Data Center, Room N3620, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Written submissions should clearly identify the portions of the standard addressed and the position taken. The data, views and information submitted will be available for public inspection and copying at the Technical Data Center, at the above address. Everyone interested in commenting—employers, employees, experts and others—are urged to submit in writing their comments, any applicable statistics or other data, and any other information.

(b) *Public meetings.* In addition to this request for written submissions, OSHA is scheduling public meetings at several locations. The purpose of these meetings is to afford the public the widest possible opportunity to submit their data and views on issues raised by this notice and on any other matters relevant to Subpart O. The dates and locations for these meetings and other important information for those desiring to attend, are stated in OSHA's notice on a new approach to Subpart O published in today's issue of the Federal Register at page 1742.

(c) *Further proceedings.* Following completion of the meetings and expiration of the comment period, OSHA will review all the information, arguments, views and data collected, as well as any other relevant data. If appropriate, OSHA will develop a proposal to amend the existing standards of Subpart O and will initiate rulemaking proceedings under section 6(b) of the Act. In the event that a proposal is issued, all the information gathered will become part of the public record in that proceeding.

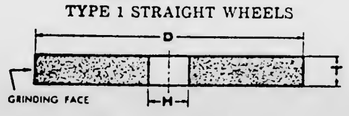
It should be noted, of course, that the existing standards continue in full force and effect, and will be enforced during this review process.

(Secs. 6 (84 Stat. 1593; 29 U.S.C. 655); Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 27th day of December 1976.

Morton Corn,
Assistant Secretary of Labor.

Present Standard	Latest ANSI Standard	Comments
1910.211 DEFINITIONS	01.1-1975	For simplicity each current section of §1910.211 would be relocated to that section of Subpart O to which it applies. Comments are requested. As is demonstrated by §1910.211(a)(1), §1910.211(d)(45) and §1910.211(f)(8) there are many definitions for "point of operation." Comments and suggested definitions of "point of operation" are requested. Would one definition be sufficient? Comments and suggestions are solicited on whether additional terms need to be added to the definitions, such as combs (featherboards).
(a) As used in §§1910.213 and 1910.214 unless the context clerly requires otherwise, the following woodworking machinery terms shall have the meaning prescribed in this paragraph. (1) "Point of operations" means that point at which cutting, shaping, boring, or forming is accomplished upon the stock.	Point of operation. The term "point of operation" shall be understood to mean that point at which cutting, shaping, boring, or forming is accomplished upon the stock.	
(2) "Push stick" means a narrow strip of wood or other soft material with a notch cut into one end and which is used to push short pieces of material through saws.	Push stick. The term "push stick" means a narrow strip wood or other soft material with a notch cut into one end and which is used to push short pieces of material through saws.	

Present Standard	Latest ANSI Standard	Comments
1910.211 (3) "Block" means a short block of wood, provided with a handle similar to that of a plane and a shoulder at the rear end, which is used for pushing short stock over revolving cutters.	01.1-1975 Push block. The term "push block" shall mean a short block of wood, provided with a handle similar to that of a plane and a shoulder at the rear end, which is used for pushing short stock over revolving cutters. (See A3 of the Appendix.)	
(b) As used in §1910.215 unless the context clearly requires otherwise, the following abrasive wheel machinery terms shall have the meanings prescribed in this paragraph. (1) "Type 1 straight wheels" means wheels having diameter, thickness, and hole size dimensions, and they should be used only on the periphery. Type 1 wheels shall be mounted between flanges. LIMITATION: Hole dimension (H) should not be greater than two-thirds of wheel diameter dimension (D) for precision, cylindrical, centerless, or surface grinding applications. Maximum hole size for all other applications should not exceed one-half wheel diameter. **Figure No. 0-1** TYPE 1 STRAIGHT WHEELS  *Type 1 — Straight Wheel. Peripheral grinding wheel having a diameter, thickness and hole.*		(b) Comments and suggestions are requested as to the adequacy of the terms. (1) Tentative ANSI draft B7.1-1976 prepared by the Technical Committee for B7 (Tentative ANSI B7.1) proposes that this definition be changed to read: Type 1 straight wheels have diameter, thickness and hole size dimensions and should be used on the periphery. This does not preclude their use for applications such as shoulder and form grinding where it is recognized a limited amount of side grinding is performed. Extreme caution should be exercised not to use excessive side pressure. Type 1 wheels shall be mounted between flanges. Comments and suggestions are requested on whether these wheels could be used for side grinding.

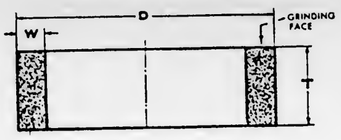
Present Standard	Latest ANSI Standard	Comments
1910.211	01.1-1975	

(2) "Type 2 cylinder wheels" means wheels having diameter, wheel thickness, and rim thickness dimensions. Grinding is performed on the rim face only, dimension W. Cylinder wheels may be plain, plate mounted, inserted nut, or of the projecting stud type.

LIMITATION: Rim height, T dimension, is generally equal to or greater than rim thickness, W dimension.

Figure No. 0-2

TYPE 2 CYLINDER WHEELS



Type 2 — Cylinder Wheel
Side grinding wheel having a diameter, thickness and wall—wheel is mounted on the diameter.

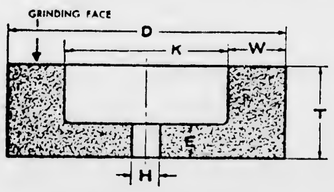
(3) "Type 6 straight cup wheels" means wheels having diameter, thickness, hole size, rim thickness, and back thickness dimensions. Grinding is always performed on rim face, W dimension.

Present Standard	Latest ANSI Standard	Comments
1910.211	01.1-1975	

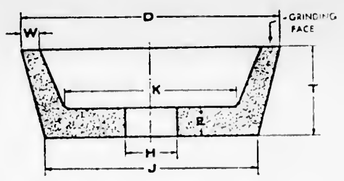
LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition, when unthreaded hole wheels are specified, the inside flat, K dimension, must be large enough to accommodate a suitable flange.

Figure No. 0-3

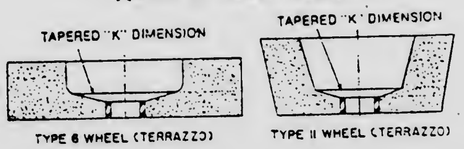
TYPE 6 STRAIGHT CUP WHEELS



Type 6 — Straight-cup Wheel
Side grinding wheel having a diameter, thickness and hole with one side straight or flat and the opposite side recessed. This type, however, differs from Type 5 in that the grinding is performed on the wall of the abrasive created by the difference between the diameter of the recess and the outside diameter of the wheel. Therefore, the wall dimension "W" takes precedence over the diameter of the recess as an essential intermediate dimension to describe this shape type.

Present Standard	Latest ANSI Standard	Comments
1910.211 (4) "Type 11 flaring cup wheels" mean wheels having double diameter dimensions D and J, and in addition have thickness, hole size, rim and back thickness dimensions. Grinding is always performed on rim face, W dimension. Type 11 wheels are subject to all limitations of use and mounting listed for type 6 straight cup wheels definition. LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition, when unthreaded hole wheels are specified the inside flat, K dimension, shall be large enough to accommodate a suitable flange. **Figure No. 0-4** **TYPE 11 FLARING CUP WHEELS**  *Type 11 — Flaring-cup Wheel* *Side grinding wheel having a wall flared or tapered outward from the back. Wall thickness at the back is normally greater than at the grinding face (W).*	01.1-1975	

Present Standard	Latest ANSI Standard	Comments
1910.211 (5) "Modified types 6 and 11 wheels (terrazzo)" mean some type 6 and 11 cup wheels used in the terrazzo trade having tapered K dimensions to match a special tapered flange furnished by the machine builder. LIMITATION: These wheels shall be mounted only with a special tapered flange.	01.1-1975	

Present Standard	Latest ANSI Standard	Comments
1910.211		
Figure No. O-5 Type 6& 11 Wheels (Terrazzo)  Typical examples of modified types 6 and 11 wheels (terrazzo) showing tapered K dimensions.		

Present Standard	Latest ANSI Standard	Comments
1910.211	O1.1-1975	
(6) Types 27 and 28 depressed center wheels" mean wheels having diameter, thickness, and hole size dimensions. Both types are reinforced organic bonded wheels having offset hubs which permit side and peripheral grinding operations without interference with the mounting. Type 27 wheels are manufactured with flat grinding rims permitting notching and cutting operations. Type 28 wheels have saucer shaped grinding rims.		(6) Tentative ANSI B7.1 proposes that this definition be changed to read: Type 27 and 28, depressed center wheels, have diameter, thickness and hole size dimensions. Both types are reinforced, organic bonded wheels having depressed center which permit grinding without interference with the mounting. Type 27 wheels are manufactured with flat grinding rims or faces and are designed for peripheral grinding, including small cutting-off and shallow notching operations. When grinding masonry and concrete surfaces such as ceilings and walls, they may be used flat. Such wheels have deeper than normal depressed centers for flat blending. Type 28 wheels have saucer-shaper grinding rims and are designed for corner grinding and side grinding, and shall not be used for cutting-off or notching operations. Comments are requested.

Present Standard	Latest ANSI Standard	Comments
1910.211 (i) Limitations: Special supporting, back adapter and inside flange nuts are required for the proper mounting of these types of wheels subject to limitations of §1910.215(c)(4)(i) and (ii). (ii) Mounts which are affixed to the wheel by the manufacturer may not require an inside nut and shall not be reused. (7) "Type 27A depressed center, cutting-off wheels" means wheel having diameter, thickness, and hole size dimensions. They are reinforced, organic bonded, offset hub type wheels, usually 16 inches diameter and larger, specially designed for use on cutting-off machines where mounting nut or outer flange interference cannot be tolerated. LIMITATIONS: See §1910.215(c)(1). (8) "Surface feet per minute" (s.f.p.m.) means the distance in feet any one abrasive grain on the peripheral surface of a grinding wheel travels in 1 minute. Surface Feet Per Minute= $\frac{3.1416 \times \text{diameter in inches} \times \text{r.p.m.}}{12}$ or .262 X diameter in inches X r.p.m.		

Present Standard	Latest ANSI Standard	Comments
1910.211 Examples: (a) 24-inch diameter wheel, 1,000 revolutions per minute. Surface feet per minute .262 X 1,000 = 6,288 s.f.p.m. (b) 12-inch diameter wheel, 1,000 revolutions per minute. Surface feet per minute .262 X 12 X 1,000 = 3,144 s.f.p.m. (9) "Flanges" means collars, discs or plates between which wheels are mounted and are referred to as adaptor, sleeve, or back up type. See paragraph (c) of §1910.215 for full description. (10) "Snagging" means grinding which removes relatively large amounts of material without regard to close tolerance or surface finish requirements. (11) "Off-hand grinding" means the grinding of any material or part which is held in the operator's hand. (12) "Safety guard" means an enclosure designed to restrain the pieces of the grinding wheel and furnish all possible protection in the event that the wheel is broken in operation. See paragraph (b) of §1910.215.		(b)(9) Tentative ANSI B7.1 proposes that "or back up type" be changed to "straight relieved or straight unrelieved types" for clarity.

Present Standard	Latest ANSI Standard	Comments
1910.211 (13) "Cutting off wheels" mean wheels having diameter thickness and hole size dimensions and are subject to all limitations of mounting and use listed for type 1 wheels, the definition in sub-paragraph (1) of this paragraph and paragraph (d) of §1910.215. They may be steel centered, diamond abrasive or organic bonded abrasive of the plain or reinforced type. (i) LIMITATION: Cutting off wheels are recommended only for use on specially designed and fully guarded machines and are subject to the following maximum thickness and hole size limitations. (11) Maximum hole size for cutting-off wheels should not be larger than 1/4-wheel diameter.		

Present Standard	Latest ANSI Standard	Comments
1910.211 (14) "Abrasive wheel" means a cutting tool consisting of abrasive grains held together by organic or inorganic bonds. Diamond and reinforced wheels are included. (15) "Organic wheels" means wheels which are bonded by means of an organic material such as resin, rubber, shellac, or other similar bonding agent. (16) "Inorganic wheels" means wheels which are bonded by means of inorganic material such as clay, glass, procelain, sodium silicate, magnesium oxychloride, or metal. Wheels bonded with clay, glass, porcelain or related ceramic materials are characterized as "vitrified bonded wheels." (c) As used in §1910.216, unless the context clearly requires otherwise, the following mills and calendars in the rubber and plastic industries terms shall have the meanings prescribed in this paragraph. (1) "Bite" means the nip point between any two inrunning rolls. (2) "Calender" means a machine equipped with two or more metal rolls revolving in opposite directions and used for continuously sheeting		(c) The existing definitions related to §1910.216 have not generated significant comment.

Present Standard	Latest ANSI Standard	Comments
1910.211 or plying up rubber and plastics compounds and for frictioning or coating materials with rubber and plastics compounds. (3) "Mill" means a machine consisting of two adjacent metal rolls, set horizontally, which revolve in opposite direction (i.e., toward each other as viewed from above) used for the mechanical working of rubber and plastics compounds.		

Present Standard	Latest ANSI Standard	Comments
1910.211 (d) As used in §1910.217, unless the context clearly requires otherwise, the following power press terms shall have the meaning prescribed in this paragraph.		The ANSI B11.1 standard committee draft dated January 21, 1974, revised definitions to make them clearer and more easily understood. All definitions changed by the Committee are indicated by underlined numerals in column 1. Comments are solicited on the need to change certain definitions to make them easier for persons to understand and to correct any other inadequacies or errors. Are additional definitions needed such as definitions of: operator, type A gate or mechanical power press? 2.30 Operator (Tentative B11.1 revision) The word operator means any individual performing production work on the mechanical power press machine. 2.8.2.1 Type A Gate or Movable Barrier Device (Tentative B11.1 revision) The words Type A gate or movable barrier device mean a movable barrier arranged to enclose the point of operation before the press stroke can be started, and which, once closed, is arranged to remain closed while the clutch is engaged or slide motion exists.

Present Standard	Latest ANSI Standard	Comments
1910.211 (1) "Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit. (2) "Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either directly or through a gear train, when the clutch is disengaged. (3) "Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe. (4) "Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train. (5) "Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.		Comments and suggestions are solicited on the need to change the definitions for full revolution clutch and part revolution clutch to aid users in following the specific requirements which may differ depending on the type of clutch.

Present Standard	Latest ANSI Standard	Comments
1910.211 (6) "Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke. (7) "Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press. (8) "Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.		2.4.1 Full Revolution Clutch (Tentative B11.1 revision) The words full revolution clutch mean a type of clutch that, when tripped, cannot be disengaged until the drive mechanism (usually a crankshaft) has completed a full revolution and the slide a full stroke. 2.4.2 Part Revolution Clutch (Tentative B11.1 revision) The words part revolution clutch mean a type of clutch that can be disengaged at any point before the drive mechanism (usually a crankshaft) has completed a full revolution and the slide a full stroke. (8) Comments and suggestions are invited on the need to improve the definition of "concurrent" to prevent confusion with "simultaneous" which is not defined. Two hand trips and controls are required to be operated concurrently not simultaneously.

Present Standard	Latest ANSI Standard	Comments
1910.211		
(9) "Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.		E2.5 Concurrent (Tentative B11.1 revision explanation) Specifically, as applied to the operation of run buttons or inch controls, the use of the word concurrent means that the clutch will be activated after each hand of the operator is holding a control in the operated position. The use of the word concurrent is intended to exclude any inference that a simultaneous moment of actuation must exist between the operations of the individual two hand controls.
(10) "Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.		
(11) "Device" means a press control or attachment that: (i) Restrains the operator from inadvertently reaching into the point of operation, or (ii) Prevents normal press operation if the operator's hands are inadvertently within the point of operation, or		

Present Standard	Latest ANSI Standard	Comments
1910.211		
(iii) Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close.		
(12) "Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area and to deactivate the clutch control of the press when an operator's hand or any other parts of his body is within such field or area.		
(13) "Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.		(13) Gate or movable barrier devices are now classified as Type A and Type B. Should the different classifications be the subject of new definitions in addition to the description given in paragraph (c)?
(14) "Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.		
(15) "Pull-out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.		(15) The current definition of pull-out has resulted in the granting of two variances for pull-outs not connected to the upper die or slide. Comments are solicited on the need to change the definition to allow pull-outs connected to other parts of the press or operated by a separately powered linkage. Should a new term be used to identify safeguards used to remove operators hands when they are powered by other than the slide or the die?

Present Standard	Latest ANSI Standard	Comments
1910.211 (16) "Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation. (17) "Two hand control device" means a two hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die-closing portion of the stroke of the press. (18) "Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set. (19) "Die builder" means any person who builds dies for power presses. (20) "Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.		2.9 Die The word die means the complete (or a portion of) tooling component used for cutting, forming or assembling material within its point of operation. This tooling component is used with the press and other components to comprise a complete machine.

Present Standard	Latest ANSI Standard	Comments
1910.211 (21) "Die setter" means an individual who places or removes dies in or from mechanical power presses, and who, as a part of his duties, makes the necessary adjustments to cause the tooling to function properly and safely. (22) "Die setting" means the process of placing or removing dies in or from mechanical power press, and the process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely. (23) "Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide. (24) "Ejector" means a mechanism for removing work or material from between the dies. (25) "Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached. (26) "Feeding" means the process of placing or removing material within or from the point of operation.		

Present Standard	Latest ANSI Standard	Comments
1910.211 (27) "Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press. (28) "Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from point of operation by an auxiliary means controlled by operator on each stroke of the press. (29) "Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press. (30) "Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system. (31) "Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch. (32) "Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.		

Present Standard	Latest ANSI Standard	Comments
1910.211 (33) "Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position. (34) "Fixed barrier guard" means a die space barrier attached to the press frame. (35) "Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation. (36) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup. (37) "Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies. (38) "Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.		2.21.2 Fixed Barrier Guard (Tentative B11.1 revision) The words fixed barrier guard mean a die space barrier attached to the press component frame or bolster plate.

Present Standard	Latest ANSI Standard	Comments
1910.211 (39) "Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "Inch" operating means. Operation of the "Inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "Inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator. (40) "Jog" means an intermittent motion imparted to the slide by momentary operation of the device motor, after the clutch is engaged with the flywheel at rest. (41) "Knockout" means a mechanism for releasing material from either die. (42) "Liftout" means the mechanism also known as knockout. (43) "Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.		(39) The definition of "inch" describes its use in die setting and infers prohibition of use by operators starting a new coil on automatic feed operations. Comment is sought on the need to change the definition to recognize use for starting a coil or other than die setter use. (43) Comments are invited on the possible need to define the term "operator" for purposes of §1910.217. 2.30 Operator The word operator means any individual performing production work on the mechanical power press machine.

Present Standard	Latest ANSI Standard	Comments
1910.211 (44) "Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press of auxiliary equipment. (45) "Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling. (46) "Press" means a mechanically powered machine that shears, punches, forms, or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides)		(45) Comments are solicited on the need to change the definition of point of operation to clarify the meaning which is critical when measuring safety distance. The point of operation is relative to the tooling (die) rather than the press bolster or slide. 2.35 Point of Operation (Tentative B11.1 revision) The words point of operation means the area of the die (tooling component) where material is actually positioned and work is being performed during any process such as cutting, forming or assembling. (46) Comments and suggestions are invited on the need to further define press to mean mechanical power press and not press brakes, shears, ironworkers, etc. 2.36 Press or Mechanical Power Press (Tentative B11.1 revision)

Present Standard	Latest ANSI Standard	Comments
1910.211 having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.		2.36.1 Press Component, or Mechanical Power Press Component The words mechanical power press component mean the basic press (component) of the mechanical power press machine; that portion devoid of the tooling component, the safeguarding component(s) and auxiliary feeding components. 2.36.2 Press Machine or Mechanical Power Press Machine The words mechanical power press machine mean the combination of the press component, tooling component, safeguarding component(s) and feeding components; thus a complete machine existing in a state capable of processing the specific job requirement for which it is outfitted by the user.
(47) "Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction. (48) "Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own deadweight. (49) "Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing (or down), and then a return to the full open position.		

Present Standard	Latest ANSI Standard	Comments
1910.211 (50) "Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch. (51) "Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen. (52) "Stop control" means an operator control designed to immediately de-activate the clutch control and activate the brake to stop slide motion. (53) "Stripper" means a mechanism or die part for removing the parts or material from the punch. (54) "Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "Off" (Clutch Control), "Inch," "Single Stroke," and "Continuous" (when Continuous is furnished). (55) "Trip or (tripping)" means activation of the clutch to "run" the press.		2.46 Single Stroke Mechanism (Tentative B11.1 revision) The words single stroke mechanism mean a mechanical arrangement within the clutch assembly designed to provide single stroke capability.

Present Standard	Latest ANSI Standard	Comments
1910.211 (56) "Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press. (57) "Two-hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press. (58) "Unitized tooling" means a type of die in which the upper and lower members are incorporated into a selfcontained unit so arranged as to hold the die members in alignment. (59) "Control system" means sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements to the press operating mechanism. (60) "Brake monitor" means a sensor designed, constructed, and arranged to monitor the effectiveness of the press braking system.		

Present Standard	Latest ANSI Standard	Comments
1910.211 (e) As used in §1910.218, unless, the context clearly requires otherwise, the following forging and hot metal terms shall have the meaning prescribed in this paragraph. (1) "Forging" means the product of work on metal formed to a desired shape by impact or pressure in hammers, forging machines (upsetters), presses, rolls, and related forming equipment. Forging hammers, counter-blow equipment and high-energy-rate forging machines impart impact to the workpiece, while most other types of forging equipment impart squeeze pressure in shaping the stock. Some metals can be forged at room temperature, but the majority of metals are made more plastic for forging by heating. (2) "Open frame hammers (or blacksmith hammers)" means hammers used primarily for the shaping of forgings by means of impact with flat dies. Open frame hammers generally are so constructed that the anvil assembly is separate from the operating mechanism and machine supports; it rests on its own independent foundation. Certain exceptions are forging hammers made	B24.1-1971 (R-1975) 2.3.1 Open Frame Hammers (or Blacksmith Hammers) Open frame hammers are used primarily for the shaping for forgings by means of impact with flat dies. Open frame hammers generally are so constructed that the anvil assembly is separate from the operating mechanism and and machine supports; it rests on its own independent foundation. Certain exceptions	(e) Comments and suggestions are requested as to whether additional terms should be included in the definitions.

Present Standard	Latest ANSI Standard	Comments
1910.211	B24.1-1971 (R-1975)	
with frame mounted on the anvil; e.g., the smaller, single-frame hammers are usually made with the anvil and frame in one piece.	are forging hammers made with frame mounted on the anvil; for example, the smaller, single-frame hammers are usually made with the anvil and frame in one piece.	
(3) "Steam hammers" means a type of drop hammer where the ram is raised for each stroke by a double-action steam cylinder and the energy delivered to the workpiece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam pressure. Energy delivered during each stroke may be varied.	2.3.2 Steam hammers A type of drop hammer where the ram is raised for each stroke by a double-action steam cylinder and the energy delivered to the workpiece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam pressure. Energy delivered during each stroke may be varied.	
(4) "Gravity hammers" means a class of forging hammer wherein energy for forging is obtained by the mass and velocity of a freely falling ram and the attached upper die. Examples: board hammers and air-lift hammers.	2.4 Gravity hammers A class of forging hammer wherein energy for forging is obtained by the mass and velocity of a freely falling ram and the attached upper die. Examples: board hammers and air-lift hammers.	
(5) "Forging presses" mean a class of forging equipment wherein the shaping of metal between dies is performed by mechanical or hydraulic pressure, and usually is accomplished with a single workstroke of the press for each die station.	2.5 Forging Presses A class of forging equipment wherein the shaping of metal between dies is performed by mechanical or hydraulic pressure, and usually is accomplished with a single workstroke of the press for each die station.	
(6) "Trimming Presses" mean a class of auxiliary forging equipment which removes flash or excess metal from a forging. This trimming operation can	2.6 Trimming Presses A class of auxiliary forging equipment which removes flash or excess metal from a forging.	

Present Standard	Latest ANSI Standard	Comments
1910.211	B24.1-1971 (R-1975)	
also be done cold, as can coining, a product sizing operation.	This trimming operation can also be done cold, as can coining, a product sizing operation.	
(7) "High-energy-rate" forging machines" mean a class of forging equipment wherein high ram velocities resulting from the sudden release of a compressed gas against a free piston impart impact to the workpiece.	2.8 High-Energy-Rate Forging Machines A class of forging equipment wherein high ram velocities resulting from the sudden release of a compressed gas against a free piston impart impact to the workpiece.	
(8) "Forging rolls" mean a class of auxiliary forging equipment wherein stock is shaped between power driven rolls bearing contoured dies. Usually used for preforming, roll forging is often employed to reduce thickness and increase length of stock.	2.9.1 Forging Rolls A class of auxiliary forging equipment wherein stock is shaped between power driven rolls bearing contoured dies. Usually used for preforming, roll forging is often employed to reduce thickness and increase length of stock.	
(9) "Ring rolls" means a class for forging equipment used for shaping weldless rings from pierced discs or thick-walled, ring-shaped blanks between rolls which control wall thickness, ring diameter, height and contour.	2.9.2 Ring Rolls A class for forging equipment used for shaping weldless rings from pierced discs or thick-walled, ring-shaped blanks between rolls which control wall thickness, ring diameter, height, and contour.	
(10) "Bolt-headers" mean the same as an upsetter or forging machine except that the diameter of stock fed into the machine is much smaller, i.e., commonly three-fourths inch or less.	2.9.3 Bolt-Headers Same as an upsetter or forging machines except that the diameter of stock fed into the machine is much smaller, that is, commonly 3/4 inch or less.	

Present Standard	Latest ANSI Standard	Comments
1910.211 (11) Rivet making machines mean the same as upsetters and boltheaders when producing rivets with stock diameter of 1-inch or more. Rivet making with less than 1-inch diameter is usually a cold forging operation, and therefore not included in this subpart. (12) Upsetters (or forging machines, or headers) type of forging equipment, related to the mechanical press, in which the main forming energy is applied horizontally to the workpieces which is gripped and held by prior action of the dies.	B24.1-1971 (R-1975) 2.9.4 Rivet-Making Machines Same as upsetters and bolt-headers when producing rivets with stock diameter of 1 inch or more. Rivet making with less than 1-inch diameter is usually a cold forging operation, and therefore not included in this standard. 2.7 Upsetters (or Forging Machines, or Headers) A type of forging equipment, related to the mechanical press, in which the main forming energy is applied horizontally to the workpiece which is gripped and held by prior action of the dies.	

Present Standard	Latest ANSI Standard	Comments
1910.211 (f) As used in §1910.219, unless, the context clearly requires otherwise, the following mechanical power-transmission guarding terms shall have the meaning prescribed in this paragraph. (1) "Belts" include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified. (2) "Belt shifter" means a device for mechanically shifting belts from tight to loose pulleys or vice versa, or for shifting belts on cones of speed pulleys. (3) "Belt pole" (sometimes called a "belt shipper" or "shipper pole") means a device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys. (4) "Exposed to contact" means that the location of an object is such that a person is likely to come into contact with it and be injured. (5) "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.	B15.1-1972 6. Definitions Belts. The term "belts" is to include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified. Exposed to Contact. The term "exposed to contact" shall be interpreted as meaning that a person is likely to come into contact with it and be injured. Flywheels. The term "flywheel" is to include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crank shaft of engine or other shafting.	(f) Comments and suggestions are requested as to whether additional terms need to be included in the definitions such as gears. (f)(2),(3) ANSI discontinues the use of these terms because line shafting was not a part of the 1972 edition. Are these terms applicable to present day usage?

Present Standard	Latest ANSI Standard	Comments
1910.211	B15.1-1972	
(6) "Maintenance runway" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.	Maintenance Runway. "Runway" shall mean any permanent runway or platform used for oiling, maintenance, adjustment, or repair work, but not for passageway.	(f)(6) These runways obviously are used as a passageway. Should it be clarified to mean normal passage as contrasted to passage for the uses listed?
(7) "Nip-point belt and pulley guard" means a device which encloses the pulley and is provided with rounded or rolled edge slots through which the belt passes.		(f)(7) If belts are guarded with the pulley, is this terminology appropriate to §1910.219?
(8) "Point of operation" means that point at which cutting, shaping, or forming is accomplished upon the stock and shall include such other points as may offer a hazard to the operator in inserting or manipulating the stock in the operation of the machine.	Point of Operation. The term "point of operation" shall be understood to mean that point at which cutting, moving, forming, or other functional change is accomplished upon the processed material.	(f)(8) Many different opinions exist as to proper definition of a point of operation. What is the common and accepted definition?
(9) "Prime movers" include steam, gas, oil and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.	Prime Mover. The term "prime movers" as used in this standard is to include equipment used as the primary source of power, such as engines, motors and turbines.	
(10) "Sheaves" mean grooved pulleys, and shall be so classified unless used as flywheels.	Sheaves. "Sheaves" shall be considered as grooved pulleys, and shall be so classified unless used as flywheels.	
	Gears. A set or train of gears comprises two or more intermeshing gears.	Comments are solicited as to whether the remaining ANSI definitions beginning with "Gears" are accurate and should they become a a part of §1910.219?
	Guarded. "Guarded" means shielded, fenced, enclosed or otherwise protected by means of enclosures, covers, shield guards, trough guards, railing guards, or by nature of location or position so as to remove foreseeable risk of personal injury from accidental contact or approach or failure of component.	

Present Standard	Latest ANSI Standard	Comments
1910.211	B15.1-1972	
	Securely Fastened. The term "securely fastened" shall mean that the safety device or object referred to shall be so secured in place that it cannot be moved under normal or reasonably foreseeable conditions or circumstances.	
	Shall. The word "shall" is to be understood as mandatory.	
	Shear Point. The immediate area where two or more machine elements pass in close contact, creating a shearing action, is defined as "shear point." The elements may be in any form of motion, or one may be at rest. (See Appendix Paragraphs A2.2.2 and A2.2.3.)	
	Should, The word "should" is to be understood as advisory.	
	Sprockets. A set of sprockets comprises two or more sprockets carrying one or more chains.	

Present Standard	Latest ANSI Standard	Comments
1910.212 GENERAL REQUIREMENTS FOR ALL MACHINES	ANSI has no equivalent standard, performance language oriented or otherwise, intended to cover and apply to all machinery. Therefore, none of the paragraphs presented in this document show comparison data.	
Scope - No equivalent		Scope - It has been suggested that §1910.212 be modified to include a scope. Would expanding the section to incorporate a scope help to clarify the intent? Should the scope identify machine hazards? What other areas should the scope cover? Should we exclude coverage for portable powered tools? It has been suggested that a paragraph headed "General Requirements for All Machines" be included. Additional criteria would be established for the following: 1. Design and construction of new equipment 2. Modification of existing equipment 3. Operator machine controls 4. Machine maintenance and inspection 5. Operator training.
Definitions - See §1910.211		Definitions - The current regulation does not identify the definitions in §1910.211 which address §1910.212. Those definitions appropriate for §1910.212 would be included.
(a) Machine guarding. (1) Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards		(a)(1) Comments are solicited on the desirability of clarifying the fact that guards and devices are separate categories of safeguarding.

Present Standard	Latest ANSI Standard	Comments
1910.212 such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are--barrier guards, two-hand tripping devices, electronic safety devices, etc.		Should this section also identify those hazards relating to inherently hazardous materials? Ex: Sharp or pointed machine parts or work pieces, extremely hot or cold machine parts or work pieces. Should the hazards of a machine at rest be addressed by lockout and tagging rules? Should the examples of machine guarding be clarified, expanded and defined in accordance with current technology? Should performance criteria be established for each safeguarding method? Comments and information are solicited for, but not limited to defining the terms and the relation of hazards to the use of safeguarding methods such as: 1. Shields 2. Interlocks 3. Guarding by location--machines and operators 4. Automatic devices (pull or push out) 5. Automatic or semi-automatic feed, stripping, or removal 6. Lockout 7. Barrier guards 8. Two-hand trip devices Do we need to differentiate between two-hand trip controls and two-hand controls? Should secondary safeguarding methods be identified as such and defined? Comments and information are solicited for the use of secondary safeguarding methods such as:

Present Standard	Latest ANSI Standard	Comments
1910.212		
		1. Awareness barrier or device 2. Special hand feed tools or devices 3. The use of safety blocks 4. Tag-out of equipment.
(2) General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reasons attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.		(a)(2) Comments are solicited on the suggestion that OSHA incorporate the point of operation guard performance language as specified in §1910.217 paragraphs (c)(1)(i) and (ii) and (c)(2)(i)(a)-(f) and as specified for point of operation devices in paragraph (c)(3)(i)(a)-(g).
(3) Point of operation guarding. (i) Point of operation is the area on a machine where work is actually performed upon the material being processed. (ii) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefore, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.		(a)(3)(ii) ANSI has petitioned OSHA to reference their machinery standards as guidelines to §1910.212 because §1910.212 does not specify how machines should be guarded. Should a list of industry consensus standards applicable to specific machines be developed and provided as a technical guide utilizing the work of ANSI or other organizations? Should Table O-10 in §1910.217, which sets forth the maximum permissible guard or barrier openings for mechanical power presses be applied to all machines? Should any exceptions be made?

Present Standard	Latest ANSI Standard	Comments
1910.212		
(iii) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.		(a)(3)(iii) Comments and suggestions are solicited on whether the use of special hand tools should be required where safeguarding is not feasible and hand tools are the only means of operator protection. Examples of such instances are requested.
(iv) The following are some of the machines which usually require point of operation guarding: (a) Guillotine cutters (b) Shears (c) Alligator shears (d) Power presses (e) Milling machines (f) Power saws (g) Jointers (h) Portable power tools (i) Forming rolls and calenders.		(a)(3)(iv) Comments are solicited on the content of this list of machines requiring point of operation guarding. Is there any reason to include portable powered tools since these are covered in Subpart P? Should the list be expanded to indicate the type of guarding used for each machine? If the applicable consensus standards are listed in (a)(3)(ii), which other machines should be listed in (a)(3)(iv)?
(4) Barrels, containers, and drums. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.		(a)(4) Comments and information are solicited on the need to clarify this rule. What criteria can be applied to preclude application to a centrifuge or chemical (in drums) mixer?

Present Standard	Latest ANSI Standard	Comments
1910.212 (5) Exposure of blades. When the periphery of the blades of a fan is less than seven (7) feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one half (1/2, inch.		(a)(5) Comments have been received indicating confusion with the scope and interpretation for exposure of blades. It has also been noted that the 1/2 inch dimension is unnecessarily restrictive. Program directives have been issued to differentiate between employee comfort cooling fans and process cooling fans in applying this standard and to allow the use of concentric rings and mesh guarding methods. Should (a)(5) limit application of the standard to direct ventilation and cooling of employees? Should the 1/2 inch dimension limiting the size of opening be replaced with tabled information relating the size of opening to the distance from the blade to provide more flexibility for application and employee protection? Examples of fans which should not be subject to this rule such as, transformer cooling fans, boiler forced draft fans, electric motor cooling fans, process air movers, are solicited. Should process fans be the subject of a separate standard? What injury data is available to justify a rule? Note: The Consumers Product Safety Commission has denied a petition for a fan guarding specification on the grounds that a proulem does not exist.

Present Standard	Latest ANSI Standard	Comments
1910.212 (b) Anchoring fixed machinery. Machines designed for a fixed location shall be securely anchored to prevent walking or moving.		(b) Anchoring Fixed Machinery. Is the wording to describe the anchoring of fixed machinery too restrictive and does it inhibit current technology? Should "securely anchored" be replaced with "restrained to prevent movement" in order to take advantage of a machine's friction for utilizing such devices as, vibration isolation pads and mountings or suction cups to prevent movement? Should anchoring of machines be based on the hazards of being struck by material handling equipment or overhead cranes and hoist supporting work pieces? Design and Construction of New Equipment. Should the criteria for the design and construction of new equipment be specifically stated or should we refer to acceptable industry standards? Modification of Existing Equipment. What requirements as to modification of existing equipment should be specified? Operator Machine Controls. Can the hazards requiring specific types of operator machine controls be identified for all machines? Comments and information are solicited to identify the hazards and operating conditions which require controls to suit the following criteria:

Present Standard	Latest ANSI Standard	Comments
1910.212		1. Identification as to function and accessible location 2. Operating mode selection control and supervision 3. Protection from unintended operation 4. Emergency stop control criteria. Ex: For systems other than start/stop; when more than one operator or the point of operation hazard is involved; for manually feeding, removing or manipulating; for a machine operated by remote control or for a machine capable of operating in the continuous mode. What other conditions should be considered? Machine Inspection and Maintenance. Would machine inspection and maintenance criteria written in performance language and intended to cover all machines contribute significantly to reducing employee exposure to hazards? What criteria could be adopted? Operator Training. How can a requirement for employee training in hazard recognition and the safe care and operation of equipment be written to give uniform guidelines to employers and maximum protection to employees?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	The appropriate definitions for this section found in §1910.211(a) would be included in §1910.213.
	1. General 1.1 Scope. Specifications for the safe installation, operation, and maintenance of woodworking machinery and accessory equipment, including cooperage and veneering operations, but excluding the manufacture of structural plywood.	1.1 Although the machinery unique to the structural plywood industry is included under general requirements for machine safeguarding the current OSHA standards do not specifically refer to this type of machinery. Comments and information are solicited on methods of safeguarding the operation of such machinery. It should be noted that the new ANSI standard specifically excludes the manufacture of structural plywood. Petitioners have suggested that the sawmill industry be specifically excluded from the woodworking standard provisions. Should cooperage be included in the scope as defined by ANSI or should it maintain the separate identity it now has in §1910.214? Is 1910.213 being used to address hazards not covered in 1910.265?
(a) Machine construction general. (1) Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.	5. Machines and Equipment 5.1.1.2 Each machine shall be designed, constructed, and mounted in a manner that will eliminate hazardous vibration at any operating speed while using any tool designed for the machine.	(a)(1) Comments are solicited on methods to determine when a machine's vibration is indicative of a hazard.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play.	5.1.1.3 Arbors and mandrels shall be constructed so as to have firm and secure bearing and shall be free from excessive end-play that would cause a condition hazardous to workers.	(a)(2) Comments are solicited to identify those conditions created by arbor and mandrel end-play which expose employees to hazards.
(3) The use of wooden bandsaw wheels other than those of commercial manufacture is prohibited.	5.1.1.4 Band saw wheels shall be designed and manufactured so that they will be capable of withstanding the strains imposed. Band wheels 7 inches or more in width shall have a minimum rim thickness of 5/8 inch if made of cast iron or 1/2 inch if of cast steel, except for a distance not to exceed 1 inch from either edge.	
(4) Any automatic cutoff saw that strokes continuously without the operator being able to control each stroke shall not be used.	5.1.1.5 Where employees are exposed to their hazards, automatic cutoff saws that stroke continuosuly, without the operator being able to control each stroke, shall not be used.	(a)(4) Comments and information are solicited to define those conditions under which employees are exposed to the hazards of continuously stroking, automatic cutoff saws when the operator does not have the ability to control each stroke.
(5) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.	5.1.1.6 Saw frames shall be provided with permanent means to limit the size of the saw that can be mounted.	(a)(5) Comments and information are solicited to determine if a physical means to prevent the use of an oversize saw blade in a machine will control the hazards. What are the hazards? Is a hazard created with the use of too small a diameter saw blade?
(6) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or	5.1.1.7 Fences, material guides, and spreaders shall be designed and constructed in a manner that allows them to be properly secured to the table or table assembly and to remain in alignment with	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.	the cutting blade. Fences, material guides, and spreaders on cutting machines with tilting tables or tilting arbors shall also remain in alignment with the cutting blade in any position.	
(7) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.	5.1.1.8 Grooves or tracks for sliding material guides shall be accurately machined parallel to ensure alignment with the blade for all positions of the guide.	
(8) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.	5.1.1.9 Hinged or tilting tables shall be so constructed that the table can be firmly secured in the desired position and in alignment with the cutting tool.	
(9) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of §1910.219.	5.1.2.1 Whenever possible, driving power for woodworking machinery shall be provided by individual motor or motors mounted on the machine, or on a separate base adjacent to the machine. All belts, pulleys, gears, shafts, and other moving parts shall be guarded in accordance with the specific requirements of American National Standard Safety Standard for Mechanical Power Transmission Apparatus, B15.1-1972.	
(10) It is recommended that each power-driven woodworking machine can be provided with a disconnect switch that can be locked in the off position.	5.1.2.3 Each power-driven woodworking machine shall be provided with a positive disconnect from the source of power, which can be secured in the "off" position.	(a)(10) Comments are solicited on whether mandatory lock-out should be required for all power driven woodworing machines.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(11) The frames and all exposed, noncurrent-carrying metal parts of portable electric woodworking machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.	5.1.2.2 Electrically driven woodworking machinery shall be grounded in accordance with American National Standard National Electrical Code, C1-1971 (NFPA No. 70-1971). Note C-1-1971 has been superceded by C-1-1975.	(a)(11) Comments are solicited on the suggestions received by OSHA to revise (a)(11) as follows: 1. (a)(11) should cover non-portable woodworking machinery with reference to Part 1910, Subpart S (National Electric Code) to maintain consistency for the electrical grounding of all machines. 2. The requirements for portable electric woodworking machines should be moved to §1910.243, Subpart P which deals with portable power tools.
No equivalent	No equivalent	(a) A petition has been received requesting OSHA to draft mandatory requirements in paragraph (a) for a braking requirement to provide for the elimination of the hazards presented by a coasting saw blade. Comments and information are requested to specifically identify the hazards of a coasting saw blade, define the conditions under which they are present and to roughly approximate the design or performance criteria necessary to control exposure to the hazards.
No equivalent	5.2 Machine Guarding. It is recognized that the standards for guarding are not universally applicable to all operations. The standards given are those that are generally accepted in the industry. Since there are a number of situations not satisfactorily covered by these standards, the enforcing authority should exercise latitude in allowing the use of other devices.	5.2 A petitioner has requested that the provision of ANSI 01.1-1975 (5.2) be included in the OSHA regulations to allow other guarding devices providing equal protection and to encourage the development of new devices. Information and data are requested as to those situations which are not adequately covered by the present machine guarding standard. What other guarding devices would provide adequate employee protection?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(12) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table, that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required with a guard that shall be so arranged as to prevent accidental contact with the saw.	6.1 Circular, Crosscut, and Swing Cutoff Saws, Ripsaws; and Resaws 6.1.1 Guarding of Saws Beneath and Behind Tables. Guarding beneath the table level should be provided so as to enclose the saw blade from unintended contact and to prevent contact with moving parts of the drive mechanism. The saw frame, motor (including a separately shipped motor), exhaust hood, or additional enclosures beneath the table may be considered as part of this guarding. If an open-bottom enclosure is used to guard the blade or other moving parts from contact, the depth of the enclosure shall be such that the plane of the bottom is 1 inch or more below the bottom of the saw blade with the blade in its lowest position.	(a)(12) Comments are solicited as to whether the generic term "circular saws" is sufficient to identify the variations of crosscut, swing cutoff, ripsaws and resaws.
(13) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular rip-saws, according to the kind of saws mounted on the arbors.	6.1.4 Revolving Multiple Arbor Saws. Revolving multiple arbor saws shall be fully guarded in accordance with all the requirements of this section.	
(14) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.	No equivalent	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(15) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding, and rabbeting.	No equivalent	
(b) Machine controls and equipment,	5.1.3 Machine Control	
(1) A mechanical or electrical power control shall be provided on each machine to make it possible for the operator to cut off the power from each machine without leaving his position at the point of operation.	5.1.3.1 Each machine, whether mechanically or electrically driven, shall be provided with a device that will make it possible for the operator to cut off the power to the machine without leaving his normal operating position.	
(2) On machines driven by belts and shafting, a locking-type belt shifter or an equivalent positive device shall be used.	5.1.3.2 On machines driven by belts and shafting, belt shifters shall be easily accessible, protected from accidental contact, and within reach of the operator. They shall be equipped with a locking device to prevent accidental shifting.	
(3) On applications where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.	5.1.3.3 Electrically driven equipment shall be controlled with magnetic switches or other devices that will prevent automatic restarting of the machine after a power failure, if automatic restarting of the machine would create a hazard.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	5.1.3.4 On equipment that uses steam, air, or hydraulic power, or a power source other than electric, the valves or power supply controls shall automatically be positioned to "off" when the source of power is interrupted, in order to prevent automatic restarting or completion of the cycle if automatic restarting of the machine would create a hazard.	5.1.3.4 This is a new requirement in the ANSI standard 01.1-1975 written to cover woodworking machines or tools powered by other than electricity. Comments and information are solicited as to whether these requirements provide sufficient guidance and employee protection. What are the problems in modifying existing equipment.
(4) Power controls and operating controls should be located within easy reach of the operator while he is at his regular work location, making it unnecessary for him to reach over the cutter to make adjustments. This does not apply to constant pressure controls used only for setup purposes.	5.1.3.5 Power controls and operating controls shall be located within easy reach of the operator while he is at his regular work location. They shall be positioned so as to make it unnecessary for him to reach over a hazardous area to actuate the control.	
(5) On each machine operated by electric motors, positive means shall be provided for rendering such controls or devices inoperative while repairs or adjustments are being made to the machine they control.	5.1.3.6 On machines operated by electric motors or other sources of power, positive means of lockout shall be provided for rendering such controls or devices inoperative while repairs or adjustments are being made to the machines they control.	
(6) Each operating treadle shall be protected against unexpected or accidental tripping.	5.1.3.7 Each operating control shall be protected against unexpected or accidental activation.	
(7) Feeder attachments shall have the feed rolls or other moving parts so covered or guarded as to protect the operator from hazardous points.	5.1.4 Self-Feed. Feeder attachments, such as feed rolls, chains, sprockets, gears, or other moving parts that create a hazard shall be adequately safeguarded.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	5.1.5 Speeds. The operating speeds shall be etched or otherwise permanently marked on all circular saw blades and shall not be run at a speed in excess of that recommended by the manufacturer. For blades without a manufacturer's recommendation, see A5.1.5.	5.1.5 This is a new requirement in the ANSI standard 01.1-1975. Comments and information are solicited as to whether there is a need to require the marking of saw blades to insure the correct operating speeds. Will marking the saw blade address the hazards presented by incorrect usage? Will this method sufficiently address and supplement the physical restriction of using an oversize saw blade as noted in (a)(5)?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(c) Hand-fed ripsaws. (1) Each circular hand-fed ripsaw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting	A5.1.5 Speeds. In the absence of specifications by the saw blade manufacturer, Table A2 shows revolutions per minute for various speeds of saws. Table A2 Saw Speeds at 12000 Peripheral Feed per Minute Diameter (in) / Saw Speed (rpm) 8 / 5729 9 / 5093 10 / 4584 12 / 3820 14 / 3274 16 / 2865 18 / 2546 20 / 2292 22 / 2083 24 / 1910 26 / 1763 28 / 1637 30 / 1528 6.1.2 Hand-Fed Ripsaws 6.1.2.1 Each circular hand-fed ripsaw shall be provided with a hood-type guard that will cover the blade at all times when the blade is not in use. This may be accomplished by the use of a guard that will	(c)(1) A petitioner has requested OSHA to modify its present standard to include the use of a fixed or manually adjusted guard. Under what conditions would it be desirable to use a fixed or manually adjusted guard in

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The material should not shatter when broken, shall be nonexplosive, and should be no more flammable than wood. The hood shall be so mounted as to insure that its operation will be positive, reliable and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line.	automatically adjust to the thickness of the material being cut, or by a fixed or manually adjusted guard. If a fixed or manually adjusted guard is used, the space between the bottom of the guard and the material being cut shall not exceed 3/8 inch if 1-1/2 inches or more from the blade, and 1/4 inch if closer than 1-1/2 inches. 6.1.2.2 When the blade is in use, the hood-type guard shall enclose that portion of the blade above the material. 6.1.2.3 Hood-type guards shall be so designed and constructed as to resist blows and strains incidental to reasonable operation, adjusting, and handling, in order to protect the operator from flying splinters and broken saw teeth. 6.1.2.4 The hood shall be so mounted as to ensure that its operation will be positive, reliable, and in alignment with the saw. The mounting shall be adequate to resist any reasonable side thrust or other force that would disrupt alignment.	lieu of an automatically adjusting guard? Will the use of a manually adjusted guard present additional hazard exposure to the operator when resetting for each job? For any other reasons? Will the set-up dimensions indicated by ANSI (6.1.2.1) provide for sufficient operator protection? Will they restrict operation?
No equivalent	6.1.2.5 Where a hood-type guard cannot be used because of unusual shapes or cuts, a jig or fixture that will provide equal safety for the operator shall be used. On the completion of such operations, the guard shall be immediately replaced.	6.1.2.5 Comments are solicited to identify as many operations as possible requiring removal of the hood type guard on a hand-fed ripsaw.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	6.1.2.6 A push stick shall be used on short or narrow stock when there is a possibility of the hand contacting the cutting tool.	Removal of a guard for special operations and the use of a push stick is covered by the present standard in (a)(5). What other machines and operations should be considered? 6.1.2.6 See comment 6.1.2.5 above.
(2) Each hand-fed circular ripsaw shall be furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator. The spreader shall be made of hard tempered steel, or its equivalent, and shall be thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the saw even when either the saw or table is tilted, and should be placed so that there is not more than 1/2 inch space between the spreader and the back of the saw when the largest saw is mounted in the machine. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.	6.1.2.7 Each hand-fed circular ripsaw shall be equipped with a spreader to minimize the possibility of material squeezing the saw or of material kickbacks. The spreader shall be made of tempered steel, or its equivalent, and shall be slightly thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the blade, even when either the saw or table is tilted, and should be placed so that there is not more than 1/2-inch space between the spreader and the back of the blade when the recommended saw blade is in its maximum "up" position. If a blade smaller than the maximum permissible size is used, the spreader shall be moved to within 1/2 inch of the blade. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(3) Each hand-fed circular ripsaw shall be provided with nonkickbacking fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be signed to provide adequate holding power for all the thickness of materials being cut.	6.1.2.8 Each hand-fed circular ripsaw shall be provided with antikickback devices so located as to oppose the thrust or tendency of the saw blade to pick up the material or throw it back toward the operator. These devices shall be designed to provide holding power for all the thicknesses of material being cut.	(c)(3) A petitioner has suggested adopting the language from ANSI 01.1-1975. "Anti-kickback devices" is preferred to "non-kick-back fingers or dogs." Comments are solicited.
(d) Hand-fed crosscut table saws.	6.1.3 Hand-Fed Crosscut Table Saws (Including Trimmer Saws)	
(1) Each circular crosscut table saw shall be guarded by a hood which shall meet all the requirements of paragraph (c)(1) of this section for hoods for circular ripsaws.	6.1.3.1 Each circular crosscut table saw shall be guarded by a hood that shall meet all the requirements of this section for hoods.	
(2) Each circular crosscut saw should also be provided with a spreader which should meet all the requirements of paragraph (c)(2) of this section.	6.1.3.2 Each circular crosscut saw shall also be provided with a spreader that shall meet the requirements of 6.1.2.7.	
(e) Circular resaws.	6.1.5 Circular Resaws	
(1) Each circular resaw shall be guarded by a hood or shield, or metal above the saw. This hood or shield shall be so designed as to guard against danger from flying splinters or broken saw teeth.	6.1.5.1 Each circular resaw shall be guarded by a hood or shield above the saw that meets all the requirements of this section.	(e)(1) Comments and suggestions are solicited as to whether OSHA should permit the use of guards other than those made of metal. What types of materials should be permitted? What additional hazards can be anticipated with substitutions for the current metal requirement? Should a strength specification be given?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(2) Each circular resaw (other than self-feed saws with a roller or wheel at back of saw) shall be provided with a spreader fastened securely behind the saw. The spreader shall be slightly thinner than the saw kerf and slightly thicker than the saw disk.	6.1.5.2 Each circular resaw (other than self-feed saws with a roller or wheel at back of the saw) shall be provided with a spreader fastened securely behind the saw. The spreader shall be slightly thinner than the saw kerf.	
(f) Self-feed circular saws.	6.1.6 Self-Feed Circular Saws	
(1) Feed rolls and saws shall be protected by a hood or guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the bottom of the guard shall come down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls. This distance (three-eighths inch) may be increased to three-fourths inch, provided the lead edge of the hood is extended to be not less than 5-1/2 inches in front of the nip point between the front roll and the work.	6.1.6.1 Hoods. In addition to guards over blades as specified in this section, feed rolls shall be protected by a hood or guard to prevent the hands of the operator from coming in contact at any point with the inrunning roll nip. The bottom of the guard shall come down to within 3/8 inch of the plane formed by the bottom or working surfaces of the feed rolls and be at least 1-1/2 inches from the nip point. This distance (3/8 inch) may be increased to 3/4 inch, provided the lead edge of the hood is extended to be not less than 5-1/2 inches in front of the nip point between the front roll and the work.	
(2) Each self-feed circular ripsaw shall be provided with sectional nonkickback fingers for the full width of the feed rolls. They shall be located in front of the saw and so arranged as to be in continual contact with the wood being fed.	6.1.6.2 Antikickback Devices. Each self-feed circular ripsaw shall be provided with sectional antikickback devices for the full width of the feed rolls. They shall be located in front of the saw blade and so arranged as to be in continual contact with the stock being fed.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(g) Swing cutoff saws. The requirements of this paragraph are also applicable to sliding cutoff saws mounted above the table.	6.1.7 Swing Cutoff Saws and Sliding Cutoff Saws Mounted above the Table. (For Radial Saws, see 6.1.9.)	(g) See (g)(2) for comment.
(1) Each swing cutoff saw shall be provided with a hood that will completely enclose the upper half of the saw, the arbor end, and the point of operation at all positions of the saw. The hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters and broken saw teeth. Its hood shall be so designed that it will automatically cover the lower portion of the blade, so that when the saw is returned to the back of the table, the hood will rise on top of the fence, and when the saw is moved forward the hood will drop on top of and remain in contact with the table or material being cut.	6.1.7.1 Hoods. Each saw shall be provided with a device that will completely enclose the upper half of the blade, the arbor end, and the point of operation at all positions of the saw. The device shall be constructed in such a manner as to protect the operator from flying splinters and broken saw teeth. This device shall be so designed that it will automatically cover the lower portion of the blade, so that when the saw is returned to the back of the table, the hood will rise on top of the fence, and when the saw is moved forward, the device will drop on top of and remain in contact with the table or material being cut.	(g)(1) Petitioners have requested modification of this requirement for the following reasons: 1. It does not recognize limitations in the use of a lower blade guard for specific operations. 2. Use of lower blade guard creates a hazard in itself. 3. The design criteria does not function when applied to swing saws. Comments and information are solicited to determine those design limitations restricting operations, and to identify the operations, and hazardous conditions employees are exposed to when the lower blade guard is used.
(2) Each swing cutoff saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel. Such a device shall not depend for its proper functioning upon any rope, cord, or spring. If there is a counterweight, the bolts supporting the bar and	6.1.7.2 Counterweights. Each swing cutoff saw shall be provided with an effective device to return the saw blade automatically to the back of the table without rebound when the saw is released at any point of its travel. Where the counterweight is exposed to contact, it shall be enclosed by a guard to the floor or by a	(g)(2) A petitioner has stated that a bar and counterweight arrangement is not feasible for sliding saws and has requested modification of the standard. Comments and information are solicited for alternative methods devised and in use to automatically return the saw blade to the back of the table without rebound.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
counterweights shall be provided with cotter pins; and the counterweights shall be prevented from dropping by either a bolt passing through both the bar and counterweight, or a bolt put through the extreme end of the bar, or, where the counterweight does not encircle the bar, a safety chain attached to it.	safety device that will hold twice the weight of the counterweight.	
(3) Limit chains or other equally effective device shall be provided to prevent the saw from swinging beyond the front or back edges of the table, or beyond a forward position where the gullets of the lowest saw teeth will rise above the table top.	6.1.7.3 Limit Stops. A limit chain or other equally effective device shall be provided to prevent the saw blade from swinging beyond the front or back edge of the table.	
(4) Inverted swing cutoff saws shall be provided with a hood that will cover the part of the saw that protrudes above the top of the table or above the material being cut. It shall automatically adjust itself to the thickness of and remain in contact with the material being cut.	6.1.8 Inverted Swing Cutoff, Jump Saws, Underslung Saws. As required in 6.1.2.3, a hood-type guard that will cover the blade and shall extend at least 2 inches in front of the saw teeth when the blade is in "back" position shall be securely fastened to the table. In addition, a traveling guard shall move with the blade over the material and cover the exposed part of the blade above the material. The width of the hood of jump saws shall be limited so as to provide not more than 1/4-inch clearance on each side of the blade.	(g)(4) The ANSI standard 01.1-1975 (6.1.8) provides more specification data than the current rule. Comments are solicited on whether the current rule provides sufficient guidance and protection for the operator.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(h) Radial saws.	6.1.9 Radial Saws	
(1) The upper hood shall completely enclose the upper portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters, broken saw teeth, etc., and will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of the stock and remain in contact with stock being cut to give maximum protection possible for the operation being performed.	6.1.9.1 Hoods and Guards. Each saw shall be provided with a device that will completely enclose the upper portion of the blade down to a point that includes the end of the saw arbor. The upper hood shall be so constructed as to protect the operator from flying splinters and broken saw teeth, and to deflect sawdust away from the operator. The sides of the lower exposed portion of the saw blade shall be guarded from the tips of the blade teeth inward radially with no greater than 3/8-inch gullet exposure. The device shall automatically adjust itself to the thickness of the stock and remain in contact with the stock being cut for the 90° blade position (0° bevel) throughout the full working range of miter position. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the guard visible from the normal operating position, reading as follows: WARNING: TO AVOID INJURY, SHUT OFF POWER BEFORE CLEARING A JAMMED LOWER GUARD Such a label shall be colored standard danger red or orange in accordance with American National Standard Safety Color Code for Marking Physical Hazards, Z53.1-1971.	(h)(1) Petitioners have requested modification of this requirement for the following reasons: 1. Lower blade guards are not commercially available that afford reasonable operator safety and do not interfere with or restrict some operations. Re: bevel and compound cuts. 2. The lower blade guard is a hazard in itself under specific conditions. 3. The standard limits the ability to substitute a device which will not obstruct the operator's view. It has been suggested that the warning label (ANSI 01.1-1975) (6.1.9.1) include waiting for the blade to stop. Comments and information are solicited to determine the guard design limitations restricting operation and to identify the operations and hazardous conditions employees are exposed to when the lower blade guard is used. Specifically address comments to the range limitations for bevel and compound cuts when using the automatic guard. Can all miter cuts be accomplished with the guard in place?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	6.1.9.2 Spreaders. When radial saws are used for ripping, a spreader shall be provided and shall be aligned with the saw blade.	
(2) Each radial saw used for ripping shall be provided with nonkickback fingers or dogs located on both sides of the saw so as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of material being cut.	6.1.9.3 Antikickback Devices. Antikickback devices located on both sides of the saw blade on the outfeed side, so as to oppose the thrust or tendency of the blade to pick up the material or to throw it back toward the operator, shall be used on each radial saw used for ripping. These devices shall be designed to provide adequate holding power for all the thicknesses of material being cut.	
	6.1.9.4 Adjustable Stops and Return Devices	
(3) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations.	6.1.9.4.1 An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations. A limit chain or other equally effective device shall be provided to prevent the saw blade from sliding beyond the edge of the table; or the table shall be extended to eliminate over-run.	(h)(3) A petitioner suggests the wording "adjustable stop" be changed to "effective limiting device." Comments are solicited. What are the devices other than an adjustable stop which can be used to prevent forward travel of the blade beyond the point necessary to complete the cut? What are the devices other than a limit chain which can keep the saw blade from going beyond the edge of the table? Will the devices used to substitute for adjustable stops and limit chains offer equal operator protection from the hazards?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(4) Installation shall be in such a manner that the front end of the unit will be slightly higher than the rear, so as to cause the cutting head to return gently to the starting position when released by the operator.	6.1.9.4.2 On any manually operated saw, installation shall be such that the front of the machine is slightly higher that the rear, or some other means shall be provided so that the cutting head will not roll or move out on the arm away from the column as a result of gravity or vibration. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the cutting head visible from the normal crosscut operating position, reading as follows: WARNING: TO AVOID INJURY, RETURN CARRIAGE TO THE FULL REAR POSITION AFTER EACH CROSSCUT TYPE OF OPERATION Such a label shall be colored standard caution yellow in accordance with American National Standard Z53.1-197.	(h)(4) A petition has been received requesting modification of the standard to eliminate the present method as unfeasible and to identify an alternative method of returning the cutting head to the starting position. The ANSI standard 01.1-1975 (6.1.9.4.2) deletes the requirement for self-return of the cutting head but requires a means to prevent it from creeping out on the arm away from the column. Does the current method always insure return of the blade to the starting position? Can the carriage bearings, if adjusted to the manufacturer's specification to eliminate end-play, allow for the arm to be tilted at an angle not to exceed that which would require major modification to the table for in and out feed? Will the hazard be correctly addressed and are there any other safety measures required if the carriage has to be returned manually to the rear position and the cutting head is prevented from accidently moving out on the arm? Other than tilting the front end of the unit what devices can be employed to prevent the cutting head from moving out on the arm?
(5) Ripping and ploughing shall be against the direction in which the saw turns. The direction of the saw rotation shall be conspicuously marked on the hood. In addition, a permanent label not less than 1-1/2 inches by 3/4 inch shall be affixed to the rear of the guard or approximately	6.1.9.5 Direction of Feed. Ripping and ploughing shall be against the direction in which the saw blade turns. The direction of the saw blade rotation shall be conspicuously marked on the hoods. In addition, a permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to	(h)(5) A comment has been received stating that the wording for the label in our present standard does not cover the hazards employees are exposed to when using the machine for operations other than ripping and ploughing.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
the level of the arbor, reading as follows: "Danger: Do Not Rip or Plough From This End." Such a label should be colored standard danger red.	the end of the guard at which the blade teeth exit the upper guard during operation. The label shall be at approximately the level of the arbor and shall read as follows: DANGER: TO AVOID INJURY, DO NOT FEED MATERIAL INTO CUTTING TOOL FROM THIS END Such a label shall be colored standard red or orange in accordance with American National Standard, Z53.1-1971.	
(1) Bandsaws and band resaws. (1) All portions of the saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Bandsaw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall be not less than 0.037 inch (U. S. Gage No.20), and the openings shall be not greater than three-eighths inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard shall protect the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the	6.2 Band Saws and Band Resaws 6.2.1 Enclosing Band Saw Blades. All portions of the saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Band saw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall be not less than 0.037 inch (U. S. Gage No. 20), and the openings shall be not greater than 3/8 inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper saw wheel guard shall enclose the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the guide.	(1)(1) It has been suggested that the braking requirement be removed from the present standard since the hazard does not exist when the band wheels are properly guarded. The ANSI standard 01.1-1975 (6.2.1) has deleted as redundant a part of the specification requirement for the upper wheel guard. It addreeses the braking requirement to the hazard exposed by a coasting blade when the machine is shut off and left unattended rather than to blade breakage. Comments are solicited to determine the extent of the hazard exposure when a machine is shut off but left unattended. Does the hazard caused by a coasting wheel still exist when attempting to remove a broken blade?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
guide. The upper-wheel guard shall be made to conform to the travel of the saw on the wheel, and the top member of the guard should have at least a 2-inch clearance outside the saw and be lined with smooth material, perferably metal. Effective brakes should be provided to stop the wheel in case of blade breakage.	Effective braking action shall be provided to minimize the potential hazard of coasting when the machine is shut off and left unattended.	
(2) Each bandsaw machine shall be provided with a tension control device to indicate a proper tension for the standard saws used on the machine, in order to assist in the elimination of saw breakage due to improper tension.	6.2.2 Tension. Each band saw machine shall be provided with a tension control device to indicate proper tension for the saw blades used on the machine.	
(3) Feed rolls of band resaws shall be protected with a suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the edge of the guard shall come to within three-eighths inch of the plane formed by the inside face of the feed roll in contact with the stock being cut.	6.2.3 Feed Rolls. Feed rolls of band resaws shall be equipped with guards to prevent the hands of the operator from coming into contact with the roll nip points. The edge of the guard shall come to within 3/8 inch of the plane formed by the inside face of the feed roll in contact with the stock being cut and the work table.	
(j) Jointers.	6.3 Jointers and Planers	
	6.3.1 Point of Operation	
(1) Each hand-fed planer and jointer with horizontal head shall be equipped with a cylindrical cutting head, the knife projection of which shall not exceed one-eighth inch beyond the cylindrical body of the head.	6.3.1.1 Each hand-fed planer and jointer with horizontal or vertical head shall be equipped with a cylindrical cutting head, the knife projection of which shall not exceed 1/8 inch beyond the cylindrical body of the head.	(j)(1) Comments and suggestions are solicited as to whether the requirement should be expanded to include vertical head machines.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	6.3.1.2 Square cutting heads shall not be used.	
(2) The opening in the table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than one-eighth inch. The table throat opening shall be mot more than 2-1/2 inches when tables are set or aligned with each other for zero cut.	6.3.1.3 The opening in the table shall be kept as small as possible. The clearance between the rear table and the cutting head circle or knives shall be not more than 1/8 inch. The table throat opening shall be not more than 2-1/2 inches when tables are set or aligned with each other for zero cut.	
	6.3.2 Automatic Guards	
(3) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which will cover all the section of the head on the working side of the fence or gage. The guard shall effectively keep the operator's hand from coming in contact with the revolving knives. The guard shall automatically adjust itself to cover the unused portion of the head and shall remain in contact with the material at all times.	6.3.2.1 Each hand-fed jointer shall have an automatic guard that will cover all the sections of the cutting head on the working side of the fence or guard. The guard shall be designed to prevent accidental contact with the revolving knives and shall automatically adjust itself to cover the unused portion of the head and shall remain in contact with the material at all times.	
(4) Each hand-fed jointer with horizontal cutting head shall have a guard which will cover the section of the head back of the gage or fence.	6.3.2.2 Each hand-fed jointer with horizontal cutting head shall have a guard that will cover the section of the head in back of the gage or fence.	
(5) Each wood jointer with vertical head shall have either an exhaust hood or other guard so arranged as to enclose completely the revolving head, except for a slot of such width as may be necessary and convenient for the application of the material to be jointed.	6.3.3 Vertical Head Jointers. Each wood jointer with vertical head shall have either an exhaust hood or other guard so arranged as to enclose completely the revolving head, except for a slot of such width as may be necessary for the application of the material to be jointed.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(k) Tenoning machines.	6.4 Tenoning Machines	
	6.4.2 Feed Chains and Sprockets	
(1) Feed chains and sprockets of all double end tenoning machines shall be completely enclosed, except for that portion of chain used for conveying the stock.	6.4.2.1 Feed chains and sprockets of all double end tenoning machines shall be completely enclosed, except for that portion of chain used for conveying the stock.	
(2) At the rear ends of frames over which feed conveyors run, sprockets, and chains shall be guarded at the sides by plates projecting beyond the periphery of sprockets and the ends of lugs.	6.4.2.2 At the rear ends of frames over which feed coveyors run, sprockets and chains shall be guarded at the sides by plates projecting beyond the periphery of sprockets and the ends of lugs.	
(3) Each tenoning machine shall have all cutting heads, and saws if used, covered by metal guards. These guards shall cover at least the unused part of the periphery of the cutting head. If such a guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.	6.4.1 Guarding of Cutting Heads 6.4.1.1 Each tenoning machine shall have all cutting heads, and saws if used, covered by guards. These guards shall cover at least the unused part of the periphery of the cutting head.	(k)(3) Comments and suggestions are solicited as to whether OSHA should permit the use of guards other than those made of metal. What types of materials should be permitted? What additional hazards can be anticipated with substitutions for the current metal requirement? Should a strength specification be given?
(4) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (3) of this paragraph.	6.4.1.2 Where an exhaust system is used, the guard may form part or all of the exhaust hood.	(k)(4) Same comment solicited as in (k)(3) above.

Present Standard	Latest ANSI Standard	Comments
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No equivalent	6.4.1.3 Where space permits, the rear end of the frame over which the feed conveyors run should be so extended that the material, as it leaves the machine, will by guided to a point within easy reach of the person "taking away" at the rear of the tenoner.	
No equivalent	6.4.3 Hand-Fed Tononers. Hand-fed tenoning machines shall be provided with a clamping or "holddown" device on the fixture.	
(1) Boring and mortising machines.	6.5 Boring and Mortising Machines	
(1) Safety bit chucks with no projecting set screws shall be used.	6.5.1 Chucks. Chucks with projecting set screws shall not be used.	
(2) Boring bits should be provided with a guard that will enclose all portions of the bit and chuck above the material being worked.	6.5.5 Boring Bits. Boring bits shall be provided with a guard that will prevent accidental contact with the bit chuck above the material being worked.	
(3) The top of the cutting chain and driving mechanism shall be enclosed.	6.5.2 Chain Mortisers. The top of the cutting chain and driving mechanism shall be enclosed.	
(4) If there is a counterweight, one of the following or equivalent means shall be used to prevent its dropping:	6.5.3 Counterweights. Where there is a counterweight, suitable means shall be used to prevent its dropping.	(1)(4) The ANSI standard 01.1-1975 (6.5.3) has deleted reference to the specification criteria (1)(4)(i)-(1)(4)(iv) in the present standard. The standard limits the requirement to preformance language to gain method flexibility. Comments are invited to determine if the performance language gives as sufficient guidance and operator protection as is provided in our present standard.
(1) It shall be bolted to the bar by means of a bolt passing through both bar and counterweight;	No equivalent	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(ii) A bolt shall be put through the extreme end of the bar;	No equivalent	
(iii) Where the counterweight does not encircle the bar, a safety chain shall be attached to it;	No equivalent	
(iv) Other types of counterweights shall be suspended by chain or wire rope and shall travel in a pipe or other suitable enclosure wherever they might fall and cause injury.	No equivalent	
(5) Universal joints on spindles of boring machines shall be completely enclosed in such a way as to prevent accidental contact by the operator.	6.5.4 Universal Joints. Universal joints on spindles of boring machines shall be guarded in such a way as to prevent accidental contact by the operator.	
(6) Each operating treadle shall be covered by an inverted U-shaped metal guard, fastened to the floor, and of adequate size to prevent accidental tripping.	6.13 Guarding Operating Treadles. Each operating treadle shall be covered by a device which is adequate to avoid accidental activation or tripping.	
(m) Wood shapers and similar equipment.	6.6 Wood Shapers and Similar Machines	
	6.6.1 Guarding of Cutting Heads	
(1) The cutting heads of each wood shaper, hand-fed panel raiser, or other similar machine not automatically fed, shall be enclosed with a cage or adjustable guard so designed as to keep the operator's hand away from the cutting edge. The diameter of circular shaper guards shall be not less than the greatest diameter of the cutter.	6.6.1.1 The cutting heads of each wood shaper, hand-fed panel raiser, or other similar machine not automatically fed, shall be enclosed with a cage or adjustable guard so designed as to minimize operator contact with cutterhead. The diameter of circular shaper guards shall be greater than the diameter of the cutter.	(m)(1) The ANSI standard 01.1-1975 (6.6.1.1) reflects the availablility and industry acceptance of free running warning devices that attach to the shaper spindle. It has been suggested that the ANSI provision be incorporated in the OSHA standard but limited to use only when the operation

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
In no case shall a warning device of leather or other material attached to the spindle be acceptable.	In no case shall a warning device of leather or similar material attached to the spindle. A warning device attached to the spindle shall stop rotating on contact.	precludes the use of a guard. Comments are solicited to identify those operations which cannot be accomplished with the guard in place.
(2) Cylindrical heads should be used whenever the nature of the work will permit. Single cutter knives in shaper heads shall not be used unless properly balanced.	6.6.1.2 Cylindrical heads should be used whenever the nature of the work will permit. Single cutter knives in shaper heads shall not be used unless properly balanced.	
(3) All double-spindle shapers shall be provided with a spindle starting and stopping device for each spindle.	6.6.2 Single Starting and Stopping Devices. All double-spindle shapers shall be provided with a spindle starting and stopping device for each spindle.	
No equivalent	6.6.1.3 Templates, jigs, and fixtures that will remove the operator's hands from the point of operation shall be used whenever the nature of the work will permit.	
(n) Planing, molding, sticking, and matching machines.	6.7 Planing, Molding, Sticking, and Matching Machines	
	6.7.1 Guarding of Cutting Heads	
(1) Each planing, molding, sticking, and matching machine shall have all cutting heads, and saws if used, covered by a metal guard. If such a guard is constructed of sheet metal, the material used shall be not less than 1/16 inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.	6.7.1.1 Each planing, molding, sticking, and matching machine shall have all cutting heads and saws, if used, covered by a guard to minimize accidental contact with the cutting head.	(n)(1) Comments and suggestions are solicited as to whether OSHA should permit the use of guards other than those made of metal. What types of materials should be permitted? What additional hazards can be anticipated with substitutions for the current metal requirement? Sould a strength specification be given?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(2) Where an exhaust system is used, the guards shall form part or all of the exhaust hood shall be constructed of metal of a thickness not less than that specified in subparagraph (1) of this paragraph.	6.7.1.2 Where an exhaust system is used, the guards may form part or all of the exhaust hood.	(n)(2) Same comments solicited as for (n)(1) above.
(3) Feed rolls shall be guarded by a hood or suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point The guard shall be fastened to the frame carrying the rolls so as to remain in adjustment for any thickness of stock.	6.7.2 Feed Rolls 6.7.2.1 Feed rolls shall be provided with a guard or hood to minimize operator contact with the roll nip points. The guard shall remain in adjustment for any thickness of stock.	
(4) Surfacers or planers used in thicknessing multiple pieces of material simultaneously shall be provided with sectional infeed rolls having sufficient yield in the construction of the sections to provide feeding contact pressure on the stock, over the permissible range of variation in stock thickness specified or for which the machine is designed. In lieu of such yielding sectional rolls, suitable section kickback finger devices shall be provided at the infeed end.	6.7.2.2 Surfacers or planers used in processing multiple pieces of material simultaneously shall be provided with sectional in-feed rolls having sufficient yield in the construction of the sections to provide feeding contact pressure on the stock over the permissible range of variation in stock thickness for which the machine is designed.	(n)(4) Comments and information are solicited to identify the hazards employees are exposed to if suitable section kickback finger devices are provided at the infeed end of the machines in place of the yielding sectional rolls?
(o) Profile and swing-head lathes and wood heel turning machine.	6.8 Profile and Swing-Head Lathes (Including Wood Heel Turning Machines)	(o) Information is solicited to currently define these terms.
	6.8.1 Guarding of Cutting Heads	
(1) Each profile and swing-head lathe shall have all cutting heads covered by a metal guard. If such a guard is constructed of sheet metal, the material	6.8.1.1 Each profile and swing-head lathe shall have all cutting heads covered by a guard to minimize accidental contact with the cutting head.	(o)(1) Comments and suggestions are solicited as to whether OSHA should permit the use of guards other than those made of metal. What types of materials should be

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
used shall be not less than one-sixteenth inch in thickness; and if cast iron is used, it shall not be less than three-sixteenths inch in thickness.		permitted? What additional hazards can be anticipated with substitutions for the current metal requirement? Should a strength specification be given?
(2) Cutting heads on wood-turning lathes, whether rotating or not, shall be covered as completely as possible by hoods or shields, which should be hinged to the machines so that they can be thrown back for making adjustments.	6.8.1.2 Cutting heads on wood-turning lathes, whether rotating or not, shall be covered as completely as possible by hoods or shields.	(o)(2) Comments and information are solicited to determine whether sufficient guidance would be provided without indicating a hinged construction for the guard to facilitate set-up.?
(3) Shoe last and spoke lathes, doweling machines, wood heel turning machines, and other automatic wood-turning lathes of the rotating knife type shall be equipped with hoods enclosing the cutter blades completely except at the contact points while the stock is being cut.	6.8.1.3 All automatic wood-turning machines of the rotating-knife type shall be equipped with guards enclosing the cutter blades completely, except at the contact points while the stock is being cut.	
(4) Lathes used for turning long pieces of wood stock held only between the two centers shall be equipped with long curved guards extending over the tops of the lathes in order to prevent the work pieces from being thrown out of the machines if they should become loose.	6.8.1.4 Lathes used for turning long pieces of wood stock held only between the two centers shall be equipped with means to prevent the workpieces from being thrown out of the machines.	(o)(4) Comments are solicited to determine if the performance language in ANSI 01.1-1975 (6.8.1.4) gives sufficient guidance and operator protection to replace the specification criteria in our present standard. Data is requested that will help identify means of guarding other than "long curved guards" which will provide equal protection for employee safety.
No equivalent	6.8.1.5 Guards covering the workpiece in wood-turning lathes should be so constructed to permit observation of the turning operations.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	6.8.1.6 Wood-turning lathes shall be equipped with suction hoods, properly connected to efficient exhaust systems that will remove, at their point of origin, the chips and dusts produced.	
(5) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (1) of this paragraph.	6.8.1.7 An exhaust system may form part or all of the guard.	(o)(5) Comments and suggestions are solicited as to whether OSHA should permit the use of guards other than those made of metal. What types of materials should be permitted? What additional hazards can be anticipated with substitutions for the current metal requirement? Should a strength specification be given?
No equivalent	6.8.1.8 Tool rests shall be securely fastened to avoid accidental movement.	
(p) Sanding machines.	6.9 Sanding Machines.	
(1) Feed rolls of self-feed sanding machines shall be protected with a semicylindrical guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and firmly secured to the frame carrying rolls so as to remain in adjustment for any thickness of stock. The bottom of the guard should come down to within three-eights inch of a plane formed by the bottom or contact face of the feed roll where it touches the stock.	6.9.1 Feed Rolls. Feed rolls of self-feed sanding machines shall be protected with a semicylindrical guard to prevent the hands of the operator from coming in contact with the roll nip points. The guard and its mounting shall be designed to remain in adjustment for any thickness of stock. The bottom of the guard should come down to within 3/8 inch of a plane formed by the bottom or contact face of the feed roll where it touches the stock.	(p)(1) Comments are solicited to determine the need to clarify the guard construction requirement for a heavy material. Should a strength criteria be established? What types of exposures and operating conditions would determine the strength requirement?

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(2) Each drum sanding machine shall have an exhaust hood, or other guard if no exhaust system is required, so arranged as to enclose the revolving drum, except for that portion of the drum above the table, if a table is used, which may be necessary and convenient for the application of the material to be finished.	6.9.2 Drum Sanding Machines. Each drum sanding machine shall have an exhaust hood, or other guard, so arranged as to enclose the revolving drum, except for the working portion of the drum above the table.	
(3) Each disk sanding machine shall have the exhaust hood, or other guard is no exhaust system is required, so arranged as to enclose the revolving disk, except for that portion of the disk above the table, if a table is used, which may be necessary for the application of the material to be finished.	6.9.3 Disk Sanding Machines. Each disk sanding machine shall have the exhaust hood, or other guard, so arranged as to enclose the revolving disk, except for that portion of the disk above the table. NOTE: The distance between the disk and the table edge shall be kept at a minimum.	
(4) Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs on to a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.	6.9.4 Belt Sanding Machines 6.9.4.1 Belt sanders shall have all pulleys enclosed including sides and periphery. This does not include the working end of an edge sander. An exhaust hood may be part of the guard. 6.9.4.2. The unused run of the belt shall be guarded.	(p)(4) Comments are solicited to identify those hazards, if any, presented by using the working edge of the sander for curved work. Should consideration be given to additional protection for operator safety?
No equivalent	6.11 Routers 6.11.1 The pulleys, spindles, and cutting tools of stationary routers shall by guarded.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(q) Veneer cutters and wringers.		(q) Information is solicited to define the word "wringer." Is it currently in use?
(1) Veneer slicer knives shall be guarded to prevent accidental contact with knife edge, at both front and rear.	7.5 Veneer Slicer. The knife shall be guarded at front and rear to prevent accidental contact with the knife edge.	
(2) Veneer clippers shall have automatic feed or shall be provided with a guard which will make it impossible to place a finger or fingers under the knife while feeding or removing the stock.	7.6 Veneer Clippers 7.6.1 Guarding Clippers. Clippers shall be provided with a guard on both in-feed and out-feed sides to protect the operator and helper.	
(3) Sprockets on chain or slat-belt conveyors shall be enclosed.	Covered under machines and equipment by reference to ANSI B15.1-1972.	
(4) Where practicable, hand and foot-power guillotine veneer cutters shall be provided with rods or plates or other satisfactory means, so arranged on the feeding side that the hands cannot reach the cutting edge of the knife while feeding or holding the stock in place.	No equivalent	(q)(4) A comment has been received that the suggested methods of guarding are impractical and that the safeguarding can be addressed in (q)(2) if modified to suit ANSI 01.1-1975 (7.6.1). Comments are solicited.
(5) Power-driven guillotine veneer cutters, except continuous feed trimmers, shall be equipped with:	7.6.3 Power-Driven Guillotine Veneer Cutters (except Continuous Feed Trimmers) 7.6.3.1 Power-driven veneer cutters shall be equipped with either of the following:	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(i) Starting devices which require the simultaneous action of both hands to start the cutting motion and of at least one hand on a control during the complete stroke of the knife; or	(1) A starting device that requires the simultaneous action of both hands to start the cutting motion and at least one hand on a control during the complete stroke of the knife; or	
(ii) An automatic guard which will remove the hands of the operator from the danger zone at every descent of the blade, used in conjunction with one-hand starting devices which require two distinct movements of the device to start the cutting motion, and so designed as to return positively to the nonstarting position after each complete cycle of the knife.	(2) An automatic device that will remove the hands of the operator from the danger zone at every descent of the blade, used in conjunction with one-hand starting devices that require two distinct movements of the device to start the cutting motion. 7.6.3.2. All power-driven veneer cutters shall be so designed that the knife positively returns to the starting position after each complete cycle of the knife.	
(6) Where two or more workers are employed at the same time on the same power-driven guillotine veneer cutter equipped with two-hand control, the device shall be so arranged that each worker shall be required to use both hands simultaneously on the controls to start the cutting motion, and at least one hand on a control to complete the cut.	7.6.3.3 Where two or more workers are employed at the same time on the same power-driven guillotine veneer cutter equipped with two-hand control, the device shall be so arranged that each worker shall be required to use both hands simultaneously on the controls to start the cutting motion, and at least one hand on a control to complete the cut.	
(7) Power-driven guillotine veneer cutters, other than continuous trimmers, shall be provided, in addition to the brake or other stopping mechanism, with a emergency device which will prevent the machine from operating in the event of failure of the brake when the starting mechanism is in the nonstarting position.	7.6.3.4 In addition to the brake or other stopping mechanism, a nonrepeat device that will prevent the machine from operating in the event of a mechanical failure shall be provided.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	7.6.3.5 Where no other device serves as protection, a guard running the length of the knife shall be installed on the in-feed side.	7.6.3.5-7.6.3.9 The ANSI standard 01.1-1975 has addressed these 5 additional hazards for power-driven guillotine veneer cutters not covered in the current standard. Comments are solicited on the suggestion to expand 1910.213 to cover these hazards.
No equivalent	7.6.3.6 A protective device, such as side shields, shall be provided on the out-feed side.	
No equivalent	7.6.3.7 A protective device for the knife edge shall be provided for use when the knife is being transported.	
No equivalent	7.6.3.8 Positive means of opening and locking the control circuit and supporting the mechanism in the "up" position shall be provided for use during knife changes.	
No equivalent	7.6.3.9 When the hold-down clamp and the knife are in their uppermost positions, the knife edge shall not extend below the lower edge of the hold-down clamp.	
	7.4 Veneer Lathe	
	7.4.1 A mechanical lock shall be provided to prevent the backup roll from closing until activated by the operator.	7.4.1-7.4.8 The ANSI standard 01.1-1975 has addressed these 8 additional hazards for veneer lathes not previously covered in the old standard. Comments are solivited on the suggestion to expand 1910.213 to cover these hazards.
No equivalent	7.4.2 A guard or positive interlock and necessary hydraulic or air controls shall be provided to prevent forward movement of the charger, if such movement may be hazardous.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	7.4.3 Positive means shall be provided to hold the head in the open position while the knife is being serviced.	
No equivalent	7.4.4 A protective device for the knife edge shall be provided for use when the knife is being transported.	
No equivalent	7.4.5 Where there is a hazard from "exploding" logs, both lathe operator's and charger operator's stations shall be protected against flying slabs and chips.	
No equivalent	7.4.6 Means shall be provided in knife-grinding areas to drain cleaning or cooling liquids from the work stations.	
No equivalent	7.4.7 Knives and other cutting equipment shall have planned storage areas.	
No equivalent	7.4.8 The area under the elevating ramp (tipple) from the lathe to the stock trays shall be guarded to prevent entrance while the lathe is in operation.	
(r) Miscellaneous woodworking machines.		
(1) The feed rolls of roll type glue spreaders shall be guarded by a semicylindrical guard. The bottom of the guard shall come to within three-eighths inch of a plane formed by bottom or contact face of the feed roll where it touches the stock.	6.12 Glue Spreaders (Feed-Roll Type). Where there is a hazard to the operator, the feed roll shall be guarded at all nip points. The bottom of the guard at the in-feed side shall come to within 3/8 inch of a horizontal plane formed by the bottom or contact face of the feed roll and the top surface of the stock and at least 1-1/2 inches away from the contact point. It is recommended that a reversing bar or switch, or a kickplate be used in addition to the nip guard.	(r)(1) Comments are solicited on the suggestion to modify the current standard to additionally require locating the guard a specific distance away from the feed rolls of a glue spreader and to further recommend the use of a reversing bar or switch or kickplate.

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(2) Drag saws shall be so located as to give at least a 4-foot clearance for passage when the saw is at the extreme end of the stroke; or if such clearance is not obtainable, the saw and its driving mechanism shall be provided with a standard enclosure.	7.3 Saws 7.3.1 Log Cutoff Saws. Saws shall be so located as to give safe clearance for passage when the saw is at the extreme end of the stroke, or if such clearance is not obtainable, the saw and its driving mechanism shall be provided with a standard enclosure.	(r)(2) Comments and information are solicited for the correct word usage. Can drag saws and log cutoff saws be used interchangably and if so which is more commonly used?
No equivalent	7.3.2 Circular Cutoff Saws. The operator shall be shielded from sawdust and flying chips.	
(3) For combination or universal woodworking machines each point of operation of any tool shall be guarded as required for such a tool in a separate machine.	6.10 Combination or Universal Woodworking Machines. For combination or universal woodworking machines, each point of operation shall be guarded as specified in the rules of this standard for each separate machine. Such machines shall be provided with a separate stopping and starting device at each point of operation.	(r)(3) Comments and information are solicited to determine the hazard exposure and conditions under which combination woodworking machines would require individual emergency start and stop controls at each point of operation.
(4) The mention of specific machines in paragraphs (a) thru (q) and this paragraph (r) of this section, inclusive, is not intended to exclude other woodworking machines from the requirement that suitable guards and exhaust hoods be provided to reduce to a minimum the hazard due to the point of operation of such machines.	6.14 Other Machines Not Excluded. The mention of specific machines in 6.1 through 6.12 inclusive, is not intended to exclude other woodworking machines from the requirement that suitable guards and exhaust hoods be provided. Reduce to a minimum the hazard due to the point of operation of such machines.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
No equivalent	9.1 Inspection and Maintenance 9.1.1 Inspection 9.1.1.1 Emphasis is placed upon the importance of maintaining systematic inspection of all woodworking machines and safety equipment to assist in the discovery or detection of developing defects and to permit their prompt correction. Inspections are to be performed by a plant safety engineer, foreman, supervisor, or other qualified personnel familiar with the machinery. Inspection shall determine that safety equipment is in working condition and in place, that noise/time exposure levels are within allowable limits, that the machine operator is properly trained in safe operating procedures of the equipment, and that the operator and machine are equipped with the safety accessories suitable for the hazards of the operation.	§1910.213(s) A comment has been received stating that §1910.213(s) except for (s)(3) and (4) does not address the major machine maintenance problem areas but concerns itself primarily with accessory tooling and safe operating procedures. The ANSI standard 01.1-1975 (9.1.1.1 and 9.1.1.2) addresses new requirements for the inspection and maintenance of woodworking equipment not covered in the current standard. Specific comments should be directed, but not limited, to the following requirements: 1. Regular and periodic inspection 2. Inspection by qualified personnel 3. Minimum recordkeeping requirements 4. Inspection elements 5. Operator training in safe operating procedures.
No equivalent	9.1.1.2 Each machine is to be inspected at least every six months, and a (rugged) tag or card affixed to the machine. It shall contain a minimum of the following: machine number, inspection date, period of validity, and signature of a qualified person familiar with the machinery.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(s) Inspection and maintenance of woodworking	9.1.2 Maintenance	
(1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.	9.1.2.1 Dull, badly set, improperly filed, or improperly tensioned saw blades shall be immediately removed from service before they result in causing the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saw blades to which gum has adhered on the sides shall be cleaned before the thickness of the gum is approximately two-thirds the tooth gullet. It is strongly recommended that users obtain and follow instructions from the saw blade manufacturers for proper maintenance of all saw blades. Band saw wheels should be kept clean and free from accumulations of sap, gum, or resins.	
(2) All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.	9.1.2.2 All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Cutting heads shall not generate sensible vibration.	
(3) Bearings shall be kept free from lost motion and shall be well lubricated.	9.1.2.3 Mounted cutting tools or cutting tool arbors, or both, shall be free of excessive lateral and radial play. Bearings shall have proper lubrication.	
(4) Arbors of all circular saws shall be free from play.		
(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.	9.1.2.4 Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(6) Emphasis is placed upon the importance of maintaining cleanliness around woodworking machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.	9.1.2.5 Cleanliness around woodworking machinery is to be maintained to ensure proper functioning of guards, bearings, motors, and electrical equipment, and to prevent generation of fire hazards.	
(7) All cracked saws shall be removed from service.	9.3.2.1 Cracked saw blades shall be removed from service and shall not be used until they have been inspected and repaired by a skilled sawsmith. If a skilled sawsmith is not available, saw blades should be returned to the manufacturer for welding, slotting, or tensioning as required for safe operating speed and service.	
(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.	9.3.2.4 The practice of inserting wedges between the saw blades and the collar to form what is commonly known as a wobble saw shall not be permitted.	
(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.	9.3.2.5 Push sticks or push blocks shall be provided at the workplace in several sizes and types suitable for the work to be done.	
(10) Twists or kinks in bandsaws and band resaws shall be promptly removed with a hammer.	9.3.2.7 Band saw blades shall be periodically examined to avoid use of cracked blades or blades that indicate probability of breakage.	
(11) To avoid vibration, brazed joints in bandsaws and band resaws shall be the same thickness as the saw blade.	9.3.3.6 To avoid vibration, brazed joints shall be the same thickness as the saw blade.	

Present Standard	Latest ANSI Standard	Comments
1910.213	01.1-1975	
(12) The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.	9.3.4.1 The hazard of jointing pieces that are too short is excessive. Minimum length of the piece jointed should be not less than four times the width of the bed opening. Neither half of the jointer table shall be adjusted horizontally so that the clearance between the edge of the table and the revolving knives is more than 1/4 inch. The knife blade shall be so installed and adjusted that it does not protrude more than 1/8 inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the workplace.	(s)(12) Comments are solicited on a suggestion to modify the existing standard to incorporate the following requirements: 1. Limiting the minimum length of pieces to be jointed to not less than four times the width of the bed opening and 2. Limiting the horizontal table adjustment to not exceeding 1/4 inch from table edge to the knives.
(13) Whenever veneer slicers or rotary veneer-cutting machines have been shut-down for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other workmen are not in a hazardous position before starting the machine.	No equivalent	
(14) Operators shall not ride the carriage of a veneer slicer.	No equivalent	

Present Standard	Latest ANSI Standard	Comments
1910.214	01.1-1975	1. Definitions appropriate for the cooperage industry will be selected from §1910.211(a) and included in §1910.214. 2. A scope shall be developed for cooperage and included in §1910.214. It has been suggested that the cooperage requirements be combined under §1910.213 (Woodworking). Comments and information are solicited to determine if the basic hazards, equipment and methods of machine safeguarding differ sufficiently to warrant a continued separation of the two sections.
(a) Heading bolt sawing machine. (1) Each heading saw shall be guarded by a hood curved to the contour of the saw. The hood shall cover the saw at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saw. The hood shall be made of adequate strength to resist strains incidental to reasonable operation.	8.2 Saws 8.2.1 Heading Bolt Sawing Machine 8.2.1.1 Each heading saw blade shall be guarded by a hood curved to the contour of the blade. The hood shall cover the saw at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the blade. The hood shall be made of adequate strength to resist strains incidental to reasonable operation, adjusting and handling and to protect the the operator from flying splinters and broken saw teeth.	
(2) The balance wheel shall be covered to enclose the rim and outside portion of the wheel. Expanded metal curved to fit the contour of the wheel is recommended.	8.2.1.2 The balance wheel shall be covered to enclose the rim and outside portion of the wheel.	(a)(2) Comments information are solicited as to whether the strength of the guard for a balance wheel should be specified. Would identifying the hazards to protect against be sufficient to determine the construction criteria? What are the hazards?

Present Standard	Latest ANSI Standard	Comments
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(3) The swing carriage shall be provided with an effective device that will return the carriage automatically to a position in front of the saw. Such a device shall not depend entirely upon any rope, cord, or spring for its proper functioning. If a counterweight is used, a safety chain shall be attached to it to prevent dropping, should the bar break or the weight become disengaged. All bolts supporting the bar, weight, and chain shall be provided with cotter pins or safety effective devices. A bolt shall be put through the extreme end of the counterweight bar to prevent dropping of the weight.	8.2.1.3 The swing carriage shall be provided with an effective device that will return the carriage automatically to a position in front of the saw.	(a)(3) Comments are solicited to determine whether or not sufficient guidance and operator protection would be provided without the availability of design criteria for the use of a counterweight on the swing carriage of a head bolt sawing machine. Examples are requested of effective devices now being used to return the carriage to a position in front of the saw.
(4) A limit stop shall be provided to prevent the carriage from swinging far back and thereby exposing the unguarded portion of the saw to contact.	8.2.1.4 A limit stop shall be provided to prevent the carriage from swinging too far back and thereby exposing the unguarded portion of the blade to contact.	
No equivalent	8.2.2 Hand-Fed Flat Table-Type Heading Saw. The saw blade shall be guarded by a hood curved to the contour of the blade and mounted on the table top in such a manner as to completely cover the blade when it is not engaging the material.	8.2.2 Comments are solicited on the suggestion to expand the coverage in §1910.214 to include hand-fed flat table-type heading saw machines and the need to address a saw blade guard requirement.
(b) Bolt equalizer, stave, and heading saws (tilting table style).	8.2.3 Bolt Equalizer, Stave and Heading Saws (Tilt-Table Style)	
(1) All heading and stave bolt equalizer saws shall be guarded by hoods, curved to the contour of the saws. The hood shall cover the saw at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saws.	8.2.3.1 All heading and stave bolt equalizer saw blades shall be guarded by hoods, curved to the contour of the saws. The hood shall cover the blade at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the blades.	(b) A comment has been received that "to guard effectively" could be better described in terms of the hazards to be guarded against. Other than flying splinters and broken teeth, what are the hazards? Should a strength specification be added to the guard requirement? Note 8.2.1.1 (ANSI).

Present Standard	Latest ANSI Standard	Comments
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(2) Hoods shall be attached to each end of the tilting table and shall extend forward to cover the portion of the saws which cannot be enclosed by a stationary guard.	8.2.3.2 Hoods shall be attached to each end of the tilting table and shall extend forward to cover the portion of the blades that cannot be enclosed by a stationary guard.	
(3) A limit stop shall be provided to prevent the table from coming too far back and thereby exposing the unguarded portion of the saws to contact.	8.2.3.3 A limit stop shall be provided to prevent the table from coming too far back and thereby exposing the unguarded portion of the saw blades to contact.	
No equivalent	8.2.3.4 Hydraulically operated saws should be guarded as outlined in 8.2.3.1.	
(c) Barrel stave saws (cylindrical saws).	8.2.4 Barrel Stave Saws (Cylindrical Saws)	
(1) Each machine of this type shall have the saw and the revolving part (head) to which the saw blade is bolted enclosed with a hinged guard to prevent accidental contact, except for that part of the saw immediately adjacent to the carriage, which is the point of operation of the saw.	8.2.4.1 Each machine of this type shall have the saw blade and the revolving part (head) to which the saw blade is bolted enclosed with a hinged guard to prevent accidental contact, except for that part of the saw blade immediately adjacent to the carriage, which is the point of operation of the saw.	
(2) The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saw. The hood shall be made of adequate strength to resist strains incidental to reasonable operation.	8.2.4.2 The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the blade. The hood shall be made of adequate strength to resist strains incidental to reasonable operation.	
(d) Hand-fed ripsaws.	8.2.5 Hand-Fed Stave and Heading Ripsaws	
(1) Each circular hand-fed ripsaw shall be guarded with a hood. The hood shall be stationary and cover the saw to a distance of approximately three-fourths inch above the stave being ripped. This will prevent the material being cut from being raised by upward centrifugal force of the saw in cases	8.2.5.1 Each circular hand-fed stave and heading ripsaw shall be provided with a hood-type guard that will cover the blade at all times when the saw is not in use. 8.2.5.2 When the saw is in use, the hood-type guard shall enclose that portion of the blade above the the table and that portion of the blade above the material by adjusting	(d)(1) Comments are requested on the suggestion to modify the coverage in (d)(1) to include guarding the ripsaw blade when not in use as in ANSI standard 01.1-1975 (8.2.5.1). Will the use of a self adjusting hood-type guard as opposed to a stationary guard expose operators to the hazard of material

Present Standard	Latest ANSI Standard	Comments
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of pinching or binding before the stave reaches the splitter. The hood shall provide inside clearance between the top edge of saw and guard to allow an accidental blow to strike it to the table and not engage the teeth with the guard. The hood shall be constructed of heavy material, preferably metal. That portion of the saw remaining below the table shall be completely enclosed in an exhaust hood.	automatically to the thickness of the material being cut. 8.2.5.3 Hood-type guards shall be so designed and constructed as to resist blows and strains incidental to reasonable operation, adjusting, and handling to protect the operator from flying splinters and broken saw teeth.	being raised by the upward centrifugal force of the saw blade in cases of pinching and binding? The current ANSI standard does not address the hazards which are prevented by enclosing that portion of the saw blade below the table with an exhaust enclosure. What is the hazard exposure to employees without the enclosure? Is metal preferable? Why? What criteria would govern substitution of materials? Should strength requirements be given?
(2) Spreader requirements for this equipment are contained in Section 1910.213(c)(2).	8.2.5.4 Each hand-fed circular stave and heading ripsaw shall be equipped with a spreader.	
No equivalent	8.2.5.6 Radial Saws. The upper hood shall completely enclose that portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in a manner that will protect the operator from flying splinters and broken saw teeth, and will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of stock and remain in contact with the stock being cut.	8.2.6 The current ANSI standard incorporates a requirement for upper hood and lower blade guards to protect against operations hazards for a radial saw. How does the equipment differ from that used in woodworking? Should the same criteria apply for a 3/8 inch gullet exposure to lower guard, for the warning label? Will the use of a self adjusting lower blade guard restrict any operations? What are the operations?
(e) Self-feed stave and heading equalizer saws.	8.2.7 Self-Feed Stave and Heading Equalizer Saws	
(1) Self-feed equalizer saws shall be guarded with a hood guard which will cover the top	8.2.7.1 Self-feed equalizer saw blades shall be guarded with a hood guard that will cover the top and sides of the saw blades. The hood shall adjust itself automatically to the	

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and sides of the saws. The hood should adjust itself automatically to the thickness of, and remain in contact with, the material being cut.	thickness of, and remain in contact with, the material being cut.	
No equivalent	8.2.7.2 The hood shall be constructed of material sufficiently heavy to serve as a hold-down device while the stave is passing between the blades.	8.2.7.2 Comments are solicited to determine whether or not a weight requirement for the hood guard can substitute for a holddown device and be as effective in reducing the hazard of a stave being thrown from a machine. What criteria could better define the words "sufficiently heavy"?
(2) The portion of the saw blade extending beneath the mandrel shall be enclosed in an exhaust hood and be easily accessible for changing saws.	8.2.7.3 The portion of the saw blade extending beneath the arbor shall be enclosed in an exhaust hood and be easily accessible for changing blades.	
(f) Stave and heading planers (single and double heads).	8.3 Stave and Heading Planers (Single and Double Heads)	
(1) The exhaust hood, or other guards, if no exhaust system is required, shall be so arranged and maintained as to guard effectively all cutting heads and knives of single and double planers.	8.3.1 Guarding of Cutterheads. The exhaust hood, or other guards if no exhaust system is required, shall be so arranged and maintained as to guard effectively against accidental contact with all cutting heads and knives.	
(2) Feed rolls, except for such portion as may be necessary to admit stock, shall be completely enclosed.	8.3.2 Point of Operation 8.3.2.1 Feed rolls, except for such portion as may be necessary to admit stock, shall be completely enclosed. Sectional feed rolls shall be provided for heading planers. Effective antikickback devices should be provided for all heading planers, regardless of the type of feed rolls.	(f)(2) Comments are solicited to determine what hazards can be eliminated by using sectional as opposed to another type feed roll for heading planers. What are the types and availability of antikickback devices for use on the machine?

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(3) Presure bars or holddown arrangements shall be properly adjusted to assure correct pressure and clearance at all times.	8.3.2.2 Pressure bars or hold-down arrangements shall be provided to assure correct pressure and clearance at all times.	
(g) Stave jointing machines (wheel).		
(1) Stave jointer wheels shall be covered on both sides with a removable metal hood connected to the exhaust system, except for that portion where the stock is applied to the knives.	8.4.1 Stave jointer wheels shall be covered on both sides with a removable metal hood connected to the exhaust system, except for that portion where the stock is applied to the knives.	(g)(1) Comments and information are solicited on the hazard exposure requiring the need to specify the use of metal guard material for stave jointer wheels. Should other types of materials be permitted and if so what should the strength criteria be?
(2) A limit stop should be installed on the frame to prevent any part of the carriage from coming in contact with any moving part of the wheel.	8.4.2 A limit stop shall be provided to prevent any part of the carriage from coming in contact with any moving part of the wheel.	
(3) The equipment described in subparagraphs (1) and (2) of this paragraph include double independent stave jointer wheels, double jointer stave wheels, single jointer stave wheels, and all kinds of keg stave jointer wheels.	8.4 Stave Jointing Wheels. Requirements for guarding double independent stave jointer wheels, double jointer stave wheels, single jointer stave wheels, and all kinds of keg stave jointer wheels are as given in 8.4.1 and 8.4.2.	
(h) Heading jointer and doweler machine (wheel).	8.5 Guarding of Heading Jointer and Doweler Machine (Wheel)	
(1) Each heading jointer shall be equipped with a removable guard covering the upper half of the wheel, except for that portion where the stock is applied to the knives.	8.5.1 Each heading jointer shall be equipped with a removable guard covering the upper half of the wheel, except for that portion where the stock is applied to the knives.	
(2) The lower portion of the wheel shall be guarded with sheet metal or expanded metal to prevent accidental contact with the knives.	8.5.2 The lower portion of the wheel shall be guarded to prevent accidental contact with the knives.	(h)(2) Comments and suggestions are solicited as to whether OSHA should permit the use of guards other than those made of metal. What types of materials should be permitted?

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		What additional hazards can be anticipated with substitutions for the current metal requirement? Should a strength specification be given, and if so what should it be?
No equivalent	8.5.3 Dowel bit pulleys and belts shall be guarded.	
(1) Heading rounder. The cutter head shall be enclosed in a hood attached to the exhaust system, arranged and maintained in such a manner as to guard effectively the entire cutting mechanism, except for that portion of the cutting head where the stock is applied.	8.6 Guarding of Heading Rounder. The cutterhead shall be enclosed in a hood attached to the exhaust system, except for that portion of the cutting head where the stock is applied.	
(j) Power windlass machine. Windlass machines having counterweight shall operate with the weights in a stationary casing. On all machines having a friction gear, the gear shall be properly guarded.	8.7 Guarding of Power Windlass Machine. Windlass machines having counterweight shall operate with the weights in a stationary casing. On all machines having a friction gear, the gear shall be properly guarded.	
(k) Crozing machine (stationary heads). Feed chains and sprockets shall be completely enclosed. This includes all types of barrel, keg, bucket, tub, and individual stave crozers, chamfering, crozing, and doweling machines.	8.8 Crozing Machines (Stationary Heads). Requirements for guarding all types of barrel, keg, bucket, tub, and individual stave crozers, chamfering, and doweling machines are as follows: Feed chains and sprockets shall be completely enclosed.	
(l) Heading-up machine. The outside portion and teeth of both drive gears for the racks shall be completely guarded. This includes all types of heading-up machines.	8.9 Guarding of Gear-Driven Heading-up Machines. Drives gears for the racks shall be completely guarded.	

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(m) Head charring machine. All tripping mechanisms shall be completely guarded.	8.10 Guarding of Head-Charring Machine. All tripping mechanisms shall be completely guarded.	
(n) Bilge truss hoop ring removing machine. (1) Both eccentric cams and gear works on horizontal machines shall be guarded. (2) Combined flywheel and gear shall be completely enclosed by a guard. This includes the horizontal and upright-type machines.	8.11 Bilge- and Head-Truss Hoop Ring-Removing Machines. Horizontal and upright-type machines shall be guarded as in 8.11.1 and 8.11.2. 8.11.1 Both eccentric cams and gear works on horizontal machines shall be guarded. 8.11.2 Combined flywheel and gear shall be completely enclosed.	
(o) Hoop elevators and conveyors. Lower sprockets and chains shall be guarded by complete enclosure to a height of at least 7 feet.	8.12 Guarding of Hoop Elevators and Conveyors. Lower sprockets and chains shall be guarded by complete enclosure to a height of at least 7 feet.	
(p) Barrel sanding machine. Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. This guard may be a part of the exhaust system. The unused run of the sanding belt shall be enclosed.	8.13 Guarding of Barrel-Sanding Machine. Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pully. This guard may be a part of the exhaust system. The unused run of the sanding belt shall be enclosed.	
(q) Hoop drivers and trussers. (1) All friction pulleys shall be enclosed by a guard. A hinged gate should be provided for that portion of the guard covering adjustments to the friction blocks.	8.14 Hoop Drivers and Trussers. Requirements for guarding keg hoops, tin barrel hoops, truss hoops, and both screw and rack and pinion-type hoop drivers are as follows: All friction pulleys shall be enclosed by a guard. A hinged gate should be provided for that portion of the guard covering adjustments to the friction blocks.	

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(2) The foregoing recommendation covers drivers for keg hoops, tin barrel hoops, truss hoops, and both screw and rack and pinion-type hoop drivers.		
(r) Head sanding machine. The exhaust hood of automatic horizontal disk head sanders shall be so arranged as to enclose each disk, except for that portion necessary for the application of the barrel being finished.	8.15.2 Machine Sanders. The exhaust hood of automatic horizontal disk-head sanders shall be so arranged as to enclose each disk, except for that portion necessary for the application of the heads being finished.	
(s) Hand jointer. All hand-fed jointers shall be guarded in accordance with the provisions of §1910.213(j).	8.16 Hand Jointer. All horizontal hand-fed jointers shall comply with 6.3.	
(t) Hoop punching and coiling machine. Miter gears, spur gears, drive pulley, and pulley for coiling attachment shall be guarded. This includes the horizontal hoop punching and coiling machine as well as the upright hoop punching machine.	8.17 Hoop-Punching and Coiling Machine. Guarding of horizontal and upright hoop-punching machines and of coiling machines shall be as follows: miter gears, spur gears, drive pulley, and pulley for coiling attachment shall be guarded.	
(u) Hoop riveting machine. The balance and drive wheels shall be effectively guarded. This includes automatic single, and double hoop riveters.	8.18 Hoop-Riveting Machine. Guarding of automatic, single-, and double-hoop riveters shall be as follows: The balance and drive wheels shall be effectively guarded.	
No equivalent	8.20 Bung-Boring Machine. The reamer shall completely enclosed when not engaging the wood.	8.20 Comments are requested on the suggestion to expand the coverage in §1910.214 to include a bung-boring machine.
No equivalent	8.21 Hogs 8.21.1 Hog mills shall be so designed and arranged that from no position on the rim of	8.21 Comments are requested on the suggestion to expand coverage in §1910.214 to address the hazards for hog mills as in the

Present Standard	Latest ANSI Standard	Comments
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No equivalent	the chute shall the distance to the cutter knives be less than 40 inches. 8.21.2 Hog feed chutes shall be provided with suitable and approved baffles, which shall minimize material being thrown from the mill.	ANSI standard 01.1-1975 (8.21.1-8.21.3).
No equivalent	8.21.3 Employees feeding hog mills shall be provided with safety belts and lifelines, unless guardes.	
(v) Hoop flaring and expanding machine. Gearing shall be completely enclosed.	8.19 Guarding of Hoop Flaring and Expanding machine. Gearing shall be completely enclosed.	
(w) Inspection and maintenance of cooperage machinery. For inspection and maintenance of cooperage machinery see §1910.213(s).	See 9.1 for inspection and maintenance.	(w) Same comments solicited as in 1910.213(s)

Present Standard	Latest ANSI Standard	Comments
1910.215 ABRASIVE WHEEL MACHINERY	The American National Standards Institute (ANSI) has not changed the original source standard ANSI B7.1-1970 "Safety Code for the Use, Care, and Protection of abrasive wheels" from which the current 1910.215 is derived. Therefore, the ANSI standard is not reprinted here.	The appropriate definitions for this section are found in section 1910.211(b). Comments are requested regarding the suitability and adequacy of the following suggested scope statement for this standard. This standard provides for proper equipment and safe practices to be used in grinding operations where material is removed from workpieces constructed of materials such as metal, masonry, concrete, glass, ceramics, plastics, and rubber by using a revolving abrasive wheel. Grinding operations using sandstone, pulpstone, and abrasive coated discs of metal, wood, cloth, or paper are not included. Changes proposed in Tentative ANSI draft B7.1-1976 prepared by the Technical Committee for B7 (Tentative ANSI B7.1) are referred to at various points.

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(a) General requirements.		
(1) Machine guarding. Abrasive wheels shall be used only on machines provided with safety guards as defined in the following paragraphs of this section, except:		(a)(1) Tentative ANSI B7.1 proposes that safety guards should not be required with notched, segmented or continuous rim metal centered diamond lapidary wheels used with coolant deflectors when operated at speeds up to 3500 SFPM and Type 1 reinforced wheels not more than 2 inches in diameter and 1/4 inch in thickness. Does the elimination of these guards create significant employee hazards? Are any other safety measures required if these practices are permitted?
(i) Wheels used for internal work while within the work being ground;		
(ii) Mounted wheels, used in portable operations, 2 inches and smaller in diameter; and		
(iii) Types 16, 17, 18, 18R, and 19 cones, plugs, and threaded hole pot balls where the work offers protection.		
(2) Guard design. The safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard, except:		

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(i) Safety guards on all operations where the work provides a suitable measure of protection to the operator, may be so constructed that the spindle end, nut, and outer flange are exposed; and where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted; and		
(ii) The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.		(a)(2)(ii) The Tentative ANSI B7.1 proposes that the spindle end, nut and outer flange may be exposed on masonry and concrete saws. Does this exception create any hazards to employee safety? Should any other machines also be excepted? The Tentative ANSI B7.1 proposes that the spindle end, nut and outer flange may be exposed at the bottom of the stroke on cutting-off machines equipped with stationary guards. Does the elimination of a safety guard covering the spindle end, nut and outer flange on these machines create any hazard to employees?
(3) Flanges. Grinding machines shall be equipped with flanges in accordance with paragraph (c) of this section.		

Present Standard	Latest ANSI Standard	Comments
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(4) Work rests. On offhand grinding machines, work rests shall be used to support the work. They shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage. The work rest shall be securely clamped after each adjustment. The adjustment shall not be made with the wheel in motion.		(a)(4) Comments are requested on the American Foundrymen's Society petition to OSHA to delete the 1/8 inch maximum opening requirement and to permit larger openings proportional to the size of the piece being ground. Should OSHA permit light freehand grinding without the use of a workrest as proposed in a variance request submitted by Mohawk Tools, Inc. Is the additional degree of hazard acceptable? How can this practice be limited to only those cases where it might be necessary to not use work rests? Are any other safety measures required if this practice is permitted? Tentative ANSI B7.1 proposes that work rests should not be required when grinding large pieces supported by overhead hoists. Does the absence of a work rest in this situation create a greater degree of hazard to employee safety? Tentative ANSI B7.1 proposes that adjustment of the work rest while the wheel is rotating be permitted with variable speed machines having control linkages attached to the work rest. Would permitting the adjustment of work rests in this situation create a hazard to employee safety?

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(5) Excluded machinery. Natural sandstone wheels and metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface are not covered by this section. (b) Guarding of abrasive wheel machinery. (1) Cup wheels. Cup wheels (Types 6 and 11) shall be protected by: (i) Safety guards as specified in subparagraphs (1) through (10) of this paragraph; (ii) Band type guards as specified in subparagraph (11) of this paragraph; and (iii) Special "Revolving Cup Guards" which mount behind the wheel and turn with it. They shall be made of steel or shall enclose the wheel's sides upward from the back for one-third of the wheel thickness. The mounting features shall conform with all requirements of this section. It is necessary to maintain clearance between the wheel side and the guard. This clearance shall not exceed one-sixteenth inch.		(b)(1)(iii) Should revolving cup guards be banned after a specified period as suggested by ANSI B7.1 and, if so, why?

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(2) Guard exposure angles. The maximum exposure angles specified in subparagraphs (3) through (8) of this paragraph shall not be exceeded. Visors or other accessory equipment shall be included as a part of the guard when measuring the guard opening, unless such equipment has strength equal to that of the guard.		(b)(2) Correspondence received by OSHA indicates that an explanantion should be included stating that the exposure angle of a guard is measured from the center of the spindle. Diagrams in Tentative ANSI B7.1 have been changed to better reflect this.
(3) Bench and floor stands. The angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as bench and floor stands should not exceed 90° or one-fourth of the periphery. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O-6 and O-7 and subparagraph (9) of this paragraph.) Wherever the nature of the work requires contact with the wheel below the horizontal plane of the spindle, the exposure shall not exceed 125°. (See Figures O-8 and O-9.)		
(4) Cylindrical grinders. The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on cylindrical grinding machines shall not exceed 180°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O-10 and O-11 and subparagraph (9) of this paragraph.)		

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(5) Surface grinders and cutting-off machines. The maximum angular exposure for safety guards used on cutting-off machines and on surface grinding machines which employ the wheel periphery shall not exceed 150°. This exposure shall begin at a point not less than 15° below the horizontal plane of the wheel spindle. (See Figures O-12 and O-13.)		
(6) Swing frame grinders. The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as swing frame grinding machines shall not exceed 180°, and the top half of the wheel shall be enclosed at all times. (See Figures O-14 and O-15.)		
(7) Automatic snagging machines. The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on grinders known as automatic snagging machines shall not exceed 180° and the top half of the wheel shall be enclosed at all times. (See Figures O-14 and O-15.)		
(8) Top grinding. Where the work is applied to the wheel above the horizontal centerline, the exposure of the grinding wheel periphery shall be as small as possible and shall not exceed 60°. (See Figures O-16 and O-17.)		

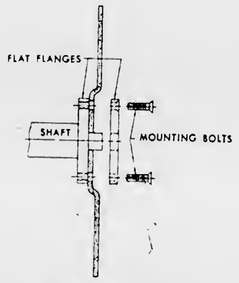
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(9) Exposure adjustment. Safety guards of the types described in subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in subparagraphs (3) and (4) of this paragraph shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)		(b)(9) The Tentative ANSI B7.1 proposes that an adjustable tongue not be required on bench grinders with wheels 5 inches in diameter or less operating at speeds less than 5000 SFPM and powered by machines not greater than 1/10 horsepower. Does the elimination of an adjustable tongue on these bench grinders create any hazards to employee safety?
(10) Material requirements and minimum dimensions.		(b)(10) Should safety guards constructed of other materials which provide the equivalent strength, impact resistance, and rigidity as those listed here be permitted? Are there any materials which should not be permitted?
(i) See Figures O-36 and O-37 and Table O-9 for minimum basic thickness of peripheral and side members for various types of safety guards and classes of service.		
(ii) If operating speed does not exceed 8,000 surface feet per minute, cast iron safety guards, malleable iron guards or other guards as described in subparagraph (10)(iii) of this paragraph shall be used.		

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(iii) Cast steel, or structural steel, safety guards as specified in Figures O-36 and O-37 and Table O-9 shall be used where operating speeds of wheels are faster than 8,000 surface feet per minute up to a maximum of 16,000 surface feet per minute.		
(iv) For cutting-off wheels 16 inches diameter and smaller and where speed does not exceed 16,000 surface feet per minute, cast iron or malleable iron safety guards as specified in Figures O-36 and O-37, and in Table O-9 shall be used.		
(v) For cutting-off wheels larger than 16 inches diameter and where speed does not exceed 14,200 surface feet per minute, safety guards as specified in Figures O-27 and)-28, and in Table O-1 shall be used.		
(vi) For thred grinding wheels not exceeding one inch in thickness cast iron or malleable iron safety guards as specified in Figures O-36 and O-37, and in Table O-9 shall be used.		
(11) Band type guards--general specifications. Band type guards shall conform to the following general specifications:		(b)(11) Should access doors be permitted on band guards used on segment wheels as proposed in Tentative ANSI B7.1? If so, are rules necessary to insure that the access door does not present a hazard to employees?

Present Standard	Latest ANSI Standard	Comments
1910.215		
(i) The bands shall be of steel plate or other material of equal or greater strength. They shall be continuous, the ends being either riveted, bolted, or welded together in such a manner as to leave the inside free from projections. (ii) The inside diameter of the band shall not be more than 1 inch larger than the outside diameter of the wheel, and shall be mounted as nearly concentric with the wheel as practicable. (iii) The band shall be of sufficient width and its position kept so adjusted that at no time will the wheel protrude beyond the edge of the band a distance greater than that indicated in Figure O-29 and in Table O-2 or the wall thickness (W), whichever is smaller. (12) Guard design specifications. Abrasive wheel machinery guards shall meet the design specifications of the American National Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, ANSI B7.1-1970. This requirement shall not apply to natural sandstone wheels or metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface.		

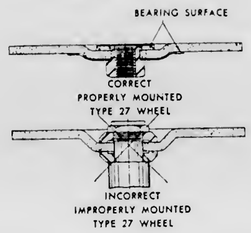
Present Standard	Latest ANSI Standard	Comments
1910.215		
(c) Flanges. (1) General requirements. All abrasive wheels shall be mounted between flanges which shall not be less than one-third the diameter of the wheel. (i) Exceptions: (a) Mounted wheels. (b) Portable wheels with threaded inserts or projecting studs. (c) Abrasive discs (inserted nut, inserted washer and projecting stud type). (d) Plate mounted wheels. (e) Cylinders, cup, or segmental wheels that are mounted in chucks. (f) Types 27 and 28 wheels. (g) Certain internal wheels. (h) Modified types 6 and 11 wheels (terrazzo).		(c)(1)(i)(b) Should this be clarified by substituting "Portable cup, cone, or plug wheels" for "Portable wheels?" (c)(1)(i)(g) The Tentative ANSI B7.1 limits the exception of internal wheels to those which are less than 2 inches in diameter. Comments are solicited on the appropriateness of this exception.

Present Standard	Latest ANSI Standard	Comments
1910.215		
(i) Cutting-off wheels, Types 1 and 27A (see subdivisions (ii) and (iii) of this subparagraph).		(c)(1)(i)(i) The Tentative ANSI B7.1 proposes that reinforced abrasive or steel centered diamond masonry cut-off wheels 18 inches and 20 inches in diameter be equipped with flanges not less than 4 inches in diameter and that steel centered diamond concrete cut-off wheels 20 inches in diameter and larger be equipped with flanges not less than 1/6 the wheel diameter. Information is solicited regarding experiences with such small flanges.
(ii) Type 1 cutting-off wheels are to be mounted between properly relieved flanges which have matching bearing surfaces. Such flanges shall be at least one-fourth the wheel diameter.		
(iii) Type 27A cutting-off wheels are designed to be mounted by means of flat, not relieved, flanges having matching bearing surfaces and which may be less than one-third but shall not be less than one-fourth the wheel diameter. (See Figure O-24 for one such type of mounting.)		

Present Standard	Latest ANSI Standard	Comments
1910.215		
 **FIGURE NO. O-24** *The Type 27A Wheel is mounted between flat non-relieved flanges of equal bearing surfaces.*		
(iv) There are three general types of flanges: (a) straight relieved flanges (see Figure O-32); (b) straight unrelieved flanges (see Figure O-30); (c) adaptor flanges (see Figures O-33 and O-34);		

Present Standard	Latest ANSI Standard	Comments
1910.215 (v) Regardless of flange type used, the wheel shall always be guarded. Blotters shall be used in accordance with subparagraph (6) of this paragraph. (2) Design and material. (i) Flanges shall be of such design as to satisfactorily transmit the driving torque from the spindle to the grinding wheel. (ii) Flanges may be made of steel, cast iron, or other material of equal or greater strength and rigidity. (iii) Flanges shall be designed with respect to rigidity so that when tightened, the radial width of bearing surface of contact on the wheel is maintained. (See Table O-6 and Figure O-32.) (3) Finish and balance. Flanges shall be dimensionally accurate and in good balance. There shall be no rough surfaces or sharp edges. (4) Uniformity of diameter. (i) Both flanges, of any type, between which a wheel is mounted, shall be of the same diameter and have equal bearing surface. Exceptions are set forth in the remaining subdivisions of this subparagraph.		

Present Standard	Latest ANSI Standard	Comments
1910.215 (ii) Type 27 and Type 28 wheels, because of their shape and usage, require specially designed adaptors. The back flange shall extend beyond the central hub or raised portion and contact the wheel to counteract the side pressure on the wheel in use. The adaptor nut which is less than the minimum one-third diameter of wheel fits in the depressed side of wheel to prevent interference in side grinding and serves to drive the wheel by its clamping force against the depressed portion of the back flange. The variance in flange diameters, the adaptor nut being less than one-third wheel diameter, and the use of side pressure in wheel operation limits the use to reinforced organic bonded wheels. Mounts which are affixed to the wheel by the manufacturer shall not be reused. Type 27 and Type 28 wheels shall be used only with a safety guard located between wheel and operator during use. (See Figure O-24-A.)		

Present Standard	Latest ANSI Standard	Comments
1910.215 **FIGURE NO. O-24-A**  *Types 27 and 28 wheels, because of their shape, require specially designed adaptors.* (iii) Modified Types 6 and 11 wheels (terrazzo) with tapered K dimension.		(c)(4)(iv) The Tentative ANSI B7.1 proposes that another exception be internal wheels less than 2 inches in diameter. Comments are solicited on whether the adoption of this exception would affect employee safety.

Present Standard	Latest ANSI Standard	Comments
1910.215 (5) Recess and undercut. (i) Straight relieved flanges made according to Table O-6 and Figure O-32 shall be recessed at least one-sixteenth inch on the side next to the wheel for a distance as specified in Table O-6. (ii) Straight flanges of the adaptor or sleeve type (Table O-7 and Figures O-33 and O-34) shall be undercut so that there will be no bearing on the sides of the wheel within one-eighth inch of the arbor hole. (6) Blotters. (i) Blotters (compressible washers) shall always be used between flanges and abrasive wheel surfaces to insure uniform distribution of flange pressure. (See paragraph (d)(5) of this section.) (ii) Exception: (a) Mounted wheels. (b) Abrasive discs (inserted nut, inserted washer, and projecting stud type). (c) Plate mounted wheels. (d) Cylinders, cups, or segmental wheels that are mounted in chucks.		

Present Standard	Latest ANSI Standard	Comments
1910.215		
(e) Types 27 and 28 wheels.		
(f) Certain Type 1 and Type 27A cutting-off wheels.		
(g) Certain internal wheels.		(c)(6)(11)(g) Should this be restricted to internal wheels less than 2 inches in diameter as proposed in tentative ANSI B7.1?
(h) Type 4 tapered wheels.		(c)(6)(11)(h) Should Type 4 wheels be deleted from the exceptions and do they require blotters as proposed in tentative ANSI B7.1?
(i) Diamond wheels, except certain vitrified diamond wheels.		(c)(6)(11)(i) Comments are requested on changing this to read diamond and cubic boron nitride wheels as proposed in tentative ANSI B7.1.
(j) Modified Types 6 and 11 wheel (terrazzo)--blotters applied flat side of wheel only.		
(7) Driving flange. The driving flange shall be securely fastened to the spindle and the bearing surface shall run true. When more than one wheel is mounted between a single set of flanges, wheels may be cemented together or separated by specially designed spacers. Spacers shall be equal in diameter to the mounting flanges and have equal bearing surfaces. (See paragraph (d)(6) of this section.)		(c)(7) The Tentative ANSI B7.1 proposes that driving flanges on bench grinders with wheels 8 inches or less in diameter and powered by machines not greater than 3/4 horsepower do not have to be fastened to the spindle.

Present Standard	Latest ANSI Standard	Comments
1910.215		
(8) Dimensions.		(c)(8) There are questions as to whether or not sections such as this one and the detailed figures and tables associated with it should be retained. Is this information useful and does it significantly enhance employee safety? Is the information presented here too restrictive?
(i) Tables O-4 and O-6 and Figures O-30 and O-32 show minimum dimensions for straight relieved and unrelieved flanges for use with wheels with small holes that fit directly on the machine spindle. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.		
(ii) Table O-5, and Table O-7 and Figures O-31, O-33, O-34 show minimum dimensions for straight adaptor figures for use with wheels having holes larger than the spindle. Dimensions of such adaptor flanges shall never be less than indicated and should be greater where practicable.		
(iii) Table O-8 and Figure O-35 show minimum dimensions for straight flanges that are an integral part of wheel sleeves which are frequently used on precision grinding machines. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.		

Present Standard	Latest ANSI Standard	Comments
1910.215		—
(9) Repairs and maintenance. All flanges shall be maintained in good condition. When the bearing surfaces become worn, warped, sprung, or damaged they should be trued or refaced. When refacing or truing, care shall be exercised to make sure that proper relief and rigidity is maintained as specified in subparagraphs (2) and (5) of this paragraph and they shall be replaced when they do not conform to these subparagraphs and Table O-4, Figure O-30-, Table O-5, Figure O-31, Table O-6, Figure O-32, and Table O-8, Figure O-35. Failure to observe these rules might cause excessive flange pressure around the hole of the wheel. This is specially true of wheel-sleeve or adaptor flanges.		
(d) Mounting. (1) Inspection. Immediately before mounting, all wheels shall be closely inspected and sounded by the user (ring test) to make sure they have not been damaged in transit, storage, or otherwise. The spindle speed of the machine shall be checked before mounting of the wheel to be certain that it does not exceed the maximum operating speed marked on the wheel. Wheels should be taped gently with a light nonmetallic implement, such as the handle of a screwdriver for light wheels, or a wooden mallet for heavier wheels. If they sound cracked (dead), they shall not be used. This is known as the "Ring Test."		(d)(1) The American Foundrymen's Society has petitioned OSHA to permit alternate test methods which are at least as effective as the "ring test." The Society contends that a "vibration test" is one test which is at least as effective. Data regarding the effectiveness of the "vibration test" and any other test method deemed effective is requested.

Present Standard	Latest ANSI Standard	Comments
1910.215		
(1) Wheels must be dry and free from sawdust when applying the ring test, otherwise the sound will be deadened. It should also be noted that organic bonded wheels do not emit the same clear metallic ring as do vitrified and silicate wheels. (11) "Tap" wheels about 45° each side of the vertical centerline and about 1 or 2 inches from the periphery as indicated by the spots in Figure O-25 and Figure O-26. Then rotate the wheel 45° and repeat the test. A sound and undamaged wheel will give a clear metallic tone. If cracked, there will be a dead sound and not a clear "ring." (2) Arbor size. Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. A controlled clearance between the wheel hole and the machine spindle (or wheel sleeves or adaptors) is essential to avoid excessive pressure from mounting and spindle expansion. To accomplish this, the machine spindle shall be made to nominal (standard) size plus zero minus .002 inch,		(d)(1) Are employees subjected to any significant hazards if wheels 4 inches in diameter and less, plugs and cones, mounted wheels, segments, plate-mounted wheels and inserted nut and projected stud disc wheels are not tested for cracks?

Present Standard	Latest ANSI Standard	Comments
1910.215		
and the wheel hole shall be made suitably oversize to assure safety clearance under the conditions of operating heat and pressure. (3) Surface condition. All contact surfaces wheels, blotters and flanges shall be flat and free of foreign matter. (4) Bushing. When a bushing is used in the wheel hole it shall not exceed the width of the wheel and shall not contact the flanges. (5) Blotters. When blotters or flange facings of compressible material are required, they shall cover entire contact area of wheel flanges. Highly compressible material such as blotting paper as normally used should not exceed .025 inch in thickness. If material of lower compressibility is used, greater thickness may be necessary. Blotters need not be used with the following types of wheels: (i) Mounted wheels. (ii) Abrasive discs (inserted nut, inserted washer, and projecting-stud type). (iii) Plate mounted wheels. (iv) Cylinders, cups, or segmental wheels that are mounted in chucks.		

Present Standard	Latest ANSI Standard	Comments
1910.215		
(v) Types 27 and 28 wheels. (vi) Certain Type 1 and Type 27A cutting-off wheels. (vii) Certain internal wheels. (viii) Type 4 tapered wheels. (ix) Diamond wheels, except certain vitrified diamond wheels.		(d)(5)(x) Since modified Type 6 and Type 11 terrazzo wheels require blotters only on the flat side of the wheel, should this be listed as exception as proposed in Tentative ANSI B7.1?
(6) Multiple wheel mounting. When more than one wheel is mounted between a single set of flanges, wheels may be cemented together or separated by specially designed spacers. Spacers shall be equal in diameter to the mounting flanges and have equal bearing surfaces. When mounting wheels which have not been cemented together, or ones which do not utilize separating spacers, care must be exercised to use wheels specially manufactured for that purpose. (7) Replacing safety guard. After mounting a wheel, care should be taken to see that the safety guard is properly positioned before starting the wheel.		

Present Standard	Latest ANSI Standard	Comments
1910.215		

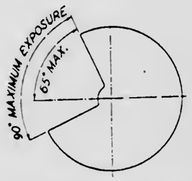


FIGURE NO. 0-6

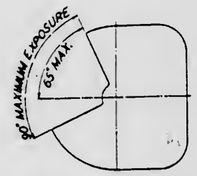


FIGURE NO. 0-7



FIGURE NO. 0-8

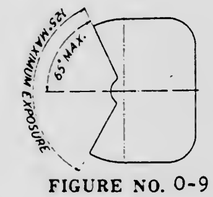


FIGURE NO. 0-9

Present Standard	Latest ANSI Standard	Comments
1910.215		

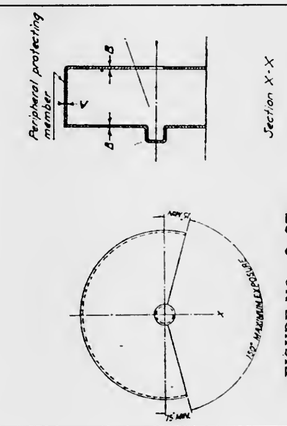


FIGURE NO. 0-27

FIGURE NO. 0-28

Present Standard	Latest ANSI Standard	Comments
1910.215		



FIGURE NO. 0-10

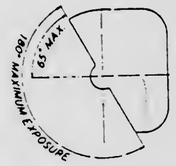


FIGURE NO. 0-11

TABLE O-1—MINIMUM BASIC THICKNESS FOR PERIPHERAL AND SIDE MEMBERS FOR SAFETY GUARDS USED WITH CUTTING-OFF WHEELS

Material used in construction of guard	Maximum thickness of cutting off wheel	Cutting off wheel diameters									
		6 to 11 inches		Over 11 to 20 inches		Over 20 to 30 inches		Over 30 to 45 inches		Over 48 to 72 inches	
	Speed not to exceed	A	B	A	B	A	B	A	B	A	B
Structural steel (min. tensile strength 60,000 p.s.i.)	¼ inch or less—14,200 SFPM	1/16	1/16	3/32	3/32	1/8	1/8	3/16	3/16	1/4	1/4
	¼ inch or less—15,000 SFPM	3/32	1/8	1/8	1/8	3/16	1/4	1/4	3/16	3/16	1/4

Present Standard: 1910.215

Latest ANSI Standard:

Comments:

Present Standard	Latest ANSI Standard	Comments
1910.215		

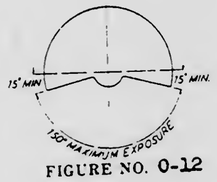


FIGURE NO. 0-12

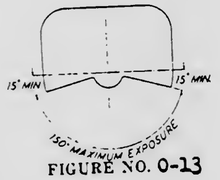


FIGURE NO. 0-13

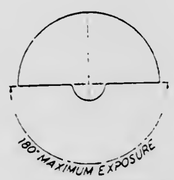


FIGURE NO. 0-14

Present Standard	Latest ANSI Standard	Comments
1910.215		

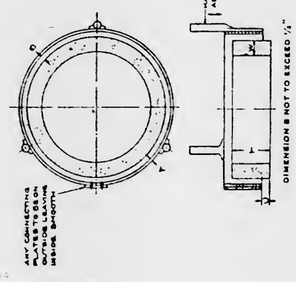


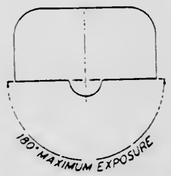
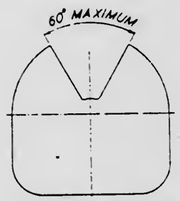
FIGURE NO. 0-29

STANDARDS AND INTERPRETATIONS

TABLE O-2—EXPOSURE VERSUS WHEEL THICKNESS

Overall thickness of wheel (T) (inches)	*Maximum exposure of wheel (C)* (inches)
½	¼
1	½
2	¾
3	1
4	1½
5 and over	2

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Present Standard	Latest ANSI Standard	Comments
1910.215  FIGURE NO. O-15  FIGURE NO. O-16  FIGURE NO. O-17		

Present Standard	Latest ANSI Standard	Comments
1910.215		

TABLE O-3—GUIDE FOR CONSTRUCTION OF DISC TYPE GRAINS
[Maximum Wheel Speed 7,000 SFPM]

Minimum material specifications	Diameter of wheel	Minimum thickness of band A	Minimum diameter of rivets	Maximum distance between centers of rivets
	Inches	*Inches*	*Inches*	*Inches*
Hot rolled steel SAE 1008	Under 8	1/16	3/16	3/4
	8 to 24	1/8	1/4	1
	Over 24 to 30	3/16	3/8	1 1/4

Present Standard	Latest ANSI Standard	Comments
1910.215		

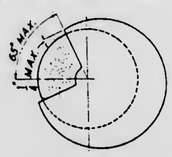


FIGURE NO. 0-20

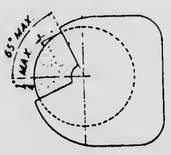


FIGURE NO. 0-21

CORRECT

Showing movable guard with opening small enough to give required protection for smallest size wheel used.

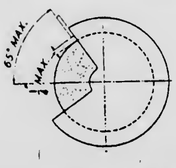


FIGURE NO. 0-18

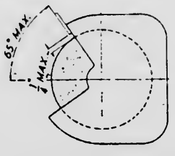


FIGURE NO. 0-19

CORRECT

Showing adjustable tongue giving required angular protection for all sizes of wheel used.

Present Standard	Latest ANSI Standard	Comments
1910.215		

TABLE O-4—MINIMUM DIMENSIONS FOR STRAIGHT UNRELIEVED FLANGES FOR WHEELS WITH THREADED INSERTS OR PROJECTING STUDS

A	B [1]	T
Diameter of wheel	Minimum outside diameter of flange	Minimum thickness of flange
Inches	*Inches*	*Inches*
1	3/8	1/8
2	1	3/32
3	1	3/16
4	1 3/4	3/16
5	1 3/4	1/4
6	2	3/8

[1] NOTE: Must be large enough to extend beyond the bushing. Where prong anchor or cupback bushing are used, this footnote does not apply.

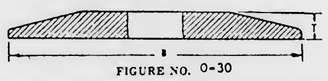


FIGURE NO. 0-30

Driving flange secured to spindle for use only on portable wheels with threaded inserts or projecting studs.

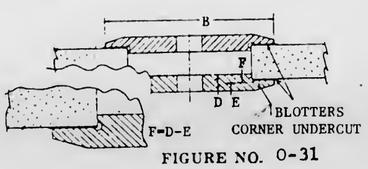


FIGURE NO. 0-31

Present Standard	Latest ANSI Standard	Comments
1910.215		

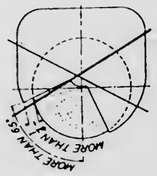


FIGURE NO. 0-22

INCORRECT

Showing movable guard with size of opening correct for full size wheel but too large for smaller wheels.

FIGURE NO. 0-23

Present Standard	Latest ANSI Standard	Comments
1910.215		

TABLE O-4—MINIMUM DIMENSIONS FOR STRAIGHT ADAPTER FLANGE—FOR OSAKIC BONDED WHEELS OVER 1¼ INCHES THICK[1]

Wheel diameter	Wheel bel (diameter	B Minimum flange diameter	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut	F1 (D-E) minimum thickness
13 to 14	Inches 4 5 6	Inches 6 7 8	Inches 1¼ 1¼ 1¼	Inches ¾ ¾ ¾	Inches ½ ½ ½
Larger than 14 to 18	4 5 6 7	6 7 8 9	1¼ 1¼ 1¼ 1¼	¾ ¾ ¾ ¾	½ ½ ½ ½
Larger than 18 to 24	5 6 7 8 9 10	7 8 9 10 11 12	1¼ 1¼ 1¼ 1¼ 1¼ 1¼	¾ ¾ ¾ ¾ ¾ ¾	½ ½ ½ ½ ½ ½
Larger than 24 to 30	8 9 10 12 13	10 11 12 14 15	1¼ 1¼ 1¼ 1¼ 1¼	¾ ¾ ¾ ¾ ¾	½ ½ ½ ½ ½
Larger than 30 to 36	12 13	15 15	1¼ 1¼	¾ ¾	½ ½

[1] For wheels under 1¼ inches take F dimension shall not exceed 40 percent of wheel thickness.

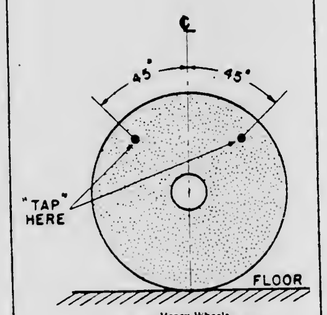
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Present Standard	Latest ANSI Standard	Comments
1910.215		



Light Wheels
Suspend from hole by small pin or finger

FIGURE NO. 0-25



Heavy Wheels
Support on clean hard floor

FIGURE NO. 0-26

Present Standard	Latest ANSI Standard	Comments
1910.215		Does the information presented in Table O-6 enhance employee safety?

TABLE O-6—MINIMUM DIMENSIONS FOR STATIONARY REINFORCED PLASTICS

A [1]	B	C		D	E
Diameter of Wheel	Minimum distance between centers of Bearings	Bearing width of Reinforced Plastics Wheel		Minimum Diameter of Bearing of Reinforced Plastics Wheel	Minimum Load per in. of Tread
		Minimum	Maximum		
Inches	Inches	Inches	Inches	Inches	Pounds
3	2½	1	1½	1½	200
4	3	1	1½	1½	200
5	3½	1	1½	1½	200
6	4	1	1½	1½	200
7	4½	1	1½	1½	200
8	5	1	1½	1½	200
9	5½	1	1½	1½	200
10	6	1	1½	1½	200
11	6½	1	1½	1½	200
12	7	1	1½	1½	200
13	7½	1	1½	1½	200
14	8	1	1½	1½	200
15	8½	1	1½	1½	200
16	9	1	1½	1½	200
17	9½	1	1½	1½	200
18	10	1	1½	1½	200
19	10½	1	1½	1½	200
20	11	1	1½	1½	200
21	11½	1	1½	1½	200
22	12	1	1½	1½	200
23	12½	1	1½	1½	200
24	13	1	1½	1½	200

[1] Diameter for wheels greater than 24 inches diameter may be constructed and shall be manufactured flat and true.

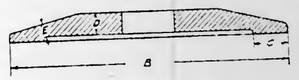


FIGURE NO. 0-32

Driving flange secured to spindle.

TABLE O-7—MINIMUM DIMENSIONS FOR STRAIGHT FLANGES—FOR MECHANICAL GRINDERS 12,500 S.F.P.M. TO 16,500 S.F.P.M.[1]

Wheel diameter	Wheel hole diameter	B Minimum flange diameter	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut	F[2] (D-E) minimum thickness
20	5	8	1	¼	¼
28	8	10	1¼	¾	¾
24	12	15	2	1	1
30	12	15	2	1	1
36	12	15	2	1	1

[1] Flanges shall be of steel, quality SAE 1040 or equivalent, annealed plate, heat treated to R_c 28–30.
[2] For wheels under 1¼ inch thick F dimension shall not exceed 40 percent of wheel thickness.

Present Standard 1910.215

Latest ANSI Standard

Comments

TABLE O-8—MINIMUM DIMENSIONS FOR STRAIGHT FLANGES USED AS WHEEL SLEEVES FOR PRECISION GRINDING ONLY

Wheel diameter	Wheel hole diameter	B Minimum outside diameter of flange	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut
Inches	*Inches*	*Inches*	*Inches*	*Inches*
12 to 14	5	7	⅛	3/16
Larger than 14 to 20	5	7	⅛	3/16
	6	8	⅛	3/16
	8	10	⅛	3/16
	10	11½	⅛	3/16
	12	13½	⅛	3/16
Larger than 20 to 30	8	10	¼	⅛
	10	11½	¼	⅛
	12	13½	¼	⅛
	16	17½	¼	⅛
Larger than 30 to 42	12	13½	¼	⅛
	16	17½	¼	⅛
	18	19½	¼	⅛
	20	21½	¼	⅛
Larger than 42 to 60	16	20	1	¼
	20	24	1	¼
	24	29	1¼	⅜

NOTE: These flanges may be clamped together by means of a central nut, or by a series of bolts or some other equivalent means of fastening. For bole sizes smaller than shown in this table, use table 12.

Present Standard 1910.215

Latest ANSI Standard

Comments

Present Standard	Latest ANSI Standard	Comments
1910.215		

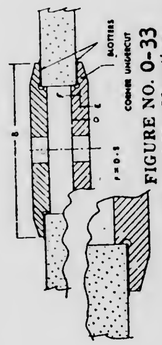


FIGURE NO. 0-34
Multiple Screw Mounting
Driving flange secured to spindle.

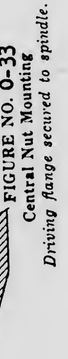


FIGURE NO. 0-33
Central Nut Mounting
Driving flange secured to spindle.

Present Standard	Latest ANSI Standard	Comments
1910.215		

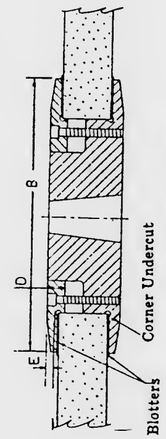


FIGURE NO. 0-35
Driving flange secured to spindle.

V 42 5 JA N 7 7 7 UM

Present Standard	Latest ANSI Standard	Comments
1910.215		

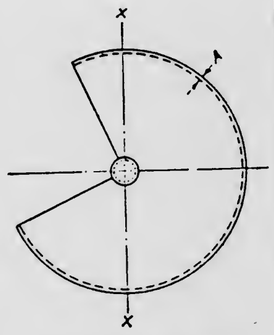
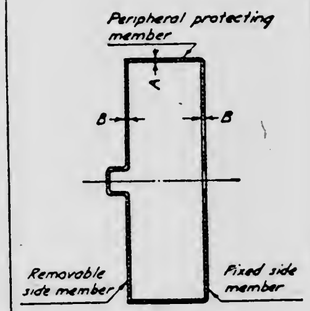


FIGURE NO. O-36



Section X-X

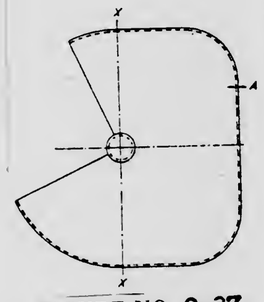


FIGURE NO. O-37

Present Standard	Latest ANSI Standard	Comments
1910.215		Table O-9 is another example of very specific information included in this standard. Should tables such as this one be retained and, if so, why?

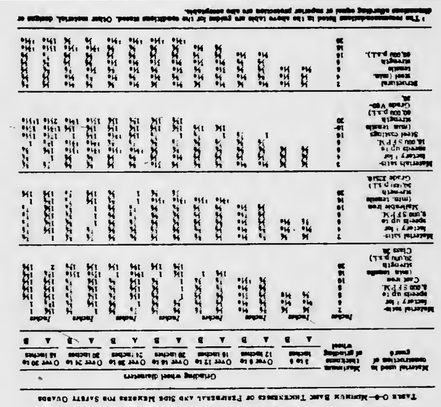


TABLE O-9—MINIMUM BASE DIMENSIONS OF TRIANGULAR AND SIDE MEMBERS FOR SAFETY CHAINS

Maximum load to be supported by chain(s)	Maximum length of shortening hook	Chain(s) under shortening hook									
		1 to 5		Over 5 to 12		Over 12 to 18		Over 18 to 30		Over 30 to 45	
		A	B	A	B	A	B	A	B	A	B
Pounds	Inches	Inches	Inches	Inches	Inches	Inches	Inches	Inches	Inches	Inches	Inches
Material with working stress not over 37.5 K psi (Low strength steels, cast iron, malleable iron, Class 30 A.S.T.M.)	6										
Material with working stress over 37.5 K psi but not over 52.5 K psi (Alloy steels, malleable iron, Class 35 A.S.T.M.)	6										
Material with working stress over 52.5 K psi but not over 67.5 K psi (Alloy steels, malleable iron, Class 50 A.S.T.M.)	6										
Material with working stress over 67.5 K psi but not over 82.5 K psi (Alloy steels, malleable iron, Class 60 A.S.T.M.)	6										
Material with working stress over 82.5 K psi but not over 97.5 K psi (Alloy steels, malleable iron, Class 70 A.S.T.M.)	6										
Material with working stress over 97.5 K psi but not over 112.5 K psi (Alloy steels, malleable iron, Class 80 A.S.T.M.)	6										
Material with working stress over 112.5 K psi but not over 127.5 K psi (Alloy steels, malleable iron, Class 90 A.S.T.M.)	6										
Material with working stress over 127.5 K psi but not over 142.5 K psi (Alloy steels, malleable iron, Class 100 A.S.T.M.)	6										
Material with working stress over 142.5 K psi but not over 157.5 K psi (Alloy steels, malleable iron, Class 110 A.S.T.M.)	6										
Material with working stress over 157.5 K psi but not over 172.5 K psi (Alloy steels, malleable iron, Class 120 A.S.T.M.)	6										
Material with working stress over 172.5 K psi but not over 187.5 K psi (Alloy steels, malleable iron, Class 130 A.S.T.M.)	6										
Material with working stress over 187.5 K psi but not over 202.5 K psi (Alloy steels, malleable iron, Class 140 A.S.T.M.)	6										
Material with working stress over 202.5 K psi but not over 217.5 K psi (Alloy steels, malleable iron, Class 150 A.S.T.M.)	6										

[1] The recommendations listed in the above table are intended for the guidance of users. Other material, design or dimensions obviously equal or superior properties may be substituted.

Present Standard	Latest ANSI Standard	Comments
1910.216 MILLS AND CALENDERS IN THE RUBBER AND PLASTICS INDUSTRIES	The American National Standard Institute (ANSI) has not changed the original source standard ANSI B28.1-1967, Mills and Calenders in the Rubber and Plastics Industries from which the current Section 1910.216 is derived. Therefore it is not reprinted here.	The definitions applicable to this section can be found in Section 1910.211(c). To these definitions it has been suggested that a definition for guarding by location be added in paragraph 1910.211(c)(4) as follows: "Guarding by location" means that a mill or calender is so installed that persons cannot normally reach through, over, under, or around to come in contact with the roll bite or be caught between a roll and an adjacent object.
(a) General requirements. (1) New installations. All new installations on or after August 31, 1971, shall be in conformity with this section. (2) Existing installations. All existing plant installations or equipment contracted for prior to August 31, 1971, shall comply with this section. (3) Auxiliary equipment. Mechanical and electrical equipment and auxiliaries shall be installed in accordance with this section and Subpart S of this part.		

Present Standard	Latest ANSI Standard	Comments
1910.216 (4) Mill roll heights. All new mill installations shall be installed so that the top of the operating rolls is not less than 50 inches above the level on which the operator stands, irrespective of the size of the mill. This distance shall apply to the actual working level, whether it be at the general floor level, in a pit, or on a platform. (b) Mill safety controls. (1) Safety trip control. A safety trip control shall be provided in front and in back of each mill. It shall be accessible and shall operate readily on contact. The safety trip control shall be one of the following types or a combination thereof. (i) Pressure-sensitive body bars. Installed at front and back of each mill having a 46-inch roll height or over. These bars shall operate readily by pressure of the mill operator's body. Pressure-sensitive body bars should be installed on new equipment. (ii) Safety triprod. Installed in the front and in the back of each mill and located within 2 inches of a vertical plane tangent to the front and rear rolls. The top rods shall be not more than 72 inches above the level on which the operator stands. The triprods shall be accessible and shall operate readily whether the rods are pushed or pulled.		(a)(4) Data is sought on the economic feasibility of bringing mills built prior to August 31, 1971, into compliance with the 50 inch mill roll height requirement.

Present Standard	Latest ANSI Standard	Comments
1910.216 (iii) Safety tripwire cable or wire center cord. Installed in the front and in the back of each mill and located within 2 inches of a vertical plan tangent to the front and rear rolls. The cables shall not be more than 72 inches above the level on which the operator stands. The tripwire cable or wire center cord shall operate readily whether cable or cord is pushed or pulled. (2) Fixed guards. A fixed bar across the front and one across the back of the mill approximately 40 inches vertically above the working level and 20 inches horizontally from the crown face of the roll should be used where they are applicable. (3) Auxiliary equipment. All auxiliary equipment such as mill divider, support bars, spray pipes, feed conveyors, strip knives, etc., shall be located in such a manner as to avoid interference with access to and operation of safety devices. (c) Calender safety controls. (1) Safety trip, face. A safety triprod, cable, or wire center cord shall be provided across each pair of in-running rolls extending the length of the face of the rolls. It shall be readily accessible and operate whether pushed or pulled. The safety tripping devices shall be located within reach of the operator and the bite.		(c)(1) It has been suggested that the safety tripping devices shall not be more than 72 inches nor less than 66 inches above the working floor or platform on which the operator standards, and shall be within easy reach of the operator when he is in normal working position.

Present Standard	Latest ANSI Standard	Comments
1910.216 (2) Safety trip, side. On both sides of calender and near each end of the face of the roll, there shall be a cable or wire center cord connected to the safety trip. These lines should be not more than 12 inches from the faces of the respective rolls and not less than 2 inches from the calender frame. They should be anchored to the frame not more than 6 inches from the floor or operator's platform. They shall operate readily when pushed or pulled. (d) Protection by location. (1) Mills. Where a mill is so installed that persons cannot normally reach through, over, under, or around to come in contact with the roll bite or be caught between a roll and an adjacent object, then, provided such elements are made a fixed part of a mill, safety control devices listed in paragraph (b) of this section shall not apply. (2) Calenders. Where a calender is so installed that persons cannot normally reach through, over, under, or around to come in contact with the roll bite or be caught between a roll and an adjacent object, then, provided such elements are made a fixed part of a calender, safety control devices listed in paragraph (c) of this section shall not apply.		

Present Standard	Latest ANSI Standard	Comments
1910.216		
(e) Trip and emergency switches. All trip and emergency switches shall not be of the automatically resetting type, but shall require manual resetting.		
(f) Stopping limits. (1) Determination of distance of travel. All measurements on mills and calenders shall be taken with the rolls running empty at maximum operating speed. Stopping distances shall be expressed in inches of surface travel of the roll from the instant the emergency stopping device is actuated.		(f)(1) It has been suggested that the last sentence of paragraph (f)(1) should read "Stopping distance shall be expressed in feet of . . . ."
(2) Stopping limits of mills. All mills irrespective of the size of the rolls or their arrangement (individually or group-driven) shall be stopped within a distance, as measured in inches of surface travel, not greater than 1-1/2 percent of the peripheral no-load surface speeds of the respective rolls as determined in feet per minute.		(f)(2) It has been suggested that paragraph (f)(2) should read ". . . . shall be stopped within a distance, as measured in feet of surface travel . . ." in order to conform with Fig. A1 of the appendix of ANSI B28.1-1967.
(3) Stopping limits for calenders. (i) All calenders, irrespective of size of the rolls or their configuration, shall be stopped within a distance, as measured in inches of surface travel, not greater than 1-3/4 percent of the peripheral no-load surface speeds of the respective calender rolls as determined in feet per minute.		(f)(3)(i) It has been suggested that stopping distance be measured in feet of surface travel rather than inches to conform with Fig. A2 of the appendix of ANSI B28.1-1967.

Present Standard	Latest ANSI Standard	Comments
1910.216		
(ii) Where speeds above 250 feet per minute as measured on the surface of the drive roll are used, stopping distances of more than 1-3/4 percent are permissible. Such stopping distances shall be subject to engineering determination.		(f)(3)(ii) Comments are solicited on whether an upper limit for stopping distances is needed for employee safety.
(g) Alarm. Where an exposure is created by the operation, and the operators are not within sight or hearing of other employees, a suitable alarm device should be provided so that assistance will be available in case of accidents.		(g) Information and comments are requested on types of alarms that could be used, such as visual or audible alarms.

Present Standard	Latest ANSI Standard	Comments
1910.217 MECHANICAL POWER PRESSES (a) General requirements. (1) New installations. The requirements of this section shall apply to all mechanical power presses installed on or after August 31, 1971, except that the requirements of paragraphs (b)(13), (b)(14), and (c)(5) of this section shall be complied with by November 1, 1975. (2) Former installations. The requirements of this section shall apply to all mechanical power presses installed prior to August 31, 1971, except that the requirements of paragraphs (b) and (c)(5) of this section shall be complied with by November 1, 1975. [39 F.R. 41841, December 3, 1974.] (3) All installations. The requirements of this section pertaining to the care and use of mechanical power presses shall apply to all mechanical power press operations as of February 15, 1972.	B11.1-1971 This col. 2 is partially blank as ANSI has not approved a revision to B11.1-1971 which OSHA adopted May 29, 1971. Col. 1 substantially conforms to B11.1-1971, except for portions amended on Dec. 3, 1974. Amendments are identified by a heavy line adjacent to new text.	There is no officially approved ANSI B11.1 revision at this time. OSHA has reviewed the ANSI B11.1 Standards Committee draft revision dated Jan. 21, 1974 and some entries in Col. 3 are based on changes in the ANSI draft. These entries are identified as tentative B11.1 revisions.

Present Standard	Latest ANSI Standard	Comments
1910.217 (4) Reconstruction and modification. It shall be the responsibility of any person reconstructing, or modifying a mechanical power press to do so in accordance with paragraph (b) of this section. (5) Excluded machines. Press brakes, hydraulic and pneumatic power presses, bulldozers, hot bending and hot metal presses, forging presses and hammers, riveting machines and similar types of fastener applicators are excluded from the requirements of this section.	B11.1-1971 Scope- The requirements of this standard apply only to those mechanically powered machines that shear, punch, form, or dies attached to slides, commonly referred to as mechanical power presses. Press brakes, hydraulic and pneumatic power presses, bulldozers, hot bending and hot metal presses, forging presses and hammers, riveting machines, and similar types of fastener applicators are excluded from the requirements of this standard.	(4) Comment is invited on the need to clarify this requirement which is not applicable to other than employers subject to the Act. (5) Comment and suggestions are solicited on the need to add the names of additional excluded machines. Should a scope statement be added based on B11.1-1971 scope? Expansion of the terms of this standard to other than mechanical power presses has produced considerable confusion among employers and others. Should die making operations be subject to different requirements? What are the features that distinguish a mechanical power press from other machines not covered by this section? Comments and suggestions are invited on the need to specify that press brake machines used for production with dies (used as a mechanical power press) are subject to the safeguarding rules of .217.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(b) Mechanical power press guarding and construction, general.		(b) A petitioner has suggested that information on design of press components and controls for new and modified machines be covered by a reference to ANSI B11.1-1971. Comment is solicited on whether the construction features of the press component (paragraph (b)) are more properly obligations of press builders not subject to the Act. Should design and construction requirements in (b) be applicable only to new presses? Which of the requirements of (b) should employers be responsible for compliance with?
(1) Hazards to personnel associated with broken or falling machine components. Machine components shall be designed, secured, or covered to minimize hazards caused by breakage, or loosening and falling or release of mechanical energy (i.e. broken springs).		(b)(1) Comments are invited on the need to revise this paragraph to specify "machine parts", and to make reference to 1910.219 for mechanical power transmission apparatus external to the drivein machine (press component). A petitioner has recommended that specific provisions for the safety of automatic loading or unloading mechanisms be added. Comment is invited on the need to regulate such machinery and recommendations for new requirements.
(2) Brakes. Friction brakes provided for stopping or holding a slide movement shall be inherently self-engaging by requiring power or force from an external source to cause disengagement. Brake capacity shall be sufficient to stop the motion of the slide quickly and capable of holding the slide and its attachments at any point in its travel.		
[38 F.R. 16223, June 21, 1973.]		

Present Standard	Latest ANSI Standard	Comments
1910.217		
(3) Machines using full revolution positive clutches.		(b)(3) Comments and suggestions are solicited for a requirement to clarify that presses designed for and operated only in continuous mode do not require a single stroke mechanism. Should all new full revolution clutch presses built after Aug. 31, 1978 be required to have single stroke capability? Why? Comments and recommendations are solicited on whether para. (3) should be modified to cover "all machines," not limited to those using full revolution clutches. The intent of this provision is to protect against hazards present when a press without a single stroke capability is used in operations requiring a single stroke. Should this provision apply to a press on continuous run when feeding is automatic and the point of operation is fully guarded? 3.4 Machines Using Full Revolution Clutches (tentative B11.1 revision) 3.4.1 Single Stroke A new power press component constructed after 8/31/77 shall incorporate a single stroke mechanism. EXCEPTION: Any power press component designed specifically for the continuous mode of stroking need not incorporate a single stroke mechanism.
(i) Machines using full revolution clutches shall incorporate a single-stroke mechanism.		
(ii) If the single-stroke mechanism is dependent upon spring action, the spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, and designed to prevent interleaving of the spring coils in event of breakage.		

Present Standard	Latest ANSI Standard	Comments
1910.217 (4) Foot pedals (treadle). (i) The pedal mechanism shall be protected to prevent unintended operation from falling or moving objects or by accidental stepping onto the pedal. (ii) A pad with a nonslip contact area shall be firmly attached to the pedal. (iii) The pedal return spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, or designed to prevent interleaving of spring coils in event of breakage. (iv) If pedal counterweights are provided, the path of the travel of the weight shall be enclosed. (5) Hand operated levers. (i) Hand-lever-operated power presses shall be equipped with a spring latch on the operating lever to prevent premature or accidental tripping. (ii) The operating levers on handtripped presses having more than one operating station shall be interlocked to prevent the tripping of the press except by the "concurrent" use of all levers.		(b)(4) It has been suggested that paragraph (4) be modified to require additional protection against unintended actuation through (1) utilization of a spring-loaded gate at the entrance of pedal cover, or (2) mandatory use of barrier guard at point of operation when foot pedal is employed? Comments are solicited on this suggested modification. Comment is invited on the need to limit foot pedal actuation to those presses fitted with an acceptable guard only and not allow foot pedal operation when a device is used to protect the operator. An acceptable guard would be a fixed barrier guard while an example of a device are pull-outs.

Present Standard	Latest ANSI Standard	Comments
1910.217 (6) Two-hand trip. (i) A two-hand trip shall have the individual operator's hand controls protected against unintentional operation and have the individual operator's hand controls arranged by design and construction and/or separation to require the use of both hands to trip the press and use a control arrangement requiring concurrent operation of the individual operator's hand controls. (ii) Two-hand trip systems on full revolution clutch machines shall incorporate an antirepeat feature. (iii) If two-hand trip systems are used on multiple operator presses, each operator shall have a separate set of controls. (7) Machines using part revolution clutches. (i) The clutch shall release and the brake shall be applied when the external clutch engaging means is removed, deactivated, or deenergized. (ii) A red color stop control shall be provided with the clutch/brake control system. Momentary operation of the stop control shall immediately deactivate the clutch and apply the brake. The stop control shall override any other control, and reactuation of the clutch shall require use of the operating (tripping) means which has been selected.		(b)(6) Comments are invited on the use of trips on part revolution clutch presses as the standard is silent on such application. (b)(7)(ii) Comments are solicited on the need to change this requirement to insure that each operator station set of controls is provided with an emergency stop control. Should the color red be required for the stop control at each station?

Present Standard	Latest ANSI Standard	Comments
1910.217		
(iii) A means of selecting Off, "Inch," Single Stroke, and Continuous (when the continuous function is furnished) shall be supplied with the clutch/brake control to select type of operation of the press. Fixing of selection shall be by means capable of supervision by the employer.		(b)(7)(iii) Comment is invited on the various means of supervision presently available other than key-lock or positive disconnect (for foot control or hand control cable).
(iv) The "Inch" operating means shall be designed to prevent exposure of the workers hands within the point of operation by: (a) Requiring the concurrent use of both hands to actuate the clutch, or (b) Being a single control protected against accidental actuation and so located that the worker cannot reach into the point of operation while operating the single control.		(b)(7)(iv) Comments and information are solicited on the use of inch control by operators starting a new coil on automatic feed operations. It has been suggested in a petition to OSHA that the following provision be added: "Where strip stock must be threaded manually through die, a "set-up" circuit may be used to provide a single inching means for the initial threading. Such a circuit shall be deenergized by a change of the mode selector." A petitioner has suggested the following: "Where strip stock must be threaded manually through a die, a "set-up" circuit may be used to provide a single inching means for the initial threading. Such a circuit shall be deenergized by a change of the mode selector."
(v) Two-hand controls for single stroke shall conform to the following requirements: (a) Each hand control shall be protected against unintended operation and arranged by design, construction, and/or separation so that the concurrent use of both hands is required to trip the press.		(b)(7)(v) Comment is desired on the need to required only two-hand controls used as a point of operation device to conform to the construction requirements. Comment is invited on the need to add a requirement for multiple operator part revolution clutch presses similar to that specified for full revolution clutch machines in (b)(6)(iii). The requirement would provide for complete sets of controls for each operator.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(b) The control system shall be designed to permit an adjustment which will require concurrent pressure from both hands during the die closing portion of the stroke. (c) The control system shall incorporate an antirepeat feature. (d) The control systems shall be designed to require release of all operators' hand controls before an interrupted stroke can be resumed. This requirement pertains only to those single-stroke, two-hand controls manufactured and installed on or after August 31, 1971.		
(vi) [Reserved]		
(vii) Controls for more than one operating station shall be designed to be activated and deactivated in complete sets of two operators' controls per operating station by means capable of being supervised by the employer. The clutch/brake control system shall be designed and constructed to prevent actuation of the clutch if all operating stations are bypassed.		(b)(7)(vii) Comments and information on means of supervising controls are solicited. Should two hand buttons be waived where operator is stationed at such distance from the press that he is not exposed to the hazzard of the die? Comments are solicited on a requirement for a prior action or decision by the operator each time continuous stroking is initiated regardless of whether the previous run was continuous or not.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(viii) Those clutch/brake control systems which contain both single and continuous functions shall be designed so that completion of continuous circuits may be supervised by the employer. The initiation of continuous run shall require a prior action or decision by the operator in addition to the selection of Continuous on the stroking selector, before actuation of the operating means will result in continuous stroking.		
(ix) If foot control is provided, the selection method between hand and foot control shall be separate from the stroking selector and shall be designed so that the selection may be supervised by the employer.		
(x) Foot operated tripping controls, if used, shall be protected so as to prevent operation from falling or moving objects, or from unintended operation by accidental stepping onto the foot control.		(b)(7)(x) Same comment as (b)(4) above.
(xi) The control of air-clutch machines shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur. This requirement shall apply only to those clutch/brake air-valve controls manufactured and installed on or after August 31, 1971, but shall not apply to machines intended only for continuous, automatic feeding applications.		

Present Standard	Latest ANSI Standard	Comments
1910.217		
(xii) The clutch/brake control shall incorporate an automatic means to prevent initiation or continued activation of the Single Stroke or Continuous functions unless the press drive motor is energized and in the forward direction.		
(xiii) The clutch/brake control shall automatically deactivate in event of failure of the power or pressure supply for the clutch engaging means. Reactivation of the clutch shall require restoration of normal supply and the use of the tripping mechanism(s).		
(xiv) The clutch/brake control shall automatically deactivate in event of failure of the counterbalance(s) air supply. Reactivation of the clutch shall require restoration of normal air supply and use of the tripping mechanism(s).		
(xv) Selection of bar operation shall be by means capable of being supervised by the employer. A separate pushbutton shall be employed to activate the clutch, and the clutch shall be activated only if the driver motor is deenergized.		

Present Standard	Latest ANSI Standard	Comments
1910.217 (8) Electrical. (i) A main power disconnect switch capable of being locked only in the Off position shall be provided with every power press control system.		(b)(8) Comments and information are solicited on the need to provide a separate main power disconnect on each individual press rather than a master power disconnect for a line of press machines. A petitioner has suggested that the word "only" in paragraph (i) be deleted. This would permit locking in the on position. Would this create a hazzard? Comment is solicited.
(ii) The motor start button shall be protected against accidental operation. (iii) All mechanical power press controls shall incorporate a type of drive motor starter that will disconnect the drive motor from the power source in event of control voltage or power source failure, and require operation of the motor start button to restart the motor when voltage conditions are restored to normal.		(b)(8)(iii) Comment and information is invited on this requirement which would require presses powered by fractional horsepower motors to replace presently installed positive starting switches which do not open the circuit upon loss of power.
(iv) All a.c. control circuits and solenoid valve coils shall be powered by not more than a nominal 240-volt d.c. supply obtained from a transformer with an isolated secondary. Higher voltages that may be necessary for operation of machine or control mechanisms shall be isolated from any control mechanism handled by the operator, but motor starters with integral Start-Stop buttons may utilize line voltage control. All d.c. control circuits shall be powered by not more than a nominal 240-volt d.c. supply isolated from any higher voltages.		(b)(8)(iv) The typographical errors will be corrected, namely change 240 volt d.c. to 120 volt a.c.

Present Standard	Latest ANSI Standard	Comments
1910.217 (v) All clutch/brake control electrical circuits shall be protected against the possibility of an accidental ground in the control circuit causing false operation of the press.		
(vi) Electrical clutch/brake control circuits shall incorporate features to minimize the possibility of an unintended stroke in the event of the failure of a control component to function properly, including relays, limit switches, and static output circuits.		(b)(8)(vi) Comment and information is solicited on the need to establish more definitive criteria for electrical clutch/brake control circuits. Should this requirement be limited to electrical systems if feasible on other types?
[39 F.R. 41841, December 3, 1974.]		
(9) Slide counterbalance systems. (i) Spring counterbalance systems when used shall incorporate means to retain system parts in event of breakage.		
(ii) Spring counterbalances when used shall have the capability to hold the slide and its attachments at midstroke, without brake applied.		
(iii) Air counterbalance cylinders shall incorporate means to retain the piston and rod in case of breakage or loosening.		
(iv) Air counterbalance cylinders shall have adequate capability to hold the slide and its attachments at any point in stroke, without brake applied.		

Present Standard	Latest ANSI Standard	Comments
1910.217 (v) Air counterbalance cylinders shall incorporate means to prevent failure of capability (sudden loss of pressure) in event of air supply failure. (10) Air controlling equipment. Air controlling equipment shall be protected against foreign material and water entering the pneumatic system of the press. A means of air lubrication shall be provided when needed. (11) Hydraulic equipment. The maximum anticipated working pressures in any hydraulic system on a mechanical power press shall not exceed the safe working pressure rating of any component used in that system. (12) Pressure vessels. All pressure vessels used in conjunction with power presses shall conform to the American Society of Mechanical Engineers Code for Pressure Vessels, 1968 Edition. (13) Control reliability. When required by paragraph (c)(5) of this section, the control system shall be constructed so that a failure within the system does not prevent the normal stopping action from being applied to the press when required, but does prevent initiation of a successive stroke until the failure is corrected. The failure shall be detectable by a simple test, or indicated by the control system. This requirement does not apply to those elements of the control system which have no effect on the protection against point of operation injuries.		(b)(12) Comment is solicited on updating the requirement to the latest ASME code for new vessels. (b)(13) Comments and information are solicited on the need for more definitive criteria to complement this performance standard. How are the terms of the standard being interpreted and met when modifying presses as required by paragraph (c)(5). What simple tests are being conducted? Comments and recommendations for tests which are possible on all machines are solicited.

Present Standard	Latest ANSI Standard	Comments
1910.217 (14) Brake system monitoring. When required by paragraph (c)(5) of this section, the brake monitor shall meet the following requirements: (i) Be so constructed as to automatically prevent the activation of a successive stroke if the stopping time or braking distance deteriorates to a point where the safety distance being utilized does not meet the requirements set forth in paragraph (c)(3)(iii)(e) or (c)(3)(vii)(c) of this section. The brake monitor used with the Type B gate or movable barrier device shall be installed in a manner to detect slide top-stop overrun beyond the normal limit reasonably established by the employer. (ii) Be installed on a press such that it indicates when the performance of the braking system has deteriorated to the extent described in paragraph (b)(14)(i) of this section; and [40 F.R. 3982, January 27, 1975.]		(b)(14) Comments and information are invited on the application of brake monitors. What if any problems have been encountered in meeting the performance standard? Has the addition of brake monitoring added substantially to brake performance, reliability of safeguard, and operator safety? Should the requirement be modified to require brake performance to be monitored on each application of the brake rather than each stroke. The current rule prohibits operating presses "on the hop." (b)(14)(i) Comment is invited on the need to add the requirement that the brake monitor used with Type B gate also prevent activation of a successive stroke as is required when used with the other means of safeguarding such as presence sensing or two-hand controls.

Present Standard	Latest ANSI Standard	Comments
1910.217 (iii) Be constructed and installed in a manner to monitor brake system performance on each stroke. [39 F.R. 41841, December 3, 1974.] (c) Safeguarding the point of operation. (1) General requirements. (i) It shall be the responsibility of the employer to provide and insure the usage of "point of operation guards" or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press. See Table O-10.		(c)(1) Comments are solicited on the need to clarify the intent of this rule to insure protection of press operators and not others such as passersby in the vicinity of the press. Should the provisions for point of operation safeguarding apply to supervisors or passersby in the vicinity of the press or be limited to protection of the operator? Comments and supporting information to allow the sliding holster to qualify as a form of safeguard or part of the safeguarding system when 2-hand trips or controls do not meet the safety distance requirements are solicited. Should a performance standard be added to permit newer forms of safeguarding to be used other than types currently included in the standard? A petitioner has recommended the following change: It shall be the responsibility of the employer to designate, provide, and insure the use of point of operation guards or properly applied and adjusted point of operation devices on every mechanical power press loaded or unloaded manually. Shall guarding by location be allowed when operator station is established at a distance from which the hazardous moving parts cannot be reached?

Present Standard	Latest ANSI Standard	Comments
1910.217 (ii) The requirement of subdivision (i) of this subparagraph shall not apply when the point of operation opening is one-fourth inch or less. See Table O-10. (2) Point of operation guards. (i) Every point of operation guard shall meet the following design, construction, application, and adjustment requirements: (a) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard; (b) It shall conform to the maximum permissible openings of Table O-10; (c) It shall, in itself, create no pinch point between the guard and moving machine parts;		(c)(1) In the case of automatic feed with no operator would the feeding apparatus function as an adequate protective barrier for the point of operation? What are some of the newer forms of safeguarding? What criteria should be used to judge the acceptability of new forms of safeguarding? (c)(1)(ii) Comment is invited on the measurement of 1/4-inch opening. Should this dimension be gauged with the die clear or with the work piece in position as is the case in the ANSI tentative B11.2 hydraulic power press draft standard?

Present Standard	Latest ANSI Standard	Comments
1910.217 (d) It shall utilize fasteners not readily removable by operator, so as to minimize the possibility of misuse or removal of essential parts; (e) It shall facilitate its inspection, and (f) It shall offer maximum visibility of the point of operation consistent with the other requirements. (ii) A die enclosure guard shall be attached to the die shoe or stripper in a fixed position. (iii) A fixed barrier guard shall be attached securely to the frame of the press or to the bolster plate. (iv) An interlocked press barrier guard shall be attached to the press frame or bolster and shall be interlocked with the press clutch control so that the clutch cannot be activated unless the guard itself, or the hinged or movable sections of the guard are in position to conform to the requirements of Table O-10.		(c)(2)(iv) Comments and information are invited on the need to allow the guard to be attached to the die shoe also. Should the difference between the guard and an interlocked barrier gate device be clarified to prevent confusion? Comment is invited on the desirability of establishing a criteria for interlocks which are used as part of several safeguard systems. Suggestions for suitable criteria are requested.

Present Standard	Latest ANSI Standard	Comments
1910.217 (v) The hinged or movable sections of an interlocked press barrier guard shall not be used for manual feeding. The guard shall prevent opening of the interlocked section and reaching into the point of operation prior to die closure or prior to the cessation of slide motion. See paragraph (c)(3)(ii) of this section regarding manual feeding through interlocked press barrier devices. [39 F.R. 41841, December 3, 1974.]		(c)(2)(v) 5.2.3 Interlocked Barrier Guard (Tentative B11.1 revision) An interlocked barrier guard, when used, shall be attached to the press component frame, bolster plate or die shoe and shall be interlocked with the press clutch control so that the clutch cannot be activated unless the guard itself, or the hinged or movable sections of the guard, are in position to conform to the requirements of Fig. 1 and Table 1. The hinged or movable sections of this guard shall not be used for feeding. This guard shall be applied as to prevent opening of the interlocked section and reaching into the point of operation prior to die closure and/or slide motion stopping. E5.2.3 Interlocked Barrier Guard (Tentative B11.1 revision explanation) The interlocked press barrier guard is a form of press barrier guard containing a hinged or movable section designed for die changing (when the die size is small enough to so permit) or for removing a jammed part or material or scrap. Interlocking must be performed to defeat attempts to run the press with the hinged or movable sections open or in a non-protecting position.

Present Standard	Latest ANSI Standard	Comments
1910.217		The door or movable section, with possibility of unauthorized bypassing of the interlock capability, represents a definite compromise with this guard.
(vi) The adjustable barrier guard shall be securely attached to the press bed, bolster plate, or die shoe, and shall be adjusted and operated in conformity with Table O-10 and the requirements of this subparagraph. Adjustments shall be made only by authorized personnel whose qualifications include a knowledge of the provisions of Table O-10 and this subparagraph.		
(vii) A point of operation enclosure which does not meet the requirements of this subparagraph and Table O-10 shall be used only in conjunction with point of operation devices.		
(3) Point of operation devices.		
(i) Point of operation devices shall protect the operator by:		
(a) Preventing and/or stopping normal stroking of the press if the operator's hands are inadvertently placed in the point of operation; or		
(b) Preventing the operator from inadvertently reaching into the point of operation, or withdrawing his hands if		

Present Standard	Latest ANSI Standard	Comments
1910.217		
they are inadvertently located in the point of operation, as the dies close; or		
[39 F.R. 41841, December 3, 1974.]		
(c) Preventing the operator from inadvertently reaching into the point of operation at all times; or		
(d) [Reserved]		
(e) Requiring application of both of the operator's hands to machine operating controls and locating such controls at such a safety distance from the point of operation that the slide completes the downward travel or stops before the operator can reach into the point of operation with his hands; or		
(f) Enclosing the point of operation before a press stroke can be initiated and maintaining this closed condition until the motion of the slide had ceased; or		
(g) Enclosing the point of operation before a press stroke can be initiated, so as to prevent an operator from reaching into the point of operation prior to die closure or prior to cessation of slide motion during the downward stroke.		

Present Standard	Latest ANSI Standard	Comments
1910.217		
(11) A gate or movable barrier device shall protect the operator as follows: (a) The Type A gate or movable barrier device shall protect the operator in the manner specified in paragraph (c)(3)(i)(f) of this section, and (b) A Type B gate or movable barrier device shall protect the operator in the manner specified in paragraph (c)(3)(i)(g) of this section. (iii) A presence sensing point of operation device shall protect the operator as provided in paragraph (c)(3)(i)(a) of this section, and shall be interlocked into the control circuit to prevent or stop slide motion if the operator's hand or other part of his body is within the sensing field of the device during the downstroke of the press slide. (a) The device may not be used on machines using full revolution clutches.		(c)(3)(iii)(a) Comments and other evidence relating to this prohibition are solicited.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(b) The device may not be used as a tripping means to initiate slide motion. (c) The device shall be constructed so that a failure within the system does not prevent the normal stopping action from being applied to the press when required, but does prevent the initiation of a successive stroke until the failure is corrected. The failure shall be indicated by the system.		(c)(3)(iii)(b) Comments and information are solicited concerning this prohibition. It should be noted that on September 2, 1976, OSHA granted a demonstration variance to Interlake Stamping Corporation, Willoughby, Ohio. The variance permits Interlake to operate five specially equipped Bliss presses for a period of one year by using presence sensing devices to actuate the press. The system installed by Interlake at the time the variance was first sought includes not only the light curtain but a sophisticated self-checking circuitry package that monitors all functions constantly and shuts the press down in the event of a malfunction. During the one-year trial period, Interlake will operate five sensing device equipped presses and five control presses with conventional actuation on similar work. Detailed records will be kept and the findings made available to OSHA. If the experiment is successful OSHA will consider modifying the existing standards to permit press actuation by sensing devices. In the meantime, of course, the variance applies only to Interlake.

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(d) Muting (bypassing of the protective function) of such device, during the upstroke of the press slide, is permitted for the purpose of parts ejection, circuit checking, and feeding.		
(e) The safety distance (Ds) from the sensing field to the point of operation shall be greater than the distance determined by the following formula:		(c)(3)(iii)(e) Comments, data, statistics or studies concerning operator hand speed are solicited to reaffirm the current constant or to indicate that a change is appropriate. Comment and information on the use of the formula for determining safety distance are solicited. What other factors should be considered in locating control buttons or presence sensing devices to realize the calculated safety distance?
Ds = 63 inches/second x Ts where: Ds = minimum safety distance (inches); 63 inches/second =hand speed constant; and Ts = stopping time of the press measured at approximately 90° position of crankshaft rotation (seconds).		Comment is solicited on the necessity to specify the point in the press tooling from which the safety distance is measured. Information on different methods used by employers or others to determine safety.
		Comments are invited on the need to change the word "guards" to safeguards to allow use of supplemental presence sensing devices to meet this rule.
(f) Guards shall be used to protect all areas of entry to the point of operation not protected by the presence sensing device.		

Present Standard	Latest ANSI Standard	Comments
1910.217		
(iv) The pull-out device shall protect the operator as specified in paragraph (c)(3)(i)(b) of this section and shall include attachments for each of the operator's hands.		
(a) Attachments shall be connected to and operated only by the press slide or upper die.		(c)(3)(iv)(a) Two variances have been granted which permit pull-outs to be operated by means other than direct connection to the slide. Comments and suggestions are solicited on the advisability of allowing pull-outs to be actuated by other parts of the press or separate means.
(b) Attachment shall be adjusted to prevent the operator from reaching into the point of operation or to withdraw the operator's hands from the point of operation before the dies close.		
(c) A separate pull-out device shall be provided for each operator if more than one operator is used on a press.		
(d) Each pull-out device in use shall be visually inspected and checked for proper adjustment at the start of each operator shift, following a new die set-up, and when operators are changed. Necessary maintenance or repair or both shall be performed and completed before the press is operated. Records of inspections and maintenance shall be kept in accordance with paragraph (e) of this section.		(d) Comment is invited on a suitable record retention requirement.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(v) The sweep device, shall protect the operator as specified in paragraph (c)(3)(1)(b) of this section, by removing his hands safely to a safe position if they are inadvertently located in the point of operation, as the dies close or prior to tripping the clutch. Devices operating in this manner shall have a barrier, attached to the sweep arm in such a manner as to prevent the operator from reaching into the point of operation, past the trailing edge of the sweep arm on the downward stroke of the press. This device may not be used for point of operation safeguarding after December 31, 1976. (a) The sweep device must be activated by the slide or by motion of a foot pedal triprod. (b) The sweep device must be designed, installed and operated so as to prevent the operator from reaching into the point of operation before the dies close. (c) The sweep device must be installed so that it will not itself create an impact or shear hazard between the sweep arm and the press tie rods, dies, or any other part of the press or barrier.		(v) Comment is solicited on the use of a sweep device as a backup safeguard when another acceptable device is in use after December 31, 1976.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(d) Partial enclosure conforming with this paragraph (c)(3)(v), as to the area of entry which they protect, must be provided on both sides of the point of operation to prevent the operator from reaching around or behind the sweep device and into the point of operation after the dies start to close. Partial enclosures shall not themselves create a pinch point or shear hazard. [39 F.R. 41841, December 3, 1974.] (vi) A holdout or a restraint device shall protect the operator as specified in subdivision (1)(c) of this subparagraph and shall include attachments for each of the operator's hands. Such attachments shall be securely anchored and adjusted in such a way that the operator is restrained from reaching into the point of operation. A separate set of restraints shall be provided for each operator if more than one operator is required on a press. (vii) The two hand control device shall protect the operator as specified in paragraph (c)(3)(1)(e) of this section.		

Present Standard	Latest ANSI Standard	Comments
1910.217		
(a) When used in press operations requiring more than one operator, separate two hand controls shall be provided for each operator, and shall be designed to require concurrent application of all operators' controls to activate the slide. The removal of a hand from any control button shall cause the slide to stop. (b) Each two hand control shall meet the construction requirements of paragraph (b)(7)(v) of this section. (c) The safety distance (Ds) between each two hand control device and the point of operation shall be greater than the distance determined by the following formula: Ds = 63 inches/second x Ts; where: Ds = minimum safety distance (inches); 63 inches/second = hand speed constant; and Ts = stopping time of the press measured at approximately 90° position of crankshaft rotation (seconds).		(c)(3)(vii)(c) Comments and information are solicited on the calculation of brake stopping time when measured at approximately 90° of crank shaft rotation. Is this test difficult to reproduce? What other position of slide travel would be more accurate for obtaining stopping time?

Present Standard	Latest ANSI Standard	Comments
1910.217		
(d) Two hand control shall be fixed in position so that only a supervisor or safety engineer is capable of relocating the controls.		(c)(3)(vii)(d) Comment and information is solicited on the various means available for fixing two-hand controls.
(viii) The two hand trip device shall protect the operator as specified in paragraph (c)(3)(i)(e) of this section.		Does paragraph (viii) require clarification by including the actual language of (c)(3)(i)(e) rather than a simple reference to that section? Is it sufficiently clear that two-hand trip devices once pressed do not have to be held during the downstroke, and the slide will stop only after it has completed a full cycle. The device may be used on all presses. (c)(3)(viii) Comments and information are invited on the development of a different safety distance formula for use when two-hand trips are used as a safeguard on part revolution clutch presses. The critical time period is deemed to be that for the closing part of the stroke or 1/2 revolution of crankshaft which differs with time required in full revolution clutch press formula.
(a) When used in press operations requiring more than one operator, separate two hand trips shall be provided for each operator, and shall be designed to require concurrent application of all operators' controls to activate the slide.		
[40 F.R. 3982, January 27, 1975.]		

Present Standard	Latest ANSI Standard	Comments
1910.217 (b) Each two hand trip shall meet the construction requirements of paragraph (b)(6) of this section. (c) The safety distance (Dm) between the two hand trip and the point of operation shall be greater than the distance determined by the following formula: Dm = 63 inches/second x Tm; where: Dm = minimum safety distance (inches); 63 inches/second = hand speed constant; and Tm = the maximum time the press takes for the die closure after it has been tripped (seconds). For full revolution clutch presses with only one engaging point Tm is equal to the time necessary for one and one-half revolutions of the crankshaft. For full revolution clutch presses with more than one engaging point, Tm shall be calculated as follows: $Tm = \left\{ \frac{1}{\text{Number of engaging points per revolution}} \right\} \times$ time necessary to complete one revolution of the crankshaft (seconds)		(c)(3)(vii)(c) The printing of the formula seemingly places 1/2 below the line for 1 no. of engaging points per revolution. This will be corrected to agree with the text of paragraph (c).

Present Standard	Latest ANSI Standard	Comments
1910.217 (d) Two hand trips shall be fixed in position so that only a supervisor or safety engineer is capable of relocating the controls.		(c)(3)(vii)(d) Comment and information is invited on the means presently used to meet this performance requirement for fixing the position of portable control stations.
(ix) [Revoked] [39 F.R. 41841, December 3, 1974]		
(4) Hand feeding tools. Hand feeding tools are intended for placing and removing materials in and from the press. Hand feeding tools are not a point of operation guard or protection device and shall not be used in lieu of the "guards" or devices required in this section.		(c)(4) Comment and other evidence of the successful use of hand feeding tools to achieve "hands out of dies" is solicited. Should use of hand tools for feeding continue to qualify as hands out of dies" for the purpose of waiving para. (c)(5) requirements?
(5) Additional requirements for safeguarding. Where the operator feeds or removes parts by placing one or both hands in the point of operation, and a two hand control, presence sensing device of Type B gate or movable barrier (on a part revolution clutch) is used for safeguarding.		(c)(5) Comments and suggestions are solicited on experience by press users who meet this new OSHA requirement. Is the requirement clear in its limited application with regard to use of Type B gates? Hands in dies feeding only? The typographical errors in the sentence will be corrected to read ". . . sensing device or type B gate . . . : Comments are solicited on the acceptability of alternative (redundant) safe guarding as advocated in the draft revision of ANSI B11.1 standard in lieu of OSHA (c)(5) "Additional requirements for safeguarding."

Present Standard	Latest ANSI Standard	Comments
1910.217 (i) the employer shall use a control system and a brake monitor which comply with paragraphs (b)(13) and (14) of this section. This requirement shall be complied with by November 1, 1975;		A petitioner has suggested that (c)(5) be limited to presence sensing devices. Comments on this limitation are invited. (c)(5)(i) Comments and suggestions are solicited on the need to rewrite to clarify (c)(5)(i) the fact that (b)(13) modifies control system only and is not intended to apply to (b)(14) the brake monitor. Comment is solicited on whether additional safeguarding requirements should be placed on full revolution clutch presses too. The use of redundant safeguards appears to offer protection to operators from repeat or unintended strokes. Data and information on repeat strokes resulting from press component malfunction. Are repeat strokes due to press component malfunction a frequent occurrence? Are malfunctions resulting in repeats investigated and confirmed? What types of press malfunction occur? The tentative ANSI B11.1 revised draft prescribes redundant safeguarding for operators manually feeding with hands in dies. Comment is invited on the acceptability of such safeguarding in lieu of present Section (c)(5) requirements.

Present Standard	Latest ANSI Standard	Comments
1910.217 (ii) the exception in paragraph (b)(7)(v)(d) of this section for two hand controls manufactured and installed before August 31, 1971 is not applicable under this paragraph (c)(5); (iii) the control of air clutch machines shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur, where a part revolution clutch is employed. The exception in paragraph (b)(7)(xi) of this section for controls manufactured and installed before August 31, 1971, is not applicable under this paragraph (c)(5).		

Present Standard	Latest ANSI Standard	Comments
1910.217		A petition to OSHA has suggested the following provisions be inserted. Please comment. (c)(6) Where the operator is required to feed or remove parts by placing one or both hands in the point of operation, devices shall prevent the operator from reaching into the point of operation until the slide has stopped. (c)(7) If a foot trip or foot control is being used and an enclosure guard or restraints meeting the requirements of subparagraph (c)(2) or (c)(3)(i)(g) or (c)(3)(i)(c) is not used, the employer shall provide a second safeguarding device which shall insure that the operator's hands are out of the point of operation when slide motion is initiated.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(d) Design, construction, setting and feeding of dies.		(d) ANSI B11.1 revised would authorize hands in dies when the employer has found it infeasible to follow a hands out of dies feeding method. Should OSHA require employer to investigate the possibility of hands out of dies feeding in every case to prove it is not feasible? What are the operator safety benefits of hands out of dies or use of redundant safeguarding for hands in dies? The reports of injuries to press operators have disclosed that serious accidents are occuring during both hands in or hands out operations. The hands out of dies reports also show an increased number of injuries during set up and try out.
(1) General requirements. Effective February 1, 1975, the employer shall: (i) use dies and operating methods designed to control or eliminate hazards to operating personnel, and (ii) furnish and enforce the use of hand tools for freeing and removing stuck work or scrap pieces from the die, so that no employee need reach into the point of operation for such purposes.		(d)(1)(ii) A peritioner suggests adding ". .hand tools or other expendable devices for freeing . . ." Comment is invited on the suggested addition.
(2) [Reserved]		
(3) Scrap handling. The employer shall provide means for handling scrap from roll feed or random length stock operations. Scrap cutters used in conjunction with scrap handling systems shall be safeguarded in accordance with paragraph (b) of this section and with §1910.219.		(3) The typographical error which resulted in para. (b) instead of (c) will be corrected.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(4) Guide post hazard. The hazard created by a guide post (when it is located in the immediate vicinity of the operator) when separated from its bushing by more than one-fourth inch shall be considered as a point of operation hazard and be protected in accordance with paragraph (c) of this section.		
(5) Unitized tooling. If unitized tooling is used, the opening between the top of the punch holder and the face of the slide, or striking pad, shall be safeguarded in accordance with the requirements of paragraph (b) of this section.		(d)(5) Same comment as (3) above.
(6) Tonnage, stroke, and weight designation. All dies shall be:		
(i) Stamped with the tonnage and stroke requirements, or have these characteristics recorded if these records are readily available to the die setter;		(d)(6) Should the word "stamped" be expanded to include "affixed, marked, or labelled so as to be visible?"
(ii) Stamped to indicate upper die weight when necessary for air counterbalance pressure adjustment; and		6.5 Indentification on Dies (Tentative B11.1 revision)
(iii) Stamped to indicate complete die weight when handling equipment may become overloaded.		6.5.1 Old Dies All dies constructed or reconstructed after August 31, 1971 shall be: 1) Stamped or labelled with the tonnage and stroke requirements, or have these characteristics recorded, if these records are readily available to the die setter, 2) Stamped or labelled to indicate upper die weight (or have these characteristics recorded, if these records are readily available to the die setter) when necessary for air counterbalance pressure adjustment or when inertia

Present Standard	Latest ANSI Standard	Comments
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		loading considerations so require, and 3) Stamped or labelled to indicate complete die weight when handling equipment may be overloaded. Exception: Where dies have their characteristics recorded within a work scheduling facility, and are scheduled into definite press components having their characteristics also recorded within this work scheduling facility, requirement (1) need not apply.
(7) Die fastening. Provision shall be made in both the upper and lower shoes for securely mounting the die to the bolster and slide. Where clamp caps or setscrews are used in conjunction with punch stems, additional means of securing the upper shoe to the slide shall be used.		(d)(7) Comments and information are solicited on means of fastening dies. Comments and suggestions are solicited on whether an exception should be provided when guide posts are used, and the operator is not required to place hands in the point of operation for feeding.
(8) Die handling. Handling equipment attach points shall be provided on all dies requiring mechanical handling.		
(9) Diesetting.		
(i) The employer shall establish a diesetting procedure that will insure compliance with paragraph (b) of this section.		(d)(9)(1) The typographical error which substituted para. (b) for the correct reference para. (c) will be changed.
(ii) The employer shall provide spring loaded turnover bars, for presses designed to accept such turnover bars.		

Present Standard	Latest ANSI Standard	Comments
1910.217		
(iii) The employer shall provide die stops or other means to prevent losing control of the die while setting or removing dies in presses which are inclined.		
(iv) The employer shall provide and enforce the use of safety blocks for use whenever dies are being adjusted or repaired in the press.		(d)(9)(iv) Two variances have been requested to permit use of die safety blocks during feeding operations. One applicant/employer would use hand placed blocks and the other automatic powered slide blocks. Comments and data are invited on the feasibility of using of die blocks as operator safeguards during hands in dies feeding operations.
(v) The employer shall provide brushes, swabs, lubricating rolls, and automatic or manual pressure guns so that operators and diesetters shall not be required to reach into the point of operation or other hazard areas to lubricate material, punches or dies.		
(e) Inspection, maintenance, and modification of presses.		
(1) Inspection and maintenance records.		(e)(1) Comments are solicated on the need to set a period for retention of records by employers. Should keeping of records be optional? What systems are currently used for recordkeeping? Should inspection be waived on presses operated with hands out of dies feeding? How long should the record be kept? Should record be kept until replaced by most recent record?

Present Standard	Latest ANSI Standard	Comments
1910.217		
(1) It shall be the responsibility of the employer to establish and follow a program of periodic and regular inspections of his power presses to insure that all their parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. The employer shall maintain records of these inspections and the maintenance work performed.		
(ii) Each press shall be inspected and tested no less than weekly to determine the condition of the clutch/brake mechanism, antirepeat feature and single stroke mechanism. Necessary maintenance or repair or both shall be performed and completed before the press is operated. The employer shall maintain records of these inspections and the maintenance work performed. These requirements do not apply to those presses which comply with paragraph (b)(13) and (14) of this section.		A petition filed with OSHA urges the subsection (e)(1)(ii) and (e)(2) be deleted and the following provision be adopted. (ii) "At the start of each operator shift, following a new die set-up, or when operators are changed, the employer shall require the operator to visually test the designated means of safeguarding the point of operation to insure that guards and devices are in safe operating condition or adjustment. Where the operator manually loads or unloads the press, the slide stopping position, antirepeat and single stroke features of the controls shall be included. Necessary repairs or adjustments shall be made before the press is returned to production."
(2) Modification. It shall be the responsibility of any person modifying a power press to furnish instructions with the modification to establish new or changed guidelines for use and care of the power press so modified.		
(3) Training of maintenance personnel. It shall be the responsibility of the employer to insure the original and continuing competence of personnel caring for, inspecting, and maintaining power presses.		(e)(3) Comments and suggestions as to the contents of an employee training program are solicited.

Present Standard	Latest ANSI Standard	Comments
1910.217		
(f) Operation of power presses.		
(1) Employment of minors. The employer shall permit no one under 18 years of age to operate or assist in the operation of machinery covered in this section, except that this paragraph shall not be deemed to prohibit the employment of persons who are 16 of 17 years of age in an apprentice ship training program which meets the requirements contained in §§ 570.59 and 570.50(b) and (c) of this title.		
(2) Instruction to operators. The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this section. The employer shall insure by adequate supervision that correct operating procedures are being followed.		(f)(2) A petition to OSHA urges that "instruction" specifically to include an explanation of the designated safeguard and how it is designed and adjusted for the protection of the operator.
(3) Work area. The employer shall provide clearance between machines so that movement of one operator will not interfere with the work of another. Ample room for cleaning machines, handling material, work pieces, and scrap shall also be provided. All surrounding floors shall be kept in good condition and free from obstructions, grease, oil, and water.		Same as above.
(4) Overloading. The employer shall operate his presses within the tonnage and attachment weight ratings specified by the manufacturer.		(f)(4) Comment is solicited on whether this is a requirement for peoperty protection rather than employee safety and therefore should be deleted. What are the hazards to employees that occur when presses are operated at higher that rated tonnage?

Present Standard	Latest ANSI Standard	Comments
1910.217		
This table shows the distances that guards shall be positioned from the danger line in accordance with the required openings.		

TABLE O-10

Distance of opening from point of operation hazard (inches)	*Maximum width of opening (inches)*
½ to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 12½	1¼
12½ to 15½	1½
15½ to 17½	1⅞
17½ to 31½	2⅛

(g) Reports of injuries to employees operating mechanical power presses.		
The employer shall, within 30 days of the occurrence, report to either the Director of the Office of Standards Development, OSHA, U.S. Department of Labor, Washington, D.C. 20210, or the State agency administering a plan approved by the Assistant Secretary of Labor for Occupational Safety and Health, all point of operation injuries to operators or other employees. The following information shall be included in the report.		(g) OSHA has collected over 800 reports of injuries since February 2, 1975. The analysis of these reports points out certain weaknesses in the present standards for the mechanical power press. Requirements needing improvement are: barrier guards, pull-outs, handtools, scrap removal, and mode selection. Comments are invited on the need to require reporting of more information including date of injury occurrence, age of press, time of day, etc. to enable more detailed analysis of report data.

Present Standard	Latest ANSI Standard	Comments
1910.217 (i) Employer's name, address and location of the workplace (establishment). (ii) Employee's name, injury sustained, and the task being performed (operation, set-up, maintenance or other). (iii) Type of clutch used on the press (full revolution, part revolution, or direct drive). (iv) Type of safeguard(s) being used (two hand control, two hand trip, pull-outs, sweeps or other). If the safeguard is not described in this section, give a complete description.		Persons having supported data on employee casualties when operating presses are requested to submit such data for review and analysis. Suggestions are solicited for systems for analysis of work injury data.

Present Standard	Latest ANSI Standard	Comments
1910.217 (v) Cause of the accident (repeat of press, safeguard failure, removing stuck part of scrap, no safeguard provided, no safeguard in use, or other). (vi) Type of feeding (manual with hands in dies or with hands out of dies, semiautomatic, automatic, or other). (vii) Means used to actuate press stroke (foot trip, foot control, hand trip, hand control, or other). (viii) Number of operators required for the operation and the number of operators provided with controls and safeguards.		Comment is solicited on the advisability of discontinuing reporting by January 1, 1978 or some other date.

Present Standard	Latest ANSI Standard	Comments
1910.217		The printing error in the guarding chart which placed the arrow (left) for 1/2" on the clearance line instead of the danger line will be corrected.

Explanation of above diagram:
The diagram shows the accepted safe openings between the bottom edge of a guard and feed table at various distances from the danger line (point of operation).
The clearance line marks the distance required to prevent contact between guard and moving parts.
The minimum guarding line is the distance between the infeed side of the guard and the danger line which is one-half inch from the danger line.
The various openings are such that for average sized hands an operator's fingers won't reach the point of operation.
After installation of point of operation guards and before a job is released for operation a check should be made to verify that the guard will prevent the operator's hands from reaching the point of operation.

Comment is solicited on the advisability of changing ". .feed table" to ". . feed table" or workpiece in place. . See comment on (c)(1)(ii).

Present Standard	Latest ANSI Standard	Comments
1910.218 FORGING MACHINES	ANSI B24.1-1971 (R 1975) SAFETY REQUIREMENTS FOR FORGING MACHINES 1. Scope This standard applies to all classes of power forging machinery both for impression-die and flat-die forging, including power-driven and gravity-drop hammers, mechanical and hydraulic forging presses, trimming presses, upsetters (or forging machines), forging rolls and ring rolling, and bolt-heading and rivet-making machines. Excluded from this standard are safety requirements for cold forging operations. 2. Definitions ANSI B24.1 lists machine definitions here for power-driven hammers, gravity hammers forging presses, trimming presses, upsetters high-energy-rate forging machines, and other equipment. 3. References ANSI B24.1 lists numerous ANSI standards and other publications here. 4. General Facility Requirements ANSI B24.1 lists here standards for: Working space Aisles Platforms and	1. Scope Information is requested on whether forging hammers, forging presses, trimming presses, upsetters, forging rolls and ring rolling, boltheading, and rivet making machines require individual coverage in this section of the standard, or whether some of these machines could be adequately covered by performance requirements for all machines. Comment is requested on the special hazards common only to forging machines.

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1 Power Transmission Equipment Lighting Cooling fans Shower baths and locker rooms Storage racks for dies and die blocks Facility inspections and maintenance General ventilation Noise	
(a) General requirements. (1) Use of lead. The safety requirements of this subparagraph apply to lead casts or other use of lead in the forge shop or die shop. (i) Thermostatic control of heating elements shall beprovided to maintain proper melting temperature and prevent overheating. (ii) Fixed or permanent lead pot installations shall be exhausted. (iii) Portable units shall be used only in areas where good, general roomventilation is provided (iv) Personal protective equipment (gloves, goggles, aprons, and other items) shall be worn. (v) A covered container shall be provided to store dross skimmings.	4.9 Use of Lead The following safety requirements apply to lead casts or other use of lead in the forge shop or die shop. (1) Thermostatic control of heating elements shall be provided to maintain proper melting temperature and prevent overheating. (2) Fixed or permanent lead post installations shall be exhausted. (3) Portable units shall be used only in areas where good, general room ventilation is provided. (4) Personal protective equipment (gloves goggles, aprons, and other items) shall be be worn. (5) A covered container shall be provided to store dross skimmings.	(a)(1) Use of Lead Comment is requested on what unique hazards are presented by the use of lead in forge and die shops as opposed to the use of lead generally.

Present Standard	Latest ANSI Standard	Comments
1910.218 (vi) Equipment shall be kept clean, particularly from accumulations of yellow lead oxide.	B24.1 (6) Equipment shall be kept clean, particularly from accumulations of yellow lead oxide. (7) Signs shall be posted in work areas prohibiting eating in the area. (8) Regular medical evaluation shall be made to measure lead concentration in the body. 5. Personal Protective Equipment ANSI B24.1 lists standards for eye, head, foot and, hearing protection and protective clothing. 6. Machinery and Equipment - General Requirements	
(2) Inspection and maintenance. It shall be the responsibility of the employer to maintain all forge shop equipment in a condition which will insure continued safe operation. This responsibility includes: (i) Establishing periodic and regular maintenance safety checks and keeping records of these inspections. (ii) Scheduling and recording inspection of guards and point of operation protection devices at regular intervals.	6.1 Inspection and Maintenance It shall be the responsibility of the user to maintain all forge shop equipment in a condition which will insure continued safe operation. This responsibility includes: (1) Establishing periodic and regular maintenance safety checks and keeping records of these inspections. (2) Scheduling and recording inspection of guards and point-of-operation protection devices at frequent and regular intervals.	(a)(2) Inspection and Maintenance. Comments are requested concerning any suggested training and maintenance schedules which would relate to the safe operation of forging machines.

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	
(iii) Training personnel for the proper inspection and maintenance of forging machinery and equipment.	(3) Training personnel for the proper inspection and maintenace of forging machinery and equipment.	
(iv) All overhead parts shall be fastened or protected in such a manner that they will not fly or fall in event of failure.	(4) Fastening or protecting all overhead parts in such a manner that they shall not fly off or fall in event of failure.	
	6.2 Training Operators shall be trained for their duties and be made fully aware of safety operating methods.	
(3) Hammers and presses.	7. Hammers - General Requirements	(a)(3)(i) Positioning Hammers. OSHA requests comments on whether positioning a hammer on its foundation without anchoring it will provide adequate safety.
(i) All hammers shall be positioned or installed in such a manner that they remain on or are anchored to foundations sufficient to support them according to applicable engineering standards.	All hammers shall be positioned or installed in such a manner that they remain on or are anchored to foundations sufficient to support them according to applicable engineering standards.	
(ii) All presses shall be installed in such a manner that they remain where they are positioned or they are anchored to foundations sufficient to support them according to applicable engineering standards.	7.1, 10.1 General Requirements for Presses All presses shall be installed in such a manner that they reamin where they are anchored to foundations sufficient to support them according to applicable engineering standards.	
(iii) Means shall be provided for disconnecting the power to the machine and for locking out or rendering cycle controls inoperable.	7.1, 10.1.1 Lockouts Means shall be provided for disconnecting the power to the machine and for locking out or rendering cycling controls inoperable.	(a)(3)(iii) Lockouts. It has been brought to OSHA's attention that lockout procedures are not practiced for some situations where employers feel that tagout is a better practice or where strict lockout requirements impose unreasonable demands on an operation.

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	OSHA requests any comments on the feasibility and safety value of the lockout paragraph. Examples are requested of alternative safety procedures which would provide adequate safety when power is disconnected.
	7.2 Stuck Forgings Stuck forgings should be removed after the ram is propped (See 7.3) and the machine made inoperable.	
(iv) The ram shall be blocked when dies are being changed or other work is being done on the hammer. Blocks or wedges shall be made of material the strength and construction of which should meet or exceed the specifications and dimensions shown in Table O-11.	7.3, 10.1.2 Blocking The ram shall be blocked when dies are being changed or other work is being done on the hammer. Blocks or wedges shall be made of material the strength and construction of which should meet or exceed the specifications and dimensions shown on Table 1.	
(v) Tongs shall be sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker shall be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used they should be inspected periodically to insure safe condition.	7.4, 10.1.3 Tongs Tongs should be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used, they should be inspected periodically to ensure safe condition.	

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	

TABLE O-11—STRENGTH AND DIMENSIONS FOR WOOD RAM PROPS

Size of timber,[1] inches	Square inches in cross section	Minimum allowable crushing strength parallel to grain, p.s.i.[2]	Maximum static load within short column range[3]	Safety factor	Maximum recommended weight of forging hammer for timber used	Maximum allowable length of timber, inches
4 x 4	16	5,000	80,000	10	8,000	44
6 x 6	36	5,000	180,000	10	18,000	66
8 x 8	64	5,000	320,000	10	32,000	88
10 x 10	100	5,000	500,000	10	50,000	100
12 x 12	144	5,000	720,000	10	72,000	132

[1] Actual dimension.
[2] Adapted from U.S. Department of Agriculture Technical Bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 p.s.i. (pounds per square inch) or more.
[3] Slenderness ratio formula for short columns is $l/d = 11$, where l = length of timber in inches and d = least dimension in inches; this ratio should not exceed 11.

Table 1

Strength and Dimensions for Wood Ram Props

Size of Timber, In.*	Square Inches in Cross Section	Minimum Allowable Crushing Strength Parallel to Grain, Pounds per Square Inch	Maximum Static Load Within Short Column Range†	Safety Factor	Maximum Recommended Weight of Forging Hammer for Timber Used	Maximum Allowable Length of Timber, In.
4 x 4	16	5,000	80,000	10	8,000	44
6 x 6	36	5,000	180,000	10	18,000	66
8 x 8	64	5,000	320,000	10	32,000	88
10 x 10	100	5,000	500,000	10	50,000	100
12 x 12	144	5,000	720,000	10	72,000	132

* Actual dimension.
† Adapted from U.S. Department of Agriculture Technical Bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 p.s.i. (pounds per square inch) or more.
‡ Slenderness ratio formula for short columns is $l/d = 11$, where l = length of timber in inches and d = least dimension in inches; this ratio should not exceed 11.

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	
(vi) Oil swabs, or scale removers, or other devices to remove scale shall be provided. These devices shall be long enough to enable a man to reach the full length of the die without placing his hand or arm between the dies.	7.6, 10.1.4 Oil Swabs and Scale Removers Oil swabs, or scale removers or other devices to remove scale shall be provided. These devices shall be long enough to enable a man to reach the full length of the die without placing his hand or arm between the dies.	
(vii) Material handling equipment shall be of adequate strength, size, and dimension to handle diesetting operations safely.	7.7, 10.1.5 Die Setting Material handling equipment shall be of adequate strength, size, and dimension to handle die setting operations safely.	
(viii) A scale guard of substantial construction shall be provided at the back of every hammer, so arranged as to stop flying scale.	7.9 Scale Guards A scale guard of substantial construction shall be provided at the back of every hammer, so arranged as to stop flying scale.	
(ix) A scale guard of substantial construction shall be provided at the back of every press, so arranged as to stop flying scale.	10.1.6 Scale Guard A scale guard of substantial construction shall be provided at the back of every press, so arranged as to stop flying scale.	
(b) Hammers, general		
(1) Keys. Die keys and shims shall be made from a grade of material that will not unduly crack or splinter, and should not project more than 2 inches in front and 4 inches in back of ram or die.	7.5 Keys Die keys and shims shall be made from a grade of material that will not unduly crack or splinter, and should not project more than 2 inches in front and 4 inches in back of ram or die.	
(2) Foot operated devices. All foot operated devices (i.e., treadles, pedals, bars, valves, and switches) shall be substantially and effectively protected from unintended operation.	7.8 Foot-Operated Devices All foot-operated devices (that is, treadles, pedals, bars, valves, and switches) shall be substantially and effectively protected from unintended operation.	

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	
(c) Presses		
All manually operated valves and switches shall be clearly identified and readily accessible.	10.1.7 Manually-Operated Controls All manually-operated valves and switches shall be clearly identified and readily accessible.	
(d) Power-driven hammers.	8. Power-Driven Hammers--General Requirements	
(1) Safety cylinder head. Every steam or air hammer shall have a safety cylinder head to act as a cushion if the rod should break or pull out of the ram.	8.1 Safety Cylinder Head Every steam or air hammer shall have a safety cylinder head to act as a cushion if the rod should break or pull out of the ram.	
(2) Shutoff valve. Steam hammers shall be provided with a quick closing emergency valve in the admission pipeline at a convenient location. This valve shall be closed and locked in the off position while the hammer is being adjusted, repaired, or serviced, or when the dies are being changed.	8.2 Shutoff Valve Steam hammers shall be provided with a quick closing emergency valve in the admission pipe line at a convenient location. This valve shall be closed and locked in the "off" position while the hammer is being adjusted, repaired, or serviced, or when the dies are being changed.	
(3) Cylinder draining. Steam hammers shall be provided with a means of cylinder draining, such as a self-draining arrangement or a quick-acting drain cock.	8.3 Cylinder Draining Steam hammers shall be provided with a means of cylinder draining. Two acceptable means are a self-draining arrangement or a quick-acting drain cock.	
(4) Pressure pipes. Steam or air piping shall conform to the specifications of American National Standard ANSI B31.1.0-1967, Power Piping with Addenda issued before April 28, 1971.	8.4 Pressure Pipes Steam or air piping shall conform to the specifications of American National Standard B31.1.0-1967.	

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	
(e) Gravity hammers.	9. Gravity Hammers	
(1) Air-lift hammers.	9.1 Air-Lift Hammers	
(i) Air-lift hammers shall have a safety cylinder head as required in paragraph (d)(1) of this section.	9.1.1 Safety Cylinder Air-lift hammers shall have a safety cylinder head as required in 8.1.	
(ii) Air-lift hammers shall have an air shutoff valve as required in paragraph (d)(2) of this section and should be conveniently located and distinctly marked for ease of identification.	9.1.2 Shutoff Valve Air-lift hammers shall have an air shutoff valve as required in 8.2 and should be marked for ease of identification.	
(iii) Air-lift hammers shall be provided with two drain cocks: one on main head cylinder, and one on clamp cylinder.	9.1.3 Cylinder Draining Air-lift hammers shall be provided with two drain cocks: one on main head cylinder, and one on clamp cylinder.	
(iv) Air piping shall conform to the specifications of the ANSI B31.1.0-1967, Power Piping with Addenda issued before April 28, 1971.	9.1.4 Pressure Pipes Air piping shall conform to the specification of American National Standard B31.1.0-1967.	
(2) Board drophammers.	9.2 Board Drop Hammers	
(i) A suitable enclosure shall be provided to prevent damaged or detached boards from falling. The board enclosure shall be securely fastened to the hammer.	9.2.1 Enclosure for Boards A suitable enclosure shall be provided to prevent damaged or detached boards from falling. The board enclosure shall be securely fastened to the hammer.	

Present Standard	Latest ANSI Standard	Comments
1910.218 (11) All major assemblies and fittings which can loosen and fall shall be properly secured in place.	B24.1	

Present Standard	Latest ANSI Standard	Comments
1910.218 (f) Forging presses. (1) Mechanical forging presses. When dies are being changed or maintenance is being performed on the press, the following shall be accomplished: (i) The power to the press shall be locked out. (ii) The flywheel shall be at rest. (iii) The ram shall be blocked with a material the strength of which shall meet or exceed the specification or dimensions shown in Table O-11. (2) Hydraulic forging presses. When dies are being changed or maintenance is being performed on the press, the following shall be accomplished: (i) The hydraulic pumps and power apparatus shall be locked out. (ii) The ram shall be blocked with a material the strength of which shall meet or exceed the specifications or dimensions shown in Table O-11. (g) Trimming presses. (1) Hot trimming presses. The requirements of paragraph (f)(1) of this section shall also apply to hot trimming presses.	B24.1 10.2 Forging Presses 10.2.1 Mechanical Forging Presses. When dies are being changed or maintenance is being performed on the press, the following shall be accomplished: (1) The power to the press shall be locked out. (2) The flywheel shall be at rest. (3) The ram shall be blocked with a meterial the strength of which shall meet or exceed the specifications or dimensions shown in Table 1. 10.2.2 Hydraulic Forging Presses. When dies are being changed or maintenance is being performed on the press, the following shall be accomplished: (1) The hydraulic pumps and power apparatus shall be locked out. (2) The ram shall be blocked with a material the strength of which shall meet or exceed the specifications or dimensions shown in Table 1. 10.3 Trimming Presses 10.3.1 Hot Trimming Presses. (See 10.2.1)	(f) Forging Presses (Die Change and Maintenance). OSHA requests comments on other training and work practice requirements which would improve this paragraph.

Present Standard	Latest ANSI Standard	Comments
1910.218 (2) Cold trimming presses. Cold trimming presses shall be safeguarded in accordance with Section 1910.217(c). (h) Upsetters. (1) General requirements. All upsetters shall be installed so that they remain on their supporting foundations. (2) Lockouts. Upsetters shall be provided with a means for locking out the power at its entry point to the machine and rendering its cycling controls inoperable. (3) Manually operated controls. All manually operated valves and switches shall be clearly identified and readily accessible. (4) Tongs. Tongs shall be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used they should be inspected periodically to ensure safe condition.	B24.1 10.3.2 Cold Trimming Presses These presses shall be safeguarded in accordance with Section 5 of American National Standard B11.1-1971. 11. Upsetters—General Requirements All upsetters shall be installed so that they remain on their supporting foundations. 11.2 Lockouts Upsetters shall be provided with a means for locking out the power at its entry point to the machine and rendering its cycling controls inoperable. 11.2 Manually-Operated Controls All manually-operated valves and switches shall be clearly identified and readily accessible. 11.3 Tongs Tongs shall be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used, they should be inspected periodically to ensure safe condition.	

Present Standard	Latest ANSI Standard	Comments
1910.218 (5) Changing dies. When dies are being changed, maintenance performed, or any work done on the machine, the power to the upsetter shall be locked out, and the flywheel shall be at rest.	B24.1 11.4 Procedures When dies are being changed, maintenance performed, or any work done on the machine, the following procedure shall be accomplished: (1) The power to the upsetter shall be locked out. (2) The flywheel shall be at rest. 12. Other Forging Equipment 12.1 Forging Rolls Rolls should be started in an open position and brought gradually closer until the stock reaches the right size. 12.2 Ring Rolling 12.2.1 Rolls Rolls should be inspected regularly for condition and alignment. 12.2.2 Operation Tongs must be clear of the mill when in motion. 12.2.3 Guards Transparent, shatterproof heat shields should be provided and strategically placed for protection of personnel in rolling operations.	

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	
(i) Other forging equipment.		
(1) Boltheading. The provisions of paragraph (h) of this section shall apply to boltheading.	12.3 Bolt-Heading The provisions of this standard pertaining to upsetters (Sections 11 to 11.4) shall apply to bolt heading.	
(2) Rivet making. The provisions of paragraph (h) of this section shall apply to rivet making.	12.4 Rivet-Making The provisions of this standard pertaining to bolt-heading and upsetting shall apply to rivet-making.	
	13. Other Forge Facility Equipment	
	13.1 Key Drivers Key drivers should be inspected regularly for end-splitting or cracks, and personnel should be instructed in the proper method of use.	
	13.2 Cranes Cranes should be operated and maintained in accordance with manufacturer's instruction (American National Standard B30.2.0-1967).	
	13.3 Powered Industrial Trucks No persons should operate an industrial truck without special training or license (American National Standard B56.1-1969).	

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1	
	13.3.1 Manipulators used in forging operations should be inspected regularly to see that they are able to handle the designated loads. Tracks or slides for manipulators should be kept free of dirt or materials that would hinder its smooth operation.	
(j) Other forge facility equipment.	13.4 Billet Shears	
(1) Billet shears. A positive-type lockout device for disconnecting the power to the shear shall be provided.	13.4.1 A positive-type lockout device for disconnecting the power to the shear shall be provided.	
	13.4.2 The maximum size and specification of material being sheared, as recommended by the manufacturer of the shear, should not be exceeded.	
	13.4.3 Effective point-of-operation guarding should be provided at both the feeding end and discharge end of the shear.	
(2) Saws. Every saw shall be provided with a guard of not less than one-eighth inch sheet metal positioned to stop flying sparks. Suitable means should be provided to trap sparks below the saw. A tank of water placed below the saw is also desirable.	13.5 Saws Every saw shall be provided with a guard of not less than one-eighth inch sheet metal positioned to stop flying sparks. Suitable means should be provided to trap sparks below the saw. A tank of water placed below the saw is also desirable.	
(3) Conveyors. Conveyor power transmission equipment shall be guarded in accordance with ANSI B20.1-1957, Safety Code for Conveyors, Cableways, and Related Equipment.	13.6 Conveyors Conveyor power transmission equipment shall be guarded in accordance with American National Standard B20.1-1957.	

Present Standard	Latest ANSI Standard	Comments
1910.218	B24.1 13.7 Heating Equipment 13.7.1 Control of Heat Exposure Control of heat exposure should be provided by such methods as: (1) Reflective shielding (2) Controlled openings (3) Evaporative cooling (4) Water jackets (5) Chain curtains 13.7.2 Combustion Safeguards Protection against dangerous accumulation of unburned mixtures of fuel and air within the furnace, caused by accidential burner-flame extinguishment or lack of automatic preventilation, should be provided. 13.7.3 Oil-Fired A lighting torch shall be provided for lighting oil-fired furnaces. 13.7.4 Gas-Fired A lighting torch shall be provided for lighting gas-fired furnaces.	

Present Standard	Latest ANSI Standard	Comments
1910.218 (4) Shot blast. The cleaning chamber shall have doors or guards to protect operators.	B24.1 13.8 Heat Treating Manufacturer's recommendations should be followed in the operation and maintenance of heat treat furnaces. 14. Cleaning and Finishing Equipment 14.1 Shot Blast The cleaning chamber shall have doors or guards to protect operators. The exhaust system to remove spent shot should be kept free of obstruction and leaks. 14.2 Chemical Fume hoods and other ventilating apparatus should be used with chemical baths for cleaning and pickling. (See American National Standard Allowable Concentrations of Toxic Dust and Gases, Z37 Series.) 14.3 Tumbling Tumbling barrels should be completely guarded with protective sound absorbing material. These guards should be interlocked with the power circuit so that the barrel will not operate unless the guard is in place.	

Present Standard	Latest ANSI Standard	Comments
1910.218 (5) Grinding. Personal protective equipment shall be used in grinding operations, and equipment shall be used and maintained in accordance with ANSI B7.1-1970, Safety Code for the Use, Care, and Protection of Abrasive Wheels, and with §1910.215.	B24.1 14.4 Grinding Personal protective equipment shall be used in grinding operations, and equipment shall be used and maintained in accordance with American National Standard B7.1-1970.	

Present Standard	Latest ANSI Standard	Comments
1910.219 MECHANICAL POWER TRANSMISSION APPARATUS	American National Standard Safety Standard for Mechanical Power Transmission Apparatus B15.1-1972 The latest ANSI standard (B15.1-1972) is a performance standard with an appendix which is specification oriented. Selected provisions of the ANSI standard and its appendix are set forth next to the appropriate provision of §1910.219. The entire B15.1-1972 standard with appendix can be obtained through ANSI. 1. Scope 1.1 This standard provides for the protection of people from the motion hazards associated with equipment used in the mechanical transmission of power in industrial and commerical establishments such as factories, construction sites, and business establishments whose premises have limited accessibility to the general public. Installations to be guarded include sources of mechanical power, the associated and intermediate equipment and the driven machines up to, but excluding, the point of operation. This pertains to revolving oscillating, reciprocating, or other moving parts such as, but not limited to, actuators, backstops, belts, brakes, cams, chains, clutches, collars, compressors.	The appropriate definitions for this section are found in §1910.211(f). Comments are requested as to which machine elements constitute power transmission apparatus covered by §1910.219 and excluded from §1910.212. Belts and sheaves, chains and sprockets, and couplings and shafts are the most common types of power transmission apparatus. What other machine elements or combinations should be covered in this power transmission apparatus standard? Under what particular circumstances should machine elements, such as cams, clutches, collars, lead screws, etc. be covered in this standard?

Present Standard	Latest ANSI Standard	Comments
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	counterweights, couplings, cranks, eccentrics, engines, flywheels, gears, lead screws, motors, power cylinders, pumps, pulleys, shafting, sheaves, spindles, sprockets, turbines, and winches.	
	A1.1 Scope. Mechanical Power Transmission Components are universal on all mechanical equipment. Exposure to turning or moving parts is obviously hazardous. Body or clothing contact with such equipment is certain to result in an accident or injury, or both. No employee, regardless of training, intelligence and intent can be 100 percent alert 100 percent of the time. An employee forced to work close to unprotected moving transmission parts of machinery is likely to be apprehensive, and almost certain to come in contact with such machine parts sooner or later. This standard, when applied conscientiously, is intended to provide definite protection from inadvertent contact.	
(a) General requirements.	A2. Motion Hazards	
(1) This section covers all types and shapes of power-transmission belts, except the following when operating at two hundred and fifty (250) feet per minute or less:	A2.1 Mechanical Motion. All mechanical motion has some potential of being hazardous. Rotating members, reciprocating parts, linearly moving belts and chains, meshing gears, oscillating mechanisms, parts-in-shear and uncontrolled movement of failing parts are examples of the types of motion requiring protection. They are not peculiar to any one machine or industry, but are basic to mechanical devices.	(a)(1) Should systems such as timing belts and sheaves and chains and sprockets transmitting low horsepower or those containing enough slack or stretch to prevent injury be exempt from guarding requirements? If so, what parameters are recommended? Provide supporting data and information. Is 250 FPM a reasonable value to use as a break-off point?

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
	A2.2 Types of Mechanical Motion. A2.2.1 Rotating. Any rotating mechanism may be dangerous. Even smooth, slowly rotating shafting can grip clothing or hair, cause abrasions, or through mere contact, force a limb into a more dangerous position. Collars, cams, clutches, couplings, flywheels, exposed shaft ends, lead screws and transmission shafting are examples of common rotating mechanisms which are hazardous unless guarded. The danger increases when fasteners, projecting keys, lubricating devices, nicks, burrs, sharps edges, or screw threads are exposed. Shafts and hubs with projecting keys and set screws are typical. Other examples include couplings with bolt-heads projecting, non-circular hubs on gears, sprockets and pulleys, or keyseat set-screws, pulleys with spokes or arms, and shifting mechanisms for some clutches.	
	A2.2.2 Reciprocating or Oscillating. Reciprocating and oscillating motions are hazardous because the back-and-forth motions may cause a person to be struck or caught in a pinch or shear point between fixed and moving objects. An example of this is the rear overhang of the reciprocating head of a shaper-type machine tool.	

Present Standard	Latest ANSI Standard	Comments
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	A2.2.3 Linear or Transverse. In linear or transverse motion a hazard exists in being caught between the moving element and fixed guideways or a shear point between the moving element and a fixed structure. A2.2.4 Nip Points or Nip Areas. Nip points occur where belts, rope or cables pass over pulleys, where gears, chains, and sprockets mesh, and between in-running rolls. Such motion may nip, pinch, squeeze or entrap objects coming into contact.	
(1) Flat belts one (1) inch or less in width, (ii) Flat belts two (2) inches or less in width which are free from metal lacings or fasteners, (iii) Round belts one-half (1/2) inch or less in diameter; and (iv) Single strand V-belts, the width of which is thirteen thirty-second (13/32) inch or less. (2) Vetical and inclined belts (paragraphs (e)(3) and (4) of this section) if not more than two and one-half (2-1/2) inches wide and running at a speed of less than one thousand (1,000) feet per minute, and if free from metal lacings or fastenings may be guarded with a nip-point belt and pulley guard.		(a)(1)(i),(ii),(iii) FIM 76-26 exempted from guard requirements flat and round belts without metal fasteners or lacing located above the table top when used on light and medium duty sewing machines in apparel and light weight material manufacturing. Data and information is solicited concerning other uses of belts which do not present a hazard to employees.

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(3) For the Textile Industry, because of the presence of excessive deposits of lint, which constitute a serious fire hazard, the sides and face sections only of nip-point belt and pulley guards are required, provided the guard shall extend at least six (6) inches beyond the rim of the pulley on the in-running and off-running sides of the belt and at least two (2) inches away from the rim and face of the pulley in all other directions.		(a)(3) Variances 349 and 350 permit the use of knitting machines containing guards with 5-1/4 inch clearance to the rim of the pulley rather than the 6 inch requirement. What range of dimensions are recommended to accommodate existing knitting machines thus providing a safe operating environment?
(4) This section covers the principal features with which power transmission safeguards shall comply.		
(b) Prime-mover guards. (1) Flywheels. Flywheels located so that any part is seven (7) feet or less above floor or platform shall be guarded in accordance with the requirements of this subparagraph: (i) With an enclosure of sheet, perforated, or expanded metal, or woven wire; (ii) With guard rails placed not less than fifteen (15) inches nor more than twenty (20) inches from rim. When flywheel extends into pit or is within 12 inches of floor, a standard toeboard shall also be provided;		(b)(1) ANSI B15.1-1972 paragraph 9.1.1 requires guards for moving parts located less than 8 feet above the working surface and for in-running nip and shear points or moving projections located less than 9 feet above the working surface. Should paragraph (b)(1) be changed to agree with this ANSI standard? Data and information supporting your position should be provided.

Present Standard	Latest ANSI Standard	Comments
1910.219 (iii) When the upper rim of flywheel protrudes through a working floor, it shall be entirely enclosed or surrounded by a guardrail and toeboard. (iv) For flywheels with smooth rims five (5) feet or less in diameter, where the preceding methods cannot be applied, the following may be used: A disk attached to the flywheel in such manner as to cover the spokes of the wheel on the exposed side and present a smooth surface and edge, at the same time providing means for periodic inspection. An open space, not exceeding four (4) inches in width, may be left between the outside edge of the disk and the rim of the wheel if desired, to facilitate turning the wheel over. Where a disk is used, the keys or other dangerous projection not covered by disk shall be cut off or covered. This subdivision does not apply to flywheels with solid web centers. (v) Adjustable guard to be used for starting engine or for running adjustment may be provided at the flywheel of gas or oil engines. A slot opening for jack bar will be permitted. (vi) Wherever flywheels are above working areas, guards shall be installed having sufficient strength to hold the weight of the flywheel in the event of a shaft or wheel mounting failure.	B15.1-1972	

Present Standard	Latest ANSI Standard	Comments
1910.219 (2) Cranks and connecting rods. Cranks and connecting rods, when exposed to contact shall be guarded in accordance with paragraphs (m) and (n) of this section, or by a guardrail as described in paragraph (o)(5) of this section. (3) Tail rods or extension piston rods. Tail rods or extension piston rods shall be guarded in accordance with paragraphs (m) and (o) of this section, or by a guardrail on sides and end, with a clearance of not less than fifteen (15) nor more than twenty (20) inches when rod is fully extended. (4) Governor balls. Governor balls six (6) feet or less from the floor or other working level, when exposed to contact, shall be provided with an enclosure extending to the top of the governor balls when at their highest position. The material used in the construction of this enclosure shall conform to paragraphs (m) and (o) of this section. (c) Shafting (1) Installation. (i) Each continuous line of shafting shall be secured in position against excessive endwide movement.	B15.1-1972 A6. Line Shaft Equipment A6.1 Decrease in Use. It is probable that few new plants or operations are being set up with line shafting. Nevertheless, line shafting still is in use.	(b)(4) The comment referring to paragraph (b)(1) also is applicable to paragraph (b)(4). (c)(1)(1),(11) Comment is requested on whether excessive endwise shaft movement creates a safety hazard? If so, to what

Present Standard	Latest ANSI Standard	Comments
1910.219 (11) Inclined and vertical shafts, particularly inclined idler shafts, shall be securely held in position against endwise thrust. (2) Guarding horizontal shafting. (i) All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires. (ii) Shafting under bench machines shall be enclosed by a stationary casing, or by a trough at sides and top or sides and bottom, as location requires. The sides of the trough shall come within at least six (6) inches of the underside of table, or if shafting if located near floor within six (6) inches of floor. In every case the sides of trough shall extend at least two (2) inches beyond the shafting or protuberance.	B15.1-1972 For the most part the requirements for guarding line shafts, pulleys, belts, etc., are provided for in the standard. Some additional recommendations apply and are included here and are adopted from the 1953 edition of this standard.	extent should this movement be limited and under what conditions or situations? (c)(2),(3),(4) Except for the 7' height, wordage of these paragraphs is essentially identical to the BLS 1924 edition. What hazards are associated with present day state-of-the-art technology? Should there be the same height requirement for horizontal, vertical, and inclined shafts? Should that requirement be 7, 8 or 9 feet? Should runways used for oiling or making adjustments continue to be excepted?

Present Standard	Latest ANSI Standard	Comments
1910.219 (3) Guarding vertical and inclined shafting. Vertical and inclined shafting seven (7) feet or less from floor or working platform, excepting maintenance runways, shall be enclosed with a stationary casing in accordance with requirements of paragraphs (m) and (o) of this section. (4) Projecting shaft ends. (i) Projecting shaft ends shall present a smooth edge and end and shall not project more than one-half the diameter of the shaft unless guarded by nonrotating caps or safety sleeves. (ii) Unused keyways shall be filled up or covered. (5) Power-transmission apparatus located in basements. All mechanical power transmission apparatus located in basements, towers, and rooms used exclusively for power transmission equipment shall be guarded in accordance with this section, except that the requirements for safeguarding belts, pulleys, and shafting need not be complied with when the following requirements are met:	B15.1-1972 9.1.3 Equipment may be considered to be guarded by location when in an enclosed area with a locked entrance. The area shall have either walls or a fence of a minimum height of 96 inches. Mechanical Power Transmission components shall be individually guarded in compliance with Section 8 unless the source of power to or within all prime movers is automatically shut down when the entrance is opened. Manual re-start will be required.	D (c)(5) Maintenance personnel at times are required to work on operating machinery. Should they be permitted to work within "locked" power transmission rooms containing unguarded power-transmission components? Should a guard based on degree of hazard be considered for fully informed and experienced maintenance personnel? If so, to what extent should guards be used, i.e., in-running nip points, shear points, moving projections, etc?

Present Standard	Latest ANSI Standard	Comments
1910.219 (i) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance. (ii) The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches (5 ft. 6 in.). (iii) The intensity of illumination conforms to the requirements of ANSI A11.1-1965 (R-1970). (iv) The footing is dry, firm, and level. (v) The route followed by the oiler is protected in such manner as to prevent accident. (d) Pulleys. (1) Guarding. Pulleys, any parts of which are seven (7) feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in paragraphs (m) and (o) of this section. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches (6 ft. 6 in.) from the floor or platform may be guarded with a disk covering the spokes.	B15.1-1972	(d)(1) Should the horizontal distance from a hazard be considered in conjunction with the vertical height requirement to determine a safe distance for guard location? Data and information is requested indicating safe distance/height relationship with an appropriate method used to determine the parameters.

Present Standard	Latest ANSI Standard	Comments
1910.219 (2) Location of Pulleys. (i) Unless the distance to the nearest fixed pulley, clutch, or hanger exceeds the width of the belt used, a guard shall be provided to prevent the belt from leaving the pulley on the side where insufficient clearance exists. (ii) Where there are overhanging pulleys on line, jack, or countershafts with no bearing between the pulley and the outer end of the shaft, a guide to prevent the belt from running off the pulley should be provided. (3) Broken pulleys. Pulleys with cracks, or pieces broken out of rims, shall not be used. (4) Pulley speeds. Pulleys intended to operate at rim speed in excess of manufacturers normal recommendations shall be specially designed and carefully balanced for the speed at which they are to operate. (5) Composition and wood pulleys. Composition or laminated wood pulley shall not be installed where they are subjected to influences detrimental to their structural composition.	B15.1-1972 A6.2 Location of Pulleys. Unless the distance to the nearest fixed pulley, clutch or hanger exceeds the width of the belt used, a guard should be provided to prevent the belt from leaving the pulley on the side where insufficient clearance exists. Where there are over-hanging pulleys on a line, jack or counter shaft, with no bearing between the pulley and the outer end of the shaft, a guard to prevent the belt from running off the pulley should be provided. Pulleys with cracks, or pieces broken out of rims, should be taken out of service. A6.3 Special Pulleys. Composition or laminated wood pulleys should never be installed where they are subject to influences detrimental to their structural composition. Pulleys used where conditions are such as to produce active corrosion should be made of corrosion resisting materials.	

Present Standard	Latest ANSI Standard	Comments
1910.219 (e) Belt, rope, and chain drives. (1) Horizontal belts and ropes. (i) Where both runs of horizontal belts are seven (7) feet or less from the floor level, the guard shall extend to at least fifteen (15) inches above the belt or to a standard height (see Table O-12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with paragraphs (m) and (o) of this section. (ii) In powerplants or power-development rooms, a guardrail may be used in lieu of the guard required by subdivision (i) of this subparagraph. (2) Overhead horizontal belts. (i) Overhead horizontal belts, with lower parts seven (7) feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with paragraph (o)(3) of this section.	B15.1-1972 A6.4 Horizontal Belts and Ropes. Horizontal overhead belts, above floor or platforms, should be guarded for their entire length under the following conditions:	(e)(1)(i) This paragraph addresses horizontal belt drives containing horizontal axes. How should horizontal belts containing vertical axes be guarded? How do the 15 inch and 42 inch height requirements relate to safety? Are these height requirements applicable to belts, ropes and chains which operate under a predetermined tension with a resultant small lateral deflection? Data and information on these matters is requested. (e)(1)(ii) Are there particular machine elements in powerplants or power-development rooms which should be guarded by means other than a guardrail? Should guardrails other than those specified in (o)(5) of this paragraph be permitted?

Present Standard	Latest ANSI Standard	Comments
1910.219 (ii) Horizontal overhead belts more than seven (7) feet above floor or platform shall be guarded for their entire length under the following conditions: (a) If located over passageways or work places and traveling 1,800 feet or more per minute. (b) If center to center distance between pulleys is ten (10) feet or more. (c) If belt is eight (8) inches or more in width. (iii) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:	B15.1-1972 A6.4.1 If located over passageways or workplaces. A6.4.2 If center to center distance between pulleys is ten (10) feet or more. A6.4.3 If the belt is eight (8) inches or more in width.	(e)(2)(ii) The hazard associated with overhead belts flying off and subsequently hitting an employee is addressed. Should guarding of overhead belts be required even when the belts are not over passageways and workplaces if employees can be injured? Comments are being solicited in reference to this point. Are the 1800 FPM, 10 feet and 8 inch parameters appropriate or can these values be replaced with a range or tolerance limit of values? If so, please recommend parameters.

Present Standard	Latest ANSI Standard	Comments
1910.219 (a) Completely barred by a guard-rail or other barrier in accordance with paragraphs (m) and (o) of this section; or (b) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects carried by him.. In powerplants only the lower run of the belt need be guarded. (iv) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts. (v) American or Continuous System rope drives so located that the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with a telltale device (preferably electric-bell type) that will give warning when rope begins to fray.	B15.1-1972.	(e)(2)(iii)(a) What other means of safeguarding can be considered as safe as a guardrail? (e)(2)(iii)(b) Are there any situations when the upper run should be guarded in powerplants? (e)(2)(v) Information is requested as to the extent of current usage of American and Continuous System rope drives, and as to any appropriate revision of this paragraph.

Present Standard	Latest ANSI Standard	Comments
1910.219 (3) Vertical and inclined belts (i) Vertical and inclined belts shall be enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section. (ii) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven (7) feet is maintained between belt and floor at any point outside of guard. (4) Vertical belts. Vertical belts running over a lower pulley more than seven (7) feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in subparagraphs (2)(ii)(a) and (c) of this paragraph. (5) Cone-pulley belts. (i) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of belt shifter does not adequately guard the nip point of the	B15.1-1972 A6.5 Vertical Belts. Vertical belts running over a lower pulley above floor or platform should be guarded at the bottom in the same manner as on overhead belts if conditions are such as stated above.	(e)(3) Should a slow speed and low horsepower exemption be considered? If so, what parameters should be used as the cut-off points? How does guarding vertical and inclined belts differ from guarding horizontal belts as far as safety hazards are concerned? What horizontal distance from a hazard can be considered safe? Under what conditions? Why? Should needle sewing machines be exempted from the requirements of this paragraph? (e)(5)(i) This paragraph requires guarding of the nip point of the belt and pulley to the top of the cone. The paragraph, as drafted, applies only to flat belts; therefore, what other types of belts should be covered?

Present Standard	Latest ANSI Standard	Comments
1910.219 belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone. (ii) If the belt is of the endless type or laced with rawhide laces, and belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection. (iii) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide. (6) Belt tighteners. (i) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tightener from falling, in case the belt breaks.	B15.1-1972	

Present Standard	Latest ANSI Standard	Comments
1910.219 (ii) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident. (f) Gears, sprockets, and chains. (1) Gears. Gears shall be guarded in accordance with one of the following methods: (i) Be a complete enclosure; or (ii) Be a standard guard as described in paragraph (o) of this section, at least seven (7) feet high extending six (6) inches above the mesh point of the gears; or (iii) By a band guard covering the face of gear and having flanges extended inward beyond the root of the teeth on the exposed side or sides. Where any portion of the train of gears guarded by a band guard is less than six (6) feet from the floor a disk guard or a complete enclosure to the height of six (6) feet shall be required.	B15.1-1972	(f)(1),(2),(3) Should slow running and low horsepower gears and sprockets and those guarded by location be exempted? What parameters are suggested as the cutoff points?

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(2) Hand-operated gears. Subparagraph (1) of this paragraph does not apply to hand-operated gears used only to adjust machine parts and which do not continue to move after hand power is removed. However, the guarding of these gears is highly recommended.		
(3) Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. When the drive extends over other machine or working areas, protection against falling shall be provided. This subparagraph does not apply to manually operated sprockets.		(f)(3) Variance 284 indicated that a guard was not necessary for a chain and sprocket arrangement in which the chain at 5-10 pounds of tension moved at 1.375 IPS. What limits with respect to tension, speed and horsepower should be used where there is no risk of injury to an employee?
(4) Openings for oiling. When frequent oiling must be done, openings with hinged or sliding self-closing covers shall be provided. All points not readily accessible shall have oil feed tubes if lubricant is to be added while machinery is in motion.		
(g) Guarding friction drives.		
The driving point of all friction drives when exposed to contact shall be guarded, all arm or spoke friction drives and all web friction drives with holes in the web shall be entirely enclosed, and all projecting belts on friction drives where exposed to contact shall be guarded.		

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(h) Keys, setscrews, and other projections.		
(1) All projecting keys, setscrews, and other projections in revolving parts shall be removed or made flush or guarded by metal cover. This subparagraph does not apply to keys or setscrews within gear or sprocket casings or other enclosures, nor to keys, setscrews, or oilcups in hubs of pulleys less than twenty (20) inches in diameter where they are within the plane of the rim of the pulley.		(h)(1),(2) Since paragraph (d)(1) requires guarding of pulleys; keys, setscrews, or oilcups which are within the plane of the pulley would naturally be guarded. Therefore, what are the hazards associated with pulleys greater than 20 inches diameter?
(2) It is recommended, however, that no projecting setscrews or oilcups be used in any revolving pulley or part of machinery.		
(i) Collars and couplings.		
(1) Collars. All revolving collars, including split collars, shall be cylindrical, and screws or bolts used in collars shall not project beyond the largest periphery of the collar.		(i)(1),(2) To what extent do revolving components cause injuries? Provide examples of hazards involved and supporting statistical data to substantiate any injuries.
(2) Couplings. Shaft couplings shall be so constructed as to present no hazard from bolts, nuts, setscrews, or revolving surfaces. Bolts, nuts, and setscrews will, however, be permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or else do not extend beyond the flange of the coupling.		Data and information is required as to whether other than cylindrical collars and couplings are in use.

PROPOSED RULES

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(j) Bearings and facilities for oiling. Self lubricating bearings are recommended and all drip cups and pans shall be securely fastened.		(j) What hazards are present when a bearing is lubricated during operation of a machine?
(k) Guarding of clutches, cutoff couplings, and clutch pulleys. (1) Guards. Clutches, cutoff couplings, or clutch pulleys having projecting parts, where such clutches are located seven (7) feet or less above the floor or working platform, shall be enclosed by a stationary guard constructed in accordance with this section. A "U" type guard is permissible.		(k)(1) When "U" type guards are used, how long shall they extend beyond the revolving component?
(2) Engine rooms. In engine rooms a guardrail, preferably with toeboard, may be used instead of the guard required by subparagraph (1) of this paragraph, provided such a room is occupied only by engineroom attendants.		(k)(2) See comment on paragraph (c)(5).
(3) Bearings. A bearing support immediately adjacent to a friction clutch or cutoff coupling shall have self-lubricating bearings requiring attention at infrequent intervals.		(k)(3) When "U" type guards are used, what hazards are associated with bearings adjacent to the revolving component?

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(1) Belt shifters, clutches, shippers, poles, perches, and fasteners. (i) Belt shifters. (i) Tight and loose pulleys on all new installations made on or after August 31, 1971, shall be equipped with a permanent belt shifter provided with mechanical means to prevent belt from creeping from loose to tight pulley. It is recommended that old installations be changed to conform to this rule.	A6.6 Belt Shifters. A6.6.1 Tight and loose pulleys should be equipped with a permanent belt shifter provided with mechanical means to prevent the belt from creeping from the loose to the tight pulley.	(1)(1),(2),(3),(4) Since the following machine elements; belt shifters, clutches, shippers, poles, perches and fasteners, are an integral part of line shafting, data and information is requested on current usage. Comment is requested on hazards arising from any component of line shafting which may not be covered by the OSHA standard.
(ii) Belt shifter and clutch handles shall be rounded and be located as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handles shall be cut off six feet six inches (6 ft. 6 in.) above floor level.	A6.6.2 Belt shifter and clutch handle should be rounded and located as far as possible from danger of accidential contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handle should be cut off six feet - six inches above floor level.	
(iii) All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. This does not apply to friction clutch or countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three positions and the	A6.6.3 All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. NOTE: This does not apply to friction clutch on countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three	

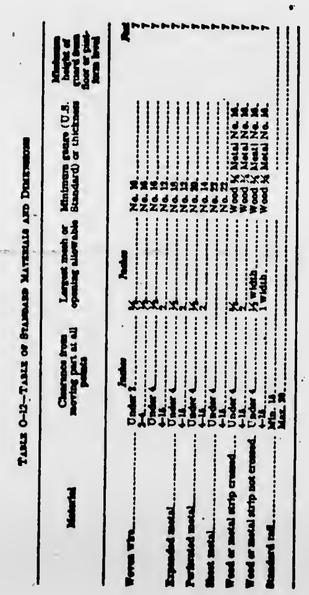
Present Standard	Latest ANSI Standard	Comments
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machine is at a standstill when clutch handle is in the neutral or center position.	positions and the machine is at a standstill when the clutch handle is in neutral or center position.	
(2) Belt shippers and shipper poles. The use of belt poles as substitutes for mechanical shifters is not recommended. Where necessity compels their use, they shall be of sufficient size to enable workmen to grasp them securely. (A two-inch (2 in.) diameter or 1-1/2 by 2 inches cross-section is suggested.) Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should extend from the top of the pulley to within about forty (40) inches of floor or working platform.		
(3) Belt perches. Where loose pulleys or idlers are not practicable, belt perches in form of brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.	A6.7 Belt Perches. Where loose pulleys or idlers are not practicable, belt perches in the form of brackets, rollers, etc., should be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.	
(4) Belt fasteners. Belts which of necessity must be shifted by hand and belts within seven (7) feet of the floor or working platform which are not guarded in accordance with this section shall not be fastened with metal in any case, nor with any other fastening which by construction or wear will constitute an accident hazard.		

Present Standard	Latest ANSI Standard	Comments
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(m) Standard guards—general requirements.		
(1) Materials.		
(1) Standard conditions shall be secured by the use of the following materials. Expanded metal, perforated or solid sheet metal, wire mesh on a frame of angle iron, or iron pipe securely fastened to floor or to frame of machine.	7. Types of Guarding 7.1 The general types of guards include those listed below or combination thereof. 7.1.1 Enclosure. This type covers the majority of guards under this standard. They function to prevent access or physical contact by parts of the body to moving parts at all times by enclosing or shielding the hazard and to restrain broken parts from flying about. Enclosures are normally fixed; they may be built into the machine by design or securely attached to the machine. These include, but are not limited to, completely enclosed guards, "U" and trough guards, cylindrical caps. (See Section 8). 7.1.2 By Location. This type covers position of equipment which by its location does not normally present a hazard in operation or maintenance procedures. Where a hazard exists during maintenance, the equipment must be shut down and all power locked out or the equipment guarded in accordance with Section 9 of this standard.	(m)(1) Data and information is requested as to other materials which should be permitted or prohibited in the construction of guards. Since particular materials should be considered in conjunction with specified guarding techniques, information is also requested as to special situations in which guards constructed of particular materials do not afford adequate protection to employees.
(2) Methods of manufacture.		
(i) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame by one of the following methods:		(m)(2) Comment is requested on the appropriateness of designing a guard to withstand a specified load or a predetermined deflection and on design parameters for each design characteristic.

Present Standard	Latest ANSI Standard	Comments
1910.219 (a) With rivets or bolts spaced not more than five (5) inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts. (b) By welding to frame every four (4) inches. (c) By weaving through channel or angle frame, or if No. 14 gage 3/4-inch mesh or heavier is used by bending entirely around rod frames. (d) Where openings in pipe railing are to be filled in with expanded metal, wire mesh or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than five (5) inches center to center. The bound panels shall be fastened to the railing by sheet-metal clips spaced not more than five (5) inches center to center. (e) Diamond or square mesh made of crimped wire fastened into channels, angle or round-iron frames, may also be used as a filler in guards. Size of mesh shall correspond to Table O-12.	B15.1-1972 7.1.3 Rails and Fences. This type of limited protection covers railings and fences intended to restrict and warn against inadvertent access to dangerous areas or hazardous elements. If a railing or fence is less than 42 inches from such hazard, then guards or enclosures meeting other requirements in this standard shall be applied to the hazardous element. (See Section 10.) 7.1.3.1 If the area between the rail or fence and the hazardous element is used as a passageway, the hazardous elements must be guarded according to the requirements of Section 8 or 9.	

Present Standard	Latest ANSI Standard	Comments
1910.219 (11) Where the design of guards requires filler material of greater area than 12 square feet, additional frame members shall be provided to maintain panel area within this limit. (iii) All joints of framework shall be made equivalent in strength to the material of the frame. (n) Disk, shield, and "U" guards. (1) Disk guards. A disk guard shall consist of a sheet-metal disk not less than No. 22 gage fastened by "U" bolts or rivets to spokes of pulleys, flywheels, or gears. Where possibility of contact with sharp edges of the disk exists, the edge shall be rolled or wired. In all cases the nuts shall be provided with locknuts which shall be placed on the unexposed side of the wheel. (2) Shield guards. (i) A shield guard shall consist of a frame filled in with wire mesh, expanded, perforated, or sold sheet metal. (ii) If area of shield does not exceed six (6) square feet the wire mesh or expanded metal may be fastened in a framework of 3/8-inch solid rod, 3/4-inch by 1/8-inch angle iron or metal	B15.1-1972	(m)(2)(iii) Since strength of a guard varies relative to the point of load application, should the design of frame joints be specified? (n)(1),(2),(3) What other materials and fastening techniques should be allowed or prohibited? Information is solicited as to any methods of building guards so that they are part of the mechanical components and in such a manner as to provide employee safety. (n)(2) Should a relationship between size of opening and distance from hazard be established? If so, provide distances and supportive data for such a relationship.

Present Standard	Latest ANSI Standard	Comments
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construction of equivalent strength. Metal shields may have edges entirely rolled around a 3/8-inch solid iron rod.		
(3) "U" guards. A "U" guard consisting of a flat surface with edge members shall be designed to cover the under surface and lower edge of a belt, multiple chain, or rope drive. It shall be constructed of materials specified in Table O-12, and shall conform to the requirements of paragraphs (o)(3) and (4) of this section. Edges shall be smooth and, if size of guard requires, these edges shall be reinforced by rolling, wiring, or by binding with angle or flat iron.		(n)(3) Should "U" guards constructed in a manner different than specified in this paragraph be permitted?
(o) Approved materials.	8. Requirements for Enclosures	
(1) Minimum requirements. The materials and dimensions specified in this paragraph shall apply to all guards, except horizontal overhead belts, rope, cable, or chain guards more than seven (7) feet above floor, or platform. (For the latter, see Table O-13.)	8.1 The guard itself shall prevent inadvertent placing of any part of the body in, on or over edges of the guard where it might contact a moving part.	(o)(1) A structural analysis of the members listed within Section (o) indicate inconsistent strengths for the various members. Comments from engineers concerning a systems approach to design of guards is requested.
(i) Minimum dimensions of materials for the framework of all guards, except as noted in subdivision (1)(c) shall be angle iron 1 inch by 1 inch by 1/8 inch, metal pipe of 3/4 inch inside diameter or metal construction of equivalent strength.	8.2 Guards shall be constructed of expanded perforated or solid sheet metal, wire mesh, plastic or other material of equivalent or greater strength to meet requirements of 8.3 and 8.4. Such material shall be free from burrs or sharp edges of corners. Guards shall be securely fastened to the building or framework of the machine.	(o)(1)(i) Since paragraph (o)(1)(i)(c) relates to the size of the framework, should the exception also include this paragraph?

Present Standard	Latest ANSI Standard	Comments
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		Table O-12 Comments and suggestions are requested as to changes in Table O-12.
		Program directive 100-52 permits use of polycarbonate, acrylic or other materials which provide equal or better protection. What other materials should be included and how should this table incorporate these materials? Should the tabulation be replaced with general guarding specifications; also, what parameters and criteria should be established?

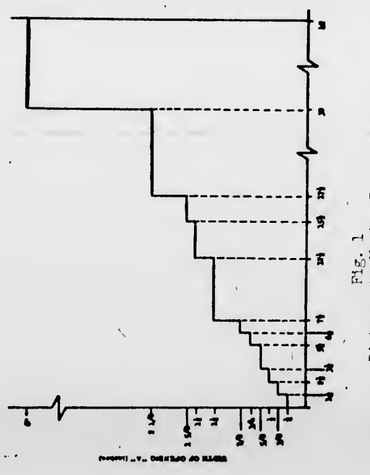
Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972 8.3 The enclosure and its supports shall be substantially designed so that an adult person leaning on, or falling against, the enclosure will not sustain an injury from the moving part.	Table O-13. Is this table applicable to present day state-of-the-art technology? If not, how should it be revised? Should Table O-13 be expanded to include belts less than 10 inches wide?

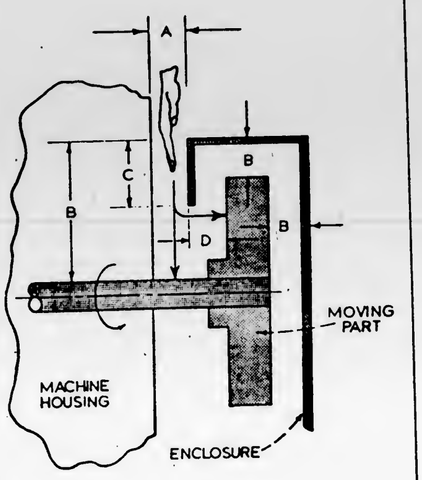
TABLE O-13—HORIZONTAL CYLINDRICAL STUDS, BOLTS, AND CRANKS 7 FEET OR MORE ABOVE FLOOR OR PLATFORM

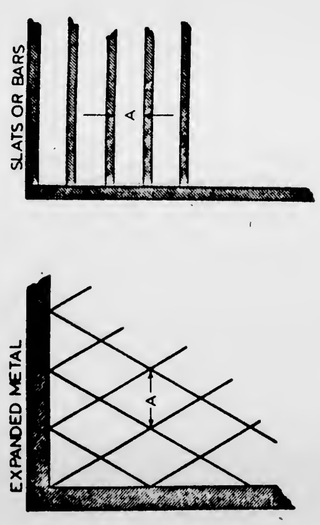
	Width			
	From 10" to 15" inclusive	Over 15" to 24" inclusive	Over 24"	Material
MACHINE				
Bedplate	144" x 144" x 14".....	2' 6" x 4' x 24".....	2' 6" x 4' x 24".....	Right bars.
Filler (belt guards).....	144" x 144".....	2' x 4' x 24".....	2' x 4' x 24".....	Pipe bars.
Filler and vertical side member.....	No. 20 A. W. G.....	No. 18 A. W. G.....	No. A. W. G.....	Solid sheet metal.
Filler supports.....	2' x 144" flat iron.....	2' x 24" flat iron.....	2144" x 2144" x 14" angle.....	Flat and angle.
Guard supports.....	2' x 144.....	2' x 144".....	2144" x 144".....	Flat iron.
FASTENINGS				
Filler supports to frame work.	(2) 144".....	(2) 144".....	(2) 144".....	Rivets.
Filler (belt guards).....	(1) 144".....	(1) 144".....	(2) 144".....	Flush rivets.
Filler to frame and supports (chain guards):	144" rivets spaced...	6" centers on filler and 4" centers on bed.		
Guard supports to frame work.	(2) 14".....	(2) 144".....	(2) 144".....	Rivets or bolts.
Guard and supports to sewer head casing.	14" x 214" lag screws or 14" bolts.	14" x 4" lag screws or 14" bolts.	14" x 6" lag screws or 14" bolts.	Lag screws or bolts.
DETAILS—OPENINGS, ETC.				
Width of guards.....	One-quarter either (less belt, rope, or chain width).			
Spaces between filler supports.	36° C. to C.....	36° C. to C.....	36° C. to C.....	
Spacing between filler bars (belt guards).	2" apart.....	214" apart.....	2" apart.....	
Spacing between guard supports.	36° C. to C.....	36° C. to C.....	36° C. to C.....	
OPENS ARE EQUAL TO LESS THAN				
Sheet metal fastened as in chain guards.	No. 20 A. W. G..	No. 18 A. W. G.....	No. 18 A. W. G....	Solid or per forated.
Wires over 2" mesh.....	No. 17 A. W. G.....	No. 16 A. W. G.....	No. 8 A. W. G.....	
CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN GUARD TO GUARD				
Distance center to center of shafts.	Up to 15' inclusive.	Over 15' to 25' inclusive.	Over 25' to 40' inclusive.	Over 40'.
Clearance from belt, or chain to guard.	5".....	10".....	12".....	20"

Present Standard	Latest ANSI Standard	Comments
1910.219 (a) All guards shall be rigidly braced every three (3) feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment additional strength may be necessary. (b) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1-1/2-inch by 1-1/2-inch by 1/8-inch angle iron, metal pipe of 1-1/2-inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto. Cylindrical guards shall have at least three supporting members carried to floor. (c) Guards thirty (30) inches or less in height and with a total surface area not in excess of ten (10) square feet may have a framework of 3/8-inch solid rod, 3/4 inch by 3/4-inch by 1/8-inch angle, or metal construction of equivalent strength. The filling material shall correspond to the requirements of Table O-12.	B15.1-1972 8.4 Where there is a reasonable possibility of the moving part failing and causing injury, the enclosure shall be adequate to contain the broken parts. (See Appendix.) 8.5 Enclosure openings shall conform to the attached chart; Fig. 1 and Fig. 2. 8.5.1 This chart shows the maximum size opening permitted in a guard in relation to the distance from the moving part which provides reasonable safety. Thus, 1/4 inch openings are permitted up to 1-1/2 inches from a moving part, 1/2 inch openings from 2-1/2 inches to 3-1/2 inch, and 7/8 inch openings from 6-1/2 inches to 7-1/2 inches, etc. 8.5.2 When the guard is partially open on the machine side as shown in Fig. 2, the distance to the moving part is a variable based on the opening A, as taken from the above chart, and shall be whichever is less of either the distance B or the distance C+D (the sum of the depth of the guard lip and the distance from the edge of the lip to the moving part). 8.6 Openings to permit lubrication, adjustment or inspection shall have hinged, sliding or bolted cover plates of any design that cannot be removed and will stay closed while the opening is not in use.	(o)(1)(1)(a) Should bracing at intervals greater than 3 feet be allowed where a guard prevents contact with moving equipment? (o)(1)(1)(c) Data and information is requested on the hazards to which this paragraph is directed and on the appropriateness of specifications continued therein.

Present Standard	Latest ANSI Standard	Comments
1910.219 (11) The specifications given in Table O-12 and subdivision (1) of this subparagraph are minimum requirements; where guards are exposed to unusual wear, deterioration or impact, heavier material and construction should be used to protect amply against the specific hazards involved.	B15.1-1972 9. Requirements for Guarding by Location 9.1 Equipment guarded by location shall by remoteness from the working areas remove the foreseeable risk of contact by persons. 9.1.1 To be guarded by location or position any moving part shall be at least 96 inches above the walkway, platform or workspace. Where the equipment has in-running nips, shear points or moving projections, it shall be a minimum of 108 inches above the pertinent floor, platform, or working level.	

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972  Fig. 1 Distance to Moving Parts, "B" or "C+D," whichever is greater (inches)	ANSI Fig. 1. Comment is requested about the appropriateness of including this chart in the OSHA standard. Data and information is requested as to the appropriateness of this chart to guard construction.

Present Standard	Latest ANSI Standard	Comments
	 Fig. 2	

Present Standard	Latest ANSI Standard	Comments
	 Fig. 3 Method of Measuring Opening "A"	

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(2) Wood guards.		
(i) Wood guards may be used in the woodworking and chemical industries, in industries where the presence of fumes or where manufacturing conditions would cause the rapid deterioration of metal guards; also in construction work and in locations outdoors where extreme cold or extreme heat make metal guards and railings undesirable. In all other industries, wood guards shall not be used.		(o)(2)(i) Under what other conditions should wooden guards be permitted? Are there any situations in particular industries where wooden guards should be prohibited? Variance 425 indicated that existing wooden guards with smooth painted exterior surfaces may continue to be used in place of the required metal types.
(ii) (a) Wood shall be sound, tough, and free from any loose knots. (b) Guards shall be made of planed lumber not less than one (1) inch rough board measure, and edges and corners rounded off.		(o)(2)(ii)(b) Comment is requested on allowing the use of plywood and other laminates less than 1 inch thick to fabricate guards.
(c) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.		(o)(2)(ii)(c) Should other fastener techniques be considered? Equal strength requires determining the strength of metal guards in order to design a wooden guard. Information and data is solicited on the methods of determining criteria for wooden guards.

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(d) While no definite dimensions are given under this heading for framework or filler materials, wood guards shall be equal in strength and rigidity to metal guards specified in subparagraphs (1)(i) and (ii) of this paragraph and Table O-12. (e) For construction of standard wood railing, see subparagraph (5) of this paragraph.		
(3) Guards for horizontal overhead belts.		
(i) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or be carried to the nearest wall, thus enclosing the belt effectively. Where belts are so located as to make it impracticable to carry the guard to wall or ceiling, construction of guard shall be such as to enclose completely the top and bottom runs of belts and the face of pulleys.		(o)(3)(i) If the purpose of a guard is to prevent a broken belt from hitting an employee, can a guard be constructed in another manner to accomplish this objective?
(ii) The guard and all its supporting members shall be securely fastened to wall or ceiling by gimlet-point lag screws or through bolts. In case of masonry construction, expansion bolts shall be used. The use of bolts placed horizontally through floor beams or ceiling rafters is recommended.		(o)(3)(ii) Are any of the design instructions within paragraph (o)(3)(ii) and (iii) related to employee safety? Should design techniques be stated or should performance oriented criteria be developed? What parameters should be considered in developing performance criteria?

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
(iii) Suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams, where such is necessary, to sustain safely the weight and stress likely to be imposed by the guard. The interior surface of all guards, by which is meant the surface of the guard with which a belt will come in contact, shall be smooth and free from all projections of any character, except where construction demands it; protruding shallow round-head rivets may be used. Overhead belt guards shall be at least one-quarter wider than belt which they protect, except that this clearance need not in any case exceed six (6) inches on each side. Overhead rope drive and block and roller-chain-drive guards shall be not less than six (6) inches wider than the drive on each side. In overhead silent chain-drive guards where the chain is held from lateral displacement on the sprockets, the side clearances required on drives of twenty (20) inch centers or under shall be not less than one-fourth inch from the nearest moving chain part, and on drive of over twenty (20) inch centers a minimum of one-half inch from the nearest moving chain part.		
(iv) Table O-13 gives the sizes of materials to be used and the general construction specifications of guards for belts ten (10) inches or more in		(o)(3)(iv) Selection of structural shapes depend on the individual guard design; therefore, what kind of criteria would be applicable to different guard designs?

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
width. No material for overhead belt guards should be smaller than that specified in Table O-13 for belts ten (10) to fourteen (14) inches wide, even if the overhead belt is less than ten (10) inches in width. However, No. 20 gage sheet metal may be used as a filler on guards for belts less than ten (10) inches wide. Expanded metal, because of the sharp edges, should not be used as a filler in horizontal belt guards.		
(v) For clearance between guards and belts, ropes or chains of various center to center dimensions between the shafts, see bottom of Table O-13.		(o)(3)(v) The clearance dimensions in Table O-13 are not applicable to V-belts requiring specified amounts of tension. Data and information is solicited on appropriate dimensions.
(4) Guards for horizontal overhead rope and chain drives. Overhead-rope and chain-drive guard construction shall conform to the rules for overhead-belt guard construction of similar width, except that the filler material shall be of the solid type as shown in Table O-13, unless the fire hazard demands the use of open construction. A side guard member of the same solid filling material should be carried up in a vertical position two (2) inches above the level of the lower run of the rope or chain drive and two (2) inches within the periphery of the pulleys which the guard encloses thus forming a trough. These side edges with 1-1/2-inch by 1/4-inch flat steel, riveted to the filling material material at not greater than eight (8) inch centers; the reinforcing strip should		(o)(4) If the purpose of overhead guards is to confine a broken power transmission component, why should rope and chain guards be treated differently than overhead belt guards?

Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
be fastened or bolted to all guard supporting members with at least one 3/8-inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts. The filling material guard and the filler supports by 3/16-inch rivets spaced on 4-inch centers. The width of the multiple drive shall be determined by measuring the distance from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley.		
(5) Guardrails and toeboards.	10. Requirements for Rails and Fences	(o)(5) It has been suggested that the guardrail and toeboard requirements of this standard be made consistent with CFR Part 1910, Subpart D, except where a filler material (panel) is used. Comment is solicited on the appropriateness of this suggestion, and on specific Subpart D requirements which should not be included.
(i) Guardrail shall be forty-two (42) inches in height, with midrail between top rail and floor.	10.1 Use of rails or fences shall be limited to cases where enclosure or guarding by location cannot be reasonably achieved.	Since the purpose of a guardrail is to provide safety by location, under what circumstances would the toeboard be necessary for employee protection?
(ii) Posts shall be not more than eight (8) feet apart; they are to be permanent and substantial, smooth, and free from protruding nails, bolts, and splinters. If made of pipe, the post shall be one and one-fourth (1-1/4) inches inside diameter, or larger. If made of metal shapes or bars, their section shall be equal in strength to that of one and one-half (1-1/2) by three-sixteenths (3/16) inch angle iron. If made of wood, the post shall be two by four (2 x 4) inches or larger. The upper rail shall be two by four (2 x 4) inches, or two one by four (1 x 4) strips, one at the top and one at the side of posts. The midrail may be one by four (1 x 4) inches or more. The rails (metal shapes, metal bars, or	10.1.1 Any such method of protection shall conform to ANSI: A12.1-1967 "Safety Requirements for Floor and Wall Openings, Railings and Toeboards" or latest revision thereof.	

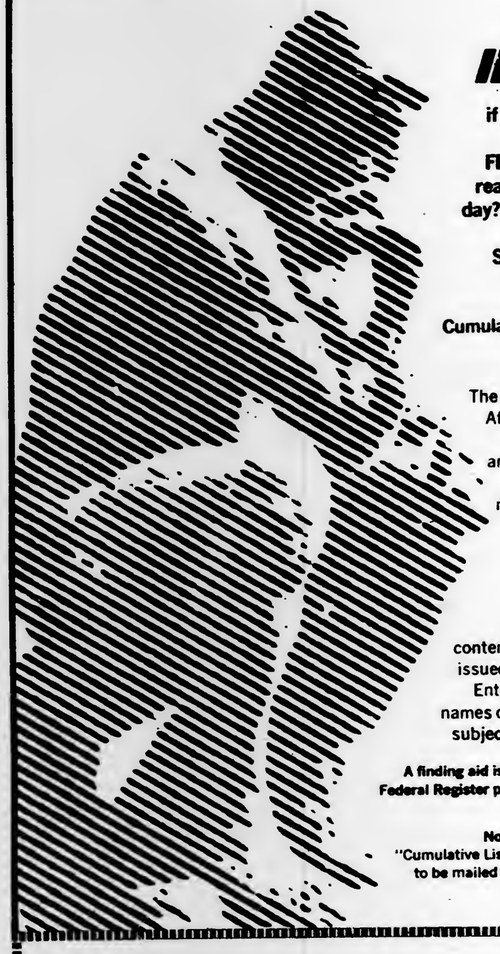
Present Standard	Latest ANSI Standard	Comments
1910.219	B15.1-1972	
wood), should be on that side of the posts which gives the best protection and support. Where panels are fitted with expanded metal or wire mesh as noted in Table O-12 the middle rails may be omitted. Where guard is exposed to contact with moving equipment, additional strength may be necessary.		
(iii) Toeboards shall be four (4) inches or more in height, of wood, metal, or of metal grill not exceeding one (1) inch mesh. Toeboards at flywheel pits should preferably be placed as close to edge of the pit as possible.		
(p) Care of equipment.	A7. Operation and Maintenance	(p)(1),(2),(3),(4),(5) It has been suggested that some sections of paragraph (p) relate only to property protection. Which of the requirements of this paragraph are relevant to employee safety?
(1) General. All power-transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.	A7.1 Inspection. All power transmission equipment should be inspection at regular intervals, such as every 60 days, and kept in good working condition at all times. Inspection items should include alignment, adjustment, rust, and excess lubricants of shafting, bearing and pulleys. Where explosive dusts, flammable vapors or liquids exist, the hazards of static sparks from shafting or belts should be eliminated. Cast iron pulleys should be tested at regular intervals for cracks in the rims or spokes.	

Present Standard	Latest ANSI Standard	Comments
1910.219 (2) Shafting. (i) Shafting shall be kept in alignment, free from rust and excess oil or grease. (ii) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered. (3) Bearings. Bearings shall be kept in alignment and properly adjusted. (4) Hangers. Hangers shall be inspected to make certain that all supporting bolts and boxes are adjusted properly. (5) Pulleys. (i) Pulleys shall be kept in proper alignment to prevent belts from running off. (ii) One or both pulleys carrying a nonshifting belt should have crowned faces. (iii) Cast-iron pulleys should be tested frequently with a hammer to disclose cracks in rim or spokes. It should be borne in mind that the sound is usually the pulley. (iv) Split pulleys should be inspected to ascertain if all bolts holding together the sections of the pulley are tight.	B15.1-1972	

Present Standard	Latest ANSI Standard	Comments
1910.219 (6) Care of belts. (i) Quarter-twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed. (ii) Inspection shall be made of belts, lacings, and fasteners and such equipment kept in good repair. (iii) Where possible, dressing should not be applied when belt or rope is in motion; but, if this is necessary, it should be applied where belts or rope leave pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable. (7) Lubrication. The regular oilers shall wear tight-fitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, wherever possible.	B15.1-1972 A7.3 Care of Belts. Quarter-twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed. Regular inspection should be made of belts, lacings, and fasteners and such equipment kept in good repair. Belt dressing should not be applied when the belt or rope is in motion; but, if this is necessary, it should be applied where belts or ropes leave the pulleys, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable. The hazard of static electricity from belts should be carefully considered where explosives, explosive dusts, flammable vapors or flammable liquids exist. The National Fire Code, #33, Paragraph 507, prohibits the use of belts in spray booths unless totally enclosed. A7.2 Lubrication. Standard oiling practice recommends drip pans under all overhead equipment. Oilers should wear tight fitting clothing and use oil cans with long spouts. Machinery should never be in motion when being lubricated unless lubrication is automatic, or a long, gravity flow spout will enable the oiler to stand in the clear while carrying out his job.	(p)(6)(iii) Comments are requested concerning the hazard involved in the dressing of belts while they are in motion. OSHA has received a petition stating that belt dressing on V-belts is necessary because the dressing reduces both slippage and the operating temperature of belts. Comment on this matter is requested.

[FR Doc.77-101 Filed 1-6-77;8:45 am]

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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

Exhibit G of Subpart A of Part 1822, Chapter XVIII, Title 7 of Code of Federal Regulations (41 FR 42641) is revised to delete one community and add six others to the list of rural areas of between 10,000 and 20,000 population, eligible for Farmers Home Administration (FmHA) rural housing programs. Also, Exhibit G is revised to correct the spelling of two towns.

The Secretary of Agriculture has determined that the six rural areas being added to the eligible list have a serious lack of credit for low- and moderate-income families. Since publishing for comment would delay these families from becoming eligible for the financing they need to obtain adequate housing, and thus would be contrary to the public interest, these revisions will become effective on January 10, 1977.

Exhibit G is also revised by deleting the town of "Albert Lea" where it appears under the State of Minnesota because the town, along with the surrounding area, is over 20,000 population and is thus not eligible for FmHA assistance. The additions and editorial corrections to the list of towns in Exhibit G are as follows:

Additions: The following six places are added to Exhibit G, Subpart A of Part 1822, Chapter XVIII, as eligible areas:

Kansas: after "Coffeyville" add "Dodge City," "Garden City," and "Great Bend."

Massachusetts: after "North Adams" add "Southbridge."

Pennsylvania: after "Oil City" add "Shamokin" and after "Indiana" add the place "Kulpmont—Mount Carmel—Marion Heights."

Corrections: Spelling of the following communities are corrected where they appear:

Puerto Rico: Humancao correctly spelled as "Humacao."

Texas: Synder correctly spelled as "Snyder."

Effective date: This revisions shall become effective on January 10, 1977.

(Delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: December 23, 1976.

FRANK B. ELLIOTT,
Administrator.

[FR Doc.77-745 Filed 1-7-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 100—REACTOR SITE CRITERIA

Seismic and Geologic Design Bases

By letter dated February 11, 1975, Mr. David S. Fleischaker of Berlin, Roisman, Kessler, and Cashdan, 1712 N Street, NW, Washington, D.C. 20036, counsel for the New England Coalition on Nuclear Pollution, filed a petition for rule making (PRM 100-1) with the Nuclear Regulatory Commission.

The petitioner requested that an opinion interpreting and clarifying Appendix A of 10 CFR Part 100, "Seismic and Geologic Siting Criteria for Nuclear Power Plants," with respect to the determination of the Safe Shutdown Earthquake, be issued. The question of interpretation raised in the petition is whether or not the maximum vibratory ground motion design basis for a nuclear power plant is limited to that associated with the maximum intensity earthquake of historical record, i.e., whether or not the Safe Shutdown Earthquake is necessarily the maximum intensity earthquake of historical record.

The petitioner also requested that, in the event a clarifying opinion is not issued, the Commission institute a rulemaking proceeding pursuant to § 2.802 of 10 CFR Part 2, to amend Section V(a)(1) of Appendix A of 10 CFR Part 100 as follows:

1. *Determination of the Safe Shutdown Earthquake.* The Safe Shutdown Earthquake shall be determined by reference to the following guidelines which establish minimal requirements for evaluation of seismic and geologic information developed pursuant to the requirements of paragraph IV(a).

The Commission treated the matter as a petition for rulemaking, and a notice of filing of the petition, Docket No. PRM-100-1, was published in the FEDERAL REGISTER on May 14, 1975 (40 FR 20983). The public comment period ended July 14, 1975.

The Commission has considered the public comments received and other relevant information in its evaluation of the petition.

The procedures and investigations specified in Section V(a)(1) of the existing regulations result invariably in the Safe Shutdown Earthquake intensity being equal to or exceeding the maximum historic earthquake intensity experienced at a nuclear power plant site. These provisions of Appendix A are minimum requirements, and they have consistently been interpreted as such in licensing decisions. Section V(a)(1)(i) of Appendix A of the CFR Part 100 states in pertinent part that "The magnitude or intensity of earthquakes based on geologic evidence may be larger than that of the maximum earthquake historically recorded." Furthermore, Section II, "Scope," of Appendix A states in relevant part that "* * * more conservative determinations that those included in these criteria may be required for sites located in areas having complex geology or in areas of high seismicity."

The Commission does not believe that the specific clarifying language proposed by the petitioner would clarify Appendix A, add to its inherent safety, or improve its implementation, and, therefore, it has rejected the specific wording proposed by the petitioner. However, the Commission has accepted the substance of the petitioner's proposal and has decided to issue an amendment to Appendix A that clearly states that the maximum historic earthquake could be exceeded in the determination of the safe shutdown earthquake where warranted.

The Commission believes that this clarifying amendment will accomplish the petitioner's objective, and eliminate a possible source of misinterpretation. In particular, with regard to the determination of the Safe Shutdown Earthquake, and whether and under what conditions it may exceed the value derived by application of the methodology specified in Appendix A, the previous regulation provided the broad guidance that the "procedures in paragraphs (a)(1)(i) through (iii) of this section (Section V) shall be applied in a conservative manner." The amendment would clarify this guidance, in light of past experience in implementing the regulation by specifically providing, that a larger Safe Shutdown Earthquake may be required when geological and seismological data warrant. Some conditions which might warrant selection of a larger Safe Shutdown Earthquake are: (1) Where the highest intensity of historically reported earthquakes is determined to have been experienced at the site taking into consideration site foundation conditions, (2) where seismicity in the immediate site vicinity is significantly higher than that generally existing in the tectonic province as a whole, (3) where there exists in

proximity to the site tectonic structure demonstrably like that found where larger earthquakes in the tectonic province have occurred historically.

Because the amendment which follows relates solely to minor matters of a clarifying nature, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendment effective on January 10, 1977.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code the following amendment to Appendix A of 10 CFR Part 100 is published as a document subject to codification.

The fourth sentence of Section V(a)(1)(iv) of Appendix A of 10 CFR Part 100 is amended to read as follows:

• • • • •

V. SEISMIC AND GEOLOGIC DESIGN BASES

(a) *Determination of Design Basis for Vibratory Ground Motion.* • • •

(1) *Determination of Safe Shutdown Earthquake.* • • •

(iv) • • • The procedures in paragraphs (a)(1)(i) through (a)(1)(iii) of this section shall be applied in a conservative manner. The determinations carried out in accordance with paragraphs (a)(1)(ii) and (a)(1)(iii) shall assure that the safe shutdown earthquake intensity is, as a minimum, equal to the maximum historic earthquake intensity experienced within the tectonic province in which the site is located. In the event that geological and seismological data warrant, the Safe Shutdown Earthquake shall be larger than that derived by use of the procedures set forth in Section IV and V of the Appendix. • • •

• • • • •

Effective date: This amendment becomes effective on January 10, 1977.

(Sec. 161, Pub. L. 83-703, 88 Stat. 948 as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 5th day of January 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-913; Filed 1-7-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13696; Amdt. 25-39]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Type A Passenger Emergency Exit Capacity

The purpose of this amendment to §§ 25.807(c)(2) and (c)(3) of Part 25 of the Federal Aviation Regulations (FAR) is to revise the maximum passenger seating configuration allowed for each pair of Type A exits from 100 to 110 for the type certification of transport category airplanes.

This amendment is based upon a proposal contained in a notice of proposed rule making (Notice 75-40) published in the FEDERAL REGISTER on December 23, 1975 (40 FR 59354). Notice 75-40 was based, in part, upon comments received in response to an advance notice of proposed rule making published on May 10, 1974 (Notice 74-19, 39 FR 16900). Except as discussed herein, the reasons for this amendment are the same as those contained in Notice 75-40. The relevant comments are discussed below. Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented.

In general, the comments received in response to Notice 75-40 repeated issues that were raised in comments to Notice 74-19 and subsequently discussed in the preamble of Notice 75-40. Only the more significant of these repetitive comments are discussed herein.

Several commentators who favored an increase in the passenger seating limit for Type A exits contended that the limit could be safely increased to 117 or more. One of these commentators stated that the 117 value is approximately 85 percent of the demonstrated exit capacity as obtained from emergency evacuation tests. The commentator also stated that computer simulated emergency evacuation exercises indicated that 117 passengers could be successfully evacuated through a Type A exit to the ground within 90 seconds. Based on this, the commentator asserted that a passenger seating limit of 117 for each pair of Type A exits would be very conservative and would assure adequate passenger safety levels considering the possible existence of unknown factors which could affect in-service evacuations.

To the contrary, the commentators opposed to the proposed amendment asserted that the amendment would result in a reduction in the safety provided airplane occupants because of a lack of in-service Type A exit system reliability. In this connection, one commentator stated that during a recent year and one-half period at least seven accidents and incidents have occurred, with aircraft having Type A exits, that involved emergency evacuations and that 16 of the 37 Type A exits installed on the aircraft involved were unusable because of exit failures. Several commentators referenced a National Transportation Safety Board Special Study to indicate the problems associated with the maintenance, installation, and design, of current Type A exit systems and crew training related to exit use. The NTSB Special Study as well as several proposals made to the First Biennial Operations Review Program, relating to the reporting of in-service exit system problems, were referenced by commentators to indicate that Type A exit reliability cannot be accurately determined. With respect to basing a rule change on emergency evacuation test data, an FAA study was referenced to indicate the lack of realism in emergency evacuation tests.

As discussed in Notice 75-40, the regulatory provisions relating to Type A exits in FAR § 25.807 were adopted by Amendment 25-15, effective October 24, 1967. That amendment also established the provision in § 25.803(c) that manufacturers show by demonstration that the maximum seating capacity of an airplane having a capacity of more than 44 passengers can be evacuated to the ground within 90 seconds, under conditions prescribed in the regulation. The preamble of Amendment 25-15 indicated that the allowable passenger seating limit of 100 that was established for each pair of Type A exits was less than the evacuation capacity that had been demonstrated by test.

With respect to the comments received that advocated a passenger seating limit in excess of 110, the data presented as justification was based on insufficiently conservative maximum evacuation times and minimum passenger flow rates. The suggested passenger seating limit based on that data is, therefore, also insufficiently conservative.

In regard to the issues raised by the commentators objecting to any increase in the passenger seating limit for Type A exits, the FAA has found no compelling justification for not adopting the proposed amendment. Since the adoption of Amendment 25-15 there have been a number of improvements in the design and maintenance of Type A exit systems. In tests, these systems have functioned in a reliable manner. The FAA believes that in-service reliability of Type A exit systems now warrants an increase in the passenger seating limit. In this connection, the FAA is unaware of any situation in which a passenger has been prevented from evacuating an airplane because of a Type A exit system failure in an accident referenced by the commentators. Furthermore, the FAA expects Type A exit system performance to improve in the future. The proposals referenced by the commentators that were submitted to the Biennial Operations Review Program (Notice 75-9, 40 FR 8685) are related to achieving such a result. Regarding emergency evacuation demonstration realism, those demonstrations are made as realistic as possible and are more demanding than numerous actual emergency evacuations. Moreover, it should be noted that passenger seating limits are not entirely based on data obtained from emergency evacuation demonstrations and that those demonstrations are conducted with one-half of the airplane's exits not being used. Based on the comments and the data available, the increase in the type certification passenger seating limit for Type A exits from 100 to 110, being adopted herein, is justified and will provide for more economic airplane utilization with no adverse effect on safety.

One commentator presumed that the new passenger seating limit for Type A exits could be applied to existing aircraft. That presumption is correct. Under the provisions of Subparts D and E of FAR Part 21, relating to type certificate changes, application could be made for approval of an increased passenger seating capacity for existing aircraft types. The FAA does not agree with the same commentator's contention that additional emergency evacuation demonstrations would never be necessary after such an increase. The evacuation demonstration requirements of FAR §§ 25.803 and 121.291 are necessary to properly evaluate an entire emergency evacuation system. It should be noted, however, that §§ 25.803 and 121.291, by their own terms, might not require new evacuation demonstrations, depending on the extent of the increase in passenger seating capacity and the extent of cabin configuration change.

In consideration of the foregoing, effective February 10, 1977, Part 25 of the Federal Aviation Regulations is amended as follows:

§ 25.807 [Amended]

1. By revising the table in § 25.807(c)(2) to read as follows:

Additional emergency exits (each side of fuselage):	*Increase in passenger seating configuration allowed*
Type A	110
Type I	45
Type II	40
Type III	35

• • • • •

2. By amending the last sentence of § 25.807(c)(3), to read—"A passenger seating configuration of 110 seats is allowed for each pair of Type A exits and a passenger seating configuration of 45 seats is allowed for each pair of Type I exits."

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on December 29, 1976.

JOHN MCLUCAS,
Administrator.

[FR Doc 77-799 Filed 1-7-77;8:45 am]

[Docket No. 76-EA-80; Amdt. 39-2804]

PART 39—AIRWORTHINESS DIRECTIVE

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 73-23-01 applicable to Lycoming type aircraft engines.

In continuation of the manufacturer's research into all engines which may still be subject to AD 73-23-01 additional engine numbers are being added to the outstanding directive.

Since the air safety problem connected with the issuance of the initial directive, notice and public procedure hereon are impractical and cause exists for making the directive effective in less than 30 days.

We have determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 73-23-01, as follows:

§ 39.13 [Amended]

Amend AD 73-23-01 as follows.—1. Revise applicability paragraph to read "Applies to all Lycoming series engines and all engines overhauled by Lycoming (also known as remanufactured) listed below and in Lycoming Service Bulletin No. 367F and in Supplement No. 1 for Lycoming Service Bulletin No. 367F."

2. Add the following engine numbers to the O-360 series. L-17475-36A through L-17479-36A.

3. Add the following engine numbers to the IO-540-A1A5, -B1A5, -C1A5, -C4B5, -D4A5, -E1A5, -E1B5, -G1D5, -J4A5, -K1A5, -K1B5, -K1C5, -K1E5, -K1E5D series. L-10303-48, L-10304-48, L-10306-48 through L-10308-48, L-10317-48 through L-10320-48, L-10564-48 through L-10567-48, L-10569-48, L-10577-48.

NOTE.—The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is effective January 13, 1977.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on December 30, 1976.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-797 Filed 1-7-77;8:45 am]

[Airworthiness Docket No. 76-WE-12-AD; Amdt. 39-2802]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection of the rigging of the air conditioning compartment doors and modification of the doors and their latching mechanism on McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, and DC-10-40 airplanes was published in 41 FR 29714.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

Commentators concurred that a one-time rigging check should be performed on those aircraft not previously checked at the factory. However, they have commented that credit should be given for checks performed previous to the latest maintenance manual instructions as cited in the proposed amendment. FAA agrees that performance of the rigging procedure is essential for proper maintenance of the air conditioning compartment door. However there have been numerous revisions to that procedure. To maintain continuity within the fleet, the requirements of the latest revision to the maintenance manual rigging procedure will be used. Some modifications to that procedure will be incorporated in the AD to eliminate some unnecessary steps and to allow for previously performed steps. Commentators stated that, while a secondary handle latch mechanism would provide redundancy to the primary door handle latch, mandatory compliance for installation of those mechanisms per McDonnell Douglas Service Bulletin 52-116 and 52-122 is unjustified. FAA agrees since the rigging procedure requires a handle pull test and there has been no service experience that would indicate a need for that modification.

Commentators stated that the proposed requirement to install latch spool end plates per Douglas Service Bulletin 52-122 is unjustified in view of only minimal door deflection under the pressurization tests performed at Douglas. FAA concurs and we further note that the rigging procedure requires latch/spool overcenter verification which is the intended purpose of the end plates. Commentators stated that the proposed requirement to reinforce the door structure per McDonnell Douglas Service Bulletin 52-122 would not be justified since the door structural adequacy is not in question. FAA agrees and further notes that Service experience does not indicate a need for that requirement.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, and DC-10-40 airplanes, certificated in all categories.

Compliance required within the next 2000 flight hours after the effective date of this AD, unless already accomplished.

To prevent in-flight separation of an air conditioning compartment access door, accomplish the inspection and rigging procedure specified in the DC-10 Maintenance Manual, Chapter 52-42-01, Temporary Revision 52-231, dated September 17, 1976, paragraph 3, or later FAA approved revision with the following manual amendments:

(a) Steps outlined in 3.A.(1), (a) thru (d) and 3.A.(2) may be omitted

(b) Before accomplishing steps 3.A.(3), (a), and (b) and (3a), (a) through (g) inspect the doors to verify that the clearance does not exceed 1.2 inches between the lower edge of the door and door jamb. If this dimension is not exceeded, steps 3.A.(3), (a) and (b) and (3a), (a) thru (g) may be omitted. Otherwise, those steps must be performed.

An equivalent procedure may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

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Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base for the accomplishment of this AD.

This amendment becomes effective January 12, 1977.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Los Angeles, California on December 29, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.77-798 Filed 1-7-77;8:45 am]

[Docket No. 76-SO-113; Amdt. 39-2801]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28-151 Series Airplanes

There has been induction system blockage due to ice accumulation on a PA-28-151 airplane that could result in power loss or engine stoppage. Since this condition is likely to develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the carburetor air filter box and the addition of a drain hole, if necessary, on PA-28-151 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to Model PA-28-151 airplanes, serial numbers 28-7415001 through 28-7715278 and 28-7715289 certificated in all categories.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To detect and correct those carburetor air filter boxes that do not contain a drain hole, accomplish the following:

(a) Open the top right side engine cowl door to gain access to the carburetor air filter box, Piper Part Number 35462-00, at the right hand bottom section of the engine compartment.

(b) Check visually and by feel to determine whether the carburetor air filter box contains a drain hole in the lower rear corner of the outside half of the carburetor air filter box. (See figure.) This check may be performed by the pilot.

(c) If the box contains a drain hole, accomplish (f).

(d) If the box does not contain a drain hole, accomplish (e) and (f).

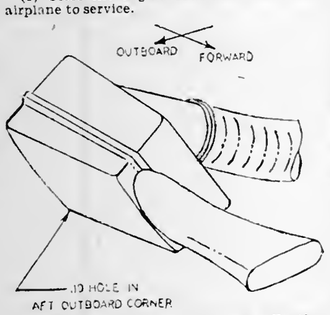
(e) Modify the carburetor air filter box as follows:

(1) Remove and disassemble the carburetor air filter box.

(2) Drill a .19 inch diameter hole in the lower rear corner of the outside half of the carburetor air filter box. (See figure.)

(3) Reassemble and reinstall the carburetor air filter box.

(f) Close the engine cowl and return the airplane to service.



This amendment becomes effective January 14, 1977.

Piper Service Bulletin 536 also pertains to this same subject.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in East Point, Georgia, on December 29, 1976.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.77-800 Filed 1-7-77;8:45 am]

[Docket No. 76-NW-27-AD; Amdt. 39-2799]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

Amendment 39-1767 (38 FR 20818), AD 74-01-01, as amended by Amendments 39-1957 (39 FR 32091) and 39-2785 (41 FR 53778) requires inspections of the wing front spar upper chord for cracks from front spar stations 108 to 198 on Boeing Model 737 series airplanes. Amendment 39-2785 required additional inspections of previously repaired airplanes and amended the AD with respect to the latest Boeing service bulletin revision. After issuing Amendment 39-2785, an error in paragraph (C) of the AD requiring continuing inspections after repairs was discovered. Therefore, the AD is being amended to reflect the intent of Amendment 39-2785.

Since this amendment is relieving and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

§ 39.13 [Amended]

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-1767 (38 FR 20818) AD 74-01-01, as amended by Amendment 39-1957 (39 FR 32091) and 39-2785 (41 FR 53778) is amended by striking out the sentence "Inspections required by paragraph (A) are to continue." from paragraph (C).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

An evaluation of the anticipated impacts has been made, and it is expected that the final regulation is neither costly nor controversial. The preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 is not required.

This amendment becomes effective January 18, 1977.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington on December 29, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.77-795 Filed 1-7-77;8:45 am]

[Docket No. 16409; Amdt. 39-2800]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 200 and 400 Series Airplanes

Amendment 39-2779 (41 FR 52292), AD-76-24-06 requires a leak test of the emergency oxygen systems, repetitive inspections, reworking, and replacement, as necessary, of the flexible hoses of the emergency oxygen system on BAC 1-11 200 and 400 series airplanes. After issuing Amendment 39-2779, due to service experience, the FAA determined that compliance times may be relaxed, and that as an alternative to the replacement of defective parts with new parts of the same part number, serviceable FAA approved parts may be installed. Therefore, the AD is being further amended to provide an alternative means of compliance, and to relax compliance times.

Since this amendment provides an alternative means of compliance, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2779 (41 FR 52292) AD-76-24-06, is further amended by amending paragraphs (a), (b), (c), and (d) to read as follows:

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1-11 200 and 400 series airplanes, certificated in all categories.

Compliance is required as indicated.

* * * * *

(a) Within the next 250 hours time in service after the effective date of this AD, unless already accomplished in the last 2,500 hours time in service, conduct a leak test of the emergency oxygen system in accordance with paragraph 2.3 of the section entitled "Accomplishment Instructions" of British Aircraft Corporation Alert Service Bulletin 35-A-PM 5394, issue 2, dated February 2, 1976, or an FAA-approved equivalent.

(b) If, during the leak test required by paragraph (a) of this AD, a leak is found, before further flight, locate the source of the leak and replace the defective part with a new part of the same part number or with a serviceable FAA-approved part and then retest the emergency oxygen system in accordance with paragraph (a) of this AD.

(c) Within the next 1,000 hours time in service or six months after the effective date of this AD, whichever occurs sooner, unless already accomplished within the preceding 2,500 hours time in service, and thereafter at intervals not to exceed 5,000 hours time in service or two years, whichever occurs sooner, inspect and rework the flexible hoses of the emergency oxygen system in accordance with figures 1 through 3, table 1, and paragraph 2.4 of British Aircraft Corporation Alert Service Bulletin 35-A-PM 5394, issue 2, dated February 2, 1976, or an FAA-approved equivalent.

(d) If, during an inspection required by paragraph (c) of this AD, the flexible oxygen hoses are found fractured or embrittled, before further flight, replace the affected parts with new parts of the same part number or with serviceable FAA-approved parts and then retest the oxygen system for leaks in accordance with paragraph (a) of this AD.

This amendment becomes effective January 6, 1977.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on December 29, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.77-789 Filed 1-7-77;8:45 am]

[Docket No. 76-EA-78; Amdt. 39-2803]

Piper Aircraft

PART 39—AIRWORTHINESS DIRECTIVE

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-23-250 type airplanes.

There has been a report wherein persistent NAV light circuit breaker tripping was found to have been caused by the wing tip mounted strobe light wire chaffing and shorting on the adjacent wing tip rib. Since this is a deficiency which can exist or develop in aircraft of similar type design, a directive is being issued which will require a repair to the electrical wiring.

Since the deficiency can cause electrical arcing with resultant unsafe conditions, notice and public procedure hereon are impractical and cause exists for making the directive effective in less than 30 days.

We have determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

PIPER. Applies to model PA-23-250 (6 place) Aztec "F," S/Ns 27-7654001 to 27-7654049 inclusive, 27-7654051 to 27-7654099 inclusive, 27-7654101 to 27-7654116 inclusive, 27-7654118 to 27-7654131 inclusive, 27-7654133 to 27-7654146 inclusive, 27-7654148 to 27-7654160 inclusive, 27-7654162 to 27-7654164 inclusive, and 27-7654166 to 27-7654171 inclusive.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished. To prevent the hazards associated with the chaffing of the wing tip mounted strobe NAV light wire and the possible electrical arcing to the adjacent wing tip rib, accomplish the following:

(a) Apply additional insulating material to the applicable electric wiring in accordance with the instructions given in Service Bulletin No. 486, dated October 11, 1976, or with an approved alternate method.

(b) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, who must also approve alternate methods of compliance.

(Piper Service Bulletin No. 486, dated October 11, 1976, covers this subject)

NOTE.—The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is effective January 13, 1977.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and sec. 6(c) Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on December 30, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77-796 Filed 1-7-77;8:45 am]

[Airspace Docket No. 76-EA-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Islip, N.Y., control zone (41 F.R. 392) and transition area (41 FR 517).

A new ILS Runway 24 original instrument approach procedure developed for Islip-MacArthur Airport, Islip, N.Y., requires alteration of the control zone and transition area to provide the controlled airspace necessary to protect aircraft executing the new instrument approach procedure.

Since this amendment will reduce the amount of controlled airspace, it is less restrictive and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 March 24, 1977, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to amend the description of the Islip, N.Y. control zone by deleting "within 4 miles each side of the Islip-MacArthur Airport ILS localizer northeast course, extending from the localizer to a point 8.5 miles northeast of the localizer."

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to amend the description of the Islip, N.Y. 700 foot floor transition area by deleting "4 miles each side of the Islip-MacArthur Airport localizer northeast course extending from the 9-mile radius area to a point 9.5 miles northeast of the localizer." and by inserting the following in lieu thereof, "4.5 miles each side of the Islip-MacArthur Airport Runway 24 ILS localizer northeast course, extending from the OM to 5.5 miles northeast of the OM,"

The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on December 21, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77-734 Filed 1-7-77;8:45 am]

[Airspace Docket No. 76-SO-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Meridian, Miss., (NAS Meridian) control zone. •

The Meridian, Miss., (NAS Meridian) control zone is described in § 71.171 (41 FR 355). It is necessary to amend the description by increasing the effective hours of operation from 0600 to 0200 hours, local time, Monday thru Friday; 0700 to 1900 hours, local time, Saturday; 1100 to 2400 hours, local time, Sunday and Federal holidays. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, February 24, 1977, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (41 FR 355), the Meridian, Miss., (NAS Meridian) control zone is amended by deleting all after " • • • south of the runway end • • • " and substituting the following therefor:

This control zone is effective from 0600 to 0200 hours, local time, Monday thru Friday; 0700 to 1900 hours, local time, Saturday; and 1100 to 2400 hours, local time, Sunday and Federal Holidays.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))).

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in East Point, Ga., on December 28, 1976.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.77-793 Filed 1-7-77;8:45 am]

[Airspace Docket No. 76-SO-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Orlando, Fla., (Herndon Airport) control zone, Orlando, Fla., (Orlando Jetport at McCoy) control zone and the Orlando, Fla., transition area. •

The Orlando (Herndon Airport) control zone and the Orlando (Orlando Jetport at McCoy) control zone are described in § 71.171 (42 FR 355). The Orlando transition area is described in § 71.181 (42 FR 440). In the descriptions, reference is made to McCoy AFB and Orlando Jetport at McCoy. Effective November 26, 1976, the name of Orlando Jetport at McCoy was changed to Orlando International Airport and it is necessary to alter the descriptions to reflect the name change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

§ 71.171 [Amended]

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, February 24, 1977, as hereinafter set forth.

In § 71.171 (42 FR 355), the Orlando, Fla., (Herndon Airport) control zone is amended as follows:

"• • • McCoy AFB • • •" is deleted and "• • • Orlando International Airport • • •" is substituted therefor.

In § 71.171 (42 FR 355), the Orlando, Fla., (Orlando Jetport at McCoy) control zone is amended as follows:

"• • • Orlando Jetport at McCoy • • •" is deleted and "• • • Orlando International Airport • • •" is substituted therefor.

§ 71.181 [Amended]

In § 71.181 (42 FR 440), the Orlando, Fla., transition area is amended as follows:

"• • • Orlando Jetport at McCoy • • •" is deleted and "• • • Orlando International Airport • • •" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))).

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in East Point, Ga., on December 28, 1976.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.77-794 Filed 1-7-77;8:45 am]

[Airspace Docket No. 76-SO-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Pensacola, Fla., (NAS Saufley Field) control zone. •

The Pensacola (NAS Saufley Field) control zone, described in § 71.171 (42 FR 355), was designated to provide controlled airspace protection of operations at NAS Saufley Field. The airport has been closed and aeronautical operations have been moved to another field; therefore, it is necessary to revoke the control zone. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, February 24, 1977, as hereinafter set forth.

In § 71.171 (42 FR 355), the Pensacola, Fla., (NAS Saufley Field) control is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in East Point, Ga., on December 28, 1976.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.77-792 Filed 1-7-77;8:45 am]

[Docket No. 16392; Amdt. No. 1054]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

§ 97.23 [Amended].

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective February 24, 1977.*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., VOR Rwy 27L, Amdt. 1.

• • • *effective February 17, 1977.*

Lancaster, OH—Fairfield County Arpt., VOR-A, Orig.
Lancaster, OH—Fairfield County Arpt., VOR/DME-A, Orig., canceled.
North Kingstown, RI—Quonset State Arpt., VOR Rwy 34, Original.

§ 97.25 [Amended].

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective February 24, 1977.*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., LOC (BC) Rwy 9R, Amdt. 4.

• • • *effective February 3, 1977.*

Hancock, MI—Houghton County Memorial, LOC/DME (BC) Rwy 13, Amdt. 3.

• • • *effective January 20, 1977.*

Utica, NY—Oneida Co. Arpt., LOC(BC) Rwy 15, Amdt. 3, canceled.

§97.27 [Amended].

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective February 24, 1977.*

Dutch Harbor, AK—Dutch Harbor Arpt., NDB/DME-B, Original.
Williamston, NC—Martin County Arpt., NDB Rwy 21, Original.

• • • *effective February 17, 1977.*

Ogallala, NE—Searle Field, NDB Rwy 8, Amdt. 2.
Ogallala, NE—Searle Field, NDB Rwy 26, Amdt. 1.

• • • *effective February 3, 1977.*

Hancock, MI—Houghton County Memorial, NDB Rwy 31, Amdt. 4.

• • • *effective January 13, 1977.*

Washington, IA — Washington Municipal, NDB Rwy 31, Original.
Parkersburg, WV—Wood County Airport Gill Robb Wilson Field, NDB Rwy 3, Amdt. 2.

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective February 24, 1977.*

Atlanta, GA—The Wm. B. Hartsfield ATL Int'l Arpt., ILS Rwy 8, Amdt. 49.
Atlanta, GA—The Wm. B. Hartsfield ATL Int'l Arpt., ILS Rwy 9R, Amdt. 10.
Atlanta, GA—The Wm. B. Hartsfield ATL Int'l Arpt., ILS Rwy 26, Amdt. 11.
Atlanta, GA—The Wm. B. Hartsfield ATL Int'l Arpt., ILS Rwy 27L, Amdt. 5.

• • • *effective January 20, 1977.*

Utica, NY—Oneida County Arpt., ILS Rwy 15, Original.
Pittsburgh, PA—Greater Pittsburgh Int'l Arpt., ILS Rwy 32, Original.

• • • *effective January 13, 1977.*

Parkersburg, WV—Wood County Airport Gill Robb Wilson Field, ILS Rwy 3, Amdt. 5.

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective February 17, 1977.*

Minneapolis, MN — Minneapolis-St. Paul Int'l/Wold-Chamberlain Arpt., RADAR-1, Amdt. 25.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on December 31, 1976.

LEROY A. KEITH,
Acting Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.77-791 Filed 1-7-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Reporting Requirements

On November 22, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 51424-5) which proposed certain amendments to § 369.3 and the reporting forms used to report restrictive trade practice or boycott related requests as required by § 369.4.

Interested persons were invited to submit written data, views or arguments regarding the proposed amendments prior to December 17, 1976. Twelve comments were received. Aside from one comment which expressed opposition to the reporting requirements in the Export Administration Act, none of the comments received opposed the proposed amendments and several of them expressed support for their adoption. Several comments suggested other changes in the reporting forms which could not be adopted because they would have violated the statement of U.S. policy in opposition to foreign boycotts against friendly countries reflected in section 3(5) of the Export Administration Act of 1969, as amended (50 U.S.C. 2402(5)), or were impractical. Several comments addressed provisions of 15 CFR Part 369 or the boycott reporting forms which were not the subject of the November 22, 1976 FEDERAL REGISTER notice. This Department will consider these suggestions in its continuing review of the provisions of Part 369.

In light of the comments received, this Department is adopting the substance of the proposed amendments which appeared in the FEDERAL REGISTER on November 22, 1976. However, two changes in the proposal to amend § 369.3 are being made. First, it is being made clear that requests for a positive certification of origin will be deemed not to be restrictive trade practice requests within the meaning of section 3(5) of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2402(5)), no matter what country is specified. Thus, a request or restriction which requires affirmatively that the goods or material originate in a particular country (which may, but need not be, the United States) will be deemed not to be a restrictive trade practice request. Second, the phrase "absent particular evidence to the contrary in a particular case" has been deleted as being both unclear and difficult to administer. However, where all the circumstances of a particular case show that the sole purpose of a request for a positive certificate of origin is to further or support a boycott, the Department will view the request as reportable and will take enforcement action as appropriate.

The other changes proposed in the November 22 notice have been adopted without revision, except for clarifying changes to the proposed Block 8 of Reporting Form DIB-621(P).

Accordingly, 15 CFR 369.3 and the Reporting Forms are amended as follows:

§ 369.3 [Amended]

1. Delete from the fourth sentence of § 369.3(b) the phrase "the country of origin of the goods."

2. Add at the end of § 369.3(b)(1) a new example (vi) as follows:

(b) • • •
(1) • • •

(vi) A request for information or a restriction concerning the country of origin of the goods or material utilized in their manufacture. (However, a request or a restriction requiring an affirmative statement or certification regarding the country of origin of goods or material is deemed not to be a restrictive trade practice within the meaning of Section 3(5) of the Export Administration Act of 1969, as amended, but rather a customs certification. Accordingly, requests for such "positive" certificates of origin are not included within the reporting requirements of this part.)

AMENDMENTS TO REPORTING FORMS

1. The present block 8 "Action" of Form DIB-621P (Rev. 10-76) is deleted and the following substituted therefor:

8. Action taken on request (Check one): I/We have received or been informed of a request for an action which could have the effect of furthering or supporting a restrictive trade practice or boycott, as described in § 369.3 of the Export Administration Regulations. The term "request" includes written, oral, and implied requests. The term "action" includes the furnishing of information or the signing of agreements and, with respect to related service organizations, includes the processing of documents containing such requests or evidencing actions taken.

☐ I/We have refused or will refuse to take the action requested.
☐ I/We have taken or will take the action requested.
☐ I am/We are undecided whether to refuse or take the action requested, and will inform the Office of Export Administration of my/our decision within 10 calendar days of making a decision.

2. Add a sentence above the signature space (Block 8 of Form DIB–630P (Rev. 10–76) and Block 9 of Form DIB–621P (Rev. 10–76)) as follows:

NOTE.—The firm submitting this report may, if it so desires, state on a separate sheet additional information relating to the request reported or the reporting firm's response thereto. Such statements will constitute a part of this report and will be a matter of public record.

Effective date: The amendments to § 369.3 of the Export Administration Regulations are effective immediately. The amendments to the reporting forms are also effective immediately, but since revision and reissuance of the forms will take some time, firms may make the above changes in the present forms when filing if they so desire.

(Sec. 2, E.O. 11940, September 30, 1976, 41 FR 43707.)

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77-726; Filed 1-7-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release SAB–13]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

PUBLICATION OF STAFF ACCOUNTING BULLETIN NO. 13

The Division of Corporation Finance and the Office of the Chief Accountant today announced the publication of Staff Accounting Bulletin No. 13. The statements in the Bulletin are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division and the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Staff Accounting Bulletin No. 13 deals with the following:

(1) Changes to Staff Accounting Bulletin No. 6.
(2) Real estate acquired in settlement of loans.
(3) Interpretations of ASR No. 177 (interim reporting).
(4) Interpretations of ASR No. 190 (replacement cost).
(5) Interpretations of ASR No. 188 (New York City securities).

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 4, 1977.

CHANGES TO STAFF ACCOUNTING BULLETIN NO. 6

In SAB No. 6 (which interpreted ASR No. 177), Subsection L, Item d, the following statement of "Facts" was given:

"I. Amendments to Regulation S–X
[New Rule 3–16(t)]

"d. Exemption from Rule 3–16(t) Requirements

"Facts

"In ASR No. 177, the Commission has provided exemptions for certain smaller companies and companies whose securities are not widely traded from the disclosure requirements of Rule 3–16(t). Such exemptions are based on the size of the company as measured by total assets and net income, as defined, and the extent of trading in its securities as measured by whether they are listed on a national securities exchange or quoted on the National Association of Securities Dealers Automatic Quotation System and meet the requirements for continued inclusion on the list of OTC margin stocks set forth in Regulation T of the Board of Governors of the Federal Reserve System."

In Accounting Series Release No. 197 the Commission made a technical amendment to § 210.3–16(t). Reference to the Federal Reserve System requirements was replaced by the direct inclusion of the Federal Reserve criteria, with minor changes, to allow the criteria to be considered independently. For this reason the "Facts" of this item have been changed to read as follows:

FACTS

In ASR No. 177, the Commission has provided exemptions for certain smaller companies and companies whose securities are not widely traded from the disclosure requirements of § 210.3–16(t). Such exemptions are based on the size of the company as measured by total assets and net income, as defined, and the extent of trading in its securities as measured by whether they are listed on a national securities exchange or quoted on the National Association of Securities Dealers Automatic Quotation System and meet the specified "actively traded" criteria set forth in the rule.

In addition to the above change to "Facts," Questions 4 and 5 and their related Interpretive Responses are deleted and questions 6 and 7 and their related Interpretive Responses are renumbered to become questions 4 and 5.

* * * * *

NEW INTERPRETATIONS

TOPIC 5: MISCELLANEOUS ACCOUNTING

* * * * *

I. REAL ESTATE ACQUIRED IN FORECLOSURE, SETTLEMENT, ETC.

FACTS

Bank holding companies often acquire real estate in settlement of loans through foreclosures, deeds-in-lieu of foreclosure, exchanges, etc.

QUESTION

When such properties are carried in the balance sheet of a bank holding company does the staff believe that separate disclosure is required?

INTERPRETIVE RESPONSE

Yes. The staff believes that the carrying value of such real estate should be separately shown on the balance sheets of bank holding companies. The risks and uncertainties related to such properties are generally different from those associated with loans and other assets of bank holding companies. Furthermore, current conditions of the real estate markets give cause to investors to be particularly interested in the amounts of such real estate in registrant balance sheets.

TOPIC 6: INTERPRETATIONS OF ACCOUNTING SERIES RELEASES

H. ACCOUNTING SERIES RELEASE NO. 177—RELATING TO AMENDMENT TO FORM 10–Q AND REGULATION S–X REGARDING INTERIM FINANCIAL REPORTING.

* * * * *

I. AMENDMENTS TO REGULATION S–X [NEW RULE 3–16(t)]

* * * * *

D. EXEMPTION FROM RULE 3–16(T) REQUIREMENTS

* * * * *

QUESTION 6

Should the $200 million total assets and $250,000 net income for each of the last three fiscal years tests be made at the beginning or end of the fiscal year?

INTERPRETIVE RESPONSE

In order to facilitate the engagement of independent accountants to perform a limited review of the quarterly financial statements on a timely basis, if desired, the size and income tests of Rule 3–16(t) should be applied at the beginning of the fiscal year.

* * * * *

II. AMENDMENTS TO FORM 10–Q

* * * * *

F. REPORTING REQUIREMENTS FOR ACCOUNTING CHANGES

* * * * *

FACTS

The registrant makes an accounting change in the fourth quarter of its fiscal year. Instruction H(f) to Form 10–Q requires that the registrant file a letter from its independent accountants stating whether or not the change is preferable in the circumstances in the next Form 10–Q. Although not required, the independent accountant's preferability letter is filed as an exhibit to the registrant's annual report on Form 10–K for the fiscal year of the accounting change.

QUESTION 1

Must the independent accountant's letter also be filed with the first quarter's Form 10–Q in the following year?

INTERPRETIVE RESPONSE

No. However, if no letter is included with Form 10–K, a letter is required to be filed with the next Form 10–Q.

G. SIGNATURES

FACTS

Instruction N to Form 10–Q requires that the report be signed on the registrant's behalf by a duly authorized officer of the registrant and by the principal financial officer or chief accounting officer of the registrant.

QUESTION 1

May the form be signed by only one individual?

INTERPRETIVE RESPONSE

In the case where the principal financial officer or chief accounting officer is also duly authorized to sign on behalf of the registrant, one signature is acceptable provided that the registrant clearly indicates the dual responsibilities of the signatory.

I. ACCOUNTING SERIES RELEASE NO. 190—AMENDMENTS TO REGULATION S–X REQUIRING DISCLOSURE OF CERTAIN REPLACEMENT COST DATA

* * * * *

2. GENERAL

* * * * *

B. DISCLOSURE IN ANNUAL REPORTS TO SHAREHOLDERS

* * * * *

QUESTION 2

Are examples of "generalized" descriptions acceptable for inclusion in annual reports to shareholders available?

INTERPRETIVE RESPONSE

Two public accounting firms have drafted examples of such disclosures which the staff believes are satisfactory. They are reproduced below:

Example 1:

Asset Replacement Cost (Unaudited)—The impact of inflation on the Company's production costs was generally greater than the corresponding change in the general price-level. However, the Company has historically been able to compensate for cost increases by increasing sales prices in an amount sufficient to maintain an approximately constant gross profit percentage on sales.

Replacing items of plant and equipment with assets having equivalent productive capacity has usually required a substantially greater capital investment than was required to purchase the assets which are being replaced. The additional capital investment principally reflects the cumulative impact of inflation on the long-lived nature (approximately 10 years for machinery and 25 years for buildings) of these assets.

The Company's annual report on Form 10–K (a copy of which is available upon request) contains specific information with respect to year-end 1976 replacement cost of inventories and productive capacity (generally buildings, machinery, and equipment), and the approximate effect which replacement cost would have had on the computation of cost of sales and depreciation expense for the year.

Example 2:

General Description of the Impact of Inflation (Unaudited)—Although a substantial portion of the dollar increase in consolidated net sales is attributable to higher selling prices, competitive fatcors have restricted such price increases to amounts which are less than that required to recover escalating product costs. As a result, the company has not been able to maintain a gross margin percentage in line with the levels generally experienced in prior years. When net sales are matched with current replacement cost, reported margins are further reduced.

The rapid escalation of product costs is greater than that which would have occurred as a result of increases in the general level of prices since shortages in the supply of the basic raw materials used in production have compounded the effects of the general inflationary pressures.

Although the cumulative impact of inflation over a number of years has resulted in higher costs for replacement of existing plant and equipment, such inflationary increases have partially been offset by technological improvements and design changes which often result in increasing the productivity of the newer asset additions.

Reference is made to the company's Annual Report Form 10–K (a copy of which is available on request) for additional quantitative information with respect to the estimated replacement cost of inventories and plant and equipment at December 31, 1976, and the related estimated effect of such costs on cost of sales and depreciation expense for the year then ended.

QUESTION 3

If an annual report contains only a generalized description of replacement cost such as the above (with a cross reference to the more detailed information contained in the registrant's Form 10–K), may the annual report be incorporated by reference in a Form S–8 filing or will it be necessary to disclose the detailed replacement cost data in the Form S–8?

INTERPRETIVE RESPONSE

Incorporation by reference will be satisfactory.

* * * * *

6. Replacement Cost of Productive Capacity

* * * * *

E. FINANCING LEASES

* * * * *

FACTS

In November 1976 the Financial Accounting Standards Board issued Statement of Financial Accounting Standards No. 13, "Accounting for Leases" ("SFAS No. 13"). In paragraph 7 of SFAS No. 13 the FASB lists four criteria for classifying leases as capital leases. The third and fourth criteria (i.e., 75 percent of economic life and recovery of 90 percent of fair value) are similar but not identical to the SEC's definition of a financing lease for purposes of § 210.3–16(q) of Regulation S–X.

QUESTION

For purposes of complying with § 210.3–17 (c) may a registrant use SFAS No. 13's definition of a capital lease rather than § 210.3–16 (q)'s definition of a financing lease?

INTERPRETIVE RESPONSE

In general, the staff will have no objection if the SFAS No. 13 definition is employed. Registrants should disclose that the SFAS No. 13 definition has been used if the impact on the replacement cost data is materially different from that which would have resulted had the definition under § 210.3–16(q) been used.

* * * * *

10. APPLICABILITY OF § 210.3–17

A. EXEMPTIONS

* * * * *

Question 3

Are the replacement cost disclosures specified in § 210.3–17 (a) and (b) for inventories and cost of sales of registrants involved in extracting and processing minerals required for periods ending prior to December 25, 1977, or do they qualify for the one year exemption for mineral resource assets?

INTERPRETIVE RESPONSE

These disclosures do not qualify for the one-year exemption and, therefore, are required for periods ending after December 25, 1976.

QUESTION 4

How should the depreciation, depletion and amortization (DDA) of mineral resource assets be treated in the replacement cost estimations, when such DDA is included as a component of inventories and/or cost of sales?

INTERPRETIVE RESPONSE

Depreciation, depletion and amortization on a replacement cost basis for mineral resource assets is not required for fiscal years ending prior to December 25, 1977. Accordingly, when depreciation, depletion and amortization of mineral resource assets is included as a component of inventories or cost of sales, such component may be included in the replacement cost data at the historical cost amount. The approach used should be explained.

QUESTION 5

Are the disclosures specified in § 210.3–17 (a) and (b) required when the differences between estimated replacement cost of inventories and cost of sales (determined on the basis discussed in the interpretive response to Question 4 above) and the amounts included in the financial statements are immaterial?

INTERPRETIVE RESPONSE

A statement included in the replacement cost disclosures that such differences are immaterial will suffice.

QUESTION 6

Are the disclosures specified in § 210.3–17 (a) and (b) required for (1) repair parts for mineral resource assets and (2) materials and supplies which are included in the current asset caption "Inventories" in the balance sheet?

INTERPRETIVE RESPONSE

The staff's general position is that, unless immaterial, all items included in inventories in the financial statements are subject to the replacement cost disclosures.

* * * * *

g. *Parent Company Financial Statements*

QUESTION

Must replacement cost information be disclosed in parent company (unconsolidated) financial statements?

INTERPRETIVE RESPONSE

If replacement cost information is provided for the consolidated financial statements, the staff will raise no objection if replacement cost information is not provided for the parent company financial statements.

* * * * *

K. ACCOUNTING SERIES RELEASE NO. 188—INTERPRETIVE STATEMENTS BY THE COMMISSION ON DISCLOSURE BY REGISTRANTS OF HOLDINGS OF SECURITIES OF NEW YORK CITY AND ACCOUNTING FOR SECURITIES SUBJECT TO EXCHANGE OFFER AND MORATORIUM

GENERAL FACTS

Accounting Series Release No. 188 requires registrants who hold:

(1) New York City notes that are in moratorium;
(2) Other securities issued by the City of New York that will mature within three years;
(3) Securities of the Municipal Assurance Corporation that were issued in exchange for New York City notes in moratorium; or
(4) Securities of the Municipal Assurance Corporation that were made subject to an agreement modifying terms

to make certain disclosures in notes to financial statements if the book value of such securities amounts to more than 10 percent of stockholders' equity.

FACTS

The disclosures required in ASR No. 188 relate to securities held at the end of 1975.

QUESTION

Are these disclosures still required?

INTERPRETIVE RESPONSE

Yes. The Commission is currently considering the responses to the rule proposals

which were exposed in Release No. 33-5668 at the time ASR 188 was released. The disclosures called for in ASR No. 188 should be continued until a decision on those proposals is reached.

Registrants are reminded that the securities of other municipalities or states or political subdivisions may also represent unusual risks and uncertainties. Significant investments in such securities should be disclosed.

[FR Doc.77-778 Filed 1-7-77;8:45 am]

[Release No. 34-13125; File No. S7-609]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Uniform Net Capital Rule

The Commission today announced the adoption, effective immediately, of amendments to Rule 15c3-1 (17 CFR 240.15c3-1) ("section 240.15c3-1") under the Securities Exchange Act of 1934 ("the Act"), the uniform net capital rule. The amendments are intended to clarify the capital treatment of short term commercial paper not eligible for the reduced haircuts specified by § 240.15c3-1(c)(2)(vi)(E) or for which there is no ready market.

The Commission also propounded for public comment certain questions designed to elicit the views of interested members of the public concerning whether and in what respects it is appropriate to modify or supplement the so-called "two ratings" requirement of § 240.15c3-1(c)(2)(vi)(E). In order to preserve the existing capital treatment of short term commercial paper throughout this public comment period, the Commission also adopted an amendment effecting a qualified suspension, effective January 1, 1977 and until April 1, 1977, of § 240.15c3-1(c)(2)(vi)(E).

Introduction

Section 15(c)(3) of the Act directs the Commission, inter alia, to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted[1] amendments to § 240.15c3-1 constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus implementing this congressional directive.

For purposes of determining compliance with the Commission's minimum net capital requirements, § 240.15c3-1(c)(2) defines "net capital" as the net worth of a broker or dealer, adjusted in accordance with the several additions to and deductions from net worth enumerated therein. In this connection, § 240.15c3-1(c)(2)(vi) prescribes certain deductions from the current market value of securities carried in the accounts of a broker or dealer, known as "haircuts," which are intended to enable net capital computations to reflect the market risk inherent in the positioning of the particular types of securities enumerated in paragraphs (c)(2)(vi)(A) through (c)(2)(vi)(I) of that section. In this connection, pursuant to § 240.15c3-1(c)(2)(vi)(E), short term commercial paper[2] which bears a fixed rate of interest or which is sold at a discount, and which is ranked in one of the three highest rating categories by at least two nationally recognized statistical rating services, receives haircuts graduating proportionately with time to maturity to a maximum of 3/8 of 1%. Section 240.15c3-1(c)(2)(vi)(J) applies substantially higher haircuts to securities not within the ambit of preceding paragraphs of § 240.15c3-1(c)(2)(vi). An analogous provision, § 240.15c3-1(f)(3)(ii), accomplishes the same result in the case of securities in the accounts of brokers and dealers operating under the alternative net capital requirement.

The "Two Ratings" Standard

The "two ratings" criterion applicable to commercial paper evolved through the series of public exposures of a proposed uniform net capital rule which took place during 1972-74. During this time, the Commission considered various means, including the work of the rating services, of distinguishing for haircut purposes the less volatile and more readily marketable issues of the more creditworthy commercial paper issuers.[3] Eventually, the Commission concluded that the most appropriate available means to that end seemed to be a standard based upon commercial paper ratings. Recent experiences, however, indicated that it would be appropriate in the public interest that such a standard rely upon more than one such rating.[4] The Commission, therefore, incorporated a two ratings standard into § 240.15c3-1(c)(2)(vi)(E) as adopted.

Although the uniform net capital rule was adopted on June 26, 1975,[5] the effective date of the rule's computational provisions, including section 240.15c3-1(c)(2)(vi)(E), was delayed until January 1, 1976, in order to provide brokers and dealers with a period of familiarization and adjustment to the rule's numerous innovations. This afforded issuers of commercial paper six months in which to secure the necessary second rating.

During this transitional period it became apparent that, despite good faith efforts to comply, many commercial paper issuers would experience difficulty in acquiring the requisite second rating by the end of calendar 1975. Consequently, brokers and dealers conducting a substantial commercial paper business would be unable to apply the reduced haircuts specified by § 240.15c3-1(c)(2)(vi)(E) to substantial numbers of highly (but singly) rated issues. In these circumstances, the Commission's staff on several occasions assumed no-action positions which permit brokers and dealers, until January 1, 1977, to apply the § 240.15c3-1(c)(2)(vi)(E) haircuts to singly rated issues. These no-action positions generally require that the commercial paper in question be rated in one of the three highest categories by one nationally recognized statistical rating service, and (in most cases) require further that another such rating service has issued a rating of specified quality on certain varieties of long term debt of the same issuer, or of an affiliate of the issuer whose credit directly or indirectly supports the commercial paper in question.

More recently, certain interested members of the public have suggested that it may be appropriate for the Commission to reevaluate its conclusion that the two ratings requirement is necessary.[6]

The Commission has determined that it is appropriate to invite the views of all interested members of the public concerning whether there is merit in the contention that it is appropriate in the public interest and for the protection of investors that § 240.15c3-1(c)(2)(vi)(E) be revised to modify or supplement that provision's two ratings standard.

As we noted above, since the end of calendar 1975, brokers and dealers effecting transactions in short term commercial paper have been operating under a series of staff no-action positions intended to provide issuers whose commercial paper these firms carry sufficient time to secure the two ratings required by § 240.15c3-1(c)(2)(vi)(E). These no-action positions, which uniformly expire at the close of calendar 1976, all condition

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[1] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[2] For purposes of § 240.15c3-1, commercial paper is "short term" if it has a scheduled maturity at date of issue not exceeding nine months, exclusive of days of grace or any renewal thereof the maturity of which is likewise limited. See § 240.15c3-1(c)(2)(vi)(E). Such commercial paper is excluded from the statutory definition of "security" found in § 3(a)(10) of the Act, 15 U.S.C. § 78c(a)(10) (1970).

[3] See Securities Exchange Act Release No. 11094 (Nov. 11, 1974), 39 FR 41540 (Nov. 29, 1974) (proposed § 240.15c3-1(c)(2)(F)(v)); Securities Exchange Act Release No. 10525 (Nov. 29, 1973), 38 FR 34331 (Dec. 13, 1973) (proposed § 240.15c3-1(c)(2)(D)(vii)); Securities Exchange Act Release No. 9891 (Dec. 5, 1972), 38 FR 56 (Jan. 3, 1973) (proposed § 240.15c3-1(c)(2)(C)(iv)).

[4] See SEC, The Financial Collapse of the Penn Central Company—Staff Report of the Securities and Exchange Commission to the Special Subcommittee on Investigations 293 (1972); *cf. id.* at 292-302. See also *SEC v. Coffey*, 493 F. 2d 1304 (6th Cir. 1974), cert. denied, 420 U.S. 908 (1975); In re Four Seasons Nursing Centers of America, Inc., 329 F. Supp. 647 (W.D. Okla. 1971), aff'd sub nom. Ohio v. Four Seasons Nursing Centers of America, Inc., 465 F. 2d 25 (10th Cir. 1972).

[5] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[6] In this connection, it has been suggested that the two ratings requirement would impose an undue regulatory burden upon commercial paper dealers subject to § 240.15c3-1 to the extent that there existed in the commercial paper marketplace persons conducting a business in commercial paper, but not subject to § 240.15c3-1 (and therefore able to deal in commercial paper not rated in accordance with § 240.15c3-1(c)(2)(vi)(E) without regulatory restraint and to the extent the standards of the marketplace would permit).

availability of the reduced § 240.15c3-1(c)(2)(vi)(E) haircuts upon, or among other things, one rating in the three highest categories from a nationally recognized statistical rating service.

It appears appropriate to permit all brokers and dealers effecting transactions in short term commercial paper to participate in the forthcoming public comment process without being required to alter, at the close of this calendar year, the capital treatment of their positions in such instruments. Accordingly, the Commission has determined that it is necessary and appropriate in the public interest to amend § 240.15c3-1(c)(2)(vi)(B) so as to suspend its provisions to the extent that they would foreclose application of the haircuts specified therein to positions in short term commercial paper bearing one rating in the three highest categories from a nationally recognized statistical rating service. The text of this amendment appears later in this release.

Technical Amendments to Section 240.15c3-1

The Commission has determined that it is appropriate to utilize this opportunity to clarify certain aspects of the capital treatment of positions in short term commercial paper presently prescribed by § 240.15c3-1, in order to preclude possible misconstructions thereof by members of the public during the forthcoming public comment process.

It may be arguable that short term commercial paper not eligible for the reduced § 240.15c3-1(c)(2)(vi)(E) haircuts should be treated as an unsecured loan or receivable pursuant to § 240.15c3-1(c)(2)(iv)(B) or (E).[7] This reasoning, which would result in a charge against net worth equal to the entire principal amount of such commercial paper (plus the amount of any interest accruing thereon, pursuant to § 240.15c3-1(c)(2)(iv)(C)), does not comport with the Commission's intent respecting marketable short term commercial paper. Accordingly, the Commission has determined to adopt an amendment to § 240.15c3-1(c)(2)(vi)(J) clarifying that marketable short term commercial paper not within the present contours of § 240.15c3-1(c)(2)(vi)(E) should receive the haircuts prescribed by § 240.15c3-1(c)(2)(vi)(J). A conforming amendment to section 240.15c3-1(c)(2)(vii) makes it clear that the marketability criteria applied by § 240.15c3-1 to "securities" apply as well to short term commercial paper.

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and 23(a) thereof, 15 U.S.C. §§ 78o(c)(3), 78w(a), the Commission amends § 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission finds that any burden imposed upon competition by these actions is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under section 15(c)(3) thereof, 15 U.S.C. § 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

Public Procedure and Effective Date

Inasmuch as the amendments to § 240.15c3-1(c)(2)(vi)(J), (c)(2)(vii) and (f)(3)(ii) set forth below serve merely to clarify certain aspects of the capital treatment of short term commercial paper, and involve no alteration in financial responsibility requirements for brokers and dealers, the Commission finds, pursuant to 5 U.S.C. § 553(b)(3)(B) (1970), that notice and public procedure respecting these amendments is unnecessary to the public interest. Inasmuch as it is consistent with the public interest that § 240.15c3-1 not present a potential ambiguity to brokers and dealers, the Commission finds good cause, within the meaning of 5 U.S.C. § 553(d)(3), why these amendments should become effective immediately upon their adoption.

The amendment to § 240.15c3-1(c)(2)(vi)(E) must become effective on January 1, 1977, if the temporary qualified suspension it effects is to achieve its purpose of maintaining the presently applicable capital treatment of short term commercial paper, which treatment otherwise expires on that date. The Commission therefore finds that notice and public procedure respecting such amendment would be contrary to the public interest within the meaning of 5 U.S.C. § 553(b)(3)(B) (1970). Furthermore such amendment constitutes a substantive rule relieving a restriction within the meaning of 5 U.S.C. § 553(d)(1) (1970); therefore, publication thereof need not be made not less than thirty days before its effective date.

Request for Comments

All interested persons are invited to submit, in triplicate, their written views and comments addressed to the following questions:

1. Are there uniform criteria which could be used to identify high quality commercial paper?

2. What use does the marketplace for short term commercial paper of high quality make of the credit rating or ratings borne by long term secured or unsecured debt of an issuer in determining the advisability of dealing in short term commercial paper of that issuer?

3. In lieu of one or both of the two ratings presently required, what other criteria could be employed to judge the marketability of short term commercial paper of high quality?

4. Would it be appropriate to establish a range of short term commercial paper haircuts lying between the percentage levels contemplated by the present §§ 240.15c3-1(c)(2)(vi)(E) and 240.15c3-1(c)(2)(vi)(J)? If so, in what circumstances would it be appropriate to apply such an intermediate range of haircuts to positions in short term commercial paper? What would be the appropriate percentage levels of such an intermediate range of haircuts?

All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than February 15, 1977. Reference should be made to File No. S7-609. All comments received will be available for public inspection.

Text of Amendments

Section 240.15c3-1(c)(2)(vi)(E) and (J) are revised; (c)(2)(vii) is revised; and (f)(3)(ii) is revised as follows:

§ 240.15c3-1 Net capital requirements for brokers or dealers.

* * * * * * *

(c) * * *

(2) * * *

(vi) * * *

(E) *Commercial Paper, Bankers Acceptances and Certificates of Deposit.* In the case of any short term promissory note or evidence of indebtedness which has a fixed rate of interest or is sold at a discount, and which has a maturity date at date of issuance not exceeding nine months exclusive of days of grace, or any renewal thereof, the maturity of which is likewise limited and is rated in one of the three highest categories by at least two of the nationally recognized statistical rating organizations (provided, that effective January 1, 1977, and until April 1, 1977, this paragraph shall be deemed to require only one such rating), or in the case of any negotiable certificates of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined in section 3(a)(6) of the Securities Exchange Act of 1934, the applicable percentage of the market value of the greater of the long or short position in each of the categories specified below are:

(*1*) Less than 30 days to maturity—0 percent.

(*2*) 30 days but less than 91 days to maturity ½ of 1 percent.

(*3*) 91 days but less than 181 days to maturity ¼ of 1 percent.

(*4*) 181 days but less than 271 days to maturity 3/8 of 1 percent.

(*5*) 271 days but less than 1 year to maturity ½ of 1 percent; and

(*6*) With respect to any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank, as defined above, having 1 year or more to maturity, the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in subdivision (c)(2)(vi)(A) of this section.

* * * * * *

(J) *All Other Securities.* In the case of all securities or evidence of indebtedness, except those described in Appendix (A), 17 CFR 240.15c3-1a and where ap-

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[7] See note 2 supra.

propriate, paragraph (f) of this section, which are not included in any of the percentage categories enumerated in subdivisions (A)–(I) above or (K) (ii) below, the deduction shall be 30 percent of the market value of the greater of the long or short positions and to the extent the market value of the lesser of the long or short positions exceeds 25 percent of the market value of the greater of the long or short position, there shall be a percentage deduction on such excess equal to 15 percent of the market value of such excess. Provided, That no deduction need be made in the case of (1) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible or for which it is exchangeable, are short in the accounts of such broker or dealer or (2) a security which has been called for redemption and which is redeemable within 90 days.

. . . . .

(vii) *Non-Marketable Securities.* Deducting 100 percent of the carrying value in the case of securities or evidence of indebtedness in the proprietary or other accounts of the broker or dealer, for which there is no ready market, as defined in subparagraph (c) (11) of this section, and securities, in the proprietary or other accounts of the broker or dealer, which cannot be publicly offered or sold because of statutory, regulatory or contractual arrangements or other restrictions.

. . . . .

(f) * * *
(3) * * *

(ii) *Other Securities.* In the case of all securities or evidence of indebtedness, except as provided in Appendix (A), 17 CFR 240.15c3–1a, which are not included in any of the percentage categories specifically enumerated in subdivisions (A)–(H) or (K) (ii) of subparagraph (c) (2) (vi) of this section, the deduction shall be 15 percent of the market value of the long positions. To the extent the market value of short positions exceeds 25 percent of the market value of long positions, there shall be a percentage deduction equal to 30 percent of the market value of such excess. Provided, that no deduction need be made in the case of (A) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible or for which it is exchangeable are short in the account of such broker or dealer or (B) a security which has been called for redemption and which is redeemable within 90 days. Provided further, that at the option of the broker or dealer, securities described in subdivision (c) (2) (vi) (I) of this section may be included in the computation of the deductions under this subdivision (f) (3) (ii) if a lesser deduction would result.

. . . . .

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 30, 1976.

[FR Doc.77-777 Filed 1-7-77;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Regs. No. 4, 16)

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Subpart G—Filing of Applications and Other Forms

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart C—Filing of Applications and Other Forms

CANCELLATION OF A REQUEST FOR WITHDRAWAL OF AN APPLICATION

On August 25, 1976, there was published in the FEDERAL REGISTER (41 FR 35862) a notice of proposed rulemaking with proposed amendments to Subpart G, Regulations No. 4, and Subpart C, Regulations No. 16, of the Social Security Administration. The amendments provide that the 60-day period allowed for the cancellation of an approved request for withdrawal of an application for social security benefits or supplemental security income benefits shall be measured from the date of the notice to the claimant rather than from the date of approval of the request for withdrawal. There may be a delay of several days between the approval of the request and the date the notice of the approval is released. The claimant is not aware of the date of approval, and therefore, does not know the date by which his request for cancellation must be made. By having the 60 days run from the date of the notice to the claimant, the claimant will be fully aware of the time period within which he may ask that his request for withdrawal of his application be cancelled. Interested persons were given the opportunity to submit, within 45 days, data, views, or arguments with regard to the proposed changes. Because the comment period has expired and no comments were received, the amendments are hereby adopted without change, as set forth below, and shall be effective on January 10, 1977.

(Secs. 205, 1102, 1611, and 1631 of the Social Security Act, as amended; 49 Stat. 624 and 647, as amended, 86 Stat. 1466, and 86 Stat. 1475; (42 U.S.C. 405, 1302, 1382, and 1383).)

Effective date: The amendments shall be effective on January 10, 1977.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802, Social Security—Disability Insurance; 13.803, Social Security—Retirement Insurance; 13.807, Supplemental Security Income Program.)

The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A–107.

Dated: December 13, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 4, 1977.

MAJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Parts 404 and 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

1. Section 404.615a is revised to read as follows:

§ 404.615a Cancellation of request for withdrawal.

Before or after a written request for withdrawal has been approved by the Social Security Administration, the claimant (or a person who is authorized under § 404.603 to execute an application on his behalf) may request that the "request for withdrawal" be canceled and that the withdrawn application or request for revision of earnings be reinstated. Such request for cancellation must be in writing and must be filed, in a case where the requested withdrawal was approved by the Social Security Administration, no later than 60 days after the date of the notice to the individual of such approval. The claimant must be alive at the time the request for cancellation of the "request for withdrawal" is filed with the Social Security Administration. Where the request for cancellation of the withdrawal is approved, notice of approval shall be sent to such individual.

2. Section 416.345 is revised to read as follows:

§ 416.345 Cancellation of request for withdrawal.

Before or after a written request for withdrawal has been approved by the Social Security Administration, the claimant (or a person who is authorized under § 416.310 to execute an application on his behalf) may request that the "request for withdrawal" be canceled and that the withdrawn application be reinstated. Such request for cancellation must be in writing and must be filed, in a case where the requested withdrawal was approved by the Social Security Administration, no later than 60 days after the date of the notice to the individual of such approval. The claimant must be alive at the time the request for cancellation of the "request for withdrawal" is filed with the Social Security Administration. Where the request for cancellation of the withdrawal is approved, notice of approval shall be sent to such individual.

[FR Doc.77-724 Filed 1-7-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2345]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Mapleton, Huntingdon County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Mapleton, Huntingdon County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the home of the Secretary, Mr. Vernon Anderson, Mapleton Depot, Mapleton, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Juniata River	East corporate limits	583		135
	State Road 655	586		160
	Northwestern corporate limits	586		340
Hares-Valley Creek	Western corporate limits	586		230
	Penn Central RR	586		20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-596 Filed 1-7-77;8:45 am]

[Docket No. FI-2282]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Hatboro, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Hatboro, Montgomery County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone

areas and the final elevations are available for review at the bulletin board, Municipal Building, 120 East Montgomery Avenue, Hatboro, Pennsylvania 19040.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set worth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Pennypack Creek	Upstream corporate limits	211	290	90
	Old York Rd	202	100	230
	Warminster Rd	196	365	160
Blair Mill Run	Monument Ave	226	130	(1)
	Moreland Ave	221	110	(1)
	Fairview Ave. (extended)	216	140	130
	Downstream corporate limits	214	370	125

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-598 Filed 1-7-77;8:45 am]

[Docket No. FI-2580]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Myerstown, Lebanon County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Myerstown, Lebanon County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 515 South College Street, Myerstown, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tulpehocken Creek	Corporate limits	437	630	160
	Cherry St	442	110	380
	Railroad St	445	160	280
	College St	448	140	220
	Locust St	449	120	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-597 Filed 1-7-77;8:45 am]

[Docket No. FI-2349]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of West Chester, Chester County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of West Chester, Chester County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that the consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Hall, 15 South High Street, West Chester.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Goose Creek	Upstream corporate limits	421	400	100
	Along Adams St	417	190	150
	Along Barnard St	415	320	25
	Along Nields St	404	170	80
	Downstream corporate limits	401	220	400

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-595 Filed 1-7-77;8:45 am]

[Docket No. FI-834]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Monroe, Michigan

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Monroe, Michigan under §1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 120 South Macomb Street, Monroe, Michigan 48161.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Raisin River	Telegraph Rd	568	250	550
	Chesapeake & Ohio R.R	566	50	2,400
	Roessler St	565	50	1,300
	Monroe St	564	10	1,300
	Macomb St	568	50	1,100
	Penn Central R.R	583	50	100
	do	581	800	50
	I-75	578	1,600	(1)
Plum Creek	La Plaisance Rd	585	15	15
	Kentucky Ave	563	(1)	975
	I-75	578	(1)	25
Mississippi River	Chicago, Burlington & Quincy R.R	490–491	(2)	(2)

[1] Outside corporate limits.
[2] Entire railroad within corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-591 Filed 1-7-77;8:45 am]

[Docket No. FI-2258]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Blythe, Schuylkill County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Blythe, Schuylkill County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Municipal Building, New Philadelphia, Kaska, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Western corporate limits of the township of Blythe.	664	80	440
	Western corporate limits of the Borough of New Philadelphia.	671	20	180
	Eastern corporate limits of the Borough of New Philadelphia.	698	100	220
	Western corporate limits of the Borough of Middleport.	723	260	380
	Eastern corporate limits of the Borough of Middleport.	733	570	180
	Eastern corporate limits of the township of Blythe.	749	80	320

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-599 Filed 1-7-77;8:45 am]

[Docket No. FI-2347]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of East Goshen, Chester County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of East Goshen, Chester County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Hall, 1580 Paoli Pike, West Chester, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
East Branch Ridley Creek	Confluence with Ridley Creek	379.5	400	800
	Boot Rd	383.0	50	200
	Monte Vista Dr	389.0	80	100
	Private drive	399.0	80	40
	Taylor Ave. (extended)	404.0	480	40
	Paoli Pike	414.0	100	80
	Footbridge	417.0	70	100
	Warrior Rd	432.0	40	20
	Private drive located at reference mark 20.	452.0	100	40
	Limited detailed study near Forrest Lane.	467.0	90	110
West Branch Ridley Creek	Confluence with Ridley Creek	379.0	100	110
	Chester Rd	383.0	90	120
	Paoli Pike	391.0	200	40
	Dam	395.0	280	80
	Reference mark 10 near Linden Lane extended footbridge (from South Channel).	401.0	220	260
	Confluence with Boot Road Run	409.0	180	220
	Reference mark 14 near private road	422.0	310	100
	Green Hill Rd. at reference mark 22	441.0	160	80
	Reference mark 13 near confluence with King James Run.	458.0	220	20
King James Run	At dam near mouth	465.0	100	60
	Mill Stream Rd	484.0	30	30
	North-northwest corporate limits	501.0	80	80
Ridley Creek	Northeast corporate limits	338.0	20	120
	Ditton Mill Rd	348.0	60	80
	Strasburg Rd	354.0	380	40
	Dam (downstream)	356.0	300	80
	Ridley Creek opposite dam of tributary.	365.0	200	240
	Confluence with East and West Branches Ridley Creek.	380.0	100	110
East Branch Chester Creek	Southeast corporate limits	306.0	100	400
	Westtown Way near reference mark 6	311.0	80	40
	West Chester Pike	328.0	100	80
	Dam and reference mark 9	332.0	(1)	90
		348.0	(2)	80
	Strasburg Rd and reference mark 4	352.0	200	20
	Footbridge	357.0	30	160
	90° turn in creek, northwest to southwest direction extend new road under construction from Paoli Pike.	368.0	600	320
	Paoli Pike and reference mark 2	382.0	260	100
	Private drive	382.0	280	180
	West corporate limits near reference mark 24.	391.0	50	50
Clarks Creek	Paoli Pike near confluence with East Branch Chester Creek.	382.0	260	100
	Linden Lane and reference mark 4	388.0	120	180
	Heather Lane (extended)	400.0	250	100
	Private road near reference mark 23, new road under construction.	442.0	120	100
Hunters Run	Southeast corporate limits	321.0	120	140
	Manley Rd	328.0	260	120
	Williams Way (extended)	350.0	120	120

[1] Downstream 100 ft.
[2] Upstream 320 ft.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-594 Filed 1-7-77;8:45 am]

[Docket No. FI-2270]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of East Penn, Carbon County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of East Penn, Carbon County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Building, R.D. 1, Lehighton, East Penn, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Lehigh River	Upstream corporate limits	437	(1)	240
	Route 895	425	(1)	180
	Private road near Kittatinny	415	(1)	200
	Downstream corporate limits	385	(1)	35
Lizard Creek	ConRail tracks	423	20	20
	T354	432	70	140
	Pennsylvania Turnpike	438	80	100
	T337 (extended)	506	180	30
	T336	517	300	880
	T333	538	520	280
	T334	556	600	220
	T330	569	60	180
	Upstream corporate limits	572	460	310

(1) Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-593 Filed 1-7-77;8:45 am]

[Docket No. FI-2340]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Sugarcreek, Greene County, Ohio

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Sugarcreek, Greene County, Ohio under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Hall, 26 East Franklin Street, Bellbrook.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Little Miami River	Corporate limits (North)	789	120	700
	Upper Bellbrook Rd	784	300	410
	Washington Mills Rd	779	400	1,990
	Lower Bellbrook Rd	771	600	540
	State Highway 725	765	1,000	400
	Corporate limits (East)	761	1,350	(1)
Little Miami River bypass.	Lower Bellbrook Rd	774	670	550
Sugar Creek	Ferry Rd	779	380	210
	Upper Bellbrook Rd	774	180	70
Little Sugar Creek	Corporate limits (North)	956	100	100
	Little Sugarcreek Rd	939	90	40
	Swigart Rd	907	340	80
	Feed Wire Rd	872	20	20
Possum Run	Wilmington Pike	940	70	30
	Bellbrook corporate limits	915	100	40

(1) Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-592 Filed 1-7-77;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

INCOMPETENCY DETERMINATIONS—DUE PROCESS

On page 49839 of the FEDERAL REGISTER of November 11, 1976, there was published a notice of proposed regulatory development to amend § 3.353 to provide that prior to a rating determination of incompetency, the beneficiary will be notified of the proposed action and of the right to a personal hearing on the issue. This section is also amended to show that incompetency and competency determinations may be made for all Veterans Administration beneficiaries, not just veterans. Section 3.855 is also amended to prohibit routine suspension of payments due an incompetent beneficiary in order to insure that the beneficiary will not suffer financial hardship or deprivation.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective January 4, 1977.

Approved: January 4, 1977.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.353, paragraphs (b) and (d) are revised and paragraph (e) is added so that the revised and added material reads as follows:

§ 3.353 Determinations of incompetency and competency.

* * * * *

(b) *Authority.* Rating agencies are authorized to make official determinations of competency and incompetency for the purpose of existing laws, Veterans Administration regulations and Veterans Administration instructions. Such determinations will be controlling for purposes of insurance (38 U.S.C. 722), the discontinuance and payment of amounts withheld because of an estate in excess of $1,500 (§ 3.557(b)), and subject to § 13.56 of this chapter, direct payment of current benefits. Where the beneficiary is rated incompetent the Veterans Services Officer of jurisdiction will be informed of the possible necessity for the appointment or recognition of a fiduciary. The Veterans Services Officer will develop information as to the beneficiary's social, economic and industrial adjustment. If the Veterans Services Officer upon review of this evidence concurs in the rating of incompetency he or she will proceed to effect the appointment of a fiduciary, or in the case of a married beneficiary, to recommend release of payments to the beneficiary's spouse as provided in § 13.57 of this chapter, or recommend payment in accordance with § 13.56 of this chapter. The recommendation will be effectuated. If the Veterans Services Officer is of the opinion that the beneficiary is capable of administering the funds payable without limitation, the evidence on which that opinion is based will be referred to the rating agency with a statement as to his or her conclusion. The rating agency will consider this evidence together with all other evidence of record in determining whether its prior decision should be revised or continued. Reexamination may be requested as provided in § 3.327 (d) if necessary to properly evaluate the extent of disability.

* * * * *

(d) *Presumption in favor of competency.* Where there is doubt as to whether the beneficiary is capable of administering his or her funds such doubt will be resolved in favor of competency.

(e) *Due process.* Whenever it is proposed to make an incompetency determination, the beneficiary will be notified of the proposed action and of the right to a hearing as provided in § 3.103. Such notice is not necessary if the beneficiary has been declared incompetent by a court of competent jurisdiction or if a guardian has been appointed for the beneficiary based upon a court finding of incompetency. If a hearing is requested, it must be held prior to a rating decision of incompetency. Failure or refusal of the beneficiary after proper notice to request or cooperate in such a hearing will not preclude a rating decision based on the evidence of record.

2. Section 3.855 is revised to read as follows:

§ 3.855 Beneficiary rated or reported incompetent.

(a) *General.* Payments being made directly to a beneficiary who is or may be incompetent will not be routinely suspended pending certification of a fiduciary (or a recommendation that payments should be paid directly to the beneficiary) by the Veterans Services Officer or development of the issue of incompetency.

(b) *Application.* This policy applies to all cases including (but not limited to) the following:

(1) Notice or evidence is received that a guardian has been appointed for the beneficiary.

(2) Notice or evidence is received that the beneficiary has been committed to a hospital.

(3) The beneficiary has been rated incompetent by the Veterans Administration.

[FR Doc.77-781 Filed 1-7-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-193]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Remote Pickup Broadcast Stations

Adopted: December 21, 1976.

Released: January 4, 1977.

Order. In the matter of Amendment of Part 74 of the Commission's rules and regulations.

1. In a Report and Order adopted on June 29, 1976 (FCC 76-624), Part 74, Subpart D, of our rules and regulations concerning Remote Pickup Broadcast Stations was amended in its entirety.

2. The extensive amendments have raised questions with respect to certain matters which are clarified as set forth below.

3. As amended, the rules now provide for the licensing of one or more remote pickup transmitters as a system under

a single station license. This licensing procedure is similar to that used for station systems in the land mobile services. Applicants for remote pickup system licenses may select one or more frequencies for system operations from designated groups. The designated groups of frequencies may have certain special technical, operational, or geographic area restrictions applicable to each frequency within the group. Under previous rules, each remote pickup transmitter had to be covered by a separate station license, although that license could authorize the use of frequencies from more than one designated group. The rules as amended indicate that a separate system license would be required for each designated group from which the applicant would select frequencies for use. Thus, it appears under the amended rules that more than one license would be required to operate a single transmitter that previously operated under one license. In many cases there would be no operational or administrative purpose for such "dual" licensing of individual transmitters, and therefore we are amending paragraph (c) of § 74.402 to remedy this and clarify the actual system licensing requirements. System licensing was intended to be primarily on the basis of frequency band (e.g. HF, VHF, or UHF), system bandwidth requirements, and type of service.

4. Existing licensees may also find it necessary to vacate the use of existing authorized frequencies within the 450 and 455 mHz bands because of new restrictions imposed by the amended rules that set aside certain frequencies exclusively for transmissions of program material. No provision was made in the amended rules for either a transition period during which existing licensees could move to other frequencies, or for an administrative procedure to permit frequency substitutions. In this *Order*, a transition period is set (to August 31, 1978) in which existing licensees may select and move to other designated frequency groups without further authority from the Commission. It is only required that the licensees who find it necessary to change frequencies in order to comply with the restrictions of the amended rules promptly notify the Commission, in Washington, D.C., of the frequencies being vacated and those being substituted on a one-for-one basis.

5. Frequencies within the Groups I and J may be used for fixed point-to-point voice communications in connection with microwave to studio transmitter or intercity relay links. Section 73.432 of the rules provided for the licensing of a pair of fixed stations at the terminal ends of such microwave links under a single system license. It is noted that STL or intercity relay links may consist of intermediate transmitter relay sites and that more than one fixed voice transmitter facility may be necessary. We are therefore amending paragraph (c)(2) of § 74.432 to provide for authorization of one or more fixed transmitters using frequency Groups I or J under a single system license. Paragraph (1) of this section is also being amended to remove the repetitive phrase "in each system designated by the licensee" which was inadvertently included in the original amendments.

6. Since adoption of the *Report and Order* on June 29, the Commission has received numerous inquiries as to whether licensees of existing remote pickup broadcast stations may, or should, immediately file applications to consolidate under single system licenses transmitters that are now individually licensed under separate station licenses. It is neither necessary nor desired that licensees of remote pickup broadcast stations file applications for system relicensing. This consolidation of separately licensed stations under a system licensing is to be accomplished as part of the renewal process. Whenever an existing licensee wishes to obtain authorization to operate additional transmitters than those presently authorized, or to make station modifications that require specific authorization from the Commission, the application filed can include consolidation of existing licensed transmitters into the singly licensed system. In this latter case, however, the system application or applications filed should be restricted to those actually necessary to accomplish the desired operational change. A note is being added to § 74.432 at the end of paragraph (1) explaining this restriction on application filings, which is necessary to avoid the burden of licensees filing and the staff of processing license applications that are unnecessary for administrative of operational purposes. Applications filed for relicensing of existing stations which appear to be unnecessary for administrative or operational purposes will be returned to the applicant as unacceptable for filing.

7. In § 74.451 of the rules adopted on June 29, 1976, paragraph (a) omitted the actual date after which license applications must specify the use of transmitting equipment type accepted for licensing for use at remote pickup stations, and also omitted the power restrictions on the use of equipment type-accepted for other services if used at remote pickup stations. The date of August 31, 1977, is being specified, after which new stations must use type accepted transmitters. This is consistent with other provisions of the rules. Also, included in § 74.451, for clarification purposes, are the power restrictions of § 74.461(b). The date of August 31, 1977, was also omitted from paragraph (e) of this same section, however, paragraph (e) is being amended separately in a separate Report and Order in Docket No. 20195 providing for additional frequencies for use by low power auxiliary stations.

8. In establishing the new frequency tolerance specifications in the amended § 74.464, no provision was made for a period during which existing licensed transmitters could be brought into compliance, similar to the transition period allowed for compliance with the new bandwidth requirements specified in § 74.462. We realize that some licensees may find it necessary to make certain transmitting equipment modifications or substitutions in order to meet the more stringent frequency tolerance specifications. We are therefore adding a Note to § 74.464, similar to the Note in § 74.462, stating that those stations licensed prior to the effective date of this Order will have until September 1, 1978, to meet the frequency tolerances specified in the rules amended on June 29, 1976.

9. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issues upon which comments would serve any useful purpose.

10. *Therefore, it is ordered,* That, pursuant to Sections 4 and 303 of the Communications Act of 1934, as amended, Part 74, Subpart D, of the Commission's rules and regulations are amended as set forth below, effective January 10, 1977.

(Secs. 4, 303, 48, Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 74.402, paragraph (c) is amended, new paragraph (d) is added, existing paragraph (d) as amended, is redesignated as paragraph (e), and the Note at the end of the section is amended to read as follows:

§ 74.402 Frequency assignment.

* * * * *

(c) For licensing purposes, a single system will consist of transmitters authorized to use the following combinations of frequency groups in a single area:

(1) Group A.
(2) One group from Groups D, E, F, G, or H; and/or either I or J.
(3) Groups K_1 and K_2, and/or either L or M.
(4) Groups N_1 and R.
(5) Group N_2.
(6) Group P.
(7) Group S.

(d) License applicants shall request assignment of only those frequencies, both in number and channel bandwidth, necessary for satisfactory operation. A licensee may operate a remote pickup broadcast system only if the system is equipped to operate on all assigned frequencies. It is not necessary that each transmitter within a system be equipped to operate on all authorized system frequencies.

(e) Remote pickup broadcast stations or systems will not be granted exclusive frequency assignments. The same frequency or frequencies may be assigned to other licensees in the same area. Applicants for licenses should select the frequencies closest to the lower band edges within a group that will meet operational requirements to promote the orderly and efficient use of the allocated frequencies.

NOTE.—Stations first licensed prior to January 10, 1977 must comply with the frequency assignment plan specified in paragraph (a) by August 31, 1978. If a licensee finds it necessary to change frequencies assigned prior to January 10, 1977 in order to comply with the restrictions of footnote 7 above, the licensee may without further authority substitute frequencies within Group N_1 or N_2. Licensees authorized to use 450.950 or 455.950 MHz may without further authority substitute frequencies within Groups N_1, N_2 or R. A notification shall be sent to the Commission in Washington, D.C. upon beginning the use of the substitute frequencies reporting those being vacated and those being activated.

2. In § 74.432, paragraph (c)(2) and paragraph (1) are amended, and a new Note is added at the end of the section to read as follows:

§ 74.432 Licensing requirements and procedures.

* * * * *

(c) * * *

(2) Base stations may be authorized to provide one-way or two-way voice communications between the studio and transmitter of a broadcast station, the licensee of which is also the licensee of an aural or television broadcast STL station used for program transmission between the same two points, or to provide such voice communications between the point of origin and the termination of an aural or television intercity relay system. One or more fixed stations operated for these purposes will be licensed as a system and a single license will be issued for each such system. Automatic relay stations will not be authorized for use with these systems. Operation of these systems shall be limited to the frequencies listed in Groups I and J of § 74.402(a).

* * * * *

(1) Applications for renewal of authority to operate remote pickup broadcast stations filed after August 31, 1976, shall include information which identifies the stations to be included in each system designated by the licensee in accordance with the procedures set forth in this section.

NOTE.—Licensees of remote pickup broadcast stations licensed prior to August 31, 1976, should not file applications to consolidate individually licensed transmitters under a single system license until the renewal application of the associated broadcast station is filed. Applications filed between August 31, 1976, and the date of filing of the renewal applications to obtain authorization to use additional transmitters or modification of existing stations shall be restricted to a single system application necessary to accomplish the desired change, but may include consolidation of previously-licensed transmitters within the system license. Applications submitted for system licensing prior to the time when renewal applications would normally be filed which are unnecessary for either administrative or operational purposes will be returned as unacceptable for filing.

3. In § 74.451, paragraph (a) is amended to read as follows:

§ 74.451 Type acceptance of equipment.

(a) Applications for new remote pickup broadcast stations or systems or for changing equipment which are tendered after September 1, 1977, will not be accepted unless the equipment specified therein has been type-accepted for use pursuant to provisions of this subpart, or which has been type-accepted for licensing under Parts 21, 89, 91, or 93 of this chapter and which does not exceed the output power limits specified in § 74.461(b).

* * * * *

4. Section 74.464 is amended by adding the following Note to the end of the section to read as follows:

§ 74.464 Frequency tolerance.

* * * * *

NOTE.—All stations, regardless of date of original licensing must meet the frequency tolerance specifications contained in this section by August 31, 1978.

[FR Doc.77-764 Filed 1-7-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. MH-103/112; Amdt. Nos. 171-32B, 172-29B, 173-94B, 174-26B, 175-1B, 176-1B]

HAZARDOUS MATERIALS REGULATIONS AND MISCELLANEOUS AMENDMENTS

Consolidation

Correction

In FR Doc. 76-38409, appearing at page 57018, in the issue of Thursday, December 30, 1976, the following changes should be made:

1. On page 57070, column 2 the section now reading "§ 173.348" should read: "§ 173.384".

2. On page 57071, column 1, in the heading for Part 174 the word "MAIL" should read "RAIL".

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Reclassification of American Alligator to Threatened Status in Certain Parts of Its Range

The Director, United States Fish and Wildlife Service (hereinafter "the Director", and "the Service", respectively) hereby issues a Rulemaking which reclassifies the American alligator (*Alligator mississippiensis*) from its present listing as an Endangered species to the status of a Threatened species (as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884); hereinafter referred to as "the Act") in all of Florida and in certain coastal areas of Georgia, Louisiana, South Carolina, and Texas. This Rulemaking leaves the alligator classified as "Endangered" throughout the remainder of its range (except for Cameron, Vermilion and Calcasieu Parishes in Louisiana where, although the populations biologically are neither Endangered nor Threatened, the alligators have been treated as Threatened due to their similarity in appearance to the Endangered alligators (40 FR 44412-44429)). This Rulemaking also authorizes limited, lethal removal of dangerous alligators to protect human lives and authorizes controlled takings for scientific or conservation purposes in restricted areas under a Cooperative Agreement pursuant to section 6(c) of the Act, 16 U.S.C. 1535, all to enhance long-range conservation objectives for this species as a renewable, natural wildlife resource.

This Rulemaking is identical to the Proposal published on April 8, 1976 (41 FR 14886-14888) except that in response to a comment submitted by the State of Louisiana, the boundary between Threatened and Endangered alligators has been slightly revised in the western part of that State.

BACKGROUND

In 1967, the U.S. Department of the Interior determined the American alligator to be an endangered species throughout its entire range. This determination reflected concern for alligator populations which had become drastically reduced after many years of excessive exploitation and habitat usurpation by man. Within recent years, however, alligators have increased considerably in some areas, mainly in response to intensive State and Federal protection. In 1972 and 1973, the State of Louisiana was able to allow a limited commercial hunting season on the species.

On December 28, 1973, the new Endangered Species Act (16 U.S.C. 1531-1543, 87 Stat. 884) went into effect. This Act made it a violation of Federal law to take any species listed as endangered, except under permit for scientific purposes or to enhance the propagation or survival of the species. The Act also established a new "threatened" classification, and authorized the Secretary of the Interior to issue such regulations as he deemed necessary and advisable for the conservation of such species.

On March 29, 1974, Governor Edwin Edwards of Louisiana submitted a petition to the Secretary of the Interior requesting that populations of the alligator "in the southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion, and Calcasieu of Louisiana, be removed from the Secretary of the Interior's list of threatened and endangered species; that in the south-central and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged.

This petition, as amplified by other available information, was found by the Director to present substantial information warranting a review of the status of the alligator throughout its range. A notice to that effect was placed in the FEDERAL REGISTER on July 16, 1974 (39 FR 26050). Simultaneously, the Governors of States in which alligators are resident were notified of the review and were requested to supply data relative to the

status of the species in their respective States.

This review produced evidence that the American alligator is making encouraging gains in population over much of its known historical range and that significant losses of populations have occurred only in geographically peripheral and possibly ecologically marginal areas. Population levels in parts of South Carolina, Georgia, Florida, Louisiana, and Texas are high, and, in many areas over these regions are considered to be ecologically secure.

Available data indicate that the primary threats to alligator populations in areas named above are not biotic, but rather the absence of adequate regulatory and enforcement mechanisms:

(1) to prevent malicious killing and illicit commercially-oriented killing and

(2) to control the illegal commerce of products.

Malicious killing stems to a large degree from public hostility and fear, and to some extent could be ameliorated through public education. Illegal commercial killing currently is being held at a tolerable level by rigid enforcement programs. These programs, may soon become inadequate in the face of burgeoning alligator populations and increasing human-alligator conflicts.

The Proposals

As a result of this review, the Director found that there were sufficient data to warrant a proposed rulemaking that (1) the alligator is neither endangered nor threatened in Cameron, Vermilion, and Calcasieu Parishes, Louisiana; (2) the alligator is a threatened species in Alabama, Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu Parishes), Mississippi, South Carolina, and Texas; and the alligator is an endangered species in all other parts of its range.

Accordingly, the Director proposed such a rulemaking on July 8, 1975 (40 FR 23712–23720). Despite reservations on the part of some responders with respect to the impact of a classification change on the welfare of the American alligator, and on other endangered wildlife which also may be reclassified at some future date, the sum of all responses reflected a preponderance of opinion in general support of the proposed rulemaking. It was determined to retain the alligator in the endangered status in all of its range except Cameron, Vermilion, and Calcasieu Parishes in Louisiana (40 FR 44412–44429). Alligators in those three parishes were listed as threatened, due to their similarity in appearance to the endangered alligators. The Service announced that it would re-study the distribution and density of alligator populations in the southeastern coastal areas and the problems of enforcement and administration. Based on this study, the Service would soon propose a reclassification of the endangered populations into threatened and endangered, with a new boundary line separating the classifications (40 FR 44412).

As a result of the study, the Director found that there was sufficient data to warrant a new Proposed Rulemaking that (1) the alligator is Threatened in all of Florida; and (2) the alligator is Threatened in certain coastal areas of Georgia, Louisiana (except for Cameron, Vermilion, and Calcasieu Parishes), South Carolina and Texas contained within the boundaries specified in a proposed amendment to Section 17.42(a) of Title 50, Code of Federal Regulations. A notice of this Proposed Rulemaking was published in the Federal Register on April 8, 1976 (41 FR 14886–14888).

Summary of Comments Received

Section 4(b)(1)(A) of the Act requires that the Governor of each State within which a resident species of wildlife is known to occur be notified and be provided 90 days to comment before any such species is determined to be a Threatened or Endangered Species. Accordingly, on April 14, 1976, the Service sent letters to the Governors of Arkansas, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Tennessee, Oklahoma, Louisiana, and Texas advising them of the proposed action and requesting their comments. In addition, on April 11, 1976, the Service issued a news release entitled "Alligator Comeback Prompts Removal from Endangered List: Now Classified Threatened" which advised that "public comments are invited through June 7, 1976."

The Service received a total of thirty-two comments regarding this proposed rulemaking, including responses from two Federal agencies, nine States, eleven private conservation organizations, one private trade association, three scientific researchers, and six private citizens.

These comments may be broadly categorized as follows:

Ten comments were received endorsing the reclassification as proposed, including those from the U.S. Department of Agriculture's Forest Service, the States of North Carolina, South Carolina, Florida, Louisiana, Arkansas, and Oklahoma, the American Association of Zoological Parks and Aquariums, the New York Zoological Society, and one private citizen. Several of these comments contained additional questions or objections to various specific points in the proposal which are discussed in detail below.

Four comments were received requesting that additional areas be included in the reclassification to Threatened status, including those comments from the States of Georgia, Alabama, and Texas, and the Zoological Action Committee, Inc. (Zoo Act).

Four comments were received supporting reclassification in some parts of the species' range, but opposing "wholesale" reclassification of alligators in the State of Florida. These included the Florida Audubon Society and three letters of support for its position from Drs. Archie Carr of the University of Florida, James N. Layne of the Archbold Biological Station, and Roy McDiarmid of the University of Florida and the Florida Committee on Rare and Endangered Plants and Animals.

Two comments were received, from the National Park Service and a private citizen, neither opposing nor supporting the proposed rulemaking, but questioning other aspects of the Service's overall efforts for protecting the species.

Ten comments were received opposing any reclassification of alligators to Threatened status at the present time. These included Monitor, Inc. (representing the Audubon Naturalist Society of the Central Atlantic States, Inc., the Fund for Animals, Defenders of Wildlife, National Parks and Conservation Association, the Wilderness Society, and Friends of the Earth), and four private citizens.

One comment was received from the National Newspaper Association which was a solicitation of advertising irrelevant to the biological and management issues of the proposal.

In these comments, a number of significant issues were raised which the Service feels it should respond to in detail. These issues are discussed in turn below.

1. *Biological justification for the proposed reclassification.* As summarized above, ten comments were received endorsing the reclassification as proposed. In its comments, the Forest Service stated that within the area of the proposed reclassification:

> Our information is that the status of the alligator has indeed improved within this portion of its range. Since reclassification from endangered to threatened would serve to advance sound scientific management of this resource, we support reclassification as proposed.

Similar comments were received from the States of South Carolina and Florida supporting the proposal. North Carolina, Arkansas, and Oklahoma, whose alligators would remain Endangered, also concurred with the proposal.

In its support of the proposed rulemaking, the New York Zoological Society stated that:

> The evidence available to our staff zoologists, coupled with that supplied by field biologists in the southeastern states, indicates that the wild populations of alligators have recovered sufficiently in much of Florida, Georgia, South Carolina, Louisiana, and Texas to warrant considering them Threatened rather than Endangered. The populations have not yet become so abundant as to be declassified totally.

The State of Louisiana supported the reclassification as proposed, but indicated the State has additional data indicating a possible need for further reclassification of populations in the southern parishes of the State in the future. The Service will consider the merits of such a further reclassification when the State submits these new data. The State also questioned the classification of the alligator in Cameron, Vermilion, and Calcasieu Parishes, indicating a misunderstanding about the meaning of the classification T(S/A). While it is true that the alligators from these three parishes are not totally delisted, but rather are classified as Threatened because of similarity of appearance to a Threatened species, this classification in no way interferes with conducting a regulated harvest under the laws of the State of Louisiana in these three parishes. This harvest is specifically provided for in Special Rule 17.42(a)(1)(E), 50 CFR 17.42(a)(1)(E), and the present reclassification does not alter the application of that Special Rule to alligators in the three parishes. Finally, the State brought to the attention of the Service a potential problem with placement of the boundary. This problem is discussed in item 2 below.

Three States and one private conservation organization submitted comments requesting that additional populations be included in the reclassification to Threatened status.

Alabama pointed out that the alligator is considered to be a Threatened species in that State by the Alabama Department of Conservation and Natural Resources and a recent symposium on endangered species within the State. However, the State submitted no information about what criteria were used in arriving at the Threatened classification, nor were any new population data submitted. Current data available to the Service are insufficient to establish reliable population density figures or trends within the State; thus retention of the Endangered classification is necessary until new, more reliable evidence is submitted.

The State of Georgia also requested extension of the Threatened status to include the whole State, rather than just the coastal areas proposed, submitting a new population estimate of 86,892 alligators in the whole State, a 129 percent increase since 1974. However, no evidence was submitted to indicate how this population increase is distributed between proposed Endangered and Threatened areas. Until data become available documenting a substantial population increase north and west of the current proposed Threatened area, the Endangered-Threatened division within the State will remain as proposed.

The State of Texas also requested reclassification of the alligator to Threatened throughout the State, submitting new estimates of population densities of 37.10 alligators per square mile in the Threatened area and 5.33 per square mile in the Endangered area. The Service recognizes that the alligator is making substantial gains within the State of Texas. However, the figures submitted appear to justify reclassification as proposed, rather than modification to extend Threatened status to all alligators within the State. Fewer than six alligators per square mile is substantially less than the reported densities of 15–37 alligators per square mile in the areas proposed as Threatened.

The Zoological Action Committee, Inc. (Zoo Act) opposed the reclassification of the alligator into "make-believe separate populations when exactly the same control could be exercised over the animals by simply listing the entire species as Threatened." The Committee maintained that the Service's own data in the proposal do not support retention of Endangered status in any part of the alligator's range.

In contrast, Monitor, Inc. representing six conservation organizations stated that:

> In view of the facts presented in the Director's notice, the wisdom of the proposed reclassification is subject to serious question. Although the notice indicates that alligator populations in the affected areas are increasing as a result of strict federal and state protection, the notice also contains a very sober assessment of the long term prospects for survival of the alligator, because of the threatened loss of its habitat.

Thus, while agreeing with the basic facts presented in the proposal, these two organizations drew exactly opposite conclusions about the appropriate status classification for the species.

The Service maintains that the data currently available support neither complete retention of Endangered status nor complete reclassification to Threatened status throughout the species' range. The best available comprehensive estimate of the total alligator population is 734,384, with over 570,000, or approximately 75 percent, within the area of proposed reclassification. These figures are derived from a report prepared in 1974 by Ted Joanen of the Louisiana Wildlife and Fisheries Commission. The Service recognizes that the figures contained in this report must be used with care. It remains, however, the only comprehensive, state-by-state analysis of alligator population levels and trends. Since its preparation in 1974, additional data accumulated by National Wildlife Refuges, National Forests, government and private research institutions, and various states have been accumulating. While these data pertain only to local areas, they have almost without exception produced local population estimates even higher than those used in the Joanen report. With these high and expanding population levels, retention of Endangered status cannot be justified. On the other hand, reclassification of these populations to Threatened status will bring the legal status of the species into correspondence with biological reality, and will allow for more flexible management of those individual alligators which are occasional menaces to human life. The resulting reduction in human-alligator conflicts will help foster increased public tolerance, a key step in securing the future of the species. However, there is wide variation in its status in different parts of the range. It has been extirpated almost totally from Oklahoma and Virginia in historic times; it appears still severely depleted in North Carolina, Arkansas, Alabama, and Mississippi, and in parts of Georgia, South Carolina, Louisiana, and Texas. Thus the use of the Threatened category for this species throughout its entire range would be a misuse of the category over a large part of the area involved.

The National Audubon Society supported the reclassification of alligators in the designated portions of South Carolina, Georgia, Louisiana, and Texas. However, the Society strongly opposed the "wholesale" reclassification of alligators in the entire State of Florida, stating the data available are insufficient to establish that the alligator is in fact a Threatened species throughout the State. The Society questioned the validity of the estimate of 407,585 alligators in Florida contained in the Joanen Report, and cited a Fish and Wildlife Service staff report they had examined which they maintained recommended a different reclassification in Florida based on geographic features. The Report which the Society cites, which was entitled "A Review of the Status of the American Alligator in the Southeastern United States, with Recommendations for a Federal Action," was prepared by Service staff biologists in 1974. It was a draft report and in 1975 it was rewritten with a new title, "Summary of the Status of the American Alligator in the Southeastern United States with Recommendations to Reclassify Certain Populations as Threatened Species." The later version of the report makes recommendations for reclassification of alligators in the whole State of Florida which were adopted in the proposed rulemaking. The changes which were made in the later version of the report reflected the Service's biologists' views that, on the whole, the alligator does indeed qualify for Threatened status in the entire State of Florida. This report summarizes the alligator situation in Florida as follows:

> The situation is geographically complex and defies simple summarization except to note that, in general, Florida supports moderate to large alligator populations throughout the State either increasing or remaining stable in the face of increasing urbanization except in intensive development centers.
>
> Considerable inter-observer bias in numerical population estimation is evident in Joanen's report, but the supplementary data indicate that the population levels are generally high. The question is, just how high. This should be considered a problem for local management decisions, not for overall status review.

The supplementary data referred to in this excerpt include data being collected annually by the Service (at the Gainesville Field Station of the National Fish and Wildlife Laboratory, and Loxahatchee and other National Wildlife Refuges), the National Park Service (Everglades National Park), the U.S. Department of Agriculture's Forest Service (Ocala and Osceola National Wildlife Refuges), graduate research at the University of Florida, and research by the alligator biologists of the Florida Game and Freshwater Fish Commission. All of these sources indicate that the population estimates contained in the original Joanen report are conservative, and that current population levels are significantly higher. The Joanen Report itself estimated 407,585 alligators in the State of Florida, 55 percent of the entire estimated U.S. population of 734,384. Taken as a whole, these data show that alligators in Florida are more numerous than in any other State, and are in-

creasing in number annually, fully qualifying for reclassification to Threatened status.

2. *Placement of the line demarcating endangered and threatened populations.* The State of Louisiana questioned one portion of the line separating Endangered from Threatened alligators. The proposed reclassification stated, that the northern boundary of the Threatened alligators was from Ragley, Louisiana "west on Louisiana State Highway 12 to Texas State Highway 12 at Texas-Louisiana border • • •." The State correctly pointed out that adoption of this line would include within the Endangered zone a small portion of Calcasieu Parish, where alligators have been previously reclassified as Threatened by Similarity of Appearance only. This portion of the boundary has been revised in this final rulemaking to read from Ragley, Louisiana "thence west on Louisiana State Highway 12 to the Beauregard-Calcasieu Parish border; thence north and west along this border to the Texas-Louisiana State border; thence south on this border to Texas State Highway 12 • • •."

3. *Need to determine critical habitat for the species.* Seven respondents, the six conservation organizations represented by Monitor, Inc., and one private citizen, stated that because of the continuing threats to alligator habitat, there is an urgent need for determination of Critical Habitat for the species.

A Critical Habitat determination may eventually be desirable to assist Federal agencies in meeting their obligations under section 7 of the Act. It should be noted, however, that with or without such a determination, all Federal agencies are charged by section 7 to "insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of Endangered or Threatened Species". This reclassification in no way relieves Federal agencies of this responsibility. At the present time, the Service does not have sufficient biological data on hand to determine which areas of the species' range can be considered critical within the criteria outlined in the notice on Critical Habitat published on April 22, 1975 (40 FR 17764–17765). This notice stated that "Critical habitat" for any Endangered or Threatened species could be the entire habitat or any portion thereof, if, and only if, any constituent element is necessary to the normal needs or survival of that species. The following vital needs are relevant in determining "critical habitat" for a given species:

(1) Space for normal growth, movements, or territorial behavior;

(2) Nutritional requirements, such as food, water, minerals;

(3) Sites for breeding, reproduction, or rearing of offspring;

(4) Cover or shelter; or

(5) Other biological, physical, or behavioral requirements."

While sufficient data on population numbers and trends are available to determine its status, comparable data are not available on the specific ecological parameters and importance of different parts of its range. Collection of enough such data to determine which areas, if any, qualify as Critical Habitat will require considerable research and time.

4. *Effects of implementation of the special rules on threatened alligator populations.* Several respondents submitted comments questioning the effects of implementation of the Special Rules in § 17.42(a) on the Threatened alligators. In particular, the Florida Audubon Society, supported by Drs. Carr, Layne, and McDiarmid, and the six conservation organizations represented by Monitor, Inc., challenged the management plan submitted by the State of Florida under authorities granted in § 17.42 and its Cooperative Agreement with the Service for management of Endangered and Threatened species, signed on June 23, 1976. These respondents stated that they had information indicating that Florida planned to implement a system throughout the State in which private agents would be licensed for undertaking alligator control. Hides from the animals killed in the course of this program would be sold on the commercial market. Such a plan, these organizations maintained, would lead to the following undesirable consequences:

a. It would place alligator control in the hands of private agents, rather than State employees, many of whom might be alligator poachers, since poachers would be the most likely individuals having the skill and desire to participate in the program.

b. It would emphasize lethal control in every alligator-human conflict situation, whereas in some cases the conservation of the species would be better served by transplantation.

c. It would be in essence a commercial harvest under the guise of nuisance control and scientific research, in a State which has not yet developed sufficient scientific data to determine how much and what kind of harvesting populations in different regions of the State can support.

d. It would "perpetuate and legalize the vogue for alligator hide products which conservationists are convinced need to be eliminated if most species of crocodilian are to survive."

The National Park Service also submitted comments questioning the effects of implementation of the Special Rules, stating that this could lead to threats to American alligators and crocodiles in Everglades National Park through stimulation of the market for poached hides. Similarly, the American Association of Zoological Parks and Aquariums commented that implementation of the Special Rules could result in overemphasis on lethal control when transplantation might sometimes be a better alternative.

To clarify the ensuing discussion, reprinted below are the portions of the Special Rules already in force which would permit State management under a Cooperative Agreement:

§ 17.42 *Special rules—reptiles.*

(a) *American alligator (Alligator mississippiensis).*—(1) *Prohibitions.* The following prohibitions apply to the American alligator.

(i) *Taking.* Except as provided in this paragraph (a)(1)(i) of this section, no person may take American alligators.

(D) Any employee or agent of the Service or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators to carry out scientific research or conservation programs.

(F) When American alligators are taken by Service or State officials in accordance with paragraph (a)(1)(i)(D) of this section the hides may be sold by State or Federal officials: *Provided*, That the hides have first been tagged by the State of origin with a noncorrosable numbered tag inserted no more than six inches from the tip of the tail; the tag number and a description of the hide, including its length and the date and place of taking are recorded; and a shipping tag or label is affixed to the outside of any packages showing the name and address of the consignor and consignee, identifying the contents as alligator hides, and showing the number of hides in the package: *Provided further*, That such hides may be sold only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

In a letter to the Service dated September 22, 1976, Dr. O. E. Frye, Jr., Director of the Florida Game and Freshwater Fish Commission, enclosed a copy of a document entitled "Research Proposal. A Pilot Test for Alligator Management. (Revised July 1976 from draft of 21 June 1976)." Basically, the pilot plan outlined in this proposal provides for one-year comparative study of three different types of control methods in three different, limited areas of the State: licensed agents using lethal control, regular State employees using lethal control, and State reservists using transplantation only without lethal control. All hides of alligators taken by the first two methods would be turned over to the State for later sale, in accordance with § 17.42(a)(i)(D) and (F). The Service has carefully reviewed this plan and feels that it is justifiable under provisions of the Special Rules cited above and should yield valuable information about the most efficient methods for alligator control with minimum harm to wild populations. On the basis of the data produced by this study, Florida, and other States as well, will be able to make better decisions about how to manage alligators in the future. In no way is this plan a commercial harvest under the guise of nuisance alligator control; it is a carefully planned, limited management experiment. As presently designed, the Service feels this plan obviates many of the objections cited above. Furthermore, the Service will annually review all conservation programs, including those for the alligator, to be instituted under each Cooperative Agreement with a State. This will give the Service the opportunity to seek modifications, or in the extreme case termination, of any Cooperative Agreement which it feels violates the intent of the Act or the conservation of the resource.

Regarding the effects which institution of such a conservation program, with eventual sale of hides from legally taken alligators, could have on alligator poaching in the United States and smuggling of hides overseas, several points must be made. First, as emphasized elsewhere in this rulemaking, neither the reclassification nor institution of any State management plan will weaken the Service's commitment to enforcement of alligator protection. Furthermore, the elaborate system of tagging and registering all hides, already successfully implemented in Louisiana in the course of its extensive commercial harvest, should ensure that only legally taken hides reach the American marketplace. This system, combined with vigilant enforcement, should keep alligator poaching to tolerably low levels.

In addition, the alligator is currently included on Appendix I of the International Convention on International Trade in Endangered Species of Wild Fauna and Flora. This prevents, under Article III, section 3(c), the importation of any alligators or alligator products into a nation which has ratified or acceded to the Convention unless "a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes." Thirty-one nations so far have ratified or acceded to the Convention, and implementation of its provisions has begun; as more nations join in this effort in the future, even better control of alligator trade in the international marketplace will result. The United States will oppose any effort to remove the alligator from Appendix I and lift such trade controls until all of the principal crocodilian-hide processing nations of the world have joined in the enforcement of the Convention.

For crocodilians as a whole, the Service feels that the best long-run hope for their conservation lies in development of strong conservation programs. Such programs must include vigorous enforcement of protective laws, strong control of international trade, and economic as well as ecological incentives for the nations and peoples involved to institute such controls. Slow but steady progress is being made in each of these areas. The ecological importance of crocodilians to the aquatic ecosystems which they inhabit is being given increasing recognition by scientists and wildlife managers in many parts of the world. Several nations, including Thailand and Papua New Guinea, have made remarkable progress in development of crocodilian farms, from which future harvests may be possible with no drain on wild populations. All crocodilians of the world are included in either Appendix I or Appendix II of the Convention, with the most critically endangered species receiving the same import and export controls as the American alligator.

At the present time, 19 species and subspecies of foreign crocodilians are classified as Endangered by the United States, banning all import into this country unless a permit has been issued for "scientific purposes or for the enhancement of propagation or survival." To supplement this protection and that provided by the Convention, the Service is now in the final stages of preparation of a proposed rulemaking to treat all the remaining crocodilians of the world as Endangered because of Similarity of Appearance to Endangered crocodilians. Such treatment, when final, will throw a burden of proof on all importers to establish that any crocodilian or crocodilian product imported into the U.S. is not one of the Endangered species.

JUSTIFICATION FOR LISTING THE ALLIGATOR AS THREATENED IN THE DELINEATED AREAS

In the delineated areas the alligator is relatively common. Population estimates for these areas are as follows: South Carolina, 32,500; Georgia, 15,853; Florida, 407,585; Louisiana (excluding Cameron, Vermilion, and Calcasieu Parishes), 94,779; Texas, 19,292. Altogether, 570,009 alligators are found within the area proposed as Threatened. This is more than 75 percent of all the alligators estimated to occur in the United States (734,384). By contrast, alligator numbers in areas where they will remain classified as Endangered are significantly lower. The following population numbers pertain to such areas: South Carolina, 16,200; Georgia, 14,101; Louisiana, 7,532; Texas, 7,492; Mississippi, 4,740; Alabama, 12,715; North Carolina, 1,314; Arkansas, 1,900; and Oklahoma, 10. In all areas where the alligator is proposed as a Threatened species, the population trend is reported to be increasing.

Despite these relatively high populations, alligators in the involved areas are considered "Threatened" within the definition of the Endangered Species Act of 1973. Section 4(a) of the Act states that the Secretary of the Interior may determine a species to be an "Endangered" species, or a "Threatened" species, because of any of five factors. These factors, and their application to these populations of the American alligator, are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* The alligator, even in those areas where it would be reclassified as Threatened, is not as abundant and widespread as in early times. Large parts of its range have been occupied by man or modified to such an extent as to be unusable to the species. The areas in which the reclassification would occur are entirely within the rapidly developing coastal section of the southeastern United States. Human population is increasing steadily in Florida and adjoining coastal areas, and the influx of man is sure to bring about conflicts that will threaten the survival of alligator populations. Industrial, commercial, recreational, and residential developments along the coast and major waterways of the region will take more and more of the habitat of the species. Although the alligator in this region is now numerous enough and sufficiently legally protected not to warrant Endangered status, the past history of its decline and the prospects for future habitat loss justify a Threatened classification.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Although the alligator now is Federally protected in those areas where it would be reclassified as Threatened, its past history of commercial exploitation gives cause for concern and warrants a Threatened classification. This species has high commercial value and can easily be wiped out over large areas in a relatively short time by determined hunters. In the past the alligator was greatly reduced by hide hunters. The potential for such destruction remains today, and actually is even more serious because of increased accessibility to alligator habitat.

(3) *Disease or predation.* Not applicable.

(4) *Inadequacy of existing regulatory mechanisms.* The dramatic comeback of the American alligator can be attributed to existing regulatory mechanisms. The success with respect to this species, which has little if any competition in nature, now requires that adjustments be made in the regulatory structure to provide for long-term protection. It is believed that the present regulations not only will protect current alligator populations but will permit their further enhancement, while allowing sufficient flexibility for the avoidance or amelioration of dangerous intrusions by alligators into areas occupied by humans.

(5) *Other natural or manmade factors affecting its continued existence.* Not applicable.

EFFECTS OF THE RULEMAKING

As alluded to in the preceding discussion, the principal effect of this rulemaking will be to bring the legal status of the American alligator into line with its biological status by reclassifying as Threatened those populations of alligators which occur in all of Florida and certain coastal areas of South Carolina, Georgia, Louisiana, and Texas contained within boundaries specified in a new § 17.92(a)(2)(iv) of Title 50, Code of Federal Regulations. This action will bring into force for the alligators which have been reclassified to Threatened status the Special Rules contained in § 17.42(a). These Special Rules provide for taking of alligators without a permit under certain clearly specified circumstances. Anyone may take an alligator in defense of human life. Designated State or Federal agents may take alligators without a permit if they are sick, injured, orphaned, or dead, and may take problem animals if done in a humane manner, to include killing only if live-capturing is not possible. Finally, employees or agents of States operative under Cooperative Agreements with the Service may take alligators for scientific research or conservation programs, and hides from such alligators may be sold, provided that they are correctly tagged and sold only to licensed buyers.

This determination of Threatened status makes the alligators in the specified areas eligible for continued protection provided by section 7 of the Act which reads as follows:

INTERAGENCY COOPERATION

Sec. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

No Critical Habitat is presently being proposed. That action, if and when it occurs, will be a separate rulemaking.

(Endangered Species Act of 1973 (U.S.C. 1531–1543; 87 Stat. 884).)

The amendments shall become effective on February 7, 1977.

Dated: January 3, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

1. Accordingly § 17.11 of Part 17 of Chapter 1 of Title 50 of the Code of Federal Regulations is amended as follows:

§ 1711 Endangered and threatened wildlife.

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened			
REPTILES							
Alligator, American	*Alligator mississippiensis.*	Wherever found in the wild, except in those areas where it is listed as threatened, as set forth below.	Southeastern United States	Entire	E	11	NA
Do	do	In the wild in Florida and in certain areas of Georgia, Louisiana (except in Cameron, Vermilion, and Calcasieu Parishes), South Carolina, and Texas, as set forth in sec. 17.42(a)(2)(iv).	United States (Florida and certain areas of Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu Parishes), South Carolina, and Texas).	do	T	18	17.42(a)
Do	do	In the wild in Cameron, Vermilion, and Calcasieu Parishes in Louisiana.	United States (Cameron, Vermilion and Calcasieu Parishes in Louisiana).	NA	T(S/A)	11	17.42(a)
Do	do	In captivity, wherever found	Worldwide	NA	T(S/A)	11	NA

2. § 17.42, Special Rules—reptiles, is amended by the substitution of a new § 17.42(a)(2)(iv), and is republished as follows:

§ 17.42 Special rules—reptiles.

(a) *American alligator (Alligator mississippiensis)*—(1) *Prohibitions.* The following prohibitions apply to the American alligator.

(i) *Taking.* Except as provided in this paragraph (a)(1)(i) of this section, no person may take American alligators.

(A) Any person may take American alligators in defense of his own life or the lives of others.

(B) Any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators without a permit if such action is necessary to:

(*1*) Aid a sick, injured or orphaned specimen; or

(2) Dispose of a dead specimen; or

(3) Salvage a dead specimen which may be useful for scientific study; or

(*4*) Remove specimens which constitute a demonstrable but non-immediate threat to human safety. The taking must be done in a humane manner, and may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(C) Any taking pursuant to paragraphs (a)(1)(i) (A) and (B) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(D) Any employee or agent of the Service or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators to carry out scientific research or conservation programs.

(E) Any person may take American alligators in Cameron, Vermillion and Calcasieu parishes in accordance with the laws and regulations of the State of Louisiana, including that State's marking and tagging requirements: *Provided*, That the hides of such alligators are only sold or offered for sale to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(F) When American alligators are taken by Service or State officials in accordance with paragraph (a)(1)(i)(D) of this section the hides may be sold by State or Federal officials: *Provided*, That the hides have first been tagged by the State of origin with a noncorrosable numbered tag inserted no more than six inches from the tip of the tail; the tag number and a description of the hide, including its length and the date and place of taking are recorded; and a shipping tag or label is affixed to the outside of any packages showing the name and address of the consignor and consignee, identifying the contents as alligator hides, and showing the number of hides in the package: *Provided further*, That such hides may be sold only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(ii) *Unlawfully taken alligators.* No person may possess, sell, deliver, carry, transport, or ship, by any means whatsoever, American alligators taken unlawfully.

(iii) *Import or export.* No person may import or export any American alligator.

(iv) *Commercial transactions.* Except as otherwise provided in this subsection or as may be authorized by a permit issued under authority of § 17.32, no person may deliver, receive, carry, transport, ship, sell, or offer to sell in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any American alligator: *Provided*, That the hides of American alligators lawfully obtained from the State of Louisiana prior to December 28, 1973, may be sold or offered for sale in interstate (not foreign) commerce if the Director of the State wildlife conservation agency certifies to the Director that all such hides were lawfully obtained and can be identified; and such hides are sold, offered for sale, delivered, carried, transported, or shipped only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides.

(2) *Definitions.* For the purposes of this paragraph (a)

(i) "Buyer" shall mean a person engaged in the business of buying and selling hides of American alligators in the wholesale market. A buyer may also be a tanner and a fabricator;

(ii) "Tanner" shall mean a person engaged in the business of processing green, untanned hides of American alligators into leather. A tanner may also be a buyer and a fabricator;

(iii) "Fabricator" shall mean a person engaged in the business of manufacturing products from American alligator leather. A fabricator may also be a buyer and a tanner.

(iv) "American alligator" shall mean any member of the species, and any part, offspring, dead body, part of a dead body or product of such species) *Alligator mississippiensis* occurring in the wild in Cameron, Vermillion and Calcasieu parishes, Louisiana, and in the wild in Florida and in certain coastal areas of Georgia, Louisiana, South Carolina, and Texas, contained within the following boundaries:

From Winyah Bay near Georgetown, South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with U.S. Interstate Highway 95 near Waltersboro, South Carolina; thence south on U.S. Interstate Highway 95 (including incomplete portions) to junction with U.S. Highway 82; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south along this border to the Florida border and following the Florida border west and south to its termination at the Gulf of Mexico.

From the Mississippi-Louisiana border at the Gulf of Mexico north along this border to its junction with U.S. Interstate Highway 12; thence west on U.S. Interstate Highway 12 (including incomplete portions) to Baton Rouge, Louisiana; thence north and west along corporate limits of Baton Rouge to U.S. Highway 190; thence west on U.S. Highway 190 to junction with Louisiana State Highway 12 at Ragley, Louisiana; thence west on Louisiana State Highway 12 to the Beauregard-Calcasieu Parish border; thence north and west along this border to the Texas-Louisiana State border; thence south on this border to Texas State Highway 12; thence west on Texas State Highway 12 to Vidor, Texas; thence west on U.S. Highway 90 to the Houston, Texas, corporate limits; thence north, west and south along Houston corporate limits to junction on the west with U.S. Highway 59; thence south and west on U.S. Highway 59 to Victoria, Texas; thence south on U.S. Highway 77 to corporate limits of Corpus Christi, Texas; thence southeast along the southern Corpus Christi corporate limits to Laguna Madre; thence south along the west Shore of Laguna Madre to the Nueces-Kleberg county line; thence east along the Nueces-Kleberg county line to the Gulf of Mexico.

The prohibitions in this § 17.42(a) apply to all specimens of the "species" described in this definition, wherever they are found.

(3) *Permits and licenses.* (i) All permits available under § 17.32 (General permits—threatened wildlife) are available in relation to threatened American alligators. All the terms and provisions of § 17.32 apply to such permits issued under the authority of this paragraph (a)(3)(i).

(ii) This paragraph (a)(3) of this section applies instead of the permits available under § 17.52 (similarity of appearance). Therefore, permits issued under § 17.52 are not available in relation to threatened American alligators.

(iii) Upon receipt of a complete application, the Director may issue a license, in accordance with the issuance criteria of this paragraph (a)(3)(iii), for each of the categories defined in paragraph (a)(2) of this section.

(A) *Application requirements.* Applications for licenses under this subparagraph must be submitted to the Director by the person who wishes to engage in the activities described in paragraph (a)(2) of this section (buyer, tanner, or fabricator). Each application must be submitted on an official application form (Form 3-200~~3~~ provided by the Service, and must include, as an attachment, all of the following information:

(*1*) The category (buyer and/or tanner and/or fabricator) for which the license is desired;

(2) A description of the applicant's business organization, including: a description of the physical plant; the method of operation of the business; experience, if any, over the previous five years; all shareholders, partners, directors, officers or other parties in interest in the business organization;

(3) A description, including samples, of the applicant's present or proposed system of inventory control and bookkeeping capable of insuring accurate accounting for all American alligator hides and tags dealt with;

(*4*) A statement detailing any convictions or civil penalties under State or Federal laws for taking or trafficking in wildlife within the previous five years for the applicant, or any shareholder, partner, director, officer, principle, employee or agent.

(B) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(3)(iii)(A) of this section, the Director will decide whether or not a license for one or more of the three categories in paragraph (a)(2) should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the applicant's reliability and apparent ability and willingness to maintain accurate inventory and bookkeeping records of all American alligator hides and State tags dealt with.

(C) *Special conditions.* In addition to the general conditions set forth in Part 13 of the subchapter, licenses issued under this provision shall be subject to the following special conditions:

(*1*) Licensees may not buy, tan or fabricate any American alligator hide except one which was taken, sold, offered for sale, delivered, carried, transported or shipped in accordance with paragraph (a)(1)(i) of this section;

(2) A buyer must leave all tags and shipping labels on the hides, unless the shipments are broken apart, in which case the shipping tags or labels must be removed, recorded, and returned to the issuer;

(3) If a buyer has broken apart original shipments and removed the shipping tags or labels as provided in (a)(3)(iii)(c)(2) of this section, he must affix a shipping tag or label to the outside of each new shipment of hides, showing the name and address of the consignor and consignee, identifying the contents of the shipment as American alligator hides, and showing the number of hides in the shipment;

(*4*) A tanner must leave all tags on the hides, but must collect, record, and return to the issuer all shipping tags;

(*5*) A fabricator must remove, record, and return to the issuer all tags;

(*6*) Every licensee must maintain complete and accurate records of all American alligator hides including all State tags, and the stub of the verification tag; capacity;

(*7*) Fabricators shall in addition maintain complete and accurate records showing the relationships of American alligator hides processed to finished American alligator products;

(*8*) Fabricators must affix, under the supervision of the Service, a mark provided by the Service to each product made of American alligator hides.

(*4*) Manufactured products of American alligators which have been marked by a licensed fabricator in accordance with paragraph (a)(3)(iii)(C)(*8*) may be transported, shipped, delivered, carried or received in interstate commerce in the course of a commercial activity, and may be sold or offered for sale in interstate commerce.

(5) No person shall, except as authorized pursuant to paragraph (a) duplicate or apply any mark used to identify products of American alligator hides produced by a fabricator licensed under this section.

[FR Doc.77-706 Filed 1-7-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FARM CREDIT ADMINISTRATION

[12 CFR Part 604]

GOVERNMENT IN THE SUNSHINE ACT

Meetings of Federal Farm Credit Board; Comment Time, Extension

The notice of the proposed issuance by the Farm Credit Administration of regulations implementing the provisions of the Government in the Sunshine Act, as published in the FEDERAL REGISTER for January 3, 1977 (42 FR 55), is modified by changing the final date for the receipt of comments thereon from February 14, 1977, to February 4, 1977. This modification is necessary to permit the Federal Farm Credit Board to review at its next meeting all comments on the proposed regulations submitted by interested persons.

C. K. CARDWELL,
Acting Governor,
Farm Credit Administration.

[FR Doc.77-807 Filed 1-7-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-AL-14]

CONTROL ZONE AND TRANSITION AREA AT ANIAK, ALASKA

Proposed Revocation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the terminal airspace structure at Aniak, Alaska, by revoking the control zone, reconfiguring the 700-foot portion of the transition area, and deleting the 1,200-foot portion of the transition area.

Interested persons may submit such written data, views, or arguments as they desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before February 9, 1977, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted subsequently in writing, in accordance with this notice, in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska.

The control zone at Aniak is designated part-time with traffic advisory service being provided by Bethel Flight Service Station on existing remote control air/ground outlets. The Anchorage Air Route Traffic Control Center provides air traffic control service for Instrument Flight Rule (IFR) and Special Visual Flight Rule (SVFR) operations during the effective period of the control zone.

Aviation weather observations are available on an irregular basis. During the effective period of the control zone when weather conditions are fluctuating above and below basic VFR weather minimums, it is difficult for pilots who observe weather conditions which are different than the reported weather to determine whether they need a special VFR clearance. Without current weather information, it is difficult also for Air Traffic Controllers to provide efficient and expeditious service.

Since regular hourly and special weather observations are not available on a continuous basis to support the control zone designation, it is herein proposed that the Aniak part-time control zone be revoked. Traffic advisory service and available weather information will continue to be provided to aeronautical users.

A collocated LOC/DME navigational aid has been installed to serve Runway 10 which provides lower ceiling approach minimums than the existing public and special NDB approaches. A reconfiguration of the 700-foot transition area is required to provide protected airspace for aircraft holding and executing approach/missed-approach procedures on the new LOC/DME navigational aid and recently revised NDB approaches while operating above 700 feet above the surface. The reconfiguration of the 700-foot portion of the transition area, eliminates the need for the 1,200-foot portion of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as follows:

1. In § 71.171 (41 FR 355) the Aniak, Alaska, control zone is revoked.

2. In § 71.181 (41 FR 440) the Aniak, Alaska, transition area is amended to read:

ANIAK, ALASKA

That airspace extending upward from 700-feet above the surface within a 22.5 mile radius of the Aniak localizer (latitude 61°35' 02'' N., longitude 159°33'01'' W.) extending from a bearing of 238° (218° M) clockwise to 049° (029° M) from the Aniak NDB; within 4.5 miles southwest and 9.5 miles northeast of the Aniak localizer west course extending from the localizer to 25.5 miles west of the localizer; within 9.5 miles southwest and 4.5 miles northeast of the Aniak NDB 114° (094° M) bearing extending from the NDB to 22 miles southeast of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the Aniak NDB 230° (210° M) bearing extending from the NDB to 24 miles southwest of the NDB.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Anchorage, Alaska, on December 16, 1976.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.77-735 Filed 1-7-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-93]

DANSVILLE N.Y.

Proposed Designation of Transition Area

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Dansville, N.Y., transition area.

A VOR/DME RWY 18 instrument approach procedure developed for Dansville Municipal Airport, Dansville, N.Y., requires designation of a 700 foot floor transition area to provide controlled airspace protection for IFR arrivals and departures at that airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 9, 1977, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Dansville, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Dansville, N.Y., 700 foot floor transition area as follows:

DANSVILLE, N.Y.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 42°34'11'' N., 77°42'43'' W. of Dansville Municipal Airport, Dansville, N.Y.; within a 16-mile radius of the center of the airport, extending clockwise from a 025° bearing from the airport to a 090° bearing from the airport; within 5 miles each side of the Geneseo, N.Y. VORTAC 178° radial, extending from the 10.5-mile radius area to the VORTAC, excluding the portion that coincides with the Hornell, N.Y., 700 foot floor transition area.

The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Sec. 307(a) Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on December 21, 1976.

L. J. CARDINALL,
Acting Director,
Eastern Region.

[FR Doc.77-736 Filed 1-7-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-34]

Alteration of Transition Area

PALM SPRINGS MUNICIPAL AIRPORT, PALM SPRINGS, CALIF.[1]

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palm Springs, California, Transition Area.

An ASR-5 radar will be commissioned for the Palm Springs Municipal Airport, Palm Springs, California, on or about March 1, 1977. Radar vector procedures are being developed to expedite arrival and departure procedures. The proposed additional transition area is necessary to provide controlled airspace for these radar vector procedures.

[1] Map filed as part of original.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before February 9, 1977 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

§ 71.181 [Amended]

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (42 FR 440) the description of the Palm Springs, California, Transition Area is amended to read as follows:

NOTE: That airspace extending upward from 700 feet above the surface beginning at latitude 34°08'00'' N., longitude 116°30'00'' W., to latitude 33°44'00'' N., longitude 115°44'00'' W., to latitude 33°24'00'' N., longitude 116°-05'00'' W., to latitude 33°34'00'' N., longitude 116°16'30'' W., to latitude 33°34'00'' N., longitude 116°36'00'' W., to latitude 33°51'00'' N., longitude 116°36'00'' W., to latitude 33°55'-00'' N., longitude 116°46'00'' W., to point of beginning.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflationary Impact Statements," (39 FR 41501, November 29, 1974), and it has been determined that the preparation of an inflationary impact statement is not necessary.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California, on December 22, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.77-790 Filed 1-7-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 4]

GOVERNMENT IN THE SUNSHINE ACT

Notice of Proposed Rulemaking

Correction

In FR Doc. 76-37800 appearing at page 55885 in the issue of Thursday, December 23, 1976 the following corrections should be made:

1. On page 55886, third column, 1st full paragraph in § 4.15(a)(2)(ii), sixth line, the paragraph reference should read "(a)(2)(i)(A)".

2. In the same column, in § 4.15(a)(3), seventh line, the paragraph reference should read "(a)(3)(ii)".

FEDERAL POWER COMMISSION

[18 CFR Parts 1 and 3]

[Docket No. RM77-4]

OBSERVATION OF COMMISSION MEETINGS AND EX PARTE COMMUNICATIONS

Extension of Comment Time

DECEMBER 30, 1976.

On November 15, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM77-4 (published November 29, 1976, 41 FR 52303), calling for comments by January 5, 1977. On December 28, 1976, the Federal Power Bar Association filed a motion for an extension of time within which comments may be filed.

Upon consideration, notice is hereby given that the time for filing comments in the above-designated rulemaking proceeding is extended to and including January 26, 1977.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 77-806 Filed 1-7-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reductions, Suspensions, and Terminations—Advance Notice of Proposed Action

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments eliminate three exceptions to the requirement for advance notice prior to reduction, suspension, or termination of benefits; set forth criteria by which it will be determined that a multiple payment has been made; and add two limited exceptions to the requirements for continuation of payment, in accordance with the decision of the United States District Court for the District of Columbia in *Cardinale* v. *Mathews* (Civil Action No. 74-930). As these amendments are proposed in order to implement this court order, we believe that preparation of a regulation implementation plan and publication of a Notice of Intent regarding these proposed policies as described in the Secretary's regulation development policies announced on July 25, 1976, (41 FR 34811, August 17, 1976)

would be impractical. This notice of proposed rulemaking, which provides adequate notice and ample time for the public to comment on the proposed rules, fulfills the spirit and intent of the Secretary's July 25 announcement on regulation development policies. Interested parties are given 45 days from the date of publication of this notice to submit any data, views, or arguments.

Prior to the *Cardinale* decision, the Social Security Administration, before effectuation of an action to discontinue or reduce payment because of an event requiring suspension, reduction, or termination of payments, would give advance written notice of that intent in all cases except where (1) the Social Security Administration had factual information confirming the death of the recipient, (2) amendments to a Federal law or an increase in other Federal benefits required an automatic suspension, reduction, or termination, (3) a clerical or mechanical error had been made in effectuating the determination, or (4) the facts prompting the suspension, reduction, or termination were supplied by the recipient, were not subject to conflicting interpretations, and were complete. In the four above-listed situations, neither advance notice nor opportunity for continuation of payment was given to the recipient.

In the *Cardinale* decision the district court, citing the U.S. Supreme Court decision in *Goldberg* v. *Kelly* (397 U.S. 254 (1970)) and the requirements of due process, struck down all of the existing exceptions to advance written notice and opportunity for continuation of payment other than where the action to be taken is due to the death of the recipient. However, the court afforded the Social Security Administration an opportunity to evolve procedures, consistent with due process, to meet program needs. Subsequently, the court ordered, as stipulated by the parties, that the Social Security Administration could reduce, suspend, or terminate benefits in cases involving multiple checks or payments that exceeded certain dollar maximums. These provisions are explained in detail below.

The proposed changes to the regulations will effectuate the court's decision and order. Under the proposed rules no reduction, suspension, or termination action (unless due to death of the recipient) can be taken unless prior written notice and opportunity to request continued payment pending a decision on appeal have been given. Where the recipient has timely requested continuation of payment, such payment will be made at the previously established amount except where multiple checks had been issued or the payment exceeded the dollar maximums.

The advance written notice of intent to discontinue or reduce payment allows 60 days after the date of receipt of the notice for the recipient to request the appropriate level of administrative review (i.e., reconsideration or hearing). Current regulations allow 30 days in which to request administrative review. The change to allow 60 days is pursuant to Pub. L. 94–202 (enacted January 2, 1976) which increased the period for requesting a hearing under title XVI of the Social Security Act. In accordance with Congressional intent as reflected in the legislative history of Pub. L. 94–202, the Social Security Administration has made this 60-day time limit applicable also to the reconsideration level of administrative review. Where the request for review is filed within 10 days after the date the notice is received, payment will be continued at the previously established payment level (subject to the exception in § 416.1337) until a decision on the appeal is issued. The date of receipt of such notice shall be presumed to be 5 days after the date on the face of the notice. While the proposed rules (and the "Cardinale" order) do not permit any waiver of advance notice by the recipient, they do permit waiver of his right to continuation of payment at the previously established level to avoid overpayment. Such a waiver can be made only if initiated by the recipient and put in writing.

While the rights of the recipient must be protected, the Social Security Administration is also under an obligation to limit the number of incorrect payments that might be issued. To continue to pay amounts which are incorrect on their face would be to disregard this obligation. A new section is, therefore, added to the regulations providing for two situations in which, pending appeal pursuant to recipient's timely request, payment may be made at other than the previously established rate. Both of these exceptions cover only situations in which there is no doubt that the payment amount is incorrect. In these two situations, no action will be taken to suspend, reduce, or terminate payment before advance written notice of intent is given the recipient with an opportunity to request the appropriate appellate review within 60 days. If an appeal is filed within 10 days after the individual's receipt of the notice, payment will be continued (except where an individual's benefits have been correctly suspended) but not at the obviously incorrect level. The date of receipt of such notice shall be presumed to be 5 days after the date shown on the face of the notice.

The first exception covers instances of two or more payments in one month to the same person. Where it is determined that a recipient has received two or more regular monthly payments in one month, pursuant to criteria set forth in the proposed § 416.1337(a), payment will be made at the correct amount for the next month, after sending a notice of planned action to the beneficiary. If the recipient believes he is entitled to a higher amount of benefits, and appeals the determination within 10 days, he will be paid the highest of the two or more monthly payment amounts (or the correct amount if higher) until a decision on such appeal is issued.

The second exception involves amounts which exceed defined dollar limits above which payment is not possible. Where a payment exceeds these defined dollar limitations, a notice of planned action will be sent to the recipient and payment for the next month will be in the correct amount as reflected in the notice. If the individual appeals the action within 10 days, and the appeal cannot be disposed of prior to the first of the next month, the amount of the payment will be determined as set out in the proposed §§ 416.1337(b)(3)(i) and 416.1337(b)(3)(ii).

If there are any questions concerning this regulation, you may contact Marval Cazer, Legal Assistant, 6401, Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7463. Mr. Cazer will respond to questions but will not accept comments on this regulation.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before February 24, 1977.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW, Washington, D.C. 20201.

(Secs. 1102, 1601, and 1631 Social Security Act, as amended; 49 Stat. 647, as amended, 86 Stat. 1465, as amended, 86 Stat. 1475, as amended, 42 U.S.C. 1302, 1381, and 1383.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: November 19, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 4, 1977.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1336 is revised to read as follows:

§ 416.1336 Notice of proposed adverse action affecting recipient's payment status.

(a) Advance written notice of intent to discontinue payment because of an event requiring suspension, reduction (see Subpart D of this part), or termination of payments shall be given in all cases, prior to effectuation of the action, except where the Social Security Administration has factual information confirming the death of the recipient.

(b) The written notice of intent to suspend, reduce, or terminate payments shall allow 60 days after the date of receipt of the notice for the recipient to request the appropriate appellate review (see Subpart N of this part). If appeal is filed within 10 days after the individual's receipt of the notice, the payment shall be continued or reinstated at the previously established payment level (subject to the effects of intervening events on the payment which are not appealed within 10 days of receipt of a required advance notice) until a decision on such appeal is issued, unless the individual specifically waives in writing his right to continuation of payment at the previously established level in accordance with paragraph (c) of this section. (See § 416.1337 for exceptions to the continuation of payment level.) Where the request for the appropriate appellate review is filed more than 10 days after the notice is received but within the 60-day period specified in § 416.1410 or § 416.1426, there shall be no right to continuation or reinstatement of payment at the previously established level, unless good cause is established under the criteria specified in § 416.1474 for failure to appeal within 10 days after receipt of the notice. For purposes of this paragraph, the date of receipt of the notice of intent to suspend, reduce, or terminate payments shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(c) Notwithstanding any other provision of this section, the recipient, in order to avoid the possibility of an overpayment of benefits, may waive continuation of payment after having received a full explanation of his rights. The request for waiver of continuation of payment shall be in writing, state that waiver action is being initiated solely at the recipient's request, and state that the recipient understands his right to receive continued payment.

2. Section 416.1337 is added to read as follows:

§ 416.1337 Exceptions to the continuation of previously established payment level.

(a) *Multiple payments exception.* (1) Where it is determined that a recipient is receiving two or more regular monthly payments in one month, the Social Security Administration shall determine the correct payment amount and, as soon as practicable thereafter, send the recipient an advance written notice of intent to make subsequent payment in that amount. Payment for the following month shall be made in the correct amount, except as provided in paragraph (a)(3) of this section.

(2) The advance notice shall explain:

(i) That multiple payments were made in one or more months;

(ii) The correct amount of monthly benefits that the recipient is eligible to receive; and

(iii) The recipient's appeal rights.

(3) If an appeal is filed within 10 days after receipt of the written notice of intent, the highest of the two or more check amounts, or the correct amount if higher (subject to the dollar limitation provisions), shall be continued until a decision on such appeal is issued. See § 416.1474 for criteria as to good cause for failure to file a timely appeal. For purposes of this paragraph, the date of receipt of the notice of intent shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(4) The fact that a recipient is receiving multiple payments is established if the records of the Social Security Administration show that:

(i) Two or more checks are being sent to an individual under the same name or a common logical spelling variation of the name;

(ii) The social security number is the same or a pseudo number appears;

(iii) The checks are being sent to the same address;

(iv) The sex code for such individual is the same; and

(v) The date of birth for such individual is the same.

(b) *Dollar limitation exception.* (1) Where it is determined that a recipient is receiving an erroneous monthly payment which exceeds the dollar limitation applicable to the recipient's payment category, as set forth in paragraph (b)(4) of this section, the Social Security Administration shall determine the correct payment amount and, as soon as practicable thereafter, send the recipient an advance written notice of intent to make subsequent payment in that amount. Payment for the following month shall be made in the correct amount, except as provided in paragraph (b)(3) of this section.

(2) The advance notice shall explain:

(i) That an erroneous monthly payment which exceeds the dollar limitation applicable to the recipient's payment category was made in one or more months;

(ii) The correct amount of monthly benefits that the recipient is eligible to receive; and

(iii) The recipient's appeal rights.

(3) If an appeal is filed within 10 days after receipt of the written notice of the intent (see § 416.1474 for criteria as to good cause for failure to file a timely appeal), the amount of payment to be continued, pending decision on appeal, shall be determined as follows:

(i) *Recipient in payment status.* Where the recipient is in payment status, the payment shall be in the amount the recipient received in the month immediately preceding the month the dollar limitation was first exceeded (subject to intervening events which would have increased the benefit for the month in which the incorrect payment was made, in which case the higher amount shall be paid).

(ii) *Recipient in nonpayment status.* If the recipient's benefits were suspended in the month immediately preceding the month the dollar limitation was first exceeded, the payment shall be based on that amount which should have been paid in the month in which the incorrect payment was made. However, if the individual's benefits had been correctly suspended and they should have remained suspended but a benefit that exceeded the dollar limitation was paid, no further payment shall be made to him at this time and notice of the planned action shall not contain any provision regarding continuation of payment pending appeal. For purposes of this paragraph, the date of receipt of the notice of planned action shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(4) The payment categories and dollar limitations are as follows:

Payment category:	*Dollar limitation*
(i) *Federal supplemental security income benefit only.* Recipients whose records indicate eligibility for Federal supplemental security income benefits for the month before the month the dollar limitation was first exceeded.	$200
(ii) *Federal supplemental security income benefit and optional supplementation, or optional supplementation only.* Recipients whose records indicate they were eligible for Federal supplemental security income benefits plus Federally-administered optional supplementation, or eligible for Federally-administered optional supplementation only, for the month before the month the dollar limitation was first exceeded.	$700
(iii) *Federal supplemental security income benefit and mandatory or other supplementation, or mandatory supplementation only.* Recipients whose records show eligibility for Federal supplemental security income benefits and Federally-administered mandatory supplementation or essential person increment for the month before the month the dollar limitation was first exceeded. This category also includes those eligible for Federally-administered mandatory supplementation only and those eligible for Federal supplemental security income benefits plus an essential person increment and Federally-administered optional supplementation.	$2,000

[FR Doc.77-723 Filed 1-7-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2541]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the County of Outagamie, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the County of Outagamie, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County of Outagamie, Wisconsin must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Outagamie County Courthouse, 410 South Walnut Street, Appleton, Wisconsin 54911.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John R. Schreiter, Chairman, Board of Supervisors, Outagamie County Courthouse, 410 South Walnut Street, Appleton, Wisconsin 54911. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Embarrass River	Spurr Rd.	766
Bear Creek	State Highway 76	763
Wolf River	County Highway M	763
	County Highway S	765

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-600 Filed 1-7-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2542]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Shawano County, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for Shawano County, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, Shawano County must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Shawano County Courthouse, Shawano, Wisconsin 54166.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. George Grill, Chairman, Board of Supervisors, Shawano County Courthouse, Shawano, Wisconsin 54166. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Wolf River	County Highway A	809
	State Highway 29	808
Embarrass River	County Highway G	806
	County Highways D and M	839
North Embarrass River	Regina Culvert Bridge	1,124
	County Highway D	959
	County Highway D	945
	Leopolis Bridge	895
	Town Road Bridge	855
Middle Branch Embarrass, South Branch Embarrass	Town Road Bridge	904
Red River	County Highway A	837
Oconto River	County Highway C	770
Shioc River	County Highway W	793

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.77-601 Filed 1-7-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Cooperative Agreement With New Mexico for the Enforcement and Administration of Surface Coal Mine Reclamation Standards

On May 17, 1976, the Department of the Interior adopted new regulations to govern the management of federally owned coal resources. 41 FR 20252 (1976). These regulations authorize the Department of the Interior to enter into Cooperative Agreements with States in which Federal coal leases have been or will be issued for the purpose of avoiding duality in the administration and enforcement of surface coal mining reclamation operations. 30 CFR 211.75.

The Secretary and the Governor of New Mexico have completed the negotiation of a Cooperative Agreement under this authority. The Agreement provides that the State of New Mexico will be the principal entity, wherever possible, responsible for the administration and enforcement of surface coal mine reclamation operations on Federal coal leases in New Mexico.

The Department of the Interior's surface mining regulations require a Federal coal lessee to conduct mining operations in a manner which ensures the effective reclamation of mined lands.

An operator must, in particular, meet all the performance standards in 30 CFR 211.40 (1976). The Department's regulations require this degree of protection to be maintained, and the Department cannot enter into a Cooperative Agreement which compromises the degree of environmental protection established under Federal laws and regulations. The proposed Cooperative Agreement maintains this degree of environmental protection.

The State of New Mexico's reclamation regulations do not contain mandatory requirements that afford general protection of environmental quality and values at least as stringent as would occur under the exclusive application of Federal law. However, the State of New Mexico has the authority to administer its reclamation laws and regulations in a manner that provides the same degree of environmental protection as required by Federal law. The proposed Cooperative Agreement commits the State of New Mexico to this degree of environmental protection on Federal coal leases and requires the State of New Mexico to ensure that "all mining plans approved under this Agreement shall afford general protection of the environmental at least as stringent as would occur under the exclusive application of 30 CFR 211." The proposed Agreement also requires that the procedures of the State are as effective as the procedures of the Department of the Interior to enforce the requirements of the mining plan. If the State of New Mexico is unable to meet these assurances, the Department has the duty, under the proposed Agreement, to notify New Mexico that it intends to cancel the Agreement. The Department of the Interior will require reports from the State of New Mexico and will conduct inspections to determine whether the State of New Mexico is complying with the assurances of the Agreement.

Article III, paragraph H of the Cooperative Agreement requires the State of New Mexico to devote adequate funds to administer and enforce reclamation requirements on Federal coal leases in that State. It is the understanding of both the Secretary of the Interior and the Governor of New Mexico that the Department of the Interior will provide funds to the State of New Mexico under a separate procurement agreement on a cost-of-service basis. The Department intends to reimburse the State of New Mexico for services, such as certain types of inspections, that the State will be performing for the Federal government. The language of Article III shall be construed in a manner consistent with this understanding.

In the regulations promulgated on May 17, 1976, the Department also established a procedure by which the Department could adopt the principal substantive, on-the-ground standards of a state's reclamation law as the Federal standards for operations on federal coal leases in the State, as long as the states' requirements afforded "general protection of environmental quality and values at least as stringent as would occur under exclusive application of the Federal standards." 30 CFR 211.75(a). In an advance notice of proposed rulemaking, the Department explained what steps it would take to determine whether it would adopt the requirements of a State's reclamation law. 41 FR 27993 (1976). This rulemaking takes no action under this section, and does not affect the requirements of 30 CFR 211.40, or the standards the Department of the Interior will use to approve a mining plan.

The Department regards four elements as central to a Cooperative Agreement for the administration and enforcement of surface coal mine reclamation standards: mine plans; inspections; enforcement provisions; and bonding requirements. The Department believes that the State of New Mexico is capable of administering and enforcing reclamation operations on Federal coal lease in New Mexico in such a way that Federal interests are protected.

Although the proposed Agreement grants the State the principal authority for administering and enforcing reclamation operations, we note the following. First, the Federal Coal Leasing Amendments Act of 1975, Pub. L. 94-377, requires the Secretary to approve the mining plan of a Federal Lessee. Article IV, section C of the Cooperative Agreement states the Secretary's duty to review and approve mining plans independently from state review and approval. The Agreement does avoid the application of conflicting standards by allowing the submission of one mining plan to the State and the Department.

Second, the Department retains its authority to establish the amount of the performance bond to be imposed. Article VII, section A avoids the imposition of double bonds by providing that the Department's bond requirement, if higher than the State's, will only be for the amount of the difference between the two amounts.

Variance procedures are treated in Article IV of this Agreement, which requires the Department to use, in New Mexico, its existing variance procedures.

The proposal contains the text of the Cooperative Agreement but it also contains proposed technical changes in 30 CFR 211.10 and 211.74(a) to conform those rules to the adoption of the Cooperative Agreement.

This proposed rulemaking does not explicitly amend 43 CFR Subpart 3041, but the Department wishes to state that the enforcement and administration provisions of that Subpart will be administered consistently with the change in 30 CFR Part 211 proposed here.

The environmental impacts of this proposed action are discussed in the final Environmental Impact Statement, Surface Management of Coal Resources (43 CFR Subpart 3041) and Coal Mining Operation Regulations (30 CFR Part 211) (1976).

NEPA does not require and the Department has not prepared a separate impact statement for this action.

The Department believes that this Cooperative Agreement can promote both coal production and proper surface coal mine reclamation by eliminating duplication in the administration and enforcement of reclamation laws.

The Department will accept and consider written comments on the proposed rulemaking until February 10, 1977. Comments should be directed to Deputy Under Secretary Lyons, Chairman, Task Force on the Determination of State Role in Federal Surface Coal Mine Programs, Department of the Interior, Washington, D.C. 20240.

Dated: January 5, 1977.

THOMAS S. KLEPPE,
Secretary of the Interior.

1. Accordingly, it is proposed that 30 CFR 211.10 be amended by the addition of a subsection (e)(3) to read as follows:

§ 211.10 Exploration and mining plans.

* * * * * * *

(e) States with 211.75(b) agreements. * * *

(3) New Mexico. A Federal coal lessee in the State of New Mexico who must submit a mining plan or permit under both State and federal law shall submit, in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) New Mexico Stat. § 63-34-1 et seq. NMSA 1953.;

(ii) New Mexico Coal Surface Mining Commission Regulations;

(iii) 30 C.F.R. § 211.10(c); and

(iv) A statement certifying that a copy of the plan or permit application has been given to both the New Mexico Coal Surface Mining Commission and the Secretary.

2. It is proposed that 30 CFR 211.74 be amended by the addition of a subsection (g)(3) to read as follows:

§ 211.74 Variances.

* * * * * * *

(g) States with 211.75(b) agreements.

* * *

(3) New Mexico. A Federal coal lessee in the State of New Mexico shall request and receive variance from the State of New Mexico and the Secretary under the provisions of 30 C.F.R. 211.74

3. It is proposed that the Department enter into and approve a Cooperative Agreement to designate the State of New Mexico as the principal party to administer surface coal mine reclamation operations on federal leases in New Mexico.

Cooperative agreement between the United States Department of the Interior and the State of New Mexico under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 189, and Section 307 of the Federal Land Policy and Management Act of 1976, and 30 C.F.R. 211.75(b).

This agreement (referred to as the Cooperative Agreement) is made between the State of New Mexico, acting by and through Governor Jerry Apodaca (referred to as the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

ARTICLE I

PURPOSE

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of New Mexico with respect to the administration and enforcement of surface coal reclamation requirements conducted under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of New Mexico, to the extent possible, as the principal entity to enforce reclamation laws and regulations on Federal coal leases in New Mexico.

ARTICLE II

EFFECTIVE DATE

The Cooperative Agreement is effective on the __ day of _____ 19__, and remains in effect until terminated as provided in Article IX.

ARTICLE III

REQUIREMENTS FOR COOPERATIVE AGREEMENT

The Governor affirms that the State will comply with all of the provisions of this Cooperative Agreement and will continue to

meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The Coal Surface-mining Commission (referred to as the State Agency) is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the Governor on Federal coal leases throughout the State.

B. *Authority of State Agency.* The State Agency designated in Paragraph A of this Article has, and shall continue to have, authority to carry out this Cooperative Agreement.

C. *State Reclamation Law.* The State Agency shall ensure that all mining plans approved under this agreement shall afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 C.F.R. Part 211, and that the standards used to approve a mining plan of a Federal Lessee will not unreasonably impair coal mining that is in the overriding national interest.

D. *Effectiveness of State Procedures.* The procedures of the State Agency shall be, in the judgment of the Secretary, substantially as effective for the purpose of enforcing the reclamation requirements of 30 C.F.R. Part 211 as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The Governor affirms that the State Agency will inspect all mines on Federal coal leases located in the State, in accordance with the minimum schedule in Article V.

F. *Enforcement.* The Governor affirms that the State Agency will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agency will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State will devote adequate funds for the administration and enforcement of reclamation requirements on Federal coal leases in the State.

I. *Reports and Records.* The State Agency shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agency shall also make available to the Secretary, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all of the provisions of this Cooperative Agreement.

ARTICLE IV

MINE PLANS

Federal regulation, 30 C.F.R. 211.10(c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining to receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of Mining Plans and Permits.* The Governor and the Secretary agree that a Federal coal lessee must submit a mining plan or permit application under both State and Federal law, which plan or permit must include the following information:

1. The information required by:

a. New Mexico Stat. Section 63-34-1 et seq. NMSA 1953 Comp.;

b. New Mexico Coal Surfacemining Commission Regulations;

c. 30 C.F.R. 211.10(c).

2. A Statement certifying that a copy of the mining plan or permit application has been given to both the State Agency and the Secretary.

If either the State Agency or the Secretary requires the operator to subinit additional information, the operator shall submit the information to both the State Agency and the Secretary.

B. *Review of Plan.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan or permit or request for an amendment or a variance from the plan or permit.

C. *Approval of Mining Plans.* The State Agency shall review the adequacy of the mining plan or permit, as provided in New Mexico Stat. Sections 63-34-4(E) and 7(B), NMSA 1953 Comp., or request for an amendment, as provided in Sections 4 and 16 of the New Mexico Coal Surface mining Commission Regulations. The State Agency shall notify the Secretary of its action pursuant to such provisions. The Secretary shall then independently review and take action on the mining plan or permit as required by 30 C.F.R. 211.10(d), or request for a variance as required by 30 C.F.R. 211.74, or an amendment to an approved mining plan or permit which was acted upon by the State Agency. The Secretary shall notify the State Agency of his action and the State Agency shall reconsider the action if necessary to comply with this Cooperative Agreement.

ARTICLE V

INSPECTIONS

A. The State Agency shall inspect as authorized by New Mexico Stat. Section 63-34-14, NMSA 1953 Comp., as frequently as necessary but at least quarterly the operations area of all Federal leases, permits and licenses where operations affecting the reclamation of mined lands are conducted or are to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved mining plans that affect the reclamation of mined lands. The State Agency shall also perform all inspections required under 211.41. Such inspections performed in accordance with 30 C.F.R. 211.41 shall be considered in meeting the quarterly inspection requirement.

B. The State Agency will, subsequent to conducting any inspection, file with the Secretary a report on (1) the general conditions of the lands under lease, permit or license, (2) the manner in which the operations are being conducted and (3) whether the operator is complying with applicable reclamation requirements. A copy of this report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Federal Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines on Federal coal leases within the State. Inspections by the Secretary may be made in association with regular inspection by the State Agency.

D. The Secretary may conduct inspections on Federal coal leases to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI

ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, it shall take such steps as required by New Mexico Stat., Section 63-34-17, NMSA 1953 Comp.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation and those activities threaten immediate and serious damage to the environment, the State Agency shall take immediate action, as authorized by New Mexico Stat. Sections 63-34-17 and 20, NMSA 1953 Comp.

C. The State Agency shall notify the Secretary of all violations of applicable laws regarding reclamation on Federal coal leases including violations of Federal laws and regulations or lease terms and of all actions taken under New Mexico Stat., Sections 63-34-17 and 20, NMSA 1953 Comp. with respect to such violations.

D. This section does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal law, but not State law.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Cooperative Agreement.

ARTICLE VII

BONDS

A. *Amount and Responsibility.* The State Agency may require Federal coal lessees subject to the provisions of 30 C.R.F. Part 211 to submit a bond as provided in New Mexico Stat., Section 63-34-18, NMSA 1953 Comp. The Secretary shall reduce the Federal bond required for reclamation purposes under 43 C.F.R. 3041.3 and 30 C.F.R. 211.3, by the amount of the bond required by the Governor only if the release of all or any portion of the State Agency's bond is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the bond.

B. *Notification.* Prior to releasing the bond provided for in New Mexico Stat., Section 63-34-18, NMSA 1953 Comp. for lands the surface of which is owned by the Federal Government, the State Agency shall consult with and seek the advise and consent of the Secretary.

C. *Release of Bond.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by New Mexico Stat., Section 63-34-8, NMSA 1953 Comp.

ARTICLE VIII

OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, at his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State Agency has failed to comply and shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State Agency has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX

TERMINATION OF COOPERATIVE AGREEMENT

The Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State and affording the State an opportunity for a hearing:

1. That the State has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State has failed to comply with any assurance given by the State upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by Federal laws and regulations or New Mexico laws and regulations.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency;

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement;

3. Specify the date upon which and the place where the State will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall be not less than 30 days from the date of such notice, and the place of hearing shall be in the State.

4. The Secretary shall also publish a notice in the FEDERAL REGISTER containing the items in 1-3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State may file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

ARTICLE X

REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI

AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the Governor and the Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection. Upon acceptance by the Governor and the Secretary, the amendment shall be adopted after rulemaking.

ARTICLE XII

CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior and/or the State of New Mexico may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the State Agency shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the change. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII

QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of the Interior personnel.

ARTICLE XIV

CONFLICT OF INTEREST

No member of the State Agency responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decisionmaking, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV

EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses which are necessary to carry out the requirements of the Cooperative Agreement can be performed or determined or have access to such facilities.

ARTICLE XVI

EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The State Agency and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of department or division, or a change in the function or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The State Agency and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards, pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII

RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act, the Constitution of the United States, or the Constitution of the State of New Mexico.

JERRY APODACA,
Governor, State of New Mexico

THOMAS S. KLEPPE,
Secretary, Department of the Interior.

[FR Doc.77-822 Filed 1-7-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 903]

MILITARY TRAINING AND SCHOOLS

Air Force Academy Preparatory School; Correction

In FR Doc. 76-38083, appearing at 41 FR 56336, Tuesday, December 28, 1976,

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the comment date, given as January 31, 1976 should be "January 31, 1977."

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-787 Filed 1-7-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 158]

FOLLOW THROUGH PROGRAM

Notice of Proposed Rulemaking

Correction

In FR Doc. 76-35217, appearing at page 52488 in the issue for November 30, 1976, make the following changes:

1. In the fifth line from the top of the second column on page 52489, "Federal", should be added to the end thereof.

2. On page 52491, in § 158.65(c), the third line should read "Through grantee is being supported wholly or in * * *".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21036]

UNITED STATES-MEXICO FM BROADCAST AGREEMENT

Noncommercial Educational Channel Assignments, Oxnard, Calif.

Adopted: December 23, 1976.

Released: January 6, 1977.

In the matter of amendment of § 73.507(a), noncommercial educational channel assignments under the United States-Mexico FM Broadcast Agreement. (Oxnard, California), Docket No. 21036. RM-2738.

1. The Commission here considers a petition for rulemaking,[1] filed on behalf of Faith Media, Inc. ("Faith Media"), a non-profit corporation,[2] which seeks the assignment of noncommercial educational FM (Class B) Channel 212 to Oxnard, California. No oppositions to the petition have been received. Since Oxnard is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican Government.

2. Oxnard (pop. 71,225)[3] is located in Ventura County (pop. 376,430), approximately 97 kilometers (60 miles) west of Los Angeles.

[1] Public Notice of the filing of the petition was issued on August 17, 1976 (Report No. 997).

[2] Before a permit could be granted, Faith Media would have to establish that it is an educational organization within the meaning of the Commission's rules and that it would use the station in furtherance of an educational program.

[3] Population figures for Oxnard and Ventura County are taken from the 1970 U.S. Census.

3. Faith Media asserts that the assignment of Channel 212 would be consistent with the Commission's policy of granting educational broadcast facilities to areas not presently served by such facilities, provided that the grant of such an assignment is technically feasible. In its engineering statement Faith Media shows that the requested assignment conforms to the minimum distance separation requirements. It notes that from 1960–1970 Oxnard's population increased 75 percent from 40,265 to 70,128, and the Oxnard master plan for the city calls for a planned growth to a population of 146,000 in 1990. We are told that Oxnard is in the center of a rich agricultural area which produced $306,000 worth of agricultural products in 1974. Faith Media submittted information regarding the type of city government and municipal facilities, civic, medical and recreational facilities, and also stated that it has an abundance of educational institutions. It points out that the assignment of Channel 212 to Oxnard would provide the city and surrounding area with a first local educational radio service which is needed to serve the area's fast growing educational interests and can assist the city in meeting its stated goals of planned development. Faith Media claims that such a noncommercial station in the area would provide a balanced medium of expression, cultural exchange, and vital information for a more unified community.

4. We propose the amendment of the Table of Assignments for noncommercial educational FM channels, as requested by Faith Media, Inc. Issuance of this Notice of Proposed Rulemaking is tentative for the Commission is presently considering a series of significant policy questions[4] involving the assignment of noncommercial educational FM channels, the resolution of which could conceivably require a result different than that which is proposed herein.

5. Comments are invited on the following proposal to amend the Table of Assignments for noncommercial educational FM channels located within 320 kilometers (199 miles) of the U.S.-Mexican border (§ 73.507(a) of the Commission's rules) with regard to the community of Oxnard, California, as follows:

City	Channel No. Present	Proposed
Oxnard, Calif.		212

6. The Commission's authority to institute rule making proceedings; showings required, cut-off procedures; and filing requirements are contained below and are incorporated herein.

[4] See Notice of proposed rulemaking in Docket No. 20735, 41 FR 16973, April 23, 1976. Discussion of some of these issues as they relate to the showings involved in educational FM assignment cases can be found in the Notice of proposed rulmaking in Moorpark, California, 41 FR 7428, February 4, 1976.

7. Interested parties may file comments on or before February 11, 1977, and reply comments on or before March 3, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend § 73.507(a), Noncommercial educational channel assignments under the United States-Mexico FM Broadcast Agreement, of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments should be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.77-757 Filed 1-7-77;8:45 am]

[47 CFR Part 74]

[FCC 76-1156, Docket No. 21020, RM-2741]

FM TRANSLATOR STATIONS

Unattended Operation

Adopted: December 15, 1976.

Released: December 28, 1976.

In the matter of amendment to 47 C.F.R. 74.1266, Unattended Operation of FM Translator Stations.

1. The Commission has before it a petition for rule making filed by the National Translator Association ("NTA") seeking an amendment to the Commission's rules to permit the unattended operation of FM translator stations. A response to the petition was filed by the National Cable Television Association, Inc. ("NCTA") in which it opposed the rule amendment proposed in the petition. Alternatively, it argued that any such action should be considered only in connection with review of a whole range of other translator issues in a consolidated proceeding. NTA filed a reply to NCTA's opposition.

2. Petitioner explained that the filing of the subject pleading grew out of the enactment earlier this year of Pub. L. 94–335 which amended section 318 of the Communications Act to permit FM translators to be operated without having a licensed operator in attendance. Until the law was amended, only television translators were exempted from the statutory requirement in section 318 that all broadcast stations shall be operated only with licensed operators in attendance. Now that the Act no longer requires licensed operators to be in attendance, petitioner seeks to have the operator requirement in the Commission's rules removed. Petitioner points to the House Report 94–1261 on the Bill which amended Section 318 as indicating that the Committee believed that the valuable service to underserved areas rendered by FM translators could more feasibly be provided if these stations could operate on an unattended basis. The Senate Report No. 94–919 also is quoted to a similar effect. Petitioner urges us to implement the change in the law by a change in our rules which would put FM translators on the same footing as television translators.

3. The NCTA opposition filing asks consideration of the subject of unattended operation, if at all, only as part of a consolidated proceeding that would include consideration of two other petitions filed by NTA.[1] The three petitions are said to be best considered together so that the Commission can fully examine the broad subject of the role these FM translator stations are to play in an overall communications policy. Reference also is made to the proceeding in Docket No. 20539 which is concerned with the transport of signals to television translators. NCTA argues that any change in the rules in advance of such a broad policy review, even one limited to operator requirements, would be premature. However, if the Commission were to disagree with the need for following this suggestion, NCTA states that it has objections to raise on the merits of the petition itself. NCTA indicates that it is particularly concerned about the potential for interference from FM translators, and it asserts that this is connected to a tendency of translators to drift from their authorized frequency. It also expresses concern about what it says has been the sporadic nature of television translator operations. This in turn has been said to cause problems for cable systems which carry the signals of television translators. This problem has been related to television translators only and not to experience with FM translators. NCTA also states that it is conducting a survey on various points thought to be relevant to the issues raised in the petition, but it notes that the survey has not yet been completed.

4. Although NCTA is correct in observing that there are other rule making petitions pending which deal with translator stations, this fact in itself does not provide a reason for joining all these petitions for action in a consolidated proceeding. The subject matter differs entirely, and the present petition does not raise any basic question regarding overall communications policy. The question is simply whether FM translators, like television translators, should be allowed to operate on an unattended basis. We think this is a matter worthy of inquiry, and we invite comments on such a proposal. NCTA objects to unattended operation on the basis of alleged interference problems relating to frequency drift, but it offers no evidence to show that any such problem exists or that it could be expected to result from unattended operation. In the absence of any data, we see no reason not to proceed with consideration of unattended operation. NCTA's survey results when completed (and other submissions as well) are welcome to the extent they offer guidance on the points at issue in this proceeding. Since the inquiry here is limited to the unattended operation of FM translators, NCTA's observations regarding television translators are not on point.

5. When the FM translator rules were being developed, they were adapted from the rules already in force governing television translators. At that time, through inadvertence, a rule (§ 74.1234) was included which allowed unattended operation. Since the Communications Act did not then allow unattended operation, this Section could not be given effect, and § 74.1266 governed instead. The latter Section contained the requirements for attended operation, including use of licensed operators. These concepts are not identical, although they do overlap. Until section 318 of the Communications Act was amended, licensed operators had to be on duty at FM translator stations. Now that the Act has been amended, the Commission has two options. It could simply remove the requirement that the operator in attendance be licensed or it could permit unattended operation, as is allowed with television translators. It is the latter possibility we contemplate. We propose to do this through use of rule provisions paralleling those already in force for television translators. See §§ 74.734 and 74.766. The former covers unattended operation and § 74.1234 already contains equivalent language for FM translators. However, § 74.1266 which governs operator requirements does not agree with the equivalent television translator provision (§ 74.766). To remedy matters we propose to amend § 74.1266 to bring it into agreement with § 74.766. Thus, both television and FM translators could be operated on an unattended basis but only if the required showing in that regard were provided. Comments from all interested parties on the issues raised are welcome, as are any other suggestions on format or approach to use in clarifying the operator standards which should apply.

6. Authority for the institution of this proceeding, and adoption of the rules proposed herein, is contained in sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in sections 1.415 and 1.416 of the Commission's Rules, interested parties may file comments on or before January 28, 1977, and reply comments on or before February 7, 1977. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of section 1.419 of the Rules, an original and five copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-769 Filed 1-7-77;8:45 am]

[1] RM-2739 proposes FM translator program originations, and RM-2740 proposes to allow FM translators to originate oral emergency announcements.

[47 CFR Part 83]

[Docket No. 21028; FCC 76-1177]

VHF TRANSMITTING APPARATUS AND TRANSMITTER MEASUREMENT

Proposed Requirements Governing Instalation and Performance; Inquiry

Adopted: December 21, 1976.

Released: January 4, 1977.

In the matter of amendment of Part 83 of the rules regarding the installation of VHF transmitting apparatus and the performance of transmitter measurements, Docket No. 21028.

1. The Commission's rules and regulations specify several requirements governing the installation of transmitting equipment in a ship station. Section 83.111 requires that transmitter measurements be made upon installation; § 83.162 states that all adjustments to transmitting equipment during or coincident with installation which may affect proper operation must be performed by the proper license holder; and § 83.368 requires that pertinent details of the installation must be logged by the responsible licensed operator.

2. The Commission has interpreted these rules to allow the licensee of a ship station to install a pre-tested VHF transmitter in his ship station, without performing additional transmitter measurements at the time and place of installation. This was done to encourage the transition from the 2 MHz DSB system to the VHF system. Further, in light of the technical characteristics of VHF equipment, it is unlikely that the performance of this equipment would be adversely affected by the installation procedure. This interpretation has provided impetus to the growth of the VHF radiotelephone system and has served the public interest.

3. We now propose the rules be amended, as set forth below, to more clearly reflect this policy in regard to radiotelephone installations operating in the marine VHF band, 156 to 162 MHz. We further propose that these rules apply to emergency position radiobeacons (EPIRB's) which operate on the VHF frequencies, 121.5 and 243 MHz. Due to the large number of potential users of EPIRB's and due to the physical and technical characteristics of these devices, it is felt that this action would be in the public interest. EPIRB's are small, readily portable devices that operate from a self-contained power source. There are generally no electrical connections of any type to be made during the installation of the device in the ship station.

4. Furthermore, to assure that the transmitter tests are performed as required, the Commission proposes that these measurements be made mandatory for all channels installed by the manufacturer. Since the manufacturer may not supply the radio with full channel capacity, a method of indicating which channels have been factory installed and tested must be developed. Therefore, the Commission solicits particular comments on the following:

(a) Whether the present system of including with the radio a log or data sheet, containing a record of the measurements made and signed by the appropriately licensed operator, be continued;

(b) Whether a labeling system, indicating the channels installed and tested and which can be easily attached to the radio, be developed;

(c) The type of information that should be included on the label, if such a system is developed; and

(d) Any other methods which may be used to indicate the channels installed and tested by the manufacturer.

5. The proposed amendments of the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i), 303(r), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 7, 1977, and reply comments on or before February 22, 1977. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.111 paragraphs (a), (c) and (d) are amended to read as follows:

§ 83.111 Transmitter measurements.

(a) Except as provided for in paragraph (d) of this section, a determination shall be made that the carrier frequencies of each transmitter are within prescribed tolerance as follows:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequencies or stability thereof;

(3) Upon receipt of an official notice of off-frequency operation.

* * * * *

(c) Except as provided for in paragraph (d) of this section, a determination shall be made that each radiotelephone transmitter produces peak modulation between 75 and 100 percent insofar as practicable as follows:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect its modulation characteristics.

(d) The determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench: *Provided,* The load conditions are equivalent to those of actual operation. In the case of transmitters operating in the VHF band, the determinations specified in paragraphs (a)(1), (a)(2) and (c) of this section are required to be performed by the manufacturer for each channel or frequency installed at the point of manufacture for all transmitters manufactured after _____. This shall be in lieu of these measurements being performed when the transmitter is initially installed.

* * * * *

2. Section 83.162 is amended to read as follows:

§ 83.162 Adjustment of transmitting apparatus.

Notwithstanding any other provisions of this subpart (except § 83.164(a)(2), (b), and (e), which has specific applicability to ship radar stations, survival craft stations, and VHF transmitter installations), all adjustments of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision or responsibility of a person holding a first- or second-class operator license, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a radiotelegraph first- or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse code.

3. Section 83.164 is amended by the addition of a new paragraph (e) to read as follows:

§ 83.164 Waivers of operator requirement.

* * * * *

(e) No operator license is required for the installation of a VHF transmitter in a ship station, where the installation is performed by or under the immediate supervision of the licensee of the ship station. This does not authorize the licensee of the ship station to add or substitute channels or to make any modifications to the transmitter, with the exception that where the Commission has type accepted a transmitter in which factory sealed "plug-in" modules are used for the addition or substitution of channels in a transceiver, the licensee may add or substitute channels using these "plug-in" modules.

[FR Doc.77-759 Filed 1-7-77;8:45 am]

[47 CFR Part 97]

[Docket No. 21033; RM-2664, 2780 FCC 76-1198]

AMATEUR RADIO STATIONS

Inquiry and Licensing or Operation of Complex Systems and Modification of Repeater Sub-Bands

Adopted: December 22, 1976.

Released: January 6, 1976.

In the matter of deregulation of Part 97 of the Commission's rules to simplify the licensing and operation of complex systems of Amateur Radio stations and modification of repeater sub-bands, Docket No. 21033, RM-2664, RM-2780.

1. The Commission has before it the two above-captioned Petitions for rule making, submitted in accordance with the Administrative Procedure Act, 5 U.S.C. 553(e), and the Commission's rules, 47 CFR 1.401. Each of these Petitions for rulemaking seeks revision of Part 97 of the Commission's rules, 47 CFR 97.1, et. seq., concerning the licensing or operation of stations in the Amateur Radio Service.

2. The petitioners in RM-2664, Mr. Gordon Schlesinger and Mr. William F. Kelsey, request explicit recognition in the rules of so-called "remotely controlled base stations". They state that considerable confusion exists concerning the definition and operation of remotely controlled base stations, and that there is a need for specific rules to regulate the operation of such stations. Petitioners have proposed specific rules which, if adopted, would both add to the rules several provisions concerning remotely controlled base stations and substantially relax the requirements for the operation of such stations. We have also received several comments from interested parties supporting the basic proposals of RM-2664.

3. The Middle Atlantic FM and Repeater Council (T-MARC), petitioner in RM-2780, seeks simplification of the Amateur Radio Service logging requirements, particularly the rules requiring the notation of all third party traffic sent and received, the retention of station logs for one year, and the recording of transmissions from "open access" automatically controlled repeater stations. T-MARC states that much of the logging required by the rules is of little benefit to either Amateur operators or the Commission and requests that logging requirements be relaxed accordingly.

4. We believe some of the proposals in the petitions we have received merit serious discussion, and we are herein proposing revisions of Part 97 of the rules which, if adopted, would result in a substantial simplification of the licensing and operation of stations in the Amateur Radio Service presently licensed as repeater stations, control stations, auxiliary link stations, and all other remotely controlled stations, such as remotely controlled base stations. The revisions we are considering, which are discussed at greater length below, would both accommodate many of petitioners' wishes and would be a significant step in the Commission's program of deregulation of the Amateur Radio Service.

5. Since adopting rules governing the operation and licensing of repeater and associated stations in 1972 in Docket 18803, 37 FCC 2d 225 (1972), the Commission has steadily reduced the burden placed on applicants for and licensees of complex systems of amateur radio stations and has afforded such licensees increasingly greater flexibility in the operation of such stations. For example, in Orders adopted January 10, 1974 and November 17, 1975, we deleted the requirements that certain technical showings be submitted with license applications for repeater and remotely controlled stations. In Reports and Orders in Dockets 20073, 20112, and 20113, adopted May 28, 1975, June 11, 1975, and October 29, 1975, respectively, the Commission revised its rules to permit the linking, automatic control, and cross-band operation of amateur repeater stations.

6. Our experience since adoption of the rules regulating the licensing and operation of repeater and associated stations in Docket 18803 has demonstrated that amateur radio operators are fully capable of developing and operating complex systems of stations with a minimum of regulation by the Commission. We are aware of no compelling reason why amateurs wishing to operate repeater, auxiliary, control, or remotely controlled stations should continue to be required to obtain Commission permission before beginning such operation, as they have in the past. For this reason, we propose to delete those provisions of §§ 97.40, 97.41, and 97.43 of the rules requiring that licensees obtain prior approval of the Commission to operate a remotely controlled station and requiring that repeater stations, control stations, and auxiliary link stations be separately licensed. We would discontinue the issuance of station licenses with "combined" station privileges: All amateur station licenses would convey authority to operate as repeater, control, auxiliary link, and remotely controlled stations now operate. Functions now conducted by repeater stations would be conducted under a form of station operation known as "repeater operation". Functions now conducted by control stations and auxiliary link stations would be combined in a single form of station operation known as "auxiliary operation". Auxiliary operation would serve to meet the need for point to point links within a system of stations, including the transmissions of control and communication signals to other stations within a system, and the need for the automatic relaying of signals received at one location in a system of stations to stations at other locations within the system. Section 97.3 of the rules would be revised to include new definitions of repeater and auxiliary operation.

7. Similarly, we believe that operators of other remotely controlled stations, such as remotely controlled base stations, have demonstrated the capability of adequately controlling the emissions of such stations, and that the prohibition against the operation of such stations from control points in portable or mobile operation, presently contained in § 97.110 (b) of the rules, may be unduly restrictive. Accordingly, we propose to revise the rules to permit the portable and mobile operation of all primary, secondary, and club stations when such stations are in repeater or auxiliary operation.

8. Because no new station licenses would be issued to repeater stations, as such, we propose to discontinue our policy of assigning call signs prefixed with the letters "WR". Stations presently assigned such call signs would be permitted to retain them indifinitely. A licensee wishing to engage in repeater operation and wishing to obtain a "WR" call sign would be required to request that prefix. Stations with "WR" call signs would be restricted to repeater operation, however.

9. Because stations in repeater or auxiliary operation would be taking advantage of specialized modes of operation, we believe the transmissions of such stations should be distinctively identified. We propose to require that auxiliary or repeater operations conducted by stations with "traditional" call signs (that is, call signs not prefixed with the letters "WR") be identified by the addition of a distinctive suffix to the station call sign. Stations in repeater operation would be identified by the addition of the suffix "R", "RPT", or the word "repeater" to the regular call sign. Stations in auxiliary operation would be identified by the addition of the suffix "A", "AUX", or the word "auxiliary" to the regular call sign. We also propose to revise the station identification requirement for stations in repeater operation or stations in auxiliary operation automatically relaying the signals of other stations in a system to require identification at intervals of at least ten, rather than five, minutes.

10. Petitioner in RM-2780 seeks relaxation of certain logging requirements, and we are considering deletion of the requirement found in § 97.111(g)(2) of the rules that communications from open access stations in repeater operation under automatic control be either monitored in real time by the duty or control operator or recorded and the recordings retained for a period of thirty days. This requirement, which was originally intended to ensure that licensees have the capability of determining whether their stations were being used properly during periods when no control operator was on duty, has proven to be of little benefit to the Commission and may unduly burden licensees operating "open" repeater stations under automatic control. Of course, the licensee of a station would continue to be responsible for its proper operation, and we wish to receive comments addressing the issue of the continued usefulness to the Amateur Service of the recording requirement in ensuring the proper operation of "open" automatically controlled repeater stations.

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11. We are proposing to revise the present rule that all remotely controlled stations have entered in their logs a list of all authorized control points and copies of all control and auxiliary link station licenses to require the entering of the names, addresses, and primary call signs of all authorized control operators. Such a revision would be based on the proposition that the responsibility for the proper operation of a remotely controlled station should be traceable to specific control operators rather than specific land locations. We also propose to require the posting of a list of authorized control operators at the remotely controlled transmitter site. We are not proposing to delete the requirements that the logs of stations in repeater or auxiliary operation contain certain specialized technical information, however.

12. Additionally, it appears that many Amateur operators seek greater flexibility in the choice of frequencies for repeater and auxiliary operation. Operators of remotely controlled base stations, for example, are not restricted to the repeater frequency subbands listed in § 97.-61 of the rules, although remotely controlled base stations closely resemble repeater stations, and it may be that such stations should be treated identically. We are therefore proposing to permit both repeater and auxiliary operation on all frequencies allocated to the Amateur Radio Service, except 435 to 438 MHz, and to delete the requirement that frequencies below 225 MHz used for auxiliary operation be monitored by the control operator before and during periods of operation. We would revise § 97.63 of the rules, however, to emphasize the two principles which have made possible the efficient operation of many amateur radio stations in relatively small spectrum space, namely, that a station using a frequency has first priority in such use over other stations, and that all frequencies allocated to the Amateur Service are shared on a non-exclusive basis. It is presently the responsibility of amateur licensees to strike an appropriate balance between these principles to ensure the fair and efficient use of available spectrum.

13. The Commission is aware that adoption of the rules proposed herein could result in a significant increase in the number of repeater, remotely controlled station, and associated activities pursued by amateur licensees. We are also aware that severe frequency congestion is presently being experienced in some parts of the country, and that the possibility exists that increased interference might result from adoption of these revisions. Many amateurs have voluntarily established techniques for managing available spectrum, and we commend such efforts. We are not prepared to make specific recommendations in this area at the present time, but we are nonetheless interested in receiving comments concerning present and future anticipated interference patterns, whether present techniques used by amateur operators to limit interference are adequate or could be improved, and whether present levels of voluntary cooperation are sufficient to justify continuation of the existing cooperative system. In this regard, we wish to receive comments concerning the utility of the limitations on the effective radiated power of stations in repeater operation contained in § 97.67 of the rules. Should such limitations be eliminated in their entirety, modified, or retained without change? What limitations, if any, should be placed on the effective radiated power of stations in repeater operation operating on frequencies not currently listed in § 97.67 of the rules?

14. The specific rule revisions we are proposing are set forth below. Authority for these proposals is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. We invite interested parties to submit comments concerning our proposals on or before April 1, 1977 and reply comments on or before April 15, 1977. An original and five copies of all comments submitted shall be furnished the Commission, pursuant to § 1.419 of the rules. Respondents wishing each Commissioner to have a personal copy of the comments may submit an additional six copies. Members of the public wishing to express interest in our proposals may participate informally by submitting one copy of their comments, without regard to form, provided the correct Docket number is specified in the heading of the comments.

15. Individuals wishing to inspect the comments and reply comments filed in this proceeding may do so during regular business hours, 8:00 a.m. to 4:30 p.m., in the Commission's Public Reference Room, 1919 "M" Street, N.W., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended, as follows:

1. In § 97.3, paragraphs (i), (m) and (n) are revised, as follows:

§ 97.3 Definitions.

• • • • • •

(i) *Additional station.* An amateur radio station, other than a primary station, including the following:

Secondary station. An amateur radio station licensed for a land location other than the primary station location. A station assigned a call sign prefixed with the letters "WR" is also considered to be a secondary station.

Special event station. An amateur radio station licensed for a specific land location for operation designed to bring public notice to the Amateur Radio Service and related to the celebration of an event, past or present, which is unique and of general interest to either the public at large or amateur radio operators.

• • • • • •

(m) *Amateur radio operation.* Amateur radio communication conducted by amateur radio operators from amateur radio stations, including the following:

• • • • • •

Mobile operation. Radiocommunication conducted while in motion or during halts at unspecified locations.

Repeater operation. Radiocommunication, other than auxiliary operation, for retransmitting automatically the radio signals of other amateur radio stations.

Auxiliary operation. Radiocommunication for remotely controlling other amateur radio stations, for automatically relaying the radio signals of other amateur radio stations in a system of stations, or for intercommunicating with other amateur radio stations in a system of stations.

(n) *Control.* Techniques used to operate an amateur radio station. Must be one or more of the following:

• • • • • •

Automatic control. The use of devices and procedures for control so that a control operator does not have to present at the control point at all times. (Only rules for automatic control of repeater operation have been adopted. Automatic control of all other types of amateur radio operation must be approved by the Commission in advance on a case by case basis.)

• • • • • •

2. In § 97.40, paragraphs (d) and (e) are deleted, and paragraph (c) is revised, as follows:

§ 97.40 Station license required.

• • • • • •

(c) An amateur radio operator may be issued one or more additional station licenses. A secondary station license shall not be issued to an amateur radio operator for a land location where a primary station license has been issued to the same amateur radio operator. This section does not apply to stations assigned call signs prefixed by the letters "WR".

3. In § 97.41, paragraph (c) is deleted, paragraphs (d), (e), (f), and (g) are redesignated paragraphs (c), (d), (e), and (f), respectively, and paragraph (b) is revised, as follows:

§ 97.41 Application for station license.

• • • • • •

(b) Except for applications for club stations and military recreation stations, each application must state whether the proposed station is a primary or additional station. If the proposed station is an additional station, the application must state the type of additional station.

• • • • • •

4. Section 97.43 is revised, as follows:

§ 97.43 Location of station.

Every amateur radio station must have one land location, the address of which appears on the station license, and at least one control point.

[1] Commissioner Quello absent.

5 In § 97.53, paragraph (j) is redesignated paragraph (k), and a new paragraph (j) is added, as follows:

§ 97.53 Policies and procedures applicable to assignment of call signs.

• • • • • •

(j) A station only engaging in repeater operation may be assigned a call sign prefixed by the letters "WR".

• • • • • •

6. In § 97.61, introductory text of paragraph (a) and paragraph (c) are revised and a new paragraph (d) is added, as follows:

§ 97.61 Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater and auxiliary operation, subject to the limitations listed in paragraph (b) of this section and § 97.65:

• • • • • •

(c) All frequency bands and the associated emissions authorized by paragraph (a) of this section, except 435 to 438 mHz, are available for repeater operation, including input (receiving) and output (transmitting).

(d) All amateur frequency bands, except 435 to 438 mHz, are available for auxiliary operation.

7. In § 97.63, the headnote is revised and the text amended, as follows:

§ 97.63 Selection and use of frequencies.

(a) Although an amateur station occupying a frequency listed in § 97.61 has first priority in the use of that frequency over other amateur stations, such frequencies shall not be assigned for the exclusive use of any amateur licensee or licensees and must be shared.

(b) All Amateur Radio Service licensees shall cooperate in the selection and use of authorized frequencies and shall take such other steps as may be necessary to minimize interference to other amateur radio stations. Licensees making prolonged use of a particular frequency or frequencies shall cooperate with other licensees in the use of such frequency or frequencies.

(c) Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

(d) The frequencies available for use by control operators of amateur stations are dependent on the operator license classification of the control operator and are listed in § 97.7.

8. In § 97.67, paragraph (c) is revised, as follows:

§ 97.67 Maximum authorized power.

• • • • • •

(c) Within the limitations of paragraphs (a) and (b) of this section, the effective radiated power of an amateur radio station in repeater operation shall not exceed that specified for the antenna height above average terrain in the following table: • • •

• • • • • •

9. Section 97.83 is redesignated § 97.82 as follows:

§ 97.82 Availability of operator license.

• • • • • •

10. Section 97.85 is redesignated § 97.83, as follows:

§ 97.83 Availability of station license.

• • • • • •

11. Section 97.87 is redesignated § 97.84, and paragraphs (c), (d), and (e) are revised, as follows:

§ 97.84 Station identification.

• • • • • •

(c) Amateur radio stations in repeater operation or stations in auxiliary operation used to relay automatically the signals of other stations in a system, shall be identified by radiotelephony or radiotelegraphy at intervals not to exceed ten minutes.

(d) When an amateur radio station is in repeater or auxiliary operation, the following additional information shall be transmitted:

(1) When identifying by radiotelegraphy, a station in repeater operation shall transmit the word "repeater" at the end of the station call sign. When identifying by radiotelegraphy, a station in repeater operation shall transmit the fraction bar DN followed by the letters "R" or "RPT" at the end of the station call sign. (The requirements of paragraph (d)(1) of this section do not apply to stations having call signs prefixed by the letters "WR".)

(2) When identifying by radiotelegraphy, a station in auxiliary operation shall transmit the word "auxiliary" at the end of the station call sign. When identifying by radiotelegraphy, a station in auxiliary operation shall transmit the fraction bar DN followed by the letters "A" or "AUX" at the end of the station call sign.

(e) A station in auxiliary operation may be identified by the call sign of its associated station.

• • • • • •

12. A new § 97.85 is added, as follows:

§ 97.85 Repeater operation.

(a) Emissions from a station in repeater operation shall be discontinued within five seconds after cessation of radiocommunications by the user station. Provisions to limit automatically the access to a station in repeater operation may be incorporated but are not mandatory.

(b) Except for automatic control operations, as provided in paragraph (e) of this section, the transmitting and receiving frequencies used by a station in repeater operation shall be continuously monitored by the control operator immediately before and during peirods of operation.

(c) A station in repeater operation may concurrently receive and retransmit amateur radio signals on one or more frequency bands authorized for repeater operation. A station in repeater operation, operating in conjunction with one or more stations in auxiliary operation relaying radio signals received at other locations to stations in repeater operation, may use input frequencies not available for repeater operation, provided the input frequencies to the stations in auxiliary operation are in frequency bands authorized for repeater operation.

(d) A station in repeater operation shall be operated in a manner ensuring that the station is not used for one-way communications, except as provided in § 97.91.

(e) A station in repeater operation, either locally controlled or remotely controlled, may also be operated by automatic control when devices have been installed and procedures have been implemented to ensure compliance with the rules when the duty control operator is not present at the control point of the station. Upon notification by the Commission of improper operation of a station under automatic control, such operation shall be immediately discontinued until all deficiencies have been corrected.

(f) A station assigned a call sign prefixed by the letters "WR" shall engage only in repeater operation.

13. A new § 97.86 is added, as follows:

§ 97.86 Auxiliary operation.

A station in auxiliary operation, either locally controlled or remotely controlled, may also be operated by automatic control when it is operated as a part of a system of stations in repeater operation operated under automatic control.

14. Section 97.88 is retitled and revised, as follows:

§ 97.88 Operation of stations by remote control.

An amateur radio station may be remotely controlled when there is compliance with the following:

(a) A photocopy of the remotely controlled station license and a list of authorized control operators, their names, addresses, and primary call signs, must be posted in a conspicuous place at the remotely controlled station transmitter location and the primary station location of each authorized control operator, or shall be carried in the possession of any control operator controlling the remotely controlled station from a station in auxiliary operation being operated portable or mobile. The transmitting antenna, transmission line, or mast, as appropriate, associated with the remotely controlled transmitter must bear a durable tag marked with the station call sign, the names of the station licensee and all authorized control operators and such other information as may be necessary to enable the Commission to quickly contact the control operators.

• • • • • •

(c) Except for operation under automatic control, a control operator desig-

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nated by the licensee must be on duty when the station is being remotely controlled. Immediately before and during the periods the remotely controlled station is in operation, the frequencies used for emission by the remotely controlled station must be monitored by the control operator. The control operator shall terminate all transmissions upon any deviation from the rules.

• • • • •

(e) A station in repeater operation shall be operated by radio remote control only when the control link uses frequencies other than the station's receiving frequencies.

§ 97.89 [Amended]

15. In § 97.89, paragraphs (c) and (d) are deleted.

16. In § 97.103, paragraph (c)(5) is deleted, and paragraph (c), (d), and (e) are revised, as follows:

§ 97.103 Station log requirements.

• • • • •

(c) The log of a remotely controlled station shall have entered the names, addresses, and primary call signs of all authorized control operators and a functional block diagram of a technical explanation sufficient to describe the operation of the control link. Additionally, the following information shall be entered:

(1) A description of the measures taken for protection against access to the remotely controlled station by unauthorized persons;

(2) A description of the measures taken for protection against unauthorized station operation, either through activation of the control link, or otherwise;

(3) A description of the provisions for shutting down the station in case of control link malfunction; and

(4) A description of the means for monitoring the transmitting frequencies.

(d) When a station has one or more associated stations, that is, stations in repeater or auxiliary operation, a system network diagram shall be entered in the station log.

(e) The log of a station in repeater operation shall have the following information entered for each frequency band in use:

(1) The location of the station transmitting antenna, marked upon a topographic map having a scale of 1:250,000 and contour intervals; [1]

(2) The antenna transmitting height above average terrain [2];

(3) The effective radiated power in the horizontal plane for the main lobe of the antenna pattern, calculated for maximum transmitter output power;

(4) The transmitter output power;

(5) The loss in the transmission line between the transmitter and the antenna, expressed in decibels;

(6) The relative gain in the horizontal plane of the transmitting antenna; and

(7) The horizontal and vertical radiation patterns of the transmitting antenna, with reference to true north (for horizontal pattern only), expressed as relative field strength (voltage) or in decibels, drawn upon polar coordinate graph paper, and the method used in determining these patterns.

(f) The log of a station in auxiliary operation shall have the following information entered:

(1) A system network diagram for each system with which the station is associated;

(2) The station transmitting band(s);

(3) The transmitter power input; and

(4) If operated by remote control, the information required by paragraph (c) of this section.

(g) Notwithstanding the provisions of §97.105, the log entries required by paragraphs (c), (d), (e), and (f) of this section shall be retained in the station log as long as the information contained in those entries is accurate.

§ 97.109 [Deleted]

17. Section 97.109 is deleted.

§ 97.110 [Deleted]

18. Section 97.110 is deleted.

§ 97.111 [Deleted]

19. Section 97.111 is deleted.

20. Section 97.126 is revised, as follows:

§ 97.126 Retransmitting radio signals.

No amateur radio station, except a station in repeater or auxiliary operation or a radio remotely controlled station, may automatically retransmit the radio signals of other amateur radio stations. A remotely controlled station, other than a remotely controlled station in repeater or auxiliary operation, shall retransmit only the radio signals of stations in auxiliary operation shown on the station's system network diagram.

21. Section 97.181(b) is revised, as follows:

§ 97.181 Availability of RACES station license and operator licenses.

• • • • •

(b) In addition to the operator license availability requirements of § 97.82, a photocopy of the control operator's amateur radio operator license shall be posted at a conspicuous place at the control point of the RACES station.

[FR Doc.77-760 Filed 1-7-77;8:45 am]

[1] Indexes and ordering information for suitable maps are available from the U.S. Geologic Survey, Washington, D.C. 20242, or from the Federal Center, Denver, Colorado 80255.

[2] See Appendix 5.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 523]

[Docket No. FE 76-05; Notice 2]

AUTOMOTIVE FUEL ECONOMY

Vehicle Classification; Correction

In FR Doc. 76-37339 appearing at page 55368 in the issue of December 20, 1976, two inadvertent errors were made in the preamble concerning the average fuel economy level proposed for nonpassenger automobiles and the year in which such standard would become effective. The errors appear on page 55370, in the 5th and 6th lines of the first full paragraph in the center column.

In line 5, "18.5 mpg" should read "18.7 mpg." In line 6, "1978" should read "1979."

(Sec. 301, Pub. L. 94-163, 80 Stat. 901 (15 U.S.C. 2001).)

Issued on December 29, 1976.

CHARLES E. DUKE,
Acting Administrator.

[FR Doc.77-725 Filed 1-7-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1251]

[No. 35345 (Sub-No. 2)]

FREIGHT LOSS AND DAMAGE CLAIMS

Freight Forwarders Report

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of December 1976.

This proceeding is being instituted on our own motion to consider adoption of a requirement for the filing of a quarterly report of freight loss and damage claims by freight forwarders, and adoption of an annual report schedule of freight loss and damage claims by freight forwarders. The quarterly reports would be filed by freight forwarders within the scope of section 412, part IV, of the Interstate Commerce Act, whose rights are not limited to traffic having prior or subsequent movement in air freight forwarder service, with annual gross revenues of $10 million or more, effective with the quarterly report period beginning July 1, 1977. Freight forwarder claims for forwarders with rights limited to services and shipments having prior or subsequent movement by air are to be reported to the Civil Aeronautics Board, in accordance with Part 239 of its Economic Regulations (14 CFR Part 239), to eliminate any duplication of reporting. The annual report schedule would be included in all freight forwarder annual reports, Forms F-1 and F-2, (49 CFR 1251.-1; 1251.2), effective with the year ending December 31, 1977. The 1977 annual report schedule would cover the 6-month period beginning July 1, 1977; beginning with 1978, and thereafter, the schedule would include claims for the full year.

The quarterly report under consideration would be similar to the report prescribed for motor carriers in Quarterly Report of Freight Loss and Damage Claims, Docket No. 35345, and railroads in Railroad Quarterly Report of Freight Loss and Damage Claims, Docket No. 35345 (Sub-No. 1). The freight forwarder report would require a detailed quarterly summary of (1) all freight claims received, paid, denied or closed, and other information analyzing freight claims processed; and (2) an analysis of theft-related claims paid, including cause of loss and loss location data. The quarterly reports would be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, within 40 days after the close of the quarter and be prepared in accordance with the instructions and format of the attached proposed report Form QLD-FF.

The annual report schedule under consideration would be included in all freight forwarder annual reports, Forms F-1 and F-2. The annual report schedule would furnish data from all freight forwarders regulated by the Interstate Commerce Commission, excluding revenues and claims incurred in connection with freight forwarder services and shipments which have a prior or subsequent movement by air and are reported to the Civil Aeronautics Board, CAB Form 239. This complete reporting would provide basic statistical facts regarding theft-related losses sustained by freight forwarders. The annual report schedule, as part of the freight forwarder's annual report, would be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, on or before March 31 of the year following the year to which it relates.

Theft of cargo moving in interstate commerce is a serious threat to the reliability, efficiency and integrity of the Nation's transportation system. It is intended that these reports provide the Congress, the Commission, other government agencies, shippers and the general public with information regarding freight loss and damage claims filed with freight forwarders. The emphasis of the reporting is cargo theft, a problem shared by freight forwarders as well as all other modes of transportation. The proposed reports will provide data for analysis of loss data, and publication of reports on the extent and nature of theft-related cargo losses, local and national trends, and other information necessary for development of theft prevention measures. The information is needed to support activities under Executive Order 11836, Increasing the Effectiveness of the Transportation Cargo Security Program, (40 FR 4255). Benefits to the freight forwarder industry and the shipping public should more than compensate for any burden imposed by the systematic reporting of data. Respondents to this Notice are invited to submit estimates of the reporting burden in man-hours per proposed report or schedule.

Upon consideration of these matters and for good cause:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 412 of the Interstate Commerce Act, and pursuant to sections 553 and 559 of the Administrative Procedure Act, with a view to adopting the proposed quarterly report and annual report schedule set forth in Appendices A and B of this Notice, and for the purpose of making such other and further actions as the facts and circumstances may justify and require.

It is further ordered, That all freight forwarders subject to part IV of the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested person wishing to submit written statements of fact, views and arguments shall file an original (and, if possible, 15 copies) of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by February 28, 1977, and that all such statements will be considered as evidence and as part of the record in the proceeding.

It is further ordered, That material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every state having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

ROBERT L. OSWALD,
Secretary.

APPENDIX A

GENERAL INSTRUCTIONS

1. Under order of the Commission, all freight forwarders with annual gross revenues of $10,000,000, or more, are required to file quarterly reports of freight loss and damage claims, Form QLD-FF.

2. The reports must be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 40 days after the close of each quarter.

3. The order contemplates the inclusion of all claims incurred in connection with freight forwarder services and shipments, except those claims incurred in connection with such services and shipments which have a prior or subsequent movement by air and are reported to the Civil Aeronautics Board.

4. Reports should be prepared for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year.

5. Dollar amounts reported should be rounded to the nearest whole number. Omit cents.

6. The Certification must be completed by an officer of the freight forwarder filing the report.

7. In preparing the report, be certain to show the carrier's correct name and mailing address. The carrier's mailing address is the address where correspondence relating to accounting and reporting is to be directed, including P.O. Box Number, if applicable. The third copy of the report should be retained by the carrier in his files.

8. Suggestions from users for improving the scope, presentation or utility of this report are invited.

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INTERSTATE COMMERCE COMMISSION
QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS - FREIGHT FORWARDERS

Approved by GAO
B
EXPIRES

SCHEDULE A - ANALYSIS OF CLAIMS PROCESSED

FORM QLD-FF

FULL NAME AND ADDRESS OF REPORTING CARRIER

QUARTER ☐ 1st ☐ 2nd ☐ 3rd ☐ 4th YEAR 19__

ITEMS	LINE NO.	A NUMBER	B AMOUNT
Claims on hand at beginning of quarter	1		
Claims received or reopened during quarter	2		
Net amount of increases (decreases) during quarter	3	//////////	
Total (Lines 1 through 3)	4		
Billed underlying carrier for portion of claim during quarter	5		
Claims disposed of during quarter:		//////////	//////////
Paid in full to claimants	6		
Paid in part to claimants	7		
Denied in full	8		
Denied in part	9	//////////	
Other claims disposed of (closed)	10		
Total (Lines 6 through 10)	11		
Claims on hand at end of quarter (Line 4 less line 11)	12		
Number of claims disposed of within 30 days	13		//////////
Number of claims disposed of within 30 and 120 days	14		//////////
Number of claims disposed of over 120 days	15		//////////
Number of unsettled claims older than 120 days, on hand at close of quarter	16		//////////
Amount recovered during quarter:			//////////
From underlying carriers	17	//////////	
Salvage	18	//////////	
Insurance	19	//////////	
Miscellaneous adjustments	20	//////////	
Total (Lines 17 through 20)	21	//////////	
Dollar amount paid during quarter (Lines 6 and 7 less line 21)	22	//////////	

	Line No.	AMOUNT
Total freight forwarder operating revenues for quarter	23	
Ratio net claims paid to revenues, percent (Line 22÷23, two decimal places	24	%
Cost of cargo insurance paid to outside insurance companies for quarter	25	

Did respondent pay any claim for robbery, theft and pilferage, or other shortage during quarter? ( ) Yes ( ) No

If yes, complete and file Schedule B.

CERTIFICATION

I, the undersigned_____ of_____ certify that this report
(Print or type name and title of officer) (Full name of reporting company)
was prepared by me or under my supervision; that I have carefully examined it; and on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the freight loss and damage statistics named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature_____ Telephone No._____ Date_____

INSTRUCTIONS FOR SCHEDULE A

1. On lines 1 and 2, report the number of claims on hand at the beginning of the quarter and the number received or reopened during the quarter in column A; report the total dollar amount of the claims in column B. The total number of claims on hand at the beginning of the quarter, line 1, should agree with the total number of claims on hand at the close of the quarter, line 12 of the report for the prior quarter.
2. Line 3 is provided for reporting dollar adjustments applicable to claims filed for uncertain amounts, such as, $100 more or less, or other adjustments in dollar amounts made by claimants to previously filed claims.
3. Report on line 5 the total number and dollar amount of all claims billed underlying carriers during the quarter, for their portion of amounts paid. Report the number and dollar amount of all claims paid during the quarter on lines 6 and 7, including amounts paid by insurance companies.
4. Report the number and dollar value of all claims denied or closed during the quarter on lines 8 through 10.
5. Excess dollar amounts of claims paid in part, i.e., the difference between claims as reported on line 4, and the amounts actually paid on line 7, should be shown on line 9 column B.
6. Lines 13 through 25 should report details, as applicable. Line 20 is to be used when there is a cancellation of a draft issued in settlement of a claim, a refund of an amount paid, or other recovery not properly identified as amounts recovered from salvage, underlying carriers or insurance companies.
7. The Certification should be completed by all carriers filing the report. The Certification should be made by the company officer responsible for processing and payment of claims.

INTERSTATE COMMERCE COMMISSION
QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

FORM QLD-FF

Approved by GAO
B_____
Expires

SCHEDULE B - ANALYSIS OF CLAIMS PAID

This schedule to be used for reporting claim payments, due to robbery, theft and pilferage, or shortage.

CARRIER NAME AND ADDRESS

QUARTER
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th Year 19__

Line No.	A STCC Code	B COMMODITY DESCRIPTION	C Loss Code	D No. of Claims	E Location Code	F Amount (Omit cents)
1	3720	Aircraft, missle engines, parts				
2	1960	Ammunition for small arms, 30 MM & under				
3	3714	Auto, bus, truck parts, accessories				
4	3860	Camera, photo equipment, supplies				
5	2070	Candy & confectionery				
6	2800	Chemicals & allied products, N.O.I.				
7	3260	China or pottery products				
8	2110	Cigarettes				
9	2300	Clothing				
10	2830	Drugs, medicines, biological products				
11	3600	Electrial machinery equipment, supplies, N.O.I.				
12	3640	Electric lighting equipment, lamps				
13	2892	Explosives, except ammunition				
14	1950	Firearms, small arms, 30MM & under				
15	2000	Food & allied products, N.O.I.				
16	2030	Food, canned, dried, preserved, pickled				
17	2500	Furniture and fixture				
18	3220	Glassware & glass products				
19	3420	Hardware, except power tools				
20	3630	Household appliances				
21	3800	Instruments, laboratory & other, N.O.I.				
22	3910	Jewelry, silverware, platedware				
23	3500	Machinery, N.O.I.				
24	3400	Metal products, fabricated, N.O.I.				
25	3300	Metal sheet casting, forgings, stampings				
26	3570	Office machines				
27	1900	Ordnance N.O.I.				
28	2850	Paints, varnishes, enamels, lacquers				
29	2600	Paper and paper products				
30	3652	Phonograph records, recording tapes				
31	3000	Plastic and rubber products				
32	3430	Plumbing and heating fixtures, supplies				
33	2700	Printed matter				
34	3140	Shoes				
35	2200	Textiles, woven knit, misc. mill prod.				
36	3010	Tires and tubes				
37	2844	Toilet preparations, cosmetics				
38	3540	Tools, power and machine				
39	3940	Toys, games and sporting goods				
40	3651	TV & radio sets, recorders, amplifiers, parts				
41	3870	Watches, clocks, parts				
42	9900	All other, N.O.I.				
43	-	TOTALS	XXXXXXXXXX		XXXXXXXXXX	

INSTRUCTIONS FOR SCHEDULE B

1. Schedule B should show freight claims paid during the quarter, includable in the commodity codes shown, because of robbery, theft and pilferage, or other shortage, as defined by instruction 2. Columns A and B shows the reportable numeric code numbers and commodity descriptions as defined by the Standard Transportation Commodity Code (STCC). Code numbers are expanded to 4 digits by the addition of 0's where necessary. N.O.I. means not otherwise indexed in this list.

2. The loss code, column C, should be one of the following:

Code 1 *Robbery:* Failure to deliver all or part of a shipment as the result of stealing, including hijacking, *with* the use of force or threat of force against a person or persons. (Note: Claims for physical damage to freight in the same or other shipments resulting directly from robbery should be reported under Robbery).

Code 2 *Theft and Pilferage:* Failure to deliver all or part of a shipment as the result of known stealing, or under circumstances indicating the probable cause was stealing, *without* use of force or threat of force against a person or persons, when it is known the freight was in the carrier's custody. (Note: Claims for physical damage to freight in the same or other shipments resulting directly from theft or pilferage should be reported under Theft and Pilferage).

Code 3 *Other Shortage:* Failure to deliver all or part of a shipment for unknown reasons. (Note: Includes the unexplained disappearance of all or part of a shipment for reasons other than Robbery, or Theft or Pilferage, as defined above).

3. Column D should indicate the number of claims. Usually this will be one, but if the freight forwarder has more than one claim within the same STCC Code, Loss Code and Location Code, the claims should be summarized.

4. Column E should indicate the location where each loss occurred to the best of your belief by showing one of the standard codes shown in Table 1. The commercial zones are defined and described in 49 CFR 1048. Otherwise show the appropriate State, Country or unknown code.

5. Column F should show the dollar amount, rounded to the nearest dollar. Omit cents.

6. A computer generated printout report listing all the information requested may be filed in lieu of the furnished form, providing the report is accompanied by a machine-language card deck or data on magnetic tape in conformity with programs available from the Commission. The programs are in COBOL. The computer printout must be a clear copy capable of duplication, and must include full identification of the respondent, schedules and column headings.

TABLE 1 LOCATION CODES

States (Include District of Columbia)	Code
Alabama	01
Alaska	02
Arizona	04
Arkansas	05
California (except codes 69, 74 and 79)	06
Colorado	08
Connecticut	09
Delaware	10
District of Columbia (except code 81)	11
Florida (except code 70)	12
Georgia (except code 60)	13
Hawaii	15
Idaho	16
Illinois (except code 63 and 77	17
Indiana (except code 64)	18
Iowa	19
Kansas	20
Kentucky	21
Louisiana (except code 71)	22
Maine	23
Maryland (except code 61)	24
Massachusetts (except code 62)	25
Michigan (except code 67)	26
Minnesota	27
Mississippi	28
Missouri (except code 78)	29
Montana	30
Nebraska	31
Nevada	32
New Hampshire	33
New Jersey (except codes 72 and 75)	34
New Mexico	35
New York (except code 73)	36
North Carolina	37
North Dakota	38
Ohio (except code 65)	39
Oklahoma	40
Oregon	41
Pennsylvania (except code 76)	42
Rhode Island	44

Schedule B, Form QLD-FF	Code
South Carolina	45
South Dakota	46
Tennessee	47
Texas (except codes 66 and 68)	48
Utah	49
Vermont	50
Virginia (except code 81)	51
Washington (except code 80)	53
West Virginia	54
Wisconsin	55
Wyoming	56
COMMERCIAL ZONES	
Atlanta, Georgia	60
Baltimore, Maryland	61
Boston, Massachusetts	62
Chicago: Illinois Area	63
Chicago: Indiana Area	64
Cleveland, Ohio	65
Dallas, Texas	66
Detroit, Michigan	67
Houston, Texas	68
Los Angeles, California	69
Miami, Florida	70
New Orleans, Louisiana	71
New York: New Jersey Area	72
New York: New York Area	73
Oakland, California	74
Philadelphia: New Jersey Area	75
Philadelphia: Pennsylvania Area	76
St. Louis: Illinois Area	77
St. Louis: Missouri Area	78
San Francisco, California	79
Seattle, Washington	80
Washington, D.C.: Virginia Area (incl. Potomac Yard)	81
FOREIGN	
Canada	91
Mexico	92
Unknown	00

TABLE 2

NUMERIC COMMODITY LISTING, SCHEDULE B, FORM QLD-FF

STCC CODE	LINE NO.	COMMODITY DESCRIPTION
1900	27	Ordnance, N.O.I.
1950	14	Firearms, small arms, 30MM & under
1960	2	Ammunition for small arms, 30MM & under
2000	15	Food & allied products, N.O.I.
2030	16	Food, canned, dried, preserved, pickled
2070	5	Candy & confectionery
2110	8	Cigarettes
2200	35	Textiles, woven knit, miscellaneous mill products
2300	9	Clothing
2500	17	Furniture & fixtures
2600	29	Paper and paper products
2700	33	Printed matter
2800	6	Chemicals & allied products, N.O.I.
2830	10	Drugs, medicines, biological products
2844	37	Toilet preparations, cosmetics
2850	28	Paints, varnishes, enamels, lacquers
2892	13	Explosives, except ammunition
3000	31	Plastic and rubber products
3010	36	Tires and tubes
3140	34	Shoes
3220	18	Glassware & glass products
3260	7	China or pottery products
3300	25	Metal sheet casting, forgings, stampings
3400	24	Metal products, fabricated, N.O.I.
3420	19	Hardware, except power tools
3430	32	Plumbing and heating fixtures, supplies
3500	23	Machinery, N.O.I.
3540	38	Tools, power and machine
3570	26	Office machines
3600	11	Electrical machinery, equipment, supplies
3630	20	Household appliances
3640	12	Electric lighting equipment, lamps
3651	40	TV & radio sets, recorders, amplifiers, parts
3652	30	Phonograph records, recording tapes
3714	3	Auto, bus, truck parts, accessories
3720	1	Aircraft, missile engines, parts
3800	21	Instruments, laboratory & other, N.O.I.
3860	4	Camera, photo equipment, supplies
3870	41	Watches, clocks, parts
3910	22	Jewelry, silverware, platedware
3940	34	Toys, games & sporting goods
9900	42	All other, N.O.I.

APPENDIX B

SCHEDULE XX

Summary of Freight Loss and Damage Claims

Line		
1.	Freight revenue (Account 501)	$
2.	Number of theft related claims paid	
3.	Number of other claims paid	
4.	Net dollars paid (See instructions below)	$
5.	Claims expense/revenue ratio: (Line 4 ÷ Line 1)	%

INSTRUCTIONS TO SCHEDULE XX

Exclude from this schedule the revenues and claims incurred in connection with freight forwarder services and shipments which have a prior or subsequent movement by air, and are reported to the Civil Aeronautics Board, CAB Form 239. Line 1 should show all freight forwarder revenue in Account 501. Line 2 should show the number of claims paid during the year for robbery, theft and pilferage, and other shortage as defined below:

Robbery - Failure to deliver all or part of a shipment as the result of stealing, including hijacking, with the use of force or threat of force against a person or persons. (Note: Claims for physical damage to freight in the same or other shipments resulting from robbery should be reported under Robbery).

Theft and Pilferage - Failure to deliver all or part of a shipment as the result of known stealing, or under circumstances indicating the probable cause was stealing, without use of force or threat of force against a person or persons, when it is known the freight was in the carrier's custody. (Note: Claims for physical damage to freight in the same or other shipments resulting directly from theft or pilferage should be reported under Theft and Pilferage).

Other Shortage - Failure to deliver all or part of a shipment for unknown reasons. (Note: Includes the unexplained disappearance of all or part of a shipment for reasons other than robbery or theft and pilferage, as defined above).

Line 3 should show the number of all other claims paid in full or in part during the year not reported on line 2.

Line 4 should include the net dollar amount of claims paid during the year. This includes claims paid in full or paid in part, less amounts recovered from underlying carriers, salvage, insurance, and claim refund cancellations.

Line 5 should show the ratio in percentage form (two decimal places).

[FR Doc.77-626 Filed 1-7-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status and Critical Habitat for the Giant Anole

The Director, U.S. Fish and Wildlife Service (hereinafter, the "Director" and the "Service", respectively), hereby issues a proposed rulemaking, pursuant to sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884; hereinafter the "Act"), which would determine the Giant Anole (*Anolis roosevelti*) to be an Endangered Species and which would determine Critical Habitat for this species. This lizard occurs on Culebra Island, Commonwealth of Puerto Rico.

BACKGROUND

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes.

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

Although originally described in 1931, very few specimens of this lizard are known to exist. There is considerable speculation among herpetologists as to its continued existence; searches by various individuals have failed to locate any of the lizards. However, this species is a canopy lizard, and inhabits an area extremely difficult to penetrate, especially by casual visitors. Herpetologists familiar with Culebra Island believe it may still exist on Mt. Resaca in small numbers. Unless definitely established to be extinct, protection should be afforded to both the lizard and its habitat.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of section 4(a) of the Act. These factors, and their application to the Giant Anole are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Giant Anole is a rare lizard which may survive only in the canopy of mountain forest on Mt. Resaca. The fan-leaved palm is the tallest tree in such forest, and, as with the semi-moist forest in general, is quickly disappearing because of man's activities. Unless the remaining forest on the slopes of Mt. Resaca is preserved, the specialized habitat of this lizard is threatened with destruction.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable for this species.

(3) *Disease or predation.* Unknown.

(4) *The inadequacy of existing regulatory mechanisms.* There are no existing regulatory measures to protect this species.

(5) *Other natural or manmade factors affecting its continued existence.* None.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation," states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of [E]ndangered species and [T]hreatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765). The areas delineated below do not necessarily include the entire Critical Habitat of the Giant Anole and modification to Critical Habitat descriptions may be proposed in the future. In accordance with section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of the Giant Anole found within the areas delineated below.

The areas delineated below (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) do not necessarily include the entire Critical Habitat of the Giant Anole, and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of the Giant Anole found within the areas delineated below.

Until the promulgation of section 7 regulations, all Federal departments and agencies should, in accordance with section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect Critical Habitat within the delineated areas. Consultation pursuant to section 7 should be carried out using the procedures contained in the "Guidelines to Assist the Federal Agencies in Complying with section 7 of the Endangered Species Act of 1973" which have been made available to the Federal agencies by the Service.

CRITICAL HABITAT DETERMINATION

Based upon letters to the Fish and Wildlife Service from Herb Raffaele and Noel Snyder, Critical Habitat for the Giant Anole includes the following areas (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species):

I. A circular area of land with a 1.4 kilometer radius, the center being the summit of Mt. Resaca on Culebra Island, Commonwealth of Puerto Rico.

EFFECT OF THE RULEMAKING

The effects of these determinations and this rulemaking would include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. All of those prohibitions and exceptions also apply to any Threatened Species unless a Special Rule pertaining to that Threatened Species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered Species, are found at § 17.21 of Title 50 and, for the convenience of the reader, are reprinted below:

§ 17.21 *Prohibitions.*

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

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(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c) (2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained disposed of, or salvaged in accordance with directions from the Service.

"(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days."

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carriers a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances. Such permits involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to section 4(b) of the Act, the Director will notify the Governor of Puerto Rico with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interest or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) of the Giant Anole.

(2) The location of the reasons why any habitat of the Giant Anole should or should not be determined to be "Critical Habitat" as provided for by section 7 of the Act;

(3) Additional information concerning the range and distribution of the Giant Anole.

Final promulgation of the regulations on the Giant Anole will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street, NW, Washington, D.C. 20240, and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to Director (FWS/WPO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. All relevant comments and materials received no later than April 7, 1977, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Room 514, 1717 H Street, NW, Washington, D.C.

(Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884)

Dated: December 22, 1976.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend §17.11 by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
REPTILES							
Anole, Giant	*Anolis roosevelti*	NA	Culebra Island, Puerto Rico.	Entire	E		NA

It is further proposed to amend 50 CFR Part 17:

1. By amending the Table of Sections for Subpart I of Part 17 to read as follows:

Subpart I—Interagency Cooperation

Sec.
17.95 Critical habitat—fish and wildlife.

2. By adding new §17.95(c)(4) reading as follows:

§ 17.95 Critical habitat—fish and wildlife.

(c) Reptiles • • •

(4) Giant Anole. (a) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the Giant Anole:

[1] A circular area of land with a 1.4 kilometer radium, the center being the summit of Mt. Resaca on Culebra Island, Commonwealth of Puerto Rico.

[FR Doc.77-727 Filed 1-7-77;8:45 am]

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status and Critical Habitat for the St. Croix Ground Lizard

The Director, U.S. Fish and Wildlife Service (hereinafter, the "Director" and the "Service," respectively), hereby issues a proposed rulemaking, pursuant to sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 87 Stat. 884: hereinafter the "Act"), which would determine the St. Croix Ground Lizard

(*Ameiva polops*) to be an Endangered Species and which would determine Critical Habitat for that species. This species occurs on Green and Protestant Cays, U.S. Virgin Islands.

BACKGROUND

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of section 4(a) of the Act. These factors, and their application to the St. Croix Ground Lizard are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—The St. Croix Ground Lizard is presently confined in small numbers to Green and Protestant Cays near St. Croix, U.S. Virgin Islands. About 200 individuals have been reported from Green Cay, thirteen acres in area and presently undeveloped. Protestant Cay, four acres in area, supports about 100 individuals; there is some development in the form of a hotel. Expansion of development on Protestant Cay or the start of development on Green Cay could seriously reduce available habitat for this lizard. A sea wall constructed in 1963 in Frederiksted was apparently responsible in part for the elimination of the last population of the St. Croix Ground Lizard on St. Croix.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*—Not applicable for this species.

3. *Disease or predation.*—This is probably a significant factor contributing to the current plight of the species.

Strong but circumstantial evidence indicates that the introduced Indian mongoose has played a significant role in the decline of the St. Croix Ground Lizard. The mongoose was introduced to St. Croix in 1884 and populations of *Ameiva polops* have declined ever since. The last individuals were reported from Christiansted in 1920 and Frederiksted in 1968. St. Croix now supports a dense mongoose population which may be as high as one individual per acre. Both Green and Protestant Cays, which support populations of the lizard, are not populated by mongooses. An introduced population of *A. polops* on Buck Island has apparently been exterminated because of mongoose predation; the National Park Service is currently conducting studies to determine if there is a direct correlation between numbers of mongooses and the decline in *Ameiva* populations. If mongooses are released on Green or Protestant Cay, existing populations of *A. polops* could be eliminated.

4. *The inadequacy of existing regulatory mechanisms.*—There currently exist no regulations pertaining to the protection and conservation of this species.

5. *Other natural or manmade factors affecting its continued existence.*—None.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation", states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of [E]ndangered species and [T]hreatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764–17765).

The areas delineated below (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) do not necessarily include the entire Critical Habitat of the St. Croix Ground Lizard, and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of the St. Croix Ground Lizard found within the areas delineated below.

Until the promulgation of section 7 regulations, all Federal departments and agencies should, in accordance with section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect Critical Habitat within the delineated areas. Consultation pursuant to section 7 should be carried out using the procedures contained in the "Guidelines to Assist the Federal Agencies in Complying with section 7 of the Endangered Species Act of 1973" which have been made available to the Federal agencies by the Service.

CRITICAL HABITAT DETERMINATION

Based upon literature reviews and conversations with Dr. Richard Philibosian who has looked for populations over the former range and conducted studies on remaining populations, Critical Habitat for the St. Croix Ground Lizard includes the following areas:

(i) Green Cay, U.S. Virgin Islands, Entire Island.

(ii) Protestant Cay, U.S. Virgin Islands, Entire Island.

It is emphasized that the areas delineated below may not necessarily include all of the potential Critical Habitat of the St. Croix Ground Lizard, and modifications may be proposed in the future. In particular, Buck Island Reef National Monument may be considered, but at present lacks any individuals of St. Croix Ground Lizards, and harbors a large mongoose population, despite past attempts to reintroduce the lizard there and past attempts to eliminate mongooses.

EFFECT OF THE RULEMAKING

The effects of these determinations and this rulemaking would include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. All of those prohibitions and exceptions also apply to any Threatened Species unless a Special Rule pertaining to that Threatened Species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered Species, are found at § 17.21 of Title 50 and, for the convenience of the reader, are reprinted below:

§ 17.21 *Prohibitions.*

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

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(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner: the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the third in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship and endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carriers a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Regulations published in the FEDERAL REGISTER of September 26, 1975, (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances. Such permits, involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to section 4(b) of the Act, the Director will notify the Governor of the Virgin Islands with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the St. Croix Ground Lizard;

(2) The location of and reasons why any habitat of the St. Croix Ground Lizard should or should not be determined to be "Critical Habitat" as provided for by section 7 of the Act;

(3) Additional information concerning the range and distribution of the St. Croix Ground Lizard.

Final promulgation of the regulations on the St. Croix Ground Lizard will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street, NW, Washington, D.C. 20240, and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to Director (FWS/WPO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. All relevant comments and materials received no later than April 8, 1977, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Room 514, 1717 H Street, NW, Washington, D.C.

(Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).)

Dated: December 29, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend Section 17.11 by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
REPTILES							
Lizard, St. Croix Ground.	*Ameiva polops*.....	NA	Virgin Islands: Green Cay, Protestant Cay.	Entire..	.. E		NA

It is further proposed to amend 50 CFR Part 17:

1. By amending the Table of Sections for Subpart I of Part 17 to read as follows:

Subpart I—Interagency Cooperation

Sec.
17.96 Critical habitat—Fish and wildlife.

2. By adding new § 17.95(c)(2) reading as follows:

§ 17.95 Critical habitat—fish and wildlife.

(c) Reptiles • • •

(2) St. Croix Ground Lizard. (a) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the St. Croix Ground Lizard (*Ameiva polops*):

(i) Green Cay, U.S. Virgin Islands, Entire Island.

(ii) Protestant Cay, U.S. Virgin Islands, Entire Island.

[FR Doc.77-726 Filed 1-7-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ADVISORY COMMITTEE ON POULTRY HEALTH, MYCOPLASMOSIS SUBCOMMITTEE

Meeting

The first meeting of the Advisory Committee on Poultry Health was held at 9 a.m. on October 5, 1976, in the EPIC Room, Federal Building, 7th Floor, United States Department of Agriculture, Hyattsville, Md.

The functions of the committee include: advising the Secretary of Agriculture on outbreaks of avian diseases; studying and recommending extension of new and existing research; assisting in planning and disseminating information; recommending plans for eradication and control of avian diseases; and assisting in attaining the necessary cooperation from all segments of the poultry industry.

At this first meeting three subcommittees were appointed: Mycoplasmosis, Fowl Plague, and Area Quarantine.

The first meeting of the Mycoplasmosis Subcommittee will be held on January 25, 1977, from 9 a.m. to 4 p.m., in Room 643A, United States Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

The purpose of this meeting is to examine problems encountered by the poultry industry because of mycoplasmosis infections, field programs, testing and diagnosis, and antigen production, and to make recommendations for possible resolution of these problems.

The meeting is open to the public. Written statements may be filed with the subcommittee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, Washington, D.C. 20250, Area Code (202) 447–3668.

Dated: January 6, 1977.

F. J. MULHERN,
Administrator, Animal and
Plant Health Inspection Service.

[FR Doc.77-1021 Filed 1-10-77;8:45 am]

Agricultural Research Service

NATIONAL PLANT GENETICS RESOURCES BOARD

Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–799) notice is hereby given that a meeting of the National Plant Genetics Resources Board will be held on Thursday, February 3, 1977, in Room 2W, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, D.C. 20250. The meeting is open to the public and will convene at 9:00 a.m. Members of the public may submit comments before or after the meeting.

The purpose of the meeting is to advise the Secretary and leaders of the National Association of State Universities and Land Grant Colleges on actions and policies regarding the collection, maintenance, and utilization of plant genetic resources; the coordination of plant germplasm collection plans among several national agencies and international organizations; the assessment of national needs and identification of high priority programs for conserving and utilizing plant genetic materials to minimize genetic vulnerability.

Copy of the agenda and further information concerning the meeting may be obtained by contacting Dr. C. F. Lewis, National Program Staff, Agricultural Research Service, U.S. Department of Agriculture, BARC West, Beltsville, Maryland 20705. His phone number is (301) 344–3884.

Done at Washington, D.C., this 5th day of January, 1977.

T. W. EDMINSTER,
Administrator.

[FR Doc.77-817 Filed 1-7-77;8:45 am]

Forest Service

COOPERATIVE GYPSY MOTH SUPPRESSION AND REGULATORY PROGRAM 1977 ACTIVITIES

Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, and Animal and Plant Health Inspection Service, Department of Agriculture, have prepared a Draft Environmental Statement for 1977 Activities which is an addendum to the 1974 Final Environmental Statement on the Cooperative Gypsy Moth Suppression and Regulatory Program, USDA, FS–APHIS (Adm.) 77–01.

The Draft Environmental Statement concerns a cooperative suppression program with the States of Pennsylvania, New York, and New Jersey, to treat approximately 146,800 acres of high-value forest land. Four insecticides will be used. Some areas will be treated with carbaryl, some with trichlorfon, some with Dimilin, and some with acephate, to protect forest resources from damage by the gypsy moth. The cooperative regulatory program is to prevent artificial, long-distance spread and to eradicate remote infestations in the United States.

This Draft Environmental Statement was filed with CEQ on January 4, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Avenue SW, Washington, D.C. 20250.
USDA, Animal and Plant Health Inspection Service, Administration Building, Room 302–E, 12th St. & Independence Ave., SW, Washington, D.C. 20250.
USDA Forest Service, 6816 Market Street, Upper Darby, Pennsylvania 19082.

A limited number of single copies are available upon request to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C. 20250.

Copies of the Draft Environmental Statement 1977 Gypsy Moth Suppression and Regulatory Program have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. John R. McGuire, Forest Service, South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C. 20250. Telephone 202/447–4710. Comments must be received by March 4, 1977, in order to be considered in preparation of the final Environmental Statement.

R. MAX PETERSON,
Deputy Chief,
Programs and Legislation.

DECEMBER 20, 1976.

[FR Doc. 77-819 Filed 1-7-77;8:45 am]

FOREST SERVICE GRAZING ADVISORY BOARDS

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed 47 Forest Service Grazing Advisory Boards for an additional 2-year period ending January 5, 1979.

These are local boards established by the Secretary of Agriculture on March 5,

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1975, under his own authority (36 CFR 231.10). Their purpose is to provide National Forest Service grazing permittees a means for expressing their recommendations concerning management and administration of the range resources of the National Forest System.

The Assistant Secretary has determined that continuation of these boards is necessary and in the public interest in connection with the duties imposed on the Department by law.

J. W. DEINEMA,
Deputy Chief.

[FR Doc.77-818 Filed 1-7-77;8:45 am]

ROCKY MOUNTAIN ENERGY CO.

Availability of Draft Environmental Statement for Bear Creek Uranium Mining and Milling Project

CROSS REFERENCE: For a document relating to the above-mentioned subject issued by the Nuclear Regulatory Commission, see FR Doc. 77-425 appearing in the Notices Section of this issue.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on February 24, 1977, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters involving classified defense information and proprietary company data which come under the purview of subparagraph (4), section 552(b) Title 5 U.S.C.

The agenda topics will be status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext. 5727, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO HQS NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 4, 1977.

[FR Doc.77-739 Filed 1-7-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-1183; Docket No. 21047]

AMERICAN TELEVISION AND COMMUNICATIONS CORP.

Memorandum Opinion and Order Instituting Investigation

Adopted: December 21, 1976.

Released: December 23, 1976.

In the matter of American Television and Communications Corporation, revisions to Tariff F.C.C. No. 2, Transmittal No. 17.

1. The Commission has before it Transmittal No. 17 of American Television and Communications Corporation (ATC) and the accompanying revised pages to its Tariff F.C.C. No. 2 filed on September 30, 1976 to become effective January 1, 1977. A petition to suspend, investigate, and to order an accounting with respect to the proposed tariff was filed by TelePrompter Corporation (TelePrompter) and ATC has filed a reply to TelePrompter's petition.

2. ATC provides point-to-point common carrier microwave transmission of Minneapolis television signals to 12 cable television systems located in the State of Minnesota. The microwave system consists of a pickup station at Rockford, Minnesota and ten repeater-drop stations. There have been no recent modifications to the existing system, and no new microwave facilities have been constructed since 1969. However, ATC must install new high powered radio equipment at over 50% of its stations by June 1, 1977 in order to meet the frequency tolerance requirements provided in 47 C.F.R. 21.101(a). ATC's estimate of the total costs for this equipment change is approximately $315,000. Such a substantial outlay of capital funds, coupled with a desire to expand its existing system, caused ATC to reevaluate its present rate structure.

3. Under its revised tariff, ATC has introduced a rate structure which is designed to cover the expenditures necessary to replace present equipment, create a standardized schedule for all existing and potential customers, and encourage small cable systems to take common carrier service from ATC. All present customers, except one, will incur rate increases of varying amounts. This would be the first rate increase for six of ATC's cable customers in over ten years. The revised tariff provides that monthly customer charges will be calculated on the basis of two factors: (1) a flat per-channel charge and (2) the population of the community served. The charges for each channel transmitted to the customer are as follows: first channel, $600; second channel, $500; each channel thereafter, $200. The population component is calculated by dividing 3.5 (average persons per home) into the actual population of the community served by the cable operator to arrive at an "adjusted homes per community" factor. ATC then multiplies the number of adjusted homes times $.10 for the first channel transmitted to its customers and $.05 for the second channel. There are no per-home charges for any additional channels. The base channel charge is then added to the adjusted homes per community figure to arrive at the customer's total monthly charge. However, the first 2,000 homes of every community are disregarded, states ATC, "for economic reasons and to attract small cable operators." ATC maintains that this new rate structure will yield an increase in its annual revenues from its present $189,300 to $211,116 or 11.5 percent. ATC's costs for maintaining its existing facilities increased from $57,380 during fiscal year 1975 to $73,622 during the fiscal year 1976. ATC initially projected that its rate of return under this new rate srtucture would be 9.9 percent in 1977, 12.5 percent in 1978, and 12.2 percent in 1979. However, ATC states in its reply to the petition to suspend that a serious error was made in calculating its anticipated operating expenses for inclusion in the section 61.38 material and that the impact of the corrections changes its pro forma rate of return to 6.69 percent in 1977, 6.93 percent in 1978 and 6.17 percent in 1979.

4. TelePrompter is the owner and operator of the cable television system serving the communities of Brainard and Baxter, Minnesota. It provides its subscribers with the signals of five television stations transmitted to Brainard by ATC's common carrier point-to-point microwave facilities. ATC's tariff revisions will increase the rate charged to TelePrompter by 12.4 percent. TelePrompter contends that ATC's use of a rate structure predicated in part upon the population of the community served by ATC's cable system customers departs from cost of service ratemaking principles and therefore raises the very questions of lawfulness under Section 201(b) and 202(a) of the Act as are presently being considered by the Commission in American Television Relay, Inc., Docket No. 19609, 37 FCC 2d 751 (1975). TelePrompter urges the Commission to follow the rulings with regard to other tariffs which have incorporated population elements, citing Mountain Microwave Corp., Docket No. 20493, 56 FCC 2d 63 (1975), Western Tele-Communications, Inc., Docket No. 20493, 55 FCC 2d 203 (1975), In the Matter of United Video, Inc., Docket No. 20198, 49 FCC 2d 878 (1974) and to suspend ATC's revised tariff and designate the matter for a hearing and an accounting pending completion of the proceeding in Docket 19609. Furthermore, TelePrompter contends that ATC has not substantially complied with section 61.38 of the Commission's Rules. In this regard, TelePrompter alleges that ATC has failed to submit a cost of service study for the specified three year period, has made no effort to estimate the effects of the tariff changes on its traffic and revenues, and has omitted the required working papers.

5. In its reply, ATC contends that because TelePrompter is involved in other Commission proceedings involving novel rate structures not based upon cost of service principles, and which have been suspended pending the ATR decision, that it has filed this petition to suspend because TelePrompter is more concerned with presenting "a consistent front to the Commission" then in examining the justness and reasonableness of ATC's new rates. ATC maintains that this particular rate structure does not warrant similar treatment because it is a just and reasonable structure distinguishable from those suspended in ATR, United Video, Mountain Microwave and Western Tele-Communications. The distinguishing factors, states ATC, are: (1) that ATC's rate revisions only produce an increase in annual revenues of 11.5 percent, while those involved in United Video, Mountain Microwave and Western Tele-Communications produced increased annual revenues of 35 percent, 44 percent and 47 percent respectively, (2) that only one cable customer has petitioned for suspension of ATC's rate structure, while more than one objected in the other cases, (3) that the ATC structure does not incorporate geographic zones as did the other suspended structures, and (4) that the business relationship which exists between ATR, Mountain Microwave, and Western Tele-Communications is absent in this situation. Finally, ATC refutes TelePrompter's contention that it has not substantially complied with the requirements of section 61.38.

6. Upon consideration of the revised tariff structure, ATC's 61.38 material and the pleadings of the parties, we are of the opinion that substantial questions have been raised as to whether ATC's proposed tariff revisions are lawful within the meaning of sections 201(b) and 202(a) of the Communications Act. Because ATC's rate structure increases its customer charges as the actual population of the community to be served by the customer increases, the questions of lawfulness raised by this tariff are generally the same as those presently under review in Docket 19609. First, such a rate structure apears to establish a value of service arrangement based upon what the traffic will bear. Whether and if such a departure from cost of service ratemaking principles can be a just and reasonable practice within the meaning of Section 201(b) is being deliberated in the ATR case. Second, the "adjusted homes per community" factor results in cable system operators in communities with large populations paying a higher rate than smaller communities for the same communication service. Whether such a discrimination can be considered just and reasonable under Section 202(a), or justifiable for other public interest reasons is also under consideration in Docket 19609. Regardless of the motive ATC imputes to TelePrompter's petition to suspend, or the fact that ATC's rate structure does not incorporate a geographic zone concept, or the absence of a special business relationship that was present in other cases cited by ATC, the questions of lawfulness outlined above nevertheless persist. Furthermore, it makes no difference that only one customer has filed an objection to ATC's proposed tariff revision. When questions of lawfulness arise, the Commission can suspend a tariff without any formal complaints. Section 204 of the Act empowers the Commission to suspend such a filing "upon its own initiative." We also believe that ATC has substantially complied with the requirements of section 61.38 of our rules, with one exception. ATC has failed to submit the working papers and statistical data required by 61.38(b). We must therefore order ATC to comply with the rules by submitting these materials within 30 days of the release of this order. Otherwise, we will reject ATC's tariff on these grounds.

7. In view of the foregoing, we shall suspend the effectiveness of the proposed tariff changes for the maximum five month statutory suspension period; order an investigation into the lawfulness of such tariff changes; and impose an accounting order providing for possible refunds. In the event we granted TelePrompter's petition to suspend, ATC has requested that we limit the period of suspension to one day. Based upon our evaluation of the data submitted by ATC in its section 61.38 attachment, we find no evidence indicating that the revenues generated under the present rate structure will result in future operating losses, nor do we find a pressing need for current or prospective rate relief. Although ATC is required to expend over $300,000 to replace equipment in 1977, it negates its assertion that imposition of the maximum period of suspension would be inequitable by stating that the new rate structure will yield only a "modest increase in revenues." It thus appears evident that ATC will not be unduly burdened if we suspend the effective date of its revised tariff for the period authorized by section 204(a) of the Act. See In the Matter of Midwestern Relay Co., 59 FCC 2d 477, 479 (1976). However, we shall defer establishing procedures for the above ordered investigation pending resolution of the proceeding in Docket No. 19609. That docket, in which we anticipate a final decision in the near future, should lead to resolution of the similar issues in this case.

8. Accordingly, *it is ordered*, That, pursuant to sections 4(i), 4(j), 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by ATC with Transmittal No. 17 including any cancellations, amendments or re-issues thereof:

9. *It is further ordered*, That, pursuant to the provisions of Section 204 of the Act, the revised tariff schedules filed by ATC with Transmittal No. 17 are hereby suspended until May 31, 1977 and that ATC, as to the operation of such tariff schedules shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reasons of such increases, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision herein, the Commission may by further order, require the refund thereof, with interest, pursuant to Section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as the Chief, Common Carrier Bureau shall require;

10. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) whether the charges, classifications, practices and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of Section 201(b) of the Act;

(2) whether such charges, classifications, practices and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of Section 202(a) of the Act;

(3) if any such charges, classifications, practices, or regulations are found to be unlawful whether the Commission, pursuant to Section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed;

11. *It is further ordered*, That, pursuant to sections 4(i) and 4(j) of the Act, hearings in this investigation are deferred during the pendency of Commission proceedings in Docket No. 19609 or until further Commission order;

12. *It is further ordered*, That, American Television and Communications Corporation is made a party Respondent herein and that TelePrompter Corporation and the Trial Staff are made parties pursuant to section 1.221(d) of the Commission's Rules, and that all other interested persons wishing to participate may do so by filing a notice of intention to participate within 30 days of the date of publication of this order in the FEDERAL REGISTER.

13. *It is further ordered*, That ATC shall submit the working papers and statistical data required by 47 C.F.R. 61.38 (b) within 30 days of the release of this order;

14. *It is further ordered*, That, the Secretary shall send a copy of this order by certified mail, return receipt requested, to the parties identified in paragraph 12 above, and shall cause a copy to be published in the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-770 Filed 1-7-77;8:45 am]

[FCC 76-1194; RM-2579]

PUBLIC INSPECTION OF BROADCAST STATION FILES

Memorandum Opinion and Order Denying Petition for Rulemaking

Adopted: December 21, 1976.

Released: January 4, 1977.

In the matter of petition for rule making to amend Part 73 of the rules concerning public inspection of broadcast station files.

1. The Commission has before it the petition for rule making filed by Solomon O. Battle in which he argues in favor of changes in the Commission's rules relating to the viewing of public inspection files at broadcast stations. Under section 1.526 of the rules, broadcast stations are required to maintain files for public inspection. The rule also specifies what material the file is to contain and provides for public access to the file during regular business hours.

2. Mr. Battle asserts that a need exists for changes in these rules in order to facilitate public access to these files and to avoid the possibility of station harassment or interference with the public's access. To this end he would require (1) that a sign be posted at each station listing the location of the file, hours of inspection and the public's right to view the files without interference, (2) that the files "be kept in an easily accessible rather than remote location at the station," (3) that the file "shall be available at all times the licensee is entitled to operate the station (during such hours of business as are posted)"[1] and (4) that a notice be posted informing the public that penalties can attach for failure to allow proper access by members of the public.

3. It is not entirely clear why Mr. Battle believes such changes are necessary to vindicate the right of public access. Admittedly problems can arise in connection with access of the public to these files, but it has not been the Commission's experience that such problems are widespread or that they necessitate any basic restructuring of the rule requirements. Mr. Battle does not offer evidence that this impression is an inaccurate one or that problems are widespread. Rather, his premise seems to be that stations generally cannot be relied upon to provide access or to do so willingly or without imposing obstacles. This has not been our experience, and a basic change in the rule must rest on more than the doubts implicit in Mr. Battle's filing.

4. The proposal to require the posting of signs regarding public inspection files has not been shown to be necessary. While the Commission would have no objection to a station's decision to post such a sign, it does not follow that we should impose such a requirement. Since these signs would only be visible to visitors at the station, they would not inform the public at large. Except for the chance that a person visiting the station for another purpose might be made aware of the opportunity to view the file, it is not clear why there is the need for such signs unless the argument is that stations otherwise would not observe their obligations. We reject the premise that such a step is necessary to guarantee access. No doubt occasional misunderstandings can and do develop as to the public access issue. However, we do not believe that a rule of the sort proposed should be imposed on all stations. This is not the way to address this issue. Such isolated problems as do develop can better be dealt with on their own terms.

5. Separate from the sign posting aspect of Mr. Battle's proposal, we are offered several suggestions for changes in the access requirements themselves. Here, too, we do not find ourselves persuaded. In fact, we believe that this approach would introduce new problems and possibly create unfairness. Clearly this would be the case with the proposed requirement of access during all hours the station is allowed to operate. This would be most burdensome if by this it is meant that the licensee would have to provide 24 hour access to all FM and television stations simply because all licenses permit 24-hour operation. On the other hand, if it means no more than there must be posted business hours, it is not clear how the present rule calling for access during this time is inadequate. The insistence that access be on a totally non-interrupted basis is not entirely realistic. A rule foreclosing any suspension, no matter how brief, for renovation, cleaning, or lunch time appears neither necessary nor fair. Absent some question of abuse or an attempt to defeat access, there is no reason to reject these explanations out of hand. That would be far to rigid a stance. We are confident that good faith efforts by stations would obviate any problems in this regard even if the file should for the moment not be available. As to specifying where at the station the file is to be viewed, we do not agree that there is a need for the Commission to adopt additional requirements. The location for storage and the means of security are matters for station discretion consistent with the intent of section 1.526 and the right of public access. No evidence has been provided to show that station practices are at odds with the intent of the section. Thus, even if some occasional problem exists, it has not been shown that an adoption of a rule is the answer. Stations are expected to fulfill their obligations in good faith, and by and large they do so. Unsupported assertions that such is not the industry practice, an assertion that appears to be at the heart of these proposals, cannot be accepted. This is especially true for the final proposal to require the posting of a sign telling the public of the sanctions to the station which could result from rule violations. Such an approach virtually assumes noncompliance; it invites complaints, and it expresses the faulty view that stations cannot be trusted to discharge their obligations. If violations do occur which warrant a Commission response, we do not have to rely on the posting of a sign in order to proceed.

6. Under these circumstances, the relief sought has not been shown to be warranted, and as a result, the subject petition for rule making is denied.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary

[FR Doc.77-771 Filed 1-7-77;8:45 am]

[1] A requirement that the file be available at all times the licensee is entitled to operate the station seems to be in conflict with "during business hours"—see discussion below.

WKZL, ET AL.

FM Broadcast Applications Ready and Available for Processing Pursuant to Section 1.573(d) of the Commission's Rules

Adopted: December 15, 1976.

Released: December 30, 1976.

Notice is hereby given, pursuant to section 1.573(d) of the Commission's Rules, that on February 15, 1977, the FM broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 14, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on February 14, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to section 1.573(d) of the Commission's Rules.

The attention of any party in interest desiring to file pleadings concerning any pending FM broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

BPH-9951 (WKZL), Winston-Salem, N.C., Golden Circle Broadcasting Corp., Has: 107.5 mHz; Channel No. 298C, ERP: 40 kW; HAAT: 280 ft. (Lic). Req: 107.5 mHz; Channel No. 298C. ERP: 100 kW; HAAT: 499 ft.

BPH-9978 (New), Oakdale, Calif., Goldrush Broadcasting, Inc., Req: 95.1 mHz; Channel No. 236B. ERP. 50 kW; HAAT: 477.7 ft.

BPH-9982 (New), Dubuque, Iowa, Tower Power Corp., Req: 102.3 mHz; Channel No. 272A. ERP; 1.4 kW; HAAT; 437 ft.

BPH-9985 (New), Waynesville, N.C., Waynesville Broadcasting Co., Req: 104.9 mHz; Channel No. 285A. ERP: .100 kW; HAAT: 1638 ft.

BPH-9986 (New), Farmerville, La., Union Broadcasting Co., Inc., Req: 92.7 mHz; Channel No. 224A. ERP: 3 kW; HAAT: 268 ft.

BPH-9988 (New), Covert, Mich., Robert B. Taylor, Req: 98.3 mHz; Channel No. 252A, ERP: 3 kW; HAAT: 300 ft., (allocated to South Haven, Mich.)

BPH-10004 KSPL-FM Diboll, Tex., William L. Walling, Has: 95.5 mHz; Channel No. 238C. ERP: 6 kW; HAAT: 455 ft. (Lic.). Req: 95.5 mHz; Channel No. 238C. ERP: 50 kW; HAAT: 326 ft.

BPH-10011 (New), Monte Vista, Colo., Colorado Radio Corp., Req: 96.7 mHz; Channel No. 244A. ERP: 2.8 kW; HAAT: 311 ft.

BPH-10013 (New), Terrell, Tex., Direct Broadcasting Co., Req: 107.1 mHz; Channel No. 296A. ERP: 3 kW; HAAT: 300 ft.

BPH-10028 WZTA Tamaqua, Pa., Z Broadcasting, Inc., Has: 105.6 mHz; Channel No. 288A, ERP: 3 kW; HAAT: —11 ft. (Lic.). Req: 105.5 mHz; Channel No. 288A. ERP: 1 kW; HAAT: 480 ft.

BPH-10049 (New), Portland, Tex., Media Properties, Inc., Req: 105.5 mHz; Channel No. 288A, ERP: 3 kW; HAAT: 300 ft. (allocated to Taft, Tex.).

BPH-10052 (New), Largo, Fla., BIE Broadcasting Co., Req: 92.1 mHz; Channel No. 221A, ERP: 3 kW; HAAT: 300 ft. (allocated to Dunedin, Fla.).

BPH-10054 KBRO-FM Bremerton, Wash., Bremerton Broadcast Co., Has: 106.9 mHz; Channel No. 295C, ERP: 30 kW; HAAT: 86 ft. (Lic.), Req: 106.9 mHz; Channel No. 295C. ERP: 30 kW; HAAT: 1,377 ft.

BPH-10058 (New), Billings, Mont., Mattco, Inc., Req: 102.9 mHz; Channel No. 275C. ERP: 100 kW; HAAT: 500 ft.

BPH-10069 (New), Palm Springs, Calif., KPSI Radio Corp., Req: 100.9 mHz; Channel No. 265A. ERP: .525 kW; HAAT: 640 ft.

BPH-10103 (New), Taos, N. Mex., Taos Communications Corp., Req: 99.3 mHz; Channel No. 257A. ERP: 3 kW; HAAT: —283 ft.

BPH-10107 (New), Redding, Calif., Carroll E. Brock, Req: 104.3 mHz; Channel No. 282C. ERP: 22 kW; HAAT: 3538 ft.

BPH-10122 WRFS-FM Alexander City, Ala., Piedmont Service Corp., Has: 106.1 mHz; Channel No. 291C. ERP: 4.6 kW; HAAT: 240 ft. (Lic.). Req: 106.1 mHz; Channel No. 291C. ERP: 27 kW; HAAT: 254 ft.

BPH-10128 WAIV Jacksonville, Fla., Rounsaville of Jacksonville, Inc., Has: 96.9 mHz; Channel No. 245C. ERP: 100 kW; HAAT: 230 ft. (Lic.). Req: 96.9 mHz; Channel No. 245C. ERP: 100 kW; HAAT: 583 ft.

BPH-10158 KGRD-FM Las Cruces, N. Mex., KGRT, Inc., Has: 103.9 mHz; Channel No. 280A. ERP: 2.2 kW; HAAT: 150 ft. (Lic.). Req: 103.9 mHz; Channel No. 280A. ERP: 3 kW; HAAT: 150 ft.

BPH-10213 WCAR-FM Detroit, Mich., WCAR, Inc., Has: 92.3 mHz; Channel No. 222B. ERP: 10 kW; HAAT: 480 ft. (Lic.). Req: 92.3 mHz; Channel No. 222B. ERP: 50 kW; HAAT: 475.6 ft.

BPH-10238 (New), Goleta, Calif., Span-Amer Wireless Talking Machine, Req: 106.3 mHz; Channel No. 292A. ERP: 3 kW; HAAT: 482.9 ft.

BPH-10239 (New), Portage, Mich., The Air-Bourne Group, Ltd., Req: 107.7 mHz; Channel No. 299B ERP: 50 kW; HAAT: 500 ft., (allocated to Kalamazoo, Mich.).

BPH-10240 (New), Saugerties, N.Y., Kingston Broadcasters, Inc., Req: 100.1 mHz; Channel No. 261A, ERP: 2.11 kW; HAAT: 349 ft., (allocated to Woodstock, N.Y.).

BPH-10241 (New), Portage, Mich., Sear Broadcasting Co., Req: 107.7 mHz; Channel No. 299B. ERP: 50 kW; HAAT: 500 ft., (allocated to Kalamazoo, Mich.).

BPH-10242 (New), Scottsbluff, Nebr., The Hilliard Co., Req: 92.9 mHz; Channel No. 225C, ERP: 100 kW; HAAT: 940 ft.

BPH-10243 KKOS Carlsbad, Calif., Tri-Cities Broadcasting, Inc., Has: 95.9 mHz; Channel No. 240A. ERP: 3 kW; HAAT: 96 ft. (Lic.), Req: 95.9 mHz; Channel No. 240A. ERP: 2.75 kW; HAAT: 312 ft.

BPH-10259 (New), Beaufort, N.C., Emerald Communications, Inc., Req: 103.3 mHz; Channel No. 277C. ERP: 100 kW; HAAT: 457 ft., (allocated to Moorehead-Beaufort, N.C.).

BPH-10265 KIOQ-FM Bishop, Calif., Inyo-Mono Broadcasting Co., Has: 100.7 mHz; Channel No. 264B. ERP: 5 kW; HAAT: —880 ft. (Lic.). Req: 100.7 mHz; Channel No. 264B. ERP: 1 kW; HAAT: 2,960 ft.

BPH-10266 (New), Palm Springs, Calif., Westminster Broadcasting Corp., Req: 100.9 mHz; Channel No. 265A. ERP: 3 kW; HAAT: 300 ft.

BPH-10267 (New), Key, Ohio, Jacobsburg Bible Church, Inc., Req: 105.5 mHz; Channel No. 288A. ERP: 1.61 kW; HAAT: 423 ft., allocated to Moundsville, W. V.).

BPH-10268 (New), Bastrop, La., Cotton & Montgomery Enterprises, Inc., Req: 100.1 mHz; Channel No. 261A. ERP: 3 kW; HAAT: 300 ft.

BPH-10269 (New), Alachua, Fla., Alachua Broadcasting, Inc., Req: 104.9 mHz; Channel No. 285A. ERP: 3 kW; HAAT: 300 ft., (allocated to High Springs, Fla.).

BPH-10271 (New), St. Ignace, Mich., Mighty-Mac Broadcasting Co., Req: 102.3 mHz; Channel No. 272A. ERP: 3 kW; HAAT: 262 ft.

BPH-10273 (New), Redding, Calif., Colgan Communications Corp., Req: 104.3 mHz: Channel No. 282C. ERP: 25 kW; HAAT: 3582 ft.

BPH-10315 (New), Galesburg, Ill., Coleman Broadcasting Co., Req: 92.7 mHz; Channel No. 224A. ERP: 3 kW; HAAT: 300 ft.

BMPH-14867 KRSY-FM Roswell, N. Mex., Troy Raymond Moran, Has: 97.1 mHz; Channel No. 246C. ERP: 25.5 kW; HAAT: 155 ft. (CP). Req: 97.1 mHz; Channel No 246C. ERP: 25 kW; HAAT: 235 ft.

BPED-2266 (New), Girard, Penn., Board of Education Girard School District, Req: 88.3 mHz; Channel No. 202D. TPO: .01 kW.

BPED-2275 (New), Palm Springs, Calif., Palm Springs Unified School District, Req: 88.3 mHz; Channel No. 202D. TPO: .01 kW.

BPED-2278 KCWC Riverton, Wyo., Central Wyoming College, Has: 88.1 mHz; Channel No. 201D. TPO: .01 kW. (Lic.). Req: 88.1 mHz; Channel No. 201A. ERP: 3kW; HAAT: 143.8 ft.

BPED-2280 KLLU Riverside, Calif., Loma Linda University Broadcasting Co., Has: 89.7 mHz; Channel No. 209A. ERP: 1.4 kW; HAAT: 73 ft. (Lic.). Req. 89.7 mHz: Channel No. 209A. ERP: 3kW; HAAT: 300 ft.

BPED-2289 (New), Birmingham, Ala., Glen Iris Baptist School, Req: 91.9 mHz; Channel No. 220A. ERP: .6 kW; HAAT: 680 ft.

BPED-2291 (New), Rensselaer, Ind., St. Joseph's College, Req: 90.5 mHz; Channel No. 213D. TPO: .01 kW.

BPED-2295 (New), Petersburg, Alaska, Narrows Broadcasting Corp., Req: 100.9 mHz; Channel No. 265A. ERP: .01 kW; HAAT; ft.

BPED-2300 WAUS Berrien Springs, Mich., Andrews Broadcasting Corp., Has: 90.9 mHz; Channel No. 215B. ERP: 17 kW; HAAT: 290 ft. (Lic.). Req; 90.7 mHz; Channel No. 214B. ERP: 47.6 kW; HAAT: 318 ft.

BPED-2303 WLSU La Crosse, Wis., Board of Regents of University of Wisconsin system, Has: 88.9 mHz; Channel No. 205A. ERP: .69 kW; HAAT: 490 ft. (Lic.). Req: 88.9 mHz; Channel No. 205A. ERP: 8.9 kW; HAAT: 414 ft.

BPED-2306 (New), Bangor, Maine, Craig Bible Institute, Req: 88.5 mHz: Channel No. 203A. ERP: .45 kW; HAAT: —15 ft.

BPED-2309 WERG Erie, Penn., Gannon College, Has: 89.1 mHz; Channel No. 206D. TPO: .01 kW. (Lic.). Req: 89.9 mHz; Channel No. 210B. ERP: 5 kW; HAAT: —288 ft.

BPED-2310 WYSO Yellow Springs, Ohio, Antioch College of Yellow Springs, Has: 91.5 mHz; Channel No. 218B. ERP: 2.4 kW; HAAT: 400 ft. (Lic.). Req: 91.3 mHz; Channel No. 217B. ERP: 10 kW; HAAT: 400 ft.

BPED-2317 (New), Wrangell, Alaska, Wrangell Radio Group, Req: 101.7 mHz; Channel No. 269A. ERP: .01 kW; HAAT: ft.

BPED-2320 (New), Alpena, Mich., Central Michigan, University, Req: 91.7 mHz; Channel No. 219C. ERP: 100 kW; HAAT: 1,171 ft.

BPED-2330 (New), St. Louis Park, Minn., Independent School District No. 283, Req: 91.7 mHz; Channel No. 219D. TPO: .01 kW.

BPED-2331 (New), University City, Mo., Counterpoint Bicepting Asso., Req: 91.1 mHz; Channel No. 216D. TPO: .01 kW.

BPED-2335 (New), Birmingham, Ala., Jefferson State Junior College, Req: 91.1 mHz, Channel No. 216D. TPO: .01 kW.

BPED-2339 WDAV Davidson, N.C., The Trustees of Davidson College, Has: 90.5 mHz; Channel No. 213D, TPO: .01 kW (Lic.).
Req: 89.9 mHz; Channel No. 210C. ERP. 16.5 kW; HAAT: 302 ft.

BPED-2340 (New), San Jose, Calif., Fremont Union High School, Req: 88.1 mHz; Channel No. 201D. TPO: .01 kW.

BPED-2341 (New), Marietta, Ga., Southern Technical Institute, Req: 91.7 mHz; Channel No. 219D, TPO: .01 kW.

BPED-2342 (New), Mount Vernon, Ohio, Knox County Community Education Biceptors, Req: 89.3 mHz; Channel No. 207B ERP: 10.5 kW; HAAT: 96 ft.

BPED-2343 (New), Edmond, Okla., Oklahoma Foundation for Research and Development Req: 90.9 mHz; Channel No. 215D TPO .01 kW.

BPED-2344 (New), Goodwell, Okla., Panhandle State University, Req: 91.7 mHz, Channel No. 219A. ERP: .376 kW; HAAT 121 ft.

BPED-2346 (New), State College, Penn., Central Pennsylvania Christian Institute, Inc., Req: 89.9 mHz; Channel No. 210B. ERP 5 kW; HAAT: 670 ft.

BPED-2347 (New), Traverse City, Mich Northwestern Michigan College, Req: 90.9 mHz; Channel No. 215A. ERP: .01 kW; HAAT: 120 ft.

BPED-2348 (New), Murfreesboro, Tenn., Franklin Road Christian Schools, Req: 91.5 mHz; Channel No. 218A. ERP: .855 kW. HAAT: 575 ft.

BPED-2349 (New), Brooklyn, N.Y., Kingsborough Community College, Req: 90.9 mHz; Channel No. 215D. TPO: .01 kW.

BPED-2350 (New), Houghton, N.Y., Houghton College, Req: 90.3 mHz; Channel No. 212D TPO: .01 kW.

BPED-2353 (New), Chicago, Ill., Lakeside Communications, Inc., Req: 88.1 mHz. Channel No. 201D. TPO: .01 kW.

BPED-2354 (New), Angola, Ind., Tri-State College, Req: 88.3 mHz; Channel No. 202A ERP: .2 kW; HAAT: 151 ft.

BPED-2355 (New), Fort Wayne, Ind., Purdue University, Req: 89.1 mHz; Channel No 206B. ERP: 4 kW; HAAT: 117 ft.

BPED-2370 (New), Hingham, Mass., Hingham Massachusetts Public Schools, Req: 88.3 mHz; Channel No. 202D. TPO: .01 kW.

BPED-2376 (New), New Orleans, La., Nora Blatch Educational Communications Foundation, Req: 90.7 mHz; Channel No 214D. ERP: 25.7 kW; HAAT: 298.7 ft.

BPED-2377 (New), Malvern, Pa., Delaware Valley Noncommercial Broadcasting, Req 88.1 mHz; Channel No. 201B. ERP: 2 kW HAAT: 511 ft.

BPED-2378 WUSO Springfield, Ohio, Board of Directors of Wittenberg University, Has: 89.1 mHz; Channel No. 206D. TPO: .01 kW (Lic.). Req: 88.1 mHz; Channel No 201D. TPO: .01 kW.

BPED-2379 (New), Fort Davis, Tex., Blue Mountain School and College, Inc., Req. 90.7 mHz; Channel No. 214A. ERP: .018 kW HAAT: 23 ft.

BMPED-1412 WPIO Titusville, Fla., Florida Public Radio, Inc., Has: 89.9 mHz; Channel No. 210D. TPO: .01 kW. (Lic.). Req: 89.3 mHz; Channel No. 207A. ERP: 1.58 kW HAAT: 120 ft.

BMPED-1433 KUHF Houston, Tex., University of Houston, Has: 88.7 mHz; Channel No 204C. ERP: 12 kW; HAAT: 110 ft. (Lic.). Has: 88.7 mHz; Channel No. 204C. ERP: 27 kW; HAAT: 970 ft. (CP). Req: 88.7 mHz; Channel No. 204C. ERP: 100 kW; HAAT: 970 ft.

[FR Doc.77-768 Filed 1-7-77;8:45 am]

WRBD, ET AL.

Standard Broadcast Applications Ready and Available for Processing Pursuant to Section 1.571(c) of the Commission's Rules

Adopted: December 23, 1976.

Released: December 30, 1976.

Notice is hereby given, pursuant to section 1.571(c) of the Commission's Rules, that on February 15, 1977, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 14, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on February 14, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to section 1.571(c) of the Commission's Rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

BMP-14,112 WRBD, Pompano Beach, Fla., Radio Broward, Inc., Has: 1470 kHz, 5 kW, DA-D (Lic and CP), Req: 1470 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BP-19,957 WJPC, Chicago, Illinois, Atlass Communications, Inc., Has: 950 kHz, 1 kW, D, Req: 950 kHz, 5kW, 1 kW-LS, DA-N, U.

BP-20,000 WCMQ, Miami, Florida, WCMQ, Inc., Has: 1220 kHz, 250 W, D, Req: 1220 kHz, 1 kW, D.

BP-20,118 (New), Farmville, Virginia, Everette Broadcasting Company, Req: 1490 kHz, 250 W, 1 kW-LS, U.

BP-20,673 WCHL, Chapel Hill, North Carolina, Village Broadcasting Co. Inc., Has: 1360 kHz, 1 kW, DA-N, U, Req: 1360 kHz, 1 kW, 5 kW-LS, U.

BP-20,155 WNOO, Chattanooga, Tennessee, W.M.F.S., Inc., Has: 1260 kHz, 1 kW, D, Req: 1260 kHz, 5 kW, D.

BP-20,173 (New), Bemidji, Minnesota, KNOX Radio, Inc., Req: 1360 kHz, 5 kW, DA-N, U.

BP-20,174 KAKC, Tulsa, Oklahoma, Mark/Way, Inc., Has: 970 kHz, 500 W, 1 kW-LS, DA-2, U, Req: 970 kHz, 1 kW, DA-2, U.

BP-20,175 WEYY, Talladega, Alabama, Talladega Broadcasting Co., Inc., Has: 1580 kHz, 1 kW, D, Req: 1580 kHz, 2.5 kW, D.

BP-20,176 KCGS, Marshall, Arkansas, Marshall Broadcasting Company, Has: 1600 kHz, 1 kW, D, Req: 1600 kHz, 5 kW, D.

BP-20,178 KSIR, Estes Park, Colorado, Estes Park Broadcasting Co., Inc., Has: 1470 kHz, 500 W, D, Req: 1470 kHz, 1 kW, D.

BP-20,179 (New), Orocovis, Puerto Rico, Radio Sol Broadcasting Corp., Req: 1470 kHz, 1 kW, DA-N, U.

BP-20,180 WBAF, Barnesville, Georgia, Barnesville Broadcasting Company, Has: 1090 kHz, 500 W, D, Req: 1090 kHz, 1 kW, D.

BP-20,183 (New), Hemphill, Texas, Sabine Broadcasting Company, Req: 1530 kHz, 1 kW, D.

BP-20,187 (New), Paynesville, Minnesota, Mid-Minnesota Broadcasting Company, Req: 1060 kHz, 5 kW, DA-D.

BP-20,188 (New), Bryan, Texas, Brazos Metro, Inc., Req: 1510 kHz, 250 W, D.

BP-20,192 (New), Frankfort, Kentucky, D & R Broadcasting, Inc., Req: 1130 kHz, 500 W, DA-D.

BP-20,195 KBUH, Brigham City, Utah, Community Broadcasting Company, Has: 800 kHz, 250 W, D, Req: 800 kHz, 500 W, D.

BP-20,198 WIXC, Fayetteville, Tennessee, Lincoln County Broadcasters, Inc., Has: 1140 kHz, 1 kW, D, Req: 1140 kHz, 5 kW, (2.5 kW-CH), D.

BP-20,200 (New), Long Island, Alaska, Valley Radio Corp., Req: 1150 kHz, 5 kW, U.

BP-20,206 (New), Norfolk, Massachusetts, Norfolk County Broadcasting Company, Inc., Req: 1170 kHz, 1 kW, DA-D.

BP-20,217 WDLA, Walton, New York, Delaware County Broadcasting Corporation, Has: 1270 kHz, 1 kW, D, Req: 1270 kHz, 5 kW, D.

BP-20,218 WAKS, Fuquay-Varina, North Carolina, Wake County Broadcasting Company, Inc., Has: 1460 kHz, 1 kW, D, Req: 1460 kHz, 5 kW, DA-D.

BP-20,220 WIXE, Monroe, North Carolina, Monroe Broadcasting Company, Inc., Has: 1190 kHz, 500 W, D, Req: 1190 kHz, 1 kW, D.

BP-20,222 KTHO, South Lake Tahoe, California, Emerald Broadcasting Co., Has: 590 kHz, 500 W, 1 kW-LS, DA-N, U, Req: 590 kHz, 500 W, 2.5 kW-LS, DA-N, U.

BP-20,223 (New), Swainsboro, Georgia, WSJ Radio, Inc., Req: 1590 kHz, 2.5 kW, D.

BP-20,224 (New), Clinton, Arkansas, Victor R. Weber, Req: 1110 kHz, 250 W, D.

BP-20,228 WHIC, Hardinsburg, Kentucky, Breckinridge Broadcasting Co., Inc., Has: 1520 kHz, 250 W, D, Req: 1520 kHz, 1 kW (500 W-CH), D.

BP-20,229 (New), Saint Louis, Michigan, Siefker Broadcasting Corp., Req: 1540 kHz, 1 kW, (250 W-CH), D.

BP-20,634 (New), Minocqua, Wisconsin, Frederick H. Bierbaum, Req: 1570 kHz, 1 kW, D.

BP-20,636 (New), Monticello, Minnesota, Tri-County Radio, Inc., Req: 1070 kHz, 2.5 kW, 10 KW-LS, DA-2, U.

BP-20,652 (New), Omaha, Nebraska, Viking Omaha, Inc., Req: 1290 KHz, 5 kW, DA-N, U.

BP-20,671 (New), Omaha, Nebraska, Omaha Broadcasting Service Co., Req: 1290 kHz, 5 kW, DA-N, U.

BP-20,672 (New), Omaha, Nebraska, Nebraska-Iowa Broadcasting Corporation, Req: 1290 kHz, 5 kW, DA-N, U.

BP-20,676 (New), Omaha, Nebraska, Shaker Corporation, Req: 1290 kHz, 5 kW, DA-N, U.

BP-20,677 KRCB, Council Bluffs, Iowa, KRCB, Incorporated, Has: 1560 kHz, 1 kW, D, Req: 1290 kHz, 5 kW, DA-N, U.

BP-20,680 (New), Vancouver, Washington, Fort Vancouver Broadcasting, Inc., Req: 910 kHz, 5 kW, DA-2, U.

BP-20,681 (New), Vancouver, Washington, Longwood Broadcasting Co., Req: 910 kHz, 5 kW, DA-2, U.

Application deleted from Public Notice of June 12, 1975 (Mimeo No. 51308).

BP-19,875 (New), Bemidji, Minnesota, KNOX Radio, Inc., Req: 1360 kHz, 5 kW, D.

(Assigned new file number BP-20,173.)

Application deleted from Public Notice of December 12, 1975 (Mimeo No. 58718).

BP-20,033 (New), Minocqua, Wisconsin, Lakeland Communications, Inc., Req: 1570 kHz, 1 kW, D.

(Assigned new file number BP-20,634.)

[FR Doc.77-767 Filed 1-7-77;8:45 am]

[Report No. 839]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JANUARY 3, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20475-CD-AL-77, Charles L. Escue. Consent to Assignment of License from Charles L. Escue, Assignor to Telpage, Inc., Assignee. Station: KSV947, Birmingham, Alabama.

20476-CD-AL-77, Milton W. Crawford dba Westcol Radio Dispatch. Consent to Assignment of License from Westcol Radio Dispatch, Assignor to Colorado West Mobile Phone, Inc. Station: KAD511, Grand Junction, Colorado.

20477-CD-P-77, Salisbury Answering Service (KGH868) C. P. to change antenna system and relocate facilities operating on 152.15 MHz at Loc. #2 to be located 1½ miles North of Bethel Road on Green Branch Road, Willards, Maryland.

20478-CD-AL-77, AAA Anserphone, Inc.—Jackson Consent to Assignment of License from AAA Anserphone, Inc.—Jackson, Assignor to Yazoo Answer Call, Inc., Assignee. Station KRH663, Vicksburg, Mississippi.

20479-CD-P/L-77, Southwestern Bell Telephone Company (New) (Developmental) C. P. for a new developmental station to operate 8 mobile units in any temporary fixed location within the territory of the grantee.

20480-CD-P-77, Tel-Page Corporation (KEC 513) C. P. to replace transmitter and change antenna system operating on 152.21 MHz at Loc. #1: Rand Building, 14 Lafayette Square, Buffalo, New York.

20481-CD-P-(3)-77, Samuel W. Waldenberg (KUS355) C. P. to change antenna system operating on 152.06 MHz at Loc. #1: Blacktail Mtn., 12 miles South of Kalispell, Montana; replace transmitter and relocate control facilities operating on 454.100 MHz at Loc. #2 and additional facilities operating on 152.06 MHz to be located at Loc. #2: 569 Main Street, Kalispell, Montana.

20482-CD-P-77, A Plus Communications of Puerto Rico, Inc., dba Caribbean Mobile Telephone Systems (New) C. P. for a new 1-way station to operate on 35.58 MHz to be located at intersection of Avenida Pinero and Avenida San Patrico, Caparra Heights, Puerto Rico.

20483-CD-P-77, Prospect Communications (KWU365) C. P. to relocate facilities operating on 454.200 MHz from Loc. #1 to a new site described as Loc. #2: Aymett Road, 1 mile E. of Pulaski, Tennessee.

20484-CD-P-(4)-77, Mobile Radio Telephone Service, Inc. (KOE252) C. P. for additional facilities to operate on 454.275 454.300 454.325 & 454.350 MHz to be located at Loc. #1: Coon Peak, Oquirrh Range, 5.2 miles SSW of Garfield, Utah.

20485-CD-AL-77, Otis L. Hale dba Mobilfone Communications. Consent to Assignment of License from Mobilfone Communications, Assignor to Fayetteville Communications, Inc., Assignee. Station: KFL899 Winslow, Arkansas.

20486-CD-P-77, Mobile Communication Service, Inc. (New) C. P. for a new 1-way station to operate on 43.22 MHz to be located at Route 27, 2.5 miles East of Meadville, Pennsylvania.

20487-CD-P/L-(3)-77, South Central Bell Telephone Company (KIB389) C. P. to change antenna system operating on 152.51, 152.63 and 152.81 MHz located at approx. 7.9 miles NE of Signal Mountain, Tennessee.

20488-CD-P-(2)-77, Pacific Northwest Bell Telephone Company (KON911) C. P. to relocate facilities operating on 152.84 and 158.10 MHz at Loc. #1 to be located at 1600 Bell Plaza Building, Seattle, Washington.

20490-CD-P-(5)-77, Communications Engineering, Inc. (KWA634) C. P. to relocate base facilities operating on 152.03 & 152.09 MHz and repeater facilities operating on 459.15, 459.25 & 459.35 MHz from Loc. #2 to be located at a new site described as Loc. #4: Approx. 0.4 mile South of Upper Huffman Road, Anchorage, Alaska.

20492-CD-AL-(3)-77, Albert W. Dale, Jr. Consent to Assignment of License from Albert W. Dale, Jr., Assignee to Basin Communication Systems, Inc. Assignor. Stations: KLF 470 Monahans, Texas; KLF509 & KLF599, Odessa, Texas.

20493-CD-P-77, Portable Communications, Inc. (New) C. P. for a new 1-way station to operate on 35.22 MHz to be located on Route #76, 3.5 miles SE of Ripley, New York.

20494-CD-P-77, Professional Communications, Inc. (New) C. P. for a new 1-way station to operate on 35.22 MHz to be located at 1611 Peach Street, Erie, Pennsylvania.

20495-CD-P-77, Professional Communications, Inc. (New) C. P. for a new 1-way station to operate on 35.22 MHz to be located at RD #4, Carter Hill Road, Corry Pennsylvania.

20496-CD-AP/AL-(2)-77, San Juan Radiotelephone Corp. Consent to Assignment of License from San Juan Radiotelephone Corp., Assignor to Radiotelephone Communicators of Puerto Rico, Inc., Assignee. Stations: KQZ767 & WWA311 Hato Rey, Puerto Rico.

Corrections

20344-CD-P-(3)-77, Knox La Rue dba Atlas Radiophone (KMM630) Correct entry to show frequency as 152.12 MHz, base. All other particulars are to remain as reported on PN #838 dated December 13, 1976.

20445-CD-TC-(5)-77, Aztec Communications, Inc. Correct entry to read: Consent to Transfer of Control from William L. Meadow and Rachel L. Meadow, Transferors to General Communications Service, Inc., Transferee. Stations: KTS253, KLF632, KIQ 510, KIB388, Jacksonville, Florida; KTS254, St. Augustine, Florida. (PN #838, dated December 27, 1976)

RURAL RADIO SERVICE

60127-CR-AL-77, Milton W. Crawford dba Westcol Radio Dispatch. Consent to Assignment of License from Westcol Radio Dispatch, assignor to Colorado West Mobile Phone, Inc., Assignee. Station: KBD30, Temp-fixed.

60128-CR-P/L-77, Electro-Craft, Inc. (New) C. P. for a new rural subscriber station to operate on 158.49 & 158.55 MHz to be located at any temporary-fixed location within the territory of the grantee.

60129-CR-AL-77, San Juan Radiotelephone Corp. Consent to Assignment of License from San Juan Radiotelephone Corp., Assignor to Radiotelephone Communicators of Puerto Rico, Inc., Assignee. Station: WWY90, Temp-fixed.

POINT TO POINT MICROWAVE RADIO SERVICE

721-CF-P/L-77, The Pacific Telephone and Telegraph Company (New) STC 1060 Lockheed Way Sunnyvale, California Lat. 37°24'16" N., Long. 122°01'41" W. C.P. and Lic. for a new station on frequency 3830V MHz toward Philco Ford, California on azimuth 289.0 degrees.

722-CF-P-77, The Mountain States Telephone and Telegraph Company (WBP23) 2 miles NNE of Hoehne, Colorado Lat. 37°19'19" N., Long. 104°21'20" W. C.P. to add a new point communication on frequency 2128.4V MHz toward Branson, Colorado on azimuth 128.7 degrees.

723-CF-P-77, same (New) Athey Ave. and Saddle Rock Rd. Branson, Colorado Lat. 37°01'09" N., Long. 103°53'06" W. C.P. for a new station on frequency 2178.4V MHz toward Hoehne, Colorado on azimuth 308.9 degrees.

784-CF-R-77, The Bell Telephone Company of Pennsylvania (KOC47) within Territory of grantee Renewal Fixed Developmental License expiring March 11, 1977 term March 11, 1977 to March 11, 1978.

840-CF-P-77, Commonwealth Telephone Company (New) 1.8 miles North of Dallas, Pennsylvania Lat. 41°42'44" N., Long. 75°57'54" W. C.P. for a new station on frequency 2178.OH MHz toward Fire Tower, Pennsylvania on azimuth 332.3 degrees.

841-CF-P-77, same (New) Fire Tower, 3.5 miles SW of Mehoopany, Pennsylvania Lat. 41°30'48" N., Long. 76°04'14" W. C.P. for a new station on frequencies 2128.OH MHz toward Dallas, Pa. on azimuth 152.2 degrees and 2128.OV MHz toward Mehoopany, Pa. on azimuth 13.1 degrees.

842-CF-P-77, same (WBB362) Meshoppen, Pennsylvania 1.7 miles South of Meshoppen Lat. 41°35'26" N., Long. 76°02'48" W. C.P. to add new point communication on frequency 2178.OV MHz toward Fire Tower, Pa., on azimuth 193.1 degrees.

843-CF-P-77, Southern Montana Telephone Company (New) Lloyd Street Jackson, Montana Lat. 42°22'05" N., Long. 113°24' 35" W. C.P. for a new passive reflector station on frequencies 11405V 11645H MHz toward Butch Hill PR on azimuth 106.22 degrees and 2129V MHz toward Hischy REP, Montana on azimuth 323.69 degrees.

844-CF-P-77, same (New) 14.5 miles NW Jackson Hirschy, Montana Lat. 45°28'23" N., Long. 113°31'08" W. C.P. for a new station on frequencies 2179V MHz toward Jackson, Montana on azimuth 143.6 degrees and 2160.8H MHz toward Wisdom, Montana on azimuth 20.7 degrees.

845-CF-P-77, same (New) 2nd Street Wisdom, Montana Lat. 45°37'05" N., Long. 113° 26' 56" W. C.P. for a new station on frequency 2110.8H toward Hirsch, Montana on azimuth 200.7 degrees.

817-CF-P-77, Southern Pacific Communications Company (KFM40) 60 Hudson Street, New York, New York (Lat. 40°43'03" N., Long. 74°00'33" W): CP to add 11015.0V and 11095.0V MHz toward Empire State Building, New York, New York.

818-CF-P-77, same (WOE27) 5th Avenue at 34th Street, Empire State Building (Lat. 40°44'54" N., Long. 73°59'10" W): CP to add 11625.0V and 11225.0V MHz towards New York, New York.

819-CF-MP-77, United States Transmission Systems, Inc. (WAH492) 20 Exchange Place, Manhattan, New York (Lat. 40°42'19" N., Long. 74°00'36" W): CP to add 6004.5V MHz toward Newark, New Jersey on azimuth of 283.8 degrees.

820-CF-MP-77, same (WAH493) Gateway 1 New Jersey, Newark, New Jersey (Lat. 40°-44'04" N, Long. 74°09'59" W): CP to add 6286.2V MHz toward Manhattan, New York and 6286.2H MHz toward Neshanic, New Jersey on azimuths 103.7 and 238.4 degrees, respectively.

821-CF-MP-77, same (WAH494) 2.0 miles SSW of Neshanic, New Jersey (Lat. 40°26'-13" N., Long. 74°43'36" W): CP to add 6004.5H MHz toward Newark, New Jersey and 6004.5V MHz toward Ferndale, Pennsylvania on azimuths 58.1 and 283.3 degrees, respectively.

822-CF-MP-77, same (WAH495) 2.7 miles ENE of Ferndale, Pennsylvania (Lat. 40°32'33" N., Long. 75°07'48" W): CP to add 6286.2V MHz toward Neshanic, New Jersey and 6286.2V MHz toward Tylersport, Pennsylvania on azimuths 103.1 and 228.3 degrees respectively.

823-CF-MP-77, same (WAH496) 2.0 miles West of Tylersport, Pennsylvania (Lat. 40°-20'43" N., Long. 75°25'07" W); CP to add 6004.5V toward Ferndale, Pennsylvania on azimuth 48.1 degrees.

3472-CF-R-76, Southwestern Bell Telephone Company (WAH 622) Temporary fixed-Developmental within the territory of the Grantee. Received timely filed Renewal for the above mentioned radio station.

790-CF-P-77, Eastern Microwave, Inc. (KFN 21) New York City Gulf & Western Building, 15 Columbus Circle, New York, New York. (Lat. 40°46'09" N., Long. 73°58'55" W.): Construction permit to add 6212.0H MHz toward Yonkers, New York and Bergenfield, New Jersey, via power split, on azimuths 25.0 and 332.6 degrees, respectively.

791-CF-P-77, Eastern Microwave, Inc. (KEA 27) Springwater, SW Corner of Swarts & Springwater Town-line Roads, Sparta New York. (Lat. 42°38'21" N., Long. 77°39'-34" W.): Construction permit to add 6286.2H MHz toward Rochester and to add same frequency via power split, toward Attica, both in New York, on azimuths 3.1 and 296.3 degrees, respectively.

792-CF-P-77, Eastern Microwave, Inc. (KYZ 74) 1.6 mile WSW of Highland Lakes, New Jersey. (Lat. 41°10'01" N., Long. 74°30'12" W.): Construction permit to add 6301.0V MHz toward Monroe, New York, via power split, on azimuth 52.6 degrees.

816-CF-MP-77, Ellensburg Telephone Company (WBA948) 305 N. Ruby Street Ellensburg, Washington Lat. 46°59'42" N., Long. 120°32'38" W. Mod. of C.P. to increase output power on frequencies 11265.0H 11345.0H MHz toward Wymer PR, Washington.

Major Amendments

547-CF-P/ML-77, RCA Alaska Communications, Inc. (WAH472) Delta Junction, Alaska Lat. 64°02'15" N., Long. 145°43'37" W. Application amended to add a frequency of 63.45.6V MHz toward Donnelly Dome, Alaska (WAH417).

548-CF-P/ML-77, same (WAH417) Donnelly Dome, Alaska Lat. 63°17'14" N., Long. 145°51'50" W., Application amended to add a frequency of 6093.5V MHz toward Delta Junction, Alaska (WAH472).

[Report No. I-306]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

JANUARY 3, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d) (1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Correction

Public Notice No. I-299 dated December 13, 1976, Telecable of Overland Park, Inc. Should have been listed as: 62-DSE-MP-77, not as an amendment.

663-DSE-ML-77 American Television and Communications, Inc., Charleston, W. Va. Modification of license to delete the condition specified in Paragraph 6D, prohibiting the use of this station for common carrier operations.

64-DSE-ML-77 Summit Cable Services of Winston-Salem, Winston-Salem, N.C. Modification of license to permit the reception of signals of Station WTCG-TV, Channel 17, Atlanta, Ga.

65-DSE-ML-77 Alpine Cablevision, Inc., Alexandria, La. Modification of license to permit the reception of signals of Station WTCG-TV, Channel 17, Atlanta, Ga.

66-DSE-P/L-77 Tennessee Cablevision, Inc., Oak Ridge, Tenn. For authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 36°02'04", Long. 84°15'15". Rec. freq: 3700-4200 GHz. Emission (none listed). With an 11 meter antenna.

67-DSE-ML-77 Storer Cable TV of Florida, Inc. Saratoga, Fla. Modification of license to permit the reception of signals of Station WTCG-TV, Channel 17, Atlanta, Ga.

68-DSE-ML-77 Florida Cablevision, Ft. Pierce, Fla. Modification of license to permit the reception of signals of Station WTCG-TV, Channel 17, Atlanta, Ga.

69-DSE-ML-77 Vumore Co of Laredo, Laredo, Tex. Modification of license to permit the reception of signals of Station WTCG-TV, Channel 17, Atlanta, Ga.

70-DSE-ML-77 Texas CableVision, Ballinger, Tex. Modification of license to permit the reception of signals of Station WTCG-TV, Channel 17, Atlanta, Ga.

71-DSE-P/L-77 American Satellite Corporation, Stockton, Calif. For authority to construct and operate a domestic communications satellite earth station at this location. Lat. 37°56'42", Lon. 121°20'46". Rec. freq: 3700-4200 GHz. Trans. freq: 5925-6425 GHz. Emission 2059F9Y. With an 11 meter antenna.

253-DSE-P/L-76 RCA Alaska Communications, Inc., Dillingham, Alaska. Amended to change diameter of the antenna from a 5 meter to a 10 meter, and to change the transmitting equipment from a single channel per carrier (SCPC) to FDM/FM, and other related channels.

365-DSE-P-76 RCA Alaska Communications, Inc., Unalakleet, Alaska. Amended to change diameter of the antenna from a 5 meter to a 10 meter antenna, and change the transmitting equipment from a single channel per carrier (SCPC) to FDM/FM, and other related channels.

SSA-4-77 Westport Television, Inc., Kansas City, Mo. Requests a 6-month extension of its temporary authorization to operate a receive-only Earth station at this location, and to receive programing for broadcast over the facilities of Station KBMA-TV.

SSA-5-77 Western Union Telegraph Co., Minot, N. Dak. Special temporary authority to provide television relay service (video and audio subchannels) via the WESTAR domestic satellite system to a receive-only Earth station in Minot, N. Dak. on January 2, 1977.

[FR Doc.77-766 Filed 1-7-77;8:45 am]

[Docket Nos. 20994-20995; File Nos. BPH-9797, 9825]

NASEEB S. TWEEL AND ROGER G. TWEEL ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Adopted: December 17, 1976.

Released: January 4, 1977.

In regard applications of Naseeb S. Tweel and Roger G. Twell, d/b/a WNST Radio, Milton, West Virginia, Docket No. 20994, File No. BPH-9797. Requests: 106.3 MHz, channel 292, .128 kW (H&V), 1202 feet; Putnam Broadcasting Co., Inc., Hurricane, West Virginia, Docket No. 20995, File No. BPH-9825. Requests: 106.3 MHz, channel 292, 3 kW (H&V), 295 feet, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications of Naseeb S. Twell and Roger G. Twell d/b/a WNST Radio (WNST), and Putnam Broadcasting Co., Inc. (Putnam) for construction permits which are mutually exclusive in that they seek the same channel to serve nearby communities, approximately ten miles apart.

2. Putnam has failed to comply with the requirements of the Commission's "Primer on the Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1501 (1971), in a number of significant respects. First, Putnam's demographic material contains considerably less information than that called for by question and answer 9 of the Primer. Although it has provided some information about population, racial breakdown, employment and income characteristics, and local government, its demographic profile does not appear to be sufficiently specific with respect to organizations, activities, or other factors which distinguish Hurricane, West Virginia from other communities. "Radio Marion, Inc." 52 FCC 2d 1229, 33 RR 2d 182 (1975). Accordingly, it is impossible to determine whether Putnam is aware of the significant groups which comprise its community and whether the leaders contacted are representative of those groups. Further, even if Putnam's demographic material were considered to provide an adequate community profile, it does not appear that it has consulted with leaders of all significant groups within the community. "Voice of Dixie, Inc." 45 FCC 2d 1027, 29 RR 2d 1127, (1974), recon. den., 47 FCC 2d 526, 30 RR 2d 851, (1974). For example, Putnam's list of community leaders consulted, either as originally filed, or as amended, includes no industrial, agricultural, or labor leaders, no leaders of women's organizations, and no student or youth leaders. In addition, Putnam has stated that it contacted a random sample of the members of the general public. However, it has failed to indicate what methods were utilized to assure contact with a random selection of the public. Therefore, it cannot be determined whether Putnam has, in fact, consulted with a randomly selected sample of the members of the general public, as required by the Primer.

3. Further, Putnam has failed to comply with the Primer with respect to its proposed programming responsive to ascertained problems and needs. Question and answer 29 requires that an applicant list the proposed programs and, in addition, "give the description and the anticipated time segment, duration and frequency of broadcast of the program or program series, and the community problem or problems which are treated * * *" Putnam has listed its proposed programs, but has failed to indicate which programs will be responsive to which ascertained problems and needs. In addition, several of its proposed programs have not been scheduled for broadcast on a permanent basis. For example, "Candidates Forum", a weekly fifteen-minute program, will be broadcast only for six weeks prior to any local, county, or state primary and/or general election. Also, "Bicentennial Update" will terminate on December 31, 1976. Two of Putnam's other listed programs, "Coach's Roundtable" and "Roundball Preview" are described to be sports programs and do not appear to be responsive to any ascertained community problems or needs. For all these reasons, a community ascertainment issue will be specified against Putnam.

4. Both applicants propose some program duplication with their AM stations. WNST proposes duplicated programming approximately twelve hours daily (or 84 hours per week) whereas Putnam proposes duplicated programming with its AM station WZTQ approximately ten hours per day Monday through Friday, and six hours on Sunday (or 66 hours per week). Therefore, evidence regarding program duplication will be admissable under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. "Jones T. Sudbury", 8 FCC 2d 360, 10 RR 2d 114 (1967).

5. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from their proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the contingent comparative issue, for the purpose of determining whether a comparative preference should occur to either of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for a hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Putnam Broadcasting Co., Inc., to ascertain the community needs and problems of the area to be served and the means by which the applicant proposes to meet those needs.

2. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

9. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for a hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-758 Filed 1-7-77;8:45 am]

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE ADVISORY COMMITTEE FOR AMATEUR RADIO

Meeting Announcement

Date: January 25, 1977.
Time: 9:30 a.m.
Location: Room A-205, FCC Annex Building, 1229 20th Street, NW., Washington, D.C.

AGENDA

Chairman's welcome and remarks
Call of the Agenda
Announcements
Review and approval of minutes, September 14, 1976 Meeting
Reports from task leaders
Review of Docket 20271, 3rd Notice of Inquiry, and Preparation of ACAR Comments
Discussion of future milestones and tasks
Review of action items
Other business to be determined
Adjournment

Public Participation. Meetings of the WARC Advisory Committee for Amateur Radio are open to U.S. Citizens. Persons not members of the Committee who desire to make a presentation at this meeting should coordinate their presentation with the Secretary, WARC Advisory Committee for Amateur Radio: Peter M. Hurd, 6425 Cygnet Drive, Alexandria, Virginia, 22307. Telephone: (202) 695-0520 or (703) 768-9535. Required information includes: Name, mailing address and telephone number of person making the presentation; outline of material to be presented; duration of presentation; audio/visual aids required. Written statements may also be submitted to the Committee, and should be addressed to the Chairman, WARC Advisory Committee for Amateur Radio (Safety and Special), Room 5114, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-762 Filed 1-7-77;8:45 am]

[Docket No. 21034; File No. BRCT-50; FCC 76-1195]

WGAL-TELEVISION, INC.

Memorandum Opinion and Order Designating Hearing

Adopted: December 21, 1976.

Released: December 29, 1976.

In re application of WGAL-Television, Inc., for renewal of license of Station WGAL-TV, Lancaster, Pennsylvania, Docket No. 21034, File No. BRCT-50.

1. The Commission has before it for consideration: The above captioned application for renewal of license for Station WGAL-TV, Lancaster, Pennsylvania; a petition to deny that application filed July 1, 1975 by the Feminists for Media Rights (FMR); the licensee's opposition; and the petitioner's reply thereto. The petition to deny alleges, inter alia that: The Steinman family interest in WGAL-TV and other Lancaster media constitute monopolization; the station has failed to provide programming in response to community needs and interests; and the licensee has discriminated against women in its employment practices and policies.

2. The licensee contends that the petition should be dismissed on procedural grounds, asserting that FMR lacks standing as a party in interest. They argue

that petitioner has failed to show that it is a responsible group, and the petition arises out of the station's failure to reach an agreement with FMR. We find that FMR is an organization composed of persons within the service area of WGAL–TV, and it is, therefore, entitled to file a petition to deny as a party in interest. *United Church of Christ* v. *FCC*, 359 F. 2d 994 (1966). The fact that the instant petition may have resulted from the breakdown of negotiations between petitioner and the licensee does not materially affect that party's status. While we encourage such continuing dialogue to promote local resolution of problems, the failure of such dialogue is not a bar to the filing of petitions to deny. Agreements Between Broadcast Licensees and the Public, 57 FCC 2d 42 (1975).

3. The licensee has also moved to strike certain allegations of petitioner's reply, asserting that it is new matter pleaded in violation of § 1.45 of the Commission's Rules. The allegations relate to "specific abuses" of WGAL–TV's media concentration in Lancaster. We find that similar allegations of abuses were raised in the petition to deny. Therefore, while the reply raised facts which were not previously alleged, the licensee was on notice that specific abuses of its media concentration had been raised. Accordingly, we will consider the allegations of the reply in their entirety.

4. Both parties have filed extensive pleadings. To reiterate every detailed allegation and response would unduly burden this Memorandum Opinion and Order. Accordingly, though we will not present in this text every claim and counter claim, we have summarized the portions of the pleadings necessary to fulfill the statutory mandate regarding petitions to deny. Sec. 47 U.S.C. 309(d)(2).

MONOPOLIZATION

5. By way of background, the Steinman family, through various voting trusts, maintains control of WGAL–TV as well as the only newspapers in Lancaster: The Intelligencer Journal, published Monday through Saturday mornings; the News Era, published Monday through Saturday evenings; and the Sunday News, published Sundays. WGAL Television, Inc. also owns Television Community Service, Inc., a CATV franchisee in Lancaster. In 1969, that cable company merged with the only other CATV franchisee in the community, People's Broadcasting Company, to form Cable Associates, Inc., which holds the only CATV franchises in Lancaster. The Steinmans, through Television Community Service, Inc., hold 60 percent of the stock in Cable Associates. The other electronic media licensed to Lancaster are: WLAN (AM) and FM (licensed to Peoples Broadcasting Company); WDAC(FM); WGAL and WGAL–FM; [1] and WFNM (FM), a noncommercial station. Moreover, Lancaster is part of the Harrisburg-York-Lancaster-Lebanon television market, and the city of Lancaster receives city grade television service from WGAL–TV, WLYH–TV, Lancaster-Lebanon and WSBA–TV York. Lancaster is also served by WTPA–TV, Harrisburg-York-Lebanon, and WHP–TV, Harrisburg. WGAL AM and FM were the first radio stations in Lancaster, and WGAL–TV was the first television station in the hyphenated market.

6. Petitioner alleges that, applying various indices of media concentration to the Lancaster situation, the Steinmans enjoy a concentration of between 79 percent and 95 percent. According to FMR, the Justice Department's compilation of local current advertising revenues reveals that the Steinman interests receive 89 percent of those market revenues.[2] Petitioner also asserts that, as the only VHF station in the hyphenated market, WGAL–TV faces relatively weak competition from UHF stations, and approximately 4 percent, or 15,996, of the TV households in WGAL–TV's service area have neither UHF receivers nor cable. FMR contends that the Steinman's concentration is enhanced by their controlling interest in the Lancaster cable franchises. Petitioner argues that the degree of concentration in Lancaster, when considered along with WGAL–TV's unique position as the only VHF station in the market and the Steinman's cable interests, requires divestiture in spite of the contrary determination in the Second Report and Order on Cross-Ownership (Docket 18110), 50 FCC 2d 1046 (1975). (see paragraph 11, infra).

7. Moreover, FMR asserts that the Steinman daily newspapers carry program listings for WGAL–TV, but not for the four other TV stations which provide service to Lancaster. Petitioner also contends that the "TV Week" magazine section of the "Sunday News" has consistently featured programs appearing on WGAL–TV in its cover story, and, in that newspaper's television program schedule: WGAL–TV is listed first, out of numerical sequence, and the WGAL–TV listing is headed by a reverse slug title, white on black instead of the normal black on white. FMR further alleges that WGAL–FM and WLAN–FM have been used as background music on the Lancaster cable system to the exclusion of WDAC–FM. Moreover petitioner argues that all the Steinman media interests share officers and directors and, with the exception of WGAL–TV, are located within a city block of each other, evidencing a sharing of news, information, and ideas, including, for example, the radio station's refusal to run advertising for the movie "Carnal Knowledge" and the "Sunday News'" deletion of the word "carnal" from its ads for that film. Finally, FMR contends that the Steinman family trusts and the fact that several trustees are also directors of WGAL Television, Inc. could result in the syphoning of WGAL–TV's program budget to the beneficiaries.

8. In opposition, the licensee alleges that until July 1975, the daily papers charged for television listing and that WGAL–TV had always paid for its listing, but none of its competitors had ever been refused listings. WGAL–TV asserts that until 1970, the "York Dispatch," an independently owned newspaper in York, Pennsylvania, did not provide free television listings. The station concedes that for a number of years, WGAL–TV supplied the cover and cover story for "TV Week", but that practice, along with the reverse slug listing of WGAL–TV, was discontinued in January 1975. According to WGAL–TV, the order of the "TV Week" listing is determined by channel sequence, first for the Lancaster stations—WGAL–TV, Channel 8 and WLYH–TV, Channel 15—then the remaining stations by Channel number. The licensee also contends that the cable system does not use WDAC–FM for background music channel because that station's religious format would be inappropriate for such use. The station describes the division between the various Steinman media in great detail and asserts that each media holding has separate editorial, news and sales staff. The Licensee argues that the 1971 incident involving "Carnal Knowledge" occurred outside the current license term, and, in any event, was the result of independent determinations by the station and the newspaper.

9. In its reply pleading, FMR argues that in adopting its various crossownership policies, the Commission considered radio-TV [3], newspaper-TV [4], and cable-TV [5] crossownership individually, whereas in this instance the Commission must consider the confluence of all three types of crossownership. Petitioner therefore argues that, the Commission should waive the "grandfather" rights granted in its crossownership rules. The reply further alleges that television audience rating information indicates that WGAL–TV enjoys a significantly greater market share than WLYH–TV, serving Lancaster-Lebanon. Petitioners also contend that the Steinman pattern of entering each new media field—newspapers, then radio, then television, then cable—evidences a willful intent to create and maintain a monopoly in Lancaster.

10. In addition to reiterating the specific abuses of crossownership alleged in the petition, FMR alleges that: WGAL–TV received non-sequential and reverse slug listing in the "Sunday News" television page (as distinguished from "TV Week"; WGAL–TV's programming regularly received feature coverage in "TV Week") in addition to the cover story; more that 36 percent of the program publicity illustrations in "TV Week's" day-to-day listings were from WGAL–TV's network, i.e. NBC; WGAL radio received a disproportionate share of space and was listed out of order in the "Sunday News" radio and TV page; and the WGAL radio stations were the only ones receiving program listings in the daily newspapers.[6]

11. In the Second Report and Order, supra, we determined that divestiture of existing daily newspaper broadcast combinations may be required only in communities where the concentration is "egregious", i.e. where the only daily newspaper and television station serving the community are commonly owned. As indicated by the information in paragraph 5, supra, the application of those criteria to Lancaster would not require divestiture. Further, petitioner's allegations regarding the VHF/UHF situation in the Lancaster area, WGAL–TV's audience share, and the Steinman ownership of radio and cable do not alter our conclusion regarding the concentration of media in the area, specifically our conclusion that Lancaster was not an "egregious" market requiring divestiture.[7] Accordingly, we find that divestiture is not required by the mere structure of media ownership in Lancaster. See "Stauffer Publications, Inc.", FCC 76-470, 37 RR 2d 660 (1976).

12. However, the "Second Report and Order" further noted that parties may still raise concentration issues in renewal proceedings by a showing of: (a) Economic monopolization that might warrant action under the Sherman Act, or (b) specific abuse of the cross-ownership relationship. In applying these standards, our touchstone must be the public interest mandate of the Communications Act. In this regard, it must be emphasized that we are concerned with a licensee's conduct as it affects the public interest, rather than violation of the antitrust laws per se. See "Westinghouse Broadcasting Co., Inc.," 44 FCC 2778 (1962). This Commission has neither the expertise nor the statutory authority to enforce the antitrust laws in its regulation of the broadcast industry. In our view, enforcement of the Sherman Act and similar statutes rests properly with other Federal agencies entrusted with the expertise and jurisdiction over these matters. We believe it inappropriate for the Commission to duplicate the function of the courts or other agencies having antitrust jurisdiction and expertise. See "Newhouse Broadcasting Corporation," (WSYRTV) FCC 76, adopted November 14, 1976.[8]

13. We turn our attention first to petitioner's allegations of abuse of the cross-ownership listed in paragraphs 7 and 10 supra. It seems reasonable that a Lancaster newspaper's television page should list first those stations licensed to specifically serve Lancaster, i.e. WGAL–TV and WLYH–TV. It also appears reasonable that a cable system should choose not to utilize a religious format radio station for background music, and the use of NBC promotional material for approximately 36 percent of the illustrations in "TV Week" is not substantially out of line. However, the reverse slug headings for the Steinman radio and television stations and the consistent "featuring" of WGAL–TV programs in the "TV Week" appear to be abuses arising out of the cross-ownership. We are further concerned by the newspapers' "policy" of paid daily listings for TV program schedules. The fact that an independently owned newspaper charged for such listings is inapposite where, in that instance, all stations were treated equally. Here it appears that this practice may have amounted to less than an "arms length" transactions in that broadcasters competing with the Steinman stations may not have been treated equally.

14. As previously noted, in determining whether a hearing is warranted on a petition to deny raising crossownership matters, the Commission must apply the public interest standard of the Communications Act, i.e. whether petitioner has raised substantial or material questions of fact to establish that a grant of the challenged renewal application would be prima facie inconsistent with the public interest, convenience, and necessity. 47 U.S.C. 309(e). We do not believe that the abuses noted should, in and of themselves, necessitate an evidentiary hearing.[9] Specific abuses must be viewed in the context of each case and the policy of the "Second Report and Order," supra. Here, WGAL–TV enjoys a unique position both in its home city and hyphenated television market. It is the only television station licensed exclusively to Lancaster and is co-owned with the only newspaper having significant circulation in Lancaster County. Moreover, until recently, it was co-owned with two of the five radio stations licensed to Lancaster.[10] The station also enjoys a natural advantage as the only VHF television station in the Harrisburg-York-Lancaster-Lebanon television market. We do not believe it is necessary to apply traditional Sherman Act type market analysis in order to conclude that WGAL–TV dominates the Lancaster area and enjoys an extraordinarily high degree of influence in the hyphenated market. Under these circumstances, abuses which might be otherwise insufficient to warrant hearing take on added significance. We are also particularly concerned with WGAL–TV's discontinued practice of supplying the cover story for "TV Week." Where the "Second Report and Order" stressed the importance of the separate operation of print and electronic media, this practice raises questions regarding parameters of such separation in Lancaster. "Second Report and Order," supra, at 1089.

15. Accordingly, while we are not confronted with a case of "egregious" structural monopoly as defined in the "Second Report and Order," in view of this licensee's conduct, we are unable to determine that a grant of WGAL–TV's renewal application would serve the public interest. Therefore, we believe that the alleged specific abuses of crossownership should be explored in an evidentiary hearing to enable an Administrative Law Judge and, thereafter, the Commission

[1] The Steinmans also control WGAL and WGAL–FM, but sought Commission consent to the assignment of those licenses to Hall Communications, Inc. (BAL–8673 and BALH–2280). Petitioners herein petitioned to deny those applications. However, by Memorandum Opinion and Order, adopted November 30, 1976, the assignment application has been granted and the petition has been denied.

[2] This figure includes consideration of WGAL and WGAL–FM.

[3] Multiple Ownership, 22 FCC 2d 306 (1970).

[4] Second Report and Order on Crossownership (Docket 18110), 50 FCC 2d 1046 (1975), app'l pending sub nom. National Citizens Committee for Broadcasting v. FCC, D.C. Cir. No. 76–1064.

[5] CATV–TV Cross Ownership Rules (Docket 20423), 55 FCC 2d 540 (1975), app'l pending sub nom. National Citizens Committee for Broadcasting v. FCC, D.C. Cir. No. 75–1933.

[6] The reply also charges that the admitted abuses reveal that WGAL–TV misrepresented the facts to the Commission in its May 17, 1971 submission in Docket 18110, when the licensee alleged that it maintained a complete separation of commercial practices and contacts among co-owned media. On review, we find that the alleged abuses do not contradict the asserted separation of commercial practices and contacts, by which we understood the licensee to be referring to its advertising sales practices.

[7] The Commission recently terminated a rule making proceeding concerning crossownership of cable systems and television stations. CATV–TV Cross Ownership Rules, supra. In that proceeding, we were concerned with the same objectives as in Docket 18110, the broadcast-newspaper proceeding, namely increased competition in the economic marketplace and in the marketplace of ideas. After due consideration of these and other public interest objectives, we decided to bar creation of CATV–TV cross-ownership interests between a TV station and CATV systems within its Grade B contour and to require divestiture only where the CATV system is owned, operated or controlled by a nonsatellite TV station which places a principal city grade signal over the entire community served by the CATV system and there is no other commercial nonsatellite station placing such a signal over the community. It is clear that Steinman's CATV interests are not subject to these divestiture rules since two other television stations place a city grade signal over Lancaster. (see para. 5, supra). Moreover, the Commission's actions with regard to each type of crossownership have been mindful of situations where more than one type of crossownership is present. Petitioner's disagreement with our policies in this regard is being litigated in the Courts. See footnotes 4 and 5, supra.

[8] Petitioners also contend that the 1969 merger of the two cable franchises in Lancaster violated both the Sherman Act and section 7 of the Clayton Act. (15 U.S.C. 18). At the outset, we note that there is no information that the franchises permitted direct competition between the cables systems through overlapping service areas. Moreover, as previously noted, the matter of television cable crossownership has been subject of a Commission rulemaking and the licensee appears to be in full compliance with the Commission's rules in this case.

[9] In this regard, we do note that the licensee terminated what appears to be the most serious abuses—the consistent featuring of WGAL–TV programs on the "TV Week" cover—some seven months before the petition was filed.

[10] The fact that the Steinmans also controlled the radio stations at the time the abuses occurred is a material consideration, although we do not believe that the subsequent sale of the stations significantly reduces WGAL–TV's dominance in the Lancaster market. See also footnote 1, supra.

to determine what action, if any, should be taken. Accordingly, appropriate issues will be specified herein.[11]

EMPLOYMENT

16. Petitioner alleges that WGAL–TV has discriminated against women in its employment practices and policies as evidenced by specific instances of discriminatory hiring, statistical disparity of women employees, and an ineffective affirmative action program. FMR contends, through affidavits, that two female applicants, Susan Dutt and Joyce Perry applied for jobs at the station, but they were informed that there were no job openings. However, Ms. Perry asserts that the station hired two employees shortly thereafter. A third applicant contends that she was not hired at WGAL radio and therefore assumed that she could not get other communications employment at WGAL stations. Petitioner further asserts that WGAL–TV's affirmative action program is inadequate as evidenced by the fact that in 1975 only 26 percent of the station's full-time staff was female in an area whose work force is 37.2 percent female. FMR further notes that the station's employment profiles have shown little improvement in the 1972–75 license term. Petitioner contends that the disparity in female employees is greater in the upper four job categories, and the licensee misclassified female employees to fit within those upper four categories. For example, FMR alleges that the station's only female "Official or Manager" in the 1973–75 Annual Employment Reports (FCC Form 395) was the Commercial Traffic Manager whose major responsibilities involve the scheduling of commercials. Petitioner argues that such functions were not what the Commission intended to be included in the Officials and Managers category. FMR also asserts that an increase of four females in the upper four job categories between the 1974 and 1975 Reports was actually a reclassification of four "continuity writers" from "Craftsmen" to "Professionals" without changes in salary, responsibilities or functions.

17. In opposition, the licensee alleges that when Ms. Dutt and Ms. Perry applied to the station, it had no full time openings, and the openings which became available were outside their areas of interest, requiring technicians with first class radio telephone operators licenses. WGAL–TV further asserts that the Commercial Traffic Manager was properly classified since her duties included commercial scheduling and the hiring and supervision of office and clerical personnel in the sales department. The licenseee also contends that the four fulltime continuity writers were reclassified from skilled craftsmen to professionals on the advice of the station's counsel, and one of those writers was promoted to an on-the-air news person since the filing of the 1975 Report.

18. The Pennsylvania State Employment Service reports that the work force in the Lancaster area is 37.2 percent female and 3.3 percent minority groups. WGAL–TV's Annual Employment Reports for the years 1972 through 1976 reveal the following employment profile:[12]

	1972		1973		1974		1975		1976	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total full-time employees	113		118		117		114		110	
Minorities	3	2	4	3.1	4	3.1	4	3.5	4	3.6
Females	32	26	29	24.5	31	26.4	30	26.3	30	27.2
Total upper 4 job categories	65		64		63		68		67	
Minorities	0	0	1	1.5	1	1.5	1	1.4	2	2.9
Females	0	0	2	3.1	2	3.1	7	10.2	9	13.4

19. When these employment figures and WGAL–TV written EEO programs are compared with the presence of females and minorities in the Lancaster workforce, it is clear that WGAL–TV's overall employment of protected groups has been within the zone of reasonableness throughout the 1972–1976 period. We do note that the 1972 Report showed no protected group persons in the upper four job categories, but subsequent improvements brought the station into the zone of reasonableness. See "Applications of 28 Broadcast Facilities Licensed to the Philadelphia Pennsylvania Area" 53 FCC 2d 104 (1975). In this regard it does not appear that WGAL–TV has misclassified female employees in the upper four job categories. A licensee has broad discretion in classifying employees in accordance with the definitions supplied in the instructions to FCC Form 395, and it appears that the jobs involved were properly classified under those definitions * * *. See "Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees," FCC 76–426, released July 26, 1976; compare "Rust Communications Group, Inc.," FCC 76–988, released November 8, 1976. Additionally, petitioners have failed to allege facts which indicate that female job applicants have been discriminated against, or that the licensee's affirmative action program has not functioned adequately. In this latter regard, we note that the program has resulted in the promotion of WGAL–TV employees to higher level jobs. Accordingly, no further inquiry into WGAL–TV's employment practices or policies is warranted.

PROGRAMMING

20. Petitioner alleges that WGAL–TV's entertainment programming and commercial announcements are discriminatory in that they often portray women in demeaning ways, i.e., housewives, mothers, or sex symbols. FMR also contends that the licensee devotes insufficient money and professional assistance to the production of local public service programming, and the local news is dominated by men, with women relegated to short interviews and weather reports. In opposition, the licensee argues that it has depicted women in business, sports, politics, and education. Moreover, WGAL alleges that it presented a number of programs directed towards women:, including "Our Sisters, Ourselves: A Program on Women Today; Women in Crises; And Women in Politics." The licensee asserts that it also produced local, children's and religious programs to meet the needs and interests of its community, and the station contends that its program budget and manner of news presentation are matters of licensee discretion.

21. Petitioners have failed to establish that the licensee's portrayal of women in entertainment programming or commercial announcements reflects adversely on the station's service to the public. "American Broadcasting Co., Inc.," 52 FCC 2d 98 (1975). Moreover, it appears that the station's non-entertainment programming has responded to matters of particular concern to women. Petitioners have not identified any significant local problems or issue which the licensee ignored, nor in any other way established that WGAL–TV has not adequately responded to the needs of its community. "RadiOhio," 38 FCC 2d 721 (1973), aff'd sub nom. "Columbus Broadcast Coalition v. FCC," 505 F. 2d 320 (D.C. Cir. 1974); see also "Television Wisconsin, Inc.," FCC 75–1300, released December 3, 1975, 35 RR 2d 995. Petitioners have also failed to establish that WGAL–TV has consistently excluded women from its news or other programming. "Columbus Broadcasting Coalition v. FCC," supra. Finally, broadcasters are not common carriers and the Commission has not established any formula for the amount of funds licensees should devote to non-entertainment programming. "Allanza Federal de Mercedes v. FCC," Civil No. 74–1895 (D.C. Cir., April 27, 1976). Accordingly, no further inquiry into WGAL–TV's programming is warranted.

CONCLUSION

22. Section 309(e) of the Communications Act of 1934, as amended, requires

[11] Having reached the conclusion that petitioners have raised a substantial and material question of fact as to whether a continuation of the crossownership situation in Lancaster would serve the public interest, we do not believe that it is necessary to burden this proceeding with further discussions of Sherman Act monopolization. As previously noted, the Commission's role is defined by the public interest standard of the Communications Act, and we do not enforce the antitrust laws per se. In this instance, we believe that the public interest is served by the action taken herein.

[12] The various WGAL–TV Reports also reflect headquarters personnel with part time responsibilities for other stations: 18 in 1972; 16 in 1973; 15 in 1974; and 11 in 1975.

designation of a renewal application for hearing if the Commission, for any reason, is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity. In this case, petitioners have failed to raise any substantial or material question of fact relating to the licensee's employment practices or programming. However, on the basis of the record before us, we are unable to make the required finding that a grant of WGAL–TV's renewal application would serve the public interest. While the market structure in Lancaster would not require divestiture under the "Second Report and Order," supra, the alleged specific abuses of crossownership present a special case which should be explored at a hearing.

23. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in the subsequent order, upon the following issues:

(1) To determine the facts and circumstances surrounding the licensee's conduct in relation to its co-owned newspaper in the following activities:

(a) The selection and origination of the "TV Week" cover story and features in the Lancaster "Sunday News";

(b) The use of "reverse slug" headings to identify the radio and television stations in co-owned newspapers and;

(c) The newspapers' practice of charging for daily television program schedules.

(2) To determine, in the light of the evidence adduced pursuant to the foregoing, whether a grant of the application for renewal of license filed by WGAL–Television, Inc. would serve the public interest, convenience and necessity.

24. *It is further ordered,* That the petition to deny filed by Feminists for Media Rights is granted to the extent indicated above, and is denied, in all other respects, and the said Feminists for Media Rights are made a party to this proceeding.

25. *It is also ordered,* That the Feminists for Media Rights shall have the burden of proceeding with the evidence on Issue (1) above, and WGAL–Television, Inc. shall have the burden of proceeding with the evidence on Issue (2) above and the burden of proof with respect to all issues.

26. *It is further ordered,* That to avail themselves of the opportunity to be heard, the licensee and the Feminists for Media Rights, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within 20 days of the date of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issue specified in this Order.

27. *It is further ordered,* That the licensee shall, pursuant to section 311(a)(2) of the Communication's Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

FEDERAL COMMUNICATIONS COMMISSION,[13]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-763 Filed 1-7-77;8:45 am]

[Docket No. 14952; File No. BP-12902; FCC 76–1048, 43126]

WNAR, INC.

Memorandum Opinion and Order Enlarging Issues for Remand Hearing

Adopted: November 10, 1976.

Released: December 30, 1976.

1. WNAR, a 500 watt, non-directional, daytime only, class II standard broadcast station, is located in Norristown, Pennsylvania (population: 38,925), the largest community in, and the seat of, Montgomery County. Norristown is 4.5 miles northwest of the nearest city boundary of Philadelphia and is within the Philadelphia Urbanized Area. WNAR's 0.5 mv/m service area now extends roughly 24 miles in all directions from the transmitter (but only 18 miles to the north due to adjacent channel interference). The station was originally owned by Norristown Broadcasting Co., Inc.; however, it was assigned to the current applicant, WNAR, Inc., during the course of this proceeding.

2. An application for power increase to 50 kW was first filed by Norristown Broadcasting Co., Inc. in 1959. Subsequently, the application was amended to its present proposal of 5 kW, 1 kW critical hours. Examination of the application, as modified, revealed that penetration of nearby Philadelphia by WNAR's proposed 5 mv/m contour would increase from 6 percent to 92.3 percent (16.5 percent critical hours). Since Philadelphia is a city of more than 50,000 persons and has more than twice the population of Norristown, a presumption under the 307(b) Policy Statement[1] arose which led to the application's designation for hearing on suburban community issues.[2] Presiding Judge Basil P. Cooper found WNAR intended to remain a suburban station and proposed to grant its application. 41 FCC 2d 121 (1968). Before the Broadcast Bureau could file exceptions to the Initial Decision, Norristown Broadcasting Co. assigned WNAR to WNAR, Inc. and petitioned for leave to amend its application and substitute WNAR, Inc. as a party to the proceeding. The Review Board granted the petition, but remanded the proceeding and enlarged the issues to include financial and "Suburban" ascertainment issues based on questions concerning the new owner's qualifications. 18 FCC 2d 56 (1969). Thereafter, Judge Cooper issued a Supplemental Initial Decision in which he found, inter alia, that WNAR, Inc. was qualified to be a licensee and that the findings and conclusions in his original Initial Decision as to the future suburban-oriented programming of WNAR still led to an ultimate conclusion that the public interest would be served by granting the application for power increase. FCC 71D–66, released September 29, 1971.

3. Acting on exceptions to the decisions filed by the Bureau, the Review Board concurred with the Judge's resolution on all issues except the suburban community issues. The Board concluded that the failure to ascertain programming needs of Norristown which are separate and distinct from those of Philadelphia, the failure to determine which of Norristown's programming needs are not now being served by other stations, the failure to provide advertising revenue figures from Norristown, and a net loss of service to Montgomery County all resulted in the failure to rebut the 307(b) presumption that WNAR will become a sub-standard Philadelphia station if allowed to increase its power. 41 FCC 2d 110 (1973).

4. Subsequently, the Commission considered WNAR's application for review of the Board's Decision and remanded this proceeding for further hearings. 49 FCC 2d 135 (1974). The area of inquiry concerning programming needs and revenues was redefined as WNAR's proposed gain area and not the specified station

[13] Commissioners Wiley, Chairman; Fogarty and White concurring in the result; Commissioner Lee absent; Dissenting Statement of Commissioner James H. Quello filed as part of the original document.

[1] In the Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 6 RR 2d 1901, 2 FCC 2d 190 (1965), recon. denied, 6 RR 2d 1908, 2 FCC 2d 866 (1966), the Commission created a presumption that, when an applicant for new or improved facilities proposed a 5 mv/m contour which would penetrate the geographic boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community, the applicant actually proposes to serve the nearby major community and not its specified station location (39 FR 36912).

[2] See 6 FCC 2d 718 (1967).

location of Norristown.[4] On November 4, 1974, WNAR petitioned for reconsideration,[4] arguing that the requirement under the remand order of ascertaining specific programming needs of the gain area which are unmet by other stations is inconsistent with the underlying rationale of the "307(b) Policy Statement" that the needs of the specified station location should not be neglected; that the revised burden of proof is meaningless, irrelevant, and unduly burdensome, since any showing would be outdated by continuing changes in area needs and in local program service; and that the Commission has imposed a negative burden which in no way aids in resolving the fundamental question of whether a station intends to remain a suburban station or become a central city station. WNAR further urged that the Commission had failed to clarify and establish uniform standards of proof under the "307(b) Policy Statement" as required by the Court of Appeals in "Northern Indiana Broadcasters, Inc. v. FCC," 459 F.2d 1351, 23 RR 2d 2113 (1972).[5]

5. On July 14, 1975, the Commission released its "Report and Order in the Matter of Amendment of Part 73 of the Commission's Rules Regarding AM Station Assignment Standards," 54 FCC 2d 1 (hereinafter "July Report and Order"), in which, inter alia, the Commission dispensed with the suburban community 307(b) presumption in all pending and future single applicant proceedings.[6] It was emphasized, however, that the "factors underlying the original [1965 307(b)] Policy Statement will continue to be of concern * * *" and that the Bureau will be free to request the addition of appropriate issues in those ongoing hearings where the presumption no longer applies. The Commission also specifically put applicants on notice that applications proposing power clearly in excess of that necessary to serve the proposed community of license and its immediately surrounding areas will be examined with care and that the Commission would guard against those situations which the 307(b) Policy Statement presumption was designed to prevent. 54 FCC 2d at 22.

6. On August 12, 1975, the Bureau filed a Request for Clarification Or, in the Alternative, Enlargement of Issues in which it argues that a serious question remains regarding the future programming intent of WNAR and that the suburban community sub-issues specified in the Commission's 1974 remand of this proceeding still require resolution.[7] The Bureau thus requests that the Commission clarify whether the remand order is still in effect; if it is not, the Bureau urges that the issues specified in that order be reinstated and further hearings ordered. The Bureau also requests an additional issue to determine the extent to which a grant of WNAR's proposal will result in a loss of local service to residents of Montgomery County.

7. The Bureau notes WNAR's proposed increase from 500 watts to 5 kW (1 kW critical hours) will result in a pear-shaped contour directed to the southwest toward Philadelphia. The service area will actually contract about 2 miles to the north and northwest; in Montgomery, WNAR's home county, 10,358 people would lose service under WNAR's 5 kW proposal (30,917 people under its 1 kW critical hours proposal).[8] Service to the south will extend an additional 27 miles, the 5 mv/m coverage of Philadelphia will increase from 6 percent to approximately 92 percent, the 2 mv/m contour will expand to include 100 percent of the city, and 2 mv/m coverage of the Philadelphia Urbanized Area[9] will increase from 28 percent to 90 percent. The Bureau argues that the very substantial increase in service to Philadelphia and the loss of service to presently served areas discloses WNAR's intention to become a substandard Philadelphia station at the expense of its current service area. The Bureau concludes WNAR's disclaimer of improper intent simply cannot be substituted for a full exploration of the objective facts and that the Commission should use the sub-issues as specified in the remand order to inquire into the need for expanded service and into WNAR's motive in seeking a power increase.

8. WNAR opposes the request and argues that the present record is sufficient to allow the Commission to conclude that WNAR will remain a suburban station if a power increase is granted.[10] According to WNAR, the Commission found in the "July Report and Order" that power increases by all stations are in the public interest. In that regard, WNAR claims that the burden a suburban station has of proving that it will remain a suburban station can be met through testimony of its officers and economic evidence that its current revenues come largely from suburban advertisers. Just such evidence twice convinced presiding Judge Cooper that WNAR would remain a suburban station, and WNAR contends the question of its "intent" is settled as a matter of res judicata and that its application should be granted and the proceeding terminated.

9. In our view, the fundamental question to be considered here is what impact has the "July Report and Order" had on the application of the "307(b) Policy Statement" to an existing suburban station's proposal to increase its power. In this connection, the first points to be noted are that the "July Report and Order" did indicate, as WNAR asserts, that the Commission's allocation standards were too restrictive; that those standards were being relaxed so that suburban stations, among others, would be able to provide improved service to the public; and that the "307(b) Policy Statement's" presumption would no longer be applied in a single applicant situation, such as the present case. However, the "July Report and Order" also stated that the factors underlying the "307(b) Policy Statement" will still continue to be of concern even in single applicant situations, that the Commission will guard against those situations which the 307(b) Policy Statement presumption was designed to prevent, and that applicants proposing power clearly in excess of that necessary to serve the proposed community of license and its immediately surrounding areas will be examined with care. 54 FCC 2d 21–22. We further emphasized therein that "the essential element in our 307(b) considerations will therefore continue to be the intent of the applicant with respect to service to the community of license, [and] our analysis will focus on those facts and circumstances in the application which may bear on this question of intent". (54 FCC 2d at 22). Here, WNAR is already providing service to the community of Norristown. Consequently, in the context of this proceeding, the focus of our inquiry must be directed to the determination of whether WNAR's primary motive is to improve service in that portion of the gain area immediately surrounding its specified station location which it asserts its proposal is "designed to serve" or to circumvent our policy against substandard metropolitan area stations.

10. According to WNAR, its proposal is designed to improve its service in Bucks, Chester, and Delaware counties which are located north and west of Philadelphia. The record further establishes that, overall, 2,626,269 persons would receive WNAR's service for the first time. However, 1,495,512 of those persons reside within the city of Philadelphia, 542,945 live in New Jersey, and nearly 50,000 more live in the States of Delaware and Maryland. Thus, only approximately 20 percent of WNAR's gain area population is located in the suburban counties (Bucks, Chester and Delaware), which its proposal "is designed to serve." Moreover, the record and the pleadings in this case show that WNAR proposes to withdraw service from 10,358 persons (30,917 persons during critical hours) in its home county, Montgomery; from 1,857 persons (19,321 persons during critical hours) in Bucks County; from 6,104 persons (25,586 persons during critical hours) in Chester County; and from 4,644 persons (and during critical hours from all 6,316 persons now receiving service) in Berks County.

11. This proposed withdrawal of existing service from Montgomery, Bucks, Chester, and Berks Counties is on its face inconsistent with WNAR's claim of improved service to nearby counties, and, together with the substantially increased coverage of Philadelphia, lends considerable support to the Bureau's contention that an evidentiary hearing is required to determine whether WNAR's real intention is to improve service to these suburban areas or to become another, but substandard, Philadelphia station. We recognize, of course that all of the evidence adduced at the hearing must be taken into account in the resolution of this question, so we express no view as to what the ultimate conclusion should be. Nevertheless, we believe that a willingness to withdraw service from the areas immediately surrounding the community of license while increasing coverage of the larger city is a significant factor for exploration in assessing the applicant's true objective.[11] Clearly, any benefits deriving from the proposed new service must be balanced against any detrimental effects which may become apparent by withdrawing service from those now receiving it.

12. Moreover, in order to sustain its burden of proof in this proceeding, WNAR must adduce affirmative evidence that it intends to provide a broadcast service meeting the particular needs of Montgomery, Bucks, Chester and Delaware Counties rather than becoming another station serving the homogeneous needs of the Philadelphia Urbanized Area.[12] At the same time, WNAR will be given every opportunity to show in what ways its nonentertainment programming to the suburban gain areas is responsive to other perceived needs. Thus, even though other aural broadcast stations may be treating such needs to some extent, WNAR will be permitted to show that its proposed programming is responsive to a need for further exposition from the perspective of the suburban gain areas.

13. While WNAR urges that its intent to remain a suburban station has been definitively determined in this proceeding, it has failed to consider not only that the presiding judge's rulings in this respect were set aside by the Review Board, but also that such a question cannot be finally resolved on the basis of the applicant's self-serving disclaimers of any improper intent without full consideration of all of the objective facts surrounding the proposal to increase power.[13] In light of all of the facts set forth above, we are not persuaded that a sufficient showing has been made on the record now before us to establish that the primary purpose of this proposal is to serve the areas immediately surrounding Norristown or that WNAR has avoided the use of power greatly exceeding that needed to serve such areas. Under these circumstances, we are convinced that a further hearing is mandatory so that this proceeding may be resolved on the basis of a full evidentiary record on all of the pertinent issues concerning WNAR's proposal to increase its power and its coverage of the entire Philadelphia Urbanized Area. The issues previously designated will be modified to conform to the views expressed herein. In addition we believe that the impact of the proposed loss of service in Montgomery, Bucks, Chester and Berks Counties in terms of the availability of other local service for the loss areas should be explored at the hearing.

14. *Accordingly, it is ordered:*

(a) That the requests for waiver of Sections 1.106(a)(1) and 1.44 of the Rules, filed by WNAR, Inc. on November 4, 1974, are granted;

(b) That the petition for reconsideration, filed by WNAR, Inc. on November 4, 1974, is denied; and

(c) That the request for clarification or, in the alternative, enlargement of issues, filed by the Broadcast Bureau on August 12, 1975, is granted as indicated herein.

15. *It is further ordered*, That the issues for the remand hearing are modified and enlarged as follows:

To determine whether the instant proposal will realistically continue the local transmission service for the applicant's assigned community and provide a responsive broadcast service for the proposed gain area or provide such service for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

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[1] The originally specified sub-issues under the suburban community issues speak in terms of the "specified station location." The Board in its Decision rejected the Bureau's assertion that findings and conclusions in proceedings involving existing stations seeking power increases should be concerned with the "gain area." The Commission's remand order endorsed the Bureau's view, but specified further hearings due to the previous confusion as to the required showing. See also WHJB Radio, 49 FCC 2d 357 (1974). As revised, the issues specified for the remand hearing are as follows:

To determine whether the instant proposal will realistically continue the local transmission service for the applicant's assigned community and provide a new broadcast service for the proposed gain area or provide such service for another larger community, in light of all the relevant evidence, including, but not necessarily, limited to, the showing with respect to:

(a) The extent to which the proposed gain area has been ascertained by the applicant to have separate and distinct programming needs;

(b) The extent to which the needs of the proposed gain area are being met by existing aural broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programming needs of the proposed gain area; and

(d) The extent to which the projected sources of the applicant's advertising revenues from within his assigned community and/or from within the proposed gain area are adequate to support its proposal.

To determine, in the event it is concluded pursuant to the foregoing issue that the proposal of the applicant will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2) for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Philadelphia, Pennsylvania.

[4] The Broadcast Bureau filed an opposition to WNAR's petition for reconsideration on December 16, 1974, and WNAR filed a reply on January 6, 1975. In this connection, WNAR also requests waiver of § 1.106(a)(1) of the rules, concerning the filing of interlocutory petitions for reconsideration, and of § 1.44 of the rules, concerning the combining of separate requests for action. While the better procedure is to file separate pleadings where different requests are made, we are persuaded that, in view of all of the circumstances in this proceeding, waiver of the rules is appropriate so that consideration can be given to the merits of WNAR's arguments.

[5] WNAR also requested oral argument, but, in view of the determinations reached herein, we are not persuaded that oral argument would serve any useful purpose at this stage of the proceeding.

[6] Because the Rule Making proceeding involved questions concerning the application of the 307(b) Policy Statement, WNAR had, in its reply pleading filed January 6, 1975, requested that action in this adjudicatory proceeding be deferred pending resolution of the rulemaking proceeding.

[7] WNAR, in response to the Bureau's petition, filed an opposition on January 19, 1976, and a supplement thereto on January 22, 1976. The Bureau filed a reply on February 3, 1976.

[8] The Bureau contends that a significant number of persons may also lose their only local Montgomery County service. While two other AM stations are assigned to communities in Montgomery County, the record does not show the extent of their service areas.

[9] The Philadelphia Urbanized Area includes portions of the four Pennsylvania counties around Philadelphia (Delaware, Chester, Montgomery and Bucks Counties), the city of Philadelphia, and a portion of New Jersey.

[10] In response to the Bureau's request for an issue concerning loss of service in Montgomery County, WNAR asserts that interference considerations with respect to other pending proposals and existing stations originally made both the increased coverage of Philadelphia and the restricted service to Montgomery County inevitable. However, WNAR has filed an affidavit alledging that new technology will permit redesign of the proposed directional array so that the loss of service will be eliminated. It asserts an engineering amendment to this effect will be filed if the Commission grants WNAR's application. The Bureau opposes this procedure and contends good cause to file a post-designation engineering amendment has not been demonstrated.

[11] Nor do we believe that the amendment suggested by WNAR, see footnote 10, supra, would necessarily resolve this question. According to WNAR, technology available now, but not at the time its proposal was submitted, would enable it to redesign its directional antenna to maintain the present nondirectional radiations. Irrespective of whether a redesign of the directional antenna would achieve this result, the question remains whether an inference is warranted that WNAR has submitted a proposal with a primary intent to improve coverage over Philadelphia. In its pleadings, WNAR contends that no such inference is warranted, but we deem it best to resolve that issue on the basis of a full evidentiary hearing.

[12] In view of our clarification and particularization of the issues herein, we believe that we have provided the guidance sought by the Court of Appeals in Northern Indiana Broadcasters, supra, concerning the standards of proof for this type of case, and that WNAR's additional contentions, in paragraph 4, supra, regarding the nature of this proceeding require no further consideration here.

[13] While we are aware that a grant was made by the Broadcast Bureau, acting pursuant to delegated authority, of a proposal by Gordon A. Rogers, KGAR, Vancouver, Washington, to increase power, Public Notice Report No. 14267, released June 16, 1976, the facts in this case, particularly the loss of service in Montgomery, Bucks, Chester, and Berks Counties, convince us that a grant cannot now be made here.

(a) The extent to which the non-entertainment program needs of the proposed gain areas located in Bucks, Chesterr, and Delaware Counties have been ascertained by the applicant to be separate and distinct from the needs of the central city;

(b) The extent to which any other non-entertainment program needs of the proposed gain areas located in Bucks, Chester, and Delaware Counties, while not having been ascertained to be separate and distinct (as was the case in subparagraph (a), above), have been ascertained to be existing needs and are susceptible of being treated from the suburban gain areas' perspective;

(c) The extent to which the needs of the above mentioned gain areas are being met by existing aural broadcast stations;

(d) The extent to which the applicants non-entertainment program proposals will serve needs which are not being met by existing aural broadcast stations or will complement or add to the programming of the existing broadcast stations serving the gain areas;

(e) The extent and nature of other existing service located within Montgomery, Bucks, Chester and Berks Counties available to the loss areas in said Counties created by the pending proposal;

(f) Whether the public interest will be served by the provision of new service in the gain areas of Delaware, Bucks, and Chester Counties despite the withdrawal of existing service from the loss areas in Montgomery, Bucks, Chester and Berks Counties.

(g) Whether the evidence adduced pursuant to the foregoing issues indicates sufficient affirmative and significant benefits to the gain areas of Delaware, Bucks and Chester Counties and demonstrates that the applicant intends to continue to serve its present community of license and existing service area and to provide a broadcast service responsive to the proposed gain areas' needs rather than to circumvent our policy against substandard metropolitan area stations.

To determine, in the event that it is concluded pursuant to the foregoing issue that the proposal of the applicant will not realistically continue the local transmission service for its specified station location and provide a responsive broadcast service for the proposed gain areas, whether such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2) for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely Philadelphia, Pennsylvania.

FEDERAL COMMUNICATIONS COMMISSION,[14]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-761 Filed 1-7-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

STRATEGIC PETROLEUM RESERVE

Availability of Draft Site-Specific Environmental Impact Statements for the Ironton and Central Rock Limestone Mine Storage Sites

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4321 et seq., the Federal Energy Administration (FEA) has prepared draft site-specific environmental impact statements (EIS's) for:

1. Central Rock Limestone Mine Storage Site, Lexington, Kentucky (DES-76-9)
2. Ironton Limestone Mine Storage Site, Ironton, Ohio (DES-76-10)

These two storage sites are being considered by FEA for the creation of a Strategic Petroleum Reserve.

The Reserve is mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C., Sections 6231-6246. The Reserve will be created for the storage of approximately 500 million barrels of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the international energy program.

Single copies of the draft Central Rock and Ironton EIS's may be obtained from the FEA Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue, NW, Washington, D.C. 20461. Copies of the draft Central Rock and Ironton EIS's will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW, Washington, D.C. 20461, between 8 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the Central Rock or Ironton Draft EIS's to Executive Communications, Box KB, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, NW, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Draft EIS for (Name of Site)." Fifteen copies should be submitted. All comments should be received by FEA by February 22, 1977, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., January 4, 1977.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.77-779 Filed 1-5-77;1:07 pm]

FEDERAL POWER COMMISSION

[Docket No. ER77-89]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Interventions and Establishing Procedures

DECEMBER 30, 1976.

On December 1, 1976, Central Illinois Public Service Company (CIPSC) submitted for filing a proposed increase in rates[1] for electric service to eleven cooperative, eight municipal, and three partial requirements customers. The proposed charges would result in additional revenue of $4,037,599 (11.0%) for the 12-month period following the proposed effective date of January 1, 1977.

The eleven cooperatives are currently served under CIPSC FPC Electric Tariff Original Volume No. 1 (Rate W-1). The revised Rate W-1 is proposed to become effective January 1, 1977. Five of the municipal customers are currently served under CIPSC FPC Electric Tariff Original Volume No. 2 (Rate W-2), and three under individual contracts. Revised Rate W-2 is proposed to apply to the five municipals served under the tariff on January 1, 1977, and to the remaining three upon the expiration date of their current agreements.[2] CIPSC renders partial requirements service to two customers under its FPC Electric Tariff Original Volume No. 3 (Rate W-3) and to one customer under a separate fixed-rate contract. Revised Rate W-3 is proposed to become effective on January 1, 1977, for the tariff customers and upon the expiration date of the separate fixed-rate contract.

The proposed rates would result in additional test period revenues of $3,091,497 (10.40%) from the cooperatives, $459,009 (10.93%) from the municipals, and $487,093 (17.50%) from the partial requirements customers. Because the increased charges to certain of the municipal and partial requirements customers will not become effective until the expiration of their current agreements, the full amount of the increase will not be recovered for several years.

Notice of the proposed rate increase was issued on December 10, 1976, with protests and petitions to intervene due on or before December 28, 1976.

On December 28, 1976, a petition to intervene was filed by the Village of Rantoul, Illinois (Rantoul). Rantoul is a partial requirements customer of CIPSC, currently being served under FPC Electric Tariff, Original Volume No. 3. Rantoul contends that the instant filing would impose a 20.5% increase in rates and that such rate increase is excessive and unreasonable. Rantoul further argues that CIPSC's filing should be rejected because inadequate notice has been provided.

Rantoul requests intervention, stating that its interests will not be represented adequately by any other party.

Commission review of the proposed rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. The proposed rates should therefore be accepted for filing and suspended for one day, to become effective January 2, 1977, subject to refund.

The Commission finds: (1) Good cause exists to accept for filing the proposed tariff changes filed herein on December 1, 1976, and suspend the use thereof for one day until January 2, 1977, when they shall be permitted to become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of CIPSO's tariff as proposed to be revised herein.

(3) Good cause does not exist to grant Rantoul's motion to reject.

(4) Good cause exists to grant the petition to intervene of the Village of Rantoul, as hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the rates and charges included in CIPSC's FPC Electric Tariffs as proposed to be revised by the subject filing.

(B) Pending a hearing and a final decision thereon, CIPSC's filing is hereby accepted and suspended for one day, to become effective on January 2, 1977, subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before May 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) CIPSC shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(F) Rantoul's motion to reject is hereby denied.

(G) Rantoul is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Secretary shall cause the prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-802 Filed 1-7-77;8:45 am]

[Docket No. CP77-116]

HOUSTON PIPELINE CO.

Order Providing for Hearing and Granting Interim Relief

JANUARY 5, 1977.

The Commission has determined that a hearing should be conducted before the full Commission to examine the questions raised by the requests filed by Houston Pipe Line Company (Houston), dated December 23, 1976, requesting Commission approval of the sales of gas to United Gas Pipe Line Company (United) and Transcontinental Gas Pipe Line Corportion (Transco), pursuant to the emergency procedures set forth in section 2.68 of the Commission's Statements of General Policy and Interpretations.

In those filings Houston proposes to commence, on or after January 6, 1977 for a period of 60 consecutive days, deliveries of up to a maximum quantity of 150,000 Mcf of gas per day to United at or near the tailgates of the Katy Gas Plant, Waller County, Texas, the Karon Gas Plant, Live Oak County, Texas, and the TCB Gas Plant, Jim Wells County, Texas. Houston has been delivering approximately 150,000 Mcf of emergency gas per day to Transco from these same delivery points under section 2.68.

Houston also proposes to commence, on or after January 6, 1977, for a period of 60 consecutive days, deliveries of up to a maximum quantity of 85,000 Mcf of gas per day to Transco for the accounts of certain Transco distribution customers, at or near the tailgate of the Pledger Gas Plant, Brazoria County, Texas. Houston is presently delivering approximately 85,000 Mcf of emergency gas per day to United from the same delivery point under section 2.68.

Fundamentally, the relief requested concerns the scope of the Commission's authority pursuant to the Natural Gas Act, 15 U.S.C. 717(a), et seq., alternatively, to permit emergency transactions by non-jurisdictional entities for periods of time in excess of 60 days pursuant to Section 2.68(b) of the Commission's General Policy and Interpretations or to recognize discrete sources of gas supply of a non-jurisdictional entity as constituting a new emergency sale pursuant to Section 2.68(a) thereof. Section 2.68(a) and (b) of the Commission's General Policy and Interpretations, 18 CFR, provide in part as follows:

(a) With respect to persons exempt from the provisions of the Natural Gas Act pursuant to section 1(c), and distribution companies and intrastate pipelines only, exempt from the provisions of the Natural Gas Act pursuant to section 1(b), it will be the general policy of the Commission to encourage such persons and companies, if requested, to aid natural gas distribution companies and pipeline companies in need of temporary emergency gas supplies, by making short-term sales or deliveries of natural gas in interstate commerce for periods up to and including 60 consecutive days • • •

• • • • •

(b) If the emergency responded to is expected to have a duration longer than 60 consecutive days, the seller or the transporter shall obtain an advance statement from the Commission, prior to termination of the 60-day period, that the seller's status under section 1 (b) or (c) of the Act will not be affected as a result of the contemplated emergency sales or deliveries, as the circumstances of such sales are described in a written petition filed pursuant to § 1.7 of the Commission's rules of practice and procedure • • •

The Commission has been advised by its General Counsel that the scope of the Commission's authority to exempt transactions from the requirements of the Natural Gas Act pursuant to section 7[1] is governed by the decision of the United States Court of Appeals for the District of Columbia, *Consumer Federation of America, et al. v. Federal Power Commission*, 515 F.2d 347 (1975), cert. denied, 423 U.S. 906 (1975). With reference to the quoted proviso of section 7 of the Natural Gas Act, that decision provides as follows (515 F.2d 353-4):

• • • It was designed as a narrow exception to enable the companies and the Commission to grapple with temporary emergencies and minor acts or operations, like emergency interconnections to cope with breakdowns or sporadic excess demand for gas

• • • The exemption clause is not a broad blade to cut a wide swath out of the basic landscape of certification after due hearings. What it permits is a more modest kind of pruning, like the temporary certificate available for emergency trimming pending hearings.[6]

[6] The limited role of a disposition without any hearing is underscored by the fact that the requirement of a hearing is not a requirement of futile or obstructive hearings. The courts have made it plain that even when proceedings are of such a type that hearings are required generally, they are not required in particular cases or for particular issues where there are no substantial issues of fact, and that even where oral hearings are required they may be conducted with foreshortened procedure, especially situations that call for expedition, so as to focus on the main points that merit oral ventilation. *Weinberger v. Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 93 S.Ct. 2469, 37 L.Ed.2d 207 (1973); *Marine Space Enclosures, Inc. v. FMC*, 137 U.S. App. D.C. 9, 420 F.2d 577 (1969); *Citizens for Allegan County, Inc. v. FPC*, 134 U.S. App. D.C. 229, 414 F.2d 1125 (1969).

Under the circumstances of this case, the Commission, having considered this

[1] See Attachment A for list of designations and descriptions.

[2] The current agreements expire at various times between March 14, 1977, and April 13, 1980.

[1] Section 7(c), in part, provides:

• • • and may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest. 15 U.S.C. 717f(c)

[14] Concurring Statement of Commissioner Benjamin L. Hooks filed as part of the original document.

matter at its public meeting on January 5, 1977, and having directed the Secretary to give immediate notice of its intention to grant interim relief[a] and to set this matter for hearing, has concluded that it is necessary and appropriate for the purposes of the Natural Gas Act, the Commission's Regulations thereunder and the Commission's Rules of Practice and Procedure, to order as hereinafter provided. The Commission's Regulations do not necessarily require a hearing under section 2.68.

The Commission orders: (A) The nonjurisdictional status of Houston Pipe Line Company and any producers supplying Houston Pipe Line Company under the Natural Gas Act, shall not be affected by continued deliveries of natural gas by that company to Transcontinental Gas Pipe Line Corporation or United Gas Pipe Line Company, under the authority of Section 2.68(b), during the period in which the Commission is considering this matter on the merits, and until 24 hours after the issuance of a Commission opinion on the matter; *Provided,* That before sales may be made under this order and beyond the period of the original 60-day emergency, the information required under § 2.68(b) concerning the current contract price, and the volumes delivered during the first 60-day period shall be filed.

(B) Pursuant to Section 1.20 of the Commission's Rules of Practice and Procedure, a public hearing shall be convened on January 13, 1977, at 10:00 a.m., e.s.t., in Hearing Room A of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., for the purpose of taking evidence on the issues raised herein. Because of the urgency of this matter, the 15-day notice period is waived. Houston Pipe Line Company, United Gas Pipe Line Company and Transcontinental Gas Pipe Line Corporation, and any other interested persons shall be given the opportunity to present evidence and argument on the alleged existing emergency conditions, compensation to be received by the seller, and any other relevant matter as referred to in Section 2.68 of the Commission's General Policy and Interpretations. All persons wishing to participate in this hearing shall file a request for time with the Secretary by 1:00 p.m., e.s.t., January 11, 1977. Those parties sharing the same position are urged to select common spokesmen to represent their viewpoints.

(C) All parties desiring to intervene in this proceeding are hereby directed to notify the Secretary of such intention, and such notification shall constitute the basis for participation in this proceeding as a party intervenor.

(D) The Secretary shall publicly post copies of this order today and shall also submit copies of this order to the Federal Register with the request that it be published in the FEDERAL REGISTER at the earliest possible date.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-848 Filed 1-7-77;8:45 am]

[Docket Nos. RP73-14 (PGA 77-2); RP74-24 (DCA 77-1); RP74-73 (R&D 77-1)]

TENNESSEE GAS PIPELINE CO.

Order Accepting for Filing and Making Effective Proposed Increase in Rates

DECEMBER 30, 1976.

On December 1, 1976, Tennessee Gas Pipeline Company (Tennessee) tendered for filing in the above dockets a proposed rate increase incorporating the following elements:

(1) A PGA rate increase of approximately $34.44 million annually and a decrease of 1.53 cents per Mcf in the surcharge to recoup the balance in Tennessee's unrecovered purchased gas cost account.

(2) Curtailment credit rate increases ranging from 0.61 cents to 1.22 cents per Mcf in each of Tennessee's six rate zones to recoup the $15.1 million balance in the curtailment credit account, and

(3) A rate increase of 0.03 cents per Mcf attributable to R&D expenditures through September 30, 1976.

Tennessee requests the proposed increases be made effective on January 1, 1977, 30 days after filing.

The proposed R&D adjustment is based on projects which are subject to hearing in Tennessee's pending general rate proceedings in Docket Nos. RP75-13 and RP75-113, and upon one new project involving the technical and environmental feasibility of importing LNG from Algeria.

Upon review of the subject filing, the Commission finds that the reasonableness of the R&D expenditures has not been demonstrated. The R&D increase will therefore be accepted for filing and permitted to become effective on January 1, 1977, subject to refund and subject to the outcome of Tennessee's rate proceedings in Docket Nos. RP75-13, RP75-113, and its most recent general rate proceeding in Docket No. RP76-137. In all other respects the proposed rates have been properly computed and shall be accepted for filing and permitted to become effective as requested.

The Commission orders: (A) Tennessee's Fourteenth Revised Sheet Nos. 12A and 12B to its FPC Gas Tariff, Ninth Revised Volume No. 1, are accepted for filing and permitted to become effective on January 1, 1977.

(B) The R&D portion of the proposed rate increase shall be subject to refund and shall further be subject to the outcome of the proceedings in Docket Nos. RP75-13, RP75-113, and RP76-137.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-805 Filed 1-7-77;8:45 am]

[Docket No. RI77-18]

TEXAS ENERGIES, INC.

Petition for Special Relief

JANUARY 3, 1977.

Take notice that on December 9, 1976, Texas Energies, Inc., Suite 306, Bank of the Southwest Building, Amarillo, Texas 79109, filed a petition for special relief in Docket No. RI77-18 pursuant to section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge 90 cents per Mcf for the sale of gas to Panhandle Eastern Pipeline Company from a well located on NW/4, Section 5, Township 34 South, Range 29 West, in Meade County, Kansas, in consideration for reworking the well. The subject gas is currently being sold at the rate of 35 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-803 Filed 1-7-77;8:46 am]

[a] Such interim relief appears necessary to prevent possible irreparable harm to various customers of the pipelines in question. For example, the pleading of the State of North Carolina, styled "Petition For Emergency Relief", p. 2, states that the level of curtailment in North Carolina has exceeded 61%. Additionally, this Commission, in promulgating a permanent curtailment plan for Transco, noted that curtailments will severely impact Priority 2 customers this winter and that curtailment into Priority 1 was possible. (See Opinion No. 778, Docket No. RP72-99, issued October 8, 1976, p. 42-43. See also FPC Staff Report, Alabama-Tennessee Natural Gas Company, Docket Nos. RP76-116, et al., issued September 1976). Moreover, information provided by the National Oceanic and Atmospheric Administration of the Department of Commerce indicates that the current winter period through January 2, 1977, has been approximately 30 percent colder than normal throughout the industrialized Eastern portion of the United States. Further, it has been a colder-than-normal winter throughout most of the Nation, except for the far West. This has resulted in an increase in the net withdrawals from storage for the current winter heating season, over those withdrawals for the same period last winter.

[Docket No. RI77-19]

TEXAS ENERGIES, INC.

Petition for Special Relief

JANUARY 3, 1977.

Take notice that on December 9, 1976, Texas Energies, Inc., Suite 306, Bank of the Southwest Building, Amarillo, Texas 79109, filed a petition for special relief in Docket No. RI77-19 pursuant to section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge $1.30 per Mcf for the sale of gas to Transwestern Pipeline Company from a well located on section 25-1N-24 ECM, in Beaver County, Oklahoma, in consideration for the installation of compression and artificial lift equipment. Petitioner states that the subject well is currently shut-in and that abandonment will be necessary if the requested relief is not granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing there, must file a petition in intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-804 Filed 1-7-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE

Change in Meeting Agenda

Notice is hereby given of a change in date and open portion of the Cancer Control Community Activities Review Committee meeting, National Cancer Institute, January 20-21, 1977, which was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55593).

This meeting will be held one day only on January 21, 1977, and will be open to the public from 8:30 a.m.-9:30 a.m. Attendance by the public will be limited to space available.

Dated: January 3, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-880 Filed 1-7-77;8:45 am]

Public Health Service

PUBLIC HEALTH SERVICE REGIONAL OFFICES

Statement of Organization, Functions, and Delegations of Authority

Chapter HD (formerly designated Part 15, Chapter 15) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Public Health Service (PHS) Regional Offices (39 FR 1468, January 9, 1974, as amended by 41 FR 36237, August 27, 1976) is amended to reflect the establishment of a Division of Alcoholism, Drug Abuse, and Mental Health in Regions II, VII, and VIII similar to the Division of Alcoholism, Drug Abuse, and Mental Health established in Region IX on August 27, 1976, The Division of Alcoholism, Drug Abuse and Mental Health as established in Region IX serves as a model and is available as an organizational option to all PHS regional offices.

Section 15-B (to be redesignated HD-B) Organization and Functions, is amended by deleting the statement entitled Division of Alcoholism, Drug Abuse, and Mental Health (HD9T Region IX) and inserting the following statement:

Division of Alcoholism, Drug Abuse, and Mental Health (HD2T, HD7T, HD8T, HD9T). Directs and coordinates programs and activities designed to promote and provide for the planning, development, and delivery of quality mental health, drug abuse, and alcohol service within the region.

Administers programs of Federal support to mental health and mental health related service delivery systems, including interpretation of policies and guidelines to state and local officials and private nonprofit organizations, site assessments, project development, and project monitoring.

Assists in mental health program development at state and local levels through the provision of professional consultation, guidance, and technical assistance in the planning, production, and maintenance of mental health and mental health related service delivery systems.

Serves as regional focal point for promoting and directing efforts to integrate and coordinate mental health and related programs and activities with programs and activities in other areas of health and in the fields of social welfare, education, rehabilitation, and adult and juvenile corrections.

Monitors grants for compliance with applicable laws, regulations, policies, and guidelines.

Administers the Regional Public Health Employees Assistance Program, including the provision of orientation to supervisors and the provision of counseling and referral services to employees.

Dated: December 30, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.77-722 Filed 1-7-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N-77-681]

NATIONAL MOBILE HOME ADVISORY COUNCIL

Meetings

In accordance with section 605 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and Section 10(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92-463) announcement is made of the following meetings:

I. EXECUTIVE COMMITTEE

Name: National Mobile Home Advisory Council (NMHAC)—Executive Committee.
Date: January 31, 1977.
Place: Room 10233, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.
Time: 1 p.m.

PROPOSED AGENDA

January 31, 1977

The Executive Committee will handle the following items in the approximate order presented and develop recommendations to the Advisory Council where it determines appropriate:

A. Approve minutes of the October 15, 1976, Executive Committee meeting.

B. Discuss the relationship of the Executive Committee to the Council.

C. Review proposed amendments to Advisory Council Charter and proposed Bylaws.

D. Consider proposal for improving the future usefulness to HUD of the National Mobile Home Advisory Council in technical areas.

E. Review draft letter from NMHAC to Governors.

F. Discuss as time permits the following topics.

1. Recent Federal Register publications.
2. Preemptive nature of the Federal standards and Procedural and Enforcement Regulations.
3. Petitions received by the Mobile Home Standards Division dealing with unresolved issues.
4. Procedure used for processing interpretive bulletins.
5. Update to HUD's response to the Manufactured Housing Institute's letter of August 13, 1976.
6. HUD pre-sale brochure.
7. Definition of recreational vehicle as it applies to this standard.
8. Fire detection equipment.
9. Mobile home research projects.

II. ADVISORY COUNCIL

Name: National Mobile Home Advisory Council.
Date: February 1-2, 1977.
Place: Room 10233, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.
Time: 9:30 a.m. February 1; 9 a.m February 2.

PROPOSED AGENDA

February 1-2, 1977

From 9:30 a.m. until approximately 1:00 p.m., February 1, the Advisory Council will participate in a consumer affairs forum dealing with mobile homes. Such topics as mobile home financing, parks, and their improvement, leasing space and zoning will be

discussed. In the afternoon, the Council will deal with the topics listed below and will consider recommendations of the Executive Committee on these topics. (Additional topics may be added to the agenda after the Executive Committee meets on January 31, 1977.) Although it is difficult to determine in advance how much time to allow for each topic, we expect that we will complete items A–B and some of the topics listed under C on February 1 and that we will complete the remaining items on February 2.

A. Complete administrative matters related to the operation of the Council.

B. Approve minutes of August 31–September 1, 1976, Advisory Council meeting.

C. Discuss topics B through F listed on January 31 agenda and consider any recommendations of the Executive Committee.

D. Discuss the relationship of the NFPA–ANSI Committee to the National Mobile Home Advisory Council.

Meetings of the Advisory Council are open to the public. Any member of the public may file a written statement with either the Executive Committee or the Advisory Council before, during, or after the meetings. To the extent that time permits, the Chairman of the Council may allow presentation of oral statements during the meeting.

All communications regarding the meetings or the Executive Committee and the Advisory Council and requests for information about the agenda should be addressed to:

Robert G. Hoag, Departmental Committee Management Officer, Room 3284, 451 Seventh Street SW, Washington, D.C. 20410.

Issued in Washington, D.C. on January 5, 1977.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-780 Filed 1-7-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 07/07-0077]

KANSAS VENTURE CAPITAL, INC.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1976)), under the name of Kansas Venture Capital, Inc., 1030 First National Bank Tower, One Townsite Plaza, Topeka, Kansas 66603, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Stanley H. Clow, Chairman of the Board, Director, 3146 Shadow Lane, Topeka, Kans. 66604.
Robert B. Docking, Vice Chairman of the Board, Director, Stonebridge, R.R. No. 3, Arkansas City, Kans. 67005.
George L. Doak, President, Director, 8540 West Tenth, Topeka, Kans. 66615.
Donald C. Steffes, Vice President, Director, 1517 N. Walnut, McPherson, Kans. 67460.
John H. Abrahams, Secretary, Director, 3637 York Way, Topeka, Kans. 66604.
Larry J. High, Assistant Secretary, 4337 W. 30th, Topeka, Kans. 66614.
George R. Katzenbach, Treasurer, Director, 3611 Nottingham Road, Topeka, Kans. 66614.
H. Marvin Bastian, Director, 62 Norfolk Drive–Eastboro, Wichita, Kans. 67206.
Thomas R. Clevenger, Director, 3132 Westover Road, Topeka, Kans. 66604.
A. J. Collins, Director, 4 Prairie Dunes, Hutchinson, Kans. 67501.
R. R. Domer, Director, 8739 Lafayette, Kansas City, Kans. 66109.
Jordan L. Haines, Director, 312 Lynwood, Wichita, Kans. 67218.
James A. McCain, Director, 1711 Sunny Slope Lane, Manhattan, Kans. 66502.
Edward T. McNally, Director, 1010 South College, Pittsburg, Kans. 66762.
Bernard J. Ruysser, Director, 6409 Verona Road, Shawnee Mission, Kans. 66208.
Leigh Warner, Director, 400 Court Avenue, Cimarron, Kans. 67835.
Kansas Development Credit Corporation, Inc., Approximately 51 percent shareholder, 1030 First National Bank Building, Topeka, Kans. 66603.

Kansas Development Credit Corporation (KDCC) is a Kansas corporation organized pursuant to specific Kansas legislation for the purpose of industrial and commercial development within the state. Most of the state and national banks in the State of Kansas are members of KDCC. Only banks within the state and KDCC will be stockholders of the Applicant.

The Applicant has only one class of stock authorized; 250,000 shares of common stock. The initial capitalization will be approximately $1,081,000, with KDCC owning in excess of 50 percent of the shares issued and outstanding. Approximately 190 banks within the State of Kansas have indicated an interest in purchasing shares of stock of the Applicant in the aggregate amount of approximately $530,000. The offering to banks of common stock will be at the par value ($10 per share), in an amount which is one-quarter of one percent of each of the bank's capital and surplus at the time of the purchase by said bank.

There are 53 beneficial owners of the equity securities of KDCC. No stockholder of KDCC owns more than 10 percent of its shares.

The Applicant will conduct its operations principally in the State of Kansas and in other areas within the United States and its territories and possessions as may be approved by SBA from time to time.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any person may, not later than January 25, 1977, submit to SBA in writing, comments on the proposed licensing of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published by the Applicant in a newspaper of general circulation in Topeka, Kansas.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: December 27, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-733 Filed 1-7-77;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL CONFERENCE ON CRIMINAL JUSTICE EVALUATION

Notice is hereby given that the National Institute on Law Enforcement and Criminal Justice/Law Enforcement Assistance Administration is sponsoring the National Conference on Criminal Justice Evaluation at the Sheraton Park Hotel in Washington, D.C. on February 22–24, 1977. The purpose of this conference is to provide a forum for the presentation and discussion of firsthand, concrete utilization of evaluation results. The format for the conference will be panels and workshops where interaction of participants with speakers/panelists is encouraged as well as a general session on the history, use and future of evaluation. For registration and more detailed topic information write:

The National Conference on Criminal Justice Evaluation, c/o Koba Associates, Inc., 2001 "S" Street NW., Suite 302, Washington, D.C. 20009.

or call (202) 265–9114, Cathy Sacks, Logistics Coordinator.

JAY A. BROZOST,
Attorney-Advisor, Office of General Counsel.

[FR Doc.77-783 Filed 1-7-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

Filing of Revised Protraction Diagram No. 14

1. Plat of Revised Protraction Diagram No. 14 of land described below will be officially filed in the Utah State Office, Salt Lake City, Utah effective at 10 a.m., on January 31, 1977:

SALT LAKE MERIDIAN

Plat of Protraction Diagram accepted December 13, 1976:
T. 10 S., R. 6 W.,
Sec. 9;
Sec. 16.

2. This revised Protraction Diagram No. 14, prepared to correct the segregation of patented Mineral Survey Nos. 4936 and 5942 in unsurveyed sections 9 and 16 T. 10 S., R. 6 W., Salt Lake Meridian, Utah, previously shown on Protraction Diagram No. 14, approved September 8, 1961 as being in sections 8 and 17.

3. The diagram has been placed in the open files and is available to the public as a matter of informaiton only, and upon filing, it is the basis for the description of lands for authorized uses. Copies can be purchased for two dollars each from the Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

GARY F. GEORGE,
Chief, Division of Management Services.

JANUARY 3, 1977.

[FR Doc.77-732 Filed 1-7-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Mr. David J. Rollins, Way-Rena Game Preserve, D.S., Altamont, Utah 84001.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R167

1. APPLICATION FOR (Indicate only one) — ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Obtain a Palawan Peacock Pheasant from captive stock for research in the habits, courtships, propagation on an endangered specie. For breeding in captivity to preserve the Palawan from total extinction.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Mr. David J. Rollins
Way-Rena Game Preserve, D.S.
Altamont, Utah 84001
Telephone 801 363-3737

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT 5' 11" | WEIGHT 195 lbs.
DATE OF BIRTH: Jan 4, 1940 | COLOR HAIR: Brown | COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 328-8831 | SOCIAL SECURITY NUMBER: 528-50-3121
OCCUPATION: Professional Firefighter
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: N/A

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: N/A
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Three miles southeast of Altamont, Utah, (Mt. Emmons area). It is located on the property of Orrin Myers. (Orrin Myers is my step-father.)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s)): Permit No. PRT 2-1

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document(s)): Utah State Division of Wildlife Resources Propagating Permit PnF-C-443 - see attached letter

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N/A

10. DESIRED EFFECTIVE DATE: Immediately

11. DURATION NEEDED: 2 years

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.7), SHALL BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): David J. Rollins | DATE: Jan 24, 1976

3-200
8/76

1. Palawan Peacock Pheasant — Polyplectron—Emphanum. I would like a permit to obtain one female bird—a 1975 hatch—from captured stock already in the United States, selling in interstate commerce from Mr. Micky Ollson, Rt. No. 1, Box 152, Glendale, Arizona 85301.

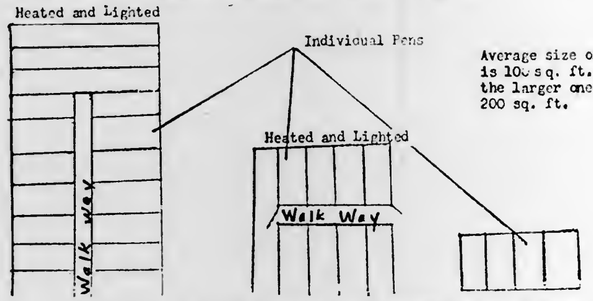
2. Years ago the original breeding pairs were removed from the wild and now all the birds are hatched from captive stock.

3. The bird I propose to purchase is from captive Palawans in the United States and will not cause death, removal or any difference in the wild stock of the Philippine Islands.

4. The Palawan Peacock Pheasant I propose to purchase is from captive stock already in the United States, and has been for several generations. The captive stock is being raised at the residence of Mickey Ollson, Rt. No. 1, Box 152, Glendale, Arizona.

5. The location and address of my pens is Altamont, Utah 84001. The exact location is three miles southeast of the town of Altamont in Mt. Emmons on the property of Orrin Myers. Orrin Myers is my step-father. The pens are frame buildings completely heated and insulated for winter and cool in the summer. The buildings are 32 foot by 60 foot and are kept at a fairly constant temperature. I'm a well-known breeder of pheasants throughout the United States.

6. Drawings: Each building has individual outdoor flight pens. They are enclosed buildings with gable roof, double insulation, heated, and lighted



I. The buildings are double insulated, heated, and lighted frame buildings with composition roof. They are equipped with 35,000 Btu heaters on thermostats. One more large pen is planned to be built in the Spring, 1977, to measure 32 x 60.

II. I have about eight years of breeding care and propagation of many types of rare pheasants. I have had a magazine article written on my propagation techniques on raising these birds for distribution around the world. Some of the species of pheasants I have are: Grey Peacock Pheasant, Germain's Peacock Pheasant, Palawan Peacock Pheasant, Temminck Tragopan, Elliots, Sonnerat Junglefowl, Goldens, and Amhersts.

III. I already have an excellent breeding program and keep very distinct and exact records which will help enable me to conform to your program. I would also be very willing to contribute and help your department in any way I can and to contribute data to your stud book.

IV. The bird will be shipped in a wooden box approximately 12x12x18 inches. The container will have feed and water for the bird. It will take approximately one hour for the bird to fly to Salt Lake City.

V. All pheasants at Way-Rena Game Preserve, D.S., are treated for disease and illness. Pens are cleaned and disinfected and have never had even a one percent loss in a given year. We will and do keep individual records on all our pheasants. We have 6 Grey and 6 Germain Peacock Pheasants of which I have not lost a bird. We had 2 Palawan Peacock Pheasants, losing one on October 1, 1976. According to a veterinarian the bird died of an aortic rupture.

7. The person applying for the permit: David J. Rollins, Way-Rena Game Preserve, D.S., Altomont, Utah 84001, Phone 801 363-3737.

I would like to purchase the Palawan from: Mickey Ollson, Rt. No. 1, Box 152, Glendale, Arizona 85301.

If the permit is approved, the shipment will be within 10 days upon receipt of the permit. I have talked to this man on the phone and we have a "Gentleman's" agreement to the sale.

8. I. I would like to do research on the habits, breeding in captivity, growth, life span, and the propagation of an endangered specie of pheasants to help the bird from becoming totally extinct. In my opinion, the Palawan is one of the most beautiful pheasants of the world.

II. Records will be kept on each individual bird from the time received until it is disposed of, making special note of its parents. The young will be recorded in the following ways: records will be kept on each egg layed by writing the pen number on each one as they are gathered. They will be placed into an incubator and incubation time will be noted on the record. Upon time for the pheasant to hatch, they will be placed in individual trays (according to pen number) in the hatcher. After hatching, they are color coded on the stomach with food coloring and also with a colored leg band. This enables us to know the ancestry of each chick and prevent inbreeding.

Photos will be taken every 7 days to record growth rate. Movies will be taken of courtship dances, displays, and any other sequence of scientific interest. Measurements and weights will be taken at different growth rates and of mature birds. Eating habits and specific diet will also be monitored. We do all of this for the other peacock pheasants we already have in our possession. We hope to raise some Palawans so that more people can see and enjoy this magnificent bird.

III. I sincerely hope that in the above paragraphs I have given you the information necessary and needed for this permit, and as I have planned for enhancing the propagation and research of Palawans. If it is not enough or you would like more information, I would be happy to furnish it upon your request.

IV. I hope there will be no termination for years to come. If such a thing were to happen, I most likely would give my birds to a well-equipped and well-known breeder, aviary or zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D. C.

Interested persons may comemnt on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-555-07; please refer to this number when submitting comments. All relevant comments received on or before February 9, 1977 will be considered.

Dated: January 4, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-715 Filed 1-7-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Kirksville College of Osteopathic Medicine, Department of Microbiology & Immunology, Kirksville, Missouri 63501, George Kwapinski, MD, D.Sc.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import 30 to 50 fertile crocodile eggs from Hercules, Republic of South Africa to be used for research. Proposed port of entry - Chicago.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
George Kwapinski, M.D., D.Sc.
Department of Microbiology and Immunology
Kirksville College of Osteopathic Medicine
Kirksville, Missouri 63501

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'11" WEIGHT: 182 lbs.
DATE OF BIRTH: 7-15-20
COLOR HAIR: Blnd-Gry COLOR EYES: blue
PHONE NUMBER WHERE EMPLOYED: 816 626-2474
SOCIAL SECURITY NUMBER: 542-48-9138
OCCUPATION: Physician
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, GIVE DATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Department of Microbiology and Immunology
Kirksville College of Osteopathic Medicine
Kirksville, Missouri 63501

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
No such approval is required.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ 17.22

10. DESIRED EFFECTIVE DATE: Oct. 16, 1976

11. DURATION NEEDED: One year

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) George Kwapinski M.D.
DATE: September 17, 1976

GPO 893-042

ATTACHMENT TO THE PERMIT APPLICATION

1. Only 30 fertile crocodilian eggs of Nile Crocodylus niloticus species, but not live crocodiles will be used for experiments on the growth of leprosy bacilli. The eggs will be disposed by autoclaving in 4–6 weeks.

2. The eggs are laid by the crocodilians kept in captivity on the CROCO-Farm in Hercules, Pretoria, Rep. of South Africa, owned by Mr. J. Kuhlmann.

3. The crocodilian eggs, as well as crocodiles (which are *not* required by me) are produced and sold on a commercial basis by Mr. J. Kuhlmann.

4. See above. The wildlife has been removed from the wild a few years ago and is maintained on the CROCO-Farm in Hercules, Rep. of South Africa.

5. The crocodilian eggs will be used for experiments on leprosy, to be carried out in the Department of Microbiology and Immunology, KCOM, Kirksville, MO.

6. As indicated above, only the eggs, but *no live crocodiles*, will be used for the experiments. The eggs will be kept in our incubator for 6–8 weeks. Therefore, sections i–v do not apply.

7. The research will be carried out by the applicant himself, from November 10–December 31, 1976.

8. The research will consist of injecting a material taken from patients suffering from leprosy into the amnionic membrane of the crocodilian eggs and observing the possible growths of *mycobacterium leprae* on these membranes. Upon the termination of these studies, the eggs will be destroyed in an autoclave.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-398-07; please refer to this number when submitting comments. All relevant comments received on or before February 9, 1977 will be considered.

Dated: January 4, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-711 Filed 1-7-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Addition to Application

Pursuant to Section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205), the following is hereby added to the original application as published on pages 53713 through 53715 of the FEDERAL REGISTER, Vol. 41, No. 237 of December 8, 1976.

Applicant: Lexington Pheasantry, 219 Cowlits Drive, Kelso, Washington 98626. F. M. Driscoll.

V426 JAN 10 77 UM

LEXINGTON PHEASANTRY

Ornamental Pheasants
Imported Java Green Peafowl
219 Cowlitz Drive
Kelso, WA 98626
206-423-2460



CHICK and MINNIE DRISCOLL

4 November 1976

Mr. A. Eugene Hester
Special Agent in Charge
Permits
US Depsrtment of the Interior
Fish & Wildlife Service
Washington, D.C. 20240

Ref: FWS/LE PRT 2-386-07

Dear Mr. Hester:

Confirming my telephone conversation this afternoon with Mr. Jim Sheridan, please add one pair (one male and one female) of Elliots Pheasants (Syrmaticus ellioti) to the above requested permit. If approved, the Elliots will also be shipped to me by Mr. Jack Schuiteman at the same time as the White Eared.

With best personal regards,

Sincerely,

T. M. Driscoll

MEMBER. AMERICAN GAME BIRD BREEDERS CO-OP FED.
WASHINGTON PHEASANT BREEDERS • OREGON PHEASANT BREEDERS
PHEASANT TRUST • WORLD PHEASANT ASSOC.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW, Washington, D.C.

Interested persons may comment on this application by submitting writtten data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This additional information relates to the assigned File Number PRT 2-386-07; please refer to this number when submitting comments. The comment period on this document is hereby extended to on or before January 1977.

Dated: January 4, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-712 Filed 1-7-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: National Zoological Park, Smithsonian Institution, Conservation and Research Center, Front Royal, Virginia 22630. Theodore H Reed, Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Request permit to purchase, ship via air freight, quarantine at Nat'l Zoo, Washington, DC, then remove to Conservation Center at Front Royal, VA, 2 male and 4 female Darwin's rhea, Pterocnemia pennata from San Diego Zoological Garden, San Diego, California for breeding and study.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Zoological Park
Smithsonian Institution
Conservation and Research Center
Front Royal, Virginia 22630

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological park breeding and research center

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
N.A.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Theodore H. Reed, DVM
Director (202) 381-7222

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N.A.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
National Zoological Park
Conservation and Research Center
Front Royal, Virginia

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)
PRT-5-3-X, PRT-8-142-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document(s))

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N.A.

10. DESIRED EFFECTIVE DATE
Oct. 15, 1976

11. DURATION NEEDED
4 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Theodore H. Reed
DATE 8 Sept 76

3-200 (4-74)

NATIONAL ZOOLOGICAL PARK,
SMITHSONIAN INSTITUTION,
Washington, D.C., September 7, 1976.

Conservation and Research Center, Front Royal, Va.
Mr. LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service,
Att: Law Enforcement,
P.O. Box 19183,
Washington, D.C.

GENTLEMEN: This accompanies and explains our application under Title 50, Chapter 1, Item 17.22 for a permit to:

1) Purchase and transport in an interstate commerce two male and four female Darwin's rhea *Pterocnemia pennata* for completion of rearing for study and for propagation;

2) These birds were hatched in 1976 from eggs laid in captivity;

3) Being offspring of captive birds, no wild birds are involved;

4) They were hatched and are now housed at the San Diego Zoological Gardens, San Diego, California, U.S.A.;

5) The Conservation and Research Center of the National Zoological Park is being developed to provide facilities for long term propagation and study of endangered, threatened and/or difficult to acquire zoo species of mammals and birds. It consists of 3,148 acres of a former beef breeding research facility of the U.S.D.A. The address is National Zoological Park, Conservation and Research Center, Front Royal, Virginia, 22630;

6) (i) They will share a 25 acre pasture with hoofed stock, probably scimitar-horned oryx, which have been conditioned to sharing space with common rheas. The rheas will have separate barn space for inclement weather. (The system of care has been tested during the past twenty-one months with two male and four female, 1972 hatched common or gray rheas, *Rhea americana albescens*. From those birds, two years old last spring, thirty-five young were hatched this year.)

(ii) Professional animal keepers of the National Zoo staff will care for the birds; under the direction of Leo Slaughter, Area Animal Manager, who was 7 years animal keeping experience at the U.S.D.A. Experiment Station and 17 years at the National Zoo. Overseeing the project will be Guy A. Greenwell, with nearly fifty years experience. He has bred and reared rheas, ostrich, emu and kiwi and has kept cassowaries. Overall direction of this and other breeding projects on the area will be by Dr. Christen Wemmer, Curator-in-Charge.

(iii) We will cooperate in any breeding program and studbook records;

(iv) The shipping containers will be as designed and built by the San Diego Zoological Gardens. Size will be governed by the size of the growing birds at the time of shipping. We will arrange for direct flight routing, then pick up the birds on arrival so that they will be crated for no more than a few hours.

(v) During the five years just past, 3 Darwin's rheas held at the National Zoological Park in Washington have died. One died in 1971 of TB and 2 died in 1975 of amyloidosis.

The yard in which those birds were held has been removed as part of a remodeling project. No ratite birds will be held on that ground under the revised design. However, these birds will not be kept on the same premises, but as described under 5) and 6) (i) above. The birds will be subject to frequent fecal checks and regular blood tests.

7) No contracts exist yet for the purchase of the birds. Oral agreement between Guy A Greenwell, Curator of Birds, for the National Zoo and Dr. Arthur Risser, Curator of Birds, for the San Diego Zoo has been reached as to purchase price and shipping needs in general. Discussions between Dr. Mitchell Bush, Veterinarian, the National Zoo and Dr. Phil Robinson, Veterinarian, San Diego Zoo, concerning details of health care have been held.

In order that the birds may be acclimated here before cold weather and to allow for a quarantine period at our Animal Health and Research department at the National Zoological Park, the birds should be shipped as soon as possible. Therefore, this permit is sought with an effective date of October 15, 1976.

8) (i) We wish to assist the San Diego Zoo in the burden of breeding enough of the species to redistribute them to collections and assure their survival, at least in captivity;

(ii) By research into the health problems which have reduced their numbers in captivity and into the facts of their life history which have limited captive reproduction, we hope to enhance survival and production;

(iii) One factor decimating Darwin's rheas in this country's zoos has been an apparently heritable infection, recently identified by the San Diego Zoo people as *Salmonella* organism. Other pathogens may be factors. We will cooperate with their health people, thus adding the expertise of our Division of Animal Health to the attack;

(iv) When surpluses are produced, they will be distributed to other zoos and worthy individuals to facilitate building of substantial captive stock. We will continue to maintain a breeding nucleus to guard against the neglect that comes with loss of interest when a species is established.

THEODORE H. REED.
Director,
National Zoological Park

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by sumitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-378-07; please refer to this number when submit-

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ting comments. All relevant comments received on or before February 9, 1977 will be considered.

Dated: January 4, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-713 Filed 1-7-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: The Peregrine Fund, Cornell University, 1424 N.E. Frontage Road, Fort Collins, Colorado 80521, William Burnham, Western Manager.

THE PEREGRINE FUND

December 3, 1976.

LYNN A. GREENWALT, *Director,*
U.S. Fish and Wildlife Service,
Department of the Interior,
Washington, D.C.

DEAR MR. GREENWALT: There was a deletion in the permit application mailed November 15, 1976 for the Peregrine Fund of Cornell University, 1424 N.E. Frontage Road, Fort Collins, Colorado. Would you please add Colorado to the list of states in part 6 of the application which requests locations where proposed activities are to be conducted.

Thank you for your assistance.

Sincerely yours,

WILLIAM BURNHAM,
Western Manager.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH LICENSE OR PERMIT IS NEEDED.
Recovery activities for the Peregrine Falcon in the western United States.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
The Peregrine Fund
Cornell University
1424 N. E. Frontage Road
Fort Collins, Colorado 80521
303-493-4992

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Peregrine Fund of Cornell University is a non-profit organization involved in the captive propagation and restoration of the Peregrine Falcon and other birds of prey.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
303-493-4992
William Burnham, Western Manager
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO-DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Wyoming, Utah, Idaho, Nevada, New Mexico, Arizona, Texas, North Dakota, South Dakota, Nebraska and Montana

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number)
Special Purpose Permit (#5-SP-565)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
We will acquire permits as necessary from individual states.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: Jan 1, 1977
11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see attachments

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Applicant): William Burnham
DATE: Nov 15 1976

3-200.2
8/74

(1) (a) Species: American peregrine falcon, *Falco peregrinus anatum.*

(b) Number, age and sex: It is difficult to specify the number, age and sex of the falcons which will eventually be involved in the activities requested. However, estimates are provided where applicable.

(c) Activities sought to be authorized: (i) Survey of eyrie sites to establish productivity and population trends. (ii) Collect, receive and interstate shipment of unhatched or infertile wild eggs and shell fragments for analysis. (iii) Captive propagate peregrines on the Colorado Division of Wildlife property at Fort Collins, Colorado. (iv) Introduce captive produced young into the wild environment at active, historic and potential eyrie sites. Only young representing the gene pool from the Rocky Mountain Region will be introduced into the wild. (v) Remove thin-shelled eggs from up to ten wild eyries annually and artificially incubate them to avoid breakage. "Dummy" eggs will be placed in the eyries to maintain site fidelity by breeding adults. Upon hatching in captivity, the original young or captive produced young will be returned to the wild eyries. (vi) Induce production of second clutches at up to ten wild eyries by timely removal of the first clutches of wild eggs. Those eggs which are removed will be artificially incubated and every effort will be made to return the young to the wild. (vii) Retain in captivity up to ten wild produced young annually for captive propagation purposes. Those young removed from the wild or retained as a result of this activity and activities v and vi will be replaced with captive producing young. This activity is absolutely necessary to maintain the genetic diversity required to sustain a viable captive population. (viii) Salvage injured and dead specimens.

(2) Activities iii, iv and vii involve peregrines and their offspring already in captivity at the facilities in Fort Collins. Activities iv, v, vi, vii and viii involve wild peregrine falcons. The activities described in (1c) further describe the falcons' status, whether wild, captive or captive produced.

(3) Not applicable.

(4) Falcons which are sought to be covered by this permit which will not be removed from the wild are presently held by authorized propagation programs of Cornell University, Ithaca, New York, and Fort Collins, Colorado. A complete listing of the status of all falcons currently possessed at the Cornell and Fort Collins facilities are provided in reports submitted as required by Special Purpose Permit No. 5-SP-565.

(5) Those falcons which are obtained from the wild as well as those which will be held for captive propagation purposes will be maintained at Cornell's (The Peregrine Fund) facilities at Fort Collins, Colorado. The Fort Collins facilities consist of 36 breeding lofts each measuring 10 feet wide, 20 feet long and 18 feet high. The facilities are located at the Colorado Division of Wildlife's Wildlife Research Station northeast of Fort Collins at 1424 Northeast Frontage Road, Fort Collins, Colorado, 80521.

(6) Information in this section is not applicable since and wild peregrines held in possession will be maintained at facilities currently possessing the necessary Federal permits. The propagation facilities at Fort Collins is covered under permit No. 5-SP-565.

(7) (i) & (ii) The survey of eyrie sites [III(1)(c)(i)] involves the observation of nest sites from a distance to ascertain the presence of nesting peregrines. On occasion, a helicopter may be used to visit those sites which are inaccessible to normal foot travel. The presence of a helicopter is generally ignored by nesting peregrines. Later in the season, accessible sites will be roped into and the number of young will be determined. At this time also, any unhatched eggs and shell fragments will be collected for pesticide analysis [III(1)(c)(ii)]. Analysis of eggs is the most effective method to determining pesticide levels still present in the population.

While the captive propagation facilities [III(1)c)(iii)] at Fort Collins is already covered by a Special Purpose Permit (No. 5-SP-565), the issuance of a second permit will provide coverage for additional activities.

The current wild reproduction is not sufficient to sustain the wild population. The only way to reverse the downward population trend is to inject captive produced peregrines into the wild. The capability of producing significant numbers of peregrines in captivity has already been proven by us and it is now a matter of mechanics of placing them in the wild [III(1)c)(iv)]. The most effective method of introducing captive produced birds into the wild is by placing them under wild adult pairs to rear and protect. Where possible, all active eyrie sites will be visited and additional captive reared young will be placed in the nests to increase brood size. The procedure of placing young at historic or unoccupied sites requires the presence of observers to feed the young and protect them. Since the young do not have the benefit of protection and care by wild adults, they may face a more difficult adolescence. The second method is necessary to re-establish falcons at presently unoccupied sites.

Wild breeding falcons are experiencing reproductive failure since thin-shelled eggs are breaking under the weight of incubating adults. If one egg in a clutch breaks, all the eggs are likely to be abandoned and otherwise good eggs will spoil. Because of this, all accessible eyries should be visited shortly after the clutch of eggs is completed. The wild eggs will be exchanged [III(1)c)(v)] for artificial eggs which will not break and will encourage the adults to continue to incubate them. Meanwhile, the wild eggs will be artificially incubated at the Fort Collins facility where they will receive gentler treatment. Before the wild clutch would normally have hatched, captive produced young will be exchanged for the artificial eggs at the wild sites. After the wild eggs have hatched in captivity, the young will be placed in other wild nests which are undergoing similar manipulation. Undoubtedly, not all the wild young will be returned to the wild in this manner. Therefore, it will be necessary to retain them in captivity for propagation purposes [III(1)c)(vii)]. This will benefit the captive breeding program by infusing additional wild genes into the breeding stock and assuring as much heterogeneity in the captive gene pool as possible. Wild produced young will not be retained in captivity at cost to wild production. That is, an equal number, and more generally, a significantly larger number, of captive produced young will be placed under wild adults.

At several wild eyries, the data of initiation and completion of egg laying will be established. Upon laying the last egg in the clutch, the adults will begin incubation and one week after commencement of incubation, the nest will be visited and all the eggs removed and artificially incubated. Within ten days to two weeks after removal of the eggs the adults will recycle and lay a second clutch [III(1)c)(v)]. Depending upon the situation, the record clutch may be replaced with artificial eggs to avoid breakage and the procedure followed which is described above, or the adults may be permitted to incubate and hatch the second clutch. Young produced from the first clutch will be placed in other wild nests. This technique has been proven in captive situations and successfully tested in the wild in Colorado in 1976.

Additional details about the above activities are given in the recent Recovery Plan submitted by the Rocky Mountain/Southwestern Peregrine Falcon Recovery Team

(iii) the above requested activities are consistent with and essential to the recovery efforts designated for the peregrine falcon by the Rocky Mountain/Southwestern Peregrine Falcon Recovery Team.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-395-07; please refer to this number when submitting comments. All relevant comments received on or before February 9, 1977 will be considered.

Dated: January 4, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-714 Filed 1-7-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Utah Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, Utah 84006, Donald A. Smith, Director.

V 42 6 JAN 10 77 UM J

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1470

1. APPLICATION FOR (Check one only)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
To conduct surveys to determine presence or absence of certain endangered species (Colorado squawfish, humpback chub, woundfin and black-footed ferret) in Federal coal leasing areas of Utah. Fish will be surveyed by electrofishing techniques for presence only. None will be permanently retained. Ferrets, if present,will be observed and photographed only.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Utah Division of Wildlife Resources
1596 West North Temple
Salt Lake City, Utah 84116
Phone (801) 533-9333

4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
SEX ☐ MR. ☐ MRS. ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF APPLICANT IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, NATURE OF AGENCY, ETC.:
The Utah Division of Wildlife Resources is a state agency delegated the responsibility by law (Title 23, Utah Code Annotated) of protecting, preserving, enhancing and managing wildlife for public benefit.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PARTNER, OFFICER, DIRECTOR, ETC.:
(801)
Donald A. Smith, Director 533-9333

IF APPLICANT IS A CORPORATION, GIVE DATE AND STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Southern and eastern Utah; more specifically the drainage of the Colorado River Basin.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
Federal Master Banding Permit #6456
Endangered Species Permit #PRT-8-266-8-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
Certificate of Registration to collect, posses and transport wildlife issued by Utah Division of Wildlife Resources

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:
$ N/A

10. DESIRED EFFECTIVE DATE: 12/1/76

11. DURATION NEEDED: Two years

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
As per attachment.

OCT 14 '76

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Donald A. Smith
DATE: 7 October 1976

3-200
(5-74)

The Utah Division of Wildlife Resources is currently under contract to the U.S.D.I., Bureau of Land Management, Utah State Office, to provide an inventory of endangered species present on the Federal coal leasing areas of eastern and southern Utah.

Field surveys are planned by this Division and one sub-contractor, the Utah Cooperative Fisheries Unit, Utah State University, to document the presence or absence of endangered species in the area named above. Currently, the Division holds a valid endangered species permit covering the necessary inventory work with the peregrine falcon (*Falco peregrinus anatum*). Additionally, the Utah prairie dog (*Cynomys parvidens*) is being managed under Cooperative Agreement between the Division and the Fish and Wildlife Service.

This permit request would cover four additional species: the Colorado River squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), woundfin (*Plegopterus argentissimus*) and the black-footed ferret (*Mustela nigripes*).

As stated on the application, no specimens would be retained. The survey is only to document the presence or absence of the species mentioned.

STATE OF UTAH, DIVISION OF WILDLIFE RESOURCES,
Salt Lake City, Utah, December 9, 1976.

MR. DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office,
U.S. Fish and Wildlife Service,
Washington, D.C.

DEAR DON: Please consider this an addendum to our recent endangered species permit application, including information as required by 50 CFR 17.22.

Section 17.22(a): 1. Species sought to be covered by the permit are as follows:

Colorado River squawfish (*Ptychocheilus lucius*).
Humpback chub (*Gila cypha*).
Woundfin (*Plagophterus argentissimus*).
Black-footed ferret (*Mustela nigripes*).

Since our activities connected with the investigation are only to determine presence or absence of these species, sampling techniques in the case of the fishes will be limited to bag seines and/or electro-fishing. All specimens will be immediately returned to the water after verification of species. Presence of the black-footed ferret will be documented by direct observation, remote photography, if possible, fresh sign and live-trapping with immediate release. Numbers, sex and age of any species taken cannot be predicted because sampling will not be concentrated in any area for more than a few days. For example, one specimen verified in any area is proof of presence and no further work is required in that area in this investigation because of time and financial constraints.

2. At the time of this application, all species covered by this request are in the wild.
3. Covered in item 1 above.
4. N/A.
5. N/A.
6. N/A.
7. Copy of contract enclosed. Persons directly involved in field activities have not been appointed, but will be employees of the Utah Division of Wildlife Resources under the direct supervision of either Albert W. Heggen, Chief of Research and Nongame, or Larry J. Wilson, Supervisor, Southeastern Region. Field work on the project will be conducted between January 1, 1977, and August 30, 1977. However, the likelihood exists that there will be similar contracts issued in the future for similar investigations; hence the extended time period requested.
8. The Division of Wildlife Resources is the managing agency for the wildlife of the State of Utah, is charged by law with authority for its wise use, and has demonstrated the ability to carry out that charge. Activities to be conducted and how they will be carried out have been detailed under item 1 above. The contract copy enclosed as per item 7 above explains the need for the investigation and permit; namely, the survey of the southern and central coal leasing area of Utah must be undertaken to document the presence or absence of endangered species of wildlife before rational decisions can be made regarding ultimate demands for additional energy sources, in this case coal.

There will be no individuals of subject species to be disposed of at the termination of the permit since none will be removed from the wild.

These activities will be coordinated with the respective recovery teams, which will be informed of any new data discerned by this investigation.

Sincerely,

DONALD A. SMITH,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-458-08; please refer to this number when submitting comments. All relevant comments received on or before February 9, 1977 will be considered.

Dated: January 4, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-718 Filed 1-7-77;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been

received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant: University of California, Department of Biology, Los Angeles, California 90024, Thomas R. Loughlin.

A permit authorizing capture and tagging of sea otters was issued to the University of California, Department of Biology, Los Angeles, California, on June 23, 1975, pursuant to the Marine Mammal Protection Act of 1972. A notice containing the application for the permit was published in the FEDERAL REGISTER on April 7, 1975 (40 FR 15410-11) soliciting public comments for a period of 30 days. A notice of issuance of the permit was published on July 3, 1975 (40 FR 28110-11).

Thomas R. Loughlin, M.A., of the University of California, Department of Biology, submitted a request for significant amendments to the permit. A notice containing the terms of amendment request was published on November 6, 1975 (40 FR 51676-51677) and was considered pursuant to § 13.23 of Fish and Wildlife regulations. Title 50 Code of Federal Regulations (see 39 FR 1162). Amendment No. 1 was subsequently issued on January 19, 1976.

On August 26, 1976, Thomas R. Loughlin of the University of California submitted a request for an additional amendment to this permit and was advised, on November 12, 1976, that the U.S. Fish and Wildlife Service is opting to consider this request for an additional amendment as a new permit application.

Published herewith is: (1) a copy the original permit issued to the University of California on June 23, 1975, (2) a copy of Amendment No. 1 issued January 19, 1976, (3) a copy of the August 26, 1976, request for an additional amendment, (4) a letter report dated October 7, 1976, from Mr. Loughlin regarding research activities under PRT 9-20-C, and (5) the U.S. Fish and Wildlife Service letter dated November 12, 1976, advising Mr. Loughlin that his request is being considered as a new permit application.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

3-201
(7/74)

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE
University of California
Department of Biology
Los Angeles, California 90024

2. AUTHORITY - STATUTES
16 USC 1371(a)(1)
REGULATIONS (Attached)
50 CFR 18.31

3. NUMBER
PRT-9-20-C

4. RENEWABLE ☐ YES ☒ NO
5. MAY COPY ☒ YES ☐ NO
6. EFFECTIVE JUN 23 1975
7. EXPIRES OCT 31 1976

8. NAME AND TITLE OF PRINCIPAL OFFICER (If applicable)

9. TYPE OF PERMIT
MARINE MAMMAL

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Pacific coastal waters between Marina and Big Sur, California

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONTINGENT UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE and any person designated in writing.

D. Authorized to capture and tag no more than 10 sea otters, to attach telemetry equipment to no more than 3 of these 10 sea otters, and release them all at the capture site. The project is to be conducted in conjunction with personnel of the Sea Otter & Walrus Project, 4454 Business Park Boulevard, Anchorage, Alaska 99503 telephone 907-265-5261.

E. Authorized to possess carcasses of sea otters killed accidentally or found dead. They will be delivered to the California Game & Fish Department to be used for scientific purposes. A receipt will be obtained and retained for each.

F. No more than two (2) mortalities shall be permitted to occur in the course of this research. Should such mortality occur, research activities shall be terminated pending determination by the Director on the continuance of the research.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS
A report as required in 16 USC 1374 of the activities conducted hereunder shall be made to the Director [illegible]

s/ Loren K. Parcher for | Chief, Division of Law Enforcement | JUN 23 1975

DISTRIBUTION

G. Person(s) engaged in authorized activity must have permit or copy in possession.

H. The U.S. Fish and Wildlife Service office shall be notified seven days before commencing the authorized activity. The death of any of the sea otters shall be reported within 24 hours to the same office. Address—Special Agent in Charge; U.S. Fish and Wildlife Service; 2800 Cottage Way, Rm. E-1924; Sacramento, California 95828; telephone 916-484-4748.

I. Maintain records as required by 50 CFR 13.46.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D.C.

University of California,
Department of Biology
Los Angeles, California.

Attention: Mr. Thomas R. Loughlin.

Re PRT 9-20-C, Amendment No. 1.

DEAR MR. LOUGHLIN: Under date of June 23, 1975, you were issued a permit PRT 9-20-C to capture and tag no more than ten (10) sea otters (*Enhydra lutris*) and to attach telemetry equipment to no more than three (3) of these ten sea otters.

By letter dated October 3, 1975, you requested an amendment to permit PRT 9-20-C to increase the number of sea otters you are authorized to capture, tag and attach telemetry equipment.

Accordingly, this letter will serve as Amendment No. 1 to Federal Fish and Wildlife Permit No. PRT 9-20-C, authorizing additions, thereto, as follows:

Block 11. Conditions and Authorizations:

Delete 11 D. as written. Amend 11 D. to read:

Authorized to capture and tag not to exceed 40 sea otters, to attach telemetry equipment to no more than 15 of these 40 sea otters, and release them all at the capture site. The project is to be conducted in conjunction with personnel of the Sea Otter Walrus Project, 4454 Business Park Boulevard, Anchorage, Alaska 99503, Telephone 907-265-5261.

Please attach this amendment to your original permit.

All other terms and conditions of said permit remain in effect.

Sincerely yours,

C. R. BAVIN,
Chief, Division of Law Enforcement.

UNIVERSITY OF CALIFORNIA, LOS ANGELES,
DEPARTMENT OF BIOLOGY,

August 26, 1976.

Director, Fish and Wildlife Service,
Department of the Interior,
Washington, D.C.

DEAR SIR: This is a request for amendment to permit number FWS/LE PRT 9-20-C issued to the Department of Biology, University of California, Los Angeles, for the capture and tagging of sea otters (*Enhydra lutris*) in California. The permit expires on 31 October 1976. We request that the amendment extend the expiration date to August 1977.

We have had insufficient time to capture and tag the animals allowed under the permit and require the extra time to complete our study. To date 23 sea otters have been captured and tagged; six of the captured animals have had radio telemetry collars attached. One death has occurred due to the telemetry collar (as reported to the Special Agent in Charge, Sacramento, California on March 27, 1976). It is important to our behavioral study and to subsequent studies by other institutions that we mark the allotted number of sea otters.

There are two reasons why we have not captured and marked the permitted 40 sea otters. The first reason is that sea otters rep-

resent a difficult logistical problem and their capture requires a large amount of time and effort. The second reason is that we desire to mark the animals in different seasons in order to assess possible behavioral changes through time. Therefore we have chosen not to mark all the animals at the same time. The latter reason pertains primarily to animals equipped with radio collars.

It is because of the above reasons that we request an extension of the expiration date on our permit. Thank you for your attention and consideration in this matter. If you require any data or further explanation, please feel free to ask.

Sincerely,

THOMAS R. LOUGHLIN.

UNIVERSITY OF CALIFORNIA, LOS ANGELES,
DEPARTMENT OF BIOLOGY,
October 7, 1976.

Director FWS/LE,
U.S. Fish and Wildlife Service,
P.O. Box 19183,
Washington, D.C. 20036.

DEAR SIR: I am submitting the following report concerning our research on sea otters per the instructions of permit number PRT-9-20-c. The report should facilitate your evaluation of our research to date and allow consideration of our request to amend the permit as stated in my letter of 26 August, 1976. The requested amendment will extend the expiration date of the permit to August, 1977.

We conducted research during the summer, 1975, winter, 1976, and summer, 1976 on sea otters in the vicinity of Monterey, California. Twenty-four sea otters (15 males and nine females) have been captured and rear-flipper tagged of which seven have had telemetry collars attached (Table 1). The mean weight for captured sea otters was 50.9 lbs (23.0 kg). The mean weight for males was 58.4 lbs (26.5 kg) versus 38.4 lbs (17.4 kg) for females. One animal died as a result of the telemetry study (see below).

Data from the flipper tagged animals have furnished information on a number of behavioral parameters including home range, movement patterns, intraspecific relationships, grooming and feeding behavior, etc. Many of the animals have been resighted often while others rarely (Table 1). Telemetered animals furnished data on 24-hour activity cycles, foraging strategies, and movement patterns. I usually monitor the radio-collared animals for at least four consecutive days and have accumulated over 625 hours of continuous observation (Table 2). Four of the otters have been observed subsequent to loss of the telemetry collar. Excluding the death, as discussed below, I have not observed any injuries, pelage wear, or behavior of any kind that would indicate a deleterious effect caused by the collar.

The aluminum tags that I attach to the rear flipper are quite effective. I have placed 48 tags on 24 animals (two tags per animal) of which four are known to have been lost. This represents a tag mortality of about 8%.

There have been no injuries or deaths caused by the capture or tagging operations. The only death that occurred was a direct result of the telemetry collar. Male sea otter number 33 died due to a laceration on the neck caused by the collar. Adult males typically have a neck that is larger near the shoulders than near the head. For this reason the collar on no. 33 had to be tightened more than usual and the subsequent laceration resulted from prolonged rubbing of the collar with foraging efficiency, and generally tended to cause weight loss and increase susceptibility to illness. The animal died 24 days after capture and had lost 19 lbs. I delivered the carcass to the Pathology Department, School of Veterinary Medicine, University of California, Davis by directon of the California Department of Fish and Game on the day of the death. I have requested an autopsy report from both institutions but have not received one as yet. We do not plan on placing telemetry collars on any more large adult males.

As I stated above, we have not captured and tagged the number of animals allowed under our permit. We have flipper tagged 24 otters and radio-collared seven; our permit allows 40 flipper tags of which 15 may be radio collared. We have requested the amendment to extend the expiration date in order for us to capture and tag more sea otters. Due to the forthcoming research on sea otters in California by the California Department of Fish and Game, US Fish and Wildlife Service, University of Minnesota, and the University of California, we feel that it is in the best interest of all concerned to have as many identifiable sea otters as possible. The amendment will also help our research by increasing our sample size and thereby allow us to present data which is closely representative of the California sea otter population.

Thank you very much for your time and consideration in this matter.

Sincerely,

THOMAS R. LOUGHLIN.

Loughlin, page three

TABLE 1

Data From Sea Otters Tagged During Summer, 1975, Winter, 1976, and Summer 1976

Tag Number	Date Tagged	Capture Location	SEX	Weight lbs.	Number Days Resighted	Last Day Seen	Right Tag Color	Left Tag Color	Right Tag Position	Left Tag Position	Radio Collar	Comments
16	7/17/75	CR	M	65	35	9/5/75	W	--	5/4	--		Tag lost 9/5/75
17	"	CR	M	44	81	3/23/76	W	YG	1/2	5/4		
18	"	CR	M	63	8	7/29/75	W	YR	4/3	5/4		
19	"	CR	M	61	68	3/25/76	R	WR	1/2	5/4		
21	"	CR	M	75	26	3/10/76	WG	--	4/3	--		Tags on top
22	"	CR	M	65	65	3/23/76	--	WO	--	5/4		
23	"	CR	M	56	18	3/27/76	WR	YG	4/3	4/3		Tags opposite
24	8/13/75	CR	M	41	52	3/23/76	YG	WG	1/2	1/2	X	
25	9/11/75	OP	F	36	4	9/15/75	YR	WR	5/4	5/4	X	Tags opposite
26	1/23/76	OP	M	58	36	3/14/76	YR	WG	2/3	4/3		
27	1/27/76	OP	F	46	18	3/23/76	YGR	W	5/4	5/4		With dep. pup
28	1/31/76	HOP	F	19	16	3/13/76	RYR	W	3/4	1/2		Pup with mother
29	1/31/76	CR	M	71	13	3/23/76	RW	Y	1/2	2/3		
30/2	2/1/76	DM	F	45	7	3/27/76	RW	S	1/2	4/3		Ca. F&G #2
31	2/1/76	DM	M	70	9	3/27/76	Y	WG	2/3	1/2		
32	2/3/76	CR	M	88	18	3/25/76	WY	W	2/3	2/3		
33	2/3/76	CR	M	61	10	3/26/76	S	S	2/3	4/3	X	Died 3/26/76
34	3/7/76	OP	F	48	4	3/27/76	BY	W	5/4	1/2		
35	3/13/76	CR	M	43	7	3/25/76	Y	RWB	5/4	2/3	X	
37	7/17/76	CHR	M	75	8	8/27/76	--	WBY	--	2/3		
38	7/17/76	HOP	F	40	4	8/4/76	YBW	W	2/3	4/5		
40	8/8/76	PPS	F	38	7	8/27/76	Y	Y	2/3	3/4	X	
41	8/15/76	OP	F	56	11	9/26/76	WB	Y	2/3	2/3	X	Tags opposite
42	8/26/76	PPS	F	18	7	9/26/76	R	YB	2/3	3/4	X	Tags opposite

Weight of all animals= 50.9 lbs (23.0 kg)
$\bar{X}$ males= 58.4 lbs (26.5 kg) n=15
$\bar{X}$ females=38.4 lbs (17.4 kg) n=9

Abbreviations:

CR=Cannery Row
OP=Otter Point
HOP=Hophins Marine Station

W=white
Y=yellow
G=green

B=blue
S=silver
----=tag lost

Loughlin, page four

TABLE 2

Data On Radio-Collared Sea Otters

Tag	Sex	Wt (lbs)	Collar Attached	Collar Off	# Days Collar On	Hours of Continuous Monitoring
24	M	41	8/13/75	8/17/75	5	98
25	F	36	9/11/75	unknown	?	9
33	M	61	3/2/76	3/25/76	24	97
35	M	43	3/13/76	7/19/76	129	95
40	F	38	8/8/76	8/14/76	7	102
41	F	56	8/15/76	Still on	---	112
42	F	18	8/26/76	Still on	---	112
					Total	626

NOVEMBER 12, 1976

MR. THOMAS R. LOUGHLIN,
Department of Biology,
University of California,
Los Angeles, Calif.

DEAR MR. LOUGHLIN: Receipt of your application for an amendment to your permit no. PRT-9-20-C was acknowledged on September 8, 1976. Also, additional information pertinent to the amendment request was requested on the same date.

The requested information was not received in this office until October 21, 1976, and review of the additional information has just been completed. In our opinion, the death of the otter may have resulted directly from the telemetry collar which was installed in conjunction with your research studies. Consequently, we believe further review of your proposed research is necessary in order to assess the probable effect of these activities on the sea otter population.

Accordingly, we are opting to consider your request for an amendment to permit no. PRT-9-20-C, as a new permit application and the original application which you submitted will be published, along with your amendment request, in the FEDERAL REGISTER for the 30-day public comment period. We have discussed this course of action with the Marine Mammal Commission, and they have agreed to expedite review of your application, however possible, due to the delay occasioned by this additional review.

Your new permit application number is PRT-2-486-10. Please refer to this number on any subsequent correspondence you may forward.

Also, please note that permit no. PRT-9-20-C expired on October 31, 1976, and, consequently, you are currently without authority to conduct any further research activities with sea otters.

LORAN K. PARCHER,
Acting Chief,
Division of Law Enforcement.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-486-10; please refer to this number when submitting comments. All relevant comments received on or before February 9, 1977 will be considered.

Dated: January 4, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-717 Filed 1-7-77;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

OMB NO. 42-R145

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Authorization to engage in interstate commerce of seven endangered pheasants which have been determined to exist in Captive Self-Sustaining Populations" within the U.S.; for a period of 2 years. (1) Brown-eared (Cross, mantichuricum), (2) Edwards (Lophura edwardsi), (3) Bar-tailed (Syrmaticus mikado) (5) Palawan Peacock (polyplectron emphanus) (6) Elliots (syrmaticus [illegible]) (7) White-eared Pheasants (crossoptilon crossoptilon drouyni)

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Charles Sivelle
41 Westcliff Drive
Dix Hills, N.Y. 11746
516-423-6146

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[X] MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'11" WEIGHT: 190 lbs.
DATE OF BIRTH: 9/24/18
COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 516-423-6146
SOCIAL SECURITY NUMBER: 125-97-0277
OCCUPATION: Manufacturer

5. IF "APPLICANT" IS A BUSINESS, AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
N.A.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
None

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N.A.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N.A.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
41 Westcliff Drive
Dix Hills, N.Y. 11746

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES ☐ NO
(If yes, list license or permit number(s))
PRT 8 306-C, 5-FR-1084
ES-68, PRT-2-155

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES [X] NO
(If yes, list jurisdictions and type of documents)
none required

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
n.a.

10. DESIRED EFFECTIVE DATE: date of issuance

11. DURATION NEEDED: 2 years

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.33

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Charles Sivelle DATE: 8 13 76

3-200
8-70

ATTACHMENT 17.33 TO PERMIT REQUEST

(1) A "Captive Self-Sustaining Population" permit is requested for the following species of pheasants:

(*1*) Brown-eared pheasant (Crossoptilon mantichuricum); (2) White-eared pheasant (Crossoptilon crossoptilon drouyni); (3) Bar-tailed pheasant (Syrmaticus humiae); (*4*) Mikado pheasant (Syrmaticus mikado); (5) Palawan peacock pheasant (Polypetron emphanum); (6) Elliot's Pheasant (Syrmaticus ellioti); (7) Edwards pheasant (Lophura edwardsi).

The applicant seeks a permit to authorize an unlimited number of transactions through interstate commerce over a 2 year period of time for the 7 species of pheasant listed above in this paragraph, with the permit being subject to renewal according to section 13.24.

(2) The applicant possesses 130 aviaries varying in size from 18' Lx10' Wx7' Hto100' Lx40' Wx18'H, all of which are landscaped and possess appropriate heated shelters varying in size from 10' Lx14' Wx9'H. All aviaries are predator proof employing heavy gauge wire, redwood, two inch galvanized pipe, fibreglass roofing and ¾" waterproof plywood. Four acres of land are used at present with an additional ten acres available.

(3) Applicant has been propagating pheasants for twenty years and is internationally recognized. He has already raised hundreds of the pheasants referred to in this permit application and has been responsible for establishing captive populations in whole or part of the following pheasants in the United States today:

(*1*) Bornean Argus; (2) Bornean Crested Fireback; (*3*) Bornean Crestless Fireback; (*4*) Koklass; (5) Humes Bar-tail; (*6*) Mikado; (7) Brown-Eared; (*8*) White-Eared; (*9*) Ijima Copper; (*10*) Cabot Tragopan; (*11*) Bronze-tail peacock.

His aviaries contain thirty two different species of pheasants many of which are the only species of their kind in the United States. The collection is considered the most complete in the world.

The applicant is an active member of many wildlife organizations including:

(*1*) American Pheasant & Waterfowl Society—Director; (2) World Pheasant Association—Vice President; (3) Game Bird Breeders Cooperative Federation—Director; (*4*) N.Y. Zoological Society—Field Associate; (5) Avicultural Society of Long Island—Executive Secretary.

He has been the first to breed the Bornean Argus in the world and the first to breed the Blood pheasant, Bulwer's Wattled pheasant and others in the United States and has been the recipient of many propagation awards for pheasant breeding in the past fifteen years.

(4) The applicant has participated in many pheasant propagation programs involving Endangered Species of pheasants thruout the world and also has assisted in the establishment of stud books for several species including the White-eared pheasant.

(5) The applicant has participated with the International Air Transport Association blueprinting proper shipping crates for pheasants. He has already shipped hundreds of pheasants thruout the world with negligible loss.

(6) Among the hundreds of Endangered Species the applicant possesses and has bred only one (1) adult White-eared pheasant has died and such was reported to Fish and Wildlife Service.

(7) i. The applicant is making this application to gain authorization to engage in interstate commerce with the 7 pheasants listed under #1. This will enable the applicant to dispose of progeny raised each year to qualified breeders and thereby recover all costs invested in the above species. This will also increase the "captive self-sustaining population" of each of the species involved and thereby enhance their overall chances for survival. The applicant also contends that this will better the probability of reintroduction into their natural habitats when environmental and political situations will allow such action.

ii. Upon termination of my breeding program, those birds covered by the permit as well as those which are not will be distributed among qualified breeders of those species concerned.

CHARLES SIVELLE.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–362–25; please refer to this number when submitting comments. All relevant comments on or before February 9, 1977 will be considered.

Dated: December 30, 1976.

FRED L. BOWLAHNN,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-716 Filed 1-7-77;8:45 am]

Geological Survey

GULF OF MEXICO AREA

Revised OCS Order No. 2

Notice is hereby given that, pursuant to 30 C.F.R. 250.11, the Acting Chief, Conservation Division, U.S. Geological Survey, proposes certain revisions to OCS Order No. 2, "Drilling Procedures," for the Gulf of Mexico Area as set forth below.

The revision of some paragraphs of the Order was necessary for clarification and consistency with requirements of other OCS areas. Since the proposed revision of paragraph 1.C., Intermediate Casing, deviates from the requirements of the Gulf of Alaska, the Mid-Atlantic, and the Pacific Area Order No. 2, specific comments are sought for criteria for the setting of intermediate casing. Comments are requested on the proposed language set forth below, the existing language of the Gulf of Alaska and Pacific Orders, which specify that intermediate casing shall be set when the mud weight is increased to within 0.06 kg/dm (0.5 ppg) of the equivalent mud weight of the most recent pressure test of the formation below the surface casing shoe, and the Pacific Order which tabulates intermediate casing setting depths versus proposed total depth and surface casing setting depth.

The proposed revisions to the Order are as follows:

Paragraph 1, "Well Casing and Cementing." This paragraph has been amended by deleting the phrase "• • • such that the well bore could be expected to withstand a pressure equivalent to at least a 0.5 ppg kick." Formation fracture gradients, pressure tests, and other well data are considered sufficient.

Subparagraph 1.C, "Intermediate Casing." The phrase "or on subsequent pressure tests" was added to the last sentence of the first paragraph, which indicates that the operator may retest the exposed formation in the event that a decision is made to set intermediate casing at a deeper depth.

In order to require that the latest technology be utilized to evaluate abnormal pressure zones, the following sentence was added to the first paragraph.

The Operator shall utilize appropriate drilling technology and state-of-the-art methods, such as drilling rate evaluation and shale density analysis in order to enhance the evaluation of conditions of abnormal pressure, and to minimize the potential for the well to develop a flow or kick.

Subparagraph 2.E(1), "Blowout Preventer Controls," was added to clarify the requirements for primary and remote blowout preventer control stations.

Subparagraph 2.E (1), (2), (3), and (4) were redesignated 2.E (2), (3), (4), and (5).

Subparagraph 2.E(2), "Pressure Test," was amended to allow for testing the ram-type preventers at the rated working pressure of the blowout preventer stack assembly or at 70 percent of the minimum internal yield pressure of the casing whichever is the lesser.

Subparagraph 2.E(3), "Actuation," has been rearranged to clarify the actuation requirements of all blowout preventers and control stations.

The revised paragraphs are set forth below with the modifications indicated in *italics*.

The Geological Survey has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

W. A. RADLINSKI,
Acting Director.

PROPOSED REVISIONS TO OCS ORDER NO. 2

DRILLING PROCEDURES

1. *Well Casing and Cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1), and the Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. In cases where cement has filled the annular space back to the Gulf floor, the cement may be washed out or displaced to a depth not exceeding 12 meters (40 feet) below the Gulf floor to facilitate casing removal upon well abandonment. For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing.

The design criteria for all wells shall consider all pertinent factors for well control, including formation fracture gradients and pressures and casing setting depths. All casing, except drive pipe, shall be new pipe or reconditioned used pipe that has been tested to insure that it will meet API standards for new pipe.

1.C. *Intermediate Casing.* This string of casing shall be set when required by anticipated abnormal pressure, mud weight, sediment, and other well conditions. The proposed setting depth for intermediate casing shall be based on the pressure tests of the exposed formation below the surface casing shoe, *or on subsequent pressure tests.*

The Operator shall utilize appropriate drilling technology and state-of-the-art methods, such as drilling rate evaluation and shale density analysis in order to enhance the evaluation of conditions of abnormal pressure, and to minimize the potential for the well to develop a flow or kick.

A quantity of cement sufficient to cover and isolate all hydrocarbon zones and to isolate abnormal pressure intervals from normal pressure intervals shall be used. If a liner is used as an intermediate string, the cement shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger string has been achieved. The test shall be recorded on the driller's log. When such liner is used as production casing, it shall be extended to the surface and cemented to avoid surface casing being used as production casing.

2.E. *Testing.* (1) *B.O.P. Controls.—A minimum of one operable remote blowout preventor control station shall be provided, in addition to the primary blow-out-preventer control station on the drilling floor. Accumulators or accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic blow-out preventers.*

(2) *Pressure Tests.—Ram-type blowout preventers and related control equipment shall be tested at the rated working pressure of the B.O.P. stack assembly, or at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested at 70 percent of the applicable above pressure test requirements. All preventers shall be tested (a) when installed, (b) before drilling out after each string of casing has been set, (c) not less than once each week, alternating between control stations, and (d) following repairs that require disconnecting a pressure seal in the assembly.*

(3) *Actuation.—While drill pipe is in use, the following actuation procedures shall be performed, as a minimum, to determine proper functioning of the blow-out preventers and control stations:*

Pipe Rams—Actuated daily. Blind/Shear Rams—Actuated while drill pipe is out of the hole, once each trip.

Tapered Drill String Pipe Rams—The smaller size pipe rams shall be actuated on the appropriate drill pipe size, once each trip.

Annular-Type Preventer—Actuated on the drill pipe, in conjunction with the pressure test, once each week.

Control Stations—Actuated while drill pipe is out of the hole, once each trip.

D. W. SOLANAS,
Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Acting Chief, Conservation Division.

[FR Doc.77-729 Filed 1-7-77;8:45 am]

ROCKY MOUNTAIN ENERGY CO.

Availability of Draft Environmental Statement for Bear Creek Uranium Mining and Milling Project

CROSS REFERENCE: For a document relating to the above-mentioned subject issued by the Nuclear Regulatory Commission, see FR Doc. 77–425 appearing in the Notices Section of this issue.

Office of Hearings and Appeals

[Docket No. M 77–56]

OLIVER SPRINGS MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Oliver Springs Mining Co., Inc., has filed a petition to modify the application of 30 CFR 75.1405 to its No. 3

Mine located in Anderson County, Tennessee.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

The substance of Petitioner's statement is as follows:

1. A petition was heretofore filed on May 7, 1974. The petition was returned July 14, 1974, and was resubmitted. It was returned again to the Petitioner on August 26, 1975. The Petitioner filed an informal reply and was of the opinion he had met the requirements but apparently failed to do so. Consequently the said Petition for Modification was dismissed. That petition was given Docket Number M 74-195.

2. On December 6, 1976 when it came to the Petitioner's attention that the petition had been dismissed, he proceeded to file another petition giving it the same Docket Number as previously.

3. The Petitioner states that he in good faith attempted to comply with the previous orders and had in fact complied and feels that his compliance justifies the filing of an additional Petition for Modification.

4. Petitioner has installed chains to make the coupling pins on its cars permanent. These chains have been in place now for a long period of time and are currently installed.

5. A manual mechanism was installed on the locomotives so that the coupling pins could be disengaged without one having to go between the cars. Two pictures show the mechanism which has been installed.[1]

6. This mechanism that the Petitioner installed has been used ever since the original petition was filed and it has been very satisfactory. The operator of the locomotive stands to the side and disengages the cars and does not ever have to go between the cars.

7. It is believed that this mechanism which has been installed by the Petitioner and used for approximately 2 years has proven safe and, perhaps, more safe than the automatic couplers required by 30 CFR 75.1405.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 9, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

DECEMBER 3, 1977.

[FR Doc.77-788 Filed 1-7-77;8:45 am]

[1] The enclosed pictures are available for inspection at the address listed in the last paragraph of this notice.

INTERNATIONAL TRADE COMMISSION

[TA-201-19]

TELEVISION RECEIVERS

Time and Place of Chicago Hearing

Notice is hereby given that the public hearing in this matter previously scheduled to begin on January 11, 1977, in Chicago, Illinois, will be held on that date beginning at 10 a.m., c.s.t., in the U.S. Tax Court, Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois.

As previously announced, a second hearing in this matter will be held in Washington, D.C., beginning at 10 a.m., e.s.t., in the Hearing Room of the United States International Trade Commission Building, 701 E Street NW., Washington, D.C.

Notice of the investigation and the hearings was published in the FEDERAL REGISTER of November 12, 1976 (41 FR 50076).

By order of the Commission:

Issued: January 5, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-782 Filed 1-7-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-69, issued to Baltimore Gas and Electric Company (the licensee), which revised the operating license for Calvert Cliffs Nuclear Power Plant, Unit 2 (the facility) located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment incorporated a condition restricting facility operation with less than four reactor coolant pumps. This condition was inadvertently omitted from Amendment No. 2.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 2 to License No. DPR-69 issued November 30, 1976, and Supplement No. 7 to the Safety Evaluation Report, issued on the same date, and (2) Amendment No. 4 to License No. DPR-69 and the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A single copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 30th day of December, 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors, Branch No. 2, Division of Project Management.

[FR Doc.77-751 Filed 1-7-77;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications that will add sections 3.5.A.7 and 4.5.Q by describing the Limiting Conditions for Operation and Surveillance Requirements for safety-related snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the License amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 12, 1975, as supplemented by letter dated June 16, 1976, (2) Amendment No. 18 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of December 1976.

For the Nuclear regulatory commission.

JAMES J. SHEA,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-750 Filed 1-7-77;8:45 am]

[Docket Nos. 50-516, 50-517]

LONG ISLAND LIGHTING CO. (JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2)

Order Resuming the Evidentiary Hearing

The evidentiary hearing will be resumed on January 18, 1977, at 9:30 am in the Holiday Inn of Riverhead, Exit 72, Long Island Expressway, Riverhead, Long Island, New York, to receive evidence upon certain contentions and other matters as specified in the Board's Order dated December 28, 1976. The hearing will proceed on successive week days, and will resume on January 25, and on February 1, 1977.

Because so much time has elapsed since the last session of hearings, prior rulings are rescinded with respect to the submissions of written direct testimony. Pursuant to 10 CFR § 2.743(b) copies of direct testimony shall be served at least five days prior to January 18, 1977.

The public is invited.

It is so ordered.

Dated at Bethesda, Maryland this 3rd day of January, 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc.77-754 Filed 1-7-77;8:45 am]

[Docket No. 50-320]

METROPOLITAN EDISON CO., ET AL

Conference

In the matter of Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company; (Three Mile Island Nuclear Station, Unit 2).

Notice is hereby given that a conference in this procedeing will be held on Friday, January 28, 1977, at 9 a.m., North Office Building, Hearing Room No. 2, Commonwealth and North Streets, Harrisburg, Pennsylvania. The parties should be prepared to discuss any outstanding matters needing to be determined in advance of the forthcoming evidentiary hearing.

It is so ordered.

Dated at Bethesda, Maryland this 30th day of December 1976.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc.77-753 Filed 1-7-77;8:45 am]

[Docket No 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Connecticut Light and Power Company (the licensees) for operation of the Millstone Nuclear Power Station Unit No. 2, located in Waterford, Connecticut.

The amendment would revise the value of the maximum Allowable Peak Linear Heat Generation Rate (APLHGR) contained in the Technical Specifications. The Technical Specification limit for APLHGR of 15.3 kw/ft had been further limited to 14.1 kw/ft by our Order for Modification of License, dated June 17, 1976 as a result of errors which had been discovered in the Combustion Engineering (CE) Emergency Core Cooling System (ECCS) model. The Order had also required the licensee to perform an ECCS reanalysis; accordingly, the licensee now proposes an APLHGR value of 16.3 kw/ft.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 9, 1977 the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject Facility Operating License. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding as has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 7, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated in Bethesda, Maryland, this 30th day of December 1976.

For the Nuclear Regulatory Commission.

JAMES J. SHEA,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-747 Filed 1-7-77;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The U.S. Nuclear Regulatory Commission (the Commission) is considering the approval of a modification to the spent fuel storage pool of the Prairie Island Nuclear Generating Station Unit Nos. 1 and 2 (the facilities) operated under Facility Operating License Nos. DPR-42 and DPR-60 issued to the Northern States Power Company (the licensee). The facilities consist of two pressurized-water reactors located in Goodhue County, Minnesota, and are each currently authorized to operate at 1650 megawatts (thermal).

The proposed modification being considered involves replacement of the existing spent fuel storage racks having a capacity for 198 fuel assemblies with new storage racks with a capacity for 687 assemblies in accordance with the licensee's application dated November 24, 1976. Approval of the proposed modification would require concurrent issuance of an amendment to the above license to revise the technical specifications for the facilities to reflect the increased spent fuel storage capacity.

Prior to approval of the proposed modification and the license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By February 9, 1977 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval of the modification to the subject facilities spent fuel storage pool and the concurrent issuance of the license amendments. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire of Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated November 24, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Bethesda, Maryland, this 16th day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-749 Filed 1-7-77;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and Niagara Mohawk Power Corporation, which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment incorporates provisions into the Technical Specifications related to limiting conditions for operation and surveillance of shock suppressors (snubbers).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated October 25, 1976, (2) Amendment No. 20 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-755 Filed 1-7-77;8:45 am]

[Docket No. 40-8452]

ROCKY MOUNTAIN ENERGY CO.

Availability of Draft Environmental Statement for Bear Creek Uranium Mining and Milling Project

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a draft environmental impact statement issued by the Commission's Office of Nuclear Material Safety and Safeguards related to the Bear Creek Project in north-central Converse County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Converse County Library, Douglas, Wyoming 82633. The draft statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne 82001. Requests for single copies of the draft environmental impact statement (identified as NU REG-0129) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

The applicant's environmental report, as supplemented, submitted by Rocky Mountain Energy Company, is also available for public inspection at the same locations. Notice of availability of the environmental report was published in the FEDERAL REGISTER on March 25, 1976 (41 FR 12364).

Preparation of the draft statement is a joint effort between the Nuclear Regulatory Commission, the U.S. Forest Service, and the U.S. Geological Survey, with NRC acting as the coordinating agency. The statement is intended to meet the requirements of the National Environmental Policy Act both as to the issuance of permits and licenses to Rocky Mountain Energy Company for the operation of the Bear Creek uranium mining and milling project, and as to other jurisdictional responsibilities of the cooperating Federal agencies.

Interested persons may submit comments on the applicant's environmental report, as supplemented, and on the draft environmental impact statement for consideration by the Commission, the Forest Service, or the Geological Survey, as appropriate. Federal and State agencies are being provided with copies of the applicant's environmental report and the draft environmental impact statement (local agencies may obtain these documents upon request). Comments by Federal, State, and local officials, or other persons will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and at the Converse County Library, Douglas, Wyoming. After consideration of comments submitted on the draft environmental impact statement, a final environmental statement will be prepared and published. A notice of availability of the final environmental statement will be published in the FEDERAL REGISTER.

All comments on the draft environmental impact statement from interested persons should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety. Comments are due by February 22, 1977.

Dated at Bethesda, Md., this 29th day of December, 1976.

For the Nuclear Regulatory Commission.

L. C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-425 Filed 1-7-76;8:45 am]

[Docket No. 50-575]

WESTINGHOUSE ELECTRIC CORP.

Application for and Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of two pressurized water reactors with a thermal power level of 2,785 megawatts each to Spain and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR, Chapter 1; and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Nuclear Regulatory Commission does not evaluate the health and safety characteristics of the facility to be exported. Consequently, there are no safety analysis or Advisory Committee on Reactor Safeguards reports.

Unless, on or before February 9, 1977, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to Westinghouse Electric Corporation a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland this 28th day of December, 1976.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc.77-752 Filed 1-7-77;8:15 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the licensees), for operation of the Point Beach Nuclear Plant, Unit No. 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendment would revise the Technical Specifications to eliminate the fuel residence time limit and alter the core power distribution limits to allow operation of Point Beach Unit No. 2 in core Cycle 4.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By February 9, 1977 the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Bruce Churchill, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW, Washington, D.C. 20036, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he

becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated December 9, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the University of Wisconsin, Stevens Point Library, Stevens Point, Wisconsin 54481. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 3 day of January 1977.

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Chief Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-748; Filed 1-7-77;8:45 am]

[Dockets Nos. 50-3, 50-247, and 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendments to Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued to Consolidated Edison Company of New York, Inc. (Con Ed) Amendment No. 14 to Provisional Operating License No. DPR-5 for Indian Point Nuclear Generating Unit No. 1, and Amendment No. 25 to Facility Operating License No. DPR-26 for Indian Point Nuclear Generating Unit No. 2, and has issued to Con Ed and the Power Authority of the State of New York Amendment No. 4 to Facility Operating License No. DPR-64 for Indian Point Nuclear Generating Unit No. 3. These amendments revised Technical Specifications for operation of the Indian Point Nuclear Generating Units located in Westchester County, New York. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications of each license to be consistent with revised New York State environmental requirements which increase the allowable daily limits on fish impingement.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) he application for amendments sworn to December 28, 1976, (2) Amendment No. 14 to License No. DPR-5, (3) Amendment No. 25 to License No. DPR-26, (4) Amendment No. 4 to License No. DPR-64, and (5) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

A copy of items (2) through (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.77-914 Filed 1-7-77;8:45 am]

[Docket No. 50-302]

FLORIDA POWER CORP., ET AL., CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc. and the City of Tallahassee for the Crystal River Unit 3 Nuclear Generating Plant located in Citrus County, Florida.

Amendment No. 1 authorizes Florida Power Corporation to operate the facility within five percent of rated power. The amended license is conditioned to require the completion of certain tests prior to initial criticality and the completion of certain design changes and corresponding modifications to be completed within specific time periods from the date of issuance of the license and sets forth specific requirements to be satisfied prior to authorizing increased operating power levels from startup to full power.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amended license. The application as supplemented by letter dated December 9, 1976 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations.

This action is in furtherance of the licensing action encompassed in the "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing," dated October 14, 1972.

A copy of (1) Amendment No. 1 to Facility Operating License No. DPR-72, and Attachment 1 thereto, with revised Technical Specifications (Appendix A); and (2) the Office of Nuclear Reactor Regulation's Safety Evaluation and Supplements 1, 2 and 3 dated July 5, 1974, January 13, 1975, December 3, 1976, and December 30, 1976 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Crystal River Public Library, Crystal River, Florida 32629.

The Commission's findings with respect to environmental considerations are described in the Commission's Notice of Issuance of Facility Operating License (published December 23, 1976, 41 FR 55952).

Single copies of items (1) and (2) may be obtained upon request addressed to the United State Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 30th day of December 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-915 Filed 1-7-77;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company (the licensee) which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment authorizes an increase in the maximum temperature of the water within the boundary of the mixing zone during the months of June, July, and August. These limitations and associated monitoring criteria are fully consistent with the State of Maine's Board of Environmental Protection Order of August 23, 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility published in July 1972, and in the Environmental Impact Appraisal for Amendment No. 21 to License No. DPR-36.

For further details with respect to this action, see (1) the application for amendment dated July 9, 1976, (2) Amendment No. 25 to License No. DPR-36, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of December 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-916 Filed 1-7-77;8:45 am]

[Docket No. P-564-A]

PACIFIC GAS & ELECTRIC CO., (STANISLAUS NUCLEAR PROJECT, UNIT NO. 1)

Order Setting Oral Argument

The U.S. Nuclear Regulatory Commission (the Commission) has established an Atomic Eafety and Licensing Board (the Board) to rule on petitions and/or requests for leave to intervene in the above-identified proceeding which concerns the antitrust aspects of the Pacific Gas and Electric Company's (the Applicant) application to construct the Stanislaus Nuclear Project, Unit No. 1.

There are currently outstanding petitions for leave to intervene from the Northern California Power Agency (NCPA), from the State of California Department of Water Resources (DWR), and a joint petition from the Cities of Anaheim and Riverside, California. The Commission's Regulatory Staff (the Staff) and the Applicant have filed answers to these petitions, with the applicant also submitting a motion for summary disposition with regard thereto.

Notice is hereby given that the Board will hear oral argument on the petitions to intervene at 10:00 a.m. on January 25, 1977 at the 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

The Board will not entertain oral argument on the merits of the Applicant's motion for summary disposition but will expect the parties to present their legal positions on whether this Petitions Board has jurisdiction to hear that motion. Should the Board determine that it has jurisdiction to consider the motion for summary disposition, the Board will permit appropriate time for the petitioners and the Staff to respond to the motion and, if necessary, will set further oral argument on the motion.

To expedite preparations for oral argument, the Board advised the parties and the petitioners of the contents of this Order by telephone on January 4, 1977.

Dated at Bethesda, Md., this 5th day of January 1977.

For the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman

[FR Doc.77-917 Filed 1-7-77;8:45 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO., PUBLIC SERVICE ELECTRIC AND GAS CO., DELMARVA POWER AND LIGHT CO. AND ATLANTIC CITY ELECTRIC CO.

Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 30 and 29 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments will change the Technical Specifications to reflect the following planned modifications to the Peach Bottom facility: (1) Replacement of existing pressure and differential pressure switches which sense condenser vacuum, reactor water level and main steam line flow, with analog loops, and (2) the addition to an automatic isolation signal to the Reactor Core Isolation Cooling (RCIC) and High Pressure Coolant Injections (HPCI) Systems turbine-exhaust vacuum-breaker isolation valves.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 22, 1976, (2) Amendments Nos. 30 and 29 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3d day of January 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-918 Filed 1-7-77;8:45 am]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

MEETING

Pursuant to subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the National Transportation Policy Study Commission. The meeting, originally scheduled to be held on December 18, 1976 (FEDERAL REGISTER, December 6, 1976, Page 53378) and later cancelled, is hereby re-scheduled to be held on Thursday, January 27, 1977.

The meeting will not be open to the public as the Commission will be discussing matters that are related solely to its internal personnel and practices under 5 U.S.C. 552(b)(2) and will examine personnel and similar files, the disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

BUD SHUSTER,
Chairman.

JANUARY 4, 1977.

[FR Doc.77-784 Filed 1-7-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 16, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Kentucky Equine Survey, single-time, horse farms, Hulett, D. T., 395-4730.

Economic Research Service, Tractor Power Technology Survey, single-time, farm operators, tractor experts, Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Bureau of Census:

1977 Census of Governments-Survey of Local Government Finances (School Systems)
F-33, F-33(L4)(L5), (L6), (L), single-time, state and local education officials, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Local Government Finances (Special Agencies), F-32, single-time, single purpose special districts (revenues over $25,000), Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Municipal or Township Finances, F-21, single-time, local governments-city and town officials, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Local Government Finances (Major Special Agencies), F-29, single-time, large special districts, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Local Government Finances (Supplementary Letters), F-77-1, 77-2, single-time, local government, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of County Government Finances, F-28, single-time, county government-officials, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Local Government Finances (Special Districts), F-35, single-time, small special districts, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Local Government Finances (School Building Agencies), F-42, single-time, Local Governments-School Building Agencies, Ellett, C. A., 395-5867.

1977 Census of Government Survey of Local Government Finances (Municipalities and Townships), F-50, single-time, Local Governments-Cities and Towns, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Local Government Finances (Municipalities and Townships), F-60, single-time, small cities and towns, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of State-Administered Public Employee Retirement Systems, F-115, single-time, state retirement systems, Ellett, C. A., 395-5867.

1977 Census of Governments-Survey of Local Government Finances (Local Retirement Systems), F-114, single-time, local government retirement systems, Ellett, C. A., 395-5867.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs, Industrial Price Revision Pilot, BLS-3078, 307, 3080, 308L, 3082, 3083, single-time, manufacturing establishments in SIC's Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Poultry Market News Reports, PY-10, Weekly, Poultry Producers and Processors, Tracey Cole, 395-5870.

DEPARTMENT OF COMMERCE

Bureau of Census, Annual Retail Trade Report, BUS-024, 024C, 224, annually, all types of retail businesses, Laverne V. Collins, 395-5867.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Entry Record—Receipt—Missing Documents, CF 5101, on occasion, importers and brokers, Tracey Cole, 395-5870.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, Monthly Work Schedule, FRA F-74, Monthly, State DOT'S/PUC'S, Lowry, R. L., 395-3772.

EXTENSIONS

VETERANS ADMINISTRATION

Evaluation of Treatment of Drug and Alcohol, Dependent Patients, 10-7984, Single-Time, Drug and Alcohol Dependent Patients, Reese, E.F., 395-3211.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE U.S.

Confidential Employment Inquiry, FCSC 65-4, on occasion, References and Previous Employers, Tracey Cole, 395-5870.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Plant and Equipment Expenditures survey, BE-456, quarterly, nonmanufacturing, Laverne V. Collins, 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Plans for the Second Health and Nutrition, Examination Survey, HRA 1204, on occasion, National Probability Sample of Persons 6 mos-74 yrs, Richard Eisinger, 395-6140.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs:
Guam Food Pricing for USDA, BLS 2911.0, monthly, Retail Grocery Stores, Strasser, A., 395-5867.

Accident Data on Public School Bus Drivers, WH-374, annually, State Government, Strasser, A., 395-5867.

Trusteeship Report and Schedule on Selecting of Delegates and Officers, LM-15, semi-annually, Labor Unions, Strasser, A., 395-5867.

Retail Prices—Outlet Information, 2901A, monthly, Retail Businesses, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-933 Filed 1-7-77;8:45 am]

OHIO RIVER BASIN COMMISSION

KENTUCKY AND LICKING RIVER BASINS COMPREHENSIVE COORDINATED JOINT PLAN

Availability of Report for Review

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (PL 89-80), the Ohio River Basin Commission has completed a report summarizing the current Comprehensive Coordinated Joint Plan (CCJP) for the Kentucky and Licking River Basins portion of the Ohio River Basin. The Report currently is being reviewed by the Governors and the head of each Federal agency, and each interstate agency, from which a member of the Commission has been appointed.

Views, comments and recommendations on the CCJP are requested by April 3, 1977. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.77-785 Filed 1-7-77;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on January 1, 1977, and ending on June 30, 1977, is 7¾ per centum per annum.

Dated: January 5, 1977.

REX M. MATTINGLY,
Acting Chairman.

[FR Doc.77-786 Filed 1-7-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-241]

ADVANCED SYSTEMS, INC.

Application and Opportunity for Hearing

DECEMBER, 21, 1976.

Notice is hereby given that Advanced Systems, Incorporated ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from filing an annual report on Form 10-K for the year ended October 31, 1975 and all other reports required to be filed pursuant to sections 13 or 15(d) of the 1934 Act.

Section 12(g) of the 1934 Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Sections 13 and 15(d) of the 1934 Act require that issuers of securities registered pursuant to section 12 or that have filed a registration statement that has become effective pursuant to the Securities Act of 1933, must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(b) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of sections 12(g), 13, 14 or 15(d) of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The Applicant states, in part:

1. Applicant is incorporated under the laws of the State of Delaware.

2. Prior to the merger, Applicant had one class of equity securities registered under the Securities Act of 1933.

3. Prior to the merger, Applicant was subject to the provisions of Section 15(d) of the 1934 Act and its common stock was registered pursuant to Section 12(g) of the 1934 Act.

4. As a result of a merger on October 4, 1976, the Applicant became a wholly-owned subsidiary of URS Corporation.

5. At this time the Applicant has only one shareholder, URS Corporation.

In the absence of an exemption, Applicant is required to file pursuant to sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an annual report on Form 10-K for the year ending October 31, 1976. Applicant believes that its request for an order exempting it from the provisions of sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant is a wholly-owned subsidiary with only one stockholder of record or beneficially. Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, NW, Washington, D.C.

Notice is further given that any interested person not later than January 17, 1977 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, on order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-772 Filed 1-7 77;8:45 am]

[Release No. 34-13128; File No. SR-Amex-76-29]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

JANUARY 3, 1977.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 16, 1976, the American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed new sections 220 and 337 to the Amex's Company Guide set forth the information required to be filed in connection with a new simplified (short form) listing application for the dual listing of NYSE listed companies (and for companies seeking simultaneous listing on the Amex and NYSE) and the listing fee for such companies.

The text of the proposed amendments is annexed as Exhibit A of the Amex filing.

THE AMEX'S STATEMENT OF BASIS AND PURPOSES

The purpose of the proposed addition of these two sections to the Amex's Company Guide is to eliminate unnecessary impediments to dual listing of NYSE securities, to streamline duplicative processing procedures, and to reduce unnecessary accounting, legal and printing expenses upon such companies. This will be accomplished by employing a simplified (short form) listing application for the securities of companies currently listed on the New York Stock Exchange (and for companies seeking listing simultaneously on the Amex and the New York Stock Exchange), and by charging an original listing fee of $7,500 for such companies. This charge reflects the substantial elimination of both direct and indirect costs associated with the Amex's listing procedures and processing of listing applications, such as the review of numerous corporate documents including financial statements, proxy materials, prospectuses, charter and by-laws, counsel's opinion with respect to the authority and validity of the securities to be listed, etc.

Notwithstanding these simplified listing procedures, the Amex will continue to apply its existing eligibility criteria before approving applications for dual listing.

The proposed amendment is based upon Sections 6(b)(4) and 11A of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975, and relates to the equitable allocation of reasonable fees among its issuers and the removal of impediments to a free and open market and a national market system. (Items 4(a)(iv) and (v)D).)

No comments were solicited or received with respect to the proposed new sections.

The Amex has determined that the proposed additions to its Company Guide will not impose any burden on competition.

On or before February 14, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change or,

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to submit written comments should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written comments will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 31, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary

[FR Doc.77-774 Filed 1-7-77;8:45 am]

[Release No. 34-13095; File No. SR-Amex-76-28]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

DECEMBER 22, 1976.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 13, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The American Stock Exchange, Inc. (Amex) pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the Act) hereby proposes to amend Rules 900(b)(26), 910, 915, 917 and 958 to permit the trading of options on underlying securities which are primarily traded in the over-the-counter market.

The Board of Governors of the Amex approved the amendment to the above rules on November 11, 1976.

THE EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The principal purpose of the proposed rule changes is to permit selected securities that are traded primarily in the over-the-counter market to serve as underlying securities for options traded on the Amex. (Such securities are also referred to herein as "OTC underlying securities".) The purpose of each of the proposed rule changes is summarized as follows:

Rule 900(b)(26) is amended so that the term "primary market" for securities traded principally over-the-counter refers to the over-the-counter market reflected in NASDAQ.

Rule 910 is amended to expand the restricted (out-of-the-money) option rule so that in the case of underlying securities traded principally over-the-counter, orders shall not generally be entered for opening transactions where the exercise price will be more than $5 above the mean between the final representative bid and asked quotation reported through NASDAQ on the last previous day on which the underlying stock was traded.

Rule 915 is amended so that underlying stocks in respect of which option contracts may be approved for listing and trading if they meet all other standards and have been designated as "OTC Margin Stock" pursuant to Regulation T under the Securities Exchange Act of 1934.

Rule 917 is amended so that in case of underlying securities principally traded in the over-the-counter market, the Exchange may halt or suspend the trading of options in the event current representative quotations are not available for such securities.

Rule 958 is amended so that a Registered Trader in options shall not ordinarily be required to bid more than $1 lower and/or offer more than $1 higher than the last preceding transaction price for the particular option contract where the underlying security is primarily traded over-the-counter and the representative bid price per share (or other unit of trading), as reported in NASDAQ, has changed by more than $1 since the last preceding transaction for the particular option.

Section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in pertinent part, requires the Exchange's rules be designed to protect investors and the public interest. The Exchange believes that the amendments proposed with respect to these rule changes (which are principally technical in nature) are consistent with the protection of investors since, in all material respects, trading in options covering OTC underlying securities are expected to be similar to options trading presently taking place on the Amex in listed underlying securities.

The amendments to Rules 900(b)(26), 910, 915, 917 and 958 were considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations. No other comments were solicited or received.

The Exchange does not believe any burden on competition will be imposed by these proposed rules changes.

On or before February 14, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All comments should refer to the file number referenced in the caption above and should be submitted on or before January 31, 1977.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-776 Filed 1-7-77;8:45 am]

[Rel. No. 19837; 70-5955]

CENTRAL AND SOUTH WEST CORP., ET AL.

Proposed Capital Contributions by Holding Company to Subsidiaries

JANUARY 3, 1977.

In the matter of Central and South West Corp., P.O. Box 1631, Wilmington, Delaware 19899, Central Power and Light Co., P.O. Box 2121, Corpus Christi, Texas 78403, Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102, Southwestern Electric Power Co., P.O. Box 21106, Shreveport, Louisiana 71156.

Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company and Central Power and Light Company ("CP&L"), Public Service Company of Oklahoma ("PSO") and Southwestern Power Company ("SWEPCo"), all wholly-owned subsidiaries of CSW, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9, 10 and 12(f) of the Act and Rules 43 and 45, promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to make capital contribution to three of its wholly-owned subsidiaries, CP&L, PSO and SWEPCo, in the following amounts:

CP&L	$40,000,000
PSO	30,000,000
SWEPCO	10,000,000
Total	80,000,000

The full amount of the capital contribution to each subsidiary will be added to its common stock stated capital account and will be used together with other funds toward its 1977 construction and fuel exploration and development expenditures. The estimated amount of such expenditures are as follows:

	C.P. & L.	PSO	SWEPCO
Generation	$181,806,000	$94,025,000	$61,925,000
Transmission	10,593,000	14,238,000	22,440,000
Distribution and other plant	19,237,000	21,751,060	15,806,000
Fuel exploration and development	9,132,000	9,668,000	12,617,000
Total	220,808,000	144,682,000	112,107,000

It is stated that no state commission and no federal commission, other than this Commission, has any jurisdiction with respect to the proposed transaction. It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,550, including legal fees of $500.

Notice is further given that any interested person may, not later than January 27, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for

such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as it may be amended, may be granted and permitted to become effective as provide in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-773 Filed 1-7-77;8:45 am]

[Release No. 34-13127; File No. SR-MSTC-76-12]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on December 13, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Midwest Securities Trust Company proposes to charge $1.25 for delivery by way of a Third Party Depository Delivery Instruction (Third Party DDI) and $1.25 for processing receipt of transmission of a Third Party Miscellaneous Delivery Order (Third Party MDO).

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide for charges to cover the costs of the Third Party DDI. The Third Party DDI effects the bookkeeping movement of security positions from a MSTC participant's account to a DTC participant's account versus payment or free. The Third Party DDI is used to settle transactions, initiate and return stock loans. Third Party DDI is available to all participants and is of special benefit to those participants who are not members of the receiving depository. Third Party movements from DTC to MSTC are effected by DTC's transmission to MTSC of the Third Party MDO. Third Party MDO's can be processed versus payment or free.

The proposed rule change represents an equitable allocation of reasonable dues, fees, and other charges among its participants.

Comments have neither been solicited nor received.

The Midwest Securities Trust Company believes that no burdens have been placed on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 31, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

JANUARY 3, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-775 Filed 1-7-77;8:45 am]

[Release No. 34-13134; File No. SR-MSE-76-18]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE AMENDMENT

(New language italicized; deleted material bracketed.)

Rule 11, Article XX, of the Midwest Stock Exchange Rules

[Filing Requirements with Midwest]

[Rule 11. (a) A member organization holding a membership interest in the New York Stock Exchange or the American Stock Exchange which ceases to be a member in good standing of either of such exchanges and as a result holds a membership interest in neither exchange shall, within two business days after such event, file with Midwest as of the date of such event:

(1) A proof of money balances of all ledger accounts in the form of a trial balance;

(2) A computation of aggregate indebtedness and net capital made in accordance with Rule 3(a) of Article XX;

(3) An analysis of the aggregate market value of fully paid securities in customers' security accounts not segregated showing the location of such securities;

(4) Ledger net credit balances of money borrowed from banks, trust companies and other financial institutions and from others, which are fully or partially secured by securities carried for the account of any customer, showing, for each loan, an analysis of the market value of all collateral of such borrowings by source of collateral, stating separately the market value of: (i) securities carried for the accounts of customers, (ii) securities owned by the member or member organization or by any general or special partner or any director or officer of the member organization, and (iii) any other securities;

(5) The aggregate amount of customers' ledger debit balances;

(6) A statement of all contingent liabilities, and

(7) The aggregate amount of customers' free credit balances and the aggregate amount of all other customers' ledger credit balances. Provided, however, that the information specified above need not be filed if Midwest, upon written request, exempts such member organization, either unconditionally or on specified terms and conditions, from such requirements. Provided, further that Midwest may, upon written request, grant extensions of time for filing such information for good cause shown.

(b) For the purpose of the preceding paragraph—

(1) "Membership interest" means full membership, allied membership, associated membership, floor privileges, and any other interest that entitles a person or organization to the exercise of any privilege on either the New York Stock Exchange or the American Stock Exchange.

(2) A member organization shall be deemed to have ceased to be a member in good standing of the New York Stock Exchange or the American Stock Exchange when it has resigned, withdrawn,

or been suspended or expelled from a membership interest in such exchange or has directly or through any associated person sold or entered into an agreement for the sale of a membership interest which would on consummation thereof result in the termination of the member organization's membership interest in such exchange.

Rule 11. Filing Requirements on Change of Examining Authority

(a) A member organization for whom another national securities exchange or registered securities association is the designated examining authority under 17 CFR 240.17d–1 and who ceases to be a member in good standing of such national securities exchange or registered securities association shall file the reports and information required by Paragraph (b) of 17 CFR 240.17a–5 with the Exchange at the same time such reports and information are filed with the Securities and Exchange Commission.

(b) The determination of what constitutes membership interest and cessation of membership in good standing shall be as defined in Paragraph (b) of 17 CFR 240.17a–5.

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to incorporate the requirements of FOCUS and avoid duplicate reporting requirements. The proposed rule change also acknowledges the fact that other exchanges besides the Midwest Stock Exchange, American Stock Exchange, or the New York Stock Exchange may be the designated examining authority for our members.

The proposed rule change improves the Exchange's capacity to carry out the puposes of the Act and to comply, and to enforce compliance by its members, with the Act, the rules and regulations thereunder.

Comments were neither solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

On or before February 14, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the captioned above and should be submitted on or before January 31, 1977.

For the Commission by the Division of Market Regulaiton, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 4, 1977.

[FR Doc.77-816 Filed 1-7-77;8:45 am]

[Release No. 13129; SR–PSE–76–34]

PACIFIC STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

JANUARY 4, 1977.

On November 11, 1976, the Pacific Stock Exchange Incorporated ("PSE"), 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change. The rule change would clearly delineate that in the context of dual trading some references to the terms "Exchange option transaction" and "Exchange transaction" should apply only to transactions on the PSE while others should apply to transactions on any options exchange.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13008 (November 24, 1976)) and by publication in the FEDERAL REGISTER (41 FR 53151 (December 3, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 11, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-815 Filed 1-7-77;8:45 am]

DEPARTMENT OF TRANSPORTAION

Federal Railroad Administration

[FRA Waiver Petition No. HS–76–13]

BELFAST AND MOOSEHEAD LAKE RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Belfast and Moosehead Lake Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61–64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–76–13, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before January 30, 1977, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on December 17, 1976.

DONALD W. BENNETT,
Chairman,
Railroad Safety Board

[FR Doc.77-719 Filed 1-7-77;8:45 am]

[Finance Docket No. 3]

PREFERENCE SHARE FINANCING

Receipt of Application

Projects. Notice is hereby given that the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, 516 West Jackson Boulevard, Chicago, Illinois 60606, has filed an application with the Federal Railroad Administrator under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, 45 U.S.C. 825, and thereby seeks funding through the sale to the United States of redeemable preference shares having an aggregate par value of $91,683,598.

The proceeds of the sale would be used by the applicant to fund four related projects: (1) the single tracking and rehabilitation of its main tracks between Milwaukee, Wisconsin, and Newport, Minnesota, a distance of approximately 314 rail miles, to be completed over a three year period for a total estimated cost of $66,357,776; (2) the repair of 1,194 freight cars which repair is to be performed in its facilities over a two year period for a total estimated cost of $7,494,536; (3) the repair of 337 road freight locomotives which repair is

to be performed in its facilities over a three year period for a total estimated cost of $16,678,286; and (4) the installation of environmental protection devices and appurtenances at the facilities where the majority of the repair work on freight cars and locomotives will take place, for a total estimated cost of $1,-154,000.

Justification for Projects. The applicant states that the single tracking and track rehabilitation project is justified because the heavy traffic density on its double track main line route between Milwaukee and the Twin Cities fits that line within what the applicant envisions to be a primary segment of a national rail system, and also because that main line route provides sufficient capacity to accommodate a portion of other rail traffic in the corridor. The applicant further states that completion of the freight car and locomotive repair projects would enable it to generate additional revenue while reducing future annual maintenance costs and improving fuel efficiency and reliability, and that pollution control expenditures are required to insure that the facilities utilized in such repair work meet environmental specifications.

Comments. Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

The comments will be taken into consideration by the Federal Railroad Administration ("FRA") in evaluating the application. However, formal acknowledgment of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended).

Dated: January 5, 1977.

Comment closing date: February 9, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-830 Filed 1-7-77;8:45 am]

[Finance Docket No. 3]

GUARANTEE OF OBLIGATIONS

Receipt of Application

Projects: Notice is hereby given that the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 516 West Jackson Boulevard, Chicago, Illinois, 60606, has filed an application with the Federal Railroad Administrator under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended ("RRRR Act"), 45 U.S.C. 831, to secure a commitment by the United States to guarantee a loan in the principal amount of $17,750,368. Loan arrangements have not been completed at this time. This application is contingent upon approval of a related application submitted by the applicant under section 505 of the RRRR Act, 45 U.S.C. 825, which contains a proposed project for the single tracking and rehabilitation of applicant's main track between Milwaukee, Wisconsin, and Newport, Minnesota.

The proceeds of the loan would be used by the applicant for two projects: (1) the installation of a Centralized Traffic Control ("CTC") system in its main tracks between Milwaukee, Wisconsin, and Newport, Minnesota, a distance of approximately 314 rail miles, to be carried out over a three year period for an estimated total cost of $12,210,048; and (2) the purchase of maintenance of way equipment and ballast cars required to accomplish the single tracking and rehabilitation of the applicant's main tracks between Milwaukee, Wisconsin, and Newport, Minnesota, for an estimated total cost of $5,540,320.

Justification for Projects: The applicant states that the single tracking of its main track between Milwaukee, Wisconsin, and Newport, Minnesota, would involve elimination of considerable lengths of existing double track, resulting in sections of single track between signalized long sidings, and that a CTC system is necessary to insure fluid and efficient movements of trains under such a track configuration. The applicant further states that the maintenance of way equipment is required in order to accomplish the proposed single tracking and rehabilitation project within the time span of three years, and that the purchase of such equipment is economically justified through savings of labor costs and track quality.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

The comments will be taken into consideration by the Federal Railroad Administration ("FRA") in evaluating the application. However, formal acknowledgement of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended.)

Dated: January 4, 1977.

Comment closing date: February 9, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-829 Filed 1-7-77;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 76–4W, Notice 2]

MICHIGAN WISCONSIN PIPE LINE CO.

Denial of Petition for Waiver

HISTORY

By petition dated April 9, 1976, the Michigan Wisconsin Pipe Line Company (MWPLC) requested a waiver from compliance with a welding requirement of § 192.245 of the Federal gas pipeline safety standards for:

1. 15 girth welds in 15.9 miles of 42" pipeline loop on its Hamilton to Bridgman mainline in Michigan; and

2. 41 girth welds in 7.2 miles of 42" pipeline loop on its Bridgman to St. John mainline in Indiana.

The pipelines are in Classes 1, 2, and 3 locations as defined by 49 CFR 192.5, but are not in operation.

Under 49 CFR 192.245, Repair or removal of defects, each weld that is unacceptable under § 192.241(c), Inspection and test of welds, must be removed if it has a crack more than 2 inches long or a crack that penetrates either the root or second bead. MWPLC sought a waiver of this requirement to validate repairs made on 56 girth welds which contained cracks in either the root or second bead. The welds were repaired according to procedures outlined in the 1973 (13th) edition of the American Petroleum Institute (API) Standard 1104, section 7.4, Authorization for Repair of Cracks. In support of its request for waiver, MWPLC alleges that the repaired welds provide a level of safety equivalent to that provided by § 192.245. Furthermore, MWPLC argues that repair of the cracked welds was the most reasonable and prudent manner for their disposition considering the size of the pipe, the lateness of the construction season, the terrain, the fact that the welds were not identified as containing cracks until after they had been backfilled, and the relatively high cost of removing the cracked welds.

The Office of Pipeline Safety Operations (OPSO) invited written comments on the requested waiver by a notice published in the FEDERAL REGISTER on April 21, 1976 (41 FR 16684). Six comments were received in response to the notice. In general these comments favored granting the requested waiver on the following grounds: that § 192.245(a) is unnecessarily restrictive; the weld repairs were made in accordance with the 1973 (13th) edition of API 1104; the re-

paired welds withstood hydrostatic strength testing in excess of 100 percent of specified minimum yield strength (SMYS) of the pipe; the ANSI B31.8 Code and ANSI B31.4 Code reference the 1973 (13th) edition of API 1104; the expenses of removing and replacing the repaired girth welds would not necessarily enhance the safety or integrity of the pipeline; several onsite safety inspections of the repairs were conducted by a gas safety engineer of the Michigan Public Service Commission; and by Notice 75–5, OPSO proposed rulemaking to amend § 192.245 to permit the repair of certain cracked welds in offshore construction.

NOTE.—The proposed amendment was adopted by Amdt. 192-26 published in the FEDERAL REGISTER on August 16, 1976 (41 FR 34598) and allows the repair of cracks in welds on offshore pipelines being installed from a pipelay vessel.

However, one commenter, the California Public Utilities Commission (CPUC), suggested that MWPLC's waiver request should be denied because the waiver process is not intended for avoidance of costs which are a result of inadvertance. Furthermore, the CPUC stated that requesting a waiver for a repair procedure to serve as an alternative to § 192.245 really questions the stringency of that regulation and should be addressed by rulemaking where the alternative procedure could be examined more critically and in greater detail.

On August 26, 1976, MWPLC provided the following additional information in response to a request by OPSO:

1. A series of 5 pipeline construction maps (scale: 1"=1000') for the subject project.

2. Copies of the pertinent portions of the original certified radiographs in which crack areas and repair areas of the weld were delineated.

3. A technical description of the weld repair procedure.

4. A narrative description of the qualification of the repair procedure.

5. Copies of field data generated from two cut-out welds containing cracks in the root bead that were used to qualify the repair procedure and the welders.

6. A cost comparison setting forth the total actual cost of the weld repairs ($675,846.97) versus the total estimated cost of replacement ($1,986,560.57).

7. A narrative explanation of the sequence of events and circumstances relating to the timing of the application for waiver.

In addition, OPSO requested API to explain the technical basis for Section 7.4 in the 1973 (13th) edition of API 1104. On October 27, 1976, API responded to the request by providing the following:

1. A copy of correspondence dated October 1971, discussing welding problems in laying pipelines offshore and recommending changes to the 1968 (11th) edition of API 1104 to alleviate the problems.

2. A commentary titled "Repair Procedure for Welds" handed out during the 1972 meeting of the API 1104 Code Committee.

ANALYSIS

It is the policy of the Materials Transportation Bureau not to grant waivers from safety standards of general applicability unless cogent, compelling reasons are presented why a standard is inappropriate for a particular situation or why some alternative safety standard would be more appropriate in that situation. In addition, a waiver is not granted if it would result in a reduction in safety.

OPSO has evaluated the various reasons advanced by MWPLC as to why a waiver should be granted for the 56 welds in question. In general these reasons related to the circumstances at the time of construction, the observance of repairs by Michigan Public Service Commission (MPSC) inspectors, the fact that cracks in certain girth welds made offshore may be repaired, cost savings, and the level of safety provided by the repair procedures.

As for the circumstances, MWPLC alleges that it did not discover the cracked welds until after "its own normal review" of radiographs certified as acceptable by the radiographic contractor. By this time, November 1975, pipelines containing the 56 welds for which a waiver is sought had already been laid and backfilled by the construction contractor. MWPLC then determined on the basis of engineering and economic analyses that because of the "size of pipe, the length of the various backfilled segments, the terrain and the lateness of the construction season, * * * it was impractical and extremely costly to cut out and replace the welds" as required by 49 CFR 192.245. However, cracked welds discovered by the review which had not been backfilled were cut out and replaced in compliance with §192.245.

These circumstances do not appear to OPSO at all unusual. It is the duty of every operator to check the performance of its contractors to assure compliance with Part 192. If irregularities are discovered, they are normally corrected by taking the steps necesssary to meet the required performance. Moreover, the factors cited by MWPLC of pipe size, backfilled segment lengths, terrain, and lateness of construction season are not so unusual as to make conformity with § 192.245 inappropriate. Indeed, MWPLC had to excavate the welds to effect the repairs and subsequent radiographs. With access to the welds, much of the alleged impracticality of making complete replacements was removed.

Secondly, it appears that MPSC inspectors were at the scene of the repair but did not advise MWPLC that the repair work was not permitted by Part 192 until after the work had been completed. In this capacity MPSC was serving as an agent of OPSO for purposes of inspecting an interstate transmission facility for conformity with Part 192. Although the evidence is sketchy, the record indicates that MPSC's field inspectors concluded at the time of repair that the repair procedure outlined in section 7.4 of the 13th edition of API 1104 was acceptable under Part 192. This view was clearly erroneous, however, since § 192.245 does not refer directly to API 1104. Although § 192.245 does refer to § 192.241(c) as the standard for acceptable welds, that standard expressly incorporates by reference only Sec. 6 of API 1104. At the same time, MWPLC states that it believed in good faith that the 13th edition of API 1104 was incorporated by reference in Part 192 in its entirety and was therefore applicable to the repair situation. This statement is contradicted, however, by the fact that MWPLC cut out and replaced those cracked welds which had not been backfilled in order to comply with § 192.245.

OPSO cannot find any rational justification for the apparent misinterpretation of applicable requirements by MPSC. Even if there were some ambiguity in the regulations to explain MPSC's action, it appears that MWPLC knew the applicable requirements of Part 192 and did not perform the repair procedures in reliance on misinformation from MPSC. Therefore, OPSO does not believe that the mistake by MPSC justifies granting a waiver.

OPSO does not believe that permitting cracked welds to be repaired offshore is sufficient reason for allowing similar welds to be repaired onshore. As discussed in Notice 75–5 and Amdt. 192–27, the potential hazards for both pipeline and personnel created by replacement of welds in pipelines being installed offshore from a pipelay vessel overcome the safety advantages gained by removal of the welds. A similar situation does not exist in normal weld removal operations onshore. In addition, the risk associated with the possible failure of a pipeline offshore is in most cases less than for a failure occurring onshore.

Next is MWPLC's argument that from an economical standpoint, repair was more logical than replacement. MWPLC determined that it was "extremely costly" to cut out and replace the welds. The figures submitted in support of this claim indicate a savings of about $1.3 million was achieved by repairing instead of replacing the cracked welds. According to MWPLC, this saving was due to differences in labor and equipment costs associated with replacement versus repair and the significantly longer time necessary to accomplish replacement. OPSO does not dispute these savings. However, the additional costs of replacement were not attributable to any unusual circumstance. Once the backfill was removed at the sites of the 56 welds, MWPLC was not faced with an unusual compliance situation. While cost savings are not ignored as justification for a waiver, some compelling reason(s), in addition to cost savings, to show why the general standard should not be followed must be shown before a waiver is granted. Such reasons have not been advanced by MWPLC with regard to any of the 56 welds in question.

The granting of a waiver, justified only by cost savings and an assertion of equivalent safety, would invite every operator to request on that basis that it

be permitted to follow a standard different from the codified standard having general applicability. If carried to an extreme, a multitude of separate, individual rules, or waivers would result. Of course, this situation would be administratively unmanageable, unenforceable, and contrary to the policy of general rulemaking. The proper course for achieving these savings is to petition for a rule change that will permit the activity or operation that results in such savings. It is clearly the only reasonable and fair choice from the standpoint of sound rulemaking policy in that it would afford all interested persons the opportunity to question the safety implications of the rule change during the proposal stage and to benefit from lower compliance costs if the rule change is adopted.

Further, OPSO has evaluated MWPLC's assertion that the repaired welds "equal or exceed the quality and integrity of original production welds and replacements pursuant to 49 CFR 192.245." While that evaluation shows that the radiographs of the repaired welds do not exhibit unacceptable weld defects, OPSO believes that this finding alone is not sufficient to determine the level of safety. Also, there is no evidence to show that the hydrostatic testing of repaired cracked welds to a level of 100 percent of SMYS is by itself, or in combination with radiography, sufficient to guarantee the integrity of repairs. Instead, the following factors indicate that the level of safety of the 56 welds is uncertain:

1. The evidence submitted by MWPLC in support of the repair procedure used on the 56 welds does not include any duration response testing results or studies to show that repairing cracks in welds in accordance with the procedures used will not jeopordize the welds or the pipelines over their projected service life. As a result, the reliability of the repaired welds and the pipelines is not evident.

2. Similarly, the repair procedures outlined in the 13th edition of API 1104 do not appear to have a duration response testing basis and appear to be a consensus standard developed because of the difficulties in removing cracked welds during installation offshore.

3. Even if the limited testing performed by MWPLC was satisfactory, the number of weld specimens tested by MWPLC to qualify the crack repair procedure was insufficient to provide a high statistical confidence level regarding the safety of welds repaired.

4. The repair procedure followed by MWPLC did not provide for post heat treatment as recommended by the API 1104 procedures.

CONCLUSION

In consideration of the foregoing and after reviewing all available relevant information, OPSO finds that MWPLC has not presented any compelling reason why the requirement of § 192.245 for removal of cracked welds should be waived. Moreover, OPSO finds that the level of safety provided by the repairs made on the 56 welds in question is uncertain. Therefore, the petition by MWPLC for waiver from § 192.245 is hereby denied.

This decision is without prejudice, however, to MWPLC's submitting a petition for rulemaking based on sound technical information to permit the repair of cracked welds onshore as an alternative to their being cut out and replaced.

(Sec. 3, Pub. L. 90–481, 82 Stat. 721, 49 USC 1672; 40 FR 43901, 49 CFR 1.53.)

Issued in Washington, D.C. on January 4, 1977.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77–746 Filed 1–7–77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 150–86]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority With Respect to Northern Mariana Islands Social Security Tax

The purpose of this order is to delegate authority to the Commissioner of Internal Revenue to perform functions with respect to the administration, collection and enforcement, (and assessment of the Northern Mariana Islands Social Security Tax.

The authority necessary to perform all functions on behalf of the government of the Northern Mariana Islands with respect to the administration, collection and enforcement, and assessment of the taxes (including interest and penalties) imposed by the Northern Mariana Islands Social Security Act, heretofore delegated to the Secretary of the Treasury by a Memorandum of Agreement and Delegation made effective as of January 1, 1977, is hereby delegated to the Commissioner of Internal Revenue.

The Commissioner of Internal Revenue may redelegate such authority to any officer or employee of the Internal Revenue Service.

WILLIAM E. SIMON,
Secretary of the Treasury.

DECEMBER 31, 1976.

[FR Doc.77–740 Filed 1–7–77;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEES

Renewals

In accordance with section 14 of Pub. L. 92–463, Federal Advisory Committee Act, the Veterans Administration has determined that renewal of the following advisory committees, for a period of two years, is in the public interest:

Committee	*Expiration Date*
Education and Training Review Panel.	Dec. 31, 1978
Career Development Committee.	Jan. 4, 1979
Geriatric Research, Education and Clinical Centers Advisory Committee.	Jan. 17, 1979

New charters for these committees have been filed in accordance with Pub. L. 92–463.

By direction of the Administrator.

Dated: December 30, 1976.

A. J. SCHULTZ,
Associate Deputy Administrator.

[FR Doc.77–720 Filed 1–7–77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463); the NFAH Act of 1965, as amended (20 U.S.C. 959); and paragraph 9 of OMB Circular A–63; notice is hereby given that renewal of the Federal-State Partnership Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of two years, until January 15, 1979.

The Federal-State Partnership Advisory Panel reviews grant applications and makes recommendations to the National Council on the Arts and the Chairman, National Endowment for the Arts, regarding financial support of quality arts projects.

The charter for the Federal-State Partnership Advisory Panel will be filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

Signed on January 5, 1977, in Washington, D.C.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77–814 Filed 1–7–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 300]

ASSIGNMENT OF HEARINGS

JANUARY 5, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 82492 (Sub-No. 134), Michigan & Nebraska Transit Co., Inc., now assigned February 10, 1977, at Chicago, Ill. is canceled.

MC 544 Sub 1, Vancouver Portland Bus Co., MC 29839 Sub 5, Evergreen-Stage Lines, Inc., and MC 29839 Sub 6, Evergreen Stage Lines, Inc., now assigned February 14, 1977, (1 week), at Portland Oregon, will be held in Room 104, Pioneer Courthouse 555 S. W. Yamhill Street.

MC 119988 Sub 98, Great Western Trucking Co., Inc., now assigned January 24, 1977, at Dallas, Tex., (2 days), will be held in Room 5A15-17 New Federal Bldg., 1100 Commerce Street.

MC 139495 Sub 163, National Carriers, Inc., now assigned January 26, 1977 (3 days), at Dallas, Tex., will be held in Room 5A15-17, New Federal Bldg., 1100 Commerce Street.

MC 107515 Sub 1015, Refrigerated Transport Co., Inc., now assigned February 2, 1977 (3 days), at Memphis, Tenn., will be held in Courtroom 978, Federal Office Bldg., 167 North Main Street.

MC 128273 Sub 207, Midwestern Distribution, Inc., now assigned February 1, 1977 (1 day), at Memphis, Tenn., will be held in Courtroom 978, Federal Office Bldg., 167 North Main Street.

MC 127834 Sub 113, Cherokee Hauling & Rigging, Inc., now assigned January 31, 1977 at Memphis, Tenn. (1 day), will be held in Courtroom 978, Federal Office Bldg., 167 North Main Street.

MC 119634 Sub 15, Dick Irvin, Inc., now assigned February 2, 1977 (3 days), at Billings Mont., will be held in Room 3033, Federal Bldg., 316 North 26th Street.

MC 135231 Sub 18, North Star Transport, Inc., now assigned February 7, 1977 (2 days), at Portland Oregon, will be held in Room 104, Pioneer Courthouse, 555 S.W. Yamhill Street.

MC 139495 Sub 130, National Carriers, Inc., now assigned February 9, 1977, (3 days), at Portland, Oregon, will be held in Room 104, Pioneer Courthouse, 555 S.W. Yamhill Street.

MCF-12631, Ligon Specialized Hauler, Inc.—Investigation of Control—Dixie Truck Line, Inc., Haggard Heavy Hauling, Inc. Roy Smith, Inc., and L & B Express, Inc.; MC-C-8735, Ligon Specialized Hauler, Inc., Virginia Hauling Co., A Corp., Cherokee Hauling & Rigging, Inc., Eck, Miller Transportation Corp., Heavy & Specialized Haulers, Inc., O'Nan Transportation Co., Inc., Carriers Management-Service, Inc., and Foote Mineral Co.—Investigation of Operations and Practices and Revocation of Certificates and MC 119777 Sub 245, Ligon Specialized Hauler, Inc., now assigned February 7, 1977 (1 week) at Memphis, Tenn., will be held in Courtroom 978, Federal Office Bldg., 167 North Main Street.

MC-F-12234, Century Express Ltd.—Purchase—Lansdale Transportation Co., Inc.; MC-F-12604, St. Johnsbury Trucking Company, Inc.—Purchase (Portion)—Lansdale Transportation Company, Inc. (Century Express Ltd. Assignor); MC 108473 (Sub-37), St. Johnsbury Trucking Company, Inc.; MC-F-12605, H. W. Taynton Company, Inc.—Purchase (Portion)—Lansdale Transportation Company, Inc. (Century Express, Ltd. Assignor) and MC 109821 (Sub-44), H. W. Taynton Company, Inc., now assigned January 11, 1977 at Washington, D.C., is canceled.

MC-F-13025, Preston Trucking Company, Inc.—Purchase (Portion)—Lansdale Transportation Co., Inc. (Century Express Ltd. Assignor), now assigned January 11, 1977 at Washington, D.C., is postponed to April 19, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-810 Filed 1-7-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 5, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43295—*Soybeans to Gulf Ports for Export.* Filed by The Atchison, Topeka and Santa Fe Railway Company, (No. 110-A), for interested rail carriers. Rates on soybeans, in carloads, as described in the application, from various points in Oklahoma and Kansas, to Gulf ports for export.

Grounds for relief—Carrier competition, new commodity.

Tariff—Supplement 91 to The Atchison, Topeka and Santa Fe Railway Company tariff 5655-J, I.C.C. No. 15193. Rates are published to become effective on March 4, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-812 Filed 1-7-77;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The folowing letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before January 31, 1977. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before February 9, 1977, subject to its tariff publication effective date.

P-43-76 (Special certificate—waste products), filed November 5, 1976. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *cullet*, from Meadville, Pa., and Crestline, Ohio, to Crystal City, Mo.; in furtherance of a recognized pollution control program sponsored by PPG Industries, Inc., of Pittsburgh, Pa., for the purpose of transporting broken glass, cullet; (2) *spent carbon* from points in the United States, to Bayport, Tex. and Neville Island, Pa., in furtherance of a recognized pollution control program sponsored by Calgon Corp. of Pittsburgh, Pa., for the purpose of recycling spent (used) carbon; and (3) *furnace lining scrap or refuse*, from points in the United State, to points in Pennsylvania, in furtheranee of a recognized pollution control program sponsored by North American Refractories Company of Cleveland, Ohio, for the purpose of recovering furnace lining scrap or refuse for recycling.

NOTE.—Applicant presently holds Waste Products Certificate No. P-24-73.

P-44-76 (Special Certificate—Waste Products), filed November 17, 1976. Applicant: RABBIT TRANSIT, 220 Erie Street, Pomona, Calif. 91766. Applicant's representative: Dwight Willard, P.O. Box 2329, Dublin, Calif. 94566. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste products for recycling and reuse*, including scrap paper, cardboard and plastic scrap, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, in furtherance of recognized pollution control programs sponsored by: (1) Western Paper Salvage, Inc. of Phoenix, Ariz., for the purpose of recycling waste paper and cardboard; (2) Sunset Fibre Industries of Orange County, Calif., for the purpose of recycling waste paper; (3) Paper Pak Products, Inc. of La Verne, Calif., for the purpose of recycling waste paper and cardboard; (4) Allan Company of Baldwin Park, Calif., for the purpose of recycling waste paper and cardboard; (5) Mobil Oil Corporation of Los Angeles, Calif., for the purpose of recycling scrap plastics; (6) Ponderosa Paper Products Inc. of Flagstaff, Ariz., for the purpose of recycling waste paper; (7) Ecology Paper Products Company of Phoenix, Ariz., for the purpose of recycling waste paper and cardboard; (8) Garden State Paper Company, Inc. of Pomona, Calif., for the purpose of recycling waste paper; (9) Crown Zellerbach Corporation of San Francisco, Calif., for the purpose of recycling waste paper; (10) Consolidated Fibres, Inc. of Richmond, Calif., for the purpose of recycling waste paper; and (11) Independent Paper Stock Company of San Francisco, Calif., for the purpose of recycling waste paper.

NOTE.—Applicant presently holds Waste Products Certificate No. P-20-73.

P-45-76 (Special Certificate—Waste Products), filed November 5, 1976. Applicant: MARX TRUCK LINE, INC., 220 Lewis St., Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste products for recycling or reuse*, from Milwaukee, Wis., to points in Iowa and Nebraska, in furtherance of a recognized pollution control program sponsored by the Milwaukee Sewerage Commission of the City of Milwaukee, Wis., for the purpose of reuse of recycled waste materials.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-811 Filed 1-7-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY PANEL FOR THE REVIEW OF THE LASER ISOTOPE SEPARATION PROGRAM

Meetings

The Advisory Panel for the Review of the Laser Isotope Program will hold meetings in Germantown on January 10 and 11, 1977, in Room E-301, on the tenth and Room G-207 on the eleventh. The subject scheduled for discussion involves the program for the development of isotope separation using lasers and concerns Restricted Data and data proprietary to Jersey Nuclear Avco Isotopes, Inc.

The meetings will be closed to the public under the authority of subsection 10(d) of Pub. L. 93-463 (the Federal Advisory Committee Act).

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the discussions will concern Restricted Data which is exempt from disclosure under 5 U.S.C. 552(b) (1) and (3) and other National Security Information which is exempt from disclosure under 5 U.S.C. 552(b)(1). It is essential to close the meetings to protect such classified information.

In view of recent knowledge of the pendency of Congressional hearings which are anticipated to involve the subject of discussion at the meeting, I have determined that the normal 15-day notice period is not feasible.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-1301 Filed 1-7-77;10:02 am]

federal register

MONDAY, JANUARY 10, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

NATIONAL FLOOD INSURANCE PROGRAM

Suspension of Community Eligibility

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2598]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

• The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.)•

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program.

The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arizona	Yavapai	Prescott, city of	Feb. 25, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	May 17, 1974	040098
Florida	Martin	Jupiter Island, town of	Sept. 17, 1971, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	May 24, 1971	130162
Illinois	Peoria	Chillicothe, city of	June 9, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Aug. 9, 1974	170535
Michigan	Ingham	Meridian, charter township of	Dec. 30, 1971, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	June 28, 1974	260783
New Jersey	Essex	East Orange, city of	July 14, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Feb. 13, 1976	340181
Do	Hunterdon	Clinton, town of	Nov. 10, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Oct. 18, 1974	340233
Do	Union	Garwood, borough of	June 23, 1972, emergency; Feb. 1, 1977, regular; Feb. 15, 1977, suspended.	Feb. 1, 1977	340464
Do	do	Summit, city of	Nov. 24, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Mar. 16, 1973	340476
New York	Erie	West Seneca, town of	Mar. 31, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Oct. 12, 1973	360262
North Carolina	Haywood	Canton, town of	July 2, 1973, emergency; Feb. 2, 1977, regular, Feb. 15, 1977, suspended.	do Feb. 20, 1976	370121A
Ohio	Lake	Painesville, city of	Dec. 30, 1971, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Nov. 2, 1973	390411
Do	Wayne	Wooster, city of	Mar. 24, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Oct. 26, 1973	390570
Pennsylvania	Northampton	Bangor, borough of	June 1, 1973, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Feb. 1, 1974	420516
Do	Centre	Bellefonte, borough of	Mar. 30, 1973, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	June 7, 1974 Jan. 16, 1976	420257A
Do	Clinton	Castanea, township of	Apr. 10, 1973, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Jan. 9, 1974 Apr. 30, 1976	420322
Do	Delaware	Collingdale, borough of	Oct. 13, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	do	420408
Do	Union	East Buffalo, township of	Apr. 24, 1973, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	June 28, 1974 May 28, 1976	420911A
Do	Delaware	Eddystone, borough of	Sept. 15, 1972, emergency; Feb. 2, 1977, regular, Feb. 15, 1977, suspended	Apr. 6, 1973 June 25, 1976	420413A
Do	Clinton	Flemington, borough of	Mar. 9, 1973, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	June 15, 1973	420326A
Do	Union	Lewisburg, borough of	Nov. 3, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Feb. 20, 1973	420841
Do	Clinton	Lock Haven, city of	Nov. 17, 1972, emergency; Feb. 2, 1977, regular, Feb. 15, 1977, suspended.	Apr. 12, 1974	420328
Do	Lehigh	Lower Macungie, township of	Sept. 29, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	June 28, 1974	420583
Do	Centre	Milesburg, borough of	June 17, 1975, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Dec. 28, 1973 June 11, 1976	420261A
Do	Snyder	Monore, township of	Sept. 26, 1973, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Feb. 1, 1974 May 7, 1976	421020A
Do	Northumberland	Northumberland, borough of	June 6, 1974, emergency; Feb. 2, 1977, regular, Feb. 15, 1977, suspended.	June 28, 1974 May 7, 1976	420731A
Do	Delaware	Rose Valley, borough of	May 12, 1972, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	May 25, 1973	420431B
Do	Clinton	South Renovo, borough of	June 18, 1974, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	Feb. 2, 1977	420335
Do	Washington	Union, township of	Dec. 3, 1971, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	June 28, 1974 June 18, 1976	420860A
Virginia		Chesapeake, city of	May 24, 1974, emergency; Feb. 2, 1977, regular; Feb. 15, 1977, suspended.	June 18, 1970 Jan. 23, 1976	510044A

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 PR 2787, January 24, 1974.)

Issued: December 28, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-613 Filed 1-7-77;8:45 am]

federal register

MONDAY, JANUARY 10, 1977

PART III



DEPARTMENT OF THE TREASURY

Office of the Secretary

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Assurances, Reports, Public Participation and Public Hearing Interim Regulations

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Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Public Participation and Public Hearing Interim Regulations

By notice of proposed rulemaking appearing in the FEDERAL REGISTER for October 27, 1976 (41 FR 47054), regulations were proposed to amend Subpart B of Title 31, Code of Federal Regulations, regarding assurances, reports, public participation and public hearings, pursuant to the State and Local Fiscal Assistance Act of 1972, as amended by the State and Local Fiscal Assistance Amendments of 1976 (31 U.S.C. 1221, et seq.). Written comments were solicited with respect to the proposed regulations. Forty-two comments were received in response to the solicitation for comments. A copy of the comments are now on file at the Library, Fifth Floor, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue, NW, Washington, D.C.

After consideration of all revelant matter contained in the comments regarding the proposed regulations, certain changes have been made which are reflected in these interim regulations amending Subpart B of 31 CFR Part 51.

Section 51.10 defines the terms used in this subpart. Other definitions appearing in 31 CFR 51.2 apply to terms used in Subpart B.

Present § 51.10 is renumbered as § 51.11.

Section 51.12 provides for the submission of a use report to the Director by each recipient government and for the public inspection of such report at the principal office of the reporting recipient government within ten days after filing with the Director. Where feasible, local public libraries may be used for the purpose of providing additional places for availability of inspection. As a result of comments received it was deemed desirable to change the date of filing the use report from that date contained in the proposed regulations. These interim regulations now provide that the use report shall be filed not later than sixty days following the close of the recipient government's fiscal year. Provision is also made for the Director to submit a copy of such reports to the Governor of the State of the reporting government.

Section 51.13 provides for at least one public proposed use hearing at which citizens may comment on the possible uses of entitlement funds before the governmental authority of the recipient government responsible for presenting the proposed budget. The recipient government is required to notify the public of the proposed use hearing at least 10 days prior to the date of the hearing. Notice shall be published in at least one newspaper of general circulation unless such publication is impractical and alternative methods of publication are available. The proposed use hearing and notice requirements do not apply to recipient governments in which one governmental authority is not required to present the budget to another governmental body for enactment. The proposed use hearing and notice requirements are waived by the Director in their entirety for any recipient government which receives an entitlement of less than $10,000. The provision in the proposed regulations for waiver under certain circumstances of the proposed use hearing for those governments receiving more than $10,000 but less than $50,000 of entitlement funds has been deleted from these interim regulations The proposed use hearing and notice requirements are also waived for any recipient government for which the unavoidable expenses associated with the holding of a proposed use hearing and publication of notice exceed five percent of a recipient government's entitlement for the applicable year. The Director may waive the proposed use hearing requirements upon written application made by the chief executive officer if the Director determines that the recipient government has alternative procedures consistent with the requirements of these interim regulations for adequate opportunity for citizen participation at less cost to the government than the procedures required under § 51.13.

Section 51.14 provides for public participation at a budget hearing before the governmental body of the recipient government responsible for enacting the budget. Upon consideration of comments received, provision has been made for recipient governments which have bicameral legislatures. Such governments shall hold budget hearings before the appropriate committee in each house of the legislature. Section 51.14 also provides for published notice of the time and place at least 10 days prior to the budget hearing, and for the publication of a summary of the entire budget as enacted by the recipient government. The 10 day time limit may be modified when it conflicts with State or local law provided the recipient government complies with the State or local law with respect to public notice applicable to the expenditure of its own revenues but in no event shall the notice be less than three (3) working days. The budget hearing and public notice requirements may be waived by the Director under certain circumstances. This section also provides for public inspection of the proposed budget and the summary of the final budget enacted by the recipient government at the principal office of the recipient government or, where feasible, local public libraries may be used.

A new § 51.15 was added as a result of comments. The new § 51.15 provides that the public hearing requirements shall apply to the amendment, revision, or modification of an enacted budget where a major change is proposed. A major change is defined as any change in the enacted budget which affects the use of 10 percent or more of entitlement funds.

Proposed § 51.15 was renumbered as 51.16 and makes provision for participation by senior citizens in the process of allocating entitlement funds by a recipient government.

Proposed § 51.16 was renumbered as § 51.17 and retains the provision in § 51.13 of the current regulations concerning notification of the news media (including minority and bilingual news media) that a recipient government is publishing information pursuant to this subpart.

A new § 51.18 was added providing that State or local legal notice publication requirements are not applicable to the publication requirements under this subpart.

Section 51.14 of the current regulations is renumbered § 51.19.

Sections 51.11–51.13 inclusive of the current regulations will be deleted.

Any person who desires an opportunity to comment orally at a public hearing on these interim regulations should submit his request, in writing, to the Director, Office of Revenue Sharing, U.S. Department of the Treasury, Washington, D.C. 20226. A public hearing on these interim regulations will be held on Friday, February 11, 1977, beginning at 10 a.m. in Conference Room 4121 at the U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue, Washington, D.C. Such public hearing will be conducted pursuant to the following rule:

A person who wishes to be assured of being heard shall submit, to the Director, Office of Revenue Sharing, on or before February 4, 1977, an outline of the topics he or she wishes to discuss, and the time he or she wishes to devote to each topic. An agenda will then be prepared containing the order of presentation of oral comments and the time allotted to each presentation. Ordinarily, a period of 10 minutes will be the maximum time allotted to each person for making his or her oral comments. Persons making oral comments should be prepared to answer questions on the topics listed in his or her outline or on the matters presented in the oral comments.

The foregoing interim regulations are issued under the authority of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512) as amended (Pub. L. 94–488) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) and amend the regulations in Part 51 of Subpart B of Title 31, Code of Federal Regulations, which became effective November 18, 1975 (40 FR 53355).

The foregoing interim regulations will become effective January 1, 1977. Because the purpose of these regulations is to provide immediate guidance to the States and units of local government in order that the requirements of the Act and amendments thereto be complied with, it is hereby found impracticable to issue such regulations subject to the effective date limitation of 5 U.S.C. 553(d).

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

Approved: January 3, 1977.

JERRY THOMAS,
Under Secretary.

Subpart B of 31 CFR Part 51 is revised as follows:

Subpart B—Assurances, Reports, Public Participation and Public Hearings

Sec.
51.10 Definitions.
51.11 Reports to the Secretary; assurances.
51.12 Use reports.
51.13 Proposed use hearing.
51.14 Budget hearing.
51.15 Amendments or modification to enacted budget.
51.16 Participation by senior citizens.
51.17 Notification of news media.
51.18 Legal notice rules not applicable.
51.19 Reports to the Bureau of the Census.

AUTHORITY: State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512) as amended (Pub. L. 94–488), Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Subpart B—Assurances, Reports, Public Participation and Public Hearings

§ 51.10 Definitions.

As used in this subpart (except where the context clearly indicates otherwise) the following definitions shall apply:

(a) "Budget" means a plan for the overall allocation of the funds, including entitlement funds, by a recipient government to various purposes during a specified fiscal period. A recipient government that does not formally adopt or enact such a plan, shall be deemed to have adopted or enacted a budget for purposes of this subpart when it has adopted or enacted a resolution, ordinance, or appropriation act, or taken other action dedicating, setting aside, or otherwise designating entitlement funds for a particular purpose or use.

(b) "Enacted" means, in the budget context, the date and action of final adoption, ratification, confirmation or other action with respect to an approved budget that makes the budget the official expenditure authorization of the recipient government.

(c) "Entitlement funds" means the amount of funds received under Subtitle A of Title I of the State and Local Fiscal Assistance Act of 1972 or under the State and Local Fiscal Assistance Amendments of 1976 (31 U.S.C. 1221, et seq.).

(d) "Fiscal year" means the fiscal year or other fiscal period on the basis of which the recipient government operates.

(e) "Presented" means, in the budget context, the submission of the budget to the legislative body or other governmental body having primary responsibility for enacting the budget of a recipient government.

(f) "Recipient government" means a State government or unit of local government that receives entitlement funds.

(g) "Use report" means a report to the Director by each recipient government showing the amounts and purposes for which entitlement funds have been used.

§ 51.11 Reports to the Director: assurances.

(a) *In general.* The Director may require each recipient government receiving entitlement funds to submit such annual and interim reports as may be necessary to provide a basis for evaluation and review of compliance with, and effectiveness of, the provisions of the Act and regulations of this part.

(b) *Requisite assurances for receipt of entitlement funds.* In order to qualify for entitlement funds for an entitlement period the chief executive officer of each recipient government shall file a statement of assurances when requested by the Director, on a form to be provided, that such government will comply with specified requirements of the Act and the prohibitions and restrictions of Subparts D, E, and F of this part, with respect to the use of entitlement funds. The Director will afford the Governor of each State an opportunity for review and comment to the Director on the adequacy of the assurances by units of local government in his State.

§ 51.12 Use reports.

(a) *In general.* Each recipient government shall submit a report to the Director setting forth the amounts and purposes for which entitlement funds have been appropriated, spent or obligated during its fiscal year. Such report shall also show the relationship of the entitlement funds to the relevant functional items in the recipient government's budget and shall identify differences between actual use of entitlement funds and the use of such funds as proposed by the governmental authority responsible for presenting a budget to the governmental body primarily responsible for enactment of a budget. Such report shall be filed on the form prescribed by the Director and shall be submitted to the Director not later than sixty days following the close of the recipient government's fiscal year. Failure to file the report as prescribed by the Director may jeopardize future entitlement payments pursuant to § 51.3(b).

(b) *Public inspection.* Within ten days after the use report required under paragraph (a) of this section is filed with the Director, a copy of such report shall be made available for public inspection during normal business hours at the principal office of the recipient government and, where feasible, at local public libraries.

(c) *Submission of reports to Governor.* The Director will notify the Governor of each State of the availability of the use reports submitted by recipient governments within that State pursuant to paragraph (a) of this section. The Director shall submit such use reports to the State office or official designated by the Governor to receive the use reports, in the manner and form prescribed by the Director.

§ 51.13 Proposed use hearing.

(a) *In general.* Not less than seven calendar days before the budget is presented to the governmental body primarily responsible for enacting the budget, each recipient government which expends entitlement funds in any fiscal year pursuant to a budget enacted on or after January 1, 1977, shall have at least one public hearing. At such public hearing citizens of the recipient government shall have the opportunity to provide written and oral comments on the possible uses of entitlement funds to the governmental authority which has the responsibility for presenting the proposed budget.

(b) *Public notice.* The public shall be notified of the time, place, subject, and the right to present oral and written comments at the public hearing required by paragraph (a) of this section at least 10 days prior to the date on which such public hearing is scheduled. The notice of public hearing shall be published in at least one newspaper of general circulation. Where publication is impractical and alternative methods of public notice are available which are capable of reaching the citizens of the recipient government, such alternative methods shall be used instead of newspaper publication.

(c) *Proceedings where requirements of proposed use hearing not applicable.* The provisions of paragraphs (a) and (b) of this section shall not apply to any recipient government for which a budget is not presented or required to be presented by one governmental authority to another governmental body or official for enactment.

(d) *Waiver of proposed use hearing and notice requirements.* (1) The provisions of paragraphs (a) and (b) of this section shall not apply to any recipient government with respect to any fiscal year in which:

(A) The entitlement of the recipient government for such fiscal year is less than $10,000; or

(B) The unavoidable expenses associated with the costs of compliance with the provisions of paragraphs (a) and (b) of this section would exceed five percent of the recipient government's entitlement for such year. For purposes of this subparagraph unavoidable expenses are those incurred in holding the public hearing, such as rentals, overtime compensation, and similar direct costs including the costs of publication of required notices.

(2) The Director may, upon written application of the chief executive officer of a recipient government, grant a waiver of the requirements of paragraph (a) of this section for one or more fiscal years, if the Director determines from the facts submitted that alternative means of public participation exist which are more feasible and provide to the citizens of the recipient government:

(A) An adequate opportunity to be informed regarding the proposed use of entitlement funds at less cost to their government than the requirements of paragraphs (a) and (b) of this section; and

(B) An adequate opportunity to provide written and oral comments with respect to proposed uses of such funds in accordance with the spirit and intent of paragraphs (a) and (b) of this section.

§ 51.14 Budget hearing.

(a) *In general.* Each recipient government which expends entitlement funds in any fiscal year pursuant to a budget

enacted on or after January 1, 1977, shall have at least one public hearing prior to adoption of the budget before the governmental body, or the appropriate committee thereof primarily responsible for enacting the budget, on how the entitlement funds are to be used. For those recipient governments which have a bicameral legislature, such hearing shall be held before the appropriate committee in each house of the legislature. The citizens of the recipient government shall have a reasonable opportunity to provide written and oral comments, and to ask questions concerning the entire budget and the relationship of entitlement funds to the entire budget.

(b) *Time, place and public notice.* The budget hearing required by paragraph (a) of this section shall be held at a place and time, as determined by the recipient government, that permits and encourages public attendance and participation. At least 10 days prior to such budget hearing a recipient government shall publish how it intends to use its entitlement funds set forth in its proposed budget together with a summary of its proposed budget, and notice of the time and place of the budget hearing, in at least one newspaper of general circulation within its geographic area.

(c) *Public inspection.* (1) At least 10 days prior to the budget hearing required by paragraph (a) of this section, the recipient government shall make available for public inspection during normal business hours, at the principal office of such government, a statement of the proposed uses of entitlement funds and a summary of its entire proposed budget. Where feasible, local public libraries may be used for the purpose of providing additional places for availability of inspection of the statement of proposed uses.

(2) Within 30 days after adoption of a budget as provided by State or local law, a summary of the adopted budget showing the intended use of entitlement funds shall be made available for public inspection during normal business hours at the principal office of the recipient government. Where feasible local public libraries may be used for the purpose of providing additional places for availability of inspection of the budget summary.

(d) *Modification of public notice and inspection time limitation.* Whenever State or local law provides for a specified time period within which a recipient government is required to publish notice of a budget hearing or for a specified time period to permit public inspection of its proposed budget, and such specified time period differs from the 10-day provisions in paragraphs (b) or (c)(1) of this section (and is not less than three (3) working days) the recipient government shall comply with that time period for publication or public inspection required by its State or local law governing the expenditure of revenues generated and collected by such government.

(e) *Published notice of budget summary availability.* Public notice that the information required by paragraph (c)(2) of this section is available for public inspection during normal business hours at the principal office of the recipient government (and, where feasible, at local public libraries) shall be published in a newspaper of general circulation within the geographic area of the recipient government within 30 days after enactment of the budget.

(f) *Waiver of budget hearing.* (1) The requirements of paragraph (a) and the time and place requirements of paragraph (b) of this section shall not apply to a recipient government if:

(A) The budget processes under applicable State or local law governing the expenditure of such government's own revenues include a public hearing at which citizens have the right to present oral and written comments and to ask questions on the proposed uses of funds, including entitlement funds; and

(B) The chief executive officer of a recipient government provides the Director with written assurance that it has complied with such State or local law. The assurance shall be accompanied by a citation to the applicable State or local law and explanation of how such law complies with the Act's statutory objectives concerning public participation on the uses of entitlement funds as set forth in paragraphs (a) and (b) of this section.

(2) The Director may, upon written application of the chief executive officer of a recipient government, grant a waiver of the requirements of paragraph (a) of this section and the time and place requirements of paragraph (b) of this section if the Director determines from the facts submitted that:

(A) The recipient government is not required under State or local law to enact a single budget, or to adopt a formal budget process, or that State or local law does not correspond to the requirements of paragraph (a) of this section; and

(B) The recipient government will provide an alternative means which assures the public adequate opportunity to participate in the budget process in a manner consistent with paragraph (a) of this section.

(g) *Waiver of publication requirement.* (1) The requirements of paragraph (b) of this section with respect to publication of how the entitlement funds are to be used and the budget summaries shall not apply whenever the Director receives a written assurance by the chief executive officer of the recipient government stating that such publication is impractical or infeasible and providing for an alternative method which informs the citizens of the jurisdiction regarding the recipient government's uses of entitlement funds.

(2) The requirement of paragraph (b) of this section with respect to the publication of a budget summary shall not apply whenever the recipient government provides the Director with an assurance that the cost of publication will exceed one percent of the recipient government's entitlement to which the budget is applicable.

§ 51.15 Amendments or modification to enacted budget.

The provisions of §§ 51.13 and 51.14 shall apply to any amendment, modification or revision to an enacted budget only when a major change is proposed. For the purposes of this section a major change is any change in the enacted budget which affects the use of 10 percent or more of the entitlement funds of the recipient government.

§ 51.16 Participation by senior citizens.

In conducting any hearing or proceeding required under this subpart or under its own budget processes, a recipient government shall endeavor to provide senior citizens and organizations representing the interests of senior citizens with an opportunity to be heard and present their views regarding the allocation of entitlement funds prior to final allocation of such funds.

§ 51.17 Notification of news media.

At the same time any report, notice of hearing or budget information is required to be published under this subpart, each recipient government shall advise the news media, including minority and bilingual news media, within its geographic area and shall provide copies of such reports, notice, or budget information to the news media on request.

§ 51.18 Legal notice rules not applicable.

Whenever any section of this subpart requires the newspaper publication of a report, public notice, budget summary, or any other required information, the recipient government may publish in a newspaper of general circulation within its geographic area without regard to State or local statutory requirements for the publication of legal notices.

§ 51.19 Reports to the Bureau of the Census.

It shall be the obligation of each recipient government to comply promptly with requests by the Bureau of the Census (or by the Director) for data and information relevant to the determination of entitlement allocations. Failure of any recipient government to so comply may place in jeopardy the prompt receipt by it of entitlement funds.

[FR Doc.77-586 Filed 1-4-77;12:45 pm]

federal register

MONDAY, JANUARY 10, 1977

PART IV

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

SECURITIES OFFERING DISCLOSURE RULES

Revision of Offering Circular Requirements

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY DEPARTMENT OF THE TREASURY

PART 16—SECURITIES OFFERING DISCLOSURE RULES

Revision of Offering Circular Requirements

On August 5, 1976, the Comptroller of the Currency published in the FEDERAL REGISTER (41 FR 32864) for comment a proposed revision to Part 16 of Title 12 of the Code of Federal Regulations. The Comptroller has adopted that revision to Part 16 in a modified form.

The regulation now requires that each existing or newly organized national bank provide an offering circular to investors when it offers or sells its equity or debt securities, subject to specific exemptions. Previously, an existing national bank was not required to furnish an offering circular when it offered or sold its equity securities.

The revision of Part 16 has been adopted in order that prospective investors will be provided with all material facts and information relating to the business operations and financial condition of national banks seeking to obtain funds through the public offer and sale of their securities. The revised regulation will become effective on February 10, 1977, and every offering circular filed by a national bank on or after that date must be prepared in accordance with its requirements.

A. As a result of careful consideration of the comments received, the following changes in the original proposal have been made in addition to language changes for clarification:

1. Section 16.2(c) defining the terms "sale" or "sell" has been modified by striking the term "reclassification" and substituting the term "reorganization," in order to more accurately describe the types of corporate transactions covered. A corresponding modification has been made in § 16.4(c).

2. Section 16.3(c) has been added to specify that an offering circular required of an existing bank shall be filed with the Comptroller of the Currency in Washington, DC, while an offering circular required of a bank in organization shall be filed with the Regional Office of the Comptroller of the Currency in the Region where the bank will be located. The subsequent paragraphs of the section have been appropriately redesignated.

3. Section 16.3(d) has been modified to require that six, rather than four, copies of the offering circular be filed, together with two copies of any underwriting agreement to be executed. In addition, the signature requirement has been modified to provide that the certificate accompanying the offering circular shall be signed by the principal financial officer, rather than the cashier, of the bank.

4. The transaction exemption under § 16.4(b) has been modified to cover any offering where the amount of the securities offered for sale, when aggregated with the amount of all other sales by the bank of its securities within 12 months immediately preceding commencement of the subject offering, does not exceed $300,000. This provision of the regulation was the subject of many comments. The criterion was raised from $100,000 in order to provide more flexibility for banks seeking to raise small amounts of funds from the public capital markets. Nevertheless, such public offerings are subject to the antifraud provisions of the Federal securities laws. In view of the liabilities which may attach under section 17 of the Securities Act of 1933, and section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder, the Comptroller wishes to emphasize that those banks making offerings exempt from the offering circular requirements of the regulation under any of the provisions of § 16.4(b) should consider the need and means for accurately and completely disclosing all material facts to investors.

5. Section 16.4(d) has been added to provide an exemption from the regulation for any transaction involving the exercise of a conversion right. Subsequent paragraphs have been appropriately redesignated.

6. Section 16.5(d) has been revised to specify the method by which a request may be made of the Comptroller of the Currency to expand the permissible number of purchasers in a private placement.

7. Section 16.6, Item 5, Instruction 2 has been expanded to include a definition of the term "fixed charges," a component of the ratio of earnings to fixed charges required to be disclosed when debt securities are being offered. In addition, the pro forma ratio of earnings to fixed charges will be required to be shown both including and excluding interest on deposits.

8. Section 16.6, Item 6 has been substantially modified to require, for banks with assets in excess of $400 million, more detailed information relating to loans, deposit distributions, and securities trading accounts.

B. The following comments were carefully considered but were not adopted for the reasons specified:

1. A number of commentators suggested that the number of purchasers permitted in a private placement under § 16.5(d) be expanded from 15 to 35, the standard of Securities and Exchange Commission Rule 146. The standard originally proposed has been retained in view of the simple procedure available for increasing the number of permissible purchasers beyond 15 upon an adequate factual showing by the bank to the Comptroller of the Currency. Such a procedure has no parallel in Rule 146. The approach which has been adopted affords the Comptroller of the Currency greater flexibility without restricting a bank from structuring legitimate private placements.

2. Several commentators suggested that a definition of the term "material" be included in the regulation. The concept of materiality is interwoven throughout the fabric of securities regulation and is continually being redefined by the courts. The term is, by its nature, subjective and must be interpreted in light of all the facts and circumstances of each situation. It would be inappropriate to attempt to define a term of such complexity which so significantly impacts the quality and quantity of disclosure.

3. Several commentators suggested that the five year period for which a summary of earnings is required under § 16.6, Item 5, be reduced to three years. The five year requirement is consistent with the period for which comparable financial information is used in analyzing applications submitted by banks to the Comptroller of the Currency for authority to increase capital. Thus, the five year requirement has been retained.

4. Some commentators raised objections to the revision of Part 16 in light of the exemption of bank securities from the registration requirements of the Securities Act of 1933 ("the 1933 Act"). The Comptroller notes that its offering circular regulation has been in existence since 1964. It was issued consistent with the authority of the Comptroller under 12 U.S.C. § 57 to approve all capital increases by a national bank. Its purpose was, and is, to assure that a bank provide prospective investors with similar narrative and financial information which the bank provides the Comptroller in the application to increase capital. This follows the Comptroller's Policy Statements recently adopted through public rulemaking procedures (41 FR 47964), which set forth procedures and standards applicable to the issuance of capital stock and debt obligations by national banks. Congress specifically exempted bank securities from the regulation requirements of the 1933 Act in recognition of appropriate regulation by banking agencies.

5. A number of commentators suggested that significant economic burdens would be encountered by smaller banks in preparing the prescribed offering circular, but no substantiation for the comments was provided. The narrative information called for by the offering circular disclosure guidelines of Part 16, as revised, relates to basic banking operations and should be readily available to, and easily compiled by, any well managed bank. The financial statements required to be included in an offering circular are virtually identical to the Consolidated Statements of Condition and Income (Call Reports) furnished by the bank to the Comptroller and included in the Annual Reports to Shareholders pursuant to 12 CFR 18 or 12 CFR 11. Many of the fees and expenses associated with a registration statement filed with the Securities and Exchange Commission under the 1933 Act are not necessarily applicable to the preparation of a Part 16 offering circular. Moreover, most of these commentators suggested increasing the amount of the transaction exemption for small offerings as one method of reducing the economic burden. As previously discussed in this preamble, the Comptroller did increase this exemption from $100,000 to $300,000. Consequently, the Comptroller believes that Part 16, as adopted, will not impose economic burdens, even on smaller banks.

The Comptroller of the Currency finds that the changes made to the proposal of August 5, 1976, respond to public comments, and consist of corrections and clarifications which do not impose additional burdens on affected persons. Accordingly, further public participation in this rulemaking process is not required by the relevant provision of 5 U.S.C. 553 relating to notice and opportunity for additional public comment.

Effective date: The effective date of this revision is February 10, 1977.

12 CFR Part 16 is revised to read as follows:

Sec.
16.1 Authority.
16.2 Definitions.
16.3 Offering circular requirements, filing and effective date.
16.4 Exempt transactions.
16.5 Nonpublic offerings.
16.6 Form and content of an offering circular of an existing bank.
16.7 Form and content of an offering circular of a bank in organization.
16.8 Advertisements.

AUTHORITY: The provisions of this Part 16 are issued under 12 U.S.C. 1 et seq.

§ 16.1 Authority.

This Part is issued under the general authority of the national banking laws, R.S. 324 et seq. as amended; 12 U.S.C. 1 et seq., and contains rules applicable to the offering of securities.

§ 16.2 Definitions.

When used in this Part, unless the context otherwise requires:

(a) The term "bank" means an existing national bank, a national bank in organization, or a bank operating under the Code of Law of the District of Columbia.

(b) The term "offer," "offer to sell," "offer for sale," or "offering" shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security, for value. The terms defined in this paragraph shall not include, with respect to a bank in organization, the solicitation of indications of interest preliminary to any solicitation of subscriptions.

(c) The term "sale" or "sell" shall include every contract of sale or disposition of a security, for value, including every merger, transfer of assets, consolidation, and reorganization (other than a stock dividend, stock split, reverse stock split or change in par value) which involves the substitution of a security for another security.

(d) The term "security" means any common stock, preferred stock, or other equity security, or right to subscribe to any of the foregoing, or subordinated note or debenture. The term "security" shall not include any deposit as defined in Section 217.1 of Regulation Q of the Federal Reserve Board, loan participation, letter of credit or other form of bank indebtedness incurred in the ordinary course of business.

(e) The term "executive officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President, as well as a number of "Vice Presidents") some or all "Vice Presidents" do not participate in major policy making functions, and such persons are not executive officers for the purpose of this Part.

(f) The term "associate," when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person who has the same home as such person or who is a director or officer of the parent of the bank.

§ 16.3 Offering circular requirements, filing and effective date.

(a) No bank shall, directly or indirectly, offer, offer to sell, offer for sale or sell any security of which it is the issuer unless the offer, offer to sell, offer for sale or sale is made through the use of an offering circular which has been filed with, and declared effective by, the Comptroller of the Currency.

(b) Notwithstanding paragraph (a), securities of a bank may be offered through underwriters by an offering circular filed pursuant to this Part but before its effective date if (1) the prior authorization of the Comptroller of the Currency is obtained; and (2) a copy of the offering circular as declared effective is furnished to each purchaser prior to consummation of the sale.

(c) The offering circular required by § 16.6 for an existing bank shall be filed with the Comptroller of the Currency, Washington, D.C. 20219. The offering circular required by § 16.7 for a bank in organization shall be filed with the Regional Office of the Comptroller of the Currency in the Region where the bank will be located.

(d) Six copies of the offering circular required by this Part shall be filed with the Comptroller of the Currency in the form and containing the information specified by § 16.6 or § 16.7, together with two copies of any underwriting agreement to be executed in connection with the offering. The offering circular shall be accompanied by a certificate manually signed by the principal executive officer and the principal financial officer of the bank, in the following form:

SIGNATURES

Pursuant to the requirements of 12 CFR 16, the bank has duly caused this Offering Circular to be filed on its behalf by the undersigned, thereunto duly authorized in the City of ----------, and State of ----------, on the ---- day of ----------, 19----.

(Bank)

By ----------
(Signature and Title)

By ----------
(Signature and Title)

(e) The effective date of the offering circular shall be the date on which it is declared effective by the Comptroller of the Currency. The offering circular shall be effective for a period of six months, which period may be extended for two consecutive 90 day periods upon request to the Comptroller of the Currency. The offering circular must be updated during the course of the offering period by attaching the most recent Balance Sheet and Statement of Income of the Bank filed with the Comptroller of the Currency.

(f) If the distribution is not completed by the expiration of the period of effectiveness, and any extensions thereof, an amended offering circular containing current information shall be filed and used in accordance with this Part.

(g) In no event shall an offering circular be used which is false or misleading in light of the circumstances then existing.

§ 16.4 Exempt transactions.

This Part shall not apply to.—(a) Any transaction by a bank not involving a public offering, as defined in § 16.5.

(b) Any offering by a bank of its securities where the amount of the securities offered for sale, when aggregated with the amount of all other sales by the bank of its securities within the 12 months immediately preceding commencement of the subject offering, does not exceed $300,000. A notice containing the following information shall be filed by the bank with the Comptroller of the Currency not later than 20 days prior to commencement of the offering:

(1) The name of the bank and location of its principal place of business;

(2) The class of security to be offered;

(3) The aggregate offering price of the securities; and

(4) The class and aggregate offering price of all securities sold within the 12 months prior to the proposed commencement date of the offering.

(c) Any reorganization, merger, consolidation, or acquisition of assets by a bank where the bank utilizes a proxy statement prepared substantially in ac-

cordance with the requirements of 12 CFR 11.5.

(d) Any transaction by a bank with its existing security holders which involves an exchange of a security pursuant to the exercise of a right of conversion.

(e) Any transaction in which the securities of a bank are offered to its employees or directors pursuant to a stock purchase, stock option, or savings plan meeting the requirements of 12 CFR 13.

§ 16.5 Nonpublic offerings.

Transactions by a bank involving the offer, offer to sell, offer for sale, or sale of securities of a bank shall be deemed to be transactions not involving any public offering if all of the following conditions are satisfied:

(a) *Nature of offerees.*—The bank shall have reasonable grounds to believe, and shall believe, prior to making an offer that the offeree or his independent investment representative has the knowledge or experience in financial and business matters as to be capable of evaluating the information referred to in paragraph (c) below and the risks of the prospective investment. An "independent investment representative" means any person acting on behalf of an offeree and who is not an officer, director, or employee of the bank, who is not acting on behalf of the bank, and who is capable of evaluating the merits and risks of the prospective investment.

(b) *Limitation on the manner of offering.*—All offers and sales are made in negotiated transactions. A negotiated transaction is a transaction in which the securities are offered and sold through direct communication between the bank and the offeree or an independent investment representative of the offeree, and without use of any form of general advertising.

(c) *Access to information.* Each offeree or his independent investment representative shall have access to, prior to acceptance of any offer, at least the following information:

(1) The same type of information specified in Item 1 and Item 6 of § 16.6;

(2) The Balance Sheet and the Statement of Income of the bank for the last two fiscal years and the most recent interim period for which the bank has filed Consolidated Reports of Condition and Income with the Comptroller of the Currency and the same interim period for the previous year; and

(3) The most recent Annual Report to Shareholders of the bank or, if the bank reports pursuant to 12 CFR 11, the most recent Annual Report on Form F–2 and Quarterly Report on Form F–4 filed by the bank.

(d) *Number of Purchasers.*—The securities are sold to not more than 15 purchasers within any continuous 12 month period. A request to increase the number of purchasers may be made in a letter to the Comptroller of the Currency setting forth the factual basis for the request.

(e) *Limitations on disposition.*—The bank shall obtain a signed written agreement from each purchaser that he is acquiring the securities for his own account and not for distribution. Only one stock certificate, note or debenture shall be issued to each purchaser for the respective total amount of securities purchased; except that where an offeree purchases securities in an aggregate amount exceeding $200,000, more than one certificate may be issued to him in amounts not less than $100,000 each. Each certificate, note or debenture shall provide that neither the bank nor its transfer agent can exchange the security for securities of smaller denominations unless a notice has been filed in accordance with the requirements of paragraph (f) below.

(f) *Notice of nonpublic sales and exchanges.*—A notice containing the following information, as applicable, shall be filed by the bank with the Comptroller of the Currency, Washington, DC 20219, not later than 20 days prior to the time any security is offered or sold in reliance on the exemption provided by § 16.5 or exchanged for securities of smaller denominations:

(1) The name of the bank and location of its principal place of business;

(2) The class of security to be offered or exchanged;

(3) The number of persons to whom the securities are to be offered;

(4) The offering price of the securities on an aggregate and per share of per security basis; and

(5) A general description of the facts and circumstances on which the claim of exemption is based, or the security holder's reason for requesting an exchange of the security for securities of smaller denominations.

§ 16.6 Form and content of an offering circular of an existing bank.

(a) *General instructions:* (1) This form is not to be used as a blank form to be filled in but only as a guide for preparing the offering circular. Unless otherwise stated, the information required shall be given as of a date reasonably close to the effective date. The offering circular may be printed, lithographed, mimeographed, typewritten, or prepared by any similar process which produces clearly legible copies, suitable for a permanent record and for repeated photocopying.

(2) In addition to the information expressly required, there shall be added any material information necessary to make the statements made, in light of the circumstances under which they are made, not misleading.

(3) Information required need be given only if it is known or reasonably available to the bank. If any required information is unknown or not reasonably available to the bank, either because obtaining it would involve unreasonable delay, effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, upon approval of the Comptroller of the Currency, subject to the following conditions:

(i) The bank shall give the information that it possesses on the subject or can acquire without unreasonable delay, effort, or expense, together with the sources of the information; and

(ii) The bank shall furnish a statement to the Comptroller of the Currency either (A) showing that unreasonable delay, effort or expense would be involved, or (B) indicating the absence of any affiliation with the person having the information and stating the result of a request made of that person for the information.

(b) The following information shall be disclosed in the offering circular:

ITEM 1—COVER PAGE

The following information shall be included on the cover page of the offering circular:

(a) The caption "Offering Circular."

(b) The exact name, complete address and telephone number of the issuing bank.

(c) The amount and type of the security being offered.

(d) The following statements in capital letters and boldface type.

THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPPROVED BY THE COMPTROLLER OF THE CURRENCY NOR HAS THE COMPTROLLER PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFERING CIRCULAR.

NO AGENT OR OFFICER OF THE BANK OR ANY OTHER PERSON HAS BEEN AUTHORIZED TO GIVE ANY INFORMATION OR TO MAKE ANY REPRESENTATIONS OTHER THAN THOSE CONTAINED IN THE OFFERING CIRCULAR AND, IF GIVEN OR MADE, SUCH INFORMATION AND REPRESENTATIONS SHOULD NOT BE RELIED UPON AS HAVING BEEN AUTHORIZED BY THE BANK.

(e) The following information if the bank is offering debt securities:

(1) The statement in capital letters and boldface type:

THESE OBLIGATIONS WILL NOT REPRESENT DEPOSITS AND WILL NOT BE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION OR ANY OTHER GOVERNMENT AGENCY. THE MATURITY OF THESE OBLIGATIONS CANNOT BE ACCELERATED IN THE EVENT OF A DEFAULT WITHOUT THE IMMEDIATE APPPROVAL OF THE COMPTROLLER OF THE CURRENCY. THESE OBLIGATIONS WILL BE SUBORDINATE TO THE CLAIMS OF DEPOSITORS AND OTHER CREDITORS, WILL BE INELLIGIBLE AS COLLATERAL TO SECURE A LOAN FROM THE BANK, AND WILL BE UNSECURED.

(2) The offering price, denominations, aggregate amount offered, interest rate, maturity, and prepayment terms and dates.

(3) If the offering involves a convertible subordinated note or debenture, the information required by section (f) for the underlying equity security.

(f) If the bank is offering common stock, preferred stock, or other equity security or right to subscribe thereto, the offring price, the number of shares being offered, and the par value.

(g) The information called for by the following table presented in substantially the same form:

	Price to public	Underwriting commissions	Proceeds to bank [1]
Per unit	$	$	$
Total			

[1] Before deducting expense to be incurred by the bank in connection with the offering estimated at .....

(h) The proposed means of distribution.

(i) The effective date of the offering circular.

(j) On the page immediately following the cover page, there should be a page with the following paragraph alone in capital letters and bold-face type:

THIS OFFERING CIRCULAR DOES NOT CONSTITUTE AN OFFER TO SELL OR A SOLICITATION OF AN OFFER TO BUY ANY OF THE SECURITIES OFFERED HEREBY IN ANY JURISDICTION TO ANY PERSON TO WHOM IT IS UNLAWFUL TO MAKE SUCH OFFER OR SOLICITATION IN SUCH JURISDICTION. NEITHER THE DELIVERY OF THIS OFFERING CIRCULAR NOR ANY SALE HEREUNDER SHALL UNDER ANY CIRCUMSTANCES CREATE AN IMPLICATION THAT THERE HAS BEEN NO CHANGE IN THE AFFAIRS OF THE BANK SINCE THE DATE HEREOF.

ITEM 2—PLAN OF DISTRIBUTION

(a) If the securities are to be offered through underwriters, give the names of the principal underwriters and state the respective amounts underwritten. State briefly the nature of the underwriters' obligation to take the securities.

(b) If there is no underwriter, outline briefly the bank's plan for distributing the securities.

(c) Indicate the method and terms of subscription, and the offering termination date.

ITEM 3—USE OF PROCEEDS

State the reasons for the offering and the principal purposes for which the net proceeds are intended to be used, the expected time of the expenditures and the approximate amount to be used for each purpose.

INSTRUCTION

The statement that the bank needs a broader capital base or that the proceeds will be used for general banking purposes will generally not be sufficient without additional information.

Furnish only a brief outline of any program of construction or addition of equipment. If any material amounts of the proceeds will be used to acquire assets, briefly describe the assets and identify the persons from whom they are to be acquired, and state the cost of the assets to the bank and the basis for determining their value.

ITEM 4—CAPITAL STRUCTURE

State in tabular format the title, basic terms, and amount of each class of securities of the bank authorized and outstanding as of the date of the most recent Balance Sheet filed as part of the offering circular. Also indicate the amount which will be authorized and outstanding if all the securities being offered are sold.

ITEM 5—SUMMARY OF EARNINGS

(a) Present a summary of the earnings of the bank for each of the last five fiscal years and any interim period between the end of the last fiscal year and the date of the most recent Balance Sheet and Statement of Income being filed and for the corresponding interim period for the preceding fiscal year. For the same periods, present in a separate statement the following ratios: (1) net income to stockholders' equity, (2) net income to total assets, and (3) total interest expense to gross interest income.

(b) Fully discuss the earnings for the last two fiscal years and the reported interim periods. Set forth an explanation of material changes, including, but not limited to, changes in the various elements which determine revenue and expense levels. The analysis should include an explanation of changes in accounting principles and practices or the method of their application which have a material effect on the net income as reported.

INSTRUCTIONS

1. At a minimum, present operating revenues, operating expenses, income before income taxes and securities gains or losses, applicable income taxes, income before securities gains or losses, securities gains or losses, extraordinary items, net income, earnings per share and dividends per share.

2. In addition, if debt securities are being offered, set forth ratios of earnings to fixed charges, computed both including and excluding interest on deposits, in tabular form for each of the last five fiscal years and any reported interim periods. Also set forth, for the most recent 12 month period ended as of the last quarter, a pro forma ratio of earnings to fixed charges adjusted to give effect to (i) the issuance of the securities being offered, (ii) any issuance, retirement or redemption of securities during such period, and (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period. The pro form presentations should be shown both including and excluding interest on deposits.

3. The term "fixed charges" means (i) interest on all indebtedness, including deposits; and (ii) one-third rental or interest charges that would have been paid had the properties been purchased instead of leased.

NOTE.—To the extent the bank operates as a correspondent bank, interest income and interest expense on Federal funds sold or purchased may be netted in computing fixed charges. However, to the extent a bank operates for its own account, interest income and interest expense on Federal funds must be recorded in the same manner as any other items of interest income or expense.

ITEM 6—DESCRIPTION OF BUSINESS

Describe briefly the present and proposed business operations of the bank and its subsidiaries, and any significant developments and trends in the business during the last five years. The description shall also include, but shall not be limited to, information as to the following matters.

(a) The primary business locations of the bank.

(b) The competitive conditions and the competitive position of the bank in its service area.

(c) The commercial, consumer, international, trust, and municipal trading services and other business activities of the bank.

(d) The properties owned by the bank and any material leases.

(e) The liability management practices of the bank including a discussion of deposits, Federal funds, and other liabilities.

(f) The loan portfolio.

(g) The investment portfolio.

(h) The importance of, and risks attendant to, foreign sources and applications of funds.

(i) Regulation by Federal and state bank agencies.

(j) The manner in which the state laws may materially affect branching, interest rates, bank holding companies, etc.

(k) The business done by any parent holding company and any subsidiaries of the parent; the services provided to the bank by the parent and its subsidiaries; and the names of any other banks in which the parent owns 5 percent or more of the voting securities.

(l) The approximate number of persons employed by the bank.

(m) Material statistical information (see Instructions).

INSTRUCTIONS

The following statistical information should be disclosed by the bank for the reported periods. The term "reported period" means (i) each of the last specified number of fiscal years and (ii) any interim period between the end of the most recent fiscal year and the date of the most recent Balance Sheet and Statement of Income being filed and for the corresponding interim period for the preceding fiscal year. If any required information is not reasonably available to the bank, the bank may present comparable information.

1. *Distribution of assets, liabilities and capital.*—(i) For a three-year reported period, present the monthly or quarterly average of total assets, liabilities and capital, and each principal category of assets, liabilities and capital.

(ii) For a three-year reported period, present the percentage of each principal category of assets to total assets and each principal category of liabilities and equity capital to total liabilities and equity capital.

2. *Loan portfolio.*—(i) Explain the bank's policies and practices with regard to interest income recognition.

(ii) Describe any material risks relating to the loan portfolio.

(iii) State, by appropriate categories (i.e., types of loans, letters of credit, etc.) the amount of loan and similar commitments (excluding check credit, overdraft and credit card lines) for a three-year reported period, and, with respect to the

amount as of the end of the most recent fiscal year, the portion considered to be "firm" and the portion not reasonably expected to be exercised within the current year.

The categorization may include such items as commercial letters of credit, commitments to grant loans and commitments to purchase loans or such other classifications deemed appropriate by the bank. Any category representing more than 25 percent of the total commitments shown shall be identified and categories representing individually less than 25 percent of the total commitments shown may be aggregated as Other Commitments. If more than 25 percent of the total commitments shown are on terms where the prices or interest rates are not to be determined by the market conditions prevailing at the time of exercise of the commitments, the total and a description of such commitments should also be disclosed.

(iv) For banks with assets in excess of $300 million, disclose the following:

(a) The remaining maturities of selected loans as provided in the latest Call Report.

(b) The total after tax effect of nonaccruing and reduced-rate loans as of the end of a two-year reported period.

3. *Interest rates and interest differentials.*—For a three-year reported period, present:

(i) The dollar amounts of the changes in interest income from earning assets (in total and broken down into loans, investments, Federal funds and other appropriate categories).

(ii) The dollar amounts of the changes in interest expense for borrowed funds (time deposits, short-term borrowings and other appropriate categories).

(iii) The net interest differential. For banks with assets in excess of $300 million, the dollar amounts should be analyzed to indicate the amount of the change resulting from variances in volume and in rate and yield.

4. *Summary of loan loss experience.*—An analysis of the bank's loan loss experience including the following items:

(i) A discussion of the total actual losses for a two-year reported period. Discuss any material loan losses during the last fiscal year and any reported interim period.

(ii) Set forth a comparison of the charges to "Provision for possible loan losses" for a two-year reported period. Describe the factors which influenced management in determining the amount to be charged to operating expense.

(iii) Discuss the adequacy of the "Reserve for possible loan losses" for the latest fiscal year and any recorded interim period. Indicate whether the reserve for possible loan losses for the reported periods has increased or decreased as a percent of average loans outstanding.

(iv) For a five-year reported period, present the bank's loan loss experience in the following format:

	Year ended Dec. 31						
	19..	19..	19..	19..	19..	Interim 19..	Interim 19..
Balances (thousands):							
Loans:							
Average loans							
Loans at end of period							
Actual chargeoffs							
Less recoveries							
Net loan chargeoffs							
Reserve for possible loan losses							
Provision for possible loan losses							
Ratios:							
Net loan chargeoffs to average loans							
Net loan chargeoffs to loans at end of period							
Reserve for possible loan losses to average loans							
Reserve for possible loan losses to loans at end of period							
Net loan chargeoffs to reserve for loan losses							
Net loan chargeoffs to provision for loan losses							

(v) For banks with assets in excess of $300 million, present a summary of loan loss experience by specific categories for a five-year reported period in a format similar to supplement D of the Large Bank Supplement to the Call Report.

5. *Deposits.*—(i) If a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State, and local governments and agencies thereunder) the loss of any one or more of whom would have a material adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank.

(ii) The extent to which the business is or may be seasonal.

(iii) For banks with assets in excess of $300 million, present the maturity distribution of deposits as set forth in the most recently filed Call Report.

6. *Investment Securities.*—For banks with assets in excess of $300 million, present an analysis of securities held in trading accounts as set forth in the most recently filed Call Report.

ITEM 7—CAPITAL STOCK

If capital stock is being offered, outline briefly (a) dividend rights and restrictions; (b) voting rights; (c) preemptive rights; (d) liquidation rights; (e) the vote required to amend any rights; and (f) any other material terms of the securities.

ITEM 8—DEBT SECURITIES

If debt securities are being offered, set forth briefly the following:

(a) The terms relating to denomination, maturity and subordination.

(b) The statement: "This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation, is ineligible as collateral for a loan by the issuing bank, and is unsecured."

(c) The statement: "The maturity of this obligation cannot be accelerated in the event of a default without the immediate prior approval of the Comptroller of the Currency."

(d) The provisions as to interest, conversion, redemption, prepayment, retirement, events of default, modification of the terms of the debt security and any other material terms.

(e) The provisions restricting the declaration of dividends, the issurance and incursion of additional indebtedness and any other material restrictions.

(f) The material terms of any trust indenture, the name of any indenture trustee and the nature of any material relationship with the bank or any of its affiliates.

ITEM 9—OTHER SECURITIES BEING OFFERED

If securities other than capital stock or debt are being offered, outline briefly the rights conferred. If subscription warrants, rights or convertible securities are being offered, state the title, amounts and basic terms of the underlying securities, and the exercise period and price. If any securities are being offered in exchange for other securities, an appropriate description of such other securities should be given.

ITEM 10—NATURE OF TRADING MARKET

For each class of securities to be offered, state briefly the nature of the trading market, if any, in such securities, including the names of the principal market makers and the reported high and low bid prices for each quarterly period during the last two years.

INSTRUCTION

In furnishing high and low bid prices, the bank may rely on quotations reported in publications of general circulation, if the publications' source of information is identified. If there is no active market for the securities, so state and indicate the valuation procedure used to determine the offering price.

ITEM 11—DIRECTORS AND OFFICERS

Set forth the following information, in tabular form for each director and executive officer of the bank:

(a) Name, age, and length of service in this capacity.

(b) The number of shares of each class of equity securities of the bank or its parent beneficially owned directly or indirectly as of the most recent practicable date.

(c) A brief account of business experience during the last five years, including principal occupation(s) during that period and the name and principal business of any corporation or other organization in which the occupation was carried on.

ITEM 12—PRINCIPAL SECURITY HOLDERS

Furnish the following information as of a specified date within 90 days prior to the effective date:

(a) As to each class of equity securities of the bank, the amount and percent owned of record or beneficially, directly or indirectly, by all directors and officers of the bank, as a group, without naming them. The following format should be used:

Title of class	Record ownership	Amount beneficially owned	Percent of class beneficially owned

A footnote to the table should disclose the nature of the beneficial ownership.

(b) The name, business address, and relationship to the bank of any individual or corporation who owns of record or beneficially, directly or indirectly, more than 10 percent of the bank's outstanding voting securities. The following format should be used:

Name and address	Relationship with bank	Record ownership	Amount beneficially owned	Percent of class beneficially owned

A footnote to the table should disclose the nature of the beneficial ownership.

INSTRUCTION

If, to the knowledge of the bank, more than 10 percent of any class of voting securities of the bank are held or to be held subject to any voting trust, pledge, or other similar agreement, state (i) the title of such securities, (ii) the amount held or to be held and, (iii) the duration and material terms of the agreement. If applicable, give the names of the voting trustees.

ITEM 13—REMUNERATION OF DIRECTORS AND OFFICERS

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank, or its parent holding company during he latest fiscal year to the following persons:

(1) Each director and each of the three highest paid executive officers of the bank whose annual total direct remuneration exceeded $40,000, naming each person.

(2) All directors and executive officers of the bank as a group, without naming them but stating the number of persons included.

Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate remuneration

(b) Furnish a brief description of any present or contemplated bonus, retirement, pension, stock option, profit sharing or other similar plan or provision and the class of persons covered.

INSTRUCTIONS

The description of the stock options should state (i) the consideration received and to be received for the options, (ii) the prices, expiration dates, (iii) the market value on the granting date, (iv) the per share market price of the securities subject to option as of the latest date, and (v) whether the options are qualified stock options or restricted stock options or options granted pursuant to a plan qualifying as an employee stock purchase plan. Indicate the number of options held by each officer and director named in Item 13(a)(1).

ITEM 14—MATERIAL TRANSACTIONS

Describe any direct or indirect material interest of any of the following persons in any material transactions during the last two years, or in any material proposed transactions, to which the bank was or is to be a party:

(a) Any director or executive officer of the bank.

(b) Any security holder who owns of record or beneficially, directly or indirectly, more than 10% of the outstanding voting securities as named in the answer to Item 12.

(c) Any associate of the foregoing.

INSTRUCTIONS

1. A material transaction generally is a transaction or series of transactions in which the annual payments plus the remaining amounts due under the terms of the transaction or series of transactions exceed $40,000. This will include all legal fees, rental payments, remuneration for services (other than in the capacity of an officer or director of the bank), and any other periodic payments or installments. It will not include extensions of credit unless (i) the credit involves more than the normal risk of collectibility or presents other unfavorable features or (ii) the transaction is not made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than the specified persons.

2. Notwithstanding Instruction 1, a transaction is material where aggregate extensions of credit either directly or indirectly to (i) a specified person, at any time during the last full fiscal year to date, exceeded 10 percent of the equity capital of the bank or (ii) all specified persons as a group, at any time during the last full fiscal year to date, exceeded 20 percent of the equity capital of the bank. If aggregate extensions of credit to a specified person at any time during the last fiscal year to date exceeded 10 percent of the equity capital of the bank, disclose the name of the specified person, the maximum aggregate amount of extensions of credit during the period and the aggregate amount of extensions of credit as a percentage of the total equity capital of the bank. If aggregate extensions of credit to the specified persons, as a group, at any time during the last fiscal year to date exceeded 20 percent of the equity capital of the bank, disclose the maximum aggregate amount of extensions of credit to the group during the period and the aggregate amount as a percentage of the equity capital of the bank.

3. If there has been a material sale of property by or to the bank to which a specified person was a party, disclose the cost of the property to the purchaser and the cost to the seller if acquired by the seller within two years prior to this transaction.

ITEM 15—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending legal proceedings, other than ordinary routine litigation, to which the bank, the parent holding company or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated.

ITEM 16—FINANCIAL STATEMENTS

The following financial statements shall be included:

(a) A Balance Sheet as of the end of the most recent fiscal year and any required interim period.

(b) Comparative Statements of Income for the two most recent fiscal years and for any required interim period and the corresponding interim period for the preceding year.

(c) Comparative Statements of Changes in Capital Accounts for the last two fiscal years and any required interim period.

(d) A comparative reconciliation of the "Reserve for Possible Loan Losses" account for the last two fiscal years and for any required interim periods.

(e) Comparative Statements of Changes in Financial Position for the last two fiscal years and any required interim period.

(f) Supplemental notes to the financial statements.

INSTRUCTIONS

1. The financial statements may be prepared in accordance with the instructions and format set forth by the Comptroller of the Currency in the publication entitled, "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations" and in any other releases amending or interpreting this publication.

2. The financial statements shall be updated to the latest practicable date, which date shall be not more than 90 days prior to the date on which the offering circular is expected to be declared effective.

3. The following items shall be briefly described, where applicable, in general footnotes to the financial statements:

(i) A summary of significant accounting policies.

(ii) Any changes in accounting principles or practices or in the method of applying any accounting principles or practices, made during any period for which financial statements are filed which affects comparability of such financial statements with those of prior or future annual periods, and the effect thereof upon the net operating earnings for each period for which financial statements are filed.

(iii) Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods.

(iv) Assets subject to liens.

(v) Pension plans.

(vi) Stock option plans.

(vii) Dividend restrictions.

(viii) Contingent liabilities.

(ix) Book and market value of investment securities.

(x) An analysis of income tax expenses.

(xi) An analysis of the loan portfolio.

(xii) Standby letters of credit.

4. If the financial statements in the latest Annual Report to Shareholders are accompanied by a report of an independent accountant, the financial statements in the offering circular should also be accompanied by that accountant's report.

ITEM 17—UPDATING THE FINANCIALS AFTER THE EFFECTIVE DATE

The bank is required to update certain statistical and financial information in the offering circular continuously during the offering by attaching the most recent Balance Sheet and Statement of Income of the bank to the offering circular. The reports shall be attached to the offering circular no later than the day the document is due to be filed with the Comptroller of the Currency. However, a completely amended offering circular will be necessary should the offering continue beyond the period of effectiveness, and any extensions thereof (see § 16.3(e)).

§ 16.7 Form and Content of an Offering Circular of a Bank in Organization.

(a) *General instructions.*—(1) This form is not to be used as a blank form to be filled in but only as a guide for preparing the offering circular. Unless otherwise stated, the information required shall be given as of a date reasonably close to the effective date. The offering circular may be printed, lithographed, mimeographed, typewritten, or prepared by any similar process which produces clearly legible copies, suitable for a permanent record and for repeated photocopying.

(2) In addition to the information expressly required, there shall be added any material information necessary to make the statements made, in light of the circumstances under which they are made, not misleading. Information required need be given only if it is known or reasonably available to the bank. If any required information is unknown or not reasonably available to the bank, either because obtaining it would involve unreasonable delay, effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, upon approval of the Comptroller of the Currency, subject to the following conditions.

(i) The bank shall give the information on the subject that it possesses or can acquire without unreasonable delay, effort or expense, together with the sources; and

(ii) The bank shall furnish a statement to the Comptroller of the Currency either (A) showing that unreasonable delay, effort or expense would be involved, or (B) indicating the absence of any affiliation with the person having the information and stating the result of a request made of that person for the information.

(b) The following information shall be disclosed in the offering circular:

ITEM 1—COVER PAGE

The folowing information shall be included on the cover page of the offering circular:

(a) The caption "Offering Circular."

(b) The exact name and complete address of the bank.

(c) The amount and type of security being offered.

(d) The following statements in capital letters and bold-face type:

THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE COMPTROLLER OF THE CURRENCY NOR HAS THE COMPTROLLER PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFERING CIRCULAR.

NO AGENT OR OFFICER OF THE BANK OR ANY OTHER PERSON HAS BEEN AUTHORIZED TO GIVE ANY INFORMATION OR TO MAKE ANY REPRESENTATIONS OTHER THAN THOSE CONTAINED IN THE OFFERING CIRCULAR, AND IF GIVEN OR MADE, SUCH INFORMATION AND REPRESENTATIONS SHOULD NOT BE RELIED UPON AS HAVING BEEN AUTHORIZED BY THE BANK.

THE ISSUANCE OF THE STOCK OFFERED HEREBY IS SUBJECT TO THE APPROVAL OF THE COMPTROLLER OF THE CURRENCY. THE BANK RESERVES THE RIGHT TO CANCEL ACCEPTED SUBSCRIPTION OFFERS AT THE DIRECTION OF THE COMPTROLLER OF THE CURRENCY UNTIL THE DATE THE BANK COMMENCES OPERATIONS. IF, FOR ANY REASON, THE BANK DOES NOT OPEN FOR BUSINESS, ALL OF THE CASH PAID BY THE SUBSCRIBERS FOR THEIR SHARES WILL BE RETURNED, PLUS OR MINUS ANY PROFITS OR LOSSES INCURRED THROUGH INVESTMENT OF SUCH FUNDS IN UNITED STATES GOVERNMENT SECURITIES. ANY OTHER COSTS OR EXPENSES WILL BE BORNE BY THE ORGANIZERS.

(e) The offering price, the number of shares being offered, and the par value of the stock.

(f) The information called for by the following table presented in substantially the same form:

	Price to public	Underwriting commissions	Organizational expenses	Proceeds to bank [1]
Per unit	$			$
Total				

[1] Before deducting expenses to be incurred by the bank in connection with the offering estimated at .....

(g) The proposed means of distribution.

(h) The effective date of the offering circular.

(i) On the page immediately following the cover page, there should be a page with the following paragraph alone in capital letters and bold-face type.

THIS OFFERING CIRCULAR DOES NOT CONSTITUTE AN OFFER TO SELL OR A SOLICITATION OF AN OFFER TO BUY ANY OF THE SECURITIES OFFERED HEREBY IN ANY JURISDICTION TO ANY PERSON TO WHOM IT IS UNLAWFUL TO MAKE SUCH OFFER OR SOLICITATION IN SUCH JURISDICTION. NEITHER THE DELIVERY OF THIS OFFERING CIRCULAR NOR ANY SALE HEREUNDER SHALL UNDER ANY CIRCUMSTANCES CREATE AN IMPLICATION THAT THERE HAS BEEN NO CHANGE IN THE AFFAIRS OF THE BANK SINCE THE DATE HEREOF.

ITEM 2—OFFERING AND METHOD OF SUBSCRIPTION

The following information shall be stated:

(a) The number of shares being offered, the offering price, the par value of the common stock, and the expiration date of the offering period, including any provisions for extending the offering period.

(b) The fact that the issuance of stock is subject to the approval of the Comptroller of the Currency and the bank reserves the right to cancel accepted subscription offers at the direction of the Comptroller of the Currency until the date the bank receives its charter.

(c) The fact that shares of stock duly subscribed and paid for will be issued upon acceptance by the bank immediately after the bank receives its charter.

(d) The method or procedure for subscribing to the stock.

(e) A description of the location and basic terms of the escrow account in which the funds will be held until all of the subscriptions have been paid in and accepted, and the Comptroller of the Currency has authorized their disbursement.

(f) The statements: "Subscriptions will be accepted until ____ p.m./a.m. on the expiration date, _____, 19__. It is anticipated that the bank will commence operations on or about _____ _____, 19__."

"If, for any reason, the bank does not open for business, all of the cash paid by the subscribers for their shares will be returned plus or minus any profit or losses incurred through investment of such funds in United States Government Securities. Any other costs or expenses will be borne by the Organizers."

ITEM 3—USE OF PROCEEDS

State the principal purposes for which the net proceeds are intended to be used, and the approximate amount to be used for each purpose. Indicate the proposed expenditures in the following categories:

(a) The approximate amounts for the salaries and fees of directors, officers, and employees for a period of 12 months from the effective date of the offering circular.

(b) The approximate amount for the acquisition of furniture, equipment, fixtures and real property.

(c) The approximate amount of rental payment for the leasing of real property and personal property for a period of 12 months from the effective date of the offering circular.

(d) A schedule of estimated organizational expenses.

(e) The approximate amount for cash, investments and loans.

(f) The approximate amount for the purchase or lease of temporary quarters.

(g) Other.

ITEM 4—BUSINESS OF THE BANK

Describe the proposed business operations of the bank. The description shall include, but shall not be limited to, information as to the following matters:

(a) The current status and history of the new bank application with the Comptroller of the Currency, and the date the bank is expected to commence business.

(b) The potential service area, competitive conditions, and a summary of the economic conditions. Present the names and locations of other financial institutions within the potential service area and the immediate outlying area, and indicate their total assets, deposits, and equity capital. Discuss the potential effect these financial institutions will have on the operations of the new bank.

(c) The proposed services of the bank in the commercial, consumer, and trust areas.

(d) The expected sources of deposits and loans when operations commence.

(e) The material effects that compliance with Federal and State banking laws, and rules or regulations enacted thereunder, will have on the business of the bank. Indicate the manner in which the state laws where the bank is located may materially affect such matters as branching, interest rates, bank holding companies, etc.

(f) The likelihood of profitable operations during each of the bank's first three years.

(g) Transactions involving the bank's purchase and/or lease of land and/or buildings, including a discussion about the valuation of those assets.

ITEM 5—ORGANIZERS, DIRECTORS AND OFFICERS

Set forth the following information, in tabular form, for each organizer, proposed director and executive officer of the bank:

(a) The name, business address, and age of each individual.

(b) The approximate number of shares of common stock and the percent of the class each person intends to own of record or beneficially, directly or indirectly.

(c) A brief account of the business experience during the past ten years, including principal occupations and employment during that period, the name and principal business of any corporation or other organization in which the occupations and employment were carried on, and the name of any bank of which the person has been a director or executive officer.

(d) The amount of all direct and indirect remuneration from the bank which each person has received from the bank during the last 12 months, and the amount each person is expected to receive in the 12 months commencing with the effective date of the offering circular. Indicate the aggregate amounts which these persons have received or will receive, as a group. State whether or not any stock option, stock bonus, money purchase, thrift, pension or employee stock ownership plans, qualified or unqualified, or deferred compensation arrangements are contemplated.

(e) The following statement should be inserted:

"The Comptroller of the Currency has the authority to disallow any of the above persons from assuming his or her designated position."

ITEM 6—PRINCIPAL SECURITY HOLDERS

Furnish the following information:

(a) The total number of shares of common stock to be authorised and the total number to be issued and outstanding.

(b) The amount and percent of the class to be owned of record or beneficially, directly or indirectly, by all directors, officers, and organisers of the bank, as a group, without naming them and the amount that will be held by the investing public. The following format should be used:

Title of class	Record ownership	Amount beneficially owned	Percent of class beneficially owned

A footnote to the table should disclose the nature of the beneficial ownership.

(c) The name, business address, and relationship to the bank of any person or corporation who will own of record or beneficially, directly or indirectly, 10 percent or more of the outstanding voting securities. The following format should be used:

Name and address	Relationship with bank	Record ownership	Amount beneficially owned	Percent of class beneficially owned

A footnote to the table should disclose the nature of the beneficial ownership.

(d) A description of any arrangements for future stock purchases between the above individuals listed in part (c) and any member of the investing public which may at a subsequent date increase his percent of ownership as disclosed above. If there are no arrangements, so indicate.

(e) A summarization of any borrowing arrangements to finance the stock subscription of the individuals or corporations listed in paragraph (c).

ITEM 7—CAPITAL STOCK

Outline briefly (a) par value; (b) dividend rights; (c) voting rights; (d) preemptive rights; (e) liquidation rights; (f) the vote required to amend any of the terms; and (g) any other material terms of the stock being offered.

ITEM 8—MATERIAL TRANSACTIONS

(a) Describe any direct or indirect material interest of any of the following persons in any material transactions, or proposed material transactions, to which the bank was or is to be a party:

(1) Any organizer, proposed director, or proposed officer of the bank.

(2) Any person who owns or will own of record or beneficially 10 percent or more of the outstanding voting securities as named in the answer to Item 6(c).

(3) Any associate of any of the foregoing.

INSTRUCTIONS

For purposes of this item, any of the following transactions may be deemed material if the amount of the transaction or series of transactions exceed 1 percent of the equity capital being offered:

1. Any transaction or proposed transaction in which a specified person sells

real property, fixtures or any other assets to the bank. State the cost of the assets to the bank, and the cost of the assets to the specified person if acquired by the specified person within five years prior to the sale.

2. Any transaction or proposed transaction in which a specified person receives remuneration for services, directly or indirectly (other than in the capacity of an organizer, proposed director, or proposed officer of the bank).

3. Any transaction or proposed transaction in which a specified person leases real or personal property to the bank. Indicate the cost of the asset if acquired by the lessor within five years, the annual lease payments, the terms of the lease, and the total aggregate lease payments.

ITEM 9—MARKETABILITY OF SECURITIES

Indicate the anticipated nature of the secondary market for the securities being offered. If there can be no assurance of the marketability of the securities, so state.

ITEM 10—DIVIDEND POLICY

State the policy of the bank as to the declaration of dividends and retention of profits. Briefly describe the restrictions on the declaration of dividends imposed by 12 U.S.C. 56 and 12 U.S.C. 60, and state that under certain circumstances the approval of the Comptroller of the Currency may be required prior to the payment of a dividend.

ITEM 11—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending or contemplated legal proceeding to which the bank is or may be a party.

ITEM 12—FINANCIAL STATEMENTS

The requirements as to financial statements are described in Item 16 to Section 16.6. In addition to those required statements, the bank should provide:

(a) A description of any assets contributed by organizers or stockholders and the method used in valuing those assets.

(b) An estimate of each category of organizational expenses expected to be incurred prior to the commencement of business.

§ 16.8 **Advertisements.**

Any written advertisement or any film, radio or television broadcast, which refers to a present or proposed public offering of securities subject to this Part may be published, distributed, or broadcast only after a copy of the advertisement and the preliminary offering circular have been filed with the Comptroller of the Currency. Such advertisement may contain only the following information:

(a) A statement that the announcement is neither an offer to sell nor a solicitation of an offer to buy any of the securities and that the offering is made only by the offering circular.

(b) The name and address of the bank, and the principal underwriters, if any.

(c) The title of the security, the dollar amount and number of securities being offered, and the per unit offering price to the public.

(d) If debt securities are being advertised, indicate in capital letters and boldface type or verbally as appropriate:

THESE OBLIGATIONS ARE NOT DEPOSITS AND ARE NOT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION. THEY ARE SUBORDINATE TO THE CLAIMS OF DEPOSITS AND OTHER CREDITORS AS MORE FULLY DESCRIBED IN THE OFFERING CIRCULAR.

(e) Where a copy of the offering circular may be obtained.

Dated: January 4, 1977.

ROBERT BLOOM,
Acting Comptroller
of the Currency.

[FR Doc.77-801 Filed 1-7-77;8:45 am]

federal register

MONDAY, JANUARY 10, 1977

PART V



OFFICE OF MANAGEMENT AND BUDGET

■

OMB A-95 DIRECTORY FOR STATE, METROPOLITAN, AND REGIONAL CLEARING HOUSES

OFFICE OF MANAGEMENT AND BUDGET

DIRECTORY

State and Areawide A–95 Clearinghouses

JANUARY 3, 1977.

Attached is a listing of clearinghouses arranged alphabetically by State according to the 10 Standard Federal Regions. The clearinghouses are established pursuant to Part I of the procedures promulgated by the Office of Management and Budget Circular No. A–95 (Revised).

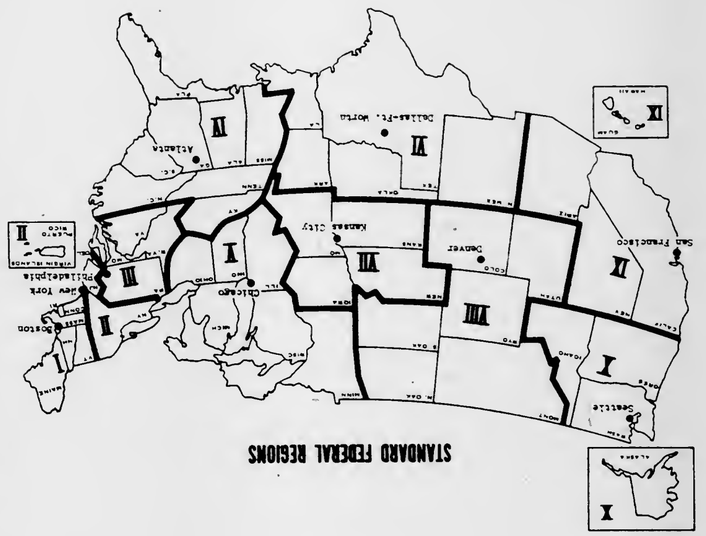
Areawide clearinghouses in metropolitan areas are established pursuant to the requirements of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. State and other areawide clearinghouses are designated by Governors of the States pursuant to rules and regulations developed by the Office of Management and Budget under authority of Title IV of the Intergovernmental Cooperation Act of 1968.

As new designations are made from time to time or changes made to existing designations, this office will send out addenda and amendments to the Directory.

Any inquiries should be directed to the Intergovernmental Relations and Regional Operations Division, Office of Management and Budget (395–3031) or to the Federal Regional Council A–95 Coordinator.

The Directory may be reproduced.

VINCENT PURITANO,
Deputy Associate Director for Intergovernmental Relations and Regional Operations.



REGION I

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. 95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

CONNECTICUT

STATE CLEARINGHOUSE

Office of Intergovernmental Relations
Department of Finance and Control
340 Capitol Avenue
Hartford 06115

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Bridgeport, Conn., Jersey City, N.J., Meriden, Conn., New Haven, Conn., Newark, N.J., New York, N.Y., Norwalk, Conn., Paterson/Clifton/Passaic, N.J., Stamford, Conn., Waterbury, Conn., and Danbury, Conn., Tri-State Regional Planning Commission 1 World Trade Center, 82nd floor New York, New York 10048	Cities Ansonia Bridgeport Derby Meriden New Haven Norwalk Shelton Waterbury Naugatuck Borough Towns Beacon Falls Bethany Bethel Branford Bridgewater Brookfield Cheshire Danbury Darien East Haven Easton Fairfield Green wich Guildford Hamden Madison Middlebury Milford Monroe New Canaan New Fairfield New Milford Newton North Branford North Haven Orange Oxford Prospect Redding Ridgefield Seymour Sherman Southbury Stratford Thomaston Trumbull Wallingford Watertown West haven Weston Westport Wilton Wolcott Woodbridge Woodbury

Clearinghouse	Jurisdiction
	New Jersey portion: Counties Bergen Essex Hudson Middlesex Monmouth Morris Passaic Somerset Union New York portion: New York City Counties Dutchess Nassau Orange Putnam Rockland Suffolk Westchester
Hartford Capitol Region Council of Governments 97 Elm Street Hartford 06106	Hartford City Towns Andover Avon Bloomfield Bolton Canton East Granby East Hartford East Windsor Ellington Enfield Farmington Glastonbury Granby Hebron Manchester Marlborough Newington Rocky Hill Somers Simsbury South Windsor Suffield Tolland Vernon West Hartford Wethersfield Windsor Windsor Locks
New Britain and Bristol Central Connecticut Region Planning Agency 12 Landry Street Bristol 06010	Cities Bristol New Britain Towns Berlin Burlington Plainville Plymouth Southington
New London/Groton/Norwich Southeastern Connecticut Regional Planning Agency 139 Boswell Avenue Norwich 06360	Cities New London Norwich Towns Bozrah East Lyme Franklin

Clearinghouse	Jurisdiction
	Griswold Groton Ledyard Lisbon Montville North Stonington Preston Salem Sprague Stonington Voluntown Waterford Colchester

AREAWIDE CLEARINGHOUSES (Other)

Connecticut River Estuary Regional Planning Agency Westbrook Road P.O. Box 335 Essex 06426	Towns Chester Clinton Deep River Essex Killingworth Lyme Old Lyme Old Saybrook Westbrook
Litchfield Hills Regional Planning Agency 40 Main Street Torrington 06790	Towns Barkhamsted Colebrook Goshen Harwinton Litchfield Morris New Hartford Norfolk Torrington Winchester
Midstate Regional Planning Agency P.O. Box 139 Middletown 06457	Towns Cromwell Durham East Haddam East Hampton Haddam Middlefield Middletown Portland
Northeastern Connecticut Regional Planning Agency P.O. Box 198 Brooklyn 06234	Towns Brooklyn Canterbury Eastford Killingly Plainfield Pomfret Putnam Sterling Thompson Woodstock
Windham Regional Planning Agency 21 Church Street Willimantic 06226	Towns Ashford Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

Clearinghouse	Jurisdiction
Northwestern Connecticut Regional Planning Agency P.O. Box 30 Warren 06754	Towns Canaan Cornwall Kent North Canaan Roxbury Salisbury Sharon Warren Washington

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MASSACHUSETTS

STATE CLEARINGHOUSE

Office of State Planning
John McCormack Building
1 Ashburton Place
Boston 02108

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Boston	
Metropoliten Area Planning Council 44 School Street Boston 02108	Essex County (part): Cities Beverly Gloucester Lynn Peabody Salem Towns Danvers Essex Hamilton Ipswich Lynnfield Manchester Marblehead Middleton Nahant Rockport Saugus Swampscott Topsfield Wenham Middlesex County (part): Cities Cambridge Everett Malden Marlborough Medofrd Melrose Newton Somerville Waltham Woburn Towns Carlisle Hudson Acton Arlington Ashland Bedford Belmont Burlington Concord Framingham Holliston Lexington Lincoln Littleton Maynard Medway Milford Natick North Reading Reading Sherborn

Massachusetts, cont'd

Clearinghouse	Jurisdiction
	Southborough Stoneham Stow Sudbury Wakefield Watertown Wayland Weston Wilmington Winchester Norfolk County (part): Quincy City Towns Bellingham Braintree Brooklin Canton Cohasset Dedham Dover Foxboro Franklin Holbrook Medfield Millis Milton Needham Norfolk Norwood Randolph Sharon Stoughton Walpole Wellesley Westwood Weymouth Wrentham Plymouth County (part): Towns Duxbury Hanover Hingham hull Marshfield Norwell Pembroke Rockland Scituate Suffolk County Worcester County (part): Bolton Town
Brockton Old Colony Planning Council 232 Main Street Brockton 02401	Plymouth County (part): Brockton City Towns Abington Bridgewater East Bridgewater Hanson Kingston Plymouth West Bridgewater Whitman Norfolk County (part): Avon Town Briston County (part): Easton Town

Massachusetts, cont'd

Clearinghouse	Jurisdiction
Fall River and New Bedford Southeastern Massachusetts Regional Planning and Economic Development District 7 Barnabas Road Marion 02738	Bristol County (part): Cities Attleboro Fall River New Bedford Taunton Towns Acushnet Berkley Dartmouth Dighton Fairhaven Freetown Mansfield North Attleborough Norton Raynham Rehoboth Seekonk Somerset Swansea Westport Plymouth County (part): Towns Carver Lakeville Marion Mattapoisett Middleboro Rochester Wareham Norfolk County Plainville Town
Fitchburg/Leominster Montachusetts Regional Planning Commission 150 Main Street Fitchburg 01420	Middlesex County (part): Towns Ayer Shirley Townsend Worcester County (part): Cities Fitchburg Gardner Leominster Towns Clinton Ashburnham Hubbardston Lancaster Lunenburg Sterling Templeton Westminster Winchendon
Lawrence/Haverhill Merrimack Valley Regional Planning Commission 87 Winter Street Haverhill 01830	Essex County (part): Cities Haverhill Lawrence Towns Amesbury Andover Boxford Georgetown Groveland Merrimac Methuen Newburyport Newbury

Massachusetts, cont'd

Clearinghouse	Jurisdiction
	North Andover Rowley Salisbury West Newbury
Lowell Northern Middlesex Area Commission 144 Merrimack Street Lowell 01852	Middlesex County (part): Lowell City Towns Billerica Chelmsford Dracut Dunstable Pepperell Tewksbury Tyngsborough Westford
Pittsfield Berkshire County Regional Planning Commission 10 Fenn Street Pittsfield 01201	Berkshire County
Springfield/Chicoppe/Holyoke Lower Pioneer Valley Regional Planning Commission 26 Central Street West Springfield 01089	Counties Hampden Hampshire
Worcester Central Massachusetts Regional Planning Commission 70 Elm Street Worcester 01609	Worcester County (part): Worcester City Towns Auburn Barre Berlin Blackstone Boylston Brookfield Charlton Douglas Dudley East Brookfield Grafton Hardwick Holden Hopedale Leicester Mendon Millbury Millville New Braintree Northborough Northbridge North Brookfield Oakham Oxford Paxton Princeton Rutland Shrewsbury Southbridge Spencer Sturbridge

Massachusetts, cont'd

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Clearinghouse	Jurisdiction
	Sutton Upton Uxbridge Warren Webster Westborough West Boylston West Brookfield

AREAWIDE CLEARINGHOUSES
(Other)

Cape Cod Planning and Economic Development Commission First District Courthouse Barnstable 02630	Barnstable County
Martha's Vineyard Commission P.O. Box 1447 Oak Bluffs 02557	Dukes County
Franklin County Planning Department 425 Main Street Greenfield 01301	Franklin County
Nantucket Planning and Economic Development Commission Town and County Building Nantucket 02554	Nantucket Island

*Applications for Pembroke Town (Plymouth County) are now cleared through the Old Colony Planning Council (Brockton area clearinghouse) as well as through the Metropolitan Area Planning Council (Boston area clearinghouse).

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MAINE

STATE CLEARINGHOUSE

Main State Clearinghouse
Executive Department
State of Maine
184 State Street
Augusta 04333

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Lewiston/Auburn	
Androscoggin Valley Regional Planning Commission 70 Court Street Auburn 04210	Androscoggin County Cumberland County (part): New Gloucester Town Franklin County Kennebec County (part): Fayette Town Oxford County (Part): Towns Buckfield Hebron Rangeley Upton Gilead Mason Waterford Norway Oxford Paris West Paris Greenwood Woodstock Sumner Hartford Canton Deerfield Peru Mexico Rumford Bethel Newry Andover Roxbury Byron
Portland	
Greater Portland Council of Government 331 Veranda Street South Portland 04103	Cumberland County (part): Cities Portland South Portland Westbrook Towns Cape Elizabeth Cumberland Falmouth Gorham Gray Scarborough Windham Yarmouth North Yarmouth Pownal Standish Raymond Casco

Maine, cont'd

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Clearinghouse	Jurisdiction
	Naples Sebago Bridgton Harrison Otisfield

AREAWIDE CLEARINGHOUSES
(Other)

Southern Mid-Coast Regional Planning Commission 52 Front Street Bath 04530	*Western part of Mid-Coastal District
Hancock County Regional Planning Commission P.O. Box 608 Ellsworth 04605	*Western part of Eastern Maine District
Eastern Mid-Coast Regional Planning Commission 423 Main Street Box 836 Rockland 04841	*Eastern part of Mid-Coastal District
North Kennebec Regional Planning Commission 16-1/2 Benton Avenue Winslow 04902	*Northern part of Kennebec District
Northern Maine Regional Planning Commission P.O. Box 779 2 Main Street Caribou 04736	*Northern Maine District
Penobscot Valley Regional Planning Commission 31 Central Street Bangor 04401	*Penobscot District
Southern Kennebec Valley Regional Planning Commission 16 Bangor Street Augusta 04330	*Soutern part of Kennebec District
Washington County Regional Planning Commission P.O. Box 273 Machias 04654	*Northeastern Maine District
Southern Main Regional Planning Commission Box Q 2 School Street Sanford 04073	*Southern Maine District

*Identification of jurisdictions for this district can be ascertained by contacting the appropriate regional (or State) Clearinghouse.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEW HAMPSHIRE

STATE CLEARINGHOUSE

Coordinator of Federal Funds
Office of the Governor
State House
Concord 03301

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Manchester	
Southern New Hampshire Planning Commission 815 Elm Street Manchester 03101	Manchester City Towns Auburn Bedford Candia Chester Deerfield Derry Goffstown Hooksett Londonderry New Boston Raymond Weare
Nashua	
Nashua Regional Planning Commission 115 Main Street Nashua 03060	Nashua City Towns Amherst Brookline Hollis Hudson Litchfield Lyndeborough Mason Merrimack Milford Mount Vernon Pelham Wilton

New Hampshire, cont'd

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Clearinghouse	Jurisdiction
AREAWIDE CLEARINGHOUSES (Other)	
Lakes Region Planning Commission Box 302 Humiston Building Meredith 03253	Laconia City Towns Alexandria Alton Andover Barnstead Belmont Bridgewater Bristol Brookfield Center Harbor Danbury Effingham Franklin Freedom Gilford Gilmanton Hebron Hill Holderness Laconia Meredith Moultonboro New Hampton Northfield Ossipee Sanbornton Sandwich Tamworth Tilton Ruftonboro Wakefield Wolfeboro
Upper Valley-Lake Sunapee Council 314 National Bank Building On-the-Mall Lebanon 03766	New Hampshire portion: Towns Ackworth Canaan Charleston Claremont Cornish Croydon Dorchester Enfield Grafton Grantham Goshen Hanover Langdon Lebanon Lempster Lyme Newbury New London Newport Orange Oxford Plainfield Sunapee Sutton Unity Washington Wilmot Vermont Portion: Towns Hartford Norwich Thetford

New Hampshire, cont'd

3

Clearinghouse	Jurisdiction
Southern Regional Planning Commission 40 Mechanic Street Keene 03431	Keene City Towns Antrim Bennington Chesterfield Dublin Fitzwilliam Francestown Gilsoun Greenfield Greenville Harrisville Hancock Hinsdale Hillsborough Jaffrey Marlborough Marlow Mason Nelson New Ipswich Peterborough Richmond Rindge Roxbury Sharon Stoddard Sullivan Surry Temple Troy Walpole Westmoreland Winchester Windsor
Central New Hampshire Planning Commission 10 Grand View Road Bow 03301	Concord City Towns Allenstown Boscawen Bow Bradford Canterbury Chichester Dunbarton Epsom Henniker Hopkinton Loudon Northwood Pembroke Pittsfield Salisbury Warner Webster

New Hampshire, cont'd

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Clearinghouse	Jurisdiction
Strafford Rockingham Regional Council 3 Water Street Exeter 03833	Cities Dover Portsmouth Rochester Somersat Towns Atkinson Barrington Brentwood Danville Durham East Kingston Epping Exeter Farmington Fremont Greenland Hampstead Hampton Hampton Falls Hewington Kensington Kingston Lee Madbury Middleton Milton Newcastle New Durham Newfields Newmarket Newton North Hampton Nottingham Plaistow Rye Rollinsford Salem Sandown Seabrook Strafford Stratham Windham
North Country Council, Inc. P.O. Box 40 Franconia 03580	Counties Coos Carroll (part) Towns Albany Bartlett Chatham Conway Eaton Hale's Location Jackson Madison Grafton, except Towns Alexandria Bridgewater Bristol Canaan Dorchester Enfield Grafton Hanover Hebron Holderness Lebanon lyme Orange Oxford

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

RHODE ISLAND

STATE CLEARINGHOUSE

Rhode Island Statewide Planning Program
Department of Administration
Room 201
265 Melrose Street
Providence 02907

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Providence	
Rhode Island Statewide Planning Program Department of Administration Room 201 265 Melrose Street Providence 02907	

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

VERMONT

STATE CLEARINGHOUSE

The State Clearinghouse
State Planning Office
Pavilion Office Building
Montpelier 05602

AREAWIDE CLEARINGHOUSES
(Metropolitan)

(No metropolitan areas)

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	Jurisdiction
Addison County Regional Planning and Development Commission Battel Block Middlebury 05753	Towns Addison Bridport Bristol Cornwall Ferrisburg Goshen Leicester Lincoln Middlebury Monkton New Haven Orwell Panton Ripton Salisbury Shoreham Starksboro Vergennes Waltham Weybridge Whiting

Vermont, cont'd

Clearinghouse	Jurisdiction
Bennington County Regional Planning and Development Commission P.O. Box 342 Arlington 05250	Towns Arlington Bennington Dorset Glastenbury Landgrove Manchester Peru Pownal Rupert Sandgate Shaftsbury Stamford Sunderland Woodford
Central Vermont Regional Planning Commission Berlin Town Municipal Office RFD 4 Montpelier 05602	Barre City Towns Barre Berlin Cabot Calais Duxbury East Montpelier Fayston Marshfield Middlesex Montpelier Moretown Northfield Orange Plainfield Roxbury Waitsfield Warren Washington Waterbury Williamstown Woodbury Worcester
Chittenden County Regional Planning Commission P.O. Box 108 58 Pearl Street Essex Junction 05452	Cities Burlington Winooski Towns Bolton Buels Gore Charlotte Colchester Essex Hinesbury Huntington Jericho Milton Richmond Shelburne South Burlington St. George Underhill Westford Williston
Franklin-Grand Isle Regional Planning and Development Commission 118 N. Main Street St. Albans 05478	St. Albans City Towns Alburg Bakersfield Berkshire Enosburg Fairfax Fairfield Fletcher Franklin Georgia Grand Isle Highgate

Vermont, cont'd

Clearinghouse	Jurisdiction
	Isle La Motte
	Montgomery
	North Hero
	Richford
	St. Albans
	Sheldon
	South Hero
	Swanton
Lamoille County Development Council Box 577 Morrisville 05661	Towns Belvidere Cambridge Eden Elmore Hyde Park Johnson Morristown Stowe Waterville Wolcot
Northeastern Vermont Development Association P.O. Box 640 St. Johnsbury 05819	Caledonia County (part): Towns Barnet Burke Danville Groton Hardwick Kirby Lyndon Newark Peacham Ryegate St. Johnsbury Sheffield Stannard Sutton Walden Waterford Wheelock Essex County (part): Towns Averill Averys Gore Bloomfield Brighton Brunswick Canaan Concord East Haven Ferdinand Granby Guildhall Lemington Lunenburg Maidstone Lewis Norton Victory Warners Grant Warrens Gore Orleans County (part): Newport City Towns Albany Barton Brownington Charleston Coventry Craftsbury Derby Glover Greensboro Holland Irasburg

Vermont, cont'd

Clearinghouse	Jurisdiction
	Jay Lowell Lorgan Newport Troy Westfield Westmore
Ottauquechee Regional Planning and Development Commission 3 Central Street Woodstock 05091	Towns Barnard Bridgewater Hartland Plymouth Woodstock
Rutland Regional Planning Commission 27 Center Street Rutland 05701	Rutland City Towns Benson Brandon Castleton Chittenden Clarendon Danby Fairhaven Hubbardton Ira Mendon Middletown Mount Holly Mount Tabor Pawlet Pittsford Poultney Proctor Rutland Sharburne Shrewsbury Sudbury Tinmouth Wallingford Wells West Haven West Rutland
Southern Windsor County Regional Planning Commission Community Center Room 18 Springfield 05156	Towns Andover Baltimore Cavendish Chester Ludlow Reading Springfield Weathersfield West Windsor Windsor
Two Rivers Regional Planning and Development Commission Box 127 Masonic Hall Sharon 05065	Towns Bethel Bradford Braintree Brookfield Chelsea Corinth Fairlee Granville Hancock Newbury Pittsfield Pomfret Randolph Rochester Royalton Sharon Stockbridge Strafford

Vermont, cont'd

Clearinghouse	Jurisdiction
	Topsham Tunbridge Vershire West Fairlee
Upper Valley-Lake Sunapee Council 314 National Bank Building On-the-Mall Lebanon, New Hampshire 03766	Vermont portion: Towns Hartford Norwich Thetford New Hampshire portion: Towns Ackworth Canaan Charleston Claremont Cornish Croydon Dorchester Enfield Grafton Grantham Goshen Hanover Langdon Lebanon Lempster Lyme Newbury New London Newport Orange Exford Plainfield Sunapee Sutton Unity Washington Wilmot
Windham Regional Planning and Development Commission 139 Main Street Brattleboro 05301	Towns Athens Brattleboro Brookline Dover Dummerston Grafton Guilford Halifax Jamaica Londonderry Marlboro Newfane Putney Readsboro Rockingham Searsburg Somerset Stratton Townshend Vernon Wardsboro Weston Westminister Whitingham Wilmington Windham Winhall

REGION II

New Jersey
New York
Puerto Rico
Virgin Islands

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEW JERSEY

STATE CLEARINGHOUSE

Bureau of State and Regional Planning
Department of Community Affairs
329 West State Street
P.O. Box 2768
Trenton 08625

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Bridgeport, Conn.; Jersey City, N.J.; Meriden, Conn.; New Haven, Conn.; New York, N.Y.; Newark, N.J.; Norwalk, Conn.; Paterson/Clifton/Passaic, N.J.; Stamford, Conn.; Waterbury, Conn.; Danbury, Conn. Tri-State Regional Planning Commission 1 World Trade Center, 82nd Floor New York, New York 10048	New Jersey portion: Counties Bergen Essex Hudson Middlesex Monmouth Morris Passaic Somerset Union Connecticut portion: All areas within the following State-defined planning districts: Central Naugatuck Valley Greater Bridgeport Housatonic Valley South Central Southwestern New York portion: New York City Counties Dutchess Nassau Orange Putnam Rockland Suffolk Westchester
Atlantic City	
Atlantic County Planning Board 25 Dolphin Avenue Northfield 08225	Atlantic County
Philadelphia, Pa./N.J. and Trenton	
Delaware Valley Regional Planning Commission Penn Towers Building, Third Floor 1819 John F. Kennedy Boulevard Philadelphia, Pennsylvania 19103	Pennsylvania portion: Counties Bucks Chester Delaware Montgomery Philadelphia New Jersey portion: Counties Burlington Camden Gloucester Mercer

New Jersey, cont'd

Clearinghouse	Jurisdiction
Vineland/Milville/Bridgeton	
Cumberland County Planning Board 800 Commerce Street Bridgeton 08302	Cumberland County
Wilmington, Del./N.J./Md.	
Wilmington Metropolitan Area Planning and Coordinating Council (WILMAPCO) 2062 New Castle Avenue Cross Roads Shopping Center New Castle, Delaware 19720	Delaware portion: New Castle County New Jersey portion: Salem County Maryland portion: Cecil County

AREAWIDE CLEARINGHOUSES
(Other)

Cape May County Planning Board County Court House Cape May 08210	Cape May County
Hunterdon County Planning Board Administrative Building Main Street Flemington 08822	Hunterdon County
Ocean County Planning Board Court House Square Toms River 08753	Ocean County
Office of the County Planning Director Sussex County Planning Board P.O. Box 69 Newton 07860	Sussex County
Warren County Planning Board 234 Willies Street Alpha 08866	Warren County

NEW YORK

STATE CLEARINGHOUSE

State Clearinghouse
New York State Division
of the Budget
State Capitol
Albany 12224

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Bridgeport, Conn.., Jersey City, N.J.., Meriden, Conn.., Newark, N.J.., New Haven, Conn., New York, N.Y.., Norwalk, Conn.., Paterson/Clifton/Passaic, N.J.., Stamford, Conn.., Waterbury, Conn., and Danbury, Conn.	New York portion: New York City Counties Dutchess Nassau Orange Putnam Suffolk Westchester New Jersey portion: Counties Bergen Essex Hudson Middlesex Monmouth Morris Passaic Somerset Union Connecticut portion: All areas within the following State-defined planning districts: Central Naugatuck Valley Greater Bridgeport Housatonic Valley South Central Southwestern
Tri-State Regional Planning Commission 1 World Trade Center, 82nd Floor New York 01148	
Albany/Schenectady/Troy	
Capital District Regional Planning Commission 79 North Pearl Street Albany 12207	Counties Albany Rennaselaer Saratoga Schenectady
Binghamton	
Southern Tier East Regional Planning Board Box 1766 Broome County Office Building Binghamton 13902	Counties Broome Chenango Delaware Otsego Tioga Tompkins
Buffalo	
Erie and Niagara Counties Regional Planning Board Northtown Plaza 3103 Sheridan Drive Amherst 14226	Counties Erie Niagara

New York, cont'd

Clearinghouse	Jurisdiction
Rochester	
Genesee Finger Lakes Regional Planning Board Ebenezer Watts Building 47 S. Fitzhugh Street Rochester 14614	Counties Genesee Livingston Monroe Ontario Orleans Seneca Wayne Yates
Syracuse	
Central New York Regional Planning and Development Board Midtown Plaza 700 East Water Street Syracuse 13210	Counties Cayuga Cortland Madison Onondaga Oswego
Utica/Rome	
Herkimer-Oneida Joint Planning Board 800 Park Avenue Utica 13501	Counties Herkimer Oneida

AREAWIDE CLEARINGHOUSES
(Other)

Lake Champlain-Lake George Regional Planning Board Lake George Institute Lake George 12845	Counties Clinton Essex Hamilton Warren Washington
Southern Tier Central Regional Planning Board 53-1/2 Bridge Street Corning 14830	Counties Steuben Chenung Schuyler
Southern Tier West Regional Planning Board 24 Broad Street Salamanca 14779	Counties Allegany Cattaraugus Chautauqua
Black River-St. Lawrence Regional Planning Board Payson Hall St. Lawrence University Canton 13617	Counties Franklin Jefferson Lewis St. Lawrence

PUERTO RICO

STATE CLEARINGHOUSE

Planning Board
P.O. Box 41119 Minillas Station
Santurce 00940

VIRGIN ISLANDS

STATE CLEARINGHOUSE

Office of Community Services
Office of the Governor
P.O. Box 5138
St. Thomas 00801

REGION III

Delaware
District of Columbia
Maryland
Pennsylvania
Virginia
West Virginia

DELAWARE

STATE CLEARINGHOUSE

Delaware State Planning Office
Thomas Collins Building
530 South Dupont Highway
Dover 19901

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Wilmington, Del./N.J./Md.	
Wilmington Metropolitan Area Planning and Coordinating Council (WILMAPCO) 2062 New Castle Avenue Cross Roads Shopping Center New Castle 19720	Delaware portion: New Castle County New Jersey portion: Salem County Maryland portion: Cecil County

DISTRICT OF COLUMBIA

STATE CLEARINGHOUSE

Division of Budget and Management Systems
District Building, Room 423
1350 E Street, N.W.
Washington 20004

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Washington, D.C./Md./Va.	
Metropolitan Washington Council of Governments 1225 Connecticut Avenue, N.W. Washington 20036	District of Columbia Maryland portion: Counties Montgomery Prince Georges Virginia portion: Cities Alexandria Fairfax Falls Church Counties Arlington Fairfax Loudoun Prince William

MARYLAND

STATE CLEARINGHOUSE

Department of State Planning
301 West Preston Street
Baltimore 21202

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Baltimore	
Regional Planning Council Mt. Vernon Medical Building 701 St. Paul Street Baltimore 21202	Baltimore City Counties Anne Arundel Baltimore Carroll Harford Howard
Washington, D.C./Md./Va.	
Metropolitan Washington Council of Governments 1225 Connecticut Avenue, N.W. Washington, D.C. 20036	District of Columbia Maryland portion: Counties Montgomery Prince Georges Virginia portion: Cities Alexandria Fairfax Falls Church Counties Arlington Fairfax Loundon Prince William
Wilmington, Del./N.J./Md.	
Wilmington Metropolitan Area Planning and Coordinating Council (WILMAPCO) 2062 New Castle Avenue Cross Roads Shopping Center New Castle, Delaware 19720	Delaware portion: New Castle County New Jersey portion: Salem County Maryland portion: Cecil County

PENNSYLVANIA

STATE CLEARINGHOUSE

Pennsylvania State Clearinghouse
Governor's Budget Office
Intergovernmental Relations Division
P.O. Box 1323
Harrisburg 17120

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Allentown-Bethlehem	
Joint Planning Commission Lehigh-Northampton Counties Terminal Building, ABE Airport P.O. Box 2087 Lehigh Valley 18103	Counties Lehigh Northampton
Altoona	
Blair County Planning Commission Highland Hall Annex Court House Hollidaysburg 16648	Blair County
Erie	
Erie Metropolitan Planning Commission 606 W. Second Street Erie 16507	Erie County
Harrisburg	
Tri-County Regional Planning Commission 2001 N. Front Street Harrisburg 17102	Counties Cumberland Dauphin Perry
Johnstown	
Cambria County Planning Commission Court House Ebensburg 15931	Cambria County
Lancaster	
Lancaster County Planning Commission 900 East King Street Lancaster 17602	Lancaster County
Philadelphia, Pa./N.J. and Trenton	
Delaware Valley Regional Planning Commission Penn Towers Building, Third Floor 1819 John F. Kennedy Boulevard Philadelphia 19103	Pennsylvania portion: Counties Bucks Chester Delaware Montgomery Philadelphia New Jersey portion: Counties Burlington Camden Gloucester Mercer

Pennsylvania, cont'd

Clearinghouses	Jurisdiction
Pittsburgh	
Southwestern Pennsylvania Regional Planning Commission 564 Forbes Avenue Pittsburgh 15219	Counties Allegheny Armstrong Beaver Butler Washington Westmoreland
Reading	
Berks County Planning Commission Court House Reading 19601	Berks County
Scranton	
Lackawanna County Planning Commission County Administration Building 200 Adams Avenue Scranton 18503	Lackawanna County
Wilkes-Barre/Hazelton	
Luzerne County Planning Commission Court House Wilkes-Barre 18711	Luzerne County
York	
York County Planning Commission 220 S. Duke Street York 17403	York County

AREAWIDE CLEARINGHOUSES
(Other)

Economic Development Council of Northeast Pennsylvania P.O. Box 777 Avoca 18641	Counties Carbon Lackawanna* Luzerne* Monroe Pike Schuylkill Wayne
Southern Alleghenies Planning and Development Commission 1506 11th Avenue Altoona 16602	Counties Bedford Blair* Cambria* Fulton Huntingdon Somerset
Northern Tier Regional Planning and Development Commission 507 Main Street Towanda 18848	Counties Bradford Sullivan Susquehana Tioga Wyoming
Northwest Pennsylvania Regional Planning and Development Commission 406 Biery Building Franklin 16323	Counties Clarion Crawford Erie* Forest Lawrence Mercer Venango Warren

Pennsylvania, cont'd

Clearinghouses	Jurisdiction
North Central Pennsylvania Economic Development District 212 Main Street Box 377 Ridgway 15853	Counties Cameron Clearfield Elk Jefferson McKean Potter

*The counties followed by asterisks are within a metropolitan areawide clearinghouse jurisdiction. Notifications from these counties should therefore be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

VIRGINIA

STATE CLEARINGHOUSE

Department of Intergovernmental Affairs
Division of State-Federal Relations
Fourth Street Office Building
205 North Fourth Street
Richmond 23219

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Lynchburg	
Central Virginia Planning District Commission 2311 Memorial Avenue, Suite 301 Lynchburg 24501	Cities Bedford Lynchburg Counties Amherst Appomattox Bedford Campbell
Newport News/Hampton	
Peninsula Planning District Commission 2017 Cunningham Drive, Suite 203 Hampton 23666	Cities Hampton Newport News Williamsburg Counties James City York
Norfolk/Portsmouth	
Southeastern Virginia Planning District Commission 16 Koger Executive Center Norfolk 23502	Cities Chesapeake Franklin Norfolk Portsmouth Suffolk Virginia Beach Counties Isle of Wight Southampton
Petersburg	
Crater Planning District Commission P.O. Box 1808 2825 S. Crater Road Petersburg 23803	Cities Emporia Hopewell Petersburg Counties Dinwiddie Greensville Prince George Sussex Surry

Virginia, cont'd

Clearinghouse	Jurisdiction
Richmond	
Richmond Regional Planning District Commission 6 North Sixth Street, Suite 500 Richmond 23219	Counties Charles City Chesterfield Goochland Hanover Henrico New Kent Powhatan Richmond City
Roanoke	
Fifth Planning District Commission P.O. Box 2527 Crystal Towers Building Roanoke 24010	Counties Alleghany Botetourt Craig Roanoke Cities Clifton Forge Covington Roanoke Salem
Washington, D.C./Md./Va.	
Metropolitan Washington Council of Governments 1225 Connecticut Avenue, N.W. Washington, D.C. 20036	District of Columbia Maryland portion: Counties Montgomery Prince Georges Virginia portion: Cities Alexandria Fairfax Falls Church Counties Arlington Fairfax Loundoun Prince William

AREAWIDE CLEARINGHOUSES
(Other)

LENOWISCO Planning District Commission (PDC) U.S. 58-421 W Duffield 24244	Counties Lee Scott Wise Norton City
Cumberland Plateau PDC P.O. Box 548 Lebanon 24266	Counties Buchanan Dickenson Russel Tazewell
Mount Rogers PDC 548 S. Main Street Hull Building Marion 24354	Counties Bland Carroll Grayson Smyth Washington Wythe Cities Bristol Galax

Virginia, cont'd

Clearinghouse	Jurisdiction
New River Valley PDC 1612 Wadsworth Avenue Radford 24141	Counties Floyd Giles Montgomery Pulaski Radford City
Central Shenandoah PDC P.O. Box 1337 119 W. Frederick Street Staunton 24401	Counties Augusta Bath Highland Rockbridge Rockingham Cities Buena Vista Harrisonburg Lexington Staunton Waynesboro
Southside PDC P.O. Box 660 123 South Mecklenburg Avenue South Hill 23970	Counties Brunswick Halifax Mecklenburg South Boston City
RADCO PDC 913 Charles Street Fredericksburg 22401	Counties Caroline King George Spotsylvania Stafford Fredericksburg City
Northern Neck PDC Post Office Drawer H Callao 22435	Counties Lancaster Northumberland Richmond Westmoreland
Accomack-Northampton PDC Box 316 Accomack 23301	Counties Accomack Northampton
Piedmont PDC P.O. Box P 205 N. Virginia Street Farmville 23901	Counties Amelia Buckingham Charlotte Cumberland Lunenburg Nottoway Prince Edward
West Piedmont PDC P.O. Box 1191 18-22 Walnut Street Martinsville 24112	Counties Franklin Henry Patrick Pittsylvania
Lord Fairfax PDC 103 East Sixth Street Front Royal 22630	Counties Clarke Frederick Page Shenandoah Warren
Rappahannock-Rapidan PDC 702 S. Main Street Culpeper 22701	Counties Culpeper Fauquier Madison Orange Rappahannock

Virginia, cont'd

Clearinghouse	Jurisdiction
Northern Virginia PDC 7309 Arlington Boulevard Falls Church 22042	Counties Arlington Fairfax Loudon Prince William Cities Alexandria Falls Church Fairfax City Manassas Manassas Park
Thomas Jefferson PDC 701 East High Street Charlottesville 22901	Counties Albemarle Fluvanna Greene Louisa Nelson Charlottesville City
Middle Peninsula PDC P.O. Box 286 Saluda 23149	Counties Essex Gloucester King and Queen King William Mathews Middlesex

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WEST VIRGINIA

STATE CLEARINGHOUSE

Grant Information Department
Office of Federal State Relations
Room W-140
State Capitol Building
Charleston 25305

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Charleston	
BCKP Regional Intergovernmental Council 410 Kanawha Boulevard East Charleston 25301	Counties Boone Clay Kanawha Putnam
Huntington/Ashland, W. Va./Ky./Ohio	
KYOVA Interstate Planning Commission P.O. Box 939 1221 Sixth Avenue Huntington 25701	West Virginia portion: Counties Cabell Wayne Kentucky portion: Boyd County Ohio portion: Lawrence County
Steubenville/Weirton, Ohio/W. Va.	
Brooke-Hancock-Jefferson (BHJ) Metropolitan Planning Commission 814 Adams Street Steubenville, Ohio 43952	West Virginia portion: Counties Brooke Hancock Ohio portion: Jefferson County
Wheeling, W. Va./Ohio	
Bel-O-Mar Interstate Planning Commission P.O. Box 2086 2177 National Road Wheeling 26003	West Virginia portion: Counties Marshall Ohio Ohio portion: Belmont County

AREAWIDE CLEARINGHOUSES (Other)

Clearinghouse	Jurisdiction
Region I Planning and Development Council 201 Bair Building Beckley 25801	Counties Mercer McDowell Monroe Raleigh Summers Wyoming

West Virginia, cont'd

Clearinghouse	Jurisdiction
Region II Planning and Development Council Cabell County Court House - Room 305 Huntington 25701	Counties Cabell* Lincoln Logan Mason Mingo Wayne*
Region IV Planning and Development Council Box 505 Summerville 26651	Counties Fayette Greenbrier Nicholas Pocahontas Webster
Region V Planning and Development Council 217 Fourth Street Parkersburg 26101	Counties Calhoun Jackson Pleasants Ritchie Roane Tyler Wirt Wood
Region VI Planning and Development Council 201 Deveny Building Fairmont 26554	Counties Doddridge Harrison Marion Monongahela Preston Taylor
Region VII Planning and Development Council Upshur County Court House Buckhannon 26201	Counties Barbour Braxton Gilmer Lewis Randolph Tucker Upshur
Region VIII Planning and Development Council 1 Virginia Avenue Petersburg 26847	Counties Grant Hampshire Hardy Mineral Pendleton
Region IX Planning and Development Council 121 West King Street Martinsburg 25401	Counties Berkeley Jefferson Morgan
Region X Planning and Development Council 2177 National Road P.O. Box 2086 Wheeling 26003	Counties Marshall* Ohio* Wetzel

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notification from these counties will be sent to both clearinghouses.

REGION IV

Alabama
Florida
Georgia
Kentucky
Mississippi
North Carolina
South Carolina
Tennessee

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ALABAMA

STATE CLEARINGHOUBE

Alabama Development Office
State Office Building
Montgomery 36104

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Birmingham	
Birmingham Regional Planning Commission Suite 220 2112 - Eleventh Avenue, South 21 Office Plaza South Birmingham 35205	Counties Chilton Jefferson Blount St. Clair Shelby Walker
Columbus, Ga./Ala.	
Lower Chattahoochee Valley APDC P.O. Box 1908 Columbus, Georgia 31902	Georgia portion: Counties Chattahoochee Clay Harris Muscogee Quitman Randolph Stewart Talbot Alabama portion: Russell County
Gadsden	
East Alabama Regional Planning and Development Commission P.O. Box 2186 700 Quintard Avenue Anniston 36201	Counties Calhoun Chambers Cherokee Clay Cleburne Coosa Etowah Randolph Talladega Tallapoosa
Huntsville	
Top of Alabama Regional Council of Governments 350 Central Bank Building Huntsville 35801	Counties Madison Limestone Jackson Marshall Dekalb
Mobile	
South Alabama Regional Planning Commission P.O. Box 1665 250 N. Water Street Mobile 36601	Counties Mobile Baldwin Escambria

Alabama, cont'd

Clearinghouse	Jurisdiction
Montgomery	
Central Alabama Regional Planning Commission P.O. Box 4034 303 Washington Avenue Montgomery 36104	Counties Elmore Montgomery Autauga
Tuscaloosa	
West Alabama Planning and Development Council P.O. Box 28 Tuscaloosa 35401	Counties Bibb Fayette Hale Tuscaloosa Pickens Greene Lamar

AREAWIDE CLEARINGHOUSES (Other)

Alabama-Tombigbee Rivers Regional Planning and Development Commission P.O. Box 269 Court House Camden 36726	Counties Choctaw Monroe Clarke Perry Conecuh Washington Dallas Wilcox Marengo Sumter
Muscle Shoals Council of Local Governments P.O. Box 2603 Muscle Shoals 35660	Counties Colbert Franklin Lauderdale Winston Marion
North Central Alabama Regional Planning and Development Commission P.O. Box 1069 Decatur 35601	Counties Cullman Lawrence Morgan
Southeast Alabama Regional Planning and Development Commission P.O. Box 1406 Dothan 36301	Counties Barbour Henry Coffee Houston Covington Dale Geneva
South Central Alabama Planning and Development Commission 2025 East South Boulevard Montgomery 36111	Counties Bullock Butler Crenshaw Lowndes Macon Pike
Lee County Council of Governments P.O. Box 1072 Auburn 36830	Counties Lee

*Counties followed by an asterisk are also within a metropolitan areawide clearinghouse jurisdiction. Therefore, notification from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

FLORIDA

STATE CLEARINGHOUSE

Bureau of Intergovernmental Relations
Division of State Planning
Department of Administration
660 Apalachee Parkway
Tallahassee 32304

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Fort Lauderdale/Hollywood	
Broward County Area Planning Board 1600 S.E. 10 Terrace Fort Lauderdale 33316	Broward County
Gainesville	
North Central Florida Regional Planning Council #5 S.W. Second Place Gainesville 32601	Counties Alachua Bradford Columbia Dixie Gilchriat Hamilton Lafayette Madison Suwannee Taylor Union
Jacksonville	
Jacksonville Area Planning Board 330 East Bay Street Jacksonville 32202	Counties Baker Clay Duval Flagler Nassau Putnam St. Johns
Miami	
Metropolitan Dade County Planning Department 702 Justice Building 1351 N.W. 12th Street Miami 33125	Dade County
Orlando	
East Central Florida Regional Planning Council 1011 Wymore Road Winter Park 32789	Counties Brevard Lake Orange Osceola Seminole Volusia

Florida, cont'd

Clearinghouse	Jurisdiction
Fort Myers	
Southwest Florida Planning Council P.O. Box 981 2121 West First Street Fort Myers 33901	Counties Charlotte Collier Glades Hendry Lee Sarasota (except City of Sarasota)
Lakeland-Winterhaven	
Central Florida Regional Planning Council P.O. Box 2089 Bartow 33830	Counties DeSoto Hardee Highlands Okeechobee Polk
Pensacola	
West Florida Regional Planning Council P.O. Box 486 106 S. Reus Street Pensacola 32502	Counties Escambia Santa Rosa Okaloosa
Tallahassee	
Tallahassee-Leon County Planning Commission P.O. Box 533 Tallahassee 32302	Leon County
Tampa/St. Petersburg	
Tampa Bay Regional Planning Council 3151 Third Avenue North St. Petersburg 33713	Counties Hillsborough Manatee Pinellas Pasco Sarasota (part) City of Sarasota
West Palm Beach	
Palm Beach County Area Planning Board 2300 Palm Beach Lakes Boulevard Suite 200 West Palm Beach 33409	Palm Beach County

AREAWIDE CLEARINGHOUSES (Other)

Northwest Florida Development Council and Economic Development District 5321-B West Highway 98 Panama City 32401	Counties Bay Calhoun Franklin Gadsden Gulf Holmes Jackson Jefferson Leon* Liberty Wakusla Walton Washington

Florida, cont'd

Clearinghouse	Jurisdiction
South Florida Regional Planning Council Suite 429 1515 Northwest 167 Street Miami 33169	Counties Broward* Dade* Monroe
Withlacoochee Regional Planning Council 3500 N.E. Silver Springs Boulevard Ocala 32670	Counties Citrus Hernando Levy Marion Sumter
Treasure Coast Regional Planning Council P.O. Box 2395 Stuart 33494	Counties Indian River Martin Palm Beach* St. Lucie

*Counties followed by an asterisk are also in a metropolitan clearinghouse area. Therefore, notifications involving such counties should be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

GEORGIA

STATE CLEARINGHOUSE

Office of Planning and Budget
Room 615B
270 Washington Street, S.W.
Atlanta 30334

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Albany	
Albany-Dougherty County Planning Commission P.O. Box 1827 Albany 31702	Dougherty County
Atlanta	
Atlanta Regional Commission 230 Peachtree Street, N.W. Suite 200 Atlanta 30303	Counties Clayton Cobb Dekalb Douglas Fultin Gwinett Rockdale
Augusta, Ga./South Carolina	
Metropolitan Council of Governments of Aiken and Richmond Counties 121 Marion Avenue East North Augusta, South Carolina 29841	Georgia portion: Richmond County S.C. portion: Aiken County
Chattanooga, Tenn./Georgia	
Chattanooga Area Regional Council of Governments 735 Broad Street Chattanooga, Tennessee 37402	Georgia portion: Counties Walker Catoosa Dade Tennessee portion: Hamilton County
Columbus, Ga./Alabama	
Lower Chattahoochee Valley APDC P.O. Box 1908 Columbus 31902	Georgia portion: Counties Chattahoochee Clay Harris Muscogee Quitmau Randolph Stewart Talbot Alabama portion: Russell County

Georgia, cont'd

Clearinghouse	Jurisdiction
Macon	
Middle Georgia Area Planning Commission 711 Grand Building Macon 31201	Counties Bibb Crawford Houston Jones Monroe Peach Twigg
Savannah	
Chatham County-Savannah Metropolitan Planning Commission P.O. Box 1027 Savannah 31402	Chatham County

AREAWIDE CLEARINGHOUSES
(Other)

Altamaha Area Planning and Development Commission (APDC) P.O. Box 328 Baxley 31513	Counties Appling Bullock Candler Evans Jeff Davis Tattnall Toomes Wayne
Central Savannah River APDC 2123 Wrightsboro Road P.O. Box 2800 Augusta 30904	Counties Burke Columbia Emanuel Glascock Jefferson Jenkins Lincoln McDuffie Richmond* Screven Taliaferro Warren Wilkes
Chattahoochee-Flint APDC P.O. Box 1363 LaGrange 30240	Counties Carroll Coweta Heard Meriwether Troup
Coastal APDC P.O. Box 1316 Brunswick 31520	Counties Bryan Camden Chatham* Effingham Glynn Liberty Long McIntosh

Georgia, cont'd

Clearinghouse	Jurisdiction
Coastal Plans APDC P.O. Box 1223 Valdosta 31601	Counties Ben Hill Berrien Brooks Cook Echols Irwin Lanier Lowndes Tift Turner
Coosa Valley APDC P.O. Drawer H 3 Broad Street Rome 30161	Counties Bartow Catoosa* Chatooga Dade* Floyd Gordon Haralson Paulding Polk Walker*
Georgia Mountains APDC P.O. Box 1720 Gainesville 30501	Counties Banks Dawson Forsyth Franklin Habersham Hall Hart Lumpkin Rabun Stephens Towns Union White
Heart of Georgia APDC P.O. Box 667 Eastman 31023	Counties Bleckley Dodge Laurens Montgomery Pulaski Telfair Treutlen Wheeler Wilcox
Middle Flint APDC P.O. Box 6 Ellaville 31806	Counties Crisp Dooley Macon Marion Schley Sumter Taylor Webster
McIntosh Trail APDC P.O. Box 241 206 Childers Building Griffin 30223	Counties Butts Fayette Henry Lamar Newton Pike Spalding Upson

Georgia, cont'd

Clearinghouse	Jurisdiction
North Georgia APDC 212 N. Pentz Street Dalton 30720	Counties Cherokee Fannin Gilmer Murray Pickens Whitfield
Northeast Georgia APDC 305 Research Drive Athens 30601	Counties Barrow Clarke Elbert Greene Jackson Madison Morgan Oconee Oglethorpe Walton
Oconee APDC P.O. Box 707 104 East Hancock Street Milledgeville 31061	Counties Baldwin Hancock Jasper Johnson Putnam Washington Wilkinson
Slash Pine APDC Heritage Road Waycross 31501	Counties Atkinson Bacon Brantley Charlton Clinch Coffee Pierce Ware
Southwest Georgia APDC P.O. Box 346 Camilla 31730	Counties Baker Calhoun Colquitt Decatur Dougherty* Early Grady Lee Miller Mitchell Seminole Terrell Thomas Worth

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

KENTUCKY

STATE CLEARINGHOUSE

State Clearinghouse
Office for Policy and Management
209 Capitol Annex
Frankfort 40601

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Cincinnati, Ohio/Ky./Ind. and Hamilton/Middletown, Ohio	
Ohio-Ky.-Ind. (OKI) Council of Governments 426 East Fourth Street Cincinnati, Ohio 45202	Ohio portion: Counties Butler Clermont Clinton Hamilton Warren Kentucky portion: Counties Boone Campbell Kenton Indiana portion: Counties Dearborn Ohio
Evansville, Ind./Ky.	
Southwestern Indiana and Kentucky Regional Council of Governments Civic Center Complex Evansville, Indiana 47708	Kentucky portion: Henderson County Indiana portion: Counties Gibson Pike Posey Vanderburgh Warwick
Huntington/Ashland, W.Va./Ky./Ohio	
KYOVA Interstate Planning Commission P.O. Box 939 1221 Sixth Avenue Huntington, West Virginia 25701	West Virginia portion: Counties Cabell Wayne Kentucky portion: Boyd County Ohio portion: Lawrence County

Kentucky, cont'd

Clearinghouse	Jurisdiction
Lexington	
Bluegrass Area Development District 120 East Reynolds Road Lexington 40503	Counties Anderson Bourbon Boyle Clark Estill Fayette Franklin Garrard Harrison Jessamine Lincoln Madison Mercer Nichols Powell Scott Woodford
Louisville, Ky./Ind.	
Kentuckiana Regional Planning and Development Agency 505 West Ormsby Avenue Louisville 40203	Kentucky portion: Counties Bullitt Jefferson Henry Oldham Shelby Spencer Trimble Indiana portion: Counties Floyd Clark
Owensboro	
Green River Area Development District P.O. Box 628 220-1/2 Frederica Street Owensboro 42301	Counties Daviess Hancock Henderson Mclean Ohio Union Webster

AREAWIDE CLEARINGHOUSES
(Other)

Barren River Area Development District, Inc. P.O. Box 154 Bowling Green 42101	Counties Allen Barren Butler Edmondson Hart Logan Metcalfe Monroe Simpson Warren
Big Sandy Area Development District, Inc. Tourist Information Building Prestonburg 41653	Counties Floyd Johnson Magoffin Martin Pike

Kentucky, cont'd

Clearinghouse	Jurisdiction
Buffalo Trace Area Development District, Inc. State National Bank Building Maysville 41056	Counties Bracken Fleming Lewis Mason Robertson
Cumberland Valley Area Development District, Inc. Courthouse London 40741	Counties Bell Clay Harlan Jackson Knox Laurel Rockcastle Whitley
Fivco Area Development District, Inc. P.O. Box 636 Catlettsburg 41129	Counties Boyd Carter Greenup Elliott Lawrence
Gateway Area Development District, Inc. P.O. Box 107 Owingsville 40360	Counties Bath Menifee Montgomery Morgan Rowan
Kentucky River Area Development District, Inc. P.O. Box 986 Hazard 41701	Counties Breathitt Knott Lee Letcher Leslie Owsley Perry Wolfe
Lake Cumberland Area Development District, Inc. P.O. Box 377 Jamestown 42629	Counties Adair Casey Clinton Cumberland Green McCreary Pulaski Russell Taylor Wayne
Lincoln Trail Area Development District, Inc. 305 First Federal Building Elizabethtown 42701	Counties Breckenridge Grayson Hardin Larue Marion Meade Nelson Washington
Pennyrile Area Development District 128 North Main Street Hopkinsville 42240	Counties Caldwell Christian Crittenden Hopkins Livingston Lyon Muhlenberg Todd Trigg

Kentucky, cont'd

Clearinghouse	Jurisdiction
Purchase Area Development District Board of Directors P.O. Drawer N 607-1/2 W. Broadway Mayfield 42066	Counties Ballard Calloway Carlisle Fulton Hickman Graves Marshall McCracken
Northern Kentucky Area Development District 7505 Bussex Drive Florence 41042	Counties Boone* Campbell* Carroll Gallatin Grant Kenton Owen Pendleton

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

MISSISSIPPI

STATE CLEARINGHOUSE

Coordinator Federal-State Programs
Office of the Governor
400 Watkins Building
510 George Street
Jackson 39201

AREAWIDE CLEARINGHOUSES (Metropolitan)

Biloxi/Gulfport

Gulf Regional Planning Commission
P.O. Box 4206
Gulfport 39501

Counties
Hancock
Harrison
Jackson

Jackson

Central Mississippi Planning and Development District
2675 River Ridge Road
Jackson 39216

Counties
Copiah
Hinds
Rankin
Madison
Simpson
Warren
Yazoo

Memphis, Tenn./Arkansas/Miss.

Mississippi-Arkansas-Tennessee Council of Governments
Room 501, 125 North Main Street
Memphis, Tennessee 38103

Arkansas portion:
Crittenden County
Mississippi portion:
DeSoto County
Tennessee portion:
Counties
Fayette
Lauderdale
Tipton
Shelby

AREAWIDE CLEARINGHOUSES (Other)

East Central Mississippi Planning and Development District
410 Decatur Street
Newton 39345

Counties
Clarke
Jasper
Kemper
Lauderdale
Leake
Neshobs
Newton
Scott
Smith

Golden Triangle Planning and Development District
Post Office Drawer DN
State College 39762

Counties
Choctaw
Clay
Lowndes
Noxubee
Oktibbeha
Webster
Winston

Mississippi, cont'd

Clearinghouse	Jurisdiction
North Central Mississippi Planning and Development District P.O. Box 668 321 Summit Street Winona 38967	Counties Attala Carroll Grenada Holmes Leflore Montgomery Yalobusha
North Delta Planning and Development District P.O. Box 1244 Clarksdale 38614	Counties Coahoma DeSoto* Quitman Panola Tallahatchie Tate Tunica
Northeast Mississippi Planning and Development District P.O. Drawer 6-D Booneville 38829	Counties Alcorn Benton Marshall Prentiss Tippah Tishomingo
South Delta Planning and Development District Route 1, Box AB52 Greenville 38701	Counties Bolivar Humphreys Issaquena Sharkey Sunflower Washington
Southern Mississippi Planning and Development District 1020 32nd Avenue Gulfport 39501	Counties Covington Forrest George Greene Hancock* Harrison* Jackson* Jefferson Davis Jones Lamar Marion Pearl River Perry Stone Wayne
Southwest Mississippi Planning and Development District P.O. Box 636 Meadville 39653	Counties Adams Amite Claiborne Franklin Jefferson Lawrence Lincoln Pike Walthall Wilkinson

Mississippi, cont'd

Clearinghouse	Jurisdiction
Three Rivers Planning and Development District 99 Center Ridge Drive Pontotoc 38863	Counties Calhoun Chickasaw Itawamba LaFayette Lee Monroe Pontotoc Union

*The counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction. Notifications from these counties should, therefore, be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NORTH CAROLINA

STATE CLEARINGHOUSE

Office of Intergovernmental Relations
116 West Jones Street
Raleigh 27603

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Asheville

Land of Sky Regional Council P.O. Box 2175 Asheville 28802	Counties Buncombe Henderson Madison Transylvania

Charlotte*

Centralina Council of Governments 1229 Greenwood Cliff, Suite 301 P.O. Box 4168 Charlotte 28204	Counties Cabarrus Gaston Iredell Lincoln Mecklenburg Rowan Stanly Union

Durham and Raleigh

Triangle J Council of Governments P.O. Box 12276 Research Triangle Park 27709	Counties Chatham Durham Johnson Lee Orange Wake

Fayetteville

Region M Council of Governments 801 Arsenal Avenue Fayetteville 28305	Counties Cumberland Harnett Sampson

Greensboro/Winston-Salem/High Point

Piedmont Triad Council of Governments Four Seasons Offices 2120 Pinecroft Road Greensboro 27407	Counties Alamance Caswell Davidson Davie Forsyth Guilford Randolph Rockingham Stokes Surry Yadkin

Wilmington

Cape Fear Council of Governments 1 North Third Suite 206 Wilmington 28401	Counties Brunswick Columbus New Hanover Pender

North Carolina, cont'd

Clearinghouse	Jurisdiction

AREAWIDE CLEARINGHOUSES
(Other)

Isothermal Planning and Development Commission 306 Ridgecrest Avenue Rutherfordton 28139	Counties Cleveland McDowell Polk Rutherford
Kerr-Tarr Regional Council of Governments Post Office Box 709 238 Orange Street Henderson 27536	Counties Franklin Granville Person Vance Warren
Region D Council of Governments Executive Arts Building Boone 28607	Counties Alleghany Ashe Avery Mitchell Watauga Wilkes Yancey
Neuse River Council of Governments P.O. Box 1717 1404 Neuse Boulevard New Bern 28560	Counties Carteret Craven Duplin Greene Jones Lenoir Onslow Pamlico Wayne
Region L Council of Governments P.O. Drawer 2748 Rocky Mount 27801	Counties Edgecombe Halifax Nash Northampton Wilson
Lumber River Council of Governments 2802 Fowland Avenue Lumberton 28358	Counties Bladen Hoke Robeson Scotland
Mid-East Economic Development Commission P.O. Box 1218 Washington 27889	Counties Beaufort Bertie Hertford Martin Pitt
Southwestern Planning and Economic Development Commission Route 3, Box 338 Bryson City 28713	Counties Cherokee Clay Graham Haywood Jackson Macon Swain
Western Piedmont Council of Governments P.O. Box 3069 Ten 21st Avenue N.W. Hickory 28601	Counties Alexander Burke Caldwell Catawba

North Carolina, cont'd

Clearinghouse	Jurisdiction
Albemarle Regional Planning and Development Commission P.O. Box 589 Edenton 27932	Counties Camden Chowan Currituck Dare Gates Hyde Pasquotank Perquimans Tyrrell Washington
Pee Dee Council of Governments P.O. Box 728 Troy 27371	Counties Anson Montgomery Moore Richmond

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

SOUTH CAROLINA

STATE CLEARINGHOUSE

State Clearinghouse
Division of Administration
1205 Pendleton Street, 4th Floor
Columbia 29201

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Augusta, Ga./S.C.	
Metropolitan Council of Governments of Aiken and Richmond Counties 121 Marion Avenue East North Augusta 29841	Georgia portion: Richmond County S.C. portion: Aiken County*
Charleston	
Berkeley-Charleston-Dorchester Regional Planning Commission 2 Courthouse Square Charleston 29401	Counties Berkeley Charleston Dorchester
Columbia	
Central Midlands Regional Planning Council 800 Dutch Square Boulevard Suite 155 Columbia 29210	Counties Lexington Richland Fairfield Newberry
Greenville, Pickens, and Spartanburg	
South Carolina Appalachian Council of Governments Drawer 6668 211 Century Drive Greenville 29606	Counties Greenville Pickens Anderson Cherokee Oconee Spartanburg

AREAWIDE CLEARINGHOUSES (Other)

Catawba Regional Planning Council P.O. Box 862 107 Hampton Street Rock Hill 29730	Counties Chester Lancaster Union York
Lowcountry Regional Planning Council P.O. Box 98 Yemassee 29945	Counties Beaufort Colleton Hampton Jasper
Lower Savannah Regional Planning and Development Commission P.O. Box 850 Aiken 29801	Counties Allendale Aiken* Bamberg Barnwell Calhoun Orangeburg

South Carolina, cont'd

Clearinghouse	Jurisdiction
Pee Dee Regional Planning and Development Council P.O. Box 5719 Florence 29501	Counties Chesterfield Darlington Dillon Florence Marion Marlboro
Santee-Wateree Regional Planning Council P.O. Box 1837 36 East Calhoun Street Sumter 29150	Counties Clarendon Kershaw Lee Sumter
Upper Savannah Regional Planning and Development Council P.O. Box 1244 Greenwood 29646	Counties Abbeville Edgefield Greenwood Laurens McCormick Saluda
Waccamaw Regional Planning and Development Council P.O. Box 419 Georgetown 29440	Counties Georgetown Horry Williamsburg

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

TENNESSEE

STATE CLEARINGHOUSE

State Planning Office
Grants Review Section
660 Capitol Hill Building
Nashville 37219

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Chattanooga, Tenn./Ga.	
Chattanooga Area Regional Council of Governments 423 James Building 735 Broad Street Chattanooga 37402	Tennessee portion: Hamilton County Georgia portion: Counties Walker Dade Catoosa
Knoxville	
Knoxville Area Council of Governments 1810 Lake Avenue Knoxville 27916	Counties Anderson Blount Knox
Memphis, Tenn./Ark./Miss.	
Mississippi-Arkansas-Tennessee Council of Governments Room 501 125 North Main Street Memphis 38103	Tennessee portion: Counties Fayette Lauderdale Shelby Tipton Arkansas portion: Crittenden County Mississippi portion: DeSoto County
Nashville	
Mid-Cumberland Council of Governments 501 Union Street, Suite 600 Nashville 37219	Counties Cheatham Davidson Montgomery Robertson Rutherford Sumner Williamson Wilson Houston Humphreys Stewart Trousdale Dickson

Tennessee, cont'd

Clearinghouse	Jurisdiction

AREAWIDE CLEARINGHOUSES (Other)

East Tennessee Development District 1810 Lake Avenue Knoxville 37916	Counties Anderson* Blount* Campbell Clairborne Cocke Grainger Hamblen Jefferson Knox* Loudon Monroe Morgan Roane Scott Sevier Union
First Tennessee-Virginia Development District 207 North Boone Street Johnson City 37601	Counties Carter Greene Hancock Hawkins Johnson Sullivan Unicoi Washington, Tenn.
Southeast Tennessee Development District 423 James Building 731 Broad Street Chattanooga 37402	Counties Bledsoe Bradley Grundy Hamilton* Marion McMinn Meigs Polk Rhea Sequatchie
Northwest Tennessee Development District P.O. Box 63 Martin 38237	Counties Benton Carroll Crockett Dyer Gibson Henry Lake Obion Weakley
Upper Cumberland Development District Burgess Falls Road Cookeville 38501	Counties Cannon Clay Cumberland DeKalb Fentress Jackson Macon Overton Pickett Putnam Smith Van Buren Warren White

Tennessee, cont'd

Clearinghouse	Jurisdiction
Southwest Development District P.O. Box 2385 Jackson 38301	Counties Chester Decatur Herdeman Hardin Haywood Henderson Madison McNary
South Central Development District P.O. Box 670 Columbia 38401	Counties Bedford Coffee Franklin Giles Hickman Lawrence Lewis Lincoln Maury Marshall Moore Perry Wayne

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghouses.

REGION V

Illinois
Indiana
Michigan
Minnesota
Ohio
Wisconsin

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OFFICE OF MANAGMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, and REGIONAL CLEARINGHOUSES

ILLINOIS

STATE CLEARINGHOUSE

State Clearinghouse
Budget of the Budget
103 State House
Springfield 62706

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Bloomington/Normal	
McLean County Regional Planning Commission 305 Illinois House 207 West Jefferson Street Bloomington 61701	McLean County
Champaign/Urbana	
Champaign County Regional Planning Commission 117 West Elm Street Urbana 61801	Champaign County
Chicago	
Northeastern Illinois Planning Commission 400 West Madison Street Chicago 60606	Counties Cook Dupage Kane Lake McHenry Will
Davenport/Rock Island/Moline, Iowa, Ill.	
Bi-State Metropolitan Planning Commission 1580 Third Avenue Rock Island 61201	Counties Illinois portion: Mercer Rock Island Iowa portion: Scott Muscatine
Decatur	
Macon County Regional Planning Commission 253 East Wood Street Decatur 62523	Macon County
Peoria	
Peoria Tri-County Regional Planning Commission Box 2200 East Peoria 61611	Counties Peoria Tazewall Woodford
Rockford, Ill./Wis.	
Rock Valley Metropolitan Council 401 West State Street Rockford 61101	Illinois portion: Counties Boone Winnebago Wisconsin portion: Rock County

Illinois, cont'd

Clearinghouse	Jurisdiction
Kankakee	
Kankakee County Regional Planning Commission 435 East Oak Street Kankakee 60901	Counties Kankakee
St. Louis, Mo./Ill.	
East-West Gateway Coordinating Council 112 North Fourth Street St. Louis, Missouri 63102	Illinois portion: Counties Madison Monroe St. Clair Missouri portion: St. Louis City Counties Jefferson St. Charles St. Louis Franklin
Springfield	
Sangamon County Regional Planning Commission 703 Myers Building 1 West Old State Capitol Springfield 62701	Sangamon County

AREAWIDE CLEARINGHOUSES (Other)

Greater Egypt Regional Planning and Development Commission P.O. Box 3160 Carbondale 62901	Counties Franklin Jackson Jefferson Perry Williamson
Southeastern Illinois Regional Planning and Development Commission Harrisburg National Bank Building Harrisburg 62946	Counties Gallatin Hamilton Hardin Pope Saline
Greater Wabash Regional Planning Commission 110 South Middle Street Grayville 62844	Counties Edwards Wabash Wayne White
South Central Illinois Regional Planning and Development Commission 107a South Broadway Salem 62881	Counties Effingham Fayette Marion
Northwest Illinois Regional Council of Public Officials 210 East Third Street Sterling 61081	Counties Carroll Joe Daviess Lee Whiteside
Western Illinois Regional Council P.O. Box 596 Macomb 61455	Counties Henderson McDonough Warren

Illinois, cont'd

Clearinghouse	Jurisdiction
Southwestern Illinois Metropolitan and Regional Planning Commission 203 West Main Street Collinsville 62234	Counties Bond Clinton Randolph Washington

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

INDIANA

STATE CLEARINGHOUSE

Clearinghouse Review Officer
Indiana Budget Agency
212 State House
Indianapolis 46204

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Anderson/Muncie	
Region 6ix Planning and Development Commission 207 North Talley Muncie 47303 Henry	Counties Blackford Delaware Grant Jay Madison Randolph
Gary/Hammond/East Chicago	
Northwestern Indiana Regional Planning Commission 8149 Kennedy Avenue Highland 46322	Counties Lake Porter
Cincinnati, Ohio/Ky./Ind. and Hamilton/Middletown, Ohio	
Ohio-Kentucky-Indiana (OKI) Council of Governments 426 East Fourth Street Cincinnati, Ohio 45202	Indiana portion: Counties Dearborn Ohio Kentucky portion: Counties Boone Campbell Kenton Ohio portion: Counties Butler Clinton Clermont Hamilton Warren
Evansville, Ind./Ky.	
Southwestern Indiana and Kentucky Regional Council of Governments Civic Center Complex Room 312, Administration Building Evansville 47708	Indiana portion: Counties Gibson Pike Posey Vanderburgh Warrick Kentucky portion: Henderson County
Fort Wayne	
Northeastern Indiana Regional Coordinating Council City-County Building Fort Wayne 46802	Counties Adams Allen DeKalb Wells

Indiana, cont'd

Clearinghouse	Jurisdiction
Indianapolis	
Indiana Heartland Coordinating Commission 742 North Shadeland Avenue Indianapolis 46250	Counties Boone Hamilton Hancock Hendricks Johnson Marion Morgan Shelby
LaFayette/W. LaFayette	
Regional IV Development Commission Court House LaFayette 47901	Counties Benton Carroll Clinton Fountain Montgomery Tippecanoe Warren White
Louisville, Ky./Ind.	
Kentuckiana Regional Planning and Development Agency 505 West Ormsby Avenue Louisville, Kentucky 40203	Indiana portion: Counties Clark Floyd Kentucky portion: Counties Bullitt Henry Jefferson Oldham Shelby Spencer Trimble
South Bend	
Michigan Area Council of Governments County-City Building South Bend 46601	Counties Elkhart Marshall St. Joseph Kosciusko
Terre Haute	
West Central Indiana Economic Development District 700 Wabash Avenue P.O. Box 627 Terre Haute 47808	Counties Clay Parke Sullivan Vermillion Vigo

Indiana, cont'd

Clearinghouse	Jurisdiction
AREAWIDE CLEARINGHOUSES (Other)	
Patoka Lake Regional Planning Commission The Courthouse Jasper 47546	Counties Crawford Dubois Orange Perry Spencer
Southern Indiana Development Commission P.O. Box 442 Looqootee 47553	Counties Daviess Greene Lawrence Martin
Region X Planning Commission P.O. Box 100 Bloomington 47401	Counties Monroe Owen
Ouabache Regional Planning Commission 23 South Broadway Peru 46970	Counties Cass Fulton Howard Miami Tipton Wabash
Region XI Development Commission 2530 Sandcrest Boulevard Columbus 47201	Counties Bartholomew Brown Decatur Jackson Jennings
Region XII Development Commission P.O. Box 127 Versailles 47042	Counties Dearborn* Jefferson Ohio* Ripley Switzerland
Kankakee-Iroquois Regional Planning Commission P.O. Box 684 25 Bill Street Francesville 47946	Counties Jasper Newton Pulaski Starke
Region IX Development Commission P.O. Box 661 Connersville 47331	Counties Fayette Franklin Rush Union Wayne
Region III-A Coordinating Council Production Credit Association Building P.O. Box 95 Albion 46701	Counties LaGrange Noble Steuben Whitley
River Hills Regional Planning Commission c/o Indiana University South East P.O. Box 679 New Albany 47150	Counties Harrison Scott Washington

*Counties marked by an asterisk are also in a metropolitan areawide clearinghouse jurisdiction. Terefore, notifications should be sent to both clearinghouses.

MICHIGAN

STATE CLEARINGHOUSE

Department of Management and Budget
Lewis Cass Building
Lansing 48913

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Ann Arbor, Detroit	
Southeast Michigan Council of Governments 810 Book Building 1249 Washington Boulevard Detroit 48226	Counties Macomb Oakland Washtenaw Wayne Monroe (except Erie, Bedford, and Whiteford townships and City of Luna Pier) St, Clair Livingston
Bay City	
Bay Regional Planning Commission County Building Bay City 48706	Bay County
Flint	
Genesee County Metropolitan Planning Commission 920 Beach Street Flint 48502	Genesee County
Grand Rapids	
West Michigan Regional Planning Commission 1204 People's Building 60 Monroe at Ionia Grand Rapids 49502	Counties Allegan Ionia Kent Lake Mason Mecosta Montcalm Newaygo Osceola
Jackson	
Region Two Planning Commission 120 West Michigan Avenue Jackson 49201	Jackson County
Kalamazoo	
Kalamazoo Metropolitan County Planning Commission 418 West Kalamazoo Avenue Kalamazoo 49006	Kalamazoo County

Clearinghouse	Jurisdiction
Lansing	
Lansing Tri-County Regional Planning Commission 2722 East Michigan Avenue Lansing 48912	Counties Clinton Eaton Ingham
Muskegon/Muskegon Heights	
West Michigan Shoreline Regional Development Commission The Torrent House 315 West Webster Avenue Muskegon 49440	Counties Muskegon Oceana Ottawa
Saginaw County Metropolitan Planning Commission County Courthouse Saginaw 48602	Saginaw County
Toledo, Ohio/Michigan	
Toledo Metropolitan Area Council of Governments 420 Madison Avenue Toldelo 43604	Michigan portion Monroe County (part) Whiteford Township Bedford Township Erie Township City of Luna Pier Ohio portion: Counties Lucas Wood Erie Ottawa Sandsky

AREAWIDE CLEARINGHOUSES (Other)

Northwest Michigan Regional Planning and Development Commission 2334 Aero Park Court Traverse City 49684	Counties Antrim Benzie Charlevoix Grand Traverse Kalkaska Lelanau Maniatee Missaukee Wexford
Upper Central Peninsula Planning and Development Regional Commission 2415 14th Avenue, South Escanaba 49829	Counties Alger Delta Dickinson Marquette Menominee Schoolcraft
Western Upper Peninsula Planning and Development Region P.O. Box 365 Houghton 49931	Counties Baraga Gogebic Houghton Iron Keweenaw Ontonagon
Southwestern Michigan Regional Planning Commission 2907 Division Street St. Joseph 49085	Counties Berrien Cass Van Buren

Clearinghouse	Jurisdiction
South Central Michigan Planning Council Connore Hall Nazareth College Nazareth 49074	Counties Barry Branch Calhoun St. Joseph
Northeast Michigan Council of Governments P.O. Box 457 131 Bhipp Street Gaylord 49735	Counties Alcona Alpena Cheboygan Crawford Montgomery Oscoda Otsego Presque Isle

UMI
300 N. ZEEB RD.
ANN ARBOR, MI 48106

MINNESOTA

STATE CLEARINGHOUSE

State Clearinghouse
Minnesota State Planning Agency
101 Capitol Square Building
St. Paul 55101

AREAWIDE CLEARINHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Fargo/Moorhead, N. Dak./Minn.	
Fargo-Moorhead Metropolitan Council of Governments 44 Foss Lane Moorhead 56560	Minnesota portion: Clay County North Dakota portion: Cass County
Minneapolis/St. Paul	
Metropolitan Council Metro Square Building 7th and Robert Streets St. Paul 55101	Counties Anoka Carver Dakota Hennepin Ramsey Scott Washington
Rochester-Olmsted Council of Governments 1421 3rd Avenue, S. E. Rochester 55901	Olmsted County
St. Cloud	
Central Minnesota Regional Development Commission 1139 Franklin Avenue Sauk Rapids 56379	Counties Benton Sherburne Stearns Wright
Duluth	
Arrowhead Regional Development Commission 200 Arrowhead Place Duluth 55802	Counties St. Louis Lake Cook Koochiching Atkin Itasca Carleton

AREAWIDE CLEARINGHOUSES (Other)

Headwaters Regional Development Commission Box 584 Bemidji 56601	Counties Beltrami Clearwater Hubbard Lake of the Woods Mahnomen
Six East Regional Development Commission City Auditorium 311 West 6th Street Willmar 56201	Counties Kandiyohi McLeod Meeker Renville

Minnesota, cont'd

Clearinghouse	Jurisdiction
Northwest Regional Development Commission 425 Woodlawn Avenue Crookston 57616	Counties Kittson Marshall Norman Pennington Polk Red Lake Roseau
Region Nine Regional Development Commission 709 North Front Mankato 56001	Counties Blue Earth Brown Faribault Le Sueur Martin
Icollet	Sibley Waseca Watonwan
West Central Regional Development Commission Administration Building Fergua Falls Community College Fergua Falls 56537	Counties Becker Clay Douglas Grant Otter Tail Pope Stevens Traverse Wilkins
Six West Regional Development Commission 128 West Sorenson Appleton 56208	Counties Big Stone Chippewa Lac Qui Parle Swift Yellow Medicine
East Central Regional Development Commission 2711 Broadway Avenue Slayton 56172	Counties Cottonwood Jackson Lincoln Lyon Murray Nobles Pipestone Redwood Rock
Southeastern Regional Development Commission Marquette Bank Building South Broadway at 2nd S.E. Rochester 55901	Counties Dodge Fillimore Freeborn Goodhue Houston Mower Olmsted* Rice Steele Wabasha Winona

* Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notifications from these counties will be sent to both clearinghousea.

OHIO

STATE CLEARINGHOUSE

Office of the Governor
State Clearinghouse
State Office Tower
30 East Broad Street
Columbus 43215

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Cleveland and Lotain/Elyria	
Northeast Ohio Areawide Coordinating Agency 400 The Arcade Cleveland 44114	Counties Cuyahoga Geauga Lake Lorain Medina
Akron, Canton	
Northeast Ohio Four County Regional Planning and Development Organiztion 137 South Main Street Akron 44308	Counties Portage Stark County Summit Wayne
Cincinnati, Ohio/Ky./Ind. and Hamilton/Middletown, Ohio	
Ohio-Ky. Ind. (OKI) Council of Governments 426 East Fourth Street Cincinnati 45202	Ohio portion: Counties Butler Clinton Clermont Hamilton Warren Indiana portion: Counties Dearborn Ohio Kentucky portion: Counties Boone Campbell Kenton
Columbus	
Mid-Ohio Regional Planning Commission 514 South High Street Columbus 43215	Delaware County (part): Townships Berkshire Concord Genoa Harlem Liberty Orange Fairfield County (part): Townships Bloom Violet Franklin County Licking County (part): Townships Etna Lima Monroe Madison County (part):

Ohio, cont'd

Clearinghouse	Jurisdiction
	Townships Canaan Darby Fairfield Jefferson Pleasant Pickaway County (part): Townships Darby Harrison Madison Scioto Union County (part): Jerome Township
Dayton	
Miami Valley Regional Planning Commission Dayco Building 333 W. First Street Dayton 45402	Counties Darke Greene Miami Montgomery Preble
Huntington/Ashland, W.Va./Ky./Ohio	
KYOVA Interstate Planning Commission P.O. Box 939 1221 Sixth Avenue Huntington, West Virginia 25701	Kentucky portion: Boyd County Ohio portion: Lawrence County West Virginia portion: Counties Cabell Wayne
Lima	
Lima-Allen County Regional Planning Commission 300 Colonial Building Lima 45801	Allen County
Mansfield	
Richland County Regional Planning Commission 35 North Park Street Mansfield 44902	Richland County
Springfield	
Cleark County-Springfield Regional Planning Commission Springfield City Building Springfield 45501	Clark County
Steubenville/Weirton, Ohio/W.Va.	
Brooke-Hancock-Jefferson (BHJ) Metropolitan Planning Commission 814 Adams Street Steubenville 43952	Ohio portion: Jefferson West Virginia portion: Counties Brooke Hancock

Ohio, cont'd

Clearinghouse	Jurisdiction
Toledo	
Toledo Metrolitan Area Council of Governments 420 Adison Avenue Toledo 43604	Ohio portion: Counties Lucas Wood Eric Ottawa Sandusky Michigan portion: Monroe County (part) Whiteford Township Bedford Township Erie Township City of Luna Pier
Youngstown/Warren	
Eastgate Development and Transportation Agency 1616 Covington Street Youngstown 44510	Counties Ashtabula Columbiana Mahoning Trumbull
Wheeling, W. Va./Ohio	
Bel-O-Mar Interstate Planning Commission 2177 National Road P.O. Box 2086 Wheeling, West Virginia 26003	West Virginia portion: Counties Marshall Ohio Ohio portion: Belmont County

AREAWIDE CLEARINGHOUSES
(Other)

Buckeye Hills-Bocking Calley Regional Development District 410 St. Clair Building 216 Putnam Street Marietta 45750	Counties Athens Hocking Meigs Monroe Morgan Nobel Perry Washington
Maumee Valley REsource Conservation, Planning and Development Organization 1012 Ralston Avenue Defiance 43512	Counties Defiance Fulton Henry Paulding Williams
Tuscarawas Valley Regional Advisory Committee P.O. Box 66 Cambridge 43725	Counties Carroll Coshocton Guernsey Holmes Harrison Muskingum Tuscarawas

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WISCONSIN

STATE CLEARINGHOUSE

State Clearinghouse
Bureau of Planning and Budget
Department of Administration
1 West Wilson Street
State Office Building
Madison 53702

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Green Bay	
Brown County Planning Commission 100 North Jefferson Street Green Bay 54301	Brown County
Kenosha, Milwaukee, and Racine	
Southeastern Wisconsin Regional Planning Commission P.O. Box 769 916 North East Avenue Waukesha 53186	Counties Kenosha Milwaukee Ozaukee Racine Walworth Washington Waukesha
LaCrosse	
Mississippi River Regiona Planning Commission Grandview Building 1707 Main Street LaCrosse 54601	Counties Buffalo Crawford Jackson LcCrosse Monroe Pepin Pierce Trempealeau Vernon
Madison	
Dane County Regional Planning Commission City-County Building Madison 53709	Dane County
Rockford, Wisc./Ill.	
Rock Valley Metropolitan Council 401 West State Street Rockford, Illinois 61101	Wisconsin portion: Rock County Illinois portion: Counties Winnebago Boone

Wisconsin, cont'd

Clearinghouse	Jurisdiction
Superior	
Northwest Regional Planning Commission 302 1/2 Walnut Street Spooner 54801	Counties Ashland Bayfield Burnett Douglas Iron Price Rusk Sawyer Taylor Washburn
Appleton-Oshkosh	
East Central Wisconsin Regional Planning Commission 1919 American Court Neenah 54956	Counties Calumet Fond du Lac Green Lake Marquette Menominee Outagamie Shawano Waupaca Waushara Winnebago

AREAWIDE CLEARINGHOUSES
(Other)

Southwestern Wisconsin Regional Planning Commission 217 Pioneer Tower Building Platteville 53818	Counties Grant Green Iowa Lafayette Richland
West Central Wisconsin Regional Planning Commission 731 Oxford Avenue Eau Claire 54701	Counties Barron Chippewa Clark Dunn Eau Claire Polk St. Croix
North Central Wisconsin Regional Planning Commission 2100 Main Street Stevens Point 54481	Counties Forest Juneau Langlade Lincoln Marathon Oneida Portage Vilas Wood

REGION VI

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ARKANSAS

STATE CLEARINGHOUSE

Department of Local Services
State Planning and Development
Clearinghouse
900 First National Building
Little Rock 72201

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Fort Smith, Ark./Okla.	
Arkhoma Regional Planning Commission 523 Garrison Avenue P.O. Box 2067 Fort Smith 72901	Arkansas portion Counties Crawford Sebastian Oklahoma portion: Counties LeFlore Sequoyah
Little Rock/North Little Rock	
Metroplan 100 Main Street Continental Building Little Rock 72201	Counties Pulaski Saline
Memphis, Tenn./Ark./Miss.	
Mississippi-Arkansas-Tennessee Council of Governments Room 501 City Hall 125 N. Main Street Memphis, Tennessee 38103	Arkansas portion: Crittenden County Mississippi portion: DeSoto County Tennessee portion: Counties Fayette Lauderdale Shelby Tipton
Pine Bluff	
Southeast Arkansas Regional Planning Commission P.O. Box 6806 1300 Ohio Street Pine Bluff 71601	Jefferson County
Texarkana, Tex./Ark.	
Ark.-Tex. Council of Governments P.O. Box 5307 Texarkana, Texas 75501	Arkansas portion: Miller County Texas portion: Counties Bowie Cass Morris Red River Delta Franklin Hopkins Lamar Titus

Arkansas, cont'd

Clearinghouse	Jurisdiction
AREAWIDE CLEARINGHOUSES (Other) :	
Central Arkansas Planning and Development District P.O. Box 187 112 Northeast Front Street Lonoke 72086	Counties Faulkner Lonoke Monroe Prairie
White River Planning and Development District P.O. Box 2396 Batesville 72501	Counties Cleburne Fulton Independence Izard Jackson Sharp Stone Van Buren White Woodruff
East Arkansas Planning and Development District 706 S. Main Street Jonesboro 72401	Counties Clay Craighead Cross Saint Francis Greene Lawrence Lee Mississippi Phillips Poinsett Randolph
Northwest Arkansas Planning and Development District P.O. Box 668 Harrison 72601	Counties Baxter Boone Carroll Madison Marion Newton Searcy
Northwest Arkansas Regional Planning Commission P.O. Box 785 505-1/2 West Huntsville Avenue Springdale 72764	Counties Benton Washington
Southwest Arkansas Planning and Development District P.O. Box 767 Magnolia 71753	Counties Calhoun Columbia Dallas Hempstead Howard Lafayette Little River Nevada Ouachita Sevier Union
West Central Arkansas Planning and Development District Municipal Building, Box 1558 Hot Springs 71901	Counties Clark Conway Garland Hot Springs Johnson Montgomery Perry Pike Pope Yell

Arkansas, cont'd

Clearinghouse	Jurisdiction
Western Arkansas Planning and Development District 523 Garrison Avenue P.O. Box 2067 Fort Smith 72901	Counties Franklin Logan Polk Scott
Southeast Planning and Development District P.O. Box 6806 1108 Poplar Street Pine Bluff 71601	Counties Arkansas Ashley Bradley Chicot Cleveland Desha Drew Grant Lincoln

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

LOUISIANA

STATE CLEARINGHOUSE

Office of Intergovernmental Relations
Office of the Governor
P.O. Box 44455
Capitol Station
Baton Rouge 70804

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Baton Rouge	
Capital Region/Planning Commission 333 North 19th Street P.O. Box 3355 Baton Rouge 70821	Parishes Ascension East Baton Rouge East Feliciana Iberville Pointe Coupee West Baton Rouge West Feliciana Washington
Lafayette	
Lafayette Council of Governments P.O. Box 3322 Lafayette 70501	Lafayette Parish
Lake Charles	
Calcasieu Regional Planning Commission P.O. Box 3164 Lake Charles 70601	Calcasieu Parish
Monroe	
Ouachita Council of Governments Monroe City Plaza Monroe 71201	Ouachita Parish
New Orleans	
Regional Planning Commission for Jefferson, Orleans, and St. Bernard Parish 909 Masonic Temple Building 333 St. Charles Avenue New Orleans 70130	Parishes Jefferson Orleans St. Bernard St. Tammany
Shreveport	
Shreve-Area Council of Local Governments P.O. Box 31109 Shreveport 71130	Parishes Bossier Caddo

AREAWIDE CLEARINGHOUSES (Other)

Acadiana Regional Clearinghouse c/o Evangeline Economic Development District Council P.O. Box 3322 Lafayette 70501	Parishes Acadia Evangeline Iberia Lafayette* St. Landry St. Martin St. Mary
Central Regional Clearinghouse c/o Kisatchie-Delta Economic Development District Council 1220 MacArthur Drive Alexandria 71301	Parishes Avoyelles Catahoula Concordia Grant LaSalle Rapides Vernon Winn
Florida Regional Clearinghouse P.O. Box 3355 Baton Rouge 70821	Parishes Ascension* East Baton Rouge* East Feliciana* Iberville* Livingston Pointe Coupee* St. Helena Tangipahoa Washington* West Baton Rouge* West Feliciana*
Northeast Regional Clearinghouse c/o North Delta Regional Planning and Development District 2115 Justice Street Monroe 71201	Parishes Caldwell East Carroll Franklin Jackson Madison Morehouse Ouachita* Richland Tensas Union West Carroll
Northwest Regional Clearinghouse c/o Coordinating and Development Council of Northwest Louisiana P.O. Box 37005 3305 Mansfield Road Shreveport 71103	Parishes Bienville Bossier* Caddo* Claiborne DeSoto Lincoln Natchitoches Red River Sabine Webster
c/o Imperial Calcasieu Regional Planning and Development District Southwest Regional Clearinghouse P.O. Box 3164 Lake Charles 70601	Parishes Allen Beauregard Calcasieu* Cameron Jefferson Davis
Teche Regional Clearinghouse c/o South Central Planning and Development Commission P.O. Box 846 Thibodaux 70301	Parishes Assumption LaFourche St. Charles St. James St. John the Baptist Terrebonne
Metrolpolitan Regional Clearinghouse 900 Masonic Temple Building 333 St. Charles Avenue New Orleans 70130	Parishes Jefferson* Orleans* Plaquemines St. Bernard* St. Tammany*
	Vermillion

* The counties followed by asterisks are within a metropolitan areawide clearinghouse jurisdiction. Notifications from these counties should, therefore, be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

NEW MEXICO

STATE CLEARINGHOUSE

State Planning Office
State Capitol
Santa Fe 87501

AREAWIDE CLEARINGHOUSES (Metropolitan)

Albuquerque

Middle Rio Grande Council of Governments Suite 1320 505 Marquette Avenue, N.W. Albuquerque 87101	Counties Bernalillo Sandoval Torrance Valencia

AREAWIDE CLEARINGHOUSES (Other)

North Central New Mexico Economic Development District P.O. Box 9248 Santa Fe 87501	Counties Colfax Los Alamos Mora Rio Arriba Taos San Miguel Santa Fe
Eastern Plains Council of Government Curry County Courthouse Clovis 88101	Counties Curry De Baca Guadalupe Harding Quay Roosevelt Union
San Juan Regional Committee P.O. Box 280 Aztec 87410	Counties San Juan
AND	
McKinley Council of Governments 300 West Hill, Suite 2 Gallup 87301	Counties McKinley
Southwest New Mexico Council of Governments P.O. Box 2157 Silver City 88061	Counties Catron Grant Hildalgo Luna
Southern Rio Grande Council of Governments City County Building 575 S. Alameda Las Crucea 88001	Counties Socorro Sierra Dona Ana
Southeastern New Mexico Economic Development District P.O. Box 6639, RIAC Roswell 88201	Counties Chaves Eddy Lea Lincoln Otero

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

OKLAHOMA

STATE CLEARINGHOUSE

Office of Community Affairs and Planning
State Grant-in-Aid Clearinghouse
5500 North Western
Oklahoma City 73118

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Fort Smith, Ark./Okla.	
Arkhoma Regional Planning Commission 523 Garrison Avenue P.O. Box 2067 Fort Smith, Arkansas 72901	Arkansas portion: Counties Sebastian Crawford Oklahoma portion: Counties LeFlore Sequoyah
Lawton	
Association of South Central Oklahoma Governments 802 Main Street Duncan 73533	Counties Caddo Comanche Cotton Grady Jefferson McClain Stephens Tillman
Oklahoma City	
Association of Central Oklahoma Governments Suite 200 4801 Classen Boulevard Oklahoma City 73118	Counties CAnadian Cleveland Logan Oklahoma
Tulsa	
Indian Nations Council of Governments 630 West 7th Street Tulsa 74127	Counties Creek Osage Tulsa

AREAWIDE CLEARINGHOUSES (Other)

Central Oklahoma Economic Development District 16 East Ninth Street Shawnee 74801	Counties Creek Hughes Lincoln Okfuskee Pawnee Payne Pottawatomie Seminole

Oklahoma, cont'd

Clearinghouse	Jurisdiction
Northern Oklahoma Development Association P.O. Box 3507 Enid 73701	Counties Alfalfa Blaine Garfield Grant Kay Kingfisher Major Noble
Eastern Oklahoma Economic Development District P.O. Box 1367 Muskogee 74401	Counties Adair Cherokee McIntosh Muskogee Okmulgee Sequoyah* Wagoner
Kiamichi Economic Development District P.O. Box 638 Wilburton 74578	Counties Choctaw Haskell Latimer LeFlore* McCurtain Pittsburg Pushmataha
Northeast Counties of Oklahoma Economic Development District P.O. Drawer E 215 South Wilson Vinita 74301	Counties Craig Delaware Mayes Nowata Ottawa Rogers Washington
Southern Oklahoma Development Association P.O. Box 3125 Ardmore Air Park Ardmore 73401	Counties Atoka Bryan Carter Coal Garvin Johnston Love Marshall Murray Pontotoc
Southwestern Oklahoma Development District Association P.O. Box 569 Burns Flat 73624	Counties Beckham Custer Greer Harmon Jackson Kiowa Roger Mills Washita
Oklahoma Economic Development Association P.O. Box 668 330 Douglas Avenue Beaver 73932	Counties Beaver Cimarron Dewey Ellis Harper Texas Woods Woodward

* Counties marked by an asterisk are also in a metropolitan areawide clearinghouse jurisdiction. Notifications, therefore, should be sent to both clearinghouses.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

TEXAS

Under State PNRS procedures, no project notifications will be sent directly to the State clearinghouse, only the metropolitan or regional clearinghouse need be notified. The State clearinghouse is notified in turn by the metropolitan and regional clearinghouses.

STATE CLEARINGHOUSE

Governor's Budget and Planning Office
Executive Office Building
411 West 13th Street
Austin 78701

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Abilene	
West Central Texas Council of Governments P.O. Box 3195 3349 N. Twelfth Street Abilene 79604	Counties Brown Callahan Coleman Comanche Eastland Fisher Haskell Jones Kent Knox Mitchell Nolan Runnels Scurry Shackelford Stephens Stonewall Taylor Throckmorton
Amarillo	
Panhandle Regional Planning Commission P.O. Box 9257 Amarillo 79105	Counties Armstrong Briscoe Carson Castro Collingsworth Dallam Deaf Smith Donley Gray Hall Hansford Hartley Hemphill Hutchinson Lipscomb Moore Ochiltree Oldham Parmer Potter Randall Roberts Sherman Swisher Wheeler

Texas, cont'd

Clearinghouse	Jurisdiction
Austin	
The Capital Area Planning Council 611 South Congress Suite 400 Austin 78704	Counties Bastrop Blanco Burnet Caldwell Fayette Hays Lee Llano Travis Williamson
Beaumont/Port Arthur/Orange	
South East Texas Regional Planning Commission P.O. Drawer 1387 Nederland 77267	Counties Hardin Jefferson Orange
Brownsvill/Harlingen/San Benito, and McAllen/Pharr/Edinburg	
Lower Rio Grande Valley Development Council First National Bank Building McAllen 78501	Counties Cameron Hidalgo Willacy
Bryan-College Staton	
Brazos Valley Development Council P.O. Drawer 4128 Bryan 77801	Counties Brazos Burleson Grimes Leon Madison Robertson Washington
Corpus Christi	
Costal Bend Council of Governments Suite 200 4600 Parkdale Drive P.O. Box 6609 Corpus Christi 78411	Counties Aransas Bee Brooks Duval Jim Wells Kenedy Kleberg Live Oak McMullen Nueces Refugio San Patricio
Dallas and Fort Worth	
North Central Texas Council of Governments P.O. Drawer COG Arlington 76011	Counties Collin Dallas Denton Ellis Erath Hood Hunt Johnson Kaufman Navarro Palo Pinto Parker Rockwall Somervell Tarrant Wise

Texas, cont'd

Clearinghouse	Jurisdiction
El Paso	
West Texas Council of Governments 1200 Noth Mesa El Paso 79902	Counties Brewster Culberson El Paso Hudspeth Jeff Davis Presidio
Houston and Galveston/Texas Cuty	
Houston-Galveston Area Council 3701 West Alabama Avenue 3701 West Alabama Avenue Houston 77027	Counties Austin Brazoria Chambers Colorado Fort Bend Galveston Harris Liberty Matagorda Montgomery Walker Waller Wharton
Killeen/Temple	
Central Texas Council of Governments P.O. Box 729 Belton 76513	Counties Bell Coryell Hamilton Lampasas Milam Mills San Saba
Laredo	
South Texas Development Council Laredo Internation Airport Building S-1 Laredo 78040	Counties Jim Hogg Starr Webb Zapata
Lubbock	
South Plaine Association of Governments Lubbock National Bank Building Lubbock 79401	Counties Bailey Cochan Crosby Dickens Floyd Garza Hale Hockley King Lamb Lubbock Lynn Motley Terry Yoakum

Texas, cont'd

Clearinghouse	Jurisdiction
Midland and Odessa	
Permian Basin Regional Planning Commission P.O. Box 6391 Midland 79701	Counties Andrews Borden Crane Dawson Ector Gainee Glasscock Howard Loving Martin Midland Pecos Reeves Terrell Upton Ward Winkler
San Antonio	
Alamo Area Council of Governments 400 Three A Life Building San Antonio 78205	Counties Atascosa Bandera Bexar Comal Frio Gillespie Guadalupe Karnes Kendall Kerr Medina Wilson
San Angelo	
Concho Valley Council of Governments 7 W. Twohig Building, Room 505 San Angelo 76901	Counties Coke Concho Crockett Irion Kimble Mason McCulloch Menard REagan Schleicher Sterling Sutton Tom Green
Sherman/Denison	
Texoma Regional Planning Commission 1000 Arnold Boulevard Denison 75020	Counties Cooke Fannin Grayson

Texas, cont'd

Clearinghouse	Jurisdiction
Texarkana, Tex./Ark.	
Ark-Tex Council of Governments P.O. Box 5307 Texarkana 75501	Texas portion: Counties Bowie Cass Delta Franklin Hopkins Lamar Morris Red River Titus Arkansas portion: Miller County
Tyler	
East Texas Council of Governments Fifth Floor, Citizens Bank Building Kilgore 75662	Counties Anderson Camp Cherokee Gregg Harrison Henderson Marion Panola Rains Rusk Smith Upshur Van Zandt Wood
Waco	
Heart of Texas Council of Governments 110 South 12th Street Waco 76701	Counties Bosque Falls Freestone Hill Limestone McLennan
Wichita Falls	
Nortex Regional Planning Commission 1914 Kempt Boulevard Wichita Falls 76309	Counties Archer Baylor Childress

Texas, cont'd

Clearinghouse	Jurisdiction
	Clay Cottle Foard Hardeman Jack Montague Wichita Wilbarger Young
AREAWIDE CLEARINGHOUSES (Other)	
Deep East Texas Development Council 272 E. Lamar Street Jasper 75951	Counties Angelina Houston Jasper Nacogdoches Newton Polk Sabine San Augustine San Jacinto Shelby Trinity Tyler
Golden Crescent Council of Governments P.O. Box 2028 Victoria 77901	Counties Calhoun DeWitt Goliad Gonzales Jackson Lavaca Victoria
Middle Rio Grande Development Council P.O. Box 1461 Del Rio 78840	Counties Dimmit Edwards Kinney LaSalle Maverick Real Uvalde Val Verde Zavala

REGION VII

Iowa
Kansas
Missouri
Nebraska

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

IOWA

STATE CLEARINGHOUSE

Office of Planning and Programming
523 East 12th Street
Des Moines 50319

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Cedar Rapids	
Eastern Iowa Association of RPCs 332 East Washington Iowa City 52240	Counties Benton Iowa Johnson Jones Linn Washington
Davenport/Rock Island/Moline, Iowa/Ill.	
Bi-State Metropolitan Planning Commission 1504 Third Avenue Rock Island, Illinois 61201	Counties Iowa portion: Scott Muscatine Illinois portion: Mercer Rock Island
Des Moines	
Central Iowa Regional Association of Local Governments 104 1/2 East Locust Street Des Moines 50309	Counties Boone Dallas Jasper Madison Marion Polk Story Warren
Dubuque	
East Central Intergovernmental Association 22 Fischer Building Dubuque 52001	Counties Cedar Clinton Delaware Dubuque Jackson
Omaha, Nebr./Iowa	
Omaha-Council Bluffs Metropolitan Area Planning Agency 7000 West Center Road Omaha, Nebraska 68106	Iowa portion: Counties Pottawattamie Mills Nebraska portion: Counties Douglas Sarpy

Iowa, cont'd

Clearinghouse	Jurisdiction
Sioux City, Iowa/Nebr./S.D.	
Siouxland Interstate Metropolitan Planning Council P.O. Box 447 626 Insurance Exchange Building Sioux City 51102	Iowa portion: Counties Cherokee Ida Monona Woodbury Nebraska portion: Dakota County South Dakota portion: Union County
Waterloo	
Iowa Northland Regional Council of Governments Russell Lamson Building 2009 West Fifth Street Waterloo 50701	Counties Black Hawk Bremer Buchanan Butler Chickasaw Grundy

AREAWIDE CLEARINGHOUSES
(Other)

Upper Explorerland Regional Planning Commission 134 West Green Street Postville 52162	Counties Allamakee Clayton Fayette Howard Winneshiek
Mid Iowa Development Association Regional Planning Commission Wahkonsa Manor 12 South 10th Street Fort Dodge 50501	Counties Calhoun Hamilton Humboldt Pocahontas Webster Wright
Southern Iowa Regional Planning Agency 215 North Elm Street Creston 50801	Counties Adair Adams Clarke Decatur Ringgold Taylor Union
North Iowa Council of Governments 202 First S.E. Mason City 50401	Counties Cerro Gordo Floyd Franklin Hancock Kossuth Mitchell Winnebago Worth
Northwest Iowa Regional Council of Governments 407 1/2 Grand Avenue Box 406 Spencer 51301	Counties Buena Vista Clay Dickinson Emmet Lyon O'Brien Osceola Palo Alto Sioux

Iowa, cont'd

Clearinghouse	Jurisdiction
Southeast Iowa Regional Planning Commission P.O. Box 971 Keokuk 52632	Counties Des Moines Henry Lee Louisa
Region Six Planning Commission 10 Woodbury Building 8 North First Avenue Marshalltown 50158	Counties Hardin Marshall Poweshiek Tama
Region 12 Council of Governments 527 1/2 North Adams P.O. Box 663 Carroll 51401	Counties Audubon Carroll Crawford Greene Guthrie Sac
Area XV Regional Planning Commission Building No. 86 Ottumwa Industrial Airport Ottumwa 52501	Counties Appanoose Davis Jefferson Keokuk Lucas Mahaska Monroe Van Buren Wapello Wayne
Southwest Iowa Regional Planning Commission P.O. Box I Griswold 51535	Counties Cass Fremont Harrison Montgomery Page Shelby

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

KANSAS

STATE CLEARINGHOUSE

Division of State Planning
and Research
Department of Administration
State Office Building
Topeka 66612

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Kansas City, Mo./Kan.

Mid-America Regional Council
20 West Ninth Street
Third Floor
Kansas City, Missouri 64105

Missouri portion:
Counties
Cass
Clay
Jackson
Platte
Ray
Kansas portion:
Counties
Johnson
Leavenworth
Wyandotte

Topeka

Topeka-Shawnee County
Metropolitan Planning Agency
Shawnee County Court House, Room 209
Topeka 66603

Shawnee County

Wichita

Wichita-Sedgwick County Metropolitan
Area Planning Department
455 North Main Street
Wichita 67202

Sedgwick County

St. Joseph, Mo./Kan.

Mo-Kan Regional Council
4529 South 169 Highway
St. Joseph, Missouri 64507

Missouri portion:
Counties
Andrew
Buchanan
Clinton
DeKalb
Brown (part)
City of Horton
Kansas portion:
City of Atchison
Doniphan County

AREAWIDE CLEARINGHOUSES
(Other)

Big Lakes Regional
Planning Commission
Riley County Courthouse
Manhattan 66502

Counties
Pottawatomie
Riley
Geary

Kansas, cont'd

Clearinghouse	Jurisdiction
Northwest Kansas Planning Commission P.O. Box 248 Hill City 67642	Counties Cheyenne Decatur Ellis Gove Graham Logan Norton Osborne Phillips Rawlins Rooks Russell Sheridan Sherman Smith Thomas Trego Wallace
Chikaskia-Indian Hills Regional Planning Commission P.O. Box 301 Pratt County Courthouse Pratt 67124	Counties Barber Comanche Harper Kingman Kiowa Pratt Sumner
Greater Southwest Regional Planning Commission 1802 Jones Avenue P.O. Box 893 Garden City 67846	Counties Clark Finney Ford Grant Gray Greeley Hamilton Haskell Hodgeman Kearny Lane Meade Morton Ness Scott Seward Stanton Stevens Wichita
Golden Belt Regional Planning Commission City Hall 419 Broadway Larned 67550	Counties Barton Edwards Pawnee Rush Stafford
Mid-State Regional Planning Commission P.O. Box 963 McPherson 67460	Counties McPherson Reno Rice
Southeast Kansas Regional Planning Commission Memorial Building Chanute 66720	Counties Allen Bourbon Cherokee Crawford Labette Montgomery Neosho Wilson Woodson

Kansas, cont'd

Clearinghouse	Jurisdiction
North Central Regional Planning Commission Municipal Building Beloit 67420	Counties Cloud Ellsworth Jewell Lincoln Mitchell Ottawa Republic Saline
Flint Hills Regional Planning Commission P.O. Box L Strong City 66869	Counties Chase Dickinson Lyon Marion Morris

UMI

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

MISSOURI

STATE CLEARINGHOUSE

Office of Administration
Division of State Planning and Analysis
P.O. Box 809
State Capitol
Jefferson City 65101

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Columbia	
Mid-Missouri Council of Governments 830 E. High Street Jefferson City 65101	Counties Audrain Boone Callaway Cole Cooper Howard Moniteau Osage
Kansas City, Mo./Kan.	
Mid-American Regional Council 20 W. Ninth Street Kansas City 64105	Missouri portion: Counties Cass Clay Jackson Platte Ray Kansas portion: Counties Johnson Leavenworth Wyandotte
St. Joseph, Mo./Kan.	
Mo-Kan Council of Governments 4529 South 169 Highway St. Joseph 64507	Missouri portion: Counties Andrew Buchanan Clinton DeKalb Brown (part) City of Horton Kansas portion: City of Atchison Doniphan County
St. Louis, Mo./Ill.	
East-West Gateway Coordinating Council 112 North Fourt Street Suite 1200 St. Louis 63102	Missouri portion: St. Louis City Counties Jefferson St. Charles St. Louis Franklin Illinois portion: Counties Madison Monroe St. Clair

Missouri, cont'd

Clearinghouse	Jurisdiction
Springfield	
Southwest Missouri Local Government Advisory Committee P.O. Box I Republic 65738	Counties Barry Christian Dade Dallas Greene Lawrence Polk Stone Taney Webster

AREAWIDE CLEARINGHOUSES
(Other)

Boonslick Regional Planning Commission P.O. Box 343 Bilmac Plaza Highways 40 & 47 Warrenton 63383	Counties Lincoln Montgomery Warren
Bootheel Regional Planning Commission P.O. Box 197 Malden 63863	Counties Dunklin Mississippi New Madrid Pemiscot Scott Stoddard
Green Hills Regional Planning Commission Grundy County Court House Trenton 64683	Counties Caldwell Daviess Grundy Harrison Linn Livingston Mercer Putnam Sullivan
Kaysinger Basin Regional Planning Commission 9th and East Ohio Clinton 64735	Counties Bates Benton Cedar Henry Hickory St. Clair Vernon
Lake of the Ozarks Regional Planning Commission P.O. Box 786 Camdenton 65020	Counties Camden Laclede Miller Morgan Pulaski
Mark Twain Regional Planning Commission 227 North Rollins P.O. Box 389 Macon 63552	Counties Lewis Macon Marion Monroe Pike Ralls Randolph Shelby

Missouri, cont'd

Clearinghouse	Jurisdiction
Meramec Regional Planning Commission 101 West 10th Street Rolla 65401	Counties Crawford Dent Gasconade Maries Phelps Washington
Missouri Valley Regional Planning Commission Farmers Savings Bank Building P.O. Box 747 Marshall 65340	Counties Carroll Chariton Saline
Northeast Missouri Regional Planning Commission Adair County Court House Kirksville 63501	Counties Adair Clark Knox Schuyler Scotland
Northwest Missouri Regional Planning Commission P.O. Box 370 Maryville 64468	Counties Atchison Gentry Holt Nodaway Worth
Ozark Foothills Regional Planning Commission P.O. Box 124 Ellsinore 63937	Counties Butler Carter Reynolds Ripley Wayne
Ozark Gateway Regional Planning Commission Freeman Building 2008 Sergeant Joplin 64801	Counties Barton Jasper McDonald Newton
Show-me Regional Planning Commission P.O. Box 348 103 Business Route 50 West Warrensburg 64093	Counties Johnson Lafayette Pettis
South Central Ozark Regional Planning Commission Williams Building West Plains 65775	Counties Douglas Howell Oregon Ozark Shannon Texas Wright
Southeast Missouri Regional Planning Commission 19 North Main Street Perryville 63775	Counties Bollinger Cape Girardeau Iron Madison Perry St. Francois Ste. Genevieve

NEBRASKA

STATE CLEARINGHOUSE

State Office of Planning
and Programming
State Capitol
Box 94601
Lincoln 68509

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Lincoln	
Lincoln City-Lancaster County Planning Commission City Hall Lincoln 68508	Lancaster County
Omaha/Council Bluffs, Nebr./Iowa	
Omaha-Council Bluffs Metropolitan Area Planning Agency 7000 West Center Road Omaha 68106	Nebraska portion: Counties Douglas Sarpy Iowa portion: Counties Pottawattamie Mills
Sioux City, Iowa/Neb./S.D.	
Siouxland Interstate Metropolitan Planning Council P.O. Box 447 626 Insurance Exchange Building Sioux City, Iowa 51102	Iowa portion: Counties Cherokee Ida Monona Plymouth Woodbury Nebraska portion: Dakota County South Dakota portion: Union County

AREAWIDE CLEARINGHOUSES
(Other)

Panhandle Resource Council 2402 Avenue I RFD 1, Box 1 Scottsbluff 69361	Counties Banner Box Butte Cheyenne Dawes Deuel Garden Kimball Morrill Scottsbluff Sheridan Sioux
Fort Kearney Council of Governments P.O. Box 489 Kearney 68847	Counties Buffalo Kearney

Nebraska, cont'd

Clearinghouse	Jurisdiction
Southeast Nebraska Council of Governments P.O. Box 437 Humboldt 68376	Counties Johnson Nemaha Pawnee Richardson
Mid-Elkhorn Valley Council of Governments P.O. Box 426 Norfolk 68701	Counties Antelope Madison Pierce Stanton Wayne
Southwest Nebraska Council of Governments P.O. Box 126 McCook 69001	Counties Dundy Hays Hitchcock Red Willow
Extra-Metropolitan Council of Governments P.O. Box C Fremont 68025	Counties Burt Cuming Dodge Thurston Washington
Region 26 Council Valley County Courthouse Ord 68862	Counties Blaine Custer Garfield Greeley Loup Sherman Valley Wheeler
Cornhusker Regional Council of Governments 411 East Second Ogallala 69153	Counties Arthur Chase Grant Keith Perkins

REGION VIII

Colorado
Montana
North Dakota
South Dakota
Utah
Wyoming

COLORADO

STATE CLEARINGHOUSE

Division of Planning
Department of Local Affairs
1845 Sherman Street
Denver 80203

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Colorado Springs	
Pikes Peak Area Council of Governments 27 East Vermijo Colorado Springs 80903	Counties El Paso Teller Park
Denver	
Denver Regional Council of Governments 1776 South Jackson Denver 80210	Counties Adams Arapahoe Boulder Clear Creek Douglas Gilpin Jefferson Denver
Pueblo	
Pueblo Area Council of Governments City Hall P.O. Box 1427 Pueblo 81002	Pueblo County

AREAWIDE CLEARINGHOUSES (Other)

San Luis Valley Council of Governments Adams State College Box 28 Alamosa 81102	Counties Alamosa Conejos Costilla Mineral Rio Grande Saguache
Northeastern Colorado Council of Governments P.O. Box 1782 Sterling 80751	Counties Logan Morgan Phillips Sedgwick Washington Yuma
The District 10 Regional Planning Commission 107 South Cascade Box 341 Montrose 81401	Counties Delta Gunnison Hinsdale Montrose Ouray San Miguel

Colorado, cont'd

Clearinghouse	Jurisdiction
Colorado West Council of Governments 229 West Avenue Box 351 Rifle 81650	Counties Garfield Mesa Moffat Rio Blanco
Larimer-Weld Regional Planning Commission 201 East Fourth Street Loveland 80537	Counties Larimer Weld
Huerfano-Las Animas Area Council of Governments Las Animas County Courthouse Trinidad 81082	Counties Huerfano Las Animas
Northwest Colorado Council of Governments Holiday Center Building P.O. Box 737 Frisco 80443	Counties Eagle Grand Jackson Pitkin Routt Summit
Lower Arkansas Valley Council of Governments County Courthouse Las Animas 81054	Counties Baca Bent Crowley Kiowa Otero Prowers
Upper Arkansas Area Council of Governments 425-1/2 Main Street P.O. Box 510 Canon City 81212	Counties Chaffee Custer Fremont Lake

MONTANA

STATE CLEARINGHOUSE

Research and Information Systems Division
Department of Community Affairs
1424 9th Avenue
Helena 59601

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Billings	
Billings/Yellowstone City-County Planning Board Room 303, County Courthouse Billings 59101	Yellowstone County
Great Falls	
Great Falls City-County Planning Board P.O. Box 1609 Great Falls 59403	Cascade County

NORTH DAKOTA

STATE CLEARINGHOUSE

North Dakota State Planning Division
State Capitol
Bismarck 58505

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Fargo/Moorhead, N. Dak./Minn.	
Fargo-Moorhead Metropolitan Council of Governments 44 Foss Lane Moorhead, Minnesota 56560	North Dakota portion: Cass County Minnesota portion: Clay County

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

SOUTH DAKOTA

STATE CLEARINGHOUSE

State Planning Bureau
State Capitol
Pierre 57501

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Sioux City, Iowa/Neb./S.D.	
Siouxland Interstate Metropolitan Planning Council P.O. Box 447 Sioux City, Iowa 51103	Iowa portion: Counties Cherokee Ida Monona Plymouth Woodbury Nebraska portion: Dakota County South Dakota portion: Union County
Sioux Falls	
South Eastern Council of Governments 208 East 13th Street Sioux Falls 57102	Counties Clay Lincoln McCook Minnehaha Turner Union

AREAWIDE CLEARINGHOUSES
(Other)

First Planning and Development District 401 First Avenue, N.E. Watertown 57201	Counties Brookings Codington Clark Deuel Grant Hamlin Kingsbury Lake Miner Moody
Third Planning and Development District P.O. Box 687 Yankton County Courthouse Yankton 57078	Counties Aurora Bon Homme Brule Charles Mix Davison Douglas Gregory Hanson Hutchinson Jerauld Sanborn Yankton

South Dakota, cont'd

Clearinghouse	Jurisdiction
Fourth Planning and Development District 310 South Lincoln Aberdeen 57401	Counties Beadle Brown Day Edmunds Faik Hand Marshall McPherson Roberts Spink
Fifth Planning and Development District 365 1/2 South Pierre Street Pierre 57501	Counties Buffalo Campbell Corson Dewey Gregory Haakon Hughes Hyde Jones Lyman Mellette Perkins Potter Stanley Sully Tripp Todd Walworth Ziebach
Sixth Planning and Development District P.O. Box 1586 Rapid City 57701	Counties Bennett Butte Custer Fall River Harding Jackson Lawrence Meade Pennington Shannon Washabaugh

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

UTAH

STATE CLEARINGHOUSE

Utah State Planning Coordinator
Office of the Governor
State Capitol Building
Salt Lake City 84114

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Salt Lake City, Ogden	
Wasatch Front Regional Council 424 West Center Street Bountiful 84010	Counties Salt Lake Tooele Davis Weber Morgan
Provo/Orem	
Mountainland Association of Governments 160 East Center Street Provo 84601	Counties Utah Wasatch Summit

AREAWIDE CLEARINGHOUSES
(Other)

Bear River Association of Governments 160 North Main Logan 84321	Counties Box Elder Cache Rich
Six County Commissioners Organization Sevier County Courthouse 250 North Main P.O. Box 804 Richfield 84701	Counties Jaub Millard Sanpete Sevier Pinte Wayne
Southeastern Utah Association of Governments P.O. Drawer A1 109 S. Carbon Avenue Price 84501	Counties Carbon Emery Grand San Juan
Five County Association of Governments Organization P.O. Box O 185 East 100 South St. George 84770	Counties Beaver Garfield Iron Kane Washington
Uintah Basin Association of Governments Box 867 26 West Second North Roosevelt 84066	Counties Daggett Duchesne Uintah

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STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WYOMING

STATE CLEARINGHOUSE

State Planning Coordinator
Office of the Governor
Capitol Building
Cheyenne 82001

AREAWIDE CLEARINGHOUSES
(Metropolitan)

(No metropolitan areas)

REGION IX

Arizona
California
Hawaii
Nevada

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STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

ARIZONA

STATE CLEARINGHOUSE

State Clearinghouse
Office of Economic Planning
and Development
State of Arizona
1700 West Washington Street
Phoenix 85007

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Phoenix	
Maricopa Association of Governments 1820 West Washington Street Phoenix 85007	Maricopa County
Tucson	
Pima Association of Governments 405 Transamerica Building Tucson 85701	Pima County

AREAWIDE CLEARINGHOUSES
(Other)

Northern Arizona Council of Governments P.O. Box 57 Flagstaff 86001	Counties Apache Coconino Navajo Yavapai
Central Arizona Association of Governments Drawer JJ 512 Butte Avenue Florence 85232	Counties Gila Pinal
Southeastern Arizona Governments Association P.O. Box 204 Hinbee 85603	Counties Greenlee Cochise Graham Santa Cruz
District IV Council of Governments 377 South Main Street Yuma 85364	Counties Mohave Yuma
Indian Tribal Clearinghouse for Tribal Projects Office of Management and Program Development Salt River Pima-Maricopa Indian Community Scottsdale 85256	Jurisdiction Salt River Indian Reservation

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STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

CALIFORNIA

STATE CLEARINGHOUSE

Office of the Governor
Office of Planning and Research
1400 Tenth Street
Sacramento 95814

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Anaheim/Santa Ana/Garden Grove, Los Angeles, Oxnard/Ventura, and San Bernardino/Riverside/Ontario	
Southern California Association of Governments Suite 1000 600 South Commonwealth Avenue Los Angeles 90005	Counties Imperial Los Angeles Orange Riverside San Bernardino Ventura
Bakersfield	
Kern County Council of Governments 1106 26th Street Bakersfield 93301	Kern County
Fresno	
Council of Fresno County Governments 2104 Tulare Street Suite 520 Fresno 93721	Fresno County
Modesto	
Stanislaus Area Association of Governments 814 14th Street Modesto 95354	Stanislaus County
Sacramento	
Sacramento Regional Area Planning Commission 800 H Street P.O. Box 808 Sacramento 95804	Counties Eldorado (part): Area west of Lake Tahoe basin Placer (part): Area west of Lake Tahoe basin Sacramento Sutter Yolo Yuba
Salinas/Monterey	
Association of Monterey Bay Area Governments 1011 Cass Street P.O. Box 190 Monterey 93940	Counties Monterey San Benito Santa Cruz

California, cont'd

Clearinghouse	Jurisdiction
San Diego	
San Diego County Comprehensive Planning Organization Security Pacific Plaza 1200 Third Avenue San Diego 92101	San Diego County
San Francisco/Oakland, San Jose, Vallejo/Napa, and Santa Rosa	
Associaiton of Bay Area Governments Hotel Claremont Berkeley 94705	Counties Alameda Contra Costa Marin Napa San Francisco San Mateo Santa Clara Solano Sonoma
Santa Barbara	
Santa Barbara County-Citiee Area Planning Council 1306 Santa Barbara Street Santa Barbara 93101	Santa Barbara County
Stockton	
San Joaquin County Council of Governments 1850 E. Hazelton Avenue Stockton 95205	San Joaquin County

California, cont'd

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	Jurisdiction
Tahoe Regional Planning Agency P. O. Box 8896 1052 Tata Lane South Lake Tahoe 95731	California portion: Lake Tahoe Water Shed Basin Placer County (part) El Dorado County (part) Nevada portion: Lake Tahoe Water Shed Basin Washoe County (part) Carson City The region as a whole includes the Tahoe basin, the perimeter of which is approximately 10-12 miles from the Shores of Lake Tahoe.
Merced County Association of Governments 759 West 22nd Street Merced 95340	Merced County
Tulare County Association of Governments 107 County Courthouse Visalia 93277	Tulare County

HAWAII

STATE CLEARINGHOUSE

Department of Planning and Economic
Development
P.O. Box 2359
Honolulu 96804

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Honolulu	
City and County of Hololulu Department of General Planning 650 South King Street Honolulu 96813	Honolulu County

GUAM

STATE CLEARINGHOUSE

State Clearinghouse
Office of the Lieutenant Governor
Agana 96910

NEVADA

STATE CLEARINGHOUSE

State Planning Coordinator
State Capital Building
Carson City 89701

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Las Vegas	
Clark County Regional Planning Council County Court House Annex Las Vegas 89101	Clark County
Reno	
Washoe Council of Governments P.O. Box 3516 350 South Center Street Reno 89505	Washoe County

AREAWIDE CLEARINGHOUSES
(other)

Tahoe Regional Planning Agency P.O. Box 8896 1052 Tata Lane South Lake Tahoe, California 95731	California portion: Counties Placer (part) El Dorado (part) Nevada portion: Counties Douglas (part) Washoe (part) Carson City (part) The region as a whole includes the Tahoe basin, the perimeter of which is approximately 10-12 miles from the Shores of Lake Tahoe.
Carson River Basin Council of Governments P.O. Box 1927 Carson City 89701	Carson City Counties Churchill Douglas Lyon Storey

REGION X

Alaska
Idaho
Oregon
Washington

ALASKA

STATE CLEARINGHOUSE

Office of the Governor
State of Alaska
Pouch AD
State Capitol
Juneau 99801

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Anchorage	
A-95 Coordinator Office of the Municipal Manager Municipality of Anchorage Pouch 6-650 Anchorage 99507	Greater Anchorage Area

IDAHO

STATE CLEARINGHOUSE

State Clearinghouse
Division of Budget, Policy Planning
and Coordination
122 Statehouse
Boise 83720

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Boise	
Ada Council of Governments 525 W. Jefferson Street Boise 83702	Ada County

AREAWIDE CLEARINGHOUSES (Other)

Panhandle Planning and Development Council P.O. Box 880 Coeur d'Alene 83814	Counties Benewah Boundary Bonner Kootenai Shoshone
Southeastern Idaho Council of Governments Box 4169 403 North Main Pocatello 83201	Counties Bannock Bear Lake Bingham Caribou Franklin Oneida Power
Ida-Ore Regional Planning and Development Association Box 311 25 West Idaho Street Weiser 83672	Counties Ada Adams Boise Canyon Elmore Gem Payette Owyhee Valley Washington
Magic Valley Council of Governments 401 South Lincoln Jerome 83338	Counties Blaine Camas Cassia Gooding Jerome Lincoln Minidoka Twin Falls
Clearwater Economic Development Association P.O. Box 8636 Moscow 83843	Counties Clearwater Idaho Latah Lewis Nez Perce

OREGON

STATE CLEARINGHOUSE

Federal Aid Coordinator
Intergovernmental Relations Division
Executive Department
240 Cottage Street S. E.
Salem 97310

AREAWIDE CLEARINGHOUSES (Metropolitan)

Clearinghouse	Jurisdiction
Eugene	
Lane Council of Governments 135 6th Avenue East Eugene 97401	Lane County
Portland, Ore./Wash.	
Columbia Region Association of Governments 527 S. W. Hall Street University Center Building Portland 97201	Oregon portion: Counties Clackamas Columbia Multnomah Washington Washington portion: Clark County
Salem	
Mid Willamette Valley Council of Governments Senator Building 220 High Street, N.E. Salem 97301	Counties Marion Polk Yamill

AREAWIDE CLEARINGHOUSES (Other)

Blue Mountain Intergovernmental Council Wallowa County Courthouse Enterprise 97828	Counties Baker Union Wallowa
Central Oregon Intergovernmental Council P.O. Box 575 1106 West Highland Avenue Redmond 97756	Counties Jefferson Deschutes Cook
Clatsop-Tillamook Intergovernmental Council P.O. Box 488 Cannon Beach 97110	Counties Clatsop Tillamook
Coos-Curry Council of Governments 1975 McPherson P.O. Box 687 North Bend 97459	Counties Coos Curry
Mid-Columbia Economic Development District P.O. Box 280 502 E. Fifth Street, Annex B The Dalles 97058	Counties Hood River Sherman Wasco

Oregon, cont'd

Clearinghouse	Jurisdiction
Rogue Valley Council of Governments Suite 211 33 North Central Medford 97501	Counties Jackson Josephine
Southeast Oregon Council of Governments P.O. Box 799 71 S.W. Second Avenue Ontario 97914	Counties Harney Malheur
District 4 Council of Governments 460 S.W. Madison Corvallis 97330	Counties Benton Lincoln Linn
East Central Oregon Association of Counties P.O. Box 339 920 S.W. Frazier Pendleton 97801	Counties Gilliam Grant Morrow Umatilla Wheeler
Umpqua Regional Council of Governments Douglas County Courthouse Annex 205 S.E. Jackson Street Roseburg 97470	Douglas County
Klamath Lake Planning and Coordinating Council Lake County Courthouse Lakeview 97630	Counties Klamath Lake

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 (REVISED)
STATE, METROPOLITAN, AND REGIONAL CLEARINGHOUSES

WASHINGTON

STATE CLEARINGHOUSE

Office of the Governor
Office of Program Planning and
Fiscal Management
Olympia 98504

AREAWIDE CLEARINGHOUSES
(Metropolitan)

Clearinghouse	Jurisdiction
Portland, Ore./Wash.	
Columbia Region Association of Governments 527 S.W. Hall Street University Center Building Portland, Oregon 97201	Oregon portion: Counties Clackamas Columbia Multnomah Washington Washington portion: Clark County
Seattle/Everett and Tacoma	
Puget Sound Governmental Conference 216 First Avenue South Seattle 98104	Counties King Kitsap Pierce Snohomish
Spokane	
Spokane Regional Planning Conference 221 Wall Street - City Hall Spokane 99201	Spokane County
Yakima	
Yakima County Conference of Governments 417 County Courthouse Yakima 98901	Jurisdiction Yakima County
Richland-Kennewick	
Benton-Franklin Governmental Conference 906 Jadwin Avenue Richland 99352	Counties Benton Franklin

AREAWIDE CLEARINGHOUSES
(Other)

Clearinghouse	Jurisdiction
Chelan Country Regional Planning Council 411 Washington Street Wenatchee 98801	Jurisdiction Chelan County
Clallam County Governmental Conference P.O. Box 430 Port Angeles 98362	Clallam County

Washington, cont'd

Clearinghouse	Jurisdiction
Cowlitz-Wahkiakum Governmental Conference 103 North Fifth Avenue Kelso 98626	Counties Cowlitz Wahkiakum
Douglas County Regional Planning Commission 110 Third Street N.E. East Wenatchee 98801	Douglas County
Grant-Lincoln-Adams Conference of Governments Grant County Planning Department Courthouse Ephrata 98823	Counties Adams Grant Lincoln
Grays Harbor Regional Planning Commission 207 1/2 East Market Street Aberdeen 98520	Grays Harbor County
Island County Planning Department P.O. Box 698 Coupeville 98239	Island County
Jefferson-Port Townsend Regional Council County Courthouse Port Townsend 98368	Jefferson County
Kittitas County Council of Governments 217 County Courthouse Ellensburg 98926	Kittitas County
Klickitat County Regional Planning Council P. O. Box 1515 Goldendale 98620	Klickitat County
Lewis Regional Planning Commission P.O. Box 418 Chehalis 98532	Lewis County
Mason Regional Planning Council P.O. Box 186 Shelton 98584	Mason County
Okanogan County Regional Planning Commission P.O. Box 1009 Okanogan 98840	Okanogan County
Pacific County Regional Planning Council Courthouse P.O. Box 66 South Bend 98586	Pacific County
San Juan County Planning Department P.O. Box 947 Friday Harbor 98250	San Juan County
Skagit Regional Planning Council 120 West Kincaid Street Mt. Vernon 98273	Skagit County
Skamania Regional Planning Council P.O. Box 30 County Courthouse Annex Stevenson 98648	Skamania County

Washington, cont'd

Clearinghouse	Jurisdiction
Thurston Regional Planning Council 332 County Courthouse Annex Olympia 98501	Thurston County
TRICO Economic Development District North 470 Main Mail Box 214 Colville 99114	Counties Ferry Pend Oreille Stevens
Walla Walla Regional Planning Commission P.O. Box 470 Third and Rose Street Walla Walla 99362	Counties Walla Walla Columbia
Whatcom County Council of Governments Whatcom County Courthouse 311 Grand Avenue Bellingham 98225	Whatcom County
Whitman County Regional Planning Council P.O. Box 208 Colfax 99111	Whitman County
Asotin County Planning Commission P.O. Box 61 Asotin 99402	Counties Asotin Garfield
Regional Planning Council of Clark County P.O. Box 500 Vancouver 98663	Clark County*

*Counties followed by an asterisk are within a metropolitan areawide clearinghouse jurisdiction also. Therefore, notification from these counties will be sent to both clearinghouses.

[FR Doc.77-738 Filed 1-7-77;8:45 am]

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1-11-77

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TUESDAY, JANUARY 11, 1977

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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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Executive Order 11952 • January 7, 1977

Conforming the Foreign Service and Civil Service Retirement and Disability Systems

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94-350 (90 Stat. 835; 22 U.S.C. 1065), and as President of the United States of America, in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

SECTION 1. (a) The enactment (subsequent to January 1, 1974) of the following laws has affected a provision of general applicability in the Civil Service Retirement and Disability System (subchapter III, chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, had been substantially identical to a corresponding provision of law affecting participants, former participants, annuitants or survivors under the Foreign Service Retirement and Disability System:

(1) Section 1 of Public Law 93-260, approved April 9, 1974 (88 Stat. 76).

(2) Section 1 of Public Law 93-273, approved April 26, 1974 (88 Stat. 93).

(3) Section 2 of Public Law 93-273, approved April 26, 1974 (88 Stat. 93).

(4) Public Law 93-474, approved October 26, 1974 (88 Stat. 1438).

(5) Public Law 94-166, approved December 23, 1975 (89 Stat. 1002).

(b) The provisions of the laws cited in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

SEC. 2. (a) In accord with Section 1 of Public Law 93-260, Section 804(b) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1064(b)), is deemed to be amended by striking out "two years" wherever it appears and inserting in lieu thereof "one year". This amendment shall apply only in the cases of participants, former participants, or annuitants who died on or after April 9, 1974 but no annuity shall be paid or recomputed, by virtue of this amendment, for any period prior to May 1, 1974.

(b) In accord with Section 1 of Public Law 93-273, and notwithstanding any other provision of Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), said Section 821 shall be deemed to be amended to provide for the payment of a minimum annuity as follows:

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(1) The monthly rate of an annuity payable, under said Section 821, to an annuitant, or to a survivor annuitant other than a child, shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*).

(2) The monthly rate of an annuity payable, under said Section 821, to a surviving child shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or three times such primary insurance amount divided by the number of surviving children entitled to an annuity, whichever is the lesser.

(3) The provisions of this subsection shall not apply to an annuitant or to a survivor who is or becomes entitled to receive from the United States an annuity or retired pay under any other civilian or military retirement system, benefits under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), a pension, veterans' compensation, or any other periodic payment of a similar nature, when the monthly rate thereof is equal to or greater than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 *et seq.*).

(4) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

(c) In accord with Section 2 of Public Law 93–273, Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide an increase in annuities, which have been computed on the highest five consecutive years of service, as follows:

(1) An annuity payable to a former participant which is based on a separation occurring prior to October 20, 1969, is increased by $240.00.

(2) In lieu of any increase based on an increase under paragraph (1) of this subsection, an annuity to the surviving spouse of a participant or annuitant which is based on a separation occurring prior to October 20, 1969, is increased by $132.00.

(3) The provisions of this subsection shall not apply to annuities payable under Section 523(c) of Public Law 94–350 (90 Stat. 847, 22 U.S.C. 1076 note), or any similar prior provision of law, to the surviving spouse of a participant or annuitant.

(4) The monthly rate of an annuity resulting from an increase under this subsection shall be considered as the monthly rate of annuity payable under Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), for purposes of computing the minimum annuity as provided in subsection (b) of this Section.

(5) The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

(d) In accord with Public Law 93–474, Section 221 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide for the recomputation of annuities for nonmarried annuitants, as follows:

"(1) An annuity which is reduced under Section 821(b)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(b)(1)), or any similar prior provision of law shall, for each full month during which a retired participant is not married, be recomputed and paid as if the annuity had not been so reduced. Upon remarriage of the retired participant, the annuity shall be reduced by the same percentage reductions which were in effect at the time of retirement or, if such percentage reductions were subsequently adjusted pursuant to law, by the percentage reductions last made pursuant to law.

(2) The provisions of this subsection apply to all annuities, whether commenced before, on, or after November 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to November 1, 1974.

(e) In accord with Public Law 94–166, Section 864 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1104), is deemed to be amended by adding a subsection (a) and conforming the present Section as subsection (b), to read as follows:

"Sec. 864 (a) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from such annuity for such purposes as the Secretary in his sole discretion considers appropriate.

"(b) None of the moneys mentioned in this title shall be assignable, either in law or equity, except under the provisions of subsection (a) of this Section or Section 634(c), or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws."

Gerald R. Ford

THE WHITE HOUSE,
January 7, 1977.

[FR Doc.77-1098 Filed 1-7-77;4:43 pm]

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Executive Order 11954 • January 7, 1977

Federal Property Review

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) The Federal Property Council (hereinafter referred to as the Council) is hereby reconstituted in the Executive Office of the President. The Council shall consist of the Director of the Office of Management and Budget, who shall be its Chairman, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and such other members as the President may from time to time specify.

(b) Whenever requested by the Administrator of General Services or the Director of the Office of Management and Budget, the Council shall review the reports made by the Administrator of General Services pursuant to section 4 of this order, with particular attention to resolving conflicting claims on, and alternate uses for, any property described in those reports, consistent with laws governing Federal real property. The Council shall submit such recommendations and cause such reports to be submitted to the President as may be appropriate.

SEC. 2. All Executive agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services pursuant to section 206 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 487), and this order.

SEC. 3. The Administrator of General Services shall issue standards and procedures, conduct surveys, and cause surveys to be conducted, to ensure that the real property holdings of Executive agencies shall continually be evaluated with special emphasis on the identification of properties that are not utilized, are under utilized, or are not being put to optimum use. The Administrator shall consult with appropriate Executive agencies in order to (a) identify real property that is excess or surplus to the needs of the Executive agencies, and (b) make such real property available for its most beneficial use under the various laws of the United States affecting such property.

SEC. 4. The Administrator of General Services shall report to the Director of the Office of Management and Budget with respect to any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator, is not utilized, is under utilized, or is not being put to optimum use, and which he recommends should be reported as excess property.

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SEC. 5. The Director of the Office of Management and Budget shall review Federal real property policies and the objectives of the Executive branch of the Government; and shall review the reports made by the Administrator of General Services pursuant to section 4 of this order, as well as other reports relating to Federal real property. The Director shall submit such recommendations and cause such reports to be submitted to the President as may be appropriate.

SEC. 6. Executive Order No. 11724 of June 25, 1973, is hereby superseded.

Gerald R. Ford

THE WHITE HOUSE,
January 7, 1977.

[FR Doc.77-1100 Filed 1-7-77;4:45 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER IV—ADVISORY COMMITTEE ON FEDERAL PAY

PART 1410—RULES AND REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

Records of Individuals; Determinations and Access

On May 14, 1976, there were published in the FEDERAL REGISTER (40 FR 19973–19974) proposed regulations which set forth the procedures by which an individual could determine whether the Advisory Committee on Federal Pay maintained a system of records which included a record pertaining to the individual, and methods by which the individual could gain access to the record pertaining to him or her for the purpose of review, amendment, and/or correction. Interested parties were given the opportunity to submit comments regarding the proposed regulations by June 14, 1976. No comments were received and the proposed regulations are adopted without amendment this 3rd day of January, 1977.

JEROME M. ROSOW,
Chairman.

Title 5 of the CFR is amended by adding a new Chapter IV—Advisory Committee on Federal Pay, consisting of the following Part 1410 to read as follows:

PART 1410—RULES AND REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

Sec.

1410.1 Purpose and scope.
1410.2 Definitions.
1410.3 Procedures for access of an individual to his or her own records in a record system.
1410.4 Times, places and requirements for the identification of the individual making a request.
1410.5 Grant to an individual of access to his or her own records.
1410.6 Access to the accounting of disclosures from records.
1410.7 Request for correction or amendment to the record.
1410.8 Agency review of request for correction or amendment of the record.
1410.9 Appeal of an initial adverse agency determination on correction or amendment of the record.
1410.10 Disclosure of record to a person other than the individual to whom the record pertains.
1410.11 Fees.

AUTHORITY: Pub. L. 93-579; 5 U.S.C. 552a.

§ 1410.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Advisory Committee on Federal Pay (hereafter known as the Committee) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1410.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Committee, including but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Committee from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1410.3 Procedures for access of an individual to his or her own records in a record system.

An individual shall submit a request to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, D.C. 20006, in person or in writing, to determine if a system of records named by the individual contains a record pertaining to the individual, or if the Committee maintains any systems of records which pertain to the individual. The individual shall submit a request to the Administrative Assistant of the Committee which states the individual's desire to review his or her record. Individuals who require assistance in identifying systems of record, or in preparing requests identifying systems of record for access, or who need assistance in requesting amendments, may address such requests to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, D.C. 20006.

§ 1410.4 Times, places and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Assistant of the Committee pursuant to Section 1410.3 shall present the request at the Committee offices, Suite 205, 1730 K Street NW., Washington, D.C. 20006, on any business day between the hours of 8:15 a.m. and 4:45 p.m., or in writing. The individual submitting the request should present himself or herself at the Committee's offices with a form of identification which will permit the committee to verify that the individual is the same individual as contained in the record requested, such as a valid driver's permit, employee identification card, or Medicare card, or a signed statement from the individual asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000. If the individual seeks access by mail, the Committee will require similar identification as required of those persons requesting access to records in person, or by identifying data such as name, date of birth, or system personal identifier (if known to the individual). Requests for access to systems of record will be acknowledged within ten days of receipt. The acknowledgement will indicate whether or not access can be granted and, if so, that it will be within a 30-day period unless, for good cause shown, the Committee is unable to do so.

§ 1410.5 Grant to an individual of access to his or her own records.

Upon verification of identity either in person or in written form to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, D.C. 20006, and in accordance with the identification provisions of § 1410.4, the Committee shall grant access to the individual the information contained in the record which pertains to that individual. The individual may be accompanied for the purpose by a person of his or her choosing. Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available. If, for any unforeseen circumstances, or in an unusual situation when it may be necessary to deny a person access, the individual will be advised of the reasons therefor, and his or her right to judicial review under 5 U.S.C. 552a(f)(4).

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§ 1410.6 Access to the accounting of disclosures from records.

The Privacy Act requires that with some limited exceptions individuals may request access to a list of those to whom records about them have been disclosed. Individuals seeking access to the accounting of disclosures from records pertaining to them should follow the same procedures as established above for access to the records themselves (see §§ 1410.3, 1410.4, 1410.5).

§ 1410.7 Request for correction or amendment to the record.

The individual should submit a request to the Administrative Assistant of the Committee which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 1410.4.

§ 1410.8 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Assistant of the Committee will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment or any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Committee for the individual to request a review of that refusal. Corrections or amendments will be sent to prior recipients of the record in question, to the extent that the Committee has an accounting of the disclosure of the record of that information.

§ 1410.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Assistant of the Committee to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman of the Advisory Committee on Federal Pay, Suite 205, 1730 K Street NW., Washington, D.C. 20006. The Chairman will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Committee a concise statement setting forth the reasons for his or her disagreement with the refusal of the Committee and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A). A copy of the corrected record or statement of dispute will be provided to prior recipients of the information in question, to the extent that the Committee has an accounting of the disclosure of that information.

§ 1410.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Committee will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, except as required or permitted under 5 U.S.C. 552a(b).

§ 1410.11 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page for any copying charges in excess of $25.00. In cases of indigency, the Committee may waive such fees. In cases where copying charges exceed $25.00, advance payment will be required.

[FR Doc.77-821 Filed 1-10-77;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 726—BURLEY TOBACCO

Subpart—Burley Tobacco, 1971–72 and Subsequent Marketing

RECONSTITUTIONS, AVERAGE MARKET PRICE, AND RATE OF PENALTY

This amendment (1) eliminates the requirement that yields for individual tracts during the base period (1966–70) be used in establishing current yields when the farm is divided by the contribution method and such farm was a separate farm during one or more of the base years, (2) removes restrictions on transferring of quotas on federally-owned land, (3) removes requirements that a dealer or buyer obtain prior approval from the Director, PO Division, before being exempt from keeping regular records and making reports on MQ–79, and (4) incorporates the average market price received by producers for 1975–76 marketing and the penalty rate for the 1976–77 marketing year.

Since county offices are now accepting reconstitutions which will be effective for crop year 1977 and tobacco markets are in the process of opening, it is essential that these regulations be made effective at the earliest possible date. It is hereby found and determined that compliance with the notice of proposed rulemaking and public participation procedure in 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective without regard to such procedure.

The following changes and additions to 7 CFR Part 726 are made:

1. The table of contents is amended by revising § 726.55, § 726.60, and § 726.61 to read as follows:

Sec.

. . . . . .

726.55 Determining farm yields for old farms.

. . . . . .

726.60 Determination of yields for divided farms.

726.61 Determination of quotas for reconstituted farms.

. . . . . .

2. Section 726.55 is revised to read as follows:

§ 726.55 Determining farm yields for old farms.

The farm yield for an old farm shall be the same yield as was in effect for such farm in the immediate preceding year but the yield shall not exceed 3,500 pounds per acre.

3. Section 726.56 is amended by revising paragraph (b) to read as follows:

§ 726.56 Determining preliminary farm marketing quotas.

. . . . . .

(b) *Determination.* The preliminary farm marketing quota shall be the farm marketing quota established for the preceding year.

4. Section 726.57 is revised to read as follows:

§ 726.57 Determining farm marketing quotas and effective farm marketing quotas.

(a) *Farm marketing quotas.* The farm marketing quota shall be determined by multiplying the current year's preliminary farm marketing quota by the national factor for the current year plus permanent quota adjustments.

(b) *Effective farm marketing quotas.* The effective farm marketing quota shall be the farm marketing quota plus or minus temporary quota adjustments.

5. Section 726.60 is revised to read as follows:

§ 726.60 Determination of yields for divided farms.

(a) *Contribution method.* Where a tract is separated from the parent farm and the tobacco marketing quota is divided by the contribution method, the farm yield shall be determined as follows:

(1) Where a farm yield was established for the tract prior to the time the tract became part of the parent farm, such yield shall be the farm yield for the tract.

(2) Where the tract is one for which a farm yield has never been established, the farm yield shall be the same as the farm yield for the parent farm.

(b) *Where the contribution method is not used.* When a farm is divided and the quotas are divided by any method other than the contribution method, the farm yield for such tract shall be the same as the farm yield established for the parent farm.

6. Section 726.61 is revised to read as follows:

§ 726.61 Determination of quotas for reconstituted farms.

(a) Farm marketing quotas shall be reconstituted pursuant to the provisions of Part 719 of this chapter. Where a farm is being divided, other basic data shall be apportioned among the divided tracts the same as the farm marketing quota.

(b) Where carryover tobacco produced on a parent farm is marketed after the effective date of a reconstitution, such marketing shall be charged to the divided tracts in the same ratio (1) as the marketing quotas are established for the divided tracts or (2) as the county committee determines that (i) the proceeds from such marketing are received by the owner or operator of one or more of the divided tracts or (ii) the owners of the divided tracts agree.

§ 726.64 [Amended]

7. Section 726.64 is amended by deleting the last sentence of paragraph (e).

8. Section 726.68 is amended by reserving paragraph (j) to read as follows:

§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

. . . . . .

(j) [Reserved].

. . . . . .

9. Section 726.86 is amended by revising paragraph (c) to read as follows:

§ 726.86 Rate of penalty.

. . . . . .

(c)(1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1970–71	72.2
1971–72	80.9
1972–73	79.2
1973–74	92.9
1974–75	113.7
1975–76	105.5

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing year:	Cents per pound
1971–72	54
1972–73	61
1973–74	59
1974–75	70
1975–76	85
1976–77	79

10. Paragraph (a) of § 726.95 is amended to read as follows:

§ 726.95 Dealers exempt from keeping regular records and making reports on MQ–79 and season report for dealers.

(a) Any dealer or buyer who acquires tobacco in the form in which tobacco ordinarily is sold by farmers and resells five percent or less of any such tobacco shall not be subject to the requirements of § 726.94 except for the requirements which relate to the reporting or nonauction purchases from producers and the requirements of paragraph (d) of § 726.94. A dealer or buyer whose resales in the form ordinarily sold by farmers exceed five percent of its purchases as a direct result of order buying for another dealer for a service fee may report under paragraph (b) of this section in lieu of § 726.94 (except for requirements which relate to nonauction purchases from producers and requirements of paragraph (d) of § 726.94).

. . . . . .

(Secs. 301, 312, 313, 314, 316, 318, 319, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 80 Stat. 120, as amended, 53 Stat. 63, as amended, 65, as amended, 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, 85 Stat. 23; (7 U.S.C. 1301, 1312, 1313, 1314, 1314b, 1314d, 1314e, 1363, 1372–1375, 1377, 1378). Pub. L. 92–10.)

Effective date: January 11, 1977.

Signed at Washington, D.C., on January 4, 1977.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-891 Filed 1-10-77; 8:45 am]

PART 730—RICE

Subpart—Rice Program for Crop Years 1976–1977

This subpart, which prescribes the conditions under which rice producers may qualify for 1976 and 1977 program benefits, is issued pursuant to the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, as amended by the Rice Production Act of 1975, Pub. L. 94–214, 90 Stat. 181. The regulations in 7 CFR 730.1 through 730.87, Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years, and Subpart—Regulations for Determination of Acreage Allotments for 1974 and Subsequent Crops of Rice, are revised to read as follows effective as to 1976 and subsequent corp years. The material previously appearing in these subparts remains in full force and effect as to prior crop years.

Subpart—Rice Program for Crop Years 1976 and 1977

Sec.

730.1 General.
730.2 Definitions.
730.3 Administration.
730.4 Rule of fractions.
730.5 National rice allotment.
730.6 Farm and producer allotments.
730.7 Release and reapportionment of base acreage allotment.
730.8 General allotment transfer provisions—sale, lease, or by owner.
730.9 Record of transfer.
730.10 Amount of allotment transferable.
730.11 Additional conditions and limitations.
730.12 County committee action.
730.13 Allocation of producer allotments to farms.
730.14 Transfer of farm rice acreage affected by a natural disaster.
730.15 Farm and rice operator yields.
730.16 Payment rates.
730.17 Notice of allotments and yields.
730.18 Reconstitution of farms.
730.19 Requirements for program participation.
730.20 Determination of compliance.
730.21 General payment provisions.
730.22 Deficiency payments.
730.23 Disaster payments.
730.24 Division of payments and additional provisions relating to tenants and sharecroppers.
730.25 Successors-in-interest.
730.26 Misrepresentation and scheme or device.
730.27 Setoffs and assignments.
730.28 Appeals.
730.29 Performance based upon advice or action of county or State committee.
730.30 Supervisory authority of State committee.
730.31 Delegation of authority.
730.32 Recordkeeping.

AUTHORITY: Sec. 101, 63 Stat. 1051 (7 U.S.C. 1441); sec. 352, 385, 52 Stat. 60, 52 Stat. 68 (7 U.S.C. 1352, 1385); sec. 101, 90 Stat. 181 (7 U.S.C. 428c note).

Subpart—Rice Program for Crop Years 1976–1977

§ 730.1 General.

(a) The regulations in this subpart provide terms and conditions for the rice programs for the 1976 and 1977 crops of rice, respectively, under which producers on farms for which a rice allotment is applicable may qualify for payments authorized under the program.

(b) Producers who meet the eligibility requirement in § 730.19(c) may qualify for payments.

(c) In accordance with the Rice Production Act of 1975 and the regulations in Part 795 of this chapter, as amended, the total amount of payments which a person shall be entitled to receive annually under the rice program shall not exceed $55,000.

(d) In accordance with the regulations in Part 796 of this chapter, payments are prohibited to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

(e) The program is applicable in the States of Arizona, Arkansas, California, Florida, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

§ 730.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) "Annual nonconserving crop" means any annual crop intended for harvest or utilized in any feed form except for the following:

(1) Grasses, regardless of use, including sweet sorghum, millet, and sudan grass.

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(2) Legumes, other than peas or beans produced for seed, grain, or processing.

(3) Immature small grains (other than barley or wheat) destroyed by any means or used for other than grain.

(b) "Current year" means the calendar year in which the rice crop with respect to which payment may be made under this subpart would normally be harvested.

(c) "Farm administrative area" means: Each of the States of Arkansas, Mississippi, Missouri, North Carolina, Oklahoma, and the farm administrative area within the State of Louisiana consisting of the parishes of Union, Lincoln, Jackson, Winn, Grant, Rapides, Avoyelles, St. Landry, St. Martin, Iberia, St. Mary, and all parishes within the State west of such parishes, in which farm allotments are established on the basis of past production of rice on the farm.

(d) "Feed grain program" means the program authorized under Title V of the Agricultural Act of 1970, Part 775 of this chapter, as amended.

(e) "Producer administrative area" means: Each of the States of Arizona, California, Florida, South Carolina, Tennessee, Texas, and the producer administrative area within the State of Louisiana consisting of the parishes of Morehouse, Ouachita, Caldwell, LaSalle, Catahoula, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption, Terrebonne, and all parishes within the State east of such parishes, in which producer allotments are established on the basis of past production of rice by the producers.

(f) "Rice acreage" means any acreage planted to rice and any acreage of volunteer rice that is harvested, excluding any acreage of sweet, glutenous, or candy rice such as Mochi Gomi.

(g) "Rice operator" means a person who has operational control over the production of a specific acreage of rice, managerial responsibility for making day to day decisions involving the planting, harvesting, and marketing of that rice, and who shares in the crop or crop proceeds.

(h) "Rice planted and considered planted acreage" means the rice acreage defined in paragraph (f) of this section and:

(1) Any acreage which the county committee determines was not planted to rice because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as rice acreage (except for new farms) under the provisions of Part 719 of this chapter, as amended;

(3) Any allotment acreage temporarily transferred from a farm or producer allotment: *Provided*, That acreage transferred from a producer allotment is allocated to a farm.

(4) Any allotment acreage temporarily released to the county committee.

(5) Any other acreage which is planted to annual nonconserving crops or which the county committee determines was not planted because of drought, flood, or other natural disaster or condition beyond the control of the operator, excluding acreage of allotment crops within the applicable allotment, and which is not used to protect cotton, feed grain, or wheat allotments: *Provided*, That such nonconserving crops shall not be considered as planted to rice for purposes of § 730.6(b)(4)(iii); and

(6) An acreage (except for new farms) equal to the amount that a rice allotment is reduced for the current year as provided in § 730.6(c)(2).

(i) "Upland cotton program" means the program authorized under Title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

(j) "Wheat program" means the program authorized under Title IV of the Agricultural Act of 1970, Part 728 of this chapter, as amended.

(k) In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms and allotments, Part 719 of this chapter, as amended.

§ 730.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS) and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and the ASCS Data Systems Field Office.

(b) State and county committees, the ASCS Data Systems Field Office, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 730.4 Rule of fractions.

Fractions shall be rounded in accordance with Part 793 of this chapter.

§ 730.5 National rice allotment.

The national rice allotment for 1976 and for 1977 is 1.8 million acres.

§ 730.6 Farm and producer allotments.

(a) *How obtained.* The national allotment is apportioned to farms in farm administrative areas and to producers in producer administrative areas on the basis of the farm and producer allotments established for the preceding year, adjusted to reflect any reserve established by the State committee for new farms or new producers, appeals, and corrections, to reflect adjustments authorized by the Deputy Administrator for crop rotation practices, and to reflect permanent adjustments made as required or permitted in this subpart.

(b) *New rice allotment*—(1) *Written application.* Each year, the county committee, with the approval of the State committee, shall establish a rice allotment (herein called "new rice allotment") for each eligible farm or producer for which an allotment is requested in writing by February 15 of the current year. Each request shall be made by the farm owner or current year rice operator on Form MQ–25, Application for New Farm or Producer Allotment or Quota, which shall contain data necessary to enable the county committee to determine whether the conditions of eligibility prescribed in paragraph (b)(2) of this section have been met.

(2) *Eligibility requirements for owner or rice operator.* Eligibility for a new rice allotment shall be conditioned upon the following:

(i) *Allotment.* The farm or rice operator does not otherwise qualify for a rice allotment.

(ii) *Interest in another rice allotment.* The owner or rice operator does not for the current year own, have an ownership interest in, or operate rice allotment acreage on any other farm in the United States with a rice allotment.

(iii) *Availability of equipment and facilities.* The rice operator has adequate equipment and other facilities, including irrigation water, readily available for the successful production of the crop on the farm.

(iv) *Income requirement.* The rice operator expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(A) *Computing operator's income.* The following shall be considered in computing operator's income:

(*1*) *Income from farming.* Income from farming shall include the estimated return from the production of the requested allotment and from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s), but shall exclude payments authorized under the rice program.

(*2*) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments and unemployment compensation.

(*3*) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(B) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(C) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm. Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(D) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided the county committee determines that the rice operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(v) *Producer allotment sold by rice operator or reduced to zero at his request.* A rice operator in a producer administrative area is not eligible for a new rice allotment if his allotment was:

(A) Transferred by sale in the previous 5 years beginning with the year in which the transfer became effective.

(B) Reduced to zero at his request within 3 years from the date the request for a new allotment is considered.

(3) *Farm eligibility requirements in a farm administrative area.* Additional eligibility requirements for a new rice allotment for a farm are as follows:

(i) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for the production of rice.

(ii) *Allotment reduced to zero at the farm owner's request.* At least 3 years must have elapsed from the date the rice allotment is reduced to zero at the farm owner's request, as authorized in paragraph (c) of this section, to the date the request for a new rice allotment is considered.

(iii) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the total rice allotment was pooled pursuant to Part 719 of this chapter, as amended, which is subsequently returned to agricultural production, shall not be eligible for a new rice allotment for a period of 3 years from the date the former owner was displaced.

(iv) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no allotment because the owner did not designate an allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, as amended, shall not be eligible for a new rice allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(v) *Entire allotment permanently transferred by sale or transfer.* The farm from which the rice allotment was permanently transferred in the previous 5 years beginning with the year in which the transfer became effective, is not eligible for a new rice allotment.

(4) *Limitations*—(i) *Rice acreage planned.* The county committee shall limit the new rice allotment to the smaller of the allotment requested or the rice acreage planned for the current year.

(ii) *Reserve.* The total new rice allotments approved in a farm or producer administrative area shall not exceed the acreage available for new rice allotments within a reserve established for that purpose and for appeals and corrections by the State committee of not more than one percent of the sum of the reserve and the total old rice allotments in the administrative area.

(iii) *Current year rice acreage.* Notwithstanding any other provision of this subpart, if the rice planted and considered planted acreage for the year a new rice allotment is established is less than 90 percent of the allotment, the allotment for such year shall be reduced to the acreage planted and considered planted to rice and payments computed on the basis of such reduced allotment.

(5) *Cancellation of new allotment.* A new rice allotment shall be cancelled under the following circumstances:

(i) If a new rice allotment is established and it is later determined by the county committee that the applicant unknowingly furnished incomplete or inaccurate information, the allotment shall be cancelled effective for the next crop year. If it is determined that the applicant knowingly furnished incomplete or inaccurate information and the State committee concurs in the county committee determination, the allotment shall be cancelled as of the date issued.

(ii) If a new producer allotment is established for a rice operator, and it is later determined by the county committee that the applicant has not continued as a rice operator for the current crop year, the allotment shall be cancelled as of the date issued.

(c) *Reduced allotments.* Notwithstanding any other provisions of this subpart, rice allotments shall be reduced as follows:

(1) *Permanent reductions.* (i) The allotment shall be reduced to the extent:

(A) Requested in writing by the owner of the farm or by the producer for whom an allotment is established, not later than the date established by the State committee.

(B) Acreage of cropland on the farm in farm administrative areas is permanently removed from agricultural production, as determined by the county committee.

(C) It exceeds the farm cropland in farm administrative areas.

(ii) If the current year's rice planted and considered planted acreage is less than 90 percent of the allotment, the allotment for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than the allotment for the current year, but such reduction shall not exceed 20 percent of the rice allotment. If the rice planted and considered planted acreage is zero for 2 consecutive years, the allotment shall be reduced to zero. However, no allotment shall be reduced or lost through failure to plant if all producers elect by September 1 of the current year to limit the acres for deficiency payment to the rice planted and considered planted acreage as provided in § 730.21(f).

(2) *Reductions for current year in farm administrative areas.* The following reductions shall be made by reducing the smallest allotment first and continuing in order of the size of the allotment, unless the operator requests in writing that the reduction be in a different order.

(i) Reduce feed grain, wheat, rice, and upland cotton allotments each year to the extent the sum of allotments for all commodities, as adjusted by transfer, release, and reapportionment, exceeds the farm cropland.

(ii) Reduce feed grain, wheat, and rice allotments each year to the extent the sum of feed grain, wheat, and rice allotments, as adjusted by transfer, release, and reapportionment, exceeds the cropland which, under normal conditions, could reasonably be expected to produce an allotment crop.

(d) *Division of partnership allotments in producer administrative areas.* If a partnership is dissolved, the partnership's allotment shall be divided among the partners in such proportion as they agree upon in writing or if they are unable to agree, proportionate to their interest in the partnership.

(e) *Succession of interest in producer allotment in case of death.* A deceased producer's allotment shall be apportioned in whole or in part among his heirs or devisees according to the extent to which they may continue, or have continued, his farming operations, if satisfactory proof of such succession of farming operations is furnished the county committee.

§ 730.7 Release and reapportionment of rice allotment.

(a) *Conditions under which allotments cannot be released.* The following allotments shall not be released in whole or in part.

(1) New rice allotments.

(2) A farm allotment for any farm for which the farm owner has filed a written objection at the office of the county committee prior to the release.

(3) Allotments pooled under Part 719 of this chapter for which an application for transfer has been filed.

(b) *Allotments which may be released and reapportioned.*—(1) *Release of allotments for the current year only.* Except as provided in paragraph (a) of this section, all or any part of the allotment for the current year may be voluntarily released in writing to the county committee by the applicable closing date. The release shall be made by the farm operator or producer to whom a producer allotment is issued, except that allotments pooled under Part 719 of this chapter may be released only by the displaced owner.

(2) *Permanent release of allotment.* Except as provided in paragraph (a) of this section and except for pooled allotment, all or any part of the allotment for the current year may be permanently released in writing to the county commit-

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tee by the farm owner and operator or producer to whom a producer allotment is issued, by the applicable closing date.

(c) *Application for reapportioned allotment.* To be eligible for a reapportioned allotment, a written request by the farm operator or owner in a farm administrative area or be a rice operator in a producer administrative area shall be filed with the county committee by the applicable closing date.

(d) *Reapportionment by county committee.* Reapportionment shall be limited to allotments released only for the current year and allotments released permanently beginning in the current year. They shall be reapportioned to eligible farms or applicants in the same county in amounts determined by the county committee to be fair and reasonable pursuant to the standards and guidelines in paragraph (e) of this section.

(e) *Standards and guidelines for reapportionment.* (1) The reapportionment of an allotment to a member of the community or county committee or his employee, or to any farm owned, operated, or controlled by such member or employee, shall be approved by a representative of the State committee.

(2) An allotment shall not be reapportioned to a farm or rice operator from which or from whom an allotment was transferred in the current or prior year in accordance with § 730.8: *Provided,* That exceptional cases may be approved by a representative of the State committee, as when the transferer will not benefit from the reapportioned allotment or the transfer was temporary and the allotment has been returned to the farm or rice operator for the current year.

(3) The State committee shall establish and make available to interested parties other standards and guidelines that assure uniform consideration of land, labor, water, and equipment available for rice production, crop rotation practices, and soil and other physical factors affecting rice production.

(f) *Closing dates.* The State committee shall establish and publicize closing dates for the entire State or for areas consisting of one or more counties in the State, taking into consideration normal planting dates. No closing date for an area shall be later than the date rice planting normally becomes general in that area. The State committee may accept releases or applications for reapportionment which are filed late for reasons beyond the producer's control.

§ 730.8 General allotment transfer provisions—sale, lease, or by owner.

(a) All or part of a farm or producer base acreage allotment may be transferred but only within the same administrative area.

(b) Transfers by sale are permanent.

(c) Transfers by lease are for the term of the lease which shall not extend beyond 1977.

(d) Transfers by an owner to any other farm owned or controlled by him in the same farm administrative area may be either permanent or for a term of years designated by the owner which shall not extend beyond 1977.

§ 730.9 Record of transfer.

(a) *Filing record of transfer.*—(1) *Sale or lease.* (i) In producer administrative areas, the record of transfer (herein called "Form 375") shall be signed by the producer for whom the allotment is established and by the producer to whom the allotment is transferred. The signatures shall be witnessed by any State or county committee member or employee.

(ii) In farm administrative areas, Form 375 shall be signed by the owner, and operator if different, of the farm for which the allotment is established and by either the owner or operator of the receiving farm. The signature of either the owner or operator of each farm shall be witnessed by any State or county committee member or employee.

(iii) The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in other similar situations or may be unduly inconvenienced may be waived, provided the county office mails Form 375 for the required signature.

(2) *By owner in farm administrative area.* The owner of any farm for which an allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of transfer of such allotment from the farm to another farm owned or controlled by such owner in the same administrative area. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include but are not limited to death, incompetency, or bankruptcy of such person.

(b) *Filing period.* Form 375 may be filed during the period beginning on the date allotments are initially mailed to operators and ending on the date established by the State committee as provided in § 730.7(f). The State committee may accept a Form 375 filed after the closing date upon a finding that the producer was prevented from filing by such date for reasons beyond his control.

(c) *Filing place.* Form 375 shall be filed with the county committee that has administrative control over the rice allotment to the transferred.

§ 730.10 Amount of allotment transferable.

(a) *General.* All or part of the rice allotment may be transferred.

(b) *No transfer of reapportioned acreage.* Reapportioned allotments shall not be transferred.

(c) *No transfer of new rice allotment.* New rice allotments shall not be transferred.

(d) *Transfer of pooled allotments.* Allotments pooled under Part 719 of this chapter may be permanently transferred during the 3-year life of the pooled allotment or for a term of years not to exceed the remaining years of such 3-year period.

§ 730.11 Additional conditions and limitations.

(a) *Consent of lienholder.* No transfer of a farm allotment shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder, except that such consent of lienholder shall not be required in the case of a temporary transfer for a 1-year period by lease or by owner.

(b) *Limitation on transfers to and from a farm or producer.* Allotments shall not be transferred to and from a farm or to and from a producer in the same year.

(c) *Additional limitation on permanent transfers.* No permanent transfers by sale or by owner shall be made from any farm or from any producer allotment to which an allotment was permanently transferred by sale or by owner within the three immediately preceding crop years.

§ 730.12 County committee action.

(a) *Approval of transfers.* The county committee shall approve allotment transfer when all eligibility requirements for transfer are met. If the transfer is made between counties, the approval of both county committees shall be required. No allotment transfer shall be effective until county committee approval is obtained.

(b) *Cancellation, withdrawal, or revision of transfer agreement*—(1) *Cancellation.* The county committee shall cancel the transfer if it determines that one or more of the eligibility requirements for transfers were not met.

(2) *Withdrawal or minor revisions.* Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the program will not be impaired, the county committee may permit withdrawal or minor revisions of transfers upon written request by all parties to the transfer: *Provided,* That (i) temporary transfers may be withdrawn or revised during any year of the agreement before rice is planted, and (ii) permanent transfers may be withdrawn or revised only during the first year of the agreement before rice is planted.

§ 730.13 Allocation of producer allotments to farms.

(a) In order to obtain program benefits, producer allotments not released to the county committee must be allocated to farms.

(b) Applications for allocating allotments to farms must be filed by May 1 of the current year, in accordance with instructions issued by the Deputy Administrator. Applications may be accepted as timely filed after May 1 if the county committee, with the concurrence of the State executive director, determines from the facts and circumstances that the producer's failure to file previously or his reason for changing an application is because of an error on the part of an employee of the county or State committee, or because of physical reasons beyond the producer's control.

(c) Allotments may be allocated only by a rice operator on the farm or by an owner of the farm and subject to the following conditions:

(1) Rice operators may allocate allotment acreage initially issued to them or that they acquire by sale, lease, or reapportionment.

(2) Farm owners may allocate allotment acreage initially issued to them or which they have purchased, provided they:

(i) Contribute land suitable for rice production that is sufficient to produce the allocated acreage, and

(ii) Share in the rice crop or crop proceeds.

§ 730.14 Transfer of farm rice acreage affected by a natural disaster.

(a) *General authority.* The State committee shall determine when a county is affected by a natural disaster or other condition beyond the control of producers, which prevents the timely planting or replanting of rice in the county. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(b) *Application for transfer.* The owner or rice operator on a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of rice acreage within the farm rice allotment acreage for such year to another farm in the same county or nearby county in the same administrative area if such acreage cannot be timely planted or replanted because of the natural disaster or condition beyond the producer's control. The application shall be filed with the county committee for the county in which the farm affected by such disaster or condition is located. If the application involves a transfer to a nearby county, the county committee for the nearby county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm allotment established or allocated under this subpart less such acreage planted to rice and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the allotment from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster or condition beyond the producer's control.

(2) One or more producers of rice on the farm from which the acreage is to be transferred will be a bona fide rice producer on the farm to which the acreage is to be transferred and will share in the rice crop or crop proceeds in the manner customary in the area.

(e) *Cancellation of transfer.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, with approval of the State committee or its representative, shall cancel the transfer.

(f) *Planting credit.* Any acreage transferred under this section shall be deemed planted on the farm from which transferred for the purpose of determining the planted and considered planted acreage. However, the yield established for the farm to which the acreage is transferred shall apply to such acreage for program payment and loan purposes.

(g) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be the end of the normal planting period as determined by the State committee. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

§ 730.15 Farm and rice operator yields.

(a) *Determining yields.* The per acre yield shall be the average yield for the farm (for the rice operator in a producer administrative area) determined on the basis of the actual yields per harvested acre for the 3 preceding years: *Provided,* That the actual yields shall be adjusted by the county committee in accordance with instructions issued by the Deputy Administrator for abnormal yields in any year caused by a natural disaster or other condition beyond the producer's control.

Other provisions are:

(1) For years with no acreage, a yield shall be assigned based on yields established for similar operations.

(2) The actual yield in 1976 and 1977 shall be considered to be zero if either an acreage report or a production report is not filed.

(3) For reconstituted farms:

(i) Determine the actual yield on the farm as constituted in the first year of the 3-year base period.

(ii) If the farm is subsequently divided, assign the farm yield determined for that year to each tract or assign yields which when weighted for all tracts, do not exceed the farm yield determined for that year.

(iii) Repeat steps one and two as necessary for the other 2 base years.

(iv) Compute for each year a yield extension for each tract in the farm as constituted for the current year by multiplying the acreage apportioned to the tract times the yield assigned for that year, total the extensions for all tracts, and divide by the total acreage used to compute the extensions to determine the actual yield for each base year.

(b) *Yield reduction.* For the purpose of determining eligibility for and amount of low yield payment as provided in § 730.23(b), the established yield for the farm shall be reduced in accordance with instructions issued by the Deputy Administrator to reflect any reduction in the current year yield which is due to causes other than a natural disaster or condition beyond the control of the producer, such as a change in farming practices.

§ 730.16 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per pound deficiency payment rate for each crop of rice shall be the amount by which the higher of (1) the national weighted average market price received by farmers for rice during the first 5 months of the marketing year for such crop beginning August 1 or (2) the national average loan rate established for such crop is less than the established price of $0.08 per pound in the case of the 1976 crop adjusted to reflect any change during the period beginning February 16, 1976 and ending July 31, 1976, in the index of prices paid by farmers for production items, interest, taxes, and wage rates, and the established price for the 1976 crop adjusted to reflect any changes during the 12-month period immediately preceding July 31, 1977, in such index in the case of the 1977 crop; *Provided,* That any increase that would otherwise be made in the established price for the 1976 and 1977 crops to reflect a change in the index of prices paid by farmers may be further adjusted to reflect any change in (i) the national average yield per acre of rice for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre for the three calendar years preceding the year previous to the one for which the determination is made. The established price for the 1976 program is $0.0825 per pound.

(b) *Disaster payment rate.* The disaster payment rate for rice shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for the 1976 program year is $0.0275 per pound.

§ 730.17 Notice of allotments and yields.

Each producer for whom a producer allotment is established and each operator for whom a farm allotment is established shall be notified in writing of the allotment and established yield per

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acre and any revision required under this subpart: *Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of this notice.

§ 730.18 Reconstitution of farms.

Farms shall be reconstituted and rice allotments established therefor in accordance with Part 719 of this chapter, as amended. Yields shall be determined in accordance with § 730.15.

§ 730.19 Requirements for program participation.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) For disaster payments, a Claim for Prevented Planting (herein called "Form 574–1") or an Application for Disaster Credit (herein called "Form 574") shall be filed by the operator of an eligible farm with the office of the county committee having jurisdiction over the county where the farm is located. He shall also file (i) a Record of Acreages, Production and Disposition (herein called "Form 658") and (ii) a Summary of Production (herein called "Form 575–1")–when the information thereon is needed for program administration. These forms shall be filed within the period authorized and according to instructions issued by the Deputy Administrator.

(2) Land owned by the Federal Government shall be ineligible for participation in the program if it is occupied without a lease, permit, or other right of possession.

(3) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the rice produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in the crop if rice had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 730.20 Determination of compliance.

(a) Determination of the acreage devoted to rice and other annual nonconserving crops shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to rice and other annual nonconserving crops, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 730.21 General payment provisions.

(a) *Issuance.* Payments of any amounts due the producers on a farm shall be made only after they sign an Application for Payment (herein called "Form 516"), and the payments are approved by the county committee or by an authorized representative thereof. A Form 516 signed after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) *Failure to fully comply.* Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations contained in this subpart, and in Part 718 of this chapter.

(c) *Payment due producer.* Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(d) *Payment declined.* If a producer declines to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

(e) *Idle farms.* Producers on a farm not used for the commercial production of crops or livestock on cropland, or from which only sod, ornamentals, or timber are harvested, shall not be eligible for program payments when the rice allotment is preserved with vegetative cover as authorized by the regulations in Part 719 of this chapter, as amended.

(f) *Allotment protection.* Producers otherwise eligible for payment may elect by September 1 of the current year to limit the acres for deficiency payment to the rice planted and considered planted acreage in order to protect the rice allotment from reduction due to failure to plant.

(g) *Unearned payments.* Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and, if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the dates the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any rice, feed grain, wheat, or upland cotton payments for the farm or receives an unearned payment through no fault of his own.

§ 730.22 Deficiency payments.

(a) Deficiency payments shall be determined by multiplying the applicable farm or rice operator's allotment acreage by the yield established as provided in § 730.15 and by the per pound rate determined in accordance with § 730.16(a): *Provided*, That no deficiency payment shall be made for any part of the allotment times the yield for which a disaster payment is made.

(b) Deficiency payments will be made to producers as soon as practicable after December 31 of the current year.

§ 730.23 Disaster payments.

Producers may qualify for disaster payments only when the county committee determines that prevented planting or a low yield as hereinafter described in this section occurs because of drought, flood, or other natural disaster or condition beyond the control of the producer. Disaster payments shall be made as soon as practicable after the disaster is reported, the extent of the crop loss is determined, and payment is approved.

(a) *Prevented planting.* (1) The acreage for prevented planting payments shall be determined by grouping the farm's feed grain, rice and wheat allotments together and shall equal the smaller of:

(i) For rice, the acreage of rice the producer is prevented from planting;

(ii) The amount that the sum of feed grain, rice and wheat allotments exceeds the total acreage of annual nonconserving crops, excluding (a) acreage within the applicable allotment of commodities other than feed grains, rice and wheat, (b) acreage disregarded for low yield purposes according to paragraph (b)(1)(i) of this section, (c) barley or wheat acreage designated solely for grazing or nongrain use in accordance with instructions issued by the Deputy Administrator, (d) failed feed grain, upland cotton, or wheat acreage which could have been replanted but was not, and (e) barley or wheat acreage planted to a variety bred to produce no grain.

(2) Prevented planting payments shall be determined by:

(i) Crediting the acreage for payment first to the underplanting of the allotment for the crop with the highest per acre payment rate and continuing in order of the size of the payment rate, but limiting the acreage credited to feed grains to the total feed grain underplanting.

(ii) Reducing the acreage otherwise credited to each crop by the acreage of that crop excluded according to paragraphs (a)(1)(ii) (b) through (e) of this section.

(iii) Multiplying the acreage credited to rice by the yield established as provided in § 730.15 and by the rate determined in accordance with § 730.16(b).

(b) *Low yields.* (1) For the purpose of determining eligibility for low yield payments and the total acreage on which such payments will be made, the "disaster allotment" for rice means the effective allotment adjusted downward to the extent it is underplanted. *Provided*, That the planted acreage to be considered for this purpose shall exclude:

(i) Failed rice acreage which could have been replanted but was not, and

(ii) Rice acreage designated solely for wildlife use in accordance with instructions issued by the Deputy Administrator.

(2) For low yield payment purposes, the county committee shall disregard the production from the excluded acreage as well as production from acreage in excess of the disaster allotment which is mechanically destroyed without feed benefit prior to the time most of the rice in the area has headed.

(3) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of rice is less than two-thirds the result obtained by multiplying the disaster allotment by the yield established for the farm. The yield for a farm in a producer administrative area shall be established for disaster payment purposes by multiplying each rice operator's allotment acreage he plants on the farm by his yield established as provided in § 730.15, totaling the results obtained for all rice operators on the farm, and dividing by the total allotment acreage they planted.

(4) The rice production from acreage not harvested shall be appraised and added to the actual production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(5) Any rice acreage destroyed without opportunity for appraisal for which the production was not excluded in paragraph (b)(2) of this section shall be charged with the established yield.

(6) Low yield payments shall be determined by multiplying the disaster allotment by the yield established for the farm, subtracting the determined production therefrom, and multiplying the result by the per pound rate determined in accordance with § 730.16(b).

§ 730.24 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers in Part 794 of this chapter, as amended, shall apply to rice.

§ 730.25 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any person who had an interest as a producer of rice or would have had an interest as a producer if rice had been planted, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of rice or would have had an interest as a producer if rice had been planted (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor"), the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, a fair and equitable division shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 730.26 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 730.27 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this chapter, as amended, shall be applicable to this program.

(b) *Assignments.* Any producer who may be entitled to any payment may assign his rights thereto in accordance with the regulations governing assignment of payment as set forth for other programs in Part 709 of this chapter, as amended.

§ 730.28 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 730.29 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 730.30 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 730.31 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 730.32 Recordkeeping.

Records of all rice purchased, acquired or received, are to be kept by warehousemen, mill or elevator operators, processors, and buyers in accordance with instructions issued by the Deputy Administrator. Producer's records of evidence tending to show program performance need not to be retained for more than 2 years after the end of the program year as provided by Part 708 of this chapter.

Since these regulations apply to 1976 and planting has occurred, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Effective date: These regulations shall become effective on January 10,1977.

Signed at Washington, D.C., on January 5, 1977.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-892 Filed 1-10-77;8:45 am]

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

This document authorizes the South Texas Onion Committee to spend not more than $113,324 for its operations during the fiscal period ending July 31, 1977, and to collect one and one-half cents ($0.015) per 50-pound container of onions, or equivalent quantity, handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 143 and Order No. 959, both as amended, regulating the handling of onions grown in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the December 9, 1976, FEDERAL REGISTER (41 FR 53807) regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than December 28, 1976. None was received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular period shall apply to all assessable onions from the beginning of such period.

The regulation follows:

§ 959.217 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1977, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $113,324.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one and one-half cents ($0.015) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1977, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: January 5, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-879 Filed 1-10-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instruction 449.1]

PART 1845—FmHA EMERGENCY LIVESTOCK LINE OF CREDIT GUARANTEES

Extension of Guarantees

Section 1845.13 of Part 1845, Title 7, Code of Federal Regulations (40 FR 30623) is amended to add paragraph (h) which clarifies the requirements with respect to approving an extension of an emergency livestock line of credit guarantee issued prior to December 20, 1976. Such approval having been made possible by the Emergency Livestock Act as amended by Pub. L. 94–517.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. However, this document is being published without notice of proposed rulemaking since such notice would delay approval of new EL advances to indebted borrowers causing possible financial losses, and therefore, is contrary to the public interest.

Accordingly, § 1845.13 is amended to add paragraph (h) which reads as follows:

§ 1845.13 EL line of credit limitations and special provisions.

• • • • •

(h) *Extension of guarantees.* New loan advances to be made after December 31, 1976, will not be automatically covered by "line of credit" guarantees issued before December 20, 1976, under terms of the Emergency Livestock Credit Act of 1974, as amended by Pub. L. 94–35. Any advance(s) under these guarantees after December 31, 1976, requires an extension of the guarantee.

(1) When lenders desire to continue making new advances to borrowers indebted under a guarantee issued prior to December 20, 1976, it will not be necessary to issue a new Form FmHA 449.27: *Provided*, The lender will certify in writing that:

(i) The borrower meets eligibility requirements including a statement that he (the lender) is unable to extend the additional credit without a guarantee,

(ii) The outstanding balance is current,

(iii) Collateral for the new advance(s) will be sufficient to meet EL security requirements,

(iv) The borrower has reasonable repayment ability for the overall guaranteed indebtedness, and

(v) The advance(s) will be within the terms of the existing "line of credit ceiling" previously approved by FmHA.

(2) For cases meeting the criteria stated in paragraphs (h)(1) (i), (ii), (iii), (iv), and (v) of this section the County Supervisor will change the date "December 31, 1976," in the second line of item "a" of the existing contract of guarantee to "September 30, 1978," and initial the change. If the County Supervisor questions the proposal and needs supporting information in addition to that previously furnished by the lender, he will obtain it before initialing the change in the contract guarantee.

(3) When a lender desires to make advance(s) above the previously approved line of credit ceiling, or when the advance(s) will not be within the limits of the "Line of Credit Agreement," or the line of credit loan advances are not paid current, the above method will not be used. In such cases it will be necessary for the lender to prepare a completely new guarantee request with all the supporting forms and information required by this Part 1845 for a contract of guarantee on a new line of credit. If the loan approval official determines that all the requirements for a new guarantee are met, the existing line of credit will be refinanced by the new line of credit, and a new contract of guarantee will be issued. To complete the transaction, the lender must surrender the previous contract of guarantee to the County Supervisor who will mail it to the Finance Office with a new Form FmHA 449–31. The County Supervisor will indicate in his transmittal letter to the Finance Office that the previous contract is being replaced and that the Finance Office records should be adjusted to reflect only the new line of credit guarantee.

Effective date. This document shall become effective on January 11, 1977.

(Sec. 10, Pub. L. 93–357 as amended; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by Assistant Secretary of Rural Development (7 CFR 2.70))

Dated: January 3, 1977.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.77-950 Filed 1-10-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Emergency Amendment Adopting Special Rule No. 1 for Subpart F; Correction as to Written Comment Procedures

In FR Doc. 76-38499 appearing at 1037 in the FEDERAL REGISTER of January 5, 1977, the following correction should be made:

On page 1037, column 1, at line 34, the text is corrected by changing the designation of the Box for the filing of written comments to JY.

MICHAEL F. BUTLER,
General Counsel.

JANUARY 6, 1977.

[FR Doc.77-932 Filed 1-6-77;3:07 pm]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR–117, Amdt. 8]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Elimination of Certain Post-Tour Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 6, 1977.

Section 378a.50(c) of the Board's Special Regulations (14 CFR 378a.50(c)) currently requires that every direct air carrier and tour operator or foreign tour operator operating One-stop-inclusive Tour Charters (OTC's) jointly file a monthly report, set forth in Appendix C to Part 378a, indicating the number of OTC's listed on the prospectus that were not performed, the number that were performed, and for each tour that was operated indicating the direct air carrier, the month the services were performed, the flight number, points of enplanement and deplanement, and the numbers of passengers enplaned or deplaned at such points.

By ER–949, 41 F.R. 12282, March 25, 1976, and ER–950, 41 F.R. 12281, March 25, 1976, the Board adopted amendments to Parts 217 and 249 of its Economic Regulations (14 CFR Parts 217 and 249) that changed CAB Form 41, Schedule T–6 and CAB Form 217. Those forms set forth the reporting requirements for civilian charters performed by certificated route and supplemental air carriers, and by foreign direct air carriers.

As revised, they require quarterly reports containing substantially the same information as is contained in the monthly reports required under § 378a.50(c). The receipt of this OTC information on a quarterly basis is now sufficient to meet the Board's needs. CAB Form 41, Schedule T–6, and CAB Form 217 are in the form most useful to the Board; unlike the reports required under § 378a.50(c) they are adaptable to computerized printouts that save valuable staff time in compiling studies from post-tour reports.

The Board has therefore decided to elminate the reporting requirements set forth in § 378a.50(c). Appendix C, *Reporting Form*, will be revoked and reserved. Because this amendment creates no significant additional burden for any member of the public, and because public benefit will be derived from putting it into effect without delay, it is found for good cause that notice and public procedure thereon are unnecessary and that it may become effective January 11, 1977.

Although § 371.50(b) of the advance booking charter (ABC) rule contains reporting requirements that are parallel to those of § 378a.50(c), the Board has decided not to eliminate those requirements at this time. ABC operations are just beginning, and the Board finds it desirable to receive the subject information on a monthly basis so as to enable us to monitor their effects on scheduled service.

In light of the foregoing, the Civil Aeronautics Board hereby amends Part 378a of its Special Regulations (14 CFR Part 378a), effective January 11, 1977, as set forth below.

1. The table of contents is amended by deleting and reserving the reference to Appendix C, *Reporting Form*, so that the table of contents reads as follows:

• • • • • •

APPENDIX B—PASSENGER NAME LISTS

APPENDIX C—[RESERVED]

• • • • •

2. Section 378a.50 is revised by revoking paragraph (c), deleting the reserved paragraph (a), and by deleting the letter (b) from the remaining paragraph, so that the section reads:

§ 378a.50 Charter trip reporting.

The direct air carrier shall promptly notify the Board (Supplementary Services Division, Bureau of Operating Rights) regarding any charters covered by a Prospectus filed under § 378a.28, or a Statement of Authorization issued pursuant to § 378a.106, that are later canceled.

APPENDIX C—[RESERVED]

3. Part 378a is amended by revoking and reserving Appendix C, *Reporting Form*.

(Secs. 204, 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (49 U.S.C. 1324, 1377))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-948 Filed 1-10-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-24]

PART 6—AIR COMMERCE REGULATIONS

Presidio-Lely International Airport At Presidio, Texas

On September 9, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 38187), which proposed to amend § 6.14(e) of the Customs Regulations (19 CFR 6.14(e)) by adding the Presidio-Lely International Airport at Presidio, Texas, to the list of designated airports for private aircraft arriving from areas south of the United States. No comments were received regarding the proposal.

Accordingly, the list of designated airports set forth in § 6.14(e) of the Customs Regulations (19 CFR 6.14(e)) is amended by inserting "Presidio, Texas" and "Presidio-Lely International Airport" directly after "Nogales, Arizona" and "Nogales International Airport," respectively.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 79 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509))

Effective date. This amendment shall become effective on or before February 10, 1977.

VERNON D. ACREE,
Commissioner of Customs.

Approved: January 3, 1977.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.77-953 Filed 1-10-77;8:45 am]

[T.D. 77-25]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Withdrawal of Supplies for Vessels

On June 8, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 22952), which proposed to amend paragraph (e) of § 10.59 of the Customs Regulations (19 CFR 10.59(e)) to require that Customs Form 5125, Application for Withdrawal of Bonded Stores for Fishing Vessel and Certification of Use, be submitted in triplicate, rather than in duplicate as is presently required. The additional copy shall be submitted to the district director at each Customs port along with the original and shall be retained by the withdrawer as evidence of consumption of stores on board or proper landing under Customs supervision.

Interested persons were given 30 days from the date of publication of the notice to submit data, views, or arguments with respect to the proposed amendment. No comments were received and it has been determined that the proposed amendment should be adopted as set forth in the notice of proposed rulemaking.

Accordingly, paragraph (e) of § 10.59 of the Customs Regulations (19 CFR 10.59(e)) is amended as set forth below:

§ 10.59 Exemption from Customs duties and internal revenue tax.

• • • • •

(e) Vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over may be allowed to withdraw distilled spirits (including alcohol), wines, and beer conditionally free under section 309 of the Tariff Act of 1930, as amended, if the district director is satisfied from the quantity requested, in the light of (1) whether the vessel is employed in substantially continuous fishing activities, and (2) the vessel's complement, that none of the withdrawn articles is

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intended to be removed from the vessel in, or otherwise returned to, the United States without the payment of duty or tax. Such withdrawal shall be permitted only after the approval by the district director of a special written application, in triplicate, on Customs Form 5125, of the withdrawer, supported by a bond on Customs Form 7603 executed by the withdrawer. Such application shall be filed with Customs Form 7506 or 7512,[57] as the case may be. The original and the triplicate copy or the application, after approval, shall be stamped with the withdrawal number and date thereof and shall be returned to the withdrawer for use as prescribed below. Approval of each such application shall be subject to the condition that the original and the triplicate copy shall be presented thereafter by the withdrawer or the vessel's master to the district director within 24 hours (excluding Saturday, Sunday, and holidays) after each subsequent arrival of the vessel at a Customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the articles until the district director is satisfied that all of them have been consumed on board, or landed under Custom's supervision, and takes up the original application. (The withdrawer shall retain the triplicate copy as evidence of consumption on board or landing under Customs supervision.) The approval shall be subject to the further conditions that any such withdrawn article remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the district director for the port or place of arrival shall deem necessary and that failure to comply with the conditions upon which a conditionally free withdrawal is approved shall subject the total quantity of withdrawn articles to the assessment and collection of an amount equal to the duties and taxes that would have been assessed on the entire quantity of supplies withdrawn had such supplies been regularly entered, or withdrawn, for consumption.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Effective date: This amendment shall become effective February 10, 1977.

VERNON D. ACREE,
Commissioner of Customs.

Approved: January 3, 1977.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.77-952 Filed 1-10-77;8:45 am]

[T.D. 77-23]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

Importations by Agencies and Offices of the United States Government

Sections 10.103, 10.104, and 10.105 of the Customs Regulations (19 CFR 10.103, 10.104, 10.105) presently contain provisions relating to importations made by or for the account of agencies and offices of the United States Government. These sections provide that, with certain exceptions, importations made by or for the account of an agency or office of the United States Government are subject to duty. These sections also set forth immediate delivery procedures for certain specified governmental agencies, waiving the bond otherwise required in support of the immediate delivery application, and provide for the entry or withdrawal from warehouse for consumption by any agency or office of American goods returned. These sections do not contain provisions for the temporary importation of articles for United States Government agencies, although it has been Customs practice to permit all United States Government agencies the privilege of waiving the bond which is normally required for temporary importations made under the procedures set forth in § 10.31 et seq. of the Customs Regulations (19 CFR 10.31 et seq.). The Customs Service has also extended to Government offices and agencies generally the privilege of waiving the bond otherwise required in support of an application for immediate delivery.

Accordingly, in order to incorporate in Part 10 of the Customs Regulations (19 CFR Part 10) the current practice of extending to all United States Government agencies and offices the privilege of waiving the bond otherwise required in support of an immediate delivery application, to set forth provisions for temporary importations by agencies and offices of the United States Government, and to clarify other aspects of importations by United States Government agencies, the sections under the heading "United States Government Importations" are revised as set forth below. A conforming change is also made to § 142.4 of the Customs Regulations (19 CFR 142.4) to indicate that the bond otherwise required by that section in suport of an immediate delivery application may not be required in the case of an application filed under § 10.101 of the Customs Regulations.

Part 10 of the Customs Regulations is amended by revising the sections under the heading "United States Government Importations" to read as follows:

UNITED STATES GOVERNMENT IMPORTATIONS

Sec.
10.100 Entry, examination, and tariff status.
10.101 Immediate delivery.
10.102 Duty-free entries.
10.103 American goods returned.
10.104 Temporary importation entries for United States Government agencies.
10.105 [Reserved]

AUTHORITY: R.S. 251, as amended, secs. 448, 623, 624, 46 Stat. 714, as amended, 759, as amended, (19 U.S.C. 66, 1448, 1623, 1624).

UNITED STATES GOVERNMENT IMPORTATIONS

§ 10.100 Entry, examination, and tariff status.

Except as otherwise provided for in §§ 10.101, 10.102, 10.104, 141.83(c)(8), 141.102(d), or elsewhere in this chapter, importations made by or for the account of any agency or office of the United States Government are subject to the usual Customs entry and examination requirements. In the absence of express exemptions from duty, such as are contained in item 830.00, 831.00, 832.00, 833.00, 834.00, 835.00, 836.00, or other items in the Tariff Schedules of the United States (19 U.S.C. 1202) providing for free entry, such importations are also subject to duty.

§ 10.101 Immediate delivery.

(a) *Shipments entitled to immediate delivery.* Shipments consigned to or for the account of any agency or office of the United States Government, or to an officer or official of any such agency in his official capacity, shall be regarded for purposes of these regulations as shipments the immediate delivery of which is necessary within the purview of section 448(b), Tariff Act of 1930, as amended (19 U.S.C. 1448(b)).

(b) *Immediate delivery applications.* The shipments described in the preceding paragraph may be released upon the filing of immediate delivery applications on Customs Form 3461 as set forth in Subpart A of Part 142, of this chapter. Such applications may be limited to particular shipments or may cover all shipments imported by the Government agency making the application. They may be approved for specific periods of time or for indefinite periods of time, provided in either case they are supported by blanket carrier's certificates and stipulations as provided for in paragraph (c) of this section.

(c) *Blanket carrier's certificates and stipulations.* Before the release of a shipment under an imediate delivery permit, evidence of the right of the applicant to make entry for the articles shall be furnished the district director in accordance with the provisions of §§ 141.11 and 141.12 of this chapter. A blanket carrier's certificate and release order on Customs Form 7529 may be accepted by a district director for all shipments for the same consignee which may be brought to a port by a carrier during any period stated on the form.

(d) *Bond.* No bond shall be required in support of an immediate delivery application provided for in this section if a stipulation in the form as set forth below is filed with the district director in connection with the application:

I, ----------, ----------, a duly authorized
(Title)
representative of the ----------

(Name of United States Government department or agency)

stipulate and agree on behalf of such department or agency that all applicable provisions of the Tariff Act of 1930, as amended, and the regulations thereunder, and all other laws and regulations, relating to the release and entry of merchandise will be observed and complied with in all respects.

(Signature)

(e) *Timely entries required.* If proper entries for consumption for importations released under these regulations are not filed within a reasonable time, appropriate steps shall be taken to insure the prompt filing of such entries.

§ 10.102 Duty-free entries.

(a) *Invoice or declaration.* No invoice or other declaration of the shipper shall be required for shipments expressly exempt from duty as provided in item 830.00, 831.00, 832.00, 833.00, 834.00, 835.00, 836.00, or other items in the Tariff Schedules of the United States (19 U.S.C. 1202) providing for free entry. However, the importing Government agency or office shall present any invoice, memorandum invoice, or bill pertaining to the merchandise in its possession or available to it, or, if no such invoice or bill is available, a pro forma invoice prepared in accordance with § 141.85 of this chapter, setting forth adequate information for examination and determination of the dutiable status of the merchandise. In addition, the district director shall only admit articles free of duty under item 832.00, 833.00, or 834.00, Tariff Schedules of the United States (19 U.S.C. 1202), upon the receipt of a certificate executed in the manner and form described in paragraph (b) of this section.

(b) *Certification.* One of the following certificates executed by a duly authorized officer or official of the appropriate Government agency or office is required for free entry of articles under item 832.00, 833.00, or 834.00, Tariff Schedules of the United States (19 U.S.C. 1202). The certificates may be printed, stamped, or typewritten on the Customs entry or withdrawal form, Customs Form 7501 or 7506, or on a separate paper attached to the entry or withdrawal form filed by the Government agency or office, provided the certification is clearly and unmistakably identified with the articles covered by the entry or withdrawal.

(1) *Articles for military departments, item 832.00, TSUS.* I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (name of military department), and it is accordingly requested that such material be admitted free of duty pursuant to item 832.00, Tariff Schedules of the United States.

(Name)

(Title), who has been designated to execute free-entry certificates for the above-named department.

(Grade or Rank) (Organization)

(2) *Articles for the General Services Administration, item 833.00, TSUS.* Pursuant to item 833.00, Tariff Schedules of the United States, I hereby certify that the above-described materials are strategic and critical materials procured under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b).

(Name)

(Title), General Services Administration, who has been duly authorized to execute the above certificate.

(3) *Articles for the Energy Research and Development Administration, item 834.00, TSUS.* I certify to the Secretary of the Treasury that the above-described materials are source materials purchased abroad, the admittance of which is necessary in the interest of the common defense and security, in accordance with item 834.00, Tariff Schedules of the United States.

(Name)

(Title), who has been authorized to execute free-entry certificates for the Energy Research and Development Administration.

(c) *Release of shipments.* Shipments for which free entry has been or will be claimed under item 832.00, 833.00, or 834.00 of the Tariff Schedules of the United States (19 U.S.C. 1202), shall be released after only such examination as is necessary to identify them.

(d) *Entry in Government name.* All materials for which free entry is claimed under item 832.00, 833.00, or 834.00 of the Tariff Schedules of the United States (19 U.S.C. 1202), shall be entered, or withdrawn from warehouse, for consumption in the name of the Government department whose representative executes the certificate set forth in § 10.102(b) unless exemption from this requirement is specifically authorized by the regional commissioner of Customs.

§ 10.103 American goods returned.

(a) *Certificate required.* Articles entered, or withdrawn from warehouse, for consumption in the name of an agency or office of the United States Government (with the exception of military scrap belonging to the Department of Defense) may be admitted free of duty under item 800.00, Tariff Schedules of the United States (19 U.S.C. 1202), upon the filing of a certificate on the letterhead of the agency or office in the following form in lieu of other entry documentation:

I hereby certify:
1. That the following articles imported in the ---------- at the port of
(Name of Carrier)
---------- on ----------
(Port) (Date)
consist of returned products which are the growth, produce, or manufacture of the United States, and have been returned to the United States without having been advanced in value or improved in condition by any process of manufacture or other means, and that no drawback has been or will be claimed on such articles, and that the articles currently belong to and are for the further use of ----------
(Agency or Office)

Number of containers	Bill of lading No.[1]	General description of articles

[1] If shipment arrives in the United States on a commercial carrier.

2. That the shipment does not contain military scrap.
3. That the shipment is entitled to entry under item 800.00 of the Tariff Schedules of the United States free of duty.
4. That I am a military installation transportation officer having knowledge of the facts involved in this certificate.

or

I am an officer or official authorized by ---------- to execute this certificate.
(Agency or Office)
(Whichever is applicable.)

(Name)

(Rank and branch of service or Agency or Office)

(b) *Combined certificate when articles are intermingled.* When articles claimed to be free under item 800.00 and other articles claimed to be free under item 832.00, 833.00, or 834.00 of the Tariff Schedules of the United States (19 U.S.C. 1202), are intermingled in a single shipment in a manner which precludes separation for the purpose of making claims for free entry under the separate categories, all the articles may be covered by a combined certificate which follows the requirements of § 10.102(b) and paragraph (a) of this section.

(c) *Execution of certificate.* The certificate required by paragraph (a) of this section may be executed by any military installation transportation officer having knowledge of the facts or by any other officer or official specifically designated or authorized to execute such certificates by the importing Government agency or office. If the merchandise arrived on a commercial carrier, the entry shall be supported by evidence of the right to make it.

§ 10.104 Temporary importation entries for United States Government agencies.

The entry of articles brought into the United States temporarily by an agency or office of the United States Government and claimed to be exempt from duty under Schedule 8, Part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), shall be made on Customs Form 7501. No bond shall be required if the agency or office files a stipulation in the form set forth in § 141.102(d) of this chapter. In those cases in which the provisions of Schedule 8, Part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), are not met, however, the district director will proceed as if a bond had been filed to cover the particular importation. Articles temporarily imported by

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a Government agency or office under this section are entitled to immediate delivery under the procedures set forth in § 10.101.

Footnotes 95, 96, 97 and 98, to § 10.103 are deleted.

§ 10.105 [Reserved]

§ 10.105 is deleted and reserved for future use.

(R.S. 251, as amended, secs. 448, 623, 624, 46 Stat. 714, as amended, 759, as amended (19 U.S.C. 66, 1448, 1623, 1624))

The first sentence of § 142.4 is amended to read as folows:

§ 142.4 Bond.

Except as provided in § 10.101(d) of this chapter, no special permit for immediate delivery shall be issued until there has been filed a bond, with an approved corporate surety, of one of the following types:

* * * * *

(R.S. 251, as amended, secs. 448, 623, 624, 46 Stat. 714, as amended, 759, as amended (19 U.S.C. 66, 1448, 1623, 1624))

Because these amendments merely relax present requirements and involve only agencies or offices of the United States Government, and require no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments shall be effective on January 11, 1977.

VERNON D. ACREE,
Commissioner of Customs.

Approved: January 4, 1977.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.77-954 Filed 1-10-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Decoquinate; Correction

In FR Doc. 76-34959 appearing at page 53002 in the FEDERAL REGISTER for Friday, December 3, 1976, in § 558.195 *Decoquinate* (21 CFR 558.195) in the table in paragraph (g)(1) on page 53003, the entry for decoquinate 27.2 grams per ton (0.003 pct.) in combination with roxarsone 11 to 45 grams per ton (0.0012–0.005 pct.) is corrected to read "Roxarsone 11 to 45 (0.0012–0.005 pct.) plus Bacitracin 12 to 50."

Dated: January 5, 1977.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.77-895 Filed 1-10-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7460]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Temporary Regulations Relating to Tax-Free Sales of Liquid for Use by Certain Aircraft Museums.

This document contains amendments to the Temporary Regulations in Connection With the Airport and Airway Revenue Act of 1970 (26 CFR Part 154) to implement one provision of the Act of October 17, 1976 (Pub. L. 94-530, 90 Stat. 2487).

The Act of October 17, 1976, provides, among other things, that, under Treasury regulations, the retailers excise tax on certain fuels is not to apply to liquid sold for use or used after September 30, 1976, by an aircraft museum in an aircraft or vehicle that is owned by the museum and used exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II.

This document amends the regulations so that present rules relating to registration, exemption certificates, etc. in the case of other exempt sales of aviation fuel will also apply to exempt sales to such museums.

ADOPTION OF REGULATIONS

In order to prescribe temporary rules for tax-free sales of liquid for use by an aircraft museum in an aircraft or vehicle owned by such museum and used exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II, as permitted by the Act of October 17, 1976 (Pub. L. 94-530, 90 Stat. 2487), the Temporary Regulations in Connection With the Airport and Airway Revenue Act of 1970 (26 CFR Part 154) are amended as follows:

PARAGRAPH 1. Section 154.1 is amended by revising the section title and the introductory material, by adding a new subsection (h) to section 4041, by redesignating the present subsection (h) as subsection (i), and by revising the historical note. These revised and added provisions read as follows:

§ 154.1 Statutory provisions; imposition of tax; noncommercial aviation; additional tax; exemption for use by certain aircraft museums; registration.

Section 4041 (c), (d), (h), and (i) of the Internal Revenue Code of 1954, as added by section 202(a) of the Airport and Airway Revenue Act of 1970 and the Act of October 17, 1976 (Pub. L. 94-530, 90 Stat. 2487):

Sec. 4041. *Imposition of tax.* * * *

(h) *Exemption for use by certain aircraft museums.*—(1) *Exemption.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used by an aircraft museum in an aircraft or vehicle owned by such museum and used exclusively for purposes set forth in paragraph (2)(C) of this subsection.

(2) *Definition of aircraft museum.* For purposes of this subsection, the term "aircraft" [sic] means an organization—

(A) Described in section 501(c)(3) which is exempt from income tax under section 501(a),

(B) Operated as a museum under charter by a State or the District of Columbia, and

(C) Operated exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II.

(i) *Registration.* * * *

[Sec. 4041 (c), (d), (h), and (i) as added by sec. 202(a), Airport and Airway Revenue Act 1970 (84 Stat. 237), and Act of Oct. 17, 1976 (Pub. L. 94-530, 90 Stat. 2487)]

PAR. 2. Section 154.1-1 is amended (1) by striking out "section 4041(h)" from the first sentence of paragraph (d)(5) and substituting "section 4041(i)" in lieu thereof, and (2) by revising the last two sentences of paragraph (a)(1) to read as follows:

§ 154.1-1 Tax-free sales and purchases of fuel under section 4041(c); registration.

(a) *Purpose of this section.* (1) * * * This section sets forth rules, as authorized by section 4041(i) and other provisions of the Internal Revenue Code, under which aircraft fuel that is used, in whole or in part, in other than noncommercial aviation may be purchased tax free when delivered by a seller into a fuel supply tank of an aircraft. In addition, the provisions of this section apply to sales or purchases of fuel, delivered into a fuel supply tank of an aircraft, which are exempt from the tax under section 4041(c) by reason of section 4041(f) (relating to exemption for farm use), section 4041(g)(1) (relating to exemption for use as supplies for vessels or aircraft), section 4041(g)(2) (relating to State and local government exemption), section 4041(g)(4) (relating to exemption for nonprofit educational organizations), and section 4041(h) (effective October 1, 1976, and relating to exemption for use by certain aircraft museums).

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 4041(h), 7805, Internal Revenue Code of 1954 (90 Stat. 2487, 68A Stat. 917; (26 U.S.C. 4041 (h), 7805)).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 5, 1977.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.77-1025 Filed 1-10-77;8:45 am]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7453]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Temporary Regulations Relating to Disclosures of Return Information by Internal Revenue Officers and Employees for Investigative Purposes

Correction

In FR Doc. 76-38384 appearing on page 56795 in the issue for Thursday, December 30, 1976, in the 8th line of § 404.6103(k)(6)-1 (c) should have read "of 1954, including enforcement of any".

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $114 to $122 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $122 for each day actually spent in the work of committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C. this 5th day of January, 1977.

RONALD J. JAMES,
Administrator,
Wage and Hour Division.

[FR Doc.77-963 Filed 1-10-77;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Vermont; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On October 16, 1973, a notice was published in FEDERAL REGISTER (38 FR 28658) of the approval of the Vermont plan and the adoption of Subpart U of Part 1953 containing the decision and describing the plan. By letters dated January 30, July 1, and June 17, 1976, from Louis Lavin, Commissioner, Vermont Department of Labor and Industry to Edwin J. Riley, Jr., Assistant Regional Administrator for Federal and State Operations (Region I), the State of Vermont submitted evaluation change, State initiated change and developmental change supplements (See Subparts D, E and B of 29 CFR Part 1953) which fulfill the corresponding commitments in Vermont's developmental schedule, as outlined in 29 CFR 1952.273.

2. *Description of the supplements.* (a) Standards Advisory Council. In accordance with item (f) of the State's developmental schedule, the Vermont advisory committee was established in January 1974, and commenced operations on June 12, 1974. This committee, under the title Safety Advisory Council, functions in the capacity as both a Standards Board and an Advisory Board.

(b) Enforcement Program. The health and safety enforcement program in the State of Vermont, including enforcement of the State's occupational safety and health standards and regulations, was implemented on November 12, 1973.

(c) Review Board Operations. The Vermont Occupational Safety and Health Review Board has been in operation since October 1973, under rules and regulations formally promulgated on February 4, 1974, and approved on December 16, 1974 (39 FR 44201, December 23, 1974).

(d) Recordkeeping. Recordkeeping and reporting requirements were implemented for both the private and public sectors on November 12, 1973.

(e) Coordination Between State Safety and Health Divisions. Written procedures for coordination between Vermont's Division of Occupational Safety and Division of Occupational Health were formulated in June 1975, and revised in September 1975. These procedures include the courses of interaction between the divisions on such items as administrative policies, standard enforcement, and voluntary compliance.

(f) Corrections in Vermont Regulations. These amendments and changes to Vermont Occupational Safety and Health Administration Regulations 1903, 1904, and 1905 reflect minor clerical corrections.

3. *Location of the plan and its supplements for inspection and copying.* A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Technical Data Center, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1804, John F. Kennedy Building, Boston, Massachusetts 02203; Department of Labor and Industry, State Office Building, Montpelier, Vermont 05602.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Vermont plan supplements described above are consistent with commitments contained in the approved plan, and are substantially similar to parallel Federal Regulations and procedures. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Vermont plan supplements outlined above are hereby approved under 29 CFR Part 1953 of this Chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart U of 29 CFR Part 1952 is hereby amended to reflect the completion of a developmental step.

Sections 1952.274(c)(d) are added as follows:

§ 1952.274 Completed developmental steps.

* * * * *

(c) In accordance with 29 CFR 1952.273(f), the Vermont Standards Advisory Council was established in January 1974.

(d) In accordance with 29 CFR 1952.273(g), the following developmental steps have been implemented.

(1) The health and safety enforcement program in the State of Vermont including enforcement of the State's occupational safety and health standards and regulations, was implemented on November 12, 1973.

(2) The Vermont Occupational Safety and Health Review Board has been in operation since October 1973, under rules and regulations formally promulgated on February 4, 1974, and approved on December 16, 1974 (39 FR 44201, December 23, 1974).

(3) Recordkeeping and reporting requirements, as approved on October 1, 1973, (38 FR 28658), were implemented for both the private and public sectors on November 12, 1973.

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(4) Written procedures for coordination between Vermont's Division of Occupational Safety and Division of Occupational Health were formulated in June 1975, and revised in September 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 4th day of January 1977.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.77-958 Filed 1-10-77;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 1—DISCLOSURE OF RECORDS

Regulations Governing Fees; Correction

In the FEDERAL REGISTER of November 22, 1976, at page 51396, there was published the adoption, in final form, of amendments to the Department of the Treasury's regulations, at 31 CFR Part 1, governing fees for services rendered in connection with the disclosure of records. As so published the amendment to 31 CFR 1.6(g)(3)(i) lent itself to the interpretation that there would be no fee imposed for any record search unless such search consumed in excess of one hour. That was not intended. Rather it was and is intended that a search fee be imposed if the search consumes one hour or more. The language of 31 CFR 1.6(g)(3)(i) has therefore been corrected to make this clear. No other change has been made to the amendments published on November 22, 1976. Nevertheless, the entire text of such amendments are republished hereby for clarity.

§ 1.6 [Amended]

In consideration of the foregoing, the notice of the adoption of final rules published on November 22, 1976, is hereby corrected to read as follows:

1. 31 CFR 1.6(g)(1)(i) and (g)(3)(i) are amended to read as follows:

(g) • • •

(1) *Duplication.* (i) photocopies, per page up to 8½" by 14", $0.10 each, except that no charge will be imposed for copying 10 pages or less when less than one hour is consumed in locating the records requested.

• • • • •

(3) *Search services.* (i) The fee charged for services of personnel involved in locating records shall be $5.00 for each hour or fraction thereof, except that no charge shall be imposed for a search consuming less than one hour.

3. 31 CFR 1.6(g)(3)(ii) is amended by changing $3.50 to read $5.00.

The Department further finds that notice and public procedure concerning this correction is unnecessary under 5 U.S.C. 553(d)(3), inasmuch as the correction of text is for clarification only and the overall effect of the amendments is to lower the cost of the public for services in connection with disclosure of records. Consequently, the correction and the amendments themselves are made effective immediately.

Dated: January 6, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77-925 Filed 1-10-77;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

Statement of Employment and Financial Interest Acceptance of Honorariums

As provided by Pub. L. 94-283 (90 Stat. 475), enacted May 11, 1976, the acceptance by an officer or employee of any branch of the Federal Government of any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his or her spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article, or honorariums aggregating more than $25,000 in any calendar year is prohibited. Section 0.735-12(c) is amended to extend this prohibition to provide that employees of the Veterans Administration may not engage in outside employment or other activities not compatible with full and proper discharge of their Government employment. Also amended is § 0.735-16 (a) which gives special emphasis to the intent of Executive Order 11222 (30 FR 6469) that it is the responsibility of all employees to pay Federal, State or local taxes. The list of positions which requires incumbents of the positions to file statements of employment and financial interests is also amended. In addition editorial changes have been made to reflect agency policy of using precise terms denoting gender.

Compliance with the provisions of § 1.12 of this Chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary since the amendment is merely internal procedure and practice.

1. In § 0.735-12, paragraphs (b), (c), (d)(5), (e) and (f) are revised to read as follows:

§ 0.735-12 Outside employment, activity or compensation.

• • • • •

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his or her services to the Government. This does not apply to employees working without compensation. (18 U.S.C. 209)

(c) Employees are encouraged to engage in teaching, lecturing, and writing not prohibited by law, Executive Order 11222, part 735 of the Civil Service Regulations (5 CFR Part 735), the conduct regulations of this part or other agency policy. An employee shall not, however:

(1) Engage, with or without compensation, in teaching, lecturing or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or of the Board of Examiners for the Foreign Service, that depends on information obtained as a result of his or her Government employment, except when that information has been made available to the general public or will be made available on request, or when the Administrator gives written authorization for the use of nonpublic information on the basis that the use is in the public interest;

(2) If he or she is a Presidential appointee covered by section 401(a) of Executive Order 11222, receive compensation, an honorarium, or anything of monetary value for any consultation, lecture, discussion, writing or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his or her agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(3) Accept any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his or her spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article, or honorariums aggregating more than $25,000 in any calendar year. (Pub. L. 94-283 (90 Stat. 475), Federal Election Campaign Act Amendments of 1976)

(d) Employees are not prevented from:

• • • • •

(5) Taking part as a citizen of his or her community in civic, charitable, religious and other community efforts.

(e) Employees are encouraged to take part in service organization activities that do not conflict with, or give the appearance of conflicting with, Veterans Administration employment. Thus, an employee may hold an office or position at any level, provided that the combination of Veterans Administration position and service organization position cannot be construed as giving advantage to that organization, and if the employee agrees to disqualify himself or herself from taking part in any activities directed at the Veterans Administration, its policies, procedures or programs, or claims for benefits administered by the Veterans Administration. An employee may not act as a service officer preparing and presenting claims against the Government. Each employee is responsible for assuring that his or her intended actions are proper and, when in doubt, shall use the interpretation and advisory service established by § 0.735-3. As used in this paragraph, a service organization is an organization usually composed of exservicemen, which presents claims from veterans and their dependents for benefits under laws administered by the Veterans Administration.

(f) An employee who engages in any outside work while on sick leave is required to report that fact to his or her supervisor.

• • • • •

2. In § 0.735-13, paragraphs (a), (b) and (c) are revised to read as follows:

§ 0.735-13 Financial interests.

(a) An employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Government duties and responsibilities.

(b) An employee shall not engage directly or indirectly, in a financial transaction as a result of, or primarily relying on, information obtained through his or her Government employment.

(c) An employee called upon to participate in an official capacity in any matter in which the employee, spouse, minor child, outside business associate, or person with whom he or she is negotiating for employment, has a financial interest, should disqualify himself or herself or make full disclosure of the financial interest to the appointing officer (appropriate personnel officer). The employee should take no further action pending receipt of a written determination that no conflict exists.

• • • • •

3. In § 0.735-14, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 0.735-14 Use of Government property.

• • • • •

(a) Each employee shall protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him or her.

• • • • •

4. In § 0.735-15, paragraph (a) is revised to read as follows:

§ 0.735-15 Disclosure or misuse of information.

(a) An employee shall not, except as provided in § 0.735-12(c), directly or indirectly use for the purpose of furthering a private interest, or allow such use of, official information obtained through or in connection with his or her Government employment which has not been made available to the general public.

• • • • •

5. In § 0.735-16, paragraph (a)(1) is revised to read as follows:

§ 0.735-16 Indebtedness.

(a) An employee shall pay each just financial obligation in a proper and timely manner (E.O. 11222, May 8, 1965 and 5 CFR 735).

(1) For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State, or local taxes, and "in a proper and timely manner" means in a manner which the Veterans Administration determines does not, under the circumstances, reflect adversely on the Government as his or her employer.

• • • • •

6. In § 0.735-73, paragraph (e) is revised to read as follows:

§ 0.735-73 Employees required to submit statements.

• • • • •

(e) The following positions, which are classified at GS-13 or above except as otherwise indicated, are considered to meet the criteria of paragraph (a), (b), (c) or (d) of this section and have not been excluded under § 0.735-74; all appointees to these positions must file statements of employment and financial interests, except where an individual position in an included category may be exempted under § 0.735-74(a):

LIST OF POSITIONS REQUIRING FILING OF STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

Deputy Administrator
Associate Deputy Administrator
Assistant Deputy Administrator
Chief Medical Director
Chief Benefits Director
General Counsel
Chief Data Management Director
Manager, Administrative Services
Controller
Assistant Administrator for Construction
Chairman and Members, Contract Appeals Board
Assistant Manager, Administrative Services, Central Office
Director, Central Office Building and Supply Service
Assistant Director, Central Office Building and Supply Service
Director, Central Office Publications Service
Assistant Director, Central Office Publications Service
Deputy Assistant Administrator for Construction
Director, Program Control and Analysis Staff (Construction)
Area Projects Directors (Construction)
Director of Architecture and Engineering
Director of Planning and Development (Construction)
Chairman, Architect-Engineer Evaluation Board (Construction)
Utilities Contracting Officer
Director, Research Staff (Construction)
All Service Directors in Office of Construction
Resident Engineers (Construction) with authority to issue change orders, GS-11 and above
Deputy Chief Data Management Director
Director, Field Operations Service (DDM)
Chief, Equipment Planning and Evaluation Division (DDM)
Center Directors, Department of Data Management
Deputy Chief Medical Director
Executive Assistant to Deputy Chief Medical Director
Assistant Chief Medical Director for Policy and Planning
Associate Deputy Chief Medical Director for Operations
Deputy for Operations
Executive Assistant to Chief Medical Director
Director, Operations Review and Analysis Staff
Director, Resources Staff
Director, Regionalization and Sharing Staff
Director, Management Support and Facilities Staff
Director, Planning Service
Assistant Chief Medical Director for Extended Care
Director, Health Services Research and Development Service
Deputy Director, Health Services Research and Development Service
Associate Directors, Health Services Research and Development Service
Deputy Assistant Chief Medical Director for Academic Affairs
Deputy Assistant Chief Medical Director for Extended Care
Assistant Chief Medical Director for Professional Services
Deputy Assistant Chief Medical Director for Clinical Services
Deputy Assistant Chief Medical Director for Clinical Support Services
Director, Dietetic Service
Director, Medical Service
Director, Nuclear Medicine Service
Director, Nursing Service
Director, Pathology Service
Director, Pharmacy Service
Director, Rehabilitation Medicine Service
Director, Mental Health and Behavioral Sciences Service
Deputy Director (Prosthetics Division), Surgical Service
Director, Radiology Service
Director, Surgical Service
Assistant Chief Medical Director for Administration
Director, Spinal Cord Injury Service
Director, Building Management Service
Director, Engineering Service
Director, Manpower Grants Service
Assistant Chief Medical Director for Academic Affairs
Assistant Chief Medical Director for Dentistry
Assistant Chief Medical Director for Research and Development
Director, Veterans Canteen Service
Deputy Director, Veterans Canteen Service
Field Directors, Veterans Canteen Service
Supervisory Buyers, Merchandising Division, Veterans Canteen Service
Director, Supply Service
Supply Management Officers (Class Title) GS-13 and up
Supply Management Representatives (Class Title) GS-13 and up
Contract Specialists (Class Title) GS-13 and up
Chiefs, Supply Services, All Field Stations, GS-11 and above
Chiefs, Business Services Divisions, DM&S Field Stations, GS-10 and above
Directors of Field Stations, DM&S
Assistant Directors of Field Stations, DM&S
Chiefs of Staff, DM&S Field Stations
Deputy Chief Benefits Director
Director, Education and Rehabilitation Service
Director, Compensation and Pension Service
Director, Loan Guaranty Service
Deputy Director, Loan Guaranty Service
Field Directors, Area Field Offices
Directors, DVB Field Stations
Assistant Director for Insurance, VAC, Philadelphia
Assistant Directors, DVB Centers
Loan Guaranty Officers, Field Stations
Assistant Loan Guaranty Officers, Field Stations
Chiefs, Construction and Valuation Sections (Field Stations), GS-11 and above
Chiefs, Loan Processing Sections (Field Stations), GS-11 and above
Chiefs, Property Management Sections (Field Stations), GS-11 and above
Director, National Cemetery System
Executive Assistant to the Director, National Cemetery System.
Deputy Director, National Cemetery System.
Director, Headstone Service.

Director, Cemetery Service.
Chief, Contract and Special Audit Division (Planning and Evaluation).
Director, Contract Compliance Service.
Deputy Director, Contract Compliance Service.
Supervisory Equal Opportunity Specialists (Contract Compliance).
Equal Opportunity Specialists (Contract Compliance).

• • • • •

7. In § 0.735–75, paragraph (b) is revised to read as follows:

§ 0.735–75 Time and place for submission of employees' statements; reviewing officials.

An employee required to submit a statement of employment and financial interests under this part shall submit that statement to the Reviewing Official: Station head for field positions; department, staff office, or National Cemetery System head, as appropriate, for all other positions (including station heads); Administrator for the heads of departments, staff offices, and National Cemetery System, and all positions in the Office of the Administrator. The statement shall be submitted not later than:

• • • • •

(b) Thirty days after his or her entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

8. Sections 0.735–78 and 0.735–79 are revised to read as follows:

§ 0.735–78 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his or her behalf.

§ 0.735–79 Information not required.

An employee is not required to submit in a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and developmental or related work involving grants of money from or contracts with the Government are deemed "business enterprises," and an employee shall include them in his or her statement of employment and financial interests or supplementary statement.

9. In § 0.735–81, paragraphs (a), (c) and (d) are revised to read as follows:

§ 0.735–81 Reviewing statements of interest.

(a) Whenever the reviewing official, with the aid of the deputy counselor, determines from the statement of employment and financial interests, supplement, or other information that there may be a conflict of interest or appearance of conflict of interest between the interest of an employee or special Government employee and the performance of his or her services for the Government, he or she shall disclose the existence of the possible conflict to the selecting official for the position involved.

• • • • •

(c) Where the reviewing official thereafter decides that no conflict-of-interest problem exists, the matter will be documented and considered settled. Where the reviewing official finds that such a problem does exist, he or she shall refer the information to the deputy counselor (legal) having jurisdiction.

(d) Where the deputy counselor (legal) decides that no conflict-of-interest problem exists, the matter will be documented and considered settled. Otherwise, he or she shall refer the information to the Administrator for final decision and remedial action, through the Counselor for the Veterans Administration, furnishing a copy to the department concerned.

(E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.)

These amendments were approved by the Civil Service Commission on November 9, 1976, and are effective January 11, 1977.

Approved: January 5, 1977.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.77-907 Filed 1-10-77;8:45 am]

PART 17—MEDICAL

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

Facilities for Veterans: Maximum Number of Beds

Appendix A is revised to establish the maximum number of beds allowed by 38 U.S.C. 5034(1) to provide adequate nursing home care to veterans residing in each State.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose. This amendment merely adjusts the bed quotas in each State to reflect the current veteran population.

Immediately following § 17.176, Appendix A is revised to read as follows:

APPENDIX A (SEE § 17.171)

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to veterans residing in each State is established as follows:

State	Veteran population[1]	Number of beds
Alabama	421,000	1,053
Alaska	41,000	103
Arizona	300,000	750
Arkansas	261,000	653
California	3,267,000	8,168
Colorado	357,000	893
Connecticut	461,000	1,153
Delaware	79,000	198
District of Columbia	104,000	260
Florida	1,192,000	2,980
Georgia	623,000	1,558
Hawaii	94,000	235
Idaho	101,000	253
Illinois	1,557,000	3,893
Indiana	722,000	1,805
Iowa	372,000	930
Kansas	309,000	773
Kentucky	409,000	1,023
Louisiana	449,000	1,123
Maine	147,000	368
Maryland	615,000	1,538
Massachusetts	868,000	2,170
Michigan	1,188,000	2,970
Minnesota	549,000	1,373
Mississippi	244,000	610
Missouri	698,000	1,745
Montana	101,000	253
Nebraska	198,000	495
Nevada	92,000	230
New Hampshire	124,000	310
New Jersey	1,099,000	2,748
New Mexico	136,000	340
New York	2,513,000	6,283
North Carolina	616,000	1,540
North Dakota	63,000	158
Ohio	1,493,000	3,733
Oklahoma	397,000	993
Oregon	366,000	915
Pennsylvania	1,752,000	4,380
Rhode Island	151,000	378
South Carolina	325,000	813
South Dakota	78,000	195
Tennessee	532,000	1,330
Texas	1,611,000	4,028
Utah	145,000	363
Vermont	63,000	158
Virginia	649,000	1,623
Washington	589,000	1,473
West Virginia	235,000	588
Wisconsin	579,000	1,448
Wyoming	47,000	118

[1] Estimate as of June 30, 1976.

SOURCE: Reports and Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

(72 Stat. 1114 (38 U.S.C. 210)).

This VA Regulation is effective January 3, 1977.

Approved: January 3, 1977.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.77-721 Filed 1-10-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT LIMITATIONS AND GUIDELINES

[FRL 668-7]

PART 455—PESTICIDE CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Extension of Comment Period and Notice of Availability

On November 1, 1976 the Environmental Protection Agency published a notice of interim final rulemaking (41 FR 48088) establishing effluent limitations and guidelines for the pesticide chemicals manufacturing point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was December 30, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines for the Pesticide Chemicals Manufacturing Point Source Category," which contains information on the analyses undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

Accordingly, the date for submission of comments is hereby extended to February 10, 1977.

Dated: December 30, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-903 Filed 1-10-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-201]

PART 101–28—STORAGE AND DISTRIBUTION

Warehousing and Self-Service Stores

This regulation provides current policy and procedures concerning efficient management of warehousing activities and establishment of self-service stores.

The table of contents for Part 101–28 is amended by deleting §§ 101–28.100 through 101–28.101–22, 101–28.204 through 101–28.208, 101–28.305–3, 101–28.305–4, and 101–28.308 and by adding or revising the following entries:

Subpart 101–28.1 [Reserved]

Subpart 101–28.2—Interagency Cross-Servicing in Storage Activities

101–28.202–1	Request for services.
101–28.202–2	Cancellation of cross-servicing arrangements.
101–28.202–3	Cross-servicing rates.
101–28.202–4	Reimbursement for services.
101–28.203–2	[Reserved]
101–28.203–3	[Reserved]

Subpart 101–28.3—Self-Service Stores

101–28.302	Self-service stores.
101–28.304	Establishment of self-service stores.
101–28.305–1	Initiation and scheduling.
101–28.305–2	Findings and determinations.
101–28.307	Responsibility for operation.

The text of Subpart 101–28.1 is deleted and the subpart is reserved as follows:

Subpart 101–28.1 [Reserved]

Subpart 101–28.2—Interagency Cross-Servicing in Storage Activities

1. Section 101–28.201(b) is revised as follows:

§ 101–28.201 Applicability.

• • • • •

(b) The provisions of this Subpart 101–28.2 do not apply to ocean terminals, Government storage activities financed under industrial funds, activities concerned with the storage and handling of bulk fuels (petroleum products), and storage functions performed by GSA for the Federal Preparedness Agency.

2. Sections 101–28.202 and 101–28.202–1 through 101–28.202–4 are revised as follows:

§ 101–28.202 GSA/DOD Cross-Servicing Agreement.

An agreement between GSA and DOD has established procedures to be followed in the cross-servicing of storage and warehousing services between Government agencies. Copies of the agreement, containing a listing of minimum services to be provided, responsibilities of agencies operating storage facilities, responsibilities of requesting agencies, and agency contact points to determine storage availability, may be obtained from the General Services Administration (FFN), Washington, D.C. 20406.

§ 101–28.202–1 Request for services.

Requests for storage and warehousing services shall be in accordance with the procedures set forth in the GSA/DOD cross-servicing agreement. Arrangements incident to the furnishing of services, specific limitations, terms, and conditions shall be agreed to directly by the activities concerned.

§ 101–28.202–2 Cancellation of cross-servicing arrangements.

(a) Accepted requests may be canceled by the requesting agency prior to delivery of supplies, material, and equipment to the storage activity when logistical developments make cancellation necessary or cancellation is in the best interest of the Government. The agency which accepted the request shall be informed of the cancellation in writing as soon as possible.

(b) Cancellation of arrangements in facilities to be inactivated or disposed of by an operating agency may be made as provided for in the GSA/DOD agreement. Also, after supplies, material, and equipment have been received at a storage activity, cancellation may be made when unforeseen emergencies arise which justify such cancellation. Advice of these necessary cancellations shall be in writing to the agency owning the material sufficiently in advance to allow the owning agency the maximum amount of time to make other arrangements for their property.

(c) When a facility in which cross-servicing is being accomplished is to be transferred from an operating agency to another agency, the operating agency shall inform the agency owning the property at least 90 days before the transfer. The agency owning the property shall negotiate with the agency gaining the facility for continued cross-servicing of the property at the facility. The agency gaining the facility shall continue the cross-servicing arrangements unless they are contrary to the best interest of the Government.

§ 101–28.202–3 Cross-servicing rates.

Normally, charges for services rendered will be based upon the standard rates established by the agency for internal use. However, special rates may be negotiated to cover actual or estimated costs for large, bulk lots of material when the applicable rates appear inequitable, subject to the approval of the appropriate program official for the civilian agency, and the Assistant Secretary of Defense (I&L) when DOD is involved.

§ 101–28.202–4 Reimbursement for services.

Reimbursement for services rendered shall be made promptly after receipt of billing. The frequency for billing and reimbursement shall be established by the activity providing warehousing and storage services; however, billing and reimbursement shall be made not less frequently than quarterly nor more frequently than monthly.

3. Section 101–28.203 is revised as follows:

§ 101–28.203 Definitions.

As used in this Subpart 101–28.2, the following term shall apply.

§ 101–28.203–1 Government storage activity.

A Government activity or facility utilized for the receipt, storage, and issue of supplies, materials, and equipment, including storage of reserve or excess stocks or intransit storage. The activity may be either Government owned or leased, and it may be either Government operated or contract operated.

§ 101–28.203–2 [Reserved]

§ 101–28.203–3 [Reserved]

§ 101–28.203–4 Contact point.

The point within the headquarters of a military service or civilian agency to which requests should be forwarded. Coordination necessary with various organizational elements within a military service or civilian agency shall be accomplished by the contact point.

4. Sections 101–28.204 through 101–28.208 are deleted.

Subpart 101–28.3 is revised to read as follows:

Subpart 101–28.3—Self-Service Stores

§ 101–28.300 Scope of subpart.

This subpart provides policy, procedures, and guidelines for the establishment of self-service stores and for Federal agency participation in the services provided.

§ 101–28.301 Applicability.

This subpart is applicable to all executive agencies assigned space in a building for which GSA has responsibility for its operation and maintenance in addition to space management.

§ 101-28.302 Self-service stores.

Self-service stores are established by the General Services Administration and provide expeditious and convenient distribution facilities in support of Federal agencies for common-use administrative, custodial, and maintenance supplies, forms, and other selected items. Modern self-service merchandising techniques, with simplified billing methods, are utilized for the benefit of using activities. Limited mail-order and buying service and advice on methods and sources of items not stocked in the self-service stores are provided at these outlets upon request.

§ 101-28.303 Use of self-service stores.

Self-service stores are immediate sources of supply for executive agencies which are occupants of buildings in which the stores are located and are available for use by other Federal activities in the vicinity. Supplies purchased in these stores comply with requirements for use of GSA sources set forth in § 101-26.301. Articles stocked in self-service stores are for official use only and may be purchased only by holders of valid shopping plates. Agencies and activities to which GSA has issued shopping plates shall be responsible for the acquisition, control, and use of the items purchased to ensure that these purchases are used in the best interest of the Government.

§ 101-28.304 Establishment of self-service stores.

GSA, in conjunction with other appropriate agencies, will conduct studies to determine the feasibility of activating a self-service store and the extent of services required. The studies shall be conducted in accordance with the provisions of § 101-28.305.

§ 101-28.305 Feasibility studies.

§ 101-28.305-1 Initiation and scheduling.

GSA may initiate feasibility studies to determine whether self-service stores should be established in existing or proposed new Federal buildings or leased space or in a complex of Federal and/or leased buildings. Studies will be based on the size and type of agencies and the number of Federal personnel occupying or scheduled to occupy the space, and the total Federal population in the immediate vicinity, under the provisions of § 101-5.104. All studies will be scheduled by the appropriate GSA Regional Administrator and coordinated with potential user activities in the area of the proposed location.

§ 101-28.305-2 Findings and determinations.

(a) The study data, including any objections or limitations submitted or expressed by the agencies involved in the study, will be accumulated, analyzed, and summarized by the GSA regional office and submitted with findings and recommendations to the Commissioner, Federal Supply Service, for transmittal to the Administrator of General Services. In accordance with the provisions § 101-5.104-7, the Administrator will determine whether the establishment of the self-service store meets the criteria for increased economy, efficiency, and service of the agencies to be served.

(b) The appropriate Regional Administrator will inform the affected agencies of the Administrator's decision. If approval is announced, additional information will be furnished, as appropriate, including:

(1) Location of the proposed self-service store and approximate date of activation;

(2) Categories of items to be stocked or otherwise made available;

(3) Services which will be available, including technical supply assistance and procurement service; and

(4) Instructions for obtaining supply service.

§ 101-28.306 Consolidation of functions.

After it has been determined to establish a self-service store, the appropriate GSA regional office will:

(a) Arrange for transfer to GSA, without reimbursement, all available equipment which will become excess by reason of the establishment of the self-service store; dispose of any equipment transferred which is not needed; and provide, when necessary, for transfer of inventory.

(b) Not assign space in a building for the operation of a supply outlet which would duplicate the functions and services performed in connection with items handled through a self-service store.

(c) Activate the self-service store in sufficient time to preclude interruption of supply services to agencies.

§ 101-28.307 Responsibility for operation.

The appropriate GSA region will be responsible for the operation of the self-service store.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date. January 11, 1977.

Dated: January 4, 1977.

JACK ECKERD,
Administrator of General Services.

[FR Doc.77-826 Filed 1-10-77;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-3; Notice 5]

PART 218—RAILROAD OPERATING RULES

Blue Signal Protection of Workmen

On November 2, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 48126) stating that the Federal Railroad Administration (FRA) was considering several amendments to the blue signal protection provisions of Part 218. The amendments were intended to clarify the existing rules with respect to certain questions raised as to the applicability of the standards to train and yard crews and to operations within locomotive servicing facilities and car repair areas. In addition, the NPRM proposed specific regulatory language to respond to the provision of the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348) which required the Secretary to issue regulations to assure that all manually operated switches providing access to tracks on which railroad employees are working on, under, or between rolling equipment will be lined against movement and secured with an effective locking device. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments before December 6, 1976, and by appearing at a public hearing on November 23, 1976 in Washington, D.C., and a number of comments were received.

One commenter raised a preliminary point taking issue with FRA's determination that the portion of the proposed rules having to do with the locking of manually operated switches did not require an evaluation of the regulatory impact in accordance with the policies of the Secretary of Transportation since that provision was required by statute. This commenter expressed the opinion that "the only instance in which implementary rulemaking proceedings do not require evaluation of regulatory impact is that rare case wherein Congress leaves no discretion." The FRA does not agree entirely with this narrow interpretation of the policies established by the Secretary. The purpose of the regulatory impact evaluation required by the Secretary's policies is to assure that all of the potential costs and benefits of a proposed rulemaking action are adequately assessed and considered by the rulemaking entity in an effort to improve the effectiveness of the proposed regulation and minimize its impact upon affected parties. In this instance, where a statute requires the issuance of a rule on a particular matter, the Secretary does not have the discretion to withhold rulemaking action even if it were shown that the possible benefits of the rule did not outweigh its potential costs. The result or impact of the rulemaking at hand is in effect prescribed in legislation while FRA is granted discretion only as to how the prescribed result of the rule might be most reasonably achieved through regulation. Accordingly, the comprehensive regulatory impact evaluation normally required of all proposed rulemaking actions is not required by the Secretary's policies in this case. FRA has consulted with the Office of the Secretary on this matter and received concurrence in this interpretation.

Nevertheless, FRA feels, and the Office of the Secretary concurs, that an appropriate application of the Secretary's policies in this instance is to assess the relative costs of alternative means of achieving the results of the statutorily mandated rules in an effort to develop an effective and reasonable implementing regulation. Therefore, in the rulemaking action at hand, FRA has analyzed the costs of alternative regulations it might adopt and believes that this final rule does not impose any unreasonable costs in excess of those necessary to comply with the minimum requirements of the statute.

Another commenter criticized FRA for not having evaluated the inflationary impact of the switch locking requirements and stated that it believed the provision requiring all manually operated switches to be locked whenever workmen were working on, under or between rolling equipment was extreme and unjustified. DOT Order 2050.4 defines what actions are to be considered major proposals for purposes of determining whether an inflationary impact analysis must be undertaken pursuant to Executive Order 11821. For purposes of regulations which impact upon a single industry, the threshold level at which a particular action is to be considered "major" is an action which will result in increased expenses of $50 million in one year, or $75 million in any two consecutive years. The FRA's analysis of the costs of this rule shows that the impact on the industry will not reach this threshold level.

The same commenter also stated that the switch locking requirement could not be justified in view of its operating experience. Since the switch locking requirement is prescribed by statute, the FRA does not have the discretion to make an independent analysis as to whether or not the railroad industry's accident experience provides adequate justification for the proposed rule. Rather, the agency must issue a rule which complies with the statutory mandate. Through the provisions permitting the use of locked derails as an alternative to a locked manually operated switch, the FRA believes that the proposed rules provide the broadest degree of flexibility which is possible within the meaning and intent of the statutory requirement. This flexibility should alleviate the more burdensome or costly impacts.

Another general comment submitted in response to the NPRM expressed concern over the relationship between the blue signal provisions of Part 218 and OSHA and hazardous materials regulations which also require the display of a blue signal when railroad cars are spotted for loading or unloading at an industrial site. This commenter stated that operating difficulties would result because FRA regulations prohibit movement onto a track containing blue flag equipment. A carrier would be required to locate a qualified employee of the industrial customer in order to remove the blue signals before the track could be switched. This commenter requested clarification which would allow cars to be spotted on a track occupied by equipment under industrial blue flag protection, provided such cars are stopped short of the protected equipment.

The FRA has reviewed the OSHA and hazardous materials regulations and discovered that the scope of the problem is restricted. OSHA regulations pertaining to a blue flag requirement presently apply to pulp, paper and paperboard mills only. Hazardous materials regulations require application of a blue flag only during the loading and unloading operation while the connection is engaged.

The provisions of the blue flag rules included in Part 218 were intended to apply to blue flags applied by railroad employees for the protection of railroad employees. The blue flags to which this commenter referred are applied by in-railroad employees. While the FRA recognizes that these operations may require a greater degree of coordination between the railroad and the industrial customer, safety requires some precaution for the protection of the industrial employees who are working around the equipment. If the switch which provides access to the industrial siding is not locked and blue flagged, the train crew can assume that the track is clear and may enter the siding. Once on the siding, if it is discovered that there is equipment under blue flag protection on the same track, the train crew may not set out cars so as to cover up the blue flag and must remove them from the siding if the blue flag cannot be removed. Because these industrial blue flags are required to be displayed under limited conditions—during loading and unloading or on certain lading—FRA does not believe that these standard precautions will prove unnecessarily burdensome.

A final general comment on the existing blue flag regulation as well as the proposed changes included in the NPRM was submitted by a terminal operator who alleged that the existing and proposed rules would totally disrupt operations causing long delays to trains and inefficient utilization of its facility. This commenter expressed the belief that blue signal protection was designed primarily for freight operations and did not take into consideration the switching and servicing of occupied passenger equipment.

The blue signal regulation issued by FRA, and the amendments proposed in the NPRM, were intended to provide protection to railroad employees who are required to work on, under or between rolling equipment. An employee may be just as severely injured by the unexpected movement of passenger equipment as he would be by a similar movement of freight equipment. Therefore, the FRA does not believe there is a reasonable basis to exempt passenger terminal operations from the scope of this rule.

This particular commenter has also filed a petition for waiver of the regulatory provisions governing certain aspects of its operation. The FRA believes that this is the appropriate method by which to address the special problems of an individual carrier or a particular operation. Through the waiver procedure, the facts can be established, the safety of alternate procedures can be evaluated and specific conditions can be designed to assure the safety of railroad workmen on a case by case basis.

With respect to the proposed amendment of the definition of "workmen" contained in § 218.5, one commenter expressed the opinion that the extension of blue flag protection to train and yard crews under certain conditions would be unduly restrictive. On the other hand, several commenters complained of abuse of the original exclusion by the reassignment of work from mechanical department employees, who must be provided protection, to train and yard crews who were exempted. Through investigation of complaints, the FRA found that such abuses were occurring. The FRA has, therefore, concluded that the additional amplification provided in the NPRM was necessary. Where train or yard crew personnel are assigned to inspect, test, repair or service equipment which is not part of the train or yard movement to which they are assigned as operating crew members, the exemption will not apply and protection in accordance with Part 218 must be provided.

Two commenters expressed concern with the definition of an "effective locking device" which was proposed in § 218.5 (d). One commenter suggested that it may not be technically possible to develop a "tamper-proof" locking device, and that it would be more appropriate and consistent for FRA to require a "tamper-resistant" device, as well as a "vandal resistant" one as was proposed in paragraph (d)(1). The FRA's intent was to assure that the device could not be inadvertently or easily removed by unauthorized personnel, be they railroad employees or non-railroad employees. The use of the consistent language suggested by the commenter will convey this intent, and FRA has decided to make such a change. Therefore, the "effective locking device" must be both vandal resistant and tamper resistant.

One commenter disagreed with the interpretation which FRA has made of the statutory requirement for an "effective locking device". This commenter alleged that the congressional intent to provide an "effective locking device" would be satisfied by the existence of an operating rule prohibiting the movement of the switch. The FRA cannot agree with this commenter's interpretation of the congressional intent.

Operating rules prohibiting unauthorized personnel from moving a switch which is protected by a blue flag are presently in effect, and Congress was well aware of the recent issuance of FRA's blue flag regulation. The inclusion of this "locking" requirement in the statute is clear evidence that Congress believed some additional protection is necessary. The FRA believes that the Congress intended to mandate the use of a device which would secure the switch in a position that assures the safety of the employees working on the equipment. In

drafting the proposed rules, the FRA intended to require the use of the padlock type of device which has long been used by the industry, with specific locks for various crafts or uses. Such locks will assure the type of security intended by Congress and are of sufficient strength and intricacy so as to prevent vandalism by non-railroad employees or tampering by railroad employees of crafts other than the craft which routinely applies the lock.

This commenter also suggested that FRA should permit a test period during which non-padlock switch "locking" devices could be used as an option. At the end of such a test, FRA could then decide whether such devices could be accepted as an alternative to the switch-stand padlock. The FRA believes that the proposed provision is the minimum which would comply with the statutory mandate since the traditional switch lock will assure that the switch is secured. This provision must be issued within 180 days of the enactment of the statute. Under the authority of the Federal Railroad Safety Act, FRA could institute a "test" program to determine the effectiveness of other devices which we believe might possibly meet the minimum statutory standard. Such a test would have to be conducted in a controlled environment and under controlled conditions. The FRA is not, at this point, prepared to undertake such a test, since the use of the switch padlock does not depart from already established and recognized industry practice.

Section 218.23(a) as proposed provided that rolling equipment could not be placed on a track where it would block or reduce the view of the blue signal. One exception was specifically provided for movements into a locomotive servicing area in compliance with § 218.25(f). One commenter suggested that an additional exception should be clearly stated. This commenter properly interpreted the proposed rules as permitting the use of a derail in accordance with § 218.25(b) to divide a long track into two work areas. Without a specific provision, this commenter questioned whether equipment could be placed on such a track from the opposite ends, since any such movement would block or reduce the view of the blue flag displayed at the locked derail. It was the intent of FRA to permit this type of operation, and § 218.23(a) has been modified to clearly state this intent. A long track may thus be used as two separate work areas, provided the derail is employed as required in § 218.25(b).

Another commenter suggested that an exception be included in the provisions of § 218.25(a) which refer to the display of blue signals on track other than humpyard track. This commenter felt that provision should be made to enable a train to be worked on the main line in a terminal when there was a change of crew. In addition, he felt the rule should permit the set out of a block of cars and the pick up of a block of cars without the use of blue signals. Activities involved in each of these operations may include inspection and testing of the equipment involved. These are specific activities which were intended to be included within the protection of the blue signals when workmen are required to be positioned on, under, or between the equipment where there is the danger of personal injury should the equipment be moved. Any exclusion such as that suggested would significantly weaken the effectiveness of the rule in protecting workmen who are exposed to this danger of personal injury. Therefore, FRA does not believe such a change is in the interest of safety and will not make the suggested amendment.

One commenter took exception to the the proposed language of § 218.25(a) which would require the blue signal to be displayed at the entrance to the track, rather than at the ends of the equipment. The existing blue signal regulations (49 CFR 218.25(a)) provide that the blue signal can be displayed either at each end of the equipment or at the entrance to the track. Several questions have been raised as to the proper display of signals. The FRA believes that this wording clarifies the original version and removes any ambiguity as to the proper location for the signal. With the signal at the entrance to the track, the likelihood of a blind movement onto a track occupied by workmen will be greatly reduced, thus further assuring the effectiveness of the regulation.

A commenter complained about what was characterized as the "redundancy" of the proposed rule in that both a lock and a blue signal are required at the manually operated switch. This provision of the regulation was intended to provide a visible warning of and locked protection for the workmen directly assigned to inspect, test, repair or service railroad rolling equipment. While the FRA recognizes that this commenter has identified a valid issue in relation to the redundancy of the lock and signal requirements, it is not an issue which was appropriately focused in this proceeding so as to provide adequate opportunity for public comment. Therefore, FRA believes any change at this time would be beyond the scope of this proceeding. We will, however, initiate a new proceeding in the immediate future to address this issue directly.

One commenter requested a clarification of the preamble discussion concerning the locking of manual switches to divert movements away from the ends of equipment under blue signal protection. The discussion referred to an exception for crossover switches which are occupied by equipment under blue signal protection. It is the intent of the regulation that any crossover switch which is occupied by rolling equipment which is under blue signal protection, as well as the next switch on the crossover providing access to the track, must be lined against movement through the crossover and the unoccupied switch be effectively locked. In this particular situation, however, a blue signal need not be displayed at either end of the crossover. Such a procedure will avoid taking multiple tracks out of service when only a single track is occupied by workmen, and at the same time will not jeopardize the safety of the workmen involved. A new § 218.23(d) has been added to clearly state this exception to the general rule for the display of blue signals.

Finally, a commenter suggested that the proposed § 218.25(b) provision for the use of a locked derail in lieu of a locked switch be revised to require that the derail be located at least 150 feet from the end of the closest car under blue signal protection. Such a provision would reduce the likelihood of collision with another car or cars if a derail should occur. The FRA believes that this suggestion has merit since 150 feet will provide a buffer zone and, in the event of a movement through the derail, it would allow sufficient distance for the movement to be stopped short of the protected equipment. The appropriate change has been made in § 218.25(b).

Due to the addition of a new provision in § 218.27(a) a previous crossreference located in § 218.29, remotely-controlled switches, was discovered to be inaccurate. Therefore, this final rule includes a revision of § 218.29(a) so as to refer properly to § 218.27(a)(4) rather than § 218.27(a)(3). In addition, this subsection includes a requirement that remotely-controlled switches governing movement to a track on which workmen are working be locked with an "effective locking device". FRA does not intend to apply the definition of an "effective locking device" in § 218.5(d) to devices used to secure remotely-controlled switches, and has amended the definition to clearly limit its application to manually operated switches and derails.

In consideration of the foregoing, Part 218 of Title 49 of the Code of Federal Regulations is amended as follows:

1. By revising § 218.5(a) and adding a new (d) to read as follows:

§ 218.5 Definitions.

As used in this part—

(a) "Workmen" means railroad employees assigned to inspect, test, repair or service railroad rolling equipment, or their components including brake systems. Train and yard crews are excluded, except when assigned to perform such work on railroad rolling equipment that is not part of the train or yard movement they have been called to operate.

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(d) "Effective locking device" when used in relation to a manually operated switch or a derail means one which is:

(1) Vandal resistant;

(2) Tamper resistant; and

(3) Locked and unlocked only by the class or craft of employee applying the lock.

2. By revising § 218.23 (a) and (b) and adding a new (d) to read as follows:

§ 218.23 Blue Signal Display.

(a) A blue signal displayed in accordance with § 218.27 signifies that workmen are on, under, or between the equipment and that it may not be coupled to nor moved except as provided for in § 218.25 (f), (g) and (h). Other rolling equipment may not be placed on the same track so as to block or reduce the view of the blue signals except as provided in § 218.25(f) or when a derail is used in compliance with § 218.25(b) to divide a track into separate work areas.

(b) A blue signal displayed at one or both ends of a track signifies that workmen are on, under, or between rolling equipment on the track and that other rolling equipment may not enter the track, except as provided for in § 218.25(f).

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(d) Whenever one switch of a crossover is located beneath rolling equipment which is under blue signal protection as provided in § 218.25 or § 218.27, the next switch on the crossover providing access to the track must be lined and locked against movement to that crossover. A blue signal need not be displayed at either crossover switch.

3. By revising § 218.25(a), redesignating (b) and (c) as (c) and (d), and adding new (b), (e), (f), (g), and (h) to read as follows:

§ 218.25 Workmen on a track other than a hump-yard track.

(a) When workmen are on, under, or between rolling equipment on a track other than a hump-yard track, a blue signal must be displayed at each entrance to the track and each manually operated switch, including any crossover switch, providing access to the track on which such equipment is located must be lined against movement to that track and secured by an effective locking device which may not be removed except by the class or craft of workmen performing the work.

(b) A derail capable of restricting access to that portion of a track on which such equipment is located will fulfill the requirements of a manually operated switch in compliance with this section when positioned at least 150 feet from the end of the rolling equipment to be protected by the blue signal and when locked with an effective locking device in a derailing position. A blue signal must be displayed at each such derail.

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(e) Workmen may work on, under, or between a locomotive on designated locomotive servicing area tracks under the exclusive control of mechanical forces after—

(1) The manually operated switches providing entrance to and departure from the designated locomotive servicing area are lined for movement to another track and secured by an effective locking device; and

(2) A blue signal has been placed at or near each of those switches; and

(3) A blue signal has been attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

(f) A locomotive may not be moved onto or off a designated locomotive servicing area track under the exclusive control of mechanical forces unless the blue signal is first removed—

(1) From the entrance switch to the area and the locomotive which is placed on the track is stopped short of coupling to another locomotive; or

(2) From the controlling locomotive to be moved and from the area departure switch, before the locomotive is removed from the track.

(g) A locomotive protected by blue signals may be moved on a track within the designated locomotive servicing area under the exclusive control of mechanical forces when operated by an authorized employee under the direction of the employee in charge of the workmen after the blue signal has been removed from the controlling locomotive to be repositioned and the workmen on the track have been notified of the movement.

(h) Rolling equipment protected by blue signals on car-shop repair tracks, which are under the exclusive control of car department forces, may be repositioned with a car mover when operated by an authorized employee under the direction of the employee in charge of the workmen after the workmen on the track have been notified of the movement.

4. By revising § 218.27 to read as follows:

§ 218.27 Workmen on hump-yard track.

(a) Workmen may not work on, under, or between rolling equipment on a hump-yard track unless—

(1) Each manually operated switch, including crossover switches providing access to that track is lined against movement to that track and secured by an effective locking device; and

(2) A blue signal has been placed at or near each manually operated switch; or

(3) A derail capable of restricting access to that portion of a track on which such equipment is located will fulfill the requirements of a manually operated switch in compliance with this section when positioned at least 150 feet from the end of the rolling equipment to be protected by the blue signal and when locked with an effective locking device in a derailing position. A blue signal must be displayed at each such derail.

(4) The person in charge of the workmen has notified the operator of the remotely-controlled switches of the work to be performed, and has been informed by the operator that each remotely-controlled switch providing access to the track has been lined against movement to that track and locked as prescribed by § 218.29(a).

5. By revising § 218.29(a) to read as follows:

§ 218.29 Remotely-controlled switches.

(a) After the operator of the remotely-controlled switches has received the notification required by § 218.27(a)(4), he must line each remotely-controlled switch against movement to that track and apply an effective locking device to the lever, button, or other device controlling the switch before he may inform the employee in charge of the work to be performed that protection has been provided.

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(Sec. 202, 84 Stat. 971, 45 U.S.C. 431 and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

This amendment is effective July 1, 1977.

Earlier compliance with these regulations is authorized as of the date of publication of this notice (1-11-77).

Issued in Washington, D.C. on January 5, 1977.

ASAPH H. HALL,
Administrator.

[FR Doc.77-1043 Filed 1-10-77;8:45 am]

[Docket No. RSRM-1, Notice 2]

PART 221—REAR END MARKING DEVICE—PASSENGER, COMMUTER AND FREIGHT TRAINS

On November 17, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 50701) stating that the Federal Railroad Administration (FRA) was proposing regulations in response to the provisions of the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348, "the Act") concerning highly visible markers on the rear car of all passenger, commuter and freight trains.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments before December 17, 1976, and by appearing at a public hearing on December 3, 1976, in Washington, D.C., and a number of comments were received.

GENERAL COMMENTS

Two commenters raised a preliminary issue based upon FRA's determination that this rulemaking proceeding does not require an evaluation of the regulatory impact of the proposed rules in accordance with the policies of the Department of Transportation as stated in the FEDERAL REGISTER (41 FR 16200, April 16, 1976) since the issuance of these regulations is required by statute. In addition, these commenters questioned the apparent absence of consideration of the inflationary impact as required by Executive Order No. 11812 and of the environmental impact required by section 102 (2)(c) of the National Environmental Policy Act of 1969.

The basic position stated by these commenters with respect to the Secretary's regulatory impact policies, is that, notwithstanding the exemption of regulations expressly mandated by statute, the only instance in which a statutorily mandated rulemaking proceeding is exempt from the impact evaluation procedure required by the Secretary's policies is where the agency has no discretion

in issuing the rules. The FRA does not agree entirely with this narrow interpretation of the policies established by the Secretary. The purpose of the regulatory impact evaluation required by the Secretary's policies is to assure that all of the potential costs and benefits of a proposed rulemaking action are adequately assessed and considered by the rulemaking entity in an effort to improve the effectiveness of the proposed regulation and minimize its impact upon affected parties. In this instance, where a statute requires the issuance of a rule on a particular matter, the Secretary does not have the discretion to withhold rulemaking action even if it were shown that the possible benefits of the rule did not outweigh its potential costs. The result or impact of the rulemaking at hand is in effect prescribed in legislation while FRA is granted discretion only as to how the prescribed result of the rule might be most reasonably achieved through regulation. Accordingly, the comprehensive regulatory impact evaluation normally required of all proposed rulemaking actions is not required by the Secretary's policies in this case. FRA has consulted with the Office of the Secretary on this matter and received concurrence in this interpretation.

Nevertheless, FRA feels, and the Office of the Secretary concurs, that an appropriate application of the Secretary's policies in this instance is to assess the relative costs of alternative means of achieving the results of the statutorily mandated rules in an effort to develop an effective and reasonable implementing regulation. In this instance, FRA has adopted a performance specification for rear end markers that is based upon the minimum visibility requirements necessary to assure compliance with the statute. The least costly design which the Administrator determines will meet this specification will be acceptable under the regulation. Accordingly, FRA believes that this final rule does not impose any unreasonable costs in excess of the minimum costs necessary to comply with the minimum requirements of the statute.

With respect to the inflationary impact evaluation required by Executive Order No. 11821 and Office of Management and Budget Circular A-107, the FRA does not believe that the rules included in the NPRM constitute a "major proposal" within the scope of the inflationary impact process. Department of Transportation Order DOT 2050.4 establishes the threshold for determining what constitutes a major proposal. For purposes of a regulation that applies to a single industry, that threshold is $50 million in a single fiscal year or $75 million in any two consecutive fiscal years. Assuming that approximately 20,000 cars will need to be retrofitted to meet the standards established in this Part for highly visible marking devices, the cost per car would have to exceed $2,500 in order to reach the $50 million threshold level for inflationary impact. That per car cost far exceeds the FRA's estimates of the per-car costs that will be incurred to meet the prescribed performance standards. We have received no evidence in any of the comments submitted of an industry wide cost impact in excess of the threshold amounts. An additional analysis has been made with respect to the final rule to the extent that it differs from the NPRM. Once again, FRA's estimates are that the costs to the industry resulting from compliance with this rule will not reach the threshold level and therefore, the inflationary impact procedures do not apply to this proceeding.

With respect to consideration of the environmental impact of the proposed regulations, the FRA has performed a general environmental assessment of the potential effects of safety regulatory actions and has determined that, as a class, they do not constitute major Federal actions significantly affecting the quality of the human environment. Furthermore, the FRA does not believe that the particular rules included within this Part will have a foreseeably significant impact upon the quality of the human environment, and neither commenter who raised this issue suggested any evidence that such impact does or might in fact exist.

One commenter took exception to the basic concept of the proposed regulation, and also noted that other parties at the public hearing had expressed opposition to final promulgation of the proposal. This commenter suggested that the FRA should issue a regulation in this proceeding which simply restates the statutory language, and that a cooperative effort between the railroads, railroad labor organizations and the FRA be undertaken to "arrive at a reasoned solution to a common problem." The FRA does not agree with this commenter that the mere promulgation of the statutory language within the specified time period would satisfy the congressional mandate. The inclusion of the regulatory directive is a clear indication that the Congress intended the FRA to utilize its expertise in railroad safety to define further what marking devices are necessary to accomplish the congressional intent to enhance the visibility of the rear end of trains. The FRA believes that it can fully comply with the statutory mandate only by the issuance of substantive rules which respond to and implement the congressional intent. Nevertheless, while FRA is issuing this rule in accordance with its statutory mandate, we will welcome at any time a specific proposal meeting the statutory test that constitutes a "reasonable solution" to the problem of the marking of the rear car of trains.

SUBPART A

One commenter suggested that the language of § 221.1 defining the scope of this part be amended to incorporate the statutory term "highly visible" in modifying the term "marking devices". The FRA agrees that the provisions of this part are intended to define requirements for "highly visible marking devices" in response to the Act, and has amended this section as suggested by the commenter.

One commenter raised a question in relation to section 211.3 which proposed the limits of the application of the provisions of this Part. This commenter expressed the opinion that all train movements should be included per se, and that exceptions should be made on the basis of specific waiver proceedings which can address the issues on a case-by-case basis. In the proposed rules, the FRA included specific exclusions for trains consisting of historical equipment, trains operating within installations and rapid transit railroads.

The statutory mandate provided the Secretary with the authority to determine what rules, regulations, orders or standards "may be necessary" to accomplish the intended results. The FRA may determine that certain operating situations do not involve the potential safety hazards which the provisions of the Act were intended to reduce. Therefore, we believe that an express exclusion of those types of operations is fully justified and well within the intent and spirit of the Act.

FRA has modified slightly the exclusion included in the NPRM for trains consisting of historical equipment in order to state more clearly the intended scope of the exclusion. It was FRA's intent to exclude railroads that operate only that type of historical equipment, and not to exclude the occasional operation of such equipment by carriers that are also engaged in providing regular passenger or freight service.

Other commenters also expressed views concerning the exclusions proposed in the NPRM. One of these stated that the provisions of this Part should apply to rapid transit railroads. As stated in the NPRM (41 FR 50703), the FRA believes that inclusion of rapid transit operations in this proceeding would extend the proceeding beyond the statutory mandate inasmuch as rapid transit operations were not specifically identified in the statute. For this reason, FRA has maintained the rapid transit exclusion in the final rule.

Several commenters questioned the rationale of requiring rear end marking devices on the trailing end of trains which operate on smaller railroads where there is normally no following train movement. These commenters argued that without a following movement there is no possibility of a rear end collision. Therefore, rear end marking devices would not add to safety and would, in fact, be an unnecesary expense. Several other commenters expressed the same view with respect to branch line operations on the properties of larger carriers.

While the FRA has the authority to make determinations as to the justification for excluding given operations from the applicability of Part 221, this authority must be exercised narrowly so as not to compromise the safety intended by the statutory mandate. The FRA believes that an exclusion for railroads on whose property only one train is operated at any given time is justified inasmuch as the threat of rear end collisions is virtually nonexistent. A new subsection has been added to provide such an exclusion for railroads which operate only one train at a time.

FRA does not believe, however, that branch line operations should be treated in the same manner as operations on railroads having only one train operating at a given time since these branch line operations often include the use of equipment which must operate on main lines as well as on low density branch lines. Other bases were suggested for exemption of light density operations such as "absolute block" systems, or separation based on time or distance specified in operating rules or other operating controls. We do not believe that an adequate case has been shown for exemption of these operations per se. The established waiver procedure is available, and FRA believes this process to be the proper method for assuring that exemption of any particular operation is made on sound grounds. It should be emphasized that FRA believes this waiver authority must also be exercised judiciously so as to assure that the intent of the regulations will not be compromised. A railroad requesting a waiver must, therefore, demonstrate a similar degree of protection against rear end collisions.

Several questions were raised as to the meaning of some of the definitions included in section 211.5 of the NPRM. One commenter stated that the definition of a "train" should clearly exclude self-propelled maintenance-of-way and high rail inspection equipment. The intent of the regulation is to reach line-haul train operations. It was not intended to include the operation of the various types of work or maintenance-of-way equipment which might also be self-propelled, and for purposes of this Part, such equipment shall not be considered to be a "train".

Another commenter expressed the opinion that work and wreck trains ought to be expressly excluded from the definition of a "train" for purposes of this Part. The FRA does not believe that such movements should be excluded from the requirement for rear end marking devices. Both work and wreck train operations occupy main lines during prolonged periods of time under all types of weather conditions and varying degrees of visibility. We intend the definition to be read broadly enough to include work and wreck train movements.

There was disagreement among commenters as to the exclusion of yard and transfer movements from the definition of a "train". Some wanted a clearer definition of what was meant by "transfer movement", while another believed that transfer movements should not be excluded at all. By this provision, FRA intended to exclude movements of individual cars and cuts of cars within yard limits which have traditionally not been considered "train" movements. All movements within yard limits are subject to the controls of Rule 93 with respect to speed and being able to "stop short" of obstructions on the track. Because yard movements characteristically involve frequent pick up and set out of cars, a requirement that a permanently marked car be maintained at the rear of the movements, or that portable marking devices be switched to the rear car as cars are picked up or set out, would be unduly burdensome and is not warranted by the safety purpose of this regulation.

The FRA now recognizes that the inclusion of the term "transfer movement" was confusing and may have resulted in the extension of the exclusion beyond its intended limits. The FRA believes that the exclusion must be restricted to movements within yard limits, where adequate protection is provided by the fact that all movements are made subject to the same strict operating restrictions, that is, operating at the prescribed speed for that track and prepared to stop short of an obstruction.

Another question was raised concerning the definition of "locomotive" included in § 221.5(c) of the NPRM. This commenter questioned whether this definition was intended to include that equipment which draws its power from third-rail or catenary systems. The definition was designed and intended to be broad enough to take within its scope all self-propelled equipment designed for moving other equipment in usual line-haul train operations regardless of its power source.

One commenter stated that the definition of a "train order" should be expanded to include a radio transmission used to communicate directions to a train crew. The FRA recognizes that the transmission of "train order" type directives by radio is a common practice within the railroad industry and has expanded the definition accordingly. It should be noted that FRA published an NPRM that proposed uniform procedures for the use of radio in railroad operations, including the transmission of train orders by radio (40 FR 33682). These procedures when issued will govern radio transmission of train orders.

One commenter expressed the opinion that the proposed § 221.11 concerning State regulation implied that States cannot enforce more stringent requirements than those issued by FRA. The language of this section was derived directly from the Act. Under the general provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 434), any regulation issued by the FRA automatically preempts all State laws, rules, regulations, orders or standards concerning the same subject matter. The intent of this section of the proposed regulation was to incorporate the statutory provision which will, in effect, act as an exception to that general provision on preemption of State jurisdiction. It will allow a State to continue to enforce any State law, rule, regulation, order or standard which was in effect on July 8, 1976, and which requires lighted markers on freight trains. The only restriction on such State regulations is that they may not be enforced if they would cause a railroad to be in violation of the Federal rules prescribed in this Part.

SUBPART B

Subpart B of the NPRM contained the requirements which FRA was proposing in response to the statutory mandate for "highly visible markers". These proposed rules included performance standards for lighted marking devices on passenger and commuter trains and for retro-reflective marking devices on freight trains. Virtually all commenters took issue with the FRA's definition of what devices constitute highly visible markers as well as the decision to use a clear weather testing standard to define marking device performance under night or inclement weather conditions, although the bases for disagreement differed from commenter to commenter.

In view of the several major issues raised by the many commenters who submitted views on Subpart B, the FRA has decided to make significant changes in the provisions which define what devices constitute "highly visible markers" in compliance with the statute.

After analysis of the options for "highly visible markers", and consideration of the many issues raised by the commenters, the FRA has decided to revise the requirements for marking devices which were proposed in this Part. Instead of defining two separate systems of marking devices, one for passenger and commuter trains, and one for freight trains, FRA has determined what are the minimum requirements to satisfy the "highly visible" standard on a day with restricted visibility, although retaining the statutory requirement that the rear end markers on passenger and commuter trains must be lighted notwithstanding the availability of other types of markers which could meet these minimum requirements. This performance standard has been developed with reference to inclement weather conditions, rather than extrapolating inclement weather performance from clear weather conditions as was proposed in the NPRM.

The basic premise that forms the foundation of the logic upon which this revised standard was developed remains the same as that expressed in the NPRM. That is that "highly visible markers" must be defined in relation to the operating environment in which they will be used as warning devices. The FRA continues to believe that marking devices such as those contemplated by the statute must be regarded as backup safety systems to the present systems of signals and operating rules. Under those present systems, whenever two trains are in a situation in which the following train may overtake the leading train, the following train should be operating at restricted speed taking into account prevailing weather conditions, prepared to stop short of another train, and the crew

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should be in an alerted condition, looking for an obstruction on the track.

Given this restricted speed, FRA has reviewed several comments as well as other data on stopping distances which can be expected for trains. Due to the range of factors involved (speed, tonnage, train make-up, braking capability, grade) these estimates vary. FRA has considered these factors and, for purposes of this rule, has determined that 1000 feet is a reasonable distance within which an alerted train crew could normally stop a train moving at restricted speed. Based upon this determination, and assuming a day of ¼ mile restricted visibility, which would approximate the visibility under heavy rain, snow or fog conditions, the FRA has further determined that a marking device must have a minimum intensity of 100 candela, or 100 effective candela for flashing lights, in order to be "highly visible" for purposes of this rule. FRA has expressed this minimum intensity for "highly visible" marking devices in terms of a performance standard. This standard may be met by use of any device or system, lighted or non-lighted, which meets the intensity and other performance standards and is approved by the Administrator. FRA is aware that existing types of lighted systems will meet the requirements. FRA to date has not determined specific types or combinations of non-lighted materials which could meet this visibility standard during inclement daylight hours. Because of the statutory deadline for issuance of a substantive rule, this minimum performance standard must be issued in advance of additional testing. A railroad wishing to use such a non-lighted device will have to demonstrate to the Administrator that the device, be it retroreflective, fluorescent, or a combination, will meet the performance standard. For purposes of such a demonstration, the Administrator will assume an external light source with the intensity and beam width of the high beam of a locomotive headlight at a distance of 1000 feet from the device. FRA intends to supplement this final rule promptly with an appendix listing all approved devices, and from time to time thereafter will add to the appendix any additional devices approved by the Administrator as meeting the required performance standard.

The final performance specification includes a location requirement of at least 48 inches above top of rail as proposed in the NPRM. FRA has decided to retain this requirement although one commenter expressed the opinion that marking devices should be mounted as high as possible on the rear car. While FRA believes that marking devices will generally be mounted on the upper half of the car, we have decided that this provision is justified in order to permit mounting of a device on the coupler of the rear car, if a caboose is not used as the rear car of the train.

There were also questions concerning the NPRM provision specifying the range of acceptable colors for marking devices. The acceptable color range for the marking devices has been redefined in terms of the red-orange-amber range of the spectrum. These colors have been chosen over others suggested by some commenters because of their traditional use in safety systems as indications of warning or hazards.

Several commenters expressed the opinion that whatever standards are issued as final rules, they should be flexible enough to incorporate a number of existing devices which were alleged to be "highly visible". FRA recognizes that some degree of flexibility will be beneficial in encouraging the development of improved and more efficient marking devices. For this reason the rule has been written in terms of a general standard setting a minimum performance requirement. FRA has decided not to require the use of any specific type of material as proposed in the NPRM, so as not to preclude the use of any device which meets the performance specifications. Thus, the fullest range of lighted and non-lighted devices, including strobe lights, is available provided they meet the visibility, illumination and color specifications. In addition, since this is a minimum standard, nothing in this Part should be construed as preventing the use of additional systems to further enhance conspicuity.

One commenter criticized the proposed rules as being inadequate since they spoke only of visibility in terms of tangent track, and did not take into consideration curves, cuts, hills, or other obstructions to visibility along the right-of-way. FRA has considered the problem posed by curves and other obstructions, and has concluded that a marking device will not be in the line of sight of the crew on a following train and cannot be said to be "highly visible" under such conditions. This commenter suggested that a lighted marking device would be "highly visible" since the light would reflect or "bounce" off trees, buildings or other objects along the right-of-way so as to alert the crew of the following train before the rear car is actually in the line of sight. The FRA believes that reliance on this type of "reflection" with anything other than strobe lights is far too speculative to be considered "highly visible" as was intended by the statute. FRA does not believe there is a reasonable assurance that such reflections would alert the crew since they would often be so dim or would not be readily distinguishable from the myriad of other primary and secondary light sources existing in the wide variety of railroad operating environments. If a light of such high intensity as to be highly visible in most such situations were prescribed, it would in many other situations also constitute such a distraction as actually to become a potential safety hazard.

FRA's research demonstrates that strobe lights may be alerting in curved territory without adverse effects when used to indicate an emergency condition—that the lead train has stopped or slowed down below prescribed speed in an area with restricted visibility. This alerting effect is diminished if such lights are used continuously rather than as an emergency warning. Such an emergency provision has not been incorporated into the minimum requirements of this Part because the FRA believes that to do so would exceed the scope of the statutory mandate. We believe that the Congress intended these regulations to respond to normal operating condition at night and in restricted visibility and thus required the prescribed marking devices to be in operation in all such conditions. Nowhere in the Act is there a requirement to devise special emergency procedures. Any railroad may, of course, choose to utilize strobes as such an additional emergency warning system in areas of restricted visibility to indicate a stopped or slow train.

Several commenters raised a number of issues having to do with questions of reliability of the marking devices. The FRA has decided to address the reliability question by including an inspection requirement. Lighted markers need not be activated, nor non-lighted markers displayed on a clear day. Section 221.13 (b) defines the conditions of darkness and inclement weather under which marking devices must be displayed. Inspection of the devices must be made by the train crew at each crew change location to assure that lighted systems are working, that non-lighted systems are clean and in good condition, or that portable systems are working and available on the train for display in accordance with these regulations should visibility conditions require. Section 221.15 (b) sets forth this inspection requirement.

Several commenters also raised questions concerning procedures to be used if lighted marking devices failed, when a portion of a train needed to be moved after a derailment, or when other defective equipment could only be moved at the rear of a train. The FRA believes that each of these conditions constitutes an operational emergency which justifies special consideration in these rules. For this reason, such movements will be allowed to be made without the display of marking devices prescribed in this Part, but only as far as the next forward location at which the devices can be repaired or other devices can be substituted, or where the defective equipment moving at the rear of the train can be repaired.

A question was also raised concerning the requirement of the NPRM calling for dual power sources and wiring in parallel. Commenters expressed the opinion that these requirements resulted in an unnecessary redundancy in that they, in effect, provided a back-up to what was already identified as a back-up system. There also appeared to be some question as to whether FRA intended to permit the use of a battery power source. The FRA recognizes merit in the argument that providing a back-up system to what is essentially already a back-up system may result in additional costs

which are unnecessary to accomplish the purpose of the regulation. Since an inspection requirement has been added to the rule, a reasonable degree of reliability of lighted devices can be expected, and, in the event of a malfunction, further operation is restricted by the provision that the train may only move to the next forward repair point. Under these conditions, the FRA does not believe that stringent power source requirements are necessary, and has eliminated those provisions of the NPRM. Railroads using lighted marking devices may choose whatever power source they believe to be the most effective in relation to the specific lighting system, be it generator or battery.

A further question in relation to lighted systems concerns the acceptability of flashing devices. This commenter noted the economics in battery life which can be realized with a flashing system. The FRA agrees that flashing lights can be used to fulfill the requirement for "highly visible" marking devices. For purposes of this regulation, FRA has prescribed an effective candela intensity and an acceptable range of flash rates so as to assure alerting effect and at the same time avoid undesirable side effects caused by too rapid a flash. The range is expressed in terms of flashes per second so as to assure an evenely distributed flashing effect.

One commenter raised an issue with respect to the proposed compliance date of December 31, 1977 stating that this date did not provide adequate time for modification of existing equipment. The FRA believes that the final rule incorporated in this notice provides a broad enough range of choices between lighted and non-lighted devices, as well as among various types of lighted devices so as to reduce the burden of retrofit. While we recognize that some systems existing today will need modifications, the majority of locomotives and cabooses already are equipped with hardware capable of being upgraded to meet the prescribed visibility requirements. In addition, removable or portable devices such as battery operated lights may also be used. Furthermore, we believe that the postponement of an effective date for compliance with the rules would not be in keeping with the spirit or intent of the Act. After weighing all the concerns expressed and the intent of the Act, the FRA believes the one year retrofit period provided in section 221.13(a) to be a reasonable one.

Other commenters inquired as to whether the locomotive headlight shining to the rear could be considered a "highly visible marker" when an engine was running light, or was used as a helper at the rear of a train. The FRA recognizes that there are operating conditions in which it is common to place a locomotive at the rear of a train such as in push-pull operations or helper operations in mountainous territory. In addition, unusual operating conditions may require a locomotive to be operated light on the main track outside of yard limits. Traditionally, an illuminated headlight has been used to indicate that a locomotive is occupying the track. In addition, the majority of locomotives are also equipped with classification lights which can display a variety of colors and which are presently used under some conditions to show red to the rear. The FRA believes that the use of the locomotive headlight shining to the rear, or of the classification lights, provided the latter meet the color and illumination requirements of the performance standard would constitute "highly visible" marking devices within the meaning of the Act and this regulation. These options for compliance have been provided in § 221.15.

Several commenters expressed the concern that train crews come to rely upon seeing the "highly visible markers" and would become lax in their compliance with operating rules and signal indications. The FRA does not believe that the mere existence of marking devices will result in widespread disregard of longstanding operating practices. Compliance of train crews with the requirements of the operating rules will continue to be an obligation of the carrier. The FRA believes that continued compliance can be assured through adequate rules instruction and proper efficiency testing programs.

In light of the foregoing, Title 49 CFR is amended by the addition of a new Part 221 as set forth below:

Subpart A—General

Sec.
221.1 Scope.
221.3 Application.
221.5 Definitions.
221.7 Civil penalty.
221.9 Waivers.
221.11 State Regulation.

Subpart B—Marking Devices

221.13 Marking device display.
221.15 Marking devices.
221.17 Movement of defective equipment.

AUTHORITY: Section 202, 84 Stat. 971, 45 U.S.C. 431 and Section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Subpart A—General

§ 221.1 Scope.

This part prescribes minimum requirements governing highly visible marking devices for the trailing end of the rear car of all passenger, commuter and freight trains. So long as these minimum requirements are met, railroads may adopt additional or more stringent requirements for rear end marking devices.

§ 221.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to passenger, commuter and freight trains when operated on a standard gage main track which is part of the general railroad system of transportation.

(b) This part does not apply to:

(1) A railroad that operates only trains consisting of historical or antiquated equipment for excursion, educational, or recreational purposes;

(2) A train that operates only on track inside an installation which is not part of the general railroad system of transportation;

(3) A rapid transit railroad that operates only on track used exclusively for rapid transit passenger service in a metropolitan or suburban area;

(4) A railroad that operates only one train at any given time.

§ 221.5 Definitions.

As used in this part:

(a) "Train" means a locomotive unit or locomotive units coupled, with or without cars, involved in a railroad operation conducted on a main track. It does not include yard movements.

(b) "Commuter train" means a short haul passenger train operating on track which is part of the general railroad system of transportation, within an urban, suburban or metropolitan area. It includes a passenger train provided by an instrumentality of a State or political subdivision thereof.

(c) "Locomotive" means a selfpropelled unit of equipment designed for moving other equipment in revenue service and includes a selfpropelled unit designed to carry freight or passenger traffic, or both.

(d) "Main track" means a track, other than an auxiliary track, extending through yards or between stations, upon which trains are operated by timetable or train order or both, or the use of which is governed by a signal system.

(e) "Train order" means mandatory directives issued as authority for the conduct of a railroad operation outside of yard limits.

(f) "Red-orange-amber color range" means those colors defined by chromaticity coordinates, as expressed in terms of the International Commission on Illumination's 1931 Colormetric System, which lie within the region bounded by the spectrum locus and lines defined by the following equations:

$X+Y=.97$ (white boundary)
$Y=X-.12$ (green boundary)

(g) "Administrator" means the Federal Railroad Administrator, the Deputy Administrator, or any official of the Federal Railroad Administration to whom the Administrator has delegated his authority under this Part.

(h) "Effective intensity" means that intensity of a light in candela as defined by the Illuminating Engineering Society's Guide for Calculating the Effective Intensity of Flashing Signal Lights, November, 1964.

§ 221.7 Civil penalty.

Any railroad that operates a train to which this part applies in violation of any requirements prescribed in this part is liable to a civil penalty of at least $250, but not more than $2500, for each violation. Each day of each violation constitutes a separate offense.

§ 221.9 Waivers.

(a) A railroad may petition the Federal Railroad Administrator for a waiver

of compliance with any requirement prescribed in this Part.

(b) Each petition for a waiver under this section must be filed in the manner and contain the information required by Part 211 of this chapter.

(c) If the Administrator finds that a waiver of compliance is in the public interest and is consistent with railroad safety, he may grant the waiver subject to any condition he deems necessary. Notice of each waiver granted, including a statement of the reasons therefor, will be published in the FEDERAL REGISTER.

§ 221.11 State regulation.

Notwithstanding the provisions of this part, a State may continue in force any law, rule, regulation, order, or standard that was in effect on July 8, 1976, relating to lighted marking devices on the rear car of freight trains except to the extent that such law, rule, regulation, order, or standard would cause such cars to be in violation of this part.

Subpart B—Marking Devices

§ 221.13 Marking device display.

(a) After December 31, 1977, each train to which this part applies that occupies or operates on a main track shall be equipped with marking devices loacted on the trailing end of the rear car of the train as prescribed in this subpart.

(b) The marking devices prescribed in this subpart shall be displayed continuously during the hours between one hour before sunset and one hour after sunrise, and during all other hours when weather conditions so restrict visibility that the end silhouette of a standard box car cannot be seen from ½ mile on tangent track by a person having 20/20 corrected vision.

(c) The centroid of the marking device must be located at a minimum of 48 inches above top of rail.

§ 221.15 Marking devices.

(a) Passenger, commuter and freight trains shall be equipped with at least one marking device which the Administrator approves as having an intensity of not less than 100 candela nor more than 1000 candela (or an effective intensity of not less than 100 candela nor more than 1000 candela for flashing lights) as measured at the center of the beam.

(1) a horizontal beam with a minimum arc width of fifteen (15) degrees each side of the vertical center line, and a vertical beam with a minimum arc width of five (5) degrees each side of the horizontal center line as defined in terms of the 50 candela intensity points;

(2) a color defined by the red-orange-amber color range; and

(3) if a flashing light is used, a flash rate of not less than once every 1.3 seconds nor more than once every .7 seconds.

(b) Marking devices used on passenger and commuter trains in compliance with paragraph (a) of this section shall be lighted under the conditions prescribed in § 221.13(b).

(c) When a locomotive is operated singly, or at the rear of a train, highly visible marking devices may be provided by the use of:

(1) at least one marking device which complies with paragraph (a) of this section;

(2) at least one illuminated red or amber classification light on the rear of the locomotive, provided it complies with paragraph (a) of this section; or

(3) the rear headlight of the locomotive illuminated on low beam.

(d) After December 31, 1977, marking devices displayed in compliance with this part shall be inspected by the train crew at each crew change point to assure that they are in proper operating condition.

§ 221.17 Movement of defective equipment.

(a) Whenever the marking device prescribed in this part becomes inoperative en route, the train may be moved to the next forward location where the marking device can be repaired or replaced.

(b) Defective rolling equipment which, because of the nature of the defect, can be placed only at the rear of a train for movement to the next forward location at which repairs can be made need not be equipped with marking devices prescribed in this part.

(c) When a portion of a train has derailed, and a portable marking device is not available, the remainder of the train may be moved to the nearest terminal without being equipped with the marking device prescribed in this part.

This part is effective on February 15, 1977. Earlier compliance with these regulations is authorized as of the date of publication of this notice.

Issued in Washington, D.C., on January 6, 1977.

ASAPH H. HALL,
Administrator.

[FR Doc.77-1044 Filed 1-10-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATON, DEPARTMENT OF COMMERCE

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Grade Standards for Fishery Products; Recodification

The Inspection and Certification Regulations and U.S. Grade Standards for Fishery Products contained in Part 260 through Part 279 of 50 CFR are being recodified. The recodification will (1) improve the organization and presentation of grade standards for fishery products and (2) facilitate subsequent amendments thereto.

It is the general policy of the Department of Commerce to allow time for interested parties to participate in the rulemaking process. However, the changes are editorial in nature and, therefore, the public rulemaking process is waived and the recodification will become effective on January 11, 1977.

This recodification is made pursuant to 16 U.S.C. 742e; D.O.O.25-5A, subsection 3.01K(a); and D.O.O.25-5B, section 12.

Accordingly, the newly designated Parts 260 through 279 together with the old counterparts of 50 CFR are set forth below.

New Part Numbers	*Old Part Numbers*
Part 260—Inspection and Certification	Part 260, § 260.1–260.201.
Subpart A—Inspection and Certification of Establishments, and Fishery Products for Human Consumption.	
Subpart B—Inspection and Certification of Fish Meal Establishments and Products.	No corresponding part and section.
Subpart C—Inspection and Certification of Establishments, and Fishery Products as Food for Animals.	Do.
Part 261—United States Standards for Grades Whole or Dressed Fish.	Part 275, § 275.1–275.5.
Subpart A—United States Standards for Grades of Whole or Dressed Fish § 261.100–149.	
Subpart B—United States Standards for Grades of Frozen Headless Dressed Whiting § 261.150–199.	Part 271, § 271.1–271.25.
Part 262—United States Standards for Grades of Fish Steaks.	No corresponding part and section.
Subpart A—[Reserved]	Do.
Subpart B—United States Standards for Grades of Frozen Halibut Steaks §§ 262.150–199.	Part 265, §§ 265.1–265.25.
Subpart C—United States Standards for Grades of Frozen Salmon Steaks §§ 262.200–249.	Part 268, §§ 268.1–268.31.
Part 263—United States Standards for Grades of Fish Fillets.	No corresponding part and section.
Subpart A—(Reserved)	Do.
Subpart B—United States Standards for Grades of Frozen Cod Fillets §§ 263.150–199.	Part 267, §§ 267.1–267.31.
Subpart C—United States Standards for Grades of Frozen Flounder and Sole Fillets §§ 263.200–249.	Parts 274, §§274.1–274.25.
Subpart D—United States Standards for Grades of Frozen Haddock Fillets §§ 263.250–299.	Part 264, §§ 264.1–264.31.
Subpart E—United States Standards for Grades of Frozen Ocean Perch and Pacific Ocean Perch Fillets §§ 263.300–349.	Part 269, §§ 269.1–269.31.
Part 264—United States Standards for Grades of Frozen Fish Blocks and Products Made Therefrom.	No corresponding part and section.
Subpart A—United States Standards for Grades of Frozen Fish Blocks §§ 264.100–149.	Part 263, §§ 263.1–263.25.
Subpart B—Proposed Interim United States Standards for Grades of Frozen Minced Fish Blocks §§ 264.150–199.	Proposed Part 278 (40 F.R. 11729, March 13, 1975), §§ 278.1–278.6.
Subpart C—United States Standards for Grades of Frozen Raw Fish Portions §§ 264.200–249.	Part 279, §§ 279.1–279.25.
Subpart D—United States Standards for Grades of Frozen Raw Breaded Fish Sticks §§ 260.250–299.	Part 277, §§ 277.1–277.25.
Subpart E—United States Standards for Grades of Frozen Raw Breaded Fish Portions §§ 264.300–349.	Part 266, §§ 266.1–266.25.
Subpart F—United States Standards for Grades of Frozen Fish Sticks §§ 264.350–399.	Part 261, §§ 261.1–261.25.
Subpart G—United States Standards for Grades of Frozen Fried Fish Portions §§ 264.400–449.	§§ 276.1–276.25.
Part 265—United States Standards for Grades of Crustacean Shellfish Products.	No corresponding part and section.
Subpart A—United States Standards for Grades of Frozen Raw Headless Shrimp §§ 265.100–149.	Part 272, §§ 272.1–272.31.
Subpart B—United States Standards for Grades of Frozen Raw Breaded Shrimp §§ 265.150–199.	Part 262, §§ 262.1–262.25.
Part 266—United States Standards for Grades of Molluscan Shellfish Products.	No corresponding part and section.
Subpart A—United States Standards for Grades of Frozen Raw Scallops §§ 266.100–266.149.	Part 273, §§ 273.1–273.25.
Subpart B—United States Standards for Grades of Frozen Fried Scallops §§ 266.150–199.	Part 270, §§ 270.1–270.25.
Parts 267–279—[Reserved]	

Dated: January 4, 1977.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.77-731 Filed 1-10-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 272]

[Amdt. No. 92]

FOOD STAMP PROGRAM

Extension of Comment Period

A proposed amendment to the Food Stamp Program Regulations was published in the FEDERAL REGISTER on November 16, 1976, 41 FR 50454. The proposal was for the purpose of (1) requiring firms which are authorized to accept food coupons to update any or all of the information submitted on original applications for authorization; (2) providing that failure by an authorized firm to update information on its original application may result in the withdrawal of a firm's approval to participate in the program; (3) specifying that authorized firms shall not impose expiration dates on the redemption of credit slips or tokens issued to recipients by such firms; (4) more specifically detailing procedures which authorized wholesale food concerns shall follow in accepting coupons for redemption from authorized retail food stores and meal services; (5) providing that retailers, wholesalers, and meal services may respond to letters of charges of violations within 10 days of their receipt date; (6) providing that FNS shall not be liable for losses or thefts of food coupons from authorized firms.

In order to give interested parties an adequate opportunity to comment on these proposed changes, the Department has decided to extend the comment period until January 16, 1977.

(78 Stat. 703, as amended; (7 U.S.C. 2011–2026))

Dated: January 5, 1977.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.77-893 Filed 1-10-77;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

LOAN AND PURCHASE PROGRAM FOR 1977-CROP RICE

Proposed Determinations

Notice is hereby given that the Department of Agriculture proposes to make determinations and issue regulations relative to a loan and purchase program for 1977-crop rice.

Such regulations are necessary to carry out the loan and purchase program for 1977 and include, but are not limited to, determinations regarding (1) premiums and discounts for grades, classes, other qualities, and location differentials, (2) CCC minimum resale price, (3) storage requirements, (4) commodity eligibility and (5) such other provisions as may be necessary to carry out this program.

Prior to issuing the related regulations, consideration will be given to any recommendations, views and comments received not later than February 10, 1977. Recommendations, views and comments should be submitted in writing to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20013.

All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741 South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on January 5, 1977.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-849 Filed 1-10-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 564]

[No. 77-7]

SETTLEMENT OF INSURANCE

Withdrawal of Proposed Amendment Relating to Insurance of Pension Funds

JANUARY 5, 1977.

The Federal Home Loan Bank Board, by Resolution No. 74-999, dated September 25, 1974, proposed to amend paragraph (c)(1) of § 564.2 of the Rules and Regulations for Insurance of Accounts (12 CFR 564.2(c)(1)) for the purpose of providing separate insurance coverage for non-vested interests in pension and other trusteed employee benefit funds. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on October 10, 1974 (39 FR 36494–36495), with an invitation to interested persons to submit written comments by November 11, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to withdraw the proposed amendment for further study.

Accordingly, the Board hereby withdraws from consideration the proposed amendment to Part 564 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 564) contained in said Resolution No. 74-999.

(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended (12 U.S.C. 1724, 1725, 1726, 1728). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-1007 Filed 1-10-77;8:45 am]

[12 CFR Parts 523 and 545]

[No. 77-11]

FEDERAL HOME LOAN BANK SYSTEM; FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Savings Deposits in Other Institutions

JANUARY 5, 1977.

SUMMARY

The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. *Present Regulations*—prohibit investment by Federal associations in savings accounts and savings deposits of other institutions.

II. *Proposed Amendments*—would remove such prohibition regarding savings deposits in commercial banks and qualify such deposits in insured banks as liquid assets and short-term liquid assets to the extent time deposits are already so qualified.

III. *Reason for Proposal*—to provide for more flexible investment and liquidity.

The Federal Home Loan Bank Board considers it desirable to propose to amend § 523.10 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.10) and § 545.9-2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.9-2) for the purpose of providing for more flexible investment and liquidity.

Present § 545.9-2 prohibits investment by a Federal association in the savings accounts or savings deposits of other institutions and defines a "savings account" as any withdrawable monetary interest of an investor in any savings and loan, building and loan, or homestead association or cooperative bank and a "savings deposit" as any deposit in a bank that is not a demand deposit or a time deposit. Such prohibition, when it became effective May 17, 1965, was consistent with the Federal Reserve Board's then current regulations which prohibited savings deposits in member banks by corporations operated for profit, but those regulations were modified, effective November 10, 1975, to allow corporate deposits in limited amounts. The Federal Home Loan Bank Board perceives no further need to prohibit investment by Federal associations in savings deposits in commercial banks and therefore proposes to revise § 545.9-2 to remove such prohibition.

Consistent with such revision, and in accordance with its authority under section 5A of the Federal Home Loan Bank Act to create more meaningful and flexible liquidity, the Board proposes to qualify savings deposits in commercial banks as liquid assets and short-term liquid assets to the extent time deposits are already so qualified. The Board also proposes to substitute the more descriptive term "unsecured day(s) funds" for the term "Federal funds" throughout paragraph (h)(3) of § 523.10 in conformity with the language of paragraph (g)(4) thereof.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by February 11, 1977, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

Accordingly, the Board hereby proposes to amend § 523.10 and § 545.9-2 to read as set forth below.

§ 523.10 Definitions.

For the purposes of this section, § 523.11, and § 523.12:

* * * * *

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to repurchase agreement), as long as principal and interest on such assets are not in default:

* * * * *

(4) Time and savings deposits in an insured bank, including time deposits held subject to a repurchase agreement and loans of unsecured day(s) funds (Federal funds or similar unsecured loans to insured banks) to an insured bank if:

(i) The total of all savings and time deposits, including loans of unsecured day(s) funds of the same member, in the same bank does not exceed the greater of (a) one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each deposit is made or acquired by a member), or (b) $40,000;

(iii) Except for loans of unsecured day(s) funds, such time deposits are (a) negotiable and have remaining periods to maturity of not more than 1 year, (b) not negotiable and have remaining periods to maturity of not more than 90 days, or (c) not withdrawable without notice and the notice periods do not exceed 90 days;

* * * * *

(h) The term "short-term liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement):

* * * * *

(3) Savings deposits and time deposits, including loans of unsecured day(s) funds, which qualify as liquid assets pursuant to the provisions of paragraph (g)(4) of this section and, in the case of such time deposits, except for loans of unsecured day(s) funds, are (i) negotiable and have remaining periods to maturity of not more than 6 months, (ii) not negotiable and have remaining periods to maturity of not more than 90 days or (iii) not withdrawable without notice and the notice periods do not exceed 90 days;

* * * * *

§ 545.9-2 Prohibition against investments in other institutions.

(a) No Federal association shall invest in the savings accounts of any other institution.

(b) For purposes of this section, the term "savings accounts" means the withdrawable monetary interest of an investor in any savings and loan, building and loan, homestead association, cooperative bank, or savings bank.

(Sec. 5A, 47 Stat. 727, as added by Sec. 1, 64 Stat. 256, as amended, Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1437); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1941-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-1006 Filed 1-10-77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM77-1]

EQUITY FOR NATURAL GAS PIPELINE COMPANIES AND PUBLIC UTILITIES

Just and Reasonable Rate of Return

JANUARY 4, 1977.

On December 16, 1976, the City of Gardner, Kansas, and the City of Falmouth, Kentucky, filed a late notice of intention to respond to the Notice of Proposed Rulemaking in the captioned docket, issued October 15, 1976, and published October 22, 1976 (41 FR 46618). By Notice issued December 9, 1976, the Commission extended the comment period to and including February 28, 1977; therefore, the admission of these parties will in no way delay the proceedings.

Upon consideration, notice is hereby given that the City of Gardner, Kansas, and the City of Falmouth, Kentucky, are permitted to become parties to the captioned rulemaking proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-854 Filed 1-10-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region IX Consolidating Customs Ports of Ashtabula, Ohio, and Conneaut, Ohio, Into One Customs Ports of Entry

In order to provide better Customs service to carriers, importers, and the public in the Cleveland, Ohio, Customs district (Region IX), it is considered desirable to consolidate the ports of Ashtabula and Conneaut, Ohio, into one Customs port of entry to be known as the Ashtabula/Conneaut Customs port of entry.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 12 (41 FR 47970), it is hereby proposed to establish a consolidated Ashtabula/Conneaut Customs port of entry in the Cleveland, Ohio, Customs district (Region IX).

The geographical limits of the proposed consolidated port of entry will include all of the territory within the corporate limits of Ashtabula and Conneaut, Ohio, as well as all the territory located between Ohio State Route 531, also known at Lake Road, and Lake Erie from the western city limits of Conneaut to the eastern city limits of Ashtabula.

Data, views or arguments with regard to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications they must be received on or before February 10, 1977.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division,

Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: January 3, 1977.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.77-956 Filed 1-10-77;8:45 am]

[19 CFR Part 113]

CUSTOMS BONDS

Proposed Amendment to Customs Regulations Increasing Minimum Amount of Proprietor's Warehouse Bond, Customs Form 3581 From $5,000 to $10,000, Rescinded

On November 5, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 51445), which proposed to amend § 113.14(a) of the Customs Regulations (19 CFR 113.14(a)) to increase the minimum amount of the Proprietor's Warehouse Bond from $5,000 to $10,000. The purpose of the amendment was to provide a more adequate protection to secure the payment of reimbursable costs or the revenue due the United States in view of the substantial increase in both the quantity and value of imported merchandise since 1921 when the minimum amount of $5,000 was established.

However, after consideration of the issue, it has been determined that the public interest would not be served by proceeding with the proposed amendment at this time.

Accordingly, the notice is hereby rescinded.

VERNON D. ACREE,
Commissioner of Customs.

Approved: January 3, 1977.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.77-955 Filed 1-10-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

[Docket No. 76N-0175]

MILK

Standards of Identity for Lowfat and Skim Milk; Use of Stabilizers and Emulsifiers

Correction

In FR Doc. 76-31203 appearing on page 46873 in the issue for Tuesday, October 26, 1976, on page 46874, in § 18.20 (e)(1)(v), the second line should have read "eners" when stabilizers are added to increase the viscosity".

[21 CFR Parts 1, 369, 500, 701, 740, 801]

[Docket No. 76N-0460]

FLUOROCARBONS AND OTHER HALOCARBONS IN FOODS, DRUGS, ANIMAL DRUGS, BIOLOGICAL PRODUCTS, COSMETICS, AND MEDICAL DEVICES

Notice of Intent to Propose Rules; Request for Information

Correction

In FR Doc. 76-34835, appearing at page 52070 in the issue for Friday, November 26, 1976, make the following changes:

1. In the 15th line from the bottom of the second column, "halogews", should read "halogens".

2. In the 5th line of the second full paragraph of the 3rd column, the chemical formula "(CH_2CC_2)", should be "(CH_3CCl_3)".

3. Wherever the word "strateosphere" appears in this document, it should actually be "stratosphere".

[21 CFR Part 701]

[Docket No. 76P-0405]

COSMETIC INGREDIENT LABELING

Establishing of Names of Fluorocarbons (Halocarbon) Propellant Ingredients

Correction

In FR Doc. 76-34834, appearing at page 52078 in the issue of Friday, November 26, 1976, make the following changes:

1. The next to the last line of the third full paragraph in the second column should read "chlorofluorocarbon 22," "hydrochlorofluorocarbon 142B," and "hydrofluoro-.

2. In the table in § 701.3 on page 52079, the 5th line should read as follows:

1,2-dichloro-1,1,2,2-tetrafluoroethane ------ $CClF_2CClF_2$ -------- Chlorofluorocarbon 114

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 201]

[FRL 669-6]

RAILROAD NOISE EMISSION STANDARDS

Special Local Determinations; Extension of Docket Closure Date

Pursuant to the authority of section 17(c) of the Noise Control Act of 1972, 42 U.S.C. section 4916(c), the Environmental Protection Agency published a notice of proposed rulemaking in the FEDERAL REGISTER on November 29, 1976, (41 FR 52317), to amend the Interstate Railroad Noise Emission Regulations, 40 CFR Part 201, by adding a new Subpart D concerning special local determinations for waiver by the EPA Administrator of the preemption of certain State and local railroad noise regulations.

The Federal railroad noise regulations of 40 CFR Part 201 were published by the Agency on January 14, 1976, as required by section 17(a) of the Noise Control Act. The purpose of the proposed amendments is to clarify the preemptive effect of section 17(c)(1) of the Act, and to provide procedures for the implementation of the waiver authority of section 17(c)(2) of the Act.

The notice of November 29, 1976, solicited public participation in the development of the proposed amendments, and allowed 45 days for official written comment, i.e. until January 13, 1977. By this notice the Environmental Protection Agency extends the official comment period to January 27, 1977, in response to a request by the affected industry.

Written comments should identify the regulatory docket number and be submitted with five copies to: Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), Attention: Docket No.: 76-10, U.S. Environmental Protection Agency, Washington, D.C. 20460.

All comments submitted will be available for public inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

Dated: January 6, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-1027 Filed 1-10-77;8:45 am]

[40 CFR Part 202]

[FRL 669-5]

INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Special Local Determinations; Extension of Docket Closure Date

Pursuant to the authority of section 18(c) of the Noise Control Act of 1972, 42 U.S.C. section 4917(c), the Environmental Protection Agency published a notice of proposed rulemaking in the FEDERAL REGISTER on November 29, 1976, (41 FR 52320), to amend the Interstate Motor Carrier Noise Emission Regulations, 40 CFR Part 202, by adding a new Subpart C concerning special local determinations for waiver by the EPA Administrator of the preemption of certain State and local motor carrier noise regulations.

The Federal motor carrier noise regulations of 40 CFR Part 202 were published by the Agency on October 29, 1974, as required by section 18(a) of the Noise Control Act. The purpose of the proposed

amendments is to clarify the preemptive effect of section 18(c)(1) of the Act, and to provide procedures for the implementation of the waiver authority of section 18(c)(2) of the Act.

The notice of November 29, 1976, solicited public participation in the development of the proposed amendments, and allowed 45 days for official written comment, i.e. until January 13, 1977. By this notice the Environmental Protection Agency extends the official comment period to January 27, 1977, in response to a request by a member of the affected industry.

Written comments should identify the regulatory docket number and be submitted with five copies to: Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), Attention: Docket No.: 76-11, U.S. Environmental Protection Agency, Washington, D.C. 20460.

All comments submitted will be available for public inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460.

Dated: January 6, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-1026 Filed 1-10-77;8:45 am]

[40 CFR Part 260]

[FRL 669-2]

ENVIRONMENTAL RADIATION PROTECTION CRITERIA AND STANDARDS FOR RADIOACTIVE WASTES

Notice of Proposed Rulemaking and Public Workshops

Notice was given (41 FR 53363, December 6, 1976) that the U.S. Environmental Protection Agency intends to develop environmental radiation protection standards for high-level radioactive waste to assure protection of the public health and the general environment. This development will focus initially on two major outputs: general environmental protection criteria for all radioactive waste and numerical standards for high-activity, long-lived radioactive waste. These criteria and standards will be developed under the broad authorities transferred to the Agency from the former Atomic Energy Commission and the former Federal Radiation Council by Reorganization Plan No. 3 of 1970.

PROCEDURE TO BE FOLLOWED

The Agency will develop its general environmental protection criteria and the numerical standards for high-level waste over the next year. During the period, there will be frequent interactions with the public through workshops, public availability of draft documents, and public hearings. Through these mechanisms, information and viewpoints will be sought on social and policy issues as well as technical background. The following opportunities for public involvement are currently planned, listed in the general sequence they are expected to occur.

1. Requests for viewpoints and technical information (41 FR 235, December 6, 1976) to assist the Agency in developing general environmental protection criteria applicable to all radioactive waste and numerical standards for high activity, long-lived radioactive waste.

2. Public workshops of about three days duration each to: (a) Define key terms associated with the waste problem, and examine the basic concepts for criteria selection, and (b) consider available information on the risks with wastes and the long-term implications of radioactive waste management and/or disposal. Special emphasis will be given to the social and policy questions.

3. A draft criteria document announced for public review and comment.

4. Proposed criteria for environmental protection for radioactive wastes for public review and comment.

5. Public hearings on proposed environmental protection criteria.

6. Public availability of a technical document analyzing expected environmental impacts from disposal of high-level radioactive wastes.

7. Public review of a Draft Environmental Impact Statement and proposed standard for high-level radioactive waste.

8. Public hearings on the proposed standard for high-level radioactive waste.

ANNOUNCEMENT OF WORKSHOP ON ENVIRONMENTAL PROTECTION CRITERIA

The EPA plans to hold a workshop entitled, "Issues Pertinent to Development of Environmental Protection Criteria for Radioactive Wastes," on February 3-5, 1977, at the Sheraton Inn/International Conference Center, Reston, Virginia. A second workshop is tentatively scheduled for early March in Albuquerque, New Mexico. No fee will be charged for attendance at either workshop although advance registration is requested. Most of the first day will consist of a plenary session during which invited speakers will provide their opinions on key issues in each of the topical areas. The speakers have been selected to provide a well-balanced approach to the working sessions. Additionally, if any individual or member of the organization wishes to present a formal statement, the Agency will accept a written statement of no more than 1000 words submitted no later than January 25, 1977. There has been limited time allotted for oral presentation of these formal statements on the afternoon of February 3, 1977. Selection for oral presentation (limited to 10 minutes) will be on a first-come basis; however, all submitted statements will be included in the published proceeding of the workshop. The remaining day and a half will be devoted to smaller participative working sessions, each addressing a specific issue. Each working group will be expected to prepare a summary report on the issue, including minority or dissenting opinions, for inclusion in the record. The topical areas are:

1. *Topic 1: Approaches to Criteria Development:* This session will describe the various methodologies by which one may approach the question of setting criteria which would govern the management and disposal of radioactive wastes, including specific subjects for criteria development. Radioactive wastes would be treated in the broad context.

2. *Topic 2: Risk Considerations of Radioactive Waste:* This session will describe the actual risks involved with the various kinds of radioactive wastes. The description will deal with radioactive wastes in general and the various conditions wherein the wastes may potentially affect a member of the public.

3. *Topic 3: Long-Term Implications of Radioactive Waste:* This session will place in perspective the long-term implications of radioactive wastes, particularly high-level waste. Emphasis will be on questions of institutional dependence and longevity and dose commitments to future generations, and the bearing these considerations will have on the waste management criteria.

Address. Statements, comments, information, or other requests should be addressed to: Manager, Waste Environmental Standards Program (AW-460), Office of Radiation Programs, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Dated: January 4, 1977.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-904 Filed 1-10-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 250]

MEDICAL ASSISTANCE PROGRAM

Reimbursement for Medical Services, Supplies, and Equipment

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposal amends regulations on reimbursement for noninstitutional services under the Medicaid program, title XIX of the Social Security Act.

Under current regulations (45 CFR 250.30(b)(4)), payments for noninstitutional services (other than individual practitioner services) may be made up to a ceiling established on the basis of "prevailing charges in the locality for comparable services under comparable circumstances." Payments under Medicare (title XVIII) and other third-party insurers are among the criteria to be considered in determining the reasonableness of prevailing charges.

The purpose of this proposed change is to revise these upper limits under Medicaid to be the reasonable charge recognized under Medicare. Procedures for determining reasonable charges under title XVIII are specified in 20 CFR 405.501-511. In addition, the Medicare

program will publish from time to time more specific limitations relating to particular services, supplies, and equipment, which will apply under Medicaid as well.

Authority for the proposal is based on sections 1902(a) (4) and (30), and 1903 (i)(1) of the Social Security Act which require that:

1902(a) A State plan for medical assistance must • • • (4) provide (a) such methods of administration • • • as are found by the Secretary to be necessary for the proper and efficient operation of the plan • • •;

• • • • • •

(30) Provide such methods and procedures relating to the utilization of, and the payment for, care and services available under the plan • • • as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments • • • are not in excess of reasonable charges consistent with efficiency, economy, and quality of care;

• • • • • •

1903(i)(1) Payment under the preceding provisions of this section shall not be made • • •

(1) With respect to any amount paid for items or services furnished under the plan after December 31, 1972, to the extent that such amount exceeds the charge which would be determined to be reasonable for such items or services under the fourth and fifth sentences of section 1842(b)(3).

The fourth sentence pertains to physicians' services. The fifth sentence of section 1842 (b)(3) states:

In the case of medical services, supplies, and equipment (including equipment servicing) that, in the judgment of the Secretary, do not generally vary significantly in quality from one supplier to another, the charges incurred after December 31, 1972, determined to be reasonable may not exceed the lowest charge levels at which such services, supplies, and equipment are widely and consistently available in a locality except to the extent and under the circumstances specified by the Secretary.

The Department has reason to believe that an upper limit for payment of medical services, supplies, and equipment which is based on prevailing charges in the locality for comparable services is not sufficient to assure that payment for such services will not be "in excess of reasonable charges consistent with efficiency, economy, and quality of care." This belief is based on investigations of the laboratory industry in several States which found practices such as the following being used to obtain Medicaid patient referrals:

1. Laboratories "renting" space at highly excessive rates in sites owned by physicians.
2. Laboratories supplying physicians with free equipment, personnel, and billing services.
3. Laboratories paying consultant fees to "salesmen" for brokering Medicaid business to the laboratory.

To mitigate such practices, to assure that payment does not exceed reasonable charges consistent with efficiency and economy and quality of care, and to meet statutory requirements, rules are proposed which will limit payment for medical services (including laboratory services), medical supplies, and equipment (including equipment servicing), to the reasonable charge recognized under Part B, title XVIII.

Medicare has recently issued a notice of proposed rulemaking (See 41 FR 40495, September 20, 1976) which implements requirements of section 1842 (b)(3) of the Social Security Act. These regulations provide for (1) application of the lowest charge level provisions of section 1842(b)(3) to selected medical services, supplies, and equipment; (2) imposition of ceiling amounts for injection services plus the cost of ingredients and supplies used in providing such services; and (3) use of a negotiated rate for diagnostic laboratory services.

A proposed list of specific laboratory services and items of durable medical equipment which would initially be subject to the lowest charge level criteria was also published in the FEDERAL REGISTER. (See 41 FR 40533, September 20, 1976) The list included the following:

Commonly Performed Laboratory Services (with identifying codes as listed in the 1964 edition of the California Relative Value Studies).

(1) Cholesterol, Blood Test (8652).
(2) Complete Blood Count (8628).
(3) Hemoglobin (8622).
(4) Hematocrit (8681).
(5) Prothrombin Time (8712).
(6) Sedimentation Rate (8718).
(7) Blood Sugar (Glucose) (8722).
(8) Cytologic Study (Papanicolaou type) (8911).
(9) Urinalysis (8036).
(10) Blood Uric Acid (8747).
(11) Blood Urea (8745).
(12) Leukocyte Count (8624).

Durable Medical Equipment.
(1) Standard Wheelchair
(2) Standard Hospital Bed

As more items, services, and equipment (including equipment servicing) are brought under the lowest charge level provision, notices with respect to such coverage will be published in the FEDERAL REGISTER by Medicare, and State Medicaid agencies will be informed.

Thus, under the proposed regulations the Medicaid upper limits for noninstitutional services not elsewhere covered in 45 CFR 250.30 would be:

(a) The lowest charge levels at which such services are widely and consistently available in a locality, according to specific notices for the Medicare program published in the FEDERAL REGISTER. These lowest charge levels represent "reasonable charges" under Part B of title XVIII for such services and items;

(b) For all others, the reasonable charge under Medicare (Part B, title XVIII), as determined according to the principles set forth in 20 CFR 405, 501–511.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto received by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before February 25, 1977. In order to assure prompt handling of comments, please refer to MSA–185–P. Agencies and organizations are requested to submit their comments in duplicate.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950). Answers to specific questions can be obtained by calling James Houdek, 202–245–0256.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)

NOTE.—The Social and Rehabilitation Service has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order No. 11821 and OMB Circular A–107.

Dated: December 2, 1976.

ROBERT FULTON,
Administrator,
Social and Rehabilitation Service.

Approved: December 29, 1976.

DAVID MATHEWS,
Secretary.

Section 250.30(b)(4), Part 250, Chapter H, Title 45 of the Code of Federal Regulations, is revised as set forth below:

§ 250.30 Reasonable charges.

• • • • • •

(b) *Upper limits* • • •

• • • • • •

(4) *Other noninstitutional services, including laboratory services.* The upper limit for payment of medical services, supplies, and equipment shall be the reasonable charge recognized under Part B, title XVIII.

• • • • • •

[FR Doc.77–852 Filed 1–10–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Dockets Nos. 28213, 28955, 29373, 29431, 29512, 29618, 29984]

JAPANESE AIRFREIGHT FORWARDER OPERATIONS

Superceding Previous Notice of Prehearing Conference

Notice is hereby given of the revision of the Notice of Prehearing Conference, 41 FR 56683, December 29, 1976, issued in the above matters to show the correct Docket Numbers. Otherwise the notice stands. The prehearing conference in all of the above-docketed cases is scheduled to be held before the undersigned Judge on January 26, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, NW, Washington, D.C.

The Bureau, on or before January 11, 1977, shall submit to each party (one copy) and to the Judge (four copies) of (1) the proposed statement of issues as to said party's application; (2) proposed stipulations; (3) proposed requests for information and evidence; and (4) the proposed hearing date. Each party other than the Bureau will respond by January 21, 1977, as to any requested data with which it differs or with which it will be unable to comply, and will explain all objections.

It is contemplated that these cases will be heard in one consolidated hearing.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., January 3, 1977.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.77–947 Filed 1–10–77;8:45 am]

[Docket No. 27701]

PACIFIC GROUP FARES INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 1, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 4, 1977.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.77–946 Filed 1–10–77;8:45 am]

[Docket No. 27914]

TOURIST ENTERPRISES CORPORATION "ORBIS" D/B/A ORBIS POLISH TRAVEL BUREAU, INC., AND D/B/A PARGIELLO SERVICES, INC.

Prehearing Conference

Notice is hereby given that a further prehearing conference in this proceeding is assigned to be held on February 4 1977 at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Parties are instructed to submit one copy to each party and four copies to the Judge of revised (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; and (4) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 13, 1977, and other parties on or before January 24, 1977. The submissions of other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 3, 1977.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc.77–945 Filed 1–10–77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADELPHI UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00528. Applicant: Adelphi University, South Avenue, Garden City, New York 11530. Article: Flow Jet Mixer. Manufacturer: Funken and Co., Ltd., Japan. Intended use of article: The article is intended to be used for the study of the emulsification of water in fuel oils, Nos. 2, 4, and 6. The stability of these emulsions, as well as their micro structure will be studied. Experiments will also be conducted on the viscosity of these emulsions. In addition, the article will be used for the training of Ph. D. candidates on the use of these emulsions, as well as the participation of undergraduate students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 76–00435 which was denied without prejudice to resubmission on August 13, 1976 for informational deficiencies. The foreign article provides a technique of centrifuging a liquid as it flows across a high-speed rotating conical surface after which the atomized liquid, with high tangential and radial velocities, is mixed with a second liquid which is falling by gravity in a nearby liquid (annular) column. The National Bureau of Standards advises in its memorandum dated December 9, 1976 that (1) the specification of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article described above is pertinent to the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special
Import Programs Division.

[FR Doc.77–846 Filed 1–10–77;8:45 am]

COLORADO SCHOOL OF MINES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

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A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00525. Applicant: Colorado School of Mines, Golden, Colorado 80401. Article: Electron Microscope, Model EM 400, with High Tilt (±60°) Goniometer Stage. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to evaluate changes in the micro and fine structure produced by corrosion experiments, mechanical testing and heat treatment of thin metal foils. Sections will be removed from various test speciments and electrolytically polished to render them suitable for transmission electron microscopy. Correlations relating mechanical properties and/or material deformation behavior to the observed fine structures will be made. The article will also be used in a course for advanced undergraduates to introduce students to the techniques of specimen preparation electron optics and the contrast mechanisms operating during the examination of thin foils by transmission electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 19, 1976).

Reasons: The foreign article provides a goniometer stage with ±60° degree eucentric tilt and 7 Angstroms point to point resolution guaranteed, accelerating voltages up to 120 kilovolts, and a wide magnification range (50× to 320,000× in 32 steps). The National Bureau of Standard's advises in its memorandum dated December 9, 1976 that (1) the specifications of the article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was available at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–844 Filed 1–10–77;8:45 am]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; NATIONAL OCEAN SURVEY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00531. Applicant: NOAA-National Ocean Survey, U.S. Department of Commerce, National Oceanic & Atmospheric Admin., Rockville, Md. 20852. Article: Stereoviewer, Model AS–11A–1 Modified. Manufacturer: Ottico Meccanica Italiana, Italy. Intended use of article: The article is a photogrammetric instrument designed to generate in digital and graphical form accurate delineations and positions of topographic, cultural and near offshore surface and subsurface features from stereomodels formed from aerial photographs. It will be internally combined into a fully analytical plotter system comprised of a two-stage stereoscopic viewer, a coordinatograph table, an electronic controller and peripherals, and interfaces for electronically coupling the coordinatograph and viewer to the electronic controller. The system is to be used for research and development of advanced techniques for compiling and editing data from aerial photographs. Typical software investigations to be pursued are photogrammetric bathymetry, photogrammetric geodesy, tidal current surveying, on-line strip adjustment and many other photogrammatric studies. In addition, research and development for classified activities will be conducted.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 30, 1976).

Reasons: The foreign article provides (1) two independently movable stages which provide a mensuration area no smaller than 10 x 19 inches, (2) continuously variable magnification over a minimum range of 1 to 6x with the capability of stereoviewing any type photograph from any source at up to 6x image scale differences between any two photographs and (3) a stereoviewer which will retain constant size measuring mark throughout the zoom magnification range. The National Bureau of Standards advises in its memorandum dated December 10, 1976 that the specifications of the article described above are pertinent to the applicant's intended use. NBS further advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was available at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–845 Filed 1–10–77;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15, COMPUTER SYSTEMS SECURITY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. V, 1975), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG–15), "Computer Systems Security," will hold a meeting from 9:00 a.m. to 4 p.m. on Wednesday, February 16, 1977 in Room B–27, Building 225 at the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of this meeting will be to continue discussion of the development of guidelines in the management and technological areas of information processing security.

The meeting will be open to the public. To the extent that the meeting time and agenda permit, interested persons may make oral statements and participate in the discussions. Written statements or inquiries may be addressed to Miss Susan K. Reed, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone: 301–921–3861).

Dated: January 5, 1977.

ERNEST AMBLER,
Acting Director.

[FR Doc.77–886 Filed 1–10–77;8:45 am]

LAW ENFORCEMENT EQUIPMENT

Availability of Voluntary Performance Standards

The National Bureau of Standards announces the availability of voluntary performance standards for equipment used by law enforcement agencies, and for equipment purchased by the general public for the detection and deterrence of burglary. In addition to the 24 standards which have been published by the Law Enforcement Assistance Administration (LEAA), NBS has prepared two user guidelines, 25 technical reports, and several reference materials for use by forensic science laboratories. The publications cover such items as protective equipment, communications equipment, door and window security, night vision equipment, burglar alarm systems, weapon and bomb detectors, patrol cars, and emergency warning devices. These documents are available from either the LEAA National Criminal Justice Reference Service, Washington, D.C. 20531, or the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Requests for lists of the standards and for any specific information should be addressed to the Law Enforcement Standards Laboratory, Room B150, Building 221, National Bureau of Standards, Washington, D.C. 20234. This work is supported by LEAA's National Institute of Law Enforcement and Criminal Justice.

Dated: January 5, 1977.

ERNEST AMBLER,
Acting Director.

[FR Doc.77–837 Filed 1–10–77;8:45 am]

NATIONAL BUREAU OF STANDARDS VISITING COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. I (Supp. V, 1975), notice is hereby given that the National Bureau of Standards Visiting Committee will meet on Monday, February 14, 1977, from 8:30 a.m. to 4:30 p.m. in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, and Tuesday, February 15, 1977, from 8:30 a.m. to 11:30 a.m. in the 11th Floor Conference Room, Administration Building, National Bureau of Standards, Gaithersburg, Maryland.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any persons wishing to attend the meeting should inform Ms. Elaine D. Bunten, Office of Programs, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–3131.

ERNEST AMBLER,
Acting Director.

JANUARY 5, 1977.

[FR Doc.77–831 Filed 1–10–77;8:45 am]

Economic Development Administration

ARTVOGUE OF CALIFORNIA

Petition for Determination of Eligibility to Apply for Trade Adjustment Assistance

A petition by Artvogue of California, 560 Mission Street, San Francisco, California 94105, a producer of men's shirts, was accepted for filing on January 3, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77–908 Filed 1–10–77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Gulf Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, west coast of Florida, Louisiana, Mississippi and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This is the fifth in a series of organizational meetings of the Council. The meeting will be held Wednesday, Thursday and Friday, February 2, 3 and 4, 1977, in the Fortress Room of the Fort Brown Motor Hotel, 1900 East Elizabeth Street, Brownsville, Texas. The meeting will convene at 1:30 p.m. on February 2 and adjourn at about noon on February 4, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Management Plans.
2. Personnel and Administration Categories.
3. Other Business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about January 25, 1977:

Mr. Paul D. Fulham, Special Assistant to the Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Special Assistant to the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 3, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–936 Filed 1–10–77;8:45 am]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The New England Fishery Management Council will have authority effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on February 1 and 2, 1977, from 10 a.m. to 5 p.m., and 9 a.m. to 3 p.m. respectively, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Massachusetts.

PROPOSED AGENDA

1. Discussion of Canadian boundary issue
2. Review of foreign permit applications, if any.
3. Other fisheries management business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact: Mr. Donald G. Birkholz, National Oceanic and Atmospheric Administration National Marine Fisheries Service, State Fish Pier, Gloucester, Mass. 01930 on or about 10

days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-937 Filed 1-10-77;8:45 am]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on January 25 and 26, 1977, from 10 a.m. to 5 p.m., and 9 a.m. to 3 p.m., respectively, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Massachusetts.

PROPOSED AGENDA

1. Discussion of foreign fee schedules and fishing regulations.
2. Status of emergency management plans.
3. Review of foreign permit applications, if any.
4. Staff recruitment and operations.
5. Other matters related to fisheries management.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact:

Mr. Donald G. Birkholz, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, State Fish Pier, Gloucester, Massachusetts.

on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-935 Filed 1-10-77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Amendment to Notice of Public Meeting

Notice is hereby given of a change in the convening and adjournment of the meeting January 25-27, 1977, 9 a.m. to 5 p.m., in the Polk Room at the Howard Johnson's Motor Lodge, Motor Inn Plaza, Lake Buena Vista, Florida, of the South Atlantic Fishery Management Council which was published in the FEDERAL REGISTER January 6, 1977, Volume 42, Number 4.

The meeting will now convene at noon on January 25 and at 9 a.m. on January 26 and 27. The meeting will adjourn each day at 5 p.m. with the exception of January 27 at which time the meeting will adjourn at noon. An additional item to the proposed agenda is also added, "3. Review of foreign fishing applications, if any." The location remains unchanged.

Dated: January 5, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-934 Filed 1-10-77;8:45 am]

TRANSFER OF A FISHING VESSEL TO A COMPANY UNDER FOREIGN CONTROL

Receipt of Application for Approval

Notice is hereby given that on November 26, 1976, the Maritime Administration of the Department of Commerce received an application from Robert G. Earl, 1537 E. Roy Road, Freeland, Washington 98249, for approval of the sale of the 32.1' registered length vessel *Honey B.*, O.N.560373, and three undocumented vessels (*Jenny Wren*, WN-485-W, *Polly Ann II*, WN-176-W, and an unnamed vessel, WN-175-W) to Pacific Sea-Pro, Inc., 2321 58th Avenue E., Tacoma, Washington 98404. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808,835), because 100 percent of the stock of Pacific Sea-Pro, Inc., a U.S. corporation, is owned by Mrs. Sachiko Otsuha, a Japanese citizen, and the contemplated sale of the vessels, therefore, would be to a company under foreign control. Pacific Sea-Pro, Inc., has informed the National Marine Fisheries Service that the vessels will be operated primarily for horse clam and geoduck.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application. Accordingly, the Service solicits the written comments of interested persons in regard to this application.

Such comments should be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than February 10, 1977. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: January 4, 1977.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-919 Filed 1-10-77;8:45 am]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Western Pacific Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Western Pacific Council will have authority, effective March 1, 1977, over fisheries within the conservation zone adjacent to the State of Hawaii, American Samoa and Guam. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The meeting will be held on February 1, 2, 3, and 4, 1977, in the Marianas Room of the Guam Hilton Hotel, Agana, Guam. The daily sessions will commence at approximately 9 a.m. and adjourn at 5 p.m.

PROPOSED AGENDA

1. Administrative report.
2. Review of budget estimates.
3. Status of preliminary fishery management plans.
4. Proposed regulations and fees for foreign fishing in the region.
5. Review of foreign fishery applications, if any.
6. Fishery problems of the Marianas.
7. Review of fishery development priorities in the western Pacific.
8. Other matters related to fisheries management.

This meeting is open to the public and there will be seating for approximately

30 public members on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Wilvan G. Van Campen, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1596, Honolulu, Hawaii 96813.

on or about 10 days before the meeting.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by submitting them to Mr. Van Campen at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-938 Filed 1-10-77;8:45 am]

COMMISSION OF FINE ARTS

MEETING

JANUARY 5, 1977.

The Commission of Fine Arts will meet in open session on Tuesday, January 25, 1977 at 10 a.m. in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20005 to discuss various projects affecting the appearance of Washington, D.C.

Other meetings of the Commission during 1977 are scheduled for 22 February, 22 March, 26 April, 24 May, 28 June, 26 July, 23 August, 27 September, 25 October 22 November, and 27 December, 1977.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77-920 Filed 1-10-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 663-2]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION

On July 23, 1976, the Environmental Protection Agency (EPA), by notice published in the FEDERAL REGISTER (41 FR 30383), announced a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (hereinafter the "Act") (42 U.S.C. 1857f-6a(b)). That hearing was called to consider a request by the State of California that the Administrator waive application of section 209(a) of the Act with respect to a number of actions taken to revise California's motor vehicle emissions control program. Section 209(b) of the Act requires the Administrator to grant such waiver, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame. In addition, in those instances where the same vehicles or engines are subject to both Federal and California standards, the California standards and accompanying enforcement procedures are deemed not to be consistent with section 202(a) if any testing required to demonstrate compliance of a vehicle or engine with the California standard would not satisfy a comparable testing requirement for demonstrating compliance with the applicable Federal standard.

The public hearing was held in Los Angeles, California, on August 25 and 26, 1976, and the following three issues were addressed:

(i) Exhaust emission standards and test procedures for 1978 model year medium duty vehicles;

(ii) Application of the fuel evaporative emission standard and test procedure (SHED test) to 1978 and subsequent model year medium duty vehicles and heavy duty vehicles; and

(iii) Fill pipe and opening specifications for 1977 and subsequent model year gasoline-powered motor vehicles. The record was kept open until September 10, 1976, for the submission of written material, data or arguments by interested persons.

This decision will deal solely with the first item above, exhaust emission standards and test procedures for 1978 model year medium duty vehicles. The second item is still under consideration and a decision will be published as soon as a determination has been made. A decision on the third item, fill pipe and opening specifications, has recently been published in the FEDERAL REGISTER.

With respect to California's exhaust emission standards and test procedures for 1978 model year medium duty vehicles, I have determined that I cannot make the findings required for denial of the waiver under section 209(b), and therefore I am compelled to grant the requested waiver of Federal preemption. The record of the hearing and the other information available time clearly indicate that California requires standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, that the requisite technology is currently available, and that there appears to be adequate lead time to permit the application of this technology to 1978 model year medium duty vehicles. For the 1978 model year the EPA will accept the data used to successfully certify any medium duty vehicle under the California test procedure as demonstrating that the engine in such vehicle complies with applicable Federal standards, and a Federal certificate for this engine will be issued on this basis.

II. BACKGROUND

The need for better methods for determining emissions from vehicles in the 6000 to 8500 pound gross vehicle weight class has long been recognized by both the Federal government and California. On February 12, 1976, the EPA published a Notice of Proposed Rulemaking (41 FR 6279) to expand the light duty truck class by changing the upper weight limit from 6,000 to 8,500 pounds GVWR. These regulations were recently promulgated in final form, with the expanded light duty truck definition applicable to 1979 and subsequent model years. On March 31, 1976, the California Air Resources Board (CARB) established a new classification of motor vehicles known as "medium duty vehicles." On the same day the CARB adopted exhaust emission standards and test procedures for these medium duty vehicles for the 1978 model year. The California test procedures were subsequently amended on June 30, 1976.

A medium duty vehicle is defined by the CARB as a subset of the heavy duty vehicle class, and is any motor vehicle (except a passenger car) with a gross vehicle weight rating (GVWR) of between 6000 and 8500 pounds. The California exhaust emission standards applicable to these vehicles for the 1978 model year are 0.9 grams per vehicle mile (g/m) hydrocarbons (HC), 17 g/m carbon monoxide (CO), and 2.3 g/m oxides of nitrogen (NO_x). The testing will be performed on a chassis dynamometer, under a procedure which is basically the same as the Federal light duty truck procedure.

As noted above, according to the CARB definition, medium duty vehicles are a subset of the California heavy duty ve-

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hicle class. If the medium duty vehicle category had not been established, these vehicles would continue to be classified as heavy duty vehicles, and would therefore be regulated by having engine exhaust emissions measured on an engine dynamometer under the heavy duty engine test procedure. The medium duty vehicle category was established in recognition of the fact that the majority of vehicles between 6,000 and 8,500 pounds GVWR are used more for personal transportation than for transporting goods, and are consequently driven in an urban environment similar to light duty trucks. As a result, the emissions characteristics of these vehicles would be more appropriately measured and regulated under the light duty truck procedure rather than the heavy duty engine procedure.

As stated above, Federal regulations have recently been promulgated for 1979 and subsequent model years to expand the light duty truck class by changing the upper weight limit from 6000 to 8500 pounds GVWR. The new EPA definition of light duty truck, however, does not include vehicles which have an actual curb weight of greater than 6000 pounds, because EPA has determined that a substantial portion of vehicles with curb weights greater than 6000 pounds are commercial, and not personal transportation vehicles. As a result the expanded Federal light duty truck class does not encompass every vehicle in CARB's medium duty vehicle class (i.e., those vehicles whose curb weight is greater than 6000 pounds and whose GVWR is between 6000 and 8500 pounds). This Federal expanded light duty truck class, though, is only applicable to 1979 and subsequent model years. With regard to the 1978 model year, therefore, all vehicles within the CARB medium duty vehicle class will be heavy duty vehicles for Federal purposes, and thereby subject to Federal heavy duty engine regulations.

III. Discussion

Stringency. In order for California to receive a waiver for its medium duty vehicle standards, it must "require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions." In this instance the applicable Federal standards are the Federal heavy duty engine standards. The Federal standards currently applicable to 1978 model year heavy duty engines are 16 grams per brake horsepower-hour (g/bhp-h) HC plus NOx (as NO_2), and 40 g/bhp-h CO, as measured under the engine dynamometer procedure.

California standards are considered to be more stringent if they may result in some further reduction in air pollution over what would be achieved with the Federal standards. It is difficult to quantitatively compare the 1978 model year California and Federal standards applicable to vehicles in the 6000 to 8500 pound GVWR class, due to the radically different test procedures involved in determining compliance with these standards. However, it is generally agreed that the California standards will require manufacturers of medium duty vehicles to use additional emission control hardware over what was required to meet the Federal standards. Specifically, manufacturers will be adding catalytic converters and exhaust gas recirculation in order to meet the California requirements. See Transcript of Public Hearing on California's Request for Waiver of Federal Preemption with Respect to Medium Duty Vehicles, Application of SHED Test Procedure, and Fill Pipe and Opening Specifications, August 25 and 26, 1976, at 52, 128, 135 (hereinafter "Tr."). The emission control hardware is required to reduce emissions in operating modes embodied in the CARB's medium duty test procedure (including the driving cycle) that are not emphasized in the engine dynamometer test procedure. In addition, data gathered by the CARB indicate that exhaust emission reductions over that obtained under the Federal standards will be achieved under the California medium duty standards, as a result of the application of additional emission control technology. See Tr. at 174–75. The only manufacturer who questioned the relative stringency of the California standards was the American Motors Corporation (AMC). See Tr. at 149. However, in response to EPA's Notice of Proposed Rulemaking concerning expansion of the light duty truck class, AMC stated in their comments dated April 9, 1976, that additional emission control devices and systems (catalytic converters, transmission controlled spark, and in some cases air injection) would have to be installed on vehicles between 6000 and 8500 pounds GVWR in order to meet the proposed Federal standards of 1.7 g/m HC, 18 g/m CO, and 2.3 g/m NOx.

Based upon all the information available to me, and the technical judgment of my staff, I conclude that the California 1978 model year medium duty vehicle exhaust emission standards are more stringent than applicable Federal standards.

Technology and Lead Time. The technology required to meet the California standards is currently available, and includes the use of oxidation catalysts, air pumps and exhaust gas recirculation. See Tr. at 12, 87, 128, 135–36. The question is whether there is sufficient lead time available to apply this technology to 1978 model year medium duty vehicles and certify these vehicles for sale in California.

The question of lead time will be discussed with respect to the California medium duty vehicle standards alone, and will not consider the time required for a single engine configuration to meet both the California standards as tested in a vehicle on a chassis dynamometer, and the Federal heavy duty engine standards as tested on an engine dynamometer. In order to simultaneously meet the Federal and California standards, the information provided by various manufacturers at the hearing indicates that there is insufficient lead time to apply the requisite technology to 1978 model year vehicles. See Tr. at 39, 40–41, 51–53, 104. Information provided by the Ford Motor Company explained the complexity of the "cross testing" that would be required to design a vehicle that would meet both the California standards on the vehicle dynamometer test cycle and the Federal standards on the engine dynamometer test cycle. See Tr. 54–60. Furthermore, as will be discussed later, the Congressional intent behind section 209(b) concerning whether the California standards and accompanying enforcement procedures are "consistent with section 202(a)" strongly implies that a manufacturer should not be subjected to a testing requirement to determine compliance with California standards which does not satisfy a comparable testing requirement for demonstrating compliance with applicable Federal standards. In this case, EPA intends to accept the California test data for the purposes of issuing Federal certificates of conformity.

With regard to the lead time necessary to meet the California requirements, two actions taken by the CARB reduce the lead time burden for various manufacturers. On June 30, 1976, the CARB adopted certain changes to the certification vehicle selection process. The purpose of these changes is to minimize the certification effort and lead time problems by reducing the need for special medium duty durability vehicles, provided that the medium duty and light duty truck emission control systems are essentially the same. See Tr. at 13. As stated by representatives of the Ford Motor Company, these changes permit "carryover" and "carry-up" of California light duty truck engine codes into the medium duty class, and use of carry-over light duty truck deterioration factors. The changes also limit certification and quality audit testing to high volume transmission/inertia weight/axle combinations of unique medium duty engine codes. See Tr. at 37. These amendments will permit Ford to significantly reduce the number of unique, new engine codes or calibrations which will have to undergo certification testing. See id. The General Motors Corporation and the American Motors Corporation, however, stated that they would not be able to take advantage of the carryover and carry-up provisions. See Tr. at 130–31, 152–53.

The second action taken by the CARB to eliminate lead time problems for certain manufacturers was to provide an exemption from the 1978 model year medium duty vehicle requirements to any manufacturer who did not produce any 1977 model year light duty vehicles for sale in California. See Tr. at 29–31. At the present time International Harvester is the only manufacturer who is expected to take advantage of this exemption. See Tr. at 30. Since the requisite technology to meet the medium duty standards generally consists of the application of existing light duty truck technology, the purpose of the CARB exemption provision was to reduce the lead time problem for a manufacturer who has not had experience with emission control hardware on light duty trucks.

In light of these actions taken by California and due to the fact that the EPA will accept California certification data for Federal purposes,[1] it appears that there is sufficient lead time for manufacturers to meet the California requirements by the 1978 model year. Statements made by the Ford Motor Company indicate that although Ford agrees with this conclusion, they nevertheless expect there to be a two month delay in the start of 1978 model year medium duty vehicle production. See Tr. at 39, 46.[2] The General Motors Corporation indicated that based upon the actions taken by the CARB, and assuming that EPA will accept California data for Federal purposes, they expect to be able to certify a full line of 1978 model year medium duty vehicles for sale in California, in spite of the fact that General Motors will not be able to take advantage of the carryover and carry-up provisions discussed earlier. However, General Motors further stated that compromises would have to be made in areas of development testing other than emissions, such as fuel economy. See Tr. at 116–23, 126–27. The Chrysler Corporation stated that they expect to market nearly a full line of 1978 medium duty vehicles in California, although there would have to be some compression of their model line offerings and there is insufficient time to permit a normal development and certification program. See Tr. at 138–40. The American Motors Corporation initially stated that there was insufficient time to purchase the required test equipment and undertake the necessary development and certification programs in order to market the medium duty vehicles they would otherwise expect to sell in California (this amounts to a total of approxiately 3000 units). See Tr. at 150–51. However, upon being questioned with regard to this statement, American Motors stated that if the waiver were granted, they would market a single line of Jeep vehicles for sale in California. See Tr. at 155–56. From all the statements made by various manufacturers at the hearing, it appears that there is sufficient lead time to permit manufacturers to meet the California 1978 model year medium duty vehicle exhaust emission standards and to certify a sufficient variety of medium duty vehicles to satisfy the basic market demand in California.

With regard to the cost of compliance with the medium duty vehicle exhaust emission standards for the 1978 model year, the CARB has estimated that the incremental cost of applying the necessary additional emission control hardware (beyond that already in use to comply with the current heavy duty engine standards) will be $100 per vehicle. See CARB Staff Report 76–6–2 "Public Hearing to Consider Proposed Changes to Regulations Regarding Approval of 1978 and Subsequent Model Light-Duty Trucks and Heavy-Duty Engines," March 31, 1976, at 9. Very little cost information was provided at the EPA hearing. None of the manufacturers at the EPA hearing indicated any disagreement with the CARB estimates. Although there may be some additional costs due to the development and certification programs required to be undertaken by the manufacturers, no specific cost information was provided.

Based upon all the information available to me, I cannot conclude that with respect to medium duty vehicles, the technology required to meet the California exhaust emission standards and test procedures cannot be applied to the 1978 model year.

Objections to Granting the Waiver. Certain manufacturers objected to the California medium duty vehicle exhaust emission standards and test procedures on the grounds that these requirements are not consistent with section 202(a) of the Clean Air Act. See Tr. at 76–77, 92–96, 137–38, 150. These manufacturers argued that it would be inconsistent with section 202(a) to require a single vehicle or engine to undergo both vehicle dynamometer certification testing to meet the California medium duty vehicle requirements, and engine dynamometer certification testing to meet the Federal heavy duty engine standards. As a result, the manufacturers contend that under the criteria of section 209(b) of the Act the waiver request must either be denied, or EPA must be willing to accept California medium duty vehicle certification data for Federal purposes. As mentioned above, I have decided that for the 1978 model year EPA will accept the data used to successfully certify any medium duty vehicle under the California test procedure as demonstrating that the engine in such vehicle complies with applicable Federal standards, and a Federal heavy duty engine certificate for this engine will be issued on this basis.[3]

Various manufacturers also objected to section 18 (formerly section 15) of the California medium duty vehicle exhaust emission standards and test procedures, which provides an exemption from the 1978 model year medium duty vehicle requirements to any manufacturer who did not produce any 1977 model year light duty vehicles for sale in California. See Tr. at 29–31, 39–40, 69–71, 90–92. In order for a manufacturer to take advantage of this exemption, the manufacturer must demonstrate to the CARB that there is inadequate lead time to apply or purchase the hardware needed to meet the 1978 standards, and must state that an additional year of lead time will allow such hardware to be applied or purchased. Objections to this exemption provision were raised both on grounds of being inconsistent with section 202(a), and on constitutional grounds as being in violation of the equal protection guarantees of both the United States and California Constitutions. See Tr. at 69–71, 90–92.

I have determined that I cannot agree with the manufacturers' position. Concerning the constitutional claim, regardless of the validity of this argument, the EPA waiver hearing is not the proper forum in which to raise it. Cf. 41 FR 44209, 44212 (October 7, 1976) (motorcycle exhaust emission waiver). Questions concerning the constitutionality of the California regulations are beyond the scope of my review under section 209(b).

With regard to whether the exemption provision is inconsistent with section 202(a), the concept of consistency with section 202(a) only involves EPA inquiry into the burden that compliance with the California requirements will have on the affected manufacturers. Similarly, questions as to whether EPA could adopt this exemption provision at the Federal level are beyond my scope of review in a California waiver situation.

The authority of California to adopt and enforce regulations arguably includes that administrative flexibility to exempt from or waive applicability of the requirements for whatever purpose is appropriate to California. The mere inclusion of an exemption provision should have no bearing on this inherent flexibility. As was noted in the previous waiver decision for fill pipe standards, the inclusion of an exemption provision was strongly supported by the manufacturers.

Findings. Having given due consideration to the record of the public hearing, all material submitted for the record, and other relevant information, I hereby make the following findings.

1. The State of California had, prior to March 30, 1966, adopted standards

[1] Automatic issuance of a Federal Certificate of Conformity for an engine family which includes medium duty vehicles certified for sale in California will occur only if all California requirements have been met. This may not always be the case. For example, if in a single engine family a manufacturer elects to qualify for sale in California only three discrete engine codes, and desires to sell nationwide (except in California) additional engine codes in that same family, he will have to qualify the entire engine family, including those additional engine codes, for a Federal Certificate of Conformity under either the currently existing Federal heavy duty engine certification procedures, or optionally under the 1979 light duty truck procedures at the level of the 1978 light duty truck standards. The latter option has been provided to the industry, for other purposes, under the new 40 CFR 86.078–1(b). If such additional qualification is necessary, EPA will accept to the degree relevant under Federal procedures data from any vehicle that was tested for the purpose of obtaining the California certificate.

[2] Ford also conditioned their estimates on certain changes being required to California's evaporative emission testing program for medium duty vehicles (SHED test). California's medium duty SHED waiver request is currently under consideration, and the concerns raised by Ford will be discussed in the forthcoming SHED waiver decision.

[3] This presumption of compliance with Federal standards includes the smoke standard applicable to Diesel heavy duty engines.

(other than crankcase emission standards) for the control of emissions from new motor vehicles.

2. The California exhaust emission standards for 1978 model year medium duty vehicles are more stringent than applicable Federal standards, which are the Federal heavy duty engine standards.

3. Compelling and extraordinary conditions continue to exist in the State of California. The State oxidant pollution problem remains the worst in the nation. The testimony of the representatives of the CARB revealed that unless a virtual shutdown of Los Angeles is assumed, no current projections indicate that compliance with the ambient air quality standards can be achieved for California's South Coast Air Basin, a region which contains five percent of the nation's population.

4. With respect to 1978 model year medium duty vehicles, I cannot find that the California exhaust emission standards and test procedures, and accompanying enforcement procedures, are not consistent with section 202(a) of the Clean Air Act. Taking into account the cost of compliance, I find that the requisite technology is currently available and that there appears to be adequate lead time to permit the application of this technology so as to achieve compliance with the California requirements by the 1978 model year.

IV. DECISION

Based upon the above discussion and findings, I hereby waive application of section 209(a) of the Act to the State of California with respect to its exhaust emission standards and test procedures for 1978 model year medium duty vehicles, as found in section 1959 of Title 13, California Administrative Code, adopted March 31, 1976, as amended June 30, 1976, and "California Exhaust Emission Standards and Test Procedures for 1975 Through 1978 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended June 30, 1976.[1] For the 1978 model year EPA will accept the data used to successfully certify any medium duty vehicle under the California test procedures as demonstrating that the engine in such vehicle complies with applicable Federal standards, and Federal certificates of conformity for this engine will be issued on this basis.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95814.

Dated: January 4, 1977.

JOHN QUARLES,
Acting Administrator.

[FR Doc.77-820 Filed 1-10-77;8:45 am]

[1] Although this decision deals solely with medium duty vehicles, an implicit waiver is included for the June 30 test procedure amendments as they relate to 1978 model year light duty trucks.

[FRL 663-7]

MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Renewal and Name Change

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the Management Advisory Group to the Municipal Construction Division (formerly the Technical Advisory Group to the Municipal Construction Division) is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the Management Advisory Group to the Municipal Construction Division through December 1, 1977, unless otherwise sooner terminated, will be filed at the Library of Congress.

JOHN QUARLES,
Acting Administrator.

JANUARY 4, 1977.

[FR Doc.77-905 Filed 1-10-77;8:45 am]

[FRL 668-6; OPP-00040]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC)

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) will be held from 8:30 a.m. to 4:30 p.m. on Thursday, January 27, and from 8:30 a.m. to approximately 12:30 p.m. on Friday, January 28. The meeting will be held in Room 3906-3908 of the Environmental Protection Agency, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

This will be the sixth meeting of the full Committee. A complete agenda has not, as yet, been developed. However, the agenda will contain items relating to implementation of key sections of the amended Federal Insecticide, Fungicide, and Rodenticide Act. A considerable portion of the available time will also be devoted to Regional reports and to reports by the chairmen of the five Working Groups responsible to SFFIAC. In addition, the chairman of the Working Group on Training, responsible primarily to the Extension Committee on Organization and Policy, will present his report.

The meeting will be open to the public. All communications regarding this meeting should be addressed to P. H. Gray, Jr., SFFIAC Executive Secretary, Operations Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. (202) 755-7014.

Dated: January 5, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-906 Filed 1-10-77;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC. AND UNITED STATES LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 31, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discriminations or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esq., Kurrus and Ash, 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007.

Agreement 10276 would permit American Export Lines, Inc., Farrell Lines Incorporated and United States Lines, Inc., to interchange "* * * cargo containers, chassis, trailers and/or related equipment * * *" as circumstances may require in accordance with the terms of the agreement.

Dated: January 4, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-942 Filed 1-10-77;8:45 am]

PACIFIC/INDONESIAN CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 31, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. R. Rollins, Secretary, Pacific/Indonesian Conference, 635 Sacramento Street, San Francisco, California 94111.

Agreement No. 6060-21, entered into by the member lines of the Pacific/Indonesian Conference, modifies the conference agreement by adding language to Article 11 to provide the Conference Secretary with permanent authority to sign on behalf of the Conference membership and file for approval with the Federal Maritime Commission any amendments or additions to the agreement previously approved by the Conference. The additional language reads as follows:

Each of the parties hereto, hereby expressly authorize the Conference Secretary to sign on its behalf and to file for approval with the Agency charged with administering the Shipping Act of 1916, as amended, any amendments to this agreement and to the appendix to this agreement which have been duly adopted by the Conference by the vote and procedures prescribed by this agreement or by the appendix to this agreement. Any person, by the act of becoming a party to this agreement shall thereby authorize the Secretary to sign and file amendments on its behalf as provided hereinabove.

Dated: January 5, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-941 Filed 1-10-77;8:45 am]

PUERTO RICO PORTS AUTHORITY AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice of agreement filed by:

Gary R. Edwards, Esquire, Ragan & Mason, The Farragut Building, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

Agreement No. T-3199-2, which is between the Puerto Rico Ports Authority (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the parties' basic agreement providing for Sea-Land's preferential rights at and the lease of land adjacent to Berth E, Puerto Nuevo, San Juan, Puerto Rico. The purpose of the modification is to: (a) Correct a miscalculation in the square footage of the parcel to be leased by Sea-Land under the basic agreement; and (b) adjust accordingly the rental Sea-Land is to pay for its share of the facility. The basic agreement is the subject of Federal Maritime Commission Docket No. 76-46, "Agreements Nos. T-3191, et al."

The August 24, 1976, Order of Investigation and Hearing instituting Docket No. 76-46 provides that, in the event that any modification of Agreement No. T-3199 is filed with the Commission, such modification shall be made subject to Docket No. 76-46 for approval, disapproval or modification under the standards of section 15 of the Shippng Act, 1916.

Dated: January 5, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-939 Filed 1-10-77;8:45 am]

WEST INDIAN COMPANY, LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 31, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of consent of assignment filed by:

Donald O'Malley, Director, Tariff & Regulatory Affairs, Interisland Intermodal Lines, Inc., P.O. Box 2110, Jacksonville, Florida 32203.

Agreement No. T-2449-1 provides for the consent of The West Indian Company, Ltd. to an assignment whereby Berwind Lines, Ltd. assigned all its right, title and interest in Agreement No. T-2449 to Interisland Intermodal Lines, Inc., pursuant to paragraph 11 of the basic lease.

Dated: January 5, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-940 Filed 1-10-77;8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), will meet on Thursday, January 27 and Friday, January 28, 1977 at 9:30 a.m. in the national office at 2100 K Street, Room 411, Washington, D.C.

The agenda is as follows:

1. Regional library of arbitrator awards.
2. Review of roster for comparison with 29 CFR 1404 standards.
3. 1977 arbitrator symposia and arbitration conferences.
4. Current status of Office of Arbitration Services.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to:

Mr. John Canestraight, Assistant Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this third day of January 1977.

JAMES F. SCEARCE,
National Director.

[FR Doc.77-899 Filed 1-10-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-125]

ARKANSAS POWER & LIGHT CO.

Change to Cost of Money Adjustment Clauses

JANUARY 4, 1977.

Take notice that Arkansas Power & Light Company (AP&L) on December 23,

1976, tendered for filing proposed changes in the rates collected under the cost of money adjustment clauses contained in its Rate Schedules B4 and U4 for service to municipalities and rural electric cooperatives, respectively, and in its contracts for service to the City of Jonesboro, Arkansas, and Arkansas Electric Cooperative Corporation (AECC). The proposed changes would decrease revenues from service to all the customers except AECC by approximately $104,244, based on the 12 month period ending October, 1976. Revenues from service to AECC would increase approximately $272,898 during the same time period.

AP&L states that its current long-term embedded debt cost is 7.31%. Under the cost of money adjustment clauses with all customers except AECC, the base cost of long-term debt is 7.67%, calling for a reduction in the load charge for service to these customers of $20.03 per kilowatt of billing load. The base embedded long-term debt cost in the contract for service to AECC is 5.24%, thereby calling for an increase in the rate for service to that customer of $0.20 per kilowatt per month states AP&L. AP&L requests that these changes be made effective retroactively to November 15, 1976. AECC has stated that it does not object to the imposition of the increased charge as of that date.

Copies of the applicable portions of the filing were served upon AP&L's municipal and cooperative customers, Jonesboro, AECC and upon the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-866 Filed 1-10-77;8:45 am]

[Docket No. ER77-109]

DUKE POWER CO.

Supplement to Electric Power Contract

DECEMBER 30, 1976.

Take notice that Duke Power Company tendered on December 13, 1976, a supplement to Duke Power Rate Schedule FPC No. 143 which is to become effective on January 19, 1977. The customer affected by the supplement is Broad River Electric Cooperative, Inc. (customer). Duke Power's contract supplement, agreed to by the customer, provides for increases in designated demand as follows:

	Designated (kilowatts)	
	From	To
Delivery point No.:		
1	1,700	2,000
4	5,600	6,000
5	2,500	2,800

These figures were based on estimates of sales and revenues for the 12 months immediately preceding and for the 12 months immediately succeeding the effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-858 Filed 1-10-77;8:45 am]

[Docket No. E-9577]

FITCHBURG GAS AND ELECTRIC CO.

Acquisition of Facilities

JANUARY 3, 1977.

Take notice that on December 23, 1976, the Fitchburg Gas and Electric Company (FG&E) filed an application, pursuant to section 203 of the Federal Power Act, seeking authorization to purchase certain electric facilities now owned by the New England Power Company (NEP).

FG&E is an operating public utility providing electric and natural gas service to the communities of Fitchburg, Ashby, Lunenburg and Townsend and natural gas service only to the communities of Gardner and Westminster. The service area encompasses approximately 170 square miles in Northcentral Massachusetts.

The facilities to be purchased by FG&E consist of two substations, two 13.8 kV feeders, two 69 kV taps and miscellaneous customer metering and service equipment. The above described facilities were constructed by NEP to provide electric service to six industrial customers in and around the City of Fitchburg and to supply FG&E with wholesale electric service. These facilities are currently owned and operated by NEP.

NEP's wholesale service to FG&E over those facilities was terminated in 1972 when FG&E joined the New England Power Pool and made alternative arrangements to meet its requirements. Presently, these facilities serve as an interconnection between FG&E and the rest of the New England Power Pool and also in connection with transmission by NEP under contract of power to FG&E from the Boston Edison Company.

Upon implementation of the purchase and sale agreement, FG&E will own and operate these facilities and will be responsible to provide service to the six industrial customers.

FG&E requests waiver of the filing requirements of 18 CFR 33.1 and 18 CFR 33.3 (relating to filing of exhibits D, G and I). It states that waiver of the above requirements will not affect the content of required substantive information provided. FG&E further states its position that the instant acquisition is not subject to Federal Power Commission jurisdiction, claiming that the facilities involved are solely distribution facilities and hence outside the provisions of the Federal Power Act.

Any person desiring to be heard or to make any protest with reference to such application should, on or before January 17, 1977, file with the Federal Power Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-864 Filed 1-10-77;8:45 am]

[Docket No. ER77-121]

GULF STATES UTILITIES CO.

Filing

JANUARY 4, 1977.

Take notice that on December 20, 1976, in accordance with the agreements between Gulf States Utilities Company (Gulf States) and Sam Rayburn Dam Electric Cooperative, Inc. (Rate Schedule No. 98) and Gulf States and Sam Houston Electric Cooperative, Inc. (Rate Schedule No. 69), Gulf States filed the following change in the Blanchard point of delivery:

DISCONTINUED POINT OF SERVICE:

Delivery Point: Blanchard temporary point.
Effective: December 7, 1976.
Location: North of Livingston, Texas on Line 419.
Voltage: 13.2 KV.

AN ADDITIONAL POINT OF SERVICE:

Delivery Point: Blanchard permanent point.
Effective: November 24, 1976.

Location: 4.7 miles east of the junction of FM 356 and Highway 190 on Line 419.
Voltage: 13.2 KV.
Load: 7,500 KVA.

The Company states that copies of the filing have been mailed to the Sam Rayburn Dam Electric Cooperative, Inc. and to the Sam Houston Electric Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-874 Filed 1-10-77;8:45 am]

[Docket No. ER76-716]

INDIANA & MICHIGAN ELECTRIC CO.

Intention To Serve

DECEMBER 30, 1976.

Take notice that Indiana & Michigan Electric Company ("I&M") on December 1, 1976 tendered for filing an unsigned agreement with the City of Richmond, Indiana ("Richmond"). I&M states that the instant filing is made pursuant to the Company's filed FPC Electric Tariff WS, as amended, and filed with the Commission, as amended, on May 28, 1976.

I&M states that the reason for the proposed changes is to place Richmond on Tariff WS upon the termination on December 31, 1976 of the existing agreement with Richmond. I&M requests an effective date for the filing so made of January 1, 1977. In an order issued June 25, 1976 the Commission accepted I&M's proposed changes in its FPC Electric Tariff WS, suspended the same for one month and permitted such changes to become effective, subject to refund on and after July 27, 1976.

I&M states that copies of the filing were served upon the City of Richmond and upon the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-865 Filed 1-10-77;8:45 am]

[Docket No. ES76-60]

IOWA SOUTHERN UTILITIES CO.

Application

JANUARY 3, 1977.

Take notice that on December 21, 1976, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of $10,000,000 principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

The Bonds will be dated February 1, 1977 and will mature on or before February 1, 2007 and will bear interest at a rate corresponding to the rate payable on pollution control bonds to be issued by the City of Chillicothe, Iowa for use in the construction of pollution control facilities which will be a part of the Ottumwa Generating Station, a plant jointly owned by Applicant and Iowa Power and Light Company, Iowa Public Service Company and Iowa-Illinois Gas and Electric Company. The Applicant proposes to issue its first Mortgage Bonds as additional security for the repayment of the principal and interest of the City of Chillicothe pollution control bonds which bonds are not general obligation bonds of the City of Chillicothe or in any way guaranteed by or the obligation of the City of Chillicothe, Iowa.

The proceeds from the sale of the pollution control bonds will be used to construct a portion of the pollution control facilities at the Ottumwa Generating Station which the Applicant is required to construct. There will be no proceeds from the First Mortgage Bonds of the Applicant since such bonds will be used for security purposes only.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 19, 1977, filed with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-863 Filed 1-10-77;8:45 am]

[Docket No. E-9485]

KANSAS GAS & ELECTRIC CO.

Refund Report

JANUARY 4, 1977.

Take notice that on December 6, 1976, Kansas Gas & Electric Company (KG&E) tendered for filing a report in compliance with Paragraph C of the Commission's Order Approving Settlement Agreement issued in the captioned docket on July 21, 1976. In its report, KG&E states that on November 24, 1976, it made refunds of all revenues collected in excess of the settlement rates plus interest at 9.7 per annum.

Any person desiring to be heard or to protest said report should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 17, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this report are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-873 Filed 1-10-77;8:45 am]

[Docket No. CP77-98]

MONTANA-DAKOTA UTILITIES CO.

Application

JANUARY 4, 1977.

Take notice that on December 16, 1976, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP77-98 an application pursuant to section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the twelve-month period beginning April 1, 1977, and ending March 31, 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $2,900,000 and that the cost of any single project would not exceed $725,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before Janu-

ary 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-869 Filed 1-10-77;8:45 am]

[Docket Nos. RP72-154; PGA76-5; RP74-72; DCA76-3; RP73-109 and RP74-95; AP76-1]

NORTHWEST PIPELINE CORP.

Certification of Settlement To the Commission

JANUARY 4, 1977.

Take notice that on December 10, 1976, Northwest Pipeline Corporation (Northwest) submitted a Stipulation and Agreement (Stipulation) in the above-styled proceeding for certification to the Federal Power Commission by the Presiding Administrative Law Judge. The Stipulation, along with the prepared testimony of Tim J. Hausler, Manager of Rates, and Exhibits 1 through 4 sponsored by Mr. Hausley in support thereof, were introduced into the record at the December 10, 1976, hearing. If approved, the proposed Stipulation will resolve all issues in Docket Nos. RP73-109 and RP74-95 (AP76-1) relating to the lawfulness of Northwest's proposed rate increase attributable to advance payments.

On December 13, 1976, the Presiding Administrative Law Judge certified to the Commission the Stipulation, the testimony of Mr. Hausler, and Exhibits 1 through 4.

Any person desiring to comment upon the Stipulation should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 21, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-868 Filed 1-10-77;8:45 am]

[Docket No. ER77-126]

PACIFIC GAS AND ELECTRIC CO.

Tariff Change

JANUARY 4, 1977.

Take notice that on December 27, 1976, Pacific Gas and Electric Company (PG&E) tendered for filing a notice of change in contract provisions increasing charges for certain electric energy exchange services for the United States Bureau of Reclamation (USBR) under its Original Volume No. 4. The proposed effectve date for the contract amendment is December 31, 1976. PG&E states that the proposed contract amendment has been agreed to by USBR in an amendment agreement executed December 22, 1976.

Copies of the filing were served upon the United States Department of the Interior and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 19, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-871 Filed 1-10-76;8:45 am]

[Docket No. ER77-124]

PUBLIC SERVICE CO. OF NEW MEXICO

Agreement

JANUARY 4, 1977.

Take notice that Public Service Company of New Mexico (Company) on December 22, 1976 tendered for filing an agreement to provide surplus electric energy to the City of Farmington, New Mexico (Farmington).

This agreement was initiated to permit Company to furnish Farmington with electric energy that is surplus to Company as return energy to be delivered to the United States Bureau of Reclamation Colorado River Storage Project to be credited to the account of Farmington. The Company states that the agreement is to become effective on October 1, 1978 subject to FPC approval and has, therefore, requested a waiver of the notice requirements. The Company further states that the proposed rate for the contract period has been agreed upon by the parties and that copies of the filing have been mailed to the Mayor of the City of Farmington, New Mexico and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commisson's Rules of Practice and Procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-872 Filed 1-10-77;8:45 am]

[Docket No. ER77-122]

PUBLIC SERVICE CO. OF NEW MEXICO

Supplement to Interconnection Agreement

JANUARY 4, 1977.

Take notice that on December 22, 1976, Public Service Company of New Mexico (PNM) tendered for filing a supplement to an Interconnection Agreement (designated PNM Rate Schedule FPC No. 9) with El Paso Electric Company (El Paso). The supplement is in the form of a Service Schedule providing surplus transmission capacity for the delivery of El Paso's electrical energy.

PNM requests waiver of the notice requirement pursuant to § 35.11. PNM states that the proposed rate has been agreed upon by the parties and that copies of the filing have been mailed to El Paso Electric Company and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in acordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file

with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-876 Filed 1-10-77;8:45 am]

[Docket No. ER77-123]

PUBLIC SERVICE CO. OF NEW MEXICO

Supplemental Agreement

JANUARY 4, 1977.

Take notice that Public Service Company of New Mexico (Company) tendered for filing on December 22, 1976 a Supplemental Agreement to a Transmission Service Agreement between Company and the United States Energy Research and Development Administration (ERDA) which will supplement Company's Rate Schedule FPC No. 23 and which provides for transmission service over Company facilities for ERDA power and energy.

This Supplemental Agreement reflects that ERDA has succeeded to all rights and duties of the Atomic Energy Commission under the subject agreement and ERDA's contract with the United States Bureau of Reclamation Colorado River Storage Project (CRSP) for peaking power purchases which require increased transmission capacity. The Company states that the rate for service remains unchanged and that the effective date of the Supplemental Agreement has been established by the parties to be December 1, 1975. The Company has requested a waiver of the notice requirements. Copies of the filing have been mailed to jurisdictional customers and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-875 Filed 1-10-77;8:45 am]

[Docket Nos. ER76-308, and ED76-366]

PUBLIC SERVICE CO. OF NEW MEXICO

Filing

JANUARY 4, 1977.

Take notice that Public Service Company of New Mexico (Company) on December 22, 1976, tendered for filing an agreement to provide power and energy for the Energy Research and Development Administration, Albuquerque, New Mexico. The Company states that the agreement incorporates the charges previously approved by this Commission as Supplement No. 7 to the Company's Rate Schedule FPC No. 10 by order dated September 8, 1976 in Docket Nos. ER76-308 and ER76-386.

The Company states that the electric service agreement was initiated to continue to provide the Energy Research and Development Administration with electric service at Los Alamos, New Mexico. The Company states that it did not submit this agreement in the original filing as it had not been approved by ERDA. ERDA's approval was obtained November 26, 1976, and the Company, therefore, now submits an agreement as approved by ERDA.

The Company states that copies of the filing were served upon the public utility's jurisdictional customer being served under this agreement and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-867 Filed 1-10-77;8:45 am]

[Docket No. CP77-88]

STANDARD PACIFIC GAS LINE INC.

Notice of Application

JANUARY 4, 1977.

Take notice that on December 13, 1976, Standard Pacific Gas Line Incorporated (Applicant), 77 Beale Street, San Francisco, California 94106, filed in Docket No. CP77-88 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement of an 8.9-mile portion of its existing pipeline between its Los Medanos Junction and its Los Medanos Storage Field Tap with facilities of larger capacity, the construction of pressure limiting facilities, and the operation of these facilities at 600 psig, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it was granted authority to operate the subject existing facilities by order of the Commission issued January 24, 1958. Applicant states that it has been engaged in an ongoing replacement program in order to replace those portions of its existing pipeline system which have deteriorated and which no longer meet the safety standards prescribed by the California Public Utilities Commission and the Department of Transportation. It also stated that portions of its pipeline system have been replaced in order to facilitate numerous public and private construction projects. In accordance with this replacement program, it is indicated, pipeline of a heavier wall gauge and in some cases larger diameter have been installed on occasion. It is indicated that the purpose of the replacements proposed herein is to upgrade further portions of the existing pipeline so as to allow for operation at 600 psig rather than the current maximum of 315 psig and to establish a uniform diameter of 26-inches for the whole 8.9 miles of pipeline.

Applicant proposes to replace the following pipeline segments as indicated:

Mile post to mile post	Length (feet)	Diameter (inches)		Pressure (pounds per square inch gage)	
		Existing	Future	Existing	Future
167.5 to 168.1	3,528	26	26	315	600
169.0 to 169.3	1,525	26	26	315	600
174.2 to 174.4	1,427	24	26	315	600
175.6 to 176.2	2,907	22	26	315	600

In addition, Applicant proposes to install pressure limiting facilities at Los Medanos Junction (Mile Post 167.3) and Los Medanos Storage Field Tap (Mile Post 176.2) and to operate its pipeline at 600 psig between those points.

Applicant estimates that the total cost of its proposal would be $1,298,000. Applicant further states that the proposal would be financed by capital contributions from Pacific Gas and Electric Company (Pacific) and Standard Oil Company of California in a ratio of their capital interests in the Applicant or six-sevenths and one-seventh, respectively.

It is stated that the proposed replacement is required to enable Applicant to deliver increased volumes to Pacific for storage at Pacific's Los Medanos gas storage field in Contra Costa County, California.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 24, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and

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the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commisson on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-870 Filed 1-10-77;8:45 am]

[Docket No. CP77-108]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

DECEMBER 30, 1976.

Take Notice that on December 23, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United) all as more fully set forth in the application on file with the Commission and open to public inspection.

By its application, Tennessee requests authorization to transport up to 300,000 Mcfd of natural gas for United through Tennessee's Sabine-Kinder pipeline in Calcasieu Parish, Louisiana. The purpose of the proposed transportation is to enable United to receive into its pipeline system gas which will be available to United from the High Island Offshore System (HIOS), upon completion of the facilities authorized in Docket No. CP75-81, et al.

Tennessee proposes to take receipt of such volumes from Transcontinental Gas Pipe Line Corporation (Transco), for the account of United, at a proposed point of interconnection of the facilities of Tennessee and Transco on Tennessee's Sabine-Kinder pipeline located at Tennessee's MP 820 −+15.11 miles near Starks, Calcasieu Parish, Louisiana.

Tennessee proposes to deliver equivalent daily quantities of natural gas to United at various existing delivery points to United in Louisiana and Mississippi.

For the volumes of gas transported and delivered at each delivery point, Tennessee will charge a rate based upon its then effective 100 Mcf-Mile charge, computed on the basis of a 100 percent load factor and utilizing Tennessee's then current system average transmission cost of service applied to the distance in miles between the receipt point and the applicable delivery point.

Tennessee states that it has sufficient existing capacity in its Sabine-Kinder pipeline and in its gas supply area facilities to render the transportation service for United up to the volumes proposed without the need for any additional facilities. Tennessee further states that the proposed service will not impair Tennessee's service to any of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-859 Filed 1-10-77;8:45 am]

[Docket No. RI77-17]

TEXAS ENERGIES, INC.

Petition for Special Relief

JANUARY 3, 1977.

Take notice that on December 9, 1976, Texas Energies, Inc., Suite 306, Bank of the Southwest Building, Amarillo, Texas 79109, filed a petition for special relief in Docket No. RI77-17 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge $1.15 per Mcf for the sale of gas to Panhandle Eastern Pipeline Company from a well located on section 15-33S-33W, in Seward County, Kansas, in consideration for the installation of compression equipment. The subject gas is currently being sold at the rate of 35 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 26, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-856 Filed 1-10-77;8:45 am]

[Docket No. RI77-16]

TEXAS ENERGIES, INC.

Notice of Petition for Special Relief

JANUARY 3, 1977.

Take notice that on December 9, 1976, Texas Energies, Inc., Suite 306, Bank of the Southwest Building, Amarillo, Texas 79109, filed a petition for special relief in Docket No. RI77-16 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge $1.25 per Mcf for the sale of gas to Panhandle Eastern Pipeline Company from a well located on section 21-33S-29W, in Meade County, Kansas, in consideration for reworking the well and installing compression and artifical lift equipment. The subject gas is currently being sold at the rate of 35 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 26, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must

file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-857 Filed 1-10-77;8:45 am]

[Docket No. RP72-156 (PGA 77-3) and RP 72-64 (DCA 77-1); RP 76-17 (AP 77-1)]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

DECEMBER 30, 1976.

Take notice that Texas Gas Transmission Corporation, on December 15, 1976, tendered for filing proposed changes in the following sheets:

THIRD REVISED VOLUME NO. 1

Eighteenth Revised Sheet No. 7

ORIGINAL VOLUME NO. 2

Ninth Revised Sheet No. 333
Eighth Revised Sheet No. 362
Ninth Revised Sheet No. 363
Eighth Revised Sheet No. 365

These sheets are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause. Also reflected are changes in the costs associated with advance payments and offshore transportation pursuant to the provisions of the Stipulation and Agreement approved by the Commission in Docket No. RP76-17.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-861 Filed 1-10-77;8:45 am]

[Docket No. RP75-74]

TRANSWESTERN PIPELINE CO.

Certification of Settlement Agreement

JANUARY 3, 1977.

Take notice that on December 21, 1976, Presiding Administrative Law Judge Israel Convisser certified to the Commission a proposed settlement agreement in the above-captioned proceeding. In his memorandum of certification, Judge Convisser states that certain issues arising in this proceeding (set forth at pages 8-9 of the agreement) have been reserved for hearing, now scheduled to commence January 18, 1977. The rate of return issue has also been reserved; parties are to file their comments on this issue directly with the Commission.

Any person desiring to file comments or to protest any aspect of the proposed settlement agreement, including comments on the reserved rate of return issue, should file same with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 11, 1977. Reply comments should be filed on or before March 11, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-855 Filed 1-10-77;8:45 am]

[Docket Nos. ER76-303 and ER76-399]

WISCONSIN ELECTRIC POWER CO.; WISCONSIN MICHIGAN POWER CO.

Filing of Settlement Agreement

JANUARY 3, 1977.

Take notice that on December 13, 1976, a Settlement Agreement filed in the captioned proceedings by Wisconsin Electric Power Company and Wisconsin Michigan Power Company was filed with the Commission. According to the companies, based on a Period II test year ended July 1976, the two rates filed in this proceeding produced a total increase of $3,496,000 over the then effective rates filed in Docket No. E-8619. On the same test-year basis, the Settlement Agreement would reduce that increase to $2,070,000.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before January 10, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-860 Filed 1-10-77; 8:45 am]

[Docket No. RP72-133; PGA Nos. 77-1 and 77-1a]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions

DECEMBER 29, 1976.

On November 15, 1976, United Gas Pipe Line Company (United) tendered for filing Thirty-Fifth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This proposed sheet reflects an 11.57¢ per Mcf semi-annual purchased gas adjustment (PGA) increase which would allow United to collect approximately $66 million in revenues.[1] United tendered for filing on November 24, 1976, Thirty-Sixth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This filing reflects an additional 14.11¢ per Mcf PGA increase pursuant to Opinion No. 770-A which would allow United to collect approximately $103 million per year in additional revenues. For the reasons stated below, the Commission shall accept the Thirty-Fifth Revised Sheet and suspend its operation for one day, accept the Thirty-Sixth Revised Sheet, and set forth the conditions upon which this acceptance is granted.

The proposed PGA adjustment tendered by these two filings is based upon a rolled-in systemwide average cost of gas. United's average cost of gas includes emergency purchases at rates in excess of Opinion No. 770-A and certain alleged non-jurisdictional purchases. With regard to the non-jurisdictional purchases, the Commission notes that the justness and reasonableness of these purchases has been raised as an issue in Docket Nos. RP74-20 and RP74-83 and CP76-238. There cases are presently before the Commission pending decision. Accordingly, the inclusion of costs associated with such purchases in the instant filing shall be subject to the final decision on this issue in the cited dockets.

The emergency purchases included in United's average cost of gas for this filing are in excess of the amounts allowed by Opinion No. 770-A. To assist the Commission's review of these emergency purchases to determine what further action is necessary, United shall file and serve on all its customers and interested state commissions within thirty days of the issuance of this order, evidence showing: (1) its need for the gas; (2) availability of other gas supplies; (3) the amount of gas purchased under each transaction; (4) a comparison of the price for each emergency purchase with appropriate market prices in the same or nearby areas; and (5) the relationship between the buyer and seller in each transaction. Upon receipt of this information and after comments concerning this information are received, the Commission shall review the entire matter to determine what further action is necessary and appropriate.

The proposed rate increases tendered for filing by United in this proceeding have not been shown to be just and reasonable and, therefore, they may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, the Commission shall accept United's Thirty-Fifth Revised Sheet No. 4 for filing and suspend its operation for one day and shall accept Thirty-Sixth Revised Sheet No. 4 for filing as of January 2, 1977. Such acceptance is subject to the conditions set forth in this order.

The Commission orders: (A) United's Thirty-Fifth Revised Sheet is hereby ac-

[1] This includes $36.5 million for increased purchased gas costs and $27.5 million in deferred costs.

cepted for filing and the use thereof suspended for one day, that is, until January 2, 1977, at which time it shall be permitted to become effective, subject to refund, pending a final Commission decision in this proceeding.

(B) United's Thirty-Sixth Revised Sheet No. 4 is hereby accepted for filing and is permitted to go into operation on January 2, 1977.

(C) The acceptance ordered in (A) and (B), above, is subject to these conditions: (1) United shall file a downward revision of these rates if it does not incur all anticipated producer increases by January 1, 1977; and, (2) the inclusion of costs related to non-jurisdictional purchases is subject to the outcome of the proceedings in Docket Nos. RP74-20 and RP74-83 and CP76-238.

(D) United shall file and serve on all its customers and interested state commissions evidence relating to the specific issues raised in this order regarding the emergency purchases United seeks to have included in the instant rates.

(E) United shall be permitted to file a revised sheet to be effective January 1, 1977, reflecting only that portion of the proposed adjustment including costs other than those related to emergency purchases at rates in excess of the levels established in Opinion No. 770-A and non-jurisdictional purchases.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-862 Filed 1-10-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 51]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending December 18, 1976

ACTIONS OF THE BOARD

Structural adjustment in reserve requirements on demand deposits (Docket No. R-0069).

Regulation Z, Truth in Lending, supplement specifying the procedures and criteria under which States may be granted exemptions under the Fair Credit Billing Act (Docket No. R-0067).

Regulation T, Credit by Brokers and Dealers, notice of proposed rulemaking; credit to exchange specialists in options; the Board requested comment on the proposed amendment through January 17, 1977 (Docket No. R-0054).

Amendment of Board's Rules Regarding Delegation of Authority to delegate to any member of the Board designated by the chairman the authority to approve amendments to notices of charges, proposed orders to cease and desist, and temporary cease-and-desist orders, previously approved by the Board pursuant to the Financial Institutions Supervisory Act (Docket No. R-0068).

Mark Twain Bancshares, Inc., St. Louis, Missouri, Board letter determining to accept the revised financial plan as an alternative to the commitment to make a public equity offering.

Central State Bank, Connersville, Indiana, issuance of subordinated capital notes.

Corpus Christi Bank and Trust, Corpus Christi, Texas, issuance of subordinated capital notes.

Texas Bank & Trust Company of Dallas, Dallas, Texas, issuance of subordinated capital notes.

First Federal Savings and Loan Association of Syracuse, Syracuse, New York, proposed merger with The New York Bank for Savings, New York, New York; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Eastpoint Savings Bank, Eastport, Maine, proposed merger with Bangor Savings Bank, Bangor, Maine, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

First City Bancorporation of Texas, Inc., Houston, Texas, extension of time to March 15, 1977, within which to consummate and complete the opening of Red Bird National Bank, Dallas, Texas.[1]

Deseret Bancorporation, Pleasant Grove, Utah, extension of time to March 19, 1977, within which to acquire shares of the successor by merger to Bank of Pleasant Grove, Pleasant Grove, Utah; State Bank of Lehi, Lehi, Utah; Mountain View Bank, American Fork, Utah, existing banks; and Geneva State Bank of Orem, Orem, Utah, a proposed new bank.[1]

State Bank of Raritan Valley, Raritan, New Jersey, extension of time within which to establish a branch at intersection of Amwell Road and South Branch Road, Hillsborough Township, New Jersey.[1]

Detroit Bank—Troy, Troy, Michigan, extension of time to April 24, 1977, within which to establish branches at the southwest corner of Crooks and Maple Roads, and at the southeast corner of the intersection of Maple and John R. Roads, both of Troy, Michigan.[1]

First Mason Bank, Mason, Ohio, investment in bank premises.[1]

Central State Bank, Muscatine, Iowa, investment in bank premises.[1]

First State Bank, Porter, Indiana, investment in bank premises.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Central State Bank, Muscatine, Iowa. Branch to be established at 401 Grandview Avenue, Muscatine, Muscatine County.[2]

Union Bank & Trust Company, Evansville, Wisconsin. Branch to be established at the corner of North Madison and Mills Streets, Evansville.[2]

Union California Bank, Los Angeles, California. Branch to be established in the vicinity of the intersection of Imperial Highway and the Orange Freeway, City of Brea, Orange County.[2]

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To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Bradford Trust Company, New York, New York.[2]

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

Northwestern Trust Company, New York, New York.[2]

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International Investments and Other Actions Pursuant to Sections 25 and 25 (a) of the Federal Reserve Act and Sections 4(c) (9) and 4(c) (13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Citibank Overseas Investment Corporation: Investment—to acquire Trinkaus & Burkhardt (International) S.A., Luxembourg, a de novo Bank.

Marine Midland Western International Corporation: Investment add'l in MM Builders Funds Limited, Canada, increasing its ownership to 100 percent.

Bamerical International Financial Corporation: Investment—to acquire BankAmerica Representacao E Servicos Limitada, Sao Paulo, Brazil.

Security Pacific Overseas Corporation: Investment—add'l in Banco Denasa de Investimento S.A., Brazil, to maintain 20 percent interest.

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To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act of 1956.

DENIED

Gaylord Bankshares, Inc., Gaylord, Kansas, for approval to acquire 80 percent or more of the voting shares of the First National Bank of Gaylord, Gaylord, Kansas.

APPROVED

Boyden Bancorp, Boyden, Iowa, for approval to acquire 81.7 percent of the voting shares of Farmers Savings Bank, Boyden, Iowa.

The First Arabian Corporation, Paris, France, for approval to acquire 77.4 percent or more of the voting shares of Bank of the Commonwealth, Detroit, Michigan.

First Company, Powell, Wyoming, for approval to acquire 80 percent or more of the voting shares of The First National Bank of Powell, Powell, Wyoming.[2]

Osborn Bancshares, Inc., Osborn, Missouri, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Bank of Osborn, Osborn, Missouri.[2]

Fredericksburg Financial Corporation, Fredericksburg, Texas, for approval to acquire 81 percent or more of the voting shares (less directors' qualifying shares) of Fredericksburg National Bank, Fredericksburg, Texas.[2]

To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

APPROVED

Dakota Bancorporation, Rapid City, South Dakota, for approval to acquire 80 percent of the voting shares of First National Bank of Crosby, Crosby, North Dakota, a proposed new bank.

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To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to Section 3 of the Bank Holding Company Act of 1956.

APPROVED

First Chicago Corporation, Chicago, Illinois, for approval to retain the shares of Marco Capital Corporation, Wilmington, Delaware and indirectly acquire Marshall County Bank & Trust Company, Plymouth, Indiana.[2]

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To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956.

WITHDRAWN

Fidelity Union Bancorporation, Newark, New Jersey, notification of intent to engage in ience insurance) at Lebanon Valley Mall, *de novo* activities (casualty and convenience insurance) at Lebanon Valley Mall, Route 422, West Lebanon, Pennsylvania, through its subsidiary, Suburban Finance Company and its subsidiary, Sentry Consumer Discount Company (11/9/76 and 11/22/76).[3]

REACTIVATED

First Pennsylvania Corporation, Philadelphia, Pennsylvania, notification of intent to engage in *de novo* activities (making, acquiring, or servicing for its own account or for the account of others, loans or other extensions of credit in particular commercial lending related to lease transactions and conditional sales financing) at Centre Square West, 16th and Market Streets, Philadelphia, Pennsylvania, through its subsidiary, First Pennsylvania Leasing, Inc. (12/17/76).[3]

PERMITTED

Fidelity Union Bancorporation, Newark, New Jersey, notification of intent to engage in *de novo* activities (making loans in the present maximum amount of $5,000 or less under the provisions of the Pennsylvania Consumer Discount Company Act; and making available to customers, credit life insurance and disability insurance covering the unpaid balance of loans outstanding, and fire and theft insurance to protect household goods held at collateral during the periods of credit extensions) at Lebanon Valley Mall, Route 422, West Lebanon, Pennsylvania, through its subsidiary, Suburban Finance Company and its subsidiary, Sentry Consumer Discount Company (12/16/76).[3]

St. Joseph Bank and Trust Company and St. Joseph Agency, Inc., both of South Bend, Indiana, notification of intent to engage in *de novo* activities (originating, acquiring, selling, and servicing of residential, commercial, and industrial mortgage loans) in the vicinity of 86th and Virginia, Merrillville, Indiana, through its subsidiary, St. Joseph Mortgage Co., Inc. (12/12/76).[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits, investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect; the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 per cent of the acquisition cost of the property to the lessor and in the case of a lease of not more than 7 years in duration, such additional amount, which shall not exceed 60 per cent of the acquisition cost of the property as may be provided by an unconditioned guarantee by a lessee, independent third party, or manufacturer which has been determined by the lessor to have the financial resources to meet such obligation that will assure the lessor recovery of its investment and cost of financing; acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company, secured or unsecured, with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owed by debtors and with regard to consumer credit related property and casualty insurance on personal property subject to security agreements with Rainier Credit Company) at 10080 North Wolfe Road, Cuperinto, California, through its subsidiary, Rainier Credit Company (12/16/76).[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits, investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect; the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 per cent of the acquisition cost of the property to the lessor and in the case of a lease of not more than 7 years in duration, such additional amount, which shall not exceed 60 per cent of the acquisition cost of the property as may be provided by an unconditional guarantee by a lessee, independent third party, or manufacturer which has been determined by the lessor to have the financial resources to meet such obligation that will assure the lessor of recovery of its investment and cost of financing; acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company, secured or unsecured with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owed by debtors and with regard to consumer credit related property and casualty insurance on personal property subject to security agreements with Rainier Credit Company) at 1241 East Shaw Avenue, Fresno, California, through its subsidiary, Rainier Credit Company (12/16/76).[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including the making of consumer installment loans, purchasing consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property and where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property and cost of financing; the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits, investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect; the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 per cent of the acquisition cost of the property to the lessor and in the case of a lease of not more than 7 years in duration, such additional amount, which shall not exceed 60 per cent of the acquisition cost of the property as may be provided by an unconditional guarantee by a lessee, independent third party, or manufacturer which has been determined by the lessor to have the financial resources to meet such obligation that will assure the lessor of recovery of its investment and cost of financing; acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company secured or unsecured with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owed by debtors and with regard to consumer credit related property and casualty insurance on personal property subject to security agreements with Rainier Credit Company) at 8888 S.W. Canyon Road, Portland, Oregon, through its subsidiary, Rainier Credit Company (12/16/76).[3]

APPLICATIONS RECEIVED

To Establish a Domestic Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

United American Bank, Memphis, Tennessee. Branch to be established at 5384 Poplar Avenue, Memphis.

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The following was typed in error in H.2 No. 48, the correct listing is below:

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Citibank N.A.: Branch—two in Liberia, one each in Monrovia and Yekepa.

Wells Fargo Bank, N.A.: Branch—Singapore, Republic of Singapore.

• • • • • •

Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

Citibank N.A.: Branch—two in Egypt, one each in Alexandria and Port Said.

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[3] 4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act of 1956.

Manufacturers Bancorp., Inc., Leavenworth, Kansas, for approval to acquire 90.1 percent of the voting shares of The Manufacturers State Bank, Leavenworth, Kansas, Leavenworth, Kansas.

To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

T.N.B. Financial Corp., Springfield, Massachusetts, for approval to acquire 100 percent of the voting shares of the successor by merger to The First National Bank of Athol, Athol, Massachusetts.

Pacesetter Financial Corporation, Grand Haven, Michigan, for approval to acquire 100 percent of the voting shares of the successor by consolidation to First Security Bank of Grand Blanc, Grand Blanc, Michigan.

Fort Sam Houston BankShares, Incorporated, San Antonio, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Northern Hills Bank of San Antonio, San Antonio, Texas.

. . . . . .

To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956.

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in *de novo* activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services or otherwise sold as a matter of convenience to the purchaser) at 715 W. Oglethorpe Boulevard, Albany, Georgia, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (12/13/76).[6]

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (making consumer installment personal loans, purchasing consumer installment sales finance contracts; and acting as broker for the sale of consumer credit related life/accident and health insurance; the insurance which the establishment offers to sell is group credit life/accident and health insurance to cover the outstanding balances of loans to borrowers in the event of their death, or, to make the contractual monthly payments on the loans in the event of the borrowers' disability; individual physical damage insurance on personal property subject to security agreements including liability only when such insurance is sold as part of an insurance package on such property is also offered; the additional activities are as follows: consumer home equity lending secured by real estate, making loans for the account of others such as one-to-four family unit mortgage loans; the offering to sell of level (in the case of single payment loans) term life insurance to cover the outstanding balances of consumer credit transactions, singly or jointly, with their spouses or co-signers in the event of death, or, to make the contractual monthly payments on the consumer credit transactions in the event of the obligators' disability to the extent permissible under applicable State insurance laws and regulations; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general insurance agency) from 221 East Camelback Road, Phoenix, Arizona to Town & Country Shopping Center, 2077 East Camelback Road, Phoenix, Arizona; from 3832 E. Thomas Road, Phoenix, Arizona to Miller Plaza Shopping Center, Scottsdale, Arizona; and from 3826 W. Indian School Road, Phoenix, Arizona to Metro Center Shopping Center, 9861 Metro Parkway West, Phoenix, Arizona, through its subsidiary, Nationwide Financial Services Corporation and its subsidiary, Nationwide Financial Corporation of Arizona (12/14/76).[3]

First Amtenn Corporation, Nashville, Tennessee, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company including secured and unsecured loans to individuals, discounting of installment sales contracts, and secured commercial financing such as dealer floor-plan financing and lease financing; and acting as agent or broker in selling the following types of insurance to borrowing customers: Credit life insurance, accident and health insurance, and property damage insurance on collateral supporting loans made by Atlantic Discount Company, Inc.) at 3375 34th Street North, St. Petersburg, Florida, through a subsidiary, Atlanta Discount Company, Inc. (12/13/76).[6]

First Alabama Bancshares, Inc., Montgomery, Alabama, notification of intent to engage in *de novo* activities (to engage in the activities of leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property) at 182 St. Francis Street, Mobile, Alabama, through a subsidiary, First Alabama Leasing, Inc. (12/16/76).[3]

Flagship Banks Inc., Miami Beach, Florida, notification of intent to engage in *de novo* activities (acting as agent for the sale of credit life and credit accident and health insurance and other credit related insurance that is directly related to extensions of credit by the bank holding company and/or its banking and non-banking subsidiaries) at West Bay Street, Davenport, 120 South Lake Shore Way, Lake Alfred, and Jones Avenue at 6th Street, Haines City, all located in Florida, through a subsidiary, Seaforth Inc. (12/13/76).[3]

Commercial National Corporation, Peoria, Illinois, for approval to acquire all of the shares of Commercial National Management Consulting Company, Peoria, Illinois (engaged in providing management consulting advice to nonaffiliated commercial banks with respect to auditing, marketing, mergers and acquisitions, site planning, financial planning, computer applications, capital adequacy, security measures and procedures and personnel evaluation and compensation).

The First National Bancorporation, Inc., Denver, Colorado, notification of intent to engage in *de novo* activities (acting as agent for the sale of credit life, credit accident and health insurance on borrowers who have been extended credit by a bank or bank-related firm which is a member of The First National Bancorporation, Inc. system) at The First National Bank of Montrose, 400 Main Street, Montrose Colorado, through a subsidiary, First Denver Insurance Agency, Inc. (12/17/76).[3]

Fremont Bancorporation, Fremont, California, notification of intent to engage in *de novo* activities (acting as investment or financial adviser including providing portfolio and investment advice to any person) at 39150 Fremont Boulevard, Fremont, California (11/15/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate *de novo* activities (making loans, extending credit, servicing loans and other extensions of credit for itself and others and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, providing funds and/or credit services in connection with the financing of stock and floor plan inventory of distributors and dealers of consumer products; making available to such dealers at their option and cost, fire, theft, and damage insurance on a monthly reporting basis covering only the outstanding indebtedness on such floor plan inventory) from Office "A", 3800 Union Road to The Cleveway Building Penthouse, Suite 3343, Harlem Road, Cheektowaga, New York, through its indirect subsidiaries, Ariens Credit Corporation (a Pennsylvania Corporation), BA FinanceAmerica Corporation (a New York Corporation), and Hupp Credit Corporation (a Delaware Corporation), subsidiaries of FinanceAmerica Corporation (12/8/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate *de novo* activities (making loans, extending credit, and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, making consumer installment loans, purchasing installment sales finance contracts, and making loans to small businesses and extensions of credit secured by real or personal property; acting as agent or broker for the sale of credit related life, credit related accident and disability insurance, and credit related property insurance in connection with extensions of credit by FinanceAmerica Corporation) from 4800 Johnson Drive, Mission, Kansas to 3100 South 24th Street, Kansas City, Kansas, through its indirect subsidiary, FinanceAmerica Corporation (a Kansas Corporation), subsidiary of FinanceAmerica Corporation (12/8/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate *de novo* activities (making loans, extending credit, and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, purchasing installment sales finance contracts on vehicles, mobile homes, pleasure equipment, and home improvements; acting as agent or broker for the sale of credit related life, credit related accident and disability insurance, and credit related property insurance in connection with extensions of credit by FinanceAmerica Credit Corporation) from 2103 Swift, Suite 101, North Kansas City, Missouri to 3100 South 24th Street, Kansas City, Kansas, through its indirect subsidiary, FinanceAmerica Credit Corporation (a Delaware Corporation), subsidiary of FinanceAmerica Corporation (12/8/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate *de novo* activities (making loans, extending credit, servicing loans and other extensions of credit for itself and others and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, purchasing installment sales finance contract, providing funds and/or credit services in connection with the financing of stock and floor plan inventory of distributors and dealers of consumer products; making available to such dealers at their option and cost, fire, theft, and damage insurance on a monthly reporting basis covering only the outstanding indebtedness on such floor plan inventory) from 5600 W. 95th Street, Overland Park, Kansas, to 3100 South 24th Street, Kansas City, Kansas, through its indirect subsidiaries, FinanceAmerica Private Brands, Inc. (a Pennsylvania Corporation), Ariens Credit Corporation (a Pennsylvania Corporation), Hupp Credit Corporation (a Delaware Corporation), and Mercredit Corporation (a Pennsylvania Corporation), subsidiaries of FinanceAmerica Corporation (12/8/76).[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate de novo activities (the origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties for its own account or for the sale to others and the servicing of such loans for others) from 4425 East Broadway to 6840 East Broadway, Tucson, Arizona, through its subsidiary, Security Pacific Mortgage Corporation (12/6/76).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit for any person) at 572 East Green Street, Pasadena, California, through a newly formed indirect subsidiary to be called Kern Mortgage Company, a subsidiary of Wells Fargo Realty Services, Inc. (12/10/76).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; leasing personal or real property or acting as agent, broker, or adviser in leasing such property where the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property and where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits, investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect and the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 percent of the acquisition cost of the property to the lessor) at 16600 Sprague Road, Cleveland, Ohio, through its subsidiary, Wells Fargo Leasing Corporation, Wells Fargo Transport Leasing Corporation and a newly-formed subsidiary to be called Wells Fargo Equipment Leasing Corporation (12/8/76).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; leasing personal or real property or acting as agent, broker, or adviser in leasing such property where the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property and where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits, investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect and the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 percent of the acquisition costs of the property to the lessor) at 425 California Street, San Francisco, California; 100 East 42nd Street, New York, New York; 208 South LaSalle, Room 1822, Chicago, Illinois; 1770 St. James Place, Suite 205, Houston, Texas; 2230 E. Imperial Highway, Suite 510, Los Angeles, California; through a newly-formed subsidiary to be called Wells Fargo Equipment Leasing Corporation (12/8/76).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; leasing personal or real property or acting as agent, broker, or adviser in leasing such property where the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property and where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits, investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect and the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 percent of the acquisition cost of the property to the lessor) at 425 California Street, San Francisco, California; 100 East 42nd Street, New York, New York; 208 South LaSalle, Room 1822, Chicago, Illinois; 1770 St. James Place, Suite 205, Houston, Texas; 2230 E. Imperial Highway, Suite 510, Los Angeles, California; through a newly-formed subsidiary to be called Wells Fargo Equipment Leasing Corporation (12/8/76).[3]

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Berkshire Hathaway Inc., New Bedford, Massachusetts, notification of intent to acquire directly and indirectly all of the outstanding stock of United National Insurance Company and American Insurance Service, Inc., both of Philadelphia, Pennsylvania, engaged in the business of writing property and casualty insurance (12/17/76).[3]

REPORTS RECEIVED

None.

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PETITIONS FOR RULEMAKING

Petition from Department of Justice for amendment of the Rules issued pursuant to the Bank Protection Act of 1968 (Docket No. R-0071).

Board of Governors of the Federal Reserve System, January 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-949 Filed 1-10-77;8:45 am]

INDEPENDENT BANK CORP.

Order Approving Acquisition of Bank

Independent Bank Corporation, Ionia, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by consolidation to Western State Bank, Howard City, Michigan ("Bank"). The bank with which Bank is to be consolidated has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application together with all comments received, including those of the Commissioner of the Financial Institutions Bureau of the State of Michigan, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 51st largest commercial banking organization in Michigan, controls three banks with aggregate deposits of about $74 million,[1] representing less than one percent of the total commercial bank deposits in Michigan. Acquisition of Bank would increase Applicant's share of commercial bank deposits in the State only slightly and would not have a significant effect upon the concentration of banking resources in Michigan.

Bank (deposits of $11.3 million) operates three offices, one in each of three separate banking markets, the Grand Rapids banking market,[2] the Freemont-Newaygo banking market,[3] and the Montcalm County banking market,[4] which are the relevant geographic markets for purposes of analyzing the competitive effects of the proposed acquisition. Bank is the sixteenth largest of seventeen banking organizations operating in the Grand Rapids banking market, the seventh largest of seven banking organizations operating in the Freemont-Newaygo banking market, and the sixth largest of nine banking organizations operating in the Montcalm County banking market, with 0.1, 0.4, and 7.6 percent, respectively, of the total deposits in commercial banks in each market.[5]

Applicant is presently represented in each of the three relevant banking markets. In the Grand Rapids banking market, Applicant's subsidiary bank was formed de novo in 1974, and controls deposits of $2.7 million, representing 0.2 percent of the total deposits in commercial banks in the market. In the Montcalm County banking market, Applicant's subsidiary bank controls deposits of $9.3 million,[6] representing 7.9 percent of the total deposits in commercial banks in the market. In the Freemont-Newaygo banking market, Applicant's subsidiary bank controls deposits of $8.8 million, representing 13.9 percent of the total commercial bank deposits in the market. It is the Board's view that consummation of this proposal would not have any significant adverse effect on existing competition in any relevant market in view of the relative size of

[1] Unless otherwise indicated, banking data are as of December 31, 1975.

[2] The Grand Rapids banking market is approximated by the Grand Rapids Ranally Metro Area ("RMA").

[3] The Freemont-Newaygo banking market is approximated by the southern two-thirds of Newaygo County.

[4] The Montcalm County banking market is approximated by Montcalm County and the two extreme northeastern townships of Kent County which are not included in the Grand Rapids RMA.

[5] Deposits as of June 30, 1975.

[6] Deposits as of June 30, 1976.

these organizations, their small market shares, and the number of remaining banking alternatives in each market. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposal would have a slightly adverse effect on competition, but the Board does not regard it as significant and believes that it is outweighed by the convenience and needs factors discussed below.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory. Applicant will make available additional experienced financial personnel to assist Bank. Considerations relating to the banking factors are consistent with approval of the application. Application states that its affiliation with Bank would result in Bank's being able to draw upon Applicant's financial and managerial resources and, thus, should provide Bank with assistance in improving the quality of its services to the public, including the addition of data processing services, increased real estate mortgage lending, larger lines of credit, and the daily computation of interest on passbook savings accounts. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application and outweigh in the public interest the slightly adverse competitive effects that might result from consummation of the proposal. Based upon the foregoing and other considerations reflected in the record, it is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 3, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-926 Filed 1-10-77;8:45 am]

LAKE VIEW BANCORP, INC.

Order Denying Formation of Bank Holding Company

Lake View Bancorp, Inc., Northbrook, Illinois, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Lake View Trust and Savings Bank, Chicago, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently chartered, nonoperating corporation organized under the laws of Delaware for the purpose of becoming a bank holding company through acquisition of Bank ($329.7 million in deposits).[1] Upon acquisition of Bank, Applicant would control the 12th largest banking organization in the State of Illinois and would control approximately 0.5 percent of total deposits in commercial banks in the State.

Bank, located approximately 5 miles north of downtown Chicago, is the 11th largest of 196 commercial banks located in the Chicago banking market[2] and holds approximately 0.8 percent of the total commercial bank deposits in the market. The proposed transaction involves the transfer of ownership of Bank from an individual to a corporation owned by the same individual.[3] Applicant's principal, the present owner of Bank, is also the owner and director of two registered bank holding companies and an additional bank.[4] Each of these organizations operates in the Chicago banking market. Given the size of the banks involved and the structure of the market, it is the Board's view that the combination of these entities would have no significant adverse effects on competition.

Moreover, since the subject proposal is essentially a corporate reorganization and Applicant has no subsidiaries, it does not appear that consummation of the proposal would have any adverse effect upon existing or potential competition nor increase the concentration of banking resources, or have any other adverse effect upon any other banks in the relevant market. Thus, the Board concludes that the competitive considerations are consistent with approval of the application.

Under section 3(c) of the Act, the Board is required to consider the financial and managerial resources and future prospects of the proposed bank holding company involved and the bank to be acquired. With respect to the subject application, it appears that the financial and managerial resources and future prospects of Applicant are entirely dependent upon Bank. With respect to the managerial considerations of Applicant, they are regarded as generally satisfactory. In acting on one-bank holding company formations, the Board has been less restrictive than otherwise with respect to financial considerations in cases that involve a current or prospective owner-chief executive establishing a holding company to hold the individual's direct equity interest in the bank. The Board regards such a policy as being in the public interest in order to facilitate management succession on the community level at the nation's many smaller, independent banks. However, the Board has long held that, as a general matter, such a less restrictive policy with respect to financial considerations should not apply to those situations where the individuals are involved in more than a single one-bank holding company, such as those situations involving individuals that are engaged in establishing a series or chain of one-bank holding companies. In such situations, the Board believes that it is more appropriate to analyze such organizations under the standards that are normally applicable in analyzing acquisitions by multibank holding companies. The application of multibank holding company standards in such circumstances appears appropriate because of the interdependence of the banks in a chain of commonly-owned and one-bank holding companies and the distinct possibility that the financial and managerial resources of one or more of the banks in the chain may be used to support the operations of other members in the banking group.[5]

As part of this proposal, Applicant would assume the debt that its principal incurred in his acquisition of Bank's shares. Thus, Applicant proposes to incur a high level of acquisition debt, $27.6 million, which it expects to service over a 12-year period through Bank dividends that would appear to be in excess of half of Bank's projected annual net income, as well as through cash payments made

[1] Voting for this action: Vice Chairman Gardner and Governors Coldwell and Lilly. Voting against this action: Governor Wallich. Absent and not voting: Chairman Burns and Governors Jackson and Partee.

[1] All banking data are as of December 31, 1975.

[2] The Chicago banking market, the relevant geographic market for purposes of analyzing the competitive effects of the proposed transaction, is approximated by all of Cook and DuPage Counties and the southern portion of Lake County.

[3] Prior to the sale of Bank to William N. Lane, Applicant's principal, Bank was owned by N L Industries, Inc., New York, New York ("NL"), a diversified manufacturing company, which became a bank holding company by virute of the 1970 Amendments to the Act. On May 5, 1972, NL filed an irrevocable declaration to divest its interest in Bank by year-end 1980. Sale of Bank to Applicant's principal is intended to comply with that commitment.

[4] Northbrook Bancorp, Inc., which controls Northbrook Trust & Savings Bank, Northbrook, Illinois ($54.9 million in deposits) and Northwestco, Inc., which controls Northwest National Bank of Chicago ($312.4 million in deposits); and Pioneer Bank and Trust Co., Chicago, Illinois ($303.5 million in deposits).

[5] See Board Order dated January 15, 1974, denying the application of B H Co., Inc., Hardin, Montana (60 Fed. Res. Bull. 123 (1974)); Board Order dated October 17, 1975, approving the application of Commercial Bankshares, Inc., Grand Island, Nebraska (61 Fed. Res. Bull. 807 (1975)); and Board Order dated June 14, 1976, denying the application of Nebraska Banco, Inc., Ord, Nebraska (62 Fed. Res. Bull. 638 (1976)).

by Bank and retained by Applicant to the extent that they represent savings from filing consolidated tax returns. The projected earnings for Bank, in the Board's view, would not provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements as well as any unexpected problems that might arise at Bank. Moreover, if Bank's rate of growth approaches the growth rate of banks in its market area,[6] total capital funds of Bank as related to its total assets would become insufficient because of Applicant's inability to augment Bank's capital due to its substantial debt servicing requirements.

Furthermore, the Board notes with concern the highly leveraged condition of the two other one-bank holding companies owned by Applicant's principal as well as the high level of debt incurred by Applicant's principal in acquiring Pioneer Bank and Trust Co., Chicago, Illinois. It is also noted that the terms of the loan used to finance the purchase of Bank's shares are dependent upon a compensating balance provided by Bank, an action which the Board regards as an improper use of Bank funds. On the basis of the foregoing and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in the weakening of Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weigh against approval of the application.

As stated previously, the proposed formation of Applicant merely represents a restructuring of Bank's ownership. No significant changes in Bank's operations or in the services offered to Bank's customers are contemplated. Consequently, considerations relating to the convenience and needs of the community to be served are consistent with, but lend no weight toward approval of the application.

On the basis of all of the circumstances concerning this application, the Board concludes that the financial considerations involved in this proposal present adverse circumstances bearing upon the financial resources and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[7] effective January 3, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-927 Filed 1-10-77;8:45 am]

MARION NATIONAL CORP.

Order Approving Formation of Bank Holding Company

Marion National Corporation, Marion, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 28.29 percent (or more) of the voting shares of Marion National Bank of Marion, Marion, Indiana ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a closely held Indiana corporation, is engaged in the business of owning, holding and selling various securities for its own account. Upon consummation of the proposed transaction, Applicant would cease making investments that would otherwise be impermissible under the Act and would engage only in the business, pursuant to section 4(c)(5) of the Act, of holding and investing in shares which are of the kinds and amounts eligible for investment by national banking associations under the provisions of section 5136 of the Revised Statutes (Paragraph Seventh, 12 U.S.C. 24).

Bank holds, deposits of $59.3 million[1] and is the largest of nine banks in the relevant market,[2] controlling approximately 31 percent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control approximately 0.33 percent of the total commercial bank deposits in the State of Indiana.

This proposal represents a distribution of shares of Bank currently held by the estate of John L. Bell, Sr. and is essentially a reorganization of Bank's present ownership into corporate form. Thus, consummation of the proposal would have no adverse effect on existing or potential competition and would not increase the concentration of banking resources in any relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory. The future prospects of Applicant are dependent upon those of Bank, which are regarded as favorable. Accordingly, considerations relating to banking factors are consistent with approval.

Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[7] effective January 3, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-928 Filed 1-10-77;8:45 am]

MICHIGAN NATIONAL CORP.

Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Michigan National Bank-Farmington, Farmington Hills, Oakland County, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 28, 1977.

Board of Governors of the Federal Reserve System, January 5, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-929 Filed 1-10-77;8:45 am]

PEOPLES BANKING CORP.

Acquisition of Bank

Peoples Banking Corporation, Bay City, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by consolidation to First National Bank of Lapeer, Lapeer, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[6] Applicant has projected Bank's annual growth in assets over the debt-retirement period at 4.5 per cent. The Board notes that over the last ten years the other banks in the market area of Bank have experienced an average compound rate of asset growth of 11.2 per cent.

[7] Voting for this action: Vice Chairman Gardner, and Governors Wallich, Coldwell, and Lilly. Absent and not voting: Chairman Burns, and Governors Jackson and Partee.

[1] All banking data are as of December 31, 1975.

[2] The relevant market is approximated by Grant County.

[2] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell and Lilly. Absent and not voting: Chairman Burns and Governors Jackson and Partee.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 1, 1977.

Board of Governors of the Federal Reserve System, January 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-930 Filed 1-10-77;8:45 am]

TRUST COMPANY OF GEORGIA

Order Approving Acquisition of Bank Holding Company and its Nonbank Subsidiary and Activities

Trust Company of Georgia ("Applicant"), Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to acquire through merger Central Bankshares Corporation ("Corporation"), Jonesboro, Georgia, a one-bank holding company that owns all the voting shares of Central Bank and Trust Company ("Bank"), Jonesboro, Georgia. As part of the proposed transaction Applicant would acquire all the voting shares of Corporation's nonbank subsidiary, Central Bankshares Equity Corporation ("Equity"), Jonesboro, Georgia, and would acquire direct ownership and control of the leasing activities now engaged in directly by Corporation, for which acquisitions Applicant has applied for Board approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)). Both the leasing activities of Corporation and the activities of Equity, which is engaged in making loans secured principally by second mortgages on single-family residences, have been determined by the Board by regulation to be activities permissible for bank holding companies under section 4(c)(8) of the Act.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (41 FR 46650, 46651). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act and the considerations specified in section 4(c)(8) of the Act.

Applicant, the third largest banking organization in Georgia, directly controls Trust Company Bank, Atlanta, Georgia, which has deposits of $796 million, and indirectly controls five other banks with aggregate deposits of approximately $400 million.[1] The aggregate deposits of Applicant's six subsidiary banks represent about ten percent of the total deposits in commercial banks in the State. Acquisition of Bank, through merger of Corporation into Applicant, would increase Applicant's share of the commercial bank deposits in the State by 0.14 percent and would not have a significant effect upon the concentration of banking resources in Georgia or alter Applicant's statewide ranking.

Bank is the 25th largest of 36 banking organizations in the Atlanta banking market[2] and holds deposits of $13.7 million, representing approximately 0.2 percent of the total deposits in commercial banks in the market. Trust Company Bank, Applicant's lead bank, and Security National Bank, Applicant's acquisition of which the Board recently approved, also operate in the Atlanta banking market. Together they comprise the third largest banking organization in the market with approximately 14 percent of the total deposits in commercial banks in the market. Trust Company Bank has 37 branches in DeKalb and Fulton Counties; Security National Bank has two branches, in Cobb County; and Bank has 4 branches in Clayton County and one limited banking office there. Although it appears that consummation of the proposed transaction would eliminate some existing competition between Bank and certain of Applicant's subsidiary banks, the Board notes that the competition that would be eliminated is not of a significant magnitude and that numerous independent banking organizations would remain in the Atlanta market following the merger. In addition, Georgia law prohibits Applicant from branching into or acquiring a de novo bank in Clayton County, and Bank, as the smallest of the six commercial banks in Clayton County, is the smallest vehicle that is available to Applicant as a means of entry into that county. Accordingly, Applicant's acquisition of Bank through this proposal is regarded as a foothold entry into Clayton County. In view of the foregoing, the Board concludes that the proposed merger would have only a slightly adverse effect on banking competition.

The financial and managerial resources of Corporation, Applicant, and their respective subsidiaries, and their future prospects are regarded as generally satisfactory, and considerations relating to banking factors are consistent with approval of the application. Applicant intends to offer services not now available to customers of Bank and to improve other services presently offered by Bank. Following consummation of the acquisition, Bank would make available to its customers reduced minimum deposits on time certificates of deposit and a more favorable method of compounding interest on passbook savings accounts. In addition, Applicant will assign a trust expert to improve the range and efficiency of Bank's trust services; will cause Bank to apply for new branches and for expansion of the services offered at an existing Bank office; and will increase the capabilities of Bank's existing 24-hour tellers. Considerations relating to convenience and needs of the community to be served accordingly lend some weight toward approval of the application to acquire Corporation's interest in Bank, sufficient to outweigh the slightly adverse effects on banking competition that might result from consummation of this proposal.

With respect to the nonbanking activities of Corporation and Applicant, consummation of this proposal would eliminate some direct competition in three nonbanking activities, but the Board concludes that the effect of eliminating Corporation's nonbanking competition in the Atlanta banking market would be negligible. Corporation and Applicant's lead bank both engage in leasing activities in the market, but Corporation has not actively engaged in leasing, and has only two relatively small leases on its books. Applicant's lead bank and its mortgage banking subsidiary originate permanent loans secured by mortgages on residential real property in the Atlanta banking market, and together accounted for 1.1 percent of such mortgages recorded in 1975. Bank has also engaged in this activity, but on an extremely limited scale, and originated no such mortgages in 1975. Finally, both Bank and Equity presently compete with Applicant's subsidiaries in the origination of loans secured by second mortgages on residential real property, but in 1975 Bank and Equity together originated only $500,000 in such loans, which is an insignificant part of the market's second mortgage originations. There is no evidence in the record indicating that acquisition by Applicant of these nonbanking activities would result in an undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. To the contrary, Equity and Corporation's leasing business, through affiliation with Applicant, may be expected to be better able to obtain funds as necessary, and to draw on Applicant's expertise in nonbanking fields, resulting in the provision of more accessible and competitive leasing and mortgage lending service to the community, and the Board regards such considerations as being in the public interest.

Based on the foregoing and other considerations reflected in the record,[3] it is the Board's judgment that considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors set forth in section 4(c)(8) of the Act both favor approval of Applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above. The merger shall not be consummated before the thirtieth calendar day following the effective date of this Order or later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority. The approval of Applicant's nonbanking applications is subject to the conditions prescribed in § 225.4 of Regulation Y and to the authority of the Board to require reports by, and make examinations of, holding companies and their subsidiaries, and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective January 3, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-931 Filed 1-10-77;8:45 am]

[1] All banking and market data are as of December 31, 1975. On December 7, 1976, the Board approved Applicant's acquisition of an additional bank, Security National Bank, Smyrna, Georgia, which holds deposits of $17.4 million.

[2] The Atlanta banking market is approximated by Fulton, DeKalb, Cobb, Gwinnett, Clayton, Douglas, Henry, and Rockdale Counties.

[3] Dissenting Statement of Governor Coldwell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[4] Voting for this action: Vice Chairman Gardner, Governors Wallich and Lilly. Voting against this action: Governor Coldwell. Absent and not voting: Chairman Burns and Governors Jackson and Partee.

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ROTC ADVISORY PANEL

Meeting

DECEMBER 29, 1976.

The Air Force ROTC Advisory Panel will hold a meeting on January 26–27, 1977, from 8:30 a.m. to 5 p.m. at Maxwell Air Force Base, Building 800, Montgomery, Alabama.

The purpose of the meeting is to review the status of Air Force ROTC and to discuss related management improvement programs.

Meeting is open.

For further information, contact Executive Secretary, AFROTC Advisory Committee, 697-3055.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-1052 Filed 1-10-77;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

TUESDAY, FEBRUARY 8, 1977

The entire meeting commencing at 0830 hours is devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 5, 1977.

[FR Doc.77-944 Filed 1-10-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 4, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed SEC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before January 31, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

SECURITIES AND EXCHANGE COMMISSION

SEC is requesting an extension no change clearance of its voluntary "Annual Asset Letter" which requests one element of information from all active registered investment companies. The letter requests the amount of the company's total assets as of June 30, except that if a company is an open-end investment company the amount shown should be the total net assets. If the company is a unit investment trust it is requested to state by "yes" or "no" whether it has investments in securities of a registered investment company. SEC estimates there are approximately 1200 potential respondents and reporting burden to be 5 minutes per annual response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc 77-888 Filed 1-10-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Reg. F-406]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telephone rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Tennessee Public Service Commission in a proceeding involving an application for increased intrastate revenues by the South Central Bell Telephone Company.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: January 3, 1977.

JACK ECKERD,
Administrator of General Services.

[FR Doc 77-829 Filed 1-10-77;8:45 am]

[Federal Property Management Regulations; Temporary Reg. F-407]

SECRETARY OF THE TREASURY

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Treasury to represent the interests of the Department of the Treasury in proceedings before the New Jersey Board of Public Utility Commissioners involving telephone monitoring restrictions.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of the Treasury to represent the interests of the Department of the Treasury before the New

Jersey Board of Public Utility Commissioners involving review of the standards for restrictions on telephone monitoring (Docket No. 752-110).

b. The Secretary of the Treasury may redelegate this authority to any officer, official, or employee of the Department of the Treasury.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: December 30, 1976.

WALLACE H. ROBINSON, JR.,
Acting Administrator of General Services.

[FR Doc.77-827 Filed 1-10-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NATIONAL ADVISORY FOOD AND DRUG COMMITTEE

Agenda Items

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of December 21, 1976 (41 FR 55587), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the National Advisory Food and Drug Committee scheduled for January 24 and 25, 1977, has set up an agenda as follows: Report of Subcommittee on Antibiotics in Animal Feeds; planning of committee business on drained weight proposal, blending issue, and other matters; National Advisory Food and Drug Committee priority choices; and consideration of research grant proposals.

Dated: January 3, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-894 Filed 1-10-77;8:45 am]

[Docket No. 76N-0471; NDA 16-899]

PARKE, DAVIS & CO.

Azaribine Tablets; Opportunity for Hearing On Proposal to Withdraw Approval of New Drug Application

This notice proposes to withdraw approval of the following new drug application (NDA) and offers opportunity for hearing on the question whether the drug has been shown to be safe for use in the treatment of psoriasis. Hearing requests are due February 10, 1977.

NDA 16-899; Triazure Tablets containing azaribine; formerly marketed by Parke, Davis & Co., Joseph Campau at the River, Detroit, MI 48232.

The NDA for Triazure was approved in February 1975 for use in the treatment of extensive, severe, recalcitrant psoriasis which has failed to respond to topical forms of therapy, with labeling that included a boxed warning concerning the reported incidence of thromboembolic events identified during the drug's investigational phase. The approval was conditioned upon the firm's conducting a postmarketing Phase IV study. The primary purpose of the Phase IV study was to acquire a definitive estimate of the drug-related incidence of thromboembolism in patients on Triazure and to determine, if possible, whether predisposing factors were important in judging patient risk. Marketing of the product was initiated in August 1975.

Progress reports on the Phase IV study were submitted on January 30, 1976, and April 26, 1976. No serious adverse reactions were reported up to January 1976 but by April there were four serious adverse reactions, two of which were thrombotic in nature. On August 6, 1976, Parke, Davis representatives presented a summary of the adverse reactions which had occurred up to that time. In the controlled Phase IV study, 65 patients had been reported, about half on control medication and half on Triazure therapy. There were two serious thrombotic events in the patients in the Phase IV trial, both in patients in the treated group. Most importantly, six reports of serious thrombotic episodes were reported in the estimated 500 to 1,000 patients taking the drug other than in the Phase IV study. In the studies conducted during the investigational phase almost half of the thromboembolic episodes were venous thrombophlebitis of the calf and were not striking in severity. Only three cases of peripheral arterial thrombosis and five cases of myocardial infarction were reported, and several of these patients had pre-existing arterial disease. In contrast, all but one of the eight cases reported postmarketing were arterial and severe and some occurred in highly unusual sites such as the arm or the toe. The unusual location of these thromboses, as well as the fact that both cases in the Phase IV study were in the treated group, strongly suggested that these episodes were drug related and their severity was alarming. Parke, Davis has withdrawn the drug from the market.

The Director of the Bureau of Drugs concludes that the occurrence of very serious thromboembolic events associated with the use of azaribine in the treatment of psoriasis outweighs the benefit that can be derived from its use.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto on the ground that new evidence of clinical experience, not contained in the application or not available until after the application was approved, evaluated together with the evidence available when the application was approved, shows that the drug is not shown to be safe for use under the conditions of use on the basis of which the application was approved.

If the applicant or any other person subject to this notice elects to avail himself of the opportunity for a hearing, the shall file on or before February 10, 1977, (1) a written notice of appearance and request for hearing, and (2) the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedure and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing, and approval of the application will be summarily withdrawn.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the fact of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: December 29, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-896 Filed 1-10-77;8:45 am]

National Institutes of Health

ALLERGY AND IMMUNOLOGY SUBCOMMITTEE OF THE NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Immunology Subcommittee of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, January 26, 1977, in Building 31, Conference Room 7A24, Bethesda, Maryland. This meeting is being held in conjunction with the regular meeting of the Allergy Council on January 27-28, 1977. While the Subcommittee meeting is closed, persons interested may attend open portions of the Council meeting.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 7:00 p.m. until adjournment, for the review, discussion, and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of Council members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496-5717, will furnish rosters of Council members, a summary of the meeting, and other information pertaining to the meeting.

Dated: January 5, 1977.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-884 Filed 1-10-77;8:45 am]

DIVISION OF RESEARCH GRANTS

Workshop

Notice is hereby given of a Workshop on Fetal Endocrinology to be held following meetings by the Human Embryology and Development Study Section and the Endocrinology Study Section at the Vacation Village Hotel, Mission Bay, San Diego, California, February 17, 1977, from 1:00 p.m. to adjournment and February 18, 1977, from 8:30 a.m. to 6:00 p.m.

Further information may be obtained from Dr. Samuel Moss, Executive Secretary, Human Embryology and Development Study Section, Westwood Building, Room 221, telephone 301/496-7597, and Mr. Morris M. Graff, Executive Secretary, Endocrinology Study Section, Westwood Building, Room 333, telephone 301/496-7346.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: December 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-885 Filed 1-10-77;8:45 am]

DIVISION OF RESEARCH GRANTS

Workshop

Notice is hereby given of a Workshop on Human Gait Research Sponsored by the Applied Physiology and Bioengineering Study Section, Children's Hospital Health Center, San Diego, California 92103, March 9, 1977, from 9:00 a.m. to 6:00 p.m.

Further information may be obtained from Mrs. Ileen E. Stewart, Executive Secretary, Applied Physiology and Bioengineering Study Section, Westwood Building, Room 318, telephone 301/496-7581.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: December 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-881 Filed 1-10-77;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, February 3-5, 1977, Conference Room No. 9, Building 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public from 9:00 to 10:30 a.m. on Thursday, February 3, for administrative matters. On Friday, February 4, Council members will divide into five subgroups and will meet entirely in open session from 9:00 a.m. to 5:00 p.m. in Rooms 31/8A30, 31/Conf. Rm. 9, 31/5B03A, 31/5B03B, and 31/5A16 to discuss various sections of the report, "Assuring the Resources for Biomedical Research, An Evaluation of the Scientific Mission of the Division of Research Resources (DRR), NIH."

On Saturday, February 5, the Council will reconvene as a whole in open session in Building 31, Conference Room No. 6 to discuss the entire report and to make recommendations to the Director, DRR. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on February 3 from 10:30 a.m. to adjournment on that day for the review, discussion and evaluation of individual initial pending, supplemental and renewal research grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014, (301) 496-5545, will provide information pertaining to the meeting. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, Room 5B03, Building 31, Bethesda, Maryland 20014 (301) 496-6611, will furnish substantive information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health.)

Dated: January 5, 1977.

SUZANNE L. FREMEAU,
Committe Management Officer, National Institutes of Health.

[FR Doc.77-883 Filed 1-10-77;8:45 am]

NATIONAL CANCER INSTITUTE

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

CHEMICAL SELECTION SUBGROUP OF CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: February 2, 1977; 8:30 a.m.—adjournment.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To consider criteria and procedures to be used in selecting chemicals for carcinogenicity studies and to review chemicals nominated for test.
Executive Secretary: Dr. James M. Sontag.
Address: Building 31, Room 3A16, National Institutes of Health.
Phone: 301/496-5708.

EXPERIMENTAL DESIGN SUBGROUP OF CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: February 3, 1977; 8:30 a.m.—adjournment.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To consider criteria and procedures to be used in designing carcinogenicity studies.
Executive Secretary: Dr. James M. Sontag.
Address: Building 31, Room 3A16, National Institutes of Health.
Phone: 301/496-5108.

PRESIDENT'S CANCER PANEL

Dates: February 8, 1977; 9:30 a.m.—adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss the impact of cancer centers on host academic institutions. To hear reports from the Acting Director, National Cancer Institute and the Chairman, President's Cancer Panel.
Executive Secretary: Dr. Richard A. Tjalma.
Address: Building 31, Room 11A46, National Institutes of Health.
Phone: 301/496-5854.

EXECUTIVE SUBGROUP OF CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: February 28, 1977; 8:30 a.m.—adjournment.
Place: Building 31A, Conference Room 5, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss the operation, function and objectives of the Subgroup.
Executive Secretary: Dr. James M. Sontag.
Address: Building 31, Room 3A16, National Institutes of Health.
Phone: 301/496-5108.

Dated: December 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-882 Filed 1-10-77;8:45 am]

Office of Education

CAREER EDUCATION PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1977

Notice is hereby given that pursuant to the authority contained in section 402 and section 406(f)(1) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1851-53 and 1865(f)(1)) applications are being accepted from State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, associations, institutions, and indivduals for grants and assistance contracts to support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or where necessary in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs). Notice is also hereby given that pursuant to the authority contained in section 402 and section 406(f)(2) of Pub. L. 93-380 (20 U.S.C. 1851-53 and 1865(f)(2)) applications are being accepted from State educational agencies for grants and assistance contracts to support projects for developing State plans for the implementation of career education programs in the local educational agencies of the States.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 10, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.554. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 7, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Application routing.* All applicants must furnish an information copy of their application to the State educational agency of the State within which the applicant is located. This information copy must be submitted to the State Coordinator of Career Education, as designated by the Chief State School Officer, concurrently with the submission of the application to the U.S. Office of Education. The application submitted to the U.S. Office of Education must contain a statement that this has been accomplished. State educational agencies wishing to submit advice and comment on any application originating within their State may do so by forwarding such advice and comment to the Office of Career Education, U.S. Office of Education, Room 3100, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Application instructions and forms.* Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Office of Career Education, U.S. Office of Education, Room 3100, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202.

E. *Program information.* (1) It is anticipated that grants and assistance contracts will be awarded in each of the categories specified in 45 CFR 160d.5, with the total amount of the awards in each category being approximately as follows: (a) incremental improvements in K-12 career education programs—$300,000, (b) demonstrations in such settings as the senior high school—$100,000, the community college—$100,000, adult and community education agencies—$100,000, and institutions of higher education—$100,000, (c) demonstrations for such special segments of the population as handicapped—$500,000, gifted and talented—$250,000, minority youth—$100,000, and low income youth—$100,000, and to reduce sex stereotyping in career choices—$100,000, (d) demonstrations of the training and retraining of persons for conducting career education programs—$1,100,000, and (e) communication of career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public—$1,025,000. It is expected that a total of about 38 awards will be made in the above categories and that the average amount per award will be approximately $100,000. All of these will be new awards; no funds are reserved for continuation awards. Projects are normally one year in duration.

(2) It is anticipated that grants and assistance contracts will be awarded for the State plan projects specified in 45 CFR 160d.13, with the total amount of the awards for this category being approximately $2,500,000. It is expected that up to 56 awards will be made in this category and that the average amount per award will be approximately $45,000. All of these will be new awards; no funds are reserved for continuation awards. Projects are normally one year in duration.

(3) In addition to the grants and assistance contracts awarded pursuant to this notice, it is anticipated that approximately $3,760,000 worth of procurement contracts in career education will be awarded during Fiscal Year 1977. Requests for proposals for these procurement contracts will be published in the Commerce Business Daily at a later date.

F. *Applicable regulations.* The regulations applicable to the Career Education Program are:

(1) The Office of Education's General Provisions Regulations, which were published in the FEDERAL REGISTER on November 6, 1973, as amended (45 CFR Parts, 100, 100a, and appendices).

(2) The regulation for the Special Projects Act, which was published in the FEDERAL REGISTER on July 15, 1976 (45 CFR Part 160, especially Part III in the Appendix thereof).

(3) The regulation for the Career Education Program, which was published in the FEDERAL REGISTER on May 13, 1976 (45 CFR Part 160d).

(20 U.S.C. 1851-1853 and 1865.)

(Catalog of Federal Domestic Assistance Number 13.554; Career Education Program.)

Dated: December 10, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.77-823 Filed 1-10-77;8:45 am]

EMERGENCY SCHOOL AID

Closing Date for Receipt of Applications

Under the authority of section 708(a) Of the Emergency School Aid Act (Title VII of Pub. L. 92-318, as amended; 20 U.S.C. 1601-1619), the Commissioner invites applications for assistance from local educational agencies and from other public and private nonprofit organizations, as appropriate, for—

(1) Special arts projects (see 45 CFR 185.91 to 185.91-3);

(2) Special mathematics projects (see 45 CFR 185.92 to 185.92-4);

(3) Special student concerns projects (see 45 CFR 185.93 to 185.93-4); and

(4) Other special projects to be conducted by (a) public agencies in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, and (b) local educational agencies in support of voluntary plans described in section 706(a)(1)(D) of the statute and 45 CFR 185.11(b)(4) (providing for enrollment of nonresident children). (See 45 CFR 185.94 to 185.94-4.) Other special project applications will be invited by future notice of closing date.

Applications must be received by the United States Office of Education Application Control Center in Washington, D.C., on or before March 7, 1977.

A. *Applications sent by mail.* Applications sent by mail should be addressed as follows: United States Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202; Attention: 13.532D (for special arts projects); Attention: 13.532E (for special mathematics projects); Attention: 13.532F (for special student concerns projects); or Attention: 13.532C (for other special projects).

An application sent by mail will be considered to have been received on time if: (1) The application was sent to the appropriate office by registered or certified mail not later than March 2, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or (2) The application is received on or before the closing date by the appropriate United States Office of Education mail room. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* Hand delivered applications must be taken to the United States Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information.* (1) It is anticipated that $7,750,000 will be awarded to support projects submitted in response to this notice, as follows: (a) Special arts projects, $1,500,000; (b) Special mathematics projects, $750,000; (c) Special student concerns projects, $1,200,000; and (d) Other special projects, $4,300,000.

Additional special student concerns projects submitted in response to this notice may be funded as other special projects if the Commissioner determines that these projects will make substantial progress toward meeting the purposes of the statute.

The balance of the sums appropriated by Pub. L. 94-439 for section 708(a) of the statute will be awarded to support projects submitted in response to other notices of closing date.

(2) In last year's funding cycles: (a) Fifteen awards in an average amount of $94,475 were made for special arts projects; ten of these awards were made to applicants which received assistance for this purpose in fiscal year 1975;

(b) Two awards in an average amount of $475,000 were made for special mathematics projects; both awards were made to applicants which received assistance for this purpose in fiscal year 1975;

(c) Seven awards in an average amount of $201,931 were made for special student concerns projects; six of these awards were made to applicants which received assistance for this purpose in fiscal year 1975; and

(d) Of 41 additional awards made for special projects, five, in an average amount of $513,734, were made for projects in jurisdictions other than States and seven, in an average amount of $194,567, were made for projects in support of voluntary plans to enroll nonresident children. Seven of these twelve awards were made to applicants which received special projects assistance in fiscal year 1975.

(D) *Project periods.* Grant awards made pursuant to this notice will be for projects beginning no earlier than July 1, 1977 and ending no later than June 30, 1978, except that awards for special student concerns projects will be made for projects beginning no earlier than July 1, 1977 and ending no later than May 30,1979.

E. *Resubmitted applications.* As required by section 710(d)(2) of the Emergency School Aid Act (20 U.S.C. 1609(d)(2)), applications from local educational agencies which are not approvable in whole or in part will be returned to applicants for modification and resubmission, within a reasonable period of time, at the applicants' option.

F. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the following regulations: (1) Regulations relating generally to programs under the Emergency School Aid Act (45 Code of Federal Regulations, Part 185) and, in particular, to special projects under that statute (Subpart J of that Part); and (2) The Office of Education General Provisions regulations (45 Code of Federal Regulations, Parts 100, 100a, and appendices), except to the extent that these regulations are inconsistent with 45 CFR Part 185.

G. *Program information and forms.* Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity Programs, Room 2017, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Dated: December 27, 1976.

(Catalog of Federal Domestic Assistance Number 13.532, Emergency School Aid—Special Projects.)

(20 U.S.C. 1601-1619.)

JOHN W. EVANS
Acting Commissioner of Education.

[FR Doc.77-824 Filed 1-10-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Public Hearing

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that the next meeting of the National Advisory Council on Bilingual Education will be held from 9:00 a.m. to 4:30 p.m. on Thursday, January 27 and from 8:15 a.m. to 4:45 p.m. on Saturday, January 29 in the Hindsman Conference Room of the Southwest Educational Development Laboratory, 211 East 7th Street, Austin, Texas. On Friday, January 28, 1977, the Council will hold public hearings from 9:00 a.m. to 4:30 p.m., in the fifth floor conference room.

The National Advisory Council on Bilingual Education is established pursuant to section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meetings shall be open to the public. The proposed agenda includes:

JANUARY 27, 1977

Approval of minutes; Reports from Standing Committees and Program Delegate; Issue Papers; Presentation of work statement on future Issue Papers; New Business; and Consideration of proposed legislative changes due in May, 1977.

JANUARY 28, 1977

Consonant with the Council's charge to provide advice on matters relating to the ad-

ministration of the aforementioned Act, testimony will be heard on the following topics: (1) Maintenance vs. Transitional Bilingual Education; (2) Service vs. Demonstration vs. Start-Up Costs; (3) Serving Diverse Language Groups; and (4) Research Needs.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis; (2) Witnesses shall limit their testimony to twenty minutes. Ten to fifteen minutes of formal presentation followed by five to ten minutes of questioning from Council members; (3) Two or more persons from the same organization shall designate one person to speak for the group; (4) Witnesses shall present a written synopsis of their oral presentation. Witnesses who do not provide such a synopsis will be heard after all who have written synopsis are heard; (5) Witnesses who have testified at previous hearings will be heard after all others; (6) Witnesses may address the Council in either English or in their native language. The Written synopsis of the oral presentation must be submitted in English. Witnesses who have chosen to give testimony in their native language may submit their written synopsis in that language in addition to their synopsis in English; and (7) All testimony shall be tape recorded.

JANUARY 29, 1977

Meeting of the following subcommittees: Budget: review of FY 1977 Budget; Legislation: Proposed legislative changes; Nov. 1 Report to Congress; review of 1977 Annual Report schedule; Public Hearings: previous day's hearings; and Non-Spanish Minority Languages: outline and content of issue paper.

In the event that the tentative agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Records shall be kept of all meetings and shall be available for public inspection in Room 421, Reporter's Building, 300 7th Street, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on January 6, 1977.

JOHN C. MOLINA,
Director,
Office of Bilingual Education.

[FR Doc.77-959 Filed 1-10-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Proposed Withdrawal and Reservation of Lands for Military Purposes

The United States Army, Corps of Engineers, on behalf of the Department of the Army, filed application NM-29537 on December 31, 1976, for the withdrawal of lands described below from settlement, sale, location, or entry under the public land laws, including the mining and the mineral leasing laws. The applicant desires the lands for military purposes in connection with the McGregor Range (Fort Bliss) air support and other compatible uses.

Until February 10, 1977, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976 (hereinafter referred to as the Act), an opportunity for a public hearing is hereby afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, within the 30-day period allowed. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The lands involved are presently segregated from the operation of the public land laws by virtue of withdrawals effected by Public Land Orders No. 1470 of August 21, 1957, and No. 1547 of November 7, 1957, which withdrawals will expire on August 20, and November 6, 1977, respectively. Under section 204(b) of the Act the segregation will remain in effect for a period of 2 years from date of publication of this notice unless the Congress approves the withdrawal prior to that date, in which case the segregation would be continued in accordance with the legislation.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration of the Secretary of the Interior who will submit a legislative proposal to the Congress of the United States for its consideration to determine whether the lands will be withdrawn as requested by the applicant agency.

The lands involved in the application are described below. The total acreage of the area has been furnished by the Corps of Engineers and is delineated on a map designated M1-1-0005, approved 11 June 1956, a copy of which is on file in Case No. NM-29537, New Mexico State Office, Bureau of Land Management.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, P.O. Box 1449, Santa Fe, New Mexico 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 S., R. 6 E.,
Sec. 1, N½SE¼ lying south and east of the Southern Pacific Railway right-of-way;
Sec. 25, S½N½ and E½SE¼;
Sec. 26, S½NE¼ and S½SE¼;
Sec. 35, N½NE¼;
Sec. 36, lots 5, 6, 7, 8 and N½N½.

T. 24 S., R. 7 E.,
Secs. 12, 13, 14 and 23, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 24 and 25;
Secs. 26, 27 and 34, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 35 and 36.

T. 25 S., R. 7 E.,
Secs. 1 and 2;
Sec. 3, E½ and that part of the W½ lying east of the Southern Pacific Railway right-of-way;
Secs. 4 and 9, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 10, 11, 12, 13 and 14;
Sec. 16, that part lying east and south of the Southern Pacific Railway right-of-way;
Sec. 20, NE¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 23;
Sec. 24, N½, SW¼, E½SE¼ and SW¼SE¼;
Secs. 25, 26 and 27;
Sec. 28, S½S½;
Sec. 30, that part lying east of the Southern Pacific Railway right-of-way;
Sec. 31, lots 5, 6 and 7;
Sec. 32, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 34, lots 1, 2, NE¼ and N½SE¼;
Sec. 35, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 36, lots 1, 2, 3, 4, N½ and N½S½.

T. 26 S., R. 7 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, S½NE¼ and SE¼;
Sec. 6, lots 3, 6 and SE¼NW¼;
Sec. 10;
Sec. 11, E½ and NW¼;
Secs. 12 and 13;
Sec. 14, E½ and SW¼;
Sec. 15, NE¼, N½NW¼, SE¼NW¼ and SW¼SW¼;
Secs. 16 and 17;
Sec. 18, lots 3, 4, E½ and E½SW¼;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 23, 24, 25, 26, 27 and 28;
Sec. 29, N½;
Sec. 30, lots 1, 2, NE¼ and E½NW¼;
Sec. 31, lots 2, 3, 4 and 5;
Sec. 32, lots 1, 2, 3, 4 and N½N½;
Sec. 33, lots 1, 2, 3, 4 and N½N½;
Sec. 34, lots 1, 2, 3, 4 and N½N½;
Sec. 35, lots 1, 2, 3, 4 and N½N½;
Sec. 36, lots 1, 2, 3, 4 and N½N½.

T. 22 S., R. 8 E.,
Secs. 13, 23 and 24, those parts lying east of the Southern Pacific Railway right-of-way;
Sec. 25, lots 1 to 16, inclusive;
Sec. 26, lots 1, 2, 6 and that part of S½ lying east of the Southern Pacific Railway right-of-way;
Secs. 34 and 35, those parts lying east of the Southern Pacific Railway right-of-way;
Sec. 36.

T. 23 S., R. 8 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Secs. 3, 9 and 10, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 11, 12, 13, 14 and 15;
Secs. 16, 20 and 21, those parts lying east and south of the Southern Pacific Railway right-of-way;

Secs. 22, 23, 24, 25, 26, 27 and 28;
Secs. 29, 31 and 32, those parts lying east and south of the Southern Pacific Railway right-of-way;
Secs. 33, 34, 35 and 36.

T. 24 S., R. 8 E.,
Sec. 1, lots 1, 2, 3, 4, SE¼NE¼, S½NW¼ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Secs. 6 and 7, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 8 to 14, inclusive;
Sec. 15, N½, N½S½, SE¼SW¼ and S½SE¼;
Secs. 16 and 17;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 to 36, inclusive.

T. 25 S., R. 8 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32, 33, 34, 35 and 36.

T. 26 S., R. 8 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 to 36, inclusive.

T. 19 S., R. 9 E.,
Sec. 2, lots 1 to 12, inclusive and S½;
Secs. 3 and 10, all those parts lying east of the Southern Pacific Railway right-of-way;
Sec. 11, W½;
Sec. 12, E½;
Secs. 13 and 14;
Secs. 15 and 22, all those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 23, 24, 25 and 26;
Secs. 27 and 34, all those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 35 and 36.

T. 20 S., R. 9 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Secs. 3 and 10, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 11, 12, 13 and 14;
Secs. 15 and 21, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 22 to 27, inclusive;
Secs. 28 and 33, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 34, 35 and 36.

T. 21 S., R. 9 E.,
Sec. 1, lots 1 to 12, inclusive and S½;
Sec. 2, lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12 and S½;
Sec. 3, lots 1 to 12, inclusive and S½;
Secs. 4 and 9, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 10 to 15, inclusive;
Sec. 16, E½;
Sec. 21, that part lying east of the Southern Pacific Railway right-of-way;
Secs. 22, 23, 24 and 25;
Sec. 26, NE¼, W½, N½SE¼ and SE¼SE¼;
Sec. 27;
Secs. 28, 32 and 33, those parts lying east of the Southern Pacific Railway right-of-way;
Sec. 34, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 35, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 36, lots 1, 2, 3, 4, N½ and N½S½.

T. 22 S., R. 9 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Secs. 5 and 8, those parts lying east of the Southern Pacific Railway right-of-way;
Secs. 9 to 14, inclusive;
Sec. 15, E½, E½NW¼, NW¼NW¼ and SW¼;
Secs. 16 and 17;
Sec. 18, that part lying east of the Southern Pacific Railway right-of-way;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 and 21;
Sec. 22, E½;
Secs. 23, 24, 25 and 26.
Sec. 27, E½;
Secs. 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 and 33;
Sec. 34, E½;
Secs. 35 and 36.

T. 23 S., R. 9 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 3, lots 1, 2, S½NE¼ and SE¼;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 8;
Sec. 9, W½NE¼ and W½;
Sec. 10, E½, NW¼NW¼, SE¼NW¼ and SW¼;
Secs. 11 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20, 21 and 22;
Sec. 23, N½, SW¼, E½SE¼ and SW¼SE¼;
Secs. 24 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 to 36, inclusive.

T. 24 S., R. 9 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 8;
Sec. 9, W½NE¼ and W½;
Sec. 10, E½, NW¼NW¼, SE¼NW¼ and SW¼;
Secs. 11 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20, 21 and 22;
Sec. 23, N½, SW¼, E½SE¼ and SW¼SE¼;
Secs. 24 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 to 36, inclusive.

T. 25 S., R. 9 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, W½ and S½SE¼;
Sec. 8, SW¼SW¼;
Sec. 9, SW¼;
Sec. 10, E½;
Sec. 11;
Sec. 12, W½ (unsurveyed);
Sec. 13, lots 1, 2, 3, 4 and W½;
Sec. 14, NE¼ and S½;
Secs. 15 and 16;
Sec. 17, W½W½;
Secs. 18 to 22, inclusive;
Sec. 23, E½ and SW¼;
Sec. 24, lots 1, 2, 3, 4 and W½;
Sec. 25, lots 1, 2, 3, 4 and W½;
Secs. 26 to 34, inclusive;
Sec. 36, lots 1, 2, 3, 4 and W½.

T. 20 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4 and E½;
Secs. 8 and 9;
Secs. 11 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4 and E½;
Sec. 19, lots 1, 2, 3, 4 and E½;
Secs. 22 to 27, inclusive;
Sec. 30, lots 1, 2, 3, 4 and E½;
Secs. 32 to 36, inclusive.

T. 19 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, W½ and S½SE¼;
Sec. 8, SW¼SW¼;
Sec. 9, SW¼;
Sec. 10, E½;
Sec. 11;
Sec. 12, W½ (unsurveyed);
Sec. 13, lots 1, 2, 3, 4 and W½;
Sec. 14, NE¼ and S½;
Secs. 15 and 16;
Sec. 17, W½W½;
Secs. 18 to 22, inclusive;
Sec. 23, E½ and SW¼;
Sec. 24, lots 1, 2, 3, 4 and W½;
Sec. 25, lots 1, 2, 3, 4 and W½;
Secs. 26 to 34, inclusive;
Sec. 36, lots 1, 2, 3, 4 and W½.

T. 20 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N¼ and S½;
Sec. 5, lots 1, 2, 3, 4, S½NE¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4 and E½;
Secs. 8 and 9;
Secs. 11 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4 and E½;
Sec. 19, lots 1, 2, 3, 4 and E½;
Secs. 22 to 27, inclusive;
Sec. 30, lots 1, 2, 3, 4 and E½;
Secs. 32 to 36, inclusive.

T. 21 S., R. 10 E.,
Sec. 1, lots 1 to 12, inclusive and S½;
Sec. 2, lots 1 to 12, inclusive and S½;
Sec. 3, lots 1 to 12, inclusive and S½;
Sec. 4, lots 1 to 12, inclusive and S½;
Sec. 5, lots 1 to 12, inclusive and S½;
Sec. 6, lots 1 to 21, inclusive and SE¼;
Sec. 7, lots 1 to 12, inclusive and E½;
Secs. 8 to 14, inclusive;
Sec. 15, SE¼;
Secs. 16 and 17;
Sec. 18, lots 1 to 12, inclusive and E½;
Sec. 19, lots 1 to 12, inclusive and E½;
Secs. 20, 21 and 22;
Sec. 23, N¼, SW¼ and N½SE¼;
Secs. 24 and 25;
Sec. 26, W½NE¼, W½ and SE¼;
Secs. 27, 28 and 29;
Sec. 30, lots 1 to 12, inclusive and E½;
Sec. 31, lots 1 to 14, NE¼ and N½SE¼;
Sec. 32, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 33, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 34, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 35, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 36, lots 1, 2, 3, 4, N½ and N½S½.

T. 22 S., R. 10 E.,
Sec. 1, lots 5 to 12, inclusive and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 5 to 12, inclusive and S½;
Sec. 4, lots 1 to 12, inclusive and S½N½;
Sec. 5, lots 1, 2, 3, 4 and S½N½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 8;
Sec. 9, lots 1 to 16, inclusive;
Secs. 10 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 5 to 12, inclusive, NE¼ and E½NW¼;
Sec. 20, lots 1 to 15, inclusive;
Sec. 21, lots 1 to 8, inclusive and E½;
Secs. 22 to 29, inclusive;
Sec. 30, lots 5 to 20, inclusive;
Sec. 31, lots 5 to 20, inclusive;
Secs. 32 to 36, inclusive.

T. 23 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 14, inclusive;
Sec. 15, SE¼;
Secs. 16 and 17;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, N½NE¼, SW¼NE¼, E½W½ and SE¼;
Sec. 20, N½NE¼, SW¼NE¼, W½ and SE¼;
Secs. 21 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 and 33;
Sec. 34, E½, E½W½, NW¼NW¼ and W½SW¼;
Secs. 35 and 36.

T. 24 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 5 to 20, inclusive;
Sec. 4, lots 5 to 20, inclusive;
Sec. 5, lots 3 to 8, inclusive, S½NW¼ and S½;
Sec. 6, lots 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, S½NE¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 and 9;
Sec. 10, E½, N½NW¼ and SW¼;
Sec. 11, lots 1 to 16, inclusive;
Sec. 12, lots 1, 2, 3, 4, E½ and NW¼;
Sec. 13, lots 1 to 16, inclusive;
Secs. 14, 15, 16 and 17;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20, 21, 22 and 23;
Sec. 24, lots 1 to 16, inclusive;
Sec. 25, lots 1 to 16, inclusive;
Secs. 26, 27, 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 32, E½, W½NW¼, SE¼NW¼ and SW¼;
Secs. 33, 34, 35 and 36.

T. 25 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 8, SW¼;
Sec. 9, S½;
Sec. 10, S½S½;
Sec. 11, N½;
Secs. 12 and 13;
Sec. 14, E½SW¼, NW¼SW¼ and SE¼;
Secs. 15, 16 and 17;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20, 21 and 22;
Sec. 23, E½E½, NW¼NE¼ and W½SE¼;
Sec. 24, N½ and SW¼;
Sec. 26, E½ and S½SW¼;
Secs. 27, 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 and 33;
Sec. 35.

T. 26 S., R. 10 E.,
Secs. 2, 3, 4 and 5;
Sec. 6, lots 1, 2, E½ and E½W½;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 and 9;
Sec. 10, NW¼;
Sec. 16, N½ and SW¼;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 20;
Sec. 21, NW¼;
Sec. 29, N½ and SW¼;
Sec. 30, lot 1, NE¼ and NE¼NW¼;
Sec. 32, lots 3, 4 and N½NW¼.

T. 20 S., R. 11 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 to 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 to 36, inclusive.

T. 21 S., R. 11 E.,
Sec. 1, lots 1 to 12, inclusive and S½;
Sec. 2, lots 1 to 12, inclusive and S½;
Sec. 3, lots 1 to 12, inclusive and S½;
Sec. 6, lots 1 to 14, inclusive, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 20;
Secs. 25 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼ and N½SE¼;
Sec. 32, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 33, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 34, lots 1, 2, 3, 4, NW¼NE¼, N½NW¼, S½N½ and N½S½;
Sec. 35, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 36, lots 1, 2, 3, 4, N½ and N½S½.

T. 22 S., R. 11 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 12, inclusive;
Secs. 15, 16 and 17;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32 to 36, inclusive.

T. 23 S., R. 11 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, W½E½, E½W½ and SE¼SE¼;
Secs. 32 to 36.

T. 24 S., R. 11 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 8 to 23, inclusive;
Sec. 7, lots 5 to 20, inclusive;
Sec. 8, lots 1 to 16, inclusive;
Secs. 9, 10 and 11;
Sec. 12, NW¼;
Sec. 14, NW¼;
Secs. 15, 16 and 17;
Sec. 18, lots 5 to 20, inclusive;
Sec. 19, lots 5 to 20, inclusive;
Sec. 20, lots 1 to 8, inclusive and W½;
Sec. 21, lots 1 to 16, inclusive;
Sec. 22, lots 3, 4, 5, 6, 11, 12, 13 and 14;
Sec. 28, N½ and SW¼;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 32.

T. 25 S., R. 11 E.,
Sec. 5, lots 3, 4, S½NW¼ and SW¼;
Sec. 6, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 7, N½ and SW¼;
Sec. 18, NW¼.

T. 20 S., R. 12 E.,
Sec. 2, S½;
Sec. 3, lots 1, 2, 3, 4 and S½N½;
Sec. 5, lots 1, 2 and S½NE¼;
Sec. 7, NW¼NW¼;
Sec. 8, NW¼;
Sec. 9, SE¼NE¼;
Sec. 10, N½SW¼ and SE¼SE¼;
Sec. 11, E½NW¼ and NE¼SW¼;
Sec. 15, E½NE¼ and SE¼SE¼;
Sec. 16;
Sec. 22, W½SW¼;
Sec. 24, lot 3 and NW¼SE¼;
Sec. 26, SE¼NE¼, S½NW¼, N½SW¼ and NW¼SE¼;
Sec. 27, SW¼NE¼, S½NW¼ and N½S½;
Sec. 28, NW¼NE¼, N½NW¼, S½N½ and N½S½;
Secs. 30 and 32;
Sec. 36, lots 1, 2, 3, 4, W½E½ and W½.

T. 21 S., R. 12 E.,
Sec. 1, lots 1 to 12, inclusive and S½;
Sec. 2, lots 1 to 12, inclusive and S½;
Sec. 3, lots 1, 2, 3 and 4;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 11, 12 and SW¼;

Sec. 5, lots 1 to 12, inclusive and S½;
Sec. 6, lots 1 to 11, inclusive and SE¼;
Sec. 7, lots 1, 2, 3, 4 and E½;
Secs. 8, 11, 12, 13, 14, 15, 16 and 17;
Sec. 18, lots 1, 2, 3, 4 and E½;
Sec. 19, lots 1, 2, 3, 4 and E½;
Secs. 20 and 21;
Sec. 22, N½;
Secs. 23 to 27, inclusive;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4 and E½;
Sec. 31, lots 1, 2, 3, 4 and E½;
Secs. 32, 34, 35 and 36.

T. 22 S., R. 12 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, S½NE¼ and SE¼;
Secs. 8, 9, 10, 11 and 12;
Secs. 14, 15, 16 and 17;
Sec. 18, E½;
Sec. 19, lots 1, 2, 3, 4 and E½;
Secs. 20, 21 and 22;
Secs. 24 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4 and E½;
Sec. 31, lots 1, 2, 3, 4 and E½;
Secs. 32 to 36, inclusive.

T. 23 S., R. 12 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 1, 2, 3, 4 and E½;
Sec. 7, lots 1, 2, 3, 4 and E½;
Secs. 8 to 12, inclusive;
Sec. 14, N½;
Sec. 15, N½, N½S½ and S½SW¼;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4 and E½;
Sec. 19, lots 1, 2, 3, 4 and E½;
Secs. 20 and 21;
Sec. 22, W½NE¼, SE¼NE¼ and W½;
Sec. 28, NW¼;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4 and E½;
Sec. 31, lots 1, 2, 3, 4, 5, 6, NE¼ and NE¼ SE¼;
Sec. 32, NW¼.

T. 24 S., R. 12 E.,
Sec. 6, lots 10, 11, 12 and 13.

T. 20 S., R. 13 E.,
Sec. 7, lots 3 and 4;
Sec. 16, S½;
Sec. 17, S½;
Sec. 18, lots 1, 2, 3, 4, E½SW¼ and SE¼;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 21, NE¼;
Sec. 22, E½, NW¼ and E½SW¼;
Sec. 25, E½NW¼ and SW¼;
Sec. 26, SW¼NE¼ and E½SE¼;
Secs. 27 and 28;
Sec. 29, S½;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32, 33 and 34;
Sec. 35, SE¼NW¼, W½W½ and NE¼ SW¼;
Sec. 36.

T. 21 S., R. 13 E.,
Sec. 1, lots 8, 9, 10, 13 and S½;
Sec. 2, lots 1 to 12, inclusive and S½;
Sec. 3, lots 1 to 12, inclusive and S½;
Sec. 4, lots 1 to 12, inclusive and S½;
Sec. 5, lots 1 to 12, inclusive and S½;
Sec. 6, lots 1 to 14, inclusive, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20, 21, 22 and 23;
Sec. 24, N½ and SW¼;
Sec. 25, NW¼;
Secs. 26, 27, 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 32, 33 and 34;
Sec. 35, N½ and SW¼.

T. 22 S., R. 13 E.,
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 3, 4, S½NW¼ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 9, E½ and SW¼;
Sec. 10, W½;
Sec. 16, NW¼ and N½SW¼;
Sec. 20;
Sec. 21, NW¼;
Sec. 29, N½ and SW¼;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 32, NW¼.

T. 23 S., R. 13 E.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼ and E½SW¼.
T. 21 S., R. 14 E.,
Sec. 5, lots 1, 2, 3, 8 and SW¼;
Sec. 6, lots 1 to 14, inclusive, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, NE¼ and E½W½;
Sec. 18, lots 1, 2 and E½NW¼.

The lands described above aggregate 606.-384.87 acres, more or less in Otero County.

The following described lands lie within Lincoln National Forest:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

LINCOLN NATIONAL FOREST

T. 19 S., R. 10 E.,
Sec. 1, SW¼ and W½W½SE¼ (unsurveyed);
Sec. 12, W½W½E½ (unsurveyed).

T. 19 S., R. 11 E.,
Sec. 6, lots 6, 7, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E¼W½;
Sec. 8;
Sec. 9, S½;
Sec. 14, SW¼;
Secs. 15, 16 and 17;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E¼W½;
Secs. 20, 21, 22 and 23;
Sec. 24, S½;
Sec. 25, E½, NW¼, W½SW¼ and SE¼ SW¼;
Secs. 26, 27, 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E¼W½;
Secs. 32 and 33;
Sec. 34, N½;
Sec. 35, E½, NW¼, W½SW¼ and SE¼ SW¼;
Sec. 36.

T. 19 S., R. 12 E.,
Sec. 29, S½;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 32.

The areas described above aggregate approximately 18,004.06 acres in Otero County.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.77-1023 Filed 1-10-77;8:45 am]

Office of the Secretary

[Order No. 2997]

ESCROW ACCOUNT

Establishment of Deposit, Investment and Payment Policies

Section 1.—*Purpose.* The purpose of this order is (a) to establish policy for the deposit, investment, and payment of monies in the escrow account as authorized and required by section 2 of the Act of January 2, 1976 (hereinafter referred to as the Act), and (b) to delegate to the Commissioner of Indian Affairs (Commissioner) the responsibility of setting up the account, preparing guidelines for administering the account, and making investments and disbursements of the monies in the account.

Section 2.—*Delegation of Authority.* The Commissioner is hereby delegated the responsibility of (a) setting up the escrow account, (b) preparing guidelines for administering the account and crediting the investment income to the account, (c) publishing the guidelines in the FEDERAL REGISTER, and (d) making investments and disbursements of the account.

The heads of all Interior Offices and Bureaus administering lands in Alaska subject to section 2 of the Act are directed to deposit appropriate proceeds to the escrow account and devise and maintain a record, as described in section 5(b) of this order and guidelines to be established pursuant to this order. Other Federal Agencies administering lands subject to section 2 of the Act and the State of Alaska are requested to comply with this order and the guidelines to be established pursuant to this order.

Section 3.—*Scope.* This order deals with all proceeds collected from contracts, leases, permits, rights-of-way, or easements pertaining to lands or resources in lands withdrawn for Native selection. This order does not affect the responsibility of any Office, Bureau, or Agency under appropriate law for determining and collecting amounts due from such contracts, leases, permits, rights-of-way, or easements.

Section 4.—*Definitions.* (a) *Escrow account* means an account entitled "Deposits of Proceeds of Lands Withdrawn for Native Selection, Bureau of Indian Affairs," which has been established in the Treasury of the United States pursuant to section 2(a) of the Act for deposit, withdrawal, and disbursement of proceeds.

(b) *Affected lands* means those lands that on January 1, 1976, were withdrawn by or pursuant to sections 11, 14, 16, 17 (d)(2)(E), or 19 of the Alaska Native Claim Settlement Act (ANCSA) for Native selection and, from the time of withdrawal, lands subsequently withdrawn for Native selection by, under, or pursuant to the ANCSA and amendments thereto, and for so long as these lands remain withdrawn for Native selection and conveyance.

(c) *Withdrawn* means that lands have been set aside either by section 11(a)(1) or (2) or 16(a) or (d) of the ANCSA, as amended, or a positive action by the Secretary of the Interior in the form of a Public Land Order for selection by Native entities under the ANCSA.

(d) *Proceeds* means all monies received on or after January 1, 1976, from contracts, leases, permits, rights-of-way, or easements pertaining to affected lands, or the resources thereof, except (1) fil-

ing and similar administrative fees, (2) trespass and similar damages, and (3) all income received by the Federal Government which is a reimbursement of Federal expenses.

Proceeds from contracts, leases, permits, rights-of-way, or easements involving the subsurface resources of lands within Naval Petroleum Reserve No. 4 and units of the National Wildlife Refuge System are not subject to the provisions of section 2 of the Act, except those proceeds which may derive from the specific Kenai National Moose Range lands identified for conveyance in section 12 of the Act.

(e) *Payment* means (1) disbursement of proceeds and appropriate interest and investment return of monies in the escrow account to the grantee of the surface and/or subsurface estate, (2) disbursement of proceeds of monies in the escrow account into the appropriate Federal account as provided in section 2(a) of the Act, or (3) deposit into miscellaneous receipts of the Treasury of the interest and investment return accruing to proceeds that are to be returned to the appropriate Federal account.

(f) *Conveyance* means the issuance of a document which conveys legal title.

(g) *Grantee* means the individual, association, corporation, or other Native entity that receives a conveyance from the United States under the ANCSA, as amended.

Section 5. *Policy.* The policies set forth herein will be applied to assure that the escrow account is equitably and fairly administered.

(a) The Secretary, by issuance of this order, serves notice that there has been established an escrow account entitled "Deposits of Proceeds of Lands Withdrawn for Native Selection, Bureau of Indian Affairs" in the Treasury of the United States for the deposit of proceeds derived from contracts, leases, permits, rights-of-way, or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the ANCSA. All Departments or Agencies of the Federal Government and the State of Alaska receiving such proceeds are requested to deposit proceeds to the account and advise the Commissioner of the deposit.

(b) All Departments or Agencies of the Federal Government and the State of Alaska receiving such proceeds are also requested to devise and maintain a record which includes (1) the identity of the specific contract, lease, etc., involved; (2) the statutory authority under which the proceeds were collected; (3) the account to which the proceeds would have otherwise been deposited; (4) the specific description of the lands involved in the contract, lease, etc.; (5) whether the proceeds were derived from the surface or subsurface estate; and (6) other information determined necessary, as described in the guidelines to be established pursuant to this order.

(c) The Commissioner shall devise and maintain a record and accounting system for the escrow account that will permit identification of the source of funds, interest or return applicable to such funds, and payment of such funds. He shall identify and/or furnish the necessary forms, guidelines, and procedures required for implementation to the agencies collecting or expected to collect proceeds.

(d) The Commissioner may cause the funds in the escrow account to be invested as provided by the Act and will coordinate with the Department of the Treasury to obtain any interest on funds in the account as provided by the Act. Interest or investment return shall be applied to all funds in the account in proportion to the amount, rate of return, and period of return.

(e) Upon issuance of a conveyance document to a Native entity, the Director, Bureau of Land Management, will furnish the Commissioner, and the head of any other agency known by the Bureau of Land Management (BLM) to be administering the affected lands, a copy of the conveyance document in order that the appropriate agency may (1) determine the percentage of the proceeds, interest, and investment return to be paid to the grantee, and (2) submit it to the Commissioner in order that the Commissioner may authorize payment to the grantee.

(f) Where the contract, lease, permit, right-of-way, or easement does not fall entirely within the conveyed land or interest, the grantee shall receive a payment based on the proportionate amount that results from multiplying the total proceeds and appropriate interest and investment return attributable to the conract, lease, etc., by a fraction in which the numerator is the acreage of the contract, lease, etc., falling within the conveyance and the denominator is the total acreage within the contract, lease, etc.

However, in the case of timber sale contracts involving more than one specific cutting area, each such cutting area will be considered a separate "contract" for purposes of computing the payment. Thus, if the entire cutting area falls within the area conveyed, the entire proceeds from that cutting area shall be paid. If only a portion of the cutting area falls within the area conveyed, the pro rata amount as provided above shall apply.

(g) In an area where (1) there have been no selections and the selection period has terminated, (2) selections have been rejected and the decision is final, or (3) the final action has been taken on all pending selections by Native entities, the Director, BLM, shall inform the Commissioner and the head of any other agency known by BLM to be administering the affected lands of the description of lands not selected or conveyed.

(h) Agencies administering affected lands should provide the Commissioner with a list of those accounts where the final action has been taken so that the Commissioner may (1) return any remaining proceeds in the escrow account attributable to such lands to the appropriate Federal account to which they would have otherwise been deposited; (2) deposit the interest and investment return attributable to the remaining proceeds to miscellaneous receipts, Treasury; and (3) notify the "original" collection agency of such return.

Section 6.—*Limitations.* The actions of the Commissioner under this delegation shall be audited by the Assistant Secretary—Administration and Management at such times as the Assistant Secretary shall determine, but not less frequently than once each year.

Section 7.—*Effective date.* This order is effective immediately and shall remain in effect until it is amended, revoked, or superseded. However, in the absence of the foregoing, the provisions of this order shall terminate two years from the date of signature. Notice of proposal and period of comment is found to be unnecessary due to the limited applicability of this order and its categorization as interpretation of section 2 of the Act of January 2, 1976.

(89 Stat. 1146.)

Dated: January 3, 1977.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.77-1022 Filed 1-10-77;8:45 am]

SECRETARY OF THE TREASURY

Memorandum of Agreement and Delegation of Authority

The purpose of this agreement is to delegate authority to the Secretary of the Treasury in connection with the implementation of section 606(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94-241, 90 Stat. 263, 48 U.S.C. 1681 note).

It is hereby agreed between the Secretary of the Interior and the Secretary of the Treasury that, pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 11021 of May 7, 1962, as amended by Executive Order 11944 of October 25, 1976, there is hereby delegated to the Secretary of the Treasury, to be exercised in such manner as he may deem appropriate, the authority necessary to perform all functions on behalf of the government of the Northern Mariana Islands with respect to the administration, collection and assessment, and enforcement of the taxes (including interest and penalties) imposed by the Northern Mariana Islands Social Security Act.

It is agreed that the authority delegated herein may be redelegated to any officer or employee of the Department of the Treasury. It is further agreed that this Memorandum of Agreement and Delegation shall be effective on January 1, 1977.

Dated: December 31, 1976.

WILLIAM E. SIMON,
Secretary of the Treasury.

Dated: December 23, 1976.

THOMAS S. HEPPE,
Secretary of the Interior.

[FR Doc.77-921 Filed 1-10-77;8:45 am]

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will begin at 9 a.m. on Tuesday, January at the Howard Johnson's Motor Lodge in Grand Junction, Colorado. The meeting will begin at 9 a.m. on Tuesday, January 25, in the Powderhorn Room and conclude at noon on Wednesday, January 26.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the prototype oil shale leasing program, The purpose of this meeting is to hear a briefing on proposed revision of the Detailed Development Plan for lease tract C-b, review a proposed pipeline right-of-way for lease tract C-a, review the eighth quarterly summary data reports for lease tracts C-a, C-b, and for the U-a and U-b tracts combined, to receive reports from Interior officials and to consider any other matters which have come before the Panel.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the meeting in addition to the panel members. Interested persons may make brief presentations to the panel or file written statements. Request should be made to Mr. William L. Rogers, Chairman, at the Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, Telephone No. (303) 234-3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the panel office.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

JANUARY 6, 1977.

[FR Doc.77-912 Filed 1-10-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 30, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments should be submitted by January 24, 1977.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

DELAWARE

Delaware County

Glen Mills, *Glen Mills School*, Glen Mills Rd.

MARYLAND

Baltimore County

My Lady's Manor (Lady Baltimore's Manor), area of 10th election district, northern (also in Harford County).

NEW JERSEY

Bergen County

Lyndhurst, *River Road School*, 400 Riverside Ave.

Burlington County

Roebling, *Roebling Historic District*, between Riverside and Hornberger Aves., and 2nd and 8th Sts.

Cumberland County

Millville, *Millville's First Bank Building* 2nd and E. Main Sts.

Hunterdon County

Clinton vicinity, *Perryville Tavern*, W of Clinton (in Union Township) at jct. of I 78 and SR 42.

Morris County

Boonton, *Rockaway Valley Methodist Church*, N of Boonton (in Boonton Township) on Valley Rd. off Washington Ave.
Madison, *Gibbons Mansion*, 36 Madison Ave.

Sussex County

Branchville vicinity, *Log Cabin and Farm*, N of Branchville (in Frankford Township) on Madison Ave.

NEW YORK

Monroe County

Rochester, *East Avenue Historic District*, irregular boundary including East Ave. and adjacent streets.

New York County

New York, *The New York Cancer Hospital*, 2 West 106th St.

NORTH DAKOTA

Cass County

Amenia, *Burlington Northern, Inc., Depot*, Woodard Ave.

McHenry County

Granville, *Granville State Bank*, Main and 2nd Sts.

PENNSYLVANIA

Centre County

Centre Hall, *Gregg, Andrew, Homestead*, 2 mi. E of Centre Hall between PA 192 and PA 45.
Spring Mills, *Fisher, Maj. Jared B., House*, Penn Hall, S side of PA 45.

Chester County

Unionville, *Unionville Village Historic District*, in irregular pattern along Doe Run, Embreeville, and Wollaston Rds.

Cumberland County

William Grove vicinity, *Williams, John, House*, 0.5 mi. S of William Grove.

Lancaster County

Bainbridge, *Locust Grove*, 0.5 mi. S of Bainbridge.

Lehigh County

Emmaus, *Kemmerer House (Irongate)*, 3 Iroquois St.

Montgomery County

Lansdale, *Jenkins Homestead*, 137 Jenkins Ave.

Northampton County

Easton vicinity, *Coffeetown Grist Mill*, Coffeetown and Kressman Rds. Williams Township.

Schuylkill County

Pottsville, *Yuengling Brewing Company*, 5th W. Mahantongo Sts.

SOUTH CAROLINA

Berkeley County

Cross vicinity, *Lawson's Pond Plantation*, 5 mi. N of Cross off SC 6.
Cross vicinity, *Loch Dhu*, 5 mi. N of Cross off SC 6.

Charleston County

Charleston, *Central Baptist Church*, 26 Radcliffe St.
Charleston vicinity, *Magnolia Cemetery*.

Dillon County

Little Rock vicinity, *St. Paul's Methodist Church*, NW of jct. of SC 9 and secondary route (Harllee's Bridge).

Greenville County

Greenville, *Greenville Baptist Church, First Baptist Church*, 101 West McBee Ave.

Horry County

Conway vicinity, *Hebron Church*, 10 mi. S of Conway on US 701.

York County

McConnells vicinity, *Bethesda Presbyterian Church*, 3.5 mi. NE of McConnells on SC 332.
Rock Hill, *Ebenezer Academy*, 2132 Ebenezer Rd.

TEXAS

Coryell County

Gatesville, *Coryell County Courthouse*, Public Sq.

[FR Doc.77-562 Filed 1-10-77;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Renewal

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the renewal of the NCIC Advisory Policy Board and its Security and Confidentiality (S&C) Committee.

The Assistant Attorney General for Administration, United States Department of Justice, has determined that renewal of this Board is necessary and in

the public interest. Copies of documents relating to the work of the Board and its S&C Committee can be obtained at FBI Headquarters, Washington, D.C.

The purpose of the Board is to recommend to the FBI general policy with respect to the philosophy, concept and operational principles of the NCIC system.

Membership on this Board consists of twenty-six (26) representatives of criminal justice agencies throughout the United States. Twenty (20) members are elected; five each from the four (4) NCIC geographic regions. Qualified electors are representatives of NCIC control terminal agencies. The FBI does not participate in the electoral process. Six additional members representing the judicial, prosecutorial, and correctional segments of the criminal justice community are appointed by the Director of the FBI.

The purpose of the Board's S&C Committee is to review matters pertaining to the overall security of the NCIC system with particular emphasis upon security, confidentiality and privacy issues as they relate to the NCIC Computerized Criminal History File. This review is done on a continuing basis and the S&C Committee's recommendations provide guidance to the Board in this important area of major public concern.

The S&C Committee is composed of eleven members, ten of whom are selected by the Chairman of the Board from the criminal justice community. One member is from the FBI. The tenure of the S&C Committee parallels that of the Board which it serves and expires accordingly.

The Chairman of the Board is elected by the Board's members and will serve until January 4, 1979. The Chairman of the Board's S&C Committee must be a member of the Board, is appointed by the Board Chairman, and his term also expires on January 4, 1979.

CLARENCE M. KELLEY,
Director.

[FR Doc.77-922 Filed 1-10-77;8:45 am]

Law Enforcement Assistance Administration

ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Meeting

Notice is hereby given that the site of the January 14–16, 1977, meeting of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice has been changed from the Scottsdale Hilton, 6333 N. Scottsdale Road, Scottsdale, Arizona to the Holiday Inn, 915 E. Apache Boulevard, Tempe, Arizona. The meeting was previously announced on December 23, 1976. The Advisory Committee on Standards is a subdivision of the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

The change was made in order to bring the costs of the meeting within the limitations set forth in the regulations on travel.

The meeting will be open to the public. For further information, contact:

Richard Van Dulzend, National Institute for Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., 4th Floor, Washington, D.C. 20531, (202) 376-3952.

J. A. BROZOST,
Attorney Advisor,
Office of General Counsel.

[FR Doc.77-836 Filed 1-10-77;8:45 am]

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Fact Finding and Needs Assessment Meeting

Notice is hereby given that the National Minority Advisory Council on Criminal Justice (NMACCJ) will meet Wednesday and Thursday, January 26 and 27, 1977, in Atlanta, Georgia. The fact finding and needs assessment meeting is scheduled to convene at 7:30 p.m. on January 26, at the Atlanta Internationale Hotel, located at Capitol Avenue and Stadium in Atlanta, Georgia, telephone: (404) 688-1900. This meeting is scheduled to run from 7:30 p.m. until 10:30 p.m. on Wednesday evening, and 10 a.m. until 6 p.m. on Thursday, January 27.

This meeting represents the first effort on the part of the NMACCJ to gather factual information and data concerning the problems of minorities and the criminal justice system at the local, county, state and Federal level in the areas of community crime prevention, criminal justice educational and training programs, police, courts, and corrections. The NMACCJ will not concentrate on specific allegations of discrimination but rather on the impact of the criminal justice system on minorities. This will be an open meeting and persons wishing to attend must furnish their own transportation and accomodations. Anyone wishing to make written or oral statement should contact:

Lewis W. Taylor, Special Assistant to the Administrator for Minorities and Women, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (202) 376-3936.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.77-838 Filed 1-10-77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ALASKA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of Federal standards as State standards (by reference or after comments and/or public hearing). Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standard changes the State has submitted, by letters dated May 21, 1976 (Change 1), July 8, 1976 (Change 2), and September 21, 1976 (Change 3), from Edmund N. Orbeck, Commissioner, Alaska Department of Labor to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standards comparable to OSHA standards 29 CFR Part 1910 as republished on June 27, 1974 (39 FR 23502); December 3, 1974 (39 FR 41841); June 27, 1975 (40 FR 27368); March 26, 1975 (40 FR 13436); and March 26, 1975 (40 FR 13440).

Change 1 includes State initiated changes correcting typographical errors; numbering changes; the State response to Federal changes to 29 CFR 1910.217 Mechanical Powered Punch Presses (39 FR 41841) dated December 3, 1974; and references to the Alaska General Safety Code. State subchapters and effective dates relating to these changes are as follows: Subchapter 1, effective June 30, 1973, as amended November 22, 1975; Subchapter 2, effective September 26, 1974; Subchapter 3, effective June 30, 1973; Subchapter 4, effective June 30, 1973; and Subchapter 5, effective September 26, 1974. These standards are adopted in accordance with AS 18.60.20, as the minimum standards to be followed throughout the State of Alaska.

Change 2 includes State initiated changes to the Alaska General Safety Code, Subchapter 1, effective March 27, 1976, comparable to 29 CFR Part 1910, consisting of numbering changes and typographical corrections.

Change 3 includes changes to the Alaska General Safety Code: Subchapter 1 effective September 30, 1976, including Vehicle Mounted Elevating and Rotating Work Platforms (40 FR 13439) March 26, 1975; Helicopters (40 FR 13440) March 26, 1975; and Industrial Slings (40 FR 27368) June 27, 1975, as well as State initiated changes correcting typographical errors and clarifying numbers and references.

These standards, which are contained in the Alaska General Safety Code, were promulgated after public hearings held on June 30, 1975, in Anchorage (Change 1); July 16, 1976, in Ketchikan; July 20–21, 1976, in Anchorage; and July 23, 1976, in Fairbanks (Change 3). Change 2 was adopted after public comment pursuant to the Alaska Administrative Procedures Act AS 44.62.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards, except for numbering, State titles, and grammatical editing, and accordingly are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003 Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and the Technical Data Center, Occupational Safety and Health Administration, New Department of Labor Building, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Section 1953.2 (c) of this chapter provides that where State standards are identical to or "at least as effective as" comparable Federal standards and have been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standards under consideration are identical to the Federal standards and have been promulgated in accordance with State law, they are approved without further opportunity for public comment.

This decision is effective January 11, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Washington this third day of December 1976.

JAMES W. LAKE,
Regional Administrator, Office of Safety and Health Administration.

[FR Doc.77-957 Filed 1-10-77;8:45 am]

INDIANA

Approval of Plan Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On March 6, 1974, a notice was published in the FEDERAL REGISTER (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z of Part 1952 containing the decision of approval. On July 14, 1975, the State of Indiana submitted a supplement to the plan involving a State initiated change (see Subpart E of 29 CFR Part 1953).

2. *Description of supplement.* The supplement concerns the establishment of a position entitled, "IOSHA Supervisor" whose responsibilities include directing the implementation of the State's occupational safety and health program; the coordination of all State agencies which are assigned specific program responsibilities; final review of all violations and the abatement of such violations. The IOSHA Supervisor is administratively responsible to the Commissioner of Labor.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3259, 230 South Dearborn Street, Chicago, Illinois 60604; and the State of Indiana Division of Labor, Room 1013, State Office Building, Indianapolis, Indiana 46202.

4. *Public participation.* Under section 1953.2(c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Indiana supplement described above is consistent with commitments made in the approved plan which had previously been available for public comment, and the recommendations made on pages 8–5 and 10–7 of Indiana's second semi-annual report (for the period covering November 1, 1974 to March 31, 1975). Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Indiana plan supplement outlined above is approved under Part 1953 of his chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C. this 23rd day of December 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.77-969 Filed 1-10-77;8:45 am]

WASHINGTON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER 38 FR 2421 of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted by letter dated October 6, 1976 from John Hillier, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standards comparable to 29 CFR Part 1910.183 Helicopters as published in the FEDERAL REGISTER 40 FR 13440 dated March 26, 1975.

These State standards, which are contained in the Washington General Safety and Health Code WAC 296-24, were promulgated after public hearings held on September 15, 1976 at Yakima, Washington.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly are hereby approved. The State standards are more specific concerning work permitted under hovering craft. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, 308 East Fourth Avenue, Olympia, Washington 98504; and the Technical Data Center, Room N3620, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Section 1953.2 (c) provides that where State standards are identical to or "at least as effective" as comparable Federal standards, and have been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standards under consideration are "at least as effective" as the Federal standards, and have been promulgated

in accordance with State law (including an opportunity for public comment and/or a public hearing), they are approved without an opportunity for further public comment.

This decision is effective January 11, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 16th day of November 1976.

JAMES W. LAKE,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.77-960 Filed 1-10-77;8:45 am]

Office of the Secretary

[TA-W-1238]

ALDEN SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1238: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition dated October 29, 1976 which was filed by three workers at the Alden Shoe Company, Middleboro, Massachusetts. The investigation revealed that men's orthopedic shoes and men's dress shoes are produced.

The notice of investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Alden Shoe Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average annual employment of production workers at Alden Shoe remained unchanged in 1974 compared with 1973, increased 0.9 percent in 1975 compared with 1974 and increased 4.3 percent in the period January through November 1976 compared with the like period in 1975.

Average weekly hours worked increased 4.9 percent in 1974 compared with 1973, decreased 3.5 percent in 1975 compared with 1974 and increased 4.2 percent in the period January through November 1976 compared with the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in terms of quantity decreased 1.2 percent in 1974 compared with 1973, increased 1.8 percent in 1975 compared with 1974 and increased 3.4 percent in the period January through November 1976 compared with the like period in 1975.

Production in terms of quantity decreased 1.6 percent in 1974 compared with 1973, increased 3.8 percent in 1975 compared with 1974 and increased 10.9 percent in the period January through November 1976 compared with the like period in 1975.

INCREASED IMPORTS

Industry sources have indicated that there are no known imports of men's orthopedic shoes. Due to the specialized need and care of the individual user, a closer working relationship is needed between the customer and the manufacturer. This eliminates the probability of significant imports of orthopedic shoes.

CONTRIBUTED IMPORTANTLY

Orthopedic shoes are of sophisticated design and construction and are normally dispensed by medical prescription where correction and therapy modification are deemed necessary. These shoes are typically high priced and as such, sales would be most affected by current domestic economic conditions as individuals may choose to forestall purchases of orthopedic shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that separations of workers have not occurred and that sales and production of men's orthopedic shoes at Alden Shoe Company have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-994 Filed 1-10-77;8:45 am]

[TA-W-1151]

ALUMINUM COMPANY OF AMERICA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1151: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing primary aluminum at the Point Comfort, Texas Operations of the Aluminum Company of America (Alcoa).

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47616). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Aluminum Company of America, the U.S. Department of the Interior, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Point Comfort rose 10 percent from 1973 to 1974 and declined 29 percent from 1974 to 1975. In the first three quarters of 1976, plant employment was 22 percent below that in the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of primary aluminum at Point Comfort decreased in volume by two percent from 1973 to 1974 and by 62 percent from 1974 to 1975. In the first three quarters of 1976, plant production was 61 percent below that in the like period of 1975.

INCREASED IMPORTS

Imports of primary aluminum increased from 614 thousand short tons in 1973 to 628 thousand short tons in 1974 and then declined to 550 thousand short tons in 1975. Imports rose from 215 thousand short tons in the first half of 1975 to 342 thousand short tons in the first half of 1976.

The ratio of imports to domestic aluminum production increased from 12.8 percent in 1974 to 14.2 percent in 1975 and rose from 10.6 percent in the first half of 1975 to 22.0 percent in the first half of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that most of the primary aluminum produced at Point Comfort is shipped to corporate fabrication mills and corporate warehouses. Corporate imports of primary aluminum by Alcoa increased 11 percent in volume from the first three quarters of 1975 to the first three quarters of 1976.

Faced with a drop in demand for aluminum products and an increase in corporate inventories, Alcoa decided early in 1975 to curtail corporate production of primary aluminum. As a result of this decision, smelting and refining operations at Point Comfort were cut back, and workers were laid off during 1975 and 1976.

Aluminum production requires a large amount of electrical energy. Point Comfort is dependent on natural gas to run its electrical generators. The rising cost of natural gas has made Point Comfort a high energy cost plant in comparison with other Alcoa plants. The relatively high energy cost at Point Comfort was one of the primary reasons for the long curtailment of production at the plant. The relatively low energy cost at Alcoa's aluminum plants in Norway and South America was a factor behind the increase in corporate imports of aluminum in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the primary aluminum produced at Point Comfort contributed importantly to the total or partial separation of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of primary aluminum at the Point Comfort, Texas Operations of the Aluminum Company of America who became totally or partially separated from employment on or after September 1, 1976, are eligible to apply for adjustment assistance under Title II, Chaper 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-961 Filed 1-10-77;8:45 am]

[TA-W-1145]

AMERICAN INTERNATIONAL SHOE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1145: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1976 in response to a worker petition received on that date which was filed on behalf of workers formerly engaged in cutting and stitching footwear uppers at the Portsmouth, New Hampshire facility of American International Shoe Corporation.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47616). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American International Shoe Corporation, its former customers, the Office of Management and Budget, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria three and four have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers fluctuated widely from September 1975, when the plant first began production, through August 1976. All workers were separated from employment by the end of August 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Sales increased from September 1975, when the plant first began production, to January 1976, then declined through August 1976, when all production ceased. American International Shoe produced on a contractual basis, and separate production records were not maintained.

INCREASED IMPORTS

Imports of leather footwear shoe uppers are not separately identifiable in the Tariff Schedules of the United States Annotated. Leather shoe uppers are included in a basket category consisting of leather shapes for use in footwear. Official statistics are recorded only in value terms, which do not reflect the change in value of leather in recent years. The proportion of leather shoe uppers to the value of the entire category is not known.

CONTRIBUTED IMPORTANTLY

Customers of American International Shoe Corporation indicated, in response to a survey, that they do not import shoe uppers. Imports of shoes which incorporate uppers of the same origin are not like or directly competitive with shoe uppers produced by American International.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with leather and vinyl shoe uppers produced at the Portsmouth, New Hampshire plant of American International Shoe Corporation, did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 29th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1001 Filed 1-10-77;8:45 am]

[TA-W-1144]

AMERICAN INTERNATIONAL SHOE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1144: investigation regarding certifi-

in accordance with State law (including an opportunity for public comment and/or a public hearing), they are approved without an opportunity for further public comment.

This decision is effective January 11, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 16th day of November 1976.

JAMES W. LAKE,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.77-960 Filed 1-10-77;8:45 am]

Office of the Secretary

[TA-W-1238]

ALDEN SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1238: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition dated October 29, 1976 which was filed by three workers at the Alden Shoe Company, Middleboro, Massachusetts. The investigation revealed that men's orthopedic shoes and men's dress shoes are produced.

The notice of investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Alden Shoe Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average annual employment of production workers at Alden Shoe remained unchanged in 1974 compared with 1973, increased 0.9 percent in 1975 compared with 1974 and increased 4.3 percent in the period January through November 1976 compared with the like period in 1975.

Average weekly hours worked increased 4.9 percent in 1974 compared with 1973, decreased 3.5 percent in 1975 compared with 1974 and increased 4.2 percent in the period January through November 1976 compared with the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in terms of quantity decreased 1.2 percent in 1974 compared with 1973, increased 1.8 percent in 1975 compared with 1974 and increased 3.4 percent in the period January through November 1976 compared with the like period in 1975.

Production in terms of quantity decreased 1.6 percent in 1974 compared with 1973, increased 3.8 percent in 1975 compared with 1974 and increased 10.9 percent in the period January through November 1976 compared with the like period in 1975.

INCREASED IMPORTS

Industry sources have indicated that there are no known imports of men's orthopedic shoes. Due to the specialized need and care of the individual user, a closer working relationship is needed between the customer and the manufacturer. This eliminates the probability of significant imports of orthopedic shoes.

CONTRIBUTED IMPORTANTLY

Orthopedic shoes are of sophisticated design and construction and are normally dispensed by medical prescription where correction and therapy modification are deemed necessary. These shoes are typically high priced and as such, sales would be most affected by current domestic economic conditions as individuals may choose to forestall purchases of orthopedic shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that separations of workers have not occurred and that sales and production of men's orthopedic shoes at Alden Shoe Company have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-994 Filed 1-10-77;8:45 am]

[TA-W-1151]

ALUMINUM COMPANY OF AMERICA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1151: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing primary aluminum at the Point Comfort, Texas Operations of the Aluminum Company of America (Alcoa).

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47616). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Aluminum Company of America, the U.S. Department of the Interior, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Point Comfort rose 10 percent from 1973 to 1974 and declined 29 percent from 1974 to 1975. In the first three quarters of 1976, plant employment was 22 percent below that in the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of primary aluminum at Point Comfort decreased in volume by two percent from 1973 to 1974 and by 62 percent from 1974 to 1975. In the first three quarters of 1976, plant production was 61 percent below that in the like period of 1975.

INCREASED IMPORTS

Imports of primary aluminum increased from 614 thousand short tons in 1973 to 628 thousand short tons in 1974 and then declined to 550 thousand short tons in 1975. Imports rose from 215 thousand short tons in the first half of 1975 to 342 thousand short tons in the first half of 1976.

The ratio of imports to domestic aluminum production increased from 12.8 percent in 1974 to 14.2 percent in 1975 and rose from 10.6 percent in the first half of 1975 to 22.0 percent in the first half of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that most of the primary aluminum produced at Point Comfort is shipped to corporate fabrication mills and corporate warehouses. Corporate imports of primary aluminum by Alcoa increased 11 percent in volume from the first three quarters of 1975 to the first three quarters of 1976.

Faced with a drop in demand for aluminum products and an increase in corporate inventories, Alcoa decided early in 1975 to curtail corporate production of primary aluminum. As a result of this decision, smelting and refining operations at Point Comfort were cut back, and workers were laid off during 1975 and 1976.

Aluminum production requires a large amount of electrical energy. Point Comfort is dependent on natural gas to run its electrical generators. The rising cost of natural gas has made Point Comfort a high energy cost plant in comparison with other Alcoa plants. The relatively high energy cost at Point Comfort was one of the primary reasons for the long curtailment of production at the plant. The relatively low energy cost at Alcoa's aluminum plants in Norway and South America was a factor behind the increase in corporate imports of aluminum in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the primary aluminum produced at Point Comfort contributed importantly to the total or partial separation of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of primary aluminum at the Point Comfort, Texas Operations of the Aluminum Company of America who became totally or partially separated from employment on or after September 1, 1976, are eligible to apply for adjustment assistance under Title II, Chaper 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-961 Filed 1-10-77;8:45 am]

[TA-W-1145]

AMERICAN INTERNATIONAL SHOE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1145: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1976 in response to a worker petition received on that date which was filed on behalf of workers formerly engaged in cutting and stitching footwear uppers at the Portsmouth, New Hampshire facility of American International Shoe Corporation.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47616). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American International Shoe Corporation, its former customers, the Office of Management and Budget, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligiblity to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria three and four have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers fluctuated widely from September 1975, when the plant first began production, through August 1976. All workers were separated from employment by the end of August 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Sales increased from September 1975, when the plant first began production, to January 1976, then declined through August 1976, when all production ceased. American International Shoe produced on a contractual basis, and separate production records were not maintained.

INCREASED IMPORTS

Imports of leather footwear shoe uppers are not separately identifiable in the Tariff Schedules of the United States Annotated. Leather shoe uppers are included in a basket category consisting of leather shapes for use in footwear. Official statistics are recorded only in value terms, which do not reflect the change in value of leather in recent years. The proportion of leather shoe uppers to the value of the entire category is not known.

CONTRIBUTED IMPORTANTLY

Customers of American International Shoe Corporation indicated, in response to a survey, that they do not import shoe uppers. Imports of shoes which incorporate uppers of the same origin are not like or directly competitive with shoe uppers produced by American International.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with leather and vinyl shoe uppers produced at the Portsmouth, New Hampshire plant of American International Shoe Corporation, did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 29th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1001 Filed 1-10-77;8:45 am]

[TA-W-1144]

AMERICAN INTERNATIONAL SHOE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1144: investigation regarding certifi-

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cation of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 5, 1976 in response to a worker petition received on that date which was filed on behalf of workers formerly engaged in cutting and stitching footwear uppers at the Newport, New Hampshire facility of American International Shoe Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47616). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American International Shoe Corporation, its former customers, the Office of Management and Budget, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or protuction. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria three and four have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased from November, 1975, when the plant first began production, through June 1976. All workers were separated from employment by the end of August 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased from November 1975, when the plant first began production, through March 1976. American International Shoe produced on a contractual basis, and separate production records were not maintained. Production ceased in August 1976.

INCREASED IMPORTS

Imports of leather footwear shoe uppers are not separately identifiable in the Tariff Schedules of the United States Annotated. Leather shoe uppers are included in a basket category consisting of leather shapes for use in footwear. Official statistics are recorded only in value terms, which do not reflect the change in value of leather in recent years. The proportion of leather shoe uppers to the value of the entire category is not known.

CONTRIBUTED IMPORTANTLY

Customers of American International Shoe Corporation indicated, in response to a survey, that they do not import shoe uppers. Imports of shoes which incorporate uppers of the same origin are not like or directly competitive with shoe uppers produced by American International.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with uppers for leather footwear produced at the Newport, New Hampshire plant of American International Shoe Corporation, did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 29th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1002 Filed 1-10-77;8:45 am]

[TA-W-1,457]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Kansas City Works, Kansas City, Missouri of Armco Steel Corp., Middletown, Ohio (TA-W-1,457). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with billets, bars, rebars, rod angles, flats, channels, fasteners, wire rope, & wire products produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a signficant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatend to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-988 Filed 1-10-77;8:45 am]

[TA-W-1,498]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Vernon, California, Los Angeles plant of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-1,498). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wire, galvanized wire, industrial fasteners, and reinforcement bars and other products of iron and steel produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-972 Filed 1-10-77;8:45 am]

[TA-W-1,496]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Bethlehem Steel Corporation, Bethlehem, Pennsylvania (TA-W-1,496). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron, steel and brass products produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-973 Filed 1-10-77;8:45 am]

[TA-W-1,508]

CASCADE STEEL ROLLING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Cascade Steel Rolling Mills, Inc., McMinnville, Oregon (TA-W-1,508). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel rebars produced by Cascade Steel Rolling Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-966 Filed 1-10-77;8:45 am]

[TA-W-1, 507]

EMPIRE COKE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Empire Coke Company, Holt, Alabama, a Div. of McWane Cast Iron Pipe Co., Birmingham, Alabama (TA-W-1, 507). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke produced by Empire Coke Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-967 Filed 1-10-77;8:45 am]

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ments of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-967 Filed 1-10-77;8:45 am]

[TA-W-1,483]

HAWAIIAN WESTERN STEEL LTD.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hawaiian Western Steel Ltd., Ewa Beach, Hawaii (TA-W-1,483). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with reinforcing steel, reinforcing bars produced by Hawaiian Western Steel Ltd. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-986 Filed 1-10-77;8:45 am]

[TA-W-1085]

INCOPA INDUSTRIES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1085: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 20, 1976, in response to a worker petition received on that date which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of American on behalf of workers and former workers of Incopa Industries, Inc., Bristol, Tennessee, a subsidiary of Koracorp Industries, Inc. San Francisco, California.

The Notice of Investigation was published in the FEDERAL REGISTER on October 5, 1976 (41 FR 43972). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Koracorp Industries, Inc., the parent firm of Incopa Industries, Inc., the customers of Incopa Industries, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers fell 42 percent in 1975 compared to 1974 and declined 24 percent in the first half of 1976 compared to the like period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales fell 45 percent in 1975 compared to 1974 and decreased 25 percent in the first half of 1976 compared to the like period of 1975.

INCREASED IMPORTS

Imports of man-made coated or protected fabric increased in 1972 and 1973, declined in 1974 and rose 9 percent in 1975 compared to 1974. Imports increased 100 percent in the first nine months of 1976 compared to the like period of 1975. The ratio of imports to domestic production increased from 8.5 percent in 1974 to 11.5 percent in 1975.

CONTRIBUTED IMPORTANTLY

Customers surveyed indicated that they did not switch their purchases of coated fabrics from Incopa Industries, Inc. to foreign producers. One customer, that accounted for almost 40 percent of Incopa Industries' sales in 1975, reduced purchases by more than 50 percent in the first nine months of 1976 compared to the like period of 1975. This customer reduced purchases from Incopa Industries because it experienced a large drop in sales to the U.S. Government which purchases no imported coated fabrics.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with coated fabrics produced by Incopa Industries, Inc., Bristol, Tennessee, did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 29th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-1003 Filed 1-10-77;8:45 am]

[TA-W-1243]

INTERNATIONAL SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1243: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing men's shoes and Hy-Test boots at the Flora, Illinois plant of the International Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51631). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Shoe Company, its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened with becoming totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 13 percent from 1973 to 1974, declined 8 percent from 1974 to 1975, and declined 6 percent in the first three quarters of 1976 compared to the same period of 1975. All production workers were laid-off in November 1976 when the plant was permanently closed. A skeleton crew of maintenance workers and supervisors were retained after November to complete closs-up operations. All employment terminations are expected to occur by the first week in January, 1977.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Production of men's dress shoes and Hy-Test Safety Boots at the Flora plant declined 34 percent in quantity from 1973 to 1974, declined 10 percent from 1974 to 1975, and declined 23 percent in the first three quarters of 1976 compared to the same period of 1975. All production ceased in November 1976 when the plant was permanently closed.

INCREASED IMPORTS

Imports of men's dress and casual footwear increased absolutely in each year from 1971 to 1973, declined from 1973 to 1974, and then increased from 1974 to 1975 and in the first nine months of 1976 compared to the same period of 1975. The ratio of imports to domestic production increased from 46.1 percent in the first nine months of 1975 to 52.1 percent in the same period of 1976.

Imports of work footwear increased absolutely in each year from 1971 to 1974, declined from 1974 to 1975, and then increased in the first nine months of 1976 compared to the same period of 1975. The ratio of imports to domestic production increased from 9.3 percent in the first nine months of 1975 to 19.6 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

The investigation has revealed that retail customers reduced purchases from International Shoe in 1975 and 1976. Several of the customers surveyed shifted to purchases of imported men's shoes.

The import influence resulting in the deterioration of International Shoe's market for men's dress shoes led to the closure of the Flora, Illinois plant in November. 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's shoes produced at the Flora, Illinois plant of the International Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of men's shoes and Hy-Test Safety Boots at the Flora, Illinois plant of the Internaltional Shoe Company who became totally or partially separated from employment on or after October 29, 1975 and before February 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated from employment on or after February 1, 1977 are not eligible to apply for adjustment assistance.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc.77-992 Filed 1-10-77;8:45 am]

[TA-W-1242]

INTERNATIONAL SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1242: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition received on November 8, 1976 which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing men's shoes at the West Plains, Missouri plant of the International Shoe Company, St. Louis, Missouri.

Notice of the Investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51630). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe Company, its customers, the International Trade Commission, the Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers increased 3 percent from 1973 to 1974, and then declined 6 percent from 1974 to 1975. Employment declined in the second and third quarters of 1976 compared to the same quarters of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the West Plains, Missouri plant increased 3 percent in quantity from 1973 to 1974, and then declined 20 percent from 1974 to 1975. Production declined in the second and third quarters of 1976 compared to the same quarters of 1975.

INCREASED IMPORTS

Imports of men's dress and casual footwear increased absolutely in each year from 1971 to 1973, declined from 1973 to 1974, and then increased absolutely from 1974 to 1975 and in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic production increased from 46.1 percent in the first nine months of 1975 to 52.1 percent in the same period of 1976.

Imports of work footwear increased each year from 1971 to 1974 and decreased in 1975. Imports increased both absolutely and relatively from the first three quarters of 1975 to the similar period in 1976.

CONTRIBUTED IMPORTANTLY

Customers reduced purchases of men's shoes from International Shoe in 1975 and 1976. Approximately 45 percent of the customers surveyed have shifted to purchases of imported men's footwear.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's shoes produced by the West Plains, Missouri plant of the International Shoe Company, St. Louis, Missouri, contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's shoes at the West Plains, Missouri plant of the International Shoe Company, St. Louis, Missouri who became totally or partially separated from employment on or after October 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-993 Filed 1-10-77;8:45 am]

[TA-W-1333]

ITT GRINNELL CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1333: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers producing steel pipes, fittings, valves, and brass foundry products at the Warren, Ohio plant of ITT Grinnell Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55606). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the United Steelworkers of America and ITT Grinnell Corporation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely.

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met. The evidence developed in the Department's investigation reveals that no involuntary separations occurred during 1975 or 1976 to the present.

The average weekly hours worked during 1975 and to date have been 40 hours or more.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employees at the Warren, Ohio plant of ITT Grinnell Corporation have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-991 Filed 1-10-77;8:45 am]

[TA-W-1409]

KENTUCKY ELECTRIC STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 14, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Kentucky Electric Steel Company, Ashland, Kentucky (TA-W-1409). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with angles, flats and channels of high carbon and alloy steel produced by Kentucky Electric Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFA 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-989 Filed 1-10-77;8:45 am]

[TA-W-1509]

MARATHON MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Marathon Stainless Rolling Division, Marathon Manufacturing Company, Tempe, Arizona (TA-W-1509). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon steel bars produced by Marathon Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-965 Filed 1-10-77;8:45 am]

[TA-W-1504]

MESTA MACHINE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of West Homestead, Pa. plant of Mesta Machine Company, Pittsburgh, Pa. (TA-W-1504). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rolling mill machinery & equipment produced by Mesta Machine Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-970 Filed 1-10-77;8:45 am]

[TA-W-1077]

MILWAUKEE GLOVE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1077: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 15, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing leather dress gloves, leather work gloves, and leather outerwear at Milwaukee Glove Company, Marinette, Wisconsin.

The Notice of Investigation was published in the FEDERAL REGISTER on October 1, 1976 (41 FR 43495). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials and customers of Milwaukee Glove Company, the Work Glove Manufacturers Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

The Department's investigation revealed that employment of production workers at Milwaukee Glove Company after declining two percent in the fourth quarter of 1975 compared to the fourth quarter of 1974, increased eight percent, ten percent, and 16 percent in the first three quarters of 1976 compared to the same respective quarters in 1975. Employment in the third quarter of 1976 reached peak quarterly levels for the period under investigation—from January 1973 to September 1976. Officials of Milwaukee Glove Company and local union officials attributed minor fluctuations in employment levels to the use of voluntary part-time employment by workers drawing social security benefits.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that significant total or partial separations of workers at Milwaukee Glove Company, Marinette, Wisconsin, have not occurred as required for certification under Section 222 of the Trade Act of 1974.

V 42 7 JAN 11 77 UM

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1004 Filed 1-10-77;8:45 am]

[TA-W-1224]

NEW YORK IMPERIAL FOUNDATION, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1224: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 3, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing brassieres and girdles at the Brooklyn, New York plant of New York Imperial Foundation, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51143). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of New York Imperial Foundation, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially seprated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at New York Imperial declined 5 percent in 1974 from 1973, 11 percent in 1975 from 1974 and 19 percent in the first 11 months of 1976 from the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of girdles at New York Imperial declined 6 percent in 1974 from 1973, 8 percent in 1975 from 1974 and 23 percent in the first 11 months of 1976 from the same period in 1975.

Production of brassieres (number of brassieres cut) at New York Imperial decreased 11 percent in 1974 from 1973, increased 11 percent in 1975 from 1974 and decreased 17 percent in the first 11 months of 1976 from the same period in 1975.

Since January 1974, approximately 80 percent of brassieres cut and sold by Imperial have been shipped to a Puerto Rican firm for stitching. The remaining 20 percent are stitched at Imperial's Brooklyn plant.

INCREASED IMPORTS

Imports of brassieres into the U.S. increased absolutely and relative to domestic production in each year from 1972 through 1975 from the previous year. Imports increased 12 percent in 1975 from 1974. Imports increased 28 percent in the first 9 months of 1976 from the first 9 months of 1975. The ratio of imports to domestic production increased from 35.4 percent in 1974 to 42.3 percent in 1975.

Imports of girdles into the U.S. increased in 1972 from 1971, decreased in 1973 from 1972, and increased in 1974 and 1975 from the previous year. Imports increased 18 percent in 1975 from 1974 and 88 percent in the first 9 months of 1976 from the same period of 1975. The ratio of imports to domestic production increased from 2.6 percent in 1974 to 3.1 percent in 1975.

CONTRIBUTED IMPORTANTLY

Customers accounting for 95 percent of Imperial's sales have decreased purchases of brassieres and girdles from New York Imperial and increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres and girdles produced at the Brooklyn, New York plant of New York Imperial Foundation, Inc., contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Brooklyn, New York plant of New York Imperial Foundation, Inc., who became totally or partially separated from employment on or after October 19, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-995 Filed 1-10-77;8:45 am]

[TA-W-1,503]

NORTHWESTERN STEEL & WIRE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Northwestern Steel & Wire Company, Sterling, Illinois (TA-W-1,503). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wire fabrications, structural steel, bars, rods, billets and ingots produced by Northwestern Steel & Wire Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-971 Filed 1-10-77;8:45 am]

[TA-W-1,510]

PACIFIC STATES STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Pacific States Steel Corporation, Union City, California (TA-W-1,510). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with structural shapes carbon steel produced by Pacific States Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U. S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Adjustment Assistance.

[FR Doc.77-964 Filed 1-10-77;8:45 am]

[TA-W-1,495]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Culvert Division, Canton, Ohio of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,495). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-974 Filed 1-10-77;8:45 am]

[TA-W-1,494]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976, the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Berger Division, Canton, Ohio of Republic Steel Corporation, Cleveland, Ohio (TA-W-1494). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-975 Filed 1-10-77;8:45 am]

[TA-W-1,493]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Canton South, Canton, Ohio plant of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,493). Accordingly, the Director, Office of Trade Adjustment Assistant, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title H, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-976 Filed 1-10-77;8:45 am]

[TA-W-1,492]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Canton Alloy Division, Canton, Ohio of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,492). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigtaion is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-977 Filed 1-10-77;8:45 am]

[TA-W-1491]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United States Steelworkers of America on behalf of the workers and former workers of Youngstown, Ohio plant of Republic Steel Corporation, Cleveland, Ohio (TA-W-1491). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-978 Filed 1-10-77;8:45 am]

[TA-W-1,490]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Warren, Ohio plant of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,490). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-979 Filed 1-10-77;8:45 am]

[TA-W-1,489]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Niles, Ohio plant of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,489). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-980 Filed 1-10-77;8:45 am]

[TA-W-1,488]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Massillon, Ohio plant of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,488). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition field in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-981 Filed 1-10-77;8:45 am]

[TA-W-1,487]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Gadsden, Alabama plant of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,487). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U. S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-982 Filed 1-10-77;8:45 am]

[TA-W-1,486]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Republic Steel Corporation, Cleveland, Ohio (TA-W-1,486). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-983 Filed 1-10-77;8:45 am]

[TA-W-485]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of South Chicago, Illinois plant of Republic Steel Corporation, Cleveland, Ohio (TA-W-1485). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-984 Filed 1-10-77;8:45 am]

[TA-W-1484]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("The Act") by the United Steelworkers of America on behalf of the workers and former workers of Buffalo, New York plan of Republic Steel Corporation, Cleveland, Ohio (TA-W-1484). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with iron and steel products produced by Republic Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case in available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-985 Filed 1-10-77;8:45 am]

[TA-W-1164]

ROCKWELL INTERNATIONAL

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1164: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 13, 1976 in response to a worker petition received on October 13, 1976 which was filed by three workers on behalf of workers and former workers producing the Rockwell Quadrasonic ladies seamless hosiery machine at the Rockwell International plant in Reading, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47629). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rockwell International and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That such increased imports like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation revealed that criterion four has not been met.

Rockwell International began producing an experimental circular knitting machine in early 1975. This prototype machine called Quadrasonic was designed to produce ladies seamless hosiery. The Quadrasonic prototypes were never sold commercially by Rockwell.

The Quadrasonic program never progressed beyond the experimental stage. Field tests of Quadrasonic machines uncovered many technical problems. In assessing the cost of further developmental work on Quadrasonic, management decided to discontinue the experimental work. All employees were on this project were terminated in October 1976.

Quadrasonic machines were never available for sale on the commercial market and therefore increases of imports of circular knitting machines for sale to end users could not have contributed importantly to the termination of developmental work on this prototype machine.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of circular knitting machinery for hosiery have not contributed importantly to total or partial separations of the workers engaged in employment related to developmental work on Quadrasonic at the Reading, Pennsylvania plant of Rockwell International as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc 77-998 Filed 1-10-77;8:45 am]

[TA-W-1214]

ROCKWELL INTERNATIONAL

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1214: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1976 in response to a worker petition received on October 31, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing circular knitting machines also known as large diameter knitting machines at the Rockwell International plant in Reading, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51144). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rockwell International, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the criteria is not met, a negative determination must be made.

Rockwell International at Reading discontinued the production of flat kitting machinery in October 1974 and discontinued the production of large diameter knitting machinery in January 1975. Since then, the only employees having any involvement with either flat or large diameter knitting machinery were those involved in the reconditioning of repossessed machinery previously sold by the Knitting Machinery Division to be resold by Rockwell.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Incorporated (TA–W–153; 40 FR 54639).

The petitioning group of workers are employed in the performance of servicing repossessed either flat or large diameter knitting machines. These workers were not involved in the production of an article within the meaning of Section 222(3) of the Act.

CONCLUSION

After careful review of the issues, I have determined that services of reconditioning either flat or large diameter knitting machines by the petitioning group of workers employed at the Reading, Pennsylvania plant of Rockwell International are not "articles" within the meaning of section 222(3) of the Trade Act of 1974. Therefore this petition is denied.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-996 Filed 1-10-77;8:45 am]

[TA-W-1,370]

SARCO CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 1, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sarco Company, Allentown, Pa., division of White Consolidated Industries, Inc., Allentown, Pa. (TA–W–1370). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the secretarial services provided by Sarco Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-990 Filed 1-10-77;8:45 am]

[TA-W-1147]

SEBASTIANA C. INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1147: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 7, 1976 in response to a worker petition received on October 7, 1976 which was filed on behalf of workers and former workers engaged in shrimp and fish catching activities for Sebastiana C., Inc., Gloucester, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47629). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sebastiana C. Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department Files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in that workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment based on crew share and the average number of trips made declined 18.1 percent in 1975 compared to 1974 and then increased 13.7 percent in the first nine months of 1976 compared to the first nine months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at Sebastiana declined 15.9 percent in 1975 compared to 1974 and then increased 7.1 percent in the first nine months of 1976 compared to the first nine months of 1975.

INCREASED IMPORTS

Imports of shrimp decreased absolutely and relatively from 1974 to 1975. Imports of shrimp increased from 101.1 thousand pounds in the first six months of 1975 to 124.4 thousand pounds in the first six months of 1976. The ratio of imports to production rose from 205.0 percent in the first six months of 1975 to 212.6 percent in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that approximately 70 percent of the total catch of Sebastiana C. is fresh fish. Customers of Sebastiana C. do not purchase imported fish. The other 30 percent of the catch was shrimp. Regulations issued by the Atlantic States Marine Fisheries Commission have prohibited any catching of shrimp in the waters off Maine, New Hampshire and Massachusetts since April 15, 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fresh fish and shrimp handled by Sebastiana C. did not contribute importantly to the total or partial separations of the workers.

Signed at Washington, D.C., this 29th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1000 Filed 1-10-77;8:45 am]

[TA-W-1,506]

SHENANGO, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Sharpsville, Pennsylvania plant of Shenango, Inc., Pittsburgh, Pa. (TA–W–1,506). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ingot molds and stools produced by Shenango, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-968 Filed 1-10-77 8:45 am]

[TA-W-1,505]

SHENANGO, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Neville Island, Pa. plant, of Shenango, Incorporated, Pittsburgh, Pa. (TA–W–1,505). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coke and iron produced by Shenango, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C this 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-969 Filed 1-10-77;8:45 am]

[TA-W-1156, 1157, 1158, 1271]

SWEETREE MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1156, 1157, 1158, and 1271: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 12, 1976 in response to a worker petition received on October 12, 1976 which was filed on behalf of workers formerly producing ladies' knit sweaters and knit sportswear at the Cherryville sewing plant (TA–W–1157), the Cherryville dye house (TA–W–1156,) and Kings Mountain sewing plant (TA–W–1158) of Sweetree Mills, Incorporated, Cherryville, N.C. A fourth petition, received on November 24, 1976 was filed on behalf of workers formerly producing ladies' knit sweaters and knit sportswear at the Cherryville knitting plant (TA–W–1271) of Sweetree Mills, Incorporated.

The Notices of Investigation were published in the FEDERAL REGISTER on October 29, 1976 (41 FR 47630 and 47631) and December 7, 1976 (41 FR 53553). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sweetree Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or

an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation reveals that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Cherryville knitting plant declined 4 percent from 1973 to 1974 and declined 32 percent from 1974 to 1975. In the first nine months of 1976, employment declined 28 percent compared to the first nine months of 1975.

The average number of production workers at the Cherryville dye house declined 15 percent from 1973 to 1974 and declined 33 percent from 1974 to 1975. In the first nine months of 1976, employment declined 37 percent compared to the first nine months of 1975.

The average number of production workers at the Cherryville sewing plant increased 17 percent from 1973 to 1974 and then declined 13 percent from 1974 to 1975. In the first nine months of 1976, employment declined 11 percent compared to the first nine months of 1975.

The average number of production workers at the King's Mountain sewing plant increased 11 percent from 1973 to 1974 and then declined 1 percent from 1974 to 1975. In the first nine months of 1976, employment declined 26 percent compared to the first nine months of 1975. King's Mountain employment data for June through September 1976, reflect those workers who were transferred with sportswear production from King's Mountain to the Cherryville sewing plant.

The average number of salaried workers at Sweetree Mills, Inc. increased 18 percent from 1973 to 1974 and then declined 15 percent from 1974 to 1975. In the first nine months of 1976, salaried employment declined 27 percent compared to the first nine months of 1975.

All employment of Sweetree Mills, Inc. was terminated in September 1976.

SALES, PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales of ladies' knit sweaters declined 7 percent from 1973 to 1974 and declined 35 percent from 1974 to 1975. In the first six months of 1976, sweater sales increased 30 percent compared to the first six months of 1975.

Sales of ladies' knit sportswear increased 20 percent from 1973 to 1974 and then declined 18 percent from 1974 to 1975. In the first six months of 1976, sportswear sales declined 35 percent compared to the first six months of 1975.

Production of ladies' knit sweaters declined 3 percent from 1973 to 1974 and declined 38 percent from 1974 to 1975. In the first six months of 1976, sweater production declined 5 percent compared to the first six months of 1975.

Production of ladies' knit sportswear increased 3 percent from 1973 to 1974 and then declined 20 percent from 1974 to 1975. In the first six months of 1976, sportswear production increased 29 percent compared to the first six months of 1975.

The King's Mountain plant was closed in June 1976. At that time, sewing of remaining sportswear inventory and workers engaged in the production of sportswear were transferred from King's Mountain to the Cherryville sewing plant. The sportswear operation was segregated from sweater production until Sweetree went out of business. In September 1976 production at the three remaining Sweetree plants ceased.

INCREASED IMPORTS

Imports of women's misses', and children's knit sweaters declined absolutely and relatively in each year from 1971 through 1973. Imports increased absolutely from 1973 to 1974, from 1974 to 1975, and from the first nine months of 1975 to the first nine months of 1976. The ratio of imports to domestic production declined from 104.9 percent in 1974 to 94.6 percent in 1975.

Imports of women's, misses', and children's knit slacks and shorts increased absolutely in each year from 1971 through 1973 and then declined absolutely from 1973 to 1974. Imports increased both absolutely and relatively from 1974 to 1975. Imports declined absolutely in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic production increased from 41.6 percent in 1974 to 44.8 percent in 1975.

Imports of women's, misses' and children's knit coats (including blazers) increased absolutely from 1971 to 1972 and increased absolutely and relatively from 1972 to 1973 and from 1973 to 1974. Imports increased relatively from 1974 to 1975 and increased absolutely in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic production increased from 21.7 percent in 1974 to 21.8 percent in 1975.

Imports of women's, misses', and children's knit blouses and shirts increased absolutely from 1971 to 1972, from 1972 to 1973, and then increased absolutely and relatively from 1973 to 1974. Imports increased absolutely and relatively from 1974 to 1975 and increased absolutely in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic production increased from 69.6 percent in 1974 to 81.6 percent in 1975.

Imports of women's, misses', and children's knit slacks and shorts increased and relatively from 1971 to 1972 and then declined absolutely and relatively from 1972 to 1973 and from 1973 to 1974. Imports increased absolutely and relatively from 1974 to 1975 and then declined absolutely in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic production increased from 5.1 percent in 1974 to 7.6 percent in 1975.

Import data for ladies' knit vests was not available. Vests are included in the basket category "women's, misses', and children's—all other clothing".

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers reduced purchases of ladies' knit sweaters and knit sportswear from Sweetree Mills in 1975 and 1976 and substituted purchases of imported sweaters and sportswear.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' knit sweaters and knit sportswear produced at the Cherryville sewing plant, dye house, knitting plant and King's Mountain sewing plant of Sweetree Mills, Incorporated contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of labdies' knit sweaters and knit sportswear at the Cherryville sewing plant, dye house, knitting plant, and King's Mountain sewing plant of Sweetree Mills, Incorporated, Cherryville, N.C. who became totally or partially separated from employment on or after September 30, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 77-999 Filed 1-10-77;8:45 am]

[TA-W-11T]

TRW, INC.

Completion of Termination Investigation Regarding Eligibility To Apply for Adjustment Assistance

In accordance with section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-11T: investigation regarding termination of certification of eligibility of apply for worker adjustment assistance as prescribed in section 223(d) of the Act.

On June 19, 1975, workers producing carbon composition resistors at the Philadelphia, Pennsylvania Division of TRW, Incorporated, Cleveland, Ohio were certified as eligible to apply for trade adjustment assistance. The Notice of Determination was published in the FEDERAL REGISTER on June 26, 1975 (40 FR 27084).

The investigation regarding termination of certification was initiated on May 27, 1976 to determine whether the groups of workers specified above continue to meet the group eligibility requirements of Section 222 of the Act. The Notice of Investigation was published in the FEDERAL REGISTER on June 29, 1976 (41 FR 26771). No public hearing was requested and none was held.

During the course of the investigation, information was obtained from officials of TRW, Incorporated, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Whenever it becomes evident that any of the above criteria are no longer met, the certification as issued must be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification.

The investigation reveals that all four criteria continue to be met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Subsequent to the June 19, 1975 finding, employment of production workers decreased 51 percent from 1974 to 1975. Employment decreased 5 percent in the first quarter of 1976 compared to the like period of 1975. Employment increased 16 percent in the second quarter of 1976 compared to the same quarter of the previous year, but declined 16 percent from the previous quarter. Employment increased 9 percent in the third quarter of 1976 compared to the same quarter of the previous year and remained unchanged from the previous quarter. Employment figures include the Downington, Pennsylvania facility of TRW, which employs workers engaged in the preparation of paints for the resistors produced at the Philadelphia Division and represents approximately 1½ percent of total employment.

Employment of salaried workers declined 41 percent from 1974 to 1975, and 14 percent in the first ten months of 1976 from the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Subsequent to the June 19, 1975 finding, sales of carbon composition resistors by the Philadelphia Division of TRW, Inc. decreased 44 percent in quantity from 1974 to 1975. Sales increased 25 percent in the first quarter of 1976 compared to the like period of 1975, then decreased in quantity in the second and third quarters of 1976, 7 percent and 32 percent, respectively, compared to the like periods of 1975.

Production of carbon composition resistors decreased 58 percent in quantity from 1974 to 1975. Sales increased 25 per-in the first, second, and third quarters of 1976, 34 percent, 22 percent and 18 percent in quantity, respectively, compared to the same quarters of 1975. Production decreased 37 percent in the second quarter of 1976 compared to the first quarter of 1976 and decreased 7 percent in the third quarter of 1976 compared to the second quarter of 1976.

INCREASED IMPORTS

Subsequent to the June 19, 1975 finding, imports of carbon composition resistors decreased both absolutely and relatively from 1974 to 1975. Imports increased absolutely and relatively in the first six months of 1976 compared to the same period of the previous year. The ratio of imports to domestic production and consumption increased from 34.0 percent and 26.2 percent, respectively, in the first six months of 1975, to 57.3 percent and 37.0 percent, respectively, in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that customers decreased their purchases of carbon composition resistors from TRW's Philadelphia Division from 1974 to 1975 and in the first 10 months of 1976 compared to the same period of 1975, and increased their purchases of imported resistors. These customers cited the lower price of imported resistors as the reason for the shift in purchasing patterns.

CONCLUSION

While employment at the Philadelphia Division of TRW, Inc. increased in the second and third quarters of 1976 compared to the same quarters in 1975, employment declines are anticipated as evidenced by the decrease in numbers of production workers in the second and third quarters of 1976 from the previous quarters. Further evidence that TRW has not recovered from the impact of imports is also seen by the decline in employment of production workers in the first, second and third quarters of 1976, 46 percent, 55 percent, and 55 percent, respectively, when compared to the like periods of 1974.

While production at the Philadelphia Division of TRW increased in the first, second, and third quarters of 1976 compared to the same quarters in 1975, production declines are expected as evidenced by the decrease in production in the first, second, and third quarters of 1976 from the previous quarters. Additionally, production of carbon composition resistors declined in the first, second, and third quarters of 1976, 40 percent, 65 percent, and 61 percent, respectively, when compared to the same quarters of 1974.

Sales decreased in the second and third quarters of 1976 compared to the same quarters of the previous year and decreased in quantity in the first, second, and third quarters of 1976, 54 percent, 58 percent, and 62 percent, respectively, compared to the same quarters of 1974.

U.S. imports of fixed resistors increased absolutely and relatively in the first six months of 1976 compared to the like period of 1975. Customers surveyed continued to decrease their purchases of carbon composition resistors from TRW's Philadelphia Division and increase their purchases of imported resistors in the first ten months of 1976 compared to the same period in 1975.

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers producing carbon composition resistors at the Philadelphia Division of TRW, Inc., Cleveland, Ohio and related workers at the Downington, Pennsylvania facility continue to be attributable to the conditions specified in section 222 of the Trade Act of 1974.

Therefore, the certification issued on June 19, 1975 for TA-W-11, the Philadelphia Division of TRW, Incorporated, Cleveland, Ohio and related workers at the Downington, Pennsylvania facility is not revised to include a termination date of eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1005 Filed 1-10-77;8:45 am]

[TA-W-1171]

WASHINGTON STOVE WORKS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1171: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 14, 1976 in response to a worker petition received on October 14, 1976 which was filed by the International Molders and Allied Workers Union on behalf of workers and former workers producing cast iron stoves at the Everett, Washington plant of Washington Stove Works.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48819). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Washington Stove Works, its customers, the U.S. Department of Commerce, the U.S. Inter-

national Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdecision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 36.3 percent in the first three quarters of 1976 compared to the first three quarters of 1975. Separations first occurred at the plant on March 15, 1976.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of cast iron stoves, in value, increased 125.6 percent in 1975 compared to 1974. Company sales of cast iron stoves, in value, declined 27.8 percent in the first three quarters of 1976 compared to the first three quarters of 1975.

Plant production, in quantity, of cast iron stoves increased 68.5 percent in 1975 compared to 1974. Plant production of cast iron stoves declined 67.1 percent in the first three quarters of 1976 compared to the first three quarters of 1975. Plant production, in quantity, declined 27.1 percent in the first quarter of 1976 compared to the first quarter of 1975.

INCREASED IMPORTS

U.S. imports of cast iron stoves were negligible from 1972 through 1973. U.S. imports increased to 75 thousand units in 1974. U.S. imports were 233 thousand units in 1975, an increase of 210.7 percent compared to 1974.

The ratio of imports of cast iron stoves to domestic production was 46.3 percent in 1974 and increased to 95.9 percent in 1975. The radio of imports to domestic production was 86.8 percent in the first three quarters of 1975 and increased to 117.8 percent in the first three quarters of 1976.

The ratio of imports to domestic consumption was 31.6 percent in 1974 and increased to 48.8 percent in 1975. The ratio of imports to domestic consumption was 46.5 percent in the first three quarters of 1975 and increased to 54.1 percent in the first three quarters of 1976.

CONTRIBUTED IMPORTANTLY

Major customers of Washington Stove Works indicated that they have increased their purchases of imported cast iron stoves while decreasing their purchases from Washington Stove Works. Customers have increased purchases of imported cast iron stoves because of lower prices.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of cast iron stoves have contributed importantly to the total or partial separation of the workers at the Everett, Washington plant of Washington Stove Works. In accordance with the provisions of the Act, I make the following certification:

All employees at the Everett, Washington plant of Washington Stove Works who became totally or partially separated from employment on or after March 15, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-997 Filed 1-10-77;8:45 am]

[TA-W-1464]

YOUNGSTOWN SHEET AND TUBE CO

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 20, 1976 the Department of Labor received a petition dated December 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Campbell, Struthers Works, Youngstown, Ohio of Youngstown Sheet and Tube Co., Youngstown, Ohio (TA-W-1464). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with basic steel produced by Youngstown Sheet and Tube Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-987 Filed 1-10-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

FUTURE COUNCIL MEETINGS

Notice is hereby given, pursuant to Pub. L. 92-463, that future dates of meetings of the National Advisory Council on the Education of Disadvantaged Children will be held as follows:

January 28-29, 1977, February 25-26, March 11 (Editing Committee only), April 1-2, May 20-21, June 10-11, July 15-16, August 19-20, September 9-10, October 14-15, November 18-19, December 9-10.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Because of limited space, all persons wishing to attend should call for reservations in advance area code 202/382-6945.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th St., NW, Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on January 4, 1977.

PAUL F. KELLER,
Acting Executive Director.

[FR Doc.77-897 Filed 1-10-77;8:45 am]

COUNCIL MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held at 425 13th St., NW, Suite 1012, Washington, D.C. on January 28, 1977 from 9:00 am-5:00 pm and on January 29, 1977 from 9:00 am-12 noon. The Committees on Legislation, Mandated Studies and Adolescence will meet to go over individual drafts of legislation and the full Council will meet to review Committee reports and further develop sections of the 1977 Annual Report.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Because of limited space, all persons wishing to attend should call for reservations by January 24, 1977 area code 202/382-6945.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th St., NW, Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on January 4, 1977.

PAUL F. KELLER,
Acting Executive Director.

[FR Doc.77-898 Filed 1-10-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (77-2)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Meeting

The NASA Research and Technology Advisory Council will meet on February 2-4, 1977, in Room 625 of Federal Office Building 10B at NASA Headquarters, 600 Independence Avenue, SW, Washington, DC 20546. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Council was established to advise NASA's senior management in the area of aeronautics and space research and technology. The Council studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. The Chairman is Dr. Ronald Smelt. There are 17 members on the Council itself and additional members on five committees and four panels which report to the Council.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact the Executive Secretary, Mr. C. Robert Nysmith (Code R-3), NASA Headquarters, Washington, DC 20546, Area Code 202 755-8550.

FEBRUARY 2, 1977

Time	Topic
8:30 a.m.	Opening remarks. (Purpose: To summarize the topics to be discussed at the meeting and note any changes in the NASA organization and personnel.)
9 a.m.	NASA 5-year plan—1978-82. (Purpose: To present the NASA 5-year plan for the council's review and comment.)
1:15 p.m.	OAST fiscal year 1978 budget. (Purpose: To inform the council of the proposed fiscal year 1978 aeronautics and space technology program and budget.)
2:15 p.m.	Fiscal year 1979 planning. (Purpose: To discuss and plan future RTAC activities to insure that the advice provided by RTAC is timely and of maximum usefulness to NASA during formulation of the potential fiscal year 1979 technology programs and budget.)
3 p.m.	Future planning. (Purpose: To solicit RTAC recommendations on future areas which should be emphasized.)
3:45 p.m.	NASA aeronautics facility energy requirements and utilization. (Purpose: To present and discuss the requirements and utilization of energy by the research centers' aeronautical facilities and solicit the council's advice and recommendations regarding proposed NASA activities to reduce facility energy consumption.)
4:45 p.m.	Status of issues and recommendations. (Purpose: To discuss NASA's actions in response to RTAC issues and recommendations.)
5:45 p.m.	Adjournment.

FEBRUARY 3, 1977

Time	Topic
8:30 a.m.	Center of Excellence Discussion (Purpose: To discuss the RTAC recommendations and suggestions concerning NASA technology "centers of excellence.")
	Committee and panel reports. (Purpose: To permit the chairman of each committee and panel to identify issues and recommendations from the last meeting of his committee/panel, for council discussion.)
10 a.m.	Committee on aerodynamics and configurations.
11 a.m.	Panel on space vehicles.
1 p.m.	Panel on aeronautical safety and operating systems.
2 p.m.	Committee on guidance, control, and information systems.
3:15 p.m.	Committee on aeronautical propulsion.
4:15 p.m.	Panel on research.
5:15 p.m.	Adjournment.

FEBRUARY 4, 1977

Time	Topic
8:30 a.m.	Panel on general aviation technology.
9:30 a.m.	Committee on materials and structures.
10:45 a.m.	Committee on space propulsion and power.
12:45 p.m.	Council deliberations. (Purpose: To allow time for the council to categorize and document recommendations and observations to be reported to NASA.)
2:30 p.m.	Informal council report to NASA. (Purpose: The council will report recommendations to senior NASA officials, and other highlights of the meeting will be discussed.)
3:30 p.m.	Adjournment.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

JANUARY 4, 1977.

[FR Doc. 77-889 Filed 1-10-77;8:45 am]

[Notice 77-3]

SPACE PROGRAM ADVISORY COUNCIL

Meeting

The NASA Space Program Advisory Council will meet on February 1 and 2, 1977, in Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW, Washington, DC 20546. The meeting, to be held from 9 a.m. to 4:30 p.m. on both days, is open to the public. The seating capacity of the room is about 40 persons, including Council members and other participants. Visitors will be requested to sign a visitor's register.

The NASA Space Program Advisory Council was established as an interdisciplinary group to advise NASA senior management with respect to the plans for, the work in progress on, and the accomplishments of NASA's space programs. The Council is concerned with the disciplines appropriate to Physical Sciences, Life Sciences, Space Applications, and Space Systems, as they bear on space programs. The Chairman of the Council is Dr. Frederick Seitz. There are currently seventeen members on the Council and additional members on four standing committees which report to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202 755-8433, NASA Headquarters, Washington, DC 20546.

FEBRUARY 1, 1977

Time	Topic
9 a.m.	Opening remarks. This time is provided for the chairman's introductory remarks and for executive secretary to cover administrative matters.

Time	Topic
	Fiscal year 1978 President's budget. NASA will review the fiscal year 1978 budget submitted for Congressional approval and will discuss its implications.
10 a.m.	Fiscal year 1978 5-year planning. NASA will review the approach to developing, and review the contents of, a 5-year planning report developed in conjunction with the fiscal year 1978 budget submission. The views of the council regarding the upcoming preparation of a fiscal year 1979 5-year planning report will be sought.
2:30 p.m.	SPAC committee reports. This time is provided for reports of the 4 standing committees on matters they have considered since the last SPAC meeting.
4:30 p.m.	Adjourn.
FEBRUARY 2, 1977	
9 a.m.	STS reimbursement policy. A reimbursement policy governing the establishment of fees to be charged to users of the Space Transportation System has been proposed for formal issuance. This policy will be reviewed for the council.
10 a.m.	Viking results. The most recent scientific results of the Viking missions and considerations of possible options for post-Viking exploration of Mars will be presented to the council.
11 a.m.	Program update. Highlights of space program events and activities since the last meeting of the council will be summarized.
1:30 p.m.	Working session. This period is set aside for general discussion by SPAC of matters brought before the council by NASA.
4:30 p.m.	Adjourn.

JOHN M. COULTER,
Acting Assistant Administrator, DOD and Interagency Affairs.

JANUARY 5, 1977.

[FR Doc.77-890 Filed 1-10-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

HANDICAPPED IN SCIENCE PROGRAM

Invitation to Submit Preliminary Proposals

The National Science Foundation (NSF) invites *preliminary proposals* from colleges, universities, schools for the handicapped, and non-profit organizations, for projects to develop and test mechanisms to attract physically handicapped individuals to scientific careers. Through experimentation with promising solutions, the Foundation seeks to identify and demonstrate effective models for the physically handicapped.

Preliminary proposals outlining the proposed project should be submitted to the Handicapped in Science Program by February 25, 1977. The Foundation staff will in two stages review the preliminary proposals and will either discourage submission of a formal proposal or encourage submission and provide information for the submission of a formal proposal by April 15, 1977.

The preliminary proposal should not exceed five pages, sketching in broad strokes the essential features of the experiment. It is important, however, that the design, procedures and the evaluation plan be identified, and the costs be estimated.

Proposers should note that funds will not be provided for student participant support; special services cost will be considered where clearly justified.

Five copies of the completed proposal are requested. They should be sent to:

Handicapped in Science Program, Division of Science Manpower Improvement, Directorate for Science Education, National Science Foundation, Washington, D.C. 20550.

Dated: January 5, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-887 Filed 1-10-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Consideration of Variance Involving Provisional Operating License No. DPR-13

The Southern California Edison Company of Rosemead, California and San Diego Gas and Electric Company of San Diego, California (licensees) are authorized by Provisional Operating License No. DPR-13 to operate a nuclear power reactor identified as San Onofre Unit No. 1 (the facility), located in San Diego County, California, at steady state power levels up to 1347 MWt.

By letter dated November 3, 1976, Southern California Edison Company (SCEC) indicated that based on its efforts to date and the remaining work to be done to achieve compliance with the Commission's Interim Acceptance Criteria (IAC; 36 FR 12247, June 29, 1971), operation of San Onofre, Unit No. 1 was scheduled to be resumed on February 11, 1977. The work which involves the installation of the on-site emergency power system, has continued during the present facility outage with the reactor shut down since September 30, 1976, prior to the expiration of the October 1, 1976 IAC conformance date granted in the Commission's August 5, 1974 variance.

In its letter dated December 16, 1976 (which updates its previous letter dated November 19, 1976) SCEC proposed to have the new on-site emergency power system available for operation upon startup of the facility as scheduled for February 11, 1977, with transfer pumps for supplying diesel oil to the two new diesel generators that do not meet the required ASME Section III pump qualifications. The facility would be operated in this manner until replacement of the transfer pumps with physically and functionally similar pumps that will be certified to meet the ASME, Section III requirements. SCEC's request for approval of this proposed course of action may involve a request for variance from the IAC for the purpose of obtaining an extension of time for replacement of the fuel oil transfer pumps with pumps certified to meet Section III requirements.

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation is considering a variance which would extend the October 1, 1976, deadline for achieving compliance for the facility until April 30, 1977. The variance may be granted upon a finding that there is good cause and that there is reasonable assurance that the granting of the extension will not adversely affect the health and safety of the public. The Director, Office of Nuclear Reactor Regulation will consider and issue a determination, together with supporting reasons, with respect to the variance. In that connection, the Director, Office of Nuclear Reactor Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, address to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, not later than January 25, 1977.

A copy of SCEC's letters of November 3, 19, December 16, 1976, and related correspondence and documents including the Commission's Order of August 5, 1974, have been placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

Dated at Bethesda, Maryland, this 7th day of January, 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-1107 Filed 1-10-77;10:20 am]

OHIO RIVER BASIN COMMISSION

GREEN RIVER BASIN COMPREHENSIVE COORDINATED JOINT PLAN

Availability of Report for Review

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-90), the Ohio River Basin Commission has completed a report summarizing the current Comprehensive Coordinated Joint Plan (CCJP) for the Green River Basin portion of the Ohio River Basin. The Report currently is being reviewed by the Governors, the head of each Federal agency, and each interstate agency, from which a member of the Commission has been appointed.

Views, comments and recommendations on the CCJP are requested by April 4, 1977. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.77-923 Filed 1-10-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice 511]

APPLICATIONS FOR BRIDGE PERMITS

Brownsville, Texas

Notice is hereby given that the Department of State has received three separate applications for permits authorizing the construction, operation and maintenance of international bridges in the Brownsville, Texas area. Applications have been filed by the City of Brownsville and by Cameron County, Texas, for permits authorizing a highway bridge connecting Brownsville with the City of Matamoros. Both the City and County seek authority to build similar bridges in substantially the same location. A third application has been filed by the Brownsville Navigation District for a permit authorizing a rail-highway bridge in the area of the Port of Brownsville.

The Department's jurisdiction with respect to these applications is based upon Executive Order 11423, dated August 16, 1968, and the International Bridge Act of 1972 (Pub. L. 92-343, 86 Stat. 731, approved September 26, 1972).

As required by E.O. 11423, the Department of State is circulating these applications to concerned agencies for comment. In addition, the Office of Environmental Affairs of the Department of State is initiating an assessment of the environmental effects of the three proposals to determine if environmental impact statements will be required.

Interested persons may submit their views regarding these applications in writing to Mr. Phillip R. Trimble, Assistant Legal Adviser for Economic and Business Affairs, Room 6420, Department of State, Washington, D.C. 20520.

The applications and related documents made part of the record to be considered by the Department of State in connection with these applications are available for inspection and copying in the Office of the Assistant Legal Adviser for Economic and Business Affairs during normal business hours.

Any questions relating to this notice may be addressed to Mr. Trimble at the above address, telephone 202-632-0242; or to Mr. John Crook, of his office, telephone 202-632-1571.

For the Secretary of State,

Dated: December 30, 1976.

PHILLIP R. TRIMBLE,
Assistant Legal Adviser for Economic and Business Affairs.

[FR Doc.77-924 Filed 1-10-77;8:45 am]

Agency for International Development

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF PANAMA

Information for Investors

The Agency for International Development (A.I.D.) has advised the Banco Hipotecario Nacional (the Borrower) an instrumentality of the Government of Panama that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the Borrower an amount not to exceed $3,400,000 and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to finance housing for lower income families.

Eligible investors interested in extending a guaranteed loan to the Borrowers should communicate promptly with:

Franklin Almillategui, General Manager, Banco Hipotecario Nacional, Apartado 222, Panama 1, Republic of Panama.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships or associations substantially beneficially owned by U.C. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D.

The Borrower projects a schedule of disbursements covering approximately a two year period from the date of the loan agreement and prospective Investors should consider this in proposing a guaranteed loan to the Borrower. In addition, the Investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the Borrower.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300 E, SA-2, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

Dated: December 13, 1976.

DONALD A. GARDNER,
Deputy Director, Office of Housing Agency for International Development.

[FR Doc.77-837 Filed 1-10-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to Transactions Involving the Ragnar Benson Profit Sharing Plan and Trust (Application No. D-175)

Correction

In FR Doc. 77-99 appearing in the issue of Tuesday, January 4, 1977 on page 956, in the 3rd column, the 2nd full paragraph numbered "11.", the last sentence should read, "With this capital contribution, which will total approximately $140,000 over the seven year period, all of the new loans will be repaid on a straight-line principal plus interest basis."

Office of the Secretary

SECRETARY OF THE TREASURY

Memorandum of Agreement and Delegation of Authority

CROSS REFERENCE: For a document issued jointly by the Department of the Treasury, Office of the Secretary, and the Department of the Interior, Office of the Secretary, on the subject of a delegation of authority to the Secretary of the Treasury in connection with establishment of a Commonwealth of the Northern Mariana Islands in Political Union with the United States, see FR Doc. 77-921 appearing in the Notices section of this issue under the Department of the Interior, Office of the Secretary.

INTERSTATE COMMERCE COMMISSION

[Notice No. 301]

ASSIGNMENT OF HEARINGS

JANUARY 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropri-

ate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61502 Sub 9, Wm. McCullough Transportation Co., Inc., now being assigned March 9, 1977 (3 days), at New York, N.Y. in a hearing room to be later designated.

MC 59457 Sub 31, Sorensen Transportation Company, Inc., now being assigned March 7, 1977 (2 days), at New York, N.Y. in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77—1019 Filed 1-10-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 6, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before January 26, 1977.

FSA No. 43296—*Joint Rail-Water Container Rates—Baltic Shipping Company.* Filed by Baltic Shipping Company, (No. 104), for itself and interested rail carriers. Rates on general commodities, between ports in Europe, and rail stations on the U.S. Atlantic Coast Seaboard.

Grounds for relief—Water competition.

Tariffs—Baltic Shipping Company tariffs Eastbound No. 1, I.C.C. No. 1, F.M.C. No. 18, and Westbound No. 2, I.C.C. No. 2, F.M.C. No. 19. Rates are published to become effective on February 6, 1977.

FSA No. 43297—*Iron or Steel Articles to Beaumont, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-646), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from Alton and Federal, Illinois, to Beaumont, Texas.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 245 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on February 8, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1008 Filed 1-10-77;8:45 am]

[Notice No. 101]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 11, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76904. By application filed December 28, 1976, WALLACE TRANSPORT, INC., P.O. Box 214, Somers Point, N.J., 08244, seeks temporary authority to lease a portion of the operating rights of JOHNSRUD TRANSPORT, INC., Highway 9 West, P.O. Box 447, Cresco, IA, 52136, under section 210a(b). The transfer to WALLACE TRANSPORT, INC., of a portion of the operating rights of JOHNSRUD TRANSPORT, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1020 Filed 1-10-77;8:45 am]

[Notice No. 2]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 5, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 57697 (Sub-No. 5TA), filed December 20, 1976. Applicant: LESTER SMITH TRUCKING, INC., P.O. Box 16424, 2645 E. 51st Ave., Denver, Colo. 80216. Applicant's representative: Michael J. Norton, P.O. Box 2135, 404 Boston Bldg., Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Gypsum and gypsum products*, from points in Albuquerque, N. Mex., and its commercial zone, to points in Colorado and Arizona; (b) *Paper products and gypsum paper*, from points in Colorado, to Albuquerque, N. Mex., and its commercial zone; and (c) *Lumber, lumber products, and wood products*, from points in Colorado, Wyoming, Idaho, and Montana, to points in New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 107818 (Sub-No. 84TA), filed December 21, 1976. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Ave., P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped with mechanical refrigeration, from New Albany, Ind., to points in Florida, Georgia, North Carolina and South Carolina, for 180 days. Supporting shipper: Refrigerated Foods Co., Division of the Pillsbury Co., 602 2nd Ave., South, Minneapolis, Minn. 55402. Send protests to: Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 112288 (Sub-No. 13TA), filed December 23, 1976. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune St., Winston-Salem, N.C. 27107. Applicant's representative: John L. Brown, 2236 Brookfield Dr., S.W., Roanoke, Va. 24018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, air filtration, refrigeration and humidifying equipment*, the transportation of which because of size or weight requires the use of special equipment, from Salisbury, N.C., to points in Georgia, Iowa, Michigan, South Carolina and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gamewell Mechanical, Inc., P.O. Box 1949, Salisbury, N.C. 28144. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 112539 (Sub-No. 17TA), filed December 23, 1976. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Route 309, Hazle Village, Hazleton, Pa. 18201. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from South Volney Township, N.Y., to Hazleton, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Quality Beverage Dist., 695 Poplar St., Hazleton, Pa. 18201. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 113843 (Sub-No. 236TA), filed December 21, 1976. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Granite State Packing Co., at or near Manchester, N.J., to points in Colorado, District of Columbia, Illinois, Indiana, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, Virginia and Wisconsin, restricted to traffic originating at the above-named origin and destined to the above-named destinations, for 180 days. Supporting shipper: Granite State Packing Co., 163 Hancock St., Manchester, N.H. 03105. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 113908 (Sub-No. 392TA), filed December 21, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S. Springfield Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, from points in Tarrant County, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming, for 180 days. Supporting shipper: Master Builders, Lee at Mayfield, Cleveland, Ohio 44118. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114457 (Sub-No. 279TA), filed December 23, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Jeno's, Inc., Duluth, Minn., to points in Iowa, Kansas, Missouri, Nebraska and South Dakota, restricted to the transportation of traffic originating at and destined to the above named points, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Ave., South, Duluth, Minn. 55802. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114533 (Sub-No. 353TA), filed December 17, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film*, and incidental dealer handling supplies (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Salt Lake, Davis and Weber Counties, Utah, on the one hand, and, on the other, points in Idaho, Colorado, Oregon and Wyoming, for 180 days. Supporting shippers: Filmcraft, Inc., Steve Brooks, Manager, 1475 S. Main St., Transamerica Film Service, 1430 S. Main St., Vern Hilman, Plant Manager, Salt Lake City, Utah 84115. Sun Photo Service, D. Thomas Silvers, Exec. V.P., 1146 S. State St., Salt Lake City, Utah 84110. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 117765 (Sub-No. 219TA), filed December 23, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers; (1) from Laredo, Tex., to points in Oklahoma; and (2) from Wichita, Kans., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hirst Imports, Inc., 1140 N.W. 4th St., Oklahoma City, Okla. 73106. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 117940 (Sub-No. 203TA), filed December 23, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and West Virginia, to the facilities of S. S. Kresge Company, in Illinois, Indiana and Ohio, restricted to traffic originating at the named origin states and destined to the named facilities, for 180 days. Supporting shipper: S. S. Kresge Company, 3100 W. Big Veaver, Troy, Mich. 48084. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117940 (Sub-No. 204TA), filed December 23, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk) from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and West Virginia, to the facilities of S. S. Kresge Company, in the Lower Peninsula of Michigan, restricted to traffic originating in the named origin states and destined to the named facilities, for 180 days. Supporting shipper: S. S. Kresge Company, 3100 W. Big Veaver, Troy, Mich. 48084. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118806 (Sub-No. 51TA), filed December 23, 1976. Applicant: ARNOLD BROS. TRANSPORT, LTED., 851 Lagimodiere Blvd., Suite 200, Winnipeg, Manitoba, Canada R2J 3K4. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg flats, egg cartons and peat moss pots*, from the ports of entry on the International Boundary Line between the United States and Canada located at or near Pembina, N. Dak., and Noyes, Minn., to points in California, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, for 180 days. Supporting shipper: Fibre Form Industries, Inc., Box 1958, Tisdale, Saskatchewan, Canada. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Com-

mission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 119934 (Sub–No. 210TA), filed December 22, 1976. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar*, in bulk, from Reserve, La., to Atlanta and Forest Park, Ga.; Cincinnati, Ohio; Louisville, Ky.; and Malden, Mo.; and (2) *Dry sugar*, in bulk, from Reserve, La., to Atlanta and Forest Park, Ga.; Cincinnati, Ohio; and Malden, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Godchaux Henderson Sugar, Inc., P.O. Drawer AM, Reserve, La. 70084. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 129301 (Sub-No. 5TA), filed December 21, 1976. Applicant: ENGLISH AND SONS CORPORATION, 412 Kings Highway, Thorofare, N.J. 08086. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, cold pack or frozen, canned, preserved or prepared and pet food*, between Camden, N.J., on the one hand, and, on the other, points in Delaware, Maryland and New York within 125 miles of Camden, N.J., restricted to a transportation service to be performed under a continuing contract with Campbell Soup Company, Camden, N.J.; (2) *Foodstuffs*, from Vincetown, N.J., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and West Virginia, restricted to a transportation service to be performed under a continuing contract with Francis C. Stokes Company, Vincetown, N.J.; and (3) *General commodities* (except commodities in bulk, dangerous explosives and household goods as defined by the Commission), between Cinnaminson, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and the District of Columbia, restricted to a transportation service to be performed under a continuing contract with Anthony Sales, Cinnaminson, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Campbell Soup Company, Camden, N.J. 08101. (2) Francis C. Stokes Company, P.O. Box 278, Vincentown, N.J. 08088. and (3) Anthony Sales, 1300 Taylors Lane, Cinnaminson, N.J. 08077. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 133193 (Sub-No. 2TA), filed December 20, 1976. Applicant: JAMES ANDREWS, doing business as JAMES ANDREWS TRUCKING CO., 69 Catlin Ave., Roosevelt, N.Y. 11575. Applicant's representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between Inwood, N.Y., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission, under a continuing contract with Gay Togs, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gay Togs, Inc., 475 Doughty Blvd., Inwood, N.Y. 11696. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133741 (Sub-No. 19TA), filed December 22, 1976. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from the facilities utilized by Louisiana-Pacific Corporation, in the Dubois, Wyo., commercial zone, to the facilities utilized by Louisiana-Pacific Corporation, in the Riverton, Wyo., commercial zone, restricted to shipments having a subsequent movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Louisiana-Pacific Corporation, 1300 S.W. 5th Ave., Portland, Oreg. 97201. Send protests to: Paul A. Naughton, Transportation Specialist, Interstate Commerce Commission, 1006 Federal Bldg., and Post Office, 100 E. B St., Casper, Wyo. 82601.

No. MC 134467 (Sub-No. 15TA), filed December 23, 1976. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 72764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from the plantsite and storage facilities of Chelsea Milling Co., at or near Chelsea, Mich., to points in Arkansas, Oklahoma, Tennessee, Texas and Missouri, restricted to traffic originating at the plantsite or storage facilities of Chelsea Milling Co., at or near Chelsea, Mich. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chelsea Milling Co., North St., Chelsea, Mich. 48118. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 134970 (Sub-No. 10 TA), filed December 21, 1976. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Route #24 East, El Paso, Ill. 61738. Applicant's representative: Charles W. Gustafson, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson & Company, Inc., at or near Monmouth, Ill., to Albany, Ga., Atlanta, Ga., and its Commercial Zone, Lovejoy, Ga., Thomasville, Ga., New Orleans, La., and its Commercial Zone, Shreveport, La., and its Commercal Zone, Suffolk, Va., Jacksonville, Fla., and its Commercial Zone, Madison, Fla., and Plant City, Fla., and Tampa, Fla., and its Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson Foods Corporation, A. N. Brent, Manager, Transportation, P.O. Box 26724, Oklahoma City, Okla. 73126. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 134977 (Sub-No. 9TA), filed December 23, 1976. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., South Main St., Lyndonville, N.Y. 14098. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen mushrooms*, from Kennett Square, Pa., to Rochester, N.Y., Owensboro, Ky., and Evansville, Ind., for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Ave., Rochester, N.Y. 14606. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 138231 (Sub-No. 2TA), filed December 17, 1976. Applicant: WILBUR CARTER, 401 St. Augustine Road, Valdosta, Ga. 31601. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular,

routes, transporting (1) *Furniture and components of furniture* (except commodities in bulk); and (2) *raw materials and component parts* used in the manufacture of furniture (except commodities in bulk), from Candler, N.C., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Virginia and West Virginia; and from points in the destination states named in (1) above, to Candler, N.C., under a continuing contract with Harris Pine Mills, for 180 days. Supporting shipper: Harris Pine Mills, Drawer 1168, Pendleton, Oreg. 97801. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 138383 (Sub–No. 2TA), filed December 23, 1976. Applicant: JON C. SAWYER, doing business as, SAWYER TRANSPORT CO., 3535 Wolf Road, Saginaw, Mich. 48601. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of Nugent Sand Company, at Muskegon, Mich., and its commercial zone, to Defiance, Ohio, for 180 days. Supporting shipper: Central Foundry Division, GMC, 77 W. Center St., P.O. Box 1629, Saginaw, Mich. 48605. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 138626 (Sub–No. 1TA), filed December 23, 1976. Applicant: LESLIE OAKLEY, JR. AND BARRY D. OAKLEY, doing business as, OAKLEY BROTHERS TRUCKING, Fairfield, Mont. 59436. Applicant's representative: Mr. Dzivi, 529 Northwestern Bank Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, aluminum and steel pipe and wheel line sprinklers*, from points in Oregon, Washington and Idaho, to points in Montana and to the International Boundary line between the United States and Canada as the same is contiguous with the boundaries of Montana. Applicant intends to tack its existing authority with MC 138626, for 180 days. Supporting shippers: Mike Saranto, Purchasing Manager, Pringle Manufacturing Company, Box 235, Walla Walla, Wash. 99362. William Bixby, Manager, Johns-Mansville, Inc., McNary, Oreg. Send protests to: Paul J. Lebane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North Billings, Mont. 59101.

No. MC 139663 (Sub-No. 1 TA), filed December 23, 1976. Applicant: HASKINS & SON, INC., 815 Max Ave., Lansing, Mich. 48915. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, at Muskegon, Mich., and its commercial zone to Defiance, Ohio, for 180 days. Supporting shipper: Central Foundry Division, GMC, 77 W. Center St., P.O. Box 1629, Saginaw, Mich. 48605. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 140665 (Sub-No. 4 TA), filed December 21, 1976. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric lamps; lighting fixtures, Christmas tree lamp outfits; electric cord sets; dry cell batteries; and portable battery chargers*, from Bellevue, Cleveland, Warren, Youngstown, Ravenna, Circleville and Bucyrus, Ohio, to points in Arizona, California, Colorado, Idaho, New Mexico, Utah, Nevada, Wyoming, Montana, Oregon, and Washington, for 180 days. Supporting shipper: General Electric Company, Nela Park, Cleveland, Ohio 44112. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141205 (Sub-No. 5TA), filed December 23, 1976. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 S. Cherry St., Denver, Colo. 80222. Applicant's representative: Karl F. Anuta (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from oil wells located in Nye County, Nev., to refineries located at or near Salt Lake City, North Salt Lake and Woods Cross, Utah, under a continuing contract with Husky Oil Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Husky Oil Company, 600 S. Cherry St., Denver, Colo. 80222. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 142290 (Sub-No. 1TA), filed December 23, 1976. Applicant: JERNIGAN TRUCKING COMPANY, INC., Route 1, Box 141, Seffner, Fla. 33584. Applicant's representative: M. Craig Massey, 202 E. Walnut St., P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clinker*, between Tampa, Fla., and Port Manatee, Fla., under a continuing contract with National Portland Cement Company of Florida, Inc., for 180 days. Supporting shipper: National Portland Cement Company of Florida, Inc., Route 1, Port Manatee, Palmetto, Fla. 33561. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142722 (Sub-No. 1TA), filed December 20, 1976. Applicant: CRAIG LEE SCHUELLER & MARTIN STEWART PHILLIPS, doing business as SCHIPPS TRANSFER & STORAGE CO., 7815 Slater No. 2, Huntington Beach, Calif. 92647. Applicant's representative: Craig Lee Schueller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, and personal effects*, restricted to the performance of pickup and delivery service in connection with packing, crating and containerization and decontainerization of such traffic between the warehouse facilities of Schipp's Transfer & Storage, in Orange County, Calif., on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, San Diego, San Bernardino, and Ventura Counties, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Purchasing & Contracting Office, U.S. Marine Corps, P.O Box 1609, Oceanside, Calif. 92054. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321, Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142610 (Sub-No. 1TA), filed December 20, 1976. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, 8303 Old Gentilly Road, New Orleans, La. 70189. Applicant's representative: William P. Jackson, 3426 North Washington Blvd., Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and preserved foodstuffs*, in glass containers, from the plant facilities of B. F. Trappey, Inc., at Lafayette, La., and New Iberia, La., to points in Pennsylvania, Wisconsin, Indiana, Michigan, Illinois, Ohio, and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B. F. Trappey, Inc., P.O. Box 400, New Iberia, La. 70560. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, 9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La 70113.

No. MC 142750 TA, filed December 20, 1976. Applicant: ROBERT NEWSOME, JR., Box 34, Naugatuck, W. Va. 25685. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating oil, diesel fuel and gasoline*, in bulk, in tank trailers, from Leach, Ky., to Chattaroy, Matewan, and Williamson, W. Va., and from Ironton, Ohio, to Matewan and Williamson, W. Va., under a continuing contract with B & C Oil Company, Inc., and J. H. Trippett

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Distributing, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Harold B. Davis, Office Manager-Company Representative, B & C Oil Company, Inc., Box 177, Matewan, W. Va 25678. J. H. Trippett, Owner, J. H. Trippett Distributing, 1413 W. 5th Ave., Williamson, W. Va. 25661. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 142751 TA, filed December 21, 1976. Applicant: TWIN LAKES SERVICE, INC., 651–80th Ave., N.E., Minneapolis, Minn. 55432. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except commodities in bulk), from Milwaukee, Wis., to St. Cloud, Minn., under a continuing contract with Shabel Beverage, Inc., for 180 days. Supporting shipper: Schabel Beverage, Inc., St. Cloud, Minn. 56301. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Comerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

PASSENGER APPLICATION

No. MC 142692 (Sub-No. 1TA), filed December 20, 1976. Applicant: OHIO VALLEY REGIONAL TRANSPORTATION AUTHORITY, 2177 National Road, P.O. Box 2086, Wheeling, W. Va. 26003. Applicant's representative: Paul C. Camilletti, Peoples Federal Bldg., Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage;* (1) from Rayland, Ohio, through Tiltonsville, Martins Ferry, and Bridgeport, Ohio, to Wheeling, W. Va., and return; (2) from Blaine, Ohio, through Wolfehurst, Brookside, and Bridgeport, Ohio, to Wheeling, W. Va., and return; (3) Shadyside, Ohio, through Bellaire and Bridgeport, Ohio, to Wheeling, W. Va., and return; and (4) Incidental charter service for above area and to West Liberty,* W. Va., and West Alexander, Pa., and environs; *Passengers and their baggage;* between Wheeling, W. Va., and Shadyside, Blaine, and Rayland, Ohio, as follows: from Wheeling, W. Va., over U.S. Highway 40 to Bridgeport, Ohio, thence over Ohio Route 7 to Shadyside, Ohio; from Wheeling, W. Va., over U.S. Highway 40 to Bridgeport, Brookside, and Blaine, Ohio; from Wheeling, W. Va., over U.S. Highway 40 to Bridgeport, Ohio, thence over Ohio Route 7 to Martins Ferry, Ohio via Zane Highway Hanover Street, return to Ohio Route 7 to Tiltonsville, Yorkville, and Rayland, Ohio, via Main Street, return over these routes to Wheeling, W. Va., service is authorized to and from all intermediate points on the above specified routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Bel-O-Mar Regional Council and Interstate Planning Commission, P.O. Box 2086, Wheeling, W. Va. 26003. Eastern Ohio Regional Transit Authority, Citizens Savings Bank, Martins Ferry, Ohio 43935. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1018 Filed 1-10-77;8:45 am]

[Notice No. 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 6, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1485 (Sub-No. 12TA), filed December 27, 1976. Applicant: SCHROOL TRANSPORTATION, INC., 360 Governor St., East Hartford, Conn. 06108. Applicant's representative: Hugh M. Joseloff, 80 State St., Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cooked, cured or preserved*, n.o.l., from the plantsites of the shipper at Manchester and Bedford, N.H., to points in Massachusetts, Rhode Island and Connecticut, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M. M. Mades Co., Inc., 67 South St., Somerville, Mass. 02143. Send protests to: J. D. Perry, Jr., Interstate Commerce Commission, 324 U.S. Post Office Bldg., 135 High St., Hartford, Conn. 06101.

No. MC 33322 (Sub-No. 19TA), filed December 28, 1976. Applicant: JOHN N. APGAR, SR. (IRVING L. APGAR, JOHN N. APGAR, JR. AND THE FIRST NATIONAL BANK OF CENTRAL JERSEY, EXECUTORS AND TRUSTEES), STERLING E. APGAR (MORRIS RUTER, TRUSTEE) AND DORTHY E. ANDERSON, doing business as APGAR BROS., 232 W. Union Ave., Bound Brook, N.J. 08805. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, located at to near Freehold, N.J., to Baltimore, Md.; Tarytown, N.Y.; Wilmington, Del.; and Exton, Pa., under a continuing contract with Union Carbide Corporation, for 180 days. Supporting shipper: Union Carbide Corporation, Corporate Distribution Department, 270 Park Ave., New York, N.Y. 10017. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 49387 (Sub-No. 47TA), filed December 28, 1976. Applicant: ORSCHELN BROS. TRUCK LINES, Highway 24 East, P.O. Box 658, Moberly, Mo. 65270. Applicant's representative: Herman W. Huber, 101 E. High St., Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, surgical dressings, swabs and absorbent cotton and advertising matter and store display racks or stands* when moving at the same time and in the same vehicle with the above described commodities, from Jefferson City, Mo., to Lafayette, Inc., for 180 days. Supporting shipper: Chesebrough-Pond's, Inc., John St., Clinton, Conn. 06413. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo.

No. MC 108393 (Sub-No. 113TA), filed December 28, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between St. Paul, Minn., on the one hand, and Tupelo, Miss., on the other, under a continuing contract with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl Anderson, Director of Corporate Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 108393 (Sub-No. 114TA), filed December 28, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Ft. Wayne, Ind., and Danville, Ky., under a continuing contract with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, Director of Corporate Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 112617 (Sub-No. 356TA), filed December 28, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, from Evansville, Ind., to points in Ohio, Michigan, and West Virginia, restricted to shipments having a prior movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oscar T. Smith, President, S & R Services, Inc., P.O. Box 1182, Henderson, Ky. 42420. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 114457 (Sub-No. 280TA), filed December 22, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Eau Claire, Wis., to points in Connecticut, Georgia, Illinois, Indiana, Iowa, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas, for 180 days. Supporting shipper: Landy of Wisconsin, Inc., 2411 3rd St., Eau Claire, Wis. 54701. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115242 (Sub-No. 13TA), filed December 27, 1976. Applicant: DONALD MOORE, 601 North Prairie, Prairie du Chien, Wis. 53821. Applicant's representative: Michael S. Varda, 121 S. Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Dubuque, Iowa, and on return, *empty malt beverage containers and pallets*, from Dubuque, Iowa, to Peoria, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dubuque Hilliday Sales, Inc., 1270 E. 12th St., Dubuque, Iowa 52001. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 130 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 116014 (Sub-No. 79TA), filed December 23, 1976. Applicant: OLIVER TRUCKING COMPANY, INC., Box 53, Lexington Road, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles*, from Bibb, Fulton and Richmond Counties, Ga., to points in Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Southern Wood Piedmont Co., P.O. Box 5047, Spartanburg, S.C. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 216 Bakhaus Bldg., 1500 W. Main St., Lexington, Ky. 40505.

No. MC 117565 (Sub-No. 95TA), filed December 22, 1976. Applicant: MOTOR SERVICE COMPANY, INC., Lake Park Road, P.O. Box 448, Coshocton, Ohio 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in single and double wide units, in initial movement, from Middlebury, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coachmen Homes Corporation, P.O. Box 705, Middlebury, Ind. 46540. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 118989 (Sub-No. 150TA), filed December 27, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container closures*, from Chicago, Ill., to Jeannette, Pa., and Jonesboro, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., 150 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operation, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 123543 (Sub-No. 1TA), filed December 22, 1976. Applicant: FANELLI'S EXPRESS, INC., Campion Road, New Hartford, N.Y. 13413. Applicant's representative: Murray J. S. Kirshtein, 118 Bleeker St., Utica, N.Y. 130501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated and plastic shipping containers, materials, supplies, and machinery used in the manufacture thereof*, from New Hartford, N.Y., to Hamden, Hartford, and West Hartford, Conn.; Everett, Lawrence, and Springfield, Mass.; Waltham, Maine; Londonderry, N.H.; Carlstadt, Flemington, Hackensack, and Secaucus, N.J.; East Stroudsburg, Erie, Franklin, Lancaster, Leetsdale, Middletown, Reading, Stroudsburg, West Reading, and Wynnewood, Pa.; Bennington, Charlotte, Hinesburg, St. Albans, and Winooski, Vt.; and from Boston, Canton, Hyde Park, Palmer, Springfield, and Wakefield, Mass.; Bangor, Dixfield, Oakland, Old Town, Passadumkeag, and Portland, Maine, Stirling, N.J.; Gettysburg and Erie, Pa., to New Hartford, N.Y., under a continuing contract with Mohawk Containers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard C. Kennedy, Assistant, to President, Mohawk Containers, Inc., P.O. Box 218, New Hartford, N.Y. 13413. Send protest to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Room 1259, Syracuse, N.Y. 13202.

No. MC 126276 (Sub-No. 165TA), filed December 23, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St. Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container closures*, from Sharonville, Ohio, to Siloam Springs and Springdale, Ark.; Champaign, Chicago, Milford, and Rossville, Ill.; Berne, Bloomington, Buffington, La Porte, Mt. Summit, Port Isabel, Orestes, Swayzee, Valparaiso, and Wilkinson, Ind.; Cedar Rapids, Iowa; Owensboro, Ky.; Cross-

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ville, Greenville, Jackson, Memphis, Nashville, and Newport, Tenn.; and Madison and Milwaukee, Wis., under a continuing contract with The Continental Group, Inc., for 180 days. Supporting shipper: The Continental Group, Inc., Richard Dwyer, Regional Traffic & Distribution Manager, 150 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 129712 (Sub-No. 8TA), filed December 23, 1976. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors); *and attachments, parts and accessories* for tractors when moving at the same time and in the same equipment with tractors; and all having a prior movement by rail, from the rail ramps located at or near Memphis, Tenn., Greenville, Miss., and Birmingham, Ala., to points in Alabama, Arkansas, Tennessee, Mississippi, and Louisiana, under a continuing contract with Fort Tractor Operations, Ford Motor Company, Troy, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Tractor Operations, Ford Motor Company, 2500 E. Maple Road, Troy, Mich. 48084. Send protests to: E. A. Bryant, Transportation Specialist, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546. Atlanta, Ga., 30309.

No. MC 129712 (Sub-No. 9TA), filed December 23, 1976. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors); *and attachments, parts and accessories* for tractors when moving at the same time and in the same equipment with tractors; and all having a prior movement by rail, from the rail ramps located at or near Tampa and Jacksonville, Fla., to points in Florida, under a continuing contract with Ford Tractor Operations, Ford Motor Company, Troy, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Tractor Operations, Ford Motor Company, 2500 E. Maple Road, Tryo, Mich. 48084. Send protests to: E. A. Bryant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 133684 (Sub-No. 23TA), filed December 23, 1976. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fairfield, Cailf., to Kent, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: City Beverage Distributors, Inc., 848 S. Third, Kent, Wash. 98031. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 134134 (Sub-No. 20TA), filed December 22, 1976. Applicant: MAINLINER MOTOR EXPRESS, INC., 2002 Madison St., Omaha, Nebr. 68107. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses, from the plantsite and storage facilities utilized by Armour & Co., at or near Omaha, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. A. Chute, Manager, Transportation & Distribution, Armour Food Company, 111 W. Clarendon Ave., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 134405 (Sub-No. 31TA), filed December 22, 1976. Applicant: BACON TRANSPORT CO., P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: O. G. BACON III (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Arkansas City, Kans., to Muskogee, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Riffe Petroleum Company, 1700 Philtower Bldg., Tulsa, Okla. 74103. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 134477 (Sub-No. 130TA), filed December 22, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, S. Dak., to points in Illinois, Iowa, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Wisconsin and Washington, D.C., restricted to traffic originating at the plantsite and storage facilities of Huron Dressed Beef, Inc., at or near Huron, S. Dak., and destined to points in the above-named states, for 180 days. Supporting shipper: Huron Dressed Beef, Inc., Huron, S. Dak. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134599 (Sub-No. 151TA), filed December 22, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Games, toys, and plastic articles*, and (2) *materials, parts and supplies* used in the manufacture of items in part (1) above (except commodities in bulk and those requiring special handling or special equipment); (1) between Edison, N.J., on the one hand, and, on the other, points in California, Georgia, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, North Carolina, Oklahoma, Oregon, Tennessee, Texas, Virginia and Washington; (2) from Edison, N.J., to points in Alabama, Arizona, Arkansas, Colorado, Kentucky, Louisiana, Nebraska, Ohio, South Carolina and Wisconsin, under a continuing contract with Mattel, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, Calif. 90250. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 134859 (Sub-No. 8TA), filed December 22, 1976. Applicant: FRANK RUSSELL & SON, 401 S. Ida St., West Frankfort, Ill. 62896. Applicant's representative: Donald Russell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk and in bags, from Meramec Mine, at or near Pea Ridge, Mo., to Elizabethtown, Ky., under a continuing contract with Colt Industries, Crucible Inc., Magnetics Div., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gene P. Jaggers, V.P./Controller, Colt Industries, Crucible Inc., Magnetics Div., P.O. Box 106, Elizabethtown, Ky. 42701. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 142239 (Sub-No. 4TA) (Correction), filed December 13, 1976, published in the FEDERAL REGISTER issue of December 27, 1976, and republished as corrected this issue. Applicant: WASHINGTON TRANSPORTATION CO., 3305 Highway 192, Council Bluffs, Iowa 51501. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the commercial zones of Omaha, Nebr., Madison, Nebr., and Sioux City, Iowa, to points in Illinois and Indiana, within the Chicago, Ill., commercial zone and points in the commercial zones of Detroit, Mich., Boston, Mass.; Cleveland, Ohio; Baltimore, Md.; and South Windsor, Conn.; and Toledo, Ohio; and points in New Jersey, New York and Pennsylvania. Restriction: Restricted to a transportation service to be performed under a continuing contract with Cudahy Foods Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: T. L. Byerly, Purchasing Manager, Cudahy Co., 5051 S. 33rd St., Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 142346 (Sub-No. 2TA), filed December 23, 1976. Applicant: LARMER TRANSFER CO., 90129 Prarie Road, P.O. Box 706, Eugene, Oreg. 97041. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel plate, angle iron, bars, pipe and channel*, from the plantsite of Farwest Steel Plant, at Eugene, Oreg., to Ontario, Oreg., for interline with shipper or certified carriers for ultimate destination in Boise, Idaho, under a continuing contract with Farwest Steel Corporation, for 180 days. Supporting shipper: Farwest Steel Corporation, P.O. Box 889, Eugene, Oreg. 97401. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 142440 (Sub-No. 1TA), filed December 23, 1976. Applicant: SPURLING AVIATION, INC., 8403 Perimeter Road South, Seattle, Wash. 98188. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Ave., Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Supplies and materials* used in the manufacture of fiberglass pleasure boats; and (2) *Industrial machinery parts*, between points in King, Snohomish and Skagit Counties, Wash., on the one hand, and, on the other, Marysville (Snohomish County), Arlington (Snohomish County), and Sedro Woolley (Skagit County), Washington (restricted to traffic having an immediately prior or subsequent movement by air in interstate or foreign commerce and to individual shipments not exceeding 500 lbs.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Glas-Ply, Inc., 14524 40th Ave., N.E., Marysville, Wash. 98270. Bayliner Marine Corp., P.O. Box 24467, Route 5, Arlington, Wash. Bendix/Skagit Corporation, P.O. Box 151, Sedro-Woolley, Wash. 98284. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142681TA (Correction), filed November 29, 1976, published in the FEDERAL REGISTER issue of December 10, 1976, and republished as corrected this issue. Applicant: JOHN L. BRADY, doing business as J & M ENTERPRIZE, 48 N. 1st West, Hyde Park, Utah 84318. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour and Bran*, in bags, from the plant site of Gilt Edge Flour Mill, at or near Richmond, Utah, to points in California, under a continuing contract with Gilt Edge Flour Mills, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Guilt Edge Florur Mills, Inc., P.O. Box 161, Richmond, Utah 84333. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138. The purpose of this republication is to correct the applicant's name.

No. MC 142762TA, filed December 23, 1976. Applicant: VERPLANK'S COAL & DOCK CO., Ferrysburg, Mich. 49409. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent sand Company, at Muskegon, Mich., and its commercial zone to Defiance, Ohio, for 180 days. Supporting shipper: Central Foundry Division, GMC, 77 W. Center St., P.O. Box 1629, Saginaw, Mich. 48605. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 142763TA, filed December 23, 1976. Applicant: G.W. CANNON COMPANY, P.O. Box 506, Muskegon, Mich. 49443. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, at Muskegon, Mich., and its commercial zone, to Defiance, Ohio, for 180 days. Supporting shipper: Central Foundry Division, GMC, 77 W. Center St., P.O. Box 1629, Saginaw, Mich. 48605. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

PASSENGER APPLICATIONS

No. MC 110060 (Sub-No. 2TA), filed December 22, 1976. Applicant: TRANSPORTES CHIHUAHUENSES, S.A. De C.V., 16 de Septiembre 250 OTE, Juarez Chihuahua, Mexico. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in charter operations, between Presidio, Tex., and the International Boundary Line between the United States and the Republic of Mexico, from Presidio, Tex., over U.S. Highway 67 to the International Boundary Line between the United States and Mexico and return over the same routes, serving no intermediate points, for 180 days. Supporting shipper: Pan American Travel Service, Del Camino Motor Hotel, P.O. Box 9401, El Paso, Tex. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 142760TA, filed December 22, 1976. Applicant: DATA PROCESSING MAINTENANCE, INC., doing business as LUXURY COACHES, 4220 LaBranch, Box 8326, Houston, Tex. 77004. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their bagage*, in round-trip special or charter operations, and in round-trip special operations, between points in Harris County, Tex., on the one hand, and, on the other, points in New Mexico and Colorado, at or near snow skiing areas, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1017 Filed 1-10-77;8:45 am]

[Ex Parte No. 137; Service Date Jan. 6, 1977]

CONTRACTS FOR PROTECTIVE SERVICES

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of December, 1976.

Upon consideration of the record in this proceeding including the petition for rulemaking and modification and clarification of rules filed June 14, 1976 by certain Eastern Railroads and the replies thereto filed by the Pacific Fruit Express Company on June 26, 1976 and Bureau of Enforcement on July 6, 1976; and the motion to open rulemaking proceedings filed on August 20, 1976 by twenty-four railroads (Railroads); and

It appearing, That petitioners have submitted proposed modifications to the contracts for protective service regulations at 49 CFR 1032 and have requested that their petition be handled with the remand of the United States District Court for the District of Columbia in *Southern Ry. v. United States* 412 F. Supp. 1122 (1976);

It further appearing, That the Railroads in their motion request that the Commission clarify our order in 318 I.C.C. 111 (1962), determine its future applicability to the Railroads, determine whether our ruling at 340 I.C.C. 754 (1972) should be incorporated in this proceeding, decide whether it should be adopted as to all carriers and car lines, and resolve the applicable rules for the Southern remand;

And it further appearing, That the petition and motion are premature since negotiations between the carriers and car lines are currently progressing and an informal conference pertaining to a settlement between the parties is scheduled for February 9, 1977;

Wherefore and good cause appearing therefore:

It is ordered, That the petition and motion to the extent they seek institution of a rulemaking proceeding be, and they are hereby, denied at this time.

By the Commission, Division 2, Commissioners Hardin, O'Neal and Christian.

ROBERT L. OSWALD,
Secretary.

[FR Doc 77-1016 Filed 1-10-77;8:45 am]

[AB 1 (Sub-No. 49); Service Date Jan. 6, 1977]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Elkhorn Junction and Irvington, in Douglas County, Nebraska

DECEMBER 21, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Chicago and North Western Transportation Company between Elkhorn Junction and Irvington, a distance of 5.3 miles, all in Douglas County, Nebr., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic on the line has been non-existent for 2 years and the only shipper on the line has relocated its operations. Also, no land use plans of an economic or industrial importance exist which would necessitate the continued operation of the line. The right-of-way has been determined to be suitable for other transportation purposes and recreation use following abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 3, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1010 Filed 1-10-77;8:45 am]

[AB 7 (Sub-No. 29); Service Date Jan. 6, 1977]

CHICAGO, MILWAUKEE, ST PAUL AND PACIFIC RAILROAD CO.

Abandonment in the City of Berlin, Green Lake County, Wisconsin

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of its line of railroad beginning at Engineer's station 2214 + 14 (milepost 181.08) and extending northwesterly to the end of the track at Engineer's station 2233 + 73 (milepost 181.45) a total distance of 1,959 feet of main track and 4,115 feet of other track, all in the City of Berlin, Green Lake County, Wis., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that abandonment of the subject line will not adversely change existing environmental and economic conditions in the affected area because (1) traffic on the line is at a very low level and no increases are expected, (2) the dismantling of the line and rerouting of traffic should create only minimal environmental impacts, (3) removal of the line is consistent with City improvement plans and private industrial expansion plans for the area, and (4) there will be no historic impacts involved.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 7, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1013 Filed 1-10-77;8:45 am]

[AB 19 (Sub-No. 11); Service Date Jan. 6, 1977]

FAIRMONT, MORGANTOWN AND PITTSBURGH RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO.

Abandonment Portion Smithfield and Masontown Branch Between Strum and Leckrone, in Fayette County, Pennsylvania

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Fairmont and Morgantown and Pittsburgh Railroad Company and the Baltimore and Ohio Railroad Company between Strum and Leckrone all in Fayette County, Pa., a total distance of 6.58 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the amount of traffic diverted to motor carrier is not expected to create any substantial alterations in existing air quality and fuel consumption. No land use or development plans exist; while the major commodity shipped on this line is coal, abandonment will not preclude the extraction of this resource from the surrounding area. Finally, it has been determined that the right-of-way is not suitable for other public purposes.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 7, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1015 Filed 1-10-77;8:45 am]

[AB 12 (Sub-No. 20); Service Date Jan. 6, 1977.]

SOUTHERN PACIFIC TRANSPORTATION CO.

DECEMBER 23, 1976.

In the matter of Southern Pacific Transportation Company—Abandonment of its line of railroad—in Victoria, Goliad, Bee, San Patricid, Jim Wells, Brooks and Hidalgo Counties, Texas; Finance Docket No. 28024. Southern Pacific Transportation Company—Trackage rights—over Missouri Pacific Railroad Company between Harlingen and Placedo, in Cameron and Victoria Counties, Texas; Finance Docket No. 28078. Southern Pacific Transportation Company—Construction and operations between lines of Missouri Pacific Railroad Company and the Texas Mexican Railway Company at Robstown, Nueces County, Texas.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the action proposed by the Southern Pacific Transportation Company—abandonment of certain portions of its line (between Victoria and Beeville, in Victoria, Goliad, and Bee Counties, Tex.; between Skidmore and Alice, in Bee, San Patricio, and Jim Wells Counties, Tex.; and between Falfurrias and Edinburg, in Brooks and Hidalgo Counties, Tex.—a distance of approximately 149.9 miles; acquisition of trackage rights over the Missouri Pacific Railroad Company line between Harlingen and Placedo, in Cameron and Victoria Counties, Tex.; and construction of and operation over a connecting track between the lines of Texas Mexican Railway Company and Missouri Pacific at Robstown, in Mueces County, Tex.—if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic to motor carriers would not result in a significant increase in energy consumption, air pollution, or highway traffic. In none of the communities which would lose direct rail access under the proposal are there definitive developmental plans reliant on continued rail service. Consequently, the proposed action will not have a serious adverse effect on rural and community development. It was found that the right-of-way is suitable for alternative public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, or before February 7, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1009 Filed 1-10-77;8:45 am]

[AB 12 (Sub-No. 31); Service Date Jan. 6, 1977]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Westwood Siding and Beverly Hills In Los Angeles County, California

DECEMBER 21, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of 1.22 miles of its rail line between Westwood Siding and Beverly Hills, in Los Angeles County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the lack of traffic on the subject line and the absence of any historical, safety, or ecological impacts associated with the proposed action.

Local and regional transportation and development plans do not include continued operation of the subject line as a prerequisite to their implementation. These plans do include, however, the utilization of the subject right-of-way for alternative public uses and public agencies have expressed their interest in acquiring this property should the line be abandoned.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 3, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1014 Filed 1-10-77;8:45 am]

[AB 12 (Sub-No. 46); Service Date, Jan. 6, 1977.]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Hamilton and Ordbend in Glenn County, California

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its branch line between Hamilton and Ordbend, a distance of 7.3 miles, in Glenn County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there will be no significant impacts on community development, historical sites, energy consumption, or local ecology resulting from the abandonment, and that the roads and highways in the area are capable of handling the small increase in truck traffic which will be diverted from the subject line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 7, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1012 Filed 1-10-77;8:45 am]

[AB 12 (Sub-No. 26); Service Date Jan. 6, 1977.]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Villa Park and Trust in Orange County, California

DECEMBER 27, 1976.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served November 22, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1011 Filed 1-10-77;8:45 am]

federal register

TUESDAY, JANUARY 11, 1977

PART II



DEPARTMENT OF THE TREASURY

Office of the Secretary

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Fiscal Procedures and Auditings; Interim Regulations

V 42 7 JAN 11 77 UM

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Fiscal Procedures and Auditing; Interim Regulations

Notice is hereby given that pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (the Revenue Sharing Act) as amended by the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221 et seq.) the Department of the Treasury hereby adopts the following interim regulations in Part 51 of Subpart F of Title 31, Code of Federal Regulations, which became effective November 18, 1975 (40 FR 53355). Additional regulations will be issued at a future date to conform the remaining subparts in part 51 of Title 31, Code of Federal Regulations, to the State and Local Fiscal Assistance Amendments of 1976.

Regulations appearing in Subpart G, Proceedings for Reduction Entitlement, Withholding or Repayment of Funds, numbered §§ 51.80 to 51.105 are redesignated §§ 51.200 to 51.225.

Present § 51.70 of the regulations is redesignated as § 51.100 and paragraph (b) of that section is amended to provide that a use, obligation, or appropriation of entitlement funds shall be consistent with the State or local law requiring a legislative enactment in ordinance or resolution form. Present § 51.70(d)(3) is redesignated as § 51.100(d)(2) and is amended to elaborate upon the extent to which fiscal accounts must be maintained to permit tracing of entitlement funds to a level of expenditure adequate to establish compliance with the provisions of the Act and regulations. A recipient government shall either maintain a separate set of fund accounts, separate bank account, or a memorandum record of voucher numbers and amounts for entitlement funds expended. Present § 51.70(d)(2) is rescinded.

Present § 51.71 is redesignated as § 51.101. Section 51.101(a) provides, in general, that each recipient government shall have an independent audit of its financial statements conducted in accordance with generally accepted auditing standards at least once every three years for the entire three years.

Section 51.101(b) defines "independent audit" as an audit conducted by independent public accountants, or qualified accountants or examiners from a State agency, who have no interest in the financial affairs of the government being audited. Where the audit of a local government, under State or local law, is made by a State official, or where the local government maintains a permanent auditing office responsible directly to the legislative branch, such audit shall be considered an independent audit.

Section 51.101(c)(1) defines "generally accepted auditing standards" as those auditing standards pronounced by the American Institute of Certified Public Accountants and incorporated in its Statements on Audit Procedures and as further included in summary form in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions as re-issued in 1974 by the Comptroller General of the United States.

Section 51.101 (d) and (e) and § 51.102 set forth certain conditions under which the audit requirements under the Act are not applicable. Section 51.101(d) provides that a recipient government may elect to have the audit requirements not applicable upon the filing of an assurance that its financial statements are audited by independent public accountants or independent auditors, in accordance with State or local law, at least once every three years for the entire three years.

Section 51.101(e)(2) provides that the audit requirements are automatically waived for recipient governments which receive entitlements of less than $25,000 unless such government is required to have an audit under State or local law. Under § 51.102 the Director may waive the audit requirements when the recipient government assures the Director that its accounts are unauditable, and that such government is making substantial progress towards making its accounts auditable. Request for the waiver, i.e., notification to the Director that its accounts are unauditable, must be made by the recipient government on or before March 31, 1978.

Section 51.103 provides that the Director may rely upon audits conducted by other Federal audit agencies pursuant to other Federal laws, provided such audits meet the requirements of § 51.101.

Section 51.104 requires opinions rendered with respect to audits to be made a part of the audit report in accordance with opinions in general use for attesting to financial statements.

Present § 51.71(b) is redesignated as § 51.105 and is amended to provide that the scope of each audit shall include each separate fund maintained by the recipient government and verification of its fiscal data as reported to it by the Bureau of the Census. Guides for such audits are the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States in 1972 (and re-issued in 1974) and the Audit Guide and Standards for Revenue Sharing Recipients, published by the Office of Revenue Sharing.

Because the purpose of these interim regulations is to provide immediate guidance to the States and local governments in order that the requirements of the Act, as amended, be complied with, it is hereby found impractical to issue such regulations with the notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitations of 5 U.S.C. 553(d).

These interim regulations shall become effective on or after January 1, 1977. It is expected that permanent regulations will be issued in the near future and for this reason, written comments are solicited for consideration by the Department. Written comments may be submitted, in triplicate, on or before February 4, 1977 to the following address:

Director, Office of Revenue Sharing (Symbols OC), 2401 E St., N.W., Washington, D.C. 20226.

Comments submitted in response to this solicitation are available to the public upon written request pursuant to the Freedom of Information Act and the regulations promulgated thereunder by the Department, 31 CFR 1.1 et seq.

Dated: January 3, 1977.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

Approved:
JERRY THOMAS,
Under Secretary
of the Treasury.

Part 51 of 31 CFR Chapter I is amended as follows:

1. The sections in Subpart G, currently numbered §§ 51.80–51.105, are renumbered as §§ 51.200–51.225 respectively.

2. Subpart F is revised to read as follows:

Subpart F—Fiscal Procedures and Auditing

Sec.
51.100 Procedures applicable to the use of funds.
51.101 Auditing and evaluation.
51.102 Waiver of auditing provisions where financial accounts are unauditable.
51.103 Reliance upon other Federal audit agencies.
51.104 Audit opinions.
51.105 Scope of audits.
51.106 Retention of audit work papers.
51.107 Requirement to submit audit reports.

Subpart F—Fiscal Procedures and Auditing

§ 51.100 Procedures applicable to the use of funds.

A recipient government which receives entitlement funds under the Act shall:

(a) Establish a trust fund and deposit all entitlement funds received and all interest earned thereon in that trust fund. The trust fund may be established on the books and records as a separate set of accounts, or a separate bank account may be established.

(b) Use, obligate, or appropriate such funds within 24 months from the end of the entitlement period to which the entitlement payment is applicable. Such use, obligation or appropriation of entitlement funds shall be consistent with State or local law requiring a legislative enactment in ordinance or resolution form. Any interest earned on such funds while in the trust fund shall be used, obligated, or appropriated within 24 months from the end of the entitlement period during which the interest was received or credited. An extension of time in which to act on the funds, or interest earned thereon, shall be obtained by application to the Director. Such application will set forth the facts and circumstances supporting the need for more time and the amount of additional time requested. The Director may grant such extensions of time as in his judgment appear necessary or appropriate.

(c) Provide for the expenditure of entitlement funds in accordance with the laws and procedures applicable to the expenditure of its own revenues.

(d) Maintain its fiscal accounts in a manner sufficient to:

(1) Permit the reports required by the Director to be prepared therefrom, and

(2) Permit the tracing of entitlement funds to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of this part. Such tracing requires that vouchers in support of expenditures funded by the Act shall be identified. Such identification can be made in any one of three ways as followed:

(i) Maintain a separate set of fund accounts; or,

(ii) Maintain a separate bank account; or,

(iii) Keep a memorandum record of the voucher numbers and amounts for the expenditures funded by entitlements received under the Act.

The accounting for entitlement funds shall at a minimum employ the same fiscal accounting and internal audit procedures as are used with respect to expenditures from revenues derived from the recipient government's own sources.

(e) Provide to the Director and to the Comptroller General of the United States, on reasonable notice, access to and the right to examine such books, documents, papers or records as the Director may reasonably require for the purpose of reviewing compliance with the Act and the regulations of this part or, in the case of the Comptroller General, as the Comptroller General may reasonably require for the purpose of reviewing compliance and operations under the Act.

§ 51.101 Auditing and evaluation.

(a) *In general.* Each recipient government which expects to receive entitlement funds for entitlement periods beginning on or after January 1, 1977, shall have an independent audit of its financial statements conducted for the purpose of determining compliance with the provisions of the Act, in accordance with generally accepted auditing standards, not less often than once every three years covering the three year period.

(b) *Independent audit—defined.* For purposes of this section an independent audit is an audit conducted by independent public accountants, or by qualified accountants or examiners from a State or local agency who have no personal interest directly or indirectly in the financial affairs of the government being audited, or in the financial affairs of any of the officers of the government being audited.

(1) In those States in which an audit is required by State law to be made of the State government by a State office or official, such audit shall be considered to meet the requirements of an independent audit if the principal officer of the State audit agency is:

(i) Elected by the citizens of the State; or

(ii) Elected or appointed by and reports to the State legislature or a committee thereof.

(2) In those States in which an audit is required by State law to be made of local governments (or certain categories of local government) by a State office or official, such audit shall be considered to meet the requirements of an independent audit.

(3) Audits of local recipient governments made by a permanent (internal) auditing office or officer shall be considered to meet the requirements of an independent audit if the principal officer of the audit agency is:

(i) Elected by the citizens of the local recipient government; or,

(ii) Elected or appointed by and reports to the governing body of the local recipient government or a committee thereof.

(4) Audits other than those specified in paragraphs (b)(1), (2) and (3) of this section shall not be considered to be independent audits.

(c) *Generally accepted auditing standards and independent public accountant—defined.* (1) As used in paragraph (a) of this section, and as defined in § 51.2(h), "generally accepted auditing standards" means those auditing standards pronounced by the American Institute of Certified Public Accountants and incorporated in its Statements on Audit Standards, and further included in summary form in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions as reissued in 1974 by the Comptroller General of the United States.

(2) As used in paragraph (a) of this section and as defined in § 51.2(j) "independent public accountant" means independent certified public accountants, and licensed public accountants licensed on or before December 31, 1970, certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(d) *Election by recipient government.* A recipient government may elect to have the requirements of paragraph (a) of this section not applicable to that government upon the filing of a written assurance by the chief executive officer that:

(1) The financial statements of the recipient government are audited by independent public accountants as defined in § 51.2(j) of this part, or by independent auditors as defined in paragraph (b) of this section, and that such financial statements are audited in accordance with State or local law, and

(2) The audits of the recipient government are conducted in accordance with generally accepted auditing standards, and

(3) The audits of the recipient government will be conducted not less often than every three years and will include an audit of the entire three years.

(e) *Inapplicability of audit requirement.* The requirement of paragraph (a) of this section shall not apply where:

(1) The recipient government conducts a series of independent audits over a period not to exceed three fiscal years which cover, in the aggregate, all of the accounts of such government for the three year period; or

(2) The recipient government's entitlement for any of its fiscal years is less than $25,000, except where there is a State or local law requiring an audit of such government's financial statements which must be complied with in accordance with § 51.100(c) of this part.

§ 51.102 Waiver of auditing provisions where financial accounts are unauditable.

The Director may, upon written application of the chief executive officer of the recipient government on or before March 31, 1978, waive the provisions of § 51.101 of this part for any fiscal period if in the course of determining compliance with § 51.101, the independent auditor renders an opinion that the financial accounts of such recipient government are not auditable, and the chief executive officer of such recipient government assures the Director that the accounts are not auditable and clearly sets forth the arrangements which have been made or taken toward making such financial accounts auditable. The Director shall satisfy himself by investigation or inquiry that the recipient government is achieving substantial progress toward making its financial accounts auditable. A recipient government which fails to apply to the Director on or before March 31, 1978 that its financial accounts are not auditable shall not be entitled to the waiver provisions of this section.

§ 51.103 Reliance upon other Federal audit agencies.

The Director may rely upon audits of the financial statements of recipient governments conducted in accordance with other Federal laws, for any fiscal period, provided that such audits substantially satisfy the requirements for audits contained in § 51.101(a) of this part.

§ 51.104 Audit opinions.

Opinions made with respect to audits must be rendered as a part of the audit report and shall be in accordance with the opinion in general use for attesting to financial statements. Examples of opinions are set out in the appendix of the Audit Guide and Standards for Revenue Sharing Recipients published by the Office of Revenue Sharing and available to each recipient government.

§ 51.105 Scope of audits.

(a) *In general.* The scope of each audit required under § 51.101(a) of this part shall include each separate fund (self balancing group of accounts) maintained by the recipient government. The audit shall be of the financial and compliance type described in The Standards for Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General of the

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United States in 1972, and as described further in the Audit Guide and Standards for Revenue Sharing Recipients published by the Office of Revenue Sharing. The audit for compliance shall pertain only to entitlement funds of the recipient government received under the Act.

(b) Verification of fiscal data reported to the Bureau of the Census. The scope of the audit shall include also a verification of the recipient government's fiscal data as reported by it to the Bureau of the Census.

§ 51.106 Retention of audit workpapers.

Audit workpapers and related audit reports shall be retained for three years after the issuance of the audit report, and shall be available upon request to the Director and the Comptroller General or to their representatives.

§ 51.107 Requirement to submit audit reports.

The Director may require the chief executive officer of a recipient government to submit a copy of its audit reports at such times as he may request.

[FR Doc.77-587 Filed 1-4-77;12:45 pm]

federal register

TUESDAY, JANUARY 11, 1977

PART III



DEPARTMENT OF LABOR

Office of the Secretary

■

EMERGENCY JOBS PROGRAM EXTENSION ACT

Implementing Regulations; Republication

V 42 7 JAN 11 77 UMI

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PUBLIC JOBS PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Emergency Jobs Programs Extension Act; Implementing Regulations

On December 10, 1976, the Department of Labor published in the FEDERAL REGISTER (41 FR 54066) final regulations to implement the Emergency Jobs Programs Extension Act of 1976, Pub. L. 94.444. There were typographical and compilation errors in this publication, and therefore, the Department is reprinting in corrected form, the entire document that was published on December 10, 1976, to read as follows:

On Tuesday, October 26, 1976, the Department of Labor published in the FEDERAL REGISTER (41 FR 46998) proposed rulemaking to implement the Emergency Jobs Programs Extension Act (EJPEA) of 1976, Pub. L. 94.444, which amended certain sections of the Comprehensive Employment and Training Act (Pub. L. 93.203). At that time, the Department invited interested persons to submit comments, data or arguments on the proposed rulemaking to the Department by November 26, 1976.

The Department carefully studied each comment received with respect to the merits of the suggestions being made and considered such comments relative to other comments received on the same or similar subjects. Consideration of these comments has led to a decision to amend the current regulations for Title VI, and certain parts of the June 25, 1976 regulations for Titles I and II. Since the extension of Title VI made significant changes that the Congress intended would have immediate impact at the local level, and final regulations could not be completed prior to this date, the Department issued early administrative instructions, TD–7–0053, to each of its regional offices for immediate implementation of some of the new legislative provisions. The regulations published today supercede TD–7–0053.

The following significant changes have been made in response to the comments received on the October 26, 1976 proposed rulemaking.

1. In § 99.1, Scope and purpose, the language has been changed to refer to AFDC recipient rather than welfare recipient to conform to the language of the Act.

2. In § 98.12, Allowable Federal costs, paragraph (b)(1)(ii) has been changed to conform more closely with the language of the act with respect to rental of space. The new language allows the rental or lease of real property, but it does not allow acquisition of such property.

3. Numerous additional editorial and clarifying changes have also been made.

The regulations published today are effective January 10, 1977. It should be noted, however, that Pub. L. 94.444 was signed into law on October 1, 1976. Therefore, as of October 1, 1976, certain provisions of Pub. L. 94.444 became immediately applicable. Those provisions include:

1. As of October 1, 1976 prime sponsors under Titles II and VI were allowed to spend funds for the acquisition, rental or leasing of supplies, equipment and materials, and for the rental of space.

2. As of October 1, 1976 prime sponsors under Titles II and VI were required to spend at least 85% of public service employment funds for participant wages and fringe benefits.

3. As of October 1, 1976 prime sponsors under Titles I, II and VI were allowed to permit participants to work on winterization/weatherization activities on homes of persons whose income was 125 percent of the poverty level or less.

Since the Act became effective on October 1, the Department intends to apply the regulations immediately in order to insure compliance with statute. The revised parts 94, 95, 96, 98, and 99 read as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 94.3, *Consolidated table of contents for Parts 94–99* is revised as follows:

Section 96.36 shall now read:

. . . . . .

Sec
96.36 Use of Title II funds for programs under Titles I and III A

. . . . . .

§ 96.37 [Deleted]

Section 96.37 is deleted.

The table of contents for Part 99 is revised as follows:

PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GENERAL

Sec.
99.1 Scope and purpose of this Part 99.
99.2 Allocation of funds.
99.3 Eligibility for funds.

SUBPART B—GRANT APPLICATION

99.10 General.
99.11 Planning process; advisory councils.
99.12 Content and description of grant application.
99.13 Comment and publication procedures relating to submission of grant application.
99.14 Submission of grant application; standards for reviewing grant applications.
99.15 Application approval; application disapproval; grant agreement.
99.16 Use of alternative eligible applicant; services by the Secretary.
99.17 Modifications.

SUBPART C—PROGRAM OPERATION REQUIREMENTS FOR PRIME SPONSORS

99.30 General.
99.31 Basic responsibilities of prime sponsors; basic responsibilities of program agents.
99.32 Program performance requirements for prime sponsors.
99.33 Public service job activities.
99.34 Maintenance of effort.
99.35 Linkages with other employment and training programs; training and supportive services.
99.36 Placement goals.
99.37 Compensation and working conditions for participants.
99.38 Place of residence for participants.

SUBPART D—PROGRAM OPERATION REQUIREMENTS OF THE EMERGENCY JOBS PROGRAMS EXTENSION ACT OF 1976

99.40 Apportionment of the prime sponsor's allocation.
99.41 Project and activity approval.
99.42 Eligibility for participation in Title VI programs.
99.43 Verification of participant eligibility.
99.44 Special considerations on selection.
99.45 Administrative staff selection and compensation.

SUBPART E—ADMINISTRATIVE PROVISIONS

99.70 General.
99.71 Payments, financial management systems and audit.
99.72 Reporting requirements.
99.73 Reallocation of funds.
99.74 Allowable Federal costs.
99.75 Grantee contracts and subgrants.
99.76 Allocations of allowable costs among program activities.
99.77 Basic personnel standards for eligible applicants.
99.78 Adjustments in payments.
99.79 Termination of grant and closeout procedures.
99.80 Retention of records.
99.81 Program income and procurement standards.
99.82 Nondiscrimination, equal employment opportunities, nepotism and restriction on political activities.
99.83 Assessment and evaluation.
99.84 Hearings and judicial review.

SUBPART F—SPECIAL CONDITIONS FOR GRANTS TO INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

99.90 General.
99.91 Grant responsibility.
99.92 Distribution of funds.
99.93 Eligibility for funds.
99.94 Funding of prime sponsors.
99.95 Participant eligibility.
99.96 Comments and publication procedures relating to submission of application for funding.
99.97 Planning process; advisory councils.
99.98 Travel requirements.
99.99 Nepotism and conflict of interest.
99.100 Nondiscrimination; political activities.
99.101 Subgrants.

. . . . . .

2. Section 94.4, Definitions, is amended by revising paragraph (kk), deleting paragraph (hhh)(5), and adding paragraphs (nnn), (ooo), (ppp) and (qqq) as follows:

§ 94.4 Definitions.

. . . . . .

(kk) "Participant" shall mean an individual who qualifies and receives services, except for an individual who receives only outreach and intake (including assessment) services, or takes part in activities under provisions of the Act. An individual applicant becomes a participant when:

(1) The individual is declared eligible upon intake; and

(2) The individual receives employment, training or services funded under the Act following intake, except for an individual who receives only outreach and intake (including assessment) services.

. . . . . .

(hhh)(5) [Revoked.]

. . . . . .

(nnn) "Lower living standard income level" shall mean that income level (adjusted for selected SMSA's and regional, metropolitan and non-metropolitan differences and family size) determined annually by the Secretary based upon the most recent lower living standard budget level issued by the Bureau of Labor Statistics of the Department of Labor.

(ooo) "Project" shall mean, except for the purposes of § 99.33 (b)(2) and (3), a defined task which provides a public service, provided that such service does not expand existing, on-going services provided by the State, county, or municipality. Project funds, for example, could not be used to increase refuse collection from once to twice a week, but could be used to undertake a special clean-up endeavor. Individuals participating in projects may be enrolled in either public service employment, work experience, or on-the-job training, provided that the activity results in the provision of a public service, as defined in § 94.4(tt).

(ppp) "Project applicant" shall mean States and agencies thereof, units of general local government and agencies thereof or combinations or associations of such governmental units when the primary purpose of such combinations or associations is to assist such governmental units to provide public services, special purpose political subdivisions having the power to levy taxes and spend funds or serving such special purpose within an area served by one or more units of general local government, local educational agencies as defined in section 801(f) of the Elementary and Secondary Education Act of 1965, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965, community based organizations as defined in § 94.4(k), community development corporations, non-profit groups and organizations serving Indians and Native Hawaiians, and other non-profit private organizations or institutions engaged in public service.

(qqq) "Rehire" shall mean an individual who has been laid-off from regular unsubsidized employment and who is subsequently recalled as a participant by the former employer into a position funded under the Act.

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

3. Paragraph (b)(2)(i)(C)(*1*)(*vi*), (*vii*), (3)(ii)(F), and (3)(iii)(K) of § 95.14 are revised to read as follows:

§ 95.14 Content and description of grant application.

. . . . . .

(b) • • •
(2) • • •
(i) • • •
(C) • • •
(*1*) • • •

(*vi*) A description of the arrangements to promote maximum feasible use of apprenticeship or other on-the-job training opportunities available under Section 1787 of Title 38, United States Code. (Sec. 105(a)(3)(e)).

(*vii*) For newly eligible prime sponsors, prime sponsors operating independently for the first time, and prime sponsors serving geographical areas in addition to that served in the previous program year, a description of the continuity of service to be provided.

. . . . . .

(3) • • •
(ii) • • •
(F) Arrangements to promote maximum feasible use of apprenticeship or other on-the-job training opportunities available under Section 1787 of Title 38, United States Code. (Sec. 105(a)(3)(e)).

. . . . . .

(iii) • • •
(K) Provision of jobs in each promotional line which will not infringe upon the promotional opportunities of unsubsidized current employees and provision of jobs only at the entry level in each promotional line until applicable personnel procedures and collective bargaining agreements have been met (sec. 205(c)(24));

. . . . . .

4. Section 95.17 is amended by revising paragraph (b)(8) and by adding a new paragraph (b)(14) to read as follows:

§ 95.17 Standards for reviewing grant applications.

. . . . . .

(b) • • •

(8) The administrative costs in the application are reasonable and provide, to the maximum extent feasible, for Federal funds to be expended for direct program activities and services, and, if administrative costs exceed 20 percent of non-public service employment activities whether the prime sponsor has cited an adequate reason and provided supporting documentation. Costs for public service employment other than wages and fringe benefits may not exceed 15 percent (secs. 108(d)(2) and (203(b));

. . . . . .

(14) The manpower plan provides for appropriate arrangements by the prime sponsor to promote maximum use of apprenticeship or other on-the-job opportunities pursuant to Section 1787 of Title 38, United States Code (Sec. 105(a)(3)(E));

. . . . . .

5. Section 95.21(a)(1)(iv)(D) is revised to read as follows:

§ 95.21 Modifications.

(a) • • •
(1) • • •
(iv) • • •

(D) When the program design is altered significantly such as when there is a change in the allowance payment system (e.g., provisions for allowance waivers), development or elimination of a program activity, or when 10% or more of the public service employment positions (except for Title VI) are to be used for rehiring laid off employees.

. . . . . .

6. Section 95.32(f) is revised to read as follows:

§ 95.32 Eligibility for participation in a Title I program.

. . . . . .

(f) Since all Title II, VI, Emergency Employment Act (EEA), participants, and participants under Title X of the Public Works and Economic Development Act (PWEDA) who are enrolled in Title II or VI activities funded through the Department, would also have qualified at time of enrollment for Title I, then a Title II, Title VI, EEA, or Title II or VI PWEDA participant for whom maximum efforts have been made to find unsubsidized employment or for whom supplemental training or services is needed as a prerequisite to a job, may be transferred into or concurrently enrolled in a program offered by the prime sponsor under Title I of the Act without an intervening period of unemployment. Title III participants who met the eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (sec. 205(c)(14) and (19) and 105(a)(2)).

. . . . . .

7. Section 95.33(d)(4)(ix) and (x) are revised to read as follows:

§ 95.33 Types of manpower activities allowable.

. . . . . .

(d) • • •
(4) • • •

(ix) Work experience participants may be outstationed at worksites, including Federal agencies and private nonprofit agencies. Outstationed participants are still to be considered employees of the prime sponsor or its subgrantees or contractors, as appropriate, and shall be assured of the same working conditions and benefits, as specified in § 98.24, as received by other similarly employed employees of the prime sponsor or its subgrantees or contractors (not the outstationed worksite).

(x) Work experience participants may be used in home repair and winterization/weatherization activities as provided in § 98.12(b)(3).

. . . . . .

8. Paragraph (f)(1) of § 95.34 is revised to read as follows:

§ 95.34 Training allowances.

. . . . . .

(f)(1) Dependents' allowances shall be reduced pro rata only for absences without good cause. The reduction of the weekly dependent's allowance shall be based on the ratio of the number of hours of absence without good cause to the number of hours which the individual is scheduled to participate in activi-

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ties for which he/she receives allowances.

• • • • • •

9. Paragraph (c)(1)(iv) of § 95.56 is revised to read as follows:

§ 95.56 Program operations.

• • • • • •

(c) • • •

(1) • • •

(iv) Arrangements made by the State to assist the Secretary in carrying out his responsibilities for enforcing the requirements for Federal contractors to list all suitable employment openings with local offices of the State employment service and take affirmative action, as required in section 2012(a) of Title 38, United States Code. Such arrangements shall be explained in the State Comprehensive Manpower Plan and shall relate only to Federal contractors and subcontractors and should not be interpreted to include grantees, subgrantees or contractors under the Act (sec. 106(b)(5)).

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

10. Paragraph (b)(2)(i) of § 96.2 is revised to read as follows:

§ 96.2 Allocation of funds.

• • • • • •

(b) • • •

(2) • • •

(i) When any portion of these funds is to be allocated using a distribution based upon a formula, the Secretary shall not later than 30 days prior to such allocation publish for comment in the FEDERAL REGISTER the specific formula for such distribution, the rationale behind the selection of the formula and the proposed amount for distribution to each eligible applicant. After consideration of comments received, the Secretary shall publish final allocations (sec. 202(c)).

• • • • • •

11. Paragraphs (b)(2)(i)(C)(2) (*vi*) and (*vii*) of § 96.14 are revised to read as follows:

§ 96.14 Content and description of grant application.

• • • • • •

(b) • • •

(2) • • •

(I) • • •

(C) • • •

(2) • • •

(*vi*) A description of the arrangements to promote maximum feasible use of apprenticeship or other on-the-job training opportuinties available under Section 1787 of Title 38, United States Code.

(*vii*) For newly eligible applicants, eligible applicants operating independently for the first time, and eligible applicants serving geographical area(s) in addition to that served in the previous program year, a description of the continuity of service to be provided.

• • • • • •

12. Subparagraphs (11), (12) and (15) of § 96.23(b) are revised to read as follows:

§ 96.23 Acceptable public employment positions.

• • • • • •

(b) • • •

(11) Jobs in each promotional line shall in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under Title II. In accordance with § 98.24(b), when a promotional freeze affects non-CETA employees, it shall also apply to CETA participants similarly employed (sec. 205(c)(24));

(12) No job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective bargaining procedures have been complied with (sec. 205(c)(24));

• • • • • •

(15) Consistent with the requirements of § 98.12(b)(3), of this subtitle, public service employment participants may be used in home repair and winterization/weatherization activities.

13. Paragraphs (c) and (j) of § 96.24 are revised to read as follows:

§ 96.24 Maintenance of effort.

• • • • • •

(c) Eligible applicants, program agents, contractors and subgrantees may not terminate, layoff, or reduce the working hours of, an employee in anticipation of hiring an individual with funds available under the Act. In addition, no participant shall be used to fill positions or provide services normally provided by temporary, part-time, or seasonal workers or contracted out, or to fill full-time vacancies, unless documentation is maintained, as provided in paragraph (j) of this section, that such action does not constitute a substitution of Federal funds for purposes that would otherwise have been supported by other resources.

• • • • • •

(j) Eligible applicants, program agents, contractors, or subgrantees which utilize funds under this part to hire persons to fill positions previously supported by funds other than funds available under the Act or to provide services which are normally provided by temporary, part-time or seasonal workers or which is normally contracted out, shall maintain documentation that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section. Such documentation shall be prepared and maintained in a form which clearly demonstrates that all requirements of this section are complied with and shall be readily available for the inspection of the RA for a period of not less than one year subsequent to the filing of any position to which these provisions are applicable. Prime sponsors shall, at the direction of the RA, submit such documentation or any budgetary expenditure records, revenue statements, and other information relevant to determinations under this section. RA's shall not approve any plan unless prime sponsors have submitted, when directed by the RA, conclusive evidence that the proposed use of funds fully meets the requirements of this section.

• • • • • •

14. Paragraph (d)(1) of § 96.27 is revised to read as follows:

§ 96.27 Eligibility for participation in a Title II program.

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(d)(1) Title I, Section 302 and 303 enrollees under the Act, and participants under Title X of the Public Works and Economic Development Act who are enrolled in Title II or VI activities funded through the Department, may be transferred into a Title II program only if they met the requirements of paragraphs (a) and (f) of this section prior to their entry into the program from which they are being transferred and if maximum efforts have been made to place such individuals in unsubsidized employment or training (sec. 105(a)(5)).

15. Section 96.36 is deleted, and section 96.37 is renumbered as 96.36 and revised as follows:

§ 96.36 Use of Title II funds for programs under Titles I and III–A.

Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part for programs authorized under Title I or Part A of Title III of the Act. Where Title II funds are used for activities authorized under other Titles of the Act, all provisions under this Part, except § 96.20, § 96.21(b)(c)(d)(e)(g) and (h), § 96.23, § 96.24, § 96.27(e), § 96.31, § 96.32, § 96.33, and § 96.34 shall apply in addition to those provisions applicable for programs under Title I or Part A of Title III (sec. 210); however, when Title II funds are used to fund public service employment all of the provisions of this Part 96 shall apply.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

16. Section 98.8(g) is revised to read as follows:

§ 98.8 Program Status Summary, Financial Status Report and Monthly Report.

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(g) *Monthly Progress Report.* Grantees operating a Title II or VI funded program shall be required to submit the Monthly Progress Report (MPR) on which they will record the cumulative participants served and terminated, the number of participants on board at the end of the month, and the actual versus planned accrued expenditures cumulative for the program year to the end of the month. The monthly report period is the calendar month. This report will be submitted to the appropriate RA no later than 20 working days after the end of the report period. The monthly report will be phased out when economic conditions and programmatic consideration no longer warrant its submission.

• • • • • •

17. Paragraphs (b)(1), (b)(3), (d)(4), (f)(2), (f)(5) and (f)(6) of § 98.12 are revised to read as follows:

§ 98.12 Allowable Federal costs.

(b) *Restriction on use of funds in Public Service Employment Programs.* (1)(i)(A) Not less than 85 percent of the funds appropriated pursuant to the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 203(b)).

(B) The remaining 15 percent may be used for administration, training, or supportive services to participants in public service employment.

(C) An eligible applicant which does not itself administer the entire program may not retain the entire 15 percent mentioned in (b)(1)(i)(B) of this section for its own use unless this is agreed to by its subgrantees. Unless otherwise agreed to, at least fifty percent (50) of the amount used for the administration of the program shall be available to subgrantees for administrative costs.

(D) Training materials, work tools, uniforms or other equipment ordinarily provided by the employer to regular employees, and which are for the benefit and ownership of the participants may be considered fringe benefit costs for public service employment participants (sec. 208(a)(7)). However, such costs shall be charged to the appropriate cost category, not fringe benefits, when such items are rented or otherwise do not become the property of the participant.

(ii) The 15 percent of funds used by a prime sponsor or an eligible applicant for public service employment programs under the Act, after the 85 percent requirement of this section is met, may be used for the acquisition of or rental or leasing of supplies, equipment, and materials, including equipment and materials used in the training of public service employment participants, and work related supplies, equipment and materials for such participants. Such funds may also be used for the rental or leasing of real property. However, none of the 15 percent may be used to contract for capital improvements to real property used in the administration of the program. Acquisition of such equipment, materials and supplies, including rental costs, shall be governed by the administrative provisions of this section (secs. 203(b), 602(b), 210).

• • • • • •

(3) Consistent with the maintenance of effort requirements of § 96.24, of this subtitle, the cost of participants' salaries and fringe benefits shall be allowable costs when such participants are used in home repair and winterization/weatherization activities where work performed will not inure primarily to the benefit of a profitmaking organization. Home repair and winterization/weatherization activities shall be limited to dwellings of individuals who are at or below 125 percent of the poverty level (as defined in § 94.4) which are privately owned and owner-occupied, privately owned by a nonprofit organization, or units of public housing.

(4) Unless otherwise provided in Parts 94–99 of this subtitle, funds provided under one title of the Act may not be used to support costs of another title, or another grant under the same title.

• • • • • •

(d) • • •

(4) When required by § 98.24 or State Unemployment Insurance Laws to pay unemployment insurance costs, prime sponsors shall plan for those obligations to be incurred during the grant year. This responsibility includes unemployment insurance charges which will be incurred by subgrantees and contractors because of unemployment insurance liabilities incurred under programs under the Act. Unemployment insurance benefit costs are allowable for administrative staff hired in accordance with the administrative provisions of these regulations, and for participants in other than public service employment. Unemployment insurance benefit costs for public service employment participants, including such participants who are also administrative staff, who become eligible for unemployment insurance by reason of their participation in the program shall be paid not from funds under the Act, but from funds appropriated pursuant to Part B, Section 220(a) of Pub. L. 94–444. However, administrative costs associated with the recordkeeping requirements necessary to implement Part B, Section 220(a) of Pub. L. 94–444, shall be allowable as an administrative cost under the Act. Each grantee, subgrantee, or contractor shall cooperate with the SESA's in providing data necessary to implement the provisions of Part B of Pub. L. 94–444.

• • • • • •

(f) • • •

(2) *Fringe benefits.* Allowable fringe benefit costs for participants include, but are not limited to the following: Annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employee's life and health insurance plans, workers compensation insurance, unemployment insurance where applicable; retirement benefits provided such benefits are granted under an approved plan, and such training materials, work tools, uniforms, or other equipment which may be charged to the fringe benefits category under Public Service Employment programs, in accordance with § 98.12(b)(1). Cost of living increases may not be charged to fringe benefits.

(5) • • •

(v) The following are examples of costs not properly chargeable to Services: General and administrative costs of the services provided; supervision, clerical support not directly involved in providing services, staff training, travel of supervisory staff, rent and other facilities costs (except as provided for in (iv)), and costs of supplies, materials, and equipment not used directly in providing services to participants.

(6) *Administrative costs.* (i) Administrative costs shall be limited to those necessary to effectively operate the program. They shall not exceed 20 percent of the total planned costs for all program activities other than public service employment unless the Program Narrative Description under § 95.14(b)(2)(i) sets forth an explanation of how all Administration costs have been determined and a detailed documentation to support that amount. The restriction on the use of funds for administration in public service employment programs is set forth in § 98.12(b)(1) (sec. 108(d)(2)).

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18. Paragraphs (b)(1) and (b)(5)(i) of § 98.18 are revised to read as follows:

§ 98.18 Maintenance and retention of records.

• • • • • •

(b) • • •

• • • • • •

(1) Financial records, supporting documents, statistical records and all other pertinent records shall be retained for a period of 3 years. Such financial records related to PSE programs shall be public information. No Federal requirements for records retention which exceed those established by State or local governments shall be otherwise imposed, except that: (sec. 704(d)).

• • • • • •

(5)(i) The names of all participants supported under the Act are considered public information unless otherwise noted in this subtitle. The names, addresses, positions and salaries of all persons employed in public service employment positions under the Act are public information (sec. 704(d)).

• • • • • •

19. Paragraph (a)(3) of § 98.20 is revised to read as follows:

§ 98.20 Procurement and property management standards.

• • • • • •

(a) • • •

(3) The standards to be used for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachment O of FMC 74–7 with the following exceptions. On-the-job training contracts are not subject to the sole source approval requirement under paragraph 6(b) of Attachment O and selection of subgrantees is exempt from the requirements of Attachment O. When on-the-job training contracts are made under this exception a record of the name of the contractor, the amount and the services to be provided must be made available to the RA upon request. These standards are furnished to assure that such materials and services are obtained in compliance with the provisions of ap-

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plicable Federal laws and Executive Orders.

• • • • •

20. Section 98.24(b) is revised to read as follows:

§ 98.24 General benefits and working conditions for program participants.

• • • • •

(b) Each participant in an on-the-job training, work experience, or public service employment program shall also be assured of health insurance, unemployment insurance (to the extent such benefits are allowable), coverage under collective bargaining agreements and other benefits at the same levels and to the same extent as other employees similarly employed, and to working conditions and promotional opportunities neither more nor less favorable than such other employees similarly employed (secs. 208 (a)(4), 703(5) and 703(6)). Nothing in this section shall be interpreted to require coverage for health insurance, unemployment insurance and similar benefits for participants, such as, work experience participants, where there is no employee of the employer performing the same or similar work in the employment situation. In determining whether the work is the same or similar to that of a person regularly employed, the prime sponsor will take into consideration, but shall not be limited to, employment status, type of work performed, job classification and method of appointment to the position.

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21. Part 99 is revised to read as follows:

PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—General

Sec.
99.1 Scope and purpose of this Part 99.
99.2 Allocation of funds.
99.3 Eligibility for funds.

Subpart B—Grant Application

99.10 General.
99.11 Planning process; advisory councils.
99.12 Content and description of grant application.
99.13 Comment and publication procedures relating to submission of grant application.
99.14 Submission of grant application; standards for reviewing grant applications.
99.15 Application approval; application disapproval; grant agreement.
99.16 Use of alternative eligible applicant; services by the Secretary.
99.17 Modifications.

Subpart C—Program Operation Requirements for Prime Sponsors

99.30 General.
99.31 Basic responsibilities of prime sponsors; basic responsibilities of program agents.
99.32 Program performance requirements for prime sponsors.
99.33 Public service job activities.
99.34 Maintenance of effort.
99.35 Linkages with other employment and training programs; training and supportive services.
99.36 Placement goals.
99.37 Compensation and working conditions for participants.
99.38 Place of residence for participants.

Subpart D—Program Operation Requirements of the Emergency Jobs Programs Extension Act of 1976

99.40 Apportionment of the prime sponsor's allocation.

Sec.
99.41 Project and activity approval.
99.42 Eligibility for participation in Title VI programs.
99.43 Verification of participant eligibility.
99.44 Special considerations on selection.
99.45 Administrative staff selection and compensation.

Subpart E—Administrative Provisions

99.70 General.
99.71 Payments, financial management systems and audit.
99.72 Reporting requirements.
99.73 Reallocation of funds.
99.74 Allowable Federal costs.
99.75 Grantee contracts and subgrants.
99.76 Allocations of allowable costs among program activities.
99.77 Basic personnel standards for eligible applicants.
99.78 Adjustments in payments.
99.79 Termination of grant and closeout procedures.
99.80 Retention of records.
99.81 Program income and procurement standards.
99.82 Nondiscrimination, equal employment opportunities, nepotism and restriction on political activities.
99.83 Assessment and evaluation.
99.84 Hearings and judicial review.

Subpart F—Special Conditions for Grants to Indian Tribes and Alaskan Native Villages

99.90 General.
99.91 Grant responsibility.
99.92 Distribution of funds.
99.93 Eligibility for funds.
99.94 Funding of prime sponsors.
99.95 Participant eligibility.
99.96 Comments and publication procedures relating to submission of application for funding.
99.97 Planning process; advisory councils.
99.98 Travel requirements.
99.99 Nepotism and conflict of interest.
99.100 Nondiscrimination; political activities.
99.101 Subgrants.

Subpart A—General

§ 99.1 Scope and purpose of this Part 99.

(a) This part contains the Department of Labor's regulations governing the establishment and operation of a public service and employment and training program under Title VI of the Act, as amended by the Emergency Jobs and Unemployment Assistanct Act of 1974, Pub. L. 93-567, 88 Stat. 1845, and the Emergency Jobs Programs Extension Act of 1976, Pub. L. 94-444.

(b) This program is intended to provide the level of funds needed to sustain enrollment under Title VI through Fiscal Year 1977. Provision is also made for a shift in emphasis toward serving persons who are long-term unemployed or AFDC recipients and whose family incomes are 70 per cent or less of the lower living standard income level.

(c) Such long-term unemployed and ADFC recipients are to make up at least 50 percent of those hired into the program, although a prime sponsor could choose to enroll a greater percentage or only such persons.

(d) Provision is made for all program activity beyond what is required for sustaining Title VI enrollment to be in projects and activities, which are subject to the review of the prime sponsor's planning counell. Such projects and activities must have only long-term unemployed and AFDC participants.

(e) The duration of such projects and activities is limited to one year. While there is no regulatory limit to the duration of participation of enrollees in projects, it is strongly encouraged that the participation of such persons also be limited to one year.

(f) Prime sponsors are expected to provide a substantial part of project funds to nonprofit agencies.

(g) Work in projects must be above and beyond those services customarily provided by State or local jurisdictions and must not conflict with the maintenance of effort provisions of the Act or of the regulations in this part. Work performed in projects must be compared with similar work performed by regular employees to assure that prevailing wages are paid.

(h) Funds reserved for sustaining may be used for the same activities which were previously allowable under Title VI, including public service employment programs, basic manpower activities, and projects. When sustaining funds are used to operate projects, the projects are not subject to the planning council review or to the one-year limitation, and the persons in such projects are not limited to only the new eligibility criteria.

(i) Since whether a participant is long-term unemployed is based on collecting, having exhausted, or being ineligible for unemployment compensation, prime sponsors are strongly encouraged to arrange for verification of such information with SESAs.

(j) Definitions not found in this part for abbreviations and major terms may be found in Part 94 of this subtitle.

(k) Although the Emergency Jobs Programs Extension Act of 1976 authorizes the funding of projects for the long-term unemployed and for AFDC recipients, Congress at the present time has appropriated by a continuing resolution only the amount of money which it believed would be enough to maintain the number of public service jobs which were filled on June 30, 1976. Consequently, it is not expected that there will be much money available for projects at this time. Therefore, these regulations at § 99.40(b) allow a simplified administrative system for calculating the number of long-term unemployed and AFDC recipients who are hired into the program. Because of the current lack of appropriations for projects and because the principal intent of the Emergency Jobs Programs Extension Act is to sustain the public service jobs programs, § 99.40(a) allows prime sponsors to carry into the new grant period the number of participants on board on October 31, 1976, if that number is higher than the June 30, 1976 level. Should additional funds become available for Title VI, these regulations will be revised accordingly.

(l) Statutory authority for the regulations contained in this part is found in section 702(a) of the Act. Other relevant sections of the Act are generally noted at the end of the substantive regulations in this part.

Although these regulations are effective 30 days after publication, it should be noted that Pub. L. 94-444 was signed into law on October 1, 1976. Therefore, as of October 1, 1976, certain provisions of Pub. L. 94-444 became immediately applicable, including sections 3(a)(1), 3(a)(2), and 11. These regulations shall constitute a modification to all grants currently operating under Title VI.

§ 99.2 Allocation of funds.

(a) The Secretary shall allocate not less than 2 percent of the funds available for Title VI of the Act to those eligible applicants defined in § 99.3 which are Indian tribes, bands, and groups qualified under section 302(c)(1) of the Act (sec. 602(e) and sec. 603(a)(1)).

(b) Not less than 90 percent of the funds remaining after the application of paragraph (a) of this section shall be allocated among eligible applicants defined in § 99.3 which are prime sponsors under Title I of the Act according to the following basic formula (sec. 603(a)(1)):

(1) Fifty percent of the funds shall be allocated among eligible applicants in proportion to the relative number of unemployed persons who reside in areas within the jurisdiction of such applicants compared to the number of unemployed persons who reside in all eligible applicants' areas in all the States (sec. 603(a)(2)(A)).

(2) Twenty-five percent of the funds shall be allocated among eligible applicants on the basis of the ratio of the excess number of unemployed persons, as defined below, who reside within the jurisdiction of the eligible applicant, to the total excess number of unemployed persons who reside within the jurisdictions of all eligible applicants. In allocating funds to an eligible applicant which is not a State, the term "excess number" shall mean the number of unemployed persons in excess of 4.5 percent of the labor force who reside in the jurisdiction of the eligible applicant. For allocating funds to an eligible applicant which is a State, the term "excess number" shall mean either the number of unemployed persons in excess of 4.5 percent of the labor force who reside in the jurisdiction of the eligible applicant, or the number of unemployed persons in excess of 4.5 percent of the labor force in areas eligible for assistance under Title II of the Act in the geographical area served by such State prime sponsor (under Title I or Title II), whichever is greater (sec. 603(a)(2)(C)).

(3) Twenty-five percent of the funds shall be allocated for use on behalf of residents of areas of substantial unemployment. An area of substantial unemployment, other than in relation to Indian tribes, bands, and groups, is any area within a prime sponsor's jurisdiction which has a population of at least 10,000 persons, qualifies for a minimum allocation of $25,000 under Title II of the Act, and has a rate of unemployment of at least 6.5 percent for a period of three consecutive months as determined by the Secretary of Labor at least once each fiscal year. These funds shall be allocated in accordance with the number of unemployed persons residing in areas of substantial unemployment within the jurisdiction of the eligible applicant as compared to the total number of unemployed persons residing in all areas of substantial unemployment (sec. 603(a)(2)(B)).

(c) The remaining funds, not to exceed 10 percent of the funds remaining after application of paragraph (a) of this section, may be distributed to prime sponsors under Title VI by the Secretary as the Secretary deems appropriate to carry out the purpose of Title VI, taking into account both changes in rates of unemployment, and the need for additional funds to continue the same level of public service employment activities previously supported under the Act within the jurisdiction of the eligible applicant (sec. 603(b)).

(1) When any portion of these funds is to be allocated using a distribution based upon a formula, the Secretary shall not later than 30 days prior to such allocation publish in the FEDERAL REGISTER the specific formula for such distribution, the rationale behind the selection of the formula and the proposed amount for distribution to each eligible applicant. After consideration of comments received within 30 days of the FEDERAL REGISTER notice, the Secretary shall publish final allocations (sec. 603(d)).

(d) In determining the allocations under paragraph (b) and (c) of this section, the term "jurisdiction" includes the jurisdiction of each unit of general local government as described in § 95.3(a)(2) of this subtitle, whether or not such unit has entered into a consortium of units of general local government for the purposes of § 95.3(a)(3) of this subtitle (sec. 603(c)).

(e)(1) An eligible applicant shall distribute to a program agent, as defined in paragraph (e)(3) of this section, funds to be utilized to serve residents of the program agent's area unless the program agent declines to operate a program, in which case, the eligible applicant shall make other arrangements to serve the residents of the program agent's jurisdiction (sec. 204(d)(1)).

(2) If the Secretary does not specify an amount to be distributed to a program agent, the eligible applicant shall distribute funds to the program agent using the same intent used by the Secretary in distributing funds to eligible applicants.

(3) The term "program agent" under this part shall mean any unit of general local government (or combination of such units) located within an eligible applicant's jurisdiction which has a population of 50,000 or more (sec. 204(d)(1)).

(4) Notwithstanding paragraph (e)(1) of this section, a program agent which is a member of a consortium may make such agreements as agreed to by the consortium with regard to the administration of funds for the benefit of the residents of the eligible program agent's area.

§ 99.3 Eligibility for funds.

(a) Funds shall be allocated by the Secretary only to eligible applicants. The term "eligible applicant" shall mean prime sponsors qualified for Fiscal Year 1977 under Title I of the Act and Indian tribes, bands, and groups qualified for Fiscal Year 1977 under section 302(c)(1) of the Act (sec. 602(e)).

(b) A State shall not qualify as an eligible applicant for any geographical area within the jurisdiction of any other eligible applicant which is a unit of local government, within the State unless the non-State eligible applicant has not submitted an approvable application for Title VI funds, or has stated to the Regional Administrator, in writing, its desire to be served by the State (sec. 204(a)).

(c) A unit of general local government shall not qualify as an eligible applicant with respect to any area within the jurisdiction of another eligible unit of general local government unless the other unit has not submitted an approvable application for such areas, or has stated its desire to the RA, in writing, to be served by such larger unit (sec. 204(a)).

(d)(1) An eligible applicant shall distribute funds to program agents as provided in §99.2(e) (sec. 204(d)(2)).

(2) No program agent shall receive or continue to receive funds for any area within the jurisdiction of another program agent unless the RA determines that the other program agent has not carried out its administrative responsibility consistent with the application for financial assistance developed by the eligible applicant for developing, funding, overseeing, and monitoring programs within its areas (sec. 204(d)(3)).

(e) Funds for areas of substantial unemployment.

(1) An eligible applicant or program agent which contains an area or areas of substantial unemployment shall make available for services to residents of each such area those funds allocated to the eligible applicant under § 99.2(b)(3) (sec. 603(a)(2)(b)).

(2) An eligible applicant other than a State, or a program agent, whose entire jurisdiction qualifies as an area of substantial unemployment, shall, to the extent feasible, allocate funds allocated under § 99.2(b)(3) according to § 96.3(f)(1) of this subtitle.

(3) If the eligible applicant is a State whose entire jurisdiction qualifies as an area of substantial unemployment, the eligible applicant shall, to the extent feasible, allocate the funds allocated to it under § 99.2(b)(3) according to § 96.3(f)(2) of this subtitle.

(4) If an eligible applicant believes that there is an area of substantial un-

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employment within its jurisdiction that has not been designated as such by the Secretary it may recommend that such area be considered by the Secretary. In making any such recommendation, the eligible applicant must include a precise geographical definition of the area to be served and population data. Such recommendation shall be submitted to the RA. The Secretary shall, within a reasonable time, make a determination on the recommendation and inform the eligible applicant of the decision and the reasons therefor.

Subpart B—Grant Application

§ 99.10 General.

(a) This subpart contains the procedures for obtaining grants to operate programs under Title VI of the Act (sec. 602(a)).

(b) The Secretary reserves the right to temporarily waive any of the grant procedures in this subpart and provide immediate funding authority when, and if, strict adherence to a procedure would result in a funding delay which would necessitate the lay-off of currently employed participants.

§ 99.11 Planning process; advisory councils.

To receive financial assistance under Title VI of the Act, eligible applicants shall submit an appropriate comprehensive Title VI plan, pursuant to § 99.12. In developing and modifying such a plan, an eligible applicant shall utilize the planning process and the advisory councils pursuant to § 95.13 (b), (c), (d), and (e) of this subtitle.

§ 99.12 Content and description of grant application.

(a) This section describes the grant application which the eligible applicant shall use to apply for its grant.

(b) Copies of all grant application forms and instructions are contained in the Forms Preparation Handbook.

(c) *Grant application forms.* (1) The Application for Federal Assistance identifies the eligible applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. The Standard Form 424 contained in Federal Management Circular (FMC) 74-7 is being used.

(2) *The Comprehensive Title VI Plan.* The Comprehensive Title VI Plan is a statement of how the eligible applicant intends to use Title VI funds and to coordinate its activities with other employment and training programs and services operating within its jurisdiction. The Comprehensive Title VI Plan consists of the Narrative of the Title VI Program, the Program Planning Summary, the Budget Information Summary, the Monthly Schedule, the Public Service Employment Occupational Summary, and the Program Summary all described below.

(i) *Narrative Description of the Title VI Program.* The Narrative Description of the Title VI program identifies and explains the employment and training problems within the eligible applicant's jurisdiction, describes proposed program activities and delivery systems to deal with those problems, and projects the results which may be expected from the program. These narrative description requirements represent an abbreviated version of the narrative description requirements of Title II (§ 96.14(b)(2)(1) of this subtitle. However, if information required in certain items below has already been provided in the current title II narrative description, a copy of this description may be attached in order to comply with these requirements. The Narrative Description of the Title VI program requires a detailed statement on the program including the following items:

(A) *Objectives and needs for the assistance.* (1) Program purpose; and

(2) Analysis of need—A brief description of the labor market of the area including labor force and a description of the population groups most in need of services at this time.

(B) *Results and benefits expected.* This item should explain how the quantified results in Section I of the PPS impact on the needs of the labor force and the community services to be provided.

(C) *Approach.* (1) What provisions have been made to sustain the June 30, 1976, level in both Titles II and VI, or to retain the October 31, 1976 level, if higher?

(i) Identify the June 30, 1976, level in Titles II and VI. Identify the October 31, 1976, level, if different.

(ii) Estimate amount of funds it will take to sustain the June 30, 1976, level or retain the October 31, 1976 level.

(iii) Identify the number of participants that will be sustained under Title II.

(iv) If any former participants are to be reinstated under the provisions of § 99.40(c) state the number of individuals involved. Submit adequate documentation to allow the RA to determine that such individuals qualify for reinstatement under § 99.40(c). This documentation must include the name, position, date of termination and reason for termination of each participant and any additional information required by the RA.

(2) Describe the methods which will be used in providing training and supportive services if any, to long-term unemployed persons.

(3) Provide the estimated average annual wage rate for PSE occupations and the rationale for obtaining this wage rate; keeping in mind the aim of obtaining a nationwide rate of $7,800.

(4) Describe the unmet public service needs.

(5) Describe the method of recruitment on the basis of new eligibility criteria and method of verification. Describe procedures that will be used to track and monitor the flow of participants in order to comply with the different eligibility requirements of § 99.42 (a) and (b) of this Part.

(6) Provide an explanation of the basis for the geographical distribution of funds within the prime sponsor's area.

(7) Describe the plan for providing services to disabled, special and recently discharged veterans and welfare recipients.

(8) For newly eligible applicants, eligible applicants operating independently for the first time and eligible applicants serving geographical area(s) in addition to that served in the previous program year, describe the continuity of service to be provided.

(9) Describe the process for selecting delivery agents and project operators, including: (i) An explanation of the methods and criteria to be used in the selection of deliverers of service; and

(ii) An explanation of the methods and criteria to be used for soliciting and approving project and activity applicants to operate projects and activities to the extent known.

(10) Describe the linkages established with other manpower and related agencies.

(D) *Management and administrative plan.*

(1) Provide an organizational chart.

(2) Describe internal administrative controls, including personnel or merit system and grievance procedures.

(E) *Maintenance of effort data.* An eligible applicant shall estimate the number of jobs that will be filled by recalling former employees who have been terminated or laid-off. In accordance with the provisions of § 99.34, the RA may request additional documentation.

(ii) *Program Planing Summary.* The Program Planning Summary requires a prime sponsor to provide a quantitative statement of planned enrollment levels; the participants to be served by each program activity (classroom training, on-the-job training, public service employment, work experience, and other activities); and outcomes for program participants. It also requires an identification of the significant segments of the population and the number of individuals to be served in each.

(iii) *Budget Information Summary.* The Budget Information Summary requires a prime sponsor to provide a quantitative statement of planned expenditures and obligations. It requires prime sponsors to indicate yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services). The prime sponsor is to reflect planned quarterly obligations and planned expenditures by program activity.

(iv) *Monthly Schedule.* A monthly estimate of total individuals enrolled at the end of the month and total cumulative expenditures shall be provided. Such monthly schedule will reflect the activity for each month during the grant period under Title VI.

(v) *Public Service Employment Occupational Summary.* The Public Service Employment Occupational Summary requires an eligible applicant operating a public service employment program under Title VI of the Act to provide a description of proposed job opportunities, occupations and wages for similar nonsubsidized jobs in the employing agency at the sustaining level. Subsidized jobs provided in projects and activities should also be described to the extent known at the time of application.

(vi) *Program Summary.* The Program Summary presents a distribution of jobs, training slots, and funds to be provided to eligible applicants and subgrantees. It designates the area to be served, the population and employing agencies of each area. To the extent known, the above information should also be provided for projects and activities.

(3)(i) *Assurances and Certifications.* The Assurances and Certifications form is a signature sheet on which the eligible applicant assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable Federal Management Circulars and Office of Management and Budget (OMB) circulars. The Assurances and Certifications form will be provided in the grant application package.

(ii) When prime sponsors are planning to fund job opportunities authorized under Section 304(a) of the Act, paragraphs (3), (4), (5), and (6), they must submit a certification to the RA in the grant application that such activities are necessary to provide sufficient job opportunities in the area served by the prime sponsor (sec. 604(a)).

(4) *Grant Signature Sheet.* The Grant Signature Sheet records the acceptance by the grantee and grantor of the terms and conditions of the grant and any changes to the grant. It records the time period for which the grant is effective, the grant allotment, the amount of funds obligated by the RA to the grantee, the Title of the Act under which funding is authorized and the name, title and signature of the approving official on both sides.

§ 99.13 Comment and publication procedures relating to submission of grant application.

(a) Each eligible applicant shall provide an opportunity for comment on the application as set out in § 95.15 of this subtitle, except that newspaper publication and provision of the application to Governors, appropriate units of government, appropriate Indian prime sponsors, and appropriate labor organizations may be simultaneous with submission of the grant application to the RA.

(b) Each eligible applicant shall submit a copy of its grant application to appropriate State and sub-state clearinghouse(s) at the same time that it submits its application to the RA.

§ 99.14 Submission of grant application; standards for reviewing grant applications.

(a) Each eligible applicant shall submit its grant application to the RA on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 99.12 of this part.

(c) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law. In reviewing a grant application, the RA shall use the standards set forth in § 95.17(b) of this subtitle.

§ 99.15 Application approval; application disapproval; grant agreement.

The procedures set forth in §§ 95.18 and 95.19 of this subtitle shall apply for Title VI applications and grant agreements.

§ 99.16 Use of alternative eligible applicant; services by the Secretary.

The provisions detailed in § 95.20 of this subtitle shall apply to applications and grants made pursuant to Title VI of the Act.

§ 99.17 Modifications.

The modification procedures set forth in § 95.21 of this subtitle shall apply to Title VI grants.

Subpart C—Program Operation Requirements for Prime Sponsors

§ 99.30 General.

(a) This subpart contains the program operation requirements governing prime sponsors with respect to the creating and expanding of public service job opportunities for unemployed and underemployed persons (secs. 205, 602(a)).

(b) This subpart also contains special provisions governing prime sponsors of areas of excessively high unemployment, which include:

(1) Prime sponsors of areas having an average unemployment rate in excess of 7 percent for the most recent three consecutive months based upon the best available information and subject to review by the RA, and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area;

(2) Prime sponsors which are "exceptional circumstance" prime sponsors under section 102(a)(4) of the Act and which certify to the RA in the grant application or a request for modification that application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area;

(3) Prime sponsors which are "concentrated employment program" prime sponsors under section 102(a)(5) of the Act and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area; and

(4) Prime sponsors which are State prime sponsors serving areas which are eligible for assistance under Title II of the Act and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the Title II area.

§ 99.31 Basic responsibilities of prime sponsors; basic responsibilities of program agents.

(a)(1) A prime sponsor shall administer its programs under Title VI of the Act pursuant to the provisions of § 96.21 of this subtitle.

(2) A prime sponsor of an area of excessively high unemployment shall administer its programs under Title VI of the Act pursuant to the provisions of § 96.21 of this subtitle, except that the provisions of § 96.21(c), (d) and (e) of this subtitle shall not apply.

(b) The responsibilities of program agents, as defined in § 99.2(e)(3), shall be those provided in § 96.22 of this subtitle.

§ 99.32 Program performance requirements for prime sponsors.

(a) A prime sponsor shall use funds under Title VI of the Act in accordance with the expenditure levels and enrollment levels described in the approved Comprehensive Title VI Plan and within the monthly schedule.

(b)(1) The RA shall review the program performance of each prime sponsor on a monthly basis and determine the adequacy of the prime sponsor's performance with respect to the expenditure and enrollment levels provided for in the Program Planning Summary, Budget Information Summary, and the monthly schedule.

(2) If a prime sponsor operates at a level in variance from the monthly schedule, the RA may prescribe corrective action and/or technical assistance.

(c) The RA, on a monthly basis, shall make a general review of the prime sponsor's performance and goals to determine the responsiveness of the prime sponsor's program to the unemployment rates of its area and the employment needs of the persons within its jurisdiction.

§ 99.33 Public service job activities.

(a) A prime sponsor may provide:

(1) Public service jobs in employment projects, as defined in § 94.4(ooo) of this subtitle, which provide maximum employment opportunities for eligible persons (sec. 602(a));

(2) Public service employment programs which meet the requirements of § 96.23 of this subtitle (sec. 602(a));

(3) Basic manpower activities and services described in § 95.33(d) of this subtitle (sec. 201);

(4) Job opportunities with public employers, as described in paragraphs (3), (4), (5), and (6) of section 304(a) of the Act, if the prime sponsor certifies to the RA in the grant application or a modification that such activities are necessary to provide sufficient job opportunities in the area served by the prime sponsor (sec. 640(a));

(5) Where funds are utilized pursuant to paragraphs (a)(3) and (a)(4) of this section, all provisions under this part shall apply, except for references in such provisions to §§ 96.20, 96.21 (b)(c)(d)(e)(g) and (h), 96.23, 96.31, 96.32, 96.33, and 96.34 of this subtitle. In addition, those

provisions applicable for programs under Title I, or Part A of Title III shall apply. However, when Title VI funds are used to fund public service employment, all of the provisions of this part shall apply.

(b) Funds allocated to prime sponsors of areas of excessively high unemployment may also be used for the following special program activities and services (sec. 604):

(1) Public service employment programs which meet the requirements of § 96.23 of this subtitle, except that § 96.23(b) (2), (3), and (8) shall not apply;

(2) The funding of jobs with public employers on community capital improvement projects, which would not be otherwise carried out (however, these activities must be activities that the prime sponsor is authorized to do and would normally perform itself rather than contract out). Such projects may include the rehabilitation, alteration, or improvement, but not new construction, of public buildings, roads and other public transportation facilities, health and education facilities, and other facilities for the improvement of the community in which the project is or will be located. Funds shall not be used, however, for employment in capital improvement projects which inures primarily to the benefit of a private profit-making organization (sec. 604(b)); and

(3) The funding of jobs in projects for functions that would normally be authorized for the jurisdiction but would not otherwise be carried out. The activities performed in the projects must be those which the prime sponsor has historically performed itself rather than those which would normally be performed by an outside contractor. Such projects may include construction (including new construction), rehabilitation, alteration, or improvement of water and waste disposal facilities in communities with populations of 10,000 individuals or less which are outside the Standard Metropolitan Statistical Area, as defined by the Bureau of the Census.

§ 99.34 Maintenance of effort.

(a) Public service jobs funded under Title VI of the Act shall only be in addition to employment which would otherwise be financed by the prime sponsor without assistance under the Act (secs. 602(c), 205(c)(25)).

(b) To assure maintenance of effort, the prime sponsor shall see that a public service employment program under Title VI of the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) Shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of nonovertime work, wages, or employment benefits;

(3) Shall not impair existing contracts for services or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) Shall not substitute public service jobs for existing federally assisted jobs under federally supported programs other than those under the Act (secs. 602(c), 208(a)(1)).

(c) Prime sponsors, program agents and subgrantees may not terminate, layoff, or reduce the working hours of, an employee in anticipation of hiring an individual with funds available under Title VI. In addition, no participant shall be used to fill positions or provide services normally provided by temporary, part-time, or seasonal workers or contracted out, or to fill full-time vacancies, unless documentation is maintained, as provided in paragraph (h) of this section, that such action does not constitute a substitution of Federal funds for purposes that would otherwise have been supported by other resources.

(d) No prime sponsor shall hire or allow the hiring of any person into any job funded under this part when any other person is on lay-off from the same or any substantially equivalent job (secs. 602(c), 205(c)(7)(8)). If layoffs of regular employees occur during the grant period, participants may not remain working in the same or substantially equivalent job within the employing agency that is affected by the lay-off. Such participants shall be transferred to positions not affected or be laid off or terminated. Prime sponsors shall try to transfer them to Title I, if appropriate, or shall attempt to place them into unsubsidized employment before laying them off or terminating them (secs. 602(c), 205(c)(8)).

(e) Former employees who lost their jobs due to a bona fide lay-off may be hired into positions supported under this Part provided that such hiring does not constitute a violation of the maintenance of effort provisions of the Act and these regulations.

(f) No participant may be placed or remain working in any position substantially equivalent to a position which is vacant due to a hiring freeze unless the prime sponsor can demonstrate that:

(1) The freeze resulted from a lack of funds to sustain former staff levels and was not established because of the availability of funds under this part; and

(2) The promotional opportunities of regular employees will not be infringed upon.

(g) Prime sponsors shall notify the RA in writing of any layoff or hiring freeze in a department or agency where participants are employed in positions substantially equivalent to those affected by the layoff or hiring freeze.

(h) Prime sponsors, program agents, or subgrantees which utilize funds under this Part to hire persons to fill positions previously supported by funds other than funds available under the Act or to provide services which are normally provided by temporary, part-time or seasonal workers or which are normally contracted out, shall maintain documentation that such use of funds does not constitute a violation of paragraph (c) of this section nor of any other requirements of this section. Such documentation shall be prepared and maintained in a form which clearly demonstrates that all requirements of this section are complied with and shall be readily available for the inspection of the RA for a period of not less than one year subsequent to the filling of any position to which these provisions are applicable. Prime sponsors shall, at the direction of the RA, submit such documentation or any budgetary expenditure records, revenue statements, and other information relevant to determinations under this section. RA's shall not approve any plan unless prime sponsors have submitted, when directed by the RA, conclusive evidence that the proposed use of funds fully meets the requirements of this section.

(i) Funds shall not be used to provide public services, through a private or nonprofit organization or institution, which are customarily provided by a State, a political subdivision, or a local educational agency in the area if such funding will result in a reduction of the customary level of such service by the State, political subdivision, or local educational agency.

(j) RAs and prime sponsors shall carefully review all programs to insure compliance with all maintenance of effort requirements.

§ 99.35 Linkages with other employment and training programs; training and supportive services.

(a) Each prime sponsor, where appropriate, shall maintain linkages with other employment and training programs as provided under the provisions of § 96.32 of this subtitle.

(b) As appropriate, each prime sponsor shall provide training and supportive services for participants as specified by § 96.31 of this subtitle.

§ 99.36 Placement goals.

Public service employment programs, to the extent feasible, shall meet placement goals as described in § 96.33 of this subtitle (secs. 602(c), 211(b)). The provisions of § 96.33(c)–(f), however, shall not be applicable to participants in projects and activities as described in § 99.40(a)(2).

§ 99.37 Compensation and working conditions for participants.

(a) Participants in public service employment programs and projects shall be compensated pursuant to § 96.34 of this subtitle.

(b) A prime sponsor may establish, on an area basis, jobs and wage structures for participants, taking into account the average wages in the area served and the cost of living in such areas, with the aim of effecting a nationwide, federally supported annual average wage rate equivalent of $7,800 per full-time position within the overall $10,000 federally supported salary limitation provided to public service jobholders. However, this provision in no way is intended to relieve a prime sponsor from compensating participants in accordance with paragraphs (a), (c), (d), (e), and (f) of this section. The RA is authorized to make recommendations, on an area basis, to prime sponsors pertaining to the provisions set forth in this paragraph.

(c) Participants in classroom training programs shall be compensated pursuant to § 95.34 of this subtitle.

(d) Participants in on-the-job training programs and projects shall be compensated pursuant to § 95.35 of this subtitle.

(e) Participants in work experience programs shall be compensated in accordance with § 95.33(d)(4)(viii) of this subtitle. When participants enrolled in work experience are working in projects, wages shall equal the highest of either of the rates specified in § 95.33(d)(4)(viii) of this subtitle or the prevailing rates of pay for persons employed in similar occupations by the same employer.

(f) The salary limitations specified in § 96.34(c) of this subtitle shall apply to compensation provided participants under Title VI.

§ 99.38 Place of residence for participants.

(a) *General.* (1) (i) At time of both application and selection, program participants shall reside within the geographic area for which funds have been designated. A program agent, therefore, may not hire persons outside of its jurisdiction nor may a prime sponsor hire a person from the jurisdiction of another prime sponsor or of a program agent within its own jurisdiction.

(ii) Because of changes in program agent designations each program year, this policy does not require the layoff of participants eligible under the residency requirements that were applicable at the time of their selection.

(2) A prime sponsor or program agent may receive additional funds as a subgrantee of another prime sponsor or program agent to enroll residents of the other prime sponsor's or program agent's jurisdiction in any public service job or other manpower program under Title VI. The prime sponsor or program agent receiving funds must offer jobs or programs which are within reasonable commuting distance of residents of the other prime sponsor's or program agent's jurisdiction.

(3) *Consortia of eligible applicants.* If two or more jurisdictions eligible to be prime sponsors have formed a consortium to operate programs under Titles I, II, and VI, residents of any designated area within the boundaries of the consortium may be employed in public service jobs or enrolled in any other manpower activity either within the geographical boundaries of the consortium or outside such boundaries in which case the provisions of § 96.23(b)(7) of this subtitle shall apply: *Provided,* That the total amount of funds spent for residents of each participating prime sponsor equals the amount of funds that the area would have received if the consortium had not been formed.

(b) Funds provided under § 99.2(b)(3) shall be used only on behalf of residents of geographic areas eligible for assistance under Title II of the Act.

(c) *Consortia of units of general local government formed in order to qualify as program agents; multijurisdictional prime sponsors.* The provisions of paragraphs (a) and (b) of this section shall apply to consortia of units of general local government formed in order to qualify as program agents and shall apply to multijurisdictional prime sponsors.

Subpart D—Program Operation Requirements of the Emergency Jobs Programs Extension Act of 1976

§ 99.40 Apportionment of the prime sponsor's allocation.

(a) *General.* (1) (i) Each prime sponsor shall reserve from the funds available during Fiscal Year 1977 for its use under Title VI, an amount which, when added to the funds available during Fiscal Year 1977 for its use under Title II, shall be sufficient to sustain throughout FY 1977 the number of Titles II and VI participants who were in the program on June 30, 1976.

(ii) However, if the number of participants enrolled in Titles II and VI on October, 31, 1976, plus any rehires who were terminated from Titles II and VI and who are approved for reinstatement in accordance with paragraph (c) of this section, is higher than the June 30, 1976, level of participants, the prime sponsor may reserve funds to carry the higher level into the new grant period. The prime sponsor should be aware, however, that its allocation, which shall be keyed to the June 30, 1976 level, may not be sufficient to operate at the higher level throughout FY 1977.

(iii) (A) Funds reserved in accordance with paragraph (a)(1)(i) of this section shall not be used to support a level of opportunities in excess of the June 30, 1976, level or the level of opportunities on the date of grant execution.

(B) Funds reserved in accordance with paragraph (a)(1)(ii) of this section shall not be used to support a level of opportunities in excess of the October 31, 1976, level plus any rehires who have been approved for reinstatement under paragraph (c) of this section or the level of opportunities on the date of grant execution.

(2) Funds remaining after the application of paragraph (a)(1) of this section shall be used for new projects as defined in § 94.4(ooo) of this subtitle, and activities, as described in § 99.33, not to exceed 12 months and subject to the approval procedures in § 99.41 (sec. 607(b)).

(b) *Enrollment of Title VI participants.* (1) At least fifty percent of the participants who become enrolled after grant execution shall meet the new eligibility criteria (§ 99.42(a)).

(i) Only participants meeting the new eligibility criteria shall be enrolled in projects and activities as specified in §§ 99.40(a)(2) and 99.41.

(2) Up to fifty percent of the participants who become enrolled after grant execution may meet the original Title VI eligibility criteria (see § 99.42(b)).

(i) Individuals enrolled after grant execution who meet the original Title VI eligibility criteria may be rehires, as defined in § 94.4(qqq), provided that the maintenance of effort provisions of § 99.34 are not violated.

(ii) In selecting individuals who meet the original Title VI criteria, prime sponsors may give preference to unemployed qualified former health and safety personnel for public health and safety positions (sec. 607(c)(2)).

(3) The cumulative and current number of participants who become enrolled in Title VI after grant execution who meet the new eligibility criteria shall at all times approximate fifty percent or greater of all participants who become enrolled in Title VI after grant execution.

(4) In paragraphs (b) (1), (2), and (3) of this section, persons enrolled after grant execution shall not include Title II participants who are moved into Title VI during the initial separation of Titles II and VI participants.

(c) Any rehire who, after June 30, 1976, and before October 1, 1976, was laid off from a job supported under Titles II and VI because of the provisions of § 96.24 (e) and (f) of this subtitle may be reinstated by the prime sponsor into a Title VI position supported pursuant to paragraph (a)(1) of this section without regard to requirements of paragraphs (b) (1) and (2) of this section. However, reinstatement shall be subject to RA determination that they were laid off because of § 96.24 (e) and (f), after review of information provided in § 99.12 (c)(2)(i)(C)(*1*)(*iv*). The reinstatement provision of this section shall not relieve a prime sponsor from compliance with § 99.34(d) (sec. 609(c)).

§ 99.41 Project and activity approval.

(a) Funds remaining after funds are reserved for supporting the level of opportunities determined in § 99.40(a)(1) shall be utilized for public service jobs in new projects, as defined in § 94.4(ooo), and activities, as described in § 99.33, not to exceed one year in duration (sec. 607(b)).

(b) Such projects and activities shall be funded as follows:

(1) Each prime sponsor shall establish procedures for its own use and the use of its program agents for notifying potentially eligible project applicants (as defined in § 94.4(ppp)) of the application process and cut-off date for acceptance of applications.

(2) Each prime sponsor is responsible for establishing procedures for its own use and the use of its program agents, whereby, upon receipt, a copy of each project/activity application shall be submitted to the prime sponsor's planning council to allow the council to submit comments and recommendations with respect to the application (sec. 609(a)).

(i) No member of a prime sponsor's planning council shall cast a vote on any matter in connection with a proposed project or activity in which that member (or any organization with which that member is associated) has a direct interest (sec. 609(a)).

(3) Prime sponsors and program agents should give consideration to providing a substantial portion of the project and activity funds to nonprofit agencies, in order to insure that real, new jobs are created and to avoid substitution of Federal funds for services customarily provided by State and local governments.

(4) In reviewing project and activity applications, prime sponsors, and program agents, should carefully consider any proposed expenditures for materials, supplies, equipment, and space in relation to the duration of the proposed projects and activities.

(5) Prime sponsors and program agents shall not disapprove a project or activity application without first considering any comments and recommendations submitted by the planning council and providing the applicant and the council with a written statement of the reasons for the disapproval (sec. 609(b)).

(6) In program agent areas, decisions on approving or disapproving project and activity applications shall be made in accordance with § 96.22 of this subtitle.

§ 99.42 Eligibility for participation in Title VI programs.

(a) The following criteria shall be used by prime sponsors in determining participant eligibility pursuant to § 99.40 (a) (2) and (b) (1) and in selecting participants for these positions (sec. 608(a)).

(1) An eligible person must be a member of a family which has a current total family income, determined pursuant to paragraph (a) (2) of this section, at or below 70 per centum of the lower living standard income level, as defined in § 94.4 (nnn), and

(i) Who has been receiving unemployment compensation for fifteen or more weeks; or

(ii) Who is ineligible for unemployment compensation and has been unemployed for fifteen or more weeks; or

(iii) Who has exhausted all unemployment compensation benefits; or

(iv) Whose family is receiving Aid to Families with Dependent Children (AFDC), including AFDC—Unemployed Fathers, under Title IV of the Social Security Act.

(2) (i) In determining current family income, the prime sponsor shall annualized, based on the three months preceding application, total family income, utilizing the same exclusions (e.g., unemployment compensation) used to determine family income for the Participant Record, except with regard to welfare payments. Only that portion of public payments received by the family which a family member, including the applicant, will be disqualified from receiving due to the enrollment of the applicant under Title VI (e.g., payments under the Aid to Families with Dependent Children of Unemployed Fathers program) shall be excluded.

(ii) In instances where, due to seasonal employment, summer employment for youth, or other circumstances, the three months period is unrepresentative, the prime sponsor shall compute family income by totaling all family income received during the twelve months prior to application, except for those exclusions indicated in paragraph (a) (2) (i) of this section (sec. 608(a) (2)).

(3) The prime sponsor shall take reasonable steps to insure that funds used pursuant to § 99.40(a) (2) and (b) (1) are equitably allocated among the categories of eligible persons described in subdivisions (i), (ii), (iii), and (iv) of paragraph (a) (1) of this section. Such equitable allocation shall be made in light of the composition of the population of unemployed eligible persons served by the prime sponsor, to the extent that such data are available. No one group shall be served exclusively, and no group shall be excluded from service (sec. 608(c)).

(4) Participants under Title I, section 302 and section 303 of the Act, participants under Sections 5 and 6 of the Emergency Employment Act, and participants under Title X of the Public Works and Economic Development Act who are enrolled in Title II or VI activities funded through the Department, may be transferred pursuant to § 99.40 (a) (2) or (b) (1) if they met the requirements of paragraph (a) (1) of this section and § 99.38 at the time of their entry into the program from which they are being transferred, and if maximum efforts have been made to place such individuals in unsubsidized employment or training (sec. 105(a) (2)).

(b) In order to be eligible pursuant to § 99.40(b) (2), an individual shall be:

(1) (i) A person who has been unemployed for at least 30 days, as defined in § 94.4(hhh), prior to application, or who is underemployed, as defined in § 94.4 (fff), and who meets the residence requirements of § 99.38, is eligible pursuant to § 99.40(b) (2). The term residence is defined in § 96.27(f) of this subtitle; or

(ii) A person who has been unemployed for at least 15 days, as defined in § 94.4(hhh), except for the provision of § 94.4(hhh) (3), prior to application, or who is underemployed, as defined in § 94.4(fff) and who meets the residence requirements of § 99.38, is eligible for a job funded under § 99.40(b) (2) in areas of excessively high unemployment.

(2) A veteran who served in the U.S. Armed Forces during the Vietnam Era (August 5, 1964, to May 7, 1975), and who has served on active duty for a period of more than 180 days or who was discharged or released from active duty for a service connected disability, shall be immediately eligible, upon discharge, for participation in an activity under § 99.40 (b) (2) without regard to the 15- or 30-day unemployment requirement which would otherwise pertain (sec. 2013, Vietnam Era Veterans' Readjustment Assistance Act of 1972, Pub. L. 92-540): *Provided*, Such veteran has not obtained permanent, full-time unsubsidized employment between the time of discharge and the time of application for participation in Title VI.

(3) A person participating in a public employment program under a Section 5 or Section 6 grant funded by the Emergency Employment Act (EEA) may be transferred into an activity under § 99.40 (b) (2), in order to provide for the orderly phaseout of the EEA grant, if he/she met the requirements of § 99.38 at the time his/her entry into EEA, and provided that maximum efforts have been made to place such an individual in unsubsidized employment or training.

(4) Title I, Title II, section 302, and section 303 participants under the Act, and participants under Title X of the Public Works and Economic Development Act, who are enrolled in Titles II or VI activities funded through the Department may be transferred pursuant to § 99.40(b) (2) only if they met the requirements of paragraph (b) (1) of this section at the time of their entry into the program from which they are being transferred, and if maximum efforts have been made to place such individuals in unsubsidized employment or training (sec. 105(a) (2)).

(5) A person participating in a WIN public service employment program under Part C, Title IV, of the Social Security Act, who leaves or is removed from a public service employment position, shall be treated in the same manner as any other such applicant with respect to eligibility pursuant to § 99.40(b) (2):

(i) If such an individual is still receiving cash welfare payments, that individual meets the definition of unemployed for this title, and is immediately eligible if the individual also meets the requirements of § 99.38.

(ii) If the individual is no longer receiving welfare payments, that individual must meet the standard eligibility criteria for paragraph (b) (1) of this section.

(c) The following requirements are applicable in the selection process of participants for all jobs and activities filled under Title VI:

(1) The selection of participants shall be made in accordance with the provisions of § 96.25 of this subtitle.

(2) A person who obtains permanent, full-time unsubsidized employment after application shall no longer be considered eligible for Title VI, unless, even with such full-time employment, an applicant pursuant to § 99.40(b) (2) still meets the requirements of paragraph (b) (1) of this section.

(3) Citizenship may not be used as a criterion to prevent persons from participating in a program under Title VI. However, program participation shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are otherwise legally available for work in the United States.

(4) While the selection of eligible full-time students for participation in programs funded under Title VI is not prohibited, prime sponsors should exercise caution in providing for such participation and should provide for such participation only in accordance with these regulations. Prior to providing for such participation, prime sponsors should give special consideration to those persons most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title VI.

(5) A participant in a Title VI program may change jobs within a particular prime sponsor's or program agent's jurisdiction without reestablishing eligibility pursuant to paragraphs (a) or (b) of this section, but may not be employed in a job or activity for any other prime sponsor or program agent without again establishing eligibility pursuant to paragraphs (a) or (b) of this section.

(6) The provisions of § 96.28 and § 96.30, special consideration for most severely disadvantaged persons and groups to be provided special consideration, shall apply to programs funded under Title VI.

(7) The significant segments of a prime sponsor's population shall be served on an equitable basis, as provided in § 96.29 of this subtitle. In selecting individuals eligible pursuant to paragraph (a) of this section, the requirements of paragraph (a) (3) of this section are in addition to serving significant segments equitably.

§ 99.43 Verification of participant eligibility.

(a) A prime sponsor is responsible for assuring the eligibility of all participants under Title VI. The eligibility requirements of paragraphs (i), (ii), (iii), and (iv) of § 99.42(a) (1) of this Part are verifiable. Prime sponsors shall be liable for any payments made to participants determined ineligible during program audits or reviews or otherwise. Decisions on whether to verify eligibility and on the method of verification rest with the prime sponsor. However, in order to protect their liability, prime sponsors are encouraged to develop arrangements and procedures for the verification of participants as follows:

(1) Arrangements, including cooperative agreements, with SESAs for the verification of individuals whose applications indicate that they qualify pursuant to paragraphs (i), (ii), and (iii) of § 99.42(a) (1) of this Part; and

(2) Arrangements with public welfare agencies for the verification of individuals whose applications indicate that they qualify as an AFDC recipient (§ 99.42(a) (1) (iv)).

(b) As unemployment compensation recipients approach their 15th week or their exhaustion status, SESAs will be informing them of their possible eligibility for Title VI programs. Prime sponsors shall work with the SESA in the development of arrangements for informing these individuals of their possible eligibility for available opportunities.

§ 99.44 Special considerations on selection.

In providing public service jobs and determining hours of work for individuals eligible pursuant to § 99.40(a) (2) and § 99.40(b) (1), each prime sponsor shall take into consideration the household support obligations of the individuals and shall give special consideration to such alternative working arrangements as flexible hours of work, shared time and part-time jobs, for participants with particular needs, e.g., parents of young children, older persons, and handicapped individuals (sec. 608(d)).

§ 99.45 Administrative staff selection and compensation.

(a) The Title VI administrative staff shall be selected and compensated in accordance with the provisions of § 96.35 of this subtitle.

(b) When administrative funds are utilized to pay the wages of supervisory personnel for projects, the promotional rights of existing employees to fill the supervisory positions shall be protected.

Subpart E—Administrative Provisions

§ 99.70 General.

This subpart contains regulations on the administration of grants under Title VI of the Act. The regulations in this subpart reference the sections of Part 98 of this subtitle which apply to Title VI grants.

§ 99.71 Payments, financial management systems and audit.

§§ 98.2 through 98.6 of this subtitle relating to payments, financial management systems and audits apply to grants under Title VI of the Act (secs. 702(b), 713).

§ 99.72 Reporting requirements.

(a) Section 98.7 shall apply to Title VI programs (secs. 702(12), 713).

(b) Section 98.8 of this subtitle requiring submission of the Program Status Report and Monthly Report shall apply to programs under Title VI.

(c) Section 98.9 of this subtitle requiring submission of a Quarterly Summary of Participant Characteristics shall apply to programs under Title VI.

(d) Section 98.10 of this subtitle requiring submission of a Report of Federal Cash Transactions shall apply to programs under Title VI.

§ 99.73 Reallocation of funds.

(a) Irrespective of requirements under § 98.11 of this subtitle, the RA may make such reallocation, as he deems appropriate, of any amount of any allocation under Title VI of the Act to the extent that he determines that an eligible applicant will not be able to use such amount within a reasonable period of time.

(b) When the RA determines that a reallocation is appropriate, he shall give the grantee and the appropriate Governor 30-day notice of the proposed action to remove funds from the grant. Such notice shall include the specific reasons for the action being taken.

(c) The grantee and the Governor will be invited to submit comments on a proposed reallocation of funds. These comments shall be submitted to the RA within 30 days from the date of the notice. The RA shall notify the Governor and affected prime sponsors on any decision to reallocate funds and shall have any such decision published in the FEDERAL REGISTER.

(d) The procedures set out in this section are in lieu of any other procedure which might otherwise be applicable under § 98.40, et seq. of this subtitle.

(e) Any reallocation of funds shall be to an alternate eligible applicant to serve the same area or to eligible applicants to serve other areas. In reallocating such funds to serve other areas, priority shall be given first to eligible applicants within the same State and then to eligible applicants within other States, taking into consideration the number of eligible unemployed individuals in those areas (sec. 606).

§ 99.74 Allowable Federal costs.

(a) Section 98.12 of this subtitle concerning allowable Federal costs shall apply to Title VI grants. In addition, the cost of participants' salaries and fringe benefits or the cost of allowances in areas of excessively high unemployment may include jobs on community capital improvement projects, which would not otherwise be carried out by the grantee or subgrantee, including the rehabilitation, alteration, or improvement of public buildings, roads, and other transportation facilities, health and education facilities, and other facilities for the improvement of the community in which the community capital improvement project is or will be located, but such funds shall not be used for public service employment in new building and highway construction work or in other work which inures primarily to the benefit of a private profitmaking organization (sec. 604(b) (3)). The costs of participants' salaries and fringe benefits or the costs of allowances in areas of excessively high unemployment are allowable for participants engaged in construction, rehabilitation, alteration, or improvement of water and waste disposal facilities which would not otherwise be carried out, in communities having populations of 10,000 individuals or less which are outside the boundaries of a Standard Metropolitan Statistical Area (as defined by the Bureau of the Census) (sec. 604(a) (3)).

§ 99.75 Grantee contracts and subgrants.

Section 98.27 of this title shall apply to Title VI grants, except that contracts and subgrants may not extend more than 6 months beyond the term of the grant.

§ 99.76 Allocations of allowable costs among program activities.

Section 98.13 of this subtitle shall apply to Title VI grants.

§ 99.77 Basic personnel standards for eligible applicants.

(a) Section 98.14 of this title shall apply to Title VI grants (sec. 703(14)).

(b) The basic personnel standards, as set forth in § 98.14 of this subtitle, shall apply only to an eligible applicant's staff and not to program participants. However, in filling public service jobs funded under Title VI of the Act, eligible applicants shall insure that applicable personnel procedures and collective bargaining agreements have been met.

§ 99.78 Adjustments in payments.

Section 98.15 of this subtitle shall apply to Title VI grants (sec. 702(b)).

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§ 99.79 Termination of grant and closeout procedures.

Sections 98.16 and 98.17 of this subtitle shall apply to Title VI grants (sec. 702(b)).

§ 99.80 Retention of records.

Section 98.18 of this subtitle shall apply to Title VI grants (sec. 703(a)(12)).

§ 99.81 Program income and procurement standards.

Sections 98.19 and 98.20 of this subtitle shall apply to Title VI grants.

§ 99.82 Nondiscrimination, equal employment opportunities, nepotism and restriction on political activities.

(a) Sections 98.21, 98.22 and 98.23 of this subtitle apply to Title VI programs (secs. 703(1), 710 and 712):

(b) Sections 98.24, 98.25, 98.26, 98.28, and 98.29 of this subtitle relating to general benefits and working conditions, retirement programs, procedures for resolving issues, nonfederal status of participants, and Davis-Bacon Act provisions, shall apply to Title VI programs.

§ 99.83 Assessment and evaluation.

Sections 98.30 through 98.34 shall apply to Title VI grants (sec. 703(14)).

§ 99.84 Hearings and judicial review.

Sections 98.40 through 98.49 of this subtitle shall apply to Title VI grants (except as otherwise provided in this part).

Subpart F—Special Conditions for Grants to Indian Tribes and Alaskan Native Villages

§ 99.90 General.

This subpart contains special conditions for grants under Title VI of the Act to Indian tribes on Federal and State reservations, recognized tribes in the State of Oklahoma, and Alaskan Native Villages in the State of Alaska. To the extent that any provisions of this subpart differ from any other provision of this part, the provisions of this subpart shall govern. Otherwise, the requirements of this part 99 apply to programs under this subpart.

§ 99.91 Grant responsibility.

The Division of Indian and Native American Programs in the Office of National Programs shall have full responsibility for all matters pertaining to funds allocated to eligible applicants as defined under § 99.90 above. For purposes of this subpart, all references to RA in this Part 99 shall be read as Director, Division of Indian and Native American Programs.

§ 99.92 Distribution of funds.

Funds for use under this subpart shall be not less than 2 percent of all funds appropriated for Title VI programs. Such funds shall be allocated among the designated prime sponsors on the basis of the prime sponsor's Indian and Alaskan Native rate of unemployment compared to the rate of unemployment in all eligible areas. In making such allocations, the Secretary shall use the best data available.

§ 99.93 Eligibility for funds.

Indian tribes on Federal or State reservations, recognized tribes in Oklahoma and Alaskan Native villages shall be eligible for Title VI funds provided they meet the requirements of § 96.42 of this subtitle, except that recognized tribes in Oklahoma and Alaskan Native villages are exempt from the Federal or State reservation requirement.

§ 99.94 Funding of prime sponsors.

(a) A prime sponsor, if necessary, shall update its Preapplication for Federal Assistance (SF–424) to include a request for funding pursuant to Title VI of the Act. An eligible applicant which has not previously submitted a Preapplication shall comply with § 97.111 of this subtitle.

(b) A consortium, if necessary, shall amend its consortium agreement to insure that it covers activities funded under Title VI of the Act.

(c) Funds made available pursuant to Title VI shall be included in existing Fiscal Year 1977 grants via a modification if appropriate. If new grants are executed, they shall be for a period not to exceed 12 months.

(d) The Title VI modification of the new grant shall consist of the Employment Plan and the Grant Sheet. New grants shall also include appropriate Assurances and Certifications. The Employment Plan shall consist of:

(1) A full narrative description of the program;
(2) A program planning summary;
(3) A budget information summary;
(4) An occupational summary;
(5) A program summary; and
(6) A monthly plan.

§ 99.95 Participant eligibility.

Indian and Alaskan Natives who meet the eligibility and residency requirements of this part shall be eligible to participate in programs funded under Title VI.

§ 99.96 Comments and publication procedures relating to submission of application for funding.

Each eligible applicant shall provide an opportunity for comment on its Title VI plan as set out in § 97.115 of this subtitle.

§ 99.97 Planning process: advisory councils.

Eligible applicants shall utilize in their planning process the services of their planning councils authorized under § 97.113 of this subtitle. In addition, the provision of § 99.41 shall apply to the project application approval process.

§ 99.98 Travel requirements.

Travel regulations for grantees under this subpart shall be those at § 97.161(f)(7) of this subtitle.

§ 99.99 Nepotism and conflict of interest.

(a) No prime sponsor, subgrantee or contractor shall hire, or permit the hiring of, any person in a staff position, nor shall they accept any person as a participant, if a member of the person's immediate family is employed in an administrative capacity by the prime sponsor, subgrantee or contractor. For the purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister. The term "staff position" includes all positions such as instructors, counselors, administrators, and suppliers of training and services. The term "employed in an administrative capacity" includes those persons who have overall administrative responsibility for a program, including: All elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under this subpart as well as other officials who have any influence or control over the administration of the program, such as the project director, deputy director and unit chiefs; and persons who have selection, hiring, placement, or supervisory responsibilities for public service employment participants. The Secretary may waive this requirement if adequate justification is received that no other persons within the subgrantee's jurisdiction are eligible and available for participation or employment by the prime sponsor.

(b) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the prime sponsor shall follow the tribal rule.

(c) Each prime sponsor shall establish safeguards to prohibit employees under the grant, board members, or tribal council members from using their positions for private gain for themselves or others with whom they have family, business or other ties.

§ 99.100 Non-discrimination: political activities.

Sections 98.21 and 98.23 shall be applicable to programs under this subpart except to the extent that those provisions conflict with 42 U.S.C. 2000e(b).

§ 99.101 Subgrants.

In addition to the requirements concerning subgrants, Indian tribes may require that subgrantees agree, to the maximum extent feasible, to hire as staff qualified Indians in accordance with 42 U.S.C. 2000e–2(i).

Signed in Washington, D.C., this 5th day of January 1977.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training Administration.

[FR Doc.77–962 Filed 1–10–77;8:45 am]

federal register

TUESDAY, JANUARY 11, 1977

PART IV



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

TRAINING PROGRAMS

Proposed Rulemaking

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Chapter II]

TRAINING

Notice of Intent; Reconsideration of Structuring of Regulations

The regulations for programs currently administered by the Social and Rehabilitation Service, published beginning in 1969, are organized in four groups:

1. Parts 201 through 213—Policies applicable to several or all of the programs administered by the Social and Rehabilitation Service.

2. Parts 220 through 228—Policies applicable to social services programs, including the Work Incentive Program (WIN).

3. Parts 232 through 237—Policies applicable to the income maintenance programs.

4. Parts 246 through 252—Policies applicable to the Medicaid program.

The Department wishes to make its regulations as clear, concise and usable as possible. Already underway is a pilot project for total revision of the Medicaid regulations. Overall structure is a major consideration on which the Service wishes the advice of the users of its regulations.

The current organizational pattern means that the total body of policies applicable to any one of the three major programs is obtainable only by referring to group 1 and to group 2, 3, or 4, as described above.

Similarly, with respect to the general subject of training, it is necessary to consult group 1 (§ 205.202), group 2 (Subpart H of Part 228), and group 4 (§ 250.120).

Furthermore, as a result of legislation enacted since 1969, the differences among the three programs have increased greatly. This makes group 1 regulations more complex and perhaps more difficult to use. The reader interested in a particular program must segregate what applies to that program from what applies only to other programs.

The public was specifically requested to comment on the possible integration in one section of the regulation of all provisions on staff training when the services amendments (45 CFR Part 228) were published August 26, 1976 (41 FR 36167) containing, in Subpart H, the training regulations applicable to social services programs under title XX.

Published today at page 2445 is a proposed revision of 45 CFR 205.202, which contains training policies applicable to the income maintenance and Medicaid programs.

In order to provide a tangible basis for comparison between separate and integrated regulations, the Service republishes Subpart H of Part 228 (at page 2443) and publishes an integrated version of the two proposals.

The differences in training policies are the result of differences in the laws. The integrated version differs from § 205.202 in that it provides more detail about training policies applicable to Medicaid. It differs from Subpart H of Part 228 in that it specifies a time limit for compliance with, and release from the commitment to work for a period of time equal to the training period (§ 207.10(a)(4) and (5)).

Included at page 2444 is a comparative table of contents which lists all subjects and cites the corresponding sections or subsections of each version.

The question is whether the most desirable structure is that which brings together all policies applicable to any one of the 3 programs, as is generally the case in the Title XX services regulations (45 CFR Part 228); or that which brings together all policies dealing with a particular aspect to all programs, such as fair hearings, confidentiality, or, in this particular instance, training. The NPRM published today includes policies applicable to both financial assistance and medicaid. So the question is also whether it is preferable to publish medicaid policies separately because of differences in what training can be provided and the rates of FFP.

Comments responsive to this notice will not be acknowledged but careful consideration will be given to all written comments addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, and received on or before February 25, 1977. In order to assure prompt handling of comments, please refer to "PCO–152–NI". Agencies and organizations are requested to submit their comments in duplicate.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C. 20201, beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950). Answers to specific questions may be obtained by calling Evelyn Greene 202–245–0202.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Program No. 13.724, Public Assistance—State and Local Training.)

Dated: November 24, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 4, 1977.

MARJORIE LYNCH,
Acting Secretary.

The integrated version of the regulations reads as set forth below:

Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new Part 207 which brings together, revises and recodifies the content of 45 CFR 205.202 and 45 CFR Part 228, Subpart H, to read as follows:

PART 207—TRAINING

Sec.

207.1 Scope.
207.2 Definitions.
207.5 State Plan requirements and options.
207.8 Who may be trained.
207.9 Grants to educational institutions.
207.10 Financial assistance to trainees.
207.11 Rates of FFP and effective dates for FFP.
207.12 Activities and costs matchable as training expenditures under titles I, IV–A, X, XIV, XVI or XX.
207.13 Other training expenditures matchable only under title XX.
207.14 Activities and costs matchable as training expenditures under title XIX.
207.15 Activities and costs not matchable as training expenditures.
207.16 Sources of State funds.
207.17 Cost allocation.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 207.1 Scope.

This Part contains the State plan requirements and the conditions for Federal financial participation (FFP) which are applicable to training costs incurred for the financial and medical assistance and services programs under titles I, IV–A, X, XIV, XVI (AABD), XIX and XX of the Social Security Act.

§ 207.2 Definitions.

As used in this Part:

(a) *Training program* means an organized method of meeting the State agency's and provider agency's training needs.

(b) *Orientation* means a program for individuals or groups that provides newly appointed staff with the knowledge required to assume job responsibilities.

(c) *Continuing* training means training, other than day to day supervision, planned by the agency to enable employees to reinforce their basic knowledge and develop the required skills for the performance of specific functions, and to acquire additional knowledge and skill when needed because of, e.g., enactment of new legislation, development of new policies, change in assignment, or a shift in program emphasis. It includes in-service training and short-term and long-term training at educational institutions.

(d) *Persons preparing for employment* means individuals who do not have an employee relationship with the agency, but who received financial assistance from the State agency for full-time, long-term training and have made a legally binding commitment with the agency for future employment under conditions of these regulations.

(e) *Grant to an educational institution* means a time-limited agreement between the State agency and an eligible educational institution to provide for training for persons eligible under this regulation, and under which State agency payments are made for training furnished.

(f) *Stipend* means the basic living allowance paid to a student.

(g) *Fringe benefits* means the employer's share of premiums for industrial compensation, employees' retirement, unemployment compensation, health insurance, and similar expenses.

(h) *Short term training* means training for less than 8 consecutive work weeks.

(i) *Long-term* training means training for 8 consecutive work weeks or longer.

(j) *Full-time* training means for State agency and provider agency employees training that requires them to be relieved of all responsibility for performance of current agency work to participate in a training program; and for persons preparing for employment by the State agency means full-time as defined by the educational institution.

(k) *Part-time* training means training that allows employees to continue full time in their agency jobs or requires only partial reduction of work activities to participate in a training program.

(l) State agency means the single State agency for title I, IV–A, X, XIV, XVI or XIX or the appropriate State agency designated for title XX and, except where the context otherwise requires, includes local agencies administering the program under the supervision of the State agency.

(m) *Provider agency* and *individual providers* means agencies and individuals who provide title XX services, under contract for agreemnet with the title XX agency.

(n) *FFP* means Federal financial participation.

§ 207.5 State plan requirements and options.

(a) A State plan under title I, IV–A, X, XIV, or XVI (AABD) for Puerto Rico, the Virgin Islands and Guam, and under title XIX, for all jurisdictions, shall provide for the training and effective use of subporfessional staff and volunteers in accordance with the requirements of Part 225 of this chapter.

(b) A State plan under titles I, IV–A, X, XIV or XVI (AABD) of the Act may provide for a training program for State agency personnel and for persons preparing for employment in the State agency.

(c) A State plan under title XIX may provide for a training program for State agency personnel and other eligible personnel in another public agency.

(d) The appropriate title XX State agency may provide a training program for State agency and eligible provider agency personnel and individual providers and for persons preparing for employment in the State agency (in addition to the training which the Federal Interagency Day Care Requirements require for out-of-home child caregivers).

(e) If the State agency chooses to have a training program as described in paragraphs (b) or (c) of this section, such training program:

(1) May include orientation for newly appointed personnel, and continuing training opportunities to improve the operation of the program; and may include short-term and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions when such students are State agency employees or persons preparing for employment with the State agency or, under title XX,

(2) Shall be related to job duties performed or to be performed by the persons trained, and consistent with the program objectives of the particular State agency.

§ 207.8 Who may be trained.

FFP is available only for training provided to the following individuals:

(a) *Under titles I, IV–A, X, XIV or XVI,* Personnel employed in all classes of positions, volunteers, and persons preparing for employment by the State or local agency administering the program;

(b) *Under title XIX,* Personnel of the title XIX agency and designated personnel of another public agency providing services for the title XIX agency in accordance with § 250.120 of this chapter; and subprofessional staff and volunteers.

(c) Under title XX: (1) State agency staff employed in all classes of positions which directly relate to the operation of the title XX program;

(2) Volunteers attached to the State agency and supervised by it in relation to duties directly related to the program;

(3) Service delivery and eligibility determination personnel employed by providers only when:

(i) A purchase of service contract which includes determination of eligibility by the provider is in effect in accordance with Subpart G of Part 228 of this chapter.

(ii) The training provided is directly related to the provision of services or the determination of eligibility under the contract, and

(iii) The provider personnel, during or immediately following the training period, participate in the provision of services or the determination of eligibility under the contract for a period of time at least equal to the period of time for which training was provided;

(4) Persons preparing for employment in the State agency in all classes of positions which relate directly to the operation of the title XX program;

(5) Individual providers who are currently under contract pursuant to § 228.70 of this chapter, including, but not limited to:

(i) Foster family caregivers who need training to enable them to provide special services (as defined in § 228.45 of this chapter) to eligible individuals living in the home, or to prepare them to receive eligible individuals who need such services if the home is used within the period covered by the contract, or

(ii) Family or in-home day care givers;

(6) Individuals who provide services paid for by the recipient, as provided in § 228.47 of this chapter, if training is directly related to such service; and

(7) Foster family caregivers whose homes provide a resource to the title XX agency in carrying out its directly operated foster care services program for eligible children and adults.

§ 207.9 Grants to educational institutions.

Under titles, I, IV–A, XIV, XVI, and XX, but not under title XIX, FFP is available in payments for training furnished under grants to educational institutions provided all conditions specified in this section are met.

(a) *Purpose of grants.* (i) Grants are made for the purpose of developing, expanding or improving training for employees of the State agency, and, under title XX only, employees of provider agencies, or persons preparing for employment by the State agency.

(ii) Grants are made for an educational program (curriculum development classroom instruction, field instruction, or any combination of these) that is directly related to the agency's financial or social services programs under the respective titles. Grants are made for not more than the 3 years (renewable at the end of 3 years, subject to the conditions of this section).

(b) *Recipients of grants.* Grants are made only to post secondary, undergraduate and graduate institutions that have been accredited by the appropriate institutional accrediting body recognized by the U.S. Commissioner of Education. A specialized program for which there is a specialized accrediting body must be accredited by, have pre-accreditation status from, or have applied for accreditation by such body. (45 CFR Part 149 specifies the criteria and procedures for obtaining recognition as an accrediting agency or association. Lists of currently recognized accrediting bodies are published in the FEDERAL REGISTER periodically. See also *Nationally Recognized Accrediting Agencies and Associations* dated June, 1975 and published by the Office of Education.)

(c) *Written policies.* The State agency has written policies establishing conditions and procedures for such grants: and

(d) *Specified objectives.* Each grant specifies objectives in terms of how the educational program is related to the particular program and how it is designed to meet the State agency's current or future manpower needs.

(e) *Program evaluation.* An evaluation of the educational program funded by each grant is made no later than the close of the second year of the agreement. The evaluation shall be conducted by a panel consisting of representatives from the educational institution, the State agency, and the SRS Regional Office to determine whether the conditions and objectives specified in the grant are being met. Under this requirement, if a majority which includes representation from the three groups comprising the panel finds that the educational program is failing to meet such

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conditions and objectives, payment shall be terminated no later than the close of the second year of the agreement.

§ 207.10 Financial assistance to trainees.

(a) FFP is available in assistance to persons specified in § 207.8, provided the conditions of this section are met, and within the specified limitations.

(1) Students are selected by the State agency or, under title XX, by the provider agency, and approved by the school;

(2) Under titles I, IV–A, X, XIV, XVI, XIX or XX, the individual (either agency employee or person preparing for employment) who is assisted for full-time, long-term training makes a commitment to work in the agency for a period of time equal to the period for which financial assistance is granted. Under this requirement:

(i) A State agency may exempt an employee from fulfilling the commitment only if failure to continue in employment is due to death or disability; and

(ii) A State agency may exempt a person preparing for employment when failure to accept employment is due to death, disability or employment in a State or local public assistance, medicaid or title XX services agency in another State.

(3) Persons preparing for employment (titles I, IV–A, X, XIV, XVI, or XX) are required to make themselves available for employment within 30 days following the completion of training to fulfill the commitment specified under paragraph (a) (2) of this section.

(4) The State agency:

(i) Offers the individual preparing for employment a job, unless precluded by Merit System requirements, legislative cuts, position freezes, or other circumstances beyond the agency's control; and if unable to offer such employment, releases the individual from his commitment;

(ii) Keeps a record of the employment of persons trained, including, for those not employed by the agency, the reason for non-employment; and

(iii) Evaluates the results of the training program.

(b) Any recoupment of funds by the State from trainees failing to fulfill their commitment under this section shall be treated as a refund and deducted from total training costs for the purpose of determining net costs for FFP. (See 45 CFR Part 74.)

(c) An employee on leave for training shall retain his employee benefits (retirement, insurance, etc.) and his right to his position or one which is at least comparable to that held at the time leave is granted.

§ 207.11 Rates of FEP; and effective date for FFP.

FFP is available as follows for the training expenditures authorized in this section.

(a) Under title IV–A, the rate is 75% for the 50 States and the District of Columbia; and 60% for Puerto Rico, the Virgin Islands and Guam.

(b) Under titles I, X, XIV or XVI, the rate is 75% if the State provides for social services in accordance with the regulations in Part 222, subparts A and B of this chapter; and 50% if the State plan does not so provide for social services.

(c) Under title XX, the rate is 75%. Training expenditures may be claimed inside or outside the State's allotment for services. FFP shall be available for training expenditures no earlier than the date on which FFP is available for the provision of services under the final services plan in accordance with § 228.20 of this chapter.

(d) Under title XIX: at rates ranging from 50% to 100% as specified in paragraph § 250.120 of this chapter.

(1) 75% for administrators who are skilled professional medical personnel and directly supporting staff supervised by the administrators;

(2) 75% for personnel engaged directly in the operations of mechanized claims processing and information retrieval systems;

(3) 100% for personnel of the State licensing agency who inspect skilled nursing or intermediate care facilities (through 6/30/77);

(4) 90% for personnel arranging and furnishing family planning services and supplies;

(5) 50% for all other staff of the State or other public agency staff providing services for the title XIX agency.

§ 207.12 Activities and costs matchable as training expenditures under titles I, IV–A, X, XIV, XVI or XX.

(a) *State agency employees.* (1) For State agency employees in full-time, long-term training programs (with no asssigned agency duties): salaries (including fringe benefits), dependency allowances, travel, tuition, books, and educational supplies).

(2) For State agency employees in full-time short-term training programs of less than eight consecutive work weeks: per diem, travel, tuition, books, and educational supplies;

(3) For State agency employees in part-time training programs (part of work week, evenings, morning): tuition, books and educational supplies.

(b) *State agency staff development personnel.* For State agency staff development personnel (including support staff), assigned full time to training functions: salaries, fringe benefits, travel and per diem. Costs of staff spending less than full time on training for the specified program must be allocated between training and administration in accordance with § 205.150 of this chapter.

(c) *State agency training activities.* (1) For experts engaged to develop or conduct special programs: salary, fringe benefits, travel and per diem;

(2) For State agency training activities directly related to the program: cost of use of space, postage, teaching supplies, and purchase or development of teaching materials and equipment—for example, books and audio-visual aids.

(d) *Persons preparing for employment.* For persons preparing for employment with the State agency: stipends, travel tuition, books and educational supplies.

(e) *Payments to educational institutions.* Under conditions specified in § 207.9, for curriculum development, classroom and field instruction: salaries, fringe benefits and travel of instructors; clerical assistance, teaching materials and equipment, for example, books and audio-visual aids.

§ 207.13 Other training expenditures matchable only under title XX.

(a) *Provider agency personnel.* FFP is available in the following costs of training provider agency personnel as training costs; provided such costs are not included in the cost of services purchased from the provider agency, and provided they are reasonably assignable to title XX training, using acceptable costing methods:

(1) For provider agency employees in full-time training programs of 8 consecutive work weeks or longer (with no assigned provider agency duties): travel and education costs;

(2) For provider agency employees in full-time training program of less than 8 consecutive work weeks: per diem, travel, and education costs;

(3) For provider agency employees on part-time educational leave: education cost;

(b) *Provider agency staff development personnel.* For provider agency staff development personnel (including support staff) engaged in providing training to provider agency staff eligible for training under § 207.8(c): salaries and fringe benefits travel and per diem.

(c) *Provider agency training activities.* (1) For experts engaged to develop or conduct special programs: salary, fringe benefits, travel and per diem.

(2) For provider agency training activities directly related to the title XX program: cost of teaching materials and equipment—for example, books and audio-visual aids.

(d) *Individual providers.* For individual providers and foster parents in part-time training: travel and education costs.

§ 207.14 Activities and costs matchable as training expenditures under title XIX.

(a) For State agency employees and designated employees of another public agency providing services under contract for the title XIX agency, the same activities and costs specified in § 207.12 (a) (b) and (c) at the rates of FFP specified in § 207.11(d).

(b) For field instruction in medical assistance including instructors' salaries (and fringe benefits), rental of space, travel, clerical assistance, teaching materials and equipment such as books and audio visual aids.

§ 207.15 Activities and costs not matchable as training expenditures.

The following expenditures are matchable as administrative costs; for title XX they must be claimed within the State's allotment for services.

(a) Salaries of newly employed workers in the State agency or a provider agency while they are in orientation.

(b) Salaries of State agency employees who are attending short-term training programs.

(c) Salaries of supervisors (day-to-day supervision of staff is not a training activity).

(d) Attendance at meetings or conferences of professional organizations; and

(e) Employment of students on a temporary basis, such as in the summertime.

§ 207.16 Sources of State funds.

(a) *Public funds.* Public funds including funds from Indian Tribes may be considered as the State's share in claiming Federal reimbursement where such funds:

(1) Are appropriated directly to the State or local agency, or transferred from another public agency to the State or local agency and under its administrative control;

(2) Are certified by the contributing public agency as representing expenditures eligible for FFP under this section;

(3) Represent value, as determined in accordance with 45 CFR 74.53 (b) and (c), and Appendix C. Part II, B. 11 of 45 CFR 74, of goods or property provided by a public agency even if the agency does not incur any current expenditures for such goods or property during the period of their use in the program; or

(4) Are not Federal funds, or are Federal funds authorized by Federal law to be used to match other Federal funds.

(b) *Private funds—Titles I, IV–A, X, XIV, XVI, and XIX.* Funds donated from private sources may be considered as the State's share in claiming Federal reimbursement only where such funds are:

(1) Transferred to the State or local agency and under its administrative control, and

(2) Donated without any restriction which would require their use for the training of particular individuals or at particular facilities or institutions or revert to the donor's facility or use or to the use of any other designated project or facility.

(c) *Private funds—Title XX.* (1) Funds donated from private sources for services or administrative functions may be considered as State funds in claiming FFP only where such funds are:

(i) Transferred to the State or local agency and under its administrative control;

(ii) Donated to the State without restrictions as to use, other than restrictions as to the services, administration, training or geographic area. The donor may not be a sponsor or operator of the services for which the contribution is to be used; and

(iii) Not used to purchase services from the donor unless the donor is a nonprofit organization and it is an independent decision of the State agency to purchase services from the donor.

(2) For purposes of this section, a voluntary federated fund-raising organization is not considered to be a sponsor or operator of a service facility, and members of the federation are considered separate autonomous entities so long as control by interlocking board membership or other means does not exist.

§ 207.17 Cost Allocation.

Training costs are chargeable to titles I, IV–A, X, XIV, XVI, XIX or XX only to the extent that such costs benefit these titles. Where such costs are for the benefit of both Federally funded and non-Federally funded programs, e.g., general assistance or other programs financed solely with State and/or local funds, such costs must be allocated among programs as specified in 45 CFR Part 74, Appendix C, and 45 CFR 205.150.

PART 228—SOCIAL SERVICES FOR INDIVIDUALS AND FAMILIES—TITLE XX OF THE SOCIAL SECURITY ACT

The following portion of 45 CFR Part 228 (Subpart H) is reprinted from the notice published on August 26, 1976 (41 FR 36167). It will serve as a basis for comparison with the notice of proposed rulemaking published today at page 2445 and the Notice of Intent published at page 2440. Those two notices request comments regarding the overall structure of regulations, specifically, whether it is preferable to integrate training policies applicable to all the Service's programs in a single regulation; or to publish separate training regulations for financial assistance, Medicaid, and social services.

SUBPART H—TRAINING AND RETRAINING

39. Section 228.80 is revised to read as follows:

§ 228.80 *Conditions for FFP.*

FFP is available in expenditures for personnel training and retraining that is directly related to the services program if the State meets all requirements of this Subpart. The training may include in-service training, and short and long-term training at educational institutions. FFP in such training expenditures may be claimed inside or outside the State's allotment for services and is available at the 75 percent rate. FFP shall be available for training expenditures no earlier than the date on which FFP is available for the provision of services under the final services plan in accordance with § 228.20.

40. Section 228.81 is revised to read as follows:

§ 228.81 *Who may be trained.*

FFP is available for training only the following individuals:

(a) State agency staff employed in all classes of positions which directly relate to the operation of the Title XX program;

(b) Volunteers attached to the State agency and supervised by it in relation to duties directly related to the program;

(c) Service delivery and eligibility determination personnel employed by providers only when:

(1) A purchase of service contract which includes determination of eligibility by the provider, is in effect in accordance with Subpart G;

(2) The training provided is directly related to the provision of services, or the determination of eligibility under the contract, and

(3) The provider personnel, during or immediately following the training period, participate in the provision of services or the determination of eligibility under the contract for a period of time at least equal to the period of time for which training was provided;

(d) Persons preparing for employment in the State agency in all classes of positions which directly relate to operation of the title XX program;

(e) Individual providers who are currently under contract pursuant to Subpart G including, but not limited to:

(1) Foster family caregivers who need training to enable them to provide special services (as defined in § 228.45) to eligible individuals living in the home, or to prepare them to receive eligible individuals who need such services if the home is used within the period covered by the contract, or

(2) Family or in-home day care givers;

(f) Individuals who provide services paid for by the recipient, as provided in § 228.47, if training is directly related to such service, and

(g) Foster family caregivers whose homes provide a resource to the title XX agency in carrying out its directly operated foster care services program for eligible children and adults.

41. Section 228.82 is revised to read as follows:

§ 228.82 *Grants to educational institutions.*

(a) FFP is available in payments for training furnished under grants to educational institutions, if all conditions specified in this section are met:

(1) Grants are made: (i) For the purpose of developing, expanding, or improving training for employees of the State agency and of providers, or persons preparing for employment with the State agency; (ii) for an educational program (curriculum development, classroom instruction, and related field instruction) that is directly related to the title XX program and provision of services; and (iii) for not more than three years, renewable subject to the provisions of paragraph (b) of this section;

(2) Grants are available only to postsecondary, undergraduate and graduate educational institutions and programs that have been accredited by the appropriate institutional accrediting body recognized by the U.S. Commissioner of Education. A specialized program for which there is a specialized accrediting body shall be accredited by, have preaccreditation status from, or have applied for, accreditation by such body, (45 CFR Part 149 specifies the criteria and procedures for obtaining recognition as an accrediting agency or association. Lists of currently recognized accrediting bodies are published in the FEDERAL REGISTER periodically. See also "Nationally Recognized Accrediting Agencies and Associations" dated June, 1975 and published by the Office of Education).

(3) The State agency has written policies establishing conditions and procedures for such grants; and

(4) Each grant specifies objectives in terms of how the educational program is related to the title XX services program and how it is designed to meet the State agency's manpower needs.

(b) An evaluation of the educational program funded by each grant is made no later than the close of the second year of the grant. The evaluation shall be conducted by a panel consisting of representatives from the educational institution, the State agency, and the SRS Regional Office to determine whether the conditions and objectives specified in the grant are being met.

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(c) If a majority, which includes equal representation from the three groups comprising the panel, finds that the educational programs are failing to meet such conditions and objectives, payment shall be terminated no later than the close of the second year of the grant.

42. Section 228.83 is revised to read as follows:

§ 228.83 *Financial assistance to trainees.*

(a) FFP is available for expenditures in the costs of training persons specified in § 228.81. If the following conditions are met, and within the specified limitations:

(1) State agency employees and service delivery personnel and eligibility workers of provider agencies who are in attendance full-time at training programs for 8 consecutive workweeks or longer have a legally binding commitment to continue to work in the State or provider agency for a period of time at least equal to the period for which financial assistance is granted.

(2) Persons preparing for employment in the State agency are:

(i) Selected by the State agency and accepted by the school;

(ii) Pursuing educational programs approved by the agency; and

(iii) Legally committed to work for the State agency for a period of time at least equal to the period for which financial assistance is granted if employment is offered within 6 months after training is completed. If not employed by the State agency, such persons shall keep the agency informed of their employment status for one year.

(b) *State agency responsibilities.* The State agency shall:

(1) Offer employment to the individual preparing for employment in the State agency during the 6 months following completion of the training, unless precluded by Merit System requirements, legislative cuts, position freezes, or other circumstances beyond the agency's control; and

(2) Evaluate the training programs.

(c) Any recoupment of funds by the State from trainees failing to fulfill their commitment under this section shall be treated as a refund and deducted from total training costs for the purpose of determining net costs for FFP.

43. Section 228.84 is revised to read as follows:

§ 228.84 *Activities and costs matchable as training expenditures.*

FFP is available in the following costs as training expenditures:

(a) *State agency employees.* (1) For State agency employees in full-time training programs of eight consecutive work weeks or longer (with no assigned agency duties): salaries (including fringe benefits), dependency allowances, travel, and education costs (that is, tuition, books, and supplies);

(2) For State agency employees in full-time training programs of less than eight consecutive work weeks: per diem, travel, and education costs;

(3) For State agency employees in part-time training programs (part of work week, evenings, mornings): Education costs.

(b) *State agency staff development personnel.* For State agency staff development personnel (including support staff), assigned full time to training functions: salaries, fringe benefits, travel and per diem. (Costs of staff spending less than full time on training for the title XX program must be allocated according to the time actually spent on such training.)

(c) *State agency trainnig activities.* (1) For experts engaged to develop or conduct special programs: salary, fringe benefits, travel and per diem;

(2) For State agency training activities directly related to the title XX program: cost of use of space, postage, teaching supplies, and purchase or development of teaching materials and equipment—for example, books and audio-visual aids.

(d) *Persons preparing for employment.* For persons preparing for employment with the State agency: stipends, travel, and education costs.

(e) *Provider agency personnel.* FFP is available in the following costs of training provider agency personnel as training costs, provided such costs are not included in the cost of services purchased from the provider agency, and provided they are reasonably assignable to title XX training:

(1) For provider agency employees in full-time training programs of 8 consecutive work weeks or longer (with no assigned provider agency duties): travel and education costs;

(2) For provider agency employees in full-time training programs of less than 8 consecutive work weeks: per diem, travel and education costs;

(3) For provider agency employees on part-time educational leave: education costs;

(f) *Provider agency staff development personnel.* For provider agency staff development personnel (including support staff) engaged in providing training to provider agency staff eligible for training under § 228.81(c) salaries and fringe benefits, travel and per diem.

(g) *Provider agency training activities.* (1) For experts engaged to develop or conduct special programs: salary, fringe benefits, travel and per diem.

(2) For provider agency training activities directly related to the title XX program: cost of teaching supplies and purchase or development of teaching materials and equipment—for example, books and audio-visual aids.

(h) *Individual providers.* For individual providers and foster parents in part-time training: travel and education costs.

(i) *Payments to educational institutions.* Under conditions specified in § 228.82, for curriculum development, classroom and field instruction: salaries, fringe benefits and travel of instructors; clerical assistance; teaching materials and equipment—for example, books and audio-visual aids.

Sections 228.85 and 228.86 were not published with the proposed revisions because they were not changed. They are reproduced here to complete Subpart H.

§ 228.85 *Activities and costs not matchable as training expenditures.*

FFP is not available for the following as expenditures outside the State's allotment for social services. Such expenditures are matchable as administrative costs (not training expenses) under the State's allotment for services.

(a) Salaries of newly-employed workers in the State agency or a provider agency while they are in orientation;

(b) Salaries of State agency employees who attend training programs less than full-time for a period of less than eight consecutive work weeks;

(c) Salaries of supervisors (day-to-day supervision of staff is not a training activity);

(d) Attendance at meetings or conferences of professional organizations; and

(e) Employment of students on a temporary basis, such as in the summertime.

§ 228.86 *Phase-in of training requirements.*

FFP for grants to educational institutions and financial assistance to students contracted for under titles IV–A and VI prior to July 1, 1975 and with commitment to continue such training through the 1975–76 academic year, is available subject to the regulations in 45 CFR 205.202 for the period October 1, 1975 to the date the contract is renegotiated or through June 30, 1976, whichever date occurs first. FFP under titles IV–A and VI is available for training programs related to social services, initiated on or after July 1, 1975 for the period through September 30, 1975, subject to 45 CFR 205.202; however, effective October 1, 1975, FFP is available for such programs only under title XX and only if the requirements of this Part are met. Subpart H, section 228, in its entirety is applicable to all training programs covered by this subpart initiated on or after October 1, 1975.

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[FR Doc.77-742 Filed 1-10-77;8:45 am]

[45 CFR Part 205]

TRAINING PROGRAMS UNDER TITLES I, IV–A, X, XIV, XVI (AABD) AND XIX OF THE SOCIAL SECURITY ACT

Proposed Revision

This revised regulation, proposed by the Administrator of the Social Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare would be applicable to the following programs:

1. Financial Assistance for all jurisdictions,

2. Medical Assistance for all jurisdictions, and,

3. Social Services for Puerto Rico, the Virgin Islands, and Guam.

Regulations applicable to services programs in the 50 States and the District of Columbia are contained in 45 CFR Part 228, Subpart H.

The proposal contains substantive changes aimed at improving the management and effectiveness of public assistance State and local training programs.

The specific purposes of the revision are:

1. To limit State plan requirements to those that are imposed by statute.

2. To clarify the conditions under which State agencies administering or supervising the administration of these programs can receive Federal matching for training expenditures.

3. To conform the regulations, to the extent possible, to the training regulations applicable to the services programs under title XX as the Service proposed to revise them in a notice published in the FEDERAL REGISTER on August 26, 1976 (41 FR 36167).

The basis for the proposed revision is the Service's experience under the current regulations, including the results of administrative reviews and fiscal audits. This experience has shown that more specific guidance is required to assure that training expenditures achieve the purposes for which training funds are authorized.

Accordingly, the proposed revision focuses more sharply on the agency's training needs and spells out more clearly the conditions for Federal financial participation. It would help the agencies to plan and implement their training activities so that they directly benefit the programs under which they are funded.

As revised, the regulation would no longer require States to have a training program except where the law makes training a State plan requirement. The law requires State agencies to provide training for sub-professional staff and volunteers in the medical assistance program, in all jurisdictions; and in the financial assistance and social services programs, in Puerto Rico, the Virgin Islands, and Guam.

State agencies can receive Federal matching for training beyond that required by law if the training program meets the conditions specified in the regulation. Such training may include orientation for newly appointed staff and continuing training to meet the on-going training needs of staff; and may be provided within the agency, or through grants to educational institutions and financial assistance to students.

Although it would not be required by the proposed revision, the Service believes it desirable that States which elect to have a training program (beyond that required by the Act) coordinate with other human services agencies. This would promote efficiency in program development and implementation. The Service invites comment on the possibility of including a requirement for such coordination.

This revised regulation focuses on the training needs of the agency. Its intent is to ensure that training funds are used to develop and implement training programs that meet the manpower needs of the agency. Major proposed changes are in three areas: grants to educational institutions, financial assistance to students, and costs of the program.

1. Grants to educational institutions:

a. Agreements for grants to educational institution would be limited to 3 years.

b. Agreements would state the objectives to be achieved and how the training will help to meet the agency's manpower needs.

c. Progress toward achievement of the objectives of the grant would be evaluated by the close of the second year.

Current regulations do not set time limits for grants to educational institutions nor require evaluation of the training provided under such grants. In practice, it takes about two years to set up an effective educational program. For this reason, an initial 3-year limit would be imposed, and evaluation required at the end of the second year. If the program is found not to be meeting the objectives specified in the agreement, the grant could be terminated. Conversely, if it is meeting the objectives, it could be renewed for an additional 3-year period. The focus on specific objectives and the involvement of the State agency, the educational institution, and SRS Regional Office staff in the evaluation process would assure that the training benefits the programs under which it is funded.

2. Financial assistance to students.

a. Agency employees and individuals preparing for employment with the agency, if they receive assistance for full-time, long-term training, would be required to make a commitment to work for the agency (or a related agency) for a period of time equal to the training period.

b. The State agency would offer employment to persons preparing for employment during the 6 months following completion of training.

c. The State agency would be responsible for maintaining records which:

(1) Identify all persons who receive financial assistance because they are preparing for employment;

(2) Identify those persons who are employed after completion or training; and

(3) Identify the reasons for non-employment of all others trained in preparation for employment.

d. The Federal share of any funds recouped by the State from persons who do not fulfill their commitments would revert to the Federal treasury.

The required commitment would assure that funds expended for training will result in benefit to the programs under which they are funded (or will be recovered). This requirement is less stringent than requirements already imposed by many States; it permits employment in a public assistance agency in another State as an alternative method of meeting the commitment.

The record-keeping requirement would keep the State agency alert to the results of the assistance-to-students aspect of its training program, and provide a basis for future planning.

3. Costs of the program.

Greater clarity would be achieved by

a. Definitions of terms;

b. Specific listing of costs and activities matchable as training expenditures and those matchable as administrative expenditures;

c. Statement of cost-allocation requirements, and

d. Identification of acceptable sources of the State's share for matching.

Major proposed changes are:

a. Long term training is defined as training of 8 consecutive work-weeks or more (rather than 4 as in current regulations), because this is the length of a term in a trimester system, and is generally accepted as the shortest period of time in which a full course of study can be completed.

b. Salaries of employees in orientation or short-term training are classified as administrative rather than training expenditures because it is unlikely that the agency would replace the student by employing another individual for a period of less than 8 weeks. Such replacement salary cost would be the only justification for matching the student's salary as a training cost. (Other costs of orientation, such as salaries of training staff and training materials are still classified as training expenditures.)

c. Salary of temporary employees, (including summer employees in work-training programs) would be classified as administrative costs because:

1. The benefits to the assistance programs (in terms of providing future employees), have been limited;

2. It is consistent with the basic policy which limits matching of salaries (as training expenditures) to salaries of persons in full-time, long-term training; and

3. The current job market situation (increased pool of trained manpower in search of employment) has sharply reduced the need for work-training programs as a method of recruitment.

The Service is considering whether to incorporate in a single Part the title XX training policies and these policies which

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apply to the title I, IV-A, X, XIV and XVI (AABD) and XIX programs. It is particularly interested in comments on this aspect. In order to provide a basis for comparison, the Service will soon publish a draft integrated version.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before February 25, 1977.

In commenting, please refer to PCO-66-P. Agencies and organizations are requested to submit comments in duplicate.

Such comments will be available for public inspection in Room 5226 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 to 5 p.m. (area code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302) (Catalog of Federal Domestic Assistance Program No. 13.724, Public Assistance—State and Local Training).)

Answers to specific questions may be obtained by calling Ms. Evelyn Greene, (Area Code 202) 245-0202.

The Social and Rehabilitation Service has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: September 13, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 4, 1977.

MARJORIE LYNCH,
Acting Secretary.

Part 205, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 205.202 to read as set forth below:

§ 205.202 Training.

(a) *Scope.* This section contains the State plan requirements and the conditions for Federal financial participation (FFP) which are applicable to training costs incurred for the financial and medical assistance programs under titles I, IV-A, X, XIV, XVI (AABD), and XIX of the Social Security Act. Policies applicable to the services programs under title XX of the Act are contained in 45 CFR Part 228, Subpart H.

(b) *Definitions.* As used in this section:

(1) *Training program* means an organized method of meeting the State agency's training needs.

(2) *Orientation* means a program for individuals or groups that provides newly appointed staff with the knowledge required to assume job responsibilities.

(3) *Continuing training* means training, other than day to day supervision, planned by the agency to enable employees to reinforce their basic knowledge and develop the required skills for the performance of specific functions, and to acquire additional knowledge and skill when needed because of, e.g., enactment of new legislation, development of new policies, change in assignment or a shift in program emphasis. It includes in-service training and short-term and long-term training at educational institutions.

(4) *Persons preparing for employment* means individuals who do not have an employee relationship with the agency, but who have received financial assistance from the State agency for training, and have made a legally binding commitment with the agency for future employment under the conditions of these regulations.

(5) *A Grant to an educational institution* means a time-limited agreement between the State agency and an eligible educational institution which provides for training for State agency employees or persons preparing for employment with the State agency, and under which State agency payments are made for services rendered.

(6) *Stipend* means the basic living allowance paid to a student.

(7) *Fringe benefits* means the employer's share of premiums for industrial compensation, employees' retirement, unemployment compensation, health insurance, and similar expenses.

(8) *Short-term training* means training for less than 8 consecutive work weeks.

(9) *Long-term training* means training for 8 consecutive work weeks or longer.

(10) *Full-time training* means training that requires employees to be relieved of all responsibility for performance of current agency work to participate in a training program.

(11) *Part-time training* means training that allows employees to continue full time in their agency jobs or requires only partial reduction of work activities to participate in a training program.

(12) *Permanent positions* means established positions approved for recruitment by the merit system and for which there are funds available for payment of salaries and expenses as of the end of the fiscal year.

(13) *Classes of positions* means a group of positions sufficiently similar to be placed in the same classification with respect to title, duties, and responsibilities and the same requirements regarding education, experience, knowledge, skills and abilities.

(14) *State agency* means the single State agency for title I, IV-A, X, XIV, XVI or XIX and except where the context otherwise requires, includes local agencies administering the program under the supervision of the State agency.

(15) FFP means Federal financial participation.

(c) *State plan requirements and options.* (1) A State plan under title I, IV-A, X, XIV, or XVI (AABD) for Puerto Rico, the Virgin Islands and Guam, and under title XIX, for all jurisdictions, must provide for the training and effective use of subprofessional staff and volunteers in accordance with the requirements of Part 225 of this chapter.

(2) A State plan under title I, IV-A, X, XIV, XVI (AABD) or XIX of the Act may provide for a training program for agency personnel, and except for title XIX, for persons preparing for employment. If the State plan so provides, the training program:

(i) May include orientation for newly oppointed staff, and continuing training opportunities to improve the operation of the program; and may include short-term and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions who are agency employees or persons preparing for employment with the State agency; and

(ii) Shall be related to job duties performed or to be performed by the persons trained, and consistent with the program objectives of the agency.

(d) *Conditions for Federal financial participation* (FFP).—(1) *Who may be trained.* FFP is available only for training provided to the following individuals:

(i) Under titles I, IV-A, X, XIV or XVI, personnel employed in all classes of positions, volunteers, and persons preparing for employment by the State or local agency administering the program; and

(ii) Under title XIX, personnel specified in § 250.120 of this chapter and subprofessional staff and volunteers.

(2) *Grants to educational institutions.* Under titles I, IV-A, X, XIV and XVI, but not under title XIX, FFP is available in payments for services rendered under grants to educational institutions provided all conditions specified in this section are met.

(i) Grants are made for the purpose of developing, expanding or improving training for personnel employed by the State or a provider agency or preparing for employment by the State or local agency administering the program. Grants are made for an educational program (curriculum development, classroom instruction, field instruction, or any combination of these) that is directly related to the agency's program. Grants are made for not more than the 3 years (renewable at the end of 3 years, subject to the conditions of this section).

(ii) Grants are made only to postsecondary, undergraduate and graduate institutions that have been accredited by the appropriate institutional accrediting body recognized by the U.S. Commissioner of Education. A specialized program for which there is a specialized accrediting body must be accredited by, have pre-accreditation status from, or have applied for accreditation by such body. (45 CFR Part 149 specifies the criteria and procedures for obtaining recognition as an accrediting agency or association. Lists of currently recognized accrediting bodies are published in the FEDERAL REGISTER periodically. See also *Nationally Recognized Accrediting Agencies and Associations* dated June, 1975, and published by the Office of Education.)

(iii) The State agency has written policies establishing conditions and procedures for such grants; and

(iv) Each grant specifies objectives in terms of how the educational program is related to the particular program and how it is designed to meet the State agency's manpower needs.

(v) An evaluation of the educational program funded by each grant is made no later than the close of the second year of the grant. The evaluation shall be conducted by a panel consisting of representatives from the educational institution, the State agency, and the SRS Regional Office to determine whether the conditions and objectives specified in the grant are being met. Under this requirement, if a majority which includes representation from the three groups comprising the panel finds that the educational programs are failing to meet such conditions and objectives, payment shall be terminated no later than the close of the second year of the grant.

(3) *Financial assistance to students.* FFP is available in assistance to persons specified in paragraph (d)(1) of this section provided the following conditions are met, and with the following limitations:

(i) Students are selected by the agency and approved by the school;

(ii) For full-time, long-term training, the individual makes a commitment to work in the agency for a period of time equal to the period for which financial assistance is granted except that a State agency may exempt an employee or person preparing for employment from fulfilling this commitment only if failure to continue in or accept employment is due to death, disability, or employment in a State or local public assistance or medicaid agency in another State;

(iii) An employee retains his rights and benefits in the agency while on full-time, long-term training leave; and

(iv) Persons preparing for employment are required to make themselves available for employment within 30 days following the completion of training to fulfill the commitment specified under paragraph (d)(3)(ii) of this section.

(v) The State agency offers the individual preparing for employment a job unless precluded by Merit System requirements, legislative cuts, position freezes, or other circumstances beyond the agency's control; and if unable to offer such employment, releases the individual from his commitment.

(vi) The State agency keeps a record of the employment of persons trained. If such persons are not employed by the agency, the record specifies the reason for non-employment.

(vii) The State agency evaluates the training programs.

(viii) Any recoupment of funds by the State from trainees failing to fulfill their commitment under this section shall be treated as a refund and deducted from total training costs for the purpose of determining net costs for FFP. (See 45 CFR Part 74).

(e) *Activities and costs matchable as training expenditures and rates of Federal Financial Participation* (FFP)

(1) Under title IV-A of the Act, FFP at the 75% rate for the 50 States and the District of Columbia, and at the 60% rate for Puerto Rico, the Virgin Islands and Guam, is available for the following costs:

(i) Salaries (including fringe benefits), dependency allowances, travel, tuition, books, and educational supplies for employees without any assigned agency duties in full-time, long-term training;

(ii) Stipends, travel and costs of education (including tuition, books, and educational supplies) for persons preparing for employment in permanent positions established by the agency;

(iii) Travel, per diem, tuition, books, and educational supplies for employees in short-term training attending short-term courses, workshops, seminars, or institutes;

(iv) Tuition, books, and educational supplies for employees in part-time training programs;

(v). Salaries (including fringe benefits) travel, per diem for agency State and local staff development personnel, including support staff, assigned full-time to the staff development function. Costs for personnel spending less than full-time as trainers under this title must be allocated between training and administration in accordance with § 205.150 of this chapter;

(vi) Payments to experts to develop or conduct special courses for the agency, including costs of salaries and fringe benefits, travel and per diem;

(vii) Costs of rental of space, postage and purchase and development of necessary teaching materials and equipment such as books, audiovisual aids and technical devices for agency in-service training;

(viii) Payments to educational institutions under conditions specified in paragraph (d)(2) of this section for curriculum development, classroom instruction and field instruction including salaries and fringe benefits for instructors, clerical assistance, necessary travel, and teaching materials and equipment such as books and audiovisual aids.

(2) Under title I, X, XIV, and XVI of the Act, FFP at the 75% rate is available to Puerto Rico, the Virgin Islands, and Guam under the same terms and conditions as prescribed in paragraph (e)(1) of this section if the State plan provides for social services in accordance with the regulations in Part 222, subparts A and B of this chapter. If the State plan does not so provide for social services, FFP at the 50% rate is available under the same terms and conditions prescribed in paragraph (e)(1) of this section.

(3) Under title XIX of the Act, FFP is available for the following training costs:

(i) For the personnel and at the rates specified in § 250.120 of this chapter, under the same terms and conditions prescribed in paragraph (e)(1) of this section except that FFP is not available in training of persons preparing for employment nor in grants to educational institutions;

(ii) For field instruction in medical assistance including instructors' salaries (and fringe benefits), rental of space, travel, clerical assistance, teaching materials and equipment such as books and audiovisual aids.

(f) *Activities and costs not matchable as training expenditures.*

(1) FFP is not available for the following expenditures as training costs; such expenditures are matchable as administrative costs.

(i) Salaries of new employees while they are in orientation;

(ii) Salaries of employees who attend training programs less than full-time, or full-time for less than 8 consecutive work weeks;

(iii) Salaries of supervisors (day-to-day supervision of staff is not a training activity);

(iv) Attendance at meetings or conferences of professional organizations; and

(v) Employment of students on a temporary basis, such as in the summertime.

(2) FFP is not available under this section for training staff of any locally funded or Federally funded program outside the titles specified in these regulations.

(g) *Sources of State funds.* (1) Public funds may be considered as the State's share in claiming Federal reimbursement where such funds:

(i) Are appropriated directly to the State or local agency, or transferred from another public agency (including Indian tribes) to the State or local agency and under its administrative control, or certified by the contributing public agency as representing expenditures eligible for FFP under this section, and

(ii) Are not Federal funds, or are Federal funds authorized by Federal law to be used to match other Federal funds.

(2) Funds donated from private sources may be considered as the State's share in claiming Federal reimbursement only where such funds are:

(i) Transferred to the State or local agency and under its administrative control, and

(ii) Donated without any restriction which would require their use for the training of particular individuals or at particular facilities or institutions or revert to the donor's facility or use or to the use of any other designated project or facility.

(h) *Cost Allocation.* Training costs are chargeable to title I, IV-A, X, XIV, XVI or XIX only to the extent that such costs benefit these titles. Where such costs are for the benefit of both Federally funded and non-Federally funded programs, e.g., general assistance or other programs finances solely with State and/or local funds, such costs must be allocated among programs as specified in 45 CFR Part 74, Appendix C, and 45 CFR 205.150.

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federal register

TUESDAY, JANUARY 11, 1977

PART V



ENVIRONMENTAL PROTECTION AGENCY

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

New Source NPDES Permits

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 642-4]

PART 6—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

New Source NPDES Permits

The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., implemented by Executive Order 11514 of March 5, 1970, and the Council on Environmental Quality's (CEQ's) Guidelines of August 1, 1973, require that all agencies of the Federal Fovernment prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of NEPA is to build into the Agency decisionmaking process an appropriate and careful consideration of all environmental aspects of proposed actions, explain potential environmental effects of proposed actions and their alternatives for public understanding, avoid or minimize adverse effects of proposed actions, and restore or enhance environmental quality as much as possible.

Section 511(c)(1) of the Federal Water Pollution Control Act as amended (FWPCA) (Pub. L. 92–500) authorizes the Administrator to apply NEPA to the issuance of a permit under section 402 of the FWPCA for the discharge of any pollutant by a new source as defined in section 306 of the FWPCA. The discharge of a pollutant, as defined in section 502 (12) of the FWPCA, means an addition of any pollutant to navigable waters, the contiguous zone, or the ocean from any point source. The Environmental Protection Agency published proposed regulations in the FEDERAL REGISTER (40 FR 47714) on October 9, 1975, entitled "New Source NPDES Permits, Preparation of Environmental Impact Statements."

This regulation provides procedures for applying NEPA to the issuance of new source National Pollutant Discharge Elimination System (NPDES) permits as authorized by section 301 and section 402 of the FWPCA. This regulation shall apply only to the issuance of a new source NPDES permit by the U.S. Environmental Protection Agency and not to the issuance of a new source NPDES permit from any State which has an approved NPDES program in accordance with section 402(b) of the FWPCA. The regulation, when used in conjunction with the references under 40 CFR Part 125 (the National Pollutant Discharge Elimination System), provides the EPA procedures for processing new source NPDES permit applications. Upon the date of promulgation of this regulation, the FEDERAL REGISTER notice of September 30, 1974, "Requirements for Environmental Assessments" shall no longer be effective.

Written comments on the proposed regulation were invited and received from interested parties. EPA has carefully considered all comments submitted. Over 130 comment letters are on file with the Agency. Certain of the comments have been adopted or substantially satisfied by changes, deletions from, or additions to the regulation. Numerous comments and their disposition are discussed below.

(a) Two major issues which are generic to the regulation were discussed by a large number of commenters as follows:

(1) NEPA and the issuance of a State-approved new source NPDES permit—EPA has taken the position that section 511(c)(1) of the FWPCA does not give authority to the Agency to impose NEPA on the issuance of a new source NPDES permit by a State which has an approved NPDES program. The Agency's position is that the statute and the legislative history are clear that section 102(2)(C) of NEPA as described in section 511(c)(1) of the FWPCA, applies to the issuance of a permit by EPA to discharge as a new source as defined in section 306 of the FWPCA. When a State assumes the NPDES permit program as authorized by section 402(b) of the FWPCA, that State's issuance of an NPDES permit is considered to be a State action, not a Federal action. Therefore, the issuance of a State-authorized NPDES permit is not subject to a NEPA analysis because NEPA applies only to Federal actions. Several commenters suggested that EPA's review of a State-issued permit and the Agency's authority to veto the issuance of a State NPDES permit in connection with section 402(a)(5) should be considered part of the "issuance of the permit." Where a State is the issuing authority for a NPDES permit, EPA's actions connected with such issuance cannot be considered the "issuance of the permit." Section 402 of the FWPCA permits the Administrator to object to the issuance by a State of a permit, but does not authorize the Administrator to issue a permit so long as the State has an approved program as authorized by section 402(a)(5). Should the Administrator object to the issuance of a permit by a State, 40 CFR 124.23(d) provides that the State shall not issue such permit until the objections of EPA have been satisfied. Thus, even though EPA's role in a State permit proceeding could be viewed as a major Federal action, the Federal action is not the issuance of a permit to a new source and therefore section 511(c)(1) exempts EPA from the requirement to prepare an environmental impact statement in such a situation.

(2) Timing deadlines for the responsible official to complete the NEPA process—Many commenters were concerned that the proposed regulations did not impose deadlines on EPA to process the new source NPDES application. They expressed a need for EPA to establish time limits for itself for the following activities: (1) The new source determination, (2) the need for an environmental impact assessment, and (3) the decision to prepare an EIS or to file a negative declaration. The Agency recognizes the concern and agrees that it would be beneficial to applicants if the Agency could have specific deadlines for making these major decisions. As discussed in the "specific issues" section, however, the Agency has changed the procedures for the above major decisions to further articulate the number of options available to the applicant in order to comply with these procedures. For this reason, the Agency has decided not to adopt a complete regulatory deadline concept but rather has provided for a two-fold approach to inform the public about the time frame for processing new source NPDES applications. First, the Agency has determined that an applicant will be notified within thirty (30) days of the receipt of the New Source and Environmental Questionnaire whether it will be considered a new or existing source, or that additional information will be required in order to make the determination. This is provided in § 6.906. It is the Agency's intent that for most potential new source applicants, the new source decision can be made without requesting additional information. Secondly, EPA believes that the decision beyond this point is subject to many options. The Agency has decided that it cannot develop one time frame that will suffice in handling all these options for the many different types of individual sources requiring permits. Therefore, a flow chart will be developed and made available to applicants which will set forth the entire new source process as developed in this regulation. Included in the description of the process will be time frames in which the Agency expects to complete the action cited. For instance, the Agency expects to determine, within five (5) to forty-five (45) days after the initial new source determination, exactly what the scope of the environmental impact assessment should be, or to have discussed the possibility of entering into a third party EIS arrangement if the option is appropriate for that situation. In providing information for completing an action with both an estimated minimum and normal time frame, the Agency will provide individual applicants with a reasonable outlook on exactly how much time EPA expects to take to process a new source NPDES application and comply with its NEPA responsibilities.

(b) A number of more specific issues were addressed by commenters and are summarized in a section-by-section analysis as follows:

(1) *Section 6.902.*—(A) Several comments requested that "interested persons" be more narrowly defined to restrict the number of people that could request an adjudicatory hearing and potentially delay the processing of the new source application. It is the EPA's intention to proceed with the adjudicatory hearing pursuant to 40 CFR 125.36 which has a more limited definition of "interested persons."

(B) Requests were received to change the effective date for the application of NEPA to new sources to the date of final promulgation of this regulation. This change was not made as EPA believes that the applicability of NEPA to new source NPDES permits was adequately

conveyed in the September 30, 1974, FEDERAL REGISTER notice as well as in the FWPCA itself.

(C) Two comments requested a specific definition of "new source" for the coal mining industry. The Agency has determined that this procedural regulation is not the appropriate vehicle to consider industry-specific definitions. EPA expects to publish guidance for specific industrial categories, such as coal mines, and will provide for public dissemination of this guidance.

(2) *Section 6.904.*—(A) Several commenters raised the issue that the responsible official should be able to designate certain actions as not being "major Federal actions significantly affecting the quality of the human environment" and therefore not subject to NEPA. Although EPA agrees with this concept in theory, EPA determined it was not feasible to create threshold exemptions under the regulation.

(B) There were a few comments received that questioned the integration of EPA's NEPA process with State and local environmental impact statements and with other Federal agency EIS's. The issues raised are legitimate concerns over duplicative procedures that are costly in terms of dollars and time. This regulation has been rewritten to clarify the Agency's intent of utilizing other Federal Agency EIS's to the maximum extent possible, with the caveat that EPA's concerns must be adequately addressed in those other EIS's. A State's environmental review cannot be substituted directly for EPA's EIS although EPA expects to work cooperatively with the State, will evaluate the State's data and incorporate it into an EPA EIS.

(C) Several commenters questioned what happened to an application being processed if a State assumed the NPDES permit program and an EPA EIS were being prepared. EPA recognizes this as a potential problem and will be sending guidance to the responsible officials to deal with this issue. It is expected that such guidance will note that EPA will complete the EIS and work with the State to mitigate the adverse impacts. In addition, if the EIS is being prepared under the "lead" agency concept, the EIS requirement will continue to be applicable pursuant to the other Federal agencies' regulations.

(3) *Section 6.906.*—(A) Many commenters responded to this section by questioning the rigid "9-month prior to construction" requirement for submittal of the new source/environmental questionnaire (NS/EQ). The Agency has responded to these comments by deleting the 9 month-requirement. However, the Agency affirms its requirement that the NS/EQ be submitted and that the entire environmental evaluation process should be completed prior to commencement of on-site construction. All new source applicants are encouraged to submit NS/EQ information to EPA as early in their planning process as possible to avoid unnecessary delays.

(B) Several comments were received that suggested waivers, exemptions, or grace periods for plants that have already commenced construction. The Agency intends to apply NEPA substantively and has so indicated this intention for almost two years. Plants undergoing construction should have contacted EPA pursuant to the FEDERAL REGISTER Notice of September 30, 1974 for new source discharge permit applicants.

(C) Comments were received requesting deletion of the paragraph that notified the public of the responsible official's new source determination. It is the Agency's belief that notification of the public is consistent with the Federal policy of an informed general public. It is also more efficient for the Agency to proceed in this manner than to respond to individual requests under the Freedom of Information Act.

(4) *Section 6.908.*—(A) Several commenters stated that a negative declaration is a final decision and should not be subject to public review, and later reconsideration by the responsible official. It is EPA's contention that public review of a decision serves the important function of providing feedback on that decision for the ultimate benefit of the Agency and the public.

(B) Several commenters suggested that the environmental appraisal either be deleted or modified to exclude consideration of feasible alternatives and the steps necessary to minimize harm to the environment as these concerns are more appropriately addressed in the EIS. The environmental assessment utilizes the applicant's environmental impact assessment and is necessary to support the Agency's decision to issue a negative declaration. It is expected that the applicant's environmental impact assessment would have discussed feasible alternatives and any steps to minimize harm to the environment. By determining that an EIS is not necessary, the Agency is concluding that there will not be significant impact or that any significant adverse impacts have been mitigated.

(C) Several commenters addressed the third party EIS arrangement. Many of the comments were based on the mistaken premise that the third party method was required, when in fact it is only an option. EPA's approval of the selected consultant and EPA control of the information developed by the contractor were the main issues of contention. If the third party agreement is to serve the function of integrating the applicant's environmental impact assessment and EPA's EIS into one document fulfilling both party's responsibilities, then a certain degree of Federal involvement must occur for the document to fulfill EPA's NEPA responsibilities. At a minimum, Federal involvement must consist of involvement in the approval of the preparer and involvement and guidance in the information being developed. The applicant, of course, will have access to the information being developed. If the responsible official elects to participate in the third party agreement, he will concur in the selection of the applicant's consultant after determining the objectivity of the consultant. The applicant, in weighing whether to participate in the arrangement, must decide whether the possible significant time savings resulting from the preparation of one document are greater than the benefits resulting from participating with EPA in an open working relationship during the applicant's planning process and the disclosures that this entails.

(D) Several comments suggested that an adjudicatory hearing should be applicable to the determination that an EIS is required. The Federal agency has the responsibility to determine when an EIS is required, and it is not appropriate to subject this decision to an adjudicatory hearing. However, an adjudicatory hearing is applicable to the new source determination and to the determination of permit issuance, pursuant to 40 CFR 125.35a.

(5) *Section 6.910.*—(A) Two commenters stated that EPA was extending its authority into the area of land use planning. It is the Agency's view that EPA has a responsibility to inform the public of the primary and secondary effects of its actions through the NEPA mechanism. The CEQ guidelines, in addition, mandate consideration of land use impacts.

(B) Two commenters suggested that a negative declaration should automatically be given if the new source was replacing an old source and if the gross discharge from the new source does not exceed the gross discharge from the existing source. It is the Agency's policy that neither of the above criteria describes situations in which one could issue a negative declaration in all cases.

(C) A commenter suggested that the non-environmental benefits that would be delayed by EIS preparation must be considered in making a decision whether to prepare an EIS. It is the Agency's contention that NEPA requires the decision to prepare an EIS be based on the involvement of a major Federal action significantly affecting the quality of the environment. Therefore, an EIS is the appropriate place to weigh all the benefits and costs of EPA's action, rather than introduce these factors in the decision whether an EIS should be prepared.

(D) A commenter's statement implied confusion over the determination of significant impacts. The guidelines and specific criteria of § 6.910 indicate that at this point in the process, the environmental impact assessment has provided sufficient information to determine that the impacts are indeed significant, and that the next step is the preparation of the EIS.

(6) *Section 6.912.*—(A) Several commenters requested that the draft EIS be prepared within a specific period of time. Although the Agency understands the applicant's concern with timely processing of the new source application and subsequent environmental review, it is not possible to establish a time limit for the preparation of an EIS. The EIS must analyze the impact of the proposed source, and the amount of time necessary for this analysis will be a function

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of many factors, among which is the complexity of the source itself.

(B) Requests were received from two commenters to reduce the comment period from 45 days to 30 days. However, EPA must comply with the CEQ guidelines which require a comment period of not less than 45 days.

(C) A commenter suggested that EPA notify the applicant of requests for additional information for the draft EIS at the same time the notice of intent to prepare an EIS is published. The Agency is unable to comply with this request because during the preparation of the draft EIS, new issues may surface. For this reason it is inappropriate to confine requests for additional information from the applicant to the time the notice of intent is published.

(D) A commenter suggested the addition of a subsection that would allow the responsible official to overrule frivolous or irrational objections. The Agency does not consider it necessary to expressly state that the Agency's decisions would be made in a rational and reasonable manner after all factors have received appropriate consideration.

(7) *Section 6.914.*—(A) A commenter suggested that the "significant" degree of public interest that would trigger a public hearing should be narrowly construed and should only apply to persons with technical expertise, to persons who were monetarily affected or to persons who were directly affected in their daily lives. It is the Agency's policy that the public hearing on a draft EIS should provide a forum for the discussion of the issues raised by the draft EIS, and that the public's opportunity to participate should not be limited.

(8) *Section 6.916.*—(A) Several commenters were concerned with potential delays between the publication of the draft and final EIS and recommended maximum time limits be established for this period. The time between the draft and final EIS is a function of the issues raised by the draft EIS and their resolution. The degree of public interest and resultant public hearing are factors which cannot be held to a rigid time frame. The Agency will process new source applications as expeditiously as possible giving due consideration to environmental impacts.

(B) Several commenters expressed their opinions that Agency recommendations for the NPDES permit should not be included in the EIS, as this was inappropriate. It is the Agency's position that the EIS serves as a decision-making document, and by incorporating the Agency's proposed decision into the document, the issue is evaluated more rigorously than if no proposed alternative was singled out. The critical aspect relates to EPA thoroughly evaluating other alternatives as well. Since the EIS is being written to evaluate information prior to a permitting action, the EIS will also discuss measures an applicant could take in order to receive a permit.

(9) *Section 6.918.*—(A) Two commenters wrote that the regulation did not specifically address the relationship between procedures for preparation of an EIS and procedures for the issuance of a permit with regard to timing. Section 6.908 has been revised to more clearly express these relationships and section 6.918 has been clarified to note the action EPA will take with regard to the new source NPDES permit.

(B) A commenter argued that environmental impacts should not be the only consideration in determining whether to approve or deny a permit. Environmental impacts are not the only items considered in EPA decision although strong weight is given to them. The cost effectiveness of an action and its effect on public health are also important considerations that are part of the Agency's decision-making process. In addition, environmental impacts are not limited to ecological impacts but may also include socio-economic impacts.

(C) A commenter requested that the responsible official state what the permit denial was based on and include in that statement a discussion of measures that could be taken in order to receive a permit. The Agency intends to have the final EIS address these issues and to include mitigative measures that an applicant could take in order to receive a permit.

(10) *Section 6.920.*—(A) Several commenters suggested that eligibility for listing in the National Register of Historic Places should not trigger the additional procedures outline in § 6.920. However, EPA must comply with the regulations promulgated by the Advisory Council on Historic Preservation (36 CFR Part 800) and these regulations require EPA to consider sites listed or eligible for listing on the National Register of Historic Places regardless of whether the site is on Federal land or non-Federal land. Some commenters felt that new sources should only be required to comply with the additional procedures if the new source's effect on wetlands, wild and scenic rivers, etc. was significant or adverse. It is EPA's intention that the original intent of the Act would be altered by adding these qualifying words.

(B) A commenter suggested that only wild and scenic rivers actually designated a part of the Wild and Scenic Rivers System or designated by Congress as potential additions should require consultation with the appropriate State and Federal officials. Since this suggestion deletes those rivers potentially a part of the system as a result of gubernatorial petition, this suggestion cannot be implemented and still preserve the intent of the Wild and Scenic Rivers Act.

(C) A commenter asked that the word "fish" be added to § 6.920(b)(5). The term "wildlife" has been statutorily defined in the Fish and Wildlife Coordination Act to include fish.

(11) *Section 6.924.*—(A) A commenter criticized EPA for engaging in site selection with no legal authority to do so. The CEQ Guidelines on "Preparation of Environmental Impact Statements" (40 CFR Part 1500) clearly state that alternatives to construction at a specific location must be considered. EPA is not engaging in site selection, but is complying with the CEQ Guidelines in analyzing alternatives.

(B) Two commenters have criticized EPA for not outlining criteria and standards for evaluation of data in an EIS. The variety and scope of the new sources preclude a definitive statement on criteria and standards for data evaluation. In general the data will be evaluated on the basis of complying with the CEQ Guidelines. An EPA document, Environmental Impact Assessment Guidelines for Selected New Source Industries, discusses the general format for an assessment and is available to new source applicants from EPA's Office of Federal Activities.

(C) Two commenters complained that the evaluation process would require too much paperwork. EPA has proposed a system for requesting information from the applicant that ensures that the environmentally insignificant new sources would not be burdened by excessive paperwork.

(12) *Appendix A.*—(A) Several commenters questioned EPA's decision in Part I of Appendix A to define "construction" more narrowly than Section 306 of the FWPCA through the use of such words as "significant" site preparation, "major" excavation or clearing, and "unique" facility. The Agency's intent in this section was to more clearly outline its position that "construction" had to be a continuous activity on the part of the applicant. This could be either on-site preparation or a contractual obligation. In determining whether an applicant was a new source, the Agency has to determine whether his activities demonstrated a commitment to construct the proposed new source. The addition of these criteria was to help the responsible official determine at what point a binding commitment was made, and at what point the Agency would consider commencement of construction to have occurred.

(B) Additional comments were raised stating that EPA was not complying with the intent of the FWPCA by attempting to apply NEPA to "modifications." EPA agrees with the commenters that the FWPCA and its legislative history clearly indicate that modifications are not to be considered as new sources. In addition, it was not the Agency's intent in Appendix A to subject "modifications" to standards of performance by determining that they would be new sources. We have revised the "major alterations" section of the Appendix to clearly distinguish between a source merely modifying some aspect of its facility, and a source undergoing total reconstruction or adding a facility which functions independently of the existing facility. These latter two actions would constitute "major alterations" and hence would be considered a new source. Modifications would continue to be treated under the permit modification procedures (40 CFR Part 125).

Accordingly, the new source NPDES regulation is published as a Subpart to the regulation applying NEPA to EPA's nonregulatory programs which was promulgated in the FEDERAL REGISTER

(40 FR 16814) on April 14, 1975. EPA also issued a separate notice in the October 21, 1974 FEDERAL REGISTER (39 FR 37419) which presented Agency procedures for voluntarily preparing environmental impact statements on certain other EPA regulatory activities.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended by adding a new Subpart I to Part 6 as set forth below.

Effective date: The final regulation promulgated hereby shall be effective February 10, 1977.

Dated: December 29, 1976.

RUSSELL E. TRAIN,
Administrator.

Subpart I—Preparation of Environmental Impact Statements on New Source NPDES Permits

Sec.

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EXHIBITS

1. Notice of intent—suggested format.
2. Negative declaration—suggested format.
3. Environmental impact appraisal—suggested format.
4. Cover sheet for environmental impact statements.
5. Summary sheet format for environmental impact statements.
6. Public notice and news release—suggested format.

APPENDIX A—GUIDANCE ON DETERMINING A NEW SOURCE

AUTHORITY: Sec. 102, 103, 83 Stat. 854 (The National Environmental Policy Act of 1969); sec. 301, 306, 402, 511, 86 Stat. 816 et seq. (the Federal Water Pollution Control Act as amended).

§ 6.900 Purpose and policy.

Subpart I—Preparation of Environmental Impact Statements on New Source NPDES Permits

(a) The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., implemented by Executive Order 11514 and the Council on Environmental Quality's (CEQ's) Guidelines (40 CFR 1500) require that all agencies of the Federal Government prepare detailed environmental impact statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of NEPA is to include in the agency decision-making process appropriate and careful consideration of all environmental effects of proposed actions, explain potential environmental effects of proposed actions and their alternatives for public understanding, avoid or minimize adverse effects of proposed actions and restore or enhance environmental quality as much as possible.

(b) This subpart provides procedures for compliance with NEPA in the issuance of new source National Pollutant Discharge Elimination System (NPDES) discharge permits as authorized by section 301, section 402, and section 511(c) of the Federal Water Pollution Control Act as amended, (FWPCA) (33 U.S.C. 1151 et seq.).

(c) All references in this part to Part 125 shall mean Part 125 of Title 40 of the Code of Federal Regulations (CFR) relating to the National Pollutant Discharge Elimination System.

§ 6.902. Definitions.

In addition to the information provided in §§ 6.102 and 6.104, the following definitions are provided with reference to this subpart:

(a) The abbreviated term "EPA" means the United States Environmental Protection Agency.

(b) The term "source," as defined in section 306(a)(3) of the FWPCA, means "any building, structure, facility or installation from which there is or may be the discharge of pollutants."

(c) The term "new source," as defined in section 306(a)(2) of the FWPCA, means "any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source, if such standard is thereafter promulgated in accordance with this section." (See Appendix A for guidance.)

(d) The term "construction," as defined in section 306(a)(5) of the FWPCA, means "any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises." (See Appendix A for additional guidance.)

(e) The term "administrative action" means the issuance by EPA of an NPDES permit to discharge as a new source.

(f) The term "responsible official" means the appropriate Regional Administrator of EPA or his designee.

(g) The term "New Source and Environmental Questionnaire (NS/EQ)" means an initial document submitted by an applicant for a new source NPDES permit. This document will furnish information on the status of the proposed source that will allow determination of whether the facility is a new or existing source. In addition, the NS/EQ will also furnish information on the potential environmental impacts of the proposed source. It is the Agency's intention that in the case of sources which will probably have insignificant environmental impacts, the NS/EQ will normally provide sufficient information to fulfill the requirements for an environmental impact assessment.

(h) The term "environmental impact assessment" (EIA) means the report, prepared by the applicant for an NPDES permit to discharge as a new source, which identifies and analyzes the environmental impacts of the applicant's proposed source and feasible alternatives as provided in § 6.908 of this Part.

(i) The term "environmental review" means the evaluation undertaken by EPA to determine whether the issuance of a new source NPDES permit may have a significant impact on the environment. The environmental impact assessment is one of the major sources of information used in this review. The environmental review shall be completed with the issuance by the responsible official of either a notice of intent or a negative declaration unless the review is reopened by the responsible official because of additional relevant information.

(j) The term "environmental impacts" shall refer to both the adverse and the beneficial impacts associated with a new source.

(k) The term "notice of intent" means the written announcement to Federal, State and local agencies, and to interested persons, that a draft environmental impact statement will be prepared. The notice shall briefly describe the EPA action, its location, and the issues involved (see Exhibit 1). The purpose of a notice of intent is to involve other government agencies and interested persons as early as possible in the planning and evaluation of actions which may have significant environmental impacts. This notice should encourage public input in the preparation of a draft EIS and assure that environmental values will be identified and weighed from the outset, rather than accommodated by adjustments at the end of the decision-making process.

(l) The term "draft environmental impact statement" (draft EIS) means the document prepared by EPA, or under EPA guidance, which attempts to identify and analyze the environmental impacts of a proposed EPA action and feasible alternatives, and is circulated for public comment prior to preparation of the final environmental impact statement (final EIS).

(m) The term "final environmental impact statement" means the document prepared by EPA or under EPA guidance which identifies and analyzes in detail the environmental impacts of a proposed EPA action and incorporates comments made on the draft EIS.

(n) The term "third party" means a method for preparing EPA's environmental impact statement whereby the applicant retains a consultant, the responsible official exercises a concurrence review, and then the responsible official supervises the approved consultant in the preparation of the EIS. This method is optional and requires approval of both the new source applicant and the responsible official prior to the execution of an agreement to prepare the EIS. Generally, the preparation of the EIS under the third party method would be initiated prior to the preparation of the environmental impact assessment by the applicant and would thereby serve the pur-

pose of any such environmental assessment analyses.

(o) The term "negative declaration" means the written announcement, prepared subsequent to the environmental review, which states that EPA has decided not to prepare a draft environmental impact statement (see Exhibit 2).

(p) The term "environmental appraisal" (EA) means a document, based on the environmental review, which supports a negative declaration (see Exhibit 3).

(q) The term "potential new source applicant" means the prospective owner, operator, or designee, of an anticipated point source, as defined in section 502 (14) of the FWPCA, which falls within a proposed standard of performance category and would require an NPDES permit and further meets the definition of a new source set forth in § 6.902(c) above.

(r) The term "interested person" means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

§ 6.904 Administrative activity subject to this Subpart.

(a) These procedures shall apply only to the issuance of a new source NPDES permit by EPA and not to the issuance of a new source NPDES permit from any State which has an approved NPDES program in accordance with section 402 (b) of the FWPCA.

(b) These procedures shall be supplemented by the provisions of an interagency agreement which is established between EPA and any other Federal agency, or agencies, to designate "lead" or "nonlead" agency responsibilities in the preparation of an environmental impact statement. Such agreements shall be established when EPA or another Federal agency agrees to be "lead agency" or is designated by the Council on Environmental Quality (CEQ) to be "lead agency" in accordance with the CEQ Guidelines, 40 CFR 1500.7(b). Prior to the establishment of a lead agency agreement, EPA will assume responsibility for consulting with those Federal agencies that are also responsible for performing a NEPA review on their own Federal actions affecting an applicant whose facility has been determined by EPA to be a new source in order to determine which agency shall be "lead agency."

(c) These procedures shall apply to the issuance of a new source NPDES permit to a Federal facility, as defined in Executive Order 11752 of December 17, 1973. The official of the sponsoring Federal agency requiring a new source NPDES permit and the EPA responsible official shall discuss "lead agency" responsibilities so that each agency adequately complies with NEPA and its own procedures.

§ 6.906. New source determination procedures.

(a) Any person who may require an NPDES permit under the FWPCA shall so notify the responsible official having jurisdiction over the area in which the discharge is proposed to be located.

(b) The responsible official, upon receipt of such notice or of his own accord, shall provide any potential new source applicant with the new source and environmental questionnaire (NS/EQ).

(c) The potential new source applicant shall submit a NS/EQ prior to commencement of on-site construction. It is to the applicant's advantage to return the NS/EQ questionnaire as early as possible in his planning process, so if the facility is determined to be a new source, construction will not be unnecessarily delayed pending completion of these procedures. If any on-site construction commences prior to the issuance of an applicable new source permit, the applicant shall be advised by the responsible official that he is proceeding at his own risk and encouraged to halt construction activities until the environmental process is completed, that is, pursuant to § 6.909, no earlier than 30 days after issuance of the final EIS or 15 days after issuance of the negative declaration. EPA may seek a court order to enjoin construction if the applicant refuses to halt such construction activities.

(d) Within thirty (30) days of the receipt of the NS/EQ or the additional information required pursuant to § 6.906 (e) below, the responsible official shall make an initial determination of whether the facility is a "new source" (see Appendix A for guidance) and shall notify the applicant of the decision and of his right to contest such decision as provided in § 6.906(f) or (g) below. Where there is insufficient information to make this determination within the prescribed period, the responsible official shall so notify the applicant.

(e) If additional information is needed to make the initial new source determination, the responsible official shall obtain such additional information. The applicant shall provide additional information as requested by the responsible official.

(f) If the facility is initially determined to be an existing source, the responsible official shall notify interested persons of this determination and of the right to have the initial determination reconsidered at the NPDES permit adjudicatory hearing held in conjunction with contested permit terms under 40 CFR 125.36. Such notification shall be concurrent with public notice of the proposed issuance of a permit under 40 CFR 125.32.

(g) If the facility is initially determined to be a new source, the responsible official shall:

(1) Notify interested persons of this determination and of the right to have the initial determination considered at an adjudicatory hearing separate from or in conjunction with the NPDES permit adjudicatory hearing (as determined by the responsible official), held under 40 CFR 125.36. In either case, the rules under 40 CFR 125.36 shall govern the conduct of the hearing.

(2) Notify the applicant that he must submit an adequate environmental impact assessment and that the applicant should consult with the responsible official or his designee to determine the scope of the information required.

(3) Notify the public of such decision no later than the public notice of the issuance of a permit under 40 CFR 125.32.

(h) If the applicant or any interested person, within 30 days of the date of mailing the notice of initial determination, requests an adjudicatory hearing, the responsible official shall act upon the request for the adjudicatory hearing in accordance with procedures prescribed in §§ 6.906 (f) and (g) above.

(i) If no hearing is requested in accordance with § 6.906(h) above, the initial new source determination of the responsible official shall become the final new source determination of EPA.

§ 6.907. Confidentiality of documents.

(a) The applicant may request confidential treatment of information submitted pursuant to compliance with this Subpart in accordance with procedures under 40 CFR Part 2.

§ 6.908. Procedures for evaluation of environmental impacts.

(a) If EPA's initial new source determination under § 6.906 is that the facility is a new source, the responsible official shall inform the applicant if an environmental impact assessment must be submitted in order for EPA to complete an environmental review. (If in the process of making the new source determination, it becomes evident that an EIS will be required, the responsible official may seek the applicant's interest in developing a draft EIS by the "third party" method in lieu of preparing an environmental impact assessment.) (See also § 6.908(e)(2) of this Subpart.)

(b) In order for the applicant to complete requirements for his environmental impact assessment, the responsible official shall specify to the applicant what information is required and determine the proper scope of environmental assessment information required for the environmental review. In determining the scope of the environmental impact assessment, the responsible official may request the applicant to file either the NS/EQ with more complete environmental impact information or to develop additional environmental assessment information. In making this determination, the responsible official shall consider the size of the new source and the potential environmental impacts of the new source. The responsible official shall also consider the extent to which the applicant or his designee is capable of providing the required information. The responsible official shall not require the applicant to gather raw data or to perform analyses either of which duplicate existing data or the results of existing analyses available to EPA. The responsible official shall keep requests for data to a minimum consistent with his responsibilities under NEPA.

(c) The environmental review shall include a review of any environmental assessment information received to determine whether any significant impacts are anticipated, whether any changes can

be made in the proposed new source project to eliminate significant adverse impacts, and whether an EIS is required. The responsible official shall utilize the guidelines in § 6.910 of this Subpart to base his decision on the need for preparing an EIS.

(d)(1) When the environmental review indicates that a significant environmental impact may occur and that the significant adverse impacts cannot be eliminated by making changes in the proposed new source project, a notice of intent (Exhibit 1) shall be issued, and a draft EIS prepared and distributed. When the environmental review indicates no significant impacts are anticipated or when the proposed project is changed to eliminate the significant adverse impacts, a negative declaration (Exhibit 2) shall be issued.

(2) Upon completion of the environmental review, such notice of intent or negative declaration shall be distributed in accordance with procedures described in 40 CFR 135.32(a). Potentially appropriate agencies referred to in 40 CFR 125.32(a) are found in the Council on Environmental Quality Guidelines, 40 CFR 1500, Appendices II and III.

(e)(1) If the environmental review reveals that the preparation of an environmental impact statement is required, the responsible official shall prepare a draft EIS. The draft and subsequent final EIS, may be developed by several methods, including but not limited to the preparation of the EIS entirely by EPA personnel, utilization of university or professional consultant services retained and supervised by the responsible official, or through a third party agreement between the applicant and the responsible official.

(2)(i) At the option of either the applicant or the responsible official, and as deemed appropriate, a third party agreement for the preparation of an EIS may be established. Generally, such an agreement should be established prior to the development of the applicant's environmental impact assessment and serve the purposes of such environmental impact assessment. Such agreement shall not be initiated unless both the applicant and the responsible official have agreed to its establishment. Under a third party agreement, both the applicant and the responsible official have certain minimum responsibilities in the selection of the third party consultant. The applicant shall be responsible for retaining a third party consultant to prepare the EIS. The responsible official shall approve the selection of the third party consultant and shall base such approval on the objectivity of the consultant, including such factors as the degree of financial independence, the ability to make a free and independent appraisal of environmental impact, and the absence of conflicting interest.

(ii) In all cases when a third party agreement is being utilized to prepare an EIS, the responsible official shall specify the type of information to be developed and shall retain supervisory responsibility over the gathering, analysis, and presentation of the information. The responsible official shall keep the through the third party consultant to a minimum consistent with his responsibilities under NEPA. In addition, the responsible official shall ensure that the applicant is provided sufficient opportunity to review the material prior to the publication of both the draft and final EIS.

(f) For any negative declaration, the responsible official shall prepare an environmental impact appraisal which states EPA's reasons for concluding that there will be no significant impact resulting from the issuance of the applicable new source NPDES permit or that significant adverse impacts have been mitigated by making changes in the proposed new source (see Exhibit 3). This document shall briefly describe the proposed action and feasible alternatives, environmental impacts of the proposed new source, steps to minimize harm to the environment, the relationship between short term uses of man's environment and the maintenance and enhancement of long term beneficial uses, the irreversible and irretrievable commitments of resources for the new source, comments and consultations on the new source and reasons for concluding there will be no significant adverse impacts. The environmental impact appraisal shall be available for public inspection at the time of the issuance of the negative declaration and shall remain with the internal records of the permit.

§ 6.909 Completion of NEPA procedures before administrative action occurs.

(a) The processing and review of the applicant's NPDES permit application shall proceed concurrently with the procedures within this Subpart. In addition to the requirements defined in 40 CFR 125.35, no administrative action shall be taken by EPA until the environmental review process resulting in an EIS or a negative declaration with environmental appraisal has been completed.

(1) *When an EIS will be prepared.* Except when requested by the responsible official in writing and approved by CEQ, no administrative action shall be taken sooner than ninety (90) calendar days after a draft EIS has been distributed or sooner than thirty (30) calendar days after the final EIS has been made public. If the final text of an EIS is filed within ninety (90) days after a draft EIS has been circulated for comment, furnish to CEQ and made public, the minimum thirty (30) day period and the ninety (90) day period may run concurrently if they overlap. The minimum periods for review and advance availability of draft EIS's shall begin on the date CEQ publishes the notice of receipt of the EIS in the FEDERAL REGISTER. For final EIS's, the minimum period shall begin on the date CEQ receives the document.

(2) *When an EIS will not be prepared.* If EPA decides not to prepare an EIS on any action listed in this part for which a negative declaration with environmental appraisal has been prepared, no administrative action shall be taken for at least fifteen (15) working days after the negative declaration is issued to allow public review of the decision.

§ 6.910 Guidelines for determining whether to prepare an EIS.

The following guidelines shall be used when performing the environmental review:

(a) *General guidelines.* (1) When determining the significance of a proposed new source's impact, the responsible official shall consider both its short term and long term effects as well as its primary and secondary effects and beneficial and adverse environmental impacts as defined in § 6.924(c).

(2) If EPA is proposing to issue a number of minor, environmentally insignificant new source NPDES permits, during a limited time span and in the same general geographic area the responsible official may determine that the cumulative impact of the issuance of all these permits may have a significant environmental effect.

(3) An EIS will not be required if the responsible official determines that the proposed new source project has been adequately covered in another EIS.

(b) *Specific criteria.* An EIS will be prepared when: (1) The new source will induce or accelerate significant changes in industrial, commercial, agricultural, or residential land use concentrations or distributions which have the potential for significant environmental effects. Factors that should be considered in determining if these changes are environmentally significant include but are not limited to: the nature and extent of the vacant land subject to increased development pressure as a result of the new source; the increases in population or population density which may be induced and the ramifications of such changes; the nature of land use regulations in the affected area and their potential effects on development and the environment; and the changes in the availability or demand for energy and the resulting environmental consequences.

(2) The new source will directly, or through induced development, have significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality or quantity, fish, wildlife, and their natural habitats.

(3) Any major part of the new source will have significant adverse effect on the habitat of threatened or endangered species on the Department of Interior's lists of threatened and endangered species.

(4) The environmental impact of the issuance of a new source NPDES permit is likely to be highly controversial.

(5) The environmental impact of the issuance of a new source NPDES permit will have significant direct and adverse effect on a property listed in or eligible for listing in the National Register of Historic Places.

(6) Any major part of the source will have significant adverse effects on parklands, wetlands, wild and scenic rivers, reservoirs or other important bodies of water, navigation projects, or prime agricultural lands (see § 6.920 for additional procedures).

§ 6.912. Draft environmental impact statement.

(a) The responsible official shall assure that a draft environmental impact statement is prepared as soon as practicable after the release of the notice of intent. The draft EIS shall be published prior to or concurrent with the publication of public notice for the issuance of a proposed permit pursuant to 40 CFR 125.32.

(b) The content of the draft EIS shall be as specified according to § 6.924 of this Subpart.

(c) Parties who wish to comment have forty-five (45) days to reply after the date of publication by CEQ in the FEDERAL REGISTER of the availability of the draft EIS. The comment period may be extended for an additional fifteen (15) days upon request.

§ 6.914. Public hearing.

(a) If there is a significant degree of public interest, the responsible official may convene a public hearing after publication and circulation of the draft EIS. He shall issue public notice of such hearing in accordance with 40 CFR 125.32(d). The public hearing shall be conducted in accordance with 40 CFR 125.34, and is normally held during the comment period.

§ 6.916. Final environmental impact statement.

(a) The responsible official shall prepare a final environmental impact statement, which shall contain responses to substantive comments received on the draft EIS, a summary of the record of any public hearing, and any other relevant information.

(b) The final EIS shall be published prior to or concurrent with the responsible official's determination containing the permit pursuant to 40 CFR 125.35.

(c) The final EIS shall include the responsible official's recommendation on whether the permit is to be issued or denied.

(1) If the recommendation is to deny the permit, the final EIS shall contain the reason(s) for such a recommendation and the measures that EPA recommends the applicant take in order to receive a permit.

(2) If the recommendation is to issue, or issue and condition, the permit, the final EIS shall, when appropriate, also recommend the actions the permittee shall take to prevent or minimize any adverse environmental impacts identified in the analysis.

§ 6.918. Decision on the Federal action.

The responsible official shall issue, issue and condition, or deny the new source NPDES permit following a complete evaluation of any significant beneficial and adverse environmental impacts on the human environment consistent with Federal, State, or local requirements outlined in section 6.910 above. The applicant or other interested party may seek an adjudicatory hearing or other judicial review of the responsible official's decision pursuant to 40 CFR 125.36.

§ 6.920. Additional procedures.

This Subpart describes additional procedures with which the Environmental Protection Agency must comply regardless of whether or not an EIS is being prepared. These procedures derive from other Federal statutes, regulations and policies which establish environmental coordination procedures that are independent of the requirements of NEPA. The applicant for a new source NPDES permit may be requested to assist the responsible official in complying with these statutes in order to process the new source NPDES application as expeditiously as possible.

(a) EPA is subject to the requirement of section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., Executive Order 11593, the Archaeological and Historic Preservation Act of 1974, 16 U.S.C. 469 et seq., the procedures of the Advisory Council on Historic Preservation (36 CFR Part 800), and other regulations promulgated thereunder.

(b) If the new source may affect wetlands, the responsible official shall consult with the appropriate offices of the Department of the Interior, the Department of Commerce, U.S. Army Corps of Engineers, the U.S. Department of Agriculture, and the States involved, during the environmental review to determine the probable impacts of the new source on the fish and wildlife resources and land use of these areas and the need for any other Federal authorizations.

(c) If the new source may affect coastal zones or coastal waters as defined in Title III of the Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq., the responsible official shall consult with the appropriate State offices and with the appropriate office of the Department of Commerce to determine the probable impact of the new source on coastal zone or coastal water resources.

(d) If the proposed new source will encourage new industrial, commercial, and residential development in currently undeveloped floodplains which are of significant value for agricultural production, recreation, or wildlife habitat, the responsible official shall act pursuant to Executive Order 11296.

(e) If the new source may affect portions of rivers designated wild and scenic or being considered for the designation under the Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq., the responsible official shall consult with appropriate State offices and with the Secretary of the Interior, or where national forest lands are involved, with the Secretary of Agriculture, during the environmental review to determine the probable impact of the new source on eligible rivers or portions thereof.

(f) Whenever the new source will result in the control or structural modification of any stream or other important body of water for any purpose, including navigation and drainage, the responsible official shall consult with the United States Fish and Wildlife Service (Department of the Interior), the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (Department of Commerce), The U.S. Army Corps of Engineers, and the head of the agency administering the wildlife resources of the particular State in which the action will take place, to determine any steps which may be taken to conserve wildlife resources. This consultation shall follow the procedures in the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(g) If the new source may affect threatened or endangered species, defined under section 4 of the Endangered Species Act of 1973, 16 U.S.C. 1531 et. seq., the responsible official shall consult with the Secretary of the Interior, the Secretary of Commerce, or the Secretary of Agriculture, according to the procedures of section 7 of that Act.

(h) If a new source may adversely affect significant amounts of prime agricultural land, the responsible official shall consult with the Secretary of Agriculture to determine the full impact of agricultural production and feasible alternatives.

(i) (1) Requests for consultation and the results of such consultation shall be documented in writing. The responding agencies will be given thirty (30) days to comment as measured from the date of the written request. With respect to all cases under subsections 6.924(b) through (h) above, the responsible official should advise the agencies that failure to answer within the allotted period of time will be deemed to be a statement that the agencies do not choose to comment at this time. Where the agencies advise the responsible official that the inclusion of specified conditions relating to the issuance of the permit are necessary to avoid impairment, the responsible official may include in the permit those conditions so specified by the agencies. When the agency notifies the responsible official that more time is needed for its evaluation, more time will be granted where it appears to the responsible official that the public interest warrants such extension. Where consultation has occurred, the agencies consulted shall receive copies of either the notice of intent and EIS or the negative declaration and environmental appraisal prepared on the proposed action.

(2) If an EIS is to be prepared, and there is consultation required pursuant to § 6.924(b) through (h), the consultation may be deferred until the commenting period following the preparation of the draft EIS.

§ 6.922. Availability of documents.

(a) EPA will print copies of draft and final EIS's for agency and public distribution. A nominal fee may be charged for copies requested by the public.

(b) When EPA no longer has copies of an EIS to distribute, copies shall be made available for public inspection at regional and headquarters Offices of Public Affairs. Interested persons also should be advised of the availability (at cost) of EIS's from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036.

(c) Lists of EIS's prepared or under preparation and lists of negative declarations prepared will be available at both the regional and headquarters Offices of Public Affairs.

§ 6.924. Content of an environmental impact statement.

(a) *Cover sheet.* The cover sheet shall indicate the type of EIS (draft or final), the nature of the proposed EPA action, the name of the permit applicant, the responsible EPA office, the date, and the signature of the responsible official. The format is shown in Exhibit 4.

(b) *Summary sheet.* The summary sheet shall conform to the format prescribed in Appendix I of the August 1, 1973, Council on Environmental Quality's Guidelines (40 CFR 1500). The format is shown in Exhibit 5.

(c) *Body of statement.* The body of the EIS shall identify, develop, and analyze the pertinent issues included in § 6.924(c)(1) through (7) below. Each subsection need not be a separate chapter in the statement. The EIS shall serve as a means for the responsible official and the public to assess the environmental impacts of the proposed issuance of a new source NPDES permit, rather than as a justification for decisions already made. Environmental impact statements should be prepared using a systematic, interdisciplinary approach. Statements should incorporate all relevant analytical disciplines and should provide meaningful and factual data, information, and analyses. The presentation should be simple and concise, yet include all facts necessary to permit independent evaluation and appraisal of the beneficial and adverse environmental effects on the human environment of alternative actions. The amount of detail provided should be commensurate both with the extent and expected impact of the actions, and with the amount of information required at the particular level of decisionmaking. To the extent possible, statements shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of the proposed EPA action.

(1) *Background and description of the proposed new source.* The EIS shall describe the proposed source, its product or purpose, its location, and its construction and operation time schedule. To prevent piecemeal decision-making, the new source should be described in as broad a context as necessary. The relationship of the proposed new source project to other projects and proposals directly affected by or stemming from the construction and the operation of the new source shall be discussed, including not only other EPA activities, but also those of Governmental and private organizations. Development and population trends in the project area and the assumption on which they are based shall also be included. Maps, photos, and artist's sketches should be incorporated if available when they help depict the environmental setting. If not enclosed, supporting documents should be referenced.

(2) *Alternatives available to the proposed new source.* The feasible alternatives available to the proposed new source shall be described, developed and objectively weighed against the proposed new source. The analysis should be sufficiently detailed to reveal the EPA's comparative evaluation of the environmental impacts on the human environment, costs, and risks of each feasible alternative. The analysis of alternatives shall include the alternative of not constructing of operating the new source or postponing construction or operation. Feasible design, process, and the site alternatives must be described. This analysis should be written in such a manner that the general public independently can judge the relative desirability of the various alternatives.

(3) *Environmental impacts of the proposed new source.* This shall be a description of the primary and secondary environmental impacts, both beneficial and adverse, anticipated from the new source. The scope of the description shall include both short and long-term impacts. Emphasis should be given to discussing those factors most directly impacted by the proposed activity.

(i) Primary impacts are those that can be attributed directly to the construction or operation of the new source.

(ii) Secondary impacts are indirect or induced impacts. Construction of a facility such as a large industrial facility may stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Particular attention should be paid to potential changes in population patterns or growth. When such changes are significant, their effect on the resource base, including land use, water quality and quantity and air quality should be determined. A discussion of how these impacts conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls for the area should be included.

(4) *Adverse impacts which cannot be avoided should the new source permit be issued.* The EIS shall describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity, give the remedial and protective measures which can be taken, describe the adverse impacts which can be reduced to an acceptable level, and the mitigative measures which should be taken. These adverse impacts may include water or air pollution, undesirable land use patterns, damage to ecological systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the National Environmental Policy Act.

(5) *Relationship between local short term uses of the environment and the maintenance and enhancement of long term beneficial uses.* This shall be a description of the extent to which the proposed activity involves trade offs between short term environmental gains at the expense of long term losses, or vice-versa, and the extent to which the proposed action forecloses future options. Special attention should be given to effects which narrow the range of beneficial uses of the environment or pose long term risks to health or safety.

(6) *Irreversible and irretrievable commitment of resources which would result if a new source permit were issued.* This shall be a description of the extent to which the proposed activity curtails the diversity and range of beneficial uses of the environment. Secondary impacts, such as induced growth in undeveloped areas, may make alternative uses of that land impossible. Also, irreversible damage can result from environmental accidents associated with the new source and this possibility should be evaluated.

(7) *A discussion of problems and objections raised by other Federal, State, and local agencies and by interested persons in this review process.* Final EIS's (and draft EIS's if appropriate) shall summarize the comments and suggestions made by reviewing organizations and shall describe the disposition of issues raised, e.g., changes to the proposed new source to mitigate anticipated impacts or objections. In particular, the EIS shall address any major issues in which the EPA position differs from reviewers' recommendations and objections, giving reasons why specific comments and suggestions could not be adopted. Reviewers' statements should be set forth in a list of "comments" and accompanied by EPA's "responses." In addition, the source of all comments should be clearly identified and copies of the comments (or summaries where a response has been exceptionally long) should be attached to the final EIS.

(d) *Documentation.* Any books, research reports, field study reports, correspondence and other documents which provided the data base for evaluating the impact of the proposed new source and alternatives discussed in the EIS shall be cited in the body of the EIS and included in a bibliography attached to the EIS.

EXHIBIT 1

NOTICE OF INTENT—SUGGESTED FORMAT

_____
(Date)

Environmental Protection Agency,
_____
(Appropriate Office)
_____
(Address, City, State, Zip Code)

NOTICE OF INTENT

To All Interested Government Agencies and Public Groups:

Gentlemen: As required by the EPA regulations, "Preparation of Environmental Impact Statements (EIS's) for new Source NPDES Permits" (40 CFR 6.900), attached is a Notice of Intent to prepare an EIS for the Proposed EPA action described below:

1. Proposed EPA Action and NPDES Permit Application Number:
_____
_____
_____

2. Name of Applicant and type of source:

   ---
3. Location of Proposed Source:
   City ---
   County ---
   State ---
4. Issues Involved:

   ---
5. Proposed Starting Date of Discharge:

If your organization needs additional information or wishes to participate in the preparation of the draft EIS, please advise the (appropriate office, city, State).

Very truly yours,

(Appropriate EPA Official)

(List Federal, State, and local agencies to be solicited for comment.)

(List public action groups to be solicited for comment.)

(List of industry groups to be solicited for comment.)

EXHIBIT 2

NEGATIVE DECLARATION—SUGGESTED FORMAT

Negative Declaration

(Date)

Environmental Protection Agency,

(Appropriate Office)

(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups:

Gentlemen: As required by the EPA regulations, "Preparation of Environmental Impact Statements (EIS's) for New Source NPDES Permits" (40 CFR 6.900), an environmental review has been performed on the proposed EPA action below:

(Name of Applicant and Type of Source)

(Location of Source: City, County, State)

(Nature of EPA Action)

(NPDES Permit Application Number)

PROJECT DESCRIPTION, ORIGINATOR AND PURPOSE

(Include a map of the project area and a brief narrative describing the primary and secondary impacts of the project, purpose of the project, and other data in support of the negative declaration.)

The review process did not indicate significant environmental impacts would result from the proposed action, or that significant adverse impacts have been mitigated by making changes in the project. Consequently, a preliminary decision not to prepare an EIS has been made. This action is taken on the basis of a careful review of the environmental assessment, and other supporting data, which are on file in the above office and will be available for public review upon request.

Comments on this decision may be submitted for consideration by EPA. After evaluating the comments received, the Agency will make a final decision on the need for an EIS.

Sincerely,

(Appropriate EPA Official)

EXHIBIT 3

ENVIRONMENTAL IMPACT APPRAISAL—SUGGESTED FORMAT

A. Identify Project:
   Name of applicant---
   Type of Source---
   Address ---
B. Summarize Assessment:
   1. Brief description of the Source---
   ---
   2. Probable impact of the issuance of an NPDES new source permit on the environment: ---
   ---
   3. Any probable adverse environmental effects which cannot be avoided: ---
   ---
   4. Alternatives considered with evaluation of each: ---

   ---
   5. Relationship between local short-term uses of the environment and maintenance and enhancement of long-term beneficial uses: ---
   ---
   ---
   6. Any irreversible and irretrievable commitment of resources: ---
   ---
   7. Public objections to the Source, if any, and their resolution: ---
   ---
   8. Groups consulted about the Source: ---

B. Reasons for concluding there will be no significant impacts.

(Discuss topics 2, 3, 5, 6, and 7 above, and how the alternative (topic 4) selected is the most appropriate.

(Signature of appropriate official)

(Date)

EXHIBIT 4

COVER SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Draft, Final)

ENVIRONMENTAL IMPACT STATEMENT

(Provide Name of Source and Type of EPA Action)

(Provide NPDES Permit Application Identifying Number)

Prepared by---
(Responsible Agency Office)

Approved by---
(Responsible Agency Official)

(Date)

EXHIBIT 5

SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Check one)
( ) Draft
( ) Final

ENVIRONMENTAL PROTECTION AGENCY

(Responsible Agency Office)

1. Name of action. (Check one)
   ( ) Administrative action.
   ( ) Legislative action.
2. Brief description of action indicating what States (and counties) are particularly affected.
3. Summary of environmental impact and adverse environmental effects.
4. List alternative considered.
5 a. (for draft statements) List all Federal, State, and local agencies and interested persons from which comments have been requested.

b. (for final staetments) List all Federal, State, and local agencies and interested persons from which written comments have been received.

6. Dates draft EIS and final EIS made available to Council on Environmental Quality and public.

EXHIBIT 6

PUBLIC NOTICE AND NEWS RELEASE—SUGGESTED FORMAT

Public Notice

The Environmental Protection Agency (originating office) (will prepare, will not prepare, has prepared) a (draft, final) environmental impact statement on the following project:

(Name of Applicant and Type of Source)

(Nature of EPA Action)

(Source Location, City, County, State)

(Where EIS or Negative Declaration can be obtained)

This notice is to implement EPA's policy of encouraging public participation in the decision-making process on proposed EPA actions. Comments on this document may be submitted to (full address of originating office).

APPENDIX A

GUIDANCE ON DETERMINING A NEW SOURCE

(1) A source should be considered a new source provided that at the time of proposal of the applicable new source standard of performance, there has not been any:

(a) Significant site preparation work, such as major clearing or excavation, but not including feasibility and design studies, or erection of facilities or structures in connection with such studies;

(b) Placement, assembly, or installation of unique facilities or equipment at the premises where such facilities or equipment will be used; or

(c) Contractual obligation to purchase such unique facilities or equipment, provided that:

(i) The term "contractual obligation" shall refer only to binding contracts, and shall not include options to purchase or purported contracts which are terminable at little or no loss; and

(ii) The term "facilities or equipment" shall mean the following, provided that the value of such items represents a substantial commitment to construct a particular facility:

(a) structures;

(b) structural materials unique to a particular site; or

(c) machinery, process equipment, or construction equipment for use at a particular site. The term "facilities or equipment" shall not include fuel or other fungible, non-site-specific commodities.

(2) For the purposes of determining applicability of these regulations to new construction involving direct discharge into the Nation's waters, three categories of new construction are described: a totally new source, a modification to an existing source and a major alteration. A totally new source is subject to new source requirements under the 1972 Federal Water Pollution Control Act Amendments (FWPCA). Such facilities include both what are traditionally known as green field operations and total reconstruction of the source.

Modifications to an existing source holding an NPDES discharge permit are intended by the FWPCA and its legislative history to be subject only to permit modification procedures (subject to 40 CFR Part 125) and are not considered to be new sources. Modifications include changes in production capacity by modification to or addition of process units in a manufacturing process. It may also involve the addition of related but new product lines.

The category of new construction called "major alteration" is established by these guidelines to accommodate situations which do not naturally fall into either of the above new construction categories. The purpose is to distinguish plant and process modifications which should not be considered to be new sources from those major alterations which effectively create a new source, but which by circumstances are located at the same site or are associated with existing sources. A major alteration is: the construction of an additional industrial facility or facilities on the existing site which functions independently of the existing facility.

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federal register

TUESDAY, JANUARY 11, 1977

PART VI



ENVIRONMENTAL PROTECTION AGENCY

OCEAN DUMPING

Final Revision of Regulations and Criteria

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Title 40—Protection of Environment

(FRL 667-7)

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER H—OCEAN DUMPING

FINAL REVISION OF REGULATIONS AND CRITERIA

The Environmental Protection Agency today publishes final regulations and criteria with respect to the transportation of wastes for the purpose of ocean dumping. Under Title I of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 32 U.S.C. 1401 et seq., (hereafter "the Act") the Agency on October 15, 1973, (38 FR 28610 et seq.) published regulations setting forth the procedures to be followed, and the criteria to be applied, in reviewing applications to dispose of materials in ocean waters. These rules now appear at 40 CFR Parts 220–227. In addition, the October 15 notice set forth substantive criteria to be applied in evaluating permits to discharge materials through ocean outfalls, pursuant to sections 402 and 403(c) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1342, 1343. The regulations published today delete all reference to section 403(c) ocean outfall criteria and make Parts 220–227 (with the addition of Parts 228 and 229) solely addressed to ocean dumping and implementation of the Act. In the near future the Agency will propose significant revisions to the criteria for ocean outfalls.

The final regulations and criteria published today affect both the procedures to be followed in reviewing applications for ocean dumping and the substantive criteria to be applied in evaluating those applications.

The revisions announced today do not include changes to 40 CFR Parts 223 and 226. Significant changes will be made to those Parts in the near future. Parts 223 and 226 will be greatly expanded to present more detailed procedures for enforcement proceedings and for proceedings brought to revoke or suspend a permit pursuant to section 105(f), 33 U.S.C. 1415(f). However, these Parts as presently in force are reprinted here as they originally appeared to provide a complete set of the regulations presently in force.

The Agency believes that changes in the present regulations announced today are appropriate for several reasons:

Operating experience of EPA pointed to several ways in which the regulations required modification. There is a need to specify in more detail the considerations which go into a determination of whether a permit will be issued. The present regulations do not adequately address the regulation of ocean dumping sites. Also, some people consider the present regulations inadequate with respect to the disposal of dredged material.

A petition for additional rulemaking by the National Wildlife Federal was received in April of 1974 and pointed out several areas in which the present regulations require changes if they are to completely satisfy the Act, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (hereafter, "Convention") open for signiature December 29, 1972, at London, and the Amendments to the Act in light of the Convention which were brought about by Pub. L. 93–254 (March 22, 1974). The Convention became effective, according to Article XIX (1), on August 30, 1975, when the fifteenth party acceded to its terms. The first Consultative Meeting of the Contracting Parties was held in London in September, 1976, and these final regulations reflect agreements on procedures reached at that meeting.

In addition to the petition from the National Wildlife Federal, an individual has requested that the emergency permit provisions contained in the regulations be modified to require more adequate public notice and opportunity for hearing prior to the issuance of those permits. EPA has thoroughly revised and expanded the ocean dumping regulations and criteria to allow for greater public participation in the program.

The Agency has held several major hearings on applications to dispose of materials; the experiences of these hearings and the Regional Administrators' experiences in reviewing applications have prompted several suggestions as to ways in which the present regulations and criteria can be improved to more adequately address the implementation of the Act and Convention, and to address the problems encountered by the Regional Administrators.

The criteria have been modified to reflect recent advances in scientific knowledge, but there is no change in EPA's intent to eliminate ocean dumping of unacceptable materials as rapidly as possible.

It is not possible to note in this preamble all the places in the regulations in which changes have been made; many modifications are minor and will not affect the day-to-day operation of the program. However, the major substantive changes have been noted below. It must be emphasized that these final regulations will replace or amend seven existing Parts of Title 40 CFR, and will add Part 228. While the regulations appear to be long and complicated, the Agency has attempted to follow a logical pattern which will make their use more convenient than one might assume at first inspection. It also must be noted that these regulations will constitute the entire set of tools one needs to implement the Act and the Convention.

These regulations and criteria were published in proposed form in the FEDERAL REGISTER on June 28, 1976, (41 FR 26644 et seq.) and a Draft Environmental Impact Statement on the criteria (Parts 227–228) was issued on July 14, 1976. The public comment period closed September 24, 1976; 75 sets of comments were received comprising some 375 pages. Some substantive technical issues were raised, and EPA held a technical workshop on October 19–20, 1976, concerning the trace contaminant and dredged material criteria. The comments received, the EPA responses to the individual comments, and the report and transcript of the technical workshop are all included in the Final Environmental Impact Statement which is available from the address given at the end of this preamble.

SUMMARY OF CHANGES MADE AS A RESULT OF COMMENTS RECEIVED

PART 220

Section 220.1—Purpose and scope. One commenter suggested that Section 220.1 (a) (3) (ii) be changed to apply these regulations to a 200-mile contiguous zone. This is not possible since the Act limits jurisdiction over foreign flag vessels to the territorial sea and the 12-mile contiguous zone of the United States. See section 2(c) of the Act, as amended by Pub. L. 93–254 (33 U.S.C. 1401).

It has been suggested that Section 220.1(c)(4) be changed to refer to "human life at sea" rather than "life at sea." The language of this section follows that of the Act. It is implicit that this section refers to human life.

Section 220.2—Definitions. The definition of sewage treatment works in paragraph (b) has been amended to make it consistent with the definition found in the FWPCA.

Section 220.3—Categories of permits.

(c)—Emergency permits. Consultation procedures for emergency permits have been adopted by the Contracting Parties to the International Convention. The procedures in these regulations are consistent with those adopted on an international basis.

(d)—Interim permits. The Agency received a substantial number of comments with respect to the interim permit provisions.

Section 220.3(d) in its revised form provides that interim permits will be issued after April 23, 1978, only to interim permit holders who have exercised best efforts to meet the requirements of a Special permit by that date and have implementation schedules adequate to allow phasing out of ocean dumping or compliance with the requirements of a special permit, by December 31, 1981.

Commenters have questioned the legality of interim permits under the Act, and have further questioned the issuance of interim permits after the 1978 deadline. Others have argued that the 1978 cutoff date is too strict. Some have suggested that this deadline be deleted altogether, with applications for interim permits to be considered on a case-by-case basis.

Interim permits are not illegal under the Act, since they do not authorize dumping which would "unreasonably" degrade or endanger the marine environment. The Act lists need for ocean dumping as one factor to be considered in issuing permits. The "need factor" has outweighed other considerations due to the lack of alternative methods of disposal and technology necessary to meet environmental criteria. The need factor is largely a matter of time, and interim permits have been issued in order to give existing dumpers sufficient time to develop alternatives or to comply with environmental criteria. It should be noted that in no event does this section authorize dumping of materials that are absolutely barred by the Act or the Convention, or authorize dumping above trace contaminant levels of materials proscribed above trace contaminant levels.

The April 23, 1978, deadline corresponds to the fifth anniversary of the effective date of the Act. This date is significant in that Title II of the Act provides for a research program aimed at "minimizing or ending all dumping of materials within five years of the effective date of this Act." Congress has expressed impatience with the continued issuance of interim permits (see H.R. Rep. No. 94–1047, 94th Cong., 2d Sess. (1976)), and the EPA agrees that five years is sufficient time for dumpers to develop technology to end reliance on ocean dumping which violates environmental criteria.

Existing dumpers who are unable to meet the 1978 deadline may receive interim permits after that date if they have implementation schedules adequate to allow phasing out of ocean dumping or compliance with all requirements of a special permit by December 31, 1981. Experience to date has shown that, while five years is sufficient time to develop alternatives and technology, three more years are needed to implement them. The 1981 deadline is based on the implementation schedules contained in current interim permits, all of which provide for compliance or phasing out by the end of 1981. The proposed regulations required implementation schedules for industrial dumpers to provide for compliance or phasing out by April 23, 1981. Revised § 220.3(d) changes this date to December 31, 1981, since it now applies also to municipal dumpers, who are unable to meet the April 23 date.

It has been suggested that the 1981 compliance date be changed to 1979 for industrial dumpers. This change has not been made since some industrial dumpers are expected to meet the 1981 deadline but would not be able to meet a 1979 deadline. It should be stressed that § 220.3(d) requires implementation plans to provide for phasing out or compliance by December 31, 1981, at the latest. Interim permit holders who are able to meet earlier deadlines will be required to do so. Interim permits with earlier deadline dates are not to be deemed to be affected by the regulations promulgated today.

The deadlines contained in this section are based on current projections of technological feasibility, and it is reasonable to expect dumpers to meet them. The primary purpose of the Act is to protect the marine environment, and dumping in violation of environmental criteria cannot be allowed to continue indefinitely. The EPA therefore will not retain discretion to issue interim permits to applicants who do not meet the requirements of this section.

The proposed regulations authorized issuance of interim permits for sewage treatment works on a showing that the dumper had exercised best efforts to comply with the requirements of a special permit. They did not require the dumper to have an implementation schedule adequate to permit compliance or phasing out by a specific date. No deadline was imposed on municipal dumpers because of their often complicated dependence on public agency funding sources. In response to several objections, the distinction between municipal and industrial dumpers has been removed, and all holders of interim permits will now be required to meet a deadline of no later than 1981. Technology exists to permit municipalities to meet this deadline; and all interim permits currently held by municipalities provide for compliance or phasing out by the end of 1981.

Thus, the regulations promulgated today do not substantially affect the planning which must be conducted by municipalities in light of the terms of existing interim permits held by those communities. It is noted that in a letter to the Administrator dated October 26, 1976, from Congressmen Robert L. Leggett, John B. Breaux, Edwin B. Forsythe and Charles A. Mosher, all of the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries, it was strongly recommended that municipalities and industries be treated the same, with respect to interim permits. The Agency has changed the final regulations consistent with this recommendation.

New interim permits may be issued after 1978 to existing dumpers who exercise best efforts to comply with the requirements of past permits. As an example, municipal dumpers will not be denied new permits for inability, despite best efforts, to raise necessary revenues to comply with implementation schedules. While the precarious financial position of some municipalities may justify noncompliance with implementation schedules, it is expected that few, if any, exceptions will be granted by the Agency. The showing which must be made is significant, such as demonstrating that an outside construction or waste disposal firm with which the municipality has entered into contracts has become insolvent. In the past the communities employing ocean dumping as the means to dispose of sludge have on occasion submitted bare conclusions that no other alternatives are available. Not only will half-hearted attempts at compliance with the regulations and weak efforts to find alternatives not be considered to be good faith efforts under the revised criteria, but the Agency will undertake independent enforcement actions to stop such practices. It is not expected that financial reasons will be sufficient justification for noncompliance by industrial dumpers.

Section 220.3(d) authorizes issuance of interim permits after 1978 to dumpers who have implementation schedules adequate to allow phasing out of ocean dumping or compliance with the requirements of a special permit by 1981. Congressmen Leggett, Breaux, Forsythe and Mosher, in their letter of October 26, 1976, to the Administrator, have recommended that EPA make it explicit "that the choice between phasing out and complying with the criteria for a special permit is to be made by EPA—not by the applicant." Section 227.23 does make clear that this choice is up to the Regional Administrator.

Other commenters have challenged the authority of EPA to require phasing out of ocean dumping, maintaining that special permits must be issued to all applicants who meet the requirements therefor.

Subpart C of Part 227 provides that special permits may be denied to applicants who have no need to ocean dump, a factor which the Act directs the EPA to consider in issuing permits. The environmental criteria of Part 227 indicate only that the materials to be dumped by a particular dumper are not environmentally unacceptable. Since the cumulative effects of many dumpers may be environmentally unacceptable, the EPA must limit the total amount of ocean dumping and will therefore grant permits only to applicants who demonstrate lack of acceptable alternatives to ocean dumping. The purpose of implementation plans is to assure that dumping in violation of the requirements of Part 227 does not continue indefinitely. The Regional Administrators must have discretion to determine whether this purpose will be achieved by compliance with special permit requirements or by obviating the need for dumping.

Section 220.3(d) also provides that new interim permits will be issued only to applicants who demonstrate that they have exercised best efforts to comply with all requirements of previous permits.

One commenter has objected to this provision as requiring denial of permit applications for minor violations of previous permits. The same commenter has suggested that permit violations be dealt with according to the terms of the permit, rather than by denying future permits. There is no reason not to require permit holders to follow all terms of their permits in good faith, and it will be within the discretion of the Regional Administrator to determine whether best efforts have been exercised.

The primary purpose of this provision is to ensure compliance with implementation schedules. Most interim permits provide for compliance with schedules to be determined as of the expiration date of the permit. If there are no penalties for noncompliance during the term of a permit, the only way to enforce compliance is to deny subsequent permits.

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There is no reason to give interim permits to dumpers who have demonstrated an unwillingness to exercise best efforts to comply with the terms of a permit.

Several minor changes have been made in § 220.3(d) in response to comments.

The proposed regulations provided for the issuance of interim permits "under certain conditions in accordance with Subpart A of Part 227". One commenter requested examples of the "certain conditions" under which interim permits would issue. Since the phrase "certain conditions" referred only to the conditions specified in Subpart A and was therefore redundant, it has been deleted.

The phrase "has a treatment facility under construction" has been changed to "has an implementation schedule" since there are methods to phase out dumping or comply with environmental criteria which do not require construction of treatment facilities.

Proposed § 220.3(d) would deny interim permits to the "expansion or modification of an existing facility". Since it has been pointed out that many implementation plans require modification or expansion, this provision has been changed to deny interim permits "for the dumping of an increased amount of waste from an existing facility".

The criticism of EPA's repeated use of interim permits has come from many informed persons, and the objections have been given careful consideration. As expressed by Congressmen Leggett, Breaux, Forsythe and Mosher in the letter of October 26, 1976, to the Administrator, "EPA continues to allow a substantial volume of dangerous, toxic materials to be dumped under 'interim permit' arrangements. * * * We feel that such 'interim permits' should be summarily phased out without continued exceptions. The revised regulations * * * do not effect the intent of Congress as expressed in the Marine Protection, Research, and Sanctuaries Act of 1972."

The answer to the question of repeated use of interim permits is founded on the lack of firm scientific conclusions with respect to individual and combined dumping of wastes in the oceans. The answer to this question is inextricably linked to the issues of defining trace contaminants and to the setting of special permit conditions. If materials are in trace quantities or less, or if they comply with special permit conditions, then one need not rely on interim permits for continued dumping. Thus, by lenient definitions of trace contaminants or special permit criteria, the Agency could avoid the interim permit dilemma. Obviously, the Agency will not arbitrarily define trace contaminants or special permits to so avoid the issues.

What the Agency has attempted to do is to estimate as best it can those levels of pollutants which may be expected to cause environmental harm, to apply a safety factor, and to refuse to sanction dumping of wastes containing pollutants in these amounts unless there is no other environmentally acceptable alternative. EPA has also tried to prepare its regulations in view of criteria established under the Federal Water Pollution Control Act, State laws, and other Federal pollution control laws. Obviously it makes little sense to allow discharges of mercury through a pipe into Chesapeake Bay at levels higher than discharges from a barge into the deep ocean waters, for example. The Agency also must consider its credibility as the regulating agency. If it demands that a small community or an industry cease dumping within a period of time, it should be confident that there are feasible alternatives which may be implemented within that time period. Increasingly, this is true; and this is the reason all interim permit holders have been given firm phase-out dates. It would be improper to adopt a cessation date which has little factual foundation. Increasingly, EPA has become aware that the alternatives to ocean dumping require careful evaluation; they may not always be better.

The interim permit remains EPA's most effective tool because it requires the permittee to periodically report to EPA as to the steps being taken to cease dumping or bring the dumping within the special permit limits, allows EPA to retain conservative limits on special permits, and gives EPA the flexibility to refuse reissuance when the Agency concludes that good faith efforts to find alternatives are not being made. EPA refused to reissue an interim permit to the City of Camden.

Conceivably, EPA could abolish the category of interim permits or make interim permits of a five-year duration. This would avoid some of the stigma attached to the Agency's repeated issuance to the same applicant of interim permits. As with an artificial modification of the special permit criteria, these options are unacceptable to EPA.

It must be emphasized that the numerical limits on special permits (which define when interim permits only can be obtained) are not founded on the most precise analytical process. They may be within orders of magnitude of a "correct" limit, but there is no confident means to determine this. EPA has over the past four years conducted several open workshops with respect to the "safe" or "unacceptable" levels of pollutants which may be dumped into the oceans. The latest was in October of this year. The only agreement reached at those sessions is that responsible scientists are not confident as to a "safe" number and that measuring environmental effects in the ocean is most difficult. With respect to any suggested alternative permit criteria, significant objections can be raised. In the discussion of § 227.6 below, more details are presented with respect to this problem.

The question, then, is not whether EPA has established environmentally unacceptable levels and continues to issue permits which violate those levels, but is whether EPA (1) has established levels which responsibly estimate concentrations of wastes not acutely toxic or otherwise clearly harmful; (2) has created a permit system which forces dumpers to find satisfactory alternatives as soon as possible; and (3) has established environmental criteria which are not inconsistent with criteria established under other laws with respect to discharges into inland waters. EPA believes it has adequately met these regulatory challenges.

(f) Permits for incineration at sea. One commenter has suggested that § 220.3(f) be revised to allow only research or interim permits to be issued for incineration at sea until criteria on this type of disposal are promulgated. This change has not been made. While there is currently insufficient information on which to base general criteria for ocean incineration, it is possible to conduct sufficient research on specific incineration projects to satisfy EPA that special permits should be issued in specific instances.

PART 221

Section 221.1—Applications for permits. This section has been revised slightly to require that applications must be in writing, but not necessarily by letter; that a full evaluation of all alternatives is not necessary; and that the environmental impact of alternatives must be considered.

Section 221.4—Adequacy of information in application. This section has been revised to allow an "adequate" description of the material to be dumped, rather than requiring a "full" description. It was pointed out that, in a practical sense, it would be impossible to ever achieve a "full" description of any material.

PART 222

In response to public comments, the Agency has made several changes in the regulations which govern procedures to be followed in reviewing applications for ocean dumping permits.

Section 222.3—Notice of applications. The Coastal Zone Management Program of the Commonwealth of Massachusetts recommended that the notice requirements of § 222.3(b) be modified to provide that the State agencies with responsibility to implement the Coastal Zone Management Act also receive notice of applications for ocean dumping permits. The requested modification has been made. Also, in paragraph (g) of that section, a sentence has been added to clarify that copies of these notices will also be sent to officials of the Departments of Commerce and Interior who are responsible for programs which may be affected by ocean dumping.

The notice provisions of § 222.3 prompted several requests for major expansion of the procedures to be followed in providing notices to the public of ocean dumping applications. Some commenters suggested that notices be placed in several newspapers in the area from which the transportation for the purpose of dumping is to commence; other commenters asked that specific provisions be included in the FEDERAL REGISTER for service of notices on particular states and private parties. Some parties stated that the notice provision does not provide adequate time to comment on the application. Other parties are protesting that the notice provision allowed for unnecessary delay in the processing of applications.

The Agency believes that adequate notice is provided to the public by regulations promulgated today. In practice, the Regional Administrators provide substantially more notice to parties known to be interested in ocean dumping matters and to Federal and State authorities within those Regions than is provided in these regulations. The intent of the regulations promulgated today is not to dictate the procedure which may be followed in each instance but rather to state the minimum procedures which must be followed. Several of the commenters who wish to be provided with more elaborate notice of proposed applications may receive substantially more details on proposed dumping than is provided for in this Part by simply requesting the Regional Administrator for the Region in which they are located to so provide with respect to each ocean dumping application. Likewise, parties who believe that they will continue to have an interest in ocean dumping matters may resuest that they be sent detailed information on each application. With respect to the request that the notice provisions allow for more or less time, the Agency believes that the present regulations provide an adequate compromise between the need to allow parties to prepare adequately for presentations at the public hearings and for the need to promptly process ocean dumping applications. The Agency is concerned that the entire permit review process may take an unreasonable period of time if lengthy periods are allowed at the various stages to provide opportunity for parties to prepare new objections or recommendations to the proposed Agency action. The present regulations attempt to allow time for responsible participation in the permit review process while at the same time expediting that process.

Section 222.4—Initiation of hearings. A change has been made to the proposed § 222.4(b). In accordance with the decision of Judge Gerhard A. Gesell in the case of "State of Maryland et al. v. Train et al." (D.Md. Civil Action No. 5-1731) May 10, 1976, 8 ERC 2050, 2054, the Agency discretion with respect to the convening of the initial public hearing is narrowly circumscribed. Therefore, the final regulations state that the initial hearing may be called whenever a person properly requests such a hearing or whenever the Administrator or Regional Administrator, as the case may be, determines that such request presents genuine issues. The prior language required that the request present "substantial issues of public interest". It is intended that the Administrator or Regional Administrator deny the request for a hearing only when it is clear that the request is not in good faith or raises issues which have been clearly addressed in prior hearings when there is no new evidence. Denials of hearing requests will be rare.

Section 222.8—Recommendations of Presiding Officer. This section has been amended to provide that the recommendations of the Presiding Officer shall include a description of evidence relied upon. Most recommended decisions have already included such a description of evidence, but this amendment clarifies the requirement. It is not intended that this regulation will require that the presiding officers cite to a transcript or exhibit for every fact for which they rely upon; rather, it is merely intended to ensure that there is a clear explication of the factual bases for the recommended decision.

Section 222.9—Issuance of permits. In § 222.9(b)(1) the last phrase has been deleted because a change has been made to § 222.10(b) to the effect that the Administrator or Regional Administrator may not on their own discretion convene an adjudicatory hearing. A new paragraph (c) has been added to this section to make clear that the term of a presently valid permit may be extended pending the conclusion of the proceedings held pursuant to §§ 222.7–222.9, at the discretion of the Administrator or Regional Administrator.

Section 222.10—Appeal to adjudicatory hearing. Paragraph (a) of this section has been amended to provide that the request for an adjudicatory hearing must be sent within 10 days following the receipt of the notice of issuance or the denial of a permit. The previous language required computation of the 10 days following the dispatch of the notice. In all time requirements under the Part 222 rules, if a document is sent by the required date, it is considered timely even if it is received after the time constraint. As noted above, paragraph (b) has been changed to delete the reference to the Administrator or Regional Administrator convening a public hearing sua sponte. The original assumption was that there may be rare circumstances in which it may be appropriate for the Agency to convene an adjudicatory hearing to resolve difficult factual issues; it was pointed out by many commenters if there are significant factual issues involved there no doubt will be a request for such a hearing. Paragraph (b) has also been amended to provide that the Administrator or Regional Administrator, as the case may be, may call an adjudicatory hearing when a proper request has been made and when he determines that such a hearing is warranted. The change deletes the language requiring that such a request present substantial issues of public interest. This modification makes clear that discretion is allowed the Administrator or the Regional Administrator to determine the appropriateness of the convening of an adjudicatory hearing. It is anticipated that requests for adjudicatory hearings which raise genuine issues and which are brought in good faith, not in an attempt to delay, will be acted upon favorably by the Regional Administrator or Administrator. Adjudicatory hearings should be commenced as soon as possible following granting of the request. The provision in these regulations for the convening of an adjudicatory hearing is an effort by EPA to provide a forum for resolution of major factual issues which may be involved in the more significant permit proceedings.

In paragraph (c) modification has been made to allow the Administrator or Regional Administrator, prior to the conclusion of the adjudicatory hearing and appeal process, to extend the duration of the previously issued permit until a final determination has been made. This change follows substantially the recommendation made by the City of Philadelphia.

Section 222.11—Conduct of adjudicatory hearings. The first sentence of this section has been modified to delete the word "any" and insert the words "a reasonable" to modify the time in which someone must request to be admitted as a party to an adjudicatory hearing. The reason for the change is that persons should not be allowed to wait until the last minute to enter an adjudicatory hearing and thus to possibly alter the issues which have been narrowed for consideration at that hearing. The last sentence of paragraph (a) is new. It clarifies that the EPA staff will automatically be considered a party to the adjudicatory hearing.

In paragraph (d), subparagraph (6) has been deleted. This had provided that the prehearing conference could include discussion of prehearing discovery. It was concluded that prehearing discovery in most instances would be inappropriate and would lengthen the hearing to be conducted pursuant to this section beyond the time contemplated when this section was originally drafted. Of course, the Presiding Officer may request that the parties undertake informal discovery to assist in the expedition of the actual hearing, but this discovery should not be overly formal or time-consuming.

There was a great deal of comment with respect to paragraph (e), setting forth the adjudicatory hearing procedures. Much of the comment went to the statement that the burden of proof shall be on the applicant in the case of adjudicatory hearings held pursuant to § 222.10. This subsection has been changed. It now provides that, in the case of adjudicatory hearings held pursuant to § 222.10(b)(1), the person filing the request under § 222.10(a) has the burden of going forward as to each issue raised by that request. This suggestion substantially follows the recommendation made by the City of Philadelphia. Furthermore, references to the burden of proof have been deleted since it was deemed inappropriate to attempt to allot the burden of proof in procedural regulations. The Legislative History of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, is clear that the overall burden of persuasion rests with the applicant for permit with respect to basic issues which must be satisfied for a permit to be issued.

Paragraph (e)(5) has been changed to provide that rulings of the Presiding Officer on the admissibility of evidence,

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the propriety of cross-examination, and other procedural matters merely shall appear in the record. The prior statement that these rulings shall be final has been deleted since these issues can be clearly raised on appeal. And since interlocutory appeals are disallowed, there is no necessity for such a phrase.

In paragraph (f), which addresses the procedures to be followed after the close of the adjudicatory hearing, the page limitations on briefs and other documents have been revised to allow the filing of lengthier documents.

Section 222.12—Appeal to Administrator. Consistent with changes made to other sections of Part 222, in paragraph (a) the ten-day limitation begins to run after receipt of the determination of the Regional Administrator rather than after the determination itself. Also, in later subsections of this section, the page limitations have been expanded slightly to allow more opportunity to summarize and comment on the findings and conclusions of law.

Section 222.13—Computation of time. This section is new. It has been added to clarify the means by which calculation of time should be accomplished. The section is identical to 40 CFR § 125.44, which applies to National Pollutant Discharge Elimination System Permit proceedings.

PART 223

Revisions to this Part will be promulgated in the near future.

PART 224

Section 224.2—Reports. Specific language has been added to state the type of information that must be reported when an emergency dump at sea is made.

PART 225

Section 225.2—Review of Dredge Material Permits. The requirement that EPA respond to Corps of Engineers permit actions only after a notice of intent is received has been deleted, since a permit action may be terminated prior to that point in some cases, and EPA review would normally begin prior to issuance of a notice of intent.

PART 226

Revisions to this Part will be promulgated in the near future.

PART 227

Many of the comments severely criticized the lack of a definition for "trace contaminants", the basis upon which the trace contaminant levels were set, and the differences between the dredged material criteria and the criteria for other materials. A technical workshop was convened by EPA to discuss these issues. There was general agreement among the participants that the criteria should be based, wherever possible, on impacts of dumped materials on marine ecosystems, and that these impacts could be measured best by bioassays rather than by relying on determination of total amounts of specific constituents present in a waste. The full transcript of that workshop is included in the Final EIS.

It was recognized that dredged material is merely a special case of a material containing liquid, suspended particulate, and solid phases, and that, while bioassay techniques on liquid materials have been developed to the point where they can be applied on a routine basis, bioassay techniques for the suspended particulate and solid phases of materials are still in an advanced stage of research and are not yet available for routine use. Nevertheless, the participants agreed that the criteria should be based on solid phase bioassays, recognizing that there will be an interim period during which the procedures will have to be specified on a case-by-case basis, and that such interim procedures may be less reliable and more difficult to perform than procedures which will be developed in the future.

Sections of Part 227 have been revised to reflect the recommendations of the workshop; thus, all criteria are based on ecosystem impact rather than on assumptions regarding allowable deviations from normal ambient values. These revisions are consistent with the concept of "unreasonable degradation" in these regulations and are directed toward achieving the goal of preventing significant impact on the biota. The use of bioassay results for regulatory purposes will provide EPA with direct measurements of the impact of dumping materials, so that it will no longer be necessary to infer damage indirectly through measurements related to normal ambient values.

Substantial revisions have been made in §§ 227.6, 227.13, and Subpart G. Details of the specific changes are presented below in the discussion of those sections. In general, § 227.6 has been revised to use liquid, suspended particulate, and solid phase bioassays as the basis for determining trace contaminants; § 227.13 has been changed to require bioassay results to be used in determining whether or not dredged material is environmentally acceptable for ocean dumping; and Subpart G has been revised to include definitions of liquid, suspended particulate, and solid phases, and of initial mixing allowances and limiting permissible concentrations for both liquid and solid phases.

Section 227.1—Applicability. Paragraph (b) of this section has been changed to make all of § 227.6 as well as §§ 227.9 and 227.10 applicable to dredged material, in addition to the other sections already made applicable. This is consistent with changes made in §§ 227.6, 227.13, and Subpart G.

Section 227.6—Trace contaminants. This section has been completely redrafted in response to the many comments received and to reflect the agreements reached at the technical workshop called by EPA to discuss those comments received during the public comment period. The redrafted section differs from that in the proposed regulations published on June 28, 1976:

1. The Agency is providing a broad narrative interpretation of the term "trace contaminants." The term "trace contaminants" is used in the Convention only, not in the Act. When the contracting parties to the Convention define this term, the United States will be bound by that definition. Should the Convention adopt a definition requiring more stringent operational levels than the United States is using, these levels will have to be changed accordingly. In the meantime, the Act and the Convention can be enforced effectively by stating the basis for regulation of these constituents.

Section 227.6(b) provides in general terms that these constituents will be considered as trace contaminants only when they are present in such amounts and forms that they will cause no significant undesirable effects through either toxicity or bioaccumulation.

2. Section 227.6(c) states the criteria for special permits and for wastes which otherwise can be deemed environmentally acceptable under Subpart B. Paragraph (c) of § 227.6 does not define trace contaminants; it merely states what is acceptable for ocean dumping under the environmental criteria of Subpart B. The test to be applied on all wastes is the direct determination of the impact of these constituents present in a waste on the marine ecosystem, as measured by bioassay techniques.

For liquid wastes and the liquid phases of mixed wastes, it is assumed that all of these constituents present are in forms available to the biota. Section 227.6(c)(1) provides that constituents in the liquid phase will be considered environmentally acceptable (i.e., they qualify for special permits) if they conform to the EPA marine water quality criteria. These criteria are based on the most recent and comprehensive compilation of bioassay data presently available, and recommend permissible ambient levels to avoid either chronic toxicity or potential for bioaccumulation of toxic materials, whichever factor is more restrictive. Thus, by applying the marine water quality criteria to the liquid phase, it is practical to determine environmental impact through chemical analysis.

For mercury, however, the marine water quality criteria are set near the lowest ambient levels observed in ocean waters; ambient levels in many parts of the ocean deviate from this level significantly. Therefore, an allowance for an increase in mercury of 50 percent over the local ambient level after initial mixing is allowed. This is consistent with the existing criteria for both liquid and solid phases, which are based on the range and variation of historically observed values for mercury in ocean waters and sediments. It should be noted that "normal ambient concentrations" refers to concentrations that would be present were there no dumping in the area. It should also be noted that, within areas for which a natural ambient concentration has been identified, deviations in mercury concentration up to 100 percent are not uncommon; allowing for a change of 50 percent of the average ambient levels therefore falls within the range of deviation which occurs naturally in ocean waters.

There are some organohalogens for which marine water quality criteria have not been set at this time. When such compounds are present in the liquid phase of a waste, bioassay data on those specific compounds must be presented by the applicant, either through his own efforts or from a search of the scientific literature. Alternatively, a bioassy may be performed on the waste itself rather than on these specific constituents, but such bioassays must be of such a nature as to provide data on chronic toxicity and bioaccumulation potential.

For suspended particulate and solid phases, however, the state-of-the-art has not yet advanced to the point where sediment quality criteria can be set. In fact, research on benthic bioassays is only now at the stage where interim procedures can be developed and used. Nevertheless, there was general agreement among the participants at the technical workshop that even the interim procedures now available provide much better information on the impact of solid phases of waste materials on the marine ecosystem than does any form of bulk analysis. Therefore, bioassays on the solid phase are called for in the criteria, recognizing that interim procedures must be used for a period of several months until standard procedures are developed by EPA and Corps of Engineers research activities. EPA and the Corps of Engineers will publish jointly, in the very near future, standard benthic bioassay procedures. Until that time, guidance on interim procedures will be supplied by the Regional Administrator or the District Engineer. Interim and final benthic bioassay procedures acceptable for implementation of this section will deal with the chronic toxic effects or the bioaccumulation of mercury, cadmium, organohalogens, oils and greases.

The criterion for acceptability of a waste based on the solid phase bioassay is absence of significant difference between the control bioassay and the test bioassay due to the presence of any of the constituents listed in this section.

This section also recognizes that there may be carcinogens, mutagens, and teratogens, for which water quality criteria do not presently exist. In such cases, special studies may be required to establish appropriate limits. It is the intent of this section that such studies will be required, unless there is sufficient information in the scientific literature for the Regional Administrator to determine acceptable levels of these constituents for ocean dumping. If there is insufficient information in the scientific literature and the applicant is unwilling to conduct special studies, a special permit will be denied under § 227.5(c), which prohibits the dumping of materials whose properties are insufficiently described to permit application of the Criteria.

3. Provision is made for the continuing use of the existing numerical levels for solid phases as an interim measure for those cases in which satisfactory interim bioassay procedures are not available.

The present levels allow about a 50 percent deviation from normal ambient values. This is a very stringent requirement and it should be retained as a basic requirement for use when further information is not available. The language has, however, been changed to allow the application, in the case of solid materials, of a limit not more than 50 percent greater than the normal ambient value in the vicinity of the proposed dump site. This is in response to comments pointing out that the data base on which these criteria were set is quite small and may not be representative of actual oceanic sediments which may contain significantly lower concentrations of these materials than is reflected in the numerical criteria.

This section, as redrafted, applies to all materials to be dumped, including dredged materials. The terms "liquid phase", "suspended particulate", and "solid phase" are defined in § 227.32, and apply to all materials containing soluble and insoluble materials.

Section 227.7—Limits established for specific wastes or waste constituents.

Paragraph (a) has been modified to clarify its application only to liquid materials immiscible with sea-water, not those which may interact with seawater. Paragraph (c) has been changed to clarify that the intent of the paragraph is to protect human health and that of the marine ecosystem. Paragraph (d) has been changed to include a requirement for no more than 10 percent change in acidity or alkalinity for neutralization of wastes.

Section 227.10—Hazards to fishing, navigation, shorelines, and beaches. This section has been changed to include the term "unacceptable" interference or damage rather than "no" interference or damage. This change was made in response to comments which pointed out the impossibility of proving that there is no possibility of interference or damage. Applicants will be required to present reasonable evidence that interference or damage will be avoided, and the Regional Administrator will have discretion to determine what is "unacceptable".

Section 227.13—Dredged materials. This section has been completely redrafted in response to comments pointing out that the dredged material criteria were not comparable to those for other materials. As redrafted, dredged material, as well as all other wastes containing liquid, suspended particulate and solid phases, must meet the requirements of §§ 227.5, 227.6, 227.9, 227.10, 227.13, and Subpart G, in order to be environmentally acceptable for ocean disposal.

An initial screening procedure is incorporated which is similar to the requirement of § 227.12 for inert natural wastes, except that the exclusions in § 227.13 are more specific than those in § 227.12. The rationale for these exclusions is presented in the final EIS. Dredged materials which cannot meet these requirements are subject to further testing of both the liquid and solid phases. To be environmentally acceptable for ocean dumping, the liquid phase, suspended particulate phase, and solid phase must meet both the trace contaminant requirements of § 227.6 and the Limiting Permissible Concentration requirements of § 227.27.

Since the concepts of liquid phase, suspended particulate phase, and solid phase apply to all multiphase materials, the definition of the liquid phase for dredged material (i.e., the elutriate) has been removed from § 227.13 and incorporated in the definitions of Subpart G as part of § 227.32.

Section 227.15—Factors considered in determining the need for ocean dumping. Paragraph (a) has been changed to require that treatment be useful as well as feasible. Paragraph (c) has been changed to include a provision for evaluating risks to the environment for the use of alternatives. This change is also reflected in § 227.16.

Section 227.18—Factors considered. A requirement for considering impact on potential recreational and commercial use is included.

Section 227.19—Assessment of impact. A requirement for assessing the impact of alternatives is included.

Section 227.27—Limiting Permissible Concentration (LPC). This section has been redrafted to define LPC for the liquid, suspended particulate, and solid phases. The liquid phase LPC has been associated, wherever possible, with the applicable marine water quality criteria, and the suspended particulate and solid phases have been based on the avoidance of overall chronic toxicity after allowance for initial dispersion. Procedures for conducting the appropriate bioassays will be published in the near future by EPA and the Corps of Engineers. Until such procedures are published, interim guidance can be obtained from the Regional Administrator or the District Engineer.

Some commenters pointed out that the proposed regulations do not explicitly require analysis of wastes for those constituents listed in Annex II of the Convention. EPA has not specifically enumerated these constituents since it is not necessary to do so in order to determine whether or not a waste is environmentally acceptable for dumping. Section 227.27(a)(1) requires compliance with all applicable marine water quality criteria; there are criteria for all materials listed in Annex II, except fluorides. Section 227.27(a)(2) requires a bioassay to be conducted on the waste, which will reveal toxic levels of any fluorides present, as well as of other chemical constituents which, though not listed in the Convention, may be toxic. The purpose of the Act and the Convention is to prevent unacceptable or unreasonable degradation of the marine environment. The combination of bioassay procedures specified in the criteria provide information on adverse impact directly for the entire waste. Thus, the presence or absence of any specific constituent, other than those listed in Section 227.6, is not a significant factor as long as the overall impact of the waste is known.

A provision has been added in this section to allow for changes in the applica-

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tion factor used to determine the LPC if there is reasonable scientific evidence on a specific waste to support such a claim. When such evidence is presented, on this or other scientific aspects of the criteria, EPA may convene an appropriate scientific review panel to examine the reasonableness of the evidence prior to taking action.

Section 227.29—Initial mixing. Initial mixing for the solid phase is included. Field data and mathematical models for predicting dispersion may be used where available; when they are not available, solid phases are assumed to be evenly distributed over the ocean bottom in an area equivalent to that of the release zone. This is an assumption, but it is a conservative one which would err on the side of environmental protection. Provision is also made in this section for using different approaches to initial mixing based on reasonable scientific evidence in specific cases.

Section 227.30—High-level radioactive wastes. It is noted that this definition, which is given in the Act, is more restrictive than that provisionally recommended by the International Atomic Energy Agency, which is the minimum standard binding on Contracting Parties to the Convention.

Section 227.31—Applicable marine water quality criteria. This is a new section added to define the applicable marine water quality criteria as being the criteria presented for marine waters in the EPA publication "Quality Criteria for Water" as amended by subsequent publications.

Section 227.32—Liquid, suspended particulate, and solid phases of materials. This is a new section added to define, for the purpose of these regulations, how liquid, suspended particulate, and solid phases are determined for different types of materials. Because some materials may interact with seawater, a general provision is included to give the Regional Administrator direction to require the use of elutriation with seawater when he has reason to believe that the elutriation procedure may reveal toxic effects which might otherwise remain hidden. These definitions apply to any multi-phase material regardless of origin; i.e., sewage sludge as well as dredged material.

The definition of the liquid phase of dredged material is the same as the definition of the elutriate in § 227.13(c) of the regulations proposed on June 28, 1976. For other materials containing both soluble and insoluble matter, the relative proportions of waste material and seawater are to be determined by EPA on a case-by-case basis. This gives EPA discretion to select the best proportions for measuring the maximum effect a material might have when dumped in seawater.

PART 228

Section 228.2—Definitions. The first sentence in this section has been changed to make that sentence consistent with other statements in Part 228. The term "disposal site" means an interim or final approved site, since the conditions of Part 228 clearly apply to those interim sites for which final Environmental Impact Statements have not yet been conducted and for which final designations, therefore, have yet to be made.

Section 228.4—Procedures for designation of sites. Paragraph (e) of this section has been revised in response to criticisms concerning the proposed procedures for designation of dredged material disposal sites. This section now explicitly states that EPA will designate dredged material disposal sites and describes the procedures that will be used.

These procedures are the same that are to be used in the designation of disposal sites for the dumping of materials under special and interim permits. The Act allows the Corps of Engineers to use other sites than those recommended by EPA when the use of EPA-designated sites is not feasible. This section requires that the same criteria be used by the Corps of Engineers in site designation as are used by EPA.

Section 228.12—Delegation of management authority for interim ocean dumping sites. The Coast Guard has withdrawn its request to have disposal sites reoriented to use LORAN-C time delay coordinates, and this section has been changed accordingly. The dredged material sites designated in § 228.4 have been added to the list of sites in the table following § 228.12.

ENVIRONMENTAL AND INFLATIONARY IMPACT STATEMENTS

Although the Agency is not required by law to prepare an Environmental Impact Statement in connection with revision of the regulations and criteria pertaining to ocean disposal, it has chosen to prepare such a statement with respect to the proposed revision to Part 227. See 39 FR 37419 (October 21, 1974). A final Environmental Impact Statement has been prepared and is available for inspection in the office noted in the last paragraph of this preamble. In addition, there are a limited number of the statements available to persons who have an interest in reviewing that document. Requests for copies should be sent to the address noted below.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the Executive Branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated; OMB Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The Administrator has directed that EPA regulatory actions will require certification when they are likely to result in: (1) annualized costs exceeding $100,000,000; (2) total additional costs of production of any major project exceeding 5 percent of selling price; or (3) increase in net national energy consumption by the equivalent of 25,000 barrels of oil per day. None of these limiting criteria is exceeded by the proposed revisions announced today and, therefore, an inflationary impact statement has not been prepared.

These regulations and criteria will become effective February 10, 1977, and all ocean dumping permits issued after that date must be in compliance with these regulations and criteria.

The Agency will consider all written comments on these final regulations and criteria in making any future revisions. Comments should be provided in triplicate and addressed to Chief, Marine Protection Branch (WH-548), Oil and Special Materials Control Division, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

(33 U.S.C. 1412 and 1418.)

Dated: December 30, 1976.

RUSSELL E. TRAIN,
Administrator.

Subchapter H of Chapter I of Title 40 is hereby amended to read as follows:

SUBCHAPTER H—OCEAN DUMPING

Part
220 General.
221 Applications for Ocean Dumping Permits under section 102 of the Act.
222 Action on Ocean Dumping Permit applications under section 102 of the Act.
223 Contents of permits.
224 Records and reports required of ocean dumping permittees under section 102 of the Act.
225 Corps of Engineers Dredged Material Permits.
226 Enforcement.
227 Criteria for the evaluation of permit applications for ocean dumping of materials.
228 Criteria for the management of disposal sites for ocean dumping.
229 General permits.

PART 220—GENERAL

Sec.
220.1 Purpose and scope.
220.2 Definitions.
220.3 Categories of permits.
220.4 Authorities to issue permits.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 220.1 Purpose and scope.

(a) *General.* This Subchapter H establishes procedures and criteria for the issuance of permits by EPA pursuant to section 102 of the Act. This Subchapter H also establishes the criteria to be applied by the Corps of Engineers in its review of activities involving the transportation of dredged material for the purpose of dumping it in ocean waters pursuant to section 103 of the Act. Except as may be authorized by a permit issued pursuant to this Subchapter H, or pursuant to section 103 of the Act, and subject to other applicable regulations promulgated pursuant to section 108 of the Act:

(1) No person shall transport from the United States any material for the purpose of dumping it into ocean waters;

(2) In the case of a vessel or aircraft registered in the United States or flying the United States flag or in the case of a United States department, agency, or instrumentality, no person shall transport from any location any material for the purpose of dumping it into ocean waters; and

(3) No person shall dump any material transported from a location outside the United States:

(i) Into the territorial sea of the United States; or

(ii) Into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.

(b) *Relationship to international agreements.* In accordance with section 102(a) of the Act, the regulations and criteria included in this Subchapter H apply the standards and criteria binding upon the United States under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter to the extent that application of such standards and criteria do not relax the requirements of the Act.

(c) *Exclusions.* (1) *Fish wastes.* This Subchapter H does not apply to, and no permit hereunder shall be required for, the transportation for the purpose of dumping or the dumping in ocean waters of fish wastes unless such dumping occurs in:

(i) Harbors or other protected or enclosed coastal waters; or

(ii) Any other location where the Administrator finds that such dumping may reasonably be anticipated to endanger health, the environment or ecological systems.

(2) *Fisheries resources.* This Subchapter H does not apply to, and no permit hereunder shall be required for, the placement or deposit of oyster shells or other materials for the purpose of developing, maintaining or harvesting fisheries resources; provided, such placement or deposit is regulated under or is a part of an authorized State or Federal program certified to EPA by the agency authorized to enforce the regulation, or to administer the program, as the case may be; and provided further, that the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, and the U.S. Army Corps of Engineers concur in such placement or deposit as it may affect their responsibilities and such concurrence is evidenced by letters of concurrence from these agencies.

(3) *Vessel propulsion and fixed structures.* This Subchapter H does not apply to, and no permit hereunder shall be required for:

(i) Routine discharges of effluent incidental to the propulsion of vessels or the operation of motor-driven equipment on vessels; or

(ii) Construction of any fixed structure or artificial island, or the intentional placement of any device in ocean waters or on or in the submerged land beneath such waters, for a purpose other than disposal when such construction or such placement is otherwise regulated by Federal or State law or made pursuant to an authorized Federal or State program certified to EPA by the agency authorized to enforce the regulations or to administer the program, as the case may be.

(4) *Emergency to safeguard life at sea.* This Subchapter H does not apply to, and no permit hereunder shall be required for, the dumping of material into ocean waters from a vessel or aircraft in an emergency to safeguard life at sea to the extent that the person owning or operating such vessel or aircraft files timely reports required by § 224.2(b).

§ 220.2 Definitions.

As used in this Subchapter H:

(a) "Act" means the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401);

(b) "FWPCA" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251);

(c) "Ocean" or "ocean waters" means those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639); this definition includes the waters of the territorial sea, the contiguous zone and the oceans as defined in section 502 of the FWPCA.

(d) "Material" means matter of any kind or description, including, but not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wreck or discarded equipment, rock, sand, excavation debris, industrial, municipal, agricultural, and other waste, but such term does not mean sewage from vessels within the meaning of section 312 of the FWPCA. Oil within the meaning of section 311 of the FWPCA shall constitute "material" for purposes of this Subchapter H only to the extent that it is taken on board a vessel or aircraft for the primary purpose of dumping.

(e) "Dumping" means a disposition of material: Provided, That it does not mean a disposition of any effluent from any outfall structure to the extent that such disposition is regulated under the provisions of the FWPCA, under the provisions of section 13 of the River and Harbor Act of 1899, as amended (33 U.S.C. 407), or under the provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: Provided further, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program; And provided further, That it does not include the deposit of oyster shells, or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(f) "Sewage Treatment Works" means municipal or domestic waste treatment facilities of any type which are publicly owned or regulated to the extent that feasible compliance schedules are determined by the availability of funding provided by Federal, State, or local governments.

(g) "Criteria" means the criteria set forth in Part 227 of this Subchapter H.

(h) "Dredged Material Permit" means a permit issued by the Corps of Engineers under section 103 of the Act (see 33 CFR 209.120) and any Federal projects reviewed under section 103(e) of the Act (see 33 CFR 209.145).

(i) Unless the context otherwise requires, all other terms shall have the meanings assigned to them by the Act.

§ 220.3 Categories of permits.

This § 220.3 provides for the issuance of general, special, emergency, interim and research permits for ocean dumping under section 102 of the Act.

(a) *General permits.* General permits may be issued for the dumping of certain materials which will have a minimal adverse environmental impact and are generally disposed of in small quantities, or for specific classes of materials that must be disposed of in emergency situations. General permits may be issued on application of an interested person in accordance with the procedures of Part 221 or may be issued without such application whenever the Administrator determines that issuance of a general permit is necessary or appropriate.

(b) *Special permits.* Special permits may be issued for the dumping of materials which satisfy the criteria and shall specify an expiration date no later than three years from the date of issue.

(c) *Emergency permits.* For any of the materials listed in § 227.6, except as trace contaminants, after consultation with the Department of State with respect to the need to consult with parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter that are likely to be affected by the dumping, emergency permits may be issued to dump such materials where there is demonstrated to exist an emergency requiring the dumping of such materials, which poses an unacceptable risk relating to human health and admits of no other feasible solution. As used herein, "emergency" refers to situations requiring action with a marked degree of urgency, but is not limited in its application to circumstances requiring immediate action. Emergency permits may be issued for other materials, except those prohibited by § 227.5, without consultation with the Department of State

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when the Administrator determines that there exists an emergency requiring the dumping of such materials which poses an unacceptable risk to human health and admits of no other feasible solution.

(d) *Interim permits.* Prior to April 23, 1978, interim permits may be issued in accordance with Subpart A of Part 227 to dump materials which are not in compliance with the environmental impact criteria of Subpart B of Part 227, or which would cause substantial adverse effects as determined in accordance with the criteria of Subparts D or E of Part 227 or for which an ocean disposal site has not been designated on other than an interim basis pursuant to Part 228 of this Subchapter H; provided, however, no permit may be issued for the ocean dumping of any materials listed in § 227.5, or for any of the materials listed in § 227.6, except as trace contaminants; provided further that the compliance date of April 23, 1978, does not apply to the dumping of wastes by existing dumpers when the Regional Administrator determines that the permittee has exercised his best efforts to comply with all requirements of a special permit by April 23, 1978, and has an implementation schedule adequate to allow phasing out of ocean dumping or compliance with all requirements necessary to receive a special permit by December 31, 1981, at the latest. No interim permit will be granted for the dumping of waste from a facility which has not previously dumped wastes in the ocean (except when the facility is operated by a municipality now dumping such wastes), from a new facility, or for the dumping of an increased amount of waste from the expansion or modification of an existing facility, after the effective date of these regulations. No interim permit will be issued for the dumping of any material in the ocean for which an interim permit had previously been issued unless the applicant demonstrates that he has exercised his best efforts to comply with all provisions of the previously issued permits.

(e) *Research permits.* Research permits may be issued for the dumping of any materials, other than materials specified in § 227.5 or for any of the materials listed in § 227.6 except as trace contaminants, unless subject to the exclusion of § 227.6(g), into the ocean as part of a research project when it is determined that the scientific merit of the proposed project outweighs the potential environmental or other damage that may result from the dumping. Research permits shall specify an expiration date no later than 18 months from the date of issue.

(f) *Permits for incineration at sea.* Permits for incineration of wastes at sea will be issued only as research permits or as interim permits until specific criteria to regulate this type of disposal are promulgated, except in those cases where studies on the waste, the incineration method and vessel, and the site have been conducted and the site has been designated for incineration at sea in accordance with the procedures of § 228.4(b). In all other respects the requirements of Parts 220–228 apply.

§ 220.4 Authorities to issue permits.

(a) *Determination by Administrator.* The Administrator, or such other EPA employee as he may from time to time designate in writing, shall issue, deny, modify, revoke, suspend, impose conditions on, initiate and carry out enforcement activities and take any and all other actions necessary or proper and permitted by law with respect to general, special, emergency, interim, or research permits.

(b) *Authority delegated to Regional Administrators.* Regional Administrators, or such other EPA employees as they may from time to time designate in writing, are delegated the authority to issue, deny, modify, revoke, suspend, impose conditions on, initiate and carry out enforcement activities, and take any and all other actions necessary or proper and permitted by law with respect to special and interim permits for:

(1) The dumping of material in those portions of the territorial sea which are subject to the jurisdiction of any State within their respective Regions, and in those portions of the contiguous zone immediately adjacent to such parts of the territorial sea; and in the oceans with respect to approved waste disposal sites designated pursuant to Part 228 of this Subchapter H, and

(2) Where transportation for dumping is to originate in one Region and dumping is to occur at a location within another Region's jurisdiction conferred by order of the Administrator, the Region in which transportation is to originate shall be responsible for review of the application and shall prepare the technical evaluation of the need for dumping and alternatives to ocean dumping. The Region having jurisdiction over the proposed dump site shall take all other actions required by this Subchapter H with respect to the permit application, including without limitation, determining to issue or deny the permit, specifying the conditions to be imposed, and giving public notice. If both Regions do not concur in the disposition of the permit application, the Administrator will make the final decision on all issues with respect to the permit application, including without limitation, issuance or denial of the permit and the conditions to be imposed.

(c) *Review of Corps of Engineers Dredged Material Permits.* Regional Administrators have the authority to review, to approve or to disapprove or to propose conditions upon Dredged Material Permits for ocean dumping of dredged material at locations within the respective Regional jurisdictions. Regional jurisdiction to act under this paragraph (c) of § 220.4 is determined by the Administrator in accordance with § 228.4(e).

PART 221—APPLICATIONS FOR OCEAN DUMPING PERMITS UNDER SECTION 102 OF THE ACT

Sec.
221.1 Applications for permits.
221.2 Other information.
221.3 Applicant.
221.4 Adequacy of information in application.
221.5 Processing fees.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 221.1 Applications for permits.

Applications for general, special, emergency, interim and research permits under section 102 of the Act may be filed with the Administrator or the appropriate Regional Administrator, as the case may be, authorized by Section 220.4 to act on the application. Applications shall be made in writing and shall contain, in addition to any other material which may be required, the following:

(a) Name and address of applicant;

(b) Name of the person or firm transporting the material for dumping, the name of the person(s) or firm(s) producing or processing all materials to be transported for dumping, and the name or other identification, and usual location, of the conveyance to be used in the transportation and dumping of the material to be dumped, including information on the transporting vessel's communications and navigation equipment;

(c) Adequate physical and chemical description of material to be dumped, including results of tests necessary to apply the Criteria, and the number, size, and physical configuration of any containers to be dumped;

(d) Quantity of material to be dumped;

(e) Proposed dates and times of disposal;

(f) Proposed dump site, and in the event such proposed dump site is not a dump site designated in this Subchapter H, detailed physical, chemical and biological information relating to the proposed dump site and sufficient to support its designation as a site according to the procedures of Part 228 of this Subchapter H;

(g) Proposed method of releasing the material at the dump site and means by which the disposal rate can be controlled and modified as required;

(h) Identification of the specific process or activity giving rise to the production of the material;

(i) Description of the manner in which the type of material proposed to be dumped has been previously disposed of by or on behalf of the person(s) or firm(s) producing such material;

(j) A statement of the need for the proposed dumping and an evaluation of short and long term alternative means of disposal, treatment or recycle of the material. Means of disposal shall include without limitation, landfill, well injection, incineration, spread of material over open ground; biological, chemical or physical treatment; recovery and recycle

of material within the plant or at other plants which may use the material, and storage. The statement shall also include an analysis of the availability and environmental impact of such alternatives; and

(k) An assessment of the anticipated environmental impact of the proposed dumping, including without limitation, the relative duration of the effect of the proposed dumping on the marine environment, navigation, living and non-living marine resource exploitation, scientific study, recreation and other uses of the ocean.

§ 221.2 Other information.

In the event the Administrator, Regional Administrator, or a person designated by either to review permit applications, determines that additional information is needed in order to apply the Criteria, he shall so advise the applicant in writing. All additional information requested pursuant to this § 221.2 shall be deemed part of the application and for purposes of applying the time limitation of §222.1, the application will not be considered complete until such information has been filed.

§ 221.3 Applicant.

Any person may apply for a permit under this Subchapter H even though the proposed dumping may be carried on by a permittee who is not the applicant; provided however, that the Administrator or the Regional Administrator, as the case may be, may, in his discretion, require that an application be filed by the person or firm producing or processing the material proposed to be dumped. Issuance of a permit will not excuse the permittee from any civil or criminal liability which may attach by virtue of his having transported or dumped materials in violation of the terms or conditions of a permit, notwithstanding that the permittee may not have been the applicant.

§ 221.4 Adequacy of information in application.

No permit issued under this Subchapter H will be valid for the transportation or dumping of any material which is not accurately and adequately described in the application. No permittee shall be relieved of any liability which may arise as a result of the transportation or dumping of material which does not conform to information provided in the application solely by virtue of the fact that such information was furnished by an applicant other than the permittee.

§ 221.5 Processing fees.

(a) A processing fee of $1,000 will be charged in connection with each application for a permit for dumping in an existing dump site designated in this Subchapter H.

(b) A processing fee of an additional $3,000 will be charged in connection with each application for a permit for dumping in a dump site other than a dump site designated in this Subchapter H.

(c) Notwithstanding any other provision of this § 221.5, no agency or instrumentality of the United States or of a State or local government will be required to pay the processing fees specified in paragraphs (a) and (b) of this section.

PART 222—ACTION ON OCEAN DUMPING PERMIT APPLICATIONS UNDER SECTION 102 OF THE ACT

Sec.
222.1 General.
222.2 Tentative determinations.
222.3 Notice of applications.
222.4 Initiation of hearings.
222.5 Time and place of hearings.
222.6 Presiding Officer.
222.7 Conduct of public hearing.
222.8 Recommendations of Presiding Officer.
222.9 Issuance of permits.
222.10 Appeal to adjudicatory hearing.
222.11 Conduct of adjudicatory hearings.
222.12 Appeal to Administrator.
222.13 Computation of time.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 222.1 General.

Decisions as to the issuance, denial, or imposition of conditions on general, special, emergency, interim and research permits under section 102 of the Act will be made by application of the criteria of Parts 227 and 228. Final action on any application for a permit will, to the extent practicable, be taken within 180 days from the date a complete application is filed.

§ 222.2 Tentative determinations.

(a) Within 30 days of the receipt of his initial application, an applicant shall be issued notification of whether his application is complete and what, if any, additional information is required. No such notification shall be deemed to foreclose the Administrator or the Regional Administrator, as the case may be, from requiring additional information at any time pursuant to § 221.2.

(b) Within 30 days after receipt of a completed permit application, the Administrator or the Regional Administrator, as the case may be, shall publish notice of such application including a tentative determination with respect to issuance or denial of the permit. If such tentative determination is to issue the permit, the following additional tentative determinations will be made:

(1) Proposed time limitations, if any;

(2) Proposed rate of discharge from the barge or vessel transporting the waste;

(3) Proposed dumping site; and

(4) A brief description of any other proposed conditions determined to be appropriate for inclusion in the permit in question.

§ 222.3 Notice of applications.

(a) *Contents.* Notice of every complete application for a general, special, interim, emergency and research permit shall, in addition to any other material, include the following:

(1) A summary of the information included in the permit application;

(2) Any tentative determinations made pursuant to paragraph (b) of § 222.2;

(3) A brief description of the procedures set forth in § 222.5 for requesting a public hearing on the application including specification of the date by which requests for a public hearing must be filed;

(4) A brief statement of the factors considered in reaching the tentative determination with respect to the permit and, in the case of a tentative determination to issue the permit, the reasons for the choice of the particular permit conditions selected; and

(5) The location at which interested persons may obtain further information on the proposed dumping, including copies of any relevant documents.

(b) *Publication.*

(1) *Special, interim and research permits.* Notice of every complete application for special, interim and research permits shall be given by:

(i) Publication in a daily newspaper of general circulation in the State in closest proximity to the proposed dump site; and

(ii) Publication in a daily newspaper of general circulation in the city in which is located the office of the Administrator or the Regional Administrator, as the case may be, giving notice of the permit application.

(2) *General permits.* Notice of every complete application for a general permit or notice of action proposed to be taken by the Administrator to issue a general permit, without an application, shall be given by publication in the FEDERAL REGISTER.

(3) *Emergency permits.* Notice of every complete application for an emergency permit shall be given by publication in accordance with paragraphs (b)(1) (i) and (ii) of this section; provided, however, that no such notice and no tentative determination in accordance with § 222.2 shall be required in any case in which the Administrator determines:

(i) That an emergency, as defined in paragraph (c) of § 220.3 exists;

(ii) That the emergency poses an unacceptable risk relating to human health;

(iii) That the emergency admits of no other feasible solution; and

(iv) That the public interest requires the issuance of an emergency permit as soon as possible.

Notice of any determination made by the Administrator pursuant to this paragraph (b)(3) shall be given as soon as practicable after the issuance of the emergency permit by publication in accordance with paragraphs (b)(1) (i) and (ii) and with paragraphs (a), (c)–(i) of this section.

(c) *Copies of notice sent to specific persons.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed by the Administrator or the Regional Administrator, as the case may be, to any person, group or Federal, State or local agency upon request. Any such request may be a standing request for copies of such notices and shall be submitted in writing to the Administrator or to any Regional Administrator and shall relate to all or any class of permit applications which may be acted upon by the Admin-

istrator or such Regional Administrator, as the case may be.

(d) *Copies of notice sent to States.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to the State water pollution control agency and to the State agency responsible for carrying out the Coastal Zone Management Act, if such agency exists, for each coastal State within 500 miles of the proposed dumping site.

(e) *Copies of notice sent to Corps of Engineers.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to the office of the appropriate District Engineer of the U.S. Army Corps of Engineers for purposes of section 106 (c) of the Act (pertaining to navigation, harbor approaches, and artificial islands on the outer continental shelf).

(f) *Copies of notice sent to Coast Guard.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be sent to the appropriate district office of the U.S. Coast Guard for review and possible suggestion of additional conditions to be included in the permit to facilitate surveillance and enforcement.

(g) *Fish and Wildlife Coordination Act.* The Fish and Wildlife Coordination Act, Reorganization Plan No. 4 of 1970, and the Act require that the Administrator or the Regional Administrator, as the case may be, consult with appropriate regional officials of the Departments of Commerce and Interior, the Regional Director of the NMFS–NOAA, and the agency exercising administrative jurisdiction over the fish and wildlife resources of the States subject to any dumping prior to the issuance of a permit under this Subchapter H. Copies of the notice shall be sent to the persons noted in paragraph (g) of this section.

(h) *Copies of notice sent to Food and Drug Administration.* In addition to the publication of notice required by paragraph (b) of this section, copies of such notice will be mailed to Food and Drug Administration, Shellfish Sanitation Branch (HF–417), 200 C Street SW., Washington, D.C. 20204.

(i) *Failure to give certain notices.* Failure to send copies of any public notice in accordance with paragraphs (c) through (h) of this section shall not invalidate any notice given pursuant to this section nor shall such failure invalidate any subsequent administrative proceeding.

(j) *Failure of consulted agency to respond.* Unless advice to the contrary is received from the appropriate Federal or State agency within 30 days of the date copies of any public notice were dispatched to such agency, such agency will be deemed to have no objection to the issuance of the permit identified in the public notice.

§ 222.4 Initiation of hearings

(a) In the case of any permit application for which public notice in advance of permit issuance is required in accordance with paragraph (b) of § 222.3, any person may, within 30 days of the date on which all provisions of paragraph (b) of § 222.3 have been complied with, request a public hearing to consider the issuance or denial of, or the conditions to be imposed upon, such permit. Any such request for a public hearing shall be in writing, shall identify the person requesting the hearing, shall state with particularity any objections to the issuance or denial of, or to the conditions to be imposed upon, the proposed permit, and shall state the issues which are proposed to be raised by such person for consideration at a hearing.

(b) Whenever (1) a written request satisfying the requirements of paragraph (a) of this section has been received and the Administrator or Regional Administrator, as the case may be, determines that such request presents genuine issues, or (2) the Administrator or Regional Administrator, as the case may be, determines in his discretion that a public hearing is necessary or appropriate, the Administrator or the Regional Administrator, as the case may be, will set a time and place for a public hearing in accordance with § 222.5, and will give notice of such hearing by publication in accordance with § 222.3.

(c) In the event the Administrator or the Regional Administrator, as the case may be, determines that a request filed pursuant to paragraph (a) of this section does not comply with the requirements of such paragraph (a) or that such request does not present substantial issues of public interest, he shall advise, in writing, the person requesting the hearing of his determination.

§ 222.5 Time and place of hearings.

Hearings shall be held in the State in closest proximity to the proposed dump site, whenever practicable, and shall be set for the earliest practicable date no less than 30 days after the receipt of an appropriate request for a hearing or a determination by the Administrator or the Regional Administrator, as the case may be, to hold such a hearing without such a request.

§ 222.6 Presiding Officer.

A hearing convened pursuant to this Subchapter H shall be conducted by a Presiding Officer. The Administrator or Regional Administrator, as the case may be, may designate a Presiding Officer. For adjudicatory hearings held pursuant to § 222.11, the Presiding Officer shall be an Administrative Law Judge.

§ 222.7 Conduct of public hearing.

The Presiding Officer shall be responsible for the expeditious conduct of the hearing. The hearing shall be an informal public hearing, not an adversary proceeding, and shall be conducted so as to allow the presentation of public comments. When the Presiding Officer determines that it is necessary or appropriate, he shall cause a suitable record, which may include a verbatim transcript, of the proceedings to be made. Any person may appear at a public hearing convened pursuant to § 222.5 whether or not he requested the hearing, and may be represented by counsel or any other authorized representative. The Presiding Officer is authorized to set forth reasonable restrictions on the nature or amount of documentary material or testimony presented at a public hearing, giving due regard to the relevancy of any such information, and to the avoidance of undue repetitiveness of information presented.

§ 222.8 Recommendations of Presiding Officer.

Within 30 days following the adjournment of a public hearing convened pursuant to § 222.5, or within such additional period as the Administrator or the Regional Administrator, as the case may be, may grant to the Presiding Officer for good cause shown, and after full consideration of the comments received at the hearing, the Presiding Officer will prepare and forward to the Administrator or to the Regional Administrator, as the case may be, written recommendations relating to the issuance or denial of, or conditions to be imposed upon, the proposed permit and the record of the hearing, if any. Such recommendations shall contain a brief statement of the basis for the recommendations including a description of evidence relied upon in justification either (1) for permit provisions which differ from any tentative determinations issued prior to the hearing or (2) for any permit denial. Copies of the Presiding Officer's recommendations shall be provided to any interested person on request, without charge. Copies of the record will be provided in accordance with 40 CFR 2.

§ 222.9 Issuance of permits.

(a) Within 30 days following receipt of the Presiding Officer's recommendations or, where no hearing has been held, following the close of the 30-day period for requesting a hearing as provided in § 222.4, the Administrator or the Regional Administrator, as the case may be, shall make a determination with respect to the issuance, denial, or imposition of conditions on, any permit applied for under this Subchapter H and shall give notice to the applicant and to all persons who registered their attendance at the hearing by providing their name and mailing address, if any, by mailing a letter stating the determination and stating the basis therefor in terms of the Criteria.

(b) Any determination to issue or deny any permit after a hearing held pursuant to § 222.7 shall take effect no sooner than:

(1) 10 days after notice of such determination is given if no request for an adjudicatory hearing is filed in accordance with § 222.10(a); or

(2) 20 days after notice of such determination is given if a request for an adjudicatory hearing is filed in accordance with paragraph (a) of § 222.10 and the Administrator or the Regional Administrator, as the case may be, denies such request in accordance with paragraph (c) of § 222.10; or

(3) The date on which a final determination has been made following an adjudicatory hearing held pursuant to § 222.11.

(c) The Administrator or Regional Administrator, as the case may be, may extend the term of a previously issued permit pending the conclusion of the proceedings held pursuant to §§ 222.7–222.9.

(d) A copy of each permit issued shall be sent to the appropriate District Office of the U.S. Coast Guard.

§ 222.10 Appeal to adjudicatory hearing.

(a) Within 10 days following the receipt of notice of the issuance or denial of any permit pursuant to § 222.9 after a hearing held pursuant to § 222.7, any interested person who participated in such hearing may request that an adjudicatory hearing be held pursuant to § 222.11 for the purpose of reviewing such determination, or any part thereof. Any such request for an adjudicatory hearing shall be filed with the Administrator or the Regional Administrator, as the case may be, and shall be in writing, shall identify the person requesting the adjudicatory hearing and shall state with particularity the objections to the determination, the basis therefor and the modification requested.

(b) Whenever a written request satisfying the requirements of paragraph (a) of this section has been received and the Administrator or Regional Administrator, as the case may be, determines that an adjudicatory hearing is warranted, the Administrator or the Regional Administrator, as the case may be, will set a time and place for an adjudicatory hearing in accordance with § 222.5, and will give notice of such hearing by publication in accordance with § 222.3.

(c) Prior to the conclusion of the adjudicatory hearing and appeal process, the Administrator or the Regional Administrator, as the case may be, in his discretion may extend the duration of a previously issued permit until a final determination has been made pursuant to §§ 222.11 or 222.12.

(d) In the event the Administrator or the Regional Administrator, as the case may be, determines that a request filed pursuant to paragraph (a) of this section does not comply with the requirements of such paragraph (a) or that such request does not present substantial issues of public interest, he shall advise, in writing, the person requesting the adjudicatory hearing of his determination.

(e) Any person requesting an adjudicatory hearing or requesting admission as a party to an adjudicatory hearing shall state in his written request, and shall by filing such request consent, that he and his employees and agents shall submit themselves to direct and cross-examination at any such hearing and to the taking of an oath administered by the Presiding Officer.

§ 222.11 Conduct of adjudicatory hearings.

(a) *Parties.* Any interested person may at a reasonable time prior to the commencement of the hearing submit to the Presiding Officer a request to be admitted as a party. Such request shall be in writing and shall set forth the information which would be required to be submitted by such person if he were requesting an adjudicatory hearing. Any such request to be admitted as a party which satisfies the requirements of this paragraph (a) shall be granted and all parties shall be informed at the commencement of the adjudicatory hearing of the parties involved. Any party may be represented by counsel or other authorized representative. EPA staff representing the Administrator or Regional Administrator who took action with respect to the permit application shall be deemed a party.

(b) *Filing and service.*

(1) An original and two (2) copies of all documents or papers required or permitted to be filed shall be filed with the Presiding Officer.

(2) Copies of all documents and papers filed with the Presiding Officer shall be served upon all other parties to the adjudicatory hearing.

(c) *Consolidation.* The Administrator, or the Regional Administrator in the case of a hearing arising within his Region and for which he has been delegated authority hereunder, may, in his discretion, order consolidation of any adjudicatory hearings held pursuant to this section whenever he determines that consolidation will expedite or simplify the consideration of the issues presented. The Administrator may, in his discretion, order consolidation and designate one Region to be responsible for the conduct of any hearings held pursuant to this section which arise in different Regions whenever he determines that consolidation will expedite or simplify the consideration of the issues presented.

(d) *Pre-hearing conference.* The Presiding Officer may hold one or more pre-hearing conferences and may issue a pre-hearing order which may include without limitation, requirements with respect to any or all of the following:

(1) Stipulations and admissions;

(2) Disputed issues of fact;

(3) Disputed issues of law;

(4) Admissibility of any evidence;

(5) Hearing procedures including submission of oral or written direct testimony, conduct of cross-examination, and the opportunity for oral arguments;

(6) Any other matter which may expedite the hearing or aid in disposition of any issues raised therein.

(e) *Adjudicatory hearing procedures.*

(1) The burden of going forward with the evidence shall:

(i) In the case of any adjudicatory hearing held pursuant to § 222.10(b)(1), be on the person filing a request under § 222.10(a) as to each issue raised by the request; and

(ii) In the case of any adjudicatory hearing held pursuant to § 223.2 or pursuant to Part 226, be on the Environmental Protection Agency.

(2) The Presiding Officer shall have the duty to conduct a fair and impartial hearing, to take action to avoid unnecessary delay in the disposition of proceedings, and to maintain order. He shall have all powers necessary or appropriate to that end, including without limitation, the following:

(i) To administer oaths and affirmations;

(ii) To rule upon offers of proof and receive relevant evidence;

(iii) To regulate the course of the hearing and the conduct of the parties and their counsel;

(iv) To consider and rule upon all procedural and other motions appropriate to the proceedings; and

(v) To take any action authorized by these regulations and in conformance with law.

(3) Parties shall have the right to cross-examine a witness who appears at an adjudicatory hearing to the extent that such cross-examination is necessary or appropriate for a full disclosure of the facts. In multi-party proceedings the Presiding Officer may limit cross-examination to one party on each side if he is satisfied that the cross-examination by one party will adequately protect the interests of other parties.

(4) When a party will not be unfairly prejudiced thereby, the Presiding Officer may order all or part of the evidence to be submitted in written form.

(5) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of cross-examination, and other procedural matters, shall be final and shall appear in the record.

(6) Interlocutory appeals may not be taken.

(7) Parties shall be presumed to have taken exception to an adverse ruling.

(8) The proceedings of all hearings shall be recorded by such means as the Presiding Officer may determine. The original transcript of the hearing shall be a part of the record and the sole official transcript. Copies of the transcript shall be available from the Environmental Protection Agency in accordance with 40 CFR 2.

(9) The rules of evidence shall not apply.

(f) *Decision after adjudicatory hearing.*

(1) Within 30 days after the conclusion of the adjudicatory hearing, or within such additional period as the Administrator or the Regional Administrator, as the case may be, may grant to the Presiding Officer for good cause shown, the Presiding Officer shall submit to the Administrator or the Regional Administrator, as the case may be, proposed findings of fact and conclusions of law, his recommendation with respect to any and all issues raised at the hearing, and the record of the hearing. Such findings, conclusions and recommendations shall contain a brief statement of the basis for the recommendations. Copies of the Presiding Officer's proposed findings of fact, conclusions of law and recommendations shall be provided to all parties to the adjudicatory hearing on request, without charge.

(2) Within 20 days following submission of the Presiding Officer's proposed findings of fact, conclusions of law and recommendations, any party may sub-

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mit written exceptions, no more than 30 pages in length, to such proposed findings, conclusions and recommendations and within 30 days following the submission of the Presiding Officer's proposed findings, conclusions and recommendations any party may file written comments, no more than 30 pages in length, on another party's exceptions. Within 45 days following the submission of the Presiding Officer's proposed findings, conclusions and recommendations, the Administrator or the Regional Administrator, as the case may be, shall make a determination with respect to all issues raised at such hearing and shall affirm, reverse or modify the previous or proposed determination, as the case may be. Notice of such determination shall set forth the determination for each such issue, shall briefly state the basis therefor and shall be given by mail to all parties to the adjudicatory hearing.

§ 222.12 Appeal to Administrator.

(a) Within 10 days following receipt of the determination of the Regional Administrator pursuant to paragraph (f)(2) of § 222.11, any party to an adjudicatory hearing held in accordance with § 222.11 may appeal such determination to the Administrator by filing a written notice of appeal, or the Administrator may, on his own initiative, review any prior determination.

(b) The notice of appeal shall be no more than 40 pages in length and shall contain:

(1) The name and address of the person filing the notice of appeal;

(2) A concise statement of the facts on which the person relies and appropriate citations to the record of the adjudicatory hearing;

(3) A concise statement of the legal basis on which the person relies;

(4) A concise statement setting forth the action which the person proposes that the Administrator take; and

(5) A certificate of service of the notice of appeal on all other parties to the adjudicatory hearing.

(c) The effective date of any determination made pursuant to paragraph (f)(2) of § 222.11 may be stayed by the Administrator pending final determination by him pursuant to this section upon the filing of a notice of appeal which satisfies the requirements of paragraph (b) of this section or upon initiation by the Administrator of review of any determination in the absence of such notice of appeal.

(d) Within 20 days following the filing of a notice of appeal in accordance with this section, any party to the adjudicatory hearing may file a written memorandum, no more than 40 pages in length, in response thereto.

(e) Within 45 days following the filing of a notice of appeal in accordance with this section, the Administrator shall render his final determination with respect to all issues raised in the appeal to the Administrator and shall affirm, reverse, or modify the previous determination and briefly state the basis for his determination.

(f) In accordance with 5 U.S.C. section 704, the filing of an appeal to the Administrator pursuant to this section shall be a prerequisite to judicial review of any determination to issue, deny or impose conditions upon any permit, or to modify, revoke or suspend any permit, or to take any other enforcement action, under this Subchapter H.

§ 222.13 Computation of time.

In computing any period of time prescribed or allowed in this part, except unless otherwise provided, the day on which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a legal holiday in which the Environmental Protection Agency is not open for business, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation when the period of time prescribed or allowed is seven days or less.

PART 223—CONTENTS OF PERMITS

Sec.
223.1 Contents of permits.
223.2 Generally applicable conditions of permits.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 223.1 Contents of permits.

Permits, other than general permits, which may be issued on forms to be published by EPA and must be displayed on the vessel engaged in dumping, will include at a minimum the following:

(a) Name of permittee;

(b) Means of conveyance and methods and procedures for disposal of material to be dumped; and, in the case of permits for the transportation of material for dumping, the port through or from which such material will be transported;

(c) A complete description, including all relevant chemical and physical properties and quantities, of the material to be dumped;

(d) The disposal site;

(e) The times at which the permitted dumping may occur;

(f) Such monitoring relevant to the assessment of the impact of permitted dumping activities on the marine environment at the disposal site as the Administrator determines is feasible; and

(g) Any other terms and conditions, including those with respect to release procedures, determined to be necessary and adequate in order to conform the permitted dumping activities to the factors set forth in Section 102(a) of the Act, and the criteria set forth in Part 227.

§ 223.2 Generally applicable conditions of permits.

(a) *Modification or revocation.* Any permit issued under this Part shall be subject to modification, or revocation in whole or in part for cause, as follows:

(1) Violation of any term or condition of the permit;

(2) Misrepresentation, inaccuracy, or failure to disclose all relevant facts in the permit application;

(3) Changed circumstances, such as changes in conditions obtaining at the designated dumping site, and newly discovered scientific data relevant to the granting of the permit;

(4) Failure to keep the records, and to notify appropriate officials of dumping activities, as specified in §§ 224.1 and 224.2.

(b) *Suspension.* In addition to the conditions of a permit imposed pursuant to paragraph (a) of this section, each permit shall be subject to suspension by the Administrator or Regional Administrator if he determines that the permitted dumping has resulted, or is resulting, in imminent and substantial harm to human health or welfare or the marine environment. Such suspension shall be effective immediately upon receipt of notification thereof by the permittee.

(c) *Hearings.* Within 30 days after receipt of notice of revocation or modification pursuant to paragraph (a) of this section, or of suspension pursuant to paragraph (b) of this section, a permittee or other interested person may request in writing a hearing on the issues raised by any such revocation or suspension. Upon receipt of any such request, the Administrator or Regional Administrator shall appoint a hearing officer to conduct an adjudicatory hearing as may be required by law and by this subchapter as now or hereafter in effect.

PART 224—RECORDS AND REPORTS REQUIRED OF OCEAN DUMPING PERMITTEES UNDER SECTION 102 OF THE ACT

Sec.
224.1 Records of permittees.
224.2 Reports.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 224.1 Records of permittees.

Each permittee named in a special, interim, emergency or research permit under section 102 of the Act and each person availing himself of the privilege conferred by a general permit, shall maintain complete records of the following information, which will be available for inspection by the Administrator, Regional Administrator, the Commandant of the U.S. Coast Guard, or their respective designees:

(a) The physical and chemical characteristics of the material dumped pursuant to the permit;

(b) The precise times and locations of dumping;

(c) Any other information required as a condition of a permit by the Administrator or the Regional Administrator, as the case may be.

§ 224.2 Reports.

(a) *Periodic reports.* Information required to be recorded pursuant to § 224.1 shall be reported to the Administrator or the Regional Administrator, as the case may be, for the periods indicated within 30 days of the expiration of such periods:

(1) For each six-month period, if any, following the effective date of the permit;

(2) For any other period of less than six months ending on the expiration date of the permit; and

(3) As otherwise required in the conditions of the permit.

(b) *Reports of emergency dumping.* If material is dumped without a permit pursuant to paragraph (c)(4) of § 220.1, the owner or operator of the vessel or aircraft from which such dumping occurs shall as soon as feasible inform the Administrator, Regional Administrator, or the nearest Coast Guard district of the incident by radio, telephone, or telegraph and shall within 10 days file a written report with the Administrator or Regional Administrator containing the information required under § 224.1 and a complete description of the circumstances under which the dumping occurred. Such description shall explain how human life at sea was in danger and how the emergency dumping reduced that danger. If the material dumped included containers, the vessel owner or operator shall immediately request the U.S. Coast Guard to publish in the local Notice to Mariners the dumping location, the type of containers, and whether the contents are toxic or explosive. Notification shall also be given to the Food and Drug Administration, Shellfish Sanitation Branch, Washington, D.C. 20204, as soon as possible.

PART 225—CORPS OF ENGINEERS DREDGED MATERIAL PERMITS

Sec.
225.1 General.
225.2 Review of Dredged Material Permits
225.3 Procedure for invoking economic impact.
225.4 Waiver by Administrator.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 225.1 General.

Applications and authorizations for Dredged Material Permits under section 103 of the Act for the transportation of dredged material for the purpose of dumping it in ocean waters will be evaluated by the U.S. Army Corps of Engineers in accordance with the criteria set forth in Part 227 and processed in accordance with 33 CFR 209.120 with special attention to § 209.120(g)(17) and 33 CFR 209.145.

§ 225.2 Review of Dredged Material Permits.

(a) The District Engineer shall send a copy of the public notice to the appropriate Regional Administrator, and set forth in writing all of the following information:

(1) The location of the proposed disposal site and its physical boundaries;

(2) A statement as to whether the site has been designated for use by the Administrator pursuant to section 102 (c) of the Act;

(3) If the proposed disposal site has not been designated by the Administrator, a statement of the basis for the proposed determination why no previously designated site is feasible and a description of the characteristics of the proposed disposal site necessary for its designation pursuant to Part 228 of this Subchapter H;

(4) The known historical uses of the proposed disposal site;

(5) Existence and documented effects of other authorized dumpings that have been made in the dumping area (e.g., heavy metal background reading and organic carbon content);

(6) An estimate of the length of time during which disposal will continue at the proposed site;

(7) Characteristics and composition of the dredged material; and

(8) A statement concerning a preliminary determination of the need for and/or availability of an environmental impact statement.

(b) The Regional Administrator will within 15 days of the date the public notice and other information required to be submitted by paragraph (a) of § 225.2 are received by him, review the information submitted and request from the District Engineer any additional information he deems necessary or appropriate to evaluate the proposed dumping.

(c) Using the information submitted by the District Engineer, and any other information available to him, the Regional Administrator will within 15 days after receipt of all requested information, make an independent evaluation of the proposed dumping in accordance with the criteria and respond to the District Engineer pursuant to paragraphs (d) or (e) of this section. The Regional Administrator may request an extension of this 15 day period to 30 days from the District Engineer.

(d) When the Regional Administrator determines that the proposed dumping will comply with the criteria, he will so inform the District Engineer in writing.

(e) When the Regional Administrator determines that the proposed dumping will not comply with the criteria he shall so inform the District Engineer in writing. In such cases, no Dredged Material Permit for such dumping shall be issued unless and until the provisions of § 225.3 are followed and the Administrator grants a waiver of the criteria pursuant to § 225.4.

§ 225.3 Procedure for invoking economic impact.

(a) When a District Engineer's determination to issue a Dredged Material Permit for the dumping of dredged material into ocean waters has been rejected by a Regional Administrator upon application of the Criteria, the District Engineer may determine whether, under § 103 (d) of the Act, there is an economically feasible alternative method or site available other than the proposed dumping in ocean waters. If the District Engineer makes any such preliminary determination that there is no economically feasible alternative method or site available, he shall so advise the Regional Administrator setting forth his reasons for such determination and shall submit a report of such determination to the Chief of Engineers in accordance with 33 CFR §§ 209.120 and 209.145.

(b) If the decision of the Chief of Engineers is that ocean dumping at the designated site is required because of the unavailability of feasible alternatives, he shall so certify and request that the Secretary of the Army seek a waiver from the Administrator of the Criteria or of the critical site designation in accordance with § 225.4.

§ 225.4 Waiver by Administrator.

The Administrator shall grant the requested waiver unless within 30 days of his receipt of the notice, certificate and request in accordance with paragraph (b) of § 225.3 he determines in accordance with this section that the proposed dumping will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Notice of the Administrator's final determination under this section shall be given to the Secretary of the Army.

PART 226—ENFORCEMENT

Sec.
226.1 Civil penalties.
226.2 Enforcement hearings.
226.3 Determinations.
226.4 Final action.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 226.1 Civil penalties.

In addition to the criminal penalties provided for in section 105(b) of the Act, the Administrator or his designee may assess a civil penalty of not more than $50,000 for each violation of the Act and of this subchapter. Upon receipt of information that any person has violated any provision of the Act or of this subchapter, the Administrator or his designee will notify such person in writing of the violation with which he is charged, and will convene a hearing no sooner than 60 days after such notice, at a convenient location, before a hearing officer. Such hearing shall be conducted in accordance with the procedures of § 226.2.

§ 226.2 Enforcement hearings.

Hearings convened pursuant to § 226.1 shall be hearings on a record before a hearing officer. Parties may be represented by counsel and will have the right to submit motions, to present evidence in their own behalf, to cross-examine adverse witnesses, to be apprised of all evidence considered by the hearing officer and to receive copies of the transcript of the proceedings. Formal rules of evidence will not apply. The hearing officer will rule on all evidentiary matters, and on all motions, which will be subject to review pursuant to § 226.3.

§ 226.3 Determinations.

Within 30 days following adjournment of the hearing, the hearing officer will in all cases make findings of facts and recommendations to the Administrator including, when appropriate, a recommended appropriate penalty, after consideration of the gravity of the violation, prior violations by the person charged,

and the demonstrated good faith by such person in attempting to achieve rapid compliance with the provisions of the Act and this subchapter. A copy of the findings and recommendations of the hearing officer shall be provided to the person charged at the same time they are forwarded to the Administrator. Within 30 days of the date on which the hearing officer's findings and recommendations are forwarded to the Administrator, any party objecting thereto may file written exceptions with the Administrator.

§ 226.4 Final action.

A final order on a proceeding under this Part will be issued by the Administrator, or by such other person designated by the Administrator to take such final action, no sooner than 30 days following receipt of the findings and recommendations of the hearing officer. A copy of the final order will be served by registered mail (return receipt requested) on the person charged or his representative. In the event the final order assesses a penalty, it shall be payable within 60 days of the date of receipt of the final order, unless judicial review of the final order is sought by the person against whom the penalty is assessed.

PART 227—CRITERIA FOR THE EVALUATION OF PERMIT APPLICATIONS FOR OCEAN DUMPING OF MATERIALS

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Subpart A—General

§ 227.1 Applicability.

(a) Section 102 of the Act requires that criteria for the issuance of ocean disposal permits be promulgated after consideration of the environmental effect of the proposed dumping operation, the need for ocean dumping, alternatives to ocean dumping, and the effect of the proposed action on esthetic, recreational and economic values and on other uses of the ocean. This Part 227 and Part 228 of this Subchapter H together constitute the criteria established pursuant to section 102 of the Act. The decision of the Administrator, Regional Administrator or the District Engineer, as the case may be, to issue or deny a permit and to impose specific conditions on any permit issued will be based on an evaluation of the permit application pursuant to the criteria set forth in this Part 227 and upon the requirements for disposal site management pursuant to the criteria set forth in Part 228 of this Subchapter H.

(b) With respect to the criteria to be used in evaluating disposal of dredged materials, this section and Subparts C, D, E, and G apply in their entirety. To determine whether the proposed dumping of dredged material complies with Subpart B, only §§ 227.4, 227.5, 227.6, 227.9, 227.10 and 227.13 apply. An applicant for a permit to dump dredged material must comply with all of Subparts C, D, E, G and applicable sections of B, to be deemed to have met the EPA criteria for dredged material dumping promulgated pursuant to section 102(a) of the Act. If, in any case, the Chief of Engineers finds that, in the disposition of dredged material, there is no economically feasible method or site available other than a dumping site, the utilization of which would result in noncompliance with the criteria established pursuant to Subpart B relating to the effects of dumping or with the restrictions established pursuant to section 102(c) of the Act relating to critical areas, he shall so certify and request that the Secretary of the Army seek a waiver from the Administrator pursuant to Part 225.

(c) The Criteria of this Part 227 are established pursuant to section 102 of the Act and apply to the evaluation of proposed dumping of materials under Title I of the Act. The Criteria of this Part 227 deal with the evaluation of proposed dumping of materials on a case-by-case basis from information supplied by the applicant or otherwise available to EPA or the Corps of Engineers concerning the characteristics of the waste and other considerations relating to the proposed dumping.

(d) After consideration of the provisions of §§ 227.28 and 227.29, no permit will be issued when the dumping would result in a violation of applicable water quality standards.

§ 227.2 Materials which satisfy the environmental impact criteria of Subpart B.

(a) If the applicant satisfactorily demonstrates that the material proposed for ocean dumping satisfies the environmental impact criteria set forth in Subpart B, a permit for ocean dumping will be issued unless:

(1) There is no need for the dumping, and alternative means of disposal are available, as determined in accordance with the criteria set forth in Subpart C; or

(2) There are unacceptable adverse effects on esthetic, recreational or economic values as determined in accordance with the criteria set forth in Subpart D; or

(3) There are unacceptable adverse effects on other uses of the ocean as determined in accordance with the criteria set forth in Subpart E.

(b) If the material proposed for ocean dumping satisfies the environmental impact criteria set forth in Subpart B, but the Administrator or the Regional Administrator, as the case may be, determines that any one of the considerations set forth in paragraphs (a) (1), (2) or (3) of this section applies, he will deny the permit application; provided however, that he may issue an interim permit for ocean dumping pursuant to paragraph (d) of § 220.3 and Subpart F of this Part 227 when he determines that:

(1) The material proposed for ocean dumping does not contain any of the materials listed in § 227.5 or listed in § 227.6, except as trace contaminants; and

(2) In accordance with Subpart C there is a need to ocean dump the material and no alternatives are available to such dumping; and

(3) The need for the dumping and the unavailability of alternatives, as determined in accordance with Subpart C, are of greater significance to the public interest than the potential for adverse effect on esthetic, recreational or economic values, or on other uses of the ocean, as determined in accordance with Subparts D and E, respectively.

§ 227.3 Materials which do not satisfy the environmental impact criteria set forth in Subpart B.

If the material proposed for ocean dumping does not satisfy the environmental impact criteria of Subpart B, the Administrator or the Regional Administrator, as the case may be, will deny the permit application; provided however, that he may issue an interim permit pursuant to paragraph (d) of § 220.3 and Subpart F of this Part 227 when he determines that:

(a) The material proposed for dumping does not contain any of the materials listed in Section 227.6 except as trace contaminants, or any of the materials listed in § 227.5;

(b) In accordance with Subpart C there is a need to ocean dump the material; and

(c) Any one of the following factors is of greater significance to the public interest than the potential for adverse impact on the marine environment, as determined in accordance with Subpart B:

(1) The need for the dumping, as determined in accordance with Subpart C; or

(2) The adverse effects of denial of the permit on recreational or economic values as determined in accordance with Subpart D; or

(3) The adverse effects of denial of the permit on other uses of the ocean, as determined in accordance with Subpart E.

Subpart B—Environmental Impact

§ 227.4 Criteria for evaluating environmental impact.

This Subpart B sets specific environmental impact prohibitions, limits, and conditions for the dumping of materials into ocean waters. If the applicable prohibitions, limits, and conditions are satisfied, it is the determination of EPA that the proposed disposal will not unduly degrade or endanger the marine environment and that the disposal will present:

(a) No unacceptable adverse effects on human health and no significant damage to the resources of the marine environment;

(b) No unacceptable adverse effect on the marine ecosystem;

(c) No unacceptable adverse persistent or permanent effects due to the dumping of the particular volumes or concentrations of these materials; and

(d) No unacceptable adverse effect on the ocean for other uses as a result of direct environmental impact.

§ 227.5 Prohibited materials.

The ocean dumping of the following materials will not be approved by EPA or the Corps of Engineers under any circumstances:

(a) High-level radioactive wastes as defined in § 227.30;

(b) Materials in whatever form (including without limitation, solids, liquids, semi-liquids, gases or organisms) produced or used for radiological, chemical or biological warfare;

(c) Materials insufficiently described by the applicant in terms of their compositions and properties to permit application of the environmental impact criteria of this Subpart B;

(d) Persistent inert synthetic or natural materials which may float or remain in suspension in the ocean in such a manner that they may interfere materially with fishing, navigation, or other legitimate uses of the ocean.

§ 227.6 Constituents prohibited as other than trace contaminants.

(a) Subject to the exclusions of paragraphs (f), (g) and (h) of this section, the ocean dumping, or transportation for dumping, of materials containing the following constituents as other than trace contaminants will not be approved on other than an emergency basis:

(1) Organohalogen compounds;

(2) Mercury and mercury compounds;

(3) Cadmium and cadmium compounds;

(4) Oil of any kind or in any form, including but not limited to petroleum, oil sludge, oil refuse, crude oil, fuel oil, heavy diesel oil, lubricating oils, hydraulic fluids, and any mixtures containing these, transported for the purpose of dumping insofar as these are not regulated under the FWPCA;

(5) Known carcinogens, mutagens, or teratogens or materials suspected to be carcinogens, mutagens, or teratogens by responsible scientific opinion.

(b) These constituents will be considered to be present as trace contaminants only when they are present in materials otherwise acceptable for ocean dumping in such forms and amounts in liquid, suspended particulate, and solid phases that the dumping of the materials will not cause significant undesirable effects, including the possibility of danger associated with their bioaccumulation in marine organisms.

(c) The potential for significant undesirable effects due to the presence of these constituents shall be determined by application of results of bioassays on liquid, suspended particulate, and solid phases of wastes according to procedures acceptable to EPA, and for dredged material, acceptable to EPA and the Corps of Engineers. Materials shall be deemed environmentally acceptable for ocean dumping only when the following conditions are met:

(1) The liquid phase does not contain any of these constituents in concentrations which will exceed applicable marine water quality criteria after allowance for initial mixing; provided that mercury concentrations in the disposal site, after allowance for initial mixing, may exceed the average normal ambient concentrations of mercury in ocean waters at or near the dumping site which would be present in the absence of dumping, by not more than 50 percent; and

(2) Bioassay results on the suspended particulate phase of the waste do not indicate occurrence of significant mortality or significant adverse sublethal effects including bioaccumulation due to the dumping of wastes containing the constituents listed in paragraph (a) of this section. These bioassays shall be conducted with appropriate sensitive marine organisms as defined in § 227.27(c) using procedures for suspended particulate phase bioassays approved by EPA, or, for dredged material, approved by EPA and the Corps of Engineers. Procedures approved for bioassays under this section will require exposure of organisms for a sufficient period of time and under appropriate conditions to provide reasonable assurance, based on consideration of the statistical significance of effects at the 95 percent confidence level, that, when the materials are dumped, no significant undesirable effects will occur due either to chronic toxicity or to bioaccumulation of the constituents listed in paragraph (a) of this section; and

(3) Bioassay results on the solid phase of the wastes do not indicate occurrence of significant mortality or significant adverse sublethal effects due to the dumping of wastes containing the constituents listed in paragraph (a) of this section. These bioassays shall be conducted with sensitive benthic organisms using benthic bioassay procedures approved by EPA, or, for dredged material, approved by EPA and the Corps of Engineers. Procedures approved for bioassays under this section will require exposure of organisms for a sufficient period of time to provide reasonable assurance, based on consideration of the statistical significance of effects at the 95 percent confidence level, that, when the materials are dumped, no significant undesirable effects will occur due either to chronic toxicity or to bioaccumulation of the constituents listed in paragraph (a) of this section; and

(4) For persistent organohalogens not included in the applicable marine water quality criteria, bioassay results on the liquid phase of the waste show that such compounds are not present in concentrations large enough to cause significant undesirable effects due either to chronic toxicity or to bioaccumulation in marine organisms after allowance for initial mixing.

(d) When the Administrator, Regional Administrator or District Engineer, as the case may be, has reasonable cause to believe that a material proposed for ocean dumping contains compounds identified as carcinogens, mutagens, or teratogens for which criteria have not been included in the applicable marine water quality criteria, he may require special studies to be done prior to issuance of a permit to determine the impact of disposal on human health and/or marine ecosystems. Such studies must provide information comparable to that required under paragraph (c)(3) of this section.

(e) The criteria stated in paragraphs (c) (2) and (3) of this section will become mandatory as soon as announcement of the availability of acceptable procedures is made in the FEDERAL REGISTER. At that time the interim criteria contained in paragraph (e) of this section shall no longer be applicable. As interim measures the criteria of paragraphs (c) (2) and (3) of this section may be applied on a case-by-case basis where interim guidance on acceptable bioassay procedures is provided by the Regional Administrator or, in the case of dredged material, by the District Engineer; or, in the absence of such guidance, permits may be issued for the dumping of any material only when the following conditions are met, except under an emergency permit:

(1) Mercury and its compounds are present in any solid phase of a material in concentrations less than 0.75 mg/kg,

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or less than 50 percent greater than the average total mercury content of natural sediments of similar lithologic characteristics as those at the disposal site; and

(2) Cadmium and its compounds are present in any solid phase of a material in concentrations less than 0.6 mg/kg, or less than 50 percent greater than the average total cadmium content of natural sediments of similar lithologic characteristics as those at the disposal site; and

(3) The total concentration of organohalogen constituents in the waste as transported for dumping is less than a concentration of such constituents known to be toxic to marine organisms. In calculating the concentration of organohalogens, the applicant shall consider that these constituents are all biologically available. The determination of the toxicity value will be based on existing scientific data or developed by the use of bioassays conducted in accordance with approved EPA procedures; and

(4) The total amounts of oils and greases as identified in paragraph (a) (4) of this section do not produce a visible surface sheen in an undisturbed water sample when added at a ratio of one part waste material to 100 parts of water.

(f) The prohibitions and limitations of this section do not apply to the constituents identified in paragraph (a) of this section when the applicant can demonstrate that such constituents are (1) present in the material only as chemical compounds or forms (e.g., inert insoluble solid materials) non-toxic to marine life and non-bioaccumulative in the marine environment upon disposal and thereafter, or (2) present in the material only as chemical compounds or forms which, at the time of dumping and thereafter, will be rapidly rendered non-toxic to marine life and non-bioaccumulative in the marine environment by chemical or biological degradation in the sea; provided they will not make edible marine organisms unpalatable; or will not endanger human health or that of domestic animals, fish, shellfish, or wildlife.

(g) The prohibitions and limitations of this section do not apply to the constituents identified in paragraph (a) of this section for the granting of research permits if the substances are rapidly rendered harmless by physical, chemical or biological processes in the sea; provided they will not make edible marine organisms unpalatable and will not endanger human health or that of domestic animals.

(h) The prohibitions and limitations of this section do not apply to the constituents identified in paragraph (a) of this section for the granting of permits for the transport of these substances for the purpose of incineration at sea if the applicant can demonstrate that the stack emissions consist of substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea. Incinerator operations shall comply with requirements which will be established on a case-by-case basis.

§ 227.7 Limits established for specific wastes or waste constituents.

Materials containing the following constituents must meet the additional limitations specified in this section to be deemed acceptable for ocean dumping:

(a) Liquid waste constituents immiscible with or slightly soluble in seawater, such as benzene, xylene, carbon disulfide and toluene, may be dumped only when they are present in the waste in concentrations below their solubility limits in seawater. This provision does not apply to materials which may interact with ocean water to form insoluble materials;

(b) Radioactive materials, other than those prohibited by § 227.5, must be contained in accordance with the provisions of § 227.11 to prevent their direct dispersion or dilution in ocean waters;

(c) Wastes containing living organisms may not be dumped if the organisms present would endanger human health or that of domestic animals, fish, shellfish and wildlife by:

(1) Extending the range of biological pests, viruses, pathogenic microrganisms or other agents capable of infesting, infecting or extensively and permanently altering the normal populations of organisms;

(2) Degrading uninfected areas; or

(3) Introducing viable species not indigenous to an area.

(d) In the dumping of wastes of highly acidic or alkaline nature into the ocean, consideration shall be given to: (1) the effects of any change in acidity or alkalinity of the water at the disposal site; and (2) the potential for synergistic effects or for the formation of toxic compounds at or near the disposal site. Allowance may be made in the permit conditions for the capability of ocean waters to neutralize acid or alkaline wastes; provided, however, that dumping conditions must be such that the average total alkalinity or total acidity of the ocean water after allowance for initial mixing, as defined in § 227.29, may be changed, based on stoichiometric calculations, by no more than 10 per cent during all dumping operations at a site to neutralize acid or alkaline wastes.

(e) Wastes containing biodegradable constituents, or constituents which consume oxygen in any fashion, may be dumped in the ocean only under conditions in which the dissolved oxygen after allowance for initial mixing, as defined in § 227.29, will not be depressed by more than 25 per cent below the normally anticipated ambient conditions in the disposal area at the time of dumping.

§ 227.8 Limitations on the disposal rates of toxic wastes.

No wastes will be deemed acceptable for ocean dumping unless such wastes can be dumped so as not to exceed the limiting permissible concentration as defined in § 227.27; provided that this § 227.8 does not apply to those wastes for which specific criteria are established in § 227.11 or 227.12. Total quantities of wastes dumped at a site may be limited as described in § 228.8.

§ 227.9 Limitations on quantities of waste materials.

Substances which may damage the ocean environment due to the quantities in which they are dumped, or which may seriously reduce amenities, may be dumped only when the quantities to be dumped at a single time and place are controlled to prevent long-term damage to the environment or to amenities.

§ 227.10 Hazards to fishing, navigation, shorelines or beaches.

(a) Wastes which may present a serious obstacle to fishing or navigation may be dumped only at disposal sites and under conditions which will ensure no unacceptable interference with fishing or navigation.

(b) Wastes which may present a hazard to shorelines or beaches may be dumped only at sites and under conditions which will insure no unacceptable danger to shorelines or beaches.

§ 227.11 Containerized wastes.

(a) Wastes containerized solely for transport to the dumping site and expected to rupture or leak on impact or shortly thereafter must meet the appropriate requirements of §§ 227.6, 227.7, 227.8, 227.9 and 227.10.

(b) Other containerized wastes will be approved for dumping only under the following conditions:

(1) The materials to be disposed of decay, decompose or radiodecay to environmentally innocuous materials within the life expectancy of the containers and/or their inert matrix; and

(2) Materials to be dumped are present in such quantities and are of such nature that only short-term localized adverse effects will occur should the containers rupture at any time; and

(3) Containers are dumped at depths and locations where they will cause no threat to navigation, fishing, shorelines, or beaches.

§ 227.12 Insoluble wastes.

(a) Solid wastes consisting of inert natural minerals or materials compatible with the ocean environment may be generally approved for ocean dumping provided they are insoluble above the applicable trace or limiting permissible concentrations and are rapidly and completely settleable, and they are of a particle size and density that they would be deposited or rapidly dispersed without damage to benthic, demersal, or pelagic biota.

(b) Persistent inert synthetic or natural materials which may float or remain in suspension in the ocean as prohibited in paragraph (d) of § 227.5 may be dumped in the ocean only when they have been processed in such a fashion that they will sink to the bottom and remain in place.

§ 227.13 Dredged materials.

(a) Dredged materials are bottom sediments or materials that have been dredged or excavated from the navigable waters of the United States, and their disposal into ocean waters is regulated by the U.S. Army Corps of Engineers using the criteria of applicable sections of Parts 227 and 228. Dredged material consists primarily of natural sediments or materials which may be contaminated by municipal or industrial wastes or by runoff from terrestrial sources such as agricultural lands.

(b) Dredged material which meets the criteria set forth in the following paragraphs (1), (2), or (3) is environmentally acceptable for ocean dumping without further testing under this section:

(1) Dredged material is composed predominantly of sand, gravel, rock, or any other naturally occurring bottom material with particle sizes larger than silt, and the material is found in areas of high current or wave energy such as streams with large bed loads or coastal areas with shifting bars and channels; or

(2) Dredged material is for beach nourishment or restoration and is composed predominantly of sand, gravel or shell with particle sizes compatible with material on the receiving beaches; or

(3) When: (i) The material proposed for dumping is substantially the same as the substrate at the proposed disposal site; and

(ii) The site from which the material proposed for dumping is to be taken is far removed from known existing and historical sources of pollution so as to provide reasonable assurance that such material has not been contaminated by such pollution.

(c) When dredged material proposed for ocean dumping does not meet the criteria of paragraph (b) of this section, further testing of the liquid, suspended particulate, and solid phases, as defined in § 227.32, is required. Based on the results of such testing, dredged material can be considered to be environmentally acceptable for ocean dumping only under the following conditions:

(1) The material is in compliance with the requirements of § 227.6; and

(2) (i) All major constituents of the liquid phase are in compliance with the applicable marine water quality criteria after allowance for initial mixing; or

(ii) When the liquid phase contains major constituents not included in the applicable marine water quality criteria, or there is reason to suspect synergistic effects of certain contaminants, bioassays on the liquid phase of the dredged material show that it can be discharged so as not to exceed the limiting permissible concentration as defined in paragraph (a) of § 227.27; and

(3) Bioassays on the suspended particulate and solid phases show that it can be discharged so as not to exceed the limiting permissible concentration as defined in paragraph (b) of § 227.27.

(d) For the purposes of paragraph (c) (2), major constituents to be analyzed in the liquid phase are those deemed critical by the District Engineer, after evaluating and considering any comments received from the Regional Administrator, and considering known sources of discharges in the area.

Subpart C—Need for Ocean Dumping

§ 227.14 Criteria for evaluating the need for ocean dumping and alternatives to ocean dumping.

This Subpart C states the basis on which an evaluation will be made of the need for ocean dumping, and alternatives to ocean dumping. The nature of these factors does not permit the promulgation of specific quantitative criteria of each permit application. These factors will therefore be evaluated if applicable for each proposed dumping on an individual basis using the guidelines specified in this Subpart C.

§ 227.15 Factors considered.

The need for dumping will be determined by evaluation of the following factors:

(a) Degree of treatment useful and feasible for the waste to be dumped, and whether or not the waste material has been or will be treated to this degree before dumping;

(b) Raw materials and manufacturing or other processes resulting in the waste, and whether or not these materials or processes are essential to the provision of the applicant's goods or services, or if other less polluting materials or processes could be used;

(c) The relative environmental risks, impact and cost for ocean dumping as opposed to other feasible alternatives including but not limited to:

(1) Land fill;

(2) Well injection;

(3) Incineration;

(4) Spread of material over open ground;

(5) Recycling of material for reuse;

(6) Additional biological, chemical, or physical treatment of intermediate or final waste streams;

(7) Storage.

(d) Irreversible or irretrievable consequences of the use of alternatives to ocean dumping.

§ 227.16 Basis for determination of need for ocean dumping.

(a) A need for ocean dumping will be considered to have been demonstrated when a thorough evaluation of the factors listed in § 227.15 has been made, and the Administrator, Regional Administrator or District Engineer, as the case may be, has determined that the following conditions exist where applicable:

(1) There are no practicable improvements which can be made in process technology or in overall waste treatment to reduce the adverse impacts of the waste on the total environment;

(2) There are no practicable alternative locations and methods of disposal or recycling available, including without limitation, storage until treatment facilities are completed, which have less adverse environmental impact or potential risk to other parts of the environment than ocean dumping.

(b) For purposes of paragraph (a) of this section, waste treatment or improvements in processes and alternative methods of disposal are practicable when they are available at reasonable incremental cost and energy expenditures, which need not be competitive with the costs of ocean dumping, taking into account the environmental benefits derived from such activity, including the relative adverse environmental impacts associated with the use of alternatives to ocean dumping.

(c) The duration of permits issued under Subchapter H and other terms and conditions imposed in those permits shall be determined after taking into account the factors set forth in this section. Notwithstanding compliance with Subparts B, D, and E of this Part 227 permittees may, on the basis of the need for and alternatives to ocean dumping, be required to terminate all ocean dumping by a specified date, to phase out all ocean dumping over a specified period or periods, to continue research and development of alternative methods of disposal and make periodic reports of such research and development in order to provide additional information for periodic review of the need for and alternatives to ocean dumping, or to take such other action as the Administrator, the Regional Administrator, or District Engineer, as the case may be, determines to be necessary or appropriate.

Subpart D—Impact of the Proposed Dumping on Esthetic, Recreational and Economic Values

§ 227.17 Basis for determination.

(a) The impact of dumping on esthetic, recreational and economic values will be evaluated on an individual basis using the following considerations:

(1) potential for affecting recreational use and values of ocean waters, inshore waters, beaches, or shorelines;

(2) potential for affecting the recreational and commercial values of living marine resources.

(b) For all proposed dumping, full consideration will be given to such nonquantifiable aspects of esthetic, recreational and economic impact as:

(1) responsible public concern for the consequences of the proposed dumping;

(2) consequences of not authorizing the dumping including without limitation, the impact on esthetic, recreational and economic values with respect to the municipalities and industries involved.

§ 227.18 Factors considered.

The assessment of the potential for impacts on esthetic, recreational and economic values will be based on an evaluation of the appropriate characteristics of the material to be dumped, allowing for conservative rates of dilution, dispersion, and biochemical degradation during movement of the materials from a disposal site to an area of significant recreational or commercial value. The following specific factors will be considered in making such an assessment:

(a) Nature and extent of present and potential recreational and commercial use of areas which might be affected by the proposed dumping;

(b) Existing water quality, and nature and extent of disposal activities, in the areas which might be affected by the proposed dumping;

(c) Applicable water quality standards;

(d) Visible characteristics of the materials (e.g., color, suspended particulates) which result in an unacceptable esthetic nuisance in recreational areas;

(e) Presence in the material of pathogenic organisms which may cause a public health hazard either directly or through contamination of fisheries or shellfisheries;

(f) Presence in the material of toxic chemical constituents released in volumes which may affect humans directly;

(g) Presence in the material of chemical constituents which may be bioaccumulated or persistent and may have an adverse effect on humans directly or through food chain interactions;

(h) Presence in the material of any constituents which might significantly affect living marine resources of recreational or commercial value.

§ 227.19 Assessment of impact.

An overall assessment of the proposed dumping and possible alternative methods of disposal or recycling will be made based on the effect on esthetic, recreational and economic values based on the factors set forth in this Subpart D, including where applicable, enhancement of these values, and the results of the assessment will be expressed, where possible, on a quantitative basis, such as percentage of a resource lost, reduction in user days of recreational areas, or dollars lost in commercial fishery profits or the profitability of other commercial enterprises.

Subpart E—Impact of the Proposed Dumping on Other Uses of the Ocean

§ 227.20 Basis for determination.

(a) Based on current state-of-the-art, consideration must be given to any possible long-range effects of even the most innocuous substances when dumped in the ocean on a continuing basis. Such a consideration is made in evaluating the relationship of each proposed disposal activity in relationship to its potential for long-range impact on other uses of the ocean.

(b) An evaluation will be made on an individual basis for each proposed dumping of material of the potential for effects on uses of the ocean for purposes other than material disposal. The factors to be considered in this evaluation include those stated in Subpart D, but the evaluation of this Subpart E will be based on the impact of the proposed dumping on specific uses of the ocean rather than on overall esthetic, recreational and economic values.

§ 227.21 Uses considered.

An appraisal will be made of the nature and extent of existing and potential uses of the disposal site itself and of any areas which might reasonably be expected to be affected by the proposed dumping, and a quantitative and qualitative evaluation made, where feasible, of the impact of the proposed dumping on each use. The uses considered shall include, but not be limited to:

(a) Commercial fishing in open ocean areas;

(b) Commercial fishing in coastal areas;

(c) Commercial fishing in estuarine areas;

(d) Recreational fishing in open ocean areas;

(e) Recreational fishing in coastal areas;

(f) Recreational fishing in estuarine areas;

(g) Recreational use of shorelines and beaches;

(h) Commercial navigation;

(i) Recreational navigation;

(j) Actual or anticipated exploitation of living marine resources;

(k) Actual or anticipated exploitation of non-living resources, including without limitation, sand and gravel places and other mineral deposits, oil and gas exploration and development and offshore marine terminal or other structure development; and

(l) Scientific research and study.

§ 227.22 Assessment of impact.

The assessment of impact on other uses of the ocean will consider both temporary and long-range effects within the state of the art, but particular emphasis will be placed on any irreversible or irretrievable commitment of resources that would result from the proposed dumping.

Subpart F—Special Requirements for Interim Permits Under Section 102 of the Act

§ 227.23 General requirement.

Each interim permit issued under section 102 of the Act will include a requirement for the development and implementation, as soon as practicable, of a plan which requires, at the discretion of the Administrator or Regional Administrator, as the case may be, either:

(a) Elimination of ocean disposal of the waste, or

(b) Bringing the waste into compliance with all the criteria for acceptable ocean disposal.

§ 227.24 Contents of environmental assessment.

A plan developed pursuant to this Subpart F must include an environmental assessment of the proposed action, including without limitation:

(a) Description of the proposed action;

(b) A thorough review of the actual need for dumping;

(c) Environmental impact of the proposed action;

(d) Adverse impacts which cannot be avoided should the proposal be implemented;

(e) Alternatives to the proposed action;

(f) Relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(g) Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented; and

(h) A discussion of problems and objections raised by other Federal, State and local agencies and by interested persons in the review process.

§ 227.25 Contents of plans.

In addition to the environmental assessment required by § 227.24, a plan developed pursuant to this Subpart F must include a schedule for eliminating ocean dumping or bringing the wastes into compliance with the environmental impact criteria of Subpart B, including without limitation, the following:

(a) If the waste is treated to the degree necessary to bring it into compliance with the ocean dumping criteria, the applicant should provide a description of the treatment and a scheduled program for treatment and a subsequent analysis of treated material to prove the effectiveness of the process.

(b) If treatment cannot be effected by post-process techniques the applicant should, determining the offending constituents, examine his raw materials and his total process to determine the origin of the pollutant. If the offending constituents are found in the raw material the applicant should consider a new supplier and provide an analysis of the new material to prove compliance. Raw materials are to include all water used in the process. Water from municipal sources complying with drinking water standards is acceptable. Water from other sources such as private wells should be analyzed for contaminants. Water that has been used in the process should be considered for treatment and recycling as an additional source of process water.

(c) If offending constituents are a result of the process, the applicant should investigate and describe the source of the constituents. A report of this information will be submitted to EPA and the applicant will then submit a proposal describing possible alternatives to the existing process or processes and level of cost and effectiveness.

(d) If an acceptable alternative to ocean dumping or additional control technology is required, a schedule and documentation for implementation of the alternative or approved control process shall be submitted and shall include, without limitation:

(1) Engineering plan;

(2) Financing approval;

(3) Starting date for change;

(4) Completion date;

(5) Operation starting date.

(e) If an acceptable alternative does not exist at the time the application is submitted, the applicant will submit an acceptable in-house research program or employ a competent research institution to study the problem. The program of research must be approved by the Administrator or Regional Administrator, as the case may be, before the initiation

of the research. The schedule and documentation for implementation of a research program will include, without limitation:

(1) Approaches;

(2) Experimental design;

(3) Starting date;

(4) Reporting intervals;

(5) Proposed completion date;

(6) Date for submission of final report.

§ 227.26 Implementation of plans.

Implementation of each phase of a plan shall be initiated as soon as it is approved by the Administrator or Regional Administrator, as the case may be.

Subpart G—Definitions

§ 227.27 Limiting permissible concentration (LPC).

(a) The limiting permissible concentration of the liquid phase of a material is:

(1) That concentration of a constituent which, after allowance for initial mixing as provided in § 227.29, does not exceed applicable marine water quality criteria; or, when there are no applicable marine water quality criteria,

(2) That concentration of waste or dredged material in the receiving water which, after allowance for initial mixing, as specified in § 227.29, will not exceed a toxicity threshold defined as 0.01 of a concentration shown to be acutely toxic to appropriate sensitive marine organisms in a bioassay carried out in accordance with approved EPA procedures.

(3) When there is reasonable scientific evidence on a specific waste material to justify the use of an application factor other than 0.01 as specified in paragraph (a) (2) of this section, such alternative application factor shall be used in calculating the LPC.

(b) The limiting permissible concentration of the suspended particulate and solid phases of a material means that concentration which will not cause unreasonable acute or chronic toxicity or other sublethal adverse effects based on bioassay results using appropriate sensitive marine organisms in the case of the suspended particulate phase, or appropriate sensitive benthic marine organisms in the case of the solid phase; or which will not cause accumulation of toxic materials in the human food chain. These bioassays are to be conducted in accordance with procedures approved by EPA, or, in the case of dredged material, approved by EPA and the Corps of Engineers.[1]

(c) "Appropriate sensitive marine organisms" means at least one species each representative of phytoplankton or zooplankton, crustacean or mollusk, and fish species chosen from among the most sensitive species documented in the scientific literature or accepted by EPA as being reliable test organisms to determine the anticipated impact of the wastes on the ecosystem at the disposal site. Bioassays, except on phytoplankton or zooplankton, shall be run for a minimum of 96 hours under temperature, salinity, and dissolved oxygen conditions representing the extremes of environmental stress at the disposal site. Bioassays on phytoplankton or zooplankton may be run for shorter periods of time as appropriate for the organisms tested at the discretion of EPA, or EPA and the Corps of Engineers, as the case may be.

(d) "Appropriate sensitive benthic marine organisms" means at least one species each representing filter-feeding, deposit-feeding, and burrowing species chosen from among the most sensitive species accepted by EPA as being reliable test organisms to determine the anticipated impact on the site; provided, however, that until sufficient species are adequately tested and documented, interim guidance on appropriate organisms available for use will be provided by the Administrator, Regional Administrator, or the District Engineer, as the case may be.

§ 227.28 Release zone.

The release zone is the area swept out by the locus of points constantly 100 meters from the perimeter of the conveyance engaged in dumping activities, beginning at the first moment in which dumping is scheduled to occur and ending at the last moment in which dumping is scheduled to occur. No release zone shall exceed the total surface area of the dumpsite.

§ 227.29 Initial mixing.

(a) Initial mixing is defined to be that dispersion or diffusion of liquid, suspended particulate, and solid phases of a waste which occurs within four hours after dumping. The limiting permissible concentration shall not be exceeded beyond the boundaries of the disposal site during initial mixing, and shall not be exceeded at any point in the marine environment after initial mixing. The maximum concentration of the liquid, suspended particulate, and solid phases of a dumped material after initial mixing shall be estimated by one of these methods, in order of preference:

(1) When field data on the proposed dumping are adequate to predict initial dispersion and diffusion of the waste, these shall be used, if necessary, in conjunction with an appropriate mathematical model acceptable to EPA or the District Engineer, as appropriate.

(2) When field data on the dispersion and diffusion of a waste of characteristics similar to that proposed for discharge are available, these shall be used in conjunction with an appropriate mathematical model acceptable to EPA or the District Engineer, as appropriate.

(3) When no field data are available, theoretical oceanic turbulent diffusion relationships may be applied to known characteristics of the waste and the disposal site.

(b) When no other means of estimation are feasible,

(1) The liquid and suspended particulate phases of the dumped waste may be assumed to be evenly distributed after four hours over a column of water bounded on the surface by the release zone and extending to the ocean floor, thermocline, or halocline if one exists, or to a depth of 20 meters, whichever is shallower, and

(2) The solid phase of a dumped waste may be assumed to settle rapidly to the ocean bottom and to be distributed evenly over the ocean bottom in an area equal to that of the release zone as defined in § 227.28.

(c) When there is reasonable scientific evidence to demonstrate that other methods of estimating a reasonable allowance for initial mixing are appropriate for a specific material, such methods may be used with the concurrence of EPA after appropriate scientific review.

§ 227.30 High-level radioactive waste.

High-level radioactive waste means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels or irradiated fuel from nuclear power reactors.

§ 227.31 Applicable marine water quality criteria.

Applicable marine water quality criteria means the criteria given for marine waters in the EPA publication "Quality Criteria for Water" as published in 1976 and amended by subsequent supplements or additions.

§ 227.32 Liquid, suspended particulate, and solid phases of a material.

(a) For the purposes of these regulations, the liquid phase of a material, subject to the exclusions of paragraph (b) of this section, is the supernatant remaining after one hour undisturbed settling, after centrifugation and filtration through a 0.45 micron filter. The suspended particulate phase is the supernatant as obtained above prior to centrifugation and filtration. The solid phase includes all material settling to the bottom in one hour. Settling shall be conducted according to procedures approved by EPA.

(b) For dredged material, other material containing large proportions of insoluble matter, materials which may interact with ocean water to form insoluble matter or new toxic compounds, or materials which may release toxic compounds upon deposition, the Administrator, Regional Administrator, or the District Engineer, as the case may be, may require that the separation of liquid, suspended particulate, and solid phases of the material be performed upon a mixture of the waste with ocean water rather than on the material itself. In

[1] An implementation manual is being developed jointly by EPA and the Corps of Engineers, and announcement of the availability of the manual will be published in the FEDERAL REGISTER. Until this manual is available, interim guidance on the appropriate procedures can be obtained from the Marine Protection Branch, WH-548, Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, or the Corps of Engineers, as the case may be.

such cases the following procedures shall be used:

(1) For dredged material, the liquid phase is considered to be the centrifuged and 0.45 micron filtered supernatant remaining after one hour undisturbed settling of the mixture resulting from a vigorous 30-minute agitation of one part bottom sediment from the dredging site with four parts water (vol/vol) collected from the dredging site or from the disposal site, as appropriate for the type of dredging operation. The suspended particulate phase is the supernatant as obtained above prior to centrifugation and filtration. The solid phase is considered to be all material settling to the bottom within one hour. Settling shall be conducted by procedures approved by EPA and the Corps of Engineers.

(2) For other materials, the proportion of ocean water used shall be the minimum amount necessary to produce the anticipated effect (e.g., complete neutralization of an acid or alkaline waste) based on guidance provided by EPA on particular cases, or in accordance with approved EPA procedures. For such materials the liquid phase is the filtered and centrifuged supernatant resulting from the mixture after 30 minutes of vigorous shaking followed by undisturbed settling for one hour. The suspended particulate phase is the supernatant as obtained above prior to centrifugation and filtration. The solid phase is the insoluble material settling to the bottom in that period.

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

Sec.
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228.12 Delegation of management authority for interim ocean dumping sites.
228.13 Guidelines for ocean disposal site baseline or trend assessment surveys under Section 102 of the Act.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 228.1 Applicability.

The criteria of this Part 228 are established pursuant to section 102 of the Act and apply to the evaluation of proposed ocean dumping under Title I of the Act. The criteria of this Part 228 deal with the evaluation of the proposed dumping of material in ocean waters in relation to continuing requirements for effective management of ocean disposal sites to prevent unreasonable degradation of the marine environment from all wastes being dumped in the ocean. This Part 228 is applicable to dredged material disposal sites only as specified in §§ 228.4(e), 228.9, and 228.12.

§ 228.2 Definitions.

(a) The term "disposal site" means an interim or finally approved and precise geographical area within which ocean dumping of wastes is permitted under conditions specified in permits issued under sections 102 and 103 of the Act. Such sites are identified by boundaries established by (1) coordinates of latitude and longitude for each corner, or by (2) coordinates of latitude and longitude for the center point and a radius in nautical miles from that point. Boundary coordinates shall be identified as precisely as is warranted by the accuracy with which the site can be located with existing navigational aids or by the implantation of transponders, buoys or other means of marking the site.

(b) The term "baseline" or "trend assessment" survey means the planned sampling or measurement of parameters at set stations or in set areas in and near disposal sites for a period of time sufficient to provide synoptic data for determining water quality, benthic, or biological conditions as a result of ocean disposal operations. The minimum requirements for such surveys are given in § 228.13.

(c) The term "disposal site evaluation study" means the collection, analysis, and interpretation of all pertinent information available concerning an existing disposal site, including but not limited to, data and information from trend assessment surveys, monitoring surveys, special purpose surveys of other Federal agencies, public data archives, and social and economic studies and records of affected areas.

(d) The term "disposal site designation study" means the collection, analysis and interpretation of all available pertinent data and information on a proposed disposal site prior to use, including but not limited to, that from baseline surveys, special purpose surveys of other Federal agencies, public data archives, and social and economic studies and records of areas which would be affected by use of the proposed site.

(e) The term "management authority" means the EPA organizational entity assigned responsibility for implementing the management functions identified in § 228.3.

(f) "Statistical significance" shall mean the statistical significance determined by using appropriate standard techniques of multivariate analysis with results interpreted at the 95 percent confidence level and based on data relating species which are present in sufficient numbers at control areas to permit a valid statistical comparison with the areas being tested.

(g) "Valuable commercial and recreational species" shall mean those species for which catch statistics are compiled on a routine basis by the Federal or State agency responsible for compiling such statistics for the general geographical area impacted, or which are under current study by such Federal or State agencies for potential development for commercial or recreational use.

(h) "Normal ambient value" means that concentration of a chemical species reasonably anticipated to be present in the water column, sediments, or biota in the absence of disposal activities at the disposal site in question.

§ 228.3 Disposal site management responsibilities.

Management of a site consists of regulating times, rates, and methods of disposal and quantities and types of materials disposed of; developing and maintaining effective ambient monitoring programs for the site; conducting disposal site evaluation and designation studies; and recommending modifications in site use and/or designation (e.g., termination of use of the site for general use or for disposal of specific wastes).

Each site, upon interim or continuing use designation, will be assigned to either an EPA Regional office or to EPA Headquarters for management. These designations will be consistent with the delegation of authority in § 220.4. The designated management authority is fully responsible for all aspects of the management of sites within the general requirements specified in § 220.4 and this section. Specific requirements for meeting the management responsibilities assigned to the designated management authority for each site are outlined in §§ 228.5 and 228.6.

§ 228.4 Procedures for designation of sites.

(a) *General Permits.* Geographical areas or regions within which materials may be dumped under a general permit will be published as part of the promulgation of each general permit.

(b) *Special and Interim Permits.* Areas where ocean dumping is permitted subject to the specific conditions of individual special or interim permits, will be designated by promulgation in this Part 228, and such designation will be made based on environmental studies of each site, regions adjacent to the site, and on historical knowledge of the impact of waste disposal on areas similar to such sites in physical, chemical, and biological characteristics. All studies for the evaluation and potential selection of dumping sites will be conducted in accordance with the requirements of §§ 228.5 and 228.6.

The Administrator may, from time to time, designate specific locations for temporary use for disposal of small amounts of materials under a special permit only without disposal site designation studies when such materials satisfy the Criteria and the Administrator determines that the quantities to be disposed of at such sites will not result in significant impact on the environment. Such designations will be done by promulgation in this Part 228, and will be for a specified period of time and for specified quantities of materials.

(c) *Emergency Permits.* Dumping sites for materials disposed of under an emergency permit will be specified by the Administrator as a permit condition and will be based on an individual appraisal

of the characteristics of the waste and the safest means for its disposal.

(d) *Research Permits.* Dumping sites for research permits will be determined by the nature of the proposed study. Dumping sites will be specified by the Administrator as a permit condition.

(e) *Dredged Material Permits.*

(1) Areas where ocean dumping of dredged material is permitted subject to the specific conditions of Dredged Material permits issued by the U.S. Army Corps of Engineers will be designated by EPA by promulgation in this Part 228, and such designation will be made based on environmental studies of each site, regions adjacent to the site, and on historical knowledge of the impact of dredged material disposal on areas similar to such sites in physical, chemical, and biological characteristics. All studies for the evaluation and potential selection of dredged material disposal sites will be conducted in accordance with the appropriate requirements of §§ 228.5 and 228.6, except that:

(i) Baseline or trend assessment requirements may be developed on a case-by-case basis from the results of research, including that now in progress by the Corps of Engineers.

(ii) An environmental impact assessment for all sites within a particular geographic area may be prepared based on complete disposal site designation or evaluation studies on a typical site or sites in that area. In such cases, sufficient studies to demonstrate the generic similarity of all sites within such a geographic area will be conducted.

(2) In those cases where a recommended disposal site has not been designated by the Administrator, or where it is not feasible to utilize a recommended disposal site that has been designated by the Administrator, the District Engineer shall, in consultation with EPA, select a site in accordance with the requirements of §§ 228.5 and 228.6(a). Concurrence by EPA in permits issued for the use of such site for the dumping of dredged material at the site will constitute EPA approval of the use of the site for dredged material disposal only.

(3) Sites designated for the ocean dumping of dredged material in accordance with the procedures of paragraphs (e)(1) or (e)(2) of this section shall be used only for the ocean dumping of dredged material under permits issued by the U.S. Army Corps of Engineers.

§ 228.5 General criteria for the selection of sites.

(a) The dumping of materials into the ocean will be permitted only at sites or in areas selected to minimize the interference of disposal activities with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation.

(b) Locations and boundaries of disposal sites will be so chosen that temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery.

(c) If at anytime during or after disposal site evaluation studies, it is determined that existing disposal sites presently approved on an interim basis for ocean dumping do not meet the criteria for site selection set forth in §§ 228.5-228.6, the use of such sites will be terminated as soon as suitable alternate disposal sites can be designated.

(d) The sizes of ocean disposal sites will be limited in order to localize for identification and control any immediate adverse impacts and permit the implementation of effective monitoring and surveillance programs to prevent adverse long-range impacts. The size, configuration, and location of any disposal site will be determined as a part of the disposal site evaluation or designation study.

(e) EPA will, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf and other such sites that have been historically used.

§ 228.6 Specific criteria for site selection.

(a) In the selection of disposal sites, in addition to other necessary or appropriate factors determined by the Administrator, the following factors will be considered:

(1) Geographical position, depth of water, bottom topography and distance from coast;

(2) Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases;

(3) Location in relation to beaches and other amenity areas;

(4) Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any;

(5) Feasibility of surveillance and monitoring;

(6) Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any;

(7) Existence and effects of current and previous discharges and dumping in the area (including cumulative effects);

(8) Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean;

(9) The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys;

(10) Potentiality for the development or recruitment of nuisance species in the disposal site;

(11) Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.

(b) The results of a disposal site evaluation and/or designation study based on the criteria stated in paragraphs (1)-(11) will be presented in support of the site designation promulgation as an environmental assessment of the impact of the use of the site for disposal, and will be used in the preparation of an environmental impact statement for each site where such a statement is required by EPA policy. By publication of a notice in accordance with this Part 228, an environmental impact statement, in draft form, will be made available for public comment not later than the time of publication of the site designation as proposed rulemaking, and a final EIS will be made available at the time of final rulemaking.

§ 228.7 Regulation of disposal site use.

Where necessary, disposal site use will be regulated by setting limitations on times of dumping and rates of discharge and establishing a disposal site monitoring program.

§ 228.8 Limitations on times and rates of disposal.

Limitations as to time for and rates of dumping may be stated as part of the promulgation of site designation. The times and the quantities of permitted material disposal will be regulated by the EPA management authority so that the limits for the site as specified in the site designation are not exceeded. This will be accomplished by the denial of permits for the disposal of some materials, by the imposition of appropriate conditions on other permits and, if necessary, the designation of new disposal sites under the procedures of § 228.4. In no case may the total volume of material disposed of at any site under special or interim permits cause the concentration of the total materials or any constituent of any of the materials being disposed of at the site to exceed limits specified in the site designation.

§ 228.9 Disposal site monitoring.

(a) The monitoring program, if deemed necessary by the Regional Administrator or the District Engineer, as appropriate, may include baseline or trend assessment surveys by EPA, NOAA, other Federal agencies, or contractors, special studies by permittees, and the analysis and interpretation of data from remote or automatic sampling and/or sensing devices. The primary purpose of the monitoring program is to evaluate the impact of disposal on the marine environment by referencing the monitoring results to a set of baseline conditions. When disposal sites are being used on a continuing basis, such programs may consist of the following components:

(1) Trend assessment surveys conducted at intervals frequent enough to assess the extent and trends of environmental impact. Until survey data or other information are adequate to show that changes in frequency or scope are necessary or desirable, trend assessment and baseline surveys should generally conform to the applicable requirements of § 228.13. These surveys shall be the responsibility of the Federal government.

(2) Special studies conducted by the permittee to identify immediate and short-term impacts of disposal operations.

(b) These surveys may be supplemented, where feasible and useful, by data collected from the use of automatic sampling buoys, satellites or in situ platforms, and from experimental programs.

(c) EPA will require the full participation of permittees, and encourage the full participation of other Federal and State and local agencies in the development and implementation of disposal site monitoring programs. The monitoring and research programs presently supported by permittees may be incorporated into the overall monitoring program insofar as feasible.

§ 228.10 Evaluating disposal impact.

(a) Impact of the disposal at each site designated under section 102 of the Act will be evaluated periodically and a report will be submitted as appropriate as part of the Annual Report to Congress. Such reports will be prepared by or under the direction of the EPA management authority for a specific site and will be based on an evaluation of all data available from baseline and trend assessment surveys, monitoring surveys, and other data pertinent to conditions at and near a site.

(b) The following types of effects, in addition to other necessary or appropriate considerations, will be considered in determining to what extent the marine environment has been impacted by materials disposed of at an ocean disposal site:

(1) Movement of materials into estuaries or marine sanctuaries, or onto oceanfront beaches, or shorelines;

(2) Movement of materials toward productive fishery or shellfishery areas;

(3) Absence from the disposal site of pollution-sensitive biota characteristic of the general area;

(4) Progressive, non-seasonal, changes in water quality or sediment composition at the disposal site, when these changes are attributable to materials disposed of at the site;

(5) Progressive, non-seasonal, changes in composition or numbers of pelagic, demersal, or benthic biota at or near the disposal site, when these changes can be attributed to the effects of materials disposed of at the site;

(6) Accumulation of material constituents (including without limitation, human pathogens) in marine biota at or near the site.

(c) The determination of the overall severity of disposal at the site on the marine environment, including without limitation, the disposal site and adjacent areas, will be based on the evaluation of the entire body of pertinent data using appropriate methods of data analysis for the quantity and type of data available. Impacts will be categorized according to the overall condition of the environment of the disposal site and adjacent areas based on the determination by the EPA management authority assessing the nature and extent of the effects identified in paragraph (b) of this section in addition to other necessary or appropriate considerations. The following categories shall be used:

(1) *Impact Category I:* The effects of activities at the disposal site shall be categorized in Impact Category I when one or more of the following conditions is present and can reasonably be attributed to ocean dumping activities:

(i) There is identifiable progressive movement or accumulation, in detectable concentrations above normal ambient values, of any waste or waste constituent from the disposal site within 12 nautical miles of any shoreline, marine sanctuary designated under Title III of the Act, or critical area designated under section 102(c) of the Act; or

(ii) The biota, sediments, or water column of the disposal site, or of any area outside the disposal site where any waste or waste constituent from the disposal site is present in detectable concentrations above normal ambient values, are adversely affected by the toxicity of such waste or waste constituent to the extent that there are statistically significant decreases in the populations of valuable commercial or recreational species, or of specific species of biota essential to the propagation of such species, within the disposal site and such other area as compared to populations of the same organisms in comparable locations outside such site and area; or

(iii) Solid waste material disposed of at the site has accumulated at the site or in areas adjacent to it, to such an extent that major uses of the site or of adjacent areas are significantly impaired and the Federal or State agency responsible for regulating such uses certifies that such significant impairment has occurred and states in its certificate the basis for its determination of such impairment; or

(iv) There are adverse effects on the taste or odor of valuable commercial or recreational species as a result of disposal activities; or

(v) When any toxic waste, toxic waste constituent, or toxic byproduct of waste interaction, is consistently identified in toxic concentrations above normal ambient values outside the disposal site more than four hours after disposal.

(2) *Impact Category II:* The effects of activities at the disposal site which are not categorized in Impact Category I shall be categorized in Impact Category II.

§ 228.11 Modification in disposal site use.

(a) Modifications in disposal site use which involve the withdrawal of designated disposal sites from use or permanent changes in the total specified quantities or types of wastes permitted to be discharged to a specific disposal site will be made through promulgation of an amendment to the disposal site designation set forth in this Part 228 and will be based on the results of the analyses of impact described in § 228.10 or upon changed circumstances concerning use of the site.

(b) Modifications in disposal site use promulgated pursuant to paragraph (a) of this section shall not automatically modify conditions of any outstanding permit issued pursuant to this Subchapter H, and provided further that unless the EPA management authority for such site modifies, revokes or suspends such permit or any of the terms or conditions of such permit in accordance with the provisions of § 228.2 based on the results of impact analyses as described in § 228.10 or upon changed circumstances concerning use of the site, such permit will remain in force until its expiration date.

(c) When the EPA management authority determines that activities at a disposal site have placed the site in Impact Category I, the Administrator or the Regional Administrator, as the case may be, shall place such limitations on the use of the site as are necessary to reduce the impacts to acceptable levels.

(d) The determination of the Administrator as to whether to terminate or limit use of a disposal site will be based on the impact of disposal at the site itself and on the Criteria.

§ 228.12 Delegation of management authority for interim ocean dumping sites.

(a) The following sites are approved for dumping the indicated materials on an interim basis pending completion of baseline or trend assessment surveys and designation for continuing use or termination of use. Management authority for all sites is delegated to the EPA organizational entity under which each site is listed. The sizes and use specifications are based on historical usage and do not necessarily meet the criteria stated in this Part. This list of interim sites will remain in force for a period not to exceed three years from the date of final promulgation of this Part 228, except for those sites approved for continuing use or disapproved for use by promulgation in this Part during that period of time.

Approved interim dumping sites

Location (latitude, longitude)	EPA region	Primary use
43°33'00" N., 69°55'00" W., 1 nautical mile radius	1	Industrial wastes.
42°25'42" N., 70°35'00" W., 1 nautical mile radius	1	Do.
40°22'30" N. to 40°25'00" N., 73°41'30" W. to 73°45'00" W	II	Municipal sewage sludge.
40°16'00" N. to 40°20'00" N., 73°36'00" W. to 73°40'00" W	II	Acid waste.
38°40'00" N. to 39°00'00" N., 72°00'00" W. to 72°30'00" W	II	Industrial wastes.
40°23'09" N., 73°49'00" W., 0.6 nautical mile radius	II	Cellar dirt.
40°10'00" N., 73°42'00" W., 0.5 nautical mile radius	II	Wrecks.
19°10'00" N. to 19°20'00" N., 66°38'00" W. to 66°50'00" W	II	Industrial wastes.
38°30'00" N. to 38°35'00" N., 74°15'00" W. to 74°25'00" W	III	Acid wastes.
38°20'00" N. to 38°25'00" N., 74°10'00" W. to 74°20'00" W	III	Municipal sewage sludge.
31°46'00" N., 80°30'00" W., 31°47'06" N., 80°29'00" W., 31°48'00" N., 80°30'30" W., 31°46'30" N., 80°32'00" W.	IV	Industrial wastes
27°12'00" N. to 27°28'00" N., 94°28'00" W. to 94°44'00" W	VI	Do.
28°00'00" N. to 28°10'00" N., 89°15'00" W. to 89°30'00" W	VI	Do.

DREDGED MATERIAL SITES

(All dredged material sites will be retained under EPA Headquarters management until formally approved for continuing use or otherwise assigned for Regional management prior to such designation.)

LOCATION (LAT., LONG.)

Marblehead, MA—42°25'42" N., 70°34'00" W. (2 N. Mi. diameter).

Boston, MA—41°49'00" N., 70°25'00" W. (1 N. Mi. diameter).

Portland, ME—43°32'18" N., 70°06'06" W. (1 Mi. diameter).

Cape Arundel, ME—43°17'45" N., 70°27'12" W. (500 yds. diameter).

Absecon Inlet—39°21'07" N., 74°23'40" W.; 39°21'18" N., 74°23'53" W.

Cold Spring Inlet—38°55'41" N., 74°53'05" W.; 38°55'33" N., 74°53'23" W.

Manasquan Inlet—40°06'22" N., 74°01'46" W.; 40°06'38" N., 74°01'39" W.

East Rockaway—40°34'36" N., 73°49'00" W.; 40°35'06" N., 73°47'06" W.; 40°34'10" N., 73°48'36" W.; 40°34'12" N., 73°47'17" W.

Jones Inlet—40°34'32" N., 73°39'14" W.; 40°-34'32" N., 73°37'06" W.; 40°33'48" N., 73°-87'06" W.; 40°33'48" N., 73°39'14" W.

Fire Island—40°36'49" N., 73°23'50" W.; 40°-87'12" N., 73°21'30" W.; 40°36'41" N., 73°-21'20" W.; 40°36'10" N., 73°23'40" W.

Mud Dump—40°23'48" N., 73°51'28" W.; 40°-21'48" N., 73°50'00" W.; 40°21'48" N., 73°-51'28" W.; 40°23'48" N., 73°50'00" W.

Shark River—40°12'48" N., 73°59'45" W.; 40°12'44" N., 73°59'06" W.; 40°11'36" N., 73°59'28" W.; 40°11'42" N., 74°00'12" W.

Rockaway Inlet—40°32'30" N., 73°55'00" W.; 40°32'30" N., 73°54'00" W.; 40°32'00" N., 73°54'00" W.; 40°32'00" N., 73°55'00" W.

San Juan Harbor—18°30'10" N., 66°08'29" W.; 18°30'10" N., 66°09'31" W.

Mayaguez Harbor—18°14'30" N., 67°13'29" W.; 18°15'30" N., 67°14'31" W.

Arecibo Harbor—18°30'00" N., 66°42'45" W.; 18°31'00" N., 66°43'47" W.

Ponce Harbor—17°55'30" N., 66°38'29" W.; 17°54'30" N., 66°39'31" W.

Dam Neck—36°50'06" N., 75°53'17" W.; °36-46'28" N., 75°53'17" W.; 36°46'28" N., 75°-54'19" W.; 36°50'05" N., 75°54'19" W.

Wilmington Harbor, NC—Hopper dredge disposal in area east of a line beginning 33°-50'00" and 78°02'30" to 38°48'45" and 78°-04'00" to 33°45'00" and 78°05'00".

Morehead City Harbor—Maintenance dredging hoper dredge disposal area 3 miles x 3 miles; aproximate latitude and longitude, bounded north 34°40'00", south 34°38'30", east 76°41'00", west 76°43'00".

Georgetown Harbor—33°11'18" N., 79°07'20" W.; 33°11'18" N., 79°05'23" W.; 33°10'38" N., 79°07'21" W.; 33°10'38" N., 79°05'24" W.

Charleston Harbor—32°18'06" N., 79°41'57" W.; 32°40'42" N., 79°47'30" W.; 32°39'04" N., 79°48'21" W.; 32°36'28" N., 79°43'48" W.

Port Royal Harbor—32°10'11" N., 80°38'00" W.; 32°10'06" N., 80°36'35" W.; 32°08'41" N., 80°35'49" W.; 32°06'38" N., 80°36'23" W.

Port Royal Harbor—32°05'46" N., 80°35'30" W.; 32°05'42" N., 80°36'27" W.; 32°04'27" N., 80°35'18" W.; 32°04'22" N., 80°36'16" W.

Brunswick Harbor—Atlantic outlet, Ga., St. Simons Sound, Brunswick Harbor Bar Channel, maintenance dredging disposal area 1 nautical mile wide by 2 nautical miles long adjacent to the channel located on the south side of the entrance and being 6.6 nautical miles from shore at a point of beginning at 31°02'35" N. and 81°17'40" W., thence due east to 31°02'35" N. and 81°16'30" W., thence due south to 31°00'-30" N. and 81°16'30" W., thence due west to 31°00'30" N. and 81°16'30" W., thence due north to the point of beginning.

Savannah River—Atlantic outlet, Ga., Savannah River Bar Channel, maintenance dredging disposal area 2 nautical miles wide by 2 nautical miles long adjacent to the channel, located on the southeast side and being 6 nautical miles from shore at point of beginning at 31°57'55" N. and 80°46'58" W., thence due east to 31°57'55" N. and 80°44'20" W., thence due south to 31°55'53" N. and 80°46'48" W., thence northward to the point of beginning.

Canaveral Harbor—28°19'53" N., 80°31'08" W.; 28°18'50" N., 80°29'40" W.; 28°17'35" N., 80°30'52" W.; 28°18'38" N., 80°32'20" W.

Fort Pierce Harbor—27°28'30" N., 80°12'33" W.; 27°28'30" N., 80°11'27" W.; 27°27'30" N., 80°11'27" W.; 27°27'30" N., 80°12'33" W.

Jacksonville Harbor—30°21'80" N., 81°18'34" W.; 30°21'30" N., 81°17'26" W.; 30°20'30" N., 81°17'26" W.; 30°20'30" N., 81°18'34" W.

Miami Beach—25°45'30" N., 80°03'54" W.; 25°45'30" N., 80°02'50" W.; 25°44'30" N., 80°02'50" W.; 25°44'30" N., 80°03'54" W.

Palm Beach Harbor—26°48'10" N., 80°02'00" W.; 26°45'54" N., 80°02'06" W.; 26°45'54" N., 80°02'13" W.; 26°46'10" N., 80°02'07" W.

Port Everglades Harbor—26°07'00" N., 80°04'30" W.; 26°07'00" N., 80°03'30" W.; 26°06'00" N., 80°03'30" W.; 26°06'00" N., 80°04'30" W.

St. Augustine Harbor—29°51'33" N., 81°15'24" W.; 29°51'33" N., 81°15'00" W.; 29°50'33" N., 81°15'00" W.; 29°50'33" N., 81°15'24" W.

St. Augustine Harbor—29°55 04" N., 81°17'04" W.; 29°55'13" N., 81°16'11" W.; 29°54'30" N., 81°15'58" W.; 29°54'19" N., 81°16'51" W.

St. Lucie Inlet—27°09'58" N., 80°09'30" W.; 27°09'58" N., 80°08'42" W.; 27°09'52" N., 80°08'42" W.; 27°09'52" N., 80°09'30" W.

Charlotte Harbor—26°37'36" N., 82°19'55" W.; 26°37'36" N., 82°18'47" W.; 26°36'36" N., 82°18'47" W.; 26°36'36" N., 82°19'55" W.

Tampa Harbor—27°38'08" N., 82°55'06" W., 27°38'08" N., 82°54'00" W.; 27°37'08" N., 82°54'00" W.; 27°37'08" N., 82°55'06" W.

Tampa Harbor—27°37'28" N., 83°00'09" W., 27°37'34" N., 82°59'19" W.; 27°36'43" N., 82°59'13" W.; 27°36'37" N., 83°00'03" W.

Fernandina Harbor—30°42'00" N., 81°19'05" W.; 30°42'00" N., 81°17'55" W.; 30°41'00" N., 81°17'55" W.; 30°41'00" N., 81°19'05" W.

Ponce de Leon Inlet—29°06'05" N., 80°55'50" W.; 29°06'10" N., 80°55'40" W.; 29°05'34" N., 80°55'10" W.; 29°05'28" N., 80°55'20" W.

Ponce de Leon Inlet—29°04'46" N., 80°53'40" W.; 29°04'36" N., 80°53'40" W.; 29°04'36" N., 80°54'26" W.; 29°04'46" N., 80°54'26" W.

Palm Beach Harbor—26°46'00" N., 79°58'55" W.; 26°46'00" N., 79°57'47" W.; 26°45'00" N., 79°57'47" W.; 26°45'00" N., 79°58'55" W.

Largo Sound—25°06'06" N., 80°24'42" W., 25°05'58" N., 80°24'05" W.; 25°05'50" N., 80°24'10" W.; 25°05'58" N., 80°24'47" W.

Key West—24°27'24" N., 81°45'39" W., 24°27'24" N., 81°44'32" W.; 24°26'20" N., 81°44'32" W.; 24°26'20" N., 81°45'38" W.

Anclote, FL—28°09'00" N., 83°51'48" W., 28°09'00" N., 83°50'54" W.; 28°08'30" N., 83°50'54" W.; 28°08'30" N., 83°51'48" W.

Pithlachascotee River, FL—28°17'02" N., 82°46'21" W.; 28°17'02" N., 82°45'12" W., 28°16'25" N., 82°45'00" W.; 28°16'42" N., 82°45'00" W.; 28°16'42" N., 82°46'21" W.

Withlacoochee River, FL—29°59'54" N., 82°47'14" W.; 29°00'28" N., 82°46'06" W., 29°00'14" N., 82°45'58" W.; 28°59'40" N., 82°47'06" W.

Withlacoochee River, FL—28°59'08" N., 82°48'48" W.; 28°59'32" N., 83°47'40" W., 28°59'18" N., 82°47'32" W.; 28°58'54" N., 82°48'40" W.

Cedar Keys, FL—29°08'43" N., 83°07'53" W., 29°08'43" N., 83°07'03" W.; 29°08'33" N., 83°07'03" W.; 29°08'33" N., 83°07'53" W.

Cedar Keys, FL—29°04'08" N., 83°04'06" W., 29°04'01" N., 83°03'54" W.; 29°03'28" N., 83°04'12" W.; 29°03'35" N., 83°04'24" W.

Horseshoe Cove, FL—29°25'23" N., 83°17'53" W.; 29°25'18" N., 83°17'43" W.; 29°25'09" N., 83°17'49" W.; 29°25'14" N., 83°17'59" W.

Horseshoe Cove, FL—29°25'58" N., 83°17'32" W.; 29°25'53" N., 83°17'22" W.; 29°25'44" N., 83°17'28" W.; 29°25'49" N., 83°17'38" W.

Mobile, AL—30°10.0' N., 88°07.7' W.; 30°10.4' N., 88°05.2' W.; 30°09.4' N., 88°04.7' W.; 30°08.5' N., 88°05.2' W.; 30°08.5' N., 88°08.2' W.

Pascagoula, MS—30°11.9' N., 88°33.1' W.; 30°11.9' N., 88°32.3' W.; 30°11.6' N., 88°32.4' W.; 30°11.6' N., 88°32.1' W.; 30°10.5' N., 88°33.2' W.; 30°10.6' N., 88°34.0' W.

Gulfport, MS—30°12.0' N., 89°00.5' W., 30°12.0' N., 88°59.5' W.; 30°11.0' N., 89°00.0' W.; 30°07.0' N., 80°56.5' W.; 30°06.6' N., 88°57.0' W.; 30°10.5' N., 89°00.6' W.

Gulfport, MS—30°11.3' N., 88°58.4' W., 30°11.2' N., 88°57.5' W.; 30°07.6' N., 88°54.4' W.; 30°07.4' N., 88°54.8' W.

Pensacola, FL—30°16.8' N., 87°19.0' W.; 30°16.7' N., 87°18.3' W.; 30°16.3' N., 87°18.2' W.; 30°16.0' N., 87°19.4' W.; 30°16.5' N., 87°19.4' W.

Panama City, FL—30°07.1' N., 85°45.9' W.; 30°07.2' N., 85°45.5' W.; 30°06.9' N., 85°45.1' W.; 30°06.7' N., 85°45.6' W.

Port St. Joe, FL—29°50.9' N., 85°29.0' W.; 29°51.3' N., 85°28.5' W.; 29°49.2' N., 85°28.2' W.; 29°49.0' N., 85°28.8' W.

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Port St. Joe, FL—29°53.9' N., 85°31.8' W.; 29°54.1' N., 85°31.3' W.; 29°52.2' N., 85°30.1' W.; 29°52.2' N., 85°30.8' W.

SABINE-NECHES WATERWAY, TEXAS

Disposal Area No. 1—Beginning at lat. 29°28'03", long. 93°41'14"; thence to lat. 29°26'11", long. 93°41'14"; thence to lat. 29°26'11", long. 93°44'14"; thence to point of beginning.

Disposal Area No. 2—Beginning at lat. 29°30'41", long. 93°43'49"; thence to lat. 29°28'42", long. 93°41'33"; thence to lat. 29°28'42", long. 93°44'49"; thence to lat. 29°26'11", long. 3°44'11"; thence to point of beginning.

Disposal Area No. 3—Beginning at lat. 29°34'24", long. 93°48'13"; thence to lat. 29°32'47", long. 93°46'16"; thence to lat. 29°32'06", long. 93°46'29"; thence to lat. 29°31'42", long. 93°48'16"; thence to lat. 29°32'59", long. 93°49'48"; thence to point of beginning.

Disposal Area No. 4—Beginning at lat. 29°38'09", long. 93°49'23"; thence to lat. 29°35'53", long. 93°48'18"; thence to lat. 29°35'06", long. 93°50'24"; thence to lat. 29°36'37", long. 93°51'09"; thence to lat. 29°37'00", long. 93°50'06"; thence to lat. 29°37'46", long. 93°50'26"; thence to point of beginning.

GALVESTON HARBOR AND CHANNEL, TEXAS

Disposal Area No. 1—Beginning at lat. 29°18'00", long. 94°39'30"; thence to lat. 29°15'54", long. 94°37'06"; thence to lat. 29°14'24", long. 94°38'42"; thence to lat. 29°16'54", long. 94°41'30"; thence to point of beginning.

FREEPORT HARBOR, TEXAS

Disposal Area No. 1—Beginning at lat. 28°54'42", long. 95°17'38"; thence to lat. 28°54'-3"; long. 95°16'54"; thence to lat. 28°53'48", long. 95°17'27"; thence to lat. 28°54'21", long. 95°18'03"; thence to point of beginning.

MATAGORDA SHIP CHANNEL

Disposal Area No. 1—Beginning at lat. 28°24'31", long. 96°18'48"; thence to lat. 28°23'27", long. 96°17'38"; thence to lat. 28°23'15", long 96°17'54"; thence to lat. 28°24'18", long. 96°19'03"; thence to point of beginning.

CORPUS CHRISTI SHIP CHANNEL

Disposal Area No. 1—Beginning at lat. 27°49'34", long. 97°01'51"; thence to lat. 27°48'28", long. 96°59'49"; thence to lat. 27°48'18", long. 96°59'56"; thence to lat. 27°49'23", long. 97°01'58"; thence to point of beginning.

PORT MANSFIELD CHANNEL

Disposal Area No. 1—Beginning at lat. 26°34'09", long. 97°15'52"; thence to lat. 26°34'09", long. 97°15'18"; thence to lat. 26°33'57", long. 97°15'18"; thence to lat. 26°33'57", long. 97°15'52"; thence to point of beginning.

Disposal Area No. 1-A—Beginning at lat. 26°34'17", long. 97°16'12"; thence to lat. 26°34'18", long. 97°15'55"; thence to lat. 26°33'59", long. 97°15'52"; thence to lat. 26°33'58", long. 97°16'11"; thence to point of beginning.

BRAZOS ISLAND HARBOR

Disposal Area No. 1—Beginning at lat. 26°04'38", long. 97°07'52"; thence to lat. 26°04'38", long. 97°06'42"; thence to lat. 26°04'05", long. 97°06'43"; thence to lat. 26°04'05", long. 97°07'52"; thence to point of beginning.

Mississippi River, Gulf Outlet, La.—Breton Sound and Bar Channel. Maintenance dredging disposal area 0.5 mile wide by 12.5 miles long, parallel to the channel and located on the south side. Beginning at 29°32'23" N. and 89°12'20" W., following channel centerline (azimuth 308°47') in Breton Sound to 29°29'15" N. and 89°07'06" W., following centerline (azimuth 300°36') of the gulf entrance channel to 29°25'06" N. and 88°59'54" W., thence to 29°24'45" N. and 89°00'09" W., thence to 29°28'53" N., and 89°08'08" W., thence to 29°31'41" N. and 89°12'09" W., thence to the point of beginning.

Mississippi River, Baton Rouge to the Gulf of Mexico, La.—South Pass. Maintenance dredging disposal area 0.5 mile square, parallel to the channel and located on the west side. Beginning at 28°58'33" N. and 89°07'00" W., following channel centerline (azimuth 295°41') of the gulf entrance channel to 28°58'24" N. and 89°06'30" W., thence to 28°57'54" N. and 89°06'42" W., thence to 28°58'06" N. and 89°07'18" W., thence to the point of beginning.

Mississippi River, Baton Rouge to the Gulf of Mexico, La.—Southwest Pass. Maintenance dredging disposal area 2 miles square, parallel to the channel and located on the west side. Beginning at 28°54'24" N. and 89°26'03" W., following channel centerline (azimuth 0°09') of the gulf entrance channel to 28°52'18" N. and 89°26'03" W., thence to 28°52'18" N. and 89°27'48" W., thence to 28°54'24" N. and 89°27'48" W., thence to the point of beginning.

Mississippi River Outlets, Venice, La.—Tiger Pass. Maintenance dredging disposal area 0.5 mile wide by 1.5 miles long, parallel to the channel and located on the north side. Beginning at 29°08'18" N. and 89°25'45" W., following channel centerline (azimuth 63°54') of the gulf entrance channel to 29°07'36" N. and 89°26'51" W., thence to 29°07'48" N. and 89°27'00" W., thence to 29°08'36" N. and 89°25'57" W., thence to the point of beginning.

Waterway from Empire, La. to the Gulf of Mexico—Bar channel. Maintenance dredging disposal area 0.5 mile wide by 1 mile long, parallel to the channel and located on the west side. Beginning at 29°15'06" N. and 89°36'30" W., following channel centerline (azimuth 11°08') of the gulf entrance channel to 29°14'30" N. and 89°36'36" W., thence to 29°14'36" N. and 89°36'48" W., thence to 29°15'12" N. and 89°36'42" W., thence to the point of beginning.

Barataria Bay Waterway, La.—Bar channel. Maintenance dredging disposal area 0.5 mile wide by 2 miles long, parallel to the channel and located on the east side. Beginning at 29°16'18" N. and 89°56'12" W., following channel centerline (azimuth 312°07') of the gulf entrance channel to 29°14'42" N. and 89°54'36" W., thence to 29°14'30" N. and 89°54'24" W., thence to 29°16'06" N. and 89°56'24" W., thence to the point of beginning.

Bayou Lafourche and Lafourche—Jump Waterway, La.—Bell Pass. Maintenance dredging disposal area 2,000 feet wide by 1.5 miles long, parallel to the channel and located on the west side. Beginning at 29°05'00" N. and 90°13'45" W., following Bell Pass centerline (azimuth 12°55') in the gulf entrance channel to 29°03'51" N. and 90°14'06" W., thence to 29°03'57" N. and 90°14'21" W., thence to 29°05'06" N. and 90°14'03" W., thence to the point of beginning.

Houma Navigation Canal, La.—Cat Island Pass. Maintenance dredging disposal area 0.5 mile wide by 5 miles long, parallel to the Cat Island channel and located on the west side. Beginning at 29°04'45" N. and 90°34'48" W., following Cat Island centerline (azimuth 358°41') of the gulf entrance channel to 29°03'42" N. and 90°34'34" W., following Cat Island centerline (azimuth 354°00') of the gulf entrance channel to 29°00'24" N. and 90°34'12" W., thence to 29°00'21" N. and 90°34'36" W., thence to 29°03'42" N. and 90°34'58" W., thence to 29°04'48" N. and 90°35'18" W., thence to the point of beginning.

Atchafalaya River—Morgan City to the Gulf of Mexico, La. and Atchafalaya River and Bayous Chene, Boeuf and Black, La.—Bar channel. Maintenance dredging disposal area 0.5 mile wide by 12 miles long, parallel to the bar channel and located on the east side. Beginning at 29°20'50" N. and 91°24'03" W., following channel centerline (azimuth 37°57') of the gulf entrance channel to 29°11'35" N. and 91°32'10" W., thence to 29°11'21" N. and 91°31'37" W., thence to 29°20'36" N. and 91°23'27" W., thence to the point of beginning.

Freshwater Bayou, La.—Bar channel. Maintenance dredging disposal area 2,000 feet wide by 3.5 miles long, parallel to the channel and located on the west side. Beginning at 29°32'00" N. and 92°18'48" W., following channel centerline (azimuth 09°25') of the gulf entrance to 29°28'24" N. and 92°19'30" W., thence to 29°28'25" N. and 92°19'42" W., thence to 29°32'01" N. and 92°19'00" W., thence to the point of beginning.

Mermentau River, La. Maintenance dredging disposal areas 0.5 mile wide and 1.5 miles long, parallel to the entrance channels in the Lower Mermentau River and in the Lower Mud Lake, both located on the west side:

Disposal Area "A", Mermentau River, La. Beginning at 29°44'48" N. and 93°07'12" W., following channel centerline (azimuth 256°59') of the gulf entrance to 29°43'39" N. and 93°07'36" W., thence to 29°43'42" N. and 93°07'48" W., thence to 29°44'51" N. and 93°07'24" W., thence to the point of beginning.

Disposal Area "B", Mermentau River, La. Beginning at 29°43'24" N. and 93°01'54" W., following channel centerline (azimuth 359°50') of the gulf entrance to 29°42'33" N. and 93°02'12" W., thence to 29°42'36" N. and 93°02'24" W., thence to 29°43'27" N. and 93°02'06" W., thence to the point of beginning.

Calcasieu River and Pass, La.—Bar channel. Maintenance dredging disposal areas A through G parallel to the channel and located on the east and west side:

Disposal Area "A", Calcasieu River and Pass, La. Maintenance dredging disposal area one mile square parallel to the bar channel on the west bank. Beginning at 29°45'09" N. and 93°20'42" W., following channel centerline (azimuth 351°50') of the first tangent gulfward in the gulf entrance channel to 29°44'39" N. and 93°20'36" W., thence to 29°44'36" N. and 93°21'33" W., thence to 29°45'12" N. and 93°21'42" W., thence to the point of beginning.

Disposal Area "B", Calcasieu River and Pass, La. Maintenance dredging disposal area 1 mile square parallel to the bar channel and located on the east bank. Beginning at 29°45'27" N. and 93°20'33" W., following channel centerline (azimuth 351°50') of the first tangent gulfward in the gulf entrance channel to 29°44'42" N. and 93°20'24" W., thence to 29°44'45" N. and 93°19'30" W., thence to 29°45'39" N. and 93°19'36" W., thence to the point of beginning.

Disposal Area "C", Calcasieu River and Pass, La. Maintenance dredging disposal area 1 mile wide by 5.5 miles long, parallel to the bar channel and located on the west side. Beginning at 29°44'30" N. and 93°20'36" W., following channel centerline (azimuth 351°50') of the first tangent gulfward in the gulf entrance channel to 29°39'48" N. and 93°19'48" W., thence to 29°39'42" N. and 93°20'48" W., thence to 29°44'24" N. and 93°21'30" W., thence to the point of beginning.

Disposal Area "D", Calcasieu River and Pass, La. Maintenance dredging disposal area 1 mile wide by 5.5 miles long, parallel to the bar channel and located on the west side. Beginning at 29°37'48" N. and 93°19'24" W., following channel centerline (azimuth 351°50') of the first tangent gulfward in the gulf entrance channel to 29°37'24" N. and 93°19'24" W., following channel centerline (azimuth 321°37') of the second tangent gulfward in the gulf entrance channel to 29°34'12" N. and 93°16'16" W., thence to 29°33'06" N. and 93°16'36" W., thence to 29°37'24" N. and 93°20'24" W., thence to 29°37'48" N. and 93°20'24" W., thence to the point of beginning.

Disposal Area "E", Calcasieu River and Pass, La. Maintenance dredging disposal area 0.75 mile wide by 6.75 miles long, parallel to the bar channel and located on the west side. Beginning at 29°33'54" N. and 93°16'24" W., following channel centerline (azimuth 321°37') of the second tangent gulfward in the gulf entrance channel to 29°31'00" N. and 93°13'48" W., following channel centerline (azimuth 358°56') of the third tangent gulfward in the gulf entrance channel to 29°29'00" N. and 93°13'42" W. thence to 29°28'54" N. and 93°14'24" W., thence to 29°30'54" N. and 93°14'24" W., thence to 29°33'12" N. and 93°16'36" W., thence to the point of beginning.

Disposal Area "F", Calcasieu River and Pass, La. Maintenance dredging disposal area 0.75 mile wide by 2.5 miles long, parallel to the bar channel and located on the east side. Beginning at 29°44'42" N. and 93°20'12" W., following channel centerline (azimuth 351°50') of the first tangent gulfward in the gulf entrance channel to 29°42'36" N. and 93°19'48" W., thence to 29°42'42" N. and 93°19'06" W., thence to 29°44'48" N. and 93°19'24" W., thence to the point of beginning.

Disposal Area "G", Calcasieu River and Pass, La. Maintenance dredging disposal area 1 mile wide by 0.5 mile long, parallel to the bar channel and located on the west side. Beginning at 29°44'54" N., and 93°20'36" W., following channel centerline (azimuth 351°50') of the first tangent gulfward in the gulf entrance channel to 29°44'42" N., and 93°20'36" W., thence to 29°44'42" N., and 93°20'48" W., following channel centerline again to 29°44'30" N., and 93°20'42" W., thence to 29°44'24" N. and 93°21'30" W., thence to 29°44'48" N. and 93°21'30" W., thence to the point of beginning.

Crescent City Harbor—41°43'15" N., 124°12'10" W. (1,000 yd. diameter)

Crescent City 100 fathom—41°43'50" N., 124°28'00" W. (1,000 yd. diameter)

Humboldt Bay Harbor—40°45'44" N., 124°15'42" W. (500 yd. diameter)

Noyo River—39°25'45" N., 123°49'42" W. (500 yd. diameter)

Farallon Islands—37°31'45" N., 122°59'00" W. (1,000 yd. radius)

San Francisco Channel Bar—37°45'06" N., 122°35'45" W. (5,000 yds. x 1,000 yds.)

Moss Landing 100 fathom—36°37'53" N., 121°49'04" W. (500 yd. radius)

Port Hueneme—34°05'00" N., 119°14'00" W. (1,000 yd. radius)

Los Angeles—33°27'06" N., 118°17'24" W. (1,000 yd. radius)

Newport Beach—33°31'42" N., 117°54'48" W. (1,000 yd. radius)

San Diego—Point Loma—32°35'00" N., 117°17'30" W. (1,000 yd. radius)

San Diego 100 fathom—32°36'50" N., 117°20'40" W. (1,000 yd. radius)

Honolulu Harbor—21°14'30" N., 157°54'30" W. (1,000 yd. radius)

Kauai—Nawiliwili—21°55'30" N., 159°17'00" W. (1,000 yd. radius)

Kauai—Hanapepe—21°50'18" N., 159°35'30" W. (1,000 yd. radius)

Guam—Apra Harbor—13°29'30" N., 144°34'30" E. (1,000 yd. radius)

American Samoa—Pago Pago Harbor—14°23'00" S., 170°39'30" W. (1,000 yd. radius)

Mouth of Columbia River—46°14'37" N., 124°10'34" W.; 46°13'53" N., 124°10'01" W.; 46°13'43" N., 124°10'26" W.; 46°14'28" N., 124°10'59" W.

Mouth of Columbia River—46°13'03" N., 124°06'17" W.; 46°12'50" N., 124°05'55" W.; 46°12'13" N., 124°06'43" W.; 46°12'26" N., 124°07'05" W.

Mouth of Columbia River—46°15'43" N., 124°05'21" W.; 46°15'36" N., 124°05'11" W.; 46°15'11" N., 124°05'53" W.; 46°15'18" N., 124°06'03" W.

Mouth of Columbia River—46°12'12" N., 124°09'00" W.; 46°12'00" N., 124°08'42" W.; 46°11'48" N., 124°09'00" W.; 46°12'00" N., 124°09'18" W.

Mouth of Columbia River—46°12'05" N., 124°05'46" W.; 46°11'52" N., 124°05'25" W.; 46°11'15" N., 124°06'14" W.; 46°11'28" N., 124°06'35" W.

Chetco River Entrance—42°01'56" N., 124°16'33" W.; 42°01'56" N., 124°16'09" W.; 42°01'38" N., 124°16'09" W.; 42°01'38" N., 124°16'33" W.

Rogue River Entrance—42°24'16" N., 124°26'48" W.; 42°24'04" N., 124°26'35" W.; 42°23'40" N., 124°27'13" W.; 42°23'52" N., 124°27'26" W.

Coquille River Entrance—43°07'54" N., 124°27'04" W.; 43°07'30" N., 124°26'27" W.; 43°07'20" N., 124°26'40" W.; 43°07'44" N., 124°27'17" W.

Coos Bay Entrance—43°21'59" N., 124°22'45" W.; 43°21'48" N., 124°21'59" W.; 43°21'35" N., 124°22'05" W.; 43°21'46" N., 124°22'-51" W.

Coos Bay Entrance—43°22'44" N., 124°22'18" W.; 43°22'29" N., 124°21'34" W.; 43°22'-16" N., 124°21'42" W.; 43°22'31" N., 124°-22'26" W.

Umpqua River Entrance—43°40'07" N., 124°-14'18" W.; 43°40'07" N., 124°13'42" W.; 43°39'53" N., 124°13'42" W.; 43°39'53" N., 124°14'18" W.

Suislaw River Entrance—44°01'32" N., 124°-09'37" W.; 44°01'22" N., 124°09'02" W.; 44°01'14" N., 124°09'07" W.; 44°01'24" N., 124°09'42" W.

Tillamook Bay Entrance—45°34'09" N., 123°-59'37" W.; 45°34'09" N., 123°58'45" W.; 45°33'55" N., 123°58'45" W.; 45°33'55" N., 123°59'37" W.

Depoe Bay—44°48'33" N., 124°03'53" W.; 44°-48'32" N., 124°03'43" W.; 44°48'15" N., 124°03'45" W.; 44°48'16" N., 124°03'55" W.

Depoe Bay—44°48'09" N., 124°05'05" W.; 44°-48'09" N., 124°04'55" W.; 44°47'53" N., 124°04'55" W.; 44°47'53" N., 124°05'05" W.

Yaquina Bay and Harbor Entrance—44°36'-31" N., 124°06'04" W.; 44°36'31" N., 124°-05'16" W.; 44°36'17" N., 124°05'16" W.; 44°36'17" N., 124°06'04" W.

Port Orford—42°44'08" N., 124°29'38" W.; 42°44'08" N., 124°29'28" W.; 42°43'52" N., 124°29'28" W.; 42°43'52" N., 124°29'38" W.

Willapa Bay—46°44'00" N., 124°10'00" W.; 46°39'00" N., 124°09'00" W.

Nome—64°30'40" N., 165°25'52" W.; 64°29'-18" N., 165°26'04" W.; 64°29'13" N., 165°-25'22" W.; 64°29'54" N., 165°24'45" W.

Anchorage Harbor—61°14'07" N., 149°53'56" W.; 61°14'16" N., 149°54'15" W.; 61°14'45" N., 149°53'36" W.; 61°14'36" N., 149°53'17" W.

(b) The following sites are designated "Approved Ocean Dumping Sites" for continuing use, subject to the listed restrictions:

(1) Gulf Ocean Incineration Site—Region VI. Location—Latitude and Longitude—27°06'12" N., 93°24'15" W.; 26°32'24" N., 93°15'30" W.; 26°19'00" N., 93°56'00" W.; 26°52'40" N., 94°04'40" W.

Size—(square miles) 1892.

Depth—(feet) 4500.

Primary Use: At sea incineration primarily for organochlorine wastes. Incineration of other wastes will require research studies or equivalent technical documentation to determine acceptability for ocean incineration.

Period of use: Until September 15, 1981.

Restriction: Only one ship will be permitted to burn wastes at a time, except under extreme emergencies.

§ 228.13 Guidelines for ocean disposal site baseline or trend assessment surveys under Section 102 of the Act.

The purpose of a baseline or trend assessment survey is to determine the physical, chemical, geological, and biological structure of a proposed or existing disposal site at the time of the survey. A baseline or trend assessment survey is to be regarded as a comprehensive synoptic and representative picture of existing conditions; each such survey is to be planned as part of a continual monitoring program through which changes in conditions at a disposal site can be documented and assessed. Surveys will be planned in coordination with the ongoing programs of NOAA and other Federal, State, local, or private agencies with missions in the marine environment. The field survey data collection phase of a disposal site evaluation or designation study shall be planned and conducted to obtain a body of information both representative of the site at the time of study and obtained by techniques reproducible in precision and accuracy in future studies. A full plan of study which will provide a record of sampling, analytical, and data reduction procedures must be developed, documented and approved by the EPA management authority. Plans for all surveys which will produce information to be used in the preparation of environmental impact statements will be approved by the Administrator or his designee. This plan of study also shall be incorporated as an appendix into a technical report on the study, together with notations describing deviations from the plan required in actual operations. Relative emphasis on individual aspects of the environment at each site will depend on the type of wastes disposed of at the site and the manner in which such wastes are likely to affect the local environment, but no major feature of the disposal site may be neglected. The observations made and the data obtained are to be based on the information necessary to evaluate the site for ocean dumping. The parameters measured will be those indicative, either directly or in directly, of the immediate and long-term impact of pollutants on the environment at the disposal site and adjacent land or water areas. An

initial disposal site evaluation or designation study should provide an immediate baseline appraisal of a particular site, but it should also be regarded as the first of a series of studies to be continued as long as the site is used for waste disposal.

(a) *Timing.* Baseline or trend assessment surveys will be conducted with due regard for climatic and seasonal impact on stratification and other conditions in the upper layers of the water column. Where a choice of season is feasible, trend assessment surveys should be made during those months when pollutant accumulation within disposal sites is likely to be most severe, or when pollutant impact within disposal sites is likely to be most noticeable.

(1) Where disposal sites are near large riverine inflows to the ocean, surveys will be done with due regard for the seasonal variation in river flow. In some cases several surveys at various river flows may be necessary before a site can be approved.

(2) When initial surveys show that seasonal variation is not significant and surveys at greater than seasonal intervals are adequate for characterizing a site, resurveys shall be carried out in climatic conditions as similar to those of the original surveys as possible, particularly in depths less than 200 meters.

(b) *Duration.* The actual duration of a field survey will depend upon the size and depth of the site, weather conditions during the survey, and the types of data to be collected. For example, for a survey of an area of 100 square miles on the continental shelf, including an average dump site and the region contiguous to it, an on-site operation would be scheduled for completion within one week of weather suitable for on-site operations. More on-site operating time may be scheduled for larger or highly complex sites.

(c) *Numbers and Locations of Sampling Stations.* The numbers and locations of sampling stations will depend in part on the local bathymetry with minimum numbers of stations per site fixed as specified in the following sections. Where the bottom is smooth or evenly sloping, stations for water column measurements and benthic sampling and collections, other than trawls, shall be spaced throughout the survey area in a manner planned to provide maximum coverage of both the disposal site and contiguous control areas, considering known water movement characteristics. Where there are major irregularities in the bottom topography, such as canyons or gullies, or in the nature of the bottom, sampling stations for sediments and benthic communities shall be spaced to provide representative sampling of the major different features.

Sampling shall be done within the dump site itself and in the contiguous area. Sufficient control stations outside a disposal site shall be occupied to characterize the control area environment at least as well as the disposal site itself. Where there are known persistent currents, sampling in contiguous areas shall include at least two stations downcurrent of the dump site, and at least two stations upcurrent of the site.

(d) *Measurements in the Water Column at and near the Dump Site.*

(1) *Water Quality Parameters Measured.* These shall include the major indicators of water quality, particularly those likely to be affected by the waste proposed to be dumped. Specifically included at all stations are measurements of temperature, dissolved oxygen, salinity, suspended solids, turbidity, total organic carbon, pH, inorganic nutrients, and chlorophyll *a*.

(i) At one station near the center of the disposal site, samples of the water column shall be taken for the analysis of the following parameters: mercury, cadmium, copper, chromium, zinc, lead, arsenic, selenium, vanadium, beryllium, nickel, pesticides, petroleum hydrocarbons, and persistent organohalogens. These samples shall be preserved for subsequent analysis by or under the direct supervision of EPA laboratories in accordance with the approved plan of study.

(ii) These parameters are the basic requirements for all sites. For the evaluation of any specific disposal site additional measurements may be required, depending on the present or intended use of the site. Additional parameters may be selected based on the materials likely to be in wastes dumped at the site, and on parameters likely to be affected by constituents of such wastes. Analysis for other constituents characteristic of wastes discharged to a particular disposal site, or of the impact of such wastes on water quality, will be included in accordance with the approved plan of study.

(2) *Water Quality Sampling Requirements.* The number of samples collected from the water column should be sufficient to identify representative changes throughout the water column such as to avoid short-term impact due to disposal activities. The following key locations should be considered in selecting water column depths for sampling:

(i) Surface, below interference from surface waves;

(ii) Middle of the surface layer;

(iii) Bottom of the surface layer;

(iv) Middle of the thermocline or halocline, or both if present;

(v) Near the top of the stable layer beneath a thermocline or halocline;

(vi) Near the middle of a stable layer;

(vii) As near the bottom as feasible;

(viii) Near the center of any zone showing pronounced biological activity or lack thereof.

In very shallow waters where only a few of these would be pertinent, as a minimum, surface, mid-depth and bottom samples shall be taken, with samples at additional depths being added as indicated by local conditions. At disposal sites far enough away from the influence of major river inflows, ocean or coastal currents, or other features which might cause local perturbations in water chemistry, a minimum of 5 water chemistry stations should be occupied within the boundaries of a site. Additional stations should be added when the area to be covered in the survey is more than 20 square miles or when local perturbations in water chemistry may be expected because of the presence of one of the features mentioned above. In zones where such impacts are likely, stations shall be distributed so that at least 3 stations are occupied in the transition from one stable regime to another. Each water column chemistry station shall be replicated a minimum of 2 times during a survey except in waters over 200 meters deep.

(3) *Water Column Biota.* Sampling stations for the biota in the water column shall be as near as feasible to stations used for water quality; in addition at least two night-time stations in the disposal site and contiguous area are required. At each station vertical or oblique tows with appropriately-meshed nets shall be used to assess the microzooplankton, the nekton, and the macrozooplankton. Towing times and distances shall be sufficient to obtain representative samples of organisms near water quality stations. Organisms shall be sorted and identified to taxonomic levels necessary to identify dominant organisms, sensitive or indicator organisms, and organism diversity. Tissue samples of representative species shall be analyzed for pesticides, persistent organohalogens, and heavy metals. Discrete water samples shall also be used to quantitatively assess the phytoplankton at each station.

These requirements are the minimum necessary in all cases. Where there are discontinuities present, such as thermoclines, haloclines, convergences, or upwelling, additional tows shall be made in each water mass as appropriate.

(e) *Measurements of the Benthic Region.*

(1) *Bottom Sampling.* Samples of the bottom shall be taken for both sediment composition and structure, and to determine the nature and numbers of benthic biota.

(i) At each station sampling may consist of core samples, grab samples, dredge samples, trawls, and bottom photography or television, where available and feasible, depending on the nature of the bottom and the type of disposal site. Each type of sampling shall be replicated sufficiently to obtain a representative set of samples. The minimum numbers of replicates of successful samples at each continental shelf station for each type of device mentioned above are as follows:

Cores	3.
Grabs	5.
Dredge	3.
Trawl	20-min. tow

Lesser numbers of replicates may be allowed in water deeper than 200 meters, at those sites where pollution impacts on the bottom are unlikely in the judgment of the EPA management authority.

(ii) Selection of bottom stations will be based to a large extent on the bottom topography and hydrography as determined by the bathymetric survey. On the continental shelf, where the bottom has no significant discontinuities, a bottom station density of at least three times the water column stations is recommended, depending on the type of site being evaluated. Where there are significant differences in bottom topography, additional stations shall be occupied near the discontinuity and on each side of it. Beyond the continental shelf, lesser densities may be used.

(2) *Bathymetric Survey.* Sufficient tracklines shall be run to develop complete bottom coverage of bathymetry with reasonable assurance of accurate coverage of bottom topography, with trackline direction and spacing as close as available control allows. The site itself is to be developed at the greatest density possible, with data to be collected to a suitable distance about the site as is required to identify major changes in bathymetry which might affect the site. Specifications for each bathymetric survey will vary, depending on control, bottom complexity, depths, equipment, and map scale required. In most cases, a bathymetric map at a scale of 1:25,000 to 1:10,000 will be required, with a minimum of 1–5 meter contour interval except in very flat areas. When the foregoing bathymetric detail is available from recent surveys of the disposal site, bathymetry during a baseline or trend assessment survey may be limited to sonar profiles of bathymetry on transects between sampling stations.

(3) *Nature of Bottom.* The size distribution of sediments, mineral character and chemical quality of the bottom will be determined to a depth appropriate for the type of bottom. The following parameters will be measured at all stations: particle size distribution, major mineral constituents, texture, settling rate, and organic carbon.

(i) At several stations near the center of the disposal site, samples of sediments shall be taken for the analysis of the following parameters: mercury, cadmium, copper, chromium, zinc, lead, arsenic, selenium, vanadium, beryllium, nickel, pesticides, persistent organohalogens, and petroleum hydrocarbons. These samples shall be preserved for subsequent analysis by or under the direct supervision of EPA laboratories in accordance with the approved plan of study.

(ii) These parameters are the basic requirements for all sites. For the evaluation of any specific disposal site additional measurements may be required, depending on the present or intended use of the site. Additional parameters may be selected based on the materials likely to be in wastes dumped at the site, and on parameters likely to be affected by constituents of such wastes. Such additional parameters will be selected by the EPA management authority .

(4) *Benthic Biota.* This shall consist of a quantitative and qualitative evaluation of benthic communities including macroinfauna and macroepifauna, meiobenthos, and microbenthos, and should include an appraisal, based on existing information, of the sensitivity of indigenous species to the waste proposed to be discharged. Organisms shall be sorted and identified to taxonomic levels necessary to identify dominant organisms, sensitive or indicator organisms, and organism diversity. Tissue samples of the following types of organisms shall be analyzed for persistent organohalogens, pesticides, and heavy metals:

(i) A predominant species of demersal fish;

(ii) The most abundant macroinfaunal species; and

(iii) A dominant epifaunal species, with particular preference for a species of economic importance.

(f) *Other Measurements.*

(1) *Hydrodynamic Features.* The direction and speed of water movement shall be characterized at levels appropriate for the site and type of waste to be dumped. Where depths and climatic conditions are great enough for a thermocline or halocline to exist, the relationship of water movement to such a feature shall be characterized.

(i) *Current Measurements.* When current meters are used as the primary source of hydrodynamic data, at least 4 current meter stations with at least 3 meters at depths appropriate for the observed or expected discontinuities in the water column should be operated for as long as possible during the survey. Where feasible, current meters should be deployed at the initiation of the survey and recovered after its completion. Stations should be at least a mile apart, and should be placed along the long axis of the dumping site. For dumping sites more than 10 miles along the long axis, one current meter station every 5 miles should be operated. Where there are discontinuities in surface layers, e.g., due to land runoff, stations should be operated in each water mass.

(ii) *Water Mass Movement.* Acceptable methods include: dye, drogues, surface drifters, side scan sonar, bottom drifters, and bottom photography or television. When such techniques are the primary source of hydrodynamic data, coverage should be such that all significant hydrodynamic features likely to affect waste movement are measured.

(2) *Sea State.* Observations of sea state and of standard meteorological parameters shall be made at 8-hour intervals.

(3) *Surface Phenomena.* Observations shall be made of oil slicks, floating materials, and other visible evidence of pollution; and, where possible, collections of floating materials shall be made.

(g) *Survey Procedures and Techniques.* Techniques and procedures used for sampling and analysis shall represent the state-of-the-art in oceanographic survey and analytical practice. Survey plans shall specify the methods to be used and will be subject to approval by EPA.

(h) *Quality Assurance.* The EPA management authority may require that certain samples be submitted on a routine basis to EPA laboratories for analysis as well as being analyzed by the surveyor, and that EPA personnel participate in some field surveys.

PART 229—GENERAL PERMITS

Sec.
229.1 Burial at sea.
229.2 Transport of target vessels.
229.3 Transportation and disposal of vessels.

AUTHORITY: 33 U.S.C. 1412 and 1418.

§ 229.1 Burial at sea.

(a) All persons subject to Title I of the Act are hereby granted a general permit to transport human remains from the United States and all persons owning or operating a vessel or aircraft registered in the United States or flying the United States flag and all departments, agencies, or instrumentalities of the United States are hereby granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea subject to the following conditions:

(1) Except as herein otherwise provided, human remains shall be prepared for burial at sea and shall be buried in accordance with accepted practices and requirements as may be deemed appropriate and desirable by the United States Navy, United States Coast Guard, or civil authority charged with the responsibility for making such arrangements;

(2) Burial at sea of human remains which are not cremated shall take place no closer than three nautical miles from land and in water no less than one hundred fathoms (six hundred feet) deep and in no less than three hundred fathoms (eighteen hundred feet) from (i) 27°30′00″ to 31°00′00″ North Latitude off St. Augustine and Cape Canaveral, Florida; (ii) 82°20′00″ to 84°00′00″ West Longitude off Dry Tortugas, Florida; and (iii) 87°15′00″ to 89°50′00″ West Longitude off the Mississippi River Delta, Louisiana, to Pensacola, Florida. All necessary measures shall be taken to ensure that the remains sink to the bottom rapidly and permanently; and

(3) Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified in paragraph (a)(2) of this Section provided that such burial shall take place no closer than three nautical miles from land.

(b) For purposes of this Section and §§ 229.2 and 229.3, "land" means that portion of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, which is in closest proximity to the proposed disposal site.

(c) Flowers and wreaths consisting of materials which are readily decomposable in the marine environment may be disposed of under the general permit set forth in this Section at the site at which disposal of human remains is authorized.

(d) All burials conducted under this general permit shall be reported within 30 days to the Regional Administrator of the Region from which the vessel carrying the remains departed.

§ 229.2 Transport of target vessels.

(a) The United States Navy is hereby granted a general permit to transport vessels from the United States or from

any other location for the purpose of sinking such vessels in ocean waters in testing ordnance and providing related data subject to the following conditions:

(1) Such vessels may be sunk at times determined by the appropriate Navy official;

(2) Necessary measures shall be taken to ensure that the vessel sinks to the bottom rapidly and permanently, and that marine navigation is not otherwise impaired by the sunk vessel;

(3) All such vessel sinkings shall be conducted in water at least 1000 fathoms (6000 feet) deep and at least 50 nautical miles from land, as defined in § 229.1(b); and

(4) Before sinking, appropriate measures shall be taken by qualified personnel at a Navy or other certified facility to remove to the maximum extent practicable all materials which may degrade the marine environment, including without limitation, (i) emptying of all fuel tanks and fuel lines to the lowest point practicable, flushing of such tanks and lines with water, and again emptying such tanks and lines to the lowest point practicable so that such tanks and lines are essentially free of petroleum, and (ii) removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

(b) An annual report will be made to the Administrator of the Environmental Protection Agency setting forth the name of each vessel used as a target vessel, its approximate tonnage, and the location and date of sinking.

§ 229.3 Transportation and disposal of vessels.

(a) All persons subject to Title I of the Act are hereby granted a general permit to transport vessels from the United States, and all departments, agencies, or instrumentalities of the United States are hereby granted a general permit to transport vessels from any location for the purpose of disposal in the ocean subject to the following conditions:

(1) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard, the person desiring to dispose of a vessel under this general permit shall, no later than one month prior to the proposed disposal date, provide the following information in writing to the EPA Regional Administrator for the Region in which the proposed disposal will take place:

(i) A statement detailing the need for the disposal of the vessel;

(ii) Type and description of vessel(s) to be disposed of and type of cargo normally carried;

(iii) Detailed description of the proposed disposal procedures;

(iv) Information on the potential effect of the vessel disposal on the marine environment; and

(v) Documentation of an adequate evaluation of alternatives to ocean disposal (i.e., scrap, salvage and reclamation).

(2) Transportation for the purpose of ocean disposal may be accomplished under the supervision of the District Commander of the U.S. Coast Guard or his designee.

(3) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the District Commander of the U.S. Coast Guard, appropriate measures shall be taken, prior to disposal, by qualified personnel to remove to the maximum extent practicable all materials which may degrade the marine environment, including without limitation, (i) emptying of all fuel lines and fuel tanks to the lowest point practicable, flushing of such lines and tanks with water, and again emptying such lines and tanks to the lowest point practicable so that such lines and tanks are essentially free of petroleum, and (ii) removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

(4) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard, the dumper shall, no later than 10 days prior to the proposed disposal date, notify the EPA Regional Administrator and the District Commander of the U.S. Coast Guard that the vessel has been cleaned and is available for inspection; the vessel may be transported for dumping only after EPA and the Coast Guard agree that the requirements of paragraph (a)(3) of this Section have been met.

(5) Disposal of these vessels shall take place in a site designated on current nautical charts for the disposal of wrecks or no closer than twenty-two kilometers (twelve miles) from the nearest land and in water no less than fifty fathoms (three hundred feet) deep, and all necessary measures shall be taken to ensure that the vessels sink to the bottom rapidly and that marine navigation is not otherwise impaired.

(6) Disposal shall not take place in established shipping lanes unless at a designated wreck site, nor in a designated marine sanctuary, nor in a location where the hulk may present a hazard to commercial trawling or national defense (see 33 CFR 205).

(7) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard, disposal of these vessels shall be performed during daylight hours only.

(8) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the District Commander of the U.S. Coast Guard, the Captain-of-the-Port (COTP), U.S. Coast Guard, and the EPA Regional Administrator shall be notified forty-eight (48) hours in advance of the proposed disposal. In addition, the COTP and the EPA Regional Administrator shall be notified by telephone at least twelve (12) hours in advance of the vessel's departure from port with such details as the proposed departure time and place, disposal site location, estimated time of arrival on site, and the name and communication capability of the towing vessel. Schedule changes are to be reported to the COTP as rapidly as possible.

(9) The National Ocean Survey, NOAA, 6010 Executive Blvd., Rockville, MD 20852, shall be notified in writing, within one week, of the exact coordinates of the disposal site so that it may be marked on appropriate charts.

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federal register

TUESDAY, JANUARY 11, 1977

PART VII

THE PRESIDENT

EMERGENCY PREPAREDNESS FUNCTIONS

Executive Order 11953

Title 3—The President

Executive Order 11953 • January 7, 1977

Assigning Emergency Preparedness Functions to the Energy Research and Development Administration and Nuclear Regulatory Commission

By virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), Reorganization Plan No. 1 of 1973 (87 Stat. 1089), the National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*), the Defense Production Act of 1950, as amended (50 App. U.S.C. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 App. U.S.C. 2251 *et seq.*), Executive Order No. 11490 of October 28, 1969, as amended by Executive Order No. 11921 of June 11, 1976, is hereby further amended as follows:

SECTION 1. The "Table of Contents" is amended as follows: (a) In Part 14, delete "Atomic Energy Commission" and substitute therefor "Energy Research and Development Administration".

(b) After Part 14 insert "14A Nuclear Regulatory Commission".

SEC. 2. Amend Part 14 to read as follows:

"PART 14—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

"Section 1401. *Functions.* (a) The Administrator of the Energy Research and Development Administration (ERDA) shall prepare emergency plans and develop preparedness programs for the continuing conduct of ERDA activities in any national emergency-type situation, including nuclear attack on the United States. These plans and programs shall include development of a state of readiness in those areas with respect to national emergencies which are governed by applicable provisions of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, and they shall be coordinated with the Federal Preparedness Agency (GSA), Department of Defense, and other departments and agencies as is appropriate.

"(b) The Administrator of the Energy Research and Development Administration shall develop operational plans and procedures and develop a state of readiness so that if, and only if, authorized by lawful authority during a national emergency declared pursuant to statutory or constitutional authorization, the Energy Research and Development Administration will be prepared to:

"(1) *Health and Safety.* (a) Shut down, place in safe standby condition, or curtail operations of and maintain under surveillance, as required, all ERDA-owned facilities and operations which could become or cause a significant hazard to public health and safety in the event they are damaged or destroyed; and (b) bring to bear such ERDA resources as can be made available to assist Federal, State and local officials to alleviate the suffering of the public and to minimize damage to property and to the environment.

"(2) *Nuclear Materials Security.* Assure the security of special nuclear material, fissionable material, or nuclear weapons or devices in ERDA custody; participate in the conduct, direction or coordination of search and recovery operations for nuclear materials, weapons or devices; assist in the identification and deactivation of improvised nuclear devices; and render advice on radiation and damage probabilities in the event of the detonation of an improvised nuclear device.

"(3) *Production.* In an emergency, continue or resume essential:

"(a) Development, manufacture, assembly and control of nuclear weapons, components thereof, and equipment, except to the extent that the control over nuclear weapons and equipment shall have been transferred to the Department of Defense;

"(b) Development of the technology related to the production of power from all forms of energy sources;

"(c) Production and processing of nuclear reactor fuel, special nuclear materials, and other special products;

"(d) Related feed materials procurement, processing, and development; and

"(e) Repair, maintenance, and construction related to the above activities.

"(4) *Priorities and Allocations.* Administer, within the agency, priorities and allocations authority that may be delegated to ERDA, including the authority to authorize procurement and production schedules and make allotments of source materials and strategic and critical materials allocated to ERDA under national emergency industrial mobilization and defense production plans.

"(5) *Scientific and Technical Information.* Organize, reproduce, and disseminate scientific and technical reports and data relating to emergency preparedness for energy research, development, engineering, applications and effects to interested Government agencies, the scientific and technical communities, the public, and approved, friendly and cooperating foreign nations. In the dissemination of such information, utilize, to the extent appropriate, the capabilities of the National Technical Information Service of the Department of Commerce.

"(6) *State Relations.* Maintain in coordination with the Nuclear Regulatory Commission (NRC) general liaison with States concerning ERDA health and safety operations to ensure that these operations are effectively maintained during periods of national emergency.

"(7) *International Liaison.* Maintain, in consultation with the Department of State and in coordination with other departments and agencies as appropriate, with respect to emergency preparedness activities of mutual interest involving nuclear or nonnuclear energy research and development, essential liaison with foreign nations, foreign organizations, and international organizations.".

SEC. 3. Add a new part after Part 14 as follows:

"PART 14A—NUCLEAR REGULATORY COMMISSION

"SEC. 1450. *Functions.* (a) The Nuclear Regulatory Commission shall prepare national emergency plans and develop emergency preparedness programs and procedures for the continuing conduct of the nuclear regulatory activities of the Federal Government as specified in the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974. These emergency preparedness plans and programs shall be designed to develop a state of readiness under conditions of national emergency including emergencies related to the national defense.

"(b) The Nuclear Regulatory Commission shall develop operational plans and procedures and develop a state of readiness so that if, and only if, authorized by lawful authority during a national emergency declared pursuant to statutory or constitutional authorization, the Commission will be prepared to:

"(1) *Regulation.* In an emergency, continue or resume (a) controlling the possession, use, transfer, import, and export of licensed nuclear materials and facilities;

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(b) authorizing the operation or continued operation of key facilities important to the national defense, or ordering the suspension of operation of licensed facilities and activities as necessary; and (c) authorizing the recapture from licensees of special nuclear materials where necessary to assure the use, preservation, or safeguarding of such materials for the common defense and security.

"(2) *Health and Safety.* Order the suspension or limitation of operation, if required, of Commission-licensed nuclear facilities and activities which could otherwise constitute an unnecessary hazard to public health and safety; and assure the development and maintenance of emergency preparedness programs by licensed facilities and activities.

"(3) *Contingency Plans.* Implement contingency plans, developed in consultation and coordination with ERDA and other departments and agencies as appropriate, for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes, and nuclear facilities resulting from all activities licensed under the Atomic Energy Act of 1954, as amended; and participate in the execution of the plans where necessary to protect the public health and safety and the common defense and security.

"(4) *Facility and Nuclear Materials Security and Safeguards.* Assure the continued maintenance by licensees of security and safeguards programs at licensed facilities and for nuclear materials to provide physical protection to the facilities and their nuclear materials against thefts and sabotage.

"(5) *Scientific and Technical Information.* Organize, reproduce, and disseminate essential scientific and technical reports and information to interested Government agencies, the scientific and technical communities, the public and approved, friendly and cooperating foreign nations regarding the regulation of the construction and operation of licensed nuclear facilities and the use of licensed nuclear facilities and licensed nuclear materials. In the dissemination of such information, utilize, to the extent appropriate, the capabilities of the National Technical Information Service of the Department of Commerce.

"(6) *State Relations.* Maintain, in consultation with other cognizant Federal agencies, general liaison with the several States concerning the Agreement States materials licensing program and the radiological incident emergency planning program, to assure that these programs are effectively maintained to protect public health and safety. (See Radiological Incident Emergency Response Planning; Fixed Facilities and Transportation, 40 F.R. 59494).

"(7) *International Liaison.* Maintain, in consultation with the Department of State and in coordination with other departments and agencies as appropriate, essential liaison with foreign nations with respect to the export licensing program and other activities of mutual interest involving nuclear energy.

"(8) *Priorities and Allocations.* Administer any priorities and allocations authority delegated to the Nuclear Regulatory Commission.".

SEC. 4. Part 9 is amended as follows: (a) In section 901(1) delete "Atomic Energy Commission" and substitute therefor "Energy Research and Development Administration".

(b) In section 901(1)(f) delete "Atomic Energy Commission" and substitute therefor "Energy Research and Development Administration".

Gerald R. Ford

THE WHITE HOUSE,
January 7, 1977.

[FR Doc.77-1099 Filed 1-7-77;4:44 pm]

federal register

TUESDAY, JANUARY 11, 1977

PART VIII

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

COUNCIL ON ENVIRONMENTAL QUALITY

■

PRIVACY ACT OF 1974

Systems of Records

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COUNCIL ON ENVIRONMENTAL QUALITY

PRIVACY ACT OF 1974

Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, the Council on Environmental Quality hereby publishes for comment the following notice of systems of records subject to the Privacy Act of 1974 which are maintained by the Council. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the Office of General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. Comments should be submitted on or before February 10, 1977. The routine uses of these systems of records will become effective February 10, 1977, unless the Council finds it necessary to modify them in response to comments received from the public. The remainder of the system notices are effective immediately upon publication. The Council's procedures for access to records in the systems are proposed as Title 40 Part 1516 of the Code of Federal Regulations. (See proposal document published January 5, 1977).

Dated at Washington, D.C. on December 29, 1976.

David W. Tunderman,
Acting General Counsel.

0331-0001(CEQ-1)

System name: Payroll Records—Council on Environmental Quality.

System location: General Services Administration, Region 3 Office; copies held by the Council. (GSA holds records for the Council on Environmental Quality under contract.)

Categories of individuals covered by the system: Employees and members of the Council.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data, retirement records. Records are used by Council and GSA employees to maintain adequate payroll information for Council employees, and otherwise by Council and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C. generally. Also The National Environmental Policy Act, 42 U.S.C. 4321 et seq. (P.L. 91-190).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Administrative Officer, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the

Administrative Officer
Council on Environmental Quality
722 Jackson Place, NW.,
Washington, D.C. 20006

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel, including, among others, GSA Agency Liaison Personnel and payroll, finance, and legal staff.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer
Council on Environmental Quality
722 Jackson Place, NW.
Washington, D.C. 20006

Notification procedure: Contact Administrative Officer of the Council and refer to the Council's access regulations contained in Part 1516 of the Code of Federal Regulations.

Record access procedures: Contact Administrative Officer of the Council and refer to the Council's access regulations contained in Part 1516 of the Code of Federal Regulations.

Contesting record procedures: The subject individual; the Council.

0331-0002(CEQ-2)

System name: General Financial Records—Council on Environmental Quality.

System location: General Services Administration, Central Office; copies held by the Council. (GSA holds records for the Council on Environmental Quality under contract).

Categories of individuals covered by the system: Employees and members of the Council.

Categories of records in the system: SF-1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Council who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally Also the National Environmental Policy Act, 42 U.S.C. 4321 et seq. (P.L. 91-190).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel, including, among others, GSA Agency Liaison Personnel, and payroll, finance, and legal staff.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager(s) and address:

Administrative Officer
Council on Environmental Quality
722 Jackson Place, NW.
Washington, D.C. 20006

Notification procedure: Contact Administrative Officer of the Council or refer to the Council's access regulations contained in Part 1516 of the Code of Federal Regulations.

Record access procedures: Contact Administrative Officer of the Council or refer to the Council's access regulations contained in Part 1516 of the Code of Federal Regulations.

Contesting record procedures: The subject individual; the Council.

0331-003(CEQ-3)

System name: General Informal Personnel Files—Council on Environmental Quality.

System location: Council on Environmental Quality.

Categories of individuals covered by the system: Employees and members of the Council, past and present.

Categories of records in the system: Personnel qualifications statements (SF 171), personnel action requests and notifications, consultant and/or expert certifications, delegations of authority, background information for security clearances (non-sensitive and critical-sensitive), statements of employment and financial interests, training materials and corresponsence with the Council.

Authority for maintenance of the system: Title 5, U.S.C., generally. Also the National Environmental Policy Act, 42 U.S.C. 4321 et seq. (P.L. 91-190).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual.

Safeguards: Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA Agency Liaison Personnel and payroll, finance and legal staff.

Retention and disposal: Disposition of records shall be in accordance with the GSA records maintenance and disposition system.

System manager(s) and address:

Administrative Officer
Council on Environmental Quality
722 Jackson Place, NW.
Washington, D.C. 20006

Notification procedure: Contact Administrative Officer of the Council or refer to the Council's access regulations contained in Part 1516 of the Code of Federal Regulations.

Record access procedures: Contact Administrative Officer of the Council or refer to the Council's access regulations contained in Part 1516 of the Code of Federal Regulations.

Contesting record procedures: The subject individual; the Council.

APPENDIX—The Council on Environmental Quality

In the event that a system of records maintained by this agency to carry out its functions indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of the employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit.

A record from this system of records may be disclosed as a "routine use" to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in an investigation or settlement or a grievance, complaints, or appeal filed by an employee. A record from this system of records may be disclosed as a "routine use" to the United States Civil Service Commission in accordance with that agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed as a "routine use" to officers and employees of a Federal agency for purposes of audit.

The information contained in the system of records will be disclosed as a "routine use" to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a "routine use" to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed as a "routine use" to officers and employees of the General Services Administration in connection with administrative services provided to the Council under agreement with GSA.

[FR Doc.76-38494 Filed 12-30-76;2:37 pm]

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WEDNESDAY, JANUARY 12, 1977

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Briefings at the Office of the Federal Register

(For Details, See 41 FR 46527, Oct. 21, 1976)

RESERVATIONS: DEAN L. SMITH, 523-5282

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Executive Order 11955 • January 10, 1977

Permitting Certain Qualified Employees of the National Aeronautics and Space Administration To Be Given Career Or Career-Conditional Appointment

By virtue of the authority vested in me by section 3301 of title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The appointment of a Command Pilot, Pilot or Mission Specialist candidate to a position in the Space Shuttle Astronaut Program of the National Aeronautics and Space Administration, which is listed under Schedule B of the Schedule of Excepted Positions, may be converted to career or career-conditional appointment if:

(a) the candidate has successfully completed two years of service as a candidate in an appropriate training program;

(b) the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee, recommends the conversion of the candidate's appointment within ninety days of completion of the requirements of section 1(a);

(c) the candidate meets noncompetitive examination standards prescribed by the United States Civil Service Commission; and

(d) the candidate meets all other requirements prescribed by the United States Civil Service Commission pursuant to section 3 of this order.

SEC. 2. Whenever the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee, decides not to recommend conversion of an appointment under this order or whenever the Administrator, or the Administrator's designee, recommends conversion and the candidate fails to qualify, the candidate shall be separated not later than the date of expiration of the current Schedule B appointment, unless the appointment can be converted through appropriate competitive examination or the candidate can be assigned to a suitable position under another excepted authority prior to the expiration date.

SEC. 3. The United States Civil Service Commission shall prescribe such regulations as may be necessary to carry out the purpose of this order.

Gerald R. Ford

THE WHITE HOUSE,
January 10, 1977.

[FR Doc.77–1220 Filed 1–11–77;10:53 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

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[Docket R-0064]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Miscellaneous Changes

Correction

In FR Doc. 76-36186, appearing at page 53775, in the issue for Thursday, December 9, 1976, change the sixth word in the third line of § 265.3 from "required" to "requested".

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 77-26]

PART 153—ANTIDUMPING

Tuners Used in Electronic Products

On July 16, 1976, there was published in the FEDERAL REGISTER (41 FR 29435) a "Notice of Tentative Determination to modify or Revoke Dumping Finding" with respect to tuners (of the type used in consumer electronic products) from Japan sold for export to the United States by Sony Corporation of Japan.

Reasons for the tentative determination were published in the above-mentioned notice, and interested persons were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that for the reasons stated in the above-mentioned notice, tuners (of the type used in consumer electronic products) from Japan are no longer being, nor likely to be, sold in the United States at less than fair value by Sony Corporation of Japan, and the above mentioned finding of dumping is hereby modified to exclude tuners (of the type used in consumer electronic products) from Japan sold by Sony Corporation of Japan.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is hereby amended to show the exclusion from the finding of dumping of tuners (of the type used in consumer electronic products) from Japan sold by Sony Corporation of Japan.

Finding of dumping

Merchandise	Country	T.D.	Modified by—
Tuners (of the type used in consumer electronic products), except:	Japan	70-257	75-80
(I) Those produced and sold by Matsushita Electric Industrial Co., Ltd., and Matsushita Electric Trading Co., Ltd.,			76-143
(II) Those sold by Victor Company of Japan Ltd.,			76-215
(III) Those sold by Tokyo Shibaura Electric Co., Ltd.,			77-26
(IV) Those produced and sold by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., Ltd., and			
(V) Those sold by Sony Corp. of Japan.			

This determination is published pursuant to § 153.44(d), Customs Regulations (19 CFR 153.44(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173).

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.77-1068 Filed 1-11-77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.731]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Definitions of Consular Officer

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are amended to provide that assignment of certain officers of the Department of State to diplomatic or consular offices abroad shall, in specified circumstances, constitute designation of such officers within the meaning of section 101(a)(9) of the Immigration and Nationality Act.

1. Section 41.1 is amended to read:

§ 41.1 Definitions.

. . . . . .

"Consular officer," as defined in section 101(a)(9) of the Act, shall include commissioned consular officers, the District Administrators of the Trust Territory of the Pacific Islands, the Director of the Visa Office of the Department and such other officers of the Department as he shall designate for the purpose of issuing nonimmigrant visas, but shall not include a consular agent, an attache, or an assistant attache. The assignment by the Department of any Foreign Service Officer or Foreign Service Reserve Officer to a diplomatic or consular office of the United States abroad in a position administratively designated as requiring, solely, principally, or partially, the performance of consular functions, and the initiation of a request for a consular commission, shall constitute designation of such officer as a "consular officer" within the meaning of section 101(a)(9) of the Act.

. . . . . .

2. Section 42.1 will be amended as follows:

§ 42.1 Definitions.

. . . . . .

"Consular officer," as defined in section 101(a)(9) of the Act, shall include the District Administrators of the Trust Territory of the Pacific Islands, hereby designated as consular officers for the purpose of issuing immigrant visas, but shall not include a consular agent, an attache, or an assistant attache. The assignment by the Department of any Foreign Service Officer or Foreign Service Reserve Officer to a diplomatic or consular office abroad in a position administratively designated as requiring, solely, principally or partially, the performance of consular functions, and the initiation of a request for consular commission, shall constitute designation of such officer as a "consular officer" within the meaning of section 101(a)(9) of the Act.

. . . . . .

Effective date. Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments to §§ 41.1 and 42.1 are in the nature of rules of agency organization. This amendment becomes effective on January 3, 1977.

Dated: January 6, 1977.

For the Secretary of State.

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.77-1041 Filed 1-11-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7456]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Allocation and Apportionment of Deductions to Gross Income

Correction

In FR Doc. 77-456 appearing on page 1195 in the issue for Thursday, Janu-

ary 6, 1977, the signatures were omitted. They should read as follows:

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 3, 1977.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20888]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations In Ridgecrest and Inyokern, Calif.

Adopted: December 23, 1976.

Released: January 6, 1977.

Report and Order. In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Ridgecrest and Inyokern, California), Docket No. 20888, RM-2677.

1. The Commission has under consideration its Notice of Proposed Rulemaking adopted August 6, 1976, 41 FR 34789, inviting comments on a proposal to assign Channel 285A to Ridgecrest, California, as its second FM assignment. The proceeding was instituted on the basis of a petition filed by Kitchen Productions (petitioner). Petitioner was the only party commenting in response to the Notice.

2. Ridgecrest is a community of 7,629 persons,[1] located in Kern County (pop. 329,162) approximately 193 kilometers (120 miles) northeast of Los Angeles and 121 kilometers (75 miles) east of Bakersfield. Ridgecrest has one daytime-only station (KZIQ) and a Class IV station (KLOA). It also has one FM assignment, Channel 224A, on which an application is pending (BPH-9569) filed by the licensee of daytime-only AM Station KZIQ.

3. In supporting comments petitioner argues that there is a need for an additional service and that the area would easily be capable of supporting the two AM stations, the proposed FM station, as well as the second FM station that would result from the new assignment. Petitioner notes that the largest employers are the Naval Weapons Center, China Lake, California, with a payroll of $88 million, and Kerr McGee Chemical, with a payroll of $20 million. It adds that the estimated Ridgecrest area payroll is $150 million.

4. Preclusion would occur on the cochannel and all adjacent channels except Channel 287. There are three communities (China Lake, 11,105; Trona, 1,500; and Tehachapi, 4,311) located in the areas which would be precluded as a result of the assignment of Channel 285A to Ridgecrest. However, at least two other Class A or Class B channels are available for assignment to these communities. Petitioner points out that China Lake is contiguous to Ridgecrest, and any radio station serving Ridgecrest would also serve China Lake. Alternatively, since China Lake is an unlisted community within 10 miles of Ridgecrest, an application could be filed to use the channel at China Lake.

5. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 285A to Ridgecrest, California. Since the communities located in the precluded areas have at least two other Class A or Class B channels available for assignment to them, and a demand has been shown for a second FM channel in Ridgecrest, the assignment of Channel 285A here would result in an efficient use of radio spectrum and would provide Ridgecrest an opportunity to develop a second local FM broadcast service.

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. In view of the foregoing: *It is ordered,* That effective February 11, 1977, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended to read as follows:

City	*Channel No.*
Ridgecrest, Calif.	224A, 285A.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-1073 Filed 1-11-77;8:45 am]

[1] All population figures are taken from the 1970 U.S. Census.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Proposed Marketing Percentages for the 1976-77 Crop Year

Notice is hereby given of a proposal to establish, for the 1976-77 crop year, free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began October 1, 1976. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The free percentages, restricted percentages, and withholding factors are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on the California Date Administrative Committee's estimates for the current crop year of supply and trade demand adjusted for handler carryover and other available information. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

In determining the percentages for each of the four varieties, the Committee considered the following data, estimates and information for the crop year beginning October 1, 1976:

[In thousands of pounds]

	Deglet Noor	Zahidi	Halawy	Khadrawy
1. Production of marketable dates (1976-77 crop)	20,132	1,851	163	348
2. Plus: Noncertified handler carryover as of Sept. 30, 1976, of marketable dates	6,332	136	5	33
3. Total marketable supply	26,464	1,987	168	381
4. Trade demand for free whole and pitted dates	15,450	1,380	138	250
5. Plus: Desirable handler carryover as of Sept. 30, 1977, to assure date supplies for early demand	6,000	350	49	50
6. Less: Certified handler carryover as of Sept. 30, 1976, of free dates	2,000	20	0	0
7. Adjusted trade demand	19,450	1,710	187	300

It is estimated that the amounts in excess of adjusted trade demands for these four varieties will be utilized in products and/or export markets. Hence no volume regulation is proposed.

Consideration will be given to any written data, views, or arguments in connection with the aforesaid proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than January 15, 1977. All written submissions made pursuant to this notice should be in quadruplicate and will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.224 Free and restricted percentages and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1976, and ending September 30, 1977, as follows: (a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: January 5, 1977.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.77-878 Filed 1-11-77;8:45 am]

[7 CFR Part 1205]

DETERMINATION OF COTTON BOARD MEMBERSHIP

Extension of Comment Period

This notice further extends the period for comments to the notice, published December 14, 1976 (41 FR 54494), proposing a revision in the regulations for the determination of Cotton Board membership.

The original notice invited comments on the proposed rule through December 28, 1976. At the request of interested parties the comment period was extended to January 11, 1977 (41 FR 56821). Additional requests have been made to further extend the comment period to February 11, 1977, to provide additional time to prepare and submit comments.

Accordingly, the comment period is hereby extended and interested persons may submit written data, views, or arguments in triplicate to the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 11, 1977.

Dated: January 6, 1977.

CHARLES R. BRADER,
Acting Administrator.

[FR Doc.77-1049 Filed 1-11-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505b]

[No. 77-9]

PUBLIC INFORMATION

Government in the Sunshine

JANUARY 5, 1977.

SUMMARY

The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions of the regulations.

I. *Previous Regulation.* None

II. *Proposed Regulation.* Promulgation of rules to implement the Government in the Sunshine Act by providing the public with information regarding the Board's decisionmaking processes

The Government in the Sunshine Act (Pub. L. 94-409; approved September 13, 1976) (hereinafter referred to as the "Act") requires agencies of the Federal Government headed by collegial bodies, which includes the Board, to open their meetings to public observation, except under specified circumstances, by March

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12, 1977. Section (g) of the Act directs agencies subject to the Act to promulgate final regulations by that date to implement the open meeting provisions, following consultation with the Administrative Conference of the United States and publication of proposed rules with opportunity for public comment.

Accordingly, the Board hereby proposes to implement the Act by adding a new Part 505b to its general regulations, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by February 14, 1977, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

PART 505b—PUBLIC INFORMATION REGARDING DECISIONMAKING PROCESSES

Sec.
505b.1 Purpose and scope.
506b.2 Definitions.
505b.3 Open meetings.
505b.4 Closed meetings.
505b.5 Accommodation for public attendance at open meetings.

AUTHORITY: Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Pub. L. 94-409; approved September 13, 1976. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 505b.1 Purpose and scope.

This part is issued by the Federal Home Loan Bank Board pursuant to the requirement of the Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b) that certain Federal agencies, including the Board, promulgate rules to implement the Act by providing the public with the fullest practicable information regarding the Board's decisionmaking processes while protecting the rights of individuals and the ability of the Board to carry out its responsibilities.

§ 505b.2 Definitions.

(a) For purposes of this part, the term "meeting" means any deliberations of two or more members of the Board, assembled *in collegio*, the purpose or effect of which is to determine or result in joint conduct of official business of the Board.

§ 505b.3 Open meetings.

(a) *General.* Except as provided in § 505b.4 of this part, all meetings of the Board shall be open to the public.

(b) *Procedures for open meeting.* (1) Except as provided in paragraph (b)(2) of this section, the Board shall announce at least one week before a meeting the time, place, and subject matter of the meeting and the name and telephone number of the official designated to respond to requests for information about the meeting. This announcement shall be sent to the FEDERAL REGISTER for publication and also posted in the main lobby of the Board's headquarters.

(2) Where a majority of the Board members determine by recorded vote that agency business requires a shorter announcement period or a change in as open meeting or portion thereof previously announced, the one-week prior-announcement rule shall be suspended and annoucement shall be made at the earliest practicable time.

§ 505b.4 Closed meetings.

(a) *Expediting regulation.* (1) This section, providing for expedited closing procedures with regard to meetings or portions thereof exempt under paragraphs (4), (8), (9)(A), or (10) of subsection (c) of the Act (paragraphs (c)(4), (8), (9)(A), or (10) of this section), is adopted as authorized by 5 U.S.C. 552b(d)(4) because a majority of the Board's meetings include deliberations which if held publicly would be likely to disclose information required or authorized by law to be kept confidential. For example, Board meetings normally include deliberation upon one or more applications for Federal charter, insurance of accounts, or an office facility, involving consideration and discussion of information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Board in carrying out its responsibilities to regulate and supervise financial institutions subject to its jurisdiction. Board meetings also routinely include deliberations upon supervisory problem cases involving consideration and discussion of information which if disclosed could significantly endanger the stability of the financial institution in question or cases involving litigation or adjudicatory procedures. However, the Board may choose to open any meeting on an *ah hoc* basis notwithstanding that it may lawfully be closed.

(2) Where a meeting or portion thereof is to be closed under paragraph (a) of this section, a public record shall be kept of the Board Members' vote at the beginning of the meeting to close it or a portion thereof and any certification by the General Counsel that such closure is authorized by law, including a statement pertaining to the relevant exemptive provision or provisions of law. Such record shall be made available to the public at or through the Office of the Secretary to the Board. Public announcement of the time, place, and subject matter of closed meetings or portions thereof shall be made at the earliest practicable time.

(b) *Meetings closed under regular procedures.* (1) A meeting or portion thereof will be closed to public observation under regular procedures, or information as to such meeting or portion of a meeting will be withheld, only by recorded vote of a majority of the members of the Board when it is determined that such meeting or portion or the withholding of such information qualifies for exemption under paragraphs (c)(1), (2), (3), (5), (6), (7), or (9)(B) of this section. Votes by proxy are not allowed.

(2) Except as provided in paragraph (b)(3) of this section, a separate vote of the Board members will be taken with respect to the closing or the withholding of information as to each meeting or portion thereof which is proposed to be closed to public observation or with respect to which information is proposed to be withheld pursuant to paragraph (b) of this section,

(3) A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to public observation or with respect to any information concerning such series of meetings proposed to be withheld, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series.

(4) Whenever any person's interests may be directly affected by a potrion of a meeting for any of the reasons referred to in paragraphs (c)(5), (6), or (7) of this section, such person may send a written request to the Secretary of the Board asking that such portion of the meeting be closed to public observation. The Secretary, or in his absence the Acting Secretary of the Board, will transmit the request to the Board members and upon the request of any one of them a recorded vote will be taken whether to close such meeting to public observation.

(5) Within one day of any vote taken pursuant to paragraph (b) of this section, the Board will make publicly available at or through the Office of the Secretary a written copy of such vote reflecting the vote of each Board member on the question. If a meeting or a portion of a meeting is to be closed to public observation, the Board, within one day of the vote taken pursuant to paragraph (b) of this section, will make publicly available at or through the Office of the Secretary a full, written explanation of its action closing the meeting or portion of the meeting together with a list of all persons expected to attend the meeting and their affiliation, except to the extent such information is determined by the Board to be exempt from disclosure under paragraph (d) of this section.

(c) *Recordkeeping.* (1) A complete transcript or recording shall be made and maintained of the proceedings at each meeting or portion thereof closed to the public under this Part, except that, where appropriate, a set of minutes may be made and maintained in lieu of such transcript or recording. Such minutes shall fully and clearly describe all matters discussed and provide a full and accurate summary of any action taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll-call vote (reflecting the vote of each Board member on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) Such transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, shall be made promptly

available to the public at or through the Office of the Secretary, except for such item or items of such discussion or testimony as the Board determines to contain information which may be withheld under paragraph (d) of this section. Copies of such transcript or minutes or a transcription of such recording, disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Board shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Board proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

(d) *Exemptions.* Except in a case where the Board finds that the public interest requiries otherwise, the Board may close a meeting or portion of a meeting where it determines that disclosure of information pertaining to such meeting or portion thereof is likely to:

(1) Disclose matters that are (i) Specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (ii) In fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of the Board;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute (i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets or commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) Interfere with enforcement proceedings, (ii) Deprive a person of a right to a fair trial or an impartial adjudication, (iii) Constitute an unwarranted invasion of personal privacy, (iv) Disclose the identity of a confidential source or, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) Disclose investigative techniques and procedures, or (vi) Endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Board or another agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would

(i) Be likely to (A) Lead to significant financial speculation in currencies, securities, or commodities, or (B) Significantly endanger the stability of any financial institution; or (ii) Be likely to significantly frustrate implementation of a proposed Board action, except that paragraph (d)(9)(ii) of this section shall not apply in any instance where the Board has already disclosed to the public the content or nature of its proposed action, or where the Board is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) Specifically concern the Board's issuance of a subpena, or its participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition of a particular case of formal Board adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

(e) The following are examples of meetings or portions of meetings which may be closed:

(1) Federal Home Loan Bank System meetings involving discount notes, bond amounts and maturities, and bond pricing;

(2) Meetings concerning institutions causing supervisory concern, formal examination, cease-and-desist, suspension, removal, or termination-of-insurance proceedings, conservatorships, or receiverships;

(3) Meetings concerning requests for insurance of accounts by existing institutions;

(4) Meetings concerning aspects of merger applications, applications for permission to convert from mutual to stock form of organization, or holding company matters, discussion of which is likely to disclose information in one or more of the categories in paragraph (d) of this section;

(5) Meetings concerning aspects of facilities applications, applications for insurance of accounts by new institutions, applications for permission to organize a Federal savings and loan association, or consideration of certain regulatory amendments, discussion of which is likely to disclose information in one or more of the categories in paragraph (d) of this section, and

(6) Meetings involving discussion respecting litigation in which the Board is involved.

§ 505b.5 Accommodation for public attendance at open meetings.

Open meetings are held in Room 630 at the Board's headquarters located at 320 First Street, N.W., Washington, D.C. 20552, at the time and on the date specified in the advance public notice; such information is also posted in the main lobby at such location. Interested members of the public may attend such meetings but may not participate therein unless invited or permitted to do so by the Board.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Pub. L. 94-409; approved September 13, 1976. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77-1089 Filed 1-11-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Extension of Time for Comment on Proposed New Definitions of Small Business for Government Procurements for Ship Building and Repairing, and Refuse Collection With or Without Disposal

On November 12, 1976, the Small Business Administration published in the FEDERAL REGISTER (41 FR 50002) a notice of proposal to adopt a new definition of small business for Industry No. 3731, *Ship Building and Repairing*, for the purpose of bidding on Government procurement. The public was given until December 13, 1976, to file comment thereon.

On November 15, 1976, a notice was published in the FEDERAL REGISTER (41 FR 50274) that the SBA also proposed to adopt a new definition of small business for the purpose of Government procurements for refuse collection with or without disposal. The public was given until December 15, 1976, to comment on such proposal.

In both cases we have been requested to grant an extension of time for public comment. Under all of the circumstances, we have concluded that the closing dates for filing should be extended as follows:

Shipbuilding and repairing.. Feb. 1, 1977.
Refuse collection with or without disposal. Mar. 15, 1977.

All correspondence should be addressed to:

William L. Pellington, Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416

(Catalogue of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

Dated: December 30, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.77-1065 Filed 1-11-77;8:45 am]

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[13 CFR Part 112]

NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SMALL BUSINESS ADMINISTRATION

Proposed Addition of An Appendix Listing Types of Federal Financial Assistance Covered By This Part

Notice is hereby given that the Small Business Administration proposes to amend 13 CFR Part 112 to include an appendix listing the types of Federal financial assistance and the statutes authorizing such assistance covered by this part. Interested parties are hereby given until February 11, 1977 to submit written comments, suggestions or objections regarding the proposed amendment. Please send comments to the Compliance Division, Room 326, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

Accordingly Part 112 of Chapter 1 of Title 13 CFR is hereby amended by:

§ 112.2 [Amended]

1. Changing § 112.2(a) to read:

(a) This part applies to all recipients of assistance under programs administered by the Small Business Administration. (See Appendix)

2. Delete § 112.2(a) (1), (2), (3), (4), (5), (6) and (7).

3. Changing § 112.2(b) to read: This part does not apply to financial assistance extended by way of insurance or guarantee.

4. Adding an Appendix to the end of Part 112.

APPENDIX

Name of program	*Authority*
Regular business loans	Small Business Act, Sec. 7(a), 15 U.C.C. 636(a).
Economic opportunity loans	Small Business Act, sec. 7(i) (formerly title IV of the Economic Opportunity Act), 15 U.S.C. 636(i).
Revocable revolving line of credit	Small Business Act, sec. 7(a) and 7 (i) (guaranty plan only—not covered by title VI, but covered by 13 CFR 113), 15 U.S.C. 636 (a) and (i).
Pool loans	Small Business Act, sec. 7(a)(5), 15 U.S.C. 636(a)(5).
Displaced business loans	Small Business Act, sec. 7(b)(3), 15 U.S.C. 636(b)(3).
Handicapped assistance loans	Small Business Act, sec. 7(h), 15 U.S.C. 636(h).
State development company loans (501)	Small Business Investment Act, sec. 501, 15 U.S.C. 695.
Local development company loans (502)	Small Business Investment Act, sec. 502, 15 U.S.C. 696.
Disaster loans (physical, including riot)	Small Business Act, sec. 7(b)(1) as amended by secs. 231, 234, and 237 of the Disaster Relief Act of 1970, Public Law 92-385, Public Law 93-24, and Public Law 94-68, 15 U.S.C. 636(b)(1).
Disaster loans (economic injury)	Small Business Act, sec. 7(b)(2) as amended by secs. 231 and 234 of the Disaster Relief Act of 1970. Public Law 92-385, Public Law 93-24, and Public Law 94-68, 15 U.S.C. 636(b)(2).
Disaster loans (product disaster)	Small Business Act, sec. 7(b)(4) Public Law 92-385, Public Law 93-24, and Public Law 94-68, 15 U.S.C. 636(b)(4).
Disaster loans—coal mine health and safety loans	Small Business Act, sec. 7(b)(5), 15 U.S.C. 636(b)(5).
Disaster loans	Small Business Act, sec. 7(b)(5), 15 U.S.C. 636(b)(5).
Disaster loans—occupational safety and health	Small Business Act, sec. 7(b)(5), 15 U.S.C. 636(b)(5).
Disaster loans—strategic arms economic injury loans	Small Business Act, sec. 7(b)(6), 15 U.S.C. 636(b)(6).
Air pollution control loans	Small Business Act, sec. 7(b)(5), 15 U.S.C. 636(b)(5).
Disaster loans—base closing economic injury	Small Business Act, sec. 7(b)(7), 15 U.S.C. 636(b)(7).
Water pollution control loans	Small Business Act, sec. 7(g)(1), 15 U.S.C. 636(g)(1).
Emergency energy shortage economic injury	Small Business Act, sec. 7(b)(8), 15 U.S.C. 636(b)(8).
Lease guarantees [1]	Small Business Investment Act, title IV, 15 U.S.C. 692.
Surety bond guarantees [1]	Small Business Investment Act, title IV, 15 U.S.C. 694(a).
Small general contractors business loan program	Small Business Act, sec. 7(a), 15 U.S.C. 636(a).

Name of program	*Authority*
Agricultural loan program	Small Business Act, sec. 7(a) and 7(i), Public Law 94-305, 15 U.S.C. 636 (a) and (i).

[1] Not covered by this part, but covered by Part 113 of Title 13 of the Code of Federal Regulations as are all other programs involving financial assistance administered by the Small Business Administration. Part 113 prohibits discrimination based on race, color, religion, sex, marital status or national origin. In addition, those matters covered by the Equal Credit Opportunity Act, beginning March 1977, will also prohibit such discrimination based on age, source of income, or because of complaints made under the Consumer Protection Act.

Effective: January 12, 1977.

MITCHELL P. KOBELINSKI,
Administrator.

Dated: January 4, 1977.

[FR Doc.77-1036 Filed 1-11-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 920]

PROGRAM DEVELOPMENT GRANTS REGULATIONS

Extension of Comment Period

On December 6, 1976, the National Oceanic and Atmospheric Administration (NOAA) published proposed regulations in the FEDERAL REGISTER (14 FR 53418) amending coastal management program development grant regulations pursuant to section 305 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Section 1451 et seq. NOAA requested that comments on the proposed regulations be submitted on or before January 5, 1977.

Following publication, a number of reviewers requested that the comment period be extended based upon an expressed need for additional time to analyze the significant issues raised by the regulations and to compensate for the intervening Christmas holiday period. NOAA has concluded that a thirty day request for extension should be approved. Accordingly, written comments may be submitted to the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Page Building 1, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, on or before February 7, 1977.

Dated: January 6, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-1054 Filed 1-11-77; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 267]

[FRA Economic Docket No. 6, Notice No. 3]

ASSISTANCE TO STATES FOR RAIL SERVICE UNDER SECTION 402 OF REGIONAL RAIL REORGANIZATION ACT OF 1973, AND SECTION 5 OF DEPARTMENT OF TRANSPORTATION ACT

Proposed Standards and Procedures Regarding In-Kind Benefits; Extension of Comment Period

In FR Doc. 76-36291 appearing at page 54007 in the FEDERAL REGISTER of December 10, 1976, the closing date for receipt of comments regarding the proposed standards and procedures was January 10, 1977. In response to requests for an extension of time in which to respond, the closing date is hereby extended to January 17, 1977. Communications received by January 17, 1977 will be considered by the Federal Railroad Administrator before taking final action on the proposed regulation. Comments received after that date will be considered to the extent practicable.

Issued in Washington, D.C., on January 6, 1977.

ASAPH H. HALL,
Federal Railroad Administrator.

[FR Doc.77-1042 Filed 1-11-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered or Threatened Status for 41 U.S. Species of Fauna

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884; hereinafter the Act), which would determine 13 U.S. taxa to be Endangered species and 28 such taxa to be Threatened species and which would determine Critical Habitat for 18 of these species, pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

BACKGROUND

Section 4(a) of the Act states:

General.—The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

Actions by a Federal agency which result in the destruction or adverse modification of habitat considered Critical Habitat for a given Endangered or Threatened species would not confrom with section 7 of the Endangered Species Act of 1973, if such an action might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable expansion or recovery of that species.

The authority to determine a species as Endangered or Treatened, and to determine Critical Habitat has been delegated to the Director.

On June 14, 1973, the Service entered into a contract with The Academy of Natural Sciences, Philadelphia, Pennsylvania, to investigate the status of certain snails indigenous to Eastern North America. Two final reports dated December 15 and 26, 1974, contained data indicating that several of the snails studied were either Threatened or Endangered Species as provided for by the Act. The principal investigator for this contract, Dr. George M. Davis, has recognized a cline of intergradation betwen the genera *Io*, *Lithasia*, and *Angitrema*. He has accordingly placed *armigera*, *duttoniana*, *geniculata*, *jayana*, *penguis*, *verrucosa*, *lima*, and *salebrosa* in the same genus as *Io fluvialis*. Another contract entered into between the Service and the Sierra Club Foundation, San Francisco, California, to investgate the status of California land snails produced similar results which are documented in a final report dated August 25, 1975.

A third Service contract entered into with the Sierra Club Foundation produced a final report dated September 15, 1975, on *Syncaris pacifica*.

A fourth Service contract entered into with Roanoke College produced a final report dated November 1975 on *Hybopsis cahni*, *Hybopsis monacha* and *Noturus flavipinnis*.

A fifth contract, with the New York Zoological Society, resulted in a final report on several crayfish and shrimp.

Data on the other species were received from the following: *Antrolana lira*, Thomas E. Bowman, U.S. National Museum, January 18, 1973, John Holsinger, Old Dominion University, Norfolk, Virginia, January 18, 1973; *Stygonectes hayi*, John Holsinger, Old Dominion University, Norfolk, Virginia, January 5, 1973, Thomas E. Bowman, U.S. National Museum, January 22, 1973; *Crangonyx grandimanus*, John Holsinger, Old Dominion University, Norfolk, Virginia, January 15, 1973; E. L. Bousfield, National Museum of Natural Sciences, Ottawa, Ontario, Canada, June 13, 1973; *Procambarus acherontis*, Richard Franz, Florida State Museum, Gainesville, Florida, April 12, 1974; John E. Cooper, North Carolina State Museum, Raleigh, North Carolina, March 29, 1974; *Palaemonias alabamae*, John E. Cooper, North Carolina State Museum, Raleigh, North Carolina, June 2, 1973; *Palaemonias ganteri*, Thomas C. Barr, University of Kentucky, Lexington, Kentucky, June 7, 1973; *Goniobasis semicarinata indianensis*, David Bickel, Minot State College, Minot, North Dakota, August 8, 1975; *Athearnia anthonyi*, *Athearnia crassa*, Herbert D. Athearn, Cleveland, Tennessee, October 1975; *Speoplatyrhinus poulsoni*, John E.

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Cooper, North Carolina State Museum, Raleigh, North Carolina, 1975; *Etheostoma boschungi*, Herbert T. Boschung, University of Alabama, Auburn, Alabama, March 1974; *Tryonia imitator*, James J. Landye, Arizona State University, Tempe, Arizona, Allyn G. Smith, California Academy of Sciences, San Francisco, California, Dwight W. Taylor, Pacific Marine Station, Dillion Beach, California, 1975; *Algamorda newcombiana*, Barry Roth and Allyn G. Smith, California Academy of Sciences, San Francisco, California; Robert R. Talmadge, Eureka, California, 1975; *Liguus fasciatus*, Alan K. Craig, Florida Atlantic University, Boca Raton, Florida, March 12, 1974; May 1, 1974.

On March 18, 1975, the Service published a Notice in the FEDERAL REGISTER (40 FR 12297–12298) advising that a review of several fishes was underway to determine whether any were Threatened Species or Endangered Species. Three States (Virginia, North Carolina, Tennessee) commented as a result of the Notice, all favorably. This information has been considered and is incorporated into the administrative record of this Proposal.

On October 17, 1974, and April 28, 1975, the Service published Notices in the FEDERAL REGISTER (34 FR 37078–79 and 40 FR 18476–77) advising that a review of several of the crustacean species and the California braokish water snail was underway to determine whether any were Threatened species or Endangered species. Four States (Alabama, Virginia, Kentucky and the District of Columbia) commented as a result of those "Notices." Several States suggested or recommended further study but no State opposed their listing. This information has been considered and is incorporated into the administrative record of this proposal.

SUMMARIES OF FACTORS AFFECTING THE SPECIES

FRESHWATER CRUSTACEAN GROUP

The Service has evidence on file that the following species of freshwater crustaceans are Endangered species and Threatened species as defined by the Act: the Madison Cave isopod, *Antrolana lira*; Big South Fork crayfish, *Cambarus bouchardi*; Chickamauga crayfish, *Cambarus extraneus;* Obey crayfish, *Cambarus obeyensis;* Florida cave scud, *Crangonyx grandimanus;* Conchas crayfish, *Orconectes deanae;* Placid crayfish, *Pacifastacus fortis;* Squirrel Chimney cave shrimp, *Palaemonetes cummingi*; Alabama cave shrimp, *Palaemonias alabamae;* Kentucky cave shrimp, *Palaemonias ganteria*; Palm Springs cave crayfish, *Procambarus acherontis;* Hay's Spring scud, *Stygonectes hayi;* California freshwater shrimp, *Syncaris pacifica;* Nashville crayfish, *Orconectes shoupi;* Louisville crayfish, *Orconectes jeffersoni.*

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an Endangered species, or a Threatened species, because of any of five factors. One of these factors, and its application to these species, is as follows:

The present or threatened destruction, modification, or curtailment of its habitat or range.—Madison Cave isopod, *Antrolana lira*—Proposed Endangered—is known only from Madison Cave in Augusta County, Virginia. Madison Cave is privately owned and was once commercial. Madison Cave has great historical significance, and the commercial activity could resume at some later date. This genus has not been collected from other caves in the drainage system of the South Fork of the Shenandoah River, and is one of only two cave cirolanid isopod species found in the United States. The other one is found in Texas and these are of high scientific importance to students of biospeleology, evolution, and biogeography. Extensively searched for in other caves, but not found, this crustacean is one of the most unusual and unique cave species in the country, because it is the only species in its genus and it is an ancient Paleozoic marine-like relic. It is endangered by heavy visitation, which has resulted in vandalism, trash accumulation, and siltation of the two lakes in the cave containing this species. Other disturbances include people standing near the edge and thereby causing the talus to creep into the water.

Its troglobitic nature makes it particularly susceptible to changes in water quality and siltation. These factors interfere with the natural flow of detrital energy into the cave.

Nashville crayfish, *Orconectes shoupi*—Proposed Endangered—is restricted to Mill Creek in Davidson and Williamson Counties, Tennessee. It has a very limited distribution, primarily within the city and suburbs of Nashville, Tennessee. A recent survey of streams adjacent to this stream system failed to reveal the presence of this species. It requires pool areas with flattened, limestone slabs and rocks of varying sizes on a predominantly gravel and limestone bedrock and it has a specific silt requirement. The population of Nashville-Davidson grew from 170,974 in 1960 to 447,877 in 1970. It is endangered by further siltation, channelization, dredging, degradation of water quality and the other adverse factors that have resulted from the rapid urbanization of this area.

Louisville crayfish, *Orconectes jeffersoni*—Proposed Endangered—is restricted to Beargrass Creek, lower tributaries of Harrods Creek, and the Pond Creek system, Jefferson, Oldham and Bullitt Counties, Kentucky. It has not been found in streams adjacent to these stream systems. It is threatened by degradation of water quality, ditching, siltation, and lies within and around the city of Louisville, Kentucky, which is an area of actual and potential residential, commercial, and industrial growth. Concentrations of mercury, lead, cadmium, zinc, copper, and arsenic exist in these three localities which are toxic to aquatic species.

Big South Fork crayfish, *Cambarus bouchardi*—Proposed Threatened—is restricted to the Roaring Paunch Creek system in Tennessee and Kentucky. It has not been found in nearby creeks and is not expected there where its congener, *Cambarus (jugicambarus) distans* is common. Mining of coal is prevalent and the presence of sulphuric acid poisoning makes the existence of this species threatened. This area is centered in the southern Appalachian coal region. A draft EIA prepared by the Department of the Interior on the Coal Research and Development program indicates that by 1968 over 5000 miles of streams in Appalachia were made inhospitable to fish because of acid mine drainage. Sulpher compounds associated with mining form because of acid mine drainage. Sulphur

Chickamauga crayfish, *Cambarus extraneus*—Proposed Threatended—is restricted to the South Chickamauga Creek system in southeastern Tennessee and northwestern Georgia. It has not been found in other streams in this area. It is threatened by pollution (including ammonia, zinc, and low disolved oxygen) from Chattanooga, Ringgold, Chickamauga, and Tunnel Hill. It is also threatened by channelization of 6.9 miles of South Chickamauga Creek by the Tennessee Valley Authority.

Obey crayfish, *Cambarus obeyensis*—Proposed Threatened—is restricted to Hurricane Creek, Little Hurricane Creek and Meadow Creek, all tributary to the Obey River in Tennessee. A survey of other streams in this area failed to reveal the presence of this species. It requires adequate covering in the form of numerous rocks for spacial relationships for individuals. This habitat over sandstone and shale deposits is spotty.

This species is threatened by acid mine wastes in its headwater habitat in the breakdown of pyrite associated with coal deposits. The aquatic life in the upper portion of the East Fork of the Obey River has already been eliminated due to this problem.

Florida cave scud, *Crangonyx grandimanus*—Proposed Threatened—is known only from a well near Miami, and from two caves in north central Florida: Indian Cave seven miles southwest of Ocala in Marion County, and Huggin's Cave west of Gainesville in Alachua County. Extensive collecting in caves and wells in the general area and elsewhere has failed to locate this species. It is one of only two North American species in the genus *Crangonyx* completely lacking eye structures. This cave and underground freshwater crustacean is threatened by rapid urbanization, ground water pollution, lowering of water tables, and overcollecting. The populations of Gainesville, Ocala, and Miami grew 1960 to 1970 respectively: 29,701–64,510; 13,598–22,583; 291,688–334,859. The Ocala system of drainage wells will not expand until pollution problems are solved due to State

regulations. This animal requires constant temperature, darkness, and a specific high pH. Its troglobitic nature makes it particularly susceptible to changes in water quality and siltation.

Conchas crayfish, *Orconectes deanae*—Proposed Threatened—was discovered in 1960 in Conchas Lake in San Miguel County, New Mexico. The publication of the description of this species was completed in 1975. It is known only from Conchas Lake, Conchas River, and Conchas Canal tributary to the Canadian River System in San Miguel and Quay County, New Mexico. It reaches its greatest abundance in Conchas Lake. In this area the crayfish typically inhabits lentic areas. It also burrows in the bed of the Conchas Canal, an irrigation canal which carries water nine months of the year. Populations in this canal are limited and do not appear to be spreading or increasing. Suitable habitat in adjacent areas was searched, but no other populations were found. It is potentially jeopardized by competition with the recently introduced crayfish.

Orconectes rusticus. Such problems have been frequent among crayfish; particularly in disturbed habitats such as this one.

Placid crayfish, *Pacifastacus fortis*—Proposed Threatened—is restricted to the Fall River, Hat Creek and a spring system, all tributary to the Pit River, in Shasta County, California. It requires lower elevation, slowly to moderately moving waters. It is threateneded by competition with the aggressive and introduced *Orconectes virilis*. O *virilis* has become established in the original range of *P. fortis* and has a history of replacing native American crayfish.

Squirrel Chimney cave shrimp, *Palaemonetes cummingi*—Proposed Threatened—is restricted to Squirrel Chimney, a sink hole in Alachua County, Florida. This species, like other cave limited species, is extremely vulnerable to any disruption in the natural flow of detrital energy into the cave system. In the past an attempt was made to close the sink hole with trash. However, when the owners were made aware of the uniqueness of Squirrel Chimney the sink hole was reopened and nearly returned to its former condition. The owners have indicated that they wish to protect this species, but the ownership could pass on at some later date. It is essential that the surface area around the sinkhole entrance remain unchanged to prevent the alteration of detrital flow into the cave.

Alabama Cave shrimp, *Palaemonias alabamae*—Proposed Threatened—is restricted to Shelta Cave, and Bobcat Cave, Red Stone Arsenal, Huntsville, Alabama. It is colorless and eyeless and cannot be confused with any other shrimp in the area. It is very rare in the type locality, there being probably less than 200 living individuals. Its location in a major city makes it highly vulnerable to ground water pollution and construction activities. The population of Huntsville almost doubled between 1960 and 1970 (72,365–137.802). Pollution in the Red Stone Arsenal attributed to street run-off has already caused the extinction of a snail, *Marstonia olivacea.*

Kentucky cave shrimp, *Palaemonias ganteri* — Proposed Threatened — is known in only two pool systems in Mammoth Cave National Park; in the Roaring River passage, and near Golden Triangle at Flint Ridge. This colorless, eyeless, freshwater shrimp is rare and known only from small populations in these localities in Kentucky, although it was formerly more abundant along tourist trails in the Echo River area. Being in a National Park, it is well protected from collecting, vandalism, etc., but it nevertheless periodically receives pollution from sewage from facilities in the area, and has been considerably reduced in population during the past forty years. Premature flooding of breeding pools by early opening of floodgates in Nolin River Dam caused extensive damage in 1967 and remains a danger. There is a similar danger from Green River Dam. This animal depends on annual flooding of relatively quiet pools in Autumn because at that time the water levels are lowest, there is a secondary production of microorganisms, and the majority of the young hatch.

Palm Spring cave crayfish, *Procambarus acherontis*—Proposed Threatened—was known from a well in Orange County, Florida and Palm Springs, Seminole County, Florida in the Orlando metropolitan area. It has been extensively searched for, but is presently restricted to Palm Springs, Seminole County, Florida. This species is Threatened by potential ground water pollution and drawdown of the local aquifer due to rapid urbanization.

Hay's Spring scud, *Stygonectes hayi*—Proposed Endangered—is a blind white crustacean known only from a single spring in the National Zoological Park in Washington, D.C. Once more widespread, it is now greatly restricted in habitat, and has been extensively looked for in recent years. It is endangered by ground water pollution from street run-off, deicing, increased temperature caused by development, automobile exhaust, pesticides, introduced allen species, and eutrophication.

California freshwater shrimp, *Syncaris pacifica*—Proposed Threatened—is one of three known species of the family Atyidae of shrimp which colonized freshwaters during Jurassic times. The other two North American species of the family Atyidae, *Palaemonias ganteri* and *P. alabamae*, are also being proposed for listing as Endangered and Threatened species. There once was another species in the genus *Syncaris*, but this freshwater shrimp, *Syncaris pasadenae*, has not been found since 1933. It was eliminated by freeways, parking lots, channelization and especially the conversion of streams to concrete floodways and freeway routes. The California freshwater shrimp was formerly known from the Napa River, Lagunitas Creek, Stemple Creek, Salmon Creek, Santa Rosa Creek, Blucher Creek, Laguna Santa Rosa and East Austin Creek. It is today restricted to East Austin Creek and Salmon Creek in Sonoma County, California and Lagunitas Creek in Marin County, California. In East Austin Creek it is depleted, a victim of inadequate leach fields for septic tanks, domestic sewage pollution and summer recreation dams, and swimming ponds. In Salmon Creek it is endangered by dredging for gravel, pollution spills of undetermined origin and a proposed sewer pipeline. In Lagunitas Creek it is endangered by the proposed alternation of the public water supply system.

In summary, four of the crustacean group are proposed as "Endangered" because they are restricted to very small areas or occur in small numbers and are in immediate danger of extinction throughout their range. The other 14 species are proposed as "Threatened" because they occur over a wider range or in larger numbers and are potentially in jeopardy over most of their range.

SOUTH CENTRAL GROUP

The Service has evidence that the following fourteen (14) taxa of river snails and five taxa of fish are Endangered species or Threatened species as provided for by the Act: Anthony's river snail (*Athearnia anthonyi*); Crass river snail (*Athearnia crassa*); Indiana river snail (*Gonibasis semicarinata indianensis*); Armigerous river snail (*Io armigera armigera*); Dutton's river snail (*Io armigera duttoniana*); Jay's river snail (*Io armigera jayana*); spiny river (*Io fluvialis*); Geniculate river snail (*Io geniculata geniculata*); Small geniculate river snail (*Io geniculata penguis*); Rugged river snail (*Io salebrosa*); Verrucose river snail (*Io verrucosa verrucosa*); Elk river File snail (*Io verrucosa lima*); Umbilicate river snail (*Leptoxis subglobosa umbilicata*); Mainstream river snail (*Leptoxis praerosa*); Slackwater darter (*Ethcostoma boschungi*); Slender chub (*Hybopsis cahni*); Spotfin chub (*Hybopsis monacha*); Yellowfin madtom (*Noturus flavipinnis*); and Alabama cave fish (*Spcoplatyrhinus poulsoni*).

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an Endangered species, or a Threatened species, because of any of five factors. One of these factors, and its application to these species is as follows:

The present or threatened destruction, modification, or curtailment of its habitat or range.—

Anthony's river snail, *Athearnia anthonyi*—Proposed Threatened—was formerly known from the Tennessee River, Knox County, Tennessee to Lauderdale County, Alabama, lower French Broad and Clinch Rivers, eastern Tennessee; Elk River, Alabama; smaller tributaries of the Tennessee River from Little Ten-

nessee River, Tennessee to Limestone County, Alabama. It was discovered in 1854 and long thought to be extinct, but is surviving in the Nolichucky, Little Tennessee and Tellico Rivers in eastern Tennessee. This large distinct snail is threatened in the Little Tennessee River and Tellico River by the construction of Tellico Dam; in the Nolichucky River by severe pollution, including zinc, copper, nickel, mercury, cadmium, and ammonia of unknown origin and in the Tellico River by ammonia and low pH. Low pH is particularly harmul to the shells of snails which it dissolves. Changes in normal stream temperatures due to operation of upstream impoundments constitutes an additional threat to this species.

The other species in the genus, the crass river snail, *Athearnia crassa*—Proposed Threatened—was formerly known from the Powell River; Clinch River and Beaver Creek, Tennessee. It is presently restricted to three stream systems. In South Chickamauga Creek, Georgia, it is threatened by pollution (including ammonia, zinc and low dissolved oxygen) from Ringold and by accidental spillages such as sulfuric acid and chlorine. In the Elk River, Tennessee it is threatened by the influence of Tims Ford Reservoir on the stream flow and temperature regimes and by zinc and mercury pollution. In the Sequatchie River, Tennessee it is threatened by heavy metal pollution (copper, cadmium, zinc and mercury).

Armigerous river snail, *Io armigera armigera*—Proposed Endangered—was formerly known from the Wabash River, the Cumberland River, the Stones River, the Harpeth River and the Ohio River in Tennessee, Indiana, Illinois, Kentucky, and Alabama. It is today restricted to the tail-waters of Kentucky Dam in the Tennessee River, Kentucky. It is endangered by extremely high levels of arsenic, chromium, mercury, and zinc, toxic to aquatic life.

Dutton's river snail, *Io armigera duttoniana*—Proposed Threatened—is the small-stream form of *Io armigera* and is restricted to the Duck River in Tennessee. The recent completion of Normandy Dam, has rendered the uppermost population effectively extinct, and Columbia Dam, also under construction at the present time by the Tennessee Valley Authority, will eliminate half of the populations of this subspecies. Downstream effects of these two dams may eliminate the remaining populations of this subspecies. Threats include smothering by sediments produced during construction and inundation with the change from a flowing to a lake environment. Downstream of the reservoirs, threats include the change of water temperature and changes in the daily fluctuations in the water, temperature and water flow. Poilution abatement required to secure this mollusk includes abating municipal effluent from Normandy, Manchester, Columbia (including tannery wastes) and Shelbyville. Control of siltation from phosphate ore mining is important.

Jay's river snail, *Io armigera jayana*—Proposed Endangered—was formerly known from Caney Fork and South Fork of the Cumberland River, Tennessee, but is now restricted to the Duck River in Tennessee. This is the large river form of *Io armigera*. This species is endangered by the impoundments and their construction. It is also endangered by municipal effluent from Normandy, Manchester, Shelbyville and Columbia; by tannery wastes, and phosphate ore mining.

Geniculate river snail, *Io geniculata geniculata*—Proposed Threatened—was formerly an inhabitant of the Cumberland River in Kentucky, the Caney Fork of the Cumberland River, and the Stones River, but is today restricted to the Duck River and the Buffalo River. The construction of dams on the Duck River will directly eliminate ⅓ of the populations of this form and may indirectly eliminate another ⅓. Pollution threatens the remaining populations in the Duck River. The demise of the clam population in the Buffalo River indicates the existence of probable pollution. The source of this pollution is not known.

Small geniculate river snail, *Io geniculata penguis*—Proposed Threatened—is the small, rather rounded form of *Io geniculata* formerly known from the headwaters of the Holston River drainage. Caney Fork of the Cumberland River and the Coosa River drainage. It is now restricted to the Collins River, below McMinnville, Tennessee where it is threatened by pollution including (at Caney Fork) zinc and ammonia and the Duck River above Manchester, Tennessee, where it is also threatened by pollution including mercury.

Verrucose river snail, *Io verrucosa verrucosa*.—Proposed Endangered—was formerly known from the Tennessee River, Cypress Creek and Flint River in Alabama, the Black River in Arkansas, the Etowah River in Georgia, the Wabash River in Indiana, the Ohio River and the Tennessee River in Kentucky, the Big Black River in Mississippi and Nolichucky River, French Broad River, Holston River, Clinch River, Little Tennessee River, Elk River, Little Pigeon River, Little River, Tellioo River and Beaver Creek in Tennessee, but is today evidently restricted to the Tennessee River and Nolichucky River in Tennessee. It is found in the Tennessee River, Kentucky and Tennessee, only in the tailwaters of the Kentucky Dam where it is threatened by copper, mercury, zinc, and arsenic and in the tailwaters of Pickwick Dam where it is threatened by sedimentation and chemical pollution, including ammonia, nickel and mercury. In the mid-Nolichucky River where it is also found, serious pollution including ammonia, nickel, zinc, and mercury, has in general already greatly reduced the molluscan fauna.

Elk river file snail, *Io verrucosa lima*—Proposed Threatened—was formerly known from the Tennessee River system in Alabama and Tennessee, but is today restricted to the Elk River in Tennessee and Alabama. It is threatened by pollution including mercury from Pulaski, Fayetteville, and Tullahoma, Tennessee.

Rugged river snail, *Io salebrosa*—Proposed Endangered—was formerly known from the Cumberland River, Duck River, Caney Fork of the Cumberland River and the Tennessee River, but is today restricted to the Duck River in Tennessee. The proposed Columbia Dam will inundate the only known locality for this species. It is also endangered by pollution from Shelvyville, Tennessee.

Umbilicate river snail, *Leptoxis subglobosa umbilicata*—Proposed Threatened—is a clinal form which is fully developed and genetically secure only in the Stones River, Tennessee. In the Stones River it is threatened by pollution including low dissolved oxygen, manganese and strontium, from Murfreesboro, Woodbury and Smyrna.

Mainstream river snail, *Leptoxis praerosa*—Proposed Endangered—was formerly known from the Ohio River, the Cumberland River, the Nolichucky River, the Duck River and the Tennessee River, but is today restricted to the Nolichucky River. Serious pollution including ammonia, nickel, zinc, and mercury has in general already greatly reduced the molluscan fauna.

Indiana river snail, *Goniobasis semicarinata indianensis*—Proposed Threatened—is known only from about ten miles of Blue River, Indiana and from a small tributary spring of Blue River. Although the population has apparently not yet declined, it is threatened by industrial pollution and partially treated municipal pollution from Salem, New Pekin, Palmyra, and Milltown.

Spiny river snail, *Io fluvialis*—Proposed Endangered—was formerly known in the French Broad River system where it was destroyed by industrial pollution, in the Holston River and Tennessee River where it was destroyed by impoundments, industrial pollution and acid mine wastes and from the lower Powell and Clinch Rivers where it was destroyed by impoundments and from the upper Powell River where it was destroyed by acid mine wastes. It is barely hanging on in the middle Powell River and in the middle Nolichucky River. It is endangered by severe pollution in the Powell River where the fauna is greatly reduced. A resurgance in strip-mining endangers the Clinch River populations. It is also endangered by fly ash waste, and concentrated chlorinated municipal wastes which are extremely toxic and channelization of the upper Clinch River in Tazewell County, Virginia.

The geographic range of the slackwater darter, *Etheostoma boschungi*—Proposed Threatened—is four tributaries to the southern bend of the Tennessee River in northern Alabama and southwestern Tennessee. It is known from one locality in the headwaters of the Buffalo River in Lawrence County, Tennessee; 19 localities in Cypress Creek drainage in Wayne County, Tennessee, and Lauderdale County, Alabama; three localities in Susan Creek in Limestone County, Alabama; and three localities in the Flint River drainage in Madison County, Alabama. Intensive collecting in adjacent drainages has failed to demonstrate the

presence of the slackwater darter. The habitat of *Etheostoma boschungi* is small to medium-sized streams with moderate to slow current. It seems to prefer bottom conditions characterized by an accumulation of leaves and detritus, but in some areas it has been found in association with clean silt, sand, and small gravel substrates.

Over the past five years periodic sampling of the slackwater darter in the headwaters of the Buffalo River in Lawrence County, Tennessee, has indicated that its population is extremely small and limited. In this area the species is confined to a short segment of a very small stream and the number of individuals in this population is apparently quite low. The population of *Etheostoma boschungi* in the Flint River drainage in Madison County, Alabama, is similarly small and limited. Changing land use patterns associated with the growth of the city of Huntsville, Alabama, jeopardizes the survival of the population in this system. The Susan Creek population is threatened by a stream channelization project.

Of the four stream systems inhabited by the slackwater darter the largest population and the stronghold of the species is in the Cypress Creek drainage system. As presently planned the proposed Soil Conservation Service project for the Cypress Creek Watershed will adversely affect the species. The project will result in the destruction of habitat through the construction of headwater impoundments, new channel excavations, bedload removal and other stream alterations.

Slender chub, *Hybopsis cahni*—Proposed Threatened—is restricted to the Clinch and Powell Rivers in Tennessee above Norris Reservoir and is threatened by the coal industry effluents which are on the increase, municipal wastes and the continuing risk of chemical spillage including fly ash and sulfuric acid. A coal output of 30,000,000 tons is projected for this area by the year 2000. Many of the 24 authorized sewage dischargers are overloaded and not capable of producing an acceptable effluent under current water quality standards. Gravel removed from sand and gravel bars in the river channel and the resulting siltation is a threat at one locality.

Spotfin chub, *Hybopsis monacha*—Proposed Threatened—is restricted to the Tennessee River drainage where it once occurred widely in twelve tributary systems distributed among five States, but is today known only from the lower North Fork of the Holston River, Virginia and Tennessee; in the Emory River, Clear Creek tributary of the Emory River System, Tennessee; and the upper Little Tennessee River, North Carolina. Only in the Emory River system is this species still abundant, although it appears to be recovering in the Little Tennessee River in North Carolina.

Threats to this species include runoff from coal mining, operations, municipal and industrial wastes, and siltation.

Yellowfin madtom, *Noturus flavipinnis*—Proposed Threatened—is restricted to the Powell River in Tennessee, and Copper Creek tributary to the Clinch River in Virginia. It was formerly known from Chickamauga Creek in Georgia, Hines Creek in Tennessee and the North Fork of the Holston River in Virginia. It is threatened by coal mining and coal washing in the Powell River, siltation and enrichment from agricultural operations in Copper Creek. The risk of chemical spillage where the rivers are crossed by major roads, is a potential threat.

Alabama cave fish, *Speoplatyrhinus poulsoni*—Proposed Threatened—is a blind, white, troglobitic cave fish known only from a cave in Lauderdale County, Alabama. It may occur in other subterranean waters of the area, but is definitely absent from nearby caves and other caves which were inundated by Pickwick Lake. It is threatened by disruption of the ecosystem through interference with bat populations and groundwater pesticide pollution due to agricultural operations. A proposed industrial park in this area constitutes an additional threat. Few eggs are produced per female and reproduction does not occur every year.

In summary, six of the south central group are proposed as "Endangered" because they are restricted to very small areas or occur in small numbers and are in immediate danger of extinction throughout their range. The other 13 species are proposed as "Threatened" because they occur over a wider range or in larger numbers and are potentially in jeopardy over most of their range.

FLORIDA TREE SNAIL GROUP

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an Endangered Species or a Threatened Species because of any of five factors. These factors and their application to the Florida Tree Snail are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—There are 52 known forms of the Florida Tree Snail, *Liguus fasciatus*. Eight of these, *solidus, innominatus, crassus, splendidus, pseudopictus, dohertyi, farnumi,* and *violafumosus* are considered extinct, victims of land clearing, hurricanes, building of fishing camps and other tourist attractions, intensive fogging for mosquito control, and the leveling of hammock after hammock for housing and highways. Thirty-one additional forms are jeopardized by these and other factors such as jetport construction. These are *solidulus, dryas, osmenti, capensis, gloriasylvaticus, nebulosus, septentrionalis, solisoccasus, walkeri, alternatus, deckerti, delicatus, graphicus, lineolatus, lineatus, matecumbensis, miamiensis, pictus, subcrenatus, testudineus, vonpaulseni, elliottensis, lucidovarius, lignumvitae, roseatus, simpsoni, vacaensis, mosieri, foscoflammellus, livingstoni,* and *wintei*. Many of these forms have been introduced successfully into the Florida Everglades, but they are jeopardized there by wild fires, especially during drought, and by drainage of adjacent lands resulting in a lowering of the water table.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*—All 31 forms are jeopardized by over-collecting and bring high prices on the market. Collectors pay $50 or more for rare shells. One family has collected over 10,000 shells.

3. *Disease or predation.*—The introduction of the Key Largo woodrat and Key Largo deer mouse to Lignumvitae Key jeopardizes the form *lignumvitae*.

4. *The inadequacy of existing regulatory mechanisms.*—In the national park, it is now unlawful to remove the tree snail, but there is considerable poaching.

5. *Other natural or manmade factors affecting its continued existence.*—Not applicable.

The population of *Liguus fasciatus* occurring on the Florida Keys from Key West north to Sands Key and on Cape Sable is restricted to a very small range, occurs in small numbers and is in immediate danger of extinction throughout most of the area. It is therefore, proposed as Endangered.

The population of *Liguus fasciatus* occurring in the rest of Florida is more widely distributed, occurs in larger numbers, but is potentially in jeopardy over most of its range. It is therefore proposed as Threatened.

WESTERN SNAIL GROUP

The Service has evidence that the following five taxa of Western snails are Endangered species or Threatened species as provided for by the Act. The concentrated snail *Micrarionta facta;* prickly pear snail, *Micrarionta opuntia;* Newcomb's littorine snail, *Algamorda newcombiana;* Cape Mendocino snail, *Helminthoglypta arrosa mattolensis;* and the California brackish water snail, *Tryonia imitator*. The five criteria of Section 4(a) of the Act, and their application to the above-named species, are as follows:

1. *The present or threatened destruction, modification or curtailment of its habitat or range.*—Prickly pear snail, *Micrarionta opuntia*—Proposed Threatened—is restricted to San Nicolas Island, California. It appears to be a descendant of *Micrarionta sodalis* which is extinct. It is associated in all cases with impressions or small animal burrows in stabilized soil at the base of the prickly pear plant, *Opuntia littoralis*, the name sake of the snail. *Opuntia littoralis* is also essential habitat for the proposed endangered Island Night Lizard. It is threatened by poor land management including overgrazing by goats, which has caused major erosion thus eliminating stabilized soil and adequate plant cover.

The concentrated snail, *Micrarionta facta*—Proposed Endangered—is known only from Santa Barbara Island, California and endangered by introduced species including the ice plant and deermice and by accidental destruction of habitat such as brush fires. While presently common where found, *Micrarionta facta* is less abundant than formerly due

to the alteration of vegetative cover within historic times. It was gathered by the thousands around the turn of the century. This species occupies a specialized habitat on a small island. The habitat consists of unconsolidated soil under rocks below about 250 feet elevation, and always in sheltered rock situations. Increased recreational use of the island would further restrict and jeopardize the available habitat.

Cape Mendocino snail, *Helminthoglypta arrosa mattolensis*—Proposed Threatened—is restricted to a short segment of coast line in Humboldt County, California. The habitat of this species is typically brushfields. It is threatened by overgrazing by cattle, which has already destroyed most of the original habitat.

California brackish water snail, *Tryonia imitator*—Proposed Endangered—formerly found in most coastal lagoons or brackish water estuarine stream mouth habitats from Bodega Bay to San Diego Bay. This species may become extinct relatively soon because the small amount of true brackish water habitat remaining continues to be eliminated by road construction and other causes.

Dredging for navigation and the construction of roads across the mouths of lagoons and estuaries, cutting them off from the sea, have turned many previously brackish areas into freshwater habitats, eliminating the snail. Silt runoff from eroding short areas, residential and industrial development, and pollution have also modified or destroyed the habitat.

It has been extirpated from Morro Bay, San Luis Obispo Creek, Oakland, Half Moon Bay, the Santa Cruz River, a lagoon south of Santa Cruz, the mouth of the Los Angeles River at San Pedro, Guadalupe, and Encinada Lagoon in Baja California. Now, its only confirmed localities are Pescadero Point, where it is protected in a park; Elkhorn Slough; and the mouth of the San Diego River, in 200 feet of a flood control channel.

Newcomb's littorine, *Algamorda newcombiana*—Proposed Threatened—is a brackish-water salt-marsh snail known only from Humboldt Bay, California, as small colonies at the north and south ends, Coos Bay, Oregon, and Grays Harbor, Washington. It was reported from Neah Bay and Willapa Bay, Washington, and Siletz Bay, Oregon, some time ago, but is no longer found there.

Formerly known throughout Humboldt Bay, it has been greatly reduced in numbers. It is restricted to the marsh succulent, *Salicornia*, or the muddy substrate immediately below and is submerged in sea water only a few hours per year. It has declined in numbers as a result of filling and the activity of saw mills in the area which create a blanket of half-burned sawdust over the habitat.

It is threatened in Coos Bay by log storage on the mud flats and the effluent of treated sawdust chips which goes into this bay. It is further threatened in Coos Bay by channelization and dredging by the United States Army Corps of Engineers. In Grays Harbor it is potentially threatened by oil spill, pulpmill waste, and municipal waste.

2. *Overutilization for commercial, sporting, scientific or educational purposes.*—*Helminthoglypta arrosa mattolensis* is one of the largest, most attractive of northern California snails and has considerable appeal to some collectors.

3. *Disease or predation.*—The concentrated snail, *Micrarionta facta* is preyed upon by exotic deermice.

4. *The inadequacy of existing regulatory mechanisms.*—No regulatory mechanisms adequate to protect these species from overcollecting, presently exist.

5. *Other natural or manmade factors affecting its continued existence.*—Not known to be applicable to any of the six above-named species.

In summary, two of the California group are proposed as Endangered because they are restricted to very small areas or occur in small numbers and are in immediate danger of extinction throughout their range. The other three species are proposed as Threatened because they occur over a wider range or in larger numbers and are potentially in jeopardy over most or their range.

DESCRIPTION OF THE PROPOSAL

Determination that an animal is a Threatened or Endangered species would, among other things, make that species, including any part, product, egg or offspring thereof, or the dead body or parts thereof subject to the prohibitions of section 9(a)(1) of the Act. Those prohibitions, among other things, were published as regulations in the FEDERAL REGISTER of September 26, 1975 (40 FR 44423) and, for the convenience of the reader, are reprinted below:

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) Possession and other acts with unlawfully taken wildlife. (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) Interstate or foreign commerce. It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) Sale or offer for sale. (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Although the Act authorizes the Secretary to publish "* * * such regulations as he deems necessary and advisable for the conservation of * * *" any species determined to be a Threatened species, no special regulations are proposed for all but 13 of the species herein proposed to be determined Threatened species. Lacking any such special regulations, all of the prohibitions set forth in § 17.21 would apply to such Threatened species as well as any Endangered species. Four fish proposed as Threatened could be taken in accordance with State law. For the nine other species for which regulations are proposed, none of the prohibitions of Section 9 apply, except that no live animal may be taken for the purpose of introducing outside of its natural range.

Section 3(14) of the Act defines the term "take" as follows:

(14) The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

It should be noted that a determination that an animal is an Endangered species or a Threatened species generally imposes no restrictions upon: otherwise unlawful possession; the *intrastate* sale; nor upon the *interstate* movement of such specimens unless such movement is in the course of a commercial activity involving a change of ownership of the specimen. In this context, the term "commercial activity" is defined in Section 3(1) of the Act as follows:

(1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry or trade," as used in the above definition, were defined in the September 26, 1975, FEDERAL REGISTER (40 FR 44416) as follows:

Industry or trade in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit.

In the case of Endangered or Threatened wildlife, regulations published in 40 FR 44412 provide for the issuance of permits to carry out otherwise prohibited activities under certain circumstances. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Determination that an animal is a Threatened or an Endangered species makes that species eligible for the protection provided by section 7 of the Act which reads as follows:

INTERAGENCY COOPERATION

Sec. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term critical habitant was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764–17765).

It must be emphasized that, because the primary intention of the Fish and Wildlife Service and the National Marine Fisheries Service under the Act is to protect, maintain, and restore presently Endangered and Threatened species, application of the term "critical habitat" may not be restricted to the habitat necessary for a minimum viable population. It is emphasized further that certain actions may not be detrimental to "critical habitat." There may be many kinds of actions which can be carried out within the "critical habitat" of a species that would not be expected to result in such reduction in the numbers or distribution or otherwise adversely affect such species.

The areas delineated below do not necessarily include the entire critical habitat of any of the named species, and modifications to critical habitat descriptions may be proposed in the future.

The act requires inclusion of the "* * * scientific and common name or names of any, * * *" upon the list of those species determined to be Threatened or Endangered. No generally recognized common name exists for some of the taxa herein discussed. In such cases common names have been assigned to the animal. As usage of common names varies considerably, it should be recognized that only the scientific names carry legal significance.

The Service recognizes that invertebrate taxonomy is not an exact science, that the knowledge of such animals continues to develop, and that scientific nomenclature reflects such understanding. It further recognizes that the classification and nomenclatural rank given a taxon is subject to opinion, based on the specialist's knowledge of the animal in question, and his interpretation of the science. Comments and data toward improving the accuracy of common names, as well as scientific names, are requested.

Pursuant to Sections 4(b) and (7) of the Act, the Director will notify the Governors of the States of Alabama, California, District of Columbia, Florida, Georgia, Indiana, Kentucky, New Mexico, North Carolina, Oregon, Tennessee, Virginia, and Washington with respect to this proposal and request their comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends the finally adopted rules to be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. The existence of any living specimen of those species felt possibly to be extinct;

2. Biological or other relevant data concerning any threat (or the lack thereof) to any species included on the following list;

3. The location of and reasons why any habitat of any species named herein should be determined to be "Critical Habitat" as provided for by Section 7 of the Act;

4. Improved scientific or common names for any species on the following list; and

5. Additional information concerning the range and distribution of any of these species.

Final promulgation of the regulations on these species will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street, N.W., Washington, D.C. 20240 and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments and materials received no later than April 12, 1977, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

Dated: October 13, 1976.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend § 17.11 by adding in alphabetical order the following to the lists of snails, crustaceans, and fish:

§ 17.11 **Endangered and threatened wildlife.**

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
•	•	•	•	•			•
SNAILS							
River Snail, Armigerous	*Io armigera armigera*	Not applicable	Kentucky	Entire	E	.....	NA
River Snail, Crass	*Athearnia crassa*	do	Georgia, Tennessee	do	T	.....	NA
River Snail, Rugged	*Io salebrosa*	do	Tennessee	do	E	.....	NA
River Snail, Dutton's	*Io armigera duttoniana*	do	do	do	T	.....	NA
File Snail, Elk River	*Io verrucosa lima*	do	Tennessee, Alabama	do	T	.....	NA
River Snail, Geniculate	*Io geniculata geniculata*	do	Tennessee	do	T	.....	NA
River Snail, Indiana	*Goniobasis semicarinata indianensis*	do	Indiana	do	T	.....	NA
River Snail, Jay's	*Io armigera jayana*	do	Tennessee	do	E	.....	NA
River Snail, Mainstream	*Leptoxis praerosa*	do	do	do	E	.....	NA
River Snail, Small Geniculate	*Io geniculata penguis*	do	do	do	T	.....	NA
River Snail, Spiny	*Io fluvialis*	do	Tennessee, Virginia	do	E	.....	NA
River Snail, Anthony's	*Athearnia anthonyi*	do	Tennessee	do	T	.....	NA
River Snail, Umbilicate	*Leptoxis subglobosa umbilicata*	do	do	do	T	.....	NA
River Snail, Verrucose	*Io verrucosa verrucosa*	do	do	do	E	.....	NA
Snail, California brackish water	*Tryonia imitator*	do	California	do	E	.....	NA
Snail, Cape Mendocino	*Helminthoglypta arrosa mattolensis*	do	do	do	T	.....	NA
Snail, concentrated	*Micrarionta facta*	do	do	do	E	.....	NA
Snail, Florida Tree	*Liguus fasciatus*	Florida Keys from Key West north to Sands Key, Cape Sable.	Florida	do	E	.....	NA
Do.	do	Florida other than Key West north to Sands Key or Cape Sable.	do	do	T	.....	NA
Snail, Newcomb's littorine	*Algamorda newcombiana*	Not available	California, Washington, and Oregon	do	T	.....	NA
Snail, Prickly pear	*Micrarionta opuntia*	do	California	do	T	.....	NA
FISH							
Cave Fish, Alabama	*Speoplatyrhinus poulsoni*	do	Alabama	do	T	.....	NA
Chub, Slender	*Hybopsis cahni*	do	Tennessee	do	T	.....	1
Chub, Spotfin	*Hybopsis monacha*	do	Virginia, Tennessee, and North Carolina.	do	T	.....	1
Darter, Slackwater	*Etheostoma boschungi*	do	Alabama, Tennessee	do	T	.....	1
Madtom, Yellowfin	*Noturus flavipinnis*	do	Tennessee, Virginia	do	T	.....	1
CRUSTACEANS							
Crayfish, Big South Fork	*Cambarus bouchardi*	do	Tennessee, Kentucky	do	T	.....	1
Crayfish, Chickamauga	*Cambarus extraneus*	do	Georgia, Tennessee	do	T	.....	1
Crayfish, Conchas	*Orconectes deanae*	do	New Mexico	do	T	.....	2
Crayfish, Louisville	*Orconectes Jeffersoni*	do	Kentucky	do	E	.....	NA
Crayfish, Nashville	*Orconectes shoupi*	do	Tennessee	do	T	.....	NA
Crayfish, Obey	*Cambarus obeyensis*	do	do	do	T	.....	1
Crayfish, Palm Springs cave	*Procambarus acherondie*	do	Florida	do	T	.....	NA
Crayfish, Placid	*Pacifastacus fortis*	do	California	do	T	.....	2
Isopod, Madison Cave	*Antrolana lira*	do	Virginia	do	E	.....	NA
Scud, Florida cave	*Crangonyx grandimanus*	do	Florida	do	T	.....	1
Scud, Hay's Spring	*Stygonectes hayi*	do	District of Columbia	do	E	.....	NA
Shrimp, Alabama cave	*Palaemonias alabamae*	do	Alabama	do	T	.....	1
Shrimp, California freshwater	*Syncaris pacifica*	do	California	do	E	.....	1
Shrimp, Kentucky cave	*Palaemonias ganteri*	do	Kentucky	do	T	.....	1
Shrimp, squirrel Chimney cave	*Palaemonetes cummingi*	do	Florida	do	T	.....	NA

NOTES

(1) Prohibitions. All prohibitions listed in sec. 9(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) shall apply, except that they may be taken in accordance with State law. Any violations of State law will also be a violation of the 1973 Endangered Species Act.

(2) None of the prohibitions of sec. 9 of the act will apply except that no live animals may be taken for the purpose of introducing it outside of its natural range.

It is proposed to amend proposed subpart I of Part 17 (Interagency Cooperation) (proposed at 41 FR 55730, December 22, 1976) by adding the following areas (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) as Critical Habitat:

§ 17.95 Critical Habitat—Fish and Wildlife.

• • • • •

(e) *Fishes*—(1) • • •

(2) *Slender chub.* (i) The following areas are Critical Habitat for the slender chub (*Hybopsis cahni*): Main channel Powell River, Tennessee above Norris Reservoir and upstream to and including Lee County, Virginia; Main channel Clinch River, Tennessee above Norris Reservoir and upstream to and including Russell County, Virginia. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(3) *Spotfin chub.* (i) The following areas are Critical Habitat for the spotfin chub (*Hybopsis monacha*): Main channel North Fork Holston River, Hawkins and Sullivan Counties, Tennessee and Scott and Washington Counties, Virginia; Main channel Emory and Obed Rivers and Clear and Daddy Creeks in Morgan County, Tennessee; Clear Creek in Fentress County, Tennessee; Obed River upstream to U.S. Interstate Highway 40, Clear Creek upstream to U.S. Highway 40 and Daddys Creek upstream to U.S. Highway 127 in Cumberland County, Tennessee; Main channel Little Tennessee River, North Carolina above Fontana Lake in Swane and Macon Counties. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(4) *Slackwater darter.* (i) The following areas are Critical Habitat for the slackwater darter (*Etheostoma boschungi*): all permanent streams, and intermittent streams with flowing water from December thru June, in the following creek and river systems: Flint River and tributaries in Madison County, Alabama and Lincoln County, Tennessee; Cypress Creek and tributaries in Lauderdale County, Alabama and Wayne County, Tennessee; and Buffalo River and tributaries in Lawrence County, Tennessee. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(5) *Yellowfin madtom.* (i) The following areas are Critical Habitat for the yellowfin madtom (*Noturus flavipinnis*): Main channel Copper Creek, Virginia, mouth of Dickinsonville, Russell County; Main channel Powell River, Tennessee above Norris Reservoir to State line; Lee county, Virginia. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(6) *Alabama cave fish.* (i) The following area is Critical Habitat for the Alabama cave fish (*Speoplatyrhinus poulsoni*): Key Cave, Lauderdale County, Alabama. More specific locality data for Federal agencies fulfilling their obligations under Section 7 of the Endangered Species Act of 1973 can be obtained from the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240. (ii) Pursuant to section of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(f) *Clams.* [Reserved]

(g) *Snails* — (1) *Armigerous River Snail.* (i) The following areas are Critical Habitat for the Armigerous River Snail (*Io armigera armigera*): Main channel, Tennessee River, Livingston, McCracken and Marshall Counties; Kentucky from mouth to Kentucky Dam. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(2) *Rugged River Snail.* (a) The following areas are Critical Habitat for the Rugged River Snail (*Io salebrosa*): Main channel Duck River, Tennessee, Coffee, Bedford, Marshall and Maury Counties. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(3) *Dutton's River Snail.* (i) The following areas are Critical Habitat for the Dutton's River Snail (*Io armigera duttoniana*): Main channel Duck River, Tennessee, mouth to and including Coffee County. (b) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(4) *Elk River File Snail.* (i) The following areas are Critical Habitat for the Elk River File Snail (*Io verrucosa lima*): Main Channel Elk River, Tennessee and Alabama from mouth to Tims Ford Dam. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(5) *Geniculate River Snail.* (i) The following areas are Critical Habitat for the Geniculate River Snail (*Io geniculata geniculata*): Main Channel Duck River, Tennessee, from mouth to and including Coffee County. Buffalo River, Tennessee, from mouth to and including Lewis County. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(6) *Indiana River Snail.* (i) The following areas are Critical Habitat for the Indiana River Snail (*Goniobasis semicarinata indianensis*): Main Channel Blue River, Indiana, Harrison County including Harrison Spring tributary. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(7) *Jay's River Snail.* (i) The following areas are Critical Habitat for the Jay's River Snail (*Io armigera jayana*): Main Channel Duck River, Tennessee, mouth to and including Coffee County. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(8) *Mainstream River Snail.* (i) The following areas are Critical Habitat for the Mainstream River Snail (*Loptoxis praerosa*): Main Channel Nolichucky River, Tennessee, Douglas Lake to Davy Crockett Lake. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(9) *Small Geniculate River Snail.* (i) The following areas are Critical Habitat for the Small Geniculate River Snail (*Io geniculata penguis*): Main Channel Collins River, Tennessee, above Center Hill Reservoir, Warren County, Duck River, Tennessee, Coffee County. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(10) *Spiny River Snail.* (i) The following areas are Critical Habitat for the Spiny River Snail (*Io fluvialis*): Main Channel Powell River, Tennessee and Virginia above Norris Reservoir to Lee-Wise County Line; Main Channel Clinch River, Tennessee and Virginia above Norris Reservoir to Tazewell-Russell County line; Main Channel Nolichucky River, Tennessee from Douglas Lake to Davy Crockett Lake. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(11) *Umilicate River Snail.* (i) The following areas are Critical Habitat for the Umbilicate River Snail (*Leptoxis subglobosa umbilicata*): Main Channel Stones River, East Fork and West Fork only, Rutherford County, Tennessee. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(12) *Verrucose River Snail.* (i) The following areas are Critical Habitat for the Verrucose river snail (*Io verrucosa verrucosa*): Main channel Tennessee River, mouth to Kentucky Dam, Kentucky and Hardin County below Pickwick Lake, Tennessee: Main Channel Nolichucky River, Tennessee between Douglas Lake and Davy Crockett Lake. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(h) Crustacea—(1) *California freshwater shrimp.* (i) The following areas are Critical Habitat for the California freshwater shrimp (*Syncaris pacifica*): Main channel, Lagunitas Creek, mouth to Kent Lake, Marin County, California; Salmon Creek, mouth to Frestone, Sonoma County, California; East Austin Creek, mouth to Devil Creek, Sonoma County, California. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

[FR Doc.77-809 Filed 1-11-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A421]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Nebraska Counties as a result of drought January 1 through December 31, 1976.

Richardson Saline

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for emergency loans must be received by this Department no later than February 22, 1977, for physical losses and September 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3rd day of January 1976.

FRANK B. ELLIOTT,
Administrator Farmers Home Administration.

[FR Doc.77–1046 Filed 1–11–77;8:45 am]

[Notice of Designation Number A422]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of drought February 1 through August 31, 1976, in Alamance County; drought May 1 through September 30, 1976, in Davidson County; abnormally high temperatures February 11 to February 29, late freeze and frost April 10 and April 13, and drought July 1 to September 15, 1976, in Johnston County; and drought February 26 through October 1, 1976, in Orange County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than February 22, 1977, for physical losses and September 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3rd day of January 1977.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.77–1047 Filed 1–11–77;8:45 am]

[Notice of Designation Number A423]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Cimarron County, Oklahoma, as a result of a severe hailstorm September 25, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for emergency loans must be received by this Department no later than February 22, 1977, for physical losses and September 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule-making and invite pulic participation.

Done at Washington, D.C., this 5th day of January 1977.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.77–1048 Filed 1–11–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573; Agreement C.A.B. 26253; Order 76–12–25]

SPECIFIC COMMODITY RATES

Order

Correction

In FR Doc. 76–36337 appearing on page 54208 in the issue for Monday, December 13, 1976, the following corrections should be in the table:

(1) The title should have been "Agreement CAB 26253".

(2) The caption "Rates Added Under Existing Commodity Descriptions" should have appeared between the headings and the first listings.

(3) The caption "Rates Changed Under Existing Commodity Descriptions" should have appeared between the 9th and 10th IATA Commodity Item Numbers.

(4) The caption "Rates Cancelled Under Existing Commodity Descriptions" should have appeared between the 19th and 20th IATA Commodity Item Numbers.

(5) The caption "Rates Extended Under Existing Commodity Descriptions" should have appeared between the 22nd and 23rd IATA Commodity Item Numbers.

COMMISSION ON CIVIL RIGHTS

VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 7:30 PM. and end at 9:00 PM. on January 28, 1977, at the Key Bridge Marriott Motel, Board Room, 1401 Lee Highway, Rosslyn, Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss and plan SAC activities for calender year 1977.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 7, 1977.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.77–1033 Filed 1–11–77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Title Change in Noncareer Executive Assignment

By notice of June 9, 1972, FR Doc. 72–8751 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Assistant Director for Program Coordination, Office of Public Affairs. This is notice that the title of this position is now being changed to Assistant Director for Communications Coordination, Office of Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–1037 Filed 1–11–77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HARVARD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00133–33–46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM 201C and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for a wide variety of studies using ultrastructural tracer techniques, cytochemistry and ranging from morphological studies to freeze fracturing. The phenomena to be investigated include the following:

(a) The study of the structure and function of normal and pathologic vascular endothelium.

(b) The study on the ultrastructural basis for normal and increased glomerular permeability.

(c) Studies on the ultrastructure of endothelial cell and vascular smooth muscle cells in culture.

(d) Studies on the in vitro perfused kidneys under different conditions.

(e) Analysis of replicas of freeze fractured specimens from cell membranes in normal and under pathological conditions.

(f) Studies of the juxtaglomerular apparatus of in vivo and in vitro perfused kidneys under different conditions with the application of electron microscopic tracers.

(g) Studies of regenerating endothelial cells and efidothelial inflammatory cell interactions in models of immunological and nonimmunologic inflammation.

(h) Studies of endothelial ultrastructure after irradiation in vivo and in vitro.

(i) Ultrastructural studies on the relationship between microvascular and parenchymal injury following irradiation of the parotid salivary gland.

In addition, the article will be used in the training of graduate students, postdoctoral fellows, and research associates on their research programs.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 16, 1974).

Reasons: This application is a resubmission of Docket Number 75–00173–33–46040 which was denied without prejudice to resubmission on March 13, 1975 for informational deficiencies. The applicant in reply to Questions 7 and 8 alleges the foreign article provides the following pertinent features:

(1) About 4 Angstroms (Å) resolution point to point (point) with consistently achievable high resolution up to 3.5Å.

(2) Solid-State electronics and consequent requirement for a smaller total floor space of 3 x 4 feet.

(3) High degree of dependability, ease of operation, low down time, ease of alignment and when aligned remains stable for months.

(4) Designed for simple and convenient use; operation by a skilled and experienced operator not required; not easy for an inexperienced operator to damage the article.

(5) Highly reliability with little repair time or downtime.

(6) Repair service is excellent.

(7) Eucentric goniometer stage with 60 degree tilt to be acquired. The domestic instrument most closely comparable to the foreign article is the Model EMU–4C electron microscope manufactured by the Adam David Company. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 16, 1976, that this application be denied because the applicant provides no pertinent specification within the meaning of Subsection 301.2(n) of the regulations upon which duty-free entry could be based. In this connection, HEW advises that the use is in research and teaching at a sophisticated level, not in a tightly scheduled production process; therefore, constant availability, degree to which performance can be sustained, solid state electronic design, simplicity, workability, operator skill, downtime estimates, floor space requirements, wisdom of purchase decision, etc. are irrelevant or not scientifically pertinent. As to the specific allegations of the applicant in reply to Questions 7 and 8, in the order listed above, the following is noted:

(1) According to Subsection 301.11(a) of the regulations, the determination of scientific equivalency shall be based on a comparison of the guaranteed specifications of the article and the most closely comparable domestic instrument The Model EMU–4C provides a guaranteed resolution of 5 Å point and the article provides a guaranteed resolution of 4 Å point. HEW notes that the need for high resolution is claimed but that the model ordered has a lower resolution guarantee than other models in the foreign manufacturer's line. Moreover, HEW advises that the difference in resolution guarantees of the article and the EMU–4C do not have scientific significance for the applicant's work. In connection with the claim that consistently high resolution is needed, we note HEW's advice that the applicant's uses are not in a tightly scheduled production process, therefore, constant availability and the degree to which performance can be sustained are irrelevant or not scientifically pertinent.

(2) HEW advises that solid state electronics which reduce floor space requirements for the article is not pertinent.

(3) HEW's advises that constant availability, degree to which performance can be sustained, simplicity [related to ease of operation and alignment] workability, operator skill down time estimates, etc., are irrelevant or not scientifically pertinent to the work. In view of this advice we find the items comprising feature (3) to be non-pertinent matters of cost or convenience.

(4) We find that these factors are either conveniences or matters of cost based on HEW's advice that simplicity, workability, operator skill, down-time estimates, etc. are not pertinent.

(5) HEW advises that constant availability, the degree to which performance can be sustained and down-time estimates are not pertinent. We, therefore, conclude that the factors cited in feature (5) are non-pertinent matters of cost and convenience. Further, we find that reliability which is associated with the level of maintenance and hence, cost of ownership, is not a pertinent specification within the meaning of Subsection 301.2(n) of the regulations.

In general information which can lead to a direct quantitative comparison of the reliability (i.e., ability to conform to specifications without excessive breakdown) of two instruments is almost never available. When a specification is "guaranteed" that manufacturer is stating, in effect that the necessary steps have been taken to verify ability to meet this obligation. Thus a guaranteed specification presupposes a determination of reliablity to some "engineered-in" degree. Customarily, manufacturers neither issue

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quantitative specifications on reliability nor guarantee reliability. Moreover, the reliability of a single instrument can, and frequently does, improve abruptly with time (for example, as the manufacturer gains experience and makes minor modifications dictated by such experience). No two instruments of the same model supplied by the same manufacturer will have identical records insofar as reliability is concerned and a documented history of poor reliability does not mean that such performance will not vastly improve with the very next instrument (and subsequent instruments) produced. Without strong and substantive supporting evidence in the record that the reliability of two instruments were measurably different and the difference in reliability precluded performance of the work intended, reliability could not be considered a justifiable basis for duty-free entry under Pub. L. 89–651. While reputations with respect to reliability which are derived from subjective, word-of-mouth allegations or even personal experience may, reasonably or otherwise, enter into a person's decision to buy a particular instrument, such a yardstick could not serve as a clear-cut, objective basis for duty-free entry.

Moreover, we would reemphasize that reliability is considered a cost-related consideration for duty-free entry purposes which by regulation and Congressional intent is not a sufficient basis for granting of duty-free entry.

(6) Service for the EMU–4C is available from the RCA Service Company. Moreover, service is a cost-related matter which is not pertinent.

(7) A eucentric goniometer was not ordered with the foreign article. Subsections 301.2(c) (d) and (e), and 301.6 (a)(3) prohibit consideration of unordered accessories in the Department's determination of scientific equivalency. Therefore, the goniometer stage is not a factor in this decision.

For the foregoing reasons, we find that the Model EMU–4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 77–1056 Filed 1–11–77;8:45 am]

LOUISIANA STATE UNIVERSITY MEDICAL CENTER

Decision On Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00007. Applicant: Louisiana State University Medical Center, Kresge Hearing Research Laboratory, L.S.U. School of Medicine, 1100 Florida Ave., Bldg., 164, New Orleans, LA 70119. Article: OVE IIId Speech Synthesizer, Type 21002. Manufacturer: A. B. Fonema, Sweden. Intended use of article: The article is intended to be used for the investigation of the nature of speech perception processes with work centered around the use of monotic and dichotic listening techniques, and the investigation of the effects that the variation of several task, listener, and stimulus parameters have on the identification of dichotic and monotic signals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 76–00264 which was denied without prejudice to resubmission on June 11, 1976 for informational deficiencies. The foreign article provides the specification of electronic simulation of the general vocal tract behavior. The most closely comparable domestic instrument is the model VS6.0 manufactured by Vocal Interface Division of Federal Crew Works. This domestic instrument is capable of simulating the frequency characteristics and producing understandable phoneme sequences within a limited acoustic microstructure. The National Bureau of Standards (NBS) advises in its memorandum dated December 14, 1976 that (1) the specification of the article described above is pertinent to the applicant's intended research and (2) the domestic instrument does not have the range or capability to simulate the general vocal tract behavior required by the applicant's research purposes and, therefore, does not provide the pertinent specification.

For these reasons, we find the Model VS6.0 is not of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77–1057 Filed 1–11–77;8:45 am]

UNIVERSITY OF NOTRE DAME du LAC

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00439. Applicant: University of Notre Dame du Lac, Notre Dame, IN 46556. Article: Electron Microscope, Model JEM 100C/SEG/BSR with eucentric goniometer stage and accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for the study of crystalline and non-crystalline solids inincluding metal alloys, minerals and ceramics and polymers. Experiments to be conducted will include characterization of phase distributions and various planar and other defect structures which influence mechanical, electrical and magnetic properties; elevated temperature observation of phase transformations and other microstructural changes. The article will also be used for educational purposes in the course, MET 602. Electron Microscopy and Diffraction to familiarize students with techniques of use and for interpretation in electron microscopy and the range of applications for transmission electron microscopy and electron diffraction.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 15, 1976). Reasons: The foreign article has a specified resolving power of 3 Angstroms (Å) and is equipped with a eucentric side entry goniometer stage which has ±60° tilt with a guranateed lattice resolution of 2 Å as well as a high resolution scanning attachment which provides 30 Å guaranteed in the scanning mode and 15 Å guaranteed in the scanning transmission mode. The National Bureau of Standards (NBS) advises in its memorandum dated December 1, 1976 that (1) the specifications described above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77–1058 Filed 1–11–77;8:45 am]

DUKE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Document Number: 76–00514. Applicant: Duke University, Department of Chemistry, Durham, North Carolina 27706. Article: Fourier Transformation Nuclear Magnetic Resonance Spectrometer System, Model JNM/FX–60. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a broad range of research programs which involve the acquisition of nmr spectra of hydrogen, carbon-13, fluorine and phosphorus nuclei. The materials derived for this study will originate from research programs being conducted in the areas of inorganic, organic physical, analytical and biological chemistry. These research projects will include the following:

(a) Structural Studies of Alkaloids.

(b) Conformational Characteristics of Cyclic Nitrogen and Oxygen Heterocycles.

(c) Biosyntheses of Plant and Fungal Metabolites Using ^{13}C-enriched Precursors.

(d) Synthesis and Stereochemistry of Cyclohexylfluorophosphoranes.

(e) Synthesis and Stereochemistry of Silylaminoboranes.

(f) Nuclear Relaxation Studies of Substrate Binding to Cobalt (II) Metalloenzymes.

(g) Development of a-Formyl Ketone Photochemical Annelation. Techniques in Natural Product Synthesis.

(h) Total Synthesis of Tetracyclic Sesquiterpenes.

(i) Total Synthesis of the Alkaloids Derived from *Gelsemien* Species.

(j) Low-temperature ^{13}C-Spectra of Organo-Zinc Compounds.

(k) Correlation of ^{13}C Chemical Shifts with Reaction Rates.

(l) Synthesis and Characterization of Cyano Cobaloximes and Cyanobridged Dicobaloximes.

(m) Structure and Isomerism in Phosphine Complexes of Nickel (II).

(n) Conformational Analysis of Crown Ethers and Their Complexes with Representative and Transition Metal Ions.

(o) Synthesis and Stereochemistry of 14- and 17-Phosphasteroids.

(p) Synthesis and Stereochemistry of 7–10 Membered Rings Containing Phosphorous.

(q) Synthesis of Phospholonaphthalenes, Phospholophenathrenes, Phospholoquinolines, and Selected Heterocyclic Systems.

(r) Phospholane Derivatives with Epoxy and Aziridino Groups for Anticancer Testing.

(s) New Method for Constructing Multicyclic Phosphorous Compounds From 3-Monoalkylamino-2-phospholene Sulfides.

(t) Experimental and Theoretical Investigations of ^{31}P NMR Phenomea.

(u) McCormack Cycloadditions to Variously Substituted 1-Vinyl-cycloalkenes; Effects of Ring-biasing on the Stereochemistry of the Cycloaddition.

(v) Synthesis of Pyrethroids for Agricultural Purposes.

(w) ^{13}C and ^{1}H CIDNP Studies from Radical Pair Reactions.

(x) ^{13}C Studies of Cyclic Peroxides and Hydroperoxides Related to Prostaglandin Endoperoxides.

(y) ^{13}C Studies of Hydrocarbons Formed From Radical Cyclizations.

(z) ^{13}C Studies of Oxidized Phospholipids and Steroids.

The article will also be used for educational purposes in the following courses: (a) Spectral and Structural Study of Organic Compounds—to teach the practical application of various techniques in elucidating molecular structure and (b) Independent Study in Chemistry—to introduce undergraduate students to independent research in chemistry.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a dual frequency (for carbon-13 and proton) variable temperature, 10 millimeter sample probe. The National Bureau of Standards advises in its memorandum dated December 10, 1976 that (1) the specification described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 111105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77–1059 Filed 1–11–77;8:45 am]

Economic Development Administration

BOONTON HANDBAG CO.

Petition for Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Boonton Handbag Company, 76 Monroe Street, Boonton, New Jersey 17005, a producer of handbags and purses, was accepted for filing on January 4, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of atricles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77–1060 Filed 1–11–77;8:45 am]

Maritime Administration

[Docket No. S–533]

ALBATROSS TANKER CORP.

Application

Notice is hereby given that Albatross Tanker Corporation (Albatross) has applied for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, in connection with its application for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire unless extended, on December 31, 1977, or upon completion of a voyage then in progress.

Albatross requests written permission pursuant to section 805(a) for (1) Seatrain Lines, Inc. and affiliated companies, including Albatross, to continue to operate the following vessels in the domestic trade, as well as the right to move these vessels from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s):

Vessel	*Status*
Transcolorado	Owned.
Transcolumbia	Do.
Erna Elizabeth	Do.
Transeastern	Do.
Transindiana	Do.
Brooklyn	Chartered.
Williamsburg	Do.
Manhattan	Owned.

and (2), Hudson Waterways, parent of Albatross, to operate the tankers *American Explorer, Maumee, Potomac, Shoshone,* and *Yukon* in domestic service for the Military Sealift Command, as well as the right to move these vessels from one

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domestic trade to another and/or from foreign trade(s) to domestic trade(s) should the need arise and as directed by the Military Sealift Command. Such written permission is required notwithstanding the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel engages in the domestic commerce of the United States on that voyage.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on January 14, 1977 file same with the Secretary, Maritime Administration/Maritime Subsidy Board, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: January 6, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-1094 Filed 1-11-77;8:45 am]

National Oceanic and Atmospheric Administration

DR. ROGER S. PAYNE

Receipt of Application for Scientific Research and Scientific Purposes

Notice is hereby given that the following Applicant has applied for Permits to take marine mammals for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1431–1543).

Dr. Roger S. Payne, Weston Road, Lincoln, Massachusetts 01773, to conduct scientific research with humpback whales (*Megaptera novaeangliae*).

The humpback whale is listed as an endangered species under the Endangered Species Act of 1973.

The proposed research will be conducted in water around the Hawaiian Islands, in the Caribbean and waters around Bermuda, in waters off the Atlantic coast of the northeast United States and the Maritime Provinces of Canada, and in waters around Southeastern Alaska. The research will involve observations from various surface vessel and aerial platforms, hydrophone recordings, and underwater and above water filming. These activities may involve harrasment of individual cetaceans within the population stocks. No animals will be captured.

The proposed research is intended to investigate the correlation between behavior and sounds made by humpback whales, and to study annual changes in the patterns of humpback whale sounds. Additionally, the distribution and migration of humpback whales will be studied by photographing the pigmentation patterns of the tail flukes of individual whales.

The application for the Marine Mammal Protection Act Permit will be considered under the Regulations Governing the Taking and Importing of Marine Mammals. The application for the Endangered Species Act Permit will be considered under the Regulations Governing Endangered Fish and Wildlife Permits.

Documents submitted in connection with these applications are available in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application for the Marine Mammal Protection Act Permit to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before February 11, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

JANUARY 6, 1977.

[FR Doc.77-1034 Filed 1-11-77;8:45 am]

FISHERMAN'S MARKETING ASSOCIATION OF WASHINGTON

Receipt of Application for a General Permit

Notice is hereby given that the following application has been received for a general permit to allow the taking of marine mammals incidental to the course of commercial fishing operations, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations thereunder.

The Fisherman's Marketing Association of Washington, 4215 21st Avenue West, Seattle, Washington 98199, has applied for a general permit, category 1, "Towed or Dragged Gear," to be effective January 31, 1977.

The Applicant is the holder of a general permit issued in 1976, which expired on December 31, 1976.

Copies of the application are available for review in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Interested parties may submit written views on this application on or before February 11, 1977, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: January 5, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-1090 Filed 1-11-77;8:45 am]

OFFICE OF PARKS AND RECREATION, OAKLAND, CALIF.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Office of Parks and Recreation, Lake Merritt, 1520 Lakeside Drive, Oakland, California 94612, to take three (3) California sea lions, (*Zalophus californianus*) for public display.

The requested animals will be captured by a professional collector on or near Santa Cruz or San Miguel Islands off Santa Barbara, California, with a hoop net on land or with a modified gill net in the water.

The animals will be acclimated at the collector's facility then shipped to the Oakland facility by commercial aircraft and truck.

The animals will be displayed at the Children's Fairyland facility, a unit within the Visitor Services Department of the Office of Parks and Recreation. At the facility the animals will be maintained in a pool 40 feet by 20 feet by 8 feet deep with an island 10 feet by 20 feet in the center.

The sea lions are desired to provide recreational and educational benefits to the 160,000 visitors that visit the facility annually. The facility is a non-profit organization. The zoo director has worked with various classes of marine mammals over thirty years, with the staff members having an average of eight years experience.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the wellbeing of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 11, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: January 5, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-1091 Filed 1-11-77;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Adoption of Additional Systems of Records, Adoption of New Routine Use for Existing System of Records, and Proposal for New Routine Use

The purpose of this notice is (1) to adopt five additional systems of records and a new routine use for an existing system of records and (2) to propose a new routine use for three existing systems of records.

1. On September 13, 1976, the Department of Commerce gave notice (41 FR 38950–53) that it proposed to adopt the following five additional systems of records:

COMMERCE/DEPT.–19, Department Mailing Lists,
COMMERCE/NFPCA–1, Federal Employees with Fire-Related Expertise,
COMMERCE/NOAA–17, NOAA Diving Program File
COMMERCE/NOAA–18, NOAA Mailing Lists, and
COMMERCE/NTIS–2, Employee Daily Time and Productivity Records.

New System Reports for Dept.–19, NFPCA–1, NOAA–17, and NOAA–18 dated September 9, 1976, and a New System Report for NTIS–2 dated August 11, 1976, were submitted to the Congress, the Office of Management and Budget, and the Privacy Protection Study Commission.

Also on September 13, 1976, the Department of Commerce gave notice (41 FR 38953) that it proposed to add a new routine use for an existing Patent and Trademark Office System of Records, COMMERCE/PAT–TM–6, Parties Involved in Patent Interference Proceedings, to permit disclosure of settlement agreements to other Government agencies.

Interested persons were invited to submit written data, views, or arguments on or before October 13, 1976; no comments were received on these proposals.

Therefore, the Department hereby adopts these 5 additional systems of records and the new routine use. Inasmuch as the texts of the additional systems and the routine uses for the PAT–TM–6 system were published in their entirety on September 13, 1976, as described above, and they are adopted without change, there is no need to republish at this time.

2. The Department of Commerce hereby gives notice, in accordance with 5 U.S.C. 552a(e)(4) and (11) (the Privacy Act of 1974, Section 3, Public Law 93–579, 88 Stat. 1897), that it proposes to add a routine use to each of three existing systems of records: COMMERCE/DEPT.–12, Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct; COMMERCE/DEPT.–13, Investigative Records—Persons Within the Investigative Jurisdiction of the Department; and COMMERCE/DEPT.–18, Employee Personnel Files Not Covered by U.S. Civil Service Commission.

The proposed routine use for each system has the same purpose, but slightly different language to reflect different categories of individuals covered by each system.

The purpose of the proposed routine use is twofold: (1) To permit disclosure of personal information about an individual to a non-governmental third party being interviewed about that individual to obtain needed information about the individual. For example, an investigator may disclose to an interviewee information about the subject individual which would enable the interviewee to recognize his/her association with that individual. The information to be disclosed would be minimal, because an interviewee who could not readily recognize the association could not provide substantive information about the subject individual. The proposed new routine use would permit such disclosures, although they occur infrequently without the consent of the individual concerned. Such disclosures to governmental entities are covered by routine use No. 2 of the Department's Prefatory Statement of General Routine Uses (41 FR 38953, September 13, 1976); and (2) to more precisely describe all disclosures of personal information about public advisory committee nominees, members, and former members.

The proposed new routine use, which is compatible with the purpose for which each system is maintained, is as follows for the three systems:

COMMERCE/DEPT.–12: Information concerning (1) past and present employees, when under or having been under investigation for suspected violation of criminal laws; (2) employees and principal officers of contractors used by the Department; and (3) principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, guarantee, or other assistance programs of the Department; —may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

COMMERCE/DEPT.–13: Information concerning nominees, members and former members of public advisory committees may be disclosed: (a) to OMB in connection with its committee management responsibilities; (b) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; and (c) to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership.

Information concerning (1) nominees, members, and former members of trade missions and export councils; (2) current employees, former employees, and prospective employees; (3) research as-

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sociates; (4) guest workers; (5) employees of contractors used, or which may be used by the Department on national security classified projects; (6) principal officers of some contractors used, or which may be used, by the Department; and (7) principal officers and some employees of organizations, firms, or institutions which are recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, guarantee, or other assistance programs of the Department—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

COMMERCE/DEPT.–18: Information concerning current or former employees may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Any interested person may submit written data, views or arguments to the Assistant Secretary for Administration (Attn: Information Management Division, Room 5026), U.S. Department of Commerce, 14th & E Streets, N.W., Washington, D.C. 20230, any time on or before February 11, 1977. The comments received will be available, as received, for public inspection at the above address between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (except holidays).

For the benefit of the public, attached hereto are the complete texts of the three systems of records, including the proposed new routine use in each instance.

Effective date: the proposed new routine use will be effective February 11, 1977, unless the Department notices otherwise.

Dated: December 29, 1976.

JOSEPH E. KASPUTYS,
Assistant
Secretary for Administration.

COMMERCE/DEPT.–12

System name:

Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct COMMERCE/DEPT–12.

System location:

a. For records of EDA: Investigation and Inspection Staff, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For all other records: Departmental Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Categories of individuals covered by the system:

Past and present employees, when under or having been under investigation for suspected violation of criminal laws; employees and principal officers of contractors used by the Department; and principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system:

Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee's relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability for employment.

Authority for maintenance of the system:

Executive Orders 10450 and 11652; Title 18 U.S.C., including sections 201, 209, 287, 508, 602, 641, 643, 653, 654, 1001, 1719, 1913, 2071, and 2073; 5 U.S.C. 301; 15 U.S.C. 1512; 28 U.S.C. 533–535; and 44 U.S.C. 3101.

Routine use of records maintained in the system, including categories of users and the purpose of such uses:

Information concerning (1) past and present employees, when under or having been under investigation for suspected violation of criminal laws; (2) employees and principal officers of contractors used by the Department; and (3) principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, guarantee, or other assistance programs of the Department—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

For records at location a: Indices are alphabetical, record folders are filed alphabetically by principal subject;

For records at location b: Indices are alphabetical, record folders are filed by number.

Safeguards:

Locked cabinets in secured rooms or in guarded building, and used only by authorized screened personnel.

Retention and disposal:

When cases are closed records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address:

For records at location a., Director, Investigation and Inspection Staff, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Director, Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories:

Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access, and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) and pursuant to 5 U.S.C. 552a(k) (1), (2) and (5), on condition that the 5 U.S.C. 552a(j) (2) exemption is held to be invalid, all information and material in the record which meets the criteria of these three subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c)(3), (d), (e) (1), (4) (G), (H), and (I), and (f) of the agency regulations. The exemption of this information and material is necessary in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill

commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT.–13

System name:

Investigative Records-Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT.–13.

System location:

Departmental Office of Investigations and Security, OS, Main Commerce Bldg., Washington, D.C. 20230.

Categories of individuals covered by the system:

Nominees, members, and former members of public advisory committees, trade missions, and export councils; employees, former employees, and prospective employees; research associates; and guest workers. Employees of contractors used, or which may be used, by the Department on national security classified projects. Principal officers of some contractors used, or which may be used by the Department. Principal officers and some employees of organizations, firms or institutions which are recipients or beneficiaries or prospective recipients or beneficiaries, of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system:

Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability materials.

Authority for maintenance of the system:

Executive Orders 10450, 11478, 11652; 5 U.S.C. 301 and 7531–32; 15 U.S.C. 1512; 28 U.S.C. 533–535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information concerning nominees, members, and former members of public advisory committees may be disclosed: (1) to OMB in connection with its committee management responsibilities; (2) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; and (3) to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership.

Information concerning (1) nominees, members, and former members of trade missions and export councils; (2) current employees, former employees, and prospective employees; (3) research associates; (4) guest workers; (5) employees of contractors used, or which may be used, by the Department on national security classified projects; (6) principal officers of some contractors used, or which may be used, by the Department; and (7) principal officers and some employees of organizations, firms, or institutions which are recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, guarantee, or other assistance programs of the Department;—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by name.

Safeguards:

Locked cabinets in secure rooms in guarded buildings, and used only by authorized screened personnel.

Retention and disposal:

When cases are closed, records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address:

Director, Office of Investigation and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories:

Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all information and material in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT–18

System name:

Employee Personnel Files Not Covered By U.S. Civil Service Commission COMMERCE/DEPT–18.

System location:

a. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPCs, ARC, NFPCA, BEA, EDA, OMBE, USTS, OTEL, and NTIS: Processing and Servicing Branch, Departmental Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

b. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

c. For employees of DIBA: Office of Personnel, Domestic and International Business Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

d. For employees of MARAD: Division of Career Management, MARAD Office of Personnel, Room 1099–C, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760; and National Academy of Sciences, 2100 Pennsylvania Avenue, N.W., Room JH-606, Washington, D.C. 20037;

f. For employees of NOAA: Personnel Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852; and

g. For employees of PAT-TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza, 2, Arlington, Virginia 22202.

Categories of individuals covered by the system:

Current and former employees.

Categories of records in the system:

All personnel records in the Department which are subject to the Privacy

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Act but are not covered in the notices of systems of records published by the U.S. Civil Service Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; International Women's Year; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignment and Relations; Minority Group Statistics; Personnel Uniform ADP System; Experts and Consultants Quarterly Review; Re-Employment Priority; Repromotion Priority; Merit Promotion Programs; Within-Grade Denials (Reconsideration File); and, Employee Information System.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101; and Federal Personnel Manual and related directives of the U.S. Civil Service Commission.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information concerning current or former employees may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine uses paragraphs in the Prefatory Statement and routine uses paragraphs of U.S. Civil Service Commission notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual and machine readable.

Retrievability:

Filed by name and/or social security number.

Safeguards:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal:

Retained according to Unit's Records Control Schedule.

System manager(s) and address:

For records at location a.: Chief, Processing and Servicing Branch, Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

For records at location c.: Director of Personnel, Domestic and International Business Administration, U.S. Department of Commerce, Room 3512, Washington, D.C. 20230;

For records at location d.: Chief, Division of Career Management, Office of MARAD Personnel, Room 1099–C, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location e.: Chief of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760;

For records at location f.: Chief, Personnel Division, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852; and

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Notification procedure:

For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, N.W., Washington, D.C. 20230;

For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, N.W., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For NTIS records at location a., information may be obtained from: Deputy Director, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location c., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852; and

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories:

Subject individual and those authorized by the individual to furnish information; others involved in references of the individual; physicans; employee's supervsor; and, sources in the U.S. Civil Service Commission notices.

[FR Doc.77–851 Filed 1–11–77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON NET TECHNICAL ASSESSMENT

Change of Meeting Dates

The meeting of the Defense Science Board Task Force on Net Technical Assessment scheduled for January 18–19, 1977 at the Pentagon, Washington, D.C., as published in the FEDERAL REGISTER (41 FR 55570, December 21, 1976—FR Doc. 76–37384), has been postponed until February 3–4, 1977. In all other respects, the original notice cited above remains the same.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 6, 1977.

[FR Doc.77–1036 Filed 1–11–77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PROCUREMENT POLICY ADVISORY COMMITTEE

Meeting

JANUARY 7, 1977.

In accordance with provisions of Public Law 92–463 (Federal Advisory Committee Act) the Procurement Policy Advisory Committee will meet from 9:00 a.m. to 3:00 p.m. on Thursday, January 27, 1977, in Room 2010 (second floor), New Executive Office Building, 726 Jackson Place, NW, Washington, DC. The meeting will be open to the public.

The purpose of the meeting is to select a chairman, to discuss in greater detail the purpose and operation of the committee and to discuss selected substantive procurement issues suggested by committee members. The agenda of the meeting is as follows:

9:00–9:15	Selection of chairman.
9:15–9:45	Discussion of committee purpose.
9:45–10:00	Discussion of committee operations.
10:00–10:30	ERDA cost participation policy. Discussion will focus principally on the nature and form of contractors' contribution to costs of contract performance.
10:30–10:45	Break.
10:45–11:15	ERDA unsolicited proposal regulation. Impact of ERDA Temporary Regulation No. 21, dated July 15, 1976, will be examined.
11:15–11:30	Impact of organizational conflicts of interest clauses. Discussion will focus principally on risks of discouraging competent companies from proposing on ERDA procurements.
11:30–12:30	Lunch.
12:30–1:00	Effect of standard reporting requirements. To be discussed from viewpoint of imposition of inappropriate reporting requirements for the tasks to be performed; also the need to reduce volume of reports.
1:00–1:30	Impact of ERDA contract funding practices. To be discussed from viewpoint of effects of delayed funding on contractors' cost and capital exposure.
1:30–1:45	Institution-to-institution concept. Basic contractual arrangement between ERDA and an institution of independent entities will be examined.
1:45–2:00	Use of basic agreements. Advantages and disadvantages of basic agreements with contractors receiving multiple ERDA project support will be examined.
2:00–3:00	Reserved for overflow or introduction of other issues.

Practical considerations may dictate unannounced alterations in the agenda or schedule.

Mr. Michael J. Tashjian, Director of Procurement, will chair the meeting. The chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof post-marked no later than January 20, 1977, to the Director of Procurement, Room C–167, U.S. Energy Research and Development Administration, Washington, DC, 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on January 21, 1977, to Mr. Harry M. Tayloe, Division of Procurement, on (301) 353–5526 between 8:30 a.m. and 5:00 p.m. e.s.t.

(c) Questions at the meeting may be propounded only by members of the committee and ERDA officials assigned to participate with the committee in its deliberations.

(d) Seating will be made available to the public on a first-come, first-served basis.

(e) The use of still movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, DC, 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77–1113 Filed 1–11–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 654–8]

IDENTIFICATION OF PRODUCTS AS MAJOR SOURCES OF NOISE

Power Lawn Mowers, Report

The Noise Control Act of 1972 (P.L. 92–574, 86 Stat. 1234) established, by statutory mandate, a national policy "to promote an environment for all Americans free from noise that jeopardizes their health or welfare." The Act provides for a division of power between the Federal, State and local governments in which the primary Federal responsibility is for noise source emission control of products entering interstate commerce. The States and other political subdivisions retain authority to establish and enforce controls on environmental noise through licensing, regulation, or restriction of the use, operation, or movement of noise sources and on the level of noise permitted in their environments. As specified in the Noise Control Act of 1972, the first step toward promulgation of noise standards for new products is identification of those products that are major sources of noise. Section 5(b) of the Act provides as follows:

"The Administrator shall, after consultation with appropriate Federal agencies, compile and publish a report or series of reports (1) identifying products (or classes of products) which in his judgment are major sources of noise, and (2) giving information on techniques for control of noise from such products, including available data on the technology, costs, and alternate methods of noise control." Section 6(a)(1)(C) sets out four categories of products, that, once identified as major sources of noise, require the proposal of Federal regulations if such regulations are feasible:

1. Construction equipment.

2. Transportation equipment (including recreational vehicles and related equipment).

3. Any motor or engine (including any equipment of which an engine or a motor is an integral part).

4. Electrical or electronic equipment.

On June 21, 1974 (39 FR 22297), the Administrator published the first report under section 5(b) identifying two products as major sources of noise: medium and heavy trucks and portable air compressors. That report also listed a number of other candidates for possible future identification.

In the second report under section 5(b), published on May 28, 1975 (40 FR 23069), the Administrator identified the following six products as major sources of noise: motorcycles, buses, wheel and track loaders and wheel and track dozers (earth moving equipment), truck transport refrigeration units, and truck-mounted solid waste compactors (special auxiliary equipment on trucks). Also listed in that report were a number of candidates for possible future identification as major sources of noise. These were arrayed in the following categories: surface transportation; air transportation (not candidates for section 6 regulation); construction/industrial equipment; recreational vehicles; lawn care equipment; and household appliances.

APPROACH USED TO ASSESS ENVIRONMENTAL IMPACT

To accomplish the broad intent of the Noise Control Act of 1972, the EPA has developed an overall framework for assessing the environmental impact of all the sources of environmental noise. The first step of this development was the Title IV report ("Report to the President and Congress on Noise," February 1972), which provided an initial data base on noise reduction technology appropriate to various product types, environmental noise levels, and criteria related to public health and welfare. The second step was the publication of the "Criteria Document" ("Public Health and Welfare Criteria for Noise," EPA, July 27, 1973) as required by section 5(a)(1) of the Noise Control Act of 1972. The third step was the publication of the "Levels Docu-

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ment" ("Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA, March 1974) as required by section 5(a)(2).

That levels identified in the "Levels Document" are based on the risks to public health and welfare from noise pollution without regard for cost or technical feasibility. To identify the levels, EPA selected two cumulative energy measures for quantifying noise exposures that can be related to human responses.

1. Leq, the A-weighted equivalent sound level (the source level in dBA conveying the same sound energy as the actual time-varying sound during a given period) was selected as a descriptor of noise relative to long-term hazard to hearing.

2. Ldn, the day-night average sound level (the 24 hour Leq with a 10 dBA penalty applied to the period from 10 p.m. to 7 a.m.) was selected as a descriptor of noise relative to interference with human activities, e.g., speech communication, sleep, and other factors that may lead to annoyance.

An abbreviated summary of the identified levels is given in Table 1.

TABLE 1.—*Noise levels protective of health and welfare*

Human response	Leq	Ldn
Hearing loss (8 h)	75	----
Hearing loss (24 h)	70	----
Outdoor interference and annoyance	----	55
Indoor interference and annoyance	----	45

IDENTIFICATION OF MAJOR NOISE SOURCES

In determining whether a product (or a class of products) is a major noise source for regulation under Section 6 of the Act, the Administrator considers primarily the following factors:

(1) the intensity, character and/or duration of the noise emitted by the product (or class of product) and the number of people impacted by the noise.

(2) whether that product, alone or in combination with other products, causes noise exposure in defined areas under various conditions, which exceed the levels requisite to protect the public health and welfare with an adequate margin of safety;

(3) whether the spectral content or temporal characteristics, or both, of the noise make it irritating or instrusive, even though the noise level may not otherwise be excessive;

(4) whether the noise emitted by the product causes intermittent single event exposure leading to annoyance or activity interference.

The EPA hereby identifies power lawn mowers as major sources of noise in accordance with section 5(b) of the Noise Control Act of 1972. A future report, as prescribed in section 5(b)(2) of the Act, will provide information on techniques for control of noise, available data on technology, associated costs, and alternate methods of noise control.

BACKGROUND

Power lawn mowers contribute substantially to outdoor environmental noise impacts and particularly to occupants of individual homes, and the persons who operate the lawn mowers. Data developed by the Stanford Research Institute (SRI) report entitled "An Economic Analysis of the Consumers Union Proposed Safety Standard for Lawn Mowers" for the Outdoor Power Equipment Institute, Inc. (OPEI) indicates that there are in excess of 40 million power lawn mowers in use in the United States.

Considering only the operators of lawn mowers, data on environmental noise impact acquired earlier by EPA indicate that such operators are subjected to sound levels ranging from 87 to 95 decibels (See EPA Report 550/9-7-74-011). It is estimated that the typical operator is exposed to these sound levels about 50 hours per year. In terms of yearly average 8-hour equivalent sound level [Leq (8)], the estimated noise exposure for the typical operator ranges from 71 to 79 decibels.

Although earlier EPA data led to an estimate of 23 million persons exposed as operators to the noise of lawn mowers, the more recent SRI/OPEI figure of the number of mowers in operation implies that 40 million operators are affected. This represents a very large environmental noise impact, merely with respect to operators. In a typical case two to three family members also may be involuntarily exposed as bystanders to outdoor lawn mower noise, at levels from 10 to 20 decibels lower than those experienced by the operator.

Furthermore, in a typical usage setting, five sets of neighbors within a radius of 100 feet also might be exposed as uninterested (and therefore, potentially annoyed) bystanders to sound levels about 10 decibels belows those experienced by the operator's family. Since each neighbor at some time will be affected by the lawn mower noise of five other neighbors in this setting, the cumulative noise exposure due to neighbors' lawn mowers will be only about 3 decibels less than the non-operator's exposure due to one's own family lawn mower. The noise impact, however, may be greater for the neighbors, because of the annoyance associated with their lack of control over that noise exposure.

In effect then, the environmental noise impact due to power lawn mowers can be defined in terms of some 40 million operators exposed to Leq(8) (relevant to risk of hearing damage) ranging from 71 to 79 decibels, and over 80 million non-operators exposed to Leq(24) (relevant to activity interference and annoyance) ranging from 48 to 65 decibels. In view of the large number of persons potentially affected by such levels of environmental noise exposure, it is clear that power lawn mowers are a major source of noise.

The fact that identified levels are exceeded, in terms of criteria for hearing loss, activity interference and annoyance, indicates the occurrence of rather intense and objectionable short-term or single event exposures for intermittent noise sources. This intermittently occurring noise of the lawn mower experienced by neighbors or bystandards is widely recognized as intense enough in many situations to disturb rest and relaxation, interfere with speech communications and social interaction, disrupt sleep in the early morning hours, and generally degrade the quality of residential life. Furthermore, the lawn mower may be perceived as more disrupting and disturbing than might be inferred from the noise expsoure levels, since it is most typically used in residential areas with low background noise levels and at times when the residents may be trying to relax (typically weekends and evenings). The public perception of lawn mower noise as a significant health or environmental problem is reflected by the many municipal ordinances and State laws attempting to lessen emissions or exposure to lawn mower noise.

FUTURE ACTIONS

In the development of regulations for power lawn mowers, possible noise labeling requirements pursuant to section 8 of the Act will be examined as well as noise control standards.

EPA will be selecting other products for future identification from among the possible candidates (listed in the earlier reports) and others which may come to light. The order in which they are identified will depend upon the various considerations discussed previously, of which environmental noise impact is a major, but not exclusive, consideration. Automobiles, snowmobiles, light trucks, tires, and pneumatic and hydraulic impact tools are currently under study. EPA also intends to initiate studies, during 1977, of home air conditioners, chain saws, earth moving equipment (backhoes, shovels and similar devices), and guided mass transit equipments.

This report is issued under authority of the Noise Control Act of 1972, section 5(b)(1), 86 Stat. 1236, 42 U.S.C. 4904 (b)(1).

RUSSELL E. TRAIN,
Administrator.

DECEMBER 30, 1976.

[FR Doc.77-1030 Filed 1-11-77;8:45 am]

[FRL 669—8; OPP-180109]

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the Massachusetts Department of Public Health (hereafter referred to as "Massachusetts") has availed itself of a crisis exemption to use 50% WDP DDT to control rabid bats discovered in a private residence in Rehobeth, Massachusetts. The exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, Massachusetts has submitted in writing the following certified information.

According to Massachusetts, the private residence has had a history of bat problems; specifically involved are large brown bats. In the late summer of 1976, the DDT formulation registered with the Center for Disease Control (CDC), U.S. Department of Health, Education, and Welfare, was used as labeled and as prescribed in the CDC guidelines in an effort to control the bats. This attempt failed; the bat colony remained, and a downed bat was found positive for rabies by laboratory analysis.

No pesticide registered for this particular use to eradicate or control the bats was readily available. The time element was so critical that there was no time to request a specific exemption; one rabid bat was found by the family's dog, and one bat was found resting in an infant's crib.

On October 22, 1976, DDT was dusted into six holes drilled from the outside of the house into the area of bat activity; DDT was also dusted into a small overhead above the resting area through which the chimney passes. The latter was done in the event the bats had sought the warmth of the chimney. Approximately 1.25 pounds of 50 percent WDP DDT was used. The operation was carried out by trained and experienced commercial applicators, with the DDT supplied by the Commonwealth of Massachusetts. The treatment was made under the direction of the Massachusetts Department of Environmental Quality Engineering. The DDT was blown into voids in the structure under such pressures as to avoid "blow back" and entry into the living spaces.

Dated: January 3, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-1029 Filed 1-11-77;8:45 am]

[FRL 6701; OOP-180106]

TEXAS DEPARTMENT OF HEALTH RESOURCES

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amendd (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the Texas Department of Health Resources (hereafter referred to as "Texas") has availed itself of a crisis exemption to use DDT 50% powder to control rabid bats discovered in a housing project in San Antonio, Texas; this housing project is on Federal property under the control of the Housing Authority of the city of San Antonio. The exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, Texas has submitted in writing the following certified information.

According to Texas, complaints were received in 1973, 1974, and 1975 about bat populations roosting in the high-density housing area involved. In each instance, the bats apparently migrated before any concerted efforts to eradicate them could be made. However, in 1976, tenants occupying nine buildings in the housing project registered complaints that there had been a sharp increase in the number of bats sighted, smelled, and heard. There were so many bats that some were hanging on the outside walls of buildings. The manager of the housing project alerted the pest control contractor. Bats were trapped by the contractor and submitted for laboratory analysis; one of ten bats submitted was positive for rabies. The responsible State agency was contacted, an investigation conducted, and a determination made that a crisis situation existed.

The manager of the housing project recorded complaints received from tenants regarding bats seen at the various buildings. This information, coupled with techniques of locating the predominant passenges used by the bats for entrance and exit from the buildings, allowed the pest control contractor to evaluate locations requiring treatment. All except one of the buildings involved are comprised of eight units; the population of the entire housing project is 2,300, of which 1,600 are children age 18 or under.

At the various points of entrance to the buildings, there were areas which had taken on a marked greasy appearance. These "rubs" were caused by the bats depositing body oils and filth. The odor of bats and their droppings was quite noticeable from a distance of thirty to forty feet from the rubs. The rubs were located approximately 16 feet from the ground, under the eaves, and near the fire wall which separates each unit. After locating the rubs, the contractor's personnel began treating each attic with 50 percent DDT powder. The attics were too small for men to enter; the powder was blown into the openings along the eaves and fire walls with pressure tanks and handpumps. Some bats were visible in the expansion joints and, during the course of treating the buildings, many were seen flying from their roosting areas.

A total of 56 pounds of the 50 percent DDT powder was used on August 24, 1976. Prior to dusting, all families in the buildings concerned were required to evacuate for a minimum of four hours. The contractor personnel collected all dead and dying bats from the housing premises on August 24. On the second and successive days, the Federal housing employees were responsible for the collection. The City of San Antonio Animal Control unit patrolled outside the Federal property to remove sick and dead bats that were able to fly beyond the housing area. Follow-up inspections revealed a decrease in the number of bats, according to Texas.

The Housing Authority of San Antonio plans to take steps to exclude bats from the buildings by screening, and closing openings with wood and other materials. In addition, Texas stated that an ongoing program of remodeling the units will effectively prevent the ingress of the bats in the future.

Dated: January 3, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-1028 Filed 1-11-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 838]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

DECEMBER 27, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed appli-

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cation for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20425–CD–P–77, Chicago Communications Service, Inc. (KSD310), C.P. to relocate facilities operating on 454.150 MHz located at Sears Tower, Chicago, Illinois.

20426–CD–P–(3)–77, New York Telephone Company (KEC932), C.P. to relocate facilities and change antenna system operating on 454.675, 454.700 and 454.775 MHz to be located at 123–33 83rd Avenue, Kew Gardens, New York.

20427–CD–P–77, Bay Springs Telephone Company, Inc. (KLB565), C.P. to reinstate expired facilities operating on 152.72 MHz located 400' West of Hwy. No. 15, 1 mile North of Jasper Co. Courthouse, Bay Springs, Mississippi.

20428–CD–P–(2)–77, Valley Telephone Coop. Inc. (KLB559), C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.69 and 152.78 MHz located 8 miles east of Lyford, Texas.

20429–CD–P–77, Nashville Mobilphone, Inc. (KFI.864), C.P. for additional facilities to operate on 152.12 MHz at Loc. No. 3: Shelbyville Pike, 5.3 miles south of Murfreesboro, Tennessee.

20430–CD–P–77, Telpage, Inc, (KIY757), C.P. to change frequency from 35.22 MHz to 152.24 MHz located at 1576 Mt. Meigs Road, Montgomery, Alabama.

20431–CD–P–(4)–77, Mobilfone Northwest (KLF563), C.P. for additional facilities to operate on 72.02 MHz and 72.10 MHz. Repeater at Loc. No. 5: 9.3 miles east of Spokane, Washington; and for additional facilities to operate on 75.82 MHz and 75.84 MHz. Control at a new Loc. No. 6: 3707 north Monroe, Spokane, Washington.

20432–CD–P–(2)–77, Southern Bell Telephone and Telegraph Company (KIY514), C.P. to replace transmitter operating on 152.63 MHz. Base located 3 miles NE of Asheville, North Carolina; and replace transmitter operating on 157.89 MHz. Test loeated at 24 O'Henry Avenue, Asheville, North Carolina.

20434–CD–P–77, Tel-Illinois, Inc. (KUC970), C.P. to change frequency from 152.24 MHz to 158.70 MHz located at Existing tower, 3 miles north of Marion, Illinois.

20435–CD–P–(2)–77, Mobilfone of Northeastern Pennsylvania, Inc. (KGI781), C.P. for addition facilities to operate on 72.58 MHz. Control at Loc. No. 1: Atop Bald Mountain. Adjacent to Radio Station WWDL–FM, Scranton; and for additional facilities to operate on 152.24 MHz, Base at a new Loc. No. 2: Top of Penobscott Knob, Hanover Township, Pennsylvania.

20436–CD–P–77, Industrial Communications Systems, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at Santa Ynez Peak, 8.7 miles SE of Santa Ynez, California.

20437–CD–P–(2)–77, San Juan Radiotelephone Corporation (WWA311), C.P. to relocate facilities operating on 454.025 and 454.075 MHz from Loc. No. 4 to Loc. No. 3: Atop El Yunque Peak, Puerto Rico.

20438–CD–P–77, Industrial Electronics and Automation Co., Inc. d.b.a. Dial-A-Page (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located on Chief Black Otter Trail West, Billings, Montana.

20439–CD–P–(2)–77, Mobilfone of Erie, Inc. (New), C.P. for a new station to operate on 454.025 and 454.075 MHz to be located at Donation Rd., near East Rd., 5.6 miles S.E. of Erie, Pennsylvania.

20440–CD–P–77, Radio Enterprises of Ohio, Inc. (KUS280), C.P. to change antenna system operating on 35.22 MHz at Loc. No. 3: 111 Water Street, Chardon, Ohio.

20441–CD–P–77, United Telephone Company of Florida (New), C.P. for a new station to operate on 157.95 MHz to be located at 115 S. Parrott Avenue, Okeechobee, Florida.

20442–CD–P–77, United Telephone Company of Florida (New), C.P. for a new station to operate on 157.86 MHz to be located at 124 North Seventh Avenue, Wauchula, Florida.

20443–CD–P–77, United Telephone Company of Florida (New), C.P. for a new station to operate on 157.77 MHz to be located at 790 South Access Road, Port Charlotte, Florida.

20444–CD–P–77, Edward C. Smith d.b.a. Answerlite Professional Telephone Service (KQZ782), C.P. to relocate facilities operating on 158.70 MHz to 519 E. First Street, Sanford, Florida.

20445–CD–TC–77, Aztec Communications, Inc. Consent to Transfer of Control from Aztec Communications, Inc., Transferor to General Communications Service, Inc., Transferor. Stations: KTS253, KLF632, KLF632, KIQ510, KIB388, Jacksonville, Florida; KTS254, St. Augustine, Florida.

MAJOR AMENDMENT

22767–CD–P–(3)–76, Centrex Communications, Inc. (New), Amend antenna system operating on frequencies 454.075 and 454.225 MHz. All other particulars to remain the same as reported on PN No. 822 dated September 7, 1976.

POINT TO POINT MICROWAVE RADIO SERVICE

685–CF–P–77, General Telephone Company of California (New), 211 West D Street, Ontario, California. Lat. 34°04'00" N., Long. 117°39'09" W., C.P. for a new station on frequencies 10835V MHz toward Chantry Flt passive reflector, California on azimuth 291.2° and from passive reflector to Arcadia on azimuth 146.6°; 10815V MHz toward Lytle Creek, California on azimuth 40.6° and 11075V 10835H MHz toward Box Springs, California on azimuth 107.8°.

686–CF–P–77, Same (New), Box Springs, 6.5 miles E. Riverside, California. Lat. 33°58'-05" N., Long. 117°17'13" W., C.P. for a new station on frequencies 11525V and 11285H MHz toward Ontario, California on azimuth 288.0°, 11605H MHz toward Perris, Calif. on azimuth 164.7° and 11525V MHz toward Mt. Davis, Calif. on azimuth 102.9°.

687–CF–P–77, Same (New), 120 E 3rd Street, Perris, California. Lat. 33°47'02" N., Long. 117°13'36" W., C.P. for a new station on frequency 11155H MHz toward Box Springs, Calif. on azimuth 344.7°.

688–CF–P–77, Same (New), Mt. Davis 2 miles SW, Beaumont, California. Lat. 33°54'44" N., Long. 116°59'47" W., C.P. for a new station on frequencies 10895V MHz toward Box Springs, Calif. on azimuth 283.1° 10775V MHz toward Whitewater, Calif. on azimuth 81.4°.

689–CF–P–77, Same (KY059), 2.2 miles NNW of Whitewater, California. Lat. 33°57'17" N., communication on frequency 11305V MHz toward Mt. Davis, Calif., to add frequency 11525V MHz toward Palm Springs, Calif. and to correct coordinates of Palm Springs receive station.

690–CF–P–77, Same (KNL67), 295 N. Sunrise Way, Palm Springs, California. Lat. 33°49'-35" N., Long. 116°31'41" W., C.P. to correct coordinates, to add frequency 11075V MHz toward Whitewater, Calif., to change frequencies 5989.7H and 6108.3H to 10895V and 11135V MHz toward Pierson passive reflector and from passive reflector to Yucca Valley and replace transmitter.

691–CF–P–77, Same (KXQ74), 57188 Yucca Trail, California. Lat. 34°07'15" N., Long. 116°24'57" W., C.P. to change frequencies 6241.7H and 6360.3H to 11585V and 11345V MHz toward Pierson and passive reflector to Palm Springs, Calif.; replace transmitter and antenna.

696–CF–P–77, South Central Bell Telephone Company (KLK84), 530 South Buchanan Street, Lafayette, Louisiana. Lat. 30°13'32" N., Long. 92°01'00" W., C.P. to add frequencies 6286.2V and 6345.5V MHz toward New Iberia, Louisiana and replace antenna on frequencies 6226.9V and 6404.8V MHz toward New Iberia, Louisiana.

697–CF–P–77, Same (WHB42), 201 Center Street, New Iberia, Louisiana. Lat. 30°00'-07" N., Long. 09°49'00" W., C.P. to add frequencies 6034.2H and 6093.5H MHz toward Lafayette, Louisiana and replace antenna on frequencies 5974.8H and 6152.8H MHz toward Lafayette, Louisiana.

707–CF–P–77, Same (KLU69), N O Broadmr, 3951 Erato Street, New Orleans, Louisiana. Lat. 29°57'14" N., Long. 90°05'54" W., C.P. to add frequency 6345.5H MHz toward Paradis, Louisiana.

708–CF–P–77, Same (KGF92), Paradis, 5 miles South, Paradis, Louisiana. Lat. 29°-48'36" N., Long. 90°25'17" W., C.P. to add frequencies 6093.5V MHz toward N O Broadmr, La. and 6093.5H MHz toward Thibodaux, Louisiana.

709–CF–P–77, Same (KGG21), 204 Back Street, Thibodaux, Louisiana. Lat. 29°47'-10" N., Long. 90°49'16" W., C.P. to add frequencies 6345.5V MHz toward Paradis, Louisiana and 6256.5V MHz toward Morgan City, Louisiana.

710–CF–P–77, Same (WAN71), Corner of 9th and Willard, Morgan City, Louisiana. Lat. 29°42'14" N., Long. 91°12'03" W., C.P. to add frequency 6004.5H MHz toward Thibodaux, Louisiana.

777–CF–P–77, Fay Grim d.b.a. Mississippi Valley Microwave (WBA .818), 2 Miles North of Virginia, Minnesota. Lat. 47°34'08" N., Long. 92°34'34" W. Construction permit to add 6137.9H MHz toward Gheen, Minnesota.

778–CF–P–77, Fay Grim d.b.a. Mississippi Valley Microwave (WBA 619), 1 Mile NW of Gheen, Minnesota. Lat. 47°58'41" N., Long. 92°49'44" W. Construction permit to add 6301.0V MHz toward Kabetogama, Minnesota.

779–CF–P–77, Fay Grim d.b.a. Mississippi Valley Microwave (WBA 820), 3 miles West of U.S. 53, Kabetogama, Minnesota. Lat. 48°21'16" N., Long. 93°00'39" W. Construction permit to add 6137.9H MHz toward South International Falls, Minnesota.

587–CF–P–77, Western Tele-Communications, Inc. (KPV 60), Greeno, 11.5 Miles SE of Laurel, Montana. Lat. 45°32'21" N., Long. 108°38'05" W. Construction permit to add 6167.6V MHz toward Billings (KULR), Montana.

847–CF–P–77, Penn Service Microwave Company, Inc. (WQQ 37), Wyoming Mtn., 4 miles SSE of Wilkes-Barre, Pennsylvania. Lat. 41°11'53" N., Long. 75°49'16" W. Construction permit to replace transmitter and increase output power 6078.6H MHz toward Mehoopany and Chestnut Hill, both in Pennsylvania.

CORRECTIONS

4462–CF–MP–76, RCA Global Communications, Inc., as Trustee (WBB 390), 5 miles NW of Huffman, Texas. This entry appearing in Public Notice of July 19, 1976 if corrected to show 6271.4V MHz toward Houston, Texas, on azimuth 211.2 degrees. All other particulars remain the same.

620–CF–MP–77, East Texas Transmission Company (KLH 74), 1.3 mile NW of Colfax, Texas. Lat. 32°31'29" N., Long. 95°44'50" W. This entry appearing in Public Notice of December 13, 1976, is corrected to show coordinates as above. All other particulars remain the same.

[FR Doc.77–1077 Filed 1–11–77;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: December 29, 1976.

Released: January 5, 1977.

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on February 16, 1977, the TV and FM translator applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 15, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on February 15, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

BPTT–3133 (new), Allentown-Bethlehem area, Pennsylvania, NEP Communications, Inc. Req: Channel 19, 500–506 MHz, 100 watts. Primary: WNEP–TV, Scranton-Wilkes-Barre, Pa.

BPTT–3142 (new), Poughkeepsie, N.Y., Dutchess Community College. Req: Channel 54, 710–716 MHz, 1 watt. Primary: WMHT, Schenectady, N.Y.

BPTT–3143 (new), Valley Village of Wintergreen, Va., Wintergreen, a Virginia limited partnership. Req: Channel 55, 716–722 MHz, 10 watts. Primary: WTVR, Richmond, Va.

BPTT–3144 (new), Valley Village of Wintergreen, Va., Wintergreen, a Virginia limited partnership. Req: Channel 60, 746–752 MHz, 10 watts. Primary: WXEX, Richmond-Petersburg, Va.

BPTT–3145 (new), Valley Village of Wintergreen, Va., Wintergreen, a Virginia limited partnership. Req: Channel 67, 788–794 MHz, 10 watts. Primary: WVIR, Charlottesville, Va.

VHF TV TRANSLATOR APPLICATIONS

BMPTTV–883 (W10AS) Sabana Grande, Yauco, and San German, P.R., American Colonial Broadcasting Corp. Req: To delete Yauco, P.R. from present principal community.

BPTTV–5682 (K06EV), Mescalero, N. Mex., Apache Tribe of Mescalero. Req: To change frequency to Ch–12, 204–210 MHz and change primary TV station to KBIM–TV, Roswell, N. Mex.

BPTTV–5683 (K11IE), Mescalero, N. Mex., Apache Tribe of Mescalero. Req: To change frequency to Ch–5, 76–82 MHz and change primary TV station to KOB–TV, Albuquerque, N. Mex.

VHF TV TRANSLATOR APPLICATIONS

BPTTV–5684 (new), Mescalero Apache Reservation, N. Mex., Apache Tribe of Mescalero. Req: Channel 6, 82–88 MHz, 10 watts. Primary: KOB–TV, Albuquerque, N. Mex.

BPTTV–5685 (new), Mescalero Apache Reservation, N. Mex., Apache Tribe of Mescalero. Req: Channel 11, 198–204 MHz, 10 watts. Primary: KBIM–TV, Roswell, N. Mex.

BPTTV–5697 (K11DD), Green River, Utah, Green River City TV. Req: To change primary station to KTVX, Salt Lake City, Utah.

BPTTV–5704 (K13DB), Green River, Utah, Green River City TV. Req: To change primary TV station to KSL–TV, Salt Lake City, Utah.

BPTTV–5730 (K13LM), Lapwai, Idaho, Lapwai Valley TV Association. Req: To change primary TV station to KXLY–TV, Spokane, Wash.

BPTTV–5731 (K12BJ), Big Sandy, Mont., Big Sandy TV Club. Req: To change frequency to Ch–13, 210–216 MHz.

BPTTV–5732 (K07LJ), Eagle Butte, S. Dak., Men's Club, Inc. Req: To change primary TV station to KPRY–TV, Pierre, S. Dak.

BPTTV–5733 (K10FX), NW Pacific Heights of Sopkane, Wash., Spokane Television, Inc. Req: To change frequency to Ch–9, 186–192 MHz.

BPTTV–5734 (K07NX), Camp Lonely, Alaska, Northern Television, Inc. Req: To add KTVF, Fairbanks, Alaska to present primary TV stations.

BPTTV–5735 (K10JU), Atlantic Richfield Base Camp and Prudhoe Bay, Alaska, Northern Television, Inc. Req: To add KTVF, Fairbanks, Alaska, to present primary TV stations.

[FR Doc.77–1076 Filed 1–11–76;8:45 am]

[Docket No. 21016; File No. BPH–9487; FCC 76–1124]

MARSHFIELD BROADCASTING COMPANY, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Adopted: December 7, 1976.

Released: January 5, 1977.

In re application of Marshfield Broadcasting Company, Inc., Marshfield, Massachusetts, requests: 95.9 MHz, 3 kW, 275 feet, Docket No. 21016, File No. BPH–9487, for construction permit.

1. The Commission has before it for consideration: (i) the above-captioned application, as amended, (ii) a request by Marshfield Broadcasting Company, Inc. (Marshfield) for a waiver of § 73.207 of the Commission's rules, (iii) a petition to deny the above application, as supplemented, filed on behalf of Knight Communications Corporation, licensee of radio station WSRS, Worcester, Massachusetts, and (iv) opposition to the petition to deny.

2. Marshfield proposes to operate on 95.9 megahertz in Marshfield, Massachusetts at a transmitter site location that is two miles short-spaced with the first adjacent channel operation of WSRS.[1] Accordingly, Marshfield has requested a waiver of § 73.207 of the Commission's rules. Under similar circumstances, the Commission and its staff acting under delegated authority have granted waivers for short-spacing of this magnitude on numerous occasions. However, WSRS has raised an objection to the grant of the Marshfield application, and section 316 (a) of the Communications Act of 1934, as amended, provides that a modification of any station license cannot become final until the holder of the license is given reasonable opportunity to show in hearing why such modification should not be permitted. The Commission's rules define interference to FM stations solely on the basis of minimum assignment and station separation requirements and the rules with respect to maximum power and antenna height. Section 73.209(b). Accordingly, since the Marshfield proposal is short-spaced with WSRS, and WSRS has raised an objection to the grant of the Marshfield application, a hearing is required "FCC v. National

[1] WSRS is a class B station, and Marshfield proposes a class A station. Therefore, § 73.207 of the Commission's rules requires a 65-mile separation. The Marshfield proposal is also short-spaced with WBRU(FM), Providence, Rhode Island. WBRU(FM) is a class A station and Marshfield proposes a class A station. Therefore, § 73.207 of the Commission's rules requires a 40-mile separation. At the time the Marshfield application was filed, WBRU(FM) had a timely filed application (BPH–9381) before the Commission to move its transmitter site, and the two proposals were two miles short-spaced with respect to each other. Marshfield notified WBRU(FM) that it had no objection to the granting of the WBRU(FM) application and the WBRU (FM) application was granted on June 8, 1976. The WBRU(FM) grant was subject to the condition that the permittee accept any short-spacing which may result from the operation of an FM broadcast station operating on channel 240A at Marshfield, Massachusetts, with a transmitter and antenna located at a distance of not less than 38 miles from the transmitter site specified in WBRU's application. Marshfield has amended its application and has reduced the short-spacing to WBRU(FM) to 1 mile. Accordingly, the request for waiver of § 73.207 of the Commission's rules with respect to WBRU (FM) will be granted.

Broadcasting Company, Inc. (KOA)." 319 U.S. 239 (1943).

3. Since no determination has yet been reached on whether the antenna proposed by Marshfield would constitute a menace to air navigation, an issue on this matter will be specified.

4. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the above application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues specified below.

5. *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Marshfield would constitute a menace to air navigation.

2. To determine the nature and extent of the applicant's violation of § 73.207 of the Commission's rules, and whether circumstances exist which warrant a waiver of that rule.

3. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

6. *It is further ordered*, That Knight Communications Corporation, licensee of WSRS, Worcester, Massachusetts and the Federal Aviation Administration are made parties to the proceeding.

7. *It is further ordered*, That the petition to deny by Knight Communications Corporation is granted to the extent indicated above and is denied in all other respects.

8. *It is further ordered*, That the request by Marshfield Broadcasting Company, Inc. for waiver of § 73.207 of the Commission's rules with respect to the short-spacing with WBRU is granted.

9. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicant herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,[2]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1075 Filed 1-11-77;8:45 am]

[FCC 76-1169; RM-2614; RM-2725]

AMERICAN BROADCASTING COMPANIES, INC. AND COMMUNITY ANTENNA TELEVISION ASSOCIATION

Technical Licensing Standards for Domestic Satellite Facilities

Adopted: December 15, 1976.

Released: January 7, 1977.

In the Matters of American Broadcasting Companies, Inc., petition for rule making to consider public policy questions relating to the establishment of a basic overall design for the development of domestic communications satellite services; and Community Antenna Television Association, petition for rule making or for declaratory ruling to permit the authorization of receive-only small earth station antennas.

INTRODUCTION

1. The Commission has under consideration the two petitions captioned above that were filed by the American Broadcasting Companies, Inc. (ABC) and the Community Antenna Television Association (CATA) on October 20, 1975 and June 24, 1976, respectively.

2. Public notice of the ABC Petition, RM-2614, was given on November 25, 1975 pursuant to § 1.403 of the Rules and Regulations. Comments were filed by American Telephone and Telegraph Company (AT&T), Cable Satellite Access Entity (CSAE), Columbia Broadcasting System (CBS), Eastern Microwave, Inc. (Eastern), General Telephone and Electronics Service Corporation (GTESC), Home Box Office, Inc. (HBO), Hughes Aircraft Company (Hughes), National Association of Broadcasters (NAB), National Cable Television Association (NCTA), Network Affiliates Association (Network Affiliates) and Public Broadcasting Service (PBS). Reply comments were filed by ABC and AT&T.

3. Public notice of the CATA Petition, RM-2725 was given on July 26, 1976. Comments were filed by ABC, Antennas for Communications, Inc. (AFC), GTESC, HBO, Hughes, ITT Space Communications, Inc. (ITTSC), Microdyne Corporation (Microdyne), NAB, NCTA, Prodelin, Inc. (Prodelin) and Western Union Telegraph Company (Western Union). Reply comments were filed by ABC, AT&T, CATA, HBO, and NCTA[1]. A statement was also submitted on behalf of eight cable television system operators and companies[2] (Referred to as the Joint Statement below).

4. In essence, the two petitions captioned above question the adequacy and appropriateness of our current technical licensing standards for domestic satellite facilities. In RM-2614, the petitioner apparently believes that our current standards are insufficient to insure availability to future users of domestic satellite capacity in the 4 and 6 GHz bands, particularly if small diameter (i.e. less than 9 meters) antennas were to be routinely authorized by the Commission. In contrast, the petitioner in RM-2725 believes that our current licensing policies unduly restrict the availability of satellite communications to many users who have immediate requirements for such services which can be met by economical earth station facilities without adversely affecting efficient orbit and spectrum utilization.

5. It will be necessary to treat these two petitions concurrently in view of the apparently conflicting nature of the relief sought. After summarizing the petitions and the comments filed by various parties on the issues raised by them, we will review our current technical licensing policies with respect to their impact on orbit and spectrum utilization. In light of our general domestic satellite policy objectives, we then find that these standards are sufficient to reasonably assure the availability of satellite communications to potential future users. Furthermore, with certain clarifications and conditions, these standards do not preclude the licensing of small, economical earth station antennas when proper showings are made to demonstrate that the use of such facilities will not have an adverse impact on efficient orbit and spectrum utilization. Finally, we will treat the specific case of small diameter receive-only earth stations to be used by cable television systems to receive program material distributed by domestic satellites.

THE ABC PETITION: RM-2614

6. In its petition, ABC requests the Commission to institute a rule making proceeding to establish a basic overall design for the development of those frequency bands allocated for domestic satellite services, including particularly the 4/6 and 12/14 GHz frequency bands[3], and amend its rules and policies

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[2] Commissioner Quello absent.

[1] The requests of CATA, Hughes and Western Union for acceptance of late filed pleadings is hereby granted.

[2] Citrus County Cablevision, Inc., Colony Communications, Inc., Comcast Corporation, Connersville Cable, Cox Cable Communications, Inc., Sammons Communications, Inc., TM Communications Company and Tri-County Cable. Permission is hereby granted for the late submission of this document.

[3] In this decision, the following abbreviations are used for the frequency bands indicated below:

4 GHz	3700–4200 MHz
6 GHz	5925–6425 MHz
12 GHz	11.7–12.2 GHz
14 GHz	14.0–14.5 GHz

accordingly. ABC submits that the commencement of such a rule making proceeding, and consideration of the critical public policy questions involved, are necessary to assure the usage of the 4/6 and 12/14 GHz bands in a way that will achieve the most efficient and effective spectrum utilization, taking into account not only the needs of the broadcasting services, but the entire range of present and foreseeable satellite requirements. Specifically, ABC urges that the following issues be made the subject of its proposed rule making proceeding:

(a) The extent to which sharing of satellite and terrestrial services in the 4/6 GHz bands dictates earth station antenna and satellite space station characteristics;

(b) The extent to which such characteristics may adversely affect efficient utilization of the frequency spectrum in the 4/6 GHz bands and the manner in which such efficiency may be improved in these bands;

(c) The impact of present and impending satellite space and earth station proposals upon spectrum efficiency in these bands;

(d) The extent to which satellite services in higher frequency bands (specifically 12/14 GHz) can be utilized to ameliorate such adverse effects on spectrum efficiency in the 4/6 GHz bands;

(e) The characteristics of system operations (e.g., antenna performance capabilities, etc.) which are best suited—from a spectrum efficiency standpoint—to the various satellite bands;

(f) The extent to which "site sharing" or the establishment of satellite ground station "farms" are necessary or should be required and, if so, under what circumstances; and

(g) In light of the foregoing, what criteria and regulations should be established to govern the use of the 4/6 and 12/14 GHz bands and to be incorporated in the applicable rules of the Commission.

7. ABC believes that unless more definitive licensing and allocation policies and guidelines are adopted, available satellite capacity in the 4/6 GHz bands would be depleted within the next five years on what it characterizes a "first come, first served basis." ABC bases this conclusion on the proliferation of authorized and proposed domestic satellite earth station facilities, a market analysis submitted in connection with a domestic satellite system application submitted in 1971, and a comparison of AT&T's projected network master group mile requirements to available orbital arc at 4/6 GHz. We do not find that these arguments support the conclusion reached by ABC. Petitioner does not believe adequate attention is being paid to basic principles of spectrum efficiency and management and that ABC and other broadcast entities may lose the opportunity to satisfy their program transmission needs in the 4/6 GHz bands, in part because of the authorization of facilities under substandard technical and operational criteria.[4] ABC believes that such a situation would have serious adverse effects on the broadcasting industry. ABC believes the Commission should establish appropriate policies and guidelines now in a general, overall context before major commitments are made to avoid or minimize the consequencies of haphazard, inefficient spectrum uses. In its view, appropriate technical and operational criteria should be established now to achieve the fullest use of the 4/6 GHz bands and preclude the proliferation of substandard use of the bands. ABC believes it necessary at this time to evaluate satellite requirements in terms of which are best suited for the 4/6 bands and those best suited for other bands, e.g., 12/14 GHz, since the 12/14 GHz bands are not presently committed to any particular use.[5] ABC asks that the 4/6 GHz bands be reserved for domestic satellite services utilizing only large, high-gain antennas 9 meters or larger, with all other services assigned to the 12/14 GHz bands.

8. AT&T supports the petition for Rule Making by ABC and contends that a proliferation of small earth terminals in the 4/6 GHz bands would have an adverse effect on terrestrial services and orbit utilization. Operation of numerous small earth terminals in the 4/6 GHz bands can, in AT&T's view, only accelerate such exhaustion of capacity to the detriment of important transmission needs. Such proliferation would have an adverse effect on terrestrial services, in particular high density radio-relay systems, which share the use of the 4/6 GHz bands with domestic satellite systems. AT&T is concerned that operation of earth stations in the 4/6 GHz bands creates a zone around each station where the operation of a radio-relay system is effectively prohibited or constrained because of electrical interference. AT&T further states that 4 GHz receive only terminals impose significant constraints on growth as well as blocking construction of new routes and the evolution to new and more efficient technology on such routes. Also, such terminals create administrative coordination problems in connection with existing systems. AT&T suggests that small earth terminals are more suitable in bands other than 4/6 GHz.

9. CSAE supports the ABC petition as to examination of satellite allocation principles, i.e. "• • • allocation principles (which) would require the utilization of the 4 GHz band (1) on the basis of engineering and operational criteria—principally those relating to orbital spacing (4 degrees) and ground station efficiency and size (9 meter receiving antennas) • • •" However, CSAE does not ascribe to the particular proposals advanced by ABC as now or in the future accurately defining the public interest considerations which may or will guide the Commission in establishing satellite allocation principles to assure optimum spectrum efficiency and management. CSAE shows concern that the ABC Petition could result in a rule making which, if instituted solely according to the standards upon which the ABC Petition is based, could have a limiting effect on the marriage of satellite and cable technology as applied to communications service to the public. CSAE disputes the ABC Petition that evidence exists which supports the proposition that the 4/6 GHz band should be restricted to uses which can be met by operations utilizing large antennas (i.e., greater than 9 meters) with close orbital spacing, and assigning other services to the 12/14 GHz band. CSAE states that it recognizes that the Commission must first establish basic system parameters such as the degree of protection from interference to be afforded, where antenna size is only one parameter in the equation of ensuring quality performance. CSAE also submits that the Commission must recognize that ABC's Petition may well have, for its own purposes, drawn the scope of the proceeding to be instituted much too narrowly and for reasons not wholly germane to the broadest possible public interest considerations.

10. CBS states in support of the ABC Petition that the Petition warns that if procedures designed specifically to reflect fundamental principles of efficient spectrum utilization and planned spectrum management are not adopted, the result may well be a situation wherein the spectrum available in the 4/6 GHz bands for satellite communications is licensed in some substantial measure to a conglomeration of uses which results in less than optimum utilization of the available 4/6 GHz spectrum and orbit resources. CBS further states that the consequences of not adopting such procedures soon would be to foreclose the broadcasting industry in the not too distant future from the use of the 4/6 GHz bands to satisfy its basic requirements, i.e. programming distribution. However, CBS believes it is now premature to endorse any specific criteria that restricts the use of the 4/6 GHz band only to those antennas having a diameter of 9 meters or larger as suggested by the ABC Petition. CBS does agree with the position expressed in the ABC Petition that some or all of the services now being provided on the 4/6 GHz bands may be more appropriately developed in the 12/14 GHz bands.

11. Eastern supports the ABC Petition and states that the particular concern to ABC is the proliferation of applications for receive-only earth stations with antennas smaller than 10 meters in diameter. Eastern believes that no earth stations with antennas smaller than 10 meters in diameter should be allowed until the proposed rule making is completed and it is determined that such use is feasible. Also, Eastern believes that use of communication satellites be related to the reliability and economics of the services being transmitted. In consequence, broadcast and program services

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[4] ABC appears to equate substandard technical and operational criteria and the use of antennas less than 9 meters in diameter.

[5] With respect to the 12 GHz band, it should be noted that the Commission recently released its *Report and Order* (FCC 76-677) in Docket No. 20468 concerning preparations for the 1977 World Administrative Radio Conference for planning for the Broadcasting-Satellite Service in this band. This band is allocated to both the Fixed and Broadcasting Satellite Services on a co-equal basis in this country.

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for cable television should be accorded the most reliable and cost efficient service in the 4/6 GHz band. Furthermore, Eastern states that services needing only occasional time, or which can tolerate less reliability or signal quality, should be assigned to the 12/14 GHz band.

12. GTESC supports the ABC Petition but submits that the proceeding should be focused on the subject of small earth stations, and should include issues delineated as follows:

(a) Impact of earth station systems using antennas less than 30 feet in diameter with regard to suitable orbital locations, efficient use of spectrum assuming the employment for small stations of the 4/6 GHz band and/or the 12/14 GHz band, and increased costs and additional technical problems created for large earth station systems or terrestrial operations;

(b) In view of the above impact, under what circumstances would small earth stations be justified.

(c) Assuming that such a program is justified, optimize a system design based on the technical performance satisfying the system requirements, system economics including satellite costs, earth station costs, orbital efficiency and spectrum efficiency.

(d) In light of the foregoing, what criteria and regulations should be established to govern small earth stations.

13. NAB supports the ABC Petition and identifies the issues of special inquiry as being the same as presented in the ABC Petition.

14. The Network Affiliates support the ABC Petition to assure that the frequency bands allocated for domestic satellite services will be used most efficiently and in a manner best able to achieve effective spectrum utilization since domestic communication satellite services are important to the Network Affiliates as a potential means of high quality program distribution. The Network Affiliates not only support ABC's petition for a design covering the 4/6 and 12/14 GHz bands, but wishes to underscore the need for an overall design covering all frequency bands, including the 6625–7125 MHz band. The Network Affiliates believe that receive-only antennas should meet a defined performance standard with the least possible interference rather than size standards as proposed by the ABC Petition.

15. HBO opposes the ABC Petition, pointing to the Commission's Declaratory Ruling in *UA-Columbia Cablevision, Inc.*, 55 FCC 2d 656 (1975), where it stated that it would not authorize use of:

"small earth terminals if the applicant cannot demonstrate that the satisfactory operations of such small earth terminals require satellite orbital separations no greater than those required for the satisfactory operations of larger earth station antennas and that no other constraints are placed on the operation of domestic satellites as a result of the operations of such small earth terminals."

HBO further states that many more cable systems would be interested in obtaining its services if they could utilize low cost small earth terminals.[6] In addition, HBO states that "a receive-only earth terminal utilizing a small antenna, such as one which has a diameter of 4.5 meters, will obtain the same quality signal as a 10 meter antenna if the unit is used with a high quality low noise amplifier" and will not require higher satellite EIRP's for operation to small earth terminals as claimed in the ABC Petition. HBO concludes that ABC filed its Petition in response to the Commission's Second Notice of Inquiry in Docket No. 20271, FCC 75–990, released September 19, 1975, and that ABC's Petition is superfluous since a detailed analysis of domestic satellite needs is implied in Docket No. 20271.

16. Hughes opposes the ABC Petition arguing that it would be inadvisable for the Commission to institute the proposed rule making procedure because (a) such rule making would defeat the objectives of the Commission as previously set forth;[7] (b) there is no present need for such rule making, and (c) any rule making proceedings at this time would have an adverse effect on the growth of the industry. Furthermore, Hughes believes that the Commission should retain total flexibility in controlling the use of satellite technology for domestic communications and not try to adopt special restricting rules until future experience and circumstances dictate.

17. NCTA opposes the ABC Petition because it believes that questions regarding the regulation of the design of ground station installation must be avoided and that proper engineering design and economic investment should be the determinants of ground station configuration. To do otherwise would remove the necessary flexibility from the development of nonbroadcast services utilizing satellites. This, according to NCTA, appears to be what ABC has in mind. By suggesting restrictions on antenna size etc., ABC would reserve the use of the 4/6 GHz band to broadcast network uses and shift other users of satellite services, such as cable television, to the 12/14 GHz band. Although NCTA concurs that there will be increasing congestion in the 4/6 GHz band, it does not believe that regulations should be adopted leaving the band solely for broadcast network uses. NCTA suggests that the correct questions to be addressed are in the area surrounding the basic transmission system and not ground station design and should be addressed in Docket No. 20271. Insofar as ABC desires Commission examination of satellite allocation principles, NCTA is fully supportive.

18. PBS does not take any position on the overall question of whether or not an inquiry of the nature suggested by the ABC Petition need be or should be undertaken by the Commission at this time. PBS distributes national television programming to member noncommercial educational television stations throughout the United States and its territories and thus shares with ABC an interest in and concern for the development of satellite methods of program distribution. However, PBS does point out that a number of statements in the ABC Petition pertaining to PBS are factually inaccurate and that the Petition is too simplistic in general. PBS states that, contrary to the statemens made by ABC in its petition, it has not applied for a nationwide system using 26-foot (8 meter) antennas[8] and that its proposed system would not interfere with maximum usage of the 4/6 GHz band nor affect plans for orbital spacing of as little as 4°.

THE CATA PETITION: RM–2725

19. The CATA, a trade association representing over 500 community antenna television systems, petitions the Commission to institute Rulemaking or to issue a Decalartory Ruling to amend its application standards for satellite earth station receive-only antennas to permit the construction of "small earth stations" less than nine meters in diameter. CATA contends that the present processing standard set forth in the Commission's First Report and Order in Docket 16495, 22 FCC 2d 86, 136 (1970), which requires receive-only antennas of not less than 9 meters in diameter, results in the denial of satellite service to many small and medium sized communities. CATA states that the nine meter standard does not benefit the public and that the only reason for its imposition appears to be administrative convenience. The elimination of this standard would not only allow many more Americans to receive the benefits of satellite service, but would also encourage the development of cable television in many areas. Furthermore, CATV states that it would not, in any way, foreclose the Commission's options with regard to satellite spacing in geostationary orbits and that the rationale for the nine meter standard apparently is that the Commission fears that communications satellites, if placed in an efficient geostationary orbit with 4½, 4 or even possibly 3½ degree spacing may degrade signals received by earth station terminals of less than nine meters in diameter. CATA states that it, as well as others, has conducted tests which indicate that receive-only earth terminals of substantially smaller size (and consequently less costly, allowing for their economical use in small communities) can receive signals that are totally adequate for public use. Thus, a situation exists where theoretical fears result in denial of service to the public even though the free marketplace would be willing to assume the risk of constructing and using equipment with the full, forewarned knowledge that actions by the Commission, in the future regarding satellite orbital spacing, might render the equipment being used ob-

[6] HBO states that the total cost of a small earth terminal utilizing a high quality low noise amplifier would be considerably less than an earth station utilizing an antenna with a diameter in excess of 9 meters.

[7] *Second Report and Order* in Docket No. 16495, 35 FCC 2d 844 (1972).

[8] PBS has recently filed for the first 13 earth terminals for a nationwide system using 10 meter receive-only stations and 11 meter transmit and receive stations.

solete. CATA suggests that there is another way for the Commission to avoid future problems without denying service to the public. That is, the Commisison can simply state to all applicants proposing to use receive-only equipment of less than nine meters in diameter that they (the applicants) are ausuming the risk that future developments will, or may, result in intolerable interference levels received by small diameter antennas. Furthermore, the Commission can put all parties on notice that it will not accept or consider, in any future decisions on satellite orbital spacing, the argument of those using small antennas that undue interference will be created. CATA states that no evidence has been presented that use of small diameter antennas by cable television receive-only earth stations will adversely affect orbit and spectrum utilization by a variety of services whereas the technical data submitted in this proceeding totally support CATA's position that the use of such small diameter antennas will in no way adversely affect orbital spacing or efficient spectrum utilization. CATA further states that the 4 degree orbit spacing is required by technical constraints imposed by earth station antennas with diameters larger than 10 meters. With respect to potential terrestrial interference problems, CATA argues that small antennas can more effectively use natural and artificial shielding more economically than large antennas and can be more easily moved. To counter the argument against proliferation of small earth station, CATA states that there are the opponents who fear administrative problems of coordination and those who are simply trying to delay competition such as ABC and GTESC.

20. ABC states that the procedural basis for the issuance of a declaratory ruling which, as the CATA Petition acknowledges would constitute the recision of a substantive rule, is not provided for in either the Commission's Rules or the Administrative Procedure Act (5 U.S.C. 551 et seq.) and therefore the request for a declaratory ruling should be denied. The alternative request for a separate and limited rule making to consider the "small terminal" issue is unwarranted and inadequate. In the pending Commission proceedings in Docket 20271, issues and sub-issues relating to small antenna earth stations have already been raised by the Second Notice of Inquiry (FCC 75–990) in the context of preparation for the 1979 World Administrative Radio Conference (WARC). Such issues are also raised directly in RM–2614 wherein ABC has requested that the Commission institute a proceeding looking toward the adoption of a comprehensive domestic satellite plan reflecting sound spectrum and orbit utilization principles. The complex technical and policy questions raised by the "small terminal" issue should be resolved in the ABC Petition, RM–2614, and not in the summary manner CATA proposes. ABC is also encouraged by the Commission's recent statement in its Report and Order, supra, in Docket No. 20468 that "Any rulemaking on the use of domestic satellite system will include the subject of small earth terminals and many other complex topics."[9]

21. GTESC states that CATA is now asking the Commission to initiate a proceeding involving the small earth station question, but with a narrow focus, examining only the points of interest to CATA and its membership. However, GTESC suggests that the technical and economic problems involved should be looked at in the total context since all the problem elements are interrelated (earth station cost, spectrum efficiency, orbital efficiency, impact on terrestrial facilities, etc.) and that a far better approach would be for the Commission to institute an inquiry embracing the entire subject of small earth stations (as GTE suggested in RM–2614). Accordingly, GTESC suggests that the issues for such a proceeding are delineated as follows:

A. What would be the impact of implementing small earth station systems (i.e., antennas less than thirty feet in diameter) with regard to:

1. Availability of suitable orbital locations,
2. Efficient use of the spectrum (4/6 GHz band and 12/14 GHz band),
3. Increase in costs and additional technical problems created for large earth station systems or terrestrial operations.

B. In view of the above impact, under what circumstances would small earth station systems be justified.

C. Assuming that such a program is justified, what system design would optimize the following elements:

1. System technical performance in relation to system requirements,
2. System economics, including: (*a*) Satellite costs, (*b*) Earth station costs, (*c*) Orbital efficiency, and (*d*) Spectrum efficiency.

D. In light of the foregoing, what criteria and regulations should be established to govern small earth stations. GTE concludes that the Commission should initiate a general inquiry on the subject of small earth stations as proposed in RM–2614.

22. NAB points to the interests of its members not only as users of the spectrum, but also as potential users of satellite services. NAB urges the Commission not to retreat from the present nine meter antenna standard for use in the 4/6 GHz band which is consistent with NAB's position in support of the ABC Petition.

23. NCTA proposes that the Commission by declaratory ruling permit the licensing of small receiving terminals owned and operated by cable system operators and make the licensing of such terminals optional. NCTA alleges that the use of a satellite receiver impinges on no one else and the quality of the engineering used in the design and installation influences the quality of the user performance only. By operating the receiving installation unlicensed, the operator is subject to any interference that may develop from other encroachments. Should the installation be licensed, then it should be afforded the same degree of protection as now provided by the existing Commission practices. Departure from the traditional 9 meter antenna size impinges on no one else and has no affect on reserved, unassigned orbital locations under the present policies. NCTA submits that the selection of the 9 meter antenna as a standard was a relatively arbitrary choice and is not applicable to distribution systems such as satellite/cable operations. In reply to those parties claiming a potentially adverse impact on the development of terrestrial facilities in these bands that might result from a proliferation of small antennas, NCTA points out that these bands are shared on a co-equal basis by both services and argues that it would be unfair to use such an argument to block the development of domestic satellite communications.

24. In their Joint Statement, the cable companies state their belief that "the marriage of domestic satellite service and cable television's multi-channel facilities provides a most auspicious union for increasing the diversity and usefulness of future interstate communications." In view of the dynamic nature of this field, they believe the Commission should apply highly flexible and readily responsive policies and procedures to assure the most rapid development of new services. Since smaller antennas hold the promise of lower cost access to domestic satellite service, increasing the utility of such services in general, prompt and favorable action should be taken on the CATA petition.

25. HBO also urges the Commission to immediately issue a declaratory ruling that small diameter antennas meeting certain technical standards be routinely processed and granted without the need for any special showings. It suggests that a declaratory ruling is needed to reaffirm the Commission's existing policy that performance, not antenna size, is the key to approval of earth station applications, and to recognize that the Commission's performance standards can be met by television receive-only earth stations utilizing antennas smaller than nine meters thus removing the uncertainty concerning the "strong showing" required before such small earth stations will be licensed. HBO further states that the CATA petition is not requesting a new substantive rule for antenna performance nor does the small receive-only earth station pose greater restrictions on orbit utilization than those now posed by nine meter or greater antennas. HBO submits that its attached technical analysis of small antennas demonstrates that the use of such facilities would have no adverse impact on orbital spacing, spectrum conservation or the growth of other satellite services. With the installation of smaller, low cost antennas, additional programming can be economically and efficiently delivered to millions of additional cable system subscribers beyond those presently

[9] However, the Commission never intended this statement to imply that rulemaking is needed before such facilities can be authorized by the Commission.

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served through 10 meter or larger antennas. In addition, HBO argues that smaller antennas can be more easily and less expensively shielded from terrestrial interferences, as well as being more easily locatable at cable system head-end sites, with beneficial results on terrestrial station frequency usage. Smaller antennas would also have less of an impact on the environment.

26. The comments of AFC, Hughes, Microdyne and Prodelin consist primarily of technical analyses intended to demonstrate that use of smaller antennas would not have an adverse impact on orbital utilization. Western Union also supports CATA's request for a declaratory ruling to accord normal processing of applications for small earth stations if the antenna conforms to the antenna performance standards of § 25.209 of the Rules and Regulations and does not infringe on the Commission's guidelines for maintaining a 4 degree orbit spacing between adjacent satellites located in the geostationary arc. Western Union comments that the filings submitted by ABC, AT&T, GTE and NAB are not based upon technical analysis or factual proof, but are premised upon errors and misunderstandings.

27. AT&T in its reply comments fully supports the positions taken by ABC, GTE and NAB and states that a rulemaking limited only to the authorizing of receive-only small earth terminals would be unwarranted and inadequate. AT&T suggests that rather than conducting a limited proceeding, the CATA matter should be considered only as a part of a comprehensive rulemaking proceeding designed to achieve the most effective utilization of the spectrum and orbit, including consideration with regard to the terrestrial services which are authorized in the 4 and 6 GHz and other frequency bands, and that there should be an overall inquiry into domestic satellite allocation policies before earth stations using small antennas are authorized.

Discussion

28. Although the first domestic satellite service in this country was begun in late December 1973, it has only been in the last year that we have seen a rapid growth in the number of earth stations placed into operation. Apart from the Alaska bush stations, this growth has been generated primarily by the expanding use of domestic satellites for program distribution services. Thus, since *Florida Cablevision*, 54 FCC 2d 881 (1975), over a hundred receive-only earth stations have been authorized to cable television system operators, broadcasters and local carriers for program distribution purposes.

29. All of these receive-only earth stations authorized to date employ antennas 9 meters or more in diameter. ABC and the parties supporting its petition urge us to exclude smaller antennas from operations in the 4 and 6 GHz bands which are the only bands in which service is presently available from the domestic satellites now in orbit. They contend that the authorization of such smaller antennas would lead to inefficiencies in the use of the available orbit and spectrum in these bands to the point where potential users may not be able in the future to implement systems employing 10 meter or larger antennas in the 4 and 6 GHz bands. As a result, they contend that earth stations with antennas less than 9 meters in diameter should be authorized for operations only in other frequency bands, i.e. the 12 and 14 GHz bands.

30. CATA and the parties supporting its petition contend that small antennas do not necessarily result in inefficient use of the orbit and spectrum. In support of this position, they point to various technical analyses purporting to demonstrate that satisfactory receive-only operations with antennas as small as 4.5 meters in diameter do not require satellite orbital separations greater than those needed for 9 meter or larger antennas. While such facilities may not be capable of producing as high a quality of signal as larger antennas, they argue that the use of smaller antennas is still acceptable for public use. In view of the anticipated lower costs of such facilities, they contend that the public interest requires the authorization of such small antenna facilities in order to make the benefits of domestic satellite communications as widely available as possible, particularly in cases where the cost of larger antenna facilities can not be economically justified.

31. As we will explain below, a rule making proceeding is not needed to resolve this controversy. With certain clarifications, the domestic satellite policies we adopted in the course of the proceedings in Docket No. 16495 provide a clear and sound basis on which to treat the various issues raised by the parties in their filings on the two petitions under consideration here.[10] Accordingly, we will first review the technical licensing policies we have established for domestic satellite facilities. Following this review, we will then turn to the specific requests of ABC and CATA.

Technical Licensing Policies

32. In our First Report and Order in Docket No. 16495, 22 FCC 2d 86 (1970), we decided to accept applications for domestic satellite facilities from multiple entities. We stated that:

> [r]ather than attempting to prescribe arrangements for an initial program we believe it preferable to permit potential applicants to take the initiative in submitting concrete proposals for the Commission's consideration. 22 FCC 2d at 93.

We also set forth general procedures for the filing of such applications and certain technical criteria in Appendix D to that order, stating that:

> Pending the adoption of forms and fees and the promulgation of rules governing technical standards for domestic communication-satellite facilities, applications should be filed in accordance with the procedure and technical criteria set forth below and in the attached Appendix D. Applicants making proposals under the technical criteria specified herein may also submit alternative proposals, reflecting what would be requested if there were different technical constraints and showing how the alternative would better serve the public interest. 22 FCC 2d at 98.

Of direct concern here are the following technical criteria set out in Appendix D which are intended to insure that domestic satellite systems would be designed from the outset to achieve reasonably small inter-satellite orbital separations needed to accommodate multiple systems (22 FCC 2d at 135–136):

> (a) Applicant shall consider and submit details regarding the selection of the orbital longitude(s) for its proposed system. In such showing, applicant shall discuss and where appropriate determine the probability of interference between its proposed satellite system and other satellite systems which are either established or proposed systems. The effect of the applicant's proposed system on the overall utilization and management of the available orbital space should be considered and discussed in general and in specifics as to the minimum separation of satellites, use of frequencies, orthogonal feeds, polarization, station keeping, inclination, or other suitable standards that may be required in the future. Broad guidelines such as a 5 degree minimum separation between satellites and excursions in both longitude and latitude of ±0.5 degrees should be observed until more definitive standards can be determined.
>
> (b) The [earth station] transmitting antenna directivity in the plane of the geostationary orbit shall, as a minimum, be comparable to that of a parabolic antenna with a diameter of 9 meters operating at 6 GHz, and have a side lobe suppression of at least 25 dB.
>
> (c) The [earth station] receiving antenna directivity in the plane of the geostationary orbit shall, as a minimum, be comparable to that of a parabolic antenna with a diameter of 9 meters operating at 4 GHz, and have a side lobe suppression of at least 25 dB, unless a waiver has been granted.[11]

[10] With respect to the references of several parties to Docket 20271, it should be remembered that the question of small earth terminals was raised in that proceeding only in the context of long term requirements and how to best satisfy those requirements as part of our preparations for the 1979 GWARC. Questions relating to the use of small antennas in present or proposed domestic satellite systems were excluded from the proceedings in Docket No. 20271.

[11] Antenna directivity standards applicable to all earth station antennas have subsequently been specified in Section 25.209 of the Rules and Regulations. See Report and Order in Docket No. 19495, 40 FCC 2d 395 (1973). However, that proceeding was limited to questions dealing only with frequency coordination between earth station and terrestrial stations in shared frequency bands and did not contemplate resolving issues relating to inter-satellite interference or orbital separation. Thus, while we declined to adopt rule restrictions on minimum antenna size in that proceeding on the basis of earth station-terrestrial considerations, we did not supersede the 9 meter antenna size criterion specified in Appendix D to insure reasonable orbital spacings between domestic satellites in view of the close relationship between antenna size and inter-satellite interference levels. But the quoted antenna directivity and side-lobe suppression standards quoted above are no longer applicable in light of § 25.209 of the Rules and Regulations which now limits side-lobe levels in terms of a formula that is independent of antenna size.

The purpose of these criteria was to establish a reasonable compromise between economical earth station facilities and efficient orbit and spectrum usage. Thus, we did not intend to require very high cost INTELSAT standard 30 meter antenna facilities for domestic satellite operations, even though small orbital separations were possible if only such facilities were to be authorized. On the other hand, while much smaller antennas might have been desirable for their low costs, we did not believe the overall public interest would be served by the large orbital separations that seemed to be required to accommodate such facilities and the resulting loss in the number of satellite and amount of services available to the public.

33. Noting that "[t]echnical conflicts may arise in such areas as proposed orbital locations and frequency usage," we concurrently issued a Notice of Proposed Rule Making in Docket No. 16495, 22 FCC 2d 810 (1970), in order to:

> • • • set forth the subject matter and issue to which parties are to focus—namely, the technical or economic conflicts, if any, which exist or may arise between applicants in this area, and what policies are called for in light of any claimed conflicts.

Recognizing potential frequency usage problems that might arise in attempts to implement domestic satellite systems in the 4 and 6 GHz bands and the proposals of the United States to the then imminent 1971 World Administration Radio Conference regarding new allocations at higher frequencies, the Commission also issued a Further Notice of Inquiry and Proposed Rule Making in Docket No. 16495, 25 FCC 2d 718 (1970), requesting comments on the following questions:

> (a) How soon could equipment be available for the use of other frequencies for domestic communications satellite systems and what would be the approximate estimated cost?
>
> (b) How close to urban centers or other premises of potential end users of communications satellite services could earth stations be located if they were to use frequencies other than 4 and 6 GHz, considering any existing terrestrial use of these bands and the potential requirements of authorized terrestrial services?
>
> (c) What are the comparative economic and technological advantages and disadvantages of using the 4 and 6 GHz bands or other proposed bands for domestic communications satellite systems, including such factors as the size and cost of the earth station antennas, the physical characteristics and cost of the satellites, launch vehicles, the number of orbital locations for satellites capable of viewing all 50 States or only those in continental United States, system reliability and redundancy, and any other pertinent factors?

Thus, potential applicants and interested parties were given full opportunities to comment on, or propose alternatives to, the technical criteria contained in Appendix D to the First Report and Order.

34. Little, if any, opposition to these criteria was raised by the parties in Docket No. 16495. Instead, some eight system applications and 104 earth station applications were filed pursuant to the First Report and Order, supra, and the technical criteria set out in Appendix D to that order.[12] Except for the question of orbital separations between adjacent satellites, we therefore did not explicitly review or revise the technical criteria set out in Appendix D when we adopted our Second Report and Order, 35 FCC 2d 844 (1972). Instead, we set out our general policy objectives and the nature of the showings applicants would be required to make before we could find that a grant of their applications would serve the public interest. We stated that:

> Although • • • it is our intention to make such determinations with due regard for the unique circumstances involved here, each applicant must make a sufficient showing of potential public benefit to justify the assignment of orbital locations and frequencies. 35 FCC 2d at 851.

With respect to orbital separations between adjacent U.S. domestic satellites, we decided to adopt the staff's recommendation[13] that:

> The orbital locations for satellites authorized to utilize 4 and 6 GHz frequencies, in whole or in part, will be separated by no more than 3° (or allow for intervening assignments separated by 3°) unless good cause is shown for a wider separation.[14]

With respect to the request of the State of Alaska for a 6° orbital separation to meet the unique requirements of that state for small, inexpensive earth states, we noted that "advances in earth station technology may shortly make it possible to meet the performance specifications needed for 3° separations with earth station antennas of smaller diameter than 30 feet." 35 FCC 2d at 859.

35. However, it did not appear that the degree of frequency and polarization coordination assumed in the Second Report and Order, *supra*, to achieve a uniform 3° satellite spacing was available, in the specific domestic satellite systems that were in fact pursued by the applicants. As a result, we found a 4° spacing guideline more reasonable under current conditions. As we stated in *Western Union Telegraph Company*, 47 FCC 2d 275 (1974), authorizing the launch of the WESTAR II satellite:

> 4. As a preliminary matter we will address the question of orbital spacings. At the time of our various orders in Docket No. 16495 it was thought by the Commission that United States domestic satellites could be spaced three degrees apart in the geostationary orbit to prevent mutual interference and that any one of these satellites had to be five degrees from the Anik satellites of Telesat Canada. Based on current system characteristics and recent calculations made by system operators, the National Aeronautics and Space Administration and the Commission's staff, it appear that spacings on the order of four degrees will be required between most of the domestic satellites, and that five degree spacing from the Anik satellites will be satisfactory only if certain of the R.F. carriers are not on the same frequency as the susceptible carriers in the Canadian system. Such frequency coordination with Canada, in our view, will be practicable and is justified in the interest of keeping the satellite spacings as small as possible. In the event that smaller earth station antennas should be authorized, wider spacings may be required.
>
> 5. For these reasons, satellite spacings of four degrees, starting five degrees from the Anik satellite location of 104° west longitude will be used by the Commission as a basis for assigning satellite longitudes in the orbital arc east of the Canadian locations. These spacings are still only a guide. Spacings slightly smaller may be possible in some cases, and larger ones may be required in others, based on actual experience and measurements of satellites as they are manufactured and placed in orbit. Among the uncertainties at this time are the isolation that can be achieved by cross-polarization, the sidelobe levels of earth stations, and the use of small terminals.

These conclusions were based on technical analyses assuming the use of 10 meter or larger antennas and did not consider the potential impact of smaller diameter antennas.

36. To date, the Commission has authorized earth stations with antennas less than 9 meters in diameter for regular operations only under exceptional circumstances involving essential communications services where no other feasible alternative was available.[15] Thus, we have considered the use of small antennas at earth stations located in the remote, largely inaccessible locations of the Alaska bush for thin-route and "lifeline" type communications, *RCA Global Communications, Inc., et. al.*, 56 FCC 2d 660 (1975), and on an offshore oil drillings platform on which it is physically impossible to place a standard 9 meter antenna and which could not be served by existing terrestrial facilities, *Cities Service Oil Company, et. al.*, 51 FCC 2d 653 (1975).

37. To summarize, our technical regulation of domestic satellite facilities has been based on the establishment of the minimum technical standards necessary to insure the widest possible availability of high quality, innovative domestic satellite services pursuant to the policy objectives set forth in our Second Report and Order, 35 FCC 2d at 846–847. We have sought to avoid placing a priori restrictions on the design and operations of domestic satellite facilities, relying instead on applicants to come forward with concrete proposals, together with sup-

[12] Except for two earth station applications that were not later prosecuted, all of the proposed antennas were 9 meters or more in diameter. While several of the system applicants initially proposed operations in other than the 4 and 6 GHz bands, those applications which were in fact prosecuted were later amended to propose operations only in the 4 and 6 GHz bands.

[13] The staff's recommendation in this regard was based on technical advice from the National Aeronautics and Space Administration and assumes careful frequency and polarization coordination.

[14] Proposed Second Report and Order Recommended by the Chief, Common Carrier Bureau, 34 FCC 2d 9 at 72 (1972).

[15] Small antennas have also been authorized for developmental purposes on condition that no harmful interference be caused to other radio facilities and that operations be ceased immediately upon notification of interference.

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porting technical analyses, to demonstrate the public benefits of this new communications media. We have, however, found it necessary to closely examine the question of minimizing intersatellite orbital separations to the extent practical, including any necessary restrictions on earth station antenna size, to assure access to the geostationary orbit by present and future satellites to best serve the overall public interest.

DISCUSSION OF THE ABC PETITION

38. To briefly review, ABC is requesting the Commission to "now institute a rule making proceeding to establish a basic overall design for the development of those frequency bands allocated for domestic satellite services." [16] Is suggests that

> • • • efficient spectrum utilization contemplates that (a) 4/6 GHz satellite bands be used only for services utilizing large, high-gain antennas (30 feet) and (b) operations unable (or unwilling) to meet this requirement be assigned elsewhere (i.e., the 12/14 GHz band) • • • [17]

If the Commission does not now adopt such procedures, ABC asserts that the "consequences of such a course to the broadcasting industry in the not too distant future would be to foreclose it effectively from the use of the 4/6 GHz band to satisfy basic requirements." [18]

39. This petition and the arguments advanced by the parties supporting the type of proceeding proposed by ABC overlook the basic regulatory framework we established for domestic satellite communications in Docket No. 16495. As explained above, we decided that the public interest would be best served by providing potential users as wide a degree of flexibility as practical to develop and utilize domestic satellite facilities for existing and new types of services. We sought to avoid imposing unnecessary *a priori* restrictions on the design and operations of domestic satellite facilities. Instead, we encouraged potential applicants to submit concrete proposals for soundly engineered facilities which we would review and approve if found to be in the public interest. Nor did we intend to restrict the flexibility of potential satellite operators to choose the frequency bands allocated for satellite communications that were best suited to satisfying their service objectives. Given the advancing state-of-the-art in satellite technology and the diversity of potential service requirements that can be satisfied by satellite communications, we found it preferable not to exclude any potential user from accessing satellites that may be constructed and operated in any of the allocated frequency bands.

To the extent that frequency bands other than 4 and 6 GHz might be superior from a technical and/or operational point of view to a particular class of user, such users would have a natural technical and economic incentive to utilize satellite systems operating in those bands when such systems become available. However, we see no public interest to be served at this time by denying access to such users in the 4 and 6 GHz bands when satellite systems operating in other frequency bands are not presently available, provided that the design and operation of such facilities satisfy the technical criteria we have established for these bands.

40. Our primary technical objective is to insure the widest availability of domestic satellite service to potential users by requiring that domestic satellite systems be designed from the outset to achieve reasonably small orbital separations between satellites. Thus, we adopted a minimum antenna size of 9 meters as the generally applicable criterion for accomplishing this objective in view of the critical relationship between antenna size and required intersatellite orbital separations. In doing so, however, we did not preclude the authorization of soundly engineered but smaller antennas in the 4 and 6 GHz bands, but only required that the use of such facilities would not constrain either our efforts to achieve reasonably small orbital separations or the flexibility of space segment operators to reconfigure transponder traffic assignments to best serve their customers.

41. ABC, as well as GTESC in its proposed alternatives, would have us revise our domestic satellite policies to make antenna size the primary criterion of acceptability for licensing in the 4 and 6 GHz bands. Such a myopic approach to the regulation of domestic satellite facilities was not contemplated in the proceedings in Docket No. 16495 which sought to provide as wide a degree of flexibility in the design and operation of domestic satellite facilities as was consistent with the requirement to achieve reasonably small inter-satellite orbital spacings. To the extent that this goal can be achieved with well engineered facilities using antennas less than 9 meters in diameter, precluding the use of such facilities in the manner proposed by ABC would be inconsistent with the domestic satellite policy objectives we adopted in our Second Report and Order.

42. Underlying the ABC Petition also appears to be a concern that the broadcasting industry might not be able to implement a program distribution system in the 4 and 6 GHz bands if and when they decide to do so in the future. Of course, we can not guarantee any particular user that sufficient satellite capacity in these bands will in fact be available for its specific use at some future date in view of the inherent limited nature of this orbit and spectrum resource and the growth in demand for domestic satellite services by all types of users. What we have done, however, is to establish the basic technical framework described above to achieve as large a supply of satellite capacity as practical in the 4 and 6 GHz bands by limiting orbital separations between satellites to reasonable values. In this way, we seek to maximize the opportunities for the early acquisition of technical, operational, and marketing data and experience in the use of this technology as a new communications resource for all types of services. 35 FCC 2d at 846.

In view of this objective, we would find it incongruous to initiate a proceeding like the one proposed by ABC, which could have the effect of delaying or denying the opportunity of applicants who are presently willing and ready to construct and operate facilities in the 4 and 6 GHz bands meeting our technical requirements, in order to assure future access to domestic satellites in these bands by other potential users who have yet to decide whether or not they are interested in establishing such systems.

43. Thus, even if the available 4 and 6 GHz transponder capacity were to become fully utilized by the time ABC or other broadcasters were in fact ready to implement a program distribution network, this would not be a result of our authorization of what ABC characterizes as substandard earth stations, i.e., those with antennas less than 9 meters in diameter. Rather, it would only reflect the actual benefits of domestic satellite communications to all segments of the public demonstrated by the growth in the number of transponders in actual use to provide service to all types of users. We therefore find no public interest to be served by excluding potential users whose facilities satisfy the technical criteria set forth above from use of the 4 and 6 GHz bands solely on the basis of the size of the antennas they propose to use. Accordingly, the ABC Petition will be denied.

DISCUSSION OF THE CATA PETITION

44. CATA asks the Commission to issue a declaratory ruling or institute a rule making proceeding looking towards the authorization of antennas less than 9 meters in diameter by cable television systems for program distribution. As we have explained above, our domestic satellite policies do not preclude and have never precluded the authorization of such facilities if certain showings can be made. Thus, the authorization of such facilities does not imply a substantive change in practice requiring prior rule making as argued by ABC, GTESC and NAB. Rather, a declaratory ruling is an appropriate means pursuant to § 1.2 of our Rules and Regulations and Section 554(e) of the Administrative Procedure Act to resolve the outstanding controversies and remove uncertainties surrounding the licensing of such facilities. In issuing this decision, we are only clarifying the nature of the showings and information which we would consider to be an acceptable demonstration that proposed small earth antennas would satisfy the technical objectives we have previously set forth for domestic satellite communications.

45. In addressing this question, it must be emphasized that the desire of a potential user to utilize an earth station antenna less than 9 meters in diameter is not the sole criterion of whether such a facility is acceptable for licensing in the 4 and 6 GHz bands. It is incumbent on him to demonstrate, on the basis of sound engineering analyses, that the proposed facilities will satisfy the required performance objectives of the user and would not impose additional restraints on the flexibility of satellite operators to satisfy the domestic satellite communications needs of customers using 9 meter or larger antennas. In particular, we must also be assured that our objective of achieving reasonably small inter-satellite orbital separations for earth stations with standard size antennas would not be frustrated by authorizing the use of small antennas.

46. The nature of the showings contemplated in Docket No. 16495 and our previous statements concerning this issue [19] will be set forth in greater detail below. Assuming these requirements are satisfied by the applicant, we see no public interest to be generally served at this time by requiring further showings regarding the comparative quality or quantity of service obtained through such facilities relative to that obtainable from 9 meter or larger antennas. Nor do we find it essential to continue to limit the availability of small antennas that fully comply with these standards only to situations involving essential communications services. In our view, the public interest in efficient orbit and spectrum utilization would not be adversely affected by permitting the use of soundly engineered small antenna facilities that meet the performance objectives for the particular communications requirements of the user under the terms and conditions set forth below.

47. Before turning to the question of the types of showings that will be required for the licensing of small antennas, we will first address two issues raised by parties commenting on these petitions. One issue is the impact on terrestrial facilities operating in the 4 and 6 GHz bands that might result from a proliferation of small antennas. The second relates to the suggestion that licensing of receive-only stations be made optional at the sole discretion of the station operator.

IMPACT ON TERRESTRIAL FACILITIES

48. Several parties argue that the authorization of small antennas would lead to a proliferation of earth stations in the 4 and 6 GHz bands which would be detrimental to the use of these bands by terrestrial microwave systems. We find no merit in this argument. As pointed out by NCTA in its Reply Comments, these bands are shared on a coequal basis by both the terrestrial and satellite services. Thus, we have established a prior coordination mechanism for these bands in Parts 21 and 25 of our Rules and Regulations to assure equitable use of these frequency bands by stations in both services. The authorization of an earth station necessarily restricts the flexibility of terrestrial operators in siting point-to-point microwave facilities in the vicinity of the earth station in the same manner that our authorization of terrestrial facilities restricts flexibility in siting earth stations. However, this situation is inherent to the shared usage of these bands by terrestrial and space services and is not a sufficient reason for precluding growth in the usage of these bands by either service.[20]

49. It should be noted that we expressed initial concern in our First Report and Order regarding the feasibility of actually implementing domestic satellite systems in the 4 and 6 GHz bands because of the terrestrial congestion that even then existed. However, the past few years have dispelled these concerns in light of the numerous earth stations that have since been successfully coordinated and placed into operation in these bands without harmful interference. Moreover, as pointed out in the comments, various techniques are available to a potential earth station operator to reduce the potential of interference under the particular circumstances encountered.[21]

50. In view of the public interest to be served by the availability of both terrestrial and earth station facilities in the 4 and 6 GHz bands, we find no reason to restrict the growth of either type in these bands. Our prior coordination procedures adequately protect existing and planned frequency usage of these bands by both services. Thus, any growth in the use of these bands by domestic satellite earth station facilities under these procedures will result in a more intensive utilization of these bands which only reflects the public demand for domestic satellite communications.

LICENSING RECEIVE-ONLY EARTH STATIONS

51. It has also been suggested in the pleadings on the CATA Petition that licensing of receive-only earth stations be made optional at the discretion of the operator. We believe it necessary to address this point here. Our decision to individually license receive-only earth stations was set forth in our First Report and Order, *supra* where we stated:

> We think that receive/only stations must be licensed by the Commission if they are to be protected from interference, and also to assure the quality of service intended for use by the public.

While neither our power to require licensing of these types of receive-only earth stations, nor the need for a licensing procedure to provide protection from interference is at issue here, questions were raised concerning the desirability of continuing to require earth station operators to obtain protection from interference.

52. As noted above, receive-only earth stations are subject to harmful interference from terrestrial transmitters in the 4 GHz band. If receive-only earth stations are placed into operation in a maner that does not insure freedom from interference at the outset, users would come to rely on the availability of facilities whose usefulness can be suddenly terminated due to harmful interference. We are not convinced that the public interest woud be seved by allowing such situations to arise when our present prior coordination and licensing procedures are available to prevent such occurrences from arising in the future. This is particularly true when the earth stations is being used to receive program material to be distributed to end viewers by terrestrial means such as cable television systems. We do not see how the earth station operator can fulfill his public service responsibilities in such cases by placing himself in a position where his ability to serve the public can be jeopardized by harmful interference to his earth station facilities. Therefore, as we previously stated, we will require receive-only earth station operators to follow our prior coordination and licensing procedures.

53. We recognize, however, that some degree of flexibility should be provided to potential earth station operators to execise sound engineering judgment in assessing the acceptability of particular interference conflicts or in choosing among available alternatives to eliminate such conflicts.[22] An additional measure of flexibility to choose among available types of well engineered earth station facilities that satisfy the licensee's service requirements is also consistent with our domestic satellite polilces. However, this flexibility to the licensee to exercise his own engineering judgment in specific and isolated cases can not be extended without limit to the overall design of domestic satellite facilities or the licensee's basis ability to meet his public service responsibilities through the proposed facilities.

DECLARATORY RULING

54. As we have previously explained above, our domestic satellite policies do not necessarily preclude the authorization of earth station antennas less than 9 meters in diameter in the 4 and 6 GHz bands. What is necesary is to clarify this matter by setting forth the general types of technical information and showings that are required before such facilities can be authorized by the Commission. In the next section, we will apply these

[16] ABC Petition at page 1.
[17] *Id.* at page 25.
[18] *Id.* at page 28.

[19] See *Second Report and Order*, *supra* at 859; *Cities Service Oil Company, et. al.*, 51 FCC 2d 653, 667–669 (1975); *UA-Columbia Cablevision, Inc., et. al.*, 55 FCC 2d 656, 660 (1975); and *RCA Global Communications, Inc., et. al.*, 56 FCC 2d 660, 690–691 (1975).

[20] It should be noted that while the authorization of one terrestrial station may preclude the authorization of another terrestrial station nearby because of interference between the two, an earth station can not interfere with another except indirectly through adjacent satellite interference. This is because the earth stations transmit in one band (6 GHz) and receive in a different one (4 GHz). Thus, earth stations can be sited directly adjacent to each other without interference.

[21] This includes artificial site shielding and interference cancelling techniques.

[22] As an example of this flexibility, see § 25.252(c) of the Rules and Regulations.

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general considerations to the specific case of small antennas to be used for the reception of program material to be distributed to end viewers by cable television systems within the 48 contiguous states.

55. As stated above, it is our intent to avoid imposing unnecessary *a priori* technical contraints on the design and operation of high quality domestic satellite facilities and communications links available to potential users. In this way, we seek to provide the opportunity to potential licensees to develop innovative and well engineered facilities and services that can demonstrate in practice the unique potential of domestic satellite communications to better serve the public interest in efficient and economical telecommunications. On the other hand, this flexibility must be constrained by the need to design and operate these domestic satellite facilities in a manner that insures as great an availability of domestic satellite capacity as practical to potential users by multiple suppliers by achieving reasonably small inter-satellite orbital separations. Moreover, in view of the dynamic nature of domestic nature of domestic satellite communications, flexibility must be retained to relocate satellites from their initial orbital locations as required in the public interest and to reconfigure transponder traffic assignments as required by the satellite operator to best serve the public. This overall flexibility in space segment operations should not be limited by constraints imposed by individual earth stations.

56. The 9 meter minimum size criterion [23] for domestic satellite earth station antennas set forth in Appendix D to the First Report and Order is intended to insure that domestic satellite systems operating in the 4 and 6 GHz bands will be designed from the outset in a manner that reasonably achieves these objectives without requiring excessively high cost facilities. While we initially sought to achieve a satellite spacing no greater than 5 degrees in our First Report and Order, a 3 degree spacing was found to be achievable in our Second Report and Order, if careful frequency and polarization coordination were performed between adjacent satellites. Since such careful coordination was not possible between the first generation of domestic satellites, we later found that the actual satellites, utilizing only 9 meter or larger earth stations antennas, could be spaced 4 degrees apart provided that a limited degree of frequency coordination is performed by satellite operators to avoid certain worst case situations.[24] [25] Given the present state-of-the-art in satellite and earth station technology, the 9 meter and larger earth station antennas authorized to date have achieved to the extent practical the technical objectives set forth above.

57. We recognized that there are applications of domestic satellite communications in the 4 and 6 GHz bands which can be implemented with earth station antennas less than 9 meters in diameter. Of particular concern here are those cases where the user's primary objective is to minimize the cost of earth station facilities by using a smaller antenna and foregoing the higher signal quality and reliability available with a conventional 9 meter antenna.[26] We do not believe that the public interest would be served by denying the user the opportunity of making such a choice. But before granting a license to operate such earth station facilities, we must first be asured that the station will be designed and operated in a manner that will achieve the applicant's stated service objectives and that the use of such a small antenna would in no case be the limiting factor in achieving small inter-satellite orbital spacings or impose additional constraints on flexibility of transponder usage.

58. In making such a showing, the applicant must clearly state the overall performance objectives to be achieved for each type of communicaions link to be operated through the proposed facilities. The overall performance objectives must then be broken down into the objectives to be met for each source of signal degradation to be encountered (e.g. uplink and downlink thermal noise, intermodulation noise, intra-satellite interference, terrestrial interference, inter-satellite interference, etc.), together with the necessary technical calculations demonstrating that each of these individual objectives will be satisfied by the proposed facilities. We do not believe it necessary or desirable for the Commission to prescribe specific performance objectives at this stage in the development of domestic satellite communications. Applicants may rely on relevant CCIR reports and recommendations and on other recognized industry standards or where such standards are either not existent or inapplicable, alternative performance objectives can be advanced by the applicant. Sound engineering practices must be demonstrated to insure that the facilities will provide the quality of service required.

59. With respect to potential inter-satellite interference, the applicant must examine each type of existing or planned r.f. carrier transmitted over any type of authorized or proposed domestic satellite at an orbital separation of 4 degrees to insure that the proposed small antenna will neither receive nor cause unacceptable levels of interference assuming co-channel operations. Calculated interference levels may be expressed in whatever terms (e.g. carrier-to-interference ratios, picowatts, etc.) are most appropriate to the circumstances under consideration. However, the relationship between these levels and the output signal quality of the channel from the earth station must be clearly stated. Advantages due to cross-polarization between adjacent satellites may be used where available.[27] Until a greater degree of experience is available, we believe it preferable not to specify at this time further details on the precise assumptions and methodology to be employed in making such analyses, except to require that the best available engineering information and procedures be employed in the particular circumstances.

60. We will not require that a detailed showing be made for each individual small earth station antenna, but will entertain prototype comprehensive analyses for a specific type of operation anywhere within the coverage area of a satellite. However, in such cases, the technical analysis must clearly identify the range of performance obtained within the coverage area from best to worst case conditions. Our determination of the general acceptability for licensing of small antennas in such cases will be based on the nominal case conditions if it is shown that suitable arrangements can be made for acceptable operations under worst case conditions. Having accepted a showing in the general case, we would then routinely process applications meeting the underlying technical assumptions on which the prototype showing was made. However, applicants encountering worst case conditions would be required to adopt appropriate measures, based upon their own engineering judgment, to ensure that their proposed facilities will in fact produce a level of performance which is acceptable.

61. The Commission will review such showings and request such additional information as necessary to insure that the

[23] Although Appendix D is phrased in terms of directivity, we find it appropriate to apply this 9 meter standard in terms of physical aperture in light of the subsequently adopted sidelobe performance requirements set forth in Section 25.209 of the Rules and Regulations. However, it was announced as and has remained a comparability standard rather than an absolute size limitation (see Para. 32).

[24] In particular, transmission of an analog television signal over one satellite on the same frequency transponder that an adjacent satellite is carrying single channel per carrier or other multiple access transmissions.

[25] It should also be recognized that domestic satellite facilities are subject to interference from radio facilities operated in other countries, and additional constraints might be necesary in particular cases to avoid interference between radio stations operated by U.S. entities and those of other administrations. However, such conditions will be resolved on a case-by-case basis pursuant to existing international coordination procedures.

[26] Of course, a licensee's objective to minimize earth station costs does not in itself override a licensee's common carrier or other public service obligations that are to be satisfied by the proposed facilities.

[27] Until measured data is available, values for cross-polarizaion discrimination should not exceed 4 dB for the RCA SATCOM satellite and 6 dB for the ANIK, COMSTAR and WESTAR satellites.

proposed operations satisfy the objectives we have set forth above. In issuing authorizations for small antenna earth station facilities, the Commission will limit the operations of the station to only those specifically addressed in the technical analysis. Additional terms and conditions may be imposed as required to further these objectives. The Commission will endeavor to maintain a current compilation of the technical data needed to perform the type of analyses described above and will require domestic satellite licensees to submit any data regarding their satellite operations required in this regard. It is anticipated that these procedures will be further refined as experience is gained in the future.[28]

Authorization of Small Antennas for Cable Television Systems

62. Several parties supporting the CATA Petition have submitted technical analyses purporting to demonstrate that antennas as small as 4.5 meters are acceptable for use by cable television systems within the 48 contiguous states [29] for reception of program material distributed by domestic satellite. None of the parties opposing the CATA Petition have raised any objections to the technical details of the analyses presented by the parties supporting the CATA Petition. Since we have already disposed of their other objections, the remaining issue to the decided is whether an adequate showing has been made to satisfy the technical criteria and objectives set forth above.

63. We have reviewed the various technical information and analyses submitted by various parties in support of the CATA Petition and, in the attached Appendix, we present our assessment of the acceptability of antennas as small as 4.5 meters for cable television systems in a form that is consistent with the guidelines set forth above. For this purpose, we have assumed nominal performance and interference objectives which HBO and others suggest would provide acceptable signal quality for cable television systems. Specifically, we consider the feasibility of employing 4.5 meter antennas to achieve a 14 dB carrier-to-noise ratio,[30] which provides a 3 dB margin over the 11 dB FM threshold of conventional receivers, and an 18 dB carrier-to-interference ratio with 4 degree satellite separations.[31] It is not our intent, however, that these particular values be established as concrete standards that must be met by each individual earth station. Rather, these values are used in our analyses as being representative of the type of good engineering design practices on which our general evaluation of such proposals must be based. It is particularly difficult to establish concrete performance objectives for television signals because of the highly subjective nature of the perceived effects of thermal noise and interference.

64. The carrier-to-noise ration achievable by a given size of earth station antenna depends primarily on the receiver noise temperature [32] and the radiated power of the satellite towards the earth station. With the domestic satellites currently in operation, achieving a 14 dB carrier-to-noise ratio with a 4.5 meter antenna at many, if not most, locations in the 48 contiguous states is technically feasible if a sufficiently low noise receiver is employed at the earth station. However, the technical analyses submitted in support of the CATA Petition overestimate the performance that can actually be achieved in practice by 4.5 meter antennas due to their exclusion of various types of miscellaneous losses and variations between the radiated powers of different satellites. These variations can in some circumstances exceed the assumed margin above FM threshold if the low noise receiver were selected only on the basis of the highest power satellite and free space propagation loss, and it is agreed that unacceptable performance will result when the received carrier-to-noise ratio falls below FM threshold. In some cases, receivers with FM thresholds extended down to an 8.5 dB carrier-to-noise ratio might be used, although the resulting signal-to-weighted noise ratio will be less than that achieved by receivers with 11 dB FM thresholds. However, the carrier-to-noise ratio actually received at the earth station (including miscellaneous losses and variations in satellite power) should exceed the FM threshold of the earth station receiver by at least 1 to 2 dB, and simultaneously furnish a minimum 36 dB S/N ratio at the subscriber terminals as specified in § 76.605(a)(9) of the Rules and Regulations.

65. In analyzing the effects of inter-satellite interference, most of the parties calculate received interference levels on the basis of an assumed model consisting of five specific satellites to compute an aggregate intersatellite interference level. However, use of such a model may overlook other particular configurations of satellites which could cause the interference levels to be exceeded in those cases. It is therefore necessary that intersatellite interference be calculated on a single entry basis for each possible pair of desired and interfering satellites, with a suitable adjustment to convert the carrier-to-total interference objective identified above into a single entry criterion. When this analysis is performed, it appears that the carrier-to-interference objective will be satisfied for present domestic satellites if the earth station sidelobe levels do not exceed the envelope defined in § 25.209 of the Rules and Regulations.

66. In review, it does not appear that the stated nominal objectives will in fact be satisfied under all worst case conditions by 4.5 meter antennas. Careful engineering consideration will have to be given by the licensee to the specific circumstances existing at his particular location, particularly with respect to the choice of antenna size and the low noise receiver to be employed at his station. Moreover, he will also have to assess the various tradeoffs in his particular case between antenna size, receiver noise temperature, FM threshold, desired performance and the cost of his facilities. However, it appears that the required performance and interference objectives can generally be met for many, if not most, locations within the 48 contiguous states by antennas as small as 4.5 meters in diameter with an appropriately chosen low noise receiver. This assumes that the licensee will exercise good engineering judgment in the selection of the appropriate type of facilities required in his particular circumstances.

67. It therefore appears that the use of 4.5 meter antennas for reception of programming material by cable television operators within the 48 contiguous states will not in general adversely affect required satellite orbital spacings and the quality of service generally offered to the public served via such earth stations facilities. We cannot, however, make at this time any findings that this will in fact be the case for any particular earth station. Each potential earth station operator must evaluate the precise circumstances that exist in his location and employ sound engineering judgment in selecting the type of facilities best suited for his application. In order to demonstrate the acceptability of a receive-only earth station antenna between 4.5 [33] and 9 meters in diameter for cable television use, an applicant for such facilities will have to include certain supplemental information in its application to demonstrate that acceptable performance objectives can in fact be achieved by their proposed facilities under their particular circumstances. At a minimum, this should include (a) the make, model number, noise temperature and FM threshold of the receiving equipment to be employed, (b) a detailed calculation of the overall receiving system noise temperature identifying all relevant noise contributions, (c) for each satellite from which signals are to be received at the

[28] In particular, some variation in the methods employed in performing such analyses [e.g. use of additional discrimination due to frequency interleaving between r.f. carriers] may be warranted in cases involving essential communications that can be provided only by means of small antennas.

[29] Since the offshore areas of Alaska, Hawaii and Puerto Rico may be served by different satellite antenna feeds, additional analyses are required in this regard before the determinations reached below can be extended to these points.

[30] If this carrier-to-noise ratio is in fact achieved under actual operating conditions, a 52 dB signal-to-weighted noise ratio will result with the type of modulation parameters currently employed to distribute programming by domestic satellite.

[31] According to some subjective evaluations, the effects of interference were first detectable at this carrier-to-interference level.

[32] In the general sense, the received carrier-to-noise ratio is proportional to the ratio between the antenna gain (i.e. size) and the receiving system system noise temperature.

[33] With respect to horn antennas, such types of antennas with apertures as small as 14 feet will be considered to fall within this range for routine processing.

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station, a detailed link calculation of the video and audio signal-to-noise ratios to be achieved assuming appropriate values of miscellaneous losses in addition to free space propagation loss and (d) a statement of the licensee's desired carrier-to-interference ratio objectives for terrestrial and inter-satellite interference. Assuming cable television operators exercise sound engineering judgment in the selection of the equipment to be used at proposed receive-only earth stations, we can, however, conclude that such use of earth station antennas as small as 4.5 meters in diameter can generally be expected to satisfy the technical criteria established for domestic satellites and that no public interest would be served by denying potential licensees from availing themselves of the use of such facilities under these circumstances.

ORDER

68. Accordingly, for the reasons set forth above, *It is ordered* That the petition (RM–2614) of the American Broadcasting Companies captioned above is denied.

69. *It is further ordered* That the request of the Community Antenna Television Association (RM–2725) captioned above is granted to the extent set forth above.

70. *It is further ordered* That applications filed by cable telcvision system operators proposing the use of 4.5 meter or larger antennas within the 48 contiguous states for reception of television programming material distributed by domestic satellites will be routinely processed in the future in accordance with the conditions set forth above.

FEDERAL COMMUNICATIONS COMMISSION,[34]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–1074 Filed 1–11–77;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES COOK TERMINAL COMPANY, INC. AND COOK INDUSTRIES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D. C. 20573, on or before January 24, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Carl S. Parker, Jr., Traffic Manager, Board of Trustees of the Galveston Wharves, 802 Rosenberg, P.O. Box 328, Galveston, Texas 77550

Agreement No. T–2814–3/T–2814–A–3/T–2814–B–2 (hereinafter referred to as "Amendment") is a single document which modifies three separate agreements relating to the construction, lease and guarantee of a materials handling facility at Galveston, Texas: (1) Agreement No. T–2814, which is between the Board of Trustees of the Galveston Wharves (Galveston) and Cook Terminal Company, Inc., (Cook), and provides for Galveston's construction of a materials handling facility to Cook's specifications for the warehousing, storage, conditioning and shipping of bulk commodities; (2) Agreement No. T–2814–A, which is also between Galveston and Cook and provides for the lease of this facility to Cook; and (3) Agreement No. T–2814–B, which is between Galveston and Cook's parent company, Cook Industries, and provides for the guarantee of Cook's obligations to Galveston under Agreement No. T–2814–A, above.

The purpose of the Amendment is to take formal note of certain events which have occurred since the original execution of Agreements Nos. T–2814, T–2814–A and T–2814–B and of facts which now exist. To accomplish this, the Amendment: (a) deletes the third sentence of Paragraph III of Agreement No. T–2814, and all of Paragraphs VII through XI of Agreement No. T–2814; (b) amends the first sentence of Agreement No. T–2814 to provide that Galveston's financing of its acquisition of the facility, the payment of any remaining costs of constructing the facility and the payment of costs associated with the issuance of bonds shall be accomplished through Galveston's prompt issuance and sale of its City of Galveston, Texas, Special Contract Revenue Bonds, Series 1976; (c) amends Paragraph XIV of Agreement No. T–2814 to provide for the amounts payable by Cook in the event of the agreement's termination; and (d) amends all references in Agreements Nos. T–2814–A and T–2814–B to "City of Galveston, Texas, Special Contract Revenue Bonds, Series 1975", to refer to "City of Galveston, Texas, Special Contract Revenue Bonds, Series 1976."

By order of the Federal Maritime Commission.

Dated: January 7, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77–1079 Filed 1–11–77;8:45 am]

CERES, INC. AND TRI-STATE TERMINALS, INC.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 1, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Robert Stack, President, Ceres, Incorporated, 12800 Butler Drive, Chicago, Illinois 60633.

Agreement No. T–3397, between Ceres, Incorporated (Ceres) and Tri-State Terminals, Inc., (Tri-State), provides for the sublease to Tri-State of those premises leased by the Indiana Port Commission (Port) to Ceres in FMC Agreement No. T–3310. The premises to be subleased to Tri-State include Transit Shed No. 2 at Burns Waterway Harbor together with the free, unimpeded and exclusive use of the wharfage and trucking concourse adjacent to the leased premises. The facility is to be operated as a ship, barge, railroad and truck terminal and warehouse. As compensation, the Port is to receive $100,000 annually. Tri-State is also required to collect and pay to Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff.

Agreement No. T–3398, also between Ceres and Tri-State, provides for the sublease to Tri-State of those premises leased by the Port to Ceres in FMC Agreement No. T–3311. The premises to be subleased to Tri-State include Outside Storage Area No. 2 (comprising 4.36 acres) at Burns Waterway Harbor, together with the free, unimpeded and exclusive use of the wharfage and trucking concourse adjacent to the leased premises. The facility is to be operated as a ship, barge, railroad and truck terminal and storage facility. As compensation, the Port is to receive $20,000 annually. Tri-State is also required to collect and pay to the Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff.

Dated: January 7, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77–1078 Filed 1–11–77; 8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. CS77–179, et al]

PALEO, INC., ET AL

Applications for "Small Producer" Certificates[1]

JANUARY 4, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 28, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Filing date	Applicant
CS77–179	Dec. 17, 1976	Paleo, Inc., Suite 205, May Ex Bldg., 3022 Northwest Expressway, Oklahoma City, Okla. 73112.
CS77–195	do	Lynn D. Miller, 1720 Eye St. NW., Suite 400, Washington, D.C. 20006.
CS77–196	Dec. 20, 1976	Ann S. Wallbaum, P.O. Drawer B, Shreveport, La. 71161.
CS77–197	Dec. 17, 1976	L. Marie Jarratt, P.O. Drawer B, Shreveport, La. 71161.
CS77–198	do	R. R. Ebarb, P.O. Drawer B, Shreveport, La. 71161.
CS77–199	do	A. T. Dickerson, P. O. Drawer B, Shreveport, La. 71161.
CS77–200	do	R. & H. Account, P.O. Drawer B, Shreveport, La. 71161.
CS77–201	do	Lena A. Funderburk, P.O. Drawer B, Shreveport, La. 71161.
CS77–202	do	LBJ Petroleum, Inc., P.O. Drawer B, Shreveport, La. 71161.
CS77–203	do	Hugh Wells, P.O. Drawer B, Shreveport, La. 71161.
CS77–204	do	Charlie Hairston, P.O. Drawer B, Shreveport, La. 71161.
CS77–205	do	Melda B. Webb, P.O. Drawer B, Shreveport, La. 71161.
CS77–206	do	E. R. Musgrave, P.O. Drawer B, Shreveport, La. 71161.
CS77–207	do	Ray P. Oden, Sr., P.O. Drawer B, Shreveport, La. 71161.
CS77–208	do	Martin B. Sereteau, P.O. Box 1248, Dalton, Ga. 30720.
CS77–209	do	Ray B. Vaughters, 3453 Knollwood Dr. NW., Atlanta, Ga. 30305.
CS77–210	do	Harriet J. Cairon, 180 Farm Rd., Woodside, Calif. 94062.
CS77–211	do	The Grayrock Corp., 606 Mercantile Dallas Bld., Dallas, Tex. 75201.
CS77–212	do	Robert J. Sullivan, Jr., 2446 East 46th Pl., Tulsa, Okla. 74105.
CS77–213	do	Clifton Loudia Oil & Gas Co., R.2, Box 2–A, Harrisville, W. Va. 26362.
CS77–214	do	Ross & Wharton Gas Co., P.O. Box 173, Coalton, W. Va. 26257.
CS77–215	do	Robert E. Litman, P.O. Box ....., New Martinsville, W. Va. 26155.
CS77–216	do	Ben P. McCarley, 7230 Elmridge, Dallas, Tex. 75240.
CS77–217	do	R. J. Sullivan and Theresa M. Sullivan, 2118 East 29th St., Tulsa, Okla. 74114.
CS77–218	do	Frayley Oil Co., Inc., 300 South Main St., Borger, Tex. 79007.
CS77–219	do	Harlow Sprouse, P.O. Box 9158, Amarillo, Tex. 79105.
CS77–220	Dec. 20, 1976	Edward H. Hill, P.O. Box 9158, Amarillo, Tex. 71905.
CS77–221	do	Jerry F. Lyons, P.O. Box 9158, Amarillo, Tex. 79105.
CS77–222	do	Winston R. Smith, P.O. Box 9158, Amarillo, Tex. 79105.
CS77–224	do	Lenore M. Deem, Agent, 101 East Main St., Harrisville, W. Va. 26362.
CS77–225	do	Do.
CS77–226	do	W. A. Deem, R.F.D. 2, Harrisville, W. Va. 26362.
CS77–227	do	Tracey H. McCarley, Jr., 333 Bentel Ave., Los Angeles, Calif. 90049.
CS77–228	do	James F. Scott, P.O. Box 112 Salem, W. Va. 26426.
CS77–229	do	Theodore J. Manchak, 1775 The Exchange, Suite 360, Atlanta, Ga. 30339.
CS77–230	do	The Lavelle Webster Trust, 12334 Overcup, Houston, Tex. 77024.
CS77–231	do	Frank Taylor Webster, 12334 Overcup, Houston, Tex. 77024.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.77–853 Filed 1–11–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Meeting Correction

In FR Doc. 76–36753 appearing at page 54815 in the issue of Wednesday, December 15, 1976, the time for the January 24–26 meeting of the National Advisory Mental Health Council should be changed from 9:30 a.m. to 9:00 a.m.

Dated: January 6, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77–1045 Filed 1–11–77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Agency: National Advisory Council on Indian Education.

Action: Notice.

Summary: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

Dates: Meetings: January 27, 28, and 29, 1977, 9:00 am to 5:00 pm.

Address: Marriott Hotel, 180 West Broadway, Tucson, Arizona 85701.

For further information contact: William Floyd, Office of Education, Department of Health, Education, and Welfare, FOB 6, Room 4047, 400 Maryland Ave. SW., Washington, D.C. 20202 (202–245–8060).

[34] See separate statement of Commissioner Washburn and Appendix filed with original document.

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The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of P.L. 92–318, (20 U.S.C. 1221g).

The Council is directed to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, Title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 874, Eighty-first Congress), as added by this Act, section 810 of Title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Advisory Council's recommendations to the Commissioner with respect to the funding of any such programs.

The Council, pursuant to the authority contained in section 441(a) of P.L. 92–318, (20 U.S.C. 1221f), shall submit a list of nominees from which the Commissioner of Education shall appoint a Deputy Commissioner of Indian Education.

The meeting on January 27, 28, and 29, 1977, will be open to the public beginning at 9:00 a.m. and ending 5:00 p.m. each day, except as otherwise noted in the next paragraph of this notice. This meeting will be held at the Marriott Hotel, Tucson, Arizona.

The Proposed agenda includes:

(1) Executive Director's Report
(2) Action on previous meeting minutes
(3) Executive Committee Report
(4) Committee discussions and reports
(5) Plans for NACIE IV Annual Report
(6) Review NACIE FY '77 Budget
(7) Special Reports
(8) Plans for future NACIE activities
(9) Regular Council Business

The sessions on Thursday, January 27, 1977 from 9:00 a.m. to 12:00 p.m. and Saturday, January 29, 1977 from 9:00 a.m. to 3:00 p.m. will be closed to the public to review applications for the position of Deputy Commissioner of the Office of Indian Education that must be held in confidence, under the authority of Section 10(d) of the Federal Advisory Committee Act (P.L. 92–463) and under the exemptions contained in the Freedom of Information Act, Section 552(b) (2) and (6) of Title 5 U.S.C., (P.L. 90–23), 45 CFR § 5.71(a) and § 5.71(c). Discussion of the applications will include consideration of the qualifications and fitness of the candidates and will touch upon many matters which would constitute a serious invasion of privacy if conducted in an open session.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Room 326, Washington, D.C., 20004.

Signed at Washington, D.C. on December 21, 1976.

STUART A. TONEMAH,
Acting Executive Director, National Advisory Council on Indian Education.

[FR Doc.77–1032 Filed 1–11–77;8:45 am]

TEACHER CORPS

Closing Date for Receipt of Applications

Correction

In FR Doc. 77–419, appearing at page 1306 in the issue for Thursday, January 6, 1977, the figure in the last line of the first paragraph, now reading "$235,000,000," should read "$235,000".

POSTSECONDARY EDUCATION AMENDMENTS OF 1976

Intent To Issue Regulations: Corrections

In FR Doc. 76–37592 appearing at page 55749 in the issue of Wednesday, December 22, 1976 on page 55750 in the first column, line 1 January 1977 is corrected to read January 31, 1977.

Dated: January 7, 1977.

EDWARD AGUIRRE,
United States Commissioner of Education.

[FR Doc.77–1070 Filed 1–11–77;8:45 am]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Notice of Closing Date for Receipt of Applications for Determining Expected Family Contribution

Pursuant to the authority contained in Section 411(b) of Title IV, Part A, Subpart 1 of the Higher Education Act of 1965 as amended, (20 U.S.C. 1070a (b)(1)), notice is hereby given that the United States Commissioner of Education has established a final cutoff date for the receipt of applications for the determination of expected family contributions (student eligibility index) under the Basic Educational Opportunity Grant Program. Under this program the calculation of an expected family contribution is a prerequisite to receiving a Basic Educational Opportunity Grant.

1. In order to be eligible to receive a Basic Educational Opportunity Grant for the academic year ending June 30, 1977, applications for determining expected family contributions for the academic year 1976–77 must be submitted to BEOG, P.O. Box P, Iowa City, Iowa 52240, on or before March 15, 1977.

An application will be considered submitted on time if the application was received at P.O. Box P, Iowa City, Iowa no later than March 25, 1977.

2. Applicants may request a recomputation of their expected family contribution (student eligibility index) pursuant to § 190.39 and § 190.48 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.39 and 190.48) because of extraordinary circumstances affecting the expected family contribution determination. Requests for such a recomputation shall be made by submitting the Supplemental Form for the 1976–77 academic year together with a new regular application form to BEOG, P.O. Box S, Iowa City, Iowa 52240. In order to be processed such application must be submitted on or before March 15, 1977.

An application and Supplemental Form will be considered submitted on time if they were received at P.O. Box S, Iowa City, Iowa no later than March 25, 1977.

3. Applicants may request a recomputation of their expected family contribution (student eligibility index) pursuant to § 190.15 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.15) because of clerical or arithmetic error. Such requests must be submitted to BEOG, P.O. Box H, Iowa City, Iowa 52240 and must be received at that address on or before May 10, 1977 in order to be processed.

4. Applicants whose applications were submitted on a timely basis but were returned because of incomplete or inconsistent information must submit their corrected applications to BEOG, P.O. Box H, Iowa City, Iowa. Such corrected applications must be received on or before May 10, 1977 in order to be processed.

5. Information and application forms may be obtained at institutions of higher education, high schools, or from the Office of Education at the following address: BEOG, P.O. Box 84, Washington, D.C. 20044.

6. It should be noted that in order to receive a Basic Grant for an academic year a student must apply for such a grant by submitting an original copy of his Student Eligibility Report to the institution in which he is enrolled no later than May 31, 1977, or the end of his academic year, whichever comes first; except that if a student begins his enrollment after May 1, 1977, he must submit his Student Eligibility Report to the institution in which he is enrolled no later than June 30, 1977 (45 CFR 190.76). If a student does not have the original copy of his Student Eligibility Report, he may request a duplicate Student Eligibility Report by writing to BEOG, P.O. Box H, Iowa City, Iowa 52240. However, please be advised that the processing time for such requests is generally four weeks. Furthermore, in no event will a request for a duplicate copy of the Student Eligibility Report for the academic year 1976–77 be processed if it is received after June 15, 1977.

(20 U.S.C. 1070a.)

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

Dated: January 6, 1977.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.77–1069 Filed 1–11–77;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: January 24, 1977 (10:00 a.m. to 5:00 p.m.); January 25, 1977 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A–09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: December 20, 1976.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.77–1039 Filed 1–11–77;8:45 am]

Office of the Secretary

NATIONAL INSTITUTE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

The Functional Statements for the Office of Governmental and External Relations (Section 12.20, C) and the Office of Public Affairs (Section 12.20, D) as published in the FEDERAL REGISTER (40 FR 37071, August 25, 1975) are deleted, and the Functional Statement for a new Office of Government and Public Affairs is substituted in their place. The new Functional Statement should be inserted as a new Section EN.20, C., and should read as follows:

C. Office of Government and Public Affairs: Responsible for planning, developing, and implementing a coordinated communications program to inform the Congress, State and local governments, education associations, minority communities, special interest groups, and the public of NIE activities and the policies of the National Council on Educational Research. The Office is also responsible for the development and coordination of comprehensive internal communications and publications program for the Institute.

Subsequent Sections, currently lettered E. through M., are relettered D. through L.

Dated: January 5, 1977.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.77–1040 Filed 1–11–77;8:45 am]

Public Health Service

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Date: January 14, 1977.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Time: 1:00–4:30 p.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333. Phone: AC/404 633–3311, Extension 3701. FTS: 236–3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will review the information on the association of Guillain-Barre syndrome and influenza vaccination.

The usual requirement for 15 days' advance notice of this emergency meeting is impossible to meet due to recent developments in the influenza immunization program.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 6, 1977.

DAVID J. SENCER, M.D.,
Director, Center for Disease Control.

[FR Doc.77–1208 Filed 1–11–77;10:19 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SAC 054898]

CALIFORNIA

Partial Termination of Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 76–34601, appearing at page 51661, in the issue for Tuesday, November 23, 1976, change the number in the third line of the first paragraph, which now reads "954898" to read "054898".

[Oregon 012268]

OREGON

Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 4, 1977.

Notice of an application filed by the United States Department of Agriculture on behalf of the Forest Service, Oregon 012268, for withdrawal and reservation of lands within the Siuslaw National Forest as the Oregon Dunes Recreation Area was published as FEDERAL REGISTER Document No. FR 62–7027 on pages 6904 and 6905 of the issue of July 20, 1962 and as FEDERAL REGISTER Document No. 62–8704 on pages 8681 and 8682 of the issue of August 30, 1962. The applicant agency has cancelled its application involving the lands described in the FEDERAL REGISTER publications referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b)(1) such lands will be at 10:00 a.m. on February 9, 1977, relieved of the segregative effect of the above-mentioned application.

With the enactment of Public Law 92–260 on March 23, 1972, all the lands are now included within the Oregon Dunes National Recreation Area.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–1061 Filed 1–11–77;8:45 am]

LEGAL SERVICES CORPORATION

BAYOU LA FOURCHE LEGAL SERVICE, INC. ET AL.

Notice of Grants and Contracts

JANUARY 7, 1977.

The Legal Services Corporation was established pursuant to the Legal Serv-

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ices Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project • • • "

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Bayou LaFourche Legal Service, Inc. for Ascension, Assumption, LaFourche, St. James and Terrebonne Parishes, Louisiana.
2. North Louisiana Legal Assistance Corporation for Ouachita, Morehouse, Richland and West Carroll Parishes, Louisiana.
3. Legal Services of Upper East Tennessee, Inc. for Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi and Washington Counties, Tennesssee.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Atlanta Regional Office, 615 Peachtree Street, N.E., Room 503, Atlanta, Georgia 30308.

THOMAS EHRLICH,
President.

[FR Doc.77-1072 Filed 1-11-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science Engineering and Technology Advisory Panel, Problem Identification Task Force.
Date: January 28, 1977.
Time: 10:00 a.m.-4:30 p.m.
Place: Airport Hilton Inn, Detroit Metropolitan Airport, Michigan.
Type of meeting: Open.
Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20500. Telephone 202-395-4931. Anyone who plans to attend should contact Mr. Blair by January 25, 1977.
Summary minutes: May be obtained from the Executive Secretary of the Intergovernmental Science, Engineering and Technology Advisory Panel, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20500.
Purpose of the Panel: The Panel is to identify state, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Problem Identification Task Force is to make recommendations to the Panel on the state, regional and local government problems where additional Federally-sponsored research or science and technology applications are most needed.

Tentative Agenda

Organization of the Task Force.
Discussion of future Task Force Activities.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

JANUARY 6, 1977.

[FR Doc.77-1055 Filed 1-11-77;8:45 am]

OHIO RIVER BASIN COMMISSION

MUSKINGUM RIVER BASIN COMPREHENSIVE COORDINATED JOINT PLAN

Availability of Adopted Plan

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (PL 89-80), the Ohio River Basin Commission has adopted the Muskingum River Basin Comprehensive Coordinated Joint Plan for transmittal to the President and the Congress through the Water Resources Council.

Copies are available on request to the Ohio River Basin Commission, 36 East Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.77-1063 Filed 1-11-77;8:45 am]

POSTAL RATE COMMISSION

NOTICE OF VISIT TO MAIL FACILITIES

JANUARY 6, 1977.

Notice is hereby given that employees of the Postal Rate Commission will visit mail facilities on the dates indicated for the purpose of observing the operations of these facilities relating to use of U.S. mail service.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed. A report of the visits will be on file in the Commission's docket room.

Place of visit	*Date of visit*
Radnor, Pa., Chilton Co.	Jan. 11, 1977.
Cleveland, Ohio, Penton—I.P.C.	Jan. 12, 1977.
Milwaukee, Wisc., McGraw-Hill	Jan. 13, 1977.

By direction of the Commission.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.77-1064 Filed 1-11-77;8:45 am]

PRESIDENT'S COMMITTEE ON SCIENCE AND TECHNOLOGY

MEETING

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the President's Committee on Science and Technology announces the following meeting:

Name: President's Committee on Science and Technology.
Date and time: February 1, 1977 (9:00 to 5:30), February 2, 1977 (8:30 to 3:30).
Place: New Executive Office Building, 726 Jackson Place, N.W., Room 2008, Washington, D.C.
Type of meeting: Open.
Contact person: Mr. Philip E. Culbertson, Executive Director, President's Committee on Science & Technology, Executive Office of the President, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20500, Telephone 202-395-4596. Anyone who plans to attend should contact Mr. Culbertson by January 28, 1977.
Summary minutes: May be obtained from the Executive Director, President's Committee on Science and Technology.
Purpose of the committee: The President's Committee on Science and Technology was established on October 29, 1976, to survey, examine, and analyze the overall context of Federal science, engineering and technology.

Tentative Agenda

FEBRUARY 1

9:00 a.m.	Discussion of Priorities and Scheduling of Committee Effort.
10:30 a.m.	Report on the President's Biomedical Research Panel, Dr. Franklin Murphy.
12:00 p.m.	Lunch.
1:00 p.m.	Scientific and Technical Information Handling and Dissemination—Lee Burchinal, NSF; William Knox, NTIS; David Hersey, SSIE.
4:00 p.m.	Committee discussion of above topics.
5:30 p.m.	Adjourn.

FEBRUARY 2

8:30 a.m.	Review of Committee Project Efforts.
9:00 a.m.	Considerations on Organizational Reform—Dr. Robert C. Seamans, Administrator, ERDA.
10:30 a.m.	Considerations on Organizational Reform—Dr. James C. Fletcher, Administrator, NASA.
12:00 p.m.	Lunch.
1:00 p.m.	Committee Considerations of Pros and Cons of Organizational Reform Options.
3:15 p.m.	Plans for April Meeting.
3:30 p.m.	Adjourn.

P. E. CULBERTSON,
Executive Director.

JANUARY 7, 1977.

[FR Doc.77-1062 Filed 1-11-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-0230]

MDC CAPITAL CORP.

Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), has been filed by MDC Capital Corporation (the Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The Applicant with its principal place of business at 26 Springdale Road, Cherry Hill, New Jersey 08003, will begin operations with $1,000,000 private capital. All the stock of the Applicant will be sold to MDC Financial Corporation (Financial). Financial has one shareholder MDC Corporation (MDC). MDC and Financial have their principal offices at the same location as the Applicant. MDC's shares are traded on the American Stock Exchange and it has approximately 1,900 shareholders. Assuming that securities of the Applicant are issued for a $1,00,000 capital contribution, such securities would constitute approximately 3.6 percent of the gross assets of MDC.

The Applicant recognizes the need for establishment of a broad financing policy to meet the needs of small business concerns. The Applicant expects a major portion of its portfolio will consist of collateralized loans; however, the Applicant will be receptive to equity type investments including those utilizing convertible debentures. The Applicant intends to render management consulting services to clients when so requested.

The proposed officers and directors of the Applicant are as follows:

Name and Title

Gilbert N. Zitin, Chairman and Chief Executive Officer; Director. 110 Uxbridge, Cherry Hill, New Jersey 08034.
Bernard J. Greenspan, President and Chief Administrative Officer; Director. 4 Withington Road, Scarsdale, New York 10583.
Joseph F. Morgan, Vice President; Director. 97 Carlton Avenue, Marlton, New Jersey 08053.
Frank J. Damico, Vice President. 3466 New Jersey Avenue, Pennsauken, New Jersey 08109.
Charles R. Mannella, Treasurer. 104 Quince Drive, Hatboro, Pennsylvania 19040.
Wayne G. Trego, Controller. 29 Potter Lane, Willingboro, New Jersey 08046.
E. Clinton Swift, Jr., Secretary. 711 Old Lancaster Road, Bryn Mawr, Pennsylvania 19010.

Matters involved in SBA's consideration of the Applicant include general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Regulations.

Any person may, on or before January 27, 1977, submit to SBA written comments on the proposed Applicant. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A similar copy of this notice shall be published in a newspaper of general circulation in Cherry Hill, New Jersey.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: December 29, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-1067 Filed 1-11-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 302]

ASSIGNMENT OF HEARINGS

JANUARY 7, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 67866 (Sub-No. 31), Film Transit, Inc., now assigned January 18, 1977, at Memphis, Tenn., will be held at the Travelodge at Perimeter Park, 2490 Mt. Moriah Road instead of Room 396, Federal Building, 167 North Main Street.
MC-C-8995, Dugan Truck Lines, Inc.—Investigation and Revocation of Certificates and Certificates of Registration and MC 120657 (Sub-No. 6), Dugan Truck Line, Inc., now being assigned for continued hearing on January 10, 1977, at Wichita, Kans.
MC 141114 (Sub-No. 1), Retailers Delivery Facility Co., Inc., now assigned January 25, 1977, at Washington, D.C., is canceled and application dismissed.
F.D. 28250, New York Dock Railway—Control—Brooklyn Eastern District Terminal and F.D. 28294, New York Dock Railway, now assigned February 7, 1977, at New York, N.Y. (2 weeks), will be held in Room F-2220, Federal Bldg., 26 Federal Plaza.
MC 113908, Sub 241, Erickson Transport Corp., now assigned February 23, 1977, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.
MC 140361, Sub 4, Columbus Parcel Service, Inc., now assigned January 18, 1977, at days), at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.
MC 117940, Sub 179, Nationwide Carriers, Inc., now assigned January 18, 1977, at New York, N.Y., is cancelled and application dismissed.
MC C9106, Freightways Express, Inc.- v. Seco Trucking, Inc., now assigned January 13, 1977, Little Rock, Ark., has been postponed indefinitely.
MC 110144 (Subs-17 and 18), Jack C. Robinson, d/b/a Robinson Freight Lines, now assigned February 7, 1977, at *Morristown*, Tennessee, has been transferred to February 7, 1977 (1 week), at *Cleveland*, Tennessee, in the Holiday Inn—Downtown, Highways 11 and 64.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1081 Filed 1-11-77;8:45 am]

[Amdt. No. 2 to Exemption No. 127]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Upon further consideration of Exemption No. 127 issued June 29, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 127 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire February 28, 1977*.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 23, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.77-1085 Filed 1-11-77;8:45 am]

[AB 43 (Sub-Nos. 13, 18, 19)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Services

DECEMBER 23, 1976.

Illinois Central Gulf Railroad Company abandonment between Croft and Sherman in Sangamon and Menard Counties, Illinois; abandonment between San Jose and Croft in Menard and Logan Counties, Illinois; and abandonment between Grove and San Jose, in Mason and Tazewell Counties, Illinois.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceedings in which it was concluded that the proceedings do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq. 2. A notice setting forth this conclusion was served November 9, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1082 Filed 1-11-77;8:45 am]

[AB 43 (Sub-No. 22)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Yazoo Junction and Belzoni in Yazoo and Humphreys Counties, Mississippi

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the

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meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. A notice setting forth this conclusion was served November 8, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc 77-1087 Filed 1-11-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 7, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 22, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 46990 (Sub-No. E42), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Ohio and points in Pennsylvania in and west of Potter, Clinton, Centre, Huntingdon and Fulton Counties. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 46990 (Sub-No. E52), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Castle County, Del., on the one hand, and, on the other, points in Tennessee, Texas, and West Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 46990 (Sub-No. E53), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Connecticut, Kansas, and points in Arkansas on and west of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 46990 (Sub-No. E60), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the City of Baltimore and Baltimore County, on the one hand, and, on the other, points in Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 92983 (Sub-No. E21) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of December 23, 1975, and republished as partially corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508 Kansas City, Mo. 64142. Applicant's representative: Sheldon Silverman, Suite 550 Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (H) *Acids and chemicals* (except petroleum chemicals from within 150 miles of Henderson, Tex., and except liquid petroleum gases and except oakite compound from Baton Rouge and except anhydrous ammonia, nitrogen solutions and nitric acid from Luling, La.), in bulk, in tank vehicles, (1) From points in Louisiana, to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming; (2) from points in Louisiana, located in and west of Union, Lincoln, Jackson, Caldwell, La Salle, Avoyelles, Pointe Coupee, Iberville, Assumption, and Terrebonne Parishes to points in California located in and north af Marin, Napa, Solano, Sacramento, Amador, and Alpine Counties, to points in Nevada located in and north of Douglas, Lyon, Churchill, Lander, Eureka, and White Pine Counties, to points in Oregon and points in Utah, located in and north of Juab, Utah, Carbon and Unitah Counties; * * * (H) (5) From points in Louisiana located in and west of Caddo, Red River, Natchitoches, Vernon, Allen, Evangeline, Acadia, Lafayette and Vermilion Parishes to points in Iowa and to points in Missouri located in and west of Cass, Johnson, Saline, Chariton, Macon, Knox and Clark Counties; (5) (A) from points in Louisiana located in and west of Union, Lincoln, Jackson, Winn, Grant, Rapides, Evangeline, Acadia and Vermilion Parishes to points in Colorado located in and north of Garfield, Eagel, Summit, Clear Creek, Jefferson, Douglas, and Kit Carson Counties and points in Elbert and Lincoln Counties located on and north of U.S. Highway 24, to points in Kansas located in and north of Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Ottawa, Clay, Geary, Wabuansee, Shawnee, Douglas, and Johnson Counties and to points in Nebraska, * * * (J) (3) *Vegetable Oil and vegetable oil products*, in bulk in tank vehicles, from points in Louisiana located in and west of Union, Ouachita, Caldwell, La Salle, Rapides, Evangeline, Acadia, and Vermilion Parishes (except those points in Louisiana described in (2) above) to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, North Carolina, and Ohio, to points in South Carolina (except Jasper County) and to points in Virginia, and West Virginia; * * *

(K) (2) *Soybean oil, corn oil and salad oil, in* bulk, in tank vehicles, from points in Louisiana located in Morehouse, Ouachita, Caldwell, La Salle, Avoyelles, St. Landry, Lafayette, Iberia, St. Mary, St. Martin, Iberville, Pointe Coupee, West Feliciana, Concordia, Catahoula, Tensas, Franklin, Madison, Richland, West Carroll, and East Carroll Parishes to points in North Dakota to points in South Dakota located in and north of Brookings, Kingsbury, Beadle, Hand, Hyde, Hughes, Stanley, and Haakon counties and points in Pennington County located on west and north of a line extending from the southern border along the Cheyenne River to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the eastern border; (3) from points in Louisiana located in and east of East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption, and Terrebonne Parishes to points in North Dakota and South Dakota; * * * (Q) (1) *Acetic acid*, in bulk, in tank vehicles, from points in Louisiana (except Cotton Valley) located in and north and west of Morehouse, Ouachita, Jackson, Winn, Natchitoches, and Sabine Parishes to points in Georgia located in and north of Chatham, Effingham, Jenkins, Burke, Jefferson, Washington, Hancock, Putnam, Jasper, Newton, Rockdale, De Kalb, Douglas, Paulding, and Polk Counties and points in Alabama located in Cherokee, Etowah, De Kalb, Jackson, Marshall,

Madison, Morgan, Limeston, Lawrence, Lauderdale, and Colbert Counties; * * * (T) (5) *Acids and chemicals*, in bulk, from points in Louisiana located in and east of Webster, Bienville, Red River, Natchitoches, Rapides, Evangeline, Acadia, and Vermillion Parishes (except Plaquemines and 10 miles thereof and except the plant of the Monsanto Chemical Co. New Luling, La.) to points in California located in San Mateo, Alameda, Stanislaus Merced, Mariposa, Madera, Santa Clara and Santa Cruz Counties; * * * The purpose of this filing is to eliminate the gateways: (R) (5) Missouri and Champaign, Ill., (6) Missouri and Kansas; * * *

NOTE.—The purpose of this partial republication is to correct the following: (H) (2) correct spelling of NAPA; (H) (5) renumber paragraphs to read 5 and 5A respectively; (J) (3) add destination state of New Jersey, previously omitted; (K) (2) correct spelling of Haakon instead of Kaakon; (Q) (1) correct spelling of De Kalb instead of De Kald; (T) (5) correct territorial description; (R) (5) (6) correct the gateway. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E22) (Partial correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of December 4, 1975, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Avenue, P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (G) (4) *Vegetable oils and vegetable oil products*, (except soap products and paint), in bulk, in tank vehicles, from points in Kentucky located on and north of Jefferson, Spencer, Anderson, Woodford, Fayette, Bourbon, Montgomery, Bath, Rowan, Elliott, and Lawrence Counties, to points in Alabama located in Mobile and Baldwin Counties and to points in Mississippi located in, south and west of Marshall, Lafayette, Calhoun, Webster, Oktibbeha, Winston, Neshoba, and Lauderdale Counties (except those points in Mississippi and described in (3) above); In the footnote to the notice of gateways to be eliminated (which were omitted on initial publication) are Items (B) (4) to (B) (7) Olanthe, Kans. (a point in the Kansas City, Mo.-Kansas Commercial Zone); gateway to be eliminated for (J) (7) is Saginaw, Mo., and points within 15 miles thereof, and (M) (21) should be corrected to read (M) (2). The purpose of this partial republication is to correct the commodity description in (G) (4) and to complete the footnote notice of elimination of gateways. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E69) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of June 23, 1976, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (M) *Such fats and grease* (as are embraced within acids and chemicals) in bulk, in tank vehicles, from points in Utah to points in Maine, New Hampshire, and Vermont; (N) *Such fats and oils and blends and products* thereof (as are embraced within acids and chemicals) except fats oils and blends, and products thereof derived from petroleum, soap products, and paints) in bulk, in tank vehicles, from points in Utah to points in Florida; (O) *acids and chemicals*, in bulk, in tank or hopper vehicles from points in Utah to points in the upper peninsula of Michigan located in and east and south of a line extending from the Michigan-Wisconsin State line along Michigan Highway 95, including the Iron Mountain, Mich. Commercial Zone, to the junction of unnumbered highway at Sagola, Mich., thence along unnumbered highway through Ralph, Mich., to the junction of Michigan Highway 35, thence along Michigan Highway 35 to the junction of unnumbered highway at Forsyth, Mich., thence along unnumbered highway through Carishend, Mich., to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the western border of Alger County; (W) (1) *Malt syrup* for use as feed, in bulk, in tank vehicles (1) from points in Utah to points in Indiana (except those located west of United States Highway 41 from the Ohio River to the Wabash River but not including the Evansville or Vincennes, Ind. Commercial zones), Michigan, and Ohio. The purpose of this partial republication is to correct the commodity descriptions. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E80) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 14, 1976, and partially republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (W) (4) *Molasses*, in bulk, in tank vehicles, from points in Washington located in and west of Whatcom, Skagit, Snohomish, King, Kittitas, Yakima, and Klickitat Counties to points in Wisconsin located in Crawford, Richland, Vernon, LaCrosse, Monroe, Juneau, Adams, Marquette, Waushara, Portage, Waupaca, Outagamie, Shawano, and Menominee Counties, and that portion of Oconto and Marquette Counties on and south of Wisconsin Highway 64 including Marinette. The purpose of this partial republication is to correct the commodity description and add counties in Wisconsin previously omitted. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E81) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 14, 1976, partially republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) (1) *Animal fats and oils*, in bulk, in tank vehicles: (1) from points in Washington to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois except Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford, Indiana, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, except New York City and Port Ivory, North Carolina, Ohio, except Cincinnati and Ivorydale, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia. The purpose of this partial republication is to correct the spelling of destination state, North Carolina. The remainder of this letter-notice remains as previously published.

No. MC 95540 (Sub-No. E45) (Correction), filed April 15, 1974, published in the FEDERAL REGISTER issue of May 13, 1974 and October 14, 1976, and December 1, 1976, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above)

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in North Carolina on and west of a line beginning at Corncake Inlet on the Atlantic Ocean, thence north along U.S. Highway 421 to the Wilmington, N.C., thence along U..S Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 32, thence along North Carolina Highway 32 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 32, thence along North Carolina Highway 32 to junction U.S. Highway 17, thence along U.S. Highway 17 to Elizabeth City, thence along North Carolina Highway 168 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E509) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of August 6, 1974, October 14, 1976, and Decem-

ber 1, 1976, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in Georgia on or east of U.S. Highway 301 (except points on U.S. Highway 1), to points in Florida on or south of a line beginning at Cedar Key and extending along Florida Highway 24 to junction Florida Highway 345, thence along Florida Highway 345 to Chiefland, thence along U.S. Highway 129 to junction Florida Highway 26, thence along Florida Highway 26 to Gainesville, thence along Florida Highway 24 to Waldo, thence along U.S. Highway 301 to junction Florida Highway 16, thence along Florida Highway 16 to junction Florida Highway 215, thence along Florida Highway 215, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 90, thence along U.S. Highway 90 to Jacksonville Beach. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E711) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER issue of April 3, 1975, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, from those points in Florida on or east of U.S. Highway 231, to points in Missouri. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

NOTE.—The purpose of this correction is to state the correct commodity description.

No. MC 105045 (Sub-No. E155), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING C., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Georgia, Florida, Alabama, Ohio and Tennessee, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway from the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E156), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Texas on and north and west of a line beginning at the Texas-Louisiana State line, and extending along Texas Highway 21 to junction Interstate Highway 35, thence along Interstate Highway 35 to the International Boundary between United States and Mexico, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway from the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105813 (Sub-No. E51), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods*, except commodities in bulk, from the facilities of Kitchens of Sara Lee at New Hampton, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named origin. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 10583 (Sub-No. E52), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Pana, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 594 to junction Mississippi Highway 63, thence west along Mississippi Highway 63 to junction Mississippi Highway 57, thence west along Mississippi Highway 57 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 336, thence west along South Carolina Highway 336 to junction U.S. Highway 321-601, thence south along U.S. Highway 321-601 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E53), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of M & M/Mars, a division of Mars, Incorporated at Albany, Ga., to points in Arkansas, Connecticut, Delaware, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-named facilities. (2) *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of M & M/Mars, a division of Mars, Incorporated at Atlanta, Decatur, and Doraville, Ga., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 45 to junction U.S. Highway 84, thence west along U.S. Highway 84 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along Texas Highway 77 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 271, thence north along U.S. Highway 271 to the Oklahoma-Texas State line, and to those points in Oklahoma on, west, and south of a line beginning at the Oklahoma-Texas State line and extending north along U.S. Highway 271 to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Oklahoma Highway 7.

Thence north and west along Oklahoma Highway 7 to junction U.S. Highway 62, thence west along U.S. Highway 62 to the Oklahoma-Texas State line; and to those points in Texas on and south, and west of a line beginning at the Oklahoma-Texas State line and extending west along U.S. Highway 62 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the Oklahoma-Texas State line, and to those points in Oklahoma on and west of a line beginning at the Oklahoma-Texas State line and extending north along U.S. Highway 83 to the Kansas-Oklahoma State line, and to those points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending north along Nebraska Highway 19 to junction U.S. Highway 385, thence north along U.S. Highway 385 to junction Nebraska Highway 87, thence north along Nebraska Highway 87 to junction U.S. Highway 20, thence west along U.S. Highway 20 to the Nebraska-Wyoming State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-named facilities. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E54), filed December 19, 1975. Applicant: BEEFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, except commodities in bulk, from Naugatuck, Conn., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along U.S. Highway 84 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 87, thence west along U.S. Highway 87 to junction U.S. Highway 80, thence west along U.S. Highway 80 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC 105813 (Sub-No. E55), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products and edible meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities in bulk, from New York, N.Y., and points in New York, and New Jersey, within 15 miles of New York, N.Y., to those points in that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 82 to junction Mississippi Highway 9, thence north along Mississippi Highway 9 to junction Mississippi Highway 8, thence west along Mississippi Highway 8 to the Arkansas-Mississippi State line, and points in that part of Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending west along Arkansas Highway 4 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma State line, and to those points in Oklahoma on and south of a line beginning at Arkansas-Oklahoma State line and extending west along U.S. Highway 70 to the Oklahoma-Texas State line, and to those points in Texas beginning at the Oklahoma-Texas State line and extending south and west along U.S. Highway 70 to junction U.S. Highway 287 to junction U.S. Highway 66, thence west along U.S. Highway 66 to the New Mexico-Texas State line, and those points in California on and south and west of a line beginning at the Arizona-California State line and extending west along U.S. Highway 40 to junction with California Highway 58, thence west along California Highway 58 to junction California Highway 65, thence north along California Highway 65 to junction California Highway 198, thence west along California Highway 198 to junction California Highway 99, thence north along California Highway 99 to junction California Highway 17, thence west along California Highway 17 to junction California Highway 1, thence west along California Highway 1 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and points in Florida.

No. MC 105813 (Sub-No. E56), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, and Packing House Products*, except in bulk, in tank vehicles, (a) from Philadelphia, Pa., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 18 to junction U.S. Highway 80, thence west along U.S. Highway 80 to the Louisiana-Mississippi State line, and those points in Texas on and south of a line beginning at the Arkansas-Texas State line and extending west along Texas Highway 77 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 380, thence west along U.S. Highway 380 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction U.S. Highway 82, thence west along U.S. Highway 82 to junction Texas Highway 70, thence north along Texas Highway 70 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the New Mexico-Texas State line, (b) from Philadelphia, Pa., to those points in California on and west of a line beginning at the Arizona-California State line and extending west along Interstate Highway 8 to junction Interstate Highway 5, thence north along Interstate Highway 5 to junction U.S. Highway 101, thence north along U.S. Highway 101 to junction California Highway 68, thence west along California Highway 68 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and points in Florida.

No. MC 105813 (Sub-No. E57), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and pineapples*, in mixed loads with bananas, except commodities in bulk, from points in Florida to points in Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 105813 (Sub-No. E58), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, and dairy products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), (a) from those points in Iowa, on and north of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to the Illinois-Iowa State line, those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to

the Louisiana-Mississippi State line, (b) from those points in Iowa, on and south of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to the Illinois-Iowa State line, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E59), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, except commodities in bulk, (a) from Chicago, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 18 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to junction U.S. Highway 84, thence west along U.S. Highway 84 to the Mississippi-Louisiana State line and those points in Texas on and south of a line beginning at the Gulf of Mexico and extending west along Texas Highway 35 to junction Texas Highway 44, thence west along Texas Highway 44 to junction U.S. Highway 59, thence west along U.S. Highway 59 to the Texas-Mexico State line; (b) from St. Louis, Mo., and East St. Louis, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 98 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to the Mississippi-Louisiana State line and those points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line at or near Robertsville and extending east along South Carolina Highway 462 to junction U.S. Highway 17, thence east along U.S. Highway 17 to the Atlantic Ocean; (c) from Peoria, Ill., to those points in Mississippi on and south of a line beginning at the Atlanta-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 27, thence south along Mississippi Highway 27 to the Mississippi-Louisiana State line, and those points in South Carolina, on and south of a line beginning at the Georgia-South Carolina State line and extending east along South Carolina Highway 3 to junction South Carolina Highway 641, thence east along South Carolina Highway 641 to junction South Carolina Highway 641 to junction South Carolina Highway 64, thence east along South Carolina Highway 64 to junction U.S. Highway 17, thence east along U.S. Highway 17 to the Atlantic Ocean;

(d) From Indianapolis, Ind., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along U.S. Highway 10 to junction U.S. Highway 77, thence south along U.S. Highway 77 to junction Alternate Highway 77, thence south along Alternate Highway 77 to junction U.S. Highway 87, thence west along U.S. Highway 87 to junction Texas Highway 97, thence west along Texas Highway 97 to junction Texas Highway 173, thence west along Texas Highway 173 to junction U.S. Highway 81, thence west along U.S. Highway 81 to junction U.S. Highway 57, thence west along U.S. Highway 57 to the International Boundary line between United States and Mexico and those points in that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 27, thence south along Mississippi Highway 27 to the Mississippi-Louisiana State line; (e) from Cedar Rapids, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 462, thence west on South Carolina Highway 462 to junction U.S. Highway 321, thence north along U.S. Highway 321 to junction South Carolina Highway 119, thence south along South Carolina Highway 119 to the Georgia-South Carolina State line; (f) from Kansas City, Kans., and Kansas City, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 462, thence west along South Carolina Highway 462 to junction U.S. Highway 321, thence northwest along U.S. Highway 321 to junction South Carolina Highway 119, thence south along South Carolina Highway 119 to the Georgia-South Carolina State line.

(g) From St. Joseph, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction Mississippi Highway 29, thence south along Mississippi Highway 29 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 462, thence west along South Carolina Highway 462 to junction U.S. Highway 321, thence north on U.S. Highway 321 to junction South Carolina Highway 119, thence south along South Carolina Highway 119 to the Georgia-South Carolina State line; (h) from Madison, Wis., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north on U.S. Highway 278 to junction South Carolina Highway 336, thence west on South Carolina Highway 336 to junction U.S. Highway 321–601, thence south along U.S. Highway 321–601 to the Georgia-South Carolina State line; and

(i) from Milwaukee, Wis., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 63, thence west along Mississippi Highway 63 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south on Mississippi Highway 35 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 336, thence west on South Carolina Highway 336 to junction U.S. Highway 321–601, thence south along U.S. Highways 321–601 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E60), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, as described in Paragraph A, B, and C, in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, (b) *frozen food*, (c) *processed or preserved fish*, and (d) *compressed yeast*, other than dry, except commodities in bulk, from New York, N.Y., and points in New York, and New Jersey, within 15 miles of New York, N.Y., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 82 to junction Mississippi Highway 9, thence north along Mississippi Highway 9 to junction Mississippi Highway 8, thence west along Mississippi Highway 8, thence to the Arkansas-Mississippi State line, and to those points in Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending west along Arkansas Highway 4 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma State line, and to those points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line and extending west along U.S. Highway 70 to the Oklahoma-Texas State line, and to those points in Texas beginning at the Oklahoma-Texas State line and extending south and west along U.S. Highway 70 to junction U.S. Highway 287 to junction U.S. Highway 66, thence west along U.S. Highway 66 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E61), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski, Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, and edible articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company near Sterling, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Gulf of Mexico and extending west along Texas Highway 4 to junction U.S. Highway 83, thence northwest along U.S. Highway 83 to junction Texas Highway 336, thence south along Texas Highway 336 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E66), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, dairy products, and edible articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities in bulk, from Joliet, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 336, thence west along South Carolina Highway 336 to junction U.S. Highway 321–601, thence south along U.S. Highway 321–601 to the Georgia-South Carolina State line. Restriction: The authority granted above is restricted against traffic originating or destined to points in New York and Pennsylvania, on and east of U.S. Highway 11, and points in Maryland, Virginia, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New Jersey, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E67), filed May 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except in bulk, in tank vehicles), from the plant site of Armour & Company, at or near Worthington, Minn., to those points in Mississippi on and south of a line begining at the Alabama-Mississippi State line and extending along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35 thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. Restriction: Carrier is precluded from interlining traffic with other carriers or from combining the authority granted herein with any authority now held by carrier for the purpose of providing service from and to points other than those authorized herein. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 109637 (Sub-No. E93), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except dry petrochemicals to points in Illinois), in bulk, in tank vehicles, from Covington and Louisville Ky., to points in Illinois. The purpose of this filing is to eliminate the gateway of the Petroleum Products Terminal of the La Gloria Oil & Gas Company near Seymour, Ind.

No. MC 109637 (Sub-No. E94), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except dry petrochemicals to points in Illinois) from Indianapolis, Ind., and The Petroleum Products terminal of the La Gloria Oil & Gas Co., near Seymour, Ind., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-No. E95), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except dry petrochemicals to points in Illinois), in bulk, in tank vehicles, from the terminal site of the Texas Eastern Transmission Corp. at or near Princeton, Gibson County, Ind., to those points in Tennessee on and east of a line beginning at the Georgia-Tennessee State line and extending along Tennessee Highway 56 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-No. E96), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore

Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules, and resin powder*, in bulk, in tank vehicles, from Louisville, Ky., to points in Kansas, Louisiana, Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn., and Calvert City, Ky.

No. MC 114552 (Sub-No. E3) (Correction), filed April 26, 1974, published in the FEDERAL REGISTER issue of August 19, 1974, and republished partially, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a common *carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (except plywood and veneer), (A) from points in Alabama to points in Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia and Michigan. The purpose of this partial republication is to correct the territorial description by adding the destination state of Michigan. The remander of this letter-notice remains as previously published.

No. MC 114868 (Sub-No. E21), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line, on the one hand, and, on the other, points in North Carolina on and east of Interstate Highway 95, (2) between Raleigh, N.C., on the one hand, and, on the other, Bryan, Ohio, (3) between Winston-Salem, N.C., on the one hand, and, on the other, Ashtabula, Ohio, (4) between Elizabeth City, N.C., on the one hand, and, on the other, Bryan, Ohio, (5) between Columbus, Ohio, on the one hand, and, on the other, Elizabeth City, N.C., (6) between Raleigh, N.C., on the one hand, and, on the other, Mansfield, Ohio, and (7) between Youngstown, Ohio, on the one hand, and, on the other, Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 119767 (Sub-No. E49), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth Street, N.W., Washington, D..C 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and prepared foodstuffs* (except frozen), from Roscoe, Ill., to points in North Dakota and points in South Dakota on, north, and west of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Somers, Wis.

No. MC 119767 (Sub-No. E55), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, frozen foods and meats and meat products), from Coloma, Mich., to points in Iowa on, north, and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 59 to juction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Watertown, Wis.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1088 Filed 1-11-77;8:45 am]

[Amdt. No. 1; I.C.C. Order No. 10; SO No. 1252]

REROUTING TRAFFIC

Upon further consideration of I.C.C. Order No. 10 (San Diego & Arizona Eastern Railway Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 10 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 27, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-1084 Filed 1-11-77;8:45 am]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Butte Creek and Stirling City in Butte County, California

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. A notice setting forth this conclusion was served November 8, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1086 Filed 1-11-77;8:45 am]

[AB 33 (Sub-No. 11)]

UNION PACIFIC RAILROAD CO.

Abandonment Between Tonganoxie and Lawrence in Leavenworth and Douglas Counties, Kansas

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. A notice setting forth this conclusion was served November 8, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1083 Filed 1-11-77;8:45 am]

federal register

WEDNESDAY, JANUARY 12, 1977

PART II



DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

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ADMINISTRATIVE PROCEDURES

Mississippi River Commission: Public Observation of Commission Meetings

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DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 209]

ADMINISTRATIVE PROCEDURES

Mississippi River Commission: Public Observation of Commission Meetings

In accordance with the provisions of the Government in the Sunshine Act (5 U.S.C. 552b) the Commission proposes to implement the provisions of that Act by amending Title 33, Part 209 to add a new section entitled, "Mississippi River Commission: Public Observation of Commission Meetings."

Written comments concerning the proposed regulation are invited from all interested persons. Comments should be submitted to the Secretary, Mississippi River Commission, 1400 Walnut Street, Post Office Box 80, Vicksburg, Mississippi 39180. Written comments received not later than 14 February 1977 will be considered. Such comments will be made available for public inspection at the Office of the Secretary of the Commission.

The purpose of this regulation is to implement sections (b) through (g) of the Government in the Sunshine Act (5 U.S.C. 552b). This regulation is being proposed pursuant to section (g) of the Act.

This regulation, if adopted, will take effect on 12 March 1977.

The Mississippi River Commission has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 4, 1977.

F. P. KOISCH,
Major General, USA, President,
Mississippi River Commission.

(5 U.S.C. 552b)

Part 209 is amended by adding a new § 209.50 to read as follows:

§ 209.50 Mississippi River Commission: Public Observation of Commission Meetings.

(a) *Purpose.* (1) The purpose of this regulation is to afford to the public, to the fullest possible extent, information regarding the decisionmaking processes of the Mississippi River Commission and to open all meetings of the Mississippi River Commission to public observation except in instances where a portion or portions of a meeting may be closed to the public in accordance with this regulation in order to protect the rights of individuals and/or in order to permit the Mississippi River Commission to carry out its statutory and assigned functions and responsibilities. This regulation is issued in accordance with section (g) of the Government in the Sunshine Act and implements sections (b) through (f) of said Act [5 U.S.C. 552b (b) through (f)].

(2) Public observation of Mississippi River Commission meetings includes public participation in the deliberations of the Commission only to the extent specifically provided in public notices of such meetings.

(b) *Definitions.* The following definitions apply to the regulation in this section.

(1) "Commission" means The Mississippi River Commission.

(2) "President" means the duly appointed President and Executive Officer of the Commission.

(3) "Commissioner" means a duly appointed member of the Commission.

(4) "Secretary" means the Secretary of the Commission.

(5) "Chief Legal Officer" means the Division Counsel or the acting Division Counsel of the Lower Mississippi Valley Division, Corps of Engineers.

(6) "Meeting" means the deliberations of at least a majority of the Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, but does not include:

(i) Deliberations of the Commission in determining whether or not to close a portion or portions of a meeting in accordance with paragraphs e(4) and e(5) of this section.

(ii) deliberations of the Commission in determining whether or not to withhold from disclosure information pertaining to a portion or portions of a meeting as provided in section e(4) and e(5) of this section.

(iii) deliberations of the Commission pertaining to changes in the subject matter of a meeting or changes in the determination to open or close a portion or portions of a meeting to the public following the public announcement of such meeting in accordance with paragraph d(4) of this section.

(iv) deliberations of the Commission in determining whether to waive the one-week public notice requirement in accordance with paragraph d(2) of this section.

(c) *Time, place and agenda of meetings.* (1) The meetings of the Commission, except those held on Government boats during inspection trips of the Commission, shall be held at Vicksburg, Mississippi. The time of such meetings shall be fixed by the President of the Commission, who shall cause due notice of such meetings to be given members of the Commission and the public.

(33 U.S.C. 646)

(2) The President shall, after consultation with the Commissioners, prepare a detailed agenda for planned Commission meetings at the earliest practicable time. Suggestions from the public of proposed agenda items are invited.

(d) *Public notices and Federal Register publication.* (1) At least one week before each Commission meeting the Secretary shall issue a public announcement which (i) States the time and place of the meeting, (ii) Lists the agenda items or subjects to be discussed at the meeting, (iii) States whether the meeting or portions of the meeting are to be closed or open to public observation, (iv) States whether or not public participation in the meeting will be permitted, and (v) States the name and business phone number of the official who will respond to requests for information about the meeting.

(2) The one-week period for public notice required by paragraph d(1) of this section shall not be applicable when a majority of the entire membership of the Commission determines by a recorded vote that Commission business requires that a meeting be called at an earlier date. The Secretary shall, however, issue the public notice required by paragraph d(1) of this section at the earliest practicable time.

(3) When due to unforeseen circumstances it is necessary to change the time or place of a meeting following the public announcement required by paragraph d(1) of this section, the Secretary will publicly announce such change at the earliest practicable time.

(4) The subject matter of a meeting, or the determination of the Commission to open or close a portion or portions of a meeting to the public, may be changed following the public announcement required by paragraph d(1) of this section only if (i) a majority of the entire membership of the Commission determines by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible, and (ii) the Secretary publicly announces such change and the vote of each member on such change at the earliest practicable time.

(5) Immediately following each public announcement required by this section, notice of the time, place, and subject matter of a meeting, whether a portion or portions of the meetings are open or closed to public observation, any change in one of the preceding, and the name and business telephone number of the official of the Commission who will respond to requests for information about the meeting, shall be submitted for publication in the FEDERAL REGISTER.

(e) *Closing a portion or portions of a meeting.* (1) All Commission meetings shall be open to the public except when the Commission determines that public disclosure of information to be discussed in a portion or portions of a meeting is likely to:

(i) Disclose matters that are (A) Specifically authorized under criteria established by Executive order to be kept secret in the interests of national defense or foreign policy and (B) In fact properly classified pursuant to such Executive order;

(ii) Relate solely to the internal personnel rules and practices of the Commission;

(iii) Disclose matters specifically exempted from disclosure by statute [other than the Freedom of Information Act (5 U.S.C. 552)], provided that such statute (A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(iv) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Involve accusing any person of a crime, or formally censuring any person;

(vi) Disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(vii) Disclose investigatory records compiled for law-enforcement purposes, or information which, if written, would be contained in such records, but only to the extent that the production of such records or information would: (A) Interfere with enforcement proceedings, (B) Deprive a person of a right to a fair trial or to an impartial adjudication, (C) Constitute an unwarranted invasion of personal privacy, or (D) Disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law-enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national-security intelligence investigation, confidential information furnished only by the confidential source;

(viii) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action except: (A) When the Commission has already disclosed to the public the content or nature of its proposed action, or (B) When the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal;

(ix) Specifically concerns the Commission's participation in a civil action or proceeding.

(2) Although one or more of the reasons listed in paragraph (e)(1) of this section for closing a portion or portions of a meeting may apply to the subject or subjects to be discussed, the Commission may not take such action when it determines that the public interest requires that such portion or portions of a meeting be open to the public.

(3) Whenever any person whose interest may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraph e(1) (v), (vi) or (vii) of this section, the Commission, upon the request of any one of its members, shall vote by recorded vote whether to close such meeting.

(4) Action to close a portion or portions of a meeting for one or more of the reasons listed in paragraphs (e)(1) (i) through (ix) of this section, or to withhold information from the public for one or more of the reasons listed in paragraphs (e)(1) (i) through (ix) of this section shall be taken only when a majority of the entire membership of the Commission votes to take such action.

(5) A separate recorded vote of the Commission shall be taken with respect to each meeting a portion or portions of which the Commission proposes to close to the public, and a separate vote of the members of the Commission shall be taken to determine whether to withhold information from the public. The vote of each Commissioner participating in such vote shall be recorded and no proxies shall be allowed.

(6) Within one day of any vote taken pursuant to paragraphs (e)(4) and (e)(5) of this section, the Commission shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion or portions of a meeting are to be closed to the public, the Commission shall within one day of the vote taken pursuant to paragraphs (e)(4) and (e)(5) of this section make publicly available a written explanation of its action in closing a portion or portions of the meeting together with a list of all persons expected to attend the meeting and their affiliations.

(7) For every portion or portions of a meeting closed pursuant to paragraphs (e)(1) (i) through (ix) of thi section, the Chief Legal Officer of the Commission shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained in the Commission files.

(f) *Records.* (1) The Secretary shall maintain in the official files:

(i) A complete transcript or electronic recording (disclosing the identity of each speaker) adequate to record fully the proceedings of the Commission at a portion or portions of a meeting closed to the public for the reasons specified in paragraphs (e)(1) (i) through (ix) of this section.

(ii) The statement of the presiding officer of each Commission meeting, a portion or portions of which were closed to the public, as required by paragraph (e)(7) of this section.

(iii) The certification of the Chief Legal Officer, as required by paragraph (e)(7) of this section, for each Commission meeting, a portion or portions of which were closed to the public.

(2) The records required by paragraph (f)(1) of this section shall be retained for at least two years following any meeting or not less than one year following conclusion of Commission action with respect to any matter discussed at such meeting, whichever occurs later.

(g) *Public access to records.* (1) All records required to be maintained in accordance with the provisions of f(1) of this section shall promptly be made available to the public by the Secretary except for information which the Commission has determined may be withheld from the public for the reasons stated in paragraphs (e)(1) (i) through (ix) of this section.

(2) Public inspection of such records shall take place at the headquarters of the Mississippi River Commission, 1400 Walnut Street, Vicksburg, Mississippi 39180.

(3) The Secretary shall provide (subject to withholding of information for the reasons stated in paragraphs (e)(1) (i) through (ix) of this section) upon request of any person, copies of the records required by the provisions of (f)(1) of this section, including transcriptions of electronic recordings at the actual cost of transcription or duplication.

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federal register

WEDNESDAY, JANUARY 12, 1977

PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

■

MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Consumer Complaint Handling and Remedial Actions and Related Provisions; Final Rule

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Title 24—Housing and Urban Development

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-390]

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Consumer Complaint Handling and Remedial Actions and Related Provisions; Final Rule

The Department of Housing and Urban Development is hereby issuing a final rule establishing the procedures through which the notification and correction provisions of section 615 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5414, will be enforced. That section requires that mobile home manufacturers notify mobile home consumers of the existence of certain problems in their mobile homes when the manufacturer or the Secretary determines that such problems exist. The section also requires that the manufacturer correct the problems at its own expense in limited circumstances where a risk of injury or death is involved. The final rule issued here consists of a revision of Subpart I of 24 CFR Part 3282, amendments to other sections of Part 3282 that are related to Subpart I and an unrelated amendment to 24 CFR 3282.362 with respect to the label that manufacturers are required to affix to each new mobile home.

A proposed rule to establish the mobile home procedural and enforcement regulations was first published on January 22, 1976, at 41 FR 3406. After consideration of extensive comments, a final rule was published on May 13, 1976, at 41 FR 19846. Soon after that rule was issued, the Department received several petitions for reconsideration of Subpart I and related sections from mobile home manufacturers and representatives of the mobile home industry. The manufacturers argued that the complexity of those provisions as issued would prevent them form responding as effectively as possible to safety-related problems in mobile homes and otherwise to consumer complaints. This concern was echoed by oral comments from representatives of consumer groups. As a result of this comment, the Department issued an amendment to 24 CFR 3282.401 at 41 FR 24971 on June 21, 1976, to delay the effectiveness of certain provisions of Subpart I until September 15, 1976. At that time the Department intended to issue proposed revisions to the sections in question and to finalize those revisions before September 15, 1976. Because the Department was unable to meet that deadline, the Department on September 17, 1976, at 41 FR 40337, further delayed the effective date until December 15, 1976. This was followed by the issuance of a proposed rule on September 21, 1976, at 41 FR 41214. The period for submission of public comment on the proposed rule ended on October 25, 1976, and the Department has considered all comments received since that date. The delay of the effectiveness of certain provisions of Subpart I was further extended on December 19, 1976, at 41 FR 54597, until this final rule takes effect.

The Department received 21 comments on the proposed rule. Fifteen were from mobile home manufacturers or their representatives. One was from one of the Department's Area Directors. Three were from states and two were from consumers or consumer groups. The Department has found this particular group of comments to be very useful and commends those who participated in this rulemaking. All comments have been thoroughly reviewed and considered in developing this final rule.

This preamble describes the final rule and discusses the comments received and the Department's responses to the comments. It begins with a general introduction of the rule and discussion of the general comments received, and it then covers the specific sections, the changes from the proposal and the Department's response to the comments.

The Department's approach in developing this final rule is to establish a system that allows the maximum amount of flexibility on the part of manufacturers in fulfilling their responsibilities under § 615 of the Act, while assuring that those responsibilities will be fulfilled in a timely manner. At the same time, this rule allows the Department and State Administrative Agencies to enforce the provisions of section 615 whenever necessary if manufacturers are not acting voluntarily or if they are not fulfilling their responsibilities within a reasonable period of time.

Several commenters argued that the Department should continue the delay of several provisions of Subpart I and publish this rule in proposed form once again. Some also argued that the Department should delay the effective date of this rule to allow the industry to establish procedures for meeting the rule. The Department has decided that a further proposal would be inappropriate in light of the extensive comment that has been received on the various versions of Subpart I and in light of the fact that the most recent group of comments has been very helpful in developing the final rule. Further, this rule is considerably simpler than earlier versions, and the industry, which was required to act under Subpart I with respect to imminent safety hazards and serious defects, should already have in place procedures that are adequate to operate under this rule. The Department has, therefore, decided to issue this regulation as a final rule, effective February 11, 1977.

Two other commenters argued generally that the Department has no authority to require any actions with respect to noncompliances and that the Department is acting unreasonably in developing extensive regulations to enforce section 615 of the Act. These arguments are supported in one case by a claim by a manufacturer that it has handled 458 consumer complaints since June 15, 1976, and that 72 percent of these complaints have been resolved to the satisfaction of the manufacturer and the consumer. The Department response that section 615(e)(1) of the Act clearly authorizes the Secretary to determine that a noncompliance exists and to require notification of the existence of the noncompliance. This rule, as any law or regulation, is designed to assure that those who are not fulfilling their responsibilities are required to do so.

The Department emphasizes that this program goes beyond requiring that manufacturers respond to individual complaints. The purpose of this program is to provide notification and, in some cases, correction to all owners of mobile homes in which a particular type of problem exists. Therefore, the manufacturer must do more than simply respond to the individual complaints. It must also take whatever actions may be appropriate to determine whether other mobile homes are affected and to provide notification or correction with respect to those mobile homes.

In addition to proposing amendments to Subpart I itself, the Department proposed amendments to § 3282.9, *Computation of Time* and § 3282.11, *Preemption and Reciprocity*. The proposed amendments to § 3282.9 would have changed the manner in which time periods established by the regulations are computed by counting only business days if the time period was less than 10 days, and counting calendar days if the time period was more than 10 days. The amendment would also have allowed the Secretary or an SAA to extend any time period upon a showing of good cause by the party governed by the time period, but it would have explicitly stated that mere disruption of normal business as a result of regulatory requirements would not be considered to be good cause for extension. These amendments were proposed because the Department believed that the business day concept would be simpler for the industry and the public to follow and because there was a need to allow time limits to be flexible in some cases. With respect to the change to a business day concept, the comments argued either that the term "business day" be defined or that the Department retain the original rule that had been derived from the Federal Rules for Civil Procedure. Rather than introduce and define a new term, the Department has retained the original rule.

Several manufacturers argued that the Department should include in this section a provision that automatically extends time periods when circumstances beyond a manufacturer's control delay actions the manufacturer is taking. The Department has not accepted this suggestion but has adopted the proposed rule that allows extensions if good cause is shown. This will allow time periods to be flexible in appropriate cases. Because requests for extension of time may

be made by telegram or telephone with adequate justification, the Department believes there is no need for automatic extensions of time. Further, if there were a provision for automatic extensions, the Department and the SAAs would be in the untenable position of not knowing the deadlines that manufacturers were required to meet.

The Department has deleted the last sentence of the proposed paragraph (b) which would have prevented manufacturers from arguing that delay resulting from regulatory requirements justified an extension of time. While the Department continues to believe that this would not be an adequate justification for delay except in unusual circumstances, the Department agrees with the commenters who argued that this sentence is unduly restrictive. In the normal case, however, the Department expects that good cause will be shown only where circumstances beyond the control of the manufacturer and unrelated to the manufacturer's responsibilities under the regulations are the cause of the delay.

Some commenters argued that time limits throughout the proposal were too short. In some cases, time limits were changed because the Department believed that they were unduly restrictive. The result as the rule is now issued is a system in which time periods are exacting but reasonable and in which any time periods established in these regulations can be extended if good cause is shown pursuant to § 3282.9(b).

The Department also proposed an amendment to § 3282.11, *Preemption and Reciprocity*. The amendment to paragraph (c) of that section was intended to make it clear that where there is no remedy under the Federal Act, states may establish such remedies as they deem appropriate, including requiring correction of individual noncompliances and defects. The Department's decision that states may require remedies for individual mobile homes is based on the last sentence of section 615(g) of the Act, 42 U.S.C. 5414(g), which reads as follows:

> Nothing in this section shall limit the rights of the purchaser or any other person under any contract or applicable law.

Some commenters argued that this is in conflict with a provision of section 623 of the Act, 42 U.S.C. 5422, which indicates that states may enforce the Federal standards only under plans approved under that section. The Department sees no conflict between those sections because section 623 must refer to enforcement of the Federal standards under the Act, and the Department has determined, as reflected in the proposed rule and discussed below, that the requirements of section 615 of the Act, 42 U.S.C. 5414, do not govern individual noncompliances or defects. Therefore, requiring remedies with respect to individual noncompliances or defects is outside the enforcement that the Department or a state would carry out under the Act. The Department's conclusion, based on the comments and on further research, is that a state may not establish a system of enforcing the standards that requires correction of classes of noncompliances or defects because that would constitute a system that could interfere with the Federal program. However, a state may require such actions as it deems appropriate with respect to noncompliances or defects in individual mobile homes after the homes have been sold to consumers. For example, when a state receives a consumer complaint indicating that a noncompliance exists in an individual mobile home, the Federal law does not prohibit the state from requiring that the manufacturer or the dealer correct the noncompliance. Furthermore, in the Department's view, states are not prohibited from requiring manufacturers to issue warranties; nor are states prohibited from requiring manufacturers to adequately perform warranty obligations. This would be done under state authority independent of the Federal Act. This conclusion is derived from the case law relating to preemption.

On the basis of the conclusion, the Department has retained the original paragraph (c) of § 3282.11 as published on May 13, 1976. Under that paragraph a state may not require a manufacturer to correct noncompliances and defects in all homes with respect to which the manufacturer was required to provide notification. A state may, as noted above, require the manufacturer to correct noncompliances and defects in response to individual consumer complaints. The proposed language has not been adopted because the comments indicated that it was confusing, and the Department concluded that it would be unwise to refer to specific aspects of the Federal program in indicating what states are allowed to do. Instead, the Department has adopted a new paragraph (e) which states the rule that governs whether a state action is valid or whether it is preempted. This rule governs state actions in all areas related to mobile homes, not just state efforts to require other remedies than those provided for in the Act. This amendment does not, however, change paragraph (b) of § 3282.11, which prohibits state inspections prior to sale to the consumer. Finally, the Department emphasizes, as requested by several commenters, that if states are to require remedies for individual mobile homes, those remedies must be established under state law.

The Department has substantially revised Subpart I from both the May 13, 1976, version and the proposed version. The final rule is simpler and allows all parties greater flexibility in fulfilling their responsibilities. It also allows more effective enforcement by the Department. The rule reflects the Department's understanding that unless manufacturers act voluntarily, the Department or an SAA must issue a preliminary determination and enforce the Act through the administrative process. The final rule, therefore, establishes a few clearly defined and reasonable time limits for voluntary action and removes the highly restrictive requirements of the May 13 rule. The Department's policy is that manufacturers are encouraged to act voluntarily under these regulations, and if manufacturers act reasonably, their actions will be accepted. However, where manufacturers do not act reasonably, the Department and the SAAs will bring administrative proceedings to enforce the Act. This will be described in greater detail below.

Sections 3282.401 and 3282.402 are revised and somewhat reordered to combine the purpose and scope of the subpart and to eliminate redundancies noted by several commenters. One commenter argued that the proposed language of § 3282.402(a) referring to protection of the rights of all parties should be deleted because the Act was designed to protect the rights of consumers, not of manufacturers. The Department disagrees strongly with this suggestion. Due process demands that the rights of all parties be protected in any regulatory program. The suggestion that by proposing this language the Department is indicating that it does not intend to enforce the Act to its full extent is wholly unwarranted and unjustified by the Department's actions to date. The language proposed as § 3282.402(a) appears as § 3282.401(a).

Significant comment was also received with respect to two other aspects of these sections. A consumer group argued that the proposed language of § 3282.402(b) be changed to refer to "gross consumer abuse" rather than to "abnormal consumer use," in stating the limit on a manufacturer's liability for providing notification or correction. This argument was based on "U.S. v. General Motors," 518 F2d 420 (1975). In response to that comment, a manufacturer argued that the standard of the "General Motors" case was not appropriate because it involved a safety defect, while many cases arising under the mobile home Act will not involve safety. The Department rejects this argument because the mobile home Act is intended to cover construction as well as safety, while the motor vehicle legislation under review in "General Motors" covered only safety. The Department has reviewed the "General Motors" case and has concluded that the regulations should reflect the holding of that case in full. Section 3282.402(b) now indicates that a manufacturer's liability is limited where the manufacturer can show that there has been "gross and unforseeable consumer abuse or unforseeable neglect of maintenance." Finally, several manufacturers have argued that manufacturers that are acting without having been ordered to do so as the result of an administrative proceeding should not be required to classify the problem with respect to which they are acting. The Department agrees that this would simplify the system, and § 3282.402(d) states that such classification will not be necessary where manufacturers are acting under § 3282.404.

Section 3282.403, consumer complaint and information referral has been simplified so that when an SAA or the Sec-

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retary receives complaints or other information indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance, the SAA or the Secretary will refer the information to the manufacturer of the mobile home in question. The SAA or the Secretary shall also refer the information to the SAA of the state where the home was manufactured or, if there is no such SAA, to the Secretary if it appears that more than one mobile home may be involved. The information shall be sent to both the Secretary and the SAA of the state of manufacture if it appears that an imminent safety hazard or serious defect may be involved, regardless of the number of mobile homes affected. The Department did not accept suggestions that an SAA or the Secretary be required to refer the complaint to the manufacturer within a specified time limit. The result is a simpler system in which the paperwork is minimized. Paragraph (c) of the proposed § 3282.403 established which agencies may make determinations. The Department has deleted this section and included all such rules in § 3282.407, which governs making determinations.

Sections 3282.404 through 3282.407 of the May 13, 1976, rule have been replaced by § 3282.404 through 407 of this final rule. These sections are substantially different from the May 13, 1976 rule and reflect the proposed rule in simplified form. The aspects of the proposed rule that received the most attention from the commenters were the "automatic determination" provisions of § 3282.404 (c) and (d). Under those paragraphs, a manufacturer would have been deemed to have made a determination of noncompliance, defect, serious defect, or imminent safety hazard when it received information indicating that one existed. The industry commented in unison that this was unreasonable. This concept has been replaced with the requirements of § 3282.404 (b) and (c). Under those sections, a manufacturer must, within a reasonable time, but not later than 20 days after receiving information that may indicate the existence of a problem for which the manufacturer is responsible under the Act, determine whether the manufacturer is, in fact, responsible for providing notification under the Act, as established in paragraph (a) of the section. The manufacturer must maintain complete records of such determinations in a form that is suitable for audit by the Secretary or an SAA.

A manufacturer is responsible for providing notification under paragraph (a) of § 3282.404 if the manufacturer receives information indicating the existence of an imminent safety hazard or serious defect in one or more mobile homes of if the manufacturer receives information indicating that a defect or noncompliance may exist in a class of mobile homes. The concept of a class of mobile homes is described in paragraph (a). For purposes of § 3282.404(b), a manufacturer receives information indicating the existence of a class of mobile homes containing a defect or noncompliance if the manufacturer receives information which of itself indicates that a class of mobile homes is involved, or if the manufacturer receives, over a period of time, a number of complaints or other information which indicates that a class of mobile homes may be involved. The manufacturer's responsibilities under paragraph (b) are triggered when the manufacturer has received enough complaints to indicate that a class of mobile homes is involved. The manufacturer must keep track of complaints received so that the manufacturer can determine whether a new complaint, when added to those previously received, is enough to indicate a class of mobile homes and trigger the manufacturer's responsibilities under paragraph (b).

If a manufacturer decides that it is responsible for providing notification, the manufacturer must then prepare and submit a plan for notification to the agency described in § 3282.404(c). The plan must be submitted within 20 days of the manufacturer's decision that it is required to provide notification. However, no plan need be submitted in the case of an imminent safety hazard or serious defect where only one home is involved and the manufacturer corrects the home within the 20 day period. In such cases, the manufacturer need only maintain records of the corrections in a form suitable for audit. If a plan is submitted, paragraph (d) requires that the manufacturer complete the plan within the time limit set out in the plan. Paragraph (e) continues in a simplified form, the ability of a manufacturer to act before obtaining formal plan approval and to protect itself in so acting by obtaining agreement from an SAA or the Secretary that proposed repairs are acceptable. Finally, paragraph (f) continues the concept that a manufacturer may obtain a waiver of the formal plan submission and notification requirements if the manufacturer agrees, before the expiration of the time for plan submission, to correct all homes in an acceptable manner within 60 days of requesting the waiver. This is not, as some commenters argue, a requirement that manufacturers provide correction. It enables manufacturers to substitute for the formal notification requirements of the Act corrections that may not otherwise be required. With these changes, § 3282.404 replaces the proposed § 3282.404 and § 3282.405.

Section 3282.405, SAA *Responsibilities*, is a new section in this form, but it embodies concepts that have existed throughout. In part, it replaces the proposed § 3282.406. Paragraph (a) reflects the fact that SAA's are responsible for monitoring manufacturer compliance with § 3282.404, and paragraphs (b) and (c) indicate that if SAAs find that manufacturers are not acting as required, they shall make appropriate preliminary determinations or they shall refer the cases to the Secretary to make such determinations. When an SAA makes a preliminary determination, it will hold a hearing, if one is requested, and where appropriate, issue a final determination. Preliminary determinations are appropriate both where manufacturers have not acted at all and where manufacturers are acting and have submitted a plan, but are not willing to agree to acceptable deadlines for completion of the plan.

Section 3282.406, Required manufacturer correction, simply restates paragraph (a) of the former § 3282.408. Paragraph (b) of the former section provided that a manufacturer would have an opportunity to present views when the Secretary determined that the manufacturer was responsible for correction. That paragraph has been deleted and the concept has been embodied in § 3282.407.

Section 3282.407 contains the same concepts that were included in the former § 3282.407, both as issued and as proposed, but it has been reorganized for simplicity and clarity. It provides that the Secretary may make preliminary determinations that an imminent safety hazard or serious defect exists and that correction is required. An SAA may not make such preliminary determinations, but it may, under this section, make a preliminary determination that a noncompliance or defect exists when the SAA has information indicating that a class of mobile homes may be affected. Such information exists if there appears to be a class of mobile homes that is identifiable because the same defect or noncompliance has been systematically introduced into more than one mobile home during the course of production. Some commenters argued that "class" should be defined, but the Department finds no need to do so, because in the final rule the term is never used without an explanation of the concept. The rest of the section remains basically the same, though reorganized, with three exceptions. First, in response to many comments, the time within which a hearing or presentation of views must be requested after receipt of a Notice of Preliminary Determination has been extended to 15 days in the case of a serious defect, defect, or noncompliance. It remains 5 days in the case of an imminent safety hazard. Second, a provision for offers of settlement has been added. Third, while the waiver concept embodied in § 3282.407(c) of the proposed has been retailed, it has been limited to cases in which a preliminary determination of noncompliance or defect has been issued, and it now includes a requirement that all corrections be completed within 60 days of requesting the waiver or of the Final Determination, whichever is earlier.

The original § 3282.409, Reimbursement for prior correction by owner, has been retained, but it has been simplified, and it is now § 3282.408.

Section 3282.409 now sets out the requirement for the manufacturer's plan for notification and correction that is submitted under § 3282.404. Some of the proposed language has been deleted for clarity and simplicity, and an explicit requirement that the plan contain a deadline for completion has been added. As established by § 3282.411, the deadline must be reasonable, and an SAA or the Secretary will judge the deadline according to criteria set out in § 3282.411(a). This responds to several comments that greater flexibility was necessary and that the Department should incorporate a reasonableness concept into the regulations. Some commenters argued that the plan should not be required to include the IPIA concurrence in the method used to determine the class of mobile homes involved. The Department did not accept these comments because the IPIA is best able to evaluate the method used. Several commenters also argued that there should be no requirement that notification be sent by certified mail because this will be costly and time consuming. The Department believes this is a useful requirement because it results in a record of the notifications having been sent, and the Department has retained this requirement.

Section 3282.410 contains the requirements for the contents of the notice that is required by the Act. It has been changed to reflect the fact that if manufacturers are acting under § 3282.404, they need not classify the problem with respect to which they are providing notification. Pursuant to a consumer comment, and contrary to a manufacturer objection, paragraph (e) now requires that the notice state whether the manufacturer will correct under Subpart I or otherwise. The consumer comment, while suggesting different language, pointed out that the previous section did not adequately track the language of section 615(c) of the Act, 42 U.S.C. 5414(c). The new language tracks that section. Other minor changes have been made for simplicity and clarity.

Section 3282.411, *Time for Implementation*, replaces the previous and proposed § 3282.413. As previously discussed, paragraph (a) states that the deadline for completion of the plan must be acceptable according to established criteria. The criteria for acceptance are that the deadline be reasonable taking into account the seriousness of the problem, the immediacy of any risk, the number of mobile homes involved, and the difficulty of completing any actions. There is a limit of 60 days where the manufacturer is required to correct under § 3282.406. Paragraph (b) establishes the time limits that the Secretary or an SAA must include in any order resulting from a Final Determination, and paragraph (c) allows extensions of time periods for good cause. When an extension is granted, notice of the extension must be published in the FEDERAL REGISTER.

Section 3282.412, Completion of remedial actions and report, establishes requirements that manufacturers must meet to close out any notification or correction campaigns in which they are involved. The Department has deleted the requirement that the manufacturer obtain a signed statement from the owner that the correction has been done to the owner's satisfaction. The Department believed this requirement to be too burdensome, and the Department believes that the owner should not be required to state that the correction is satisfactory. Instead, the manufacturer is required only to certify that corrections have been done, if they have been, or to certify that the owner has refused entry into the home if that is the case. Several manufacturers argued that they should not be required to certify that the corrections have been made since in most cases they will not be performing the corrections. The Department cannot accept this argument. Under the Act, the manufacturers are responsible for making corrections, and the manufacturers must certify that they have met their responsibilities. Manufacturers may require such certifications as they wish from dealers, component suppliers or others who actually carry out the corrections, but the Department can accept certifications only from the manufacturers.

The only other aspect of Subpart I that requires discussion here is the provision of § 3282.414(a), formerly § 3282.415(a), with respect to manufacturer responsibility for mobile homes in the hands of dealers and distributors. In the September 21, 1976 publication, the Department proposed language that would hold the manufacturer responsible for any failures to conform or imminent safety hazards that result from transportation to the dealer or distributor. Many comments from both the industry and one state argued that this would disrupt the commercial relationship between manufacturers and dealers in a manner that was not intended by Congress. The Department has basically accepted this position, with the exception that the Department believes the manufacturer to be responsible for transit damage that was reasonably foreseeable by the manufacturer at the time the mobile home was released. This conclusion is reflected in the new language of § 3282.414(a).

The Department is including in this package of amendments two amendments that are not directly related to the proposal. One of them is directly related to Subpart I, and the other concerns the language to be used on the label that manufacturers are required to affix to their mobile homes before the homes can be sold. Both are amendments to Subpart H of Part 3282, which governs Primary Inspection Agencies (PIA's). The first adds a new § 3282.366, Notification and Correction Campaign Responsibilities. This section incorporates in the subpart on PIA's concepts that have already been incorporated into Subpart I. Paragraph (a) states the responsibility of IPIA's and DAPIA's for assisting the Secretary or an SAA where necessary in identifying the class of mobile homes that may have been affected by a particular imminent safety hazard, serious defect, defect, or noncompliance. Paragraph (b) reflects the IPIA responsibility for concurring in or disputing the method used by a manufacturer to determine the number of mobile homes involved in a particular notification or correction campaign. These concepts were both embodied in the original Subpart I, but they are stated here in this way because Subpart I no longer includes the concept that a manufacturer will submit a plan for notification and correction after a final Determination. Since that is the case, there would be no IPIA concurrence in the course of submitting the plan, so this section makes the IPIA and the DAPIA responsible for assisting the Secretary and the SAA's.

The other amendment changes the language of the certification label required by § 3282.362(c)(2)(i)(C) so that the phrase "to the best of the manufacturer's knowledge and belief" modifies the certification that the home has been inspected as well as the certification that the home conforms to the standards. This action reflects consideration by the Department of comments made by mobile home manufacturers in response to the language required in the section when it became effective on May 13, 1976. The revised language will appear on all labels provided by IPIA's after existing label inventories held by IPIA's as of December 31, 1976, are exhausted, except that all labels applied on or after June 30, 1977, shall contain the revised language. This will assure that no labels presently in existence will be wasted. This change in the language of the label does not change the substantive impact of the label. Enforcement Bulletin H–1–76 published on June 21, 1976, at 41 FR 24973 stands as the Department's interpretation of the label language. Because the original label language was subjected to public comment in the proposed miscellaneous amendments to 24 CFR Part 280 published on May 11, 1976, at 41 FR 19280, and because the Department has received extensive comment on this issue, the Department believes that there is no need that this amendment to § 3282.362 be subjected to public comment. The change made here is the same as the change being made in the miscellaneous amendments, which were subject to comment.

The Department has determined that an Environmental Impact Statement is not required with respect to these amendments. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of the proposed rule have been carefully evaluated in accordance with OMB Circular A–107.

This rule will take effect February 11, 1977.

Accordingly, Part 3282 of 24 CFR is amended as follows:

1. By adding a new paragraph (b) to § 3282.9, so that the section reads as follows:

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§ 3282.9 Computation of time.

(a) In computing any period of time prescribed or allowed by these regulations, the day of the act or event from which the designated period of time begins to run shall not be included in the computation. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. When the period of time prescribed or allowed is more than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be included in the computation. As used in this section "legal holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States.

(b) Extensions of any of the time periods set out in these regulations may be granted by the Secretary or, as appropriate, by a State Administrative Agency, upon a showing of good cause by the party governed by the time period.

2. By revising paragraphs (b) and (c) of § 3282.11 and adding a new paragraph (e) so that § 3282.11 reads as follows:

§ 3282.11 Preemption and reciprocity.

(a) No State mobile home standard regarding mobile home construction and safety which covers aspects of the mobile home governed by the Federal standards shall be established or continue in effect with respect to mobile homes subject to the Federal standards and these regulations unless it is identical to the Federal standards.

(b) No State may require, as a condition of entry into or sale in the State, that a mobile home which has been certified as in conformance with the Federal standards by the application of the label required by § 3282.362(c)(2)(i) be subjected to state inspection to determine compliance with any standard covering any aspect of the mobile home covered by the Federal standard, except that a State may inspect a home to determine compliance with the Federal standard or an identical State standard if a transition certification label has been affixed to the home under § 3282.207. Nor may any State require that a State label certifying conformance to the Federal standard or an identical standard be placed on the mobile home, except that such a label may be required where a transition certification label has been affixed to the home under § 3282.207. Certain actions which States are permitted to take are set out in § 3282.303 of Subpart G of this part.

(c) States may participate in the enforcement of the Federal standards enforcement program under these regulations either as SAAs or PIAs or both. These regulations establish the exclusive system for enforcement of the Federal standards. No State may establish or keep in effect through a building code enforcement system or otherwise, procedures or requirements which constitute systems for enforcement of the Federal standards or of identical State standards which are outside the system established in these regulations or which go beyond this system to require remedial actions which are not required by the Act and these regulations. A state may establish or continue in force consumer protections, such as warranty or warranty performance requirements, which respond to individual consumer complaints and so do not constitute systems of enforcement of the Federal standards, regardless of whether the State qualifies as an SAA or PIA.

(d) Except where a State is inspecting or providing a State label for a mobile home to which a transition certification label has been applied under § 3283.207, and except where a State is providing one of the services mentioned in § 3283.303, and except where a State is acting as a PIA, no State may charge a fee for any services provided under these regulations. Further no State may charge a fee which is designed simply to replace revenues lost when this program replaces the State program or a fee which burdens interstate commerce, or a fee which, in itself or as it is administered, constitutes a system of enforcement of the Federal standards or of an identical State standard.

(e) No State or locality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. The test of whether a State rule or action is valid or must give way is whether the State rule can be enforced or the action taken without impairing the Federal superintendence of the mobile home industry as established by the Act.

3. By amending § 3282.362 by deleting the last two sentences of paragraph (a)(1)(v) and by amending paragraph (c)(2)(i)(C) to read as follows:

§ 3282.362 Production Inspection Primary Inspection Agencies (PIAs).

(a) • • •
(1) • • •
(v) [Amended]

• • • • •

(c) • • •
(2) • • •
(i) • • •

(C) The label shall read as follows: "As evidenced by this label No. ABC 000 001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See data plate." However, labels containing the language specified in 24 CFR 3282.362 as issued on May 13, 1976, at 41 FR 19869, shall be used until inventories held by IPIA's as of December 31, 1976, are exhausted, except that all labels applied to mobile homes on or after June 30, 1977, shall contain the language set out herein.

4. By adding a new § 3282.366 to read as follows:

§ 3282.366 Notification and correction campaign responsibilities.

(a) Both IPIAs and DAPIAs are responsible for assisting the Secretary or an SAA in identifying the class of mobile homes that may have been affected where the Secretary or an SAA makes or is contemplating making a preliminary determination of imminent safety hazard, serious defect, defect, or noncompliance under § 3282.407 with respect to mobile homes for which the IPIA or DAPIA provided either plant inspection or design approval services.

(b) The IPIA in each manufacturing plant is responsible for reviewing manufacturer determinations of the class of mobile homes affected when the manufacturer is acting under § 3282.404. The IPIA shall concur in the method used to determine the class of potentially affected mobile homes or shall state why it finds the method to be inappropriate, inadequate or incorrect.

5. By revising Subpart I of Part 3282 to read as follows:

Subpart I—Consumer Complaint Handling and Remedial Actions

Sec.
3282.401 Purpose and scope.
3282.402 General principles.
3282.403 Consumer complaint and information referral.
3282.404 Notification pursuant to manufacturer's determination.
3282.405 SSA responsibilities.
3282.406 Required manufacturer correction.
3282.407 Notification and correction pursuant to administrative determination.
3282.408 Reimbursement for prior correction by owner.
3282.409 Manufacturer's plan for notification and correction.
3282.410 Contents of notice.
3282.411 Time for implementation.
3282.412 Completion of remedial actions and report.
3282.413 Replacement or repurchase of mobile home from purchaser.
3282.414 Mobile homes in the hands of dealers and distributors.
3282.415 Notices, bulletins and other communications.
3282.416 Supervision of notification and correction actions.

AUTHORITY: Sec. 625, National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5424, sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart I—Consumer Complaint Handling and Remedial Actions

§ 3282.401 Purpose and scope.

(a) The purpose of this subpart is to establish a system under which the protections of the Act are provided with a minimum of formality and delay, but in which the rights of all parties are protected.

(b) This subpart sets out the procedures to be followed by manufacturers, State Administrative Agencies, primary inspection agencies, and the Secretary to assure that manufacturers provide notification and correction with respect to their mobile homes as required by the Act. Notification and correction may be required to be provided with respect to mobile homes that have been sold or otherwise released by the manufacturer to another party when the manufacturer, an SAA or the Secretary determines that an imminent safety hazard, serious defect, defect, or noncompliance may exist in those mobile homes as set out herein.

(c) This subpart sets out the rights of dealers under section 613 of the Act, 42 U.S.C. 5412, to obtain remedies from manufacturers in certain circumstances.

§ 3282.402 General principles.

(a) Nothing in this subpart or in these regulations shall limit the rights of the purchaser under any contract or applicable law.

(b) The liability of mobile home manufacturers to provide remedial actions under this subpart is limited by the principle that manufacturers are not responsible for failures that occur in mobile homes or components solely as the result of normal wear and aging, gross and unforeseeable consumer abuse, or unforeseeable neglect of maintenance.

(c) The extent of a manufacturer's responsibility for providing notification or correction depends upon the seriousness of problems for which the manufacturer is responsible under this subpart.

(d) When manufacturers act under § 3282.404 of these regulations, they will not be required to classify the problem that triggered their action as a noncompliance, defect, serious defect, or imminent safety hazard.

(e) It is the policy of these regulations that all consumer complaints or other information indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance should be referred to the manufacturer of the potentially affected mobile homes as early as possible so that the manufacturer can begin to timely respond to the consumer and take any necessary remedial actions.

§ 3282.403 Consumer complaint and information referral.

When a consumer complaint or other information indicating the possible existence of a noncompliance, defect, serious defect, or imminent safety hazard is received by a State Administrative Agency or the Secretary, the SAA or the Secretary shall forward the complaint or other information to the manufacturer of the mobile home in question. The SAA or the Secretary shall, when it appears from the complaint or other information that more than one mobile home may be involved, simultaneously send a copy of the complaint or other information to the SAA of the State where the mobile home was manufactured or to the Secretary if there is no such SAA, and when it appears that an imminent safety hazard or serious defect may be involved, simultaneously send a copy to the Secretary.

§ 3282.404 Notification pursuant to manufacturer's determination.

(a) The manufacturer shall provide notification as set out in this subpart with respect to all mobile homes produced by the manufacturer in which there exists or may exist an imminent safety hazard or serious defect. The manufacturer shall provide such notification with respect to mobile homes produced by the manufacturer in which a defect exists or may exist if the manufacturer has information indicating that the defect may exist in a class of mobile homes that is identifiable because the cause of the defect or defects actually known to the manufacturer is such that the same defect would probably have been systematically introduced into more than one mobile home during the course of production. This information may include, but is not limited to, complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee and information indicating a failure to follow quality control procedures with respect to a particular aspect of the mobile home. A manufacturer is required to provide notification with respect to a noncompliance only after the issuance of a final determination under § 3282.407.

(b) Whenever the manufacturer receives from any source information that may indicate the existence of a problem in a mobile home for which the manufacturer is responsible for providing notification under paragraph (a) of this section, the manufacturer shall, as soon as possible, but not later than 20 days after receipt of the information, carry out any necessary investigations and inspections to determine and shall determine whether the manufacturer is responsible for providing notification under paragraph (a) of this section. The manufacturer shall maintain complete records of all such information and determinations in a form that will allow the Secretary or an SAA readily to discern who made the determination with respect to a particular piece of information, what the determination was, and the basis for the determination. Such records shall be kept for a minimum of five years from the date the manufacturer received the information. Consumer complaints or other information indicating the possible existence of noncompliances or defects received prior to the effective date of this section shall, for purposes of this subpart, be deemed to have been received on the date this section became effective.

(c) If a manufacturer determines under paragraph (b) of this section that the manufacturer is responsible for providing notification under paragraph (a) of this section, the manufacturer shall prepare a plan for notification as set out in § 3282.409. Where the manufacturer is required to correct under § 3282.406, the manufacturer shall include in the plan provision for correction of affected mobile homes. The manufacturer shall, as soon as possible, but not later than 20 days after making the determination, submit the plan to one of the following, as appropriate:

(1) Where the mobile homes covered by the plan were all manufactured in one State, to the SAA of the State of manufacture;

(2) Where the mobile homes were manufactured in more than one State, to the Secretary; or

(3) Where there is no appropriate SAA under subparagraph (1) of this paragraph, to the Secretary.

However, where only one mobile home is involved, the manufacturer need not submit the plan if the manufacturer corrects the mobile home within the 20 day period. The manufacturer shall maintain, in the plant where the mobile home was manufactured, a complete record of the correction. The record shall describe briefly the facts of the case and state what corrective actions were taken, and it shall be maintained in a separate file in a form that will allow the Secretary or an SAA to review all such corrections.

(d) Upon approval of the plan with any necessary changes, the manufacturer shall carry out the approved plan within the time limits stated in it.

(e) In any case, the manufacturer may act prior to obtaining approval of the plan. However, such action is subject to review and disapproval by the SAA of the State where the mobile home is located, the SAA of the State where the mobile home was manufactured, or the Secretary, except to the extent that agreement to the correction is obtained as described in this paragraph. To be assured that the corrective action will be accepted, the manufacturer may obtain the agreement of either SAA or the Secretary that the corrective action is adequate before the correction is made regardless of whether a plan has been submitted under paragraph (c) of this section. If such an agreement is obtained, the correction shall be accepted as adequate by all SAAs and the Secretary if the correction is made as agreed to and any imminent safety hazard or serious defect is eliminated.

(f) If the manufacturer wishes to obtain a waiver of the formal plan approval and notification requirements that would result from a determination under paragraph (b) of this section, the manufacturer may act under this paragraph. The plan approval and notification requirements shall be waived by either the SAA or the Secretary that would otherwise review the plan under paragraph (c) of this section if

(1) The manufacturer, before the expiration of the time period determined under pargaraph (c) of this section, shows to the satisfaction of the SAA or the Secretary, through such documentation as the SAA or the Secretary may require, that:

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(i) The manufacturer has identified the class of possibly affected mobile homes in accordance with § 3282.409.

(ii) The manufacturer will correct, at the manufacturer's expense, all affected mobile homes in the class within 60 days of being informed that the request for waiver has been accepted; and

(iii) The proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the determination under paragraph (b) of this section; and

(2) The manufacturer corrects all affected mobile homes within 60 days of being informed that the request for waiver has been accepted. The formal plan and notification requirements are waived pending final resolution of a waiver request under this paragraph (f) as of the date of such a request. If a waiver request is not accepted, the plan called for by paragraph (c) of this section shall be submitted within 5 days after the manufacturer is notified that the request was not accepted.

§ 3282.405 SAA Responsibilities.

(a) As set out at § 3282.302(b)(5), each SAA is responsible for overseeing the handling of consumer complaints by manufacturers within the state. As part of that responsibility, the SAA is required to monitor manufacturer compliance with this subpart, and particularly with § 3282.404. This monitoring will be done primarily by periodically checking the records that manufacturers are required to keep under § 3282.404(b).

(b) If the SAA acting under paragraph (a) finds that a manufacturer has failed to comply with § 3282.404, or if the SAA finds that the manufacturer has decided not to act under § 3282.404(c) where the SAA believes the manufacturer is required to act, or if the manufacturer failed to fulfill the requirements of § 3282.404(f) after requesting a waiver under that paragraph, the SAA shall make such preliminary determinations as it deems appropriate under § 3282.407 (b), except that if the affected mobile homes were manufactured in more than one state or if it appears that the appropriate preliminary determination would be an imminent safety hazard or serious defect, the SAA shall refer the matter to the Secretary.

(c) Where an SAA that is reviewing a plan under § 3282.404(c) finds that the manufacturer is not acting reasonably in refusing to accept changes to a proposed plan, the SAA shall make such preliminary determinations as may be appropriate under § 3282.407, except that where it appears that it would be appropriate to make a preliminary determination of imminent safety hazard or serious defect, the SAA shall refer the matter to the Secretary.

§ 3282.406 Required manufacturer correction.

A manufacturer required to furnish notification under § 3282.404 or § 3282.407 shall correct, at its expense, any imminent safety hazard or serious defect that can be related to an error in design or assembly of the mobile home by the manufacturer, including an error in design or assembly of any component or system incorporated in the mobile home by the manufacturer.

§ 3282.407 Notification and correction pursuant to administrative determination.

(a) *Preliminary determinations.* (1) Whenever the Secretary has information indicating the possible existence of an imminent safety hazard or serious defect in a mobile home, the Secretary may issue a preliminary determination to that effect to the manufacturer.

(2) Whenever the information referred to in paragraph (a)(1) of this section indicates that the manufacturer is required to correct the imminent safety hazard or serious defect under § 3282.406, the Secretary may issue a preliminary determination to that effect to the manufacturer.

(3) Whenever an SAA has information indicating that a defect or noncompliance may exist in a class of mobile homes that is identifiable because the cause of the defect or noncompliance is such that the same defect or noncompliance would probably have been systematically introduced into more than one mobile home during the course of production, and all mobile homes in the class appear to have been manufactured in that State, the SAA may issue a preliminary determination of defect or noncompliance to the manufacturer. Information on which an SAA may base a conclusion that an appropriate class of mobile homes exists may include, but is not limited to, complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the mobile home. If, during the course of these proceedings, evidence arises that indicates that mobile homes in the same identifiable class were manufactured in more than one state, the SAA shall refer the matter to the Secretary. The Secretary may make a preliminary determination of noncompliance or defect where there is evidence that a noncompliance or defect may exist.

(b) *Notice and request for hearing or presentation of views.* (1) Notice of the preliminary determination shall be sent by certified mail and shall include:

(i) The factual basis for the determination and

(ii) The identifying criteria of the mobile homes known to be affected and those believed to be in the class of possibly affected mobile homes.

(2) The notice shall inform the manufacturer that the preliminary determination shall become final unless the manufacturer requests a hearing or presentation of views under Subpart D of this part within 15 days of receipt of a Notice of Preliminary Determination of serious defect, defect, or noncompliance, or within 5 days of receipt of a Notice of Preliminary Determination of imminent safety hazard.

(3) Promptly upon receipt of a manufacturer's request for a hearing or presentation of views, one shall be held pursuant to § 3282.152.

(4) Parties may propose in writing, at any time, offers of settlement which shall be submitted to and considered by the Secretary or the SAA that issued the Notice of Preliminary Determination. If determined to be appropriate, the party making the offer may be given an opportunity to make an oral presentation in support of such offer. If an offer of settlement is rejected, the party making the offer shall be so notified and the offer shall be deemed withdrawn and shall not constitute a part of the record in the proceeding. Final acceptance by the Secretary or an SAA of any offer to settlement shall automatically terminate any proceedings related thereto.

(c) *Final determinations.* (1) If the manufacturer fails to respond to the notice of preliminary determination within the time period established in paragraph (b)(2) of this section, or if the SAA or the Secretary decides that the views and evidence presented by the manufacturer or others are insufficient to rebut the preliminary determination, the SAA or the Secretary, as appropriate, shall make a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists. In the event of a final determination that an imminent safety hazard, serious defect, defect or noncompliance exists, the SAA or the Secretary shall issue an order directing the manufacturer to furnish notification. If the Secretary makes a final determination that the manufacturer is required to correct, the Secretary shall issue an order directing the manufacturer to provide correction.

(2) *Appeals.* When an SAA has made a final determination that a defect or noncompliance exists, the manufacturer may, within 10 days after receipt of the notice of such final determination, appeal to the Secretary under § 3282.309.

(d) Where a preliminary determination of defect or noncompliance has been issued, the manufacturer may, at any time during the proceedings called for in this section or after the issuance of a Final Determination and Order, request a waiver of the formal notification requirements. The manufacturer may request such a waiver from the SAA that is handling the proceedings, or if the Secretary is handling the proceedings, from the Secretary. When requesting such a waiver, the manufacturer shall certify and provide assurances that:

(1) The manufacturer has identified the class of possibly affected mobile homes in accordance with § 3282.409;

(2) The manufacturer will correct, at the manufacturer's expense, all affected mobile homes in the class within a time period specified by the SAA or the Secretary but not later than 60 days after being informed of the acceptance of the request for waiver or issuance of the Final Determination, whichever is later; and

(3) The proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the issuance of the Preliminary Determination.

The SAA or the Secretary may grant the request for waiver if the manufacturer agrees under paragraph (b)(4) of this section to an offer of settlement that includes an order that embodies the assurances made by the manufacturer.

§ 3282.408 Reimbursement for prior correction by owner.

A manufacturer that is required to correct under § 3282.406 or that decides to correct and obtain a waiver under § 3282.404(f) or 3282.407(d) shall provide reimbursement for reasonable cost of correction to any owner of an affected mobile home who chose to make the correction before the manufacturer did so.

§ 3282.409 Manufacturer's plan for notification and correction.

(a) This section sets out the requirements that shall be met by manufacturers in preparing plans they are required to submit under § 3282.404(c). The underlying requirement is that the plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction that arise under this Subpart I.

(b) The plan shall include a copy of the proposed notice that meets the requirements of § 3282.410.

(c) The plan shall identify, by serial number and other appropriate identifying criteria, all mobile homes with respect to which notification is to be provided. The class of mobile homes with respect to which notification shall be provided and which shall be covered by the plan is that class of homes that was or is suspected of having been affected by the cause of an imminent safety hazard or failure to conform. The class is identifiable to the extent that the cause of the imminent safety hazard or failure to conform is such that it would probably have been systematically introduced into the mobile homes in the class during the course of production. In determining the extent of such a class, the manufacturer may rely either upon information that positively identifies the extent of the class or upon information that indicates what mobile homes were not affected by the same cause, thereby identifying the class by excluding those mobile homes. Methods that may be used in determining the extent of the class of mobile homes include, but are not limited to:

(1) Inspection of mobile homes produced before and after the mobile homes known to be affected;

(2) Inspection of manufacturer quality control records to determine whether quality control procedures were followed;

(3) Inspection of IPIA records to determine whether the imminent safety hazard or failure to conform was either detected or specifically found not to exist in some mobile homes;

(4) Inspection of the design of the mobile home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

(5) Identification of the cause as relating to a particular employee or process that was employed for a known period of time or in producing the mobile homes manufactured during that time;

(6) Inspection of records relating to components supplied by other parties and known to contain or suspected of containing imminent safety hazards or failures to conform.

The class of mobile homes identified by these methods may include only mobile homes actually affected by the imminent safety hazard or failure to conform if the manufacturer can identify the precise mobile homes. If it is not possible to identify the precise mobile homes, the class shall include mobile homes suspected of containing the imminent safety hazard or failure to conform because the evidence shows that they may have been affected.

(d) The plan shall include a statement by the IPIA operating in each plant in which mobile homes in question were produced. In this statement, the IPIA shall concur in the methods used by the manufacturer to determine the class of potentially affected mobile homes or state why it believes the methods to have been inappropriate, inadequate, or incorrect.

(e) The plan shall include a deadline for completion of all notifications and corrections.

(f) The plan shall provide for notification to be accomplished:

(1) By certified mail or other more expeditious means to the dealers or distributors of such manufacturer to whom such mobile home was delivered. Where a serious defect or imminent safety hazard is involved, notification shall be sent by certified mail if it is mailed; and

(2) By certified mail to the first purchaser of each mobile home in the class of mobile homes set out in the plan under paragraph (c) of this section, and to any subsequent owner to whom any warranty provided by the manufacturer or required by Federal, State or local law on such mobile home has been transferred, to the extent feasible, except that notification need not be sent to any person known by the manufacturer not to own the mobile home in question if the manufacturer has a record of a subsequent owner of the mobile home; and

(3) By certified mail to any other person who is a registered owner of each mobile home containing the imminent safety hazard, serious defect, defect, or noncompliance and whose name has been ascertained pursuant to § 3282.211.

§ 3282.410 Contents of notice.

Except as otherwise agreed by the Secretary or the SAA reviewing the plan under § 3282.404(c), the notification to be sent by the manufacturer shall include the following:

(a) An opening statement: "This notice is sent to you in accordance with the requirements of the National Mobile Home Construction and Safety Standards Act of 1974."

(b) Except where the manufacturer is acting under § 3282.404, the following statement, as appropriate: "(Manufacturer's name or the Secretary, or the appropriate SAA)" has determined that:

(1) An imminent safety hazard may exist in (identifying criteria of mobile home).

(2) A serious defect may exist in (identifying criteria of mobile home).

(3) A defect may exist in (identifying criteria of mobile home).

(4) (Identifying criteria of mobile home) may not comply with an applicable Federal Home Construction or Safety Standard."

(c) A clear description of the imminent safety hazard, serious defect, defect, or noncompliance which shall include:

(1) The location of the imminent safety hazard, serious defect, defect, or noncompliance in the mobile home;

(2) A description of any hazards, malfunctions, deterioration or other consequences which may result from the imminent safety hazard, serious defect, defect, or noncompliance;

(3) A statement of the conditions which may cause such consequences to arise; and

(4) Precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the mobile home is repaired.

(d) An evaluation of the risk to mobile home occupants' safety and the durability of the mobile home reasonably related to such imminent safety hazard, serious defect, defect, or noncompliance, including:

(1) The type of injury which may occur to occupants of the mobile home; and

(2) Whether there will be any warning that a dangerous occurrence may take place and what that warning would be, and any signs which the owner might see, hear, smell, or feel which might indicate danger or deterioration of the mobile home as a result of the imminent safety hazard, serious defect, defect, or noncompliance.

(e) If the manufacturer will correct the mobile home under this subpart or otherwise, a statement that the manufacturer will correct the mobile home.

(f) A statement in accordance with whichever of the following is appropriate:

(1) Where the manufacturer will correct the mobile home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner.

(2) When the manufacturer does not bear the cost of repair, the notification shall include a detailed description of all parts and materials needed to make the correction, a description of all steps to be followed in making the correction including appropriate illustrations, and an estimate of the cost to the purchaser or owner of the correction.

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(g) A statement informing the owner that the owner may submit a complaint to the Secretary if the owner believes that:

(1) The notification or the remedy described therein is inadequate; or

(2) The manufacturer has failed or is unable to remedy the problem in accordance with his notification; or

(3) The manufacturer has failed or is unable to remedy within a reasonable time after the owner's first attempt to obtain remedy.

(h) A statement that any actions taken by the manufacturer under the Act in no way limit the rights of the owner or any other person under any contract or other applicable law and that the owner may have further rights under contract or other applicable law.

§ 3282.411 Time for implementation.

(a) The manufacturer shall complete implementation of the plan for correction approved under § 3282.404(d) on or before the deadline established in the plan as required by § 3282.409(e). The deadline shall allow a reasonable amount of time to complete the plan, taking into account the seriousness of the problem, the number of mobile homes involved, the immediacy of any risk, and the difficulty of completing the action. The seriousness and immediacy of any risk shall be given greater weight than other considerations. If a manufacturer is required to correct an imminent safety hazard or serious defect under § 3282.406, the deadline shall be no later than 60 days after approval of the plan.

(b) The manufacturer shall complete the implementation of any notifications and corrections being carried out under an order of an SAA or the Secretary under § 3282.407(c) on or before the deadline established in the order. In establishing each deadline, an SAA or the Secretary shall allow a reasonable time to complete all notifications and corrections, taking into account the seriousness of the imminent safety harzard, serious defect, defect or noncompliance, the number of mobile homes involved, the location of the homes, and the extent of correction required, except that in no case shall the time allowed exceed the following limits:

(1) In the case of a Final Determination of imminent safety hazard, 30 days after the issuance of the Final Determination.

(2) In the case of a Final Determination of serious defect, defect or noncompliance, 60 days after the issuance of the Final Determination.

(c) An SAA that approved a plan or is handling a proceeding or the Secretary may grant an extension of the deadlines included in a plan or order if the manufacturer requests such an extension in writing and shows good cause for the extension, and the SAA or the Secretary is satisfied that the extension is justified in the public interest. When the Secretary grants an extension, the Secretary shall notify the manufacturer and shall publish notice of such extension in the FEDERAL REGISTER. When an SAA grants an extension, the SAA shall notify the manufacturer, and forward to the Secretary a draft notice of the extension to be published in the FEDERAL REGISTER.

§ 3282.412 Completion of remedial actions and report.

(a) Where a manufacturer is required to provide notification under this subpart, the manufacturer shall maintain in its files for five years from the date the notification campaign is completed a copy of the notice sent and a complete list of the people and their addresses. The files referred to in this section shall be organized such that each notification and correction campaign can be readily identified and reviewed by an SAA or the Secretary.

(b) Where a manufacturer is required to provide correction under § 3282.406 or where the manufacturer otherwise corrects under § 3282.404(f) or § 3282.407(d), the manufacturer shall maintain in its files, for five years from the date the correction campaign is completed, one of the following, as appropriate, for each mobile home involved.

(1) Where the correction is made, a certification by the manufacturer that the repair was made to satisfy completely the standards in effect at the time the mobile home was manufactured and that any imminent safety hazard has been eliminated, or

(2) Where the owner refuses to allow the manufacturer to repair the home, a certification by the manufacturer that the owner has been informed of the problem which may exist in the mobile home, that the owner has been informed of any risk to safety or durability of the mobile home which may result from the problem, and that an attempt has been made to repair the problems only to have the owner refuse the repair.

(c) If any actions taken under this subpart are not adequate under the approved plan or an order of the Secretary or an SAA, the manufacturer may be required to provide additional notifications or corrections to satisfy the plan or order.

(d) If, in the course of making corrections under any of the provisions of this subpart, the manufacturer creates an imminent safety hazard or serious defect, the manufacturer shall correct the imminent safety hazard or serious defect under § 3282.406.

(e) The manufacturer shall, within 30 days after the deadline for completing any notifications and, where required, corrections, under an approved plan or under an order of an SAA or the Secretary, or any corrections required to obtain a waiver under § 3282.404(f) or § 3282.407(d), provide a complete report of the action taken to the SAA or the Secretary that approved the plan under § 3282.404(d), granted the waiver, or issued the order under § 3282.407(c), and to any other SAA or the Secretary that forwarded a relevant complaint or information to the manufacturer under § 3282.403.

§ 3282.413 Replacement or repurchase of mobile home from purchaser.

(a) Whenever an imminent safety hazard or serious defect which must be corrected by the manufacturer at his expense under § 3282.407 cannot be repaired within 60 days in accordance with section 615(i) of the Act, the Secretary may require:

(1) That the mobile home be replaced by the manufacturer with a mobile home substantially equal in size, equipment, and quality, and either new or in the same condition the defective mobile home would have been in at the time of discovery of the imminent safety hazard or serious defect had the imminent safety hazard or serious defect not existed; or

(2) That the manufacturer take possession of the mobile home and refund the purchase price in full, less a reasonable allowance for depreciation based on actual use if the home has been in the possession of the owner for more than one year. Such depreciation shall be based upon an appraisal system approved by the Secretary, and shall not take into account damage or deterioration resulting from the imminent safety hazard or serious defect.

(b) In determining whether to order replacement or refund by the manufacturer, the Secretary shall consider:

(1) The threat of injury or death to mobile home occupants;

(2) Any costs and inconvenience to mobile home owners which will result from the lack of adequate repair within the specified period;

(3) The expense to the manufacturer;

(4) Any obligations imposed on the manufacturer under contract or other applicable law of which the Secretary has knowledge; and

(5) Any other relevant factors which may be brought to the attention of the Secretary.

(c) In those situations where, under contract or other applicable law, the owner has the right of election between replacement and refund, the manufacturer shall inform the owner of such right of election and shall inform the Secretary of the election, if any, by the owner.

(d) This section applies where an attempted correction of an imminent safety hazard or serious defect relieves the safety problem but does not bring the home in conformity to the standards.

(e) Where replacement or refund by the manufacturer is ordered under this section, it shall be carried out within 30 days of the Secretary's order to replace the mobile home or refund the purchase price unless the Secretary, for good cause shown, grants an extension of time for implementation of such order and publishes notice of extension in the FEDERAL REGISTER.

§ 3282.414 Mobile Homes in the hands of dealers and distributors.

(a) The manufacturer is responsible for correcting any failures to conform and imminent safety hazards which exist in mobile homes which have been sold or otherwise released to a distributor or dealer but which have not yet been sold to a purchaser. This responsibility generally does not extend to failures to conform or imminent safety hazards that result solely from transit damage that occurs after the mobile home leaves the control of the manufacturer, unless such transit damage is reasonably forseeable by the manufacturer when the home is released by the manufacturer. This section sets out the procedures to be followed by dealers and distributors for handling mobile homes in such cases. Regardless of whether the manufacturer is responsible for repairing a mobile home, no dealer or distributor may sell a mobile home if it contains a failure to conform or an imminent safety hazard.

(b) Whenever a dealer or distributor finds a problem in a mobile home which the manufacturer is responsible for correcting under paragraph (a) of this section, the dealer or distributor shall contact the manufacturer, provide full information concerning the problem, and request appropriate action by the manufacturer in accord with paragraph (c) of this section. Where the manufacturer agrees to correct, the manufacturer shall maintain a complete record of its actions. Where the manufacturer authorizes the dealer to make the necessary corrections on a reimbursable basis, the dealer or distributor shall maintain a complete record of its actions. Agreement by the manufacturer to correct or to authorize corrections on a reimbursable basis under this subsection constitutes a determination of the Secretary for purposes of section 613(b) of the Act with respect to judicial review of the amount which the manufacturer agrees to reimburse the dealer or distributor for corrections.

(c) Upon a final determination by the Secretary or a State Administration Agency under § 3282.407, or upon a determination by a court of competent jurisdiction that a mobile home fails to conform to the standard or contains an imminent safety hazard after such mobile home is sold or otherwise released by a manufacturer to a distributor or a dealer and prior to the sale of such mobile home by such distributor or dealer to a purchaser, the manufacturer shall have the option to either:

(1) Immediately furnish, at the manufacturer's expense, to the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in such mobile home, and the manufacturer shall reimburse such distributor or dealer for the reasonable value of such installation plus a reasonable reimbursement of not less than one per centum per month of the manufacturer's or distributor's selling price prorated from the date of receipt by certified mail of notice of noncompliance to the date such mobile home is brought into compliance with the standards, so long as the distributor or dealer proceeds with reasonable diligence with the installation after the part or component is received; or

(2) Immediately repurchase, at the manufacturer's expense, such mobile home from such distributor or dealer at the price paid by such distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than one per centum per month of such price paid prorated from the date of receipt by certified mail of notice of the imminent safety hazard, serious defect, defect or noncompliance to the distributor. The value of such reasonable reimbursements as specified in this paragraph shall be fixed by mutual agreement of the parties or by a court in an action brought under section 613(b) of the Act.

(d) This section shall not apply to any mobile home purchased by a dealer or distributor which has been leased by such dealer or distributor to a tenant for purposes other than resale. In that instance the dealer or distributor has the remedies available to a purchaser under this subpart.

§ 3282.415 Notices, bulletins and other communications.

Each manufacturer shall, at the time of dispatch, furnish to the Secretary a true or representative copy of all notices, bulletins, and other written communica- such manufacturer or purchasers or owners of mobile homes of such manufacturers regarding any serious defect or imminent safety hazard which may exist in any such mobile homes produced by such manufacturer. Manufacturers shall keep complete records of all other communications with dealers, owners, and purchasers regarding noncompliances, and defects.

§ 3282.416 Supervision of notification and correction actions.

(a) The IPIA in each manufacturing plant shall be responsible for assuring that notifications are sent to all owners, purchasers, dealers, or distributors of whom the manufacturer has knowledge under § 3282.211 or otherwise as required by these regulations, and the IPIA shall be responsible for assuring that the required corrections are carried out by auditing the certificates required by § 3282.412.

(b) The SAA or Secretary to which the report required by § 3282.412(e) is sent shall be responsible for assuring through oversight that remedial actions described in the report have been carried out as described in the report.

(c) The SAA of the state in which an affected mobile home is located may inspect that mobile home to determine whether any required correction is carried out to the approved plan or, if there is no plan, to the standards or other approval obtained by the manufacturer.

(Sec. 625, National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5424); section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Effective date. These amendments shall take effect on February 11, 1977.

Issued at Washington, D.C. on January 4, 1977.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-877 Filed 1-11-77;8:45 am]

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WEDNESDAY, JANUARY 12, 1977

PART IV

ENVIRONMENTAL PROTECTION AGENCY

TOXIC POLLUTANT EFFLUENT STANDARDS

Standard for Aldrin/Dieldrin, Benzidine, DDT (DDD, DDE), Endrin and Toxaphene; Final Decision

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 668-8]

PART 129—TOXIC POLLUTANT EFFLUENT STANDARDS

Standards for Aldrin/Dieldrin, DDT (DDD, DDE), Endrin and Toxaphene; Final Decision

This is a rulemaking proceeding under § 307(a) of the Federal Water Pollution Control Act, as amended (the "Act"), 33 U.S.C. § 1251 et seq. On June 10, 1976, the Environmental Protection Agency (the "Agency") published proposed regulations pursuant to § 307(a)(2) of the Act, consisting of general regulatory provisions and toxic pollutant effluent standards for four toxic substances: aldrin/dieldrin, DDT (DDD DDE), endrin and toxaphene. (41 FR 23576) The general regulatory provisions (§§ 129.1–129.8) are not "standards" within the meaning of § 307(a) and therefore did not require formal rulemaking hearings. However, the Agency proposed them together with the standards in the belief that permitting public comment on both would result in more informed rulemaking. This decision will deal with both the proposed general regulatory provisions and the proposed toxic effluent standards.

Because filing of this decision has been delayed past the statutory deadline and past the deadline stipulated in the consent agreement in *NRDC* v. *Train*, Civ. No. 75–172, 8 E.R.C. 2120 (D.D.C. June 9, 1976), I have determined in accordance with 40 CFR § 104.14(c) that the preparation and filing of a tentative decision and related procedures pursuant to 40 CFR § 104.14(b) should be omitted.

Background

On July 6, 1973, pursuant to § 307(a)(1) of the Act, the Agency published in the Federal Register a list of nine toxic pollutants: aldrin/dieldrin, benzidine, cadmium, cyanide, DDT (DDD, DDE), endrin, mercury, polychlorinated biphenyls and toxaphene. (38 FR 18044) On September 7, 1973, this list was promulgated by the agency as proposed, together with a discussion of the Agency's selection criteria and a response to the public comments received on the proposed list. (38 FR 24342) On December 27, 1973, pursuant to § 307(a)(2) the Agency published proposed toxic pollutant effluent standards for each of the nine listed substances, together with a discussion of the factors considered in setting the standards, and a list of point source categories of discharges proposed to be covered. (38 FR 35388) Because the proposed standards were developed under severe time constraints imposed by the court order in *Natural Resources Defense Council* v. *Train*, Civ. Action No. 849–73 (D.D.C. June 19, 1973, as modified), the Agency lacked sufficient time to develop data in certain areas.

In accordance with § 307(a)(2) of the Act, a rulemaking hearing was held during April and May, 1974. After reviewing the record of this hearing, the Agency concluded that the record did not contain sufficient evidence for promulgation of responsible and defensible standards and that no specific modification could be "justified based upon a preponderance of evidence adduced at the hearings" in accordance with § 307(a)(2) and (3) of the Act. As a result, the Agency decided not to promulgate standards based on this record, but to gather additional data the revise and repropose its toxic pollutant effluent standards. The background and circumstances surrounding this decision are more fully set forth in the preamble to the June 10, 1976 proposal. (41 FR 23576–9)

Each of the proposed standards provides for maximum average daily and monthly effluent standards (or prohibitions); the standards for endrin and toxaphene also include a monthly average mass emission limit. In addition, each standard provides an ambient water criterion; if the effluent standards are not sufficient to achieve the ambient water criterion (because of local receiving water conditions), the cognizant regulating authority may impose more stringent effluent limitations in order to achieve the ambient water criterion.

In the period since the 1974 hearing, the Agency substantially expanded its data base with respect to toxicity and the environmental behavior and effects of the toxic pollutants, including human health effects. The Agency gave further attention to measuring and monitoring technology and reconsidered the hydrological assumptions underlying the standards which were proposed in 1973. In addition, the Agency reassessed its previously accumulated data with respect to the discharge of particular pollutants by particular industrial point source categories.

In light of the claims raised by industry objectors at the previous hearing, the Agency concluded that the interest of responsible rulemaking would be best served by giving at least some consideration to data on available control technologies and the likely impact, if any, of the proposed regulations on the national economy. However, the Agency determined that such factors must be given less weight than the environmental and public health factors required to be taken into consideration under § 307(a)(2) of the Act and for which the standards must provide "an ample margin of safety" as required by § 307(a)(4). (41 FR 23578)

In developing the proposed standards, the Agency collected and considered data relating to "the toxicity of the pollutant, its degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms", as required by § 307(a)(2) of the Act. In addition, the Agency considered available data concerning human health effects attributable to the toxic pollutants in response to the Act's manifest concern for protection of public health. After careful and thorough research, the Agency set forth extensive data concerning the toxicity, environmental fate and effects of the four pesticides in "criteria documents", one for each pesticide.

Dr. Leonard J. Guarraia, Chief of the Criteria Branch of EPA's Office of Water Planning and Standards, was responsible for the preparation of each of these criteria documents. In developing these documents, he conducted an extensive review of the scientific literature on both acute and chronic toxic effects of these substances on a wide range of aquatic organisms, consumers thereof and other animals. He gathered extensive data on the persistence, degradability and bioaccumulation of the pollutants in aquatic organisms, the presence of these organisms in various waters, and the importance of these organisms. He visited and contacted the various EPA laboratories throughout the country, and communicated with officials of various other government agencies with an interest or expertise in this area (including the Department of Health, Education, and Welfare, the Food and Drug Administration, and the National Cancer Institute). In addition, he obtained information from the National Library of Medical Information System, the Toxline Data Base, the Chemical Abstract Series, and the Biological Abstract Series. This research effort was carried out over approximately 1½ years prior to the Agency's June 10, 1976 proposal, and the results of this effort are set forth in the criteria documents.

Based upon the data in the criteria documents, the Agency established an "ambient water criterion" for each pollutant which would provide an ample margin of safety for all important organisms likely to be affected by it, assuming a continued or chronic presence of the pollutant at that level in the water. The Agency then established "end-of-the-pipe" effluent standards for new and existing sources which, taking into consideration the likely effects of dilution and dispersion following discharge in areas of mixing ("mixing zones") in the receiving waters immediately surrounding the area of the outfall, will achieve the ambient criteria. The Agency believes that this approach provides the degree of protection required under section 307(a)(4) of the Act without at the same time resulting in excessive and unjustifiable over-regulation.

In those cases where sufficient dispersion and dilution may not take place, the proposed regulations allow the permit-issuing authority to apply a "tightening" variance and impose on a discharger such more stringent effluent limitations as may be necessary in order to achieve the ambient water criterion. The purpose of this mechanism is to assure compliance with the statutory requirements of an "ample margin of safety".

In compliance with Executive Order No. 11821 (39 FR 41501), the Agency

assessed the potential economic and inflation impact of the proposed regulations and concluded that there would be no significant adverse impact on production, prices or users of the four substances at issue in these proceedings. Accordingly, the Agency concluded that preparation of a formal Inflation Impact Statement (IIS) was not required.

In accordance with standard Agency practice and § 307(a)(7) of the Act, EPA circulated drafts of its proposed regulations, the supporting criteria documents and the technology and economic assessments to various other interested federal agencies, including the Departments of Commerce, Interior, Health, Education and Welfare, Agriculture, Defense, and the Office of Management and Budget for interagency review. All comments received were carefully reviewed and considered by the Agency before official publication of the proposed regulations. Following this review and EPA's own internal inter-office review, on June 10, 1976 the Agency reproposed toxic pollutant effluent standards for four toxic substances: aldrin/dieldrin, DDT (DDD, DDE), endrin and toxaphene. (41 FR 23576)

In accordance with § 104.3(d) of the Rules of Practice for Hearings on Effluent Standards for Toxic Pollutants (the "Rules of Practice"), 40 CFR Part 104 (41 FR 17898 et seq.), written comments received by the hearing clerk from the following interested persons were made a part of the record:

Olin (Corporate Health Affairs)
American Cyanamid Company
Dr. William E. Hazeltine
Rohm and Haas Company
National Fisheries Institute, Inc.
Vicksburg Chemical Company
Pesticide Formulators Association
National Agricultural Chemicals Association
Shell Oil Company
State of New York Department of Environmental Conservation
U.S. Department of Agriculture
Ford Motor Company
Manufacturing Chemists Association

With respect to the standards proposed for endrin and toxaphene, the following persons filed timely objections in accordance with § 104.3(a) of the Rules of Practice and were named parties to the public hearing:

American Petroleum Institute
American Iron and Steel Institute
Velsicol Chemical Corporation

and the following persons who filed one day late were permitted to become parties to the public hearings:

Hercules Incorporated
Environmental Defense Fund
Natural Resources Defense Council, Inc.

The validity of the approach taken by the Agency in developing the proposed standards was criticized in various regards by the commenters and the parties to the hearing. Their objections are discussed below.

The rulemaking hearing began within 30 days (as required under § 307(a)(2)) on July 9, 1976 and was continued thereafter on July 26, 27, 28, 29, and 30; August 2, 3, and 4; September 13, 14, 15, 16, 20, 21, and 22; and October 12, 1976. At these hearings, the Agency presented the testimony of twelve expert witnesses. Hercules, Inc. ("Hercules"), the nation's largest manufacturer of toxaphene, presented the testimony of six witnesses. Velsicol Chemical Company ("Velsicol"), the nation's only current manufacturer of endrin, presented the testimony of four witnesses, while the Environmental Defense Fund ("EDF") presented the testimony of one witness. No witnesses were presented by any of the other parties.

Under § 307(a)(2) the Administrator must promulgate each of the proposed standards unless he finds, on the record, that a modification of one or more of such standards is justified based upon a preponderance of evidence adduced at the hearing. This decision will set forth findings of fact and conclusions as to whether modification of any of the standards is justified, based upon a preponderance of the record evidence adduced at the hearing.

Findings of Fact and Conclusions

Aldrin/Dieldrin, DDT, DDD and DDE

1. The toxic pollutant effluent standards proposed for manufacturers and formulators of aldrin/dieldrin, DDT, DDD and DDE require a prohibition on aldrin/dieldrin, DDT, DDD and DDE in any discharge from any such manufacturer or formulator, for both existing and new sources. (§ 129.100 and § 129.101 of the proposed standards.)

2. The Agency's statement of basis and purpose in support of these proposed standards was set forth in the preamble to the proposed standards. This statement incorporated by reference the EPA criteria documents for aldrin/dieldrin and for DDT (DDD, DDE) and summarized their content. These criteria documents, together with the references cited therein, document extensively the fact that aldrin/dieldrin, DDT, DDD and DDE are extremely toxic, that they are persistent and mobile in the environment, that they bioaccumulate in aquatic organisms, and that they pose substantial risks to human health. The statement of basis and purpose also summarized and incorporated by reference technology assessments prepared by Midwest Research Institute entitled "Wastewater Techonology Documentation for Aldrin/Dieldrin Manufacture" and "Wastewater Technology for DDT Manufacture", a study prepared by the EPA Office of Water Planning and Standards entitled "Wastewater Treatment Technology Documentation", and a report prepared by Arthur D. Little, Inc. for EPA entitled "Economic Assessment of Proposed Toxic Pollutant Standards for Manufacturers and Formulators of Aldrin/Dieldrin, DDT, Endrin and Toxaphene". The Agency's statement of basis and purpose establishes that the standards proposed for manufacturers and formulators of aldrin/dieldrin and DDT, DDD and DDE are technologically feasible, and that compliance therewith will not result in substantial or unreasonable adverse economic impact.

3. No objections to the standards proposed by the Agency for aldrin/dieldrin or for DDT, DDD and DDE were filed with the hearing clerk. Some comments addressed to the standards in general or to the aldrin/dieldrin and DDT standards in particular were submitted to the hearing clerk pursuant to § 104.3(d) of the Rules of Practice. These comments are discussed in the Summary of Written Comments.

4. One of the factors considered by the Agency in proposing a standard prohibiting DDT in any discharge from any DDT manufacturer was the apparent absence of any known present direct discharge. Rohm and Haas Company submitted a comment indicating that they are a former DDT manufacturer and utilize DDT in the manufacture of other pesticide products. Thus this company is a "DDT manufacturer" within the meaning of § 129.101(a)(2) of the proposed standards.

Apparently Rohm and Haas has no problem with the proposed standards insofar as they apply to its current use of DDT in the manufacture of other pesticides. Rather, they state that DDT which accumulated in the soil during the period when they manufactured it slowly infiltrates the below-ground network of cooling water system pipes that service the plant. The cooling water system draws water from the Delaware River and returns water containing "minute traces" of DDT to the river. Rohm and Haas believes that none of this DDT contamination results from its current manufacturing operations.

In a meeting with representatives of Rohm and Haas prior to the deadline for becoming a party to the hearings, Agency personnel informed the company that this contaminated discharge would be subject to the proposed regulations. Nevertheless Rohm and Haas did not appear or present any evidence at the hearing to support a modification of the proposed standards, but simply indicated in their comment that their cooling water discharge could not comply with a zero discharge standard.

They stated that because of the extremely large flow and very low level of DDT in the cooling water discharge there is no method of removal that is technologically or economically feasible. Their comment, however, did not consider the possibility of achieving compliance with the standard by replacing, shielding or lining the pipe from which DDT residues are being discharged, all of which the Agency believes would be feasible approaches to the problem. Moreover, Rohm and Haas submitted no information to the Agency to demonstrate the safety of a non-zero discharge.

5. No evidence of record from Rohm and Haas or any other commenter warrants any modification of the standards

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proposed by the Agency for aldrin/dieldrin or DDT (DDD, DDE) "based upon a preponderance of evidence" in the hearing record.

Endrin

1. Endrin is a chlorinated cyclodiene pesticide widely used for control of pests such as the boll weevil and the sugar cane borer on cotton and sugar cane crops. Although its use has decreased in recent years due to the resistance developed by target species, it is still used alone or in combination with other pesticides for the control of some pests in some areas. Because it is non-polar, endrin dissolves more readily in fat than in water, a property common to organic pesticides which bioaccumulate. Endrin can be strongly adsorbed by particulate matter, a property of considerable importance for its distribution between the water and sediments of receiving water bodies. It has been shown that endrin is resistant to leaching from bottom sediments and from watersheds to which it has been applied.

2. Extrapolation from the effects found in laboratory and field testing is a reliable means for predicting effects of endrin on individual organisms and their food chains and is recognized as such by the scientific community. Bioassays are probably the most useful technique available to the biologist for predicting the potential hazard of a chemical in the laboratory. They range from relatively simple acute static and flow-through bioassays to complex chronic entire life-cycle and community bioassays. Laboratory bioassay tests may underestimate the toxicity of pollutants as compared with results obtained from field tests if (as may be the case under optimal bioassay conditions) bioassay test animals are well-fed, free of disease or injury, and free of stress caused by the presence of predators and/or physical conditions. On the other hand, laboratory tests may overestimate toxicity if the animals tested are stressed by the test environment. In the absence of studies or hard data demonstrating that laboratory tests either overestimate or underestimate toxicity, it is reasonable to assume that such tests correctly assess toxicity. Moreover, there are numerous variables in the field which could possibly enhance or decrease the toxicity of a substance. Thus, for instance, one study found that the toxicity of endrin to the fathead minnow was increased in hard water. Laboratory tests control such variables and permit the only practical basis for formulation of standards.

3. The LC 50 is the dose concentration which is found to be lethal to fifty percent of a test species population over a specified period of time. LC 50 values reported for static tests are likely to be substantially higher than LC 50 values for flow-through tests. This suggests loss of toxicant in static bioassays. Because "container wall" effects are likely to be negligible and the volume of water per fish is much greater, flow-through bioassays more accurately reflect the natural environment.

4. Toxic effects resulting from the presence of endrin in water have been documented for aquatic organisms representing a wide phylogenetic cross section and geographic distribution. Although the test organisms may not all be universally distributed in the waters of the United States, they represent types of organisms present in fresh, marine and estuarine water bodies throughout the country. Thus, while available data may not be present for either the most sensitive or most important organism at a given geographical location, the data are indicative of predictable toxicological effects in the aquatic environment.

The acute toxicity of a wide variety of aquatic invertebrates to endrin is set forth below:

Organism	Habitat	Duration (hours)	Concentration (µg/l)
Stonefly	(FW)	96 (F)	0.32
Acroneuria pacifica	(FW)	24 (S)	4.0
Stonefly	(FW)	48 (S)	.96
Pteronarcys californica	(FW)	96 (S)	.25
Stonefly	(FW)	24 (S)	2.8
Pteronarcella badia	(FW)	48 (S)	1.7
		96 (S)	.54
Stonefly	(FW)	24 (S)	3.2
Claassenia sabulosa	(FW)	48 (S)	.84
		96 (S)	.76
Amphipod	(FW)	24 (S)	6.4
Gammarus lacustris	(FW)	96 (S)	3.0
Korean shrimp	(SW)	96 (F)	.30
Palaemon macrodactylus	(SW)		
Sand shrimp	(SW)	96 (S)	1.7
Crangon septemspinosa	(SW)		
Grass shrimp	(SW)	96 (S)	1.8
Palaemonetes vulgaris	(SW)		
Hermit Crab	(SW)	96 (S)	12.0
Pagurus longicarpus	(SW)		
Oysters	(SW)	96 (F)	[1] 14.2
Crassostrea virginica	(SW)		
Pink shrimp	(SW)	96 (F)	.037
Penaeus duorarum	(SW)		
Grass shrimp	(SW)	96 (F)	.63
Palaemonetes pugio	(SW)		

[1] (EC50).
LEGEND: (S)=static bioassay; (F)=flow-through bioassay; (SW)=saltwater; (FW)=freshwater.

The acute toxicity of endrin to a wide variety of freshwater and marine (saltwater) fish is set forth below:

Organism	Duration (hours)	Type of bioassay	LC50 (ug/l)
Chinook salmon	96	(S)	1.2
Oncorhynchus tshawytscha	96	(S)	0.51
Coho salmon	96	(S)	0.27
Oncorhynchus kisutch			
Coho salmon	96	(S)	0.58
Oncorhynchus kisutch			
Rainbow trout	96	(S)	0.90
Salmo gairdneri			
Rainbow trout	96	(U)	0.86
Salmo gairdneri			
Rainbow trout	96	(U)	0.27
Salmo gairdneri			
Bluntnose minnow	96	(U)	0.29
Pimephales notatus (29.8 mm in length)			
Bluntnose minnow	96	(U)	0.47
Pimephales notatus (40.6 mm in length)			
Bluntnose minnow	48	(F)	0.57
Pimephales notatus (59.8 mm in length)		(S)	0.77
Fathead minnow	96	(U)	0.7
Pimephales promelas			
Bluegill	36	(U)	0.5
Lepomis macrochirus			
Mosquitofish	48	(U)	1.0
Gambusia affinis			
Channel Catfish	96	(S)	3.1
Ictalurus punctatus			
Northern Puffer	96	(S)	0.6
Sphaeroides maculatus			
Mummichog	96	(S)	0.3
Fundulus heteroclitus (42 mm in size)			
Striped Killifish	96	(S)	0.6
Fundulus majalis (40 mm in size)			
American eel	96	(S)	0.44
Anguilla rostrata (57 mm in size)			
Threespine stickleback	[1]	(S)	0.50
Gasterosteus aculeatus			
Threespine stickleback	[2]	(F)	0.14
Gasterosteus aculeatus			
Chinook salmon (freshwater)	96	(F)	0.66
Oncorhynchus tshawytscha			
Chinook salmon (saltwater)	96	(F)	0.88
Oncorhynchus tshawytscha			
Sheepshead minnows	[3] 28	(F)	0.16
Cyprinodon variegatus	96	(F)	0.63
Sailfin mollie			
Poecilia latipinna			

Organism	Duration (hours)	Type of bioassay	LC50 (ug/l)
Striped bass	96	(F)	0.094
Morone saxatilis			
Shiner perch	96	(F)	0.12
Cymatogaster aggregata		(S)	0.8
Dwarf perch	96	(F)	0.13
Micrometrus minimus		(S)	0.6
Spot	24	(F)	0.45
Leiostomus xanthurus			
Striped mullet	24	(F)	2.6
Mugil cephalus			
Menhaden	24	(F)	0.80
Brevoortia patronus			
Longnose killifish	24	(F)	0.23
Fundulus similis			
Sheepshead minnow	24	(F)	0.32
Cyprinodon variegatus			

[1] 5 parts per thousand salinity.
[2] 25 parts per thousand salinity.
[3] Days.
LEGEND: (S)=static bioassay; (F)=flow-through bioassay; (U)=undetermined whether static or flow-through bioassay.

As the above data show, static bioassays conducted on aquatic invertebrates resulted in 96-hour LC 50 values ranging from 0.25 µg/l to 12.0 µg/l; static bioassays conducted on fish yielded 96-hour LC 50 values ranging from 0.27 µg/l to 3.1 µg/l. Flow-through bioassays conducted on aquatic invertebrates yielded 96-hour LC 50 values ranging from 0.037 µg/l to 0.63 µg/l. Flaw-through bioassays on fish yielded 96-hour LC 50's ranging from 0.05 µg/l to 0.63 µg/l.

The 28-day LC 50 for sheepshead minnow fry, including exposure as embryos, was 0.16 µg/l. The 30-day TLm (LC 50) values for two species of stonefly, *Acroneuria pacifica* and *Pteronarcys californica*, were 0.035 µg/l and 1.2 µg/l respectively, in flow-through bioassays.

In entire life-cycle flow-through bioassay tests conducted on sheepshead minnow, the fish either died or exhibited other sublethal toxic effects such as early hatching, decreased growth, and decreased fertility of eggs, when exposed to 0.72 µg/l and 0.31 µg/l of endrin in the water. No chronic toxicity data from life-cycle bioassay tests are available for aquatic invertebrates .

The pink shrimp (*Penaeus duorarum*) was found to be the tested aquatic organism most sensitive to the acute effects of endrin, with a 96-hour LC 50 of 0.037 µg/l in a flow-through bioassay.

5. Endrin-associated fishkills have resulted in the death of hundreds of thousands of fish, some of which are of great economic importance and all of which are important links in the food chain. The magnitude of endrin-associated fish mortality is illustrated in the following table, which tabulates data for thirteen endrin-associated fishkill incidents:

Date	Estimated number of fish killed	Types of fish killed (percent)		Location (nearest town or country)
		Game	Nongame	
Sept. 4, 1974	64,526	2	98	Webbers Falls, Okla.
Aug. 18, 1974	3,858	96	4	Tuscaloosa, Ala.
Sept. 10, 1974	2,988	9	91	Lawrence, Ala.
Aug. 17, 18, 1970	858	19	81	Sheffield, Ala.
Aug. 8 through 14, 1974	54,233	3	97	Franklin, Tenn.
Jan. 25, 1974	(1)	100		Cana, Va.
Sept. 3, 1974	31	87	13	Tuscaloosa, Ala.
Sept. 12, 1974	13,592	60	40	Sawyersville, Ala.
Aug. 20, 1974	47	72	28	Greensboro-Hale, Ala.
Sept. 9, 1974	28,248	3	97	Decatur, Ala.
Sept. 15, 1974	4,216	28	72	Cullman, Ala.
Aug. 17, 1974	14,350	42	58	Hokes Bluff, Ala.
Aug. 4, 1974	29,747	9	91	Selma, Ala.

[1] Unknown.

The types of fish killed ranged from game fish, such as crappie and bluegill, to non-game fish important in the food chain, such as the mosquitofish.

The cause of the 1963 fishkill in the lower Mississippi River was shown to be due to endrin, whose discharge to the Mississippi River was traced to the Velsicol Chemical Corporation plant at Memphis, Tennessee.

6. Endrin is also toxic to other organisms and consumers of aquatic life, including humans. In one study, 95 percent of eleven species of predators (including fish, frogs, turtles and snakes) died when they were force-fed endrin-resistant mosquitofish containing endrin at 890 µg/kg. Another study, noting the absence of top predators such as bass and crappie as well as very large numbers of mosquitofish in an area contaminated by insecticides (including endrin), indicated that a bioaccumulation of insecticides in the food chain can result in population shifts.

When endrin was re-introduced in 1974 for cotton insect control in the Lower Mississippi River Valley, the population of brown pelicans (fish predators who would have received endrin by the way of the food chain) began to decline. Chemical analyses of the brains of dead birds revealed levels of endrin which could account for their deaths.

Birds fed single endrin doses in capsules had LD 50 values ranging from as low as 1.8 mg/kg for young pheasants to 2.0 to 5.0 mg/kg for pigeons and 5.6 mg/kg for mallards. Birds fed endrin daily in their food for 5 days at the stated concentrations resulted in LC 50 values ranging from 11 mg/kg (endrin in diet) for pheasant chicks, 15 mg/kg for bobwhite quail chicks and 21 mg/kg for mallard ducklings.

Oral LD 50 values for a variety of mammals are set forth below:

Organism	Test	Concentration (milligrams per kilogram)
White rat (male) (Sherman strain)	Oral LD50	17.8
White rat (female) (Sherman strain)	do	7.5
Rat (Carworth strain)	do	7.3-43
Guinea pig (female)	do	16
Guinea pig (male)	do	36
Rabbit	do	5-10
Dog (Beagle)	Oral LD50 (death within 6 weeks)	10
Monkey	Oral LD50	3

Endrin can cause convulsions or death in humans following consumption of contaminated foods, inhalation or sorption. Convulsions have been reported to begin at blood levels of 0.053 µg/ml. (However, there is rapid elimination of endrin from the blood.) The Food and Drug Administration has established an action level of 0.3 ppm (mg/kg) in the edible portion of fish and shellfish to protect human consumers from endrin poisoning.

7. There is some date available on the question of whether endrin is carcinogenic or teratogenic. Evaluation of the data is not complete. On July 27, 1976 the Agency issued a Notice of Rebuttable Presumption Against Registration of Pesticide Products Containing Endrin ("RPAR"). (41 F.R. 31316) Conflicting evidence as to carcinogenicity of endrin was summarized in the RPAR. A RPAR does not constitute a decision by the Administrator that a substance is in fact carcinogenic; it is simply a notice indicating that there is evidence to that effect and requesting comment and rebuttal.

At the time of issuance of the RPAR, the Agency was also aware of studies done by the National Cancer Institute ("NCI") with endrin and toxaphene on rats and mice. Dr. Guarraia's office first learned of these studies in January, 1976. The Agency was unable to take NCI's studies into consideration in formulating the proposed standards because NCI declined to make any information available to the Agency. Moreover, throughout the hearings NCI declined to testify as to the study. NCI's reason for declining to make information available or testify was that it had not completed its analysis of the study.

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However, EDF obtained from NCI (under a Freedom of Information Act request) and delivered to EPA on July 21, 1976 computer printouts dated July 9, 1976, with each page stamped "INCOMPLETE-NOT VERIFIED", relating to the NCI studies of endrin on mice and rats.

At the hearing EDF presented the testimony of Dr. Melvin D. Reuber, a pathologist who was and is a consultant to the Agency. Dr. Reuber testified with respect to the FDA rat study mentioned in the RPAR that in his judgment this study demonstrated that endrin is carcinogenic in Osborne Mendel male and female rats.

With respect to the NCI rat study, Dr. Reuber testified that:

> In my opinion, there are serious shortcomings in the NCI endrin study on male and female Osborne Mendel rats which preclude any conclusion beyond the suggestion that endrin may be tumorigenic, particularly for the endocrine system. Additional analysis is needed of the tumors in the Uncertain—benign or malignant category, and of the reported liver lesions, as well as pooling of control rats, before any further conclusions can be drawn from this study. Nevertheless given the statistically significant incidence of malignant tumors observed in the same species in the FDA endrin study, I have concluded that endrin is carcinogenic in male and female Osborne Mendel rats.

With respect to the NCI mouse study, Dr. Reuber testified that there were increased incidences of tumors in males fed high dose levels, but that in his judgment further analysis of the data was necessary to determine whether endrin was tumorigenic in mice.

Thereafter, on October 12, 1976 Dr. Reuber testified that the NCI pages marked "INCOMPLETE-NOT VERIFIED" had been verified as of September 21, 1976. As of October 12, however, NCI had still not made a final judgment about the data and issued a final report on this study and it continued to decline to testify about it.

It cannot be overemphasized that to determine whether a substance is a carcinogen is not a simple matter; it requires careful interdisciplinary analysis and evaluation of the results of studies and their methodology. There is considerable disagreement in the scientific world as to the meaning and interpretation of data such as those available for endrin in this case. As important consequences flow from the determination that a substance is a carcinogen, the Agency has established procedures for making such determinations. Review of endrin under the Agency's Interim Administrative Procedures for Regulatory Decisions Involving Suspected Carcinogens ("Interim Policy"), 41 FR 21402 et seq., has not been completed.

It may be useful to review the procedures set forth in that document. The Interim Policy emphasizes that the decision-making process with respect to regulation of a carcinogen is a two-step process. First, a decision must be made as to whether a substance constitutes a cancer risk. Then, a determination must be made as to what regulatory action, if any, should be taken to reduce that risk.

For § 307(a) standards, an assessment as to the cancer risk would be made under Appendix I of the Interim Policy. The purpose of this assessment is to provide a judgment concerning the weight of evidence that an agent is a potential carcinogen and, if so, how great an impact it is likely to have on human health. Judgments as to the weight of evidence involve considerations of the quality and adequacy of the impact on public health at current and anticipated levels of exposure. The Interim Policy points out that the available techniques for assessing the magnitude of cancer risk to human populations on the basis of animal data are only very crude due to uncertainties in the extrapolation of dose-response data to very low dose levels and also because of differences in levels of susceptibility of animals and humans. Thus the Interim Policy requires that a range of estimates be given on the basis of several modes of extrapolation. Expert scientific judgments in the areas of toxicology, pathology, biometry, and epidemiology are required to resolve uncertainties about the quality, adequacy and interpretation of the data on which the risk assessment is based.

The estimates of cancer risk must include an analysis of the possible modes of exposure of humans to the substance. The decision must be subjected not only to internal and inter-agency review, but to review by the Cancer Assessment Group ("CAG") and in appropriate circumstances to external scientific review. The CAG is an advisory body of senior Agency scientists with a liaison member from the Department of Health, Education, and Welfare, which consults government and private sector experts as needed.

In the Denial of Interlocutory Appeal issued earlier in this proceeding, I ruled that in order to support a rule under § 307(a) I must propose the rule on the basis of "substantial evidence". I determined that the evidence as to carcinogenicity and teratogenicity cited by EDF had not been sufficiently assessed and analyzed to rise to the qualitative level upon which a § 307(a) standard can be based. As discussed in that Denial, the mere fact that data support a RPAR does not make them adequate to support a § 307(a) proposal. I felt that I was faced with a choice between moving toward promulgation, in accordance with a court order and after a three-year delay, of responsible, well-developed and defensible standards under § 307(a) of the Act (namely those proposed) or to once again suspend the proposed standards for endrin pending further development of the evidence suggesting carcinogenicity and teratogenicity. I determined that it was important for the protection of the aquatic environment to proceed expeditiously toward issuing the proposed stringent standards for endrin.

The procedures established in the Interim Policy have still not been completed for endrin. Moreover the Agency has still not received from NCI its final report on its mouse and rat studies with endrin. While recognizing the qualifications of Dr. Reuber, I cannot delegate my decision-making authority to him, and believe that it would be irresponsible to make a determination as to the carcinogenicity of endrin without further review and evaluation of all available data, including the report of NCI when available.

Even if it were determined that endrin was a carcinogen, a decision that a cancer risk may exist does not mean that the Agency will automatically take regulatory action. While it is true that there appears to be no "no effect" level for carcinogens and that therefore human exposure should be minimized, the Interim Policy points out that Congress has not in all cases required complete elimination of risk, because in many areas risks cannot be eliminated without unacceptable social and economic consequences. Thus, while the Delaney Clause of the Pure Food and Drug Act imposes an absolute ban on any food additive that shows evidence of tumorigenic activity for humans or animals, the Federal Insecticide, Fungicide and Rodenticide Act requires a balancing of risks and benefits as the basis for final regulatory action.

It is the position of the Agency that § 307(a) does not require the zero discharge of every substance for which a cancer risk is found. Section 307(a) allows a balancing test to be used, for it directs the Administrator to take into account the importance of the organisms affected when setting an ample margin of safety. Where humans are not likely to be significantly affected by a discharge, so that human exposure is "minimized", the

Administrator may in his discretion set a standard of less than zero discharge.

In the case at hand, with the application of the proposed standard the level of exposure to humans will be slight, but again it must be emphasized that the analysis of the impact of discharges on human health required by the Interim Policy has not been completed for either endrin or toxaphene. No evidence in this regard was introduced in these hearings. The proposed standards must be reviewed and if appropriate revised at least every three years (§ 307(a)(3)). Thus, if after review of all data endrin is deemed to be a carcinogen and if it is determined that the proposed standard is inadequate for the protection of human health, it can be revised promptly.

Accordingly, the Agency believes that no modification of the standard is warranted at this time.

8. Endrin may be transported to water bodies by direct discharges from manufacturing plant effluent pipes, by drifting air sprays applied to agricultural fields, and by runoff from treated soils. In a 1967 study of Louisiana watersheds, it was found that endrin residues in water appeared to parallel land application of endrin. Residues as high as 870 μg/kg were reported in gizzard shad, in the Chevreuil basin.

Where volatilization and photodecomposition opportunities were minimal, endrin was shown to persist in soil for as long as fourteen years and in water for as long as nine years. On the other hand, it was reported that 10–80 percent of endrin decomposed on air dried soil at 25° C in 12 hours, primarily due to transformation of endrin to the ketone and aldehyde forms. Ultraviolet light also degrades endrin to a ketone. Various soil microorganisms can degrade endrin, although it has been suggested that high rates of application might destroy soil organisms which might otherwise decompose endrin. Studies of soils have consistently shown low or absent endin residues since the mid-1960's.

A single application of 3 to 6 pounds of endrin per acre produced residues in potatoes grown in the soil during the first two years. About 80 percent of the endrin residue in Irish and sweet potatoes was found to remain after twelve weeks in storage.

9. Plants, fish or animals may bioaccumulate endrin. Transfer of endrin from water to organism or sediment and from organism to organism has been shown to occur. Endrin-resistant strains of food organisms have been shown capable of transferring lethal doses of endrin to birds. Bioaccumulation levels in fish found in nature have been reported as high as 12,000 μg/kg of dry body weight.

One study found that while lethal concentrations of endrin in a pond became undetectable in the water within one month and in the mud within two months, fish kept in cages in the pond after no more of the pesticide was detected in the water column accumulated detectable levels of endrin within four days. Whether the endrin came from the water, mud or food organisms was unknown.

When a single endrin-resistant mosquito fish was exposed to a concentration of 1,000 μg/l of endrin and then released into tap water with five susceptible fish, all except the resistant fish died within forty hours.

Four algal species have been shown to concentrate endrin about 170-fold following a seven-day exposure to 1 mg/l of endrin.

Oysters exposed to endrin at 1 μg/l for 10 days concentrated endrin about 1,000 times. The uptake of pesticides by oysters in a Louisiana estuary was found to be dependent upon temperature (low temperature yielded low uptake) and rainfall (heavy rainfall increased uptake due to sediment input and roiling).

Spot exposed to 0.05 μg/l of endrin for eight months accumulated whole body residues of 67 μg/g. A second test of five months duration produced residues of 78 μg/g, a concentration factor of 1560. In 96-hour experiments performed on the oyster, the pink shrimp, the grass shrimp, the sheepshead minnow and the sailfin molly, it was found that, while the oysters and shrimp bioaccumulated endrin to a lesser extent than the fish, tissue concentrations of endrin in the test species generally ranged from 200 to 4,500 times the measured concentration in exposure water. Concentrations in sheepshead minnow fry after 28 days were 3,300 to 4,800 times the concentration in water. Fathead minnow exposed to 0.015 μg/l of endrin accumulated concentrations 10,000 times greater than the water. Residue accumulation up to 10,000-fold was found in flagfish exposed for 60 days to concentrations of 0.05 to 0.3 μg/l.

The concentration of endrin in adult medaka tissue has been found to be 17,000 to 26,000 times the water concentration. Since this degree of accumulation was based solely on observations of uptake directly from the water, it did not allow for accumulation via the food chain. Accumulation rates could be higher in other, untested fish species.

10. On the other hand, endrin has been found to be eliminated quickly after termination of exposure. Residues in channel catfish were reduced 95 percent within 13 days after addition of endrin to the water was stopped. Residues of 78.0 ppb were reduced below detectable levels in marine spot within 13 days. Residues in steers with body fat residues of 900 μg/kg declined to 300 μg/kg after six weeks. Ninety percent of endrin given intravenously in rats was eliminated, 75 percent in the first day.

11. In order to protect aquatic organisms (including the food chain supporting them) and consumers of aquatic life (including humans) from the effects of a pollutant, it is necessary to set a maximum level of that pollutant in the water. Such a maximum level is referred to as an ambient water criterion. Ideally such a criterion would be based upon chronic toxicity data showing the "no effect" level for the most sensitive organism to be protected. However, often only acute toxicity data is available. In such cases, the use of "application factors" has been recommended. The "application factor" is applied against the acute toxicity value (normally the 96-hour LC/50) of a particular substance for the most sensitive species to be protected. The resultant figure is the ambient water criterion for that substance, which is intended to be a concentration level which will protect all species from chronic toxicity. The National Academy of Science has recommended use of an application factor of 0.01 for organochlorine pesticides, except where there is an experimentally-derived application factor (in which case such factor should be used).

It has been suggested that experimentally-derived application factors be obtained by dividing the no-effect level by the 96-hour LC 50. Using this method one researcher has found an application factor for endrin of 0.3, using the sheepshead minnow. Another researcher has found an application factor for endrin of 0.26 to 0.35, using the freshwater flagfish. No experimentally-derived application factor has been established for the pink shrimp (the most sensitive species for which toxicity data are available) or any other invertebrate.

12. In developing the proposed ambient water criterion, the Agency used an application factor of 0.1 instead of the application factor of 0.01 recommended by the National Academy of Sciences, because the NAS factor appeared to be overprotective in light of the experimentally-derived factors of 0.3. The 0.1 application factor was applied against the 96-hour LC 50 for the pink shrimp (0.037 μg/l) to produce the proposed ambient water criterion of 0.004 μg/l. Other fresh and salt water organisms have 96-hour LC 50 values in the vicinity of 0.037 μg/l, e.g., the chinook salmon (0.05 μg/l in salt water and 0.14 μg/l in freshwater), the striped bass (0.094 μg/l) and the dwarf perch (0.13 μg/l).

Dr. Guarraia testified that in deriving the proposed ambient water criterion for endrin of 0.004 μg/l, he considered the experimentally-derived application factor, the fact that endrin has been shown to bioaccumulate in fish flesh by factors as high as 26,000, the protection of consumers (including man) and of aquatic life, and the toxicity of similar levels of endrin to a variety of other fish. He also testified that essentially the same criterion was recommended by the EPA's laboratories in Duluth, Minnesota and Gulf Breeze, Florida. Velsicol presented testimony of its witness, Dr. Kenneth Macek, an aquatic toxicologist, that the 0.3 application factor should be used and furthermore that separate criteria should be established for freshwater and marine organisms. He testified that it was valid to use the 0.3 factor (derived from studies of fish) as an application factor for invertebrates. Using the 0.3 factor and the lowest reported 96-hour LC 50's (the pink shrimp, 0.037μg/l and the chinook salmon, 0.14 μg/l) would yield an

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ambient marine criterion of 0.01 and an ambient freshwater criterion of 0.04. Dr. Macek testified that these criteria would be adequate to protect freshwater and marine aquatic life, respectively, with an ample margin of safety.

It is true that the NAS recommends use of an experimentally-derived factor when acute and chronic data are available. However, experimentally-derived application factors, like general application factors, can only estimate the no-effect level for species other than those from which the application factor is derived. When this estimate appears to be inadequate it should not be blindly accepted.

The experimental data indicated at least in one instance that a standard based on the experimentally-derived application factor would not in fact provide for the protection of aquatic life. A study of the stonefly (a freshwater invertebrate) showed that 50 percent of the test population was killed when exposed for a 30-day period to a concentration of 0.035 μg/l. Thus the 0.04 ambient freshwater criterion proposed by Dr. Macek would not protect the stonefly.

Velsicol points out that the stonefly in question is found only in cold mountain streams and not in the Mississippi where it could be affected by Velsicol's discharge. Though true, this is irrelevant. The importance of the stonefly data is that it demonstrates that the 0.3 application factor does not correctly estimate the no-effect level for all fresh and saltwater organisms. Although the stonefly may not be found in the Mississippi, other organisms as sensitive as the stonefly may well be found there. The most sensitive and important organisms may easily have escaped testing, since only a small percentage of the total number of aquatic species can be subjected to toxicological testing and since laboratory conditions dictate the use of organisms suited to captivity. The stonefly data indicates that the 0.3 application factor would not "provide an ample margin of safety." The 0.1 factor used by the Agency does provide an ample margin of safety.

Moreover, the 0.3 application factor has been derived for fish and it is not clear that it can validly be applied to invertebrates. Dr. Donald Mount, Director of the EPA Research Laboratory—Duluth, is one of the leading experts on bioassay techniques and methods of determining water quality criteria. As a witness for the Agency, he expressed some qualifications with respect to the transfer of application factors derived from chronic bioassays with fish to invertebrates, in the absence of chronic data for the latter. While acknowledging that similarities were observed between experimentally-derived application factors for fish and for invertebrates, Dr. Mount clearly emphasized the limitations of such an application, saying it was his opinion that the validity of the application factor for various species of fish is better than it is for one determined for fish but applied to invertebrates.

David J. Hensen, a Research Aquatic Biologist at the U.S. Environmental Research Laboratory in Gulf Breeze, Florida, testified that the application factor of 0.1 recommended in the EPA Criteria Document was more appropriate than the 0.3 experimentally-derived application factor to assure adequate protection of aquatic organisms and their consumers because the pink shrimp is an invertebrate with a very high commercial value. It is one of the principal species of shrimp marketed for human consumption. Pink shrimp collected from the South Atlantic and Gulf states accounted for nearly 44 percent ($208.6 million) of the total value of the U.S. shellfish landings in 1975. The pink shrimp is also important as a link in the food chain, since it is eaten by various fish species such as the speckled trout, the white trout, the croaker and the drum.

Accordingly, the record does not establish by a preponderance of the evidence that the proposed ambient water criterion should be modified.

13. The mass emission standard as proposed was based on a 6 million pound production rate and a wastewater flow stream of 300 gallons per minute (gpm). The evidence showed that the total wastewater flow volume from Velsicol's endrin manufacturing plant, including both contaminated and uncontaminated streams, is 259 gpm, based upon evidence presented by Velsicol, and that production is approxiately 3 million pounds.

As stated in the preamble of the June 10 proposal, the purpose of the mass emission standards is to prevent a manufacturer from utilizing dilution instead of treatment or in-process change to achieve compliance with the concentration standard, rather than to impose an additional limitation more stringent than the concentration standard.

If the calculation used to derive the proposed mass emission standards were recomputed using the low range of the endrin production volume (3 million pounds per year) and the total wastewater volume from the endrin manufacturing plant (including both contaminated and uncontaminated streams of 259 gpm), a somewhat more relaxed mass emission standard would result, namely .0006 kg/kkg for existing sources, and .00004 kg/kkg for new sources.[1]

[1] This calculation is performed as follows:
Daily flow of 259 gpm×1440 minutes per day=.373 million gallons per day (MGD).
Maximum permissible amount of endrin in discharge from endrin plant is .373 MGD × concentration standards (1.5 μg/1) × conversion factor from gallons to pounds (8.33) =.00466 lbs. per day.
3 million lbs. per year divided by 365 days per year=8.22 thousand lbs. production of endrin per day (if weekend days were excluded the figure would be higher, imposing a slightly more stringent limitation.)
Maximum permissible mass emission is .00466 lbs. per day divided by 8.22 lbs. endrin produced per day=.0006 lbs. per thousand lbs., or kg/kkg.
Since the new source concentration standard is 0.1 μg/1, the new source mass emission standard is .00006×0.1/1.5=.00004 kg/kkg.

Although Velsicol offered evidence that its total discharge volume averages approximately 2,269 gallons per minute, as discussed below, the evidence discloses that this includes not only the discharge from the endrin plant and the heptachlor plant, but also other discharges which need not be treated with the contaminated streams.

Evidence was introduced by Velsicol indicating that even when their endrin operation is shut down, there is residual endrin in the system, including the pipes, which results in a positive discharge of endrin. When the endrin plant is shut down, there will be no production level on which a mass emission as a percent of production could be calculated. Under these circumstances, it would be reasonable to require that, during any calendar month for which the endrin manufacturing plan is shut down, the discharger must comply with a mass emission standard under which the production volume used is the average monthly production level for the most recent 360 days of operation of the endrin plan (which approximates an operating year).

In addition there was evidence that there is stormwater flow of 251 gpm which may be subject to the proposed standard. Techniques such as roofing, diking or use of evaporation ponds would obviate the need for treatment of stormwater flows and would be less expensive than treatment. Consequently the Agency does not envision that the mass emission limitation will be applied to stormwater flows.

14. In order to identify and evaluate the wastewater technologies applicable to dischargers from plants engaged in the manufacture or formulation of the pesticides aldrin/dieldrin, endrin, DDT (DDD, DDE) and toxaphene, EPA contracted for the services of the Midwest Research Institute (MRI) of Kansas City, Missouri. MRI is a not-for-profit corporation which is engaged in a wide range of research projects involving the physical, biological, engineering, economic and management sciences. It has performed extensive research on the study of wastewater effluent and wastewater treatment technology, and the costs thereof. The project officer at MRI in charge of preparation of reports for each of the four pesticides at issue here was Dr. Alfred F. Meiners.

Dr. Meiners, who has a Ph.D. in organic chemistry, is a Principal Chemist in the Physical Sciences Division of MRI. During approximately the past ten years, he has devoted extensive time to the study of wastewater containing pesticides and other organic chemicals, and the technologies available to treat those wastewaters for the purpose of removing the organic constituents.

The objectives of the studies which MRI performed for EPA were to examine the wastewater management practices currently employed in the manufacture and formulation of the specified pesticides, to examine the state of the art of potential wastewater treatment processes that might be applicable to the

industry, and to select those processes that would be applicable to EPA control requirements for toxic pollutants. The task included, in addition, the development of cost data relating to existing and proposed wastewater treatment methods. The results of the MRI studies are four reports (one for the manufacturing segment of each pesticide) and the first four sections of a study of the formulator segment of the industry, entitled "Wastewater Treatment Technology Documentation for Aldrin/Dieldrin, DDT, Endrin, and Toxaphene Formulation", prepared by the EPA Office of Water Planning and Standards.

15. In preparation of "Wastewater Treatment Technology Documentation for Endrin Manufacture", MRI considered a total of ten technologies. The four technologies selected for discussion in the report (resin adsorption; reductive degradation; resin adsorption and reductive degradation in series; and activated carbon adsorption) were those believed by MRI to be the most promising in terms of feasibility and likelihood of achieving very low concentration levels of the pesticide in industrial effluents. No candidate technology was rejected on the basis of cost only.

16. Velsicol is currently the sole manufacturer of endrin in the United States and all of its production of endrin is made at its plant in Memphis. This plant occupies a 68-acre site. Velsicol also formulates endrin, but under the regulations is regarded as an endrin manufacturer. (§ 129.102(a)).

17. At the time MRI prepared its report, it believed that Velsicol had two direct discharges (001 and 002) into a stream known as Cypress Creek and a third discharge (003) to the Memphis Municipal Sewage System, all contaminated to some degree with endrin and yielding a total wastewater discharge of approximately 3,514 gallons per minute (gpm), containing an average 2.5 pounds of endrin per day. Production information indicated between three and six million pounds per year of endrin. It was believed that Velsicol expected to reduce soon the amount of contaminated water to 150 gpm or less. The Memphis Municipal Sewage System is not now a "publicly owned treatment works" meeting the requirements of § 301(b)(1)(B) but is expected to become one in February, 1977, or shortly thereafter. For purposes of its cost estimates, MRI used two alternative model systems involving endrin-contaminated flows of 300 and 600 gpm respectively, and used the higher production figure of six million pounds of endrin per year.

18. Velsicol's outfalls 001 and 002 have zero discharge except for endrin-contaminated runoff during rainfall which, during four months of 1976, varier from .008 to 0.145 pounds/month (001) and 0.666 to 1.396 pounds per month (002). Velsicol indicates that in 1976 the stormwater flow (rainy days only) averaged 40 gpm for outfall 001 and 66 gpm for outfall 002. Stormwater from areas immediately surrounding the endrin and heptachlor manufacturing facility is collected and channeled to the plant's process waste treatment system.

Outfall 003 contains an average daily discharge of 2269 gpm with all production units on line at full production rate, with an average of less than 30 μg/l of endrin and usually in the range of 10–15 μg/l, resulting in an average discharge of 0.25 lb/day of endrin. Velsicol within the past year constructed a separate sewage system so as to segregate its endrin and heptachlor process wasteflows. The total discharge from the endrin plant is 259 gpm, and the total discharge from the heptachlor plant is 42 gpm, or a combined flow of 301 gpm. Of this, only 66–100 gpm is actually contaminated with endrin and heptachlor.

The entire 2269 gpm at outfall 003 is contaminated with endrin because of residual contamination of hundreds of yards of the old sewage system now used for endrin-free waters (cooling and noncontact waters). Despite several cleaning with ultra-high pressure water jets, the average effluent discharge was 15–20 μg/l during the four months of 1976 when no endrin was produced. The treated and untreated waste streams are joined together in a common neutralization basin and thence discharged via outfall 003.

19. One of the principal issues in this proceeding is whether and to what extent questions of technology and economic impact are to be taken into account in setting standards under § 307(a). A related question is whether the standards must be technologically achievable within one year. Velsicol argues that toxic pollutant effluent standards under § 307(a) must meet the requirements of § 301(b) and § 304(b). In Velsicol's view its position is adopted in the consent agreement in *NRDC* v. *Train*, Civ. No. 75–172, 8 E.R.C. 2120 (D.D.C. June 9, 1976). Hercules also argues that the Administrator must consider questions of technological and economic feasibility.

The short answer to Velsicol's argument is that nowhere in the statute or the legislative history is there any suggestion that toxic pollutant standards under § 307(a) must meet the requirements of §§ 301(b) and 304(b). The requirements of §§ 302, 307 and 318 are plainly in addition to those set forth in § 301(a), and § 301(a) so indicates:

> Except in compliance with this section [§ 301] and sections 302, 306, 307, 316, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

Congress could not have intended the requirements of §§ 301(b) and 304(b) to apply generally to Title III, because the requirements of those sections conflict with other parts of Title III. Section 301 (b) sets forth the basic requirements of the Act with respect to waste treatment for point sources, namely that the effluent limitations for point sources must require the application of "best practicable control technology currently available" ("BPCTCA") by 1977 (unless more stringent standards are necessary to meet applicable water quality standards or other requirements) and "best available technology economically achievable" ("BATEA") by 1983. Factors to be taken into account in determining BPCTCA and BATEA are specified in § 304(b). The remaining parts of Title III (insofar as they deal with effluent standards or limitations) are designed to achieve specific goals and for that purpose impose levels of control more stringent, and sometimes on different timetables, than those required under §§ 301(b) and 304(b). Thus, § 302 requires effluent limitations more stringent than those achieved by the application of BATEA if necessary to obtain or maintain water quality. Section 306 requires new sources to meet a special standard, namely "best available demonstrated control technology, processes, operating methods or other alternatives"; standards under this section are effective upon promulgation without reference to 1977 and 1983. Section 307(a) requires the Administrator to promulgate effluent standards for individual toxic pollutants at levels which permit ample margins of safety; these standards take effect within no more than one year of promulgation, again without reference to the 1977–1983 timetable of § 301.

Velsicol's confusion with regard to the relationship of §§ 301, 304 and 307 stems from the fact that toxic substances can be regulated under §§ 301(b) and 304(b) as well as § 307(a). The BPCTCA and BATEA control technologies remove certain toxic substances to some degree, and since toxic substances are "pollutants" the Agency believes that their discharges can be controlled under §§ 301 and 304(b) through appropriate provisions in NPDES permits under § 402.

However, § 301(b) technology is not necessarily sufficient to adequately control toxic substances. (For instance, BPCTCA, which is generally equivalent to secondary treatment, may remove more than 90% of BOD and TSS but only a small fraction of heavy metals.) For this reason Congress gave the Agency additional power to control toxic substances under § 307(a). Thus, when the settlement agreement in *NRDC* v. *Train* provided in clause (A)(1) that:

> • • • the Administrator shall develop and promulgate regulations which shall establish and require achievement at the earliest possible time, but in no case later than June 30, 1983, of effluent limitations and guidelines for classes and categories of point sources which shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharges of all pollutants, *including toxic pollutants* • • • (Emphasis added.)

the reference to control of toxic substances was a reference to control under §§ 301(b) and 304(b). Control of toxic substances under § 307(a) was separately provided for in clause (K)(14), which states:

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The Administrator shall propose standards pursuant to Section 307(a) of the Act for aldrin/dieldrin, DDT (DDD, DDE), endrin and toxaphene on or before May 31, 1976; and for benzidine on or before June 22, 1976; and for polychlorinated biphenyls (PCB's) on or before July 14, 1976. Not later than six months following proposal of each set of such standards, the Administrator shall promulgate final standards for each of such pollutants.

Although it is clear that the requirements of § 301(b) were not superimposed on § 307(a), whether Congress intended the Administrator to consider technology and economics at all in setting § 307(a) standards is a more difficult question. This question was addressed extensively in the preamble to the June 10 proposal (41 F.R. 23578), and the conclusion was reached that the Administrator has the authority:

to give at least some consideration to the economic impact, including the availability of control technology, in setting standards under section 307(a), even though such factors must always be given less weight than the environmental and public health factors for which the standards must, under section 307(a)(4), provide an ample margin of safety.

As discussed below, I have given consideration to the economic impact, including the availability of control technology, and have determined that the standards can be met within one year without significant economic impact.

The Natural Resources Defense Council ("NRDC") argues that consideration of economic costs and technology is not lawful in setting standards under § 307(a). NRDC argues that the Administrator's position should be reconsidered in light of *Union Electric* v. *EPA*, 8 E.R.C. 2143 (C. Ct. 1976), which apparently overruled *Buckeye Power, Inc.* v. *EPA*, 481 F. 2d 162 (6th Cir. 1973), a case which was cited in the preamble.

Union Electric arose under the Clean Air Act and posed the question whether an operator of a regulated emission source could raise claims of economic and technological infeasibility in a petition for review of an EPA-approved State implementation plan ("SIP") filed after the 30-day appeal period. This in turn depended on whether the Administrator could consider such claims in approving or rejecting a SIP. The Court held that the Administrator must approve a plan that provides for the attainment of primary ambient standards within 3 years even if attainment does not appear feasible. In so holding, the Court relied on the fact that Congress had rejected a House proposal to require attainment of primary standards only "within a reasonable time", in favor of a Senate version flatly requiring that primary standards be met "within three years". Furthermore, the Court pointed to the Senate legislative history, which quite explicitly said that existing sources should either meet the standards of the law or be closed down.

The Court also held that economic and technological infeasibility could not be considered by the Agency in approving plans with respect to secondary ambient air standards. The reason for this holding was *not* that the Clean Air Act prohibited consideration of such factors in formulating plans to attain secondary standards. Rather, the Court reasoned that States can if they wish adopt plans more stringent than required by Federal law and hence by implication may adopt plans for the attainment of secondary standards which do not consider economic and technical feasibility. That being the case, the Agency may not disapprove a State's plan for reasons of economic or technical infeasibility.

Though the Agency was thus held to be precluded from considering economic and technological feasibility at the time of approval of a plan, nevertheless the Court discussed in great length the various ways that economic and technological infeasibility could be taken into consideration by States in designing or revising their SIP's or in requesting extensions of time for sources under § 110(e) and § 110(f); also, the Court stated that the Agency could take economic and technological infeasibility into consideration in fashioning appropriate compliance orders under § 113(a)(4) of the Act.

There are several reasons why the holding in the Union Electric case does not require modification of the position adopted in the June 10 proposal;

First, the Administrator's duties under § 110 of the Clean Air Act are ministerial, whereas under § 307(a) they require considerable exercise of discretion. That is, under § 110, if the Administrator determines that the eight criteria necessary for approval of a SIP have been met, the statute makes his approval mandatory. Under § 307(a), by contrast, the Administrator must "take into account" various factors such as the nature of the toxic pollutant and the importance of the organisms affected; he must determine the categories of sources to which the standard will apply; and he must make a determination as to whether the standard provides an ample margin of safety. Thus making a judgment as to the proper toxic pollutant effluent standard under § 307(a) requires the Administrator to exercise substantial discretion.

Second, the Court noted that in fact there are a number of points in the development and implementation of a SIP where allowances for claims of technological or economic hardship could be considered. The State in drafting the SIP is free to take economic or technological factors into consideration. Under § 110(a)(3)(A), the State could grant a variance based, among other things, upon consideration of economic and technological feasibility. The Governor of a State may request postponement of the compliance time on grounds of technological or economic impossibility. As the Court stated in arriving at its conclusion:

In short, the (Clean Air Act) Amendments offer ample opportunity for consideration of claims of technological or economic infeasibility. 8 E.R.C. at 2151.

In contrast, under the Federal Water Pollution Control Act there are no mechanisms by which questions of technological and economic feasibility with respect to the setting of toxic pollutant effluent standards can be taken into account, except through the standard-setting process of § 307(a).

Third, the legislative history of § 110 of the Clean Air Act states in so many words that existing sources should either meet the standard or be closed down. The legislative history of section 307(a), on the other hand, simply indicates that toxic pollutant effluent standards are not to be based solely on questions of economic and technological feasibility. (H. Rept. No. 92-911, 92nd Congress., 2d Sess., at 112-113 (1972)).

Fourth, the nature of the standards is somewhat different. Whereas air quality that does not meet primary air standards causes a direct and immediate impact on human health, discharges of toxic substances may have their primary impact on aquatic systems, with only a secondary impact on humans. Finally, the Union Electric case involved a challenge by a private party to an administrative interpretation of the Clean Air Act. Applying a general principal of administrative law, the Court gave deference to the administrative interpretation of the Clean Air Act (at p. 2146); in Union Electric the administrative interpretation precluded consideration of technological and economic consideration.

NRDC also refers to § 112 of the Clean Air Act, which is the section regulating hazardous air pollutants, for support of its proposition that economics and technology are not relevant to § 307(a) standard setting. Like § 307(a), § 112 contains no express statutory authorization to consider economics and technology. Nevertheless, the Agency has given limited consideration to costs and technology in issuing its national emission standards for vinyl chloride under that section (41 FR 46560). It would be anomalous and inconsistent not to consider these factors under § 307(a) when they have been considered under the comparable § 112.

Consistent with this approach is *Essex Chemical Corporation* v. *Ruckelshaus*, 486 F. 2d 427 (D.C. Cir. 1973). Following *Portland Cement Assoc.* v. *Ruckelshaus*, 486 F. 2d 375 (D.C. Cir. 1973) the Court held in Essex Chemical that in setting national standards of performance for new stationary sources under § 111, the Administrator has not only the power but the duty to consider possible counterproductive environmental effects of its standards despite the absence of any express provision in the statute to do so. This type of consideration would appear implicit as a matter of reasoned rulemaking.

In the present situation, limited consideration of economics and technology gives the Agency some idea of the likely impact of its standards. It also can afford the Administrator some guidance in deciding where on the spectrum of "ample

margin of safety" it would be reasonable and prudent to set the standard. (See 41 FR 23580.)

Thus, for example, the Administrator has set more stringent requirements for new sources than for existing sources. The rationale for this is set forth in the June 10 proposal:

Setting an "end-of-the-pipe" effluent standard at a level which is substantially less stringent than the chronic criterion recognizes the inherent safety factors built into the latter number, which is derived from direct, sustained exposure of the more sensitive species with no dilution or dispersion allowance. (Clearly) as one backs away from that very stringent number the amplitude of the margin of safety is decreased. Yet the statutory "ample margin" concept is an elastic one which, like the importance of the organism, allows for considerable exercise of judgment by the Administrator in setting the standards. In any case where a discharge is allowed, on the spectrum ranging from certain safety (a prohibition) to that uncertain point where harmful effects are caused and safety ends, a logical break point is struck where the very best that control technology can do is required. Setting a standard at this point, coupled with the "tightening" variance, achieves the purpose of the Act without inflicting unreasonable and unjustifiable economic and social costs. (41 FR 23580)

Hercules and Velsicol argue that any § 307(a) standard must be one that can be achieved within the one-year time limit set forth in § 307(a)(b). They argue that none of the technologies discussed can be installed within one year or at least cannot be installed so as to consistently achieve compliance with the statute within one year.

The one-year timetable of § 307(a) may prove to be unrealistically short for control of some discharges. However, in view of the very serious light in which Congress regarded discharges of toxic substances (as evidenced by the short timetable) it is absurd to interpret § 307(a) as requiring referral of standards when technology is available, but cannot be installed or made fully operational within one year. In any event, the question of whether a standard may be imposed where technology cannot be installed within the statutory timetable need not be reached in this case, because the record demonstrates that technology is available and can be installed within one year. Admittedly problems may be expected in the implementation of any of the available technologies. The fact that the technology may not be functioning perfectly at the end of the one-year timetable is not sufficient reason for deferring the adoption of the standard, but may perhaps be taken into consideration by the courts should any citizens' suits or enforcement actions be commenced against dischargers unable to bring their plants into compliance on time.

20. The resin adsorption system developed by Rohm and Haas Company utilizes a synthetic, polymeric adsorbent known as Amberlite XAD-4 resin to remove pesticides from the wastewater. This resin has a high porosity, a high surface area, and an inert, hydrophobic surface. The adsorbent is regenerated with an organic solvent, and the adsorbed pesticides are recovered in a concentrated form. A pilot plant was scheduled for installation in November, 1976 at the Memphis plant of Velsicol under a grant project funded by EPA.

The MRI report stated that the process has the potential of reducing the effluent concentration down to 1.4 ppb. The manufacturer of resin adsorption systems, Rohm and Haas Company, indicated that such a system can be installed in 42-62 weeks. Because of the experience with the pilot plant at Velsicol it is possible that the system could be installed within one year.

Velsicol's Technical Superintendent, Daniel Marks, testified that although in the laboratory resin adsorption has occasionally achieved endrin removal levels of 0.5 to 0.1 μg/l (one run of tests averaged 1.36 μg/l), nevertheless it had not shown the capability of meeting either the proposed 1.5 ppb standard over an extended period of time or the proposed maximum effluent limitation standard of 7.5 ppb. (This was contrary to his earlier conclusion, in a report describing dynamic column studies, that the XAD resin would achieve reduction to levels near or below 1 ppb.) He said that actual pilot plant data were needed to assess the capacity of resin adsorption technology to reduce endrin content to 1.5 ppb on even a pilot scale basis. However, he also stated that the resin adsorption technology, though not available today in the form of an operational unit that will perform to those levels, nevertheless is a technology which has great potential to be developed in the future to such a state.

In essence, Velsicol's view is that the Agency may not adopt a § 307(a) standard unless technology to consistently achieve that standard has been demonstrated on a full-scale basis using actual wastewater, or at least on a pilot scale basis. I realize that when a standard is promulgated without such a demonstration, there is some chance, however remote, that consistent attainment of the standard will prove difficult or impossible, or that technical problems will take more time to work out than originally envisaged. However, as discussed above, Congress viewed the discharge of toxic substances as a very serious matter, and gave the Agency limited latitude to take into consideration technological feasibility. Under the circumstances I believe that the Congressional intent is most effectively carried out if the Agency establishes toxic pollutant effluent standards on the basis of reasonable expectations as to technological feasibility, and difficulties in attainment of the standard are dealt with and taken account of in the Agency's own enforcement policy and by the courts in enforcement proceedings, if appropriate under all the circumstances. (For instance the nature of the pollutant being discharged and the good faith, or lack of it, of the discharger would be factors to be considered.) This will carry out Congress' intent that toxic pollutant effluent standards be implemented at the earliest possible date, will result in reductions of toxic pollutant discharges even if technological difficulties arise, and will permit dischargers to make their case on the basis of actual as opposed to possible technological difficulties encountered.

21. The reductive degradation process consists of a copper-catalyzed reduction of the pesticide in water by iron. The pesticide-containing wastewater is passed through a packed column with the reductant suitably diluted with inert particles to obtain good flow properties.

Extensive laboratory work with this system has been done by Envirogenics Systems Company ("Envirogenics") of California, and a pilot plant based upon this technology and designed for 100 gpm has been operating at the Velsicol Memphis plant since May 1, 1976. This plant was constructed and installed by Envirogenics as a subcontractor to Velsicol under an EPA grant.

The MRI report stated that the reductive degradation process has the potential of reducing the effluent concentration to 1.0 ppb. This was confirmed by Dr. Keith H. Sweeny. Dr. Sweeny, who has a Ph.D. in physical chemistry, has been employed by Envirogenics and its predecessor for 25 years and holds the position of Manager, Wastewater Treatment Research. He is co-inventor of six patents relating to various aspects of the reductive degredation technology. He has been extensively engaged for seven years in studies to reduce or eliminate pollutants from industrial wastewater, including research into methods to degrade pesticides.

Dr. Sweeney is program manager of the EPA-Velsicol pesticide degradation demonstration grant program. He testified concerning the nature of the reductive degradation process, the results which can be achieved in removing endrin from wastewaters, and the costs of such a system. He described the extensive laboratory work which he has done on the process at Envirogenics. He said, on the basis of his laboratory studies, that this technology could degrade endrin to less than 0.1 μg/l from input concentrations of 300 to 700 μg/l.

During his six years of laboratory studies of reductive degradation technology as applied to endrin, toxaphene, and other chlorinated organic chemicals, Dr. Sweeney achieved varying reduction levels. These results do not, as Velsicol contends, establish that reductive degradation cannot consistently achieve the proposed standard. The varying reduction levels were achieved in tests designed to learn or accomplish things other than actual reduction levels. (For example, some of the tests were run for the specific purpose of trying to exhaust the reductant, or were run with reductants other than the one currently being used.) Dr. Sweeney testified that the results of these experiments (many of which used equipment and parameters entirely different from those presently

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used at the Velsicol pilot plant) did not detract from his conclusion that endrin can be consistently removed by the reductive degradation process to levels at or below 0.1 μg/l.

Velsicol takes the position that the pilot plant data to date do not support this conclusion. The pilot plant is being run on 100 gpm of synthetic feed (manufactured by diverting cooling water into the sewer system and relying on its contact with residues to provide endrin and heptachlor in the feed) with an average endrin concentration of 100 ppb. After initial startup problems due to malfunction of a pH control system, the plant operated from May 17 until May 27. These operating results demonstrated that reductive degradation can achieve excellent results, with endrin reduction below 0.1 Ppb. There were, however, problems with the operation of the pilot plant due to plugging. Mr. Marks testified that until the problem of getting adequate flow rates through the bed is solved, operation of the pilot plant cannot be sustained long enough to determine what it average long-term capability will be.

The pilot plant data support MRI's conclusion that reductive degradation has the potential of achieving concentrations of 1.0 ppb in the effluent. There were problems in the operation of the pilot plant, but there is no reason to believe that these problems cannot be solved. Dr. Meiners testified that with respect to a system based upon this or any other of the technologies, there could be problems at the outset including biological fouling, pH upsets, or excessive suspended solids. He also testified, however, that each of these problems could be readily solved. The pH (acidity or alkalinity) of the water can be controlled in a system simply by the addition of acid or alkaline. Biological fouling can be controlled in a number of ways, notably by the use of reagents to retard or prevent growth of microorganisms or by heat. Suspended solids can be removed by sedimentation and filtration. (Installation of sedimentation and filtration was assumed in the MRI cost study.)

Dr. Sweeny said he could not agree that the pilot plant was inconsistent in its removal because he could confirm neither the analytical techniques and analyses nor the operating conditions. He testified that nothing in Velsicol's testimony regarding operation of the pilot plant would cause him to change in any way his conclusion that a treatment plant based upon reductive degradation technology could achieve reduction of endrin to approximately 0.1 μg/l or below and that such a plant with a capacity of up to 300 gpm could be designed and installed within one year.

Mr. Marks also testified that the reductive degradation process produces new compounds not present in the original feed which are probably chlorine-containing products which may pose toxic risks to aquatic biota comparable to those associated with endrin. He admitted on cross examination that the chemical identity of the by-products was unknown and that he did not know what their toxicity was.

There is no credible basis for this claim. This concern is apparently based on a 1970 study conducted by Sweeny and Fisher for the purpose of analyzing breakdown products of the reductive degradation process for chlorine content. Both Dr. Meiners and Dr. Sweeny explained that their study had been performed under totally dissimilar conditions from those presently used in the reductive degradation system (i.e., different reductant, a column versus a flask concept, and different gas chromatographic conditions). They are currently getting a much more extensive reaction than that which was achieved in the earlier experiment. Dr. Sweeny testified that if a reductive degradation system is operated properly, no chlorine should be left in the effluent. In addition, contrary to Velsicol's statement that Drs. Sweeny and Meiners admitted the possible toxicity of by-products in the effluent, the record is clear that Dr. Sweeny reached no such conclusion, and Dr. Meiners expressed his opinion that such by-products would be relatively nontoxic compared with the pesticide itself.

22. The activated carbon system is not under study at Velsicol's site, but technology available in other industries is believed to be transferable. In carbon adsorption, molecules become attached to the surface of the adsorbent. Granular activated carbon is a highly porous material having a very large surface area. Chlorinated aromatic hydrocarbons such as endrin and toxaphene respond very well to adsorption on carbon.

The MRI report concluded that carbon adsorption technology could achieve only 2 ppb. However, on the basis of testimony presented by Mr. Joseph Rizzo of Calgon Corporation at the hearing I have concluded that carbon adsorption can achieve the proposed standard of 1.5 ug/1 and that it can be installed within one year. Mr. Rizzo is Regional Marketing Director, Calgon Adsorption Systems. Calgon Corporation manufactures granular activated carbon and has pioneered the development and use of the carbon adsorption technology, and Mr. Rizzo has been one of the principal individuals involved in this effort. Over the past fifteen years he has worked on research and design of carbon adsorption treatment systems and processes and holds patents on processes using activated carbon. Mr. Rizzo has investigated the applicability of granular activated carbon to the removal of toxic pollutants including endrin, toxaphene, aldrin/dieldrin, and DDT, DDD and DDE from waste streams.

Wastewater treatment systems based upon the use of granular activated carbon are in use in more than 50 industrial plants throughout the United States. Wastewater flows for these plants range from a low of 6,000 gallons per day to 3 million gallons per day. These systems are removing a wide variety of organic compounds.

In designing a carbon adsorption treatment system, there are at least three approaches available:

(i) Install a carbon adsorption system and discard the activated carbon as it becomes exhausted;

(ii) Install a carbon adsorption system with a reactivation facility on-site—in the case of endrin and toxaphene, this would be by thermal reactivation in a multihearth or rotary kiln furnace;

(iii) Use an adsorption service which is presently available. This service uses modular adsorption units which are designed to meet a variety of flow and organic concentration conditions. The carbon is reactivated by the service supplier at an off-site facility.

The most expeditious of these approaches is the third. Mr. Rizzo testified, based upon his and Calgon's experience with such systems and his familiarity with the relevant isotherm data, that a system using the third approach could be designed and installed to consistently achieve concentration levels in the effluent less than 1 μg/l. He testified that this type of system cannot only achieve compliance with the 1.5 μg/l average daily maximum concentration, but also, if the carbon supply is kept fresh and carbon columns are changed at regular intervals, can assure compliance with a maximum concentration level of 7.5 μg/l at any time.

One of the reasons Mr. Rizzo gave as the basis of his opinion was that there is reliable adsorption isotherm data indicating that carbon adsorption can do even better than 1.5 ug/1 when enough carbon is used in a properly designed system. He also testified that Calgon has been very successful in going from the isotherm data stage to full scale field level, and that Calgon has had success in removing very small concentrations of dissolved organics. Mr. Rizzo testified that Calgon has constructed and operated a treatment system based upon carbon adsorption for the removal of another organic compound in contaminated well waters which reduced the level in a 3 million gallon per day wastewater stream to less than 1.5 ug/1. He also said Calgon has field data demonstrating the removal capabilities of carbon adsorption for polychlorinated biphenyls (also a toxic and persistent chlorinated organic compound), reducing the concentration levels from 50 to 60 ug/1 in the influent to less than 1.5 ug/1 in the effluent.

Calgon has performed isotherm tests which have confirmed the capability of carbon to adsorb endrin from concentrations of 62 ug/1 to concentrations of less than 1 ug/1, and as low as 0.07 ug/1. An adsorption isotherm is a graph of the relationship, at a given temperature and other conditions, between the amount of a substance adsorbed and its concentration in the surrounding solution. A reading taken at any point on an isotherm gives the amount of material adsorbed per unit weight of carbon. From adsorption isotherm data, a determination can be made of whether or not a particular degree of organic removal can be effected by adsorption alone. Isotherm data will also show the approximate adsorptive capacity of the carbon for the application. Mr. Rizzo testified that the laboratory adsorption isotherm is a reliable technique for ascertaining the feasibility of treatment with activated carbon.

Normally Calgon follows adsorption isotherm studies with granular activated carbon column studies. In the latter, the wastewater to be treated is passed through granular carbon to determine the necessary contact time to assure adequate removal. Calgon has not performed such studies on endrin. These studies can be used as the basis for designing full scale treatment systems.

Mr. Rizzo testified that in actual application Calgon has found that the field results of a full scale system based upon activated carbon adsorption have proven to be at least as good or better with respect to reduction levels achieved than the levels indicated by the isotherm data. However, neither Mr. Rizzo nor Calgon has any experience in employing carbon removal technology on endrin at the full scale level.

Velsicol argued that isotherm data (as opposed to pilot studies using actual wastewater) are inconclusive because the wastewater may contain some constituents which adsorb better than endrin. This presents no serious problem. Mr. Rizzo testified that if this occurs more carbon can be used to effect endrin removal or the columns can be changed more frequently. Although Velsicol might incur a slight increase in cost over a system designed to treat only endrin, the technological feasibility of such a system is not in doubt.

One of the bases for Mr. Rizzo's conclusion that carbon adsorption technology will achieve the standard was the success achieved in the Lake Shawnee incident. Lake Shawnee was a lake which had been contaminated with strychnine and 15 ppb of endrin. It was cleaned with a makeshift carbon adsorption system to less than 1 ppb of endrin. The flow rate was 175–198 gpm. Mr. Marks stated that the Lake Shawnee incident did not give data suitable for designing either a pilot or a full scale carbon adsorption unit; this was because very large quantities were used. Mr. Rizzo disagreed, saying that though large quantities were used they were not spent.

Mr. Rizzo's tremendous experience with carbon adsorption contrasts with that of Mr. Marks, who though experienced in implementation of waste treatment systems has had no experience with carbon adsorption systems. It was Mr. Marks' opinion that none of the three "dynamic" studies nor the isotherm studies showed that carbon adsorption could meet either the proposed effluent limitation of 1.5 ppb endrin over an extended period of time or the proposed maximum of 7.5 ppb. The three "dynamic" studies were the Lake Shawnee incident referred to above, an unpublished study done for Velsicol and a study done by Mr. Marks.

In the unpublished study done by Rykman, Edgerly, and Tomlinson Associates for Velsicol, two columns in series did not reduce endrin below 5 ppbs. However, Agency experts calculated that this study used a contact time of only 30 seconds. Such a study cannot be the basis for a conclusion as to the achievability of a 1.5 ppb standard. Mr. Marks' own study was a column study using synthetic feed. Based on this study Mr. Marks concluded that carbon adsorption would be economically infeasible on the ground that carbon consumption would be 9000 pounds per day, requiring installation of an in-house regeneration facility. (The 9000 pound figure was based on the assumption that 2269 gpm would have to be treated.) There is no support for this conclusion.

Mr. Marks also testified that most reported isotherm data, including those of Bernardin and Froelich relied on by Mr. Rizzo, seriously overstate the removal capability of carbon because they fail to account for the endrin adsorbed to the vessels used to hold the samples to be tested or to the filter and that greater adsorption occurred at lower temperatures. There is no credible foundation for this claim. Mr. Rizzo testified that such adsorption would simply indicate that there would be a lower weight pickup of the material and does not indicate carbon adsorption would not work. He also testified that Calgon had never had to change temperature to increase the effectiveness of a carbon adsorption system and that temperature would have very little technical or economic effect. Mr. Rizzo had no knowledge of whether endrin was left on the walls of the test bottles in the Bernardin and Froelich tests; he said Calgon's lab follows standard procedures and assuming that it was known that endrin would stick to the walls the lab would have used procedures to get the endrin off the walls.

Mr. Rizzo testified that Calgon can design and install a complete wastewater treatment system based on carbon adsorption within 90 days, including prefiltration equipment, and has done it on a number of occasions including a plant with a 3 million gallon per day wastewater flow. Mr. Rizzo reviewed the MRI cost data for carbon adsorption and concluded that the figures were somewhat high because the MRI design calls for a standby adsorber, which a Calgon-designed system would probably not use. With this one exception, he testified that the costs were reasonable.

23. Each of the systems described above would be preceded by sedimentation and filtration facilities so as to remove suspended solids from the wastewater stream. MRI calculated the costs of installing each of these four systems (except carbon adsorption) for two possible wastewater flows: 300 gpm and 600 gpm; it calculated the cost of carbon adsorption for a wastewater flow of 300 gpm only. MRI summarized the costs in Table I of Ex. EPA 8 as follows:

TABLE 1.—*Summary of costs for endrin wastewater treatment systems (1975, dollars)*

Treatment system	Wastewater flow rate (gallons per minute)	Endrin in treated effluent		Installed capital equipment cost	Annual operating cost	Cost per 1,000 gal wastewater	Cost per pound of endrin produced
		Parts per billion	Pounds per day				
Resin adsorption	300	1.4	0.0049	$770,000	$433,200	2.87	$0.072
	600	1.4	.0098	1,260,000	741,300	2.45	.121
Reduction degradation	300	1	.0036	433,000	181,800	1.20	.030
	600	1	.0072	631,000	249,600	.82	.042
Resin adsorption plus reduction degradation	300	0.1	.00036	954,000	537,200	3.56	.090
	600	0.1	.00072	1,541,000	889,700	2.91	.148
Activated carbon adsorption:							
30 min contact time	300	<2	<.0072	692,000	294,000	1.35	.034
60 min contact time	300	<2	<.0072	870,000	242,000	1.60	.040

Velsicol apparently did not find fault with the method by which MRI estimated costs. However, it argued that the costs were underestimated because the flow to be treated was underestimated. As previously mentioned, though Velsicol has segregated its endrin and heptachlor process wastes, the entire 2,269 discharge from outfall 003 is contaminated with endrin because of residual contamination of the sewer system. Thus the determination of the cost to achieve the standards depends on whether or not the entire 2,269 flow must be treated.

Two alternatives were discussed: replacement of contaminated pipes and lining of contaminated pipes. The amount of piping which would have to be replaced to entirely eliminate the problem is 2,400 to 2,800 feet. In 1975 Velsicol spent $1.2 million to put in new pipes in excess of 1,650 feet long. Mr. Sharpe, Plant Technical Service Manager of Velsicol testified that it would not be possible to replace all the contaminated pipes within one year unless perhaps the plant were completely shut down. He admitted, however, that the plant was shut down during the 1975 programs. Although somewhat ambiguous, Mr. Sharpe's overall testimony indicated that even if it might be technically feasible, replacing the contaminated sewer pipes would be very expensive and might result in closure of the plant.

Mr. Sharpe testified that Velsicol had investigated the possibility of "slip lining" the contaminated sewers. This is a technique whereby a high density polyethylene tube is inserted in the pipe and is extruded inside. Velsicol found that the cost for slip lining one 400 foot sec-

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tion was of the magnitude of $50,000, assuming no problems were encountered. Also, Mr. Sharpe indicated that slip lining around corners or angles is either impossible or costs a great deal more.

At $50,000 for 400 feet, the total expense to line most of the contaminated pipe would be of the magnitude of $350,000, or more if special problems were encountered. While the record does not contain much evidence on the topic, it does suggest that slip lining of the contaminated pipes would involve considerably lower expense than treating the entire 2,269 gpm flow. Mr. Sharpe estimated the capital cost of treating 2,269 gpm by resin adsorption as $5,157,100; by reductive degradation as $1,506,100; and by carbon adsorption as $2,187,600 to $3,176,800, depending on contact time (30–120 min.). (These latter figures were apparently somewhat over-estimated due to inaccurate computation of carbon requirements). By comparison, the MRI estimate of capital costs for 300 gpm treatment systems were $770,000 for resin adsorption; $433,000 for reductive degradation; and $690,000–$870,000 for carbon adsorption, depending on contact time (30–60 min.). Thus, without even considering the savings in operating costs, it would appear that slip lining would be considerably less expensive than the incremental cost of treating an additional 1,969 gpm. There was no indication in the record as to how long it would take to slip line the contaminated sewer lines, but the Agency believes it would take less than one year.

24. Velsicol argues that stormwater runoff may not be regulated under § 307 (a). Velsicol correctly points out that § 307(a) standards may be applied only to point sources. As provided in 40 CFR 125.52(a)(2) of the regulations, point sources include conveyances which discharge stormwater runoff contaminated by contact with pollutant-contaminated soil, from lands or facilities used for industrial activities into navigable waters or into a separate storm sewer. (This is consistent with *Appalachian Power* v. *Train*, 9 E.R.C. 1033 (4th Cir. 1976), which held that "point source" does not include unchanneled and uncollected surface waters.) The standards issued under § 307(a) will be interpreted and applied in the manner indicated in § 125.52(a)(2). The proposed standards do not apply to stormwater runoff from areas subject to contamination solely by fallout from air emissions of endrin, but only to stormwater runoff from areas subject to direct contamination by endrin as a result of the manufacturing process. (§ 129.102(b)(1)(i)(b) and (ii).) In this regard the proposed standards are also consistent with Appalachian Power, as they define the discharges which are covered.) If as Velsicol alleges, such endrin contamination as occurs in outfalls 001 and 002 does not result from current manufacturing operations, such discharges would not be subject to the proposed standards.

Velsicol argues that the Administrator must specify the point of discharge for its discharges 001 and 002 so that if these discharges are covered by § 129.102(b)(1)(B) it can determine whether it is in compliance with the standard. This question was raised and answered in the Disposition of Motion and Application for Post-Hearing Review dated November 5, 1976. Whether these discharges are subject to the regulations and if so, at what point, are matters properly determined by the Regional Administrator based on consideration of factors specific to Velsicol's site.

Stormwater runoff, to the extent subject to the regulations, can be controlled, as discussed in "Wastewater Treatment Technology Documentation for Aldrin/Dieldrin, DDT, Endrin and Toxaphene Formulation". Velsicol's own witness, Mr. Clyde Sharpe, considered the cost of a collection and impoundment system, presumably as a feasible solution. Velsicol presumably could dike around its immediate manufacturing and loading areas so that none of the runoff reaching outfalls 001 and 002 would be covered by § 129.102(b)(1)(i)(B).

25. The Agency retained Arthur D. Little, Inc. ("ADL"), of Cambridge, Massachusetts, to assist in assessing the potential costs and economic impact of its proposed standards. ADL submitted a written report entitled "Economic Assessment of Proposed Toxic Pollutant Effluent Standards for Manufacturers and Formulations of Aldrin/Dieldrin, DDT, Endrin and Toxaphene" dated May 1976. ADL reviewed the MRI report including the cost figures, and conducted its own independent investigation of the pesticides manufacturing and fomulating industry. In its report, ADL used the MRI cost data, and made appropriate adjustments for treatment already installed, to determine the additional cost of the § 307(a) standards.

ADL concluded that the proposed standards could be met using reductive degredation or resin adsorption, and that using reductive degradation the maximum incremental cost as a percent of selling price would be 0.9 percent (based on a 600 gpm flow). ADL stated that this cost increase would not have an economic impact on either the company or the community. (Cost of 300 gpm treatment was estimated as 0.6 percent). The ADL report concluded that if resin adsorption were used to meet the proposed toxic standards, the 600 gpm treatment cost (3.6 percent) might cause an economic impact. The 300 gpm treatment cost, however, is only 2.0 percent, and there is no reason to believe that such a cost might have a significant economic impact on Velsicol.

The carbon adsorption technology was assumed by ADL to achieve only a 2 ppb standard; the cost to achieve that standard was 0.8 percent (600 gpm) or 0.7 percent (300 gpm). The testimony indicated, however, that the cost of carbon adsorption per gallon of wastewater treated had been underestimated because more carbon would be required to achieve a 1.5 ppb standard.

Velsicol argues that since its production is 3 million pounds per year, not 6 million as assumed by MRI, the cost-to-selling price ratios will increase. However it did not establish the amount by which the ratios would increase and there is no reason to believe it would increase enough to cause a significant economic impact on Velsicol.

To the cost of treatment must be added the cost of dealing with the problem of the contaminated sewers. As indicated above, the cost of slip lining would be in excess of $350,000. By comparison, the ADL report indicated that an additional capital cost of $362,000 and additional operating cost of $161,000 (for reductive degradation) would result in a 0.9 percent additional cost as a percent of selling price. Thus while the cost of dealing with the contaminated sewers cannot be precisely determined from this record, the order of magnitude does not appear to be such that, when added to the cost of treatment, it will cause a significant economic impact on Velsicol.

26. Velsicol argues that the Agency must file an inflation impact statement ("IIS"). Executive Order 11821 requires that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposals has been evaluated. The only possible criterion that would trigger the filing of an IIS in this case is a finding that the additional costs of production are more than 5 percent of the selling price.

The costs of the proposed technologies and the number of gallons to be treated are discussed above. There is no reason to believe that the cost of a 300 gpm treatment system using resin adsorption, carbon adsorption or reductive degradation including the additional cost of lining the contaminated sewer lines, would equal or exceed 5 percent of the selling price.

27. NRDC urges that these standards be expanded to cover discharges other than those of manufacturers and formulators, and in particular, discharges into publicly owned treatment works (POTW's).

The Agency knows of no point source discharges of the four substances which are not covered under the regulations with the possible exception of discharges by or into POTW's. Section 307(a)(5) authorizes the Administrator to designate the category or categories of sources to which the proposed toxic pollutant effluent standards will apply, and thus the exclusion of these discharges from the proposed standards is lawful.

Pesticides such as the ones in question here are not amenable to treatment in secondary systems (indeed they may hamper the operation of such systems), and hence the application of these standards to POTW's would be inappropriate. However, this is precisely why, as the legislative history demonstrates, the Agency is authorized to set pretreatment standards for discharges into POTW's under § 307(b) Senate Report 92-414 (92nd Cong., 1st Sess.) states at p. 62 that pretreatment is needed to control toxic substances which would otherwise degrade the capacity of the treatment system to function properly, and to minimize the introduction of compounds which are not removed by conventional treatment methods but offer a potential for incorporation in food chains, such as chlorinated organics and heavy metals.

The Agency is currently developing pretreatment standards covering these toxic substances which will be issued under § 307(b).

28. Velsicol, Hercules and others argue that the proposed standards for endrin and toxaphene should not automatically be incorporated into NPDES permits. Section 402(k) provides that compliance with an NPDES permit shall be deemed compliance (for purposes of section 309 and section 505) with section 307, except any standard imposed under § 307 for a toxic pollutant injurious to human health. Section 129.5(c)(2) provides that all toxic pollutants for which standards are set under § 129 are deemed injurious to human health under the regulations. Under § 129.5 (a)–(c) of the proposed regulations limitations based on the proposed standards would be incorporated into existing permits, and such limitations would automatically be subject to revision if the toxic pollutant standards were modified, regardless of the duration of the permit period.

The objection is made that the Administrator is simply "assuming" that these toxic pollutants are injurious to human health when in fact they are not. This is not correct. Section 129.5(c)(2) is intended to have, and has, exactly the same effect as if the Administrator had stated in the proposed standards that endrin and toxaphene are injurious to human health. It does not mean that EPA simply assumes that all § 307(a) toxic pollutants are injurious to human health.

Hercules argues that the Agency may not find a toxic pollutant injurious to human health just because it would be injurious if discharged in "any" quantity (meaning an unlimited quantity), but rather that the Administrator must determine whether the substance, in the amounts being discharged by actual dischargers, is injurious to humans. The correct meaning of section 402(k) is neither as broad nor as narrow as these interpretations. Clearly, as Hercules points out, many substances essential to human life would be injurious to human health if ingested in sufficient quantities, and therefore section 402(k) cannot refer to pollutants injurious in "any" quantity. Just as clearly, the Agency does not have to establish that an actual discharge of a particular substance is in fact threatening human health in order to find that that substance is "injurious to human health". The record establishes that endrin and toxaphene are both "injurious to human health" in relatively small quantities, and the FDA has taken action to protect humans from ingestion of both substances. In plain English they are very poisonous to humans. The Agency believes that Congress intended control of the discharge of such substances to be effective as early as possible.

29. No formulator challenged any of the proposed standards, nor was any evidence introduced at the hearing which tended to establish that the standards proposed for endrin or toxaphene formulators could not be complied with. (See discussion of comments on the proposed standards in the Summary of Written Comments below.)

TOXAPHENE

1. Toxaphene (chlorinated camphene) actually consists of a number of chlorinated compounds. Gas chromatographs show it contains 30–40 principal constituents. Toxaphene behaves much like other chlorinated hydrocarbon pesticides in the aquatic environment. It degrades slowly, adsorbs on particulate matter and concentrates in living tissues, especially lipids.

2. As noted in the discussion of endrin above, the laboratory bioassay is widely accepted in the scientific community as a basis for the derivation of water quality criteria and related standards. A 96-hour LC 50 bioassay test is customarily used to determine that concentration of a toxicant which causes death to half the test organisms during a 96-hour period under the test conditions. The data gathered from such tests are customarily used to assess the acute toxicity of a pollutant, as are the data from longer term chronic bioassays. Comparative results using the static and flow-through bioassay demonstrate that, in general, flow-through data yield lower toxicity values for a pollutant than static bioassay data since the concentration of the pollutant in the former tends to remain constant, while in the latter it is gradually reduced due to settling out, adsorption, or consumption by organisms of the pollutant.

3. Phytoplankton and zooplankton constitute the base of the aquatic food chain. The presence of an adequate plankton population can determine the scarcity or abundance of larger, economically valuable predator fish species. In 1962, five species of marine phytoplankton, chosen for their importance as a food source for clam and oyster larvae, were exposed to varying concentrations of toxaphene and other substances. Toxaphene was the most toxic of the chlorinated hydrocarbons tested. Concentrations of 150 μg/l were lethal to all organisms. At 10 μg/l no appreciable effect was seen with four species. One organism, *Monochrysis lutheri*, was killed by a concentration of 0.15 μg/l but not by .015 μg/l. The 96-hour LC 50's of toxaphene in static bioassay tests on several freshwater invertebrates commonly found in U.S. waters are: the stonefly, *Classenia sabulosa* 1.3 μg/l; the stonefly, *Pteronarcella badia* 3.0 μg/l; the stonefly, *Pteronarcys california* 2.3 μg/l.

4. Steven Schimmel, a research aquatic biologist at the EPA Environmental Research Lab in Gulf Breeze, Florida, conducted 96-hour flow-through bioassays on five vertebrate and invertebrate species and 28-day tests on a sixth species. Each species selected is important either economically or as a link in the food chain or both. The species, and their importance and the tests results were:

Species	*96-h LC 50*
Pink shrimp—of considerable commercial importance. One of the principal shrimp marketed for human consumption. Important as food for the speckled trout, white trout, croaker, drum and other species.	14 μg/l.
Grass shrimp—an important food chain animal.	4.4 μg/l.
Sheepshead minnow—important in some estuarine food chains; predators of this fish include many inshore commercial fish.	1.1 μg/l.
Pinfish—in many areas the most abundant fish species. A link in the food chain supporting such commercially important species as the spotted seatrout, the sailfish, and the gulf flounder. Also of some importance as bait and for human food.	0.5 μg/l.
Oyster—widely distributed and of commercial importance.	96-h EC 50 16 μg/l (shell deposition reduced 50 percent).
Long-nose killifish—an extremely important food chain organism for a variety of commercial species.	28-d LC 50 for fry, juvenile or adult stages 0.9 to 1.4 μg/l.

5. Toxaphene is acutely toxic to a range of important freshwater fish at extremely low concentrations, as shown below:

Species	*96-h LC 50 (μg/l)*
Largemouth bass	2.0
Brown trout	3.0
Bluegill	3.5
Carp	4.0
Black bullhead	5.0
Goldfish	5.6
Coho salmon	8.0
Rainbow trout	11.0
Yellow perch	12.0
Channel catfish	13.0
Redear sunfish	13.0
Goldfish	14.0
Fathead minnow (hard water)	5.1
Fathead minnow (soft water)	7.5
Guppies (soft water)	20.0
Chinook salmon	2.5
Coho salmon	9.4
Rainbow trout	8.4
Rainbow trout (53° F)	---
Stonerollers (53° F)	14.0
(73° F)	5.0
Goldfish (53° F)	94.0
(73° F)	50.0
Golden shiner (73° F)	6.0
Bluntnose minnow (53° F)	30.0
(73° F)	6.3
Black bullhead (53° F)	25.0
(73° F)	1.8

6. Dr. Foster Mayer, Chief Biologist of the Fish and Wildlife Services Fish Pesticide Laboratory, U.S. Department of the Interior, testified that substantial differences in susceptibility to toxaphene may occur depending on the life stage of the organism tested. In static bioassays performed on three life stages of the channel catfish, newly hatched fry (before yolk adsorption) were extremely

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resistant to toxaphene poisoning, while swim-up fry had a 96-hour LC 50 of 0.3 µg/l.

Daphnids, a freshwater invertebrate species, were continuously exposed to varying toxaphene concentrations during a complete life cycle in a flow-through system. Toxaphene concentrations of 0.12, 0.28, 0.54 and 1.0 µg/l significantly reduced the number of young daphnids produced. While after 14 days there appeared to be no effect on the production of young in the 0.07 µg/l concentration, after 21 days there was a 9% reduction in the total offspring produced.

In a recent study conducted by Dr. Mayer, yearling brook trout were continuously exposed in flow-through bioassays to toxaphene concentrations of 0.039, 0.068, 0.139, 0.288, and 0.502 µg/l for as long as 6 months. Growth of the trout exposed for 6 months to 0.288 and 0.502 µg/l was significantly reduced. The additional stress of physiological changes occuring before and during spawning caused a 50 percent mortality in the 0.288 µg/l concentration and a 100 percent mortality in the 0.502 µg/l concentration. There was 8 percent mortality in the 0.039, 0.068, and 0.139 µg/l concentrations. Concentrations of 0.068 µg/l and higher significantly reduced egg viability. Growth of the fry, as measured by length, was significantly reduced after 30 days of exposure in the 0.139 and 0.288 µg/l concentrations. All fry in the 0.052 µg/l treatments were dead in 30 days. After 60 days of exposure and thereafter, growth was significantly reduced in all groups of fish exposed to toxaphene. Finally all levels of toxaphene tested caused a significant increase in the ratio of calcium and phosphorus to collagen in the backbone of brook trout fry during a 90-day exposure. The data developed by Dr. Mayer in this research do not establish a chronic no-effect exposure level for toxaphene, but do show that such number is less than 0.039 µg/l in a 90-day exposure.

In other tests done by Dr. Mayer, emergence of midges (a freshwater invertebrate species) was significantly reduced after exposure to toxaphene concentrations of 3.2, 5.6, 10 and 32 µg/l, during a flow-through life cycle bioassay. Another invertebrate, the scud, was exposed to toxaphene for 30 days. Growth (as measured by length) was significantly reduced in the 0.25, 0.50 and 1 µg/l concentrations.

In further tests conducted by Dr. Mayer and his colleagues at the Fish-Pesticide Research Lab, one-week old fathead minnows continuously exposed in a flow-through system for 150 days to 0.094, 0.205, 0.399, and 0.727 µg/l toxaphene exhibited chronic adverse effects at every concentration level tested. Collagen content of the backbone was significantly decreased by toxaphene, and calcium control was significantly increased. The calcium and phosphorus/collagen ratio was 0.50 in the backbones of control fish, whereas it was 0.69, 1.2, 1.2, and 1.2 in the fish exposed to 0.094, 0.205, 0.399 and 0.727 µg/l toxaphene, respectively. All concentrations of toxaphene tested significantly decreased fish growth.

Because toxaphene caused a decrease in the collagen content of the backbone and an increase in calcium, Dr. Mayer believed that the backbone of the exposed fish might be dangerously fragile, and therefore less tolerant to stress. To verify this belief, six fish which had been exposed to concentrations of 0.094, 0.205, 0.399 and 0.727 µg/l toxaphene were subjected to an electrical shock. The backbones of the six control fish were unaffected by the test. The backbones of four fish from each of the four concentrations tested were broken in several locations, thereby confirming toxaphene's role in increasing the fragility of the backbone.

Dr. Mayer subsequently tested 30-day old fathead minnows in a second flow-through bioassay lasting 295 days. He testified that fry growth was reduced at 0.054 µg/l toxaphene, thus indicating that the chronic no-effect level is below 0.054 µg/l.

7. The toxicity of toxaphene has been determined for a number of birds. Acute oral toxicity values (LD 50) are as follows: young pheasants, 40.0 mg/kg; sharp-tailed grouse, 10–20 mg/kg; young mallards, 70.7 mg/kg; young bobtail quail, 85.4 mg/kg; lesser sandhill cranes, 100.0–316.0 mg/kg; fulvous tree ducks, 99.0 mg/kg.

In a study of pheasants fed 100 and 300 ppm of toxaphene in their diets for 2 to 3 months, the 300 ppm level caused a decrease in egg laying, hatchability, food intake and weight gain. Both dose levels caused greater mortality in young pheasants during the first two weeks after hatching than was observed in the controls.

High mortalities of fish-eating birds were observed at the Tule Lake and Lower Klamath Refuge in 1960, 1961, and 1962. Agricultural applications of toxaphene to surrounding farmlands were the reported cause of the extensive deaths. Fish from nearby marshes were found to have body burdens of about 8 ppm toxaphene. Toxaphene levels as high as 31.5 ppm were found in the fat of fish-eating birds.

8. Acute oral toxicity levels for various mammalian species are as follows:

Species	Route	LD 50 (milligrams per kilogram)	Vehicle[1]
Rat	Oral	90	Peanut oil.
Rat	do	60	Corn oil.
Rat	do	130	Kerosene.
Mouse	do	112	Corn oil.
Dog	do	49	Do.
Do	do	250	Kerosene.
Guinea pig	do	270	Corn oil.
Do	do	535	Kerosene.
Cat	do	25–40	Peanut oil.
Rabbit	do	75–100	Do.
Do	do	250–500	Kerosene.
Cattle	do	144	Grain.
Goat	do	200	Xylene.
Sheep	do	200	Do.
Rat	Dermal	930	Do.
Rabbit	do	4,000	Dust.
Do	do	250	Peanut oil.

[1] The vehicle used to apply a toxicant may influence the rate and extent of toxicant adsorption by the animal, whether by oral or dermal or other mode of application. Furthermore, some vehicles may themselves be significantly toxic.

9. In humans acutely toxic doses of toxaphene produce symptoms including salivation, leg and back muscle spasms, nausea, vomiting, hyperexcitability, tremors, convulsions and tetanic contractions of skeletal muscles. Diffuse stimulation of the cerebrospinal axis is the cause of most of these effects. After lethal doses, the convulsions continue until death occurs. However, acute toxaphene poisoning in humans is rare. When toxaphene was first used, four cases of poisoning by ingestion of four children under 4 years of age were reported. The same report contained a description of severe toxaphene poisoning in adults from accidental ingestion or injudicious use. Doses in three of these cases were estimated at 9.5 to 47 mg/kg.

10. There is some data available on the question of whether toxaphene is carcinogenic. As discussed above with respect to endrin, NCI tested toxaphene with rats and mice, but the NCI data on toxaphene are still unverified and NCI has not yet completed its analysis of the data. Dr. Reuber examined the NCI studies on rats and mice and concluded that both demonstrated that toxaphene is carcinogenic in rats and miee. Also, studies performed in 1969 with strobane, a chemical closely related to toxaphene, produced an increased incidence of lymphomas and hepatomas in the mice fed that chemical. None of this data has yet been reviewed under the Agency's Interim Policy.

For the reasons stated above with respect to endrin, because of the preliminary nature of this information, and the lack of any record evidence on what, if any, cancer risk may exist for man in light of such data, or the significance of the data in etstablishing an ambient water criterion, the Agency believes it provides an insufficient basis for modifying the proposed criterion or the toxic pollutant effluent standards for toxaphene. However, the existence of these data underscores the Agency's concern that discharges of toxaphene be minimized.

11. Like other chlorinated hydrocarbon pesticides, toxaphene is a persistent chemical and a long-lived environmental contaminant. It has a low solubility in water (about 0.5 ppm).

Pesticide movement through or across soil is facilitated by the movement of water. Overland flow is generally more important in pesticide transport than passage through soil. Two processes are involved: pesticide movement while dissolved in water and pesticide movement while adsorbed on soil. Following adsorption onto particulate matter and bottom sediments, toxaphene will remain undegraded and available to aquatic organisms for an as yet undetermined number of years.

Toxaphene has been reported to persist in soil for periods ranging from several months to more than 10 years. An experimental halflife of 4 years, similar to that of DDT, has been calculated for toxaphene. After release into lakes and ponds, toxaphene has been shown to persist for as long as 9 years.

There is little evidence concerning the extent to which toxaphene may degrade or detoxify in the environment. To the extent that rapid detoxification does occur, there is some evidence that it consists of the adsorption of toxaphene onto sediments, rather than any extensive chemical degradation of the toxaphene itself.

Dr. Leonard Guarraia testified that the data he had seen show that toxaphene accumulates in bottom sediments; that the toxaphene present in the sediments is available to harm bottom organisms even if buried beneath the surface; that any manmade or natural disturbance of bottom sediments, such as might result from dredging or from storms, would stir up the toxaphene and make it available again to the water column; and that such disturbances might release toxaphene from the sediments.

12. Bioaccumulation of toxaphene has been shown to occur in a number of freshwater and marine species. Since toxaphene has been shown to persist in the aquatic environment for years, bioaccumulation poses a latent and continuing threat to aquatic life of commercial and recreational importance. Bioaccumulation by such widespread organisms as oysters, trout, and catfish, all of which are consumed my man, carries the threat of toxic effects directly to man, for man has the capacity to store and accumulate compounds such as toxaphene in his tissues.

Experiments to determine the ability of a number of freshwater species to bioaccumulate toxaphene were conducted by Dr. Foster L. Mayer of the Fish-Pesticide Laboratory. In studies mentioned previously, yearling brook trout concentrated toxaphene by a factor of 16,000 and 5,000, respectively, at exposure levels of 0:502 µg/l and 0.039 µg/l. After 161 days, whole body residues of toxaphene in fish exposed to 0.288 and 0.502 µg/l toxahene were 2.4 and 8.9 µg/g, respectively. (Such high body concentrations pose a serious latent danger to the survival of these fish, since extensive mortality was experienced by fish exposed to these levels of toxaphene just prior to and during spawning.)

Brook trout from all toxaphene exposures (0.039, 0.068, 0.139, 0.228, 0.502 µg/D were analyzed for the distribution of toxaphene residues between the fillet and the remaining tissue (offal) after 161 days. Toxaphene residues in the offal were 2.8 to 4.2 times that found in the fillet. The highest residue detected in the fillets was 4.9 µg/g, whereas residues in offal were 13 µg/g. (The FDA seizure level for toxaphene in fish to be consumed by man is 5 µg/g.) The highest concentration factor in the brook trout was found in the fry, which concentrated toxaphene up to 76,000 times the level in the water in only 15 days.

Toxaphene residues in fathead minnows after 150 days of exposure to 0.094, 0.0205, 0.399 and 0.727 µg/l of toxaphene were 5.9, 13, 22 and 52 µg/g, respectively. These residues represent accumulation factors of 55,000 to 70,000.

Adult channel catfish accumulated toxaphene from water after 100 days of exposure by factors of 17,000 to 26,000. Fry accumulated toxaphene in amounts ranging from 27,000 to 50,000 times that in the water.

After a 7-day exposure to a concentration of 0.125 µg/l and 0.062 µg/l, daphnids concentrated toxaphene to 4,000 times the water concentrations.

13. Tests to determine the bioconcentration phenomenon in marine species were conducted by Steven Schimmel at the Gulf Breeze Laboratory in Florida. His tests showed that toxaphene accumulated in whole body tissues of the longnose killifish by factors ranging from 4,200 to 60,000 times the water concentration in a 28-day period; concentration in ova ranged from 1,000 to 5,000. In 96-hour bioconcentration studies, concentration factors ranged from 3,100 to 20,600 in the sheepshead minnow; 9,000 to 15,200 in oysters; 400 to 800 in grass shrimp; and 800 to 1200 in pink shrimp. Pinfish concentrated toxaphene 3,800 times the amount present in the water.

14. A number of field studies have verified the conclusion drawn from laboratory tests that toxaphene bioaccumulates after its release into the environment. In a study conducted at Davis Lake, Oregon during 1961–1963 the following bioconcentration ratios between organism tissue and water concentration were observed: 500 for aquatic plants; 1,000 to 2,000 for aquatic invertebrates; 10,000 to 20,000 for rainbow trout; 4,000 to 8,000 for Atlantic salmon; and 1,000 to 2,000 in 1961, for lake bottom and mud. In that study toxaphene was applied to the lake at 88 mg/l and was found in 1962–3 to be present at levels of 2.1 and 1.2 µg/l, respectively.

In a study using marine organisms it was demonstrated that an accumulation of as much as 30 ppm took place in oysters exposed for 24 weeks to 1 ppb of toxaphene—a concentration factor of 30,000. In the ensuing 16 weeks in clean seawater the oysters excreted 90 percent of this load, but retained 3.0 ppm in their tissues—still 3,000 times the water concentration they had been exposed to originally. The oyster is a species used for human food and is of commercial importance.

In the estuarine waters of the United States, toxaphene residues as high as 15 µg/l were discovered in the ova of spotted seatrout, a commercial sport fish from coastal Texas. Dr. Robert Reimold, a witness for Hercules, has documented high toxaphene concentrations in a number of animals, including oysters, shrimp and anchovies, in the Georgia estuary surrounding Hercules' manufacturing plant.

15. The Estuarine Monitoring Program, directed by Dr. Philip A. Butler of the Gulf Breeze Environmental Research Laboratory in Florida, demonstrated that shellfish can bioconcentrate pesticides up to 70,000 times the ambient water level. Of the 664 samples taken in Georgia, 128 contained toxaphene, the maximum residue being 54,000 ppb. According to Dr. Butler, the large number of Georgia samples containing toxaphene reflects the direct contamination of the marine environment by the effluent from Hercules' plant. Dr. Butler personally reported to Mr. Schimmel that he found no toxaphene residues in samples taken from stations off the coast of Georgia this year. Mr. Schimmel testified that caution must be exercised in comparing these results to those of earlier years, since very few samples had been analyzed this year, and further, those analyzed included only migratory fish species.

16. A limited amount of information is available on the emergence of strains of species which have developed a resistance to toxaphene. The approximate 36-hour LC 50 for mosquitofish from five sites on the Mississippi River ranged from 10 to 30 µg/l. A resistant population of mosquitofish had a 36-hour LC 50 as high as 480 µg/l. It would be possible for such resistant fish to bioaccumulate toxaphene and transfer it directly to predators, including man.

17. The data cited above establish that toxaphene is highly toxic to a number of important and commercially valuable organisms, including invertebrates and vertebrates.

Toxaphene may persist in the aquatic environment, the soil and animal tissues for long periods of time, and is capable of bioaccumulation by factors of as much as 76,000 in freshwater fish and 60,000 in marine fish. Concentrations of toxaphene as low as 0.039 µg/l for 60 days will produce decreased growth and/or weakened backbones in the brook trout, and levels as low as 0.094 and 0.054 µg/l will within 150 days produce the same results in the fathead minnow.

18. The use of general application factors to estimate safe concentrations of toxicants in aquatic environments to protect against chronic exposure when experimental chronic toxicity data are lacking is a recognized and sound scientific procedure.

The application factor of 0.01, discussed above in connection with the ambient water criterion for endrin, is recommended by the National Academy of Sciences for organo-chlorine pesticides such as toxaphene. It is applied to the 96-hour LC 50 of the most sensitive species sought to be protected, in order to provide protection against adverse effects from chronic exposure.

Since reliable data had been developed only on a small number of organisms, it is reasonable to rely on data from the most sensitive animal tested. In relying on the most sensitive animal tested and increasing its protection by the safety margin inherent in the use of an application factor of .01, the Agency has sought to provide protection for even more sensitive organisms, which may exist but have not been studied.

The Agency proposed an ambient water criterion for toxaphene of 0.005 µg/l. This is based upon an application

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factor of 0.01 applied to the 96-hour LC 50 (0.5 μg/l) of the pinfish, which was the most sensitive species tested. However, the Agency in setting the ambient water criterion considered all the available data. Many fresh and saltwater organisms have 96-hour LC 50 values at or near 1 μg/l. Critical 96-hour LC 50 or comparable data include:

1.3 μg/l, stonefly; 1.1 μg/l, sheepshead minnow; 1.8 μg/l, black bullhead; 1.4 μg/l, pink shrimp; 1.0 μg/l, spot (48 hour); 0.5 μg l, spot (144 hour).

Although all these test organisms may not be universally distributed in the waters of the United States, they represent types of organisms present in fresh, marine and estuarine water bodies throughout the country. (The pinfish has been found in the Brunswick Estuary, into a portion of which Hercules' plant discharges, and in the nearby Duplin Estuary.) Thus, while available data may not represent either the most sensitive or most important sensitive organism at a given geographical location, the data are indicative of predictable toxicological effects in the aquatic environment. Many of the species tested are of demonstrated commercial or food chain value, and additionally many are valuable as a recreational resource.

EDF argued that the application factor used by the Agency is underprotective, asserting that the no-effect level for the fathead minnow is 0.025 μg/l. Actually the no-effect level for the fathead minnow is not known, but the lowest observed effect level is 0.054. EDF next asserts that the 96-hour LC 50 for this species is 7.2 μg/l—a number which appears nowhere in the record. In the Criteria Document the 96-hour LC 50 for fathead minnows is 7.5 μg/l for soft water, and 5.1 μg/l for hard water. The latter number is the value generally used, and was used by EDF in examining EPA's witness Dr. Guarraia. As Dr. Guarraia testified, the best available data on this species confirm a 1 percent, or .01 application factor.

Dr. Mayer's brook trout study, also cited by EDF and discussed above, does indicate chronic effects at less than 1 percent of the 96-hour LC 50. However, the ambient water criterion of 0.005 μg/l established by the Agency is in fact well below the lowest chronic effects level for the brook trout (0.039 μg/l) and is below the lowest effect level for the fathead minnow by a factor of more than ten times.

Dr. Guarraia testified that in deriving the .005 μg/l ambient water criterion level, he relied on the National Academy of Sciences 1972 recommendation of an application factor of 0.01 applied to the 96-hour LC 50 of the most sensitive species tested. He stated that based on the information and material set forth in the crtieria document, the ambient water criterion of 0.005 μg/l could provide an ample margin of safety for aquatic life and for the consumers of aquatic life.

Mr. Schimmel also testified in support of an application factor of 0.01 for toxaphene and stated that based on the knowledge and information available to him the ambient water criterion of 0.005 μg/l should be protective of marine aquatic systems.

19. At the hearing, witnesses for Hercules, namely Drs. Robert J. Reimold and B. J. Copeland, testified concerning a comparison made by Dr. Reimold of the species diversity indices for the Brunswick Estuary, including Terry Creek (into which Hercules discharges its toxaphene-contaminated wastewater), and the nearby Duplin Estuary, which is similar in many respects but into which there is no discharge of toxaphene. Dr. Reimold is an estuarine ecologist, and Dr. Copeland is a professor of zoology, botany and marine sciences. Based upon this comparison of the species diversity indices over a five-year period, Hercules contends that their discharges are having no adverse effects on any organisms in the receiving waters and therefore the Agency's proposed standards are overly restrictive.

The Agency believes that there are very serious scientific objections to the use of species diversity indices, that they have numerous inherent limitations and shortcomings and that they have limited value unless basic hypotheses about diversity and community structure are demonstrated independently for the case at hand. While Hercules tries to suggest that the National Academy of Sciences endorses the use of species diversity indices for use in setting ambient water criteria, in fact the contrary is true: for pesticides the NAS recommends precisely the method used by the Agency, namely use of application factors applied to the 96-hour LC 50 for the most sensitive species tested. NAS recommends use of diversity studies for pollutants which physically change the environment in an integrative manner, e.g., turbidity, alkalinity, color; these pollutants often do not damage species, but change the environment to cause species to avoid the areas. NAS does not recommend use of diversity studies for pesticides and other chemical toxicants.

A species diversity index is a mathematical formula which is a function of the distribution of the numbers of individuals among various categories or species; there are several types of species diversity indices but many of them are simply mathematical variations of a common formula. A species diversity index may be applied to any number or kind of objects, e.g., people in buildings or telephone codes. The species diversity index reflects the distribution of individuals within the categories. The index number is highest when the number of individuals in a sample is equally distributed among the various categories, or species; it is lowest when the distribution is skewed, i.e., there are many more individuals in some categories, or species, than in others. In other words, if you killed 10 percent of the organisms in each species this would not affect the species diversity index at all. (Such a kill could occur with nonselective toxicants. Available bioassay data suggest that toxaphene may be non-selective since the LC 50's are in the same numerical range for many species tested.)

The relationship between diversity and stability, or ecological health, if there is any such relationship at all, is not well understood, as conceded by Dr. Reimold. The use and validity of species diversity index data is a matter of considerable debate and difference of opinion within the scientific community. In fact, no theoretical relationship has been established between a diversity index and the health of a system. A diverse system may be healthy or unhealthy.

While the species diversity index allows a numerical comparison of systems in terms of the evenness of distribution of individuals among species, one cannot tell from the index alone whether or not the system is stable or unstable, healthy or unhealthy. A system with a high diversity index may not in fact be healthy.

There are many things that species diversity does not reflect which are important and useful in assessing the health and comparability of ecosystems under examination. In the case of Reimold's work, the comparability of impacted and non-impacted areas, as to health or physical, chemical and biological similarity, is questionable and cannot be determined from species diversity indices alone. Species diversity indices do not indicate what, if any, organisms are suffering chronic adverse effects or are under stress from a pollutant. Similarly, they do not reveal anything with respect to bioaccumulation of a pollutant by organisms. They do not indicate whether one or more additional species would be present but for a particular toxic pollutant. The species diversity index number does not tell you the number of species present in the ecosystem or in the samples taken, or how long the species taken in the samples have been in that location. Species diversity index data disclose nothing with respect to the importance of the various species; one must look to the identity and numbers of the species to draw any conclusions in this regard.

In fact one can tell very little by the species diversity indices or a comparison of the indices. As the Hercules witnesses conceded, each system differs to some extent despite what may be a similarity in species diversity index numbers. In order to tell anything about the health of an ecosystem, one must look to the species themselves, and their condition. The actual comparison of the number of species and individuals reported for each of the five years in Dr. Reimold's study, which Dr. Reimold agreed should be examined in order to learn what is actually going on in the ecosystem, strongly suggests that Hercules' discharges of toxaphene into Terry Creek throughout the entire five-year period continuing up to the present time have had a definite adverse

impact on the ecosystem, resulting in far fewer species in Terry Creek than in the comparable Duplin Estuary or even in the remaining portions of the Brunswick Estuary.

Dr. Reimold's samples show the following:

Year	Terry Creek	All Brunswick Estuary sites	Duplin Estuary
Species:			
1970–71	3	37	65
1971–72	13	40	50
1972–73	17	39	43
1973–74	21	35	31
1974–75	14	33	26
1975–76	9	24	13
Individuals:			
1970–71	176	1,914	60,113
1971–72	490	4,439	30,283
1972–73	806	4,644	5,247
1973–74	323	1,332	2,658
1974–75	234	1,996	3,201

For 1972–73 data, the H-bar species diversity indices for Terry Creek and the Duplin Estuary were 1.72 and 1.80, and for 1973–74 they were 2.25 and 1.99 respectively, despite the substantially greater number of species and individuals in the Duplin Estuary in each instance. As Dr. Reimold himself testified, this type of data bears out that one cannot tell the health of a system by comparing index numbers, but one must go to the real world and see what species and what organisms are in fact present in the ecosystem.

For each of the periods discussed above (except 1975–76) Dr. Reimold conceded that one of the reasons why the number of species in Terry Creek was so much lower than it was for the Duplin Estuary or the remaining portions of the Brunswick Estuary was that Hercules' toxaphene discharges were having a definite adverse impact on the ecosystem. (For the period 1975–1976 Dr. Reimold expressed doubt that this was the case.)

Another difficulty with Dr. Reimold's study was that it did not analyze the whole ecosystem. Dr. Copeland, Hercules' witness, testified that in developing water quality standards or in considering the effect of something in the system, one should consider the system as a whole. As an example of what Dr. Copeland meant, in the several studies which he conducted in Galveston Bay, he sampled and studied all of the different categories of species, including phytoplankton, zooplankton, nekton (free-swimming organisms), and benthic orgahisms (those which live on the bottom), and he also examined the water quality itself.

Dr. Reimold in contrast did not make an analysis of the whole system; he studied and compared only the nektonic organisms in the Duplin Estuary, Terry Creek, and Brunswick Estuary. He did not sample and examine zooplankton or phytoplankton. Nor did he examine benthic organisms even though it is well known that toxaphene tends to settle in sediments, to which benthic organisms are directly exposed, and even though Dr. Reimold was aware in 1969 (prior to the commencement of his studies) that there was toxaphene in the sediments of Terry Creek at concentration levels in excess of 4,000 parts per million (ppm).

Because there are often high fluctuations in the species and numbers of individuals in "control" bodies of water, and fluctuations in species and numbers of individuals in both the control and the test body of water which are undoubtedly due to factors other than pollution levels, it is very difficult if not impossible to make meaningful comparisons of the effects of pollution by use of species diversity data, given the large number of unascertainable variables.

For the same reason, Dr. Reimold conceded, it is hard to establish cause and effect relationships, and in order to draw conclusions one would have to get results which exceed these substantial variations. Because of these substantial natural variations, it is extremely difficult if not impossible to draw any reliable conclusions from a comparison of ecosystems (even apart from all of the inherent limitations of species diversity data set forth previously) when the ecosystems themselves are very different to begin with. The data indicate that Terry Creek and the Duplin Estuary are very different. Thus for example in the statistical analyses performed in Dr. Reimold's 5th Annual Report for all five of the years covered, based upon the number of individuals in the samples, in 190 comparisons made all but 22 showed statistically significant differences; in a similar statistical analysis based upon biomass, of the 190 comparisons made, all but 10 showed statistically significant differences. These data indicate that the two systems are not comparable.

In addition, Dr. Reimold's sampling methods were seriously deficient. To analyze an entire ecosystem, one should use whatever nets and other equipment and devices are necessary to get all the different types of species. It is important to collect everything possible because, despite random selection of sampling areas or times, organisms are not randomly distributed. Livingston, in a well-respected study of kraft pulp mill effluents in Appalachee Bay, Florida, used numerous techniques to assure collection. Sampling was carried out with dipnets, seines, gill and trammelnets, otter trawls, and hook and line. Some stations were blocked off with seines and poisoned with rotenone. Larger predators and game fishes not sampled by otter trawls were also followed by examination of catches made by sport fishermen at a local fish camp and commercial fishing interests in the area. Livingston used rarefaction procedures to correct differences in trawl sizes and trawl times. (It is interesting that at the end of his study Livingston questioned the validity of the various diversity indices he used as indices of the "health" of his Florida study area).

Dr. Reimold, by contrast, used no rarefaction procedures and used only otter trawls. This type of net is inadequate to collect all species of nekton.

Furthermore, replication of sampling is important as a check on what is being collected, methods used, and reproducibility of suspect results. Reimold did not do duplicate sampling each time in each location even though in a number of instances he collected no organisms whatsoever in his trawl runs. Without replicate samples it is impossible to know whether the area was defaunated or whether he was just collecting samples in the wrong places.

As Dr. Reimold testified, use of several net sizes and inclusion of day and night samples might well produce great differences in the number of individuals and species. This could significantly affect the results, as Dr. Reimold conceded. Dr Reimold's explanation was that "it was just not one of those variables we had sorted through for." During the hearing it was revealed that though not disclosed in his statement of "methods" in his 5th Annual Report, during the period 1970–73 Dr. Reimold used two different sizes of otter trawl nets in the Duplin Estuary, though not in Terry Creek apparently. He also stated that for the first three years of his sampling he included night samples as well as day samples in the samples taken from the Duplin Estuary and later changed his testimony to state that he had included such samples in the Duplin data through June 1975. Dr. Copeland testified that you usually get 20–25 percent more organisms by night than by day. The Livingston study referred to above collected as much as 50 percent more at night. (Neither of these points was included in Dr Reimold's methodology section, contrary to sound scientific practice.) These inadequacies in sampling methods make it impossible to draw valid conclusions from the data generated.

As indicated above, some organisms are more affected by toxaphene at one life stage than another. Dr. Reimold to date has produced no data on age or size of fish, though he conceded that these data are important. Dr. Reimold has never measured water concentrations or studied pollutant concentrations in the field to compare their effects on aquatic organisms with the effects demonstrated in laboratory tests.

Finally, Dr. Reimold's study contained errors of nomenclature (misidentification of species) and figures, which casts doubt both on the validity of the report and its conclusions. As one example of the errors in figures, his Table 10 shows no grass shrimp caught for the years 1970–71, 1971–72, and 1972–73, while his Table 11 gives biomass of 4 grams, 16 grams and 2 grams for grass shrimp in those periods. The errors were such that the report did not engender confidence.

20. As in the case of endrin, following its discharge from a point source an effluent containing a pollutant such as toxaphene typically becomes dispersed and greatly diluted. The area of dilution is referred to as a "mixing zone;" it will vary in size and shape from one body of water to another. It is reasonable to expect dispersion and dilution of a pollutant such as toxaphene in a ratio of 300:1 or more following its discharges

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into more receiving waters. As discussed above for endrin, dischargers can take various steps to enhance dispersion and dilution.

It is reasonable to expect that an effluent standard of not to exceed 1.5 μg/l (average per day calculated over any one month) or 7.5 μg/l (maximum in a sample(s) for any working day), after dispersion and dilution in a reasonable mixing zone, will in most instances achieve an ambient water criterion of 0.005 μg/l.

Because of the natural variations in the receiving water hydrology and hydrography, the actual boundaries of mixing zones can best be set and the optimum location for a discharge pipe established on a site-specific basis. More stringent effluent concentrations to provide an ample margin of safety for aquatic organisms and other organisms (including man) can be provided for under § 129.7 of the proposed regulations where needed at a particular site.

There is no reason to believe that any significant environmental harm will result from allowing an occasional excursion up to 5 times the average daily concentration of 1.5 μg/l, so long as the daily average (calculated over any reasonable period, such as a calendar month) is not exceeded.

21. The Agency's proposed mass emission standard of 0.00001 kg/kkg of toxaphene produced for existing manufacturers was calculated by dividing the average daily mass emission (at the plant of the largest manufacturer of toxaphene both in terms of production volume and wastewater volume) by the estimated average daily production. The average daily mass emission was calculated by multiplying the existing flow at Hercules' plant by the average concentration specified in the standards and applying a conversion factor to yield kg/day. The average daily production was determined by dividing the maximum estimated annual production (in kg) by the number of operating days per year.

The average wastewater flow volume from the Hercules toxaphene plant is 167 gpm, or .24 million gallons per day (MGD). This data was used by the Agency in computing its proposed mass emission standard.

Although Hercules declined to furnish its precise production levels of toxaphene, it offered no evidence to contradict those presented by EPA and relied upon in computing its proposed mass emission standard. The production figure utilized by EPA was 50–80 million lbs. of toxaphene per year.

Although Hercules offered evidence that its final discharge volume is 15–20 MGD with a toxaphene concentration of between 5 and 10 micrograms per liter on the average, the evidence discloses that this is not the discharge from the toxaphene plant, but is a discharge to Terry Creek after dilution with approximately 15–20 MGD of cooling water.

No compelling evidence or justification was presented at the hearing to warrant a modification of the proposed mass emission standard so as to allow Hercules credit for its dilution of the wastewaters from its toxaphene manufacturing plant and thereby allow it to discharge mass amounts of toxaphene on a daily basis in excess of the levels proposed by the Agency.

However, Hercules' objection that the mass emission standard would be difficult to meet even if the concentration standard were met has prompted the Agency to reconsider the calculation of this number. The calculation in the proposed standard was based upon the maximum production level, 80,000,000 lbs. per year, and the average wastewater flow volume of .24 MGD.

As stated in the preamble portion of the Notice of Proposed Rulemaking, the purpose of the mass emission standards is to prevent a manufacturer from utilizing dilution instead of treatment to achieve compliance with the concentration standard, rather than to impose an additional limitation more stringent than the concentration standard.

If the calculation used to derive the mass emission level in the proposed standard were recomputed using the maximum wastewater volume for any month for which data are available (.30 MGD, average for July 1974), coupled with a production volume figure at the low end of the 50–80 million lbs. per year (i.e., 50 million lbs. per year) the mass emission level for existing sources would be .00003 kg/kkg.[2]

Using the same figures and the concentration level for new source performance standards yields a mass emission standard for new sources of .0000002 k/kkg.[3]

Evidence was presented at the hearing (as discussed above with respect to endrin) that if a plant ceases operation the residual amounts of the compound in the plant, including piping, may result in a continued discharge of the compound. Because there would be no production level at that time on which a mass emission level could be based, it would be reasonable to require that, during any calendar month for which the toxaphene manufacturing plant is shut down, the discharger must comply with a mass emission standard under which the production volume used is the average production level for the most recent 360 days of operation of the toxaphene plant (which approximates an operating year.)

22. MRI, as part of the scope of the work described previously in connection with endrin, prepared and submitted a report entitled "Wastewater Treatment Technology, Documentation for Toxaphene Manufacture." The MRI study considered data gathered from all four of the manufacturers (Hercules, Inc., Tenneco Chemicals, Inc., Riverside Chemical Co. and Vicksburg Chemical Co.). MRI considered information from each of these four plants, and all four were visited. Of these four manufacturers, only one filed an objection to the Agency's proposed standards for toxaphene, namely Hercules. (Vicksburg Chemical Company filed comments which are discussed in the Summary of Written Comments.)

The technologies which MRI examined for toxaphene, and believed to be the most feasible, were the same as those selected for endrin and discussed above, namely: reductive degradation, resin adsorption, reductive degradation and resin adsorption in series, and carbon adsorption. Similarly, the expert testimony of Dr. Keith Sweeny concerning reductive degradation, and of Joseph L. Rizzo concerning the feasibility of carbon adsorption, as described above in connection with endrin, is also applicable generally to toxaphene wastes with only minor modification.

Endrin and toxaphene are similar in both physical and chemical properties which are important to the phenomenon of adsorption, such as polarity; both are hydrophobic and both are only slightly soluble in water. The chemical natures of the two pesticides are also similar; both are highly chlorinated products containing over 56 percent chlorine by weight. Both compounds can be expected to behave similarly in many chemical reactions, such as oxidation or reduction, and in fact both have been shown to be resistant to oxidation and susceptible to reductive degradation reaction.

MRI utilized essentially the same data base for toxaphene as it did for endrin in arriving at its conclusions that each of the treatment systems mentioned would be feasible. However, while there is excellent laboratory data for each of these technologies, including reductive degradation tests run by Envirogenics on wastewater from Hercules' toxaphene plant, there has not yet been constructed a pilot plant operation for a toxaphene manufacturer, as there has been in the case of the endrin manufacturer, Velsicol.

Hercules presented the testimony of Lawler, Matuskey & Skelly Engineers to the effect that "there is no established treatment technology" (emphasis added) which Hercules can utilize for complying with the proposed standards and that it is not feasible to achieve operation of a treatment facility within one year after promulgation of the proposed standards. As in the case of endrin, the difficulty with the objections made by the manufacturer (Hercules) is that they

[2] The actual calculation is as follows: Daily volume (.30 MGD) × maximum permissible toxaphene concentration expressed in parts per million (.0015 ppm) × conversion factor for gallons to pounds (8.33) = pounds of toxaphene per day in discharge (.00375). 50,000,000 pounds per year production divided by 365 days per year = 137 thousand pounds per day. .00375 pounds per day in discharge divided by 137 thousand pounds per day production = .00003 pounds discharge per thousand pounds of production or .00003 kg/kkg of production.

[3] The new source mass emission standard bears the same ratio to the existing source mass emission standard as respective concentration standards. Hence .00003 × 1/1.5 = .000002 kg/kkg.

are premised on the assumption that the Agency may not promulgate a standard unless there is proof, in the form of experience with actual treatment plants (or at least pilot plants) treating similar industrial wastes, that within one year a given technology can be installed and routinely achieve the standard without upsets or malfunctions. As discussed elsewhere in this decision the Agency does not agree.

23. The design flow for a treatment system utilizing the resin adsorption technology would involve neutralization and sedimentation, followed by filtration with a filter backwash (sludge removed would be incinerated or land filled) followed by the XAD–4 resin adsorption process. For both resin adsorption and reductive degradation, destruction of free chlorine is desirable. This can be done by exposure to sunlight for eight hours or by addition of sodium sulfite. (Removal of the chlorine prevents the discharge of copper in the effluent from a reductive degradation system.)

24. The design flow diagram for a reductive degradation system is essentially the same as for resin adsorption. The design flow diagram for the two processes in series would begin with sedimentation, followed by filtration with filter backwash, followed by the resin adsorption process, followed in turn by reductive degradation treatment.

With respect to reductive degradation, the MRI report states that this technology can achieve levels below 3 μg/l. Dr. Meiners was asked at the hearings how much below 3 μg/l could be achieved, and he testified that it would achieve less than 1 μg/l, based upon the most recent data received from Dr. Sweeny. Dr. Sweeny testified that toxaphene reduces more easily than endrin based upon his actual laboratory experience with effluent from the Hercules plant, and that one should be able to achieve 0.1 μg/l of toxaphene in the effluent using the reductive degradation technology.

25. The carbon adsorption model system would involve neutralization and sedimentation followed by a filtration process with a filter backwash and sludge disposal. This in turn would be followed by two carbon adsorption units in series, with a third standby adsorption unit available to be switched on line as soon as the toxaphene shows signs of breaking through the first unit or approaching the maximum desired effluent concentration. Spent carbon would be incinerated or thermally reactivated.

The isotherm data for toxaphene indicate that the weight percent pickup by carbon adsorption would be even greater for toxaphene than for endrin at concentrations below 5 μg/l. In its written report MRI estimated that carbon adsorption could achieve concentration levels in the effluent of less than 5μg/l (parts per billion) of toxaphene. At the hearing Dr. Meiners of MRI was asked how far below 5μg/l (5 ppb) could be achieved by carbon. Dr. Meiners replied that using carbon adsorption "it is technically feasible to reduce the toxaphene concentration in water to below one part per billion." Mr. Rizzo of Calgon Corp. also testified that a carbon adsorption system could remove toxaphene from industrial wastewaters to less than 1 μg/l on a regular and consistent basis. These conclusions are borne out by repeated tests with toxaphene yielding laboratory isotherm data reliably showing removal capabilities to levels below 1 μg/l.

Hercules has had only limited experience with carbon. They have a plant at Hattiesburg, Mississippi, which does not produce any chlorinated hydrocarbon pesticides. This plant has a carbon adsorption system with a reactivation facility on site. The plant is not a Calgon installation and is not the modular type of system described by Mr. Rizzo. Hercules' witness, Mr. Charles Dunn, conceded that the failures of the carbon adsorption system were basically mechanical and not a result of failure of the carbon adsorption technology itself.

As noted previously during the discussion of treatment technology for endrin removal, with respect to all of the systems discussed above, any problems with respect to pH, biological fouling, free chlorine, or excessive suspended solids can be readily solved. Calgon has the capability to thermally regenerate spent carbon containing chlorinated hydrocarbons, including toxaphene.

26. In a draft report MRI had at one point expressed the opinion that it might take more than a year and perhaps several years to install treatment systems based upon the technologies described above. Prior to issuance of the report in final form, however, more current information was obtained by EPA from Calgon Corp. with respect to installation time of a carbon adsorption system, from Environgencis Co. with respect to installation time of a reductive degradation system, and from Rohm and Haas with respect to installation time of a resin adsorption system. All of the companies indicated that such systems could be installed in less than one year. After review of this data by MRI and EPA, this portion of the draft was excluded in the final edition.

According to Rohm and Haas, a treatment system based upon resin adsorption would take approximately 42 weeks to deliver a 100 gpm system, and as long as 62 weeks till start-up.

Dr. Sweeny testified that a wastewater treatment system based upon reductive degradation technology with a design capacity of up to three hundred gallons per minute wastewater flow could be designed and installed so as to commence operation within a period of one year or less from date of placement of an order. Dr. Sweeny, who has run tests using actual Hercules effluent, testified that this one-year period included bench scale testing at the laboratory, further testing at the toxaphene manufacturing site, design, installation, and full operation including the working out of any start-up problems. He believes Environgencis would contract to install such a system to achieve 1.5 micrograms per liter of toxaphene in the effluent within the one-year period.

Although it took over 1½ years to install the Velsicol pilot plant, a reductive degradation treatment system to treat toxaphene could be installed and operating within a year, because toxaphene reduces readily, and much of the information and experience which has been gained in the endrin/heptachlor experience will be directly translatable to the toxaphene job. As Dr. Sweeny testified, much has been learned over the past year. In addition, the degradation characteristics of toxaphene are known, and the equipment, needed to assemble the system can be obtained and put together in a period of 90 days. Thus as Dr. Sweeny testified, "I feel very confident that this job could be accomplished well within the year framework that is mentioned."

As noted above in the discussion of treatment technology for endrin, Joseph Rizzo of Calgon Corp. testified extensively on the features and characteristics of wastewater treatment systems based upon carbon adsorption. He testified that based upon his experience, a carbon adsorption system can be designed and constructed within substantially less than one year of placing an order, assuming that an adsorption service is used.

In response to questions from counsel for Hercules, Mr. Rizzo testified that he was authorized on behalf of Calgon to state that Calgon would agree to design and construct an industrial treatment system for a toxaphene manufacturing plant which would consistently achieve a monthly average effluent concentration of toxaphene of 1.5 μg/l and to have it operational within one year from the date of placement of the order.

The timetables suggested by Lawler, Matuskey & Skelly (2½ to 3½ years) are more leisurely timetables based on a conservative approach to designing a treatment facility. There is no question that such an approach would yield a greater degree of confidence in the ultimate treatment level and functioning of the treatment plant and perhaps would permit design of a system at reduced cost, but such an approach is not necessary. With a lesser degree of confidence the technologies can clearly be installed and operational within one year. Carbon adsorption technology, for instance, has in several instances been used on an emergency basis to clean up spills of organochlorine pesticides.

27. In addition to considering the feasibility of these technologies, MRI performed an extensive cost analysis. Although MRI's costs include a pH adjustment tank and sedimentation and filtration, Hercules' witnesses conceded that some of these costs might be reduced or eliminated in view of the fact that Hercules already has pH control, lagoons which are available for sedimentation or settling, separation tanks, pumping equipment, and spill control facilities. In addition, Hercules already has a laboratory and gas chromatographic analysis equipment.

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The cost of a toxaphene wastewater treatment system based upon reductive degradation system would not be significantly greater than the cost of a system to treat endrin at Velsicol's plant. There are only two additional features which a system to reduce toxaphene would have. First, there should be a filtration step to remove any sediment (this is already in place at Velsicol); and second, there would be a neutralization step with respect to the active chlorine present in waste such as that coming from Hercules. This would involve chemical or photochemical neutralization, which would add not more than 10 percent to the cost.

Hercules manufactures approximately 120 different products. Its plant is approximately 50 years old. The average waste flow from its toxaphene production plant is 167 gpm, or 0.24 million gallons per day, with an effluent concentration averaging approximately 114 μg/l of toxaphene. This waste flow is diluted with cooling water to produce an eventual discharge of 15 to 20 million gallons per day, which dilutes the toxaphene concentration allegedly to less than 10 μg/l.

A summary of the MRI conclusions with respect to reduction levels achievable and associated costs for each of the four alternative systems (as well as Hercules' existing system), for alternative wastewater flow rates of 200 gpm and 300 gpm. are set forth as follows:

Summary of estimated costs for toxaphene wastewater treatment systems (Hercules plant, Brunswick, Ga.)

	Wastewater flow rate (gallons per minute)	Toxaphene in treated effluent		Installed capital equipment cost	Annual operating cost	Cost per pound of toxaphene product [1]
		Parts per billion	Pounds per day			
Hercules' system	[2] 181	203	0.41	$800,000	$300,000	$0.0060
	[3] 146	58	.10	880,000	300,000	.0060
Resin adsorption	200	1.4	.0034	586,200	324,300	.0065
	300	1.4	.0050	790,400	433,200	.0087
Reductive degradation	200	<3	<.0072	350,700	154,100	.0031
	300	<3	<.0108	433,700	181,800	.0036
Resin adsorption plus reductive degradation	200	.1	.0002	731,600	410,300	.0082
	300	.1	.0004	955,900	537,500	.0108
Activated carbon adsorption:						
30 min contact time	300	<5	<.018	617,000	194,200	.0039
60 min contact time	300	<5	<.018	791,000	232,500	.0047

[1] Based upon an annual production of 50,000,000 lbs of toxaphene.
[2] August 1974. [3] February 1975.

28. As noted above, ADL prepared an economic impact assessment for EPA of the impact of compliance with the proposed toxic pollutant effluent standards for toxaphene. ADL concluded that "since Hercules can meet the proposed standards using reductive degradation or carbon adsorption, the additional cost it would incur is less than $0.0090/kg (the present cost to selling price ratio equals 1.1 percent). This additional cost would not be judged as being economically impactive to either the company or the community." ADL concluded that for no toxaphene manufacturer would the additional cost exceed 2.1 percent of the selling price.

Hercules' own independently retained engineering experts, Lawler, Matusky & Skelly, concluded from their analysis that the costs, including both capital and operating costs, of compliance by Hercules with EPA's proposed standards would amount to less than 2 percent of the price of their toxaphene product.

The ADL report also concluded with respect to formulators of toxaphene as well as the other three pesticides subject to the proposed standards that "it is very unlikely that any formulators will incur significant costs in implementing treatment to meet the proposed standards."

No credible or substantial evidence was offered at the hearing which would suggest that compliance with the proposed standard would result in a significant economic impact to either the company or the community. Because there is no reason to believe that the standards cannot be achieved there is no reason to consider the economic impact which would result in the unlikely event that one or more toxaphene plants were shut down due to failure to comply with the standards.

29. In the Agency's proposed standards, it was specified that the acceptable analytical method for measuring and monitoring for the presence of any of the four toxic pollutants is the method specified in 40 CFR Part 136, except that under those sections where discharge of the pollutant is prohibited, a one-liter sample size is required to increase the analytical sensitivity. (See subsections (b)(2) and (c)(2) of §§ 129.100–129.103.)

The EPA-approved method for measuring and monitoring for organochlorine pesticides (including aldrin/dieldrin, DDT (DDD, DDE), endrin and toxaphene) in industrial effluents is set forth in a document entitled "Method for Organochlorine Pesticides in Industrial Effluents", and is based upon the use of gas chromatography. By the use of this method aldrin can be detected at 0.001 μg/l, dieldrin and DDE can be detected at 0.001 μg/l, and endrin can be detected at 0.003 μg/l. The usual detection level for endrin is 0.003 to 0.004 μg/l. Toxaphene concentrations in water samples can be reliably detected using gas chromatography at 0.5 μg/l level, and in some cases down to the 0.1 μg/l level.

Although the "Method for Organochlorine Pesticides in Industrial Effluents" document prescribes a sample of 100 milliliters, and although this sample size is adequate for a detection level of 1 μg/l, increasing the sample to 1 liter (which is ten times 100 milliliters) will increase the analytical sensitivity. This will enable the person running the test to detect the pesticide at the levels stated above.

No convincing evidence was introduced at the hearing to contradict the foregoing.

Since enforcement proceedings against dischargers would be based on violation of the applicable discharge limits and not on the ambient criterion itself, the fact that the ambient criterion level is below detectable limits is of no concern in monitoring for compliance with these standards.

30. As noted above in the discussion of endrin, the Agency believes that toxaphene is injurious to human health within the meaning of § 402(k), and that § 129.5 of the Agency's proposed regulations correctly provides for the incorporation of the proposed standard for toxaphene into existing NPDES permits.

31. As noted above in the discussion of endrin, discharges of toxaphene into POTW's are not required to be made subject to the proposed standards. The Agency is currently developing pretreatment standards covering dischargers of toxaphene under § 307(b).

SUMMARY OF WRITTEN COMMENTS

The principal written comments of a substantive nature, together with the Agency's responses thereto, are summarized below (except to the extent dealt with elsewhere in this decision):

(1) The New York State Department of Environmental Conservation suggested that discharges from areas subject to contamination solely by air fallout should not be excluded as provided in subsection (b)(1)(ii) of §§ 129.100–103, in order to avoid a "loophole" which, in their opinion, would permit effluent concentrations of toxic pollutants to exceed those deemed safe. The State also suggested that this would provide for easier enforcement since the Agency would not have to prove that an effluent containing an excessive concentration was not contaminated by air fallout.

The Agency's authority under § 307(a) is limited to discharges of toxic pollutants from point sources. Insofar as the State's comment relates to nonpoint sources of contaminated storm water, it is properly addressed to the organization developing the relevant areawide waste treatment management plan under § 208 of the Act. Insofar as it relates to point sources of contaminated storm water, adequate regulatory authority is provided under § 124.83 and § 125.52 of the regulations.

Regarding enforcement, it is the Agency's position that the permittee has the burden of demonstrating that his discharge is excluded under subsection (b)(1)(ii) of §§ 129.100–103.

New York State also commented that the § 307(a) standards would limit pollution from air fallout to amounts not to exceed levels resulting in 0.003 μg/l for aldrin/dieldrin or 0.001 μg/l for DDT, DDD and DDE in the receiving waters. Nothing in these standards is intended to directly or indirectly control receiving water concentrations of aldrin/dieldrin or DDT (DDD, DDE) by regulating air emissions of these compounds.

(2) Several commenters mentioned possible adverse environmental effects resulting from the use of evaporation ponds. New York State recommended use of either a chemical landfill or total incineration.

The Agency concurs that an evaporation pond can pose a threat to wildlife if not properly screened and fenced. The Agency also recognizes that air emissions from ponds and landfills and leaching from landfills could possibly be sources of contamination, if appropriate facilities are not used. The amount of evaporative losses to be expected from aldrin/dieldrin and DDT (DDD, DDE) is unknown. Data showing the presence of these materials in bottom materials of natural water bodies over long periods of time confirm the Agency's expectation that these pesticidal materials would be tightly adsorbed to bottom sludges. This would indicate that losses as vapors are likely to be insignificant.

In any event it is the Agency's position that where an evaporation pond, landfill or incineration is suggested as an alternative technology for disposal of toxic wastes, only suitably designed, located and operated facilities should be considered for such disposal. Specifications for such facilities are outside the scope of these standards.

(3) Several comments were received with respect to the site-specificity and cost of the evaporation pond technology identified by the Agency as a treatment system applicable to aldrin/dieldrin and DDT, (DDD, DDE) manufacturers and formulators.

The Agency recognizes the limitations inherent in the evaporation pond technology. In areas where precipitation greatly exceeds evaporation this technology may be inappropriate. However, even in areas with a net precipitation balance, the evaporation pond may be supplemented with the use of heating, aeration, fixed or movable roofing systems, and wicks to enhance evaporation. Furthermore, the volume of wastes to be treated may be reduced by the roofing over of areas subject to the regulations in order to prevent runoff, or by the elimination of water from the process.

The Shell Oil Company commented that the Agency's projected capital cost of $25,000 and annual operating cost of $6,000 for an evaporation pond servicing a projected 1 million pound per year aldrin production plant might be too low due to the need for a larger size pond than the one evaluated in the MRI report. In light of these comments the Agency again reviewed the design criteria and costs with its contractor, Midwest Research Institute (MRI). This review confirmed the Agency's belief that the technology is feasible and the costs are reasonable.

It is expected that this technology could be used, if at all, by a new source. If an existing source should seek to install this technology the costs could be greater, depending on its particular climatological and physical circumstances. Thus an existing source may wish to consider less costly alternatives. A new source, on the other hand, can avoid the potential problems of net precipitation balance through careful site selection and can reduce flow volume so that the size and cost of an evaporation pond would be minimized. While it is conceivable that in a given case site selection might result in "hidden" costs such as increased distance to market (or for that matter, hidden benefits), these costs and benefits are too speculative to be quantified by the Agency.

(4) New York State commented on the amount of dilution necessary to achieve the ambient water criteria and indicated that, taking into account background levels resulting from fallout, the effluent standards alone might be insufficient to ensure that the ambient water criterion would be met.

In the preamble to its June 10, 1976 proposal (41 FR 23579–80), the Agency acknowledged its reliance on dilution and dispersion of wastewater discharged into the navigable waters to achieve the ambient water criteria. During the course of the hearings, the Agency presented the testimony of Dr. William Brungs and Dr. Richard Callaway, both experts in the area of "mixing zones," in support of its standards.

The Agency believes that sufficient dilution and dispersion will occur in virtually all situations. However, in the event that such dilution and dispersion do not occur, § 129.7 of the regulations provides a "tightening variance" whereby a more stringent effluent limitation may be established to achieve the ambient water criterion where insufficient dispersion takes place.

(5) The U.S. Department of Agriculture indicated that the time allowed for interagency review was insufficient.

The Agency agrees that the time frame for review was short, but the Agency was unable to allow further time for review under the constraints of the statute and the consent agreement in *NRDC v. Train*, Civ. No. 75–172, supra.

(6) The U.S. Department of Agriculture indicated that there was insufficient evidence to justify "zero discharge" standards for the four pesticides under consideration and that they could result in plant closures.

With respect to aldrin/dieldrin and DDT, DDD and DDE, as indicated elsewhere herein the Agency has received no comment from manufacturers or formulators suggesting that the standards cannot be met. With respect to endrin and toxaphene, zero discharge applies only to formulators. The Agency believes that the reports cited in its statements of basis and purpose present sufficient evidence to justify zero discharge standards for formulators of endrin and toxaphene and for manufacturers and formulators of aldrin/dieldrin and DDT (DDD, DDE). These reports indicate that the standards will not have a significant economic impact.

(7) The U.S. Department of Agriculture suggested that the test protocols used to evaluate toxicity do not evaluate metabolism or degradation of the compounds and that the tests do not determine how pH, hardness, turbidity and temperature affect the ultimate fate of the chemicals in the environment. USDA requested that an environmental impact statement and an inflation impact statement be filed.

To determine the environmental fate of the four substances under all the possible conditions of pH, temperature and the like would be administratively infeasible. The EPA believes the studies submitted as part of its statement of basis and purpose adequately demonstrate the persistence of the toxic substances in question.

Section 511 of the Act provides that no action of the Administrator shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 ("NEPA"), 83 Stat. 852, with exceptions not pertinent here. Thus, under § 101(b) of NEPA an environmental impact statement is not required. And, as discussed elsewhere herein, the Agency does not believe an inflation impact statement is required.

(8) The National Agricultural Chemicals Association ("NACA") criticized the procedures and time frames required to be followed prior to promulgation of the standard, stating that the procedures precluded the assembly of a fair and impartial record and that additional time for gathering evidence should be allowed.

At the time the Rules of Pratice were proposed, the public was afforded ample opportunity to submit comments and all such comments were taken into consideration by the Agency prior to their final promulgation of the rules. NACA should have made its criticisms of the Rules of Practice then. The short time frame for the standard-setting process is mandated by § 307(a) of the Act, which indicates that Congress considered toxic pollutant discharges a very serious matter. The Agency believes that its Rules of Practice permit compilation of a fair and impartial record.

The Agency agrees that the time frame for the development of toxic pollutant effluent standards under § 307(a) is very short. If NACA believes that a longer period is more appropriate, it should address this suggestion to Congress.

(9) NACA commented that the Agency should not have given less weight to economic and technological consideration than to environmental and public health considerations.

As explained in the preamble to the June 10, 1976 proposal (41 FR at 23578), the Agency is required under § 307(a) of the Act to place primary concern on the protection of environmental health. While the Agency believes that standards

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could have been set without regard to technological or economic considerations, in the absence of anything in the statute precluding consideration of such factors, the Agency concluded that the interests of responsible rulemaking would be best served by at least giving them some consideration in the rulemaking process. There is no basis in the statute for giving equal or greater weight to economic and technological considerations than to environmental and public health considerations.

(10) NACA and the Pesticide Formulators Association ("PFA") questioned the reliability of responses received from the telephone survey conducted by ADL during the preparation of their report assessing the economic impact of the standards on the formulator industry. The survey had sought information from formulators as to the feasibility of compliance with the effluent standards. NACA and PFA claimed that ADL's failure to identify the purpose of its survey caused the respondents to withhold information as to known difficulties which they had experienced with formulator waste treatment systems.

The telephone survey was used for the limited purpose of confirming information assessing the feasibility of compliance with the standards as proposed. The survey served as a mechanism to elicit constructive comments from those formulators who would potentially be affected by the regulations but it was not the sole basis for the economic assessment for the Agency's standards. Technology assessment was based principally on the MRI report, which included visits to plants. The ADL report should be considered reliable in light of the limited purpose for which the telephone survey was made.

Formulators were given the opportunity to participate in the hearings, but none did so. Written comments submitted on behalf of formulators contained only generalized and unsupported assertions that the standards cannot be met. In the absence of specific evidence submitted by formulators, the Agency cannot disregard the carefully researched and considered opinions of its contractors.

(11) NACA claimed that a zero discharge requirement for formulators was unreasonable due to an inability to collect and process runoff water.

In its supporting materials for the § 307(a) standards, the Agency addressed the technological problems in applying the standards to formulators. As part of its review, the Agency identified a technology incorporating the use of roofing, diking and other methods to eliminate the pesticidal contamination of runoff from formulator facilities. The Agency concluded that the application of the identified technology was both technologically and economically feasible for both large and small formulators. The Agency also identified the evaporation lagoon as an alternative for formulators where such a facility would be feasible.

(12) The National Fisheries Institute supported the proposed regulations and stated that the proposed standard for toxaphene and endrin manufacturers would provide an adequate degree of protection to fish, wildlife and humans. They urged the expeditious promulgation of pretreatment standards for discharges of these toxic pollutants into publicly owned treatment works and stressed the importance of further monitoring of endrin and toxaphene discharges in order to assess the need for more stringent standards.

The Agency is in agreement with these suggestions. As stated in the preamble to the Notice of Proposed Rulemaking, the Agency is in the process of developing pretreatment standards for these pesticides. It will, moreover, continue to monitor for their presence in the nation's waters to determine whether in the future the standards established at this time should be revised so as to provide greater stringency.

(13) PFA disagreed with the Agency's cost figures for pesticide formulator compliance with a zero discharge limitation. The comment said that based on MRI estimates, costs for installing evaporation lagoons, diking, and pumping of storm water, would involve capital investments of $48,200 and an annual operating expense of $10,110, thereby causing a 50 percent increase in a facility's capital value for an average 175,000 pounds per year toxaphene formulation plant.

The comment misinterprets the cost figures provided by MRI to the Agency and assumes that use of an evaporation lagoon would be required. The estimated costs for compliance by formulators were from $1,000 to $4,000 (see 41 FR at 23585). These costs would cover roofing, diking and other runoff control measures.

If the runoff control measures were implemented, the Agency does not believe that the use of an evaporation lagoon would be required. PFA acknowledged that in the formulator industry, processes are designed for zero discharge of process and waste streams.

Since the estimated cost of runoff control facilities is nominal, the Agency believes that the economic impact upon the formulator industry would be insubstantial. Since presently available technology can achieve a prohibition without substantial adverse economic impact to formulators, the Agency believes that it is reasonable to require compliance with this admittedly very stringent standard.

(14) PFA suggests that formulators should be allowed to discharge as much as manufacturers.

The standard for manufacturers of toxaphene and endrin is less stringent than that for formulators for the reason that manufacturers cannot comply with a zero discharge standard whereas formulators can. The Act recognizes in § 307(a)(5) that different standards will be set for different categories of dischargers discharging the same substance. The standard for manufacturers is nevertheless considered sufficiently stringent to provide an ample margin of safety as required by § 307(a)(4).

(15) American Cyanamid questioned the analytical methods the Agency chose to use to determine whether a source is in compliance with the regulations. Their comment also suggested a modification of the "Method Section" (subsections (b)(2) and (c)(2) of §§ 129.102 and 129.103.)

The Agency's definition of "prohibited" as set forth at § 129.2(d) of the regulations specifies that the absence of the pollutant shall be determined by "any analytical method." For the "Analytical Methods Acceptable" sections the Agency specifies the method set forth at 40 CFR Part 136 for those standards permitting a discharge. Where the standard is zero discharge, a larger sample size than that recommended in 40 CFR Part 136 is required to increase analytical sensitivity.

The Agency intends that the method specified in the Method Sections will be used to show presumptive compliance with the standard. However, the Agency has specifically reserved its prerogative to apply a more sensitive method to a particular discharge for determining whether a source is in compliance with a prohibition. Thus, if the prohibited pollutant should be detected by any method, the discharger will be found to be in violation of the standards. A discharger may raise any challenge to the more sensitive method in the enforcement proceedings.

(16) One commenter disagreed with the Agency's findings that DDT is acutely toxic to fish, animals and man and that it is among the most highly toxic of those substances known.

The Agency set forth considerable data as to the toxicity, persistence, degradability and environmental fate and effects of DDT (DDD, DDE) in the Criteria Document for DDT (DDD, DDE) which was an integral part of the Agency's statement of basis and purpose underlying the regulations. In light of the overwhelming evidence documenting the harmful environmental effects of DDT and its metabolites, the Agency concludes that its statements supporting a prohibition of DDT are warranted and that such a prohibition is necessary to provide an ample margin of safety. The cancellation of most uses of DDT pursuant to proceedings under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) further bolsters the Agency's conclusions that DDT is highly toxic and indeed poses a cancer risk to man.

(17) The Ford Motor Company submitted comments objecting to the inclusion of an ambient water criterion for each of the four pesticides on the grounds that this exceeded the Agency's authority under section 307(a) of the Act. If the Agency should choose to include them, however, Ford urged the adoption of the criteria on a case-by-case basis, claiming that national criteria were scientifically inappropriate and unnecessary.

Since these are national standards, a case-by-case approach to the ambient water criteria would be inappropriate and would require extensive duplication of effort. It should also be noted that the criteria recommended by the Agency in these proceedings are consistent with those being recommended to the States under section 304(a) of the Act.

While establishment of such criteria are not legally required under section 307(a), they provide a most helpful intermediate step in establishing levels of effects to be avoided, and in setting, in turn, the effluent standards themselves which are to guard against such effects. They also provide a triggering mechanism for the "tightening variance clause" established in section 129.7 for water bodies to which a discharge at the levels in the standards still would not provide an ample margin of safety owing to site-specific peculiarities.

(18) Vicksburg Chemical Company charged that the Agency had failed to consider the cost of analytical requirements and its impact on the small pesticide manufacturers.

The MRI reports which assessed the available treatment technologies for each of the four pesticides at issue included "laboratory" costs as direct costs. In addition to using the MRI report evaluations as the basis for its own report, ADL included estimated analytical costs of $40,000 per year for outside laboratory work in its economic assessment of the standards.

The Agency notes that no additional cost would be incurred for those sources whose NPDES permits already require pesticide analyses to be performed since the monitoring required by the proposed regulations would essentially duplicate that presumably already required in the NPDES permit.

(19) Vicksburg Chemical Company claimed that the Agency failed to establish that present discharges of toxaphene from existing point sources are causing the ambient water criterion set forth in the standards to be exceeded. Vicksburg further claimed that the Agency did not provide "demonstrated" technology for new source performance standards pursuant to sections 304 and 306 of the Act.

By these comments, the company clearly misinterprets the Agency's authority to establish effluent standards for toxic pollutants under section 307(a) of the Act. Since chlorinated hydrocarbon pesticides including toxaphene have been found to be highly toxic to a wide variety of organisms and to be highly persistent in the environment, these regulations are intended to provide protection against anticipated damage from the continued accumulation of these materials in the environment. Discharges in excess of the standards urged by the Agency for existing sources are likely to result in the ambient water criterion being exceeded, at least in some locations; hence the need for the standards. The standards for new sources provide an even more ample margin of safety, as the Agency is clearly authorized to do under section 307(a). Section 307(a) standards are technology-forcing regulations and need not be based on existing, in-place technology. The provisions of sections 304 and 306 do not apply to standards issued under section 307(a).

(21) Objections were received with respect to three sections of the general regulations: § 129.6, relating to credit for pollutants in the intake water; § 129.5(c) relating to revision of NPDES permits to require compliance with a toxic pollutant effluent standard; and § 129.7 relating to the "tightening variance."

As indicated above, the general regulatory provisions are not "standards" subject to the formal rulemaking procedure, but the Administrator has included them in the June 10 proposal to ensure informed rulemaking.

Objection was made to § 129.6 (the so-called "net-gross" regulation), which relates to adjustment of the effluent standard for the presence of a toxic pollutant in the intake water, because credit is given only if the intake water is taken from the same body of water as that into which the discharge is made.

Section 129.6 is essentially the same as the Agency's net-gross regulations for NPDES permits issued under section 402 of the Act (40 CFR § 125.24(c) and § 125.28). Under all of these sections, in order to obtain credit for pollutants in the water supply the discharger must show (1) that the water supply and the receiving water are the same body of water and (2) that the pollutants in the water supply will not be removed by any wastewater treatment system whose design capacity and operation were such as to reduce pollutants to the level required by the standards in the absence of the pollutants in the water supply. Section 125.28 has been held valid in *Hooker Chemicals & Plastics Corp.* v. *Train*, 537 F. 2d 620, 633 (2d Cir. 1976) and *American Petroleum Institute* v. *EPA*, 9 E.R.C. 1252, 1261 (10th Cir. 1976). In each case the court specifically noted the "same body of water" restriction. In *Appalachian Power Co.* v. *Train*, 9 E.R.C. 1033, 1053–4, as modified 9 E.R.C. 1274 (4th Cir. 1976) and in *American Iron and Steel Institute* v. *EPA*, 526 F. 2d 1027, 1056 (3d Cir. 1975), a contrary result may be implied. The "same body of water" requirement was not squarely addressed in any of these cases, and the regulations have not been remanded to the Agency. Challenges to the net-gross regulations in *American Iron and Steel Institute* v. *Train*, Doc. No. 75–2124, 75–2148 (Third Circuit, Oct. 5, 1976) and *Diamond Shamrock Corp.* v. *Train*, Civ. No. 75–1917 (D. D. C. Oct. 22, 1976), were dismissed on the ground that the regulations were not ripe for judicial review until they had actually been applied to a discharge. The Agency believes the "same body of water" requirement in § 129.6 of the proposed regulation is valid.

American Iron and Steel Institute ("AISI") also objects to § 129.6 because it provides that credit for pollutants in the water supply will not be granted unless:

> it is *demonstrated* • • • that the toxic pollutants present in the owner's or operator's intake water will not be removed by *any* wastewater treatment systems whose design capacity and operation were such as to reduce toxic pollutants to the levels required by the applicable toxic pollutant effluent standards in the absence of the toxic pollutant in the intake water. 41 FR 23593 (June 10, 1976.) [emphasis added]

AISI interprets this to mean that if "any conceivable" wastewater treatment would remove the pollutants credit will not be allowed. This result is not intended by the Agency. The word "any" refers to whatever wastewater treatment systems are in place or planned, so long as their design and operation is such as to reduce toxic pollutants to the levels required by the applicable standard.

AISI also objects that the proposed regulations deny credit when a discharger treats its water before using it. A similar provision was contained in § 125.28 of the regulations, which was upheld in *American Petroleum Institute* v. *EPA*, *supra*. The Agency continues to believe that such a provision correctly interprets the Act.

AISI objected to § 129.7 because it does not provide for a "loosening" variance where local conditions permit. The Agency believes that § 307(a) requires nationally applicable toxic pollutant effluent standards. The effect of the modification proposed by AISI would be to require the Agency to make site-specific determinations whenever requested by a discharger. This would not only be administratively burdensome on the Agency, but it would completely undermine the national standard set forth in the regulations.

As the court said in *Gulf Oil Corp.* v. *Hickel*, 435 F. 2d 440 (D.C. Cir. 1970),

> "Administrative agencies and officers have a primary task to administer broad policy mandates for the common good of our society, and they cannot be required to refine their rules to assure tailormade equity for each of the complexities that may arise." (at 447)

The tightening variance allows the Agency to promulgate a reasonable national standard, not unduly overprotective, while at the same time assuring that in all cases an "ample margin of safety" will be provided for.

Conclusions

1. The regulations of general application proposed in the Federal Register on June 10, 1976, 41 FR 23576 et seq., as § 129.1–§ 129.8 of Chapter I of Title 40, Code of Federal Regulations, provide a sound framework for the implementation of the toxic pollutant effluent standards in accordance with the requirements of § 307(a) of the Act and should be promulgated as proposed.

2. The toxic pollutant effluent standards proposed by the Agency for aldrin/dieldrin (§ 129.100) by publication in the Federal Register on June 10, 1976, 41 FR 23576 et seq., embody a careful and thorough consideration of the toxicity of aldrin/dieldrin, its persistance, degradability, the usual or potential presence of affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of aldrin/dieldrin on such organisms, as required by § 307(a) of the Act. The standards provide an ample margin of safety for aquatic and other organisms and consumers thereof, including humans, who may be affected by discharges by manufacturers or formulators of aldrin/dieldrin and fully comply with the requirements of § 307(a). They are technologically achievable and are not likely to result in serious adverse economic impact to the pesticide manufacturing or formulator industries or to the Nation.

The toxic pollutant effluent standards proposed by the Agency for aldrin diel-

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drin are fully supported by substantial evidence on the record as a whole. No modification of such standards is justified "based upon a preponderance of evidence" adduced at the hearings within the meaning of § 307(a)(2) of the Act, and such standards should be promulgated as proposed.

3. The toxic pollutant effluent standards proposed by the Agency for DDT (DDD, DDE) (§ 129.101) by publication in the FEDERAL REGISTER on June 10, 1976, 41 F.R. 23576 et seq., embody a careful and thorough consideration of the toxicity of DDT (DDD, DDE), its persistence, degradability, the usual or potential presence of affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of DDT (DDD, DDE) on such organisms, as required by § 307(a) of the Act. These standards provide an ample margin of safety for aquatic and other organisms and consumers thereof, including humans, who may be affected by discharges by manufacturers or formulators of DDT (DDD, DDE) and fully comply with the requirements of § 307(a) of the Act. They are technologically achievable and are not likely to result in serious adverse economic impact to the pesticide manufacturing or formulating industries or to the nation.

The toxic pollutant effluent standards proposed by the Agency for DDT (DDD, DDE) are fully supported by substantial evidence on the record as a whole. No modification of such standards is justified "based upon a preponderance of evidence" adduced at the hearing within the meaning of § 307(a)(2) of the Act, and such standards should be promulgated as proposed.

4. The toxic pollutant effluent standards proposed by the Agency for endrin (§ 129.102) by publication in the FEDERAL REGISTER on June 10, 1976, 41 FR 23576 et seq., embody a careful and thorough consideration of the toxicity of endrin, its persistence, degradability, the usual or potential presence of affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of endrin on such organisms, as required by § 307(a) of the Act. The toxic pollutant effluent standard proposed by the Agency for endrin for existing manufacturers of 1.5 μg/l, together with the mass emission standard set forth below, provides an ample margin of safety for aquatic and other organisms and consumers thereof (including humans) who may be affected by discharges by manufacturers of endrin.

The mass emission standard for existing manufacturers of endrin set forth in § 129.102(b)(3)(i), for the reasons stated above, should be modified from 0.0003 kg/kkg of endrin produced, as proposed, to 0.0006 kg/kkg of endrin produced and provision should be made for situations in which there is no production. As thus modified, this mass emission standard will provide reasonable protection against the use of dilution alone as a means to comply with the concentration standard which would result in the discharge of unjustifiably large amounts of endrin to the environment. For the same reasons, the mass emission standard for new manufacturing sources of endrin set forth in § 129.102(b)(3)(ii), should be modified from 0.00002 kg/kkg of endrin produced to 0.00004 kg/kkg of endrin produced, and to provide for situations in which there is no production.

The toxic pollutant effluent standards proposed by the Agency for endrin formulators provide a very ample and indeed the maximum margin of safety for aquatic and other organisms and consumers thereof, including humans, who may be affected by discharges by formulators of endrin.

The toxic pollutant effluent standards proposed by the Agency for endrin, as thus modified, fully comply with the requirements of § 307(a) of the Act, are technologically achievable, and are not likely to result in serious adverse economic impact to the industry or to the nation.

The toxic pollutant effluent standards proposed by the Agency for endrin, with the modifications set forth above, are fully supported by substantial evidence on the record as a whole. No further modification of the standards proposed by the Agency for endrin is justified "based upon a preponderance of evidence" in the record of the hearings within the meaning of § 307(a)(2) of the Act, and such standards should be promulgated as proposed, with the exception of the modification of the mass emission standard as set forth above.

5. The toxic pollutant effluent standards proposed by the Agency for toxaphene (§ 129.103) by publication in the FEDERAL REGISTER on June 10, 1976, 41 FR 23576 et seq., embody a careful and thorough consideration of the toxicity of toxaphene, its persistence, degradability, the usual or potential presence of affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of toxaphene on such organisms, as required by § 307(a) of the Act. The toxic pollutant effluent standard proposed by the Agency for toxaphene for existing manufacturers of 1.5 μg/l, together with the mass emission standard set forth below, provides an ample margin of safety for aquatic and other organisms and consumers thereof (including humans) who may be affected by discharges by manufacturers of toxaphene.

The mass emission standard for existing manufacturers of toxaphene set forth in § 129.103(b)(3)(i), for the reasons stated above, should be modified from 0.00001 kg/kkg of toxaphene produced, as proposed, to 0.00003 kg/kkg of toxaphene produced, and provision should be made for situations in which there is no production. As thus modified, this mass emission standard will provide reasonable protection against the use of dilution alone as a means to comply with the concentration standard, which would result in the discharge of unjustifiably large amounts of toxaphene to the environment. For the same reasons, the mass emission standard for new manufacturing sources of toxaphene set forth in § 129.103(b)(3)(ii) should be modified from 0.0000006 kg/kkg of toxaphene to 0.000002 kg/kkg of toxaphene produced, and provision should be made for situations in which there is no production.

The toxic pollutant effluent standard proposed by the Agency for toxaphene for new manufacturing sources of 0.1 μg/l, together with the mass emission standard set forth in the preceding paragraph, provides an ample margin of safety for aquatic and other organisms and consumers thereof (including humans) who may be affected by discharges by manufacturers of endrin.

The toxic pollutant effluent standards proposed by the Agency for toxaphene, as thus modified, fully comply with the requirements of section 307(a) of the Act, are technologically achievable, and are not likely to result in serious adverse economic impact to the industry or to the nation.

The toxic pollutant effluent standards proposed by the Agency for toxaphene, with the modifications set forth above, are fully supported by substantial evidence on the record as a whole. No further modification of the standards proposed by the Agency for toxaphene is justified "based upon a preponderance of evidence" adduced at the hearings, within the meaning of section 307(a)(2) of the Act, and such standards should be promulgated as proposed, with the exception of the modification of the mass emission standard set forth above.

6. In subsections (b)(1)(i)(B)(1) and (c)(1)(i)(B)(1) of §§ 129.100–129.103 as proposed, there was the following language setting forth the application of the standards to stormwater and other runoff:

> These standards or prohibitions apply to:
>
> . . . . .
>
> (B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by (the toxic pollutant) as a result of the mnufacturing process, including but not limited to stormwater and other runoff.

Subsection (ii) of each of those sections then provided as follows:

> These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of (the toxic pollutant); or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

For clarification, each of the subsections mentioned above should be amended by inserting after the words "stormwater and other runoff" the following language: "except as hereinafter provided in subsection (ii)".

Effective date: The amendments as hereinafter promulgated will become effective January 12, 1977. Due to the operation of § 129.8 as promulgated below, the compliance date for the standards promulgated below will be January 12, 1978.

Dated: December 30, 1976.

RUSSELL E. TRAIN,
Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended by revising Part 129 so as to provide as follows:

Subpart A—Toxic Pollutant Effluent Standards and Prohibitions

Sec.
129.1 Scope and purpose.
129.2 Definitions.
129.3 Abbreviations.
129.4 Toxic pollutants.
129.5 Compliance.
129.6 Adjustment of effluent standard for presence of toxic pollutant in the intake water.
129.7 Requirement and procedure for establishing a more stringent effluent limitation.
129.8 Compliance date.
129.9–129.99 [Reserved]
129.100 Aldrin/Dieldrin.
129.101 DDT, DDD and DDE
129.102 Endrin.
129.103 Toxaphene.

AUTHORITY: Sec. 307, 308, and 501 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251 et seq.).

Subpart A—Toxic Pollutant Effluent Standards and Prohibitions

§ 129.1 Scope and Purpose.

(a) The provisions of this Subpart apply to owners or operators of specified facilities discharging into navigable waters.

(b) The effluent standards or prohibitions for toxic pollutants established in this Subpart shall be applicable to the sources and pollutants hereinafter set forth, and may be incorporated in any NPDES permit, modification or renewal thereof, in accordance with the provisions of this Subpart.

(c) The provisions of 40 CFR Parts 124 and 125 shall apply to any NPDES permit proceedings for any point source discharge containing any toxic pollutant for which a standard or prohibition is established under this Part.

§ 129.2 Definitions.

All terms not defined herein shall have the meaning given them in the Act or in 40 CFR Parts 124 or 125. As used in this Part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended (Pub. L. 92–500, 86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.). Specific references to sections within the Act will be according to Pub. L. 92–500 notation.

(b) "Administrator" means the Administrator of the Environmental Protection Agency or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

(c) "Effluent standard" means, for purposes of § 307, the equivalent of "effluent limitation" as that term is defined in section 502(11) of the Act with the exception that it does not include a schedule of compliance.

(d) "Prohibited" means that the constituent shall be absent in any discharge subject to these standards, as determined by any analytical method.

(e) "Permit" means a permit for the discharge of pollutants into navigable waters under the National Pollutant Discharge Elimination System established by section 402 of the Act and implemented in regulations in 40 CFR Parts 124 and 125.

(f) "Working day" means the hours during a calendar day in which a facility discharges effluents subject to this Part.

(g) "Ambient water criterion" means that concentration of a toxic pollutant in a navigable water that, based upon available data, will not result in adverse impact on important aquatic life, or on consumers of such aquatic life, after exposure of that aquatic life for periods of time exceeding 96 hours and continuing at least through one reproductive cycle; and will not result in a significant risk of adverse health effects in a large human population based on available information such as mammalian laboratory toxicity data, epidemiological studies of human occupational exposures, or human exposure data, or any other relevant data.

(h) "New Source" means any source discharging a toxic pollutant, the construction of which is commenced after proposal of an effluent standard or prohibition applicable to such source if such effluent standard or prohibition is thereafter promulgated in accordance with section 307.

(i) "Existing Source" means any source which is not a new source as defined above.

(j) "Source" means any building, structure, facility, or installation from which there is or may be the discharge of toxic pollutants designated as such by the Administration under section 307(a)(1) of the Act.

(k) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a source as defined above.

(l) "Construction" means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

(m) "Manufacturer" means any establishment engaged in the mechanical or chemical transformation of materials or substances into new products including but not limited to the blending of materials such as pesticidal products, resins, or liquors.

(n) "Process Wastes" means any designated toxic pollutant, whether in wastewater or otherwise present, which is inherent to or unavoidably resulting from any manufacturing process, including that which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product and is discharged into the navigable waters.

(o) "Air emissions" means the release or discharge of a toxic pollutant by an owner or operator into the ambient air either (1) by means of a stack or (2) as a fugitive dust, mist or vapor as a result inherent to the manufacturing or formulating process.

(p) "Fugitive dust, mist or vapor" means dust, mist or vapor containing a toxic pollutant regulated under this Part which is emitted from any source other than through a stack.

(q) "Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

(r) "Ten year 24-hour rainfall event" means the maximum precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service in technical paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

(s) "State Director" means the chief administrative officer of a State or interstate water pollution control agency operating an approved HPDES permit program. In the event responsibility for water pollution control and enforcement is divided among two or more State or interstate agencies, the term "State Director" means the administrative officer authorized to perform the particular procedure to which reference is made.

§ 129.3 Abbreviations.

The abbreviations used in this Part represent the following terms:

lb=pound (or pounds)
g=gram
μg/l=micrograms per liter (1 one-millionth gram/liter)
kg=kilogram(s)
kkg=1000 kilogram(s)

§ 129.4 Toxic pollutants.

The following are the pollutants subject to regulation under the provisions of this subpart:

(a) Aldrin/Dieldrin—"Aldrin" means the compound aldrin as identified by the chemical name, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a - hexahydro - 1,4 - endo - 5,8 - exo - dimethanonaphthalene; "Dieldrin" means the compound dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro - 6,7 - epoxy - 1,4,4a,5,6,7,8,8a - octahydro - 1,4-endo - 5,8-exo-dimethanonaphthalene.

(b) DDT—"DDT" means the compounds DDT, DDD, and DDE as identified by the chemical names: (DDT) - 1,1,1-trichloro-2,2 - bis(p - chlorophenyl) ethane and some o,p'-isomers; (DDD) or (TDE) - 1,1 - dichloro - 2,2 - bis(p-chlorophenyl) ethane and some o,p'-isomers; (DDE) - 1,1 - dichloro - 2,2-bis (p-chlorophenyl) ethylene.

(c) Endrin—"Endrin" means the compound endrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxq - 1,4,4a,5,6,7,8,8a - octahydro - 1,4-endo-5,8-endo-dimethanonaphthalene.

(d) Toxaphene—"Toxaphene" means a material consisting of technical grade chlorinated camphene having the approximate formula of $C_{10}H_{10}Cl_8$ and normally containing 67–69 percent chlorine by weight.

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§ 129.5 Compliance.

(a)(1) Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the Regional Administrator (or State Director, if appropriate) of such discharge. Such notification shall include such information and follow such procedures as the Regional Administrator (or State Director, if appropriate) may require.

(2) Any owner or operator who does not have a discharge subject to any toxic pollutant effluent standard at the time of such promulgation but who thereafter commences or intends to commence any activity which would result in such a discharge shall first notify the Regional Administrator (or State Director, if appropriate) in the manner herein provided at least 60 days prior to any such discharge.

(b) Upon receipt of any application for issuance or reissuance of a permit or for a modification of an existing permit for a discharge subject to a toxic pollutant effluent standard or prohibition the permitting authority shall proceed thereon in accordance with 40 CFR Parts 124 or 125, whichever is applicable.

(c)(1) Every permit which contains limitations based upon a toxic pollutant effluent standard or prohibition under this Part is subject to revision following the completion of any proceeding revising such toxic pollutant effluent standard or prohibition regardless of the duration specified on the permit.

(2) For purposes of this section, all toxic pollutants for which standards are set under this Part are deemed to be injurious to human health within the meaning of section 402(k) of the Act unless otherwise specified in the standard established for any particular pollutant.

(d)(1) Upon the compliance date for any section 307(a) toxic pollutant effluent standard or prohibition, each owner or operator of a discharge subject to such standard or prohibition shall comply with such monitoring, sampling, recording, and reporting conditions as the Regional Administrator (or State Director, if appropriate) may require for that discharge. Notice of such conditions shall be provided in writing to the owner or operator.

(2) In addition to any conditions required pursuant to paragraph (d)(1) and to the extent not required in conditions contained in NPDES permits, within 60 days following the close of each calendar year each owner or operator of a discharge subject to any toxic standard or prohibition shall report to the Regional Administrator (or State Director, if appropriate) concerning the compliance fo such discharges. Such report shall include, as a minimum, information concerning (i) relevant identificatio nof the discharger such as name, location of facility, discharge points, receiving waters, and the industrial process or operation emitting the toxic pollutant; (ii) relevant conditions (pursuant to paragraph (d)(1) or to an NPDES permit) as to flow, section 307(a) toxic pollutant concentrations, and section 307(a) toxic pollutant mass emission rate; (iii) compliance by the disharger with such conditions.

(3) When samples collected for analysis are composited, such samples shall be composited in proportion to the flow at time of collection and preserved in compliance with requirements of the Regional Administrator (or State Director, if appropriate), but shall include at least five samples collected at approximately equal intervals throughout the working day.

(e)(1) Nothing in these regulations shall preclude a Regional Administrator from requiring in any permit a more stringent effluent limitation or standard pursuant to section 301(b)(1)(C) of the Act and implemented in 40 CFR 125.11 and other related provisions of 40 CFR Part 125.

(2) Nothing in these regulations shall preclude the Director of a State Water Pollution Control Agency or interstate agency operating a National Pollutant Discharge Elimination System Program which has been approved by the Administrator pursuant to section 402 of the Act from requiring in any permit a more stringent effluent limitation or standard pursuant to section 301(b)(1)(C) of the Act and implemented in 40 CFR 124.42 and other related provisions of 40 CFR Part 124.

(f) Any owner or operator of a facility which discharges a toxic pollutant to the navigable waters and to a publicly owned treatment system shall limit the summation of the mass emissions from both discharges to the less restrictive standard, either the direct discharge standard or the pretreatment standard; but in no case will this Subsection allow a discharge to the navigable waters greater than the toxic pollutant effluent standard established for a direct discharge to the navigable waters.

(g) In any permit hearing or other administrative proceeding relating to the implementation or enforcement of these standards, or any modification thereof, or in any judicial proceeding other than a petition for review of these standards pursuant to section 509(b)(1)(C) of the Act, the parties thereto may not contest the validity of any national standards established in this Part, or the ambient water criterion established herein for any toxic pollutant.

§ 129.6 Adjustment of effluent standard for presence of toxic pollutant in the intake water.

(a) Upon the request of the owner or operator of a facility discharging a pollutant subject to a toxic pollutant effluent standard or prohibition, the Regional Administrator (or State Director, if appropriate) shall give credit, and shall adjust the effluent standard(s) in such permit to reflect credit for the toxic pollutant(s) in the owner's or operator's water supply if (1) the source of the owner's or operator's water supply is the same body of water into which the discharge is made and if (2) it is demonstrated to the Regional Administrator (or State Director, if appropriate) that the toxic pollutant(s) present in the owner's or operator's intake water will not be removed by any wastewater treatment systems whose design capacity and operation were such as to reduce toxic pollutants to the levels required by the applicable toxic pollutant effluent standards in the absence of the toxic pollutant in the intake water.

(b) Effluent limitations established pursuant to this section shall be calculated on the basis of the amount of section 307(a) toxic pollutant(s) present in the water after any water supply treatment steps have been performed by or for the owner or operator.

(c) Any permit which includes toxic pollutant effluent limitations established pursuant to this section shall also contain conditions requiring the permittee to conduct additional monitoring in the manner and locations determined by the Regional Administrator (or State Director, if appropriate) for those toxic pollutants for which the toxic pollutant effluent standards have been adjusted.

§ 129.7 Requirement and procedure for establishing a more stringent effluent limitation.

(a) In exceptional cases (1) where the Regional Administrator (or State Director, if appropriate) determines that the ambient water criterion established in these standards is not being met or will not be met in the receiving water as a result of one or more discharges at levels allowed by these standards, and (2) where he further determines that this is resulting in or may cause or contribute to significant adverse effects on aquatic or other organisms usually or potentially present, or on human health, he may issue to an owner or operator a permit or a permit modification containing a toxic pollutant effluent limitation at a more stringent level than that required by the standard set forth in these regulations. Any such action shall be taken pursuant to the procedural provisions of 40 CFR Parts 124 and 125, as appropriate. In any proceeding in connection with such action the burden of proof and of going forward with evidence with regard to such more stringent effluent limitation shall be upon the Regional Administrator (or State Director, if appropriate) as the proponent of such more stringent effluent limitation.

(3) Evidence in such proceeding shall include at a minimum: an analysis using data and other information to demonstrate receiving water concentrations of the specified toxic pollutant, projections of the anticipated effects of the proposed modification on such receiving water concentrations, and the hydrologic and hydrographic characteristics of the receiving waters including the occurrence of dispersion of the effluent. Detailed specifications for presenting relevant information by any interested party may be prescribed in guidance documents published from time to time, whose availability will be announced in the FEDERAL REGISTER.

(b) Any effluent limitation in an NPDES permit which a State proposes to issue which is more stringent than the toxic pollutant effluent standards promulgated by the Administrator is subject to review by the Administrator under section 402(d) of the Act. The Administrator may approve or disapprove such limitation(s) or specify another limitation(s) upon review of any record of any proceedings held in connection with the permit issuance or modification and any other evidence available to him. If he takes no action within ninety days of his receipt of the notification of the action of the permit issuing authority and any record thereof, the action of the State permit issuing authority shall be deemed to be approved.

§ 129.8 Compliance date.

(a) The effluent standards or prohibitions set forth herein shall be complied with not later than one year after promulgation unless an earlier date is established by the Administrator for an industrial subcategory in the promulgation of the standards or prohibitions.

(b) Toxic pollutant effluent standards or prohibitions set forth herein shall become enforceable under sections 307(d) and 309 of the Act on the date established in subsection (a) regardless of proceedings in connection with the issuance of any NPDES permit or application therefor, or modification or renewal thereof.

§§ 129.9–129.99 [Reserved]

§ 129.100 Aldrin/Dieldrin.

(a) *Specialized definitions*—(1) "Aldrin/Dieldrin Manufacturer" means a manufacturer, excluding any source which is exclusively an aldrin/dieldrin formulator, who produces, prepares or processes technical aldrin or dieldrin or who uses aldrin or dieldrin as a material in the production, preparation or processing of another synthetic organic substance.

(2) "Aldrin/Dieldrin Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of either aldrin or dieldrin and inert materials or other diluents, into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for aldrin/dieldrin in navigable waters is 0.003 μg/l.

(b) *Aldrin/Dieldrin manufacturer.*—(1) *Applicability.*

(i) These standards or prohibitions apply to:

(A) all discharges of process wastes; and

(B) all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the manufacturing process, including but not limited to:

(1) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard.*—(i) *Existing Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

(ii) *New Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

(c) *Aldrin/Dieldrin Formulator.*—(1) *Applicability.*

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the formulating process, including but not limited to:

(1) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard.*—(i) *Existing Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

(ii) *New Sources.* Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

§ 129.101 DDT, DDD and DDE.

(a) *Specialized Definitions.* (1) "DDT Manufacturer" means a manufacturer, excluding any source which is exclusively a DDT formulator, who produces, prepares or processes technical DDT, or who uses DDT as a material in the production, preparation or processing of another synthetic organic substance.

(2) "DDT Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of DDT and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for DDT in navigable waters is 0.001 μg/l.

(b) *DDT Manufacturer.*—(1) *Applicability.*

(i) These standards or prohibitions apply to:

(A) All discharges of process wastes, and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the manufacturing process, including but not limited to:

(1) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard.*—(i) *Existing Sources.* DDT is prohibited in any discharge from any DDT manufacturer.

(ii) *New Sources.* DDT is prohibited in any discharge from any DDT manufacturer.

(c) *DDT Formulator.*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the formulating process, including but not limited to

(1) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and

(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard.*—(i) *Existing Sources.* DDT is prohibited in any discharge from any DDT formulator.

(ii) *New Sources.* DDT is prohibited in any discharge from any DDT formulator.

§ 129.102 Endrin.

(a) *Specialized definitions.* (1) "Endrin Manufacturer" means a manufacturer, excluding any source which is exclusively an endrin formulator, who produces, prepares or processes technical endrin or who uses endrin as a material

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in the production, preparation or processing of another synthetic organic substance.

(2) "Endrin Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of endrin and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

(3) The ambient water criterion for endrin in navigable waters is 0.004 μg/l.

(b) *Endrin manufacturer*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the manufacturing process, including but not limited to: (*1*) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and (2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable*—Environmental Protection Agency method specified in 40 CFR Part 136.

(3) *Effluent Standard*—(i) *Existing Sources*—Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 1.5 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0006 kg/kkg of endrin produced; and shall not exceed 7.5 μg/l in a sample(s) representing any working day.

(ii) *New Sources*—Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 0.1 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00004 kg/kkg of endrin produced; and shall not exceed 0.5 μg/l in a sample(s) representing any working day.

(iii) *Mass Emission Standard During Shutdown of Production*—In computing the allowable monthly average daily loading figure required under the preceding subparagraphs (i) and (ii), for any calendar month for which there is no endrin being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

(c) *Endrin Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the formulating process, including but not limited to: (*1*) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and (2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to storm-water runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable*—Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standard*—(i) *Existing Sources*—Endrin is prohibited in any discharge from any endrin formulator.

(ii) New Sources—Endrin is prohibited in any discharge from any endrin formulator.

(d) The standards set forth in this Section shall apply to the tctal combined weight or concentration of endrin, excluding any associated element or compound.

§ 129.103 Toxaphene.

(a) *Specialized definitions.* (1) "Toxaphene Manufacturer" means a manufacturer, excluding any source which is exclusively a toxaphene formulator, who produces, prepares or processes toxaphene or who uses toxaphene as a material in the production, preparation or processing of another synthetic organic substance.

(2) "Toxaphene Formulator" means a person who produces, prepares or processes a formulated product comprising a mixture of toxaphene and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, *et seq.*).

(3) The ambient water criterion for toxaphene in navigable waters is 0.005 μg/l.

(b) *Toxaphene manufacturer*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the manufacturing process, including but not limited to: (*1*) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and (2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable*—Environmental Protection Agency method specified in 40 CFR Part 136.

(3) *Effluent Standard*—(i) *Existing Sources*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 1.5 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00003 kg/kkg of toxaphene produced, and shall not exceed 7.5 μg/l in a sample(s) representing any working day.

(ii) *New Sources*—Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 0.1 μg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.000002 kg/kkg of toxaphene produced, and shall not exceed 0.5 μ/l in a sample(s) representing any working day.

(iii) *Mass Emission During Shutdown of Production*—In computing the allowable monthly average daily loading figure required under the preceding subparagraphs (i) and (ii), for any calendar month for which there is no toxaphene being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

(c) *Toxaphene Formulator*—(1) *Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the formulating process, including but not limited to: (*1*) Stormwater and other runoff except as hereinafter provided in subparagraph (ii); and (2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable*—Environmental Protection Agency method specified in 40 CFR Part 136, except that a 1-liter sample size is required to increase the analytical sensitivity.

(3) *Effluent Standards*—(i) *Existing Sources*—Toxaphene is prohibited in any discharge from any toxaphene formulator.

(ii) *New Sources*—Toxaphene is prohibited in any discharge from any toxaphene formulator.

(d) The standards set forth in this Section shall apply to the total combined weight or concentration of toxaphene, excluding any associated element or compound.

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[FRL 669-1]

PART 129—TOXIC POLLUTANT EFFLUENT STANDARDS

Standards for Benzidine; Final Decision

This is a rulemaking proceeding under section 307(a) of the Federal Water Pollution Control Act, as amended (the "Act"), 33 U.S.C. 1251 et seq. On June 30, 1976, the Environmental Protection Agency (the "Agency") proposed toxic pollutant effluent standards for benzidine pursuant to section 307(a)(2) of the Act. (41 FR 27012)

Because the deadline for this decison is December 30, 1976, I have determined in accordance with 40 CFR 104.14(c) that the preparation and filing of a tentative decision and related procedures pursuant to 40 CFR 104.14(b) should be omitted.

Timely objections to the proposed standards were received from the American Paper Institute, Inc. ("API") and the Benzidine Task Force of the Synthetic Organic Chemical Manufacturers Association ("SOCMA") and they were made parties to the proceeding in accordance with 40 CFR 104.3(a).

In addition, in accordance with 40 CFR 104.3(d), written comments were received by the Hearing Clerk from the following interested persons and were made part of the record:

American Cyanamid Company.
Natural Resources Defense Council, Inc.
Department of Environmental Conservation of the State of New York.
Department of Natural Resources of the State of Michigan.
Ford Motor Company.

In accordance with 40 CFR 104.4, when the proposed standards for benzidine were published in the FEDERAL REGISTER, the Agency also published a preamble thereto which included a description of the proposed standards, relevant background information, and a statement of the basis and purpose of the proposed standards. The regulations as proposed would establish effluent standards for all manufacturers of benzidine and benzidine-based dyes and the principal applicators or users of benzidine-based dyes, who discharge directly into the navigable waters. Standards were proposed for both existing and new sources. The principal applicator categories, and those which are covered in the Agency's standards, are manufacturers of paper goods, leather goods, and textile goods who use benzidine-based dyes in their processes.

As noted in the preamble to the proposed standards, the Agency identified three manufacturers of benzidine and benzidine-based dyes. Allied Chemical Company, GAF Corp., and Fabricolor, Inc. There are in addition numerous users of benzidine-based dyes in each of the three industrial categories noted above.

The statement of basis and purpose incorporated by reference the Agency's Criteria Document for Benzidine, which sets forth the relevant data concerning the toxicity, persistence, degradability, bioaccumulation, and related factors required by the Act to be considered by the Agency in setting toxic pollutant effluent standards under section 307(a). The principal findings and conclusions of this document are set forth in the preamble to the Notice of the Proposed Standards (41 FR 27014–27015). The numerous articles, reports, and other materials relied upon by the Agency in preparing this document were made publicly available at the time of proposal of the standards and were admitted into evidence.

In order to assist the Agency in gathering information concerning the present levels of discharge within the affected industries, as well as the various control technologies in practice or otherwise available to control the discharges of benzidine, the Agency engaged as a contractor Thomas M. Keinath, Ph.D., a recognized and highly qualified expert on wastewater treatment technology. His report, "Benzidine: Wastewater Treatment Technology", was also incorporated by reference and summarized in the Notice of Proposed Rulemaking (41 FR at 27013–27016). That report, as well as the references cited therein, were admitted into evidence at the hearing.

The background of the proposed standards, set forth at 41 FR 27012–27013, may be briefly summarized as follows. On July 6, 1973, the Agency published in the FEDERAL REGISTER a proposed list of nine toxic pollutants pursuant to section 307(a) of the Act (38 FR 18044). The nine substances were aldrin/dieldrin, benzidine, cadmium, cyanide, DDT (DDD, DDE), endrin, mercury, polychlorinated biphenyls and toxaphene. Following the receipt of public comments, the list was promulgated as proposed on September 7, 1973, together with a discussion of the Agency's selection criteria and responses to comments received on the proposed list (38 FR 24342 et seq.).

On December 23, 1973, the Agency proposed toxic pollutant effluent standards for each of these nine substances, together with a summary of the factors considered in setting the standards, and a list of point source categories of discharges proposed for coverage (38 FR 35388 et seq.). Although a hearing was held in early 1974 on those proposed standards, the Agency determined at the conclusion of the hearing that the record did not contain sufficient evidence on which to promulgate responsible and defensible standards for any of the substances. Accordingly, the Agency decided to gather additional data and repropose the standards, supported by an expanded data base. The present rulemaking therefore supersedes the proposal of December 27, 1973.

On June 10, 1976, the Agency proposed toxic pollutant effluent standards for aldrin/dieldrin, DDT (DDD, DDE), endrin, and toxaphene (41 FR 23576). Along with the proposed standards for those substances, the Agency proposed general implementing regulations, applicable to all standards issued under section 307(a) (41 FR 23592–23594, §§ 129.1–129.8). Toxic pollutant effluent standards for those four substances were promulgated along with implementing regulations, in my Final Decision on Toxic Pollutant Effluent Standards for Aldrin/Dieldrin, etc., dated December 30, 1976, 41 FR _____. Reference is hereby made to that Decision for a discussion of the general implementing regulations and the Agency's interpretation of section 307(a) of the Act. The general implementing regulations, as promulgated on December 30, 1976, are applicable to standards established hereunder for benzidine.

THE PROPOSED STANDARDS

The Criteria Document for Benzidine sets forth the relevant data on toxicity to aquatic and other organisms. A standard scientific method for measuring the toxicity of a pollutant is to determine the concentration of the pollutant in water which will kill 50 percent of the exposed population over a 96-hour period. This concentration is referred to as the 96-hour TL 50, or 96-hour LC 50, of the pollutant. Ninety-six hour TL 50 values from static bioassays with benzidine have ranged from 2.5 milligrams per liter (mg/l) for the red shiner to 20 mg/l for the fathead minnow. Benzidine has been detected in the Sumida River in Tokyo, Japan, at concentration of up to 233 micrograms per liter (μg/l), but has not been found in navigable waters in the United States, nor has it been found in drinking water supplies.

With respect to bioaccumulation, the highest bioaccumulation rate with respect to residues reported for benzidine has been for bluegills, which have been shown to bioaccumulate residues to a factor of 44 times the ambient water concentration.

Use of a conservative standard application factor of 0.01 as recommended by the National Academy of Sciences for the regulation of toxic pollutants, as applied to the 96-hour TL 50 of the most sensitive species tested, results in a level of 25 μg/l as an ambient water criterion which would protect aquatic life. However, of greater concern than toxicity to aquatic organisms are the human health effects of benzidine. Benzidine has been conclusively identified as a human carcinogen, primarily inducing cancer of the bladder. Although historically the principal exposure route to humans has been through occupational exposure, numerous facilities discharge effluents containing benzidine, thus producing the potential for exposure of human beings through contact or through ingestion of water or aquatic organisms. Because benzidine does not appear to be persistent

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in the water column, and does not appear to greatly bioaccumulate in aquatic organisms, the principal objective of the agency in establishing an ambient water criterion has been to provide protection for human health, recognizing that any number below 25 μg/l would in turn be protective of aquatic organisms.

Because neither epidemiological nor other human dose-response data exist, an ambient water quality level protective of human health for benzidine was derived with the assistance of mathematical low-dose risk extrapolation modeling. (The extrapolations, which utilized the so-called "one hit" and Mantel-Bryan approaches, are set forth in Appendix 1 to the Benzidine Criteria Document.) It was estimated that the levels of benzidine likely to produce a risk of no more than one tumor per million people exposed to benzidine over a lifetime would range from 0.05 μg/l to 0.8 μg/l, depending upon which of the data sets is used and which extrapolation method is employed. Calculations based upon a risk of one tumor per 500,000 people exposed, or 10,000,000 exposed, do not substantially change this range.

These extrapolation methods are inherently imprecise, and were not therefore the only factor considered in setting the criteria number. They were used solely to furnish some indication of relationship between exposure levels and potential risks. Such methods must be used carefully and in coordination with all of the data available in establishing protective criteria. Moreover, the figures are likely to be over-protective because the extrapolation assumes a continuing lifetime exposure to two liters of water each day containing the calculated benzidine concentration. The use of this type of extrapolation modeling is still in its early stages, and was used by the Agency for general guidance to indicate a range of risks which might be associated with various exposure levels (see In Re: "Velsicol Chemical Corporation, et al.," FIFRA Docket No. 384, Decision of the Administrator on the Suspension of Heptachlor-Chlordane at p. 28–29 (December 24, 1975)).

Because the data indicate that benzidine does not persist in the water column following discharge and to date has not been detected in the aquatic environment of the United States, and considering the inherent limitations of the low-dose extrapolation approach discussed above, the Agency decided that it would not be necessary to set a criterion at the lower level (0.05 μg/l) of the range indicated by the extrapolation modeling. Considering the general range indicated by that approach, and the lack of actual direct human exposure from water, the Agency proposed an ambient water criterion of 0.1 μg/l. This level is approximately in the middle of the range. The data set forth in the Agency's statement of basis and purpose indicate that an ambient water criterion at this level will provide an ample margin of safety for human health as well as for aquatic organisms, consistent with the statutory purposes of section 307(a).

In translating the proposed ambient water criterion into an "end-of-pipe" effluent standard, the Agency considered not only the risks of exposure but the behavior of benzidine in the aquatic environment following discharge. (See discussion in preamble to proposed standards, 41 FR 27016–27017.) In addition to benzidine's apparent lack of persistence in the water column, the actual concentration of any substance from a point source does not normally remain in the ambient waters at the same levels of discharge. In fact, for the typical discharge situation, the effluent disperses following discharge and becomes greatly diluted. The area of dilution is often referred to as a "mixing zone" and will vary in size and shape from one body of water to the next. The result of this phenomenon is that the pollutant concentration becomes greatly diluted in the receiving water and may not even be detectable. In most cases, therefore, an effluent standard set at a concentration which is considerably greater than that desired in the ambient water will nevertheless result in achievement of the concentration desired in the ambient water criterion, following dispersion in the mixing zone area.

To deal with situations where the receiving water conditions provide insufficient dispersion and dilution, or a water use exists in such close proximity to a discharge that removal through natural processes is insufficient to provide the ample margin of safety required by the Act, a mechanism in the nature of a "tightening variance" clause was adopted in § 129.7 of the general implementing regulations. This variance clause allows establishment of a more stringent limitation on effluents where the particular characteristics of the local receiving waters so warrant.

Taking into consideration the expected dilution and dispersion, the Agency proposed the toxic pollutant effluent standard for existing and new benzidine manufacturers as follows:

Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10 micrograms per liter calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kkg of benzidine produced, and shall not exceed 50 micrograms per liter in a sample(s) representing any working day.

The expected 100 to 1 dilution factor should be readily achievable in most if not all instances. In the event that it is not achieved within the bounds of a reasonable mixing zone, the "tightening variance" clause described above is available to assure the provision of an ample margin of safety, as required by section 307(a) of the Act.

As set forth in the Notice of Proposed Rulemaking (41 FR at 27016), the mass emission standard of 0.130 kilograms per 1,000 kilograms of benzidine produced is based upon the performance of existing plants, and is intended to prevent a manufacturer from discharging larger quantities of benzidine to the environment than under normal careful operations and using dilution alone to comply with the standards.

For users of benzidine-based dyes in the dying of textiles, leather, or paper, the Agency proposed the following standards for existing and new sources:

Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10 micrograms per liter; and shall not exceed 25 micrograms per liter in a sample(s) or calculation(s) representing any working day.

Greater control available to the applicators (including the use of extended aeration or aerated lagoons, as well as the ability to control releases) allows applicators not only to comply with an average standard of 10 μg/l but also to contain any concentration excursions within the bounds of 25 μg/l for any working day. Because the amounts of benzidine in the waste of the applicators are inherently quite small, no mass emission or weight loading limitation is necessary for these categories.

The analytical method acceptable was prescribed as that set forth in 40 CFR Part 136, which has been amended effective April 1, 1977 to provide for the "chloramine-T" method (41 FR 52781, 52785). (Under § 129.8 of the general regulations the compliance date for the benzidine regulations will be December 30, 1977.) For the applicators, an alternative method is allowed, specifically the mass balance monitoring approach, which requires the calculation of the benzidine concentration by dividing the total benzidine contained in dyes used during a working day (as certified on the product label by the manufacturer) by the total quantity of water discharged during the working day. This is set forth in § 129.104(c)(2), as proposed, which provides as follows:

(2) *Analytical method acceptable.* (i) Environmental Protection Agency method specified in 40 CFR Part 136; or (ii) Mass balance monitoring approach which requires the calculation of the benzidine concentration by dividing the total benzidine contained in dyes used during a working day (as certified on the label by the manufacturer) by the total quantity of water discharged during the working day.

NOTE.—The Regional Administrator (or State Director, if appropriate) may rely entirely upon the method specified in 40 CFR Part 136 in analyses performed by him for enforcement purposes. (41 FR 27017)

In that section as proposed, the amount of the total benzidine contained in dyes used during a working day would be determined by reference to the amount "certified on the label by the manufacturer." Although it is presently standard practice among manufacturers to make such a certification on the label, this may not remain the practice forever. Because some form of written certification will be required for monitoring and enforcement purposes, the words "on the label" in § 129.104(c) have been deleted and replaced with the words "in writing," so as to provide for an alternate means of certification in the event that the practice of certifying on the label is discontinued.

Because of the mass balance approach tends to yield high results, only the chloramine-T method will be used for enforcement purposes. For this reason the word "may" in the Comment to § 129.104(c)(2) should be changed to "shall."

Section 129.104(c)(2) as thus revised provides as follows:

(2) *Analytical method acceptable.* (i) Environmental Protection Agency method specified in 40 CFR Part 136; or (ii) Mass balance monitoring approach which requires the calculation of the benzidine concentration by dividing the total benzidine contained in dyes used during a working day (as certified in writing by the manufacturer) by the total quantity of water discharged during the working day.

COMMENT.—The Regional Administrator (or State Director, if appropriate) shall rely entirely upon the method specified in 40 CFR Part 136 in analyses performed by him for enforcement purposes.

Apart from the need for the foregoing technical modification no evidence was introduced at the hearing which indicates either that the proposed standards do not fully comply with the requirements of section 307(a), or that a modification to the standards as proposed would be warranted "based upon a preponderance of evidence" adduced at the hearing under section 307(a)(2). Accordingly, pursuant to that section, the standards are hereby promulgated as proposed, with the modifications to § 129.104(a)(2) noted.

SOCMA submitted its objections on July 23, 1976. API submitted its objections on July 26, 1976. Both objecting parties were given ample opportunity to supplement their objections with whatever evidence they sought to introduce and present at the proceeding. API submitted in support of its objections the Affidavit of Dr. Nicholas J. Lardieri and SOCMA submitted the Affidavit of Edward Modell.

EPA submitted the Affidavit of Dr. Leonard J. Guarraia, who is the Chief of the Criteria Branch of the Criteria and Standards Division of EPA's Office of Water Planning and Standards. Dr. Guarraia was responsible for the preparation of the EPA Criteria Document for benzidine. EPA also submitted the Affidavit of Dr. Thomas M. Keinath, whose report has previously been described. Both of these witnesses were made available for cross-examination, but neither of the objecting parties chose to cross-examine them, and accordingly their affidavits were submitted into evidence without objection.

The SOCMA objections and comments on page 1 recognize the soundness of the Agency's proposed standards in the following language:

The proposed rulemaking is in general very well designed to achieve the purposes of section 307(a) of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500. This is particularly welcome because a human carcinogen is involved and the proposed limitations on effluent discharges are carefully derived from the best presently available data and prudent, indeed quite conservative, methods of analysis of risks • • •.

SOCMA requested a monthly average for benzidine-based dye applicators of 20 μg/l rather than 10 μg/l economic grounds. SOCMA indicated further that some dye applicators might exceed this limit on a mass balance monitoring approach, but not on an analytical chloramine-T approach. However, as indicated above only chloramine-T tests will be used for enforcement purposes. If an applicator has reason to believe his effluent concentrations approach or exceed the standard, he should utilize chloramine-T measuring and monitoring technology to assure compliance.

SOCMA also requested an amendment of the standards to provide that where a discharger's waste stream is analyzed and no detectable quantity is found, the benzidine content should be deemed to be zero for monthly averaging purposes. The reason for this request is that some enforcement personnel would regard a non-detectable quantity as indicating the presence of benzidine up to the detectable limit. Since the limit of detectability (2–5 μg/l) is close to the discharge limit (10 μg/l), this practice could result in an apparent violation where in fact there was none. The Agency's practice is to treat a non-detectable amount as zero and hence no amendment is necessary.

API initially objected to the lack of adequate time to prepare its objections. This objection was cured by the allowance of the filing of supplemental data by API on August 9, 1976, which was further supplemented by their Affidavit of Nicholas J. Lardieri admitted as evidence on September 30, 1976.

API also objected to an alleged lack of adequate consultation by EPA with the industry and other government agencies. The Agency believes it adequately consulted with other government agencies concerning the proposed regulations prior to their proposal. With respect to industry, this objection would now appear to be moot since API has been afforded ample opportunity in the scope of these hearings to present to the Agency whatever evidence and information it wished.

API objected to the proposed ambient water criterion of 0.1 μg/l, asserting that the low-dose risk extrapolation models used by the Agency were overly conservative. No further evidence was introduced to support their objection, however, and no evidence was introduced on which the Agency could reasonably conclude that more relaxed standards than those proposed would provide an ample margin of safety for aquatic organisms and consumers thereof, including man. Accordingly, there appears no basis for modifying the Agency's proposed ambient water criterion.

As indicated in both the Supplemental Data on Benzidine Based Dye Usage in the Pulp and Paper Industry filed by API on August 9 and the Affidavit of Nicholas Lardieri, API's principal objection to the proposed benzidine toxic effluent standards is that the paper goods manufacturing industry uses relatively insignificant amounts of benzidine-based dyes, and thus should not be included among the industrial facilities subject to the proposed benzidine regulations. (SOCMA made the same objection.) Although the original objection apparently sought a higher effluent standard based primarily upon effects on aquatic organisms, this was not followed up in either of the subsequent submissions, and indeed would appear to overlook the need for protection against the possible cancer risk to human health. The Supplemental Data and the Affidavit of Dr. Lardieri indicate that the discharges of benzidine by representative plants in the paper products industry are well below the maximum standards proposed by EPA. API argues that because its plants are already in compliance, they should not be subjected to the cost of monitoring.

EPA believes that the cost of mass balance monitoring is quite small, and no evidence was introduced by API at the hearings to the contrary. Whatever minimal costs of monitoring there may be would appear to be justified in order to insure that the industry does in fact continue to comply with the Agency's toxic pollutant effluent standards for benzidine, and thereby assures that the requisite protection of human health from exposure to this proven carcinogen is being provided.

American Cyanamid Company recommended express use of the chloramine-T method for analysis, noting that the "mass balance analysis" monitoring approach often may overstate the amount of benzidine present in a discharge. As noted previously, the chloramine-T method has been adopted as the official method and will be used for enforcement purposes. In view of the cost of acquiring chloramine-T monitoring equipment, and because the mass balance method tends to overstate the amount of benzidine present, it would appear that demonstration of compliance using the mass balance method is sufficient.

The New York State Department of Environmental Conservation recommended that pretreatment standards be established for facilities discharging to publicly owned treatment works (POTWs). As stated in the Notice of Proposed Rulemaking on June 30, 1976, the Agency intends to develop pretreatment standards for discharges of benzidine to POTWs in due course.

The New York State Department of Environmental Conservation also stated that the standards were unreasonably low, and went beyond what is necessary to provide an ample margin of safety for protection of aquatic organisms. They further stated that there was insufficient evidence of any human exposure resulting from point source discharges into the water to warrant setting a standard as low as that proposed for the protection of human health. The Natural Resources Defense Council ("NRDC"), on the other hand, urged that the standards are not low enough, and that for a proven carcinogen the standards should be zero. NRDC submitted no evidence that the

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Agency's proposed standards would result in any significant risk of harm to human health, or that measurable additional benefit would be obtained by establishing a zero discharge. In my Final Decision on Toxic Pollutant Effluent Standards for Aldrin/Dieldrin, etc., dated December 30, 1976, I explained in detail the manner in which the Agency evaluates evidence of carcinogenicity and discussed why zero discharge of toxic substances known to be carcinogens is not necessarily required under section 307(a). For the reasons stated there and hereinabove, it would appear that the standards proposed by the Agency will provide an ample margin of safety for human health, and that there is no significant or material evidence which would warrant a modification of that standard under section 307(a)(2).

NRDC also asserted that the Agency should not consider technology or economic impact in setting a standard under section 307(a), and further noted that the present standard is not even based upon the very best technology available. It is true that the Agency gave some consideration to the technological feasibility of complying with its proposed standards. However, the standard proposed for benzidine is fully supportable and reasonable apart from any consideration of technological feasibility or economic impact. The fact that technology may be available to achieve additional pollutant reductions at a given cost does not necessarily mean that the Agency must require installation of that technology when the available data indicate that the "ample margin of safety" required by section 307(a) may be achievable without the implementation of that technology. To put it somewhat differently, if the degree of protection required by the Act can be achieved through promulgation of a particular standard, there is no further legal requirement that more stringent standards be promulgated, just because technology may exist to achieve them. Nor is the Agency required to set standards that furnish an absolute guarantee of safety as distinct from "an ample margin of safety."

NRDC also claimed that the "tightening variance" procedure set forth in § 129.7 of the general implementing regulations proposed on June 10, 1976, is inadequate to assure an ample margin of safety. NRDC offered no evidence to support this proposition and no argument indicating that the proposed variance is legally insufficient. There is no reason to believe that the tightening variance clause will not be utilized in any appropriate case in order to assure compliance with the law, and therefore there appears no justification for modifying this procedure.

NRDC also asserted that the scope of point source discharge coverage was inadequate. As stated in the preamble portion of the Notice of Proposed Rulemaking on June 30, 1976, the proposed standards cover all of the manufacturers of benzidine and benzidine-based dyes. They also cover all known significant users or applicators. There may or may not be other significant discharges of benzidine into the navigable waters, but to the Agency's knowledge they have not been identified. The designation of the point source categories covered by the proposed standards is properly within the Administrator's discretion pursuant to section 307(a)(5), which states that "when proposing or promulgating any effluent standard (or prohibition) under this section, the Administrator shall designate the category or categories of sources to which the effluent standard (or prohibition) shall apply." It is believed that the proposed coverage includes all significant point source discharges of benzidine into the navigable waters.

Ford Motor Company opposed the setting of national standards, and urged the setting of standards on a site-specific basis. This suggestion must be rejected as contrary to the mandate of section 307(a), which requires the setting of national standards. Variations in particular receiving water conditions have been taken into account by the Agency in its recognition of the mixing zone phenomenon, coupled with the "tightening variance" clause which will be applied on a site-specific basis to assure compliance with the mandate of section 307(a) that an ample margin of safety be provided.

Ford also recommended deletion of the ambient water criterion, since this is not required under section 307(a) and would be more properly issued as a recommendation pursuant to section 304(a). It is true that the Agency publishes recommended water quality criteria under section 304(a), and it is also true that the establishment of an ambient water criterian is not legally required under section 307(a). However, because toxicity is largely a function of concentration of a pollutant in ambient waters, the Agency has decided that the establishment of toxic pollutant effluent standards is a helpful step in relating the required "end-of-pipe" effluent standard to the effects which are to be minimized or avoided. In addition, the establishment of the ambient water criterion will enable the Agency to achieve some degree of site-specific flexibility in its standards by assuming a reasonable degree of dispersion and dilution, while at the same time retaining the power under the "tightening variance" clause to assure that more stringent limitations are applied where necessary to insure the provision of an ample margin of safety for those organisms for whose protection section 307(a) was intended.

CONCLUSION

Substantial evidence on the record taken as a whole strongly supports promulgation of the standards as proposed by the Agency. Moreover, there does not appear to be any need or justification for any modification of the toxic pollutant standards proposed for benzidine "based upon a preponderance of evidence" adduced at the hearings, except for the modification of § 129.104(c)(2) discussed above relating to certification by the manufacturer and use of the chloramine-T method for enforcement purposes.

Also, in subsections (b)(1)(i)(B)(1) and (c)(1)(i)(B)(1) of § 129.104 as proposed, there was the following language setting forth the application of the standards to stormwater and other runoff:

These standards or prohibitions apply to:

* * * * *

(B) All discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by benzidine as a result of the manufacturing process, including but not limited to stormwater and other runoff.

Subsection (ii) of each of those sections then provided as follows:

These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

For clarification, each of the subsections mentioned above should be amended by inserting after the words "stormwater and other runoff" the following language: "except as hereinafter provided in subsection (ii)".

Accordingly, the standards are hereby adopted in the form set forth below.

Dated: December 30, 1976.

Effective date: The amendment as hereinafter promulgated will become effective January 12, 1977. Due to the operation of § 129.8, the compliance date for the standards promulgated below will be January 12, 1978.

RUSSELL E. TRAIN,
Administrator.

1. In 40 CFR Part 129, Subpart A (as proposed at 41 FR 23576 (June 10, 1976)), is amended by adding a new entry to the table of contents to read as follows:

Sec.
129.104 Benzidine.

2. Subpart A of Part 129 is further amended by adding a new paragraph (e) to § 129.4 to read as follows:

§ 129.4 Toxic pollutants.

* * * * *

(e) Benzidine—"Benzidine" means the compound benzidine and its salts as identified by the chemical name 4,4'-diaminobiphenyl.

3. Subpart A of Part 129 is further amended by adding a new § 129.104 to read as follows:

§ 129.104 Benzidine.

(a) *Specialized definitions.* (1) "Benzidine Manufacturer" means a manufacturer who produces benzidine or who produces benzidine as an intermediate product in the manufacture of dyes commonly used for textile, leather and paper dyeing.

(2) "Benzidine-Based Dye Applicator" means an owner or operator who uses benzidine-based dyes in the dyeing of textiles, leather or paper.

(3) The ambient water criterion for benzidine in navigable waters is 0.1 μg/l.

(b) *Benzidine manufacturer*—(1) *Applicability.* (i) These standards apply to:

(A) All discharges into the navigable waters of process wastes, and

(B) All discharges into the navigable waters of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-containing product as a result of the manufacturing process, including but not limited to:

(*1*) Stormwater and other runoff except as hereinafter provided in paragraph (b)(1)(ii) of this section and

(*2*) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical method acceptable*—Environmental Protection Agency method specified in 40 CFR Part 136.

(3) *Effluent standards*—(i) *Existing sources*—Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10 μg/l calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kkg of benzidine produced, and shall not exceed 50 μg/l in a sample(s) representing any working day.

(ii) *New sources*—Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10 μg/l calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kkg of benzidine produced, and shall not exceed 50 μg/l in a sample(s) representing any working day.

(4) The standards set forth in this paragraph (b) shall apply to the total combined weight or concentration of benzidine, excluding any associated element or compound.

(c) *Benzidine-based Dye Applicators*—(1) *Applicability.* (i) These standards apply to:

(A) All discharges into the navigable waters of process wastes, and

(B) All discharges into the navigable waters of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-containing product as a result of the manufacturing process, including but not limited to:

(*1*) Stormwater and other runoff except as hereinafter provided in paragraph (c)(1)(ii) of this section and

(*2*) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to stormwater that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical method acceptable.* (i) Environmental Protection Agency method specified in 40 CFR Part 136; or

(ii) Mass balance monitoring approach which requires the calculation of the benzidine concentration by dividing the total benzidine contained in dyes used during a working day (as certified in writing by the manufacturer) by the total quantity of water discharged during the working day.

(COMMENT: The Regional Administrator (or State Director, if appropriate) shall rely entirely upon the method specified in 40 CFR 136 in analyses performed by him for enforcement purposes.)

(3) *Effluent standards*—(i) *Existing sources*—Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10 μg/l calculated over any calendar month; and shall not exceed 25 μg/l in a sample(s) or calculation(s) representing any working day.

(ii) *New sources*—Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10 μg/l calculated over any calendar month; and shall not exceed 25 μg/l in a sample(s) or calculation(s) representing any working day.

(4) The standards set forth in this paragraph (c) shall apply to the total combined concentrations of benzidine, excluding any associated element or compound.

[FR Doc.77-902 Filed 1-11-77;8:45 am]

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WEDNESDAY, JANUARY 12, 1977

PART V



FEDERAL ELECTION COMMISSION

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ADVISORY OPINION REQUESTS

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FEDERAL ELECTION COMMISSION

[Notice 1976-72, AOR 1976-112 through AOR 1976-115]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. section 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976-112 through 1976-115 have been made public at the Commission. Copies of AOR 1976-112 through AOR 1976-115 were made available on December 29, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, N.W., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law Citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976-112: May Democrats Abroad, a political organization of American citizens living overseas, be regarded as a political committee of the Democratic Party for purposes of 2 U.S.C. § 441a(a)(4) which allows unlimited transfers between and among political committees of the same political party.—Requested by Sheldon S. Cohen, Counsel to the Democratic National Committee, Washington, D.C.

AOR 1976-113: May a trade association with corporate members which has received solicitation approvals for 1976 regard such approvals as permitting a "follow-up" to a 1976 solicitation if such "follow-up" occurs early in 1977, but in the absence of solicitation approval for calendar year 1977.—Requested by James J. Butera, Counsel to the Savings Bankers Non-Partisan Political Action Committee, Washington, D.C.

AOR 1976-114: May excess campaign funds of a Member of Congress be used to pay for for telephone bills which exceed the amount of the Member's communication allowance for his Washington office.—Requested by Representative Joseph D. Early, U.S. House of Representatives, Washington, D.C.

AOR 1976-115: Whether various State bankers associations are sufficiently related to the American Bankers Association (ABA) so that political committees established by those associations are affiliated with BANK PAC, the separate segregated fund of the ABA, for purposes of 2 U.S.C. § 441a.—Requested by William H. Smith on behalf of BANKPAC, Washington, D.C.

DECEMBER 30, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-910 Filed 1-11-77;8:45 am]

[Notice 1977-1]

CLEARINGHOUSE ADVISORY COMMITTEE

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) and Office of Management and Budget Circular A-63 of March 1974, as revised and after consultation with OMB, the Federal Election Commission has determined that the establishment of the Federal Election Commission Clearinghouse Advisory Committee is in the public interest in connection with the performance of duties imposed on the Commission by law.

The Committee will advise the Commission, through the Chief of the Clearinghouse on Election Administration, on how best to allocate its resources in conducting research, in collecting and disseminating election information, and in providing technical assistance to state and local elections-related public officials.

The Advisory Committee will consist of 20 members with a balanced representation of state election officials, local election officials, and state legislation nominated by the Clearinghouse Chief and appointed by the Commission.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed in accordance with the Act, pursuant to a time waiver granted by OMB, on or before January 27, 1977.

Interested persons are invited to submit comments regarding the establishment of the Federal Election Commission Clearinghouse Advisory Committee. Such comments, as well as any inquiries, may be addressed to: Clearinghouse, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

JANUARY 4, 1977.

THOMAS E. HARRIS,
Vice Chairman for the
Federal Election Commission.

[FR Doc 77-911 Filed 1-11-77;8:45 am]

[Notice 1976-73]

POLICY STATEMENT

Application of Contribution Limits to Contributions Made After General Election to Retire Debts Incurred With Respect to 1976 Election(s)

Several questions have been posed, both formally and informally, regarding application of the contribution limits in the Federal Election Campaign Act of 1971, as amended ("the Act"), to post-general election contributions made to retire campaign debts incurred in connection with a primary election and/or a general election occurring in 1976. Since these questions relate to candidates and campaigns other than presidential candidates who qualified for Federal funding under Chapters 95 or 96 of the Internal Revenue Code, this statement is not intended to comprehend and treat the separate issues raised by presidential campaigns which received Federal funding.

Proposed regulations, approved by the Commisison and submitted to the Congress on August 3, 1976 (published in the FEDERAL REGISTER on August 25), address the question of contributions made prior to a primary election and between a primary election and a general election. See § 110.1(a)(2). They do not specifically focus on contributions made after a general election for the purpose of retiring a campaign debt incurred with respect to that election except to provide that such contributions are subject to the limits of the Act stated in 2 U.S.C. 441a(a). See § 110.1(g)(2). The regulations do provide that contributions made after a primary for the purpose of retiring a debt incurred in connection with that primary are subject to the $1,000 (or $5,000 if donor is multicandidate committee) contribution limit applicable to the primary. The proposed regulations also state that contributions relating to a primary election already held may be made only to the extent that net debts outstanding from the primary are not exceeded by those contributions. Furthermore, the contributions must be designated in writing for retiring debts incurred with respect to the primary election. § 110.1(a)(2)(i).

Reporting under the Act is cumulative as to outstanding debts and obligations, contributions, and expenditures beginning with the pre-primary election period continuing through the post-general election period. Thus, in cases where a candidate participated in the general election, the Commission will generally regard debts outstanding after the general election as debts incurred with respect to the general election. Post-general election contributions made to the extent of the outstanding debt will be presumed to be made with respect to the general election and so treated for purposes of the contribution limits.

However, there may be situations where a candidate, or his or her campaign committee, finds it advantageous to raise funds from donors who have not "used up" their contribution limits from the primary. If the committee desires to utilize contribution limits still available as to both the primary and general election and can establish from reports filed under the Act (or supporting accounting records) the amount of the outstanding debt which was incurred with respect to a primary election, contributions may be designated in writing by the donor for retiring the primary-related debt. To the extent of the amount of the primary debt, as determined by the committee (subject to Commission audit or review), contributions made after the general election and designated in writing by the donor for the primary debt may be accepted and treated as primary election contributions for purposes of the contribution limits. A committee which allocates its outstanding debts in this manner should submit with its next report, and also with any future reports required by the Act and proposed regulations, separate supporting schedules itemizing the debts relating to the primary and general election. Each designated contribution in an amount which requires listing on a supporting schedule for itemized receipts (exceeding a calendar year aggregate of $100 if the receipt is a contribution from a person, but in any lesser amount if the receipt is a contribution/transfer from a political committee) should be disclosed on the itemized schedule with an annotation indicating the respective debt (primary, general, or both) for which the donor designated the contribution.

In the situation where the candidate or committee allocates its debt to the primary and general elections, contributions (made after the general election) may be designated for the general election debt and received and applied to retire that portion of the debt. If contributions designated for either debt (primary or general) and (1) made before sufficient funds are on hand to retire the respective debt for which designated but (2) received after sufficient funds are on hand to retire such debt, exceed the outstanding debt (as of the date of receipt) for which designated, the excess amount may be applied to retire any outstanding debts whether related to the primary or general election.

Additional contributions which are (1) designated and made before sufficient funds are on hand to retire both debts but (2) received after sufficient funds are on hand to retire both debts may be regarded as excess campaign funds and utilized in accordance with 2 U.S.C. § 439a. In the event the candidate or campaign committee desires to carryover the excess (determined after all debts relating to the 1976 elections are retired) to a future campaign for Federal office, a last-received, first carried-over rule must be applied to identify the donors of the excess. Those donors must provide written authorization for regarding their contributions as made with respect to a future election and such contributions will be charged against the limits of 2 U.S.C. 441a as applied to contributions made with respect to the future election (primary or general).

Funds which are both donated and received after sufficient contributions are on hand to retire all campaign debts may be regarded as donations to an office account or as contributions related to a future election; in the latter situation the contribution would be subject to § 441a limits as applicable to the future election. Either described use of such funds donated is required to be authorized in writing by the donor before the funds may be retained for future use since donors should be made aware whether funds they have contributed are to be charged against the contribution limits of 2 U.S.C. 441a.

An example will illustrate application of the foregoing points. Assume a situation where a campaign committee has $10,000 of outstanding primary debts and $20,000 of outstanding general election debts as of day one. On day two the committee receives $10,000 of contributions (within the donors' limits) designated in writing for the primary debt. On day one contributor X mailed to the committee a contribution of $500 designated for the primary debt, but it is not received until day five. The contribution may be used for the general election debt. Assume the same facts except by day three the committee has received sufficient contributions to retire its general election debt; thus, by day five (when X's $500 is received) sufficient funds are on hand to retire all debts. The $500 received on day five would be regarded as excess campaign funds and may be utilized under 2 U.S.C. 439a or may be regarded as a contribution relating to a future election which would have to be counted against the limits applicable to that future election. The example may be further modified to illustrate an additional point. A donation made on day six and received on day six (or later) may not be regarded as excess campaign funds since when the donation was made all 1976 campaign debts were retired. Such a donation would be regarded as either a donation to an office account or as a "contribution" relating to a future election, depending on the circumstances under which it was made. Donor authorization (in writing), as described above, would be necesary before the funds could be retained for either use.

The Commission issues this policy statement under its authority to formulate policy with respect to the Act, see 2 U.S.C. 437c(b)(1) and 2 U.S.C. 437d(a)(9), and will incorporate the conclusions stated herein in proposed regulations for submission to the Congress under 2 U.S.C. 438(c).

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

DECEMBER 30, 1976.

[FR Doc.77-909 Filed 1-11-77;8:45 am]

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WEDNESDAY, JANUARY 12, 1977

PART VI



COMMODITY FUTURES TRADING COMMISSION

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GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Pending Legal Proceedings

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Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Notification of Pending Legal Proceedings

The Commodity Futures Trading Commission ("Commission") has adopted a new § 1.60 of the general regulations under the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. §§ 1–22 (Supp. V, 1975), which requires every contract market to notify the Commission of certain pending legal proceedings.

On September 7, 1976, the Commission published a proposal to adopt § 1.60 and invited interested persons to submit written comments on the proposed rule. 41 FR 37597 (September 7, 1976). As explained in the FEDERAL REGISTER notice accompanying the proposed rule, the basic purpose of section 1.60 is to assure that the Commission is apprised of all material legal proceedings involving contract markets and their officials, since these proceedings might have a substantial effect on the Commission's efforts to administer and enforce the provisions of the Act. For example, the Commission may wish to participate as amicus curiae, or to intervene, in legal proceedings involving contract markets or their officials, in order to assure that judicial interpretations of the Act or the Commission's regulations do not result in diverse or conflicting rulings with respect to the responsibilities of these persons. At the present time, contract markets are not required to report this type of information, and there is no assurance that the Commission would otherwise be informed of such litigation. After consideration of all the comments received, the Commission has decided to revise the proposed rule and to adopt § 1.60 in the form set forth below.

Proposed § 1.60(a) would have required every contract market to notify the Commission of all material litigation involving the contract market by filing with the Commission a brief written description of the proceedings that included certain information set forth in the proposed rule. One commentator suggested that contract markets be required to submit copies of the pleadings and other documents filed in the legal proceedings, rather than a summary of the proceedings. The Commission is persuaded that this approach would serve the purpose of the proposed rule, as well as relieve contract markets of the burden of preparing summaries that might be difficult to write and might be subject to misinterpretation. As adopted, therefore, § 1.60(a) has been changed to require contract markets to submit to the Commission copies of the complaint, answer and such further documents as may thereafter be requested by the Commission, filed in any material legal proceedings involving the contract market.

Similarly, proposed § 1.60(b)—which would have required contract markets to file a written description of certain legal proceedings involving any officer, director, or other official of the contract market—also has been adopted in a modified form so that contract markets will be required to submit copies of the pleadings and other requested documents filed in the proceedings covered by this section, rather than a summary. As adopted, § 1.60(b) also deletes the proposed exemption from the notification requirements for reparations proceedings instituted against any officer, director, or other official of the contract market. The Commission was persuaded by one commentator that this exemption was unnecessary, since a reparations complaint would not arise out of conduct by such persons "in their capacity as contract market officials," the type of proceeding with which § 1.60(b) is primarily concerned. Finally, those provisions in proposed § 1.60(b) requiring the contract market to submit certain information to the Commission if an officer, director, or other official is to be indemnified for any liabilities arising out of legal proceedings covered by § 1.60 have been adopted as a separate § 1.60 (d). Two commentators suggested that having those provisions in § 1.60(b) created some confusion about when the notice of indemnification must be submitted. To make it clear that the notice of indemnification is to be filed within 10 days after the contract market determines to indemnify an official, the Commission has adopted this notice requirement as a separate § 1.60(d). Otherwise, that requirement is substantially the same as proposed.

The Commission has adopted in a modified form the provisions of proposed § 1.60(c), requiring contract markets to notify the Commission of any proceedings known to the contract market to be contemplated by governmental authorities, other than investigations or enforcement actions which may be instituted by the Commission. As amended, this section requires that, to the extent known to the contract market, the notification is to provide: the name of the court or agency in which the proceedings may be brought; the anticipated date of the institution of the proceedings; the principal parties (including any officers, directors, or other officials of the contract market) which may be bringing or named in the proceedings; a description of the factual and legal basis which may be alleged to underlie the proceedings and the relief which may be sought therein. In addition, the Commission has added a new provision to § 1.60(c), as adopted, which requires that contract markets submit to the Commission copies of the complaint, answer and such further documents as may thereafter be requested by the Commission if formal proceedings are later initiated against the contract market by governmental authorities. These amendments are designed to eliminate any ambiguity created by proposed § 1.60 (c) and (a), which required contract markets to report all legal proceedings "contemplated" by governmental authorities, but only material legal proceedings actually instituted. The Commission believes it should be apprised of any legal proceedings which may be contemplated or instituted by governmental agencies against contract markets. One commentator said that the Commission should develop a liaison with other government agencies to discover "contemplated actions" rather than burden contract markets with reporting these actions. Although the Commission is concerned about imposing additional regulatory burdens on contract markets, it is not persuaded that a liaison with other government agencies would be a practical alternative to requiring contract markets to report these types of legal proceedings. To begin with, it would be very difficult to establish a liaison with every government agency that might institute legal proceedings against a contract market. And, since any liaison arrangement, by its nature, would be informal, there would be no assurance that the Commission would be apprised of all pending legal proceedings. Since contract markets usually would be the only other persons in a position to know about pending legal proceedings involving governmental authorities, the Commission believes the best way to assure that the Commission is apprised of these proceedings is to require that contract markets report them.

Proposed § 1.60(d), in addition to outlining the procedure to be followed in submitting the required notice of pending legal proceedings, provided that proceedings involving only claims for monetary relief would not be material for purposes of § 1.60 if the amount in controversy is less than $15,000. Several commentators said that this made § 1.60 too broad, and one commentators suggested that the Commission limit the notification requirements to:

(1) Actions against a contract market or its officials (in their capacity as such) alleging violation of duties under the Commodity Exchange Act or its Regulations; and

(2) Actions against a contract market or its officials (in their capacity as such) seeking equitable or monetary relief that, if granted in full or in part, would imperil the exchange's ability to operate.

Although this approach could cover many of the legal proceedings that would be considered material, the Commission is not persuaded that it should limit the notification requirement in this way. The Commission believes there are other types of legal proceedings that may be material for purposes of the rule—such as suits involving the antitrust laws—which apparently would not be reported under the test suggested by these commentators. Another problem with the suggested test is that it would not disclose legal proceedings instituted by the contract market, which may be just as important as suits against the contract market. On the other hand, the Commission did not intend to require contract markets to notify the Commission of all litigation in which the relief sought was something other than a money judgment for less than $15,000. Section 1.60(d) was intended only as a "safe-harbor provision," not a definition of "material" for purposes of the rule. The Commission believes that, as a practical matter, the determination of what litigation is "material" can only be made on a case-by-case basis and that, initially, it should be made by the contract market involved. Accordingly, the Commission has decided to adopt § 1.60(d) substantially in the form proposed, but has redesignated that provision as § 1.60(e) in the rule as adopted. However, the Commission plans to review the definition of material, after it has acquired some experience with the operation of § 1.60, and in this connection, the Commission would be particularly interested in receiving further comments on the types of legal proceedings which should be considered material.

In consideration of the foregoing, the Commodity Futures Trading Commission hereby amends Part I of Chapter 1 of Title 17 of the Code of Federal Regulations by adding a new § 1.60 as follows:

§ 1.60 Pending legal proceedings.

(a) Every contract market shall submit to the Commission copies of the complaint and answer (whether or not formally characterized as such) and such further documents as the Commission may thereafter request, filed in any material legal proceedings to which the contract market is a party or its property or assets is subject.

(b) Every contract market shall submit to the Commission copies of the complaint and answer (whether or not formally characterized as such) and such further documents as the Commisison may thereafter request, filed in any material legal proceedings instituted against any officer, director, or other official of the contract market, arising from conduct in such person's capacity as a contract market official and alleging violations of (1) the Act or any rule, regulation, or order thereunder; (2) the constitution, bylaws or rules of the contract market; or (3) the applicable provisions of state law relating to the duties of officers, directors, or other officials of business organizations.

(c) Every contract market shall notify the Commission in writing of any proceedings known to the contract market to be contemplated against the contract market by governmental authorities, other than investigations or enforcement actions which may be instituted by the Commission. To the extent that such information is available, the notification must include the name of the court or agency in which the proceedings may be brought; the anticipated date of the institution of the proceedings; the principal parties (including any officers, directors or other officials of the contract market) which may be bringing or named in the proceedings; a description of the factual and legal basis which may be alleged to underlie the proceedings and the relief which may be sought therein. If proceedings are later instituted against the contract market by governmental authorities, the contract market shall submit to the Commission copies of the complaint and answer (whether or not formally characterized as such) and such further documents as the Commission may thereafter request, filed in such proceedings.

(d) Every contract market shall notify the Commission if any officer, director or other official of the contract market is to be indemnified by the contract market for any amounts paid as settlements or judgments or amounts paid as fines or penalties in any legal proceeding referred to in paragraphs (a), (b) and (c) of this section. The notification must include information regarding the nature and amount of any such indemnification and a brief statement explaining the reasons why the official is to be indemnified for such liabilities.

(e) The documents required by this section shall be mailed to the Commission's headquarters in Washington, D.C. within 10 days after the effective date (February 15, 1977) of this section as to all matters referred to in paragraphs (a), (b) and (c) of this section then pending, within 10 days after the initiation of legal proceedings referred to in paragraphs (a) and (b) of this section, within 10 days after the contract market determines to indemnify a contract market official as provided in paragraph (d) of this section, and within 10 days after the contract market becomes aware of the contemplated proceedings and within 10 days after formal initiation of any contemplated proceedings referred to in paragraph (c) of this section. For purposes of paragraph (a) and (b) of this section, legal proceedings are not "material" if the only relief sought is a money judgment for less than $15,000.

(Sec. 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 12a(5) (Supp V, 1975).)

Section 1.60 shall become effective February 15, 1977. However, interested persons may submit comments on the rule, which will be evaluated by the Commission in determining whether to amend the rule. All comments should be in writing and should be addressed to: Commodity Futures Trading Commission, 2033 "K" Street, N.W., Washington, D.C. 20581, Attention: Secretariat. Copies of all comments received respecting § 1.60 will be available for inspection at the Commission's offices in Washington, D.C.

Issued in Washington, D.C. on January 4, 1977.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-943 Filed 1-11-77;8:45 am]

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federal register

WEDNESDAY, JANUARY 12, 1977

PART VII



DEPARTMENT OF COMMERCE

Patent and Trademark Office

■

IMPLEMENTATION OF PATENT COOPERATION TREATY

Proposed Rulemaking

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Parts 1, 3, and 5]

IMPLEMENTATION OF PATENT COOPERATION TREATY

Notice of Proposed Rulemaking

Notice is hereby given that, pursuant to the authority contained in section 6, Title 35 of the United States Code, and Pub. L. 94–131, 89 Stat. 685, of November 14, 1975 which will come into force on the same day as the entry into force of the Patent Cooperation Treaty, the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by either amending or revising §§ 1.1, 1.4, 1.5, 1.8, 1.12, 1.14, 1.21, 1.23, 1.25, 1.26, 1.52, 1.55, 1.57, 1.58, 1.72, 1.75, 1.77, 1.78, 1.81, 1.83, 1.84, 1.104, 1.141, 1.146, 1.331, 5.1, 5.3, 5.11, 5.14, 5.15 and 5.17; and by adding new §§ 1.9, 1.61, 1.70, 1.318, 1.401, 1.412, 1.413, 1.414, 1.415, 1.421, 1.422, 1.423, 1.424, 1.425, 1.431, 1.432, 1.433, 1.434, 1.435, 1.436, 1.437, 1.438, 1.445, 1.446, 1.451, 1.455, 1.461, 1.465, 1.468, 1.471, 1.475, 1.481, 1.482, 3.56 and 3.57.

In view of the approaching entry into force of the Patent Cooperation Treaty, the Patent and Trademark Office is proposing certain amendments to the rules of practice in patent cases, forms for patent cases and the rules relating to secrecy of certain inventions and licenses to file applications in foreign countries. These proposed rules provide for the formal acceptance of international applications filed under the Patent Cooperation Treaty in the Patent and Trademark Office as a Designated Office, establish processing fees for international applications, clarify procedures before the Receiving Office and International Search Authority, and provide for other matters relating to the filing and processing of international applications.

All persons are invited to present their views, objections, recommendations or suggestions relating to the proposed rule changes to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on or before May 26, 1977 on which date a hearing will be held at 9:30 a.m. in Room 11C24, Building 3, 2021 Jefferson Davis Highway, Arlington, Virginia. All persons wishing to be heard orally at the hearing are requested to notify the Commissioner of Patents and Trademarks of their intended appearance. All comments received will be available for public inspection in Room 11E10 of Building 3, at 2021 Jefferson Davis Highway, Arlington, Virginia. If the Patent Cooperation Treaty implementation schedule permits, the period for comments may be extended. It is also possible that a further draft will be published for comment.

The proposed rules will not be promulgated until the Patent Cooperation Treaty and Pub. L. 94–131, 89 Stat. 685 come into force. This will occur three months after the necessary eight ratifications or accessions to the Treaty have occurred, four of which must be countries with major patent activity, PCT Article 63. The United States of America and the Federal Republic of Germany are two of the four major countries which have ratified the Treaty. Two additional major countries must yet ratify or accede to the Treaty before it can enter into force.

This proposal has been reviewed pursuant to E.O. 11821 and OMB Circular A–107 and determined to have no major inflationary impact.

The Patent Cooperation Treaty was published in the Official Gazette on July 14, 1970 at 876 O.G. 341–388. The implementing legislation, Pub. L. 94–131, was published in the Official Gazette on January 6, 1976 at 942 O.G. 177–185. The latest draft of the Administrative Instructions to be promulgated under Rule 89 of the Treaty by the World Intellectual Property Organization is being published in an Official Gazette in January of 1977.

The following comments are directed to the proposed changes and additions in the Patent Rules of Practice.

In order to distinguish which rules apply to national applications, which to international applications, and which to both, it is being proposed that Part I of 37 CFR be divided into 3 subparts. Subpart A would relate to "General Provisions" directed to both national applications and international applications and would include §§ 1.1 through 1.26. Subpart B would relate to "National Processing Provisions" directed to national applications only, and would include §§ 1.31 through 1.352. Subpart C would relate to "International Processing Provisions" under the Patent Cooperation Treaty and would include proposed new §§ 1.401 through 1.482. Within each subpart, where an exception as to the applicability of a rule to national and/or international applications occurs, a specific clarifying reference has been added. In all cases, the present numbering of rules has been maintained.

Section 1.1 provides a special "Box PCT" address to permit an early separation and routing of PCT related mail from other types of mail.

Section 1.4(a) is amended to refer to the added rules relating to international processing.

Section 1.5(a) is amended to indicate that international applications are to be identified by their international application numbers.

Section 1.8(a) is amended to exclude international applications and papers relating thereto from the certificate of mailing procedure.

New § 1.9 is added to distinguish between the terms "national application" and "international application" as used in these rules.

Section 1.12 is amended to refer specifically to the international application number.

Section 1.14(a) indicates the current practice as to application secrecy and also refers specifically to applications identified in international applications. Section 1.14(c) changes the reference from Atomic Energy Commission to the Energy Research and Development Administration.

An international-type search will be made in all national applications as indicated in § 1.104(c). New paragraph (w) to § 1.21 adds a fee to cover the cost of preparing an international-type search report where desired (PCT Art. 15(5)), although it is not required by the United States Patent and Trademark Office.

Section 1.23 includes a reference to international application processing fees to clearly indicate that such fees must be paid in United States currency.

Section 1.25(b) is amended to indicate that international application fees may be charged against deposit accounts.

Section 1.26 is amended to provide for refunding some portion of the international search fee during subsequent national examination where the prior art search is wholly or partly based on the earlier international search. The amount of the refund will be determined by the examiner in a manner similar to that indicated in the remarks directed to § 1.446 below. Such a refund will tend to make applicants' cost of using the PCT about the same regardless of whether the national or international application is filed initially.

In § 1.52, paragraphs (a) and (b) are amended to permit an application complying with the formal requirements of PCT Rule. 11 to be formally acceptable as a national application. International applications arriving in the Patent and Trademark Office as a Designated Office under 35 U.S.C. 371 will be in PCT format and with the changed wording of this rule, will also be formally acceptable for national patentability examination.

Section 1.55 is amended to contain an additional paragraph (d) which states the position set forth in PCT Art. 11(3) and 35 U.S.C. 363 that the international filing date is in effect the national filing date except for the reservation under PCT Art. 64(4). This reservation was taken by the United States of America at the time it deposited its instrument of ratification.

Section 1.57 is amended to indicate that the signature on the Request of an international application will be accepted as the signature on the application.

Section 1.58 is amended slightly to remove any conflict with the formal requirements of the Patent Cooperation Treaty.

Section 1.61 is a new section which relates to the filing of an international application with the Patent and Trademark Office as a Designated Office for national patentability examination (35 U.S.C. 371). These requirements differ somewhat from those applying to the regular filing of national applications.

Section 1.70 is a new section which sets forth the requirements of an oath or declaration under 35 U.S.C. 371(c)(4).

Section 1.72 is amended to indicate that the abstract must be located on a separate sheet of paper. This change has been introduced in order to assure uniformity in information placement in international and regular applications that will aid in patent printing. Except for this change, national applications may continue to be filed in the present format.

Section 1.75, paragraph (c), is amended to provide for multiple dependent claims (PCT Rule 6.4). Paragraphs (f) and (g) have been added to incorporate current practice not previously stated in the rules.

Sections 1.77 and 1.78 have been amended to indicate the preferred order of arrangement of application elements including placement of the abstract after the claims as in PCT Art. 3(2) and section 208 of the Administrative Instructions.

Section 1.81 is amended to reflect the changes made in 35 U.S.C. 113 by Pub. L. 94–131 and to comply with PCT Rule 7.2.

Section 1.83 has been amended to remove the mandatory requirement that the drawing show every feature claimed. Such illustrations, however, continue to be strongly preferred and are absolutely essential where necessary for the understanding of the invention.

Section 1.84, which relates to the formal requirements for drawings, has been amended to provide for two alternative drawing sizes. One size is that currently in use and the other is the A4 size required by PCT Rule 11. However, all drawings in a particular application must be of the same size. Other changes have been incorporated to take into consideration the requirements of PCT Rule 11.

Section 1.104 is amended to include a new paragraph (c) relating to the international-type search. Note PCT Art. 15(5) and PCT Rule 41.

Section 1.141 has been amended to provide for including in a single application, inventions so linked as to form a single general inventive concept as in PCT Rule 13.1–13.3.

The rules for determining which inventions can be grouped together in a single application are more liberal in certain respects under the Patent Cooperation Treaty than they are currently in 37 CFR 1.141–1.146. The proposed amendment to § 1.141 extends the more liberal practice, which a Designated Office is required to apply to national applications that have been initially filed as international applications, to all national applications. Paragraph (a) removes the limit of five species of an invention. Paragraphs 1.141(c) (i) and (ii) generally include the wording of PCT Rule 13.2. Paragraphs 1.141 (c)(i) and (d), taken together, state that an application may include, in addition to an allowable independent claim to a product, one independent claim to one process specially adapted for the manufacture of the product as well as one independent claim for one use of the product. Paragraphs 1.141 (c)(ii) and (d), taken together state that an application may include, in addition to an allowable independent claim for a given process, one independent claim for one apparatus or means for carrying out the process. Such claims drawn to product, process of manufacture, process of use, or apparatus, are considered to be claims to different categories. Paragraph 1.141(e) includes generally the wording of PCT Rule 13.3 and is limited to applications where all of the claims are drawn to only one category.

Section 1.146 follows the revised wording of section 1.141 by removing the limit of five species and also removes the reference to a search of the generic claims.

Section 1.318 is a new section relating to the Office's notifying the International Bureau of the publication of a United States patent based on an unpublished international application in accordance with PCT Rule 48.5.

Paragraphs (a) and (c) of § 1.331 are amended to provide for recording of assignments of international applications which designate the United States of America.

Sections 1.401–1.482 relate to processing of international applications during the international processing stage when the United States Patent and Trademark Office acts as a Receiivng Office, International Searching Authority or a Designated Office prior to the acceptance of the international application as a national application for regular patentability examination.

Section 1.401 defines various expressions used in later rules.

Section 1.412 defines those applicants for which the United States Patent and Trademark Office will act as a Receiving Office and also sets forth the major functions of a Receiving Office.

Section 1.413 states that the United States Patent and Trademark Office will act as an International Searching Authority, subject to special agreement and appointment by the Assembly, and indicates some of the major functions thereof.

Section 1.414 states the conditions under which the United States Patent and Trademark Office will act as a Designated Office and defines the functions of the Office as a Designated Office.

Section 1.415 is included to clearly define the authority acting as the International Bureau.

Section 1.421 indicates who may file an international application with the United States Receiving Office.

Sections 1.422, 1.423 and 1.425 are similar to present §§ 1.42, 1.43 and 1.47 and have been added to indicate situations where a person other than the inventor may file an international application designating the United States. These situations include those where the inventor is dead, insane or legally incapacitated, cannot be found or reached, or refuses to sign.

Section 1.431 defines the requirements of an international application filed in the United States Receiving Office.

Section 1.432 relates to the designation of States and the payment of designation fees.

Section 1.433 indicates that only one copy of an international application need be filed and refers to those provisions of the Treaty and Administrative Instructions relating to the physical requirements for international applications.

Section 1.434 relates to the Request portion of an international application.

Section 1.435 calls attention to the PCT Rules relating to the description and also provides that international applications designating the United States must contain an indication of the "best mode" (PCT Rule 5.1(a)(v)).

Section 1.436 refers to the portions of the Treaty and its Regulations which relate to claims.

Section 1.437 relates to the drawings and includes reference to the procedure for receipt of late drawings.

Section 1.438 refers to the abstract requirements of an international application.

Section 1.445 sets forth the fees charged by the Patent and Trademark Office for processing international applications. The amounts of the fees are tentative. More complete and updated studies will be made before these rule changes are finally promulgated and the amounts of the fees will be adjusted accordingly. The fees will be set to reflect 100% recovery of actual cost.

Section 1.446 relates to refund of international application processing fees. It should be noted that since an international-type search will be made in prior filed U.S. national applications or, if an international search made in an international application by the International Searching Authority of Washington is followed by a national examination on such an application, a substantial portion of the international search fee (37 CFR 1.445(a)(2)) could be refunded in many instances. This refund will reduce PCT filing costs.

The examples use the maximum refund and should therefore not be considered to be typical for all applications.

	(A) National application filed first	(B) International application filed first
National filing fee for national application (35 U.S.C. 41)	$65	-
Transmittal fee (sec. 1.445(a)(1))	35	$35
International fees:		
Basic fee (PCT rule 15.2(a))	45	45
Designation fees (3 countries) (PCT rule 15.2(b)(i))	36	36
Search fee (sec. 1.445(a)(2))	300	300
(Search fee refund based on international-type search sec. 1.446)	(−270)	-
National filing fee (sec. 1.445(a)(4))	-	65
(Refund of search fee based on savings at national stage (sec. 1.26))	-	(−270)
Net international processing fees	146	146

The first fee column, labeled (A), relates to a situation where an applicant first files his national application in the Patent and Trademark Office and later, within the priority year, decides to file an international application with the same claims and designates 3 foreign countries. The total fees for the international application in the example would be $416. However, since the claims are the same as those in the national appli-

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cation in which the Office previously made an international-type search, a refund of $270 would be made as indicated in the table below. This would result in the PCT route fees actually costing the applicant $146.

The second fee column, labeled (B), relates to a situation in which the applicant files his international application initially and designates the United States of America as one of the Designated States. Here again the international application fees would be $416. Subsequently, not later than at the expiration of 20 months from the priority date, (in this example the international filing date, PCT Art. 2(xi)(c)), the applicant must pay his national fees in the Designated Offices (PCT Art. 22.1). The Patent and Trademark Office, as a Designated Office, may refund during patentability examination a portion of the international search fee under § 1.26. This practice will result in the total cost to the applicant being about the same regardless of whether the national or international application is filed first.

The following table is a draft of the criteria which the examiners may use to determine the amount of the international search fee which may be refunded as a result of an earlier international-type search. Similar criteria will be used for refunds under § 1.26. Current plans are to have the examiner making the international search merely indicate which category most nearly describes the situation in the application under consideration.

Criteria for refund

	Refund percentage of search fee	Refund based on $300 search fee
A. The prior international-type search was so complete that only an updating search was required	90	$270
B. The prior international-type search was directed to substantially the same invention. However, the claims in the international vary from the national application so that a search in at least one additional subclass but less than three additional subclasses is required	70	210
C. The prior international-type search was such that about a half of the search time of the international search was saved	40	120
D. The prior international-type search was of only small value. The claims of the international application were so different from the claims in the prior national application that the search of only a few subclasses was saved	25	75
E. The prior international-type search was of no value	0	(1)

[1] No refund.

Section 1.451 indicates the procedures to be used to file certified copies of priority documents. Paragraph (b) includes a procedure by which the Office will automatically forward a copy of the priority document to the International Bureau if a fee for copy preparation and a request for such service is filed with the international application.

Section 1.455 relates to who may act as applicant's representative in an international application, and indicates the International Authority to which powers of attorney and revocations thereof should be sent.

Section 1.461 covers the procedures for transmittal of the record copy to the International Bureau. It should be noted that the alternative procedure in paragraph (b) requires that applicants electing transmittal of the international application by themselves rather than by the receiving Office must file such applications before the expiration of 11 months from the priority date to permit sufficient time for the Receiving Office to process the applications before transmittal by the applicant takes place.

Section 1.465 relates to the time limits for processing based on the priority date that are set by the Treaty and its Regulations. This rule indicates which date is to be used if the original claimed priority date is either canceled or changed.

Section 1.468 refers to excusing failures to meet time limits during international processing.

Section 1.471 covers procedures for correcting or amending international applications.

Section 1.475 indicates to which International Authority changes in person, name or address to the applicant or inventor should be sent during various processing stages.

Section 1.481 relates to the International Searching Authority's finding a lack of unity of invention (multiple inventions) under PCT Rule 13 and the resulting invitation to pay additional fees. This section also relates to the filing of a protest on a holding of lack of unity of invention and the payment of additional fees.

Section 1.482 indicates that the International Searching Authority may determine the novelty and obviousness of generic or linking claims to decide if such claims properly link claims to different inventions.

PART 3

Sections 3.56 and 3.57 are proposed as oath and declaration forms which may be used when filing an international application with the United States Designated Office under 35 U.S.C. 371(c)(4).

PART 5

Section 5.1 relates to inspection of applications by defense agencies. Paragraph (a) indicates that the provisions of Part 5 apply to both national and international applications except as otherwise specifically indicated and that the filing of an international application designating a foreign country is considered to be a "foreign filing." In Paragraph (b) Atomic Energy Commission is changed to the Energy Research and Development Administration.

Paragraph (d) of § 5.3 is added to indicate that the record and search copies will not be forwarded to the Authorities or delivered to the applicant if the international application is under secrecy order.

Sections 5.11, 5.14, 5.15 and 5.17 indicate that a license for filing an international application which designates a foreign country is required in the same manner as a license to file a foreign application directly in a foreign country.

The following table of contents indicates the contents of the proposed subparts and the location of added sections and section headings.

PART 1—RULES OF PRACTICE IN PATENT CASES

Subpart A—General Provisions

(§§ 1.1–1.26)

GENERAL INFORMATION AND CORRESPONDENCE

Sec.

. . . . . .

1.9 Definitions.

. . . . . .

Subpart B—National Processing Provisions

(§§ 1.31–1.352)

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THE APPLICATION

. . . . . .

1.61 Filing of applications in the United States of America as a Designated Office.

STATEMENT; OATH OR DECLARATION

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1.70 Content of oath or declaration relating to content of and amendments to an application under 35 U.S.C. 371(c)(4).

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ALLOWANCE AND ISSUE OF PATENT

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1.318 Notification of national publication of a patent based on an international application.

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Subpart C—International Processing Provisions

GENERAL INFORMATION

1.401 Definitions of Terms under the Patent Cooperation Treaty.
1.412 The United States Receiving Office.
1.413 The International Searching Authority of Washington.
1.414 The United States Designated Office.
1.415 The International Bureau.

WHO MAY FILE AN INTERNATIONAL APPLICATION

1.421 Applicant for international application.
1.422 When the inventor is dead.
1.423 When the inventor is insane or legally incapacitated.
1.424 Joint inventors.
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THE INTERNATIONAL APPLICATION

1.431 International application requirements.
1.432 Designation of States and payment of designation fees.
1.433 Physical requirements of international application.
1.434 The request.
1.435 The description.
1.436 The claims.
1.437 The drawings.
1.438 The abstract.

FEES

Sec.
1.445 International application filing and processing fees.
1.446 Refund of international application filing and processing fees.

PRIORITY

1.451 The priority claim and priority document in an international application.

REPRESENTATION

1.455 Representation in international applications.

TRANSMITTAL OF RECORD COPY

1.461 Procedures for transmittal of Record Copy to the International Bureau.

TIMING

1.465 Timing of application processing based on the priority date.
1.468 Delays in meeting time limits.

AMENDMENTS

1.471 Corrections and amendments during international processing.
1.475 Changes in person, name, or address of applicants and inventors.

UNITY OF INVENTION

1.481 Unity of invention.
1.482 Holding of lack of unity of invention.

PART 3—FORMS FOR PATENT CASES

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3.56 Oath to be filed with United States Designated Office under 35 U.S.C. 371(c)(4).
3.57 Declaration to be filed with United States Designated Office under 35 U.S.C. 371(c)(4).

ATTENTION

The texts of the following proposed amendments are using ► ◄ arrows to indicate additions and [ ] brackets to indicate deletions.

The texts of the proposed amendments are as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. By revising § 1.1 to read as follows:

§ 1.1 All communications to be addressed to Commissioner of Patents and Trademarks.

All letters and other communications intended for the Patent and Trademark Office must be addressed to "Commissioner of Patents and Trademarks," Washington, D.C. 20231. When appropriate, a letter [may] ►should also◄ be marked for the attention of a particular officer or individual. ►Letters and other communications relating to international applications during the international stage and prior to the assignment of a national serial number should be additionally marked "Box PCT."◄

NOTE.—§§ 1.1 to 1.26 are applicable to trademark cases as well as to ►national and international◄ patent cases except provisions specifically directed to patent[s] ►cases◄. ►See § 1.9 for definitions of "national application" and "international application."◄

2. By revising paragraph (a) of § 1.4 to read as follows:

§ 1.4 Nature of correspondence.

(a) Correspondence with the Patent and Trademark Office comprises (1) correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents or trademark registrations, orders for copies of records, transmission of assignments for recording, and the like, and (2) correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing ►, processing,◄ [and prosecution of applications] or other proceedings [(] ►of national applications in Subpart B,◄ §§ 1.31 to 1.352 ►; of international applications in Subpart C, §§ 1.401–1.482;◄ and ►of trademark applications,◄ §§ 2.11 to 2.189[)].

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3. By revising paragraph (a) of § 1.5 to read as follows:

§ 1.5 Identification of application, patent or registration.

(a) When a letter concerns an application for patent, it should state the name of the applicant, the title of the invention, the serial number ►or international application number◄ of the application, the date of filing the same, and, if known, the group art unit and name of the examiner to which it has been assigned (see § 1.55).

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4. By revising paragraphs (a) (i) and (xi) of § 1.8 to read as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if (1) they are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the United States Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit (see forms, §§ 3.55 and 4.23). The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated. The actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

(i) The filing of ►national◄ applications ►for patent◄;

. . . . . .

► (xi) The filing of international applications for patent and papers relating thereto.◄

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5. A new § 1.9 is added to read as follows:

►**§ 1.9 Definitions.**◄

►(a) A national application as used in this Chapter means a United States national application for patent which was either filed in the Office under 35 U.S.C. 111 or which resulted from an international application after compliance with 35 U.S.C. 371.◄

►(b) An international application as used in this Chapter means an international application for patent filed under the Patent Cooperation Treaty prior to entering national processing at the Designated Office stage.◄

6. By revising § 1.12 to read as follows:

§ 1.12 Assignment records open to public inspection.

The assignment records, relating to original or reissue patents, including digests and indexes, are open to public inspection and copies of any instrument recorded may be obtained upon payment of the fee therefor. Assignment records, digests and indexes, relating to any pending or abandoned application are not available to the public. Copies of any such assignment records and information with respect thereto shall be obtainable only upon written authority of the applicant or his assignee or attorney or agent or upon a showing that the person seeking such information is a bona fide prospective or actual purchaser, mortgagee or licensee of such application, unless it shall be necessary to the proper conduct of business before the Office or as provided by these rules. An order for a copy of an assignment should give the identification of the record. If identified only by the name of the patentee and number of the patent, or in the case of a trademark registration by the name of the registrant and number of the registration, or by name of the applicant and serial number ►or international application number◄ of the application, an extra charge will be made for the time consumed in making a search for such assignment.

7. By revising paragraphs (a) and (c) of § 1.14 to read as follows:

§ 1.14 Patent applications preserved in secrecy.

(a) Except as provided in § 1.11(b) pending patent applications are preserved in secrecy. No information will be given by the Office respecting the filing by any particular person of an application for a patent, the pendency of any particular case before it, or the subject matter of any particular application, nor will access be given to or copies furnished of any pending application or papers relating thereto, without written authority in that particular application from the applicant or his assignee or attorney or agent of record, ►unless the application has been identified by serial number in a published patent document or the United States of America has been indicated as a designated state in a published international application, in which case status information such as whether it is pending, abandoned or patented may be supplied, or◄ unless it shall be neces-

sary to the proper conduct of business before the Office or as provided by this part. ►Where an application has been patented, the patent number and issue date may also be supplied.◄

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(c) Applications for patents which disclose, or which appear to disclose, or which purport to disclose, inventions or discoveries relating to atomic energy are reported to the ►Energy Research and Development Administration◄ [Atomic Energy Commission] and the [Commission] ►Administration◄ will be given access to such applications, but such reporting does not constitute a determination that the subject matter of each application so reported is in fact useful or an invention or discovery or that such application in fact discloses subject matter in categories specified by secs. 151(c) and 151(d) of the Atomic Energy Act of 1954, 68 Stat. 919 (42 U.S.C. 2181).

. . . . .

8. By adding a new paragraph (w) to § 1.21 to read as follows:

§ 1.21 Patent and miscellaneous fees and charges.

. . . . .

►(w) For preparing an international-type search report in a national patent application -------- $25.00.

NOTE: For fees relating to processing of international applications, see § 1.445.◄

9. By revising § 1.23 to read as follows:

§ 1.23 Method of payment.

All payments of money required for Patent and Trademark Office fees ►, including fees for the processing of international applications (§ 1.445),◄ should be made in United States specie, Treasury notes, national bank notes, post office money orders, or by certified check. If sent in any other form, the Office may delay or cancel the credit until collection is made. Money orders and checks must be made payable to the Commissioner of Patents and Trademarks. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent by mail to the Patent and Trademark Office will be at the risk of the sender; letters containing money should be registered.

10. By revising paragraph (b) of § 1.25 to read as follows:

§ 1.25 Deposit accounts.

. . . . .

(b) Filing, issue, appeal, ►international-type search report, international application processing,◄ and petition fees may be charged against these accounts.

11. By revising § 1.26 to read as follows:

§ 1.26 Refund.

Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw his application or to withdraw an appeal, will not entitle a party to demand such a return. ►Refund of a portion of any international search fee paid to the Patent and Trademark Office may be made where the prior art search made during the subsequent national examination of that application is wholly or partly based on the earlier international search made in the international application for which the search fee was paid. The amount of the refund will be as determined by the examiner according to the value of the prior international search made by the Patent and Trademark Office as an International Searching Authority, as 90 percent, 70 percent, 40 percent, 25 percent or 0 percent of the international search fee. If the amount of the refund is not a multiple of $10, it will be rounded off to the next higher multiple of $10. (Note § 1.446 for refund of the search fee in an international application.)◄ Amounts of ten cents or less will not be returned unless specifically demanded, within a reasonable time, nor will the payer be notified of such amount; amounts over ten cents but less than one dollar may be returned in postage stamps, and other amounts by check.

12. By revising paragraphs (a) and (b) of § 1.52 to read as follows:

§ 1.52 Language, paper, writing, margins.

(a) The ►application, any papers pertaining thereto, any amendments and the◄ [specification and] oath or declaration must be in the English language ►or be accompanied by a verified translation of the application and a translation of any other papers into the English language◄. All papers which are to become a part of the permanent records of the Patent and Trademark Office must be legibly written ►, typed,◄ or printed in permanent ink or its equivalent in quality. All of the application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing ►, typing,◄ or printing thereon to permit the ►direct◄ production of readily legible copies in any number by use of photographic, electrostatic, photooffset, and microfilming processes. If the papers are not of the required quality, substitute typewritten or printed papers of suitable quality may be required.

(b) The application papers (specification, including claims, ►abstract,◄ oath[,] or declaration, ►and◄ papers as provided for in §§ 1.42, 1.43, 1.47, etc.) and also papers subsequently filed, must be plainly written on but one side of the paper. The size of all sheets of paper should be 8 to 8½ by 10½ to 13 inches (20.3 to 21.6 cm. by 26.6 to 33.0 cm.). A margin of ►at least approximately one inch (2.5 cm.)◄ [1½ inches (3.8 cm.)] must be reserved on the left-hand side ►of each page. The◄ [and on the] top of each page of the ►application◄ [specification], including claims ►must have a margin of at least approximately ¾ inch (2 cm.)◄ The lines ►of text◄ must not be crowded too closely together; typewritten lines should be ►1½ or◄ double spaced. The pages of the ►application◄ [specification], including claims ►and abstract◄ , should be numbered consecutively, starting with 1, the numbers being ►centrally located above or preferably, below, the text◄ [placed in the center of the bottom margins].

. . . . .

13. By adding paragraph (d) to § 1.55 to read as follows:

§ 1.55 Serial number and filing date of application.

. . . . .

►(d) The filing date of an international application designating the United States of America shall be treated as the filing date in the United States of America under PCT Article 11(3), except as provided in 35 U.S.C. 102(e).◄

14. By revising § 1.57 to read as follows:

§ 1.57 Signature.

►(a)◄ The application must be signed by the applicant in person. The signature to the oath or declaration ►under § 1.65◄ will be accepted as the signature to the application provided the oath or declaration ►under § 1.65◄ is attached to and refers to the specification and claims to which it applies. Otherwise the signature must appear at the end of the specification after the claims.

►(b) The signature to the oath or declaration under § 1.70 will be accepted as the signature to the application provided the oath or declaration under § 1.70 specifically refers to the specification and claims to which it applies.◄

►(c)◄ Full names must be given, including at least one given name without abbreviation together with any other given name or initial.

15. By revising § 1.58 to read as follows:

§ 1.58 Chemical and mathematical formulas and tables.

(a) The specification, including the claims, may contain chemical and mathematical formulas, but shall not contain drawings or flow diagrams. The description portion of the specification may contain tables; claims may contain tables ►either◄ [only] if necessary to conform to 35 U.S.C. 112 ►or if otherwise found to be desirable◄ .

(b) All tables and chemical and mathematical formulas in the specification, including claims, and amendments thereto, must be on ►paper which is flexible, strong, white, smooth, non-shiny and durable◄ [pure white durable paper, the surface of which is calendered and smooth], in order to permit use as camera copy when printing any patent which may issue. A good grade of bond paper is acceptable; watermarks should not be prominent. India ink or its equivalent, or solid black typewriter ribbon ►should◄ [must] be used to secure perfectly ►dark◄ [black] solid lines.

(c) To facilitate camera copying when printing, the width of formulas and tables as presented should be limited normally to 5 inches (12.7 cm.) so that it

may appear as a single column in the printed patent. If it is not possible to limit the width of a formula or table to 5 inches (12.7 cm.), it is permissible to present the formula or table with a maximum width of 10¾ inches (27.3 cm.) and to place it sideways on the sheet [, in which case the formula or table will appear printed across both columns of the page in the printed patent]. Typewritten characters used in such formulas and tables must be from a block (nonscript) type font or lettering style having capital letters which are at least ►0.08◄ [0.085] inch ►(2.1 mm.)◄ [(2.2 mm.)] high (e.g. elite type). Hand lettering must be neat, clean, and have a minimum character height of ►0.08◄ [0.085] inch ►(2.1 mm.)◄ [(2.2 mm.)]. A space at least ¼ inch (6.4 mm.) high should be provided between the formulas and tables and the text. Tables should have the lines and columns of data closely spaced to conserve space, consistent with high degree of legibility.

16. By adding a new § 1.61 to read as follows:

►§ 1.61 Filing of applications in the United States of America as a Designated Office.◄

►(a) To maintain the benefit of the international filing date, the applicant shall furnish to the United States Patent and Trademark Office a copy of the international application with any amendments, unless it has been previously furnished by the International Bureau or unless it was originally filed in the United States Patent and Trademark Office, a verified translation of the international application and a translation of any amendments into the English language if originally filed elsewhere in another language, the national fee (see § 1.445 (a)(4)) and an oath or declaration of the inventor (see § 1.70) not later than the expiration of 20 months from the priority date.◄

►(b) Where an International Searching Authority has made a declaration that no international search report will be established because the international application relates to subject matter which it is not required to search, or because the application fails to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out, the time for performing the acts referred to in paragraph (a) of this section is two months from the mailing date of the declaration to the applicant.◄

17. By adding a new § 1.70 to read as follows:

►§ 1.70 Content of oath or declaration relating to content of and amendments to an application under 35 U.S.C. 371(c)(4).◄

►(a)(1) When an applicant of an international application, if the inventor, desires to enter the national stage under 35 U.S.C. 371, he must specifically identify the international application and any amendments thereto and state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used in the United States of America before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his international application as filed or as amended. In every application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States of America more than one year prior to his international application, or patented or described in any printed publication in any country before his invention or more than one year prior to his international application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his international application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his international application. He shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself, or by his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the international application.◄

►(2) This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68.◄

►(b) If the international application was made as provided in §§ 1.422, 1.423 or 1.425, the applicant shall state his relationship to the inventor and, upon information and belief, the facts which the inventor is required by this section to state.◄

18. By revising paragraph (b) of § 1.72 to read as follows:

§ 1.72 Title and abstract.

. . . . .

(b) A brief abstract of the technical disclosure in the specification must be set forth ►on a separate sheet, preferably following the claims◄ [immediately following the title and preceding the disclosure in a separate paragraph] under the heading "Abstract of the Disclosure." The purpose of the abstract is to enable the Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure, and the abstract shall not be used for interpreting the scope of the claims.

19. By revising paragraph (c) of § 1.75 and adding paragraphs (f) and (g) as follows:

§ 1.75 Claim(s).

. . . . .

(c) ►One or more claims may be presented in dependent form, referring back to another claim or claims in the same application. Any dependent claim which refers to more than one other claim ("multiule dependent claim") shall refer to such other claims in the alternative only. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim◄ [When more than one claim is presented, they may be placed in dependent form in which a claim may refer back to and further restrict a single preceding claim]. Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. ►A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered.◄

. . . . .

►(f) If there are several claims they shall be numbered consecutively in Arabic numerals.◄

►(g) All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, should be grouped together to the extent possible.◄

20. By revising § 1.77 to read as follows:

§ 1.77 Arrangement of application ►elements◄.

The ►elements of the application should appear in the following order◄ [following order of arrangement should be observed in framing the application]:

(a) Title of the invention; or an introductory portion stating the name, citizenship, and residence of the applicant, and the title of the invention may be used.

(b) [Abstract of the disclosure.] ►(reserved)◄

(c) Cross-references to related applications, if any.

(d) Brief summary of the invention.

(e) Brief description of the several views of the drawing, if there are drawings.

(f) Detailed description.

(g) Claim or claims.

(h) Signature. (See § 1.57.)

►(i) Abstract of the disclosure.◄

►(j) Drawings.◄

21. By revising paragraph (a) of § 1.78 to read as follows:

§ 1.78 Cross-references to other applications.

(a) When an applicant files an application claiming an invention disclosed in a prior filed copending ►national◄ application ►or international application designating the United States of America◄ of the same applicant, the second application must contain or be amended to contain in the first sentence of the specification following the title [and abstract] a reference to [the] ►such◄ prior application, identifying it by serial number and filing date ►or international application number and interna-

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tional filing date◄ and indicating the relationship of the applications, if the benefit of the filing date of [the] ►such◄ prior application is to be claimed. Cross-references to other related applications may be made when appropriate. (Sec § 1.14(b)).

• • • • •

22. By revising § 1.81 to read as follows:

§ 1.81 Drawings required.

►(a)◄ The applicant for patent is required by statute to furnish a drawing of his invention ►where necessary for the understanding of the subject matter sought to be patented;◄ [whenever the nature of the case admits of it;] this drawing must be filed with the application.

►(b)◄ Illustrations facilitating an understanding of the invention (for example, flow sheets in cases of processes, and diagrammatic views) may also be furnished in the same manner as drawings [and may be required by the Office when considered necessary or desirable].

►(c) When a drawing or illustration is not necessary for, but would facilitate, the understanding of the subject matter sought to be patented and the applicant has not furnished such a drawing or illustration, the Office may require its submission within a time period of not less than two months from the sending of a notice thereof.◄

23. By revising § 1.83 to read as follows:

§ 1.83 Content of drawing.

(a) The drawing ►should preferably◄ [must] show every feature of the invention specified in the claims. [However,] Conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).

(b) When the invention consists of an improvement on an old machine the drawing ►should◄ [must] when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

24. By revising paragraphs (a), (b), (c), (d), (e), (f), (i), (j), and (l) of § 1.84 to read as follows:

§ 1.84 Standards for drawings.

(a) *Paper and ink.* Drawings must be made upon ►paper which is flexible, strong, white, smooth, non-shiny and durable.◄ [pure white paper of a thickness corresponding to] Two-ply or three-ply bristol-board ►is preferred◄. The surface of the paper ►should◄ [must] be calendered [and smooth] and of a quality which will permit erasure and correction with India ink. India ink, or it equivalent in quality, ►is preferred◄ [must be used] for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not ►normally◄ acceptable.

(b) *Size of sheet and margins.* The size of ►the sheets on which drawings are made may either be◄ [a sheet on which a drawing is made must be] exactly 8½ by 14 inches (21.6 by 35.6 cm.) ►or exactly 21.0 by 29.7 cm. (DIN size A4). All drawing sheets in a particular application must be the same size.◄ One of the shorter sides of the sheet is regarded as its top.

►(1) On 8½ by 14 inch drawing sheets,◄ the drawing must include a top margin of 2 inches (5.1 cm.) and bottom and side margins of one-quarter inch (6.4 mm.) from the edges, thereby leaving a "sight" precisely 8 by 11¾ inches (20.3 by 29.8 cm.). Margin border lines are not permitted. All work must be included within the "sight". The sheets may be provided with two one-quarter inch (6.4 mm.) diameter holes having their centerlines spaced eleven-sixteenths inch (17.5 mm.) below the top edge and 2¾ inches (7.0 cm.) apart, said holes being equally spaced from the respective side edges.

►(2) On 21.0 by 29.7 cm. drawing sheets, the drawing must include a top margin of at least 2.5 cm., a left side margin of 2.5 cm., a right side margin of 1.5 cm., and a bottom margin of 1.0 cm. Margin border lines are not permitted. All work must be contained within a sight size not to exceed 17 by 26.2 cm.◄

(c) *Character of lines.* All drawings must be made with drafting instruments or by a process which will give them satisfactory reproduction characteristics. Every line and letter must be ►durable, black or blue, sufficiently dense and dark, uniformly thick and well defined;◄ [absolutely black and permanent;] the weight of all lines and letters must be heavy enough to permit adequate reproduction. This direction applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid [, and fine] ►. Fine◄ or crowded lines should be avoided. Solid black ►or blue◄ should not be used for sectional or surface shading. Freehand work should be avoided wherever it is possible to do so.

(d) *Hatching and shading.* (1) Hatching should be made by oblique parallel lines ►spaced sufficiently apart to enable the lines to be distinguished without difficulty◄ [, which may be not less than about one-twentieth inch (1.3 mm.) apart].

(2) Heavy lines on the shade side of objects should ►preferably◄ be used except where they tend to thicken the work and obscure reference characters. The light should come from the upper left hand corner at an angle of 45°. Surface delineations should ►preferably◄ be shown by proper shading, which should be open.

(e) *Scale.* The scale to which a drawing is made ought to be large enough to show the mechanism without crowding when the drawing is reduced ► in size to two-thirds◄ in reproduction, and views of portions of the mechanism on a larger scale should be used when necessary to show details clearly; two or more sheets should be used if one does not give sufficient room to accomplish this end, but the number of sheets should not be more than is necessary.

(f) *Reference characters.* The different views should be consecutively numbered figures. Reference numerals (and letters, but numerals are preferred) must be plain, legible and carefully formed, and not be encircled. They should, if possible, measure at least one-eighth of an inch (3.2 mm.) in height so that they may bear reduction to one twenty-fourth of an inch (1.1 mm.); and they may be slightly larger when there is sufficient room. They ►should◄ [must] not be so placed in the close and complex parts of the drawing as to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. When necessarily grouped around a certain part, they should be placed at a little distance, at the closest point where there is available space, and connected by lines with the parts to which they refer. They should not be placed upon hatched or shaded surfaces but when necessary, a blank space may be left in the hatching or shading where the character occurs so that it shall appear perfectly distinct and separate from the work. The same part of an invention appearing in more than one view of the drawing must always be designated by the same character, and the same character must never be used to designate different parts. ►Reference signs not mentioned in the description shall not appear in the drawing, and vice versa.◄

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(i) *Views.* The drawing must contain as many figures as may be necessary to show the invention; the figures should be consecutively numbered if possible in the order in which they appear. The figures may be plain, elevation, section, or perspective views, and detail views of portions of elements, on a larger scale if necessary, may also be used. Exploded views, with the separated parts of the same figure embraced by a bracket, to show the relationship or order of assembly of various parts are permissible. When necessary, a view of a large machine or device in its entirety may be broken and extended over several sheets if there is no loss in facility of understanding the view. ►Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets should be so arranged that the complete figure can be assembled without concealing any part of any of the figures appearing in the various sheets◄ [(the different parts should be identified by the same figure number but followed by the letters, a, b, c, etc., for each part)]. The plane upon which a sectional view is taken should be indicated on the general view by a broken line, the ends of which should be designated by numerals corresponding to the

figure number of the sectional view and have arrows applied to indicate the direction in which the view is taken. A moved position may be shown by a broken line superimposed upon a suitable figure if this can be done without crowding, otherwise a separate figure must be used for this purpose. Modified forms of construction can only be shown in separate figures. Views should not be connected by projection lines nor should center lines be used.

(j) *Arrangement of views.* All views on the same sheet ►should◄ [must] stand in the same direction and [should], if possible, stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the ►top of the sheet with the appropriate top margin◄ [two-inch (5.1 cm.) margin] is on the right hand side. One figure must not be placed upon another or within the outline of another.

• • • • •

(l) *Extraneous matter.* [An inventor's, agent's, or attorney's name, signature, stamp, or address, or other extraneous matter, will not be permitted upon the face of a drawing, within or without the margin, except that] Identifying indicia (►such as the◄ attorney's docket number, inventor's name, number of sheets, etc.) [should] ►not to exceed 2¾ inches (7.0 cm.) in width may◄ be placed ►in a centered location between the side edges◄ within three-fourths inch (19.1 mm.) of the top edge [and between the hole locations defined in paragraph (b) of this section]. Authorized security markings may be placed on the drawings provided they [be] ►are◄ outside the illustrations and are removed when the material is declassified. ►Other extraneous matter will not be permitted upon the face of a drawing.◄

• • • • •

25. By adding new paragraphs (c) and (d) to § 1.104 to read as follows:

§ 1.104 Nature of examination; examiner's action.

• • • • •

►(c) An international-type search will be made in all national applications filed on and after the date the United States Patent and Trademark Office is appointed as an International Searching Authority.◄

►(d) Any national application may also have an international-type search report prepared thereon at the time of the national examination upon specific written request therefor and payment of the international-type search report fee. See § 1.21(w) for amount of fee for preparation of international-type search report.◄

26. By revising § 1.141 to read as follows.

§ 1.141 Different inventions in one application.

►(a)◄ Two or more independent and distinct inventions may not be claimed in one application ►. However, a group of inventions which are so linked as to form a single general inventive concept such as those set forth in paragraphs (b), (c) or (d) of this section, are considered to be one invention under §§ 1.141–1.146◄ [except that more than one species of an invention, not to exceed five].

►(b) Different species of an invention◄ may be specifically claimed in different claims in one application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to [each] species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

►(c) Paragraph (a) of this section shall be construed as permitting the examination of claims of different categories in an application, in particular either of the following two groupings of claims of different categories:◄

►(i) in addition to an independent claim for a given product, the inclusion in the same application of one independent claim for one process specially adapted for the manufacture of the said product, or the inclusion in the same application of one independent claim for one use of the said product, or both; or◄

►(ii) in addition to an independent claim for a given process, the inclusion in the same application of one independent claim for one apparatus or means specifically designed for carrying out the said process.◄

►(d) If the product claim of subparagraph (i) of paragraph (c) of this section or the process claim of subparagraph (ii) of paragraph (c) of this section is not allowable, the examiner may withdraw from consideration the claims to the other categories. If subsequently such a product or process claim is found allowable, the examiner must also consider the merits of the claims to the other categories as indicated in subparagraphs (i) and (ii) of paragraph (c) of this section.◄

►(e) Subject to paragraph (a) of this section, and except where paragraph (c) of this section applies, there may be included in the same application two or more independent claims of one and the same category (i.e., product, process, apparatus, or use) which cannot readily be covered by a single generic claim.◄

27. By revising § 1.146 to read as follows:

§ 1.146 Election of species.

In the first action on an application containing a generic claim and claims restricted separately to each of more than one species embraced thereby, the examiner[, if of the opinion after a complete search on the generic claims that no generic claim presented is allowable,] shall require the applicant in his response to that action to elect that species of his invention to which his claims shall be restricted if no generic claim is finally held allowable. [However, if such application contains claims directed to more than five species, the examiner may require restriction of the claims to not more than five species before taking any further action in the case.]

28. By adding a new § 1.318 to read as follows:

►§ 1.318 Notification of national publication of a patent based on an international application.◄

►The Office will notify the International Bureau when a patent is issued on an application filed under 35 U.S.C. 371, and there has been no previous international publication.◄

29. By revising paragraphs (a) and (c) of § 1.331 to read as follows:

§ 1.331 Recording of assignments.

(a) Assignments, including grants and conveyances, of patents ►, national applications, or international applications which designate the United States of America◄ [or applications for patents] under 35 U.S.C. 261, will be recorded in the Patent and Trademark Office. Other instruments affecting title to a patent[or application for patent,] ►, a national application, or an international application which designates the United States of America◄, and licenses, even though the recording thereof may not serve as constructive notice under 35 U.S.C. 261, will be recorded as provided in this section or in the discretion of the Commissioner.

• • • • •

(c) An instrument relating to a patent should identify the patent by number and date (the name of the inventor and title of the inventinon as stated in the patent should also be given); an instrument relating to [an] ►a national application, or an international◄ application ►which designates the United States of America◄ should identify the application by serial ►number or international application◄ number and date of filing (the name of the inventor and title of the invention as stated in the application should also be given) but if an asignment is executed concurrently with or subsequent to the execution of the application but before the application is filed or before its serial ►number or international application◄ number and filing date are ascertained, it should adequately identify the application, as by its date of execution and name of the inventor and title of the invention; so that there can be no mistake as to the patent or application intended.

PROPOSED SUBPART C

30. By adding a new § 1.401 to read as follows:

►§ 1.401 Definitions of Terms under the Patent Cooperation Treaty.◄

►(a) The abbreviation "PCT" or the term "Treaty" means the Patent Cooperation Treaty.◄

►(b) "International Bureau" means the World Intellectual Property Organization located at 32 chemin des Colombettes, Geneva, Switzerland.◄

►(c) "Administrative Instructions" means that body of instructions for op-

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erating under the Patent Cooperation Treaty referred to in PCT Rule 89.◄

►(d) "Request", when capitalized, means that element of the international application described in PCT Rules 3 and 4.◄

►(e) "International application", as used in this Subchapter is defined in § 1.9.◄

►(f) "Priority date" for the purposes of computing time limits under the Patent Cooperation Treaty is defined in PCT Art. 2 (xi). Note also § 1.465.◄

►(g) Other terms and expressions in this subpart C not defined in this section are to be taken in the sense indicated in PCT Art. 2 and 35 U.S.C. 351.◄

31. By adding a new § 1.412 to read as follows:

►§ 1.412 The United States Receiving Office.◄

►(a) The United States Patent and Trademark Office is a Receiving Office only for applicants who are residents or nationals of the United States of America.◄

►(b) The Patent and Trademark Office, when acting as a Receiving Office, will be identified by the full title "United States Receiving Office" or by the abbreviation "RO/US."◄

►(c) The major functions of the Receiving Office include:

(1) according of international filing dates to international applications meeting the requirements of PCT Art. 11(1), and PCT Rule 20;

(2) assuring that international applications meet the standards for format and content of PCT Art. 14(1), PCT Rules 9, 26, 29.1, 37, 38, 91, and portions of PCT Rules 3 through 11;

(3) collecting and, when required, transmitting fees due for processing international applications (PCT Rules 14, 15, 16); and

(4) transmitting the record and search copies to the International Bureau and International Searching Authority, respectively (PCT Rules 22 and 23).◄

32. By adding a new § 1.413 to read as follows:

►§ 1.413 The International Searching Authority of Washington.◄

►(a) Pursuant to appointment by the Assembly, the United States Patent and Trademark Office will act as an International Searching Authority for international applications filed with the United States Receiving Office, in accordance with agreement between the Patent and Trademark Office and the International Bureau (PCT Art. 16(3)(b)).◄

►(b) The Patent and Trademark Office, when acting as an International Searching Authority, will be identified by the full title "International Searching Authority of Washington," or by the abbreviation "ISA/US."◄

►(c) The major functions of the International Searching Authority include:

(1) approving or establishing the title and abstract;

(2) considering the matter of unity of invention;

(3) conducting international and internatonal-type searches and preparing international and international-type search reports (PCT Art. 15, 17 and 18, and PCT Rules 25, 33–45 and 47); and

(4) transmitting the international search report to the applicant and the International Bureau.◄

33. By adding a new § 1.414 to read as follows:

►§ 1.414 The United States Designated Office.◄

►(a) The United States Patent and Trademark Office will act as a Designated Office for international applications in which the United States of America has been designated as a State in which patent protection is desired.◄

►(b) The Patent and Trademark Office, when acting as a Designated Office during international processing will be identified by the full title "United States Designated Office" or by the abbreviation "DO/US."◄

►(c) The major functions of the United States Designated Office in respect to international applications in which the United States of America has been designated, include:

(1) Receiving various notifications throughout the International stage.

(2) Accepting for regular national patentability examination international applications which satisfy the requirements of 35 U.S.C. 371, and

(3) Conducting reviews under PCT Article 25 for those international applications declared withdrawn.◄

34. By adding a new § 1.415 to read as follows:

►§ 1.415 The International Bureau.◄

►(a) The International Bureau is the World Intellectual Property Organization located at Geneva, Switzerland. It is the international intergovernmental organization which acts as the coordinating body under the Treaty and the Regulations. (PCT Art. 2 (xix) and 35 U.S.C. 351(h).)◄

►(b) The major functions of the International Bureau include:

(1) Publishing of international applications and the International Gazette;

(2) Transmitting copies of international applications to Designated Offices;

(3) Storing and maintaining record copies; and

(4) Transmitting information to authorities pertinent to the processing of specific international applications.◄

35. By adding a new § 1.421 to read as follows:

►§ 1.421 Applicant for international application.◄

►(a) Only residents or nationals of the United States of America may file international applications in the United States Receiving Office.◄

►(b) Although the United States Receiving Office will accept international applications filed by any resident or national of the United States of America for international processing, an international application designating the United States of America will be accepted by the Patent and Trademark Office for the national stage only if filed by the inventor or as provided in §§ 1.422, 1.423 or 1.425.◄

►(c) International applications which do not designate the United States of America may be filed by the assignee or owner.◄

►(d) Any indication of different applicants for the purpose of different designated offices must be shown on the Request portion of the international application.◄

►(e) Changes in the person, name, or address of the applicant shall be made in accordance with PCT Rule 18.5.◄

36. By adding a new § 1.422 to read as follows:

►§ 1.422 When the inventor is dead.◄

►In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may sign the Request and other papers in an international application which designates the United States of America.◄

37. By adding a new § 1.423 to read as follows:

►§ 1.423 When the inventor is insane or legally incapacitated.◄

►In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may sign the Request and other papers in an international application which designates the United States of America.◄

38. By adding a new § 1.424 to read as follows:

►§ 1.424 Joint inventors.◄

►Joint inventors must each sign the Request in an international application which designates the United States of America; the signature of either of them alone, or less than the entire number will be insufficient for an invention invented by them jointly, except as provided in § 1.425.◄

39. By adding a new § 1.425 to read as follows:

►§ 1.425 Filing by other than inventor.◄

►(a) If a joint inventor refuses to join in an international application which designates the United States of America or cannot be found or reached after diligent effort, the international application which designates the United States of America may be filed by the other inventor on behalf of himself and the omitted inventor. Such an international application which designates the United States of America must be accompanied by proof of the pertinent facts and must state the last known address of the omitted inventor. The Patent and Trademark Office shall forward notice of the filing of the international application to the omitted inventor at said address.◄

►(b) Whenever an inventor refuses to execute an international application which designates the United States of America, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may file the international application on behalf of and as agent for the inventor. Such an international application which designates the United States of America, must be accompanied by proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and must state the last known address of the inventor. The assignment, written agreement to assign or other evidence of proprietary interest, or a verified copy thereof, must be filed in the Patent and Trademark Office. The Office shall forward notice of the filing of the application to the inventor at the address stated in the application.◄

40. By adding a new § 1.431 to read as follows:

►§ 1.431 International application requirements.◄

►(a) An international application shall contain, as specified in the Treaty and the Regulations, a Request, a description, one or more claims, one or more drawings (where required), and an abstract (PCT Art. 3(2)).◄

►(b) An international filing date will be accorded by the United States Receiving Office, at the time of receipt of the international application, provided that:

(1) The applicant is a United States resident or national (35 U.S.C. 361(a), PCT Art. 11(1)(i)),

(2) The international application is in the English language (35 U.S.C. 361(c), PCT Art. 11(1)(ii)),

(3) The international application contains at least the following elements (PCT Art. 11(1)(iii)):

(i) An indication that it is intended as an international application (PCT Rule 4.2),

(ii) The designation of at least one contracting State of the International Patent Cooperation Union,

(iii) The name of the applicant, as prescribed (note § 1.422),

(iv) A part on the face of it appears to be a description, and

(v) A part which on the face of it appears to be a claim (PCT Art. 11(1)).◄

►(c) Payment of the basic portion of the international fee (PCT Rule 15.2) and the transmittal and search fees (§ 1.441) shall be made in full at the time the international application papers required by paragraph (b) of this section are deposited. Failure to make full payment on the same date as the deposit of the international application papers required by paragraph (b) of this section will result in the international application being considered withdrawn (PCT Art. 14(3)(a)).◄

41. By adding a new § 1.432 to read as follows:

►§ 1.432 Designation of States and payment of designation fees.◄

►(a) The names of Designated States shall appear in the Request upon filing and must be indicated as set forth in section 202 of the Administrative Instructions.◄

►(b) The designation fees may be paid upon filing of the international application, but must be paid at the latest before the expiration of one year from the priority date (PCT Rule 15.4(b)). Failure to timely pay the designation fee for a particular Designated State will result in the withdrawal of that designation (PCT Art. 14(3)(b)). Failure to timely pay at least one designation fee will result in the withdrawal of the international application (PCT Art. 14(3)(a)).◄

42. By adding a new § 1.433 to read as follows:

►§ 1.433 Physical requirements of international application.◄

►(a) The international application and each of the documents that may be referred to in the check list of the Request (PCT Rule 3.3(a)(ii)) shall be filed in one copy only.◄

►(b) The physical requirements for international applications are set forth in PCT Rule 11 and Sections 201–208 of the Administrative Instructions.◄

43. By adding a new § 1.434 to read as follows:

►§ 1.434 The Request.◄

►(a) The Request shall be made on a standardized printed form (PCT Rules 3 and 4). Copies of such printed Request forms are available from the Patent and Trademark Office.◄ Letters requesting such forms should be marked "Box PCT."

►(b) The Check List portion of the request form should indicate each document accompanying the international application on filing.◄

►(c) All information, for example, addresses, names of States and dates, shall be indicated in the Request as required by PCT Rule 4 and Administrative Instructions 201 and 202.◄

►(d) International applications which designate the United States of America shall include:

(1) the name, address, and signature of the inventor, except as provided by §§ 1.422, 1.423 and 1.425;

(2) a reference to any copending national application or international application designating the United States of America, if the benefit of the filing date of the prior copending application is to be claimed.◄

44. By adding a new § 1.435 to read as follows:

►§ 1.435 The description.◄

►(a) Requirements as to the content and form of the description are set forth in PCT Rules 5, 9, 10, and 11 and Administrative Instruction 205, and shall be adhered to.◄

►(b) In international applications designating the United States of America the description must contain upon filing an indication of the best mode contemplated by the inventor for carrying out the claimed invention.◄

45. By adding a new § 1.436 to read as follows:

►§ 1.436 The claims.◄

►The requirements as to the content and format of claims are set forth in PCT Art. 6 and PCT Rules 6, 9, 10, and 11 and shall be adhered to.◄

46. By adding a new § 1.437 to read as follows:

►§ 1.437 The drawings.◄

►(a) Subject to paragraph (b) of this section, when drawings are necessary for the understanding of the invention, or are mentioned in the description, they must be part of an international application as originally filed in the United States Receiving Office in order to maintain the international filing date during the national stage (PCT Art. 7).◄

►(b) Drawings missing from the application upon filing will be accepted if such drawings are received within 30 days of the date of first receipt of the incomplete papers. If the missing drawings are received within the 30 day period, the international filing date shall be the date on which such drawings are received. If such drawings are not timely received all references to drawings in the international application shall be considered non-existent (PCT Art. 14(2), Administrative Instruction 310).◄

►(c) The physical requirements for drawings are set forth in PCT Rule 11 and shall be adhered to.◄

47. By adding a new § 1.438 to read as follows:

►§ 1.438 The abstract.◄

►(a) Requirements as to the content and form of the abstract are set forth in PCT Rule 8, and shall be adhered to.◄

►(b) Lack of an abstract upon filing of an international application will not affect the granting of a filing date. However, failure to furnish an abstract within one month from the date of the notification by the Receiving Office will result in the international application being declared withdrawn.◄

48. By adding a new § 1.445 to read as follows:

►§ 1.445 International application filing and processing fees.◄

►(a) The following fees and charges are established by the Patent and Trademark Office under the authority of 35 U.S.C. 376.

(1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14) -------- $35.00.

(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16) -------- $300.00

(3) A supplemental search fee when required (see PCT Art. 17(3)(a) and PCT Rule 40.2) -------- $200.00 per additional invention.

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(4) The national fee, that is, the amount set forth as the filing fee under 35 U.S.C. 41(a)1.

(5) A special fee when required, see 35 U.S.C. 372(c) -------- $10.00 per claim.◄

►(b) The basic fee and designation fee portions of the international fee shall be as prescribed in PCT Rule 15.◄

49. By adding a new § 1.446 to read as follows:

►**§ 1.446 Refund of international application filing and processing fees.**◄

►(a) Money paid for international application fees, where paid by actual mistake or in excess, such as a payment not required by law or Treaty and its Regulations, will be refunded.◄

►(b) Refunds of a portion of the search fee may be made if the international search report is wholly or partly based on an earlier international or international-type search. (PCT Rules 16 and 41.) The amount of the refund will be as determined by the examiner according to the value of the prior international-type search or international search as 90 percent, 70 percent, 40 percent, 25 percent, or 0 percent of the international search fee. See § 1.26 for refund of a portion of the international search fee during subsequent national examination of the application.◄

►(c) Refund of the supplemental search fees will be made if such refund is determined to be warranted by the Commissioner or his designee acting under PCT Rule 40.2(c).◄

►(d) The international and search fees will be refunded if no international filing date is granted (PCT Rules 15.6 and 16.2).◄

50. By adding a new § 1.451 to read as follows:

►**§ 1.451 The priority claim and priority document in an international application.**◄

►(a) The claim for priority must be made on the Request (PCT Rule 4.10) in a manner complying with sections 201 and 202 of the Administrative Instructions.◄

►(b) Whenever the priority of an earlier United States national application is claimed in an international application, the applicant may request in a letter of transmittal accompanying the international application upon filing with the United States Receiving Office, that the Patent and Trademark Office prepare a certified copy of the national application for transmittal with the record copy to the International Bureau (PCT Art. 8 and PCT Rule 17). The fee for preparing a certified copy is stated in § 1.21 (b) and (d).◄

►(c) If a certified copy of the priority document is not submitted together with the international application on filing or a request and appropriate payment as in paragraph (b) of this section do not accompany the international application on filing, the certified copy of the priority document must be transmitted directly by the applicant to the International Bureau within the time limit specified in PCT Rule 17.1(a).◄

51. By adding a new § 1.455 to read as follows:

►**§ 1.455 Representation in international applications.**◄

►(a) Applicants of international applications may be represented by attorneys or agents licensed to practice before the Patent and Trademark Office or by a common representative (PCT Art. 49, Rules 4.8 and 90 and § 1.341).◄

►(b) Appointment of an agent, attorney or common representative must be effected either in the Request form, signed by all applicants, or in a separate power of attorney submitted either to the United States Receiving Office or to the International Bureau.◄

►(c) Powers of attorney and revocations thereof should be submitted to the United States Receiving Office until the issuance of the international search report in order to facilitate communications.◄

►(d) The addressee for correspondence will be as indicated in Section 108 of the Administrative Instructions.◄

52. By adding a new § 1.461 to read as follows:

►**§ 1.461 Procedure for transmittal of Record Copy to the International Bureau.**◄

►(a) Transmittal of the record copy of the international application to the International Bureau shall be made, at the option of the applicant, either by the United States Receiving Office or by the applicant. Subject to paragraph (b) of this section, any applicant who chooses to make such transmittal himself shall notify the United States Receiving Office to that effect in writing, by way of a notice filed together with the international application. Such notice shall also state whether the applicant wishes to collect the record copy at the United States Receiving Office or to have the record copy mailed directly to him. The record copy of an international application which was filed without being accompanied by such notice will be transmitted to the International Bureau by the United States Receiving Office. (PCT Rule 22).◄

►(b) An applicant may transmit the record copy to the International Bureau as provided in PCT Rule 22.2 only if the international application is filed with the United States Receiving Office before the expiration of 11 months from the priority date.◄

53. By adding a new § 1.465 to read as follows:

►**§ 1.465 Timing of application processing based on the priority date.**◄

►(a) For the purpose of computing time limits under the Treaty, the priority date shall be defined as in PCT Art. 2 (xi).◄

►(b) When a claimed priority date is cancelled under PCT Rule 4.10(d) or considered not to have been made under PCT Rule 4.10(a), the priority date for the purposes of computing time limits will be the date of the earliest valid remaining priority claim of the international application, or if none, the international filing date.

►(c) When corrections under PCT Art. 11(2), Art. 14(2) or Rule 20.2(a) (i) or (iii) are timely submitted, and the date of receipt of such corrections falls later than one year from the claimed priority date or dates, the Receiving Office shall proceed under Rule 4.10(d).◄

54. By adding a new § 1.468 to read as follows:

►**§ 1.468 Delays in meeting time limits.**◄

►(a) Delays in meeting time limits during international processing of international applications may only be excused as provided in PCT Rule 82. For delays in meeting time limits in a national application see § 1.137.◄

►(b) In cases of unavoidable delay or loss in the mail during international processing of international applications, evidence may be offered only if the mail that was delayed or lost was registered by the postal authorities.◄

55. By adding a new § 1.471 to read as follows:

►**§ 1.471 Corrections and amendments during international processing.**◄

►(a) All corrections submitted to the United States Receiving Office must be in the form of replacement sheets and be accompanied by a letter that draws attention to the differences between the replaced sheets and the replacement sheets, except that the delegation of lines of text, the correction of simple typographical errors, and one addition or change of not more than five words per sheet may be stated in a letter and the United States Receiving Office will make the deletion or transfer the correction to the international application, provided that such corrections do not adversely affect the clarity and direct reproducibility of the application (PCT Rule 26.4).◄

►(b) Amendments of claims submitted to the International Bureau shall be as prescribed by PCT Rule 46.◄

56. By adding a new § 1.475 to read as follows:

►**§ 1.475 Changes in person, name, or address of applicants and inventors.**◄

►All requests for a change in person, name or address of applicants and inventors should be sent to the United States Receiving Office until the time of issuance of the international search report. Thereafter requests for such changes should be submitted to the International Bureau.◄

57. By adding § 1.481 to read as follows:

►**§ 1.481 Determination of Unity of Invention before the International Searching Authority.**◄

►(a) Before establishing the international search report, the International Searching Authority shall determine whether the international application complies with the requirement of unity of invention as set forth in PCT Rule 13. If the International Searching Authority considers that the international application does not so comply, it shall inform the applicant accordingly and request the payment of additional fees. (Note § 1.441 and PCT Art. 17(3)(a) and PCT Rule 40.)◄

►(b) The applicant will be given a time period in accordance with PCT Rule 40.3 to pay the additional fees due.◄

►(c) If the applicant disagrees with the holding of lack of unity of invention by the International Searching Authority, he may pay the additional fee under protest, that is accompanied by a request for refund and a statement setting forth his reasons for disagreement or why he considers the required additional fees excessive, or both (PCT Rule 40.2(c)).◄

►(d) Protests under paragraph (c) of this section will be examined by the Commissioner or his designee. In the event that the applicant's protest is determined to be justified, the additional fees or a portion thereof will be refunded.◄

►(e) An applicant who desires that a copy of the protest and the decision thereon accompany the international search report when forwarded to the designated offices, may notify the International Searching Authority to that effect any time prior to the issuance of the international search report. Thereafter, such notifications should be directed to the International Bureau. (PCT Rule 40.2(c).)◄

►(f) The international search report will be established only on those parts of the international application which relate to the invention first mentioned in the claims ("main invention") and those other parts of the international applications which relate to inventions for which additional fees have been timely paid (PCT Art. 17(3)(a) and PCT Rule 40.3).◄

58. By adding § 1.482 to read as follows:

►**§ 1.482 Holding of lack of unity of invention.**◄

►(a) The International Search Authority may not raise the objection of lack of unity of invention merely because an application contains several claims of the same category or several claims of different categories related as under PCT Rules 13.2 and 13.3.◄

►(b) Lack of unity of invention may exist in a single claim where the claim contains alternatives which are not linked by a single general inventive concept (PCT Rule 13.1).◄

►(c) Lack of unity of invention may be directly evident before considering the claims in relation to any prior art, or after taking the prior art into consideration, as where a document discovered during the search shows the invention claimed in a generic or linking claims lacks novelty or is clearly obvious, leaving two or more claims joined thereby without a common inventive concept. In such a case the International Searching Authority may raise the objection of lack of unity of invention (and limit the search to the invention first mentioned if no additional fees are paid).◄

►(d) Occasionally in cases which lack unity of invention, the examiner will be able to make a complete search for all inventions with negligible additional work, in particular when the inventions are conceptually very close and none of them requires a search in separate classification units. In those cases, the search for the additional inventions should be completed together with that for the invention first mentioned. All results should then be included in a single search report, and no objection of lack of unity should ordinarily be raised.◄

►(e) For unity of invention practice at the national stage see §§ 1.141–1.146.◄

PART 3—FORMS FOR PATENT CASES

59. By adding a new § 3.56 to read as follows:

►**§ 3.56 Oath to be filed with United States Designated Office under 35 U.S.C. 371(c)(4).**◄

►As a below named inventor, being duly sworn (or affirmed), I depose and say that: my residence, post office address and citizenship are as stated below next to my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled: ---------- described and claimed in international application number ---------- filed ----------, and as amended on ---- -------- (if any) for which I solicit a patent;

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to my international application, that the same was not in public use or on sale in the United States of America more than one year prior to my international application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of my international application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to my international application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns except as follows: ----------

Full name of sole or first inventor ----------

Inventor's signature ----------

Date ----------

Residence ----------

Citizenship ----------

Post Office Address ----------

Full name of second joint Inventor, if any ----------

Inventor's signature ----------

Date ----------

Residence ----------

Citizenship ----------

Post Office Address ----------

(Supply similar information and signature for third and subsequent joint inventors)

Signatures: ----------

Sworn to and subscribed before me this ---- day of ----------, 19-----

(Signature of notary or officer)

[SEAL]

(Official character) ◄

60. By adding a new § 3.57 to read as follows:

►**§ 3.57 Declaration to be filed with United States Designated Office under 35 U.S.C. 371(c)(4).**◄

►As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled: ---------- described and claimed in international application number ---------- filed -------- and as amended on -------- (if any), for which I solicit a patent;

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to my international application, that the same was not in public use or on sale in the United States of America more than one year prior to my international application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of my international application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to my international application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows: ----------

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor ----------

Inventor's signature ----------

Date ----------

Residence ----------

Citizenship ----------

Post Office Address ----------

Full name of second joint Inventor, if any ----------

Inventor's signature ----------

Date ----------

Residence ----------

Citizenship ----------

Post Office Address ----------

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PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

61. By revising § 5.1 to read as follows:

§ 5.1 Defense inspection of certain applications.

►(a) The provisions of this part shall apply to both national and international applications filed in the Patent and Trademark Office except as otherwise specifically indicated. The filing of an international application designating a foreign country is considered to be a filing in a foreign country within the meaning of Chapter 17 of Title 35, United States Code.◄

►(b)◄ In accordance with the provisions of 35 U.S.C. 181, patent applications containing subject matter the disclosure of which might be detrimental to the national security are made available for inspection by defense agencies as specified in said section. Only applications obviously relating to national security, and applications within fields indicated to the Patent and Trademark Office by the defense agencies as so related, are made available. The inspection will be made only by responsible representatives authorized by the agency to review applications. Such representatives are required to sign a dated acknowledgement of access accepting the condition that information obtained from the inspection will be used for no purpose other than the administration of 35 U.S.C. 181–188. Copies of applications may be made available to such representatives for inspection outside the Patent and Trademark Office under conditions assuring that the confidentiality of the applications will be maintained, including the conditions that: (1) All copies will be returned to the Patent and Trademark Office promptly if no secrecy order is imposed, or upon rescission of such order if one is imposed, and (2) no additional copies will be made by the defense agencies. A record of the removal and return of copies made available for defense inspection will be maintained by the Patent and Trademark Office. Applications relating to atomic energy are made available to the [Atomic Energy Commission] ►Energy Research and Development Administration◄ as specified in § 1.14 of this chapter.

62. By revising § 5.3 to read as follows:

§ 5.3 Prosecution of application under secrecy order; withholding patent.

Unless specifically ordered otherwise, action on the application by the Office and prosecution by the applicant will proceed during the time an application is under secrecy order to the point indicated in this section:

(a) ►National◄ applications under secrecy order which come to a final rejection must be appealed or otherwise prosecuted to avoid abandonment. Appeals in such cases must be completed by the applicant but unless otherwise specifically ordered by the Commissioner will not be set for hearing until the secrecy order is removed.

(b) An interference will not be declared involving ►national◄ applications under secrecy order. However, if an application under secrecy order copies claims from an issued patent, a notice of that fact will be placed in the file wrapper of the patent.

(c) When the ►national◄ application is found to be in condition for allowance except for the secrecy order the applicant and the agency which caused the secrecy order to be issued will be notified. This notice (which is not a notice of allowance under § 1.311 of this chapter) does not require response by the applicant and places the ►national◄ application in a condition of suspension until the secrecy order is removed. When the secrecy order is removed the Patent and Trademark Office will issue a notice of allowance under § 1.311 of this chapter, or take such other action as may then be warranted.

►(d) International applications under secrecy order will be processed up to the point where the record and search copies are ready to be forwarded. However, the copies will not be forwarded to the Authorities or delivered to the applicant.◄

63. Section 5.11 is revised to read as follows:

§ 5.11 License for filing application in foreign country ►or for filing international application◄.

(a) When no secrecy order has been issued under § 5.2, a license from the Commissioner of Patents and Trademarks under 35 U.S.C. 184 is required before filing any application for patent or for the registration of a utility model, industrial design, or model, in a foreign country, ►or filing an international application,◄ or causing or authorizing such filing, with respect to an invention made in the United States, if:

(1) The foreign application ►or international application◄ is to be filed ►,◄ or its filing caused or authorizer ►,◄ before [an] ►a national◄ application for patent is filed in the United States, or

(2) The foreign application ►or international application◄ is to be filed, or its filing caused or authorized, prior to the expiration of six months from the filing of the ►national◄ application in the United States.

(b) When there is no secrecy order in effect, a license under 35 U.S.C. 184 is not required if:

(1) The invention was not made in the United States, or

(2) The foreign application ►or international application◄ is to be filed, or its filing caused or authorized, after the expiration of of six months from the filing of the ►national◄ application in the United States.

(c) When a secrecy order has been issued under § 5.2, an application cannot be filed in a foreign country ►, nor can an international application be filed,◄ in any case except in accordance with § 5.5.

64. By revising paragraphs (b) and (c) of § 5.14 to read as follows:

§ 5.14 Petition for license: corresponding U.S. application.

• • • • • •

(b) Two or more United States applications should not be referred to in the same petition for license unless they are to be combined in the foreign ►or international◄ application, in which event the petition should so state and the identification of each United States application should be in separate paragraphs.

(c) Where the application to be filed abroad ►or the international application◄ contains matter not disclosed in the United States application or applications, including the case where the combining of two or more United States applications introduces subject matter not disclosed in any of them, a copy of the application as it is to be filed in the foreign country ►or international application as it is to be filed in the Receiving Office◄ must be furnished with the petition. If, however, all new matter in the ►foreign or international◄ application to be filed is readily identifiable, the new matter may be submitted in detail and the remainder by reference to the pertinent United States application or applications.

65. By revising § 5.15 to read as follows:

§ 5.15 Scope of license.

(a) A license to file an application in a foreign country ►or to file an international application◄, when granted, includes authority to forward all duplicate and formal papers to the foreign country ►or international authorities◄ and to make amendments and take any action in the prosecution of the ►foreign or international◄ application, provided subject matter additional to that covered by the license is not involved. In those cases in which no license is required to file the foreign ►or international◄ application, no license is required to file papers in connection with the prosecution of the foreign ►or international◄ application not involving disclosure of additional subject matter. Any paper filed abroad ►or before an international authority◄ following the filing of a foreign ►or international◄ application which involves the disclosure of additional subject matter must be separately licensed in the same manner as ►a foreign or international◄ [an] application.

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66. By revising § 5.17 to read as follows:

§ 5.17 Who may use license.

Licenses may be used by anyone interested in the foreign ►or international◄ filing for or on behalf of the inventor or his assigns.

Dated: December 23, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

DATED: January 6, 1977.

[FR Doc.77-1024 Filed 1-11-77;8:45 am]

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WEDNESDAY, JANUARY 12, 1977

PART VIII

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

FEDERAL ENERGY ADMINISTRATION

ADDITIONAL PRICE INCENTIVES FOR TERTIARY ENHANCED RECOVERY TECHNIQUES; FINDINGS CONCERNING ADJUSTMENTS TO THE COMPOSITE PRICE FOR DOMESTIC CRUDE OIL AS A PRODUCTION INCENTIVE

Proposed Rulemaking and Public Hearing

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

ADDITIONAL PRICE INCENTIVES FOR TERTIARY ENHANCED RECOVERY TECHNIQUES; FINDINGS CONCERNING ADJUSTMENTS TO THE COMPOSITE PRICE FOR DOMESTIC CRUDE OIL AS A PRODUCTION INCENTIVE

Proposed Rulemaking and Public Hearing

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I. INTRODUCTION

The Federal Energy Administration ("FEA") hereby gives notice of a proposed rulemaking and public hearing to amend the Mandatory Petroleum Price Regulations (10 CFR Part 212) to implement in part section 122 of the Energy Conservation and Production Act ("ECPA," Pub. L. 94-385, August 14, 1976), by providing price incentives for the application of certain high-cost enhanced recovery techniques for domestic crude oil, generally known as "tertiary enhanced recovery" techniques. In addition, as of August 14, 1976, the effective date of ECPA section 122, the statutory composite price for domestic crude oil may be adjusted to provide a production incentive in an amount which is no longer limited to 3 percent per year. The FEA proposes to make the findings required to apply the full amount of the adjustment permitted as a production incentive under ECPA section 122.

II. BACKGROUND OF THE INCENTIVE

The crude oil pricing policy of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163) provided in essence that, beginning in February 1976 and continuing through May 1979, the weighted average or "composite" first sale price of domestic crude oil should not exceed $7.66 per barrel, except as permitted to be adjusted, within the limits specified in EPCA, to account for inflation and to provide incentives for the production of domestic crude oil. Under the EPCA, FEA has authority to make classifications of crude oil, and to provide for the pricing thereof, so as to assure that the actual weighted average first sale price of all domestic crude oil does not exceed the statutory composite price as it may be adjusted. Pursuant to these authorities and requirements, set forth in section 401 of EPCA (which added section 8 to the Emergency Petroleum Allocation Act of 1973 ("EPAA," Pub. L. 93-159)), the FEA proceeded with a three-stage plan of implementation.

In the first stage (41 FR 4931, February 3, 1976), the FEA established a general two-tier ceiling price scheme, consisting of "old," or "lower tier," and "new" and "stripper well," or, "upper tier," crude oil classifications, intended to result in attaining the prescribed composite price of $7.66 per barrel in February.

In the second stage (14 FR 15566, April 13, 1976), the FEA adopted regulations which provided for gradual monthly increases in the ceiling prices of the two tiers of crude oil. These gradual increases were intended to accomplish an adjustment to the composite price, within the limits set by EPCA for adjustments not requiring Congressional review, to account for the effects of inflation and as an incentive for maintaining and increasing domestic production.

The limitations upon adjustments to the composite price which the FEA could implement without Congressional review, as set forth in EPAA section 8(d), were that: (1) The increase as a production incentive could not exceed 3 percent per year; (2) the increase to take into account the effects of inflation could not exceed the rate of inflation as measured by the most recent first revision of the GNP deflator; and (3) the combined increase as a production incentive and to take inflation into account could not exceed 10% per year.

In its second stage proceeding, the FEA recognized that the full 3% production incentive adjustment to the composite price was required, largely in order to prevent erosion in the real dollar prices for upper tier crude oil as a result of a declining percentage of lower tier crude oil in the "mix" of lower tier and upper tier crude oil first sale prices from which the composite price is derived.

In the notice commencing the third stage proceeding (41 FR 18873, May 7, 1976), the FEA proposed amendments to the crude oil price regulations to provide additional production incentives that would have required adjustments to the composite price in excess of the limitations referred to above, to be submitted to Congress for review in accordance with (then) section 8(e) of EPAA. The categories of incentives which were proposed were those specified in EPAA section 8(d)(3), *viz.*: (1) Discovery and development of high cost and high risk properties; (2) application of enhanced recovery techniques; and (3) sustaining production from marginal wells. With respect to enhanced recovery, FEA proposed to allow upper tier prices for amounts of crude oil produced by application of certain high cost enhanced recovery techniques ("tertiary" recovery, as distinguished from "secondary" recovery) which were in excess of the amounts that would have been produced by conventional primary and secondary recovery methods. Comments were requested on this proposal, and upon other alternatives for providing an enhanced recovery incentive, as well as upon the other production incentives proposed.

Comments were received from over 50 interested parties, substantially confirming the need for additional production incentives. (The substance of such comments, as they relate to the instant proposals, will be discussed where appropriate.) However, prior to the completion of action on the third stage proceedings, Congress enacted the ECPA, on August 14, 1976. Section 122 of the ECPA amended EPAA section 8 with respect to adjustments to the composite price as a production incentive and concerning price incentives for the application of tertiary enhanced recovery techniques.

First, section 8(d)(1) of EPAA, as amended by ECPA, now contains only an overall 10 percent limitation upon the adjustment to the composite price, which may be made both to take into account the effects of inflation and as a production incentive. The former 3 percent limitation upon the production incentive adjustment, within the 10 percent overall limitation, has been removed.

Second, in connection with the added pricing flexibility afforded by removal of the 3 percent production incentive limitation, the Congress established as a matter of high priority the implementation of incentives for the application of "tertiary enhanced recovery techniques." Specifically, subsection (j) was added to EPAA section 8, which provides as follows:

> (j) (1) As soon as practicable after the date of enactment of this subsection, taking into consideration the greater flexibility provided by the amendments relating to the production incentive adjustment under section 122 of the Energy Conservation and Production Act, the President shall promulgate such amendments to the regulation under section 4(a) (relating to price) as shall (A) provide additional price incentive for bona fide tertiary enhanced recovery techniques and (B) provide for the adjustment of differentials in ceiling prices for crude oil that are the result of gravity differentials which are arbitrary, discriminatory, applied on a regional or local basis without reasonably justification, or fail substantially to reflect current relative market valuations of such differentials.
>
> (2) As used in the subsection, the term "tertiary enhanced recovery techniques" means extraordinary and high cost enhancement technologies of a type associated with tertiary applications including, to the extent that such techniques would be uneconomical without additional price incentives, miscible fluid or gas injection, chemical flooding, steam flooding, microemulsion flooding, in situ combustion, cyclic steam injection, polymer flooding, and caustic flooding and variations of the same. The President shall have authority to further define the term by rule.

Congress directed that additional incentives for the application of tertiary recovery techniques be provided in recognition of the potential for increasing domestic production offered by such techniques. In the "Conference Report" on ECPA, the conferees stated as follows:

> The second form of production which the conferees believe deserve special treatment, as a result of removal of the 3 percent limitation on the production incentive factor, is production resulting from application of certain enhanced recovery techniques. A special need to encourage expanded use of high cost, enhanced recovery techniques has led the conferees to provide that this category of production be given high priority consideration in distribution of any price increases which may be permitted by reason of the removal of the 3 percent limitation on the production incentive factor. (Sen. Rep. No. 94-1119, 94th Cong., 2nd Sess. 68 (1976).) • • •
>
> The conferees are agreed that there exists great potential for augmenting domestic crude oil production through the application of enhanced recovery techniques. There is also general agreement that current economic circumstances would permit adjustments to the pricing mechanism contained in the Energy Policy and Conservation Act to give needed additional incentives for the application of high-cost enhancement techniques which today are not economical • • •.
>
> • • • the conference substitute seeks to obtain the objectiye of providing additional price incentives for high-cost enhancement techniques by equipping the Administrator with greater flexibility to provide for such incentives within the framework of the existing price regulatory structure. In so doing, the conferees seek to maintain the integrity of the pricing policies contained in the Energy Policy and Conservation Act while at the same time providing the President with the means of targeting additional price incentives to those extraordinary and high-cost enhancement techniques commonly associated with tertiary applications which are uneconomical under today's pricing regimen. Accordingly, the conference substitute removes the 3 percent limitation on production incentive adjustments to afford the President a greater flexibility to respond to an improving economy by giving greater price incentives to optimize domestic production. The conferees have identified, as matter of high priority, correction of gravity differential problems in the current price regulatory mechanism and the creation of additional price incentives for the application of bona fide tertiary enhancement techniques.[1] Thus, the President is directed, taking into consideration the greater flexibility as attends the removal of the 3 percent limitation, to amend the regulation which pertains to the price of domestic crude oil at the earliest practicable time to provide for these Congressionally identified priorities. (Sen. Rep. No 94-1119, 94th Cong., 2nd Sess. 71 (1976).)

It was also understood that, in view of the increased authority for adjustments in the composite price conferred by ECPA, the FEA would not, prior to March 15, 1977, submit for Congressional review any action proposing an increase in the composite price in excess of 10 percent. (See Sen. Rep. No. 94-1119, supra, at 72.) Accordingly, the proposed incentives are intended to be accomplished within the 10 percent limitation.

In the meantime, collection of actual first sale price data indicates that the actual weighted average first sale price of domestic crude oil has exceeded the ECPA limitations on that price. Accordingly, FEA on July 6, 1976, discontinued the gradual monthly increases in lower tier and upper tier crude oil ceiling prices. See 41 FR 27730, July 6, 1976.

The suspension on increases was continued on September 3, 1976 (41 FR 37311), and again on November 30, 1976 (41 FR 53333, December 6, 1976), pending further corrective action to bring actual weighted average prices of domestic crude oil in line with the statutory composite price requirements. In addition, in view of the current situation in which it appears that actual weighted average prices continue to be in excess of the statutory composite price (as adjusted), the FEA on December 31, 1976 further continued the suspension on increases for lower tier crude oil and reduced ceiling prices for upper tier crude oil by 20 cents per barrel, both actions to continue through March 1977 pending the outcome of a full review by Congress of the operation of the crude oil pricing limitations of the EPAA. As stated in the Notice announcing such actions (42 FR 1456, January 7, 1977), if no changes in current limitations on crude oil prices were to result from such Congressional review, a further extension of the price levels established in the December 31 Notice through July 1977 would result, based on current projections, in the elimination of overages of actual weighted average prices above the statutory composite price level.

[1] The conferees wish to emphasize that the use of the term tertiary is intended to refer to techniques of a generic class. It is not intended, in a chronological sense, to imply that traditional secondary applications must first be exhausted before use of these high cost and extraordinary enhancement techniques could qualify for additional price incentives.

III. FINDINGS CONCERNING COMPOSITE PRICE ADJUSTMENTS TO PROVIDE PRODUCTION INCENTIVES AND INCREASES IN THE PRICE OF "OLD" CRUDE OIL

A. COMPOSITE PRICE ADJUSTMENT

Section 8(d) of the EPAA provides that an adjustment to the composite price as a production incentive may be made only upon a finding that the adjustment

> • • • is likely to provide positive incentive for—
>
> (A) The discovery or development of high cost and high risk properties (including new wildcat properties, and properties located on the Outer Continental Shelf, properties located north of the Arctic Circle, deep wells and deep horizons in onshore or offshore properties, and properties operated by independent producers);
>
> (B) The application of enhanced recovery techniques to producing properties to obtain a level of production higher than would otherwise occur from those properties but for such adjustment; or
>
> (C) Sustaining production from marginal wells, including production from stripper wells.

In the Notice adopting the second stage amendments to provide for gradual increases in the composite price, the FEA found that use of the full price adjustment as a production incentive (then limited to 3 percent) was likely to provide positive incentive for (1) the development of high cost/high risk properties (2) the application of enhanced recovery techniques to producing properties to obtain a level of production higher than would occur from such properties in the absence of that price adjustment, and (3) sustaining production from marginal wells, including stripper wells.

FEA made the following findings concerning crude oil prices: (1) the upper tier price level provides an important incentive for producers operating properties producing crude oil below the base production control level ("BPCL") to undertake enhanced recovery programs and for the development of new oil-producing properties; (2) there would be an inevitable decline in the relative proportion of lower tier or "old" crude oil to total production; (3) because the adjusted statutory composite price limitation applies to the weighted average of the two tier levels, the decline in the proportion of lower tier crude oil would exert a significant downward pull on upper tier prices; (4) use of the maximum 3 percent production incentive was necessary to counteract this downward pull so that the upper tier price incentive would continue to be as effective an inducement to enhanced recovery from existing properties and as effective a stimulant to development of new oil-producing properties.

The FEA's analysis indicated that the full 3 percent adjustment to the composite price then available to provide a production incentive would be required to be used over the course of the 39-month program almost entirely to take account of the impact on the composite price of changes in the relative proportions of upper and lower tier crude oil.

Subsequent experience with the actual weighted average price of domestic crude oil, which has led to the requirement that the FEA suspend scheduled adjustments in the ceiling prices of such crude oil since July 1976 at least through March 1977 and has further required a 20 cent-per-barrel reduction in the prices of upper tier crude oil for the months of January through March of 1977, confirms the FEA's findings regarding the need to use the full production incentive adjustment. It also demonstrates that, without further adjustment to the composite price, it will be difficult to maintain existing incentives for present domestic production of crude oil and impossible to provide further price incentives for additional domestic production of crude oil. Since inflation continues to erode the current real prices of both upper and lower tier crude oil, and in view of the recent 20 cent per barrel reduction in ceiling prices for upper tier crude oil, the incentives even for maintaining current production are diminishing.

Since August 14, 1976, the effective date of section 122 of ECPA, the FEA has taken action to redefine and clarify the concept of "property," upon which BPCL determinations are based (41 FR 36172, August 26, 1976), to adjust gravity price differentials with respect to heavy California and Alaska crude oil (41 FR 48324, November 3, 1976), and to implement the exemption for stripper well crude oil mandated by ECPA section 121, including a redefinition of qualifying "stripper well property" (41 FR 48319, November 3, 1976). While it is not yet possible to quantify the precise effects of these actions upon the composite price, their combined effect is to increase the actual weighted average price of domestic crude oil. (The above-discussed measures regarding extension of the suspension on price increases and reduction of upper tier prices are, however, intended to account for these effects insofar as they are reflected in actual weighted average prices contained in data presently available to the FEA. The scope and duration of these corrective measures are based upon full use of the additional production incentive adjustments made available by ECPA.) The FEA also currently estimates that the effect upon the composite price of the incentives proposed herein for tertiary enhanced recovery projects will be as follows:

Year:	Percent
1976	0.0
1977	0.3
1978	0.9
1979	1.2

ECPA section 122 removed the specific 3 percent limitation on composite price adjustments for production incentives, effective August 14, 1976. In so doing, it made available as a production incentive an amount which varies inversely with the rate of inflation from quarter to quarter. That is, the amount available as a production incentive is the difference between the 10 percent overall limitation and the rate of inflation as measured by the "adjusted GNP deflator" provided for in EPAA section 8(d)(2). Applying the rate of inflation as measured by the adjusted GNP deflator for the second quarter of calendar year 1976 (5.1 percent), the amount of the production incentive permitted under the amended section 8 of the EPAA since August 14, 1976, has been 4.9 percent, or 1.9 percentage points greater than the 3 percent limitation on adjustments as a production incentive which applied when the second stage EPCA amendments were adopted.

Section 122 of the ECPA directs that, in view of the increased flexibility to provide production incentives, the FEA should proceed to implement adjustments to gravity price differentials and establish incentives for application of tertiary enhanced recovery techniques. As discussed above, appropriate gravity differential action has been taken, and by this Notice the FEA is proposing to implement the tertiary recovery incentive. However, the FEA's authority to adjust the composite price is not limited exclusively to providing for these particular incentives, but may be applied to provide production incentives generally. The FEA accordingly proposes to find that the above considerations, and the same factors which led it in the second stage EPCA proceedings to conclude that use was required of the full 3 percent production incentive then available, justify application of the full production incentive made available by ECPA beginning as of August 14, 1976, the effective date of section 122 of EPCA. This finding would be applicable to the continued use in the future of the full production incentive, as it may vary from time to time depending upon the rate of inflation.

The basis for the above findings and actions appears not only in the text of the EPAA, as amended by ECPA, but also in the legislative history of the ECPA. During consideration of the conference report on the amended bill which subsequently became enacted as the ECPA, Representative Brown engaged in the following colloquy with Representative Dingell, Chairman of the House Interstate Commerce Subcommittee on Energy and Power and an ECPA conferee:

Mr. BROWN of Ohio. Mr. Speaker, I rise to engage the chairman of the subcommittee in a colloquy with reference to this legislation.

Section 122 of this act deletes the 3 percent limitation of the Energy Policy and Conservation Act on crude oil price adjustments as a production incentive. Under this amendment to EPCA, the President may specify a fixed percentage figure as the production incentive—which, when added to the rate of inflation, is of course subject to the overall limitation of 10 percent contained in existing law. In the alternative, he may specify merely that the difference between 10 percent—or some other percentage less than 10 percent—and the rate of inflation is the production incentive, thus creating a flexible incentive that varies inversely with the rate of inflation.

Section 8(d)(3) specifies certain findings which must be made before price adjustments as a production incentive may be made. The President, of course, would be required to support an alteration of the production incentive with initial findings. The conferees did not intend, however, that thereafter any new or additional findings under section 8(d)(3) be required each time the amount of the percentage price adjustment, which is permitted as a production incentive, changes automatically because of a change in the rate of inflation. Is my understanding in this regard correct?

Mr. DINGELL. If the gentleman will yield, yes. That is correct.

Mr. BROWN of Ohio. Section 122 adds a new subsection (j) to section 8 of the Emergency Petroleum Allocation Act of 1973, which directs the President to use the greater flexibility with respect to crude oil prices which is afforded by section 122 to provide additional price incentives for tertiary enhanced recovery techniques and to provide for certain adjustments of differentials in crude oil ceiling prices attributable to gravity differentials. Am I correct in stating that the two listed objectives are not the exclusive purposes for which the added pricing flexibility may be used by the President, and that the President's use of this added flexibility is not limited except to the extent that the priority objectives specified by section 122 must be met?

Mr. DINGELL. This is a correct statement of the meaning of that provision. (122 Cong Rec. H8582-83 (daily ed. August 10, 1976).)

As in the case of the second stage EPCA proceedings, the FEA proposes to implement section 122 of ECPA in a manner intended to provide to producers the greatest degree of timeliness and certainty with respect to future price levels as is possible under the constraints of the pricing policies of the EPAA, as amended, in order to stimulate overall domestic crude oil production to the maximum extent possible. The effects of particular regulatory actions and of variable factors which are not subject to FEA control upon overall price levels cannot be precisely known in advance, so that it is impossible to provide absolute assurance of future price levels. However, use of the full production incentive, effective August 14, 1976, and continued implementation of the full production incentive as it may change from quarter to quarter depending upon the rate of inflation, should help to relieve the downward pressures on current price ceilings and thus provide needed additional incentives to maintaining current production, as well as promote efforts to increase domestic crude oil production through tertiary enhanced recovery techniques and other activities identified in EPCA and the FEA's second stage EPCA rulemaking.

B. INCENTIVE FOR THE APPLICATION OF TERTIARY ENHANCED RECOVERY TECHNIQUES

Based upon the foregoing considerations, the FEA believes that use of the increased pricing flexibility afforded by the removal of the 3 percent limitation on adjustments to the composite price as a production incentive to implement this proposal to provide for a tertiary enhanced recovery incentive, as described in Section V., below, is likely to provide positive incentives for the application of enhanced recovery techniques to obtain a level of production higher than would otherwise occur in the absence of such incentives. The FEA proposes to so find.

In addition to the general findings required by EPAA section 8(d), EPAA section 8(b)(2) provides that an amendment to the Mandatory Petroleum Price Regulations which would increase the price of "old" crude oil from any properties may not be made, unless it is found that the amendment

(A) Will give positive incentives for (i) enhanced recovery techniques, or (ii) deep horizon development, for such properties; or

(B) Is necessary to take into account declining production from such properties, and

(C) Is likely to result in a level of production from such properties beyond that which would otherwise occur if no such amendment were made.

The proposed incentive for tertiary enhanced recovery would be applicable to properties producing lower tier, or "old" crude oil, as well as to properties producing upper tier crude oil. On the basis of the same considerations upon which the FEA proposes to make its findings concerning the production incentive price adjustment under EPAA section 8(d), it proposes also to find under EPAA section 8(b)(2) that any increase in the price of "old" crude oil which would result under this tertiary enhanced recovery incentive proposal will give positive incentives for enhanced recovery techniques and is likely to result in a level of production beyond that which would occur in the absence of the proposed amendments.

IV. THE NEED FOR TERTIARY ENHANCED RECOVERY INCENTIVES

The Notice commencing the third stage EPCA proceeding took note of the major findings of a recently completed study undertaken for the FEA (the "Lewin Study") concerning the potential for and factors bearing upon the application of tertiary recovery techniques. It was noted that:

Among the major findings of the study, which included a detailed analysis of the 245 reservoirs in 175 fields, are that in the three states studied:

43.3 billion barrels of crude oil are technically recoverable through the year 2000, by tertiary recovery;

Price strongly affects the amount of crude oil that could be recovered through tertiary recovery, with upper tier prices (maintained in real terms) reducing potential tertiary recovery reserves from 43.3 billion barrels to 30.5 billion barrels; and lower tier prices (maintained in real terms) reducing that amount to 5.2 billion barrels;

Failure to adjust lower tier and upper tier prices for inflation would result in further loss of potential tertiary reserves; and

Considerable amounts of tertiary production can be realized—as much as .4 to .7 million barrels per day by 1980, 1 to 2 million barrels per day by 1985, and up to 3 million barrels per day by 1990.

While several comments suggested that the study may be overly optimistic in regard to the potential volume of crude oil producible from tertiary techniques within the time period covered, there was substantial consensus regarding the propositions that: (1) There are substantial stores of crude oil in place which could be recovered with the application of high-cost tertiary recovery techniques, and which cannot be recovered otherwise; (2) the investment required to apply such tertiary recovery techniques is substantial, and entails a high risk of failure; (3) the decision to invest in such techniques is in large measure a function of crude oil prices, as affecting potential return on investment made; (4) therefore, adequate price incentives for such investment are required; (5) the present regulations do not provide adequate incentives to apply such techniques; and (6) additional incentives are therefore needed. As previously noted, in making the encouragement of tertiary recovery techniques a matter of "high priority," Congress as well has recognized the great potential for tertiary recovery techniques and the need for additional incentives to stimulate domestic production through the use of such techniques.

The FEA is continuing to analyze and up-date the Lewin Study, and to analyze various other quantitative estimates of the amount of additional crude oil production which can be projected from the provision of incentives to encourage tertiary enhanced recovery projects. Revised estimates of the amounts of additional production will be provided in the near future, when available. However, the FEA believes that the major findings of the Lewin Study continue to be generally and qualitatively valid. It currently estimates that, if timely action is taken to provide an incentive for such production, it could result in additional tertiary production of as much as 300,000 barrels per day by 1979, and substantially more in the ensuing decade.

The FEA recognizes that there are substantial lead times involved in applying tertiary recovery techniques, amounting to from one to three years, and that the major production increment resulting from any currently provided incentives will therefore be realized after the expiration date of the 40-month control period provided for by the EPCA. From this fact one non-producer commenter in the third stage EPCA proceedings argued that any present change to the regulations is inherently incapable of providing any greater incentive to enhanced production than is now present in the prospect of realizing market prices during the post-control period. However, FEA is preliminarily of the view that a present change to the regulations is required, to: (1) Provide earlier stimulus to those projects which would result in incremental production before the end of the control period; (2) assure continuity of production on those properties whose economic limit would otherwise be reached during the control period; and (3) provide as much certainty in the investment environment for producers as is possible within the current strictures of the EPAA.

The increased production of crude oil by the end of the control period—currently estimated to be as much as 300,000 barrels per day by the end of that period—is not the full measure of the crude oil which might be lost in the absence of current action to provide an incentive. If such an incentive is not provided, producers might abandon those properties which would become uneconomic (under the present pricing constraints) during the control period, even though substantial additional production through the application of tertiary enhanced recovery techniques would be technically feasible. If such abandonment were to occur, or if application of such techniques were otherwise to be postponed beyond a time at which producers could take advantage of the economies of existing production, the result might be that such techniques would never be applied to recover the additional crude oil in place, even at post-control period market prices. This is because, as noted in the Lewin Study, even market prices may not be sufficient to justify the high start-up costs of recommencing full-scale operations on properties on which production has been discontinued. Such start-up costs can frequently be avoided or minimized if tertiary enhanced recovery techniques are applied before primary and/or secondary recovery methods are terminated. Thus, the projected long-term enhancement of domestic crude oil production as a result of tertiary recovery techniques is in part dependent upon maintaining continuity of production from properties which might otherwise become uneconomic during the control period.

The legislative history of section 122 of the ECPA indicates that Congress recognized that current incentives are necessary to prevent premature abandonment of properties which might otherwise become uneconomical under the current regulatory regime. In debate upon the "Montoya Amendment" (subsequently modified to become section 122 of ECPA), Senator Domenici stated as follows:

The technology of secondary and tertiary recovery, although it is new in the sense that you are recovering oil that you would not otherwise get, everyone ought to know that basically lengthy delays in applying it can cause an abandonment of the wells and the fields that you would have applied secondary and tertiary recovery methods to.

It is not as if we can wait 15 years and do it. The fact is that the wells that are now running dry but are in place are actually to be used in the injection of chemicals and water into those pools and fields, so delays can indeed cause abandonment or, looking down the road, can cause extremely high new opening costs to get into these fields with secondary and tertiary recovery processes.

The intelligent thing is to let them use these as the pool begins to dry and, as that well is an active one, to put in the chemicals or use the water injection process, and we just want to maximize that opportunity during the next 10 years as we move from a composite price to an open market.

In that period we could indeed lose millions of dollars, millions of barrels, and opportunities would literally go down the drain. (122 Cong. Rec. S9516 (daily ed. June 16, 1976).)

That this perception was shared by the conferees is evidenced by the portions of the Conference Report on ECPA quoted in section II., above. The conferees understood that "tertiary" techniques meant extraordinary and high-cost technologies, and specifically recognized that such techniques might be applied

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before traditional secondary applications were exhausted.

Finally, the FEA believes that it is important to facilitate current investment in future production to the maximum extent, and that providing in the current regulations for such incentives will promote a degree of stability and certainty in the investment environment. In the third stage EPCA proceeding, as in the case of other proceedings, the FEA received numerous comments to the effect that increased investment in production is significantly discouraged by the uncertainty surrounding the future course of regulation, which tends to promote a "wait-and-see" attitude. These apprehensions are also reported in the Lewin Study. Although FEA cannot provide absolute assurance against subsequent modifications, the regulatory treatment of tertiary recovery proposed herein signifies recognition by the Congress and the FEA of the importance of such techniques, and should therefore provide as much certainty and stability in the investment environment as is now possible.

Comment No. 1. FEA solicits comments upon the foregoing general considerations which support this proposal, and upon the particular amendments and alternatives discussed in section V. To the extent possible, quantified estimates should be provided with respect to potential tertiary recovery projects of: (1) The amount of additional crude oil which would be produced through the use of tertiary enhanced recovery techniques under the proposed amendments and under the various alternatives; (2) the timing of the production response under the proposed amendments and under the various alternatives, in volumes per year through 1980 and in five-year increments from 1980 through 1990; and (3) the extent to which such additional crude oil would otherwise be lower tier oil, and the extent to which it would otherwise be upper tier oil under current concepts governing the manner in which such quantities are determined.

In connection with the foregoing, the FEA requests that commenters bear in mind and take account of the effects upon them of the recent actions regarding: (1) The redefinition of the term "property," noted in Section III. A., above; and (2) the exemption of first sales of stripper well crude oil from price controls, which permits such oil to sell at unregulated market prices (41 FR 48319, November 3, 1976).

To some extent, these actions may accomplish the same result as would be accomplished under the proposal or one or more of the alternatives being considered in this Notice. For example, crude oil which qualifies as "stripper well crude oil" could receive a market price regardless of whether it is produced as a result of a qualifying tertiary enhanced recovery project. For another example, if the upper tier (as opposed to market) price alternative is adopted, that portion of former lower tier crude oil which now qualifies as upper tier crude oil because of redefinition of the term "property" would not receive any additional price incentive even if produced as a result of a qualifying tertiary enhanced recovery project. To the extent that these considerations would affect the amount of additional crude oil production which can be attributed to the instant proposal or to any particular alternative being considered in this Notice, estimates of the production response to the proposal or to the relevant alternative should be reduced.

V. Proposed Amendments and Alternatives

The FEA proposes to amend the crude oil price regulations to provide for a new category or classification of domestic crude oil, which would be permitted to be sold at market prices. Crude oil in this category, sometimes referred to in the ensuing discussion as "tertiary crude oil," would be that crude oil (1) which is produced as a result of a qualifying tertiary recovery project, and (2) which is incremental to (i.e., in excess of) the amount of crude oil which could feasibly have been produced from the property in question through other than qualifying tertiary recovery methods.

Two categories of qualifying tertiary enhanced recovery projects are proposed. The use of certain specified tertiary recovery techniques would automatically qualify incremental production from the project to receive the incentive price, provided that the required amount of materials or processes (as specified in the regulations) are applied in conjunction with such techniques.

Use of certain other specified tertiary recovery techniques would qualify incremental production from the project for the incentive price only on a case-by-case basis, after prior review and approval by FEA. The basic criteria under which FEA would determine whether a project qualified would be that (1) the project must be uneconomical in the absence of the incentive, and (2) the project must involve a likely recovery of specified percentage of incremental production.

Producers applying either automatically or individually determined qualified techniques would be required to obtain certification as to the amount of incremental crude oil involved. Crude oil produced as a result of a qualifying project could not be sold as teritary crude oil unless and until a certification with respect to the project concerned had been received from the appropriate authority (in most cases the appropriate state agency, subject to FEA review) as to the amount of crude oil which would otherwise have been produced from the project in question by feasible primary or secondary recovery techniques.

The incentive would generally apply only to projects which are initiated after the effective date of the amendments adopted in this proceeding, and to expansion of existing projects which occur after the effective date of such amendments. However, existing projects may qualify for the incentive under limited circumstances, *viz.*, if there has been a material change of circumstances since the project was commenced and if the project would be abandoned in the absence of the incentive. However, any such existing project would be required to obtain prior certification, whether or not the project would have automatically qualified for the incentive if it had been commenced after the effective date of the amendments.

This proposal raises a number of significant and interrelated issues. The principal substantive issues include: (A) The types of enhanced recovery techniques which should qualify for the special pricing incentive; (B) the quantity of crude oil to which the special pricing treatment should be applied; and (C) the measure of the special pricing treatment which should be afforded to the quantities of crude oil thus determined. Related to these substantive issues are also significant issues concerning administrative feasibility. The FEA's major objective is, of course, to provide a meaningful incentive for the application of tertiary enhanced recovery projects to achieve additional domestic crude oil production, within the constraints of the crude oil pricing policies of the EPAA as amended. Thus, in the succeeding subsections of this section V. The specific issues and possible alternatives are identified for evaluation and comment.

Commenters should bear in mind that the effects of their comments with respect to one issue will vary depending on the resolution of other issues, and that the assumptions regarding these other issues should therefore be clearly stated. In particular, the following considerations should be addressed as fully as possible:

(1) Whether the recommended alternatives provide the most practicable and meaningful incentive, within the limitations of the law, for increased production through the application of tertiary recovery techniques; (2) whether they would provide the maximum feasible degree of certainty to producers as to the scope of pricing incentive which would be afforded; and (3) whether they are administratively feasible, including considerations of timeliness to facilitate the making of economic decisions and related determinations. Finally, as stated in section III., the FEA requests that, insofar as possible, commenters quantify their assessment of the amount and timing of additional crude oil production which could be expected to be elicited under the various alternatives.

A. *Determination of What Constitutes a "Tertiary Enhanced Recovery Project"*—1. *Substantive Issues.*—a. *Categories of Techniques Entitled to Incentive Price Treatment.* The FEA proposes two basic categories of enhanced recovery techniques which could qualify as "tertiary enhanced recovery projects." The first category consists of the following techniques, which would qualify automatically as tertiary enhanced recovery projects if the materials or processes applied are applied to the required extent (as specified in the proposed regulations): (1) Miscible fluid (e.g., CO_2, LPG, natural gas, alcohol) displacement; (2) microemulsion, or micellar/emulsion, flooding; (3) in situ combustion; and (4) steam drive injection.

The second category consists of the following techniques, which would qualify only if they were previously certified by FEA to be uneconomical in the absence of the incentive under the particular circumstances of the project concerned, and only if they were certified to be likely to result in a specified incremental recovery of crude oil in place: (1) Cyclic steam injection; (2) alkaline (or "caustic") flooding; (3) polymer augmented waterflooding; (4) carbon dioxide augmented waterflooding; (5) immiscible carbon dioxide flooding; and (6) those techniques listed in the first category, above, if the materials or processes applied were not to be applied to the specified extent required for automatic qualification.

The broad standards under which FEA would make its determinations concerning this second category of techniques would be: (1) That the project must be likely to result in a recovery of at least an additional 5 percent of the original crude oil in place, over and above that which would be recovered as a result of primary or any feasible secondary techniques; and (2) that the project could not, as a matter of sound economics, reasonably be expected to be pursued in the absence of the incentives provided for tertiary crude oil.

The FEA is also considering a basic variation of this proposal, under which first category techniques would continue to qualify automatically; and second category techniques would qualify automatically for purposes of receiving upper tier prices, but would require certification if the producer sought to obtain market prices.

The first category of techniques are proposed automatically to qualify on the basis of the FEA's tentative conclusion that such techniques are, as a class, properly characterized as involving "extraordinary and high cost enhancement technologies of a type associated with tertiary applications" which "would be uneconomical without additional price incentives," within the intendment of EPAA section 8(j) (ECPA section 122). Of course, this determination assumes that the materials and processes associated with these "first category" techniques are in fact applied to a substantial extent. Thus the "definitions" paragraph of the proposed regulation provides that the materials or processes must be applied to a specified extent in order for these techniques to qualify automatically (i.e., without certification) for the incentive. The second category of techniques are those which are generally regarded as tertiary applications, but which FEA has tentatively concluded cannot as a class be generally considered as uneconomical under the present regulatory provisions. However, provision is made for certification of these techniques as "tertiary enhanced recovery projects" eligible for additional incentives, in those circumstances in which there is a likelihood of significant incremental production and where the application of such techniques could not reasonably be expected to be undertaken in the absence of the additional incentives, i.e., where it is shown that in fact they "would be uneconomical without additional price incentives."

It should be noted that even though a certain technique may qualify automatically as a "tertiary enhanced recovery project," certification concerning the amount of incremental oil that could be derived from the project would be required for all projects. (This aspect of the proposal is discussed in more detail in section V.B.) The existence of this requirement might suggest that there is no substantial purpose to be served by permitting any technique to qualify automatically, since all proposed projects might be reviewed in their entirety during the process of determining the amount of incremental crude oil to be certified. However, the FEA is preliminarily of the view that adoption of certain "automatic qualification" criteria would avoid the necessity to undertake detailed and time-consuming economic analyses, in addition to analysis concerning the amounts of incremental crude oil which could be produced, in those cases in which it can be said as a rule that the techniques are clearly high cost and uneconomical. This would in turn facilitate earlier decisions and promote the earlier implementation of such projects. (However, because these automatically qualifying or "first category" techniques would not be subject to economic review on a case-by-case basis, the number and kinds of techniques which are assigned to this category, and the establishment of quantitative requirements regarding the extent to which the materials and processes must be applied in order for these techniques to receive automatic qualification, are intended to be conservative.)

Comment No. 2. The FEA requests comments upon the foregoing issue of automatic qualification, and particularly whether its identification of "automatic" techniques and and establishment of the specific quantitative requirements regarding the extent to which processes and materials must be applied in order to qualify automatically are both realistic and at the same time sufficiently conservative to preclude the automatic qualification of techniques which are generally economical under present conditions. In this connection, an alternative would be simply to describe the techniques which may constitute "tertiary enhanced recovery techniques," without providing any automatically qualifying techniques, and to determine on a case-by-case basis whether each particular project qualifies. While the FEA does not presently favor this alternative, for the reasons stated above, it solicits comments on such alternative. The FEA also requests comments upon whether it has properly assigned techniques to the "non-automatic" category, consistent with its intended conservatism.

b. *Additional Production Requirement for "Second Category" Techniques.* With respect to the second category of techniques, viz., those which would be subject to certification on a case-by-case basis, the FEA proposes to require, not only that they be shown to be uneconomical under the particular circumstances, but also that they have a likelihood of resulting in recovery of at least an additional specified percentage (e.g., 5 percent) of the original crude oil in place, beyond that which would have been recovered using any feasible non-tertiary means. The basic purpose of this admittedly rough criterion is to provide some reasonable assurance that the proposed project would in fact result in a significant amount of incremental crude oil production, which it is the purpose of the incentive to accomplish. The FEA recognizes that such a quantitative production criterion is arguably unnecessary if, as proposed, only incremental crude oil is permitted to receive the incentive price. Under such an approach, the investment in a tertiary recovery technique would have to be privately cost-justified on the basis of returns from such incremental production, so that the increased production should necessarily be sufficient to justify the increased investment. In fact, this is one of the reasons that the FEA is proposing the "incremental" approach. However, there are countervailing considerations.

The process of certifying projects as eligible for the incentive is likely to be time-consuming, and likely to delay potentially significant projects, even if limited to those projects applying second category techniques. Therefore, a criterion of additional production which would screen out the less effective projects and limit certification efforts to the more effective projects, may be a justifiable means of using limited administrative resources to accomplish the greatest production gains. It should also be noted that, if an approach is taken in which some current (non-incremental) production is permitted to receive the incentive price (an option discussed in section V.B.), such a production criterion appears even more necessary.

If a production criterion is applied, questions may remain as to the most appropriate way of expressing and applying it. Thus, in view of the administrative difficulties and time consumption inherent in the certification process, the FEA might simply limit eligibility to those projects which are clearly major undertakings, in terms of both the investment required and the likely incremental production.

This might be expressed in the form of an incremental production criterion which is substantially higher than the proposed 5 percent, or the regulations themselves might contain no specific numerical criterion, but might provide for discretionary authority under which FEA could deny certification on grounds of insufficient additional production, with nonbinding guidelines as to quantitative thresholds. Moreover, whatever approach is taken in this respect, it may be appropriate to define the production criterion in terms of increased rates of produc-

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tion, in lieu of or in addition to increased ultimate production. A possible justification for a "rate of production" criterion is that it would emphasize those projects which would bring additional crude oil production in the relatively near term, during the period in which the economy and national security is presumptively more sensitive to shortages of crude oil.

Comment No. 3. The FEA solicits comments upon the foregoing. In particular, it requests comments concerning whether any production criterion of the nature discussed above is feasible and realistic; if so, whether a different figure is more realistic than the 5 percent proposed; whether the production criterion should be established in terms of increased rates of production rather than increased total production, or in terms of both; and whether the criterion should be applied also to projects involving first category tertiary recovery techniques. Comments are also requested upon whether the regulations should more appropriately provide discretionary authority for FEA to deny the incentive to otherwise qualified projects on grounds of insufficient additional production, with non-binding guidelines as to these quantitative thresholds. Also, in connection with these comments, the FEA requests comments concerning the advisability of adopting a policy whereby only a few clearly large-scale projects would be certified, as opposed to certification of a number of "small" projects which may involve only marginal increases in total national crude oil production.

c. *Alternative - Automatic Qualification of "Second Category" Techniques for Modified (Upper Tier) Incentive Prices.* As previously indicated, there is a basic variation on the two category proposal to which the FEA is also giving consideration. This is an alternative in which second category techniques would be permitted to qualify automatically for purposes of receiving upper tier prices, but would be required to be certified to receive market prices for incremental crude oil resulting from the application of such techniques.

There are several possible advantages to this alternative. First, it would be likely to reduce somewhat the overall certification burden upon the FEA, and thus promote speedier resolution of those cases in which certification is required.

In addition, automatic qualification of second category projects would have practical significance only to the extent that the incremental or "tertiary" crude oil would otherwise have been "lower tier" crude oil. Thus, it would have significance only in those cases in which the FEA would otherwise (under the certification approach) have been called upon to determine whether the project would be economical at lower tier prices. While there may be some cases in which a project would be economical at lower tier levels, this is far less likely to be true than where the substantially higher upper tier prices would otherwise be received for incremental production. Thus, a general presumption that such projects would be uneconomical at lower tier prices may be justified, even if not universally true, and adoption of such a presumption might be warranted by the administrative savings involved.

It should also be noted that this alternative would avoid situations in which prices were permitted to increase from lower tier to market levels, even though an increase only to upper tier levels would be sufficient to make the project economical.

Finally, it should be noted that this alternative involves essentially only a redefinition of the particular property's BPCL, on the basis of a detailed and particularized review of data with respect to that property. That is, the producer would be required to obtain certification of the amount of incremental production which would result from the project, as in all other cases of projects which automatically qualify for the incentive. In the course of making that determination, the certifying authority would establish a non-tertiary production baseline. This baseline would be the amount of crude oil which could feasibly have been produced in the absence of the tertiary recovery project and would therefore reflect, on the basis of detailed justifying data, the certifying authority's determination of the actual production decline curve for the property or affected portion thereof. Under this approach, the result may well be that the imputed non-tertiary production curve would be below the BPCL or adjusted BPCL calculated pursuant to present Subpart D. FEA has recognized that the Subpart D BPCL calculations will often not reflect the actual current production decline for any particular property, but for general pricing purposes the use of a uniform method of calculation has been considered necessary. However, an undertaking to apply a tertiary enhanced recovery technique to increase production might appropriately be considered an occasion for refining BPCL calculations for the property concerned. It should be noted that this consideration alone might justify upper tier prices for incremental tertiary production, regardless of whether the particular project is otherwise economical, since it would merely be the occasion for implementing the BPCL function in a more particularized manner.

Comment No. 4. The FEA solicits evaluation and comment upon the above alternative. In particular, potentially affected producers should provide information, quantified to the extent possible, concerning any projects which are now or will be undertaken at lower tier price levels, and those which would be feasible if upper tier prices (as opposed to market prices) were permitted for tertiary crude oil which would otherwise be lower tier oil.

d. *Description of Qualifying Techniques (Generally).* With respect to the description of eligible techniques generally, the FEA recognizes that two of the techniques set forth in ECPA section 122 are not expressly provided for in the proposed definitions, viz, "gas injection" and "chemical flooding." The FEA has preliminarily determined that these terms do not have a sufficiently specific meaning within the industry to provide a usable definition of eligible tertiary techniques. To the extent that various enhanced recovery techniques potentially includable within these broad terms are of a kind eligible to be given the special pricing treatment contemplated by the ECPA, they are intended to be included in the more specific definitions proposed to be used in the regulations. FEA has been given the authority under ECPA section 122 to define the terms used therein, with the objective, of course, of fulfilling the basic purposes of that section.

The FEA understands that actual enhanced recovery projects do not always fall neatly into one or the other of the above categories of tertiary recovery techniques, nor are they neatly divisible between tertiary and non-tertiary methods. For example, a "steam drive" technique, which is a first category technique, may be combined in a single project with "cyclic steam injection," which is a second category technique. In such cases there may be some difficulty in determining the amount of crude oil production which is attributable to each technique. Moreover, it might be rational, and might avoid these administrative difficulties, if such combined technique projects were considered to be of a single category at some appropriate point, for example when more than one half of the wells are used to apply one particular technique. A problem in taking this approach at the outset is that it would have to address a number of possible variations and would increase the complexity of the regulations. It might also result in the adoption of thresholds which may prove to be inappropriate. Therefore, the FEA presently prefers to approach these possibilities on a case-by-case basis, in the context of specific factual settings. However, comments upon typical possibilities, their significance in actual practice, and possible criteria for determining the appropriate treatment for such projects, are invited.

FEA is also cognizant of the fact that tertiary recovery technologies are likely to continue to evolve, with the result that any descriptive list of techniques may become obsolete with the passage of time. It is not the FEA's intention, in setting forth specific techniques, to preclude application of the incentive to new techniques as they evolve to the point of technical feasibility, and FEA anticipates that appropriate amendments to the regulations would be made as and when such technologies evolve, if they are of a type which should be eligible for the incentive. The FEA is of the preliminary belief that such an approach is preferable to providing a "catch-all" category in the present regulations, because it will permit the receipt of public comment upon the appropriate characterization of new technologies, and because it would not encourage applications for certification for existing enhanced recovery techniques which are secondary and not tertiary recovery techniques.

Several comments in response to the third stage EPCA notice urged that all techniques for enhanced recovery, whether secondary or tertiary, be considered eligible for an additional incentive. Some adverted to the possibility that existing secondary recovery projects might be prematurely abandoned because of the existing price ceilings, although their point was largely that the entire system of ceilings and controls was inhibiting domestic production on all fronts. Others pointed out that waterflooding was by far the most productive in terms of extraction of additional crude oil in place, after primary production. The FEA appreciates these contentions, but the scope of this proposed rulemaking is limited to providing additional incentives for tertiary enhanced recovery techniques, consistent with the ECPA. In the Conference Report on ECPA, the conferees stated:

> • • • The conferees could not however, agree to the provisions of the Senate amendment which would permit substantial price increases for commonplace secondary enhancement techniques such as water flooding and gas displacement. • • • (Sen. Rep. No. 94–1119, 94th Cong., 2nd Sess. 71 (1976).)

For this reason, although the incentive is designed to serve the functional purpose of promoting increased production, the FEA does not consider that it can adopt a purely functional definition which would permit all enhanced recovery techniques to qualify for the proposed incentive based upon the particular economic circumstances involved. Any price relief based upon economic hardship threatening abandonment of production in the case of non-tertiary techniques would have to come through the exceptions process or pursuant to a more general enhanced recovery incentive.

Comment No. 5. FEA requests comments as to whether the tertiary enhanced recovery techniques set forth above are sufficiently inclusive of techniques which are commonly understood to be "tertiary" (as opposed to secondary) techniques and which are or which may in particular circumstances be considered extraordinary, high cost and uneconomical under the present system. Comments are also requested on the adequacy of the general description of each particular type of technique to sufficiently limit and describe that technique.

2. ADMINISTRATIVE ISSUES

As noted previously, a producer that proposes to implement a project involving a technique in the second category would be required to obtain certification that the proposed project is a "tertiary enhanced recovery project" qualifying for the incentive prior to pricing any crude oil as tertiary crude oil. (In addition, a producer applying a technique in either category would be required to obtain prior certification of the amount of incremental crude oil which will result from application of the process. This aspect of the proposed provisions, and the administrative issues pertaining specifically to this aspect of the certification process, are discussed in section V.B., below.)

The requirement for certification raises several issues, some of which have been mentioned in 1., above, in connection with the proposed broad substantive standards for certification. The basic administrative issues are: (1) Whether there are feasible alternatives to a certification process, which would avoid the disadvantages of such an approach; (2) whether, assuming some certification process is necessary, there are procedures other than or in addition to those proposed which would help to streamline the certification process; and (3) again assuming the necessity for a certification process, what should be the specific method and standards by which the FEA would determine whether a proposed project would be uneconomical in the absence of the incentive.

The FEA recognizes that there are a number of disadvantages inherent in a certification process, the principal one being the costs and time delays attendant upon any system of prior administrative review. As proposed, a producer proposing to implement a project involving a technique in the second category would be required, first, to obtain certification (in most cases from the appropriate state authority) of the amount of incremental crude oil which would be produced, and then to obtain certification from the FEA that the project is a "tertiary enhanced recovery project" qualifying for the incentive. In contrast, a producer implementing a project involving a technique in the first category would be required only to obtain certification (subject to FEA review) of the amount of incremental tertiary crude oil.

FEA is desirous of minimizing the costs and delays potentially involved in these certification procedures, to the extent that it can feasibly do so consistent with the need to assure that only meritorious projects are provided the incentive.

The requirement that techniques in the second category be certified is proposed because the disadvantages of other identified alternatives appear to outweigh those involved in the certification process. Conceivably, the FEA could either permit all techniques, in both the first and second categories, to qualify automatically; or, as to techniques in the second category, it could attempt to set forth in the regulations a self-executing formula which producers could apply to determine whether their projects qualify. As stated, the FEA preliminarily believes that these alternatives have disadvantages which outweigh their potential advantages.

Based upon the FEA's preliminary assessment that techniques in the second category cannot be said to be generally uneconomical at all controlled price levels under present conditions, it appears that permitting these techniques automatically to qualify to receive the market price incentive would be unjustified, and contrary to the purpose and intent of ECPA. ECPA section 122 includes most of these techniques, but only "to the extent that such techniques would be uneconomical without additional price incentives." While the FEA does not construe this provision as prohibiting automatic qualification in appropriate cases, the purpose of the incentive is to elicit greater domestic production of crude oil, through the application of tertiary enhanced recovery techniques which would not and could not reasonably be expected to be undertaken under the present pricing regime. If a particular technique would be economical under the existing system, permitting crude oil produced as a result of such a technique to receive a higher market price would not appear to be consistent with the foregoing statutory objective. For these reasons, the FEA does not believe that automatic qualification of all techniques would be justified.

(However, as previously indicated, comments are requested on whether the specific techniques discussed are properly assigned to their respective categories.)

Also, as stated in section V.A.1.c., above, the FEA is considering an alternative which would permit second category techniques to qualify automatically for purposes of receiving upper tier prices, as opposed to market price incentives which would continue to require certification. The bases upon which such an alternative might be adopted are discussed in that section. As noted there, such an approach might substantially diminish the need to rely upon a certification process, and avoid the disadvantages of such a process.

A self-executing formula for determining whether a particular project is uneconomical could likewise conceivably avoid the need for certification of second category techniques. However, the FEA perceives several potentially serious disadvantages.

The first of these is that there is substantial doubt as to whether it is possible to provide a formula which is both uniform in its application and also responsive to the wide variation of circumstances in which different producers may find themselves. Inasmuch as producer investment decisions may vary substantially, depending upon the particular producer's views as to the best use of its capital and its current capital position, a generalized formula based, for instance, upon an assumed need to receive a specified rate of return upon investment, might unnecessarily preclude meritorious projects or qualify otherwise economical projects.

A second potential problem is that such a formula may not be sufficiently precise and detailed to avoid paralyzing uncertainties as to whether the FEA would subsequently agree with its application in any particular case. If a producer were subsequently held to have applied the formula improperly, it could be faced with a remedial order of substantial consequence. In order to avoid these uncertainties, it would be necessary to specify in detail all elements of the "rate base,"

to specify the method of measurement of return, and to rigidly standardize accounting methods. To attempt to accomplish this in regulatory form likely would, in turn, postpone issuance of any regulations implementing the incentive far into the future.

Of course, in determining whether to certify a particular second category project, the FEA will necessarily have to apply some fairly specific methods and standards. Discussion of alternative methods which might be used in making such determinations is set forth subsequently in this section. However, the FEA does not presently contemplate that its determinations would be a matter of simply applying self-executing standards to specific facts, without regard to the totality of the circumstances in a particular case. Moreover, it believes that a preferable approach to the development of specific standards is to permit such standards to evolve with the FEA's accumulation of experience in the context of specific cases.

Finally, the application of flexible standards in the context of a prior certification process does not have the same risk of subsequent disallowance of the price incentive that exists in the case of a producer attempting to apply a formula without prior review by FEA. Greater producer assurance would result from a process in which specific prior approval is given to a particular project. For these reasons, the FEA presently favors an approach which would take the form of publication of guidelines, as and when appropriate, and prior review and approval pursuant to those guidelines, rather than the approach of setting forth a general formula in the regulations.

Comment No. 6. The FEA solicits comments upon whether a general formula approach would be feasible, and if so, what that formula and related specific requirements should be.

Comment No. 7. Comments and suggestions are also requested concerning the methods and standards under which the FEA should make its determinations as to whether a particular project should qualify, assuming that the certification process for second category techniques is retained. In this connection, several issues have been identified.

First is the question of what should be the method for determining whether a particular project would be uneconomical in the absence of the incentive. An obvious possibility is to apply a rate of return analysis, in which the FEA would determine whether the anticipated returns from incremental tertiary production sold at the applicable controlled price level would be reasonably adequate to compensate for the additional investment required. Such an approach would involve an assessment of the risks presented, in order to establish what would constitute a reasonable rate of return. For reasons previously stated, the FEA does not presently favor an absolute and uniform rate of return test. However, the beginning point in its analysis will in some part necessarily be general industry experience in this area. Therefore, the FEA requests comments concerning the criteria historically applied by producers in making these types of investment decisions, quantified to the greatest extent possible. Comments and suggestions are also requested concerning subsidiary but important issues such as whether the "rate base" should include only incremental investment, whether it should be limited to capital investment (defined as including only depreciable assets) or should also include incremental costs, either current or future or both, and similar matters. Suggestions in this matter should provide the reasoning underlying the positions taken.

Two points should be noted in connection with the foregoing. First, the FEA does not presently intend that any rate of return analysis would have a function other than that of permitting it to determine whether the proposed project is or is not economical. If it is determined not to be economical at the otherwise applicable ceiling price level, the producer would receive the market (or upper tier) price incentive; there would not be a price specially set by the FEA on the basis of its determination of what would provide a "fair return." In short, the certification process would not amount to a ratemaking proceeding. The reasons for this are esssentially administrative, and are discussed in section V.C. Second, it may be contended that the FEA should simply accept the representations of a producer that a project would not be undertaken unless the incentive is given, rather than engaging in analysis of the economics involved. Such an approach would undoubtedly minimize administrative costs and delays. However, since it is FEA's preliminary judgment that a number of projects would be economical, at least at upper tier price levels, and since the purpose of the incentive is generally to promote meritorious projects which are not economical under present conditions, the FEA believes that the application of its judgment will be necessary. However, for reasons discussed previously, the FEA would give substantial weight to a producer's assessment of its need, in determining whether the project "could reasonably be expected" to be undertaken in the absence of the incentive.

The FEA requests comments upon the foregoing, and upon whether there are feasible basic alternatives to a rate of return approach in determining whether a particular project is economical.

Comment No. 8. The FEA also requests comments and suggestions concerning ways of streamlining the certification process. In this connection, note should be made of the fact that the FEA has considered, but has tentatively decided against, centralizing certification responsibilities in one authority. It may be contended that such centralization should occur, in order to avoid the two-step process (for second category techniques) of obtaining certification (from appropriate state or federal authorities) of the amount of incremental crude oil involved, and then obtaining certification (from the FEA) that the project qualifies as a "tertiary enhanced recovery project." However, the FEA believes that centralizing both functions in FEA would result in administrative delays which would be unacceptable if other alternatives are available. The FEA does not presently have sufficient expertise to make in a reasonably expeditious manner the detailed technical analyses and determinations involved in determining the amount of incremental crude oil, in addition to undertaking the economic analyses required. On the other hand, it is FEA's understanding that the appropriate state and federal regulatory agencies do have this expertise, although their resources may vary. However, it is also FEA's understanding that such bodies do not traditionally undertake, and are not equipped to undertake, the sort of economic analysis discussed previously. Therefore, it does not appear feasible to merge the two functions in such authorities.

Of course, whether the proposed certification procedure will work depends vitally upon the resources and willingness of the appropriate authorities to undertake the technical analyses required in determining the amount of incremental crude oil which would result from a particular project. Copies of this proposal have been sent to those authorities that the FEA has preliminarily identified as possibly having the requisite expertise, for their analysis and comments. (These authorities are identified in section V.B., below.)

B. DETERMINATION OF QUANTITIES OF CRUDE OIL WHICH WOULD QUALIFY AS TERTIARY CRUDE OIL—INCREMENTAL VS. "CURRENT" OR "TOTAL" PRODUCTION

As proposed, only that crude oil which is produced as a result of the implementation of a "bona fide tertiary enhanced recovery project" and which is in excess of that amount of crude oil which would have been produced as a result of primary and any feasible secondary processes may receive the incentive price. In other words, the fact that crude oil is produced as a result of the application of qualifying tertiary recovery methods would not be sufficient to entitle that crude oil to receive the incentive price; only that crude oil which is in excess of what would have been obtained as a result of feasible non-tertiary methods would be so entitled.

The amount of such incremental crude oil would be required to be certified by the appropriate state or federal authority, subject to FEA review, prior to a producer's pricing any crude oil as tertiary crude oil. The incremental crude oil so determined would be expressed in terms of both the total incremental production over the life of the project and as a time-phased series of increments. Estimates of the amount of non-incremental production would also be expressed and certified on the same basis, and the producer could charge the incentive price only as and when production in any period exceeded the non-incremental production baseline.

The foregoing proposal generates a number of complicated issues and alternatives, substantive and administrative, which are discussed below and upon which the FEA seeks comments.

1. *Substantive issues.* The FEA recognizes that its proposal to permit only incremental crude oil to receive the incentive price might not provide adequate incentive for the implementation of all potentially valuable tertiary enhanced recovery projects. It also involves potentially significant administrative burdens. Therefore, the FEA is considering the following alternatives:

a. Permitting the incentive price for a proportion of total production from a property to which a qualifying tertiary recovery project will be applied, based upon an apportionment formula such as the ratio which the additional capital currently committed to the tertiary project bears to total capital invested in all production from that property. (A variation on this alternative might be to permit some amount of current production to qualify for the incentive price based upon the amount of additional capital committed to tertiary recovery. For example, it might be provided that X number of barrels per day may receive the incentive price for every Y thousand dollars committed to a qualifying teritary project.) Under this alternative a producer would be permitted to price a portion of the property's total production, both "current" (i.e., prior to actual production resulting from the tertiary recovery project) and "tertiary," at the incentive price.

b. Permitting the incentive price for all production "resulting from" the project, i.e., which is actually produced from the project area, regardless of whether such production, or a portion thereof, would have resulted had feasible non-tertiary techniques been applied. Under this alternative, no "current" (i.e., "pre-tertiary") production would receive the incentive price, but all production which actually results from the project after its implementation would.

c. Within the context of the "incremental" approach, permitting accelerated incentive pricing, i.e., imputing recovery of the total incremental amount disproportionately to earlier periods of production. Under this alternative, no "pre-tertiary" production would receive the incentive price, nor would a producer be entitled to receive the incentive price for all production occurring after implementation of the project; but the producer could receive the incentive price for a higher proportion of early production from the project than would be permitted under the proposed approach.

Each of the above alternatives raises a number of significant and complicated issues. Also, there are no doubt several possible variations of the above alternatives, as well as other possible approaches.

Comment No. 9. The FEA invites comments and suggestions on its proposal, the above alternatives, and other possibilities, in light of the observations made below.

The reasons for the FEA's proposal to permit only incremental oil to receive the incentive price are essentially three. First, it would not permit price increases until and unless an actual increase in production, over and above that which could reasonably be obtained in the absence of such price increases, occurs. Thus, it would correlate higher prices to the consumer with the benefits of increased production of domestic crude oil, which is the ultimate purpose underlying the incentive. Second, by requiring that the additional investment be justified entirely on the basis of returns solely attributable to that investment, there would be an automatic check on projects which would not be meritorious in themselves but which might otherwise be attractive in order to gain greater returns on non-tertiary production. Put another way, the "incremental" approach would tend to prevent effective price increases for current production that were out of proportion to the prospect of future tertiary production.

Finally, the "incremental" approach would tend to provide a continuing safeguard against possible token efforts at applying tertiary recovery techniques after a certification is given. If non-incremental crude oil were permitted to receive the incentive price, there would in certain cases be understandable inducements to reduce the scope of the continuing high cost tertiary effort if higher prices for non-tertiary crude oil could continue to be received. Since under the "incremental" approach a producer would be entitled to higher prices only for incremental crude oil, and since the volume of such incremental crude oil would be directly dependent, in theory at least, upon the magnitude of continuings efforts at tertiary recovery, there would be less need for FEA to monitor compliance with representations made at the time of certification.

However, the incremental approach has several potential disadvantages. Among the major substantive problems is that it takes no account of producers' needs to acquire the capital required for investment in tertiary recovery projects in advance of actually implementing and obtaining additional production from such projects. The lead time, from initial commitment to a tertiary project to its implementation and the eventual production response, is generally long, typically amounting to from one to three years. In the meantime, it would be necessary for producers to acquire and carry the costs of the necessary capital. One available method for raising such capital is to generate it internally, through current revenues. However, if this cannot be done at current price levels, that source of capital would not be available unless prices could be raised. An alternative method is to borrow the necessary capital. However, it would then likely be necessary to amortize and pay the current costs of such capital, which may be high in view of the risks involved. Thus, it is conceivable that adequate capital could not be raised in the absence of an increase in current prices.

Comment No. 10. The FEA solicits comments upon the actual significance of the above concerns regarding capital formation in today's environment. Such comments should be specific and quantified, to the extent possible.

A second substantive consideration is that the proposed incremental approach places the entire risk of failure of a project upon the producer. This, in turn, may discourage investment in many potentially valuable but speculative projects. Although this risk factor would certainly be considered in determining the appropriate rate of return for purposes of establishing (for second category techniques) whether a particular project is uneconomical, this may be small consolation to a producer whose project experiences a substantial shortfall and who is not in a position to spread his risk among several projects. FEA cannot remove all risk, or even the major burden of the risk, from producers. However, in order to elicit substantial response to the incentive it may be desirable to permit earlier recovery of investment than would occur under the proposed incremental approach.

It should be noted that only the first alternative listed above is responsive to issues regarding the need of producers to acquire capital in advance of implementation of a project. All of the listed alternatives may be characterized as providing a degree of risk mitigation, albeit in different degrees.

However, each of the three alternatives has its own disadvantages, which may ultimately persuade FEA to adhere to its proposed incremental approach. Thus, the first alternative, which permits a producer to price some of its "current" (pre-tertiary) production at the incentive price, would have none of the above discussed advantages of the incremental approach. At a minimum, this approach would pose complex issues in arriving at an apportionment formula that would assure that unjustified benefits to non-tertiary production, out of proportion to the risks and risk capital involved, were not created. In this connection, it should also be borne in mind that every increase in price for any "current" crude oil will further aggravate the existing downward pressure on ceiling prices of other current production. Since an increase in prices would not be strictly tied to additional production under this approach, the impact upon total production could conceivably be negative. Moreover, it is not clear that such an approach would substantially minimize the administrative concerns, discussed in section V.B.2., surrounding the incremental approach. It is not clear, for example, that a definite and uniform self-executing formula can be adopted which would avoid the need for a certification process.

As with the case of a self-executing formula for determining whether a project is economical, it would likely require great and complex specificity as to the elements to be incorporated in the formula. It would also have to provide sufficient certainty in application that it

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would not result in after-the-fact contrary determinations by FEA. *Comment No. 11.* However, the FEA invites comments and suggestions regarding possible formulae for implementing this alternative.

The second alternative would apparently avoid some of the administrative concerns pertaining to the proposed approach, by avoiding the need to differentiate between incremental production and that production which would have occurred through the use of feasible non-tertiary methods. Under this approach, all production resulting from the application of a qualifying technique would receive the incentive price. However, it does not appear that this alternative would obviate the need for a certification process altogether.

In the first place, those projects applying second category tertiary recovery techniques would have to be evaluated to determine whether they meet the incremental production criterion discussed in section V.A.1.b., unless that criterion is dispensed with. In addition, such second category projects would have to be evaluated to determine whether they would be economical without the incentive, and for this purpose it would be necessary to predict incremental recovery. Also, it would still be necessary, in those cases in which a property is subject to both tertiary and non-tertiary modes of recovery, to distinguish that portion of total production which is attributable to the tertiary technique. A possible compromise in this respect might be to assign production to tertiary technique on the basis of capital apportionment, along the lines of that discussed above with respect to the first alternative. However, such an approach is subject to the same qualifications as discussed above with respect to the first alternative.

The second alternative also presents the possibility of encouraging some inefficient uses of the incentive. Although it would not permit a producer to increase the price of crude oil prior to implementation of the tertiary recovery project, it would permit increased prices for crude oil which would have been produced even in the absence of such a project. This, in turn, could result in the undertaking of projects which would not be justified in terms of the additional production of crude oil, because it would present an opportunity to price other crude oil at higher prices.

The third alternative, which is a variation of the incremental approach, would in theory limit crude oil receiving the incentive price to incremental crude oil, but would permit such crude oil to be attributed to the early periods following implementation of the tertiary recovery project. The proposed "incremental" approach differs from this alternative in that it would permit only that production occurring after recovery of the certified non-incremental crude oil for the specified period to be priced at the incentive price. Under the third alternative, producers might be allowed to price a disproportionately high amount of "early" crude oil as incremental tertiary crude oil. This would presumably permit faster recovery of capital investment and result in a commensurate reduction of the risk to producers, making the undertaking more attractive. However, the rate of acceleration would have to be sufficiently limited that it would not result in incentives to abandon such projects prematurely, before any substantial incremental production actually occurs, or effectively remove all risk from the producer. *Comment No. 12.* The FEA requests suggestions as to possible formulae to accomplish these purposes, and comments regarding the effectiveness of this posisble approach. Suggested formulae should be accompanied by specific analyses of the manner in which they would operate in practice.

2. *Administrative issues.* As proposed, the amount of incremental crude oil which would be produced as a result of a qualifying tertiary enhanced recovery project would be determined and certified, and only such crude oil would be eligible to receive the incentive price as tertiary crude oil. The certification would be made by appropriate state or federal authority, subject to FEA review, and would be expressed in terms of both the life of the project and as a series of time-phased increments during the life of the project.

Crucial to the practicability of this proposed approach are the willingness and resources of existing state and federal regulatory authorities, other than the FEA, to make the required determinations. Therefore, as previously indicated, the FEA has forwarded copies of this notice to the authorities which it has preliminarily identified as possible certifying authorities, for their specific comments and suggestions. Copies have also been sent to and comments requested from the Interstate Oil Compact Commission ("IOCC"), an organization comprised of representatives from most if not all of the state agencies. These authorities, and the properties over which they would have jurisdiction for certification purposes, are as follows:

Authority	*Properties in*
Alabama State Oil and Gas Board.	Alabama.
Alaska Department of Natural Resources, Division of Oil and Gas.	Alaska.
Arizona Oil and Gas Conservation Commission.	Arizona.
Arkansas Oil and Gas Commission.	Arkansas.
California Department of Conservation, Division of Oil and Gas.	California.
Colorado Oil and Gas Conservation Commission.	Colorado.
Florida Department of Natural Resources, Bureau of Geology, Oil and Gas Section.	Florida.
Georgia Department of Natural Resources.	Georgia.
Idaho Department of Lands.	Idaho.
Illinois Department of Mines and Minerals, Oil and Gas Division.	Illinois.
Indiana Department of Natural Resources, Oil and Gas Division.	Indiana.
Iowa Geological Survey.	Iowa.
Kansas Corporation Commission, Oil and Gas Conservation Division.	Kansas.
Kentucky Department of Mines and Minerals, Oil and Gas Division.	Kentucky.
Louisiana Department of Conservation.	Louisiana.
Maryland Geological Survey.	Maryland.
Michigan Department of Natural Resources.	Michigan.
Mississippi State Oil and Gas Board.	Mississippi.
Missouri State Oil and Gas Council.	Missouri.
Montana Board of Oil and Gas Conservation.	Montana.
Nebraska Oil and Gas Conservation Commission.	Nebraska.
Nevada Department of Conservation and Natural Resources, Division of Oil and Gas Conservation.	Nevada.
New Mexico Oil Conservation Commission.	New Mexico.
New York Department of Environmental Conservation, Bureau of Minerals.	New York.
North Carolina Department of Natural and Economic Resources, Division of Resource Planning and Evaluation.	North Carolina.
North Dakota Geological Survey.	North Dakota.
Ohio Department of Natural Resources.	Ohio.
Oklahoma Corporation Commission, Oil and Gas Conservation Division.	Oklahoma.
Oregon Department of Geology and Mineral Industries.	Oregon.
Pennsylvania Department of Environmental Resources, Division of Oil and Gas.	Pennsylvania.
South Carolina State Development Board, Division of Geology.	South Carolina.
South Dakota Geological Survey.	South Dakota.
Tennessee Department of Conservation, Division of Geology.	Tennessee.
Texas Railroad Commission, Oil and Gas Division.	Texas.
United States Geological Survey.	Federal lands.
Utah Oil, Gas and Mining Board.	Utah.
Virginia Department of Labor and Industry, Division of Mines and Quarries.	Virginia.
Washington Department of Natural Resources.	Washington.
West Virginia Department of Mines, Oil and Gas Division.	West Virginia.
Wyoming Oil and Gas Conservation Commission.	Wyoming.

Such authorities have been identified on the basis of FEA's preliminary deter-

mination that they are likely to have the required expertise to make the determinations called for. They are taken from the 1976 Directory of State Oil and Gas Agencies, published by the IOCC. However, the FEA is not totally familiar with the extent of the resources available or which could feasibly be made available to such authorities; and there may also be other authorities capable of performing this function. Comments and suggestions in this regard are solicited.

The FEA has considered, but has tentatively rejected, the alternative of centralizing all certification functions in the FEA. The reasons for not proposing such centralization are discussed in section V.A.2. However, the FEA does propose to review all certification decisions concerning the amount of incremental crude oil eligible for the incentive price, and to provide that such certifications would not become "final" until there has been at least an opportunity for such review. A certification would become "final" after sixty (60) calendar days from the date of notification to the producer of FEA's receipt of the certification and supporting documentation, unless within that period the FEA questions or challenges the certification or some portion thereof. A producer would not be entitled to rely upon such a certification unless and until it becomes "final."

The essential reason for retention of a review function is to provide the FEA with the means and express authority to fulfill its overall responsibility for the operation of the incentive program. It is not contemplated that the FEA would ordinarily seek to substitute its judgment for the technical expertise of existing authorities; its review would be intended simply to provide a final check against any errors, omissions or apparent anomalies. It would also tend to promote at least rough uniformity among geographical areas.

Comment No. 13. The FEA recognizes that this two-step certification procedure presents the prospect of additional delay in implementing tertiary enhanced recovery projects. While the FEA presently believes that some such delays may be a necessary cost of promoting other objectives, it requests comments and suggestions concerning ways in which this process can be streamlined. In addition, as previously indicated, the FEA will be considering administrative factors among others in determining whether the "incremental" approach is the most desirable.

Comment No. 14. Evaluation and comments are also requested concerning the administrative feasibility of making the determinations called for. Several comments in response to the third stage EPCA proceeding argued that distinguishing the amount of crude oil attributable to tertiary recovery techniques from that attributable to other methods is extremely difficult, if not impossible. Under the proposal, the certifying authority would be called upon to project the amount of production which could have been obtained without application of the qualifying tertiary recovery project, both from continuation of production methods actually used prior to or in addition to the project and from any other non-tertiary methods which could have been (but have not been) applied. The "incremental" crude oil eligible for pricing as tertiary crude oil would be total crude oil production above these amounts. The FEA recognizes that these calculations may be complicated, and it requests comments on whether they can be accomplished within available resources and in a reasonably expeditious manner. However, FEA is preliminarily of the view that it should not be impossible to make these determinations, nor does it expect absolute precision in doing so.

The FEA also recognizes that, at least in theory, a determination of what non-tertiary methods would be feasible might involve economic analysis. For example, a particular secondary method of recovery might be or become uneconomic, even if technically feasible, because quantities of crude oil which could be produced thereby would not be sufficient to cover marginal costs. However, it is not FEA's intention to require the certifying authorities to undertake this kind of analysis. It proposes to call upon certifying authorities to consider only the technical feasibility of various non-tertiary recovery methods, and to base its projections accordingly. In other words, the non-incremental production baseline would include quantities producible from non-tertiary projects which are technically feasible, even if they would not be economical. Of course, this may result in a somewhat artificial situation, since in these cases it can be said that a portion of the "non-incremental" crude oil would not have been produced but for the tertiary enhanced recovery project. However, since non-tertiary recovery methods are generally less costly than tertiary methods, and since the quantities of crude oil necessary to make such methods economical are therefore comparatively small, the amount of crude oil thus "artifically" considered non-incremental may not be significant. On the other hand, if the certifying authorities were not to consider potential production from other methods, the result might frequently be that potential production from economical non-tertiary methods would be given an unwarranted incentive.

Comment No. 15. The FEA requests evaluation and comment upon the validity of the above observations concerning imputed production from non-tertiary methods. If they are considered not to be valid, suggestions are requested as to how potential production from non-tertiary methods which are economically feasible can be determined and accounted for. A possible solution, which would further complicate the certification process and is thus not presently favored, would be for the certifying authority to certify several quantities conditionally, subject to FEA determination as to whether a particular non-tertiary method would be economical.

Comment No. 16. Comments are also requested upon whether it is feasible to make the determinaion of incremental crude oil both in terms of total ultimate incremental production and in terms of a series of time-phased (monthly or quarterly) increments. The purpose of determining incremental production over a series of several time periods is simply to account for the fact that the additional production may occur in the form of an increased rate of production, as well as increased total production, and to permit incentive pricing of the incremental production as it occurs. Since the determination of incremental crude oil will presumably be based upon production curves, this approach preliminarily appears feasible to the FEA.

C. PRICE TO WHICH TERTIARY CRUDE OIL IS ENTITLED.

As proposed, tertiary crude oil, as determined under methods discussed in the preceding sections, would be entitled to be sold at a market clearing price. *Comment No. 17.* However, the FEA is also considering, and requests comments upon the alternative of permitting tertiary crude oil to be sold at upper tier prices. (In addition, as discussed in section V.A.1.c., the FEA is considering the alternative of permitting upper tier prices for "second category" tertiary enhanced recovery techniques, and market prices for "first category" techniques and for those second category techniques which can be shown to be otherwise uneconomical in specific situations. This alternative will not be specifically discussed here.)

In the third stage EPCA proceeding, the FEA sought and received many comments upon the alternatives of upper tier price versus market price. A substantial number strongly urged market price, contending that it is necessary to allow all of the stimulus the market can provide. It was also urged that provision of a market price would provide a more reliable investment climate, by producing greater investor confidence that the price of tertiary crude oil would be relatively free from the potential of future price "rollbacks," and would facilitate transition to uncontrolled prices generally. Under the EPCA, the FEA cannot provide absolute assurance against the necessity for revision of prices for tertiary crude oil, inasmuch as such crude oil has not been exempted from the composite price limitations of that Act and inasmuch as the pricing of any category of domestic crude oil must take into account and balance the impacts upon other categories. However, the FEA views these more subjective factors pertaining to investment decisions as real and legitimate, and it believes they are entitled to weight in its determination of which price level to select.

On the other hand, many commenters urged upper tier prices, stressing the need for substantial incentives. While many among this group did not specifically object to market prices, implying rather that upper tier prices would be sufficient, some commenters did object to market prices on the grounds of administrative difficulties. Principally, they

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argued that the creation of a third class of crude oil would make an already complex system of entitlements more complicated. However, such objections were lacking in specificity. Finally, some were concerned that market level prices would exert an undue downward pressure upon crude oil in the other tiers and thus be counterproductive. This concern was shared by some of those who favored market prices, in that their support for such prices was conditioned upon removing tertiary crude oil from the composite price computation.

In determining whether to adopt the market price as proposed or the upper tier alternative, the FEA will take into consideration a number of factors. First, it will attempt to determine, at least in general terms, the amount of crude oil which would be elicited from each approach. Obviously, upper tier prices will not provide any additional incentive for tertiary recovery on properties which are presently producing all upper tier oil. They may provide sufficient incentive for such techniques on properties producing lower tier oil, although market prices may produce an incentive for even greater recovery. *Comment No. 18.* The FEA therefore requests that producers provide their best estimates of their probable responses to each alternative, including the extent to which additional production would otherwise be lower tier oil and the extent to which it would otherwise be upper tier oil. The FEA seeks specific quantification, to the extent possible. In making these estimates, producers should take into account the effects of recent developments, such as the redefinition of the term "property" (41 FR 36172, August 26, 1976) and modification of criteria for determining whether a property qualifies as "stripper well property" (41 FR 48319, November 3, 1976), which may have the effect of increasing permissible prices of crude oil which would formerly have been considered "old" or "lower tier" crude oil.

To the extent that prices for crude oil produced from a property which is a candidate for a tertiary enhanced recovery project would no longer be affected by one or the other of the alternatives discussed herein because of these other developments, producers' estimates of production response to the applicable price incentive alternative discussed herein should be reduced.

The FEA recognizes that the Lewin study indicated, under the assumptions and conditions there stated, that more additional crude oil can be elicited at market prices than at upper tier prices. It also recognizes that many commenters believed the analysis of the production response to upper tier prices (as opposed to market prices) to be somewhat overly optimistic. It is largely on the strength of these observations, confirmed by many comments, that the FEA has proposed market prices. However, the FEA desires as much detail from producers as possible in order to check these conclusions against the current situation and to balance them against the possible disadvantages of a market price.

Second, the FEA will attempt to determine the impact of the two alternatives upon the composite price, and hence the impact upon permissible prices for other domestic crude oil. For this purpose as well the above production response data are requested, together with an estimate of the years in which the increased production will occur. As previously indicated in section III., the FEA currently estimates that the impact of a market price for tertiary crude oil upon the composite price would be as follows:

	Percent
1976	0
1977	.3
1978	.9
1979	1.2

However, the FEA wishes to test the validity of these data against producer estimates of how much increased production can be expected and whence (lower or upper tier) it would come.

Commenters are asked to bear in mind that the actual incentive price of tertiary crude oil, whether it be upper tier or market, must be included in the computation of the actual weighted average price of all domestic crude oil. The FEA does not have authority, under present law, to disregard the actual price of tertiary crude oil or to use an imputed value for such crude oil in making its composite price determinations.

Third, the FEA will consider the administrative difficulties involved in each approach. *Comment No. 19.* Commenters are requested to detail their concerns arising out of the implications for the entitlements program and any other problems of administration which they foresee with respect to each alternative. They are also requested to assess whether these concerns are of such magnitude that they would deter implementation of tertiary enhanced recovery projects or otherwise outweigh the benefits of the particular alternative considered. However, FEA does not presently believe that using market prices will present any new or different problems with respect to the entitlements program, since the recent exemption of stripper well crude oil has already necessitated the adoption of similar adjustments to the entitlements program to account for domestic crude oil permitted to be sold at market prices. See 41 FR 37599 (September 7, 1976) (proposal to implement stripper well oil exemption), and 41 FR 48319 (November 3, 1976) (final action implementing exemption). Similar adjustments have also been required for Naval Petroleum Reserves crude oil.

One alternative which the FEA has considered, but has tentatively decided against, is a "ratemaking" approach, i.e., an approach in which the FEA would specially set prices for crude oil derived from a qualifying project based upon its assessment of what would constitute a "reasonable rate of return" on investment in the tertiary recovery project. In theory, such an approach has some considerable appeal, but in practice it appears to the FEA to present unacceptable difficulties.

In theory, a ratemaking approach would permit the FEA to finely tune permissible prices to the economics involved, such that sufficient incentives are given but unjustified windfalls are prevented. However, the practical difficulties are many and significant. First, setting the price would require detailed and time-consuming proceedings, as a result of which many possible projects would likely encounter significant delays in the FEA. While it is true that the FEA may be engaging essentially in a "rate of return" analysis, for purposes of determining whether a project involving a "second category" tertiary enhanced recovery technique would be economical without the incentive, such an analysis would be required only for such "second category" techniques; and even as to such techniques the need for this analysis could be limited to those cases in which the producer seeks more than an upper tier price if the alternative discussed in section V.A.1.c. is adopted. Under that alternative, the implementation of a project involving a "second category" technique would automatically entitle incremental crude oil to receive upper tier prices, and only if market prices were sought would an economic analysis be required. Thus, under the proposed approach only a selected few cases would require this sort of analysis. Moreover, the need for detailed examination of every element of the calculation, not only of the "rate base" but also of the projected return, should not be as great under an approach in which the analysis is used as a check against meritless cases, in contrast to an approach in which the FEA would then be required to establish a specific return and determine how it would be realized.

Second, as history with ratemaking proceedings seems to establish, such proceedings are never really finished. Since an established price would necessarily be based upon estimates of future production, and other estimates and assumptions which may not be realized or may be exceeded, there would be constant (and often legitimate) pressure to increase or decrease prices which have been set. Thus, setting prices in this fashion would likely involve unacceptable consumption of time and undesirable delay. It would also tend to increase producer uncertainty and promote a "wait-and-see" attitude concerning even meritorious projects, or it may promote halting and piece-meal project implementation. In contrast, under the proposed approach a producer would have to accept a substantial portion of the risks, but should be encouraged to do so by reasonable assurance that increased prices within the broad general constraints of the upper tier or market limits will not be dependent upon prior administrative approval.

There are other considerations against adopting the ratemaking approach, such as the compliance and entitlement program difficulties which may be increased under a system in which there is a proliferation of lawful crude oil price "ceilings." For all of these reasons the FEA has preliminarily determined that this approach should not be pursued.

Comment No. 20. The FEA recognizes that to forego a strict rate of return approach for determining permissible prices may be to encourage the application of "second category" techniques at the expense of "first category" techniques, since under a single incentive price there would be a greater return from projects which are only marginally uneconomic under present conditions than from those projects which are clearly uneconomic because of their higher costs. However, the probability of this occurrence should be reduced to the extent that "first category" techniques promise greater additional crude oil recovery. In any event, on a preliminary basis it does not appear to FEA that the need to avoid these situations is sufficient to outweigh the practical disadvantages of adopting a rate of return approach. However, commenters are invited to provide their views as to whether the provision of a single incentive price applicable to all projects would cause producers to apply inefficient methods, and if so whether the magnitude of this effect would be sufficient to warrant the approach of setting a specific incentive price for each project.

D. EVENTS OCCURRING AFTER PROJECT IMPLEMENTATION—EFFECT OF PRIOR CERTIFICATION OF A PROJECT

As proposed, a "final" certification once given to a project would be subject, nevertheless, to certain express and implied continuing conditions. This would be true both for FEA certification that a particular project involving application of a "second category" tertiary recovery technique is a qualifying "bona fide tertiary enhanced recovery project," and also for the certification, required for all projects involving either first or second category techniques, of the amount of tertiary crude oil which may receive the incentive price.

Both the determination that a "second category" technique qualifies and the determination of the amount of incremental crude oil resulting from an eligible project would be expressly conditioned upon the producer's implementing the project, and continuing to implement the project, at the times and to the extent represented in its requests for certification. Such representations would be deemed to be incorporated in the certification, unless the certification expressly sets forth different conditions.

If a producer is found not to have adhered to such representations or express conditions, the certification would be subject to retroactive revocation or modification, as the FEA may determine to be appropriate. In addition, a project involving a "first category" technique must in fact meet the applicable requirements concerning the extent to which the processes or materials must be applied in order to qualify automatically, or be subject to retroactive disallowance of the incentive price. These conditions would be in addition to the condition that such certifications may be revoked or modified retroactively, if the producer is determined not to have sought certification in good faith, or not to have pursued the project in good faith. Moreover, a certification would be revocable or modifiable retroactively for any material error of which the producer knew or should have known, or which it caused. Any such revocation or modification would make a producer subject to appropriate remedial orders.

The above conditions are believed to be necessary because the certifications provided for under the proposed approach will of necessity be based not upon accomplished and verifiable facts, but rather upon the intentions of the producers. Since the producer is in the best position both to know what will be required and to control project implementation, it seems reasonable to require adherence to the material representations made by the producer in seeking certification as a condition to receiving the incentive price. These considerations are relevant even though the incentive price would apply only to incremental crude oil resulting from a particular project. The determination of the amount of incremental crude oil depends substantially upon the determination of what the actual production decline curve would have been in the absence of the project. Thus, in theory at least, the extent to which a producer receives the incentive price would directly depend upon the amount of production in excess of this curve, and the amount of such incremental production would in turn be directly dependent upon the extent to which the producer continues to apply the tertiary recovery processes. In this sense, there would be a continuing natural incentive for the producer to proceed diligently with the project after certification. Nevertheless, the projection of a production decline curve is only an estimate which could be erroneous. Thus, it conceivably could happen that a producer could receive the incentive price for a substantial quantity of crude oil without applying substantial efforts at tertiary recovery, primarily because of an overly pessimistic production decline projection. Hence, the condition that the producer actually proceed in accordance with its representations as to its proposed tertiary recovery activities.

The FEA recognizes that the above proposed requirements could create anomalous situations in which a producer might be induced to continue economically unsound actions with respect to projects that do not prove to be successful, in order to avoid the risk of revocation, unless there are means for effecting a rational adjustment. Of course, modification short of revocation may be appropriate in proper cases, and prospective pricing adjustments to remedy any past omissions might also be appropriate in some cases.

Comment No. 21. The FEA is concerned to avoid these anomalous situations, and also to avoid imposing unrealistic conditions upon producers, while at the same time meeting the objective of preventing unwarranted and unintended windfalls as a result of substantial miscalculation. Therefore, it requests comments and suggestions regarding alternative means of accomplishing these purposes.

It should be noted that nothing in the proposed regulations would prevent a producer from seeking recertificaton based upon the then known circumstances, and this is an obvious possible route to take. However, it would entail additional time and possible production delay, and could in practice amount to a series of "inverse" rate proceedings in which eligible quantities rather than prices are adjusted. Or it may be possible to adopt, either in the regulations or in the certifications or in both, a minimum level of proposed actions (a "flexibility factor") below which a producer could not go without seeking recertification. Another possibility is to make the failure to adhere to representations prima facie grounds for total prospective disallowance of the incentive price, subject to the producer's ability to show why no or a lesser disallowance is justified, and without prejudice to retroactive disallowance in the event the FEA determines that the producer has not proceeded in good faith.

The FEA recognizes the complexity of these considerations, and of the procedural issues they present, and requests the assistance of commenters in seeking to resolve them in the most productive manner.

Comment No. 22. In connection with the foregoing, the FEA also solicits comments as to the appropriate role to be played by the initial certifying authorities in monitoring post-certification actions of the producers, and in making any required post-certification determinations and adjustments.

It should also be noted that receipt of a certification cannot be construed as vesting in the recipient an unqualified right to receive a particular incentive price, even if nothing in the producer's conduct or circumstances amounts to "cause" (in the above-discussed senses) for revocation or modification. The price for tertiary crude oil, like that of other domestic crude oil which is not exempt from price controls, remains in principle subject to alteration, in order to effect compliance with the pricing requirements of the EPCA and other legislation, current or future. The FEA fully intends to preserve the incentive intact to the extent it feasibly can do so without jeopardizing the fundamental goals of national energy policy and the requirements of law; but under present law it cannot provide absolute assurance against any changes in the incentive regardless of future circumstances.

E. APPLICABILITY OF THE INCENTIVE TO EXISTING PROJECTS

Generally, the incentive is proposed to be made applicable only to projects which are initiated after the effective date of the proposed amendments (i.e., after the date of issuance of the amendments as a final rulemaking), and after receipt of the various required certifications discussed in the preceding sections. It

would also be applicable to expansions of existing projects, if such expansions are undertaken after the effective date of the proposed amendments and after receipt of the required certifications. However, an existing project may be certified prospectively if: (1) It would be abandoned in the absence of the incentive; (2) because of a material and not reasonably foreseeable changes of objective circumstances; and (3) viewed prospectively under the facts and circumstances existing at the time certification is sought, it is eligible for certification under the criteria applicable to new projects. An existing project which is applying a first category technique would be required to obtain FEA certification as if it were a second category project. For these purposes, a project (or expansion) would be considered initiated at the time of the first expenditure or binding obligation for capital necessary to implement the project (or expansion).

There are a number of existing enhanced recovery projects which involve the application of techniques meeting the definitions discussed in section V.A.1.a. The FEA does not propose to consider such projects to be qualifying projects, except as discussed above, essentially for the reason that their very existence implies that they have been considered feasible in the absence of the incentive by the producers who have invested in them. The producers may have invested in these projects for a variety of reasons, sufficient in their minds to justify the project. To the extent that the expectations and assumptions upon which these decisions were based have generally been realized, the FEA believes that there should be no need to provide additional incentives. If, however, there has been a material and not reasonably foreseeable change of circumstances such that the producer would be forced to abandon the project, then provision of the incentive would be appropriate if the project would otherwise qualify for certification.

Comment No. 23. The FEA requests commenters' views on the foregoing limitations regarding existing projects, with particular reference to producer claims of intended abandonment and the requirement for "changed circumstances." The FEA recognizes that the objective of increasing total domestic crude oil production would be furthered by preventing producer abandonment of existing projects prior to exhausting production therefrom, and that provision of the incentive may help to prevent or delay such abandonment. It may also be argued that only those projects whose continuation is sensible and meritorious would be permitted to receive the incentive, since they would have to qualify on a prospective basis for certification, and that a "changed circumstances" requirement is therefore unnecessary. However, the "changed circumstances" requirement is intended to take account of two matters. First, it is intended to prevent the FEA from having to rely exclusively on producer claims of intended abandonment, and to require producers to justify their position with reference to reasonably objective and demonstrable facts. Second, it is intended to recognize that a producer who has already "sunk" substantial investment costs in a project is in a different economic position than one who has yet to decide whether to incur such costs, and to prevent use of the incentive simply to recover such sunk costs. While these considerations may be implicit in determining whether to certify a "second category" technique as being uneconomical in the absence of the incentive, they would not otherwise be considered with respect to "first category" techniques.

It may be, however, that the concerns which have motivated the FEA to propose a "changed circumstances" rule either are not significant or do not justify the time and administrative problems involved in making a "changed circumstances" determination, at least where continuation of the project would otherwise qualify for certification if viewed as a new project. Or there may be other and better methods of meeting these concerns. The FEA solicits comments and suggestions in this regard, and also with respect to whether there is substantial reason to believe that the incentive is necessary for existing projects.

VI. Other Matters

A. Qualitative Assessment of the Environmental Impacts of the Proposed Amendments

The probable impacts on the environment of the proposed amendments have been reviewed, and the FEA has concluded that the short-term effects (within the next six months) of the amendments will not significantly affect the quality of the environment. Within this period the FEA will have completed and made available for public comment an Environmental Impact Statement ("EIS"), which is presently in preparation, concerning any environmental consequences of actions which may be taken to the proposed amendments. FEA will then have an opportunity to incorporate conclusions based upon the EIS into any final regulations or revisions thereof, to account for any changes indicated by environmental considerations, prior to any substantial action being taken pursuant to such regulations.

The potential long-term effect of the proposed amendments will be increased prices for certain crude oil, a possible related slight decrease in consumption of crude oil and derivative products, and more extensive and intensive application of the techniques described in section V.A.1.a. to properties which will already have been in production (through primary and secondary means) prior to the implementation of tertiary techniques in response to the incentive provided herein. The latter effect may in turn involve the increased consumption of some chemicals, such as carbon dioxide, surfactants, and the like, which may be discharged into the environment; possible increased demands on resources such as water; and possible increase in emissions from power sources.

However, these will be realized in significant or measurable degree, if at all, only after a substantial period of time from the date of this proposal. As noted in the preceding sections, the lead times required to plan a project, accumulate capital, and commence application is substantial, amounting to from one to three years. As the notice commencing the third stage EPCA proceedings noted, even the more readily available techniques are not put into operation immediately, but require as much as one year in determining technical feasibility and parameters. It is possible that expansion of an existing project might be accomplished in less time, but this can be attributed to the proposed incentive only when done pursuant to certification as provided in the proposed regulations, and such certification would not occur until several months after the regulations become final. Accordingly, the FEA has determined that there will be no measurable short-term environmental impacts as a result of the proposed amendments, and that the final regulations will reflect or be amended to reflect any necessary changes dictated by environmental considerations prior to any substantial action having been taken pursuant thereto.

Pursuant to section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this proposed rulemaking has been submitted to the Administrator of the Environmental Protection Agency ("EPA") for his comments concerning the impact of this proposal on the quality of the environment. EPA comments have been received. In a letter to the Federal Energy Administration on December 2, 1976, EPA stated:

> [T]he Environmental Protection Agency has reviewed the Federal Energy Administration's draft notice of proposed rulemaking setting forth revisions to 10 CFR Part 212 "Additional Price Incentives for Tertiary Enhanced Recovery Techniques." The rulemaking revisions propose measures which will encourage the use of tertiary recovery techniques to increase domestic oil production. Waste streams from these techniques have the potential to cause significant environmental degradation unless innovative control technology or closed systems are incorporated into facility designs. In addition, if the use of tertiary recovery results in any discharge of pollutants to the waters of the United States, a National Pollutant Discharge Elimination System permit will be required for such discharge under the provisions of Section 402 of the Federal Water Pollution Control Act of 1972. We encourage FEA to address these concerns in the context of both the public hearing and final rulemaking on this proposal.

The FEA invites relevant observations or comments upon the matters noted in the foregoing EPA comments. Commenters should also be cognizant of the fact that the EPA is presently engaged in a rulemaking proceeding under the Safe Drinking Water Act, Pub. L. 93-523, directed toward eventual implementation of a permit system for certain underground injection activities. See 41 FR 36730, August 31, 1976.

B. Conforming Amendments

If the proposed amendments are adopted, the FEA intends to adopt necessary collateral amendments to the Mandatory Petroleum Allocation and Price Regulations to reflect the amendments proposed today, such as the entitlements provisions and the producer certification (of sales to purchasers) provisions. These conforming amendments are not set forth verbatim herein, as the FEA believes they will be of a relatively ministerial nature. The FEA understands that the necessity to alter the entitlements provisions has been one of the reasons assigned for opposing the market price approach to the incentive, but it does not understand such opposition to be directed at the formal aspects of adapting the entitlements provisions. The conforming amendments would largely parallel those proposed to be accomplished with respect to stripper well crude oil (41 FR 37599, September 7, 1976).

C. Drafting Considerations

Appended to this Notice are proposed regulations intended to implement the matters proposed by the FEA and discussed herein. They are complex in structure, but are intended to reflect FEA proposals on the wide variety of issues discussed in section V. In view of their complexity, however, they may have unintended consequences in application which potentially affected persons may be able more readily to ascertain. Therefore, the FEA urges close scrutiny of the proposed regulations. FEA would welcome identification of any potential problems, and suggestions as to how they may be avoided, as well as suggestions concerning ways in which the proposed regulations can be simplified.

VII. Written Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box JV, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Additional Price Incentives for Tertiary Enhanced Recovery Techniques; Findings Concerning Adjustments to the Composite Price for Domestic Crude Oil as a Production Incentive." Fifteen copies should be submitted. All comments received by Tuesday, March 1, 1977, before 4:30 p.m. will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

VIII. Public Hearings

FEA has determined that in addition to holding a public hearing in this proceeding in Washington, D.C., public hearings will also be held in FEA Regions VI (Dallas, Texas) and IX (San Francisco, California).

1. *National Hearings.* The Washington, D.C. hearing (the "National hearing") will be held beginning at 9:30 a.m. on Thursday, March 3, 1977 and continued, if necessary, on Friday, March 4, 1977, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the proposed amendments issued today, or who is a representative of a group of class of persons that has an interest in today's proposed amendments may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m. on Tuesday, February 15, 1977. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

2. *Regional Hearings.* The San Francisco regional hearing will be held at 9:30 a.m., Thursday, February 24, 1977, at the location specified below, and will be continued, if necessary, on Friday, February 25, at the same location. The Dallas regional hearing will be held at 9:30 a.m., Monday, February 28, 1977, at the location specified below, and will be continued, if necessary, on Tuesday, March 1, 1977 at the same location. Any person who has an interest in the proposed amendments issued today or who is a representative of a group or class of persons that has an interest in the proposed amendments issued today may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set forth below. Requests must be received before 4:30 p.m. on Monday, February 7, 1977.

Region	Submit requests to testify to—	Hearing location
VI, Dallas, Tex.	FEA, Attention: Mr. Gary Andrews, 2626 West Mockingbird Lane, Dallas, Tex. 75235.	Executive Inn, Jubilee Room, 3232 West Mockingbird Lane, Dallas, Tex.
IX, San Francisco, Calif.	FEA Regional Administrator, Attention: R. Laffel, External Affairs Division, 111 Pine St., San Francisco, Calif. 94111.	Tishman Bldg., Room 2575, 525 Market St., San Francisco, Calif.

3. *Request procedures.* The following request procedures are applicable to both the National and Regional Hearings. Persons requesting an opportunity to make an oral presentation should submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labeled both on the document and on the envelope "Additional Price Incentives for Tertiary Enhanced Recovery Techniques; Findings Concerning Adjustments to the Composite Price for Domestic Crude Oil as a Production Incentive."

The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Thursday, February 17, 1977. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Thursday, February 17, 1977 and must, if feasible, submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 9:00 a.m. on Wednesday, March 2, 1977, for the National hearing, and to the location of the hearing on the day the statement is scheduled to be presented, for the Regional hearings.

4. *Hearing procedures.* The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to ask a question at the National or Regional hearings may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hear-

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ings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

The Federal Energy Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10, Code of Federal Regulations as set forth above.

Issued in Washington, D.C., January 6, 1977.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.73 is amended in paragraph (a) to read as follows:

§ 212.73 Lower tier ceiling price rule.

(a) *Rule.* Except as provided in § 212.74 with respect to new crude oil; except as provided in Subpart C of this part for exempt items; except as provided in § 212.75 for incremental crude oil resulting from the implementation of a qualified tertiary enhanced recovery project; and except as provided in § 212.76 for certain crude oil produced from unitized properties, no producer may charge a price higher than the lower tier ceiling price for any first sale of domestic crude oil.

. . . . . .

§§ 212.75–212.77 renumbered as 212.76–212.78.

2. Sections 212.75, 212.76 and 212.77, are renumbered §§ 212.76, 212.77 and 212.78, respectively.

3. A new § 212.75 is adopted, to read as follows:

§ 212.75 Incremental crude oil resulting from the implementation of a qualified tertiary enhanced recovery project.

(a) *Rule.* (1) Notwithstanding the provisions of § 212.73(a), and subject to the procedures and limitations hereinafter provided in this § 212.75, first sales of incremental crude oil resulting from the implementation or expansion of a qualified tertiary enhanced recovery project are exempt from the ceiling price limitations of this subpart.

(2) No domestic crude oil shall be eligible for pricing in accordance with paragraph (a)(1) of this section, unless the producer has obtained the required certifications pursuant to paragraph (d) of this section, and unless such oil is sold in accordance with the determinations and conditions of such certifications.

(b) *Applicability of rule to existing tertiary enhanced recovery projects.* (1) Except as provided in subparagraph (2) of this paragraph (b), only crude oil which is produced from a qualified tertiary enhanced recovery project initiated after the effective date of this section and after receipt of the required certifications, or crude oil produced from a qualified expansion, initiated after the effective date of this section and after receipt of the required certifications, of a previously existing tertiary enhanced recovery project, may qualify for pricing in accordance with paragraph (a) of this section. For purposes of this paragraph (b), a project or expansion is initiated at the time of the first expenditure or incurrence of a binding obligation for capital necessary for the project or expansion.

(2) Incremental crude oil produced from a project, or expansion thereof, which was initiated prior to the effective date of this section or prior to receipt of the required certifications, may qualify for pricing in accordance with paragraph (a) of this section only if:

(i) The producer affirms that he intends to abandon the project in the absence of permission to price production therefrom in accordance with paragraph (a) of this section;

(ii) There has been a material and not reasonably foreseeable change of circumstances since the time that the project or expansion was initiated; and

(iii) The project is certified under the criteria and pursuant to the procedures provided in paragraph (d) of this section. For purposes of determining eligibility for certification, an existing project shall be examined prospectively, on the basis of the circumstances existing at the time such certification is sought. Notwithstanding any other provision of this section, an existing project must be certified as being uneconomical under the otherwise applicable price ceiling, and as otherwise qualifying as a tertiary enhanced recovery project, whether or not such certification would have been required at the time the project (or expansion) was initiated.

(c) *Definitions.* For purposes of this section:

A "qualified tertiary enhanced recovery project" is a project for the enhanced recovery of crude oil, to the extent that such project involves the application of one or more of the following techniques (provided, that the expansion of a project existing on the effective date of this section and already applying one of these techniques shall be considered a bona fide tertiary enhanced recovery project only if such expansion is certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable ceiling price and as otherwise qualifying):

(1) Miscible fluid displacement, i.e., an oil displacement process in which gas or alcohol is injected into an oil reservoir, at pressure levels such that the injected gas or alcohol and reservoir oil are miscible. The process may include the concurrent, alternating, or subsequent injection of water. The injected gas may be natural gas, enriched natural gas, a liquefied petroleum gas slug driven by natural gas, or carbon dioxide. However, if the injected fluid is less than 25 percent of the reservoir pore volume being served by the injection well or wells (in the case of gas injection), or is less than 10 percent of the reservoir pore volume being served by the injection well or wells (in the case of alcohol injection), such technique shall be considered a "qualified tertiary enhanced recovery project" only if certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable price ceiling and as otherwise qualifying as a tertiary enhanced recovery project. Gas cycling, i.e., gas injection into gas condensate reservoirs, is not a miscible fluid displacement technique within the meaning of this section.

(2) Steam drive injection, i.e., the continuous injection of at least 50 percent quality steam into one set of wells (injection wells) to effect oil displacement toward and production from a second set of wells (production wells).

(3) Microemulsion, or micellar/emulsion, flooding, i.e., an augmented waterflooding technique in which a surfactant system is injected in order to enhance oil displacement toward producing wells. A surfactant system normally includes a surfactant, hydrocarbon, consurfactant, an electrolyte and water, and polymers for mobility control. If the size of the micellar slug (not including the polymers) is less than 10 percent of the reservoir pore volume being served by the injection well or wells, this technique shall be considered a "qualified tertiary enhanced recovery project" only if certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable price ceiling and as otherwise qualifying as a tertiary enhanced recovery project.

(4) In situ combusion, i.e., combustion of oil in the reservoir, sustained by continuous air injection, to displace unburned oil toward producing wells. If such combustion is not to be continued until at least 15 percent of the reservoir volume being served by the injection well or wells has been burned, such technique shall be considered a "qualified tertiary enhanced recovery project" only if certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable price ceiling and as otherwise qualifying as a tertiary enhanced recovery technique.

(5) If certified pursuant to paragraph (d) of this section as being uneconomical at the otherwise applicable price ceiling and as otherwise qualifying, polymer augmented waterflooding, i.e., augmented waterflooding in which organic polymers are injected with the water to improve areal and vertical sweep efficiency.

(6) If certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable price ceiling and as otherwise qualifying, cyclic steam injection, i.e., the alternating injection of steam and production of oil with condensed steam from the same well.

(7) If certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable price ceiling and as otherwise qualifying, alkaline (or "caustic") flooding, i.e., an augmented waterflooding technique in which the water is made chemically basic as a result of the addition of alkali metals.

(8) If certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable price ceiling and as otherwise qualifying, carbon dioxide augmented waterflooding, i.e., injection of carbonated water, or water and carbon dioxide, to increase waterflood efficiency.

(9) If certified pursuant to paragraph (d) of this section as being uneconomical under the otherwise applicable price ceiling and as otherwise qualifying, immiscible carbon dioxide displacement, i.e., injection of carbon dioxide into an oil reservoir to effect oil displacement under conditions in which miscibility with reservoir oil is not obtained.

"Certifying authority" means, with respect to certifications concerning the amount of incremental crude oil which will result from implementation of qualified tertiary enhanced recovery project, the federal or state governmental or regulatory body to whom the FEA has delegated responsibility for making the determinations required by paragraph (d) of this section for the property involved, or, in the absence of such delegation, the FEA. With respect to certifications concerning whether a project qualifies as a "qualified tertiary enhanced recovery project," the term means the FEA. The FEA shall in all events have an original power to perform the functions of a certifying authority, notwithstanding any delegation.

"Incremental crude oil" (resulting from the implementation of a qualified tertiary enhanced recovery project) means the amount of crude oil which is or will be produced as a result of the operation of such a project and which is in excess of the amount of crude oil which could have been produced from the property through technically feasible non-tertiary methods. As applied to expansion of existing tertiary enhanced recovery projects, the term means the amount of crude oil which is or will be produced as a result of the expanded project and which is in excess of the amount of crude oil which would have been produced in the absence of such expansion. The actual amount of incremental crude oil shall be determined pursuant to paragraph (d) of this section.

(d) *Certification requirements and procedures.* A producer desiring to initiate a tertiary enhanced recovery project, or to expand an existing project, shall obtain final certification of the amount of incremental and nonincremental crude oil which will result from the implementation of such project, prior to charging any price in excess of the ceiling which would otherwise be applicable to such crude oil under § 212.73(a) or § 212.74(a). In addition, such producer shall obtain certification that the project (or expansion) is a qualified tertiary enhanced recovery project, except to the extent that such certification is not required under paragraph (c) of this section by reason of the technique applied. (However, notwithstanding that such certification is not required by reason of the technique applied, prices in excess of the ceiling price which would be applicable but for this § 212.75 may be disallowed under subparagraph (5)(ii) of this paragraph (d).) The general procedures to be followed in obtaining such certifications, and the limitations and conditions upon any such certifications, are set forth in the ensuing subparagraphs. As used herein, the term "certifying authority" shall signify the authority determined to be appropriate for the particular certification being sought, as provided in paragraph (c) of this section.

(1) The producer shall submit an application for certification to the certifying authority. The producer shall have the burden of establishing entitlement to certification, and shall submit all data, required by these regulations or guidelines issued pursuant thereto or reasonably demanded by the certifying authority, necessary to enable the certifying authority to determine whether it can make the findings and certifications required by subparagraph (2) of this paragraph.

(2) (i) The certifying authority shall determine whether any and how much crude oil qualifies for pricing in accordance with paragraph (a) of this section. In making such determination, the certifying authority shall apply the criteria set forth in subparagraph (2)(ii) of this paragraph and any guidelines issued pursuant to paragraph (e) of this section. The certifying authority shall exercise its independent judgment, and may refuse certification or grant certification in whole or in part. It shall base its decision upon the data submitted to it by the producer, but in determining whether to deny certification or to limit certification to an amount less than that requested by the producer may rely upon any other reliable information available to it and made known to the producer.

(ii) In determining whether and to what extent to certify a project, the certifying authority shall determine: (A) Whether the project or expansion thereof qualifies as a qualified tertiary enhanced recovery project within the meaning of paragraph (c) of this section; and (B) the estimated amount of incremental and non-incremental crude oil (as defined in paragraph (c) of this section) which will result from such project or expansion. The amount of incremental and non-incremental crude oil shall be expressed in terms of both the total amount of incremental and non-incremental recovery over the life of the project and as a series of time-phased (per month or quarter) incremental and non-incremental production estimates, commencing with the time that the project is estimated to begin producing incremental crude oil. The certifying authority shall not certify a project as a qualified tertiary enhanced recovery project unless it is determined that: (*1*) Under all the circumstances, the producer could not reasonably be expected to undertake (or expand) the project in the absence of an ability to charge prices for the expected incremental crude oil in accordance with pargaraph (a) of this section, because the project would not be economical under the otherwise applicable ceiling price; and (2) the project (or expansion) is estimated to result in a recovery of incremental crude oil in an amount of at least 5 percent of the original crude oil in place.

(3) If the certifying authority determines to certify the project and an amount of incremental crude oil as above, it shall so provide in writing. Such certification shall specifically include the amount of incremental crude oil, expressed in time-phased increments as provided in subparagraph (2)(ii), of this paragraph, and the amount of non-incremental crude oil which will be produced during the same periods. By separate memorandum, the certifying authority shall concisely recite the data relied upon, the criteria applied, and the reasoning and methodology by which its conclusion was reached. The producer shall thereupon forward to the FEA the certifying authority's determination and certification, its supporting memorandum, and all documents and data submitted by the producer in support of its application as well as any other data relied upon by the certifying authority.

(4) The FEA shall have the plenary power to review the certifying authority's action and to make such modifications or de novo determinations, or to remand for further consideration, as it determines to be proper on the basis of the record before it or any other information available to it. The FEA shall act upon the matter, if at all, within 60 days of its acknowledgement to the producer of receipt of the materials specified in subparagraph (3) of this paragraph. If the FEA does ont notify the producer in writing of any adverse action within such 60-day period, the producer may treat the certifying authority's certification as final. An "adverse action," within the meaning of the preceding sentence, is any negative determination (including a reduction in amounts or change in timing of incremental oil production), proposed negative determination, any challenge to or question concerning the propriety of the certification or the adequacy of the materials to support such certification, or any demand for additional information. Notwithstanding any of the foregoing, no certification shall be final unless and until all other certifications required under this § 212.75 have been made.

(5) (i) A producer may charge the price permitted for incremental crude oil under paragraph (a) of this section

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only after receipt of and strictly in accordance with the terms of a final certification. In particular, the producer may not treat any crude oil as incremental crude oil until the amount of crude oil produced during a particular period exceeds the amount of non-incremental crude oil established for that period in the certification.

(ii) A final certification shall be subject to revocation or modification, at any time and either retroactively or prospectively or both, as and to the extent that the FEA determines to be appropriate: (A) If the producer fails to implement its proposed project at the times and to the full extent specified as the basis upon which such certification was given (and the producer's representations in applying for certification shall be deemed to be the specified basis for certification unless the certifying authority specifies otherwise); or (B) if the producer does not implement the project in good faith; or (C) if certification was given on the basis of a material error of which the producer knew or should have known, or to which the producer contributed. Notwithstanding that a particular project is not required to obtain certification as a qualified tertiary enhanced recovery project under this § 212.75, prices charged under the provisions of paragraph (a) of this section for crude oil from that project may be disallowed, on the same grounds and to the same extent as provided in the preceding sentence, as if such project had been certified on the basis that the producer would meet the applicable quantitative criteria set forth in paragraph (c) of this section for the technique in question and that the producer would otherwise implement the project as described in its application for certification of the amount of incremental crude oil to be derived from such project.

(e) *Additional procedures and criteria.* The FEA may from time to time publish or otherwise make available to certifying authorities, producers and the public, additional procedures to be followed and criteria to be applied in making the determinations provided for in paragraph (d) of this section.

[FR Doc.77-1053 Filed 1-7-77;1:44 pm]

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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 396]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 14–20, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.696 Navel Orange Regulation 396.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges appears to be turning for the better. Prices f.o.b. averaged $3.63 a carton on a reported sales volume of 685 carlots last week, compared with $3.68 per carton on sales of 651 carlots a week earlier. Track and rolling supplies at 329 cars were up 45 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 11, 1977.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 14, 1977, through January 20, 1977, are hereby fixed as follows:

(i) District 1: 932,000 cartons;
(ii) District 2: 184,000 cartons;
(iii) District 3: 34,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: January 12, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-1342 Filed 1-12-77;12:09 pm]

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $310,000, for the maintenance and functioning of the Papaya Administrative Committee, under Marketing Order No. 928, for the fiscal year 1977, establishes an assessment rate of five mills ($0.005) per pound of papayas handled during such year by each first handler and provides for the transfer of unexpended assessment funds from the previous fiscal year to the program's reserve.

On December 8, 1976, notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 53672) regarding proposed expenses and the related rate of assessment for the fiscal year ending December 31, 1977, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal until December 28, 1976. None were submitted.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Papaya Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 928.206 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee dur-

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ing the period January 1, 1977, through December 31, 1977, will amount to $310,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 928.41, is fixed at $0.005 per pound of papayas.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended December 31, 1976, shall be carried over as a reserve in accordance with applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of papayas are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable papayas from the beginning of such period; and (3) such period began on January 1, 1977, and the rate of assessment herein fixed will automatically apply to all assessable papayas beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-1190 Filed 1-12-77;8:45 am]

[Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Increase In Rate of Assessment

Notice of rule making regarding a proposed increase in the rate of assessment recommended by the South Texas Lettuce Committee for its fiscal period ending July 31, 1977, was published in the FEDERAL REGISTER December 23, 1976 (41 FR 55880).

The committee is the administrative agency established under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written comments not later than January 7, 1977. None was filed.

On December 17, 1976, the committee voted to increase the rate of assessment to be paid by each handler to 2½ cents ($0.025) per carton of lettuce handled by him as the first handler thereof during said fiscal period, from the 1½ cents ($0.015) published November 10, 1976 (41 FR 49625). Unfavorable weather conditions in the Lower Rio Grande Valley have materially reduced planted lettuce acreage and yields. As a result, the committee will not be able to meet its budgeted expenses unless the assessment rate is increased.

After consideration of all relevant matters, including the proposal set forth in the notice, it is found that the increase in the rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the increased rate of assessment for the said fiscal period shall apply to all assessable lettuce from the beginning of such period.

The amendment is as follows:

Revise § 971.216(b) (41 FR 49625, November 10, 1976) as follows:

§ 971.216 Expenses and rate of assessment.

* * * * *

(b) The rate of assessment to be paid by each handler in accordance with this part shall be two and one-half cents ($0.025) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-1175 Filed 1-12-77;8:45 am]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 601—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance after clearance by the Civil Service Commission. Such clearance was given on December 8, 1976. These amendments apply to employees of the Farm Credit Administration and (1) require administrative approval to engage in outside employment, (2) clarify who is required to submit a statement of employment and financial interests, and (3) prohibit all employees of the Farm Credit Administration from purchasing security obligations of the Farm Credit banks.

Notice of proposed rulemaking provided for in 5 U.S.C. 553(b), and public procedure thereon, is found unnecessary and not in the public interest since the amendments apply only to agency personnel.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 601.110(c), adding § 601.127, and revising § 601.170, as follows:

§ 601.110 Conflict of interest.

Except as specifically authorized by law or these regulations, no officer or employee of the Farm Credit Administration:

* * * * *

(c) Shall, directly or indirectly, purchase security obligations of the Farm Credit banks for personal investment;

* * * * *

§ 601.127 Administrative approval to engage in outside employment.

(a) The provisions of this paragraph will be observed with respect to all outside employment or other outside activity. Each employee must be alert to identify and to avoid any situation that would involve him or her in prohibited activity. Aside from avoiding outside employment prohibited by §§ 601.125 and 601.126, each employee must also obtain administrative approval before engaging in outside paid employment of the following types:

(1) Writing or editing, except activities which pertain to the private interest of employees regarding hobbies, sports or cultural activities which do not conflict actually or apparently with officially assigned duties;

(2) Speaking engagements, except where the subject matter is unrelated to the subject matter of the employee's official duties;

(3) Teaching and lecturing;

(4) Regular self-employment;

(5) Consulting services;

(6) Holding state or local public office;

(7) Outside employment or other outside activity involving an institution of the Farm Credit System or an employee of such institution,

(8) Outside employment which will require annual leave or which is in excess of 20 hours per week;

(9) Any other outside work concerning the propriety of which an employee is uncertain.

(b) A request for administrative approval of outside employment or other outside activity shall be in writing and show:

(1) Employee's name, occupational title and Federal salary;

(2) Nature of the activity—a full description of specific duties or services to be performed;

(3) Name and business of person or organization for which the work will be done. (In the case of self-employment in a professional capacity serving a large number of individuals, instead of listing each client, the type of services to be rendered and estimate of the total number of clients anticipated during the next year will be indicated.);

(4) Estimated total time that will be devoted to the activity (If on a continuing basis, the estimated time per year; if not, the anticipated ending date);

(5) Whether service can be performed entirely outside of usual duty hours; if not, estimated number of hours of absence from work that will be required.

(c) The request for approval will be submitted to the supervisor who will make a written recommendation for approval or disapproval and forward the request through the appropriate Deputy Governor to the Director of Personnel. The Director of Personnel will notify employees in writing of the actions taken on their requests and the reasons for approval or disapproval. This notification will be coordinated and cleared with the employee's supervisor prior to issuance. All approved requests and a copy of the notification of the approval action will be maintained in the Personnel Division.

(d) If there is a change in the nature or scope of the duties or services performed or the nature of the employer's business, the employee will submit a revised request for approval promptly.

(e) Failure to request administrative approval for outside employment or other outside activity for which approval is required is ground for disciplinary action.

(f) All requests for approval will be treated as confidential and made available only to specifically authorized persons. Copies will be kept in a special file on outside employment and in the official personnel folder of the employee concerned.

§ 601.170 Statements of employment and financial interests.

(a) A statement of employment and financial interests in the form prescribed by the Farm Credit Administration shall be furnished by each officer or employee who is in grade GS–16 or above under section 5332 of Title 5, United States Code, or in comparable or higher positions not subject to that statute and by the following officers or employees:

(1) Employees classified at the GS–13 level and above, under 5 U.S.C. 5332 or at comparable pay levels under other authority, unless otherwise exempted pursuant to subparagraph (4) of this paragraph whose duties and responsibilities require the exercise of judgment in making government decisions or in taking government actions in regard to:

(i) Contracting or procurement, including the evaluation or selection of contractors; the negotiation, approval, or award of contracts; the supervision of activities performed by contractors, including the administration, monitoring, audit, and inspection of contractors and contract activities; and the initiation or approval of requests to procure supplies, equipment or services, other than those common items available from FCA or GSA inventories;

(ii) Auditing financial transactions;

(iii) Using or disposing of excess or surplus property.

(2) Employees classified at the GS–13 level and above under 5 U.S.C. 5332 or at comparable pay levels under other authority and who are identified by the Director of Personnel as holding positions requiring the incumbent thereof to exercise judgment in making government decisions or taking actions where such decisions or actions may have an economic impact on the interest of any non-Federal enterprise, including the institutions of the cooperative Farm Credit System.

(3) Employees classified below the GS–13 level under 5 U.S.C. 5332 or at a comparable pay level under other authority, and who are in positions which otherwise meet the criteria of subparagraphs (1) and (2) of this paragraph, providing the Civil Service Commission has approved the determination that the incumbents of such positions should be required to file statements of employment and financial interests in order to protect the integrity of the government and to avoid the employee's involvement in a possible conflict of interest situation.

(4) An employee described in subparagraphs (1) and (2) of this paragraph may be exempted from the requirement for filing a statement of employment and financial interests when the Director of Personnel determines that the employee's duties are of such a nature, or are at such a level of responsibility and are subject to such a degree of supervision and review, that the possibility of his or her becoming involved in a conflict of interest is remote.

The grievance procedure of the Farm Credit Administration shall be available for review of a complaint by any officer or employee that his or here position has been improperly included as one requiring a submission of a statement of employment and financial interests.

(Secs. 5.9, 5.18, 85 Stat. 619, 621)

C. K. CARDWELL,
Acting Governor,
Farm Credit Administration.

[FR Doc.77-1144 Filed 1-12-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–161, Amdt. 31]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Clarification of Rules Applicable to Applications for Emergency Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 6, 1977.

Effective: February 14, 1977.

Adopted: January 6, 1977.

In Order 77–1–26, issued contemporaneously herewith, the Board reiterated its interpretation of section 410 of its Rules of Practice (14 CFR No. 302.410) as authorizing the submission of oral requests for emergency exemption authority. In doing so, the Board determined to amend § 302.410 as to remove any doubt as to this interpretation.

Since this amendment is merely interpretive of existing agency practice and procedure, notice and public procedure thereon are unnecessary and the amendment may be effective January 6, 1977.

Accordingly, the Board hereby revises paragraph (b) of section 302.410 (14 CFR § 302.410(b)) effective January 6, 1977, to read as follows:

§ 302.410 Emergency exemptions.

* * * * *

(b) *Applications.* (1) Applications for emergency exemption need not conform to the requirements of Subparts A and D of this part except that they must be in writing and must set forth, with detailed facts and evidence in support thereof, the grounds on which the exemption is requested. In addition, any applicant requesting such action shall state the reasons it deems adequate to justify departure from the normal procedures and shall state which air carriers have been notified in accordance with paragraph (c) of this section. The Board, moreover, may require additional information from any applicant before acting on the application.

(2) The Board shall consider oral requests, including telephonic requests, for emergency exemption authority under this section in circumstances where time does not permit the immediate filing of a written application. All oral requests, however, must provide the information required by subsection (b)(1) except that evidence in support thereof need not be tendered at the time such request is made. All oral requests must be confirmed by written application within three (3) days.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C 1324. Interpret or apply secs. 101(3), 416(b) and 1001, 72 Stat. 737, 771 and 788; 49 U.S.C 1301, 1386 and 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1171 Filed 1-12-77;8:45 am]

[Reg. OR–107, Amdt 53]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION: NONHEARING MATTERS

Clarification of Delegation of Authority to the Director Bureau of Operating Rights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 6, 1977.

Effective: February 14, 1977.

Adopted: January 6, 1977.

In Order 77–1–26, issued contemporaneously herewith, the Board affirmed the determination of the Director, Bureau of Operating Rights, in Docket 29383 that section 385.13 of the Organization Regulations authorizes the Director to grant or deny exemptions from section 403 of the Federal Aviation Act in conjunction with his authority to grant or deny requests for authority to conduct specific charter operations. However, the Board stated that it was persuaded to amend section 385.13 in order to remove any possible ambiguity on this issue. The

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Board also stated that the proceeding in Docket 29383 had caused it to focus on the desirability of amending section 385.13 in order to broaden the authority delegated to the Director thereunder to grant or deny air carrier authority to conduct specific charter operations in interstate air transportation, in addition to his existing authority to take such action with respect to overseas and foreign air transportation. The amendments herein implement those determinations.

Since these amendments merely affect internal agency organization and procedure, notice and public procedure thereon are unnecessary and the amendments may be made effective January 6, 1977.

Accordingly, the Board hereby revises paragraph (s) of section 385.13 (14 CFR § 385.13(s)), effective January 6, 1977, to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(s) With respect to air carrier authority to conduct specific charter operation, other than a MAC operation:

(1) Grant or deny an air carrier such authority in interstate, overseas or foreign air transportation, imposing such conditions as exclusion of one-way passengers or limitations on payments for labor in arranging the charter; and approve or disapprove minor changes prior to flight date in charters previously authorized by order (e.g., changes regarding flight dates, departures or landing points, aircraft, persons authorized for one-way passage, intermingling of passengers, or substituting another carrier in cases of emergency).

(2) Grant or deny requests for exemption from section 403 of the Act, where grant or denial of the request is in conjunction with and incident to requests for authority under subsection (s) (1) of this section.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1170 Filed 1-12-77;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-108, Amdt. 54]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION: NONHEARING MATTERS

Effective Date of Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 6, 1977.

Effective: January 6, 1977.

Adopted: January 6, 1977.

Part 385 of the Board's Organization Regulations sets forth, *inter alia*, certain delegations of authority from the Board to staff members. Presently, § 385.9 provides that the delegations of authority set forth in Part 385 shall become effective upon publication in the FEDERAL REGISTER. It has come to the attention of the Board that it is often desirable for amendments to Part 385 to become effective before publication in the FEDERAL REGISTER can be accomplished.[1] Accordingly, the Board is amending § 385.9 to provide that delegations of authority set forth in Part 385 shall become effective "upon publication."

Since this amendment affects a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may be effective immediately.

Accordingly, the Board hereby amends Part 385 of its Organization Regulations (14 CFR Part 385) effective January 6, 1977, as follows:

Amend § 385.9 to read as follows:

§ 385.9 Effective date of delegations and procedures.

The delegations and procedures set forth in this part shall be effective upon publication.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1167 Filed 1-12-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 300—ETHICAL AND OTHER CONDUCT STANDARDS AND RESPONSIBILITIES OF EMPLOYEES AND SPECIAL GOVERNMENT EMPLOYEES

Subpart B—Ethical and Other Conduct Standards and Responsibilities of Employees

APPENDIX

The Appendix to § 300.735-41(b) is revised to read as follows:

§ 300.735-41 Employees required to submit statements.

* * * * *

(b) * * *

APPENDIX

As provided in § 300.735-41(b), employees in the following positions, which are described in § 300.735-41(a)(2) and (3) and which are in addition to the positions described in § 300.735-41(a)(1), must submit statements of employment and financial interests:

OFFICE OF THE GENERAL MANAGER

Assistant Director of Equal Employment Opportunity, Grade M-6

DIVISION OF PERSONNEL

Chief, Employee Relations Branch, Grade M-7
Assistant Chief, Employee Relations Branch, Grade M-6
Associate Chief, Employment Branch, Grade M-6
Assistant Chief, Employment Branch, Grade M-5

DIVISION OF FINANCE

Chief, Auditing Branch, Grade M-7
Assistant Chief, Auditing Branch, Grade M-6
Accounting Staff Officer, Grade M-5
Supervisor, Section, Audit Section, Grade M-5
Supervisor, Section, Voucher Audit Section, Grade M-5

DIVISION OF PURCHASING

Chief, Equipment Procurement Branch, Grade M-7
Chief, Fuels Procurement Branch, Grade M-7
Chief, Materials Procurement Branch, Grade M-7
Chief, Nuclear Procurement Branch, Grade M-7
Chief, Traffic Branch, Grade M-7
Assistant Chief, Equipment Procurement Branch, Grade M-6
Assistant Chief, Fuels Procurement Branch, Grade M-6
Assistant Chief, Materials Procurement Branch, Grade M-6
Assistant Chief, Nuclear Procurement Branch, Grade M-6
Assistant Chief, Traffic Branch, Grade M-6
Chief, Management Services Staff, Grade M-6
Chief, Procurement Planning Staff, Grade M-6
Procurement Systems Analyst, Grade M-5
Purchasing Agent, Grade M-5
Supervisor, Section, Construction and Building Materials Section, Grade M-5
Supervisor, Section, Eastern Section, Grade M-5
Supervisor, Section, Electrical Section, Grade M-5
Supervisor, Section, Equipment Open Market Section, Grade M-5
Supervisor, Section, Fuels Traffic Section, Grade M-5
Supervisor, Section, General Traffic Section, Grade M-5
Supervisor, Section, Materials Open Market Section, Grade M-5
Supervisor, Section, Mechanical Section, Grade M-5
Supervisor, Section, Nuclear Equipment Section, Grade M-5
Supervisor, Section, Procurement Studies and Reports Section, Grade M-5
Supervisor, Section, Structural and General Supply Section, Grade M-5
Supervisor, Section, Systems and Procedures Section, Grade M-5
Supervisor, Section, Western Section, Grade M-5

DIVISION OF PROPERTY AND SERVICES

Chief, Computing Services Branch, Grade M-7
Chief, Land Branch, Grade M-7
Chief, Office Service Branch, Grade M-7
Chief, Public Safety Service Branch, Grade M-7
Chief, Transportation Branch, Grade M-7
Manager of Properties, Grade M-7
Assistant Chief, Computing Services Branch, Grade M-6
Assistant Chief, Land Branch, Grade M-6
Assistant Chief, Office Service Branch, Grade M-6
Assistant Chief, Transportation Branch, Grade M-6
Chief, Property Administration Branch, Grade M-6
Manager, Operations, Office Service Operations, Grade M-6

[1] Publication in the Federal Register goes beyond what is required by Reorganization Plan No. 3 of 1961, which provides in pertinent part only that the Board may delegate its functions "by published order or rule."

Manager, Development, Systems and Applications Development, Grade M-6
Personnel Officer, Grade M-6
Supervisor, Appraisals, Grade M-6
Supervisor, Section, Duck River Section, Grade M-6
Supervisor, Land Buying, Grade M-6
Supervisor, Titles, Grade M-6
Administrative Officer, Grade M-5
Airplane Pilot, Grade M-5
Assistant Supervisor, Land Buying, Grade M-5
Assistant to Director of Property and Services, Grade M-5
Building Management Specialist, Grade M-5
Coordinator, Information Resources Management, Grade M-5
Specialist in Property Management, Grade M-5
Supervisor, Services, Appraisal Section, Grade M-5
Supervisor, Services, Bear Creek Section, Grade M-5
Supervisor, Staff, Facilities Evaluation and Acquisition, Grade M-5
Supervisor, Section, Land Management Section, Grade M-5
Supervisor, Section, Land Use Section, Grade M-5
Supervisor, Section, Office Service Operations, Grade M-5
Supervisor, Services, Office Systems Section, Grade M-5
Supervisor, Section, Operating Services Section, Grade M-6
Supervisor, Section, Operation and Maintenance Section, Grade M-5
Supervisor, Section, Public Safety Section, Grade M-5
Supervisor, Unit, Records Administration, Grade M-5
Supervisor, Services, Reproduction and Word Processing Section, Grade M-5
Supervisor, Section, Site Planning Section, Grade M-5
Supervisor, Staff, Standards and Employee Development, Grade M-5
Supervisor, Section, Systems and Applications Development, Grade M-5
Supervisor, Services, Systems and Applications Development, Grade M-5
Supervisor, Services, Title Section, Grade M-5
Supervisor, Section, Tributary Area Section, Grade M-5
Supervisor, Services, Uranium Properties Unit, Grade M-5

DIVISION OF WATER MANAGEMENT

Chief, Data Services Branch, Grade M-7
Chief, Mapping Services Branch, Grade M-7
Chief, Water Systems Development Branch, Grade M-7

OFFICE OF ENGINEERING DESIGN AND CONSTRUCTION

OFFICE OF THE MANAGER OF ENGINEERING DESIGN AND CONSTRUCTION

Assistant to Manager of Engineering Design and Construction (relationships with outside vendors), Grade M-7
Quality Assurance Manager, Grade M-7

DIVISION OF ENGINEERING DESIGN

Assistant Chief, Architectural Design Branch, Grade M-7
Assistant Design Project Manager, Grade M-7
Assistant to Director of Engineering Design, Grade M-7
Chief, Inspection and Testing Branch, Grade M-7
Civil Design Project Engineer, Grade M-7
Civil Engineer, Grade M-7
Design Project Manager, Grade M-7
Electrical Design Project Engineer, Grade M-7
Electrical Engineer, Grade M-7
Mechanical Design Project Engineer, Grade M-7
Mechanical Engineer, Grade M-7
Assistant to Chief, Civil Engineering and Design Branch, Grade M-6
Assistant to Chief, Electrical Engineering and Design Branch, Grade M-6
Assistant Chief, Inspection and Testing Branch, Grade M-6
Assistant to Chief, Electrical Engineering Branch, Grade M-6
Civil Design Project Engineer, Grade M-6
Electrical Design Project Engineer, Grade M-6
Mechanical Design Project Engineer, Grade M-6
Mechanical Engineer (contract administration), Grade M-5

DIVISION OF CONSTRUCTION

Construction Engineer, Grade M-7
General Construction Superintendent, Grade M-7
Project Manager, Grade M-7
Chief, Project Controls Staff, Grade M-6
Chief, Project Services Staff, Grade M-6
Chief, Quality Assurance Staff, Grade M-6
General Construction Superintendent, Grade M-6
Assistant to Director of Construction (Safety), Grade M-5
Supervisor, Warehouse Services Unit, Grade M-5
Welding Engineer, Grade M-5

OFFICE OF POWER

OFFICE OF THE MANAGER OF POWER

Chief, Financial Planning and Budget Staff, Grade M-7
Chief, Management Services Staff, Grade M-7
Quality Assurance Manager, Grade M-7
Assistant Quality Assurance Manager, Grade M-6
Chief, Systems Planning and Development Staff, Grade M-6
Economist, Grade M-6
Supervisor, Power Stores Section, Grade M-6
Assistant Supervisor, Power Stores Section, Grade M-5
Assistant to Chief, Power Research Staff, Grade M-5
Chemical Engineer (responsible for projects involving contractors outside TVA), Grade M-5
Environmental Engineer, Grade M-5
Supervisor, Electrical Engineering Research Section, Grade M-5
Supervisor, Energy Research Section, Grade M-5
Supervisor, Environmental Evaluation Section, Grade M-5
Supervisor, Environmental Research Section, Grade M-5
Supervisor, LMFBR Project Section, Grade M-5

DIVISION OF POWER CONSTRUCTION

Area Construction Manager, Grade M-7
Assistant Area Construction Manager, Grade M-6
Construction Engineer, Grade M-5
General Construction Superintendent, Grade M-5
Supervisor, Technical Services, Grade M-5

DIVISION OF POWER PRODUCTION

Assistant Chief, Steam-Electric Generation Branch, Grade M-7
Chief, Hydroelectric Generation Branch, Grade M-7
Chief, Plant Engineering Branch, Grade M-7
Chief, Power Plant Maintenance Branch, Grade M-7
Power Plant Superintendent, Grade M-7
Assistant Chief, Hydroelectric Generation Branch, Grade M-6
Assistant to Chief, Nuclear Generation Branch, Grade M-6
Coordinator, Training Center, Grade M-6
Electrical Engineer, Grade M-6
Mechanical Engineer, Grade M-6
Nuclear Engineer, Grade M-6
Power Plant Superintendent, Grade M-6
Superintendent, Power Service Shops, Grade M-6
Supervisor, Services, Administrative Services, Grade M-5

DIVISION OF POWER SYSTEM OPERATIONS

Chief, Transmission Maintenance and Test Branch, Grade M-7

DIVISION OF POWER RESOURCE PLANNING

(Acting) Assistant Director of Power Resource Planning, Grade M-7
Chief, Fossil Fuels Planning Branch, Grade M-7
Chief, Nuclear Fuels Planning Branch, Grade M-7
Chief Nuclear Raw Materials Branch, Grade M-7
Chief, Regulatory Branch, Grade M-7
(Acting) Chief, Power Supply Planning Branch, Grade M-6
Manager, Field Operations, Grade M-6
Nuclear Engineer, Grade M-6
Project Engineer, Grade M-6
Fuels Engineer, Grade M-5
Nuclear Engineer, Grade M-5
Power Supply Engineer, Grade M-5
Project Manager, Grade M-5
Supervisor, Services, Administrative Services, Grade M-5
Supervisor, Section, BWR Projects Section, Grade M-5
Supervisor, Section, Environmental Assessment Section, Grade M-5
Supervisor, Section, Environmental Planning Section, Grade M-5
Supervisor, Section, Exploration Section, Grade M-5
Supervisor, Section, Fuel Cycle Services Section, Grade M-5
Supervisor, Section, Fuels Economics Section, Grade M-5
Supervisor, Section, Fuels Engineering Section, Grade M-5
Supervisor, Section, Fuel Technology Section, Grade M-5
Supervisor, Section, Methods Development Section, Grade M-5
Supervisor, Section, Planning Section, Grade M-5
Supervisor, Section, Project Siting Section, Grade M-5
Supervisor, Section, Special Projects Section, Grade M-5
Supervisor, Section, System Planning Section, Grade M-5
Supervisor, Staff, Systems Development Staff, Grade M-5

DIVISION OF POWER UTILIZATION

Assistant to Director of Power Utilization, Grade M-7
Chief, Direct Service Branch, Grade M-7
Chief, Distributor Branch, Grade M-7
Chief, Rate Branch, Grade M-7
District Manager, Grade M-7
Assistant District Manager, Grade M-5

DIVISION OF TRANSMISSION PLANNING AND ENGINEERING

Chief, Civil Engineering and Design Branch, Grade M-7
Chief, Communication Engineering and Design Branch, Grade M-7
Chief, Electrical Engineering and Design Branch, Grade M-7
Chief, Transmission System Planning Branch, Grade M-7

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Chief, Transmission System Siting and Clearance Staff, Grade M-7
Assistant Chief, Civil Engineering and Design Branch, Grade M-6
Assistant Chief, Communication Engineering and Design Branch, Grade M-6
Assistant Chief, Electrical Engineering and Design Branch, Grade M-6
Civil Engineer, Grade M-5
Supervisor, Section, Materials, Specifications, and Procurement Section, Grade M-5
Supervisor, Section, Substation Projects Section, Grade M-5

OFFICE OF AGRICULTURAL AND CHEMICAL DEVELOPMENT

OFFICE OF THE MANAGER OF AGRICULTURAL AND CHEMICAL DEVELOPMENT

Administrator, International Fertilizer Program, Grade M-7
Assistant to Manager of Agricultural and Chemical Development, Grade M-7
Administrative Officer, Grade M-6
Personnel Officer, Grade M-6
Personnel Officer, Grade M-5
Supervisor, Services, Safety Engineering Services, Grade M-5

DIVISION OF AGRICULTURAL DEVELOPMENT

Chief, Agricultural Resource Development Branch, Grade M-7
Chief, Soils and Fertilizer Research Branch, Grade M-7
Chief, Test and Demonstration Branch, Grade M-7
Agricultural Economist (contract administration), Grade M-6
Assistant Chief, Test and Demonstration Branch, Grade M-6
Supervisor, Section, Distribution Economics Section, Grade M-6
Supervisor, Section, Field Section, Grade M-6
Supervisor, Section, Process and Product Improvement Section, Grade M-6
Agricultural Economist (contract administration), Grade M-5
Supervisor, Services, Administrative Services, Grade M-5

DIVISION OF CHEMICAL DEVELOPMENT

Chief, Applied Research Branch, Grade M-7
Chief, Design Branch, Grade M-7
Chief, Fundamental Research Branch, Grade M-7
Chief, Process Engineering Branch, Grade M-7
Chief, Services, Administrative Services, Grade M-6
Electrical Engineer, Grade M-6
Mechanical Engineer, Grade M-6

DIVISION OF CHEMICAL OPERATIONS

Chief, Ammonia Branch, Grade M-7
Chief, Maintenance Branch, Grade M-7
Chief, Nitrogen Fertilizer Branch, Grade M-7
Supervisor, Section, Central Services Section, Grade M-5

DIVISION OF ENVIRONMENTAL PLANNING

Chief, Air Quality Branch, Grade M-7
Chief, Staff, Applied Research and Education Staff, Grade M-7
Chief, Radiological Hygiene Branch, Grade M-7
Chief, Water Quality and Ecology Branch, Grade M-7
Assistant Chief, Industrial Hygiene Branch, Grade M-6
Assistant Chief, Water Quality and Ecology Branch, Grade M-6
Assistant to Chief, Water Quality and Ecology Branch, Grade M-6
Chief, Staff, Environmental Assessment and Compliance Staff, Grade M-6
Chief, Laboratory Branch, Grade M-6
Supervisor, Section, Industrial Hygiene Engineering Section, Grade M-6
Budget Officer, Grade M-5
Chief, Staff, Central Services Staff, Grade M-5
Chief, Staff, Hazard Control Compliance Staff, Grade M-5
Personnel Officer, Grade M-5
Safety Engineer, Grade M-5

DIVISION OF MEDICAL SERVICES

Medical Administrator, Grade M-7
Chief, Area Medical Service, Grade P-2
Chief, Staff, Health Projects Staff, Grade P-2
Chief, Staff, Special Health Services Staff, Grade P-2

OFFICE OF TRIBUTARY AREA DEVELOPMENT

Chief, Staff, Program Implementation Staff, Grade M-7
Chief, Staff, Administrative Services Staff, Grade M-6
Chief, Staff, Program Planning Staff, Grade M-6

DIVISION OF FORESTRY, FISHERIES, AND WILDLIFE DEVELOPMENT

Chief, Forest and Wildlife Resources Branch, Grade M-7
Assistant Chief, Forest and Wildlife Resources Branch, Grade M-6
Chief, Services, Administrative and Protective Services, Grade M-6
Facilities Manager, Grade M-6
Projects Manager, Reclamation, Revegetation, and Tree Improvement, Grade M-6
Projects Manager, Resource Projects Management, Grade M-6
Personnel Officer, Grade M-5
Staff Forester (reclamation compliance), Grade M-5

Dated: January 5, 1977.

TENNESSEE VALLEY AUTHORITY,
LYNN SEEBER,
General Manager.

[FR Doc.77-1126 Filed 1-12-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7461]

HIGHWAY MOTOR VEHICLE USE TAX REGULATIONS, MANUFACTURERS AND RETAILERS EXCISE TAX REGULATIONS, AND TEMPORARY EXCISE TAX REGULATIONS

Highway Vehicles

By a notice of proposed rule making appearing in the FEDERAL REGISTER for January 5, 1976 (41 F.R. 768), amendments to the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41) and the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) were proposed in order to clarify the definition of "highway vehicle" and to apply such definition uniformly for purposes of various sections of the Internal Revenue Code of 1954. Amendments to the Manufacturers and Retailers Excise Tax Regulations were also proposed to conform them to changes made in section 4061(a) by section 401 (a) (1) and (b) (1) of the Revenue Act of 1971 (85 Stat. 530, 534), relating to repeal of manufacturers excise tax on passenger automobiles, light-duty trucks, etc., and to the amendment of section 6241(a) by section 205 (b) (1) (A) of the Airport and Airway Revenue Act of 1970 (84 Stat. 241). In addition, it was proposed to delete § 142.1-1(d) of the Temporary Excise Tax Regulations under the Revenue Act of 1971 (26 CFR 142.1-1(d)), relating to light-duty trucks, buses, and related articles.

Comments were received in response to the notice of proposed rule making and a public hearing was held on May 20, 1976. After consideration of all relevant matter presented by interested persons regarding the proposed rules, those rules are adopted as revised in certain respects by this document.

The principal revisions to those rules, as adopted by this document, may be summarized as follows:

1. Paragraph (d) (2) (i) of § 48.4061 (a)-1, relating to the exception to the definition of highway vehicle for certain specially designed mobile machinery for nontransportation functions, has been clarified in several particulars. Notably, machinery or equipment will be considered to be permanently mounted if attached to a chassis by welding, bolting, or riveting. The special design of the chassis need not have been authored by the manufacturer. The chassis may serve as a carriage or mount for the particular machinery or equipment involved when not in operation. Finally, the list of nontransportation functions has been expanded to include processing and drilling; a similar change was made to subdivisions (ii) and (iii) of § 48.4061 (a)-1(d) (2).

2. Paragraph (d) (2) (ii) of § 48.4061 (a)-1 relating to the exception to the definition of highway vehicle for certain vehicles specially designed for offhighway transportation, has been clarified. The various functions, performed by equipment affixed to a vehicle, of caring for a load transported by the vehicle over the public highways are considered to be related to public highway transportation. Finally, a series of criteria are described for determining whether the use of a vehicle to transport a load over the public highways is substantially limited or substantially impaired.

3. Paragraph (e) (2) (ii) and (iii) of § 48.4061 (a)-1, relating to tax-free sales of chassis and bodies for use as a component of a vehicle other than a highway vehicle, has been modified. Pursuant to such provision, a manufacturer or reseller may sell a chassis or body tax free if he is furnished an appropriate form of statement by the purchaser and if he retains such statement for at least 3 years and discloses on the sales invoice the tax-free nature of the sale. However, in appropriate cases, the Internal Revenue Service may directly notify a manufacturer or reseller that sales of a specified type of chassis or body may not be made tax free under this provision.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On January 5, 1976, a notice of proposed rule making was published in the

FEDERAL REGISTER (41 FR 768) with respect to amending the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41), the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48), and the Temporary Excise Tax Regulations under the Revenue Act of 1971 (26 CFR Part 142). After consideration of all relevant matter presented by interested persons regarding the proposed rules, such regulations are hereby amended as follows:

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

PARAGRAPH 1. Section 41.4482(a)-1 is revised to read as follows:

§ 41.4482(a)-1 Definition of highway motor vehicle.

(a) *Highway motor vehicle.* The term "highway motor vehicle" means any vehicle that is both—

(1) A vehicle propelled by means of its own motor, whether such motor is powered by gasoline, diesel fuel, special motor fuels, electricity, or otherwise, and

(2) A "highway vehicle" as defined in paragraph (c) of this section.

(b) *Treatment of certain excluded vehicles.* Although trailers and semitrailers used in combination with highway trucks or truck-tractors are not vehicles the use of which is subject to the tax imposed by section 4481 (a), trailers and semitrailers customarily used in combination with highway trucks or truck-tractors are taken into account in determining the taxable gross weight of the highway motor vehicle under § 41.4482(b)-1, which is the base of the tax.

(c) *Highway vehicle.* For the definition of the term "highway vehicle" as used in this subchapter, see § 48.4061(a)-1 (d).

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 2. Section 48.4041 is amended by revising subsections (b) through (e) of section 4041, by adding new subsections (f), (g), and (h) to section 4041, and by revising the historical note, as follows:

§ 48.4041 Statutory provisions; imposition of tax.

Sec. 4041. *Imposition of tax.* • • •

(b) *Special motor fuels.* There is hereby imposed a tax of 4 cents a gallon upon benzol, benzene, naphtha, liquified petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or subsection (a) of this section)—

(1) Sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat; or

(2) Used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such liquid under paragraph (1).

In the case of a liquid taxable under this subsection sold for use or used otherwise than as a fuel in a highway vehicle (A) which (at the time of such sale or use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which in the case of a highway vehicle owned by the United States, is used on the highway, the tax imposed by paragraph (1) or by paragraph (2) shall be 2 cents a gallon. If a liquid on which tax was imposed by paragraph (1) at the rate of 2 cents a gallon by reason of the preceding sentence is used as a fuel in a highway vehicle (A) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a highway vehicle owned by the United States, is used on the highway, a tax of 2 cents a gallon shall be imposed under paragraph (2).

(c) *Noncommercial aviation*—(1) *In general.* There is hereby imposed a tax of 7 cents a gallon upon any liquid (other than any product taxable under section 4081)—

(A) Sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

(B) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such liquid under this section.

(2) *Gasoline.* There is hereby imposed a tax (at the rate specified in paragraph (3)) upon any product taxable under section 4081—

(A) Sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

(B) Used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such product under subparagraph (A).

The tax imposed by this paragraph shall be in addition to any tax imposed under section 4081.

(3) *Rate of tax.* The rate of tax imposed by paragraph (2) is as follows: 3 cents a gallon for the period ending September 30, 1979; and 5½ cents a gallon for the period after September 30, 1979.

(4) *Definition of noncommercial aviation.* For purposes of this chapter, the term "noncommercial aviation" means any use of an aircraft, other than use in a business of transporting persons or property for compensation or hire by air. The term also includes any use of an aircraft, in a business described in the preceding sentence, which is properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282.

(5) *Termination.* On and after July 1, 1980, the taxes imposed by paragraphs (1) and (2) shall not apply.

(d) *Additional tax.* If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate under subsection (c) (1) of this section on the use thereof, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

(e) *Rate reduction.* On and after October 1, 1979.

(1) The taxes imposed by subsections (a) and (b) shall be 1½ cents a gallon, and

(2) The second and third sentences of subsections (a) and (b) shall not apply.

(f) *Exemption for farm use*—(1) *Exemption.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used on a farm for farming purposes.

(2) *Use on a farm for farming purposes.* For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

(g) *Exemption for use as supplies for vessels.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221(d) (3)).

(h) *Registration.* If any liquid is sold by any person for use as a fuel in an aircraft, it shall be presumed for purposes of this section that a tax imposed by this section applies to the sale of such liquid unless the purchaser is registered in such manner (and furnishes such information in respect of the use of the liquid) as the Secretary or his delegate shall by regulations provide.

[Sec. 4041 as amended and in effect Jan. 1, 1959, and as amended by sec. 201(b), Federal-Aid Highway Act 1959 (73 Stat. 613); sec. 201 (a), (c), and (d), Federal-Aid Highway Act 1961 (75 Stat. 123, 124); Sec. 802(a)(2), Excise Tax Reduction Act 1965 (79 Stat. 159); sec. 202 (a) and (b), Airport and Airway Rev. Act 1970 (84 Stat. 237, 238); sec. 301(a) (1) and (2), Act of Dec. 31, 1970 (Pub. L. 91-605, 84 Stat. 1743); sec. 303(a) (1) and (2), Act of May 5, 1976 (Pub. L. 90-280, 90 Stat. 456)]

PAR. 3. Section 48.4041-6 is revised to read as follows:

§ 48.4041-6 Dual use of taxable liquid.

Tax applies to all taxable liquid sold for use or used as a fuel in the motor which is used to propel a diesel-powered highway vehicle or in the motor used to propel a motor vehicle, motorboat, or airplane, even though the motor is also used for a purpose other than the propulsion of the vehicle. Thus, where the motor of a diesel-powered highway vehicle or of a motor vehicle, motorboat, or airplane operates special equipment by means of a power take-off or power transfer, tax applies to all taxable liquid sold for such use or so used, whether or not the special equipment is mounted on the vehicle. For example, tax applies to diesel fuel sold to operate the mixing unit on a concrete mixer truck if the mixing unit is operated by means of a power take-off from the motor of the vehicle. Similarly, tax applies to all taxable liquid sold for use or used in a motor propelling a fuel oil truck even though the same motor is used to operate the pump (whether or not mounted on the truck) for discharging the fuel into customers' storage tanks. However, tax does not apply to liquid sold for use or used in a separate motor to operate special equipment (whether or not the equipment is mounted on the vehicle). If the taxable liquid used in a separate motor is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used. Devices to measure the number of miles the vehicle has traveled, such as hubometers, may be used in making a preliminary determination of the number of gallons of fuel used to propel the vehicle. In order to make a final deter-

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mination of the number of gallons of fuel used to propel the vehicle, there must be added to this preliminary determination the amount of fuel consumed while idling or warming up the motor preparatory to propelling the vehicle.

PAR. 4. Section 48.4041-7 is amended by revising paragraphs (b) and (c) to read as follows:

§ 48.4041-7 Definitions.

• • • • •

(b) *Diesel-powered highway vehicle*—(1) *In general.* The term "diesel-powered highway vehicle" means any highway vehicle (within the meaning of paragraph (b)(2) of this section) which is also a motor vehicle (as defined in paragraph (c) of this section) and which uses diesel fuel (as defined by paragraph (e) of this section) for propulsion purposes.

(2) *Highway vehicle.* The term "highway vehicle" has the same meaning assigned to such term under § 48.4061(a)-1(d).

(c) *Motor vehicles.* The term "motor vehicle" includes all types of vehicles propelled by motor which are designed for carrying or towing loads from one place to another, regardless of the type of load or material carried or towed and whether or not the vehicle is registered or required to be registered for highway use, such as fork lift trucks used to carry loads at railroad stations, industrial plants, warehouses, etc. The term does not include farm tractors; nor does it include trench diggers, power shovels, bulldozers, road graders or rollers, and similar equipment which does not carry or tow a load; nor does it include any vehicle which moves exclusively on rails.

• • • • •

PAR. 5. Section 48.4061(a) is revised to read as follows:

§ 48.4061(a) Statutory provisions; imposition of tax.

Sec. 4061. *Imposition of tax*—(a) *Trucks, buses, tractors, etc.*—(1) *Tax imposed.* There is hereby imposed upon the following articles (including in each case parts and accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax of 10 percent of the price for which so sold, except that on and after October 1, 1979, the rate shall be 5 percent—

Automobile truck chassis.
Automobile truck bodies.
Automobile bus chassis.
Automobile bus bodies.
Truck and bus trailer and semitrailer chassis.
Truck and bus trailer and semitrailer bodies.
Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this subsection, be considered to be a sale of a chassis and of a body enumerated in this subsection.

(2) *Exclusion for light-duty trucks, etc.* The tax imposed by paragraph (1) shall not apply to a sale by the manufacturer, producer, or importer of the following articles suitable for use with a vehicle having a gross vehicle weight of 10,000 pounds or less (as determined under regulations prescribed by the Secretary or his delegate)—

Automobile truck chassis.
Automobile truck bodies.
Automobile bus chassis.
Automobile bus bodies.
Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less (as so determined).

[Sec. 4061(a) as amended and in effect January 1, 1959, and as amended by sec. 3(a)(1), Tax Rate Extension Act 1959 (73 Stat. 157); sec. 202(a)(1), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 204, Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 3(a)(1), Tax Rate Extension Act 1961 (75 Stat. 193); sec. 3(a)(1), Tax Rate Extension Act 1962 (76 Stat. 114); sec. 3(a)(1), Tax Rate Extension Act 1963 (77 Stat. 72); sec. 2(a)(1), Excise-Tax Rate Extension Act 1964 (78 Stat. 237); sec. 201(a), Excise Tax Reduction Act 1965 (79 Stat. 136); sec. 201(a), Tax Adjustment Act 1966 (80 Stat. 65); Joint Resolution of April 12, 1968 (Pub. L. 90-285, 82 Stat. 92); sec. 105(a)(1), Revenue and Expenditure Control Act 1968 (82 Stat. 265); sec. 702(a)(1), Tax Reform Act 1969 (83 Stat. 600); sec. 201(a)(1), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1843); sec. 303(a)(3), Act of Dec. 31, 1970 (Pub. L. 91-605, 84 Stat. 1743); sec. 401(a)(1), Rev. Act 1071 (85 Stat. 530); sec. 303(a)(3), Act of May 5, 1976 (Pub. L. 94-280, 90 Stat. 456)]

PAR. 6. Section 48.4061(a)-1 is revised to read as follows:

§ 48.4061(a)-1 Imposition of tax; exclusion for light-duty trucks, etc.

(a) *Imposition of tax*—(1) *In general.* Section 4061(a)(1) imposes a tax on the sale by the manufacturer, producer, or importer of the following articles (including in each case parts and accessories therefor sold on or in connection therewith or with the sale thereof):

(i) Automobile truck and bus chassis and bodies;

(ii) Truck and bus trailer and semitrailer chassis and bodies; and

(iii) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

For purposes of this section, a sale of an automobile truck or bus, or a truck or bus trailer or semitrailer, shall be considered to be a sale of a chassis and of a body enumerated in this paragraph (a)(1).

(2) *Special rule applicable to chassis and bodies.* A chassis or body enumerated in paragraph (a)(1) of this section is taxable under section 4061(a)(1) only if such chassis or body is, within the meaning of paragraph (e) of this section, sold for use as a component part of a highway vehicle (as defined in paragraph (d) of this section), which is an automobile truck or bus, a truck or bus trailer or semitrailer, or a tractor of the kind chiefly used for highway transportation in combination with a trailer or semitrailer. Furthermore, a chassis or body which is not enumerated in paragraph (a)(1) of this section is not taxable under section 4061(a)(1) even though such chassis or body is used as a component part of a highway vehicle (e.g., a chassis or body of a passenger automobile).

(3) *Equipment installed on chassis or bodies.* (i) For purposes of the tax imposed by section 4061(a)(1), equipment or machinery installed on a taxable chassis or body is considered to be an integral part of the taxable chassis or body if the machinery or equipment contributes toward the highway transportation function of the chassis or body, regardless of whether separate sales of the machinery or equipment would be subject to the tax on automotive parts or accessories imposed by section 4061(b). Therefore, the amount of the sale price of a taxable chassis or body that is attributable to such machinery or equipment must be included in the tax base when computing the tax due on a manufacturer's or importer's sale or use of a taxable chassis or body. Examples of the type of machinery or equipment that contribute to the highway transportation function of a chassis or body are the following: loading and unloading equipment; towing winches; and all other machinery or equipment contributing to either the maintenance or safety of the vehicle, the preservation of cargo (other than refrigeration units), or the comfort or convenience of the driver or passengers.

(ii) Amounts charged for machinery or equipment that is installed on a taxable chassis or body are not part of the taxable sale price of the chassis or body if (A) such machinery or equipment does not contribute toward the highway transportation function of the chassis or body and (B) the reasonableness of the charge for the machinery or equipment is supportable by adequate records. Examples of such machinery or equipment are the following: equipment designed to spread materials on the highway; machinery or equipment used solely in the operation of mobile amusement rides; television equipment mounted in a mobile television studio; machine shop equipment mounted in a mobile machine shop; and car crushing equipment mounted on the chassis of a mobile car crusher.

(4) *Passenger automobile chassis and bodies, motorcycles, etc.* No tax is imposed under section 4061(a) on the sale of a motorcycle or, in the case of a sale made after December 10, 1971, on the sale of automobile chassis and bodies not enumerated in paragraph (a)(1) of this section, or of trailer and semitrailer chassis and bodies suitable for use in combination with passenger automobiles. For tax on certain sales made after December 31, 1958, and before December 11, 1971, see paragraph (b)(4) of this section.

(5) *Cross references.* For additional rules relating to the sale of a chassis or body enumerated in this paragraph for use as a component part of a highway vehicle, see paragraph (e) of this section. For exclusion of certain light-duty highway vehicles, see paragraph (f) of this section. For provisions relating to the tax-free sale of bodies to certain manufacturers, see section 4063(b) and the regulations thereunder. For other exemptions from the tax imposed under section 4061(a), see sections 4063 and 4221 and the regulations thereunder. For special rules relating to the sale by a manufacturer of a vehicle consisting of a tax-paid chassis and a body manufactured by him, see § 48.4061(a)-5.

(b) *Rate and computation of tax*—(1) *In general.* With respect to the articles enumerated in paragraph (a)(1) of this section, the rate of tax imposed by section 4061(a)(1) is:

	Percent
(i) For articles sold during the period beginning on January 1, 1959, and ending on September 30, 1979	10
(ii) For articles sold on or after October 1, 1979	5

(2) *Determination of price subject to tax.* The tax is computed by applying to the price for which the article is sold the rate in effect at the time of the sale. For definition of the term "price" and for application of the tax to leases of articles, see sections 4216 and 4217, respectively, and the regulations thereunder. If an article subject to tax under section 4061(a) has equipment mounted thereon to perform functions other than in connection with the transportation of persons or property, no tax under section 4061(a) attaches to that part of the selling price of the completed unit which is reasonably attributable to such equipment provided such part of the selling price is billed separately on the invoice to the customer or can otherwise be established by adequate records. For other rules relating to the sale of parts or accessories in connection with the sale of a chassis, body, or completed unit, see § 48.4061(a)-4. For special rules relating to the determination of selling price when equipment or machinery is permanently installed on a taxable chassis or body, see paragraph (a)(3) of this section.

(3) *Tax on trailers sold before December 11, 1971.* With respect to sales made after December 31, 1958, and before December 11, 1971, the rate of tax imposed under section 4061(a) on a trailer or semitrailer chassis or body that is a highway vehicle within the meaning of paragraph (d) of this section depends upon a classification of the article. The sale during this period of a trailer or semitrailer chassis or body (other than a house trailer) suitable for use in combination with passenger automobiles is subject to tax as set forth in paragraph (b)(4) of this section. A trailer suitable for use in combination with a passenger automobile which is designed for purposes other than living or sleeping, commonly referred to as a "utility trailer", is an example of a trailer taxable at the 7 percent rate set forth in paragraph (b)(4) of this section. The sale of a trailer or semitrailer chassis or body that is not suitable for use in combination with passenger automobiles is subject to tax as set forth in paragraph (b)(1) of this section.

(4) *Passenger automobile chassis and bodies and related articles sold before December 11, 1971.* With respect to the sale after December 31, 1958, and before December 11, 1971, of (i) automobile chassis and bodies not enumerated in paragraph (a)(1) of this section or (ii) trailer and semitrailer chassis and bodies suitable for use in combination with passenger automobiles, the tax imposed by section 4061(a) is computed in accordance with paragraph (b)(2) of this section at the rate of 10 percent for sales prior to June 22, 1965, and at the rate of 7 percent thereafter.

(c) *Liability for tax.* The tax imposed by section 4061(a) is payable by the manufacturer, producer, or importer making the sale.

(d) *Highway vehicle*—(1) *Definition.* For purposes of this subchapter, the term "highway vehicle" means any self-propelled vehicle, or any trailer or semitrailer, designed to perform a function of transporting a load over public highways, whether or not also designed to perform other functions, but does not include a vehicle described in paragraph (d)(2) of this section. For purposes of this definition, a vehicle consists of a chassis, or a chassis and a body if the vehicle has a body, but does not include the vehicle's load. Therefore, in determining whether a vehicle is a "highway vehicle", it is immaterial that the vehicle is designed to perform a highway transportation function for only a particular kind of load, such as passengers, furnishings and personal effects (as in a house, office, or utility trailer), a special type of cargo, goods, supplies, or materials, or, except to the extent otherwise provided in paragraph (d)(2)(i) of this section, machinery or equipment specially designed to perform some off-highway task unrelated to highway transportation. In the case of specially designed machinery or equipment, it is also immaterial, except as provided in paragraph (d)(2)(i) of this section, that such machinery or equipment is permanently mounted on the vehicle. For purposes of paragraph (d) of this section, the term "transport" includes the term "tow", and the term "public highway" includes any road (whether a Federal highway, State highway, city street, or otherwise) in the United States which is not a private roadway. A vehicle which is not a highway vehicle within the meaning of this paragraph shall be treated as a nonhighway vehicle for purposes of this subchapter. Examples of vehicles that are designed to perform a function of transporting a load over the public highways are passenger automobiles, motorcycles, buses, and highway-type trucks, truck tractors, trailers, and semi-trailers.

(2) *Exceptions*—(i) *Certain specially designed mobile machinery for nontransportation functions.* A self-propelled vehicle, or trailer or semi-trailer, is not a highway vehicle if it (A) consists of a chassis to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or operation similar to any one of the foregoing enumerated operations if the operation of the machinery or equipment is unrelated to transportation on or off the public highways, (B) the chassis has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and (C) by reason of such special design, such chassis could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

(ii) *Certain vehicles specially designed for offhighway transportation.* A self-propelled vehicle, or a trailer or semitrailer, is not a highway vehicle if it is (A) specially designed for the primary function of transporting a particular type of load other than over the public highway in connection with a construction, manufacturing, processing, farming, mining, drilling, timbering, or operation similar to any one of the foregoing enumerated operations, and (B) if by reason of such special design, the use of such vehicle to transport such load over the public highways is substantially limited or substantially impaired. For purposes of applying the rule of (B) of this subdivision, account may be taken of whether the vehicle may travel at regular highway speeds, requires a special permit for highway use, is overweight, overheight or overwidth for regular highway use, and any other relevant considerations. Solely for purposes of determinations under this paragraph (d)(2)(ii), where there is affixed to the vehicle equipment used for loading, unloading, storing, vending, handling, processing, preserving, or otherwise caring for a load transported by the vehicle over the public highways, the functions are related to the transportation of a load over the public highways even though such functions may be performed off the public highways.

(iii) *Certain trailers and semitrailers specially designed to perform non-transportation functions off the public highways.* A trailer or semi-trailer is not a highway vehicle if it is specially designed to serve no purpose other than providing an enclosed stationary shelter for the carrying on of a function which is directly connected with and necessary struction, manufacturing processing, mining, drilling, farming, timbering, or operation similar to any one of the foregoing enumerated operations such as a trailer specially designed to serve as an office for such an operation.

(3) *Optional application.* For purposes of this subchapter, if any rules existing immediately prior to January 13, 1977 would, if applicable, unequivocally resolve an issue involving the definition of a highway vehicle with respect to a period prior to such date, at the option of the taxpayer, such rules existing prior to such date shall be applied to resolve the issue for all periods prior to such date, and the rules of paragraph (d)(1) and (2) of this section, which define the term "highway vehicle", shall not apply with respect to such issue for all periods prior to such date.

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(4) *Highway vehicles not subject to section 4061 tax.* Although for purposes of this paragraph (d) passenger automobiles, automobile trailers and semi-trailers, motor homes, motorcycles, light-duty trucks, etc., will be considered to be highway vehicles because they are designed to perform a function of transporting a load over public highways, the tax imposed under section 4061(a) does not apply to the sale of such vehicles because they either are not articles subject to tax under such section or are excluded from tax under section 4061 (a)(2). See also paragraphs (a)(4) and (f) of this section. Despite the fact that passenger automobiles, passenger automobile trailers and semi-trailers, motor homes, motorcycles, light-duty trucks, etc., are not subject to the manufacturers excise tax on highway vehicles imposed by section 4061(a), the fact that they are nevertheless considered highway vehicles for purposes of this subchapter can be of material significance in determining the applicability of such excise taxes as the tax imposed by section 4041 (relating to diesel and special motor fuels), the tax imposed by section 4071(a)(1) (relating to tires of the type used on highway vehicles), or the tax imposed by section 4481 (relating to highway use tax on highway motor vehicles). In addition, the definition of the term "highway vehicle" is material in determining the credits or refunds provided by section 6416(b)(2)(I) (relating to diesel fuel used in certain highway vehicles), section 6421(a) (relating to gasoline used for a nonhighway purpose), section 6424 (relating to lubricating oil used otherwise than in a highway motor vehicle), and section 6427(a) (relating to diesel or special motor fuel not used for a taxable purpose).

(e) *Sale of a chassis or body for use as a component of a vehicle other than a highway vehicle*—(1) *In general.* Except as otherwise provided in paragraphs (a)(4), (e)(2), or (f) of this section, the sale of a chassis or body shall be deemed to be a sale of a chassis or body enumerated in paragraph (a)(1) of this section if such chassis or body is, in any sense, reasonably suitable for use as a component part of a highway vehicle that is either an automobile truck or bus, a truck or bus trailer or semitrailer, or a tractor of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

(2) *Exceptions based on unitary concept*—(i) *Completed vehicles not qualifying as highway vehicles.* With respect to the sale of a vehicle after January 13, 1977 which would otherwise be treated under paragraph (e)(1) of this section as a sale of a chassis or body enumerated in paragraph (a)(1) of this section, the tax imposed under section 4061(a) shall not apply to such sale if the vehicle (considered as a completed unit) is not considered to be a highway vehicle within the meaning of paragraph (d) of this section.

(ii) *Tax-free sales of chassis and bodies.* With respect to the sale after January 13, 1977 of a chassis or body (not including the sale of a completed vehicle described in paragraph (e)(2)(i) of this section) which would otherwise be treated under paragraph (e)(1) of this section as a sale of a chassis or body enumerated in paragraph (a)(1) of this section, the tax imposed under section 4061(a) shall not apply to such sale if the chassis or body is actually sold for use, or for resale for use, as a component part of a vehicle that is not a highway vehicle within the meaning of paragraph (d) of this section. For purposes of determining the liability of the manufacturer or reseller for the tax imposed under section 4061(a), the test of the preceding sentence will be considered to be met if (A) the purchaser furnishes the statement set forth in paragraph (e)(2)(iv) of this section to the seller before the manufacturer files a return covering excise taxes for the period in which the sale was made, and (B) the manufacturer or reseller complies with the requirements set forth in paragraph (e)(2)(iii) of this section. However, even though the purchaser and manufacturer (or reseller) have complied with the foregoing, the tax imposed under section 4061(a), shall apply to such sale if the manufacturer or reseller has received a written notification (applicable with respect to such sale) from the Internal Revenue Service that sales of a specified type or types of chassis or bodies may not be made tax free pursuant to this paragraph (e)(2)(ii) until further notification. Any such notification issued by the Internal Revenue Service shall be effectve only with respect to sales after the manufacturer has received such notification.

(iii) *Requirements to be met.* In order for a manufacturer or reseller to sell free of tax under paragraph (e)(2)(ii) of this section an otherwise taxable chassis or body, the manufacturer or reseller must—

(A) Retain in his possession the statement required to be furnished by the purchaser and such other evidence as may be furnished by the purchaser to support the tax-free sale. Such evidence shall be retained for at least 3 years from the due date of the tax that would be due if the transaction in question had been a taxable sale; and

(B) Indicate on the invoice with respect to the sale of the chassis or body that the sale of such article is made free of tax under paragraph (e)(2)(ii) of this section.

(iv) *Form of statement.* In order for an otherwise taxable chassis or body to be sold free of tax under paragraph (e)(2)(ii) of this section, the purchaser must execute and furnish to the manufacturer or reseller a statement that substantially complies with the following form:

_____, 19__

Under the penalty of perjury, the undersigned certifies that he, or the _____, (Name of purchaser if other than the undersigned)

of which he is _____, is in the business (Title)

of _____ (State nature of business)

and that the chassis and/or bodies covered by the accompanying order or contract for purchase from _____ (Name and address of seller)

are purchased for (check one) ☐ use, or for ☐ resale for use, as components of the following type or types of nonhighway vehicles:

1. _____
2. _____
3. _____

The undersigned understands that he must be prepared to establish by satisfactory evidence the actual use or disposition of such chassis or bodies and that, upon their use or disposition other than use as components of a nonhighway vehicle, he consents to be treated as the manufacturer of any such chassis or body purchased by him free of the tax imposed by section 4061(a).

The undersigned also understands that he and all guilty parties will, for use of this statement to willfully attempt to evade or defeat the tax imposed under section 4061, be subject, under section 7201, to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

The undersigned agrees to retain in his possession a copy of this statement for at least 3 years from its date.

_____ (Signature)

_____ (Address)

(v) *Refund or credit of overpayment.* If a purchaser furnishes the manufacturer with the statement described in paragraph (e)(2)(iv) of this section after the time the manufacurer has filed a return covering excise taxes for the period in which the sale was made, the manufacturer must include the tax on the sale in his return for the period. However, in such case, if the conditions prescribed in paragraph (e)(2)(iii) of this section are met, a claim for refund of the tax paid on such sale may be filed by the manufacturer on Form 843, or a credit taken on a subsequent return, in accordance with the provisions of sections 6402(a) and 6416(a) and § 48.6416(a)-1.

(vi) *Cross reference.* For special rules relating to the sale by a manufacturer of a vehicle consisting of a tax-paid chassis and a body manufactured by him, see § 48.4061(a)-5.

(f) *Exclusion of light-duty trucks, buses, and related articles from tax*—(1) *In general.* (i) No tax is imposed by section 4061(a)(1) on the sale after December 10, 1971, of the following articles, if suitable for use with a vehicle having a gross vehicle weight of 10,000 pounds or less (as determined under paragraph (f)(3) of this section):

(A) Automobile truck and bus chassis and bodies, and

(B) Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less (as so determined).

(ii) For purposes of this part, a chassis or body is suitable for use with a vehicle having a gross vehicle weight of 10,000 pounds or less (hereafter referred to in this paragraph (f) as a "light-duty vehicle") if such chassis or body is commonly used with such a vehicle or possesses actual, practical, and commercial fitness for such use. A truck or bus chassis, sold after December 10, 1971, which is suitable for use with a light-duty vehicle, is not subject to the tax imposed by section 4061(a)(1) regardless of the body actually mounted thereon. Similarly, a truck trailer or semitrailer chassis sold after such date, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less, which trailer or semitrailer is suitable for use in connection with a light-duty towing vehicle, is not subject to such tax regardless of the body actually mounted thereon. A truck or bus body, sold after such date, which is suitable for use with a light-duty vehicle, is not subject to such tax even though it may also be suitable for use with (and is actually a component of) a vehicle having a gross vehicle weight in excess of 10,000 pounds. Similarly, a truck trailer or semitrailer body sold after such date, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less, which trailer or semitrailer is suitable for use with a light-duty towing vehicle, is not subject to such tax even though it may also be suitable for use with (and is actually a component of) a trailer or semitrailer having a gross vehicle weight of more than 10,000 pounds, or is used in connection with a vehicle having a gross vehicle weight of more than 10,000 pounds.

(iii) Where an exempt body is mounted on a taxable chassis, or a taxable body is mounted on an exempt chassis, the taxable chassis or taxable body, as the case may be, nevertheless remains subject to such tax, if the resulting vehicle is a highway vehicle as defined in paragraph (d) of this section.

(2) *Parts and accessories.* (i) The sale of a part or accessory which, if sold on December 10, 1971, would be subject to the tax imposed by section 4061(a)(1) as in effect at such time, is not subject to the tax imposed by section 4061(a)(1) as in effect after such date if—

(A) It is sold by the manufacturer on or in connection therewith, or with the sale of, a vehicle enumerated in paragraph (f)(1)(i) of this section which is not subject to such tax, and

(B) It is not a replacement part (as defined in paragraph (f)(2)(ii) of this section).

(ii) For purposes of this paragraph (f)(2), a part or accessory is considered sold with a vehicle if, as of the time the article is sold by the manufacturer, the part or accessory has been ordered from such manufacturer for use with the vehicle. Thus, for example, original equipment sold after December 10, 1971, with a light-duty vehicle, consisting of parts and accessories which are ordered from the manufacturer of the vehicle not later than the time at which such vehicle is sold by him (whether or not installed as of such time) are not subject to such tax. For purposes of this paragraph (f)(2), a part is a replacement part, regardless of when ordered, if its use with a vehicle is as a replacement for a part of such vehicle. Therefore, spare parts or accessories sold separately or ordered with a light-duty truck are subject to the tax imposed on sales of parts or accessories by section 4061(b)(1), unless they are excluded from tax as articles used interchangeably between truck and passenger vehicles under the provisions of section 4061(b)(2).

(3) *Gross vehicle weight.* (i) For purposes of paragraph (f)(1) of this section, gross vehicle weight means the maximum total weight of a loaded vehicle. Except as otherwise provided in this paragraph (f)(3), such maximum total weight shall be the gross vehicle weight rating of the article (as manufactured) as specified or established by the manufacturer of the completed article, unless such rating is unreasonable in light of the facts and circumstances in a particular case.

(ii) A manufacturer must specify or establish a weight rating for each chassis, body, or vehicle sold by him after September 22, 1971, if such article requires no additional manufacture other than (A) the addition of readily attachable articles, such as tire or rim assemblies or minor accessories, (B) the performance of minor finishing operations, such as painting, or (C) in the case of a chassis, the addition of a body. If an article is specially manufactured to the purchaser's specifications, such specifications may be used to establish the gross vehicle weight of the article.

(iii) A manufacturer shall maintain a record of the gross vehicle weight rating of each truck, bus, trailer, and semitrailer sold by him and excluded from the tax imposed by section 4061(a)(1) by reason of section 4061(a)(2) and this paragraph (f). For this purpose, a record of the serial number of each such article shall be treated as a record of the gross vehicle weight rating of the article if such rating is indicated by the serial number.

(iv) If (A) the manufacturer's rating indicated in a label or identifying device affixed to an article, (B) the rating set forth in his sales invoice or warranty agreement, and (C) his advertised rating for that article (or two or more identical articles) are inconsistent, the highest of such ratings will be considered to be the manufacturer's gross vehicle weight rating specified or established for purposes of the tax imposed by section 4061(a)(1).

(v) With respect to articles sold after January 31, 1972, the manufacturer's gross vehicle weight rating must take into account the strength of the chassis frame, the axle capacity and placement, and the spring, brake, rim, and tire capacities. The component with the lowest weight rating ordinarily shall be considered determinative of the gross vehicle weight. If the capacity of any of the readily attachable components (springs, brakes, rims, or tires) would otherwise be determinative of a gross vehicle weight rating of 10,000 pounds or less, no readily attachable component will be taken into account in determining such rating unless the rating determined solely on the basis of the chassis frame or the total of the axle ratings is 12,000 pounds or less.

(vi) For purposes of paragraph (f)(3)(v) of this section, the term "total of the axle ratings" means the sum of the maximum load carrying capability (capacity and placement) of the axles (without regard to springs, brakes, rims, and tires) and, in the case of a trailer or semitrailer, the weight, if any, that is to be borne by a vehicle used in combination with the trailer or semitrailer for which gross vehicle weight is determined.

PAR. 7. Section 48.4061(a)-5 is revised to read as follows:

§ 48.4061(a)-5 Sale of automobile truck bodies and chassis.

(a) *Sale of completed vehicle.* An automobile truck (as defined by § 48.4061(a)-3(a)) for purposes of the tax imposed by section 4061(a) consists of two parts, namely, a body and a chassis. Generally, the tax applies to the sale by the manufacturer of each. Thus, if the purchaser of a tax-paid chassis attaches to it a taxable body manufactured by him and sells the completed vehicle, he is liable for tax based on the sale price of the body only. However, in such a case, the tax attaches to the selling price of the entire vehicle unless adequate records are available to show the portion of the total selling price attributable to the body.

(b) *Cross references.* For special rules relating to the sale of a chassis or body to a purchaser who will use it in the manufacture or assembly of a nonhighway vehicle, see § 48.4061(a)-1(e). With respect to bodies sold to a chassis manufacturer, see also section 4063(b) and the regulations thereunder.

PAR. 8. Section 48.4063-1 is revised to read as follows:

§ 48.4063-1 Tax-free sales of bodies to chassis manufacturers.

Under the provisions of section 4063(b), the tax imposed by section 4061(a) shall not apply to bodies sold by the manufacturer thereof to a manufacturer (but not an importer) of automobile trucks (as defined by § 48.4061(a)-3(a)) to be sold by the purchaser. Thus, a manufacturer of automobile truck bodies is permitted to sell such bodies tax free to manufacturers of automobile truck chassis. This section does not apply with respect to the sale of an automobile truck chassis to manufacturers of automobile truck bodies. However, see § 48.4061(a)-1(e) with respect to the sale of an automobile truck chassis for use in the manufacture or assembly of a nonhighway vehicle (within the meaning of § 48.4061(a)-1(d)). In order to effect a tax-free sale of a body as provided in this section both the seller and purchaser must comply with the registration and other requirements of section 4222 and the regulations thereunder. A chassis manufac-

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turer who purchases a body tax free as provided in this section shall, for purposes of application of the tax imposed by section 4061(a), be considered the manufacturer of such body.

PAR. 9. Section 48.4072-1 is amended by revising paragraph (c) to read as follows:

§ 48.4072-1 Definitions.

* * * * *

(c) *Tires of the type used on highway vehicles.* The term "tires of the type used on highway vehicles", for purposes of §§ 48.4071 through 48.4073-3, means tires of the type used on (1) motor vehicles that are highway vehicles within the meaning of § 48.4061(a)-1(d), such as tires used on motor trucks, buses, passenger automobiles, motor homes, highway tractors, trolley buses or coaches, or motorcycles, and (2) vehicles of the type used in connection with motor vehicles that are highway vehicles within the meaning of § 48.4061(a)-1(d), such as tires used on truck or bus trailers, truck semitrailers, mobile homes, housetrailers, or utility trailers. The term "tires of the type used on highway vehicles" does not include bicycle tires. Bicycle tires, however, are included in the term "other tires" as used in section 4071(a)(2).

* * * * *

PAR. 10. Section 48.4081 is amended by revising subsection (b) and the historical note to read as follows:

§ 48.4081 Statutory provisions; imposition of tax.

Sec. 4081. *Imposition of tax.* * * *

(b) *Rate reduction.* On and after October 1, 1979, the tax imposed by this section shall be 1½ cents per gallon.

[Sec. 4081 as amended and in effect Jan. 1, 1959, and as amended by sec. 201(a), Federal-Aid Highway Act 1959 (73 Stat. 613); sec. 201 (b), (c), and (d), Federal-Aid Highway Act 1961 (75 Stat. 123, 124); sec. 303(a)(6), Act of Dec. 31, 1970 (Pub. L. 91-605, 84 Stat. 1744); sec. 303(a)(6), Act of May 5, 1976 (Pub. L. 94-280, 90 Stat. 458)]

PAR. 11. Section 48.6421(a) is amended to read as follows:

§ 48.6421(a) Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems; nonhighway uses.

Sec. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems*—(a) *Nonhighway uses.* Except as provided in subsection (i), if gasoline is used otherwise than as a fuel in a highway vehicle (1) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (2) which, in the case of a highway vehicle owned by the United States, is used on the highway, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to 1 cent for each gallon of gasoline so used on which tax was paid at the rate of 3 cents a gallon and 2 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon. Except as provided in paragraph (3) of subsection (e) of this section, in the case of gasoline used after June 30, 1970, as a fuel in an aircraft, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the amount determined by multiplying the number of gallons of gasoline so used by the rate at which tax was imposed on such gasoline under section 4081.

[Sec. 6421(a) as added and in effect Jan. 1, 1959, and as amended by sec. 201(d)(2), Federal-Aid Highway Act 1959 (73 Stat. 615); sec. 809(b)(1)(A), Excise Tax Reduction Act 1965 (79 Stat. 166); sec. 205(b)(1)(A), Airport and Airway Rev. Act 1970 (84 Stat. 241)]

PAR. 12. Section 48.6421(a)-1 is amended by revising paragraphs (a)(1), (b), (c)(1), and (d) to read as follows:

§ 48.6421(a)-1 Payments to ultimate purchaser of gasoline used for certain nonhighway purposes.

(a) *In general.* (1) Section 6421(a) provides that if gasoline is used otherwise than as a fuel in a highway vehicle:

(i) Which, at the time the gasoline is so used, is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or

(ii) Which, in the case of a highway vehicle owned by the United States, is used on the highway. Payment (without interest) in respect of such gasoline shall be made to the ultimate purchaser thereof. No payment is authorized, however, with respect to gasoline used after June 30, 1970, as a fuel in noncommercial aviation (as defined in section 4041(c)(4)). Except as hereinafter provided in this paragraph (a)(1), the payment shall be in an amount equal to 1 cent for each gallon of gasoline so used on which tax was paid under section 4081 at the rate of 3 cents a gallon, and 2 cents for each gallon of gasoline so used on which tax was paid under section 4081 at the rate of 4 cents a gallon. In the case of gasoline used after June 30, 1970, as a fuel in an aircraft (other than an aircraft in noncommercial aviation as defined in section 4041(c)(4)), the payment shall be in an amount equal to the amount determined by multiplying the number of gallons of gasoline so used by the rate at which tax was imposed on such gasoline under section 4081. However, payment in respect of gasoline used as provided in section 6421(a) shall be made only as to gasoline purchased by an ultimate purchaser after June 30, 1956, and before October 1, 1979, and only if a properly executed claim is filed by the ultimate purchaser within the time prescribed in section 6421(c). For the meaning of the term "gasoline", see § 48.4082-1(b); and for the definition of "State", see section 7701. For provisions relating to payments in respect of gasoline used on a farm for farming purposes, see section 6420 and the regulations thereunder.

* * * * *

(b) *Uses which qualify for payment.* Gasoline in respect of which payment may be made under section 6421(a) includes, for example, gasoline used in nonhighway vehicles, gasoline used in stationary engines to operate pumps, generators, compressors, etc., gasoline used for cleaning purposes, and gasoline used in motor boats, forklifts, etc., and, to the extent provided in paragraph (a)(1) of this section, aircraft. Payment may also be made in respect of gasoline used in a highway vehicle (other than one owned by the United States) if at the time the gasoline is used the vehicle (1) is not registered for highway use under the law of any State or foreign country and (2) is not required to be registered for highway use under the law of the State or foreign country in which it is operated or situated. A highway vehicle which is operated under a dealer's tag, license, or permit is considered to be registered. A highway vehicle is not considered to be registered solely by reason of the fact that there has been issued a special permit for operation of the vehicle at particular times and under specified conditions.

(c) *Meaning of terms*—(1) *Highway vehicle.* The term "highway vehicle" has the same meaning assigned to such term under § 48.4061(a)-1(d).

* * * * *

(d) *Dual use of gasoline.* No payment shall be made with respect to gasoline used in the propulsion motor of a highway vehicle solely on the basis of the fact that the motor in such vehicle is also used for a purpose other than the propulsion of the vehicle. Thus, if the propulsion motor of a highway vehicle also operates special equipment (such as a pump for discharging fuel from a tank truck) by means of a power take-off or power transfer, no payment shall be made with respect to the gasoline used to operate such special equipment, whether or not the special equipment is mounted on the highway vehicle. However, if a highway vehicle is equipped with a separate motor to operate special equipment (such as a refrigeration unit, pump, generator, or a mixing unit), a claim may be filed in respect of the gasoline used in the separate motor. In those cases where the gasoline used in a separate motor is drawn from the same tanks as the one which supplies gasoline for the propulsion of the vehicle, the determination as to the quantity of gasoline used in the separate motor operating the special equipment must be based on operating experience and supported by records. Devices to measure the number of miles the vehicle has traveled, such as hubometers, may be used in making a preliminary determination of the number of gallons of gasoline used to propel the vehicle. In order to make a final determination of the number of gallons of gasoline used to propel the vehicle, there must be added to this preliminary determination the number of gallons of gasoline consumed while idling or warming up the motor preparatory to propelling the vehicle.

* * * * *

PAR. 13. Section 48.6421(c) is revised to read as follows:

§ 48.6421(c) Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems; time for filing claims; period covered.

Sec. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems.* * * *

(c) *Time for filing claims; period covered*—(1) *Gasoline used before July 1, 1965.* Except as provided in paragraphs (2) and (3), not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during the one-year period ending on June 30 of any year. No claim shall be allowed under this paragraph with respect to any one-year period unless filed on or before September 30 of the year in which such one-year period ends.

(2) *Exception.* Except as provided in paragraph (3), if $1,000 or more is payable under this section to any person with respect to gasoline used during a calendar quarter, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first calendar quarter following the calendar quarter for which the claim is filed.

(3) *Gasoline used after June 30, 1965*—(A) *In general.* In the case of gasoline used after June 30, 1965—

(i) Except as provided in subparagraph (B), not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during his taxable year; and

(ii) No claim shall be allowed under this subparagraph with respect to gasoline used during any taxable year unless filed by such person not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year.

For purposes of this paragraph, a person's taxable year shall be his taxable year for purposes of subtitle A, except that a person's first taxable year beginning after June 30, 1965, shall include the period after June 30, 1965, and before the beginning of such first taxable year.

(B) *Exception.* If $1,000 or more is payable under this section to any person with respect to gasoline used during any of the first three quarters of his taxable year, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this subparagraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.

[Sec. 6421(c) as added and in effect Jan. 1, 1959, and as amended by sec. 809(b)(2), Excise Tax Reduction Act 1965 (79 Stat. 166); sec. 207(b), Airport and Airway Rev. Act 1970 (84 Stat. 248)]

PAR. 14. Section 48.6421(e) is amended by adding a new paragraph (3) to section 6421(e) and by revising the historical note, as follows:

§ 48.6421(e) Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems; exempt sales; other payments or refunds available.

Sec. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems.* * * *

(e) *Exempt sales; other payments or refunds available.* * * *

(3) *Gasoline used in noncommercial aviation.* This section shall not apply in respect of gasoline which is used after June 30, 1970, as a fuel in an aircraft in noncommercial aviation (as defined in section 4041(c)(4)).

[Sec. 6421(e) as added and in effect Jan. 1, 1959, and as amended by sec. 205(b)(1)(B), Airport and Airway Rev. Act 1970 (84 Stat. 241)]

PART 142—TEMPORARY EXCISE TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Par. 15. Section 142.1-1 is amended by deleting paragraph (d), as follows:

§ 142.1-1 Imposition of tax; exclusion for light-duty trucks, etc.; exemptions for local transit buses and trash containers.

* * * * *

(d) [Deleted]

* * * * *

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 6, 1977.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.77-1174 Filed 1-12-77;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2608—INTERIM REGULATION ON ALLOCATION OF ASSETS

Amendment to Allow Subclasses

On November 3, 1976, the Pension Benefit Guaranty Corporation ("PBGC") published in the FEDERAL REGISTER an Interim Regulation on Allocation of Assets (41 FR 48480 et seq.) and a Supplemental Notice of Proposed Rulemaking on Allocation of Assets (41 FR 48492 et seq.). The Interim Regulation only applied to plans which received a Notice that the PBGC was unable to determine whether the plan would have sufficient assets to pay all guaranteed benefits after the assets were allocated in accordance with § 4044 of the Employee Retirement Income Security Act of 1974 ("Act"). The supplemental notice contained rules for allocating assets in plans that receive a Notice of Sufficiency from the PBGC ("sufficient plan"), and it also prescribed rules under which a plan may establish subclasses for allocating assets within the priority categories contained in section 4044(a) of the Act.

The rules in the supplemental proposal regarding allocation of assets in sufficient plans required that the allocation be based on the value of benefits in those plans. A number of comments were received regarding the valuation of benefits in sufficient plans which the PBGC is studying. Therefore, issuance of rules relating to allocation of assets in those plans would be premature at this time.

However, PBGC received only one comment regarding the proposed subclass rules. The comment noted that permitting subclasses is ill advised because "it is extremely complex and because capricious results may develop as to the benefit delivery to individual participants." Thus, the comment would seem to suggest that subclasses should not be allowed. Section 4044(b)(6) of the Act specifically authorizes a plan to establish subclasses within the priority classes of section 4044(a) of the Act in accordance with PBGC regulations. Therefore, the comment is rejected because it is contrary to the express provisions of the Act.

The language of the exception to the subclasses rule (§ 2608.12(b)) has been changed to make it clear that only those priorities based on greater length of service, older age or disability that were contained in the plan on the effective date of the Act be used as subclasses under the exception. To prevent abuse of the exception, under § 2608.12(b)(ii), a plan that wishes to establish subclasses under the exception must do so within 180 days of the effective date of this amendment. Plans in which the allocation provisions were amended in a good faith effort to comply with the allocation priorities of § 4044 of the Act may reamend within the 180 day period to establish subclasses.

One other comment was directed to a situation in which a participant makes a contribution to a plan to obtain additional benefits funded in part through employer contributions. It noted that such contributions appear to be mandatory contributions and stated that it seemed "inequitable" to deduct all benefits received from the plan from accumulated mandatory contributions as required by § 2608.7(b) of the Interim and Proposed regulations. The comment noted that in the situation it described there were effectively two plans. The second plan being the one that provided additional benefits for employees who made contributions.

Section 4044(b)(5) of the Act specifically requires all amounts paid to an employee from the plan to be deducted in determining the total amount of mandatory contributions. Thus, the suggestion in the comment that not all payments from the plan be deducted is contrary to the express provisions of the Act. There is, however, nothing in Title IV that would prohibit the creation of a separate contributory plan, and if that were done, the apparent inequity referred to in the comment would be cured.

This amendment includes some minor technical changes as well. One technical change is made to clarify the benefits in priority category 5. Those benefits consist of all nonforfeitable benefits in the plan, other than ones contained in a higher priority category, including any lump sums in which a participant is vested, but not including any optional forms of annuity to which a participant is not entitled under § 2605.5 of the Guaranteed Benefits Regulation.

V 42 N 9 JAN 13 77 UM

Because the amendments are either of a technical nature and do not change the substance of the regulation, because the regulation interprets section 4044 of the Act, because the section allowing subclasses removes the restriction on subclasses that existed under the Interim Regulation, and because of the need for immediate guidance, the PBGC finds that good cause exists for making these amendments effective immediately.

In consideration of the foregoing Part 2608 of Chapter XXVI, Title 29, is amended as follows:

1. Sections 2608.7(b)(1)(i)(C) and (b)(2)(i)(A) are revised to read:

§ 2608.7 Priority category 2 benefits.

• • • • •

(b) • • •
(1) • • •
(i) • • •

"(C) Interest, if any, on the sum of the of the amounts determined under paragraphs (b)(1)(i) (A) and (B) of this section compounded annually at the applicable rate under section 204(c)(2)(C)(iii) of the Act, from the beginning of the first plan year to which section 204(c) of the Act applies to the earlier of the participant's retirement date or the date of plan termination."

• • • • •

"Add accumulated employee contributions computed under paragraph (b)(1) of this section and interest at the applicable rate on such contributions under section 204(c)(2)(C)(iii) of the Act from the date of plan termination to the date on which the participant would attain normal retirement age."

3. Section 2608.10(a) is revised to read:

§ 2608.10 Priority category 5 benefits.

"Priority category 5 benefits consist of all nonforfeitable benefits payable with respect to a participant in a plan, other than benefits derived from voluntary employee contributions assigned to priority category 1 and all benefits assigned to priority categories 2, 3 or 4. The only benefits payable as annuities contained in this section are those benefits payable as annuities to which a participant is entitled under § 2605.5 of this chapter.

• • • • •

4. A new § 2608.12 is added to read as follows:

§ 2608.12 Subclasses.

(a) *General*—A plan may establish one or more subclasses (which do not result in discrimination prohibited by the Internal Revenue Code of 1954, as amended, and regulations thereunder), within any priority category other than priority categories 1 and 2, based specifically on greater length of service, older age or disability (or any combination thereof) of a participant. Assets of a plan allocable to a priority category may be allocated in accordance with the provisions of the subclasses established by the plan for that priority category to the extent that such allocation does not increase or decrease the assets which otherwise would be allocated to the guaranteed benefits in such priority categories.

(b) *Exception*—(1) *General.* Notwithstanding the provisions of paragraph (a) of this section, a plan that on September 2, 1974, provided for allocation of plan assets to benefits upon termination of the plan based specifically on greater length of service, older age or disability (or any combination thereof) of a participant may adopt an amendment establishing subclasses (which do not result in discrimination prohibited by the Internal Revenue Code of 1954, as amended, and regulations thereunder) within a priority category, other than priority categories 1 or 2, under which the subclasses are the same as the allocation priorities based specifically on greater length of service, older age or disability (or any combination thereof) that were in effect on September 2, 1974.

(2) *Limitation.* The exception contained in this paragraph only applies to subclasses which are adopted before the [one hundred and eighty-first day after publication in the FEDERAL REGISTER], except for modifications that may be required by the Internal Revenue Service as a condition of qualification. If the allocation provisions of a plan were amended after September 2, 1974, the plan may establish subclasses under this paragraph only if the allocation provisions were amended as part of a good faith effort to comply with section 4044 of the Act.

These amendments are effective January 13, 1977.

(Sec. 4002(b)(3), 4044, Pub. L. 93-406, 88 Stat. 1004, 1025-27 (29 U.S.C. 1302(b)(3), 1344).)

Issued at Washington, D.C. on this 30th day of December, 1976.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing the Chairman to issue same.

W. J. USERY, Jr.,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.77-1132 Filed 1-12-77;8:45 am]

PART 2610—INTERIM REGULATION ON VALUATION OF PLAN BENEFITS

Amendment Adopting Additional PBGC Rates

On November 3, 1976, the Pension Benefit Guaranty Corporation ("PBGC") published in the FEDERAL REGISTER an Interim Regulation on the Valuation of Benefits for plans that do not receive a notice from the PBGC that after allocation of assets in accordance with section 4044 of the Employee Retirement Income Security Act of 1974 ("Act") the plan has sufficient assets to pay all benefits guaranteed under Title IV of the Act. (41 FR 48484 et seq.) On that same date the PBGC also published in the FEDERAL REGISTER a Supplemental Notice of Proposed Rulemaking on the Valuation of Plan Benefits that contained rules for valuing the benefits in plans that receive a Notice of Sufficiency from the PBGC ("sufficient plans"). (41 FR 48498 *et seq.*) The supplemental proposal also contained rates to be used for valuing annuities provided by the PBGC for plans that terminated after September 30, 1975 and before September 1, 1976.

A number of comments were received regarding the rules on valuation of benefits in sufficient plans. Those rules are intimately related to the regulation on determination of plan sufficiency on which the PBGC has received many conflicting comments. Therefore, PBGC has decided not to issue final rules on the valuation of benefits in sufficient plans until the determination of sufficiency regulation is finalized.

GENERAL

One commentator objected to the issuance of any regulations by PBGC on the valuation of plan benefits. The commentator expresses concern that the actuarial basis for valuing benefits in terminating plans promulgated by PBGC might be extended to on-going plans. The valuation rates prescribed by the PBGC are designed to reflect PBGC's cost of providing benefits in terminating plans. Those costs do not reflect in any manner the reasonable actuarial assumptions which on-going plans should use. On-going plans must take into account projected benefit levels and other factors which are not relevant in determining costs of a terminated plan because no more benefits will accrue after termination. Therefore, PBGC actuarial factors should not be applied to on-going plan situations unless the plan's actuary determines them to be the most reasonable factors. However, PBGC believes it should inform plan administrators, plan sponsors, and plan participants of the basis on which benefit values are determined when PBGC provides the benefits since those values determine the appropriate allocation of assets to benefits and whether there is any employer liability.

EARLY RETIREMENT BENEFITS

One comment suggested that participants who were entitled to retire early be required to irrevocably elect a retirement date when the plan terminates to eliminate the guesswork involved in estimating rates of early retirement. PBGC disagrees with this suggestion because it would deprive a participant of a vested right under the plan; the flexibility to decide when to retire, and such an election might be unenforceable because it requires the participant to make an irrevocable advance commitment to give up his primary means of support on a given date even though subsequent events may lead the participant to decide not to retire.

PBGC RATES

One comment suggested that PBGC rates on deferred annuities appeared too conservative (*i.e.* the benefit values under the rates would be too high) and should reflect the rates currently being paid on long term government securities. The commentator also "believed" that the rates for disabled lives not receiving Social Security benefits and the early retirement rates and resulting assumed retirement ages may very well prove to be too conservative. With respect to the first comment, the reason why the discount rates for deferred annuities appear lower is primarily because of two factors.

First, the rates must take into account the rates at which earnings from the initial investments made to fund such annuities can be reinvested. Secondly, PBGC rates contain loading factors for the anticipated expenses associated with providing the annuities. Since annuity payments associated with deferred annuities are generally less than for immediate annuities, recurring administrative costs tend to be a larger percentage of the total cost of providing the annuity. Also, any fixed charges incurred at the time of a commitment are also a larger factor for deferred annuities than for immediate annuities. It is these expenses which account for a large share of the apparent lower yield on deferred annuities.

Regarding the comments on early retirement rates and rates for disabled lives not eligible for Social Security, PBGC has not discovered any accurate tables or valid studies on those types of annuities, and therefore, will as the comment implies monitor its experience to develop such tables and rates. The current rates represent PBGC's best estimate, based on currently available data, of its expected experience in these areas.

Accordingly, PBGC has decided to amend the Interim Regulation to add the additional interest rates and factors published in the supplemental proposal covering the period from October 1, 1975 through August 31, 1976.

Because of the need to provide immediate guidance for the valuation of benefits in plans that terminated before September 1, 1976, and because no adjustment by on-going plans is required by this amendment, PBGC finds that good cause exists for making the amendment effective immediately.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Code of Federal Regulations is amended as follows:

Appendix B—Interest Rates and Quantities Used to Value Annuities is revised to read as follows:

APPENDIX B—INTEREST RATES AND QUANTITIES USED TO VALUE DEFERRED ANNUITIES

I. *The following interest rates and quantities used to value benefits shall be effective for plans which terminate on or after September 2, 1974 and on or before September 30, 1975:*

Table I.—*Interest rate for valuing immediate annuities.* An interest rate of 8% shall be used to value immediate annuities, to compute the quality "G" in § 2610.6, and for valuing both portions of a cash refund annuity.

Table II.—*Interest rate for valuing death benefits.* An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

Table III.—*Interest rates and quantities used to value deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0725$
(2) $k_2 = 1.0575$
(3) $k_3 = 1.0425$
(4) $n_1 = 7$
(5) $n_2 = 6$

II. *The following interest rates and quantities used to value benefits shall be effective for plans which terminate on or after October 1, 1975 and on or before December 31, 1975:*

Table I.—*Interest rate for valuing immediate annuities.* An interest rate of 7¾ percent shall be used to value immediate annuities, to compute the quantity "G" in § 2610.6, and for valuing both portions of a cash refund annuity.

Table II.—*Interest rate for valuing death benefits.* An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

Table III.—*Interest rates and quantities used to value deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0725$
(2) $k_2 = 1.0575$
(3) $k_3 = 1.0425$
(4) $n_1 = 7$
(5) $n_2 = 7$

III. *The following interest rates and quantities used to value benefits shall be effective for plans which terminate on or after January 1, 1976 and on or before February 29, 1976:*

Table I.—*Interest rate for valuing immediate annuities.* An interest rate of 8 percent shall be used to value immediate annuities, to compute the quantity "G" in § 2610.6, and for valuing both portions of a cash refund annuity.

Table II.—*Interest rate for valuing death benefits.* An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

Table III.—*Interest rates and quantities used to value deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0725$
(2) $k_2 = 1.0575$
(3) $k_3 = 1.0425$
(4) $n_1 = 7$
(5) $n_2 = 7$

III. *The following interest rates and quantities used to value benefits shall be effective for plans which terminate on or after March 1, 1976 and on or before April 30, 1976:*

Table I.—*Interest rate for valuing immediate annuities.* An interest rate of 7¾ percent shall be used to value immediate annuities, to compute the quantity "G" in § 2610.6, and for valuing both portions of a cash refund annuity.

Table II.—*Interest rate for valuing death benefits.* An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

Table III.—*Interest rates and quantities used to value deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0725$
(2) $k_2 = 1.0575$
(3) $k_3 = 1.0425$
(4) $n_1 = 7$
(5) $n_2 = 8$

IV. *The following interest rates and quantities used to value benefits shall be effective for plans which terminate on or after May 1, 1976 and on or before October 31, 1976:*

Table I.—*Interest rate for valuing immediate annuities.* An interest rate of 7¾ percent shall be used to value immediate annuities, to compute the quantity "G" in § 2610.6, and for valuing both portions of a cash refund annuity.

Table II.—*Interest rate for valuing death benefits.* An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

Table III.—*Interest rates and quantities used to value deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0725$
(2) $k_2 = 1.0575$
(3) $k_3 = 1.04$
(4) $n_1 = 7$
(5) $n_2 = 10$

V. *The following interest rates and quantities used to value benefits shall be effective for plans which terminate on or after June 1, 1976 and on or before August 31, 1976:*

Table I.—*Interest rate for valuing immediate annuities.* An interest rate of 7¼ percent shall be used to value immediate annuities, to compute the quantity "G" in § 2610.6, and for valuing both portions of a cash refund annuity.

Table II.—*Interest rate for valuing death benefits.* An interest rate of 6 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

Table III.—*Interest rates and quantities used to value deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0675$
(2) $k_2 = 1.0475$
(3) $k_3 = 1.035$
(4) $n_1 = 7$
(5) $n_2 = 10$

These amendments are effective January 13, 1977.

(Secs. 4002(b)(3), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C. on this 30th day of December 1976.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing the Chairman to issue same.

W. J. USERY, Jr.,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.77-1133 Filed 1-12-77;8:45 am]

Title 32—National Defense

CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

PART 2000—ADMINISTRATIVE PROCEDURES

Submission of Reports and Appeals Procedures

The Interagency Classification Review Committee (ICRC) is revising Chapter XX, Part 2000 of its Rules and Regulations to require semiannual rather than quarterly submission of most reports described in Subpart B and to distinguish between classification abuses and administrative security violations for reporting purposes.

The table of contents for Part 2000 is revised as follows:

Subpart A—General

Sec.
2000.1 Purpose.
2000.2 Scope.
2000.3 Jurisdiction.

Subpart B—National Security Information or Material Reports

2000.10 Original classification authorities.
2000.11 Classification abuses/administrative security violations.
2000.12 Unauthorized disclosures.
2000.13 Mandatory declassification review actions.

Sec.
2000.14 Annual review lists.
2000.15 Annual declassification list.
2000.16 Semiannual summary.
2000.17 Listing of national security classified material requiring protection beyond 30 years.

Subpart C—Appeals Procedures

2000.20 Notice of an appeal.
2000.21 Exhaustion of other remedies.
2000.22 Acceptance of appeal.
2000.23 Consideration of appeal.
2000.24 ICRC review.
2000.25 Decision.

Subpart D—Forms

2000.30 Scope of part.
2000.31 Standard forms.

Subpart A—General

1. Section 2000.1 is amended as follows:

§ 2000.1 Purpose.

• • • • •

(b) Procedures and reports for semiannual, annual, and special reporting by the Departments to the ICRC.

• • • • •

Subpart B—National Security Information or Material Reports

2. Subpart B is revised to read as follows:

§ 2000.10 Original classification authorities.

(a) The number of officials who have been designated as original Top Secret, Secret, and Confidential classification authorities pursuant to sections 2(A) and 2(B) of Executive Order 11652, as amended, must be reported to the ICRC semiannually by using Standard Form 244.

(b) The report must:

(1) Be typed and submitted in duplicate;

(2) Not contain any classified information; and

(3) Be submitted no later than 30 calendar days after the end of each reporting period (June 30 and December 31).

(c) Paragraph (a) of this section does not dispense with the provisions of section ID of the National Security Council Directive which requires a list of authorized classifiers to be maintained by each Department. Departments shall ensure the capability of providing prompt access to the current lists upon the request of the Chairman or the Executive Director.

§ 2000.11 Classification abuses and administrative security violations.

(a) A classification abuse is a violation of the terms of Executive Order 11652 (or of implementing regulations or directives of any executive branch Department or Agency) the effect of which would be to preclude or delay the release of official information, to include overclassification, unnecessary classification, classification without authority, unnecessary exemption or exemption without authority.

(b) An administrative security violation is the marking of a document in a manner which does not conform with the requirements of Executive Order 11652 and implementing directives. Examples include: failure to apply downgrading/declassification assignments, failure to indicate classification authority, failure to apply internal classification markings (when required by Agency), or incorrectly computing declassification dates under the General Declassification Schedule.

(c) A reportable abuse or violation which becomes known during the reporting period, including one which is the result of Departmental inspection programs, must be reported semiannually on SF 322.

§ 2000.12 Unauthorized disclosures.

(a) An unauthorized disclosure is a communication or physical transfer of classified information or material to a person not authorized to receive it.

(b) An unauthorized disclosure is reportable when an incident of deliberate or inadvertent release of classified information warrants formal investigation and such investigation confirms that an important disclosure did occur.

(c) Unauthorized disclosures must be reported to the ICRC semiannually using Standard Form 323. The report must be submitted in duplicate no later than 30 calendar days after the end of the reporting period (June 30 and December 31). Any classified information included in the report should be forwarded under separate cover.

§ 2000.13 Mandatory declassification review actions.

Summary information concerning all requests and appeals for mandatory declassification review of classified documents over 10 years old must be submitted, in duplicate, on Standard Forms 242 and 243, no later than 30 calendar days after the end of the reporting period (June 30 and December 31). No classified information may be included on these forms.

§ 2000.14 Annual review list.

(a) An Annual Review List of classified material not scheduled for automatic declassification must be submitted for review by the ICRC by April 1st of each year.

(b) The list must include all documents which:

(1) Are exempt and over 10 years old;

(2) Specify an event for declassification; and

(3) Are in the Data Index System on or before December 31 of the previous calendar year.

(c) Sorting shall be in the following order: classifier in alphabetical sequence by last name and first name or initial; classification category in descending order, "T," "S," then "C". The list shall be printed in the following sequence across the page: origin, classifier, classification category title or description, document date, subject, area code, declassification schedule, exemption category (if any), and declassification date. If any titles or descriptions are classified, such list shall carry the highest classification indicated.

§ 2000.15 Annual declassification list.

(a) The Annual Declassification List is a two part listing of documents including those documents declassified on or before December 31 of the previous calendar year, and those documents listed in the Annual Review List for which a declassification determination has been made. The Annual Declassification List must be printed by both subject and area code; it must be submitted to the ICRC by September 1st of each year.

(b) The List must be printed across the page in the following sequence: subject, originating office, document date, area in unabbreviated form, title or description, and classification category. The area list must be printed in the same sequence across the page except area in abbreviated form shall appear in place of subject as the first item.

§ 2000.16 Semiannual summary.

(a) A Semiannual Summary must be submitted by each Department, Agency or organizational unit that creates classified records. The report must cover data related to the:

(1) Volume of documents being classified;

(2) Use of declassification schedules;

(3) Efforts to increase public access to declassified information; and

(4) Efforts to improve management of classified material.

(b) Reports must:

(1) Be submitted on Standard Form 324 in duplicate;

(2) Be submitted no later than 30 calendar days after the end of the reporting period (June 30 and December 31); and

(3) Not contain any classified information.

§ 2000.17 Listing of national security classified material requiring protection beyond 30 years.

If records need to be exempt from the automatic declassification process and protected beyond 30 years, use Standard Form 325. Submit SF 325 to the Archivist of the United States with a letter from the head of the agency or department attesting to his/her personal determination that records listed on the SF 325 require continued classification beyond 30 years.

Subpart D—Forms

3. Subpart D is revised to read as follows:

§ 2000.30 Scope of subpart.

This Subpart contains the Standard Forms (SF) that are prescribed for use in connection with the subject matter covered in other parts of Chapter XX.

§ 2000.31 List of forms.

The Standard Forms listed below may be obtained from the nearest General Services Administration (GSA) supply source.

SF 242 "Report of Mandatory Review Appeals Actions"
SF 243 "Report of Mandatory Declassification Review Actions"
SF 244 "Report of Original Classification Authorities"
SF 322 "Report of Classification Abuses and Administrative Security Violations"
SF 323 "Report of Unauthorized Disclosures"
SF 324 "Semiannual Summary Report to the ICRC"
SF 325 "Listing of National Security Classified Material Requiring Protection Beyond 30 Years"

Effective date: This regulation is effective January 13, 1977.

NOTE.—The ICRC has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 7, 1977.

JAMES B. RHOADS,
Acting Chairman.

[FR Doc.77-1157 Filed 1-12-77; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-174]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS: ST. MARYS RIVER, MICHIGAN

Lookout Stations

The Coast Guard has completely discontinued Lookout Station No. 3, Mission Point, Little Rapids Cut, St. Marys River.

Lookout Station No. 4, Rock Cut, West Neebish Channel, St. Marys River has been discontinued as a Lookout Station. The Coast Guard may man the site of Lookout Station No. 4, or use automated equipment to monitor channel conditions. Visual channel obstruction or closure signals will no longer be displayed at the site of Lookout Station No. 4.

These are matters of agency procedure and therefore notice of proposed rulemaking and public procedures are unnecessary.

Accordingly, Part 92 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 92.09 [Revoked]

1. By deleting § 92.09.

§ 92.15 [Revoked]

2. By deleting § 92.15.

§ 92.19 [Amended]

3. In § 92.19(a), by deleting the second sentence.

(33 U.S.C. 474.)

Effective date: This amendment shall become effective on January 13, 1977.

Dated: January 4, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-1184 Filed 1-12-77; 8:45 am]

[CGD 75-176]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Amendments Affecting the Safe Loading and Flotation Standards for Boats

The purpose of these amendments to the Coast Guard safe loading and flotation standards is to clarify the meaning of certain terms used in the standards and to clarify the applicability of the flotation standard.

A notice of proposed rulemaking was published in the FEDERAL REGISTER on May 6, 1976 (41 FR 18679). The date of the end of the public comment period was omitted from the notice. A correction notice was published in the FEDERAL REGISTER on May 19, 1976 (41 FR 20590) and on May 27, 1976 (41 FR 21650) listing June 21, 1976 as the end of the public comment period on the proposed amendments.

No public hearing was held and no written comments were received on the proposed amendments. However, several errors were discovered in the notice which have resulted in minor editorial changes to the final rule. A typographical error in § 183.3 resulted in new paragraph (k) being shown as paragraph (h). In paragraphs §§ 183.33(b)(2)(iv) and 183.35(b)(2)(iv) the word "fuel" in the phrase "weight of full permanent fuel tanks" was misspelled "full." In addition, the phrase "full fuel system and tanks" in the definition of "machinery weight" in paragraph § 183.33(b)(3) was not deleted. This error would have resulted in the addition of the weight of full fuel tanks twice in the calculation of "boat weight" for inboard and inboard-outdrive boats.

Another error was discovered in § 183.37. The word "and" following paragraph § 183.37(b)(iii) should have followed the semicolon at the end of paragraph § 183.37(b)(ii) and a period should have appeared in place of the semicolon at the end of paragraph § 183.37(b)(iii). With the exception of the correction of these errors, the amendments are adopted as proposed.

In consideration of the foregoing, Part 183 of Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 183.3 is amended by adding a new paragraph (k) to read as follows:

§ 183.3 Definitions.

• • • • • •

(k) "Permanent appurtenances" means equipment that is mounted or fastened, so that it is not removable without the use of tools. Seats, inboard engines, windshields, helm stations, or hardtops are permanent appurtenaces. Outboard motors, controls, batteries, and portable fuel tanks are not permanent appurtenances.

2. Section 183.33 is amended by revising paragraphs (b)(2) and (b)(3) to read as follows:

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

• • • • • • •

(b) • • •

(2) "Boat weight" is the combination of:

(i) Hull weight;

(ii) Deck and superstructure weight;

(iii) Weight of permanent appurtenances; and

(iv) Weight of full permanent fuel tanks.

(3) "Machinery weight" is the combined weight of installed engines or motors, control equipment, drive units, and batteries.

3. Section 183.35 is amended by revising subparagraph (b)(2) to read as follows:

§ 183.35 Maximum weight capacity: Outboard boats.

• • • • • •

(b) • • •

(2) "Boat weight" is the combination of:

(i) Hull weight;

(ii) Deck and superstructure weight;

(iii) Weight of permanent appurtenances; and

(iv) Weight of full permanent fuel tanks.

4. Section 183.37 is amended by revising subparagraph (b)(2) to read as follows:

§ 183.37 Maximum weight capacity: Boats without mechanical propulsion.

• • • • • •

(b) • • •

(2) "Boat weight" is the combination of:

(i) Hull weight;

(ii) Deck and superstructure weight; and

(iii) Weight of permanent appurtenances.

5. Section 183.61 is revised to read as follows:

§ 183.61 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vehicles, and amphibious vehicles.

6. Section 183.63 is revised to read as follows:

§ 183.63 Quantity of flotation required.

(a) Each boat must have—

(1) At least that quantity of flotation prescribed in § 183.67; or

(2) Enough flotation to keep any portion of the boat above the surface of the water when the boat is filled with water and loaded with:

(i) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(ii) A weight that, when submerged, equals 25 percent of the dead weight;

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(iii) A weight in pounds that, when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation; and

(iv) For outboard boats, a weight that, when submerged, equals the sum of the submerged motor, control, and battery weight from Table 183.67(a).

(b) For the purpose of this section, "dead weight" means:

(1) For outboard boats and boats without mechanical propulsion, the maximum weight capacity marked on the boat minus the sum of:

(i) Motor and control weight, battery weight (dry), and full portable fuel tanks from Table 183.67(a);

(ii) The persons capacity determined under § 183.41 for the boat; and

(2) For inboard boats, the maximum weight capacity marked on the boat minus the persons capacity determined under § 183.39 for the boat.

(c) Dead weight must be zero or a positive number.

7. Section 183.67 is amended by revising paragraph (a) to read as follows:

§ 183.67 Method for determining quantity of flotation.

* * * * *

(a) Step 1: Determine the Submerged Weight of the boat (Ws) in the formula:

$$W_s = (WhK_1) + (WdK_2) + (0.69W_e)$$

Where:

W_s = Submerged weight of boat.
W_h = Dry weight of hull.
W_d = Dry weight of deck and superstructure.
W_e = Dry weight of permanent appurtenances.
K_1 and K_2 = *Conversion factors for materials* used from Table 183.67(b)

* * * * *

(46 U.S.C. 1454; 49 CFR 1.46(n)(1).)

Effective date: This regulation is effective on July 22, 1977.

NOTE.—Affected persons may voluntarily comply with this amendment prior to July 22, 1977.

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 4, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-1185 Filed 1-12-77;8:45 am]

[CGD 74-286]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Capacity and Safe Loading Requirements for Low Powered and Non-Powered Boats

This amendment to the safe loading standard in Subpart C of Part 183 establishes new formulas for the calculation of maximum weight capacity and persons capacity for boats rated for manual propulsion and boats rated for motors of two horsepower or less. This amendment also establishes two new capacity information formats in Subpart B of Part 183 for displaying the maximum weight capacity and persons capacity for these low powered and non-powered boats.

A notice of proposed rulemaking was published in the FEDERAL REGISTER on June 24, 1976 (41 FR 26027). A comment period was specified during which any interested person could submit written comments on the proposal. The written comment period ended 24 August 1976. No public hearing was held; however, the notice did provide an opportunity for any person who wished to present his comments orally and informally to do so.

Of the comments received, two of them suggested that additional requirements be added to the amendment such as painting a load waterline on boats and requiring additional warning labels with pertinent safety information. The comments were not within the scope of the amendment; however, the Coast Guard is conducting research in these areas and these suggestions may become the subject of a future rulemaking action. The Coast Guard, however, has no relevant data or information at this time that indicates any significant enhancement of boating safety would result from these suggested requirements.

Another commenter suggested that three horsepower should be the horsepower limit for small dinghies because these types of boats have used this size of motor in the past with no apparent safety problems. The amendment does not require a boat manufacturer to rate his boat for two horsepower because it is a dinghy or other small boat. Subpart D of Part 183 allows a manufacturer to rate his boat for three or more horsepower depending on the size of the boat, which does allow a dinghy to be rated for three horsepower. The two horsepower rating is not mandatory, but if a manufacturer chooses to rate his boat for two horsepower or less he can increase the load carrying capacity of his boat as provided in this amendment.

Several comments objected to the eight-inch minimum freeboard requirement in the formula for maximum weight capacity. The commenters stated that the eight inch minimum freeboard requirement does not enhance the safety of a boat. The commenters added that the eight-inch requirement appears to be arbitrary and that it may mislead a boat owner into believing that an eight-inch freeboard is safe regardless of the boat's usage and the conditions in which it operates. The Coast Guard agrees in principle with these comments, except for the comment suggesting that the eight inch requirement is an arbitrary value. The eight inches was adopted from the International Council of Marine Industry Associations (ICOMIA) where it is used as a minimum freeboard requirement for boats of five meters or less in length. The Coast Guard felt that adoption of the eight-inch freeboard restriction was necessary to prevent excessive overloading of small boats in light of the increased capacities that are being allowed by the amendment. The Coast Guard has reconsidered the results of tests of the types of boats that may be rated under this amendment. The boats tested were loaded to the capacities allowed by the amendment and none of them had less than eight inches of freeboard. Based on these results, the Coast Guard does not feel that the eight-inch minimum freeboard requirement is necessary and the requirement has been removed from the final rule. Accordingly, the maximum weight capacity for a boat rated for manual propulsion or for motors of two horsepower or less is 3/10 of the difference between the boat's maximum displacement and the boat's weight in pounds.

Another comment suggested that the amendment should state the location of the test weights in a boat when determining the maximum weight capacity at the eight-inch minimum freeboard. Since the eight-inch restriction has been removed from the amendment this comment is no longer relevant.

The remaining commenters objected to the application of the amendment to canoes, kayaks, and sailboats. These comments were not relevant to the subject of the amendment because canoes, kayaks, and sailboats are specifically excepted in § 183.31 from the safe loading standards.

In consideration of the foregoing, Part 183 of Title 33, Code of Federal Regulations is amended as follows:

1. By amending § 183.25 by revising the introductory text of paragraph (b)(2) and by adding new paragraphs (b)(3) and (b)(4) to read as follows:

§ 183.25 Display of markings.

* * * * *

(b) * * *

(2) For inboard boats and inboard outdrive boats:

* * * * *

(3) For boats rated for motors of two horsepower or less:

U.S. COAST GUARD CAPACITY INFORMATION

Maximum horsepower	XXX
Maximum persons capacity	XXX
Maximum weight capacity (persons, and gear) (pounds)	XXX

(4) For boats rated for manual propulsion:

U.S. COAST GUARD CAPACITY INFORMATION

This boat rated for manual propulsion.

Maximum persons capacity (pounds)	XXX
Maximum weight capacity (persons, and gear) (pounds)	XXX

2. By amending § 183.37 by revising the heading and paragraph (a) to read as follows:

§ 183.37 Maximum weight capacity: Boats rated for manual propulsion and boats rated for motors of two horsepower or less.

(a) The maximum weight capacity marked on a boat that is rated for manual propulsion or for motors of two horsepower or less must not exceed 3/10 of the difference between the boat's maximum displacement and the boat's weight in pounds.

* * * * *

3. By revising the heading and text of § 183.43 to read as follows:

§ 183.43 Persons capacity: Boats rated for manual propulsion and boats rated for motors of two horsepower or less.

The persons capacity marked on a boat that is rated for manual propulsion or for motors of two horsepower or less must not exceed—

(a) For boats rated for manual propulsion, 90 percent of the maximum weight capacity in pounds; and

(b) For boats rated for motors of two horsepower or less, 90 percent of the maximum weight capacity in pounds, less 25 pounds.

(46 U.S.C. 1454; 49 CFR 1.46(n)(1).)

Effective date: This regulation is effective on July 22, 1977.

NOTE.—Affected persons may voluntarily comply with this amendment prior to July 22, 1977.

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 4, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-1183 Filed 1-12-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-3—PROCUREMENT BY NEGOTIATION

Subpart 3-3.3—Determinations, Findings, and Authorities

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of these amendments is to allow class determinations for research and development procurements to be in effect for three years instead of one. This period will be consistent with the policy expressed in the revised regulation on noncompetitive procurement concerning "whole project buys."

It is the general policy of the Department to allow time for interested parties to participate in the rule making process. However, the public rule making process is deemed unnecessary in this instance as the amendments concern administrative matters.

1. Subpart 3-3.301(b) is revised to read as follows:

Subpart 3-3.3—Determinations, Findings, and Authorities

§ 3-3.301 General.

* * * * *

(b) Class determinations and findings shall be justified on the basis of need to avoid processing multiple determinations and findings when more than one contract must be negotiated under the same negotiation authority for the same program or project. The multiple procurements must be for items or services which are to be negotiated at or near the same time and are so related as to constitute a logical and distinct class. All class determinations and findings shall be limited to a period of 1 year or less, except that those determinations and findings required by § 1-3.211 may be authorized for 3 years.

2. Subpart 3-3.305-50(a)(3) is revised to read as follows:

§ 3-3.305-50 Sample formats.

* * * * *

(3) *Section 1-3.211 Class of contracts*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

DETERMINATION AND FINDINGS

Authority to Negotiate a Class of Contracts under 41 U.S.C. 252(c)(11)

I hereby find that:

(1) The (agency title) proposes to negotiate approximately (number) contracts in support of (identify program or project, and state the anticipated funding level).

(2) The proposed procurements are for (experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research or test[1]).

(a) (Set forth facts and circumstances which support a judgment that the work to be performed is in fact experimental, developmental or research).

(3) It is impracticable to secure competition by formal advertising for the contracts contemplated because:

(a) (Set forth reasons why the procurements cannot be formally advertised, e.g., only ultimate objectives and general scope of work can be outlined, work cannot be described by definite drawings and specifications, etc.)

I hereby determine that:

On the basis of the above findings, the proposed procurements are for (experimental, developmental, or research work, for the manufacture or furnishing of property for experimentation, development, research, or test[1]) and that negotiation of contracts for such (work or property[1]) is authorized pursuant to 41 U.S.C. 252(c)(11); provided the required (work or property[1]) has been authorized by law.

This class determination shall remain in effect until (state terminal date (limit effective period not to exceed three years)).

Date ----------

Signature

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date: The provisions of this amendment will be effective Thursday, January 13, 1977.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 7, 1977.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc 77-1151 Filed 1-12-77;8:45 am]

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[1] Use applicable word or statement.

PROCUREMENT, NEGOTIATION, TYPES AND METHODS, FORMS AND ADMINISTRATIVE MATTERS

Miscellaneous Amendments to Chapter

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. Subparagraph 3-3.303-52(a)(9) is deleted. Subparagraph 3-3.408(d)(1) is amended to execute organizational title changes. Section 3-4.5400 is amended to raise the dollar limit requiring preprocurement clearances of audiovisual materials and contracts for public affairs services. Subparagraphs 3-16.5001(h)(ii)(1)(B) and (2)(B) are amended to clarify the solicitation requirements for technical proposals. Subparagraph 3-16.5001(h)(iii)(C) is amended to revise the Small Business Representation. Subparagraph 3-50.402(a)(3) is amended to reduce the distribution of procurement documents. Paragraph 3-50.603(g) is amended to provide explicit instruction regarding the obligation of funds under the incremental funding concept.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendments herein involve internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

Effective date: These amendments shall be effective January 13, 1977.

NOTE: The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 7, 1977.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

PART 3-3—PROCUREMENT BY NEGOTIATION

Subpart 3-3.3—Determinations, Findings, and Authorities

§ 3-3.303-52 [Amended]

* * * * *

Subparagraph 3-3.303-52(a) is amended to delete § 3-3.303-52(a)(9) in its entirety.

Subpart 3-3.4—Types of Contracts

§ 3.3-408 [Amended]

Under Paragraph 3-3.408, Letter contract, the listing of organization titles in

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Subparagraph 3-3.408(d)(1) is amended to read as follows:

Office of the Secretary—Director, Office of Administration, Office of the Assistant Secretary for Administration and Management.
Office of the Assistant Secretary for Health—Director, Division of Grants and Contracts, Office of Resource Management, Office of Administrative Management.
Office of Education—Deputy Commissioner for Management.
Office of Human Development—Director, Office of Administration and Management.
National Institute of Education—Associate Director for Administration and Management.
Social and Rehabilitation Service—Assistant Administrator for Financial Management.
Social Security Administration—Director, Office of Materiel Management.

In regional offices, the Regional Director shall appoint the official to approve letter contracts for those activities for which he has delegated procurement authority, provided, however, that this official shall be at an organizational level not lower than the Assistant Regional Director for Administration. Activities within the regional offices not under the procurement authority of the Regional Director shall submit requests for approval of letter contracts, through proper administrative channels, to the appropriate above listed official.

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3-4.54—Procurement Clearance of Audiovisual Material and Contracts for Public Affairs Services

Section 3-4.5400 is amended to read as follows:

§ 3-4.5400 Scope of subpart.

This subpart provides for prior clearances and methods of contracting for the procurement of audiovisual materials and/or contracts for public affairs services in excess of $5,000. Chapter 1-121 of the General Administration Manual sets forth supplementary requirements for review of audiovisual materials intended for use with the public contracts for public affairs services. The term "audiovisual materials," as used in this subpart, refers not only to the completed product but also to all steps and techniques leading to the realization of the completed product. The term includes motion pictures, video tapes, slide shows, film strips, audio recordings, exhibitry, or similar materials; design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the acquisition or creation of audiovisual materials regardless of intended use.

PART 3-16—PROCUREMENT FORMS

Subpart 3-16.50—Forms for Negotiated Procurement

§ 3-16.5001 [Amended]

Section 3-16.5001, Standardized request for proposal (RFP) format and checklist for solicitation documents, is amended as follows:

Subparagraph 3-16.5001(h)(ii)(1)(B) is deleted and the following is substituted:

(B) Prospective contractor's proposed explanation of technical approaches and a detailed outline of the proposed approach for executing the requirements of the technical scope and achieving the objectives of the project.

The last paragraph of subparagraph 3-16.5001(h)(ii)(2)(B) is deleted and the following is substituted:

Proposals which merely offer to conduct a program in accordance with the requirements of the Government's scope of work will be considered nonresponsive to this request and will not be considered further. The offeror must submit an explanation of the technical approach and a detailed description of the tasks to be performed to achieve the project objectives.

Subparagraph 3-16.5001(h)(iii)(C), Small Business Representation, under Representations and Certifications, is deleted and the following is substituted:

1. SMALL BUSINESS REPRESENTATION

This firm ( ) is, ( ) is not, a small business concern. If the firm is a small business concern and is not the manufacturer of the supplies to be furnished hereunder, the firm also represents that all such supplies ( ) will, ( ) will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico. (A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is contracting and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration.) (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed definitions and related procedures.)

PART 3-50—ADMINISTRATIVE MATTERS

Subpart 3-50.4—Execution and Distribution of Procurement Documents

Subparagraph 3-50.402(a)(3) is amended to read as follows:

§ 3-50.402 Distribution of procurement documents.

(a) Mandatory distribution. Purchasing offices shall distribute bilateral contracts and modifications as follows:

* * * * *

(3) Authenticated copy to appropriate accounting point; and

* * * * *

Subpart 3-50.6—Incremental Funding of Cost-Reimbursement Research and Development Contracts

Paragraph 3-50.603(g) is amended to read as follows:

§ 3-50.603 General.

* * * * *

(g) Sufficient funds must be obligated under the basic contract to cover no less than the first year of performance unless the contracting officer determines it is advantageous to the Government to fund the contract for a lesser period. In that event, the funds obligated shall be sufficient to cover a defined phase of performance which represents a material phase in relation to the project as a whole.

[FR Doc.77-1152 Filed 1-12-77;8:45 am]

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA—PR Temporary Reg. No. 24]

PART 9-51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Noncompetitive Procurement; Policy On Preparation of Justification

Correction

In FR Doc. 76-36993, appearing at page 55195, in the issue for Friday, December 17, 1976, the following changes should be made:

On page 55197, in the middle column of the table designated "Exhibit 1.—*Noncompetitive procurement justification—review and approval*", the fourth word in the sixth line, and the first word in the tenth line, now reading "processing", should read "procurement".

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5612]

ALASKA

Correction of Public Land Order No. 5611; Clarification of Public Land Order No. 5561, as Amended

In FEDERAL REGISTER Doc. 76-38382, appearing at page 56646 in the issue of Wednesday, December 29, 1976, the last sentence of the last paragraph is corrected by changing "43 Stat. 1610," to read "43 U.S.C. 1610," and inserting the word "not" immediately following the words "vacant and unappropriated or" and immediately preceding the word "reserved."

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 10, 1977.

[FR Doc.77-1148 Filed 1-12-77;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

Determination of Income and Resources of Spouses and Parents Available to Applicants for or Recipients of Medical Assistance

Notice of proposed rule making was published on December 31, 1975 in the FEDERAL REGISTER (40 FR 60074), to implement sections 1902(a)(10)(C)(i) and 1902(a)(17)(D) of the Social Security Act. These statutory provisions, specifying the conditions under which the financial responsibility of relatives for applicants and/or recipients is taken into account in determining eligibility and the amount of assistance formed the basis of the proposed regulations, in addition to the need for clear Federal rules in the light of questions which have been raised by State agencies, applicants, recipients and a court case on this subject. The purpose of the proposed regulations was to ensure uniformity and equity in Medicaid eligibility determinations.

Section 1902(a)(10)(A) of the Social Security Act requires all State Medicaid programs (except those imposing more restrictive criteria under section 1902(f)), to cover as eligible for Medicaid those aged, blind and disabled persons receiving SSI benefits. Section 1902(a)(10)(C)(i) goes on to state that where a State covers other aged, blind and disabled persons all SSI eligibility criteria must be applied "* * * except for income and resources * * *". This means that while a State might use more generous maintenance amounts in determining financial eligibility (i.e., medically needy levels, optional State supplementary payment levels, disregards or asset exemptions) all other SSI eligibility criteria are to be used.

Hence, for example, just as a medically needy applicant filing as disabled must satisfy the SSI disability definition, likewise all aged, blind and disabled persons applying in States covering all SSI eligibles must have their eligibility determined using all SSI eligibility rules except for—and only except for—higher dollar amounts for income and resource eligibility levels. Thus, relatives whose incomes are looked to and counted in determining SSI eligibility in certain living arrangements must also be looked to and have their incomes counted in Medicaid eligibility determinations by the State; conversely, where relatives' incomes are not counted, or cease to be counted in certain living arrangements, for SSI determinations, Medicaid-only eligibility determinations must do likewise.

Within title XIX, section 1902(a)(17) states that, "A State plan for medical assistance must * * * provide for taking into account only such income and resources as are, as determined in accordance with standards prescribed by the Secretary, *available* to the applicant or recipient * * *." These new regulations constitute such standards of availability prescribed by the Secretary.

The new regulations require States to use title XVI availability criteria where Medicaid is provided to all supplemental security income recipients, as is already called for in section 1902(a)(10) of the Act. The portion of the Medicaid law quoted above provides that available income is considered in determining Medicaid eligibility. Long-standing Medicaid regulations (45 CFR 248.3(a)(1)(ii)(A)) already state that if a State covers all individuals eligible for or receiving title XVI benefits for Medicaid it must apply the title XVI income and resource eligibility criteria. The States are now specifically required to use the SSI rules on availability of income.

Title XVI provides that in the case of an eligible individual and eligible spouse, the couple's combined income and resources are considered in determining whether the SSI income and resource limits are exceeded (section 1611(a)(2)). However, if the eligible individual and eligible spouse are separated for more than 6 months, each is then considered as an individual (section 1614(b)). Thus, where the husband and wife (both of whom are eligible for SSI) have been separated for more than 6 months, the income and resources of each are looked at separately in determining whether each is eligible for SSI.

If only one member of the couple is aged, blind, or disabled, then the income and resources of his spouse are considered as available to the individual in determining whether he is eligible for SSI, if the spouse is living in the same household with the eligible individual (section 1614(f)(1)).

It is the Department's view that under section 1902(a)(10) the above-described title XVI provisions apply to situations involving spouses separated by institutionalization. These are the results:

Where a noninstitutionalized spouse is not SSI eligible and the separation is not temporary, his income and resources are not considered in determining whether the institutionalized individual is SSI-eligible since they are not living together in the same household (section 1614(f)(i) and Regulations No. 416.1185(a)).

Where a husband and wife are both eligible as individual and spouse, and one is institutionalized, the income and resources of both are combined and considered in determining eligibility until they have been separated for 6 months; at the point in time each will be considered to be an eligible individual and their income and resources are considered separately in determining each one's eligibility (Section 1614(b)). Under section 1611(e)(1)(B)(ii), as amended by section 502 of P.L. 94-566, the income of such couples is not combined in determining the SSI benefit amount payable to each spouse. That provision relates only to computation of the SSI benefit amount and not to a determinaton of financial eligibility for SSI. Financial eligibility, which during the first 6 months of separation is based on combined income, must first be established.

To recapitulate, the SSI policy on the availability of a relative's income is based on specific provisions of the Act with regulatory expansion in the description of when they are living in the same household for deeming of income purposes.

Of the approximately 80 comments received regarding the NPRM, the greatest number came from consumer advocate groups; the second largest number were from State health and welfare departments. Almost all consumer groups incorrectly perceived the purpose of the regulations as tightening financial eligibility for Medicaid, particularly for SSI-related Medicaid applicants under the proposed § 248.3(b)(4). Few realized that the SSI "deeming" feature they opposed so strongly applies generally only to persons living together in a common household and thus necessarily sharing income and resources—only in highly limited situations does "deeming" apply to physically separated relatives and then only when they can be said to be "constructively" members of the same household, usually for very short periods. The major area of concern of the States was with the cost impact the proposed regulations would have on the State Medicaid programs. Specific major concerns expressed and the Department's responses are as follows:

1. *Comment:* Implementation of the proposed regulations will mean Medicaid program cost increases for both the State and Federal Governments, because some States now "deem" income as available to recipients not in the household on an indefinite basis.

Responses: The added costs of this policy are considered less burdensome for State and Federal Governments than for non-institutionalized spouses and parents who in some States now have their incomes "deemed" available to recipients indefinitely without any test of actual availability. In addition, only seven percent of the Medicaid nursing home population have living spouses, many of whom are themselves already receiving assistance and thus have no "deemable" income. Also, the regulation does not preclude States from enforcing laws to retroactively recoup from responsible relatives medical assistance expenditures paid by the State on behalf of eligible recipients.

2. *Comment:* The regulations are technically difficult to read and may not be properly implemented by States, thus leading to abuses of recipients.

Responses: Medicaid eligibility criteria are the most technically complex of any Federal assistance program; regulations addressing it, unfortunately, are necessarily complex. However, all State agencies which commented indicated an accurate perception of the meaning of the regulations for almost all situations. Nevertheless, in final format greater clarification and specificity have been attempted. The statute and regulations of the SSI program (to be applied under the regulation in certain cases) have been directly cited, and any future changes in SSI policy will be incorporated in revised SRS regulations. In addition, promulgation of this final regulation will be followed by interpretation and instructional manual materials. Parts 12 and 13 of the Social Security Administration Claims Manual are already available to the States for assistance in their performance of SSI-related Medicaid eligibility determinations.

3. *Comment:* The regulations should terminate parental liability for all children age 18 and above, regardless of student status, and for "emancipated" minors in the AFDC-related and under age 21 categories.

Response: The regulations are based on the statutory definition of a blind or disabled "child" for SSI purposes (i.e., ordinarily age 18 but 21 for students). Since section 1902(a)(17)(D) authorizes State relative responsibility requirements for parents of children up to age 21 and 45 CFR 233.20(a)(3)(vi) requires consideration of parental income as available to children under 21 living with

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them, States whose statutes confer adult status at age 18 must nevertheless deem parental income available to all children under 21 in family groups living together for Medicaid also in the AFDC-related and under age 21 categories. The final regulation is thus modified to clarify this.

4. *Comment:* Disabled children placed with educational or vocational schools or institutions should not be considered present in the family household for purposes of deeming parental income.

Response: The proposed regulations were based on SSI regulations implementing the title XVI statute which require deeming parental income to home-visiting children. Since these are inconsistent with Medicaid regulations at 45 CFR 250.30(d)(2) and 45 CFR 249.13(a)(1)(ii) (which, respectively, finance and require home-visiting programs), the final regulations have been modified to exempt absent blind or disabled children from this particular SSI "deeming" feature.

5. *Comment:* States cannot effectively apply the SSI policies or procedures governing deeming of income because of difficulties in obtaining up-to-date policies and procedures.

Response: The regulations have been revised to specify more precisely the SSI policies. In addition, States are already required under title XIX to apply the SSI eligibility criteria for all aged, blind and disabled Medicaid applicants unless they have elected to impose more restrictive eligibility standards pursuant to section 1902(f). Thus, the 35 States which have elected to apply SSI criteria in determining Medicaid eligibility for these individuals are responsible for knowing the SSI criteria in effect.

6. *Comment:* The proposed regulations are contrary to State laws specifying financial responsibility of relatives.

Response: Federal law authorizes the establishment of Federal standards with respect to Medicaid eligibility determinations. However, the Medicaid statute does not preclude States from enacting laws of general applicability, specifying the responsibility of spouses and parents with respect to retroactive recovery of the costs of medical assistance furnished by the State to eligible recipients.

7. *Comment:* Only income which is actually available (e.g., contributed) should be counted in determining an applicant's eligibility because "deeming" is "improper" or "unconstitutional."

Response: "Deeming" is expressly required by the Act with respect to SSI applicants and recipients; under section 1902(a)(10)(C)(i), the SSI criteria apply to Medicaid eligibility of the aged, blind and disabled. It is important to note that deeming generally applies only to those sharing expenses in a common household in which they actually, or (in very limited cases) constructively, live together.

8. *Comment:* The regulations will place severe financial hardships on the families of current recipients.

Response: The regulations actually represent a liberalization of current policies in some States and will benefit recipients and applicants of medical assistance. In determinations of eligibility, a number of States currently deem from spouses and parents to applicants and recipients on a permanent basis, whereas the proposed regulations provide that income will be deemed from a noninstitutionalized parent or spouse to an institutionalized child or spouse only on a limited basis. Furthermore, the regulations speak only to availability of relatives' income; they do not mandate use of SSI levels (i.e., $168.70 monthly) where the State Medicaid-only eligibility determination is on the basis of optional State supplementary payment or medically needy programs. In such cases, of course, greater dollar amounts for maintenance are used.

9. *Comment:* The regulations are in conflict with the current statutory provision which specifies no age limit on the parental liability for blind and disabled children.

Response: The regulation's termination of parental financial responsibility for blind and disabled children at age 18 (or age 21 if a student) is consistent with the statutory provisions of title XVI and with the Department's decision to conform the eligibility requirements of the two programs wherever possible. As noted above, State laws on recovery of costs from spouses and parents (of children under age 21 or blind or disabled) are permissible.

In summary, the following clarifying or technical changes have been made in response to suggestions:

1. Provisions have been added to § 248.3 (b) (2) and (3) to specify the actual time limitations (the month after separation or six months after separation) applicable for purposes of deeming spousal and parental income for SSI-related applicants and recipients.

2. Section 248.3(b)(1)–(6) have been revised to simplify and clarify the general and specific requirements applicable to:

(a) States using SSI criteria for aged, blind and disabled individuals,

(b) States using more restrictive criteria for such individuals pursuant to Section 1902(f),

(c) families and non-SSI-related children,

(d) individuals with dual eligibility, and

(e) parental financial responsibility for children age 18–21.

3. Section 248.21(a)(2)(v) has been revised to clarify the requirements specifying parental financial responsibility for children age 18–21.

All comments received were carefully considered and reviewed for adoption or rejection. A report on the comments received and action taken on each is available upon request to: Commissioner, Medical Services Administration, Room 5118 Switzer Building, 330 C Street SW., Washington, D.C. 20201.

Accordingly, the proposed regulations, as modified, are hereby adopted.

Part 248, Chapter II, Title 45 of the Code of Federal Regulations is revised as follows:

1. Section 248.3 is amended by revising paragraphs (b) (1), (2), and (3), redesignating paragraphs (b) (4), (5), and (6) as (b) (7), (8), and (9), respectively, and adding new paragraphs (b)(4) through (b)(6), as set forth below:

§ 248.3 State plan requirements on financial eligibility for medical assistance programs.

. . . . . .

(b) With respect to both the categorically needy and, if they are included in the plan, the medically needy, a State plan must:

(1) *General.* Provide that only such income and resources as are considered available under the provisions of this section may be considered as an applicant's or recipient's income in determining eligibility or the amount of assistance and that income and resources will be reasonably evaluated.

(i) Income and resources considered available under this section must be counted in determining eligibility and the amount of assistance. Income and resources of spouses living together in the same household are to be considered available one to the other without proof of actual contribution. Likewise, income and resources of parents (and spouses of parents equally liable with natural parents for the support of children under a State law of general applicability or under the Supplementary Security Income Program, title XVI of the Act) are to be considered available to children under age 21 living together with them in the same household. However, parental income is not to be considered available to children age 18 or over who are not in attendance at an educational or vocational institution and whose eligibility is to be determined as blind or disabled in States basing title XIX eligibility for these groups upon title XVI (SSI) criteria.

(ii) All income and resources actually contributed to any applicant or recipient are considered in determining eligibility and the amount of assistance.

(iii) The financial responsibility (including later collection for assistance paid) of any individual for any applicant or recipient of medical assistance will be limited to the responsibility of spouse for spouse and of parents for children under age 21 (or blind or disabled).

(2) *Spouses in States using SSI criteria for the aged, blind and disabled.* Provide that: (i) Where both spouses apply as aged, blind or disabled or where both spouses are SSI eligible, and cease to live together, income and resources are considered mutually available without proof of contribution for the first six months after the month they cease to live together in a common household. After that, only actually contributed income and resources may be considered in determining the eligibility or amount of assistance of either individual spouse.

(ii) Where only one spouse applies as aged, blind or disabled or is SSI eligible, and they cease to live together in a common household, only actually contributed income and resources may be considered available in determining the eligibility or amount of assistance of the applicant or recipient after the month during which they cease to live together.

(iii) For determinations of eligibility and amount of assistance of categorically needy aged, blind and disabled individuals, States shall apply the budgeting methodology and applicable dollar amounts set forth in title XVI (SSI) of the Act and 20 CFR Part 416 (with applicable variations to take account of any State Supplementary Payment Program which is federally administered or approved pursuant to 45 CFR 248.2 (d) or (e)).

(iv) Such budgeting methodology shall also apply to medically needy eligibility determinations. The income and resource levels against which countable income and resources are compared for the medically needy shall be the general statewide medically needy levels rather than the dollar amounts of the SSI (or State supplement) program. The general statewide medically needy levels shall be based on the total family size of eligible and ineligible relatives whose income or resources are or can be considered available to the assistance unit, after deducting all such relatives' incurred medical expenses.

(3) *Parents of blind or disabled children in States using SSI criteria for the blind and disabled.* Provided that: (i) Income and resources of parents and spouses of parents actually living together in the same household with a blind or disabled child under age 18 (or 21 if regularly attending a school, college, or university or a course of vocational or technical training designed to prepare him for gainful employment) are considered available to such child applicant or recipient without proof of actual contribution.

(ii) Income and resources of parents and spouses of parents are not considered available to a blind or disabled child not regularly sharing the common household even if the child returns to the common household for periodic visits.

(iii) Only actually contributed income and resources of parents and spouses of parents of blind or disabled applicants or recipients may be considered after the month in which the applicant or recipient ceases to live together with them in the same household.

(iv) For categorically needy determinations of blind or disabled persons under age 18 (or age 21 as provided in paragraph (b)(3)(i) of this section), States shall apply the budgeting methodology and applicable dollar amounts set forth in title XVI (SSI) of the Act and 20 CFR 416 (with applicable variations to take account of any State Supplementary Payment Program which is federally administered or approved under 45 CFR 248.2 (d) or (e)).

(v) Such budgeting methodolgoy shall also apply to medically needy determinations except that the income and resource levels against which countable income and resources are compared shall be the general statewide medically needy levels rather than the dollar amounts of the SSI (or State supplement) program. The general statewide medically needy level shall be based on the total family size of eligible and ineligible relatives whose income or resources are or can be considered available to the assistance unit after deducting all such relatives' incurred medical expenses.

(4) *States which have chosen to limit medicaid coverage for the aged, blind and disabled pursuant to section 1902 (f) of the Act.* Provide that the available income and resources of spouses of aged, blind or disabled applicants or recipients, and parents and spouses of parents of blind or disabled applicants or recipients must be considered as available in a manner identical to or more extensive than the manner in which such relatives' income and resources must be considered under paragraphs (b)(2) and (3) of this section. However, such consideration of income and resources may not be more restrictive than that included in the State's January 1972 title XIX plan.

Nothing in this paragraph shall be construed to mandate usage of maintenance levels lesser than or equal to those of the Supplemental Security Income (SSI) program (as set forth in title XVI of the Act and 20 CFR Part 416) where the eligibility determination is to be made under higher categorically needy or medically needy income or resource levels.

(5) *Families and children (except for children eligible as blind or disabled) in all States.* Provide that: (i) For individuals applying for or receiving medical assistance as AFDC-related or as needy individuals under age 21 pursuant to Section 1905 (a)(i) of the Act, the income and resources of their spouses and parents (and stepparents equally liable with natural parents for the support of children under State law of general applicability) with whom they live in the same household, are considered available to such applicants or recipients without proof of actual contribution.

(ii) Even if State law of general applicability confers adult status at an age below 21, parental income is considered available to children to age 21 in family groups living together.

(iii) Except as specified in paragraphs (b) (i) and (ii) of this section, the income and resources of an AFDC-related individual or a needy individual under age 21 eligible pursuant to Section 1905 (a)(i) of the Act shall include only such income and resources (whether from spouse, parent, or other source) as are actually contributed to him.

(iv) In medically needy determinations, the income and resource levels against which countable income and resources are compared shall be the general statewide medically needy levels rather than the dollar amounts of the AFDC program. Such medically needy levels shall be based on the total family size of eligible and ineligible relatives whose income or resources are (or can be) considered available to the assistance unit after deducting all such relatives' incurred medical expenses.

(6) *Individuals establishing eligibility for Medicaid in more than one category covered in the State Plan (Title IV–A-related individuals, blind, disabled or over age 65).* Provide that an individual, or his representative, shall have the right to select the category for which application is made and the income and resources of such an individual's spouse or parents (in the case of children under age 21, or blind or disabled) shall then be considered as available under the appropriate provisions of paragraphs (b)(2), (3), (4), or (5) of this section.

(7) Provide that a lower income level for maintenance shall be used for individuals not living in their own homes but receiving care in hospitals, skilled nursing facilities, intermediate care facilities, and institutions for tuberculosis or mental diseases which are covered under title XIX. This lower income level must be reasonable in amount for clothing and personal needs for such individuals, and

(i) For aged, blind, and disabled individuals, such income level must be at a minimum of $25.00 per month;

(ii) For others, States may establish reasonable standards different from that specified in subdivision (i), provided they are based on a reasonable differential in personal needs.

When such an individual's home is maintained for a spouse or other dependents, the appropriate income level for such dependents, plus the individual's income level for maintenance in a long-term care facility, shall be applied. A higher level of maintenance may also be applied for a temporary period, not to exceed six months, to allow an individual to apply his income and resources to maintenance of a home if a physician has certified that such individual is likely to return to the home within such temporary period.

(8) Provide, for individuals in long-term care facilities specified in paragraph (b) (7) of this section, for the application of income first to personal needs, and for the medically needy only, to any title XIX enrollment fee, premium or similar charge imposed under section 1902(a)(14)(B) of the Act, and provide for the application of the remainder to the cost of medical or remedial care.

(9) Provide that, with respect to an aged, blind, or disabled individual receiving a benefit under title XVI or a State supplemental payment, who is not eligible for medical assistance unless he can meet additional eligibility criteria from the January 1972 standard, the amount of such individual's title XVI benefit and State supplemental payment will be disregarded in determining eligibility for medical assistance.

. . . . . .

2. § 248.21(a)(2) is revised to read as set forth below:

§ 248.21 Financial eligibility—medical assistance programs.

. . . . . .

(a) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

. . . . . .

(2) With respect to both the categorically needy and, if they are included in the plan, the medically needy;

(i) Provide that only such income and resources as are considered available under the provisions of this section may be considered as an applicant's or recipient's income in determining eligibility or the amount of assistance and that income and resources will be reasonably evaluated.

(A) Income and resources considered available under this section must be counted in determining eligibility and the amount of assistance. Income and resources of spouses living together in the same household are to be considered

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available one to the other without proof of actual contribution. Likewise, income and resources of parents (and spouses of parents equally liable with natural parents for the support of children under a State law of general applicability) are to be considered available to children under age 21 living together with them in the same household.

(B) Otherwise, only such income and resources as are actually available will be considered.

(C) Any income or resources actually contributed to any applicant or recipient must be considered in determining eligibility and amount of assistance.

(ii) Provide that financial responsibility (including later collection for assistance paid) of any individual for any applicant or recipient of medical assistance will be limited to the responsibility of spouse for spouse and of parents for children under age 21, or blind, or permanently and totally disabled.

(iii) Provide that in no event will eligibility be determined by taking into account the income or resources of individuals other than the applicant or recipient unless such individuals are the spouses or parents (with respect to children under age 21, or blind or disabled) of the applicant for or recipient of medical assistance, even though the income or resources of additional relatives are considered for purposes of financial assistance to the aged, blind and disabled under the provisions of the State plans pursuant to titles I, X, XIV, and XVI (Aid to the Aged, Blind and Permanently and Totally Disabled (AABD)) of the Act.

(iv) Provide that the available income and resources of spouses and parents of aged, blind and disabled applicants or recipients shall be determined on the basis of the rules which would govern if they were applicants for or recipients of aid under titles I, X, XIV and XVI (AABD) of the Act.

(v) Provide that the available income and resources of spouses and parents of individuals under age 21 or individuals who apply for medical assistance on the basis of their status as AFDC-related individuals shall be determined on the basis of the rules which would govern if they were applicants for aid under title IV-A of the Act. Even if State law of general applicability confers adult status at an age below 21, parental income is considered available to children under age 21 in family groups living together.

(vi) Provide that, where an individual can establish eligibility for medical assistance in more than one category covered in the State plan (title IV-A related persons, individuals under age 21, blind, disabled or over age 65), such individual, or his representative, shall have the right to select the category for which application is made, and the income and resources of such an individual's spouse or parents (in the case of children under age 21 or blind or disabled) shall then be considered as available under the appropriate provisions of paragraphs (a)(2)(iii)(iv) of this section.

* * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C 1302).)

Effective date: The regulations in these sections will be effective April 13, 1977.

(Catalog of Federal Domestic Assistance Program No. 13-714, Medical Assistance Program)

Answers to specific questions may be obtained by calling Mary Kenesson, 202-245-0306.

Dated: October 5, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 4, 1977.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.77-1150 Filed 1-12-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-134; Amdt. Nos. 173-100, 178-40]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Hazardous Materials Regulations Reissuance; Corrections

On September 9, 1976, the Materials Transportation Bureau (MTB) published a series of amendments under Docket No. HM-134 to 49 CFR Parts 171-179, effective January 3, 1977 (41 FR 38175). MTB subsequently made changes in those amendments (September 20, 41 FR 40475; September 27, 41 FR 42206; and December 30, 41 FR 56807). This document makes five additional changes in those amendments. Two changes are technical corrections. Three other changes will insure that certain practices, presently authorized under 49 CFR 173.22(a) and under 49 CFR Part 178, will continue to be authorized on and after January 3, 1977.

CHANGES TO SECTION 173.22(a)

Section 173.22(a) states that it is the shipper's responsibility to see that shipments of hazardous materials are made in containers that comply with the specifications of Parts 178 and 179. Prior to the HM-134 amendments, this section authorized the shipper to meet his responsibility by reliance on the manufacturer's specification markings or certification, or by reliance on the carrier's certification when containers are supplied by the carrier.

As amended by HM-134, § 173.22(a) is silent on whether a shipper may rely on a carrier's certification that containers supplied by the carrier meet DOT specifications. This omission has caused concern among several shippers who frequently ship hazardous materials by highway in carrier-supplied cargo tanks. It was not the intention of MTB to eliminate this practice but, as published, the HM-134 amendment of § 173.22 may have that effect. This publication returns to the section an express authorization for shipper reliance on carrier certifications.

CHANGES TO PART 178 CYLINDER SPECIFICATIONS

The amendments in Docket HM-134 as published also amend DOT compressed gas cylinder specifications to require that registered symbols and serial numbers, which must appear on compressed gas cylinders, be those of the manufacturer alone, instead of those of the user or purchaser as was previously authorized. The intent of this change is to ensure that the manufacturer of a cylinder is readily identifiable. However, it is common practice for persons making cylinders also to mark them with the purchaser or user's symbol and serial numbers for purposes of evidencing ownership. There is not any compelling reason to change this practice beyond ensuring identification of the maker. In fact, identification of user or purchaser as well as maker is desirable as a tool to assist the investigation of problems arising in the transportation of gas cylinders, and to establish accountability. Accordingly, in response to a number of petitions on this subject, this document alters the HM-134 amendments to allow continuation of the practice of marking user or purchaser symbols and serial numbers on gas cylinders, provided the cylinder manufacturer also is identified.

An additional change to § 178.65 is being made which concerns Specification 39 nonreuseable compressed gas cylinders. Those cylinders are required to be marked (§ 178.65-14(b)(8)) with a warning of Federal criminal sanctions applicable to persons wrongfully transporting such containers should they be refilled. Previous to the HM-134 amendment, the warning cited 18 U.S.C. 831-835, but on and after January 3, 1977, the HM-134 amendment would require referencing Section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809) and differing criminal sanctions. It is permissible for this warning to be displayed on Specification 39 cylinders by use of labels. The MTB has been advised that a substantial manufacturer's inventory of such labels referencing 18 U.S.C. 831-835 exists which will have to be discarded on January 3, 1977, and that new labels may not be available by that date.

Display of the warning on Specification 39 cylinders is intended solely as a warning of the serious criminal nature of transporting unauthorized, refilled cylinders and does not carry with it any specific legal effect. Consequently, the MTB is permitting continued use of old labels for a period of one year to allow depletion of existing inventories of labels.

In consideration of the foregoing, in FR DOC 76-26376 appearing at pages 38175-38183 in the FEDERAL REGISTER of September 9, 1976, the following changes are made.

1. At 41 FR 38180 (as corrected at 41 FR 40476), item "8." is revised to read as follows:

8. In § 173.22, paragraph (a) is revised to read as follows:

§ 173.22 Shipper's responsibility.

(a) Unless otherwise provided in this part, before offering a hazardous material for shipment in a container the shipper shall determine that the container has been made, assembled with all parts or fittings in their proper place and properly secured, and marked in compliance with applicable specifications prescribed in Parts 178 and 179 of this subchapter or with specifications of the Department in effect at date of manufacture of container. In determining whether a specification container is manufactured in accordance with applicable specifications, the shipper may accept the manufacturer's certification or specification marking. (See §§ 178.0-2 and 179.1 of this subchapter.) For containers supplied by the carrier, the shipper may rely on the manufacturer's identification plate, specification marking, or on certification by the carrier. When a shipper performs a function covered by or having an effect on a specification requirement of Part 178 or Part 179, the shipper must perform that function in accordance with the specification.

* * * * *

2. At 41 FR 38180, item "15." is revised to read as follows:

15. In Part 178, new §§ 178.0, 178.0-1, and 178.0-2 are added immediately preceding Subpart A to read as follows:

§ 178.0 Purpose, scope, and applicability.

§ 178.0-1 Purpose and scope.

This part prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in commerce.

§ 178.0-2 Applicability.

(a) Any person who performs a function prescribed in this part, shall perform that function in accordance with this part.

(b) When this part requires (either expressly or by reference to § 173.24 of this subchapter) a packaging or container to be marked with a DOT specification (for example, DOT-1A, DOT-17E-304HT, DOT-23G40), compliance with that requirement is the responsibility of the packaging or container manufacturer. Marking the packaging or container with the DOT specification shall be understood to certify compliance by the manufacturer, that the functions performed by the manufacturer, as prescribed in this part, have been performed in compliance with this part. (See also § 173.28 "Reuse of containers." That section envisions the marking of containers to be performed by a person other than the original manufacturer.)

(c) Except as specifically provided in §§ 178.337-18 and 178.340-10, the manufacturer of a packaging or container should inform each person to whom that packaging or container is transferred of any specification requirements which have not been met at time of transfer.

3. At 41 FR 38181, item "30." is revised to read as follows:

30. In §§ 178.38-20, 178.39-19, 178.40-20, 178.41-19, 178.42-14, 178.43-20, 178.44-23, 178.47-21, 178.48-19, 178.49-19, 178.50-19, 178.52-19, 178.53-18, 178.54-20, 178.55-20, 178.58-21, 178.59-18, 178.60-22, and 178.68-19, the second sentence in paragraph (a)(2) is revised and in §§ 178.36-20, 178.37-20, and 178.57-20, the second sentence in paragraph (a)(3) is revised to read as follows:

The symbol and numbers must be those of the maker, or of the purchaser or user if the maker's symbol also appears near the date of the original test.

4. At 41 FR 38181, item "31." is revised to read as follows:

31. In §§ 178.51-19, 178.56-19, and 178.61-20, the first sentence in paragraph (a)(2) is revised to read as follows:

A serial number and an identifying symbol of the maker, except that numbers and symbols of user or purchaser are also authorized if the maker's symbol appears near the date of original test.

5. At 41 FR 38181, item "32." is revised to read as follows:

32. In § 178.65-14, paragraph (b)(8) is revised to read as follows:

§ 178.65-14 Marking.

* * * * *

(b) * * *

(8) The following statement: Federal law forbids transportation if refilled—penalty up to $25,000 fine and 5 years imprisonment (49 U.S.C. 1809).

NOTE.—Preprinted labels complying with 49 CFR 178.65-14(b)(8) in effect January 2, 1977, may be used until January 3, 1978.

* * * * *

(49 U.S.C. 1803, 1804, 1808 and 49 CFR 1.53(e))

Issued in Washington, D.C., on December 30, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.77-834 Filed 1-12-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER 1—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ACCESS, USE AND RECREATION

The following special regulation is issued and is effective on January 13, 1977.

§ 26.34 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permitted on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is authorized in the open portion of Crab Orchard Lake and Little Grassy Lake delineated as Area I and III, except at designated areas. These designated "No Swimming" areas include but not limited to: Marina areas, Boat Docks, Boat Ramps, Spillways, Dams, and Causeways. Swimming is not authorized in the closed portions of Crab Orchard Lake delineated as Area II. Swimming, skin diving, snorkeling, or scuba diving is not authorized at Devils Kitchen Lake, except at the Campground Beach.

(2) All flotation devices such as inner tubes, air mattresses, and similar devices not worn by the person, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Lookout Point, Crab Orchard Beach, Playport Boat Dock, Sailboat Basin, Crab Orchard Spillway Parking Lot and Picnic Areas are closed to unauthorized use from 9:00 p.m. until 5:00 a.m., local time, daily.

(5) Motor vehicle entry to all refuge campgrounds is prohibited from 11:00 p.m. until 7:00 a.m., local time, during the period said campground is open to the public.

(6) Quiet shall be maintained in all refuge campgrounds between 10:00 p.m. and 6:00 a.m., local time.

(7) The drinking or possession of alcoholic liquor by minors, as defined by State law, is prohibited on the refuge area.

(8) The use of boats with motor larger than ten (10) horsepower is prohibited on Devils Kitchen Lake and Little Grassy Lake.

(9) The maximum boat speed limit on Crab Orchard Lake is 40 miles per hour, unless otherwise posted.

(10) Visitors must be attired in an appropriate attire while on the refuge. Public nudity, or topless attire by females is prohibited.

(11) Camping, defined as the use of tents, bedrolls, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is prohibited except at the Devils Kitchen Campground, Little Grassy Campground, Crab Orchard Lake Campground and the Marion Boat and Yacht Club Campground.

The provisions of this notice supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in 50 CFR, Part 26, and are effective through December 31, 1977.

WAYNE D. ADAMS,
Project Manager, Crab Orchard National Wildlife Refuge.

JANUARY 5, 1977.

[FR Doc.77-1118 Filed 1-12-77;8:45 am]

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PART 26—PUBLIC ENTRY AND USE

The following special regulation is issued and is effective through the period January 18, 1977 to December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation, for the individual wildlife refuges.

VIRGINIA AND NORTH CAROLINA

GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE

Access to the refuge is permitted from sunrise to sunset for the purpose of nature study, photography, hiking and sightseeing subject to the following restrictions. Travel by bicycle, foot or canoe is permitted on established roads and ditches within the refuge. Boat access is permitted by way of navigable waters connecting Lake Drummond with the intra-coastal waterway known as the Dismal Swamp Canal. Access by motor vehicle within the refuge is by special use permit. Pets are permitted if on a leash not over 10 feet in length.

Information about the refuge area, comprising approximately 53,497 acres, located in the cities of Suffolk and Chesapeake, Virginia, and in Camden County, North Carolina, is available from the Refuge Manager, Great Dismal Swamp National Wildlife Refuge, Box 349, Suffolk, Virginia 23434 or the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C ASHE,
Acting Regional Director,
Fish and Wildlife Service.

JANUARY 5, 1977.

[FR Doc.77-1119 Filed 1-12-77;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on January 13, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, squirrels, bobwhite quail, rabbits, raccoons, opossums, skunks, weasels and crows is permitted in accordance with the seasons and limits established by the Illinois Department of Conservation. The area open to hunting within Crab Orchard National Wildlife Refuge is designated by green public hunting signs. This open area is delineated on a map available at refuge headquarters, Carterville, Illinois 62918 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1978.

WAYNE D. ADAMS,
Project Manager Crab Orchard
National Wildlife Refuge.

JANUARY 4, 1977.

[FR Doc.77-1116 Filed 1-12-77;8:45 am]

PART 33—SPORT FISHING

The following special regulation is issued and is effective on January 13, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuges.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions.

(1) The open season for sport fishing on the refuge extends from January 1, 1977 thru December 31, 1977, in areas designated on Map I and III; and from March 15, 1977 thru September 30, 1977, daylight hours only, in areas designated on Map II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 causeways, during daylight hours from January 1, 1977 thru December 31, 1977. Boat fishing only is permitted between Wolf Creek Road west to the closed portion boundary line (Carterville Road) from January 1, 1977 thru December 31, 1977.

(2) The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devils Kitchen Lake and Little Grassy Lake.

(3) Snagging for carp, buffalo, freshwater drum, paddle fish, bowfin, gar and carpsucker is permitted 200 yards downstream from the Crab Orchard Lake Spillway. Fishermen are limited to one (1) pole and line device, with no more than two (2) hooks, which must measure at least ½ inch from hook tip to shank.

(4) Jug fishing in the closed portion of the refuge as shown on Map II east of Wolf Creek Road is authorized from March 15 thru September 30. Jugs may be left in the lake overnight. Personnel are not authorized in the area during the hours of darkness. Jug fishing in the open portion of the refuge as shown on Map I west of the boundary (Carterville Road) is authorized both day and night, except between May 30, 1977 and September 5, 1977, jug fishing is authorized from sunset to sunrise only. Jugs must be removed from the lake at sunrise during this period. In the area from Wolf Creek Road west to the closed portion of the refuge boundary (Carterville Road) jug fishing is permitted from January 1, 1977 through December 31, 1977.

(5) Floating trot lines are not allowed in the open portion of the refuge west of the boundary (Carterville Road) during the hours of daylight from May 31, 1977 through September 6, 1977.

(6) Fishing in designated ponds in the closed portion of the refuge is authorized from March 15, 1977 through September 30, 1977, during daylight hours only.

(7) The minimum legal length for Black Bass (Largemouth) taken from the Crab Orchard Lake is 14 inches or 35.56 centimeter.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

WAYNE D. ADAMS,
Project Manager, Crab Orchard
National Wildlife Refuge.

JANUARY 5, 1977.

[FR Doc.77-1117 Filed 1-12-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO-354-A2]

CELERY GROWN IN FLORIDA

Hearing On Proposed Amendment of Marketing Agreement and Order

Notice is hereby given of a public hearing to be held February 1, 1977, beginning at 9:00 a.m., local time, in the Florida Fruit and Vegetable Association auditorium, 4401 East Colonial Drive, Orlando, Florida, with respect to proposed amendment of the marketing agreement and Order No. 967, both as amended, regulating the handling of celery grown in Florida.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relates to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement and order.

The proposed amendment would change the methods of determining base quantities and establishing a reserve, add a public representative to the committee, add production research authority to the existing authority for marketing research and development, and make several other minor changes in existing sections.

The proposed amendment has not received the approval of the Secretary of Agriculture.

The proposals are as follows:

PROPOSAL NO. 1

Amend § 967.25 to read as follows:

§ 967.25 Establishment and membership.

There is hereby established a Florida Celery Committee consisting of 16 members, including 15 producer or handler members and one public member to administer the terms and provisions of this part. Each shall have a respective alternate who shall have the same qualifications as the member.

PROPOSAL NO. 2

Amend § 967.26 to read as follows:

§ 967.26 Eligibility.

Each member and alternate of the committee, except for the public member and alternate, shall be at the time of his selection and during his term of office, a producer or handler, or an officer or employee of a producer or handler in the group for which selected. The public member shall be neither a producer nor handler.

PROPOSAL NO. 3

Amend § 967.27 by adding a new paragraph (f) to read:

§ 967.27 Nominations.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 967.32 shall nominate a public member and alternate member of the committee, which persons shall not be growers or handlers, or employees of growers or handlers. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary.

PROPOSAL NO. 4

Amend § 967.37 to read as follows:

§ 967.37 Base Quantities.

(a) Base Quantities shall be determined for persons with existing Base Quantities as of December 15, 1976 as recorded by the Florida Celery Committee on the basis of the greatest number of crates of harvested celery sold by them or on their behalf during any one of the three seasons, 1973–74 through 1975–76.

(b) Periodically, but at least once each five years, the committee shall review the use being made of Base Quantities and recommend to the Secretary any change in the formula for determining Base Quantities which may be deemed appropriate.

(c) The committee may recommend rules pertaining to producers who wish to obtain, hold or transfer Base Quantities or Marketable Allotments. Such rules shall be subject to the approval of the Secretary and may require producers to file reports and information with respect thereto, including but not limited to quantities marketed in the representative period, their qualifications as producers, as well as particulars on sale and handling of celery as a result of any Base Quantities or Marketable Allotments that may be issued to them.

(d) (1) A reserve in the amount of six percent of the total Base Quantities shall be established annually. Such reserve may be used for the issuance of Base Quantities to new producers and adjustments in Base Quantities for producers with existing Base Quantities, with 50 percent being made available for new producers and 50 percent available for adjustments for producers with existing Base Quantities. Any unallocated portion of the 50 percent available to new producers may at the discretion of the committee be prorated among producers with existing Base Quantities on an equitable basis.

(2) Base Quantities issued to new producers shall be permanent, but any adjustments in Base Quantities issued to producers with existing Base Quantities shall be effective for one season only and a new request by such producers for adjustment in Base Quantity shall be submitted each season.

(3) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent.

(4) Each person filing an application hereunder for a new Base Quantity or adjustment in an established Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 967.38(c) shall then apply.

(e) A condition for the continuing validity of a Base Quantity is production of celery thereunder in a proprietary capacity. If no bona fide effort is made to produce and sell celery thereunder for two consecutive seasons commencing with the 1977–78 season, the Base Quantity may be declared invalid due to lack of use and cancelled at the end of the second season of nonproduction. The committee shall determine criteria, subject to approval by the Secretary, as to whether a bona fide effort has been made to produce and sell celery, including one criteria that the producer must have

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sold at least 50 percent of each of his seasonal Marketable Allotments, unless prevented from doing so by acts of God or other circumstances beyond his control.

(f) Annual registration of Base Quantity holders will be required no later than May 1. Any Base Quantity holder who has not made firm and substantial commitments to produce celery in a proprietary capacity for the forthcoming season, or who does not register will have his Base Quantity eliminated from the calculations in determining the Uniform Percentage. However, such procedure will not cause the Base Quantity holder to lose his Base Quantity.

PROPOSAL No. 5

Amend § 967.38 as follows:

1. Amend paragraph (e) and add a new paragraph (f) to read as follows:

§ 967.38 Marketable Allotments.

* * * * *

(e) The first 37,500 crates of each and every producer's Base Quantity shall be subtracted from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 967.38(a)). The Uniform Percentage for the first 37,500 crates will always be 100 percent except when the Uniform Percentage calculated in this section (§ 907.38(a)) exceeds 100 percent in which event the higher percent shall be used.

(f) Marketable Allotments shall be issued only to producers who have registered by May 1 and indicated firm and substantial commitments for the production of celery in a proprietary capacity for the forthcoming season.

PROPOSAL No. 6

Delete the word marketing from the section heading and revise the first sentence of § 967.44 to read as follows:

§ 967.44 Research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve or promote the marketing, distribution and consumption or efficient production of celery. * * *

PROPOSAL No. 7

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from "Marketing Field Office, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture" at the following address: Florida Citrus Mutual Bldg., Room 204, 302 South Massachusetts Avenue, P.O. Box 9, Lakeland, Florida 33802.

Signed at Washington, D.C., on January 10, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.77-1131 Filed 1-12-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[EDR-317; Docket No. 29792; Dated: January 6, 1977]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Air Taxi Weight Limitation in Hawaii

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Part 298 of its Economic Regulations (14 CFR Part 298) to make applicable to air taxi operators in the State of Hawaii the aircraft size and weight limitations presently applicable in the other forty-nine states.

The purpose of the proposal is described in the Explanatory Statement and the proposed amendment is set forth in the Proposed Rule. The amendment is proposed under the authority of sections 204(a) and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 711; 49 U.S.C. 1324, 1386.

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views, or arguments pertaining thereto addressed to: Docket 29792, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before February 28, 1977, and reply comments received on or before March 15, 1977, will be considered by the Board before taking final action on the proposed rule. Copies of such documents will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

Those persons planning to file comments and/or reply comments who wish to be served with the comments filed by others, and are willing to undertake service of their own comments on others, shall file with the Docket Section at the above address by January 24, 1977, a request to be placed on the service list in Docket 29792. The service list will be prepared by the Docket Section and sent to the persons named thereon. The persons on the service list are to serve each other with their comments and/or responsive comments at the time of filing, and are to include appropriate proof of service (Rule 8(e), 14 CFR 302.8(e)) with each filing.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

Part 298 of the Board's Economic Regulations (14 CFR Part 298) provides for the classification and exemption of air taxi operators. In the "Part 298 Weight Limitation Investigation," by Orders 72-7-61 and 72-9-62, the Board replaced the then-existing 12,500 pound takeoff weight limitation on air taxi aircraft with a more liberal 30 seat/7500 pound payload restriction.[1] This change, however, was made applicable only to air taxi services in the continental United States.[2] With respect to air taxi operations in Hawaii, the Board adopted Administrative Law Judge Ruhlen's finding that retention of the lower weight limitation was necessary to protect the two Hawaiian certificated carriers, Hawaiian Airlines, Inc. (Hawaiian) and Aloha Airlines, Inc. (Aloha), which were then financially unstable and in danger of requiring subsidy. The Board feared that a higher capacity limitation would enable air taxis to invade the largest passenger markets in Hawaii and impede vigorous competition between Hawaiian and Aloha.

Island Air Transfer, Ltd. (IAT), an air taxi cargo operator in Hawaii, has now filed a rulemaking petition to amend Part 298 to conform Hawaiian air taxi size and weight limitations to those applicable in the other forty-nine states.[3] IAT argues that there is now a substantial public need for larger capacity air taxi service in both cargo and passenger operations in Hawaii. With respect to cargo operations, IAT contends that the larger capacity limitation will enable air taxis to provide services not now available from the certificated carriers, such as increased containerization, larger noncontainerized shipments, and expansion of cargo service to more points within Hawaii. In support of its position IAT has submitted 31 letters from Hawaiian merchants and the State of Hawaii indicating a need for increased cargo service.[4] In regard to passenger operations, IAT maintains that a significant portion of the traveling public will benefit from larger capacity air taxi service. IAT also contends that the certificated carriers will not be seriously threatened by increased air taxi capacity, since those carriers do not serve many of the markets likely to be affected by greater air taxi service and are now financially stronger than at the time of the Part 298 Investigation.

Answers to IAT's petition were filed by Horizon Air Service, Ltd. (Horizon), Hawaiian, and Aloha. Horizon, the largest commuter[5] air cargo carrier in Hawaii, supports the petition with respect to cargo operations. Horizon maintains that larger capacity cargo service would fill a need not presently being met in Hawaii[6] and would pose no significant economic threat to the certificated carriers.

Hawaiian and Aloha do not directly oppose the petition on economic grounds but instead contend that the Board should set this matter for evidentiary hearing. Aloha maintains that a hearing is not only appropriate but required, in light of the Board's definitive position on Hawaiian air taxi operations as outlined in the "Part 298 Investigation". Hawaiian asserts that the Board cannot make a sound decision without detailed economic data, which is best supplied in an evidentiary proceeding. Hawaiian therefore requests the Board to specify the issues in this inquiry in detail,[7] set down the matter for an expedited hearing and require submission of certain information[8] from all air taxi operators in Hawaii.

In a reply to the answers of Hawaiian and Aloha, IAT contends that the request for a formal hearing is no more than a delaying tactic and that such a procedure will significantly burden the limited resources of the Hawaiian air taxi operators. IAT maintains that written comments will form a sufficient basis for an informed decision by the Board.

Upon consideration of the petition and the answers, we have determined to institute this rulemaking proceeding. The Board believes that, at this juncture, there has been no showing that an evidentiary hearing is either legally required or desirable, since IAT's petition raises no issues which are peculiarly suited to resolution only through oral testimony and cross-examination. There is, of course, no statutory requirement, either express or implied, that an oral hearing must accompany all grants of exemption authority made pursuant to section 416 of the Act and Part 298 of the Board's regulations.[9] Nor is the Board obliged to employ full-scale evidentiary hearing procedures even when it significantly expands the operating authority of exempt carriers, so long as the Board has an adequate basis on which it can fairly make the requisite findings, under section 416 of the Act, in support of its determination that such expanded authority should be granted by exemption.[10] Since the parties will have an opportunity to present their positions fully, including the submission of relevant economic data, through written comments and reply comments, it now appears that an evidentiary hearing in this instance would be an unnecessary burden upon all parties and the Board. In any event, the question of the need for any sort of hearing can better be examined after analysis of the written submissions.

With regard to the merits of IAT's petition, we have tentatively concluded that our reasons for adopting a larger capacity air taxi limitation in the continental United States now justify a similar relaxation of air taxi restrictions in Hawaii. At the outset, we note that the petition, with the support of Horizon's answer, has presented some evidence—unchallenged by the certificated carriers—of a public need for expanded air taxi capacity. Moreover, both Hawaiian and Aloha have experienced steady traffic growth over the past few years and are financially more secure than at the time of the "Part 298 Investigation."[11] Although Hawaiian air taxi traffic has also grown since 1972, air commuter operations account for only a small fraction of the total passenger traffic within Hawaii.[12] Consequently, our tentative conclusion is that a liberalization of air taxi size and weight restrictions will not seriously threaten the certificated carriers.

We wish to emphasize, however, that our conclusions here are only tentative. All comments will be carefully considered before final action is taken. We look forward to receiving constructive comments from the certificated carriers, air taxi operators, other organizations and individuals addressed to the basic issues in this proceeding. Specifically, we request that the comments focus upon the following matters:

1. The public need, if any, for expanded capacity air taxi cargo and passenger service in Hawaii.

2. Anticipated operating plans of air taxi operators in the event that air taxi restrictions are liberalized as here proposed (a) in markets now served by Hawaiian and Aloha, and (b) in other Hawaiian markets.

3. The estimated impact of liberalized air taxi restrictions upon the certificated carriers.

Accordingly, it is proposed to amend Part 298 of the Board's Economic Regulations (14 CFR Part 298) as set forth below:

PROPOSED RULE

1. Amend § 298.2 by revising the definition of "large aircraft" to read as follows:

§ 298.2 Definitions.

As used in this part:

* * * * *

(i) "Large aircraft" means any aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds: *Provided, however,* That for the purposes of this part, large aircraft shall include all models of the Convair 240, 340, and 440; Martin 202 and 404; F-27 and FH-227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

* * * * *

2. Amend § 298.31 to read as follows:

§ 298.31 Scope of service and equipment authorized.

Nothing in this Part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this part to air taxi operators which register and reregister with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft having a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less.

[FR Doc.77-1169 Filed 1-12-77;8:45 am]

[14 CFR Part 239]

[Docket No. 30232; EDR-315A]

REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Supplemental Advance Notice of Proposed Rulemaking

JANUARY 10, 1977.

By EDR-315, December 17, 1976, the Board issued a Notice of Proposed Rule-

[1] ER-748, July 18, 1972, 37 FR 14692, as revised by ER-759, September 15, 1972, 37 FR 19609 and by ER-846, May 8, 1974, 39 FR 16341.

[2] Subsequently, on October 1, 1976, the Board amended Part 298 to conform Alaskan air taxi size and weight limitations to those applicable in the continental United States. ER-970, November 5, 1976, 41 FR 44033.

[3] IAT's petition was in response to the Board's statement in Order 76-9-49 that the appropriate context for a reconsideration of air taxi operations in Hawaii was a rulemaking proceeding rather than an exemption application. Earlier, in Order 76-5-10, the Board had denied IAT's application for exemption to operate a DC-3 aircraft for cargo operations, based upon a negative safety evaluation of IAT conducted by the Federal Aviation Administration.

[4] The letters were filed with IAT's application for exemption, Docket 28808, and were incorporated by reference in IAT's petition for rulemaking.

[5] A "commuter air carrier" is a subclassification of air taxi, as defined in § 298.2.

[6] Horizon submitted copies of 15 letters from Hawaiian shippers supporting the use of larger aircraft for air taxi cargo services.

[7] Suggested issues include (a) the form of any new weight limitation, (b) whether certificated carriers should be given route protection and (c) whether separate rules should be established for different types of operations. (i.e., charter vs. scheduled, freight vs. passenger) and different types of equipment.

[8] Basically, all air taxis would be required to report their present markets, schedules and traffic, and indicate their operating plans if permitted to use larger aircraft.

[9] Eastern Airlines, Inc. v. CAB, 185 F.2d 426 (D.C. Cir. 1950), dismissed as moot, 341 U.S. 901 (1951).

[10] Air Line Pilots Association International v. CAB, 494 F.2d 1118 (D.C. Cir. 1974.)

[11] At the time of the Initial Decision in the Part 298 Investigation Hawaiian and Aloha reported gross revenues of $29.9 million and $16.7 million, respectively (12 months ended June 1971), whereas their most recent Form 41 reports show gross revenues of $62.6 million and $43.8 million, respectively (12 months ended September 1976). The two carriers have also shown dramatic increases in profitability: In June 1971, Hawaiian and Aloha reported net losses of $47,000 and $2.2 million, respectively, whereas in September 1976 they reported net income after taxes of $1.5 million and $468,000, respectively.

[12] In the 12 months ended June 1976, Hawaiian air commuters generated 16 million revenue passenger miles (Forms 298-C, Schedule T1, June 1976), compared to a combined total of 684 million revenue passenger miles for Hawaiian and Aloha (Air Carrier Traffic Statistics, Bureau of Accounts and Statistics, CAB, June 1976).

making in this proceeding requesting comments from interested persons in response to its proposal to modify the definition of "Actual shipper loss," and reduce, as well as improve, the requirements for reporting on CAB Form 239, "Report of Freight Loss and Damage Claims." January 24, 1977, was the filing date.

By letter, dated January 6, 1977, the Air Transport Association of America (ATA) has requested an extention of the filing date for comments to February 24, 1977. In support of their request, the ATA members assert that due to unforeseen problems, subscribers to the CAB Economic Regulation Reporting Service have not yet received copies of this Notice of Proposed Rule Making. ATA also states that they have been notified by a number of carriers that on first reading, there are some significant problems in the proposal. It is felt that an industry meeting will be necessary in order to develop comments that will be constructive and of use to the Board in its deliberations.

No previous extension of time has been granted in this proceeding, and it does not appear that the granting of the requested 30-day extension would prejudice any party to this proceeding. In the interest of receiving the views of all interested persons, the undersigned finds that good cause has been shown for an extension of time for filing comments.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for filing comments to February 24, 1977.

(Sec. 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372, 1377.)

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc.77-1165 Filed 1-12-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 447]

DISCLOSURE REGULATIONS CONCERNING RETAIL PRICES FOR PRESCRIPTION DRUGS

Comment Period Extended Regarding Related Supreme Court Decision

On June 4, 1975, the Federal Trade Commission published a proposed trade regulation rule for Disclosure Regulations Concerning Retail Prices for Prescription Drugs, 40 Fed. Reg. 24031 which, if finally promulgated, would preempt State Laws that prohibit or unfairly restrict the advertising of prescription drug price information. A recent decision of the United States Supreme Court, *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council*, 44 U.S.L.W. 4688 (U.S. May 24, 1976), may accomplish that result by First Amendment protection.

Because of this prospect the Commission, on July 2, 1976, invited any interested person to comment prior to November 30, 1976, on why the decision in *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council* cannot accomplish by First Amendment protection what the Commission's proposed rule might have accomplished by preemption.

The Commission's Staff is monitoring the extent to which restrictions on price advertising of the type proscribed in the mentioned Supreme Court decision are being eliminated. It is expected that the results of this monitoring effort will be placed on the public record of this proceeding.

To allow time for this monitoring effort the period for the receipt of additional evidence or comment on the need for the rule in the light of the *Virginia State Board of Pharmacy* decision has been extended to April 1, 1977. Such material should be sent to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580 so as to be received no later than April 1, 1977.

Issued: January 13, 1977.

HENRY B. CABELL,
Presiding Officer.

[FR Doc.77-1178 Filed 1-12-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Corporate Separations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 28, 1977.

Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by February 28, 1977. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under sections 355, relating to distribution of stock and securities of a controlled corporation, and 346, relating to partial liquidation defined, of the Internal Revenue Code of 1954.

Section 355 provides for the separation, without recognition of gain or loss to the shareholders and security holders, of one or more existing businesses formerly operated, directly or indirectly, by a single corporation. Section 355 applies only to the separation of existing businesses which have been in active operation for at least 5 years (or a business which has been in active operation for at least 5 years into separate businesses) and which, generally, have been owned for at least 5 years by the corporation making the distribution of stock or of stock and securities.

Section 355 provides nonrecognition of gain or loss on a distribution by a corporation of stock or securities of a controlled corporation to its shareholders with respect to its own stock or to its security holders in exchange for its own securities only if the distribution is carried out for purposes germane to the business of the corporations and only if there is a continuity of interest in all or a part of the business enterprise by those persons who were the owners of the enterprise before the distribution. In addition, section 355 does not apply to a transaction which has been used principally as a device for the distribution of earnings and profits of the distributing corporation, of the controlled corporation, or of both.

In order to qualify under section 355, the distributing corporation must distribute all of the stock of the controlled corporation which it owns, or at least an amount of the stock which constitutes control as defined in section 368(c). If a part of either the stock or securities is retained by the distributing corporation, it must be established to the satisfaction of the Commissioner that such retention was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax.

The proposed amendment contains two major changes to the current regulations. The rules under section 355(a)(1)(B), relating to a transaction which was used principally as a device for the distribution of earnings and profits, have been revised to describe factors which are to be taken into account in making the determination of whether a transaction was such a "device". The rules under section 355(b), relating to active conduct of a trade or business, have been revised to provide for the separation of a single business consistent with the holdings in "Coady v. Commissioner," 289 F. 2d 490 (6th Cir. 1961), and "United States v. Marett," 325 F. 2d 28 (5th Cir. 1963).

PROPOSED AMENDMENT TO THE REGULATIONS

The Income Tax Regulations (26 CFR Part 1) under section 355, relating to distribution of stock and securities of a controlled corporation, and 346, relating to partial liquidation defined, of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Sections 1.355-1 through 1.355-4 are amended to read as follows:

§ 1.355-1 Distribution of stock and securities of a controlled corporation.

(a) *Application of section.* Section 355 provides for the separation, without recognition of gain or loss to the shareholders and security holders, of one or more existing businesses formerly operated, directly or indirectly, by a single corporation. It applies only to the separation of existing businesses which have been in active operation for at least 5 years (or a business which has been in active operation for at least 5 years into separate businesses), and which, in general, have been owned, directly or indirectly, for at least 5 years by the corporation making the distribution of stock or of stock and securities. For the purpose of section 355, stock rights or stock warrants are not included in the term "stock and securities".

(b) *Type of separations.* Section 355 is concerned with two general types of separations. The first is the distribution of the stock of an existing corporation. The second is the distribution of the stock of a corporation holding assets of a business previously operated by the distributing corporation. In both cases, section 355 contemplates the continued operation of the business or businesses existing prior to the separation.

§ 1.355-2 Limitations.

(a) *Property distributed.* In order for section 355 to apply, the property distributed must consist solely of stock, or stock and securities, of a controlled corporation. If additional property (including an excess principal amount of securities received over securities surrendered is received, see section 356.

(b) *Business purpose and continuity of interest.*—(1) *In general.* A distribution by a corporation of stock or securities of a controlled corporation to its shareholders with respect to its own stock or to its security holders in exchange for its own securities will not qualify under section 355 where carried out for purposes not germane to the business of the corporations. The principal reason for this requirement is to provide nonrecognition treatment only to those distributions or exchanges of stock or securities of the controlled corporation which are incident to such readjustment of corporate structures as is required by business exigencies and which effect only a readjustment of continuing interests in property under modified corporate forms. Depending upon the facts of a particular case, a shareholder purpose for a transaction may be so nearly coextensive with a corporate business purpose as to preclude any distinction between them. In such a case, the transaction is carried out for purposes germane to the business of the corporations. On the other hand, if a transaction is motivated solely by the personal reasons of a shareholder, for example, if a transaction is undertaken solely for the purpose of fulfilling the personal planning purposes of a shareholder, the distribution will not qualify under section 355 since it is not carried out for purposes germane to the business of the corporations. Section 355 contemplates a continuity of interest in all or part of the business enterprise on the part of those persons who, directly or indirectly, were the owners of the enterprise prior to the distribution or exchange. For rules with respect to the requirement of a business purpose for a transfer of assets to a controlled corporation in connection with a reorganization described in section 368(a)(1)(D), see § 1.368-1(b).

(2) *Examples.* The provisions of paragraph (b)(1) of this section may be illustrated by the following examples:

Example (1). Corporation P is engaged in the production, transportation, and refining of petroleum products. In 1962, P acquired all of the properties of corporation S, which was also engaged in the production, transportation, and refining of petroleum products. In 1968, as a result of anti-trust litigation, P was ordered to divest itself of all properties acquired from S. P proposes to transfer the assets acquired from S to a new corporation and to distribute the stock of such new corporation to its shareholders. In view of the divestiture order, the distribution of the stock of the new corporation to the shareholders of P will be considered to have been carried out for a real and substantial nontax reason germane to the business of the corporations.

Example (2). Corporation R owns and operates two men's retail clothing stores. The outstanding stock of R is owned equally by two brothers, A and B, and F, their father, who does not take an active part in the retail clothing business. A and B no longer can agree on major decisions affecting the operation of the corporation. Corporation R proposes to transfer one store to a new corporation and distribute 66.7 percent of the stock of such new corporation to one brother in exchange for all of his R stock. The other 33.3 percent of the stock of such new corporation will be exchanged for one-half of F's stock of corporation R. In view of the disagreement between managing shareholders, the distribution of the stock of the new corporation will be considered to have been carried out for a real and substantial nontax reason germane to the business of the corporations.

Example (3). Corporation T is engaged in the manufacture and sale of children's novelty toys. It also manufactures and sells candy and candy products. The shareholders wish to separate the candy business from the risks and vicissitudes of the novelty toy business. It is proposed that the assets and activities associated with the toy business be transferred to a new corporation, the stock of which would then be distributed to T's shareholder. The purpose of protecting the candy business from the risks of the novelty toy business, which is fulfilled when the novelty toy assets and activities are transferred to the new corporation, does not satisfy the requirement there be a substantial nontax reason, germane to the business of the corporation, for the distribution of the stock of the new corporation to the shareholders.

Example (4). The facts are the same as in example (3) except that T also requires outside financing in order to substantially expand its candy business. As a condition of the loan, in order to prevent the potential diversion of funds to the toy business, the lender requires the separation of the candy business and the novelty toy business and the distribution of the stock of the novelty toy corporation to the shareholders. The lender's requirements are based upon customary business practice. In this case, the distribution of the stock of the novelty toy corporation to the shareholders will be considered to have been carried out for purposes germane to the business of the corporations.

(c) *Device for distribution of earnings and profits.*—(1) *In general.* Section 355 does not apply to a transaction which has been used principally as a device for the distributoin of the earnings and profits of the distributing corporation, or of both. The Code recognizes that a tax-free distribution of the stock of a controlled corporation presents an extraordinary potential for tax avoidance by placing the shareholders of the distributing corporation in a position whereby, as a consequence of the subsequent sale of stock or the liquidation of either the distributing corporation or the controlled corporation, they can avoid the dividend provisions of the Code. A distribution which is pro rata or substantially pro rata among the shareholders of the distributing corporation presents the greatest potential for the withdrawal of earnings and profits and is more likely to be undertaken principally as a device for the distribution of earnings and profits. Whether a transaction which has the potential for the distribution of earnings and profits was used principally as such a device shall be determined from all the facts and circumstances. Among the factors to be considered are those factors described in paragraph (c)(2) and (3) of this section. However, in any case in which a distribution with respect to each distributee would be treated as a redemption to which section 302(a) would apply if it were taxable, the transaction is not ordinarily considered to be a device for the distribution of earnings and profits. For purposes of the preceding sentence, section 302(c)(2)(A) shall be applied without regard to clauses (ii) and (iii). Further, if, on the date of the distribution, no part of a distribution of money by the distributing corporation, the controlled corporation, or any corporation controlled, directly or indirectly, by either of such corporations could have been taxable as a dividend as defined in section 316 because of the absence of earnings and profits, the transaction is ordinarily not considered to be such a device.

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(2) *Subsequent sales of stock.* If, pursuant to an arrangement negotiated or agreed upon before the distribution, 20 percent or more of the stock of either the distributing corporation or the controlled corporation is to be sold or exchanged after the distribution, the distribution will be considered to have been used principally as a device for the distribution of earnings and profits of the distributing corporation, the controlled corporation, or both. If, pursuant to such an arrangement, part or all of the securities or less than 20 percent of the stock of either corporation is to be sold or exchanged after the distribution, this fact will be considered as substantial evidence that the transaction was used principally as such a device. For purposes of this subparagraph, the term "exchange" does not include an exchange of stock or securities in a tax-free transaction in which no gain or loss is recognized or in which an insubstantial amount of gain is recognized. A sale is always pursuant to an arrangement negotiated or agreed upon before the distribution when enforceable rights to buy or sell exist before such distribution. If a sale was discussed by the buyer and the seller before the distribution and was reasonably to be anticipated by both parties, such sale shall ordinarily be considered as made pursuant to an arrangement negotiated or agreed upon before the distribution.

Whether or not a sale is negotiated or agreed upon prior to the distribution, the fact of any sale of stock or securities shall be taken into account with other evidence in determining whether a transaction was used principally as a device for the distribution of earnings and profits.

(3) *Nature and use of assets.*—(i) *General.* In determining whether a transaction was used principally as a device for the distribution of earnings and profits of the distributing corporation, the controlled corporation, or both, consideration will be given to the nature, kind, and amount of the assets of both corporations and corporations controlled by them immediately after the transactions and to the use of such assets by such corporations.

(ii) *New trade or business.* If a substantial portion of the assets of any post-distribution corporation consists of a trade or business acquired within the 5-year period ending on the date of the distribution in a transaction in which the basis of such assets was not determined in whole or in part by reference to the transferor's basis, this will be considered as evidence that the transaction was used principally as a device for the distribution of earnings and profits.

(iii) *Liquid assets.* The transfer or retention of cash or liquid assets (for example, securities and accounts receivable) which is not related to the reasonable needs of the business of the transferee or retaining corporation will be considered as evidence that the transaction was used principally as a device for the distribution of earnings and profits.

(iv) *Related function.* In certain cases the relationship between the nature and use of the assets of the distributing corporation and the controlled corporation will be considered as evidence that a transaction was used principally as a device for the distribution of earnings and profits. For example, where the principal function of one corporation before the transaction is to perform services for or supply technical or research data to the other corporation, and after the transaction that corporation continues to function on the same basis, this would be considered as evidence that the transaction was used principally as such a device. Thus, in example (9) of § 1.355-3 (c), involving a controlled corporation operating a coal mine for the sole purpose of satisfying the requirements of the parent steel corporation before the transaction, if the coal mining business continued to operate on the same basis after the transaction, this fact would be considered as evidence that the distribution of the stock of the coal mining corporation in example (9) is principally a device for the distribution of earnings and profits. Similarly, in a transaction which separates the manufacturing and sales operations, as in example (8) of § 1.355-3 (c), if the sales corporation merely functions as the exclusive agent for the manufacturing corporation after the transaction, this fact would be considered as evidence that the transaction was principally a device for the distribution of earnings and profits.

(4) *Examples.* The provisions of this paragraph (c) may be illustrated by the following examples:

Example (1). Corporation W has engaged in the commercial banking business in State N for 20 years. The stock of W is owned equally by individuals A, B, and C. Six years ago, W organized corporation X as a wholly-owned subsidiary to offer computerized bookkeeping services to the public. W and X have substantial accumulated earnings and profits. State N has recently amended its banking laws to provide that commercial banks operating in N may not offer computerized bookkeeping services directly or through a subsidiary. D, an individual, has offered to purchase the stock of X. At a stockholders' meeting the offer was rejected and it was decided to distribute the stock of X pro rata to A, B, and C. After the meeting and before the distribution, A, B, and C agreed to sell D one-half of X stock they were to receive in the distribution. Notwithstanding the existence of a corporate business reason for the distribution of the stock of X, the distribution will be considered to have been used principally as a device for the distribution of earnings and profits of W.

Example (2). Assume the same facts as in example (1) except that A, B, and C did not agree to sell any of the X stock they were to receive to D. At the shareholders' meeting it was decided to transfer cash to X before making the pro rata distribution. The amount of cash transferred substantially exceeded the reasonable business needs of X. After the distribution A and B agreed to sell to E, an individual, one-half of their X stock. Notwithstanding the existence of a corporate business purpose for the distribution, the transaction will be considered to have been used principally as a device for the distribution of earnings and profits because of the transfer of cash to X and the subsequent sale of X stock by A and B.

(d) *Stock and securities distributed.* The distributing corporation must distribute:

(1) All of the stock and securities of the controlled corporation which it owns, or

(2) At least an amount of the stock which constitutes control as defined in section 368(c). In such case all, or any part, of the securities of the controlled corporation may be distributed.

Where a part of either the stock or securities is retained under paragraph (d)(2) of this section, it must be established to the satisfaction of the Commissioner that such retention was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax. Ordinarily, the business reasons (as distinguished from the desire to make a distribution of the earnings and profits) which support a distribution of stock and securities of a controlled corporation under paragraph (b) of this section will require the distribution of all of the stock and securities. If the distribution of all of the stock and securities of a controlled corporation would be treated to any extent as a distribution of "other property" under section 356, this fact does not tend to establish that the retention of any of such stock and securities is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax.

(e) *Principal amount of securities.*—(1) *Securities received.* Section 355(a)(1) is not applicable if the principal amount of securities received exceeds the principal amount of securities surrendered or if securities are received and no securities are surrendered. In such cases, see section 356.

(2) *Only stock received.* If only stock is received in a transaction to which section 355 is applicable, the principal amount of securities surrendered, if any, and the par or stated value of stock are not relevant to the application of such section.

(f) *Period of ownership.*—(1) *Other property.* For the purposes of determining whether gain or loss will be recognized upon a distribution, stock of a controlled corporation acquired in a transaction in which gain or loss is recognized, in whole or in part (other than a transaction described in § 1.355-3(b)(4)(ii)) within the 5-year period ending on the date of the distribution of such stock is treated as "other property." Section 355 does not apply to a transaction which includes a distribution of such stock. See section 356. The stock so acquired is "stock", however, for the purpose of the requirements respecting the distribution of stock of such controlled corporation provided in section 355(a)(1)(D).

(2) *Example.* Paragraph (f)(1) of this section may be illustrated by the following example:

Example. Corporation A has held 85 of the 100 outstanding shares of the stock of corporation B for more than 5 years on the date of distribution. Six months before such date, it purchased 10 shares of such stock. If all of the stock of the controlled corporation owned by A is distributed, section 355 is not applicable to such distribution since the 10 shares would represent "other property." See, however, section 356. If, however, for proper business reasons it is decided to retain some of the stock of B, then the determination of the amount of such stock which must be distributed under section 355(a)(1)(D) in order to constitute a distribution to which section 355 is applicable must be made by reference to all of the stock of the controlled corporation including the 10 shares acquired 6 months before such date and the 5 shares owned by others. Similarly, if, by the use of any agency, the distributing corporation acquires any stock of the controlled corporation within the 5-year period ending on the date of distribution in a transaction in which gain or loss is recognized in whole or in part, for example, where another subsidiary purchases such stock, such stock will be treated as "other property." If A had held only 75 of the 100 outstanding shares of stock of B for more than 5 years on the date of distribution and had purchased the remaining 25 shares 6 months before such date, neither section 355 nor section 356 would be applicable.

(g) *Active conduct of a trade or business.* The rules of section 355(b) and § 1.355-3 relating to the active conduct of a trade or business must be satisfied.

§ 1.355-3 Active conduct of a trade or business.

(a) *Requirements as to active business*—(1) *In general.*—(i) *Application of section 355.* Under section 355(b)(1), a distribution of stock or securities of a controlled corporation is subject to section 355(a) only if:

(A) The distributing corporation and the controlled corporation are each engaged in the active conduct of a trade or business immediately after the distribution of stock or securities of the controlled corporation (section 355(b)(1)(A)), or

(B) Immediately before the distribution the distributing corporation had no assets other than stock or securities in the controlled corporations and each of the controlled corporations is engaged in the active conduct of a trade or business immediately after the distribution (section 355(b)(1)(B)). In connection with the requirement of "no assets" a de minimis rule is applicable.

(ii) *Examples.* Paragraph (a)(1)(i) of this section may be illustrated by the following examples:

Example (1). Corporation A, prior to the distribution, is engaged in the active conduct of a trade or business and owns all of the stock of corporation B which also is engaged in the active conduct of a business. A distributes all of the stock of B to its shareholders, and each corporation continues the active conduct of its business. The active business requirement of section 355(b)(1)(A) is satisfied.

Example (2). The facts are the same as in example (1), except that A transfers all of its assets except the stock of B to a new corporation in exchange for all of the new corporation's stock and transfers the stock of both controlled corporations to its shareholders. The active business requirement of section 355(b)(1)(B) is satisfied.

(b) *Active conduct of a trade or business defined.*—(1) *In general.* Section 355(b)(2) provides rules for determining whether any corporation is treated as engaged in the active conduct of a trade or business for purposes of ascertaining whether the distributing corporation and the controlled corporation meet the requirements of section 355(b)(1). Under section 355(b)(2)(A), a corporation is treated as engaged in the active conduct of a trade or business if it is itself engaged in such a trade or business or if substantially all of its assets consist of the stock and securities of a corporation or corporations controlled by it (immediately after the distribution) each of which is engaged in the active conduct of a trade or business.

(2) *Active conduct of trade or business immediately after distribution.*—(i) *General.* For purposes of section 355(b), a corporation shall be treated as engaged in the "active conduct of a trade or business" immediately after a distribution if the assets and activities of such corporation meet the tests and limitations described in paragraph (b)(2)(ii), (iii), and (iv) of this section.

(ii) *Trade or business.* A corporation shall be treated as engaged in a trade or business immediately after a distribution of stock if a specific group of activities are being carried on by such corporation for the purpose of earning income or profit from such group of activities, and the activities included in such group include every operation which forms a part of, or a step in, the process of earning income or profit from such group. Such group of activities ordinarily must include the collection of income and the payment of expenses.

(iii) *Active conduct.* For purposes of section 355, the determination of whether a trade or business is actively conducted is a question of fact to be determined under all the facts and circumstances. In general, the corporation must perform active and substantial management and operational functions.

(iv) *Limitations.* The active conduct of a trade or business does not include—

(A) The holding for investment purposes of stock, securities, land, or other property, or

(B) The ownership and operation (including leasing) of real or personal property used in a trade or business, unless the owner performs significant services with respect to the operation and management of the property.

(3) *Active conduct for 5-year period preceding distribution.* Under section 355(b)(2)(B), a trade or business must have been actively conducted for the 5-year period ending on the date of distribution of the stock and securities of the controlled corporation. For this purpose, activities which constitute a trade or business under the tests described in paragraph (b)(2) of this section, shall be treated as meeting the test contained in the preceding sentence if such activities were actively conducted throughout such 5-year period. For the purpose of determining whether such trade or business has been actively conducted throughout the 5-year period described in section 355(b)(2), the fact that during such 5-year period such trade or business underwent change (for example, by the addition of new or the dropping of old products, changes in production capacity, and the like) shall be disregarded provided the changes are not of such a character as to constitute the acquisition of a new or different business.

(4) *Special rules for acquisition of a trade or business.*—(i) *General.* For purposes of section 355(b), a trade or business which is relied upon to meet the requirements of such section must not have been acquired by the distributing corporation, the controlled corporation, or another member of the affiliated group during the 5-year period ending on the date of distribution of the stock and securities of the controlled corporation unless it was acquired in a transaction in which no gain or loss was recognized (section 355(b)(2)(C)). For purposes of this subparagraph (4), the term "affiliated group" means an affiliated group as defined in section 1504(a) (without regard to section 1504(b)) except that the term "stock" includes nonvoting stock which is limited and preferred as to dividends. In addition, under section 355(b)(2)(D), such trade or business must not have been indirectly acquired during such 5-year period in a transaction in which gain or loss was recognized in whole or in part by means of the acquisition of control of the corporation that was engaged in such trade or business or by means of an indirect acquisition of control of such corporation through another corporation or any of its predecessors in interest. A business acquired, directly or indirectly, within the 5-year period ending on the date of the distribution in a transaction in which the basis of the assets acquired is not determined in whole or in part by reference to the transferor's basis for such assets will not qualify under section 355(b)(2), even though no gain or loss was recognized by the transferor (for example, by reason of section 337).

(ii) *Gain or loss recognized in certain transactions.* The rules of section 355(b)(2)(C) and (d) are intended to prevent the direct or indirect acquisiiton of a trade or business by a corporation as a temporary investment of liquid assets in anticipation of a distribution by such corporation of such trade or business in a transaction to which section 355 would otherwise apply. A direct or indirect acquisition of a trade or busines by one member of an affiliated group from another member of such group is not the type of transaction to which section 355(b)(2)(C) and (D) is intended to apply. Therefore, in applying section 355(b)(2)(C) or (D), such an acquisition, even though taxable, shall be disregarded.

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(iii) *Example.* Paragraph (b)(4)(i) may be illustrated by the following example:

Example: In 1956, corporation B, having cash and other liquid assets, purchased all of the stock of corporation A which was engaged in an active business. Later, in the same year, B in a "downstream" statutory merger merges into A. In 1958, A places the assets formerly owned by B in a new subsidiary, corporation X. A's distribution of the stock of X to the stockholders of A is not within the terms of section 355, since the active business of A had, in effect, been purchased less than 5 years prior to the distribution.

(c) *Examples.* The following examples illustrate the application of the rules provided in section 355(b)(2) (A) and (B). However, a transaction which satisfies the active conduct of a trade or business requirement in these examples will qualify under section 355 (a) only if the other requirements of that section are met.

Example (1). Corporation A is engaged in the manufacture and sale of soap and detergents and owns investment securities. It proposes to place the investment securities in a new corporation and distribute the stock of such new corporation to its shareholders. The new corporation's holding of investment securities does not qualify as the active conduct of a trade or business immediately after the distribution.

Example (2). Corporation B owns, manages, and derives rental income from an office building and also owns vacant land. It proposes to transfer the vacant land to a new corporation and distribute the stock of such new corporation to its shareholders. The new corporation's holding of the vacant land does not qualify as the active conduct of a trade or business immediately after the distribution.

Example (3). Corporation C owns land on which it engages in the ranching business. Oil has been discovered in the area and it is apparent that oil may be found under the land on which the ranching activities are conducted. Corporation C has engaged in no significant activities in connection with the mineral rights. It proposes to transfer the mineral rights to a new corporation and distribute the stock of the new corporation to its shareholders. The new corporation's holding of mineral rights does not qualify as the active conduct of a trade or business immediately after the distribution.

Example (4). Corporation D, a bank, has for the past 7 years owned an 11-story downtown office building, the ground floor of which has been occupied by it in the conduct of its banking business. The remaining 10 floors are rented to various tenants and the building is managed and maintained by employees of the bank. Corporation D proposes to transfer the building to a new corporation and to distribute the stock of such new corporation to the bank's shareholders. The new corporation will manage the building, negotiate leases, seek new tenants, and will repair and maintain the building. Immediately after the distribution the activities in connection with banking will constitute the active conduct of a trade or business, as will the activities in connection with the rental of the building.

Example (5). Corporation E, a bank, has for the past 9 years owned a 2-story building in a suburban area, the ground floor and one-half of the second floor of which are occupied by it in the conduct of its banking business. The other one-half of the second floor is rented as storage space to a neighboring retail merchant. Corporation E proposes to transfer the building to a new corporation and distribute the stock of the new corporation to its shareholders. Corporation E will lease the space formerly occupied by it in the bank building from the new corporation and, under the lease, will repair and maintain its portion of the building and pay property taxes and insurance. The new corporation will not be engaged in the active conduct of a trade or business immediately after the distribution.

Example (6). Corporation F is engaged in the retail grocery business and owns all of the stock of corporation G. Corporation G has for the past 10 years derived all of its gross income from the rental of its land and building to F, under a lease in which G's principal activity consists of the collection of rent from the building. Corporation F proposes to distribute the G stock to its shareholders. Corporation G will not be engaged in the active conduct of a trade or business immediately after the distribution, since it has not actively conducted a trade or business throughout the 5-year period ending on the date of the distribution.

Example (7). Corporation H has owned and operated a men's retail clothing store in the downtown area of the City of R for 7 years and has also owned and operated a men's retail clothing store in the suburban area of the City of R for 9 years. Corporation H proposes to transfer the store building, fixtures, inventory, and other assets related to the suburban store's activity to a new corporation. However, the warehousea which formerly served both the downtown and suburban stores will be retained by H, and the new corporation will lease warehouse space from an unrelated public warehouse company. Moreover, the delivery trucks and employees which formerly served both stores will be transferred to the new corporation for its exclusive use, and corporation H will contract with a local public delivery organization to effect its deliveries. Corporation H proposes to distribute the stock of the new corporation to its shareholders. Immediately after the distribution the activities in connection with the downtown store will constitute the active conduct of a trade or business, as will the activities in connection with the suburban store.

Example (8). Corporation I has processed and sold meat products for 8 years. It has no other income. Corporation I proposes to separate the selling from the processing activities by forming a separate corporation, J, to purchase for resale the meats processed by I. Corporation I will transfer to J certain physical assets pertaining to the sales function, plus cash for working capital, in exchange for the capital stock of J which will be distributed to the shareholders of I. Immediatley after the distribution corporation I will be engaged in the active conduct of a meat products processing business and corporation J will be engaged in the active conduct of a meat distribution business. The business of each corporation is deemed to have been actively conducted from the date corporation I began its meat processing and sales business.

Example (9). For 8 years corporation K has been engaged in the manufacture and sale of steel and steel products. For 6 years K's wholly-owned subsidiary, corporation L, has owned and operated a coal mine for the sole purpose of supplying K's coal requirements in the manufacture of steel. It is proposed that the stock of L be distributed to the shareholders of K. Immediately after the disrtibution, the activities of L in connection with the operation of the coal mine constitute the active conduct of a trade or business. The activities of K in connection with the manufacture and sale of steel products immediately after the distribution also constitute the active conduct of a trade or business.

Example (10). Corporation M has for more than 5 years been engaged in the single business of constructing sewage disposal plants and other facilities. Corporation M proposes to transfer one-half of its assets to corporation N. These assets will include a contract for the construction of a sewage disposal plant in State X, construction equipment, cash, and other tangible assets. Corporation M will retain a contract for the construction of a sewage disposal plant in State Y, construction equipment, cash and other intangible assets. The N stock is then to be distributed to one of the M shareholders in exchange for all of his M stock. Both corporations will be engaged in the active conduct of the construction business immediately after the distribution.

Example (11). Corporation O has for the past 6 years owned three factories devoted to the production of edible pork skins. The entire output of two of the factories is sold to one customer. The third factory's output is sold to a number of different customers. Corporation O proposes to transfer the two factories which produce pork skins for the single customer, together with their related activities, to a new corporation and to distribute the stock of such new corporation to its shareholders. Immediately after the distribution the activities in connection with the production and sale of edible pork skins to the one customer will constitute the active conduct of a trade or business, as will the activities in connection with the production and sale of pork skins to the other customers.

Example (12). Corporation P has owned and operated a department store in the City of W for 9 years. Three years ago P acquired a parcel of land and constructed a branch store in a suburban area of the City of W. The two stores are operated as a single unit and have common advertising, bank accounts, billing, purchasing, and management. Corporation P proposes to transfer the suburban store, together with its related activities, to a new corporation and to distribute the stock of such new corporation to its shareholders. Each store will have its own manager and will be operated independently of the other store. Immediately after the distribution the activities in connection with each of the department stores constitute the active conduct of a trade or business since each store was an integrated part of the single department store business conducted by P for 9 years.

Example (13). Corporation Q is engaged in the business of manufacturing hats in its own factory building. It proposes to transfer the factory building to corporation R and distribute the stock of R to its shareholders. After the transfer, Q will lease the factory building under a long-term lease and will operate and maintain the building and the machinery in the building. The activities of R in connection with the leased factory building immediately after the distribution will not constitute the active conduct of a trade or business.

Example (14). Corporation S has been engaged in the manufacture and sale of household products for 8 years. Throughout this period, in connection with such manufacturing, it has maintained a research department for its own use. The research department has 30 employees actively engaged in the development of new products. Corporation S proposes to transfer the research department to a new corporation and to distribute the stock of the new corporation to its shareholders. After the distribution the new corporation will continue its research operations on a contractual basis with several corporations including S. Immediately after the distribution the activities of the new corporation in connection with research will constitute the active conduct of a trade or business, as will the activities of S in connection with manufacturing.

§ 1.355–4 Non pro rata distributions, etc.

Section 355 provides for nonrecognition of gain or loss with respect to a distribution whether or not (a) the distribution is pro rata with respect to all of the shareholders of the distributing corporation, (b) the distribution is pursuant to a plan of reorganization (within the meaning of section 368(a)(1)(D)), or (c) the shareholder surrenders stock in the distributing corporation. Under section 355 the stock of a controlled corporation may consist of common or preferred. (See, however, section 306 and the regulations thereunder.) Section 355 does not apply, however, if the substance of a transaction is merely an exchange between shareholders or security holders of stock or securities in one corporation for stock and securities in another corporation. For example if two individuals, A and B, each own directly 50 percent of the stock of corporation M and 50 percent of the stock of corporation N, section 355 would not apply to a transaction in which A and B transfer all of their stock of M and N to a new corporation P, for all of the stock of P, and P then distributes the stock of M to A and the stock of N to B.

§ 1.346–1 [Amended]

PAR. 2. Section 1.346–1 is amended by deleting the last sentence of paragraph (c) and by inserting in lieu thereof "The term 'active conduct of a trade or business' shall have the same meaning in this section as in § 1.355–3(b)(2)."

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POSTAL SERVICE

[39 CFR Parts 1–8]

GOVERNMENT IN THE SUNSHINE ACT—BYLAWS OF THE BOARD OF GOVERNORS

Proposed Rulemaking

Agency: United States Postal Service (Board of Governors).

Action: Proposed Rule.

Summary: This proposed amendment to Postal Service regulations implements the requirements of the Government in the Sunshine Act. In addition, this notice calls public attention to a proposed general revision and republication of the bylaws of the Board of Governors of the Postal Service.

Dates: Comments must be received on or before: February 14, 1977.

Addresses: Written comments should be directed to: Secretary of the Board of Governors, U.S. Postal Service, Room 9150, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

For further information contact: Stanley F. Mires 202–245–4646

Supplemental information: Under 5 U.S.C. 552b(g), each agency subject to the Government in the Sunshine Act is required, after consultation with the Office of the Chairman of the Administrative Conference of the United States, and published notice in the FEDERAL REGISTER of at least 30 days with opportunity for written comment by any person, to issue regulations to implement the requirements of new 5 U.S.C. 552b(a)—(f). The provisions of proposed new Part 7, drafted after consultation with the Office of the Chairman of the Administrative Conference of the United States, are intended to establish the policies and procedures for Postal Service compliance with the Government in the Sunshine Act, Pub. L. No. 94–409.

In addition to proposing new "Sunshine" regulations, the Board of Governors of the Postal Service has determined that it is in the public interest to publish a tentative general revision of its bylaws, incorporating certain unpublished provisions formerly referred to as "operating procedures". The Board believes that the general revision and republication of its bylaws, now codified at 39 CFR Parts 1–6, may best be accomplished in conjunction with the establishment of the new Sunshine regulations which will be an integral part of those bylaws. Although the Board is not required to submit its proposed bylaws (with the exception of those implementing the Government in the Sunshine Act) for public comment, the Board believes that informational publication of the full text of its tentative bylaws at this time will permit a more accurate evaluation of its proposed Sunshine regulations, and improve the level of public participation in this proposed rulemaking.

The Board therefore directs the attention of the public to proposed new 39 CFR Parts 1–8, and particularly solicits written comments, data, views, or arguments concerning proposed new Part 7, entitled "Public Observation".

Accordingly, the Postal Service proposes the following amendment:

In 39 CFR, Parts 1 through 6 are revised, and new parts 7 and 8 are adopted to read as follows:

PART 1—POSTAL POLICY [ARTICLE I]

Sec.
1.1 The United States Postal Service.
1.2 The Board of Governors.
1.3 Delegation of authority.
1.4 Open meetings.

AUTHORITY: The provisions of this Part 1 are issued under authority of 39 U.S.C. 101, 202, 205, 401(2), 402, 403, 3621, as enacted by Pub. L. No. 91–375, and 5 U.S.C. 552b(b), (g), as enacted by Pub. L. No. 94–409.

§ 1.1 The United States Postal Service.

The United States Postal Service is operated as a fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service has as its basic function the obligation to bind the Nation together through the correspondence of the people. It is charged with providing prompt, reliable, and efficient services throughout the Nation; and its statutory charter, the Postal Reorganization Act (the Reorganization Act) of August 12, 1970, Pub. L. No. 91–375, 84 Stat. 719, clothes it with extensive powers intended to enable it to carry out its responsibilities effectively and economically.

§ 1.2 The Board of Governors.

The Board of Governors of the Postal Service (the Board) directs the exercise of its powers under management that is expected to be honest, efficient, and economical. The Board consists of nine Governors chosen by the President, by and with the advice and consent of the Senate, to represent the public interest generally, together with the Postmaster General and Deputy Postmaster General. The Board directs and controls the expenditures of the Postal Service, reviews its practices and policies, and establishes basic objectives and long-range goals in consonance with the provisions of the Postal Reorganization Act.

§ 1.3 Delegation of authority.

Except for powers, duties, or obligations specifically vested in the Governors by law, the Board may delegate its authority to the Postmaster General under such terms, conditions, and limitations, including the power of redelegation, as it finds desirable. The bylaws of the Board are the framework of the system through which the Board monitors the exercise of the authority it has delegated, measures progress toward the goals it has set, and shapes the policies to guide the future development of the Postal Service. Delegations of authority do not relieve the Board of full responsibility for carrying out its duties and functions, and are revocable by the Governors in their exclusive judgment.

§ 1.4 Open meetings.

It is the policy of the United States, established in section 2 of the Government in the Sunshine Act, Pub. L. 94–409, 90 Stat. 1241, that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government. The Postal Service is charged to provide the public with this information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Accordingly, except as specifically permitted by statute, every portion of every meeting of the Board of Governors, or of a subdivision of the Board authorized to act on its behalf, is open to public observation.

PART 2—GENERAL AND TECHNICAL PROVISIONS [ARTICLE II]

Sec.
2.1 Establishment of the United States Postal Service.
2.2 Agent for receipt of process.
2.3 Offices.
2.4 Seal.
2.5 Authority.
2.6 Severability, amendment, repeal, and waiver of bylaws.

AUTHORITY: The provisions of this Part 2 are issued under authority of 39 U.S.C. 202, 203, 205(c), 207, 401(2), as enacted by Pub. L. No. 91–375, and 5 U.S.C. 552b(f)(g), as enacted by Pub. L. No. 94–409.

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§ 2.1 Establishment of the United States Postal Service.

The United States Postal Service is established under the provisions of the Postal Reorganization Act, as an independent establishment of the executive branch of the Government of the United States, under the direction of a Board of Governors, with the Postmaster General as its chief executive officer.

§ 2.2 Agent for receipt of process.

The General Counsel of the Postal Service shall act as agent for the receipt of legal process against the Postal Service, and as agent for the receipt of legal process against members of the Board of Governors and all other officers and employees of the Postal Service to the extent that the process arises out of the official functions of those officers and employees. The General Counsel shall also issue public certifications concerning closed meetings of the Board as appropriate under 5 U.S.C. 552(b)(f).

§ 2.3 Offices.

The principal office of the Postal Service is located in Washington, D.C., with such regional and other offices and places of business as the Postmaster General establishes from time to time, or the business of the Postal Service requires.

§ 2.4 Seal.

(a) The Seal of the Postal Service is filed by the Board in the Office of the Secretary of State, and is required by 39 U.S.C. 207 to be judicially noticed. The General Counsel shall keep the Seal in his custody, affix it to all commissions of officers of the Postal Service, and use it to authenticate records of the Postal Service and for other official purposes. The following describes the Seal adopted for the Postal Service:

(1) A stylized bald eagle is poised for flight, facing to the viewer's right, above two horizontal bars between which are the words "U.S. MAIL", surrounded by a square border with rounded corners consisting of the words "UNITED STATES POSTAL SERVICE" on the left, top, and right, and consisting of nine five-pointed stars on the base.

(2) The color representation of the Seal shows, a white field on which the bald eagle appears in dark blue, the words "U.S. MAIL" in black, the bar above the words in red, the bar below in blue, and the entire border consisting of the words "UNITED STATES POSTAL SERVICE" and stars in ochre.



(b) The Postal Service emblem, which is identical with the seal, is registered as a trademark and service mark by the U.S. Patent Office. Except for the emblem on official stationery, the emblem must bear one of the following notations: "Reg. U.S. Pat. Off.", "Registered in U.S. Patent Office", or the letter R enclosed within a circle.

§ 2.5 Authority.

These bylaws are adopted by the Board under the authority conferred upon the Postal Service by 39 U.S.C. 401(2) and 5 U.S.C. 552b(g).

§ 2.6 Severability, Amendment, Repeal, and Waiver of Bylaws.

The invalidity of any provision of these bylaws does not affect the validity of the remaining provisions, and for this purpose these bylaws are severable. The Board may amend or repeal these bylaws at any special or regular meeting, provided that each member of the Board has received a written notice containing a statement of the proposed amendment or repeal at least 5 days before the meeting. The members of the Board may waive the 5 days' notice or the operation of any other provision of these bylaws by unanimous consent, if that action is not prohibited by law. The Secretary shall submit the text of any amendment to these bylaws for publication in the FEDERAL REGISTER as soon as practicable after the amendment is adopted by the Board.

PART 3—BOARD OF GOVERNORS [ARTICLE III]

Sec.
3.1 Composition of Board.
3.2 Responsibilities of Board.
3.3 Compensation of Board.
3.4 Matters reserved for decision by Board.
3.5 Delegation of authority by Board.
3.6 Information furnished to Board—Statistical reports.
3.7 Information furnished to Board—Program review.
3.8 Information furnished to Board—Special reports.

AUTHORITY: The provisions of this Part 3 are issued under authority of 39 U.S.C. 202, 203, 206, 401(2), 402, as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b(g), (j), as enacted by Pub. L. No. 94-409.

§ 3.1 Composition of Board.

The Board of Governors consists of 11 members. Nine members (the Governors) are appointed by the President, by and with the advice and consent of the Senate. Not more than five Governors may be adherents of the same political party. The Governors are chosen to represent the public interest generally, may not be representatives of specific interests using the Postal Service, and may be removed only for cause. The Postmaster General, appointed by the nine Governors, and the Deputy Postmaster General, appointed by the Governors and the Postmaster General, are also voting members of the Board of Governors.

§ 3.2 Responsibilities of Board.

The Board directs the exercise of the powers of the Postal Service, reviews the practices and policies of the Postal Service, and directs and controls the expenditures of the Postal Service. Consistent with the broad delegation of authority to the Postmaster General in 3.5 of these bylaws, and except for those powers, duties, or obligations which the Reorganization Act specifically vests in the Governors, as distinguished from the Board of Governors, the Board accomplishes its purposes by monitoring the operations and performance of the Postal Service, and by establishing basic objectives, broad policies, and long-range goals for the Postal Service.

§ 3.3 Compensation of Board.

As provided by 39 U.S.C. 202(a), each Governor receives a salary of $10,000 a year plus $300 a day for not more than 30 days of meetings each year, and reimbursement for travel and reasonable expenses incurred in attending meetings of the Board.

§ 3.4 Matters reserved for decision by the Board.

The following matters are reserved for decision by the Board of Governors;

(a) Appointment, pay, term of service, and removal of the Postmaster General (by the Governors, 39 U.S.C. 202(c)).

(b) Appointment, term of service, and removal of the Deputy Postmaster General (by the Governors and the Postmaster General, 39 U.S.C. 202(d)); pay of the Deputy Postmaster General (by the Governors, 39 U.S.C. 202(d)).

(c) Election of the Chairman of the Board of Governors (by the Governors, 39 U.S.C. 202(a)), the Vice Chairman of the Board, and the Secretary of the Board.

(d) Adoption of, and amendments to, the bylaws of the Board.

(e) Approval of the annual Postal Service budget program in both tentative and final form, including requests for appropriations.

(f) Approval of Postal Service five-year plans and capital investment plans, including specific approval of each capital investment project exceeding $5 million.

(g) Approval of the budget of the Postal Rate Commission, or adjustment of the total amount of the budget (by unanimous written vote of the Governors in office, 39 U.S.C. 3604(d)).

(h) Authorization of the Postal Service to request the Postal Rate Commission to submit a recommended decision on changes in postal rates, including specific authorization of the amount of revenue estimated to be required so that total estimated income and appropriations will equal total estimated costs as nearly as practicable.

(i) Authorization of the Postal Service to request the Postal Rate Commission to submit a recommended decision on changes in the mail classification schedule.

(j) Action upon a recommended decision of the Postal Rate Commission, including action to approve, allow under protest, reject, or modify that decision (by the Governors, 39 U.S.C. 3625); determination of an effective date for changes in postal rates or mail classification.

(k) Authorization of the Postal Service to request the Postal Rate Commission to submit an advisory opinion on a proposed change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis.

(l) Approval of any use of the authority of the Postal Service to borrow money under 39 U.S.C. 2005, except for short-term "line of credit" borrowings and purchase money obligations assumed in the normal course of business .

(m) Approval of the terms and conditions of each issue of obligations by the Postal Service under 39 U.S.C. 2005, including the time and manner of sale and the underwriting arrangements.

(n) Approval of any use of the authority of the Postal Service to require the Secretary of the Treasury to purchase Postal Service obligations under 39 U.S.C. 2006(b), or to request the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest on Postal Service obligations under 39 U.S.C. 2006(c).

(o) Determination of the number of Assistant Postmasters General, including Senior Assistant Postmasters General and Regional Postmasters General.

(p) Compensation of officers and executives in PES Grade 34 and above.

(q) Selection of an independent, certified public accounting firm to certify the accuracy of Postal Service financial statements as required by 39 U.S.C. 2008(e).

(r) Approval and transmittal to the President and the Congress of the annual report of the Postmaster General under 39 U.S.C. 2402.

(s) Approval and transmittal to the Congress of the annual report of the Board under 5 U.S.C. 552b(j).

(t) Approval of the annual comprehensive statement of the Postal Service to Congress under 39 U.S.C. 2401(g).

(u) All other matters that the Board may consider appropriate to reserve for its decision.

§ 3.5 Delegation of authority by Board.

As authorized by 39 U.S.C. 402, these bylaws delegate to the Postmaster General the authority to exercise the powers of the Postal Service to the extent that this delegation of authority does not conflict with powers reserved to the Governors or to the Board by law, these bylaws, or resolutions adopted by the Board. The Postmaster General may redelegate to any officer, employee, or agency of the Postal Service any of the powers delegated to him by these bylaws that he considers appropriate.

§ 3.6 Information furnished to Board—statistical reports.

To enable the Board to monitor the operations and performance of the Postal Service during the most recent accounting periods for which data are available, postal management shall furnish the Board the following statistical reports at least quarterly:

(a) Detailed summaries of financial and operating statements of the Postal Service, with balance sheet information, for each accounting period during the fiscal year to date, together with comparable figures for the previous year and for the current budget plan, categorized as:

(1) Income (revenue by principal mail classification, subsidies, and reimbursements); and

(2) Expenditures (expenses by function and by unit of organization).

(b) Performance data for the most recent quarter, categorized as:

(1) Service performance measurement (by particular classes and types of mail, and showing delivery times within representative distances); and

(2) Employee productivity measurement (reflecting paid work hours and mail volume).

§ 3.7 Information furnished to Board—Program review.

(a) To enable the Board to review the Postal Service operating program, postal management shall furnish the Board information on all aspects of the Postal Service budget plan, including:

(1) The tentative and final annual budgets submitted to the Office of Management and Budget and the Congress, and amendments to the budget;

(2) Five-year plans, annual operating and investment plans, and significant departures from estimates upon which the plans were based;

(3) The need for rate increases or decreases and the progress of any pending rate cases and related litigation; and

(4) Debt financing needs, including a review of all borrowings of the Postal Service from the United States Treasury and private sources.

(b) Postal management shall also regularly furnish the Board information regarding major programs for improving postal service or reducing the cost of postal operations.

§ 3.8 Information furnished to Board—Special reports.

To insure that the Board receives significant information on developments meriting its attention, postal management shall bring to the Board's attention the following matters:

(a) Major developments in personnel areas, including but not limited to equal employment opportunity, career development and training, and grade and salary structures.

(b) Other matters of special importance, including but not limited to important research and development initiatives, major changes in Postal Service organization or structure, major litigation and law enforcement activities, and other matters having a significant impact upon the relationship of the Postal Service with its employees, with any major branch of Government, or with the general public.

PART 4—OFFICERS [ARTICLE IV]

Sec.
4.1 Chairman.
4.2 Vice Chairman.
4.3 Postmaster General.
4.4 Deputy Postmaster General.
4.5 Assistant Postmasters General, General Counsel, Judicial Officer.
4.6 Secretary.

AUTHORITY: The provisions of this Part 5 are issued under authority of 39 U.S.C. 202, 203, 205(c), 401(2), as enacted by Pub. L. No. 91-375.

§ 4.1 Chairman.

The Chairman of the Board of Governors is elected by the Governors from among the members of the Board. The Chairman:

(a) Shall preside at all regular and special meetings of the Board;

(b) Shall select and appoint the Chairman and members of any committee properly established by the Board;

(c) Serves a term that commences at his election and expires at the end of the first annual meeting following the meeting at which he was elected.

If the Postmaster General is elected Chairman of the Board, the Governors shall also elect one of their number to preside during proceedings dealing with matters upon which only the Governors may vote.

§ 4.2 Vice Chairman.

The Vice Chairman is elected by the Board from among the members of the Board. He shall perform the duties and exercise the powers of the Chairman during the Chairman's absence or disability. The Vice Chairman serves a term that commences at his election and expires at the end of the first annual meeting following the meeting at which he was elected.

§ 4.3 Postmaster General.

The Governors appoint and have the power to remove the Postmaster General, who is a voting member of the

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Board. In addition to his responsibilities as a member of the Board, the Postmaster General is the chief executive officer of the Postal Service, authorized to exercise the powers of the Postal Service under the general supervision and direction of the Board. The Governors set the salary of the Postmaster General by resolution, subject to the limitations of 39 U.S.C. 1003(a).

§ 4.4 Deputy Postmaster General.

The Governors and the Postmaster General appoint and have the power to remove the Deputy Postmaster General, who is a voting member of the Board. In addition to his responsibilities as a member of the Board, the Deputy Postmaster General is the alternate chief executive officer of the Postal Service. He shall perform all tasks assigned to him by the Postmaster General, and act as Postmaster General during the Postmaster General's absence or disability, and when a vacancy exists in the office of Postmaster General. The Governors set the salary of the Deputy Postmaster General by resolution, subject to the limitations of 39 U.S.C. 1003(a).

§ 4.5 Assistant Postmasters General, General Counsel, Judicial Officer.

There are within the Postal Service a General Counsel, a Judicial Officer, and such number of Assistant Postmasters General (including Senior Assistant Postmasters General and Regional Postmasters General) as the Board authorizes by resolution. The Assistant Postmasters General, the General Counsel, and the Judicial Officer are appointed by, and serve at the pleasure of, the Postmaster General. Their powers and duties are delegated to them by the Postmaster General, consistent with these bylaws and the Reorganization Act.

§ 4.6 Secretary.

The Secretary of the Postal Service is elected by the Board. The Secretary shall issue notices of meetings of the Board and its committees, keep minutes of these meetings, and monitor compliance with all statutes and regulations dealing with public observation of meetings. He shall perform all duties incident to his office, including those duties assigned to him by the Board or by the Chairman of the Board. The Chairman may designate such assistant secretaries as he considers necessary to perform any of the duties of the Secretary.

PART 5—COMMITTEES [ARTICLE V]

Sec.
5.1 Establishment and appointment.
5.2 Committee procedure.
5.3 Compensation of members.

AUTHORITY: The provisions of this Part 5 are issued under authority of 39 U.S.C. 202, 203, 204, 205(c), 401(2), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b (a), (b), (g) as enacted by Pub. L. No. 94-409.

§ 5.1 Establishment and appointment.

From time to time the Board may establish by resolution special and standing committees of one or more members of the Board. The Board shall specify, in the resolution establishing any committee, whether the committee is authorized to submit recommendations or preliminary decisions to the Board, to conduct hearings for the Board, or otherwise to take action on behalf of the Board. Each committee may exercise only those duties, functions, and powers prescribed from time to time by the Board, and the Board may affirm, alter, or revoke any action of any committee. Each member of the Board may have access to all of the information and records of any committee at any time. The Chairman of the Board shall appoint the chairman and members of each committee, who serve terms which expire at the end of each annual meeting. Each committee chairman may assign responsibilities within his committee as he considers appropirate. The committee chairman or his designee shall preside at all meetings of the committee.

§ 5.2 Committee procedure.

Each committee establishes its own rules of procedure, consistent with these bylaws, and meets as provided in its rules. A majority of the members of a committee constitute a quorum, and may take action by majority vote of the members present. Except as specifically provided by statute, every portion of every meeting of every committee of more than one member, which is authorized to submit recommendations or preliminary decisions to the Board, to conduct hearings for the Board, or otherwise to take action on behalf of the Board, is open to public observation, and is subject to the requirements of §§ 7.1 through 7.8 of these bylaws.

§ 5.3 Compensation of members.

A Governor receives compensation of $300 a day for attendance at committee meetings, and reimbursement for travel and reasonable expenses incurred in attending committee meetings. No Governor may receive compensation under this section and § 3.3 of these bylaws for more than a combination of 30 days of Board meetings and committee meetings in any year.

PART 6—MEETINGS [ARTICLE VI]

Sec.
6.1 Regular meetings, annual meeting.
6.2 Special meetings.
6.3 Notice of meetings.
6.3 Attendance by conference telephone call.
6.5 Quorum and voting.

AUTHORITY: The provisions of this Part 6 are issued under authority of 39 U.S.C. 202, 205, 401(2), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b, (e), (g), as enacted by Pub. L. No. 94-409.

§ 6.1 Regular meetings, annual meeting.

The Board shall meet regularly in Washington, D.C., on the first Tuesday of each month. The first regular meeting of each calendar year is designated as the annual meeting. Consistent with the provisions of § 7.5 of these bylaws, the time or place of a regular or annual meet- Chairman, or by a recorded vote of a majority of the members of the Board, with the earliest practicable notice to the other members of the Board and to the Secretary. If the Chairman varies the time or place of a meeting, he shall give not less than 8 days' notice to the other members of the Board and to the Secretary.

§ 6.2 Special meetings.

Consistent with the provisions of § 7.5 of these bylaws, the Chairman may call a special meeting of the Board at any place in the United States, with not less than 8 nor more than 30 days' notice to the other members of the Board and to the Secretary, specifying the date, place, and subject matter of the meeting. By recorded vote a majority of the members of the Board may call a special meeting of the Board at any place in the United States, with the earliest practicable notice to the other members of the Board and to the Secretary, specifying the date, place and subject matter of the meeting.

§ 6.3 Notice of meetings.

The Chairman or the members of the Board may give the notice required under § 6.1 or § 6.2 of these bylaws in oral or written form. Oral notice to a member may be delivered by telephone and is sufficient if made to the member personally or to a responsible person in his home or office. Any oral notice to a member must be subsequently confirmed by written notice. Written notice to a member may be delivered by telegram or by mail sent by the fastest regular delivery method addressed to the member at his address of record filed with the Secretary, and except for written notice confirming a ficient time to reach that address at least previous oral notice, must be sent in suf- 2 days before the meeting date under normal delivery conditions. A member waives notice of any meeting by attending the meeting, and may otherwise waive notice of any meeting at any time. Neither oral nor written notice to the Secretary is sufficient until actually received by him, and the Secretary may not waive notice of any meeting.

§ 6.4 Attendance by conference telephone call.

Unless prohibited by law or by these bylaws, a member of the Board may participate in a meeting of the Board by conference telephone or similar communication equipment which enables all persons participating in the meeting to hear each other and which permits full compliance with the provisions of these bylaws concerning public observation of meetings. Attendance at a meeting by this method constitutes presence at the meeting, except that no Governor may receive compensation for any meeting attended in this manner.

§ 6.5 Quorum and voting.

As provided by 39 U.S.C. 205(c), the Board acts by resolution upon a majority vote of those members who are present. Any 6 members constitute a quorum for the transaction of business by the Board, except:

(a) In the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, 39 U.S.C. 205(c)(1) requires a favorable vote of an absolute majority of the Governors in office;

(b) In the appointment or removal of the Deputy Postmaster General, 39 U.S.C. 205(c)(2) requires a favorable vote of an absolute majority of the Governors in office and the Postmaster General;

(c) In the adjustment of the total budget of the Postal Rate Commission, 39 U.S.C. 3604(c) requires a unanimous written vote of the Governors in office;

(d) In the modification of a recommended decision of the Postal Rate Commission, 39 U.S.C. 3625 requires a unanimous written vote of the Governors in office; and

(e) In the approval, allowance under protest, or rejection of a recommended decision of the Postal Rate Commission, the Governors act upon a majority vote of the Governors present, and the required quorum of 6 members must include at least 5 Governors.

PART 7—PUBLIC OBSERVATION [ARTICLE VII]

Sec.
7.1 Definitions.
7.2 Open meetings required.
7.3 Exceptions.
7.4 Procedure for closing a meeting.
7.5 Public notice of meetings, subsequent changes.
7.6 Certification and transcripts of closed meetings.
7.7 Enforcement.
7.8 Open meetings, Freedom of Information, and Privacy of Information.

AUTHORITY: The provisions of this Part 7 are issued under authority of 39 U.S.C. 401 (a), as enacted by Pub. L. No. 91-375, and 5 U.S.C. 552b (a)-(m) as enacted by Pub. L. No. 94-409.

§ 7.1 Definitions.

For purposes of §§ 7.2 through 7.8 and 8.1 of these bylaws:

(a) The term "Board" means the Board of Governors, and any subdivision or committee of the Board authorized under section 5.1 of these bylaws to submit recommendations or preliminary decisions to the Board, to conduct hearings for the Board, or otherwise to take action on behalf of the Board.

(b) The term "meeting" means the deliberations of at least the number of individual members required to take action on behalf of the Board under §§ 5.2 or 6.5 of these bylaws, where such deliberations determine or result in the joint conduct or disposition of the official business of the Board. The term "meeting" does not include any procedural deliberations required or permitted by §§ 6.1, 6.2, 7.4, or 7.5 of these bylaws.

§ 7.2 Open meetings required.

(a) Except as provided in § 7.3 of these bylaws, every portion of every meeting of the Board is open to public observation. Members of the Board may not jointly conduct or dispose of business of the Board without complying with §§ 7.2 through 7.8 of these bylaws.

(b) Members of the public may not participate in, electronically record, or photograph any meeting without the permission of the Board. Members of the public may obtain access to documents considered at meetings to the extent provided in the regulations of the Postal Service concerning the release of information.

§ 7.3 Exceptions.

Except where the Board finds that the public interest requires otherwise, § 7.2 of these bylaws does not apply to a portion of a meeting, and §§ 7.4 and 7.5 do not apply to information concerning the meeting which otherwise would be required to be disclosed to the public, if the Board properly determines that such portion of the meeting or the disclosure of such information is likely to:

(a) Disclose matters that are (1) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense of foreign policy, and (2) in fact properly classified under that Executive order;

(b) Relate solely to the internal personnel rules and practices of the Postal Service, including the Postal Service position in negotiations or consultations with employee organizations.

(c) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552), provided that the statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential, such as market information pertinent to Postal Service borrowing or investments, technical or patent information related to postal mechanization, or commercial information related to purchases of real estate;

(e) Involve accusing any person of a crime, or formally censuring any person;

(f) Disclose information of a personal nature, such as personal or medical data regarding an individual under consideration for appointment to a Postal Service office, if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in those records, but only to the extent that the production of those records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely significantly to frustrate implementation of a proposed action of the Board, such as information relating to the negotiation of a labor contract or proposed Postal Service procurement activity, except that this provision does not apply in any instance where (1) the Postal Service has already disclosed to the public the content or nature of the proposed action, or (2) the Postal Service is required by law to make such disclosure on its own initiative before taking final action on the proposal; or

(j) Specifically concern the issuance of a subpoena by the Postal Service, or the participation of the Postal Service in a civil action or proceeding, such as a postal rate or classification proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Postal Service of a particular case of formal adjudication under the procedures of 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 7.4 Procedure for closing a meeting.

(a) A majority of the entire membership of the Board may vote to close a portion of a meeting or to withhold information concerning a meeting under the provisions of § 7.3 of these bylaws. The members shall take a separate vote with respect to each meeting a portion of which is proposed to be closed to the public, or with respect to any information which is proposed to be withheld, and shall make every reasonable effort to take any such vote at least 8 days before the date of the meeting involved. The members may take a single vote with respect to a series of meetings, portions of which are proposed to be closed to the public, or with respect to information concerning the series, so long as each portion of a meeting in the series involves the same particular matters, and is scheduled to be held no more than 30 days after the initial portion of a meeting in the series.

(b) Whenever any person whose interest may be directly affected by a portion of a meeting requests that the Board close that portion to the public for any of the reasons referred to in § 7.3 (e), (f), or (g) of these bylaws, upon request of any one of its members the Board shall vote by recorded vote whether to close that portion of the meeting.

(c) The Secretary shall record the vote of each member participating in a vote under subsection (a) or (b) of this

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section, and no proxies are allowed. Within 1 day of any vote under subsection (a) or (b) of this section, the Secretary shall make publicly available a written copy of the vote showing the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Secretary shall, within 1 day of the vote, make publicly available a full written explanation of the action closing the portion, together with a list of all persons expected to attend the meeting and their affiliation.

(d) If a committee of the Board determines that a majority of its meetings may properly be closed to the public for any combination of reasons referred to in § 7.3 (d), (h), or (j) of these bylaws, it may close a meeting or a portion of a meeting by a recorded vote of a majority of its members at the beginning of the meeting or portion in question. The Secretary shall promptly make available to the public a written copy of the vote showing the vote of each member on the question. Subsections (a), (b), and (c) of this section, and § 7.5 of these bylaws do not apply to any meeting or portion of a meeting closed under this subsection. However, at the earliest practicable time, the Secretary shall publicly announce the time, place, and subject matter of the meeting and each of its portions.

(e) Immediately following each public announcement required under subsections (c) and (d) of this section, the Secretary shall submit for publication in the FEDERAL REGISTER the text of the announcement or the information made available.

§ 7.5 Public notice of meetings, subsequent changes.

(a) At least one week before any meeting of the Board, the Secretary shall publicly announce the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the Board to respond to requests for information about the meeting.

(b) By a recorded vote, a majority of the members of the Board may determine that the business of the Board requires a meeting to be called with less than a week's notice. At the earliest practicable time, the Secretary shall publicly announce the time, place, and subject matter of the meeting, and whether it is to be open or closed to the public.

(c) Following the public announcement required by paragraphs (a) or (b) of this section:

(1) A majority of the members of the Board may change the time or place of a meeting. At the earliest practicable time, the Secretary shall publicly announce the change.

(2) A majority of the entire membership of the Board may change the subject matter of a meeting, or the determination to open or close a meeting to the public, if it determines by a recorded vote that the change is required by the business of the Board and that no earlier announcement of the change was possible. At the earliest practicable time, the Secretary shall publicly announce the change, and the vote of each member upon the change.

(d) Immediately following each public announcement required under paragraphs (a), (b), or (c) of this section, the Secretary shall submit for publication in the FEDERAL REGISTER a notice of the time, place, and subject matter of the meeting, whether the meeting is open or closed, any change in the preceding, and the name and phone number of the official designated by the Board to respond to requests for information about the meeting.

§ 7.6 Certification and transcripts of closed meetings.

(a) For every meeting closed under § 7.3 (a) through (j) of these bylaws, the General Counsel shall publicly certify that, in his opinion, the meeting may be closed to the public, stating each relevant exemptive provision. The Secretary shall retain this certification, together with a statement from the officer presiding at the meeting which sets forth the time and place of the meeting, and the persons present.

(b) The Secretary shall arrange for a complete transcript or electronic recording adequate to record fully the proceedings to be made of each meeting or portion of a meeting of the Board which is closed to the public. The Secretary shall maintain a complete verbatim copy of the transcript, or a complete electronic recording of each meeting or portion of a meeting closed to the public for at least 2 years after the meeting, or for 1 year after the conclusion of any Postal Service proceeding with respect to which the meeting was held, whichever occurs later.

(c) Except for those items of discussion or testimony which the Board, by a majority vote of those members who are present, determines to contain information which may be withheld under § 7.3 of these bylaws, the Secretary shall promptly make availalbe to the public, in the Public Communications Department at Postal Service Headquarters, or in another place easily accessible to the public, the transcript or electronic recording of a closed meeting, including the testimony of any witnesses received at the meeting. The Secretary shall furnish a copy of this transcript, or a transcription of this electronic recording disclosing the identity of each speaker, to any person at the actual cost of duplication or transcription.

§ 7.7 Enforcement.

(a) Under 5 U.S.C. 552b(g), any person may bring a proceeding in the United States Court of Appeals for the District of Columbia to set aside any provisions of these bylaws which are not in accord with the requirements of 5 U.S.C. 552b (a)–(f) and to require the promulgation of provisions that are in accord with those requirements.

(b) Under 5 U.S.C. 552b(h) any person may bring a civil action against the Board in an appropriate United States District Court to obtain judicial review of the alleged failure of the Board to comply with 5 U.S.C. 552b (a)–(f). The burden is on the Board to sustain its action. The court may grant appropriate equitable relief, including enjoining future violations, or ordering the Board to make public information improperly withheld from the public.

(c) Under 5 U.S.C. 552b(i) the court may assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails, except that the court may assess costs against the plaintiff only if the court finds that he initiated the suit primarily for frivolous or dilatory purposes.

§ 7.8 Open meetings, Freedom of Information, and Privacy of Information.

The provisions of 5 U.S.C. 552b(c)(1)–(10), enacted by Pub. L. No. 94–409, the Government in the Sunshine Act, govern in the case of any request under the Freedom of Information Act 5 U.S.C. 552, to copy or to inspect the transcripts or electronic recordings described in § 7.6 of these bylaws. Nothing in 5 U.S.C. 552b authorizes the Board to withhold from any individual any record, including the transcripts or electronic recordings described in § 7.6 of these bylaws, to which the individual may otherwise have access under 5 U.S.C 552a, enacted by the Privacy Act of 1974 Pub. L. No. 93–579.

PART 8—REPORTS AND RECORDS [ARTICLE VIII]

Sec.
8.1 Open meetings report.
8.2 Annual report.
8.3 Annual budget; financial reports.

AUTHORITY: The provisions of this Part 8 are issued under authority of 39 U.S.C. 202, 203, 205(c), 401(2), as enacted by Pub. L. No 91–375, and 5 U.S.C. 552b (g), (j), as enacted by Pub. L. No. 94–409.

§ 8.1 Open meetings report.

The Secretary shall annually prepare for approval by the Board and transmittal to Congress a report on the Board's compliance with 5 U.S.C. 552b, as enacted by the Government in the Sunshine Act. The report must contain a tabulation of the total number of Board meetings open to the public, the total number of meetings closed to the public, the reasons for closing those meetings and a description of any litigation brought against the Board under the Act, including any costs assessed against the Board in that litigation.

§ 8.2 Annual report.

No later than the annual meeting of the Board, the Postmaster General shall give to the Board an annual report concerning the operations of the Postal Service, as required by 39 U.S.C. 2402. Upon approval of this report, or after making any changes it considers appropriate, the Board shall transmit this report to the President and the Congress. The Postmaster General shall make the necessary arrangements for the printing of the report and its sale to the public.

§ 8.3 Annual budget; financial reports.

The Postmaster General shall annually submit to the Board a budget for the following fiscal year under requirements as to form, content, and schedule established by the Board. After review by the Board, the Postmaster General shall submit the annual budget of the Postal Service to the Office of Management and Budget of the Executive Office of the President in the manner provided by 39 U.S.C. 2009, and to the Committees on Post Office and Civil Service and the Committees on Appropriations of the Senate and the House of Representatives, as required by 39 U.S.C. 2401(g).

(39 U.S.C. 202, 205, 401(2), 410(a); 5 U.S.C. 552b(g).)

W. ALLEN SANDERS,
Assistant General Counsel,
Legislative Division.

[FR Doc.77–1096 Filed 1–12–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 670–6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Washington Plan

• The purpose of this notice is to announce receipt of revisions to the State of Washington Implementation Plan submitted under Section 110(a) of the Clean Air Act, as amended. Public comment on the proposal is invited. •

On May 26, 1976 the State of Washington Department of Ecology submitted for the Environmental Protection Agency's (EPA) approval revisions to the regulations of five of the State's local air pollution control authorities and regulations for three local air pollution control agencies not previously included in the plan. In this notice, EPA will propose the revisions to the regulations of the Puget Sound Air Pollution Control Agency (PSAPCA) only. The regulations of the other authorities will be proposed in separate notices to be published in the FEDERAL REGISTER.

The revisions to PSAPCA's regulations have been adopted by the Board of Directors of PSAPCA since EPA's approval of the State plan in May 1972. The revisions, all of which are applicable to PSAPCA Regulation I, are listed by resolution number in the order in which they were adopted.

1. Resolution No. 178, adopted March 14, 1973, added § 9.19 to control the emissions of arsenic-containing particulate matter from nonferrous smelters. The regulation requires that no visible emissions of arsenic-containing particulate are to be allowed from any building, structure, facility or apparatus used for the primary purpose of manufacturing or transporting arsenic trioxide.

2. Resolution 186, adopted April 11, 1973, revised § 9.03, Emission of Air Contaminant: Visual Standard. The revision requires that all new and existing sources meet 20 percent opacity after July 1, 1975. Previously only sources installed after August 12, 1970 were required to meet the 20 percent limit.

3. Resolution No. 187, adopted April 11, 1973, revised Section 9.16, Reporting of Start-ups, Shutdowns, Unavoidable Failures, Upsets or Breakdowns. This revision was made to combine the former 9.16, Report of Breakdowns, with 9.03(c), which related to shutdowns and breakdowns of process or control equipment.

4. Resolution 214, adopted October 10, 1973 revised various provisions of Regulation I as follows:

The revision to § 3.07, Confidential Information, excludes ambient air quality emissions data from being classified as confidential.

Section 3.25, Penalty, was revised to distinguish between a violation of any provision of the regulation, a willful violation, and a violation of § 3.07, Confidential Information. Each type of violation has separate penalty provisions.

Exhibit A of Article 5 is a list of source categories that are not required to register with the agency. The list was amended to exclude fuel burning equipment, other than smokehouse generators, of less than 1 million BTU input per hour. Previously the cutoff point was 400,000 BTU input per hour. In addition, stationary gas turbine engines are no longer excluded.

Section 6.04, a new section, established a fee schedule for notices of construction.

Section 6.07, Issuance of Approval or Order, was amended to require that no Approval of Construction may be issued unless the source meets the requirements of all applicable Standards of Performance for New Stationary Sources as promulgated by the EPA and that the operation of the new source will not cause a violation of any PSAPCA ambient air quality standard.

Section 9.09, Emission of Particulate Matter: Weight Rate Standard, was amended to require that all refuse burning equipment meet 0.10 grains for each standard cubic foot of exhaust gas after June 30, 1975. The section was also amended to require the use of EPA procedures for source sampling where applicable and available.

Section 9.17, the ambient air quality standard for Nitrogen Oxides, was repealed.

5. Resolution 218, adopted December 12, 1973, amended Resolution 214 relating to § 6.04 Filing Fees—Notice of Construction for refuse burning equipment, portable asphalt batch plants and portable rock crushers.

6. Resolution 230, adopted February 21, 1974 amended § 9.07, Emission of Sulfur Oxides. The revision allows the burning of higher sulfur content fuels than was previously allowed.

7. Resolution 264, adopted August 15, 1974 amended § 7.01, Variances. The revision adds a section to the variance provision establishing parameters and procedures for the extension of previously granted variances.

8. Resolution 285, adopted November 21, 1974 added § 6.06, Public Notice May be Required. The revision adds requirements for public notice of PSAPCA's preliminary determinations and opportunity for public comment on notices of construction.

9. Resolution 312 adopted July 15, 1975 added Article 18, Indirect Carbon Monoxide Source Control Standards. The regulation was adopted on an emergency basis due to the repeal of the state indirect source regulation effective July 18, 1975.

10. Resolution 332, September 18, 1975 adopted Article 18 on a permanent basis, after publication of 30-day notice and public hearing.

11. Resolution 361, adopted March 18, 1976 rescinded § 9.02 (Outdoor Fires) and added Article 8 (Outdoor Fires). The new Article is similar to the old § 9.02 with changes made to reflect the requirements for the use of certified alternatives to open burning.

Under Section 110(a)(3)(A) of the federal Clean Air Act, the Administrator of EPA is required to approve any revision to an implementation plan if it meets the applicable requirements of the Act and has been adopted after reasonable notice and public hearing.

Public participation in the review of these revisions by EPA is invited. Written comments received in the EPA Regional Office postmarked no later than February 14, 1977 will be considered and will be addressed in the Administrator's final decision to approve or disapprove the revisions.

Copies of the Resolutions adopted by the agency's Board of Directors, and the agency's present regulations are available for public review and comment at the following addresses:

Pudget Sound Air Pollution Control Agency, 410 West Harrison Street, Seattle, Washington 98119.
State of Washington, Department of Ecology, Olympia, Washington 98504.
Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.
Environmental Protection Agency, Public Information Reference Unit, Room 2292 (PM 213), 401 M Street SW, Washington, D.C. 20460.

(Sec. 110(a) of the Clean Air Act, as amended. (42 U.S.C. 1857c–5(a)).)

Dated: December 29, 1976.

DONALD P. DUBIS,
Regional Administrator.

[FR Doc.77–1102 Filed 1–12–77;8:45 am]

[40 CFR Part 52]

[FRL 670–5]

WASHINGTON

Revision to Implementation Plan

• The purpose of this notice is to request public comments on proposed revisions to the State of Washington Clean Air Act Implementation Plan.•

On May 25, 1976 the State of Washington Department of Ecology (DOE) submitted several revisions to the Wash-

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ington implementation plan for EPA's approval. Included were regulations for three local air pollution control agencies not previously included in the plan. The three agencies are the Douglas County Air Pollution Control Commission, the Grant County Clean Air Authority and the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority.

The regulations of the three agencies are similar in content. Each contains a section on general information including a policy statement, identification of duties and powers of the Board of Directors and control officer of each agency, and definitions. Another section specifies required emission limitations and preventive measures in general terms and for specific source categories. The State of Washington Clean Air Act requires local agency regulations to be no less stringent than the applicable state regulations. Where the local agency's regulations are less stringent and not specifically approved by DOE, the state regulation controls. Such state regulations can be enforced by the local agency.

Each set of regulations contains procedures for granting variances, for requiring compliance schedules to meet applicable regulations, and for requiring a notice of construction for new or modified sources. Other provisions of the regulations relate to public availability of emissions data, civil and criminal penalties in cases of violations of the regulations and authority to require monitoring and reporting.

Each agency's regulations also contain a section relating to the control of open burning. These sections are not being considered in this action because they were previously approved by EPA on October 29, 1975 (40 FR 50266) and have not been revised since that date.

Under section 110(a) of the federal Clean Air Act, the Administrator of EPA is required to approve or disapprove revisions to an implementation plan submitted by a state. Public comment is invited as to whether the regulations of these three agencies should be approved or disapproved.

The regulations are available for public review at the following addresses:

Douglas County Air Pollution Control Commission, 110 Third Street NE, Wenatchee, Wash. 98801.
Benton-Franklin-Walla Walla Counties Air Pollution Control Authority, 650 George Washington Way, Richland, Wash. 99352.
Grant County Clean Air Authority, Route 3, Box 110, Moses Lake, Wash. 98837.
State of Washington, Department of Ecology, Olympia, Wash. 98504.
Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

Relevant comments postmarked no later than February 14, 1977 will be evaluated and addressed in the final rulemaking document. An evaluation of the regulations will also be prepared and made available for public review.

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)).)

Dated: December 29, 1976.

DONALD P. DUBOIS,
Regional Administrator.

[FR Doc.77-1103 Filed 1-12-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3520]

SODIUM, POTASH, PHOSPHATE OR SULPHUR EXCHANGE LEASES: COAL LEASE EXCHANGE BIDDING RIGHTS

Proposed Rulemaking

This is a proposal to amend 43 CFR 3520 by the addition of a Subpart 3526 to provide that a sodium, phosphate, potash or sulphur preference right lease applicant or lessee may in certain situations exchange the preference right lease to which he is entitled, or the lease he holds, for a mineral lease to another deposit of the same mineral of comparable value. These provisions should be available in cases where the production from the existing or preference right lease would not be in the public interest because of adverse affects, damage or destruction to environmental land and resource values.

The proposal also seeks to amend Part 3520 by the addition of a Subpart 3527 to provide that a coal lessee or preference right lease applicant may in certain circumstances relinquish the lease, or preference right lease to which he is entitled, in exchange for bidding rights equal to the present fair market value of the relinquished leasehold. These rights could be exercised at subsequent competitive coal lease sales. The proposed coal provisions are set out in a separate subpart, and require distinct treatment, because section 2 of the Federal Coal Leasing Amendments Act of 1975, 30 U.S.C. 201(a)(1), enacted August 4, 1976, authorizes the Secretary to issue coal leases only by competitive bidding.

The authority for the new Subpart 3527 is found in the fact that neither the Mineral Leasing Act of 1920, 30 U.S.C. 181 et seq., nor the Federal Coal Leasing Amendments Act of 1975 requires the Secretary to use only cash bonus competitive bidding. By comparison, section 8 (a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1337(a), requires "cash bonus" bidding. Thus, the Department is still free to provide the manner of competitive bidding, and regards the granting of these proposed exchange bidding rights as a proper method for protecting the public interest in the limited circumstances in which they would apply.

This proposal also would amend 43 CFR 3521.3–2(a) entitled "Action by successful bidder" and 43 CFR 3523.1 entitled "Relinquishments" to reflect the existence of the new Subparts proposed here.

The Department seeks by these regulations to remedy those situations in which, due to newly-identified or newly-established environmental land or resource values, operations on an existing or a preference right lease are not regarded as in the public interest. The Department is constrained by the facts: That its authority to cancel outstanding leases is limited; and that a preference right lease applicant who establishes that he has discovered commercial quantities of coal or a valuable deposit of whichever other mineral is in question, (and for sodium, sulphur and potash that the land is chiefly valuable therefor,) has a right to a lease. The Department has had no alternative but to seek legislation for the condemnation of the leasehold if it sought to prohibit all operations on the lease to protect conflicting environmental values. Section 205(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2755, 43 U.S.C. 1715(a), provides the Bureau of Land Management with some eminent domain authority, but it would not reach the situations for which these exchange provisions are designed. These provisions will allow the Department to protect such resource values and at the same time fairly treat the preference right lease applicant or lessee who has worked to establish a producing deposit of the mineral in question.

The Department would invoke these provisions to protect lands containing unquantifiable resource values such as proposed wilderness designation, habitat for threatened or endangered species, or recreational and esthetic values on land subject to public use, and to shift the effect of mining operations to lands lacking identifiable, conflicting resource values.

The proposed exchange lease and bidding right procedures are invoked by the Department. The Department may offer an exchange but may not force one, since the preference right lease applicant who makes the required showing does have a right to a lease on the land in his prospecting permit. However, the regulations are designed to encourage co-operation between lessees and lease applicants and the Department in the identification of lands (except for coal) eligible for lease in exchange.

The regulations are also designed to assure that the preference right lease-exchange applicant is entitled to a lease and is relinquishing a right, not an expectancy. While the Department would not feel it necessary, to complete the details of work on lease stipulations for a lease which the applicant seeks only to relinquish, completion of the procedures in 43 CFR 3521.1–1 is necessary to establish: (1) That a right to a lease is being relinquished; and (2) the value of the relinquished property for exchange purposes.

Because the exchange provisions necessarily involve some negotiation between the lease applicant and the Department, and involve the weighing of economic and non-economic land use values, the Department seeks to involve the public in the decision to exchange leases. The Department desires public scrutiny of the attempt to foreclose operations on the preference right or leased land, and (except for coal) the effect of operations on the land offered in exchange. Final judgment on the merits of the exchange, however, lies in the informed discretion of the Secretary or his delegate.

The promulgation of these regulations is not a major federal action significantly affecting the quality of the human environment, as defined by the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and an environmental impact statement is not required for this action. This determination is based on the fact that environmental assessments, and impact statements if necessary, will be prepared when exchanges are proposed. Leases under these provisions will not be issued under any program whose effects and location can be predicted and planned in advance.

Interested parties may submit comments on this proposal to the Director, Bureau of Land Management (Code 210), Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240 on or before February 28, 1977.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 10, 1977.

1. Accordingly, it is proposed that 43 CFR 3521.3–2(a) be modified by the addition of the subsection "(i)" after "*bidder.*" and before "Four" and that subsection (ii) be added to read as follows:

§ 3521.3–2 Compliance with notice of competitive lease offer.

(a) • • •

(ii) A successful bidder may, in lieu of paying the balance of the bonus bid, substitute pro tanto a certificate of bidding rights acquired in exchange for a relinquishment of an existing or preference right coal lease which has been deemed suitable for exchange under the provisions of Subpart 3527 of this Title.

• • • • •

2. It is proposed that 43 CFR 3523.1 "Relinquishments" be amended by the addition of subsection "1–3" to read:

§ 3523.1–3 Relinquishments for value.

The terms and conditions under which the Department will accept relinquishment of a mineral lease for value given in return are set out in Subpart 3526 (for sodium, phosphate, potash and sulphur) and in Subpart 3527 (for coal) of this Title.

3. It is proposed that 43 CFR Part 3520 be amended by the addition of Subpart 3526 to read as follows:

Subpart 3526—Mineral Leases Issued in Exchange for Leases Acquired Under Preference Right

Sec.
3526.1 Purpose.
3526.2 Authority.
3526.3 When exchange provisions apply.
3526.4 Exchange procedures.
3526.5 Issuance of lease.

§ 3526.1 Purpose.

This Subpart is designed to permit a mineral prospecting permittee, or mineral lessee, to exchange the lease to be acquired under preference right, or the existing mineral lease, for a mineral lease of other lands of comparable value for the same mineral, when the Secretary concludes that operations on the preference right or outstanding lease would not be in the public interest, and that operations on the lands leased in exchange would be in the public interest.

§ 3526.2 Authority.

(a) *Sodium.* Section 24 of the Mineral Leasing Act of 1920, 30 U.S.C. 262.

(b) *Phosphate.* Section 9 of the Mineral Leasing Act of 1920, 30 U.S.C. 211.

(c) *Potash.* Section 3 of the Act of February 7, 1927, 30 U.S.C. 283.

(d) *Sulphur.* Section 3 of the Act of April 27, 1926, 30 U.S.C. 273.

(e) *Provisions.* These four statutes authorize the Secretary to lease lands known to contain the mineral in question "through advertisement, competitive bidding, or by such other methods as he may be general regulations adopt." • • •"

§ 3526.3 When exchange provisions apply.

(a) *Invoking the provisions.* The Secretary will invoke the provisions of this Subpart by notifying the preference right lease applicant or lessee that he is prepared to consider exchange leasing for the lands described in the notice.

(b) *In public interest.* An exchange mineral lease will not be issued unless the Secretary finds, after completing the procedures in this Subpart, that the exchange will be in the public interest.

(c) *Public interest defined.* For the purposes of this Subpart, an exchange will be in the public interest if the Secretary finds that the benefits of production from the lease or preference right lease would not outweigh the adverse effects, or threat of damage or destruction to scenic, biological, geologic, historic or other public interest values from lease operations. In exercising his discretion to exchange leases in the public interest, the Secretary will consider, but is not limited to consideration of, these elements of the public interest: recreational use; archeological or historic values; threatened or endangered species; proximity of residential or urban areas; study for potential inclusion in the wilderness or wild and scenic rivers systems; and value for public uses, including public highways, airports, and rights-of-way.

§ 3526.4 Exchange procedures.

(a) *Exchange notice.* The Secretary will notify the preference right lease applicant or lessee when he is prepared to consider exchange leasing for a tract under lease application or lease.

(1) The exchange notice will state why the Secretary believes an exchange would be in the public interest.

(2) The exchange notice will provide that the lease applicant or lessee shall respond by indicating whether he is willing to negotiate for an exchange lease under this Subpart.

(3) The exchange notice may contain a description of the lands on which the Secretary would offer an exchange lease. The lease applicant or lessee's reply may describe the lands on which the lease applicant or lessee would accept an exchange lease.

(4) The Department may seek the exchange of any part or all of the land under lease or preference right lease application. The impact of a partial exchange will be taken into account by the Secretary in determining whether such an exchange is in the public interest.

(b) *Showing on preference right.* A prospecting permittee must have previously submitted a timely mineral preference right lease application containing the initial showing required under § 3521.1–1(b) of this Part, and will then have to make the showing required in § 3521.1–(c) through (e) of this Part, that he has discovered a valuable deposit of the permit mineral on the lands in question (as defined in § 3520.1–1(c) of this Part), and for that he has discovered a valuable deposit of the permit mineral on the lands in question (as defined in § 3520.1–1(c) of this Part), and for sodium, sulphur and potash that the land is chiefly valuable therefor.

(c) *Right to lease.* If the preference right lease applicant's showing under § 3521.1–1(b) through (e) demonstrates to the Secretary that he has shown that he has a preference right to a lease, the Secretary is authorized in lieu of issuing a lease on the preference right land under § 3521.1–1(h) of this Part to negotiate for the selection of appropriate exchange lands, or if such lands have already been described, to establish lease terms on the land to be leased in exchange.

(d) *Comparable land.* (1) The land leased in exchange must, to the satisfaction of the lease applicant or lessee and the Secretary, be a tract of land containing a deposit of the be deemed "comparable" for exchange purposes when the Secretary concludes that the leasehold value of the more valuable tract is less than ten percent greater than the value of the less valuable tract.

(2) The land proposed for inclusion in the exchange lease must be subject to leasing for the same mineral as the preference right lease, under the provisions of 43 CFR Part 3501.

(e) *Notice and public hearing.* After the prospective exchange lessee and the Secretary agree on the land to be leased in exchange, notice of the proposed exchange will be published in the Federal Register and in a newspaper or newspapers of general circulation in the counties where both the preference right or leased lands and the exchange lease lands are located. The Notice will contain notice of a public hearing or hearings to be held not less than 30 days from the date of the Notice in a city or

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cities located near the tracts in question. The Notice will also contain the Secretary's finding that the exchange is in the public interest. The hearing will allow public comment on the merits of the proposed exchange.

§ 3526.5 Issuance of lease.

(a) *Stipulations.* If, after public hearing, the Secretary concludes that issuance of the exchange lease is in the public interest, he will proceed to establish lease stipulations for operations on the exchange lease.

(b) *Lease terms.* (1) The exchange lease shall contain a recital that the lessee thereby quitclaims and relinquishes any right or interest in the lands exchanged.

(2) It will also contain a recital of the Secretary's finding that issuance is in the public interest.

(3) In all other respects, the lease will be subject to the relevant provisions of 43 CFR Part 3500 and standard lease terms thereunder.

4. It is proposed that a new Subpart be added, 43 CFR Subpart 3527, to read as follows:

Subpart 3527—Coal Lease Exchanges

Sec.
3527.1 Purpose and authority.
3527.2 When exchange provisions apply.
3527.3 Exchange procedures.
3527.4 Grant of exchange rights.

§ 3527.1 Purpose and authority.

(a) *Purpose.* These provisions are designed to permit a coal lessee, or coal preference right lease applicant, to relinquish the coal lease for value when the lessee and the Secretary agree that operations on the lease would not be in the public interest.

(b) *Authority.* These regulations are issued under the authority of section 2 of the Federal Coal Leasing Amendments Act of 1975, 30 U.S.C. 201(a)(1), and the Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*

§ 3527.2 When exchange provisions apply.

(a) *Upon notice.* The Secretary will invoke the provisions of this Subpart by notifying the coal preference right lease applicant or lessee that he is prepared to consider the issuance of coal exchange bidding rights for the lands described in the notice.

(b) *In public interest.* A coal lessee will not be granted exchange rights unless the Secretary finds, after completing the procedures in this Subpart, that relinquishment of the lease and the granting of exchange bidding rights would be in the public interest. For the purpose of this Subpart, the definition of "public interest" in 43 CFR 3526.3(c) applies.

§ 3527.3 Exchange procedures.

(a) *Exchange notice.* The Secretary will notify the preference right lease applicant or lessee when he is prepared to consider issuing exchange bidding rights for the tract under lease application or lease.

(1) The exchange notice will state why the Secretary believes an exchange would be in the public interest.

(2) The exchange notice will provide that the lessee or lease applicant will respond by indicating whether he is willing to consider an exchange under this Subpart.

(3) The Department may seek the exchange of any part or all of the land under lease or preference right lease application. The impact of a partial exchange will be taken into account by the Secretary in determining whether such an exchange is in the public interest.

(b) *Showing on preference right.* A prospecting permittee may have previously submitted a timely coal preference right lease application containing the initial showing required under § 3521.1–1(b) of this Part, and will then have to make the showing required under § 3521.1–1 (c) through (e) of this Part, that he has discovered commercial quantities of coal on the land in question (as defined in § 3520.1–1(c) of this Part).

(c) *Right to lease.* If the preference right lease applicant's showing demonstrates to the Secretary that he has shown that he has a preference right to a lease, the Secretary is authorized in lieu of issuing a lease on the preference right land under § 3521.1–1(h) of this Part to establish the value of the bidding right to be granted in exchange for relinquishment of the lease.

(d) *Value of the exchange right.* (1) The exchange right shall be equal to the fair market value of the leasehold to be relinquished. By replying to the Secretary's notice that he is willing to consider an exchange, the lease applicant or lessee promises to provide supporting geologic and economic data that will permit the Secretary to establish the fair market value of the relinquished lease.

(e) *Notice and public hearing.* After the exchange right has been valued, and the Secretary has determined that the relinquishment of the existing lease or lease right in exchange would be in the public interest, notice of the proposed relinquishment and exchange rights will be published in the FEDERAL REGISTER and in a newspaper of general circulation in the county where the lands to be relinquished are located. The Notice will contain notice of a public hearing to be held not less than 30 days from the date of the Notice in the county seat for the county in which the lands to be relinquished are located. The Notice will also contain the Secretary's finding that the grant of exchange rights is in the public interest. The hearing will allow public comment on the merits of the proposed grant of exchange rights.

§ 3527.4 Grant of exchange rights.

(a) *Decision.* If, after public hearing, the Secretary concludes that the granting of exchange rights is in the public interest, he will in exchange for a relinquishment of the existing lease or preference right lease application issue a certificate of bidding rights for the value of the relinquished leasehold as previously determined.

(b) *Use of right.* (1) As provided in § 3521.3–2(a) of this Part, an exchange right may be used only as payment pro tanto for the balance due on a successful bonus bid in a competitive coal lease sale.

[FR Doc.77–1146 Filed 1–12–77;8:45 am]

COMMISSION ON CIVIL RIGHTS

[45 CFR Part 706]

PRIVACY ACT OF 1974

Proposed Amendments

Notice is hereby given that amendments are proposed for Title 45 of the Code of Federal Regulations, Section 706—Materials Available pursuant to 5 U.S.C. 552a. These amendments will facilitate efforts by individuals to gain access to information about themselves. In addition, the amendments will provide a more comprehensive procedure whereby additions or corrections are made to an individual's records at his or her request, and will establish a procedure for the accounting of the disclosures of records.

Pursuant to 5 U.S.C. 552a(e)(11) interested persons are invited to submit written comments on these amendments to the Office of General Counsel, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425. All comments must be received on or before February 14, 1977. Comments will be available for public inspection in Room 600, 1121 Vermont Avenue, N.W., Washington, D.C., from 8:45 a.m. to 5:30 p.m.

In consideration of the foregoing, the following amendments are proposed to the rules adopted pursuant to the requirements of the Privacy Act of 1974:

§ 706.3 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 706.3 Procedures for requests pertaining to individual records in a system of records.

• • • • • •

(b) In addition to meeting the requirements set forth in § 706.4 (c) or (d), any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. If possible, that description should include the nature of the records sought, the approximate dates covered by the record, and, if known by the requester, the system in which the record is thought to be included. Requested information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information cannot be treated as a formal request.

(c) If the description is insufficient, the agency will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

§ 706.4 is amended by revising paragraph (d) to read as follows:

§ 706.4 Times, places, and requirements for identification of individuals making requests and identification of records requested.

• • • • • •

(d) An individual seeking access to records by mail shall establish his or her identity by a signature, address, date of birth, and one other identification, such as a copy of a driver's license, passport, identification card or badge, credit card or other document. The words "PRIVACY ACT REQUEST" should be placed in capital letters on the face of the envelope in order to facilitate requests by mail.

• • • • • •

§ 706.7 is amended by adding the following sentences to the end of the paragraph:

§ 706.7 Agency review of request for correction or amendment of the record.

• • • In the event of correction or amendment, an individual shall be provided with one copy of each record or portion thereof corrected or amended pursuant to his or her request without charge as evidence of the correction or amendment. The Commission shall also provide to all prior recipients of such a record, the corrected or amended information to the extent that it is relevant to the recipient's uses and deemed feasible to do so.

§ 706.8 is amended by adding the following sentence to the end of paragraph (d)(3):

§ 706.8 Appeal of an initial adverse agency determination.

• • • • • •

(d)(3) • • • These statements shall also be provided to all prior recipients of the record to the extent that it is relevant to the recipient's uses and deemed feasible to do so.

§ 706.95 Accounting of the disclosures of records.

(a) All disclosures of records covered by Part 706, except for the exemptions listed in § 706.95(b), shall be accounted for by keeping a written record of the particular record disclosed, the name and address of the person or agency to whom or to which disclosed, and the date, nature and purpose of the disclosure.

(b) No accounting is required for disclosures of records to those officials and employees of the Commission who have a need for the record in the performance of their duties, or if disclosure would be required under the Freedom of Information Act, 5 U.S.C. § 552.

(c) The accounting shall be maintained for 5 years or until the record is destroyed or transferred to the National Archives and Record Service for storage, in which event, the accounting pertaining to those records, unless maintained separately, shall be transferred with the records themselves.

(d) The accounting of disclosures may be recorded in any system the Commission determines is sufficient for this purpose, however, the Commission must be able to construct from its system a listing of all disclosures. The system of accounting of disclosures is not a system of records under the definition in § 706.2 (e) and no accounting need be maintained for disclosure of the accounting of disclosures.

(e) Upon request of an individual to whom a record pertains, the accounting of the disclosures of that record shall be made available to the requester, provided that he/she has complied with § 706.3(a) and § 706.4 (c) or (d).

JOHN A. BUGGS,
Staff Director.

JANUARY 7, 1977.

[FR Doc.77–1189 Filed 1–12–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 173, 179]

[Docket No. HM–144; Notice No. 76–12]

TRANSPORTATION OF HAZARDOUS MATERIALS

Shippers; Specification for Pressure Tank Car Tanks; Extension of Comment Period

On November 29, 1976, the Materials Transportation Bureau published Notice No. 76–12 (41 FR 52324) under Docket No. HM–144 proposing to amend Parts 173 and 179 of the Hazardous Materials Regulations to modify the specifications for uninsulated pressure tank car tanks (112 and 114 specifications) so as to improve design and construction of new and existing cars. The closing date for filing comments to this notice is January 13, 1977.

Two petitions have been received requesting that the time for filing comments be extended in order to allow more time for study of the proposals. The Bureau has considered the reasons submitted in these petitions and has decided that an extension of the comment period is reasonable.

In consideration of the foregoing, the date for filing comments on Notice 76–12 in Docket HM–114 is extended from January 13, 1977 to March 14, 1977.

(18 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102)

Issued in Washington, D.C., on January 5, 1977.

C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.77–833 Filed 1–12–77;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

GEOTHERMAL LEASING

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Geothermal Leasing on the Santa Fe National Forest, New Mexico USDA–FS–R3 FES–76–05.

The environmental statement considers probable environmental effects of the proposed project.

The final environmental statement was transmitted to CEQ on January 7, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm 3230, 14th & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW., Albuquerque, NM 87102.
Santa Fe National Forest, P.O. Box 1689, Santa Fe, NM 87501.

Single copies are available upon request to Forest Supervisor, Santa Fe National Forest, P. O. Box 1689, Santa Fe, NM 87501. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

GARY E. CARGILL,
Acting Regional Forester,
Region 3.

JANUARY 7, 1977.

[FR Doc.77-1158 Filed 1-12-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-1-27; Docket 25398; Agreement C.A.B. 24277 (as amended by Amendment 24277-A1), and Amendment 24277-A2]

AIR CARRIER AGREEMENT

Order

In the matter of an air carrier agreement concerning air freight credit billing and collection practices.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of January, 1977.

By Order 76-9-130 dated September 23, 1976, the Board approved an Air Freight Credit Agreement, Agreement C.A.B. No. 24277, as amended, whereby the carriers will establish an Air Freight Settlement Plan through one or more central banks for purposes of billing and collecting charges from large volume shippers. Section 1.01.11 of this Agreement defines the term "shipper" and section 3.01 provides that "Participating shippers shall include all shippers whose annual volume of direct air carrier billings by Parties for interstate and overseas air transportation, determined in accordance with objective, reasonable and uniform procedures and criteria exceeds $250,000 * * *." Section 7.02 of this Agreement establishes an Air Freight Settlement Plan (Plan) and further requires that these procedures be submitted to the Board for approval prior to implementation.

In approving this Agreement, the Board noted that "The Plan will not take effect until after the carriers—with the invited participation of interested shippers—develop precise criteria for determining which shippers meet the $250,000 annual billings standard * * *." Pursuant to the foregoing the carrier parties to this Agreement have now developed procedures for the identification of such shipper participants in the Plan, and by application filed November 23, 1976, seek Board approval thereof. The carriers proposed procedures are set forth in Attachment A hereto.

These procedures will require trunk and all-cargo carrier parties to the agreement to identify those shippers with annual volumes in excess of $50,000 for interstate and overseas air freight charges during the 12 month period ending June 30, 1976. All other carrier parties will be required to provide the identification of shippers with such volumes in excess of $10,000. Thereafter, upon receipt of this data, a consolidated draft list of those shippers so identified as meeting the $25,000 annual billing standard will be prepared and circulated to all parties to the Agreement for their examination. After such review, a master shipper list will be prepared and all such potential participating shippers will be notified of their inclusion on the list. Such shippers will also be given the opportunity to demonstrate that their annual billings do not justify their participation in the Plan.

In support of their application, the carriers state that the procedures adopted by the carriers for identifying shipper participants are the first step toward implementation of the Agreement,[1] and will be included as an integral element of the operating Manual,[2] and that upon Board approval of these procedures, the carriers will meet with participating shippers to establish a Shipper Advisory Group. The purpose of the Advisory Group will be "to provide liaison and exchange of views and information between shippers and Parties in connection with the Administration of this Agreement."[3] Additionally, the carriers state that they have endeavored to fully conform with section 3.01 of the Agreement and the Board's respective orders in establishing these procedures, and that the procedures are objective, reasonable, uniform and precise, and are a practical approach to promptly identifying participating shippers.

No comments on this application have been filed with the Board.

Upon consideration of the application, the Board does not find the Agreement to be adverse to the public interest or in violation of the Act and accordingly the agreement will be approved. The procedures are clearly designed to identify potential participant shippers in the air freight settlement Plan as equitably and fairly as would appear practical and feasible. Moreover, such shippers when selected through the aggregation of the separate carrier data will still have an opportunity to challenge such data. Thus the Board agrees that the implementation of these procedures is a necessary step in the ultimate implementation of the Plan.

Accordingly, pursuant to the Federal Aviation Act, and particularly sections 204(a), 412 and 414 thereof, *It is ordered*, That:

1. Agreement C.A.B. 24277–A2 filed November 23, 1976 in Docket 25398 is approved;

2. The Board's approval of the foregoing will expire with December 31, 1977; and

3. This order shall be served upon all certificated scheduled direct air carriers, all domestic air freight forwarders, and all persons participating in Docket 25398, as listed in the Certificate of Service accompanying Agreement C.A.B. No. 24277 and amendments A–1 and A–2 thereto filed in such docket.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[1] The carriers state that absent prompt consideration of these procedures by the Board, they will be unable to implement the Agreement on or before April 1, 1977.

[2] Air Freight Credit Agreement, sections 1.01.7 and 7.02.

[3] Ibid., section 1.01.12.

ATTACHMENT A—SHIPPERS TO BE INCLUDED IN THE AIR FREIGHT SETTLEMENT PLAN

IDENTIFICATION OF SHIPPER PARTICIPANTS

1.1 To implement the Agreement, a catalog of all known Shippers in the industry with billings of $250,000 or more will be developed.

1.2 Each of the trunk airlines and all cargo carriers will determine the Shippers who did $50,000 or more of business in interstate and overseas air carrier traffic during the 12 month period ending June 30, 1976 and will prepare a listing identifying them. This determination may be based on a summary of activity or on a selected sample. Local airlines will provide a list of shippers over $10,000 for the same period.

1.3 The Administrator will prepare a summary listing that will consolidate the magnetic tapes or tab cards prepared by the trunk airlines and local service carriers, and will generate a draft listing in alphabetical order of all Shippers whose billings exceeded $250,000.

1.4 The computer listing will be sent to all Parties to the Air Freight Credit Agreement with a request that they review their large Shippers and make appropriate modifications to this list.

1.5 These listings will be returned to a third-party contractor who will consolidate a second time and will produce a final alphabetical master listing of all Shippers to be included in the Plan during its first year of operation.

1.6 The Administrator will send notices to all Shippers on this listing to determine whether they did $250,000 or more business in interstate and overseas air carrier traffic during the 12 month period ending June 30, 1976 and are thus to become participating Shippers.

[FR Doc.77-1168 Filed 1-12-77;8:45 am]

[Docket 29198]

ALASKA FARES INVESTIGATION

Reassignment of Proceeding

This proceeding has been reassigned from the undersigned to Administrative Law Judge Stephen J. Gross. Future communications should be addressed to Judge Gross.

Dated at Washington, D.C., January 5, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-1163 Filed 1-12-77;8:45 am]

[Docket Nos. 30309 etc.; Order 77-1-25]

EASTERN AIR LINES, INC. AND SOUTHERN AIRWAYS, INC.

Order Instituting Investigation Regarding Applications for Atlanta-Charleston Competitive Nonstop Case

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of January 1977.

On September 24, 1975, Eastern Air Lines filed an application for first competitive nonstop service between Charleston, S.C., and Atlanta, Ga.[1] Additionally, Eastern filed a motion for a hearing on its application. If awarded the authority, Eastern proposes to provide four daily round trips between the two points, with the objective of every flight also serving a market beyond Atlanta.[2] Subsequently, Southern Airways filed an application seeking the removal of its Atlanta-Charleston one-stop restriction, accompanied by a motion to consolidate its application in Docket 29941 which seeks removal of that restriction.

In support of its motion, Eastern states that (1) the large Atlanta-Charleston monopoly market (416 flow passengers per day in each direction) deserves competitive nonstop service, because almost half of Delta's service is provided on inconvenient one-stop flights, while its nonstop schedules have very high load factors;[3] (2) Eastern can provide the needed competitive nonstop service on a sound financial basis;[4] and (3) Eastern can provide important first single carrier and new competitive service in numerous beyond Atlanta markets.

An answer in support of Eastern's motion for expedited hearing was filed by the Charleston County Aviation Authority (Charleston).

Delta filed an answer in opposition to Eastern's motion for expedited hearing, on the grounds that (1) Delta's service has satisfied the needs of the market;[5] (2) it plans improved service in the future; (3) any traffic problems in the market are caused by service deficiencies in other Charleston markets in which Eastern is authorized to provide nonstop service; (4) a load factor of 68 percent for the year ending August 31, 1976, is not unduly high; and (5) additional Charleston-Atlanta competitive authority would result only in minimal public benefit.

Eastern filed a response to Delta's answer.[6]

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an investigation, for the purpose of investigating the need for first competitive nonstop service between Charleston, S.C., and Atlanta, Ga. Accordingly, we are consolidating for hearing the applications of Southern, in Docket 29941, and Eastern, in Docket 29825.

Southern has not submitted sufficient information for us to determine at this time the environmental consequences of its certificate amendment application. Therefore, we will require it to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow the carrier 30 days from the date of adoption of this order to file its environmental evaluation.

Accordingly, it is ordered, That:

1. A proceeding to be known as the "Atlanta-Charleston Competitive Nonstop Case," Docket 30309, be and hereby is instituted and shall be set down for hearing before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in competitive nonstop air transportation between Charleston, S.C., and Atlanta, Ga?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

3. Any authority awarded in this proceeding shall be granted without eligibility for subsidy;

4. The applications of Eastern Air Lines, Inc., in Docket 29825 and Southern Airways, Inc., in Docket 29941, be and they hereby are consolidated with the proceeding instituted by paragraph (1) above;

5. The Charleston County Aviation Authority and Delta Air Lines are hereby made parties to the proceeding instituted in paragraph (1);

6. The motion of Eastern for hearing be and it hereby is granted;

7. The motion of Southern for consolidation of its application in Docket 29941 be and it hereby is granted;

8. The motion of Eastern to file an otherwise unauthorized document be and it hereby is granted;

9. Southern Airways, Inc., and other carriers filing applications in this proceeding shall file environmental evaluations pursuant to § 312.12 of the Board's Procedural Regulations within 30 days from the date of adoption of this order;[7] and

10. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed within twenty days from the service date of this order and answers thereto shall be filed within ten days thereafter.

[1] At present Charleston-Atlanta nonstop authority is held only by Delta. In addition, Southern has one-stop and Piedmont has two-stop restrictions on service between the two points. Eastern could provide one-stop service via a circuitous routing by use of the segment junction points of Charleston or Jacksonville.

[2] See Appendices A and B of the motion of Eastern Air Lines, Inc., for Expedited Hearing, Docket 29825.

[3] In 1974, Delta's Atlanta-Charleston nonstop load factor averaged 83 percent, with the carrier providing only three nonstops. In answer to this, Delta states, in its answer, that the high 1974 load factor was the result of capacity limitations resulting from the unavailability of fuel and the National Airlines strike.

[4] Eastern proposes to provide four DC–9 nonstop flights that it contends would attract close to 150,000 passengers and produce an estimated operating profit of $950,000.

[5] Delta currently provides four nonstop round trips and three one-stop round trips in the Atlanta-Charleston market.

[6] Eastern accompanied its response with a motion to file an unauthorized document, which motion will be granted.

[7] Eastern has already submitted its environmental evaluation with its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1172 Filed 1-12-77;8:45 am]

[Docket 28672; Agreements CAB 25606 R-1 through R-4]

IATA AGREEMENTS CONCERNING AGENCY MATTERS UNIFORM COMMISSION RATES

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Ralph L. Wiser to Administrative Law Judge Katherine A. Kent. Future communications should be addressed to Judge Kent.

Dated at Washington, D.C., January 7, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-1161 Filed 1-12-77;8:45 am]

[Docket 29424, etc.]

LEP TRANSPORT, INC., ET AL.

Hearing

In the matter of LEP Transport, Ltd. (U.K.) d.b.a. LEP Transport, Inc. (U.S.A.), Docket 29424; McGregor, Swire Air Services, Ltd. (U.K.), Docket 29357; Pandair Freight Limited (U.K.) d.b.a. Pandair Freight, Inc. (U.S.A.), Docket 29750.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 15, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on December 21, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 5, 1977.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.77-1162 Filed 1-12-77;8:45 am]

[Docket 29925]

OVERSEAS NATIONAL AIRWAYS, INC.

Reassignment of Enforcement Proceeding

This proceeding has been reassigned from the undersigned to Administrative Law Judge Stephen J. Gross. Future communications should be addressed to Judge Gross.

Dated at Washington, D.C., January 5, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-1164 Filed 1-12-77;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. 534]

ATLANTIC BEAR STEAMSHIP CO.

Notice of Application

Notice is hereby given that Atlantic Bear Steamship Company, a Delaware corporation and wholly owned subsidiary of Pacific Far East Line, Inc., has filed an application dated December 9, 1976, as amended December 14, 1976 and December 15, 1976, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for a 20-year operating-differential subsidy contract for operation of the following number of vessels and services:

Roll on/Roll off (Ro/Ro) cargo service initially with two chartered Ro/Ro vessels making a maximum of 18 sailings annually between U.S. North Atlantic ports (Maine-Virginia, inclusive) and ports in the Red Sea, Persian Gulf, Gulf of Oman and Gulf of Aden areas, plus service to a port in Greece, and to a port or ports in Egypt, Italy and Southern France. The Applicant anticipates the acquisition of a third Ro/Ro vessel for operation on the proposed service, at which time a maximum of 26 sailings annually is requested.

The application is for a new long-term operating-differential subsidy contract and is not a part of the application by Pacific Far East Line, Inc. for a renewal of its long-term operating-differential subsidy contract. Atlantic Bear Steamship Company presently operates two chartered Ro/Ro vessels, unsubsidized, between ports on the U.S. East Coast and ports in the Persian Gulf and Gulf of Oman.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14 and E Streets, N.W., Washington, D.C. 20230.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on January 24, 1977. The Maritime Subsidy Board will consider such views and comments, and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS)).

By order of the Maritime Subsidy Board.

Dated: January 7, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 77-1095 Filed 1-12-77;8:45 am]

Patent and Trademark Office

RECOMBINANT DNA

Accelerated Processing of Patent Applications for Inventions

In recent years revolutionary genetic research has been conducted involving recombinant deoxyribonucleic acid ("recombinant DNA"). Recombinant DNA research appears to have extraordinary potential benefit for mankind. It has been suggested, for example, that research in this field might lead to ways of controlling or treating cancer and hereditary defects. The technology also has possible applications in agriculture and industry. It has been likened in importance to the discovery of nuclear fission and fusion. At the same time concern has been expressed over the safety of this type of research. The National Institutes of Health (NIH) has released guidelines for the conduct of research concerning recombinant DNA. "Guidelines for Research Involving Recombinant DNA Molecules," published in the FEDERAL REGISTER of July 7, 1976, 41 F.R. 27902-27943. NIH is sponsoring experimental work to identify possible hazards and safety practices and procedures.

In view of the exceptional importance of recombinant DNA and the desirability of prompt disclosure of developments in the field, the Assistant Secretary of Commerce for Science and Technology has requested that the Patent and Trademark Office accord "special" status to patent applications involving recombinant DNA. Upon appropriate request, the Office will make special patent applications for inventions relating to recombinant DNA, including those that contribute to safety of research in the field. Requests for special status should be written, should identify the application by serial number and filing date, and should be accompanied by affidavits or declarations under 37 CFR 1.102 by the applicant, attorney or agent explaining the relationship of the invention to recombinant DNA research. Requests also must include a statement that the NIH guidelines cited above or as amended in the future are being followed in any experimentation in this field, except that the statement may include an explanation of any deviations considered essential to avoid disclosure of proprietary information or loss of patent rights. The requests will be handled in the same manner as requests to make applications special that relate to energy or environmental quality. See Manual of Patent Examining Procedure 708.02.

Dated: January 7, 1977.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: January 10, 1977.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.77-1155 Filed 1-12-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 670-4; PP6G1644/T67]

EXTENSION OF A TEMPORARY TOLERANCE

Methyl 2-[4-(2,4-dichlorophenoxy) phenoxy] propanoate

On January 30, 1976, the Environmental Protection Agency (EPA) announced (41 FR 4636) that in response to a pesticide petition (PP 6G1644) submitted by American Hoechst Corp., Agricultural Chemical Dept., Route 202-206 North, Somerville NJ 88876 a temporary tolerance was established for residues of the herbicide methyl 2-[4-(2,4-dichlorophenoxy) phenoxy] propanoate and its metabolites in or on the raw agricultural commodities barley grain and wheat grain at 0.1 part per million (ppm). This temporary tolerance expires January 26, 1977.

American Hoechst Corp. has requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit which is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported and all other relevant material having been evaluated, it has been determined that an extension of the temporary tolerance will protect the public health, and therefore, the temporary tolerance is extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Hoechst Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the reocrds available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires January 26, 1978. Residues in or on barley grain and wheat grain not in excess of 0.1 ppm remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: January 3, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-1106 Filed 1-12-77;8:45 am]

[FRL 670-3; OPP-30000/8A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Compound 1080 and Compound 1081; Extension of Time

On November 22, 1976, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredients Compound 1080 (sodium fluoroacetate) and Compound 1081 (sodium fluoroacetamide). This notice was published in the FEDERAL REGISTER on December 1, 1976 (41 FR 52792). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted (40 CFR 162.11(a) (1) (i)).

Requests for an additional 60 days in which to present evidence to the Agency have been received from many of the applicants and registrants who were affected by the notice of presumption as well as by other interested parties. Requestors have specified a need for additional time to retrieve, review, and consolidate a wealth of available data to adequately respond to the issues raised in the notice of presumption. In addition, the Agency has received a request for an extension from the U.S. Department of Agriculture which has recently formed an assessment team to collect use information preparatory to benefit/risk assessments for certain RPAR pesticides which includes Compound 1080 and Compound 1081. The formation of this assessment team has taken considerable time and effort as well as coordination with a number of States and other organizations affected by the notice of presumption. USDA stated that a 60-day extension would permit this team to conduct an effective in-depth data collection effort.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by those wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until March 7, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/8". Comments and information received on or before March 7, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after March 7, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The filing supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Rm. 447, East Tower, during the same time period.

Dated: January 6, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-1105 Filed 1-12-77;8:45 am]

[FRL 670-2; OPP-30000/7A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Strychnine and Strychnine Sulfate; Extension of Time

On November 22, 1976, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredients strychnine and strychnine sulfate which are registered for outdoor, above-ground use. This notice was published in the FEDERAL REGISTER on December 1, 1976 (41 FR 52810). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Requests for an additional 60 days in which to present evidence to the Agency have been received from many of the applicants and registrants who were affected by the notice of presumption as well as by other interested parties. Requestors have specified a need for additional time to retrieve, review, and consolidate a wealth of available data to adequately respond to the issues raised in the notice of presumption. In addition, the Agency has received a request for an extension from the U.S. Department of Agriculture which has recently formed an assessment team to collect use information preparatory to benefit/risk assessments for certain RPAR pesticides which includes strychnine and strychnine sulfate. The formation of this assessment team has taken considerable time and effort as well as coordination with a number of States and other organizations affected by the notice of presumption. USDA stated that a 60-day extension would permit this team to conduct an effective in-depth data collection effort.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by those wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until March 7, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/7__. Comments and information received on or before March 7, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after March 7, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Rm. 477, East Tower, during the same time period.

Dated: January 6, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-1104 Filed 1-12-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

POWER PLANT ENERGY SOURCES; COAL USE

Intention To Issue Construction Order

The Federal Energy Administration (FEA) hereby gives notice of its intention to issue a Construction Order pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended (ESECA), and 10 CFR 303 and 307, to the following powerplant in the early planning process:

Docket No.	Owner	Generating station	Unit No.	Location
OCU-186-N	Gainesville-Alachua County Regional Utilities Board.	Deerhaven.	2	Hague, Fla. (Alachua County).

FEA hereby also gives notice of the opportunity for written and oral presentation of data, views and arguments by interested persons regarding this proposed Construction Order.

The proposed order would require the above-named powerplant in the early planning process to be designated and constructed to be capable of using coal as its primary energy source.

Prior to the issuance of a Construction Order to a powerplant, section 2(c) of ESECA and 10 CFR 303.46(b), 307.3(b), and 307.3(c) require that FEA find that the powerplant is in the early planning process. They also prohibit FEA from issuing a Construction Order if FEA finds that (1) the order is likely to result in an impairment of reliability or adequacy of service, or that (2) an adequate and reliable supply of coal is not reasonably expected to be available. FEA's proposed findings, as well as its proposed conclusions and rationale with respect to these findings, for the powerplant are set out in Section I of Appendix A to this notice. These findings, conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information availabale to FEA. The findings, conclusions and rationale will be included, with any amendments, in the Construction Order if it is issued.

In addition, Section 2(c) of ESECA and 10 CFR 303.46(b), 307.3(d) require that FEA consider certain other factors prior to issuance of a Construction Order. FEA's initial conclusions, and a brief statement of the rationale for each, with respect to such considerations are set out in Section II of Appendix A to this notice. The conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The conclusions and rationale will be included, with any amendments, in the Construction Order if it is issued.

Upon completion of the proceeding described in this notice, FEA may determine to issue a Construction Order to the above-named powerplant. The Construction Order will not become effective, however, until FEA has considered the environmental impact of the order, pursuant to 10 CFR 208.3(a)(4) and 307.7, and has served the affected powerplant with a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.47(b) and 307.5. 10 CFR 307.7(c) requires that prior to the issuance of a Notice of Effectivness to a powerplant, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result in either 1) a declaration that the Construction Order will not, if made effective by a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment; or, 2) the preparation by FEA of an environmental impact statement covering the significan site-specific impacts that are likely to result from the Construction Order and that have not been adequately addressed in the programmatic Environmental Impact Statement (FES 75-1, dated April 25, 1975) for the FEA program to implement section 2 of ESECA, or in other official documents made publicly available during the FEA proceeding in connection with issuance of the Construction Order, or otherwise made available to the public. If FEA prepares an environmental impact statement covering significant site-specific impacts from the Construction Order, the statement shall be prepared and published for comment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement.

Comments are solicited addressing (1) the adequacy and validity of each of the proposed findings, and the conclusions and rationale in support of these findings, as well as the conclusions with respect to the other factors FEA must consider and rationale in support of these conclusions, (2) the environmental impact of the issuance of a Construction Order, including any site specific environmental impacts, and, (3) any other aspects or impacts of the proposed Construction Order believed to be relevant.

Any powerplant issued a Construction Order will have to comply with applicable new source performance standards prescribed by the Environmental Protection Agency under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

Pursuant to 10 CFR 303.173 (c) and (d), FEA hereby announces that a public hearing to receive oral presentation of data, views and arguments from interested persons will be held beginning at 2 p.m., e.s.t., on January 28, 1977, at City Commission Meeting Room, 4th Floor, City Hall, Gainesville, Florida 32601. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, should contact Warren W. Zurn, FEA Region IV, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309, (404) 257-2944. The request should be received before 4:30 p.m., e.s.t., January 21, 1977. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate spokesperson for the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through January 27, 1977. Speakers will be contacted by an FEA representative before 4:30 p.m., e.s.t., January 24, 1977, and should submit 10 copies of the oral presentation to be made at the hearing, if possible, unless such presentation is less than five (5) pages, in which case only one copy is required. The copies of the statement should be sent to Warren W. Zurn, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309 before 4:30 p.m., e.s.t., January 27, 1977.

If an oral presentation is to be made, detailed technical data, views and arguments should be made in written comments submitted in support of the oral presentation, and the oral presentation itself should be a summary of those written comments.

While FEA will endeavor to provide adequate opportunity to all who desire to speak, FEA reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited, based on the number of persons requesting to be heard. The FEA will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views and arguments.

An FEA official will be designated to preside at the hearing, which will not be a judicial or evidentiary hearing. During oral presentations, only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity, if she or he so desires, to make a rebuttal statement.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask questions, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by the FEA and made available for inspection and copying at the public reading room located in Room 2107, Federal Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C., and the FEA Regional Office, 1655 Peachtree Street, N.E., Atlanta, Georgia, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to the proposed Construction Order to Executive Communications, Federal Energy Administration, Box KC, Washington, D.C. 20461.

Comments and other documents submitted to FEA Executive Communications should be identified on the outside of the envelope in which they are transmitted and on the document with the designation "Proposed Construction Order for the Deerhaven No. 2 Powerplant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., e.s.t., February 25, 1977, all oral presentations, and all other relevant information submitted to or otherwise available to FEA will be considered by FEA prior to issuance of the Construction Order.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing section 2 of ESECA (10 CFR Parts 303 and 307), are available from the FEA Regional Offices:

Federal Energy Administration, regional offices

Region	Address	Phone
I	Robert Mitchell, Regional Administrator, 150 Causeway St., room 700, Boston, Mass. 02114.	(617)223-3707
II	Alfred Kleinfeld, Regional Administrator, 26 Federal Plaza, room 3206, New York, N.Y. 10007.	(212)264-1021
III	J. A. LaSala, Regional Administrator, 1421 Cherry St., room 1001, Philadelphia, Pa. 19102.	(215)597-3800
IV	Donald Allen, Regional Administrator, 1655 Peachtree St. NE., 8th floor, Atlanta, Ga. 30309.	(404)526-2830
V	N. Allen Andersen, Regional Administrator, Federal Office Bldg., 175 West Jackson Blvd., room A-333, Chicago, Ill. 60604.	(312)353-8420
VI	Delbert Fowler, Regional Administrator, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Tex. 75235.	(214)749-7754
VII	Nell Adams, Regional Administrator, Twelve Grand Bldg., P.O. Box 2208, 112 East 12th St., Kansas City, Mo. 64142.	(816)374-2081
VIII	Dudley Faver, Regional Administrator, P.O. Box 26247, Belmar Branch, 1075 South Yukon St., Lakewood, Colo. 80226.	(303)234-2429
IX	William Arntz, Regional Administrator, 111 Pine St., San Francisco, Calif. 94111.	(415)556-7216
X	Jack B. Robertson, Regional Administrator, 1992 Federal Bldg., 915 2d Ave., Seattle, Wash. 98174.	(206)442-7280

Any questions regarding this Notice should be directed to the FEA National Office as follows: Federal Energy Administration, Code OCU (Construction Order: Deerhaven No. 2) Washington, D.C. 20461.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*), as amended by Pub. L. 94-385; E.O. 11790 (39 FR 23185)).

Issued in Washington, D.C. January 7, 1977.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

APPENDIX A, PROPOSED FINDINGS AND CONCLUSIONS

ESECA and the FEA regulations require FEA to make certain findings and to consider certain factors before issuing a Construction Order. FEA's initial findings, as well as its initial conclusions with respect to the factors FEA is required to consider, are set out below with respect to the powerplant named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OCU-186-R	Gainesville-Alachua County Regional Utilities Board.	Deerhaven.	2	Hague, Fla. (Alachua County).

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I. PROPOSED FINDINGS

A. *The Powerplant Is In The Early Planning Process.* Based on an analysis of the information submitted to or otherwise available to FEA, including the information provided by the powerplant on FEA Form C–603–S–0 (Identification Report) and information provided by the powerplant in response to subsequent inquiry to assure the continued applicability and currency of such information, including an on-site inspection visit, FEA proposes to find that the powerplant is in the early planning process. This proposed finding is based on the facts, assumptions, and reasoning stated below:

(1) The powerplant has identified itself as a powerplant in the early planning process by filing with FEA Form C–603–S–0 in accordance with 10 CFR 307.6(b) and with the notice of the requirement to file such report that was published in the FEDERAL REGISTER on May 22, 1975 (40 FR 22309).

(2) The date by which the powerplant plans to commence the sale or exchange of electric power is not more than 10 years from December 31, 1976, and the driving of the foundation piling, or the equivalent foundation structural event, in accordance with the approved final drawings for the main boiler of the powerplant, has not commenced.

(a) The State of Florida Department of Environmental Regulation has not yet completed the site certification process for the Deerhaven No. 2 unit. No construction work at the site can begin until the site certification is granted.

(b) An inspection of the proposed powerplant site by an FEA official was conducted on September 17, 1976. The inspection confirmed that the driving of the foundation piling, or the equivalent structural event, had not commenced.

B. *FEA cannot find that the design and construction of Deerhaven No. 2 with the capability of using coal as its primary energy source is likely to result in an impairment of the reliability or adequacy of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to or otherwise available to FEA and after consultation with the Federal Power Commission (FPC), FEA proposes that it cannot find that the requirement that this powerplant be designed and constructed to be capable of using coal as its primary energy source is likely to result in an impairment of the reliability or adequacy of service. This proposed finding is based on the facts, assumptions, and reasoning stated below:

(1) *Interconnection and Power Dispatching.* (a) The powerplant will be within the geographical area of the Southeastern Electric Reliability Council (SERC).

(b) The powerplant will be interconnected with and participate in Regional Power Planning with the Florida Power Corporation (Florida). Gainesville-Alachua County Regional Electric, Water, and Sewer Utilities Board (Gainesville) and Florida presently rely upon each other for emergency interchange of electricity. Gainesville and Florida have negotiated an agreement pursuant to which Florida will purchase a minimum of 75 MWe from the Deerhaven No. 2 Unit.

(c) Dispatching of electric power is controlled by Gainesville.

(d) "Dispatching system" as used in this proposed finding means the Gainesville dispatching system.

(2) *Forecast Peak Loads.* (a) The Gainesville system has experienced peak loads during the summer season for the past several years. FEA estimates that the requirement that Deerhaven No. 2 be designed and constructed to be capable of using coal as its primary energy source could delay the commencement of sale or exchange of electric power by the powerplant for one year. The official statement issued by the City of Gainesville on May 26, 1976, for the issuance of Electric, Water and Sewer Revenue Bonds, First series of 1976, states that the proposed powerplant, as presently planned, with oil firing, is scheduled to commence commercial operation in the fourth quarter of 1979. The summer peak load for the dispatching system during the year in which FEA etsimates that Deerhaven No. 2 will not be engaged in the sale or exchange of electric power is forecast to be 222MWe.

(b) The peak load forecasts have been compared with peak loads in previous similar periods and the average load growth rate for the 1979–1982 period is forecast to be 7.4%, which is considered reasonable. For example, in 1976 the summer peak load was 158 megawatts which was an increase of 11 megawatts (7.5%) over the 1975 peak load.

(3) *Capacity.* (a) As of September 1976, the net dependable capacity of the Gainesville system was 245 MWe (FPC Form 12–E–2, 10/7/76).

(b) As of the first quarter of 1979, the estimated net dependable capacity of all powerplants of the dispatching system excluding Deerhaven No. 2, will be 257 MWe (FPC Form 12–E–2, dated 10/7/76).

(c) No other additions, retirements, and powerplant reratings are forecast during the period in which Deerhaven No. 2 will not be engaged in the sale or exchange of electric power as a result of this Construction Order (1979–80).

(4) *Outages.* (a) FEA has received no information that any outages will be scheduled or planned within the dispatching system during the period while Deerhaven No. 2 will not be available for the sale or exchange of electric power as a result of the Construction Order (1979–80).

(b) FEA has received no information that maintenance of other powerplants within the dispatching system is planned during the period while Deerhaven No. 2 will not be available for the sale or exchange of electric power as a result of the Construction Order (1979–80).

(5) *Net Dependable Capacity.* The forecast net dependable capacity for the dispatching system during the period in which Deerhaven No. 2 may not be engaged in the sale or exchange of electric power as a result of this Construction Order is 257 MWe.

(6) *Gross Reserve Margin-Dispatching System.* The expected minimum gross reserve margin (difference between net system capability and peak load in percent of peak load) of the dispatching system is as follows:

GAINESVILLE

	Percent
1977 summer peak	44.6
1978 summer peak	34.3
1979 summer peak	29.9
1980 summer peak	20.8

(7) *System Stability.* Available information regarding dispatching system stability has been evaluated for the period stated in part 6), above. The issuance of a Construction Order to the powerplant will not cause a significant system stability problem since it is estimated that Deerhaven No. 2 will be available for commercial service prior to the 4th quarter 1980.

(8) *Reliability of Service.* (a) The estimated gross reserve margin of the dispatching system during the summer peaks in 1979 and 1980, when this powerplant will not be engaged in the sale or exchange of electric power, is forecast to range between 29.9% and 20.8%. The Federal Power Commission considers this to be an acceptable reserve margin.

(b) If dispatching system conditions during the period in which Deerhaven No. 2 will not be engaged in the sale or exchange of electric power are as presently forecast by FEA, there will be no impairment, within the meaning of ESECA, of reliability of service provided by Gainesville.

(c) It should be noted that Gainesville relies on its interconnections with Florida Power Corporation for emergency exchange of electricity. Existing transmission system interconnections are presently able to transfer approximately 100,000 KVA of power into the dispatching system at the Archer Station. This additional available capacity will provide a standby of electric power, and will enhance the reliability of service. In addition, the Idylwild substation provides 88,000 KVA. The installation of a second 100,000 KVA transformer is curerntly underway at the Archer Station and will provide the dispatching system with a total transfer capability of 288,000 KVA, or the approximate equivalent of 288 MWe under ideal conditions.

(d) The FPC in its reliability analysis has concluded that the Deerhaven Unit No. 2 can probably be delayed until the winter 1980–81 peak load period without creating any reliability problem within the dispatching system.

3. *FEA cannot find an adequate and reliable supply of coal is not expected to be available.* This finding is based upon the facts, interpretations, and assumptions stated below:

Rationale

A. *Total coal reserves.* United States coal reserves are more than sufficient to supply national needs for the distant future. U.S. Department of the Interior, Bureau of Mines data show a coal reserve base of over 400 billion tons, over half of which is currently technically and economically mineable. (Mineral Industry Surveys, Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, prepared in Mineral and Materials Supply/Demand Analysis, May 1975 [hereafter "BOM Survey"]). Within these mineable reserves approximately 200 billion tons contain 1% or less sulfur by weight. To determine the quantities of these reserves that will be available and time frames in which such coal will be expected to be available FEA has consulted several studies, referenced herein, which taken together provide the best current evidence as to coal availability for the period ending in 1985.

For projected production beyond 1985, FEA has determined that, it is reasonable to rely on the BOM Survey, which indicated recoverable national coal reserves of over 200 billion tons and, consequently, continued availability of coal beyond 1985.

B. *Nationwide coal supply/demand.* The comparison, stated below, of estimated national coal production and the total tonnages of uncommitted planned coal production derived from a sample of surveyed companies shows there should be sufficient production of coal to meet the requirements of the total ESECA program demands. An adequate quantity of coal is projected to be produced through 1980 to meet all demands. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total national coal production for 1985, although known to be only a partial projection at this time, already meets over 98% of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production. The surveyed sample of companies indicates that plans for considerable production have been or are being made.

(1) It is estimated that it will be practicable to produce coal nationally as follows:

Year:	Production (million tons)
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures above are derived from FEA's Coal Mine Expansion Study (May 1976, ICF, Inc., under contract to FEA, Office of Coal). A survey conducted in the process of performing this study shows that most coal producers do not currently have firm or accurate plans for new capacity additions beyond 1980. The 1985 production projection, therefore, tends to underestimate actual production potential.

An FEA survey, (Availability of Potential Coal Supply Through 1985 by Quality Characteristic, August 1976, Prepared by Resource Analysis Division, NUS Corporation [hereafter "NUS Market Study"]), conducted under contract for FEA, indicates national total tonnages of uncommitted coal presently planned for production:

Year:	Tonnage (million tons)
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

(b) The estimated national demand, excluding any increased demand resulting from FEA action under the authority of section 2 of ESECA, is as follows (1976 National Energy Outlook, FEA, 1976):

Year:	Demand (million tons)
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

(3) The estimated additional demand for coal resulting from this order and from all recipients to date of outstanding prohibition orders under authority of section 2 of ESECA is estimated to be as follows: Coal Availability and Demand: Round I and II Coal Conversion Candidates, prepared by NUS Corporation [hereafter "NUS–1997 Study"].

Year:	Demand (million tons)
1978	9.1
1979	12.0
1980	17.0
1981	19.5
1982 (and after)	20.7

(4) FEA expects that the coal for the plant will most likely be bought from producers according to regional supply/demand relationships related to the plant's location. These coal supply areas consist of Bureau of Mines Districts 7 through 15. FEA acknowledges, however, that the powerplant could purchase coal in other markets as such production becomes available. The national nature of the coal market has become more apparent in recent years. (*The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond*, School of Engineering, University of Penn., Nov. 7, 1975).

C. *Market survey.* The NUS Market Study is based on data from 31 mining companies that supplied useful information on 96 logical mining units (a logical mining unit is a company's operation distinct from other mining operations). Responses from these companies identified planned production of coal which is not committed to a specific buyer. For those companies which did not respond to the survey FEA estimated their uncommitted planned production based upon their 1974 production.

(1) FEA's "NUS–1997 Study," prepared in conjunction with the NUS Market Study, has determined that Deerhaven No. 2 is able to burn coal of the following characteristics and comply with all applicable air pollution requirements:

BTU per pound	12,500 minimum.
Moisture (percent)	15 percent maximum.
Ash (percent)	20 percent maximum.
Volatile (percent)	15 percent minimum.
Ash softening temperature (°F)	2,200 minimum.
Sulfur [1]	0.8 percent maximum (approximate).

[1] The coal used shall have a maximum sulfur content such that when burned it will result in emissions not greater than 1.2 lbs. of sulfur dioxide per million BTU (*State Implementation Plan Emission Regulations for Sulfur Oxides: Fuel Combustion, Environmental Protection Agency*, Publication No. EPA–450/2–76–002, February 7, 1976).

The additional demand for coal, described above, resulting from this Construction Order is estimated to be as follows (at a 70% capacity factor):

Year:	Demand (thousand tons)
1979	0
1980	330
1981	660
1982 (and after)	660

(2) *Planned production*

(a) FEA has determined that coal of the type described in paragraph C(1), above, is uncommitted to a specific buyer and will be potentially available to the powerplant in a nationwide market as follows:

Year:	Production (thousand tons)
1980	38,309
1981	45,117
1982	47,560
1983	50,782
1984	60,691

This amount of coal (described by characteristic) exceeds demand expected from the candidate for this Construction Order. The amount also exceeds the demand expected from all recipients to date of outstanding prohibition orders issued pursuant to Section 2 of ESECA (regardless of coal characteristics required). Such demand as stated in paragraph A(3), above is:

Year:	Demand (thousand tons)
1978	9,100
1979	12,000
1980	17,000
1981	19,500
1982	20,700
1983	20,700
1984	20,700

(b) Coal of the type described in paragraph C(1), above, is uncommitted to a specific buyer and will be potentially available to the powerplant in Bureau of Mines Districts 7 through 15 as follows:

Year:	Production (thousand tons)
1980	34,841
1981	40,972
1982	43,186
1983	46,109
1984	55,153

This expected production (described by characteristic) exceeds the demand for coal from Bureau of Mines Districts 7 through 15 expected to result from all recipients to date of outstanding prohibition orders issued pursuant to section 2 of ESECA (regardless of coal characteristics required). Such demand is estimated as follows:

Year	Demand (thousand tons)					
	Percent sulfur					
	<0.6	0.61–1.0	1.01–1.4	1.41–1.8	1.81–2.2	>2.21
1980	0	5,166	2,040	2,796	377	1,564
1981	0	6,394	2,686	3,278	377	1,733
1982	0	6,821	2,686	3,374	992	1,733
1983	0	6,821	2,686	3,374	992	1,733
1984	0	6,821	2,686	3,374	992	1,733

(3) *Results of the Market Survey.* (a) FEA's market survey has identified nationally and in Bureau of Mines Districts 7 through 15 uncommitted coal that is of, or can be blended to, the powerplants' requirements as described in paragraph C(1), above. This uncommitted coal production, by large quantities, so exceeds expected demand not only from one possible order recipient but from added total demand resulting from orders issued pursuant to section 2 of ESECA that FEA is able to find that this uncommited coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this Construction Order and other FEA orders issued under section 2 of ESECA.

D. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

E. *Coal transportation facilities.* (a) *Route of coal shipment.* A typical route for the Deerhaven No. 2 powerplant is to originate coal on the Louisville and Nashville Railroad to Dossett, Tennessee, via Winchester, Kentucky. Southern would move the coal from there to Knoxville, Tennessee, where Louisville and Nashville would pick it up again and carry it to Atlanta, Georgia. Southern would move it from Atlanta to Hampton, Florida, via Macon and Valdosta, Georgia. Seaboard Coast Line would deliver

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the coal to Deerhaven No. 2 in Gainesville, Florida. Total mileage is approximately 600 miles.

(b) *Originating trunk carrier.* The Louisville and Nashville Railroad (of Seaboard Coast Line Industries), the originator of coal for Deerhaven No. 2, had about 35,000 hopper cars as of 1976, with an average capacity of 75 tons per car, and a range in capacities from 55 to 100 tons per car. As indicated above, Deerhaven No. 2 is expected to require about 660,000 tons of coal per year by 1982. With an average of 20 deliveries per year, carrying an average of 75 tons per car, an estimated 440 dedicated cars will be required by the Nashville and Louisville Railroad to handle the additional demand from Deerhaven No. 2. This conservatively assumes that the railroad will not utilize any existing excess originating capacity or cars from other carriers in the originating vicinity. Thus these estimates represent maximum new car needs for the conversion of the plant to coal, when realistically these needs will be somewhat smaller. The carrier estimates that it has about 2,000 cars in heavy bad order, with a plan to retire 1,500 to 1,800 cars in the current year (1976) and to repair about 5,600 cars in 1977. Hopper capacity is expected to expand at the rate of about 3.5 to 4 percent annually through 1985. The Louisville and Nashville Railroad indicated that it is willing to acquire any needed capacity involved in shipment to the Deerhaven facility and that it will modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utilities prepare to burn coal. Either general trains or unit trains could be negotiated.

The Louisville and Nashville Railroad indicated that mine sites within the district are in satisfactory condition and that loading facilities could handle the required coal volumes. There are no apparent constraints to carrying coal for any intermediate carriers used.

(c) *Destination carrier and powerplant facilities.* The destination carrier for Deerhaven No. 2 is the Seaboard Coast Line, whose jurisdiction includes tracks to the powerplant. At present, the plant is designed to receive oil from Jacksonville, Florida, by transport truck. A railroad spur exists connecting the Seaboard Coast Line tracks to the powerplant property. The spur deadends with one section leading to an oil loading and unloading area and the other to the powerplant for delivery of large freight items. In order to be able to accommodate coal delivery, a loop will have to be built so that cars can be brought in, unloaded and sent out. Coal would be released from bottom dumping cars onto a conveyor system, which would move the coal to the coal pile. No major obstacle to installing the necesary facilities is anticipated. Existing tracks to the powerplant will be adequate to handle the coal traffic that may result from issuance of this order.

(d) Based on the above, FEA concludes that sufficient rolling stock will be available to transport the increased coal demand resulting from this Construction Order and that adequate rail facilities exist to transport the coal required.

II. PROPOSED CONCLUSIONS CONCERNING FACTORS FEA IS REQUIRED TO CONSIDER

A. *The Existence and Effects of Any Contractual Commitment for the Construction of the Powerplant.* The powerplant has informed FEA of the existence of contracts for the purchase of oil storage tanks, an oil-fired steam generator, transformers, a turbine generator, pumps, heating and cooling equipment, and electrical equipment. In addition, contracts have been identified for site improvement and the engineering and construction of the powerplant. Issuance of a Construction Order to Deerhaven No. 2 is expected to result in the cancellation of the contract for an oil-fired steam generator. The utility indicates that all other existing contractual commitments for Deerhaven No. 2 can be adapted to a coal-fired powerplant. The powerplant informed FEA by letter dated September 27, 1976, that the sum of the added expenditures that would be required to alter the presently planned oil-fired powerplant is estimated to be $44 million if a low sulfur coal system is constructed or $64.3 million if a high sulfur coal system is constructed. These estimates include the cost of cancellation of the oil-fired steam generator contract.

B. *The Capability of the Powerplant To Recover Any Increase in Projected Capital Investment Required as a Result of a Construction Order.* Pursuant to its Charter and Chapter 75-200, Laws of Florida, the City of Gainesville is authorized to issue revenue bonds to finance the cost of acquisition and construction of electric systems and extensions, additions and improvements thereto.

In the past the City of Gainesville has demonstrated the ability to raise capital. In 1966 the City issued Electric, Water and Sewer Bonds presently outstanding in the principal amount of $95,080,000. Pursuant to Ordinance No. 2112, the City Commission on March 8, 1976, authorized the issuance of $99,400,000 of Bonds on a parity with the presently outstanding 1966 Bonds for the purpose of financing the cost of Deerhaven No. 2, Crystal River No. 3, and certain related projects. On May 26, 1976, $30,000,000 of Bonds were successfully placed. These bonds were well received by the investing public and rated AA by Standard and Poor's and A1 by Moody's.

Since the powerplant has estimated that it will require an additional capital investment of $44.0 million if it utilizes a low sulfur coal-fired steam generator or $64.34 million if it utilizes a higher sulfur coal-fired steam generator, the City will need to raise this additional capital.

Gainesville has studied the question of the raising and recovery of capital and presently plans to raise the additional capital through a financing plan which is basically a 29 year issue with no provision for capitalization of interest or reserve fund. (Gainesville-Alachua County Regional Electric, Water and Sewer Utilities Board Report, page 29, November 10, 1976.)

C. *The Potential Loss of Revenue Resulting from a Delay in Commencement of the Sale or Exchange of Electric Power, If Any, as a Result of a Construction Order.* FEA proposes to conclude that there will be no loss of revenue within the meaning of ESECA.

D. *The Relevant Regulations or Policies of Any State or Local Agency with Jurisdiction Over the Sale or Exchange of Electric Power by the Powerplant.* No relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by the powerplant have been brought to FEA's attention that would affect the powerplant as a result of the FEA requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source, nor is FEA aware of any such regulations or policies. FEA, therefore, proposes to conclude that it is not necessary or appropriate to consider the effects on the powerplant of such regulations and policies.

[FR Doc.77-1115 Filed 1-10-77;10:32 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76-43]

MATSON NAVIGATION CO.—PROPOSED RATE INCREASES IN THE UNITED STATES PACIFIC COAST/HAWAII DOMESTIC OFFSHORE TRADE

Modification of Order of Investigation

The Commission's Order of August 5, 1976, instituting this proceeding provided, inter alia, that:

> The Commission is of the further opinion that action should be deferred in this investigation until the issues relating to the above described methodology (i.e., that employed by Matson in arriving at its rate of return figures, including its depreciated rate base and deferred income tax calculations) in either Docket No. 73-22 or Docket No. 75-57 are resolved and a final Commission decision therein issued, because a resolution of those issues in either of these cases will directly affect the course of this investigation.
>
> • • • the hearing date shall not be set until this Commission issues a final decision on the issues relating to methodology in either Docket No. 73-22 or Docket No. 75-57.[1]

Matson Navigation Company (Matson) has now filed a motion requesting that the Commission amend its Order of Investigation to allow hearings to go forward on issues other than those concerned with Matson's methodology in calculating its rate base. The grounds cited by Matson are as follows:

(1) There is no issue as to 'mootness' in this proceeding.

(2) The basic statistical and financial data will have to be presented for the record, and the nature and scope of this presentation will not be affected by the rulings on methodology issues. The methodology rulings will affect only the legal significance of and conclusions to be drawn from the basic data.

(3) All the parties to the instant proceeding were also parties to the investigations in Docket No. 75-57 and 73-22. It will, therefore, be feasible to incorporate by reference in this proceeding appropriate portions of the record in the prior investigations. This will avoid duplicative effort. It is unnecessary to resolve the methodology issues in advance and the evidentiary hearing in this proceeding.

(4) At the conclusion of the evidentiary phase of the hearing, the Presiding Administrative Law Judge or the Commission may make any order appropriate in the premises with respect to methodology. Meanwhile, most of the time consuming work in the instant proceeding will have been completed.

The Military Sealift Command supports Matson's request. Commission Hearing Counsel "are not opposed to the Motion *per se*" but wish to preserve their right to object to holding hearings prior to the adjudication of Docket No. 73-22 or Docket No. 75-57, if it becomes apparent during the prehearing conference "that Matson's procedural proposals are unworkable or inequitable to the other parties in this proceeding."

We find merit in Matson's request. Accordingly, our Order of Investigation will be modified to allow the Presiding Administrative Law Judge to proceed forthwith with the investigation. It is still our intention, however, to avoid unnecessary expense and duplication of effort. Therefore, the issue as to the proper methodology to be applied will await the outcome of either Docket No. 73-22 or Docket No. 75-57. The methodology determinations which evolve from either of those proceedings can then be applied to the basic data in the instant proceeding. This procedure is particularly appropriate here in light of the fact that the parties are the same in all three proceedings.

Therefore, it is ordered, That our August 5, 1976 Order of Investigation and Hearing in this proceeding is amended by deleting, in the 6th ordering paragraph thereof, the phrase which reads "but in any event, the hearing date shall not be set until this Commission issues a final decision on the issues relating to methodology in either Docket No. 73-22 or Docket No. 75-57."

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-1120 Filed 1-12-77;8:45 am]

[1] Docket No. 73-22, Matson Navigation Co.—Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii, et al. and Docket No. 75-57, Matson Navigation Company—Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade, are pending investigations into rate increases in the Hawaii/Pacific Coast trade. The methodology issues are the same in all these proceedings.

FEDERAL TRADE COMMISSION

STAFF MEMBERS

Delegation of Authority

Section 102(c) of the Magnuson-Moss Warranty Act prohibits a warrantor from conditioning the warranty on the consumer's use of another article or service which is identified by brand, trade, or corporate name and which is not provided without charge under the terms of the warranty. This section also provides that a warrantor may apply for a waiver of this prohibition. The procedure for hearing waiver applications is also set out in Section 102(c). It directs the Commission to "identify in the FEDERAL REGISTER, and permit public comment on, all applications for waiver of this subsection • • •", 15 U.S.C. 2302(c).

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 FR 6191), the Federal Trade Commission announces that it has delegated the authority to order publication in the FEDERAL REGISTER of notices of applications for waiver of Section 102(c) of the Magnuson-Moss Warranty Act to the Director of the Bureau of Consumer Protection.

By direction of the Commission dated December 27, 1976.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-1177 Filed 1-12-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 4, 1977 (FEA), and January 6, 1977 (CAB). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA and CAB requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before January 31, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW, Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

FEA requests clearance of a new single-time voluntary proposed survey form FEA-U531-S-0, Buildings Workshops Survey. The voluntary evaluation forms will be used to help evaluate buildings workshops presented as a part of the Energy Conservation Workshops Program (ECWP). The ECWP will present a series of executive conferences and workshops. Participation in the program is voluntary. The conferences and workshops will promote accelerated implementation of conservation in the private sector. A control group of invitees who chose not to attend the workshop will be given the opportunity to supply information concerning buildings energy conservation by using Form U531-S-0. A sample of invitees choosing not to attend will be drawn to make up the control group and will be invited to fill out Form U531-S-0. The form will be distributed to and collected from the control group by mail. Workshop participants will also be given the opportunity to evaluate the workshops by completing Form U531-S-0 during the workshop. Data from Form FEA-U531-S-0 will be used in the management, monitoring, and evaluation of the Buildings Workshops. FEA estimates potential respondents will be approximately 4,600 building owners and managers, of which 4,000 will be conference attendees and 600 nonattendees; and burden is estimated to be 15 minutes per response.

FEA requests clearance of a new single time voluntary proposed survey form FEA-U532-S-O, Industrial Workshops Survey. The voluntary evaluation forms will be used to help evaluate industrial workshops presented as a part of the Energy Conservation Workshops Program (ECWP). The ECWP will present a series of executive workshops and conferences Participation in the program is voluntary. The conferences and workshops will promote accelerated implementation of conservation in the private sector. A control group of invitees who chose not to attend the workshops will be given the opportunity to supply information concerning industrial energy conservation by using Form U532-S-O. A sample of invitees choosing not to attend will be drawn to make up the control group and will be asked to fill out Form U532-S-O The form will be distributed to and collected from the control group by mail. Workshop participants will also be given the opportunity to evaluate the workshops by completing Form U532-S-O during and following the workshop. Data from Form FEA-U532-S-O will be used in the management, monitoring and evaluation of the Industrial Workshops. FEA estimates potential respondents will be approximately 5,600 plant engineers and plant managers, of which 5,000 will be conference attendees and 600 nonattendees; and burden is estimated to be 20 minutes per response.

FEA requests clearance of a new single time voluntary proposed survey form FEA U533-S-O, Vanpool Workshops Survey. The voluntary evaluation forms will be used to help evaluate vanpool workshops presented as a part of the Energy Conservation Workshops Program (ECWP). The ECWP will present a series of executive conferences and workshops. Participation in the program is voluntary.

Conferences and workshops will promote accelerated implementation of conservation in the private sector. All vanpool workshop participants will be given the opportunity to evaluate the conference using Form U533-S-O. A control group of invitees who chose not to attend will also be given the opportunity to supply information concerning vanpools by using Form U533-S-O. FEA estimates that close to 100 percent of the participants will wish to comment. For the control group FEA estimates a lower response rate. Form U533-S-O will be distributed to and collected from participants at each workshop and distributed to non-participants by mail. Data from Form FEA-U5333-S-O will be used in the management, monitoring, and evaluation of the Vanpool Workshops. FEA estimates potential respondents will be approximately 3,000 commercial and industrial organization workshop participants and 600 nonattendees and burden is estimated to be 5 minutes per response.

CIVIL AERONAUTICS BOARD

CAB requests an extension no change clearance of the recordkeeping requirements contained in Part 208 of the Board's Economic Regulations—Terms, Conditions and Limitations of Certificates to Engage in Supplemental Air Transportation. These recordkeeping requirements are mandatory under the Federal Aviation Act of 1958, as amended. CAB estimates that of the 7 active U.S. supplemental air carriers, one or more operates daily a charter flight. Under Part 208 of the Board's regulations the chartering organization is required to file two primary reports with the air carrier; one is a passenger list (name, address, telephone number, length of membership in the organization and relation thereto) and the other report is the statement of supporting information which gives all the significant details about the charter flight. CAB estimates it would take each of the carriers approximately two hours to prepare these two reports for each charter if requested by CAB to submit them. When CAB is informed or suspects a charter flight is not proper it requests submission of these documents.

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CAB requests an extension no change clearance of Form 321, Report of Cargo Operations Under Foreign Aircraft Permit. This form is an after-flight cargo report filed by carriers authorized to conduct operations under section 1108(b) of the Federal Aviation Act of 1958, as amended. Submission of Form 321 by these carriers is mandatory under the Act. Initial reports must be submitted not later than the 30th day following commencement of operations and shall report all flights conducted during that period; like reports shall be filed for each succeeding 30-day period. CAB estimates potential respondents are 5 foreign private air carriers and reporting burden is estimated to be 30 minutes per response.

JOHN M. LOVELADY,
Acting Assistant Director,
Regulatory Reports Review.

[FR Doc.77-1147 Filed 1-12-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

ADVISORY COUNCILS

Rechartering

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, (5 U.S.C. Appendix I), the Health Resources Administration announces the rechartering by the Secretary, HEW, on the dates indicated, of the following advisory Councils:

Councils	Rechartering date	Termination date
National Council on Health Planning and Development.	Dec. 3, 1976	Continuing.
National Advisory Council on Nurse Training.	Dec. 8, 1976	Do.
Federal Hospital Council...	Dec. 21, 1976	Do.

Authority for these Councils is continuing and charters will be filed every two years in accordance with section 14(b)(2) of Pub. L. 92-463.

Dated: January 7, 1977.

CLIFFORD ALLEN,
Acting Associate Administrator for Operations and Management.

[FR Doc.77-1182 Filed 1-12-77;8:45 am]

GRANTS FOR PHYSICIANS' ASSISTANTS TRAINING PROGRAMS

Announcement of Application Cycle and Funding Preferences

The Bureau of Health Manpower, Health Resources Administration, announces that applications for grants in fiscal year 1977 for Physicians' Assistants Training Programs are now being accepted under authority of section 774(a) of the Public Health Service Act, as extended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 774(a) of the Public Health Service Act (42 U.S.C. 295f-4(a)) authorizes the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private health or educational entities for the purpose of improving the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system.

This application cycle and announcement of funding preferences for grants for Physicians' Assistants Training Programs under Section 774(a) is in addition to the application cycle for Health Manpower Education Initiative Projects under Section 774(a), previously announced in the FEDERAL REGISTER on November 23, 1976 (41 FR 51657).

Section 57.2606(a) of the implementing regulations (42 CFR Part 57, Subpart AA), provides that the Secretary in awarding grants will take into consideration, among other pertinent factors, the national need which the particular project proposes to serve.

Notice is hereby given that the Secretary has determined there is a priority national need for programs to train physicians' assistants, especially in States which have no such programs, and further, to maintain the output of trained physicians' assistants in current programs. Therefore, for grants in fiscal year 1977 for Physicians' Assistants Training Programs, preference in funding will be given to projects to:

1. Establish programs in States which do not have a training program, or
2. Prevent a reduction of the number of students currently being trained in an accredited program.

Although funding preference will be given to projects addressing the national needs, all applications for Physicians' Assistants Training Programs will be received and considered for funding.

It should be noted that the accrediting body recognized by the Commissioner of Education for physicians' assistants training programs is the Council on Medical Education of the American Medical Association.

A "health or educational entity" is defined in the regulations (§ 57.2602(f)) as "a public agency or organization or a private nonprofit organization which has the provision of health or educational programs as one of its major functions." Eligible applicants may request application materials by contacting immediately the Regional Health Administrator of the appropriate DHEW Regional Office (addresses indicated below).

To be considered for fiscal year 1977 funding, completed applications must be submitted to the Regional Health Administrator of the appropriate Regional Office no later than February 1, 1977.

DHEW regional offices	*States within regions*
Regional Health Administrator, DHEW Region I—PHS, J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.	Connecticut, Maine, Vermont, New Hampshire, Rhode Island, and Massachusetts.
Regional Health Administrator, DHEW Region II—PHS, Federal Building, 26 Federal Plaza, New York, N.Y. 10007.	New Jersey, New York, Puerto Rico, and Virgin Islands.
Regional Health Administrator, DHEW Region III—PHS, P.O. Box 13716, Philadelphia, Pa. 19101.	Delaware, Maryland, Virginia, West Virginia, Pennsylvania, and District of Columbia.
Regional Health Administrator, DHEW Region IV—PHS, Peachtree-Seventh Bldg., 50 7th St. NE., Atlanta, Ga. 30323.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Regional Health Administrator, DHEW Region V—PHS, 300 South Wacker Dr., Chicago, Ill. 60606.	Illinois, Indiana, Michigan, Ohio, Wisconsin, and Minnesota.
Regional Health Administrator, DHEW Region VI—PHS, 1200 Main Tower Building, Dallas, Tex. 75202.	Arkansas, Louisiana, New Mexico, Texas, and Oklahoma.
Regional Health Administrator, DHEW Region VII—PHS, Federal Office Bldg., 601 East 12th St., Kansas City, Mo. 64106.	Iowa, Missouri, Kansas, and Nebraska.
Regional Health Administrator, DHEW Region VIII—PHS, Federal Office Bldg., 19th and Stout Sts., Denver, Colo. 80202.	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Regional Health Administrator, DHEW Region IX—PHS, Federal Office Bldg., 50 United Nations Plaza, San Francisco, Calif. 94102.	Arizona, California, Hawaii, Nevada, Guam, American Samoa, and Trust Territory of the Pacific Islands.
Regional Health Administrator, DHEW Region X—PHS, Arcade Plaza Bldg., 1321 2d Avenue, Seattle, Wash. 98101.	Alaska, Idaho, Oregon, and Washington.

Dated: January 6, 1977.

HAROLD MARGULIES,
Acting Administrator,
Health Resources Administration.

[FR Doc.77-1093 Filed 1-12-77;8:45 am]

NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Advisory Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of February 1977.

Name: National Council on Health Planning and Development.

Date and time: February 14, 1977, 9 a.m.

Place: HEW Auditorium, 330 Independence Avenue, SW, Washington, D.C. 20201.

Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: This meeting of the Council will primarily be devoted to planning the future work schedule.

The meeting is open to the public for observation. A portion of the meeting will be available for comments and public participation. Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Daniel I. Zwick, Room 10A-56, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1206.

Agenda items are subject to change as priorities dictate.

Date: January 7, 1977.

CLIFFORD ALLEN,
Acting Associate Administrator for Operations and Management.

[FR Doc.77-1181 Filed 1-12-77;8:45 am]

National Institutes of Health

NATIONAL ADVISORY EYE COUNCIL

Meeting Change

Notice is hereby given of a change in the meeting of January 24, 25, and 26, 1977 of the National Advisory Eye Council, National Eye Institute which was published in the FEDERAL REGISTER on December 21, 1976, 41 FR 55592.

This meeting was to have convened at 9:00 a.m. on all three days, but has been changed to convene at 8:30 a.m. on all three days. On Monday, January 24, the meeting was to have been open to the public until 3:30 p.m., but has been changed to remain open to the public only until 1:30 p.m. The schedules for Tuesday, January 25, and Wednesday, January 26, will remain as published in the above cited issue of the FEDERAL REGISTER, i.e., closing at approximately 3:30 p.m. until adjournment on Tuesday, January 25 for the review of grant applications and remaining closed for the entire day of Wednesday, January 26, 1977.

Dated: January 10, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-1255 Filed 1-12-77;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Vision Research Program Planning Subcommittee; Meeting Cancelled

Notice is hereby given of the cancellation of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on Sunday, January 23, 1977, Building 31, Room 6A-21, which was published in the FEDERAL REGISTER on January 4, 1977, 42 FR 860.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health).

Dated: January 10, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-1254 Filed 1-12-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 29467, 29476, 29477, and 29480]

NEW MEXICO

Applications

JANUARY 6, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 6⅝-inch three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 25 E.,
Sec. 4, SW¼SE¼;
Sec. 9, NE¼;
Sec. 10, lots 7, 8, W½SW¼ and SE¼SW¼;
Sec. 11, SW¼;
Sec. 14, W½NE¼, E½NW¼, N½SE¼ and SE¼SE¼;
Sec. 23, E½NE¼ and NE¼SE¼.
T. 20 S., R. 29 E.,
Sec. 17, SE¼NE¼, N½SE¼ and SW¼SE¼;
Sec. 20, NW¼NE¼.
T. 18 S., R. 32 E.,
Sec. 27, NW¼NE¼ and E½W½;
Sec. 34, E½NW¼.

These pipelines will convey natural gas across 6.439 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1159 Filed 1-12-77;8:45 am]

[NM 29479]

NEW MEXICO

Application

JANUARY 6, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 22, lots 1 and 8
Sec. 23, lot 2.

This pipeline will convey natural gas across .488 mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1160 Filed 1-12-77;8:45 am]

[M 141]

SOUTH DAKOTA

Transfer of Submarginal Lands, Crow Creek Indian Reservation

JANUARY 7, 1977.

1. Pursuant to Public Law 94-114 (89 Stat. 577) and Sec. 2 thereof the land described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Crow Creek Sioux Tribe of South Dakota. The land shall be a part of the established Crow Creek Indian Reservation. These lands were submarginal lands ac-

V 42 N 13 7 7 UM

quired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and Sec. 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. All existing mineral lease, including oil and gas leases, which has been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Crow Creek Sioux Tribe.

FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 106 N., R. 69 W.,
Sec. 7, Lots 1 and 2, and E½NW¼;
Sec. 8, W½SW¼; and
Sec. 20, E½NW¼ and SW¼.
T. 107 N., R. 69 W.,
Sec. 17, W½SW¼;
Sec. 19, NE¼;
Sec. 30, Lots 1 and 2, NE¼, and E½NW¼; and
Sec. 32, W½NW¼.
T. 106 N., R. 70 W.,
Sec. 2, SE¼;
Sec. 5, Lots 1 and 2, S½NE¼, and SE¼;
Sec. 8, NE¼, SW¼, and W½SE¼;
Sec. 16, S½NW¼;
Sec. 17, NE¼; and
Sec. 19, Lots 3 and 4.
T. 107 N., R. 70 W.,
Sec. 16, NE¼;
Sec. 19, E½;
Sec. 21, NE¼; and
Sec. 26, All.
T. 106 N., R. 71 W.,
Sec. 1 Lot 1 and SE¼NE¼.
T. 107 N., R. 71 W.,
Sec. 1, Lots 1 and 2, and S½NE¼;
Sec. 9, Lots 2, 3, 6, and 7, SW¼NE¼, and SE¼NW¼;
Sec. 11, SW¼ and NW¼SE¼;
Sec. 13, NE¼;
Sec. 22, E½NW¼ and SW¼.
Sec. 26, S½;
Sec. 27, SE¼;
Sec. 35, NW¼; and
Sec. 36, E½NE¼ and E½SW¼.
T. 108 N., R. 71 W.,
Sec. 2, Lots 1 and 2, and S½NE¼;
Sec. 3, Lots 1 and 2, and S½NE¼ (except west 3 rods of all)
Sec. 4 ,Lots 2, 3, and 4, SW¼NE¼, S½NW¼, and SW½;
Sec. 5, W½SW¼;
Sec. 11, SW¼;
Sec. 17, W½;
Sec. 18, Lots 3 and 4, E½, and E½SW¼;
Sec. 28, SE¼;
Sec. 34, NW¼; and
Sec. 35, W½NE¼.
T. 109 N., R. 71 W.,
Sec. 23, SE¼;
Sec. 24, SE¼;
Sec. 27, E½;
Sec. 32, W½SW¼;
Sec. 34, E½NE¼, E½NW¼, and SW¼; and
Sec. 35, E½NW¼.
T. 107 N., R. 72 W.,
Sec. 3, SW¼.
T. 108 N., R. 72 W.,
Sec. 2, NW¼SE¼;
Sec. 21, S½; and
Sec. 23, SE¼.
T. 109 N., R. 72 W.,
Sec. 17, N½;
Sec. 21, E½;
Sec. 22, W½SW¼;
Sec. 25, NE¼;
Sec. 26, N½ and S½SW¼;
Sec. 28, SE¼; and
Sec. 35, N½NW¼ and W½SW¼.
T. 108 N., R. 73 W.,
Sec. 32, NW¼NE¼, W½NE¼NE¼, W½SE¼NE¼NE¼, W½SW¼NE¼, W½E½SW¼NE¼, NE¼NE¼SW¼NE¼, and that portion of the W½NE¼NE¼NE¼ bounded by south and west sides and a diagonal line extending from the northwest corner to the southeast corner.
T. 109 N., R. 73 W.,
Sec. 2, Lots 1 and 2;
Sec. 3, Lots 3 and 4, S½NW¼, and SE¼;
Sec. 4, Lot 3, SE¼NW¼, and SE¼;
Sec. 10, E½SE¼;
Sec. 11, W½SW¼;
Sec. 14, SE¼;
Sec. 19, N½ of Lot 3, N½S½ of Lot 3 except triangular portion of N½S½ of east 660 feet of Lot 3 bounded by the south and east sides and a line extending from the northeast corner to the southwest corner, N½NE¼SW¼, SE¼NE¼SW¼, NW¼NW¼SE¼, and that portion of the SW¼NW¼SE¼ bounded by the north and west sides and a diagonal line extending from the northeast corner to the southwest corner;
Sec. 20, N½SW¼SE¼, N½S½SW¼SE¼, SE¼SE¼SW¼SE¼, and SE¼SE¼;
Sec. 22, SW¼;
Sec. 23, NE¼;
Sec. 27, NE¼; and
Sec. 29, NE¼NE¼NE¼NE¼.
T. 108 N., R. 74 W.,
Sec. 3, SW¼NW¼, W½NW¼SW¼, W½E½NW¼SW¼, NE¼NE¼NW¼SW¼, SE¼SE¼NW¼SW¼, and that portion of W½NW¼SE¼NW¼ bounded by north and west sides and a diagonal line extending from the northeast corner to the southwest corner thereof;
Sec. 4, S½N½ and N½S½;
Sec. 7, NE¼;
Sec. 15, SE¼; and
Sec. 17, NE¼.
T. 109 N., R. 74 W.,
Sec. 1, Lots 3 and 4, and S½NW¼;
Sec. 3, Lots 3 and 4, and S½NW¼;
Sec. 6, Lots 1, 2, 3, 4, and 5, S½NE¼, and SE¼NW¼;
Sec. 7, Lots 1 and 2, NE¼, and E½NW¼;
Sec. 8, W½NW¼;
Sec. 10, SE¼;
Sec. 11, W½NW¼;
Sec. 13, S½S½;
Sec. 14, SE¼;
Sec. 17, NE¼;
Sec. 20, W½SW¼;
Sec. 21, SW¼;
Sec. 28, NE¼ and SW¼;
Sec. 29, SW¼;
Sec. 32, NW¼; and
Sec. 33, NE¼ and E½NW¼.
T. 108 N., R. 75 W.,
Sec. 1, Lots 1, 2, 3, and 4, S½N½;
Sec. 5, Lots 1 and 2, and S½NE¼;
Sec. 13, NW¼ and N½SW¼;
Sec. 14, E½SE¼;
Sec. 18, N½ of Lot 1, East 660 feet of S½ of Lot 1, East 660 feet of N½ of Lot 2, East 330 feet of S½ of Lot 2, East 660 feet of N½ of Lot 5, East 330 feet of S½ of Lot 5, E½NW¼, N½NE¼SW¼, SE¼NE¼SW¼, and E½SW¼NE¼SW¼;
Sec. 19, NE¼NE¼, N½N½NW¼NE¼, SE¼NE¼NW¼NE¼, E½SE¼NW¼NE, N½SE¼NE¼, NE¼SW¼SE¼NE¼, N½SE¼SE¼NE¼, and SE¼SE¼SE¼NE¼;
Sec. 20, N½; and
Sec. 21, NW¼.
T. 109 N., R. 75 W.,
Sec. 19, E½SE¼ and SW¼SE¼;
Sec. 20, E½NW¼, and SW¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, and E½NW¼NW¼NW¼;
Sec. 30, Lots 3 and 4, E½ and E½SW¼; and
Sec. 36, S½NE¼ and NW¼.
T. 109 N., R. 76 W.,
Sec. 25, South 660 feet of the east 660 feet of Lot 2, east 330 feet of south 990 feet of Lot 4, E½NE¼SE¼, SW¼NE¼SE¼, S½NW¼NE¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼. (This tract is off reservation).

The areas described aggregate 19,169.89 acres.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.77-1125 Filed 1-12-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Caretta Research, Inc., Post Office Drawer E, Sanibel, Florida 33957, Charles R. LeBuff, Jr.

CARETTA RESEARCH,
Sanibel Island, Florida,
October 12, 1976.

MR. C. R. BAVIN, Chief,
Division of Law Enforcement,
U.S. Fish & Wildlife Service,
Washington, D.C.

DEAR MR. BAVIN: Reference is made to Mr. Hester's letter dated 21 September 1976 relative to the above cited Endangered Species permit application that would allow Caretta Research, Inc. to collect six eggs or hatchlings of the leatherback turtle (*Dermochelys coriacea*). The additional information which was requested in the form of two questions is discussed below:

1. We have transported both eggs and hatchlings of *Caretta caretta* in styrofoam containers with excellent results. In the case of viable eggs we have customarily surrounded them with sand whereas with hatchlings, providing they are in transit, we have simply maintained them moist and carefully watched the temperature situation. We propose to transport the leatherback eggs/hatchlings in a like manner.

2. In the five year period preceding the date of our application we have maintained seven (7) individuals of this genus (*Dermochelys*). In 1973 three specimens were available from the Florida Department of Natural Resources and we attempted to rear the three. As has been typical like everyone who tried before us we were unsuccessful. In 1975 Mr. Phillips tried with four hatchlings and successfully brought three back to Florida for release (at nine months of age). The fourth specimen succumbed because of a feeding error. According to Mr. Phillips "The leatherback which died was being kept by the Springfield College (Mass.). The food was cut into large pieces and it was unable to swallow them. One piece got lodged in its throat and it could neither get it down or back out and choked to death. To prevent this, food must be cut into smaller pieces. The deceased specimen is preserved and in my possession. It is used as a visual aid during my lectures to school children in Westfield and Longmeadow (Mass.) schools."

We hope that the above information is satisfactory and meets the requirements for material which you requested.

Sincerely yours,

CARETTA RESEARCH, INC.,
CHARLES R. LEBUFF, JR.,
Project Director.

CARETTA RESEARCH,
Sanibel Island, Florida 33957.
September 7, 1976

DIRECTOR (FWS/LE),
U.S. Fish and Wildlife Service,
Washington, D.C.

DEAR SIR: Reference is made to our letter and Federal Fish and Wildlife License/Permit Application dated 27 August 1976.

This is to advise that we have received approval from the Florida Department of Natural Resources to go forward with the subject study for which the endangered species permit is requested. A copy of the letter of State approval is attached and should be appended to our permit application paperwork.

Sincerely yours,

CARETTA RESEARCH, INC.,
CHARLES R. LEBUFF, JR.,
Project Director.

STATE OF FLORIDA,
Department of Natural Resources,
September 3, 1976

MR. CHARLES R. LEBUFF, JR.,
Project Director,
Caretta Research,
Sanibel Island, Florida.

DEAR MR. LEBUFF: Thank you for your letter of 27 August 1976 requesting an amendment to your current turtle permit. Rather than issue a separate permit, you may use this letter as the amendment.

Caretta Research, Inc., is authorized to collect six eggs or hatchlings of the leatherback turtle, *Dermochelys coriacea*, (endangered species) from Florida or import from Costa Rica; transport to Massachusetts; rear said hatchlings and return survivors to Florida at 9-10 months of age for release (June, 1978).

Best wishes for success.

Yours truly,

DIVISION OF MARINE RESOURCES,
CHARLES R. FUTCH,
Assistant Bureau Chief, Bureau of
Marine Science and Technology.

CARETTA RESEARCH,
Sanibel Island, Florida 33957.
August 27, 1976.

DIRECTOR (FWS/LE),
U.S. Fish and Wildlife Service,
Washington, D.C.

DEAR SIR: Enclosed is a completed Federal Fish and Wildlife license/permit application and the necessary attachments.

Mr. Edward J. Phillips, one of our special project directors, has been remarkably successful in captive rearing hatchling leatherback turtles. He has recently maintained this species in a closed system aquarium far longer than anyone thought possible. His success has excited several marine turtle specialists.

A few weeks ago at a sea turtle conference here in Florida we discussed Mr. Phillips' experiences and new techniques relative to the leatherback turtle with Dr. Archie Carr, well-known marine turtle specialist at the University of Florida. Dr. Carr was of the opinion that Caretta Research, Inc. should continue studies on the captive rearing of these endangered sea turtles. He offered his help in obtaining eggs or hatchlings.

We hope that the application and attachments are in order and our permit will be approved without delay.

Sincerely yours,

CARETTA RESEARCH, INC.
CHARLES R. LEBUFF, JR.,
Project Director.

OMB NO. 42-R167

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Collect six (6) eggs or hatchlings of the leatherback turtle, *Dermochelys coriacea*, (endangered species), from Florida or import from Costa Rica; transport to Massachusetts; captive rear young; return those surviving to Florida at 9 - 10 months of age for release (June 1978).

3. APPLICANT: (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Caretta Research, Inc.
Post Office Drawer E
Sanibel, Florida 33957
(813) 472-1041

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE ACTIVITIES TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Marine turtle research and conservation.
Non-profit corporation
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (813) 472-1041
Charles R. LeBuff, Jr., Pres.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Florida

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Eggs or hatchlings will be collected in Florida or Costa Rica. Young will be maintained by Edward J. Phillips at 71 Jefferson St., Westfield, Massachusetts 01085

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit number*)
PRT 8-3499-I-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(*If yes, list jurisdictions and type of document(s)*)
State of Florida approval for this activity applied for and pending.

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 0

10. DESIRED EFFECTIVE DATE
July 1, 1977

11. DURATION NEEDED
one year

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) Charles R. LeBuff, II | DATE August 27, 1976

3-200
16-74

ATTACHMENT TO FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

Dated: August 27, 1976.

From Caretta Research, Inc., Post Office Drawer E, Sanibel, Florida 33957.

From Title 50 CFR 17.22

(A) Application requirements

1. Leatherback turtle, *Dermochelys coriacea*, endangered species. To allow collection of six (6) eggs or hatchlings in the State of Florida or from Costa Rica, transport same to Massachusetts where they will be captive reared for nine or ten months; those surviving will be returned to Florida and released.

2. The eggs/hatchlings would be collected during the summer of 1977.

3. Viable eggs or hatchlings of this marine turtle are only available in the wild.

4. Not applicable

5. The hatchlings will be maintained under the supervision of Edward J. Phillips in his home at 71 Jefferson Street, Westfield, Massachusetts 01085—Phone (413) 568-3692.

6. The specimens will be kept in a series of 20 gallon marine aquariums. These will be filtered and temperature controlled.

7. Mr. Phillips has successfully reared *Dermochelys* hatchlings utilizing the above equipment. He has written a paper, "Raising *Dermochelys coriacea* L. hatchlings," which is in press with the *British Journal of Herpetology* at the time this application was prepared.

V 42 9 JAN 13 77 UM J

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-363-07; please refer to this number when submitting comments. All relevant comments received within 30 days of the date of publication will be considered.

Dated: January 10, 1977.

DONALD G. DONOHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-1112 Filed 1-12-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110, Richard D. Schultz, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To ship one female captive reared White Eared Pheasant Crossoptilon crossoptilon drouyni from Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746, for display, propagation and zoological purposes.

3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER (HOME, EMPLOYER) | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
City and county owned public zoo, USDA licensed, engaged in conservation and propagation of wildlife, education, exhibits, research and recreation.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Richard D. Schultz, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
ES-14, ES-311,ES-156, ES-331, 6-SP-77, PRT-7-172-P-2 (K.C.), 6-SC-78, PRT-2-291

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
N/A

10. DESIRED EFFECTIVE DATE
Feb.-April, 1977

11. DURATION NEEDED
until completed

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (See 12a) | DATE
Jan 23 '77

3-200
(8/75)

ST. LOUIS ZOOLOGICAL PARK,
Saint Louis, Missouri, November 17, 1976.

MR. RICK PARSONS,
Chief, Federal Wildlife Permit Office, U.S. Fish & Wildlife Service, Washington, D.C.

DEAR MR. PARSONS: The St. Louis Zoological Park hereby applies for an endangered species permit under Section 10(a) of the Endangered Species Act of 1973. We submit the following information pursuant to Sections 13.12 of Volume 39, No. 3 and 17.22 of Volume 40, No. 188 of the Federal Register.

1. Request is for permit to obtain one female 1976 hatch Tibetan White Eared Pheasant *Crossoptilon crossoptilon drouyni* by means of interstate commerce.

2. (iii.) The specimen was captive-born.

3. Not applicable.

4. The specimen was hatched and reared at the privately owned pheasant collection of Mr. Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746, U.S.A.

5. The birds will be maintained at the St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110. A current zoo album and other appropriate materials are on file with U.S. Fish & Wildlife Service, Law Enforcement Division. (Please consult Endangered Species application and materials submitted October 13, 1975 for original pair of White Eared Pheasants). We are also submitting a current annual report.

6. (i.) Please consult application and materials of October 13, 1975 for photos and drawings.

(ii.) The curatorial staff, as well as the keepers of the bird department have a long history of success in rearing waterfowl, pheasants, ratites, as well as various perching birds and birds of prey. Great expense and effort has also been invested in propagating and rearing facilities.

(iii) Offspring resulting from successful propagation will be made available to cooperative zoological institutions to insure future captive populations. The St. Louis Zoo is also involved in cooperative breeding programs, studbook data maintenance, as well as ISIS (International Species Inventory System) in an effort to enhance captive propagation of all zoo species, especially those of rare and endangered status.

(iv.) The bird will be shipped in a crate similar and equal to International Air Transport Association, Style "K" (see enclosure) taken from I.A.T.A. Live Animal Regulations, 5th Edition, June 1, 1976, Geneva, Switzerland.

(v.) See enclosure

7. See Enclosures

8. (i.) The bird will be maintained for propagation and zoological purposes.

(ii.) Modern avicultural techniques already in practice at the St. Louis Zoo, such as artificial incubation and the utilization of brooding and rearing facilities will be used (consult photos from October 13, 1975 application).

(iii.) Studies of reproductive behavior will be conducted. Progeny resulting from propagational efforts will be available to cooperating zoological institutions to insure future captive populations, thus relieving pressures on the collecting of wild stock.

(iv.) Autopsies will be performed on the deceased specimen and if desirable, its remains will be made available to appropriate public educational facilities.

A completed form 3-200 with accompanying documents regarding this request are enclosed. We sincerely hope that we can receive your consideration on our request at your earliest convenience.

Sincerely,

CHARLES H. HOESSLE,
General Curator,
Deputy Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-509-07; please refer to this number when submitting comments. All relevant comments received within 30 days of the date of publication will be considered.

Dated: January 10, 1977.

DONALD G. DONOHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-1111 Filed 1-12-77;8:45 am]

Bureau of Land Management

[INT FES 77-1]

FUTURE DEVELOPMENT OF FEDERAL COAL RESOURCES IN NORTHWEST COLORADO

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement (ES) on the Development of Federal Coal Resources in Northwest Colorado.

The statement contains site-specific environmental assessments of four proposed coal mining plans plus a right-of-way application for a proposed 25-mile railroad. In a regional analysis, the ES further addresses the cumulative effects of the proposed actions and possible future Federal actions that would lead to increased coal development in Routt, Moffat, and northern Rio Blanco Counties.

Public reading copies are available for review at the following locations:

BUREAU OF LAND MANAGEMENT OFFICES

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.
Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.
State District Office, 455 Emerson Street, Craig, Colorado 81625.

U.S. GEOLOGICAL SURVEY OFFICES

Area Oil and Gas Supervisor, U.S. Geological Survey, Denver Federal Center, Post Office Box 25046, Denver, Colorado 80225.
U.S. Geological Survey, Public Inquiries Office, National Center, Mail Stop 302, Reston, Virginia 22092.
U.S. Geological Survey, Library Exchange and Gift Unit, National Center, Mail Stop 950, Reston, Virginia 22092.

COUNTY COURTHOUSES

Moffat County Courthouse, Craig, Colorado 81625.
Routt County Courthouse, 523 Lincoln, Steamboat Springs, Colorado 80477.
Rio Blanco County Courthouse, Meeker, Colorado 81641.

PUBLIC LIBRARIES

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206.
Public Library of Craig, Colorado 81625.
Public Library of Hayden, Colorado 81639.
Public Library of Oak Creek, Colorado 80467.
Public Library of Meeker, 200 Main Street, Meeker, Colorado 81641.
Public Library of Rangely, 109 East Main, Rangely, Colorado 81648.
Werner Memorial Library, Steamboat Springs, Colorado 80477.

A limited number of copies are available upon request by writing to the Colorado State Office or to the Craig District Office.

Notice of availability of the draft environmental statement appeared in the FEDERAL REGISTER, Vol. 41, No. 110—June 7, 1976 41 FR 22850. Written comments were invited for a 45-day review period which was extended to September 1, 1976, by request. Additional opportunity to comment was provided by public hearings held in Craig, Colorado, and Denver on July 7 and 8, respectively, and again on August 17 and 18, by request.

The final environmental statement contains specific responses to both written comments and oral testimony that dealt with the adequacy of environmental analyses contained in the draft environmental statement.

Necessary revisions have also been made in the FES to reflect newly enacted coal mining operating regulations, the new EMARS Federal coal leasing procedures, and the Federal Coal Leasing Amendments Act of 1975.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

Approved: January 7, 1977.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.77-1149 Filed 1-12-77;8:45 am]

[Int Des 77-1]

GRAZING MANAGEMENT; SAN LUIS RESOURCE AREA, COLORADO

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement on grazing management in the San Luis Resource Area, Colorado, and invites written comments by March 1, 1977.

The draft statement analyzes environmental impacts that would result from implementation of intensive grazing management plans, including necessary range improvements, on 92 percent of the national resource land (NRL) (473,916 acres) in the San Luis Valley. Other allotments would be managed less intensively (16,625 acres), or would be entirely eliminated from grazing use (5,930 acres). The remaining 19,900 acres are not currently grazed by livestock and that status would remain the same.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Office of Information, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240 (Phone: (202) 343-5717).
Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado 80202 (Phone: (303) 837-4481).
Canon City District Office, Bureau of Land Management, 3080 E. Main Street, P.O. Box 311, Canon City, Colorado 81212 (Phone: (303) 275-7494).
San Luis Resource Area Office, Bureau of Land Management, 1921 State Street, Alamosa, Colorado 81101 (Phone: (303) 589-4975).

PUBLIC LIBRARIES

Carnegie Public Library, 120 Jefferson, Monte Vista, Colorado 81144.
Saguache County Public Library, 702 Pitkin Saguache, Colorado 81149.
Southern Peaks Library, 424—4th, Alamosa, Colorado 81101.
Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206

COUNTY COURTHOUSES

Alamosa County, Alamosa, Colorado.
Conejos County, Conejos, Colorado.
Rio Grande County, Del Norte, Colorado
Saguache County, Saguache, Colorado.

Single copies of the draft statement can be obtained from the District Manager, Canon City District Office, Bureau of Land Management, 3080 E. Main Street, P.O. Box 311, Canon City, Colorado 81212; the Area Manager, San Luis Resource Area Headquarters, Bureau of Land Management, 1921 State Street, Alamosa, Colorado 81101; or the State Director, Colorado State Office, Bureau of Land Management, Room 700 Colorado State Bank Building, 1600 Broadway Denver, Colorado 80202.

Written comments on the draft environmental statement should be submitted by March 1, 1977, to the District Manager, Canon City District Office, Bureau of Land Management, 3080 E. Main Street, P.O. Box 311, Canon City, Colorado 81212.

Oral and written comments will also be received at a public hearing on February 23, 1977, at the Alamosa County Court House, Alamosa, Colorado. Hearing times are scheduled at 1 p.m. and 7 p.m.

Oral testimony of 10 minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The 10-minute time limitation will be strictly enforced. Complete text of prepared speeches may be filed with the presiding officer at the hearing whether

or not the speaker has been able to finish with oral delivery in the allotted 10 minutes.

Speakers will be heard, if present, in their estalished order on the witness list. After the last listed witness has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinions of a private citizen.

Written requests to testify orally should be received at the Canon City District Office at the above address prior to close of business on February 17, 1977. Requests should identify the organization represented, should be signed by the prospective witness, and should state the approximate time (afternoon or evening) for giving oral testimony. The cut-off date is necessary so that a witness list can be made available on the day before the public hearing.

Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

CURT BERKLUND,
Director.

JANUARY 6, 1977.

Approved: January 7, 1977.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.77-1179 Filed 1-12-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Docket No. 419]

CERTAIN WELDED STAINLESS STEEL PIPE AND TUBE

Procedure for Commission Action

Notice is hereby given that—

(1) On November 15, 1976, a revised complaint was filed with the United States International Trade Commission under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Acme Tube, Inc., Allegheny Ludlum Steel Corp., Armco Steel Corp., Bristol Metals, Inc., Carpenter Technology Corp., Colt Industries, Inc., Consolidated Metals Corp., and Sharon Steel Corp., alleging unfair methods of competition and unfair acts in the importation of welded stainless steel pipe and tube into the United States, and in their sale, by reason of the alleged sale in the United States of such welded stainless steel pipe and tube at unreasonably low prices, often below the cost of production. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an efficiently and economically operated welded stainless steel pipe and tube industry in the United States or to restrain or monopolize trade and commerce of these products in the United States.

(2) On Thursday, December 23, 1976, the Commission ordered a proceeding to show cause why an investigation under section 337 of the Tariff Act of 1930, as amended, should be instituted on the basis of the allegations and statement of facts contained in the complaint filed November 15, 1976. The Commission will consider whether the complaint alleges a violation of section 337 and contains a statement of facts in support thereof in a manner which complies with section 337 of the Tariff Act and § 210.20 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, Apr. 27, 1976).

(3) Any person or party interested in this proceding may file briefs of no more than 20 pages and in form and number as set forth in section 201.8 of the Commission's Rules of Practice and Procedure, as amended. Such briefs shall be filed no later than January 21, 1977.

(4) The Commission will hear oral argument concerning this proceeding in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.s.t., on January 28, 1977. Any interested person or party may present oral argument if notice to that effect is included in the briefs filed pursuant to paragraph 3 of this notice.

(5) The Commission will reach its decision in this proceeding on or before February 4, 1977.

Issued: January 10, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-1154 Filed 1-12-77;8:45 am]

GOVERNMENT IN THE SUNSHINE

Commission Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on January 17, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Agenda of future meetings;
2. Minutes of January 4 and 6, 1977;
3. Reorganization;
4. GSP (Inv. 503(a)-3 and 332-81)—consideration of draft report;
5. Possible study on TSUS items 806.30 and 807.00;
6. Footwear (Inv. TA-201-18)—see draft determination circulated in action jacket GC-76-163;
7. Any other items left over from previous agenda.

If you have any questions concerning the agenda for the January 17, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 C.F.R. 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 C.F.R. 201.39(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: January 7, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-1153 Filed 1-12-77;8:45 am]

GOVERNMENT IN THE SUNSHINE

Commission Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on January 7, 1977, beginning at 10:00 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Items left over from previous agenda.

A majority of the entire membership of the Commission determined by recorded vote that Commission business requires that the meeting of January 7, 1977, be called with less than one week's prior notice and directed the issuance of this notice at the earliest practicable time.

If you have any questions concerning the agenda for the January 7, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 C.F.R. 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 C.F.R. 201.39(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: January 7, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-1108 Filed 1-12-77;8:45 am]

GOVERNMENT IN THE SUNSHINE

Closed Portion of Agenda Item

In deliberations held on January 7, 1977, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 and in conformity with proposed 19 CFR 201.37, voted to close the following portion of agenda item No. 1 for its meeting of January 7, 1977:

1. Items left over from previous agenda (discussion of the Morrison matter).

Pursuant to the specific exemption of 5 U.S.C. 552b(c)(6), on the authority of 19 U.S.C. 1335 and in conformity with 19 CFR 201.37(b)(6), Commissioners Parker, Moore, Bedell, and Ablondi voted to hold this portion of this agenda item in closed session. Commissioners Minchew and Leonard voted against closing this portion to the public.

A majority of the entire membership of the Commission felt that this portion of the meeting should be closed to the public since information to be discussed in such portion is likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

Those persons expected to be present at this closed portion, and their corresponding affiliations are listed as follows:

Daniel Minchew, Chairman; Joseph O. Parker, Vice Chairman; Will E. Leonard, Commissioner; George M. Moore, Commissioner; Catherine Bedell, Commissioner; Italo H. Ablondi, Commissioner; Kenneth R. Mason, Secretary; Charles R. Ramsdale, Director of Personnel; Steven K. Morrison, Attorney-Advisor; Albert R. Sparks, Court Reporter.

The General Counsel to the Commission certified that it is his opinion that the Commission's action in closing this portion of its meeting of January 7, 1977, was properly taken by a vote of a majority of the entire membership of the Commission pursuant to 5 U.S.C. 552b(d)(1) and in conformity with proposed 19 CFR 201.37(d). The discussion to be held in closed session is within the specific exemption of 5 U.S.C. 552b(c)(6) and proposed 19 CFR 201.37(b)(6).

Issued: January 7, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-1109 Filed 1-12-77;8:45 am]

PRELIMINARY DRAFT OF PARTS OF AN ENUMERATION OF ARTICLES TO PROVIDE FOR COMPARABILITY AMONG U.S. IMPORT, PRODUCTION, AND EXPORT DATA

Release for Public Comment

Notice is hereby given that the United States Departments of the Treasury and Commerce and the United States International Trade Commission are releasing for public comment the following preliminary draft of parts of an enumeration of articles which will provide for comparability among U.S. import, production, and export data pursuant to section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), as amended by section 608(a) of the Trade Act of 1974 (19 U.S.C. 2101):

Buttons, Buckels, Pins, Hooks and Eyes, and Slide Fasteners—schedule 7, part 7A, Tariff Schedules of the United States Annotated (TSUSA).

Background.—The preparation of the draft by the three agencies has generally proceeded from recommendations made in a joint report of the Secretary of Commerce and the U.S. International Trade Commission, dated August 1, 1975, submitted to Congress and the President pursuant to section 608(b) of the Trade Act of 1974, and entitled "Principles and Concepts Which Should Guide the Organization and Development of an Enumeration of Articles Which Would Result in Comparability of U.S. Import, Production, and Export Data."

The report noted that the principal advantages of achieving comparability among import, production, and export data are—

1. To permit the development and implementation of a more coordinated and efficient program for the administration, interpretation, and maintenance of national systems;
2. To improve and facilitate the publication of trade data most useful for international economic analysis;
3. To permit more reliable analysis of the impact of external trade on domestic industry.

In making specific recommendations concerning the organization and development of an enumeration of articles which would result in comparability, the report recognized various prerequisites to achieving comparability, such as adhering to sound nomenclature principles, employing identical descriptive techniques and product definitions, using compatible standards of valuation and measurement, and providing for centralized responsibility for interpretation and coordinated responsibility for maintenance. The report also acknowledged many of the practical considerations involved in achieving comparability among the three generally discordant classification systems presently used for the collection of import, production, and export data, including reconciling differences among the three existing systems, preserving statistical continuity, and achieving useful levels of product comparability with the least disruptive impact on current programs and reporting.

In summary, the specific recommendations provided that—

1. The organizational framework of the TSUS should be adopted as the basis for the enumeration of the export schedule.
2. The review and development of an enumeration should take into account the current import, production, and export product consist of individual TSUSA classifications, or combinations of individual TSUSA classificacomparability of the relatively rigid classificlassifications.
3. Changes may be proposed to any system, including combinations, subdivisions, and modifications of existing language and content. In particular, consideration should be given to updating of definitions and terms to make them more reflective of current practice in the trade. It must be borne in mind that the TSUS structure and detail are legally based. Therefore, the enumeration should consist of individual TSUSA classifications, or combinations of individual TSUSA classifications (current or as proposed by this program), since this is the only way to attain comparability to the relatively rigid classifications of imports. Combinations may be made of commodities falling in different TSUS classes, if necessary, as long as they consist of aggregations of individual TSUSA classifications.

Continuing program for statistical annotation. The establishment of an enumeration for statistical purposes is, and should be looked upon as, a continuing program. It is intended that the initial modifications to the import, production, and export schedules will serve as a basis for further refinement and change. Modifications to each of the systems will be made from time to time to reflect changing statistical needs and also to improve the comparability of U.S. trade data with trade data reported by other countries on the basis of the Standard International Trade Classification (SITC). The publication of trade data by the Department of Commerce on the basis of the SITC will continue.

Modifications to the Tariff Schedules of the United States. Any proposals to modify the TSUS (other than statistical annotations thereto) could not be implemented without legislative approval. After comments have been recovered and reviewed, consideration may then be given to the extent of, and need for, amendatory legislation.

Comments by interested parties. Over the next several months further preliminary drafts will be released for public comment and consideration. Interested parties are invited to comment on all aspects of the comparability program. Specific recommendations and proposals are invited with respect to the extent to which the drafts would—

Recognize the specific needs of users of statistics; Facilitate economic analysis; Reflect sound principles of commodity identification and specification; and Impose undue reporting burdens for business establishments.

We would also welcome comments with respect to modifications which would provide greater comparability with the SITC (revision 2).

Copies of the drafts are available from the Chief, Industry and Commodity Classification Branch, Economic Surveys Division, U.S. Bureau of the Census, Washington, D.C. 20233.

Written comments should be submitted at the earliest practicable date, but, to be assured of consideration, not later than 60 days after release of the drafts. Such statements should be submitted to the Chief, Industry and Commodity Classification Branch, at the address shown above.

Issued: January 7, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc 77-1110 Filed 1-12-77;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Sunday, February 6, 1977, starting at 5:30 p.m., and on Monday, February 7, 1977, starting at 8:00 a.m., in the Federal Bureau of Prisons Conference Room (Room 500), 320 First Street, N.W., Washington, D.C.

At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive the report of its Policy Review Committee, and will further delineate and evaluate programmatic issues.

SHERMAN R. DAY,
Director.

[FR Doc.77-1124 Filed 1-12-77; 8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EDUCATION PROGRAMS PANEL

Meeting

JANUARY 7, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will convene at 9:00 a.m. each day in Room 1023-1025 at 806 Fifteenth Street, NW., Washington, D.C., on February 10 and 11, 1977.

The purpose of the meeting is to review Development applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 Fifteenth Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-1143 Filed 1-12-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ECOLOGICAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Ecological Sciences.

Date and time: February 2, 3 and 4, 1977—8:30 a.m. to 5:00 p.m. each day.

Place: Room 628, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Part Open—Open February 2, 1977, 10:30 a.m.-5:00 p.m.; Closed—February 2, 1977, 8:30 a.m.-10:30 a.m., February 3, 1977, 8:30 a.m.-5:00 p.m. and February 4, 1977, 8:30 a.m.-5:00 p.m.

Contact person: Dr. William A. Reiners, Program Director, Ecosystem Studies Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5854. Open part of meeting: William E. Sievers, Program Director, Biological Resources Progrem, Room 336, National Science Foundation, Washington, D.C. 20550, telephone 202-634-4135.

Purpose of panel: To provide advice and recommendations concerning support for research in ecological sciences. Open part of meeting to discuss Experimental Ecological Reserves.

Agenda: Closed—To review and evaluate research proposals and projects as part of the selection process for awards. Open—February 2, 1977—10:30 a.m.-5:00 p.m.

Discussion to include: (1) Current status and future goals and objectives of the Biological Research Resources Program; (2) Presentation on the Experimental Ecological Reserves study recently completed by the Institute of Ecology; (3) Recent developments in respect to the Federal Committee on Ecological Reserves; (4) Proposed workshop on long-term data needs in respect to experimental ecological reserves.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: January 10, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-1200 Filed 1-12-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE BLUE HILLS STATION, UNITS 1 AND 2

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Blue Hills Station, Units 1 and 2 will hold a meeting on January 28, 1977 at the Chateau Inn, Jasper TX 75951 to review the application of the Gulf States Utility Company for an early site review.

The agenda for subject meeting shall be as follows:

FRIDAY, JANUARY 28, 1977

10:30 A.M.—10:45 A.M. (OPEN)

The Subcommittee with any of its consultants who may be present will meet in Executive Session to explore preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

10:45 A.M. UNTIL THE CONCLUSION OF BUSINESS (OPEN)

The Subcommittee will hear presentations by representatives of the NRC Staff, the Gulf States Utility Company, and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee. Upon conclusion of this caucus, the Subcommittee will announce its determination.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than January 21, 1977, to Mr. Gary R. Quittschreiber, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555 and at the Newton County Library, Newton, TX 77034.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on January 27, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Gary R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and their consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after February 4, 1977 at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555 and at the Newton County Library, Newton, TX 77034.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555 after April 28, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: January 7, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-1135 Filed 1-12-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on January 29, 1977 in Room 1046, 1717 H Street NW., Washington, DC 20555. The purpose of this meeting is to review Exxon Nuclear Company, Inc. analytical model formulated to meet current ECCS criteria for fuel fabricated by Exxon for boiling water reactors and to review the application of the model to the Oyster Creek Nuclear Power Plant.

The agenda for subject meeting shall be as follows:

SATURDAY, JANUARY 29, 1977, 8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee with any of its consultants who may be present will meet in open session for discussion with the NRC Staff and representatives of the Exxon Nuclear Company, Inc. of evaluation models formulated to meet ECCS criteria and with representatives of the Jersey Central Power and Light Company regarding application of the model to the Oyster Creek Nuclear Power Plant.

It may be necessary for the Subcommittee to hold one or more closed sessions with the NRC Staff and participants for the purpose of discussing proprietary information.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect confidential proprietary information (5 U.S.C. 552(b)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than January 22, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting regarding the Oyster Creek Nuclear Power Plant can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 and at the Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on January 28, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agree-

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ment. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after February 4, 1977 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555 and at the Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753 (regarding the Oyster Creek Nuclear Power Plant).

A copy of the minutes of the meeting will be available for inspection after May 2, 1977 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: January 7, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-1137 Filed 1-12-77;8:45 am]

[Docket No. PRM-50-18]

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Filing of Petition for Rulemaking

Notice is hereby given that Richard Cotton, Ssq., and Terry R. Lash, Ph. D., by letter dated November 8, 1976, have filed with the Nuclear Regulatory Commission a petition for rulemaking on behalf of the Natural Resources Defense Council, Inc., 917 15th Street, NW., Washington, D.C. Attached to the petition are four exhibits in support of the petition.

The petitioner requests the Comission (1) to conduct a rulemaking for the explicit purpose of determining whether radioactive wastes can be generated in nuclear power reactors and subsequently disposed of without undue risk of the public health and safety, and (2) to refrain from acting finally to grant pending or future requests for reactor operating licenses until such time as this definitive finding of safety can be and is made.

The petitioner states that it seeks to have the Commission aply the relevant safety standards of the Atomic Energy Act of 1954, as amended, to determine whether or not high-level radioactive wastes that will be generated in reactors can be safely disposed of before the Commission acts to grant operating licenses to power reactors. The petitioner contends that the provisions of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and the Commission's regulations require the Commission to follow this procedure.

The petitioner states that "high-level radioactive wastes," as used in the petition, means (1) high-level wastes as defined in 10 CFR Part 50, Appendix F, (2) spent fuel rods, and (3) transuranic-contaminated wastes. The petitioner alleges that no adequately safe disposal plan has been approved and that creation of additional radioactive wastes in new reactors at the present time, in the absence of an accepted plan for disposing of these wastes, does not provide for adequate protection to the health and safety of the public, in violation of the Atomic Energy Act of 1954, as amended.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 171 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 10555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by February 14, 1977.

Dated at Washington, D.C. this 7th day of January 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-1136 Filed 1-12-77;8:45 am]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO., (HUMBOLDT BAY POWER PLANT, UNIT NO. 3

Order for Modification of License

I. Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106, (licensee), is the holder of Operating License No. DPR-7 which authorizes the operation of nuclear power reactor Unit No. 3 at the Humboldt Bay Power Plant near Eureka, California, under certain conditions specified therein.

II. By Order for Modification of License issued May 21, 1976, a condition was added to the license which requires that geologic/seismic concerns be addressed in six specified areas (paragraphs E.2.a through E.2.f of the license). Paragraph E3, which was also added to the license by the Order, states that satisfactory completion of items E.2.a, b, c, e, and f is required prior to the end of the outage and the results of the licensee's investigations for item E.2.d will be submitted by the end of 1976 but need not necessarily be completed or found acceptable prior to return to power operation.

By letter dated December 29, 1976, the staff was informed that the licensee will be unable to submit the information required by item E.2.d by the end of 1976 due to the increased scope of field investigations required for those items which must be completed prior to restart. In this letter the licensee requested that the schedule for completion of this item be revised to require submittal within 60 days after submission of the information required for items E.2.a, b, c, e, and f.

The staff has reviewed the licensee's letter dated December 29, 1976, and has concluded that before reaching a decision concerning the requested change the staff must evaluate the existing geologic/seismic information and determine if there is a necessity to complete the requirements of paragraph E.2.d prior to resumption of power operation. In the interim, until this evaluation is complete, the maximum extension of time which the staff will authorize is to require submittal of the information required for Item E.2.d coincident with the submittal of information required for items E.2.a, b, c, e, and f.

When the staff evaluation of the change requested in the licensee's letter dated December 29, 1976, is complete the licensee will be informed of the results and the license modified as necessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2, 50, and 100: *It is ordered*, That Facility Operating License No. DPR-7 is hereby amended changing paragraph E.3 to read as follows:

3. commence a controlled shutdown of the facility by July 2, 1976, to begin the 1976 refueling outage. Commission approval by amendment to the license, with respect to the satisfactory completion of the requirements listed in items 1 and 2 a, b, c, e, and f above, is required prior to power operation following the 1976 refueling outage. The results of the licensee's investigations for item 2.d above will be submitted coincident with the submittal of information required for items 2 a, b, c, e, and f above.

This order shall become effective immediately upon issuance.

Dated at Bethesda, Md., this 30th day of December 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-1139 Filed 1-12-77;8:45 am]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensee), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of its date of issuance.

This amendment deletes from the license and its attachment a limitation

of power operation to twenty percent of rated core power until the Commission staff has approved a reanalysis of the emergency core cooling system (ECCS) performance. The staff has reviewed the ECCS reanalysis submitted by Public Service Electric and Gas Company by letter dated December 27, 1976 and has found that it conforms to the Commission's acceptance criteria of § 50.46 of 10 CFR Part 50. This amendment also deletes certain requirements for snubber tests since the tests have been completed to the satisfaction of the Commission. Finally, this amendment also incorporates a condition restricting facility operation with less than four reactor coolant pumps. This condition was inadvertently omitted from Amendment No. 3. The Public Service Electric and Gas Company is now authorized to proceed in the power ascension program to a power level which will not exceed forty percent of rated core power pending subsequent authorization by the Commission.

Facility Operating License No. DPR-70, as amended, shall expire at midnight, September 25, 2008. This action is in furtherance of the licensing action encompassed in the "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing," dated October 6, 1972.

The commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The Commission has also made appropriate findings which are set forth in the license amendment regarding the environmental impacts associated with operation of the facility.

For further details with respect to this action, see (1) the letter from Public Service Electric and Gas Company dated December 27, 1976, (2) Amendment No. 4 to License No. DPR-70, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A single copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 6th day of January 1977.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Light Water Reactors, Branch No. 2, Division of Project Management.

[FR Doc.77-1142 Filed 1-12-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.2, Revision 1, "Guidance to Academic Institutions Applying for Specific Byproduct Material Licenses of Limited Scope," describes the type of information that should be submitted in applications for specific licenses of limited scope for the possession and use of byproduct material by academic institutions. This revision reflects comments received from the public and other factors.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 5th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-1140 Filed 1-12-77;8:45 am]

[Docket No. STN 50-545]

WESTINGHOUSE ELECTRIC CORP.

Reference Safety Analysis Report (RESAR-3S Nuclear Steam Supply System Standard Design); Issuance of A Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated December 1976, and a Preliminary Design Approval No. PDA-7 dated December 30, 1976 for the nuclear steam supply system portion of a nuclear power plant as described in Westinghouse Electric Corporation Reference Safety Analysis Report (RESAR-3S). RESAR-3S was reviewed by the NRC staff pursuant to Appendix 0 to 10 CFR Part 50.

RESAR-3S contains preliminary safety-related design information for the nuclear steam supply system portion of a pressurized water type nuclear power plant which includes the reactor coolant system, emergency core cooling system, reactor control and protection systems, engineered safety features actuation system, chemical and volume control system, boron recycle system, residual heat removal system, fuel handling equipment, and related systems and features. The RESAR-36 reference system is designed to operate at a core thermal power level of 3411 megawatts.

The SER documents the results of the staff's review and evaluation of RESAR-3S, including Amendments 1 through 13 thereto. The SER addresses the comments of the Advisory Committee on Reactor Safeguards (ACRS) as reflected in its report to the Commission, dated July 14, 1976. A copy of the ACRS report is included as Appendix C to the SER.

PDA-7 provides NRC staff approval of the preliminary nuclear steam supply system design described in RESAR-3S, including Amendments 1 through 13 and described and evaluated in Sections 1 through 19 of the SER. By the issuance of PDA-7, the NRC staff has determined that the design is acceptable for referencing in utility applications for construction permits. The RESAR-3S nuclear steam supply system design as described in that document, subject to the conditions of PDA-7, shall be utilized by and relied upon, by the NRC staff and the ACRS in their review of facility license applications for construction permits incorporating by reference the RESAR-3S nuclear steam supply system preliminary standard design, unless there exists significant new information which substantially affects the determinations in PDA-7 or other good cause.

Issuance of PDA-7 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards and other presiding officers in any proceeding under Subpart 6 to 10 CFR Part 2. This action only approves the design of a nuclear steam supply system for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-7 is effective as of its date of issuance and shall expire on December 30, 1979, unless earlier superseded by issuance of an appropriate Final Design Approval (FDA) for the RESAR-3S nuclear steam supply system standard design or extended by the NRC staff. The expiration of PDA-7 on December 30, 1979,

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should not affect use of PDA–7 for reference in any construction permit application docketed prior to such date.

A copy of (1) the Preliminary Design Approval No. PDA–7 dated December 30, 1976; (2) the report of the Advisory Committee on Reactor Safeguards dated July 14, 1976; (3) the NRC staff's Safety Evaluation Report, NUREG–0104, dated December 1976; (4) the Westinghouse Electric Corporation Standard Safety Analysis Report and Amendments 1 through 13 thereto; and (5) WASH 1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants", dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. A copy of PDA–7 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report (Document No. NUREG–0104) may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 30th day of December, 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77–1141 Filed 1–12–77;8:45 am]

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR–3, issued to Yankee Atomic Electric Company (the licensee), which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment replaces descriptive pages in Section 218 "Fuel Handling System" of the Final Hazard Summary Report (FHSR) which is incorporated in the Technical Specifications appended to License No. DPR–3. The amendment allows changes in the design of the spent fuel pit storage racks from that reviewed and approved in the operating license review and as described in the FHSR for increasing the spent fuel storage capacity from 172 to 391 fuel assemblies. The amendment also adds license conditions which: (1) Prohibits spent fuel cask handling over the spent fuel pit, (2) permits handling of the spent fuel pit building roof hatches by administrative control, and (3) permits handling of the spent fuel storage racks with restriction of movement of racks over spent fuel. Concurrently, the amendment also incorporates the same provisions in the new format Technical Specifications (issued on July 14, 1976, with Amendment No. 27) which will become effective as of January 1, 1977.

The application for the amendment compiles with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Operating License in connection with this action was published in the FEDERAL REGISTER on December 2, 1975 (40 FR 55909). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1975, as supplemented by letters dated January 5, January 29, April 2, April 27, May 5, October 28, and November 17, 1976, (2) Amendment No. 33 to Facility License No. DPR–3, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of December 1976.

For the Nuclear Reglatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–1138 Filed 1–12–77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 77–2]

SAFETY RECOMMENDATION AND RESPONSE

Availability and Receipt

As a result of preliminary investigations of three derailments of Amtrak train James Whitcomb Riley, the National Transportation Safety Board is urging the Federal Railroad Administration to restrict train speeds in the area of the derailments to a maximum of 30 mph until the track is safe for higher operating speeds. The three derailments have occurred within the past six months on the rails of the Chesapeake and Ohio Company's New River Subdivision in West Virginia—June 8 at Hinton, September 29 at East Sewell, and November 29 at Sewell.

In its letter of January 6 issuing recommendation R–76–58 to FRA, the Safety Board stated that in addition to these three derailments, three freight trains have derailed recently on the New River Subdivision, and in one accident some of the derailed cars toppled into the New River. Preliminary investigations of the three derailments of the Amtrak train indicate that individual deviations from FRA's Track Safety Standards, while not violations, do in combination constitute safety hazards. The recommendation is designated "Class I, Urgent followup."

The Materials Transportation Bureau of the U.S. Department of Transportation has responded to Safety Board recommendations P–76–65 and P–76–66 issued last August 11. Both recommendations resulted from Board investigation of an incident last March 23 in Lehigh Acres, Florida, involving the rapture of a 1,000-gallon tank storing liquefied petroleum gas (LPG). (See 41 FR 35089, August 19, 1976.) MTB's letter response to these recommendations was forwarded to the Board on December 23.

Recommendation P–76–65 asked that MTB's Office of Pipeline Safety Operations (OPSO) clarify its jurisdiction with respect to LPG tanks which are connected to a pipeline system that transports LPG vapor. MTB, noting that the Board prefaced its recommendation with a statement that OPSO has not determined whether it has jurisdiction over LPG tanks which are connected to pipeline systems, states, "On the contrary, by letter dated May 27, 1976, OPSO advised the National LP-Gas Association that as the term is used in 49 CFR 192.11, 'a "system" normally consists of a *tank storing petroleum gas in liquid form* and the appurtenant pipelines and other facilities used by the operator of the system to deliver petroleum gas to one or more customers' (emphasis added)."

MTB contends that this interpretation is supported by definitions in Part 192, identical to those in section 2 of the Natural Gas Pipeline Safety Act of 1968 concerning jurisdictional facilities. These definitions provide, MTB states, that "pipeline facilities" include "without limitation • • • any equipment, facility, or building used in the transportation of gas" and that "transportation of gas" means "the gathering, transmission or distribution of gas by pipeline or its storage • • •." MTB believes that the interpretation clarifies the jurisdiction of Part 192 over LPG tanks in petroleum gas distribution systems. OPSO published this interpretation in the October issue of its Advisory Bulletin and has notified the Florida Insurance Commission of the interpretation in an effort to eliminate any further misunderstanding.

In answer to recommendation P–76–66, which asked OPSO to modify the exemption from 49 CFR Part 192 for pipelines with less than 10 customers to include systems that have pipeline facilities which expose a substantial part of a community or neighborhood to a potential hazard, MTB states, "Under 49 CFR 192.11, a petroleum gas system serving less than 10 customers is not subject to the Federal safety standards unless a portion of the system is located in a public place."

MTB objects to recommendation P–76–66 because "the test of jurisdiction over a system—whether the system exposes a substantial part of a community or neighborhood to a potential hazard—would be too vague." MTB states that under this test it would be extremely difficult if not impossible for either government or industry to identify the pipeline facilities subject to Federal regulation. As a consequence, MTB states, the regulation would be unenforceable and probably ruled invalid.

According to MTB's response, refusal to adopt recommendation P–76–66 does not mean that the systems would go unregulated. MTB notes that most States regulate petroleum gas systems for safety, and that by and large State safety standards are the standards in National Fire Protection Association Standard No. 58, incorporated by reference in Part 192. MTB concludes that systems not covered by State regulation are either subject to local controls or bound to follow NFPA Standard 58 as the generally recognized industry standard of performance.

Safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of letters responding to safety recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 10, 1977.

[FR Doc.77–1176 Filed 1–12–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

COLUMBUS FUND, INC.

[811–1892]

Filing of Application for an Order Declaring That Columbus Fund, Inc., has Ceased To Be an Investment Company

Notice is hereby given that The Columbus Fund, Inc. ("Applicant"), 88 East Broad Street, Columbus, Ohio 43215, registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 7, 1976 and an amendment thereto on December 20, 1976, pursuant to section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, incorporated under the laws of the State of Ohio, registered under the Act on June 16, 1969. Applicant states that it commenced operations on August 11, 1970 and offered its shares to the public from that date until April 30, 1975, when the offering of shares was indefinitely suspended due to receipt of notice of termination of Applicant's advisory contract with Metropolitan Advisers Corporation ("Metropolitan") as of June 28, 1975. Since June 28, 1975, Applicant asserts it has been internally managed by its officers rather than by an investment adviser.

On November 12, 1975 the Commission filed a civil injunctive complaint in the United States District Court of Ohio, Eastern Division ("SEC v. J. L. Mead & Co., et al.," Civil Action No. C–2–75–777), against Applicant, Metropolitan, J. L. Mead & Co., Inc. and J. L. Mead (the latter two of which were persons controlling Metropolitan), J. Roger Pearsall (at that time a director of Applicant) and Advisers Fund, Inc., another mutual fund advised by Metropolitan. With the consent of Applicant, a final judgment of permanent injunction was entered against Applicant on May 10, 1976 which, *inter alia*, required Applicant to prepare and file with the Commission proxy materials pertaining to a special meeting of shareholders to be called for the primary purpose of considering and acting upon a plan of dissolution and liquidation.

According to the Application, on September 30, 1976, the shareholders of Applicant, at a special meeting of shareholders held on that date, adopted a resolution of dissolution and plan of liquidation, providing for the dissolution of Applicant in accordance with the laws of the State of Ohio, the winding-up of the affairs of Applicant, and the termination of Applicant's status as a registered investment company under the Act.

On November 22, 1976, Applicant filed a Certificate of Dissolution with the Secretary of State of Ohio and since that date has continued as a corporation under Ohio law solely for the purpose of performing such acts as are required to wind-up its affairs.

Applicant states that on December 3, 1976, Applicant distributed to each shareholder of record as of November 22, 1976, cash in the amount of $4.29 per share for each share held of record on that date, withholding only an amount equal to $0.51 per share as a reserve for liquidation. Applicant further states that on the date of distribution it had total assets of $201,158, of which $176,272 was distributed in cash to its shareholders, and $24,886 was retained as a reserve.

Applicant asserts that it has ceased doing business and the only remaining acts to be taken by Applicant to wind-up its affairs consist of the payment of remaining known obligations and the preparation and filing of various forms, reports and/or returns required by governmental authorities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 4, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who re-

quest a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-1199 Filed 1-12-77;8:45 am]

GULF POWER CO.

[70-5953]

Proposed Issuance and Sale of Preferred Stock and First Mortgage Bonds At Competitive Bidding

Notice is hereby given that Gulf Power Company ("Gulf"), 75 North Pace Boulevard, P.O. Box 1151, Pensacola, Florida 02520, a public utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the declaration which is summarized below for a complete statement of the proposed transaction.

Gulf proposes in February 1977, to issue up to 150,000 shares of its preferred stock, par value $100 per share (the "new Preferred Stock") and to sell such securities at competitive bidding for the best price obtainable but for a price to Gulf of not less than $100 per share nor more than $102.75 per share, which shall also be the public offering price of such shares. In addition, Gulf proposes to pay to the purchasers of the shares of the new Preferred Stock compensation for their services in purchasing and making a public offering of such shares. Gulf states that it may, if it deems it desirable to do so, make provisions for a cumulative sinking fund for the benefit of the new Preferred Stock which would retire not more than 5 percent annually of the number of shares initially issued, commencing five years after the sale, with the non-cumulative option on any sinking fund date commencing five years or later after the sale of redeeming an additional like numbers of shares.

Gulf proposes in March 1977, or as soon thereafter as practicable, to issue up to $50,000,000 principal amount of its First Mortgage Bonds of a series having a term of not less than five years nor more than 30 years (the "new Bonds") and to sell such securities at competitive bidding for the best price obtainable but for a price to Gulf of not less than 98 percent nor more than 102¾ percent of the principal amount thereof plus accured interest.

The new Bonds will be issued under the Indenture dated as of September 1, 1941, between Gulf and The Chase Manhattan Bank ("National Association") and The Citizens and Peoples National Bank of Pensacola, as Trustees, as heretofore supplemented by various indentures thereto and as to be further supplemented by another Indenture to be dated as of March 1, 1977.

Gulf states that it is difficult to determine, under present bond market conditions, whether it would be more advantageous to sell new Bonds having a 30 year term or some shorter term. Gulf states that it is in the public interest that Gulf be afforded the necessary flexibility to adjust its financing program to developments in the markets for long term debt securities when and as they occur in order to obtain the best possible price, interest rate and term for its new Bonds. Gulf proposes, therefore, that Gulf decide on the term of the new Bonds after the date of public invitation for proposals and then notify prospective bidders by telephone, confirmed in writing of its decision, not less than 72 hours prior to the time of the bidding.

Gulf proposes to use the proceeds from the sale of the new Preferred Stock and the new Bonds together with (1) $16,000,000 of additional equity funds from The Southern Company during 1977; (2) $2,700,000 provided through the issuance of pollution control revenue bonds by public authorities for construction of certain pollution control facilities; and (3) $9,838,000 expected to be accumulated from usual internal sources, to finance its 1977 construction program, to pay all or a portion of short-term notes payable in the form of bank notes and commercial paper notes incurred from such purpose.

The total construction expenditures of Gulf during 1977 are estimated at $74,538,000. Gulf estimates that no additional financing will be required for construction purposes during 1977 except for the issuance of short-term notes payable to be made after the sale of the new Preferred Stock. It is estimated that $26,350,000 of such short-term notes payable will be outstanding at January 31, 1977.

At least six days prior to entering into any contract or agreement for the issuance or sale of the new Preferred Stock or new Bonds, Gulf will publicly invite sealed written proposals for the purchase or underwriting of the new Preferred Stock and new Bonds.

The fees and expenses to be incurred in connection with this transaction will be supplied by amendment. The Florida Public Service Commission has jurisdiction over the issuance and sale of the new Preferred Stock and new Bonds. It is stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 31, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations permitted under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-1198 Filed 1-12-77;8:45 am]

[Release No. 34-13138; File No. SR-MSTC-76-16]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organizations, Proposed Rule Change; Operational Audit

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

(Brackets indicate deletions; *italics* indicate new material)

Rule 17, Section 2, Midwest Securities Trust Company Rules.

[Surprise] *Operational* Audit

[A] *An* [surprise] *operational audit of* the affairs of the Corporation shall be conducted annually by independent public accountants [at a date to be selected by such accountants without prior notice to the Corporation]. Such audit shall include a physical count or confirmation of all securities held by the Corporation for the accounts of Participants and the confirmation of [all] open transactions of Participants with the Corporation.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is designed to reflect a change in the type of audit that is conducted by its independent public accountants. The surprise nature of the audit created some confusion in the Trust Company due to the tremendous amount of manpower that was suddenly called upon to produce documentation and to do other tasks than their regular jobs without having planned for them. The Trust Company now chooses to plan for such an audit and avoid confusion and delay. Also, a statistical sampling of open transactions in the securities and money accounts of the participant population was deemed an adequate method of determining internal control within the Trust Company by independent public accountants, again avoiding delays in standard procedures of the Company.

The proposed rule change enhances the Midwest Securities Trust Company's capacity to safeguard securities and funds in its custody by eliminating a time-wasting method of an internal operational audit which created confusion in daily operations and by replacing it with a faster and equally as reliable method.

Comments have neither been solicited nor received.

The Midwest Securities Trust Company believes that no burdens have been placed on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 5, 1977.

[FR Doc.77-1130 Filed 1-12-77;8:45 am]

[Release 34-13137, File No. SR-NASD-77-1]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations, Proposed Rule Change; Arbitration

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on January 3, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

(Brackets indicates deletions; italics, new material)

The following are amendments to Section 4 of the Association's Code of Arbitration Procedure. The full text is as follows:

SECTION 4—SIMPLIFIED ARBITRATION

(a) *Member Controversies*

With the exception of controversies arising between the National Clearing Corporation and its clearing members, a dispute, claim or controversy arising between or among members submitted to arbitration under this Code involving a dollar amount not exceeding $5,000, exclusive of attendant costs, shall be resolved by an arbitration panel constituted pursuant to the provisions of subsection [(e)] (d) hereof solely upon the pleadings and documentary evidence filed by the disputants, unless one of the parties to the proceeding files with the Office of the Director of Arbitration within ten (10) business days following the filing of the last pleading a request for a hearing of the matter.

(b) *Public-Member Controversies (Not exceeding $500)*

Any dispute, claim or controversy arising between a public customer or others, including non-member broker/dealers, and a member or members submitted to arbitration under this Code involving a dollar amount not exceeding $500, exclusive of attendant costs, shall be resolved by one (1) arbitrator from without the securities industry solely upon the pleadings and documentary evidence filed by the disputants unless the public customer files with the Office of the Director of Arbitration within ten (10) business days following the filing of the last pleading a request for a hearing of the matter. In the event a hearing is held pursuant to the provisions of this subsection, a member may not be represented by counsel unless the public customer is also so represented.

The parties shall each deposit the sum of ten (10) dollars as a deposit of costs which sum shall be subject to such assessment as the presiding arbitrator shall determine.

[(b)] (c) *Public-Member Controversies (Exceeding $500 but not exceeding $2,000)*

With the exception of controversies arising between the National Clearing Corporation and its clearing members, a dispute, claim or controversy arising between a public customer or others, including non-member broker/dealers, and Code involving a dollar amount [not] exceeding *$500 but not exceeding* $2,000, exclusive of attendant costs, shall be resolved by an arbitration panel constituted pursuant to the provisions of subsection [(e)] (d) hereof solely upon the pleadings and documentary evidence filed by the disputants unless one of the parties files with the Office of the Director of Arbitration within ten (10) business days folowing the filing of the last pleading a request for a hearing of the matter.

[(c)] (d) *Composition of Panels*

In any proceeding pursuant to subsection (a) hereof, an arbitration panel shall consist of no less than one but no more than three arbitrators, all of whom shall be from within the securities industry. In any proceeding pursuant to subsection [(b)] (c) hereof an arbitration panel shall consist of three arbitrators, at least two of whom shall be from without the securities industry. The Director of Arbitration shall name the chairman of all panels.

[(d)] (c) *Authority of Arbitrators*

Notwithstanding the provisions of this section, any member of an arbitration panel constituted pursuant to subsection [(e)] (b) *or* (d) hereof shall be authorized to request the submission of further documentary evidence in a proceeding and any such panel may by majority vote call and conduct a hearing if such is deemed to be necessary. *Any hearing called under subsection* (b) *or* (c) *hereof shall be conducted by the persiding arbitrator(s).*

[(e)] (f) *Awards*

All awards rendered in proceedings pursuant to *this* [sub]section [(a) or (b) hereof] shall be made within thirty (30) business days from the date the arbitrator(s) review all of the written statements, documents and other evidentiary material filed by the parties and/*or conduct a hearing* and declare the matter closed.

[(f)] (g) *Other Matters*

The Code of Arbitration Procedure shall be deemed to apply as to all matters not covered by this section.

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed amendments is to further simplify the dispute-grievance procedure for investors with small claims. In that regard the proposal modifies the NASD's existing simplified arbitration procedures in connection with disputes among members and public customers not exceeding $500. These procedures would provide for the establishment of one-man arbitration panels to review and resolve such disputes solely

on the pleading and documentary evidence. The only fee would be a modest filing fee of $10, and these procedures would be mandatory for all member firms. If the arbitrator believes that a final determination of the dispute can be reached only with a hearing, such would be held by him pursuant to existing arbitration procedures. Counsel, however, would not be permitted to attend on behalf of a member unless the complainant was also represented by counsel.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Section 15A(b)(6) provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that the rules of the Association are designed to protect investors and the public interest and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. To carry out this mandate the Code of Arbitration Procedure was created. The Code of Arbitration Procedure is prescribed and adopted pursuant to Article IV, Section 2(b) of the By-Laws of the NASD for the arbitration of clearing controversies and any other disputes arising out of or in connection with the securities business of any member of the association between or among members, between or among members and public customers or others, and between or among members, the clearing corporation, the clearing banks or associated banks.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

Section 37 of the Code of Arbitration Procedure provides that the Board of Governors may upon a majority vote alter, amend, modify, or cancel any provision of the Code. Comments of the membership were not solicited or received.

BURDEN ON COMPETITION

It is believed that no burden on competition arises from the proposal.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 14, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 5, 1977.

[FR Doc.77-1129 Filed 1-12-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0114]

FRONTENAC CAPITAL CORP.

Issuance of a Small Business Investment Company License

On November 23, 1976, a notice was published in the FEDERAL REGISTER (41 FR 51641) stating that an application had been filed by Frontenac Capital Corporation, 208 South LaSalle Street, Chicago, Illinois 60604 with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license as a small business investment company.

Interested parties were given until close of business December 8, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0114 on December 29, 1976, to Frontenac Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: January 5, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-1122 Filed 1-12-77;8:45 am]

[License No. 06/06-0186]

SOUTHWEST VENTURE CAPITAL, INC.

Issuance of License To Operate as a Small Business Investment Company

On November 2, 1976, a notice was published in the FEDERAL REGISTER (41 FR 48199) stating that Southwest Venture Capital, Inc., 1920 First Place, Tulsa, Oklahoma 74103, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Rules and Regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business November 17, 1976, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other information SBA has issued License No. 06/06-0186 to Southwest Venture Capital, Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 5, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-1121 Filed 1-12-77;8:45 am]

DEPARTMENT OF STATE

ADVISORY COMMITTEES

Renewal and Continuation

Pursuant to the appropriate provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1) and the Office of Management and Budget Circular A-63, Transmittal Memorandum No. 1, the Department of State has determined that it is in the public interest to continue as active entities the advisory committees named herein. The Committees and their field of interest are:

ADVISORY COMMITTEE ON "FOREIGN RELATIONS OF THE UNITED STATES"

Advises regarding the solution of professional problems connected with the preparation of the "Foreign Relations" volumes.

AVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Serves as a forum for Government officials and experts from private organizations to discuss matters involving patents, trademarks, and copy rights as they relate to international agreements.

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Advises with respect to U.S. law of the sea policy concerning hard minerals, marine science environment, et cetera as related to the Third United Nations Conference on the Law of the Sea.

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Advises on matters inter alia with respect to codes of conduct on taxation technology transfer, socio-cultural effects involving transnational enterprises.

ADVISORY COMMITTEE TO THE UNITED STATES NATIONAL SECTION OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

In accordance with the Tuna Conventions Act of 1950 advises as to U.S. participation in the work of the Commission particularly in the development of policies, positions, and negotiating tactics.

ADVISORY COMMITTEE TO THE UNITED STATES SECTION, INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

In accordance with the North Pacific Fisheries Act of 1954 advises in like manner as set forth above.

ADVISORY PANEL ON ACADEMIC MUSIC

ADVISORY PANEL ON FOLK MUSIC AND JAZZ

ADVISORY PANEL ON MUSIC

The listed Panels are separate entities and artistically evaluate the professional ability of performers for the Department of State's arts programs abroad.

ADVISORY PANEL ON INTERNATIONAL LAW

Provides information and advice on questions of United States law that could have an effect upon the conduct of foreign relations and on current questions of international law, the interpretation of treaty obligations, et cetera.

FINE ARTS COMMITTEE

Guides, advises and serves the Fine Arts Office in furnishing the Diplomatic Reception Rooms and the 7th Floor Reception Rooms in the Department of State, with quality examples of American 18th and 19th century furniture, paintings, and decorative objects.

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Advises the Government on the policies and operations of its overseas book, educational materials and library programs.

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

In accordance with the Northwest Atlantic Fisheries Act of 1950 advises with respect to United States participation in the work of the Commission in developing policies, positions and negotiating tactics.

OCEAN AFFAIRS ADVISORY COMMITTEE

Advises on all aspects of ocean affairs, particularly formulation and implementation of international policies in marine science and environment, and fisheries.

OVERSEAS SCHOOL ADVISORY COUNCIL

Advises with respect to the American sponsored elementary and secondary schools abroad, which serve the personnel of both the Government and the private sector, that are assisted by the Department of State.

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Advises on issues that do or are likely to arise in the foreign relations of the United States including *inter alia* product liability, matrimony, matters of estate, and recognition and enforcement of foreign judgments.

SHIPPING COORDINATING COMMITTEE

Advises on matters relating to international shipping, e.g., safety, design, equipment, et cetera and makes recommendations for the United States negotiating positions in the Intergovernmental Maritime Consultative Organization.

UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Formulates and recommends to the President policies for exercising his authority under the Mutual Educational and Cultural Exchange Act of 1961 and appraises the effectiveness of programs carried out pursuant to the Act.

UNITED STATES NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR) AND ITS STUDY GROUPS

Assists and advises the Department of State on matters concerning United States participation in the International Radio Consultative Committee (a permanent organ established by the International Telecommunication Convention—a treaty obligation) and to promote the best interests of the United States in CCIR activities.

UNITED STATES NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT) AND ITS STUDY GROUPS

The same as set forth above except for the field of interest, i.e., telegraph and telephone.

New Charters for the above named Committees have been executed and copies filed in accordance with Section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App. I). In addition, a copy of said Charters have been sent to the Library of Congress, Rare Book Room 10 First Street, S.E., Washington, D.C., for public use.

SUE M. MORELAND,
Advisory Committee Management Officer.

JANUARY 4, 1977.

[FR Doc.77-1123 Filed 1-12-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[77008]

NATIONAL BOATING SAFETY ADVISORY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, February 22-23, 1977, in the Heron's Nest, Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, Florida. The meeting is scheduled to begin at 9 a.m. both days and adjourn at 4 p.m. on Tuesday, February 22nd and in the early afternoon on Wednesday, February 23rd. The agenda for this meeting will be as follows:

1. Review of action taken at the fifteenth meeting of the Council.
2. Executive Director's Report.
3. Discussion and vote on proposed amendment concerning flotation material acceptability for Level Flotation Standards.
4. Progress Report on Glare Elimination.
5. Progress Report on the Navigation Light Project.
6. Visual Distress Signal Subcommittee Report.
7. A live windsurfing demonstration.
8. A live P.F.D. impact test demonstration.
9. A tour of Underwriters' Laboratories Marine Test Facility.
10. Capacity Label Subcommittee Report.
11. Discussion on need to amend Certification Regulations.
12. Progress Report on Personal Flotation Device Research.
13. Marine Dealer Responsibility Subcommittee Report.
14. Office of Boating Safety Activity Report.
15. Members Items.
16. Chairman's Session.

Attendance is open to the interested public. With approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from CDR M. TUBELLA, JR., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA/TRPT), Washington, D.C. 20590, or by calling (202) 426-1080. Any member of the public may present a written statement to the Council at any time.

Issued in Washington, D.C. on January 10, 1977.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.77-1187 Filed 1-12-77;8:45 am]

[77-007]

NATIONAL BOATING SAFETY ADVISORY COUNCIL; MARINE DEALER RESPONSIBILITY SUBCOMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council's Marine Dealer Responsibility Subcommittee to be held on Monday, February 21, 1977, in Suite 226, Bay Harbor Inn, 7700 Campbell Courtney Causeway, Tampa, Florida. The meeting is scheduled to begin at 1 p.m. and adjourn at 5 p.m.

The purpose of this meeting is to determine a method of promulgating rules and regulations to involve marine dealers and distributors in assisting the boat manufacturers in their defect notification program. Attendance is open to the interested public.

With the approval of the Chairman, members of the public may present oral

statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify not later than the day before the meeting and information may be obtained from Commander M. Tubella, Jr., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA/TRPT), Washington, D.C. 20590, or by calling (202) 426-1080.

Any member of the public may present a written statement to the Council's Subcommittee at any time.

Issued in Washington, D.C. on January 10, 1977.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.77-1188 Filed 1-12-77;8:45 am]

[CGD 76-234]

VESSEL TRAFFIC SERVICES IN THE CHESAPEAKE BAY AREA

Public Hearing

The Coast Guard will hold a public hearing on vessel traffic services in the Chesapeake Bay area on January 27, 1977, at 9:00 a.m. in the Norfolk City Council Chambers, 11th floor, Norfolk City Hall Building, Waterfront Drive at St. Pauls Blvd., Norfolk, Virginia and a second public hearing on February 1, 1977, at 9:00 a.m. in the Forum, North Building, 3rd floor, Baltimore Community College, Harbor Campus, Lombard Street at Market Place, Baltimore, Maryland.

The purpose of these hearings is to receive comments from the public to help the Coast Guard evaluate present vessel traffic services, including aids to navigation, and determine if there is a need for additional or different vessel traffic management techniques in the Chesapeake Bay area, including the port areas of Baltimore, Maryland and Hampton Roads, Virginia. A summary of the progress of the Coast Guard's review of a need for additional vessel traffic services in the Chesapeake Bay area is available on request from the Commander (mps), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23705. Copies may also be requested by telephone by contacting Lieutenant Commander Hill at (804) 393-9611, Extension 398 or 446.

Interested persons are invited to attend the hearing and present oral statements. Persons wishing to present oral statements are requested to fill out a registration card, available from the Commander (mps), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23705, and return it by 4:00 p.m. on January 19, 1977. Persons may also submit written statements. All written statements received by February 14, 1977, and oral statements presented at the hearings will be fully considered by the Coast Guard before it takes any action that affects the vessel traffic services.

Dated: January 6, 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.77-1186 Filed 1-12-77;8:45 am]

Federal Aviation Administration

RNAV POLICY STATEMENT

INTRODUCTION

The Federal Aviation Administration (FAA) endorses the concept of area navigation (RNAV) and recognizes the benefits that RNAV offers to both the airspace user and the national airspace system (NAS). This policy statement puts forth a two-part action plan designed to facilitate the use of RNAV in the national airspace system. The mandatory carriage of RNAV avionics in order to use the air traffic control system is not envisioned in the near future.

BACKGROUND

Early in 1972 a task force was formed to make an indepth study of area navigation to determine its potential value in the national airspace system. The task force was comprised of representatives of commercial and general aviation groups, and the FAA. The findings, concepts developed, and recommendations of this group were published in a report titled "FAA/Industry RNAV Task Force Report."

The task force report issued in February 1973 is a concept paper showing how RNAV could be used in the system. The RNAV task force made many assumptions, several of which required extensive R&D efforts. The task force report specified an action plan to implement a charted route and terminal system design concept which would replace the VOR route structure with a charted RNAV route system in an orderly fashion with identification of specific areas which would need detailed attention.

The user/public comments on the task force report did not reveal any significant new facts or issues that were not known and considered by the task force. However, the commentors collectively agree with the task force, concerning the need for the findings to be thoroughly examined, studied and validated, particularly from the cost benefit aspect.

In April 1974, the FAA issued its area navigation interim policy statement which stated in part that: "The agency will, therefore, proceed with the operational and the research and development efforts necessary to validate the concepts in the report and continue to plan for an orderly development and transition toward an RNAV-based system. * * * The most important of the initial R&D tasks will be a comprehensive cost/benefit analysis to determine user and system payoffs as a prerequisite to implementation of the plan."

Since then, significant research and development work has been accomplished. This work culminated in an assessment of RNAV Task Force concepts and payoffs (RD-76-196 Implementation of Area Navigation in the National Airspace System, December 1976.) It concludes that: "The results obtained from economic and operational impact analysis, and from various supporting system studies, indicate that the advantages of area navigation to both the users and the ATC system are sufficient to warrant implementation of the charted route and terminal area navigation concept, particularly when all users are RNAV equipped." This concept is based on the task force recommendations, but modifies those recommendations to insure that maximum benefits will accrue to both the ATC system and the users. Although additional research and development work is still required in some areas, implementation of the area navigation concept can proceed in parallel with these efforts.

User responses to the recommended modification of the RNAV Task Force Concepts and to the RNAV Payoff Study were favorable. There was general agreement that RNAV should not be made mandatory for participation in the ATC system at this time, but FAA should take positive steps to promote RNAV implementation in accordance with the modified concepts persented in this study.

In addition to the studies showing the efficacy of RNAV, the number of aircraft with RNAV capability is increasing. There is a growing immediate demand for routes and procedures which will allow users to obtain the advantages offered by their RNAV avionics.

POLICY STATEMENT

The FAA, under public law 85-726, has the responsibility for development and implementation of radio-navigation systems to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation throughout the national aviation system. This policy statement pertains only to area navigation and is supplementary to overall FAA navigation policy.

The FAA recognizes the advantages that RNAV offers to both the ATC system user and operator, and will pursue a two-part program leading to the ultimate objective of an RNAV based airspace structure. This structure will be based on the modified RNAV task force enroute and terminal concepts. Implementation will be consistent with the rate of user implementation of RNAV avionics, but the mandatory carriage of

RNAV avionics as a condition to participate in the ATC system is not envisioned in the near future.

To be responsive to current and near-term RNAV users, the FAA will determine RNAV user needs and take positive steps to facilitate RNAV use within the existing air traffic control environment. This will include:

Eliminating existing RNAV routes which do not respond to user requirements.
Establishing, on a case-by-case basis, RNAV routes with the accompanying RNAV transition segments, SIDs and STARs.
Promoting the establishment of RNAV approaches at noninstrumented airports.
Establishing a continuing program to educate pilots, air traffic controllers, flight service specialists and flight standards specialists about RNAV and its capabilities.
Developing a national waypoint system to facilitate pilot selection of direct routes.
Development and promulgation of RNAV avionics minimum selection standards.

Concurrently, the FAA will undertake a long-range effort to develop a master enroute and terminal RNAV route design and transition plan to bridge the gap between today's structure and the future RNAV structure. Development of the master RNAV design will require close and continuous coordination with all airspace users and will include an environmental analysis.

(Secs. 307(a) and 312(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1353 (a)) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on January 7, 1977.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.77-1227 Filed 1-12-77;8:45 am]

National Highway Traffic Safety Administration

FORD MERCURY FRONT WHEEL SPINDLE FAILURE

Public Proceeding

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Pub. L. 93-492, 88 Stat. 1470, October 27, 1974) 15 U.S.C. 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor vehicle safety exists with respect to 1969 Ford and Mercury passenger cars, equipped with disc brakes, and presently or formerly used in police service. Specifically, such vehicles are subject to unforewarned spindle stem separation due to failures of the stem at the inner bearing fillet location. Such a failure causes sudden loss of the wheel, creating an unreasonable risk of accidents.

A public proceeding will be held at 10:00 a.m., February 3, 1977, in Room 5332, Department of Transportation Headquarters, 400 Seventh Street S.W., Washington, D.C. 20590, at which Ford Motor Company will be afforded an opportunity to present data, views, and arguments to establish that the alleged defect does not exist or does not relate to motor vehicle safety.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, Tel. (202) 426-2850, before the close of business (4:15 p.m.) on January 31, 1977. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file regarding this matter is available for public inspection during regular working hours (7:45 a.m.-4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street S.W., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 6, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-841 Filed 1-12-77;8:45 am]

NATIONAL MOTOR VEHICLE SAFETY COUNCIL

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Motor Vehicle Safety Advisory Council to be held on February 8, 9 and 10, 1977 at the DOT Headquarters Building, 400 Seventh Street, SW, Washington, D.C.

On February 8 at 9:00 a.m. in room 4234 there will be a joint meeting of the Crashworthiness Subcommittee and the Accident Avoidanoe and Operating Systems Subcommittee. The agenda will include a review of NHTSA rulemaking actions, presentation on recreational vehicle safety, and old/new business.

At 3:00 p.m. on February 8 in room 4234 there will be a briefing for newly appointed Advisory Council members. This will include briefings on Council responsibilities and activities, DOT and NHTSA programs and organization, Council "housekeeping" information and the responsibilities and activities of the Council's subcommittees.

Also on February 8 at 2:00 p.m. in room 6200 the Fifth International Con-

gress Committee will meet to present a status report on Congress progress.

On February 9 at 9:00 a.m. in room 2230 the Motorcycle Subcommittee will meet. The agenda will include a review of NHTSA rulemaking actions, update on Head and Neck Injury Seminar, update on California Demonstration Project on Motorcycle Driver Licensing, review of FMVSS Standard 119—Tires—Multipurpose Passenger Vehicles, Trucks, Buses, Trailers, and Motorcycles, New and Current Tire Designs, presentation on tire compliance testing program, and old/new business.

At 2:00 p.m. on February 9 in room 4234 the Consumer and Public Information Subcommittee will meet. The agenda will include a review of NHTSA rulemaking actions, discussion of safety belt usage—development of new materials, briefing on DOT activities regarding public information on necessity for 55 mph, discussion of proposed resolution on public information on barrier equivalent velocity (factor of 2), and old/new business.

On February 10 at 9:00 a.m. in room 2230 the full Council will meet. The agenda will include an introduction and welcome to new members, approval of Council minutes, swearing in of new members, election of new Council Chairman, remarks by new Chairman, reports by the following subcommittees: Joint Accident Avoidance and Operating Systems and Crashworthiness, Motorcycle, Consumer and Public Information, Congress, and Awards, and old/new business.

At 12:15 p.m. on February 10 in room 2230 the Executive Subcommittee will meet to plan future meeting agendas and activities.

The above meetings are subject to the approval of the National Highway Traffic Safety Administrator.

With the approval of the Chairman members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Council at any time.

Additional information may be obtained from the NHTSA Executive Secretary, room 5215, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C., on January 7, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-1114 Filed 1-12-77;8:45 am]

YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Youth Highway Safety Advisory Committee is being renewed. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries. The National Highway Traffic Safety Administration sponsors the Committee, which consists of 15 Members between the ages of 15–24.

The Committee reviews highway safety programs as they relate to young people and advises the Administrator on those aspects of the safety standards and countermeasures programs relating to young people. The Committee is limited to advisory functions only.

The Secretary of Transportation has determined that the formation and use of the Youth Highway Safety Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on the Department by law.

Issued in Washington, D.C., on January 6, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-1092 Filed 1-12-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL

Closed Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, that a closed meeting of the Art Advisory Panel will be held on February 15 and 16, 1977, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This involves the discussion of materials in individual tax returns made confidential by the provisions of sections 6103 and 7213 of Title 26 of the United States Code and section 1905 of Title 18 of the Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552(b)(3), (4), (5), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.77-1145 Filed 1-12-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 303]

ASSIGNMENT OF HEARINGS

JANUARY 10, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 44735 (Sub-No. 28), Kissick Truck Lines, Inc., now assigned February 8, 1977 at Kansas City, Mo., will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 136711 (Sub-No. 26), McCorkle Truck Line, Inc., now assigned February 9, 1977 at Kansas City, Mo., will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 124774 (Sub-96), Midwest Refrigerated Express, Inc., now assigned February 14, 1977 at Kansas City, Mo., will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 133566 (Sub-57), Gangloff & Downham Trucking Co., Inc.; MC 134755 (Sub-77), Charter Express, Inc.; MC 134922 (Sub-188), B. J. McAdams, Inc. and MC 139999 (Sub-12), Redfeather Fast Freight, Inc., now assigned February 14, 1977 at Kansas City, Mo., will be held in Room 609 Federal Office Building, 911 Walnut St.

MC 136632 Sub 6, Copeland Transportation Co., Inc., now assigned February 16, 1977 at Kansas City, Mo., will be held in Room 609 Federal Office Bldg., 911 Walnut Street.

MC 83835 Sub 134, Wales Transportation Inc., now assigned February 17, 1977 at Dallas, Tex., will be held in Room 5A15–17 Federal Bldg., 1100 Commerce Street.

MC 124947 Sub 47, Machinery Transport, Inc., now assigned February 16, 1977, at Dallas, Tex., will be held in Room 5A15–17 Federal Bldg., 1100 Commerce Street.

MC 135518 Sub 4, Everett Trucking, Inc., now assigned February 14, 1977, at San Francisco, Calif., will be held in the Hyatt Regency, No. 5 Embarcodero Center.

MC 107295 Sub 824, Pre-Fab Transit Co., A corp., now assigned February 7, 1977, at Memphis, Tenn., will be held in Room 396, Federal Bldg., 167 N. Main Street.

MC 139193 Sub 40, Roberts & Oake, Inc., now assigned February 8, 1977 at Memphis, Tenn,. will be held in Room 396, 167 N. Main Street, Federal Bldg.

MC 111302 Sub 93, Highway Transport, Inc., & MC 112801 Sub 186, Transport Service Co., now assigned February 3, 1977 at Chicago, Ill., has been postponed indefinitely.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1191 Filed 1-12-77;8:45 am]

[Notice No. 102]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 28351, filed November 29, 1976. Transferee: R. S. KITAMURA, LTD., Suite 101, 1849 Old Bayshore Highway, Burlingame, County of San Mateo, California 94010. Transferor: HC&D Forwarders International, Inc., Suite 101, 1849 Old Bayshore Highway, Burlingame, County of San Mateo, California 94010. Applicant's Representative: Alan F. Wohlstetter, Esquire, Denning & Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. FF–363 issued September 6, 1972, authorizing operations, in interstate commerce, as a freight forwarder of (a) used household goods and unaccompanied baggage between points in the United States (including Hawaii, but excluding Alaska), (b) of used automobiles between points in the United States (including Hawaii, but excluding Alaska), restricted to import-export traffic, and (c) of used automobiles between points in Hawaii on the one hand, and, on the other, points in the United States (including Hawaii, but excluding Alaska), restricted against shipments to or from the facilities of automobile dealers. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

No. MC–FC–76757, filed September 30, 1976. Transferee: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, Tx. 76201. Transferor: John G. Everett, doing business as E & P Truck Service, Rt. 2, McCrory, Ark. 72101. Applicants representative: William D. Lynch, Attorney at Law, P.O. Box 912, Austin, Tx. 78767. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–124158, issued February 11, 1976, as follows: *Potash*, over irregular routes, from points in Lea and Eddy Counties, N. Mex., to points in Jackson, Poinsett, Craighead, Cross, and Mississippi Counties, Ark., and *Potash*, except in tank vehicles, over irregular routes, from points in Lea and Eddy Counties, N. Mex., to points in Greene, Randolph, Lawrence, Clay, Woodruff, Lee, Monroe, Arkansas, Prairie, Lonoke, Ashley, Drew, Phillips, and St. Francis Counties, Ark., and *soybean meal*, from points in Jackson and Mississippi Counties, Ark., to points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line near Higgins, Tex., and extending along U.S. Highway 83 to Abilene, Tex., and thence along U.S. Highway 277 to Eagle Pass, Tex., and points in that part of New Mexico on and east of U.S. Highway 54, and *soybean meal*, except in tank vehicles, from Stuttgart, Pine Bluff, North Little Rock, Newport, Wilson, and Helena, Ark., Greenville, Greenwood, Marks, Hollandale, and Clarksdale, Miss., and points within ten miles of each of said points, and Memphis and Tiptonville, Tenn., to points in Texas, except Houston, Tex. Transferee is presently authorized to operate as a common carrier under Certificate No. MC–133494 and subs thereafter. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76809, filed November 2, 1976. Transferee: A & A TRUCK LINES, INC., 1221 La Paloma Way, Colorado Springs, Colorado 80906. Transferor: Ruby D. Jackson, doing business as Mountain Express Truck Line, 2903 N. Tejon Street, Colorado Springs, Colorado 80907. Applicant's representatives: John P. Thompson and Raymond M. Kelley, Attorneys at Law, 450 Capitol Life Center, Denver, Colorado 80203. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC–121234 (Sub-No. 2) issued by the Commission April 1, 1976, as follows: General freight between specified points in the state of Colorado. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76812, filed November 2, 1976. Transferee: S & S EXPRESS, INC., 8 Plain Street, Easthampton, Massachusetts 01027. Transferor: The National Corporation, doing business as National Transport, 101 Eastern and Moonachie Avenues, Carlstadt, New Jersey 07072. Applicants representatives: Paul A. Marshuk for transferee, President, S & S Express, Inc., 8 Plain Street, Easthampton, Massachusetts 01027. William

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W. Becker, Attorney at Law, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC-9876 issued July 19, 1965, as corrected September 24, 1965 as follows: General commodities with the usual exceptions between Springfield, Mass. and West Suffield, Conn. and the off-route point of Feeding Hills, Mass. over a specified regular route.

Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76822, filed November 11, 1976. Transferee: GARY W. GRAY, P.O. Box 48, Delaware, New Jersey 07833. Transferor: Columbia Transport, Inc., R.D. No. 1, Columbia, New Jersey 07832. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pennsylvania 18517. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-124905 (Sub-No. 1), MC-124905 (Sub-No. 2), and MC-124905 (Sub-No. 3) issued August 18, 1967, November 18, 1969, and July 7, 1975, respectively, as follows: Used wire, waylite, sand, gravel, and stone, from specified points in Pennsylvania, New Jersey, and New York to specified points in New York and Pennsylvania. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76829, filed December 30, 1976. Transferee: JACK MITCHELL MOVING & STORAGE CORP., 105-109 Grove St., Cooperstown, N.Y. 13326. Transferor: Joseph F. Mitchell, 6 Hickory St., Oneonta, N.Y. 13326. Applicant's representative: John J. Mitchell, 105 Grove St., Cooperstown, N.Y. 13326. Authority sought for purchase by transferee of the operating rights set forth in Certificates Nos. MC-6228 and MC-6228 (Sub-No. 1), issued by the Commission September 28, 1949, and October 15, 1948, respectively, in the name of transferor, as follows: Household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 267, over irregular routes, between Oneonta, N.Y., on the one hand, and, on the other, points and places in Massachusetts, Vermont, New York, Pennsylvania, New Jersey, and Connecticut; and between points in Otsego, Chenango, Delaware and Schoharie Counties, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Maryland, Vermont, Massachusetts, Connecticut, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76831, filed November 19, 1976. Transferee: CML, INC., a Corporation, doing business as Colony Motor Lines, 9506 Timberlake Rd., Lynchburg, Va. 24504. Transferor: Morton Transfer, Inc., 4th and Maury Sts., Richmond, Va. 23224. Applicant's representative: Michael L. Rigsby, Attorney at Law, 200 West Grace Street, Suite 415, Richmond, Va. 23220. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-126186, issued December 9, 1971, as follows: *New furniture*, in cartons, over irregular routes, from Kenbridge, Va., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Delaware (except those in the Wilmington, Del., Commercial Zone as defined by the Commission), Maryland (except those in the Baltimore, Md., Commercial Zone as defined by the Commission), New York (except those in the New York, N.Y., Commercial Zone as defined by the Commission) and specified points in Pennsylvania with restrictions and from Richmond, Va., to points in Alabama, Florida, Georgia, and South Carolina; and *Damaged and defective shipments of new furniture*, in cartons, from points in Alabama, Florida, Georgia, and South Carolina, to Richmond, Va. and *New furniture*, in cartons, set up, from Richmond, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Ohio, West Virginia, Michigan, Indiana, Kentucky, Illinois, and Tennessee, New York (except those in the New York, N.Y., Commercial Zone as defined by the Commission), Maryland (except those in the Baltimore, Md., Commercial Zone as defined by the Commission), Delaware (except those in the Wilmington, Del., Commercial Zone as defined by the Commission), and specified points in Pennsylvania and *New furniture*, crated or uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Richmond, Va., to points in Mississippi; and *Defective shipments* of the immediately above-specified commodity, from points in Mississippi to Richmond, Va. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76844, filed November 29, 1976. Transferee: ANDO AMERICA TRANSPORT CORP., 13-16 133rd Place, College Point, N.Y. 11356. Transferor: John G. Hemmings, doing business as, Hemmings Express, 228 E. Mill Rd., Long Valley, N.J. 07853 .Applicant's representative: Arthur J. Piken, Attorney at Law, One Lefrank City Plaza, Flushing, N.Y. 11368. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-44102, issued July 11, 1962, as follows: *Household goods*, over irregular routes, between New York, N.Y., and points in Essex, Union, and Hudson Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, and Pennsylvania, and *Signs*, and *fur dressing and dyeing equipment*, From Newark, N.J., to White Haven, Pa., and New York, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76846, filed December 1, 1976. Transferee: JOHN R. PROCHAZKA AND LORRAINE V. PROCHAZKA, Individuals, doing business as, Star Route & Transfer, Rural Route, Carter, S. Dak. 57526. Transferor: Floyd Teigh, doing business as, Teigh Transfer, 329 Washington St., Winner, S. Dak. 57580. Applicant's representative: Ruben G. Maulis, Attorney at Law, P.O. Box 150, 338 S. Main St., Winner, S. Dak. 57580. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-81119, issued September 29, 1961, as follows: *General commodities*, except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those contaminating to other lading, between Winner, S. Dak., and Mission, S. Dak., serving the intermediate points of Carter and Okreek, S. Dak.: From Winner over U.S. Highway 18 to Mission, and return over the same route. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76851 filed December 2, 1976. Transferee: PENN-PACIFIC, INC., 20815 Currier Rd., Walnut, California, 91789. Transferor: Dick Simon Trucking, Inc., 3700 South, 4355 West, Salt Lake City, Utah 84120. Applicants representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate MC 135221 issued November 4, 1975, as follows: Bananas, and agricultural commodities exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from points in Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; that part of California in and south of Sonoma, Lake, Colusa, Butte, and Nevada, to ports of entry on the United States-Canada Boundary line in Idaho, Montana, and North Dakota, and points in that part of Washington east of U.S. Highway 97. Transferee presently holds no authority form this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76852 filed December 2, 1976. Transferee: RILEY'S MOTOR EXPRESS, Inc., 86 Porete Avenue, North Arlington, New Jersey 07032. Transferor: Asbestos Eastern Transport (U.S.) Inc., 10 Oak Street, Plattsburgh, New York 12901. Applicants representatives: Robert B. Pepper, Practitioner for Transferee, 168 Woodbridge Avenue, Highland Park, New Jersey 08904. Ronald I. Shapss Attorney for Transferor, 450 Seventh Avenue, New York, New York 10001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 39123 (Sub-No. 2), issued March 28, 1950, as follows: Irregular routes: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and liquid commodities in bulk, between North Bergen, N.J., and points in New Jersey within 15 miles of North Bergen, on the one hand, and, on the other, points in Suffolk County, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76860 filed December 3, 1976. Transferee: ISLAND FREIGHT SYSTEMS, INC., 36-15 13th Street, Long Island City, New York 11106. Transferor: CMR Transportation, Inc., P.O. Box 267, Bound Brook, New Jersey 08805. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, New Jersey 08904. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 62254 (Sub-No. 1) issued July 8, 1970, as follows: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Clifton and Caldwell, N.J., on the one hand, and, on the other, New Brunswick, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76870, filed December 13, 1976. Transferee: LAKESHORE TRANSPORT, INC., 1691 Wyway W, Grafton, Wis. 53024. Transferor: Tisch & Drews, Inc., 212 Green Bay Ave., Oconto Falls, Wis. 54154. Applicant's representative: William C. Cineen, Attorney-at-Law, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permit No. MC 117200 (Sub-No. 13), issued July 11, 1968, as follows: Lime, from Eden, Knowles, and Green Bay, Wis., to points in the Upper Peninsula of Michigan and those in that part of Michigan on and north of Michigan Highway 46, limited to a transportation service to be performed under a continuing contract, or contracts, with Western Lime and Cement Company, of Milwaukee, Wis. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76871, filed December 13, 1976. Transferee: BESTWAY MOVING & STORAGE, INC., 1915 N. National St., Springfield, MO 65803. Transferor: Gilbert Clotfelter, doing business as Bestway Moving & Storage, 1915 N. National St., Springfield, MO 65803. Applicants' representative: Thomas P. Rose, attorney-at-law, P.O. Box 205, Jefferson City, MO 65101. Authority sought for purchase by transferee of the operating rights set forth in Permit No. MC-136610, issued September 19, 1974, in the name of transferor, as follows: Such commodities as are dealt in by retail department stores, from the facilities of Montgomery Ward & Co., Inc., at Joplin, Mo., to points in Benton and Carroll Counties, Ark., Allen, Bourbon, Cherokee, Crawford, Labette, Montgomery, Neosho, and Wilson Counties, Kans., and Craig, Delaware, Mayes, Nowata, Ottawa, and Rogers Counties, Okla.; and returned shipments of the commodities specified above from the above-named destination points to the facilities of Montgomery Ward & Co., Inc., at Joplin, Mo., limited to a transportation service to be performed under a continuing contract, or contracts, with Montgomery Ward & Co., Inc. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1192 Filed 1-12-77;8:45 am]

[AB 125 (Sub-No. 1)]

NORFOLK SOUTHERN RAILWAY CO.

Abandonment Between Diamond Springs and Shelton, in Virginia Beach, Virginia

DECEMBER 28, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Norfolk and Southern Railway Company between Diamond Springs and Shelton, in Virginia Beach, Va., a total distance of 1.4 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the lack of traffic over the line for the last 4 years. Consequently, there will not be any change in air quality and fuel consumption although there may be some temporary adverse effects on the environment during salvage operations. No land use plans of economic importance exist which would necessitate the continued operation of the line. The right-of-way has been determined to be suitable for transportation or recreation use following abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writi gnwhit Wash-...
writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 10, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1105 Filed 1-12-77;8:45 am]

Office of Proceedings

[Volume No. 65]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 3322 (notice of filing of petition to modify commodity description) filed December 15, 1976. Petitioner: PAUL E. GREGORY, doing business as WHITTINGTON TRANSFER, 329 Oak St., Martinsburg, W. Va. 25401. Petitioner's representative: Dave L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Petitioner holds a motor *common carrier* Certificate in No. MC 3322, issued March 21, 1968, authorizing transportation, as pertinent, over irregular routes, of *new furniture*, uncrated, from Martinsburg, W. Va., to points in West Virginia, Virginia, Maryland, New York, Pennsylvania, Ohio, New Jersey, Delaware, and the District of Columbia. By the instant petition, petitioner seeks to modify the commodity description above by deleting the commodity description above and substituting *"new furniture*, crated or uncrated, or otherwise packaged" in lieu thereof.

No. MC 7832 (notice of filing of petition to add an additional contracting shipper) filed December 8, 1976. Petitioner: SUPER M LTD., a Corporation, 411 A North Wood Avenue, Linden, N.J. 07036. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* Permit in No. MC 7832, issued April 28, 1976, authorizing transportation as pertinent over irregular routes of *such merchandise* as is dealt in by wholesale, retail, chain grocery, department stores, and food business houses (except commodities in bulk), and in connection therewith, *equipment, materials and supplies* use in the conduct of such business (except commodities in bulk), between points in New Jersey, Pennsylvania, Maryland, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Delaware, Virginia, and Washington, D.C., under a continuing contract, or contracts, with Food Fair Stores, Inc., of Philadelphia, Pa., and Lever Brothers Company. By the instant petition, petitioner seeks to add the Colgate-Palmolive Company as an additional contracting shipper to the authority above.

No. MC 54200 (Sub-No. 2) (Notice of filing of petition to add radial points) filed December 7, 1976. Petitioner: SEIGLE'S EXPRESS, INC., 81 Porete Ave., N. Arlington, N.J. 07032. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *common carrier* Certificate in No. MC 54200 (Sub-No. 2), issued March 5, 1974, authorizing transportation over irregular routes, of *gas ranges, electric materials, paints and raw material* (shoddy), between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey (except Newark, N.J., and points in New Jersey within 10 miles of Newark), New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y. By the instant petition, petitioner seeks to broaden the territorial description above by adding Kingston, Newburgh, and Poughkeepsie, N.Y. as additional radial points.

No. MC 123778 (Sub-No. 23) (Notice of filing of petition to add an additional contracting shipper) filed December 2, 1976. Petitioner: JALT CORP., doing business as: UNITED NEWSPAPER DELIVERY SERVICE, P.O. Box 398, 75 Cutters Dock Road, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* Permit in No. MC 123778 (Sub-No. 23), issued December 9, 1976, authorizing transportation, as pertinent, over irregular routes, of *magazines* and *advertising matter* shipped with magazines, from Old Saybrook, Conn., to points in New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to Schenectady, and thence along New York Highway 7 to the New York-Vermont State line, and to Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with U.S. News & World Report, of Chicago, Ill., and McGraw-Hill Publications Company, of Chicago, Ill. By the instant petition, petitioner seeks to add New Times as an additional contracting shipper to the above authority.

No. MC 125035 (Sub-No. 42) (Notice of filing of petition to substitute contracting shippers) filed December 8, 1976. Petitioner: RAY E. BROWN TRUCKING, INC., 1266 Stuart St., N.W., P.O. Box 501, Massillon, Ohio 44646. Petitioner's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* Permit in No. MC 125035 (Sub-No. 42), issued March 25, 1976, authorizing transportation over irregular routes, of *animal feed, materials, and supplies* (except commodities in bulk), between Sebring, Ohio and Everson, Pa., on the one hand, and, on the other, points in that part of the United States east of U.S. Highway 85, under a continuing contract, or contracts, with Allied Mills, Inc. of Sebring, Ohio. By the instant petition, petitioner seeks to delete Allied Mills, Inc. of Sebring, Ohio as the contracting shipper from the above authority, and substitute, in lieu thereof, Carnation Company located at Sebring, Ohio, and Allied Mills, Inc. of Everson, Pa. as contracting shippers.

No. MC 127304 (Sub-No. 4) (Notice of filing of petition to modify commodity description and add additional origin points) filed December 10, 1976. Petitioner: CLEAR WATER TRUCK COMPANY, INC., 9101 N. West St., Valley Center, Kans. 67147. Petitioner's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* Permit in No. MC 127304 (Sub-No. 4), issued August 6, 1970, authorizing transportation over irregular routes, of (1) *Dichlorodifluoromethane and monochloridifluoromethane*, in containers, and *plastic and plastic articles*, from Colwich, Kans., to points in the United States (except Alaska and Hawaii); and (2) *empty containers*, from Philadelphia, Pa., and Columbus, Ohio, to Colwich, Kans., under a continuing contract, or contracts, with International Plastics, Inc. By the instant petition, petitioner seeks (a) to modify the commodity description in part (1) of the above authority to read: *"Fluorocarbon chemicals and antifreeze*, in containers and cylinders, and *replacement parts for air conditioning systems*; and (b) to add, with respect to part (2) of the above authority, the additional origin points of Paducah, Ky.; Decatur, Ala.; Everett, Mass.; and West Warwick, R.I.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 139495 (Sub-No. 127) (Republication), filed February 26, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. An Order of the Commission, Review Board Number 3, issued November 15, 1976, and served December 22, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle over irregular routes, in the transportation of *such merchandise* as dealt in by retail shoe stores and *equipment, materials and supplies* used in the conduct of retail shoe stores (except commodities in bulk), from the facilities of Thom McAn Shoe Company, at or near Brockton and Auburn, Mass., to Los Angeles, La Mirada, San Francisco, and Oakland, Calif.; that applicant is fit, willing, and able to properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution of Brockton, Mass. as an origin point in lieu of Worcester, Mass. in applicant's grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirement of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 523), filed December 8, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Oklahoma Gas and Electric Company, located at or near Red Rock, Okla., as an off-route point in connection with applicant's present authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Washington, D.C.

No. MC 4405 (Sub-No. 541), filed December 10, 1976. Applicant: DEALERS TRANSIT, INC., 522 South Boston Ave., Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, bins, conveyors, bag houses, coolers, and mixers, and parts, attachments and accessories* for the above named commodities, from Glasgow, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 4405 (Sub-No. 543), filed December 10, 1976. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle pasteurizer and bottle washing machinery and parts, attachments and accessories* for the above named commodities, from St. Louis, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 15728 (Sub-No. 12), filed December 8, 1976. Applicant: AUTO PRODUSTS TRANSPORT, INC., 28000 Southfield Road, Lathrup Village, Mich. 48076. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Toledo, Ohio, on the one hand, and, on the other, points in Indiana, under a continuing contract with Mead Containers Division of Mead Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit or Lansing, Mich.; Toledo, Ohio; or Chicago, Ill.

No. MC 44053 (Sub-No. 9), filed December 2, 1976. Applicant: TOWNE SERVICES HOUSEHOLD GOODS, TRANSPORTATION CO., INC., P.O. Box 17005, San Antonio, Tex. 78217. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up or knocked down, between points in the United States, including Hawaii and Alaska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Antonio, Tex.

No. MC 47710 (Sub-No. 3), filed December 10, 1976. Applicant: G. J. R. INC., 7390 Harrison Pike, Cincinnati, Ohio 45247. Applicant's representative: Norbert B. Flick, 715 Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel or crushed stone*, in bulk, in dump trucks, from the plant facilities of American Materials Corp., located at or near Harrison, Ohio, to points in Dearborn County, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cincinnati, or Columbus, Ohio.

No. MC 51146 (Sub-No. 482), filed December 2, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2261 South Broadway, Green Bay, Wis. 54304. Applicant's representative: James W. Muldoon, Suite 1815, 50 W. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, when moving in mixed loads with paper and paper products, from Chillicothe and Schooleys, Ohio, to points in the United States (except points in Maryland, Virginia, and the District of Columbia, and points in that part of North Carolina east of U.S. Highway 25: South Carolina east of a line beginning at the North Carolina-South Carolina state line and extending southeast along U.S. Highway 176 to Columbia, thence east along Interstate Highway 20 to Florence, thence south along U.S. Highway 52 to Charleston).

NOTE.—Applicant states that it presently holds authority to transport paper and paper products from the above described origin to the requested destination territory. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 52579 (Sub-No. 158), filed December 9, 1976. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07095. Applicant's representative: Irving Klein, 371 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from points in Alabama, Florida, Kentucky, Mississippi, North Carolina and Tennessee, to points in the Chicago, Ill. commercial zone as defined by the Commission.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 136), filed December 10, 1976. Applicant: GLENN

MCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36872. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and woodpulp* (except in bulk), from the plantsite of Bowater Carolina Corporation, at or near Catawba, S.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; and (2) *materials, equipment and supplies*, used in the manufacture of paper, paper products and woodpulp (except in bulk), from the destination points named in (1) above, to the plantsite of Bowater Carolina Corporation, at or near Catawba, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 53841 (Sub-No. 4), filed December 8, 1976. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, Knox, Pa. 16232. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned evaporated milk*, from South Dayton, N.Y., to points in New Jersey, and New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 56409 (Sub-No. 11), filed November 30, 1976. Applicant: MAJOR TRANSPORT, INC., Box 204, Highway 135 and Airport Road, Palmyra, Wis. 53156. Applicant's representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grass pellets*, from the plantsites and facilities of Warren's Turf Nursery, Inc. located in Jefferson County, Wis., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *shipper owned trailers, sod in mixed loads, and used equipment, materials, and supplies* used in the growing, harvesting, processing or distribution of the commodities described in (1) above, or *ingredients thereof*, between points in Jefferson and Winnebargo Counties, Wis. and points in Illinois, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 59655 (Sub-No. 7), filed December 13, 1976. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, N.Y. 10952. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*, and (2) *materials and supplies*, used in the manufacture, distribution or sale of containers (except commodities in bulk), between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to the transportation of shipments originating at or destined to the facilities of National Can Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 64808 (Sub-No. 25), filed December 10, 1976. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal foods* (except in bulk), from the facilities of the Sunshine Mills, Inc., at or near Tupelo, Miss., and Red Bay, Ala., to points in Delaware, Kentucky, Maryland, New Jersey, New York Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 67818 (Sub-No. 85), filed November 29, 1976. Applicant: MICHIGAN EXPRESS, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, new household, office and store fixtures and furnishings*; and (2) *parts, materials and supplies* used in the manufacture, distribution or sale of the commodities described in (1) above, between points in Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Grand Rapids, Mich. or Lansing, Mich.

No. MC 78687 (Sub-No. 44), filed December 10, 1976. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, N.Y. 14527. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, from Montezuma (Cuyaga County), N.Y., to points in the United States in and east of Arkansas, Iowa, Louisiana, Minnesota, and Missouri.

NOTE.—Applicant holds contract carrier authority in MC 2505, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 448), filed December 8, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976. Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rail track, attachments and accessories*, for rail track; and (2) *equipment*, used in connection with the removal and installation of rail track, between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsites, facilities, or jobsites of L. B. Foster Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 98952 (Sub-No. 41), filed December 6, 1976. Applicant: GENERAL TRANSFER COMPANY, a Corporation, 2880 North Woodford Street, Decatur, Ill. 62525. Applicant's representative: John E. Harvey, P.O. Box 1470, 4666 Faries Parkway, Decatur, Ill. 62525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, liquid, in bulk, from the plant and storage facilities of Archer Daniels Midland Company located in Decatur, Ill., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., St. Louis, Mo. or Springfield, Ill.

No. MC 104123 (Sub-No. 79), filed December 6, 1976. Applicant: JOHN SCHUTT, JR., INC., 665 River Road, North Tonawanda, N.Y. 14120. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *cryogenic tanks and parts and accessories* thereof when moving therewith and *equipment, materials, and supplies* (except commodities in bulk, in tank vehicles) used in the installation of such tanks from the plant site and facilities of Union Carbide Corporation located at or near Theodore, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* (except commodities in bulk, in tank vehicles) used in the manufacture of the commodities named in (1) above from the destination area named in (1) above to the said plant site and facilities as named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106920 (Sub-No. 67), filed December 9, 1976. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products* (except in bulk), between the warehouse facilities of Beatrice Foods Co. located at Scranton, Pa., and at or near Allentown, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia, restricted to the transportation of traffic originating at the above named origin points and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with other similar applications at either Chicago, Ill. or Washington, D.C.

No. MC 107012 (Sub-No. 231), filed November 26, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber reinforced plastic articles and accessories*, from the plantsite and storage facilities of Owens-Corning Fiberglas Corporation, at or near Huntsville, Ala., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 107403 (Sub-No. 994), filed December 8, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from the site of the Raritan Center Industrial Park, located at Edison, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107544 (Sub-No. 129), filed November 30, 1976. Applicant: LEMMON TRANSPORT COMPANY, a Corporation, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon*, in bulk, in tank or hopper type vehicles, from Catlettsburg, Ky., to points in Alabama, Indiana, Iowa, New York, Tennessee, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Roanoke, Va.

No. MC 108587 (Sub-No. 21), filed December 1, 1976. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Avenue Colchester, Conn. 06415. Aplicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut, Massachusetts, those points in that part of Rhode Island on U.S. Highway 1 (portions formerly alternate U.S. Highway 1) from the Massachusetts-Rhode Island State line to the Rhode Island-Connecticut State line, and those points in Rhode Island on U.S. Highways 6 and 44, and Rhode Island Highway 3, on the one hand, and, on the other, those points in that part of New York on and south of a line beginning at Youngstown, N.Y., and extending along the shore line of Lake Ontario to Oswego, N.Y., thence along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 through Utica, N.Y., to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., thence along New York Highway 66 to junction New York Highway 43, and thence along New York Highway 43 to the New York-Massachusetts State line.

NOTE.—Applicant seeks to eliminate the gateways of New York, N.Y., and a defined portion of northern New Jersey. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 110525 (Sub-No. 1176), filed December 2, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Arsenic acid and arsenical compounds*, in bulk, in tank vehicles, from Bonham, Tex., to points in Alabama, Florida, Georgia, Iowa, Kentucky, North Carolina, South Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 110563 (Sub-No. 193), filed December 8, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chicago and Carol Stream, Ill., to points in Connecticut, Delaware, Massachusetts, Maryland, New York, New Jersey, Pennsylvania, Rhode Island, West Virginia, Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities utilized by E. J. Brach & Sons, Div. of American Home Products Corp., located at or near Chicago and Carol Stream, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 110683 (Sub-No. 112), filed Decemebr 7, 1976. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (A) Between Louisville and Lexington, Ky.: From Louisville, Ky., over U.S. Highway 60 to Lexington, Ky., and return over the same route, serving all intermediate points and off-route points in Anderson, Fayette, Franklin, Jefferson, Scott, Shelby, Spencer, and Woodford Counties, Ky., (B) Between Cincinnati, Ohio, and junction of U.S. Highway 31W and the Kentucky-Tennessee State Boundary line: From Cincinnati, Ohio, over U.S. Highway 42 to junction U.S. Highway 31W (at or about Louisville, Ky.), thence over U.S. Highway 31W to the Kentucky-Tennessee State Boundary line, and return over the same route, serving all intermediate points and off-route points in Allen, Barren, Boone, Bullitt, Carroll, Edmonson, Gallatin, Hardin, Hart, Henry, Jefferson, Kenton, Larue, Logan, Meade, Oldham, Owen, Simpson, Trimble, and Warren Counties, Ky., (C) Between Elizabethtown, and Lexington, Ky.: From Elizabethtown, Ky., over U.S. Highway 62 to junction U.S. Highway 60 thence over U.S. Highway 60 to Lexington, Ky., and return over the same route, serving all intermediate points and off-route points in Anderson, Fayete, Hardin, Larue, Mercer, Nelson, Spencer, Washington, and Woodford Counties, Ky., (D) Between junction U..S Highway 25 and Kentucky Highway 80 near London, Ky., and Bowling Green, Ky.: From junction U.S. Highway 25 and Kentucky Highway 80, over Kentucky Highway 80 to Bowling Green, Ky., and return over the same route, serving all intermediate points and off-route points in Adair, Allen, Barren, Casey, Clinton, Cumberland, Laurel, McCreary, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Warren, and Wayne Counties, Ky.; and (E) Between Lexington and Tomkinsville, Ky.: From Lexington, Ky., over U.S. Highway 68 to junction Kentucky Highway 163, thence over Kentucky Highway 163 to Tompkinsville, and return over the same route, serving all intermediate points and off-route points in Adair, Boyle, Cumberland, Fayette, Green, Jessamine, Marion, Mercer, Metcalfe, Monroe, Taylor, and Washington Counties, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky., or Washington, D.C.

No. MC 111401 (Sub-No. 473), filed December 6, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., 1660 Lincoln Street, Suite 1600 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric Acid*, in bulk, in tank vehicles, from Borger, Tex., to points in Oklahoma and Kansas; and (2) *chemicals* (except petroleum base chemicals), in bulk, from Norman, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 111545 (Sub-No. 228), filed December 2, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, Ga. 30067. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30065. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction, earthmoving, excavating, and material handling machinery and equipment;* and (2) *attachments, parts and accessories* being returned to factory for service, exchange, repair or warranty adjustment, between the plantsite of Clark Equipment Company, located at Skyland, N.C., on the one hand, and, on the other, points in the United States in and east of Iowa, Kansas, Minnesota, Nebraska, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 111729 (Sub-No. 689), filed November 26, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers, decorative greens, and green plants*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, restricted to traffic having an immediately prior or subsequent movement by air or motor vehicle, between points in Florida.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112148 (Sub-No. 60), filed November 24, 1976. Applicant: WORSTER-IOWA, INC., R.D. No. 1, Gay Road, North East, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packinghouses and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Fort Dodge, Iowa, to points in Ohio, Pennsylvania, and points in that part of New York west of Interstate Highway 81, restricted to traffic originating at the named origins and destined to the named destination points; and (2) *meat, meat products, meat by-products, articles distributed by meat packinghouses, foodstuffs, and packing plant materials, equipment and supplies*, from points in Ohio, Pennsylvania, and points in that part of New York west of Interstate Highway 81, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Fort Dodge, Iowa, restricted to traffic originating at the named origins and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 80), filed December 8, 1976. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hills, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction, earthmoving, excavating, and material handling machinery and equipment;* (2) *attachments, parts, and accessories* used for the commodities named in (1) above and when moving in mixed shipments with said commodities; and (3) *attachments, parts, and accessories* being returned to factory for service, exchange, repair or warranty adjustment, between the plantsite and storage facilities of Clark Equipment Company, located at or near Skyland, N.C., on the one hand, and, on the other points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at either Chicago, Ill. Washington, D.C. or Nashville, Tenn.

No. MC 113855 (Sub-No. 365), filed December 10, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment;* (2) *attachments and parts of mining equipment;* and (3) *equipment, materials and supplies*, used in the manufacture of mining equipment, between the facilities of Reading, U.S. Inc., located at or near Orange Park, Fla., on the one hand, and, on the other, other, points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 366), filed December 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment*, used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc. located at Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perrs Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Twin Falls, Idaho; Chicago and Morris, Ill.; Lebanon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio, Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 277), filed December 6, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, bathroom vanities*, set up in boxes, *and repair parts*, from Jeffersonville, Ind., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and points in the upper peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 115162 (Sub-No. 340), filed December 2, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Laminated beams and accessories therewith, lumber and lumber products* from points in Cedar County, Mo., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and (2) *materials and supplies* used in the production of the commodities named in (1) above (except commodities in bulk, in tank vehicles), from points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, to points in Cedar County, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Birmingham, Ala.

No. MC 115162 (Sub-No. 341), filed December 6, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, paper board, panels, plastic articles and moulding* (except commodities in bulk, in tank vehicles), from Chesapeake, Norfolk, and Suffolk, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Norfolk, Va. or Washington, D.C.

No. MC 115162 (Sub-No. 343), filed December 10, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Seats, baby carriers and tubing*, from Opelika, Ala., and Moscow, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials and supplies*, used in the manufacture of seats, baby carriers and tubing (except commodities in bulk, in tank vehicles), from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to Opelika, Ala., and Moscow, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 115311 (Sub-No. 203), filed December 10, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard boxes* (except corrugated), from Cleveland, Tenn., to points in California, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, and Texas; and (2) *materials, supplies and equipment* (except commodities in bulk), from points in Georgia, Kentucky, North Carolina, and Virginia, to Cleveland, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn., or New York, N.Y.

No. MC 115353 (Sub-No. 24), filed December 6, 1976. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a Corporation, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of cast iron products and finished products thereof (except commodities in bulk), (1) between Lynchburg, Va., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Michigan, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia; and (2) between points in Burlington County, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Michigan, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to service to be performed under contract with the Griffin Pipe Products Co. and its affiliate, Glamorgan Pipe and Foundry Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115826 (Sub-No. 264), filed December 7, 1976. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Colorado, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 115519 (Sub-No. 39), filed December 7, 1976. Applicant: FREDERICK TRANSPORT LIMITED, A Corporation, R.R. No. 6, Chatham Ontario, Canada. Applicant's representative: Jeremy Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snow removal equipment, and agricultural machinery and agricultural implements*, from the ports of entry on the International Boundary Line between the United States and Canada located in New York and Michigan, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), restricted to the transportation of shipments originating at the facilities of McKee Bros. Limited, located at or near Elmira, Ontario, Canada and restricted to shipments moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116725 (Sub-No. 22), filed December 3, 1976. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located in Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 116947 (Sub-No. 51), filed December 6, 1976. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibre cans, and can ends, aluminum, steel or tin*, from the plantsite of Container Corporation of America located in Fulton County, Ga., to points in Alabama, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of fibre cans and can ends from the destination States named as in (1) above to the plantsite of Container Corporation of America located in Fulton

County, Ga., under a continuing contract or contracts with Container Corporation of America.

NOTE.—Applicant holds common carrier authority in MC 117666 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117068 (Sub-No. 75), filed December 6, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, (1) *Irrigation systems and parts, attachments and accessories thereof*, from Havana, Ill. to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies*, used in the manufacture and distribution of irrigation systems (except commodities in bulk), from the destination area specified in (1) above, to Havana, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 202), filed December 6, 1976. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plains, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from the facilities of U.S. Packing and Shipping Company located at or near Jersey City, N.J., and from the facilities of K Mart Apparel Corporation located at or near North Bergen, N.J., to points in Georgia, North Carolina and South Carolina, restricted to the transportation of traffic originating at the facilities of U.S. Packing and Shipping Company located at or near Jersey City, N.J. and the facilities of K Mart Apparel Corporation located at or near North Bergen, N.J. and destined to points in the above named destination states.

NOTE.—Applicant holds contract caarrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 118142 (Sub-No. 140), filed December 2, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the *Report in Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Hyplains Dressed Beef, Inc., located at Dodge City, Kans., to Aurora, Chicago, Cicero, Joliet, Peoria, Rockford and Springfield, Ill.; Indianapolis, Muncie, and Terre Haute, Ind.; Covington, Frankfort, Lexington and Louisville, Ky.; Baton Rouge, New Orleans, Shreveport and Westwego, La.; Baltimore, Md.; Detroit, Flint, Grand Rapids, Lansing and Livonia, Mich.; Gulfport, Miss.; Jersey City, Passaic and Wood Ridge, N.J.; Albany, Buffalo, New York City, Rochester and Syracuse, N.Y.; Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Springfield and Toledo, Ohio; Blooming Glen, Elizabethville, Harrisburg, Irwin, Pittsburgh and Sounderton, Pa.; Norfolk, Richmond, Roanoke and Salem, Va.; and Charleston and Huntington, W. Va., restricted to traffic originating at the plantsite of Hyplains Dressed Beef, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 118535 (Sub-No. 93), filed December 10, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Jim Tiona, Jr., 111 S. Prospect, P.O. Box 312, Butler, Mo. 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry beet pulp pellets*, in bulk, from Fremont and Ottawa, Ohio, and East Grand Forks and Crookston, Minn., to East St. Louis, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Omaha, Nebr.

No. MC 118959 (Sub-No. 142), filed December 2, 1976. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel wire, iron and steel cable, and iron and steel spirals*, from the plantsite of Florida Wire and Cable Co. located at or near Jacksonville, Fla. and the plantsite of Wiremil, Inc. located at or near Sanderson, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 125664, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Miami, Fla.

No. MC 119619 (Sub-No. 92), filed November 22, 1976. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, animal foods, animal food ingredients* and *meat by-products* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pa., and located at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the warehouse of Beatrice Foods Co., located at Scranton, Pa., and located at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia, and the District of Columbia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and located at or near Allentown, Pa., restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co., located at Scranton, Pa. and located at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 119619 (Sub-No. 94), filed December 6, 1976. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods*, frozen or other than frozen (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Clayton and Milford, Del., and Pocomoke City, Md., to Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 119619 (Sub-No. 95), filed December 6, 1976. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* in combination bins, in Government-sealed trailers, from the facilities of Illinois Meat Company, located at Chicago, Ill., to the facilities of Granite State Packing Co., located at Manchester, N.H.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Chicago, Ill.

No. MC 119875 (Sub-No. 8), filed December 2, 1976. Applicant: WAR-HUNT TRUCKING CO., INC., R.D. No. 3, Allentown, Pa. 18104. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products* (except in bulk), (1) from

the warehouses of Beatrice Foods Co., located at Scranton, Pa. and at or near Allentown, Pa., to points in Connecticut, Delaware, that portion of Indiana on and south of U.S. Highway 50, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, that portion of Ohio on and south of U.S. Highway 50, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia, and the District of Columbia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and located at or near Allentown, Pa., restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 119880 (Sub-No. 91) filed December 8, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 7100 West Center Road, Univac Building, Suite 530, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Grape juice*, pure or containing slurry, in bulk, in tank vehicles, from points in Yakima, Benton, Walla Walla and Franklin Counties, Wash., to points in Allegan, Van Buren, Berrian and Grand Traverse Counties, Mich., and St. Joseph County, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 119880 (Sub-No. 92), filed December 8, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 7100 West Center Road, Univac Building, Suite 530, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed supplement*, in bulk, in tank vehicles, from Manteca and Los Angeles, Calif., to Kankakee, Ill., and Topeka, Kan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, or San Francisco, Calif.

No. MC 119880 (Sub-No. 93), filed December 8, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain neutral spirits, alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Peoria and Delavan, Ill., to points in Indiana, Kentucky and Ohio; (2) *grain neutral spirits, grape neutral spirits, alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Delavan, Ill., to points in New York, South Carolina and Virginia; and (3) *alcoholic liquors*, in bulk, in tank vehicles, from Pekin, Ill., to Cleveland, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 120472 (Sub-No. 3), filed December 13, 1976. Applicant: GOLLOTT & SONS TRANSFER & STORAGE, INC., 1255 Caillavet Street, Biloxi, Miss. 39533. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up or knocked down, between points in Mississippi, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar application(s) at Biloxi, Miss.

No. MC 121489 (Sub-No. 12), filed December 8, 1976. Applicant: NEBRASKA-IOWA EXPRESS, INC., 3219 Nebraska Avenue, Council Bluffs, Iowa 51501. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, Between Denver, Colo. and Chappell, Nebr., serving all intermediate and off route points in Sedgwick County, Colo.: (1) From Denver over Interstate Highway 76 (formerly Interstate Highway 80S) to junction Interstate Highway 80, thence over Interstate Highway 80 to Chappell, and return over the same route; (2) From Denver over Interstate Highway 76 (formerly Interstate Highway 80S) to junction U.S. Highway 385, thence over U.S. Highway 385 to Chappell, and return over the same route; and (3) From Denver over U.S. Highway 6 to junction U.S. Highway 138, thence over U.S. Highway 138 to U.S. Highway 385, thence over U.S. Highway 385 to Chappell, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Scottsbluff and Omaha, Nebr.

No. MC 123887 (Sub-No. 9), filed November 29, 1976. Applicant: L. J. NAVY TRUCKING CO., a corporation, 2300 Eighth Avenue, Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers (1) from Louisville, Ky., to points in that part of Ohio lying on and east of U.S. Highway 23 and on and north of Interstate Highway 70, and; from Peoria, Ill., to Logan, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, W. Va., or Columbus, Ohio.

No. MC 124211 (Sub-No. 282), filed December 6, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and used by manufacturers and distributors of plumbing fixtures, plumbing supplies, and paint materials (except commodities in bulk in tank vehicles), between the sites of the plant and warehouses of William H. Harvey Company located at points in Douglas and Washington Counties, Nebr., and points in Union County, S. Dak., on the one hand, and, on the other, points in Arizona, Delaware, Idaho, Maine, Montana, Nevada, New Hampshire, New Mexico, Oregon, Rhode Island, Utah, Vermont, Virginia, West Virginia, Washington, Wyoming and the District of Columbia.

NOTE.—Common control may be involved If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124947 (Sub-No. 50), filed November 26, 1976. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 2338, East Peoria, Ill. 61611. Applicant's representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from (1) Panguitch, Escalante, Vernal, and Kamas, Utah; (2) Durango, Paradox, Montrose, Pagosa Springs, and South Fork, Colo.; and (3) Fredonia, Flagstaff, Williams, Winslow, Snowflake, Cutter, McNary, Eager, White River, Payson, and Show Low, Ariz., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Ohio, Oklahoma, Texas and Wisconsin.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or San Francisco, Calif.

No. MC 125544 (Sub-No 6), filed December 9, 1976. Applicant: LESTER M. HAYS, 803 West Mulberry, Carlinville, Ill. 62626. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk cartons*, (a) from Sikeston, Mo., to Peoria, Ill. and Des Moines, Iowa; and (b) from Clinton, Iowa, to Carbondale, Carlinville, Granite City, Olney, Quincy, Pana and Peoria, Ill., under a continuing contract or contracts with Prairie Farms Dairy, Inc.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either St. Louis, Mo or Chicago, Ill.

No. MC 126904 (Sub-No. 20), filed December 6, 1976. Applicant: H. C. PARRISH TRUCK SERVICE, INC., RFD No. 2, Box 264, Freeburg, Ill. 62243. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete filter blocks, concrete lawn crypts, and mausoleum crypts*, from St. Louis, Mo., to points in the United States (except Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 128375 (Sub-No. 151), filed November 26, 1976. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting. *Such commodities* as are dealt in and used by manufacturers and distributors of automotive parts, accessories, equipment, materials and supplies (except in bulk), (1) between N. Kansas City, Mo., on the one hand, and, on the other, points in Illinois and Missouri; (2) between points in Tennessee, on the one hand, and, on the other, points in Minnesota; and (3) between Ft. Loramie, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Maremont Corporation.

NOTE.—Applicant holds common carrier authority in MC 126118 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC 128813 (Sub-No. 9), filed November 24, 1976. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 716 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filters, component parts* of filters, *spark plugs, windshield wipers, machinery, materials* and *supplies* used in the manufacture, inspection, installation and promotion of automotive parts and equipment, between Greenville, Ohio, and Clearfield, Utah., on the one hand, and on the other, points in California, Oregon and Washington, under a continuing contract, or contracts, with Fram Corporation.

NOTE.—Applicant holds common carrier authority in No. MC 124679 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Providence, R.I.

No. MC 129387 (Sub-No. 29), filed November 26, 1976. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, P.O. Box 1271, Hgwy. 14E, Huron, S. Dak. 57350. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except commodities in bulk), (1) from points in that part of the United States in and east of Alabama, New York, Pennsylvania, Tennessee, Virginia and West Virginia, to the facilities of Coast to Coast Stores Central Organization, Inc., at or near Crawfordsville, Ind.; (2) from points in that part of the United States in and east of Alabama, Indiana, Kentucky, Michigan and Tennessee, to the facilities of Coast to Coast Stores Central Organization, Inc., located at Kansas City, Mo.; and (3) from points in that part of the United States in and east of Alabama, Illinois, Missouri, Tennessee and Wisconsin, to the facilities of Coast to Coast Stores Central Organization, Inc., at or near Brookings, S. Dak., and Springfield, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 133095 (Sub-No. 122), filed December 6, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation located at Albert Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Kansas City, Mo.

No. MC 133095 (Sub-No. 123), filed December 6, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from the facilities of the Scott Paper Company located at or near Mobile, Ala., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 133233 (Sub-No. 48), filed December 6, 1976. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael Ogborn, P.O. Box 82028, Lincoln. Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of cast iron products and finished products thereof, between points in Pottawattamie County, Iowa, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, under a continuing contract, or contracts, with the Griffin Pipe Products Co.

NOTE.—Applicant holds common carrier authority in No. MC 138328 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Chicago, Ill.

No. MC 133566 (Sub-No. 69, filed December 6, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947 Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, aimal foods, animal food ingredients, and meat by-products* (except in bulk), (1) from the warehouses of Beatrice Foods Company, located at Scranton, Pa., and located at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Company located at Scranton, Pa., and located at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia, and the District of Columbia, to the warehouses of Beatrice Foods Company located at Scranton, Pa., and located at or near Allentown, Pa., restricted to movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Company located at Scranton, Pa., and located at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Washington, D.C.

No. MC 133796 (Sub-No. 41), filed December 6, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rope, synthetic cordage and strapping and tools, seals and buckles* as used with synthetic strapping, oakum and packing and synthetic twine, from Honesdale, Pa., to Emeryville, Calif.; Seattle, Wash.; New Orleans, La.; and Jacksonville, Fla.

NOTE.—Applicant holds contract carrier authority in No. MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134922 (Sub-No. 209), filed December 6, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and such commodities* as are manufactured or distributed by manufacturers or distributors of tile (except commodities in bulk and those which because of size or weight require the use of special equipment), from the plantsite and storage facilities of American Olean Tile located at or near Landsdale, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Philadelphia, Pa.

No. MC 134922 (Sub-No. 210), filed December 6, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except in bulk), having a prior or subsequent movement by rail, between Lanett and Fairfax, Ala., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Atlanta, Ga.

No. MC 135640 (Sub-No. 6), filed December 6, 1976. Applicant: STALEY EXPRESS, INC., 2501 N. Brush College Road, Decatur, Ill. 62526. Applicant's representative: John E. Harvey, P.O. Box 1470, 4666 Faries Parkway, Decatur, Ill. 62525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, liquid, in bulk, from the plant and storage facilities of Archer Daniels Midland Company located in Decatur, Ill., to point in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill.; St. Louis, Mo.; or Springfield, Ill.

No. MC 136285 (Sub-No. 20), filed December 7, 1976. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., 413 Garden Ave., P.O. Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except in bulk), from the facilities of Union Camp Corporation, located in Savannah, Ga., to points in Florida; and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of paper and paper products, from points in Florida, to the facilities of Union Camp Corporation, located in Savannah, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Savannah, Ga. or Jacksonville, Fla.

No. MC 136407 (Sub-No. 14), filed December 6, 1976. Applicant: COORS TRANSPORTATION COMPANY, a Corporation, 5101 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1600 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from points in Jefferson County, Colo., to points in Nebraska, under a continuing contract, or contracts, with Adolph Coors Company of Golden, Colo.; (2) *equipment, materials and supplies* used and dealt in by breweries, porcelain manufacturers, or container manufacturers, from points in Nebraska, to Jefferson and Boulder Counties, Colo., under a continuing contract, or contracts, with Adolph Coors Company, Coors Porcelain Company, or Coors Container Company, all of Golden Colo.; and (3) *equipment, materials and supplies* used and dealt in by container manufacturers, from points in Arizona, California, Kansas, Louisiana, Montana, Oklahoma, Texas, New Mexico, Idaho, Washington, Wyoming, Utah and Nevada, to points in Jefferson and Boulder Counties, Colo., under a continuing contract, or contracts, with Coors Container Company of Golden, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 136635 (Sub-No. 4), filed December 6, 1976. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, Ind. 46614. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-stressed concrete forms and materials and supplies* used in the erection of such concrete forms, when transported in the same vehicle with concrete forms, from points in St. Joseph County, Ind., to points in Illinois, Kentucky, Michigan and Ohio; and (2) *materials and supplies* used in the erection of such concrete forms, from points in Illinois, Kentucky, Michigan and Ohio, to points in St. Joseph County, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138000 (Sub-No. 24), filed December 9, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to Cumberland, Md.

NOTE.—Applicant holds contract carrier authority in MC 129613 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138237 (Sub-No. 5), filed December 1, 1976. Applicant: METRO HAULING, INC., 20848 77th Street, Kent, Wash. 98188. Applicant's representative: Boyd Hartman, 221 First West, Seattle, Wash. 98119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Washington, on the one hand, and, on the other, points in Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle or Portland, Wash.

No. MC 138635 (Sub-No. 29), filed November 15, 1976. Applicant: CAROLINA-WESTERN EXPRESS, INC., Box 3901, 650 Eastwood Drive, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs and materials and supplies* used in the manufacture and sale of frozen foods and foodstuffs, from Ontario, Oregon and Burley, Idaho, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New York, New Jersey, New Hampshire, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 136464, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 139112 (Sub-No. 11), filed December 6, 1976, Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Above ground swimming pools and plastic toys*, from Wilkes-Barre, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 140557, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139533 (Sub-No. 3), filed December 9, 1976. Applicant: ALEX K. SCHERER, 22 Oak Lane, Ottawa, Ill. 61350. Applicant's representative: Paul J. Maton, Suite 1620, 10 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, from North Pekin, Ill., to points in Iowa, Minnesota, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago or Springfield, Ill.

No. MC 139577 (Sub-No. 2), filed December 10, 1976. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, 205 East Winnebago Street, Friesland, Wis. 53935. Applicant's representative: Delbert De Young (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container parts*, from points in Wisconsin, to Fort Dodge and Fort Madison, Iowa, restricted to traffic originating from the facilities utilized by the Carnation Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 139973 (Sub-No. 11), filed December 2, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities the transportation of which because of their size or weight require the use of special equipment), (1) from the facilities of Keystone Steel & Wire Division, Keystone Consolidated Industries, Inc. located at or near Peoria, Ill., to points in Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Oregon, Texas, Utah and Washington; and (2) from Sherman, Tex., to the facilities of Keystone Steel & Wire located at or near Peoria, Ill.

NOTE.—Applicant holds contract carrier authority in No. MC 138375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 139973 (Sub-No. 12), filed December 9, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, and printed matter*, (1) from Kokomo, Ind., to points in Arizona, Colorado, Florida, Louisiana, New Mexico, Oklahoma, Texas and Utah; (2) from Philadelphia, Pa., to Memphis, Tenn., and points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Montana, Oklahoma, Oregon, Texas, Utah and Washington; and (3) from Chicago, Ill., to Los Angeles, Calif.; Denver, Colo.; Kansas City, Mo.; Oklahoma City, Okla.; Dallas, Tex.; Omaha, Nebr.; and Des Moines, Iowa.

NOTE.—Applicant holds contract carrier authority in No. MC 138375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 140024 (Sub-No. 67), filed December 8, 1976. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, animal foods, animal food ingredients, and meat by-products* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., to points in Illinois, Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co. Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to the transportation of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods, Co., at Scranton, Pa., and at or near Allentown, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140484 (Sub-No. 20), filed December 6, 1976. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric gear motors, power transmission equipment and machinery and controllers or controller parts* and *parts and accessories therefor*, from Lawrenceburg, Ky., to points in Arizona, California, Colorado, Louisiana, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141121 (Sub-No. 2), filed December 9, 1976. Applicant: MENSCH TRUCKING, INC., 3540 South Lawrence Street, Philadelphia, Pa. 19148. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of American Home Foods Division of American Home Products Corporation located at or near Milton, Pa., to points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 141320 (Sub-No. 6), filed December 2, 1976. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, P.O. Box 522, Wheatley Heights, N.Y. 11798. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, medical test kits, and related medical apparatus*, between South Plainfield, N.J., on the one hand, and, on the other, points in Pennsylvania (except Lehigh, Northampton, Bucks, Montgomery, Delaware and Philadelphia Counties), under a continuing contract, or contracts, with Medi-Physics, Inc.; (2) *radiopharmaceuticals, medical isotopes, and medical test kits*, between Carlstadt, N.J., on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, Maine, Vermont, New Hampshire, and New York, under a continuing contract, or contracts, with Mallinckrodt, Inc.; and (3) *radiopharmaceuticals, medical isotopes and medical test kits*, between North Billerica, Mass., on the one hand, and, on the other, points in New York (except New York), N.Y. and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam and Dutchess Counties), points in Delaware (except New Castle County), points in Connecticut (except Fairfield County), points in Pennsylvania (except Delaware, Montgomery, Philadelphia, Chester and Bucks Counties), and points in New Jersey, Vermont, New Hampshire, Maine, Massachusetts and Rhode Island, under a continuing contract, or contracts, with New England Nuclear Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 141377 (Sub-No. 4), filed December 6, 1976. Applicant: THEA O. ELLIOTT, 5612 Heywood Road, Richmond, Va. 23224. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts; generators; machinery and machinery parts; road construction machinery and equipment; and* (2) *materials, equipment and supplies* (except commodities in bulk, in tank vehicles),

used in the distribution and sales of the commodities named in (1) above, between York, Pa., on the one hand, and, on the other, Culpeper, Harrisonburg and Winchester, Va., and points in Fauquier and Warren Counties, Va., under contract with Virginia Tractor Company, Inc., at Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 141452 (Sub-No. 1), filed December 8, 1976. Applicant: INDUSTRIAL MOLASSES COMPNAY, INC., P.O. Box 1607, Englewood Cliffs, N.J. 07632. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, (1) from the plant and storage facilities of Westway Trading Corporation, at or near Sioux City, Iowa, to points in Minnesota, Nebraska, North Dakota and South Dakota; and (2) from Mapleton, N. Dak., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts with Westway Trading Corporation, at Englewood Cliffs, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 141804 (Sub-No. 37), filed December 6, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Auto and motorcycle parts*, from the plant site and storage facilities of Nippondenso located at or near Carson, Calif., to points east of the Mississippi River, restricted to traffic originating at the above location; and (2) *materials and supplies* used in the manufacture of the above items, from Clinton, Tenn., and Cleveland, Ohio to the plant site and storage facilities of Nippondenso located at or near Carson, Calif., restricted to traffic destined to the above-named destination point.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Lincoln, Nebr.

No. MC 141804 (Sub-No. 38), filed December 10, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Michael J. Norton, Suite 404 Boston Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionaries*, from the plantsite and storage facilities of Mrs. J. G. McDonald's Chocolate Company, at or near Salt Lake City, Utah, to points in the United States located on or east of U.S. Highway 85, restricted to traffic originating at the above-named location.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Nashville, Tenn.

No. MC 142028 (Sub-No. 4), filed December 7, 1976. Applicant: ELI G. TRAVIS, doing business as TRAVIS TRUCKING COMPANY, R.D. No. 1, Benton, Pa. 17814. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth Street, N.W., 366 Executive Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpick dispensers, sporting goods and accessories*, from Wilton, Maine to points in New Jersey (except those located north of U.S. Highway 130 and New Jersey Highway 33), Delaware, Pennsylvania, Maryland, Virginia and the District of Columbia, under a continuing contract or contracts with Forster Manufacturing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant does not specify.

No. MC 142107 (Sub-No. 1) (Correction), filed May 24, 1976, published in the FEDERAL REGISTER issue of July 15, 1976, republished as amended in the FEDERAL REGISTER issue of December 30, 1976, and republished as corrected this issue. Applicant: H & M TRUCKING CO., P.O. Box 173, Clinton, Ill. 61727. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* (except commodities in bulk, in tank vehicles, and salt), between Cold Water, Mich.; Muncie, Plymouth, Logansport, Hammond, Indianapolis, Columbus, Frankfort and Mashawaka, Ind.; Cincinnati, Cleveland, Defiance, Wauseon and Clyde, Ohio; Kankakee, Deer Creek, Mason City, Chicago, Decatur, Rochelle, Lynn Center, East St. Louis, Danville, Champaign, Gibson City, Taylorville and Galesburg, Ill.; Milwaukee and Green Bay, Wis.; Cedar Rapids, Washington, Des Moines, Sioux City, Eagle Grove, Ft. Dodge, Belmont, Iowa Falls, Mason City, Davenport, Waterloo, Alta Vista and Tama, Iowa; Mankato, Red Wing and Albert Lea, Minn.; and Marshall and Blackwater, Mo. *Hearing:* Set for January 25, 1977 (2 days), at 9:30 a.m. local time, at Chicago, Ill.

NOTE.—The purpose of this republication is to indicate Mankato, Minn. as a service point, which was omitted in the notice of December 30, 1976.

No. MC 142212 (Sub-No. 2), filed December 10, 1976. Applicant: COUTURE TRANSPORT, INC., Box 279, Saranac, N.Y. 12981. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum poles and related parts*, between the Village of Champlain, N.Y., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *aluminum flagpoles, overhead sign structures, stadium seats and portable grandstand seats all in aluminum, and steel lighting poles*, between the Village of Champlain, N.Y., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Pole-Lite Industries Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 142276 (Sub-No. 1), filed December 1, 1976. Applicant: JAYHAWK TRUCK LINE, INC., 624 East Morris, Wichita, Kans. 67211. Applicant's representative: William H. Shawn, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft tires and retreaded aircraft tires*, between the facilities of Thompson Aircraft Tire Corp., located at Salina, Kans., on the one hand, and, on the other, Bloomington, Minn.; Denver, Colo.; Dallas and Houston, Tex.; Tulsa, Okla.; Chicago and Bensonville, Ill.; and Platte City and St. Louis, Mo., under a continuing contract or contracts with Thompson Aircraft Tire Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 142437 (Sub-No. 1), filed December 9, 1976. Applicant: ROBERT E. ARONDELLI AND ROBERT E. ARONDELLI, JR., a Partnership, doing business as: ARONDELLI TRUCKING SERVICE, P.O. Box 92, Christopher, Ill. 62822. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor evhicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Anheuser-Busch, Inc. located at St Louis, Mo., to West Frankfort, Ill., under a continuing contract, or contracts, with Crespi Distributing Company located at West Frankfort, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 142504 (Sub-No. 1), filed December 3, 1976. Applicant: JACK T. MOORHEAD, doing business as JACK MOORHEAD TRUCKING, Niagara Road, Pleasant Valley, N.Y. 12569. Ap-

plicant's representative: Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the City of Poughkeepsie, N.Y., to points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 142678 (Sub-No. 1), filed November 29, 1976. Applicant: LES RAY & SONS, INC., Rural Route 2, Box 114A, Lindsborg, Kans. 67456. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and dry fertilizer materials*, from Carlsbad, N. Mex., and Joplin, St. Joseph and Kansas City, Mo., to points in McPherson County, Kans., north of U.S. Highway 56, and points in Saline County, Kans., south of Interstate Highway 70 (except Salina); and (2) *liquid fertilizer* (except anhydrous ammonia), from Joplin, Mo., and Borger, Tex., to points in McPherson County, Kans., north of U.S. Highway 56 and points in Saline County, Kans., south of Interstate Highway 70 (except Salina), under a continuing contract or contracts with Farmers Union Elevator Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 142719 (Sub-No. 1), filed December 6, 1976. Applicant: ROBERT J. KIRKPATRICK, doing business as: KIRK'S TOWING SERVICE, 411 Seventh Street, La Grange, Ill. 60525. Applicant's representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repaired, used, stolen, repossessed, and replacement motor vehicles*, in tow away service, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

BROKER APPLICATION

No. MC 130248 (Sub-No. 1), filed December 6, 1976. Applicant: EAST TENNESSEE AUTOMOBILE CLUB INCORPORATED, 100 West Fifth Avenue, Knoxville, Tenn. 39717. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Bristol, Va., and Knoxville and Kingsport, Tenn., to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage*, in special and charter operations, by motor, rail, water and air carriers, between points in Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cock, Grainger, Green, Hamblem, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Union, Unicoi, and Washington Counties, Tenn., on the one hand, and, on the other points in the United States, including Alaska but, excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville or Nashville, Tenn.

WATER CARRIER

No. WC 1263 (Sub-No. 5), filed December 9, 1976. Applicant: NEW ENGLAND STEAMBOAT LINES, INC., Steamboat Landing, Haddam, Conn. 06438. Applicant's representative: J. Raymond Clark, Suite 1150, 600 New Hampshire Ave., N.W., Washington, D.C. 20037. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Passengers*, in one-way and round-trip scheduled service, by self-propelled vessel, between Chester, Deep River, East Haddam, Essex, Haddam, Middletown and Old Saybrook, Conn., on the one hand, and, on the other, Greenport, and Sag Harbor, Long Island, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford or Middletown, Conn.

FREIGHT FORWARDER APPLICATION

No. FF-491, filed December 8, 1976. Applicant: INTERCONTINENTAL EXPORT LTD., a Corporation, P.O. Box 172, Springfield, Va. 22153. Applicant's representative: Alan P. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted in (b) above to the transportation of export-import traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13048. Authority sought for purchase by PACE MOTOR LINES, INC., 132 West Dudleytown Road, Bloomfield, CT., 06002 of a portion of the operating rights of ERNEST F. MONTZ, JR., an individual, dba J. F. RIEMER & CO., 15 Bailey Drive, West Haven, CT., 06516, and for acquisition by PATRICK R. PACELLI, 133 Far Harizon Dr., Monroe, CT., 06468, and WILLIAM T. PACILLI, 36 Hillston Rd., Trumbull, CT., 06611, of control of such rights through the purchase. Applicants' attorney: John E. Fay, 630 Oakwood Avenue, West Hartford, CT., 06110. Operating rights sought to be transferred: Meats and packing house products, as a *common carrier* over irregular routes from New Haven, Connecticut to Providence and Westerly, Rhode Island, return, with no transportation for compensation except as otherwise authorized, to New Haven and Bridgeport. Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 9268 (Sub-No. 16) is a directly related matter.

No. MC-F-13057. Authority sought for purchase by NEW PENN MOTOR EXPRESS. INC., P.O. Box 630, Lebanon, Pennsylvania, 17042, of the operating rights of H. N. RATHMELL and J. N. RATHMELL, DBA CITY DRAY LINE, 2649 Reach Road, Williamsport, PA., 17701, and for acquisition by VIRGINIA A. PHILLIPS, and EDWARD H. ARNOLD, both of P.O. Box 630, Lebanon, PA., 17042, of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C., 20005. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes as a *common carrier* between points and places within 25 miles of Williamsport, Pa., including Williamsport. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13061. Authority sought for purchase by PLANES MOVING & STORAGE, a non-carrier, 1714 Cleneay Avenue, Cincinnati, OH 45212, of the operating rights of MERLE FINE AND RITA C. FINE DBA MERLE FINE MOVING & STORAGE, 3846 Montgomery Road, Norwood, OH 45212, and for acquisition by JOHN J. PLANES, 3640 Erie Avenue, Cincinnati, OH 45208, of control of such rights through the purchase. Applicants' representative: James J. Sheridan, 7350 Miami Avenue, P.O. Box 43229, Madeira, OH 45243. Operating rights sought to be transferred: Household goods, as a common carrier over irregular routes between points and places in Hamilton County, OH on the one hand, and, points and places in Indiana and Kentucky, on the other. PLANES MOVING & STORAGE, holds no authority from this Commission. However, it is affiliated with GLOBAL VAN LINES, INC., who under MC-41098 and subs thereunder is authorized to operate as a common carrier in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-13062. Authority sought for purchase by MARLBORO TRANSPORTATION CO., INC., a non-carrier, 133-03-35th Avenue, Flushing, N.Y. 11354, of a portion of the operating rights of CARAVAN TOURS, INC., dba CARAVAN TOWNE, Route 3, Box 451, Wharton, N.J. 07885, and for acqusition by JACK MIROW, 133-03-35th Avenue, Flushing, N.Y., 11354, and GEORGE H. ROSEN, 265 Broadway, P.O. Box 348, Monticello, N.Y. 12701, of control of such right through the purchase. Applicants' attorneys: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, N.Y. 12701 and L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Operating rights sought to be transferred: Passengers and their baggage in the same vehicle with passengers, in special operations, in non-scheduled service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, as a *common carrier* over irregular routes between King of Prussia, Fort Washington and Willow Grove, Pa., on the one hand, and, on the other, New York, N.Y. MARLBORO TRANSPORTATION CO., INC., holds no authority from this Commission. However, JACK MIROW and GEORGE H. ROSEN, who are in control of MARLBORO TRANSPORTATION CO., INC., also holds 50% of the stock of SALEM TRANSPORTATION CO., INC., who under MC 107583 and subs thereunder is authorized to operate in Pennsylvania, New York, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13063. Authority sought for purchase by GENOVA EXPRESS, INC., 484A Clayton Road., Williamstown, N.J., 08094, of the operating rights of LERNER, INC., Box 491 Line & Washington St., Hammonton, N.J., 08037, and for acquisition by JOSEPH S. GENOVA, also of Williamstown, N.J., 08094 address, of control of such rights through the purchase. Applicants' representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J., 07306. Operating rights sought to be transferred: *Agricultural commodities, canned goods*, and *packed fruits*, as a *common carrier* over irregular routes from Hammonton, N.J., to New York, N.Y., Philadelphia, Pa., and Baltimore, Md.; and *general commodities*, with exceptions from New York, N.Y., Philadelphia, Pa., and Baltimore, Md., to Hammonton, N.J.; *lime and limestone*, from Norristown, Plymouth Meeting, Malvern, and Cedar Hollow, Pa., to points in that part of New Jersey bounded by a line beginning at Glassboro and extending in a northeasterly direction to Berlin, N.J., thence in an easterly direction through Indian Mills, N.J., to Chatsworth, N.J., thence in a southeasterly direction to Manhawkin, N.Y., thence in a southwesterly direction through Oceanville, to Somers Point, N.J., thence in a northwesterly direction through Mays Landing and Malaga, N.J., to Glassboro; *canned and processed foods and bakery products*, from Bridgeton and Cedarville, N.J., and points in Atlantic County, N.J., to points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia; and *tin cans, glass bottles, cartons and packing materials*, used in or incidental to the packaging of the commodities specified above, from points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia, to Bridgeton and Cedarville, N.J., and points in Atlantic County, N.J. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 381 (Sub-No. 7) is a directly related matter.

No. MC-F-13064. Authority sought for control by GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho, 83401, of Taggart Trucking Company, 11 Federal Blvd. No. 1, Denver, CO., 80219, and for acquisition by Louis Grover, Donna Grover, Neil Grover, Nancy Grover Jennings, Wendy Grover, and Rick Grover, all of the Idaho Falls, Idaho, 83401 address, of control of Taggart Trucking Company through the acquisition by Louis Grover, Donna Grover, Neil Grover, Nancy Grover Jennings, Wendy Grover, and Rick Grover. Applicants' attorney: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah, 84111. Operating rights sought to be controlled: *Poles, posts*, and *timbers*, as a *common carrier* over irregular routes from Denver, Colo., to points in Wyoming, Nebraska, and New Mexico, with no transportation for compensation on return except as otherwise authorized; *forest products* and *sawmill products*, between points in Colorado and Wyoming, between points in Colorado and Wyoming on the one hand, and, on the other, points in Utah, Nebraska, and New Mexico, those in that part of Kansas on and west of U.S. Highway 81, except Wichita, and those in that part of Oklahoma in and west of Beaver County, except Boise City, with restrictions. Vendee is authorized to operate as a *common carrier* in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13066. Authority sought for purchase by RIGGS FOODS EXPRESS, INC., P.O. Box 26, New Bremen, Ohio. 45869 of a portion of the operating rights of Keller Transfer Line, Inc., 5631 Clay Avenue SW., Grand Rapids, Mich., 49508. Applicants' attorney: Michael M. Briley, 300 Madison Avenue, P.O. Box 2088, Toledo, Ohio, 43603. Operating rights sought to be transferred: *Frozen foods and food products*, in vehicles equipped with mechanical refrigeration, as a *common carrier* over irregular routes from the facilities of Kitchens of Sara Lee, located at Deerfield and Chicago, Ill., to points in Indiana and Ohio, with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate a *common carrier* in Ohio, Pennsylvania, Maryland, Massachusetts, New York, North Carolina, South Carolina, West Virginia, Virginia, New Jersey, Delaware, Connecticut, Rhode Island, Indiana, the District of Columbia, Florida, Georgia, Alabama, Mississippi, Kentucky, Tennessee, Wisconsin, Minnesota, Arkansas, Illinois, Michigan Missouri, Texas, Maine, New Hampshire, Vermont, Louisiana, Kansas, Nebraska, Oklahoma, and Colorado. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5 (2) of the Interstate Commerce Act, or seek tacking and or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 10761 (Sub-No. 280), filed November 16, 1976. Applicant: TRANS-AMERICAN FREIGHT LINES, INC.,

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5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: A. David Milliner, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) Between St. Louis, Mo. and Indianapolis, Ind., serving all intermediate points: From St. Louis, Mo., over U.S. Highway 40 to Indianapolis, Ind. and return over the same route. Restriction: Operations between St. Louis, Missouri and Indianapolis, Ind., shall be restricted against service between the termini or at any intermediate point, except on traffic originating at or destined to points beyond said termini. (2) Between Sandusky, Ohio and Cleveland, Ohio serving all intermediate points: From Sandusky, Ohio over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 57 to junction Ohio High-Highway 254, and thence over Ohio Highway 254 to Cleveland, Ohio, and return over the same route. Restriction: Service at points between Sandusky and Cleveland including Sandusky and Cleveland restricted to traffic moving through Sandusky or Cleveland. (3) Between Findlay, Ohio, and Indianapolis, Ind., serving all intermediate points: From Findlay over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to junction Ohio 29, thence over Ohio 29 to Ohio-Indiana State Line, thence over Indiana Highway 67 to Indianapolis, Ind., and return over the same route; (4) Between Cincinnati, Ohio and Columbus, Ohio, serving all intermediate points: From Cincinnati over U.S. Highway 22 to Washington Courthouse, thence over U.S. Highway 62 to Columbus, and return over the same route.

(5) Between East Liverpool, Ohio and Pittsburgh, Pa., serving all intermediate points: From East Liverpool over Ohio Highway 39 to the Ohio-Pennsylvania State Line, thence over Pennsylvania Highway 88 to Pittsburgh, and return over the same route; (6) Between Seymour, Ind., and Cincinnati, Ohio, serving no intermediate points and serving Seymour, Ind., for purpose of joinder only: From Seymour over U.S. Highway 50 to Cincinnati, and return over the same route; (7) Between Richmond, Ind., and Springfield, Ohio, serving all intermediate points: From Richmond over U.S. Highway 40 to Springfield, and return over the same route; (8) Between Richmond, Ind., and Cincinnati, Ohio, serving all intermediate points: From Richmond over U.S. Highway 35 to Eaton, Ohio, and thence over U.S. Highway 127 to Cincinnati, and return over the same route; (9) Between West Jefferson, Ohio and Columbus, Ohio, serving no intermediate points and serving West Jefferson for purposes of joinder only. From West Jefferson, over U.S. Highway 40 to Columbus, and return over the same route; (10) Between Cadiz, Ohio and East Liverpool, Ohio, serving no intermediate points and serving Cadiz and East Liverpool for purpose of joinder only: From Cadiz over U.S. Highway 22 to Steubenville, Ohio, thence over Ohio Highway 7 to East Liverpool, Ohio, and return over the same route; (11) Between Louisville, Ky., and St. Louis, Mo., serving no intermediate points and serving St. Louis for purposes of joinder only in connection with carrier's existing route between Louisville and Kansas City, Mo.: From Louisville over U.S. Highway 150 to Shoals, Ind., thence over U.S. Highway 50 to St. Louis, and return over the same route; and (B) *General commodities*, (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, perishables, and commodities in bulk).

(1) Between Buffalo, N.Y., Tonawanda, N.Y., and Niagara Falls, N.Y. serving all intermediate points: (a) From Buffalo over New York Highway 384 to Niagara Falls, and return over the same route; (2) From Buffalo over New York Highway 265 to Tonawanda, and return over the same route; and (3) Between Anderson, Ind., and Indianapolis, Ind., serving no intermediate points and serving Anderson, Ind., for purpose of joinder only: From Anderson over Indiana Highway 67 to Indianapolis, and return over the same route. Note: The purpose of this application is to assure that certain routes retained by applicant upon sale of portion of operating rights in Docket No. MC-F-12713 are nevertheless available to applicant following transfer in the directly related Section 5 proceeding. This is a matter directly related to a Section 5(2) finance proceeding in No. MC-F-12713 published in the FEDERAL REGISTER issue of December 23, 1975, therein hearings have been held in October and November 1976 and January 4-6, 1977 and supporting shipper evidence has already been included in the record. Applicant's request that this application be granted is conditioned upon approval of applicant's request to sell said authority in No. MC-F-12713. Any protest shall request service of shipper certification which have been filed with this application. Applicant or applicant's counsel shall serve any such protestant by February 21, 1977 with a copy of shipper certifications of those shipper witnesses (who have already testified) together with a copy of their testimony. Protestant deriving to do so shall, on or before February 28, 1977, notify applicant's counsel of such witness or witnesses, if any, they desire to be made available for purposes of cross-examination. Hearing, if deemed necessary, will be held at the Commission's Offices in Washington, D.C. on March 3, 1977. Parties already of record in the No. MC-F-12713 proceeding need not file protests, but shall notify applicant's counsel on or before February 28, 1977, of such witness or witnesses, if any, they desire to be made available for purposes of further cross-examination.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 98327 (Deviation No. 4), SYSTEM 99, 8201 Edgewater Drive, Oakland, Calif. 94621, filed December 28, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, over a deviation route as follows: From junction U.S. Highway 395 and Lessen County Highway A-3, near Buntingville, Calif., over Lassen County Highway A-3 to Standish, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Reno, Nev., over U.S. Highway 395 to Alturas, Calif., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Sperial Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Tennessee Docket No. MC 6757, filed November 24, 1976. Applicant: CHATTANOOGA-MEMPHIS EXPRESS, INC., 120 3rd Avenue, South, Franklin, Tenn. 37064. Applicant's representative: A. O. Buck, Sixth Floor, United American Bank Building, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of

General commodities (except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), (1) Between Chattanooga, Tenn. and Memphis, Tenn. serving no intermediate points; From Chattanooga over U.S. Highway 64 to Memphis, and return over the same route. (2) Between Nashville, Tenn. and Chattanooga, Tenn., serving no intermediate points; From Nashville over Interstate Highway 24 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to its junction with U.S. Highway 41, thence southeast over U.S. Highway 41 to its junction with Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, and return over the same route; and (3) Between Nashville, Tenn. and Memphis, Tenn., as an alternate route for operating convenience only; From Nashville over Interstate Highway 40 to Memphis, and return over the same route. Applicant proposes to tack at all common points and to use all routes in conjunction with each other. Restriction: Service at Memphis, Tenn. and its commercial zone is restricted against the handling of traffic originating at, destined to or interchanged at Nashville, Tenn. and its commercial zone. Applicant seeks corresponding interstate and foreign commerce authority. *HEARING:* Date, time and place is scheduled for April 11, 1977, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1-111 Cordell Hull Building, Nashville, Tenn. 37129 and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 002339A2A. filed December 17, 1976. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, P.O. Box 18747, Serna Station, San Antonio, Tex. 78218. Applicant's representative: Dan Felts, P.O. Box 2207, Austin, Tex. 78768. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, as follows: (1) between junction Texas Highway 60 and Farm Road 521 and the junction of Farm Road 521 and Texas Highway 35 as follows: From the junction of Texas Highway 60 and Farm Road 521 over Farm Road 521 to junction Farm Road 521 and Texas Highway 35, and return, serving the termini and all intermediate points including the plantsite known as South Texas Project, Houston Lighting & Power Company; and (2) between Bay City and the junction of Farm Road 2668 and Farm Road 521, as follows: From Bay City over Farm Road 2668 to the junction of Farm Road 2668 and Farm Road 521, and return, serving the termini and all intermediate points. Applicant proposes to join, tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Common Carrier Motor Carrier Certificate No. 002339 and with all services authorized in interstate and foreign commerce under authorities granted in Docket No. MC 107727 and subs thereunder. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1080 Filed 1-12-77;8:45 am]

[AB 12 (Sub-No. 25)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Hazen and Fallon in Churchill County, Nevada

NOVEMBER 22, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

Said comments have been responded to in an an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1194 Filed 1-12-77;8:45 am]

[AB 12 (Sub-No. 34)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Fall Creek Junction and Fall Creek in Lane County, Oregon

DECEMBER 28, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line of railroad between Fall Creek Junction and Fall Creek, a distance of 2.14 miles, all in Lane County, Oreg., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental effects are not considered significant because the line has been out of service since May 1973 due to a landslide which buried a portion of the line. Prior to that time the line had not generated any traffic since at least 1970. Accordingly, no traffic diversion and subsequent alterations in fuel consumption, exhaust emissions, ambient noise levels, or safety conditions would occur, if the proposed abandonment is approved. In addition, abandonment would not create any major ecological or historic effects. Furthermore, no industrial development plans are dependent on the subject line; therefore, rural and community development would not be subjected to a serious adverse impact.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 10, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc 77-1196 Filed 1-12-77;8:45 am]

[AB 12 (Sub-No. 30)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of a Portion of the Lick Branch, Santa Clara County, California

DECEMBER 28, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of a 3.73 mile portion of the Lick Branch in Santa Clara County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion to motor carrier of the low level of current rail traffic will produce negligible effects on the ambient environmental conditions. Due to the lack of economic development plans for the rapidly growing residential area adja-

cent to the line, approval of the abandonment will not adversely affect community or rural development. No historic or archaeological site nor endangered species will be affected by the proposed action. Interest has been expressed in use of the right-of-way for a light-rail, rapid transit system, should the abandonment be authorized.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 10, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–1197 Filed 1–12–77;8:45 am]

[AB 126]

WELLSVILLE, ADDISON & GALETON RAILROAD CORP.

Abandonment of Entire Line In Potter and Tioga Counties, Pa.

DECEMBER 28, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Wellsville, Addison & Galeton Railroad of its entire line of railroad extending from Galeton in Potter County, to Elkland in Tioga County, a distance of approximately 31.5 miles, and from Gaines Junction to Ansonia, in Tioga County, a distance of approximately 8.5 miles, all in the Commonwealth of Pennsylvania, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statewill not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the line has handled low volumes of traffic, there are alternative railheads in close proximity to the subject line, and there is an adequate highway network to accommodate a diversion from rail to motor carriage. Although abandonment may be inconsistent with local efforts to attract certain types of industries, no serious adverse impact on rural and community development will occur. The line to be abandoned passes through a very scenic area which attracts large number of tourists each year. As a result, the line has been found to be suitable for other public purposes.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 10, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–1193 Filed 1–12–77;8:45 am]

federal register

THURSDAY, JANUARY 13, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PROTECTION OF HUMAN SUBJECTS

Proposed Amendments Concerning Fetuses, Pregnant Women, and In Vitro Fertilization

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 46]

PROTECTION OF HUMAN SUBJECTS

Proposed Amendments Concerning Fetuses, Pregnant Women, and In Vitro Fertilization

On August 8, 1975, final regulations were published in the FEDERAL REGISTER (40 FR 33526) relating to research supported by the Department involving fetuses, pregnant women, and *in vitro* fertilization. These regulations are codified in 45 CFR, Part 46, Subpart B. Also published in the same issue of the FEDERAL REGISTER were the Report and Recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (40 FR 33530).

As required by Pub. L. 93-348, section 205, the Secretary announced that he would take into consideration any comments submitted regarding the Recommendations and would proceed to any further rulemaking with respect to any amendments to the regulations which might appear warranted.

Comments on the Recommendations of the National Commission were accepted through the middle of January 1976. The great majority of these comments addressed issues discussed both in the preamble to the final regulations published on August 8, 1975, and in the preamble to the notice of proposed rulemaking published in the FEDERAL REGISTER on August 23, 1974 (39 FR 30648), which preceded the final regulations. Consequently, there seems no reason to repeat these discussions here.

Some comments were addressed to substantive issues not considered in the earlier proposed rulemaking. Specifically, several comments were received suggesting that the term "fetus" be redefined to mean the product of conception from the time of conception, rather than from the time of implantation, since the phrase "confirmation of pregnancy" did not define a specific, recognizable point in time. Designation of the time of implantation as the beginning of the fetal period is a matter of practical medical and regulatory necessity. No medical tests exist which can confirm conception. Numerous tests exist which can confirm implantation on the basis of the hormonal changes which occur as a result of that process. However, the Department agrees that the regulations implementing the Recommendations should not appear to ignore the generally accepted signs of the presence of the fetus, such as missed menses, or the need in some instances to establish the presence or absence of the fetus by more sensitive medical tests. Therefore, the Department proposed to amend §§ 46.102(c), 46.203 (b), and 46.203(c) of the implementing regulations to indicate that these signs and tests shall be employed, as appropriate, to establish the presence or absence of the fetus.

Another group of comments was directed to those definitions concerned with the concept of viability as it applies to the fetus *ex utero*. The criticisms of "viability" centered upon concern that the term could be interpreted loosely to permit any type of nontherapeutic research. Use of the term "fetus *ex utero*" was also criticized as a device to include "infants" together with fetuses. Having considered these criticisms, the Department notes that both it and the Commission were quite aware of the medical uncertainty surrounding the term "viability" both with respect to the individual fetus *ex utero* or infant, and with respect to fetuses historically as reflected by the steady improvement in fetal survival rates over the past several decades. The definitions of fetal viability and death are discussed at some length in the Commission's Report (40 FR 33542). The Commission notes at one point that "• • • no cases were found from any documentable source of any infant surviving with a birth weight below 600 grams at a gestational age of 24 weeks or less." To insure against medical error in determining viability, the Commission recommended, and the Department concurred, that a still lower limit of 500 grams and 20 weeks or less be established as guidelines to assist in distinguished the "Nonviable fetus • • • *ex utero*" from the viable infant. In order to permit further lowering of this limit in advance of improvements in fetal survival, the Department's implementing regulations provided that "The Secretary may from time to time • • • publish in the FEDERAL REGISTER guidelines to assist in determining whether a fetus is viable • • •." A notice setting forth these guidelines was published in the same FEDERAL REGISTER as the regulations (40 FR 33552). The term "fetus *ex utero*" was used to maintain consistency with the terms of Pub. L. 93-348. Section 202(3)(b) of that law required the Commission to conduct an investigation and study of the nature and extent of research involving living fetuses generally. Section 213 referred to the fetus "before or after the induced abortion of such fetus," even though the product of an abortion is by custom termed an "abortus." The terms "fetus *in utero*" and "fetus *ex utero*" are therefore necessary distinctions, even though most of the regulations can be written applying uniformly to the fetus, as in the "minimal risk" provisions of § 46.206. No changes are proposed with respect to the use of the terms "viability" or "fetus *ex utero*."

The Commission implicitly recommended the establishment of "a national ethical review body." The provisions of § 46.204 would establish two Ethical Advisory Boards, one to serve the Public Health Service and the other to serve all other agencies and components of the Department. The Department received only a few comments about the issue of review bodies. Those comments, however, served to emphasize the inflexibility of § 46.204 which would create a review system along organizational rather than program lines and which would not permit the establishment of additional Boards which might be required. The Department therefore proposes to amend § 46.204(a) by changing the first sentence to read: "One or more Ethical Advisory Boards shall be established by the Secretary," deleting § 46.204(b) and making such other editorial and numbering changes as are required.

The largest group of the criticisms received were concerned with the Commission's recommendation on nontherapeutic research after abortion, and the Department's interpretation of these in § 46.209. Specifically, it was noted that the Commission's recommendation 6(h) that "• • • no intrusion into the fetus (be) made which alters the duration of life" was not codified in the regulations. Instead, the Department's implementing regulation stated at § 46.209(b)(1) that "vital functions of the fetus will not be artificially maintained except where the purpose of the activity is to develop new methods for enabling fetuses to survive to the point of viability."

In a letter dated October 29, 1975, to the Secretary, the Commission took issue with this provision noting that:

> In its accumulation of facts on the subject and in the taking of public testimony of scientists, the Commission was not made aware of any compelling evidence that nontherapeutic testing of vital function support mechanisms, such as keeping a nonviable fetus on a perfusion pump, artificial lung or artificial placenta, was needed for the desired advances in medical technology. Success in the newborn nursery in keeping small babies alive has, however, been accomplished in a strictly therapeutic setting. The nonviable fetus considered for such research under the regulations as presently worded would be under 20 gestational weeks of age. The frontier for such research is on the "possibly viable" infant in the 20 to 24 week category according to our definitions. Research on the small nonviable fetus which involved artificial maintenance of life by perfusion techniques and then withdrawal of such support was objected to by all segments of the public, including scientists who in public testimony did not defend the practice when specifically questioned about it. The Commission recommends that § 46.209(b)(1) be amended, so that study of life support mechanisms to bring viability to smaller infants is restricted to the borderline period of 20-24 weeks, until such time as a lower age/weight definition of viability is determined by the Ethical Advisory Board, and that such study be conducted with the intent and expectation of saving the infant's life. To do otherwise might permit the sort of research that has been found most objectionable by the public and led to the formation of this Commission by Congress.

On review of § 46.209(b)(1) it became evident that the provision did not adequately reflect the Department's actual intent, simply to permit artificial maintenance of vital functions only to enable the particular fetus "to survive to the point of viability." The Department proposes to amend § 46.209 accordingly.

Written comments, criticisms and inquiries concerning these proposed amendments are invited from interested persons, institutions and organizations. Letters should be addressed to the Director, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. Additional copies of these proposed amendments and/or of the current regulations may be obtained by writing to the same address.

All comments received become available to the public for inspection and copying at the National Institutes of Health, Room 303, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland, weekdays (Federal holidays excepted) between the hours of 9 a.m. and 4:30 p.m. All comments received on or before (60 days after publication) will be considered.

Notice is hereby given that it is proposed to make any amendments that are adopted effective upon their publication in the FEDERAL REGISTER.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 10, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: January 5, 1977.

MARJORIE LYNCH,
Acting Secretary.

It is therefore proposed to amend Part 46 of 45 CFR, Subtitle A, by:

1. Revising § 46.102(c) to read:

§ 46.102 Policy.

• • • • • •

(c) Unless the activity is covered by Subpart B of this part, if it involves as subjects women who could become pregnant, the Board shall also determine as part of its review that adequate and appropriate steps will be taken to avoid involvement of women who are in fact pregnant (as evidenced by any of the presumptive signs of pregnancy, such as missed menses, or by a medically acceptable pregnancy test), when such activity would involve risk to a fetus.

• • • • • •

2. Revising §§ 46.203(b) and 46.203(c) to read:

§ 46.203 Definitions.

• • • • • •

(b) "Pregnancy" encompasses the period of time from confirmation of implantation (through any of the presumptive signs of pregnancy, such as missed menses or a medically acceptable pregnancy test) until expulsion or extraction of the fetus.

(c) "Fetus" means the product of conception from the time of implantation (as evidenced by any of the presumptive signs of pregnancy, such as missed menses, or a medically acceptable pregnancy test) until a determination is made, following explusion or extraction of the fetus, that is viable.

• • • • • •

§ 46.204 [Amended]

3. Revising § 46.204(a) to read:

(a) One or more Ethical Advisory Boards shall be established by the Secretary. Members of these Board(s) shall be so selected that the Board(s) will be competent to deal with medical, legal, social, ethical, and related issues and may include, for example, research scientists, physicians, psychologists, sociologists, educators, lawyers, and ethicists, as well as representatives of the general public. No board member may be a regular, full-time employee of the Federal Government.

• • • • • •

4. Deleting § 46.204(b) and redesignating §§ 46.204(c) through 46.204(e) as §§ 46.204(b) through 46.204(d).

5. Amending § 46.204(b), as so redesignated, by deleting the word "appropriate" wherever it occurs.

6. Amending §§ 46.209(a) and 46.209 (b) to read:

§ 46.209 Activities directed toward fetuses *ex utero*, including nonviable fetuses, as subjects.

(a) Until it has been ascertained whether or not a fetus *ex utero* is viable, a fetus *ex utero* may not be involved as a subject in an activity covered by this subpart unless;

(1) (i) There will be no added risk to the fetus resulting from the activity, and

(ii) The purpose of the activity is the development of important biomedical knowledge which cannot be obtained by other means, or

(2) The purpose of the activity is to enhance the possibility of survival of the particular fetus to the point of viability.

(b) No nonviable fetus may be involved as a subpart in an activity covered by this subpart unless;

(1) Vital functions of the fetus will not be artificially maintained,

(2) Experimental activities which of themselves would terminate the heartbeat or respiration of the fetus will not be employed, and

(3) The purpose of the activity is the development of important biomedical knowledge which cannot be obtained by other means.

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[FR Doc.77-1038 Filed 1-12-77;8:45 am]

federal register

THURSDAY, JANUARY 13, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

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HOUSING MANAGERS

Proposed Standards For Granting Certification

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 406]

[Docket No. R-77-351]

HOUSING MANAGERS

Standards for Granting Certification

The Department of Housing and Urban Development published a proposed rule on September 15, 1975, (40 FR 42560) which would add a new Part 406, to Chapter IV, Subchapter A of Title 24, designated "Resident Manager Qualifications." The proposed rule published on that date was designed to prescribe specific qualifications and training for Housing Managers of HUD-related Multifamily Housing Projects with 100 or more units.

Interested persons were given the opportunity to comment on the proposed rule. The Department received 51 responses, each of which contained several comments; some pertained to substantive matters while others pertained to technical changes. Several changes in the rule are proposed as a result of comments received.

Since a parallel regulation has been issued to cover PHA-owned projects, it was felt that a single approach should be employed throughout the two rules. To this end, some additional modifications were made:

(1) HUD would no longer be the certifying entity; national housing management organizations would be approved by HUD to undertake the responsibilities of certification. The Approved Certifying Organization would assume responsibility for the appeal procedure in connection, with denial, suspension, or revocation of the certificate.

(2) The point system would be eliminated; Housing Managers would now meet the standards as prescribed by the Approved Certifying Organization.

(3) The regulation would apply to Housing Managers of HUD-related Multifamily Housing Projects with 75 or more units, rather than the initially proposed 100-unit minimum. No change is made, however, in the definition of HUD-related Multifamily Housing Projects: projects financed by a mortgage insured or held by HUD under the National Housing Act, projects financed by a loan from HUD under Section 202 of the Housing Act of 1959 and projects owned by the Department.

(4) The applicability of this regulation would now include Assistant Housing Managers.

All the modifications were intended to make the rule clearer and to accomplish more effectively the Department's purpose of upgrading the quality of the Housing Manager who is employed at a HUD-related multifamily housing project.

Many persons commented that certification should be required of the management agent, not the Housing Manager. The Department has determined that it already has substantial controls over the activities of the managing agents via the Regulatory Agreement and the Previous Participation Review and Clearance Procedures. The Department is concerned with the quality of performance of the Housing Manager who is directly responsible for the day-to-day operation of a multifamily housing project. Therefore, the Department has deemed it in the Government's best interest to require certification of Housing Managers.

In order to provide latitude to hire an individual who may not meet the qualifications for certification at hiring but who has potential, the Department has added a new Paragraph 406.11(b) providing for a probationary certificate.

Several persons commented that the costs of specialized training required for certification should be borne by the project. The Department has determined that during each 12-month period the expenses for two one-week courses or seminars in prepartion for meeting certification standards may be paid from project income.

Several persons questioned the ability of a HUD-related project to pay the salary commanded by a Housing Manager with the experience and educational requirements necessary for certification. Other persons were concerned that these regulations would create an artificial demand for certified Housing Managers, thereby increasing the costs of their salaries. The Department has determined that a sufficient number of certified Housing Managers will be generated during the period before the certification process becomes effective on January 1, 1979, (§ 406.11(a)). In addition, the Department believes that any minor increased costs for salaries will be more than compensated for by the savings resulting from improved management.

Several persons commented that the Department did not have the authority nor was there Congressional intent for HUD to issue regulations requiring Housing Managers to be certified. In addition, other persons commented that this regulation would inject HUD into an expanding role in management which could hamper an owner's effort to provide quality management. Each section of the National Housing Act contains authority for the Secretary to regulate the mortgagor as to rents or sales, charges, capital structure, rate of return and methods of operation. This broad authority granted by Congress is consistent with the Congressional intent to foster production of housing so that dwelling units can be provided at reasonable rentals for those people that the various programs were designed to house. To the extent that the Department can assure that projects are operated by professionally competent Housing Managers, a considerable step has been taken in the direction of increasing the quality of life in these projects and in keeping the rental rates at reasonable levels. This policy also promotes the interest of the owner that the project remain economically viable. For this reason, the Department seeks to establish uniform standards applicable to Housing Managers in HUD-related multifamily housing projects. These regulations do not hamper an owner's effort to provide quality management, but rather seek to bring all Housing Managers up to a minimum level of effectiveness. There is nothing contained in these regulations which would preclude an owner from imposing additional standards for Housing Managers.

A few persons commented that the proposed regulation did not set forth an objective standard by which certification may be revoked. The specific grounds for revocation or suspension of a certificate have been expanded in § 406.15(a), Revocation or Suspension of Certification.

The proposed rule provided that a certification could not be suspended or revoked without providing the certificate holder with an informal hearing meeting the requirements of due process. This principle has been extended to certifications. § 406.17 now provides that an applicant denied certification may, upon submitting a request for reconsideration, ask for and be entitled to a hearing by the certifying organization.

Organizations listed in the previous proposed rule have been deleted from this proposal. The functions of such organizations have changed, from that of training organizations to that of certifying organizations.

It has been determined to be in the public interest to republish this regulation as a proposed rule since the changes made have been substantial. Interested persons may participate in this rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451-7th Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include his name and address and refer to the document by the docket number indicated in the heading and give reasons for any recommendations. Comments received by February 11, 1977, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. The proposal may be changed in the light of the comments received.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection at the above address.

Accordingly, the Department proposes to amend Title 24 by adding a new part 406 to read as follows:

PART 406—CERTIFICATION OF HOUSING MANAGERS

Sec.
406.1 Purpose.
406.5 Definitions.
406.10 HUD Approval of Certifying Organizations.
406.11 Requirements for Certification of Housing Managers and Assistant Housing Managers.
406.12 Cost of Training Necessary for Certification.

Sec.
406.13 Refusal to Grant Certification.
406.15 Revocation or Suspension of Certification.
406.17 Appeals to HUD.
406.20 Authority under the Regulatory Agreement.
406.25 Responsibility for Selection.
406.30 Recommended Applicability.

AUTHORITY: Section 7(d) Department of HUD Act, (42 U.S.C. 3535(d)).

§ 406.1 Purpose.

This part sets forth standards which will apply in granting the certification required for a person who serves as a Housing Manager or an Assistant Housing Manager of a multifamily housing project consisting of 75 or more units which is financed by a mortgage insured or held by HUD or a project owned by HUD.

§ 406.5 Definitions.

(a) *Approved certifying organization.* Any organization approved by HUD, pursuant to § 406.10, which will administer a program for certification under this part.

(b) *Assistant Housing Manager.* Any person who, irrespective of title, serves as the principal assistant to the Housing Manager.

(c) *Certification.* The process by which an Approved Certifying Organization determines and certifies that an individual has met predetermined qualifications which are deemed to constitute a level of proficiency adequate to manage a HUD-related Multifamily Housing project.

(d) *Housing manager.* The person who has direct responsibility for the day-to-day operation of a Multifamily Housing Project, or in the case of projects owned by HUD, the on-site manager.

(e) *HUD.* The Department of Housing and Urban Development or its designated officer or employee.

(f) *HUD-related multifamily housing project.* A project:

(1) Financed by a mortgage insured by HUD pursuant to Sections 207, 608, 213, 220, 221, 234, or 236 of the National Housing Act (12 U.S.C. §§ 1713, 1743, 1715e, 1715K, 1715i, 1715v, 1715y, 1715z-1); or

(2) Financed by a loan from HUD under Section 202 of the Housing Act of 1959 (12 U.S.C. § 1701q); or

(3) Financed by a mortgage held by HUD; or

(4) Owned by HUD.

(g) *Management agent.* The individual or organization with whom the owner executed the management contract for management and operation of a Multifamily Housing Project.

(h) *Management contractor.* The individual or organization to whom HUD has awarded the Management Contract for management and operation of HUD acquired property.

(i) *Multifamily housing project.* A HUD-related Multifamily Housing Project as well as any non-HUD-related multifamily project.

§ 406.10 HUD Approval of Certifying Organizations.

(a) *Approval procedure.* Any national housing management organization may apply to HUD for approval for the purpose of providing certification of individuals as Housing Managers or Assistant Housing Managers. HUD's Certification Review Committee will evaluate applicant organizations upon their past performance in the field of housing management and compliance with HUD's nondiscrimination policies and the suitability of the programs submitted. Every applicant shall submit to HUD appropriate evidence that such organization:

(1) Has the experience and capacity to deal with HUD-related multifamily management;

(2) Has developed a certification program which includes specific criteria and standards for qualifying for certification: *Provided,* That the criteria and standards shall in all cases be reasonably related to job requirements, and shall take into account minimum levels of experience and education, and may consider training, abilities, performance and accomplishments in the field of housing management (including certification based solely upon acceptable on the job performance for a minimum of 3 years): *And provided further,* That the organization may consider housing management training programs other than its own, and may adopt, where appropriate, standards that reflect or give effect to such programs; and

(3) Has developed a certification program which includes:

(i) Suitable procedures which afford any person the opportunity to apply for certification and receive certification if he or she meets the standards;

(ii) A right of appeal as set forth in § 406.17;

(iii) Suitable procedures which provide for a probationary certificate;

(iv) Suitable procedures for the certification of persons who have successfully served as Housing Managers or Assistant Housing Managers for at least three years;

(v) Procedures governing suspension and revocation of certificates which are consistent with § 406.15;

(vi) Procedures for responding to complaints submitted to them by any person, including HUD, about a Housing Manager or an Assistant Housing Manager they have certified;

(vii) A reasonable fee schedule listing all fees which the certifying organization intends to charge individuals seeking certification.

(b) The HUD Certification Review Committee shall evaluate the evidence submitted by the organization in accordance with paragraph (a) of this section and will determine in its discretion, on the basis of that evidence and such other material as may be relevant, whether the organization meets the criteria set forth in paragraph (a) of this section. Upon approval of any organization, HUD shall promptly so notify it.

(c) In the event HUD denies approval of the organization, the notification to the organization shall set forth the reasons for HUD's action in sufficient detail so as to enable the organization to request reconsideration of the determination.

(d) *Periodic review of HUD approvals; rescission.* The standards, criteria and program of each Approved Certifying Organization shall be subject to periodic review and reapproval or disapproval at intervals to be determined by the HUD Certification Review Committee. Such periodic reviews shall include the procedures and methods by which the organization incorporates in its training, evaluation and certification program the current regulations, policies and procedures of HUD, as well as the due process protection afforded the persons certified or applying for certification. The HUD Certification Review Committee may for good cause rescind the approval of any Approved Certifying Organization.

(e) *Membership; fees.* No person may be denied a certification nor may any certification be suspended or revoked because he is not a member of an Approved Certifying Organization. However, a certifying organization may, with the approval of HUD, charge reasonable fees to assist in defraying the cost of administration of its certification program.

(f) *Publication of names and standards of approved certifying organizations.* A current list of Approved Certifying Organizations and their standards and criteria shall be published in the FEDERAL REGISTER as organizations are approved or reapproved by HUD.

§ 406.11 Requirements for certification of housing managers and assistant housing managers.

(a) *General.* On and after January 1, 1979, no Project Mortgagor, Management Agent or Management Contractor of a HUD-related Multifamily Housing Project consisting of 75 or more units shall select any person as a Housing Manager or Assistant Housing Manager or continue such person in employment unless such person has been certified as a Housing Manager or Assistant Housing Manager, as the case may be, by an Approved Certifying Organization in accordance with its approved certification program and such certificate is in good order: *Provided,* That this requirement shall not apply to any incumbent Housing Manager or Assistant Manager who has served in this capacity for at least three years, and any Approved Certifying Organization to whom such incumbent applies shall issue a special certification.

(b) *Probationary certification.* In order to provide latitude to hire an individual who may not meet the initial qualifications for certification at hiring, but who has potential, the Approved Certifying Organization shall issue a probationary certificate for a period of one year. The Approved Certifying Organization may extend the term of the

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probationary certificate to allow the applicant sufficient time to obtain a certificate, in accordance with the organization's existing policies.

§ 406.12 Costs of training necessary for certification.

The costs of specialized training for a Housing Manager or Assistant Housing Manager employed by a project shall be deemed an expense reasonably related to the operation of such project, if the training is directly related to qualifying for certification and if the training does not exceed two one-week courses or seminars during each 12-month period for each individual.

§ 406.13 Refusal to grant certification.

Whenever an application for certification is denied by an Approved Certifying Organization, the applicant shall, if he so requests within a reasonable period of time, be entitled to a hearing before a hearing officer. The rules set forth in § 406.15(c) with respect to the appointment of the hearing officer and the nature of the hearing shall be generally applicable. Upon request of an applicant, an Approved Certifying Organization may at any time reconsider an application for certification and may for good cause certify such applicant.

§ 406.15 Revocation or suspension of certification.

(a) *Grounds for Revocation or Suspension of Certification.* Pursuant to the procedures set forth in paragraph (b) of this section, the certification of any individual may be revoked or suspended by the Approved Certifying Organization which granted the certification nor by its successor, or if there be no successor, by HUD, for the following reasons:

(1) Acts of fraud, deceit or misrepresentation in obtaining the certification.

(2) Acts or gross negligence, incompetency or misconduct in carrying out the duties of Housing Manager or Assistant Housing Manager.

(3) Conviction of a crime involving violence or dishonesty.

(4) Non-compliance with the requirements of the Regulatory Agreement with HUD.

(b) *Notice by the approved certifying organization.* The Approved Certifying Organization shall serve a written notice on the certified person that revocation or suspension is being considered and shall set forth in the notice with reasonable specificity the reasons for the proposed action. Said notice shall also advise the certified person that he or she has a specified number of days, which shall be at least 15 days from receipt of the notice, to respond in writing with a statement in his or her support or a request for an informal hearing, or both. If the certified person does not respond within the specified period, the Approved Certifying Organization may revoke or suspend the certification and shall immediately so advise the certified person, the owner and HUD.

(c) *Consideration by hearing officer.* If the certified person responds within the specified period with a written statement in his or her support or with a request for an informal hearing, the Approved Certifying Organization shall promptly appoint one or more hearing officers to hear the appeal. The hearing officer need not be a member of the bar and must not have participated in any prior consideration of the matter in controversy. The certified person may examine and, at his expense, copy all documents, records and regulations of the Approved Certifying Organization that are relevant to the matter. The certified person shall have the right to present evidence and arguments before the hearing officer in opposition to the proposed revocation or suspension and to controvert evidence relied on by the Approved Certifying Organization, and he or she may elect to do this in writing, or at the informal hearing, or both. The certified person shall be entitled to confront in a reasonable manner and cross-examine all witnesses on whose testimony or information the Approved Certifying Organization relies. The hearing officer may also in his discretion receive additional evidence from the Approved Certifying Organization. Evidence pertinent to the issues raised in the Approved Certifying Organization's notice may be received and considered without regard to its admissibility under rules of evidence employed in judicial proceedings. Upon considering all evidence and arguments presented, the hearing officer shall determine whether certification should be revoked or suspended and shall promptly serve on the certified person and the Approved Certifying Organization a notice of this determination. Whenever the hearing officer's decision is to revoke or suspend certification, said notice shall set forth with reasonable specificity the findings and the Approved Certifying Organization shall promptly take final action revoking or suspending the certification. Testimony shall be recorded in some form and such records shall be maintained by the Approved Certifying Organization for a period of not less than 1 year.

(d) *Reconsideration by approved certifying organization.* Upon the request of any person whose certification has been revoked or suspended, the Approved Certifying Organization may at any time reconsider the revocation or suspension and may for good cause recertify such person.

§ 406.17 Appeals to HUD.

Any person who is aggrieved by the determination of the hearing officer of an Approved Certifying Organization in connection with a refusal to grant certification or a revocation or suspension of certification may file an appeal to HUD within 30 days after being advised of the adverse decision. The appellant shall file with HUD a written statement in support of his appeal, including all pertinent documents, records and other evidence including the pertinent determinations of the Approved Certifying Organization and the hearing officer. HUD shall promptly review the material and may request the Certifying Organization to supply other relevant information. HUD shall promptly render a decision on the appeal and advise both the appellant and the Approved Certifying Organization. If the HUD determination is in support of the appellant's request for certification or recertification, the Approved Certifying Organization shall promptly comply.

§ 406.20 Authority under the Regulatory Agreement.

Nothing herein shall be construed to limit in any way the authority of HUD under any Regulatory Agreement or Management Contract (Form HUD-9740) to terminate any management agreement or to otherwise enforce the obligation of a project mortgagor to provide for satisfactory management.

§ 406.25 Responsibility for Selection.

The selection of Housing Managers and Assistant Housing Managers from among certificate holders is the responsibility of Project Mortgagors or Management Contractors. For projects with insured or HUD-held mortgages, this selection responsibility may be delegated to a Management Agent in accordance with a HUD-approved Management Contract and Management Plan, but responsibility for the selection as well as the adequacy of management rests ultimately with the Project Mortgagor or HUD, in the case of HUD-owned properties. HUD, at its discretion may require an owner to furnish proof of a Housing Manager's or an Assistant Housing Manager's certification.

§ 406.30 Recommended Applicability.

Applicability of this Part is optional for Project Mortgagors, Management Agents, and Management Contractors selecting Housing Managers and Assistant Housing Managers during the period following the date of publication, but prior to January 1, 1979. Management Agents and Management Contractors are encouraged to make strong efforts during this period to select or retain persons who meet the stated requirements or who will qualify after completion of appropriate training. Applicability is also recommended for HUD-related Multifamily Housing Projects which contain 74 units or less.

(It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A-107.)

Issued at Washington, D.C., January 4, 1977.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-1050 Filed 1-12-77;8:45 am]

federal register

THURSDAY, JANUARY 13, 1977

PART IV

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Proposed Mandatory Safety Standards

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 77]

SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Proposed Mandatory Safety Standards

Notice is hereby given that in accordance with the provisions of section 101 of the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91–173, 83 Stat. 745, 30 U.S.C. 811) and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, it is proposed that Part 77, Subchapter 0, Chapter I, Title 30, Code of Federal Regulations be revised and amended as set forth below.

Section 101(a) of the Act directs the Secretary to "develop, promulgate, and revise, as may be appropriate, improved mandatory safety standards * * *." These revisions and amendments to 30 CFR Part 77 are proposed as part of a continuous review by the Mining Enforcement and Safety Administration (MESA) of existing mandatory health and safety standards for our nation's coal mines. In accordance with section 101(c) of the Act, public meetings were held during the months of November and December 1974 and February 1975 in Pittsburgh, Pennsylvania; Charleston, West Virginia; Evansville, Indiana; Denver, Colorado; Hazelton, Pennsylvania; and Birmingham, Alabama for the purpose of discussing MESA's preliminary draft of proposed revisions and amendments. These proposed revisions and amendments are based on the voluminous comments received from industry and labor representatives at the public meetings, and on experience and technical expertise within MESA.

In numerous cases the proposed revisions and amendments clarify ambiguities in existing mandatory safety standards, and some subparts and sections have been reorganized to facilitate their use by operators and MESA inspectors. Other standards are completely revised. Because of the extent of the revisions proposed to be made in Part 77, this preamble does not attempt to explain each one in detail. Rather, selected major revisions are highlighted below. Standards that have recently been proposed or promulgated are not affected by this proposal, and they are also identified below.

Subpart A—General

(1) Under § 77.2, "Definitions", terms which have been redefined or added include:

"Blasting agents" which has been redefined to mean any material or mixture, consisting of fuel and oxidizer, intended for blasting, and not otherwise classified as an explosive by the Department of Transportation, provided that the finished product, as mixed for use or shipment, cannot be initiated by a No. 8 detonator when unconfined. (§ 77.2(d)), and

"Charged hole" which has been defined to mean any hole containing explosives, or blasting agents with a primer. (§ 77.2(l))

Subpart B—Qualified and Certified Persons

(1) Subpart B is not affected by this proposed rulemaking.

Subpart C—Surface Installations and Equipment

(1) The heading of Subpart C is changed to specifically refer to "Equipment". This change is made to remove any confusion which may have previously existed as to the scope of Subpart C.

(2) Construction, installation and maintenance requirements for ladders are expanded, and standards for scaffolding have been adopted. (§§ 77.206 and 77.206–1)

(3) Average illumination intensities are specified for interiors and exterior work areas of structures and facilities; slopes, tunnels and shafts; and self-propelled equipment. (§ 77.207)

(4) Light measuring instruments and methods of measurement are specified. (§ 77.207–1)

(5) The transportation, storage, use and maintenance of liquefied and non-liquefied compressed gas cylinders are now covered. (§§ 77.208–1—77.208–4)

(6) Rigging equipment standards have been added, which include tables to assist in determinations such as maximum working load limits and rated capacities. (§ 77.210–1)

(7) Regulations regarding refuse piles and impounding structures are not affected by this proposed rulemaking. (§§ 77.214–77.217)

Subpart D—Thermal Dryers

(1) Thermal dryer bypass stacks are required to be fitted with a clean-out door or other effective means to permit removal of material. (§ 77.302)

(2) Requirements for checking and cleaning dryer chamber drop-out doors are added. (§ 77.303)

(3) Explosion release vents are required to be checked by manual operation at intervals not exceeding 90 days. (§ 77.304)

Subpart E—Safeguards for Mechanical Equipment

(1) Standards for power operated hand-held tools are added. (§ 77.402–1)

(2) Regulations regarding falling object protective structures (FOPS) and rollover protective structures (ROPS) are not affected by this proposed rulemaking. (§§ 77.403—77.403b)

(3) Additional requirements for welding operations have been included. (§ 77.408)

(4) Rubber tired front-end loaders and dozers purchased after the effective date of this section will be required to be equipped with parking and emergency stopping systems. (§ 77.410)

(5) Tire and rim repair standards have been added. (§ 77.410–1)

(6) New standards covering marine operation and equipment have been added. (§ 77.414)

Subpart F—Electrical Equipment—General

(1) The electrical subparts (F, G, H, I, J, and S) have been reorganized so that all the specific requirements relating to a specific type of circuit are within a single subpart. As proposed, Subpart F contains the general requirements applicable to all circuits.

(2) Sections 77.500 and 77.501 are consolidated, and gloves are required when testing and troubleshooting on low- and medium-voltage circuits. (§ 77.500)

(3) Electric powered hand-held tools are considered electrical equipment for the purposes of Part 77. (§ 77.502–2)

(4) Ampacity requirements and ampacity ratings are specified for specific types of circuits and conductors respectively. (§§ 77.503–1 and 77.503–2)

(6) Voltage limitations have been added for motor control circuits that are external to the motor controller enclosure. (§ 77.507)

(7) Guarding requirements for all low- and medium-voltage electric equipment have been specified. (§ 77.512)

(8) MESA's interpretation of the National Electrical Code as applied to hazardous locations has been specified. (§§ 77.516–1 through 77.516–4)

(9) Requirements for the installation of electric wiring and equipment have been added. (§ 77.517)

(10) New stationary electric utilization equipment is required to have an identifying nameplate. (§ 77.518)

Subpart G—Circuits to Portable and Self-Propelled Electric Equipment

(1) Subpart G defines trailing cable circuit, trailing cable, feeder cable circuit and portable feeder cable and specifies short-circuit, overload and ground fault protection requirements. (§§ 77.600—77.602–1)

(2) Fail safe ground check circuit requirements are modified to allow impedence monitoring of grounding circuits. Ground check circuits other than fail safe ground check circuits or without ground check wires may be approved by the Assistant Administrator—Technical Support. (§§ 77.603—77.603–2)

(3) Requirements are added for testing of circuit breakers protecting trailing cable circuits and feeder cable circuits. (§§ 77.604 and 77.604–1)

(4) Locations for disconnecting devices are specified. (§ 77.605)

(5) Ampacity requirements and ampacity ratings for trailing cable circuits and feeder cable circuits are specified. (§§ 77.606 and 77.606–1)

(6) Shielding is required for new low- and medium-voltage trailing cables and portable feeder cables which supply power to three-phase equipment. (§ 77.607)

(7) Connections shall not be made while cables are energized at more than 150 volts. (§ 77.614)

Subpart H—Direct Current Circuits

(1) The requirements for grounding have been moved to the appropriate subpart for each type of circuit.

(2) Proposed Subpart H contains provisions pertaining exclusively to direct current circuits.

(3) Ground fault protection is required for resistance grounded and solidly grounded direct current circuits. (§ 77.700(a))

(4) Ground fault protection or ground fault indication is required for ungrounded direct current circuits. (§ 77.700(b))

Subpart I—High-Voltage Alternating Current Circuits

(1) Ground fault protection is required for resistance grounded and solidly grounded high-voltage circuits supplying power to stationary equipment. (§ 77.800(a))

(2) Ground fault protection or ground fault indication is required for ungrounded high-voltage circuits. (§ 77.800(b))

(3) System and enclosure grounding is specified for high-voltage systems supplying power to stationary equipment. (§ 77.802)

(4) Criteria is established for allowing earth as a grounding conductor. (§§ 77.802–2 and 77.802–3)

(5) Requirements are established for guarding high voltage equipment, conductors, cables and parts. (§ 77.804)

(6) Higher clearances are required in areas where dump trucks operate under high-voltage powerlines (§ 77.805–3)

(7) Proximity warning devices are required for self-propelled equipment with booms and masts which can extend higher than 15 feet above ground. (§ 77.805–4).

Subpart J—Low- and Medium-Voltage Alternating Current Circuits

(1) Ground fault protection is required for resistance grounded, solidly ground and ungrounded low- and medium-voltage circuits supplying power to stationary equipment. (§ 77.900)

(2) System and enclosure grounding is specified for low- and medium-voltage systems supplying power to stationary equipment. (§ 77.902)

Subpart K—Ground Control

(1) Detailed ground control plans are required to be approved by MESA and adopted by the operator. (§ 77.1000)

(2) Standards regarding loose material, box cuts, benches, and scaling of highwalls are now covered within the approved ground control plan and are therefore dropped as individual sections. (§§ 77.1000—77.1000–5)

(3) Highwalls sloping into working areas are required to be examined by a certified person within two hours before each operating shift. (§ 77.1001)

Subpart L—Fire Protection

(1) Subpart L is not affected by this proposed rulemaking.

Subpart M—Maps

(1) Mine maps are required to be revised and supplemented, and to be kept up-to-date by temporary notations. (§ 77.1200–1)

(2) A final certified mine map must be filed within 60 days by an operator when he permanently closes or abandons a coal mine. (§ 77.1203)

Subpart N—Explosives and Blasting

(1) Magazine location requirements include locating the magazine at distances from certain structures and facilities as specified for "inhabited buildings" in the "American Table of Distances for Storage of Explosives." (§ 77.1301(a)(2))

(2) At least two screened ventilation openings are required for over-the-road, drop-off vans containing blasting agents when the van is serving as a storage facility. (§ 77.1304(1))

(3) Restrictions are placed on certain work activities conducted within the blasting area containing charged holes. (§ 77.1308(g))

(4) Blasting is prohibited after dark. (§ 77.1308(i))

Subpart O—Hoisting, Elevators and Manlifts

(1) Subpart O coverage has been extended to elevators and manlifts.

(2) Requirements covering overspeed, overtravel and automatic stop controls, and brakes have been modified. (§§ 77.1401—77.1401–4)

(3) Wire rope and wire rope attachment removal criteria have been adopted. (§ 77.1402–1)

(4) Communication and signaling requirements are added. (§§ 77.1405 and 77. 1405–1)

Subpart P—Auger Mining

(1) The unnecessary requirement for oxygen deficiency testing at auger operations is dropped. (§ 77.1501)

(2) Methane detectors are required to be available at each auger machine. (§ 77.1501(c))

(3) Persons, including the machine operator, are prohibited from being stationed in direct line with the borehole during augering. (§ 77.1504)

(4) Auger holes must be blocked within a specified time and distance. (§ 77.1505)

Subpart Q—Loading, Haulage, Stripping, Drilling and Reclamation

(1) The scope of this subpart has been expanded to include stripping, drilling and reclamation as well as loading and haulage.

(2) The subpart has been reorganized so that general provisions and transportation of persons regulations are followed by detailed installation and operation regulations for aerial tramways (§ 77.–1603), conveyors (§ 77.1604), railroad trains (§ 77.1605), rubber tire and crawler mounted mobile equipment (§ 77.1606) and dumping facilities (§ 77.1607).

(3) Only maintenance men may ride in empty buckets on aerial tramways. (§ 77.1062)

(4) All self-propelled rail haulage equipment must have hydraulic brakes, pneumatic brakes or dynamic braking in addition to manual brakes, each capable of stopping and holding the maximum load. (§ 77.1605(e))

(5) Car droppers shall not ride on the front of moving trips or on the front of a single car which is being dropped. (§ 77.1605(n))

(6) Berms or guards are required on the outer banks of elevated roadways or specified conditions must be met in lieu of providing berms. (§ 77.1606(g))

(7) All new bridges must be sufficiently strong and at least one and one-half times the width of the widest vehicle which regularly uses the bridge. (§ 77.1606(h))

Subpart R—Miscellaneous

(1) All supervisory employees are required to have first-aid training and retraining. (§§ 77.1703–77.1705)

(2) Requirements for first-aid training and retraining for non-supervisory miners have been deleted from Subpart R and were proposed as Subpart U-Training and Retraining of Miners on July 29, 1976 (41 FR 31556).

(3) Protective clothing requirements have been specified in greater detail for face and eye protection, hard hats, safety belts, and seatbelts. (§§ 77.1710)

(4) Requirements for distinctively colored hard hats for newly employed miners are not affected by this proposed rulemaking. (§ 77.1710–1)

Subpart S—Trolley Circuits

(1) Miximum trip currents and trip times have been specified for circuit breakers protecting trolley circuits. (§§ 77.1800–1 and 77.1800–2)

(2) Requirements for testing of circuit breakers protecting trolley circuits have been added. (§ 77.1800–4)

(3) Training requirements for persons who repair energized trolley wires have been specified. (§ 77.1803–1)

Subpart T—Slope and Shaft Sinking

(1) Standards affecting filing, approval and modification of a slope and shaft plan have been added. Additional information to be included within the plan is also required. (§§ 77.1900–77.1900–4)

(2) Wire rope and wire rope attachment removal criteria have been adopted. (§ 77.1903)

(3) When persons are transported by a hoist or endangered thereby, the hoist must meet the requirements of Subpart O of this part. This includes the requirements for two independent brakes. (§ 77.1905)

Subpart U—Training and Retraining of Miners

Subpart U was proposed in the Federal Register for July 29, 1976. (41 FR 31556). That proposal is not affected by this proposed rulemaking.

Subpart V—Structural Erection

(1) New requirements for structural erection have been added. The primary source used in developing these standards was the Occupational Safety and Health Administration (OSHA) regulations for similar construction.

Interested persons may submit written comments, suggestions, data and objec-

tions to the proposed standards stating the grounds for such objections and requesting a public hearing, to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Room 618, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, no later than February 28, 1977.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Date: January 6, 1977.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

It is proposed that Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations be amended as follows:

1. The following entries in the table of controls are revised:

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77.1	Scope.
77.2	Definitions.
•	• • • •

Subpart C—Surface Installations and Equipment

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77.201-1	Tests for methane; qualified person; use of approved device.
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77.202	Coal and coal dust accumulations in surface installations.
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77.205	Travelways at and on surface installations and equipment.
77.206	Ladders and scaffolding; construction; installations; maintenance.
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77.208-2	Storage of liquefied and nonliquefied compressed gas cylinders.
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77.212	Draw-off tunnel ventilation fans; installation.
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AUTHORITY: Sec. 101, Pub. L. 91-173, 83 Stat. 745 (30 U.S.C. 811).

2. Subpart A is revised as follows:

Subpart A—General

§ 77.1 Scope.

This Part 77 sets forth mandatory safety standards for surface coal mines and for the surface work areas of underground coal mines.

§ 77.2 Definitions.

For the purpose of this Part 77, the term:

(a) "Active workings" means any place in a coal mine where miners are normally required to work or travel;

(b) "Barricaded" means to obstruct passage of persons and vehicles;

(c) "Berm" means a pile or mound of material capable of restraining a vehicle;

(d) "Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, and not otherwise classified as an explosive by the Department of Transportation in 49 CFR §§ 173.53, 173.88 and 173.100, revised as of October 1, 1975, provided that the finished product, as mixed for use or shipment, cannot be initiated by a No. 8 detonator when unconfined;

(e) "Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury;

(f) "Blasting cap" means a detonator which is initiated by a safety fuse;

(g) "Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps;

(h) "Certified" or "registered" as applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by this Part 77, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary;

(i) "Charged hole" means any hole containing explosives, or blasting agents with a primer;

(j) "Delay connector" means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord;

(k) "Detonating cord" means a flexible cord containing a solid core of high explosives;

(l) "Detonator" means any device containing a detonating charge that is used to initiate an explosive and includes but is not limited to blasing caps, electric blasting caps, and non-electric instantaneous or delay blasting caps;

(m) "Electric blasting cap" means a detonator designed for and capable of being initiated by means of an electric current;

(n) "Electrical grounding" means to connect with the ground to make the earth part of the circuit.

(o) "Explosive" means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture, or device that is classified as an explosive by the Department of Transportation in 49 CFR §§ 173.53, 173.88 and 173.100, revised as of October 1, 1975;

(p) "Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure;

(q) "Low-voltage" means up to and including 660 volts, "medium-voltage" means voltages from 661 to 1,000, and "high-voltage" means more than 1,000 volts;

(r) "Magazine" means a facility for the storage of explosives, blasting agents or detonators;

(s) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration;

(t) "Misfire" means the complete or partial failure of a blasting charge to explode as planned;

(u) "Non-electric instantaneous or delay blasting cap" means a detonator with or without an integral delay element and capable of being initiated by a flexible cord containing explosive material;

(v) "Primer" means a unit, package or cartridge of explosives used to initiate other explosives or blasting agents, and which contains:

(1) A detonator, or

(2) Detonating cord when assembled with the unit, package or cartridge of explosives at the time of use;

(w) "Qualified person" means, as the context requires,

(1) An individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this Part 77; and,

(2) An individual deemed, in accordance with the minimum requirements established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and make tests of all electrical equipment;

(x) "Safety can" means an approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover;

(y) "Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps; and

(z) "Secretary" means the Secretary of the Interior or his delegate.

Subpart C—Surface Installations and Equipment

3. In Subpart C, §§ 77.200 through 77.213 are revised as follows:

§ 77.200 Surface installations; equipment; general.

All mine structures, enclosures, equipment, and other facilities (including coal preparation plants, facilities used in the work of preparing coal, construction areas, offices, shops, garages and laboratories) shall be maintained in good repair to prevent accidents and injuries to miners.

§ 77.201 Methane content in surface installations.

The methane content in the air of any structure, enclosure or other facility shall be less than 1.0 volume per centum.

§ 77.201-1 Tests for methane; qualified person; use of approved device.

Tests for methane in structures, enclosures, or other facilities in which coal is handled or stored shall be made by an approved methane monitor or by a qualified person with a methane detector or other device, approved by the Secretary, at least once during each operating shift, and immediately prior to any repair

work in which welding or an open flame is used, or a spark may be produced.

§ 77.201-2 Methane accumulations; change in ventilation.

If, at any time, the air in any structure, enclosure, or other facility contains 1.0 volume per centum or more of methane, changes or adjustments in the ventilation of such installation shall be made at once so that the air shall contain less than 1.0 volume per centum of methane.

§ 77.202 Coal and coal dust accumulations in surface installations.

Coal and coal dust in the air of, or in, or on the surfaces of structures, enclosures, or other facilities shall not be allowed to exist or accumulate in dangerous amounts.

§ 77.203 Use of material or equipment overhead; safeguards.

Where overhead repairs are being made at surface installations or on surface equipment and equipment or material is taken into such overhead work areas, adequate protection shall be provided for all persons working or passing below the overhead work areas.

§ 77.204 Openings in surface installations and equipment; safeguards.

Openings in surface installations and equipment through which men or material may fall shall be protected by railings, barriers, covers or other protective devices.

§ 77.205 Travelways at and on surface installations and equipment.

(a) Safe means of access shall be provided and maintained to all working places.

(b) Travelways and platforms or other means of access to areas where persons travel or work shall be kept clear of all extraneous material and other stumbling or slipping hazards.

(c) Inclined travelways shall be constructed of nonskid material or equipped with cleats.

(d) Regularly used travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

(e) Crossovers, elevated walkways, elevated ramps and stairways shall be of substantial construction, provided with handrails and maintained in good condition. Where necessary, toeboards shall be provided.

(f) Crossovers shall be provided where it is necessary to cross conveyors.

(g) Conveyors shall be crossed only at designated crossover points, except where repairs or maintenance is performed and the power is off and the conveyor is blocked against motion.

§ 77.206 Ladders and scaffolding; construction; installation; maintenance.

(a) *General requirements; ladders.* (1) Ladders shall be of substantial construction and maintained in good condition.

(2) Oil and grease shall not be allowed to accumulate on ladders.

(3) Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(4) Ladders shall be visually inspected before each use for broken rungs, split side rails, loose fastenings, decayed wood or other defects. Ladders with defects shall not be used.

(b) *Portable ladders; construction, use and maintenance.* (1) Portable ladders shall be so placed as to prevent slipping, or they shall be properly secured in position.

(2) On two section extension ladders, the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 and up to and including 48	4
Over 48 and up to and including 60	5

(3) No ladder shall be used to gain access to a roof or platform unless the top of the ladder extends at least 3 feet above the point of support, eave, gutter, roof line or platform.

(c) *Fixed ladders.* (1) Steep or vertical ladders (60° to 90° from the horizontal) shall be anchored securely and provided with:

(i) Backguards extending from a point not more than 7 feet from the bottom of the ladder to the top of the ladder, or

(ii) A ladder safety device meeting the requirements of American National Standards Institute (ANSI) A14.3-1974, "Safety Requirements for Fixed Ladders."

(2) Ladders shall extend at least 3 feet above the landing or substantial handholds shall be provided above the landing.

(3) Ladders shall not incline backwards at any point unless provided with backguards.

(4) Ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

§ 77.206-1 Scaffolding; general.

(a) Scaffolds shall be erected in accordance with the requirements of this section.

(b) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects shall not be used to support scaffolds.

(c) No scaffold shall be erected, moved, dismantled or altered except under supervision of a person experienced in performing such work.

(d) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor.

(e) Scaffolds and their components shall be capable of supporting at least four times the maximum intended load.

(f) Any scaffold, including accessories such as braces, brackets, trusses, screw lugs and ladders, damaged or weakened from any cause shall be immediately repaired or replaced.

(g) All planking or platforms shall be overlapped (minimum 12 inches) or secured from movement.

(h) Scaffold planks shall extend over their end supports not less than 6 inches and not more than 18 inches.

(i) The poles, legs or uprights of scaffolds shall be securely and rigidly braced and aligned to prevent swaying and displacement.

(j) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.

(k) Slippery conditions on scaffolds shall be eliminated prior to any other work being performed on or from such scaffolds.

(l) No welding, burning, riveting or open flame work shall be performed on or from any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic rope shall be used for or near any work involving the use of corrosive substances or chemicals.

(m) Wire, synthetic or fiber rope, used for scaffold suspension shall be capable of supporting six times the applied load.

(n) The use of shore or lean-to scaffolds is prohibited.

(o) Work shall not be performed on or from exposed scaffolds during storms or high winds that create a hazard.

§ 77.207 Illumination.

All areas where persons regularly work or travel shall be illuminated to not less than the average illumination intensities specified in this section. The illumination shall not exceed the uniformity ratio specified in this section.

(a) *Interiors of structures and facilities—illumination intensities while persons are present:*

Location	Average illumination intensity in foot-candles	Uniformity ratio
(1) Control rooms and control stations	10.0	5/1
(2) Electrical equipment rooms and power switch gear	10.0	5/1
(3) Shops	10.0	5/1
(4) Storerooms	2.0	5/1
(5) Walkways	5.0	5/1
(6) All other areas	5.0	5/1

(b) *Exterior work areas of structures and facilities—illumination intensities at all times unless otherwise noted:*

Location	Average illumination intensity in footcandles	Uniformity ratio
(1) Active building entrances and exits	2.0	5/1
(2) Shaft landing	2.0	5/1
(3) Storage areas while persons are present	2.0	10/1
(4) Coal loading and unloading while persons are present	2.0	5/1
(5) Conveyor walkways while persons are present:		
(i) Guarded conveyors	2.0	10/1
(ii) Unguarded conveyors	5.0	10/1
(6) Loading platforms while persons are present	2.0	10/1
(7) Paths and walkways within 200 ft of surface structures	1.0	10/1
(8) Refueling areas while persons are present	5.0	10/1
(9) Active tracks	1.0	10/1
(10) Active track switch points	2.0	10/1
(11) Parking lots	.5	10/1
(12) General work areas while persons are present	5.0	10/1

(c) Slopes, tunnels and shafts—illumination intensities while persons are present:

Location	Average illumination intensity in footcandles	Uniformity ratio
(1) Bottoms of slopes, tunnels, and shafts under construction and shafts under construction	5.0	5/1
(2) Walkways in slopes and tunnels	2.0	10/1
(3) All other areas in slopes and tunnels	2.0	10/1

(d) Draglines, shovels and wheel excavators—illumination intensities while equipment is operated unless otherwise noted:

Location	Average illumination intensity in footcandles	Uniformity ratio
(1) Interior walkways while persons are present	10.0	10/1
(2) All other interior areas, except operating cabs while persons are present	10.0	10/1
(3) All areas 20 ft in all directions from the main frame, including all work or travel areas beneath the main frame	5.0	10/1
(4) Exterior walkways on board draglines, shovels, and wheels excavators	5.0	10/1
(5) The area beneath the boom from 20 ft from the main frame to the farthest point the equipment is capable of excavating or discharging material	1.0	10/1

(e) Other self-propelled equipment—illumination intensities while the equipment is operated:

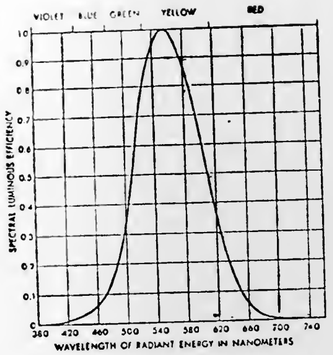
Location	Average illumination intensity in footcandles	Uniformity ratio
(1) Except as provided in par. (e)(2) an area to the front and to the rear of all rubber tired or crawler mounted scrapers, front-end loaders, dozers, graders, loaders, and tractors. The areas shall start at the point the operator can normally see the ground surface and extend for a distance of 20 ft and for a width equal to the machine width	1.0	10/1
(2) An area to the side of equipment where operating visibility is normally to the side. The area shall start at the side edge of the blade or bucket and extend to the side and rear of the blade or bucket for a distance of 5 ft	1.0	10/1
(3) All areas within 10 ft of the hole being drilled by vertical drills, except small pneumatic drills	5.0	10/1
(4) All areas within 10 ft of horizontal drills and coal augers. On board work areas of horizontal drills and coal augers	5.0	10/1

(f) Persons assigned, or allowed, or required to perform work or travel in locations not covered by paragraphs (a) through (e) of this section and the illumination is less than 0.5 footcandles shall be provided with and shall use a hand or cap lamp sufficient to provide adequate illumination for safe performance of assigned tasks.

§ 77.207–1 Light measuring instruments and methods of measurement.

(a) Compliance with § 77.207 shall be determined by MESA using light measuring instruments and methods of measurement prescribed by this section.

(b) Light measuring instruments shall be cosine-corrected and properly calibrated and maintained. Instruments shall be calibrated against standards traceable to the National Bureau of Standards and color-corrected to the Commission International de l'Eclairage (CIE) Spectral Luminous Curve. The CIE Spectral Luminous Curve is as follows:



(c) Except as provided in paragraph (d) and (e) of this section, the surfaces to be measured shall be divided into fields having an area not greater than 100 square feet. The surface of the light-sensitive cell shall be held in a horizontal plane approximately 30 inches from the surface to be measured. The average illumination intensity for that field shall be considered to be the average of five readings; one taken at each of the four corners of the field and one taken in the center of the field. When measuring the areas specified in § 77.207(e) the light-sensitive cell shall be angled for the maximum reading.

(d) The average illumination intensity for paths and walkways specified in §§ 77.207(a)(5), (b)(5), (b)(7), (c)(2), (d)(1) and (d)(4) shall be considered to be the average of at least four evenly spaced readings taken at intervals of 10 feet along the path or walkway. Where the length of the path or walkway is insufficient to allow four readings to be taken at 10-foot intervals, the average illumination intensity shall be considered to be the average of four evenly spaced readings taken along the path or walkway. The surface of the light-sensitive cell shall be held in a horizontal plane approximately 30 inches from the surface to be measured. Where the path or walkway is illuminated by evenly spaced luminaries installed above or along the path or walkway, the average of at least four evenly spaced readings taken at intervals of not more than 10 feet shall be sufficient to determine compliance for the entire path or walkway; provided the first reading is taken under one luminarie and the last reading is taken under the next adjacent luminarie.

(e) The average illumination intensity for areas beneath booms of draglines, shovels and wheel excavators, shall be considered to be the average of the readings taken when the boom is positioned over level terrain. At least four evenly spaced readings shall be taken at intervals of not more than 10 feet along the center line of the boom from 20 feet from the main frame of the machine to the farthest point the machine is capable of excavating or discharging material. The light-sensitive cell shall be held in a horizontal plane and approximately 30 inches above ground.

(f) The uniformity ration (UR) shall be calculated as the average to minimum illumination intensity for paragraphs (c), (d) and (e) of this section. Two examples are shown below. Both examples have the required illumination in footcandles (fc); however, example (1) exceeds the uniformity ratio.

(1) *Control room*

$$UR = \frac{\text{Average illumination intensity}}{\text{Minimum illumination intensity}} = \frac{14.4fc}{2fc} = 7.2/1$$

(2) *Belt walkway*

$$UR = \frac{\text{Average illumination intensity}}{\text{Minimum illumination intensity}} = \frac{6.0fc}{.7fc} = 8.6/1$$

§ 77.208 Storage of materials; general.

(a) Materials shall be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

(1) All materials stored in tiers shall lie stacked, racked, blocked, interlocked or secured by other means to prevent sliding, falling or collapse.

(2) Aisles and passageways shall be kept clear, clean and in good repair.

(3) Material stored inside buildings under construction shall not be stored within 6 feet of any hoistway or inside floor opening. Material shall not be stored within 10 feet of an exterior wall which does not extend above the top of material stored.

(b) Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner to prevent the danger.

(c) Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

§ 77.208–1 Transportation of liquefied and nonliquefied compressed gas cylinders.

(a) Liquefied and nonliquefied compressed gas cylinders while being transpored shall be:

(1) Placed securely in devices designed to hold the cylinder in place during transit;

(2) Disconnected from all hoses and gauges except when the cylinder is mounted as an integral part of mobile equipment, and the gauges and cylinder valve are protected by the design of mobile equipment from being knocked off or dislodged;

(3) Equipped with a metal cap or "headband" (fence-type metal protector around the valve stem) to protect the cylinder valve during transit except when the cylinder valve is protected as provided in paragraph (a)(2) of this section; and

(4) Shut off at cylinder valve.

(b) When liquefied and nonliquefied compressed gas cylinders are transported by a trolley wire haulage system, such cylinders shall be placed in well insulated and substantially constructed containers which are specifically designed for holding such cylinders.

(c) Liquefied and nonliquefied compressed gas cylinders shall not be transported on mantrips.

(d) Valve protection caps, where a cylinder is designed to accept a cap, shall be in place, hand-tight, except where cylinders are in use or connected for use.

§ 77.208–2 Storage of liquefied and nonliquefied compressed gas cylinders.

(a) In addition to the general storage requirements prescribed in § 77.208, liquefied and nonliquefied compressed gas cylinders in storage shall be:

(1) Clearly marked and identified as to their contents.

(2) Placed securely in storage areas designated by the operator for such purpose, in an upright position and secured against being accidentally tipped over.

(3) Protected against damage from falling material, contact with powerlines and energized electrical equipment, heat from welding, cutting, or soldering, and exposure to flammable liquids. Oxygen cylinders shall not be stored in an acetylene generator compartment.

§ 77.208–3 Use of liquefied and nonliquefied compressed gas cylinders.

(a) Persons assigned by the operator to use and work with liquefied and nonliquefied compressed gas shall be trained and designated by the operator to perform the work to which they are assigned, and such persons shall be specifically instructed with respect to the dangers in the use of such gases.

(b) Persons who perform welding, cutting or burning operations shall wear clothing free from excessive oil or grease.

(c) Liquefied and nonliquefied compressed gas cylinders shall be placed in an upright position and chained or otherwise secured against falling.

(d) Liquefied and nonliquefied compressed gas shall not be used under direct pressure from the cylinder and where such gases are used under reduced pressure, the pressure level shall not exceed that recommended by the manufacturer.

(e) "Manifolding of cylinders" shall only be performed in well ventilated areas where the necesary equipment is properly installed and operated in accordance with specifications for safety prescribed by the manufacturer.

(f) When in storage, the valves of all liquefied and nonliquefied compressed gas cylinder shall be in the closed position. Valve protection caps, where a cylinder is designed to accept a cap, shall be in place and hand-tight.

§ 77.208–4 Maintenance and tests of liquefied and nonliquefied compressed gas cylinders; accessories and equipment.

(a) Hose lines, gauges and other cylinder accessories shall be maintained in a safe operating condition.

(b) Defective cylinders, cylinder accessories, torches and other welding, cutting and burning equipment shall be labeled "Defective" and taken out of service.

(c) Liquefied and nonliquefied compressed gas cylinders, when in use, shall be equipped with a wrench specifically designed for use with liquefied and nonliquefied compressed gas cylinders and a suitable torchtip cleaner to maintain torches in a safe operating condition.

(d) Tests for leaks on the hose valves or gauges of liquefied and nonliquefied compressed gas cylinders shall only be made with a soft brush and soapy water or soap suds, or other device approved by the Secretary.

(e) Hose lines shall be provided with check valves at the gauge end to protect the gauges.

§ 77.208–5 Exemption of small low-pressure gas cylinders containing nonflammable or nonexplosive gas mixtures.

Small low-pressure gas cylinders containing nonflammable or nonexplosive gas mixtures, which provide for the emission of such gas under a pressure reduced from a pressure which does not exceed 250 P.S.I.G., and which is manufactured and sold in conformance with U.S. Department of Transportation Special Permit No. 6029 as a calibration test kit for methane monitoring systems, shall be exempt from the requirements of §§ 77.208–1(c) and 77.208.3(c).

§ 77.209 Surge and storage piles.

No persons shall be permitted to walk or stand immediately above a reclaiming area or in any other area at or near a surge or storage pile where the reclaiming operation may expose him to a hazard.

§ 77.210 Hoisting of materials.

(a) Hitches and slings used to hoist materials shall be suitable for handling the type of materials being hoisted.

(b) A hoist shall not lift loads greater than the rated capacity of the hoist being used.

(c) Men shall stay clear of hoisted loads.

(d) Taglines shall be attached to hoisted materials that require steadying or guidance.

§ 77.210–1 Rigging equipment for material handling.

(a) *General requirements.* (1) Rigging equipment used for material handling shall be inspected immediately prior to each use, except excavation equipment where persons are not required to work under the load. Defective rigging equipment shall be removed from service.

(2) Rigging equipment shall not be loaded in excess of its safe working load.

(3) Special custom design grabs, hooks, clamps or other similar accessory rigging equipment used for lifting shall be marked to indicate the safe working loads.

(b) *Alloy steel chains.* (1) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links or other attachments, when used with alloy steel chains shall have a rated capacity at least equal to that of the chain.

(2) Shop made hooks, rings, links or other attachments, shall be properly designed and well constructed.

(3) Rated capacity (maximum working load limit) for alloy steel chain slings shall conform to the valves shown in Table C–1.

(4) Whenever wear at any point of any chain link exceeds that shown in Table C–2, the assembly shall be removed from service.

TABLE C–1.—*Rated capacity (maximum working load limit) for alloy steel chain slings—pounds*

Chain size, inches	Single branch sling—90° loading	Double sling vertical angle			Triple and quadruple sling vertical angle		
		30°	45°	60°	30°	45°	60°
		Horizontal angle			Horizontal angle		
		60°	45°	30°	60°	45°	30°
¼	3,250	5,560	4,550	3,250	8,400	6,800	4,900
5/16	5,200	11,400	9,300	6,600	17,000	14,000	9,900
⅜	11,250	19,500	15,900	11,250	29,000	24,000	17,000
7/16	16,500	28,500	23,300	16,500	43,000	35,000	24,500
½	23,000	39,800	32,500	23,000	59,500	48,500	34,500
9/16	28,750	49,800	40,600	28,750	74,500	61,000	43,000
⅝	38,750	67,100	54,800	38,750	101,000	82,000	58,000
¾	44,500	77,000	63,000	44,500	115,500	94,500	66,500
13/16	57,500	99,500	81,000	57,500	149,000	121,500	86,000
⅞	67,000	116,000	94,000	67,000	174,000	141,000	100,500
15/16	80,000	138,000	112,500	80,000	207,000	169,000	119,500
1	100,000	172,000	140,000	100,000	258,000	210,000	150,000

TABLE C–2.—*Maximum allowable wear at any point of link*

Chain size (inches)	Maximum allowable wear (inch)	Chain size (inches)	Maximum allowable wear (inch)	Chain size (inches)	Maximum allowable wear (inch)
¼	3/64	¾	5/32	1¼	1/8
5/16	5/64	⅞	11/64	1⅜	9/32
⅜	7/64	1	3/16	1½	5/16
7/16	9/64	1⅛	7/32	1¾	11/32

(c) *Wire rope.* (1) Tables C–3 through C–6 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific identifiable products shall be followed, if a factor of safety of not less than 5 is provided.

TABLE C–3.—*Rated capacities for single leg slings—6 by 19 and 6 by 37 classification improved plow steel grade rope with fiber core (FC)*

Rope diameter (inches)	Construction	Rated capacities, tons (2,000 lb)								
		Vertical			Choker			Vertical basket [1]		
		HT	MS	S	HT	MS	S	HT	MS	S
¼	6 by 19	0.49	0.51	0.55	0.37	0.38	0.41	0.99	1.0	1.1
5/16	do	.76	.79	.85	.57	.59	.64	1.5	1.6	1.7
⅜	do	1.1	1.1	1.2	.80	.85	.91	2.1	2.2	2.4
7/16	do	1.4	1.5	1.6	1.1	1.1	1.2	1.9	3.0	3.3
½	do	1.8	2.0	2.1	1.4	1.5	1.6	3.7	3.9	4.3
9/16	do	2.3	2.5	2.7	1.7	1.9	2.0	4.6	5.0	5.4
⅝	do	2.8	3.1	3.3	2.1	2.3	2.5	5.6	6.2	6.7
¾	do	3.9	4.4	4.8	2.9	3.3	3.6	7.8	8.8	9.5
⅞	do	5.1	5.9	6.4	3.9	4.5	4.8	10.0	12.0	13.0
1	do	6.7	7.7	8.4	5.0	5.8	6.3	13.0	15.0	17.0
1⅛	do	8.4	9.5	10.0	6.3	7.1	7.9	17.0	19.0	21.0
1¼	6 by 37	9.8	11.0	12.0	7.4	8.3	9.2	20.0	22.0	25.0
1⅜	do	12.0	13.0	15.0	8.9	10.0	11.0	24.0	27.0	30.0
1½	do	14.0	15.0	17.0	10.0	12.0	13.0	28.0	32.0	35.0
1⅝	do	16.0	18.0	21.0	12.0	14.0	15.0	33.0	37.0	41.0
1¾	do	19.0	21.0	24.0	14.0	16.0	18.0	38.0	43.0	48.0
2	do	25.0	28.0	31.0	18.0	21.0	23.0	49.0	55.0	62.0

[1] These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S slings is 20 or greater where: D=diameter of curvature around which the body of the sling is bent; d=diameter of rope.

HT=hand tucked splice and hidden tuck splice. For hidden tuck splice (IWRC) use values in HT columns.
MS=mechanical splice.
S=swaged or zinc poured socket.

TABLE C–4.—*Rated capacities for single-leg slings—6 by 19 and 6 by 37 classification improved plow steel grade rope with independent wire rope core (IWRC)*

Die (inches)	Construction	Rated capacities, tons (2,000 lb)								
		Vertical			Choker			Vertical Basket [1]		
		HT	MS	S	HT	MS	S	HT	MS	S
¼	6 by 19	0.53	0.56	0.59	0.40	0.42	0.44	1.0	1.1	1.2
5/16	do	.81	.87	.92	.61	.65	.69	1.6	1.7	1.8
⅜	do	1.1	1.2	1.3	.86	.93	.98	2.3	2.5	2.6
7/16	do	1.5	1.7	1.8	1.2	1.3	1.3	3.1	3.4	3.5
½	do	2.0	2.2	2.3	1.5	1.6	1.7	3.9	4.4	4.6
9/16	do	2.5	2.7	2.9	1.8	2.1	2.2	4.9	5.5	5.8
⅝	do	3.0	3.4	3.6	2.2	2.5	2.7	6.0	6.8	7.2
¾	do	4.2	4.9	5.1	3.1	3.6	3.8	8.4	9.7	10.0
⅞	do	5.5	6.6	6.9	4.1	4.9	5.2	11.0	13.0	14.0
1	do	7.2	8.5	9.0	5.4	6.4	6.7	14.0	17.0	18.0
1⅛	do	9.0	10.0	11.0	6.8	7.8	8.5	18.0	21.0	23.0
1¼	6 by 37	10.0	12.0	13.0	7.9	9.2	9.9	21.0	24.0	26.0
1⅜	do	13.0	15.0	16.0	9.6	11.0	12.0	25.0	29.0	32.0
1½	do	15.0	17.0	19.0	11.0	13.0	14.0	30.0	35.0	38.0
1⅝	do	18.0	20.0	22.0	13.0	15.0	17.0	35.0	41.0	44.0
1¾	do	20.0	24.0	26.0	15.0	18.0	19.0	41.0	47.0	51.0
2	do	26.0	30.0	33.0	20.0	23.0	25.0	53.0	61.0	66.0

[1] These values only apply when the D/d ration for HT slings is 10 or greater, and for MS and S slings is 20 or greater where: D=diameter of curvature around which the body of the sling is bent; d=diameter of rope.

HT=Hand tucked splice. For hidden tuck splice (IWRC) use table H–3 values in HT column.
MS=Mechanical splice.
S=Swaged or zinc poured socket.

TABLE C–5.—*Rated capacities for 2-leg and 3-leg bridle slings—6 by 19 and 6 by 37 classification improved plow steel grade rope with fiber core (FC)*

Rope Die (inches)	Construction	Rated capacities, tons (2,000 lb)											
		2-leg bridle slings						3-leg bridle slings					
		Vertical 30° Horizontal 60°		45° angle		Vertical 60° Horizontal 30°		Vertical 30° Horizontal 60°		45° angle		Vertical 60° Horizontal 30°	
		HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
¼	6 by 19	0.85	0.88	0.70	0.72	0.49	0.51	1.3	1.3	1.0	1.1	0.74	0.7
5/16	do	1.3	1.4	1.1	1.1	.76	.79	2.0	2.0	1.6	1.7	1.1	1.2
⅜	do	1.8	1.9	1.5	1.6	1.1	1.1	2.8	2.9	2.3	2.4	1.6	1.7
7/16	do	2.5	2.6	2.0	2.2	1.4	1.5	3.7	4.0	3.0	3.2	2.1	2.3
½	do	3.2	3.4	2.6	2.8	1.8	2.0	4.8	5.1	3.9	4.2	2.8	3.0
9/16	do	4.0	4.3	3.2	3.5	2.3	2.5	6.0	6.5	4.9	5.3	3.4	3.7
⅝	do	4.8	5.3	4.0	4.4	2.8	3.1	7.3	8.0	5.9	6.5	4.2	4.6
¾	do	6.8	7.6	5.5	6.2	3.9	4.4	10.0	11.0	8.3	9.3	5.8	6.6
⅞	do	8.9	10.0	7.3	8.4	5.1	5.9	13.0	15.0	11.0	13.0	7.7	8.9
1	do	11.0	13.0	9.4	11.0	6.7	7.7	17.0	20.0	14.0	16.0	10.0	11.0
1⅛	do	14.0	16.0	12.0	13.0	8.4	9.5	22.0	24.0	18.0	20.0	13.0	14.0
1¼	6 by 37	17.0	19.0	14.0	16.0	9.8	11.0	25.0	29.0	21.0	23.0	15.0	17.0
1⅜	do	20.0	23.0	17.0	19.0	12.0	13.0	31.0	35.0	25.0	28.0	18.0	20.0
1½	do	24.0	27.0	20.0	22.0	14.0	16.0	36.0	41.0	30.0	33.0	21.0	24.0
1⅝	do	28.0	32.0	23.0	26.0	16.0	18.0	43.0	48.0	35.0	39.0	25.0	28.0
1¾	do	33.0	37.0	27.0	30.0	19.0	21.0	49.0	56.0	40.0	45.0	28.0	32.0
2	do	43.0	48.0	35.0	39.0	25.0	28.0	64.0	72.0	52.0	59.0	37.0	41.0

HT=Hand tucked splice.
MS=Mechanical splice.

TABLE C–6.—*Rated capacities for 2-leg and 3-leg bridle slings—6 by 19 and 6 by 37 classification improved plow steel grade rope with independent wire rope core (IWRC)*

Rope Die (inches)	Constr	Rated capacities, tons (2,000 lb)											
		2-leg bridle sling						3-leg bridle sling					
		Vertical 30° Horizontal 60°		45° angle		Vertical 60° Horizontal 30°		Vertical 300° Horizontal 60°		45° angle		Vertical 60° Horizontal 30°	
		HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
¼	6 by 19	0.92	0.97	0.75	0.79	0.53	0.56	1.4	1.4	1.1	1.2	0.79	0.8
5/16	do	1.4	1.5	1.1	1.2	1.81	.87	2.1	2.3	1.7	1.8	1.2	1.3
⅜	do	2.0	2.1	1.6	1.8	1.1	1.2	3.0	3.2	2.4	2.6	1.7	1.9
7/16	do	2.7	2.9	2.2	2.4	1.5	1.7	4.0	4.4	3.3	3.6	2.3	2.5
½	do	3.4	3.8	2.8	3.1	2.0	2.2	5.1	5.7	4.2	4.6	3.0	3.3
9/16	do	4.3	4.8	3.5	3.9	2.5	2.7	6.4	7.1	5.2	5.8	3.7	4.1
⅝	do	5.2	5.9	4.2	4.8	3.0	3.4	7.8	8.8	6.4	7.2	4.5	5.1
¾	do	7.2	8.4	5.9	6.9	4.2	4.9	11.0	13.0	8.9	10.0	6.3	7.3
⅞	do	9.6	11.0	7.8	9.2	5.5	6.6	14.0	17.0	12.0	14.0	8.3	9.9
1	do	12.0	15.0	10.0	12.0	7.2	8.5	19.0	22.0	15.0	18.0	11.0	13.0
1⅛	do	16.0	18.0	13.0	15.0	9.0	10.0	23.0	27.0	19.0	22.0	13.0	16.0
1¼	6 by 37	18.0	21.0	15.0	17.0	10.0	12.0	27.0	32.0	22.0	26.0	16.0	18.0
1⅜	do	22.0	25.0	18.0	21.0	12.0	15.0	33.0	38.0	27.0	31.0	19.0	22.0
1½	do	26.0	30.0	21.0	25.0	14.0	17.0	39.0	45.0	32.0	37.0	22.0	26.0
1⅝	do	31.0	36.0	25.0	29.0	16.0	20.0	46.0	53.0	38.0	43.0	27.0	31.0
1¾	do	35.0	41.0	29.0	33.0	20.0	24.0	53.0	61.0	43.0	50.0	31.0	35.0
2	do	46.0	53.0	37.0	43.0	26.0	30.0	68.0	79.0	56.0	65.0	40.0	46.0

HT=Hand tucked splice.
MS=Mechanical splice.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Wire rope shall not be secured by knots.

(4) When U-bolt wire clips are used to form eyes, Table C–7 shall be used to determine the number and spacing of clips.

TABLE C–7.—*Number and spacing of U-bolt wire rope clips*

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
¼	3	4	3
5/16	3	4	3¾
⅜	4	5	4½
7/16	4	5	5¼
½	5	6	6
9/16	6	6	6¾
⅝	6	7	7½
¾	7	7	8¼
⅞	7	8	9

(d) *Natural and synthetic fiber rope.* (1) All splices in rope slings shall be made in accordance with the rope manufacturer's recommendations and in accordance with the following:

(i) In Manila rope, eye splices shall contain at least three full tucks and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand-end tails shall not be trimmed short (flush with the rope surface) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least six inches beyond the last full tuck. Where the projecting tails create a hazard, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60 degrees at the splice when the eye is placed over the load or support.

(2) Knots shall not be used in lieu of splices.

(e) *Synthetic webbing (nylon, polyester, and polypropylene).* (1) Each synthetic web sling shall be marked or coded to show:

(i) Name or trademark of manufacturer.

(ii) Rated capacities for the type of hitch.

(iii) Type of material.

(2) Rated capacity shall not be exceeded.

(f) *Shackles and hooks.* (1) Table C–8 shall be used to determine the safe working loads of various sizes of shack-

les, except that higher safe working loads are acceptable when recommended by the manufacturer for specific identifiable products if a safety factor of not less than 5 is provided.

TABLE C-8.—*Safe working loads for shackles*

[In tons of 2,000 lb]

Material size (inches)	Pin diameter (inches)	Safe working load
⅜	⅞	1.4
½	1	2.2
⅝	1⅛	3.2
¾	1⅜	4.3
⅞	1⅝	5.6
1	1¾	6.7
1⅛	2	8.2
1¼	2⅛	10.0
1⅜	2½	11.9
1½	2¾	16.2
1¾	3½	21.2

(2) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specified and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. A record of the dates and results of such tests shall be kept at the mine.

§ 77.211 Draw-off tunnels; stockpiling and reclaiming operations; general.

(a) Tunnels located below stockpiles, surge piles and coal storage silos shall be ventilated so as to maintain concentrations of methane below 1.0 volume per centum.

(b) In addition to the tests for methane required by § 47.201–1, such tests shall also be made before any electric equipment is energized or repaired, unless equipped with a continuous methane monitoring device installed and operated in accordance with the provisions of § 77.211–1. Electric equipment shall not be energized, operated or repaired until the air contains less than 1.0 volume per centum of methane.

§ 77.211–1 Continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment.

Continuous methane monitoring devices shall be set to deenergize, automatically, electric equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1.0 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize, automatically, electric equipment when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2.0 volume per centum of methane.

§ 77.212 Draw-off tunnel ventilation fans; installation.

When fans are used to ventilate draw-off tunnels, the fans shall be:

(a) Installed on the surface;

(b) Installed in noncombustible housings and connected to the tunnel opening with noncombustible air ducts; and

(c) Offset from the tunnel opening.

§ 77.213 Draw-off tunnel escapeways.

When it is necessary for a tunnel to be closed at one end, an escapeway not less than 30 inches in diameter (or the equivalent, if the escapeway does not have a circular cross section) shall be installed which extends from the closed end of the tunnel to a safe location on the surface; and, if the escapeway is inclined more than 30 degrees from the horizontal, it shall be equipped with a ladder which runs the full length of the inclined portion of the escapeway.

4. A new § 77.218 is added as follows:

§ 77.218 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the American National Standards Institute publication to which reference is made in this subpart is hereby incorporated by reference and made a part hereof. The incorporated publication is available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. It is also available from the American National Standards, Inc., 1430 Broadway, New York, N.Y. 10018. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

5. Subpart D is revised as follows:

Subpart D—Thermal Dryers

§ 77.300 Thermal dryers; general.

(a) Dryer systems used for drying coal at high temperatures, hereinafter referred to as thermal dryers, including rotary dryers, continuous carrier dryers, vertical tray and cascade dryers, multilouver dryers, suspension or flash dryers and fluidized bed dryers, shall be maintained and operated in accordance with the provisions of §§ 77.300 through 77.306.

(b) For purposes of this subpart, "high temperature" means 212 degrees Fahrenheit or above.

§ 77.301 Dryer heating units; operation.

(a) Dryer heating units shall be operated to provide reasonably complete combustion before gases are allowed to enter hot gas inlets.

(b) Dryer heating units which are fired by pulverized coal shall be operated and maintained in accordance with National Fire Protection Association (NFPA) Code No. 60, "Standard for the Installation and Operation of Pulverized Fuel Systems" (1961).

§ 77.302 Bypass stacks.

(a) Thermal dryers systems shall include a bypass stack, relief stack or individual discharge stack provided with automatic venting which will permit gases from the dryer heating unit to bypass the heating chamber and vent to the outside atmosphere during any shutdown operation.

(b) Thermal dryer bypass stacks shall be equipped with a clean-out door at or near the bottom or with other effective means which permits coal, fly-ash, and other heated material to be removed.

§ 77.303 Dryer chamber drop-out doors.

(a) Thermal dryer systems which employ a hot gas inlet chamber shall be equipped with drop-out doors at the bottom of the inlet chamber or with other effective means which permits coal, fly-ash, or other heater material to fall from the chamber.

(b) Dryers which are fired by pulverized coal and positive pressure dryers which are not equipped with a constant drop-out door shall be checked once a week, and cleaned when necessary.

(c) Dryers which are fired by coal other than pulverized coal which are not equipped with a constant drop-out door shall be checked daily and cleaned when necessary.

§ 77.304 Explosion release vents.

(a) Drying chambers, dry-dust collectors, ductwork connecting dryers to dust collectors, and ductwork between dust collectors and discharge stacks shall be protected:

(1) With explosion release vents which open directly to the outside atmosphere, and all such vents shall be:

(i) Hinged to prevent dislodgment.

(ii) Designed and constructed to permit checking and testing by manual operation,

(iii) Checked by manual operation at intervals not exceeding 90 days. A record shall be kept of the date of the manual operation for at least one year, and

(iv) Equal in size to the cross-sectional area of the collector vortex finder when used to vent dry-dust collectors; or

(2) With a no less effective system approved by the District Manager.

§ 77.305 Access to drying chambers, hot gas inlet chambers and ductwork; installation and maintenance.

(a) Drying chambers, hot gas inlet chambers, and all ductwork in which coal dust may accumulate shall be equipped with tight sealing access doors which shall remain latched during dryer operations to prevent the emission of coal dust and the loss of fluidizing air.

(b) Cyclones and all ductwork shall be maintained in good repair.

§ 77.306 Fire protection.

(a) Based on the need for fire protection measures in connection with the particular design of the thermal dryers, the District Manager of the District in which the thermal dryer is located may require any of the following measures to be employed:

(1) Water sprays automatically actuated by a rise in temperature to prevent fire, installed inside the thermal dryer systems, and such sprays shall be designed to provide for manual operation in the event of power failure.

(2) Fog nozzles, or other no less effective means, installed inside the thermal dryer systems to provide additional moisture or an artificial drying load within the drying system when the system is being started or shut down.

(b) The water system of each thermal dryer shall be inter-connected to a supply of compressed air which permits constant or frequent purging of all water sprays and fog nozzles or other no less effective means of purging shall be provided.

§ 77.307 Thermal dryers; location and installation; general.

(a) Thermal dryer systems erected or installed at any coal mine after June 30, 1971, except those thermal dryer systems referred to in paragraph (c) of this section, shall be located at least 100 feet from any underground coal mine opening, and 100 feet from any surface installation where the heat, sparks, flames, or coal dust from the system might cause a fire or explosion.

(b) Thermal dryer systems erected or installed after June 30, 1971, may be covered by roofs; however, such systems shall not be otherwise enclosed unless necessary to protect the health and safety of persons employed at the mine. Where such systems are enclosed, they shall be located in separate fireproof structures of heavy construction with explosion pressure release devices (such as hinged wall panels, window sashes, or louvers), which provide at least 1 square foot of area for each 80 cubic feet of space volume and which are distributed as uniformly as possible throughout the structure.

(c) Thermal dryer systems erected or installed after June 30, 1971 but [before the effective date of this section] in any structure which also houses a tipple, cleaning plant, or other operating facilities shall be separated from all other working areas of spuch structure by a substantial partition capable of providing greater resistance to explosion pressures than the exterior wall or walls of the structure. The partition shall also include substantial, self-closing fire doors at all entrances to the areas adjoining the dryer system.

(d) Thermal dryer systems erected or installed [after the effective date of this section] shall not be erected or installed in any structure which also houses a tipple, cleaning plant, or other operating facilities.

§ 77.308 Visual check of system equipment.

Frequent visual checks shall be made by the operator of th ethermal dryer system control station, or by some other person experienced in performing such work, of the bypass dampers, air-tempering louvers, discharge mechanism, and other dryer system equipment, and no dryer shall beb operated with defective equipment which would affect the safe operation of the thermal dryer.

§ 77.308–1 Control stations; location.

Thermal dryer system control stations constructed after June 30, 1971, shall be installed at a location which will give to the operator of the control station the widest field of visibility of the system and equipment.

§ 77.309 Control panels.

(a) All thermal dryer system control panels constructed after June 30, 1971, shall be located in an area which is relatively free of moisture and dust and shall be installed in such a manner as to minimize vibration.

(b) A schematic diagram containing legends which show the location of each thermocouple, pressure tap, or other control or gaging instrument in the drying system shall be posted on or near the control panel of each thermal drying system.

(c) Each instrument on the control panel shall be identified by a name-plate or equivalent marking.

(d) The manufacturer's safe drying inlet temperatures of the dryer shall be posted on or near the control panel of each thermal drying system.

(e) A plan to control the operation of each thermal dryer system shall be posted on or near the control panel showing a sequence of startup, normal shutdown, and emergency shutdown procedures.

§ 77.310 Alarm devices.

Thermal dryer systems shall be equipped with both audible and visual alarm devices set to operate when safe dryer temperatures are exceeded.

§ 77.311 Fail safe monitoring systems.

Thermal dryer systems and controls shall be protected by a fail safe monitoring system which will safely shut down the system and any related equipment upon failure of any component in the dryer system.

§ 77.312 Wet-coal feedbins; low-level indicators.

Wet-coal bins feeding thermal dryer systems shall be equipped with both audible and visual low-coal level indicators.

§ 77.313 Automatic temperature control instruments.

(a) Thermal dryer systems shall be equipped with automatic temperature control instruments.

(b) Automatic temperature control instruments for thermal dryer systems shall be of the recording type. The recording charts shall be kept for 3 months.

(c) Automatic temperature control instruments shall be locked or sealed to prevent tampering or unauthorized adjustment. These instruments shall not be set above the maximum allowable operating temperatures.

(d) All dryer control instruments shall be inspected and calibrated at least once every 3 months and a record or certificate of accuracy, signed by a trained person or by a servicing agent, shall be kept at the plant.

§ 77.314 Thermal dryers; examination and inspection.

(a) Thermal dryer systems shall be examined for fires and coal dust accumulations if the dryers are not restarted within the time period prescribed by the manufacturer after a shutdown.

(b) Before any person is permitted to enter a drying chamber which contains coal, the coal on the bedplate or screen shall be saturated with water.

§ 77.315 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the National Fire Protection Association publication to which reference is made in this subpart is hereby incorporated by reference and made a part hereof. The incorporated publication is available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. It is also available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

6. Sections 77.400 through 77.402 are revised and a new § 77.402–1 is added as follows:

Subpart E—Safeguards for Mechanical Equipment

§ 77.400 Mechanical equipment guards.

(a) Gears; sprockets; chains; conveyor-drive, head, tail and takeup pulleys; flywheels; couplings; shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons shall be guarded.

(b) Overhead belts shall be guarded if the whipping action from a broken belt would be hazardous to persons below.

(c) Guards at the conveyor-drive, head, tail and takeup pulleys shall extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

(d) Except when testing the machinery, guards shall be securely in place while machinery is being operated.

§ 77.401 Stationary grinding machines; protective devices.

(a) Stationary grinding machines other than special bit grinders shall be equipped with:

(1) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel.

(2) Adjustable tool rests set as close as practical to the wheel.

(3) Safety washers.

(b) Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

(c) Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

(d) Cutting bit grinding machines shall be equipped with dust collectors or exhaust ventilation systems vented to the outside of the building.

§ 77.402 Hand-held power tools; safety devices.

Hand-held power tools shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

§ 77.402–1 Power operated hand-held tools.

(a) *Electric power hand-held tools.* (1) Electric cords shall not be used for hoisting, lowering, or carrying of hand-held tools.

(b) *Pneumatic power hand-held tools.* (1) Safety clips or retainers shall be securely installed on pneumatic impact tools to prevent attachments from being accidentally ejected.

(2) All pneumatically driven nailers, staplers, and other similar equipment provided with an automatic fastener feed and which operate at more than 100 p.s.i., at the tool, shall have a safety device on the muzzle to prevent the tool from ejecting fasteners unless the muzzle is in contact with the work surface.

(3) Hoses shall not be used for hoisting, lowering, or carrying of such tools.

(c) *Fuel-powered hand-held tools.* (1) All fuel-powered tools shall be stopped while being refueled, serviced, or maintained.

(d) *Powder-actuated hand-held tools.* (1) Only persons who have been instructed in the limitations and safe operation of the particular tool being used shall be permitted to operate a powder-actuated tool.

(2) The tool shall be tested each day before loading to see that the safety devices are in safe working condition. The method of testing shall be in accordance with the manufacturer's recommended procedure.

(3) Tools shall not be loaded until immediately prior to the intended firing time. Neither loaded nor empty tools shall be pointed at any person.

(4) Loaded tools shall not be left unattended.

(5) Fasteners shall be used in accordance with the manufacturer's recommendations.

(6) Driving into material easily penetrated shall be avoided unless such materials are backed by a substance that will prevent the fastening device from passing completely through and creating a flying missile hazard on the other side.

(7) Powder-actuated tools shall not be used in hazardous locations as set forth in §§ 77.516–1 and 77.516–3.

(8) All tools shall be used with the appropriate shield, guard, or attachment recommended by the manufacturer.

(9) Persons operating powder-actuated tools shall keep all parts of their bodies behind the tool.

7. Sections 77.404 through 77.418 are revised and new §§ 77.414 and 77.415 are added as follows:

§ 77.404 Portable, self-propelled and stationary machinery and equipment; operation and maintenance.

(a) Machinery and equipment shall be maintained in safe operating condition and machinery or equipment in unsafe condition shall be removed from service immediately.

(b) Machinery and equipment shall be operated only by persons trained in the use of and authorized to operate such machinery and equipment.

(c) Repairs or maintenance shall not be performed on machinery and equipment until the power is off and the machinery and equipment is blocked against motion, except where motion is necessary to make adjustments.

(d) Machinery and equipment shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

§ 77.405 Performing work from a raised position; safeguards.

(a) Persons shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

(b) No work shall be performed under machinery or equipment that has been raised until such machinery or equipment has been securely blocked in position.

§ 77.406 Drive belts.

(a) Drive belts shall not be shifted while in motion unles the machines are provided with mechanical shifters.

(b) Belt dressing shall not be applied while belts are in motion except where it can be applied without endangering a person.

§ 77.407 Power-driven pulleys.

(a) Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except slow moving equipment especially designed for hand feeding.

(b) Pulleys and rollers of conveyors shall not be cleaned manually while the conveyor is in motion.

(c) Coal or other material spilled beneath belt conveyor-drives, heads, tails or take-ups shall not be removed while the conveyor is in motion, unless 8 feet of clearance is maintained between the floor and conveyor-drive, head, tail or takeup.

§ 77.408 Welding operations.

(a) Welding operations shall be shielded and the area shall be well-ventilated.

(b) Defective electrode holders, cables, helmets or shields shall not be used.

(c) Electrodes shall not be changed in confined areas where restricted movement of the hands and arms would cause a shock hazard while the welding cable is energized.

§ 77.409 Shovels, draglines and tractors.

(a) Shovels, draglines, and tractors shall not be operated in the presence of any person exposed to a hazard from its operation, and all such equipment shall be provided with an adequate warning device which shall be sounded by the operator prior to starting operation.

(b) Shovels and draglines shall be equipped with handrails along and around all walkways and platforms.

§ 77.410 Self-propelled equipment; automatic warning devices and braking systems.

(a) Self-propelled equipment, such as trucks with an obstructed view to the rear, forklifts, front-end loaders, tractors, dozers and graders, shall be equipped with an adequate automatic warning device that shall give an audible alarm before such equipment is moved in the reverse direction and remain in operation until the equipment is at a complete stop or is placed in neutral or forward direction.

(b) Barrels, machine parts or supplies transported in front-end loader buckets shall be secured or properly loaded to prevent shifting, slipping or spillage.

(c) Rubber tired front-end loaders and dozers purchased after the effective date of this section shall be equipped with parking and emergency stopping systems which shall comply with the "Minimum Performance Criteria for Brake Systems for Off-Highway, Rubber-Tired Front-End Loaders and Dozers-SAE J 237" of the Society of Automotive Engineers.

§ 77.410–1 Tires and rim repair.

(a) A safety tire rack, cage, or equivalent protection shall be provided when inflating tires installed on split rims or rims equipped with locking rings or similar devices.

(b) Heat shall not be applied to lugbolts, rims or wheels while the tires are inflated.

(c) Before rims are repaired, tires shall be deflated and removed from the rims.

§ 77.411 Compressed air and boilers: general.

All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code.

§ 77.412 Compressed air systems.

(a) Compressors and compressed air receivers shall be equipped with automatic pressure-relief valves, pressure gauges, and drain valves.

(b) Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been relieved from that part of the system to be repaired.

(c) At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury. Compressed air shall not be used for cleaning purposes unless a face shield or goggles which meet the requirements of § 77.1710(a) is used.

(d) Safety chains, suitable locking devices or automatic cutoff valves shall be used at connections to machines of high-pressure hose lines of ¾ inch outside diameter or larger, and between high-pressure hose lines of ¾ inch inside diameter or larger, where a connection failure

would create a hazard. For purposes of this paragraph, high-pressure means pressure of 100 p.s.i. or more.

§ 77.413 Boilers.

(a) Boilers shall be equipped with guarded, well-maintained water gauges and pressure gauges placed so that they can be observed easily. Water gauges and pipe passages to the gauges shall be kept clean and free of scale and rust.

(b) Boilers shall be equipped with automatic pressure-relief valves; valves shall be opened manually at least once a week to determine that they will function properly.

(c) Blowoff valves shall be piped outside the building or directly into drains and shall have outlets so located or protected that persons passing by, near, or under them will not be scalded.

(d) Where needed, boilers shall be provided with safety devices acceptable to MESA, to protect against hazards of flame-outs, fuel interruptions, and low water level.

(e) Boilers shall be inspected internally at least once a year by a representative of the manufacturer of such boiler or a state licensed inspector and a certificate of inspection, signed by the inspector, shall be displayed in the vicinity of the boiler.

§ 77.414 Marine operation and equipment.

(a) Unless persons can step safely to or from the wharf, float, barge, or river towboat, a safe walkway shall be provided.

(b) Decks or other working surfaces shall be maintained in a safe condition.

(c) Persons shall not pass fore or aft, over, or around deck-loads, unless a safe passage is provided.

(d) At least one U.S. Coast Guard approved 30 inch lifering with not less than 90 feet of line attached, and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water shall be provided in the vicinity of the barge.

§ 77.415 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. SAE documents are also available from the Society of Automative Engineers, Inc., Two Pennsylvania Plaza, New York., N.Y. 10001. The ASME Boiler and Pressure Vessel Code is also available from the American Society of Mechanical Engineers, 345 E. 47th St., New York, N.Y. 10017. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

8. Subparts F, G, H, I, J, and K are revised as follows:

Subpart F—Electrical Circuits and Equipment—General

§ 77.500 Electric power circuits and electric equipment; deenergization.

(a) Circuits which supply power to stationary and portable electric equipment, and circuits which supply power to electric equipment on board self-propelled equipment shall be deenergized before electrical or mechanical work is done on such circuits or equipment, except for testing or trouble-shooting as provided in this section and for repair of energized trolly wires as provided in § 77.1803. Other electric circuits or electric equipment in the vicinity of electrical or mechanical work shall also be deenergized if the location of such circuits or equipment creates a hazard to persons performing such work.

(b) Disconnecting devices used to deenergize such circuits and equipment shall be locked out and suitably tagged by the persons who perform such work, except that in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks and tags shall be removed only by the persons who installed them or, if such persons are not available, by persons authorized by the operator or his agent.

(c) Persons performing testing or trouble-shooting functions on circuits or equipment energized at more than 150 volts, but less than 1000 volts, shall wear protective gloves. Such gloves shall meet American Society for Testing and Materials (ASTM "Standard Specification for Rubber Insulating Gloves" (D120–70) and shall be rated in accordance with the following:

Nominal circuit voltage:	ASTM glove class
151 to 750 v	0
751 to 1,000 v	1

(d) Persons performing testing or trouble-shooting functions on circuits or equipment energized at more than 1,000 volts shall comply with the requirements of §§ 77.806 through 77.806–9.

(e) Protective gloves worn while performing testing or trouble-shooting functions shall be inspected for defects before each use. Defective gloves shall not be used.

§ 77.501 Electric circuits and equipment; maintenance.

(a) Electric circuits and equipment shall be maintained at all times in safe operating condition.

(b) Except as provided in § 77.1803, electrical installation and maintenance work shall not be performed on electric circuits or equipment except by a qualified person or by a person trained to perform electrical work and to maintain electric circuits and equipment at the direction of a qualified person. When such work is done by a trained person, the circuits or equipment shall be examined and tested by a qualified person to assure safe operating condition before such circuits or equipment are energized.

§ 77.502 Electric circuits and equipment; examination and testing.

Electric circuits and equipment shall be examined and tested at least monthly by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric circuits or equipment, by the qualified person making the required examination, such circuits or equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept in a book provided for this purpose and shall include the date of examination, all dangerous conditions found, corrective action taken, and the name of the examiner. The record of examination shall be signed by the official responsible for maintaining the circuits and equipment in safe operating condition and such records shall be made available to an authorized representative of the Secretary and an authorized representative of the miners of such mine.

§ 77.502–1 Electric circuits and equipment; potentially dangerous condition.

A potentially dangerous condition as used in § 77.502 shall include, but not be limited to, damaged conductor insulation, improper frame grounding, missing guards, missing inspection covers, poorly-made splices, inoperative ground fault protection and defective monitoring circuits.

§ 77.502–2 Electric powered hand-held tools.

Electric powered hand-held tools shall be considered electric equipment for the purposes of this subpart.

§ 77.503 Power conductors; capacity and insulation.

Power conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that arise in temperature resulting from normal operation will not damage the conductor or the insulating materials.

§ 77.503–1 Power conductors; ampacity requirements.

(a) The required ampacities of all power conductors, except power conductors installed in high-voltage distribution circuits and power conductors installed in circuits referred to in § 77.606, shall be as specified in the National Electrical Code as follows:

(1) For conductors installed prior to June 30, 1971—the National Electrical Code, 1968, 1971, or 1975.

(2) For conductors installed after June 30, 1971, but before [the effective date of this section]—the National Electrical Code, 1971, or 1975.

(3) For conductors installed after [the effective date of this section]—the National Electrical Code, 1975.

(b) The required ampacities of power conductors installed in high-voltage distribution circuits are not specified.

(c) The required ampacities of power conductors installed in circuits referred to in § 77.606 shall be as specified in § 77.606.

§ 77.503–2 Power conductors: ampacity ratings.

(a) The ampacity rating of all power conductors, except uninsulated overhead power lines, trailing cables and portable feeder cables, shall be as specified in the National Electrical Code, 1975, as follows:

(1) Conductors for General Wiring—Article 310

(2) Flexible Cords and Cables—Article 400

(3) Fixture Wires—Article 402

(b) The ampacity rating of uninsulated overhead powerlines shall be as specified in the standards of the Insulated Power Cable Engineers Association (IPCEA) as follows:

Conductor material	IPCEA standard	Table
Single-layer ACSR	P-50-431	III
Multilayer ACSR	P-50-431	IV
Bare all aluminum	P-50-431	V
Weather-resistant all aluminum	P-50-431	IX
Weather-resistant ACSR	P-50-431	X
Copper	P-51-432	XIII
Weather-resistant hard drawn copper.	P-51-432	XIV

(c) The ampacity rating of trailing cables and portable feeder cables shall be as specified in § 77.606–1(a).

§ 77.504 Electrical connections, splices and insulation.

(a) Connections and splices in conductors shall be mechanically strong and electrically efficient, and suitable connectors shall be used.

(b) Splices in multi-conductor cables shall provide continuity of each conductor.

(c) Splices in insulated conductors shall be reinsulated so as to provide at least the same insulation value as the insulation on the remainder of the conductor and shall be sealed so as to exclude moisture.

(d) Splices in shielded conductors shall be reshielded so as to provide at least the same degree of protection as the shielding on the remainder of the conductor.

(e) Splices in jacketed conductors and cables shall be vulcanized or otherwise made with suitable materials to provide good bonding to the existing conductor jacket, to exclude moisture from the completed splice, and to provide at least the same degree of protection as the remainder of the conductor jacket.

§ 77.504–1 Repair of damaged conductors.

Damaged conductor insulation or jackets shall be repaired in a workmanlike manner so as to exclude moisture and to provide at least the same degree of protection as provided by the remainder of the conductor insulation or jacket.

§ 77.505 Cable fittings; suitability.

Cables and insulated conductors other than wiring installed in conduit shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings and shall be securely clamped to prevent chafing of the insulation and to prevent strain on the electric connections. In addition, when insulated conductors pass through metal frames, the holes shall be substantially bushed with insulating bushings.

§ 77.506 Electric equipment: short-circuit and overload protection.

(a) Except as provided in paragraph (b) of this section, automatic circuit breaking devices or fuses shall be installed so as to provide short-circuit and overload protection for all electric equipment. Such automatic circuit-breaking devices or fuses shall conform to the requirements for protection of electric equipment as specified in the National Electrical Code as follows:

(1) For equipment installed before [the effective date of this section]—the National Electrical Code, 1968, 1971, or 1975.

(2) For equipment installed after [the effective date of this section]—the National Electrical Code, 1975.

(b) Motors driving single or multiple direct-current generators, supplying a system operating on a cyclic load basis, do not require running overcurrent protection, *Provided*, That the thermal rating of the alternating-current drive motor cannot be exceeded under any operating condition; however, short-circuit and locked-rotor protection shall be provided for such motors.

§ 77.507 Electric equipment: switches.

All electric equipment shall be provided with switches or other controls that are safely designed, constructed, installed, and maintained. The voltage of alternating-current remote motor control circuits that are installed external to the controller enclosure shall not exceed 150 volts unless the circuit is installed in metal conduit. Stop switches shall be provided at the operating controls of all electric equipment.

§ 77.508 Electrical rating: switches, fuses, circuit breakers and controllers.

All switches, fuses, circuit breakers, and controllers shall have adequate interrupting capacity and shall have voltage and current ratings consistent with the voltage and current ratings of the circuits in which they are installed.

§ 77.509 Identification.

Disconnecting devices, power switches, circuit breakers, controllers, control switches and push buttons shall be marked to show which circuit they control, unless identification can be made readily by location.

§ 77.510 Lightning arresters for ungrounded exposed power conductors, control lines and communication wires.

(a) All ungrounded, unshielded power conductors, control lines and communication wires that are exposed to lightning shall be equipped with suitable lightning arresters which are adequately installed and connected to a low-resistance grounding medium in accordance with § 77.519, except that lightning arresters protecting control lines and communication wires may be grounded in accordance with the requirements of Section 800–31(b) of the National Electrical Code, 1975.

(b) Lightning arresters protecting exposed overhead conductors entering buildings shall be provided near the point where each such conductor enters the building.

§ 77.511 Resistors: location and guarding.

Resistors, heaters, and rheostats shall be located so as to minimize fire hazards, and, where necessary, shall be provided with guards to prevent personal contact.

§ 77.512 Guarding of electric equipment.

(a) Live parts of low- and medium-voltage electric equipment energized at 50 volts or more shall be guarded against accidental contact by installation in cabinets or enclosures or by any of the following means:

(1) By location in a locked room, vault, or similar enclosure that is accessible only to qualified persons.

(2) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them.

(3) By location on a suitable balcony, gallery, or platform so elevated and arranged as to be accessible only to qualified persons.

(4) By elevation of 8 feet or more above the floor or other working surface.

(b) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(c) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(d) Enclosures shall be kept closed and guards shall be kept in place at all times such equipment is energized except when testing or troubleshooting is being performed.

§ 77.513 Insulating mats.

Insulating mats shall be kept in front of the following:

(a) All switchboards energized at more than 150 volts.

(b) All linestarters, fuse boxes, and other switchgear containing renewable components energized at more than 150 volts and installed less than 8 feet above the floor or other working surface at stationary installations or on board self-propelled electric equipment.

(c) All enclosures containing readily accessible parts which are energized at more than 150 volts and installed less than 8 feet above the floor or other working surface at stationary installations or on board self-propelled electric equipment. Readily accessible parts are those parts contained in an enclosure to which a person can gain access by such methods as opening hinged doors or lids or removing latched covers.

§ 77.514 Switchboards: passageways and clearance.

Switchboards in stationary installations which require back access for inspection, adjustment, or repair shall be installed to provide passageways or lanes of travel which permit access to the back of the switchboard from both directions.

§ 77.515 Power conductors, signal conductors and control circuit conductors; insulation and guarding.

(a) Except as specified in paragraphs (a)(1) through (a)(6) of this section, all power conductors, signal conductors and control circuit conductors shall be insulated. Such insulation shall have a rating not less than the nominal voltage of the circuit in which the conductor is installed.

(1) Trolley wires;

(2) Trolley feeder wires;

(3) Overhead powerlines installed so as to provide the minimum vertical clearance as specified in Section 232 of the National Electrical Safety Code, 1973;

(4) High-voltage power conductors installed in accordance with the provisions §§ 77.804(b)(5) or 77.804(b)(6);

(5) Grounded service entrance conductors permitted to be uninsulated by the exception in Section 230–40(a) of the National Electrical Code, 1975; and

(6) Signal conductors and control circuit conductors energized at 40 volts or less.

(b) Trolley wires, trolley feeder wires, uninsulated signal conductors and uninsulated control circuit conductors shall be adequately guarded at all points where men are required to work or pass regularly under the wires and at all mantrip stations.

(c) Temporary guards shall be provided where trackmen and other persons are required to work in proximity to energized trolley wires and trolley feeder wires.

(d) An authorized representative of the Secretary may specify other conditions where trolley wires, trolley feeder wires and uninsulated signal conductors and control circuit conductors shall be adequately protected to prevent contact by any person, or many require the use of improved methods to prevent such contact.

§ 77.516 Electric wiring and equipment; installation and maintenance.

(a) Except as otherwise provided in this part, all electric wiring and equipment installed in stationary installations after June 30, 1971, and before [the effective date of this section], shall meet the requirements of the National Electrical Code, 1971 or 1975.

(b) Except as otherwise provided in this part, all electric wiring and equipment installed in stationary installations after [the effective date of this section] shall meet the requirements of the National Electrical Code, 1975.

§ 77.516–1 Class I hazardous locations: surface facilities.

(a) The inside of all enclosed coal storage facilities, such as coal silos and surge bins, shall be classified as Class I, Division I, locations.

(b) (1) The inside of enclosed rooms or other areas which are over, under, or adjacent to enclosed coal storage facilities, such as enclosed belt transfer points on top of coal silos and tunnels containing equipment beneath coal stockpiles, shall be classified as Class I, Division I, locations. Tunnels beneath coal silos and coal storage areas through which railroad trains pass are not considered to be Class I areas, provided the length of the tunnel is less than 125 feet and the tunnel is open at both ends.

(2) The term adjacent, as used in this section, means any two enclosed areas which have one or more surfaces in common.

(c) Locations in facilities or areas specified in paragraph (b) of this section which do not contain coal handling, storage, or processing equipment shall not be classified Class I, Division I, locations if Type X purged in accordance with National Fire Protection Association publication NFPA No. 496, "Purged and Pressurized Enclosures for Electrical Equipment, 1971."

§ 77.516–2 Electric wiring and equipment in Class I hazardous locations.

(a) Electric wiring and equipment in Class I, Division I, locations shall be installed and maintained in accordance with the following:

(1) (i) For wiring and equipment installed after June 30, 1971 and before (the effective date of this section), Article 501 of the National Electrical Code, 1971 or 1975;

(ii) For wiring and equipment installed after (the effective date of this section), Article 501 of the National Electrical Code, 1975; or

(2) Enclosed areas which contain electric wiring and equipment shall be ventilated and maintained in accordance with the following:

(i) A forced mechanical ventilation system which will prevent the methane content in the enclosed area from exceeding 1.0 volume per centum: and

(ii) A continuous methane-monitoring device shall be installed to deenergize all electric wiring and equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage which shall not be more than 1.0 volume per centum of methane. Such monitor shall deenergize, automatically, electric wiring and equipment when the concentration of methane reaches a maximum percentage which shall not be more than 2.0 volume per centum of methane except that wiring and equipment installed and maintained as specified in paragraph (a)(1) of this section may remain energized.

(b) All electric wiring and equipment that is required by Article 501 of the National Electrical Code to be approved for Class I locations shall be listed by Underwriters' Laboratories, Inc. or Factory Mutual, Inc., for Class I, Group D, locations or certified or approved as explosionproof or permissible by MESA under this title.

§ 77.516–3 Class II hazardous locations: surface facilities.

(a) The inside of enclosed coal storage facilities and the inside of enclosed coal processing equipment shall be classified as Class II, Division I, locations.

(b) Rooms or enclosures housing coal handling or processing equipment shall be classified as Class II, Division II, locations.

§ 77.516–4 Electric wiring and equipment in Class II hazardous locations.

(a) Electric wiring and equipment in Class II, Division I and II, locations shall be installed and maintained in accordance with the following:

(1) For electric wiring and equipment installed after June 30, 1971, and before the effective date of this section, Article 502 of the National Electrical Code, 1971, or 1975;

(2) For electric wiring and equipment installed after the effective date of this section, Article 502 of the National Electrical Code, 1975.

(b) All electric wiring and equipment that is required by Article 502 of the National Electrical Code to be approved for Class II locations shall be listed by Underwriters' Laboratories, Inc., or Factory Mutual, Inc., for a Class II, Group F, location or certified or approved as explosion-proof or permissible by MESA under this title.

§ 77.517 Protection of electric wiring and equipment.

All electric wiring except trailing cables and portable feeder cables shall be installed in a workmanlike manner, protected against mechanical damage, securely fastened in place, and suitable for the environment in which they are installed. All raceways, fittings, boxes, cabinets and enclosures shall be protected against mechanical damage, securely fastened in place and suitable for the environment in which they are installed.

§ 77.518 Equipment marking.

Stationary electric utilization equipment purchased or rebuilt after the effective date of this section shall be provided with a plate, which indicates the manufacturer's name, rated voltage, full-load current, duty cycle, and, if applicable, horsepower.

§ 77.519 Low-resistance grounding medium.

(a) "Low-resistance grounding medium" means made electrodes, buried metallic piping system, metal framework of a building, well or borehole casing, steel piling or other buried metal structure having a total resistance to ground of not more than 5 ohms. A low-resistance grounding medium may consist of more than one ground field provided:

(1) At least one ground field shall be installed at each location a low-resistance grounding medium is required;

(2) The resistance to ground of each ground field shall not exceed 25 ohms; and

(3) The parallel resistance to ground of all ground fields which serve as a single low-resistance grounding medium shall not exceed 5 ohms.

(b) Low-resistance grounding mediums shall be measured at the time of installation and at least annually thereafter to insure a sufficiently low resistance to ground has been achieved and is being maintained. The results of such measurements shall be recorded and made available to the authorized representative of the Secretary.

§ 77.520 Ground wire.

"Ground wire" means a copper or other corrosion-resistant wire which shall have a breaking strength and a direct-current resistance in accordance with the following:

(a) When the power conductor is smaller than No. 6 AWG, the ground wire shall have a breaking strength no less than and a direct-current resistance no greater than that of the power conductor.

(b) When the power conductor is No. 6 AWG or larger, the ground wire shall have a breaking strength no less than and a direct-current resistance no greater than a wire of the same material as the power conductor and a cross-sectional area of one-half that of the power conductor.

(c) When a ground wire is used to ground the metallic shielding of a power conductor or cable, the ground wire shall have a breaking strength no less than and a direct-current resistance no greater than that of a wire of the same material and the same cross-sectional area as that of the shielding.

§ 77.521 Grounding conductor.

(a) A grounding conductor shall be permanent and continuous, shall have current-carrying capacity at least equal to the wire specified in § 77.520, shall be able to conduct safely any currents likely to be imposed on it, and shall have impedance sufficiently low to facilitate the operation of the ground fault protective devices in the circuit under ground fault conditions. Such grounding conductor shall consist of:

(1) A properly sized copper or other corrosion-resistant wire which meets the requirements of § 77.520;

(2) Properly bonded rigid metal conduit; or

(3) Properly bonded electrical metallic tubing; or

(4) The structural metal frame of a building or machine, provided the equipment is solidly connected to the metal frame.

§ 77.522 Guy wires; grounding.

Guy wires from poles supporting power lines shall be securely connected to the system grounding medium or shall be provided with insulators installed near the pole end.

§ 77.523 Use of grounding connectors.

If ground wires are attached to grounded power conductors, separate clamps, suitable for such purpose, shall be used and installed to provide a solid connection.

§ 77.521 Protection other than grounding.

Methods other than grounding which provide no less effective protection may be approved by an authorized representative of the Secretary. Such methods shall not be used unless so approved.

§ 77.525 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. ASTM publications are also available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103. The National Electrical Codes and NFPA publications are also available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. IPCEA publications are also available from the Insulated Power Cable Engineers Association, 192 Washington Street, Belmont, Mass. 02178. The National Electrical Safety Code is also available from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th St., New York, N.Y. 10017. Underwriters' Laboratories publications are also available from Underwriters' Laboratories, Inc., 207 E. Ohio St., Chicago, Ill. Factory Mutual publications are also available from Factory Mutual Research Corp., 1151 Boston-Providence Turnpike, Norwood, Mass. 02062. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

Subpart G—Circuits to Portable and Self-Propelled Electric Equipment

§ 77.600 Definitions.

For the purposes of this part:

(a) "Trailing cable circuit" means a circuit which supplies power to a single unit of self-propelled electric equipment;

(b) "Trailing cable" means any power cable which is used as part or all of a trailing cable circuit;

(c) "Feeder cable circuit" means a circuit which supplies power to two or more units of self-propelled electric equipment or one or more units of portable electric equipment; and

(d) "Portable feeder cable" means any power cable which is used as part or all of a feeder cable circuit.

§ 77.601 Trailing cable circuits; protection.

Except as provided in § 77.601–1, each trailing cable circuit shall be protected by an individual circuit breaker which shall interrupt each ungrounded power conductor and shall be equipped with devices to provide short-circuit and ground-fault protection in accordance with the following:

(a) Short-circuit protection shall be provided by instantaneous overcurrent devices which shall be adjusted to trip the circuit breaker when the current in any power conductor exceeds the value specified in paragraph (a)(1) or (a)(2) of this section, whichever is lower:

(1) 115 percent of the maximum starting current for the unit of self-propelled electric equipment or 115 percent of the peak load current for the unit of self-propelled electric equipment, whichever is higher; or

(2) 60 percent of the lowest value of bolted, line-to-line short-circuit current at any point in the circuit.

(b) Devices providing ground-fault protection for resistance-grounded circuits shall be adjusted to trip the circuit breaker when the ground-fault current exceeds 50 percent of the current rating of the grounding resistor.

(c) Devices providing ground-fault protection for solidly grounded single-phase and solidly grounded direct-current circuits shall be adjusted to trip the circuit breaker when the ground-fault current exceeds 50 percent of the lowest value of bolted ground-fault current at any point in the circuit.

(d) Devices providing ground-fault protection for ungrounded single-phase and ungrounded direct-current circuits shall be adjusted to trip the circuit breaker when more than 15 milliamperes of current flows from an ungrounded power conductor to earth.

§ 77.601–1 Dual element fuses; trailing cable circuits.

Dual element fuses are acceptable as providing short-circuit and ground-fault protection for a solidly grounded low- or medium-voltage single-phase or solidly grounded direct-current trailing cable circuit provided:

(a) One fuse is installed in each ungrounded power conductor;

(b) Each fuse has adequate interrupting capacity and voltage and current ratings consistent with the voltage and current ratings of the circuit in which it is installed; and

(c) The rating of the fuse does not exceed the ampacity of the power conductor in the circuit with the lowest ampacity.

§ 77.602 Feeder cable circuits; protection.

Except as provided in § 77.602–1, feeder cable circuits shall be protected by circuit breakers which shall interrupt each ungrounded power conductor and shall be equipped with devices to provide short-circuit, overload and ground-fault protection in accordance with the following:

(a) Devices providing short-circuit and overload protection for high-voltage feeder cable circuits shall be adjusted to trip the circuit breaker when the current in any power conductor exceeds the value specified in paragraph (a)(1) or (a)(2) of this section, whichever is lower:

(1) 125 percent of the ampacity of the power conductor in the circuit with the lowest ampacity.

(2) 50 percent of the lowest value of bolted phase-to-phase short-circuit current at any point in the circuit.

(b) Devices providing short-circuit and overload protection for low- and medium-voltage feeder cable circuits shall be set or adjusted in accordance with the National Electrical Code, 1975.

(c) Devices specified in paragraphs (a) and (b) of this section to trip the circuit breakers before any power conductor in the circuit sustains thermal damage due to short-circuit current.

(d) One circuit breaker may be used to provide short-circuit and overload protection for two or more feeder cable circuits provided the short-circuit and overload devices are adjusted to provide short-circuit and overload protection for each circuit in accordance with the requirements of this section.

(e) Devices providing ground-fault protection for resistance-grounded feeder cable circuits shall be adjusted to trip the circuit breaker when the ground-fault current exceeds 50 percent of the current rating of the grounding resistor.

(f) Devices providing ground-fault protection for solidly grounded single-phase and solidly grounded direct-current feeder cable circuits shall be adjusted to trip the circuit breaker when the ground-fault current exceeds 50 percent of the lowest value of bolted ground-fault current at any point in the circuit.

(g) Devices providing ground-fault protection for ungrounded single-phase and ungrounded direct-current feeder cable circuits shall be adjusted to trip the circuit breaker when more than 15 milliamperes flows from an ungrounded power conductor to earth.

(h) One circuit breaker may be used to provide ground-fault protection for two or more feeder cable circuits provided the ground-fault device is adjusted to provide ground-fault protection for each circuit in accordance with the requirements of this section.

§ 77.602–1 Dual element fuses; feeder cable circuits.

Dual element fuses are acceptable as providing short-circuit, overload and ground-fault protection for a solidly grounded low- or medium-voltage single-phase or solidly grounded direct-current feeder cable circuit provided:

(a) One fuse is installed in each ungrounded power conductor.

(b) Each fuse has adequate interrupting capacity and voltage and current ratings consistent with the voltage and current ratings of the circuit in which it is installed.

(c) The rating of the fuse does not exceed the ampacity of the power conductor in the circuit with the lowest ampacity.

§ 77.603 Ground check circuits.

(a) All low- and medium-voltage three-phase resistance grounded circuits and high-voltage resistance grounded circuits supplying power to portable or self-propelled equipment shall be equipped with a ground check circuit to monitor continuously the grounding circuit to assure continuity between the grounded side of the grounding resistor and the frames of the portable and self-propelled equipment.

(b) Except as provided in § 77.603–1 the ground check circuit shall be fail safe.

(c) Except as provided in § 77.603–2 the ground check circuit shall employ a ground check wire.

(d) The ground check circuit shall cause the circuit breaker to trip when any of the following occur:

(1) The ground check wire is broken.

(2) Either the ground wire is broken at any point, or the impedance of the grounding circuit increases beyond the amount necessary to cause:

(i) a 40-volt drop in the grounding circuit external to the grounding resistor under fault conditions for low- and medium-voltage resistance-grounded circuits, or

(ii) a 100-volt drop in the grounding circuit external to the grounding resistor under fault conditions for high-voltage resistance-grounded circuits.

(e) The maximum voltage used for ground check circuits shall not exceed 40 volts for low- and medium-voltage resistance-grounded circuits, or 96 volts for high-voltage resistance-grounded circuits.

(f) When the ground check circuit employs an electro-mechanical relay to trip the circuit breaker, the relay shall be normally energized.

(g) A time-delay device may be used to delay circuit breaker tripping for not more than 15 cycles only for the purpose of preventing unnecessary circuit breaker tripping when power is restored after an interruption.

(h) The ground check wire and the ground wire shall be attached to the frames of portable and self-propelled equipment by means of separate connections.

§ 77.603–1 Ground check circuits other than fail safe ground check circuits; approval.

An operator may apply to the Assistant Administrator—Technical Support, MESA, Room 901, 4015 Wilson Boulevard, Arlington, Virginia 22203, for approval of a ground check circuit other than a fail safe ground check circuit. The Assistant Administrator—Technical Support may approve such circuit if he determines that the ground check circuit is reliable and otherwise meets requirements of § 77.603.

§ 77.603–2 Ground check circuits not employing a ground check wire; approval.

An operator may apply to the Assistant Administrator—Technical Support, MESA, Room 901, 4015 Wilson Boulevard, Arlington, Virginia 22203, for approval of a ground check circuit which does not employ a ground check wire. The Assistant Administrator—Technical Support may approve such circuit if he determines that the ground check circuit does not pose a hazard to miners and otherwise meets the requirements of § 77.603.

§ 77.604 High-voltage circuit breakers; examination, testing and adjustment.

(a) Circuit breakers required by §§ 77.601 and 77.602 which are installed in high-voltage circuits shall be examined monthly. Such examination shall include observation of all readily accessible components of the circuit breaker and its auxiliary devices.

(b) Circuit breakers required by §§ 77.601 and 77.602 which are installed in high-voltage circuits before [the effective date of this section] shall be tested:

(1) Not later than 6 months after [the effective date of this section] in accordance with paragraphs (d)(1), (e) and (f) of this section, and

(2) At least annually thereafter in accordance with paragraphs (d)(2), (e) and (f) of this section,

(c) Circuit breakers required by §§ 77.601 and 77.602 which are installed in high-voltage circuits after [the effective date of this section] shall be tested:

(1) At the time of installation in accordance with paragraphs (d)(1), (e) and (f) of this section, and

(2) At least annually thereafter in accordance with paragraphs (d)(2), (e) and (f) of this section.

(d) Short-circuit and overload devices used in conjunction with a high-voltage circuit breaker shall be tested as follows:

(1) The initial testing required by paragraphs (b)(1) and (c)(1) of this section shall include testing of all short-circuit and overload relays to verify operation at the indicated settings, or of all over current trip coils to verify operation at indicated current ratings by passing no less than the current necessary for relay pickup or series trip coil operation through the poles of the circuit breaker. The circuit breaker shall be tripped by electrically or manually operating the overcurrent devices.

(2) The annual testing required by paragraphs (b)(2) and (c)(2) of this section shall include testing all short-circuit and overload relays to verify operation at the indicated settings, or of all over-current trip coils to verify operation at indicated current ratings. If relays are used, the circuit from the current transformer secondary to the short-

circuit and overload relay terminals shall be tested to verify continuity. The circuit breaker shall be tripped by electrically or manually operating the overcurrent devices.

(e) Ground-fault devices used in conjunction with a high-voltage circuit breaker shall be tested as follows: (1) For the initial and annual testing required by paragraphs (b) and (c) of this section, the circuit breaker shall be tripped by passing no more than 60 percent of the current rating of the grounding resistor through the ground-fault current transformer, or a phase current transformer when residual ground-fault tripping is used. The grounding resistor shall be tested to insure proper ohmic value and continuity. If potential ground-fault tripping is used, the circuit breaker shall be tripped by impressing a voltage on the ground-fault relay equal to no more than 60 percent of the voltage that would appear at the relay terminals during a ground-fault. In addition the transformer coil continuity and ratio shall be checked. The grounding resistor shall be tested to insure proper ohmic value and continuity.

(f) Ground check circuits used in conjunction with a high-voltage circuit breaker shall be tested as follows: (1) For the initial and annual testing required by paragraphs (b) and (c) of this section, the circuit breaker trip circuit shall be activated by breaking the continuity of the ground check conductor at the extreme end of the monitoring circuit, and either breaking the ground wire at any point between the grounded side of the resistor and the equipment being served, or increasing the resistance of the grounding circuit to that amount necessary to cause a voltage drop in the grounding circuit of not more than 100 volts under fault conditions.

(g) Repairs or adjustments as are indicated by such examinations and tests shall be carried out immediately. All relays shall be adjusted to plus or minus 10 percent of the indicated setting.

(h) An authorized representative of the Secretary may require additional testing or adjusting of circuit breakers and associated components.

§ 77.604–1 Low- and medium-voltage circuit breakers; examination, testing and adjustment.

(a) Circuit breakers required by §§ 77.601 and 77.602 which are installed in low- and medium-voltage circuits shall be examined monthly. Such examination shall include visual observation of all readily accessible components of the circuit breaker and its auxiliary devices.

(b) Circuit breakers required by §§ 77.601 and 77.602 which are installed in low and medium-voltage circuits before [the effective date of this section] shall be tested not later than 6 months after [the effective date of this section] and at least every 6 months thereafter. Such testing shall be performed in accordance with paragraph (d) of this section.

(c) Circuit breakers required by §§ 77.601 and 77.602 which are installed in low- and medium-voltage circuits after [the effective date of this section] shall be tested at the time of installation, and at least every 6 months thereafter. Such testing shall be performed in accordance with paragraph (d) of this section.

(d) For the tests required by paragraphs (b) and (c) of this section, the circuit breaker shall be tripped by:

(1) Passing no more than 60 percent of the current rating of the grounding resistor through the ground-fault current transformer;

(2) Breaking the continuity of the ground-check conductor at the extreme end of the monitoring circuit; and

(3) Either breaking the ground conductor at any point between the grounded side of the resistor and the equipment being served, or increasing the resistance of the grounding circuit to that amount necessary to cause a voltage drop in the grounding circuit of not more than 40 volts under fault conditions.

(e) Repairs or adjustments as are indicated by such examination and tests shall be carried out immediately. All relays shall be adjusted to plus or minus 10 percent of the indicated setting.

(f) An authorized representative of the Secretary may require additional testing or adjusting of circuit breakers and associated components.

§ 77.604–2 Qualified person.

Examinations and tests required by §§ 77.604 and 77.604–1 shall be made by a qualified person.

§ 77.604–3 High-, medium- and low-voltage circuit breakers; record of examination, testing and adjustment.

The operator shall maintain a written record of each examination and test of all circuit breakers and their associated components. Such records shall include the name of the examiner and date of examination, and shall be signed by the official responsible for maintaining the circuit breakers in safe operating condition. Such records shall be made available to an authorized representative of the Secretary and an authorized representative of the miners of such mine.

§ 77.605 Disconnecting devices.

(a) Disconnecting devices shall be installed in each trailing cable circuit at a distance of not more than 40 feet from each circuit breaker required by § 77.601.

(b) Disconnecting devices shall be installed in the trailing cable circuit not more than 3,000 feet from self-propelled equipment, unless such equipment is equipped with a remote-control switch which can be used to remove power from the equipment in case of emergency by tripping the circuit breaker required by § 77.601.

(c) Disconnecting devices shall be installed in each feeder cable circuit within 40 feet from the beginning of such feeder cable circuit.

(d) Disconnecting devices shall be designed so that it can be determined by visual observation that the power is disconnected.

§ 77.606 Trailing cable circuits and feeder cable circuits; ampacity requirements.

The required ampacity of all power conductors installed in trailing cable circuits and feeder cable circuits shall be as follows:

(a) The required ampacity of all power conductors installed in a trailing cable circuit shall not be less than the maximum average current demand for the connected load for a 15-minute-period.

(b) The required ampacity of all power conductors installed in a high-voltage feeder cable circuit is not specified.

(c) The required ampacity of all power conductors installed in a low- or medium-voltage feeder cable circuit shall be as specified in the National Electrical Code, 1975.

§ 77.606–1 Trailing cable circuits and feeder cable circuits; ampacity ratings.

The ampacity ratings of all power conductors installed in trailing cable circuits and feeder cable circuits shall be determined in accordance with the following:

(a) The ampacity ratings of trailing cables and portable feeder cables shall be as specified in the standards of the Insulated Power Cable Engineers Association (IPCEA) as follows:

Insulation rating	Table	IPCEA standard
75° C	S–1	S–19–81
90° C	G–1	S–68–516

(b) The ampacity ratings of power conductors other than trailing cables and portable feeder cables shall be as specified in § 77.503–2.

§ 77.607 Trailing cables and portable feeder cables; requirements.

(a) High-voltage trailing cables and high-voltage portable feeder cables shall be equipped with metallic shielding around each power conductor. Such shielding shall meet or exceed the coverage requirements specified in Section 7.2.16.2 or Section 7.2.16.3 of Insulated Power Cable Engineers Association Publication Number S–68–516, 1976. All such cables shall be equipped with one or more ground wires. The combined cross-sectional area of the ground wires and shielding shall not be less than that required by § 77.520.

(b) Low- and medium-voltage trailing cables and low- and medium-voltage portable feeder cables purchased after [the effective date of this section] supplying power to three-phase equipment shall be equipped with metallic shielding around each power conductor. Such shielding shall meet or exceed the coverage requirements specified in Section 7.2.16.2 or Section 7.2.16.3 of Insulated Power Cable Engineers Association Publication Number S–68–516, 1976. All such cables shall be equipped with one or more

ground wires. The combined cross-sectional area of the ground wires and shielding shall not be less than that required by § 77.520.

(c) Low- and medium-voltage trailing cables and low- and medium-voltage portable feeder cables purchased before [the effective date of this section] supplying power to three-phase equipment shall be equipped with one or more ground wires. The cross-sectional area of the ground wires shall not be less than that required by § 77.520.

(d) Low- and medium-voltage trailing cables and low- and medium-voltage portable feeder cables purchased before [the effective date of this section] supplying power to single phase equipment shall be equipped with one or more ground wires. The cross-sectional area of the ground wires shall not be less than that required by § 77.520.

§ 77.608 Trailing cables and portable feeder cables; splices, insulation and repair.

(a) Splices made in trailing cables and portable feeder cables shall meet the requirements of § 77.504.

(b) Damaged trailing cables and portable feeder cables shall be repaired in a workmanlike manner so as to exclude moisture and to provide at least the same degree of protection as provided by the remainder of the cable.

(c) Prior to splicing or making repairs to trailing cables and portable feeder cables, the disconnecting device required by § 77.605 shall be locked out and suitably tagged by the persons who perform such work, except that in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks and tags shall be removed only by the persons who installed them or, if such persons are not available, by persons authorized by the operator or his agent.

§ 77.609 Securing of trailing cables and portable feeder cables.

Trailing cables and portable feeder cables shall be secured to self-propelled or portable equipment to protect the cables from damage and to prevent strain on the electrical connections.

§ 77.610 Mechanical protection of trailing cables and portable feeder cables.

(a) Trailing cables and portable feeder cables shall be protected to prevent damage by equipment and placed to afford reasonable protection against rock slides and other falling objects.

(b) Trailing cables and portable feeder cables shall not be moved with self-propelled equipment unless cable slings, sleds, or equivalent protection is provided.

§ 77.611 Energized trailing cables and portable feeder cables; handling.

(a) Persons handling trailing cables and portable feeder cables, energized at more than 150 volts, shall wear protective gloves. Such gloves shall meet American Society for Testing and Materials (ASTM), "Standard Specification for Rubber Insulating Gloves" (D120–70) and shall be rated in accordance with the following:

Normal circuit voltage:	ASTM class glove
151 to 750	0
751 to 10,000	1
10,001 to 15,000	2
15,001 to 20,000	3
20,001 to 35,000	4

(b) Protective gloves, worn while handling energized trailing cables and portable feeder cables, shall be inspected for defects before each use. Defective gloves shall not be used.

(c) Protective gloves, worn while handling energized high-voltage trailing cables and portable feeder cables, shall be tested in accordance with § 77.806–6.

§ 77.612 Cable couplers; requirements.

(a) Cable couplers that are used in three-phase circuits shall be of the three-phase type and enclosed in a full metallic shell.

(b) Cable couplers shall be adequate for the intended current and voltage.

(c) The metallic shell of cable couplers shall be grounded to the ground wire in the cable.

(d) Cable couplers shall be constructed in such manner so that the ground-check monitoring conductor, when required, will break first and the ground wire will break last when being uncoupled.

§ 77.613 Cable connection boxes; requirements.

(a) Cable connection boxes shall be of substantial construction and designed to guard all energized parts from personal contact.

(b) The box entrance lid or door shall be interlocked so that the circuit will be deenergized when the lid or door is opened.

(c) The current-carrying parts shall be deenergized and grounded before any work is performed inside such boxes.

§ 77.614 Trailing cables and portable feeder cables; connections.

Plugs and connectors in trailing cables and portable feeder cables energized at more than 150 volts shall not be connected or disconnected while the circuit is energized.

§ 77.615 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof.

The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. The National Electrical Codes are also available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. IPCEA publications are also available from the Insulated Power Cables Engineers Association, 192 Washington St., Belmont, Mass. 02178. ASTM publications are also available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

Subpart H—Direct Current Circuits

§ 77.700 Protection of direct current circuits.

All direct current circuits, except those circuits protected under §§ 77.601, 77.602 and 77.1800 shall be protected as follows:

(a) Resistance-grounded and solidly grounded direct current circuits shall be protected against short-circuit, overload and ground fault by circuit breakers equipped with devices to provide such protection, or by fuses of the correct type and capacity.

(b) Ungrounded direct current circuits shall be protected against short-circuit and overload by circuit breakers equipped with devices to provide such protection, or by fuses of the correct type and capacity. Circuits supplied power from an ungrounded direct current system shall be protected against ground-fault by a circuit breaker equipped with a device to provide such protection, or a ground-fault indicator shall be installed that will give visual warning at an attended location upon occurrence of a ground-fault on any circuit supplied power from such system. A ground-fault condition shall not be allowed to exist on an energized circuit for longer than 24 hours.

§ 77.700–1 Short-circuit and overload protection; requirements.

Where circuit breakers or fuses provide short-circuit and overload protection for direct current circuits, such circuit breakers or fuses shall conform to the requirements for protection of circuits as specified in the National Electrical Code as follows:

(a) For circuits installed before [the effective date of this section]—the National Electrical Code, 1968, 1971, or 1975.

(b) For circuits installed after [the effective date of this section]—the National Electrical Code, 1975.

§ 77.700–2 Ground-fault protection; requirements.

(a) Where a circuit breaker provides ground-fault protection for a resistance-grounded or a solidly grounded direct current circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the ground-fault current in any ungrounded power conductor exceeds 50 percent of the lowest value of bolted ground-fault current at any point in the circuit.

(b) Where a circuit breaker provides ground-fault protection for an ungrounded direct current circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the line-to-ground voltage on any power conductor decreases to less than 50 percent of the nominal system voltage.

(c) Where fuses provide ground-fault protection for a resistance-grounded or solidly grounded direct current circuit, one fuse shall be installed in each un-

grounded power conductor. Each fuse shall have a current rating not exceeding 40 percent of the lowest value of bolted ground-fault current at any point in the circuit.

§ 77.700–3 Ground-fault indicator: requirements.

Where a ground-fault indicator is used to provide ground-fault indication for an ungrounded direct current circuit, it shall be adjusted to give a visual indication when the line-to-ground voltage on any power conductor decreases to less than 50 percent of the nominal system voltage.

§ 77.701 Direct current systems: system and enclosure grounding.

(a) *System grounding.* All direct current systems:

(1) Shall be installed and maintained ungrounded, or

(2) Shall have one polarity of the generator or rectifier solidly grounded to a low-resistance grounding medium at the generator or rectifier, or

(3) Shall have the midpoint of the 3-wire generator solidly grounded to a low-resistance grounding medium at the generator, or

(4) Shall have the neutral of the alternating current source which supplies power to the rectifier solidly grounded to a low-resistance grounding medium at the alternating current power source, or

(5) Shall have the neutral of the alternating current source which supplies power to the rectifier grounded through a suitable grounding resistor to a low-resistance grounding medium at the alternating current power source.

(b) *Enclosure grounding.* Metallic frames and other metallic enclosures of electric equipment and circuits supplied power from direct current systems shall be grounded in accordance with the following:

(1) *Ungrounded systems.* A grounding conductor which meets the requirements of § 77.521 shall originate at a low-resistance grounding medium located at the power source. Such grounding conductor shall be connected to the metallic frames and enclosures of the power source, including the rectifier, and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all electric equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

(2) *Solidly grounded systems.* Except as provided in paragraph (b)(2)(i) of this section, a grounding conductor which meets the requirements of § 77.521 shall originate at the grounded point of the power source. Such grounding conductor shall be connected to the metallic frames and enclosures of the power source, including the rectifier, and shall extend along with the power conductor and serve as the grounding circuit for the metallic frames and other metallic enclosures of all electric equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

(i) Metallic frames and other metallic enclosures of electric requipment which is supplied power from a trolley system in which one polarity is grounded to the track rail may be grounded to the track rail or grounded feeder wire. In such installation, a grounding conductor which meets the requirements of § 77.521 shall originate at the track rail or grounded feeder wire and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all circuits and equipment supplied power from the circuit.

(3) *Resistance-grounded systems.* A grounding conductor which meets the requirements of § 77.521 shall originate at the grounded side of the grounding resistor. Such grounding conductor shall be connected to the metallic frames and enclosures of the power source, including the rectifier, and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all electric equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

§ 77.702 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. The National Electrical Codes are also available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

Subpart I—High-Voltage Alternating Current Circuits

§ 77.800 Protection of high-voltage alternating current circuits.

All high-voltage alternating current circuits, except those circuits protected under §§ 77.601, 77.602 and 77.1800, shall be protected as follows:

(a) Resistance-grounded and solidly grounded high-voltage circuits shall be protected against short-circuit, overload and ground-fault by circuit breakers equipped with devices to provide such protection, or by fuses of the correct type and capacity.

(b) Ungrounded high-voltage circuits shall be protected against short-circuit and overload by circuit breakers equipped with devices to provide such protection, or by fuses of the correct type and capacity. Circuits supplied power from an ungrounded high-voltage system shall be protected against ground-fault by a circuit breaker equipped with a device to provide such protection, or a ground-fault indicator shall be installed that will give visual warning at an attended location upon occurrence of a ground-fault on any circuit supplied power from such system. A ground-fault condition shall not be allowed to exist on an energized circuit for longer than 24 hours.

§ 77.800–1 Short-circuit and overload protection; requirements.

(a) Where circuit breakers or fuses provide short-circuit and overload protection for high-voltage circuits installed within portable and self-propelled equipment, high-voltage circuits installed within buildings, and high-voltage services to buildings, such circuit breakers or fuses shall conform to the requirements for protection of circuits as specified in the National Electrical Code as follows:

(1) For circuits installed before [the effective date of this section]—the National Electrical Code, 1968, 1971 or 1975.

(2) For circuits installed after [the effective date of this section]—the National Electrical Code, 1975.

(b) Where a circuit breaker provides short-circuit and overload protection for a high-voltage circuit, except those circuits specified in paragraph (a) of this section, such circuit breaker shall be equipped with devices which shall be adjusted to trip the circuit breaker when the current in any power conductor exceeds the value specified in paragraph (b)(1) or (b)(2) of this section, whichever is lower:

(1) 125 percent of the ampacity of the power conductor in the circuit with the lowest ampacity; or

(2) 50 percent of the lowest value of bolted phase-to-phase short-circuit current at any point in the circuit. Such devices shall be adjusted to trip the circuit breaker before any power conductor in the circuit sustains thermal damage due to short-circuit or overload.

(c) Where fuses provide short-circuit and overload protection for high-voltage circuits, except those circuits specified in paragraph (a) of this section, one fuse shall be installed in each ungrounded power conductor. Each fuse shall have a current rating not exceeding the value specified in paragraph (c)(1) or (c)(2) of this section, whichever is lower:

(1) 100 percent of the ampacity of the power conductor in the circuit with the lowest ampacity; or

(2) 40 percent of the lowest value of bolted phase-to-phase short-circuit current at any point in the circuit.

§ 77.800–2 Ground-fault protection: requirements.

(a) Where a circuit breaker provides ground-fault protection for a resistance-grounded or a solidly grounded high-voltage circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the ground-fault current in any ungrounded power conductor exceeds 50 percent of the lowest value of bolted ground-fault current at any point in the circuit.

(b) Where a circuit breaker provides ground-fault protection for an ungrounded high-voltage circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the line-to-ground voltage on any power conductor decreases to less than 30 percent of the nominal system voltage for a circuit supplied power from a three phase system or 50 percent of the nominal system voltage for a circuit supplied power from a single phase system.

(c) Where fuses provide ground-fault protection for a resistance-grounded or a solidly grounded high-voltage circuit, one fuse shall be installed in each ungrounded power conductor. Each fuse shall have a current rating not exceeding 40 percent of the lowest value of bolted ground-fault current at any point in the circuit.

§ 77.800–3 Ground-fault indicator: requirements.

Where a ground-fault indicator is used to provide ground-fault indication for an ungrounded high-voltage circuit, it shall be adjusted to give a visual indication when the line-to-ground voltage on any power conductor decreases to less than 30 percent of the nominal system voltage for a circuit supplied power from a three phase system, or 50 percent of the nominal system voltage from a circuit supplied power from a single phase system.

§ 77.801 High-voltage alternating current systems supplying power to portable or self-propelled equipment: system and enclosure grounding.

(a) *System grounding.* High-voltage systems supplying power to portable or self-propelled equipment shall contain either a direct or derived neutral which shall be grounded through a suitable grounding resistor to a low-resistance grounding medium at the power source.

(b) *Enclosure grounding.* A ground wire which meets the requirements of § 77.520 shall be connected to the grounded side of the grounding resistor and shall extend along with the power conductors and serve as the grounding circuit for:

(1) The metallic frames and other metallic enclosures of all portable and self-propelled equipment supplied power from the system, and

(2) The metallic enclosures of all circuits which are supplied power from the system and extend to portable and self-propelled equipment.

§ 77.801–1 Grounding resistors: portable and self-propelled equipment.

(a) The grounding resistor required by § 77.801(a) shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to no more than 100 volts under fault conditions.

(b) The ground-fault current rating of the grounding resistor required by § 77.801(a) shall meet the "extended time rating" set forth in American Institute of Electrical Engineers (AIEE) Standard No. 32. Such grounding resistor shall be insulated from ground for a voltage not less than the phase-to-phase voltage of the system in which it is installed.

§ 77.801–2 Grounding medium; portable and self-propelled equipment.

The low-resistance grounding medium required by § 77.801(a) shall be separated from the source transformer substation ground field by at least 25 feet.

§ 77.802 High-voltage alternating current systems supplying power to stationary equipment: system and grounding.

(a) *System grounding.* High-voltage alternating current systems supplying power to stationary equipment shall be grounded in accordance with the following:

(1) The neutral point of wye connected three-phase four-wire systems in which the neutral is used as a power conductor shall be solidly grounded to a low-resistance grounding medium at the power source.

(2) All other three-phase systems:

(i) Shall be installed and maintained ungrounded, or

(ii) Shall be solidly grounded to a low-resistance grounding medium at the power source, or

(iii) Shall contain a direct or derived neutral which shall be grounded through a suitable grounding resistor to a low-resistance grounding medium at the power source.

(3) All single-phase systems shall be installed and maintained ungrounded or shall be solidly grounded to a low-resistance grounding medium at the power source.

(b) *Enclosure grounding.* Except as provided in § 77.802–2, metallic frames and other metallic enclosures of stationary electric equipment and circuits supplied power from high-voltage alternating current three-phase systems shall be grounded in accordance with the following:

(1) *Resistance-grounded systems.* A grounding conductor which meets the requirements of § 77.521 shall be connected to the grounded side of the grounding resistor, and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary electric equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

(2) *Solidly grounded systems.* Except as provided in paragraphs (b)(2)(i) and (b)(2)(ii) of this section, a grounding conductor which meets the requirements of § 77.521 shall be connected to the grounded point of the power source and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

(i) Metallic frames and other metallic enclosures of service equipment and circuits may be grounded to the grounded power conductor of the system provided the grounded power conductor meets the requirements of § 77.520 and is connected to a low-resistance grounding medium at the power source and at the service equipment for buildings and other stationary installations. In such installations, a grounding conductor meeting the requirements of § 77.521 shall be connected to the grounded service equipment and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary equipment and circuits supplied power from such service equipment.

(ii) Substation enclosures and metallic frames of transformers, circuit breakers and other substation equipment may be grounded to the grounded power conductor of the system provided the grounded power conductor meets the requirements of § 77.520 and is connected to a low-resistance grounding medium at the power source and at the transformer, circuit breaker or substation installation.

(3) *Ungrounded systems.* A grounding conductor which meets the requirements of § 77.521 shall be connected to a low-resistance grounding medium located at the power source and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

(i) Metallic frames and other metallic enclosures of service equipment and circuits may be grounded to the grounded power conductor of the system provided the grounded power conductor meets the requirements of § 77.520 and is connected to a low-resistance grounding medium at the power source and at the service equipment for buildings and other stationary installations. In such installations, a grounding conductor meeting the requirements of § 77.521 shall be connected to the grounded service equipment and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary equipment and circuits supplied power from such service equipment.

(ii) Substation enclosures and metallic frames of transformers, circuit breakers and other substation equipment may be grounded to the grounded power conductor of the system provided the grounded power conductor meets the requirements of § 77.520 and is connected to a low-resistance grounding medium at the power source and at the transformer, circuit breaker or substation installation.

(3) *Ungrounded systems.* A grounding conductor which meets the requirements of § 77.521 shall be connected to a low-resistance grounding medium located at the power source and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

§ 77.802–1 Grounding resistors: stationary equipment.

The ground-fault current rating of the grounding resistor for high-voltage systems supplying power to stationary equipment shall meet the "ten-minute rating" set forth in American Institute of Electrical Engineers (AIEE) Standard No. 32. Such grounding resistor shall be insulated from ground for a voltage not less than the phase-to-phase voltage of the system in which it is installed.

§ 77.802–2 Earth as a grounding conductor.

The District Manager may approve the use of earth as a grounding conductor for metallic frames and other metallic enclosures of stationary equipment and circuits supplied power from high-voltage circuits. Section 77.802–3 sets out the criteria by which the District Manager will be guided in approving earth as a grounding conductor on a mine-by-mine basis. Additional measures may be required.

§ 77.802–3 Criteria for use by the District Manager in approval of earth as a grounding conductor.

(a) An investigation shall be made to assure that the use of earth as a grounding conductor does not create a hazard to miners.

(b) The frames of all equipment should be installed on a ground grid which complies with the requirements of § 77.519 and which serves as the grounding medium for frames of all equipment at that location.

(c) The interrupting time of the circuit breaker or fuses required by § 77.800, and the design of the ground grid should be in accordance with Institute of Electrical and Electronics Engineers (IEEE) No. 80–1971, "Guide for Safety in Alternating-Current Substation Grounding".

(d) Earth should not be used as a power conductor.

(e) The high-voltage system should not supply power to equipment in underground coal mines or to portable or self-propelled equipment.

§ 77.803 Connection of single-phase loads.

Single-phase loads shall be connected phase-to-phase in resistance-grounded systems.

§ 77.804 Guarding of high-voltage equipment, conductors, cables and parts.

(a) High-voltage equipment shall be of the totally enclosed type or shall be:

(1) Located in a room, vault or similar enclosure that is accessible only to qualified persons; or

(2) Elevated 8 feet or more above the floor or other working surface; or

(3) Enclosed within a substantial fence at least 6 feet high and at least 3 feet from any part or wiring.

(b) High-voltage conductors and high-voltage cables, other than trailing cables and portable feeder cables, shall be:

(1) Shielded in accordance with Section 4.1.1.1, 7.5.16.2 or 7.5.16.3 of Insulated Power Cable Engineers Association (IPCEA) Publication Number S–68–516, April 1976; or

(2) Shielded in accordance with Section 4.1.1.3 of Insulated Power Cable Engineers Association Publication Number S–68–516, April 1976, provided the conductor or cable is designed for direct burial and buried at least 30 inches deep; or

(3) Totally enclosed within grounded rigid metal conduit; or

(4) Totally enclosed within a cabinet or other enclosure; or

(5) Guarded so as to prevent contact by persons or objects and protected in accordance with paragraph (a)(1) or (a)(3) of this section; or

(6) Protected in accordance with paragraph (a)(1) or (a)(3) of this section, and installed with a minimum vertical clearance above the floor or other working surface as follows:

Nominal voltage between phases	Minimal vertical clearance of energized parts and conductors	
	Feet	Inches
1,001 to 6,600	8	0
6,601 to 11,000	9	0
11,001 to 22,000	9	3
22,001 to 33,000	9	6
33,001 to 44,000	9	10
44,001 to 66,000	10	5
66,001 to 88,000	11	0
88,001 to 110,000	11	7
110,000 to 132,000	12	2

(c) Live parts of high-voltage equipment shall be protected as prescribed in paragraph (b)(4), (b)(5) or (b)(6) of this section.

(d) Entrances to enclosures specified in paragraphs (a), (b), and (c) of this section shall be locked against unauthorized entry, and marked with conspicuous signs forbidding unqualified persons to enter.

§ 77.804–1 Performing work in proximity to high-voltage conductors and parts.

Where work is to be performed within 4 feet of high-voltage power conductors or live parts of high-voltage equipment, and such work requires the removal of the protection specified in §§ 77.804(b) and 77.804(c) the operator shall comply with the provisions of §§ 77.806 through 77.806–10.

§ 77.805 High-voltage powerlines; clearance above ground.

High-voltage powerlines located above driveways, haulageways, and railroad tracks shall be installed so as to provide the minimum vertical clearance as specified in Section 232 of the National Electrical Safety Code, 1973; *Provided, however*, That in no event shall any high-voltage powerline be installed less than 15 feet above ground, walkways, or working areas.

§ 77.805–1 Booms and masts; minimum distance from high-voltage powerlines.

The booms and masts of equipment, except insulated aerial buckets when used in repair of energized powerlines, operated on the surface of any coal mine shall not be operated within 10 feet of an energized overhead high-voltage powerline. Where the voltage of overhead powerlines is 69,000 volts or more, the minimum distance from the boom or mast shall be as follows:

Nominal powerline voltage (in 1,000 v):	*Minimum distance (feet)*
69 to 114	12
115 to 229	15
230 to 344	20
345 to 499	25
500 or more	35

§ 77.805–2 Movement of equipment: minimum distance from high-voltage powerlines.

When any part of any equipment operated on the surface of any coal mine is required to pass under or by an energized high-voltage powerline and the clearance between such equipment and powerline is less than that specified in § 77.805–1 for booms and masts, such powerlines shall be deenergized.

§ 77.805–3 Operation of dump trucks under high-voltage powerlines.

(a) When dumping points, shop areas or parking areas for dump trucks are located under high-voltage powerlines, the minimum vertical clearance of such powerlines shall be 5 feet more than the maximum height of the truck bed measured with the truck bed in the extreme raised position.

(b) In cases where dump trucks are operated on haulage roads, the minimum vertical clearance of overhead high-voltage powerlines shall be 5 feet more than the maximum height of the truck bed measured with the truck bed in the extreme raised position unless a grounded conductor in compliance with § 77.520 is installed directly under each phase conductor so that a truck bed will contact the grounded conductor first as the truck bed is raised.

§ 77.805–4 Booms and masts; warning devices.

(a) Except as provided paragraph (b) of this section, self-propelled equipment with booms and masts which can extend higher than 15 feet above ground shall be equipped with an audible and visible warning device that gives a warning when the boom or mast is within the distance specified in § 77.805–1. The distance shall be measured from that point on the equipment which can be moved closest to the powerline by normal operation.

(b) Warning devices are not required for draglines, shovels, wheel excavators and crawler mounted drills which are not operated within 300 feet of high-voltage powerlines, and for line trucks equipped with insulated aerial buckets designed for use in repair of energized powerlines.

§ 77.806 Work on high-voltage powerlines; deenergization and grounding.

(a) Except as provided in paragraphs (b) and (c) of this section, high-voltage powerlines shall be deenergized and grounded before work is performed on or within 4 feet of such powerlines.

(b) Repairs shall be permitted on energized high-voltage powerlines if such repairs are made by a qualified person in accordance with procedures and safeguards set forth in §§ 77.806–2 through 77.806–9, as applicable.

(c) An additional circuit may be connected to an energized high-voltage powerline provided such work is performed from the ground by a person qualified under the provisions of § 77.104. Such qualified person shall wear rubber insulating gloves and shall use an insulated stick. The insulated stick shall be designed for such use and shall be maintained to protect the qualified person from the voltage to which he is exposed. Rubber insulating gloves and insulated sticks shall meet the requirements of §§ 77.806–7 and 77.806–7, as applicable.

§ 77.806–1 Work on high-voltage powerlines.

(a) No high-voltage powerline shall be regarded as deenergized for the purpose of performing work on it, until it has been determined by a qualified person that such powerline has been deenergized and grounded. The qualified person shall by visual observation:

(1) Determine that the disconnecting devices on the high-voltage powerline are in an open position, and

(2) Insure that each ungrounded conductor of the high-voltage powerline upon which work is to be done is properly connected to the system grounding medium. In the case of resistance-grounded or solidly grounded systems, the neutral wire is the system grounding medium. In the case of an ungrounded power system, either the steel armor or conduit enclosing the system conductors or a surface ground field is a system grounding medium.

(b) No work shall be performed on any high-voltage powerline which is supported by any pole or structure which also supports other high-voltage powerlines until:

(1) All high-voltage powerlines supported on the pole or structure are deenergized and ground in accordance with the provisions of paragraph (a) of this section; or

(2) The provisions of §§ 77.806–2 through 77.806–9 have been complied with, with respect to all energized powerlines which are supported on the pole or structure.

§ 77.806–2 Repairs on energized high-voltage powerlines.

Before energized high-voltage powerlines are repaired:

(a) The operator shall determine that:

(1) Such repairs cannot be scheduled during a period when the power circuit could be properly deenergized and grounded;

(2) Such repairs will be performed on power circuits with a phase-to-phase nominal voltage no greater than 15,000 volts;

(3) Such repairs on circuits with a phase-to-phase nominal voltage of 5,000 volts or more will be performed only with the use of live line tools;

(4) Weather conditions will not interfere with such repairs or expose those persons assigned to such work to danger; and

(b) The operator shall designate a person qualified under the provisions § 77.104 as the person responsible for carrying out such repairs. The operator shall require that the qualified person file with the operator:

(1) A general description of the nature and location of the damage or defect to be repaired;

(2) The general plan to be followed in making such repairs;

(3) A statement that a briefing of all qualified persons assigned to make such repairs was conducted informing them of the general plan, their individual assignments, and the dangers inherent in such assignments;

(4) A list of the proper protective equipment and clothing that will be provided; and

(5) Such other information as the qualified person designated by the operator feels necessary to describe properly the means or methods to be employed in such repairs.

(c) The operator shall submit a repair plan to and obtain approval from the District Manager for work performed on powerlines energized at more than 15,000 volts. Repair of such powerlines shall be performed in accordance with the approved plan.

§ 77.806–3 Repairs on energized high-voltage powerlines; reporting.

Any operator designating and assigning qualified persons to perform repairs on energized high-voltage powerlines under provisions of § 77.806–2 shall maintain a record of such repairs. Such record shall contain the time, date, location, general nature of the repairs, and a copy of the information filed with the operator by the qualified person designated as responsible for performing such repairs.

§ 77.806–4 Simultaneous repairs.

When two or more qualified persons are repairing energized high-voltage powerlines simultaneously, and any one of them is within reach of another, such persons shall not be allowed to work on different phases or on equipment with different potentials.

§ 77.806–5 Protective equipment; installation and use.

(a) Before repair work on energized high-voltage powerlines is begun, rubber protective equipment shall be used to cover all bare conductors, ground wires, guys, telephone lines, and other attachments in proximity to the area of planned repairs. Such protective equipment shall be installed from a safe position below the conductors or other apparatus being covered.

(b) All qualified persons repairing energized high-voltage powerlines shall wear protective rubber lineman's gloves, sleeves, and climber guards if climbers are worn. Protective rubber gloves shall not be worn wrong side out or without protective leather gloves. Protective equipment worn by a person assigned to perform repairs on energized high-voltage powerlines shall be worn continuously from the time he leaves the ground until he returns to the ground.

§ 77.806–6 Protective equipment; design, manufacture and testing.

(a) All rubber protective equipment required by §§ 77.806(c), 77.806–5, and 77.807 shall have a minimum electrical rating of 20,000 volts a.c. and shall be designed, manufactured and tested in accordance with the provisions of the American National Standards Institute standards or the American Society for Testing and Materials standards as follows:

Item	ANSI standard	ASTM standard
Rubber insulating:		
Gloves	J6.6–1971	D120–70
Blankets	J6.4–1971	D1048–70
Hoods	J6.2–1971	D1049–70
Line hose	J6.1–1971	D1050–70
Sleeves	J6.5–1971	D1051–70

(1) Rubber protective equipment shall be tested in accordance with the following schedules:

(i) Rubber gloves; once each month.

(ii) Rubber sleeves; once every 3 months.

(iii) Rubber blanket; once every 6 months.

(iv) Rubber hoods and line hose; once a year.

(b) Live line tool poles required to be used by §§ 77.806(c) and 77.807 shall have a manufacturer's certification that such poles will withstand the following minimum tests:

(1) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass, or

(2) 75,000 volts per foot of length for 3 minutes when the tool is made of wood.

(c) Where insulated aerial buckets are used in the repair of energized high-voltage powerlines, they shall be subjected to a leakage current test before use each day, each time during the day when a higher voltage is going to be worked and when changed conditions indicate a need for additional tests. Such test shall consist of placing the bucket in contact with an energized source equal to the voltage to be worked for a minimum time of three minutes. The leakage current shall not exceed 1 microampere per kilovolt of nominal line-to-line voltage.

§ 77.806–7 Protective equipment; inspection and storage.

(a) Each qualified person shall visually inspect the protective equipment provided him in accordance with §§ 77.806(c), 77.806–5, and 77.807 before using such equipment, and any protective equipment containing any defect or damage shall not be used.

(b) Rubber insulating gloves shall not be stored wrong side out. Rubber insulating blankets shall be rolled when not in use. Rubber insulating line hose and hoods shall be stored in their natural position and shape.

§ 77.806–8 Use of grounded messenger wires; ungrounded systems.

Grounded messenger wires used to suspend cables supplied power from an ungrounded high-voltage system may be used to ground the power conductors for the purposes of performing work on the power conductors.

§ 77.806–9 Metal measuring tapes and ropes.

Measuring tapes and measuring ropes containing metal shall not be used when working on or near energized parts.

§ 77.807 Operating disconnecting devices.

All disconnecting devices designed to be operated by means of an insulated stick, fuse tong or puller shall be operated only by a person qualified under the provision of §§ 77.103 or 77.104. Such qualified person shall wear rubber insulating gloves and shall use an insulated stick, fuse tong or puller which shall be maintained to protect such person from the voltage to which he is exposed. Rubber insulating gloves and insulated sticks, fuse tongs and pullers shall meet the requirements of §§ 77.806–6 and 77.806–7, as applicable.

§ 77.807–1 Platforms at disconnecting devices.

Platforms insulated for the phase-to-phase voltage of the system, shall be installed at all overhead disconnecting devices that are operated from the ground by means of mechanical linkage. However, metal plates or grids on which a person normally would stand which are electrically bonded to the metal operating handles of the power switches may be used.

§ 77.808 Visual disconnecting devices.

Disconnecting devices shall be installed at the beginning of each branch line in high-voltage circuits and at the entrance to all high-voltage installations and they shall be equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when such devices are open.

§ 77.809 Movement of high-voltage power substations, transformers and switchgear.

High-voltage portable substations, transformers and switchgear shall be deenergized before they are moved from one location to another and shall be examined by a qualified person to assure safe operating condition prior to reenergization.

§ 77.810 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. The National Electrical Codes are also available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. AIEE publications are also available from the American Institute of Electrical Engineers, the National Electrical Safety Code, IEEE and AIEE, publications are also available from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th St., New York, N.Y. 10017. IPCEA publications are also available from the Insulated Power Cables Engineers Association, 192 Washington St., Belmont, Mass. 02178. ASTM publications are also available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103. ANSI publications are also available from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

Subpart J—Low- and Medium-Voltage Alternating Current Circuits

§ 77.900 Protection of low- and medium-voltage alternating current circuits.

All low- and medium-voltage alternating current circuits, except those circuits protected under §§ 77.601, 77.602, and 77.1800, shall be protected as follows:

(a) Resistance-grounded and solidly grounded low- and medium-voltage circuits shall be protected against short-circuit, overload and ground-fault by circuit breakers equipped with devices to provide such protection, or by fuses of the correct type and capacity.

(b) Ungrounded low- and medium-voltage circuits shall be protected against short-circuit and overload by circuit breakers equipped with devices to provide such protection, or by fuses of the correct type and capacity. Circuits supplied power from an ungrounded low- and medium-voltage system shall be protected against ground-fault by a circuit breaker equipped with a device to provide such protection, or a ground-fault indicator shall be installed that will give visual warning at an attended location upon occurrence of a ground-fault on any circuit supplied power from such system. A ground-fault condition shall not be allowed to exist on an energized circuit for longer than 24 hours.

§ 77.900–1 Short-circuit and overload protection; requirements.

(a) Where circuit breakers or fuses provide short-circuit and overload protection for low- or medium-voltage circuit breakers or fuses shall conform to the requirements for protection of circuits as specified in the National Electrical Code as follows:

(1) For circuits installed before [the effective date of this section]—the National Electrical Code, 1968, 1971, or 1975.

(2) For circuits installed after [the effective date of this section]—the National Electrical Code, 1975.

§ 77.900–2 Ground-fault protection; requirements.

(a) Where a circuit breaker provides ground-fault protection for a resistance-grounded or a solidly grounded low- or medium-voltage circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the ground-fault current in any ungrounded power conductor exceeds 50 percent of the lowest value of bolted ground-fault current at any point in the circuit.

(b) Where a circuit breaker provides ground-fault protection for an ungrounded low- or medium-voltage circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the line-to-ground voltage on any power conductor decreases to less than 30 percent of the nominal system voltage for a circuit supplied power from a three phase system or 50 percent of the nominal system voltage for a circuit supplied power from a single phase system.

(c) Where fuses provide ground-fault protection for a resistance-grounded or solidly grounded low- or medium-voltage circuit, one fuse shall be installed in each ungrounded power conductor. Each fuse shall have a current rating not exceeding 40 percent of the lowest value of bolted ground-fault current at any point in the circuit.

§ 77.900–3 Ground-fault indicator; requirements.

Where a ground-fault indicator is used to provide ground-fault indication for an ungrounded low- or medium-voltage circuit, it shall be adjusted to give a visual indication when the line-to-ground voltage on any power conductor decreases to less than 30 percent of the nominal system voltage for a circuit supplied power from a three phase system or 50 percent of the nominal system voltage for a circuit supplied power from a single phase system.

§ 77.901 Low- and medium-voltage alternating current systems supplying power to portable or self-propelled equipment; system and enclosure grounding.

(a) *System Grounding.* (1) Low- and medium-voltage systems supplying power to three-phase portable or self-propelled equipment shall contain either a direct or derived neutral which shall be grounded through a suitable grounding resistor to a low-resistance grounding medium at the power source.

(2) Low- and medium-voltage systems supplying power to single-phase portable or self-propelled equipment shall be grounded in accordance with §§ 77.902(a)(4) and (a)(5).

(b) *Enclosure grounding.* (1) A ground wire which meets the requirements of § 77.520 shall originate at the grounded side of the grounding resistor. Such ground wire shall be connected to the metallic frames and enclosures of the power source and shall extend along with the power conductors and serve as the grounding circuit for:

(i) The metallic frames and other metallic enclosures of all portable and self-propelled equipment supplied power from the system, and

(ii) The metallic enclosures of all circuits which are supplied power from the system and extend to portable and self-propelled equipment.

(2) The metallic frames and other metallic enclosures of all single-phase portable or self-propelled equipment and the metallic enclosures of all circuits which extend to single-phase portable and self-propelled equipment shall be grounded in accordance with § 77.902(b).

§ 77.901–1 Grounding resistors; portable and self-propelled equipment.

(a) The grounding resistor required by § 77.901(a)(1) shall be of the proper ohmic value to limit the ground fault current to no more than 25 amperes.

(b) The ground-fault current rating of the grounding resistor required by § 77.901(a)(1) shall meet the "extended time rating" set forth in American Institute of Electrical Engineers, Standard No. 32. Such grounding resistor shall be insulated from ground for a voltage not less than the phase-to-phase voltage of the system in which it is installed.

§ 77.902 Low- and medium-voltage alternating current systems supplying power to stationary equipment; system and enclosure grounding.

(a) *System grounding.* Low- and medium-voltage alternating current systems supplying power to stationary equipment shall be grounded in accordance with the following:

(1) The neutral point of wye connected three-phase four-wire systems in which the neutral is used as a power conductor shall be solidly grounded to a low-resistance grounding medium at the power source.

(2) The midpoint of one phase of 240/120 volt three-phase four-wire systems in which such midpoint is used as a power conductor shall be grounded to a low-resistance grounding medium at the power source.

(3) All other three-phase systems:

(i) Shall be installed and maintained ungrounded, or

(ii) Shall contain a direct or derived neutral which shall be solidly grounded to a low-resistance grounding medium at the power source, or

(iii) Shall contain a direct or derived neutral which shall be grounded through a suitable grounding resistor to a low-resistance grounding medium at the power source.

(4) Single-phase systems shall be grounded when the system can be grounded so that the maximum voltage on the ungrounded conductors does not exceed 150 volts.

(5) All other single-phase systems:

(i) Shall be installed and maintained ungrounded, or

(ii) Shall be solidly grounded to a low-resistance grounding medium at the power source, or

(iii) Shall contain a direct or derived neutral which shall be grounded through a suitable grounding resistor to a low-resistance grounding medium at the power source.

(b) *Enclosure grounding.* Metallic frames and other metallic enclosures of stationary electric equipment and circuits supplied power from low- and medium-voltage alternating current systems shall be grounded in accordance with the following:

(1) *Resistance-grounded systems.* A grounding conductor which meets the requirements of § 77.521 shall originate at the grounded side of the grounding resistor. Such grounding conductor shall be connected to the metallic frames and enclosures of the power source and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary electric equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

(2) *Solidly grounded systems.* Except as provided in paragraph (b)(2)(i) of this section, a grounding conductor which meets the requirements of § 77.521 shall originate at the grounded point of the power source. Such grounding conductor shall be connected to the metallic frames and enclosures of the power source and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary electric equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

(i) Metallic frames and other metallic enclosures of service equipment and circuits may be grounded to the grounded power conductor of the system provided the grounded power conductor meets the requirements of § 77.520 and originates at the grounded point of the power source. Such grounded power conductor shall be connected to the metallic frames and enclosures of the power source, and to a low-resistance grounding medium at the power source and to a low-resistance grounding medium at the service equipment for buildings and other stationary installations. In such installations, a grounding conductor which meets the requirements of § 77.521 shall be connected to the grounded service equipment and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary equipment and circuits supplied power from such service equipment.

(3) *Ungrounded systems.* A grounding conductor which meets the requirements of § 77.521 shall originate at a low-resistance grounding medium at the power source. Such grounding conductor shall be connected to the metallic frames and enclosures of the power source and shall extend along with the power conductors and serve as the grounding circuit for the metallic frames and other metallic enclosures of all stationary equipment and circuits supplied power from the system. The grounding conductor shall also be connected to a low-resistance grounding medium at the service equipment for buildings and other stationary installations.

§ 77.902–1 Grounding resistors; stationary equipment.

The ground-fault current rating of the grounding resistor for a low- and medium-voltage system supplying power to stationary equipment shall meet the "ten-minute rating" set forth in American Institute of Electrical Engineers (AIEE) Standard No. 32. Such grounding resistor shall be insulated from ground for a voltage not less than the phase-to-phase voltage of the system in which it is installed.

§ 77.903 Connection of single-phase loads.

Single-phase loads shall be connected phase-to-phase in resistance-grounded systems.

§ 77.904 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. The National Electrical Codes are also available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. The AIEE publication is also available from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th St., New York, N.Y. 10017. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

Subpart K—Ground Control

§ 77.1000 Highwalls, pits and spoil banks; plan.

Each operator of a surface coal mine shall establish and follow a ground control plan, approved in accordance with the provisions of §§ 77.1000–1 through 77.1000–6, for the safe control of all highwalls, pits and spoil banks developed at such mine.

§ 77.1000–1 Filing of ground control plan.

Ground control plans shall be filed with the District Manager of the Coal Mine Health and Safety District in which the mine is located.

§ 77.1000–2 Mines with plans on file on the effective date of this section.

(a) Ground control plans on file with the District Manager for mines operating on the effective date of this section shall be considered approved until such plans are reviewed and approved or disapproved in accordance with the provisions of this section.

(b) Mines operating on the effective date of this section that have ground control plans on file with the District Manager shall have their plans reviewed within one year from the effective date of this section, and the operator shall be advised in writing of the approval or disapproval of his ground control plan.

§ 77.1000–3 Mines without plans on file on the effective date of this section.

(a) Operators of new mines and mines without approved ground control plans shall submit a ground control plan to the District Manager prior to the commencement of excavation.

(b) The operator shall be advised in writing of the approval or disapproval of his ground control plan.

§ 77.1000–4 Revision in ground control plans prior to approval.

If the District Manager determines that revisions are required before a ground control plan can be approved, the revisions required shall be specified, the operator shall be afforded an opportunity to discuss the revisions, and the operator shall be given not less than 30 days to submit revisions.

§ 77.1000–5 Modification of approved ground control plans.

Each operator, prior to initiating a modification of any approved ground control plan, shall file such modification with the District Manager. The operator shall be notified in writing of the approval or disapproval of his modification. If the District Manager determines that revisions are required before the modification can be approved, the revisions required shall be specified and the operator shall be afforded an opportunity to discuss the revisions.

§ 77.1000–6 Information required in ground control plans.

(a) Ground control plans shall contain the following information:

(1) Name and address of the operator.

(2) Name, identification number and address of the mine.

(3) Geographic location of all pits.

(4) List of equipment used for moving overburden and loading coal.

(5) Description of the mining sequence.

(6) General characteristics of the strata.

(7) Average height and angle of the highwall.

(8) Approximate width and location of highwall benches.

(9) Approximate width of pit.

(10) Minimum and maximum slope of ground to be stripped.

(11) Angle and diameter of boreholes.

(12) Description of blasting methods.

(13) Method of trimming and scaling the highwall.

(14) Method of preventing material from rolling into the pit including the distance material will be stripped from the highwall.

(15) Method of controlling or draining water.

§ 77.1000–7 Criteria for approval of ground control plans.

(a) Each ground control plan shall be considered on its own merits in providing protection to miners. District Managers shall be guided by the following criteria in approving ground control plans:

(1) All loose hazardous material should be stripped for a safe distance from the top edge of pits, highwalls and benches.

(2) Hazardous highwall areas should be scaled by a safe means before any other work is performed in the hazardous area.

(3) Highwall benches should be required if necessary to assure that scaling and trimming can be accomplished with available equipment.

(4) The method of mining should minimize the exposure time of unprotected persons near the highwall.

(5) The width and height of benches should be consistent with the type of equipment to be used and the operation to be performed.

(6) Spoil material should be sloped to the angle of repose or other measures taken to prevent the material from rolling into active work areas.

(7) Drilling and blasting methods should be used which will maximize highwall stability.

§ 77.1001 Ground control inspection and maintenance; general.

Highwalls, banks, benches and terrain sloping into the working areas shall be examined by a certified person within two hours before each operating shift and after every rain, freeze or thaw before men work in such areas; and such examinations shall be made and recorded in accordance with § 77.1713.

§ 77.1002 Highwalls: men working.

(a) Persons, other than those necessary to correct unsafe conditions, shall not work near or under dangerous highwalls or banks.

(b) Except as provided in paragraph (c) of this section, persons shall not work between equipment and the highwall or spoil bank where the equipment may hinder escape from falls or slides.

(c) Special safety precautions shall be taken when persons are required to perform repair work between immobilized equipment and the highwall or spoil bank and such equipment may hinder escape from falls or slides.

§ 77.1003 Drilling: equipment, general.

(a) Drilling equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be reported.

(b) Drilling equipment defects affecting safety shall be corrected before the equipment is used.

§ 77.1004 Relocation of drills; safeguards.

(a) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

(b) When a drill helper is used, his location shall be made known to the operator at all times when the drill is being moved.

§ 77.1005 Drill: operation.

(a) While in operation, drills shall be attended at all times.

(b) Persons shall not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

(c) Persons shall not be on a mast while the drill bit is in operation unless a safe platform is provided and safety belts are used.

(d) Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

(e) In the event of a power failure, drill controls shall be placed in the neutral position until power is restored.

(f) When churn drills or vertical rotary drills are used, drillers shall not be permitted to work under suspended tools, and when collaring holes, inspecting, or during any operation in which tools are removed from the hole, all tools shall be lowered to the ground or platform.

(g) Where horizontal holes are drilled in the overburden, a careful inspection of the face of the highway shall be made before drilling operations begin, and all loose hazardous material shall be removed before other work is done, or the area shall be vacated and posted.

§ 77.1006 Collaring holes.

(a) Starter steels shall be used when collaring holes with hand-held drills.

(b) Persons shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

§ 77.1007 Drill holes: guarding.

Drill holes large enough to constitute a hazard shall be covered or guarded.

§ 77.1008 Jackhammers: operation; safeguards.

Persons operating or working near jackhammers or jackleg drills, or other drilling machines shall position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

§ 77.1009 Air drills; safeguards.

Air shall be turned off and bled from the air hoses before hand-held air drills are moved from one working area to another.

9. Subparts M, N, O, P, and Q are revised as follows:

Subpart M—Maps

§ 77.1200 Mine map.

The operator shall maintain an accurate and up-to-date map of the mine, on a scale of not less than 100 or more than 500 feet to the inch, at or near the mine, in an area chosen by the mine operator, with a duplicate copy on file at a separate and distinct location, to minimize the danger of destruction by fire or other hazard. The map shall show:

(a) Name and address of the mine;

(b) The property or boundary lines of the active areas of the mine;

(c) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed 25-foot elevation levels, except that a broader spacing of contour lines may be approved by the District Manager for steeply pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps;

(d) The general elevation of the coalbed or coalbeds being mined, and the general elevation of the surface;

(e) Producing or abandoned oil and gas wells located on the mine property and the location of all oil and gas pipelines on the mine property;

(f) The location and elevation of any body of water dammed or held back in any portion of the mine; provided, however, such bodies of water may be shown on overlays or tracings attached to the mine maps;

(g) All prospect drill holes that penetrate the coalbed or coalbeds being mined on the mine property;

(h) All auger and strip mined areas of the coalbed or coalbeds being mined on the mine property together with the line of maxium depth of holes drilled during auger mining operations;

(i) All worked out and abandoned areas;

(j) The location of overhead powerlines, railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown;

(k) Underground mine workings, active or abandoned, in underlying, overlying, or in the same coalbed(s) and within 1,000 feet in any direction of the active areas of the mine; provided, however, such workings may be shown on overlays or tracings attached to the mine map;

(l) The location and description of at least two permanent base line points, and the location and description of at least two permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys; and

(m) The scale of the map.

§ 77.1200–1 Temporary notations, revisions and supplements.

(a) Mine maps shall be revised and supplemented at intervals of not more than 6 months on the basis of a survey made or certified as required by § 77.1201.

(b) Mine maps shall be kept up-to-date by temporary notations. Up-to-date is interpreted to mean at least once a month. Temporary notations shall include:

(1) Areas where overburden has been removed; and

(2) Areas where coal has been removed, either by surface mining or augering.

§ 77.1201 Certification of mine map.

The mine map shall be made or certified by an engineer or surveyor registered by any State.

§ 77.1202 Availability of mine map.

The mine map maintained in accordance with the provisions of § 77.1200 shall be available for inspection by the Secretary or his authorized representative.

§ 77.1203 Mine closure; filing of map with Secretary or his representative.

Whenever an operator permanently closes or abandons a coal mine, he shall promptly notify the Coal Mine Health and Safety District or Subdistrict Office for the area in which the mine is located of such closure. Within 60 days after the permanent closure or abandonment of a mine, the operator shall file with the Secretary or his authorized representative, a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by an engineer or surveyor registered by any State.

Subpart N—Explosives and Blasting

§ 77.1300 Explosive material; general.

Explosives, blasting agents, detonators, or any other related blasting device or material shall not be stored, transported, carried, handled, charged, fired, destroyed or otherwise used, employed or disposed of by any person at a coal mine except in accordance with the storage provisions of Bureau of Alcohol, Tobacco and Firearms regulations in 27 CFR Subpart J of Part 181, and as prescribed in this subpart.

§ 77.1301 Magazine: location.

(a) In addition to the magazine location requirements of Bureau of Alcohol, Tobacco and Firearms regulations in 27 CFR Subpart J of Part 181 the magazine shall be:

(1) Located outside the blasting area, and

(2) Located at distances from any office, shop, tipple or plant, wash and changehouse, and any stationary equipment, structure or facility used in the mine operation including fans, fan housings, mine openings, dams and electrical transformers or substation installations as specified for "inhabited buildings" in the "American Table of Distances for Storage of Explosives" as revised and approved by the Institute of Makers of Explosives (IME)—November 5, 1971, and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973. NFPA No. 495, pages 59 through 62.

§ 77.1302 Magazine: storage.

In addition to storage provisions of Bureau of Alcohol, Tobacco and Firearms regulations in 27 CFR Subpart J of Part 181, the following shall apply:

(a) Ammonium nitrate-fuel oil blasting agents shall be separated from explosives or detonating cord stored in the same magazine and in such a manner that oil does not contaminate the explosives or detonating cord.

(b) The magazines shall be detached structures located at least 50 feet away from that point or area directly beneath powerlines.

(c) The magazine area shall be posted with appropriate danger signs which are so located that a bullet passing in the direction of the sign will not strike the magazine.

(d) The magazines shall be unheated unless heating can be provided in a manner that does not create a fire or explosion hazard.

(e) Containers of explosives or blasting agents shall be stacked in a stable manner, but not more than 8 feet high.

§ 77.1303 Persons permitted to use explosives.

(a) Each blasting operation shall be under the direct supervision of a person trained and experienced in the handling of explosives and blasting agents.

(b) Trainees shall work under the direct supervision of and in the immediate presence of a trained and experienced person.

§ 77.1304 Transport of explosives or blasting agents.

(a) Vehicles used to transport explosives shall have substantially constructed bodies, no sparking metal exposed in the cargo space, and shall be equipped with suitable sides and tail gates. Explosives shall not be piled higher than the side or end of the cargo space.

(b) Vehicles used to transport explosives or blasting agents shall be maintained in good condition and shall be operated at a safe speed and in accordance with safe operating practices.

(c) Vehicles containing explosives or blasting agents shall be posted with appropriate warning signs.

(d) Other materials or supplies shall not be placed on or in the cargo space of a vehicle containing explosives, except for properly secured nonsparking equipment used expressly in the handling of such explosives.

(e) Explosives or blasting agents shall be transported in separate vehicles from detonators unless in closed containers separated by 4 inches of substantially fastened hardwood or equivalent partition.

(f) Explosives or blasting agents shall be transported without undue delay and over routes and at times that expose a minimum number of persons.

(g) Only persons necessary for safe transport shall ride in vehicles containing explosives or blasting agents.

(h) Vehicles shall be attended while loaded with explosives or blasting agents except in areas where charging is in progress.

(i) When vehicles containing explosives or blasting agents are parked, the brakes shall be set, the motive power shut off unless utilized to discharge bulk blasting agents. The vehicle shall be provided with chocks and the vehicle blocked securely against rolling when parked on a grade.

(j) Vehicles containing explosives or blasting agents shall not be taken to a repair garage or shop for any purpose.

(k) Vehicles used to transport blasting agents to the blasting site shall have substantially constructed bodies with no zinc or copper exposed in the cargo space. If an end screw is used to discharge the blasting agents from the vehicle, the conveyor shall be constructed to prevent development of excessive internal pressure and frictional heat in the blasting agent.

(l) Over-the-road, drop-off vans containing blasting agents shall be effectively ventilated with at least two screened ventilation openings near the

floor and the ceiling when serving as a storage facility, but these ventilation openings shall be closed off securely during transport of the blasting agent.

(m) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, detonator wires, explosives, blasting agents or detonators.

§ 77.1305 Priming of explosives or blasting agents.

(a) Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow.

(b) Primers: (1) Containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge or within a suitable tunnel or cap well.

(2) Using detonating cord shall be prepared with the detonating cord threated through, attached securely to, or otherwise in intimate contact with the explosive charge.

(c) Adequate priming shall be employed to minimize misfires, toxic fumes, and poor performance.

(d) Only nonsparking implements shall be used to punch holes in an explosive cartridge.

(e) Tamping poles shall be of wood or other material acceptable to MESA. Couplers of tamping poles shall be of nonsparking materials.

(f) Tamping shall not be done directly on a primer.

(g) Charging of boreholes shall be suspended and persons withdrawn from the blasting area to a safe location upon the approach and progress of an electrical storm.

§ 77.1306 Firing of explosive charges.

(a) Safety fuse and blasting cap initiation shall not be used.

(b) Electrical blasts shall be fired only with instruments designed specifically for initiating electrical detonators, and having adequate capacity for the number of electrical detonators, the resistance of the blasting circuit and the type of blasting circuit used.

(c) A person trained and experienced in the handling of explosives and blasting agents and who is authorized by the operator to fire the shots shall control the electrical firing device.

(d) Electric blasting caps of different manufacturers shall not be used in the same circuit.

(e) Blasting circuits and electric blasting caps which are capable of being initiated by conventional power sources shall be protected from sources of extraneous electricity.

(f) When blasting electrically, a basting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:

(1) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line.

(2) Continuity of blasting lines prior to the connection of electric blasting cap series, and

(3) Total blasting circuit resistance prior to connection to the power source.

(g) Except when being tested for continuity or resistance:

(1) Electric blasting caps shall be kept shunted until being connected to the blasting line or wired into a blasting circuit.

(2) Wired rounds shall be kept shunted until being connected to the blasting line, and

(3) Blasting lines shall be kept shunted until immediately before blasting.

(h) Blasting lines shall be properly insulated and kept in good repair.

(i) Electric blasting shall be prohibited in the vicinity of operating radio frequency (RF) transmitters except within clearances as published in the Institute of Makers of Explosive (IME), Publication No. 20, March 1971, "Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps."

(j) Appropriate warning signs shall be posted on all roads within 350 feet of charging operations, when blasting electrically, prohibiting the use of mobile radio transmitters except in accordance with paragraph (i) of this section.

§ 77.1307 Detonating cord.

(a) Delay connectors shall be treated and handled with the same safety precautions as detonators.

(b) Detonating cord shall not be used if it has been kinked, bent sharply or otherwise damaged.

(c) The line of detonating cord extending out of a borehole shall be cut from the supply spool after the primer is correctly positioned and the line secured.

(d) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

§ 77.1308 Blasting area.

(a) Substantial non-conductive closed containers shall be used to carry explosives other than blasting agents to the blasting area.

(b) Explosives or blasting agents shall be kept separated from detonators until charging is started.

(c) Smoking and open flame shall not be permitted within 50 feet of the area in which explosives or blasting agents are being handled and used.

(d) Unused explosives, blasting agents and detonators shall be moved to a safe location as soon as practical after charging operations are completed.

(e) Boreholes shall be stemmed immediately after charging. Shots shall be fired as soon as practical after stemming has been completed.

(f) Areas in which charged holes are being finally prepared for firing shall be guarded, or barricaded and posted, or flagged against unauthorized entry.

(g) Work activities may be conducted within the blasting area containing charged holes, *Provided*, That:

(1) Detonating cord shall be protected from physical damage,

(2) Refueling operations shall not be conducted within a horizontal distance of 100 feet of a charged hole,

(3) Burning, cutting or welding shall not be conducted within a horizontal distance of 100 feet of a charged hole unless such work is done in a fire resistant enclosure,

(4) Drilling operations shall not be conducted within a horizontal distance of 25 feet of a charged hole, and

(5) Energized electric equipment and energized power distribution circuits including trailing cables and feeder cables shall not be within a horizontal distance of 50 feet of a charged hole.

(h) Ample warning shall be given before blasts are fired. All persons shall be removed from the blasting area.

(i) The firing of blasts shall be conducting during daylight hours, except in shafts and slopes driven to depths where no flying material can reach the surface.

(j) Blasting areas shall not be reentered after firing until dangerous concentrations of smoke, dust and fumes have been reduced to safe limits.

(k) Special precautions shall be taken when blasting in close proximity to underground operations, and no blasting shall be done that would be hazardous to persons working underground.

§ 77.1309 Misfires and damaged explosives or blasting agents.

(a) Damaged or deteriorated explosives or blasting agents shall be destroyed in a safe manner under the instructions of the explosives or blasting agents manufacturer or his designated agent.

(b) Misfires shall be reported to the proper supervisor and shall be disposed of safely before any other work is performed in that blasting area.

(c) No person shall return to a misfired hole for at least 15 minutes.

(d) If explosives or blasting agents are suspected of burning in a hole, all persons in the blasting area shall move to a safe location and no person shall return to the hole for at least one hour.

(e) Blasted areas shall be examined for undetonated explosives or blasting agents after each blast and undetonated explosives or blasting agents found shall be disposed of in accordance with paragraph (a) of this section.

(f) Holes shall be not be drilled where there is danger of intersecting a charged or misfired hole.

§ 77.1310 Blasting agents: special provisions.

Ammonium nitrate and the components used for the sensitizing thereof shall be stored, mixed, transported and used in accordance with the recommendations in Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents, 1963."

§ 77.1311 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in Subpart A of this part and in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA, Bureau of Alcohol.

Tobacco and Firearms regulations and Department of Transportation regulations are available from the U.S. Government Printing Office, Washington, D.C. 20402. The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495 is available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. IME Publication No. 20, March 1971 is available from the Institute of Makers of Explosives, 420 Lexington Ave., New York, N.Y. 10017. Bureau of Mines Information Circular 8179 is available from the Assistant Administrator—Technical Support, MESA, 4015 Wilson Blvd., Arlington, Va. 22203. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

Subpart O—Hoisting, Elevators, and Manlifts

§ 77.1400 Hoists and other hoisting devices.

The standards set forth in §§ 77.1400 through 77.1405–1, apply to hoists and other hoisting devices, together with their appurtenances, used to transport persons.

§ 77.1401 Automatic controls and brakes.

Hoists and other hoisting devices shall be equipped with overspeed controls, overtravel controls, automatic stop controls and brakes. Such controls and brakes shall be protected from the weather to prevent malfunction and shall perform as prescribed in §§ 77.1401–1 through 77.1401–6.

§ 77.1401–1 Overspeed controls.

Overspeed controls on hoists and other hoisting devices shall be directly driven from the hoist drum or drum shaft and, when activated, shall interrupt the power, set the hoist drum brakes, and bring the conveyance to a safe stop. Overspeed activation for hoists and other hoisting devices shall be at a setting not to exceed 115 percent of the rated safe man hoisting speed. Deceleration for hoists and other hoisting devices shall not be greater than 6 feet per second per second.

§ 77.1401–2 Overtravel controls.

Overtravel controls shall be provided on all hoists and other hoisting devices to automatically prevent overtravel of the conveyance. These controls shall be driven from the hoist drum or drum shaft, or activated by the conveyance travel to bring the conveyance to a safe stop.

§ 77.1401–3 Automatic stop controls.

Hoists and other hoisting devices shall be equipped with controls which will cause automatic application of the brakes in case of operator or power failure. A manual override of the controls shall be provided to permit lowering the conveyance by means of the brakes in case of emergency.

§ 77.1401–4 Brakes.

Hoists and other hoisting devices shall be equipped with at least two independent brakes, one of which shall be on the drum. Each brake shall be capable of safely stopping a fully loaded conveyance traveling at the maximum allowable hoisting speed and holding the fully loaded conveyance at any point. These two brakes shall be operable at all times. The mechanism that operates the brakes shall be guarded to prevent material or tools from accidentally fouling or jamming the brake system. These two brakes shall be arranged so that the failure of one brake will not interfere with proper operation of the other brake. Persons shall not be lowered by the brakes alone, except as provided in § 77.1401–3.

§ 77.1401–5 Indicators.

An accurate and reliable indicator of the position of the conveyance shall be provided except where the conveyance is visible at all times to the operator. The indicator shall be driven from the hoist drum or drum shaft by a chain, gear or other direct drive and show the position of the conveyance at all times. This indicator shall be placed so that it is in clear view of the operator.

§ 77.1402 Rated capacity.

Loads transported by hoists and other hoisting devices shall not exceed rated capacities of the hoist, conveyance, rope, rope fastenings used, and the static load safety factors of the ropes as prescribed in § 77.1402–1(b).

§ 77.1402–1 Wire ropes and wire rope attachments.

(a) American National Standards Institute "Specifications for the Use of Wire Ropes for Mines," M11.1–1960, shall be used as a guide in the use, selection, installation, and maintenance of wire ropes used for hoisting.

(b) The following static load safety factors shall be used for selecting ropes to be used on hoists and for determining when such ropes shall be removed from hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501 to 1,000	7	5.8
1,001 to 2,000	6	5.0
2,001 to 3,000	5	4.3
3,001 or more	4	3.6

(c) Wire rope shall be removed when inspection shows:

(1) Six randomly distributed broken wires in one rope lay or three broken wires in one standard in one rope lay. Snagged, nicked or severely bent wires shall be counted as broken wires; or

(2) Abrasion, scrubbing or peening causing loss of more than 1/3 the original diameter of the outside individual wires; or

(3) Evidence of rope deterioration from corrosion; or

(4) Kinking, crushing or other damage that results in distortion of the rope structure; or

(5) Reduction in nominal rope diameter determined as follows:

(i) 1/64 inch for rope diameters up to and including 5/16 inch;

(ii) 1/32 inch for rope diameters 3/8 inch to 1/2 inch inclusive;

(iii) 3/64 inch for rope diameters 9/16 inch to 3/4 inch inclusive;

(iv) 1/16 inch for rope diameters 7/8 inch to 1 1/8 inches inclusive;

(v) 3/32 inch for rope diameters 1 1/4 inches to 1 1/2 inches inclusive;

(vi) Rope diameters over 1 1/2 inches, as recommended by the wire rope manufacturer.

(d) Wire rope attachments shall be replaced when inspection shows:

(1) Improper installation of attachment; or

(2) Cracked, deformed, excessively worn, or loosened attachments; or

(3) Wire rope slippage at attachment; or

(4) More than one broken wire at the point of attachment of a spelter filled or swaged attachment.

§ 77.1402–2 Maximum load; posting.

The operator shall designate and conspicuously post on each conveyance the maximum number of persons permitted to ride on the conveyance.

§ 77.1402–3 Bridle chains or cables.

Each conveyance shall be provided with two bridle chains or cables which are connected securely to the rope at least 3 feet above the socket or at least 3 feet above the last rope clip if a thimble is used and which are securely fastened to the conveyance.

§ 77.1403 Inspection and maintenance.

(a) Hoists and other hoisting devices shall be inspected daily when in use and such inspections shall include, but not be limited to, the following:

(1) A visual inspection of the rope for wear, broken wires, and corrosion, especially at excessive strain points;

(2) An inspection of the rope fastenings for defects;

(3) An inspection of the conveyance for loose, missing, or defective parts;

(4) An inspection of sheaves for broken flanges, defective bearings, rope alignment, and proper lubrication; and

(5) An inspection of the automatic controls, indicator, and brakes.

(b) A report of the daily inspections shall be signed by the person making such inspection and the report shall be signed or countersigned by any of the persons listed in § 77.1713(d).

(c) Prior to each working shift, and before a hoist or other device is returned to service after it has been out of normal service for any reason, and if a change of hoistmen is made for any reason, it shall be operated by the hoistman through one complete cycle of operation before any person is permitted to be transported.

(d) The ropes of hoists and other hoisting devices shall be kept well lubri-

cated from end to end as recommended by the manufacturer.

(e) Persons shall not be permitted to ride on a conveyance with tools or materials other than small hand tools.

§ 77.1104 Qualified hoistman.

Hoists and other hoisting devices shall be under the control of and operated by a qualified hoistman when persons are being transported, except for automatically operated hoists.

§ 77.1105 Communications.

There shall be at least two effective methods approved by the Secretary of signaling between each station and the hoistman, one of which shall be by voice transmission.

§ 77.1105-1 Standard signaling code.

A standard code of hoisting signals shall be adopted, used, and conspicuously posted within easy view of the hoistman and at each station. Movement of a conveyance on a single audible signal shall be prohibited unless preceded by a preliminary signal.

§ 77.1106 Elevators.

Elevators shall comply with the requirements of American National Standards Institute (ANSI) A17.1-1971 with addenda A17.1A-1972, A17.1B-1973 and A17.1C-1974, and shall be inspected in accordance with ANSI A17.2-1973 and § 77.1403.

§ 77.1107 Manlifts.

Manlifts shall be installed, maintained, inspected, and operated in accordance with the requirements of the American Society of Mechanical Engineers (ASME) "Safety Standard for Manlifts" USAS A90.1-1969 and addenda ANSI A90.1A-1972.

§ 77.1108 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. ANSI publications are also available from the American National Standards, Inc., 1430 Broadway, New York, N.Y. 10018. ASME publications are also available from the American Society of Mechanical Engineers, 345 E. 47th St., New York, N.Y. 10017. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

Subpart P—Auger Mining

§ 77.1500 Auger mining; planning.

Auger mining shall be planned and conducted by the operator to insure against any hazard to underground workings located at or near such auger operations and all auger holes shall be located so as to prevent:

(a) The disruption of the ventilation system of any active underground mine.

(b) Inundation hazards from surface water entering any active underground mine.

(c) Damage to the roof and ribs of active underground workings.

(d) Intersection of auger holes with underground mine workings known to contain dangerous quantities of impounded water.

§ 77.1501 Auger mining; inspections.

(a) The face of all highwalls, to a distace of 25 feet on both sides of each drilling site, shall be inspected by a certified person before any augering operation is begun, and at least once during each coal producing shift, and all loose hazardous material shall be removed from the drilling site before persons are permitted to enter the drilling area. The results of all such inspections shall be recorded daily in a book approved by the Secretary.

(b) In addition, the face of all highwalls, to a distance of 25 feet on both sides of each drilling site, shall be inspected frequently by a certified person during any auger operation conducted either during or after a heavy rainfall, or during any period of intermittent freezing and thawing and the results of such inspections shall be recorded as provided in paragraph (a) of this section.

(c) When an auger hole penetrates an abandoned or mined out area of an underground mine, tests for methane shall be made at the collar of the hole by a qualified person using a methane detector approved by the Secretary to determine if dangerous quantities of methane are present or being emitted. If such is found, no further work shall be performed until the atmosphere has been made safe.

(1) At least one methane detector shall be available at all times at each auger machine for the use of qualified persons.

(2) Internal combustion engines shall not be operated in the vicinity of any auger hole in which tests for methane are being made.

§ 77.1502 Auger holes; restriction against entering.

No person shall be permitted to enter an auger hole except with the approval of the Coal Mine Health and Safety District Manager or Subdistrict Manager of the district in which the mine is located and under such conditions as may be prescribed by him.

§ 77.1503 Auger equipment; overhead protection.

(a) Auger machines which are exposed to highwall hazards, together with all those parts of any coal elevating conveyors, where persons are required to work during augering operations, shall be covered with heavy gauge screen which does not obstruct the view of the highwall and is strong enough to prevent injuries to persons from spalling material.

(b) No work shall be done under any overhang and, when a crew is engaged in connecting or disconnecting auger sections under a highwall, at least one person shall be assigned to observe the highwall for possible movement.

§ 77.1504 Auger equipment; operation.

(a) Persons shall be kept clear of the auger train while it is in motion and shall not be permitted to pass under or over an auger train, except where adequate crossing facilities are provided.

(b) Persons shall stay clear of auger sections being swung into position.

(c) No person, including the auger machine operator, shall be stationed in direct line with the borehole during augering operations.

(d) The operator of auger equipment shall not leave the controls of such equipment while the auger is in operation.

§ 77.1505 Auger holes; blocking.

Auger holes shall be blocked with inert material to within 200 feet of the active working area. All auger holes shall be blocked with inert material within 30 days after the hole has been drilled.

Subpart Q—Loading, Haulage, Stripping, Drilling and Reclamation

§ 77.1600 Loading, haulage stripping, drilling and reclamation areas; general.

(a) Only authorized persons shall be permitted on roads on coal mine property at loading, dumping, stripping, drilling and reclamation areas.

(b) Traffic rules, signals and warning signs shall be standardized at each mine and conspicuously posted.

(c) Where side or overhead clearances on any haulage road or at any loading or dumping location at the mine are hazardous, such areas shall be conspicuously marked or warning devices shall be installed.

(d) Guard nets or other suitable protection against spillage shall be provided where a tramway, roadway, elevated track or any type of conveyor passes over a roadway, walkway or building.

(e) Chute-loading installations shall be designed so that the persons pulling chutes are not required to be in a hazardous position during loading operations.

(f) Cabs of self-propelled equipment shall be kept free of extraneous materials.

(g) Operators shall sit facing the direction of travel while operating equipment with dual controls.

(h) When an equipment operator is present, persons shall notify him before getting on or off equipment.

(i) Equipment operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment unless the equipment is designed to have persons board and leave it safely without such notification.

(j) Dust control measures shall be taken where dust significantly reduces visiblity of equipment operators.

§ 77.1601 Transportation of persons; restrictions.

No person shall be permitted to ride or be otherwise transported on or in the following equipment whether loaded or empty:

(a) Dippers, shovels, buckets, forks, and clamshells.

(b) The cargo space of dump trucks or haulage equipment used to transport coal or other material.

(c) Outside the cabs and beds of self-propelled equipment.

(d) Chain, belt, or bucket conveyors, except where such conveyors are specifically designed to transport persons.

§ 77.1602 Use of aerial tramways to transport persons.

(a) Persons shall not ride loaded buckets on aerial tramways.

(b) Persons other than maintenance persons shall not ride empty buckets on aerial tramways. Prior to maintenance persons riding aerial tramways, an examination of the protective safety devices required in paragraphs (b)(1) through (b)(4) of this section shall be made and a record kept of such examinations. When maintenance men ride empty aerial tramways, the following shall be provided:

(1) Two independent brakes, each capable of stopping and holding the maximum load.

(2) Direct communication between terminals.

(3) Power drives with emergency power available in case of primary power failure.

(4) Buckets equipped with positive locks to prevent accidental tripping or dumping.

§ 77.1603 Aerial tramways; installations; operations.

(a) Positive-action type brakes shall be provided on aerial tramways.

(b) Guards shall be installed to prevent swaying buckets from hitting the towers of aerial tramways.

(c) Aerial tramway cable connections shall be designed to offer minimum obstruction to the passage of wheels.

(d) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices, or other suitable devices.

(e) When the entire length of an aerial tramway is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting such equipment. When the entire length of such equipment is not visible from the starting switch, an audible alarm system shall be installed and operated to warn persons that such equipment will be started.

(f) Aerial tram buckets shall not be overloaded, and feed shall be regulated to prevent spillage.

§ 77.1604 Conveyors; installations; operations.

(a) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting such equipment. When the entire length of such equipment is not visible from the starting switch, an audible alarm system shall be installed and operated to warn persons that such equipment will be started.

(b) Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

(c) Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse, or out of control in the forward direction, if a hazard to personnel would be caused.

(d) Before startup of equipment in a preparation plant and in the event of an emergency in such plant, an audible alarm shall be sounded.

§ 77.1605 Railroad trains; installations; operations.

(a) Only authorized persons shall ride on a train or locomotive, and they shall ride in a safe position.

(b) Persons shall not get on or off moving equipment.

(c) No man-trip vehicle or other track conveyance used to transport persons to and from work areas shall be overcrowded, and all persons shall ride in a safe position.

(d) Supplies, materials, and tools other than handtools shall not be transported with persons in man-trip vehicles unless such vehicles are specifically designed to make such transportation safe.

(e) All self-propelled rail haulage equipment shall be provided with hydraulic brakes, pneumatic brakes or dynamic braking in addition to manual brakes, each capable of stopping and holding the maximum load.

(f) Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

(g) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices, or other suitable devices.

(h) Ramps and dumps shall be of solid construction, of ample width, have ample clearance and headroom, and be kept reasonably free of spillage.

(i) Where practicable, a minimum of 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30 inches clearance shall be marked conspicuously. If less than 18 inches continuous clearance is maintained on either side of the tracks, the area shall be barricaded against entry.

(j) Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

(k) Positive-acting stop-blocks, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment.

(l) Switch throws shall be installed to provide adequate clearance for switchmen.

(m) Where necessary, bumper blocks or the equivalent shall be provided at all track dead ends.

(n) Car droppers shall not ride on the front of moving trips or on the front of a single car which is being dropped.

(o) Cars shall be dropped at a safe rate and in a manner that will insure that the car dropper maintains a safe position while working and traveling around the cars.

(1) Safe operating procedures shall be established and maintained and shall be posted in a conspicuous place and distributed to each person engaged in car dropping operations.

(2) Cars shall be inspected for defective brakes before dropping and such defective cars shall not be loaded and shall not be dropped without the aid of hoists or equivalent means.

(3) An audible alarm shall be sounded before any car or cars are dropped.

(p) Persons shall wear and use safety belts when dropping railroad cars.

(q) Railroad cars shall not be left on sidetracks unless ample clearance is provided for traffic on adjacent tracks.

(r) Railroad cars shall not be coupled or uncoupled manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from coupling or uncoupling cars from inside of curves.

(s) Railroad cars shall be trimmed properly when they have been loaded higher than the confines of their cargo space.

§ 77.1606 Rubber tire and crawler mounted mobile equipment; installations; operations.

(a) No mobile equipment used to transport persons to and from work areas shall be overcrowded, and all persons shall ride in a safe position.

(b) Supplies, materials, and tools other than handtools shall not be transported with persons in man-trip vehicles unless such vehicles are specifically designed to make such transportation safe.

(c) Cab windows shall be of safety glass or the equivalent, and shall be in good condition and kept clean.

(d) Self-propelled equipment shall be equipped with brakes capable of stopping and holding the maximum load. All such equipment shall be equipped with parking brakes capable of holding the maximum load.

(e) Self-propelled equipment shall be provided with an audible warning device and lights visible from both ends.

(f) Ramps and dumps shall be of solid construction, of ample width, have ample clearance and headroom, and be kept reasonably free of spillage.

(g) Berms or guards shall be provided on the outer banks of elevated roadways, or:

(1) The width of single lane roads shall be one and a half times the width of the widest vehicle that normally uses the road. The width of two lane roads shall be two and one-half times the width of the widest vehicle that normally uses the road; and

(2) The traffic control system shall require loaded haulage vehicles to be driven on the natural protected side of the elevated roadways regardless of their direction of travel; and

(3) Roadway signs and markings shall be suitable, located along the elevated roadways and at other potential hazard-

ous locations that indicate proper safeguards to be taken, such as safe vehicle speed and gear.

(h) All bridges shall be of sufficient strength to support the maximum potential load. All bridges constructed after [the effective date of this section] shall be at least one and one half times the width of the widest vehicle which regularly uses such bridge.

(i) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(j) Equipment operating speeds shall be consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

(k) Dippers, buckets, loading booms, or suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations.

(l) Persons shall not work or pass under the booms of any self-propelled equipment when such booms may be hazardous.

(m) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

(n) Self-propelled equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or berm, or shall be blocked, when such equipment is parked on a grade.

(o) Lights, flares, or other warning devices shall be positioned to the front and rear on the traffic side or sides of parked equipment when such parked equipment creates a hazard to vehicular traffic.

(p) Dippers, buckets, scrapper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

(q) Equipment which is to be hauled shall be loaded and protected to prevent sliding or spillage.

(r) When moving between work areas, the components of the equipment shall be secured in the travel position.

(s) Any load extending more than 4 feet beyond the rear of the vehicle body shall be marked clearly at the end of the projection with a warning flag by day and a warning light at night.

(t) Tow bars shall be used to tow heavy equipment and a safety chain shall be used in conjunction with each tow bar. Persons shall not be permitted to get between the towed and towing vehicles or vehicles being prepared for towing operations until both vehicles have been stopped and secured against movement.

(u) All trucks shall be trimmed properly when they have been loaded higher than the confines of their cargo space.

§ 77.1607 Dumping facilities.

(a) Dumping locations and haulage roads shall be kept reasonably free of water, debris, and spillage.

(b) Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks shall be dumped a safe distance back from the edge of the bank.

(c) Adequate protection shall be provided at dumping locations where persons may be endangered by falling material.

(d) Grizzlies, grates, and other sizing devices at dumping and transfer points shall be anchored securely in place.

(e) If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping, and they shall use lights at night to direct trucks.

10. Sections 77.1700 through 77.1710 are revised as follows:

Subpart R—Miscellaneous

§ 77.1700 Communications in work areas.

No persons shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard, or can be seen.

§ 77.1701 Emergency communications: requirements.

(a) Each operator of a surface coal mine shall establish and maintain a communication system from the mine to the nearest point of medical assistance for use in an emergency.

(b) The emergency communication system required to be maintained under paragraph (a) of this section may be established by telephone or radio transmission or by any other means of prompt communication to any facility (for example, the local sheriff, the State highway patrol, or local hospital) which has available the means of communication with the person or persons providing emergency medical assistance or transportation in accordance with the provisions of paragraph (a) of this section.

§ 77.1702 Arrangements for emergency medical assistance and transportation for injured persons: reporting requirements; posting requirements.

(a) Each operator of a surface coal mine shall make arrangements with a licensed physician, medical service, medical clinic, or hospital to provide 24-hour emergency medical assistance for any person injured at the mine.

(b) Each operator shall make arrangements with an ambulance service, or otherwise provide for 24-hour emergency transportation for any person injured at the mine.

(c) Each operator shall report to the Coal Mine Health and Safety District Manager for the district in which the mine is located the name, title and address of the physician, medical service, medical clinic, hospital, or ambulance service with whom arrangements have been made, or otherwise provided, in accordance with the provisions of paragraphs (a) and (b) of this section.

(d) Each operator shall, within 10 days after any change of the arrangements required to be reported under the provisions of this section, report such changes to the Coal Mine Health and Safety District Manager. If such changes involve a substitution of persons, the operator shall provide the name, title, and address of the person substituted together with the name and address of the medical service, medical clinic, hospital, or ambulance service with which such person or persons are associated.

(e) Each operator shall, immediately after making an arrangement required under the provisions of paragraphs (a) and (b) of this section, or immediately after any change in such agreement, post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under such arrangements to provide medical assistance and transportation at the mine.

§ 77.1703 First aid training: supervisory employees.

Within 90 days after [the effective date of this section], each operator of a surface coal mine shall conduct a first aid training course for all supervisory employees at the mine who have not had such training within one year and report in writing to the District Manager the names and job titles of all supervisory employees so trained. New supervisory employees shall be provided such training within 90 days of the date of employment as a supervisor.

§ 77.1704 First aid training program: retraining of supervisory employees.

Each operator of a surface coal mine shall conduct refresher first aid training programs each calendar year for all supervisory employees at the mine.

§ 77.1705 First aid training program: requirements.

(a) First aid training programs required under § 77.1703 shall include 10 class hours of training in a course of instruction similar to that outlined in "First Aid, A Bureau of Mines Instruction Manual."

(b) Refresher first aid training programs required under § 77.1704 shall include 5 class hours of refresher training in a course of instruction similar to that outlined in "First Aid, A Bureau of Mines Instruction Manual."

§ 77.1706 First aid equipment: location: requirements.

(a) A supply of the first aid equipment set forth in paragraph (b) of this section shall be maintained at each surface coal mine and surface work area of underground coal mine as follows:

(1) At or near each working place where coal is being mined;

(2) At each preparation plant; and,

(3) At shops and other surface installations where ten or more persons are regularly employed.

(b) The first aid equipment required to be maintained under the provisions of paragraph (a) of this section shall include at least the following:

(1) One stretcher;

(2) One broken-back board (a splint-stretcher combination may be used to satisfy the requirements of paragraphs (b)(1) and (b)(2) of this section);

(3) Twenty-four triangular bandages (15 if a splint-stretcher combination is used);

(4) Eight 4-inch bandage compresses;

(5) Eight 2-inch bandage compresses;

(6) Twelve 4-inch adhesive compresses;

(7) An approved burn remedy;

(8) Two cloth blankets;

(9) One rubber blanket or equivalent substitute;

(10) Two tourniquets;

(11) One 1-ounce bottle of aromatic spirits of ammonia or 1 dozen ammonia ampules; and,

(12) The necessary complements of arm and leg splints or two each inflatable arm and leg splints.

(c) All first aid supplies required to be maintained under the provisions of paragraphs (a) and (b) of this section shall be stored in suitable, sanitary, dust tight, moisture proof containers and such supplies shall be accessible to the miners.

§ 77.1707 Safety program for supervisory employees.

Each operator of a surface coal mine shall establish and maintain for all supervisory employees a program of instruction with respect to the safety regulations and procedures to be followed at the mine.

§ 77.1708 Distribution of safety regulations.

Each operator shall distribute to each employee, safety regulations and procedures to be followed at the mine.

§ 77.1709 [Reserved]

§ 77.1710 Protective clothing: requirements.

Each employee shall be required to wear protective clothing and devices as follows:

(a) Protective clothing or equipment and faceshields or goggles shall be worn when welding, cutting, or working with molten metal or when other hazards to the eyes exist.

(1) Eye and face protection equipment required by this subpart shall meet the requirements prescribed in American National Standards Institute (ANSI) Z87.1–1968, "Practice for Occupational and Educational Eye and Face Protection."

(2) Employees whose vision requires the use of corrective lenses, when required by this regulation to wear eye protection, shall be protected by goggles or spectacles of one of the following types:

(i) Safety glass spectacles whose protective lenses provide optical correction.

(ii) Goggles or faceshields that can be worn over corrective lenses without disturbing the lens adjustment.

(iii) Goggles that incorporate corrective lenses mounted behind protective lenses.

(3) Face and eye protection equipment shall be kept clean and in good repair. Eye protection equipment with structural or optical defects shall not be used.

(b) Suitable protective clothing to protect the entire body when handling corrosive or toxic substances or other materials which might cause injury to the skin.

(c) Protective gloves when handling materials or performing work which might cause injury to the hands; however, gloves shall not be worn where they would create a greater hazard by becoming entangled in the moving parts of equipment.

(d) A suitable hard hat or cap when in or around a mine or plant where falling objects or exposed electric circuits may create a hazard.

(1) Hard hats or caps used for protection against impact and penetration of falling or flying objects shall meet specifications for helmets prescribed in American National Standards Institute (ANSI) Z89.1–1969, "Safety Requirements For Industrial Head Protection."

(2) Hard hats or caps used for head protection of employees exposed to electrical shock and burns shall meet specifications for helmets as prescribed in American National Standards Institute (ANSI) Z89.2, 1971, "Safety Requirements For Industrial Protective Helmets For Electrical Workers, Class B."

(e) Suitable protective footwear.

(f) Snug-fitting clothing when working around moving machinery or equipment.

(g) Safety belts and lines where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

(1) Lifelines, safety belts, and lanyards shall be used only as an employee safeguard. Any lifeline, safety belt, or lanyard actually subjected to in-service loading, as disinguished from static load testing, shall be immediately removed from service and shall not be used again as an employee safeguarding device.

(2) Where possible, lifelines shall be secured above the point of operation to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds.

(3) Safety belt lanyards shall be constructed of a minimum of ½-inch nylon or equivalent material, with a maximum length to provide for a fall not greater than 6 feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(4) All safety belt and lanyard hardware, except rivets, shall be capable of withstanding a tensile loading of 4,000 pounds without fracturing or taking a permanent deformation.

(h) U.S. Coast Guard approved lifejackets or belts where there is danger from falling into water.

(i) Seatbelts in a vehicle where there is a danger of overturning and where roll protection is provided.

(1) Seatbelts shall meet the requirements of the Society of Automotive Engineers (SAE), "Motor Vehicle Seatbelts Assemblies"—SAE J4c, approved November 1955, revised July 1965; "Seatbelt Hardware Test Procedures"—SAE J140a, approved April 1970, revised February 1973; and "Seatbelt Hardware Performance Requirements"—SAE J141 and "Seatbelts for Construction Equipment"—SAE J386, approved March 1968.

11. Sections 77.1711 through 77.1713 are revised and a new § 17.1714 is added as follows:

§ 77.1711 Smoking prohibition.

No person shall smoke or use an open flame where such practice may cause a fire or explosion.

§ 77.1712 Reopening mines: notifications: inspection prior to mining.

Prior to reopening any surface coal mine after it has been abandoned or declared inactive by the operator, the operator shall notify the Coal Mine Health and Safety District Manager for the district in which the mine is located, and an inspection of the entire mine shall be completed by an authorized representative of the Secretary before any mining operations in such mine are instituted.

§ 77.1713 Daily inspection of surface working areas and installations: certified persons: reports of inspection.

(a) At least once during each working shift, or more often if necessary for safety, each active working area and each active surface installation shall be examined by a certified person designated by the operator to conduct such examinations for hazardous conditions and any hazardous conditions noted during such examinations shall be reported to the operator and shall be corrected by the operator.

(b) If any hazardous condition noted during an examination conducted in accordance with paragraph (a) of this section creates an imminent danger, the person conducting such examination shall notify the operator and the operator shall withdraw all persons from the area affected, except those persons referred to in section 104(d) of the Act, until the danger is abated.

(c) After each examination conducted in accordance with the provisions of paragraph (a) of this section, each certified person who conducted all or part of the examination required shall enter with ink or indelible pencil in a book approved by the Secretary the date and a report of the condition of the mine or any area of the mine which he has inspected together with a report of the nature and location of any hazardous condition found to be present at the mine. The book in which such entries are made shall be kept in an area at the mine designated by the operator to minimize the danger of destruction by fire or other hazard.

(d) All examination reports recorded in accordance with the provisions of paragraph (c) of this section shall include a report of the action taken to abate hazardous conditions and, shall be signed by the person making the inspection and shall be signed or countersigned each day by at least one of the following persons:

(1) The general foreman;

(2) The assistant superintendent;

(3) The superintendent; or,

(4) The person designated by the operator as responsible for health and safety.

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§ 77.1714 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. Bureau of Mines publications are also available from the Assistant Administrator—Coal Mine Health and Safety, MESA, 4015 Wilson Blvd., Arlington, Va. 22203. ANSI publications are also available from the American National Standards, Inc., 1430 Broadway, New York, N.Y. 10018. SAE publications are also available from the Society of Automotive Engineers, Inc., Two Pennsylvania Plaza, New York, N.Y. 10001. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

12. Subparts S and T are revised as follows:

Subpart S—Trolley Circuits

§ 77.1800 Protection of trolley circuits.

(a) Except as provided in paragraph (b) of this section, trolley circuits shall be protected against short-circuit and ground-fault by circuit breakers as prescribed in §§ 77.1800–1 and 77.1800–2.

(b) Trolley circuits in which the track rail serves as the grounded power conductor shall be protected against short-circuit by circuit breakers as prescribed in § 77.1800–1.

§ 77.1800–1 Short-circuit protection; requirements.

Where a circuit breaker provides short-circuit protection for a trolley circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the current in any ungrounded power conduetor exceeds 70 percent of the lowest value of bolted short-circuit current at any point in the circuit. Such short-circuit device shall cause the circuit breaker to trip within 75 milliseconds for short-circuit current flow equivalent to 200 percent of the device setting.

§ 77.1800–2 Ground-fault protection; requirements.

Where a circuit breaker provides ground-fault protection for a trolley circuit, such circuit breaker shall be equipped with a device which shall be adjusted to trip the circuit breaker when the ground-fault current in any ungrounded power conductor exceeds 50 percent of the lowest value of a bolted ground-fault current at any point in the circuit. Such ground-fault device shall cause the circuit breaker to trip within 75 milliseconds for ground-fault current flow equivalent to 200 percent of the device setting.

§ 77.1800–3 Reclosing circuit breakers; requirements.

(a) All circuit breakers installed to comply with § 77.1800(a) shall not automatically reclose after tripping due to a ground-fault.

(b) All circuit breakers installed to protect trolley circuits energized at more than 660 volts shall not automatically reclose after tripping.

(c) All circuit breakers installed to comply with § 77.1800 which automatically reclose after tripping shall be equipped with a load measuring device which shall prevent the circuit breaker from reclosing whenever the load current would exceed 300 amperes or 15 percent of the setting of the short-circuit device, whichever is lower.

(d) Tie-feeder and multi-feeder circuit breakers installed to comply with § 77.1800 which automatically reclose after tripping shall be equipped with a voltage differential device which shall prevent the circuit breaker from reclosing whenever the voltage across the circuit breaker exceeds 15 percent of the nominal circuit voltage; except that whenever the voltage across the circuit breaker exceeds 85 percent of the nominal circuit voltage, the load measuring devices shall determine whether the circuit breaker will reclose.

§ 77.1800–4 Circuit breakers and associated devices; test and adjustment requirements.

(a) Circuit breakers and associated devices required by this subpart shall be tested and adjusted by a qualified person at intervals not exceeding 6 months. Such tests and adjustments shall be made in accordance with the following:

(1) Except as provided in paragraph (a)(2) or (a)(3) of this section, direct-current circuit breakers shall be tested by passing sufficient current from a calibrated current source through the circuit breaker to cause the circuit breaker to trip.

(2) Direct-current circuit breakers which utilize electromechanical short-circuit devices with calibration coils shall be tested in accordance with paragraph (a)(1) of this section or shall be tested by passing sufficient current from a calibrated current source through the calibration coil to cause the circuit breaker to trip.

(3) Direct-current circuit breakers which utilize shunt operated electronic short-circuit and ground-fault devices shall be tested in accordance with paragraph (a)(1) of this section or shall be tested by:

(i) Testing the short-circuit and ground-fault devices with a calibrated voltage source to verify that such devices operate at the indicated setting;

(ii) Testing the circuit from the shunt to the short-circuit and ground-fault devices to verify continuity; and

(iii) Tripping the circuit breaker by electrically or manually operating the short-circuit and ground-fault devices.

(4) Except as provided in paragraph (a)(5) of this section, alternating-current circuit breakers shall be tested by passing sufficient current from a calibrated current source through the circuit breaker to cause the circuit breaker to trip.

(5) Alternating-current circuit breakers which utilize current transformer operated short-circuit and ground-fault devices shall be tested in accordance with paragraph (a)(4) of this section or shall be tested by:

(i) Testing the short-circuit and ground-fault devices with a calibrated current source to verify that such devices operate at the indicated setting;

(ii) Testing the circuit from the current transformer secondary to the short-circuit and ground fault devices to verify continuity; and

(iii) Tripping the circuit breaker by electrically or manually operating the short-circuit and ground-fault devices.

(6) Load measuring devices and voltage differential devices shall be tested to assure proper operation.

(7) Short-circuit devices, ground-fault devices, load measuring devices and voltage differential devices shall be adjusted to an accuracy of not less than ±10 percent of the indicated setting.

(8) Voltage sources and current sources used to test and adjust circuit breakers and associated devices shall possess an accuracy of not less than ±5 percent.

(b) An authorized representative of the Secretary may require additional testing of circuit breakers and associated devices.

(c) A record of the tests required by this section shall be kept and shall be made available to an authorized representative of the Secretary.

§ 77.1801 Trolley wires and trolley feeder wires; support.

Trolley wires and trolley feeder wires shall be securely attached to each support by proper insulators designed for the duty involved.

§ 77.1802 Cutout switches.

Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

§ 77.1803 Repairs to energized trolley wires.

Trolley wires, energized at 660 volts or less, may be repaired by a person who has been trained in accordance with the requirements of § 77.1803–1. Persons who make repairs to energized trolley wires shall wear rubber boots or rubber overshoes, and protective gloves which meet American Society for Testing and Materials (ASTM) "Standard Specification for Rubber Insulating Gloves" (D120–70) for Class Zero rubber insulation gloves

§ 77.1803–1 Repairs to energized trolley wires; training.

The training required by § 77.1803 shall include at least 4 hours of training in the repair and maintenance of energized trolley wires, in the hazards in making such repairs, in the limitations and inspections of protective clothing and in the treatment of electrical shock. A record of such training shall be kept and made available to an authorized representative of the miners and to an authorized representative of the Secretary.

§ 77.1803–2 Protective gloves; inspection.

Protective gloves worn while making repairs to energized trolley wires shall be inspected for defects before each use. Defective gloves shall not be used.

§ 77.1804 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the American Society for Testing and Materials publication to which reference is made in this subpart is hereby incorporated by reference and made a part hereof. The incorporated publication is available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. It is also available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103. Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER on (date to be inserted prior to final rulemaking).

Subpart T—Slope and Shaft Sinking

§ 77.1900 Slopes and shafts; plan.

Each operator shall establish and follow a slope and shaft plan, approved in accordance with §§77.1900–1 through 77.1900–4, providing for the safety of persons in each slope of shaft that is commenced or extended. The methods employed by the operator shall be selected to minimize hazards to those employed in the initial and subsequent development of the slope or shaft.

§ 77.1900–1 Filing of a slope and shaft plan.

Each operator, prior to the commencement or extension of a slope or shaft sinking operation, shall file a slope and shaft plan with the District Manager of theh Coal Mine Health and Safety District in which the slope or shaft is located.

§ 77.1900–2 Approval of plans.

The operator shall be notified in writing of the approval or disapproval of his slope and shaft plan. If the District Manager determines that revisions are required before the slope and shaft plan can be approved, the revisions required shall be specified and the operator shall be afforded an opportunity to discuss the revisions.

§ 77.1900–3 Information required in slope and shaft plan.

Slope and shaft plans shall include but not be limited to the following information:

(a) Name and address of the contractor and/or operator performing the work.

(b) Name, identification number, and address of the mine.

(c) A surface map showing:

(1) Georgraphic location of slope or shaft;

(2) Surface drainage and impoundments;

(3) Known underground workings or construction projects within 500 feet; and

(4) Dumping area.

(d) Drawings with dimensions of hoisting facilities.

(e) Specifications of hoisting apparatus showing:

(1) Size, capacity and safety factor of ropes, motors, drums, headframe, brakes and sheaves;

(2) Methods of rigging;

(3) Distance from head sheave to nearest rope attachment after overwind device is actuated; and

(4) Emergency hoisting devices.

(f) Operational sequences for initial and subsequent excavation:

(1) Clean-up for drilling;

(2) Drilling;

(3) Loading of explosives;

(4) Blasting including type and quantities of explosives, pattern, type of stemming materials, type of blasting device, and use of galvanometer;

(5) Loading and transportation of broken material;

(6) Installation of temporary or permanent service line; and

(7) Placement of linings, concrete forms, and work platforms.

(g) Roof and rib, or shaft wall control including method of examining and scaling, type of support and method of installing support.

(h) Ventilation including size and capacity of fan, and type and location of vent tubing.

(i) General characteristics of strata.

§ 77.1900–4 Modification of approved slope and shaft plans.

Each operator, prior to initiating a modification of any approved slope and shaft plan, shall file such modification with the District Manager. The operator shall be notified in writing of the approval or disapproval of his modification. If the District Manager determines that revisions are required before the modification can be approved, the revisions required shall be specified and the operator shall be afforded an opportunity to discuss the revisions.

§ 77.1901 Preshift and onshift inspections.

(a) Examinations of slope and shaft areas shall be made by a certified person for hazardous conditions, including tests for methane and for oxygen deficiency, as follows:

(1) Within 90 minutes before each shift;

(2) At least once on any shift during which persons are working inside any slope or shaft; and

(3) Both before and after blasting.

(b) The surface area surrounding each slope and shaft shall be inspected by a certified person and all hazardous conditions in the vicinity shall be corrected before persons are permitted to enter the excavation.

(c) All hazardous conditions found during any preshift or onshift inspection required by paragraph (a) of this section shall be corrected before persons are allowed to enter or continue to work in such slope or shaft. If any hazardous condition creates an imminent danger, the operator shall withdraw all persons from the excavation, except those persons referred to in section 104(d) of the Act, and no person shall be permitted to reenter the slope or shaft to continue slope and shaft sinking operations until the imminent danger has been abated. A methane content of 1.5 volume per centum or more shall be considered an imminent danger.

(d) No work shall be performed in any slope or shaft, no drilling equipment shall be started, and no electrical equipment shall be energized if the methane content in such slope or shaft is 1.0 volume per centum or more.

(e) Nothing in this section shall prevent the specific assignment of persons in the slope or shaft for purposes of abating excessive methane concentrations or any other hazardous condition.

(f) The results of all inspections conducted in accordance with this section shall be recorded daily in a book approved by the Secretary, and shall be signed by the person making the inspection and shall be signed or countersigned daily by any of the persons listed in § 77.1713(d).

§ 77.1901–1 Methane and oxygen deficiency tests; approved devices.

Tests for oxygen deficiency shall be made with a permissible flame safety lamp or other means approved by the Secretary, and tests for methane shall be made with a methane detector approved by the Secretary.

§ 77.1902 Drilling and mucking operations.

Diesel-powered equipment used in the drilling, mucking, or other excavating operation in any slope or shaft shall be permissible. Such equipment shall be operated in a permissible manner, shall be maintained in a permissible condition, and shall be provided with at least one portable fire extinguisher.

§ 77.1902–1 Permissible diesel-powered equipment.

Diesel-powered equipment which has been approved by the Bureau of Mines or the Mining Enforcement and Safety Administration under Part 36 of this chapter (Bureau of Mines Schedule 31) is permissible under the provisions of § 77.1902.

§ 77.1903 Hoists and hoisting.

(a) Loads handled by hoists employed in transporting persons or material in any slope or shaft shall not exceed the rated capacities of the hoist, the rope fastenings used, and the static load safety factors of the ropes used on such hoists as prescribed in paragraph (c) of this section. The rated capacities shall be as stated by the manufacturer or certified by a registered engineer. The rated capacity shall be posted within the view of the hoistman.

(b) American National Standards Institute, "Specifications for the Use of Wire Ropes for Mines," M11.1–1960, shall be used as a guide in the use, selection, installation, and maintenance of wire ropes.

(c) The following static load safety factors shall be used for selecting ropes

to be used on hoists and for determining when such ropes shall be removed from hoists:

Length of rope in shaft (feet)	Minimum factor of safety (new rope)	Minimum factor of safety (remove)
500 or less	8	6.4
501 to 1,000	7	5.8
1,001 to 2,000	6	5.0
2,001 to 3,000	5	4.3
3,001 or more	4	3.6

(d) Wire rope shall be removed when inspection shows:

(1) Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay. Snagged, nicked or severely bent wires shall be counted as broken wires; or

(2) Abrasion, scrubbing or peening causing loss of more than 1/3 the original diameter of the outside individual wires; or

(3) Evidence of rope deterioration from corrosion; or

(4) Kinking, crushing or other damage that results in distortion of the rope structure; or

(5) Reduction in nominal rope diameter determined as follows:

(i) 1/64 inch for rope diameters up to and including 5/16 inch;

(ii) 1/32 inch for rope diameters 3/8 inch to 1/2 inch inclusive;

(iii) 3/64 inch for rope diameters 9/16 inch to 3/4 inch inclusive;

(iv) 1/16 inch for rope diameters 7/8 inch to 1 1/8 inches inclusive;

(v) 3/32 inch for rope diameters 1 1/4 inches to 1 1/2 inches inclusive;

(vi) Rope diameters over 1 1/2 inches, as recommended by the wire rope manufacturer.

(e) Wire rope attachments shall be replaced when inspection shows:

(1) Improper installation of attachment; or

(2) Cracked, deformed, excessively worn, or loosened attachments; or

(3) Wire rope slippage at attachment; or

(4) More than one broken wire at the point of attachment of a spelter filled or swaged attachment.

(f) Each hoist employed in drilling, mucking or other exacavating operations shall be equipped with an accurate and reliable indicator of the position of the conveyance, except where the conveyance is visible at all times to the hoistman. The indicator shall be driven from the hoist drum or drum shaft by a chain, gear or other direct drive and show the position of the conveyance at all times. The indicator shall be placed so that it is in clear view of the hoistman.

(g) Hoist drive units shall be protected from the weather, and the mechanism that operates the brakes shall be guarded to prevent material or tools from accidentally fouling or jamming the brake system.

§ 77.1904 Communications between slope and shaft bottoms and hoist operators.

At least two independent means of signaling shall be provided between the hoistman and all points in a slope or shaft where persons are required to work. At least one of these means shall be audible to the hoistman. Signal codes used in any communication system shall be standardized and posted conspicuously at each slope and shaft and in clear view of the hoistman.

§ 77.1905 Hoist safeguards: general.

(a) Hoists used to transport materials shall be equipped with brakes capable of safely stopping and holding the cage, bucket, platform, or other conveyance when fully loaded. Such conveyances shall not be lowered by the brakes alone, except in an emergency.

(b) When persons are transported by a hoist or when persons may be endangered by the hoisting operation, such hoist shall meet the requirements of Subpart O of this part.

§ 77.1906 Hoists; inspection and maintenance.

Hoists shall be inspected daily and shall be maintained in accordance with § 77.1403.

§ 77.1907 Hoist construction; general.

(a) Hoisting ropes shall be equipped with a spelter-filled socket, wedge socket, or thimble with an adequate number of clips properly spaced and installed along the rope.

(b) Cages, buckets, or slope cars when used for transporting persons shall be provided with two bridle chains or cables connected securely to the rope at least 3 feet above the socket or at least 3 feet above the last rope clip if a thimble is used and which shall be securely fastened to the cage, bucket or slope car.

(c) Where hooks are used to attach cages, buckets, or other conveyances to the socket or thimble of a hoisting rope, such hooks shall be self-closing.

(d) At least three full turns of rope shall remain on the hoist drum when the rope is extended to its maximum working length. At least one full turn of the hoist rope shall be placed around the drum shaft or around the spoke of a free drum and shall be fastened securely by means of rope clips or clamps, except where hoist drums are designed with proper rope terminations.

(e) Self-dumping conveyances used for transporting persons shall have a locking mechanism to prevent dumping or tilting when persons are transported.

§ 77.1908 Hoist installations; use.

(a) Where persons are transported by means of a hoist and the depth of the shaft exceeds 50 feet, the hoist rope shall be suspended from a hoisting installation capable of withstanding forces at least equal to the breaking strength of the hoist rope.

(b) Where persons are transported by means of a hoist and the depth of the shaft exceeds 100 feet, temporary shaft guides and guide attachments shall be installed to prevent the cage, platform, bucket, or other conveyance from swinging, unless the District Manager approves other means which will provide no less than the same degree of protection to persons being transported.

(c) All guides and guide attachments installed in accordance with paragraph (b) of this section shall be maintained to a depth of not more than 75 feet from the bottom of the shaft.

(d) Where crossheads are used, the cage, bucket, or other conveyance shall not be hung more than 10 feet below the crosshead.

(e) Where persons are required to embark or disembark over or within a shaft, a loading platform shall be installed to insure safe footing.

(f) During the development of each slope or shaft, either a ladder or independently powered auxiliary hoist shall be provided to permit persons to escape quickly in the event of an emergency.

(g) No person shall be permitted to ride the rim of any bucket or on the top of a loaded bucket.

(h) The maximum number of persons permitted to ride the conveyance at one time shall be posted conspicuously at the point of entrance to the shaft or slope.

(i) Persons shall not be permitted to ride on a conveyance with tools or materials, other than small hand tools.

(j) The speed of a conveyance transporting persons shall not exceed 500 feet per minute and not more than 200 feet per minute when within 100 feet of any stop.

(k) A notice of established speeds shall be posted in clear view of the hoistman.

(l) Conveyances being lowered in a shaft in which persons are working shall be stopped at least 15 feet above such persons and shall be lowered further only after the hoistman has received a signal that all persons who may be endangered by the conveyance are in the clear.

(m) No conveyance shall be raised or lowered in a slope or shaft until it has been stabilized and trimmed.

(n) Measures shall be taken to prevent material from falling back into the shaft while buckets or other conveyances are being unloaded.

(o) Properly attached safety belts shall be worn by all persons required to work in or over any shaft where there is a drop of 10 or more feet, unless other acceptable means are provided to prevent such persons from falling into the shaft.

§ 77.1908–1 Hoist operation: qualified hoistman.

Hoists shall be under the control of and operated by a qualified hoistman when persons are being transported or when persons are in a slope or shaft.

§ 77.1909 Explosives and blasting: use of permissible explosives and shot-firing units.

Except as provided in §§ 77.1909–1 and 77.1909–2, only permissible explosives and permissible shot-firing units shall be

used in slopes and shaft sinking operations.

§ 77.1909–1 Use of nonpermissible explosives; approval.

Where the District Manager of the Coal Mine Health and Safety District in which the slope or shaft is located has determined that the use of nonpermissible explosives will not pose a hazard to any persons during the development of a slope or shaft, he may, after written application by the operator, approve the use of such explosives and issue a permit setting forth the safeguards to be employed by the operator to protect the health and safety of any person exposed to such blasting.

§ 77.1909–2 Use of nonpermissible shot-firing device.

A nonpermissible shot-firing device may be used provided that all persons are removed to a safe location on the surface prior to the connection of the shooting cable to the blasting device.

§ 77.1910 Explosives and blasting: general.

(a) Light and power circuits shall be disconnected or removed from the blasting area before charging and blasting.

(b) All explosive materials, detonators, and any other related blasting material employed in the development of any slope or shaft shall be stored, transported, carried, charged, and fired in accordance with the provisions of Subpart N of this part. Except as provided in paragraph (c) of this section, all shots shall be fired from the surface.

(c) Where tests for methane have been conducted and methane has not been found and only permissible blasting units are being employed, shots may be fired from an upper level of the slope or shaft.

(d) Except as provided in paragraph (c) of this section, all persons shall be removed from the slope or shaft prior to blasting.

(e) Blasting areas in slopes or shafts shall be covered with mats or other suitable material when the excavation is too shallow to retain basted material.

(f) Where it is impracticable to prepare primers in the blasting area, only the number of primers needed for one round of shots shall be prepared and remain on the surface in an isolated area prior to use. The primers shall be carried in insulated, covered containers.

(g) No other development operation shall be conducted in a shaft or at the face of a slope while holes are being charged and until after all shots have been fired.

(h) The slope or shaft shall be examined after each blast and loose material shall be removed.

(i) Loose rock and other material shall be removed from timbers and platforms after each blast before persons are lowered to the shaft bottom.

§ 77.1911 Ventilation of slopes and shafts.

(a) All slopes and shafts shall be ventilated by mechanical ventilation equipment during development. Mechanical ventilation equipment shall be examined before each shift by a person trained by the operator to perform such examination. The quality and quantity of air in the slope or shaft shall be determined each shift by a person trained by the operator to make such determination. The results of such examinations and measurements shall be recorded in a book approved by the Secretary and shall be signed by the person making the examinations and measurements, and countersigned daily by any of the persons listed in § 77.1713(d).

(b) Ventilation fans shall be:

(1) Installed on the surface;

(2) Installed in noncombustible housing;

(3) Designed to permit the reversal of the air current, and located in an area which will prevent a recirculation of air from the slope or shaft or air contamination from any other source;

(4) Equipped with an automatic signal device designed to give an alarm in the event the fan slows or stops which can be seen or heard by any person on duty in the vicinity of the fan, except where fans are constantly attended;

(5) Offset not less than 15 feet from the shaft or slope; and

(6) Equipped with air ducts which are noncombustible and maintained so as to prevent excessive leakage of air.

(i) Flexible ducts shall be constructed to prevent ventilation by either exhausting or blowing methods and when metal air ducts are used, they shall be grounded effectively to remove static and other electrical charges; and

(ii) Ducts shall extend as close to the bottom as necessary to keep the face clear of dangerous and noxious gases. "Face" as used in this subpart means where excavating is progressing or was last done.

(c) Each ventilating system shall be properly maintained by a person trained by the operator to perform such maintenance.

(d) The fan shall be operated at least one half hour prior to entering the underground area of a slope or shaft by any persons and shall be operated continuously when persons are below the surface. Any accidental stoppage or reduction in air flow shall be corrected immediately. If such corrections cannot be made immediately, development work below the surface shall be stopped, and all persons not needed to make necessary corrections to the ventilation system shall be removed to the surface.

§ 77.1912 Ladders and stairways.

(a) Substantial stairways or ladders shall be used during the construction of all shafts where no mechanical means are provided for persons to travel.

(b) Landings at intervals of not more than 30 feet shall be installed.

(c) Shaft ladders shall project 3 feet above the collar of the shaft, and shall be placed at least 6 inches from the side of the shaft.

§ 77.1913 Fire-retardant wood.

All wood products, with the exception of crossties, which are permanently installed in slopes and shafts shall be fire-retardant.

§ 77.1914 Electric equipment.

(a) All electric cap lamps used below the collar of a slope or shaft shall be approved by MESA as permissible and shall be maintained in permissibe condition.

(b) All other electric equipment used below the collar of a slope on shaft shall be:

(1) Approved by MESA as permissible, installed in a permissible manner and maintained in permissible condition; or

(2) Listed by Underwriters' Laboratories, Inc. or Factory Mutual, Inc. as suitable for use in Class I, Group D and Class II, Group F locations and installed and maintained in accordance with Article 501 and 502 of the National Electrical Code, 1975.

(c) The outer jacket or covering of all conductors and cables used below the collar of a slope or shaft, except conductors installed in rigid metal conduit and conductors used in an intrinsically safe circuit, shall meet the requirements for flame resistant cables as set forth in § 18.64 of this chapter.

(d) For the purposes of this part, all electric equipment, other than self-propelled electric equipment, which is used below the collar of a slope or shaft shall be considered portable electric equipment.

(e) The voltage of alternating current systems which supply power to portable lighting fixtures used below the collar of a slope or shaft shall not exceed 70 volts to ground.

(f) The voltage of direct current systems which supply power to portable lighting fixtures used below the collar of a slope or shaft shall not exceed 150 volts to ground.

(g) (1) In addition to the requirements of §§ 77.901 and 77.901–1, alternating current systems energized at 100 volts or more which supply power to portable lighting fixtures used below the collar of a slope or shaft shall contain either a direct or derived neutral which shall be grounded through a suitable resistor to a low-resistance grounding medium at the power source.

(2) A ground wire which meets the requirements of § 77.520 shall originate at the grounded side of the grounding resistor. Such ground wire shall be connected to the metallic frames and enclosures of the power source and shall extend along with the power conductors and serve as the grounding circuit for:

(i) The metallic frames and other metallic enclosures of all portable and self-propelled equipment supplied power from the system, and

(ii) The metallic enclosures of all circuits which are supplied power from the system and extend to portable and self-propelled equipment.

(3) Such grounding resistor shall be of the proper ohmic value to limit the ground fault current to no more than 5

amperes. The ground fault current rating of the grounding resistor shall meet the "extended time rating" set forth in Institute of Electrical and Electronic Engineers, Inc. Standard No. 32 (IEEE) Standard 32–1972. The grounding resistor shall be insulated from ground for a voltage not less than the phase-to-phase, or line-to-line, voltage of the system in which it is installed.

(h) Lighting fixtures which are mounted on a unit of self-propelled electric equipment shall be grounded to the equipment frame by means of a separate ground wire which meets the requirements of § 77.520.

§ 77.1915 Storage and handling of combustible materials.

(a) Liquefied and nonliquefied compressed gas cylinders, and oil, gasoline and other petroleum products shall not be stored within 100 feet of any slope or shaft opening.

(b) Combustible material and supplies, other than those specified in paragraph (a) of this section, shall not be stored within 25 feet of any slope or shaft opening.

(c) Pyritic slates, bony coal, culm or other material capable of spontaneous combustion shall not be used for fill or as surfacing material within 100 feet of any slope or shaft opening.

(d) Areas surrounding the opening of each slope or shaft shall be constructed to insure the drainage of flammable liquids away from the slope or shaft in the event of spillage.

(e) Oily rags, waste, waste paper, and other combustible waste material disposed of within, or in the vicinity of any slope or shaft opening shall be stored in closed, noncombustible containers until removed from the area.

§ 77.1916 Welding, cutting and soldering; fire protection.

(a) At least one portable fire extinguisher shall be provided where welding, cutting or soldering with arc or flame is performed.

(b) Welding, cutting or soldering with arc or flame in any slope or shaft, or within the vicinity thereof, except where such operations are performed in fireproof enclosures, shall be done under the supervision of a qualified person who shall make a diligent search within or in the vicinity of the slope or shaft for fire during and after such operations.

(c) Before welding, cutting or soldering is performed in any slope or shaft, an examination for methane shall be made by a qualified person with a device approved by the Secretary for detecting methane. Examinations for methane should be made immediately before and periodically during welding, cutting or soldering and such work shall not be permitted to commence or continue in air which contains 1.0 volume per centum or more of methane.

(d) Noncombustible barriers shall be installed below welding, cutting or soldering operations in or over a shaft.

§ 77.1917 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the publications to which references are made in this subpart are hereby incorporated by reference and made a part hereof. The incorporated publications are available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA. ANSI publications are also available from the American National Standards, Institute Inc., 1430 Broadway, New York, N.Y. 10018. The National Electrical Code is also available from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210. The Underwriters' Laboratories publication is also available from Underwriters' Laboratories, Inc., 207 E. Ohio St., Chicago, Ill. 60611. The IEEE publication may also be obtained from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017. Incorporation by reference provisions approved by the Director of the Federal Register on (date to be inserted prior to final rulemaking).

13. Subpart V is revised as follows:

Subpart V—Structural Erection

§ 77.3000 Structural erection; general.

The following requirements shall apply when structural erection is undertaken:

(a) Wood planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick, full size, undressed planking; or ¾ inch thick exterior grade plywood; or equivalent material.

(b) Metal decking of sufficient strength shall be laid tight and secured to prevent movement.

(c) Planks shall overlap the bearing of each end by a minimum of 12 inches.

(d) Wire mesh, exterior plywood, or equivalent material shall be used and fit tightly around columns where plants do not fit tightly.

(e) Provisions shall be made to secure temporary flooring against displacement.

(f) Where safety belts are used, they shall be so connected to limit the free fall to six feet or less.

(g) Safety nets shall be hung with sufficient clearance to prevent user's contact with surfaces or structures below.

§ 77.3001 Steel erection; flooring requirements.

(a) *Permanent flooring—skeleton steel construction in tiered buildings.* (1) Permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than eight stories between the erection floor and the uppermost permanent floor, except where the structural integrity is maintained as a result of the design.

(2) At no time shall there be more than four floors or 48 feet of unfinished bolting or welding above the foundation or uppermost permanently secured floor.

(b) *Temporary flooring—skeleton steel construction in tiered buildings.* (1) (i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking or decking of equivalent strength, shall be of proper thickness to carry the working load.

(ii) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, safety nets shall be installed and maintained whenever the potential fall distance exceeds two stories or 25 feet.

(ii) A safety railing of ½-inch wire rope or equivalent shall be installed, approximately 42 inches high, around the periphery of all temporary-planked or temporary metal-decked floors of tier buildings and other multifloored structures during structural steel assembly.

(2) Where erection is being done by means of a crane operating on the ground, a tight and substantial floor shall be maintained within two stories or 25 feet, whichever is less, below and directly under that portion of each tier of beams on which bolting, riveting, welding, or painting is being done, except on structures where no flooring is intended or planned and safety belts, safety nets, or scaffolds are used.

(c) *Flooring—other construction.* (1) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(2) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

§ 77.3001–1 Structural steel assembly.

(a) During the final placing of solid web structural members, the load shall not be released from the hoisting line until the members are safely secured.

(b) Open-web steel joists shall not be placed on any structural steel framework unless such framework is safely bolted or welded.

(c) In steel framing, where bar joists are utilized and columns are not framed in at lease two directions with structural steel members, a bar joist shall be field-bolted at columns or the equivalent to provide lateral stability during construction.

(d) Where long span joists or trusses, 40 feet or longer, are used, a center row of bolted or welded bridging shall be installed to provide lateral stability during construction.

(e) No load shall be placed on open-web steel joists until the requirements of this section are met.

(f) Loads that need to be controlled shall be controlled safely by the use of tag lines, guides, or equivalent.

§ 77.3001–2 Steel erection; bolting, riveting, fitting-up and plumbing-up.

(a) Containers shall be provided for storing or carrying rivets, bolts and drift pins and shall be secured against accidental displacement when aloft.

(b) When bolts or drifts pins are being knocked out, means shall be provided to keep them from falling where the possibility of injury exists.

(c) Riveting shall not be done in the vicinity of combustible or flammable material unless precautions are taken to prevent fire and explosion.

(d) When rivet heads are knocked off or backed out, means shall be provided to prevent them from falling where the possibility of injury exists.

(e) Connections used in plumbing-up equipment shall be properly secured.

(1) The turnbuckles shall be secured to prevent unwinding while under stress.

(2) Equipment related to plumbing-up guys shall be placed in a manner that will enable persons to get at the connection points.

(3) Plumbing-up guys shall be removed only under the supervision of a person experienced in performing such work.

§ 77.3002 Concrete, concrete forms and shoring; general.

(a) Persons working more than 6 feet above any adjacent working surfaces, placing and tying reinforcing steel shall be provided with a safety belt, or equivalent device.

(b) Persons shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.

(c) Reinforcing steel for walls, piers, columns and similar vertical structures shall be guyed and supported to prevent collapse.

(d) Wire mesh rolls shall be secured at each end to prevent recoiling action.

(e) Bulk storage bins, containers or silos shall have conical or tapered bottoms with mechanical or pneumatic means of starting the flow of material.

(f) Concrete mixers equipped with 1 yard or larger loading skips shall be equipped with a mechanical device to clear the skip of material.

(g) Handles on bull floats, used where they may contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of noncorrective material.

(h) Pumpcrete or similar systems using discharge pipes shall be provided with pipe supports designed for 100 percent overload unless the pipe is laying on the ground.

(i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent accidental opening of the gates.

(j) Persons shall not ride concrete buckets.

(k) When discharging concrete on a slope, the wheels of ready-mixed trucks shall be blocked and the brakes set to prevent movement.

(l) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load.

(m) All shoring equipment shall be inspected prior to erection. Any equipment found to be damaged shall not be used for shoring.

(n) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete. Any shoring equipment that is found to be damaged or weakened shall be immediately reinforced or reshored to original strength.

(o) Reshoring shall be provided when necessary to safely support slabs and beams after stripping, or where such members are subjected to super-imposed loads.

(p) *Metal tubular frames.* (1) Metal tubular frames used for shoring shall not be loaded beyond the safe working load recommended by the manufacturer.

(2) All locking devices on frames and braces shall be in good working order; coupling pins shall align the frame or panel legs; pivoted cross braces shall have their center pivot in place; and all components shall be in a condition similar to that of original manufacture.

(3) Devices for attaching the external lateral-stability bracing shall be securely fastened to the legs of the shoring frames.

(q) Formwork and shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads.

(r) In all areas in which persons are expected to work or pass, stripped forms and shoring shall be stockpiled promptly after stripping. Protruding nails, wire ties, and other form accessories not necessary to subsequent work, shall be pulled, cut, or other means taken to eliminate any hazard.

(s) Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and has been approved by the engineer-architect.

§ 77.3002–1 Forms and shoring.

(a) *Vertical slip forms.* (1) The steel rods or pipe on which the jacks climb or by which forms are lifted shall be specifically designed for the purpose. Such rods shall be adequately braced where not encased in concrete.

(2) Jacks and vertical supports shall be positioned in a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(3) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to provide protection in case of failure of the power supply or the lifting mechanism.

(4) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift.

(5) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the lifting operation.

(6) During lifting operations, the form structure shall be maintained in line and plumb.

(7) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(b) *Tubed and coupler shoring.* (1) Couplers (clamps) shall not be used if they are deformed, broken, or have defective or missing threads on bolts or other defects.

(2) The material used for the coupler (clamp) shall be of a structural type, such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(3) When checking the erected shoring towers with a shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couplers shall be checked.

(4) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material and shall be snug against the posts.

(c) *Single post shore.* (1) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions, and diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(2) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form materials.

(3) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(4) when formwork is at an angle, or sloping, or when the surface shored is sloping, the shoring shall be designed and built for such loading.

(5) Adjustments of single post shores to raise formwork shall not be made after concrete is in place.

(6) All nails used to secure bracing or adjustable timber single-post shores shall be driven home and the nail clinched if its protrudes through.

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PART V



ENVIRONMENTAL PROTECTION AGENCY

GRAIN ELEVATORS

Standards of Performance for New Stationary Sources

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 66:-1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Grain Elevators

Notice is hereby given that under the authority of section 111 of the Clean Air Act, as amended, the Administrator is proposing standards of performance for new, modified, and reconstructed grain elevators.

PROPOSED STANDARDS

The proposed standards would limit emissions of particulate matter from eight affected facilities and the air pollution control devices on these facilities at grain elevators. The standards apply to farm elevators, country elevators, terminal elevators, and commerical rice dryers which have grain leg capacities greater than 352 cubic meters per hour (m^3/h) (ca. 10,000 bushels/hr) and to storage elevators at wheat flour mills, wet corn mills, dry corn mills (human consumption), rice mills, or soybean extraction plants. The standards are: (1) 0.023 gram per standard cubic meter dry basis (g/std. m^3 dry basis) and zero percent opacity from control devices on any affected facility except grain dryers; (2) zero percent opacity from any truck unloading station, grain handling operation, railroad hopper car loading station, or railroad boxcar loading station; (3) no visible emissions from any railroad hopper car unloading station or railroad boxcar loading station; (4) ten percent opacity from any truck loading station; (5) ten percent opacity, except that the opacity may not exceed fifteen percent during topping-off operations, from any barge or ship loading station; (6) zero percent opacity from any grain dryer (column dryers would be considered in compliance with the standard provided the diameters of all column plate perforations do not exceed 2.1 millimeters [mm] [ca. 0.084 inch], and rack dryers would be considered in compliance provided all exhaust gases pass through a 50 or finer mesh screen filter); (7) operation of a leg which is enclosed from the top (including the receiving hopper) to the center line of the bottom pulley, and ventilation of at least 32.1 actual cubic meters per cubic meter of grain handling capacity (ca. 40 ft^3/bu) to a particulate control device on both sides of the leg and the grain receiving hopper, at any barge or ship unloading station.

ENVIRONMENTAL AND ECONOMIC IMPACT

The proposed standards would reduce the uncontrolled particulate matter emissions from new grain elevators by more than 99 percent. Estimates for various model grain elevators show that the standards would reduce particulate matter emissions to a level that is 67 to 94 percent less than the level required by typical State standards. This reduction in emissions results in a significant reduction of ambient concentrations of particulate matter in the vicinity of grain elevators. The maximum 24-hour average concentration at a distance of 0.3 kilometer (km) from the model facilities would be reduced to a level that is 52 to 76 percent lower than the maximum concentration that results from control to the level of typical State standards. By 1981, the proposed standards would reduce the total amount of particulate matter emissions into the atmosphere by 21,000 megagrams per year (ca. 23,000 tons/yr).

The secondary environmental impacts of the proposed standards would be minor. There would be no impact on water pollution because only dry type collectors would be used to control particulate emissions. Minimal additional solid waste handling or disposal problems would be caused by the standard. Currently, approximately 68 percent of the grain dust collected by emission control devices at elevators is returned to the grain, 30 percent is sold for use in feed manufacturing, and 2 percent is disposed of as solid waste. The additional grain dust collected by a more efficient control device would either be sold for feed or landfilled. The proposed standards would have minimal adverse impacts on noise and land-use considerations. A relatively minor amount of particulate matter, sulfur dioxide, and nitrogen oxides would be discharged into the atmosphere from power plants supplying the additional electrical power that would be required to operate the control device needed to achieve the proposed standards.

The incremental energy required, above the typical State standard requirements, by the proposed standards to control all new, modified, or reconstructed grain elevators constructed by 1981 is equivalent to about 2700 m^3 per year (ca. 17,000 barrels per year) of Number 6 fuel oil. This indicates that the proposed standards would have a minor impact on the imbalance between national energy demand and domestic supply. The energy requirements of the proposed standards result from the use of fabric filter control instead of the existing cyclone control requirements. The total air pollution control energy that would be required to meet the proposed standards represents approximately 23 percent of the total process energy requirements of new grain elevators. This is an increase of about 5 percent above the energy presently needed to meet typical State standard requirements for new grain elevators.

The proposed standards would affect approximately 500 grain elevators in the next five years. The incremental control costs of the proposed standards over typical State control requirements is estimated to be $26 million in capital cost in this five-year period and $5.5 million in annual costs in the fifth year. The proposed standards would result in a total added production cost of 0.5 percent based on a selling price of $68.20 per m^3 (ca. $2.40 per bushel) for corn. This cost includes the cost imposed by the proposed standards on grain production from the farm to the port terminal elevator. The maximum cost added to the grain as a result of the proposed standards at an individual grain elevator would be less than one cent per bushel. The effect that the proposed standards would have on supply and demand of grain and grain products and on the future growth of the grain industry is considered negligible. In the judgment of EPA, these costs are considered reasonable for new, modified, and reconstructed sources.

EPA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

SELECTION OF SOURCE CATEGORY AND AFFECTED FACILITIES

Section 111 of the Clean Air Act directs the Administrator to establish standards of performance for stationary sources that may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Also, under section 109 of the Act, particulate matter has been designated as a criteria pollutant, and National Ambient Air Quality Standards (NAAQS) have been set for particulate matter.

It is estimated that the grain elevator industry, which consists of about 7,900 grain elevators located nationwide, emits 550,000 megagrams per year (ca. 606,000 tons/yr) of particulate matter. In a study performed for EPA by The Research Corporation of New England,[1] significant sources of particulate matter were identified and ranked in order of total emissions. Four grain handling operations were shown to be significant sources of particulate: processing was ranked fifth, transfer was ranked seventh, cleaning and screening was ranked tenth, and drying was ranked number thirty-three among all known sources of particulate emissions. In addition, the report of the Committee on Public Works of the United States Senate[2] listed grain elevators as a source for which standards of performance should be developed.

Growth in the grain elevator and grain processing industries is expected to be slow since the per capita consumption of grain products is remaining constant or decreasing. The total number of grain elevators is expected to decrease; however, the total throughput of grain is expected to increase slightly. Of the processing plants, only soybean processors have significant incentive to invest in new storage capacity. Soybean production has increased over twenty-fold in the United States in less than 34 years. Approximately 500 new, modified, or reconstructed grain elevators are expected to be constructed by 1981. This growth rate of about 100 grain elevators per year is considered to be significant.

EPA has determined that particulate emissions from grain elevators contribute significantly to air pollution which causes or contributes to the endangerment of the public health. For this reason, the source category of grain elevators has been selected for establishing new source performance standards.

The proposed standards would apply to affected facilities that handle wheat, corn, soybeans, milo, rice, rye, oats, or barley. These grains were selected to be subject to the standards because they are the primary grains produced in the United States. There are several other grains (e.g., millet), but these crops are grown and handled in small quantities. Therefore, the handling of these grains is not considered a significant source of particulate matter at this time.

Animal, pet food, and cereal manufacturers; breweries; and feedlots also handle and process whole grain. These industries were beyond the scope of the backgornud industry studies. Consequently, no data are available on these sources and they are not subject to the proposed standards. In addition, there are relatively few plants in these peripheral industries.

Consideration was given to classifying an entire grain elevator, including all its various functions, as the affected facility. If this were done, however, modification or reconstruction of a substantial portion of an existing grain elevator would make the entire elevator subject to the proposed standard. Since this is not considered reasonable, the operations at grain elevators were classified into eight affected facilities. The affected facilities are: Each truck unloading station, each railroad hopper car and boxcar unloading station, equipment at each barge and ship unloading station, all grain handling operations, each grain dryer, each truck loading station, each railroad hopper car and boxcar loading station, and each barge and ship loading station. There are several advantages to naming the separate operations as affected facilities. For example, unloading stations and loading stations are often physically separated from other parts of the elevator and often have separate capture systems and air pollution control devices. Modification or reconstruction of one of these facilities would make it, but not the entire elevator, subject to the proposed standards. This is desirable because there can be an increase in the unloading or loading capacities without affecting other facilities at the elevator.

Grain handling operations are grouped as one affected facility since they have similar operating capacities, and air pollution control devices frequently serve several pieces of handling equipment. Modification of one part of the grain handling system will usually require modification of other parts in the system; therefore, the whole handling system would be subject to the proposed standards.

[1] Hopper, T. G., and W. A. Marrone. Impact of New Source Performance Standards on 1985 National Emissions from Stationary Sources, Volume I. Environmental Protection Agency, Research Triangle Park, N.C. Contract Number 68-02-1382, October 24, 1975. pp. 52-59.

[2] *Report of the Committee on Public Works*, U.S. Senate Report No. 91-1196. September 17, 1970. pp. 15-17.

RATIONALE

The purpose of the proposed standards is to require that best demonstrated emission control technology, considering costs, for particulate matter be installed and operated at new, modified, and reconstructed grain elevators. The proposed standards would ensure particulate containment and pickup at the locations of dust generation, as well as proper operation and maintenance of air pollution control devices. The individual emission sources covered by the proposed standards include all sources of fugitive emissions generated by process equipment, and process exhaust gas streams at grain elevators which are significant sources of particulate matter.

It should be noted that standards of performance for new sources established under section 111 of the Act reflect emission limits achievable with the best adequately demonstrated systems of emission reduction considering the cost of such systems. State implementation plans (SIP's) approved or promulgated under section 110 of the Act, on the other hand, must provide for the attainment and maintenance of National Ambient Air Quality Standards (NAAQS) designed to protect public health and welfare. For that purpose SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources. In addition, States are free under section 116 of the Act to establish more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Thus, new and existing sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111.

The proposed standards for grain elevators are based largely on results of a previous EPA-sponsored investigation of air pollution emissions and control techniques in the grain and feed industry. This earlier study includes the responses from 509 owners or operators of elevators throughout the country to a questionnaire on the air pollution aspects of their operations. The proposed standards are also based on data concerning emission control systems and methods of process operation received through on-site observations of plant operations and control systems, consultation with industry representatives and manufacturers of control systems and devices, emission tests conducted by EPA and operators of grain elevators, and meetings with industry associations and the National Air Pollution Control Techniques Advisory Committee.

Particulate emissions from the affected facilities at a grain elevator, excluding emissions from air pollution control devices, are considered fugitive emissions. These emissions are discharged from an exhaust area that is usually very large. Therefore, it is difficult to apply the usual particulate source test methods designed for measuring stack emissions to affected facilities at grain elevators. In addition, numerous difficulties, such as low exit gas velocity, skewed exit velocity, variability of particulate concentration and velocity over the exit area, and the variability in the design of exhaust areas make source testing impractical. EPA has concluded that practical and feasible methods for measuring the mass of fugitive emissions from affected facilities at grain elevators are not available at this time. Therefore, neither mass nor concentration standards have been proposed for affected facilities at grain elevators. The remaining options for regulating emissions are visible emission/opacity standards and equipment standards. The proposed standards include visible emission opacity standards for six affected facilities, an opacity standard with the alternative of using specified equipment for one affected facility, and an equipment standard for one affected facility. A concentration standard and an opacity standard are proposed for air pollution control devices.

The proposed visible emission standards include zero percent, 10 percent, and 15 percent opacity standards and a no visible emission standard. These various visible emission standards are necessary because of the different characteristics of the emissions from the affected facilities. The no visible emission limit means that an inspector viewing a source would see no visible emissions without the aid of instruments. This is achievable when an affected facility is totally enclosed with proper ventilation. With this control system, no visible emissions escape to the atmosphere. The emissions from facilities subject to the zero or greater percent opacity levels would be evaluated according to EPA Reference Method 9. Reference Method 9 specifies that 24 observations be taken at 15-second intervals and averaged over a six-minute period. The individual observations are recorded in 5 percent increments (0, 5, 10, etc.); however, averaging 24 observations may result in a six-minute average which is not a whole number. The six-minute average is to be rounded off to the nearest whole number following the standard rules of rounding (e.g. 0.49 would be rounded off to 0, 0.50 would be 1, 7.51 would be 8 etc.). This means that an affected facility subject to a zero percent opacity standard could have two of 24 observations at 5 percent opacity and the other 22 observations at 0 percent opacity and still be in compliance. The six-minute average in this case would be 0.42 percent and would be rounded off to 0 percent, the nearest whole number.

GRAIN DRYERS

The current trend in the grain elevator industry is to install column dryers instead of rack dryers at country elevators, and this trend is expected to continue. The trend has developed primarily because typical State standards require that rack dryers be operated with a 20 to 30 mesh screen for air pollution control, whereas no air pollution control device is usually required for column dryers.

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This gives a significant capital and operating cost advantage to the column dryer. EPA believes the majority of new, modified, or reconstructed dryers will be column dryers; however, new rack dryers may be installed in high throughput elevators because maintenance costs appear to be less for rack dryers in these applications.

Emissions from grain dryers are discharged from an exhaust area that is usually very large. Therefore, it is not technologically or economically feasible to apply the usual particulate source test methods designed for measuring stack emissions to this source. Several attempts to carry out source tests were made by EPA and by operators of grain elevators. The data collected, however, can only be used as a guide in developing a standard due to the numerous difficulties encountered in the measurement technique. The accuracy and precision of the technique are not sufficient for determining compliance. EPA has concluded that methods for measuring mass particlate matter emissions from grain dryers are not available at this time. The only practical and feasible method of measuring particulate matter emissions from grain dryers is visible emission determinations.

EPA considered several alternate control systems for grain dryers in developing the proposed standards. The alternatives considered for column dryers were no screen filter with a perforation size range of 1.25 to 2.1 mm (ca. 0.050 to 0.084 inch) and a vacuum-cleaned screen filter (50 mesh and 100 mesh screen size). The alternatives considered for rack dryers were a screen filter (24–30 mesh screen size) and a vacuum-cleaned screen filter (50 mesh and 100 mesh screen size). The factors evaluated in considering these alternatives included the amount of emissions (visible and mass), capital costs, annual costs, energy requirements, operating and maintenance problems, and trends in the industry to use certain types of equipment. After considering all of these factors, EPA concluded that the best system of emission reduction (considering costs) is a column dryer equipped with column plate perforation diameters of 2.1 mm (ca. 0.084 inch) or less and a rack dryer equipped with a 50 mesh screen filter. Both of these systems are considered economically reasonable and comparable in control of particulate matter emissions.

A zero percent opacity standard (based on six-minute averages) is proposed for all grain dryers. The owner or operator of any column dryer would be considered in compliance with the standard provided the diameters of all column plate perforations do not exceed 2.1 mm (ca. 0.084 inch) and the owner or operator of any rack dryer would be considered in compliance provided all exhaust gases pass through a 50 or finer mesh screen filter. EPA observed five column dryers, of two different designs, with perforation plate diameters ranging from 1.25 to 2.1 mm (ca. 0.050 to 0.084 inch). A total of 126 six-minute opacity averages were obtained. EPA observed two rack dryers, one equipped with a 50 mesh vacuum-cleaned screen filter and the other with no screen filter. A total of 5 six-minute opacity averages were obtained at the dryer equipped with the 50 mesh screen. Based on the available data, EPA concluded that a standard of zero percent opacity can be achieved by the best system of emission reduction (considering costs) for grain dryers.

Air Pollution Control Devices

EPA separately considered the capture systems at various grain operations and the air pollution control devices used to remove the captured particulate matter from the gas stream before discharge to the atmosphere. The proposed standards would require air pollution control devices on all affected facilities at a grain elevator, except grain dryers and some types of dust-tight grain handling operations. EPA measured particulate matter emissions according to Reference Method 5, except that the probe was not heated, from eleven grain processes controlled with fabric filters. EPA did not measure emissions from cyclones, but estimates that emissions from grain operations controlled by cyclones average a factor of 10 times those from fabric filter control devices. Based on these data, EPA has determined that the best demonstrated air pollution control device (considering costs) for grain operations is a fabric filter.

EPA considered both mass and concentration units for the proposed standards. The basic difference is that a standard which restricts the mass rate of emissions would limit the total mass emitted, whereas a standard with concentration units would allow the mass rate to increase in direct proportion to the volume of gas exhausted through the control device. This is an advantage for concentration units for grain elevators since a standard with concentration units does not discourage use of large volumes of ventilation air. As one might surmize, adequate capture velocity at the collection hood is necessary for complete capture of the particulate matter generated by the process. Another advantage of concentration units is that the emission test provides all information necessary for enforcement (determination of mass emissions per volume of gas discharged through the control device). Mass standards, however, are usually based on a unit of product or raw material to the process. They require an accurate determination of both mass emissions and product or raw material weight. Product and raw material weight are obtainable only from an operator and are often difficult parameters to measure. This is particularly true for grain elevator operations for the following reasons.

1. The weight of grain handled on conveyor belts, legs, or cleaners is generally not measured.

2. If more than one process is controlled by a single collector (i.e., headhouse filter), it may be impossible to determine the process weight during performance testing. When a standard with concentration units is applicable to each process, compliance for any number of processes can be determined only by measuring the concentration from the control device.

The average concentration of particulate matter emissions from all the grain processes tested, excluding one which had high emissions due to process irregularities, was 0.007 g/std. m³ dry basis. Most of the individual test results were below 0.023 g/std. m³ dry basis. Therefore, EPA selected 0.023 g/std. m³ dry basis as the emission limit for the proposed standards. To meet this emission limit, it would be necessary for grain operations to install and properly operate fabric filter control systems rather than less effective control systems such as high efficiency cyclones.

A zero percent opacity standard (based on six-minute averages) is also proposed for air pollution control devices. EPA observed two fabric filter systems on grain processes, and all of the individual readings, a total of 56 six-minute averages, were no visible emissions. EPA believes that the proposed standard of zero percent opacity would ensure the proper operation and maintenance of the air pollution control device.

Truck and Railcar Unloading Stations

The demonstrated methods for controlling particulate matter emissions from truck and railcar unloading operations include a collection hood in the receiving hopper ventilated to an air pollution control device and a protective enclosure around the facility to reduce the interfering effect of winds. Generally, enclosures or sheds are used to protect the grain and workers from inclement weather. In some locations, however, where the weather is consistently dry, unloading stations do not have sheds. In developing the proposed standards, EPA determined that a protective enclosure is required to prevent wind from interfering with the effectiveness of particulate capture by the hopper ventilation system. Three alternatives were evaluated by EPA concerning protective enclosures of the unloading station: (1) a shed with two open ends, (2) a shed with one open end, and (3) a totally enclosed shed. A shed with two open ends was determined to be least effective because it allows the wind to blow directly through and over the receiving hopper. A shed with one open end and a totally enclosed shed were found to diminish the effects of wind upon the ventilation system.

The totally enclosed shed has been demonstrated in railcar (hopper and boxcar) unloading operations, where the two ends of the shed are equipped with quick-operating doors. However, all of the truck unloading facilities inspected by EPA were designed so that the front end of the truck extends out from the open end of the shed. Some reduction in particulate emissions could be achieved by totally enclosing the truck unloading operation; however, EPA knows of no elevators that use this method. In order to totally enclose the operation, the shed would have to be increased in both

length and height because the front ends of the trucks are raised considerably to allow the grain to flow out the rear of the truck. This would increase the cost of the shed substantially. In addition, truck unloading operations are located at all small country elevators. Greatly increased costs would be incurred, especially at small elevators, from the use of a completely enclosed shed on truck unloading operations. Therefore, EPA has concluded that the best demonstrated system of emission reduction (considering costs) for truck unloading stations is a shed with one open end and for railcar unloading stations it is a totally enclosed shed.

The system for railcar unloading would include a receiving hopper equipped with baffles and ventilated at a rate of approximately 420 to 710 actual cubic meters per minute (act m³/min) (ca. 15,000 to 25,000 cfm) depending on the size of the facility. The system for truck unloading would include a receiving hopper equipped with baffles and ventilated at a rate of approximately 340 act m³/min (ca. 12,000 cfm).

An emission standard of zero percent opacity (six-minute average) is proposed for truck unloading operations at grain elevators. A total of 138 six-minute opacity averages were gathered by EPA. The range for these six-minute averages is no visible emissions to one percent. A total of 120 six-minute averages were no visible emissions and 17 six-minute averages were zero percent opacity. Based on the available data, EPA concluded that a standard of zero percent opacity can be achieved by the best demonstrated system of emission reduction (considering costs) for truck unloading.

The proposed standard for railcar unloading (boxcars and hopper cars) is no visible emissions. A total of two hours of visible emission/opacity data were gathered by EPA on a boxcar unloading operation. Every data point, taken at 15-second intervals, indicated no visible emissions. Data to substantiate the proposed standard were not collected for hopper car unloading operations. However, EPA has observed that unloading of boxcars is a dustier operation than unloading of hopper cars. Therefore, the proposed standard applies to both hopper cars and boxcars. Based on the available data, EPA concluded that a standard of no visible emissions can be achieved by the best system of emission reduction (considering costs) for railcar unloading.

Barge and Ship Unloading Stations

An equipment standard is proposed for barge and ship unloading operations. EPA observed the levels of visible emissions at a barge unloading station. The resulting data showed an extremely wide range of visible emissions, with some six-minute averages above 65 percent opacity. EPA concluded that an opacity standard could not be established that would ensure the installation of the best system of emission reduction (considering costs) because of this wide range of visible emissions.

All of the bucket elevators (legs) observed by EPA at barge and ship unloading stations during the development of the proposed standards had various types of enclosures and were ventilated. A facility with the leg enclosed from the top (including the receiving hopper) to the center line of the bottom pulley appeared to perform with the least emissions. This facility was observed in operation with and without the ventilation system in operation. Visible emissions were observed to be significantly lower when the ventilation system was operating than when it was not. EPA concluded that this system represents the best demonstrated system of emission reduction (considering costs) and proposes an equipment standard based on the design of this system.

Grain Handling Operations

Particulate matter emissions from grain handling operations can be minimized through the use of totally enclosed equipment, by handling the grain at a slower rate, or by using ventilated hooding systems designed to capture emissions.

Separate data were not obtained on each item of grain handling equipment included under grain handling operations. However, during observation of the headhouse, the items included under this affected facility were in operation. An exterior conveyor and a headhouse were observed and all data recorded were no visible emissions. A zero percent opacity standard has been proposed instead of no visible emissions because zero percent opacity (six-minute average) allows the possibility of slight emissions from the headhouse. EPA has concluded that the best demonstrated systems of emission reduction (considering costs) for grain handling operations are totally enclosed equipment or hooding systems ventilated to air pollution control devices.

Truck and Railcar Loading Stations

During the development of the proposed standards, EPA could not locate a truck loading operation in the grain industry that used what was considered to be the best system of emission reduction that could be applied. Therefore, other industries such as lime, and flour and grain processing were studied in an attempt to find well-controlled truck loading operations in these industries. EPA located and observed a soybean meal truck loading operation. This operation is well controlled; however, it does not have what is considered to be the best system of emission reduction. Loading soybean meal into trucks was determined by EPA to be as dusty an operation as loading grain into trucks; therefore, a direct transfer of technology to grain loading operations is possible. The ten percent opacity limit is based on data gathered at this facility. EPA believes that a better control system can be designed than the one observed; however, this is the best system that has been demonstrated for truck loading operations which are very similar to grain loading operations. EPA has concluded that the best system of emission reduction (considering costs) for truck loading stations is a shed with one open end, equipped with a loading spout with a canvas sleeve and a hooding system ventilated at a rate of about 280 to 350 act m³/min (ca. 10,000 to 12,250 cfm).

Particulate matter emissions which result from the loading of grain into hopper cars is controlled in the grain industry by a hooding system, ventilated to an air pollution control device, located at the end of the loading spout. The loading operation is usually enclosed in a shed with two open ends. This control method is the only effective demonstrated particulate control system used for loading grain into hopper cars. The type of hooding and the ventilation rates are the only variables. Several hopper car grain loading systems were studied by EPA by reviewing the manufacturer's designs of the systems and through communications with grain elevator operators and plant engineers. EPA gathered data from the operation which was determined to be the most effective system. The individual 15-second opacity data collected were all zero percent opacity or no visible emissions. There was no appreciable wind during this observation period. Therefore, EPA was proposed a zero percent opacity limit to allow for possible slight particulate emissions during other than ideal conditions. EPA has concluded that the best system of emission reduction (considering costs) for railroad hopper car loading stations is a shed with two open ends, and a hooding system located next to the loading spout which is ventilated at a rate of about 280 act m³/min (ca. 10,000 cfm).

The grain industry has essentially only one demonstrated particulate control system for loading boxcars. The entire operation is usually enclosed in a shed with two open ends. EPA took opacity observations on the best controlled facility which was found. The data ranged from three to five percent opacity. The operation observed, however, was not considered to employ the best control technology that could be applied. The facility could have been maintained in better condition and higher ventilation rates could have been used.

Hopper car loading and boxcar loading operations are similar and best technology requires a shed with two open ends and a hooded loading spout ventilated to an air pollution control device on both facilities. The grain flows through a loading spout and is deposited in a receiving vessel (the railcar) at each facility. Fugitive particulate matter emissions are also generated in a similar manner. The stream of grain and induced air flowing into the railcar disturbs and displaces the air in the railcar. Also, when the grain impacts against the receiving vessel, turbulence is created in the surrounding air. Particulate matter can be entrained in the turbulent air currents and flow out of the railcar with the displaced air. EPA is proposing a zero percent opacity standard on boxcar loading stations based on a transfer of

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technology from hopper car loading stations.

EPA has concluded that the best system of emission reduction (considering costs) for railroad boxcar loading stations is a shed with two open ends. A loading spout enclosed by a small building-like structure which extends to within 150 mm (ca. 6 inches) of the side of the boxcar and hinged doors about 200 mm (ca. 8 inches) wide, equipped with rubber flaps, which seal the sides of the enclosure to the boxcar are part of this best control system. This building-like structure is ventilated at a rate of about 280 m^3/min (ca. 10,000 cfm).

Barge and Ship Loading Stations

EPA considered two systems for controlling particulate matter emissions from barge and ship loading. The first consists of a telescoping loading spout that is adjusted to the elevation of the grain surface as loading proceeds. Ventilation is applied at the end of the spout and then vented to a fabric filter. Two variations of this system were observed by EPA. The second system considered was to cover the hold with canvas or plastic sheeting except where the loading spout enters. However, no system of this type was observed in operation. EPA believes both control systems can achieve the proposed opacity standards.

Data were gathered from a ship loading operation employing the first control approach mentioned. These data revealed that during topping-off operations, recorded opacities were greater than during general loading operations. EPA, therefore, has proposed a two-level opacity standard for barge and ship loading operations. General loading operations have a ten percent opacity limit and topping-off operations have a fifteen percent opacity limit.

EPA has no data on loading grain into barges. However, EPA has visited barge loading operations and believes the operations to be similar to ship loading operations; therefore, the proposed standards apply to barge loading as well as to ship loading.

Testing and Recordkeeping

Under the proposed standards, performance tests for particulate matter emissions would be required for air pollution control devices on all affected facilities. Particulate matter would be measured by Reference Methods 1 through 5 and 17. EPA Reference Method 17 was proposed in the Standards of Performance for Kraft Pulp Mills on September 24, 1976 (41 FR 42012).

The definition of particulate matter has been revised to allow measurement by the reference method specified under each applicable subpart. This definition has been revised because Method 17 has been proposed as a reference method for particulate matter.

Records of performance testing measurements would have to be maintained and retained for at least two years following the date of the measurements by owners or operators subject to the proposed regulations. This requirement is included under section 60.7(d) of the regulations.

Public Participation

As prescribed by section 111, this proposal of standards of performance has been preceded by the Administrator's determination that grain elevators contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare and by his publication of this determination in this issue of the Federal Register. In accordance with section 117 of the Act, publication of these proposed standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting comments (in triplicate) to the Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including the designation of grain elevators as a significant contributor to air pollution which causes or contributes to the endangerment of public health or welfare, economic and technological issues, and on the proposed test methods.

Comments are invited specifically on the proposed standard for railcar unloading stations and its effect on the unloading of unit trains. A number of interested parties have expressed concern that the uncoupling of railcars, which would be required when operating a totally enclosed unloading shed would have an adverse economic impact. Comments on this issue should contain specific information and data pertinent to an evaluation of the magnitude of this impact and its severity.

In addition, EPA is interested in receiving comments on the selection of the best system of emission reduction, considering costs, for grain dryers. The comments should address the factors EPA used in evaluating the alternative emission control systems.

All relevant comments received on or before March 14, 1977 will be considered. Comments received will be available for public inspection and copying at the Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Background information on these proposed standards of performance has been published in a document "Standards Support and Environmental Impact Statement, Volume 1: Proposed Standards of Performance for the Grain Elevator Industry." This report presents the factors considered in the development of the proposed standards, including alternative emission control systems, emission test data, environmental impact, costs, and economic considerations. Copies of this document may be obtained by writing to the Public Information Center (PM-215), Environmental Protection Agency, Washington, D.C. 20460.

Authority

(Sec. 111, 114, and 301(a) of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 and by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857c-6, 1857c-9, and 1857g(a)).

Dated: January 4, 1977.

John Quarles,
Acting Administrator

References

1. Hopper, T. G., and W. A. Marrone. Impact of New Source Performance Standards on 1985 National Emissions from Stationary Sources, Volume I. Environmental Protection Agency, Research Triangle Park, N.C. Contract Number 68-02-1382, October 24, 1975 pp. 52-59.

2. *Report of the Committee on Public Works*, U.S. Senate Report No. 91-1196. September 17, 1970. pp. 15-17.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

It is proposed to amend Part 60 of Chapter I of Title 40 of the Code of Federal Regulations as follows:

Subpart A—General Provisions

1. Section 60.2 is amended by revising paragraph (v). The revised paragraph reads as follows:

§ 60.2 Definitions.

• • • • • •

(v) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by the reference methods specified under each applicable subpart, or an equivalent or alternative method.

• • • • • •

2. Part 60 is amended by adding subpart DD as follows:

Subpart DD—Standards of Performance for Grain Elevators

Sec.

60.300 Aplicability and designation of affected facility.
60.301 Definitions.
60.302 Standard for particulate matter.
60.303 Test methods and procedures.

Authority: Secs. 111, 114, and 301(a) of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 and sec. 15(c)(2) of Pub. L. 91-604.

Subpart DD—Standards of Performance for Grain Elevators

§ 60.300 Applicability and designation of affected facility.

The provisions of this subpart apply to the following affected facilities at any grain elevator except at farm elevators, country elevators, terminal elevators, and commercial rice dryers having a total leg capacity of less than 352 m^3/h (ca. 10,000 bushels/hr) and at animal, pet food, and cereal manufacturers, breweries, and feedlots each truck unloading station, each railroad hopper car and boxcar unloading station, equipment at each barge and ship unloading station, all grain handling operations, each grain dryer, each truck loading station, each railroad hopper car and boxcar loading station, and each barge and ship loading station.

§ 60.301 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Grain" includes corn, wheat, milo, rice, rye, oats, barley and soybeans.

(b) "Grain elevator" means any operation at which grain is unloaded, handled, loaded, dried or stored at any farm elevator, country elevator, terminal elevator, commercial rice dryer or storage elevator at wheat flour mills, wet corn mills, dry corn mills (human consumption), rice mills, or soybean oil extraction plants.

(c) "Control device" means the air pollution control equipment used to remove particulate matter generated by an affected facility at a grain elevator.

(d) "Capture system" means the equipment including sheds, hoods, ducts, fans, dampers, etc. used to capture or transport particulate matter generated by an affected facility at a grain elevator to the control device.

(e) "Fugitive emission" means the particulate matter generated by an affected facility at a grain elevator which is not collected by a capture system and is discharged to the atmosphere.

(f) "Grain unloading station" means that portion of a grain elevator where the grain is transferred from a truck, railcar, barge or ship to a receiving hopper.

(g) "Grain loading station" means that portion of a grain elevator where the grain is transferred from the elevator to a truck, railcar, barge or ship.

(h) "Grain handling operations" include bucket elevators or legs (excluding legs used to unload barges or ships), scale hoppers and surge bins (garners), turn heads, scalpers, cleaners, tripers, and the headhouse and other such structures.

(i) "Grain dryer" includes any equipment used to reduce the moisture content of grain.

(j) "Column dryer" means a grain dryer in which the grain flows from the top to the bottom in one or more continuous packed columns between two perforated metal sheets.

(k) "Rack dryer" means a grain dryer in which the grain flows from the top to the bottom in a cascading flow around rows of baffles (racks).

(l) "Topping off" means that portion of a barge or ship loading operation which occurs within 1.2 meters (ca. 4 feet) of the top of the hold.

§ 60.302 Standard for particulate matter.

(a) On and after the sixtieth day of operating at the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial start-up, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any grain dryer any gases which exhibit greater than zero percent opacity (column dryers would be considered in compliance with the standard provided the diameters of all column plate perforations do not exceed 2.1 mm (ca. 0.084 inch), and rack dryers would be considered in compliance provided all exhaust gases pass through a 50 or finer mesh screen filter).

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility except a grain dryer any gases which:

(1) Exit from a control device and contain particulate matter in excess of 0.023 g/std. m^3 dry basis (ca. 0.01 gr/dscf).

(2) Exist from a control device and exhibit greater than zero percent opacity.

(c) On and after the sixtieth day of operating at the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial start-up, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere any fugitive emission from:

(1) Any truck unloading station, railroad hopper car loading station, railroad boxcar loading station, or grain handling operation which exhibits greater than zero percent opacity.

(2) Any railroad hopper car unloading station or railroad boxcar unloading station which is visible without the aid of instruments.

(3) Any truck loading station which exhibits greater than ten percent opacity.

(4) Any barge or ship loading station which exhibits greater than ten perment opacity, except that the opacity may not exceed fifteen percent during topping-off operations.

(d) The owner or operator of any barge or ship unloading station shall operate as follows:

(1) The leg shall be enclosed from the top (including the receiving hopper) to the center line of the bottom pulley and ventilation to a control device shall be maintained on both sides of the leg and the grain receiving hopper.

(2) The total rate of air ventilated shall be at least 32.1 actual cubic meters per cubic meter of grain handling capacity (ca. 40 ft^3/bu).

(3) Rather than meet the requirements of subparagraphs (1) and (2), the owner or operator may use other methods of control if demonstrated to the Administrator's satisfaction that there would be less than or equivalent amounts of particulate matter emissions by using the alternative methods.

§ 60.303 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with the standards prescribed under § 60.302 as follows:

(1) Method 5 or Method 17 for concentration of particulate matter and associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate;

(4) Method 3 for gas analysis; and

(5) Method 9 for visible emissions.

(b) For Method 5, the sampling probe and filter holder shall be operated without heaters. The sampling time for each run, using Method 5 or Method 17, shall be at least 60 minutes. The minimum sample volume shall be 1.7 std. m^3 dry basis (ca. 60 dscf).

[FR Doc.77-1097 Filed 1-12-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 660-8]

AIR POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Stationary Sources

Section 111 of the Clean Air Act (42 U.S.C. 1857c-6) directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise, a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Within 120 days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing standards of performance for new and modified sources within such category. At present, standards of performance for 24 categories of sources have been promulgated.

The Administrator, after evaluating available information, has determined that grain elevators are an additional category of stationary sources meeting the above requirements. The basis for this determination is discussed in the preamble to the proposed regulation that is published elsewhere in this issue of the FEDERAL REGISTER. Evalution of other stationary source categories is in progress, and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 111(b)(1)(A) of the Act and after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, effective January 13, 1977, amends the list of categories of stationary sources to read as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES AND CORRESPONDING AFFECTED FACILITIES

Source category	*Affected facilities*
• • •	• • •
27 Grain elevators	Truck unloading stations. Railroad hopper car and boxcar unloading stations. Equipment at barge and ship unloading stations. Grain handling operations. Grain dryers. Truck loading stations. Railroad hopper car and boxcar loading stations. Barge and ship loading stations.

NOTE.—Proposed standards of performance applicable to the above source category appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: January 4, 1977.

JOHN QUARLES,
Acting Administrator.

[FR Doc.77-1101 Filed 1-12-77;8:45 am]

federal register

THURSDAY, JANUARY 13, 1977

PART VI



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS OF 1976: CIVIL RIGHTS

Notice of Proposed Rule Making

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 152]

[Docket No. 16419; Notice No. 77-1]

AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS OF 1976: CIVIL RIGHTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 152 of the Federal Aviation Regulations by implementing section 30 of the Airport and Airway Development Act (49 U.S.C. 1730) to assure that no person is excluded on the grounds of race, creed, color, national origin, or sex from participating in any project for airport development, airport master planning, or airport system planning conducted with funds received from a grant made under that part. This proposal also would require sponsors of projects for airport development to take affirmative action to ensure that minorities and minority businesses have a fair opportunity to participate in employment, in leasing opportunities, and in contractual opportunities which arise in connection with those projects.

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Persons furnishing comments are invited to express their views on whether the requirements of proposed Subpart E should be made retroactively applicable to all grants made under Part 152 between the date of enactment of section 30 (July 12, 1976) and the effective date of this proposed amendment if adopted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: **Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591.** All communications received on or before March 14, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Airport and Airways Development Act Amendments of 1976 (1976 Amendments; Pub. L. 94-353) added a new section 30 to the Airport and Airway Development Act of 1970 (AADA; Pub. L. 91-258). That section reads as follows:

> The Secretary shall take affirmative action to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from participating in any activity conducted with funds received from any grant made under this title. The Secretary shall promulgate such rules as he deems necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964. The provisions of this section shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964.

Section 1.47(f)(1) of the Regulations of the Office of the Secretary of Transportation provide, in pertinent part, that the Federal Aviation Administrator is delegated authority to carry out the functions vested in the Secretary by the Airport and Airway Development Act of 1970, except sections three and four thereof. Accordingly, the authority to implement section 30 rests with the Administrator of the FAA.

That authority, coupled with the current meaning of the words "affirmative action" and the Congressional intent expressed in enacting section 30, provide the basis for proposing that sponsors receiving grants for airport development projects maintain approved affirmative action plans and ensure that certain of their contractors, subcontractors, lessees, and sublessees maintain those plans. The FAA believes that the guidelines set forth in this proposal for the development of those palns would assure that minorities and minority businesses are afforded full and equal opportunity with respect to employment, contracting, and leasing of concessions on the sponsor's airport.

Part 152 of the Federal Aviation Regulations sets forth the policies and procedures for administering the Airport Aid Program for airport development and planning grant projects under the AADA. Applications for funds for those projects are filed under that part. Since section 30 of the AADA relates to activities conducted with funds reecived under the Airport Aid Program, the FAA believes that it would be appropriate to include in Part 152 any regulations promulgated under the authority of that section. Therefore, the amendments proposed herein are set forth in a new Subpart E to Part 152.

As previously noted, the provisions of this proposal apply to sponsors, and to certain of their employment, contractual, and leasing practices. With regard to the phrase "participating in any activity conducted with funds received from any grant made under this title", the FAA believes that the use of this language in section 30, coupled with congressional intent, warrants coverage of sponsors and provides authority for requiring sponsors to monitor certain of their contractors and subcontractors that participate in projects funded under Part 152.

Section 30 specifies that its provisions are to be considered in addition to, rather than in lieu of, the provisions of Title VI of the Civil Rights Act of 1964. The FAA believes that section 30 can reasonably be viewed as an effort to provide minority businesses with an opportunity, beyond that provided by Title VI, to obtain leases and subleases on the sponsor's airport to operate concessions. This view is reinforced by a Congressional intent indicating support of equal opportunity for those businesses. Therefore, this proposal would assure that minority businesses have a fair opportunity to lease or sublease property on the sponsor's airport for the purpose of operating concessions.

Section 152.155 of this notice proposes that a grant agreement between the FAA and a sponsor for airport development, airport master planning, or airport system planning contain clauses prohibiting the sponsor from excluding any person from participating in a project, and from discriminating against any business organization when awarding contracts, on the basis of race, creed, color, national origin, or sex. Under that section, grant agreements for airport development would contain additional clauses including those prohibiting discrimination in employment practices and in the awarding of leases for the operation of concessions on the airport. The sponsor, in turn, would be required to assure that similar clauses be placed in the leases of its lessees and sublessees and in the contracts of its contractors and subcontractors.

Grant agreements for airport development also would contain nondiscrimination clauses requiring affirmative action on the part of the sponsor. In this connection, § 152.159 proposes that grants to a sponsor for airport development be conditioned on submission by the sponsor, and approval by the Administrator, of an appropriate affirmative action plan. That section also would condition the award of certain contracts, subcontracts, leases, and subleases on the submission of appropriate affirmative action plans by contractors, subcontractors, lessees, and sublessees for approval by the sponsor. Proposed § 152.161 sets forth in detail the guidelines for developing an appropriate affirmative action plan.

Proposed § 152.163 would require the sponsor of a project for airport development to keep records and reports, as required by the Administrator, so that the latter can determine compliance with each of the requirements proposed herein, including the requirement to implement and maintain an approved affirmative action plan. That section also would require the sponsor to carry out this function to the extent necessary to determine compliance by certain of its contractors, subcontractors, lessees, and sublessees.

Since section 30 authorizes the Secretary to enforce any rules promulgated under that section, appropriate enforcement mechanisms must be developed. In this connection, it should be noted that, while the Administrator carries out most of the functions vested in the Secretary by the AADA, the Secretary, under this proposal, would conduct investigations and implement the procedures aimed at effecting compliance coincident with his exercise of similar functions under Title VI, which have been reserved to him.

Therefore, under § 152.165 of the proposal, persons who believe that they have been subjected to discrimination would be authorized to file their complaints with the Secretary. Under that section, the Secretary would make appropriate investigations to determine compliance, or failure to comply, with any requirement proposed herein. If noncompliance is found, an attempt would be made to resolve matters informally. In the event that informal efforts to achieve compliance fail, hearings concerning alleged violations could be granted as provided in § 152.169 of this proposal. Remedies for failure to correct any violations would include the termination of further funding under Part 152 until such time as compliance is achieved.

These amendments are proposed under the authority of section 30 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1730) and § 1.47(f)(1) of the Regulations of the Office of the Secretary of Transportation (49 C.F.R. 1.47(f)(1)).

PART 152—AIRPORT AID PROGRAM CONTENTS

In consideration of the foregoing, it is proposed to amend Part 152 of the Federal Aviation Regulations as follows:

1. By amending § 152.1 by revising the introductory paragraph, and by adding a new paragraph (e), to read as follows:

§ 152.1 Applicability.

This part prescribes the policies and procedures for administering the Airport Aid Program for airport development and planning grant projects under the Airport and Airway Development Act of 1970 (Pub. L. 91-258), including section 30 as added by the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1730).

. . . . . .

(e) Subpart E prescribes rules and procedures under section 30 of the AADA to promote nondiscrimination in the Airport Aid Program.

2. By amending § 152.7 by revising paragraph (a)(1)(i), and by adding a sentence to the flush paragraph immediately following paragraph (a)(1)(iii), to read as follows:

§ 152.7 Grant of funds; general policies.

(a) * * *

(1) * * *

(i) Any grant agreement made under the Federal Airport Act (49 U.S.C. 1101 et seq.) or the Airport and Airway Development Act of 1970, including section 30 as added by the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1730);

. . . . . .

(iii) * * *

Denial of a grant of funds for failure to comply with the assurances required under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), and § 21.7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 21), is determined under § 21.13 and other applicable provisions of Part 21. Denial of a grant of funds for failure to comply with the requirements of the Airport and Airway Development Act, including section 30 as added by the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1730), and Subpart E of this part, is determined under that subpart.

. . . . . .

3. By adding a new Subpart E to read as follows:

Subpart E—Nondiscrimination in Airport Aid Program

§ 152.151 Applicability.

General. This subpart prescribes requirements that apply to a sponsor that conducts a project for airport development, airport master planning, or airport system planning with funds received from a grant made under this part. However, if an action may be brought against a sponsor under Part 21 of the Regulations of the Office of the Secretary of Transportation (49 C.R.F. 21), that action may be brought against the sponsor under this subpart.

§ 152.153 Definitions.

As used in this subpart—

(a) "Administrator" means the Federal Aviation Administrator or his authorized representative within the FAA;

(b) "Affirmative Action Plan" means a set of specific and result oriented procedures to which a sponsor and its lessees, sublessees, contractors, and subcontractors commit themselves to achieve equal opportunity for minorities and minority businesses;

(c) "Airport development" means—

(1) Any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport;

(2) Any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards; and

(3) Any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport;

(d) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport, and it may include the preparation of an airport layout plan and feasibility studies, including the potential use and development of land surrounding an actual or potential airport site, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short- intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports;

(e) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports, and it includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning action as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports;

(f) "Contractor" means an individual, organization, or entity that participates, through contractual arrangements with a sponsor, in a project for airport development, airport master planning, or airport system planning funded under this part;

(g) "Department" means the Department of Transportation;

(h) "FAA" means the Federal Aviation Administration;

(i) "Grant" means Federal financial assistance in the form of funds provided to a sponsor under this part;

(j) "Lessee" means a person that leases or is negotiating to lease property from a sponsor on the sponsor's airport for the purpose of operating a concession, but does not include a person conducting an operation related solely to the carriage by aircraft of persons or property for compensation or hire;

(k) "Minority" means a person who is—

(1) Black and not of Hispanic origin (a person having origins in any of the black racial groups of Africa);

(2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race);

(3) Asian or Pacific Islander (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including persons having origins in China, Japan, Korea, the Philippine Islands, and Samoa); and

(4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America and maintaining cultural identification through tribal affiliation or community recognition).

These regulations are also applicable to women as an additional, separate, and distinct, covered group.

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(1) "Minority business" means a business that is owned by, or is controlled by, a minority person or persons or other persons whose social or economic disadvantage arises by reason of race, creed, color, national origin or sex;

(m) "Secretary" means the Secretary of Transportation or his authorized representative within the Department of Transportation;

(n) "Sponsor" means any public agency that, either individually or jointly with one or more other public agencies, submits to the Administrator, in accordance with this part, an application for financial assistance, or that conducts a project for airport development, airport master planning, or airport system planning with funds received from a grant made under this part;

(o) "Subcontractor" means an individual, organization, or entity, that participates, through contractual arrangements with a prime contractor, in a project for airport development, airport master planning, or airport system planning funded under this part; and

(p) "Sublessee" means a person that leases or is negotiating to lease property from a sponsor's lessee on the sponsor's airport for the purpose of operating a concession, but does not include a person conducting an operation related solely to the carriage by aircraft of persons or property for compensation or hire.

§ 152.155 Nondiscrimination clauses.

(a) Each grant agreement made under this part for airport development, airport master planning, or airport system planning shall contain the following clauses:

(1) The sponsor agrees not to exclude any person from participating in a project for airport development, airport master planning, or airport system planning, funded under this agreement, on the grounds of race, creed, color, national origin, or sex.

(2) The sponsor agrees not to discriminate against any business organization in the award of any contract, in connection with a project for airport development, airport master planning, or airport system planning, funded under this agreement, because of the race, creed, color, national origin, or sex of the employees, managers, or owners of that organization.

(b) Each grant agreement made under this part for airport development shall contain the following clauses in addition to those specified in paragraph (a) of this section:

(1) The sponsor agrees to take affirmative action to ensure that all business organizations are permitted to compete for, and are considered for, the award of contracts, arising in connection with the project funded under this agreement, without regard to race, creed, color, national origin, or sex.

(2) The sponsor agrees not to discriminate against any employee or applicant for employment because of the race, creed, color, national origin, or sex, of that employee or applicant and agrees to take affirmative action to ensure that applicants for employment are considered for employment and that employees are treated during employment without regard to race, creed, color, national origin, or sex.

(3) The sponsor agrees not to discriminate against any business organization in the award of any lease for the operation of a concession on its airport, because of the race, creed, color, national origin, or sex of the employees, managers, or owners of that organization.

(4) The sponsor agrees to post in conspicuous places, available to its employees and applicants for employment, notices provided by the Administrator that describe the provisions of § 152.155 of the Federal Aviation Regulations.

(5) The sponsor agrees to furnish the Administrator with the information and reports required by § 152.163 of the Federal Aviation Regulations and to provide the Administrator with access to its books, records, and accounts, to determine compliance with that section.

(6) The sponsor agrees not to enter into any contract or contract modification for construction, for the furnishing of supplies or services, or for the use of real or personal property (including lease arrangements) with a contractor that has not met the requirements of this subpart.

(7) The sponsor agrees to state, in each advertisement for employees, and in each solicitation for services or materials from business organizations placed by it or on its behalf, that all applicants for employment will receive consideration for employment, and all business organizations will receive consideration for an award of a contract, without regard to race, creed, color, national origin, or sex.

(8) The sponsor agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement, contract, or understanding, a notice to be provided by the Administrator setting forth the sponsor's commitments under Subpart E of Part 152 of the Federal Aviation Regulations, and the sponsor agrees to post copies of that notice in conspicuous places available to employees and applicants for employment.

(9) The sponsor agrees that it will not, on grounds of race, creed, color, national origin, or sex, either directly or through contractual, leasing, or other arrangements—

(i) Deny a person any service or other benefit;

(ii) Provide any service or other benefit, which is different, or provide it in a different manner, from that provided to others;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, or other benefit;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or other benefit;

(v) Deny a person an opportunity to participate in the project or provide opportunities to some that are different than those afforded others;

(vi) Utilize criteria or methods of administration that have the effect of subjecting persons to discrimination or that have the effect of defeating or substantially impairing accomplishment of the objectives of this subpart; and

(vii) Select sites or locations for facilities with the purpose of excluding persons from, denying them the benefits of, or subjecting them to discrimination or with the purpose or effect of defeating or substantially impairing accomplishment of the objectives of this subpart.

(c) The sponsor of a project for airport development shall ensure that the clauses set forth in paragraphs (a) and (b) of this section are included, if applicable, in the leases of its lessees and sublessees and in the contracts of its contractors and subcontractors, and the sponsor of a project for airport master planning or airport system planning shall ensure that the clauses set forth in paragraph (a) of this section are included in the contracts of its contractors and subcontractors. However in those leases and contracts, the words "lessee", "sublessee", "contractor", or "subcontractor" shall be substituted for the word "sponsor", as appropriate. The words "lease", "sublease", "contract", or "subcontract", shall be substituted for the word "agreement", as appropriate, and the word 'sponsor" shall be substituted for the word "Administrator", as appropriate.

(d) The sponsor of a project for airport development shall take any action necessary to monitor its activities, those of its lessees and sublessees, and those of its contractors and subcontractors, to carry out affirmatively the purposes of this section, and shall implement the affirmative action plan approved by the Administrator under § 152.159 of this part.

(e) The sponsor of a project for airport development shall carry out any lawful sanctions and penalties against its lessees, sublessees, contractors, and subcontractors, as may be necessary to assure compliance with the requirements of this subpart. The sponsor of a project for airport master planning or airport system planning shall carry out any lawful sanctions and penalties against its contractors and subcontractors, as may be necessary to assure compliance with the applicable requirements of this subpart.

§ 152.157 Affirmative action plan: general.

The sponsor of a project for airport development shall—

(a) Develop and maintain an affirmative action plan to ensure that persons and businesses are not discriminated against because of race, creed, color, national origin, or sex;

(b) Ensure that minorities and minority businesses are afforded equal opportunity with respect to employment, contractual, and leasing opportunities on its airport; and

(c) Ensure that its lessees, sublessees, contractors, and subcontractors comply with the requirements of—

(1) Paragraph (a) of this section, if compliance is required under § 152.159 (b) or (c) of this part; and

(2) Paragraph (b) of this section.

§ 152.159 Development and submission of affirmative action plan.

(a) Each application for a grant under this part for airport development shall, as a condition to its approval and the award of any grant under the application, contain or be accompanied by the sponsor's affirmative action plan for review by and approval of the Administrator.

(b) As a condition to an award of a contract or subcontract in connection with a project for airport development, the sponsor shall require contractors and subcontractors, that will use not less than 15 employees and enter into a contract or subcontract of not less than $10,000, to develop a written affirmative action plan for review and approval by the sponsor for the project to be conducted.

(c) As a condition to an award of a lease or sublease to operate a concession on its airport, the sponsor of a project for airport development shall require lessees and sublessees, expected to use not less than 10 employees and to have gross receipts of not less than $250,000 within the first calendar year after the lease or sublease is made, to develop a written affirmative action plan for review and approval by the sponsor.

(d) The sponsor shall ensure that a lessee or sublessee complies with the requirement of paragraph (c) of this section if that lessee or sublessee uses not less than 10 employees and has gross receipts of not less than $250,000 during any calendar year of the lease or sublease.

(e) An affirmative action plan approved under paragraph (a), (b), (c), or (d) of this section shall be updated not less than once within each 12 calendar month period after the date of its approval and shall be maintained for review by the Administrator or by the sponsor, as appropriate.

(f) Positive efforts shall be made by the sponsor of a project for airport development to use small business and minority-owned business sources of supplies and services, and those efforts shall allow those sources the maximum feasible opportunity to compete for leases and subleases to operate concessions on the sponsor's airport, and for contracts and subcontracts arising in connection with projects for airport development. The sponsor shall ensure that its contractors, subcontractors, lessees, and sublessees comply with the applicable requirements of this paragraph.

§ 152.161 Affirmative action plan: contents.

(a) Each affirmative action plan submitted under § 152.159(a) of this part shall:

(1) Include a table of job classifications of the sponsor's airport management and work force, including job titles, prerequisite qualifications, principal duties, and rates of pay;

(2) Include the personnel of the sponsor's airport management and work force and an evaluation of utilization of minorities, including:

(i) Analysis of minority representation in all job categories;

(ii) A comparison of the percentage of minorities in the total work force in the minority representation with the percentage of minorities in the total work force in the area of operations;
area of operations;

(iii) An analysis of the general availability of minorities having requisite skills in the immediate labor area;

(iv) An analysis of minorities having requisite skills in an area in which the sponsor can reasonably recruit;

(v) An analysis of hiring practices for the past calendar year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories; and

(vi) An analysis of upgrading, transfer, and promotion practices for the past calendar year to determine whether equal employment opportunity is being afforded;

(3) Set forth in detail a plan to ensure that minorities with requisite skills have equal opportunity to participate in employment in proportion to their availability in the immediate area or in the area of reasonable recruitment, and that minorities have an equal opportunity for promotion and upgrading;

(4) Establish specific goals and timetables to utilize minority employees in the proportion specified in paragraph (a) (3) of this section, if there has been a prior underutilization of minority employees;

(5) Contain a review of the procurement or leasing practices of the sponsor, for the calendar year preceding the date of submission of the affirmative action plan and an evaluation of the use of minority business in its procurement or leasing activities; including:

(i) An analyisis of awards of contracts or leases to minority businesses during the preceding calendar year describing the nature of the premises leased or the goods and services purchased and the dollar amount involved; and

(ii) A comparison of the percentage of awards of contracts or leases to minority businesses (by number of contracts or leases and by total dollar amount involved) with the total procurement or leasing activity of the sponsor for the preceding calendar year;

(6) Set forth in detail the sponsor's plan to ensure that minority businesses are afforded an equal opportunity to do business with the sponsor both in terms of the number of contracts, subcontracts, leases or subleases, and the dollar amount involved, for the duration of the project and specific actions to be taken to:

(i) Designate a liaison officer who will administer the minority business program;

(ii) Provide for adequate and timely consideration of the availability and potential of minority businesses in all procurement or leasing decisions;

(iii) Assure that minority businesses will have an equitable opportunity to compete for contracts or leases by arranging, as applicable, solicitation time for the preparation of bids, quantities, specifications, and delivery schedules to facilitate the participation of minority businesses, and, to the extent practicable, by assisting minority businesses that are potential contractors or lessees in preparing bid materials and in obtaining and maintaining suitable bonding coverage;

(iv) Maintain records showing that the policies set forth in this subpart are being complied with;

(v) Submit quarterly reports of any records required by this subpart in such form and manner as the Administrator may prescribe; and

(vi) Where appropriate, establish specific goals and timetables to utilize minority businesses in the performance of contracts, subcontracts, leases, or subleases awarded;

(7) Set forth in detail the methods by which the sponsor will implement and maintain the plan it submits;

(8) Include details of proposed contracts, subcontracts, leases and subleases, including, as applicable, a description of the services or products that will be sought, estimated quantities, the location where the services are to be provided, the manner in which proposals will be solicited (e.g., cost plus fixed fee, fixed price), and the manner in which contracts or leases will be awarded (e.g. competitive or sole source); and

(9) Give details, as applicable, regarding bidding procedures and information regarding other qualifications for doing business with a contractor, subcontractor, lessee, or sublessee.

(b) The sponsor may not approve an affirmative action plan submitted under § 152.159 (b) or (c) of this part unless that plan includes the information specified in paragraph (a)(1)–(9) of this section.

§ 152.163 Records and reports.

(a) Each sponsor of a project for airport development shall:

(1) Keep records and submit reports at times determined by the Administrator and containing the information specified by the Administrator, to enable him to ascertain if the sponsor has complied, or is complying, with the requirements of this subpart, and those reports shall show, with regard to the project—

(i) Procedures which have been adopted to comply with the policies set forth in this subpart, including the establishment of a source list of minority businesses;

(ii) Specific efforts to identify and award contracts, subcontracts, leases, and subleases to minority businesses; and

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(iii) Awards to minority businesses;

(2) Permit access by the Administrator during normal business hours to books, records, accounts, and other sources of information, and to its facilities as may, in the opinion of the Administrator, be necessary to ascertain compliance with this subpart; and

(3) Make available to its contractors, subcontractors, lessees, sublessees, and other interested persons, information regarding the requirements of this subpart and the applicability of this subpart to the project, and that information shall be made available in a manner specified by the Administrator to inform those persons of the protections against discrimination assured them by this subpart.

(b) The sponsor shall ensure that its contractors, subcontractors, lessees, and sublessees comply with the requirements of paragraphs (a)(1)–(3) of this section, and the sponsor shall carry out the functions specified in that paragraph to ensure their compliance.

§ 152.165 Compliance reviews and conduct of investigation.

(a) *Periodic compliance reviews.* The Administrator from time to time reviews the practices of sponsors to determine if they are complying with this subpart.

(b) *Complaints.* Any person who believes himself to be subjected to discrimination prohibited by this subpart may file with the Secretary a written complaint. A complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

(c) *Investigations.* The Secretary makes a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation includes, where appropriate, a review of the pertinent practices and policies of the sponsor, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination of whether the sponsor has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation under paragraph (c) of this section indicates a failure to comply with this subpart, the Secretary so informs the sponsor and the matter will be resolved by informal means if possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 152.167 of this part.

(2) If an investigation does not warrant action under paragraph (d)(1) of this section, the Secretary so informs the sponsor and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No sponsor or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 152.167 Procedures for effecting compliance.

(a) *General.* If a sponsor is not complying with a requirement of this subpart, and if the noncompliance cannot be corrected by informal means, the Secretary may take any or all of the following actions:

(1) He may terminate Federal funding.

(2) He may refer the matter to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or under any agreement made under this part.

(3) He may recommend that an appropriate proceeding be brought under State or local law.

(4) He may pursue any other means authorized by law.

(b) *Noncompliance with subpart.* If a sponsor refuses to comply or continues in noncompliance, with a requirement imposed by this subpart, Federal funding may be terminated in accordance with the procedures of paragraph (c) of this section.

(c) *Termination or refusal to grant or to continue Federal funding.* No order suspending, terminating, or refusing to continue Federal funding shall become effective until:

(1) The Secretary has advised the sponsor of its failure to comply with this subpart and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for a hearing, of a failure by the sponsor to comply with a requirement imposed by this subpart; and

(3) The action has been approved by the Secretary under this subpart.

Any action to suspend or terminate or to refuse to continue Federal funding shall be limited to the sponsor concerning which the finding has been made and shall be limited in its effect to the particular project, or part thereof, in which noncompliance has been found.

(d) *Other means authorized by law.* No action under paragraph (a)(2)–(4) of this section to achieve compliance with a requirement of this subpart is taken by the Department until:

(1) The Secretary has determined that compliance cannot be achieved by voluntary means;

(2) The sponsor has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of not less than 10 days from the mailing of the notice to the sponsor during which period efforts shall be made to persuade the sponsor to comply with this subpart and to take any corrective action that is appropriate.

§ 152.169 Hearings.

(a) *Opportunity for hearing.* If an opportunity for a hearing is required under § 152.167(c)(2) of this part, reasonable notice is given to the sponsor by registered or certified mail, return receipt requested. The notice advises the sponsor of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. The notice fixes a date not less than 20 days after the date of the notice within which the sponsor may request of the Secretary that the matter be scheduled for hearing or advises the sponsor that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. A sponsor may waive a hearing and submit written information and argument for the record. The failure of a sponsor to request a hearing under this paragraph, or to appear at a hearing for which a date has been set, is considered a waiver of the right to a hearing under this subpart and consent to the making of a decision on the basis of any information that is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C. at a time fixed by the Secretary unless he determines that the convenience of the sponsor or of the Department requires that another place be selected. Hearings are held before the Secretary, or, at his discretion, before an administrative law judge appointed in accordance with section 3105 of Title 5, United States Code, or detailed under section 3344 of Title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the sponsor and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of Title 5, United States Code, and in accordance with such rules of procedure that are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the sponsor shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the person conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted under this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied if considered reasonably necessary by the person conducting the hearing. That person may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent that the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

§ 152.171 Decisions and notices.

(a) *Procedure on decisions by administrative law judge.* If the hearing is held by an administrative law judge, he shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision, to the Secretary for a final decision. A copy of the initial decision or certification shall be mailed to the sponsor. If the initial decision is made by an administrative law judge, the sponsor may, within 30 days after the mailing of the notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may on his own motion, within 45 days after the initial decision, serve on the sponsor a notice that he will review the decision. Upon the filing of exceptions or of notice of review, the Secretary reviews the initial decision and issues his own decision thereon including the reasons therefor. In the absence of either exceptions, or a notice of review, the initial decision shall, subject to paragraph (e) of this section, be the final decision of the Secretary.

(b) *Decisions on record or review by the Secretary.* If a record is certified to the Secretary for decision or he reviews the decision of an administrative law judge under paragraph (a) of this section, or if the Secretary conducts the hearings, the sponsor shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a written copy of the final decision of the Secretary shall be sent to the sponsor and to the complainant, if any.

(c) *Decisions on record if a hearing is waived.* If a hearing is waived under this subpart, a decision is made by the Secretary on the record and a written copy of that decision is sent to the sponsor and to the complainant, if any.

(d) *Rulings required.* Each decision of an administrative law judge or the Secretary sets forth his ruling on each finding, conclusion, or exception presented, and identifies the requirement or requirements of this subpart with which it is found that the sponsor has failed to comply.

(e) *Approval by Secretary.* Any final decision by an official of the Department, other than the Secretary personally, which provides for the suspension or termination of, or the refusal to continue Federal funding, or the imposition of any other sanction available under this subpart, is promptly transmitted to the Secretary personally who may approve the decision, may vacate it, or may remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to continue Federal funding, in whole or in part, for the project involved, and may contain any terms, conditions, and other provisions that are consistent with and will effectuate the purposes of this subpart, including provisions designed to assure that Federal funding will not thereafter be extended for that project to the sponsor in noncompliance with this subpart, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this subpart.

(g) *Post termination proceedings.* (1) A sponsor shall be restored to full eligibility to receive Federal funding under this part if it satisfies the terms and conditions of the order issued under paragraph (f) of this section or if it brings itself into compliance with this subpart and provides reasonable assurance that it will full comply with this subpart.

(2) A sponsor adversely affected by an order issued under paragraph (f) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal funding under this part. That request shall be supported by information showing that the sponsor has met the requirements of paragraph (g)(1) of this section. If the Secretary determines that those requirements have been satisfied, he restores that eligibility.

(3) If the Secretary denies the request, the sponsor may submit a request for a hearing in writing specifying why it believes that official to have been in error. It shall then be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Secretary. The sponsor is restored to eligibility if it proves at the hearing that it satisfied the requirements of paragraph (g)(1) of this section.

While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 152.173 Judicial review.

In the case of action (not otherwise subject to judicial review) terminating, or refusing to continue funding, upon a finding by the Secretary of failure to comply with any requirement of this subpart, any sponsor aggrieved may obtain judicial review in accordance with Title 5 U.S.C. section 701–706.

§ 152.175 Effect of subpart.

Nothing contained in this subpart is intended to diminish or supersede the obligations imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e), or Executive Order 11246 (42 U.S.C. 2000e (note)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on January 10, 1977.

JOSEPH A. FOSTER,
Assistant Administrator,
Office of Airports Programs.

[FR Doc.77-1245 Filed 1-12-77;8:45 am]

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THURSDAY, JANUARY 13, 1977

PART VII

ENVIRONMENTAL PROTECTION AGENCY

RADIATION PROTECTION PROGRAMS

Environmental Radiation Protection Standards for Nuclear Power Operations

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER F—RADIATION PROTECTION PROGRAMS

[FRL 659-6]

PART 190—ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR NUCLEAR POWER OPERATIONS

On May 10, 1974, the Environmental Protection Agency (EPA) published an advance notice of intent to propose environmental radiation protection standards for the uranium fuel cycle (39 FR 16906) and invited public participation. On May 29, 1975, EPA proposed regulations setting forth such standards (40 FR 23420) pursuant to the Atomic Energy Act, as amended, and Reorganization Plan No. 3 of 1970 (35 FR 15623). Numerous written comments were received, and a public hearing was held on March 8–10, 1976 (41 FR 1124 and 41 FR 5349).[1]

These regulations setting forth environmental radiation standards are hereby promulgated in final form. The standards specify the levels below which normal operations of the uranium fuel cycle are determined to be environmentally acceptable. A number of changes have been made in the proposed regulations in response to comments received. These changes modify and clarify the areas of applicability of the standards and their effective dates, and expand the conditions under which variances may be granted. The numerical levels of the standards have been retained as proposed.

The Agency has benefited from extensive public participation during the course of the development of these regulations. Sixteen comment letters were received in response to the Agency's May 10, 1974, notice of intent to propose standards, and 82 comment letters following the publication of proposed regulations on May 29, 1975. Letters were received from a broad cross-section of representatives of the general public, the industry, professional groups, the States, and Federal agencies. In addition, 17 parties participated in three days of public hearings and, in many cases, submitted extensive additional written testimony. In all, the contributed record comprises over 3500 pages. Comment letters, a transcript of the public hearing, and all submitted testimony are available for viewing and copying in the Agency's Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The Agency has considered all of this record in reaching its conclusions for these final regulations.

At the time these standards were proposed, EPA released a Draft Environmental Statement and solicited public comments. A Final Environmental Statement is being made available concurrently with the promulgation of these standards. This statement contains the comments received on both the proposed standards and the draft statement, and EPA's response to these comments. Single copies of the Final Environmental Statement and an additional document containing EPA's detailed responses to testimony received in connection with the public hearing are available from the Director, Criteria and Standards Division (AW–460), Office of Radiation Programs, Environmental Protection Agency, Washington, D.C. 20460. Persons interested in a summary discussion of the background, rationale, interpretation, and significance of these standards should consult the notice proposing these regulations and, for greater detail, the Final Environmental Statement.

Major Issues Raised During Review

Three major issues were raised by commenters. These were: (1) concern that procedures for implementation of the standards would be unnecessarily conservative or costly, (2) disagreement over the need for and cost-effectiveness of control of environmental releases of krypton–85 and other long-lived radionuclides, and (3) disagreement over the form of the relationship between effects on health and radiation dose assumed in deriving these standards.

A large number of commenters expressed the view that implementation would lead to more restrictive control of effluents than intended due to the use of unnecessarily conservative models for source terms, control capability, and environmental transport, and due to requirements for unreasonably large margins between normal operating levels and the standards, especially at sites containing a number of facilities. The authority to regulate fuel cycle facilities under these standards resides in the Nuclear Regulatory Commission (NRC), or, in some cases, the States, under agreements with NRC. The standards have been expressed in terms of the dose to members of the public, rather than to hypothetical receptors, in order to encourage the use of realistic models by the regulatory agency. In addition, the Agency has made its intent regarding realistic implementation clear, as, for example, in the discussion of these matters in the Final Environmental Statement and will continue to do so if necessary as implementation proceeds, to assure that unnecessary conservatism does not occur.

In this regard, the NRC has recently issued a revised set of regulatory guides for light-water-cooled reactors which implement their announced intent to use the most realistic models available when adequate experimental data exist to permit a prudent and scientific determination. These models are intended for use in implementing the recently-issued Appendix I to 10 CFR Part 50, which defines design and operating criteria for single reactor units. EPA has examined Appendix I and the accompanying regulatory guides and agrees that they provide the basis for realistic implementation of these standards for single reactor units. The existence of these requirements, coupled with the realization that most existing reactor licenses are for no more than one or two units on a site, makes it unnecessary, in the Agency's judgment, to reexamine the license conditions of these licensees for compatibility with these standards, unless the nearest neighboring site covered by this standard is within ten miles. In these latter cases small adjustments may be necessary. However, in the vast majority of situations, the sum of all reasonably postulable contributions from sources other than the immediate site will be small compared to these standards and should be ignored in assessing compliance. It would not be reasonable to attempt to incorporate into compliance assessment doses which are small fractions of the uncertainties associated with the determination of doses from the primary source of exposure. The Agency has also concluded that, except under highly improbable circumstances, conformance to these criteria should provide reasonable assurance of compliance with these standards for up to five units on a site. This conclusion is based, among other considerations, upon realistic consideration of anticipated site sizes and the relative location of individual units, as well as the stochastic nature of effluent releases.

A number of commenters, including the NRC, also noted that shutdown of nuclear facilities for minor deviations from the standards would not be reasonable. The Agency agrees, and notes that the use of such an extreme measure is not required under present compliance procedures for licenses issued pursuant to the Atomic Energy Act, and that these regulations do not add such a requirement. A graded scale of action is an appropriate regulatory response for achieving conformance. This may include, for example, requirements for corrective actions, appropriate penalties, and, in extreme cases, cessation of operations. The Agency is confident that the NRC will implement these standards in such a reasonable manner.

Some commenters expressed the view that it was not feasible to monitor conformance with these standards through the use of environmental measurements. The Agency agrees that routine monitoring based exclusively upon environmental measurements would not be a reasonable means for assuring conformance and the regulations do not contain such a requirement. Environmental objectives are generally best achieved through controls exercised at the source. For this reason effluent monitoring is generally preferable and such measurements, when combined with regulatory models for environmental transport, would provide quite adequate demonstration of conformance with the standards for the vast majority of situations, based upon existing experience. However, since varying degrees of conservatism and uncertainty exist in all environmental models, the Agency believes it will often be appropriate to supplement effluent monitoring with confirming environmental measurements, as is now the regulatory practice. In the case of light water reactors, models and monitoring requirements for demonstrating conformance with Appendix I of 10 CFR Part 50 are generally adequate for demonstrating conformance with these standards. Similar models and measurements would, in general, be appropriate for most other types of facilities.

In the special case of possible windblown effluents from mill tailings, the existence of operational measures (e.g., temporary or permanent stabilization) should normally be the criterion used for verifying compliance, in lieu of effluent and environmental monitoring, because of the difficulty associated with such measurements. It should be noted that doses resulting from exposure to radon and its daughters, which are discharged from a mill site (or result from material which has been discharged), are excluded, but that gamma radiation crossing site boundaries from any on-site source is covered.

In situations where members of the public are actually exposed, these standards, in effect, preempt those regulations which are based upon the Federal Radiation Protection Guides (25 FR 4402) insofar as exposure of the public is due to operations defined to be included in the uranium fuel cycle. For example, the dose limits in 10 CFR Part 20 would not be the limiting consideration regarding exposure of members of the public as a result of uranium fuel cycle operations. These standards do not, however, replace application of the Radiation Protection Guides to the regulation of sources not included within the scope of the uranium fuel cycle. Finally, the graded scale of actions established in 1961 (26 FR 9057) for use in implementing the Radiation Protection Guides do not apply to implementation of these standards, but would remain in effect for implementation of radiation protection guides for other radiation sources.

Several commenters expressed the view that a requirement for control of the unrestricted release of krypton to the environment from fuel cycle operations was: (a) beyond the jurisdiction of EPA, (b) unreasonably costly, (c) not achievable by 1983, the proposed implementation date (or, in the view of some commenters, was achievable prior to 1983), or (d) not a reasonable requirement of domestic industry until international agreements are achieved to restrict emissions from foreign sources.

The Agency has concluded that its jurisdiction is clear. Reorganization Plan No. 3 of 1970 specifically transferred to EPA from the Atomic Energy Commission the authority to establish standards for "• • • quantities of radioactive materials in the environment • • •" and attaches no conditions to this authority except a requirement that the standards apply outside the boundaries of licensees.

EPA has carefully reexamined the costs of control systems for krypton and has concluded that a substantial portion of the additional costs presented at the public hearings is correct. This analysis is reviewed in the Final Environmental Statement. However, in spite of these increased costs, the installation of controls for krypton–85 is believed to be justified by the public health benefits achievable. In today's dollars, the cost per unit radiation dose reduction at future reprocessing facilities will be $50–$75 per man-rem for whole body doses, and considerably less than this for doses to other organs. These values are more than an order of magnitude lower than limiting costs now specified in regulations governing the licensing of individual nuclear power reactors. It is recognized that the cost of retrofitting one facility which is expected to be in operation before 1983 will involve greater costs, and the regulatory agency is encouraged to explore means to minimize costs to this facility in its implementation of the standard for this pilot case.

Regarding the achievability of control over the release of krypton–85 to the environment by 1983, it is noted that this or similar control technology is already being offered commercially for nuclear reactors and fuel reprocessing facilities, and is currently being installed, or is on order, at several U.S. reactors and at a foreign fuel reprocessing facility by U.S. suppliers. The Agency, therefore, believes that 1983 is an achievable implementation date. However, a more accelerated schedule is not considered justified, in view of the small amount of reprocessing that will occur before that date and the present lack of operating experience with krypton controls.

Finally, we have examined arguments concerning the need for international agreement prior to the establishment of standards and do not find them persuasive. EPA fully supports the development of international agreements, and is presently participating in the development of international guidance for control of radioactive effluents from the fuel cycle under the auspices of the International Atomic Energy Agency. A number of countries are already committed to or are in the process of committing themselves to control of krypton releases. The Agency supports this trend and has concluded that the control of U.S. releases of krypton-85 is warranted on the basis of reducing its potential worldwide public health impact. In initiating a requirement for this control, the United States fulfills its responsibility, as the world's largest user of nuclear power, to provide leadership in this matter.

A number of commenters suggested that the proposed regulations should be amended to include standards for carbon-14 and, in some cases, other long-lived radionuclides. The Agency has studies of sources and controls for these materials underway and anticipates that proposals for appropriate environmental standards for carbon-14 can be made shortly, with consideration of proposals for other materials following at a later date. However, the knowledge base is not yet sufficient to permit incorporation into these standards now.

Comments were received reflecting many points of view on health effects issues. One group agreed with the Agency's primary reliance on risk estimates provided by the recent report to EPA of the National Academy of Sciences ("The Effects on Populations of Exposure to Low Levels of Ionization," Report of the Advisory Committee on the Biological Effects of Ionizing Radiation, NAS–NRC, 1972). These estimates are primarily based upon a linear interpolation between existing data on human populations and the assumption of no effects at zero dose. Another group believed this model is not sufficiently conservative to adequately protect public health, based upon several investigators' hypotheses concerning the shape of the dose-effect relationship at low doses. A third group believed these estimates to be too conservative at low doses and low dose-rates. Frequent reference was made by the third group to a report of the National Council on Radiation Protection and Measurements (Report No. 43) which implies that radiation standards should not be based upon numerical estimates of health effects, and a recent report of the Nuclear Regulatory Commission (NUREG–75/014) which presents, in addition to risk estimates based upon the National Academy of Sciences report, some lower risk estimates based upon a belief that dose-rate dependent phenomena exist for low linear energy transfer radiation (gamma rays and beta particles) which reduce the carcinogenic effect of radiation to levels lower than those predicted by the linear model. The Agency has examined the evidence for each of the above views and concluded that, while each may have validity under various assumptions or for various specific situations, the weight of currently available scientific evidence supports the continued use of a linear, nonthreshold model for deriving standards to protect public health.

Changes Made in the Proposed Regulations

A number of changes have been made in response to comments received on the proposed regulations. The following describes and provides the reasons for each of these changes:

[1] In this connection the Agency received requests on behalf of Allied-General Nuclear Services (AGNS) on October 4 and December 2, 1976, for a supplemental hearing on certain aspects of this rulemaking, on the grounds that the Agency is, in part, relying upon information acquired subsequent to the public hearing which, in the view of AGNS, would be an essential basis for the rulemaking but is erroneous. The Agency has reviewed the materials submitted in support of this request and concluded that they would not provide a sufficient basis for altering its conclusions. A response to new matters addressed by this material has been appended to the Agency's commentary on testimony received in connection with the public hearing on these standards. In addition it is noted that the Agency has previously (40 FR 23420) made public its intent " • • • to maintain a continuing review of the appropriateness of these environmental standards • • • and to revise them, if necessary, on the basis of information that develops in the interval." In view of the above, the Agency has concluded that it is neither necessary nor appropriate to grant now the additional public hearing requested. We will, of course, welcome the submission of additional factual data on the matters concerned as it becomes available.

1. Paragraph 190.02(b) has been changed to delete transportation as an operation covered by these standards and to specifically exclude waste disposal sites, which were previously not mentioned. The Agency is addressing the development of criteria and standards for management of radioactive wastes as a separate matter, as mentioned in the notice proposing these standards.

A number of commenters, including the NRC and the Department of Transportation, pointed out the difficulty of implementing these standards for transportation activities, particularly noting the problems near nuclear facilities. In such cases an apportionment of the dose limits would appear to be necessary in order to avoid unreasonably extensive monitoring requirements for members of the public. Since studies by both EPA and NRC show that most transportation-related doses are expected to remain at small fractions of these standards in any case, the implementation difficulty does not appear to warrant their inclusion in these standards limiting doses to individuals from uranium fuel cycle operations. The Agency will instead address this matter under its broad authority inherited from the former Federal Radiation Council, through the development of more general guidance to all Federal agencies concerning radiation exposure arising from the transportation of all types of radioactive materials, not just those from the uranium fuel cycle.

2. Paragraph 190.02(d) is changed to reflect the definition of "site" implied by Reorganization Plan No. 3 of 1970.

3. Paragraph 190.02(f) is changed by adding the word "spontaneously" to reflect the Agency's original intent.

4. Paragraph 190.02(g) is deleted and subsequent paragraphs in Section 190.02 are renumbered. This paragraph defined uranium ore as ore containing 0.05% or more uranium by weight. As pointed out by one commenter, it is not desirable to exclude ores containing less than this quantity of uranium, since future demand for ore may make the use of such ores economically feasible.

5. Section 190.11 has been broadened to permit a greater degree of discretion to the regulatory agency to develop and apply conditions for the granting of variances. As pointed out by a number of commenters, it is not reasonable to predicate the justification for variances solely on public need for orderly delivery of power. For example, a facility may have installed a control system which, in spite of good faith performance on the part of the supplier and the user, may fail to achieve operational capability on a timely basis, or, once installed may experience operational failure at some time, yet operation of the facility may not be essential to the "orderly delivery of electrical power." In addition, some portions of this standard are predicated upon the use of waste treatment systems not yet in general commercial use. Although in no case should operation continue if safety is compromised, it may easily be that excursions above these standards would occur in such cases to a degree that the added risk to the general public is small and the environmental effect is acceptable in comparison to the economic penalty that would be associated with cessation of operation or the anticipated public health and environmental impact of available alternative sources of power. For this reason, the variance provision has been broadened so that the regulatory agency may, if it deems it to be in the public interest, grant a variance in such situations. It should be noted, however, that the variance provision applies only to temporary and unusual situations. It is expected that continued operation under the variance provision will be predicated upon an approved plan to achieve compliance in an expeditious fashion, that is, in as short a time as is reasonably achievable.

The requirement for public documentation of variances has been clarified and extended to apply to this broadened provision. EPA will not review individual variances or compliance plans, which will be made public in accordance with the provisions of paragraph 190.11(b), but will maintain a general overview through periodic review of the use of this Section.

6. Section 190.12(a) has been changed to provide that the effective date for the standards limiting doses to individuals shall be December 1, 1979, for all operations except the milling of uranium ore, for which the effective date shall be December 1, 1980.

The NRC has carefully examined its existing programs for implementation of Appendix I at light-water-cooled reactors, and the feasibility of integrating implementation of these standards into that on-going process, as well as, in parallel, implementing these standards at other types of fuel cycle facilities through development and promulgation of new regulatory guides and individual license conditions. Finally, there are matters regarding reactors which will require generic treatment, such as the conditions required for compliance when there are multiple units on single sites. It is the conclusion of the NRC, and the Agency concurs, that the originally proposed two-year implementation period is insufficent and that three years will be required to complete this process. The NRC review of these matters regarding implementation has revealed that the case of mills is unique, since better information is required concerning a number of alternatives for stabilization of tailings—both as to their relative merit and the degree of periodic maintenance required. On June 3, 1976, the NRC published (41 FR 22430) a notice of intent to prepare a generic environmental statement on uranium milling operations. This effort will be completed in approximately two years, and includes field measurements with participation of both EPA and NRC personnel. In addition, the NRC issued proposed new effluent reporting requirements at mills on November 17, 1975 (40 FR 53230). In view of the above considerations, it is the jointly agreed upon conclusion of the Agency and NRC that a four-year implementation period is required at mills, rather than the three years provided for all other fuel cycle operations.

7. Section 190.12(b) has been changed to clarify the Agency's original intent that the standards specified in paragraph 190.10(b) apply to radioactive materials produced after the effective date.

The Agency anticipates that promulgation of these standards will serve, in addition to providing for necessary protection of public health, to alleviate some of the uncertainties associated with the design of environmental controls for fuel cycle facilities, and the consequent economic penalties, through stabilizing and providing direction to the process of development of standards and regulations. The economic and inflationary impacts of these regulations have been evaluated in accordance with Executive Order 11821 and it has been determined that an Inflation Impact Statement is not required. (The estimated annual cost of additional effluent controls required by these regulations is in no case greater than ten to twenty million dollars, which is significantly less than the one-hundred million dollar annual cost cut-off established as the minimum for which an Inflation Impact Statement is required.)

Notice is hereby given that pursuant to the Atomic Energy Act of 1954, as amended, and Reorganization Plan No. 3 of 1970 Title 40, Chapter I, of the Code of Federal Regulations is amended by adding a new Subchapter F and Part 190 as set forth below.

Dated: December 28, 1976.

RUSSELL E. TRAIN,
Administrator.

A new Subchapter F, consisting of Part 190, is added to 40 CFR Chapter I as follows:

SUBCHAPTER F—RADIATION PROTECTION PROGRAMS

PART 190—ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR NUCLEAR POWER OPERATIONS

Subpart A—General Provisions

Sec.

190.01 Applicability.
190.02 Definitions.

Subpart B—Environmental Standards for the Uranium Fuel Cycle

190.10 Standards for normal operations.
190.11 Variances for unusual operations.
190.12 Effective date.

AUTHORITY: Atomic Energy Act of 1954, as amended; Reorganization Plan No. 3, of 1970.

Subpart A—General Provisions

§ 190.01 Applicability.

The provisions of this Part apply to radiation doses received by members of the public in the general environment and to radioactive materials introduced into the general environment as the result of operations which are part of a nuclear fuel cycle.

§ 190.02 Definitions.

(a) "Nuclear fuel cycle" means the operations defined to be associated with the production of electrical power for public use by any fuel cycle through utilization of nuclear energy.

(b) "Uranium fuel cycle" means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel, and reprocessing of spent uranium fuel, to the extent that these directly support the production of electrical power for public use utilizing nuclear energy, but excludes mining operations, operations at waste disposal sites, transportation of any radioactive material in support of these operations, and the reuse of recovered non-uranium special nuclear and by-product materials from the cycle.

(c) "General environment" means the total terrestrial, atmospheric and aquatic environments outside sites upon which any operation which is part of a nuclear fuel cycle is conducted.

(d) "Site" means the area contained within the boundary of a location under the control of persons possessing or using radioactive material on which is conducted one or more operations covered by this Part.

(e) "Radiation" means any or all of the following: alpha, beta, gamma, or X-rays; neutrons; and high-energy electrons, protons, or other atomic particles; but not sound or radio waves, nor visible, infrared, or ultraviolet light.

(f) "Radioactive material" means any material which spontoneously emits radiation.

(g) "Curie" (Ci) means that quantity of radioactive material producing 37 billion nuclear transformations per second. (One millicurie (mCi) = 0.001 Ci.)

(h) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its spatial distribution in the body. The unit of dose equivalent is the "rem." (One millirem (mrem) = 0.001 rem.)

(i) "Organ" means any human organ exclusive of the dermis, the epidermis, or the cornea.

(j) "Gigawatt-year" refers to the quantity of electrical energy produced at the busbar of a generating station. A gigawatt is equal to one billion watts. A gigawatt-year is equivalent to the amount of energy output represented by an average electric power level of one gigawatt sustained for one year.

(k) "Member of the public" means any individual that can receive a radiation dose in the general environment, whether he may or may not also be exposed to radiation in an occupation associated with a nuclear fuel cycle. However, an individual is not considered a member of the public during any period in which he is engaged in carrying out any operation which is part of a nuclear fuel cycle.

(l) "Regulatory agency" means the government agency responsible for issuing regulations governing the use of sources of radiation or radioactive materials or emissions therefrom and carrying out inspection and enforcement activities to assure compliance with such regulations.

Subpart B—Environmental Standards for the Uranium Fuel Cycle

§ 190.10 Standards for normal operations.

Operations covered by this Subpart shall be conducted in such a manner as to provide reasonable assurance that:

(a) The annual dose equivalent does not exceed 25 millirems to the whole body, 75 millirems to the thyroid, and 25 millirems to any other organ of any member of the public as the result of exposures to planned discharges of radioactive materials, radon and its daughters excepted, to the general environment from uranium fuel cycle operations and to radiation from these operations.

(b) The total quantity of radioactive materials entering the general environment from the entire uranium fuel cycle, per gigawatt-year of electrical energy produced by the fuel cycle, contains less than 50,000 curies of krypton-85, 5 millicuries of iodine-129, and 0.5 millicuries combined of plutonium-239 and other alpha-emitting transuranic radionuclides with half-lives greater than one year.

§ 190.11 Variances for unusual operations.

The standards specified in § 190.10 may be exceeded if:

(a) The regulatory agency has granted a variance based upon its determination that a temporary and unusual operating condition exists and continued operation is in the public interest, and

(b) Information is promptly made a matter of public record delineating the nature of unusual operating conditions, the degree to which this operation is expected to result in levels in excess of the standards, the basis of the variance, and the schedule for achieving conformance with the standards.

§ 190.12 Effective date.

(a) The standards in § 190.10(a) shall be effective December 1, 1979, except that for doses arising from operations associated with the milling of uranium ore the effective date shall be December 1, 1980.

(b) The standards in § 190.10(b) shall be effective December 1, 1979, except that the standards for krypton-85 and iodine-129 shall be effective January 1, 1983, for any such radioactive materials generated by the fission process after these dates.

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PART VIII

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

■

FINANCIAL ASSISTANCE TO PARTICIPANTS IN ADMINISTRATIVE PROCEEDINGS

Final Rule and Advance Notice of Proposed Rulemaking

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Title 49—Transportation

CHAPTER V—DEPARTMENT OF TRANSPORTATION, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[OST Docket No. 48]

FINANCIAL ASSISTANCE TO PARTICIPANTS IN ADMINISTRATIVE PROCEEDINGS

Agency: Department of Transportation.

Action: Final rule and advance notice of proposed rulemaking.

Summary: The first part of the preamble of this notice announces and discusses the issuance by the Department of Transportation (DOT) of a regulation establishing procedures to govern a one-year demonstration program of financial assistance to participants in certain administrative proceedings of the National Highway Traffic Safety Administration (NHTSA). This demonstration program has been established to determine whether the process governing the making of administrative decisions will be enhanced by financially assisting participants whose representation contributes or can reasonably be expected to contribute to a full and fair determination of the issues, but who would otherwise be financially unable to participate effectively.

The second part of the preamble is an advance notice of proposed rulemaking, inviting public comment on whether financial assistance to participants in administrative proceedings, under appropriate circumstances, on a department wide and permanent basis ought to be established. The public is invited to comment also on the applicable scope, criteria, and procedures that should govern such a program of assistance.

Dates: The regulation is effective on January 13, 1977. Comments on the Advance Notice of Proposed Rulemaking must be received on or before April 20, 1977.

Address: Comments on the Advance Notice of Proposed Rulemaking should be addressed to:

Docket Clerk, OST Docket Number 48, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590.

For further information contact:

Robert B. Donin, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590 (202) 426-4704.

Supplementary information: During the preceding year, the DOT has intensively considered promulgating regulations that would enhance the presentation of relevant information and points of view in its administrative proceedings. In reaching the position announced today, the DOT has taken cognizance of several legislative initiatives, S. 2715 and H.R. 12762, of the 94th Congress, 2d Session, to affirm the authority of Federal agencies to fund participants in administrative proceedings and to provide guidelines for the exercise of that authority. The DOT has also been considering an opinion of the Comptroller General, cited below, determining that the NHTSA already possesses sufficient authority to fund participants in its proceedings, and letters from Congressman John E. Moss and Senator Warren G. Magnuson, urging the NHTSA to use its existing authority to assist participants financially under the appropriate circumstances. This notice also responds to a petition for rulemaking submitted by the Center for Auto Safety, Environmental Defense Fund and Consumers Union. That petition requested that the DOT promulgate regulations to provide for compensation of costs incurred in the presentation of views in certain proceedings of the NHTSA and the other operating administrations of the DOT.

PART I: DEMONSTRATION PROGRAM

Purpose of the demonstration program. The goal of this demonstration is to provide added assurance that a full range of views and all relevant information are presented to the NHTSA in its consideration of regultory actions. The DOT has already sought to encourage wider consumer participation in decisionmaking through the formulation of a Consumer Representation Plan which outlines the opportunities for communication of views regarding regulation, policymaking and program development and sets out Departmental procedures intended to increase participation. (41 FR 42822, September 28, 1976)

In the past, however, it has sometimes been difficult for some consumer, environmental and other groups of citizens that are either widely dispersed or poorly financed to bear the cost of participating in federal regulatory proceedings. By contrast, better financed and organized groups, frequently representative of the regulated industry, are often able to participate vigorously and effectively. Of course, there are other adequately financed public interest groups to which this program may not pertain and there may be groups representing regulated parties which are not able to finance effective participation. There is a risk that because of this financial and organizational imbalance, the views of those who are now financially able to participate in regulatory proceedings may have a disproportionate influence on government decisionmaking. It is hoped that by removing some of the financial barriers to effective participation, under appropriate circumstances, this imbalance may be reduced or eliminated.

Where public interest groups have possessed sufficient resources to participate in administrative proceedings, they generally have made a valuable contribution. As Judge Harold Leventhal recently observed:

> Administrative law and regulation have been profoundly influenced by the participation, in both agencies and courts of public interest representatives who have identified issues and caused agencies and courts to look squarely at the problems that otherwise would have been swept aside and passed unnoticed. They have made complaints, adduced and marshaled evidence, offered different insights and viewpoints, and presented scientific, historical, and legal research. They have been of significant service to the entire decisional process.[1]

Although the reimbursement of costs that would otherwise pose a bar to future participation by such groups benefits the assisted participants, this demonstration program is primarily aimed at benefiting the general public by promoting fair, balanced, and effective regulation.

At the same time, designing a system to fund citizen participation in regulatory proceedings poses difficult questions of cost, feasibility and fairness. Among these issues are the criteria for eligibility, expense to the public (including both the cost of administration and the cost of disbursements), the appropriate procedure for selection of recipients of financial support, and the determination of what costs should be reimbursable by the DOT. In order to gain experience which will indicate whether, and in what form, such a program of financial support shall be permanently adopted, the DOT has decided to undertake a one-year demonstration limited in scope to certain proceedings of the NHTSA.

Statutory authority for program. The DOT has adequate statutory authority to conduct this program of assistance. Under the Department of Transportation Act, 49 U.S.C. § 1651, et seq. and related statutes,[2] the DOT and its component agencies have broad responsibility for safety regulation, energy conservation and the sound development of the various transportation modes. The Comptroller General has held that while 31 U.S.C. § 628 prohibits agencies from using appropriated funds except for the purpose for which the appropriation was made, an appropriation made for a particular object, purpose of program "is available to finance expenses which are reasonably necessary and proper or incidental to the execution of the object, purpose or program for which the appropriation was made . . ." 53 Comp. Gen. 351, 364 (1973). See also 50 Comp. Gen. 534, 536 (1971); 44 Comp. Gen. 312, 314 (1964); *Northern States Power Co. v. FPC*, 118 F. 2d 141, 143 (7th Cir. 1941). In an opinion issued February 19, 1976, (Decision B-92288) the Comptroller General advised the Nuclear Regulatory Commission (NRC) that, under this principle, it could lawfully reimburse intervenors in licensing proceedings where (1) it believes that such participation is required by statute or necessary to represent adequately opposing points of view on a matter, and (2) the intervenor is indigent or otherwise unable to bear the financial costs of participation in the proceeding.

A subsequent opinion has clarified both of these standards. (Decision B-139703, December 3, 1976). This opinion is addressed to the Food and Drug Administration but appears equally applicable to other agencies. The December 3 opinion expressly provided that an agency need not determine that a person's participation is essential to a full and fair determination in a proceeding in order for the agency to be able to fund that person's participation. With respect to the second standard, the recent opinion stated

> • • • (I)t is our view that FDA may not extend financial assistance to a party requesting to participate which has the financial resources to participate but does not, for whatever reason, wish to use its resources for this purpose.

At the same time, the December 3 opinion rejected giving financial assistance based upon an applicant's having an economic interest in a proceeding that is small in comparison with the costs of effective participation. The GAO found that eligibility criterion to be unacceptable under its prior decisions and in the absence of specific statutory authority.

Since the appropriation for DOT and its component agencies provides for "necessary expenses," Pub. L. No. 94-387, 90 Stat. 1171 (1976), it is clear that DOT may, under appropriate circumstances, reimburse the cost of participation in the administrative proceedings of any of its operating components. Moreover, the Comptroller General has specifically advised that "the rationale of our February 19 decision to NRC is equally applicable" to the NHTSA, and that therefore payments may be made to cover participation in the NHTSA's proceedings. See letter of May 10, 1976, from R. F. Keller, Deputy Comptroller General, to Hon. John E. Moss, Chairman, Oversight and Investigations Subcommittee, House Commerce Committee (B-180224) (reprinted as Appendix B to Food and Drug Administration Advance Notice of Proposed Rulemaking, 41 FR 35855, 35860 (August 25, 1976)).

Standards and procedures of the program. The regulation set forth in this notice adopts a standard for compensation based on the Comptroller General's decisions discussed above. Funding determinations are to be made by a 3-member evaluation board composed of the following three officials or their delegates: the Assistant Secretary for Environment, Safety, and Consumer Affairs, the NHTSA Associate Administrator for Planning and Evaluation, and the NHTSA Chief Counsel. Applications may be submitted for funding for participation in any NHTSA rulemaking proceeding, selected by the Administrator, under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, or any proceeding under section 152(a) of that Act for the presentation of data, views, and arguments following an initial determination of a noncompliance or safety-related defect. The possibility of funding participation in investigations preceding such initial determinations was also considered. Since investigations are not public proceedings and because it is desirable to keep the demonstration program limited in scope, the DOT decided not to fund participation in those areas. Applications may also be submitted for funding for participation in any proceeding, selected by the Administrator, under the Motor Vehicle Information and Cost Savings Act, as amended, and the Highway Safety Act of 1966, as amended.

Applications for a proceeding are to be submitted to the NHTSA official immediately responsible for the program under which the proceeding will be held. The appropriate official will be the Associate Administrator for Motor Vehicle Programs in the case of the Vehicle Safety Act and Titles I-IV of the Cost Savings Act; the Director of the Office of Automotive Fuel Economy in the case of Title V of the Cost Savings Act; and the Associate Administrator for Traffic Safety Programs in the case of the Highway Safety Act. The official receiving the applications may submit his comments regarding them to the evaluation board. The evaluation board may approve an application only if it makes positive findings on four criteria relating to representation of the applicant's interest and economic need. In brief, the evaluation board must find that (1) representation of the applicant's interest contributes or can be reasonably expected to contribute substantially to a full and fair determination of the issue involved; (2) participation by the applicant is reasonably necessary to represent that interest adequately; (3) the applicant can competently represent the interest it espouses; and (4) absent funding pursuant to this regulation, the applicant does not have available to it sufficient resources to participate effectively.

Where more than one applicant representing the same interest satisfies these criteria, the evaluation board may approve partial or complete funding of two or more applications or approve a single application after a comparison of the applicants' interest, proposals, and past performance in regulatory proceedings. However, the evaluation board may determine with respect to a proceeding under any of the above statutes, that in view of the public interest and the availability of funding for the demonstration program as a whole, no applications for compensation should be considered. Resources for this program are limited, and therefore some proceedings may go entirely unfunded since other more important proceedings may require intensive work by one or more funded participants.

To facilitate determinations by the evaluation board, applicants are to submit a sworn statement describing the work to be funded, the applicant's participation in other administrative proceedings, and the applicant's interest, organization and financial status.

Reimbursement will be limited to reasonable out-of-pocket costs of participation such as attorneys' fees, expert witness fees, and clerical and travel expenses, and will be paid at market rates for the kind and quality of service provided. Reimbursement will not be provided for time expended by any individual on his own behalf or by the staff of any group or organization on its behalf. Similarly, reimbursement will not be provided for the hiring of outside personnel when staff personnel are available and qualified to do the work. Advance payment of funds by an agency to an applicant in order to ensure the participation of that applicant in a proceeding is impermissible. See, Opinions of the Comptroller General, B-139703, September 22, 1976, and B-139703, December 3, 1976, and 31 U.S.C. § 529.

PART II: ADVANCE NOTICE OF PROPOSED RULEMAKING

The Department of Transportation (DOT) is considering promulgating final regulations providing for financial assistance under appropriate circumstances, to participants in all administrative proceedings of the Department and its operating administrations. The purpose of this notice is to invite the public to comment on whether such financial assistance should be provided and suggest the applicable scope, criteria, and procedures which should govern such a program of assistance.

As discussed in Part I of this notice, announcing the NHTSA demonstration program, the DOT believes that the quality of administrative decisionmaking will be enhanced by broad citizen participation which provides a counterweight to the appeals of narrow, special interest groups. Given the ample financial resources of well-organized industry groups, however, there is a serious question whether effective citizen participation can be achieved in the absence of federal action to lessen the often substantial cost of developing a regulatory presentation.

It is clear that DOT and its operating administrations[1] have authority to provide such financial assistance under appropriate circumstances. Under the Department of Transportation Act, 49 U.S.C. § 1651 et seq. and related statutes,[2] the Department and its component agencies have broad responsibility for safety regulation, environmental quality and the sound development of the vari-

[1] "Attorneys' Fees for Public Interest Representation," 62 ABA Journal 1134 (September, 1976).

[2] With respect to NHTSA, for example, see the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. § 1381 et seq., the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. § 1901, et seq., and the Highway Safety Act of 1966, 23 U.S.C. § 401, et seq.

[1] United States Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, and St. Lawrence Seaway Development Corporation.

[2] See, for example, Federal Boat Safety Act, 46 U.S.C. § 1451 et seq., Deepwater Port Act, 33 U.S.C. § 1501 et seq., Federal Aviation Act of 1958, 49 U.S.C. § 1301 et seq., Airport and Airway Development Act of 1970, 49 U.S.C. § 1701 et seq., International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 1159a et seq., Federal-Aid Highway Act, 23 U.S.C. § 101 et seq., Federal Railroad Safety Act of 1970, 45 U.S.C. § 421 et seq., National Traffic and Motor Vehicle Safety Act, 15 U.S.C. § 1381 et seq., Highway Safety Act of 1966, 23 U.S.C. § 401 et seq., Urban Mass Transportation Act of 1964, 49 U.S.C. § 1601 et seq., Hazardous Materials Transportation Act, 49 U.S.C. § 1801 et seq., National Environmental Policy Act 1969, 42 U.S.C. § 4231 et seq., Noise Control Act of 1972, 42 U.S.C. § 4901, et seq., Clean Air Act, 42 U.S.C. § 1857f-10, Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.

ous transportation modes. The appropriation for the Department and its component agencies provides for "necessary expenses." Pub. L. No. 94–387, 90 Stat. 1171 (1976). Hence financial assistance for participants in Department and agency proceedings is legally permissible under the reasoning of recent Opinions of the Comptroller General, as discussed in Part I.

DOT expects to derive substantial guidance regarding the utility and feasibility of a system of reimbursement from the one-year NHTSA demonstration program. In addition, however, DOT welcomes public comment on the overall question of whether, and in what form, regulations governing DOT and all its operating administrations should be permanently established. Specifically, DOT seeks public comment on questions including, but not limited to, the following:

(1) Should DOT or any of its component agencies adopt permanent procedures to provide reimbursement for participation in administrative proceedings?

(a) If funds should be provided for participation in the proceedings of all components of DOT, should reimbursement be administered under a single Department-wide procedure or under separate procedures applicable to each operating administration?

(2) What changes should be made in the regulations governing the NHTSA demonstration program before they are permanently adopted and applied to proceedings by other operating administrations of DOT?

(a) In what types of proceedings (hearings, rulemakings, adjudications, public meetings) should reimbursement be made available?

(b) In addition to the findings specified by the Comptroller General as prerequisite to fundings, what additional criteria and standards should the agency adopt for evaluating the strength of an applicant's interest and its potential contribution to the proceeding?

(c) Where two or more applicants representing the same interest seek funds to participate in the same proceedings, should the agency use to seelct the applisingle applicant? If so, what criteria should the agency use to selet the applicant that will receive an award?

(d) With regard to any single proceeding, should the number of applicants that receive funds be limited?

(e) What types of expenses should be recoverable? Should reimbursement be available only for out-of-pocket costs (e.g., legal fees, travel expenses) or also for the value of work performed by an individual-applicant or the staff of organization-applicant in developing its presentation? With regard to the participant's presentation, should DOT fund scientific, technical, demographic or similar research, or should reimbursement be limited to the preparation of oral or written testimony based on existing data?

(f) What agency official(s) should make the funding determination? Should administrative appeal of this determination be provided? If so, to what agency official(s)?

(g) Should funding decisions be reached before the proceeding (based on the participant's planned presentation and projected costs) or after the proceeding (based on the quality of the participant's presentation and costs actually incurred)?

(h) Should funds be issued before, during or after the proceeding?

All comments received before the close of business on the comment closing date will be considered, and will be available for public inspection or copying from 9 A.M. to 5:30 P.M., Monday through Friday, except Federal Holidays, in Room 10100, DOT Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The DOT will continue to file relevant material as it becomes available in thet docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Issued in Washington, D.C. on January 11, 1977.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

FINANCIAL ASSISTANCE TO PARTICIPANTS IN ADMINISTRATIVE PROCEEDINGS

SECTION 1. *Purpose.* This regulation establishes procedures for a demonstration program for compensating individuals, groups, associations, partnerships, or corporations that are financially unable to participate in certain administrative proceedings of the National Highway Traffic Safety Administration.

SEC. 2. *Applicability.* This regulation applies to any individual, group, association, partnership, or corporation, seeking financial assistance for participation in proceedings of the National Highway Traffic Safety Administration.

SEC. 3. *Definitions.* As used herein—

"Administration" means the National Highway Traffic Safety Administration.

"Administrator" means the Administrator of the National Highway Traffic Safety Administration or his delegate.

"Applicant" means any individual, or any profit or nonprofit group, association, partnership, or corporation seeking financial assistance under this regulation to participate in proceedings.

"Appropriate Administration official" means—

(a) The Associate Administrator for Motor Vehicle programs in the case of applications submitted for proceedings under the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.) or Titles I–IV of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 et seq.).

(b) The Associate Administrator for Traffic Safety Programs in the case of applications submitted for proceedings under the Highway Safety Act of 1966, as amended (23 U.S.C. 401 et seq.).

(c) The Director of the Office of Automotive Fuel Economy in the case of applications submitted for proceedings under Title V of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2001 et seq.).

"Evaluation board" means a board composed of the Assistant Secretary for Environment, Safety, and Consumer Affairs, NHTSA Associate Administrator for Planning and Evaluation, and the NHTSA Chief Counsel, or their respective delegates.

"Proceeding" means any proceeding (a) which is a rulemaking proceeding under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Motor Vehicle Information and Cost Savings Act, as amended, the Highway Safety Act of 1966, as amended, or a proceeding under section 152(a) of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, for the presentation of views, data, and arguments following an initial determination of a noncompliance with a Federal motor vehicle safety standard or of a defect related to motor vehicle safety,

(b) which commences prior to the end of the one-year period immediately following the effective date of this regulation,

(c) regarding which the Administrator has determined, in light of the public interest and the availability of funding under this program, that applications for assistance under this regulation should be considered.

SEC. 4. *Application period.* Applications may be submitted under this regulation during the one-year period immediately following January 13, 1977, the effective date of this regulation.

SEC. 5. *Application procedure.* Applications for financial assistance for participation in proceedings shall be marked for the attention of the appropriate Administration official and addressed to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Each application shall contain, in a sworn statement, the following information in the order specified:

(a) The applicant's name and address, and in the case of an organization, the names, addresses, and titles of the members of its governing body and a description of the organization's general purposes, structure, and tax status.

(b) An identification of the proceeding for which funds are requested.

(c) A description of the applicant's economic, social and other interests in the outcome of the proceeding for which funds are requested.

(d) A discussion of the reasons why the applicant is an appropriate representative of those interests, including the expertise and experience of the applicant in the matters involved in the proceeding for which funds are requested and in related matters.

(e) An explanation of how the applicant's participation would enhance the quality of the decision making process and serve the public interest by contributing views and data which would not be presented by another participant.

(f) A statement of the total amount of funds requested.

(g) With respect to the proceeding for which funds are requested, an itemized statement of the expenses to be covered by the requested funds and of the expenses to be covered by the applicant's funds.

(h) A description of the evidence, activities, studies or other submissions that will be generated by each of those expenditures.

(i) An explanation of how the applicant's obtaining the requested funds would result in enhancing the quality of the applicant's participation in the proceeding for which funds are requested.

(j) An explanation of why the applicant cannot use funds that it already possesses or expects to receive for the purpose for which funds are requested, including:

(1) A listing of the applicant's anticipated income and expenditures (rounded to the nearest $100) during the current fiscal year.

(2) A listing of the total assets and liabilities of the applicant as of the date of the application.

(k) An explanation of why the applicant cannot in other ways obtain the funds that are requested, including a description of the applicant's past efforts to obtain those funds in other ways and the feasibility of future attempts to raise funds in other ways.

(l) A list of all proceedings of the Federal government in which the applicant has participated during the past year (including the interest represented and the contribution made) and any amount of financial assistance received from the Federal government in connection with these proceedings.

SEC. 6. *Processing of applications.* (a) When the Administrator determines that the Administration will receive applications for funding under this regulation for a particular proceeding, an invitation for applications is published in the FEDERAL REGISTER. When practicable, the invitation is included in the notice commencing the proceeding. Each invitation specifies a deadline for submission of applications. Although applications will be received after the deadline, there is not any assurance that they will be considered.

(b) Within five working days after the deadline for receipt of applications, the appropriate Administration official forwards all applications received before the deadline, together with his comments, if any, on those applications to the evaluation board.

(c) Within five working days after the evaluation board receives the applications from the appropriate Administration official, it approves or denies in whole or in part, each of those applications. The evaluation board may approve an application, in whole, or in part, if it finds that:

(1) The applicant represents an interest whose representation contributes or can reasonably be expected to contribute substantially to a full and fair determination of the issues involved in the proceeding, taking into consideration the number, complexity, and potential significance of the issues affected by the proceeding, and the novelty, significance and complexity of the ideas advanced by the applicant;

(2) Participation by the applicant is reasonably necessary to represent that interest adequately;

(3) It is reasonably probable that the applicant can competently represent the interests it espouses, when assessed under the criteria of this regulation; and

(4) The applicant does not have available, and cannot reasonably obtain in other ways, sufficient resources to participate effectively in the proceeding in the absence of funding under this program.

In determining whether an applicant would be unable to participate effectively, the evaluation board examines the applicant's proposed expenditures for preparing its presentation in the proceeding, decides whether these projected costs are reasonable and compares them to the applicant's income and expenditures, including anticipated future income and expenditures, for the current fiscal year.

(d) In the event that two or more applications, which satisfy the criteria of paragraph (c) of this section and seek to represent the same or similar interest, contain significant differences in viewpoint, approach, or proposals, the evaluation board may partially or completely grant one or more of those applications.

(e) In selecting among the applications specified in paragraph (d) of this section, the evaluation board considers and compares the skills and experience the applicants possess, and the contents of their proposals. In particular, the evaluation board considers and compares:

(1) The applicants' experience and expertise in the substantive area with the Administration's or Department of Transportation's activities and procedures;

(2) The applicants' prior general performance and competence;

(3) Evidence of the applicants' relation to the interest they seek to protect or represent; and

(4) The specificity, novelty, relevance, and significance of the ideas the applicants propose to develop and present.

(f) The decision of the evaluation board whether to select any of the applicants that satisfy the criteria of paragraph (c) of this section is discretionary. In making its decision, the evaluation board may consider:

(1) Whether an applicant's proposal can be reasonably developed and presented with the time allotted; and

(2) The availability of funding for assistance under the program.

(g) A written decision of the evaluation board, stating why assistance has either been granted or denied in light of the criteria in paragraphs (c) through (f) of this section, is mailed to all applicants.

(h) Upon good cause shown by an applicant, the decision of the evaluation board regarding its application may be reconsidered.

SEC. 7. *Recoverable costs.* (a) Expenses compensable under this regulation are limited to reasonable attorneys' fees, expert witness fees, the expenses of clerical services, travel, studies, surveys and demonstrations, and other reasonable costs of participation actually incurred. In all cases, compensation is not greater than the prevailing market rates for the kind and quality of service provided.

(b)(1) Compensation is limited to reasonable out-of-pocket costs.

(2) Compensation is not provided for:

(i) Time expended by any individual on his own behalf or by the staff of any group or organization on its own behalf; or

(ii) The hiring of outside personnel when staff personnel are available and qualified to do the work.

SEC. 8. *Payments to applicants.* Payment of compensable expenses for approved applications is made by the Administration within 90 days after the applicant has submitted a completed claim, including bills, receipts or other proof of costs incurred. For good cause shown, payment to an applicant may be expedited.

[FR Doc.77–1296 Filed 1–12–77;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Subtitle A]

[OST Docket No. 48]

FINANCIAL ASSISTANCE TO PARTICIPANTS IN ADMINISTRATIVE PROCEEDINGS

Advanced Notice of Proposed Rulemaking

CROSS REFERENCE: For a document containing an advanced notice of proposed rulemaking concerning financial assistance to participants in administrative proceedings, see FR Doc. 77-1296 appearing in the FEDERAL REGISTER immediately preceding this cross reference.

federal register

THURSDAY, JANUARY 13, 1977

PART IX



DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

AUTOMOTIVE FUEL ECONOMY PROGRAM

First Annual Report to Congress, January 1977

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

AUTOMOTIVE FUEL ECONOMY PROGRAM

Report to Congress

JANUARY 11, 1977.

The attached document, "Automotive Fuel Economy Program First Annual Report to the Congress," has been prepared pursuant to Section 402(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), which requires in pertinent part that

> Not later than January 15 of each year, beginning in 1977, the Secretary shall transmit to each House of Congress, and publish in the FEDERAL REGISTER a review of average fuel economy standards under this part.

JOHN SNOW,
Administrator.

JANUARY 5, 1977.

Hon. JAMES O. EASTLAND,
President pro tempore of the Senate,
Washington, D.C. 20510

DEAR SENATOR EASTLAND: Transmitted herewith is the first annual report to the Congress reviewing the progress made in formulating average automotive fuel economy standards, as required by Section 502 (a)(2) of the Energy Policy and Conservation Act (P.L. 94-163).

Respectfully,

WILLIAM T. COLEMAN, Jr.

JANUARY 5, 1977.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives,
Washington, D.C. 20515

DEAR MR. SPEAKER: Transmitted herewith is the first annual report to the Congress reviewing the progress made in formulating average automotive fuel economy standards, as required by Section 502 (a)(2) of the Energy Policy and Conservation Act (P.L. 94-163).

Respectfully,

WILLIAM T. COLEMAN, Jr.

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Section 1

SUMMARY

This report reviews the progress made by the Department of Transportation, National Highway Traffic Safety Administration (NHTSA), in the area of automotive fuel economy, following the passage of the Energy Policy and Conservation Act (EPCA; P.L. 94-163), which adds a new Title V to the Motor Vehicle Information and Cost Savings Act. Section 502(a)(2) of EPCA requires that an Annual Report be submitted to the Congress and published in the Federal Register by January 15, beginning in 1977. The Annual Report of 1979 is to include a comprehensive analysis of the automotive fuel economy program. Since passage of the Act, NHTSA has taken the following actions in implementing the requirements of Sections 501-509:

1. Established the Office of Automotive Fuel Economy reporting directly to the Administrator of NHTSA.

2. Organized personnel, tasks, and resources to begin the preparation of Notices of Proposed Rulemaking (NPRM) and implementation of administrative regulatory processes.

3. Established the mechanism for interagency coordination.

4. Published in the Federal Register:

   (a) Advance Notice of Proposed Rulemaking (ANPRM) for establishing fuel economy standards for passenger automobiles for model years 1981-1984.

   (b) NPRM for applications from industry for reducing passenger automobile standards for model years 1978-1980.

   (c) NPRM for fuel economy standards on nonpassenger automobiles for model year 1979.

   (d) NPRM for exemption applications for low-volume manufacturers.

(e) NPRM for classifying passenger, nonpassenger, and off-highway vehicles.

5. Produced drafts for:

(a) NPRM for establishing which manufacturer of a multistage vehicle is responsible for compliance.

(b) NPRM for automobile manufacturers' reports.

6. Established a research and development program in support of specific rulemaking actions, utilizing resources and facilities of both the Department of Transportation and outside contractors.

Section 2

BACKGROUND

The Energy Policy and Conservation Act (EPCA), P. L. 94-163, enacted December 22, 1975, amends the Motor Vehicle Information and Cost Savings Act (15 U. S. C. 2001 et seq.) to include a new Title V - "Improving Automotive Efficiency." This Title requires the Secretary of Transportation to define and implement a program for improving the fuel economy of new automobiles in the United States market.

To satisfy this EPCA requirement, the Department of Transportation (DOT) started work on the procedural and regulatory elements of a fuel economy program. Initial planning began with the formation of a working group with automotive fuel economy experience from the Office of the Secretary (Systems Development and Technology and Transportation Systems Center) and from the National Highway Traffic Safety Administration (NHTSA) to provide the technical, legal, and administrative support to carry out the functions required by the Act. The focus of this work was on preliminary development of Notices of Proposed Rulemaking (NPRM's), procedures, and administrative processes so that an overall implementation plan was produced. The process of interagency coordination, on regulations that have significant policy impact, was established. Finally, the DOT staffing, resources, organization, and R&D activities to support the specific rulemaking tasks were identified.

In May 1976, letters were sent to the House and Senate Appropriations Subcommittees, advising them that up to $1.7 million would be used for automotive fuel economy activities during fiscal year (FY) 1976 and the FY 1976 Transition Quarter (FY 1976 TQ). These funds were appropriated to the Office of the Secretary and made available by transferring priorities.

On June 22, 1976, authority to administer the program was delegated by the Secretary of Transportation to the Administrator of NHTSA, (Federal Register; 41 FR 25015). NHTSA's responsibilities under the Act can be divided into four major areas: (1) to establish and enforce automotive fuel economy standards, (2) to grant exemptions from applicable fuel economy standards, (3) to receive reports from automobile manufacturers, and (4) to report to the Congress on the fuel economy program.

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This first report to the Congress reviews the progress of the NHTSA Office of Automotive Fuel Economy in developing automotive fuel economy standards for new passenger automobiles beginning with model year (MY) 1978, and for nonpassenger vehicles beginning with MY 1979.

Section 3

INTRODUCTION

Over the twenty years between 1955 and 1975, United States dependence on imported crude oil more than doubled (see Figure 1). Preliminary 1976 data show another 10 percent increase - with imports now amounting to about 43 percent of the Nation's total petroleum supply requirements. Long-range projections show that, if present consumption trends continue, domestic and world sources combined will be unable to meet the expected United States demand for petroleum. Figure 2, which projects sources and consumption of this commodity to the year 2025. illustrates the increasing gap between supply and demand. (The curves shown would vary somewhat with price fluctuations, since price has a demonstrated relationship to demand.)

Transportation accounts for more than half of the United States petroleum consumption (see Figure 3); of this, 60 percent is used by automobiles. The daily average amount of motor fuel used in all United States vehicles for 1974, 1975, and the first nine months of 1976 is shown in Figure 4. The Federal Highway Administration (FHWA) estimates the rate of increase in gasoline consumption for 1976 at 5.7 percent, more than twice that recorded in 1975.

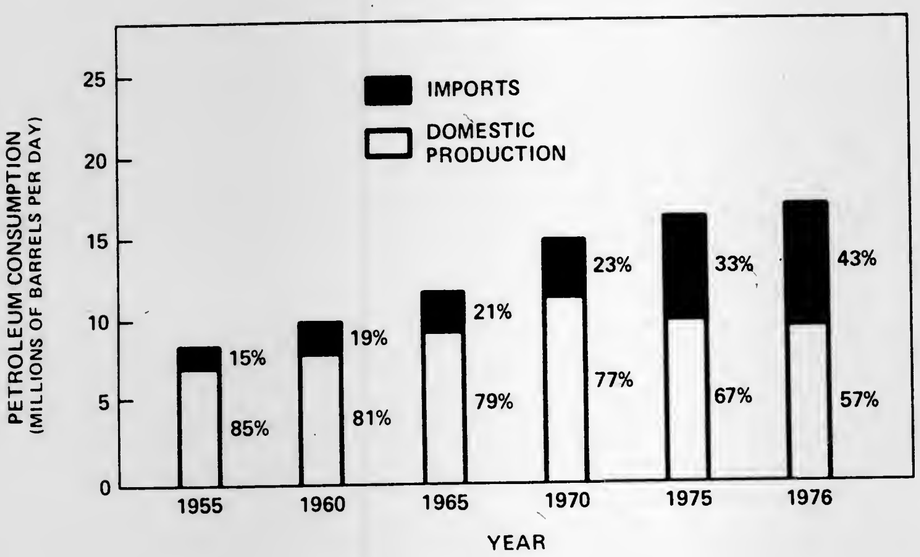
The urgent need for fuel economy in the automotive sector has been recognized by the passage of P.L. 94-163, the Energy Policy and Conservation Act (EPCA). This Act specifies the fleet average fuel economy standards to be met by automobile manufacturers, beginning with MY 1978. Figure 5 shows the fleet average fuel economy for passenger cars of model years 1974-1977, and the standards to be met under the EPCA from MY 1978 to MY 1985.

The fuel economy standard for MY 1978 passenger automobiles is set at 18 MPG, for MY 1979 at 19 MPG, and for MY 1980 at 20 MPG. The standards for MY 1981-1984 are to be determined by the Secretary and prescribed not later than July 1, 1977. The goal for MY 1985 and thereafter is 27.5 MPG, but this may be amended by the Secretary to a level which he determines to be the maximum feasible average fuel economy level. However, any change which increases the level above 27.5 MPG or below 26 MPG must be submitted to the Congress for approval. The standards for nonpassenger automobiles beginning in MY 1979 are to be determined by the Secretary. Fuel economy for

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Figure 1

U.S. PETROLEUM CONSUMPTION, BY SOURCE (1955-1976)



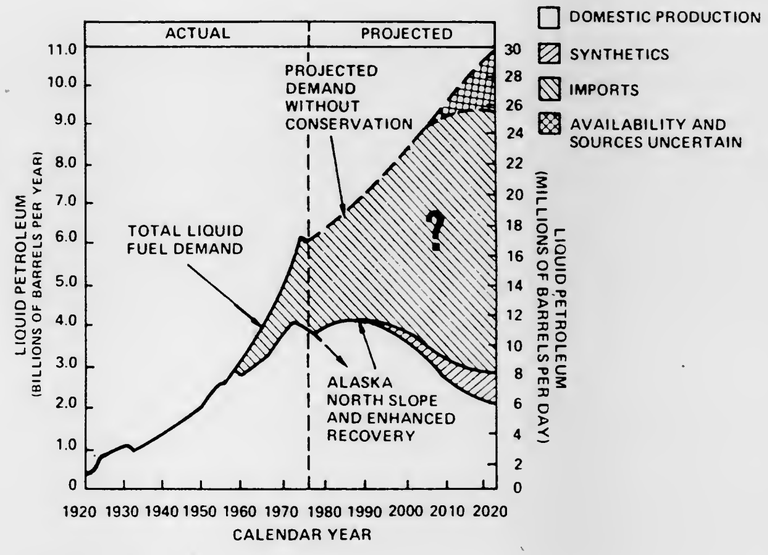
SOURCE: For '55-'70: National Energy Outlook, FEA (Pg. 57. Fig. II-6)

For '75: Energy Statistics, FEA

For '76: NHTSA Estimate

Figure 2

U.S. PETROLEUM CONSUMPTION AND SOURCES, 1920-2025

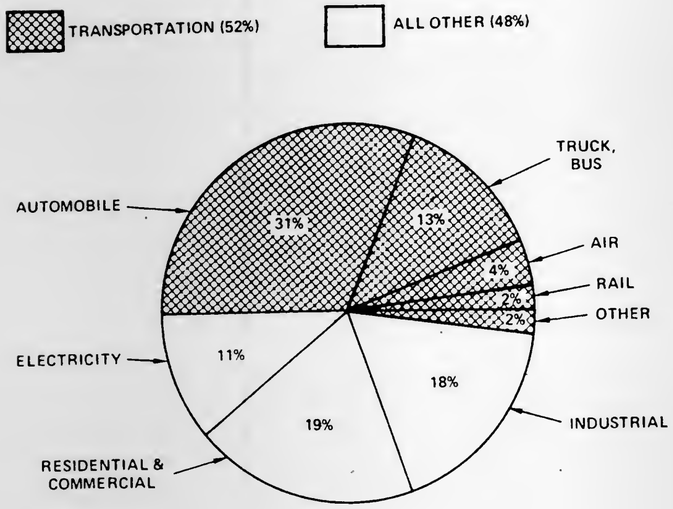


SOURCES: Historic Data:
1920 to 1963 Energy Facts
1964 to 1973 Annual Statistical Review, Petroleum Industry Statistics
1973 to 1975 FEA, Monthly Energy Review
Projected Data:
Synfuel Interagency Task Force, Vol. II (Nov. 1975), pg67, Figure 4-111-10, "High SynFuels Cost" case adjusted to include 2 million barrels per day

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Figure 3

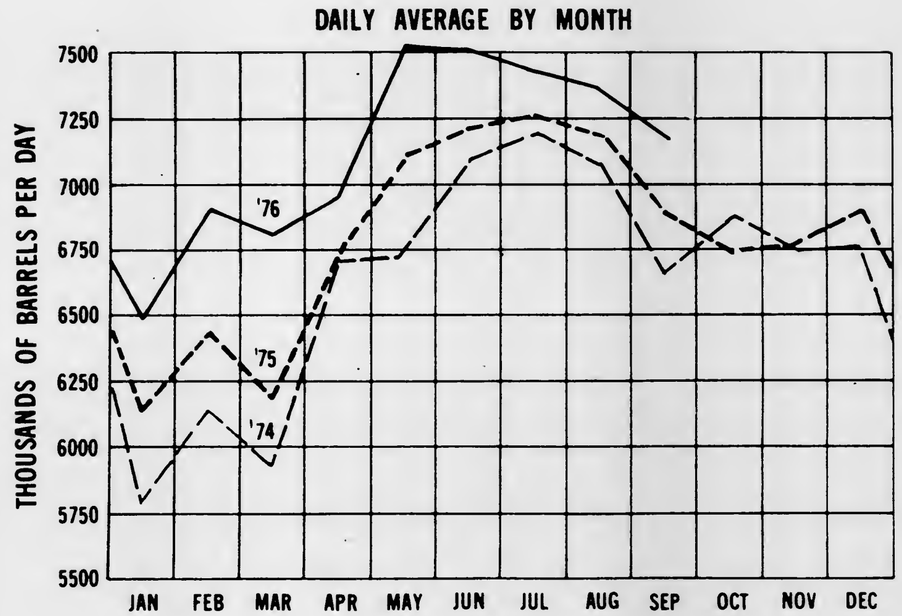
U.S. PETROLEUM CONSUMPTION BY SECTOR



Source: Draft report by the Federal Task Force on Motor Vehicle Goals Beyond 1980. May 1976.

Figure 4

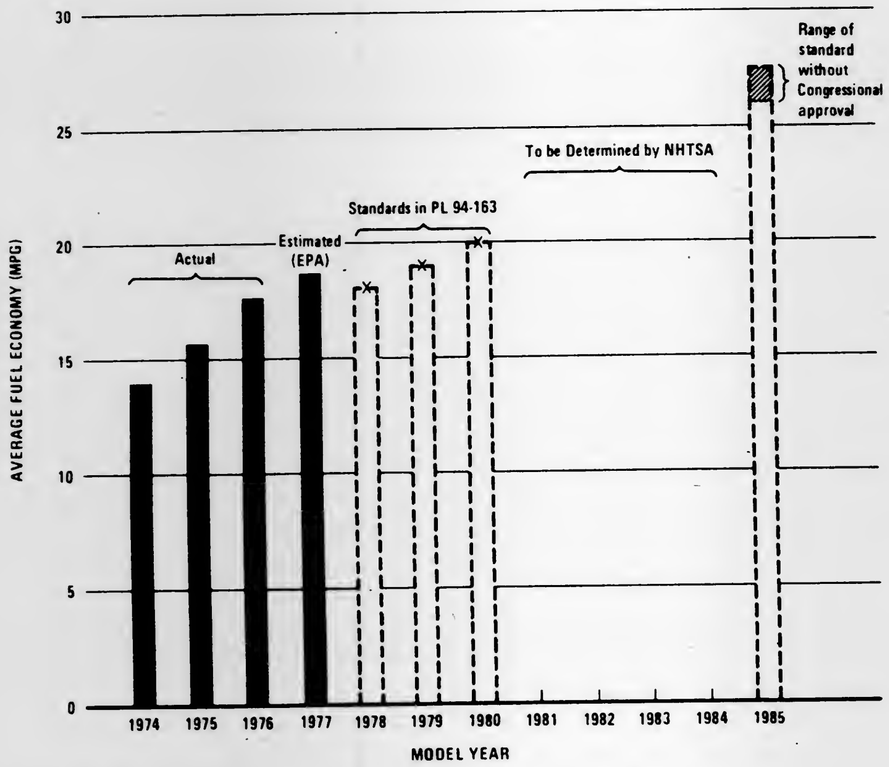
GASOLINE CONSUMPTION REPORTED BY STATES (1974-1976)



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Figure 5

AVERAGE FUEL ECONOMY OF NEW AUTOMOBILES, MODEL YEARS 1974 - 1985
(U.S. Market)



Source: EPA, Office of Mobile Source Air Pollution Control. Summary Chart, September 19, 1975

each model type is to be measured, and fleet average fuel economy of a manufacturer is to be calculated, by procedures established on September 10, 1976, (41 FR 38674) by the Environmental Protection Agency (EPA) Administrator, who is required to report measurements and calculations to the Secretary of Transportation.

The equation used by EPA for computing city/highway combined fuel economy for each new model automobile in a given inertia weight class is:

$$MPG_{c/h} = \frac{1}{\frac{.55}{MPG_c} + \frac{.45}{MPG_h}}$$

Where:

$MPG_{c/h}$ = Combined city/highway fuel economy in miles per gallon.

MPG_c = Miles per gallon obtained on the EPA city driving cycle.

MPG_h = Miles per gallon obtained on the EPA highway driving cycle.

} EPA Composite Driving Cycle

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For each manufacturer, the following formula is used to obtain the average fleet fuel economy:

$$MPG = \frac{1}{\sum f_i \left[\frac{1}{MPG_{c/h,\ i}} \right]}$$

Where:

MPG = Fuel economy for the model year (MPG)

f_i = Fraction of sales of model type i.

$MPG_{c/h,\ i}$ = City/highway combined fuel economy for model type i.

For example, if a manufacturer produced only three models with combined fuel economy of 18, 20, and 22 MPG and sales of 30, 20 and 50 percent respectively, the average fuel economy for this manufacturer's fleet in MPG is:

$$MPG = \frac{1}{\frac{0.30}{18\ (MPG)} + \frac{0.20}{20\ (MPG)} + \frac{0.50}{22\ (MPG)}} = 20.2$$

Table 1 shows the trends in the fleet average fuel economy for fourteen manufacturers in MY 1975-1977. Currently, only four automobiles, Fuji, Honda, Toyota, and Volkswagen, meet the 1985 fuel economy goal of 27.5 MPG - and all four are foreign made.

Table 1

FUEL ECONOMY FOR SELECTED MANUFACTURERS, 1975-1977

	1975	1976	1977
American Motors	19.0	18.3	19.2
Chrysler	15.5	16.5	16.6
Ford	13.6	17.3	17.1
General Motors	15.4	16.7	18.4
Audi	24.2	25.2	25.9
BMW	17.7	18.9	20.4
Fuji (Subaru)	26.5	29.7	30.2
Honda	31.3	32.6	35.6
Nissan (Datsun)	24.9	26.9	27.1
Porsche	19.8	20.5	19.8
Toyo Kogyo (Mazda)	16.7	21.9	26.1
Toyota	22.2	25.0	28.1
VW	27.4	28.3	30.4
Volvo	19.2	19.4	19.9
Fleet Average	15.6	17.6	18.6

Source: EPA "Light Duty Automotive Fuel Economy Trends Through 1977," SAE Paper #760795, September 1976.

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Section 4

STATUTORY REQUIREMENTS

Sections 501-505 and 508 of the new Title V of the Motor Vehicle Information and Cost Savings Act direct the Secretary of Transportation to issue standards on fuel economy as follows:

(1) Section 501(1), (2) and (3) authorize the Secretary to prescribe rules defining and classifying "automobiles," "passenger automobiles," and "automobiles capable of off-highway operation."

(2) Section 501(8) directs the Secretary to prescribe rules for determining which manufacturer is responsible for compliance with the Act, in cases where there is more than one manufacturer of an automobile.

(3) Section 502(a) (3) requires the promulgation, by rule, of average fuel economy standards for passenger automobiles manufactured in each of the model years 1981 through 1984. The Title provides for the issuance of these standards by July 1, 1977.

(4) Section 502(b) of the Act provides that average fuel economy standards for nonpassenger automobiles be prescribed at least 18 months prior to the beginning of the model year to which they are applicable.

(5) Section 502(c) of the Act authorizes the Secretary to establish the format and content for an application, by a manufacturer who manufactures fewer than 10,000 passenger automobiles in a given model year, for an exemption from the generally applicable average fuel economy standards.

(6) Section 502(d) (1) of the Act requires the Secretary to issue a regulation covering applications by automobile manufacturers for reductions of passenger automobile fuel economy standards for MY 1978, 1979, and 1980.

There is no statutory deadline for issuance of this regulation, but Section 502(d) (1) permits manufacturers to apply for reductions of fuel economy standards at any time within 24 months prior to the beginning of the model year for which the reduction is sought.

(7) Section 503(d) (1) of the Act requires the EPA Administrator to establish fuel economy testing and calculation procedures for both passenger and nonpassenger automobiles, and report measurements and calculations to the Secretary of Transportation. Section 503(d) (3) provides that these procedures will be promulgated at least 12 months prior to the model year to which they are applicable. Section 503(f) requires the EPA Administrator to consult and coordinate with the Secretary in carrying out his duties.

(8) Section 505(a) (1) authorizes the Secretary to establish the format and content of the semiannual compliance reports to be filed by automobile manufacturers. The first report is to be filed during the 30-day period preceding the beginning of the manufacturer's 1978 model year.

(9) Section 508 covers civil penalties to be assessed by the Secretary for compliance violations, and the deduction from these penalties of credits given a manufacturer for achieving average fuel economy in excess of that required under the applicable standard.

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Section 5

IMPLEMENTATION

The Secretary of Transportation has assigned the responsibility of implementing the applicable sections of Title V to the Administrator of NHTSA. The organizational structure of NHTSA has been expanded to add the Office of Automotive Fuel Economy, which reports directly to the Administrator (See Appendix A). The elements of the Office are shown in Appendix B. Positions and total dollar resources for the NHTSA fuel economy program for FY 1976TQ and FY 1977 are given in Appendix C.

RULEMAKING

Dockets have been established at NHTSA for all automotive fuel economy rulemaking actions. These files are available for public review. Rulemaking for seven fuel economy standards has been initiated:

1. Development of fuel economy standards for passenger automobiles for model years 1981-1985 and beyond, Docket # FE 76-01.

   Description

   This NPRM proposes a new regulation for specifying average fuel economy standards for passenger automobiles in model years 1981 through 1985 and beyond. An ANPRM was issued to obtain information and comments. Additional notice and opportunity to comment will be provided before the standards are issued.

2. Development of a regulation for applications from industry for reducing passenger automobile fuel economy standards for model years 1978-1980, Docket # FE 76-02.

   Description

   This NPRM proposes a new regulation specifying requirements for submission of petitions from manufacturers for

reducing the passenger automobile average fuel economy standards for model years 1978-1980. Such a reduction would partially offset any loss of fuel economy due to the application in those years of Federal emission, safety, noise, or damageability standards more stringent than those applicable to MY 1975. The NPRM also describes the procedures that NHTSA would follow in acting on the petitions.

The NPRM was published on October 26, 1976: 41 FR 46878

3. Development of standards for nonpassenger automobiles, Docket # FE 76-03.

   Description

   This NPRM proposes a new average fuel economy standard for nonpassenger automobiles of 6,000 pounds and less, beginning in MY 1979.

   The final rule is scheduled for publication in March 1977.

4. Development of a regulation for exemption applications for low-volume automobile manufacturers.

   Description

   This NPRM proposes a new regulation specifying requirements for submission of petitions from manufacturers of less than 10,000 passenger automobiles per year for an exemption to the average fuel economy standards. Such exemptions may be granted only if NHTSA determines that the standard otherwise applicable is more stringent than the maximum feasible average fuel economy level which the manufacturer can attain. An exemption can be granted for a low-volume manufacturer only if NHTSA establishes

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an alternative (maximum feasible level) standard for the manufacturer, or for such classes of automobiles as the manufacturer produces.

Estimated publication date of the final rule is April 15, 1977.

5. Vehicle classification.

Description

This NPRM proposes a new regulation to define automobiles, paseenger automobiles, nonpassenger automobiles and automobiles having a significant feature (other than 4-wheel drive) designed to equip them for off-highway operation.

The rule is scheduled for publication by March 1, 1977.

6. Multistage manufacturer responsibility.

Description

This NPRM proposes a new regulation to prescribe rules for determining, in cases where there is more than one manufacturer of an automobile, which manufacturer is responsible for complying with the provisions of Title V.

The rule is scheduled for publication by March 1, 1977.

7. Development of a regulation for automobile manufacturers' reports on fuel economy.

Description

This NPRM proposes the content and format for the semiannual reports that automotive manufacturers are required to submit, beginning with MY 1978. The semiannual reports will contain pertinent information to support the program offices.

The rule is scheduled for publication by August 1977.

It is anticipated that additional regulations in the following areas will be required in the future:

Procedural

Rule on which vehicles with GVWR greater than 6,000 pounds and less than 10,000 pounds are automobiles.

Passenger Automobiles (MY 1978-1980)

Rule granting or denying reductions of average fuel economy standards applied for by manufacturers.

Rule prescribing procedures for formal compliance determination hearings for 1978 and later model years.

Rule governing carryback and carryover of credits for exceeding the average fuel economy standards in any model year.

Passenger Automobiles (MY 1981-1985)

Rule modifying the average fuel economy standard for MY 1985 passenger automobiles, if necessary.

Rule modifying standards for average fuel economy of MY 1981 to 1984 passenger automobiles, pursuant to modification of the standard for 1985 models, if necessary.

Nonpassenger Automobiles

Rule establishing average fuel economy standards for nonpassenger automobiles between 6,000 and 10,000 pounds GVWR, if required.

Low-Volume Manufacturer Applications

Rule granting or notice denying applications for exemption from average fuel economy standards and establishment of alternative standards.

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Manufacturers' Reports and Recordkeeping

Rule prescribing records to be kept and information to be provided by the automobile manufacturers to aid NHTSA in implementing the fuel economy program.

RELATED ACTIVITIES

In connection with the formulation of the rules required under Sections 501-509 and preparation of public notices and reports to the Congress, NHTSA also performs many related activities. Since the passage of the Act, NHTSA has initiated actions to:

1. Establish and maintain appropriate relationships with consumer groups, the automotive industry, and other Federal agencies.
2. Develop and update economic and technological data bases.
3. Modify the automotive fuel economy research programs to incorporate the statutory requirements of Title V.
4. Formulate methods for the collection and reporting of information required to assess manufacturers' technological alternatives and corporate economic capabilities.
5. Set up procedures to ensure compliance with standards.
6. Recommend penalties for manufacturers failing to meet the standards.
7. Assess and evaluate program effectiveness.

EFFECTS OF SAFETY AND DAMAGEABILITY STANDARDS

All FMVSS's and damageability standards which have been issued, or which NHTSA plans to issue through 1980, have been analyzed to determine their effect on the fuel economy of post-MY 1975 automobiles. In this

analysis, it was assumed that any measurable effect on fuel economy could only be caused by an increase in electrical power consumption or an increase in vehicle weight of 10 or more pounds. Previous research indicates that it would be necessary to increase the weight of a small car by 100 pounds to reduce fuel economy by 0.29 MPG.

Analysis of issued standards reveals that only three safety standards and one damageability regulation currently in force may impact post-1975 vehicle weight by more than 10 pounds. No significant effect on electrical power consumption is anticipated. Fuel impacts of standards to be issued after 1980 will be evaluated in the future.

Existing Standards

FMVSS No. 215 - Exterior Protection - Passenger Cars

This standard, effective September 1, 1972, requires MY 1973 passenger cars to withstand barrier impacts of 5 mph front, and 2 1/2 mph rear, without damage to lighting, fuel, exhaust, cooling, and latching systems. An amendment, effective September 1, 1973, was issued to upgrade the barrier impact speed to 5 mph front, and 5 mph rear and to correct the mismatch that exists between passenger car bumpers by requiring impacts by a weighted pendulum at 5 mph front and rear.

Post-MY 1975 automobiles with a wheelbase of 120 inches or more, which were previously exempted from some of the impact requirements, must now meet them. Although this may mean an increase in bumper weight on these luxury cars, NHTSA estimates that the fleet average weight increase for all model years will be less than 10 pounds.

Part 581 - Bumper Standard

On March 4, 1976, NHTSA issued a final rule on Part 581, Bumper Standard. The purpose of this standard is to reduce physical damage to the front and rear ends of a passenger motor vehicle from low-speed collisions. NHTSA is proposing that manufacturers be given the option of complying with either FMVSS No. 215 or Part 581 until September 1, 1978, when compliance with Part 581 becomes mandatory. The new

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standard permits the use of "soft face" bumpers as long as the damage to the vehicle does not exceed specified limits. Soft-face bumpers are expected to weigh 110 to 120 pounds, substantially less than many MY 1975 bumpers. NHTSA expects, therefore, that Part 581 requirements will likely result in a weight reduction compared to MY 1975 passenger cars.

FMVSS No. 301 - Fuel Systems Integrity - Passenger Cars

This standard specifies requirements for the integrity and security of fuel tanks, fuel tank filler pipes, and fuel tank connections in all passenger cars manufactured after January 1, 1968. An amendment to this standard upgrades passenger car fuel system performance requirements, effective September 1, 1975, and extends the applicability to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less. As of September 1, 1976, it must be demonstrated that fuel loss in these vehicles will not exceed one ounce per minute in a static rollover, a 30-mph moving barrier crash, a 20-mph lateral moving barrier crash, and a 30-mph frontal barrier crash. All of the other vehicles subject to the standard must meet these requirements as of September 1, 1977.

NHTSA expects that the post-MY 1975 passenger car requirements of FMVSS No. 301 can be met with no increase in weight. Even if some manufacturers elect to meet the requirements through shielding rather than redesign, the fleet average weight differential still should be less than 10 pounds.

Planned Standards

Current plans for the period through FY 1978 indicate that NHTSA may issue new rules or amend existing standards in 32 areas which may affect MY 1979 and MY 1980 passenger cars.

While formal impact analyses have not been completed on all of these 32 standards, a preliminary review indicates that only FMVSS No. 108 (Lighting Equipment) and FMVSS No. 208 (Occupant Crash Protection) may possibly affect the fuel economy of pre-MY 1981 passenger automobiles.

FMVSS No. 108 - Lamps, Reflective Devices, and Associated Equipment

(Amendment)

This amendment to FMVSS No. 108 proposes requirements for side-turn signal lamps and high-intensity headlamps. The NPRM is scheduled to be issued in FY 1977, and the rule in FY 1978. Although improvements are being made in reducing the power consumption of vehicle lighting systems, the new side-turn signal lamps and higher-intensity headlamps will draw more power than MY 1976 lamps. However, preliminary analysis indicates that the total increase in fuel consumption will be less than one-half gallon per car per year.

INTRA-AGENCY AND INTERAGENCY COORDINATION

Intra-Agency Review

In delegating responsibility for developing fuel economy standards to the National Highway Traffic Safety Administration (NHTSA), the Office of the Secretary of Transportation (OST) has retained a review and concurrence authority which is exercised through the Assistant Secretary for Systems Development and Technology. As work progresses in developing a fuel economy standard, OST is kept informed and a completed Notice of Proposed Rulemaking (NPRM) or Final Rule (FR) is sent to OST for formal review and concurrence.

The formal review normally takes about one month, during which OST is briefed and specifies any changes required for concurrence.

Interagency Review

Fuel economy regulations proposed by NHTSA are also subject to interagency review, in accordance with an Office of Management and Budget (OMB) memorandum issued on October 5, 1971. This memorandum states that "agency regulations, standards, and guidelines pertaining to environmental quality, consumer protection and the occupational public health and safety" are to be submitted for interagency review 30 days prior to being proposed publicly.

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NHTSA determines which agencies are asked to review particular rules and consults with OST and the OMB Transportation Branch if there is any doubt whether an agency should be involved. In addition to the Environmental Protection Agency (EPA), the Federal Energy Administration (FEA), and the Energy Research and Development Administration (ERDA), the agencies to be considered for review include the Department of Commerce, the Council on Environmental Quality (CEQ), the Council on Wage and Price Stability (COWPS), and the Economic Policy Board.

By far the closest involvement is with EPA. This agency is responsible for prescribing, by rule, the testing and calculation procedures and conducting the tests and making the calculations on the basis of which compliance with fuel economy standards is determined by NHTSA. EPA is also consulted on a continuing basis concerning the effects of the emission standards on fuel economy.

The rules issued by NHTSA on fuel economy and several rules promulgated by EPA that relate to fuel economy have been the result of coordination between the two agencies. NHTSA and EPA are continuing to develop more effective methods of cooperation.

Some of the major issues identified during coordination with FEA and EPA are presented in the Research and Development Section.

ERDA provides inputs to NHTSA on the status of advanced engine programs which could impact on the post-1985 fuel economy standards.

Section 6

THE RULEMAKING PROCESS

As a pattern for fuel economy rulemaking, NHTSA has adopted a process similar to that used by the agency in issuing Federal Motor Vehicle Safety Standards (FMVSS's). The most significant modification relates to the period permitted for completing the process. In compliance with the EPCA, the first group of fuel economy rules will be issued in final form by March 1, 1977, fourteen months after the Act was signed into law. To satisfy this schedule, the time allowed for accomplishing rulemaking milestones has had to be drastically reduced, while yet offering interested parties the opportunity to participate in the rulemaking process.

As required by the Administrative Procedures Act and implementing orders, NHTSA allows other Federal agencies, industry, and interested private citizens and groups to comment on fuel economy proposals. From these comments, it is expected that NHTSA will acquire information and opinions that will contribute to the issuance of final rules calculated to best achieve maximum feasible automobile fuel economy.

The fuel economy rulemaking process requires NHTSA to:

(1) Prepare an engineering draft which describes the technical specifics of the proposed rule and the reasons why particular engineering decisions were made.

(2) Prepare a rulemaking support paper (RSP), a preliminary impact assessment (PIA), and a review to determine if a draft environmental impact statement (DEIS) is needed. The RSP provides the technical basis for the PIA and the environmental review. The PIA contains such items as:

(a). Estimates of the cost impact on consumers, producers, or businesses, and on Federal State, or local governments.

(b) Effects on supplies of important materials, energy supply or demand, and automobile performance.

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(c) Reasonable and practical alternatives and their impacts.

The environmental review evaluates the need for a DEIS by estimating the primary and secondary environmental effects of fuel economy on existing air, noise, and water pollution standards and on energy supply and natural resources development.

(3) Prepare the legal draft of the rulemaking document. The legal draft describes the nature of the proposal, the purpose of its issuance, the specific information requested or requirements to be satisfied, the expected impact and environmental effects, and the time allowed for comments.

(4) Obtain departmental concurrence.

(5) Conduct interagency coordination.

(6) Transmit the rulemaking document to the Federal Register for publication, for public review and comment.

These activities are in line with the President's goal of comprehensive regulatory reform and ensure that rulemaking proposals are supported by adequate analysis of anticipated costs and consequences before they become final rules.

Table 2 depicts the major steps associated with publication of a typical rule on automotive fuel economy.

Table 2

STEPS IN THE DEVELOPMENT OF AUTOMOTIVE FUEL ECONOMY RULES

1. Engineering Draft of Proposed Rulemaking
2. RSP, PIA, DEIS
3. Legal Draft of NPRM
4. Concurrence of Secretary and Interagency Coordination
5. Publication of NPRM in Federal Register
6. Public Hearings if necessary
7. Incorporation of comments
8. Engineering Draft of Rule
9. Legal Draft of Rule
10. Concurrence of Secretary
11. Interagency Coordination
12. Publication of Rule in Federal Register
13. Post-Rule Activities

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Section 7

RESEARCH AND DEVELOPMENT SUPPORT

The NHTSA Automotive Fuel Economy (AFE) program is supported by research and development which contributes to the sound formulation, establishment, and enforcement of fuel economy standards and standards modifications.

The purpose of the AFE R&D support program is to enhance NHTSA's preparedness to (1) address and apply the statutory criteria of Title V of the Motor Vehicle Information and Cost Savings Act, (2) review and assimilate the responses and submissions made by manufacturers, consumers, and other interested parties during the rulemaking process, and (3) report to the Congress the progress made in implementation of Title V.

The objective of the support program is to develop, maintain, and update (1) the data bases (statistical, technological, engineering, manufacturing, cost, financial, economic, marketing, and other national impacts) and (2) the analytical tools (framework, methodologies, and specific approaches) necessary to evaluate the maximum feasible fuel economy level and related rulemaking actions.

In the AFE R&D program, the services of the DOT Transportation Systems Center (TSC) will be used to the maximum possible extent. TSC has the expertise and capability for the identification and acquisition of data and the analtyical techniques necessary to support rulemaking actions. The Center also has extensive experience in establishing a qualified contractor base in virtually all subjects of interest to the AFE program, and in dealing with auto manufacturers and the auto industry for informal exchange of information. It is planned to supplement the services of TSC with selected contracts with the private sector.

Those portions of the Motor Vehicle Goals study* which apply to fuel economy rulemaking will be modified and updated as necessary for use in

* "The Report by the Federal Task Force on Motor Vehicle Goals Beyond 1980." Draft report to the Energy Resources Council (ERC), September 2, 1976.

the AFE R&D support program.

These elements include (a) detailed breakdown of technological and economic information and analyses by manufacturer, (b) explicit inclusion of nonpassenger autos, (c) reformulation of baselines and projected baselines for the determination of impacts from AFE standards and (d) reconsideration of the effects of other Federal standards (emissions, safety, damageability, noise). In addition, existing data bases and analytical tools will be updated periodically.

To maintain administrative control and facilitate program review, the AFE R&D support program is divided into four task areas: (1) Assessment of Technological Options, (2) Industry Assessment, (3) Economics, Marketing, and Other Impacts, and (4) Integrated Evaluations.

Assessment of Technological Options initially refers to the evaluation of production and production-prototype hardware available to manufacturers for achieving fuel economy improvements. This encompasses potential for auto-weight reduction, engine and drivetrain improvements, and also includes the effects of other Federal standards on fuel economy.

Industry Assessment includes evaluation of manufacturability and costs of technological improvements, both individually and in combination, assessment of manufacturers' capabilities and leadtimes in implementing fuel economy improvements, and capital requirements and the feasibility of obtaining capital.

Economics, Marketing and Other Impacts involves such complex factors as the following:

- Identification and allocation of costs and benefits to the manufacturer and consumer as a result of specific AFE standards.
- Evaluation of consumer choices and preferences and the resulting impact on the manufacturer's ability to meet AFE standards.
- Fuel price effects in the absence or presence of AFE standards.
- Aggregated economic effects of AFE standards on the automotive sector of the economy, on the national economy, on petroleum and other national resources, on air quality, and on highway safety.

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Integrated Evaluations consist of tasks devoted to systems integration to generate coherent analysis, evaluation, and documentation in response to specific rulemaking.

Following are the plans in these four areas during FY 1977:

Assessment of Technological Options

(1) Improve and develop tools, (engineering and statistical) to predict fuel economy as a function of performance, emissions, etc., including analysis and tests.

(2) Obtain data on lightweight internal combustion engines (spark ignition and diesel). The emphasis will be on the evaluation of engines that offer the "best" fuel economy for low horsepower-to-vehicle-weight ratios for given emission constraints. Potential costs will be evaluated. The effect of control logic for a number of engine/vehicle configurations will be studied.

(3) Evaluate the impact of advanced transmissions on emissions and fuel economy.

(4) Evaluate the weight-reduction potential of passenger and nonpassenger cars and utility vehicles considering comfort, safety, damageability, reliability, and initial cost. Manufacturing considerations will be included in the study.

(5) Define the performance of mass-produced engines, their efficiency as a function of emission control, and ancillary hardware and software requirements.

Industry Assessment

(1) Expand and improve the automotive manufacturing data base. Under this task, manufacturing cost data and methodology generated by the basic interview method, and consultant estimates for various components and vehicles, will be compared with the costing technique based on teardown of actual components or vehicles in order to verify and calibrate the manufacturing cost data bases.

(2) Collect data and perform analyses of industry capital, labor and material requirements, production scheduling, and costs. Provide responses to specific industry concerns about production capacities, capital availability, changeover intervals and labor. Alternative strategies for meeting capital requirements will also be evaluated.

(3) Assess ease of manufacture (materials, labor, capital requirements and costs) for projected components and vehicles, e.g., innovative structures, conversion to smaller engines and gas-to-diesel engines.

(4) Evaluate engineering risks to the consumer and to the manufacturer associated with design changes that show fuel-economy benefits. Studies will include the investigation of possible degradation in durability and safety due to reduction in body-metal thickness, and increase in engine speed (for smaller engine size) to reduce vehicle weight.

(5) Expand and improve the maintenance cost data base to provide cost information on automotive maintenance inspection and diagnostic equipment. This task will also determine requirements for maintenance of advanced electronic control systems and other components, and provide information on costs to meet damageability standards.

Economics, Marketing and Other Impacts

(1) Develop financial analyses on each major manufacturer to assess his ability to underwrite technical changes which would improve fuel economy and the risks in doing so.

(2) Develop data and methodologies for assessing various strategies (extent and phasing of technolological innovation, production fleet mix, vehicle performance, and pricing) used by manufacturers to meet AFE standards. Determine the effects of such strategies on the consumer.

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(3) Develop techniques for assessing consumer response to various alternatives offered by manufacturers in response to AFE standards.

(4) Determine the sensitivity of items such as corporate fuel economy, sales volume, fleet mix and vehicle miles traveled to various increases in fuel price.

Integrated Evaluations

(1) Synthesize information from each of the three major areas above, to determine the impact of proposed standards, for both passenger and nonpassenger automobiles, utilizing techniques similar to those applied in the Motor Vehicle Goals study.

(2) Provide technological, economic, marketing, and societal data bases for proposed AFE standards.

Economic Practicability

Title IIIA of the Energy Policy and Conservation Act, which adds a new Title V to the Motor Vehicle Information and Cost Savings Act, represents a new area of governmental regulatory activity, the regulation of automotive fuel economy. Heretofore fuel economy of automobiles has been left to market forces; now it is to be determined, at least in part, by governmental action. The purpose of the new regulatory program is to help ensure that scarce crude oil resources are used in ways which reflect the high economic costs incurred to make these resources available and the risks resulting from increasing U.S. dependence on imports from countries which have restricted the availability of crude oil to the United States.

The overriding objective of this program is to conserve fuel. In setting fuel economy standards the NHTSA Administrator is required to consider their economic practicability. The Congress has demonstrated an awareness that adverse economic effects could result from setting standards too high. To avoid these economic consequences, the Title

requires the Administrator to consider the economic practicability as well as the technological feasibility of establishing and implementing particular standards.

In addition to mandating fuel economy, the Act empowers the FEA to keep fuel prices below the levels that would exist in a normal market. Provision for government price controls on petroleum in the same legislation which seeks to conserve fuel may seem contradictory. Allowing the price of fuel to rise is one way to encourage conservation. Congressional rationale may rest on the following suppositions:

(1) As a result of actions by foreign suppliers, fuel prices under free market conditions have become so high that the American people should be protected against them.

(2) These high prices would result in unjustifiable gains to some American producers who could sell at prices which do not reflect the historical costs incurred in finding and producing oil.

For these reasons the price of crude oil to petroleum refiners is set at less than normal market clearing levels and, consequently, the price of gasoline to motorists is below the levels that would exist under free market conditions. Thus, without the fuel savings provisions of the EPCA, Americans would use fuel at greater rates than is justified by real costs or scarcity and would purchase automobiles that are comparatively fuel inefficient.

Congress did not provide a definition of the term "economic practicability." The Administrator is allowed considerable discretion in interpretation of the term. Two ways of approaching the concept of economic practicability are discussed below.

The first approach relies primarily on the premise that current fuel prices cannot be used as a guide for the scarcity of petroleum products. These prices are depressed by government control actions and to adequately measure the value of petroleum, the current world price must include the cost of supply interruptions. Under this interpretation, the Administrator should mandate fuel economy standards

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which reflect a higher fuel price than now exists. The Administrator might also conclude that the risk of supply interruption is such as to cause a still higher "price" of fuel to be used as a guide to fuel scarcity. This conclusion would call for more stringent fuel economy measures.

The legislatively set goal of 27.5 MPG implies an as yet indeterminate fuel price. There is a price of gasoline at which the automobile fleets produced and sold in the United States would have this average fuel economy. The Administrator may reduce the minimum average fuel economy requirement from 27.5 to 26 MPG without Congressional review, if he determines that this reduction is the maximum feasible level of average fuel economy. In the absence of the EPCA fuel economy measures, 26 MPG fuel economy would be achieved by market forces at a somewhat lower fuel price than that necessary to achieve 27.5 MPG.

At this time we do not know whether the gasoline prices at which either 26 or 27.5 MPG would be achieved by market forces are near, above, or below those which would result from oil at world market prices. NHTSA's research program has as one of its goals the determination of the relationship between fuel prices and fuel economy of automobiles produced for the United States market.

It is anticipated that this research will provide answers to the following questions:

(1) What gasoline price would ultimately result in the production and sale of automobiles that would average 26 or 27.5 MPG?

(2) What would be the average fuel economy of automobiles if there were no fuel economy regulatory program and if gasoline prices were decontrolled to reflect world crude oil prices? How would the average fuel economy change if a premium were added to these prices to reflect the risks of interruption of the supply of crude oil?

A second approach of economic practicability is that the economic consequences of achieving various fuel efficiency levels must fall within acceptable ranges. The following impacts of fuel economy standards may be considered:

(1) The effect on prices of automobiles, and hence on their marketability and the consequent impact on fuel savings.

(2) The effect on the characteristics (e.g., size, capacity and performance) of automobiles and therefore on their marketability.

(3) The effect on employment in the automobile manufacturing and related industries.

(4) The effect on competition and on the economic health of firms in the automobile manufacturing and related industries.

(5) The effect on the amount of energy necessary to manufacture automobiles and their components as compared to the resultant effect on fuel consumption.

NHTSA's research program will investigate the two interpretations of economic practicability described above. The research will not determine economic practicability. That will be a matter in which the Department of Transportation and the Congress will exercise judgment.

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GLOSSARY

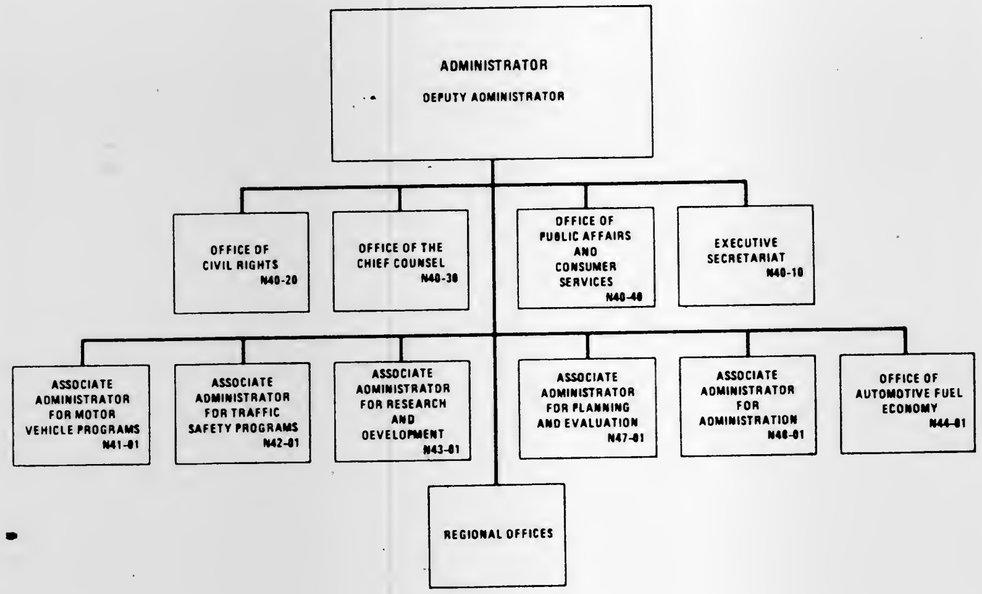
AFE	Automotive Fuel Economy
ANPRM	Advance Notice of Proposed Rulemaking
CEQ	Council on Environmental Quality
COWPS	Council on Wage and Price Stability
DEIS	Draft Environmental Impact Statement
DOT	Department of Transportation
EPA	Environmental Protection Agency
EPCA	Energy Policy and Conservation Act
ERC	Energy Resources Council
ERDA	Energy Research and Development Administration
FE	Fuel Economy
FEA	Federal Energy Administration
FHWA	Federal Highway Administration
FMVSS	Federal Motor Vehicle Safety Standard
FR	Federal Register
FTC	Federal Trade Commission
GSA	General Services Administration
GVWR	Gross Vehicle Weight Rating

MPG	Miles Per Gallon
MY	Model Year
NHTSA	National Highway Traffic Safety Administration
NPRM	Notice of Proposed Rulemaking
PIA	Preliminary Impact Assessment
PL	Public Law
RSP	Rulemaking Support Paper
TQ	Transition Quarter
TSC	Transportation Systems Center

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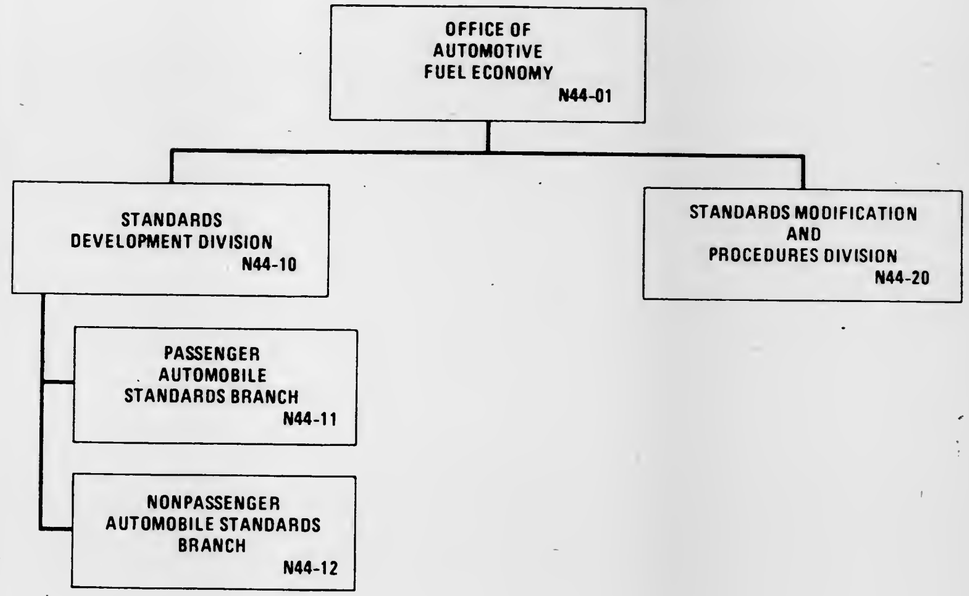
APPENDIX A

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION



APPENDIX B

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Office Of Automotive Fuel Economy



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APPENDIX C

AUTOMOTIVE FUEL ECCNOMY PROGRAM

(Dollar amounts in thousands)

	FY 1976 TQ	FY 1977*
Positions	-	40
Dollars:		
Salaries and supporting expenses	-	900
Contract program		$2,100
TOTAL	$1,405	$3,000

*An additional $3.0 million will be requested in a supplemental appropriation request and $2.0 million will be added through internal reprogramming.

[FR Doc.77-1221 Filed 1-12-77;8:45 am]

federal register

THURSDAY, JANUARY 13, 1977

PART X

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS

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OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new routine deferrals of funds totalling $685.0 million. The deferred funds were provided for the U.S. Railway Association and the U.S. Information Agency.

In addition, I am reporting routine revisions to five deferrals previously transmitted. They relate to programs of the Departments of Commerce and Health, Education, and Welfare, the General Services Administration, and the American Revolution Bicentennial Administration. The combined effect of the revisions is to increase the amount deferred by $130,000.

The details of each deferral are contained in the attached reports.

Gerald R. Ford

The White House, January 7, 1977.

SUMMARY OF PROPOSED DEFERRALS
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Commerce:	
	National Oceanic and Atmospheric Administration:	
D77-6A	Promote and develop fishery products and research pertaining to American fisheries	1,772
D77-9A	Fishermen's guaranty fund	544
	Health, Education, and Welfare:	
	Office of the Assistant Secretary for Health:	
D77-13A	Scientific activities overseas (special foreign currency program)	2,113
	General Services Administration:	
D77-29A	Rare silver dollar program	1,797
	Other Independent Agencies:	
	American Revolution Bicentennial Administration:	
D77-31A	Commemorative activities fund	198
	U.S. Information Agency:	
D77-41	Salaries and expenses (special foreign currency program)	2,437
D77-42	Special international exhibitions	1,716
D77-43	Special international exhibitions (special foreign currency program)	112
	U.S. Railway Association:	
D77-44	Payments for the purchase of Conrail securities	680,700
	Total, deferrals	691,389

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1977
(Amounts in thousands of dollars)

	Rescissions	Deferrals
Sixth special message:		
New items.....	---	684,965
Changes to amounts previously submitted.....	---	130
Effect of the sixth special message.....	---	685,095
Previous special messages.....	99,100	6,019,035
Total amount proposed in special messages.....	99,100 (in 4 rescission proposals)	6,704,130 (in 44 deferrals)

Note: All amounts listed represent budget authority except for $134,807,092 consisting of two general revenue sharing deferrals of outlays only (D77-26 and D77-27A). Reports for D77-26 and D77-27A are included in the special messages of October 1, 1976, and December 3, 1976, respectively.

D77-6A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014 (c) of P.L. 93-344

This report updates Deferral No. D77-6 transmitted to the Congress on October 1, 1976, and printed as House Document No. 94-650.

This supplementary report reflects an increase in the amount deferred of $1,522 (from $1,770,716 to $1,772,238) from that previously reported for the program to promote and develop fishery products and research pertaining to American fisheries. This increase results from several partially-offsetting changes including an increase in unobligated balances, $1,278 of which is to be added to the deferral.

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Deferral No: D77-6A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. _____) $ _____
Bureau National Oceanic and Atmospheric Administration	* Other budgetary resources $10,517,238
Appropriation title & symbol Promote and Develop Fishery Products and Research Pertaining to American Fisheries 13X5139	* Total budgetary resources 10,517,238 Amount to be deferred: Part of year $ _____ Entire year $1,772,238*
OMB identification code: 13-5139-0-2-403 1/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other 7 U.S.C. 612C

*Justification:

An amount equal to 30% of the gross receipts from customs duties on fishery products is appropriated for fishery products resources research and assessment and American fisheries resource management and development. These funds supplement monies appropriated to the National Oceanic and Atmospheric Administration for the same purposes under the appropriation "Operations, research, and facilities." The amount requested for deferral, $1,772,238, represents the excess amount of receipts over the cost of currently planned program activities in FY 1977. Because no plans have been developed for use of these funds, they are requested for deferral at this time. The deferred funds are being reserved in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

This deferral action has no effect on the program as currently planned for FY 1977.

Outlay Effects:

There is no outlay effect of this deferral because the funds would not be used if made available.

* Revised from previous report.
1/ The OMB identification code that appeared in the FY 1977 budget was 06-48-5139-0-2-403.

D77-9A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates Deferral No. D77-9 transmitted to the Congress on October 1, 1976, and printed as House Document 94-650.

This supplementary report for the Fishermen's Guaranty Fund increases the deferred amount by $188,376. The increase is attributable to an identical increase from the amount originally estimated in unobligated funds brought forward from the transition quarter.

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Deferral No: D77-9A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 94-362) $ 61,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 725,926*
Appropriation title & symbol Fishermen's Guaranty Fund 13X4318	Total budgetary resources 786,926 1/
	Amount to be deferred: Part of year $ ____ Entire year 543,926*
OMB identification code: 13-4318-0-3-403 2/	Legal authority *(in addition to sec. 1013)*: ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ *(expiration date)* ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:*

This fund, established pursuant to the Fishermen's Protective Act of 1967, as amended, provides compensation to vessel owners and crews for financial losses resulting from the seizure of United States fishing vessels by foreign governments on the high seas on the basis of rights or claims to territorial waters not recognized by the United States. Losses payable are generally limited to the market value of fish caught before seizure which were spoiled or confiscated and up to 50% of gross income lost as a direct result of such seizures. Capital for this fund is derived from fees paid by vessel owners at rates established by the Secretary of Commerce and appropriations from the general fund.

The current program will finance the administrative expenses of this fund and payment of all outstanding claims leaving $543,926 that can be deferred, pending future seizures and resulting claims.

Estimated Effects:

Deferral of these funds will have no effect on the Fishermen's Guaranty Fund program as currently planned for FY 1977.

* Revised from previous submission.

1/ Includes $522,926 of unobligated funds brought forward from the transition quarter and $203,000 of estimated receipts from fishing vessel owners participating in the guaranty program during FY 1977.

2/ The OMB identification code that appeared in the FY 1977 budget was 06-48-4318-0-3-403.

Outlay Effect:

There is no outlay effect of this deferral because the funds would not be used if made available.

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D77-13A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report revises Deferral No. D77-13 transmitted in the special message of October 1, 1976,and printed as House Document No. 94-650.

This message reflects an increase in the deferred amount from $1,113,000 to $2,113,000 primarily as a result of the actual unobligated balance brought forward into FY 1977 being higher than previously estimated.

Deferral No: D77-13A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____) $ 1,500,000*
Bureau Office of the Assistant Secretary for Health	Other budgetary resources 15,919,549*
Appropriation title & symbol 75X1102 -- Scientific Activities Overseas (Special Foreign Currency Program)	Total budgetary resources 17,419,549*
	Amount to be deferred: Part of year $ -0- Entire year 2,113,000*
OMB identification code: 1/ 75-1102-0-1-552	1/Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other _____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification:

Appropriation Acts for the Department of Health, Education, and Welfare have provided funds for the Scientific Activities Overseas Program to "remain available until expended." Funding for this program comes from foreign currencies owned by the United States that have been determined by the Treasury Department to be in excess of normal U.S. needs in the countries concerned. There are now seven countries (Egypt, Burma, Guinea, India, Pakistan, Poland, and Tunisia) that the Treasury Department has designated "excess currency" countries in accord with its internal Treasury Department guidelines. The Treasury Department releases these funds to the Department of Health, Education, and Welfare (HEW) to use for scientific research projects in those countries; and the funds remain available to HEW until expended.

The amount of funds to be obligated during 1977 and the amount to be deferred to 1978 were determined after a careful review of the scientific merit of project proposals in the limited number of excess currency countries. HEW has decided which research projects in those countries will contribute to U.S. scientific needs and thus should be funded. The amount being deferred is in excess of current program requirements and is thus reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C., 665).

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* Revised from previous report.

1/ The OMB identification code that appeared in the FY 1977 budget was 09-37-1102-0-1-552.

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D77-13A

Estimated Effects:

No programmatic or outlay impact results from this action. This deferral reflects the budgetary resources that will remain available after meritorious scientific projects have been funded in fiscal year 1977.

Outlay Effect

There is no outlay effect of this deferral because the funds could not be used if made available.

D77 29A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D77-29, transmitted to the Congress on October 1, 1976, and printed as House Document No. 94-650.

This revision reflects a net increase of $88,053 in the amount to be deferred in fiscal year 1977 for the Rare Silver Dollar program of the General Services Administration. The increase in the deferral is a result of an identical increase in the unobligated balance carried into fiscal year 1977 for this program. The actual unobligated balance that developed was $88,053 higher than had been originally estimated.

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Deferral No: D77-29A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency General Services Administration	New budget authority (P.L. _____) $ _____
Bureau	Other budgetary resources 2,197,053
Appropriation title & symbol Rare Silver Dollar Program 47X0701	Total budgetary resources 2,197,053
	Amount to be deferred: Part of year $1,797,053* Entire year _____
OMB identification code: 47-5255-0-2-999 1/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

*Justification

This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 655), which authorizes the establishment of reserves for contingencies. Funds were appropriated in 1972 and 1973, without fiscal year limitation, for operating costs for disposal of rare silver dollars. To date, roughly $60.4 million (gross receipts) of silver dollars have been sold, with approximately $26.5 million still available for sale. However, current sales procedures severely restrict the amount of remaining coins which may be sold under the existing appropriation.

The contingency of $1,797,053 reflects revised disposal plans suspending all coin sales until legislation is passed revising current sales methods. Sales using past procedures are no longer deemed economically feasible, and consideration is being given to the effects of alternative terms and conditions on future Government sales of the coins as well as on the coin market in general.

Estimated Effects

The deferral of funds for operating expenses will have no adverse effect on the silver dollar sales program since current sales procedures have limited the amount of marketable coins. New legislation has been proposed to provide revised sales methods.

*Revised from previous report.
1/ The OMB identification code that appeared in the FY 1977 budget was 23-30-5255-0-2-999.

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Outlay Effects (estimated in millions of dollars)

Comparison with President's 1977 budget:	
1. Budget outlay estimate for 1977	**1.0**
2. Outlay savings, if any, included in budget outlay estimate	
Current outlay estimates for 1977:	
3. Without deferral	**2.1**
4. With deferral	**.4**
5. Current outlay savings (line 3 minus line 4)	**1.7**
Outlay savings for 1978	**-1.7**

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D77-31A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates Deferral D77-31A transmitted to the Congress on October 1, 1976, and printed as House Document No. 94-650.

This supplementary report reflects a decrease in the amount deferred from $1,345,874 to $197,950. The deferral had been established to assure that funds were available to meet all outstanding debts of the American Revolution Bicentennial Administration that are to be paid from the Commemorative Activities fund before ARBA is dissolved. There currently is no plan for obligation of the remaining $197,950 but such plans are expected to be developed and executed before ARBA's dissolution.

Deferral No: D77-31A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: American Revolution Bicentennial Admin.	New budget authority (P.L. 93-179) $4,563,750 *
Bureau: c/o U.S. Department of the Interior	Other budgetary resources 5,336,785 *
Appropriation title & symbol: Commemorative Activities Fund 76X5077-AR	Total budgetary resources 9,900,535 *
	Amount to be deferred: Part of year $ 197,950 *
	Entire year ---
OMB identification code: 76-5077-0-2-806 1/	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Permanent, Indefinite, Special Fund

* Justification

These funds are being deferred because there is no immediate plan for their obligation. The deferral is being established as a reserve for contingencies in accordance with the Antideficiency Act (31. U.S.C. 665).

* Estimate Effects

None; these funds will be apportioned for program purposes as necessary in accordance with future agency budget plans.

Outlay Effect

There is no outlay effect of this deferral.

* Revised from previous report.

1/ The OMB identification code that appeared in the FY 1977 budget was 31-03-5077-0-2-806.

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Deferral No: D77-41

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: U.S. Information Agency Bureau	New budget authority (P.L. 94-362): $8,600,000 Other budgetary resources: 2,890,985 Total budgetary resources: 11,490,985
Appropriation title & symbol: Salaries and Expenses, Special Foreign Currency Program 67X0103	Amount to be deferred: Part of year: $ — Entire year: 2,437,000
OMB identification code: 1/ 67-0103-0-1-153 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other —
Type of account or fund: ☐ Annual ☐ Multiple-year — (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The United States Information Agency is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), and Executive Order No. 11034 of June 25, 1962, as amended, to carry out international information activities abroad by the dissemination of information about the United States, its people, and its policies.

The Foreign Relations Authorization Act, Fiscal Year 1977 (P.L. 94-350, approved July 12, 1976) authorized to be appropriated for fiscal year 1977, $255,925,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)" for USIA. The Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977, (P.L. 94-362, approved July 14, 1976) appropriated $8,600,000, to remain available until expended, for the "Salaries and expenses (special foreign currency program)" account. The account is used for payment of USIA local program expenses in U.S.-owned foreign currencies in those countries where the Department of the Treasury determines that the supply of currencies is in excess of the normal requirements of the U.S. Government. In fiscal year 1977 the "excess" currency countries

1/ The OMB identification code that appeared in the FY 1977 budget was 33-25-0103-0-1-153.

D77-41

2

are: Burma, Guinea, India, Pakistan, Tunisia, and Egypt. It was estimated in the 1977 Budget that additional budgetary resources of $1,268,000 would be available for 1977 from prior year unobligated balances brought forward, recovery of prior period obligations, and anticipated reimbursements from other agencies. Thus, total obligations of $9,868,000 were planned for 1977 in the 1977 Budget.

When final closing balances for the transition quarter were established, the 1977 beginning-of-period unobligated balance for this account, plus anticipated recoveries and reimbursements from other agencies, amounted to $2,890,985, or $1,622,985 more than the sum estimated in the 1977 Budget. The additional unobligated balances were realized from favorable exchange rate changes-mainly in India and Tunisia, lower inflationary increases than budgeted, added recovery of prior-period obligations, and net program adjustments including cancellation of a planned Bicentennial book project. Moreover, it is estimated that those changes further reduce requirements in 1977 by $814,015, resulting in a total program of $9,053,985. Since total availabilities of $11,490,985 in this account for 1977 exceed program requirements by $2,437,000, that amount has been deferred for the entire year. These funds will be available for use in 1978, reducing the need for 1978 new appropriations accordingly.

These funds are being reserved in accordance with the Anti-deficiency Act (31 U.S.C. 665).

Estimated Effects

None. The amount deferred could not be obligated before fiscal year 1978.

Outlay Effect

There is no outlay effect of this deferral, because the funds would not be obligated if made available.

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Deferral No: D77-42

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: U.S. Information Agency Bureau:	New budget authority (P.L. 94-362) $ 4,841,000 Other budgetary resources 4,565,677 Total budgetary resources 9,406,677
Appropriation title & symbol Special International Exhibitions 67X0064	Amount to be deferred: Part of year $ — Entire year 1,716,000
OMB identification code: 67-0064-0-1-153 1/ Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other —
Type of account or fund: ☐ Annual ☐ Multiple-year — (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other —

Justification

Pursuant to authority in Section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452) and under the President's delegation contained in Executive Order No. 11034 of June 25, 1962, as amended, the United States Information Agency carries out a major program of U.S. exhibitions overseas at international fairs and other demonstrations of American economic, social, industrial, scientific, and cultural accomplishments in order to increase mutual understanding between the people of the United States and the people of other countries.

The Foreign Relations Authorization Act, Fiscal Year 1977 (P.L. 94-350, approved July 12, 1976) authorized to be appropriated for fiscal year 1977, $4,841,000 for "Special international exhibitions," and the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977 (P.L. 94-362, approved July 14, 1976) appropriated that amount, to remain available until expended, to carry out the USIA functions under Section 102(a)(3) of 22 U.S.C. 2452, as cited above. It was also estimated in the 1977 Budget that additional budgetary resources of $912,000 would be available in 1977 from prior year unobligated balances brought forward and anticipated reimbursements from non-Federal sources. Thus, total obligations of $5,753,000 were planned for 1977 in the 1977 Budget.

When final closing balances for the transition quarter were established, however, the 1977 beginning-of-period unobligated balance for this account amounted to $4,565,677, or

1/ The OMB identification code that appeared in the 1977 budget was 33-25-0064-0-1-153.

D77-42

2

$3,653,677 more than estimated in the 1977 Budget. These funds reflect a number of changes in 1976 and the transition quarter: reductions in the scope of exhibitions shown at international fairs in Bucharest, Plovdiv, and Zagreb; showings of the Satellite Exhibition in Yugoslavia; and showings of the Bicentennial exhibit, "Reflections", in Hungary, Poland, and Romania. Those reductions, which reduced requirements by some $1.1 million, were partially offset by net increases of $0.2 million for exhibitions shown in other areas, operating costs, and other changes. In addition, the Okinawa Fair required $0.8 million less than had been estimated. This reduction resulted from favorable exchange rate changes, favorable weather (which minimized exhibit maintenance costs), utilization of Defense Department shipping facilities, and cash donations from private sources. Funds amounting to $1,857,677 of the additional $3,653,677 unobligated balance brought forward into 1977 are required for obligation in 1977 primarily for activities previously planned for 1976 and the transition quarter. The remaining $1,716,000 is excess. Thus, this account has total budgetary resources of $9,406,677 available for 1977 and program requirements of $7,690,677. The excess of $1,716,000 is planned to be deferred for the entire year. These funds will be available for use in 1978, reducing the need for 1978 new appropriations accordingly. The deferred funds are being reserved in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

None. These funds could not be effectively used during fiscal year 1977.

Outlay Effect

There is no outlay effect of this deferral, because the funds could not be used if made available.

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Deferral No: D77-43

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Information Agency Bureau	New budget authority (P.L. _____) $ _____ Other budgetary resources 117,315 Total budgetary resources 117,315
Appropriation title & symbol Special International Exhibitions Special Foreign Currency Program 67X0069	Amount to be deferred: Part of year $ _____ Entire year 112,000
OMB identification code: 67-0069-0-1-153 1/ Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

New appropriations for the Special international exhibitions (special foreign currency program) account were terminated at the end of 1974, since the available uses of foreign currencies had become minimal and did not warrant a separate appropriation. The 1977 Budget estimated that all of the unobligated balances from prior years carried into fiscal 1976 would be obligated during that year for a project in Poland. However, the project did not materialize and funds were not obligated.

Use of "excess foreign currencies" is currently limited by the Department of the Treasury to six countries: Burma, Guinea, India, Pakistan, Tunisia, and Egypt. Under USIA's current program plan for international exhibitions, no local costs will be incurred in any of these countries during 1977. Therefore, deferral of the carry-over balances throughout fiscal year 1977 is planned. The funds are being reserved in accordance with the Antideficiency Act (31 U.S.C. 665).

1/ The OMB identification code that appeared in the 1977 budget was 33-25-0069-0-1-153.

D77-43

2

Estimated Effects

None. The amount deferred could not be obligated before fiscal year 1978.

Outlay Effect

There is no outlay effect of this deferral, because the funds would not be obligated if made available.

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Deferral No: D 77-44

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency UNITED STATES RAILWAY ASSOCIATION	New budget authority (P.L. _____) $ --
Bureau	Other budgetary resources 1,155,700,000
Appropriation title & symbol Payments for Purchase of Conrail Securities 98X0111	Total budgetary resources $1,155,700,000
	Amount to be deferred: Part of year $ -- Entire year 680,700,000
OMB identification code: 98-0111-0-1-404	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other _____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other _____

Justification

Funds were appropriated in P.L. 94-252 to be used by the U.S. Railway Association to purchase securities of the Consolidated Rail Corporation (Conrail) pursuant to the Regional Rail Reorganization Act, as amended. Although appropriated, these funds are not required at this time to support the rehabilitation program and working capital needs of Conrail. The amount deferred is not expected to be needed during the current fiscal year. These funds are being reserved in accordance with the Anti-deficiency Act (31 U.S.C. 665).

Estimated Effects

This deferral action has no effect on the program as currently planned in FY 1977.

Outlays Effects

There is no outlay effect for this deferral since, under present projections, funds would not be used if made available.

[FR Doc.77-1241 Filed 1-11-77;11:36 am]

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

January 1977

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of January 1, 1977, of the 4 rescissions and 40 deferrals contained in the first five special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, October 1, November 5, and December 3, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Two rescissions totaling $54.1 million in FY 1977 budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of January 1, 1976. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of January 1, 1976, $5,871.8 million in 1977 budget authority was being deferred from obligation and another $106.4 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report, are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI)
Monday, September 27, 1976 (Vol. 41, No. 188, Part III)
Thursday, October 7, 1976 (Vol. 41, No. 196, Part IV)
Wednesday, November 10, 1976 (Vol. 41, No. 218, Part VII)
Wednesday, December 8, 1976 (Vol. 41, No. 237, Part II).

JAMES T. LYNN,
Director.

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TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President.....	134.1
Withdrawn (R77-4A, Special Message No. 4)...	-35.0
Currently proposed in special messages....	99.1
Accepted by the Congress.....	---
Rejected by the Congress.....	-45.0
Pending before the Congress:	
(Special Message No. 2, less R77-4 withdrawn in Special Message No. 4 by R77-4A).....	54.1

* *

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President.....	6,019.0
Routine Executive releases (-38.9M) and adjustments (-1.9M) 1/ through January 1, 1977....	-40.8
Overturned by the Congress.....	---
Currently before the Congress.....	5,978.2 2/

1/ An amount equal to $135.5 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "adjustments" entry above because superceded deferrals are netted out in calculating the amount shown on the line "Deferrals proposed by the President" to avoid double counting.

2/ Includes $106.4 million of outlays in two Treasury deferrals--D77-26 and D77-27A.

ATTACHMENT A

STATUS OF RESCISSIONS
FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of January 1, 1977

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Defense--Civil							
Corps of Engineers--Civil:							
Revolving fund	R77-2	6,600	09-22-76			35,000 1/	10-01-76
Department of the Interior							
Bureau of Mines:							
Helium fund	R77-3	47,500	09-22-76			45,000	10-01-76
						80,000	
Department of Transportation							
Federal Highway Administration:							
Highway crossing	R77-4	[35,000]	09-22-76				
Federal projects	R77-4A	0	11-05-76				
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation	R77-1	[45,000]2/	07-29-76				
TOTAL		54,100					

1/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on November 5, 1976.
2/ These funds were not withheld during the 45-day Congressional consideration period.

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Attachment B

B-1

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Emergency Refugee and Migration Assistance Fund	D77-1		8,640	10-01-76					
				10-28-76	-1,000				
				11-12-76	-1,200				
				12-29-76	-2,000				4,440
International Security Assistance									
Military assistance, 1977	D77-37		73,000	12-03-76					73,000
Foreign military credit sales	D77-38		740,000	12-03-76					740,000
TOTAL			821,640		-4,200				817,440

Agency: Department of Agriculture

B-2

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Foreign Agricultural Service									
Salaries and expenses (Special foreign currency program)	D77-2		1,610	10-01-76					1,610
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses	D77-3		2,919	10-01-76					
				12-30-76	-2,629				290
Forest Service									
Expenses, brush disposal	D77-4		22,321	10-01-76					22,321
Licensee programs	D77-5		146	10-01-76					146
TOTAL			26,996		-2,629				24,367

STATUS OF DEFERRALS

B-3

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
National Oceanic and Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D77-6		1,771	10-01-76					1,771
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					59
Fishermen's guaranty fund	D77-9		356	10-01-76					356
TOTAL			7,985						7,985

Agency: Department of Defense, Military

B-4

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Shipbuilding and conversion, Navy	D77-34		929,250	11-05-76					929,250
Military contruction, all services	D77-10	[76,483]		10-01-76					
				12-03-76				-76,483 1/	
	D77-10A		335,883	12-03-76					335,883
TOTAL		76,483	1,265,133					-76,483	1,265,133

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-5

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Panama Canal									
Canal Zone Government: Capital outlay	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations	D77-12		363	10-01-76					363
TOTAL			509						509

B-6

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign current program)	D77-13		1,113	10-01-76					1,113
Office of Education									
Higher education	D77-14	[31,702]		10-01-76				-31,702 1/	
	D77-14A		303,862	11-05-76					303,862
Social Security Administration									
Limitation on construction	D77-15	[17,272]		10-01-76				-17,272 1/	
	D-77-15A		18,673	11-05-76					18,673
Special Institutions									
Howard University	D77-35		500	11-05-76					500
TOTAL		48,974	324,148					-48,974	324,148

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-7

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Bureau of Land Management									
Oregon and California grant lands	D77-16		5,426	10-01-76					5,426
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76					
				10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL			42,226		-3,245				38,981

B-8

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Federal Prison System:									
Buildings and facilities	D77-21		1,900	10-01-76				1,900 1/	
TOTAL			1,900					1,900	

1/ This deferral resulted from anticipated savings attributable to a plan for leasing a New York State correctional facility. The lease proposal on which the deferral was based was not accepted by New York and the funds are needed to construct the facility as originally planned. Funds related to this deferral were not withheld.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-9

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Employment and Training Administration									
Advances to the unemployment trust fund and other funds	D77-39		2,919,000	12-03-76					2,919,000
TOTAL			2,919,000						2,919,000

B-10

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad	D77-22		14,225	10-01-76					14,225
TOTAL			14,225						14,225

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-11

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Coast Guard									
Acquisition, construction and improvements	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination	D77-24		464	10-01-76					464
Facilities and equipment (Airport and airway trust fund)	D77-25		276,101	10-01-76					276,101
TOTAL			299,146						299,146

Agency: Department of the Treasury

B-12

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Office of the Secretary									
State and local government fiscal assistance trust fund	D77-26		113,732 1/	10-01-76 11-01-76	-28,433 1/				85,299 1/
State and local government fiscal assistance trust fund	D77-27	[10,000] 1/		10-01-76 12-03-76				-10,000 1/2/	
	D77-27A		21,075 1/	12-03-76					21,075 1/
State and local government fiscal assistance trust fund	D77-28		81,500	10-01-76 11-01-76 12-01-76	-226 -186				81,088
Loans to the District of Columbia for capital outlay	D77-36		51,002	11-05-76					51,002
TOTAL			132,502BA 134,807O		-412BA -28,433O			-10,000O	132,090BA 106,374O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-13

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Rare Silver Dollar Program	D77-29		1,709	10-01-76					1,709
TOTAL			1,709						1,709

Agency: Other Independent Agencies

B-14

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-77
Action									
Operating expenses, international and domestic programs	D77-40		550	12-03-76 12-31-76	-15				535
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration									
Commemorative activities fund	D77-31		1,346	10-01-76	1/				1,346
Interstate Commerce Commission									
Payment for directed rail service	D77-32		13,700	10-01-76					13,700
National Commission on the Observance of International Women's Year									
Salaries and expenses	D77-33		680	10-01-76					680
TOTAL			27,109		-15				27,094
TOTAL, ALL DEFERRALS		125,457 10,0000	5,884,228BA 134,8070		-10,501BA -28,4330			127,357BA 10,0000	5,871,827BA 106,3740

1/ A supplementary report reflecting release of most of this deferral is being planned for transmittal to the Congress.

[FR Doc.77-1242 Filed 1-11-77;11:38 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1976)

Quantity	Volume	Price	Amount
_____	Title 45—Public Welfare (Part 500–end)	$6.40	$_____
_____	Title 47—Telecommunication (Parts 20–69)	5.00	_____
_____	Title 50—Wildlife and Fisheries	4.20	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

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federal register

FRIDAY, JANUARY 14, 1977

highlights

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Airworthiness directives; Boeing 737 Series Airplanes..... 55860; 12–23–76

Justice—LEAA—Confidentiality of indentifiable research and statistical information 54846; 12–15–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 3—The President

Executive Order 11956 • January 13, 1977

Relating to Voluntary Agreements

By virtue of the authority vested in me by section 708 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2158) and section 301 of title 3 of the United States Code, and as President of the United States of America, section 501 of Executive Order No. 10480 of August 14, 1953, as amended, is amended to read as follows:

"Sec. 501 (a) The functions conferred upon the President by section 708 (c) (1) and (d) of the Defense Production Act, as amended, are hereby delegated to the Administrator of General Services and, subject to the provisions of section 101 of this order, to the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Transportation, except that for the purposes of carrying out the objectives of Title I of the Act, the authority granted in section 708 (c) (1) of the Act shall be exercised only by the Administrator of General Services.

"(b) The functions conferred upon the President by section 708 (d) of the Defense Production Act and delegated under section 501 (a) of this order, relating to the establishment of advisory committees, shall be exercised only after consultation with, and in accordance with guidelines and procedures established by, the Director of the Office of Management and Budget.".

Gerald R. Ford

THE WHITE HOUSE,
January 13, 1977.

[FR Doc.77–1490 Filed 1–13–77;11:35 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Establishment of a New Temporary Schedule C

Part 213 is amended to add a new Temporary Schedule C authority to Subpart B to facilitate the orderly transition of duties as a consequence of a change in Presidential administration.

Effective on January 14, 1977, a new § 213.3302 is added as set out below:

§ 213.3302 Temporary Schedule C positions during a Presidential transition.

(a) An agency may establish temporary positions necessary to assist a department or agency head during the period immediately following a change in Presidential Administration. Such positions shall be either:

(1) Identical to an existing Schedule C position if intent to vacate that position has been stated by management or the present incumbent, such position to be designated as Identical Temporary Schedule C (ITC); or

(2) A new temporary Schedule C position, to be designated New Temporary Schedule C (NTC), when it is determined that the department or agency head's needs cannot be met through establishment of an Identical Schedule C position and a plan for use of such positions has been submitted to and approved by the Civil Service Commission.

(b) Service under this authority may not exceed 90 days. No new appointments may be made under the authority after May 1, 1977. These positions must be of a confidential or policy determining character, and are subject to instructions issued by the Civil Service Commission.

(5 U.S.C. secs. 3301, 3302.)

The Civil Service Commission has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-1206 Filed 1-13-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined

These amendments quarantine a portion of Potter County in Texas, and a portion of Weld County in Colorado because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, in paragraph (a) relating to the State of Texas new paragraph (a) (3) relating to Potter County is added and a new paragraph (g) relating to the State of Colorado is added to read:

§ 73.1a Notice of quarantine.

(a) * * *

(3) The premises of Pest Consultants, Inc., comprised of Lot 691, sec. 164, Block 2 located at 7146 North Broadway, Amarillo, Potter County, Texas.

* * * * * *

(g) Notice is hereby given that cattle in a certain portion of the State of Colorado are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Weld County comprised of sec. 20, T. 1 N., R. 66 W.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, 792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendments shall become effective January 10, 1977.

The amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of January 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-1127 Filed 1-13-77;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Republication

Pursuant to 5 U.S.C. 552 and the authority contained in section 5(c) of the Poultry Products Inspection Act, § 381.221 of 9 CFR Chapter III is hereby republished.

The purpose of this republication of § 381.221 is to combine the numerous amendments which have been made to the section since it was published May 16, 1972 (37 FR 9706). The republication is editorial in nature and is done as a matter of reader convenience in conjunction with the next revised edition of Title 9 of the Code of Federal Regulations. No changes are made in § 381.221 at this time.

Section 381.221, combining the numerous amendments made thereto since May 16, 1972, reads as follows:

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the

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Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within the State. The Federal provisions apply, effective on the dates shown below:

States	*Effective date of application of Federal provisions*
Arkansas	Jan. 2, 1971.
California	Apr. 1, 1976.
Colorado	Jan. 2, 1971.
Connecticut	Oct. 1, 1975.
Georgia	Jan. 2, 1971.
Guam	Jan. 21, 1972.
Idaho	Jan. 2, 1971.
Kentucky	July 28, 1971.
Maine	Jan. 2, 1971.
Massachusetts	Jan. 12, 1976.
Michigan	Jan. 2, 1971.
Minnesota	Do.
Missouri	Aug. 18, 1972.
Montana	Jan. 2, 1971.
Nebraska	July 28, 1971.
Nevada	July 1, 1973.
New Jersey	Do.
North Dakota	Jan. 2, 1971.
Oregon	Do.
Pennsylvania	Oct. 31, 1971.
Puerto Rico	Jan. 17, 1972.
South Dakota	Jan. 2, 1971.
Tennessee	Oct. 1, 1975.
Utah	Jan. 2, 1971.
Virgin Islands	Nov. 27, 1971.
Washington	June 1, 1973.
West Virginia	Jan. 2, 1971.

Done at Washington, D.C., on January 7, 1977.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.77-1238 Filed 1-13-77;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 4—DESCRIPTION OF OFFICE PROCEDURES, PUBLIC INFORMATION

Request for Records; Designated Officer

This amendment is issued under authority of the National Bank Act, 12 U.S.C. 1, *et seq.*, pursuant to the requirement of 5 U.S.C. 552 that each agency publish in the FEDERAL REGISTER the methods by which, and the employees from whom, the public may obtain information.

The purpose of this amendment is to update the procedures by which the public may request information so as to conform those procedures to recent organizational changes within the Office. Specifically, the amendment designates the Director for Communications as the agency official responsible for those duties previously performed by the Special Assistant for Public Affairs.

The Administrative Procedure Act does not require public procedures and delayed effectiveness in connection with rules of agency organization, procedure or practice. The amendment will therefore become effective upon publication in the FEDERAL REGISTER.

12 CFR Part 4 is amended by amending § 4.17 as follows:

Sections 4.17 (b) (1) (i), (d) (2), (d) (2) (i) and (e) (1) are amended by deleting the words "Special Assistant for Public Affairs" and adding in their place the words "Director for Communications".

Effective date: This amendment is effective on January 14, 1977.

Dated: January 10, 1977.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.77-1253 Filed 1-13-77;8:45 am]

[Docket No. R-0076]

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

CONSUMER PROTECTION AND AUTHORITY DELEGATION

Miscellaneous Amendments

The Boad of Governors of the Federal Reserve System has adopted various amendments to its Regulations B, Z and AA, and to its Rules Regarding Delegation of Authority (12 CFR Parts 202, 226, 227 and 265, respectively), pursuant to its authority under sections 105 and 703 (a) of the Consumer Credit Protection Act (15 U.S.C. 1604 and 1691b(a)), section 18(f) of the Federal Trade Commission Act as amended (15 U.S.C. 57a (f)), and section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)).

The amendments delegate authority to issue certain examination, inspection and reporting materials to the Board's Division of Banking Supervision and Regulations and Division of Consumer Affairs. The amendments also reflect the transfer of the Securities Credit Regulation section from the latter division to the former.

The Office of Saver and Consumer Affairs has recently been redesignated as the Division of Consumer Affairs. The affected regulations are amended to reflect this redesignation.

Finally, the amendments make a number of other conforming, stylistic and technical changes in the affected regulations.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirements of such section. The amendments are effective immediately.

PART 202—EQUAL CREDIT OPPORTUNITY

1. Section 202.13(c) (1) and (3) are amended as follows:

§ 202.13 Penalties and liabilities.

• • • • • •

(c) (1) Any request for formal Board interpretation or official staff interpretation of Regulation B must be addressed to the Director of the Division of Consumer Affairs, • • •

• • • • • •

(3) Pursuant to section 706(e) of the Act, the Board has designated the Director and other officials of the Division of Consumer Affairs • • •

• • • • • •

PART 226—TRUTH IN LENDING

2. Section 226.1(d) (1) and (3) are amended as follows:

§ 226.1 Authority, scope, purpose, etc.

• • • • • •

(d) (1) Any request for formal Board interpretation or official staff interpretation of Regulation Z must be addressed to the Director of the Division of Consumer Affairs, • • •

• • • • • •

(3) Pursuant to section 130(f) of the Act, the Board has designated the Director and other officials of the Division of Consumer Affairs • • •

• • • • • •

PART 227—UNFAIR OR DECEPTIVE ACTS OR PRACTICES

3. Section 227.2(a) (2) (i) is amended as follows:

§ 227.2 Consumer complaint procedure.

(a) *Submission of complaints.* • • •

(2) Consumer complaints should be made to:

(i) The Director, Division of Consumer Affairs, • • •

• • • • • •

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

4. Section 265.2 is amended by adding new paragraphs (c) (19), (20), (21) and (22), and by deleting paragraphs (h) (1)–(3), revising paragraphs (h) (4) and (6), and redesignating paragraphs (h) (4), (5), and (6) as paragraphs (h) (1), (2) and (3) respectively. As amended § 265.2(c) and (h) read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

• • • • • •

(c) The Director of the Division of Banking Supervision and Regulation (or in the Director's absence, the Acting Director) is authorized:

• • • • • •

(19) Under the provisions of §§ 207.2 (f), 220.2(e), and 221.3(d) of this chapter (Regulations G, T, and U, respectively) to approve issuance of the list of OTC margin stocks and to add, omit, or remove any stock in circumstances indicating that such change is necessary or appropriate in the public interest.

(20) Under the provisions of § 207.4 (a) (2) (ii) of this chapter (Regulation G) to approve repayments of the "deficiency" with respect to stock option or employee stock purchase plan credit in lower amounts and over longer periods of time than those specified in the regulation.

(21) Pursuant to the provisions of Part 261 of this chapter, to make available reports and other information of the Board acquired pursuant to Parts 207, 220, 221, and 224 (Regulations G, T, U and X) of the nature and in circumstances described in § 261.6(a) (2) and (3) of Part 261.

(22) Pursuant to the provisions of section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)) and sections 17(c), 17(g), and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78q(c), 78q(g), and 78w) to issue examination or inspection manuals, registration, report, agreement, and examination forms, guidelines, instructions or other similar materials for use in connection with the administration of sections 7, 8, 15B and 17A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78g, 78h, 78o–4, and 78q–1).

• • • • • •

(h) The Director of the Division of Consumer Affairs (or, in the Director's absence, the Acting Director) is authorized:

(1) Pursuant to the provisions of section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), sections 108(b), 621 (c), and 704(b) of the Consumer Credit Protection Act (15 U.S.C. 1607(b), 1681s (c) and 1691c(b)), section 305(c) of the Home Mortgage Disclosure Act (12 U.S.C. 2804(c)), section 18(f) (3) of the Federal Trade Commission Act (15 U.S.C. 57a(f) (3)), and section 808(c) of the Civil Rights Act of 1968 (42 U.S.C. 3608(c)), to issue examination or inspection manuals, report, agreement, and examination forms, guidelines, instructions or other similar materials for use in connection with

(i) Sections 1 through 709 (excluding sections 201 through 500) of the Consumer Credit Protection Act (15 U.S.C. 1601–1691f),

(ii) Sections 301 through 310 of the Home Mortgage Disclosure Act (12 U.S.C. 2801–2809),

(iii) Sections 18(f) (1)–(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f) (1)–(3)), and

(iv) Section 805 of the Civil Rights Act of 1968 (42 U.S.C. 3605); and rules and regulations issued thereunder.

• • • • • •

(3) Pursuant to section 703(b) of the Consumer Credit Protection Act (15 U.S.C. 1691b(b)), to call meetings of and consult with the Consumer Advisory Council established under that section, to approve the agenda for such meetings, and to accept any resignation from Consumer Advisory Council members.

By order of the Board of Governors, December 29, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-1217 Filed 1-13-77;8:45 am]

[Reg. L; Docket No. R-0059]

PART 212—INTERLOCKING BANK RELATIONSHIPS UNDER THE CLAYTON ACT

Relationships Permitted by Board

On October 20, 1976 the Board of Governors of the Federal Reserve System invited public comment on a proposed amendment to Regulation L (Interlocking Bank Relationships Under the Clayton Act) to permit, with certain prescribed limitations, a director, officer, or employee of a member bank to serve simultaneously as a director, officer, or employee of a minority bank (41 FR 46352). After consideration of the comments submitted the Board has determined to adopt the proposed amendment in slightly modified form.

Interlocking relationships between member banks and other banks in the same city, town, or village are generally prohibited by section 8 of the Clayton Act (15 U.S.C. 19). The statute provides that the Board of Governors may by regulation permit interlocking relationships between a member bank and another institution. Pursuant to this authority, by regulation the Board previously has permitted a director, officer, or employee of a member bank to serve as a director, officer, or employee of a Morris Plan bank, a bank in a low income area, or a bank that is actively considered for merger or consolidation with the member bank.

The Board is aware that minority banks are often in need of managerial or operating expertise in order to continue to develop and to serve their communities in an effective fashion. Additional managerial and operating expertise would be procompetitive in that it would result in stronger minority banks. Many directors, officers, and employees of other banks in a particular geographic area are willing to provide such assistance to the minority banks. However, such assistance is generally prohibited by the restrictions of the Clayton Act. Consequently, the Board has determined that public benefits would result if, pursuant to the Board's authority, such interlocking relationships were permitted. The Board believes that the amendment is consistent with the purposes of section 8 of the Clayton Act.

Under the terms of the proposed amendment, a bank would have qualified as a minority bank if it was at least 50 percent owned, controlled, or managed by persons who are members of minority groups by virtue of their race, religion, color, national origin, or sex. Upon review of the original proposal and the comments received from the public, the Board has determined that reference to a specific percentage of ownership or to specific attributes that must be present in order to qualify for minority status are unnecessary in order to accomplish the objectives of the amendment. Reference to ownership by minorities was not incorporated in the amendment adopted by the Board because, in the Board's view, the requirement of control by persons who are members of minority groups would include banks that are owned by such persons.

The Board is also aware that in recent years a number of banks have been chartered by women. In order to provide management or operating assistance to banks controlled or managed by women, the amendment adopted by the Board specifically refers to banks controlled or managed by women as qualifying under the exception. This represents a slight modification of the amendment as originally proposed by the Board which referred indirectly to banks owned, controlled, or managed by women.

The amendment is intended to provide management and operating assistance to banks that are controlled or managed by women or by persons that are members of minority groups that are underrepresented at various levels of the banking industry.

Pursuant to its authority under 15 U.S.C. 19, effective immediately, the Board of Governors amends § 212.3 of Regulation L (12 CFR 212.3) by adding a new paragraph (h) to read as follows:

§ 212.3 Relationships permitted by Board.

In addition to any relationships covered by the foregoing exceptions, not more than one of the following relationships is hereby permitted [1] by the Board of Governors of the Federal Reserve System in the case of any one individual.

• • • • • •

(h) *Minority Bank.* Any director, officer, or employee of a member bank of the Federal Reserve System may be at the same time a director, officer, or employee of not more than one other bank that is controlled or managed by persons who are members of minority groups or by women subject to the following conditions: (1) Such relationship is determined by the Board to be necessary to provide management or operating expertise to such other bank; (2) not more than three interlocking relationships between any two banks shall be permitted by this paragraph, except that persons serving in interlocking relationships pursuant to this paragraph shall in no instance constitute a majority of the board of directors of the other bank; (3) no interlocking relationship permitted by this paragraph shall continue for more than a five-year period; and (4) upon such other terms and conditions in addition to or in lieu of the foregoing, as may be determined by the Board in any specific case.

• • • • • •

Board of Governors of the Federal Reserve System, January 4, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-1223 Filed 1-13-77;8:45 am]

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Acquisition of Shares; Correction

In FR Doc. 77-453 appearing at page 1263 of the issue for January 6, 1977, the

[1] • • • •

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interpretation should be numbered 225.137.

Board of Governors of Federal Reserve System, January 7, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-1201 Filed 1-13-77;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 77-10]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

PART 570—BOARD RULINGS

Pension Plans and Service Corporations

JANUARY 5, 1977.

The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions of the regulations.

I. EXISTING BOARD RULING

In effect since 1959, Board Ruling 570.2 provided guidelines within which associations' employee pension plans would be considered unobjectionable from the standpoint of supervisory interests and responsibilities.

II. PROPOSED REGULATION

New § 563.40 was proposed to replace the old Board Ruling with updated regulations reflecting major statutory changes in pension plan law. As proposed, new § 563.40 would have differed from Board Ruling 570.2 by:

a. Including employee pension plans of service corporations;

b. Allowing funding methods described under the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1954 (IRC) as thereby amended, although amortization of past service cost would have been limited to 10 years, except for insurance contract plans;

c. Permitting cost-of-living amendments to plans under certain conditions;

d. Requiring contingent liability coverage for plan termination when available;

e. Deleting the requirement that pension obligation automatically terminate upon an association's default and adding a requirement of 60-day notice to FSLIC upon anticipation of a plan's termination; and

f. Including a reporting and recordkeeping requirement for pension plans not subject to ERISA and IRC.

III. FINAL REGULATIONS

As adopted by this Resolution, the new regulation has been designated § 563.39–1 (regulation number 563.40 having been previously used). New § 563.39–1 retains those features, described above, but modifies or revises them as follows:

a. Funding methods—amortization periods under ERISA and IRC are allowed;

b. Cost-of-living amendment—now requires board of directors' analysis of anticipated charges to net income for future periods;

c. Contingent liability coverage—reserved;

d. Records—omits the requirement of actuarial opinions for defined contribution plans and requires opinions for other plans by an "enrolled actuary" as described by ERISA.

The Federal Home Loan Bank Board, by Resolution No. 76-474, dated June 30, 1976, proposed to revoke its ruling set forth in § 570.2 of the Rules and Regulations for Insurance of Accounts (12 CFR 570.2) and to amend Part 563 of said Rules and Regulations (12 CFR Part 563) by adding thereto a new § 563.40 for the purpose of updating Board regulations to conform to the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954, as amended. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on July 7, 1976 (41 FR 27852), with an invitation to interested persons to submit written comments by August 9, 1976. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby adopts this proposal with modifications as discussed below, but with the new regulation designated § 563.39–1 (regulation number 563.40 having been previously used).

Proposed § 563.39–1(a) required that pension plan costs incurred by an association or its service corporation be reasonable and that the prospective liability of such employer or plan sponsor to the plan participants be determinable from the plan.

As hereby adopted, § 563.39–1(a) incorporates three modifications. First, clarification is made that the regulations apply only to pension plans sponsored by an association or service corporation for the benefit of its employees, as distinguished from other plans which associations may offer to the general public, such as Keoghs and IRAs. Second, since the proposal lacked definition of employee pension plans, § 563.39–1(a) now incorporates by reference the definition in Section 3(2) of ERISA. Third, distinction is made between defined contribution and defined benefit plans to include a provision for an actuarial estimate of future experience under defined benefit plans.

One modification has been made to § 563.39–1(b), which established that plan funding could be determined by any actuarial cost method permitted under ERISA and the IRC but limited amortization of past service cost to 10 plan years for all but insurance contract plans. As hereby adopted, § 563.39–1(b) deletes this 10-year amortization requirement in accordance with the Board's opinion that, on balance, the time periods under ERISA and IRC provisions will provide greater flexibility in plan management while being consistent with safe and sound operations.

Section 563.39–1(c), which permits plan amendments for cost-of-living increases to retired plan participants, has been changed in subparagraph (c)(2) to require that the responsible board of directors analyze anticipated charges to net income for future periods before granting an increase in benefits. Since such increase may result in greater past service cost liability and higher funding, the Board emphasizes the need for well-considered management judgments in granting increases.

The proposal included, in § 563.39–1(e), a requirement for contingent liability coverage for losses arising from plan termination should a plan's liabilities then exceed plan assets. This provision is being reserved until such time as the Board determines the type and extent of coverage which would most effectively provide protection for plan sponsors and the Federal Savings and Loan Insurance Corporation.

Finally, the recordkeeping requirement of § 563.39–1(f) contains two revisions. The actuarial opinion required by paragraph (f)(5) has been deleted for defined contribution plans, since such opinion generally would be inapplicable to those plans. Also, in order to assure that persons rendering such opinions are properly qualified, clarification has been made that such actuary must qualify as an "enrolled actuary" under ERISA.

Accordingly, the Board hereby revokes Board Ruling 570.2 of the Rules and Regulations for Insurance of Accounts, and amends § 563 thereof to add new § 563.39–1, to read as set forth below, effective February 14, 1977.

1. Add new § 563.39–1 to read as follows:

§ 563.39–1 Pension plans.

(a) *General.* No insured institution or service corporation thereof shall sponsor an employee pension plan which, because of unreasonable costs or any other reason, could lead to material financial loss or damage to the sponsor. For purposes of this section, an employee pension plan is defined in Section 3(2) of the Employee Retirement Income Security Act of 1974, as amended. The prospective obligation or liability of a plan sponsor to each plan participant shall be stated in or determinable from the plan, and, for a defined benefit plan, shall also be based upon an actuarial estimate of future experience under the plan.

(b) *Funding.* Actuarial cost methods permitted under the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954, as amended, shall be used to determine plan funding.

(c) *Plan amendment.* A plan may be amended to provide reasonable annual cost-of-living increases to retired participants: *Provided*, That (1) Any such increase shall be for a period and amount determined by the sponsor's board of directors, but in no event shall it exceed the annual increase in the Consumer Price Index published by the Bureau of Labor Statistics; and (2) No increase shall be granted unless (i) anticipated charges to net income for future periods have first been found by such board of directors to be reasonable and are documented by appropriate resolution and supporting analysis; and (ii) the increase will not reduce the institution's net worth below the level required by § 563.13(b) of this Part.

(d) *Termination.* The plan shall permit the sponsor's board of directors and its successors to terminate such plan. Notice of intent to terminate shall be filed with the Corporation at least 60 days prior to the proposed termination date.

(e) *Contingent liability coverage.* [Reserved]

(f) *Records.* Each insured institution or service corporation maintaining a plan not subject to recordkeeping and reporting requirements of the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1954, as amended, shall establish and maintain records containing the following:

(1) Plan description;

(2) Schedule of participants and beneficiaries;

(3) Schedule of participants' and beneficiaries' rights and obligations;

(4) Plan's financial statements; and

(5) Except for defined contribution plans, an opinion signed by an enrolled actuary (as defined by the Employee Retirement Income Security Act of 1974) affirming that actuarial assumptions in the aggregate are reasonable, take into account the plan's experience and expectations, and represent the actuary's best estimate of the plan's projected experiences.

§ 570.2 [Revoked]

2. Revoke § 570.2.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp. 1071.)

Effective date: February 14, 1977.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77-1287 Filed 1-13-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IA-563]

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Applicability of Investment Advisers Act to Certain Publications

The Securities and Exchange Commission today announced that the staff has reconsidered its past interpretations regarding the applicability of the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) (the "Act") to certain publications. Section 202(a)(11) of the Act (15 U.S.C. 80b–2(a)(11)) provides:

"Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. • • •

In interpreting this language, the staff has for many years taken the position that publication of a single book, pamphlet, or article of an investment advisory nature would not normally require an author or publisher [1] to register as an investment adviser where (1) the publication did not contain recommendations, reports, analyses, or other advisory information relating to specific securities or issuers, (2) the publication was not one of a series of publications or intended to be supplemented or updated, and (3) the publication did not contain one or more investment formulae, or for other reasons appear likely to be sold or used continuously and indefinitely, *provided*, That the author or publisher did not engage in any other activities which would bring him within the definition of investment adviser.[2] Under these circumstances, it is doubtful that a publisher or author is engaged in an investment advisory "business" within the meaning of section 202(a)(11) or that substantial benefits to investors would result from requiring registration.

Upon reconsideration of its past positions, the staff has concluded that registration under the Act should not be required solely because a publication contains one or more formulae or guidelines intended to be used by investors in making determinations as to what securities to buy or sell or when to buy or sell them. From an administrative standpoint, difficulties have arisen in distinguishing between essentially mechanical formulae or guidelines, and those more general investment philosophies, techniques or analytical approaches for which registration under the Act has not normally been required in the absence of other factors.[3] Also, the staff believes that, even as to publications within the former category, the benefits to investors from registration under the Act of an author or publisher may be slight. For example, "scalping" or similar fraudulent and manipulative practices would not present a real danger.[4]

The staff has concluded, therefore, that the definition of investment adviser should not be construed to include the author or publisher of any book, pamphlet, or article (1) which does not contain recommendations, reports, analyses, or other advisory information relating to specific securities or issuers [5] and (2) which is not one of a series of publications by such person or intended to be supplemented or updated, *provided*, That the author or publisher has not and does not intend to engage in any other activities which would bring him within the definition of investment adviser.

Consequently, under these circumstances, the staff will no longer take the position that registration pursuant to section 203 (15 U.S.C. 80b–3) of the Act is required.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 10, 1977.

[FR Doc.77-1308 Filed 1-13-77;8:45 am]

[1] The definition of "investment adviser" encompasses publishers as well as authors. Section 202(a)(11)(D) (15 U.S.C. 80b–2(a)(11)(D)), however, excepts from the definition of investment adviser "• • • the publisher of any bona fide newspaper, news magazine or business or financial publication of general and regular circulation. • • •" This exception is applicable only where, based on the content, advertising material, readership, and other relevant factors, a publication is not primarily a vehicle for distributing investment advice. (See *SEC* v. *Wall Street Transcript Corp.*, 442 F. 2d 1371 (2d Cir. 1970), cert. denied, 398 U.S. 958 (1970).)

[2] See Phoenix Publishing (SEC staff letter, publication available August 2, 1974); Bernard Katz (SEC staff letter, publication available April 25, 1973). The most recent staff letters have simply stated that registration is required for any author or publisher who writes or publishes regularly about securities or who writes or publishes books, pamphlets or magazines which contain formulae which are intended to be used by readers in making determinations as to which securities to buy or sell, regardless of whether or not recommendations with respect to specific securities are made. See Torrey H. Smith (SEC staff letter, publication available January 22, 1976), Meditech Venter Management, Inc.,)SEC staff letter, publication available March 15, 1975); Lawrence R. Ross (SEC staff letter, publication available February 7, 1975); and Hugh D. Bailey, Jr. (SEC staff letter, publication available January 3, 1975).

[3] The staff has generally resolved such questions, where necessary, on a case-by-case basis, by taking into account, among other things, the degree of specificity with which a publication could be used to identify securities for purchase or sale, and the extent to which a publication appeared to lend itself to continuous or indefinite use. Also, the staff has not normally asserted that the publisher (as contrasted with the author) of an occasional isolated book, pamphlet or article which might recommend specific securities or contain one or more investment formulae would be required to register under the Act if the publisher engaged in no other investment advisory activities. Rather, it would generally appear more appropriate to require registration as an investment adviser only for publishers who publish such materials on a more regular basis, or who also engage in other activities which would bring them within the definition of investment adviser. See Phoenix Publishing, supra.

[4] See *SEC* v. *Capital Gains Research Bureau, Inc.*, 373 U.S. 180 (1963).

[5] Some publications discuss specific securities or issuers solely to illustrate a general proposition or analytical technique. This would not, in itself, require registration under the Act if, under all the facts and circumstances, such references are not particularly intended or likely to be used by readers to determine whether to purchase or sell the specific security referred to, as opposed to any other security. On the other hand, there may be publications which do not mention the name of a particular issuer or security, but refer only, for example, to an industry or class. Where the industry or class is very small, or for other reasons the issuer or security referred to is readily identifiable, registration could not be avoided merely because the issuer or security is not specifically identified.

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Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-14; Opinion 770-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 154—RATE SCHEDULES AND TARIFFS

National Rates for Jurisdictional Sales of Natural Gas; Opinion and Order on Rehearing; Correction

JANUARY 10, 1977.

In the matter of national rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975, to December 31, 1976 (Opinion No. 770-A), opinion and order on rehearing modifying in part Opinion No. 770 and granting petitions for intervention, issued November 5, 1976.

Opinion 770-A was published in the FEDERAL REGISTER, Vol. 41, No. 221, beginning at page 50199, on November 15, 1976. The following changes should be made in the document as published in the FEDERAL REGISTER.

1. The following should replace § 2.56a (a)(5), first column, on page 50231 of Opinion No. 770(A):

(5) Sales of natural gas in interstate commerce for resale may be made at a rate of 52 cents per Mcf (at 14.73 psia), exclusive of all State or Federal production, severance or similar taxes, and subject to the adjustments provided in this § 2.56a, and the escalation provided in paragraph (a)(6), provided the sale is made pursuant to (i) a replacement contract where the sale was formerly made pursuant to a permanent certificate of unlimited duration under such prior contract which expired by its own term on or after January 1, 1973, or pursuant to a contract executed on or after January 1, 1973, where the prior contract expired by its own terms prior to January 1, 1973; or (ii) contracts for sale of natural gas in interstate commerce for gas from wells commenced prior to January 1, 1973, and not previously sold in interstate commerce prior to January 1, 1973, except pursuant to the provisions of §§ 2.68, 2.70, 157.22 or 157.29 (including sales made pursuant to those sections as modified by Federal Power Commission Order No. 491 et al.); or (iii) a completion operation into a different formerly nonproductive reservoir commenced on or after January 1, 1973, in a well commenced (spudded) prior to January 1, 1973.

2. On page 50227, 9th paragraph of section I, Refund Requirements, 8th line, change "CFR 2.56a (a)(5)" to "CFR 2.56a (a)(3)," and add: "and are limited to 130% of the rates prescribed in 18 CFR 2.56a (a)(5)."

3. On page 50227, 8th and 9th paragraphs of Section I, Refund Requirements, third lines, delete: "(plus 1¢ per annum escalation)."

4. On page 50233, paragraph (C), lines 18 and 19 should read: "to pipeline increases filed pursuant thereto; *provided further*, the special rate increase may also include qualifying small producer increases. In addition, such pipeline may file a * * *".

The following changes refer to Commissioner Smith's statement, concurring in part and dissenting in part, which was issued with Opinion No. 770-A, but not published in the FEDERAL REGISTER.

1. On page 8, section B, first paragraph, at the beginning of the third line, delete the word "at".

2. On page 19, second paragraph, lines 15 and 16 should read: "from flowing gas to prospective incentive increments for new gas, the majority has increased the probability of * * *".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1283 Filed 1-13-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-76-407]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Correction

On January 4, 1977 (42 FR 762), the Department published a final Rule in the above-styled proceeding. However, the publication inadvertently omitted certain dates which this correction provides.

Accordingly, §§ 207.26a, 213.34a, 221.548a, and 231.10c of Title 24 are each corrected by including the date March 4, 1977 in the blank space appearing at lines 2-3 of the opening paragraph.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).)

Issued at Washington, D.C., January 6, 1977.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-1258 Filed 1-13-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7450]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Questions and Answers Relating to Exclusion of Certain Disability Income Payments; Correction

On Wednesday, December 29, 1976, Treasury Decision 7450 was published in the FEDERAL REGISTER (41 FR 56630). The following correction is made to this Treasury decision:

Immediately following the heading of § 7.105-1 that reads "Questions and answers relating to exclusions of certain disability income payments." (page 56630 first column), a new introductory paragraph should be added to read as follows:

"The following questions and answers relate to the exclusion of certain disability income payments under section 105 (d) of the Internal Revenue Code of 1954, as amended by section 505 (a) and (c) of the Tax Reform Act of 1976 (90 Stat. 1566):"

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.77-1312 Filed 1-13-77;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 609—THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 647 (41 FR 40254), the Secretary of Labor appointed and convened Industry Committee No. 138-A for the Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 138-A are hereby published, revising § 609.2 of Part 609, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6 of the 1974 Fair Labor Standards Amendments are set forth in this wage order. The other wage rates have heretofore reached the mainland rate and are continued.

As amended § 609.2(a) reads as follows:

§ 609.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classification.* (1) The minimum wage for this classification is $2.05 an hour through April 30, 1977. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended (29 U.S.C. 205, 206, 208).)

Effective date. The effective date of this amendment is January 30, 1977.

Signed at Washington, D.C., on this 11th day of January, 1977.

RONALD J. JAMES,
Administrator, Wage and Hour Division U.S. Department of Labor.

[FR Doc.77-1291 Filed 1-13-77;8:45 am]

PART 672—THE BUSINESS, PROFESSIONAL, AND MISCELLANEOUS SERVICES INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 647 (41 FR 40254), the Secretary of Labor appointed and convened Industry Committee No. 138-B for the Business, Professional and Miscellaneous Services Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 138-B are hereby published, revising § 672.2 of Part 672, Title 29, Code of Federal Regulations. The other wage rates have heretofore reached the mainland rate and are continued.

As amended § 672.2(a)(1) reads as follows:

§ 672.2 Wage rates.

* * * * *

(a) *Pre-1966 coverage classifications.*

* * * * *

(1) *Watching, protective and janitorial services classification.* (i) The minimum wage rate for this classification is $2.15 an hour through January 31, 1977. On February 1, 1977, the wage rate in this section is increased to $2.30 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended (29 U.S.C. 205, 206, 208).)

Effective date. These amendments are effective on February 1, 1977.

Signed at Washington, D.C., on this 11th day of January, 1977.

RONALD JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.77-1292 Filed 1-13-77;8:45 am]

PART 673—FOOD AND KINDRED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 646 (41 FR 36705), the Secretary of Labor appointed and convened Industry Committee No. 135 for Food and Kindred Products Industry, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 135 are hereby published, revising §§ 673.1, 673.2(a)(5), (a)(6), (a)(7), and (a)(8) and 673.2(b)(5) and (b)(6) of Part 673, Title 29, Code of Federal Regulations. The other wage rates have heretofore reached the mainland rates and are continued.

As amended §§ 673.1 and 673.2 read as follows:

§ 673.1 Definition.

The canning, preserving (including freezing, drying, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, alcoholic and non-alcoholic beverages, the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, nuts, or edible field crops, and the gathering of wild plant or animal life; the production of raw sugar, cane juice, molasses, and refined sugar, and incidental by-products, and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck, vessel, or other vehicle performed by a producer of products of such producer: *Provided, however,* That the industry shall not include any product or activity included in the chemical, petroleum, and related products industry or any transportation activity covered by the wage order for the communications, utilities, and transportation industry, or any transportation activity in which the agricultural exemption contained in section 13(a) of the Act was applicable prior to February 1, 1967: and *provided, further,* That the industry shall not include sugar and other food manufacturing activities covered by the wage order for the government service industry.

The industry includes, but is not limited to, the manufacture or processing of meat products, poultry and poultry products, milk and dairy products, fish and seafood products, fruit and vegetable products, grains and grain products, sugar and confectionery products, fats and oils, bakery products, beverages, and miscellaneous food preparations and kindred products.

§ 673.2 Wage rates.

* * * * *

(a) *Pre-1966 coverage classifications.*

* * *

(5) *Milk processing and distribution classification.* (i) The minimum wage rate for this classification is $2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

* * * * *

(6) *Candy and gum products classification for pre-1961 coverage.* (i) The minimum wage rate for this classification is $2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

* * * * *

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(7) *Candy and gum products classification for 1961 coverage.* (i) The minimum wage rate for this classification is $2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by $.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

• • • • •

(8) *Other products and activaties classification.* (i) The minimum wage rate for this classification is $2.23 an hour through April 30, 1977. The rate is increased to $2.30 an hour on May 1, 1977, by reason of section 6(c)(2).

• • • • •

(b) *1966 coverage classifications.*

• • • • •

(5) *Milk processing and distribution classification.* (i) The minimum wage rate for this classification is $2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by $.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

• • • • •

(6) *Candy and gum products classification.* (i) The minimum wage rate for this classification is $2.13 an hour through April 30, 1977. Under section 6(c) the rate will be increased by $.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

• • • • •

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended (29 U.S.C. 205, 206, 208).)

Effective date. The effective date of these amendments is January 30, 1977.

Signed at Washington, D.C., this 11th day of January, 1977.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.77-1293 Filed 1-13-77;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[Docket No. S-102]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Ground-Fault Protection

Correction

In FR Doc. 76-37472 appearing at page 55696 in the issue for Tuesday, December 21, 1976 the following corrections should be made:

(1) On page 55697, first column, eighteenth line from the top, after the word "economic" insert "impact".

(2) On page 55699, middle column, delete the eighth line from the bottom and insert: "would actually be idled, instead of 10."

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

NATIONAL FOREST SYSTEM

Prohibitions

On October 15, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 45577) for the purpose of amending or revoking current regulations on prohibited acts related to the National Forest System, and to combine all such regulations in one part of the Code of Federal Regulations, establish a uniform system for adopting and posting rules, and clarify relevant delegations of authority.

Interested persons were given until November 29, 1976, to submit written data, views or objections. All comments received were given full and careful consideration in developing final regulations. The full text of such comments are on file and available for public inspection in Room 4017, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Most comments received concerned format, style of expression, grammatical preferences, and clarification. More substantive comments received and results of their consideration are summarized as follows:

Comment: The regulations are excessive and unduly harass the general public; permits for non-commercial purposes should not be required; the regulations should be modified to include only specific reference to specific real problems; Federal employees should be penalized for undue interference with members of the general public; proper posting should be mandatory; and a review board should be established to hear complaints by members of the public.

Response: The general tenor of the comments is at cross purposes with the basic reason for the regulations, *i.e.*, the protection first of the public and the next of the lands within the National Forest System for the long-range benefit of the general public; further, that such lands are to be managed in accord with the Multiple Use-Sustained Yield, Resources Planning, National Environmental Policy, Wilderness, National Forest Management, and related Acts. A number of changes have been made to simplify these rules, and to make more specific reference to the specific real problems covered.

Comment: More specific details on prohibited acts should be contained in the Forest Service Manual, and present regulations should not be reissued.

Response: The policy of the Department to follow the rulemaking requirements of the Administrative Procedures Act requires that changes and additions be published in the FEDERAL REGISTER. Certain changes are necessary due to changing delegations of authority, and matters not covered by existing regulations.

Comment: Some prohibitions are in conflict with rights being exercised by persons engaged in authorized activities within the National Forest System, particularly livestock and timber operations.

Response: The matters cited as in potential conflict chiefly concern prohibitions which may be applied under Subpart B. Paragraph (e) of § 261.50 provides for exemptions which recognize most of these practices. The language in § 261.10 is revised to the extent practicable.

Comment: Posting of Subpart E Orders should include both placing a copy in the Offices of the District Ranger and Forest Supervisor and displaying the order so as to reasonably bring it to the attention of the public.

Response: Section 261.51 is revised to require this procedure.

Comment: Section 261.3 is not clear and contains factors which are too subjective.

Response: This section is revised to clarify its meaning and to reduce the possible need for subjective criteria.

Comment: Section 261.10 should include language to cover private personal property lawfully being used on National Forest System lands.

Response: The statutes under which these regulations are issued do not contain authority to cover such property.

Comment: Off-road vehicles should be prohibited except for scientific research, emergencies, or in designated areas with an approved EIS within the National Forest System until studies, which the Department should undertake, have been completed to determine the effect of noise on wildlife.

Response: In view of the limited evidence that noise may have an adverse effect, and the effect such a decision would have on an entire class of recreation users, it is decided not to incorporate this change which can be made later if determined to be warranted.

Comment: Requirements for motorcycle and snowmobile operators are not accurately reflected in § 261.14.

Response: This section, now § 261.13, is revised in accord with the suggestions made.

Comment: Possible prohibitions on forest development and scenic trails should include travel by skis, snowshoes or any other means, as additions to § 261.56.

Response: This section is rewritten as § 261.18 and § 261.55. This change covers the idea in the comment.

A separate rulemaking document, being published concurrently, makes the change in 7 CFR 2.60(b)(1) as proposed. A technical change has been made in 36 CFR 261.70 to reflect the revised delegations of authority. In a separate notice being published concurrently, the Chief, Forest Service, has delegated authority to issue § 261.70 regulations to each Regional Forester.

Other than reflected above, there are no changes of substance.

These actions were taken pursuant to the requirements of the Administrative Procedures Act (5 U.S.C. 553), adopted by this Department as a matter of policy on July 24, 1971 (36 FR 13804).

As a result of this process the following changes are made:

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

1. In § 212.7 paragraph (a)(2) is revised to read:

§ 212.7 Road system management.

(a) Traffic rules. • • •

• • • • •

(2) *Specific:* The following specific traffic rules shall apply unless otherwise expressly authorized in writing.

• • • • •

2. In § 212.7(a)(3) the last sentence reading: "Using vehicles upon a road during any period when the road is closed is prohibited" is revoked.

3. Section 212.7(a)(4) is revoked.

4. In § 212.7(b)(2) the last sentence reading, "Violation of the posted rules is prohibited" is revoked.

§ 212.8 [Amended]

5. The last sentence of § 212.8(a) is amended to read:

"Construction, reconstruction or maintenance of a road or highway requires written authorization."

§ 212.20 [Amended]

6. In § 212.20 paragraphs (c)(3), (c)(4) and (d) are revoked.

(Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551) and Sec. 205, 72 Stat. 907 (23 U.S.C. 205).)

PART 221—TIMBER

§ 221.26 [Amended]

In § 221.26(a) the last sentence reading, "The sale or exchange of timber or other forest products obtained under free use is prohibited" is revoked.

PART 231—GRAZING

§ 231.11 [Amended]

In § 231.11(d) the citation to 36 CFR 261.13 is amended to read "36 CFR 212.2."

PART 251—LAND USES

§ 251.25 [Revoked]

Section 251.25 is revoked.

Part 261 is revised and a new Part 262 is added to read as follows:

PART 261—PROHIBITIONS

Sec.

Subpart A—General Prohibitions

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261.2 Definitions.
261.3 Interfering with forest officers is prohibited.
261.4 Disorderly conduct.
261.5 Fire.
261.6 Timber and other forest products.
261.7 Livestock.
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261.10 Occupancy and use.
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261.12 Forest development roads and trails.
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261.50 Orders.
261.51 Posting.
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Subpart C—Prohibitions in Regions

261.70 Issuance of regulations.
261.71 Regulations applicable to Region 1, Northern Region, as defined in § 200.2. [Reserved]
261.72 Regulations applicable to Region 2, Rocky Mountain Region, as defined in § 200.2. [Reserved]
261.73 Regulations applicable to Region 3, Southwestern Region, as defined in § 200.2. [Reserved]
261.74 Regulations applicable to Region 4, Intermountain Region, as defined in § 200.2. [Reserved]
261.75 Regulations applicable to Region 5, California Region, as defined in § 200.2. [Reserved]
261.76 Regulations applicable to Region 6, Pacific Northwest Region, as defined in § 200.2. [Reserved]
261.77 Regulations applicable to Region 8, Southern Region, as defined in § 200.2. [Reserved]
261.78 Regulations applicable to Region 9, Eastern Region, as defined in § 200.2. [Reserved]
261.79 Regulations applicable to Region 10, Alaska Region, as defined in § 200.2. [Reserved]

AUTHORITY: 30 Stat. 35, as amended, (18 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 1011 (f)); 82 Stat. 916 (16 U.S.C. 1281(d)); 82 Stat. 922 (16 U.S.C. 1246(i)), unless otherwise noted

Subpart A—General Prohibitions

§ 261.1 Scope.

The prohibitions in this part apply, except as otherwise provided, when:

(a) An act or omission occurs in the National Forest System or on a Forest development road or trail.

(b) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.

(c) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a Forest development road or trail.

§ 261.2 Definitions.

The following definitions apply to this part:

(a) "Campfire" means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. "Fire" includes campfire.

(b) "Camping" means the temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure.

(c) "Camping equipment" means the personal property used in or suitable for camping, and includes any vehicle used for transport and all personal property in possession of a person camping.

(d) "Developed recreation site" means an area which has been improved or developed for recreation.

(e) "Forest development road" means a road wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in the Forest Development Road System Plan.

(f) "Forest development trail" means a trail wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in the Forest Development Trail System Plan.

(g) "Forest officer" means an employee of the Forest Service.

(h) "National Forest System" includes all national forest lands and waters reserved or withdrawn from the public domain of the United States, national forest lands and waters acquired through purchase, exchange, donation, or other means, national grasslands and land utilization projects and waters administered under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012), and other lands, waters, or interests therein acquired under the Wild and Scenic River Act (16 U.S.C. 1271–1287) or National Trails System Act (16 U.S.C. 1241–1249).

(i) "National Forest wilderness" means those parts of the National Forest System which were designated units of the National Wilderness Preservation System by the Wilderness Act of September 3, 1964, and such other areas of the National Forest System as are added to the wilderness system by act of Congress.

(j) "Person" means natural person, corporation, company, partnership, trust, firm, or association of persons.

(k) "Permission" means oral authorization by a forest officer.

(l) "Permit" means authorization in writing by a forest officer.

(m) "Primitive Areas" are those areas within the National Forest System classified as "Primitive" on the effective date of the Wilderness Act, September 3, 1964.

(n) "Publicly nude" means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.

(o) "State" means any State, the Commonwealth of Puerto Rico, and the District of Columbia.

(p) "State law" means the law of any State in whose exterior boundaries an act or omission occurs regardless of whether State law is otherwise applicable.

(q) "Stove fire" means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space-heating device.

(r) "Unauthorized livestock" means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro, by § 231.11(a)(2), which is not authorized by permit to be upon the land on which the livestock is located and which is not related to use authorized by a grazing permit.

§ 261.3 Interfering with forest officers prohibited.

Threatening, resisting, intimidating, or interfering with any forest officer engaged in or on account of the performance of his official duties in the protection, improvement, or administration of the National Forest System is prohibited.

§ 261.4 Disorderly conduct.

The following are prohibited:

(a) Engaging in fighting, or in threatening or abusive behavior.

(b) Inciting or participating in a riot.

(c) Making unreasonable noise.

§ 261.5 Fire.

The following are prohibited:

(a) Carelessly or negligently throwing or placing any burning, glowing, or ignited substance, or any other substance or thing which may cause a fire, into any place where it might start a fire.

(b) Firing any tracer bullet or incendiary ammunition.

(c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit.

(d) Leaving a fire without completely extinguishing it.

(e) Allowing a fire to escape from control.

(f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.

§ 261.6 Timber and other forest products.

The following are prohibited:

(a) Cutting, killing, destroying, girdling, chipping, chopping, boxing, injuring, or otherwise damaging, or removing, any timber, tree or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation.

(b) Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting.

(c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a forest officer.

(d) Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by forest officers to mark or designate tree or any other forest product for cutting or removal.

(e) Loading, removing or hauling any timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract.

(f) Selling or exchanging timber or other forest product obtained under free use pursuant to §§ 221.26, 221.27, or 221.28.

(g) Violating any timber export or substitution restriction in § 221.25.

§ 261.7 Livestock.

The following are prohibited:

(a) Placing or allowing unauthorized livestock to enter or be in the National Forest System.

(b) Not removing unauthorized livestock from the National Forest System when requested by a forest officer.

(c) Failing to reclose any gate or other entry.

(d) Molesting, injuring, removing or releasing any livestock impounded under § 262.2 while in the custody of the Forest Service or its authorized agents.

(e) Removing or attempting to remove, converting to use, causing the death of, harassing or interfering with any wild, free-roaming horse or burro defined in § 231.11(a)(2), or selling or commercially processing any part or carcass thereof.

§ 261.8 Fish and wildlife.

The following are prohibited within the boundaries of a national game refuge or preserve or wildlife preserve in the National Forest System and are also prohibited in other parts of the National Forest System to the extent Federal or State law is violated:

(a) Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird.

(b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.

(c) Possessing equipment which could be used for hunting, fishing, or trapping.

(d) Possessing a dog not on a leash or otherwise confined.

§ 261.9 Property.

The following are prohibited:

(a) Mutilating, defacing, removing, disturbing injuring or destroying any natural feature or any property of the United States.

(b) Removing, destroying or damaging any plant that is classified as a threatened, endangered, rare or unique species.

(c) Entering any building or structure owned or controlled by the United States when such building or structure is not open to the public.

(d) Using any herbicide, pesticide or fungicide except for personal use for medical purposes or as an insect repellant or with permission for other minor uses.

(e) Digging in, excavating, disturbing, injuring, or destroying any archeological, paleontological, or historic site, or removing, disturbing, injuring, or destroying an object in such a site.

§ 261.10 Occupancy and use.

The following are prohibited:

(a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement without a permit.

(b) Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a permit or as otherwise authorized by Federal law or regulation.

(c) Selling or offering for sale any merchandise unless authorized by Federal law, regulation or permit.

(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) across or on a Forest Development road or a body of water adjacent thereto whereby any person or property is exposed to injury or damage as a result of such discharge.

(e) Abandoning a vehicle, animal, or personal property.

(f) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.

(g) Posting, placing, or erecting any paper, notice, advertising material, sign, or similar matter without a permit.

(h) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person.

(i) Operating or using a public address system, whether fixed, portable, or vehicle mounted, in or near a campsite, developed recreation site, or over an adjacent body of water without a permit.

(j) Conducting, demonstrating, or participating in a public meeting, assembly, or special event, except as authorized by permit.

§ 261.11 Sanitation.

The following are prohibited:

(a) Depositing in any toilet, toilet vault, or plumbing fixture, any bottle, can, cloth, rag, metal, wood, stone, flammable liquid, or other substance which could damage or interfere with the operation or maintenance of the fixture.

(b) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition.

(c) Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water.

(d) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.

(e) Dumping or leaving in a refuse container, dump, or similar facility, refuse, debris, or litter brought as such from private property or from land occupied under permit.

§ 261.12 Forest development roads and trails.

The following are prohibited:

(a) Violating the load, weight, height, length or width limitations prescribed by State law, except by permit, written agreement, or where greater or lesser limits have been established pursuant to § 261.54.

(b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.

(c) Failing to stop a vehicle when directed to do so by a forest officer.

(d) Damaging and leaving in a damaged condition any such road, trail, or segment thereof.

(e) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.

(f) Using motorized vehicles in excess of 40 inches in width on a trail.

§ 261.13 Use of vehicles off roads.

It is prohibited to operate any vehicle off Forest Development, State or County roads:

(a) Without a valid license as required by State law.

(b) Without an operable braking system.

(c) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights.

(d) In violation of any applicable noise emission standard established by any Federal or State agency.

(e) While under the influence of alcohol or other drug;

(f) Creating excessive or unusual smoke;

(g) Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.

§ 261.14 Developed recreation sites.

The following are prohibited:

(a) Occupying any portion of the site for other than recreation purposes.

(b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.

(c) Cleaning or washing any personal property, fish, animal, or food at a hydrant or at a water faucet not provided for that purpose.

(d) Discharging or igniting a firecracker, rocket or other firework, or explosive.

(e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only.

(f) Failing to remove all camping equipment or personal property when vacating the area or site.

(g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.

(h) Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.

(i) Leaving camping equipment unattended for more than 24 hours without permission.

(j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.

(k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.

(l) Bringing in or possessing a saddle, pack, or draft animal, except as authorized by a sign.

(m) Operating or parking a motor vehicle or trailer except in places developed for this purpose.

(n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.

(o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.

(p) Distributing any handbill, circular, paper, or notice without a permit.

(q) Depositing any body waste except into receptacles provided for that purpose.

§ 261.15 Admission, recreation use and special recreation permit fees.

Failing to pay any fee established for admission or entrance to, or use of a site, facility, equipment, or service within the National Forest System furnished by the United States is prohibited. The statutory maximum for a violation of this section is a fine of not more than $100.00. (Sec. 2, 78 Stat. 897, as amended; 16 USC 460l–6(e))

§ 261.16 National Forest wilderness.

The following are prohibited in a National Forest wilderness:

(a) Possessing or using a motor or motorized equipment except small battery-powered, hand-held devices, such as cameras, shavers, flashlights and Geiger counters.

(b) Possessing or using a hang glider or bicycle.

(c) Landing of aircraft, or the dropping or picking up of any material, supplies, or person from aircraft, except by permit or as specifically authorized by Federal law or regulation.

§ 261.17 Boundary Waters Canoe Area, Superior National Forest.

The following are prohibited in the Boundary Waters Canoe Area:

(a) Possessing or transporting any motor or other mechanical device capable of propelling a watercraft through water by any means, except by permit or as specifically authorized by Federal law or regulation.

(b) Transporting, using, or mooring amphibious craft or any type or any watercraft designed for or used as floating living quarters.

(c) Using wheels, rollers, or other mechanical devices for the overland transportation of any watercraft, except by permit or as specifically authorized by Federal law or regulation.

§ 261.18 Pacific Crest National Scenic Trail.

It is prohibited to use a motorized vehicle on the Pacific Crest National Scenic Trail without a permit.

§ 261.19 National Forest primitive areas.

It is prohibited in a National Forest primitive area to violate any prohibition in § 293.17 of this title.

§ 261.20 Unauthorized use of "Smokey Bear" and "Woodsy Owl" symbol.

(a) Manufacture, importation, reproduction or use of "Smokey Bear" except as provided under §§ 261.2, 271.3, or 271.4 is prohibited.

(b) Manufacture, importation, reproduction, or use of "Woodsy Owl" except as provided under §§ 262.2, 272.3, or 272.4 is prohibited.

Subpart B—Prohibitions in Areas Designated by Order

§ 261.50 Orders.

(a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may isue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.

(b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of any forest development road or trail.

(c) Each order shall:

(1) For orders issued under paragraph (a) of this section, describe the area to which the order applies;

(2) For orders issued under paragraph (b) of this section, describe the road or trail to which the order applies;

(3) Specify the times during which the prohibitions apply if applied only during limited times;

(4) State each prohibition which is applied;

(5) Be posted in accordance with § 261.51.

(d) The prohibitions which are applied by an order are supplemental to the general prohibitions in Subpart A.

(e) An order may exempt any of the following persons from any of the prohibitions contained in the order:

(1) Persons with a permit authorizing the otherwise prohibited act or omission. The issuing officer may include in any permit such conditions as he considers necessary for the protection or administration of the road, trail, or National Forest System or for the promotion of the health, safety, or welfare of its users;

(2) Owners or lessees of land in the area;
(3) Residents in the area;
(4) Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty; and
(5) Persons engaged in a business, trade, or occupation in the area.
(f) It is prohibited to violate the terms or conditions of a permit issued under (e)(1) of this section.
(g) Any person wishing to use a Forest development road or trail or a portion of the National Forest System, should contact the Forest Supervisor, Director, Administrator, or District Ranger to ascertain the special restrictions which may be applicable thereto.

§ 261.51 Posting.

Posting is accomplished by:
(a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, or equivalent officer who have jurisdiction over the lands affected by the order, and
(b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

§ 261.52 Fire.

When provided by an order, the following are prohibited:
(a) Building, maintaining, attending or using a fire, campfire, or stove fire.
(b) Using an explosive.
(c) Smoking.
(d) Smoking, except inside a building or vehicle, or while seated in an area at least three feet in diameter that is barren or cleared of all flammable materials.
(e) Going into or being upon an area.
(f) Possessing, discharging or using any kind of firework or other pyrotechnic device.
(g) Entering an area without any firefighting tool prescribed by the order.
(h) Operating an internal combustion engine except on a road.
(i) Welding, or operating acetylene or other torch with open flame.
(j) Operating or using any internal or external combustion engine on any timber, brush, or grass covered land, including trails traversing such land, without a spark arrester, maintained in effective working order, meeting either (i) Department of Agriculture, Forest Service Standard 5100–1a; or (ii) the 80 percent efficiency level determined according to the appropriate Society of Automotive Engineers (SAE) recommended Practices J335 and J350.
(k) Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of, fires.

§ 261.53 Special closures.

When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:
(a) Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish.
(b) Special biological communities.
(c) Objects or areas of historical, archeological, geological, or paleontological interest.
(d) Scientific experiments or investigations.
(e) Public health or safety.
(f) Property.

§ 261.54 Forest development roads.

When provided by an order, the following are prohibited:
(a) Using any type of vehicle prohibited by the order.
(b) Use by any type of traffic prohibited by the order.
(c) Using a road for commercial hauling without a permit or written authorization.
(d) Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order.
(e) Being on the road.

§ 261.55 Forest development trails.

When provided by an order, the following are prohibited:
(a) Being on the trail.
(b) Using a bicycle or motorized vehicle.
(c) Possessing or using a saddle, pack, or draft animal.
(d) Shortcutting a switchback.

§ 261.56 Use of vehicles off forest development roads.

When provided by an order, it is prohibited to possess or use a vehicle off forest development roads.

§ 261.57 National Forest wilderness.

When provided by an order, the following are prohibited:
(a) Entering or being in the area.
(b) Possessing camping or pack-outfitting equipment, as specified in the order.
(c) Possessing a firearm or firework.
(d) Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use.
(e) Grazing.
(f) Storing equipment, personal property or supplies.
(g) Disposing of debris, garbage, or other waste.

§ 261.58 Occupancy and use.

When provided by an order, the following are prohibited:
(a) Camping for a period longer than allowed by the order.
(b) Entering or using a developed recreation site or portion thereof.
(c) Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds.
(d) Occupying a developed recreation site with prohibited camping equipment prescribed by the order.
(e) Camping.
(f) Using a campsite or other area described in the order by more than the number of users allowed by the order.
(g) Parking or leaving a vehicle in violation of a posted sign.
(h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.
(i) Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles, per camp unit.
(j) Being publicly nude.
(k) Entering or being in a body of water.
(l) Being in the area after sundown or before sunrise.
(m) Discharging a firearm, air rifle, or gas gun.
(n) Possessing or operating a motorboat.
(o) Water skiing.
(p) Storing or leaving a boat or raft.
(q) Operating any watercraft in excess of a posted speed limit.
(r) Launching a boat except at a designated launching ramp.
(s) Possessing or transporting a bird or animal.
(t) Possessing or transporting any part of a tree or plant.
(u) Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area.
(v) Hunting or fishing.

Subpart C—Prohibitions in Regions

§ 261.70 Issuance of regulations.

(a) Pursuant to 7 CFR 2.60, the Chief, and each Regional Forester, to whom the Chief has delegated authority, may issue regulations prohibiting acts or omissions within all or any part of the area over which he has jurisdiction, for one or more of the following purposes;
(1) Fire prevention or control.
(2) Disease prevention or control.
(3) Protection of property, roads or trails.
(4) Protection of threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish, or special biological communities.
(5) Protection of objects or places of historical, archaeological, geological or paleontological interest.
(6) Protection of scientific experiments or investigations.
(7) Public safety.
(8) Protection of health.
(9) Establishing reasonable rules of public conduct.
(b) Regulations issued under this subpart shall not be contrary to or duplicate any prohibition which is established under existing regulations.
(c) In issuing any regulations under paragraph (a) of this section, the issuing officer shall follow 5 U.S.C. 553.
(d) In a situation when the issuing officer determines that a notice of proposed rule making and public participation thereon is impracticable, unnecessary, or contrary to the public interest, he shall issue, with the concurrence of the Chief, an interim regulation containing an expiration date.
(e) No interim regulation issued under paragraph (d) of this section will be effective for more than 90 days unless re-

adopted as a permanent rule after a notice of proposed rule making under 5 USC 553 (b) and (c).

§ 261.71 Regulations applicable to Region 1, Northern Region, as defined in § 200.2. [Reserved]
§ 261.72 Regulations applicable to Region 2, Rocky Mountain Region, as defined in § 200.2. [Reserved]
§ 261.73 Regulations applicable to Region 3, Southwestern Region, as defined in § 200.2. [Reserved]
§ 261.74 Regulations applicable to Region 4, Intermountain Region, as defined in § 200.2. [Reserved]
§ 261.75 Regulations applicable to Region 5, California Region, as defined in § 200.2. [Reserved]
§ 261.76 Regulations applicable to Region 6, Pacific Northwest Region, as defined in § 200.2. [Reserved]
§ 261.77 Regulations applicable to Region 8, Southern Region, as defined in § 200.2. [Reserved]
§ 261.78 Regulations applicable to Region 9, Eastern Region, as defined in § 200.2. [Reserved]
§ 261.79 Regulations applicable to Region 10, Alaska Region, as defined in § 200.2. [Reserved]

PART 262—REWARDS AND IMPOUNDMENTS

Sec.
262.1 Rewards in connection with fire or property prosecutions.
262.2 Impoundment and disposal of unauthorized livestock.
262.3 Impounding of dogs.
262.4 Impounding of personal property.
262.5 Removal of obstructions.

AUTHORITY: 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 1011(f)); 58 Stat. 736 (16 U.S.C. 559r), unless otherwise noted.

§ 262.1 Rewards in connection with fire or property prosecutions.

(a) Hereafter, provided Congress shall make the necessary appropriation or authorize the payment thereof, the Department of Agriculture will pay the following rewards:
(1) Not exceeding $1,000 and not less than $100 for information leading to the arrest and conviction of any person on the charge of willfully or maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within the National Forest System or nearby;
(2) Not exceeding $300 and not less than $50 for information leading to the arrest and conviction of any person on the charge of building or causing a fire on lands of the United States within the National Forest System or nearby, and leaving said fire which escapes before the same has been totally extinguished;
(3) Not exceeding $1,000 and not less than $50 for information leading to the arrest and conviction of any person charged with destroying or stealing any property of the United States.
(4) A reward may be paid to the person or persons giving the information leading to such arrest and conviction upon presentation to the Department of Agriculture of satisfactory evidence thereof, subject to the necessary appropriation as aforesaid, or otherwise as may be provided.
(c) Officers and employees of the Department of Agriculture are barred from receiving such rewards.
(d) The Department of Agriculture reserves the right to refuse payments of any claim for reward when, in its opinion, collusion or improper methods have been used to secure arrest and conviction. The Department also reserves the right to allow only one reward where several persons have been convicted of the same offense or where one person has been convicted of several offenses, unless the circumstances entitle the person to a reward on each conviction.
(e) Applications for reward should be forwarded to the Regional Forester, Research Director, or Area Director who has responsibility for the land or property involved in the trespass. However, no application will be considered unless presented to a responsible Forest Service officer within three months from the date of conviction of an offender. In order that all claimants for rewards may have an opportunity to present their claims within the prescribed limit, the Department will not take action with respect to rewards for three months from the date of the conviction of an offender. (58 Stat. 736; 16 U.S.C. 559a.)

§ 262.2 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock or livestock in excess of those authorized by a grazing permit on the National Forest System, which are not removed therefrom within the periods prescribed by this regulation, may be impounded and disposed of by a forest officer as provided herein.
(a) When a Forest officer determines that such livestock use is occurring, has definite knowledge of the kind of livestock, and knows the name and address of the owners, such livestock may be impounded any time five days after written notice of intent to impound such livestock is mailed by certified or registered mail or personally delivered to such owners.
(b) When a Forest officer determines that such livestock use is occurring, but does not have complete knowledge of the kind of livestock, or if the name of the owner is unknown, such livestock may be impounded any time 15 days after the date a notice of intent to impound livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will identify the area in which it will be effective.
(c) Unauthorized livestock or livestock in excess of those authorized by a grazing permit on National Forest System which are owned by persons given notice under paragraph (a) of this section, and any such livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the 12-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.
(d) Following the impoundment of livestock, a notice of sale of impounded livestock will be published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will describe the livestock and specify the date, time, and place of the sale. The date shall be at least five days after the publication and posting of such notice.
(e) The owner may redeem the livestock any time before the date and time set for the sale by submitting proof of ownership and paying for all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. However, when the impoundment costs exceed fair market value a minimum acceptable redemption price at fair market value may be established for each head of livestock.
(f) If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be sold at public sale to the highest bidder, providing this bid is at or above the minimum amount set by the Forest Service. If a bid at or above the minimum amount is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the forest officer making the sale shall furnish the purchaser a bill or other written instrument evidencing the sale. Agreements may be made with State agencies whereby unbranded livestock of unknown ownership are released to the agency for disposition in accordance with State law.

§ 262.3 Impounding of dogs.

Any dog found running at large in a part of the National Forest System, which has been closed to dogs running at large, may be captured and impounded by Forest officers. Forest officers will notify the owner of the dog, if known, of such impounding, and the owner will be given five days to redeem the dog. A dog may redeemed by the owner submitting adequate evidence of ownership and paying all expenses incurred by the Forest Service in capturing and impounding it. If the owner fails to redeem the dog within five days after notice, or if the owner cannot be ascertained within 10 days from the date of impounding, the dog may be destroyed or otherwise disposed of at the discretion of the Forest officer having possession of it.

§ 262.4 Impounding of personal property.

(a) Automobiles or other vehicles, trailers, boats, and camping equipment and other inanimate personal property on National Forest System lands without the authorization of a Forest officer which are not removed therefrom within the prescribed period after a warning notice as provided in this regulation may

be impounded by a Forest officer. Whenever such Forest officer knows the name and address of the owner, such impoundment may be effected at any time five days after the date that written notice of the trespass is mailed by registered mail or delivered to such owner.

(b) In the event the local Forest officer does not know the name and address of the owner, impoundment may be effected at any time 15 days after the date a notice of intention to impound the property in trespass is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. A copy of this notice shall also be posted in at least one place on the property or in proximity thereto.

(c) Personal property impounded under this regulation may be disposed of at the expiration of 90-days after the date of impoundment. The owner may redeem the personal property within the 90-day period by submitting proof of ownership and paying all expenses incurred by the United States in advertising, gathering, moving, impounding, storing, and otherwise caring for the property, and also for the value of the use of the site occupied during the period of the trespass.

(d) If the personal property is not redeemed on or before the date fixed for its disposition, it shall be sold by the Forest Service at public sale to the highest bidder. If no bid is received, the property, or portions thereof, may, in the discretion of the responsible Forest officer, be sold at private sale or be condemned and destroyed or otherwise disposed of. When personal property is sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale.

§ 262.5 Removal of obstructions.

A Forest officer may remove or cause to be removed, to a more suitable place, a vehicle or other object which is an impediment or hazard to the safety, convenience, or comfort of other users of an area of the National Forest System.

PART 271—USE OF "SMOKEY BEAR" SYMBOL

§ 271.5 [Reserved]

Section 271.5 is revoked and reserved.

PART 272—USE OF "WOODSY OWL" SYMBOL

§ 275.5 [Reserved]

Section 272.5 is revoked and reserved.

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

§ 291.1–291.8 [Reserved]

Sections 291.1 through, and including, 291.8 are revoked and reserved.

PART 295—USE OF OFF-ROAD VEHICLES

§ 295.6 [Revoked]

1. Section 295.6 is revoked.

§ 295.7 [Revoked]

2. Section 295.7 is revoked.

§ 295.8 [Revoked]

3. Section 295.8 is revoked.

Effective date: February 15, 1977.

JOHN A. KNEBEL,
Secretary.

JANUARY 11, 1977.

[FR Doc.77-1303 Filed 1-13-77;8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 76-1; Rules Doc. A]

PART 201—GENERAL PROVISIONS

Use of Copyright Office Records for Compiling Mailing Lists and Similar Purposes; Miscellaneous Technical Amendments

On November 15, 1976, proposals were published in the FEDERAL REGISTER regarding (1) the addition of a new regulation § 201.9 governing the filing of agreements between copyright owners and public broadcasting entities; (2) the addition of a new regulation § 201.10 pertaining to the termination of transfers and licenses covering the renewal term of copyright as extended by Pub. L. 94–553 (90 Stat. 2541); (3) an amendment of § 201.2(b) of the existing Copyright Office regulations to delete the prohibition on the use of Office records for compiling mailing lists and the like; and (4) technical corrective amendments to other Copyright Office regulations. Interested persons were given until December 15, 1976 to submit comments. 41 FR 50300, corrected in part at 41 FR 51428.

Comments received in response to the proposals regarding the filing of agreements between copyright owners and public broadcasting entities and the termination of transfers covering the extended renewal term are now being considered by the Copyright Office; these proposals and the comments received in response thereto are not the subject of this rules document.

The proposed amendment to § 201.2 (b) of the regulations is to delete paragraph (2) of that section, which prohibits the "copying from the Copyright Office records of names and addresses for the purpose of compiling mailing lists and other similar uses." The Copyright Office had concluded that this prohibition is an unwarranted limitation on the public use of Office records. One comment was received in support of the proposed deletion; no comments were received in opposition.

The technical amendments were proposed to correct ZIP Code references in §§ 201.1 and 201.2(c)(2)(ii); to delete an out-dated reference to "Copyright Office Form C–85" and correct the CFR citation in § 201.8; and to identify Part 14 of the Catalog of Copyright Entries in § 201.3. No comments were received with respect to these proposed amendments.

In consideration of the foregoing, the proposed amendment to § 201.2(b) to delete the prohibition on the use of Office records for mailing lists and like uses and the proposed technical amendments to §§ 201.1, 201.2(c)(2)(ii), 201.3 and 201.8 are hereby adopted without change and are set forth below.

Effective date: As the amendment relating to the use of Office records is intended to relieve a restriction and as the technical amendments are to conform the regulations to existing facts, they shall become effective on January 14, 1977.

Dated: January 6, 1976.

BARBARA RINGER,
Register of Copyrights.

Approved by:

WILLIAM J. WELSH,
Acting Librarian of Congress.

1. Section 201.2(b)(2) is deleted and its number is reserved as follows:

§ 201.2 Information given by the Copyright Office.

* * * * * *

(b) *Inspection and copying of records.* (1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies deposited in connection with a completed copyright registration, may be undertaken at such times as will not result in interference with or delay in the work of the Copyright Office.

(2) [Reserved]

§§ 201.1 and 201.2 [Amended]

2. Sections 201.1 and 201.2(c)(2)(ii) are amended to delete the ZIP Code identifications "20540" and to insert the ZIP code identifications "20559" after the words "Washington, D.C." in the addresses for the Register of Copyrights.

§ 201.3 [Amended]

3. Section 201.3 is amended to add the following clause at the end of the section: "Part 14—Sound Recordings, $10."

4. Section 201.8(b) is revised to read as follows:

§ 201.8 Import Statements.

* * * * * *

(b) The provisions in the Customs regulations covering the use of the import statement are found in 19 CFR 133.45. (17 U.S.C. 207.)

[FR Doc.77-1278 Filed 1-13-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA–PR Temporary Regulation No. 25]

PART 9–7 CONTRACT CLAUSES

PART 9–15 CONTRACT COST PRINCIPLES AND PROCEDURES

ERDA Contract Cost Principles

JANUARY 4, 1977.

1. *Purpose:* Pending complete restructuring of ERDA–PR 9–15, the following cost principles are issued as directly supplementing FPR 1–15.205–3 and 1–15.205–35. Other principles may be promulgated from time to time, if needed, in the interval before the restructured ERDA–PR 9–15 is issued. The following principles will apply to the negotiation and administration of contracts, and subcontracts under cost-type contracts, in accordance with FPR 1–15.102. The provisions of ERDA–PR Temporary Regulations No. 11 and No. 13 are incorporated in this temporary regulation. Accordingly, ERDA–PR Temporary Regulations No. 11 and 13, dated October 7, 1975, and October 28, 1975, respectively, are hereby rescinded. The only substantive change to the above mentioned temporary regulations is the addition of the provision that allows the contracting officer to use other tests of reasonableness for bid and proposal expenses besides the 3-year average annual cost formula.

2. *Effective date:* This regulation becomes effective January 14, 1977.

3. *Expiration date:* This regulation will remain in effect until canceled or until its provisions are incorporated into a permanent ERDA procurement regulation.

4. *Explanation of changes:*

a. Section 9–7.5006–10, paragraph (d)(17) is revised and (d)(18) is added and reads as follows:

Subpart 9–7.50 Use of Standard Clauses

* * * * * *

§ 9–7.5006 Standard ERDA clauses not included in § 9–7.5004 or § 9–7.5005.

* * * * * *

§ 9–7.5006–10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).

* * * * * *

(d) * * *

(17) *The costs of preparing bids and proposals* in accordance with § 9–15.205–3.

(18) *Independent research and development costs* in accordance with § 9–15.205–35.

b. Delete § 9–7.5006–10(e)(20) and reserve.

c. Section 9–7.5006–12 paragraph (d)(19) is revised and (d)(20) is added and reads as follows:

§ 9–7.5006–12 Allowable costs and fixed fee (architect-engineer contracts).

* * * * * *

(d) * * *

(19) *The cost of preparing bids and proposals* in accordance with § 9–15.205–3.

NOTE.—This paragraph should be deleted for on-site architect-engineer contracts.

(20) *Independent research and development costs* in accordance with § 9–15.205–35.

NOTE.—This paragraph should be deleted for on-site architect-engineer contracts.

d. Delete § 9–7.5006–12(e)(18) and reserve.

e. A new Subpart 9–15.2, *Contracts With Commercial Organizations,* is added as follows:

Subpart 9–15.2—Contracts With Commercial Organizations

Sec.
9–15.205–3 Bidding costs.
9–15.205–35 Research and development costs.

Subpart 9–15.2 Contracts With Commercial Organizations

§ 9–15.205–3 Bidding costs.

The costs of preparing bids or proposals shall include an amount for absorption of their appropriate share of related indirect costs. A contractor's bidding costs are allowable in accordance with FPR 1–15.205–3 up to a ceiling amount equal to the average annual bidding costs computed from the actual costs for the contractor's three most recent years. However, at the discretion of the contracting officer, a ceiling amount in excess of the foregoing may be established when the contractor can demonstrate that the three year average annual bidding cost formula would produce a clearly inequitable cost recovery.

§ 9–15.205–35 Research and development costs.

(a) through (c) [Reserved]

(d) A contractor's costs of independent research are allowable in accordance with FPR 1–15.205–35(d) provided the research also is of benefit to the ERDA program.

(e) Costs of a contractor's independent development are allowable in accordance with FPR 1–15.205–35(e) provided the development also is of benefit to the ERDA program.

(f) and (g) [Reserved]

(h) When the cost of the work involved in segregating the independent research and development which benefits the ERDA program is disproportionate to the amounts involved, an allocable share of those costs may be allowed up to a maximum equal to 5% of the total cost of the contract, but not in excess of $50,000.

(Sec. 105 of the Energy Reorganization Act of 1974 (Pub. L. 93–438).)

M. J. TASHJIAN,
Director of Procurement.

[FR Doc.77-1286 Filed 1-13-77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Pub. L. 91–95) is amended to provide for the payment of such an allowance for the period October 1, 1976, through December 31, 1976, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order Number 11821 and OMB Circular A–107.

Effective Date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Section 177.4(c)(3)(xxx) is added as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * * *

(c) *Special allowances.*

* * * * * *

(3) Special allowances are authorized to be paid as follows:

* * * * * *

(xxx) For the period October 1, 1976, through December 31, 1976, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 1½ percent per annum of the average unpaid

balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141.)

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program.)

Dated: December 27, 1976.

JOHN W. EVANS,
Acting U.S. Commissioner of Education.

APPROVED: January 7, 1977.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.77-1237 Filed 1-13-77;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL PROVISIONS

PART 310—BRIDGE TOLL PROCEDURAL RULES

Effective Period of Orders, Time Limits, Complaints in Modification Proceedings

• *Purpose.* This amendment provides procedures for expediting the handling of proceedings to determine whether rates are just and reasonable by limiting the effective time of orders, leaving the decision of whether to allow modified rates to go into effect within the discretion of the Administrator, and putting time constraints on certain stages of the investigation and decisionmaking. •

The Federal Highway Administration's experience with toll regulations over the past several years indicates the desirability of expediting the regulatory process. In order to accomplish this the Bridge Toll Procedural Rules are being amended.

The first amendment relates to the time period for which an order setting a toll rate is effective. The amendment allows the Administrator, with certain exceptions, to make the order effective for anywhere from 2 to 3 years depending on the particular case. An order for less than 2 years would have either of two undesirable results. It could tend to increase the number of proceedings as complaints would be received as soon as an order became ineffective or it could discourage potential complainants who may not desire to invest the time and money necessary to support their positions with the knowledge that their efforts would only result in a reduction for a short period of time. The bridge toll owner is protected from emergency or exceptional circumstances by his ability to petition for modification. An order effective for more than three years, on the other hand, will be based on data and projections that will probably be unreliable because of fluctuation in the economy and traffic flow. So many factors are involved that it is difficult to make projections very far in advance.

The second amendment changes the toll modification rules by deleting that provision which stayed the effective date of the proposed modified order if one complaint was filed. Recent cases have shown that occasionally frivolous complaints are received. It was, therefore, determined that the matter of allowing the proposed rate to pass into effect should be left solely to the Administrator. A provision has been added, however, which requires the Administrator to consider all complaints that have been received before he makes his decision. In this way legitimate complaints will continue to have an effect in staying the proposed rate.

In order to accelerate the decisionmaking process, the Administrator has set certain time limits on actions taken by himself and his staff. These time limits should, with cooperation from the parties in providing information, significantly reduce the time-consuming decisionmaking process.

These amendments relate to pleading and practice before the Federal Highway Administration. Notice and comment are therefore unnecessary.

In consideration of the foregoing, 49 CFR Part 310 is amended as follows:

1. 49 CFR 310.4a(g) is revised to read as follows:

§ 310.4a Modification of orders setting toll rates.

• • • • •

(g) The proposed toll rate shall become effective 60 days after the publication of the Federal Register notice unless the Administrator orders otherwise. In considering whether to allow the rates to go into effect under this section, the Administrator shall consider any complaints submitted under § 310.3.

2. 49 CFR 310.5 is amended by adding the following sentence to the end of the text as follows:

§ 310.5 Bridge toll investigation.

• • • The investigation shall be concluded within 90 days after receipt of the response to the complaints. This time period shall be extended to 45 days after the receipt of additional information requested from the bridge owner under this section when such request has been made during the first 60 days following receipt of the response to the complaint. All requests for information issued by the investigation staff shall be answered within 45 days.

3. 49 CFR 310.6 is amended by adding the following sentence to the end of the text as follows:

§ 310.6 Informal conferences.

• • • Such informal conferences shall, if needed, be convened within 60 days after the conclusion of the investigation.

4. 49 CFR 310.7 is amended to read as follows:

§ 310.7 Initial determination.

Within 30 days after the conclusion of the investigation, or within 30 days after the receipt of the transcript of the last informal conference, if any such conferences are held, the Administrator determines whether there are sufficient grounds for adjudication. If he determines that no such grounds exist, he then dismisses the proceeding. If he determines that grounds for formal adjudication exist, he then, as soon as possible, issues an order appointing an administrative law judge, or reserving the hearing to himself, and directing that either a public hearing under this Subpart or a hearing by affidavit under Subpart B be held. An appropriate order is then served on the parties. All subsequent regulations that refer to the "administrative law judge" shall also mean the Administrator.

5. 49 CFR 310.13 is revised to read as follows:

§ 310.13 Administrator's decision.

(a) Within 90 days of the receipt of the administrative law judge's recommended decision, the Administrator may adopt or reject the administrative law judge's recommended findings of fact, conclusions of law, and order in whole or in part. He may also remand proceedings to the administrative law judge with instructions for further proceedings as he deems appropriate. If he rejects the recommended decision and no further hearings are ordered, he then issues a final order disposing of the proceeding and serves it on the parties.

(b) If the Administrator has presided over the hearing, he shall within 150 days after receipt of briefs issue a final order disposing of the matter. The order shall be served on all parties.

6. 49 CFR Part 310 is amended by adding a new section as follows:

§ 310.16 Effective period of orders setting toll rates.

The administrative law judge in his recommended decision and the Administrator in his final decision shall state the length of time the order will be in effect. The effective time, which shall be measured from the date the toll rate ordered goes into effect, shall not be less than 2 nor more than 3 years. The effective time of an order may be extended or reduced only in extraordinary or emergency circumstances. Requests for extension or reduction of the effective time shall be by motion to the Administrator. When a motion is made, the Administrator may order such other proceedings under these rules as he deems appropriate before he makes a decision.

(Sec. 133(b), Pub. L. 93-87, 87 Stat. 267 (33 U.S.C. 526(a)); Sec. 2, 6 Pub. L. 92-434, 86 Stat. 731, 732 (33 U.S.C. 535, 535(d).)

Effective date: This amendment takes effect on January 14, 1977.

Issued on: January 11, 1977.

NORBERT T. TIEMANN,
Administrator.

[FR Doc.77-1348 Filed 1-13-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 241]

PART 1033—CAR SERVICE

Cars for Shippers' Exclusive Use [Rule 16]; Order

INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES: (MODIFICATION OF CAR SERVICE RULE 16)

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of December 1976.

It appearing, That in the report herein, 335 I.C.C. 264, decided August 21, 1969, as modified in 335 I.C.C. 874, Car Service Rules were prescribed for mandatory observance, including rule 16 concerning the assignment of cars;

It further appearing, That by petition filed on May 5, 1976, the Association of American Railroads seeks modification of the said Car Service Rule 16, whereby the present 10-day notice requirement before a car can be released from an assignment would be amended so as to require only 1 day's written notice; and that other modifications be made for purposes of clarification and efficiencies in assignment of cars; and that said petition was served upon all parties to this proceeding; and that no replies thereto have been received;

And it further appearing, That on the date hereof, the Commission entered its report on further consideration finding that the petitioner's proposed modification of paragraph (A) (3) of rule 16 is unacceptable and requires further modification by the Commission for clarification purposes and that modification of paragraphs (C) and (D) is also warranted; and that the proposed modifications as amended will be in the overall public interest; therefore,

It is ordered, That the said Car Service Rule 16, set forth in appendix G to the report, 335 I.C.C. 264, at pages 353-354, be, and it is hereby, modified, effective January 31, 1977, by substituting in lieu of rule 16, paragraphs (a)(3), (c), and (d) the following:

§ 133.16 Cars for shippers' exclusive use.

(a) • • •

(3) When cars are assigned in accordance with this Rule, they shall remain and be treated as assigned cars until the shipper, originating road haul carrier(s), pool operator or owning railroad serves notice on each of the remaining parties in writing at least one (1) day in advance that such assignment is modified or cancelled.

• • • • •

(c) The present and future assignment by a carrier of specific cars for the exclusive use of a shipper at a particular point shall be reported by such carrier to the Operating-Transportation Division of the Association of American Railroads by car initial, number, car type code and specific assignment. Each carrier assigning such cars shall advise the Operating Transportation Division of the Association of American Railroads of any change in assignments not later than the last working day of the month in which change occurred, except when a change in assignment occurs on the last two days of the month, then notice of change shall be as soon as possible, but not more than 5 days after any change in assignment. The Operating-Transportation Division of the Association of American Railroads will maintain a current record of cars assigned, and distribute such information to car owners assigning cars to a specific shipper at each location, as well as to the roads originating traffic from such assignment, including originating switching line serving the shipper involved. The foregoing provisions of this paragraph shall not apply when all cars assigned to the exclusive use of a shipper at a particular point are system cars of a single road haul carrier serving the shipper at such point.

(d) Assigned cars are exempt from Car Service Rules 1 and 2.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1297 Filed 1-13-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination That the Southern Sea Otter Is A Threatened Species

The Director, U.S. Fish and Wildlife Service (hereinafter the Director and the Service, respectively) hereby issues a Rulemaking pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884; hereinafter the act) which determines that the Southern Sea Otter (*Enhydra lutris nereis*) is a threatened species.

BACKGROUND

On May 22, 1975, the Fund for Animals, Inc. requested the Service to list as endangered species, pursuant to the Act, 216 taxa of plants and animals which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora which were not already on the U.S. List of Endangered and Threatened Wildlife. One of these 216 taxa was the Southern Sea Otter (*Enhydra lutris nereis*). Acting on this request, the Service published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44329) a Proposed Rulemaking that would propose all 216 taxa to be endangered species under the Act. In the FEDERAL REGISTER of June 14, 1976 (41 FR 24062-24067) the Service issued a Final Rulemaking determining 159 of the 216 taxa to be endangered species. One of the remaining taxa was determined to be neither endangered nor threatened, and reasons were given for delaying determinations on the other 56 taxa.

One of the species which was not acted upon in the June 14, 1976, Rulemaking was the Southern Sea Otter. It was stated at that time that a considerable amount of data had been received which was still being analyzed. Although most responses had favored listing the species as Endangered, the State of California opposed such a measure and submitted a large amount of supporting data. In contrast, several conservation groups submitted substantial evidence to support their contention that the Southern Sea Otter was Endangered and should be determined as such pursuant to the Act. In view of the quantity and complexity of the information received, the Service stated that a determination on the Southern Sea Otter would be delayed.

Another problem which arose in connection with the Southern Sea Otter concerned its proper taxonomic status. This Sea Otter was long treated as a subspecies, *Enhydra lutris nereis*, distinct from the Northern Sea Otter in Alaskan waters (*Enhydra lutris lutris*). Recently, some parties have argued that the Southern Sea Otter is not a separate subspecies, is only a population of *Enhydra lutris lutris*, and, since the Northern Sea Otter is relatively common, should not be considered as an endangered or threatened species. Other parties have presented evidence that the Southern Sea Otter is a distinct subspecies. This question actually is not relevant to the matter at hand, because sections 3 and 4 of the Act allows the listing of populations of species in portions of their range, as well as entire species and subspecies. Since the Southern Sea Otter does form a significant population, it can be treated independently under the Act, regardless of its taxonomic status. The Service decided, however, to utilize the subspecific designation *Enhydra lutris nereis* in this rulemaking, though this decision had no connection with the decision to list as threatened.

All pertinent data, comments, and recommendations now have been analyzed, and the Service is issuing this Final Rulemaking pertaining to the Southern Sea Otter.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife. In the September

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26, 1975. Proposed Rulemaking (40 FR 44329) all interested persons were invited to submit written comments to the Service, which would be considered if received no later than October 28, 1975. This was a clerical error which was corrected on October 22, 1975 (40 FR 49347), when the comment period was extended to November 24, 1975.

As stated in the Final Rulemaking of June 14, 1976 (41 FR 24062), 291 responses were received during the comment period that dealt specifically with the Southern Sea Otter. Of these responses, 289 favored listing as Endangered. In addition, many hunderds of persons signed petitions supporting the Endangered classification. Only two parties opposed listing, one being the State of California, and the other being a university professor whose reasons largely paralleled those of the State.

The State of California's response, as provided by the Director of the Department of Fish and Game on November 21, 1975, consisted of a two-page letter and approximately 90 pages of excerpts from the two large volumes of data sent in support of the State's application for waiver of the moratorium of the Marine Mammal Protection Act. The letter specifically requested that the Southern Sea Otter not be declared Endangered or Threatened, because it met none of the five listing criteria in section 4(a) of the Act. The supporting data included some information on taxonomy and other subjects not directly relevant to the listing question. A history of the California Sea Otter population was provided, in which it was suggested that there may have been about 16,000 Sea Otters in California waters prior to 1914 when exploitation for the fur trade reduced the population to about 50 animals off Point Sur. With subsequent protection the population increased to an estimated 1,760 animals by 1975 when it occupied 161 linear miles of coastline from Sunset State Beach to Point Buchon. The population was considered to be at an optimum level, and continued expansion was thought probable. No major natural or man-caused threats to the overall population were recognized. Deaths because of shooting and collision with boats were said to occur, but not to be a significant problem. There was no evidence that pollution or oil spills had ever caused the death of a Sea Otter. The potential major effects of an oil spill were acknowledged, but it was held extremely unlikely that such a spill could wipe out the entire Sea Otter population.

The largest response favoring listing of the Southern Sea Otter as Endangered came from the Friends of the Sea Otter, a private organization in Big Sur, California. This response, dated November 20, 1975, included a 19-page letter and 16 supporting attachments. Again, some irrelevant information on taxonomy and other subjects was covered. Although it was recognized that the Southern Sea Otter population had increased since 1914, it was suggested that this population now had stabilized and that actual counts showed the presence of only about 1,000 Sea Otters in each year since 1969. Even if the higher estimates of the California Department of Fish and Game were accepted, the population still has to be considered small and vulnerable. Among the cited threats to the population was a possible loss of genetic diversity, caused by the former severe numerical reduction, which could adversely affect the adaptability of the existing animals. Chemical, bacteriological, and metal pollution was held to be increasing in the range of the Sea Otter. The possibility of a major oil spill that could destroy much of the population was considered a serious possibility. Direct killing by man was said to be occurring and to be a matter of growing concern as human population pressures increased.

Another response from the California Chapter of the Sierra Club gave many of the same arguments as the Friends of the Sea Otter, but also emphasized the issue of competition between man and the Sea Otter for food resources. Heavy sport and commercial pressures, in conjunction with rapid human population growth, were said to have depleted the shellfish resources upon which the Sea Otter depends, and to have contributed to the ill feeling that some persons have toward the Sea Otter.

Among the other responses supporting endangered status for the Southern Sea Otter were letters from nine professors or researchers, in biological science fields, at California universities or research stations, and the Director of the California Academy of Sciences. These letters expressed concern about such factors as potential oil spills, pollution, direct killing by man, and the loss of genetic diversity by the Southern Sea Otter population.

In a letter of June 1, 1976, the Marine Mammal Commission provided its recommendations on the matter to the Fish and Wildlife Service.

The Commission stated that while present population estimates were debatable, it was thought that the Sea Otter was increasing in range and numbers and would continue to do so, if permitted. The Sea Otter thus was not considered to be endangered, but several threats were held to be problems, the most serious being the potential impact of oil spills. It was suggested that a large number of animals could be jeopardized by a major oil spill. The Commission therefore recommended that the Southern Sea Otter be listed as threatened.

Conclusion

After a thorough review and consideration of all available information, the Director has determined that the Southern Sea Otter is not endangered, but is threatened as defined in Section 3 of the Act. Section 4(a) of the Act states that a species may be determined to be endangered or threatened because of any of five factors. These factors, and their applicability to the Southern Sea Otter are discussed below.

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—There seems no question that the range of the Southern Sea Otter is presently much reduced from what is was in historical time. The original range extended at least 1,500 miles from Morro Hermoso on the Pacific Coast of Baja California, to the Strait of Juan de Fuca, separating the Olympic Peninsula of Washington from Vancouver Island, British Columbia. The present range covers only about ten percent of this area. Recent information, supporting recognition of the Southern Sea Otter as a distinct subspecies, suggests that the subspecific line should have been drawn in the vicinity of Prince William Sound, Alaska, which would have given the subspecies a range of about 2,700 miles. Although small groups of Sea Otters derived from Alaska waters have been introduced at several points off the coast of southeastern Alaska, British Columbia, Washington, and Oregon, the original stock that once occupied the region from southeastern Alaska to Baja California now is represented only by the group off the central California coast. The remaining habitat and population is potentially jeopardized by oil spills, and possibly by pollution and competition with man. The fact that less than 2,000 (possibly as few as 1,000) otters occupy the present range, make the species particularly vulnerable to any sort of disruption.

Nonetheless, there also seems no doubt that the Southern Sea Otter has made a comeback from a formerly much more dangerous status. The population now seems to be relatively dense in the area that is occupied, and there is no known immediate problem that could result in extinction. An endangered classification, therefore, is not warranted at this time.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*—The original decline in Sea Otter populations was caused largely by commercial exploitation. Through State, Federal, and International protection this factor is not now a problem. Illegal killing does occur, but probably is not a threat to the overall population.

3. *Disease or predation.*—These factors cannot be shown to constitute a serious threat at present.

4. *The inadequacy of existing regulatory mechanisms.*—Existing Federal and State laws probably are adequate to protect the Sea Otter from direct taking. Habitat protection, however, is not adequate and would be improved through application of Section 7 of the Act.

5. *Other natural or manmade factors affecting its continued existence.*—It has been suggested, though not proven, that the former severely reduced state of the Southern Sea Otter may have greatly restricted the genetic diversity of the population, leaving it less adaptable in confronting potential problems.

A major spill of oil from a tanker in the waters in the vicinity of the range of the Southern Sea Otter is probably the most serious potential threat to the species. There seems little question that oil would be harmful to these animals, and, indeed, they are more susceptible to this problem than most species. Unlike other marine mammals they lack an insulating layer of blubber and depend entirely on their thick air-filled fur for protection from chill waters. Should the fur become contaminated with oil and matted down it would lose its insulating properties, resulting in overexposure and death.

There are major oil unloading facilities at Moss Landing, near the present northern edge of the Sea Otter's range, and at Estero Bay, near the southern edge of this range. Currently, these terminals are used by tankers of 50,000 DWT. Proposals are pending for an additional 120,000 DWT tanker mooring terminal at Moss Landing, and a 70,000 DWT mooring, with provisional extension to moor 125,000 DWT tankers carrying light loads under optimum ocean conditions, at Estero Bay. Increasing shipments of foreign oil, and the expected large-scale movement of oil from the southern terminal of the Alaska Pipeline, probably will result in a considerable increase of oil tanker traffic in and near the range of the Sea Otter.

There is some question regarding the likelihood of a major oil spill and the extent to which it could affect the overall Sea Otter population. Although it does not appear probable that the entire population could be wiped out by a single spill, a significant portion thereof could be eliminated, especially under certain weather and sea conditions. Even though there may be surviving groups, these could be so reduced in number, disrupted, and vulnerable to further problems that they might justifiably be termed Endangered. Therefore, while the chances of an oil spill cannot be predicted, the possibility of such a disaster and its consequences to the Sea Otter population, coupled with the prospects for increasing oil activity in the area, contributes substantially to the decision to list the population as threatened.

Effects of the Rulemaking

The effects of this determination and this rulemaking include, but are not necessarily limited to those discussed below.

No special regulations, as provided for by section 4(d) of the Act in the case of threatened species, are deemed necessary or advisable for the protection of the Southern Sea Otter. The general prohibitions and exceptions concerning the Threatened Species are published in Title 50, § 17.31, of the Code of Federal Regulations as follows:

Subpart D—Threatened Wildlife

§ 17.31 *Prohibitions.*

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.21 (a) through (c)(4) shall apply to threatened wildlife.

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating a conservation program pursuant to the terms of a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

(c) Whenevsr a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

The above regulations refer to § 17.21 of Title 50 which is reprinted below:

Subpart C—Endangered Wildlife

§ 17.21 *Prohibitions.*

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) The death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may posses, deliver, carry transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Section 17 of the Endangered Species Act provides that, except as otherwise provided in the Act, none of its provisions will take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq.

The Marine Mammal Protection Act is more restrictive in circumstances where a "taking" requires a permit. Under the Endangered Species Act, all proposed takings of Threatened Species, except those by persons covered by 50 CFR 17.31(b), would have to satisfy the general permit requirements of 50 CFR 17.32, which lists several acceptable purposes. Permit takings under the Marine Mammal Protection Act are more restrictive because section 101(a)(3)(B) states that except for scientific research purposes, no permit may be issued during the moratorium (directed by section 101(a) of the Marine Mammal Protection Act) which would authorize the taking of a marine mammal listed under the Endangered Species Act. It must be noted, furthermore, that this restriction applies only when the taking must be done pursuant to a permit and only

when the moratorium has not been waived.

In circumstances where a permit is not required for a taking, the Marine Mammal Protection Act is also more restrictive than the Endangered Species Act, and, therefore, the requirements under the Marine Mammal Protection Act would also prevail in that situation. Section 109(a)(4) of the Marine Mammal Protection Act provides that a State or local government official or employee may "in the course of his duties as an official or employee, (take) a marine mammal in a humane manner if such taking (A) is for the protection or welfare of such mammal or for the protection of the public health and welfare, and (B) includes steps designed to assure the return of such mammal to its natural habitat." Section 18.22 of 50 CFR makes express that no permit is required for such taking.

On the other hand 50 CFR 17.31(a) under the Endangered Species Act allows non-permit takings of listed Threatened species pursuant to the terms of § 17.21. Section 17.21(c)(3) provides that any employee or agent of the Fish and Wildlife Service, any other Federal land management agency, the National Marine Fisheries Service or of a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to: (i) Aid a sick, injured or orphaned specimen; or (ii) Dispose of a dead specimen; or (iii) Salvage a dead specimen which may be useful for scientific study.

50 CFR 17.31(b) provides:

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

EFFECT ON FEDERAL AGENCIES

The determination set forth in this Rulemaking makes the Southern Sea Otter eligible for the provisions of section 7 of the Act which reads as follows:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

Although no Critical Habitat yet has been determined for the Southern Sea Otter, the other provisions of section 7 are applicable. The Service now is collecting data relative to preparing a proposed determination of Critical Habitat for the Southern Sea Otter, and all persons with pertinent information are invited to send the same to the Director.

EFFECTIVE DATE

This Rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884). The amendments will become effective on February 11, 1977.

Dated: January 3, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, Part 17, Subpart B, § 17.11 Title 50 of the Code of Federal Regulations, is amended as set forth below:

In § 17.11 add the following:

§ 17.11 Endangered and threatened wildlife.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Southern sea otter	*Enhydra lutris nereis*	NA	California	Entire	T		NA

[FR Doc.77-1268 Filed 1-13-77;8:45 am]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

Extension of Period for Public Comment Upon Interim Regulations

Interim Final Regulations were published in the FEDERAL REGISTER September 15, 1976 (41 FR 39436) to provide the Regional Fishery Management Councils with uniform standards for Council operations and guidelines for developing management plans pursuant to Public Law 94-265. Comments from interested parties, Regional Councils and governmental agencies were requested by December 2, 1976. Two Regional Councils have requested additional time for review. Therefore, the period for public comment is extended to February 1, 1977. All submissions received by the Director, National Marine Fisheries Service, Washington, D.C., 20235, on or before that date will be considered prior to the publication of final regulations.

Issued in Washington, D.C. and dated January 10, 1977.

ROBERT W. SCHONING,
Director, National
Marine Fisheries Service.

[FR Doc.77-1264 Filed 1-13-77;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Delegation of Authority

On October 15, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 45577) for the purpose of amending or revoking current regulations on prohibited acts relating to the National Forest System, and to provide for the delegation of authority to specified forest officers.

Interested persons were given until November 29, 1976, to submit comments. No comments were received on the proposed change in 7 CFR 2.60(b)(1). Accordingly, the proposed language is adopted without change. This change is related to changes in 36 CFR, Chapter II. Comments received on that title are discussed in the preamble to an amendment which is published concurrently.

Title 7 CFR 2.60(b)(1) is amended to read as follows:

§ 2.60 Chief, Forest Service.

* * * * *

(b) **Reservations.** The following authorities are reserved to the Assistant Secretary for Conservation, Research, and Education.

(1) The authority to issue regulations, except as provided in 36 CFR 261.70.

* * * * *

(80 Stat. 379, 5 U.S.C. 301.)

JOHN A. KNEBEL,
Secretary.

JANUARY 10, 1977.

[FR Doc.77-1302 Filed 1-13-77;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

EGGS AND POULTRY

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056), the U.S. Department of Agriculture hereby amends the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55); the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59); and the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and U.S. Classes, Standards, and Grades with Respect Thereto (7 CFR Part 70).

STATEMENT OF CONSIDERATIONS

The primary purpose of these amendments is to remove an unnecessary charge for service which will now be covered in another manner. The affected regulations currently provide that for travel expenses and other charges incurred while rendering grading service, 10 percent of the total expenses shall be added to cover administrative costs of the Department. A recent adjustment in the rate for services was calculated to cover such administrative costs so the additional 10 percent is no longer necessary. Therefore, §§ 55.530, 56.49, and 70.75 are revised to eliminate the requirement of the additional 10-percent charge, and §§ 55.560(a)(4), 56.52(a)(4), 56.54(a)(3), 70.76(a)(3), and 70.77(a)(4) are eliminated.

Other amendments update the affected regulations by removing obsolete material and clarifying certain sections. Some amendments are for uniformity.

At one time, the Department provided shell egg sampling service by employees of the Department or other personnel authorized by the Secretary to only perform this service. The sampled product was then graded by official graders. Now, sampling is an integral part of the official grading function and is done by the USDA graders who also grade the product. Accordingly, the definitions for "Sampler" and "Sampling report" have been eliminated from section 56.1 and the definition of "Office of grading" has been amended to delete reference to "the sampler." In this same section of the egg grading regulations, the definition of "National supervisor" has been amended to indicate that the reference to "the poultry grading service" should read "the shell egg grading service." Since "sampler" and "sampling service" are no longer appropriate terms, they have been deleted whenever they appear in the regulations being amended. The affected sections are 55.500, 56.13, 56.15, 56.16, 56.20, 56.21, 56.24, 56.30, 56.31, and 56.45.

A definition of "Quality assurance inspector" has been added to the shell egg grading regulations to replace the present definition of "Supervisor of packaging." The new definition more accurately describes the functions of the company personnel who have been authorized by the Department to perform quality assurance work, including the supervision of packaging.

Accordingly, the wording "Supervisor of packaging" has been changed to "Quality assurance inspector" in §§ 56.11, 56.35, and 56.39. Also, in §§ 56.13, 56.16, and 56.30, references to "Supervisor of packaging" have been deleted since these personnel are not licensed or authorized to report violations, nor will the newly defined "Quality assurance inspectors" be licensed or be authorized to report violations.

Paragraph (a)(3) of § 56.36 provides that in official identification, the plant number preceded by the letter "P" may appear in the grademark or elsewhere on the packaging material. For the sake of uniformity, this paragraph has been revised to require the plant number only on the cartons or other packaging material and not in the grademark.

Section 56.38, "Rescindment of approved labels," has been deleted from the shell egg grading regulations and similar requirements for egg products in §§ 55.330 and 59.417 have also been deleted. The national office has a coding system for the review and control of labels. Authority for the approval of labels bearing codes issued by the national office is delegated to the plant grader or inspector where the labels are used. It is no longer necessary to notify the national office (Administrator) when labels are obsolete.

Section 56.42, which contains the requirements for the AA quality control program for eggs, has been amended by deleting paragraph (a)6 and the words "and distribution" from paragraph (a)7. Temperatures of eggs at the retail level are controlled in many cases by State or municipal laws and do not need to be stated in the Federal regulations.

Some ambiguous wording has been removed in §§ 55.560, 56.52, and 56.54 and is clarified in revised paragraphs (b)(3)(iv) in each of these sections to make direct reference to conditions under which grading service could be suspended, withdrawn, or terminated. This is consistent with similar changes made previously in Part 70.

Sections 56.4(b) and 70.11 provide that continuous grading service in an official plant may be rendered only when a majority of the grader's time is utilized each month in performing grading for quality on the basis of the official standards. These sections are being eliminated since this requirement could restrict quality control services the grader could perform relative to further processed items prepared from graded product, specification work, and other services.

Other minor changes for clarification are as follows: A disclaimer provision for the service has been removed from §§ 55.170, 56.27, and 59.148, and more appropriately located in §§ 55.10, 56.3, and 59.10, respectively. The word "continuous" has been removed from the title of § 56.21 since both continuous and noncontinuous services are covered. Also, in paragraph (b) of this section, the word "area" has been corrected to read "regional" which is now the term for the geographically located field offices. In § 56.210(g), the definition of "Bloody white" has been clarified. In § 55.90, the word "officials" has been corrected to "official" and in §§ 55.80 and 59.119, the word "activities" has been corrected to "activity." Deletion of some paragraphs in the affected regulations has required the redesignation of other paragraphs.

The amendments are as follows:

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

1. Section 55.10 is revised to read:

§ 55.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act and this part. The Administrator is authorized to waive for a limited period any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part. The Agricultural Marketing Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

§ 55.80 [Amended]

2. In § 55.80, the word "activities" is changed to read "activity."

§ 55.90 [Amended]

3. In § 55.90, paragraph (a)(3) is amended by changing the word "officials" to read "official."

§ 55.170 [Amended]

4. In § 55.170, the last sentence is deleted.

§ 55.330 [Amended]

5. In § 55.330, paragraph (c) is deleted and paragraph (d) is redesignated (c).

6. In § 55.500, paragraph (a) is revised to read:

§ 55.500 Payment of fees and charges.

(a) Fees and charges for any service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of this section and §§ 55.510 to 55.560, both inclusive. If so required by the grader or inspector, such fees and charges shall be paid in advance.

* * * * *

7. Section 55.530 is revised to read:

§ 55.530 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Department in connection with rendering grading service. Such charges shall include the costs of transportation, per diem, shipping containers, postage, and any other expenses. Expenses are to be charged on an appeal certificate regardless of the grading results. The minimum expense charge shall be $.50 per certificate.

8. In § 55.560, paragraphs (a)(4) and (b)(3)(v) are deleted, paragraph (a)(5) is redesignated as (a)(4), and paragraph (b)(3)(iv) is revised to read:

§ 55.560 Charges for continuous inspection and grading service on a resident basis.

* * * * *

(b) Other provisions. * * *

(3) * * *

(iv) Action taken by AMS pursuant to the provisions of §§ 55.180 or 55.200.

* * * * *

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

9. In § 56.1, the definitions for "Sampler," "Sampling report," and "Supervisor of packaging" are deleted, a new definition of "Quality assurance inspector" is added, and the definitions for "National supervisor" and "Office of grading" are revised to read:

§ 56.1 Meaning of words and terms defined.

* * * * *

"National supervisor" means (1) the officer in chare of the shell egg grading service of the Agricultural Marketing Service, and (2) such other employees of the Service as may be designated by him.

* * * * *

"Office of grading" means the office of any grader.

* * * * *

"Quality assurance inspector" means any designated company employee authorized by the Secretary to supervise the labeling, dating, and lotting of officially graded shell eggs and to assure that such product is packaged under sanitary conditions, graded by authorized personnel, and maintained under proper inventory control until released by an employee of the Department.

* * * * *

10. In § 56.3, paragraph (a) is revised to read:

§ 56.3 Administration.

(a) The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act and this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part. The Agricultural Marketing Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

* * * * *

§ 56.4 [Amended]

11. In § 56.4, paragraph (b) is deleted and paragraph (c) is redesignated (b).

12. The center head preceding § 56.10 is revised to read: "Licensed Graders."

13. Section 56.11 is revised to read:

§ 56.11 Authorization to perform limited grading services.

Any person who is employed by any official plant and possesses proper qualifications, as determined by the Administrator, may be authorized to candle and grade eggs on the basis of the "U.S. Standards for Quality of Individual Shell Eggs," with respect to eggs purchased from producers or eggs to be packaged with official identification. In addition, such authorization may be granted to any qualified person to act as a "quality assurance inspector" in the packaging and grade labeling of products. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all eggs which are graded by any such person shall thereafter be check graded by a grader.

14. Section 56.13 is revised to read:

§ 56.13 Cancellation of license.

Upon termination of his services as a grader, each licensee shall surrender his license immediately for cancellation.

15. Section 56.15 is revised to read:

§ 56.15 Political activity.

All graders are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

16. Section 56.16 is revised to read:

§ 56.16 Identification.

All graders shall each have in possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

17. The center head preceding § 56.20 is revised to read: "Application for grading."

18. In § 56.20, the title and text are revised to read:

§ 56.20 Who may obtain grading service.

An application for grading service may be made by any interested person, including, but not being limited to, the United States; any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

19. In § 56.21, the title and text are revised to read:

§ 56.21 How application for service may be made; conditions of service.

(a) *Noncontinuous grading service on a fee basis.* An application for any noncontinuous grading service on a fee basis may be made in any office of grading, or with any grader at or nearest the place where the service is desired. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

(b) *Continuous grading service on a resident basis or continuous grading service on a nonresident basis.* An application for continuous grading service on a resident basis or for continuous grading service on a nonresident basis must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, regional, or State grading office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading of products as may be issued from time to time by the Administrator). No member of or Delegate to Congress or Resident Commissioner shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

§ 56.24 [Amended]

20. In § 56.24, the first 14 words in the text are amended to read: "An application for grading service may be rejected by the Administrator"

§ 56.27 [Amended]

21. In § 56.27, the last sentence is deleted.

22. Section 56.30 is revised to read:

§ 56.30 Report of violations.

Each grader shall report in the manner prescribed by the Administrator, all violations and noncompliances under the Act and this part of which such grader has knowledge.

23. In § 56.31, paragraph (a)(1)(i) is revised to read:

§ 56.31 Debarment.

(a) * * *

(1) * * *

(i) The making or filing of an application for any grading service or appeal service;

* * * * *

24. In § 56.35, paragraph (a) is revised to read:

§ 56.35 Authority to use, and approval of official identification.

(a) *Authority to use official identification.* Authority to officially identify product graded pursuant to this part is granted only to applicants who make the services of a grader or quality assurance inspector available for use in accordance with this part. Packaging materials bearing official identification marks shall be approved pursuant to §§ 56.35 to 56.39, inclusive, and shall be used only for the purpose for which approved and prescribed by the Administrator. Any unauthorized use or disposition of approved labels or packaging materials which bear any official identification may result in cancellation of the approval and denial of the use of labels or packaging materials bearing official identification or denial of the benefits of the Act pursuant to the provisions of § 56.31.

* * * * *

25. In § 56.36, paragraph (a)(3) is revised to read:

§ 56.36 Information required on and form of grademark.

(a) * * *

(3) The plant number of the official plant preceded by the letter "P" must be shown on each carton or packaging material.

* * * * *

§ 56.38 [Deleted]

26. Section 56.38 is deleted.

27. In § 56.39, the title and text are revised to read:

§ 56.39 Quality assurance inspector required.

The official identification of any graded product as provided in §§ 56.35 to 56.43, inclusive, shall be done only under the supervision of a grader or quality assurance inspector. The grader or quality assurance inspector shall have supervision over the use and handling of all material bearing any official identification.

28. In § 56.42, paragraph (a)(6) is deleted, and paragraph (a)(7) is redesignated (a)(6) and is revised to read:

§ 56.42 Requirements for eggs packaged under Fresh Fancy Quality grademark or AA grademark as shown in Figures 4 and 5 of § 56.36.

(a) * * *

(6) Periodic checks to determine the adequacy of the production programs shall be made by governmentally employed graders.

* * * * *

29. In § 56.45, paragraph (a) is revised to read:

§ 56.45 Payment for fees and charges.

(a) Fees and charges for any grading service shall be paid by the interested party making the application for such grading service, in accordance with the applicable provisions of this section and §§ 56.46 to 56.54, both inclusive; and, if so required by the grader, such fees and charges shall be paid in advance.

* * * * *

30. Section 56.49 is revised to read:

§ 56.49 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the service in connection with rendering grading service. Such charges shall include the cost of transportation, per diem, and any other expenses. Expenses are to be charged on an appeal certificate regardless of the grading results. The minimum expense charge shall be $.50 per certificate.

31. In § 56.52, paragraphs (a)(4), (a)(7) [Reserved], and (b)(3)(v) are deleted, paragraphs (a)(5) and (a)(8) are redesignated (a)(4) and (a)(5), respectively, and paragraph (b)(3)(iv) is revised to read:

§ 56.52 Continuous grading performed on a resident basis.

* * * * *

(b) Other provisions. * * *

(3) * * *

(iv) Action taken by AMS pursuant to the provisions of § 56.31.

32. In § 56.54, paragraphs (a)(3) and (b)(3)(v) are deleted, paragraph (a)(4) is redesignated (a)(3), and paragraph (b)(3)(iv) is revised to read:

§ 56.54 Charges for continuous grading performed on a nonresident basis.

* * * * *

(b) Other provisions. * * *

(3) * * *

(iv) Action taken by AMS pursuant to the provisions of § 56.31.

33. In § 56.210, paragraph (g) is revised to read:

§ 56.210 Terms descriptive of the white.

* * * * *

(g) *Bloody white.* An egg which has blood diffused through the white. Eggs with bloody whites are classed as loss. Eggs with blood spots which show a slight diffusion into the white around the localized spot are not to be classed as bloody whites.

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

34. Section 59.10 is revised to read:

§ 59.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act, and this part. The Administrator may waive for a limited period any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to maintain full compliance with the spirit and intent of the regulations. The Agricultural Marketing Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

§ 59.119 [Amended]

35. In § 59.119, the word "activities" is changed to read "activity."

§ 59.148 [Amended]

36. In § 59.148, the last sentence is deleted.

§ 59.417 [Amended]

37. In § 59.417, paragraph (c) is deleted and paragraph (d) is redesignated (c).

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

§ 70.11 [Deleted]

38. Section 70.11 is deleted.

39. Section 70.75 is revised to read:

§ 70.75 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Service in connection with rendering grading service. Such charges shall include the cost of transportation, per diem, and any other expenses. Expenses are to be charged on an appeal certificate regardless of the grading results. The minimum expense charge shall be $.50 per certificate.

§ 70.76 [Amended]

40. In § 70.76, paragraph (a)(3) is deleted and paragraph (a)(4) is redesignated (a)(3).

§ 70.77 [Amended]

41. In § 70.77, paragraph (a)(4) is deleted and paragraphs (a)(5), (6), and (7) are redesignated (a)(4), (5), and (6), respectively.

The amendments are primarily administrative. They clarify certain sections, remove obsolete material, and remove unnecessary restrictions. They do not impose additional burdens on the public. It is especially important and to the advantage of the users of the service to remove the additional 10-percent charge added to total expense charges for grading service at the earliest possible date which will be the next accounting period beginning January 16, 1977.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C. January 11, 1977.

Effective: January 16, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.77-1243 Filed 1-13-77;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 25]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Reimbursement Payments

On July 23, 1976 a proposed amendment was published (41 FR 30347) for public comment to clarify provisions for reimbursement payments. Twenty-two

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comments were received, several of which were favorable.

All of the comments received concerning the proposed amendment have been carefully considered. All substantive comments and recommendations, together with the resulting changes in the amendment or reasons for not accepting the suggestions, are set forth below:

Comments of twelve of the twenty-two respondents with respect to initial assignment of rates focused primarily upon two concerns: That the regulations were contrary to the intent of the Conference Report which accompanied Pub. L. 94-105 and that the wording of the proposed provision was confusing and vague. Those who felt the amendment was contrary to the Conference Report misinterpreted it to mean that all State and local revenue must be considered by the State agency when assigning Federal rates of reimbursement for general cash-for-food assistance, and believed this would result in the withdrawal of State and local revenue.

The proposed regulation does not require consideration of revenues as such except in the case of free and reduced price lunches. The Department envisions that the level of the School Food Authority's operating balance will ultimately reflect any amount of revenue available for the general support of the school food service over and above normal requirements. Revenue available for general support would include local contributions, including children's payments, local school board support, State assistance provided for all lunches and other contributions.

However, as a part of a State's ongoing financial management system, when initially assigning rates of reimbursement and in any subsequent rate assignments, the State agency must consider the cost of producing a lunch as the base factor. The base factor will then be reduced by: (1) State assistance provided specifically for free and reduced price lunches, (2) An amount equal to the highest reduced price charge to the child, and (3) Any funds which exceed three months operating balance for normal operations The Department believes that this procedure is consistent with the intent of the National School Lunch Act that reimbursement rates vary between schools on the basis of need, within a maximum rate to be prescribed by the Secretary (sections 8 and 11). Also, it implements the intent of maximum flexibility expressed in the Conference Report that accompanied Pub. L. 94-105 it would not prohibit State or local authorities from designating funds to suoport the nonneedy child.

Inasmuch as the proposed provision was misinterpreted and found to be confusing and vague to a considerable number of the respondents, the Department has revised the wording.

Thirteen respondents commented adversely on (1) The provision allowing State agencies, and FNSROs where applicable, maximum flexibility in varying general cash-for-food assistance reimbursement rates between schools and School Food Authorities, and (2) The requirement that Federal and State assistance provided specifically for free and reduced price lunches, plus the highest reduced price charge, not exceed the cost of producing a lunch. Primarily, these comments centered upon vague and confusing wording. The Department will retain these provisions, but has clarified the language.

Four respondents opposed the provision requiring State agencies to periodically monitor and adjust reimbursement rates. Criticism was varied, with two objections centered upon the difficulty of monitoring the rates. Consistent with sound program operations, State agencies must initiate a financial management system which, as a minimum, would assure accountability. The Department will retain this provision.

In regard to the requirement that State agencies review operating balances, two respondents indicated that "operating balance" should be defined, while another stated that a time frame should be established for the review. The Department herein has clarified the provisions for review and treatment of the operating balance and will review the need for additional provisions with State agencies.

Accordingly, this part is amended as set forth below:

1. In § 210.2, a new paragraph (n-3) is added to read as follows:

§ 210.2 Definitions.

• • • • •

(n-3) "Revenue" means the value of resources available to operate the lunch service, including cash funds (Federal, State, and local), and the value of goods and services contributed.

• • • • •

2. In § 210.11, paragraphs (e) and (f) are deleted, paragraphs (g) and (h) are redesignated as paragraphs (e) and (f), respectively, and paragraphs (b), (c), and (d) are revised to read as follows:

§ 210.11 Reimbursement payments.

• • • • •

(b) The maximum rates of reimbursement to be made by State agencies, or FNSROs where applicable, to School Food Authorities for general cash-for-food assistance and for special cash assistance shall be prescribed by the Secretary by July 1 of each fiscal year and by January 1 of each fiscal year in the notice of adjustment to the national average payment factors made in accordance with § 210.4(c) of this part. At the beginning of each school year and at the effective date of the other semiannual adjustment, State agencies, or FNSROs where applicable, shall, within these maximum rates of reimbursement, initially assign rates of reimbursement for School Food Authorities or for schools through School Food Authorities at levels based on the anticipated cost of producing a lunch, the anticipated State revenue provided specifically for a free or reduced price lunch, an amount equal to the highest reduced price charge to the child per lunch, and other per lunch revenues available for the general support of the school food service program as reflected in the School Food Authority's operating balance. The assigned rates shall permit reimbursement for the total number of Type A lunches, including reduced price lunches and free lunches, from the general cash-for-food assistance funds and from the special cash assistance funds available under § 210.4 of this part to the State agency, or FNSRO where applicable.

(c) Based on the principles set forth in this section, State agencies, and FNSROs where applicable, shall have maximum flexibility in assigning rates of reimbursement from general cash-for-food assistance funds among schools and School Food Authorities. The State agency, or FNSRO where applicable, shall assign to any school or school food authority the same rate of reimbursement from general cash-for-food assistance funds for the lunches served to children at the full price and for lunches served to children free or at a reduced price. In addition to the assigned rate of reimbursement from general cash-for-food assistance funds, the State agency, or FNSRO where applicable, shall assign rates of reimbursement for free and reduced price lunches from special cash assistance funds, as applicable. The combined rates of reimbursement from general cash-for-food assistance and special cash assistance funds for each free or reduced price lunch are hereinafter referred to as the "per lunch reimbursement". For any school, or School Food Authority, the total of (1) The per lunch reimbursement rates assigned for free and reduced price lunches, (2) State assistance provided specifically for free and reduced price lunches, and (3) In the case of reduced price lunches, an amount equal to the highest reduced price charge to the child per lunch, shall not exceed the per lunch cost of providing a Type A lunch during the school year.

(d) The financial management system of each State agency, or FNSRO where applicable, must positively demonstrate the objective of assigning and adjusting reimbursement rates based on a periodic review of the per lunch cost. The financial management system of each State agency, or FNSRO where applicable, shall demonstrate the reason for variations among schools or School Food Authorities in the assigned rates of reimbursement from general cash-for-food assistance funds and special cash assistance funds for the particular type lunch.

• • • • •

3. Section 210.15 is revised to read as follows:

§ 210.15 Review of operating balances.

Each State agency, or FNSRO where applicable, shall periodically, at least once each school year, review the level and trend of the operating balances reported by School Food Authorities. If the operating balance exceeds three months normal operating cost, the State agency, or FNSRO where applicable, shall establish and implement a plan of action to reduce prices, improve food quality or take action designed to otherwise improve the food service in the Program. In the absence of any such action, adjustments in the rates of reimbursement shall be made. Evidence of the action taken as a result of the review of excessive balances shall be maintained on file.

NOTE.—Reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This amendment shall become effective on January 12, 1977.

Dated: January 12, 1977.

JOHN DAMCARD,
Acting Assistant Secretary.

[FR Doc.77-1396 Filed 1-13-77;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Revisions Reflecting Policy Changes

Basis and purpose. The provisions of this part (7 CFR Part 718) are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.), to provide for the determination of producer adherence to the requirements specified in program regulations issued by the Agricultural Stabilization and Conservation Service in order for the producer to receive program benefits.

This document is a revision of the rules currently in effect under §§ 718.1 to 718.14 of this part (38 FR 12891). The rules have been rewritten to incorporate changes attributable to policy decisions affecting 1976 and subsequent crop years. Substantial changes are as follows:

Section 718.2 has been rewritten to redefine certain terms, include definitions for additional terms, and remove definitions that are no longer applicable.

Section 718.3 has been rewritten to provide authority for the county committee to enter a farm for making other program determinations in addition to acreage determinations.

Section 718.4 has been rewritten to provide authority for the county committee to make other program determinations in addition to acreage determinations, to remove State committee authority for recommending a different percentage for the standard perimeter deduction, and to provide authority for the State committee to establish final reporting dates and normal planting periods for crops.

Section 718.5 has been rewritten to provide producer services for other determinations and inspections in addition to acreage measurement services.

Section 718.6 replaces former sections 718.6 and 718.7 and has been rewritten to provide for farm operator reports of acreage instead of farmer certifications, to change the criteria for accepting late filed reports, to establish deadlines by which the farm operator may correct or revise a report of acreage, to restrict application of measurement variance (formerly administrative variance) to marketing quota crops, and to authorize the county committee to use a different percentage for the standard perimeter deduction upon approval by the State committee.

Section 718.7 replaces former section 718.8 and has been written so that the provisions of this section do not apply to acreages determined from data furnished by the producer.

Section 718.8 replaces former section 718.9.

Section 718.9 replaces former section 718.11 and has been rewritten to provide for a notice of measured acreage instead of a notice of failure to comply and to change the requirements for furnishing farm operators such notice.

Section 718.10 replaces former section 718.12 and has been rewritten to provide for redetermination of appraised yield and farm stored production in addition to redetermination of acreages.

Section 718.11 replaces former section 718.13 and has been rewritten to restrict application to peanut and tobacco acreages.

Former section 718.10 has been deleted because applicable program regulations now cover these provisions where applicable.

Former section 718.14 has been deleted because the State committee has been given authority to establish final reporting dates under section 718.4.

Since farmers need to know the changes herein as soon as possible in connection with the 1976 and subsequent years, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the provisions of 7 CFR of Part 718 are revised to read as follows:

Sec.
718.1 Applicability.
718.2 Definitions.
718.3 Authority for farm entry and securing information.
718.4 Committee responsibilities.
718.5 Producer services.
718.6 Determining farm operator adherence to program requirements.
718.7 Producer reliance on previous determinations.
718.8 Determinating acreage for unusual cases.
718.9 Notice of measured acreage.
718.10 Redeterminations.
718.11 Adjustment of peanut and tobacco acreage.

AUTHORITY: Secs. 314, 373, 374, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended (7 U.S.C. 1314, 1373, 1374, 1375); Sec. 403, 61 Stat. 932, as amended (7 U.S.C. 1153).

§ 718.1 Applicability.

The provisions of this part apply to compliance determinations for 1976 and subsequent years under programs administered by the Agricultural Stabilization and Conservation Service through State and county committees, as authorized by the Agricultural Adjustment Act of 1938, as amended.

§ 718.2 Definitions.

(a) *General.* As used in this part and in all instructions, forms, and documents issued in connection therewith, the words and phrases defined in Part 719 of this chapter shall have the meanings so assigned and the terms defined in paragraph (b) of this section shall have the meanings so assigned, unless the text or subject matter otherwise requires.

(b) *Other terms.* (1) *Allotment crop.* Any crop for which acreage allotments are established pursuant to regulations of the Department implementing Federal law.

(2) *Determined acreage.* That acreage established by a representative of the Department of Agriculture on the farm by use of official acreage, delineations on the photograph and planimetry or computations from scaled dimensions, or ground measurements.

(3) *Director.* The Director or Acting Director, Program Operations Division, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(4) *Field.* A part of a farm which is separated from the balance of the farm by permanent boundaries such as fences, permanent waterways, woodlands, cropplines in cases where farming practices make it probable that such cropline is not subject to change, or other similar features.

(5) *Measurement Variance.* A prescribed amount within which the determined acreage can exceed a program requirement and still be considered as having met the program requirement.

(6) *Normal Planting period.* That period established by the State committee and approved by the Deputy Administrator during which the crop is normally planted in the county, or area within the county, with the expectation of producing a normal crop.

(7) *Normal row width.* The normal distance between rows of the crop in the field, but not less than four links (approximately 32 inches).

(8) *Official acreage.* That acreage established in the office or on the farm for fields and subdivisions and entered and maintained on aerial photography.

(9) *Performance assistant.* Person employed to secure data necessary for ascertaining producer adherence to requirements for receiving program benefits as set forth in this chapter.

(10) *Photocopy.* A reproduction of a portion of an aerial photoghaphic enlargement, showing a farm or group of small farms.

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(11) *Quality control check.* A farm visit by an authorized representative of the Agricultural Stabilization and Conservation Service to a farm selected as a part of an impartial sample to determine the producer's adherence to program requirements or to verify the farm operator's report.

(12) *Reported acreage.* The acreage furnished by the farm operator on a form prescribed by the Deputy Administrator.

(13) *Reporting date.* The date established by the State committee, in accordance with the appropriate program regulation set forth in this chapter, by which a farm operator must report applicable program crop acreage.

(14) *Required check.* A farm visit by an authorized representative of the Agricultural Stabilization and Conservation Service to a farm specifically selected by application of prescribed criteria to determine the producer's adherence to program requirements or to verify the farm operator's report.

(15) *Standard perimeter deduction.* The acreage considered as being used for turn area and established by application of a prescribed percentage to the area planted to the crop in lieu of measuring the turn area.

(16) *Skip-row planting.* A cultural practice in which strips or rows of a crop are alternated with strips of idle land or another crop.

(17) *Subdivision.* A part of a field which is separated from the balance of the field by a temporary boundary such as a cropline which could be moved easily or will likely disappear.

(18) *Turn area.* That area perpendicular to the crop rows which is used for operating equipment necessary to the production of a row crop (also called turnrow, headland, or end row).

§ 718.3 Authority for farm entry and securing information.

(a) *General.* Any authorized reprsentative of the Agricultural Stabilization and Conservation Service shall have authority, upon presentation of written authorization if such authorization is requested by any producer interested in the farm, to:

(1) Enter any farm for the purpose of ascertaining acreage, production, or adherence to any other requirement specified as a prerequisite for obtaining a program benefit under any mandatory or voluntary program administered by the Agricultural Stabilization and Conservation Service.

(2) Secure from producers, on forms prescribed by the Deputy Administrator, data which are necessary to keep current the farm records located in the county Agricultural Stabilization and Conservation Service office or which are a requirement to obtain program benefits under any mandatory or voluntary program administered by the Agricultural Stabilization and Conservation Service.

(b) *Refusal to permit farm entry.* If a farm operator refuses to permit entry for the purpose of ascertaining acreage or production or determining adherence to any other requirement specified as a prerequisite for obtaining a program benefit under any mandatory or voluntary program for which such determinations are required, the county executive director shall notify the farm operator in writing as soon as possible that, unless the farm operator advises the county office within 14 days after the date of such notice that he will permit entry and inspection on the farm and pay the cost thereof, the following consequences, as applicable, will apply until such time as he permits such entry and inspection:

(1) Program benefits will be denied;

(2) The entire crop production will be considered in excess of the farm marketing quota. In addition, for tobacco, the farm operator will be required to furnish proof of disposition of:

(i) Burley and flue-cured tobacco production on his farm which is in addition to the production shown on the marketing card;

(ii) Other kinds of tobacco produced on his farm and no credit will be given for disposing of any excess tobacco other than that properly identified by a marketing card unless such excess tobacco is disposed of in the presence of a representative of the county committee according to section 718.11 of this part.

(c) *Refusal to furnish information.* If a farm operator refuses to furnish reports or data which are necessary to keep current the farm records located in the county office or which are a requirement to obtain program benefits, he will be denied program benefits until such data is furnished to the county committee.

§ 718.4 Committee responsibilities.

(a) *County committee.* The county committee shall provide for making program determinations and securing information in accordance with this part.

(b) *State committee.* (1) The State committee shall:

(i) Take any action required of the county committee which the county committee fails to take in accordance with this part.

(ii) Correct or require the county committee to correct any action taken by such committee which is not in accordance with this part.

(iii) Require the county committee to withhold taking any action which is not in accordance with this part.

(iv) Establish and publicize final reporting dates and normal planting periods for crops in accordance with instructions issued by the Deputy Administrator.

(2) The State committee may prescribe, upon approval of the Deputy Administrator, standards for the State which deviate from the national standards prescribed in this part by establishing:

(i) A minimum row width of less than four links (approximately 32 inches) for specific crops;

(ii) A minimum area larger than 0.03 acre for tobacco or 0.1 acre for other crops and land uses for deduction or adjustment credit;

(iii) A minimum width greater than four links (approximately 32 inches) for deduction of adjustment credit;

(iv) A minimum error amount or percentage different from those prescribed in paragraph (b) of § 718.10 for redetermination cost refunds.

(c) *Approved deviations from prescribed standards.* The following deviations from prescribed national standards have been established by the State committees pursuant to paragraph (b) of this section and approved by the Deputy Administrator:

ALABAMA

Minimum row width. Sixteen inches for peanuts.

CALIFORNIA

Deduction credit. (1) *Minimum area.* Five-tenths acre for all crops.

(2) *Minimum width.* (i) *Perimeter of field.* Ten links for all crops.

(ii) *Within the planted area.* (A) *Row crops.* Four normal rows except when planted in a skip-row pattern.

(B) *Close-sown crops.* Twenty links.

DELAWARE

(1) *Minimum row width.* Thirty inches for all crops.

(2) *Deduction credit.* Minimum width of six links.

GEORGIA

Redetermination refund. One-tenth acre for all acreage.

INDIANA

(1) *Deduction credit.* Minimum width of five links except 15 links for terraces, permanent irrigation, drainage ditches, and sod waterways.

(2) *Adjustment credit.* (i) *Minimum area.* Five-tenths acre for all crops and land uses except tobacco.

(ii) *Minimum width.* Five links.

(3) *Redetermination refund.* One-tenth acre for tobacco acreage.

IOWA

Deduction credit. (1) *Minimum width.* Seven links.

(2) *Minimum area.* Five-tenths acre.

LOUISIANA

Deduction credit. Unplanted contour levees within rice fields are not eligible for deduction.

MISSISSIPPI

(1) *Deduction credit.* Minimum width of 10 links.

(2) *Adjustment credit.* (i) *Minimum area.* Total excess or deficiency or 0.3 acre, whichever is smaller, except that if the excess of deficiency is more than 0.3 acre, one plot may be less than 0.3 acre.

(ii) *Minimum width.* Twenty links.

MISSOURI

Deduction credit. Minimum width of 10 links.

NEW HAMPSHIRE

Minimum row width. Thirty inches for corn.

NORTH CAROLINA

(1) *Minimum row width.* Eighteen inches for peanuts and 30 inches for corn.

(2) *Redetermination refund.* One-tenth acre for all acreage.

OHIO

(1) *Deduction credit.* Minimum width of eight links for all crops except tobacco.

(2) *Adjustment credit.* Minimum width of eight links for all crops except tobacco.

(3) *Redetermination refund.* One-tenth acre for tobacco acreage.

OKLAHOMA

Redetermination refund. Three-tenths acre for all acreage.

OREGON

Deduction credit. Minimum width of six feet within the planted area for close-sown crops.

SOUTH DAKOTA

(1) *Deduction credit.* Minimum area of 0.5 acre.

(2) *Adjustment credit.* Minimum area of 0.5 acre.

TENNESSEE

(1) *Adjustment credit.* (i) *Minimum width* (A) *Row crops other than tobacco.* Four rows.

(B) *Tobacco.* (1) *Along field boundary.* One row.

(2) *Within planted area.* Two rows.

(3) *Redetermination refund.* One-tenth acre for tobacco acreage.

TEXAS

(1) *Deduction credit.* Minimum width of nine links.

(2) *Adjustment credit.* Minimum width of nine links.

VIRGINIA

Redetermination refund. For all acreage, the larger of 0.1 acre or 10 percent of the acreage for areas of less than five acres.

WISCONSIN

(1) *Deduction credit.* Minimum width of 10 links for all crops except tobacco.

(2) *Redetermination refund.* One-tenth acre for tobacco acreage.

§ 718.5 Producer services.

(a) *General.* The county committee shall provide producer services if the producer requests such service and pays the cost except that request for service shall not be accepted for determining total acreage of a crop or land use:

(1) When the request is made after the date is established by the State committee for accepting farm operator reports of acreage for wheat (for proven yield purposes), cotton, rice, peanuts, and tobacco except as provided in paragraph (a) (1) of § 718.6.

(2) When the request is made after the farm operator has furnished the county office production evidence in connection with a claim for disaster payment except as provided in paragraph (a) (1) of § 718.6.

(3) When the request is made in connection with a late filed farm operator report of acreage and evidence of the crop is not available for inspection and acreage determinations.

(b) *Types of producer service.* Services include but are not limited to measuring land areas (including staking and referencing), measuring quantities of farm stored commodities, inspecting beehives for losses due to pesticide, appraising yield of crops, and inspection of emergency hay.

(c) *Guaranteeing service.* A producer shall not be adversely affected by an error made by an employee of the Agricultural Stabilization and Conservation Service in performing a producer service when the producer has relied in good faith on such service.

(d) ***Staking and referencing.*** **The acreage requested to be staked and referenced must equal the farm allotment for marketing quota crops or permitted acreage for cropland adjustment program. If all of the crop(s) for which service is performed is within the staked area, the farm shall be considered in compliance with the allotment or permitted acreage.**

§ 718.6 Determining farm operator adherence to program requirements.

(a) *Farm operator report.* A report of acreage, land use, production, and other program requirements shall be furnished to the county committee by the farm operator not later than the date established in accordance with paragraph (b) of § 718.4. The report shall be used for determining program eligibility and benefits, except as otherwise provided under this part. The report shall be on forms prescribed and in accordance with instructions issued by the Deputy Administrator.

(1) *Accepting a late filed report.* A farm operator's report may be accepted after the established date for reporting provided evidence of the crop is still available for inspection and determination and the farm operator pays the cost of the farm visit.

(2) *Corrected report.* The farm operator may correct a report of acreage anytime prior to harvest provided the error was not discovered as a result of a farm visit by a representative of the Agricultural Stabilization and Conservation Service.

(3) *Revised-report.* The farm operator may revise a report of acreage to reflect that the harvested acreage is less than the planted acreage anytime up to the time for furnishing production evidence to the county committee.

(b) *Quality control.* A representative number of farms as prescribed by the Deputy Administrator shall be visited by an authorized representative of the Agricultural Stabilization and Conservation Service to ascertain the acreage or production or to determine adherence to any requirement specified as a prerequisite for obtaining a program benefit.

(c) *Measurement variance.* When marketing quotas are in effect for a crop, the crop and land use acreage determined in accordance with this section shall be deemed to be in compliance with the farm allotment when such determined acreage does not exceed the farm allotment by more than the larger of 0.1 acre or two percent of the allotment but not to exceed 0.9 acre.

(d) *Official acreage.* If an acreage has been established by a representative of the Agricultural Stabilization and Conservation Service for an area delineated on an aerial photograph, such acreage will be recognized by the county committee as the official acreage for the area until such time as the boundaries of such area are changed. When the boundaries not visible on the aerial photograph are established from data furnished by the producer, such acreage shall not be recognized as official acreage until the boundaries are verified by an authorized representative of the Agricultural Stabilization and Conservation Service.

(e) *Measurement of row crops.* Measurements of any row crop shall extend beyond the planted area by a distance equal to the larger of two links (approximately 16 inches) or one-half the distance between the rows.

(f) *Rule of fractions.* (1) *Tobacco.* The acreage of each field or subdivision computed for tobacco shall be recorded in acres and hundredths of an acre, dropping all thousandths of an acre.

(2) *Other crops and land uses.* The acreage of each field or subdivision computed for land uses or crops except tobacco shall be recorded in acres and tenths of an acre, dropping all hundredths of an acre.

(g) *Acreage considered as devoted to a crop or land use.* The entire acreage of a field or subdivision devoted to a crop or land use shall be considered as devoted to the crop or land use subject to any allowable deduction or adjustment credit under this paragraph except as otherwise provided in this part.

(1) *Acreages of row crops planted in skip-row patterns.* (i) *Crops planted in strips of two or more rows alternating with idle land.*

(A) *Peanuts.* The entire acreage of the field or subdivision shall be considered as devoted to peanuts where the peanuts are planted in strips which are less than eight normal rows in width or the strips of idle land are less than eight normal rows in width. If both the strips of peanuts and the strips of idle land are at least as wide as eight normal rows, only the acreage planted to peanuts, including the larger of one-half the distance between the rows of peanuts or two links (approximately 16 inches) beyond the outside rows of peanuts in each strip, shall be considered as peanuts.

(B) *Other row crops.* The entire acreage of the field or subdivision shall be considered as devoted to the crop where the crop is planted in strips of two or more rows and the strips of idle land are less than eight links (approximately 63 inches) in width. If the strips of idle land are at least eight links (approximately 63 inches) in width, only the acreage of the strips planted to the crop, including the larger of one-half the distance between the rows of the crop or two links (approximatetly 16 inches) beyond the outside rows of the crop in each strip, shall be considered as devoted to the crop.

(ii) *Crop being measured alternating with another crop.* The entire acreage of the field or subdivision shall be considered as devoted to the crop being measured where such crop is planted in strips of one or more rows and the strips of the other crop are less than eight links (approximately 63 inches) in width. However, if the strips of the other crop are at least eight links (approximately 63 inches) in width, and if such other crop: (A) Has substantially the same growing season as the crop being meas-

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ured, only the acreage planted to the crop being measured, including the smaller one-half the distance between the strips of the crop being measured or four links (approximately 32 inches), shall be considered as being devoted to the crop being measured.

(B) Does not have substantially the same growing season as the crop being measured, determine the acreage of the crop being measured in accordance with paragraphs (g)(1)(i) of this section.

(iii) *Crops planted in single wide rows.* The entire acreage of the field or subdivision shall be considered as devoted to the crop where the distance between the rows of such crop is less than eight links (approximately 63 inches). If the distance between the rows of the crop is at least eight links (approximately 63 inches), only eight links (approximately 63 inches), in width for each row shall be considered as being devoted to the crop.

(2) *Deductions.* Any continuous area which is not devoted to the crop or land use being measured and which is not part of a skip-row pattern under paragraph (g)(1) of this section shall be deducted from the acreage of the crop or land use if such area meets the following minimum national standards or requirements:

(i) *Minimum width requirement.* Four links (approximately 32 inches).

(ii) *Minimum area requirement.*

(A) *Tobacco.* Three-hundredths acre, except that turn areas, terraces, permanent irrigation and drainage ditches, and sod waterways each of which is at least four links (approximately 32 inches) in width may be combined to meet the 0.03-acre minimum requirement.

(B) *All other crops and land uses.* One-tenth acre. Turn areas, terraces, permanent irrigation and drainage ditches, and sod waterways each of which is at least four links (approximately 32 inches) in width and each of which contains 0.1 acre or more may be combined to meet any larger minimum prescribed for a State under paragraph (b)(2) of § 718.4.

(iii) *Standard perimeter deduction.* A standard perimeter deduction of three percent of the area devoted to a row crop and zero percent of the area devoted to a close-sown crop may be used in lieu of measuring the acreage of turn areas. The county committee may use, upon approval by the State committee, a different percentage when the three percent or zero percent deduction does not adequately reflect the normal cultural practice in the county.

(3) *Adjustment credit.* Credit for adjusting acreage of tobacco or peanuts in accordance with applicable regulations shall be given only for areas of reasonable shape and for a reasonable number of such areas. In addition, one of the following criteria must be met:

(i) The area must be at least four links (approximately 32 inches) in width and contain at least 0.03 acre for tobacco or 0.1 acre for all other crops and land uses. If an area was ineligible for deduction, it may be enlarged to meet these minimum requirements for adjustment credit.

(ii) An entire field or subdivision is adjusted.

(iii) The area being adjusted constitutes the total excess or deficient acreage of the crop or land use for the farm.

(iv) The area being adjusted is the remaining area required for adjustment after adjusting entire fields or subdivisions.

§ 718.7 Producer reliance on previous determinations.

If in determining his acreage, a producer relies in good faith on an acreage previously determined by an employee of the Agricultural Stabilization and Conservation Service (except acreage determined from data furnished by the producer) and the acreage is subsequently determined by the county committee to be incorrect, the county committee shall consider the acreage on which the producer relied to be correct for that program year upon obtaining satisfactory proof from the producer that he relied in good faith upon the incorrect determination. However, the county committee may use the correct data if the producer would be adversely affected by an error in producer service provided under § 718.5 of this part.

§ 718.8 Determining acreage for unusual cases.

To assure uniform and equitable treatment when unusual cases cannot be handled equitably under this part, the Deputy Administrator shall provide, as necessary, methods for determining the proper acreage in the following groups of unusual cases:

(a) *Reliance by the farm operator on erroneous advice.* The farm operator has acted in good faith in reliance upon erroneous advice given by a representative of the State or county committee who is authorized to furnish information concerning the determination of acreage.

(b) *Practices which tend to defeat program purposes.* Any method of planting the crop or any method of adjusting the crop or land use acreage which tends to defeat the program purposes.

(c) *Cases not otherwise provided for.* Other situations or planting patterns which are not otherwise provided for in this part.

§ 718.9 Notice of measured acreage.

Written notice of measured acreage shall be on a form prescribed by the Deputy Administrator and shall constitute notice to all interested producers on the farm. The county committee shall furnish such notice to the farm operator when:

(a) *For marketing quota crops.* The determined acreage for the crop exceeds the farm allotment for such crop by more than the measurement variance.

(b) *For all other crops or land uses.* The determined acreage for the crop differs from the acreage of such crop that was reported by the farm operator.

§ 718.10 Redeterminations.

(a) *General.* A redetermination of crop and land use acreage appraised yield, or farm stored production for a farm may be initiated by the county committee, State committee, or Deputy Administrator at any time. Such redeterminations may also be initiated by a producer who has an interest in the farm upon filing a request within 15 days after the date of the notice furnished the farm operator in accordance with section 718.9 of this part or within five days after the initial appraisal of the yield of a crop or before any of the farm stored production is removed from storage and upon payment of the cost of making such redetermination. A redetermination shall be undertaken in the manner prescribed by the Deputy Administrator. Such redetermination shall be used in lieu of any prior determination.

(b) *Refund of producer payment of cost for redetermination.* The county committee shall refund the payment of the cost for redetermination when because of an error in the initial determination:

(1) The appraised yield is changed by at least the larger of: (i) Five percent or five pounds for cotton; (ii) Five percent or one bushel for wheat, barley, and rice; (iii) Five percent or two bushels for corn and grain sorghum.

(2) The farm stored production is changed by at least the smaller of three percent or 600 bushels.

(3) The acreage of the crop or land use is: (i) Changed by at least the larger of three percent or 0.5 acre, or (ii) Considered to be within program requirements.

(c) *Notice to farm operator.* The county committee shall notify, in writing, the farm operator of its redetermination. Such notice shall constitute notice to all interested producers on the farm.

§ 718.11 Adjustment of peanut and tobacco acreage.

(a) *General.* The farm operator or other interested producer on a farm, who elects to adjust an acreage of peanuts or tobacco in accordance with applicable program regulations, must notify the county committee of such election within the time limits specified in such regulations and pay the cost of a farm visit to determine the adjusted acreage. The adjusted acreage shall be used for program purposes except that if the requirements of this section are not met, the acreage initially determined shall be considered as peanut or tobacco acreage for the farm.

(b) *Peanuts.* The farm operator may adjust an acreage of peanuts by disposing of the excess peanuts, which were included in the farm operator's initial report of acreage, prior to combining any peanuts of the same type. Such disposition of excess peanuts must be accomplished by:

(1) Leaving the peanuts in the ground. Peanuts disposed of in this manner may be hogged off.

(2) Harvesting as green peanuts for boiling when the excess acreage is designated for disposal as green peanuts.

(3) Plowing peanuts under before any peanuts are dug from the ground. The disposition of peanuts in this manner shall be witnessed by a representative of the Agricultural Stabilization and Conservation Service when such peanuts could be harvested for nuts.

(4) Plowing under or shredding, under the supervision of a representative of the Agricultural Stabilization and Conservation Service, dug peanuts:

(i) Which are damaged to the extent that it would not be economically feasible to thresh the dug peanuts for nuts, or

(ii) Which the county committee, with the concurrence of the State committee, determined were in excess of the farm allotment and were inadvertently dug from the ground.

(c) *Tobacco.* The farm operator may adjust an acreage of tobacco by disposing of the excess tobacco prior to the marketing of any of the same kind of tobacco from the farm. Such disposition shall be witnessed by a representative of the Agricultural Stabilization and Conservation Service and may take place before, during, or after the harvesting of the same kind of tobacco grown on the farm; *Provided*, That no credit will be allowed toward the disposition of excess acreage after the tobacco is harvested, but prior to marketing, unless the county committee determines that such tobacco is representative of the entire crop from the farm of the kind of tobacco involved. Disposition of excess tobacco will avoid marketing quota penalties but will not establish eligibility for price support.

Effective date: January 14, 1977.

Signed at Washington, D.C., on January 7, 1977.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-1244 Filed 1-13-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 75]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 16–22, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.375 Lemon Regulation 75.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good for larger size fruit but weaker for the smaller sizes. Average f.o.b. price was $4.99 per carton the week ended January 8, 1977 compared to $5.03 per carton the previous week. Track and rolling supplies at 80 cars were the same as last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 11, 1977.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 16, 1977, through January 22, 1977, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: January 12, 1977.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-1419 Filed 1-13-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1976 Crop Distress Grain Loan Program Regulations]

PART 1473—DISTRESS LOANS

Subpart—1976 Crop Distress Grain Loan Program

This subpart issued by the Commodity Credit Corporation contains the terms and conditions under which recourse, distress loans will be made available on 1976-crop sorghum and wheat, in permanent facilities.

The Commodity Credit Corporation has issued regulations making its regular price support loan and purchase program available for the 1976 crops of sorghum and wheat. The distress loan program set forth in this subpart is an adjunct to the regular price support loan and purchase program. The distress loan program, which will be put into effect in areas where there has been sprouting of sorghum and wheat due to wet weather, is designed to assist producers in holding their grain until they can market it in usual channels.

Since this is a temporary emergency program which must be made effective immediately, it is hereby found and determined that compliance with the notice of proposed rule making procedure is unnecessary, impracticable and contrary to the public interest. Therefore, this subpart is being issued without following such proposed rule making pro-

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cedure and shall be effective January 13, 1977.

Subpart—1976 Crop Distress Grain Loan Program

Sec
1473.1 Administration.
1473.2 Availability of loans.
1473.3 Disbursement of loans.
1473.4 Eligible producer.
1473.5 Eligible grain.
1473.6 Determination of quantity.
1473.7 Liens.
1473.8 Fees and charges.
1473.9 Setoffs.
1473.10 Interest rate.
1473.11 Release of grain under loan.
1473.12 Insurance.
1473.13 Losses in quantity or quality.
1473.14 Personal liability of the producer.
1473.15 Loan rate.
1473.16 Maturity of loans.
1473.17 Settlement.
1473.18 Foreclosure.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c).

Subpart—1976 Crop Distress Grain Loan Program

§ 1473.1 Administration.

(a) *General statement.* This subpart contains the terms and conditions under which the Commodity Credit Corporation will make recourse, distress loans (hereinafter called loans) on 1976-crop sorghum and wheat stored in permanent facilities. As used in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) *Responsibility.* The GOC Division, ASCS will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, Programs, ASCS, in accordance with program provisions and policy determined by the Board of Directors and the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the State and County Agricultural Stabilization Committees (hereinafter called State and county committees), Prairie Village Commodity Office and Data Systems Field Office.

(c) *Documents.* Any member of the county committee, the county executive director, or any other employee of the county ASCS office (hereinafter called county office) designated in writing by the county executive director to act in his behalf (such delegation to be filed in the county office) is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. He may also execute releases or otherwise obtain the release of record of chattel mortgages and security agreements made to CCC to secure loans upon payment in full of the loan involved. He may execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to releasing a mortgage or security agreement of record.

(d) *Limitation of authority.* County executive directors, State and county committees, the Prairie Village Commodity Office, the Data Systems Field Office, and employees thereof, do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(e) *State committee.* The State committee may take an action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subpart.

(f) *Executive Vice President, CCC.* No delegation herein to a State or county committee, the Prairie Village Commodity Office, or the Data Systems Field Office shall preclude the Executive Vice President, CCC or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, the Prairie Village Commodity Office, or the Data Systems Field Office.

§ 1473.2 Availability of loans.

(a) *Areas.* In areas designated by the State committee, loans to eligible producers shall be available on 1976-crop sorghum and wheat, stored on or off the farm. Producers may obtain at the county office information as to areas where loans are available.

(b) *Requesting loans.* Producers should make requests for loans at the county office which keeps the farm program records for the farm.

(c) *Period of availability.* Loans will be available in any area designated by the State committee beginning with the date the program for the area is announced by the State committee.

(d) *Completion of applicable loan documents.* To obtain a loan, the producer must sign and deliver to the county office, a Form CCC–677, "Farm Storage Note and Security Agreement" or a Form CCC–678, "Warehouse Storage Note and Security Agreement" and a "Supplemental Terms and Conditions to Farm Storage Note, and Security Agreement" or "Supplemental terms and conditions to Warehouse Storage Note and Security Agreement."

§ 1473.3 Disbursement of loans.

Disbursement of loans will be made to producers by county offices by drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the grain covered by the mortgage is in existence and in good condition. If the grain was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1473.4 Eligible producer.

(a) *Producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, State or political subdivision or agency thereof, or other legal entity (1) which produced the grain tendered for loan as landowner, landlord, tenant, sharecropper, and (2) which meets the other requirements for eligibility for loans contained in this subpart.

(b) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate he represents. Loan documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for a loan only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable loan documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Beneficial interest.* To be eligible for a loan, the beneficial interest in the grain must be in the producer tendering the grain as security for a loan and must always have been in him or in him and a former producer whom he succeeded before it was harvested, except that heirs who (1) succeed to the beneficial interest of a deceased producer, and (2) assume the decedent's obligation under a loan if the loan has already been obtained shall be eligible for loans as producers whether such succession occurs before or after harvest of the grain. A producer shall not be considered to have divested himself of the beneficial interest in the grain if he enters into a contract to sell, or gives an option to buy his grain if, under the contract or option, he retains control and risk of loss and title to the grain subject to such agreements, and retains control of its production.

(e) *Succession of interest.* To meet the requirements of succession to the beneficial interest of a former or deceased producer under paragraph (d) of this section, the rights responsibilities of interests of the former producer with respect to the farming unit on which the grain was produced shall have been substantially assumed by the person claiming succession. Mere purchase or inheritance of a crop prior to harvest without acquisition of any additional interest in the farming unit on which the crop is produced does not constitute succession to such beneficial interest.

(f) *Joint loans.* Two or more eligible producers who have an interest in eligible grain which is the production from a farm and is stored in accordance with § 1473.5 of this subpart may obtain a joint loan on such grain. Each producer who is a party to the joint loan will be jointly and severally responsible for the obligations set forth in the loan documents and the regulations in this subpart.

§ 1473.5 Eligible grain.

Loans will be made only on commodities in approved storage as defined in § 1421.7 of this chapter. The sorghum and wheat shall meet the eligibility requirements for the applicable commodity appearing in the following sections of this chapter: Sorghum § 1421.211(a) and wheat § 1421.461(a).

§ 1473.6 Determination of quantity.

The quantity of grain tendered for loan shall be determined in accordance with § 1421.17 for farm stored loans and § 1421.9 for warehouse stored loans of this chapter.

§ 1473.7 Liens.

If there are any liens or encumbrances on the grain, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on grain tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC–864) with CCC in which he subordinates his security interest to the rights of CCC in the grain subject to the loan or such other quantity of the grain as is delivered in satisfaction of a loan. No additional liens or encumbrances shall be placed on the grain after the loan is approved.

§ 1473.8 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $10 plus $1 for each bin sealed over one; or $6 plus $1 for each warehouse receipt over one.

(b) *Delivery charge.* A delivery charge, in addition to the loan service fee, shall be paid by producers on the quantity of grain delivered to CCC. The rate is one half cent per bushel for wheat and 1 cent per hundredweight for sorghum. The delivery charge shall be paid at time of settlement.

(c) *Prepaid storage.* Although prepaid storage is not required under recourse loans, storage charges must be provided for by the producer, or such charges will be set-off against the producer in accordance with § 1421.9 of this chapter.

§ 1473.9 Setoffs.

The proceeds of the loan shall be applied against any indebtedness of the producer to CCC or any other agency of the United States in accordance with the provisions of § 1421.15 of this chapter.

§ 1473.10 Interest rate.

Loans shall bear interest at the same rates as those announced for regular nonrecourse loans in a separate notice published in the FEDERAL REGISTER (41 FR 13971; April 1, 1976).

§ 1473.11 Release of grain under loan.

(a) *Obtaining release farm stored loan.* A producer shall not remove any collateral covered by a chattel mortgage until he has received prior written approval for such removal from the county committee on a form prescribed by CCC. A producer may at any time obtain release of all or part of the grain remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the grain released plus interest. When the proceeds of the sale of the grain are needed to repay a loan, the producer must request and obtain prior written approval of the county office on a form prescribed by CCC to remove a specified quantity of the grain from storage. Any suchs approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers at the county office. Any such approval shall not constitute a release of CCC's security interest in the grain or release the producer from liability for any amounts due on his loan indebtedness if full payment of such amounts is not received by the county office.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release the chattel mortgage.

§ 1473.12 Insurance.

CCC does not require the producer to insure the grain placed under a loan; however, if the producer insures such grain and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the grain involved in the loss.

§ 1473.13 Losses in quantity or quality.

CCC will not assume losses in quantity or quality of the grain under loan resulting from any cause.

§ 1473.14 Personal liability of the producer.

The personal liability of the producer to CCC for fraud or other reasons stated in § 1421.16 of this chapter in connection with a loan shall be the same as the personal liability of the producer in connection with a farm-storage or warehouse storage loan as prescribed in paragraphs (a), (c), (d), (e), and (f) of such § 1421.16, except that the loan settlement value referred to in such section shall be the settlement value as determined under § 1473.17 of this subpart.

§ 1473.15 Loan rates.

Loans will be made under this program at 75 percent of the basic county loan rate for the applicable commodity established for the county in which the grain is stored under the regular 1976 crop price support loan and purchase programs, 7 CFR Part 1421. Such rates appear in the following sections of this chapter: Sorghum—§ 1421.239; and Wheat—§ 1421.489.

§ 1473.16 Maturity of loans.

Loans mature on demand, but not later than January 31, 1977.

§ 1473.17 Settlement.

Loans are recourse loans and the principal of a loan plus interest must be paid on or before maturity. Loans shall be satisfied in accordance with the provisions contained in this section.

(a) *Producer delivers commodity to CCC.* If, on maturity, repayment has not been made and the producer delivers the grain under loan to CCC, delivery of the grain to CCC shall be made in accordance with instructions issued by the county office. When the grain is delivered to CCC, credit shall be given to the producer for the quantity and quality of the grain actually delivered, at the market price at the time and place of delivery, as determined by CCC: *Provided, however,* That if such grain is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, plus other charges incident to the delivery, the amount of the excess shall be paid to the producer by the county office. If the amount of such credit is less than the amount due on the principal of the loan plus accrued interest, plus other charges incident to the delivery, the amount of the deficiency shall be paid by the producer to CCC. Any payment which would be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(b) *Producer repays distress loans.* If the producer does not deliver the grain to CCC, he must repay in cash the principal due on the loan plus accrued interest.

(c) *Handling payments and collections not exceeding $3.* In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1473.18 Foreclosure.

If the distress loan is not satisfied upon maturity, the regulations in § 1421.23 of this chapter with respect to foreclosure shall apply.

Signed at Washington, D.C., on January 5, 1977.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-1239 Filed 1-13-77;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1434]

1977 CROP HONEY PRICE SUPPORT PROGRAM

Proposed Determinations

The Secretary of Agriculture is preparing to make determinations with respect to a price support program for the 1977 crop of honey and the regulations to carry out the program. The determinations relate to:

a. Price support rates based on color differentials, class and grade.

b. Program availability period.

c. Detailed operating provisions to carry out the program.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 et seq.) and the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714 et seq.).

a. *Price support program, color differentials and discounts for quality.* Title II of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary to make available through loans, purchases or other operations, support to producers of honey at a level which is not in excess of 90 percent nor less than 60 percent of the parity price thereof. Program rates will be based on color, class and grade and used to reflect marketing features and conditions under which honey is merchandised. Section 401(b) of the Act requires that, in determining a support rate in excess of the minimum level prescribed for honey, consideration must be given to the supply of the commodity in relation to the demand thereof, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired under a price support program, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

b. *Program availability period.* Comments are invited with respect to the program availability period for 1977 crop honey.

c. *Detailed operating provisions.* Detailed operating provisions necessary to carry out the program on honey will be considered for 1977. Provisions of this kind may be found in the regulations providing terms and conditions for the current price support program in Part 1434 of Title 7 of the Code of Federal Regulations.

Prior to making the foregoing determinations and issuing related regulations, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20013.

In order to be sure of consideration, all submissions must be received not later than February 14, 1977. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, at the office of the Director.

Signed at Washington, D.C., on January 5, 1977.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 77-1240 Filed 1-13-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposal to Adopt Definition of Small Farm for the Purpose of Receiving Financial Assistance

Correction

In FR Doc. 76-36957 appearing at page 55202 in the issue of Friday, December 17, 1976 the following corrections should be made:

1. On page 55202, middle column, first paragraph, second line immediately below the table, the figure "12" should read "121".

2. On page 55202, third column, designation of the schedule at the top should read "J".

FEDERAL TRADE COMMISSION

[16 CFR Part 1]

TRADE REGULATION RULEMAKING PROCEDURES

Proposed Clarifications

The Federal Trade Commission proposes to change 16 CFR 1.18 to clarify that certain documents will be included on the rulemaking record. This amendment encompasses documents which are (a) obtained or generated by the Commission's staff during the course of the development of a proposed trade regulation rule, (b) considered by the Commission to be relevant to the proceeding, and (c) believed not to be exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552. This amendment also provides for the placement on the public record of other non-exempt documents obtained or generated by the Commission's staff during the development of the proposed rule or during a rulemaking proceeding which are not made part of the rulemaking record. Although such documents would be available to any person upon request, the Commission believes that in order to elicit informed comments on proposed trade regulation rules, it should exercise its discretion to make such information publicly available at the beginning of a rulemaking proceeding, or as soon as possible thereafter, whether requested or not.

Comments on the proposed amendment shall be received by the Commission for a period of 60 days, ending March 15, 1977. Such comments should be addressed to the Secretary, Federal Trade Commission, Washington, D.C. 20580. This amendment would apply, if adopted, only to rules proposed after its effective date.

In consideration of the foregoing, it is proposed to revise 16 CFR § 1.18 to read as follows:

§ 1.18 Rulemaking Record.

(a) Definition—For the purposes of these rules the term "rulemaking record" includes the rule, its Statement of Basis and Purpose, the verbatim transcript of the informal hearing, written submissions, the summary and findings of the presiding officer, and the staff recommendations as well as any public comment thereon, and any other information which the Commission considers relevant to the rule, including material obtained or generated by the Commission's staff in the course of the development of a proposed trade regulation rule which is believed not to be exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552.

(b) Public availability of the rulemaking record—the rulemaking record shall be publicly available except when the presiding officer, for good cause shown, determines that it is in the public interest to allow any submission to be received in camera subject to the provisions of § 4.11 of this chapter.

(c) Miscellaneous public documents—Material obtained or generated by the Commission's staff in the course of development of a proopsed trade regulation rule or during a rulemaking proceeding which is believed not to be exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552, and which is not part of the rulemaking record, shall be publicly available.

By direction of the Commission dated Dec. 28, 1976.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-1251 Filed 1-13-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 510]

[Docket No. 76N-0171]

CHLOROFORM AS AN INGREDIENT OF DRUGS FOR ANIMAL USE

Proposal Establishing New Animal Drug Status

Correction

In FR Doc. 76-34960, appearing at page 52482 in the issue for Tuesday, November 30, 1976, on page 52484, in the second column, the 7th and 8th lines of § 510.413(b), "subject to regulatory action", should read "adulterated".

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 90]

CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Notice of Proposed Rulemaking

Notice is hereby given that it is proposed to amend 29 CFR Part 90, the regulations pertaining to certification of eligibility to apply for worker adjustment assistance pursuant to sections 221-250 of the Trade Act of 1974 (19 U.S.C. 2271-2322).

The following amendments are proposed:

1. The definition of "firm" in § 90.2 has been expanded to cover predecessors and successors-in-interest and affiliated firms which are controlled or substantially beneficially owned by substantially the same persons.

2. Section 90.14 has been amended to set forth the method of service of and time for compliance with a subpena.

3. Section 90.16(g) has been added to provide for notices of determinations which contain both a certification and a denial of eligibility to apply for adjustment assistance. Such notices are appropriate when certain identifiable segments of workers in a firm or an appropriate subdivision do not meet the statutory criteria for certification of eligibility to apply for adjustment assistance, although other identifiable segments of the workers do satisfy the statutory criteria.

4. Section 90.17(d) has been amended in order to make it clear that a notice of termination of certification shall not have a retroactive effect which would require workers to repay previously disbursed benefit payments.

5. Section 90.17(e) has been added to provide for notices of partial termination in order to make it clear that a termination of certification may cover only a portion of the group of workers specified in the certification.

6. Section 90.17(f) has been added to provide for notices of continuation of certification when the certifying officer determines that a certification should not be terminated.

7. A new § 90.18 has been added to provide for administrative reconsideration of determinations of the Secretary. New § 90.18 sets forth procedures by which a party aggrieved by a determination of the Secretary may seek reconsideration of a determination when there is reason to believe the determination is erroneous. Anyone seeking reconsideration retains the right to obtain judicial review.

8. The current § 90.18 becomes § 90.19. It is further amended to make it clear that the determinations issued under § 90.16(g), new § 90.18(e), new § 90.18(h) and new § 90.18(i) are final determinations for purposes of judicial review under section 250 of the Act.

9. Section 90.36 has been added to set forth the Department's method of computing the time periods specified in § 90.13(a), § 90.18(a) and new § 90.19(a), and section 23 of the Act.

Interested persons are invited to submit written comments regarding the proposed amendments to the regulations to the Director, Office of Trade Adjustment Assistance, Room S5303A, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. All relevant comments and materials received before February 10, 1977, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to amend 29 CFR Part 90 in the manner set forth below.

Signed at Washington, D.C., this 6th day of January 1977.

JOEL SEGALL,
Deputy Under Secretary
International Affairs.

PART 90—CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Subpart A—General

Sec.
90.1 Purpose.
90.2 Definitions.
90.3 Applicability of part.

Subpart B—Petitions and Determinations of Eligibility To Apply for Adjustment Assistance

90.11 Petitions.
90.12 Investigation.
90.13 Public hearings.
90.14 Subpena power.
90.15 Recommendation.
90.16 Determinations and certifications of eligibility to apply for adjustment assistance.
90.17 Termination of certifications of eligibility.
90.18 Reconsideration of determinations.
90.19 Judicial review of determinations.

Subpart C—Initiation and Conduct of Study With Respect to Workers in Industry Which is the Subject of an Investigation for Industry Import Relief

90.21 Study.
90.22 Dissemination of program knowledge and assistance to workers.

Subpart D—General Provisions

90.31 Filing of documents.
90.32 Availability of information.
90.33 Confidential business information.
90.34 Notice procedures.
90.35 Transitional provisions.
90.36 Computation of time.

AUTHORITY: Sec. 248, Pub. L. 93-618, 88 Stat. 2029 (19 U.S.C. 2320), Secretary's Order 3-75 (40 FR 17863).

SOURCE: 40 FR 14909, Apr. 3, 1975, unless otherwise noted.

Subpart A—General

§ 90.1 Purpose.

The purpose of this Part 90 is to set forth regulations relating to the responsibilities vested in the Secretary of Labor by the Trade Act of 1974 (Pub. L. 93-618) concerning petitions and determinations of eligibility to apply for worker adjustment assistance. Section 248 of the Act directs the Secretary of Labor to prescribe regulations which will implement the provisions relating to adjustment assistance for workers. This part will provide for the prompt and effective disposition of workers' petitions for certification of eligibility to apply for adjustment assistance. It reflects delegations of authority which were published in the FEDERAL REGISTER (40 FR 17863, 40 FR 22048).

§ 90.2 Definitions.

As used in this part, the term:

"Act" means the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 2011-2030 (19 U.S.C. 2271-2322).

"Appropriate subdivision" means an establishment in a multi-establishment firm which produces the domestic articles in question or a distinct part or section of an establishment (whether or not the firm has more than one establishment) where the articles are produced. The term "appropriate subdivision" includes auxiliary facilities operated in conjunction with (whether or not physically separate from) production facilities.

"Certifying officer" means an official in the Bureau of International Labor Affairs, U.S. Department of Labor, who has been delegated responsibility to make determinations and issue certifications of eligibility to apply for adjustment assistance, preside at public hearings under section 221(b) of the Act, issue subpenas, and perform such further duties as may be required by the Secretary or by this Part 90.

"Commission" means the United States International Trade Commission, formerly named the United States Tariff Commission.

"Date of the petition" means the date thereon, but which in no event shall be more than 30 days before the date of filing.

"Date of filing" means the date on which petitions and other documents are received in the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210.

"Date of issuance" means the date on which a certification of eligibility to apply for adjustment assistance is signed by the certifying officer.

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"Director" means the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. The Director is responsible for the conduct of worker investigations under this part and for recommending to the certifying officer whether or not to issue certifications of eligibility to apply for adjustment assistance.

"Firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court. A firm, together with any predecessor or successor-in-interest, or together with any affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm.

"Group" means three or more workers in a firm or an appropriate subdivision thereof.

"Increased imports" means that imports have increased either absolutely or relatively, and would generally mean those increases as have occurred from a representative base period subsequent to the effectiveness of the most recent trade agreement concessions proclaimed by the President beginning in 1968.

"Layoff" means a suspension from pay status for lack of work initiated by the employer and expected to last for no less than seven (7) consecutive calendar days.

"Like or directly competitive" means that "like" articles are those which are substantially identical in inherent or intrinsic characteristics (i.e., materials from which the articles are made, appearance, quality, texture, etc.); and "directly competitive" articles are those which, although not substantially identical in their inherent or intrinsic characteristics, are substantially equivalent for commercial purposes (i.e., adapted to the same uses and essentially interchangeable therefor).

An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article.

"Partial separation" means, with respect to an individual who has not been totally separated, that:

(a) The worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof, and

(b) The worker's wages have been reduced to 80 percent or less of the worker's average weekly wage at the firm or appropriate subdivision thereof.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Significant number or proportion of the workers" means that:

(a) In most cases the total or partial separations, or both, in a firm or appropriate subdivision thereof, are the equivalent to a total unemployment of five percent (5 percent) of the workers or 50 workers, whichever is less; or

(b) At least three workers in a firm (or appropriate subdivision thereof) with a work force of fewer than 50 workers would ordinarily have to be affected.

"Threatened to begin" means, in the context of impending total or partial separations, the date on which it could reasonably be predicted that separations were imminent.

"Total separation" means the layoff or severance of an individual from a firm or an appropriate subdivision thereof.

§ 90.3 Applicability of part.

This Part 90 generally relates to certifications of eligibility made under the Act. Subpart B specifically applies to the initiation and conduct of worker investigations and the issuance of determinations and certifications of eligibility to apply for adjustment assistance. Subpart C applies to studies of workers in industries which are the subject of investigations for industry import relief. Subpart D contains general provisions with respect to filing of documents and public availability of documents.

Subpart B—Petitions and Determinations of Eligibility To Apply for Adjustment Assistance

§ 90.11 Petitions.

(a) *Who may file petitions.* A petition under section 221(a) of the Act and this Subpart B shall be filed by a group of workers for a certification of eligibility to apply for adjustment assistance or by their certified or recognized union or other duly authorized representative.

(b) *Identification of petitioners.* Every petition filed with the Department shall clearly state the group of workers on whose behalf the petition is filed and the name(s) and address(es) of the person(s) by whom the petition is filed. Every petition shall be signed by at least three individuals of the petitioning group or by an official of a certified or recognized union or other duly authorized representative. Signing of a petition shall constitute acknowledgement that each signer has read the entire petition, that to the best of the signer's knowledge and belief the statements therein are true, and that each signer is duly authorized to sign such a petition.

(c) *Contents.* Petitions may be filed on a U.S. Department of Labor form. Copies of this form may be obtained at State Employment Security Agency local offices or by writing the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210. Every petition shall include: (1) The name(s), address(es), and telephone number(s) of the petitioner(s); (2) The name or a description of the group of workers on whose behalf the petition is filed (e.g., all hourly and salaried employees of the XYZ plant of ABC corporation); (3) The name and address of the workers' firm or appropriate subdivision thereof; (4) the name, address, telephone number, and title of an official of the firm; (5) The approximate date(s) on which the total or partial separation of a significant number or proportion of the workers in the workers' firm or subdivision began and continued, or threatened to begin, and the approximate number of workers affected by such actual or threatened total or partial separation; (6) A statement of reasons for believing that increases of like or directly competitive imports contributed importantly to total or partial separations and to the decline in the sales or production (or both) of the firm or subdivision (e.g., company statements, articles in trade association publications, etc.); and (7) A description of the articles produced by the workers' firm or appropriate subdivision, the production or sales of which are adversely affected by increased imports, and a description of the imported articles concerned. If available, the petition also should include information concerning the method of manufacture, end uses, and wholesale or retail value of the domestic articles produced and the United States tariff provision under which the imported articles are classified.

(d) *Number of copies.* One (1) signed original and two (2) clear copies of the petition shall be filed. The name(s) of the person(s) signing the petition shall be typewritten or otherwise clearly reproduced.

§ 90.12 Investigation.

Upon receipt of a petition, properly filed, the Director of the Office of Trade Adjustment Assistance shall promptly publish notice in the FEDERAL REGISTER that the petition has been received. The Director shall initiate, or order to be initiated, such investigation as he determines to be necessary and appropriate. The investigation may include one or more field visits to verify information furnished by the petitioner(s) and to elicit other relevant information. In the course of the field investigation representatives of the Department shall be authorized to meet with and obtain information from responsible company officials, union officials, employees and other interested parties, or organizations, both private and public as may be necessary to marshal all relevant facts to recommend an appropriate finding with respect to the issuance of a determination of eligibility to apply for adjustment assistance. Upon conclusion of the investigation a report thereof, including a recommendation regarding group eligibility shall be made, as more specifically defined in § 90.16 of this Part 90.

§ 90.13 Public hearings.

(a) *When held.* A public hearing shall be held in connection with an investigation instituted under § 90.12 whenever, not later than ten (10) days after the date of publication in the FEDERAL REGISTER of the notice of receipt of the petition, such a hearing is requested in writing by:

(1) The petitioner; or

(2) Any other person found by the Secretary or certifying officer to have a substantial interest in the proceedings.

Such petitioner and other interested persons shall be afforded an opportunity to be present, to produce evidence, and to be heard.

(b) *Form of request.* A request for public hearing shall be filed in the same manner as provided for filing of petitions and other documents under § 90.-31(a). A request by a person other than the petitioner shall contain:

(1) The name, address, and telephone number of the person, organization, or group requesting the hearing; and

(2) A complete statement of the relationship of the person, organization, or group requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceeding.

(c) *Time and place.* Public hearings will be held at the time and place specified in a notice published in the FEDERAL REGISTER. Such notice shall be published at least seven (7) calendar days before the scheduled hearing.

(d) *Presiding officers.* A certifying officer shall conduct and preside over public hearings.

(e) *Order of testimony.* Witnesses will testify in the order designated by the presiding officer. Each witness, after being duly sworn, will proceed with testimony. After testifying, a witness may be questioned by the presiding officer or an agent designated by the presiding officer. Any person who has entered an appearance in accordance with paragraph (k) of this sectoin may direct questions to the witness, but only for the purpose of assisting the presiding officer in obtaining relevant and material facts with respect to the subject matter of the hearing.

(f) *Evidence.* Witnesses may produce evidence of a relevant and material nature to the subject matter of the hearing.

(g) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the presiding officer by parties who have entered an appearance. Three (3) copies of such briefs shall be filed with the presiding officer within ten (10) days of the completion of the hearing.

(h) *Oral argument.* The presiding officer shall provide opportunity for oral argument after conclusion of the testimony in a hearing. The presiding officer will determine in each instance the time to be allowed for argument and the allocation thereof.

(i) *Authentication of evidence.* Evidence, oral or written, submitted at hearings, will upon order of the presiding officer be subject to verification from books, papers, and records of the parties submitting such evidence and from any other available sources.

(j) *Transcripts.* All hearings will be stenographically reported. Persons interested in transcripts of the hearings may inspect them at the U.S. Department of Labor in Washington, D.C., or purchase copies as provided in 29 CFR 70.62(c).

(k) *Appearances.* The petitioner or an other person showing a substantial interest in the proceedings may enter an appearance at a hearing, either in person or by a duly authorized representative.

§ 90.14 Subpena power.

(a) The Secretary or certifying officer may require by subpena the attendance and testimony of witnesses and the production of evidence necessary to make a determination.

(b) If a person refuses to obey a subpena issued under paragraph (a) of this section, the Secretary or a certifying officer may petition the United States district court within the jurisdiction of which the proceeding is being conducted requesting an order requiring compliance with such subpena.

(c) Witnesses subpenaed under this section shall be paid the same fees and mileage as are paid for like services in the District Court of the United States. The witness fees and mileage shall be paid by the United States Department of Labor.

(d) Subpenas issued under paragrapn (a) of this section shall be signed by a certifying officer and shall be served either in person by an authorized representative of the Department of Labor or by certified mail, return receipt requested. The date for compliance shall be not earlier than seven (7) calendar days following service of the subpena.

§ 90.15 Recommendation.

As promptly as possible, but in any event not later than 45 days after the filing of a worker petition, the Director of the Office of Trade Adjustment Assistance shall submit to the certifying officer recommendations concerning whether or not to issue a certification of eligibility to apply for adjustment assistance. These recommendations shall be forwarded together with an investigative report, proposed findings of fact, transcripts of any public hearing conducted under this subpart, and other material developed during the investigation.

§ 90.16 Determinations and certifications of eligibility to apply for adjustment assistance.

(a) *General.* Not later than 15 days after receipt of the recommendations forwarded pursuant to § 90.15, the certifying officer shall make a determination on the petition and where affirmative issue a certification of eligibility as provided below.

(b) *Requirements for determinations.* After reviewing the material submitted under § 90.15, including any supplemental material which may be required in reaching a determination the certifying officer shall make findings of fact concerning whether:

(1) A significant number or proportion of the workers in such workers' firm (or an appropriate subdivision of the firm) have become, or are threatened to become, totally or partially separated;

(2) Sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) Increases (absolute or relative) of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production. For purposes of this paragraph and part, the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(c) *Notice of affirmative determination and certification of eligibility.* Upon reaching a determination on a petition that a group of workers has met all the requirements set forth in section 222 of the Act and paragraph (b) of this section, the certifying officer shall issue a certification of eligibility to apply for adjustment assistance and shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall include the certification of eligibility and shall constitute a Notice of Determination and Certification of Eligibility.

(d) *Contents of certification of eligibility.* The certification shall specify in detail:

(1) The firm or subdivision thereof at which the workers covered by the certification have been employed (which need not be limited to the unit specified in the petition), and may identify individual workers by name; and

(2) The impact date(s) on which the total or partial separations of the workers covered by the certification began or threatened to begin. When applicable, the certification shall specify the date(s) after which the total or partial separations of the petitioning group of workers from the firm or subdivision thereof specified in the certification are no longer attributable to the conditions set forth in paragraph (b) of this section. For purposes of this section, the "impact date" is the earliest date on which any part of the total or partial separations involving a significant number or proportion of workers began or threatened to begin.

(e) *Exclusions from coverage of a certification of eligibility.* A certification of eligibility to apply for adjustment assistance shall not apply to any worker:

(1) Whose last total or partial separation from the firm or appropriate subdivision occurred more than one (1) year before the date of the petition; or

(2) Whose last total or partial separation from the firm or appropriate subdivision occurred before October 3, 1974.

(f) *Notice of negative determination.* Upon reaching a determination that a group of workers has not met all the requirements set forth in section 222 of

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the Act and paragraph (b) of this section, the certifying officer shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determinations (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Negative Determination.

(g) *Notice of Determinations.* A notice of certification may contain a notice of negative determination with respect to certain segments of workers. Such notice shall constitute a Notice of Determinations.

§ 90.17 Termination of certifications of eligibility.

(a) *Investigation.* Whenever the Director of the Office of Trade Adjustment Assistance has reason to believe, with respect to any certification of eligibility that the total or partial separations from a firm or appropriate subdivision thereof are no longer attributable to the conditions specified in section 222 of the Act and § 90.16(b), the Director shall promptly make an investigation. Notice of the initiation of the investigation shall be published in the FEDERAL REGISTER and shall be transmitted to the group of workers concerned.

(b) *Opportunity for comment and hearing.* Within 10 days after publication of the notice under paragraph (a) of this section, the group of workers or other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. If a hearing is requested under this paragraph, such hearing shall be conducted in accordance with § 90.13.

(c) *Recommendation.* Upon the conclusion of any public hearing conducted under this section, and after consideration of any written comments received under paragraph (b) of this section, the Director shall recommend to the certifying officer whether or not the certification should be terminated.

(d) *Notice of termination.* Within ten (10) days of receipt of a report recommending termination of a certification of eligibility, the certifying officer shall determine whether or not such certification shall be terminated. Upon reaching a determination that the certification of eligibility shall be terminated, the certifying officer shall make findings of fact and shall promptly have published in FEDERAL REGISTER a summary of the determination and the reasons therefor (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Termination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the certifying officer. The termination date specified by the certifying officer shall be not sooner than the date on which notice of such termination is published in the FEDERAL REGISTER.

(e) *Notice of Partial Termination.* A notice of termination may cover only a portion of the group of workers specified in the certification. Such notice shall constitute a Notice of Partial Termination.

(f) *Notice of Continuation of Certification.* Upon reaching a determination that the certification of eligibility should be continued, the certifying officer shall promptly publish in the FEDERAL REGISTER a summary of the determination with the reasons therefor. Such summary shall constitute a Notice of Continuation of Certification.

§ 90.18 Reconsideration of determinations.

(a) *Determinations subject to reconsideration; time for filing.* Any worker, group of workers, certified or recognized union, or authorized representatives of such worker or group, aggrieved by a determination issued pursuant to the Act and §§ 90.16(c), 90.16(f), 90.16(g), or 90.17(d) of this part may file an application for reconsideration of the determination with the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, Washington, D.C. 20210. All applications must be in writing and must be filed no later than fifteen (15) days after the notice of the determination has been published in the FEDERAL REGISTER.

(b) *Contents of application for reconsideration.* An application for reconsideration shall include: (1) Name(s), address(es), and telephone number of the applicant(s); (2) The name or a description of the group of workers on whose behalf the application for reconsideration is filed; (3) The name and case number of the determination complained of; and (4) A statement of reasons for believing that the determination complained of is erroneous. If the application is based, in whole or in part, on facts not previously considered in the determination, such facts shall be specifically set forth. If the application is based, in whole or in part, on an allegation that the determination complained of was based on mistake of facts which were previously considered, such mistake of facts shall be specifically set forth. If the application is based, in whole or in part, on an allegation as to a misinterpretation of facts or of the law, such misinterpretation shall be specifically set forth.

(c) *Determination regarding application for reconsideration.* Not later than fifteen (15) days after receipt of the application for reconsideration, the certifying officer shall make and issue a determination granting or denying reconsideration. The certifying officer may grant an application for reconsideration under the following circumstances: (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous; (2) If it appears that the determination complained of was based on mistake in the determination of facts previously considered; or (3) If, in the opinion of the certifying officer, a misinterpretation of facts or of the law justifies reconsideration of the determination.

(d) *Notice of affirmative determination regarding application for reconsideration.* Upon reaching a determination that an application for reconsideration meets the requirements of paragraph (c) of this section, the certifying officer shall issue an affirmative determination regarding the application and shall promptly publish notice in the FEDERAL REGISTER that the application for reconsideration has been received and granted. Such notice shall constitute a Notice of Affirmative Determination Regarding Application for Reconsideration.

(e) *Notice of negative determination regarding application for reconsideration.* Upon reaching a determination that an application for reconsideration does not meet the requirements of paragraph (c) of this section, the certifying officer shall issue a negative determination regarding the application and shall promptly publish in the FEDERAL REGISTER a summary of the determination. Such summary shall constitute a Notice of Negative Determination Regarding Application for Reconsideration. A negative determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 250 of the Act and § 90.19(a) of this part.

(f) *Opportunity for comment.* Within ten (10) days after publication of a notice under paragraph (d) of this section, the group of workers or other persons showing an interest in the proceedings may make written submissions to show why the determination under reconsideration should or should not be modified.

(g) *Determinations on reconsideration.* Not later than forty-five (45) days after reaching an Affirmative Determination Regarding Application for Reconsideration, the certifying officer shall make a determination on the reconsideration.

(h) *Notice of revised certification of eligibility and notice of revised determination.* Upon reaching a determination on reconsideration that a group of workers has met all the requirements set forth in Section 222 of the Act and paragraph (b) of § 90.16 of this part, the certifying officer shall issue a revised determination concerning certification of eligibility to apply for adjustment assistance and shall promptly publish in the FEDERAL REGISTER a summary of the revised determination together with the reasons for making such revised determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall include a certification of eligibility in accordance with paragraph (d) of § 90.16 of this part. The summary shall constitute a Notice of Revised Certification of Eligibility when the determination under reconsideration was a certification of eligibility. The summary shall constitute a Notice of Revised Determination when the determination under reconsideration was a negative determination or a certification containing a negative determination. A determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 250 of the Act and § 90.19(a) of this part.

(i) *Notice of negative determination on reconsideration.* Upon reaching a determination on reconsideration that a group of workers has not met all the requirements set forth in section 222 of the Act and paragraph (b) of § 90.16 of this part, the certifying officer shall issue a negative determination on reconsideration and shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Negative Determination on Reconsideration. A determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 250 of the Act and § 90.19(a) of this part.

§ 90.19 Judicial review of determinations.

(a) *General.* Pursuant to section 250 of the Act, any worker, group of workers, certified or recognized union, or authorized representative of such worker or group, aggrieved by a final determination issued pursuant to the Act and §§ 90.16(c), 90.16(f), 90.16(g), 90.17(d), 90.18(e), 90.18(h) or 90.18(i) may file a petition for review of such determination with the United States court of appeals for the circuit in which such worker or group is located or in the United States Court of Appeals for the District of Columbia Circuit. The party seeking judicial review must file for review in the appropriate court within sixty (60) days after the notice of determination has been published in the FEDERAL REGISTER.

(b) *Certified record of the Secretary.* Upon receiving a copy of the petition for review from the clerk of the appropriate court of appeals, the certifying officer shall promptly certify and file in such court the record on which the determination was based. The record shall include transcripts of any public hearings, recommendations received pursuant to § 90.15, the findings of fact made pursuant to §§ 90.16(b), 90.18(e), 90.18(h) or 90.18(i), and other documents on which the determination was based.

(c) *Further proceedings.* If a case is remanded to the Secretary by the court of appeals for the taking of further evidence, the certifying officer shall direct that further proceedings be conducted in accordance with the provisions of Subpart B of this part, including the taking of further evidence. The certifying officer, after the conduct of such further proceedings, may make new or modified findings of fact and may modify or affirm the previous determination. Upon the completion of such further proceedings, the certifying officer shall certify and file in the appropriate court of appeals the record of such further proceedings.

(d) *Substantial evidence.* The findings of fact by the certifying officer shall be conclusive if the appropriate court of appeals determines that such findings of fact are supported by substantial evidence.

Subpart C—Initiation and Conduct of Study With Respect to Workers in Industry Which is the Subject of an Investigation for Industry Import Relief

§ 90.21 Study.

(a) *Initiation.* Upon notification by the Commission, pursuant to section 224 of the Act, that the Commission has begun an investigation under section 201 with respect to an industry import relief action, the Secretary shall direct the Director of the Office of Trade Adjustment Assistance to immediately begin a study of (1) The number of workers in the domestic industry producing the like or directly competitive article(s) who have been or are likely to be certified eligible for adjustment assistance; and (2) The extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

(b) *Report.* The report of the Secretary of the study under section 224(a) of the Act and paragraph (a) of this section shall be made to the President not later than fifteen (15) days after the day on which the Commission makes its report under section 201.

(c) *Release of report.* Upon making the report of the study to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the FEDERAL REGISTER.

§ 90.22 Dissemination of program knowledge and assistance to workers.

Whenever the Commission makes an affirmative finding under section 201(b) of the Act that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Secretary shall, to the extent feasible, make available to the workers in such industry full information about programs which may facilitate their adjustment to the import competition. He shall provide assistance to such workers in the preparation and processing of petitions and applications for program benefits.

Subpart D—General Provisions

§ 90.31 Filing of documents.

(a) *Where to file, date of filing.* Petitions and all other documents shall be filed at the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210. If properly filed, such documents shall be deemed filed on the date on which they are actually received in the Office of Trade Adjustment Assistance.

(b) *Conformity with rules.* Documents filed in support of the initiation of an investigation by the Director of the Office of Trade Adjustment Assistance shall be considered properly filed if they conform with the pertinent rules prescribed in this Part 90. The Director may accept documents in substantial compliance with the pertinent rules of this part provided good and sufficient reason is stated in the document for inability to comply fully with the pertinent rules. The Director cannot waive full compliance with a rule which is required by the Act.

§ 90.32 Availability of information.

(a) *Information available to the public.* Upon request to the Director of the Office of Trade Adjustment Assistance, members of the public may inspect petitions and other documents filed with the Director under the provisions of this Part 90, transcripts of testimony taken and exhibits submitted at public hearings held under the provisions of this Part 90, recommendations to the certifying officer concerning determinations on petitions for certification of eligibility and determinations on termination of the effect of certifications of eligibility, summaries of the certifying officer's determinations concerning certifications of eligibility and terminations of the effect of certifications of eligibility, public notices concerning worker assistance under the Act and other reports and documents issued for general distribution.

(b) *Information not available to the public.* Confidential business information, defined in § 90.33 of this Part 90, shall not be available to the public.

§ 90.33 Confidential business information.

(a) *Definition.* Confidential business information means trade secrets and commercial or financial information which he obtained from a person and are privileged or confidential, as set forth in 5 U.S.C. 552(b) and 29 CFR Part 70.

(b) *Identification of information submitted in confidence.* Business information which is to be treated as confidential shall be submitted on separate sheets each clearly marked at the top, "Business Confidential." When submitted at hearings, such business information shall be offered as a confidential exhibit with a brief description of the nature of the information.

(c) *Acceptance of information in confidence.* The Director of the Office of Trade Adjustment Assistance may refuse to accept in confidence any information which he determines is not entitled to confidential treatment under this section. In the event of such refusal, the person submitting such information shall be notified and shall be permitted to withdraw such information.

§ 90.34 Notice procedures.

Formal notice of a certification, negative determination, or termination shall be transmitted promptly to the group of workers concerned and to all State Em-

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ployment Security Agencies concerned whenever such notices are published in the FEDERAL REGISTER.

§ 90.35 Transitional provisions.

As more particularly provided in section 246 of the Act, a group of workers, their certified or recognized union, or other duly authorized representative who filed a petition under section 301(a)(2) of the Trade Expansion Act of 1962 before December 3, 1974, may file a new petition under section 221 of this Act if:

(a) The Commission has not rejected such previous petition before April 3, 1975; and

(b) No certification has been issued to the petitioning group under section 302(c) of the Trade Expansion Act of 1962 before April 3, 1975; and

(c) The new petition under section 221 of the Act is filed not later than July 2, 1975.

§ 90.36 Computation of time.

(a) The time periods specified in §§ 90.13(a), 90.18(a), and 90.19(a) will be computed by counting the day after publication in the FEDERAL REGISTER as one, and by counting each succeeding day, including Saturdays, Sundays, and holidays. However, when the final day would fall on a Saturday, Sunday or holiday, the time period will terminate at the end of the next succeeding Federal business day.

(b) The 60-day time period specified in Section 223(a) of the Act will be computed in the same manner as set forth in paragraph (a) of this section, except that the day after the date of filing of the petition shall be counted as the first day.

[FR Doc.77-1289 Filed 1-13-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

[30 CFR Part 11]

SINGLE-USE GAS AND VAPOR CHEMICAL-CARTRIDGE RESPIRATORS

Public Hearing

On October 13, 1976, the Secretaries of the Interior and Health, Education, and Welfare published in the FEDERAL REGISTER (41 FR 44864) proposed amendments to Part 11 of Title 30, Code of Federal Regulations to (1) clarify the use of gas masks and chemical-cartridge respirators against gases and vapors with poor warning properties, (2) permit the use of Type A supplied-air respirators only in atmospheres not immediately dangerous to life or health, (3) provide new performance requirements for the approval of single-use gas and vapor chemical-cartridge respirators that are equivalent in performance to the present requirements for chemical-cartridge respirators, (4) revise performance requirements for vinyl chloride chemical-cartridge respirators by reducing the minimum service life from two hours to 90 minutes, and (5) provide for the approval of single-use vinyl chloride respirators which have performance requirements equivalent to the present requirements for vinyl chloride chemical-cartridge respirators.

Interested persons were afforded a period of 30 days within which to submit comments, suggestions, or objections to the proposed amendments. Comments were received from manufacturers of respiratory equipment as well as from a large company that utilizes respiratory equipment in the manufacture of vinyl chloride and polyvinyl chloride. The comments received in response to the notice of proposed rulemaking are on file at the Regulations Office, National Institute for Occupational Safety and Health (NIOSH), 5600 Fishers Lane (Park Building Room 3-32), Rockville, Maryland 20857.

It is Department of Health, Education, and Welfare policy to hold public hearings to receive information and views on proposed regulations if it appears that such hearings will aid the Department in developing a position on any of the issues involved (41 FR 34811). In view of this policy and in response to a written request from a member of the public for a hearing, NIOSH and the Mining Enforcement and Safety Administration (MESA) have determined that it would be in the public interest to hold a hearing to obtain additional information with regard to the proposed regulations specifically with respect to the following subjects:

1. The proposed definition of "single-use respirator."

2. The proposed performance requirements for the approval of single-use gas and vapor chemical-cartridge respirators.

3. The proposed requirements for vinyl chloride chemical-cartridge respirators.

4. The proposed performance requirements for single-use vinyl chloride respirators.

The hearing will be held on February 14, 1977, at 9:30 a.m. in Conference Room G of the Department of Health, Education, and Welfare's Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. The hearing will be conducted in an informal manner by a panel comprised of representatives of NIOSH and will be chaired by Mr. John Moran, Special Assistant for Safety and Testing and Certification, NIOSH. Mr. Earle Shoub, Associate Director, Appalachian Laboratory for Occupational Safety and Health, NIOSH, is designated as alternate chairman. Representatives from MESA and the Occupational Safety and Health Administration have been invited to participate on the panel.

Persons making statements need not be sworn or make affirmation. Each such person shall be given the opportunity to make a statement concerning the issues under consideration, an opportunity to make supplementary statements, which may include comments on or rebuttal of other persons' views, and an opportunity to make recommendations concerning the issues in any of the statements.

Interested persons who wish to present pertinent comments at the hearing should write to the Regulations Officer, NIOSH, at the above address, not later than 7 days before the meeting, advising of the approximate time needed to present such comments. For those persons who cannot participate in the hearing, written comments may be submitted to the Regulations Officer. A verbatim record of the proceedings will be maintained and all written statements and data received by February 28 will be made part of the record.

Dated: January 11, 1977.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.77-1224 Filed 1-13-77;8:45 am]

Public Health Service

[42 CFR Part 54b]

GRANTS FOR DRUG ABUSE PREVENTION, TREATMENT AND REHABILITATION

Proposed Revision of State Grants Regulations

Notice is given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 54b of Title 42, Code of Federal Regulations, currently entitled "Grants to States for Drug Abuse Prevention Functions".

Part 54b was established on February 21, 1973, by the publication of regulations (38 FR 4715) which set forth only the formula for allotting the sums appropriated under section 409 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176) to the States. The formula was amended on April 22, 1974 (39 FR 14209). Regulations further amending the formula were promulgated on June 24, 1976 (41 FR 26010).

On August 28, 1973, it was proposed (38 FR 22968) to revise Part 54b by: (1) establishing a Subpart A setting forth the allotment formula and detailed requirements for grants to States from their respective allotments, including requirements for the preparation and administration of State plans for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions in the State; and, (2) establishing and reserving a Subpart B for regulations governing the drug abuse project grants authorized by section 410 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1177).

Due to the passage of time since those regulations were proposed and substantial amendments to the provisions which were proposed therein, it has been determined that the proposed regulations should be republished as a notice of proposed rulemaking.

Following a review of the written comments on the August 28, 1973, notice of proposed rulemaking, the following changes have been made:

A. *Summary of changes based on comments received.* 1. Several comments suggested that the language of § 54b.105, "Grants for preparation of State plans", be amended to clarify that any surplus resulting from those grants may be utilized for the payment of costs incurred in carrying out projects under and otherwise implementing the approved State plan and evaluating the results of such implementation. Because all States have now submitted and received approval of their initial State plans there is no further need for grants for the preparation of State plans. Accordingly, the proposed section establishing requirements for such grants has been deleted. As set forth in § 54b.118 and § 54b.119 of the regulations proposed in this notice a State which has met the eligibility requirements now receives a single grant from its allotment. The grant funds may be used for the payment of costs incurred in preparing modifications of the approved State plan as well as for the payment of costs incurred in administering, implementing, and evaluating the approved State plan. Expenditures for each of these three categories must, however, be separately identified.

2. A new paragraph (e), "Substate planning", has been added to § 54b.111, "State plan; survey of need; resource allocation plan". The new paragraph requires inclusion of information relating to the needs and current and projected resources of substate regional, county and other local areas in the survey of need and resource allocation plan. To ensure such inclusion the State plan must incorporate by reference procedures for the solicitation and consideration of planning information from elected officials of local units of government and organizations and individuals engaged in the provision of direct or ancillary drug abuse prevention, treatment, and rehabilitation services.

3. The provision (§ 54b.110(d)(2)), requiring the State agency to submit to the Secretary copies of the records of the recommendations made to it by the State Drug Abuse Advisory Council and, if such recommendations are not adopted, the reasons therefor, has been deleted. The provision requiring the maintenance of such records has, however, been retained. Under the uniform administrative requirements of Subpart D of 45 CFR Part 74 the Secretary and the Comptroller General of the United States or any of their duly authorized representatives must be afforded access to such records.

4. A number of the comments made inquiries with respect to the meaning of the maintenance of effort requirements which were set forth at § 54b.120(a) of the August 28, 1973, proposal and which are set forth with the change noted below at § 54b.117(a) of the regulations proposed herein. Under these requirements, which are specifically required by section 409(e)(11) of the Act, the level of State, local, and other non-Federal funds expended during any fiscal year for projects and activities which receive support from the Federal funds allotted to the State may not be lower than the level of such expenditures for the preceding fiscal year, except that the Secretary may take into consideration the extent to which the level of expenditures for any year included activities of a nonrecurring nature. The maintenance of effort requirements have been written to clearly state that it is the aggregate level of State, local, and other non-Federal expenditures for programs carried out under the State plan which must be maintained. From year to year, these funds may be furnished by different sources; not necessarily by the specific agencies which initially furnished such funds. That is, the Federal funds cannot be used to replace the total of the State, local, and other non-Federal funds which would otherwise be available. This assures that the Federal funds will be used to improve and expand the State and local drug abuse prevention, treatment, and rehabilitation programs.

B. *Other changes.* 1. Because the uniform administrative requirements and cost principles set forth in 45 CFR Part 74 are applicable to all grants made under the proposed Subpart A (See the new § 54b.102), the following sections of the proposed regulations, which contained such requirements, have been deleted: § 54b.115, "Property management."; § 54b.116, "State plan; subgrants."; § 54b.117, "Contract procurement standards; State and subgrantees."; § 54b.118, "Records."; § 54b.119, "Reports."; and, § 54b.122, "Grant suspension and termination.". In addition, § 54b.114 has been shortened through a reference to the pertinent requirements of 45 CFR Part 74.

2. Section 54b.106, "State plan; submission and review.", has been amended to clarify that information which must be "incorporated by reference" in the State plan and that which must be "contained" in the plan. In addition, paragraph (a) of § 54b.106 has been amended to implement the new statutory provisions, which became effective on January 1, 1976, requiring the submission of State plans to the Secretary not later than July 15 of each calendar year and requiring that the State plans pertain to the twelve month period commencing October 1 of the calendar year of the submission. (See section 409(e) of the Act as amended by sec. 9(a)(1) of Pub. L. 94-237 (21 U.S.C. 1176(e)).) Paragraph (c), "Review and comment by the Governor," of § 54b.106 has been changed to require that: (1) the State plan or modification thereof must be submitted to the Governor of the State at least 45 days prior to submission to the Secretary; and, (2) if the Governor makes no comments, such documentation thereof as the Secretary may prescribe must be submitted to the Secretary with the State plan or modification.

3. A sentence implementing the new statutory provision allowing drug abuse State plans to contain provisions relating to alcoholism or mental health, section 409(f) of the Act as amended by sec. 9(b)(1) of Pub. L. 94-237 (21 U.S.C. 1176(f)), has been added to § 54b.107(b) of the proposed regulations.

4. Section 54b.107(b)(2) and § 54b.108(a) have been amended by adding references to, respectively, mental health planning and mental health planning agencies.

5. The provision relating to expenses of the State Drug Abuse Advisory Council which may be charged to grant funds (§ 54b.113(a)(1)(ii)) has been modified and moved to § 54b.110 as a new paragraph (e). As modified, the provision limits the total payments for Council expenses from the grant funds to one percent (1%) of the State's total allotment, unless the prior approval of the Secretary is obtained.

6. The last sentence of subparagraph (a)(1) of § 54b.111, "State plan; survey of need; resource allocation plan.", requiring each State to initiate a survey to determine the total number of chronic drug abusers in the State through an unduplicated count, has been deleted. After consultation with representatives of State drug abuse agencies it has been determined that: (a) given the level of the Federal formula grant support, the costs of such surveys are very high; (b) the survey data would not adequately assess the problem in a manner that could be meaningfully interpreted and utilized in the State planning process; and, (c) there is available currently nationwide data on characteristics of the population at risk which can be utilized in the State planning process.

7. Paragraphs (a) and (b) § 54b.112 have been amended to implement the new statutory provision, which became effective on January 1, 1976, requiring State plans to provide reasonable assurances that treatment or rehabilitation projects supported by funds from a State's allotment have provided to the State agency a proposed performance standard or standards to measure, or research protocol to determine, the effectiveness of the treatment or rehabilitation programs or projects. (See section 409(e)(12) of the Act added by sec. 9(a)(1)(F) of Pub. L. 94-237 (21 U.S.C. 1176(e)(12)).)

8. The provisions of § 54b.113, governing the expenditure of grant funds for the State administrative expenses of carrying out the approved State plan have been modified and moved to the new § 54b.119. Thus, the title of § 54b.113 has been changed from "State plan; administration." to "State plan; personnel administration.". Under the new § 54b.119 a State is authorized to expend funds from its single grant for allowable administrative expenses (the provision in the August 28, 1973 proposed regulations required the States to make a separate application for funds to be used for the payment of administrative expenses), but such expenditures must be separately identified and cannot, as prescribed by section 409(b)(3) of the Drug Abuse Office and Treatment Act of 1972, (21 U.S.C. 1176(b)(3)), for any year exceed $50,000 or 10 percent of the total allotment of the State for that year, whichever is less.

9. The provision which referred to the requirements of section 408 of the Drug

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Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) for maintaining the confidentiality of drug abuse patient records (§ 54b.118(h) of the August 28, 1973, proposal) has been modified to reflect an amendment of the statutory provision (section 303(a) of Pub. L. 93–282) and the promulgation of new regulations thereunder (42 CFR Part 2) and moved to a new § 54b.115.

10. An amended nondiscrimination section, § 54b.116, has been added. This section consists of: (a) the provision referring to the requirements of Title VI of the Civil Rights Act of 1964 and the regulations promulgated thereunder which was § 54b.121 in the August 28, 1973, proposed regulations; (b) a new provision referring to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination against handicapped individuals in programs receiving Federal financial assistance; and (c) a modification of the provision relating to the admission of drug abusers to Federally assisted private and public general hospitals which appeared as § 54b.120(c) of the August 28, 1973, proposed regulations. As modified, that provision requires the State plan to describe policies and procedures under which the State agency will take an active role in monitoring compliance with section 407 of the Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 94–237 (21 U.S.C. 1174), which provides that drug abusers who are suffering from medical conditions shall not be discriminated against in admission or treatment, solely because of their drug abuse or drug dependence, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

11. As noted above, in paragraph A.1, two new sections, § 54b.118, "Grant award and payment." and § 54b.119, "Expenditure of grant funds." have been added. These sections establish a grant award process under which each State having an approved State plan or modification thereof for a fiscal year will receive a single grant from its allotment for that fiscal year. That grant may be expended for preparing, carrying out and evaluating, and administering the State plan, but expenditures in each of the three categories must be accounted for separately. Proposed uses of Federal funds made available to a State through the drug abuse formula grants to which these proposed regulations apply are, under Title XV of the Public Health Service Act as amended by Public Law 94–237, subject to review and approval or disapproval by the appropriate Health Systems Agency (HSA), if any, established thereunder. This requirement is implemented by paragraph (b) of § 54b.119 of the proposed regulations.

12. Other minor changes have been made either to correct typographical errors or to effect solely technical matters.

C. Summary of major substantive comments. 1. **It was suggested that the composition of the State Drug Abuse Advisory Council should be specified in greater detail in order to assure more local, nongovernmental involvement in the planning process.** Since section 409 of the Act requires the Secretary to approve a State plan which complies with the statutory provisions, the Secretary may not mandate the composition of the Council in greater detail than that set forth in the statute. The proposed regulatory provision complies with the statutory requirements which give the States discretion in appointing Council members while assuring the inclusion of representatives of both governmental and nongovernmental interests from different geographical areas of the State.

2. A suggestion that the single State agencies be given the authority to review and comment upon all applications for Federal funds for drug abuse prevention, treatment and rehabilitation activities was not accepted because of the lack of specific legal authority to impose such a requirement, particularly with respect to those grant programs which are not administered by the Secretary.

3. One comment suggested that the provisions of § 54b.108(b)(2) be amended to provide for an extension of the 30 day maximum period afforded for State agency review of applications for drug abuse project assistance under section 410 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1177). The 30 day maximum period is established by section 410(c)(2) of the Act. Accordingly, the Secretary lacks authority to grant an extension of that period.

4. Another comment took exception to the requirement that the State plan incorporate by reference professional standards to be followed in hiring employees, other than those who would be under a governmental merit system, to carry out activities under the State plan (§ 54b.113(b)(4) of the August 28, 1973, proposal, § 54b.113(b) of this proposal). This requirement has been retained because of the necessity for ensuring that the services provided by professionals under the State plan meet uniform, minimum standards of quality.

5. One comment stated that the State plan should include provisions relating to the development of more effective services for non-addicted drug users as well as provisions relating to services for addicts and other "hard drug users". While the State plan relates to all types of drug abuse problems, the priorities assigned to the various types of services are determined by the States. Community education and other prevention programs, which were also requested, are encompassed by the State plan.

With the changes noted above, the regulations proposed on August 28, 1973, (38 FR 22968) are being republished as a notice of proposed rulemaking in order to provide an adequate opportunity for public comment on the proposed regulations.

The new regulations policies of the Department issued July 25, 1976 (41 FR 43811, August 17, 1976) require that this Notice of Proposed Rulemaking (NPRM) have an implementation plan prepared prior to issuance. In compliance with these requirements, an implementation plan was forwarded to the Secretary and he has authorized the issuance of this NPRM without the use of a Notice of Intent (NOI) because:

(a) There is an urgent need for these regulations.

(b) Over an extended period of time there has been interaction between the Department and organizations and individuals in the development of this NPRM which has satisfied the spirit and intent of the NOI. In addition to the extensive public comments on the original NPRM, a preliminary draft of the regulations proposed in this NPRM was discussed thoroughly with the drug abuse authorities of the States and with other concerned non-Federal groups and individuals.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed revision of 42 CFR Part 54b to the National Institute on Drug Abuse, Rockwall Building, 1140 Rockville Pike, Rockville, MD. 20852, on or before February 28, 1977, except that comments are not invited with regard to § 54b.101 and § 54b.104 of the proposed regulations. Section 54b.101 is now in effect as a part of the current Part 54b. Section 54b.104 of the proposed regulations sets forth the allotment formula, which appears as § 54b.102 of the current Part 54b, with the amendments which were promulgated on June 24, 1976 (41 FR 26010). These sections are included in this notice of proposed rulemaking only for the purpose of providing a complete regulation.

Comments received will be available for public inspection at Room 700, Rockwall Building, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

This revision is proposed under the authority of section 409 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176).

It is, therefore, proposed to revise Part 54b of Title 42 CFR in the manner set forth below.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance Program Number 13.269, Mental Health—Drug Abuse Formula Grants.)

Dated: December 6, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

APPROVED: January 4, 1977.

MARJORIE LYNCH,
Acting Secretary.

It is proposed to revise Part 54b to read as follows:

PART 54b—GRANTS FOR DRUG ABUSE PREVENTION TREATMENT AND REHABILITATION

Subpart A—Grants to States for Drug Abuse Prevention Functions

Sec.

54b.101 Applicability.
54b.102 Applicability of 45 CFR Part 74.
54b.103 Definitions.
54b.104 Allotments.
54b.105 Transfer of allotments.
54b.108 State plan; submission and review.
54b.107 State plan; purpose; consistency with other plans.
54b.108 State plan; coordination.
54b.109 State plan; single State agency
54b.110 State plan; State advisory council.
54b.111 State plan; survey of need; resource allocation plan.
54b.112 State plan; monitoring and reporting of program performance.
54b.113 State plan; personnel administration.
54b.114 State plan; financial management services.
54b.115 Confidentiality of drug abuse patient records.
54b.116 Nondiscrimination.
54b.117 Assurances.
54b.118 Grant award and payment.
54b.119 Expenditure of grant funds.

Subpart B [Reserved]

AUTHORITY: Sec. 409, Pub. L. 92–255, 86 Stat. 80; as amended by Pub. L. 94–237, 90 Stat. 245–247 (21 U.S.C. 1176).

Subpart A—Grants to States for Drug Abuse Prevention Functions

§ 54b.101 Applicability.

The regulations of this subpart apply only to grants under section 409 of the Act to assist the States in the preparation of plans for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in each State; in carrying out projects under and otherwise implementing such plans; in evaluating the results of such plans as implemented; and in paying the administrative expenses of carrying out such plans.

§ 54b.102 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart.

§ 54b.103 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in the subpart:

(a) "Act" means the Drug Abuse Office and Treatment Act of 1972 as amended by Pub. L. 94–237, 90 Stat. 241–249, (21 U.S.C. 1101 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority has been delegated.

(c) "State" means the 50 states, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) "State plan" means the plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions which contains the information, proposals, and assurances required by section 409 of the Act and the regulations of this subpart.

(e) "State agency" means the single State agency, which may be an individual agency or an interdepartmental agency, designated by the State as the sole agency for the preparation and administration of the State plan or for supervising the preparation and administration of the State plan.

(f) "Population", with respect to any State or area thereof, means the latest figures of total population certified by the United States Department of Commerce.

§ 54b.104 Allotments.

(a) *Allotments to States.* The allotments to the States under section 409 of the Act will be computed by the Secretary as follows:

(1) One-third weight on the basis of the relationship of the population in each State to the total population of all the States;

(2) One-third weight on the basis of total population weighted by financial need as determined by the relative per capita income for each State for the three most recent consecutive years for which data is available from the Department of Commerce; and

(3) One-third weight on the basis of need for more effective conduct of drug abuse prevention functions as determined by the following three equally weighted factors

(i) The relationship of the population age twelve through twenty-four in each State to the total population of that age group in all the States on the basis of data from the U.S. Census Bureau for the most recent calendar year

(ii) The relationship of the number of hepatitis, Type B, cases in each State to the total number of those cases in all the States, determined on the basis of data available from the Center for Disease Control, United States Public Health Service for the most recent calendar year, or where a State does not report to the Center for Disease Control on the basis of data available from a comparable State reporting system; and

(iii) The standing, in relation to all other States, of each State's per capita appropriation of State funds for "drug abuse prevention functions," as defined by section 103(b) of the Act (21 U.S.C. 1103(b)), determined on the basis of data certified by each State Comptroller or equivalent State official.

(b) If, after determining the amount of the allotment for each State in accordance with paragraph (a) of this section, it appears that any State (with the exception of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) would receive less than the minimum allotment prescribed by section 409(c)(1)(A) of the Act, the Secretary will reduce the shares of each State which would receive more than such minimum allotment by an equal percentage and reallocate such sums as required to assure that every State (other than the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) will receive at least the prescribed minimum allotment.

§ 54b.105 Transfer of allotments.

(a) *Allotments to the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.* Any amount allotted to any of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico for a fiscal year which remains unobligated at the end of that fiscal year shall remain available to such State, for the purposes for which made, for the next fiscal year and any such amount shall be in addition to the amounts allotted to such State for such next fiscal year, except that any amount remaining unobligated at the end of the sixth month following the end of the fiscal year for which such amount was allotted may be reallotted by the Secretary to any other of the States having need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of the Act, if the Secretary determines that such amounts will remain unobligated at the end of the next fiscal year following the fiscal year for which such amounts were allotted. Funds thus reallotted to any of the States shall be available for the purposes for which made until the close of the fiscal year following the fiscal year for which such funds were allotted. Any amount so reallotted shall be in addition to the amounts allotted and available for the same period.

(b) *Allotments to the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.* Any amount allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year which remains unobligated at the end of that year shall remain available for the purposes for which made for the next two fiscal years and any such amount shall be in addition to the amounts allotted for each of the next two fiscal years, except that any amount remaining unobligated at the close of the first of such next two fiscal years, which the Secretary determines will remain unobligated at the close of the second of such next two fiscal years, may be reallotted by the Secretary to any other of the four States (Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) which has a need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of the Act, to be available until the close of the second of such next two fiscal years. Any amount so reallotted shall be in addition to the amounts allotted and available for the same period.

(c) *Reallotment determination.* In determining whether a reallotment of funds to a particular State would be equitable and consistent with the pur-

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poses of the Act, the Secretary will consider:

(1) The extent to which the proposed recipient State has demonstrated a high incidence of drug abuse problems in its general population;

(2) The extent to which the proposed recipient State has demonstrated an urgent need for drug abuse services for a specific target population group;

(3) The extent to which the proposed recipient State is effectively implementing its State plan provisions for drug abuse services; and

(4) Such other factors as the Secretary may find to be relevant.

(d) *Reports.* In order to assist the Secretary in making the reallotments authorized by the Act and this section each State shall, with respect to each fiscal year for which it receives an allotment, submit a report to the Secretary describing in detail how it plans to obligate funds from the allotment which have not been obligated by the date of the report and what funds, if any, it does not plan to obligate during the period in which such funds are available for obligation.

(1) Each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico shall submit the report within 60 days of the end of the fiscal year for which the allotment was made.

(2) The Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands shall submit such report within 60 days of the end of the first fiscal year following the fiscal year for which the allotment was made.

§ 54b.106 State plan; submission and review.

(a) *Submission.* In order to receive funds from its allotment for a fiscal year for the purposes authorized by section 409 of the Act, a State must submit to the Secretary not later than July 15 of each calendar year and have approved a State plan pertaining to the twelve month period commencing October 1 of the calendar year of the submission which contains or, as required by these regulations, incorporates by reference the information, proposals, and assurances specified in the Act and the regulations of this subpart. Documents incorporated by reference become a part of the State plan as though fully set forth therein. Such documents must be:

(1) Clearly identified as to subject, date and location,

(2) Officially adopted and disseminated in accordance with applicable procedures, and

(3) Made available to the Secretary and to the public for inspection.

(b) *Review.* The State agency shall from time to time, but not less often than annually, review its State plan and submit to the Secretary for approval modifications thereof which shall:

(1) Contain budgetary requirements for the new fiscal year and such updates of the assurances and the other information, which under this subpart must be contained in the State plan, as may be prescribed by the Secretary; and

(2) Incorporate by reference such changes in the proposals and information, which under this subpart must be incorporated by reference in the State plan, as may be prescribed by the Secretary and such additional changes in such information as the State agency may consider to be necessary.

(c) *Review and comment by the Governor.* The State plan or any modification thereof shall be submitted to the Governor of the State for his review and comment at least 45 days prior to submission of the plan or modification to the Secretary. The comments of the Governor or such documentation of his review without comment as the Secretary may prescribe must be submitted to the Secretary with such plan or modification.

(d) *Publicizing the State plan.* Concurrently with submission to the Secretary of the State plan or any modification thereof, the State agency shall publicize a general description of the proposed plan or modification. The State plan and modifications thereof shall be readily available and accessible for examination and comment by interested persons both prior to and after submission of such plan or modification to the Secretary.

§ 54b.107 State plan; purpose; consistency with other plans.

(a) *Purpose.* The purpose of the State plan is to provide a rational and more effective basis for the utilization of Federal, State, and all other available resources in establishing, conducting, maintaining, and evaluating all drug abuse prevention functions within the State, and for ongoing planning for improvement or expansion of such functions as necessary.

(b) The State plan may contain provisions relating to alcoholism or mental health. As a minimum, the State plan must incorporate by reference documents demonstrating:

(1) (i) That it is, to the extent practicable, consistent with the planning for drug abuse services in:

(A) the State plan for comprehensive health planning approved annually under section 314(a) of the Public Health Service Act (42 U.S.C. 246(a)) or section 1524(c)(2) of the Public Health Service Act (42 U.S.C. 300m–3(c)(2)), whichever is applicable; and

(B) the State plan for comprehensive mental health services approved annually under section 237 of the Community Mental Health Centers Act (42 U.S.C. 2689t).

(ii) That cognizance has been taken of other Statewide and local plans for drug abuse planning in the State.

(2) That cognizance has been taken of area-wide or substate regional planning in such areas as comprehensive health, mental health, vocational rehabilitation, urban development, alcoholism, corrections, and welfare services, including any pertinent plans developed pursuant to section 314(b) of the Public Health Service Act (42 U.S.C. 246(b)) or section 1513(b) of the Public Health Service Act (42 U.S.C. 3001–2(b)), whichever is applicable.

(3) That in cases where services or activities are to be provided across State lines, such services or activities are consistent with the drug abuse plan or plans of the State or States concerned.

(4) That there has been, to the maximum extent practicable, coordination with city, metropolitan area, substate regional, or interstate planning agencies to achieve consistency in planning for drug abuse prevention functions and consistency with other health, vocational rehabilitation, welfare, and physical development plans.

§ 54b.108 State plan; coordination.

The State plan must incorporate by reference policies and procedures for coordinating all drug abuse prevention functions planned or implemented by governmental and nongovernmental agencies, organizations, groups, or individuals within the State to assure that all such efforts are nonduplicative and are consistent with the State plan, including policies and procedures under which the State agency will:

(a) Provide consultation to, and consult with, other State and local agencies concerned with health, mental health, vocational rehabilitation, law enforcement, education, and other related planning activities which affect or are related to the State plan.

(b) Review applications for assistance under section 410 of the Act, except that the State plan may contain a written waiver of the right of review with respect to all or certain categories of applications for assistance under section 410. If the State plan does not include a waiver of all such review rights, it must incorporate by reference policies and procedures for review which shall provide that the State agency will:

(1) Prepare a written evaluation of the project described in the application which shall include comments on the relationship of the project to other projects pending and approved and to the State plan;

(2) Submit such evaluation to the Secretary within 30 days of the date upon which the State agency received the application for assistance; and

(3) Furnish a copy of the evaluation to the applicant;

(c) Review and comment upon other proposals for drug abuse prevention functions to be conducted within the State which are submitted to it for this purpose by other agencies or organizations.

(d) Ensure that agencies or authorities which have interests or responsibilities related to the project and program proposals developed or reviewed by the State agency have been afforded a reasonable opportunity to review such proposals.

(e) Obtain such data and information from other organizations and individuals as may be necessary to implement and modify the State plan and incorporate such data and information into a management information system at the State level, which shall be, to the extent practicable, consistent with Federal information systems.

(f) Inform interested agencies and organizations and the general public about the agency's activities and recommendations, including information about scientific, technological, and programmatic advances in drug abuse prevention functions.

(g) Provide advice and guidance to State and local governmental officials and legislators in the development of laws, regulations, or policies on all matters pertaining to drug abuse prevention functions.

§ 54b.109 State plan; single State agency.

(a) The State plan must incorporate by reference documentary evidence of the designation or establishment of a single State agency. Such documentation shall include:

(1) The Executive Order, Statute, resolution, motion or similar action by the State authority which designated or established the State agency; and

(2) Evidence that the State agency has legal authority to carry out on behalf of the State all duties and responsibilities required by the Act and by the regulations of this subpart.

(b) The State agency may have designated responsibilities for State alcohol abuse and alcoholism programs as well as State drug abuse programs, except that the State plan must incorporate by reference documents which identify the officials who will head each area of responsibility, and which establish policies and procedures for ensuring that separate records are maintained with respect to the alcohol abuse and drug abuse programs and that all other Federal requirements applicable to each such program are met.

(c) If part or all of the responsibility for preparing or administering the State plan has been or is to be delegated to one or more agencies (under the supervision of the State agency), the State plan must incorporate by reference documents which identify such other agency or agencies, and set forth the responsibilities of each such agency.

§ 54b.110 State plan; State advisory council.

(a) *Establishment; scope of authority.* The State plan must incorporate by reference documents which provide for the establishment of a State Drug Abuse Advisory Council to consult with and advise the State agency in carrying out the State plan.

(b) *Membership; selection.* The State Drug Abuse Advisory Council shall, as a minimum, include representatives of public and nongovernmental organizations or groups, and of agencies concerned with drug abuse prevention functions from different geographical areas of the State.

(1) Representatives of nongovernmental organizations and groups and of public agencies which are in frequent contact with drug abusers are eligible for membership on the Council even though such organizations, groups, or agencies are not engaged in the direct provision of drug abuse prevention, treatment or rehabilitation services. For example, representatives of welfare agencies, vocational rehabilitation agencies, police, schools, courts, citizen groups, employee groups, and employers' organizations would be eligible for Council membership.

(2) The State plan shall incorporate by reference the policies and procedures for selection of the Council members, and shall contain a list of members for the current fiscal year, their names, addresses, occupations, and affiliations.

(c) *Multi-purpose councils.* The State plan may establish a new council or designate an existing council established for some other purpose (for example a planning advisory council or joint drug abuse and alcoholism council) to perform the duties of the State Drug Abuse Advisory Council, except that the membership, when sitting as the State Drug Abuse Advisory Council, must meet the requirements of this section.

(d) *Meetings; recommendations.* (1) The State plan shall incorporate by reference guidelines and instructions establishing the time, place, and frequency of meetings of the Council which shall provide, as a minimum, for annual meetings of the Council.

(2) The State agency shall maintain, on an annual basis, records of the recommendations made to it by the State Drug Abuse Advisory Council and, if such recommendations are not adopted the reasons therefor.

(e) *Expenses.* Funds awarded to a State from its allotment may be used to pay the expenses of the State Drug Abuse Advisory Council, including per diem and travel expenses incurred by Council members at rates not exceeding those established under applicable State law. However, the total payments for the expenses of the Council shall not exceed one percent (1%) of the State's total allotment, unless the prior approval of the Secretary is obtained.

§ 54b.111 State plan; survey of need; resource allocation plan.

(a) *Need.* The State plan must contain an assessment of the need for drug abuse programs throughout the State. Such assessment shall include:

(1) An assessment of the extent of the problem of drug abuse and drug dependency in various geographic areas and subareas of the State, including estimates (and the basis for these estimates) of the number of drug abusers as measured by the best available set of drug abuse indicators in the area under consideration.

(2) A description of factors which may relate to the extent and severity of the drug abuse or drug dependence problem including economic factors, special health, vocational, or social problems, special problems of urban and suburban settings, drug abuse in the context of law enforcement and criminal justice, and ethnic and geographic factors.

(3) A description of the special needs of specific high risk or target population groups in the State.

(4) A description of financial support currently provided for drug abuse treatment, vocational rehabilitation, prevention, education, and training, including third party payments, charitable contributions, county bond issues, grants for law enforcement and criminal justice, and all other Federal, State, and local public or private funds provided for drug abuse programs within the State.

(b) *Current Resources.* The State plan shall contain a description of the present availability and accessibility of all public and private health and related resources and programs for serving the needs of drug abusers and drug dependent individuals within the State, which shall include:

(1) Resources available from and services currently provided by: (i) State and local governments; (ii) Public and private employers for their employees; (iii) Self-help groups; and (iv) Public and private health care facilities such as hospitals, community mental health centers, and neighborhood health centers; and

(2) An estimate of the number of available personnel who are qualified to provide such services and a description of their training and experience.

(c) *Additional resources needed.* The State plan must contain a description of the additional resources, including facilities and personnel, training, technical assistance, and funds necessary to meet those needs identified pursuant to paragraph (a) of this section which are not being met by the existing resources described pursuant to paragraph (b) of this section.

(d) *Action plan.* The State plan must contain an action plan which:

(1) Describes the steps necessary to secure and develop the necessary resources described in paragraph (c) of this section;

(2) Establishes priorities for distribution of facilities and services, including drug abuse treatment and rehabilitation services provided by community mental health centers, in all geographic areas and subareas of the State;

(3) Sets forth, in the order of such priorities, the additional projects and programs required to meet the unmet need, the estimated costs of each and the source of financial and other resources expected to support each project or program, including those drug abuse prevention functions to be supported with funds made available under section 409 of the Act and the regulations of this subpart;

(4) Includes a timetable for completing all such projects and programs; and

(5) Includes a long-term plan for expansion or diminution of existing resources or development of new resources in acordance with projected estimates of future needs.

(e) *Substate planning.* The survey of need and resource allocation plan must

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include information relating to the needs and current and projected resources of substate regional, county, and other local areas. To ensure such inclusion the State plan must incorporate by reference procedures under which the State agency will, as a part of the State planning process:

(1) Solicit such information from elected officials of local units of government (e.g., county and metropolitan) and organizations and individuals engaged in the provision of direct or ancillary drug abuse prevention, treatment, and rehabilitation services; and

(2) Take such information into account in the preparation of the survey of need and resource allocation plan, particularly with respect to the planning of programs to meet the need for services in the respective substate regional, county, and other local areas.

§ 54b.112 State plan: monitoring and reporting of program performance.

(a) *Assurance.* The State plan shall contain an assurance that the State agency has established policies and procedures to ensure that treatment or rehabilitation projects or programs supported by funds from the State's allotment will provide to the State agency a proposed performance standard, or standards to measure, or research protocol to determine, the effectiveness of such treatment or rehabilitation programs or projects.

(b) *Review; monitoring of performance.* The State plan shall incorporate by reference the policies and procedures established pursuant to the assurance required under paragraph (a) of this section and policies and procedures under which the State agency will:

(1) From time to time, but not less often than annually, review its State plan and submit modifications thereof to the Secretary as required by §54b.106 (b);

(2) Constantly monitor and review the performance of all programs and activities receiving support from the State's allotment in order to assure that adequate progress is being made towards achieving the goals of such programs and activities; and

(3) Submit, not later than 90 days after the end of each fiscal year (The Secretary may approve a request for an extension of such due date if he determines that the request is justified.), a performance report which shall analyze and evaluate the effectiveness of the prevention and treatment programs and activities carried out under the plan. Copies of the performance report shall be furnished to the agency or agencies having direct responsibility for enforcing the State standards for maintenance and operation of prevention, treatment, and rehabilitation facilities and programs.

(c) *Contents of performance report.* The performance report shall contain the following information with respect to each program, function, or activity carried out under the State plan:

(1) A comparison of actual accomplishments to the goals established for the fiscal year. Where the output of a particular activity or program can be readily quantified, such quantitative data should be related to cost data for computation of unit costs;

(2) Reasons for failure to attain established goals; and

(3) Such other pertinent information as the Secretary may prescribe including, when appropriate, an analysis and explanation of cost overruns or high unit costs.

(d) *Interim reporting.* States shall promptly inform the Secretary in writing of events occurring between the scheduled performance reporting dates which have significant impact upon the program or activity supported with funds from the State allotment. The following types of conditions are subject to this prompt reporting requirement:

(1) Problems, delays, or adverse conditions which will materially affect the ability to attain the objectives of the programs and activities receiving support from the State's allotment. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any additional Federal assistance needed to resolve the situation; and

(2) Favorable developments or events which enable meeting time schedules and goals sooner or at less cost than anticipated or producing more beneficial results than originally projected.

(e) *Site visits by the Secretary.* Site visits will be made by representatives of the Secretary as frequently as practicable to:

(1) Review program accomplishments and management control systems; and

(2) Provide such technical assistance as may be required.

§ 54b.113 State plan; personnel administration.

(a) *Merit system personnel.* (1) The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State agency in the administration or supervision of the administration of the State plan. Conformity with Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91-648; 84 Stat. 1915) modifying or superseding such standards, will be deemed to meet this requirement as determined by said Commission. Laws, rules, regulations, and policy statements, and amendments thereto, effectuating such methods of personnel administration shall be incorporated by reference in the State plan.

(2) *Equal employment opportunity.* Equal employment opportunity will be assured in the State merit system and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or other nonmerit factors will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specfic age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. The State merit system must include procedures for appeals in cases of alleged discrimination to an impartial body whose determination shall be binding upon a finding of discrimination. The State must develop an affirmative action plan to assure such equal employment opportunity which shall be subject to inspection, comment, and approval by the Secretary. Such plan shall contain such information and be completed on such date as the Secretary may prescribe.

(b) *Other personnel.* The State plan must incorporate by reference professional standards to be followed in hiring individuals (other than employees under a governmental merit system) to carry out activities related to the implementation of the State plan. Such standards shall include schedules or other bases upon which the salaries of such personnel are determined and paid which shall be in accord with the usual and customary practices in the State.

(c) *Nondiscrimination on the basis of prior drug abuse.* The State plan shall contain an assurance that the State will establish policies and procedures to assure that no qualified applicant for a position supported in whole or in part from funds made available from the State's allotment will be denied employment, solely on the basis of having or not having a prior history of drug abuse.

§ 54b.114 State plan; financial management systems.

The State plan shall incorporate by reference documents which provide for the establishment of a State financial management system and which describe policies and procedures under which subgrantees (public and nonprofit private agencies, institutions, and organizations receiving funds from the State's allotment) will be required to establish financial management systems. The State and subgrantee financial management systems must meet the standards set forth in Subpart H of 45 CFR Part 74.

§ 54b.115 Confidentiallty of drug abuse patient records.

Attention is called to the provisions of section 408 of the Act (21 U.S.C. 1175) which provides that records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized under section 408. Violations of section 408 of the Act are

subject to a fine of not more than $500 in the case of a first offense and not more than $5,000 in the case of each subsequent offense. A regulation implementing section 408 has been promulgated (42 CFR Part 2). Recipients of funds allotted to States under section 409 of the Act and the regulations of this subpart are subject to the provisions of section 408 of the Act and 42 CFR Part 2.

§ 54b.116 Nondiscrimination.

(a) *Race, color, national origin.* Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to the drug abuse prevention functions receiving funds from the State's allotment under section 409 of the Act and requires receipt and acceptance by the Secretary of the applicable documentation set forth therein.

(b) *Handicapped individuals.* Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(c) *Admission of drug abusers to Federally assisted private and public general hospitals.* (1) Attention is called to section 407 of the Act, as amended by Pub. L. 94-237 (21 U.S.C. 1174) which provides that drug abusers who are suffering from medical conditions shall not be discriminated against in admission or treatment, solely because of their drug abuse or drug dependence, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

(2) *Assurance.* The State plan must contain an assurance that the State agency will monitor compliance with section 407 of the Act. A State will be considered to be in substantial compliance with this assurance if the Secretary finds that the State plan describes adequate methods, including implementation mechanisms for:

(i) Obtaining an assurance from each private or public general hospital receiving funds from the State's allotment that drug abusers and drug dependent persons will be admitted and treated on the basis of medical need and will not be discriminated against solely because of their drug abuse or drug dependence;

(ii) State agency evaluation of the admission and treatment policies and practices of those private and public general hospitals within the State which receive support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency to determine whether the requirements of section 407 of the Act are being complied with, including procedures for the investigation of complaints; and

(iii) State agency submission of written reports to the Secretary of any instance of noncompliance with the nondiscrimination requirements of section 407 of the Act.

§ 54b.117 Assurances.

In addition to any other assurances required by law and the regulations of this subpart the State plan must contain the following assurances:

(a) *Maintenance of effort.* An assurance that Federal funds made available under section 409 of the Act and the regulations of this subpart will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in section 409 of the Act and will in no event supplant such State, local, and other non-Federal funds. A State will be considered to be in substantial compliance with such assurance if the Secretary finds that the aggregate level of State, local, and other non-Federal funds expended for drug abuse prevention functions carried out under the State plan with Federal assistance made available under section 409 of the Act is no lower for any fiscal year than the aggregate level of those expenditures in the immediately preceding fiscal year, except that the Secretary may take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature.

(b) *Community Service.* Assurances that all facilities, programs, and services supported in whole or in part with funds made available under section 409 of the Act and the regulations of this subpart will be:

(1) Made available without discrimination on the grounds of sex, creed, duration of residence, or ability or inability to pay for services;

(2) So publicized as to be generally known to the population to be served;

(3) Available to, and responsive to the needs of, all members of the population to be served; and

(4) So located as to be readily accessible to the population to be served.

(c) *Relocation assistance.* An assurance that the State agency will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (Pub. L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs, and the applicable regulations issued thereunder (45 CFR Part 15, as added by 36 FR 18838, September 22, 1971).

§ 54b.118 Grant award and payment.

(a) *Grant award.* Each State for which a State plan or modification thereof has been approved for a fiscal year will be awarded a grant from its allotment for that fiscal year. All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which the funds will be available for obligation by the State.

(b) *Payment.* The Secretary shall from time to time make payments to a State of all or a portion of any grant award, either in advance or by way of reimbursement for authorized expenses incurred or to be incurred in carrying out the purposes of the grant, at such intervals and on such conditions as the Secretary finds necessary.

§ 54b.119 Expenditure of grant funds.

(a) Funds granted pursuant to this subpart may be expended by the States only for:

(1) The preparation of State plans and modifications thereof which are intended to meet the requirements of section 409 of the Act and the regulations of this subpart.

(2) Carrying out projects under and otherwise implementing the approved State plans and evaluating the results of the plans as actually implemented.

(3) The State administrative expenses of carrying out the approved State plan, except that the amount expended for that purpose for any fiscal year may not exceed $50,000 or 10 percent of the total allotment of the State for that year, whichever is less.

(b) In accordance with section 1513 (e) of the Public Health Service Act funds granted pursuant to this subpart may not be expended for grants or contracts for the development, expansion or support of health resources, unless the State has provided the appropriate health systems agency or agencies sixty days to make the review required by section 1513(e) and either (1) the health systems agency or agencies have neither approved nor disapproved the expenditure within the sixty days provided to them, or (2) the health systems agency or agencies have approved the expenditure, or (3) the health systems agency or agencies have disapproved the expenditure and the Secretary has decided, in accordance with section 1513(e)(2) of the PHS Act, that such expenditure may be made notwithstanding the disapproval of the health systems agency or agencies.

(c) Allowability of expenditures of funds granted pursuant to this subpart are determined in accordance with the applicable cost principles set forth in Subpart Q of 45 CFR Part 74.

(d) All expenditures of grant funds must be recorded in accounting records separate from records relating to the expenditure of all other funds. The accounting records must identify separately expenditures for each of the three categories set forth in paragraphs (a)

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(1), (a)(2), and (a)(3) of this section. The records must be retained and made accessible in accordance with the requirements of Subpart D of 45 CFR Part 74.

(e) Each State shall file fiscal reports relating to the expenditure of the grant funds in accordance with the requirements of Subpart I of 45 CFR Part 74.

Subpart B—[Reserved]

[FR Doc.77-1236 Filed 1-13-77;8:45 am]

Public Health Service

[42 CFR Part 101]

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Interim Confidentiality and Disclosure of Data and Information; Extension of Time for Comment

In light of requests from interested parties, the period for comments to the notice published December 3, 1976 [41 FR 53215] proposing interim regulations pertaining to confidentiality and disclosure of data and information by Professional Standards Review Organizations is hereby extended. All interested parties are invited to submit written comments to the Director, Bureau of Quality Assurance, Health Services Administration, Room 16A-55, 5600 Fishers Lane, Rockville, Maryland 20857 by no later than February 16, 1977.

Dated: January 11, 1977.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: January 11, 1977.

Marjorie Lynch,
Acting Secretary.

[FR Doc.77-1340 Filed 1-13-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 228]

[FRA Docket No. HS-2, Notice No. 3]

CONSTRUCTION OF RAILROAD EMPLOYEE SLEEPING QUARTERS

Extension of Time to Comment

On December 3, 1976, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER a notice of proposed rulemaking on regulations concerning the location of railroad employee sleeping quarters in conformity with section 2(a)(4) of the Hours of Service Act (45 U.S.C. 62(a)(4)), as amended by section 4 of the Federal Railroad Safety Authorization Act of 1976, Pub. L. No. 94-348, 90 Stat. 818 (41 FR 53070). FRA administers and enforces the Hours of Service Act under section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)) and a delegation from the Secretary of Transportation (49 CFR 1.49(d)).

Comments on the proposed rulemaking were requested to be submitted by January 17, 1977. The Association of American Railroads has petitioned on behalf of itself and its member railroads for an extension of time within which to comment on the rulemaking. In order to encourage the submission of valuable information and views, and in recognition of the fact that the present comment period included the holiday season, FRA hereby extends the time for comment on the proposed rules through Thursday, February 17, 1977. Administration of the law will not be materially affected by the extension, since interim rules are presently in effect which provide for FRA approval of sites for the construction or reconstruction of employee sleeping quarters which are determined not to be in the immediate vicinity of humping or switching operations (41 FR 53028; December 3, 1976).

Comments received by the close of business on February 17 will be considered in developing final rules. All submissions should be made in triplicate to the Docket Clerk, Office of Chief Counsel (RCC-1), Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on January 12, 1977.

R. LAWRENCE MCCAFFREY, JR.,
Chief Counsel.

[FR Doc.77-1347 Filed 1-13-77;8:45 am]

[Docket No. LI-4, Notice 3]

[49 CFR Part 230]

LOCOMOTIVE INSPECTION

Wheel Slip/Slide Indicators

The Federal Railroad Administration (FRA) is considering amendment of its Locomotive Inspection regulations (49 CFR 230) to provide that whenever an engine is shut down or isolated thereby nullifying the operation of a locomotive wheel slip/slide indicator, the locomotive unit may not be moved beyond a facility where the necessary repairs may be made.

Section 230.201(d) of the Locomotive Inspection regulations (49 CFR 230.201 (d)) provides that the enginemen's compartment of the controlling unit of a locomotive used in road service must be equipped with a device to warn of the presence of slipping or sliding driving wheels on any unit of the locomotive.

Section 230.262(a) of the Locomotive Inspection regulations (49 CFR 230.262 (a)) permits a locomotive unit to remain in service when one or more of its internal combustion engines has been shut down because of defects if a distinctive tag giving the reason for the shutdown is placed near the engine starting control. This procedure is generally sufficient to assure that no damage or injury will result from an engine defect. However, if the engine that is shut down is the sole source of power for a wheel slip/slide device required by § 230.201(d), that device is thereby rendered inoperative and the protection that it is supposed to provide is nullified. Accordingly, FRA is proposing to amend § 230.262(a) to limit the operation of a locomotive in such circumstances to movement to a facility where the necessary repairs may be made. In addition, the substance of the "interpretation" paragraphs appended to paragraph (d) of § 230.201 is being incorporated into the text of that paragraph.

The proposed amendment would permit limited continued operation after a slip/slide indicator becomes inoperative. The permission differs from the requirements concerning other locomotive defects. Except under § 230.262(a), the Locomotive Inspection regulations do not provide for operation of a locomotive unit after a defect is discovered. However, since inoperability of a wheel slip/slide indicator is not itself a structural defect, FRA does not believe it is necessary to require immediate removal of the unit from service whenever an engine is shut down or isolated.

FRA has evaluated this proposed amendment in accordance with the policies of the Department of Transportation which were stated in a public notice published in the April 16, 1976, issue of the FEDERAL REGISTER (41 FR 16200). By limiting the operation of locomotive units having inoperative slip/slide devices, the proposed regulation would reduce substantially the risk of a derailment as a result of undetected slipping or sliding driving wheels. The proposed restriction would also result in some increase in railroad operating costs. While FRA does not know how frequently these devices are made inoperative, this should occur rarely on locomotives that have been inspected in accordance with the Locomotive Inspection regulations. Consequently, while FRA cannot quantify these increased costs, we believe that they will be insignificant compared to the safety benefits to be derived from the proposed regulation.

BACKGROUND

An advance notice of proposed rule making (ANPRM) on Locomotive Speed Indicators, Speed Recorders, and Wheel Slip/Slide Indicators was issued by FRA on February 4, 1974, and published in the FEDERAL REGISTER on February 8, 1974 (39 FR 4929). The ANPRM was designed to solicit comment on the regulation to be developed concerning the subject devices, and interested persons were invited to submit written data, views, and comments responsive to specific questions listed in the ANPRM.

On March 14, 1974, FRA issued a notice extending the period for filing of written comments to April 30, 1974 (39 FR 10267, March 19, 1974).

FRA is still considering the comments concerning locomotive speed indicators and recorders and may issue a notice of proposed rule making on these subjects at a future date. Seven of the comments are relevant to the proposed rule involving wheel slip/slide indicators. A summary of the relevant comments and FRA's responses is as follows:

ISSUES ADDRESSED IN COMMENTS

1. *Should FRA require slip/slide indicators in the operatnig compartments of rapid transit cars?* Two commenters contended that wheel slip/slide indicators should not be required in the operating compartments of rapid transit cars. They stated that except for some newer cars, rapid transit cars do not operate at high adhesion levels. Although these newer cars are not equipped with devices to warn the operator of slipping or sliding wheels, they are equipped with an apparatus that detects and corrects these conditions. They further contend that even if a wheel does lock on a rapid eaen if a wheel does lock on a rapid transit car, it normally would be discovered and remedied promptly because of the short length of transit systems and distances between stations. Both commenters state that experience shows that slipping or sliding wheels are not a problem on rapid transit cars.

FRA agrees that the characteristics of rapid transit operations facilitate prompt detection of slipping and sliding wheels. Moreover, FRA data does not show a significant safety problem due to undetected slipping and sliding wheels on rapid transit cars. Accordingly, we do not propose to require warning devices in the operating compartments of rapid transit cars at this time.

2. *Should FRA require slip/slide indicators for idler wheels?* Several comments submitted in response to the ANPRM stated that slip/slide indicators for idler wheels are not necessary. They stated that there are very few locomotives still in existence with idler axle trucks, and that the operating history of those locomotives shows that the idler wheels are not a safety problem. Also, a manufacturer advised that powered axles are more prone to failures that can provoke wheel sliding than are nonpowered axles. After considering this matter in the light of the comments, FRA has concluded that slip/slide indicators for idler wheels should not be required.

3. *Should FRA require wheel slip/slide indicators that function under all operating conditions?* All four commenters that addressed this issue stated that reliable, reasonably priced slip/slide indicators that function when an engine is shut down are not available. Some of the commenters stated that all of the road service locomotives presently in service have slip/slide indicators that function only as long as the traction motor is powered. The shortest time forecasted before a device could be developed, tested, and placed in production was between 18 months and two years. Cost estimates ranged from $1,500 to provide a device to $8,000 including installation. One commenter supported a requirement for devices that would function under all operating conditions, stating that even without power being transferred to an axle, the pinion gear at the end of the traction motor armature shaft could lock and in turn lock its wheel. Another commenter opposed such a requirement, stating that it could not be predicted whether any particular system will prove to be reliable and reasonable in cost to install on new or existing locomotives. That commenter objected to predicating a regulatory deadline on "a 'sales promise' lead time projection."

FRA agrees that reliable slip/slide indicators that function under all operating conditions are not available. In addition, FRA believes that the proposed limitation on the operation of locomotives while these devices are inoperative will be sufficient to assure safety. Consequently, we are not proposing a regulation to require that locomotives be equipped with wheel slip/slide indication devices that function under all operating conditions. Nevertheless, FRA will continue to monitor railroad operations and technological developments and may propose additional requirements in the future.

4. *Should the locomotives of museum and recreational railroads be required to be equipped with wheel slip/slide indicators?* One commenter recommended that locomotives of railroad museums and recreational railroads not be required to be equipped with wheel slip/slide indicators. FRA agrees. Most of these locomotives are steam locomotives and, therefore, are not required to be so equipped. The other types of museum and recreational locomotives are required to be so equipped only if they operate over the line of a railroad subject to the Locomotive Inspection Act (See 45 U.S.C. 22).

COMMENT PROCEDURE

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA specifically requests information, quantified to the extent practicable, concerning the costs, benefits, and other impacts that would result if the amendment proposed in this notice were to be adopted. Communications should identify the regulatory docket number [Docket No. LI-4], and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before March 1, 1977, will be considered before final action is taken on the proposed amendment. Comments received after that date will be considered only so far as practicable. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The proposal contained in this notice may be changed in light of the comments received.

(Locomotive Inspection Act (secs. 2, 5, 36 Stat. 913, 914, 45 U.S.C. 23, 28, as amended, sec. 6 (e) and (f), 80 Stat. 939, 940, 49 U.S.C. 1655); 49 CFR 1.49(c)(5).)

Issued in Washington, D.C. on January 7, 1977.

ASAPH H. HALL,
Administrator.

1. It is proposed to delete the *Interpretation* paragraphs that accompany paragraph (d) of 49 CFR 230.201 and to amend the text of the paragraph to read as follows:

§ 230.201 Locomotive unit.

* * * * * *

(d) *Slipping or sliding wheel alarms.* The enginemen's compartment in the controlling unit of each locomotive used in road service must be equipped with a device to warn the locomotive crew, by visual indication or audible alarm, of the presence of slipping or sliding driving wheels on any unit in the locomotive consist. The indication or alarm need not distinguish between slipping or sliding driving wheels.

2. It is proposed to amend 49 CFR section 230.262(a) to read as follows:

§ 230.262 Engines and accessories.

(a) *Tagging for repairs.* Internal combustion engines shall be maintained in a safe and suitable condition for service. Whenever any internal combustion engine has been shut down because of defects and the unit is continued in service a distinctive tag giving reason for the shut-down shall be conspicuously attached near the engine starting control and shall remain attached until repairs have been made. When an engine is shut down or isolated thereby nullifying the operation of a wheel slip/slide device required by section 201(d) of this part, the unit may not be moved beyond a facility where the necessary repairs may be made.

* * * * *

[FR Doc.77-1246 Filed 1-3-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 310b]

[Docket 30338, PDR-44, dated January 12, 1977]

PUBLIC ACCESS TO BOARD MEETINGS

Notice of Proposed Rulemaking

Notice is hereby given that, for purposes of implementing the open meeting provisions of the Government in the Sunshine Act, the Civil Aeronautics Board has under consideration the adoption of a proposed New Part 310b of its Procedural Regulations. (14 CFR Part 310b.)

The principal features of the proposal are described in the Explanatory Statement and the proposed new part is set forth in the proposed rule. The rule is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; and 5 U.S.C. 552b(g), 90 Stat. 1244.

Interested persons are requested to participate in the proposed rulemaking through the submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket 30338, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Persons may also participate in this proceeding through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof. All relevant material re-

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ceived on or before February 14, 1977, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 upon receipt thereof.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

The Government in the Sunshine Act, Pub. L. 94-409, 90 Stat. 1241, amends Title 5 of the United States Code by adding a new section, 5 U.S.C. 552b, "Open meetings" regarding meetings of collegial bodies, such as the Civil Aeronautics Board. 5 U.S.C. 552b(g) requires each agency subject to the open meeting provisions to promulgate regulations, after public comment, implementing these provisions.

The Board's proposed New Part 310b is set forth below.[1] The proposed rules state the Board's initial policy under the Sunshine Act: that all of its meetings will be open to public observation unless (1) the Board determines that a matter to be discussed at a meeting is likely to fall within one or more of the exemptions set out at 5 U.S.C. 552b(c) and proposed § 310b.5; and (2) the Board additionally determines that there are sufficient reasons to close the meeting. There will be a presumption of openness. Decisions to close will be made on an ad hoc, item-by-item basis. The Board does not now contemplate any wholesale closings of meetings by generic categories.

The proposed regulations describe the meeting announcements that will be issued for every meeting, set forth the procedures by which the Board may decide to close discussion of a matter or withhold information about a matter to be discussed at a meeting; and specify the requirement that the General Counsel certify that a meeting may be closed to public observation.

Proposed § 310b.8 sets out procedures for requests to open or close Board meetings. Although the statute does not so require, we have tentatively decided to provide a mechanism for requests to open meetings which the Board has earlier determined to close. We are of the tentative view that such a procedure will provide an opportunity to consider views regarding open meetings which may not have to our attention, and be a useful vehicle for monitoring public reaction. The Board cannot, of course, expend its limited resources on pro forma requests to open every closed proceeding. The provision is thus being proopsed with the expectation that requests to open a meeting will not be made frivolously. We are proposing permitting requests by any person to open a meeting; but, in the interest of openness in government, we propose to limit requests to close to the statutory category of requests pursuant to 5 U.S.C. 552b(c) (5), (6), or (7) by "persons whose interests may be directly affected".

Proposed § 310b.9 deals with the conduct of open Board meetings and states the authority and responsibility of the presiding Member to insure that the meetings are conducted in an orderly fashion so as to preserve the public's right to observe and the Board's right to conduct its business. This section states that the open meeting provisions do not include a right to participate or to supplement the record in matters before the Board. Also stated is the fact that comments made at Board meetings do not themselves constitute Board action and persons acting on the basis of observing open meetings do so entirely at their own risk.

The proposed rules specify the making and maintenance of verbatim transcripts for closed discussions and the availability to the public of non-exempt portions of them. Although not required to do so by statute, we have tentatively decided to establish an intra-agency mechanism for requests for additional portions of transcripts not already publicly available. As with requests to open meetings earlier determined by the Board to be closed, we would expect that transcript requests would be more than mere pro forma exercises.

In addition to comments on the provisions and procedures of the proposed rules themselves, we also invite comments on the following:

1. As set out in the proposed rules, it is the Board's policy to open meetings to public observation unless the matter to be discussed is likely to fall within one or more exemptions and the Board determines that the meeting be closed.

We are concerned, however, that there may be a possible conflict between a Board determination to open the discussion of a section 801 case and the Presidents' right to classify in whole or in part the Board's decision of the case pursuant to Executive Order 11920. Discussion at an open meeting could touch upon the same matters later classified by the President. In theory, therefore, it is possible that an open Board meeting could reveal matters which the President would later desire to classify. The Board will welcome any comments or proposed solutions from members of the public on this issue.

2. The Board also invites public comment on the question of the perceived advantages and disadvantages of open meetings discussing enforcement matters. Although many such discussions will be exempt from the Sunshine Act's open meetings requirement, the Board recognizes that the exemptions are not mandatory and will welcome the views of the industry and other members of the general public on questions such as: the damage which might flow from open discussions of persons who might later be found to be innocent of any wrongdoing; the benefit to the public of knowledge derived from discussion of particular suspect or illegal practices; the effect of open meetings on on-going enforcement matters; or other aspects of the decision to open or close discussions of this type.

3. Finally, the Board is deeply concerned with the potential effects of open meetings upon persons' investment decisions. The proposed rule states that persons acting on the basis of observances of open Board meetings do so at their own risk. Nonetheless, it seems clear that this obvious fact alone may not deter investment speculation on the basis of what was heard at an open meeting. These considerations are especially applicable to route awards, which may be of great value to the prevailing carrier. In such cases, it is possible that open discussion might be construed as tentatively favoring a particular carrier, while the final decision does not support that particular carrier. Innocent persons, speculating as a result of the tentative discussion, could be injured. For these reasons, the Board is interested in receiving public comment on the likelihood that open meetings will encourage harmful financial speculation, and on any steps the Board might take to reduce this possibility.

Accordingly, it is proposed to add a new Part 310b to the Board's Procedural Rules (14 CFR Proposed Part 310b) as follows:

PART 310b—PUBLIC ACCESS TO BOARD MEETINGS

Sec.

310b.1 Purpose and scope.
310b.2 Definitions.
310b.3 Open meetings policy.
310b.4 Meeting announcements.
310b.5 Matters which may be closed to the public.
310b.6 Procedures for closing discussion or withholding information.
310b.7 Certification by the General Counsel.
310b.8 Requests to open or close Board meetings.
310b.9 Conduct of open Board meetings.
310b.10 Transcripts of discussion at closed Board meetings.
310b.11 Requests for material other than transcripts.

AUTHORITY: Sec. 204(a), Federal Aviation Act of 1958, as amended 72 Stat. 743, 49 U.S.C. 1324, and 5 U.S.C. 552(g), 90 Stat. 1244.

§ 310b.1 Purpose and scope.

(a) The purpose of this regulation is to implement the open meeting provisions of the Government in Sunshine Act, Pub. L. 94-409, 90 Stat. 1241 et seq., codified at 5 U.S.C. 552b. 5 U.S.C. 552b(g) requires the publication of these regulations implementing the requirements of 5 U.S.C. 552b (b) through (f).

(b) This regulation covers all meetings, as defined in § 310b.2, of a majority of the membership of the Board. The Civil Aeronautics Board has no subdivisions authorized to act on behalf of the agency within the meaning of 5 U.S.C. 552b(a)(1).

§ 310b.2 Definitions.

"Board" means the Civil Aeronautics Board.

"Meeting" means the deliberations of at least the majority of the membership where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations regarding a decision to open or close a meeting, to withhold information about a meeting, or regarding meeting agendas (e.g. time, place, subject).

"Member" means a Member of the Civil Aeronautics Board appointed by the President with the advice and consent of the Senate.

§ 310b.3 Open meetings.

It is the policy of the Board that its meetings are open to public observation unless the Board determines that: (1) a matter to be discussed at a meeting is likely to fall within one or more of the ten exemptions set out in § 310b.5; and (2) that there are sufficient reasons to close the discussion of the matter.

§ 310b.4 Meeting announcements.

(a) For all Board meetings, a meeting announcement shall be issued setting forth: (1) the time, place, matters to be discussed; (2) whether the discussion of each matter is to be open or closed to public observation; and (3) the name and phone number of the Board official who will respond to requests for information about the meeting.

(b) If the meeting is closed to public observation in whole or in part, the meeting announcement shall also include a copy of the Certification of the General Counsel, as set forth in § 310b.7. In addition, it shall include the recorded votes of the Members on the question of closing the meeting, and the explanation of the closing along with a list of persons expected to attend unless such information has already been made public pursuant to § 310b.6.

(c) If information about a closed meeting is itself within one or more of the exemptions set out at § 310b.5 and the Board determines to withhold such information from a meeting announcement, such announcement shall contain the recorded votes of the Members on the question of withholding information unless such vote has already been made public pursuant to § 310b.6.

(d) Each meeting announcement shall be issued at least seven calendar days before the meeting unless a majority of the membership determines by recorded vote that agency business requires a meeting on less than seven days notice. If the Board has so voted, the meeting announcement shall issue at the earliest practicable time and shall include in addition to any information required by paragraphs (a), (b), and (c), of this section the recorded vote of the Members that agency business has required the shorter notice period.

(e) Each Meeting Announcement shall be: (1) posted on the Board's Public Notice Board in Room 714, 1825 Connecticut Avenue, NW, Washington, D.C. 20428; (2) available in the Board's Office of Public Affairs; and (3) transmitted to the FEDERAL REGISTER for publication.

(f)(1) An amended Meeting Announcement shall be issued for any change in a meeting announcement.

(2) Changes in the time or place of a meeting do not require a recorded vote of the Members and may be made by issuing an amended Meeting Announcement.

(3) Changes in a prior meeting announcement regarding the subject matter, whether the meeting is open or closed in whole or in part to public observation, and decisions to withhold information about the meeting require the recorded vote of the majority of the membership as set forth in § 301b.6. Amended meeting announcements regarding these changes shall contain a copy of the recorded vote of the Members on the change unless such vote has already been made public pursuant to § 310b.6. If there has been a change from a decision to open the meeting to public observation, the explanation required by § 301b.6(e) shall also be included in the amended Meeting Announcement unless it has already been made public pursuant to § 310b.6.

(4) Amended meeting announcements shall be issued at the earliest practicable time and shall be made public in the same maner as the original meeting announcement as set forth in paragraph (e) of this section.

§ 310b.5 Matters which may be closed to the public.

(a) Pursuant to the procedures set forth in § 310b.6, the Board may determine that discussion of a matter may be closed to public observation or that information about a matter to be discussed at a meting may be withheld from public discolsure if such observation or disclosure is likely to:

(1) Disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of an agency;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would:

(i) In the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (A) lead to significant financial speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or

(ii) In the case of any agency, be likely to significantly frustrate implementation of a proposed agency action, except that this paragraph shall not apply in any instance where the agency has already disclosed to the public the content or nature or its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) Specifically concern the agency's issuance of a subpena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 310b.6 Procedures for closing discussion or withholding information.

(a) Discussions of a matter shall not be closed to the public and information about a meeting shall not be withheld from the public meeting announcement except by a recorded vote of a majority of the Membership with respect to each such matter or item of information. For this purpose, such votes shall be by the Members themselves without use of proxies.

(b) Each matter the discussion of which is to be closed to public observation and each piece of information that is to be withheld from the public meeting announcement shall be the subject of a separate vote unless, the matter or information is expected to involve a series of meetings. In such case, the Board may vote to close the discussion or withhold the information about the same particular matter for a period of thirty days from the date of the initial discussion in the series.

[1] Pursuant to 5 U.S.C. 552b(g), the Board's staff has consulted with the Office of the Chairman of the Administrative Conference of the United States during the preparation of this Notice and a copy has been transmitted to that Office for comment.

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(c) By the close of business on the working day following a vote to close or withhold, the Secretary of the Board shall have posted on the Board's Public Notice Board in Room 714, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 a copy of such vote, showing the vote of each Member on the question; a full written explanation of any closing as set forth in paragraph (d) of this section; and a list of all persons and their affiliation expected to attend the meeting.

(d) For each matter the discussion of which is to be closed to public observation, a full written explanation shall be issued. Such explanation shall contain reference to the specific exemptions listed in § 310b.5 which the Board is invoking and shall set forth why the discussion is to be closed.

§ 310b.7 Certification by the General Counsel.

(a) For each matter the discussion of which the Board decides to close to the public, the General Counsel shall certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision.

(b) A copy of any such certification shall be included in the meeting announcement for the meeting in question and shall be part of the Board's records for that proceeding.

(c) In the event the General Counsel position is vacant or the incumbent is unavailable or disqualified, the power to make such certification shall be exercisable by the next-ranking attorney in the Office of General Counsel who is available and is not disqualified. For these purposes, such next-ranking attorney shall be deemed by the Board to be the Acting General Counsel.

(d) A copy of such certification shall be placed in the Board's official Minutes.

§ 310b.8 Requests to open or close Board meetings.

(a) Any person may request that the Board open to public observation discussion of a matter which it has earlier decided to close. Such requests shall be made pursuant to the procedures set forth in paragraph (c) of this section.

(b) Any person whose interests may be directly affected may request that a portion of a meeting be closed to the public for any of the reasons referred to in § 310.5 (5), (6), or (7). Such requests shall be made pursuant to the procedures set forth in paragraph (c) of this section.

(c) (1) All requests to open or close Board meetings shall be captioned "Request to Open: _____ (date) Board meeting on item _____ (number or description)" or "Request to Close: _____ (date) Board meeting on item _____ (number or description)", as the case may be, shall state the reason(s) therefor, the name and address of the person making the request and, if desired, a telephone number.

(2) The person making the request shall submit nine copies of the request to the Office of the Secretary. Such requests shall be submitted within 3 working days of the issuance of the meeting announcement regarding a meeting to be held within seven calendar days. In all other cases, requests must be submitted no less than eight working hours before the meeting in question. Untimely requests to open meetings shall be returned to the requester with a statement that the request was untimely received and that requests for access to transcripts pursuant to § 310b.11 can be made. Untimely requests to close meetings shall be placed on the agenda of the meeting in question as the first item of business and if a Member so requests, a vote on the request will be taken.

(3) Responsive pleadings to requests to open or close meetings shall not be accepted.

(4) The Secretary shall retain one copy of timely requests and forward one copy to each Member, one copy to the General Counsel, and two copies to the Docket Section, one for entry in the appropriate docket file, if any, and one to be posted on the Public Notice Board located in that section.

(5) Any Member may require that the Board vote upon the request to open or close. If the request is supported by the votes of a majority of the agency membership, an amended meeting announcement shall be issued and the Secretary shall immediately notify the requester and before the close of business the next working day, have posted such vote and any other material required by § 310b.4, § 310b.6, or § 310b.7 on the Board's Public Notice Board.

(6) If no Board Member requests that a vote be taken on a request to open or close a Board meeting, the Secretary shall by the close of the next working day after the meeting to which such request pertains certify that no vote was taken. The Secretary shall forward one copy of that certification to the requester and two copies of that certification to the Docket Section, one to be placed in the appropriate Docket file, if any, and one to be posted on the Public Notice Board, where it will be displayed for one week.

§ 310b.9 Conduct of open Board meetings.

(a) The presiding Member at each Board meeting has the authority and the responsibility to insure that the meetings are conducted in an orderly fashion so as to preserve the public's right to observe and the Board's right to conduct its business.

(b) The right of the public to observe open discussions at Board meetings shall not include a right to participate at the meeting, or the right to file motions, pleadings, or other documents based on the comments of Board Members or staff at open discussions. The open meeting procedure is not an appropriate vehicle for persons to supplement records in matters before the Board. Such motions, pleadings or documents shall not be accepted by the Board.

(c) Deliberations, discussions, comments, or observations made during the course of open discussions at Board meetings do not themselves constitute action of the Board. In addition, comments made by a Member may be advanced for purposes of discussion and argument and may not reflect the ultimate position of that Member. For this reason, persons who choose to act on the basis of the content of discussions at open Board meetings do so entirely at their own risk.

§ 310b.10 Transcripts of discussions at closed Board meetings.

(a) All Board meetings closed to public observation in whole or in part shall be the subject of a complete verbatim transcript indicating the identity of each speaker. Such transcripts shall be retained in the custody of the Board's Secretary for two years after the meeting or one year after the conclusion of the Board proceeding with respect to which the discussion was held, whichever occurs later. Along with the transcript, the Secretary shall also maintain a copy of the General Counsel certification (as set forth in § 310b.7) and a statement of the presiding Member setting forth the time and place of the meeting at which the discussion occurred and a list of persons present.

(b) The Board shall make available to the public in the Public Reference Room, Room 710, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, such portions of each transcript which are not exempt from disclosure pursuant to § 310b.5. Such nonexempt portions of transcripts will ordinarily be available within 20 business days of the meeting.

(c) Copies of the publicly available nonexempt portions of transcripts, for 15 cents per page, can be made at the Public Reference Room or ordered from the Public Reference Room.

(d) (1) Any person seeking access to portions of transcripts of discussions at closed Board meetings in addition to any portions already available may request such access from the Office of the Secretary at 1825 Connecticut Avenue, NW., Washington, D.C. 20428, within 7 business days of the availability of the transcript of the meeting in question.

(2) Such request shall be in writing, and shall be captioned "Sunshine Transcript Request" on the document and on the envelope if one is used. Such request shall indicate the name and address of the requester and shall state the date of the meeting, the matter for which additional access to transcripts is sought, the date of the public availability of the transcript in question, and the reasons for the request.

(3) Within 7 business days of receipt of the request, the Secretary shall either make the requested material available in whole or in part or provide an explanation for not doing so.

§ 310b.11 Requests for documents other than transcripts.

Requests for all Board documents other than the requests for the transcripts described in § 310b.10 are governed by Part 310 of this title.

[FR Doc.77-1442 Filed 1-13-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 370]

[SPDR-53; Docket No. 30314, Dated: January 7, 1977]

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Proposed Rulemaking

For the reasons set forth in the attached Explanatory Statement the Board has determined to issue a notice of proposed rulemaking to amend Part 370 of its Special Regulations (14 CFR Part 370), Employee Responsibilities and Conduct.

The principal features of the proposal are described in the Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under E.O. 11222, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101 et seq.; secs. 201, 202, 204 of the Federal Aviation Act, 72 Stat. 741, 742, 743 (49 U.S.C. 1321, 1322, 1324).

Interested persons may participate in this proceeding by submission of twenty (20) copies of written data, views or arguments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All such materials shall be filed on or before February 14, 1977. Copies of such communications will be available for examination by the public in the Docket Section of the Board, Room 711, University Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Individual members of the general public or Board employees who wish to participate informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above address, without the necessity of filing additional copies.

It should be noted that the Board is attaching the highest priority to its consideration of the proposed rules which are the subject of this proceeding because of the importance which we perceive in improving the standards governing the conduct of government employees in a regulatory agency. We therefore intend to move forward as expeditiously as possible in order to put into effect these rules, which are designed to improve employee conduct and minimize conflicts of interest. Therefore the Board does not contemplate the granting of any extensions of time for the filing of comments with respect to this matter. Indeed, it is our present intention to have in effect by March 1, 1977 the rules which will result from this proceeding.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

This proposed amendment to Part 370—Employee Conduct and Responsibilities would constitute a revision of the regulation. It restricts in a number of ways conduct of employees, including Board Members themselves, which might give rise to an inference that their actions were motivated by considerations other than those which should lawfully and ethically control their conduct and actions. Further, it incorporates, replaces, and revises in a more restrictive fashion Section 274 of the CAB Manual dealing with Pecuniary Interests in Civil Aeronautics Enterprises. This updates and places all of our regulations relating to employee holdings of financial interests in a single document which would be readily available to both employees and the public.

The provisions of our existing regulation call for high standards of conduct from employees and establish appropriate standards for limiting holdings of financial and other interests of employees which might give rise to conflicts of interest or the appearance of such conflicts. Nevertheless, almost ten years have elapsed since we have reviewed these regulations in their entirety, and the administration of the controls during this period has not been wholly satisfactory. Therefore, it is appropriate that we should now review these regulations, with particular emphasis on their efficient enforcement. As a result of our reexamination, we believe that it is reasonable to establish, and do establish, even higher standards and tighter administrative controls than were prevalent earlier to meet what we perceive to be the public expectations for the conduct of Government employees in a regulatory agency.

The total effect and intention of our actions is to establish new higher ethical standards for the conduct of Board employees, including Members.[1] We seek further to establish an administrative mechanism that will insure that the substantive rules provided are adhered to scrupulously.

The changes made to improve employee conduct and minimize conflicts of interest are both procedural and substantive. As a matter of procedure, we have established a new administrative mechanism for handling the problems growing out of the application of Part 370. We have provided for the appointment of the General Counsel as the Board's Ethics Counselor and for the appointment of two Deputy Ethics Counselors (the Deputy General Counsel and the Director, Bureau of Enforcement), and delegated to the Ethics Counselor authority to appoint a Conflicts Administrator from the ranks of Board employees with the approval of the Managing Director.[2] The Ethics Counselor (or his Deputies at his discretion, or in his absence or unavailability) will be the arbiter of ethical questions arising under Part 370, including the rendering of final administrative determinations on whether an entity is a "civil aeronautics enterprise" under the definition provided in Part 370. However, neither the Ethics Counselor nor one of his deputies shall decide issues affecting an employee in the same organizational unit. The Conflicts Administrator will be responsible for the initial review of all financial reports filed under Part 370, except those of Board Members, which will be reviewed by the U.S. Civil Service Commission. Where a report indicates a violation of the regulation and the need for remedial action, as evidenced by prior rulings of the Ethics Counselor or the Board, the Conflicts Administrator may order such action. Otherwise, he shall pass the matter to the Ethics Counselor. The employee involved may always appeal the matter to the Ethics Counselor. The other principal duties of the Conflicts Administrator are to see that required actions are taken within the time limits prescribed by the regulations and, together with the Ethics Counselor and his Deputies, to render advice to employees and make available to them the texts of statutes and governing precedents applicable to employees of the Board.

In the case of Board Members, it is necessary to have independent review—not by one's own colleagues—of a Member's financial holdings. Therefore, reports of holdings of "civil aeronatics enterprises" and of other financial interests will be filed directly and solely with the Civil Service Commission, all in accordance with the provisions of Executive Order 11222. The Board regards the Civil Service Commission as having plenary authority to decide all questions concerning the financial interests of Members as may arise under these regulations. To this end, it will make available for such consultation as the Civil Service Commission desires, the services of its Office of General Counsel.

Under the scheme of Part 370, the Board is empowered to make the final decision in every case except those involving Board Members. In cases where a waiver is sought from a prohibition in the regulation, or a determination that an employee holds a financial interest in a civil aeronautics enterprise and must dispose of it, the employee may seek a waiver from the Bureau or office head with the approval of the Ethics Counselor and, subsequently, if the employee is dissatisfied with the result, petition the Board for a waiver from the requirements of the regulation or the determination of these officials under the standards provided in the regulation. If, on the

[1] New higher standards for the conduct of our proceedings have recently been established by the reissuance on an interim basis of Part 300—Rules of Conduct in Board Proceedings. (PR-154, 41 FR 34587, August 16, 1976, and PR-160, 41 FR 48116, November 2, 1976.)

[2] The Bureau of Operating Rights and the Bureau of Economics will supply operating, financial, and economic data and information with respect to air transportation and other companies and individuals as requested by the Ethics Counselor and the Conflicts Administrator for the purpose of carrying out their functions under this Part.

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other hand, these officials disagree, the matter shall be submitted automatically to the Board. In one class of cases, however, those in which the Ethics Counselor determines that there is a real or apparent conflict of interest requiring specified remedial action, the employee may secure a review and determination by the Board by direct appeal rather than by seeking a waiver. In any case the employee has no election; he must follow the single course provided in the regulation for the type of case involved. In either case, the employee may be protected during the appeal or waiver process.

These procedural changes, with the time limits specified in the regulation for taking various actions, should speed up determinations under the regulation and increase accountability for action and for compliance by detailing the procedures to be followed with greater precision. The substantive changes discussed below, which add prohibitions on employee conduct, should have the same effect by eliminating many areas of indecision in the minds of employees and administrators as to the scope of the limitations of the regulation.

The substantive changes in the regulation (1) Expand the stated classes of persons covered by the regulation; (2) Restrict in a number of new ways the permissible conduct of persons covered; (3) Expand the definition of "civil aeronautics enterprise"; (4) Require additional reports of expanded scope with respect to "civil aeronautics enterprises"; (5) Expand the classes of employees required to file reports on their financial, employment, and other interests, increasing both the number of such reports and their scope; and (6) Certain miscellaneous changes. We shall discuss each of these categories briefly.

The stated classes of persons subject to the regulation are clarified to explicitly include "members of the personal staffs of the Board Members" and, for the first time, "consultants and experts hired by the Board by contract or otherwise" who are neither employees or special government employees. To the extent that these latter persons may not be "employees," it is apparent that such persons, like employees should be subject to high ethical standards and should avoid conflicts of interest or the appearance thereof. With respect to the consultants, the regulation also provides that each contract shall contain a provision subjecting the consultant or contractor to the regulation as a continuing matter through the life of the contract.

The permissible conduct of persons subject to the regulation has been limited in a number of significant ways by restricting the exceptions from the general rule that employees (including the employee's spouse, minor children, and other permanent members of the employee's immediate household) shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, meal, entertainment, loan, or any other thing of monetary value from a person (1) Who has or is seeking contractual or other business or financial relations with the Board, or (2) Who conducts operations or activities that are regulated by the Board, or (3) Who has interests that may be affected by the employees' performance of their duty, or, as added by this amendment, (4) Who has an interest in obtaining information from Board employees for use in producing a commercial publication, i.e. the media, or (5) Trade associations of one or more of such persons. (All of these classes may be referred to collectively as "interested persons.")

First, the exception permitting acceptance of something of value where the motive in giving was an obvious personal or family relationship has been restricted by requiring further that the employee reasonably believe that the cost of the thing of value was not borne by the employer of the person transmitting it and the circumstances do not create an actual or apparent conflict of interest.

Second, while benefits earned by prior employment and received as a matter of right may be received lawfully under the regulation, the exception is now restricted so that retirement benefits may only be received if they have been funded, and free or reduced rate transportation privileges may not be utilized by an employee (or by the spouse, children, or permanent members of the immediate household) while employed by the Board.

Third, the exception permitting employee participation in inaugural flights is restricted (1) By requiring a determination by the Board that employee participation is in the best interests of the Government, and (2) By the Board paying the host the pro rata cost of the employee's participation in the flight, including lodging, meals and entertainments incidental thereto. (Employees may also be accompanied by their spouses if they pay for their pro rata costs.)

Fourth, the exception permitting acceptance of invitations to social, honorary, or promotional functions, including luncheons, dinners, parties, or other affairs sponsored by interested persons is eliminated. However, an employee may attend such a function if the Board or the employee pays the host the cost of the employee's participation, or the host may pay the cost of the employee's participation if the employee is a speaker or program participant.

Fifth, the former broad exceptions permitting acceptance of invitations for food or refreshments in the course of meetings, inspection tours, or trips out of town or abroad, including lodgings in the latter instance, are now restricted to the acceptance of social amenities during the course of official travel (not involving an adjudicatory matter), including international civil aviation consultations or negotiations, only if invitations in these circumstances are extended by a civic body or a state, local, or foreign government, or international governmental organization, to all official delegations, or by a member of one delegation to one or more members of other delegations, and the Board employee is associated with the U.S. delegation, if the social engagement is customary under the circumstances and the refusal of the invitation would be embarrassing to the governments involved or otherwise would be inappropriate.

Sixth, also still permitted is acceptance from a foreign government of invitations to social engagements in conjunction with official business in the United States if the employee has no reason to believe that a civil aeronautics enterprise is bearing the cost of any social amenities involved, the occasion is customary under the circumstances, and the refusal of the invitation would be embarrassing to any of the governments involved or otherwise would be inappropriate. Seventh, the exception permitting other invitations if authorized in advance by the Board in particular situations is now further restricted by the necessity for a Board finding that acceptance of such an invitation "is in the best interests of the Government."

Other new provisions of the regulation limit employee conduct or impose new responsibilities upon the employee. Thus, gifts or gratuities, the receipt of which is prohibited by this regulation, must be returned by the employee with a letter of explanation. If that is not feasible they must be turned over to the Ethics Counselor, for distribution to a charitable organization. Likewise, a gift, decoration or other thing of value from a foreign government, otherwise than as permitted by statute and this regulation, must be turned over to the Ethics Counselor for transmittal to the State Department. Also, the regulation prohibits solicitation, negotiation, and arrangements for private employment by an employee personally and substantially participating, directly or indirectly, in a matter in which the prospective employer has an interest. However, the employee is encouraged to report the imminence of any such negotiations, unless he rejects them out of hand, and provision is made for relieving him from his representation of the Board in the matter if his supervisor and the Ethics Counselor so agree. To the same effect, an employee is prohibited from personally and substantially participating, directly or indirectly, in a matter that to his knowledge affects a party with whom he is dealing for future employment. Again, an employee is enjoined not to use his Government employment to influence or coerce a person to provide financial benefits to himself or another. And it is pointed out that influence or coercion will be readily inferred if the person being benefitted is one with whom the employer has family, business or financial ties.

One of the changes in the regulation is the inclusion of the definition of "civil aeronautics enterprise" and the administrative procedure for enforcing the prohibition against employee's holding financial interests in such entities. As noted earlier, we have eliminated § 274 of the CAB Manual, which formerly dealt with the material, so that all requirements relating to financial interests of employees are set forth in a single docu-

ment readily available to employees and the public. More importantly, we have broadened the scope of a "civil aeronautics enterprise" by a more realistic definition which includes entities which invariably give rise to a conflict or apparent conflict of interest where held by employees.

The effect of the changes in the definition of "civil aeronautics enterprise" is to bring within the ambit of the prohibition against employees holding financial interests in civil aeronautics enterprises the following types of organizations: (1) Intrastate air carriers; and (2) governmental authorities if engaged in a business enterprise, such as the operation of an airport.[4] These two categories clearly belong within the definition and our present action eliminates any doubt on that score. Since the present prohibition against holding financial interests in civil aeronautics enterprises is now broader than formerly unfairness to Board employees can arise. A Board employee who held a financial interest in a company formerly permitted but now prohibited would be penalized although not culpable. Any such unfairness may be relieved by a waiver. Such waivers shall be determined upon the basis of the hardship to the employee and the equities of the situation. It shall be clearly understood, however, that such waivers shall not be in perpetuity and that it shall be the invariable aim to terminate such waivers at the earliest possible time consistent with the foregoing standards.

Furthermore, we have provided both in the definition of civil aeronautics enterprise (§ 370.735–12(d)) and in the waiver provisions (§ 370.735–72(f)) pertinent considerations for determining what constitutes a primary engagement in civil aeronautics and for applying the provision prohibiting the holding of civil aeronautics enterprises and weighing the equity of relief therefrom in cases of employees other than Board Members, where it is legally permissible.

In particular, the appropriate authority is directed to consider (i) The sales, investment, profit, and managerial effort directed to the civil aeronautics aspects of the enterprise compared to the other aspects of its business, (ii) The public image of the enterprise, (iii) The degree of the Board's regulation and oversight of such enterprise, and (iv) The degree to which the economic interests of the enterprise might be affected by Board action.

The latter standard in particular will permit, but not require, the exclusion from the term "civil aeronautics enterprise" of some air carriers formerly included within the ambit of the definition. For example, in the past "air carriers" were included within the term "civil aeronautics enterprise" no matter how small the "air carrier" activities were in absolute terms or in relation to the total business of the enterprise. In such instances, where, for example, a billion dollar corporation owing a corporate aircraft registered it as an air taxi in order to charter it for use when not needed by the owner, thus reducing the net cost to the owner, we found it necessary to issue a waiver to permit the holding of the large corporation which was not in fact a civil aeronautics enterprise by any meaningful test. Our present intention is to identify and bar those enterprises where Board action might affect financial interests. The procedure adopted herein will, we believe, accomplish this objective more often and with greater precision while at the same time establishing a less burdensome administrative mechanism.

However, because of the foregoing, it is possible for an employee to retain a holding in an entity because it is not a civil aeronautics enterprise even though some part of the business it owns or controls consists of an air transportation company. We will now require that reports be made in such instances and that they be filed in the Public Reference Room in the alphabetical sequence of employees' names.

The regulation continues to provide exclusions from the definition of civil aeronautics enterprises. Thus, entities engaged in manufacturing products essentially non-aeronautical in nature are excluded even though some part of their production is used in aviation. The former exclusion for "investment trusts" whose portfolios include holdings in aeronautical enterprises has been continued but for "investment companies" (a broader term intended to cover mutual funds, bond funds, and the like) unless their names or portfolios suggest that they are engaged primarily in holding financial interest in civil aeronautics enterprises. The exclusion for aeronautical enterprises "exclusively" military in nature has been retained.

As in the past, the regulation requires all new employees, to file reports of their holdings of pecuniary interests in civil aeronautics enterprises upon entry upon duty. In view of the changes in the definition of civil aeronautics enterprises, all present employees would be required to refile within 30 days after the effective date of these amendments. Additionally, such reports must disclose holdings of financial interests in surface common carriers. Finally, all employees are required to file supplemental reports within 14 days of the acquisition by purchase, gift, inheritance or otherwise of any financial interest in any civil aeronautics enterprise or any entity which may arguably fall within that category.

As noted earlier, Board Members also file such reports. The only distinction drawn between them and other employees is that their reports are filed directly with and ruled on by the Civil Service Commission rather than the Ethics Counselor with an appeal to the Board, and that their waiver rights are limited by the statute.

A full report of all employment and financial interests has never been required of all employees. Rather, the reporting group was restricted to those employees in the upper echelons of the Board's staff who were closely related to the decision-making process.[4] It was felt that it was in these groups of employees that possible conflicts of interest might arise. We have by this amendment greatly expanded the groups of employees required to to make reports of employment and financial interests.[5] This expansion, notwithstanding the absence of any serious conflicts problems in the past, will, in our judgment, further our objective of being free from any real or apparent conflicts of interest.[6]

Moreover, we have increased the number and coverage of the reports required from this expanded group of employees. Such reports will now include financial interests in intrastate air carriers and in governmental authorities if they are engaged in a business enterprise such as the operation of an airport or other terminal or transportation facilities, or the like. Further, supplementary reports must be filed as of June 30 each year, and negative reports must be filed if no changes occur.[7] Also, between reports, any acquisition of a financial or other interest must be reported within 14 days of its occurrence. These requirements also apply to employees assigned or promoted to the expanded class. Thus, the

[4] While not classed as a "civil aeronautics enterprise," we are requiring all employees to report holdings of surface common carriers. Because of possible competitive problems such holdings may well give rise to conflict of interest problems and require some remedial action.

[4] They were (1) employees in Administrative Law Judge positions; (2) employees in grades GS–16 and above and in positions paid at a rate equal to or above the entrance rate for a grade GS–16; and (3) all other employees in positions of assistant division chiefs or equivalent and above at any grade. These categories were approved by the Civil Service Commission.

[5] They now include employees in grades GS–13 and above, all purchasing agents (including the librarian), and all Members' personal staffs. Some of these employees are below grade GS–13. Their inclusion is justified because, in the case of purchasing agents, their authority is not unlike that of higher rated employees and squarely presents realistic opportunities for conflicts of interest, and, in the case of Members' personal staffs, some of whom filed reports in the past, their explicit inclusion is based on the confidential relationship between themselves and the Member they work for.

[6] In his *Report to the Congress, Effectiveness of the Financial Disclosure System for Civil Aeronautics Board Employees Needs Improvement* (September 16, 1975), the Comptroller General indicated a need to expand the field of employees filing financial reports along the lines we have followed. Moreover, the classes of employees so included coincide more closely to the classes enumerated by the Civil Service Commission in the Federal Personnel Manual (5 CFR Part 735.403).

[7] So far as Board Members are concerned, similar statements or reports of financial or other interests are filed directly with the Civil Service Commission and reviewed by the Commission.

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possible existence or continuance of real or apparent conflicts of interests has been greatly narrowed. Finally, annual authority to engage in outside employment is required, and if any significant change in such outside employment is made, a new application must be filed for permission to engage in such changed employment.

The miscellaneous changes in the regulation need little comment. We have made explicit what has always been implicit in the regulations, namely, that an employee's spouse is included within his "immediate family" (§§ 370.735–37, 370.735–72, and 370.735–73) by providing that for purposes of the prohibitions against employment and the holding of financial interests, an "employee" includes the employee's spouse, minor children, and permanent members of the employee's immediate household. We have also made clear that when traveling on official business no reimbursement may be accepted by an employee from private sources, excepting only reimbursement for normal travel and subsistence expenses in connection with meetings having training aspects approved in accordance with § 242.8 of the CAB Manual. On the other hand, an exception from the general prohibitions of the regulations is made to permit the acceptance from private sources of reimbursement for normal travel and subsistence expenses when not on official business if properly approved and not prohibited by law. Finally, we have corrected the list of statutes employees are to be acquainted with by striking one statute* and adding two new ones. (See § 370.730–44 (e) and (s).)

Since the amendments contained herein relate solely to matters of agency management, personnel and procedure, notice and public procedure thereon are not required. However, while the Board desires to secure the benefits of the higher ethical standards provided herein as promptly as reasonably feasible, we do not wish to exclude the public or our employees from making suggestions or proposals with respect to employee responsibilities and conduct. We have therefore determined to consider such comments and views as may be filed with respect to these proposed rules before we finally adopt these revised standards. It should also be noted that the proposal herein contemplates that the new rules would become effective on March 1, 1977.

These proposals have been approved by the United States Civil Service Commission.

PROPOSED RULE

The Board proposes to amend Part 370 of its Special Regulations (14 CFR Part 370), as follows:

1. Amend § 370.735–12 *Definitions*, by amending paragraph (a) to read in full as follows and by adding new paragraphs (d) and (e) as set forth below:

§ 370.735–10 Definitions.

• • • • • •

(a) "Employee" means Board Members and employees, including special Government employees as defined in 18 U.S.C. 202* and members of the personal staffs of the the Board Members.

• • • • • •

(d) "Civil aeronautics enterprise" means any enterprise primarily aeronautical in nature. In determining whether an enterprise is primarily civil aeronautical in nature, the Ethics Counselor or other authority shall consider, without excluding other relevant factors, (1) The sales, investment, profit, and managerial effort directed to the civil aeronautical aspects of the enterprise compared to the other aspects of its business, (2) The public image of the enterprise, (3) The degree of the Board's regulation and oversight of such enterprise, and (4) The degree to which the economic interests of the enterprise might be affected by Board action. Excluded from "civil aeronautics enterprises" shall be (1) Businesses engaged in manufacturing products essentially nonaeronautical in nature even though some part of their production is used in aviation; (2) Investment companies, unless their names or portfolios suggest that they are engaged primarily in holding financial interests in civil aeronautical enterprises; and (3) Aeronautical entities exclusively military in nature.

(e) "Financial interests" includes stocks, bonds, other forms of securities or indebtedness and other holdings or interests which produce (or may produce) a monetary or other material gain to their holder. A person shall be deemed to hold a financial interest if he owns it legally or beneficially or in a representative or fiduciary capacity.

2. Amend § 370.735–13 to read in full as follows:

§ 370.735–13 Policy and enforcement.

(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees is essential to assure the proper performance of the Government's business and the maintenance of confidence by citizens in their Government. In a regulatory agency such as the Civil Aeronautics Board, whose actions affect the safety and financial interest of a large number of persons (the users of air transportation as well as the suppliers of the service), it is particularly important that every employee be completely impartial, honest and above suspicion of improper conduct. Accordingly, the Board requires that its employees adhere strictly to the highest standard of ethical conduct in all their social, business, political and other off-the-job activities, relationships and interests as well as in their official actions. All Board employees shall exercise their informed judgment to avoid situations which result in actual or apparent misconduct or conflicts of interest.

(b) Failure to adhere to the requirements of the regulations in this part, including any failure to make a report or submit accurate and complete information required by this Part, or the disclosure of information in contravention of § 370.735–52, may constitute cause for disciplinary action. Non-compliance with a final decision of the Board, the Ethics Counselor, a Deputy Ethics Counselor, or the Conflicts Administrator may also constitute cause for disciplinary action. Such disciplinary action may in appropriate cases include removal. Any such administrative disciplinary action may be in addition to any penalty prescribed by law.

3. Amend § 370.735–14 to read in full as follows:

§ 370.735–14 Procedure for waiver or permission.

Unless a different procedure is specifically prescribed, requests for a waiver or special permission with respect to matters relating to this part shall be submitted as follows:

(a) Promptly upon the employee's discovery of a problem which in his judgment requires a waiver the employee shall forward to the head of the bureau or office a statement in triplicate setting forth, specifically and in detail, the facts and circumstances surrounding the matter and describing the relief requested. A copy of such statement shall also be sent to the Ethics Counselor.

(b) In determining whether the requested relief is permissible, the bureau or office head shall consider whether a denial of the requested relief would cause undue hardship to the employee and would not further the public interest. If the request concerns an employee's financial interests the bureau or office head shall also consider the factors set forth in § 370.735–72(f). The bureau or office head's decision, which shall normally be made within one week of receipt of the employee's request, shall be entered on each copy of the employee's statement. The bureau or office head shall retain the original copy of the statement, forward one copy to the Ethics Counselor for review, and return the remaining copy to the employee. If the Ethics Counselor, who normally will act within a week, disagrees with the determination of the bureau or office head, the bureau or ofice head and the employee shall be promptly notified and the matter shall automatically be submitted on the following day to the Board, which normally shall decide the matter within a week. In this situation, no decision will become effective except that

*Stricken is the prohibition against the employment of a member of a Communist organization (50 U.S.C. 784). This action rests on the Supreme Court's decision in *United States* v. *Rodell*, 389 U.S. 258 (1967).

*18 U.S.C. 203 defines a "special Government employee" as including an officer or employee of any independent agency of the United States who is retained, designated, appointed, or employed to perform with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

of the Board. If, however, the Ethics Counselor agrees with the bureau or office head, the employee shall be so notified and the effectiveness of the decision shall be stayed for two working days after notification of the employee of the Ethics Counselor's agreement to permit the employee to request the bureau or office head or, if necessary, the Board, or any Member thereof, for a stay of the decision pending the determination of a timely appeal to the Board.

(c) An employee whose request for a waiver is denied may appeal to the Board by forwarding to it within one week after receipt of notification from the Ethics Counselor of agreement with the decision of the bureau or office head a statement setting forth why the employee believes the decision should be changed. Copies of such statement shall be given at the same time to the head of the employee's office or bureau and the Ethics Counselor. The Board shall normally decide the appeal within one week and if such decision is upheld by the Board on appeal, the employee shall terminate as soon as ordered any prohibited employment, activity or interest.

(d) (1) Whenever an employee terminates any employment, activity or interest engaged in or held on the basis of a waiver or modification, or upon termination after denial of a request to engage in such activity, he shall immediately so advise the head of the office or bureau by memorandum, with a copy to the Ethics Counselor.

(2) Whenever an employee makes any significant change in the nature or extent of the outside employment which the employee was granted permission to engage in, the employee shall promptly file a new application in accordance with this section.

(3) Any permission to engage in outside employment is automatically limited to a period of no longer than one year, and is conditioned upon the employee complying with paragraph (d) (2) of this section, and upon filing a new application at least 30 days prior to the expiration of the year if it is desired to continue the employment beyond one year.

(e) Insofar as the request for a waiver is filed by a Board Member and affects any matter other than the financial interests of the Board Member, the decision of the Ethics Counselor shall be reviewed by the full Board as a matter of course and shall not become effective until such Board ruling is made. Matters affecting the financial interests of a Board Member shall be handled by the Civil Service Commission.

4. Amend § 370.735–15 to read in full as follows:

§ 370.735–15 Interpretations, advice and dissemination of information.

(a) The Board hereby designates the General Counsel to serve as its Ethics Counselor and as the Board's designee to the Civil Service Commission on matters covered by this part. The Board also designates the Deputy General Counsel and the Director, Bureau of Enforcement as Deputy Ethics Counselors, either of whom may act as the Ethics Counselor when so designated by the Ethics Counselor or when the Ethics Counselor is absent or otherwise unavailable. Neither the Ethics Counselor nor either of his Deputies shall act as Ethics Counselor with respect to an issue involving an employee in the same bureau or office of the Board. The Ethics Counselor and his Deputies shall be assisted by a Conflicts Administrator appointed by the Ethics Counselor, with the approval of the Managing Director, from the employees of the Board.

(b) The Office of Personnel shall establish and maintain a roster of employees of the Board indicating which of them are required to file financial reports pursuant to § 370.735–74. It shall furnish the Conflicts Administrator with quarterly updates thereof.

(c) The Office of Personnel shall distribute a copy of this part, including the preamble to this Amendment No. ____, to each employee on the roster at the time of its issuance and to each new employee upon entrance on duty. It shall also distribute a copy of each substantive amendment of this part to each employee on the Board's roster within ten days after such amendment becomes effective. Whenever this section requires that a copy of this part or an amendment thereto be given an employee the Office of Personnel shall obtain from him a written acknowledgement of receipt of such copy and advise the Conflicts Administrator thereof. At the same time such Office shall advise each such employee of the persons who have been designated as Ethics Counselor, Deputy Ethics Counselors and Conflicts Administrator, that counseling services are available from them, including access to the statutory and other regulatory provisions cited in this part, and of the requirement that financial interests and employment are to be reported pursuant to §§ 370.735–72 and 370.735–73. Thereafter from time to time as may be appropriate, and at least annually, such Office shall again call the attention of each employee to the regulations in this part and again advise each employee of the information heretofore specified.

5. Add a new § 370.735–16 as follows:

§ 370.735–16 Consultants.

Those consultants and experts hired by the Board by contract or otherwise who are not considered employees or special Government employees shall be subject to all the regulations of this part (other than §§ 370.735–41 and 370.735–42) insofar as such regulations are applicable to special Government employees. Each contract with such a consultant or expert shall include a term subjecting such contractor to this section as a continuing matter through the life of the contract.

6. Amend § 370.735–21 to read as follows:

§ 370.735–21 Conduct prohibited.

(a) Except as provided in § 370.735–22, an employee, (and the employee's spouse, minor children, and other permanent members of the immediate household) shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, meal, refreshment, entertainment, loan or any other thing of monetary value, from a person (or employee or agent of such person) who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Board; or

(2) Conducts operations or activities that are regulated by the Board; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty; or

(4) Is a representative of a communications medium which has an interest in obtaining information from Board employees with respect to Board activities for commercial use; or

(5) Is an association or organization predominantly composed of persons who are subject to this section by their inclusion in paragraphs (a) (1), (2), (3), or (4) of this section.

(b) A gift or gratuity, the receipt of which is prohibited by § 370.735–21, shall be returned to the donor with a letter explaining why the return is necessary. When the return of the gift is not possible, the gift or gratuity shall be submitted to the Ethics Counselor with a written explanation why the return is not feasible. The Counselor shall turn the gift or gratuity over to a charitable organization.

7. Amend paragraphs (a), (c) and (d) of § 370.735–22 *Exceptions* to read as follows:

§ 370.735–22 Exceptions.

(a) The provisions of § 370.735–21 shall not apply:

(1) In respect to obvious family and personal relationships when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors, if in addition, the employee reasonably believes that the cost of the gift, favor or other thing of monetary value will be borne personally by the relative or friend and the circumstances do not otherwise create a conflict of interest or apparent conflict or interest; or

(2) To retirement pay obtained by reason of prior employment where such benefits are a matter of right and are fully funded by the payor; provided, however, that free air transportation privileges earned by an employee for the employee, the employee's family, or permanent members of the employee's immediate household, even where such privileges may not be denied in the discretion of the carrier, may not be utilized by the employee, the employee's family, or permanent members of the employee's immediate household during the course of his employment by the Board.

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8. Amend paragraph (b) of 370.735–22 *Exceptions*, by striking the words "(2) the carriage without charge by an air carrier, of employees engaged in inspec-

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tion duties, pursuant to and in accordance with Part 22 of the Board's Economic Regulations (Part 224 of this chapter); and (3)" and substituting therefor "and (2)".

• • • • •

(c) The provisions of § 370.735–21 shall not prohibit the acceptance of the following:

(1) Invitations addressed to and approved by the Board for employees designated by the Board to participate in ceremonial or inaugural flights, and meals and entertainments incidental thereto, where the Board pays the host all costs associated with its employee's participation in such flight, including lodging, meals and entertainments, and where the Board also determines that such participation is in the best interests of the Government. In such instances, the spouse of the employee may also participate if the employee pays the pro rata cost of such participation.

(2) Invitations to widely-attended social, honorary or promotional functions, including luncheons, dinners, or other affairs, sponsored by persons specified in § 370.735–21, such as the annual Wright Day Dinner, luncheons of the Aero Club, National Aviation Club, International Aviation Club, or National Society of Industrial Associations, luncheons or dinners of the Air Force Association, Navy League, etc., Congressional Appreciation Dinners, and other honorary or promotional functions relating to aeronautics, sponsored by trade or aeronautical associations, but only where the Board or the employee pays the host the cost of the employee's participation in the affair. *Provided*, That for any such function the host may pay the cost of the employee's participation if the employee is a speaker, participates in the program for the function, or is seated at the head table as an honored guest. Employees shall consult the Ethics Counselor as to whether their role at a function constitutes participation therein.

(3) Invitations to social engagements with attendant social amenities during the course of official travel (not involving an adjudicatory matter), including international civil aviation consultations, only if invitations in these circumstances are extended by a civic body or a state, local or foreign government, or international governmental organization, to all official delegations, or by a member of one delegation to one or more members of other delegations, and the Board employee is associated with the U.S. delegation, if the social engagement is customary under the circumstances, and if the refusal of the invitation would be embarrassing to the governments involved or otherwise would be inappropriate.

(4) Invitations from a foreign government to social engagements in conjunction with official business in the United States if the employee has no reason to believe that a civil aeronautics enterprise is bearing the cost of any social amenities involved, the occasion is customary under the circumstances, and the refusal of the invitation would be embarrassing to any of the governments involved or otherwise would be inappropriate.

(5) Such other invitations as shall from time to time be authorized in advance by the Board in specific situations if the Board finds acceptance of such is in the best interests of the Government and makes such finding publicly available.

• • • • •

(d) the provisions of § 370.735–21 shall not prohibit the acceptance of (1) Unsolicited advertising or promotional material, such as pens, pencils, note pads, and calendars, and (2) Other items of nominal intrinsic value.

§ 370.735–24 [Amended]

11. Amend § 370.735–24 Gifts from foreign governments, by adding thereto the following sentence:

"• • • Any such gift or thing which cannot appropriately be refused shall be submitted to the Ethics Counselor for transmittal to the State Department."

§ 370.735–35 [Amended]

12. Amend § 370.735–35—Approval of outside employment, by adding the following material at the end thereof:

• • • Authority to engage in outside employment is automatically limited to a period of no longer than one year. If any significant change in the nature or period of outside employment is made a new application must be filed for permission to engage in such changed or extended employment.

13. Amend paragraphs (a) and (d) of § 370.735–36 Exceptions, to read as follows:

§ 370.735–36 Exceptions.

(a) Receipt of bona fide reimbursement, unless prohibited by these regulations or other law, for actual expenses for travel and such other necessary subsistence as is compatible with this part incurred when not engaged on official business if approved in accordance with § 370.735–34—370.735–36. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal benefits. When traveling on official business no reimbursement may be accepted from private sources, excepting only reimbursement for travel and subsistence expenses incurred in connection with meetings approved in accordance with § 242.8 of the CAB Manual.

• • • • •

(d) In respect to special Government employees, engaging in outside employment and receiving compensation therefor, to the extent reported and approved in accordance with §§ 370.735–73 and 370.735–74, and not otherwise prohibited by statute or regulation.

14. Amend paragraph (a) of § 370.735–37 to read as follows:

§ 370.735–37 Employment of family members in aeronautical and related enterprises.

(a) No individual will be employed or retained in employment by the Board if the spouse or a minor child or other permanent member of the employee's immediate household is employed by an air transportation company, a person or firm (legal, accounting, advertising, etc.) representing a civil aeronautics enterprise, or an aviation trade association.

15. Add a new section 370.735–38 reading in full as follows:

§ 370.735–38 Future employment.

(a) Solicitation, negotiation, or arrangements for private employment by an employee who is personally and substantially participating, directly or indirectly, in any particular matter in which the prospective employer has a financial interest are prohibited. Violations of this provision may also violate the criminal code (18 U.S.C. 208). Unless such solicitation, negotiation, or arrangements are rejected at the outset, employees are encouraged to report the facts promptly to the Ethics Counselor. With the authorization of his supervisor and the agreement of the Ethics Counselor, an employee may be relieved of any assignment which, in the absence of such relief, might preclude such solicitation, negotiation or arrangements.

(b) No employee shall undertake to personally and substantially participate, directly or indirectly, in any capacity in a matter that to his knowledge affects even indirectly any party with whom he is soliciting, negotiating, or has arrangements for future employment, except pursuant to the authorization of the Ethics Counselor.

§ 370.735–44 [Amended]

16. Amend § 370.735–44 Other statutory requirements, by striking the first two lines thereof and substituting therefor the following:

"Each employee shall acquaint himself with the following provisions of law. The full texts of these provisions are available through the offices of the Ethics Counselor, Deputy Ethics Counselors and Conflicts Administrator. • • •"

17. Revise paragraph (e) of § 370.735–44 Other statutory requirements, and add new paragraph (s) to § 370.735–44 as follows:

§ 370.735–44 Other statutory requirements.

• • • • •

(e) The prohibition against acceptance of excessive honorariums (2 U.S.C. 441(i)).

• • • • •

(s) The prohibition against a public official appointing or promoting a relative, or advocating such appointment or promotion (5 U.S.C. 3110).

18. Add a new § 370.735–52 to read in full as follows:

§ 370.735–52 Misuse or disclosure of information.

No employee shall, for the purpose of furthering a private interest, except as provided in § 370.735–34, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made or would not be made available to the general public.

19. Add a new section § 370.735–56 to read in full as follows:

§ 370.735–56 Influence or coercion.

An employee shall not use his Government employment to coerce or influence, or give the appearance of coercing or influencing, a person to provide financial benefit to himself or another person. Coercion or influence will be readily inferred if the benefit is for one with whom the employee has family, business or financial ties.

[Subpart G (§§ 370.735–71—370.735) [Redesignated as Subpart F]

Subpart F (§§ 370.735–61—370.735–63) [Deleted]

Subpart G (§§ 370.735–370.735) [redesignated as Subpart F]

20. Delete Subpart F, including §§ 370.-735–61, 370.735–62 and 370.735–63, and redesignate present Subpart G as "Subpart F—Financial Interests."

§ 370.735–71 [Amended]

21. Amend § 370.735–71 by deleting paragraph (a), redesignating (b) and (c) as (a) and (b), respectively, and, whereever it appears, changing "Part 274 of the CAB Manual" to "§ 370.735–72."

22. Add a new § 370.735–72 reading in full as follows:

§ 370.735–72 Civil aeronautics enterprises.

(a) No employee (including his spouse, minor children and other permanent members of his immediate household) shall have any financial interest in any civil aeronautics enterprise.

(b) The Office of Personnel shall obtain from each employee entering on duty (other than Board Members), a completed CAB Form 16, Employee's Report as to Financial Interests in Civil Aeronautics Enterprises, on which the employee shall report any financial interest held by him in a civil aeronautics enterprise or a surface common carrier. A Form 16 shall also be filed by every present employee of the Board (other than Board Members) within 30 days after the effectiveness of amendment No. ____. The Office of Personnel shall immediately send such Forms to the Conflicts Administrator. Board Members shall only file a Confidential Statement of Employment and Financial Interests required by E.O. 11222 directly with the Civil Service Commission, including all information relating to civil aeronautics enterprises.

(c) Any employee who by purchase, gift, inheritance or otherwise acquires a financial interest in a civil aeronautics enterprise shall within 14 days of such acquisition complete and forward to the Office of Personnel a Form 16 reporting such acquisition. The Office of Personnel shall immediately forward a copy of such Form 16 to the Conflicts Administrator.

(d) During each January the Office of Personnel shall remind employees by Staff Notice of their obligations to report holdings of financial interests in civil aeronautics enterprises. Periodically, the Conflicts Administrator shall distribute bulletins to employees listing those entities which have been determined to be or not to be civil aeronautics enterprises, with brief explanatory information as to the reasons therefor. Each such bulletin shall contain a warning that the listings may not be taken as conclusive as the nature of an enterprise may change with the passage of time.

(e) The Conflicts Administrator shall review all Form 16's and furnish advice respecting civil aeronautics enterprises to employees when requested or required. If, on the basis of past determinations of the Ethics Counselor or the Board, the entity being reviewed clearly appears to be or not to be a civil aeronautics enterprise, the Conflicts Administrator shall so advise the employee, the Office of Personnel and the Ethics Counselor. The Ethics Counselor may reopen a case if he disagrees with the Conflicts Administrator. If the Conflicts Administrator cannot reach a determination in a given case, or if the employee disagrees with the Conflicts Administrator, the matter shall be presented to the Ethics Counselor promptly. The Ethics Counselor shall determine whether the entity in question is a civil aeronautics enterprise and the nature and timing of reasonable remedial action. The Ethics Counselor's determination may not be appealed by the employee. If the employee does not wish to dispose of his financial interest in the civil aeronautics enterprise in accordance with the Ethics Counselor's decision he must within one week thereafter request a waiver from § 370.735–72(a) in accordance with the procedures set forth in §§ 370.735–14 and 370.735–72(f). The Conflicts Administrator and Ethics Counselor shall each normally make his decision on whether an entity is a civil aeronautics enterprise within one week of the presentation of the matter to him. The employee holding the financial interest shall furnish as much information as possible for use in determining the nature of the entity.

(f) An employee other than a Board member may, in accordance with § 370.-735–14, request a waiver, modification or postponement of the implementation of this section, if this section would impose an undue hardship upon the employee and is not required in the public interest. In considering the employee's request for a waiver, modification or postponement, the following factors, among others, shall be considered: (1) The nature and extent of the employee's holdings, in terms both of the number of shares owned by the employee and the total shares outstanding, (2) The manner and date of acquisition of the financial interest, including the circumstance that the holding was lawful prior to March 1, 1977, (3) The nature of the employee's title to or obligations concerning the interest, (4) The nature and extent of the hardship to the employee if the waiver is denied, (5) The employee's function in the Board's decision-making process, (6) The extent and frequency of the disqualification of the employee from participation in the Board's work if the financial interest were retained, and (7) The reasons why the employee believes the retention of the financial interest will not tend to influence the performance of official duties, will not encourage premature or improper disclosure of information to any person, and will not otherwise create any form of conflict of interest or appearance thereof, and is not contrary to the public interest.

(g) Any employee required to dispose of a financial interest in a civil aeronautics enterprise shall do so within the time and in the manner allowed by the decision of the Ethics Counselor, unless such employee receives a stay or a waiver in accordance with the provisions of this section and § 370.735–14. The employee shall immediately advise the Conflicts Administrator upon disposition of the prohibited interest or other compliance with an order of the appropriate official and shall furnish the Conflicts Administrator any information earlier requested regarding the employee's progress in disposing of the interest.

(h) An employee holding a financial interest in an entity which is or may be a civil aeronautics enterprise shall withdraw from participation in any matter affecting such entity and shall notify the immediate supervisor of the holding of such a financial interest immediately upon the employee's acquisition of such an interest or the discovery that a previously acquired interest may violate this section.

(i) Appropriate actions for remedying the holding of a prohibited financial interest by a Board employee (other than a Member) which may be determined, in appropriate cases, by the Conflicts Administrator, the Ethics Counselor, or the Board, include: divestiture (with such conditions as may reasonably be appropriate); the establishment of a "blind trust" or other like independent investment arrangement; or any other arrangement approved by the Conflicts Administrator, Ethics Counselor or the Board as authorized to pass finally upon the case in question.

(j) In the event that an employee's holding of a financial interest in an entity is determined not to be a holding in a civil aeronautics enterprise, but the entity owns or controls an air carrier (whether domestic, foreign, or intrastate), the employee shall report the name of the entity and the name of the air carrier company so held, and the Conflicts Administrator shall file a report in the Conflicts File (alphabetical by name of employee) in the Public

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Reference Room showing the name of the employee, the name of the entity and the name of the air carrier company.[10]

23. Redesignate § 370.735–72 as § 370.735–73 and revise paragraphs (a) and (b) to read in full as follows:

§ 370.735–73 Reporting financial interests and employment.

(a) (1) Employees presently in the categories listed in § 370.735–74(b), but excluding Board Members, shall submit to the Office of Personnel for transmittal to the Conflicts Administrator by ----------, and all employees thereafter entering or being promoted to positions within the purview of § 370.735–74(b), shall so submit, within 30 days after any such event, a statement of their financial interests and employment on CAB Form 141. All special Government employees shall submit their statements of financial interests and employment in like manner in accordance with § 370.735–74(e). A supplementary statement shall be submitted as of June 30 of each year prior to July 31 by all those required to report initially. If no changes or additions occur, a negative report shall be submitted. Any acquisition of a financial or other interest during the year shall be reported in writing within 14 days.

(2) Board Members shall file their reports of Employment and Financial Interests in conformity with E.O. 11222 and the requirements of the Civil Service Commission.

(3) An employee's obligation does not end with the filing of a statement. Notwithstanding the filing of the reports required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of Title 18, United States Code.

(4) The interest of an employee's spouse, minor children and other permanent members of the employee's immediate household is considered to be the interest of the employee.

(b) (1) The Conflicts Administrator shall review the statements of financial interests and employment of all employees other than Board Members for the purpose of determining whether any conflict of interest or apparent conflict is present. If a conflict or apparent conflict is found, the Conflicts Administrator shall give the employee an opportunity to explain it. If the Conflicts Administrator thereafter finds, on the basis of past determinations of the Ethics Counselor or the Board, that there is a conflict or apparent conflict of interest, he shall so advise the employee, the Office of Personnel, the employee's bureau or office head, and the Ethics Counselor and shall also advise such persons of what remedial action must be taken. The medial action may include the employee's divestiture of the conflicting interest, disqualification for particular assignments, reassignment, disciplinary action, or the remedies specified in § 370.735–72(k). The Ethics Counselor may reopen the matter if he disagrees with the Conflicts Administrator.

(2) If the Conflicts Administrator cannot resolve the case, or if the employee disagrees with the Conflicts Administrator, the matter shall be presented to the Ethics Counselor within one week together with any additional written statement the employee may wish to make, and the Ethics Counselor shall decide the case.

(3) An employee may appeal the Ethics Counselor's decision to the Board by forwarding to it within one week of such decision a statement setting forth why the employee believes the Ethics Counselor's decision should be changed. A copy of such statement shall be given at the same time to the Ethics Counselor.

(4) The employee shall comply with the decision of the Conflicts Administrator or Ethics Counselor except only insofar as such decision is later changed by the Ethics Counselor or the Board, as the case may be. The effectiveness of the decision of the Conflicts Administrator or the Ethics Counselor shall be stayed for two working days after the employee receives notice thereof to permit the employee to request the Ethics Counselor or the Board, or any Member thereof, for a stay of the decision of the Conflicts Administrator or Ethics Counselor pending the determination of a timely filed appeal. The employee may not apply for a waiver from this section under § 370.735–14. Any remedial action shall be effected in accordance with applicable laws, executive orders and Civil Service Commission or Board regulations. The Conflicts Administrator, the Ethics Counselor and the Board shall normally decide each matter within one week, and the employee shall be responsible for promptly furnishing any information available to him requested by such officers.

(5) The Office of General Counsel of the Board shall be available for consultation with the Civil Service Commission in connection with any inquiry it may make about the holdings of any Member.

• • • • •

24. Redesignate § 370.735–73 as § 370.735–74 and amend it through paragraph (b) as follows:

§ 370.735–74 Employees required to submit statements.

(a) Every employee (other than Board Members), including special Government employees and consultants and experts working under contracts, shall execute and forward to the Office of Personnel for transmittal to the Conflicts Administrator a report of all financial interests in any civil aeronautics enterprise and any surface common carrier. Any subsequent acquisition of a financial interest in such an enterprise or carrier shall be promptly reported in accordance with § 370.735–72.

(b) The following categories of employees, including special Government employees and consultants and experts working under contracts, are determined by the Board, subject to the right of an employee to request a waiver under §§ 370.735–14, to be within the scope of §§ 735.403 and 735–404 of the Regulations of the Civil Service Commission on Employee Responsibilities and Conduct (5 CFR Part 735) and therefore shall, in addition to the requirement in paragraph (a) of this section, submit Statements of Employment and Financial Interests (Form 141):

(1) Employees in Administrative Law Judge positions.

(2) Employees in grades GS–13 and above.

(3) All other employees in positions of assistant division chief or equivalent and above at any grade or salary.

(4) All purchasing agents (including the librarian) and all Members' personal staffs.

• • • • •

25. Redesignate paragraph (e) of § 370.735–73 as paragraph (e) of § 370.735–74 *Employees required to submit statements*, and amend it to read as follows:

§ 370.735–74 Employees required to submit statements.

• • • • •

(e) In addition to all other reports, all special Government employees shall report all other employment. Such statements shall be submitted not later than the time of employment and shall be kept current throughout the special Government employee's employment with the Board by submission of a supplementary statement within 14 days after any change. These requirements may be waived or modified to the extent consistent with § 735.412 of the Civil Service Commission's regulations (5 CFR 735.412) if the employee requests a waiver in accordance with § 370.735–14.

[10] The use of such a file of reports listed in alphabetical sequence of employee names will require compliance with the Privacy Act. It will take about 90 days to secure such compliance. Until Compliance is completed, reports will not be made publicly available, but they will be accumulated during the interim period.

CAB Form 16
(Rev. 12-76)

Civil Aeronautics Board

EMPLOYEE'S REPORT AS TO FINANCIAL INTERESTS IN CIVIL AERONAUTICS ENTERPRISES

Board policy prohibits employees, special government employees, consultants or experts working under contract (including their spouses, minor children or other dependents) from holding or voluntarily acquiring financial interests in civil aeronautics enterprises. The terms "civil aeronautics enterprise", and "financial interests" are defined in Part 370 of the Board's Special Regulations. Such a person knowingly making a false, fictitious or fraudulent statement in the report will be subject to criminal prosecution under Section 1001 of Title 18 of the United States Code and the making of any such statement, or failure to comply with other provisions of Part 370 is cause for disciplinary action, including, in appropriate cases, suspension or removal, and may result in other violations of the United States Criminal Code.

Check One or More:

( ) 1. I hold no financial interests in any civil aeronautics enterprise, as defined in §370.735-12 of the Board's Regulations.

( ) 2. I hold financial interests in civil aeronautics enterprises as described below. I understand that, except as may be authorized otherwise in response to a request submitted pursuant to §370.735-72, I am expected to dispose of these holdings within such reasonable time as directed by the Conflicts Administrator or the Ethics Counselor and to report in writing on the status of these holdings to one of them, until they are fully liquidated, and in the interim to disqualify myself from participation in any matter before the Board the outcome of which might affect such interests. My plans for disposing of these interests are set forth on the reverse side of this form.

( ) 3. I hold financial interests as described below which may or may not be included in the category of civil aeronautics enterprises. If a determination is made that any of my holdings are in civil aeronautical enterprises, I will, upon notification, dispose of such interests in accordance with the direction of the Conflicts Administrator or Ethics Counselor.

( ) 4. I hold financial interests as described below in a surface common carrier. I will disqualify myself from participation in any matter before the Board the outcome of which might affect such interest. If such disqualifications are likely to be numerous I will, upon notification, dispose of such interests in accordance with the direction of the Conflicts Administrator or Ethics Counselor.

NOTE: Indicate the number of the descriptive paragraph checked above applicable to each holding.

Company	Nature of Holding	Name of Person by Whom Held and Relationship	Date and Method of Acquisition

I hereby certify that I have read Part 370 of the Board's Special Regulations and this form; that I am familiar with their contents; and that the information I have inserted above and on the back of this sheet or required attachments is true, correct and complete to the best of my knowledge and belief.

Tel. No.

Date | Ref. No. | Signature

NOTE: Forward this report to the Office of Personnel, B-20, within three days of entry on duty. The information supplied on this form will be treated as confidential and made available only to those persons concerned with processing it.

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CAB Form 141
Rev. 12-76

CIVIL AERONAUTICS BOARD

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTEREST

READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING STATEMENT

The information to be furnished in this statement is required by Executive Order 11222 and the regulations of the Civil Service Commission and the Board issued thereunder. Except to those persons processing the statement, the information will not be disclosed unless the Commission or the Board may so determine for good cause shown.

The Order does not require the submission of any information relating to an employee's connection with or interest in a professional society or a charitable, religious, social fraternal, recreational, public service, civic, or political organization or any similar organization which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in Part IV of your statement.

The interest, if any, of a spouse, minor child, or other dependent shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part II.

1. NAME (Last, first, middle initial)	2. OCCUPATIONAL TITLE	3. GRADE
4. BUREAU OR OFFICE	5. DIVISION	6. REV. NO.

Part I. Employment and Financial Interests. List all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions; (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write NONE. In the space provided, Please furnish this information in the following manner: Enter name and business address, using two lines. If necessary (entering the name of the stock exchange on which the shares are traded is not responsive to the question). Indicate the kind of business (manufacturing, financial, public utility, retail distributor, etc.) and the principal products or services dealt in. Enter your position in the business (employee, officer, trustee, partner, etc.) and your financial interest in the business. Deposits in banks or shareholdings in building and loan associations or credit unions and holdings of government (federal, state, or local) bonds need not be shown unless the governmental unit is engaged in a business enterprise such as the operation of an airport, or other commercial or transportation facilities or the like. Other bonds, stocks and financial interests and all outside employment (including self-employment) must be shown.

NAME	ADDRESS	KIND OF BUSINESS	MAJOR PRODUCT OR SERVICE	POSITION IN BUSINESS AND NATURE OF FINANCIAL INTEREST

(If additional space is needed, use blank sheet headed as above)

Part II. Creditors. List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS, e.g., PERSONAL LOAN, NOTE, SECURITY

Part III. Interests in Real Property. List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

NATURE OF INTEREST, e.g. OWNERSHIP, MORTGAGE, LIEN, INVESTMENT TRUST	TYPE OF PROPERTY, e.g., RESIDENCE, HOTEL, APARTMENT, FARM, UNDEVELOPED LAND	ADDRESS (IF RURAL, GIVE RFD, OR COUNTY AND STATE)

Part IV. Information Requested of Other Persons. If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I further certify that I understand the provisions set forth in CAB Manual Sections 273 and 274 prohibiting holding pecuniary interests in civil aeronautics enterprises and restricting outside employment of myself and family members.

(Date) (Signature)

Please check over the form for completeness, accuracy, legibility and intelligibility. Be sure you have signed and dated the statement. Then enclose it in a 6" x 9½" envelope addressed to the Director of Personnel and marked "Personal". Seal the envelope and forward it to B-28, unless you're instructed otherwise.

[FR Doc.77-1166 Filed 1-13-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ADVISORY COMMITTEE ON POULTRY HEALTH, MYCOPLASMOSIS SUBCOMMITTEE

Meeting

The first meeting of the Advisory Committee on Poultry Health was held at 9 a.m. on October 5, 1976, in the EPIC Room, Federal Building, 7th Floor, United States Department of Agriculture, Hyattsville, Md.

The functions of the committee include: advising the Secretary of Agriculture on outbreaks of avian diseases; studying and recommending extension of new and existing research; assisting in planning and disseminating information; recommending plans for eradication and control of avian diseases; and assisting in attaining the necessary cooperation from all segments of the poultry industry.

At this first meeting three subcommittees were appointed: Mycoplasmosis, Fowl Plague, and Area Quarantine.

The first meeting of the Mycoplasmosis Subcommittee will be held on January 25, 1977, from 9 a.m. to 4 p.m., in Room 643A, United States Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

The purpose of this meeting is to examine problems encountered by the poultry industry because of mycoplasmosis infections, field programs, testing and diagnosis, and antigen production, and to make recommendations for possible resolution of these problems.

The meeting is open to the public. Written statements may be filed with the subcommittee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, Washington, D.C. 20250, Area Code (202) 447-3668.

Dated: January 6, 1977.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

NOTE.—This document is reprinted without change from the issue of Monday, January 10, 1977.

[FR Doc.77-1021 Filed 1-10-77;8:45 am]

Forest Service

PROHIBITIONS

Delegation of Authority

Pursuant to 7 CFR 2.7, each Regional Forester is delegated the authority to issue regulations authorized by 36 CFR 261.70. This authority may not be redelegated.

JOHN L. MCGUIRE,
Chief, Forest Service.

JANUARY 10, 1977.

[FR Doc.77-1301 Filed 1-13-77;8:45 am]

U.S. BORAX MINING ACCESS ROAD FOR THE QUARTZ HILL PROSPECT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the U.S. Borax Mining Access Road for the Quartz Hill Prospect, USDA-FS-DES(Adm)-77-04.

The U.S. Borax & Chemical Corporation, in behalf of Pacific Coast Mines, Inc., has proposed to develop a mining exploration road due east of Ketchikan on the mainland of southeast Alaska. This road is to be used for intensive development drilling of the prospect to depths below 600 feet and for the extraction of about 500 tons of ore for pilot testing (bulk sampling).

This draft environmental statement was transmitted to CEQ on January 6, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3231, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Ketchikan Area, Tongass National Forest, P.O. Box 2278, Ketchikan, Alaska 99901.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to J. S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, P.O. Box 2278, Ketchikan, Alaska 99901. Comments must be received by March 6, 1977 in order to be considered in the preparation of the final environmental statement.

CARL W. SWANSON,
Environmental Coordinator, Alaska Region

JANUARY 6, 1977.

[FR Doc 77-1207 Filed 1-13-77;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON POULTRY HEALTH FOWL PLAGUE SUBCOMMITTEE

Meeting

The first meeting of the Advisory Committee on Poultry Health was held at 9:00 a.m. on October 5, 1976, in the EPIC Room, Federal Building, 7th Floor, United States Department of Agriculture, Hyattsville, MD.

The functions of the committee include, advising the Secretary of Agriculture on outbreaks of avian diseases; studying and recommending extension of new and existing research; assisting in planning and disseminating information; recommending plans for eradication and control of avian diseases; and assisting in attaining the necessary cooperation from all segments of the poultry industry.

At this first meeting three subcommittees were appointed: Mycoplasmosis, Fowl Plague, and Area Quarantine.

The first meeting of the Fowl Plague Subcommittee will be held on February 2, 1977, from 8:00 a.m. to 4:30 p.m. in Room 101, Veterinary Science Building, 1655 Linden Drive, University of Wisconsin, Madison, Wisconsin.

The purpose of the meeting is to examine diseases caused by avian hemagglutinating viruses, such as fowl plague, and to advise the United States Department of Agriculture in the development of certain contingency plans to deal with disease outbreaks caused by these agents.

The meeting is open to the public. Written statements may be filed with the subcommittee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room

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316E, Washington, D.C. 20250, Area Code (202) 447-3668.

Dated: January 6, 1977.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.77-1128 Filed 1-13-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-1-48; Docket 29123; Agreement C.A.B. 26174; R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of January, 1977.

In the matter of Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to passenger fare matters.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted at the Composite Passenger Conference in Miami held during September 1976, would increase fares to and from Italy by $2 and $4 for one-way and round-trip normal service and by $3 for specified round-trip promotional service to reflect a recent policy of the Italian Government of collecting embarkation fees at the time of ticket issuance.

Trans World Airlines, Inc. (TWA) and Pan American World Airways, Inc. (Pan American) have each submitted a statement in support of the agreement. Both report that as of August 29, 1976, the Italian Government decreed that an embarkation fee of 2,000 lira (about $2.33) be collected by the carriers at the time of ticket issuance, thus shifting the burden of collection of the tax to the carriers. The carriers argue that the proposed increases provide a simple and administratively feasible means of generating enough additional revenue to offset the amount that must be paid by the carriers to the Italian Government. While offering no estimate of the additional revenue accruing from the proposed charge, TWA estimates that it will pay the Italian Government over $600,000 in embarkation taxes during 1977. TWA also cites as precedent approval by the Board (Order 71-3-87) of surcharges of $1 and $2 on one-way and round-trips fares to reflect a tax previously collected by other European governments but shifted to the carriers.

Pan American indicates that, based upon the number of passengers enplaned during the year ended September 1976, it would have been liable for $195,000 in taxes and would have collected about $200,000 in gross surcharge revenues. The carrier, however, contends that the gross revenues would be considerably reduced through commission expense and absorption due to prorates and discount fares.

Upon consideration of the agreement, the carriers' justifications and other relevant matters, the Board has determined to disapprove the agreement. Documentation available to the Board indicates that the embarkation fee is levied only for departures from Italy. Accordingly, we perceive no rationale for permitting the carriers to increase round-trip fares by amounts ranging up to twice the increase in one-way fares since, in either case, the passenger would only be required to pay a single embarkation tax to the Italian authorities. Neither is it clear why a one-way passenger inbound to Italy should pay an additional $2 to "offset" an embarkation fee which would not be applicable to his journey. Finally, we see no reason why passengers who stop over in Italy en route to other destinations should not be required to pay any additional amount or why any resultant loss should be subsidized by the excess amount paid by round-trip passengers. In Order 71-3-87, cited by TWA as a precedent here, the Board was satisfied that the increases it was approving reflected amounts that individual passengers would otherwise have been required to remit directly to foreign authorities. However, in the agreement before us, the proposed fare increases appear to bear little relationship to the actual incidence of the tax. We have no objection to carriers' offsetting the revenue loss created by the tax. However, it should be done in a more equitable manner.

Pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a) and 412 thereof, it is found that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26174:			
R-1	005j	Increase in fares to/from Italy	2; 2/3; 1/1/3.
R-2	008j	Increase in fares to/from Italy	1/2.

Accordingly, *It is ordered* That Agreement C.A.B. 26174, R-1 and R-2, be and hereby is disapproved. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1285 Filed 1-13-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Title Change In Noncareer Executive Assignment

By notice of June 9, 1972, F.R. Doc. 72-8751 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Assistant Director for Program Coordination, Office of Public Affairs. This is notice that the title of this position is now being changed to Assistant Director for Communications Coordination, Office of Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

NOTE.—This is a republication of a document which originally appeared at 42 FR 2517, January 12, 1977.

[FR Doc.77-1037 Filed 1-11-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SUBCOMMITTEE ON EXPORT ADMINISTRATION OF THE PRESIDENT'S EXPORT COUNCIL

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), notice is hereby given that a two-day meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Monday, January 31, 1977, and Tuesday, February 1, 1977, at 9:30 a.m. both days, in Court Room No. 14, U.S. Post Office and Court of Appeals Building, 7th and Mission Streets, San Francisco, California.

The Subcommittee on Export Administration was initially established on June 1, 1976. On January 6, 1977, the Assistant Secretary for Administration approved the recharter and extension through December 31, 1978, of the Subcommittee, pursuant to the provisions of Section 3 of Executive Order 11753 (December 20, 1973), as extended by Section 1(k) of Executive Order 11948 (December 20, 1976).

The Subcommittee advises the Secretary of Commerce on matters pertinent to those portions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 *et seq.*), that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

The Subcommittee meeting agenda has five parts:

MONDAY JANUARY 31, 1977

EXECUTIVE SESSION

I. Review of the role of CoCom in national security export controls:
   security export controls:
   1. Historical briefing.
   2. Procedures.
   3. Problems.
   4. Discussion and recommendations.

TUESDAY, FEBRUARY 1, 1977

GENERAL SESSION

II. Update on Department of Defense activity on the recommendations of the Defense Science Board Task Force on Export of U.S. Technology.

III. Report by the Department of Commerce on actions taken on recommendations adavnced by the Subcommittee at its meeting of October 26, 1976.

IV. Update on legislative activity.

V. Other matters.

The General Session, at which a limited number of seats will be available, is open to the public. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to Agenda Item I, the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 11, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1) (i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of national security). Materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the General Session will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

The complete Notice of Determination to close portions of the series of meetings of the Subcommittee on Export Administration of the President's Export Council is printed below.

For further information, contact Mr. Edward P. Kemp, Assistant to the Director, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5334.

Dated: January 11, 1977.

EDWARD H. STROH,
Acting Deputy Assistant Secretary for East-West Trade.

DEPARTMENT OF COMMERCE, OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

SUBCOMMITTEE ON EXPORT ADMINISTRATION, PRESIDENT'S EXPORT COUNCIL

Notice of Determination

The Subcommittee on Export Administration was established by the Secretary of Commerce as a subordinate committee of the President's Export Council, pursuant to Section 3 of Executive Order 11753, to advise the Department of Commerce on matters pertinent to those portions of the Export Administration Act of 1969, as amended (50 U.S.C. App. § 2401 et seq.), that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security or foreign policy reasons.

The Subcommittee, which currently has seventeen members representative of U.S. industry engaged in export trade, will terminate no later than December 31, 1978 unless extended by proper authority by appropriate action. All members of the Subcommittee have the appropriate security clearances for access to classified information.

The Subcommittee's activities are conducted in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), and the Office of Management and Budget Circular A-63 (revised), "Advisory Committee Management," effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion of the agenda of the meeting of the committee is concerned with matters listed in Section 552 (b) of Title 5 of the United States Code. Section 5(c) of the Government In the Sunshine Act, P.L. 94-409, effective March 12, 1977, provides that advisory committee meetings or portions thereof may be exempt from the open meeting and public participation requirements of the Federal Advisory Committee Act if the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with 5 U.S.C. § 552b(c).

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interests of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order. 5 U.S.C. 552b(c)(1) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

A Notice of Determination authorizing the closing of Subcommittee meetings, or portions thereof, dealing with security classified matters, was approved on September 9, 1976, for a series of meetings from that date through January 5, 1977.

In order to provide advice to the Department under the terms of its charter, the Subcommittee will hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the commodities and technical data subject to the CoCom control list, of the foreign availability of controlled commodities and technical data, and of other specific matters regarding export administration, much of the information relating to which is now or will be properly classified for national defense or foreign policy reasons, pursuant to Executive Order 11652, 3 C.F.R. 339 (1974). In order for the Subcommittee to provide required advice to the U.S. Government, it will be necessary to provide the Subcommittee with such classified material. Therefore, the portions of the series of meetings of the Subcommittee that will involve discussions of matters specifically authorized under criteria established by Executive Order 11652 to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that those portions of the series of meetings of the Subcommittee dealing with the aforementioned classified materials shall be exempt, for the period January 6, 1977, to December 31, 1978 from the provisions of Section 10(a)(1) and (a)(3) of the Federal Advisory Committee Act, relating to open meetings and public participation therein, because the Subcommittee discussions will be concerned with matters listed in 5 U.S.C. §§ 552(b)(1) and 552b(c)(1). The remaining portions of the meetings will be open to the public.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

ALFRED MEISNER,
Assistant General Counsel for Administration.

[FR Doc 77-1326 Filed 1-13-77;8:45 am]

Maritime Administration

[Docket No. S-535]

INTERNATIONAL OCEAN TRANSPORT, INC.

Application

Notice is hereby given that International Ocean Transport, Inc. (IOT) has applied for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (the Act), in connection with its application for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on or before December 31, 1977, unless extended, or upon completion of a voyage(s) then in progress. Previous written permission under section 805(a) was granted to IOT in connection with this application for subsidy by the Maritime Administration on December 16, 1976, namely, for it to own and operate the SS's *Allegiance, Banner, Bradford Island, Fort Hoskins and Council Grove* in domestic trade.

IOT now requests written permission pursuant to section 805(a) of the Act, to own and operate the SS *Cantigny* in the domestic interconstal and coastwise service, and for its affiliate, Interstate and Ocean Transport Company, to operate barges in the domestic intercoastal and coastwise service.

Such written permission is required notwithstanding the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel engages in domestic intercoastal or coastwise trade on that voyage.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent

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to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on January 21, 1977, file same with the Secretary, Maritime Administration/Maritime Subsidy Board, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating Differential Subsidies (ODS)).

By Order of the Maritime Subsidy Board.

Dated: January 11, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-1350 Filed 1-13-77;8:45 am]

National Oceanic and Atmospheric Administration

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of meetings of the Western Pacific Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Western Pacific Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone seaward of Hawaii, Guam, and American Samoa. The Council will, among other things, prepare and submit to the Secretary of Commerce, fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The meetings by members of the Council will be held as follows:

January 20, 1977, at 1:00 p.m. at the offices of the Division of Fish and Game, Department of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, Hawaii.

January 19, 1977, at 1:00 p.m. at the Office of Marine Resources, Government of American Samoa, Pago Pago, American Samoa.

January 21, 1977, at 1:00 p.m. at the offices of the Division of Fish and Wildlife, Department of Agriculture, Government of Guam, Agana, Guam.

The proposed agenda for each meeting is the same:

1. Review of proposed regulations concerning foreign fishing.
2. Review of foreign fishing applications, if any.
3. Review of proposed allocation of the total allowable level of foreign fishing for seamount groundfish fishery resources.
4. Other matters related to fisheries management.

These meetings will be open to the public, and there will be seating for the public on a first-come, first-served basis. About 25 seats will be available at each meeting.

Members of the public having an interest in specific items for discussion are advised that changes to the agenda are at times made prior to the meeting. To receive information on changes, if any, made to the agenda interested members of the public should contact by January 14, 1977:

Mr. Doyle Gates, Director, Western Pacific Program Office, National Marine Fisheries Service, Honolulu, Hawaii, (808) 946-2181.

At the discretion of the Council, members of the public may be permitted to speak at times which would allow the orderly conduct of business. Persons who wish to submit written statements should contact Mr. Gates at the address given above.

Dated: January 11, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-1265 Filed 1-13-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Additions

Notice of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975) of the commodities listed below were published in the FEDERAL REGISTER on August 27, 1976 (41 FR 36241) and November 19, 1976 (41 FR 51054).

After consideration of all the relevant data presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

Class 1430

Circuit Card Assembly, 1430-00-089-9251, 1430-00-403-5787, 1430-00-421-4036.

Class 5940

Terminal Lug, 5940-00-549-6583.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-1280 Filed 1-13-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed addition of the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 6850

Cleaning Compound, Windshield, 6850-00-926-2275.

Class 8465

Club, Policeman's Wood, Black, 8465-00-641-8551.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the above commodities from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before February 17, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-1281 Filed 1-13-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from January 3 through January 7, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (February 28, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

1977 Gypsy Moth Suppression and Regulation Program, January 7: The Forest Service and Animal and Plant Health Inspection Service cooperate with responsible state agencies for the suppression and/or regulation of the gypsy moth, Lymantria dispar. In 1977, regulatory activities are proposed in California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island Vermont, Virginia, and Wisconsin. Suppression activities are proposed in New Jersey, New York, and Pennsylvania. (ELR Order No. 70023.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Burlington Station, Two 50 MW Combustion Turbines, Kit Carson County, Colo., January 4: This statement has been prepared in connection with a request from Tri-State Generation and Transmission Association, Inc. for the REA to guarantee a $16,731,000 loan to finance approximately 100 MW of combustion turbine capacity to be installed at a 43-acre site in Kit Carson County. The units will be designed to fire No. 2 distillate fuel oil, with provisions for future modifications of the system if necessary. Adverse impacts include the annual emission of about 224 tons of sulfur oxides, 504 tons of nitrogen oxides, and 32 tons of particulate matter, as well as an increase in noise levels. Comments made by: EPA, USDA, COE, DOT, State and local agencies, concerned citizens. (ELR Order No. 70010.)

Supplement

Underwood Generating Station (S-1), several counties in Minnesota, January 7: This statement supplements a final EIS filed with CEQ in August, 1974. The project, now under construction, includes two 450 MW steam electric generating units and associated transmission lines. The supplement addresses the differences between the routings of the EIS and the route specified by the Minnesota Environmental Quality Council. Counties affected by routing changes are Grant, Stevens, Pope, Stearns, Meeker, Wright, and Kandiyohi (ELR Order No. 70013.)

SOIL CONSERVATION SERVICE

Draft

Furnace Brook Watershed, Warren County, N.J., January 4: The proposed channel improvement is a component of the Furnace Brook Watershed Project, which is designed to reduce floodwater damages in the village of Oxford, N.J. The planned work involves the enlargement and deepening of a 1,530 foot reach of Furnace Brook. This work will complement the previously installed upstream floodwater retarding structure to provide a 100-year level of flood protection to the village. Short term biological impacts will result. (ELR Order No. 70005.)

Final

Little Sioux River Flood Prevention Plan, several counties in Iowa, January 3: Proposed is the Little Sioux River Flood Prevention Project in Iowa, for the purpose of controlling the extensive gully erosion, sedimentation and flooding problems which characterize the program area. Though the scope of the project has been programmatically outlined through 1992, the full delineation of specific projects is awaiting further subwatershed organization and planning. Adverse effects include the disturbance and reduction of wildlife habitat by structural measures. Comments made by: COE, DOI, DOT, EPA, AHP, State and local agencies, concerned citizens (ELR Order No. 70002.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Supplement

Coastal Energy Impact Program (S-1), January 5: This statement supplements a final EIS filed with CEQ in December 1976, and contains both changes and additions to the final statement. The changes resulted primarily from last-minute comments on the regulations submitted by the Office of Management and Budget. The additions resulted primarily from a suggestion by CEQ to include discussion of additional alternative methods of implementation contained in the proposed regulations but later deleted during the formulation of interim-final regulations in response to various comments (ELR Order No. 70014.)

ENVIRONMENTAL PROTECTION AGENCY

Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

Lignite-Fired Steam Generators, Performance, January 6: Proposed are performance standards for lignite-fired steam-generators. Data gathered since 1971 are sufficient to propose amendments to Subpart D of 40 CFR Part 60 to limit atmospheric emissions of nitrogen oxides to 260 nanograms per joule heat input (0.6 lb. per million Btu) from lignite-fired steam generators with a heat input of 73 MW thermal (250 million Btu per hour), equivalent to about 25 MW electrical. Control of nitrogen oxides emissions to 260 ng/J would reduce emissions from lignite-fired steam generators operating in 1980 by 29 percent. (ELR Order No. 70020.)

Jacksonville Wastewater Treatment System, Jackson County, Oreg., January 6: Proposed is the construction of a wastewater disposal system for the City of Jacksonville, Jackson County, Oreg. Various alternatives for the 1,300-acre city include a hookup by Jacksonville to the Bear Creek Valley Sanitary Authority, local treatment and use of reclaimed water by the U.S. Forest Service, and aerated lagoons with adjacent agricultural use. Adverse effects will vary according to the alternative selected. (Region X) (ELR Order No. 70019.)

Final

Calumet Tunnel System, TARP, Illinois, January 3: The statement concerns the Calumet Tunnel System which consists of one waste treatment plant and one main storage reservoir. The tunnel will reduce the pollutant load currently discharged to Chicago's waterways. Adverse effects include rock spillage, temporary public annoyance during construction and possible groundwater infiltration or wastewater infiltration. (Region 5) Comments made by: EPA, COE, DOI, USDA, DOC, DOT, DLAB. (ELR Order No. 70001.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Robert Stern, Director, Office of Environmental Impact, Federal Energy Administration, New Post Office Bldg., room 7119, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, (202) 961-8621.

Final

Bryan Mound Salt Dome, SPR, Brazoria County, Tex., January 7: Proposed is the implementation of the Strategic Petroleum Reserve (SPR), Title I, Part B, of the Energy Policy and Conservation Act of 1975 through the development of a 58 million barrel crude oil storage facility at the Bryan Mound salt dome. Under the initial phase of the SPR, referred to as the Early Storage Reserve (ESR), 150 million barrels of oil will be stored by 1978. The Bryan Mound site, a salt dome with existing cavities located in Texas has been identified as a candidate storage for the ESR. Adverse effects include risk of oil spillage. Comments made by: AHP, COE, EPA, NRC, State and local agencies, interested groups and persons. (ELR Order No. 70025.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, NW., Washington, D.C. 20426 (202) 275-4791.

Final

Pacific-Indonesia Project: LNG Terminal (Oxnard), Calif., January 6: Proposed is the granting of authorization to the Pacific Indonesia LNG Company to import liquified natural gas (LNG) from the Republic of Indonesia to a terminal to be constructed at Oxnard, Calif., and certification to sell the imported natural gas to Southern California Gas Company in revaporized form. Western LNG Terminal Company has concurrently filed an application seeking certification to construct certain facilities necessary to unload, store, revaporize, and transport the LNG. Environmental impact would occur with respect to effects on land use, vegetation, soils, wildlife, and water and air quality. Comments made by: TREA, COE, USDA, NRC, DOD, DOC, STAT, DOI, EPA, State and local agencies, concerned citizens (ELR Order No. 70022.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, (202) 343-4161.

Final

Central Steam Plant, Denver Federal Center, Jefferson County, Colo., January 6: The proposed project concerns the Central Steam Plant, Building 47, located at the Denver Federal Center, Lakewood, Colo. The work covers conversion of two of the three existing boilers from natural gas/oil-firing to coal-firing, provision of baghouse particulate removal equipment, and a tall stack. In addition, minor repairs and improvements will be made at the Central Steam Plant to optimize efficiency. Short-term impacts associated with the construction work will be experienced. Comments made by: COE, DOI, EPA, DOT, FPC, State and local agencies. (ELR Order No. 70016.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director Office of Environmental Quality, room 7258, 451 7th Street SW., Washington, D.C. 20410 (202) 755-6308.

Draft

Pinebrook Estates Unit 1, Pinellas County, Fla., January 4: Proposed is a Planned Unit Development project encompassing 284 acres or more in Tampa, Fla. Phase I will cover 26.8 M.O.L.; this entire area is designated for "Planned Unit Development" by the Pinellas Land Use Plan and has been zoned accordingly. This phase will initially provide approximately 110 single family detached residential lots. Adverse effects include the taking of land from agricultural use and increases in water, sewer, and waste disposal problems. (ELR Order No. 70007.)

Seven Springs Subdivision, Pasco County, Fla., January 4: Proposed is the development of the Seven Spring Subdivision in Tampa, Fla. The total area encompasses 249 acres M.O.L. and will eventually contain approximately 1384 single family residential units. Recreation facilities will be limited to a vol-

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untary fee membership clubhouse with a swimming pool. Adverse effects include noise, dust, and run-off due to development and construction traffic in the short run. Additional burden will be placed on a strained water supply. (ELR Order No. 70008.)

Pine Trails Subdivision, Harris County, Tex., January 4: The proposed action is the acceptance of the 542-acre Pine Trails Subdivision for HUD/FHA mortgage insurance purposes. When completed in approximately six years, the subdivision will contain approximately 1,600 single family homes plus some attached single-family and multi-family housing and shopping and recreational facilities. Adverse effects include the removal of land as open space and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 70006.)

Draft

West Campus Community, King County, Wash., January 4: Proposed is the development of West Campus, a 1,600-acre planned community in South King County, Wash. The Quadrant Corporation has requested HUD/FHA subdivision approval for mortgage insurance for 508 single family lots and open space. The total development proposes 6,325 single and multifamily residential units. Negative impacts include erosion and sedimentation and increased demand on public services and infrastructure. (ELR Order No. 70011.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard Chais, Supervisory Attorney Advisor for the Environmental Staff, room 2370, 12th St. and Constitution Ave. NW., (202) 343-2086.

Final

Transportation of Recyclable Materials, Freight Rates, January 6: The Interstate Commerce Commission has instituted a comprehensive investigation of discriminatory rail freight rates for the transportation of recyclable or recyled materials. This EIS analyzes (1) whether the rate structure per se has a significant effect on the relative utilization of recyclable and competing virgin materials and (2) whether general rail freight rate increases granted by the Commission in response to requests from the nation's railroads have a significant effect on relative utilization. Comments made by: EPA, DOI, State and local agencies, concerned groups and persons. (ELR Order No. 70017.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th St. SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Lee's Summit Memorial Airport, Jackson County, Mo., January 4: The proposed action is the construction of Lee's Summit Memorial Airport to serve southeast Jackson County, Mo. The project will require the acquisition of the present 80-acre private McComas Airport site, as well as acquisition of 36 acres in fee for runway and taxi extension, and 29 acres in easement. Plans also call for the construction of a new paved terminal apron, paved T-hangar taxiways, and a new access road. Some land will eventually be taken out of agricultural production for airport use and increased aircraft usage will result in higher noise levels. (ELR Order No. 70012.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-85, Fulton-DeKalb Co. to I-285, DeKalb County, Ga., January 7: Proposed are improvements to I-85 and associated frontage and crossover roads in DeKalb County, Ga. The project would begin at the DeKalb County line near Druid Hills Road and extend northeast for 5.7 miles to an intersection with I-285. The limited access highway would have 6 or 8 lanes plus frontage road improvements. Negative effects include acquisition of a small amount of right-of-way, displacement of 4 businesses, and an increase in noise which would exceed design noise levels at one church and commercial site. (Region 4) (ELR Order No. 70024.)

I-675, Montgomery and Greene County, Ohio, January 4: Proposed is the construction of 16.53 miles of limited access highway in Montgomery and Greene Counties, near Dayton, Ohio. The project begins at existing I-75, 1.14 miles south of S.R. 725, then follows a generally northeastwardly direction to connect with a portion of the freeway recently opened to traffic at a point 0.79 mile west of North Fairfield Road. The project includes 8 interchanges, 3 railroad grade separations, 14 local grade separations, and 1 pedestrian path grade separation. A 4(f) statement is included concerning the loss of 0.25 acres of park. (Region 5) (ELR Order No. 70009.)

S.R. 16, Cheney Stadium-Narrows Bridge, Pierce County, Wash., January 4: Proposed is the reconstruction of Bantz Boulevard (S.R. 16) from the vicinity of Cheney Stadium near Center Street to Sixth Avenue in Tacoma, Wash. The balance of the highway to the Tacoma Narrows Bridge would then be constructed on a route approximately following North Ninth Street. This four-lane facility (ultimately planned as a six-lane freeway) is designed with four interchanges, two grade separations, two bike-pedestrian structures, two frontage roads, a storm sewer system, and a storm water storage basin at China Lake. The project is 3.4 miles in length. Families, businesses, and utilities will be relocated. (Region 10) (ELR Order No. 70004.)

Final

West Side Highway Project, New York, January 4: The proposed action is the construction of an Interstate System Highway which will replace the now-closed West Side Highway between the Battery and West 42nd Street in New York City. The 4.2 mile replacement facility will have connections with the Battery Park Underpass, the Brooklyn Battery Tunnel (I-278), the Holland Tunnel (I-78), West 14th Street, the Lincoln Tunnel (I-495), and the existing elevated West Side Highway at 42nd Street. As a result of the project 234 acres of land will be made available for new uses. A 4(f) statement for park lands is included (Region I.) Comments made by: DOC, HEW, DOI, DOT, EPA, State and city agencies, concerned citizens. (ELR 70003.)

L.R. 1015 and L.R. 69 Relocation, Westmoreland County, Pa., January 6: The proposed North-South Expressway provides for the construction of a multi-lane, limited access highway approximately 13 miles in length extending from the proposed interchange of existing U.S. Traffic Route 119 and relocated Traffic Route 119 between New Stanton and Youngwood to the existing interchange of Traffic Routes 22 and 66 near Delmont. The highway will displace an unspecified number of homes and businesses and will require farm land for the right-of-way. Construction disruption will result. Comments made by: EPA, HEW, DOI, USDA, State and local agencies, concerned citizens. (ELR Order No. 70018.)

U.S. POSTAL SERVICE

Contact: Emerson Smith, Director, Office of Buildings Analysis and Design, Real Estate and Buildings Department, U.S. Postal Service, Washington, D.C. 20260, 202-245-4242.

Final

U.S. Post Office and Vehicle Maintenance, Atlanta, Fulton County, Ga., January 6: Proposed is the construction of a U.S. Post Office General Mail and Vehicle Maintenance Facility in Atlanta, Georgia for 2,833 employees. The 38-acre project site is the vacant Crown Cork and Seal building in the northeast corner of Browns Mill and Crown Roads. The existing building will be expanded for use as a U.S. Post Office and will contain a gross floor area of 500,000 sq. ft. The Vehicle Maintenance Facility will occupy 38,000 sq. ft. Adverse effects include increases in noise and dust due to construction and traffic impacts on adjacent roads. (139 pages.) Comments made by: AHP, FPC, USDA, COE, HEW, HUD, DOI, DLAB, state and local agencies, concerned citizens. (ELR Order No. 70021.)

DAVID W. TUNDERMAN,
Acting General Counsel.

[FR Doc.77-1279 Filed 1-13-77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, March 1, 1977; Tuesday, March 8, 1977; Tuesday, March 15, 1977; Tuesday, March 22, 1977; and Tuesday, March 29, 1977 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 U.S.C. 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552-(b)(2), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 10, 1977.

[FR Doc.77-1249 Filed 1-13-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

STUDY GROUP ON GLOBAL ENVIRONMENTAL EFFECTS OF CARBON DIOXIDE

Meeting

In accordance with provisions of Pub. L. 92-463 (Federal Advisory Committee Act), the Study Group on Global Environmental Effects of Carbon Dioxide will hold its first meeting on Saturday, January 29, 1977, from 10:00 a.m. to 5:00 p.m. at the Hilton Inn, Dogwood Room, Atlanta, Georgia, Airport. This meeting will be open to the public. The purpose of this meeting is to develop mechanisms for the operation of the Study Group.

The tentative agenda for the meeting is as follows:

10:00 a.m.	Opening remarks. Charles W. Edington, Associate Director for Research and Development Programs, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration. David H. Slade, Acting Manager, Environmental Programs, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration.
10:25 a.m.	Meeting turned over to permanent chairman. Alvin M. Weinberg, Director, Institute for Energy Analysis, Oak Ridge Associated Universities.
10:30 a.m.	Why is CO_2 a problem? Ralph M. Rotty, Institute for Energy Analysis, Oak Ridge Associated Universities.
11:15 a.m.	Additional comments. Alvin M. Weinberg, Director, Institute for Energy Analysis, ORAU. a. Dahlem conference. b. Mission of study group. c. Formulation of ERDA position. i. National policy. ii. International implications.
12:00 N.	Lunch.
1:00 p.m.	Discussion and planning for study. (Including future meeting formats, workshops, reports, methodologies, etc.)
	All study group members.
5:00 p.m.	Adjournment.

Practical considerations may dictate alternations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than January 14, 1977, to Dr. James L. Liverman, Director, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on January 26, 1977, to Mr. David H. Slade, Acting Manager, Environmental Programs, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration on (301) 353-4374, between 8:30 a.m. and 5:00 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the Committee and ERDA officials assigned to participate with the Committee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act at the U.S. Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-1333 Filed 1-13-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 670-7; OPP-30000/6B]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF PESTICIDE PRODUCTS CONTAINING BENZENE HEXACHLORIDE (BHC)

Correction

On October 19, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 46024) a notice of rebuttable presumption against registration and continued registration of pesticide products containing benzene hexachloride (BHC). (See FR Doc. 76-30315). Since that date an error in the document has come to the attention of the Agency, and the following correction should therefore be made:

1. To the listing of applicants for registration of products containing BHC beginning at page 46013, the name and address of the applicant for Borertrol (EPA No. 037923-09418) should be changed from the U.S. Department of Agriculture to Affton Garden Center, 10020 Gravois Road, St. Louis MO 63123.

Dated: January 7, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-1203 Filed 1-13-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

DOW CHEMICAL CO.

Action Taken on Consent Order

Pursuant to 10 C.F.R. § 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

On October 28, 1976, FEA published notice of a Consent Order which was executed between Dow Chemical Company (Dow) and FEA (41 FR 47285, October 28, 1976). With that notice and in accordance with 10 C.F.R. § 205.197(c) FEA invited interested persons to comment on the Consent Order.

No comments were received with respect to the Consent Order, FEA has concluded that the Consent Order as executed between FEA and Dow is an appropriate resolution of the Compliance proceedings described in the Notice published on October 28, 1976, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, upon publication of this Notice in the FEDERAL REGISTER.

Issued in Washington, D.C., January 11, 1977.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.77-1311 Filed 1-11-77;4:49 pm]

FEDERAL HOME LOAN BANK BOARD

[AC-25]

CITIZENS FEDERAL SAVINGS AND LOAN ASSOCIATION

Approval of Conversion

JANUARY 11, 1977.

Notice is hereby given that on January 6, 1977, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 77-29, approved the application of Citizens Federal Savings and Loan Association, Miami, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, N.W., Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77-1288 Filed 1-13-77;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2628]

ALABAMA POWER CO.

Order Providing for Hearing

JANUARY 7, 1977.

On December 27, 1973, the Commission issued a major license for the R. L. Harris Project, FPC No. 2628,[1] to Alabama Power Company (Licensee).[2] The project is located on the Tallapoosa River, a navigable waterway of the United States, in Clay and Randolph Counties, Alabama. When built, project works will include a concrete gravity dam about 150 feet high and 956 feet long, a powerhouse containing two generators each rated at 67,500 kW, and appurtenant facilities. The reservoir created by the Harris Dam will extend upstream a distance of about 24 miles, and will have a surface area of approximately 10,660 acres.

On January 31, 1975, Licensee filed an application for amendment of Article 50 of the license for Project No. 2628.[3] Article 50 provides as follows:

Licensee shall purchase in fee and place within the project boundary all lands necessary for project operations including lands for recreational use and shoreline control. The lands encompassed by the project boundary shall include, inter alia:

1. All islands formed by the 793 foot contour, and
2. Shoreline lands up to the 800 foot contour, or up to a 50-foot horizontal measure from the 793 foot contour, provided that in no event shall the project boundary be established at less than the induced surcharge storage elevation at the 795 foot contour.

Licensee shall file a revised Exhibit F and, for Commission approval, a revised Exhibit K within one year after commencement of operation of the project.

The application seeks amendment of Article 50 to provide that acquisition of lands up to the 800 foot contour, or up to 50 feet horizontally from the 793 foot contour, be limited to lands currently owned by Licensee. In areas bordering the reservoir's future shoreline not owned by Licensee at present, Licensee proposes to limit its interests to a two-foot easement, from the 793 to the 795 foot contour, for flood control purposes.

In support of the application, Licensee states that the shoreline restrictions imposed by Article 50 will discourage use of the reservoir; local citizens and landowners have voiced strong opposition to the article's requirements; Licensee owns sufficient shoreline lands to provide for adequate public access and recreational use; Article 50 will discourage economic growth and development of the area; and the administrative costs attributable to resource management will be sufficiently high to adversely affect the project's economic feasibility.

The application includes a motion that a hearing respecting Article 50 be held in Wedowee, Alabama, to allow the presentation of testimony and comments by citizens and landowners in the vicinity of the project.

Public notice of the application was given on June 10, 1976. In response, the Commission has received several hundred letters from residents and landowners in the project area; the bulk of these support the application and request a public hearing in the project area. Responses opposing the proposed amendment have also been received, including the comments of the Department of the Interior. Intervention has been granted to six parties, each of whom requests a hearing in the project vicinity.

We believe that an evidentiary hearing should be held on the issues raised by Licensee's application. We also believe, due to the public response to public notice of the application, that Licensee's motion for a public session in the project vicinity is appropriate, to receive the views and comments of interested citizens and landowners. We shall leave the exact time and place of such public session to determination by the Presiding Administrative Law Judge, along with the question whether cross-examination of witnesses or introduction of evidence should also take place at the local session to avoid hardship to the parties.

The Commission finds: (1) It is appropriate for purposes of the Federal Power Act and in the public interest that a public hearing be held on the issues raised by Alabama Power Company's application for amendment of the license for the R. L. Harris Project. FPC No. 2628, filed on January 31, 1975.

(2) Alabama Power Company's motion for a hearing session to be held in the vicinity of the project, to receive the views and comments of local citizens and landowners, should be granted.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), 10(g), 307, and 308 thereof, and the Commission's Rules of Practice and Procedure, a pre-hearing conference shall be held at 9:30 a.m. on February 10, 1976, in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C., concerning the issues raised by Alabama Power Company's application to amend Article 50 of its license for the R. L. Harris Project, FPC No. 2628.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose pursuant to § 3.5(d) of the Commission's Regulations, 18 CFR 3.5(d) (1975), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions, with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided in the Commission's Rules of Practice and Procedure.

(C) The Presiding Administrative Law Judge shall hold a public hearing session in the vicinity of the project, for the purpose of receiving statements of position from interested members of the public. Public notice of the hearing session shall be given in the vicinity of the project prior to the session. At the discretion of the Presiding Judge, a portion of the formal evidentiary hearing in this proceeding may also take place at the local hearing session, to avoid hardship to the parties.

(D) The Commission's Rules of Practice and Procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1274 Filed 1-13-77;8:45 am]

[Docket No. RP76-135]

CITIES SERVICE GAS CO.

Extension of Time

JANUARY 7, 1977.

On December 23, 1976, Staff Counsel filed a motion to further extend the date for service of Staff top sheets, as fixed by order issued August 19, 1976, and modified by notice issued November 11, 1976, in the above-designated proceeding. On December 2, 1976, the Commission denied Staff's renewed motion for an extension of time, filed November 19, 1976, without prejudice to renewal of the motion specifying the data of the Company Staff does not possess and needs in the preparation of its case. Staff's present motion specifies the necessary data and states that counsel for the Company has no objection to the extension.

Notice is hereby given that, for good cause shown, a further extension of time is granted to and including February 18, 1977.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1277 Filed 1-13-77;8:45 am]

[Docket No. CP77-104]

COLUMBIA GAS TRANSMISSION CORP.

Application

JANUARY 6, 1977.

Take notice that on December 21, 1976, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP77-104 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Johns-Manville Sales Corporation (Manville), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Manville an average of 1,000 Mcf of natural gas per day for a period of two years following the date of first delivery for use at two of Manville's plants in Waterville, Ohio. It is stated that the subject gas would be received by Applicant at a mutually agreeable point on Applicant's Line F0-1633 in Valley Township, Guernsey County, Ohio, from M-G Exploration Company (M-G), a partnership in which Manville holds a majority interest, and redelivered by Applicant for the account of Manville to both Columbia Gas of Ohio, Inc. (Columbia), and The Waterville Gas and Oil Co. (Waterville Gas) at existing points of delivery in Lucas County, Ohio. Applicant states that of the 1,000 Mcf average daily volume, 100 Mcf would be delivered to Columbia and 900 Mcf per day will be delivered to Waterville Gas for redelivery to Manville. It is stated that both Columbia and Waterville Gas are natural gas distribution companies and wholesale customers of Applicant, that Manville's Waterville No. 1 plant is served by Columbia, and that Manville's Waterville No. 7 plant is served by Waterville Gas. The volumes to be transported for Manville under the proposed service would be subject to Applicant's pipeline capacity and would be further limited by those volumes required to offset curtailments affecting the two Manville plants.

It is indicated that pursuant to a gas sales contract between Manville and M-G, dated February 18, 1976, M-G agrees to sell all the natural gas produced from the following wells located in Guernsey County, Ohio: No. 1-M Nicholson-Morris Unit, No. 1-M William E. Ball, No. 1-M Watson-Rogers-Ball Unit, No. 2-M Watson, No. 1-M Watson, and such other wells as may be added by mutual agreement. The price agreed to is $1.45 per Mcf at the point of delivery to Applicant.

Applicant states that it would retain 3.1 percent of the volume received for transportation as make-up for line loss and compression fuel and that the initial transportation charge would be 24.49 cents per Mcf of natural gas. Applicant asserts that since the proposed transportation service would be provided only when sufficient capacity is available, the proposal would have no impact on its ability to deliver to Priority 1 markets. The subject natural gas supply is said not to be available for purchase by Applicant since the terms of majority partnership interest held by Manville in the producer, M-G, make the subject gas unavailable to interstate markets.

It is stated that Manville's Waterville Plant No. 1 produces glass fiber industrial products such as roving, woven roving and chopped strand for plastic reinforcement and base fiber for fiberglass mats used for roofing materials and pipeline corrosion protection. The plant employes a total of 272 workers at an annual payroll of over $6,000,000. Natural gas is utilized in this plant for heating molton glass forehearths where very accurate temperature control is required and for the operation of a direct fired drying oven where no appreciable fuel contamination can be tolerated. It is stated that Waterville Plant No. 7 produces microfibers, filter tubes, fiberglass mats, and base fiber materials used for ablative shielding for the NASA space project. The plant employes 184 persons at an annual payroll of over $2,250,000. Waterville Plant No. 7 uses gaseous fuel for attenuation of fine glass fibers used for insulation and for the production and drying of high-purity microquartz fibers used in the construction of surface shielding for the NASA space shuttle. It is further stated that both Columbia and Waterville Gas are and will continue to curtail significant deliveries of natural gas to Manville and that in 1975 Manville used 1,964,248 gallons of propane at its Waterville plants.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary

[FR Doc.77-1276 Filed 1-13-77;8:45 am]

[Docket No. CI77-191]

DIAMOND SHAMROCK CORP.

Application

JANUARY 6, 1977.

Take notice that on December 28, 1976, Diamond Shamrock Corporation (Applicant), P.O. Box 631, Amarillo, Texas, 79105, filed in Docket No. CI77-191 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from Diamond Shamrock's McKee Plant located in Moore County, Texas, for a period ending March 31, 1978, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Diamond Shamrock seeks limited-term certificate authority for a sale of residue gas to Northern in accordance with a Residue Gas Purchase contract between the parties dated December 17, 1976, but effective for the limited period commencing February 18, 1977, and ending March 31, 1978. Said contract provides for an initial base rate of $1.44 per Mcf and is subject to adjustment for taxes, Btu content, and gathering. The rate is further subject to quarterly adjustments of 1 cent per Mcf commencing April 1, 1977.

All of the wells from which the residue gas will be derived were commenced, or spudded, after May, 1976. The proposed rate is well below the rate of $1.90 per Mcf provided in Diamond Shamrock's intrastate contract with Southwestern Public Service Company.

[1] Alabama Power Company changed the project's designation from the "Crooked Creek Project" to the "R. L. Harris Project" in 1974.

[2] 50 F.P.C. 1984 (1973).

[3] The application also sought amendment of Article 8 of the license, which specified the rate of return on project net investment. By letter of the Secretary dated August 24, 1976, pursuant to our Order No. 550, issued June 24, 1976, a new license article dealing with amortization reserves was added to the license. The relief relating to rate of return has, therefore, already been granted and need not concern us further.

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Diamond Shamrock's residue gas supply will be available for the proposed interstate sale to Northern only until April 1, 1978. On April 1, 1978, Southwestern Public Service Company will purchase the gas from Diamond Shamrock pursuant to a contract dated December 15, 1976. Said contract is effective through March 31, 1985, and provides for an initial rate of $1.90 per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1977, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1271 Filed 1-13-77;8:45 am]

[Docket No. RP76-90]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Tariff Filing

JANUARY 7, 1977.

Take notice that on December 27, 1976, Kansas-Nebraska Natural Gas Company, Inc. (K-N), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. RP76-90 pursuant to section 4 of the Natural Gas Act proposed changes to sections 13 and 18 of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1. K-N's proposed tariff changes deal with provisions for (1) gas storage injection and withdrawal, (2) allocation of delivery capability by priority, (3) emergency relief and (4) notices. The proposed effective date of K-N's tariff sheets is February 1, 1977. K-N's proposals are more fully set forth in the tariff sheets on file with the Commission and open to public inspection.

K-N states that its gas reserves have been adequate to meet all firm requirements but have been declining rapidly because of a trend over the past several years, and expected to continue, whereby annual requirements have exceeded annual reserves added. Accordingly, and in specific response to Commission Order 431 (45 FPC 570 (1971)), K-N submits as a new subparagraph (3) to § 13.b of the General Terms and Conditions of its FPC Gas Tariff its curtailment plan which provides as follows:

(3) *Allocation of Delivery Capability.*

(i) Whenever the delivery capability of Seller's system, due to any cause whatsoever not limited to force majeure, is such that Seller is unable to deliver to consumers served directly by Seller and consumers served indirectly by Seller through Buyer the quantity of gas which the consumers require and to fulfill its requirements to inject gas into its storage facilities, deliveries shall be reduced uniformly to consumers of Seller and for consumers served by Buyer and within each step the reductions shall be made pro-rata as follows:

Step 1: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 10,000 Mcf.

Step 2: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 3,000 Mcf but not more than 10,000 Mcf.

Step 3: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 1,500 Mcf but not more than 3,000 Mcf.

Step 4: Boiler fuel use by industrial and commercial consumers having a requirement for such use on a peak day of more than 300 Mcf but not more than 1,500 Mcf.

Step 5: Industrial use not specified in Steps 1, 2, 3, 4 and 6 having a peak day requirement for such use of more than 500 Mcf.

Step 6: Requirements of all consumers not specified in Steps 1, 2, 3, 4, 5, 7 and 8.

Step 7: All uses by commercial consumers on a peak day of more than 50 Mcf except for boiler fuel use by commercial consumers having requirements on a peak day of more than 300 Mcf, and requirements of all industrial consumers for plant protection, feedstock and process needs.

Step 8: Requirements of residential consumers and of commercial consumers having requirements on a peak day of less than 50 Mcf.

(ii) The terms "residential", "commercial", "industrial", "boiler fuel", "feedstock gas", "process gas", and "plant protection gas" as used above are defined in accordance with the definitions prescribed in 18 CFR 2.78(c) as that paragraph (c) may be amended from time to time.

K-N states that the lowest priority requirements are listed first and the highest priority requirements last so as to correspond with the sequence of the reduction steps. K-N anticipates that initially all reductions of deliveries will be to interruptible customers in steps 1 through 5.

K-N states that the foregoing subparagraph (3) replaces the present subparagraph (3) which deals with "Gas for Storage Injection." Furthermore K-N submits a new subparagraph (4) which deals with procedural rules, a new subparagraph (5) dealing with "Storage Withdrawals" which replaces the present subparagraph (4), subparagraph (6) dealing with "Variations in Procedures", subparagraph (7) on "Demand Charge Adjustments" and subparagraph (8) describing the "Index of Requirements". In addition, K-N states that subparagraph (2) has been amended by the addition at the end of one clarification sentence, that First Revised Sheet No. 14 deletes the word interruptible from the last sentence of Section 2, that First Revised Sheet No. 25 reflects a change in Section 18 to provide for oral notice of orders pursuant to Rate Schedule IOR and under Section 13.b of the General Terms and Conditions, and that Original Sheets 33 through 37 set forth the Index of Requirements for Consumers in Reduction Steps 1 through 5.

K-N notes that the present § 13.b of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1 was originally filed on August 29, 1975 as a part of a rate increase filing in Docket No. RP76-8. K-N adds that subsequent to the time the tariff sheets containing section 13 became effective pursuant to the requirements of section 4 of the Natural Gas Act, the Commission issued an order in Docket No. CP75-334, et al. on April 26, 1976 which severed the "curtailment issues" raised in Docket No. RP76-8 from the price issues in that docket and redocketed the "curtailment issues" as Docket No. RP76-90. On June 10, 1976, the Commission issued in Docket No. RP76-90 a "Re-Notice" of the tariff sheets in question, referring specifically to Section 13.a and § 13.b. On December 21, 1976, the Commission issued an order in Docket No. RP76-90 setting for evidentiary hearing the issues relating to the present section 13 of the General Terms and Conditions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 17, 1977, file with the Federal Power Commission, Washington, D.C. a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1270 Filed 1-13-77;8:45 am]

[Opinion No. 782-A; Docket No. RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Opinion and Order Denying Rehearing

JANUARY 6, 1977.

On December 9, 1976, Hawkeye Chemical Company (Hawkeye), Northern Illinois Gas Company and Northern Indiana Public Service Company (NIPSCO and NI-Gas) and the Brooklyn Union Gas Company (Brooklyn) filed applications for rehearing of the Commission's Opinion No. 782, issued November 9, 1976, in this proceeding. The parties, for varying reasons, request that the Commission reverse the determination in Opinion No. 782 that the *United* method of rate design be used to distribute costs on Natural Gas Pipeline Company of America's (Natural's) system and that the Commission prescribe in lieu thereof the *Seaboard* method. For the reasons discussed below, the Commission shall deny the three applications for rehearing of Opinion No. 782.

NIPSCO and NI-Gas and Brooklyn Union argue that there is no evidence to support the Commission's finding that a shift from *Seaboard* to *United* will narrow the price gap between the price of gas the price of competitive fuels. The claim is made that the rate design change will only cause more dollars to be collected from high-load factor customers and fewer dollars to be collected from low-load factor customers without regard to their end use profiles and that Natural's total revenues collected will remain the same. They also argue that the *United* rate design will not affect price discounts enjoyed by industrials.

These arguments are unpersuasive. The Commission found in Opinion No. 782 that a switch from *Seaboard* to *United* would narrow the gap between the price of industrial gas and the costs of alternate fuel because such a shift would result in an increase in the commodity rate charged to Natural's customers (mimeo, p. 12). The United States Court of Appeals for the Seventh Circuit in *Fuels Research Council, Inc.* v. *F.P.C.*, 374 F. 2d 842, 854 (7th Cir. 1967), discussed the relationship between the pipeline supplier's commodity rate levels and the retail industrial rates in an earlier case involving the rate design of Natural, among others:

> The rates for industrial interruptible sales are set by the state regulatory commissions. The lowest of such rates are usually fixed at something in excess of the "incremental cost" of gas. The incremental cost is said to be the cost of the gas to the distributors plus local transportation costs plus state and local taxes. Significantly, the commodity component of the pipeline rate is used as the cost of the gas. The demand component of the pipeline rate is disregarded by the state commissions for purposes of interruptible rates. The level of the pipelines' commodity component is therefore extremely important to the pipelines and the distributors, quite apart from the reasons discussed earlier.[14]

Thus, the Commission by assigning more costs to the commodity component of Natural's rates, is narrowing the gap between the price for industrial gas and the price of alternate fuels, whether those industrials are served by high-load factor or low-load factor customers of Natural.

These petitions also argue that the shift to *United* will not affect conservation among industrial customers because Natural is already curtailing industrial sales such that these industrial customers can no longer get all of the gas they are demanding. Moreover, there are unfulfilled waiting lists of new industrial customers. Thus, it is argued that existing industrial users will conserve the gas they are receiving in light of the scarcity which currently exists. While it is true that there is some incentive for industrials to conserve gas on Natural's system without a switch to *United*, the Commission does not believe it is sufficient to warrant retention of the *Seaboard* rate design. As the U.S. Court of Appeals for the D.C. Circuit noted recently in *Consolidated Gas Supply Corporation* v. *F.P.C.*, 520 F.2d 1176 at 1186:

> Due to the increasing costs of coal and oil and the growing scarcity of natural gas, it is no longer necessary to lure industrial customers with relatively low commodity charges.

Brooklyn Union argues that *United* discrimates against those customers such as NI-Gas who have extensive storage operations[1] which enable those customers to purchase gas at a high load factor. It is argued that by installing these storage facilities in the past, these customers benefited all of Natural's customers by obviating the need for Natural to install additional main line capacity to meet peak-day demands. Trying to determine today, in a time of gas shortage, exactly what alternative sources of peak-day gas would have been available to the customers of Natural who constructed storage facilities in time past, when gas was more plentiful, is a speculative exercise and is no basis for rejecting a rate design more reflective of the current operating conditions on Natural's system. Moreover, since storage facilities provide the owner thereof with many advantages, such as operating flexibility and a higher priority of service from Natural, the decision to construct such facilities is clearly based on more than a desire to achieve lower unit costs of purchased gas. In any event, these high-load factor customers of Natural with storage have enjoyed lower prices under *Seaboard* and tilted *Seaboard* rate designs,[2] and will continue to enjoy a price discount through lower average unit costs of purchased gas under *United*, albeit to a lesser extent. Moreover, as high load factor, higher volume purchasers, they will make greater use of the system on an annual basis and therefore should bear more of the capacity (fixed) costs than would be the case under *Seaboard* rates, which had their origin in a time of plentiful gas supply.

Brooklyn Union also alleges that the Commission gave inappropriate consideration to the fact that in the *United* case there were substantial curtailments on the peak day, whereas on the Natural system there were not. Therefore, even though there are curtailments on an annual basis, Brooklyn Union argues that the peak function is unaffected and therefore no fixed costs should be shifted from the demand to the commodity component. Inasmuch as this issue was discussed in detail in Opinion No. 782 (pp. 14–16), there is no need for further discussion herein.

In a somewhat different vein from the other petitioners, Hawkeye argues for adoption of *Seaboard* precisely because of the fact that, as an industrial customer purchasing gas from one of Natural's customers, it will have to pay higher rates. Hawkeye raises some arguments which are similar to those of the other petitioners which have already been dealt with herein and require no further discussion. However, the main arguments raised by Hawkeye are that no substantial unused capacity exists on Natural's system to justify a switch to a *United* rate design and that since Hawkeye is a high priority industrial user, it should not pay as high a rate as a boiler fuel user. Opinion No. 782 shows that there have been and will continue to be substantial curtailments on an annual basis on Natural's system (pp. 14–16). Contrary to Hawkeye's contentions, these curtailments are clear evidence of the existence of unutilized capacity on Natural's system on an annual basis sufficient to justify a change from *Seaboard* to *United*. As to Hawkeye's second argument, we find no reason why Hawkeye's rates, as well as those of other industrial users, should not be brought into closer parity with the price of competitive fuels. This result is consistent with the Commission's curtailment priorities of favoring residential and small commercial users over industrial users.

The Commission finds: No facts or issues have been raised by petitioners

[14] The importance of the commodity components in the pipelines' rate designs was succinctly stated by the Commission: "They are important for the reason that the State commissions apply a floor on industrial resale rates at the commodity cost of the gas plus incremental (local out-of-pocket) charges incurred in making deliveries. Thus, an increase ordered in Midwestern's and Natural's commodity components could be expected to be ultimately reflected in increases ordered by the State commissions in the distributors' rates."

[1] Brooklyn Union also argues that because of *Natural's* storage operations, the *Seaboard* rate design should be retained. The Commission is not persuaded that this is a basis for retention of the *Seaboard* rate design.

[2] See *Fuels Research*, *infra*.

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to warrant any modification in Opinion No. 782.

The Commission orders: (A) The applications for rehearing of Opinion No. 782 filed on December 9, 1976, by Brooklyn Union, NIPSCO and NI-Gas, and Hawkeye are hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1273 Filed 1-3-77;8:45 a.m.]

[Docket No. CP77-94]

NORTHWEST PIPELINE CORP.

Application

JANUARY 7, 1977.

Take notice that on December 15, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Mountain Fuel Supply Company (Mt. Fuel) on a deferred basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange natural gas with Mt. Fuel under the terms of a deferred gas exchange agreement (Agreement) entered into between the parties and dated December 10, 1976. The Agreement, it is stated, calls for the delivery of natural gas by Mt. Fuel to Applicant during the period commencing with the granting and acceptance of regulatory approval and continuing through April 30, 1977, and the redelivery of equivalent volumes of gas to Mt. Fuel by Applicant beginning June 1, 1982. The Agreement provides further, it is stated, that initial exchange volumes would not exceed an average of 20,000,000,000 Btu's per day for any seven-day period beginning on any Monday and shall be limited to a total of 2,000,000,000,000 Btu's for the entire delivery period. It is stated that Applicant would redeliver a volume of gas equivalent to volumes taken from Mt. Fuel plus an additional 3.0 percent to compensate Mt. Fuel for line loss and compressor fuel. Such redeliveries, it is stated, would begin on June 1, 1982; and Applicant, it is stated, would be required to use its best efforts to redeliver no less than 20 percent and not more than 35 percent of the volumes due during each summer season beginning on June 1, 1982. It is stated that any balance due Mt. Fuel as of September 30, 1986, would be redelivered to Mt. Fuel during the period June 1, 1987, through September 30, 1987, or, at Mt. Fuel's option, would be immediately paid for by Applicant.

It is stated that delivery would be made at an existing point of interconnection between Mt. Fuel's and Applicant's facilities in Sweetwater County, Wyoming. Applicant would pay Mt. Fuel 40.88 cents per 1,000,000 Btu's of natural gas, the current average price of gas stored in Mt. Fuel's Leroy Storage Reservoir, plus an additional two cents per 1,000,000 Btu's for all exchange volumes delivered to compensate Mt. Fuel for alcohol treatment and storage withdrawal. Mt. Fuel would pay Applicant 40.88 cents per 1,000,000 Btu's upon the redelivery of exchange volumes.

It is indicated that the exchange volumes which Mt. Fuel proposes to deliver to Applicant under the proposed exchange agreement would enable Applicant partially to offset the 1976-77 heating season shortfall of 240,000 Mcf per day anticipated from Applicant's Canadian imports. It is estimated that Mt. Fuel does not require the full withdrawal capacity of its underground storage facilities during the 1976-77 winter heating season and can, therefore, make such unused withdrawal capability available to Applicant under the proposed exchange. It is indicated that Mt. Fuel can, in its sole opinion, discontinue exchange deliveries when its system requires partial or complete restoration of service and, furthermore, that Mt. Fuel would make deliveries to Applicant only on those days when one or more of Applicant's firm customers are requesting service under Applicant's Rate Schedule SGS-1 (Jackson Prairie Storage Service) or Rate Schedule LS-1 (LNG service). Mt. Fuel would deliver the exchange gas by authorizing Applicant to reduce deliveries otherwise due Mt. Fuel under Applicant's Rate Schedule PL-1.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 28, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1275 Filed 1-13-77;8:45 am]

[Docket No. CP7793]

TEXAS GAS TRANSMISSION CORP.

Application

JANUARY 6, 1977.

Take notice that on December 15, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP 77-93 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of H. H. Robertson Company (Robertson), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Robertson an average of 235 Mcf of natural gas per day, on a interruptible basis, for a period of two years for use at Robertson's plant located in Connersville, Indiana. Applicant states that the maximum daily transportation volume would be 360 Mcf. It is stated that subject gas would be received by Applicant at a metering station to the constructed and operated by Applicant located in Union Parish, Louisiana, near Block Valve No. 4 on Applicant's Sharon-Bastrop 26-inch line and would be redelivered by Applicant at an existing point of delivery to Ohio Valley Gas Corporation (Ohio) for the account of Robertson. It is indicated that Ohio is an existing resale customer of Applicant and that Ohio is the distribution company which serves Robertson's Connersville, Indiana, plant.

It is indicated that pursuant to a gas sales contract between Robertson and Ergon, Inc. (Ergon), dated September 10, 1976, Ergon agrees to supply up to 360 Mcf and no less than 180 Mcf of natural gas per day to Robertson from the Monroe Gas Field in Union Parish, Louisiana. It is indicated that the point of delivery under the contract is at the point of interconnection of Ergon's gathering facilities and Applicant's pipeline and that the price per Mcf as $1.60 for the two-year term of the agreement.

Applicant states that it will retain 10.8 percent of the volume received for transportation as make-up for compressor fuel and line loss and that the transportation charge will be 18.03 cents per Mcf. Applicant asserts that the proposed transportation service will have no appreciable effect on its mainline system. Applicant states that it did not consider the subject natural gas supply available to it since Ergon indicates that the subject gas would only have been sold in intrastate markets or sold to other Priority 1 users under § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79).

It is indicated that Robertson uses natural gas to bake finishes on metal sidewall building panels which are manufactured at its Architectural Products Division plant in Connersville, Indiana. It is further indicated that current and anticipated Priority 2 curtailments would result in the lay-off of one-third of Robertson's Connersville employees or more than one hundred persons and would impair the manufacturer's ability to produce its building materials. It is stated that the building materials manufactured at the Robertson plant are in high demand because of their insulating properties and that conversion to oil fuel would produce, depending on the particular process involved, either panels of unacceptable quality or panels at a uncompetitive price.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1272 Filed 1-13-77;8:45 am]

TRANSCONTINENTAL GAS PIPE LINE CORP.

[Docket Nos. RP74-48 and RP-75-3]

Extension of Time

JANUARY 6, 1977.

On December 30, 1976, Transcontinental Gas Pipe Line Corporation (Transco) filed a motion for an extension of time to make additional interest payments to its customers, as required by ordering paragraph (B) of the Order issued December 6, 1976, in the above-designated proceeding. Transco filed on January 5, 1977, an application for rehearing of the December 6 Order.

Pursuant to Section 1.34 of the Commission's Rules and Regulations, the Commission must act within thirty days, or by February 4, 1977, on the application for rehearing. Therefore, an extension to comply with the December 6, 1976, Order is granted to and including March 7, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1269 Filed 1-13-77;8:45 am]

[Docket No. E-7638; Docket No. E-7647]

PUBLIC SERVICE CO. OF INDIANA, INC. AND SOUTHERN INDIANA GAS & ELECTRIC CO.

Settlement

JANUARY 4, 1977.

Take notice that on December 1, 1976, the Public Service Company of Indiana, Inc. (PSCI) and Southern Indiana Gas & Electric Company (SIGECO) filed a motion with the Commission for an order to "Reaffirm and Ratify The Commission's Prior Findings and Order and Terminate Proceedings" and attached thereto a proposed settlement agreement.

PSCI and SIGECO indicate in their motion, that on June 8, 1971, in Docket No. E-7647, the parties filed an interconnection agreement as an initial rate schedule, and in Docket No. E-7638, as of the same date, PSCI and SIGECO applied for authority to sell certain electric facilities in accordance with the interconnection agreement. By order issued May 26, 1972, the Federal Power Commission simultaneously accepted for filing the Rate Schedule in Docket No. E-7647 and authorized disposition of the facilities in Docket No. E-7638. An appeal to the Commission's order of May 26, 1972, was filed in the United States District Court of Appeals for the District of Columbia Circuit by the City of Huntingburg, Indiana and the Indiana Municipal Electric Association Corporation (IMEA) Cities.

On review the Court of Appeals, *City of Huntingburg, Indiana* the FPC, 498 F.2d 778, 780 (1974), stated *inter alia:*

> • • • [T]he Cities argue that certain provisions of the [interconnection] agreement would produce substantial anticompetitive effects in the market served by PSCI and SIEGCO. They seek an order instructing the FPC to excise the disputed provision from the interconnection agreement or, in the alternative, an order remanding the case to the Commission for an evidentiary hearing on whether the challenged provisions, if retained, would advance the public interest.

On the record supplied to us on review and the Opinion accompanying the Commission's order, we are unable to discern the reasons for the Commission's decision to accept the allegedly restrictive provisions of the interconnection agreement as part of the PSCI-SIEGCO rate filing. We therefore remand to the Commission for hearings in accordance with Part III of this Opinion.

The Court's Opinion, Part III, page 788, identified the specific "fundamental" question to be decided by the Commission as follows:

> On remand the Commission should endeavor to answer several questions. The fundamental inquiry is whether the provisions of the interconnection agreement challenged by the Cities represent negative restrictions[*] on the Statewide's potential as a competitor with PSCI and SIEGCO. If the Commission finds that there are no negative restrictions in the Agreement, as counsel suggested at oral argument, the inquiry will be at an end.

Attached to the December 1, 1976, motion of PSCI and SIEGCO is a "Proposed Settlement Agreement of Parties" and "Proposed Stipulation of the Parties to the Hoosier Interconnection Agreement" as well as an attachment entitled "Statement of Bulk Power Supply Policies".

Applicants PSCI and SIEGO submit that their motion for resolution and termination of the proceedings as supported by their proposed settlement and stipulation are sufficient to indicate to the Commission that there are no negative restrictions in the agreement and the Dockets can be terminated without further evidentiary hearing.

Any person desiring to be heard or to protest said settlement agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this settlement agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1431 Filed 1-13-77;8:45 am]

[*] We employ the term "negative restrictions" to denote those restrictions that are not simply necessary incidents of the parties' positive undertakings to interconnect, consult on planning, and the like.

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[Docket No. RM75-13; Order No. 555-A]

PUBLIC UTILITIES AND NATURAL GAS COMPANIES; POLICIES AND INTERPRETATIONS

Order Denying Rehearing

JANUARY 6, 1977.

In the matter of amendments to Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C, and D) and to Regulations under the Federal Power Act and the Natural Gas Act, to Provide for Inclusion of Construction Work in Progress in Rate Base.

Applications for rehearing of the Commission's Order No. 555, issued November 8, 1976 (41 FR 51392, Nov. 22, 1976), in this proceeding, were filed on December 7, 1976, by Georgia Power Company (Georgia), The Connecticut Municipal Group (Connecticut Municipals), and on December 8, 1976, by Pacific Gas & Electric Company (PG&E), Public Systems,[1] Mississippi Power & Light Company (MP&L), Regulated Electric Utility Group (Regulated Group),[2] as supplemented on December 10, 1976, and Southern California Gas Company (So-Cal). On December 20, 1976, the Regulated Group also filed a motion for reconsideration of Order No. 555. For the reasons set forth below, the Commission shall deny the requests for rehearing or modification of Order No. 555.

Public Systems advanced several reasons against the proposed inclusion of certain CWIP in rate base. Many of these reasons are also advanced by Connecticut Municipals. Specifically, among other things, they argue that Order No. 555, by permitting CWIP associated with pollution control and conversion costs in the rate bases of electric utilities, will create "price squeezes" contrary to *F.P.C. v. Conway Corp.*, 426 U.S. ——, 96 S.Ct., 1999 (1976), in those states where the state commissions do not permit CWIP on the same plant to be included in rate base for retail rate purposes. They argue that the Commission has not set forth sufficient offsetting benefits of including CWIP in rate base which might outweigh the alleged anti-competitive effects of such inclusion.

The Commission agrees that it is under an obligation to eliminate undue discrimination where a "price squeeze" is found to exist and has so stated in its "Notice of Proposed Rulemaking" issued July 29, 1976, in Docket No. RM76-29. Accordingly, the Commission shall review "price squeeze" allegations in individual electric rate proceedings and shall, of course, consider all relevant evidence. The instant rulemaking, which prescribes general rules for exclusion and inclusion of various types of CWIP in rate base, is not the appropriate forum to determine under what future circumstances a "price squeeze" might exist on hypothetical electric utility systems.

[1] A coalition of publicly-owned municipals and REA cooperatives.

[2] A group of privately-owned utilities.

It is also urged that prior to permitting any CWIP in rate base, the utility should come forward with evidence to show that it has exhausted other sources of capital such as, among others: tax incentives (for pollution control devices), and cooperative financing with publicly-owned and investor-owned utilities. Other preconditions advocated are: (1) a requirement that the utility offer its wholesale customers access to transmission service at cost-based rates, and during the transition to generation autonomy, offer partial requirements service as well, and (2) a requirement that the utility offer its customers meaningful access to any regional power pool of which it is a member.

With respect to pollution control and conversion devices, the Commission has already determined that CWIP associated with such devices should be included in rate base for the reasons set forth in Order No. 555 and there is no need for the utility to show further evidence of financial benefit for inclusion of such items. With respect to other CWIP for electric utilities, the Commission will, of course, consider all relevant aspects of financial need of the utility, including alternate sources of capital. However, we are not convinced based upon the record in this proceeding that a utility should be required to seek cooperative financing from an investor-owned or a publicly-owned utility prior to receiving CWIP in rate base related to items other than pollution control and conversion devices. With regard to the proposed requirements that a utility offer transmission service to its wholesale customers, we are not convinced that we can do indirectly what the U.S. Supreme Court has indicated this Commission may not do directly.[3] With respect to the partial requirements service and regional power pool suggestions, we find that these considerations may be appropriate in a general investigation of alleged anti-competitive practices, but certainly are not relevant to the question of whether or not certain CWIP should be included in rate base.

Public Systems attacks the statement in Order No. 555 that CWIP associated with pollution control and conversion devices should be accorded rate base treatment because of the current generation's commitment to the control of pollution and the profligacy of the present generation. They argue this puts too much of a financial burden on present ratepayers to require them to pay to correct mistakes of past generations, as well as to provide benefits for future generations. These arguments are unpersuasive. As we found in Order No. 555, the benefits of pollution control and conversion devices to the present generation are sufficient to warrant inclusion of CWIP in rate base at the present time.

Finally, Public Systems argues that if CWIP for pollution control devices is to be permitted (which they oppose), it should be limited to retrofit devices so as to eliminate alleged problems of definition as propounded in Commissioner Smith's concurring statement in Order No. 555. The Commission concludes that whatever problems of definition with respect to certain pollution control devices exist can be handled on a case-by-case basis and do not outweigh the reasons given for allowing the scope of CWIP set forth in Order No. 555.

The Regulated Group and others urge inclusion of all CWIP in rate base by arguing, inter alia, that long-term costs to ratepayers are cheaper, that there is still a need for more financing for future plants, and that it will be difficult to distinguish pollution control devices, at least on new plants, from the remainder of new plant. As indicated previously, definition problems will be handled on a case-by-case basis. The other arguments were raised and discussed in Order No. 555 and need no further consideration in this order.

Regulated Group, Georgia Power, and PG&E argue that the Commission's "prospective only" treatment for CWIP suspension permitted by section 205 of pollution control and conversion is in reality an extension of the five-month suspensioin permitted by section 205 of the Federal Power Act and, therefore, probably illegal. They also argue that it is bad policy because it would provide relief too late to help a utility because of regulatory delays.

In considering the proper treatment for CWIP for electric utilities, the Commission made the basic determination that only CWIP associated with pollution control and conversion devices should be included in rate base in all cases. With respect to the remaining CWIP for electric utilities, the Commission determined in general that such CWIP should not receive rate base treatment. However, the Commission also noted that there might be special cases in rare instances where, because of extreme financial hardship, it would be in the public interest to permit an electric utility to receive rate base treatment for CWIP not related to pollution control or conversion devices. Therefore, the Commission established what is, in effect, a special relief provision as an exception to the general rule prohibiting rate base treatment for such CWIP. In view of the Commission's finding that such relief would be granted only in the most extraordinary of circumstances, it is appropriate that such relief be prospective only. Otherwise the utility's ratepayers might routinely be burdened with the carrying charges associated with such claimed CWIP during the period of the Commission hearing, even though, in most instances, the claim would be rejected. The Commission notes that this procedure has been followed in its producer rate special relief provisions.[4] Accordingly, the Commission shall deny rehearing on this issue.

The Regulated Group argues for an expanded definition for pollution control devices to include, inter alia, extra generating capacity required by pollution control devices. MP&L argues for changing the effective date of the rulemaking to cover electric rate cases pending before the Commission where CWIP was requested in the original evidentiary case. Again, the Commission finds that these arguments were covered adequately in Order No. 555 and need not be discussed further herein.

PG&E and So-Cal argue for extension of the rulemaking to natural gas pipelines either in whole or in part. They generally question the soundness of the Commission's rationale for excluding pipelines from the purview of Order No. 555 (mimeo, p. 8). We have carefully reviewed the arguments raised by petitioners, our discussion in Order No. 555, as well as the entire record herein, and find no basis for modifying Order No. 555 as requested by petitioners, and accordingly affirm our findings in Order No. 555 on this issue.

WATT, Commissioner, *dissenting:*

I am disappointed that reconsideration was not granted in order to allow the phasing in of rate base treatment for all construction work in progress.

JAMES G. WATT,
Commissioner.

[FR Doc.77-1282 Filed 1-13-77;8:45 am]

[3] *Otter Tail Power Co. v. U.S.*, 410 U.S. 366 (1973).

[4] See Opinion No. 749, —— FPC ——, issued December 31, 1975, in Docket No. R-478 (mimeo, p. 54, subparagraph (h)); Opinion No. 699-H, 52 FPC 1654 (1974) (subparagraph (g)).

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 52]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending December 25, 1976

ACTIONS OF THE BOARD

Publication for public comment proposed sample forms and instructions that could be used by lessors to comply with the Board's regulations implementing the Consumer Leasing Act.

Forms F.R. Y-6 and F.R. Y-6 Supplement, revisions of the Bank Holding Company Annual Report, effective with reporting of year-end 1976 data.

C.I.T. Financial Corporation, New York, New York, the Board announced that C.I.T. is entitled to grandfather privileges for some but not all of the nonbank activities in which it currently engages; the determination was made under the 1970 amendments to the Bank Holding Company Act.

SWB Corporation, Oklahoma City, Oklahoma, extension of time to February 20, 1977, within which to consummate acquisition of Southwestern Bank and Trust Company, Oklahoma City, Oklahoma.[1]

Citibank, N.A., New York, New York, extension of time within which it may acquire and hold up to 40 percent of Bank of Lebanon and Kuwait S.A.R. Beirut, Lebanon.[1]

Jackson State Bank, Jackson, Wyoming, extension of time to April 30, 1977, within which to complete the sale of suborbinated capital notes.[1]

Boston Leasing, GmbH, Frankfurt, Federal Republic of Germany, proposed merger by The First National Bank of Boston, Boston, Massachusetts, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

First National Bank of Youngwood, Youngwood, Pennsylvania, proposed acquisition by Gallatin National Bank, Uniontown, Pennsylvania, report to the Comptroller of the Currency on competitive factors.[1]

Nacogdoches Road Bank, San Antonio, Texas, proposed merger with Northern Hills Bank of San Antonio, San Antonio, Texas, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Subsidiaries of Sun Banks of Florida, Inc., Orlando, Florida, proposed merger with Sun First National Bank of Orlando, Orlando, Florida, report to the Comptroller of the Currency on competitive factors.[1]

To establish a domestic branch pursuant to section 9 of the Federal Reserve Act.

APPROVED

Union Trust Company of Maryland, Baltimore, Maryland, Branch to be established at the intersection of Democracy Boulevard and Fernwood Road, Bethesda, Montgomery County.[2]

Bloomfield State Bank, Bloomfield, Indiana, Branch to be established at 315 East Main Street, Jasonville, Greene County.[2]

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International Investments and other actions pursuant to sections 25 and 25(a) of the Federal Reserve Act and sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Federal Deposit Insurance Corporation—for the First Natioal Bank of Boston: to acquire the assets and assume liability to pay deposits made in Boston Leasing, G.m.b.H., Frankfurt, Federal Republic of Germany.

BankAmerica Corporation: Investment—reorganization and merger of Luxembourg Subsidiaries.

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To form a bank holding company pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

SUSPENDED

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for approval to acquire 27.70 per cent of the voting shares of Security State Bank, Sheldon, Iowa.

APPROVED

First Security Corporation, Harrison, Arkansas, for approval to acquire 98.4 per cent of the voting shares of The Security Bank, Harrison, Arkansas.[2]

First National Bancshares of Dodge City, Inc., Dodge City, Kansas, for approval to acquire 87.4 per cent of the voting shares of First National Bank in Dodge City, Dodge City, Kansas.[2]

Scribner Banshares, Inc., Scribner, Nebraska, for approval to acquire 96.1 per cent or more of the voting shares of Scribner Bank, Scribner, Nebraska.

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To expand a bank holding company pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

Falsbuilding, Inc., Columbia Falls, Montana, for approval to acquire an additional 18.7 per cent of the voting shares of Bank of Columbia Falls, Columbia Falls, Montana.

Freeco, Inc., Hermitage, Missouri, for approval to retain 1,956 of the voting shares of The Bank of Hermitage, Hermitage, Missouri.

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To expand a bank holding company pursuant to section 3(a)(5) of the Bank Holding Company Act of 1956.

APPROVED

Ameribanc, Inc., St. Joseph, Missouri, for approval to merge with Consolidated Bancshares of Missouri, Inc., St. Joseph, Missouri.[1]

To expand a bank holding company pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Otto Bremer Company and Otto Bremer Foundation, St. Paul, Minnesota, notification of intent to engage in *de novo* activities (providing certain investment financial or economic information and advice) at 1300 Northern Federal Building, 385 North Wabasha Street, St. Paul, Minnesota, through a subsidiary, Bremer Service Company, Inc. (12/20/76)[2]

Scribner Banshares, Inc., Scribner, Nebraska, for approval to continue to engage in general insurance agency activities through Scribner Insurance Agency, Scribner, Nebraska.

DELAYED

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for approval to acquire the shares of Richard A. Schneider Agency and Security Agency, both in Sheldon, Iowa.

Metro Bancshares, Inc. Kansas City, Missouri, notification of intent to engage in de novo activities (leasing personal property or acting as agent, broker, or adviser in leasing such property provided all leases are to serve as the functional equivalent of an extension of credit to the lessee of the property; the leased property is to be acquired specifically for the leasing transaction under consideration or will have been acquired for an earlier leasing transaction; all leases are on a non-operating basis and at the inception of the initial lease the effect of the transaction will yield a return than will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the terms of the lease; the maximum lease term during which the lessor must recover the lessor's full investment in the property plus the estimated total cost of financing the property shall be 40 years; at the expiration of the lease all interest in the property shall be either liquidated or released on a nonoperating basis as soon as practicable but in no event later than two years from the expiration of the lease; however, in no case shall the lessor retain any interest in the property beyond 50 years after its acquisition of the property) at Metro North State Bank, 221 N.E. Barry Road, Kansas City, Missouri (12/23/76)[2]

PERMITTED

CB&T Bancshares, Inc., Columbus, Georgia, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others,

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

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loans and other extensions of credit such as would be made by a first mortgage company; and writing and issuing mortgage cancellation insurance and credit accident and health insurance in connection with the extension of credit such as would be made by a first mortgage company) from 1501 Thirteenth Street, Columbus, Georgia to 5670 Whitesville Road, Columbus, Georgia, through its subsidiary, The Georgia Company of America. (12/19/76) [3]

Colorado National Bankshares, Inc., Denver, Colorado, notification of intent to engage in de novo activities (acting as insurance agent or broker with respect to reducing term credit life insurance and credit accident and health insurance in connection with amortized loans and consumer installment loans and also with respect to level term credit life insurance and credit accident and health insurance in connection with single payment loans made by Colorado National Bankshares, Inc. and its subsidiaries) at First National Bank of Sterling, Sterling, Colorado; Weld Colorado Bank, Greeley, Colorado; Golden State Bank, Golden, Colorado; First National Bank, Evergreen, Colorado; Aspen Industrial Bank, Aspen, Colorado; and Northglenn Industrial Bank, Northglenn, Colorado; through a subsidiary, Colorado National Insurance Agency, Inc. (12/24/76) [3]

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To expand a bank holding company pursuant to section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Helmerich & Payne, Inc., Tulsa, Oklahoma, notification of intent to acquire from time to time shares of the common voting stock of Mid-Western Nurseries, Inc., Tahlequah, Oklahoma. (12/23/76) [3]

APPLICATIONS RECEIVED

To establish a domestic branch pursuant to section 9 of the Federal Reserve Act.

The Merrill Trust Company, Bangor, Maine. Branch to be established on Route 1 at Maine Street, Woodland.

International State Bank, Raton, New Mexico. Branch to be established in the 1300 block of South Second Street, Raton.

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To become a member of the Federal Reserve System pursuant to section 9 of the Federal Reserve Act.

Wyoming Bank of Rawlins, Rawlins, Wyoming.

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To form a bank holding company pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

Audubon Investment Company, Audubon, Iowa, for approval to acquire 97.83 per cent of the voting shares of Audubon State Bank, Audubon, Iowa.

Dunn Shares, Inc., Eagle Grove, Iowa, for approval to acquire 51.33 per cent or more of the voting shares of Security Savings Bank, Eagle Grove, Iowa.

Kruse Insurance Agency, Inc., Mineola, Iowa, for approval to acquire 80 per cent or more of the voting shares of Mineola State Bank, Mineola, Iowa.

• • • • •

To expand a bank holding company pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

Banks of Iowa, Inc., Cedar Rapids, Iowa, for approval to acquire 80 per cent or more of the voting shares of First Trust and Savings Bank, Davenport, Iowa.

Michigan National Corporation, Bloomfield Hills, Michigan, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Michigan National Bank—Farmington, Farmington Hills, Michigan, a proposed new bank.

Peoples Banking Corporation, Bay City, Michigan, for approval to acquide 100 percent of the voting shares (less directors' qualifying shares) of the successor by consolidation to The First National Bank of Lapeer, Lapeer, Michigan.

First International Bancshares, Inc., Dallas, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Beaumont State Bank, Beaumont, Texas.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank in Garland, Garland, Texas.

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To expand a bank holding company pursuant to section 3(a)(5) of the Bank Holding Company Act of 1956.

Texas Commerce Bancshares, Inc., Houston, Texas, for approval to merge with The Bancapital Financial Corporation, Austin, Texas.

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To expand a bank holding company pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

United Penn Corporation, Wilkes-Barre, Pennsylvania, notification of intent to engage in de novo activities (making loans under the Pennsylvania Consumer Discount Company Act up to $5,000; and the sale of insurance (life, health and disability insurance) which is directly related to such consumer loans) at 69 North Market Street, Nanticoke, Pennsylvania, through its subsidiary, Valley Consumer Discount Company. (12/17/76) [3]

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (mortgage banking including the making, acquiring and servicing for its own account or the account of others, loans and other extensions of credit) at Suite 256, Park Elm Office Center, 1451 Elm Hill Pike, Nashville, Tennessee, through its wholly-owned subsidiary, The Kissell Company, Springfield, Ohio (12/22/76). [3]

United Virginia Bankshares Incorporated, Richmond, Virginia, notification of intent to engage in de novo activities (leasing personal property and equipment and, in connection with such activity, making extensions of credit through conditional sales contracts and acting as agent, broker, or adviser in leasing such property under such circumstances and making loans and other extensions of credit by financing installment sales agreements, making loans and other extensions of credit secured by a security interest in personal property and equipment, and purchasing and selling leases of and installment sales agreements and debt obligations relating to personal property and equipment all as would be done by a commercial finance company) at 900 East Main Street, Richmond, Virginia, through its subsidiary, United Virginia Leasing Corporation (12/20/76). [3]

Kruse Insurance Agency, Inc., Mineola, Iowa, for approval to retain credit and service related insurance agency business of Kruse Insurance Agency, Inc., Mineola, Iowa.

Binger Agency Inc., Binger, Oklahoma, notification of intent to engage in de novo activities (the activities of provision of bookkeeping and data processing services and processing other banking, financial, or related financial data on a fee contract basis to businesses, bank, and individuals) at 101 West Main Street, Hinton, Oklahoma, through a subsidiary, Binger Agency Data Processing Center (12/20/76). [3]

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Heights Finance Corporation, Peoria, Illinois, notification of intent to acquire all of the outstanding shares of capital stock of Mid American Credit, Inc., a consumer finance corporation with offices in Canton, Havana, Beardstown, and Macombe, all in Illinois (12/23/76). [3]

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REPORTS RECEIVED

Proxy Statement (Special Meeting) Filed Pursuant to Section 14(a) of the Securities Exchange Act.

The Union Bank & Savings Company, Bellevue, Ohio.

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Ownership Statement Filed Pursuant to section 13(d) of the Securities Exchange Act.

Bank of the Commonwealth, Detroit, Michigan (Filed by Ghaith Pharson—Amendment No. 4).

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, January 10, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1266 Filed 1-13-77;8:45 am]

AUDUBON INVESTMENT CO.

Formation of Bank Holding Company

Audubon Investment Company, Audubon, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.83 percent or more of the voting shares of Audubon State Bank, Audubon, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 4, 1977.

Board of Governors of the Federal Reserve System, January 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1219 Filed 1-13-77;8:45 am]

DUNN SHARES, INC.

Formation of Bank Holding Company

Dunn Shares, Inc., Eagle Grove, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 51.33 percent or more of the voting shares of Security Savings Bank, Eagle Grove, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c))).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 31, 1977.

Board of Governors of the Federal Reserve System, January 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1216 Filed 1-13-77;8:45 am]

NORTHWEST ARKANSAS BANCSHARES, INC.

Formation of Bank Holding Company

Northwest Arkansas Bancshares, Inc., Bentonville, Arkansas, has amended its application for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of First National Bank, Rogers, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The amended application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 4, 1977.

Board of Governors of the Federal Reserve System, January 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1218 Filed 1-13-77;8:45 am]

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 21.19 percent and acquire an additional 78.81 percent (less directors' qualifying shares) of the voting shares of First National Bank in Garland, Garland, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 4, 1977.

Board of Governors of the Federal Reserve System, January 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1212 Filed 1-13-77;8:45 am]

REPUBLIC OF TEXAC CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Dallas National Bank in Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 7, 1977.

Board of Governors of the Federal Reserve System, January 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1215 Filed 1-13-77;8:45 am]

ROYAL TRUST BANK CORP.

Order Approving Acquisition of Banks

Royal Trust Bank Corp., Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Royal Trust Bank of St. Petersburg, Gulfport, Florida ("Gulfport Bank") and of Royal Trust Bank of Tampa, Tampa, Florida ("Tampa Bank").

Notice of the applications affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twenty-eighth largest banking organization in Florida, controls two banks which have deposits of $107 million, or less than one percent of deposits in all commercial banks of the state. (All banking data are as of December 31, 1975, and reflect acquisitions and formations through December 1, 1976.) Acquisition of Gulfport Bank, with deposits of $22.1 million, and Tampa Bank, with deposits of $6.1 million, would increase Applicant's share of Florida commercial bank deposits by less than one percent. No undue concentration of banking resources in Florida would result.

The purpose of the proposed transaction is to effect a transfer of direct ownership of Gulfport Bank and Tampa Bank from The Royal Trust Company, Montreal, Quebec, Canada ("Royal Trust"), to Applicant, a wholly owned subsidiary of Royal Trust. Gulfport Bank, with 1.6 percent of deposits held by the 18 banking organizations in the relevant St. Petersburg market area (Pinellas County, south of Largo), is the 16th largest banking organization in its area; Tampa Bank, with 0.35 percent of deposits held by 26 banking organizations in the adjoining Tampa market area (Hillsborough County plus Land o'Lakes in Pasco County) is the 23rd largest banking organization in its area. Consummation of the proposal would not eliminate existing or future competition, nor have an adverse effect on other area banks.

The financial and managerial resources of Applicant, dependent upon those of its subsidiary banks and Royal Trust, are considered to be satisfactory. Banking factors are consistent with approval of the applications.

The proposed acquisitions represent a change in the direct ownership of Gulfport Bank and Tampa Bank, and there are no significant proposed changes in the operation or services of the banks to be acquired.

Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the applications.

It is this Federal Reserve Bank's judgment that consummation of the proposed acquisitions is in the public interest and that the acquisition should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be completed (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of

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the Federal Reserve System, effective December 29, 1976.

ARTHUR H. KANTNER,
Senior Vice President.

[FR Doc.77-1213 Filed 1-13-77;8:45 am]

SOUTHEAST BANKING CORP., EXCHANGE BANCORPORATION, INC.

Order Approving Acquisition of Banks

Southeast Banking Corporation, Miami, Florida ("Southeast"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire 80 percent or more of the voting shares of (1) The Exchange Bank of North Winter Haven, Winter Haven, Florida ("Winter Haven Bank"); and (2) The Exchange Bank of Westshore, Tampa, Florida ("Westshore Bank"), both of which are presently controlled by Exchange Bancorporation, Inc., Tampa, Florida ("Exchange"). Southeast proposes to acquire Winter Haven Bank through its wholly-owned subsidiary, Southeast Acquisition Company.

At the same time, Exchange, a bank holding company within the meaning of the Act, has applied for the Board's prior approval under § 3(a)(3) of the Act to acquire 80 percent or more of the voting shares of (1) Southeast Bank of Gulf Gate, Sarasota, Florida ("Gulf Gate Bank"); and (2) Southeast National Bank of Manatee, Bradenton, Florida ("Manatee Bank"), both of which are presently controlled by Southeast.[1]

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

APPLICATIONS OF SOUTHEAST

Southeast, the largest banking organization in Florida, controls 47 banks with aggregate deposits of approximately $2.7 billion, representing 10.7 percent of the total deposits in commercial banks in the State.[2] Acquisition of Winter Haven Bank and Westshore Bank would not significantly increase Southeast's share of State deposits, nor would it alter Southeast's ranking among other State banking organizations. Approval of the subject applications to acquire Winter Haven Bank and Westshore Bank would not result in a significant increase in the concentration of banking resources in Florida.

Winter Haven Bank holds deposits of approximately $5.2 million, representing 1.6 percent of the total deposits in commercial banks in the East Polk County banking market,[3] and ranks as the 13th largest of 15 banks operating in that market. The three largest banking organizations operating in this market control approximately 69 percent of the market's commercial bank deposits. Exchange is the largest banking organization in the market, controlling 31.6 percent of total deposits in commercial banks in the market. The office of Applicant's subsidiary bank closest to Winter Haven Bank is located approximately 43 miles away in a separate banking market. It appears from the record that no meaningful competition presently exists between Southeast's subsidiaries, both bank and nonbank, and Winter Haven Bank. On the other hand, acquisition of Winter Haven Bank by Southeast should have some positive effects on competition by reducing the concentration of banking resources controlled by the market's largest banking organization and introducing an additional competitor.

Westshore Bank holds deposits of approximately $7.4 million, representing 0.4 pecent of the total deposits in commercial banks in the Tampa banking market,[4] and ranks as the 31st largest of 43 banks in the market. The three largest banking organizations in the market control more than 59 percent of total commercial bank deposits in the market. Southeast currently controls one subsidiary bank in the Tampa market, which holds deposits of approximately $26 million, representing 1.5 percent of the market's total deposits, and ranks as the market's 19th largest bank. Although consummation of Southeast's proposal to acquire Westshore Bank would eliminate some existing competition, the Board believes that on balance, the proposal should have a positive effect on competition in the Tamapa banking market. In view of the relatively small size of both Westshore Bank and Southeast's present subsidiary bank in the market and the number of competing banks in the market, the existing competition that would be eliminated would be insignificant in relation to the market. Furthermore, the amount of competition existing between Southeast's mortgage banking subsidiary and Westshore Bank is also considered insignificant. However, the acquisition of Westshore Bank by Southeast would decrease slightly the level of concentration of banking resources controlled by the market's largest holding companies.

On the basis of the foregoing, the Board concludes that consummation of Southeast's proposals to acquire Winter Haven Bank and Westshore Bank from Exchange would not have any significant adverse effects on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the applications.

With respect to the financial and managerial resources of Southeast and its subsidiaries, the Board denied an application by Southeast to acquire another bank in March of last year on the basis that Southeast should not divert any of its financial or managerial resources from its existing subsidiaries for purposes of making an acquisition.[5] However, the subject proposal is to be accomplished through an exchange of shares without any cash outlay or increased indebtedness and the two subject banks would not divert Applicant's attention or resources from its present subsidiaries because of the generally satisfactory financial and managerial resources of the two banks. Therefore, the Board concludes that the banking factors are consistent with approval of the applications.

Southeast proposes to generally expand and improve the services currently available to customers of the two banks; thus, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the applications. Accordingly, it is the Board's judgment that consummation of the proposal to acquire Winter Haven Bank and Westshore Bank from Exchange would be in the public interest and that the subject applications should be approved.

APPLICATIONS OF EXCHANGE

Exchange, the 13th largest banking organization in Florida, controls 14 banks with aggregate deposits of approximately $573 million, representing 2.3 per cent of the total deposits in commercial banks in the State. Acquisition of Gulf Gate Bank and Manatee Bank would not significantly increase Exchange's share of State deposits, nor would it alter Exchange's ranking among other State banking organizations. Approval of the subject applications to acquire Gulf Gate Bank and Manatee Bank would not result in a significant increase in the concentration of banking resources in Florida.

Gulf Gate Bank holds deposits of approximately $8.5 million, representing 1.5 per cent of the total deposits in commercial banks in the Sarasota banking market,[6] and ranks as the 13th largest of 16 banks operating in the market. The three largest banking organizations in the market control approximately 86 per cent of the market's total deposits. Southeast is the second largest banking organization in the market controlling more than one-third of the market's deposits. The office of a subsidiary bank of Exchange closest to Gulf Gate Bank is located approximately 60 road miles away in a separate banking market. It appears that there is no meaningful competition presently existing between any of Exchange's subsidiary banks and Gulf Gate Bank. Although Exchange could enter this market on a de novo basis, the subject proposal would have a positive effect on competition by reducing slightly the concentration of banking resources held by the market's second largest banking organization and providing a foothold entry for a new competitor in the market without eliminating any independent banks that could be acquired by other potential entrants in the future.

Manatee Bank holds deposits of approximately $3.5 million, representing 0.9 per cent of the total deposits in commercial banks in the Bradenton banking market,[7] and ranks as the 9th largest of 12 banks operating in the market. The three largest banking organizations in the market control approximately 64 per cent of the market's total deposits. Southeast is the second largest banking organization in the market controlling almost 22 per cent of total market deposits. The office of a subsidiary bank of Exchange closest to Manatee Bank is located approximately 45 road miles away in a separate banking market. It appears that no meaningful competition presently exists between any of Exchange's subsidiary banks and Manatee Bank. Again, the acquisition of Manatee Bank from Southeast should have positive effects on competition in the Bradenton market by slightly decreasing the concentration of resources held by the market's second largest banking organization and introducing an alternative source of banking services without eliminating any independent banks that could be acquired by potential entrants to the market in the future.

The financial and managerial resources of Exchange, its subsidiaries, Gulf Gate Bank and Manatee Bank are considered generally satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the applications.

Exchange proposes to offer specialized loan services to customers of Gulf Gate Bank and Manatee Bank. In addition, Exchange plans to provide both banks with staff training and management development programs. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the applications. It is the Board's judgment that consummation of the proposed acquisition of Gulf Gate Bank and Manatee Bank from Southeast would be in the public interest and that the applications should be approved.

It should be emphasized that the Board will scrutinize with special care any proposal that involves the exchange of bank subsidiaries between bank holding companies. Furthermore, the Board will only approve such a proposal if it would have a positive competitive effect, as is present in the instant proposals, or a beneficial effect upon the convenience and needs of the communities to be served sufficient to clearly outweigh any possible anticompetitive effects. Accordingly, on the basis of the record, the subject applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[8] effective January 10, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1267 Filed 1-13-77;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with The Ban-Capital Financial Corporation, Austin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 7, 1977.

Board of Governors of the Federal Reserve System, January 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1214 Filed 1-13-77;8:45 am]

FEDERAL TRADE COMMISSION

[File No. 772 3015]

BRYSON IMPLEMENT CO., ET AL.

Consent Agreement With Analysis to Aid Public Comment

Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34, 40 FR 15236, April 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited on or before March 14, 1977. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14), 40 FR 15236, April 4, 1975). Comments should be directed to:

Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

[File No. 772 3015]

BRYSON IMPLEMENT COMPANY ET AL

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Bryson Implement Company, Inc., a corporation, and Herbert M. Bryson, Jr., individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Bryson Implement Company, Inc., a corporation, and Herbert M. Bryson, Jr., individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the practices being investigated:

It is hereby agreed by and between Bryson Implement Company, Inc., a corporation, by its duly authorized officer, and Herbert M. Bryson, Jr., individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Bryson Implement Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Alabama, with its principal office and place of business located at Main Street, Samson, Alabama 36477.

Proposed respondent Herbert M. Bryson, Jr., is an officer of the proposed corporate respondent. He formulates, directs and controls the acts and practices of the proposed corporate respondent, and his address is the same as that of the said proposed corporate respondent.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance if comments or views submitted to the Commission within the aforesaid sixty (60) day period disclose facts

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[1] Southeast and Exchange propose to accomplish the subject acquisitions through the exchange of all of the voting shares of Winter Haven Bank and Westshore Bank now held by Exchange for all of the voting shares of Gulf Gate Bank and Manatee Bank now held by Southeast. In addition, Exchange would also acquire approximately 38,000 shares of the common stock of Southeast, which represents 0.3 percent of Southeast's total outstanding voting shares.

[2] All banking data are as of December 31, 1975.

[3] The East Polk County banking market, the relevant geographic market for purposes of analyzing the competitive effects of the proposal to acquire Winter Haven Bank, is approximated by the eastern half of Polk County, Florida.

[4] The Tamapa banking market is approximated by all of Hillsborough County and the Land O'Lakes area of Pasco County, all in Florida.

[5] Board Order dated March 16, 1976, denying the application of Southeast to acquire Worth Avenue National Bank, Palm Beach, Florida. In addition, on November 17, 1975, the Board approved the acquisition by Southeast of the financially troubled Palmer Bank Corporation and its subsidiaries, all of Sarasota, Florida.

[6] The Sarasota banking market is approximated by the northern portion of Sarasota County and the extreme southern portion of Manatee County, all in Florida.

[7] The Bradenton manking market is approximated by all of Manatee County, Florida, excepting the extreme southern portion.

[8] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Jackson.

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or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereo. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to-order to proposed respondents' address stated in the agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents Bryson Implement Company, Inc., a corporation, its successors and assigns, and its officers, and Herbert M. Bryson, Jr., individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of, or arrangement to extend, consumer credit or any advertisement to aid, promote or assist, directly or indirectly, any extension of, or arrangement to extend, consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (15 U.S.C. 1601–65 (1970), as amended, 15 U.S.C. 1601–64(a), (Supp. IV, 1974)) do forthwith cease and desist from:

1. Failing to give to each customer all of the cost of credit information required by § 226.8 of Regulation Z prior to the consummation of the sale, as required by § 226.8(a) of Regulation Z;

2. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate," as required by § 226.8(b)(2) of Regulation Z;

3. Failing to disclose the sum of the payments scheduled to repay the indebtedness and to describe that sum as the "total of payments," as required by § 226.8 (b)(3) of Regulation Z;

4. Failing to disclose the amount, or method of computing the amount, of any default, delinquency or similar charges payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z;

5. Failing, in conjunction with the description or identification of the type of any security interest held, retained or acquired, to clearly set forth such description on the same side of the page and above or adjacent to the price for the customer's signature on the contract or on one side of a separate statement which identifies the transaction, as required by § 226.8(a)(1) and (2) of Regulation Z;

6. Failing, in conjunction with the description or identification of the type of any security interest held or to be retained or acquired, to clearly set forth that future indebtedness is secured by the property in which the security interest is retained, as required by § 226.8(b)(5) of Regulation Z;

7. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z;

8. Failing to use the term "cash price" to describe the price at which respondents offer, in their regular course of business, to sell for cash the equipment which is the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z;

9. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z;

10. Failing to use the term "trade-in" to describe any downpayment in property made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z;

11. Failing to use the term "total downpayment" to describe the sum of the "cash downpayment" and the "trade-in," as required by § 226.8(c)(2) of Regulation Z;

12. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z;

13. Failing to disclose all other charges, individually itemized, which are included in the amount financed but which are not part of the finance charge, as required by § 226.8(c)(4) of Regulation Z;

14. Failing to disclose the sum of the "unpaid balance of the cash price" and all other charges individually itemized which are included in the amount financed but which are not part of the finance charge and to describe that sum as the "unpaid balance," as required by § 226.8(c)(5) of Regulation Z;

15. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z;

16. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z;

17. Failing to disclose the sum of the cash price, all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z;

18. Failing to include in the finance charge charges or premiums for credit life, accident, health or loss of income insurance, written in connection with any credit transaction unless

(i) The insurance coverage is not required by the creditor and this fact is clearly and conspicuously disclosed in writing to the customer; and

(ii) Any customer desiring such insurance coverage gives specifically dated and separately signed affirmative written indication of such desire after receiving written disclosure to him of the cost of such insurance, as required by § 226.4(a)(5) of Regulation Z;

19. Failing to include in the finance charge charges or premiums for insurance, written in connection with any credit transaction, against loss of or damage to property or against liability arising out of the ownership or use of property, unless a clear, conspicuous and specific statement in writing is furnished by the creditor to the customer setting forth the cost of the insurance if obtained from or through the creditor and stating that the customer may choose the person through which the insurance is to be obtained, as required by § 226.4(a)(6) of Regulation Z;

20. Failing to maintain evidence of compliance with Regulation Z for two (2) years after the date of each disclosure, as required by § 226.6(1) of Regulation Z; and

21. Failing in any consumer credit transaction or advertisement to make all disclosures that are required by §§ 226.4, 226.5, 226.6, 226.8 and 226.10 of Regulation Z in the manner, form and amount specified therein.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present or future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising and that respondents secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten (10) years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

BRYSON IMPLEMENT COMPANY, INC.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Bryon Implement Company, Inc., and Herbert M. Bryson, Jr.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Bryson Implement Company, Inc., is an Alabama corporation engaged in the marketing of farming implements and equipment and offers to arrange and arranges extensions of consumer credit as part of its marketing plan. Herbert M. Bryson, Jr., is president of the corporate respondent and controls and is responsible for its acts and practices.

The complaint in this matter alleges that in their use of standard form contracts to secure repayment by purchasers of their farming implements and equipment respondents violated the provisions of the Truth in Lending Act by failing to provide all of the cost of credit information; failing to disclose the finance charge expressed as an "annual percentage rate"; failing to disclose the sum of the payments scheduled to repay the indebtedness as the "total of payments"; failing to disclose the amount of any default or delinquency charges payable in the event of late payments; failing to clearly describe the type of any security interest acquired; failing to clearly disclose that future indebtedness is secured by the property in which the security interest is retained; failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the debt; failing to use the term "cash price" to describe the price at which respondents offer to sell their merchandise for cash; failing to use the term "cash downpayment" to describe the downpayment made in money; failing to use the term "trade-in" to describe any downpayment made in property; failing to use the term "total downpayment" to describe the sum of all downpayments made; failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and total downpayment; failing to disclose all charges, individually itemized, included in the amount financed but which are not part of the finance charge; failing to disclose the sum of the "unpaid balance of the cash price" and all other charges, individually itemized, included in the amount financed but which are not part of the finance charge, and to describe that sum as the "unpaid balance"; failing to use the term "amount financed" to describe the amount of credit extended; failing to use the term "finance charge" to describe the sum of all charges required to be included therein; failing to disclose the sum of the cash price, all other charges which are included in the amount financed but which are not part of the finance charge and the finance charge, and to describe that sum as the "deferred payment price"; failing to include in the finance charge charges or premiums for credit life, accident, health or loss of income insurance, written in connection with any credit transaction, unless the coverage is not required and such fact is clearly disclosed and unless any customer desiring such coverage gives specifically dated and separately signed affirmative written indication of such desire; failing to include in the finance charge charges or premiums for insurance, written in connection with any credit transaction, against loss of or damage to property or against liability arising out of the ownership or use of property when the customer was not given a specific written statement setting forth the cost of the insurance if obtained from or through the respondents and stating that the customer may choose the person through which the insurance is to be obtained; and failing to maintain evidence of compliance for two (2) years after the date of each disclosure.

The consent order requires the respondents in their contracts to provide all of the cost of credit information; disclose the finance charge expressed as an "annual percentage rate"; disclose the sum of the payments scheduled to repay the indebtedness as the "total of payments"; disclose the amount of any default or delinquency charges payable in the event of late payments; clearly describe the type of any security interest acquired; clearly disclose that future indebtedness is secured by the property in which the security interest is retained; identify the method of computing any unearned portion of the finance charge in the event of prepayment of the debt; use the term "cash price" to describe the price at which respondents offer to sell their merchandise for cash; use the term "cash downpayment" to describe the downpayment made in money; use the term "trade-in" to describe any downpayment made in property; use the term "total downpayment" to describe the sum of all downpayments made; use the term "unpaid balance of cash price" to describe the difference between the cash price and total downpayment; disclose all charges, individually itemized, included in the amount financed but which are not part of the finance charge; disclose the sum of the "unpaid balance of the cash price" and all other charges, individually itemized, included in the amount financed but which are not part of the finance charge, and to describe that sum as the "unpaid balance"; use the term "amount financed" to describe the amount of credit extended; use the term "finance charge" to describe the sum of all charges required to be included therein; disclose the sum of the cash price, all other charges which are included in the amount financed but which are not part of the finance charge, and to describe that sum as the "deferred payment price"; include in the finance charge charges or premiums for credit life, accident, health or loss of income insurance, written in connection with any credit transaction, unless the coverage is not required and such fact is clearly disclosed and unless any customer desiring such coverage gives specifically dated and separately signed affirmative written indication of such desire; include in the finance charge charges or premiums for insurance, written in connection with any credit transaction, against loss of or damage to property or against liability arising out of the ownership or use of property when the customer was not given a specific written statement setting forth the cost of the insurance if obtained from or through the respondents and stating that the customer may choose the person through which the insurance is to be obtained; maintain evidence of compliance for two (2) years after the date of each disclosure; and to make all disclosures required.

The provisions of the consent order will prohibit the violations of the Truth in Lending Act and implementing Regulation Z, as amended, alleged in the complaint and will provide consumers with full and complete information concerning the cost of credit arranged by respondents.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-1252 Filed 1-13-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ABBOTT LABORATORIES

Withdrawal of Food Additive Petition and Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 76–36751, appearing on page 55240 in the issue for Friday, December 17, 1976, the following changes should be made:

1. The last word in the seventh line of the fourth full paragraph in column three should read, "benzoic".

2. The third line of the fifth full paragraph in column three should read, "121.40) is filed by FDA. There is no pre-".

NOTE: This correction is reprinted without change from the issue of Thursday, Jan. 6, 1977.

[Docket No. 76N–0479; DESI 5963]

CERTAIN SULFONAMIDE OPHTHALMIC OINTMENTS AND SOLUTION

Drug for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 76–36750, appearing at page 55241 in the issue for Friday, December 17, 1976, make the following changes:

1. In the first column, page 55241, in the third line of the third full paragraph beginning with "NDA 7–757", the second word should read "Roche".

2. In the second column, in paragraph numbered 3, in the fifth line, "February 15, 1977", should have been inserted.

NOTE: This correction is reprinted without change from the issue of Thursday, Jan. 6, 1977.

[Docket No. 76F–0463]

BISMARK ENTERPRISE

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5A3079) has been filed by Bismark Enterprise, 10003 Pecos St., Denver, CO 80221 proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of the following substances in flume water used to wash sugar beets: *alpha*-alkyl

V 42 10 JAN 14 77 UM

(C_{16}-C_{18}-*omega*-hydroxypoly (oxyethylene), linear undecylbenzenesulfonic acid, dialkanolamide produced by condensing 1 mole of methyl laurate with 1.05 moles of diethanolamine, triethanolamine, ethylene glycol monobutyl ether, oleic acid, tetrapotassium pryophosphate, monoethanolamine, ethylene, dichloride, and tetrasodium ethylenediaminetetraacetate.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, during working hours, Monday through Friday.

Dated: December 21, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77–1051 Filed 1–13–77;8:45 am]

[Docket No. 70–0483]

PARKE, DAVIS & CO.

Benylin Expectorant; Opportunity for Hearing on Proposal To Deny Approval of Supplemental New Drug Application

Correction

In FR Doc.76–35075, appearing at page 52537 in the issue for Tuesday, November 30, 1976, make the following changes:

1. In column one, the 13th line, "1976", should read "1977".

2. In the second column, in the 5th line from the bottom, the last word reading "diphenyldramine", should read "diphenhydramine".

3. On page 52538, third column, second full paragraph, ninth line, "1976" should read "1977".

National Institutes of Health

EPILEPSY ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on March 22, 1977, in Room B1–19, Federal Building, Bethesda, MD 20014.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Dr. J. Kiffin Penry, Chief, Epilepsy Branch, Neurological Disorders Program, NINCDS, Federal Building, Room 114, NIH, Bethesda, MD 20014, telephone 301/496–6691, will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: January 7, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–1263 Filed 1–13–77;8:45 am]

NUTRITION STUDY SECTION

Meeting and Workshop

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Nutrition Study Section, Division of Research Grants, February 22–25, 1977, Kenwood Country Club, Bethesda, Maryland 20034.

This meeting will be open to the public on February 22 from 7:00 p.m. to 8:00 p.m. to discuss administrative details relating to Study Section business. It will also be open on February 23 from 1:30 p.m. to adjournment for a Workshop on Nutrition and Immunology sponsored by the Study Section which will be held at the National Institutes of Health, Conference Room 4, Building 31, Bethesda, Maryland. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting at the Kenwood Country Club will be closed to the public on February 22 from 8:00 p.m. until adjournment, on February 23 from 8:30 a.m. to 12:00 noon and on February 24–25 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, Room 448, National Institutes of Health, Bethesda, Maryland 20014, telephone 301/496–7441, will furnish summaries of the meeting and rosters of committee members. Dr. John R. Schubert, Executive Secretary, Room 204, Westward Building, Bethesda, Maryland 20014, telephone 301/496–7286, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.848, National Institutes of Health, DHEW.)

Dated: January 7, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77–1262 Filed 1–13–77;8:45 am]

PLANNING SESSION FOR A WORKSHOP ON GENETICS-EPIDEMIOLOGY CANCER RISK ASSESSMENT METHODS

Meeting

Notice is hereby given of the "Planning Session for a Workshop on Genetics-Epidemiology Cancer Risk Assessment Methods" sponsored by the Division of Cancer Research Resources and Centers, National Cancer Institute to be held February 8, 1977, at the Landow Building, 7910 Woodmont Avenue, Conference Room C–418, Bethesda, Maryland 20014.

This meeting will be held from 8:30 A.M. to 5:00 P.M. and will be open to the public. Attendance by the public will be limited to space available.

Dr. Genrose Copley, Program Director for Epidemiology, Division of Cancer Research Resources and Centers, 5333 Westbard Avenue, Westwood Building Room 854, Bethesda, Maryland, 20016, Tel. A/C (301) 496–7805, will provide additional information.

Dated: January 10, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–1260 Filed 1–13–77;8:45 am]

Public Health Service

COAL MINE HEALTH

Availability of Roentgenographic Interpretation Proficiency Examination

Notice is hereby given that the National Institute for Occupational Safety and Health (NIOSH) has developed, and is now prepared to administer to qualified physicians, an improved proficiency examination for roentgenographic interpreters of chest roentgenograms made under the authority of section 203(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843(a)) and Part 37 of Title 42, Code of Federal Regulations.

Section 37.50 of the regulations provides that only phsicians who regularly read chest roentgenograms and who have demonstrated proficiency in applying the ILO–U/C 1971 International Classification of Radiographs of the Pneumoconioses shall be permitted to participate in the program, and that all interpreters, whenever interpreting chest roentgenograms made under the cited Act, shall have immediately available for reference a complete set of the 21 standard reference films for the ILO–U/C system obtainable from the International Labour Office in Geneva, Switzerland.

Section 37.51(b) of the regulations provides an opportunity for physicians who regularly interpret chest roentgenograms for pneumoconiosis to establish, by means of a proficiency examination, their ability to make such interpretations with a high degree of reliability. Persons who take and pass this examination which was developed and is graded by The Johns Hopkins University, are described in the regulation as "Final or 'B' readers."

The Johns Hopkins University, under the sponsorship of NIOSH, has developed an improved, more inclusive, proficiency examination covering the entire ILO–U/C system and film quality. NIOSH is presently developing proposed amendments to 42 CFR Part 37 which are expected to require reexamination of all Final or 'B' readers using the improved proficiency examination. In the interim, NIOSH is offering physicians who qualify the opportunity to take the new examination prior to its being required by the regulations. The examination will be conducted under the supervision of NIOSH and graded by The Johns Hopkins University. Those who receive a passing grade will be placed on a list of interpreters of chest roentgenograms who have successfully completed the examination. This list will be made available to coal mine operators, and to other, on request. Each participant will be sent a copy of the report from The Johns Hopkins University on his or her proficiency and any suggestions for improvement. Those who receive a passing grade will not be required to reestablish their proficiency when the regulations are amended and will receive a letter from NIOSH to that effect.

Duly licensed practitioners who wish to participate in the proficiency examination should write or telephone the Receiving Center Section of the Appalachian Laboratory for Occupational Safety and Health, P.O. Box 4258, Morgantown, WV 26505, telephone: (304) 599–7301, for a copy of an application (Form CDC/NIOSH(M) 2.12) and for a copy of the "Instructions to Accompany Roentgenographic Interpreter Proficiency Examination." Upon return of an executed application, the Receiving Center will schedule the time and place for the examination which generally requires a working day to complete.

Date: January 6, 1977.

JOHN F. FINKLEA,
Director, National Institute for Occupational Safety and Health.

[FR Doc.77–1225 Filed 1–13–77;8:45 am]

Office of Education

CAREER EDUCATION PROGRAM

Notice of Correction

On January 11, 1977 the notice of closing date for receipt of applications for the Career Education Program was published (42 FR 2358). The closing date of March 10, 1977 and the postmark date of March 7, 1977 were in error. This correction notice changes the closing date for receipt of applications to March 15, 1977 and the postmark date to March 10, 1977.

Dated: January 11, 1977.

(Catalog of Federal Domestic Assistance No. 13.554, Career Education Program)

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc.77–1383 Filed 1–13–77;8:45 am]

NATIONAL CENTER FOR EDUCATION STATISTICS

Comments on Collection of Information and Data Acquisition Activity

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to afford each educational agency or institution subject to a request under the proposed collection of information and data acquisition activities and their representative organizations an opportunity, during a 30-day period before transmittal to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collections of information and data acquisition activities.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activity are invited. Comments must be received on or before February 14, 1977, and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202–245–1022.

Dated: January 10, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Assessment of the Status of Marketing of Education Materials for the Handicapped.

2. AGENCY/BUREAU/OFFICE

Office of Education, Bureau of Education for the Handicapped.

3. AGENCY FORM NUMBER

OE 550.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Sec. 617. (a)(1) In carrying out his duties under this part, the Commissioner shall—(A) cooperate with, and furnish all technical assistance necessary, directly or by grant or contract, to the States in matters relating to the education of handicapped children and the execution of the provisions of this part • • •

"(C) Disseminate information, and otherwise promote the education of all handicappped children within the States • • •" (Pub. L. 94–142, 20 U.S.C. 1417)

"Each (State) plan shall • • • set forth • • • a description of programs and procedures for • • • disseminating to teachers and administrators of programs for handicapped children significant information developed from educational research, demonstration, and similar projects." (Pub. L. 94–142, 20 U.S.C. 1413)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

To improve and further develop BEH's dissemination strategies for disseminating information about, and the products of, research and development activities to those involved in education for the handicapped. More specifically, BEH activities lead to numerous products in the form of media, equipment, curricula, and replicable models or techniques. The results of this study will assist BEH and the States in developing more specific strategies in the dissemination of these products to educators.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail and telephone.
b. Time of collection: Early Spring 1977.
c. Frequency: Single time.

8. RESPONDENTS

a. Type: Educational Developers.
b. Number: 350 (sample).
c. Estimated Average Manhours per respondent: 1–3.
a. Type: Commercial Distributors.
b. Number: 400 (Sample).
c. Estimated Average Manhours per Respondent: 1–2.
a. Type: Educational Consumers (including LEA's).
b. Number: 800 (Sample).
c. Estimated Average Manhours Per Respondent: 1–3.

9. INFORMATION TO BE COLLECTED

Commercial Distributors

a. The characteristics of commercial suppliers of general and special educational materials (e.g., types of products).
b. The process by which a product moves from the stage of an initial idea to that of distribution.

Educational Developers

a. The categories of developers that produce marketable products of use to others in the broad field of education for the handicapped.
b. The types of products that are marketed.
c. How these products are promoted.

Educational Consumers

a. How decisions to purchase materials are made.
b. Who makes the decisions.
c. The type of information that is sought or obtained in order to carry out the decision process.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Program Memorandum—Application, Library Services and Construction Act, Titles I and III.

2. AGENCY, BUREAU/OFFICE

U.S. Office of Education/Bureau of Elementary and Secondary Education/Office of Libraries and Learning Resources.

3. AGENCY FORM NUMBER

OE 4563.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall • • • include an extension of the long range program, taking into consideration the results of evaluations." (Pub. L. 91–600, Sec. 103; 20 U.S.C. 354)

"Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for

that fiscal year an annual program for inter-library cooperations. Such program shall • • • include an extension of the long-range program, taking into consideration the results of evaluations." (Pub. L. 91-600, Sec. 303; 20 U.S.C. 355e-2)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Determination of grant eligibility.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Prior to beginning of fiscal year.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: State Library Administrative agencies.
b. Number: Universe(56).
c. Estimated Average Manhours per response: 30.

9. INFORMATION TO BE COLLECTED

Basic State Plan Amendments.
Maintenance of Effort Certification.
Long-Range Program Amendments.
Annual Program: Name (descriptive name, Title I or III and project number);
Objectives.
Identify needs being met.
Contribution to meeting goals of Long-range Program.
Legislative priorities being met.
Characteristics of persons being served (ethnic group, age, socioeconomic status, etc.).
Dissemination potential of project (highlight unique or innovative aspects).
Geographic location, using map where appropriate.
Plan for evaluation.
Identification of public and non-public libraries, agencies, organizations and institutions involved (attach list).
Amount and sources of funds budgeted.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Amended Annual Program Plan for Fiscal Year 1978 Under Part B, Education of the Handicapped Act as amended by Pub. L. 94-142.

2. AGENCY/BUREAU/OFFICE

Department of Health, Education, and Welfare/U.S. Office of Education/Bureau of Education for the Handicapped/Division of Assistance to States.

3. AGENCY FORM NUMBER

OE 9055.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

Sections 612 (20 U.S.C. 1412) and 613 (20 U.S.C. 1413) of Pub. L. 94-142 constitute the basis of authority for this activity. These sections are quoted below in their entirety. Section 612 addresses the conditions of eligibility a state must meet in order to qualify for assistance and Section 613 deals with State Plan requirements.

"Sec. 612, In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met:

"(1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

"(2) The State has developed a plan pursuant to section 613(b) in effect prior to the date of the enactment of the Education for All Handicapped Children Act of 1975 and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

"(a) There is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

"(B) A free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

"(C) All children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(D) Policies and procedures are established in accordance with detailed criteria prescribed under section 617(c); and

"(E) The amendment to the plan submitted by the State required by this section shall be available to parents, guardians, and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

"(3) The State has established priorities for providing a free appropriate public education to all handicapped children, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an insadequate education, and has made adequate progress in meeting the timetables set forth in clause (b) of paargraph (2) of this section.

"(4) Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 614(a)(5).

"(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purpose of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet education standards of the State educational agency.

"(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children, and (B) there are public hearings, adequate notice of such hearings and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 613.

"Sec. 613. (a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the Commissioner, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall—

"(1) Set forth policies and procedures designed to assure that funds paid to the State under this part will be expended in accordance with the provisions of this part, with particular attention given to the provisions of sections 611(b), 611(c), 611(d), 612(2), and 612(3);

"(2) Provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c-2), section 305(b)(8) of such Act (20 U.S.C. 844a(b)(8) or its successor authority, and section 122(a)(4)(B)) of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B)), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions under any other Federal program with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

"(3) Set forth, consistent with the purposes of this Act, a description of programs and procedures for (A) the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;

"(4) Set forth policies and procedures to assure—

"(A) That, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

"(B) That (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and (ii) in all such instances the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies;

"(5) Set forth policies and procedures which assure that the State shall seek to recover any funds made available under this part for services to any child who is determined to be erroneously classified as eligible to be counted under section 611(a) or section 611(d);

"(6) Provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(7) Provide for (A) making such reports in such form and containing such information as the Commissioner may require to carry out his functions under this part, and (B) keeping such records and affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

"(8) Provide procedures to assure that final action with respect to any application submitted by a local educational agency or an intermediate educational unit shall not be taken without first affording the local educational agency or intermediate educational unit involved reasonable notice and opportunity for a hearing;

"(9) Provide satisfactory assurance that Federal funds made available under this part (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Commissioner may waive in part the requirement of this clause if he concurs with the evidence provided by the State;

"(10) Provide consistent with procedures prescribed pursuant to section 617(a)(2), satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies and intermediate educational units;

"(11) Provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education program), in accordance with such criteria that the Commissioner shall prescribe pursuant to section 617; and

"(12) Provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part, and (C) assists the State in developing and reporting such data and evaluations as may assist the Commissioner in the performance of his responsbilities under section 618.

"(b) Whenever a State educational agency provides free appropriate public education for handicapped children, or provides direct services to such children, such State educational agency shall include, as part of the State plan required by subsection (a) of this section, such additional assurances not specified in subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

"(c) The Commissioner shall approve any State plan and any modification thereof which—

"(1) Is submitted by a State eligible in accordance with section 612; and

"(2) Meets the requirements of subsection (a) and subsection (b).

The Commissioner shall disapprove any State plan which does not meet the requirements of the preceding sentence, but shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State."

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain benefits

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Program Management. The State Annual Program Plan is the application submitted to the Commissioner of Education from each State desiring to receive grants under Part B of the Education for All Handicapped Children Act of 1975. The information requested is divided into three major sections: Submission statements and assurances, narrative descriptions of State policies and procedures for implementation of Pub. L. 94-142, and statistical requirements. (See 9 below for more specific details for these sections.)

The submission statements and certification by the officer of the State educational agency (SEA) authorized to submit the plan and by the State Attorney General shows: (1) The plan has been adopted by the SEA, (2) that the plan will be the basis for operation and administration of the activities to be carried out in that State as required under Part B of 94-142, (3) that the SEA has authority under State law to submit the plan and to administer or to supervise the administration of the plan, and (4) that all plan provisions are consistent with State law (Regulations 121a.12).

The information will be used as the basis for determining (1) compliance during site visits, (2) grant eligibility for each State, and (3) the kind of technical assistance that may be needed. The information will also be used to identify State and national needs on facilities and services required to meet the full appropriate public education goal for handicapped children (Pub. L. 94-142, Sec. 613(a)(12)(A)); and to "provide to the appropriate committees of each House of Congress and to the general public • • • programmatic information • • • (Pub. L. 94-142, Sec. 618(b)(1)).

In summary, the information collected will be primarily used for determination of grant award, compliance enforcement, accountability to the Commissioner and technical assistance requirements (Sec. 613(a) and 618 of Pub. L. 94-142).

7. DATA ACQUISITION PLAN

a. Method of collection: By mail.
b. Time of collection: Spring.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: State Education Agencies.
b. Number: Universe.
c. Estimated average man-hours per respondent: 120 hours.

9. INFORMATION TO BE COLLECTED

The information will be collected from the State Education Agencies in the form of (1) assurances, (2) narrative descriptions of State policies and procedures, and (3) statistical information.

Under the authority of Pub. L. 94-142, the assurance section will consist of a set of statements to be signed by an authorized official of the State Education Agency certifying that all of the assurances listed will be met within the State. No further information will be sought from the States in the area of these assurances.

The narrative description of the annual program plan requires descriptions of State policies and procedures for implementation of the Act. Under the authority of Pub. L. 94-142, each annual program plan must include policies and procedures which:

1. Insure public hearings, adequate notice of such hearings, and an opportunity for comment prior to the adoption of the annual program plan. (Sec. 612(7)(B), Reg. 121a.20).

2. Show that the State has in effect a policy which insures that all handicapped children have the right to a free appropriate public education. (Sec. 612(1), Reg. 121a.21, 121a.22).

3. Describe the kind and number of facilities, personnel, and services necessary throughout the State to meet the goal of providing full educational opportunity for all handicapped children. (See 612(2)(A)(iii), Reg. 121a.26).

4. Insures that each SEA and local education agency LEA shall use funds under Part B of the Act (1) to provide free appropriate public education to handicapped children who are not receiving any education, and (2) to provide free appropriate education to handicapped children within each disability with the most severe handicaps who are receiving some but not all of the special education and related services needed. (Sec. 612(3), Reg. 121a.27).

5. Insure that all handicapped children, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated. (Sec. 612(2)(c), Reg. 121a.28).

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6. Show that each local educational agency in the State maintains records of the individualized education program for each handicapped child. (Sec. 612(4), Reg. 121a.30, 121a.222–121a.226).

7. Show that each State and local education agency shall provide procedural safeguards to handicapped children and their parents with respect to the provision of a free appropriate public education. (Sec. 612(5)(A), 121a.404, 121a.405, 121a.460).

8. Insure (1) that to the extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, (2) and that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Sec. 612(5)(B), Reg. 121a.32, 121a.440–121a.442).

9. Insure that testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory. (Sec. 612(5)(c), Reg. 121a.33, 121a.430–121a.432).

10. Insure the development and implementation of a comprehensive system of personnel development. (Sec. 613(a)(3), Reg. 121a.262–121a.267, 121a.240).

11. Insure that provision is made for the participation of those children in the program assisted or carried out under Part B of Pub. L. 94–142 by providing for those children who are enrolled in regular or special private schools, special education and related services. (Sec. 613(a)(4)(A), Reg. 121a.41, 121a.300–121a.306).

12. Insure that a handicapped child who is placed in or referred to a private school or facility by the SEA or LEA (1) is provided special education and related services, (2) has all of the rights of a handicapped child who is served by a public agency. (Sec. 613(a)(4)(B), Reg. 121a.320–121a.324).

13. Insure that the State seeks to recover any funds provided under Part B of the Act for services to a child who is determined to be erroneously classified as eligible to be counted. (Sec. 613(a)(5), Reg. 121a.42).

14. Insure that the SEA does not take any final action with respect to an application submitted by a LEA before giving the LEA reasonable notice and an opportunity for a hearing. (Sec. 613(a)(6), Reg. 121a.45).

15. Include information about the State's use of EHA–B funds. (Sec. 611(b)(c)(d), Reg. 121a.49).

16. The SEA follows in insuring the SEA's and LEA's are (1) effectively implementing the procedural safeguards, and (2) using Part B funds properly and efficiently. (Sec. 612(6), Reg. 121a.35(a)(b)).

17. Include a description of direct services the SEA will provide (Sec. 614(d), Reg. 121a.49(b)).

18. The SEA follows to inform each State and local agency of its responsibility for insuring effective implementation of procedural safeguards for the handicapped children served by that State or local agency. (Sec. 612(6), Reg. 121a.36).

19. Provide for evaluation of the effectiveness of programs in meeting the educational needs of handicapped children. (Sec. 613(a)(11), Reg. 121a.47).

All of the above policies and procedures are necessary to show that the States are (1) eligible to receive a grant award, and (2) to be in compliance with Pub. L. 94–142 and Section 504 of the Rehabilitation Act of 1973.

The statistical information section of the annual program plan requires such data as the number of handicapped children (by State and disability) who require special education and related services; the number of handicapped children (by State and disability) who are and who are not receiving a free appropriate public education; the number of handicapped children (by State and disability) participating in regular educational programs, separate classes or separate schools or otherwise removed from the regular classroom; the number of handicapped children (in each State) who are and who are not receiving a free appropriate public education in public or private institutions; and the number of personnel (by disability category) employed in the education of handicapped children and the estimated number of additional personnel needed to carry out the policy established in Pub. L 94–142. (618(b)(1)(A–F33)).

[FR Doc.77–1211 Filed 1–13–77;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

MEETING

Pursuant to Subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the National Study Commission on Records and Documents of Federal Officials will meet on January 24, 1977 at 9:30 a.m., at the Association of the Bar of the City of New York, 42 West 44th Street, New York, N.Y.

Purpose: The Commission was established under Title II of the Presidential Recordings and Materials Preservation Act (Pub. L. 93–526; 88 Stat. 1698; 44 U.S.C. 3315 et seq.) to study problems involving the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials.

Agenda: The purposes of the meeting include a review of the recently concluded public hearings and panel discussions and of the research and background material produced for the Commission. Preliminary policy decisions and relevant constitutional questions will also be reviewed.

The meetings will be open to the public. Individuals are welcome to attend to the extent of available space.

Dated: January 3, 1977.

HERBERT BROWNELL,
Chairman.

[FR Doc.77–1209 Filed 1–13–77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–3019–EM; Docket No. NFD–385]

ARKANSAS

Amendment to Notice of Emergency Declaration

Notice of Emergency for the State of Arkansas, dated December 3, 1976, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of December 3, 1976, and to make emergency assistance available to this additional county effective the date of this amended Notice:

The County of: Van Buren.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: January 6, 1977.

WILLIAM E. CROCKETT,
Deputy Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–1257 Filed 1–13–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Proposed OCS Planning Schedule

Pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) and the regulations issued thereunder (43 CFR 3301.2) an Outer Continental Shelf (OCS) proposed oil and gas lease planning schedule is hereby announced by the Bureau of Land Management. This proposed schedule updates and revises the schedule issued in June 1975.

This schedule includes twenty-five sales through year-end 1980: six sales in the Gulf of Mexico OCS, three sales in the Pacific OCS, seven sales in the Atlantic OCS and nine sales in the Alaskan OCS. It proposes second sales in former frontier areas where an initial sale has been held or planned. All sales included on the schedule are subject to deletion or rescheduling.

Copies of the Proposed OCS Planning Schedule may be obtained from (1) Director, Bureau of Land Management (Attn: 130), Washington, D.C. 20240, (2) Manager, New York OCS Office, Bureau of Land Management, 6 World Trade Center, Suite 600D, New York, New York 10048, (3) Manager, Alaska OCS, Office, Bureau of Land Management, 800 A Street, P.O. Box 1159, Anchorage, Alaska 99510, (4) Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130, (5) Manager, Pacific OCS Office, Bureau of Land Management, 300 North Angeles Street, Room 7127, Los Angeles, California 90012.

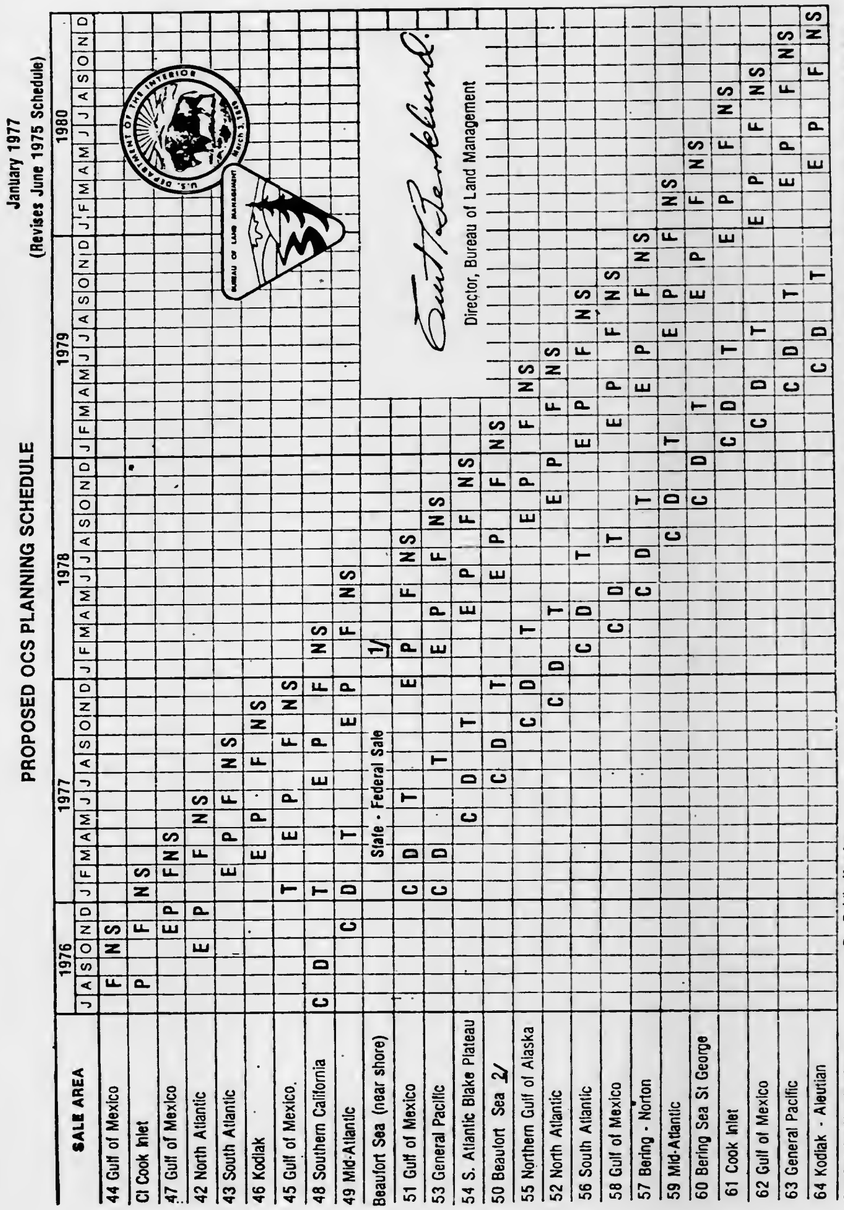
CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: January 7, 1977.

THOMAS S. KLEPPE,
Secretary of the Interior.

PROPOSED OCS PLANNING SCHEDULE

January 1977
(Revises June 1975 Schedule)



Director, Bureau of Land Management

Sales are contingent upon technology being available for exploration and development. A decision whether to hold any of the lease sales listed will not be made until completion of all necessary studies of the environmental impact and the holding of public hearings; as a result of the environmental, technical, and economic studies employed in the decision making process, a decision may, in fact, be made not to hold any sale on this schedule.

[FR Doc.77–1134 Filed 1–13–77;8:45 am]

Office of the Secretary

[INT FES 77-2]

PROPOSED LIVESTOCK GRAZING PROGRAM FOR THE CHALLIS PLANNING UNIT, CUSTER COUNTY, IDAHO

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental statement for proposals to manage domestic livestock grazing on national resource/lands in the Challis Planning Unit in Custer County, Idaho.

The environmental statement considers the impacts of implementing allotment management plans for the control and management of domestic livestock grazing on national resource lands. The Bureau has determined that as a result of public review and comment on the environmental statement, additional data and planning are required before final decisions on implementing intensive livestock grazing in the Challis Unit are made. After necessary data is collected and planning completed, a supplemental environmental statement will be prepared.

Copies of the final environmental statement are available for inspection at the following locations:

Idaho State Office, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Salmon District Office, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467.

Office of Public Affairs, Bureau of Land Management, Room 5625, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

Limited copies of this final environmental statement are available upon request to the Idaho State Director at the above address.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.77-1205 Filed 1-13-77;8:45 a.m.]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Meeting

Notice is hereby given that the Advisory Committee on Joint Board Actuarial Examinations will meet in the Continental Plaza Hotel, North Michigan at Delaware, Chicago, Illinois on January 28, 1977 at 9:00 a.m.

The purposes of the meeting are to discuss topics which may be covered by the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Section 1242(a)(1)(B), to prepare recommended questions for such examinations and to review other actuarial examinations in order to make recommendations regarding such examinations' adequacy to demonstrate the education and training in actuarial mathematics and methodology required for enrollment by Title 20 U.S. Code, Section 1242(a)(1).

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in Title U.S. Code, Section 552(b)(5), and that the public interest requires such meeting be closed to public participation.

LESLIE S. SHAPIRO,
Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc.77-1259 Filed 1-13-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting Change

The time of the Intergovernmental Science, Engineering and Technology Advisory Panel meeting, previously announced for 9:30 to 11:00 a.m., January 21, 1977, has been changed to 2:00 to 4:00 p.m., January 21, 1977. The notice of this meeting was previously published in the January 5, 1977, FEDERAL REGISTER, Volume 42, Number 3, page 1085, FR Doc. 77-376. All other information related to this meeting announcement remains as originally published.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc.77-1210 Filed 1-13-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is caculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 11th day of January 1977.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Jan. 11, 1977

Name of applicant	Location of enterprise	Principal product or activity
Donald George McDaniels	Cape May, N.J.	Harvesting of surf clams.
Delmarva Poultry Cooperative	Laurel, Del.	Processed poultry.
Dennette Road Manor, Inc.	Mount Lake Park, Md.	Nursing home.
Cam-Plek of Virginia IQ Converting Division Inc.	Nickelsville, Va.	Manufacturing of stationery, tablets, loose-leaf fillers, and related items from purchased paper.
Emporium Specialties Co., Inc.	Austin, Pa.	Manufacturing of electronic components and related products.
Old Dominion Beef, Inc.	Jaratt, Va.	Manufacturing of beef products, edible and inedible beef byproducts and custom cattle feeding services.
The John A. McKay Manufacturing Co., Inc.	Dunn, N.C.	Manufacturing of farm machinery truck bodies, and motor truck trailers.
Braselton Packing Co. (tenant of town of Braselton).	Braselton, Ga.	Slaughter house.
Associated Properties, Inc.	St. George, S.C.	Real estate.
J. Clyde Roberson	Cookeville, Tenn.	Motel.
Herman Milton Hammock	Zebulon, N.C.	Sell and service automobiles and trucks.
Global Lagging, Inc.	Waverly, Tenn.	Production of prefabricated installation panels.
Dupont Realty	Fort Wayne, Ind.	Real estate.
Southern Health Facilities, Inc.	Wheelersburg, Ohio	Nursing care.
Jackson Feed Co., Inc.	Jackson, Minn.	Manufacturing of livestock feed and rental farm supplies.
Robert Stanelle, Jr.	Chilton, Wis.	Sales and service of appliances, dairy equipment, electrical and refrigeration, and shoes.
Palmer K. Strickler's d/b/a Strickler's Market.	New Glarus, Wis.	Slaughtering, fresh meat processing, frozen meat processing, curing and smoking meat and sausage making.
Universal Management, Inc.	Kokomo, Ind.	Processing of scrap metal, recycling commercial waste and refuse removal.
Cornwell Co., Inc.	Paoli, Ind.	Manufacturing of wooden clocks and wooden parts for clocks.
Elk Rapids Packing Co. Cooperative	Elk Rapids, Mich.	Processing of both canned and frozen sweet cheerris.
Henry Eugene Hart	Karnes City, Tex.	Retail auto parts and hardware.
J. & J. Farms, Inc.	Verhalen, Tex.	Operation of commercial feed yard, grazing cattle and farming.
Hale Manufacturing Co., Inc.	Sherman, Tex.	Manufacturing and sales of horse and cattle trailers.
Mobley Construction Co., Inc.	Dardanelle, Ark.	Retail of sand and gravel.
Wood-High Cooperative Gin	Inez, Tex.	Handling of milo and corn for farmers.
Pine View Manor, Inc.	Stanberry, Mo.	Nursing home care.
K-Pack Meat Co., Inc.	Fallan, Nev.	Wholesale and retail meat sales.
Cloverply	Cloverdale, Calif.	Manufacturing of specialty plywood.
Cascade Steel Rolling Mills, Inc.	McMinnville, Oreg.	Manufacturing of iron and steel rods.
Jere Campbell Grunigen	Redmond, Oreg.	Flight service station and new fixed base operation for Piper aircraft sales in central Oregon.

[FR Doc.77-1325 Filed 1-13-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability of Federal Supplemental Benefits in the State of Alabama

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Alabama, effective January 9, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State, that, (a) There is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) The employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

DETERMINATION OF "ON" INDICATOR

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Alabama has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending December 25, 1976, and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Alabama for the week ending on December 25, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 9, 1977.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-percentum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

INFORMATION FOR CLAIMANTS

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an

"exhaustee" as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Alabama which terminated with the week ending on October 30, 1976, as announced in the notice published in the FEDERAL REGISTER on October 29, 1976, at 41 FR 47612 (corrected November 2, 1976). Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Because the new Federal Supplemental Benefit Period began prior to the end of the 13-week period, the individual additional eligibility periods terminated immediately prior to the beginning of the new benefit period.

Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or a 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Alabama, or who wish to inquire about their rights under this program, should contact the nearest Unemployment Compensation Claims Office or Employment Service Division Office of the Alabama Department of Industrial Relations in their locality.

Signed at Washington, D.C. on January 11, 1977.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.77-1294 Filed 1-13-77; 8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Appointment of Members

This is to announce the appointment of members to the Standards Advisory Committee on Agriculture, established under section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The membership of the Committee and the categories represented are as follows:

EMPLOYEE

Humberto Fuentes, Executive Director, National Association of Farmworker Organizations, 415 South Eighth Street, Boise, Idaho 83706.
Galen Kluck, Lazy K Ranch, Richland, Nebraska 68657.
Warren W. Morse, Coordinator, Occupational Safety and Health Division, Western Conference of Teamsters, 1870 Ogden Drive, Burlingame, California 94010.
Sheldon W. Samuels, Director, Health, Safety and Environment, Industrial Union Dept., AFL–CIO, Suite 311, 815 Sixteenth Street, N.W., Washington, D.C. 20006.

EMPLOYER

Perry R. Ellsworth, Executive Vice-President, National Council of Agricultural Employers, 237 Southern Building, 1425 H Street, N.W., Washington, D.C. 20005.
Wray Finney, President, American National Cattlemen's Association, P.O. Box 280, Ft. Cobb, Oklahoma 73038.
F. Grove Miller, Jr., Route 1, Box 180, North East, Maryland 21901.
George F. Sorn, Manager, Labor Division, Florida Fruit & Vegetable Association, P.O. Box 20155, Orlando, Florida 32814.

STATE

J. Evan Goulding, Commissioner, Colorado Department of Agriculture, 1525 Sherman Street, Denver, Colorado 80203.
Irma M. West, M.D., Public Health Medical Officer III, Occupational Health Branch, California Department of Health, 714 P Street, Room 440, Sacramento, California 95814.

FEDERAL

John A. McTarnaghan, Special Programs Officer, Office of Intergovernmental Affairs, Room 105–W, U.S. Department of Agriculture, Washington, D.C. 20250.
William L. Wagner, Chief of Environmental Investigations Branch, Appalachian Laboratory for Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

PUBLIC

John G. Erisman, Ph. D., Extension Environmental Health and Safety Information Coordinator, Department of Agricultural Engineering, Frazier Rogers Hall, University of Florida, Gainesville, Florida 32611.
Ordie L. Hogsett, Extension Safety Specialist, University of Illinois, Urbana, Illinois 61801.
Richard G. Pfister, Ph.D., Extension Safety Engineer, Agricultural Engineering Department, Michigan State University, East Lansing, Michigan 48824.

Messrs. Erisman, Hogsett, Miller, Morse, and Sorn are reappointments; all others are new members.

The members were selected on the basis of their experience and competence in the field of agricultural safety and health and will serve until June 30, 1978. Dr. Richard Pfister will serve as Committee Chairman.

Signed at Washington, D.C. this 21st day of December, 1976.

W. J. USERY, JR.,
Secretary of Labor.

[FR Doc.77-1341 Filed 1-13-77;8:45 am]

Wage and Hour Division

[Administrative Order No. 648]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Hearing

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	*Industry*
139–A	The furniture and fixtures and lumber and wood products industry in Puerto Rico.
139–B	The stone, clay, and glass products and nonmetallic mining industry in Puerto Rico.
140	The construction industry in Puerto Rico.

2. These industries are defined as indicated below:

a. (1) The furniture and fixtures and lumber and wood products industry is defined as the manufacture of household, office, public building, and restaurant furniture; and office and store fixtures; and the manufacture of products made from lumber, wood and related materials; and logging and wood preserving: *Provided, however,* That the industry shall not include any product or activity in the metal, machinery, transportation equipment, and allied products industry; the jewelry and miscellaneous products manufacturing industry; the construction industry; or the paper, paper products, printing and publishing industry.

(2) The industry includes, without limitation, furniture, office and store fixtures, mattresses and bedsprings, boxes and containers, cooperage, window and door screens and blinds, caskets and coffins, matches, sawmill products, planing and plywood mill products; charcoal; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan and willowware articles.

b. The stone, clay and glass products and nonmetallic mining industry in Puerto Rico is defined as the manufacture from nonmetallic mineral products such as, but not limited to, structural clay products, china, pottery, tile and other ceramic products and refractories; glass and glass products (except lenses); dimension and cut stone; crushed stone; sand and gravel; hydraulic cement; abrasives, lime, concrete, gypsum, mica, plaster and asbestos; and the mining, quarrying or other extraction and further processing of nonmetallic minerals, except chemical and fertilizer minerals and fossil fuels: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the construction industry; the metal, machinery, transportation equipment and allied products industry; or the chemical, petroleum and related products industry.

c. The construction industry in Puerto Rico, to which this part shall apply, is defined as follows: The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements on land; the assembling at the construction site and the installation of machinery and other facilities in or upon such improvements; and the dismantling, wrecking, or other demolition of such improvements: *Provided, however,* That the construction industry shall not include any activity carried on by an establishment in Puerto Rico for its own use to which another wage order for the primary business of such establishment would otherwise be applicable.

3. Pursuant of Section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

a. Convene the above-appointed industry committees;

b. Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

c. Give notice of the hearings to be held by the several committees at the times and place indicated. The committee shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform their duties and functions under the aforementioned Act.

Industry Committee No. 139–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, February 14, 1977.

Following this hearing Industry Committee No. 139–B will immediately convene to conduct its investigation and begin its public hearing.

Industry Committee No. 140 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, March 14, 1977.

The hearings will take place in the offices of the Wage and Hour Division on the fourth floor of the New Federal Office Building, Carlos Chardon Street, Hato Rey, Puerto Rico.

4. The rate or rates recommended by the committee shall not exceed the rates prescribed by sections 6(a) and 6(b) of the Act, namely $2.30 an hour after December 31, 1976.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence including pertinent unabridged profit and los statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rate for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing i.e. February 4, 1977 for matters to be considered by Industry Committees No. 139–A and 139–B; and March 4, 1977 for matters to be considered by Industry Committee No. 140.

Signed at Washington, D.C. this 11th day of January, 1977.

W. J. USERY, JR.,
Secretary of Labor.

[FR Doc.77-1290 Filed 1-13-77;8:45 am]

[Administrative Order No. 649]

INDUSTRY COMMITTEE FOR INDUSTRIES IN THE VIRGIN ISLANDS

Appointment; Convention; Hearing

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR 511, I hereby appoint Industry Committee No. 17 for the Virgin Islands for the classifications defined below:

These classifications shall not include any employee employed in the Virgin Islands by the United States or by the government of the Virgin Islands, by an establishment which is a hotel, motel, or restaurant, or by any retail or service establishment which employed such employee primarily in connection with the preparation or offering of food and beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guest of members of clubs.

2. These classifications are defined as follows:

a. *Pre-1966 coverage classifications.* The classifications for pre-1966 coverage apply to all activities of employees in the Virgin Islands which were within the purview of section 6 of the Fair Labor Standards Act of 1938 prior to the effective date of the Fair Labor Standards Amendments of 1966.

(1) The watch assembly classification is defined as the assembly of watches and watch movements.

(2) The milk processing classification is defined as the processing or recombining of fluid milk and cream for wholesale or retail distribution.

(3) The retailing, wholesaling and warehousing classification is defined as all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing, and other distribution of commodities: *Provided, however,* That this classification shall not include retailing and or wholesaling activities included within other wage order classifications in the Virgin Islands: *Provided, further,* That this classification shall not include food service activities in retail establishments.

(4) The construction classification is defined as all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways or streets, catchments, dams and any other structures.

(5) The shipping and seamen classification is defined as the transportation of passengers and cargo by water and all activities in connection therewith, including storage and lighterage operations, and the activities of seamen on United States vessels.

(6) The miscellaneous manufacturing activities classification is defined as all manufacturing activities in the Virgin Islands covered by the Fair Labor Stand-

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ards Act prior to the Fair Labor Standards Amendments of 1966, with the exception of the assembly of watches and watch movements, milk processing, the manufacture of petroleum products, pharmaceuticals and toiletries, textiles and textile products, alcoholic beverages, and the processing of bauxite to extract alumina and the further processing related to the production of aluminum.

b. *1966 coverage classifications.* The classifications for 1966 coverage include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966 or by section 906 of the Education Amendments of 1972.

(1) The agriculture classification is defined as farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market; processing, handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or making cheese or butter or other dairy products; the operation of a country elevator, including such an establishment which sells products and services used in the operation of a farm; the ginning of cotton for market; and the transportation of fruits and vegetables, whether or not performed by a farmer, from the farm to a place of first processing or first marketing.

(2) The retailing, wholesaling and warehousing classification is defined as all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing and other distribution of commodities: *Provided, however,* That this classification shall not include retailing and/or wholesaling activities included within other wage order classifications in the Virgin Islands: *Provided, further,* That this classification shall not include food service activities in retail establishments.

(3) The construction classification is defined as all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways, or streets, catchments, dams and any other structures.

(4) The laundry and cleaning classification is defined as the laundering, dry cleaning, and incidental work such as repair of clothing and fabrics on which such work is done and the work done in family and commercial power laundries, linen supply and industrial laundries, diaper services, self-service laundries, hand laundries, cleaning and dyeing plants and rug cleaning and repairing plants.

(5) The manufacturing activities classification is defined as all manufacturing activities in the Virgin Islands covered by the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1966.

c. *1974 coverage classifications.* The classification for 1974 coverage include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1974.

(1) The domestic service classification is defined as service of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or a family in an apartment house or hotel may constitute a private home. However, a dwelling primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home. Domestic service in and about a private home includes, but is not limited to, services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

(2) The motion picture theater classification is defined as the activities of employees of motion picture theaters.

(3) The retail and service employees classification is defined as the activities of employees employed in retail and service establishments that are parts of covered enterprises and that have an annual volume of sales that is less than $250,000, but not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977. (Retail and service establishments with $250,000 or more in an annual sales volume are covered under the pre-1974 provisions of the Fair Labor Standards Act of 1938).

3. Pursuant to Section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

a. Convene the above-appointed Industry Committee;

b. Refer to the Industry Committee the question of the minimum rates of wages to be fixed for the above-mentioned classifications in the Virgin Islands.

c. Give notice of the hearings to be held by the Committee at the times and place indicated. The Committee shall investigate conditions in the classifications and the Committee, or any authorized subcommitte thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the aforementioned Act.

The Committee will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 11 a.m. on Monday, Febuary 28, 1977, at the public library, Christianstead, St. Croix, Virgin Islands. The public hearing will continue on March 1, 1977. Upon completion of its proceedings in St. Croix, the Committee will move its proceedings to the College of the Virgin Islands, St. Thomas, Virgin Islands where the hearing will resume at 9:30 a.m. on Wednesday, March 2, 1977.

4. The rate or rates recommended by the Committee shall not exceed the rates prescribed by Sections 6(a) and 6(b) of the Act, namely $2.30 an hour after December 31, 1976; except, however, the rate or rates recommended for agricultural employees shall not exceed those rates prescribed by Section 6(a)(5) of the Act, namely $2.20 during the year beginning January 1, 1977, and $2.30 an hour after December 31, 1977. The Committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that the Committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever the Committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, it shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications, within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the Committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, production costs; (b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the Committee containing such data as he is able to assemble pertinent to the matters referred to it. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The Committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of the industry committee shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearing shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date, i.e., February 18, 1977.

Signed at Washington, D.C. this 11th day of January 1977.

W. J. USERY, Jr.,
Secretary of Labor.

[FR Doc.77-1295 Filed 1-13-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

STUDENT SCIENCE TRAINING PROGRAM, PROJECT DIRECTORS

Meeting

A project directors' meeting will be held from 9:00 a.m. to 5:00 p.m. on February 11, 1977 and from 9:00 a.m. to noon on February 12, 1977 at the Sheraton Park Hotel, 2660 Woodley Road, N.W., Washington, D.C.

The purpose of this meeting is to give project directors of the Student Science Training Program an opportunity to become better informed regarding appropriate methods for conducting internal project evaluation and to allow the program staff to set into motion mechanisms for monitoring of projects.

While these project directors' meetings are not considered to be a meeting of an "advisory committee" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92–463) the conferences are believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as meetings open for public attendance and participation.

The meeting will be chaired by Dr. Max Ward. Because of space limitation, members of the public who wish to attend should call (202–282–7150) regarding attendance at any of these meetings.

ALLEN M. SHINN, Jr.,
Deputy Assistant Director for Science Education.

[FR Doc.77-1309 Filed 1-13-77;8:45 am]

SUBPANEL ON FIELD CENTER OPERATION OF THE NSF CHAUTAUQUA-TYPE SHORT COURSES FOR COLLEGE TEACHERS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Field Center Operation of the NSF Chautauqua-Type Short Courses for College Teachers of the Advisory Panel on Science Education Projects.

Date and time: February 3–5, 1977: 9 a.m. to 5 p.m. on Feb. 3 and Feb. 4; 9 a.m. to 12 noon on Feb. 5.

Place: Quality Inn-Downtown, Massachusetts Ave. and Thomas Circle, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Ms. Mary Lewis, Program Manager, Room W–456, National Science Foundation, Washington, D.C. 20550, telephone (202) 282–7795.

Purpose of panel: To provide advice and recommendations concerning support for science education.

Agenda: To review and evaluate science education proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-1310 Filed 1-13-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 6, 1977 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers' questionnaire, annually, large importers, Laverne V. Collins, 395–5867.

Producers' questionnaire, annually, domestic producers of specialty steel, Laverne V. Collins, 395–5867.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Education/Employment/Reference Inquiry, AID–610–10, on occasion, former employers, Lowry, R. L., 395–3772.

RAILROAD RETIREMENT BOARD

Annual report, G–19Q, annually, beneficiaries under RRA, Caywood, D. P., 395–3443.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Subjective probability assessment of uranium potential, State of Wyoming, single time, experts on Wyoming uranium geology, Tracey Cole, 395–5870.

DEPARTMENT OF AGRICULTURE

Forest Service:

Forest Industry Survey—1976, single time, primary forest product manufacturers in California, Oregon, and Washington, Caywood, D. P., 395–3443.

National Assessment of Wildlife & Fish—State Estimates of Trends in Use and Population, single time, Wildlife & Fisheries Biologists and State Fish and Game Depts., Maria Gonzalez, 395–6132.

DEPARTMENT OF COMMERCE

Economic Development Administration, Title IX Evaluation Interview Guides, ED–749Q, through E, single time, persons involved with title IX grants, Economics and General Government Division, Raynsford, R., 395–3451.

Bureau of Census, Census of Wholesale Trade, Retail Trade and Service Industries, single time, retail, wholesale, service establishments, Peterson, M. O., 395–5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

1977 Survey of Child Survivor Families, SSA–3457, single time, families with minor maternal or paternal orphans, Reese B. F., 395–3211.

Statement of Death and Burial Expenses by Funeral Director, SSA–2872, on occasion, funeral directors when they receive a body for burial, Caywood, D. P., 395–3443.

REVISIONS

NATIONAL SCIENCE FOUNDATION

1977 Survey of Doctorate Recipients, annually, Doctoral Scientists, Engineers and Humanists, Kathy Wallman, 395–6140.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, Biweekly progress report of telephone construction and engineering services, REA–521, weekly, Consulting Engineers of REA Telephone Borrowers, Tracey Cole, 395–5870.

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DEPARTMENT OF COMMERCE

Bureau of Census, Privacy and Confidentiality Opinion Survey—Refusal Follow-Up, PCS–100, PCS–200, single time, refusals to PCS opinion survey, Maria Gonzalez, 395–6132.

DEPARTMENT OF DEFENSE

Department of the Air Force, Aircraft-Missile Maintenance Production Compression Report, AFLC–222, weekly, Aircraft/Missile Maintenance Contractors, Warren Topelius, 395–5872.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Rocky Flats plutonium study form letter and telephone interview, on occasion, individuals in Colorado, Lowry, R. L., 395–3772.

NATIONAL CREDIT UNION ADMINISTRATION

Annual report for State-chartered credit unions, NCUA 5306, annually, State-chartered credit unions, Marsha Traynham, 395–4529.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Research annual technical report, W–1530/1A, annually, research institutions, Lowry, R.L., 395–3772.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Data report of spouse (alien applicants for AEC employment), AEC–354, on occasion, U.S. ERDA and contractor employees, Marsha Traynham, 395–4529.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Monthly report of participants under contract, AID 1380–9, monthly, professional associations and universities, Lowry, R. L., 395–3772.

ENVIRONMENTAL PROTECTION AGENCY

Power plant survey form, single time, energy users larger than 99 x 10 Btu per hour, Ellett, C.A., 395–5867.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Research final project report, W–1530/1B, on occasion, research institutions, Lowry, R. L., 395–3772.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:
- Regulations—Beekeeper Indemnity Payment program, on occasion, beekeepers, Marsh Traynham, 395–4529.
- Report of loss on a colony basis and application for payment (beekeepers), ASCS–448, on occasion, beekeepers, Marsha Traynham, 395–4529.
- Apiary report, ASCS–446, annually, beekeepers, Marsha Traynham, 395–4529.

Forest Service:
- Application for permit to conduct archeological or paleon to logical explorations or excavations in U.S., on occasion, reputable museums and universities, Marsha Traynham, 395–4529.

Agricultural Marketing Service:
- Rules and regulations under the Federal Seed Act (recordkeeping requirements), on occasion, individual and firms handling seeds, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Economic Development Administration:
- Borrower's Certification of Current Status and Request for EDA Action, ED 270, on occasion, Business Entities and Local Development Corp., Lowry, R. L., 395–3772.

National Oceanic and Atmospheric Administration:
- Small-Craft Chart Facility Questionnaire, NOAA 77–1, annually, facility operators of marinas, boatyards, etc., Warren Topelius, 395–5872.
- Small Craft Facility Field Report Nautical Chart Revisions, NOAA 77–3, on occasion, boating safety organizations, Warren Topelius, 395–5872.

Maritime Administration, Manual of General Procedures for Determining Operating-Differential Subsidy Rates, MA–344, on occasion, subsidized steamship operators, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, PCC–MIS Reports To Be Submitted to Contractor, quarterly, contractors, Caywood, D. P., 395–3443.

DEPARTMENT OF LABOR

Labor Management and Service Administration, Employer Report and Instructions (Employers Dealing with Labor Organizations and Union Officials), LM–10, on occasion, employers involved financially with labor unions, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Report of Bureau of Mines Helium Receipts and Distribution, HA–285, semi-annually, helium division customers, Marsha Traynham, 395–4529.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:
- Measuring the Effects of System Operating Policies on the Travel Behavior and Desires of Individuals, single time, individuals, Strasser, A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–1339 Filed 1–13–77;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

PRIVATE INVESTIGATIONS FIRMS

Hearing

Correction

In FR Doc. 77–406 appearing at page 1324, in the issue of Thursday, January 6, 1977 the heading is corrected to read as set forth above.

SECURITIES AND EXCHANGE COMMISSION

BOSTON STOCK EXCHANGE

Unlisted Trading Privileges in Certain Securities

JANUARY 10, 1977.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Fred S. James & Co., Inc., common stock $0.50 par value; File No. 7–4901.

Loctite Corp., common stock no par value; File No. 7–4902.

United States Filter Corp., common stock no par value; File No. 7–4903.

Upon receipt of a request, on or before January 26, 1977 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular applications, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–1313 Filed 1–13–77;8:45 am]

[Release No. 34–13143; File No. SR–DTC–76–12]

DEPOSITORY TRUST CO.

Proposed Rule Change by Self-Regulatory Organization

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change permits Participants of The Depository Trust Company (DTC) to maintain on deposit with DTC Treasury bills subject to roll-over options. Under the proposed procedures, Participants will be able to take advantage of such options without withdrawing the certificates evidencing such Treasury bills from the system. The proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b–4A, File No. SR–DTC–76-12.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to permit DTC's Participants to take advantage of "roll-over" options through DTC. Roll-over options, which are available to holders of Treasury bills, enable new bills to be paid for from the proceeds of old bills maturing on the issuance date. Without a roll-over procedure through DTC, Participants with Treasury bills on deposit would have to obtain Federal funds from DTC on maturity date in time to pay for new purchases on the same day.

The proposed rule change relates to DTC's carrying out the purposes of section 17A of the Securities Exchange Act of 1934 (the Act) by increasing DTC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions in that the proposed rule change will encourage immobilization of certificates evidencing securities subject to roll-over options.

Comments regarding the proposed roll-over options were solicited from DTC Participants by articles in DTC's Newsletters of February 1976, May 1976, August 1976, September/October 1976 and November 1976 and by Important Notice dated December 3, 1976. Draft procedures for the proposed service, similar to the procedures set forth in Exhibit 2 of the filing, were sent to Participants who asked to review draft procedures. No written comments in response to the Newsletter or the Important Notice were received.

No burden on competition will be caused by the proposed rule change.

On or before February 18, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will: (A) By order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing and exhibits with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before February 4, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 10, 1977.

[FR Doc.77–1306 Filed 1–13–77;8:45 am]

[File No. 1–6074]

MCDONOUGH CO.

Application to Withdraw From Listing and Registration

JANUARY 10, 1977.

In the matter of McDONOUGH COMPANY (Common stock, $1.00 par value); Securities Exchange Act of 1934 Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

This security has become listed and registered on the New York Stock Exchange, Inc., and in the opinion of the Company, the expenses of maintaining its listing on both exchanges outweigh the benefits that might be derived therefrom.

The American Stock Exchange has not objected to this application.

Any interested person may, on or before February 7, 1977, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–1314 Filed 1–13–77;8:45 am]

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 10, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

National Mines Service Co., common stock, $1 par value; File No. 7–4900.

Upon receipt of a request, on or before January 26, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary

[FR Doc 77–1304 Filed 1–13–77;8:45 am]

[Release No. 34–13144; File No. SR–SCCP 76–4]

STOCK CLEARING CORPORATION OF PHILADELPHIA

Proposed Rule Change By Self-Regulatory Organization

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the above-mentioned self-regulatory organiaztion filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Stock Clearing Corporation of Philadelphia (SCCP) proposes a rule change which generally will enable it to guarantee delivery to buyers who purchase for tender, for trades which settle one day prior to expiration of the protection period as opposed to its existing procedure of guaranteeing delivery only for trades which settle on the expiration date of the tender offer.

STATEMENT OF BASIS AND PURPOSE

The purpose of the rule change is to increase the capacity of Stock Clearing Corporation of Philadelphia to facilitate the prompt and accurate clearance and settlement of security transactions.

No burden on competition will be imposed by the proposed rules.

On or before February 18, 1977, or within such longer period (i) as the

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Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted by February 4, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 10, 1977.

[FR Doc. 77-1305 Filed 1-13-77;8:45 am]

[File No. 500-1]

STRATFORD OF TEXAS, INC.

Suspension of Trading

JANUARY 7, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Stratford of Texas, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:05 p.m. (EST) on January 7, 1977 through January 16, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-1307 Filed 1-13-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Finance Docket No. 4]

GUARANTEE OF OBLIGATIONS

Receipt of Application

Project: Notice is hereby given that William M. Gibbons ("Trustee"), Trustee of the Chicago, Rock Island and Pacific Railroad Company, Debtor ("Rock Island"), 139 West Van Buren Street, Chicago, Illinois, 60605, has filed an application with the Federal Railroad Administrator under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, 45 U.S.C. 831, to secure a commitment by the United States to guarantee trustee's certificates or other evidence of indebtedness to be issued by the Trustee in the principal amount of $7,240,000. Loan arrangements have not been completed at this time.

The proceeds of the loan are to be used by the applicant to rehabilitate and improve the Rock Island's main line between Memphis, Tennessee, and Little Rock, Arkansas, a distance of approximately 135 miles, to permit operation of trains at a maximum speed of 60 miles per hour. Major items contained in the work program include relaying of 55 turnouts, extension of four sidings, surfacing the line, tie renewals, grade crossing improvements, bridge repairs, installation of hot box detectors and the purchase of work equipment.

Justification for Project: The Trustee states that improvement of the line to permit maximum speeds of 60 miles per hour will result in running time improvements of approximately 38 percent and enable the Rock Island to compete more effectively for high-value, service-sensitive traffic. The Trustee further states that the line to be improved constitutes a crucial link in a major connection between the South and the West, and provides service to industry and agriculture in the Southwest and the upper Midwest.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

Requests for disclosure of information contained in the application shall be made pursuant to the regulations of the Office of the Secretary of Transportation, set forth in section 7 of Title 49 of the Code of Federal Regulations.

The comments will be taken into consideration by the Federal Railroad Administration ("FRA") in evaluating the application. However, formal acknowledgement of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein. (Sec. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: January 10, 1977.

Comment closing date: February 14, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-1204 Filed 1-13-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CANNED TOMATOES AND CANNED TOMATO CONCENTRATES FROM ITALY

Preliminary Countervailing Duty Determination

On November 11, 1976, a "Notice of Receipt of Countervailing Duty Petition and Reinstitution of Investigation" was published in the FEDERAL REGISTER (41 FR 49922). This notice stated that information had been received alleging that bounties or grants are being paid or bestowed, directly or indirectly, by the Italian Government to producers and processors of canned tomatoes and canned tomato products within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act").

The referenced notice further stated that it was not clear whether the information presented related to alleged bounties or grants comparable to those previously determined to exist, Treasury decisions concerning which were cited in paragraphs two, three and four of that notice. The foregoing notice declared that the information available indicated that the subject merchandise imported directly from Italy benefits from a government payment to agricultural cooperatives and to processors of such products. Accordingly, the Secretary concluded that a reinstitution of the investigation was warranted and announced that a preliminary determination would be made no later than January 2, 1977, six months after the date of receipt of information regarding the newly alleged bounties or grants.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it has been determined that the provisions of the Italian law which is the subject of the allegations and which basically provided for payments for stockpiling and price supports were never utilized by the tomato processing industry. Furthermore, the authority for payments of the nature described above expired November 20, 1975. Although payments were made to the entire tomato industry under another provision dealing with general qualitative improvement and protection of production, those payments were apparently very small in size, especially considering the small proportion of the total production exported to the U.S. Furthermore the information now available indicates that these payments have been suspended. Should they be reinstated a determination as to whether they constitute a bounty or grant would be required.

Accordingly, it is determined preliminarily that no bounty or grant, within the meaning of section 303, is being paid or bestowed directly or indirectly upon the manufacture, production or exportation of canned tomatoes and canned tomato concentrates imported directly from Italy. A final decision in this case is required on or before July 2, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to the preliminary determination. Submission should be addressed to the Commisisoner of Customs, 1301 Constitution Avenue, NW., Washington, D.C., in time to be received by this office not later than February 14, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

G. R. DICKERSON,
Commissioner of Customs.

Approved: January 10, 1977.

JERRY THOMAS
Under Secretary of the Treasury.

[FR Doc.77-1248 Filed 1-13-77;8:45 am]

Office of the Secretary

[Treasury Department Order No. 245]

LAW ENFORCEMENT OFFICER POSITIONS WITHIN THE DEPARTMENT OF THE TREASURY

Establishing Maximum Entry Age Limit

1. Pursuant to my authority as Secretary of the Treasury, and the authority vested in me by Pub. L. 93-350, Section I, paragraph (2)(d), it has been determined that the date immediately preceding one's 35th birthday is the maximum age for eligibility for an original appointment to a position as law enforcement officer as defined in 5 U.S.C. 8331 (20). This determination has been approved by the Civil Service Commission.

2. Exceptions to the above determination may be made in situations where skill shortages arise in specific law enforcement positions in which event the date immediately preceding one's 40th birthday will be the maximum age of eligibility for an original appointment to a position as a law enforcement officer.

3. Since this Order involves personnel functions, the Assistant Secretary (Administration), or his designee, are authorized, pursuant to this Order and Treasury Department Order No. 190 as revised to issue necessary regulations or instructions to implement the provisions of this Order.

4. This Order shall be effective on November 29, 1976.

Dated: January 7, 1977.

WILLIAM E. SIMON,
Secretary.

[FR Doc.77-1247 Filed 1-13-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 304]

Assignment of Hearings

JANUARY 11, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135684 (Sub 26), Bass Transportation Co., Inc., now being assigned February 23, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141932 (Sub-No. 1), Polar Transport, Inc., now assigned January 11, 1977, at Washington, D.C. is postponed to February 15, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8685, J. Frances McCarthy DBA Mac Transport Lines Revocation of Permit, now assigned January 11, 1977, at Boston, Mass. is postponed indefinitely.

MC 140829 (Sub-No. 13), Cargo Contract Carrier Corp., now assigned January 20, 1977, at Chicago, Ill., is canceled and application dismissed.

MC 139495 (Sub-No. 163), National Carriers, Inc., now assigned January 26, 1977, at Dallas, Tex., is canceled and application dismissed.

MC 142322 (Sub-No. 2), V & J Trucking, Inc., application dismissed.

MC 142144 (Sub-No. 1), Jelco Buses, Inc., application dismissed.

AB 136, Chicago South Shore And South Bend Railroad Abandonment of Line Over Illinois Central Gulf Railroad Between Randolph Street Station And 115th Street (Kinsington) in Cook County, Illinois, now being assigned January 24, 1977, at Chicago, Illinois, will be held in Room 1903, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1299 Filed 1-13-77;8:45 am]

[AB 131]

YAKIMA VALLEY TRANSPORTATION COMPANY

Abandonment of Railroad Services

DECEMBER 28, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Yakima Valley Transportation Company of a .46 mile terminal segment of its line of railroad in Selah, Yakima County, Wash., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are not considered significant because the line has not been utilized since 1971; therefore no traffic diversion and subsequent alterations in fuel consumption, exhaust emissions, noise intrusions, and safety conditions are involved. It should be noted that removal of the line would enable the city of Selah to proceed with plans to widen a segment of North First Street.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 10, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary

[FR Doc.77-1298 Filed 1-13-77;8:45 am]

[Notice No. 5]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 10, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contem-

plated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 115495 (Sub-No. 32TA), filed December 30, 1976. Applicant: UNITED PARCEL SERVICE, INC., 300 N. 2nd St., St. Charles, Ill. 60174. Applicant's representative: Irving R. Segal, 1719 Packard Bldg., Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment); (A) between the premises of the Catalog Distribution facilities of J. C. Penney Company, Inc., in Wauwatosa, Wis.; Forest Park, Ga., and Columbus, Ohio, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; and (B) between the premises of the Catalog Distribution facilities of J. C. Penney Company, Inc., in Wauwatosa, Wis.; Forest Park, Ga.; and Columbia, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Virginia, within ten miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, and the Virginia-North Carolina State lines. Restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 180 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (b) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one location to one consignee at one location on any one day. Applicant intends to interline at points in Pennsylvania-Ohio, the West Virginia-Virginia, within ten miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, and the Virginia-North Carolina State lines, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. C. Penney Company, Inc., William A. Deehan, Traffic Division, Dist. Dept., 825 7th Ave., New York, N.Y. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 116200 (Sub-No. 10TA), filed December 30, 1976. Applicant: UNITED PARCEL SERVICE, INC., 643 W. 43rd St., New York, N.Y. 10046. Applicant's representative: S. Harrison Kahn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, subject to the following restrictions: (a) Service is restricted to packages originating at, or destined to the premises of the Catalog Distribution Facilities of J. C. Penney Company, Inc., in Wauwatosa, Wis., Forest Park, Ga., and Columbus, Ohio, having an immediately prior or subsequent movement by United Parcel Service, Inc. (an Ohio Corporation); (b) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (c) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. Applicant intends to interline at points in Pennsylvania, West Virginia and Virginia, within ten miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, and the Virginia-North Carolina state lines, for 180 days. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, N.Y. 10019. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124735 (Sub-No. 16TA), filed December 27, 1976. Applicant: R. C. KERCHEVAL, INC., 2201 6th Ave., South, Seattle, Wash. 98134. Applicant's representative: Robert G. Gleason, 1127 10th Ave., East Seattle, Wash. 98102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts* for motor vehicle chassis and motor vehicle undercarriage, from Henderson, Ky., to Seattle, Wash., under a continuing contract with Motor Wheel and Parts, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Motor Wheel and Parts, Inc., 600 S. Dakota, Seattle, Wash. 98108. Send Protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 125368 (Sub-No. 15TA), filed December 27, 1976. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Armour & Co., at or near Worthington, Minn., to points in Alabama, Georgia, North Carolina and Tennessee, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Supporting shipper: Armour Food Company, 111 W. Clarendon, Phoenix, Ariz. 85077. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896 Raleigh, N.C. 27611.

No. MC 133119 (Sub-No. 107TA), filed December 27, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables and frozen concentrates*, when moving in mixed loads with frozen potatoes and potato products, from the facilities of Inland Cold Storage, at or near Kansas City, Kans., and the facilities of Commercial Distribution Center, at or near Kansas City, Mo., to points in Texas, Arkansas, Florida, Alabama, Mississippi, Louisiana, Tennessee, Georgia, South Carolina, and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frank Bacon, Vice-President, Glacier Sales, Division of P. D. Q. Institutional Foods, Inc., P.O. Box 2797, Yakima, Wash. 98902. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140829 (Sub-No. 36TA), filed December 27, 1976. Applicant: CARGO

CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or storage facilities utilized by Whitehall Packing Company, Inc., at or near Whitehall and Eau Claire, Wis., to points in Massachusetts, New York, Pennsylvania, Maryland, and Washington, D.C. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the named origin and destined to points in the above-named destination states, for 180 day. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lester Pucik, Corporate Traffic Manager, Whitehall Packing Company, Inc., P.O. Box 215, Whitehall, Wis. 54773. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 141320 (Sub-No. 7TA), filed December 30, 1976. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, Six Ray Court, Melville, N.Y. 11746. Applicant's representative: Martin D. Friedman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, medical isotopes, medical test kits and related apparatus*, between South Plainfield, N.J., on the one hand, and, on the other, points in Pennsylvania (except the counties of Lehigh, Northampton, Bucks, Montgomery, Delaware, and Philadelphia), under a continuing contract with Medi-Physics, Inc., *radiopharmaceuticals, medical isotopes, and medical test kits*, between Carlstadt, N.J., on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, Maine, Vermont, New Hampshire, and New York, under a continuing contract with Mallinckrodt, Inc.; *radiopharmaceuticals*, medical isotopes, and medical test kits, between North Billerica, Mass., on the one hand, and, on the other, points in New York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam, and Dutchess Counties), points in Delaware (except New Castle County), points in Connecticut, (except Fairfield County), points in Pennsylvania (except Delaware, Montgomery, Philadelphia, Chester and Bucks Counties), and points in New Jersey, Vermont, New Hampshire, Maine, Massachusetts, and Rhode Island, under a continuing contract with New England Nuclear Corp., for 180 days. Supporting shippers: Mallinckrodt, Inc., 463 Barrell Ave., Carlstadt, N.J. Medi-Physics, Inc., 900 Durham Ave., South Plainfield, N.J. New England Nuclear Corp., 601 Treble Cove Road, North Billerica, Mass. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141804 (Sub-No. 39TA), filed December 29, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk, in tank vehicles), from points in California, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary Line between the United States and Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142741 (Sub-No. 1TA), filed December 27, 1976. Applicant: RONALD A. HESS, doing business as EQUINOX MOTORS, Route No. 7, Manchester, Vt. 05254. Applicant's representative: Arthur M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products viz, gasoline, kerosene and No. 2 fuel oil*, in bulk, in tank vehicles, from Rensselaer and Fort Ann, N.Y., to Manchester, Vt., under a continuing contract with Johnson's Fuel Service, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnson's Fuel Service, Inc., Manchester Center, Vt. 05255. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 142748 (Sub-No. 1TA), filed December 22, 1976. Applicant: GENARO T. CAMACHO, doing business as GENE'S FREIGHT LINE, 3230 W. Mississippi Ave., Denver, Colo. 80219. Applicant's representative: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New tires*, from Memphis, Tenn., to Colorado Springs, Canon City, Denver, Lafayette, Loveland, Greeley, Fort Morgan, Brush, Sterling, Yuma, Wray, Burlington, Limon, LaJunta, Lamar, Rocky Ford, Trinidad, Walsenburg and Julesburg, Colo. and Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Kearney, Grant, Stevens, Decatur, Sheridan, Gove, Scott, Lane, Finney, Haskell, Gray, Ford, Seward, Mead and Clark Counties, Kans., under a continuing contract with Fleetwood Tire West, Inc.; (2) *Non-alcoholic beverages*, from Denver, Colo., to Albuquerque, N. Mex.; Amarillo and El Paso, Tex., and Salt Lake City, Utah; (3) *Pallets*, from Amarillo and El Paso, Tex., and Albuquerque, N. Mex., to Muskogee and Sapulpa, Okla.; and (4) *Glass containers*, from Muskogee and Sapulpa, Okla., to Denver, Colo. Items (2), (3) and (4) are under a continuing contract with Columbine Beverage Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Fleetwood Tire West, Inc., Co-Ordinator Co-Western KS, Box 6556 Colorado Springs, Colo. 80934. (2) Collumbine Beverage Company, 4301 Broadway, Denver, Colo. 80216. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 142765 TA, filed December 28 1976. Applicant: AMERICAN TRANSPORTATION, INC., P.O. Box 2379, Trenton, N.J. 08601. Applicant's representative: Mel P. Booker, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or sold by direct sale houses (except commodities in bulk), from the facilities of Amway Corp., located at or near Dayton, N.J., to points in Delaware, Maryland, New Jersey, Connecticut, points in Rockland, Orange, Westchester and Putnam Counties, N.Y.; points in that part of Virginia on and north of Interstate Highway 64; points in that part of West Virginia on and north of U.S. Highway 60 and Interstate Highway 64; and points in Pennsylvania east of the western boundaries of Potter, Clinton, Centre, Blair and Bedford Counties, Pa., under a continuing contract with Amway Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amway Corporation, Regional Distribution Center, Box 900 Monmouth Junction Road, Dayton, N.J. 08810. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 142766 TA, filed December 23, 1976. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus

Ave., Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic equipment, household appliances;* and (2) *Supplies, equipment and materials* used in the manufacture and sale of (1) above (except commodities in bulk), between the facilities of Sharp Electronics Corporation, located at Paramus and South Plainfield, N.J., on the one hand, and, on the other, Boston, Mass.; Atlanta, Ga.; Nitro, W. Va.; Memphis and Nashville, Tenn.; Providence, R.I.; Pittsburgh and Altoona, Pa.; Richmond, Va.; Indianapolis, Ind.; Chicago Country La Grange, Ill.; Toledo, Ohio; Louisville, Ky.; Little Rock, Ark.; Dallas, Houston and San Antonio, Tex.; Jacksonville, Orlando, Largo, Tampa and Miami, Fla.; Jackson, Miss.; Detroit, Mich., under a continuing contract with Sharp Electronics Corporation, Paramus, N.J., for 180 days. Supporting shipper: Sharp Electronics Corporation, 10 Keystone Place, Paramus, N.J. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 142767 TA, filed December 27, 1976. Applicant: LEROY'S WRECKER SERVICE, Route 2, Box 45, Loveland, Colo. 80537. Applicant's representative: Leroy I. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles*, between points in Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana, New Mexico and Kansas, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application which may be examined at the Interstate Commerce Commisson in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1300 Filed 1-13-77;8:45 am]

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PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

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PROTECTION OF HUMAN SUBJECTS

Research Involving Prisoners

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

Report and Recommendations

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 46]

PROTECTION OF HUMAN SUBJECTS

Research Involving Prisoners and Notice of Report and Recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

Basic regulations governing the protection of human subjects involved in research, development, and related activities supported or conducted by the Department through grants and contracts were published in the FEDERAL REGISTER on May 30, 1974 (39 FR 18914). At that time, it was indicated that notices of proposed rulemaking would be developed to provide additional protection for subjects of research who may have diminished capacity to provide informed consent, including prisoners.

On July 12, 1974, the National Research Act (Pub. L. 93–348) was signed into law, thereby creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to identify the requirements for informed consent to participation in biomedical and behavioral research by prisoners. The Commission was also required to investigate and study biomedical and behavioral research conducted or supported under programs administered by the Secretary of HEW and involving prisoners to determine the nature of the consent obtained from such persons or their legal representatives before such persons were involved in research; the adequacy of the information given them respecting the nature and purpose of the research, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. The Commission was further required to make such recommendations to the Secretary as it determined appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him met the requirements respecting informed consent identified by the Commission. Pursuant to Section 202(a)(2) of that Act, the Commission has transmitted its Report and Recommendations to the Secretary regarding research on prisoners. Pursuant to Section 205 of the Act, the Secretary is required to publish the Report and Recommendations as received from the Commission and is taking that action in this issue of the FEDERAL REGISTER. Since the Department has not yet completed its final review of this report, the views set forth in it are not necessarily those of the Department of Health, Education, and Welfare. The Department will be evaluating the Report during the comment period.

Written comments, data, views, arguments and inquiries concerning the Recommendations of the Commission may be sent to the Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. To facilitate analysis of the comments, it would be appreciated if they were arranged by Recommendation number (5). Additional copies of this notice may be obtained by writing to the same address. All comments received will be available for inspection at Room 303, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland, weekdays (Federal holidays excepted) between the hours of 9 a.m. and 4:30 p.m. To assure full consideration, all comments should be submitted on or before March 15, 1977. After receipt and review of such comments, it is the intent of the Department to issue final rules, taking into consideration its earlier proposed rules (39 FR 30648, Aug. 23, 1974), this Report and Recommendations, and relevant comments submitted with respect to the earlier proposed rules and this Report and Recommendations.

Dated: November 26, 1976.

R. MOURE,
Acting Assistant Secretary for Health.

Approved: January 4, 1977.

MARJORIE LYNCH,
Acting Secretary.

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

OCTOBER 1, 1976.

REPORT AND RECOMMENDATIONS: RESEARCH INVOLVING PRISONERS

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PREFACE

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research was established under the National Research Act (Pub. L. 93–348) to develop ethical guidelines for the conduct of research involving human subjects and to make recommendations for the application of such guidelines to research conducted or supported by the Department of Health, Education, and Welfare (DHEW). The legislative mandate also directs the Commission to make recommendations to Congress regarding the protection of human subjects in research not subject to regulation by DHEW. Particular classes of subjects that must receive the Commission's attention include children, prisoners and the institutionalized mentally infirm.

The duties of the Commission with regard to research involving prisoners are specifically set forth in section 202(a)(2) of the National Research Act, as follows:

> The Commission shall identify the requirements for informed consent to participation in biomedical and behavioral research by * * * prisoners * * *. The Commission shall investigate and study biomedical and behavioral research conducted or supported under programs administered by the Secretary [DHEW] and involving * * * prisoners * * * to determine the nature of the consent obtained from such persons or their legal representatives before such persons were involved in such research; the adequacy of the information given them respecting the nature and purpose of the research, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. On the basis of such investigation and study the Commission shall make such recommendations to the Secretary as it determines appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him meets the requirements respecting informed consent identified by the Commission.

This responsibility is broadened by the provision (section 202(a)(3)) that the Commission make recommendations to Congress regarding the protection of subjects involved in research not subject to regulation by DHEW, such as research involving prisoners that is conducted or supported by other federal departments or agencies, as well as research conducted in federal prisons or involving inmates from such prisons.

To carry out its mandate, the Commission studied the nature and extent of research involving prisoners, the conditions under which such research is conducted, and the possible grounds for continuation, restriction or termination of such research. Commission members and staff made site visits to four prisons and two research facilities outside prisons that use prisoners, in order to obtain first-hand information on the conduct of biomedical research and the operation of behavioral programs in these settings. During the visits, interviews were conducted with many inmates who have participated in research or behavioral programs as well as with nonparticipants.

The Commission held a public hearing at which research scientists, prisoner advocates and providers of legal services to prisoners, representatives of the pharmaceutical industry, and members of the public presented their views on research involving prisoners. This hearing was duly announced, and no request to testify was denied. The National Minority Conference on Human Experimentation, which was convoked by the Commission

in order to assure that viewpoints of minorities would be expressed, made recommendations to the Commission on research in prisons. In addition to papers, surveys and other materials prepared by the Commission staff, studies on the following topics were prepared under contract: (1) alternatives to the involvement of prisoners; (2) foreign practices with respect to drug testing; (3) philosophical, sociological and legal perspectives on the involvement of prisoners in research; (4) behavioral research involving prisoners; and (5) a survey of research review procedures, investigators and prisoners at five prisons. Finally, at public meetings commencing in January 1976, the Commission conducted extensive deliberations and developed its recommendations on the involvement of prisoners in research.

Part I of this report contains the recommendations as well as the deliberations and conclusions of the Commission and a summary of background materials. The nature and extent of research involving prisoners are described in Part II. The activities of the Commission and reports that were prepared for it are summarized in Parts III and IV, respectively. An appendix to this report contains papers, surveys, reports and other materials that were prepared or collected for the Commission on various topics related to research involving prisoners. Most of such materials that were prepared or collected for the Commission on various topics related to research involving prisoners. Most of such materials are summarized in Part IV of the report.

GLOSSARY OF TERMS USED IN THIS REPORT

Phases of drug testing. FDA regulations require three phases for the testing of new drugs. Phase I is the first introduction of a new drug into humans (using normal volunteers), with the purpose of determining human toxicity, metabolism, absorption, elimination and other pharmacological action, preferred route of administration and safe dosage range. Phase 2 covers the initial trials on a limited number of patients for specific disease control or prophylaxis purposes. Phase 3 involves extended clinical trials, providing assesment of the drug's safety and effectiveness and optimum dosage schedules in the diagnosis, treatment or prophylaxis of groups of subjects involving a given disease or condition. (Source: 21 CFR 312.1)

Prison. "Any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses" (42 U.S.C. 3781).

Prisoner. Any individual involuntarily confined in a prison.

Theraueptic research, nontherapeutic research. The Commission recognizes problems with employing the terms "therapeutic" and "nontherapeutic" research, notwithstanding their common usage, because they may convey a misleading impression. Research refers to a class of activities designed to develop generalizable new knowledge. Such activities are often engaged in to learn something about practices designed for the therapy of the individual. Such research is often called "therapeutic" research; however, the research is not solely for the therapy of the individual. In order to do research, additional interventions over and above those necessary for therapy may need to be done, *e.g.*, randomization, blood drawing, catheterization; these interventions may not be "therapeutic" for the individual. Some of these interventions may themselves present risk to the individual—risk unrelated to the therapy of the subject. The Commission has employed the term "research on practices which have the intent and reasonable probability of improving the health or well-being of the subject" or variants of this term. Since the reports prepared for the Commission by outside contractors or consultants generally employ the terms in common usage, such terms have been retained in the summaries of those reports.

PART I. DELIBERATIONS, CONCLUSIONS AND RECOMMENDATIONS

CHAPTER 1. DELIBERATIONS AND CONCLUSIONS

Introduction. Prior to 1940, prisoners in the United States seldom participated in biomedical research that had no reasonable expectation of improving the health or well-being of the research subjects. During World War II, however, large numbers of prisoners participated in voluntary research programs to develop treatment for infectious diseases that afflicted our armed forces. This involvement of prisoners was considered to be not only acceptable, but praiseworthy. Following the war, the growth of biomedical research and the imposition of requirements for testing drugs as to safety led to the increased use of prisoners. Their participation in biomedical research not related to their health or well-being has continued in this country to the present time. This participation is now primarily in phase 1 drug and cosmetic testing, which is conducted or supported by pharmaceutical manufacturers in connection with applications to the Food and Drug Administration for licensing new drugs. Other research of this sort in which prisoners participate, or have participated, includes studies of normal metabolism and physiology, conducted by the Public Health Service (PHS); studies of the prevention or treatment of infectious diseases, conducted or supported by the PHS and the Department of Defense; a study of the effects of irradiation on the male reproductive function, supported by the Atomic Energy Commission; and testing of the addictive properties of new analgesics by giving them to prisoners with a history of narcotic abuse, conducted at the Addiction Research Center in Lexington, Kentucky. (The involvement of federal prisoners in the Lexington program is scheduled to be phased out.[1])

Prisoners also participate in research on practices that have the intent and reasonable probability of improving their health or well-being. This research includes, for example, studies (supported by various components of DHEW and the Federal Bureau of Prisons) to develop methods to reduce the spread of infections, improve dental care, help the subjects stop smoking and remove tattoos. A major focus of this sort of research involving Federal prisoners has been the development of new treatments for narcotic addiction.

A third type of research in which prisoners participate includes studies of the possible causes, effects and process of incarceration, and studies of prisons as institutional structures or of prisoners as incarcerated persons. Components of DHEW have undertaken research of this sort for such purposes as learning the etiology of drug addiction and deviant or self-destructive behavior, and the factors relating to parole performance and recidivism.

Research is also conducted on the methods of treatment or "rehabilitation" of prisoners. The National Institute of Mental Health, the Federal Bureau of Prisons, and the Law Enforcement Assistance Administration have supported research on the experimental treatment of aggressive behavior with drugs and aversive conditioning techniques, as well as behavior modification based upon depriving inmates of basic amenities which they must then earn back as privileges. Rehabilitative practices have not always been based upon prior scientific design and evaluation, however, despite the fact that there are few, if any, approaches to the treatment or rehabilitation of prisoners for which effectiveness has been clearly demonstrated.

Outside the United States prisoners do not generally participate in biomedical research. This exclusion may be ascribed in part to continuing concern over experiments that were conducted on prisoners in Nazi concentration camps. Revelations of those experiments led to the enunciation of the Nuremburg Code (1946–1949), which required that human subjects of research "be so situated as to be able to exercise free power of choice" but did not expressly prohibit research involving civil prisoners. The Declaration of Helsinki, adopted by the World Medical Association in 1964 and endorsed by the American Medical Association in 1966, contained similar language that was subsequently deleted in 1975. Although little if any drug testing is conducted in foreign prisons, other kinds of research have been conducted in prisons throughout the world, such as studies dealing with the incidence and implications of chromosome abnormalities.

Since the 1960's, the ethical propriety of participation by prisoners in research has increasingly been questioned in this country. Among the events that have focused public attention on this issue was the publication of Jessica Mitford's book, Kind and Usual Punishment, in 1973. Eight States and the Federal Bureau of Prisons have formally moved to abandon research in prisons. The Health

[1] Letter dated March 1, 1976 to Honorable Robert W. Kastenmeier from Norman A. Carlson, Director, U.S. Bureau of Prisons.

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Subcommittee of the Senate Committee on Labor and Public Welfare held hearings (Quality of Health Care—Human Experimentation, 1973) on research involving prisoners in late 1973. Those speaking against the use of prisoners cited exploitation, secrecy, danger and the impossibility of obtaining informed consent as reasons to impose a prohibition or moratorium on the conduct of research in prisons. The advantages of using prisoners in research (e.g., opportunity for close monitoring and controlled environment) and the procedures that are employed to protect prisoner participants were also described in the hearings. The Health Subcommittee held extensive hearings on other areas of human experimentation as well, and reported the bill establishing this Commission with a mandate that included a directive to study and make recommendations concerning the involvement of prisoners in research.

More recently, the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice held hearings (Prison Inmates in Medical Research, 1975) on a bill (H.R. 3603) to prohibit "medical research" in federal prisons and prisons of states that receive certain federal support. Following these hearings, the Director of the Federal Bureau of Prisons determined that "continued use of prisoners in any medical experimentation should not be permitted," and he ordered that such participation by prisoners under federal jurisdiction be phased out.

Some of the more extreme behavioral programs have also raised questions. In her 1973 book, Jessica Mitford expressed concern about new approaches to "treatment" for offenders. Concurrently, others raised questions about the use of psychosurgery in prisons. In the early 1970's, the first challenges to behavior modification and aversive conditioning programs in prisons were argued in the courts, with mixed results. Most of the cases involved the right to refuse to participate in such programs, although prisoners have also petitioned for the right to be included in programs designed to alter sexually aggressive behavior.

Concern over behavior modification programs in prisons was expressed in a study, Individual Rights and the Federal Role in Behavior Modification (1974), prepared by the staff of the Constitutional Rights Subcommittee of the Senate Judiciary Committee. The study contained information on a number of such programs and suggested that this Commission make use of the information in attempting to resolve the issues that they raised. It should be noted that a number of the "treatment" programs mentioned in the study are reported to have been discontinued.

General concerns. In conducting its investigations and studies, the Commission has noted and cannot ignore serious deficiencies in living conditions and health care that generally prevail in prisons. Nor can the Commission ignore the potential for arbitrary exercise of authority by prison officials and for unreasonable restriction of communication to and from prisoners. The Commission, although acknowledging that it has neither the expertise nor the mandate for prison reform, nevertheless urges that unjust and inhumane conditions be eliminated from all prisons, whether or not research activities are conducted or contemplated.

Ethical considerations about using prisoners as research subjects. There are two basic ethical dilemmas concerning the use of prisoners as research subjects: (1) whether prisoners bear a fair share of the burdens and receive a fair share of the benefits of research; and (2) whether prisoners are, in the words of the Nuremberg Code, "so situated as to be able to exercise free power of choice"—that is, whether prisoners can give truly voluntary consent to participate in research.

These two dilemmas relate to two basic ethical principles: the principle of justice, which requires that persons and groups be treated fairly, and the principle of respect for persons, which requires that the autonomy of persons be promoted and protected. Disproportionate use of prisoners in certain kinds of research (e.g., phase 1 drug testing) would constitute a violation of the first principle; closed and coercive prison environments would compromise the second principle. It is within the context of a concern to implement these principles that the Commission has deliberated the question of use of prisoners as research subjects.

The Commission recognizes, however, that the application of these principles to the problem is not unambiguous. To respect a person is to allow that person to live in accord with his or her deliberate choices. Since the choices of prisoners in all matters except those explicitly withdrawn by law should be respected, as courts increasingly affirm, it seems at first glance that the principle of respect for persons requires that prisoners not be deprived of the opportunity to volunteer for research. Indeed, systematic deprivation of this freedom would also violate the principle of justice, since it would arbitrarily deprive one class of persons of benefits available to others—namely, the benefits of participation in research.

However, the application of the principles of respect and justice allows another interpretation, which the Commission favors. When persons seem regularly to engage in activities which, were they stronger or in better circumstances, they would avoid, respect dictates that they be protected against those forces that appear to compel their choices. It has become evident to the Commission that, although prisoners who participate in research affirm that they do so freely, the conditions of social and economic deprivation in which they live compromise their freedom. The Commission believes, therefore, that the appropriate expression of respect consists in protection from exploitation. Hence it calls for certain safeguards intended to reduce the elements of constraint under which prisoners give consent and suggests that certain kinds of research would not be permitted where such safeguards cannot be assured.

Further, a concern for justice raises the question whether social institutions are so arranged that particular persons or groups are burdened with marked disadvantages or deprived of certain benefits for reasons unrelated to their merit, contribution, deserts or need. While this principle can be interpreted, as above, to require that prisoners not be unjustly excluded from participation in research, it also requires attention to the possibility that prisoners as a group bear a disproportionate share of the burdens of research or bear those burdens without receiving a commensurate share of the benefits that ultimately derive from research. To the extent that participation in research may be a burden, the Commission is concerned to ensure that this burden not be unduly visited upon prisoners simply because of their captive status and administrative availability. Thus it specifies some conditions for the selection of prisoners as a subject pool for certain kinds of research. In so doing, the Commission is not primarily intending to protect prisoners from the risks of research; indeed the Commission notes that the risks of research, as compared with other kinds of occupations, may be rather small. The Commission's concern, rather, is to ensure the equitable distribution of the burdens of research no matter how large or small those burdens may be. The Commission is concerned that the status of being a prisoner makes possible the perpetration of certain systemic injustices. For example, the availability of a population living in conditions of social and economic deprivation makes it possible for researchers to bring to these populations types of research which persons better situated would ordinarily refuse. It also establishes an enterprise whose fair administration can be readily corrupted by prisoner control or arbitrarily manipulated by prison authorities. And finally, it allows an inequitable distribution of burdens and benefits, in that those social classes from which prisoners often come are seldom full beneficiaries of improvements in medical care and other benefits accuring to society from the research enterprise.

Reflection upon these principles and upon the actual conditions of imprisonment in our society has led the Commission to believe that prisoners are, as a consequence of being prisoners, more subject to coerced choice and more readily available for the imposition of burdens which others will not willingly bear. Thus, it has inclined toward protection as the most appropriate expression of respect for prisoners as persons and toward redistribution of those burdens of risk and inconvenience which are presently concentrated upon prisoners. At the same time, it admits that, should coercions be lessened and more equitable systems for the sharing of burdens and benefits be devised, respect for persons

and concern for justice would suggest that prisoners not be deprived of the opportunity to participate in research. Concern for principles of respect and justice leads the Commission to encourage those forms of inquiry that could form a basis for improvement of current prison conditions and practices, such as studies of the effects of incarceration, of prisons as institutions and of prisoners as prisoners, and also to allow research on practices clearly intended to improve the health or well-being of individual prisoners.

The Commission has noted the concern, expressed by participants at the National Minority Conference and by others, that minorities bear a disproportionate share of the risks of research conducted in prisons. This concern is fostered, in part, by evidence that prison populations are disproportionately nonwhite. Evidence presented to the Commission indicates that where research is done in prison, those prisoners who participate tend to be predominantly white, even in institutions where the population as a whole is predominantly nonwhite; further, those who participate in research tend to be better educated and more frequently employed at better jobs than the prison population as a whole. This evidence suggests that nonwhites and poor or less educated persons in prison do not carry a greater share of the burdens of research.

However, the evidence is inconclusive for two reasons: first, because it does not fully satisfy questions related to the risks of research; and second, because it raises questions of justice with respect to the equitable distribution of benefits (as well as burdens) of research.

With respect to risks, the Commission notes that different research projects carry different risks; it is possible, though the Commission has no evidence to this effect, that one race or another may participate in more research of higher risk. And of course, the ratio of nonwhites to whites participating in research and hence bearing the burdens of research may still be disproportionate when compared to the ratio of the populations as a whole.

But the Commission also notes that those who participate in research consider the benefits sufficient to outweigh the burdens. Thus, the greater participation of whites may mean that there is an inequitable distribution of benefits between racial groups. Hence the greater participation by whites does not necessarily resolve the issue of distributive justice.

Similarly, the Commission notes that less research is conducted in women's prisons. While the reasons for this may well be the same reasons that women in general are used less frequently than men as research subjects (*e.g.*, the possibility of pregnancy), questions of distributive justice, similar to those raised above, may still need to be addressed with respect to participation in research by women prisoners.

Discussion. Among the issues discussed by the Commission are two on which no specific recommendations are made, but concerning which the considerations of the Commission should be expressed: (1) remuneration, and (2) alternatives to conducting research in prisons. (1) Remuneration is a subject that should be analyzed by human subjects review committees, in consultation with prison grievance committees and prison authorities. There are at least two considerations that must be balanced in the determination of appropriate rates for participation in research not related to the subjects' health or well-being. On the one hand, the pay offered to prisoners should not be so high, compared to other opportunities for employment within the facility, as to constitute undue inducement to participate. On the other hand, those who sponsor the research should not take economic advantage of captive populations by paying significantly less than would be necessary if nonprisoner volunteers were recruited. Fair solutions to this problem are difficult to achieve. One suggestion is that those who sponsor research pay the same rate for prisoners they pay other volunteers, but that the amount actually going to the research subjects be comparable to the rates of pay otherwise available within the facility. The difference between the two amounts could be paid into a general fund, either to subsidize the wages for all inmates within the prison, or for other purposes that benefit the prisoners or their families. Prisoners should participate in managing such a fund and in detetrmining allocation of the monies. Another suggestion is that the difference be held in escrow and paid to each participant at the time of release or, alternatively, that it be paid directly to the prisoner's family.

A requirement related to the question of appropriate remuneration for participation in research is that prisoners should be able to obtain an adequate diet, the necessities of personal hygiene, medical attention and income without recourse to participation in research.

(2) Some of the Commission members endorse the alternative of permitting prisoners to participate in research provided it is conducted in a clinic or hospital outside the prison grounds, and provided also that nonprisoners participate in the same projects for the same wages. Other members of the Commission believe that such a mechanism would serve only to increase the disparity between the conditions within the prison and those within the research unit, thereby heightening the inducement to participate in research in order to escape from the constraints of the prison setting. All of the members of the Commission endorse the suggestion that the use of alternative populations be explored and utilized more fully than is presently the case. This may be especially important to permit drugs to continue to be tested, as required by current law and regulations of the FDA, during any period in which prisons have not satisfied the conditions that are recommended for the conduct of such research. Increased utilization of alternative populations would have the added benefit of providing nonprisoner populations to participate in research projects along with prisoners, or in parallel with similar projects within prisons, in order to satisfy the general concern that prisoners not participate in experiments that nonprisoners would find unacceptable. The Commission also suggests that Congress and the FDA consider the advisability of undertaking a study and evaluation to determine whether present requirements for phase 1 drug testing in normal volunteers should be modified.

Conclusions. In the course of its investigations and review of evidence presented to it, the Commission did not find in prisons the conditions requisite for a sufficiently high degree of voluntariness and openness, notwithstanding that prisoners currently participating in research consider, in nearly all instances, that they do so voluntarily and want the research to continue. The Commission recognizes the role that research involving prisoners has played. It does not consider, however, that administrative convenience or availability of subjects is, in itself, sufficient justification for selecting prisoners as subjects.

Throughout lengthy deliberations, the strong evidence of poor conditions generally prevailing in prisons and the paucity of evidence of any necessity to conduct research in prisons have been significant considerations of the Commission. An equally important consideration has been the closed nature of prisons, with the resulting potential for abuse of authority. Some of the Commission members, who are opposed to research not related to the health or well-being of prisoner-participants, have, however, agreed to permit it to be conducted, but only under the following standards: adequate living conditions, separation of research participation from any appearance of parole consideration, effective grievance procedures and public scrutiny at the prison where research will be conducted or from which prospective subjects will be taken; importance of the research; compelling reasons to involve prisoners; and fairness of such involvement. Compliance with these requirements must be certified by the highest responsible federal official, assisted by a national ethical review body. The Commission has concluded that the burden of proof that all the requirements are satisfied should be on those who wish to conduct the research.

CHAPTER 2. RECOMMENDATIONS

The National Commission for the Protection of Human Subjects of Biomedical and Behaviorial Research makes the following recommendations on research involving prisoners, to:

(i) The Secretary, DHEW, with respect to research that is subject to his regulation, *i.e.*, research conducted or supported under programs administered by him and research reported to him in fulfillment of regulatory requirements; and

(ii) The Congress, except as otherwise noted, with respect to research that is not subject to regulation by the Secretary, DHEW.

Recommendation (1): Studies of the possible causes, effects and processes of

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incarceration and studies of prisons as institutional structures or of prisoners as incarcerated persons may be conducted or supported, *Provided*, That (A) they present minimal or no risk and no more than mere inconvenience to the subjects, and (B) the requirements under recommendation (4) are fulfilled.

Comment. The Commission encourages the conduct of studies of prisons as institutions and prisoners as incarcerated persons. Because the inadequacies of the prisons may themselves be the object of such studies, the Commission has not set any conditions for the conduct of such research other than a limitation of this category to research that presents minimal or no risk and no more than mere inconvenience, and the requirements of Recommendation (4)

Studies of prisoners consisting of questionnaires, surveys, analyses of census and demographic data, psychological tests, personality inventories and the like rarely involve risk and are essential for proper understanding of prisons and the effects of their practices. Research designed to determine the effects on general health of institutional diets and restricted activity, and similar studies that do not manipulate bodily conditions (except innocuously, *e.g.*, obtaining blood samples) but merely monitor or analyze such conditions, also present little physical risk and are necessary to gain some knowledge of the effects of imprisonment. Such research is a necessary step toward understanding prison practices and alternatives, without which there can be no improvement.

Recommendation (2): Research on practices, both innovative and accepted, which have the intent and reasonable probability of improving the health or well-being of the individual prisoner may be conducted or supported, provided the requirements under recommendation (4) are fulfilled.

Comment. Research would fall under this recommendation if the practices under study are designed solely to improve the health or well-being of the research subject by prophylactic, diagnostic or treatment methods that may depart from standard practice but hold out a reasonable expectation of success. The Commission intends that prisoners not be discriminated against with respect to research protocols in which a therapeutic result might be realized for the individual subject. The committees that review all research involving prisoners should analyze carefully any claims that research projects are designed to improve the health or well-being of subjects and should be particularly cautious with regard to research in which the principal purpose of the practice under study is to enforce conformity with behavioral norms established by prison officials or even by society. Such conformity cannot be assumed to improve the condition of the individual prisoner. If the review committee does not consider such claims to be sufficiently substantiated, the research should not be conducted unless it conforms to the requirements of Recommendation (3).

Recommendation (3): Except as provided in recommendation (1) and (2), research involving prisoners should not be conducted or supported, and reports of such research should not be accepted by the Secretary, DHEW, in fulfillment of regulatory requirements, unless the requirements under recommendation (4) are fulfilled and the head of the responsible federal department or agency has certified, after consultation with a national ethical review body, that the following three requirements are satisfied:

(A) The type of research fulfills an important social and scientific need, and the reasons for involving prisoners in the type of research are compelling;

(B) The involvement of prisoners in the type of research satisfies conditions of equity; and

(C) A high degree of voluntariness on the part of the prospective participants and of openness on the part of the institution(s) to be involved would characterize the conduct of the research; Minimum requirements for such voluntariness and openness include adequate living conditions, provisions for effective redress of grievances, separation of research participation from parole considerations, and public scrutiny.

Comment. Detailed standards expressing the intent of the Commission with respect to Requirement (C) of this Recommendation are as follows:

(i) *Public scrutiny.* Prisoners should be able to communicate, without censorship, with persons outside the prison and, on a privileged, confidential basis, with attorneys, legal organizations which assist prisoners, the accrediting office which assists the certifying federal official or national ethical review body, the grievance committee referred to in paragraph (ii) below, and the human subjects review committee or institutional review board referred to in Recommendation (4). Each of such persons or organizations with whom prisoners should be able to communicate on a privileged, confidential basis should be able to conduct private interviews with any prisoner who so desires. The accrediting office, grievance committee and human subjects review committee or institutional review board should be allowed free access to the prison.

(ii) *Grievance procedures.* There should exist a grievance committee composed of elected prisoner representatives, prisoner advocates and representatives of the community. The committee should enable prisoners to obtain effective redress of their grievances and should facilitate inspections and monitoring by the accrediting office to assure continuing compliance with requirement (C).

(iii) *Standard of living.* Living conditions in the prison in which research will be conducted or from which subjects will be recruited should be adequate, as evidenced by compliance with all of the following standards:

(1) The prison population does not exceed designed capacity, and each prisoner has an adequate amount of living space;

(2) There are single occupancy cells available for those who desire them;

(3) There is segregation of offenders by age, degree of violence, prior criminal record, and physical and mental health requirements;

(4) There are operable cell doors, emergency exists and fire extinguishers, and compliance with state and local fire and safety codes is certified;

(5) There are operable toilets and wash basins in cells;

(6) There is regular access to clean and working showers;

(7) Articles of personal care and clean linen are regularly issued;

(8) There are adequate recreation facilities, and each prisoner is allowed an adequate amount of recreation;

(9) There are good quality medical facilities in the prison, adequately staffed and equipped, and approved by an outside medical accrediting organization such as the Joint Commission on Accreditation of Hospitals or a state medical society;

(10) There are adequate mental health services and professional staff;

(11) There is adequate opportunity for prisoners who so desire to work for remuneration comparable to that received for participation in research;

(12) There is adequate opportunity for prisoners who so desire to receive education and vocational training;

(13) Prisoners are afforded opportunity to communicate privately with their visitors, and are permitted frequent visits;

(14) There is a sufficiently large and well-trained staff to provide assurance of prisoners' safety;

(15) The racial composition of the staff is reasonably concordant with that of the prisoners;

(16) To the extent that it is consistent with the security needs of the prison, there should be an opportunity for inmates to lock their own cells; and

(17) Conditions in the prison satisfy basic institutional environmental health, food service and nutritional standards.

(iv) *Parole.* There should be effective procedures assuring that parole boards cannot take into account prisoners' participation in research and that prisoners are clearly informed that there is absolutely no relationship between research participation and determinations by their parole boards.

If an investigator wishes to present evidence of the importance and fairness of conducting a type of research on a prison population (requirements (A) and (B)) and proposes that the conditions of voluntariness and openness would be satisfied at a particular prison (requirement (C)), the case should be presented to the Secretary, DHEW (or the head of any other department or agency under whose authority the research would be conducted). Such official should seek the advice of an existing or newly created advisory body (such as the Ethical Advisory Board established within the Public Health Service) in determining whether to approve the type of research at the specific institution. Such official or advisory body should be assisted by an accrediting office, which makes inspections, certifies compliance with requirement (C), and monitors continuing compliance of any prison involved in research. In determining such compliance, the accrediting office should be guided by the above description of the Commission's intent in recommending requirement (C).

Recommendation (4): (A) The head of the responsible Federal department or agency should determine that the competence of the investigators and the adequacy of the research facilities involved are sufficient for the conduct of any research project in which prisoners are to be involved.

(B) All research involving prisoners should be reviewed by at least one human subjects review committee or institutional review board comprised of men and women of diverse racial and cultural backgrounds that includes among its members prisoners or prisoner advocates and such other persons as community representatives, clergy, behavioral scientists and medical personnel not associated with the conduct of the research or the penal institution; in reviewing proposed research, the committee or board should consider at least the following: the risks involved, provisions for obtaining informed consent, safeguards to protect individual dignity and confidentiality, procedures for the selection of subjects, and provisions for providing compensation for research-related injury.

Comment. The risks involved in research involving prisoners should be commensurate with risks that would be accepted by nonprisoner volunteers. If it is questionable whether a particular project is offered to prisoners because of the risk involved, the review committee might require that nonprisoners be included in the same project.

In negotiations regarding consent, it should be determined that the written or verbal comprehensibility of the information presented is appropriate to the subject population.

Procedures for the selection of subjects within the prison should be fair and immune from arbitrary intervention by authorities or prisoners.

Compensation and treatment for research-related injury should be provided, and the procedures for requesting such compensation and treatment should be described fully on consent forms retained by the subjects.

Prisoners who are minors, mentally disabled or retarded should not be included as subjects unless the research is related to their particluar condition and complies with the standards for research involving those groups as well as those for prisoners. (Recommendations concerning research participation of children and the institutionalized mentally infirm will hereafter be made by the Commission.)

There should be effective procedures assuring that parole boards cannot take into account prisoners' participation in research, and that prisoners are made certain that there is absolutely no relationship between research participation and determinations by their parole boards.

Recommendation (5): In the absence of certification that the requirements under recommendation (3) are satisfied, research projects covered by that recommendation that are subject to regulation by the Secretary, DHEW, and are currently in progress should be permitted to continue not longer than one year from the date of publication of these recommendations in the FEDERAL REGISTER or until completed, whichever is earlier.

PART II. BACKGROUND

CHAPTER 3. NATURE OF RESEARCH INVOLVING PRISONERS

Research activities involving prisoners may be divided into four broad categories: biomedical research not related to the health or well-being of the subject, biomedical research on practices intended to improve the health or well-being of the subject, social research, and behavioral research on practices intended to improve the health or well-being of the subject. The first category of research using prisoners mainly involves phase 1 testing of new drugs and testing of vaccines as to efficacy. Biomedical and behavioral research related to the health or well-being of the prisoner-participants generally involves the study of conditions associated with prisoners or prisons. In addition, innovative practices in prisons, intended to rehabilitate or treat prisoners, often have many attributes of behavioral research but are seldom introduced as such. The major controversy over participation of prisoners surrounds their use as subjects of biomedical research not related to their health or well-being and their unwilling involvement in experimental treatment or rehabilitative programs.

Biomedical research unrelated to the health or well-being of prisoner-participants was conducted in the United States only in isolated instances prior to the establishment in 1934 of a program at Leavenworth Prison to assess the abuse potential of narcotic analgesics; such research is now conducted at the Addiction Research Center in Lexington, Kentucky, although it was announced recently that the program will be terminated by the end of 1976. The current involvement of prisoners in biomedical research unrelated to their health or well-being can be traced to three sources. First, during World War II, prisoners volunteered in large numbers for studies, such as those to develop effective anti-malarial drugs, which were viewed as contributing to the national interest. Reviews of these prison research activities by several state commissions resulted in their endorsement. In fact, prisoner participation in research was felt to be such a salutary experience that the American Medical Association formally opposed allowing persons convicted of particularly serious crimes to have the privilege of participating in scientific experiments. Second, the enthusiastic support of biomedical research by the government and the public following the war brought an enormous growth to research enterprises, and prisoners served as subjects in many of these new endeavors. Third, the thalidomide experience was followed by pasage in 1962 of the Kefauver-Harris amendments to the Food and Drug Act, which established additional requirements for testing the safety and efficacy of all drugs to be sold in interstate commerce and thereby encouraged the continued use of prisoners in research. The phase 1 testing requirements established under these amendments required evaluation of the safety of new drugs in normal volunteers under controlled conditions, and prisoners became the population on which much of this testing was performed.

Innovative prison practices are often difficult to distinguish from what might be termed behavioral research on practices intended to improve the health or well-being of prisoner-participants. Since the early 1900's, innovations such as flexible sentences, indeterminate sentences, behavioral therapies during imprisonment, and parole and probation based on evidence of rehabilitation have been introduced into the prison system. These innovations have not generally included provisions for design, review and evaluation as research. Frequently, though, the behavioral programs have had many characteristics of behavior modification research. Examples range from use of "therapeutic community" and reinforcement techniques in prison, to use of aversive conditioning (employing electric shock or drugs with unpleasant effects) in treating sex offenders or uncontrollably violent prisoners, to use of a structured tier system (token economy) in which a prisoner progresses from living conditions of severe deprivation to relative freedom and comfort as a reward for socially acceptable behavior. At the extreme of research or treatment designed to change behavior were castration for sexual offenders and psychosurgery for uncontrollable violence.

The peak of enthusiasm for the application of behavior modification techniques in the prison system was marked by the establishment of the Special Treatment and Rehabilitation Training (START) program in the Federal Bureau of Prisons, and the planning of a new federal prison at Butner, North Carolina, with research in applying behavioral modification throughout a prison as its primary purpose. The START program was abandoned, after 1½ years of operation, under considerable criticism and after some challenges in court. Similar activities led to a reevaluation of the programs planned for Butner, which opened in May 1976. It now offers a variety of vocational and academic courses as well as general counseling. Participation in these programs is voluntary, and changes in the program content will be introduced only with the approval of both the inmates and the staff.

Social research and psychological testing are also conducted in prisons. Projects include studies of the factors which may contribute to criminal behavior (such as cytogenetic anomalies or socioeconomic and psychological stress), comparison of effectiveness of various rehabilitative programs in reducing recidi-

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vism, psychological assessment of criminals as compared with noncriminal counterparts, tracking the outcome of judgments concerning "dangerousness," and evaluating standards for determining competency to stand trial.

Examples of biomedical research on practices intended to improve the health or well-being or subjects in prisons are studies to reduce the spread of infections in crowded environments or to develop new methods of treating drug addiction. Other research, which may or may not be intended to benefit subjects, includes investigations to increase understanding of the nature and causes of narcotic or alcohol abuse and addiction.

Research conducted or supported by DHEW. Information was made available to the Commission by the Public Health Service (PHS) regarding all biomedical research projects involving prisoners that were conducted or supported since January 1, 1970. In addition, the National Institute of Mental Health (NIMH) provided information on all behavioral research with prisoners that was conducted or supported since July 1, 1971. A summary of this information follows.

Biomedical research with prisoners was conducted or supported by five of the six PHS agencies, the exception being the Health Resources Administration. The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) reported conducting over 40 intramural research projects in its testing facility at the Addiction Research Center in Lexington, Kentucky. These studies involved a wide range of activities, such as developing methods for detecting drugs of abuse through urinalysis, studies of various properties of morphine and other narcotics, evaluations of methadone, studies of the effects of amphetamines, analysis of interactions of various drugs with narcotics, and assessment of the addictive or abuse potential and psychoactive effects of new drugs. ADAMHA also supported nine extramural studies involving prisoners, including studies of the XYY chromosome anomaly, assessment of clinical methods to predict episodic violence, study of the use of narcotic antagonists to treat addict inmates in a prison and in a work release program, and study of behavioral and biological correlates of alcoholism.

The Center for Disease Control reported three studies with prisoners; these involved vaccines and skin test studies for a parasitic disease. FDA conducted five studies with prisoners, all of which involved oral administration of a standard dose of a commercially available antibiotic (Penicillin or Tetracycline). FDA also supported three studies with prisoners (two evaluating skin sensitization by irritants and one studying cyclamates). In the Health Services Administration, research involving prisoners was conducted by physicians at one PHS hospital (13 studies of metabolic responses to prolonged bed rest) and by physicians and behavioral scientists at the Research Division, Bureau of Prisons (33 studies involving a wide range of activities, such as dental care, weight reduction and tattoo removal; many were behavioral and rehabilitative rather than biomedical in focus). Seven institutes of the National Institutes of Health reported support of a total of 19 research programs involving prisoners. This research included studies of vaccines (rubella, rubeola, cholera toxoid, influenza and other respiratory viruses, streptococcus), testicular cell function, treatment of sun-induced skin conditions, responses to infectious diseases (colds, cholera), pathogenesis of acne, and the effect of diet on blood pressure and lipids.

Behavioral research with prisoners conducted or supported by NIMH included psychological and social research studies of crime and delinquency, individual violence, institutionalization, and law-mental health interactions. Participation of prisoners as subjects in these studies was essential due to the nature of the inquiries. A small number of intramural studies conducted at St. Elizabeths Hospital were related to analysis of procedures used to determine competency to stand trial or assess dangerousness of criminally insane patients. Support was provided for 19 extramural studies, some of which had biomedical as well as behavioral components. This research included studies (1) to identify sources and patterns of criminal and delinquent behavior (the XYY syndrome, attitudes toward criminal behavior); (2) to develop, test or evaluate models for the prevention, treatment or remediation of criminal behaviors (prediction of violence, lithium treatment for aggressive behavior, impact of imprisonment on the families of black prisoners, perceptions of the minority prison community, effects of prison environment stress on physical and mental health of inmates and staff); and (3) to define and analyze critical issues in law and mental health interactions (due process in determination of criminal insanity, assessment of adequacy of treatment for offenders committed to mental institutions, release of dangerous mental patients, the impact of a "dangerousness" standard as the sole criterion for involuntary commitment). In addition, NIMH has been directed by Congress to study the factors contributing to homosexual rape in prisons.

CHAPTER 4. EXTENT OF RESEARCH INVOLVING PRISONERS

The Commission obtained information from all fifty states and the Federal Bureau of Prisons on the policies of each toward research involving prisoners and whether or not research, if permitted, is being conducted. Also, the Pharmaceutical Manufacturers Association surveyed its members to assess the extent of pharmaceutical research involving prisoners. These surveys do not document what is generally considered to be a significant amount of social and behavioral research conducted by scholars and by the prison system itself.

Research in state and federal prisons. To ascertain the status of state laws, regulations and policies governing research involving prisoners, and to determine where such research is being conducted, state correctional agencies and the Federal Bureau of Prisons were surveyed during the summer of 1975. The following information is based on the reports received at the time from the state-wide agencies and the Bureau of Prisons. It should be noted that the policies and research activities of county and municipal jails were not surveyed.

1. Of the 21 states that permit biomedical research and the 23 states that permit behavioral research in prisons, studies are being conducted in the state prisons of only seven and five states, respectively.

2. Of the seven states in which biomedical research is conducted, all of the programs are unrelated to the health or well-being of the subjects and primarily involve drug and cosmetic testing.

3. Of the five states in which behavioral research is conducted, all of the programs are characterized as therapeutic in four states, and both therapeutic and nontherapeutic research (so characterized) in one state. No state reported conducting research programs involving behavior modification.

4. Eight states prohibit biomedical research: one by legislation, six by departmental policy, and one by moratorium; twenty-two have no specific policy.

5. Five states prohibit behavioral research: one by legislation, three by departmental policy, and one by moratorium; twenty-three have no specific policy.

6. Research is being conducted only in states that have specific legislation or departmental policies permitting and regulating it.

7. Information provided by the Federal Bureau of Prisons indicated that both biomedical and behavioral research are permitted by departmental policy. Biomedical research (limited to addiction research at Lexington) and behavioral research projects are being conducted.[a]

Participation of prisoners in pharmaceutical testing. The Pharmaceutical Manufacturers Association conducted a survey of its members to ascertain the extent to which they used prisoner volunteers as subjects for drug testing in 1975, with the focus primarily on phase 1 studies. Fifty-one companies, representing three-fourths of the members' annual expenditures for research and development, responded to the survey. Sixteen of the 51 used prisoners as subjects.

Of these 16 companies, 14 conducted phase 1 drug research with prisoners, employing a total of nearly 3600 prisoners in 100 protocols studying 71 substances. For nine companies, phase 1 testing represented their only use of prisoners as subjects. The percentage of phase 1 testing subjects who were prisoners ranged from 100% (one company) to 2%, with a median of 50% (an average could not be calculated from the data given). The companies listed a total of eight state and six county or municipal prisons as research sites. Ten companies used only minimum security prisons. No companies used detainees in their research. Other categories of volunteer subjects which the companies reported using in phase 1 studies included college students, medical students, company employees, residents of foreign countries, military personnel, members of fraternal organizations, medical personnel, and the general population.

Thirty-three of the 51 companies indicated that they had insurance policies or other mechanisms for compensating subjects who might be injured in research. (There was no determination of the extent to which such policies or other mechanisms would provide compensation in the absence of legal liability.)

[a] In March 1976, the Director of the Federal Bureau of Prisons announced that all biomedical research in federal prisons would be discontinued.

PART III. ACTIVITIES OF THE COMMISSION

CHAPTER 5. SITE VISITS TO PRISONS

The Commission made a site visit to the State Prison of Southern Michigan at Jackson on November 14, 1975. In addition, groups of Commission members visited Washington State Penitentiary in Walla Walla, the Michigan Intensive Program Center at Marquette, and the California Medical Facility at Vacaville. Prior to the visits, Commission members were briefed by a former prison administrator, a former prisoner, and a director of research from a pharmaceutical manufacturing firm, regarding conditions to look for and questions that might be asked.

The *State Prison of Southern Michigan at Jackson* is the largest penitentiary in the United States, housing over 5000 residents. It is also the site of one of the largest nontherapeutic biomedical research operations, with special buildings on the grounds constructed by two pharmaceutical manufacturers (Parke-Davis and Upjohn) specifically to conduct phase 1 drug studies.

Commission members toured the prison facilities, including regular and honor cellblocks, prison industries, the prison infirmary, and the research buildings. They discussed prison procedures with the deputy warden, and research procedures with the vice-chairman of the committee that reviews each research protocol and with members of the research teams. Most of their visit was devoted to discussion of prison conditions and the research program with prisoners.

According to materials made available to the Commission, the research conducted at Jackson is primarily phase 1 drug testing, although some phase 2 studies and device testing are also performed. Research protocols must be reviewed and approved by the Protocol Review and Protection Committee (composed of five physicians in the community and at Michigan medical schools, two lawyers and a third lay member) and by the Director of the Department of Corrections. Annual reports of research performed are made to the Review and Protection Committee and the Department; any adverse reactions that occur are reported to the Committee immediately.

Information about the research program is included in the packet of information an inmate receives upon entering the prison; there is no additional recruitment or contact with the prisoners by the research personnel unless he requests information about participation. Then the program is described to him in a group meeting, and if he wishes to be considered for research he undergoes a physical examination and laboratory screening tests. Eligibility is contingent upon approval of the prison authorities and passing the screening tests; in addition, subjects must have an IQ of at least 70.

Those who qualify enter a common subject pool maintained for the two companies on a card file. When a new protocol is initiated, prisoners' cards are pulled from the front of the file, and the specific protocol is described to them. If they decline to enter the study, they reenter the pool. The studies are about equally divided between inpatient and outpatient trials. Pay is based on the procedures involved, according to a schedule devised by the Protection Committee and approved by the Department of Corrections, and is comparable to pay received in prison industries. Of the 5200 prisoners at Jackson, approximately 800 are in the research subject pool. The Commission was advised that medical supervision is close, that a physician is present or on call in the immediate vicinity at all times, that a prisoner can at any time,[a] and that no notation of his participation in research is made in his official prison record, so that the parole board is not advised of it.

Commission members talked with a representative sample of 80 prisoners both individually and in groups. The sample was selected by Commission staff from the master list of all prison residents, and included both research participants and nonparticipants who responded to an invitation to meet with the Commission. In addition, prisoners suggested by other inmates were interviewed in a group setting. Overall impressions from this experience were that prisoner-participants valued the research opportunity. In general, they felt that they were free to volunteer for or withdraw from the program at will and were given adequate information about research protocols. Nonparticipants expressed various reasons why research was not for them, but did not object to its being available for others.

Participants gave many reason for volunteering for research, including better living conditions, need for a good medical evaluation, and desire to perform a worthwhile service to others, but it was clear that the overriding motivation was the money they received for participating. In fact, their strongest objection was that they pay for participation in research was held down to levels comparable to prison industries. Other complaints focused on limitations to participation rather than on research excesses: if a prisoner stayed on an inpatient study for more than a week, he would lose his prison job seniority; prison officials were said to exclude certain prisoners arbitrarily; some prisoners did not seem to get called to participate in research as often as others. They generally rejected the notion that they were coerced into participating in research, and stated they know their participation would not be revealed to the parole board.

The major complaints of the participants were directed toward the prison system, not the research program. When asked if research in prisons should be stopped, the prisoners interviewed unanimously said no. They urged correction of what they viewed as inequities (*e.g.*, that pay be increased, that authorities be forbidden arbitrarily to withhold permission to participate), but asked that biomedical research programs in prisons be allowed to continue.

As a follow-up to the visit to Jackson, the Commission staff compared the characteristics of the 792 men in the drug-testing pool on November 27, 1975 with a randomly selected control sample of similar size. Data came from a computer print-out of the prison's daily roster. Subjects were disproportionately white; although blacks comprise almost 68% of the nonsubject prison population, they are only about 31% of the subject pool. (Data furnished to the Commission by Dr. William Woodward of the University of Maryland showed a similar inverted racial pattern in the biomedical research program at the Maryland House of Corrections at Jessup.) At Jackson, subjects tended to be older than nonsubjects, to have been in prison much longer (an average of almost two years, compared to one year for nonsubjects), and to have been sentenced to Jackson more times (2.1 times compared to 1.8 times for nonsubjects). There was also a striking over-representation among the subjects of men housed in the prison's two honor blocks.

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In order to observe behavioral programs operating in a prison setting, groups of Commission members visited a unit of the Washington State Penitentiary at Walla Walla and the Michigan Intensive Program Center at Marquette. Neither program is conducted as research, and the Commission is not aware of a behavior modification program in a state or federal prison that is so conducted at present.

The program at Walla Walla utilized a therapeutic community approach, and dealt with the state's most difficult-to-manage prisoners, who were sent to the unit generally because of unacceptable conduct in the regular system. The unit is operated almost entirely by the prisoners themselves, who serve as the therapeutic community, establishing and en-

[a] A consent form provided as a sample for review contained a contrary implication. The drug company representatives readily acknowledged that this was a mistake, however, and they gave assurances that the form would be corrected.

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forcing rules of conduct. On entering the program, a prisoner is placed in an isolation cell. His only contacts are visits by the director and other prisoners on the unit, who explain the rules to him and urge him to conduct himself in such a way as to be able to join them. When he is willing to conform, he is released from his cell to the open ward. There, the main emphasis becomes retraining in appropriate patterns of social interaction, using such mechanisms as group discussions of current events, recreational programs, and group therapy. Swearing, use of jargon, and fighting are among the numerous forbidden behaviors; violations are punished by a return to the isolation cell, with the group serving as enforcer of the rules and determining when the violator can return to the ward.

The primary purpose of the Walla Walla program is to encourage learning of socially acceptable behavior rather than specifically to prepare the prisoners for return to the outside world or the regular prison system. Most men remain on the unit for long terms. Those who have been released outside the prison are said to have done remarkably well, with recidivism a rare event (follow-up records are apparently not maintained). Return to the regular prison system would be dangerous, since those in the program gain reputations as informers. Interviews with prisoners in the program yielded only the highest praise for it. Prisoners admitted initial resentment of the isolation treatment, but claimed that it was the only way they had ever been made to think seriously about themselves and their behavior, and that it provided the necessary impetus for their behavior change.

The *Michigan Intensive Program Center (MIPC) at Marquette* is a maximum security facility housing difficult-to-manage prisoners who have been transferred from other facilities in the state. The behavioral program there is based on a six-level token economy. Privileges and comforts increase as a resident earns enough tokens to progress from the lower to the higher levels. Tokens are earned for correct behavior (making the bed, cleaning the cell, attending educational activities, not fighting, etc.) and are awarded at frequent intervals throughout the day. The purpose of the program is to improve the prisoners' behavior sufficiently to enable him to return to the regular prison system and be manageable there.

Interviews with prisoners at the MIPC indicated no enthusiasm for the program The prisoners seemed to tolerate it grudgingly and submit to the process in order to get back into regular prison life, but with the determination that nothing done to them in the program was really going to change their behavior. They generally viewed the program as "just another lock-up," no better or worse than the segregation blocks to which they might have been assigned alternatively. Their major objection was the arbitrariness by which the prison system could decide to send them to the MIPC. No figures were available on recidivism, nor was there any other means to document the effectiveness of the program.

Commission members also visited the California Medical Facility at Vacaville, which houses approximately 1,400 inmates. Most of the prisoners are referred to Vacaville for medical or psychiatric reasons, and one-fourth of the population is excluded from particiaption in research for security reasons. Those who wish to volunteer sign a roster at the research office, and selection of subjects is made in numerical order from this list.

Research conducted at Vacaville includes a large program of skin-testing for hypersensitivity, as well as internal administration of experimental drugs. New volunteers begin with a skin-test study before advancing to higher paying pharmaceutical studies.

Other paying prison jobs are available, and at the time of the visit there were unfilled slots for reasons that were unclear but possibly had to do with disparity in pay or difficulty of the work as compared with participation in research. Legal counseling is available from law students who visit the prison weekly. Educational programs range from elementary school through a baccalaureate degree. There is spot censorship of mail. Telephones are available, but the inmates must pay to use them.

The inmates' council reviews all research projects and can veto any protocol. Most of the active protocols have also been reviewed by Institutional Review Boards of outside institutions. Informed consent is obtained in writing, and the prisoner receives a copy of the signed form. Examination of a card file indicated a significant dropout rate from studies; apparently prisoners feel free to withdraw, even though they know that if they do so frequently, their chances of being invited to participate in future studies will be reduced.

CHAPTER 6. NATIONAL MINORITY CONFERENCE ON HUMAN EXPERIMENTATION

In order to assure that minority viewpoints would be heard, the Commission contracted with the National Urban Coalition to organize a conference on human experimentation. The conference was held on January 6–8, 1976, at the Sheraton Conference Center, Reston, Virginia. Attended by over 200 representatives, it provided a format for presentations of papers and workshop discussions from which a set of recommendations emerged. The papers and the recommendations relevant to prison research are summarized below.

Joyce Mitchell Cook, Ph.D. Dr. Cook suggests that ethically acceptable research may be assured by a principle of equality (i.e., that researchers not propose experiments which they or members of their family would not participate in). She argues that the term "informed consent" is ambiguous, since it wrongly places the emphasis upon process and information rather than on voluntariness. Dr. Cook adopts the position that volunteering is genuine only if the end to be pursued is one to which the volunteer is devoted. Because of the extraneous motives of prisoners, she concludes that they are volunteers in name only. She recommends that behavioral research be permitted only if it directly benefits the participants and can be conducted on hospital wards rather than in prisons. Dr. Cook concludes that experimentation on prisoners ought to be abolished and that the risks of experimentation should be distributed more equally among members of the free-living world.

Larry I. Palmer, J. D. Mr. Palmer begins with the premise that the ethical problems posed by prison experimentation derive from racial, religious and nationalist conflicts and that the issues of prisoners and race are merged. He recommends guidelines to encourage scrutiny of: (1) The appropriateness of using prisoners in a particular protocol, (2) the societal priorities associated with the research, and (3) the potential risks and procedures to minimize such risks. He suggests that research involving prisoners might be regulated by state officials, with additional monitoring and scientific evaluation by professionals and some supervision of the consent process. All decisions and consequences regarding experimentation in prisons should be open to public scrutiny. Mr. Palmer sees little justification for a ban on all research in prisons; rather, he advocates a "scrutiny of values," through a statement of the nature, purposes and risks of each protocol in relation to the interests of the prison population.

L. Alex Swan, Ph.D., LL.B. Dr. Swan argues that behavioral research is aimed at quelling dissident prisoners who view their incarceration in political and economic terms. He suggests that such research ought instead to promote "human liberation" by exposing oppressive conditions in prison. He advocates self-determination for prisoners, particularly with regard to the goals of social and behavioral research, and challenges social and behavioral scientists to accept responsibility for the possible misuse of their research findings. Dr. Swan asserts that scientific manipulation of prisoners to conform to the will of the state is unethical, just as it is unethical to use scientific techniques for disciplinary or punitive purposes. He further states that experimentation on the brain to alter behavior violates the inmate's independence and right to free speech, that the prison system is so inherently coercive that informed and voluntary consent is impossible, that labeling of prisoners as aggressive or violent for research purposes is dishonest and repressive, and that civil liberties are endangered by behavior modification techniques in prisons because of the closed nature of such institutions.

Recommendations of minority conference workshops on research involving prisoners. Two workshops were devoted to the topic of research involving prisoners. The first of these recommended a moratorium on all nontherapeutic biomedical research in prisons until a comprehensive evaluation of human experimentation has been made. This evaluation should include consideration of the purpose of research involving prisoners, criteria for selection of subjects, assessment of risks, government responsibility for regulating research in prisons, responsibility of professional organizations regarding such research, the role of prisoners in the supervision of the research, the fixing of financial responsibility including compensation for harm resulting from research, and access of prisoners to official bodies outside the prison. The workshop also recommended that behavioral research be redirected from a focus on the individual prisoner to the goal of understanding the nature of prisons and their effects on individual prisoners. Recommendations were not proposed regarding informed consent because of doubts that it is possible to obtain informed consent in our prisons.

The second workshop recommended the establishment of a permanent commission to regulate human experimentation, a ban on biomedical research and psychosurgery in prisons, establishment of a human subjects review committee with prisoner representation, and the provision of technical and legal resources to prisoners who are potential subjects of human experimentation.

CHAPTER 7. PUBLIC HEARING

On January 9, 1976, the Commission conducted a public hearing on the issue of research involving prisoners. Summaries of the presentations that were made to the Commission follow.

Gabe Kaimowitz (Senior Staff Attorney, Michigan Legal Services) suggested that researchers assume that there is informed consent, and that they often fail to use adequate control subjects, particularly in behavioral research. Further, investigators may limit public access to information about prison research projects. He stated that they often use captive populations without considering the availability of community volunteers, and too often apply medical or psychological models inappropriate to economic and social problems. Prisoners are in an inherently coercive environment, and their consent to research is always suspect. Mr. Kaimowitz is not opposed to therapeutic biomedical or behavioral research when the prisoners themselves request its implementation. In such situations a review committee should examine the conditions that caused the prisoners to make such a request.

Matthew L. Myers (National Prison Project of the American Civil Liberties Union Foundation) stated that informed consent is not feasible in the prison environment. Regardless of prison policy concerning participation in research and parole, prisoners may believe that involvement contributes to early release. They may also participate to escape from the routine of prison life or to earn money for necessities. Mr. Myers said that most medical experimentation is conducted in medium or maximum security facilities in which conditions are oppressive, alternatives are few, and there is a potential for abuse due to the closed, isolated and coercive nature of the prisons.

William R. Martin, M.D. (Director, Addiction Research Center, National Institute on Drug Abuse, DHEW) stated that addiction research is important and necessary both for society and for the prisoners. Limiting such research will retard development of therapy for addicts and will prohibit the evaluation of the addictive properties of new analgesics. Research participation is beneficial to most prisoners, he said, in that it is generally a safe and constructive experience, often improves health, and is a source of pride. Dr. Martin has been unable to identify any other population in which such studies can be done as validly and safely as in prisoners. He feels that prisoner participation may be altruistic, and therefore society should compensate participants for their involvement and for any injuries that may occur. There is empirical evidence that prisoners can and do make informed judgments, and are equally knowledgeable about research programs as other subjects. Practical measures can be taken to minimize the seductiveness of the research setting compared to the prison environment.

Theodore Francis (Occupational Drug Use Program, New York State Office of Drug Abuse Services) urged that biomedical and behavioral research in prisons continue, but that more attention be paid to compensation, the level of health care provided to subjects, and review of behavioral research. Participation of prisoners should be judged an acceptable means of earning money, and inmates should be reimbursed according to discomforts and risks incurred. Money earned should be held in escrow for prisoners until release or paid to their families. A national board should review all behavior modification research for efficacy, validity, and risks to individuals and to the community. This board would issue public notices in lay language, describing dates and place of the research, as well as the reimbursement provisions.

Michael S. Lottman (Commission on the Mentally Disabled, American Bar Association, and the National Association for Retarded Citizens) urged that special care be given to protecting the rights of mentally disabled prisoners. Thereafter, testifying as an individual, he opposed nontherapeutic biomedical research on prisoners which exposes them to risk of discomfort, pain or incapacity. He stated that the coercive and oppressive nature of penal institutions precludes obtaining voluntary informed consent. Prisoners are not physiologically unique and therefore provide no information which cannot be gained from a free population. Research on prisoners benefits drug companies and researchers, he said. If research is to continue in prisons, particular care should be given to protecting the rights of mentally retarded prisoners, and an independent body should certify that each subject can and has given informed consent. Mr. Lottman is not opposed to therapeutic biomedical research in a prison setting, provided there are proper controls and consent procedures.

Joseph Stetler (President, Pharmaceutical Manufacturers Association) stated that to the best of his knowledge no prisoner has died or been permanently injured from research sponsored by drug companies. He advocated continuation of drug research in prisons provided that: (1) researchers are qualified, (2) facilities are adequate, (3) participation is voluntary and informed, (4) research is monitored, and (5) prisoners are compensated fairly. He stated that prisons are practical and safe for drug testing, and that discontinuance of such research might delay development of new drugs. He estimated that 85% of all phase 1 drug testing is done on prisoners, and that the rate of compensation could increase substantially and still be insignificant relative to the total cost of new drug development. Prisoner testing of cosmetics or over-the-counter drugs is minimal relative to research involving prescription medications. A 1975 policy statement of PMA on the conduct of clinical research was summarized.

Allan H. Lawson (Executive Director, Prisoners' Rights Council of Pennsylvania) held that prisoners should be permitted to participate in experimentation only if the decision is absolutely voluntary. This is impossible in today's prisons, he said, because of economic pressures, forced idleness and inhuman conditions. In his view, research programs provide an excuse to prison administrators to neglect responsibilities such as housing, medical care and job programs. Because of the reality of economic pressures, the Prisoners' Rights Council would permit some research in prisons provided safeguards are instituted, until other means of earning money are available. However, the Council would ban research which involves exposure to incurable diseases or is otherwise dangerous or unnecessary. Mr. Lawson urged that medical care and compensation be provided for inmates injured during research.

The Reverend Americus Roy (Prisoners Aid Association of Maryland, Inc.) testified against medical experimentation in prisons based on personal experience at the Maryland House of Corrections. Prisoners participate in research, he said, because of economic deprivation and as a temporary escape from inhuman conditions. Use of prisoners is exploitative of the economically depressed. Risks of research should be widely distributed, especially among those who are likely to benefit.

PART IV. REPORTS TO THE COMMISSION

CHAPTER 8. PHILOSOPHICAL PERSPECTIVES

Papers on the ethical issues involved in research with prisoners were prepared for the Commission by Roy Branson, Ph. D., Cornel Ronald West, M.A., and Marx W. Wartofsky, Ph. D.

Dr. Branson first analyzes the ethical principles underlying the standard arguments for and against research involving prisoners, and, secondly, examines several policy alternatives. He concludes by recommending a moratorium, appealing

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to the principles of free and informed consent and justice.

In reviewing arguments for experimentation, Dr. Branson cites three justifications generally advanced in support of research involving prisoners: (1) That it contributes to the good of society, of which prisoners are members and therefore recipients of benefits; (2) that it is an appropriate way for prisoners to make reparation; and (3) that prisoners can, in fact, give free and informed consent. A varient of the third argument is that criminal conviction presupposes competence and responsibility; therefore, prisoners must be presumed to have the capacity to volunteer. In fact, advocates of this position point out that prisoners are permitted to choose work in hazardous industries and so should be permitted to choose work as research subjects as well.

Opponents of prison research assume that experimentation is different from other occupations. A person's relationship to his body is not his relationship to his goods. A person's body, in a special and real sense, is the person. In experimentation risk to bodily integrity is primary to the activity, whereas in other occupations, the risk is secondary.

The two fundamental principles to which opponents of experimentation appeal are free and informed consent and justice. Those citing consent can say that prisoners cannot in principle give free consent because of the inherent nature of prisons as coercive, total institutions. Other opponents appealing to free consent do not go so far. They claim that sufficiently free consent to experimentation cannot in fact be given in American prisons. They cite not only the coercive structure of prisons, but such administrative features as limited alternative to earn money in prisons (none for equivalent rates of pay), and indeterminate release dates with nonobjective or unknown conditions for leaving the prison. Dr. Branson identifies himself with the second position, saying that empirical analyses leave a serious and reasonable doubt that inmates of American prisons can in fact give a sufficiently free consent to experimentation.

Justice is the other principle to which opponents of prisoner experimentation appeal. Injustice can take the form of injury, when a person is wrongfully harmed through exploitation or negligence by others. Injustice can also result from failure to follow the basic requirement of distributive or comparative justice: that like cases are to be treated alike and different cases be treated differently. Since prisoners are in relevant respects equal to free persons, the burdens of risk and harm should be proportional to those of free-living citizens, which would entail a significant reduction in at least phase 1 drug trials. On the other hand, prisoners are unequal to free persons in important respects in that they have been placed in total institutions. Dr. Branson, citing comparative justice, says the similarities of prisoners to free persons requires that the proportion of experimentation utilizing prisoners should be reduced. The differences between experimentation conducted on prisoners and those conducted on free persons require that prisoner experimentation be stopped, at least until conditions change.

In applying principles to policy alternatives, Dr. Branson sees remuneration as a major and finally insurmountable practical obstacle to prisoner experimentation. The principle of informed consent dictates that in order for prisoners to give consent that is not coerced, they should not be paid more for experimentation than for other prison jobs. But the principle of justice requires that rates of remuneration to prisoners should be equivalent to the rates paid to free volunteers. Schemes relying on committees of prisoners (or prisoners and prison officials) controlling funds created by the difference between the standard amount paid by drug companies and what an individual prisoner received run into practical problems, for the committee itself could manipulate and coerce prisoners.

Dr. Branson's recommendation, therefore, is that the Commission declare a moratorium on prison research and suggest that if and when conditions in American prisons have improved, then research might be resumed in those facilities which can meet the requirements of informed consent and justice. He would not preclude the possibility of offering innovative therapy to an individual inmate in need of treatment, but this, he says, should be distinguished from programs of "therapeutic research" which blur the distinction between individual therapy and experimentation. He suggests, in addition, that the moratorium extend to behavioral research, since new vehavioral therapies may be evaluated first on nonprisoners, but that observational research (noninterventional behavioral research), as well as educational programs, be permitted to continue.

Mr. West advocates a contractual approach to human experimentation which requires full disclosure, written consent and choices that are rational. These requirements reflect the human rights to know, to choose and to be treated fairly. He distinguishes between coercion (which involves threats) and bribery (which involves manipulation of incentives). Mr. West considers requests for prisoners to participate in research to be bribery, not coercion; hence, choice is at play. The paucity of alternatives and the conditions of domination within prisons, however, undermine the rational basis for such choice. Mr. West concedes that a certain degree of control over prisoners might be warranted, but only to the extent that basic human rights are not violated. The necessity for such control, he believes, suggests that prisoners are less appropriate subjects for research than are nonprisoners. Therefore, he urges that normal volunteers be recruited, instead; but he cautions against shifting the burden of research to Third World populations.

Mr. West views behavioral research in prisons to be nontherapeutic, inasmuch as the rehabilitative efficacy of behavior modification programs has not been demonstrated. Thus, he would restrict such research according to the same principles he applied for nontherapeutic biomedical research.

Mr. West recommends termination of both nontherapeutic biomedical and "therapeutic" behavioral research involving prisoners until such time as prison reform creates the conditions necessary for their legitimate participation in such research.

Dr. Wartofsky begins his essay on selling the services of one's body for research by discussing the extent to which being a subject is similar to other forms of wage-labor. He examines the nature of that which is being sold (and bought) and the extent to which a person has the right to offer his or her body in exchange for money. His position is that whereas one may not sell one's body, as such, nevertheless one may sell the disposition over the use of one's body for specified purposes, for a specified time and under specified conditions. In other words, while one's life and liberty are inalienable rights (which cannot be separated from one's person and sold), one's services or capacities are commodities which, in our free-market social and economic system, are regularly exchanged for wages.

Dr. Wartofsky then considers the problem of risk-taking. In general, he says, no ethical question arises concerning the risks inherent in dangerous occupations, since the workers are seen as having free choice in undertaking or refusing such jobs, and the risks involved are secondary to the needs of society which the occupations (e.g., coal mining, construction work, chemical manufacturing) are designed to meet. By contrast, the nature of risk in research is such that one is placing one's health or well-being at risk not as a by-product of some other purpose, but as the primary commodity; and it is the intimacy of the relation between one's person and one's well-being which makes the exchange disturbing.

With respect to motivation, Dr. Wartofsky observes, it is generally assumed that placing oneself at risk for monetary gain is for one's own benefit, whereas doing it without tangible reward is more altruistic. However, he points out that one may place oneself at risk for monetary gain and, at the same time, be self-sacrificing (if, for example, the purpose is to support one's family or otherwise satisfy the needs of others). Whether working for the abstract "good of society" is a higher motive than working for one's family is a question which cannot be settled. Thus, he concludes, motivation should be considered (if at all) only to the extent that the seriousness of the motivation should be commensurate with the degree of risk to be undertaken.

Next, he considers the extent to which prostitution is like wage-labor, involving, as it were, the sale of a disposition over one's body for a certain purpose, at a certain rate and for a certain time. The relevance of the inquiry lies in the fact that what is being bought and sold in prostitution is (just as in participation in research) something which is "so intimate to one's person that there is something disturbing in the notion that it is alienable, as a commodity." In his view, the ethical objections to prostitution, and to being a paid research subject, derive from the translation of relations which are supposed to express fundamental aspects of humanity into an economic exchange. In the paid research context, both the investigator and the subject are reducing an essential human capacity (putting oneself at risk for others) to a commodity; so doing, they may dehumanize each other.

Here, he observes, society is faced with a dilemma: on the one hand, research with human subjects is important for the preservation and well-being of the species; on the other hand, the only means of conducting such research is ethically questionable. He sees three obvious solutions: (1) To stop paying the subjects; (2) to conduct only that research which can be carried out with unpaid volunteers; and (3) to restructure society in order to eliminate the economic need which induces (or coerces) the disadvantaged into making up the largest portion of paid research subjects. All of these "solutions," however, are impractical. The pragmatic solution which he recommends, therefore, is to minimize the exploitive elements which "commodify" the situation. An alternative would be to follow the model proposed by Hans Jonas in which the most valuable members of society (rather than the most expendable) undertake the risks, but Dr. Wartofsky considers this also to be impractical. Finally, he proposes that both paid and unpaid research subjects be organized, educated as to their rights, and represented at all levels of review (Institutional Review Boards as well as state and federal commissions). This, he believes, would socialize the interaction, reduce the alienation, and ameliorate the dehumanizing effects of the commodity relationship for both the paid subjects and the researchers.

CHAPTER 9. SOCIOLOGICAL AND BEHAVIORAL PERSPECTIVES

In order to obtain an understanding of the nature of the social structure of a prison and its implications for the prisoner's freedom and competence to make a choice for or against involvement in research, the Commission requested papers by two sociologists: Jackwell Susman, Ph. D., and John Irwin, Ph. D. In addition, Martin Groder, M.D., prepared a paper on behavioral research aimed at rehabilitation of prisoners. These essays are summarized below.

Dr. Susman suggests that a determination regarding prisoners' participation in biomedical or behavioral research depends on understanding their value system and how it deviates from conventional norms. He describes two sets of norms in prison society: (1) The norms which the staff and officials endorse and which support their authority, and (2) the norms of the inmates, which encourage diversity of behavior and subversion of the official system.

It is generally agreed that custody involves profound attacks on the prisoner's self-image through deprivation and control. Inmates cope with the "pains of imprisonment" through various social structures, norms and values. From the sociological literature on prisons and prison life, Dr. Susman identifies two descriptive models of prison society: the "prisoner solidarity" image and the "prisoner diversity" image.

As directed by Dr. Susman, the prisoner solidarity image classifies prisoners according to their conformity to or deviation from the inmate code which encourages cohesion and mutual support among prisoners vis-a-vis their captors. Adherence to the inmate code helps protect the average inmate and strengthens his dignity. A negative aspect of this social structure is the dependence of most prisoners on the few leaders for privileges and protection. The convict leaders are granted special privileges by the administration in return for maintaining order, and thus seem to have little incentive to participate in biomedical and behavioral research. The rest of the inmates may adapt differently to prison life. Some may conform with varying degrees of intensity to the demands of the inmate code, and might reject biomedical and behavioral research since the code rejects conventional values and cooperation. Others may deviate from the norms of the prisoners' world and participate in research to obtain the goods and services their outcast status denies them. Still others may combine conformity and deviance to maximize their chances of leaving prison emotionally and physically unscathed; their participation in research would depend on a careful analysis of the costs and benefits, in terms of their life in prison and their chances of getting out. Finally, some may conform completely to the official norms and may volunteer for research for both altruistic and pragmatic reasons.

The second model of prison society, the prisoner diversity image, focuses on the inmates' identification with persons or groups outside the prison. In this view, the inmates bring subcultural norms and values with them into prison, and, thus, prison society is diverse. This model describes inmates according to three categories. First is the career criminal or professional thief, who assumes a commitment not to prison life but to criminal lifestyles. His objective is to do his time and get out, not to manipulate the prison environment. He may volunteer for research believing that it will be considered favorably by the parole board, or merely to maximize his comfort until he is released. Second is the "convict," who is oriented primarily to prison life and seeks status by manipulating the environment, winning special privileges and asserting influence over others. His participation in research is improbable because it might imply cooperation with the staff. The third group of inmates identify with "legitimate" subculture outside the prison. They have no commitment to the values of thieves or convicts and seek status through the means provided by the prison administration. They are usually rejected by the convict and thief subcultures, and might be expected to volunteer for research projects.

Dr. Susman examines the implications of these models of prison society for the requirements of informed consent: competency, knowledge and voluntariness. Rejecting the Kaimowitz court's view of the effects of institutionalization, Dr. Susman believes that prisoners are able to maintain an identity. He suggests that prisoners' autonomy may expand or contract depending on their circumstances, and that at least some prisoners have sufficient autonomy to give informed consent to participate in research. Providing prisoners with knowledge of the risks associated with research may be difficult, but Dr. Susman believes in principle that it can be done satisfactorily. With respect to voluntariness, both images of prison society indicate that prisoners have a great deal of power and influence over how the prison is run. This implies that mechanisms could be developed to insulate research activities from staff and peer pressure. Dr Susman concludes that prisoners can have the freedom and competence to give informed consent.

Dr. Irwin agrees with Dr. Susman that biomedical research involving prisoners should not be categorically denied, but rather permitted under conditions that protect against the disparity of bargaining power between prisoners and authorities. Instead of a contract model (which assumes relatively equal bargaining power) Dr. Irwin suggests a "rights model," in which minimal rights are established and guaranteed against abuse of power. He observes that conditions of degradation and coercion vary with the degree of autonomy and isolation under which prisons operate, and he believes that most of the constraints (including arbitrary use of discretionary powers) are, in fact, unnecessary and could be abandoned without interfering with effective operation of the penal system. This, he says, woud make the prison environment compatible with conditions necessary for the ethical conduct of research.

Dr. Irwin recommends, therefore, an accreditation process and an ongoing review mechanism, in which prisoners, their families and civil rights groups all participate, with a concomitant reduction of discretionary powers now held by prison authorities. He would also require that drug firms pay at the same rate that they pay nonprisoner participants, but that the difference between those wages and the prevailing prison wages be placed in a fund to increase the wages for the general prison population. He would also eliminate any leakage of in-

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formation to parole boards about research participation. Finally, he recommends that there be established a review and grievance mechanism independent of the prison system in which prisoners, their families and civil rights organizations would participate. This mechanism would review all decision-making relative to prisoners' rights and perhaps consider, as well, such factors as the adequacy of the health care available to the prisoners.

Dr. Groder, formerly warden-designate of the Federal Correctional Institution at Butner, North Carolina, observes that of all research involving prisoners, only therapeutic psychosocial research directly addresses "the promise of rehabilitation." Unless society is willing deliberately and intentionally to abandon its commitment to rehabilitation, he argues, research of high quality is essential if services are to be provided to offenders in a safe, effective and humane manner. He believes that offenders, as wards of the state, have a "right to treatment" that will be abridged if correctional research is abolished or stifled through overregulation.

Dr. Groder accepts the likelihood that the Commission will wish to recommend additional regulatory procedures, and suggests the following goals: (1) "wards of the state" should be provided an opportunity to rejoin the social mainstream; (2) the quality of consent should be audited to protect basic rights of volunteers; (3) provision should be made for care, compensation, and possible reversal if a bad effect occurs; and (4) the outcome of all research should be published. Dr. Groder recommends that Congress appoint regional boards with the responsibility of achieving the four goals and ensuring prisoner rights. The boards would approve or disapprove projects, and appeals could be made to the federal court of appeals. The boards should sponsor studies of the correctional process and the impact of research, and make the recommendations to Congress regarding pertinent legislation.

Dr. Groder believes, on the basis of his experience, that therapies can be devised to enable prisoners to reenter and remain in the mainstream of society, and he cautions that a ban or limitation on such research will ensure that no correctional innovations will be developed. Therapeutic techniques that become available in nonprison society may also be denied to prisoners, and that would pervert the desire to rehabilitate prisoners as well as infringe upon their right to treatment.

CHAPTER 10. LEGAL PERSPECTIVES

The Center for Law and Health Sciences, Boston University School of Law, prepared for the Commission an analysis of the law relevant to determining the validity of consent by prisoners to their participation in research. This analysis proceeded on the assumption (consistent with the findings of the Commission) that quality of information and ability to comprehend do not generally constitute problem areas in prison research. The key issues reviewed by the Center are whether consent can be given voluntarily in the prison environment, and whether voluntary consent to treatment (and, by extension, to behavioral programs that might not constitute "treatment") is required. The first of these issues is discussed primarily in the context of nontherapeutic biomedical research, and the second is raised in connection with behavior modification programs.

Motivations of prisoners to participate in nontherapeutic research include financial reward, hope for reduction of sentence, seeking of medical or psychiatric help, relief from tedium, desire for better or more secure living conditions, attraction of risk-taking, altruism, etc. The conditions that give rise to these motivations may constitute duress such as would render a contract voidable and, by analogy, render it difficult if not impossible to uphold a prisoner's "informed consent" to participation in research. It has been argued, but not determined as a matter of law, that incarceration inherently constitutes such coercion (or duress) that nontherapeutic research should not be conducted in prisons. In the absence of such a determination, courts will examine particular prison situations for evidence of duress in obtaining consent to participation in research.

Thus, as to financial reward, the questions to be asked are whether there are alternative sources of equal income and, more importantly, whether participation in research is the only way prisoners can earn enough money to maintain a minimum standard of living. As to living conditions, the questions would concern the extent of deprivation in the prison, and the contrast between the prison environment and conditions in the research center. These are matters of fact that would be examined in a particular situation to determine whether a consent was voluntary.

Promise of reduction of sentence is now generally thought to be inherently coercive, but, at least with respect to rehabilitative treatment that may be of experimental nature, sentence reductions have been tied to prisoners' consent. Cases involving waiver of rights indicate that even in a coercive situation, rights may be waived if adequate safeguards, e.g., counsel, are provided.

Medical treatment generally constitutes a battery if the patient has not consented to it. Although one jurisdiction has not applied this rule in cases involving prisoners, other jurisdictions have held to the effect that imprisonment does not deprive a person of the capacity to decide whether or not to consent to health care. The latter rule has been applied in cases dealing with physically invasive behavior modification techniques, but there is no holding on the right to withhold consent to noninvasive behavior modification techniques. Whether or not the techniques were experimental does not appear to have been material in any of the holdings. Rather, the courts appear to have taken into account the degree of invasiveness.

State regulations and statutes dealing with experimentation on prisoners cover the entire spectrum, from permission to total bans of such research. Where any sort of research involving prisoners is permitted, a requirement that informed consent be obtained is explicitly set forth. Where financial or other rewards are explicitly covered, they are generally limited or prohibited. The recently published DHEW proposals related to research on prisoners follow the states that permit such research by accepting the view that prisoners can consent to be subjects so long as adequate safeguards are provided. The proposals published for public comment by DHEW (November 16, 1973) include such safeguards as a required certification by a review committee that there are no undue inducements to participation by prisoners, taking into account the comparability of the earnings otherwise offered; a requirement that no reduction in sentence or parole in return for participation in research be offered unless it is comparable to what is offered in return for other activities; and a provision for accreditation by DHEW of prisons in which research is to be supported or conducted. A subsequent DHEW Notice of Proposed Rulemaking (August 23, 1974) adds a requirement that the revelw committee also take into account whether living conditions, medical care, etc. would be better for participants than those generally available to prisoners, but deletes the provision for accreditation by DHEW.

The report by the Center for Law and Health Sciences concludes with the following recommendations: that provision for accreditation by DHEW should be made, to ensure that research will not be conducted under such circumstances that participation is the only way for a prisoner to obtain minimally decent living conditions; that the rewards for participation should not be such that they provide the only way for a prisoner to maintain his health and personal hygiene, or induce a person to incur great personal risks; that parole or a reduction in sentence should never be offered in return for participation in research; that there should be some provision for the protective role of an independent counselor; that full information about the research should be given the prospective participant, and that he should not be asked to waive his rights against anyone for injuries that he might sustain. If these safeguards are adopted, the law generally will recognize the informed consent of a prisoner to participation in research.

CHAPTER 11. ALTERNATIVES AND FOREIGN PRACTICES

Alternatives employed in the United States and foreign countries to the conduct of biomedical research in prisons were examined by the Commission. A paper on alternative populations for conducting phase 1 drug studies was prepared by Dr. John Arnold. Information on two programs using normal volunteers as alternatives to prisoners, one for vaccine testing and one for general physiologic testing, was provided by staff reports. An additional staff report was prepared on the use of prisoners in a research program located in a hospital outside of the prison. Practices in foreign countries related to development and testing of new pharmacologic agents were surveyed and reported to the Commission by Mr. C. Stewart Snoddy and Dr. Marvin E. Jaffe, Clinical Research International, Merck Sharp & Dohme.

The Quincy Research Center, Dr. John Arnold, Director, is an innovative phase 1 drug testing program using cloistered, normal volunteers. It was recently established in Kansas City, Missouri. Dr. Arnold, an investigator with 29 years of experience in drug testing in prisons, highlights some of the practical and ethical problems associated with the use of such a research population, and explains the reasons he now believes that the use of prison inmates as research subjects should be phased out. He identifies limitations imposed by the prison system on the optimal conduct of such studies, and his reasons for believing that the use of nonprisoner volunteers for them is preferable. Cloistering, he says, is necessary to enable the researcher to strictly control the medications received, to intensively monitor subjects for signs of adverse effects, and to identify drug properties with greater confidence. In contrast with research facilities designed exclusively for the cloistering of free-world volunteers for phase 1 studies, however, prisons are neither built nor operated around the needs of medical research. The prison environment may be poorly controlled, particularly with regard to the presence of contraband drugs that may seriuosly influence the result of a clinical trial. Further, the dropout rate for his free-world studies has been about 1.5 percent, a lower rate than he experienced in a prison setting.

Dr. Arnold suggests that the behavioral problems associated with cloistering volunteers are the greatest barrier to the development of alternative populations, and require sensitivity with regard to volunteer selection, adequate preparation for the experience of complete control of life-style, and physical facilities that are attractive and interesting. The second largest problem is the cost. While lodging and food contribute to this expense, the single largest increment stems from the greater degree of supervision and closer medical control required for volunteers in a nonprison setting.

Despite the problems, Dr. Arnold believes the advantages make the use of nonprisoners preferable. One advantage he cites relates to compensation for injury, which the consent form should address. While an indemnification plan similar to those governing other occupational hazards can be arranged for nonprisoner volunteers, it cannot necessarily be done for prisoners. Rates for the Quincy workman's compensation insurance are based on data that show the risks for participants in phase 1 drug research to be only slightly greater than the occupational risks for office secretaries, one-seventh of those for window washers, and one-ninth of the risks for miners. The problem of rendering long-term follow-up and extended care, because prisoners are not likely to return to prison for follow-up examinations or medical attention, is also reduced by using a free-living population.

Dr. Arnold believes that three advantages of the free-world volunteer system will eventually lead to its exclusive use: (1) paid stipends can be comparable to wages paid for other services, (2) indemnification can be offered under plans similar to workman's compensation, and (3) volunteers may chose medical research against other forms of limited employment without any special coercive force.

Dr. Arnold described characteristics of the population attracted to his nonprisoner volunteer program, based on the last 150 subjects at the Quincy Research Center. The men were 80% white, 15% black, and 5% other racial background. Agegroup was 50% age 20–30, 40% age 30–40, and 10% age 40–55. Ninety percent were recently or seasonally unemployed, 8% steadily unemployed, and 2% were college students. Most had completed 8th grade, 60% had completed 12th grade, 2% were college students, and 0.5% were college graduates. Approximately 60% of the subjects were former prisoners; 5 to 10% had been subjects in Dr. Arnold's earlier studies in prisons.

The Clinical Research Center for Vaccine Development (CRCVD) was developed to provide an alternative to the use of prisoners in infectious disease research. It was established in 1974 under a contract with the National Institute of Allergy and Infectious Diseases (NIAID), the primary inpetus being NIAID's desire to develop a dependable source of healthy, adult volunteers that would circumvent many of the problems plaguing its prison-based research and allow infectious disease research to continue. A contract was awarded to the University of Maryland School of Medicine to demonstrate the feasibility of recruiting adult volunteers from the community for research in which live attenuated vaccines for respiratory viruses and mycoplasma are administered to subjects to test infectious capability, symptoms produced, ability to induce immunity, and contagiosity.

The CRCVD is under the direct supervision of two physician-researchers who conduct the protocols developed by NIAID. They are assisted by two part-time recruiters, a consulting psychologists, and support staff. The facility is part of the University of Maryland School of Medicine complex in Baltimore; its major unit is a self-contained, limited access, air-sealed isolation ward, where volunteers reside for the duration of the study.

Recruiting procedures have focused on attracting young, intelligent and healthy adults, to minimize problems with informed consent and adjustment to the dormitory-like setting of the isolation ward. College students were selected as the free-world population most likely to meet these requirements. Recruiters present information on the program at college campuses; interested students subsequently meet with the recruiters so that a blood sample may be drawn. Those volunteers who pass this initial screening procedure are contacted by the recruiters and offered the opportunity to participate as subjects.

Most of the studies conducted by the CRCVD last between 15 and 30 days. During a two-day acclimation period on the unit, there are intensive educational presentations concerning vaccine development and the upcoming study, preliminary medical and psychological screening procedures are conducted, and the volunteers become acquainted with the isolation ward environment and staff. The researchers reserve the right to dismiss volunteers prior to inoculation, but thereafter only the subject may choose to withdraw from a study. To supplement the consent form, an examination is administered prior to inoculation, to assess and document the participant's comprehension of the research protocol. Each volunteer must pass this exam before being permitted to participate in a study.

The volunteers earn $20 per day on the isolation ward, based on what the average college student might earn in a summer job. Volunteers who withdraw from the study are paid up to the point they drop out, whether or not a public health quarantine has been imposed, requiring every subject to remain on the ward until completion of the study. The consent forms note that any medical problems that may arise will be treated at the CRCVD's expense.

As of June 1975, 70 volunteers had participated in nine studies, and the subject pool consisted of 547 people. The age range is between 18 and 50. Of the 70 people who have completed studies, there were 4 with less than four years of high school, 30 high school graduates, 19 college undergraduates, 12 college graduates, and 5 with advanced degrees; 84 percent were white, 7 percent were former prisoners.

The Normal Volunteer Patient Program of the Clinical Center, National Institutes of Health, was established in 1954 and represents one of the earliest efforts to involve members of the community in experimental studies. Volunteers participate in research designed primarily to measure the parameters of normal body functions. Most of the subjects are members of certain religious sects which view participation in this program as part of their public service commitment (e.g., Church of the Brethren, Mennonites, Mormons) and college students. While the volunteers in both categories receive little in terms of financial compensation (usually restricted to transportation and living expenses),

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the student volunteers, who reside at the Clinical Center for up to three months on "career development internships," are offered an opportunity to study with NIH scientists in many of the research laboratories. Hence, the program appeals primarily to students interested in careers in the health sciences and related fields.

Recruitment of many of the volunteers for the program is done by colleges under contract with the NIH. The contractor college or university is responsible for handling all the local recruitment details, transporting the volunteers to and from the Clinical Center, and providing any transportation required for follow-up procedures. In return, the contractor receives a fixed fee for each volunteer (to cover the cost of round trip air fare and ground transportation to and from the airport) plus a certain amount for each day of the volunteers' time and inconvenience.

Prospective participants in the program are advised of its purposes and the restrictions in life-style they may experience during their sojourn at the Clinical Center. Studies in which they are asked to participate include, for example, studies of normal physiology (awake, asleep and during exercise), psychological studies (reaction time, attention), dietary manipulation, studies involving drugs, hormones or tracer doses or radioisotope administered either orally or by injection, and exposure to viruses or biochemical products derived from viruses or bacteria.

The Eli Lilly Company Research Unit located at Wishard Memorial Hospital, Indianapolis, Indiana, employs prisoner and nonprisoner normal volunteers in phase 1 drug studies. The prisoners come to the hospital unit from Pendleton State Reformatory 30 miles away; most of them have previously participated in pharmaceutical studies in the Lilly unit at the prison. All studies involving the initial administration of an agent to humans, use of radioisotopes, or tests requiring complex monitoring equipment are done at the hospital unit rather than at the prison unit.

Prisoner volunteers, in order to qualify for participation in the Lilly hospital research program, generally must meet the basic work-release requirements: a date set for parole or for a parole hearing, and one year of good behavior. In addition, specific permission from the warden is required. These restrictions are imposed to make escape less likely. Other work-release choices, when available, generally offer better pay and more freedom of movement. A prisoner participates at the hospital only once and returns to the prison afterward. The stay at the hospital may be as long as three months. While at the hospital, prisoners are required to remain on the research ward. They have limited recreation facilities but may have visitors daily. No special security precautions are taken, but escapes from the unit have been rare.

Two hospital wings adjoining the prisoner research unit are used for phase 2 studies in patients and phase 1 studies in nonprisoner normal volunteers. The latter are generally men off the streets, chronically unemployed, who know of the program and request on their own, often repeatedly, to participate in drug studies. Prisoners and nonprisoners usually are not involved in the same protocol, although the types of studies are the same. Nonprisoners are paid $7 a day; the prisoners receive $3 a day (the rate established as the maximum by the prison).

Advantages of the hospital as the setting for research of this type are the availability of excellent emergency care (although no serious adverse reactions requiring it have occurred in 10 years of operation), the ease of access of the investigator to the subjects, and surroundings that are pleasant in comparison with the prison. Disadvantages are the limited number of prisoners who can qualify for the program and the boredom of the research. The main reason men drop out of a study is that they become bored and ask to return to their friends and activities at the prison.

Human studies in pharmaceutical research and development in other countries. The survey[4] conducted on practices of foreign countries regarding use of prisoners and other groups in the development and testing of new pharmaceutical agents included seven European nations, five English speaking countries, four Latin American nations and Japan. In all the countries surveyed, clinical pharmacology studies (pharmacokinetic and dose-ranging studies) can be conducted in normal subjects. Almost uniformly, these countries do not permit such studies to be conducted in prisoners. In theory, prisoner studies could be done in the United Kingdom, but in practice no such research is conducted in prisoners outside the United States. In most countries, volunteers, when used, are students, civil servants (imilitary, police and firemen), and medical and paramedical personnel.

In general, clinical pharmacology studies conducted abroad involve patients with the disease which the drug is intended to treat, rather than normals. The use of patients with other diseases is not uniformly approved, but may be permitted if data relevant to the primary indication can be obtained. The requirement for specific governmental approval (IND or clinical trials certificate) to conduct clinical pharmacology studies in normal subjects or patients also varies among countries. In all the countries surveyed, human pharmacokinetic and pharmacodynamic data are "helpful" to support new drug registration. In about half the countries, such data are mandatory. Only France and Japan require that such data be generated in the indigenous population; other countries accept foreign data.

With the exception of Italy, no country requires long-term (1–3 months) controlled safety studies in volunteers before initiating studies in patients. For registration purposes, however, Belgium, Italy, Canada, and in some cases the United Kingdom require such data. Since prisoners are not used in those countries for such studies, it is assumed that such data often are generated elsewhere. In most countries, longer term studies to determine the safety of a new drug entity are done in the patient population which the drug is intended to treat. This provides a measure of how the drug may be expected to behave in clinical practice under the more usual conditions of use and when combined with the usual concomitant therapies. The subjects of such studies receive the presumed benefits of therapy with the new agent to balance its unknown risks.

Although prisoners have not been subjects in phase 1 drug testing in other countries, they have been subjects of nontherapeutic research. For example, prisoners in a number of countries, including Australia, Canada, Denmark, England, Germany, Greece, Ireland, Mexico, Poland and Japan, have been surveyed to determine the incidence of the XYY chromosome anomaly.

CHAPTER 12. SURVEY OF REVIEW PROCEDURES, INVESTIGATORS AND PRISONERS

Data on research in prisons were presented by the Survey Research Center, University of Michigan, in a preliminary report to the Commission on a study of institutional review procedures, research on human subjects, and informed consent. Data were presented from interviews done in early 1976 with investigators in 41 studies and representatives of review committees in five prisons, with 181 prisoner-subjects in four of these prisons, and with 45 prisoner-non-subjects in two of these prisons. The subjects had all participated in research since July 1, 1974. No individuals or institutions were identified in the report.

The research. As described by principal investigators in the five prisons, their research was predominantly pharmaceutical research, mostly phase 1 testing. In most of the studies, drugs were administered orally and blood and urine samples were analyzed. Very few of the experiments, according to investigators, were intended to benefit subjects, although researchers felt that a medical or psychological benefit might occur in some cases. The research also entailed some medical and psychological risk according to investigators, although they estimated the probability of serious risk to be very low or nonexistent. All investigators reported the existence of procedures for treating subjects who might suffer harmful effects of the research.

Review procedures. The Survey Research Center found that the structure of the review process differed among the five prisons. In some places it included Institutional Review Boards (IRB's) established in compliance with DHEW regulations on protection of human subjects; in others it included review committees appointed by the State department of corrections, by prison authorities, or by university officials. The review process at some prisons included committees created by drug companies. Biomedical and legal consultants and prisoner representatives played a role in some review procedures. At all prisons, the review was conducted in stages involving different combinations of the above mechanisms. Membership on review committees was reported as being very stable.

While few proposals are rejected in the review process, it was reported that few are approved as submitted. Most frequent changes are in consent procedures, though modifications were also reported in research design. The process was said to work smoothly, at least in part because of long-standing relations between review committees and investigators, and awareness of mutual expectations. Little monitoring of the actual conduct of research was reported, although most members of review committees were said to have visited the prison or research facilities at some time.

The prisoner subjects. The interviews with prisoner subjects revealed them to be generally supportive of biomedical research in prisons. The near consensus of favorable attitude among subjects occurred in all four institutions where prisoners were interviewed. Practically all of these subjects said that the information they received in advance of the experiment was understandable and correct, that the researchers were willing to answer subjects' questions, and that participation was voluntary. About one-third of the subjects indicated that they expected the research would involve some risk. A few subjects nonetheless felt that they had experienced specific difficulties as a result of the experiments that they did not fully expect. Subjects offered a number of reasons for participating in research, the most prevalent being financial. About 90% of them said that they would be willing to participate in future experiments.

Consent forms. The Survey Research Center's analysis of consent forms provided by investigators indicated that almost all described the purpose of the experiment, and all described the procedures. About 85% mentioned and listed risks. An analysis of the reading ease of consent forms indicated that a large proportion were at a difficult reading level. The difficulty did not appear to be solely attributable to the use of medical and technical terminology; some of the difficulty was related to the complexity of sentence structure and the nature of many of the nontechnical terms that were employed. Reading difficulty appeared to be greater for consent forms associated with projects that investigators estimated to entail relatively higher risks. The explanations provided in the consent forms, however, were supplemented in all cases by oral explanations.

Nonsubject prisoners. Prisoners who have never participated in research projects, or whose participation was not recent, were less favorable, on the average, toward research in prisons than were the current subjects. Differences of opinion about research were more apparent within the group of nonsubjects than within the group of subjects. Some nonsubjects were strongly opposed to research in prisons. Prisoners offered a number of explanations for not participating, including assertions that they had not been asked, that they feared the possibility of serious harmful effects, that they mistrusted research or researchers, or that they were opposed to the idea of research in general. Some said that they would participate if they were asked and/or if the benefits to themselves were more substantial. Nonsubjects who were interviewed had a slightly lower level of formal education than did the subjects, and the former were less likely to have prison jobs. Furthermore, for those inmates who held jobs, the number of hours worked per week was lightly lower for nonsubjects than for subjects.

Suggestions from respondents. Relatively few prisoners offered suggestions about how studies on human beings might be improved. Increased payment, better facilities (e.g., rooms to be used exclusively for research purposes), more complete explanation of possible harmful effects (e.g., pamphlets or written materials explaining projects), and better treatment (e.g., taking more time with subjects and exercising more care) were among the suggestions of prisoners. Some nonsubject prisoners suggested abolishing the research program.

Principal investigators also offered few suggestions. Some proposed that rules and review procedures be simplified and made less rigid. Others suggested that larger review committees be established, that committee members should have experience in dealing with prisoner volunteers, and that the committee procedure be made less susceptible to the biases of individual members.

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[4] Provided to the Commission by Marvin E. Jaffe, M.D. and C. Stewart Snoddy, Merck Sharp & Dohme Research Laboratories.

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federal register

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PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

PUBLIC INFORMATION

Final Regulations

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0067]

PUBLIC INFORMATION

Final Regulations

The Food and Drug Administration (FDA) is issuing a second final regulation concerning public information in response to comments on the initial promulgation of such regulations. This final order does not change most of the agency's current regulations, either because no comments were received or because the comments submitted did not persuade the Commissioner of Food and Drugs that changes were in order. Certain provisions are being revised, however, to make it clear that the agency will not ordinarily provide more than one copy of a record to the same person, to clarify the agency's policy respecting waiver of fees, and to effect other changes. This order shall be effective February 14, 1977.

In the FEDERAL REGISTER of December 24, 1974 (39 FR 44602), the Commissioner of Food and Drugs issued final regulations governing the disclosure of information to the public in conformity with the public information section of the Administrative Procedure Act, known commonly as the Freedom of Information Act (FOIA) (5 U.S.C. 552). Interested persons were invited to file, within 60 days of publication of the final order in the FEDERAL REGISTER, written comments regarding matters not raised in the notice of proposed rule making published in the FEDERAL REGISTER of May 5, 1972 (37 FR 9128), and considered in the preamble to the final regulation. The final regulation provided that any changes justified by the comments would be the subject of a further regulation amending the specific regulations involved.

The Commissioner received 28 comments; the majority repeated substantive comments previously made on one or more sections of the original proposal, although some dealt with matters not previously raised and considered. The majority of the responses, mainly from trade associations and representatives of companies subject to regulation under the laws administered by FDA, objected to specific provisions of the final regulation and suggested changes that would make less information in government files available for public disclosure. The few comments received from individuals and consumer groups generally supported the provisions of the final regulation, and suggested changes to further liberalize agency disclosure policies.

Those letters making new substantive comments or suggestions and the Commissioner's conclusions concerning them are discussed in this preamble. The respondents that raised matters that were previously considered in the preamble to the December 24, 1974 final regulation, and references to the specific paragraphs of that preamble wherein they were considered, are also briefly set out below. For the convenience of the reader, wherever this preamble are grouped under the appropriate headings of the preamble to the December 24, 1974 final regulation.

FDA EXPERIENCE UNDER THE FREEDOM OF INFORMATION ACT

1. In the preamble to the December 24, 1974 final regulation, the Commissioner noted that the May 1972 proposal represented a major change from prior agency policy. Before the regulations were proposed, the agency retained approximately 90 percent of its records as confidential; since the May 1972 proposal, approximately 90 percent of FDA records have been available for public disclosure. The Commissioner concluded in the preamble to the December 24, 1974 final regulation that the impact of this policy change on FDA was beneficial rather than detrimental. The policy of open disclosure, the Commissioner concluded, impeded neither communication with persons outside the Federal government nor internal agency deliberations, but had the salutary effect of encouraging closer public scrutiny of FDA actions and "fostered greater public accountability of the agency." The beneficial effects of the FDA openness policy, reflected only in part in its public information regulations, caused the Commissioner to enlarge the categories of documents available to the public by his conclusion in the preamble to commit the agency to liberal use of its discretion under FOIA to disclose records that could be withheld from the public under strict terms of the act's nine exemptions.

Since publication of the final regulations in December 1974, FDA experience confirms the Commissioner's conclusion that a policy of open disclosure is in the best interests of the public and the government. Remaining fully committed to this policy, FDA will continue to strive to meet both the spirit and letter of the FOIA.

Although the FOIA and these regulations have generally resulted in substantial public benefits, they have also produced some unexpected and, for the agency, disappointing consequences. The volume of freedom-of-information (FOI) requests received by FDA has been much larger than anticipated. During fiscal year 1975, FDA received approximately 5,300 requests; in fiscal year 1976, the total number of requests ballooned to nearly 20,000. This trend continues today and the Commissioner expects that FDA will receive over 24,000 requests in fiscal year 1977. A large proportion of the requests received by FDA are lengthy, voluminous and complex, which makes responding to them involved, time consuming, and costly.

Last year, FDA's uncompensated cost of responding to FOI requests exceeded $1 million. Fees charged, which are supposed to reflect actual cost to the government, totaled only $78,340. This disparity between the cost to FDA and the revenue from fees is disturbing because 86 percent of the FOI requests received by FDA are from industry and private attorneys, while only 14 percent come from the general public, consumers, press, health professionals, and scientists. It is, in the Commissioner's view, inappropriate that the general public must subsidize the "industrial espionage" in which many commercial firms engage.

The Commissioner does not intend to modify the FDA disclosure policy because of this "imbalance" in requests. However, the Commissioner does intend to take steps to secure a revision in the fee schedule to more closely reflect the actual cost incurred by FDA in searching for requested documents. The Commissioner's views concerning the fee schedule are fully set forth elsewhere in this preamble; namely, an increase in the fee schedule coupled with a more liberal application of agency policy on waiver of fees will result in a more equitable distribution of the costs of responding to FOI requests without affecting the amount or type of records available to the public.

PROCEDURAL ISSUES RELATED TO PROMULGATION OF FINAL ORDER

2. Many comments contended that the promulgation of the final regulation in December 1974 represented a novel concept in agency rule making not in accordance with the notice and comment requirements of section 4 of the Administrative Procedure Act. It was asserted that the regulations are more than a mere particularization of the FOIA, and reflect FDA interpretation of the provisions of the act and their applicability to specific categories of documents in FDA files. It was argued that, because the final regulation differs in numerous and substantial respects from the May 1972 proposal, these regulations should be treated as entirely new and published as a proposal with a full comment period before their issuance in final form. It was further asserted that the justification in the preamble for the procedure used by FDA, i.e., that the FOIA is self-executing, even if assumed to be a correct statement, is not dispositive of the procedural objections. Comments noted that the preamble and regulations endeavor to interpret and reconcile seemingly conflicting statutes and to make substantive determinations as to what constitutes trade secrets and confidential commercial or financial information. These interpretations, reconciliations, and determinations were said to be of such significance and were such a substantial departure from past practice that they cannot be viewed as merely the implementation of a self-executing statute.

The Commissioner does not agree with these comments. The FOI regulations were promulgated in accordance with 5 U.S.C. 552(a)(1), to apprise the public of how FDA intended to respond to the congressional mandate. The issuance of these detailed regulations also enables persons, in advance of disclosure, to determine whether documents that they have previously submitted to FDA and

believe to be confidential fall into a disclosable category and to seek immediate judicial review if they disagree with the classifications of the agency. Many agencies, in implementing the FOIA, have issued regulations without affording any time for public comment. Others have issued regulations that merely parallel the language of the statute, providing no more guidance as to the disclosability of certain records that the FOIA itself. In contrast, FDA published in the FEDERAL REGISTER a notice of proposed rule making with a 60-day comment period. That proposal and the subsequent final regulation contained a detailed statement of how categories of records in the files of the agency were to be treated. The Commissioner concludes that the procedures followed more than met the requirements of any provision of the Administrative Procedure Act and were not legally defective in any respect.

Moreover, a 60-day comment period was provided after the promulgation of the final regulation to enable persons to comment further on issues not previously raised. The comments received during that 60-day period are the subject of this preamble and final regulation. Any asserted error in failing to issue the December 1974 publication as a proposal was therefore corrected by providing this additional time for comment. Thus, the Commissioner is confident that the procedures followed in promulgating these regulations have fully satisfied all applicable procedural requirements.

3. Comments also asserted that the request in the preamble to the December 24, 1974 final regulation that "comments submitted within this additional period should address new issues and should not reopen matters raised by the initial proposal and fully discussed in this preamble" makes it impossible to delineate those portions of the final regulation deemed proper for comment and that a rule making procedure that restricts comments to unspecified portions of the regulations and preamble is procedurally defective.

The Commissioner concludes that there is nothing improper about requesting comments on new matters and discouraging those raised by the initial proposal and fully discussed in the preamble to the December 24, 1974 final regulation. To determine whether a matter had been previously raised and discussed, persons merely had to refer to that preamble. If the matter they desired to comment upon was not the subject of earlier comment and was not discussed in the preamble, it was appropriate to submit a comment upon it.

Moreover, many comments ignored the Commissioner's request quoted above and commented upon matters raised and fully discussed previously, sometimes in language identical to that used in earlier comments. Nonetheless, these comments have been reviewed by the Commissioner and, in most instances, they are briefly discussed in this preamble. The Commissioner therefore concludes that no person was constrained from making any comment on any portion of the final regulation.

4. Comments contended that, to the extent that the lengthly preamble is deemed by FDA to have the effect of a legal advisory opinion or to modify, limit, or expand the meaning of the regulations, the preamble constitutes rule making subject to the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553).

The Commissioner does not agree with these comments. The preamble is intended to explain the regulations and has the status of an advisory opinion. It does not modify, limit, or expand the meaning of the regulations. The preamble is a discussion of specific situations expected to arise involving the application and interpretation of the regulations. The preamble, accordingly, merely sets forth the Commissioner's interpretation of the regulations as applied in specific situations, and thus does not constitute rule making subject to the notice and comment requirements of the Administrative Procedure Act.

5. A few comments contended that the determination of disclosability is not amendable to quasi-legislative treatment by regulation according to category or type of record. It was argued that each determination involves the exercise of the adjudicative function of the agency and must be evaluated on its own merits in a proceeding affording not only notice, but opportunity for hearing and the presentation of comment by persons who might be affected by disclosure.

The Commissioner advises that the requirements imposed by this comment before agency disclosure of any record within its files are inconsistent with the mandate of the FOIA and would frustrate the implementation of that act by the agency. This point has been recognized by the United States District Court for the District of Columbia in *Pharmaceutical Manufacturers Association* v. *Weinberger*, 401 F. Supp. 444, (D.D.C. 1975), subsequent opinion, 411 F. Supp. 576, 579 (D.D.C. 1976), where the court noted,

> Broad, categorical regulations are therefore imperative. Ad hoc inquiries or item by item consultations would not only be impractical but also undercut the open disclosure policy of the FOIA and the FDA regulations.

The Commissioner therefore rejects this comment.

6. Comments contended that the final regulation of December 24, 1974, does not comply with Executive Order 11821, issued November 27, 1974, requiring a statement certifying that the inflationary impact of all major legislative proposals, regulations, and rules emanating from the executive branch of the Federal Government has been considered.

The Commissioner notes that FDA is required by law to implement the FOIA, a fact not altered by the Executive Order. These regulations are intended to implement the act and to provide guidance on the manner in which various types of documents will be handled by the agency. Records available under a specific section of the regulations would, in most instances, also be available whether or not FDA determined to issue detailed regulations. Accordingly, the Commissioner concludes that Executive Order 11821 is not applicable to these public information regulations. Moreover, the Commissioner is unable to discern, nor did any comments identify, any inflationary impact that these regulations could have.

SECTION 305 HEARING RECORDS

7. Several comments objected to the availability for public disclosure of information contained in the file relating to a section 305 hearing (an informal hearing held prior to institution of criminal proceedings, provided for by (section 305 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)) after the file is closed or the statute of limitations has run, whichever occurs first. The comments objected sharply to the availability for public disclosure of records pertaining to an individual considered for prosecution, but not prosecuted, and to the release of company and product names. It was argued that no useful regulatory purpose would be served by such disclosures, and that disclosure of company and product names may deprive persons of their right to a fair trial in matters not involving FDA. The assertion was also repeated that disclosure of company and product names would subject the company to an "onslaught of adverse publicity." Comments also asserted that the release of section 305 hearing records constitutes an unwarranted invasion of privacy.

The Commissioner has, in paragraph 16 of the preamble to the December 24, 1974 final regulation, previously concluded that Congress has determined that the right of the public to this type of information in government files outweighs any potential harm caused by the release of such information. It is only through the release of section 305 hearing records after the matter is closed that the exercise of prosecutorial discretion by FDA and the Department of Justice may be subject to scrutiny and public accountability. This is particularly true when prosecution is not recommended or is recommended but not instituted. Furthermore, the names and other information that would identify individuals are deleted before disclosure except when the Commissioner concludes that there is a compelling public interest in the disclosure of the names. The privacy rights of individuals will, accordingly, be protected.

The Commissioner concludes that the possibility that the release of section 305 hearing records will interfere with any person's right to a fair trial or impartial adjudication in matters not involving FDA is too remote and speculative to justify nondisclosure of those records. Finally, the possibility of adverse publicity stemming from the release of records such as section 305 hearing records without the deletion of company or product names was considered by Congress and, absent any provision in the FOIA for the deletion of such names, must be deemed to be outweighed, in the judgment of Congress, by the public's right to the infor-

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mation. The Commissioner has previously concluded that the protection of privacy afforded by the Constitution and the sixth exemption of the FOIA (5 U.S.C. 552(b)(6)) extends only to individuals. The recently enacted Privacy Act (5 U.S.C. 552a) also protects only the privacy rights of individuals.

8. A seeming anomaly was also noted, in that paragraph 18 of the preamble to the December 24, 1974 final regulation provides that if records relating to a closed section 305 hearing for a specific individual are requested by name, they will be released only after deletion of the names and any information that would identify the individual.

The Commissioner advises that the names and identifying details are deleted from section 305 hearing records requested by name to protect against indiscriminate subsequent disclosures. The requesting party obviously knows the name of the person, but deletion minimizes the possibility of additional widespread publicity. Accordingly, section 305 hearing records will be released only after the names and identifying information are deleted.

9. Several comments objected to the provision in § 1.6(c)(4) (21 CFR 1.6(c)(4)) for the release of section 305 hearing records respecting possible criminal prosecution of individuals without deleting the names and identifying information when the Commissioner determines that there is a "compelling public interest" to do so. The contention was made that such discretionary disclosure exceeds the authority of the Commissioner under the FOIA and, without guidelines for such discretionary disclosure, the release of section 305 hearing records relating to possible criminal action without first deleting the names and identifying information would be unreasonable and arbitrary. One comment suggested that the written consent of the individual who was the subject of the investigation be obtained before the release of any names or identifying information.

The Commissioner advises that disclosure of section 305 hearing records respecting possible criminal prosecution with the names and identifying details intact may, depending on the particular circumstances, be completely consistent with the FOIA and the Privacy Act. If the public's interest in disclosure is indeed "compelling," the benefits in disclosure outweigh any infringement of personal privacy. In applying 5 U.S.C. 552(b)(6), the courts have required that the benefits from disclosure be weighed against any possible infringement of personal privacy. The determination that a "compelling public interest" exists that warrants release of the names and identifying information pertaining to individuals considered for prosecution will be made in accordance with traditional criteria for such determinations, and after due consideration of those factors listed in § 4.82 (21 CFR 4.82) of the final regulation.

The Commissioner rejects the suggestion that the written consent of the individual who was the subject of the investigation be obtained before the release of names or identifying information. The ultimate responsibility for compliance with the FOIA by FDA rests with the Commissioner. There is no requirement in the FOIA that the consent of individuals be obtained before the release of disclosable information. When the Commissioner concludes that there is a compelling public interest warranting release of names or identifying information, the records will be released without deletions whether or not consent is given by the individual who was the subject of the investigation.

OFFICIAL RECORDS AND INFORMATION

10. Questions have arisen as to whether the phrase, "testimony before any tribunal," as used in § 4.1(a) (21 CFR 4.1(a)) of the final regulations includes committees of Congress.

The Commissioner advises that § 4.1 was first published in the FEDERAL REGISTER of December 20, 1955 (20 FR 9554). It was designed to prevent the subpoena of agency officials in private litigation and similar matters. The phrase "testimony before any tribunal" has not been, is not intended to be, and will not be interpreted to include committees or subcommittees of Congress.

11. One comment contended that FDA employees should be free to give testimony without first securing the permission of the Commissioner because the public is entitled to information from FDA employees which is not filtered through the Commissioner.

The Commissioner regards this suggestion as impractical and contrary to the public interest. The Food and Drug Administration now receives a very large number of requests for agency employees to testify in private litigation and other matters in which FDA is not a party. Were agency employees free, or required, to testify in private litigation whenever requested, the regulatory activities of the agency could be severely disrupted. The agency could not adequately function if its 6,500 employees were constantly preparing for and giving testimony in private litigation. Section 4.1 is therefore necessary for the agency to fulfill its primary regulatory responsibilities.

UNIFORM ACCESS TO RECORDS

12. One comment requested that disclosure of drug experience reports submitted by physicians and hospitals be restricted to health care professionals and institutions on the grounds that the general public does not possess sufficient expertise to interpret the significance of such reports and that release, upon request, to any member of the public would result in undue public alarm and unjustified concern by individuals under medication.

The Commissioner has previously advised, in paragraph 31 of the preamble to the December 1974 final regulation, that, if any information is available to one member of the public, it must be available to all. Under the FOIA, the disclosure of information does not depend ordinarily on the requestor's interest in or ability to understand the information sought.

PARTIAL DISCLOSURE OF RECORDS

13. A comment suggested that, whenever FDA determines that a document contains both disclosable and nondisclosable material, the agency should consult with the submitter of the document before any release to determine the extent to which the disclosable material may be segregated from the nondisclosable. It was argued that consultation is especially necessary when the requested document is technical because the expertise necessary to identify nondisclosable material is likely to be possessed only by the submitter.

The Commissioner concludes, and has previously stated, that the submitting person, and possibly other affected persons, will be consulted only if there exists a close question of the confidentiality of the requested records. If a close question exists, because of the intermingling of disclosable and non disclosable information, be it technical or otherwise, consultation will occur. The mere fact that disclosable and nondisclosable information is contained in a single document, as is often the case, does not warrant automatic consultation. If the information contained in the document is of such a nature that the disclosable information cannot be reasonably separated from the nondisclosable information by FDA without the benefit of additional information, this would constitute a close question.

14. Several comments asserted that the application of these regulations to material in FDA files submitted in confidence before the effective date of the final regulations is a retroactive application of the regulations that constitutes a denial of administrative due process to the submitters of such material unless notice is given to the submitter in advance of public disclosure of a particular item.

The Commissioner advises that Congress intended in enacting the FOIA to reverse the disclosure policies of Federal agencies to make disclosure the rule and nondisclosure the exception. Congress did not distinguish between information submitted before the FOIA was passed and that submitted after passage. Furthermore, information that is not otherwise exempt under one of the nine exemptions of FOIA cannot be made exempt on the basis of a "pledge of confidentiality." *Petkas* v. *Staats*, 501 F. 2d 887, 889 (D.C. Cir. 1974; *Charles River Park A Inc.* v. *HUD*, 519 F. 2d 935, (D.C. Cir. 1975). The application of the final regulations to all records in FDA files, regardless of when submitted, has been squarely upheld in *Pharmaceutical Manufacturers Association* v. *Weinberger*, 401 F. Supp. 441 (D.D.C. 1975), subsequent opinion, 411 F. Supp. 576, 580 (D.D.C. 1976). The question of notice to the submitter before disclosure was also an issue in that case and is discussed in paragraph 37 below.

PROHIBITION ON WITHDRAWAL OF RECORDS FROM FOOD AND DRUG ADMINISTRATION FILES

15. A few comments contended that information previously submitted to FDA on a voluntary basis should be permitted to be withdrawn from agency files. It was argued that § 4.29 (21 CFR 4.29) is based on an erroneous assumption that some form of property right passes to the government whenever a private party submits trade secret or confidential commercial or financial information to it. The comments concluded that, because no property right does in fact pass to the government, submitters of material should be permitted to withdraw the records under certain circumstances, e.g., when a product is finally abandoned.

The Commissioner advises that under no circumstances will documents submitted to FDA and thereafter made part of agency files be returned to the submitting person. The Food and Drug Administration does not maintain that the government acquires any property right in data and information submitted to it. That does not mean, however, that persons are entitled to withdraw material received by FDA in furtherance of its regulatory responsibilities from agency files. Once such material becomes a part of agency files it may be used at any time and in any reasonable way to support appropriate regulatory action by the Commissioner.

PERMANENT FILE OF REQUESTS FOR FDA RECORDS

16. One comment requested that § 4.31 (21 CFR 4.31) be revised to reflect the fact that the permanent file of FOIA requests and responses (the "public log") did not exist until January 1, 1975.

The Commissioner notes that the 1974 amendments to the FOIA require all agencies to file an annual report with Congress on the administration of the act. The public log enables FDA to compile the data necessary to comply with that requirement. Thus, although the May 5, 1972 proposal did not contain a requirement that a public log be maintained, § 4.1 was added to the final regulations to assist FDA to comply with the 1974 FOIA amendments. The public log of all requests and responses has been maintained, and all requests numbered sequentially since January 23, 1975. The Commissioner sees no need to revise § 4.31 to state when the log began.

17. One comment suggested that, in addition to the permanent file of FOIA requests and responses, FDA maintain a topical index of those requests and responses.

The Commissioner concludes that it is not possible for FDA to index all FOIA requests and responses in light of the enormous number of requests received by the agency. The administrative burden that would be borne if the agency undertook to develop and maintain such an index would greatly overtax the personnel available to handle FOIA matters.

18. Section 4.40(c) (21 CFR 4.40(c)) has been revised to reflect the fact that the public log maintained by the Public Records and Documents Center of FDA does not contain the time a request is received, the address of the person making the request, the number of staff hours and grade levels of persons who spent time responding to the request, or the payment requested and received. The Commissioner advises that these items have not been maintained on the public log because experience has demonstrated that the time required to collect and record the information is not justified by any possible benefit from having the information available for each logged request. Furthermore, the address of the person making the request and the payment requested and received are readily ascertainable from other sources, such as the actual file containing the request and any correspondence from FDA concerning the request.

PROCEDURES AND FEES

19. One comment contended that provision should be made for the reduction of the fee whenever the fee is "excessive" due to inefficiencies within FDA, such as in recordkeeping procedures.

The Commissioner advises that a blanket rule providing for the reduction of excessive fees due to inefficiencies within FDA would be inappropriate. However, such inefficiencies will be taken into consideration as one factor in determining whether a request for a reduction in the fee should be granted. The Commissioner notes, in passing, that some of the FOI requests received by the agency are from companies that have previously submitted the documents to the agency and are not able to locate a copy in their own files.

20. Experience in recent months has shown that a number of persons and organizations make requests on a frequent and regular basis for certain agency records, such as, the public log containing all FOI requests and FDA responses. The fee for providing those records does not generally exceed $5.00 and, accordingly, they have often been provided free of charge.

The Commissioner advises that, in accordance with § 4.43(a)(1) (21 CFR 4.43(a)(1)), FDA will aggregate the costs for such regular requests made by the same person or organization or related persons or organizations on a monthly basis in order that such persons or organizations may appropriately bear the cost of copying, which is now often borne by FDA.

Additionally, experience in recent months has shown that a number of persons and organizations, primarily the numerous organizations that file requests for records with FDA on behalf of their clients, make numerous requests for the identical records, presumably to enable them to provide them to different clients. This practice of making several requests for the identical records has generated a substantial number of so-called "third-party" requests, i.e., requests seeking the records disclosed in response to a previous request. In fiscal year 1976 nearly one-quarter of all requests received by FDA were for records previously disclosed in response to an earlier request. A substantial portion of those requests was for records previously disclosed to the same requestor. Quite obviously, these third-party requests have added significantly to the FOI workload of FDA.

The Commissioner concludes that the FOIA does not require that FDA provide two, three, and sometimes more sets of identical records to the same persons and organizations. This practice has significantly taxed available agency resources for responding to FOI requests, sometimes causing delays in responding, and resulting in FDA and the taxpayers subsidizing the profitmaking activities of the organizations making the third-party requests. Accordingly, the Commissioner advises that, except in unusual circumstances, FDA will not provide more than one copy of requested records to the same requesting person or organization.

21. One comment suggested that those employees of FDA responsible for disclosing records in response to an FOI request be identified on the determination letter in the same manner that those who are responsible for denying records are identified. To do otherwise, it was argued, is to subtly coerce employees into granting requests rather than be identified as responsible for a denial.

The Commissioner advises that 5 U.S.C. 552(a)(6)(C), a provision of the 1974 amendments to the FOIA, requires that any letter of determination denying a request for records identify by name and title or position those persons responsible for the denial. The Commissioner rejects the suggestion that FDA employees will be coerced into granting requests rather than be identified as responsible for a denial.

The Commissioner concludes that it would be unnecessarily burdensome for letters of determination granting requests to contain the names and titles or positions of employees responsible for granting the request, and that no useful public interest would be served.

DISCLOSURE OF DOCUMENTS IN THE OFFICE OF THE HEARING CLERK

22. Questions have arisen as to whether requests made in person to review, and in many instances copy, documents on file in the office of the FDA Hearing Clerk must be handled in accordance with all the provisions of the regulations, or whether an expedited procedure is feasible.

The Commissioner concludes that because virtually all documents on file with the Hearing Clerk are clearly disclosable to any member of the public, and because large numbers of persons make requests to review and copy such documents, it is appropriate to facilitate such review and copying by providing an expedited procedure applicable solely to material on file in that office. According-

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ly, requests made in person to view or copy documents on file with the Hearing Clerk will continue to be responded to by the staff of the Hearing Clerk as rapidly as possible. The requestor will need merely to fill out a one-page form available in the office of the Hearing Clerk in order that FDA may maintain accurate records of all FOI requests. The fee schedule applicable to records obtained from the Public Records and Documents Center will apply to records obtained from the FDA Hearing Clerk.

Requests for material in the office of the Hearing Clerk not made in person shall continue to be treated in the same manner as all other FOI requests and must be sent to the Public Records and Documents Center (HFC–18) pursuant to § 4.30 (21 CFR 4.30).

FILING A REQUEST FOR RECORDS

23. Suggestions have been made that the regulations include a provision to encourage requestors to identify FOI requests by marking both the envelope containing the request and the request itself with the phrase "FOI Request."

The Commissioner concludes that the suggestion is worthwhile and should be adopted. It is emphasized, however, that requestors are only encouraged, not required, to identify their requests with the phrase "FOI Request." Those so identified will simply be more readily identified as FOI requests. A new sentence is added to § 4.40(a) (21 CFR 4.40 (a)) to state this policy.

24. One comment asserted that the provision in § 4.41 (21 CFR 4.41) that records will be provided "as soon as possible" leads to misunderstandings between FDA and the public. This occurs, according to the comment, because the phrase is undefined and does not have the urgency of either the FOIA or paragraph 45 of the preamble to the December 1974 final regulation, both of which state that records shall be made "promptly available." The comment recommended amending the regulations to require that determination letters include an estimate of the date on which the records will be available.

The Commissioner advises that the phrase "as soon as possible" is intended to convey the same urgency as "promptly available." Insofar as possible, records are sent to requestors immediately upon receipt of payment. The sheer volume of requests received by FDA does, on occasion, result in unavoidable delay in providing records. The Commissioner is confident that additional personnel and streamlined internal procedures will reduce those delays to an absolute minimum. The Commissioner also concludes that while every effort is made to make records available immediately, it is not feasible and would be unnecessarily time-consuming to include an estimate of the date on which records will be provided in each determination letter.

TIME LIMITATIONS

25. Comments expressed concern that, in an effort to make a determination on all FOI requests within 10 working days, FDA regulatory responsibilities will suffer. It was suggested that determinations on requests be made "within a reasonable time period" and that a special staff be created within FDA to handle all FOI requests so that other employees are not diverted from normal regulatory responsibilities.

The Commissioner advises that the recent amendments to the FOIA require that determinations on requests be made within 10 working days of receipt of the request. The Food and Drug Administration intends to comply with that congressional mandate. Documents for which requests have been granted will be sent to the requestor as soon as possible thereafter.

The Commissioner advises that each major organizational component within FDA has specially trained FOI officers who handle most requests. Additionally, a staff manual guide has been prepared that explains the responsibilities of each agency employee under the FOIA. Consequently, although all agency employees may be called upon to assist in carrying out the mandate of the FOIA, most day-to-day responsibilities have been assigned to the specially trained FOI officers.

FEES

26. The fees set out in the December 24, 1974 final regulation were based primarily on the fees established by the Department of Justice in 28 CFR 16.9, because the Department of Justice has the lead responsibility for implementation of the FOIA. In the FEDERAL REGISTER of January 13, 1975 (40 FR 2443), the Department of Justice revised its fee schedule to reflect actual costs of $4.00 per hour for clerical search time and $8.00 per hour for search time by nonclerical personnel. In the FEDERAL REGISTER of May 1, 1975 (40 FR 18997), the Department of Health, Education, and Welfare (HEW) revised its fee schedule to include a flat charge of $3.00 per hour for search time by both nonclerical and clerical personnel, which represents a charge substantially below actual cost to the government.

The Commissioner concluded that to achieve uniformity of fees within HEW, the fee schedule adopted by HEW should be incorporated in § 4.42 (21 CFR 4.42), which is revised accordingly. The fee schedule has been followed by FDA for well over a year.

The Commissioner notes, however, that the HEW fee schedule results in charges substantially below cost to the government and thus results in some taxpayers subsidizing the public information requests of other taxpayers. This subsidy is especially inequitable when one considers that 86 percent of the FOI requests received by FDA are from corporations, FOI service companies, and private attorneys—groups best able to bear the cost of obtaining records from FDA. The taxpayers are thus subsidizing the "industrial espionage" engaged in by many commercial organizations who use the FOIA to obtain information about their competitors. The HEW fee schedule also means that agency personnel who would otherwise be engaged in regulatory activities are instead spending their time responding to FOI requests without the government being reimbursed for the actual cost of the time spent locating requested records.

The Commissioner has been closely monitoring the results of the HEW fee schedule and concludes that the circumstances warrant an increase in the fee schedule to reflect actual costs to the government. The Commissioner has initiated discussions with the appropriate officials in HEW regarding the fee schedule and anticipates that the FDA fee schedule will soon be revised to reflect the actual costs incurred by the agency in searching for requested records. A new fee schedule reflecting actual costs to the government, coupled with the liberalization of the FDA policy on waiver or reduction of fees discussed elsewhere in this preamble, will be more equitable and fully in agreement with the policy in the FOIA providing for charging fees and for waiver or reduction of those fees when that is in the public interest.

WAIVER OF FEES

27. Experience in recent months suggests that there may be some confusion among both the public and agency employees about the FDA policy on waiver or reduction of fees under § 4.43 (21 CFR 4.43). The Commissioner is restating the agency's policy to avoid further confusion.

Section 4.43 establishes two distinct bases for obtaining waiver or reduction of fees: paragraph (b) of the section provides that the fees may be waived if the person making the request is: (1) indigent and (2) the disclosure has a "strong public interest justification." Paragraph (c) of the section, on the other hand, provides that the fees may be waived or reduced when the waiver or reduction is in the public interest "because furnishing the information can be considered primarily as benefiting the general public." No showing of indigency is required for a waiver or reduction of fees under § 4.43(c). To obtain consideration of a request for waiver or reduction under paragraph (c), however, the request must be accompanied by a statement of the intended purpose to which the requested information will be put. This statement enables FDA to determine whether the intended use will benefit the public generally.

The Commissioner emphasizes that narrow and specific requests for records are much more likely to meet the standard in paragraph (c) than requests that are vague and open-ended. Similarly, requests for documents intended to be used in connection with administrative proceedings before FDA, e.g., formal evidentiary hearings, are more likely to satisfy the standard than requests for documents that do not relate to a pending or potential formal or informal administrative proceeding. For example, two public interest organizations that desired to participate in the hearing on the withdrawal of the new animal drug approvals (NADA's) for diethylstilbestrol (DES) sought and obtained waiver

of fees in connection with their requests for copies of the requests for hearing filed by various holders of approved NADA's for DES. On the other hand, FDA frequently receives and denies requests for waiver of fees in connection with general requests for agency records from public interest groups where the sole basis for the waiver is that the request for waiver of fees in connection limited resources of the agency do not permit FDA to routinely provide records free of charge to all public interest groups.

The Commissioner advises that FDA is fully committed to the policies embodied in the waiver of fees provision of the FOIA and intends to interpret liberally those provisions and § 4.43. The Food and Drug Administration will give careful and sympathetic consideration to requests for waiver or reduction of fees that are submitted in accordance with § 4.43. The Commissioner encourages persons to seek waiver or reduction of the fees under § 4.43(c) when disclosure of the records sought will broadly promote the public interest. To facilitate consideration of requests for waiver of fees, the directors of the various bureaus within FDA will evaluate the requests and recommend to the Assistant Commissioner for Public Affairs those requests that are meritorious.

PRESUBMISSION REVIEW OF REQUEST FOR CONFIDENTIALITY OF VOLUNTARILY SUBMITTED DATA OR INFORMATION

28. One comment requested that FDA pledge not to revoke assurances of confidentiality given respecting data and information submitted under § 4.44 (21 CFR 4.44) for a presubmission determination of confidentiality.

The Commissioner advises that material received by FDA for presubmission review under § 4.44 and accepted in confidence pursuant to a letter signed by the Assistant Commissioner for Public Affairs pledging confidentiality will remain confidential unless a court order directs that it be disclosed or the status of the material is affeced by external factors, e.g., the company that submitted the material discloses it to a member of the public subsequent to its submission to the agency.

29. One comment requested that persons who submit information for presubmission review under § 4.44 be advised within 10 working days after receipt of the records by FDA whether the material qualifies for such review.

The Commissioner concludes that prescribing a fixed number of days for notifying persons who have submitted information for presubmission review is not feasible. The time required to review the material will vary according to the number and complexity of the documents submitted, among other variables. After receipt of the information by FDA, persons will be notified as soon as possible as to whether the material qualifies for presubmission review.

30. One comment requested that § 4.44 be revised to state that a person who voluntarily submits material to FDA but does not seek presubmission review does not waive any right subsequently to assert confidentiality or bar a subsequent determination by the agency to that effect.

The Commissioner concurs with this comment and concludes that no change in the regulation is needed to implement it. Presubmission review is not a mandatory procedure. A decision not to seek such review does not bar either a subsequent assertion of confidentiality by the submitting person or a finding of confidentiality by the agency. Neither a subsequent assertion of confidentiality by the person who submitted the information nor a finding of confidentiality by FDA would, however, invoke the presubmission review procedures provided in § 4.44 or require FDA to consult or give notice.

31. One comment requested that § 4.29 (21 CFR 4.29) be revised to permit persons who have previously voluntarily submitted data and information to FDA to resubmit such information for review under § 4.44.

The Commissioner concludes that, for all practical purposes, this comment requests that FDA permit material to be withdrawn from its files. No purpose would be served by allowing presubmission review under § 4.44 of material previously submitted voluntarily unless the submitting person was also permitted to withdraw and retain information for which no pledge of confidentiality was given. The Commissioner accordingly sees no difference between this comment and those comments requesting that persons be permitted to withdraw information from government files without any reference to resubmitting the information. The Commissioner rejects this suggestion for the reasons previously stated.

32. Questions have arisen about the status of records submitted for presubmission review when those records are ineligible for presubmission review either because their status under these regulations is clearly specified or because the submission is not voluntary, i.e., the submitter is under a legal obligation to provide the records to FDA upon request.

The Commissioner advises that records submitted for presubmission review that are ineligible for such review because the submission is not voluntary within the meaning of the regulations will be retained as part of the FDA permanent files and the submitter will be so notified. Records that are voluntarily submitted but are nonetheless ineligible for presubmission review because their status under the regulations is clear will be returned to the submitter, without complete review. The Commissioner admonishes persons to use the presubmission review procedure sparingly and only when appropriate. Abuse of the procedure may cause the agency to reconsider the procedure's utility.

SITUATIONS IN WHICH CONFIDENTIALITY IS UNCERTAIN

33. A number of comments requested clarification of the standard for consultation under § 4.45 (21 CFR 4.45). It was noted that paragraphs 62 and 63 of the preamble to the December 24, 1974 final regulation and § 4.45, respectively, describe the situation in which FDA will notify the person whose records are requested when there is "some question" or a "close question" as to the status of the material or when the status is "uncertain." The comments asserted that the "some question" standard is the appropriate one.

The Commissioner advises that the phrases "some question," "close question," and "uncertain status" will be construed as identical in meaning. The Commissioner rejects any implication that the use of the phrase "some question" in the preamble suggests a standard for consultation that is less rigorous than either the "close question" description in the preamble or the "uncertain status" language of § 4.45.

The Commissioner emphasizes that FDA will not consult with the submitting person in every instance in which any argument, however tenuous, can be made in support of the confidentiality of the requested material and will not consult if the argument would simply be that these regulations are wrong. The question about the confidentiality of the requested record must be such that a reasonable basis for confidentiality exists before consultation will be pursued.

34. Several comments pointed out that § 4.45 provides no time period for consultation and that in cases of uncertain confidentiality it was unlikely that FDA would be able to review, consult, and make a determination on a request for public disclosure within 10 working days. To provide for adequate time for consultation, it was suggested that the requestor be asked to agree to a specific extension of time; in the event that no extension is agreed upon and the 10-working-day limit cannot be met, the request should be denied. The alternatives, it was suggested, would be to grant the request on the basis of insufficient information, to ignore the 10-working-day requirement and thereby lose the 20 days to review an appeal of a denial, or to deny the request. Denial, it was asserted, would permit FDA to use the additional 20 days for consultation and review and ultimately either affirm the denial or reverse it and grant the request.

The Commissioner concludes that the suggestion is too complicated to administer and is unnecessary, and therefore it is rejected. If ongoing consultation makes a determination within 10 working days impossible, an interim response may appropriately be sent to the requestor to inform him that FDA is working on the request and that a final and complete determination will be made as soon as possible.

35. Questions have arisen about whether consultation under § 4.45 will be with only the person who submitted the records or with both that person and persons who might be affected by disclosure.

The Commissioner advises that consultation under § 4.45 will be with those persons who, in the agency's judgment, are likely to be able to assist FDA in

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determining the confidentiality of the requested records. In most instances consultation with the person who submitted the records will be sufficient to make the determination. The decision about whom to consult will, of necessity, have to be handled on a case-by-case basis.

36. Several comments on §§ 4.45 and 4.46 (21 CFR 4.45 and 4.46) dealt with matters raised, fully discussed, and disposed of in the preamble to the December 24, 1974 final regulation. One comment, for example, expressed the fear that decisions on the necessity for consultation will be made by low level clerical staff. Paragraph 62 of the preamble to the final regulation makes it clear that decisions on whether the status of requested records is uncertain will be made by those persons administratively responsible for making disclosure decisions.

PREDISCLOSURE NOTICE

37. By far the greatest number of comments related to § 4.45 and the circumstances in which FDA will provide predisclosure notice of the agency's intention to disclose certain records to the person who submitted them. Most comments contended that FDA should consult with the person who submitted the records, or whose data and information are contained in them, in every case in which the agency intends to disclose the records in response to a request under the FOIA. The general theme throughout these comments is that FDA cannot, consistent with due process, release material, including that submitted to the agency ostensibly pursuant to a pledge of confidentiality, without first providing notice to the person who submitted the data and information.

On May 6, 1975, the Pharmaceutical Manufacturers Association (PMA) filed suit in the United States District Court for the District of Columbia (*Pharmaceutical Manufacturers Association* v. *Weinberger*, No. 75–0725, D.D.C.) seeking an order declaring invalid and enjoining the enforcement of certain provisions of the December 24, 1974 final regulation. The primary issue in the lawsuit was whether member companies of PMA are entitled to administrative notice of, and an opportunity to consult with FDA on, every contemplated disclosure by the agency of information submitted by, obtained from, or pertaining to them or their products. On August 1, 1975, PMA's Motion for a Preliminary Injunction on the notice and consultation issue was denied by the District Court for the District of Columbia (401 F. Supp. 444 (D.D.C. (Sirica, J.) 1975)). Thereafter, in granting the FDA Motion for Summary Judgment as to all the issues in the lawsuit, the court reaffirmed that notice and an opportunity for consultation with FDA in advance of every contemplated disclosure is not required (411 F. Supp. 576 (D.D.C. (Smith, J.) 1976)). The Pharmaceutical Manufacturers Association has announced that it does not intend to appeal this decision.

The Commissioner advises that when the status of requested records is uncertain, notice and consultation with the submitting person under § 4.45 will be undertaken. In those situations, FDA may request additional information from the submitting person in order to determine whether the requested records are disclosable. In all other situations, that is, when the status of the requested records can be determined by FDA and is not "close" or "uncertain," the agency will proceed to make a determination in accordance with the FOIA and the regulations. The Commissioner is confident that the notice and consultation provisions in § 4.45 adequately protect the rights of persons who have submitted data and information to FDA.

Persons who become aware of the impending release of records containing data or information submitted by them pursuant to § 4.45, as a subscriber to the commercial services that provide this type of information, or in any other fashion, and who believe that the records should not be disclosed, may institute suit against FDA to enjoin the release of the requested records. If instituted in timely fashion, the agency will not release the records, pending judicial resolution of the suit, unless directed by court order to do so. FDA will not deprive any person of the opportunity to pursue a timely instituted court action to enjoin the release of records by disclosing the records and thereby mooting the judicial proceedings.

The Commissioner emphasizes, as he did in the preamble to the final regulation of December 24, 1974, that the proper remedy for any person who in the past has submitted to FDA data or information that he believes to be confidential, but which, under the final regulations, is included within a category that is subject to public disclosure, is to bring a declaratory judgment action contesting the validity of that portion of the regulations. All persons have been put on notice that records in the FDA files will be handled in accordance with these regulations. Notice to all affected persons of each request for records submitted by them or which identifies them or their products is, as stated in the preamble to the December 24, 1974 final regulation, "unnecessary as well as impracticable."

38. A number of comments contended that administrative due process would not be satisfied even if FDA, upon receipt of a request for records in the agency files, notified the submitter and all affected persons of an intended disclosure. These comments asserted that, in all instances of planned release, not only must notice be given, but the agency must provide the submitter an opportunity to consult with it and to present objections to the release, as well as an intra-agency appeal mechanism.

The Commissioner concludes, for the reasons stated in paragraph 37 of this preamble, that notice, an opportunity to consult with FDA and present objections, and an intra-agency appeal mechanism, as suggested in the comment, are unnecessary, impracticable, and not legally required.

39. Comments contended that it is anomalous that a person requesting access to agency records, if refused, has a clearly defined appeal procedure whereas the submitter and persons who might be affected by disclosure do not have assurance even of notice and an opportunity to be heard before release. It was argued that this places the submitter, with a potential property right in the requested data and information, in a procedurally inferior position to the party requesting the records, who clearly has no property interest in them.

The Commissioner advises that this is the procedure established by Congress in the FOIA. Congress has concluded that all documents submitted to the government become public property i.e., available to the public, subject to narrow exceptions, and has accordingly provided for a statutory right of appeal only by the requesting party.

40. Numerous comments contended that the assertion by the agency that the administrative burden or inconvenience of giving notice is too great was rejected in the case of *American Sumatra Tobacco Corp.* v. *SEC*, 93 F. 2d 236 (D.C. Cir. 1937). It was suggested that the agency assess submitters and affected persons the costs of sending notice.

The Commissioner has stated previously, in paragraph 96 of the preamble to the December 24, 1974 final regulation, that the general principles laid down in the *Sumatra* case have been fully satisfied. The *Sumatra* case does not require notice and an opportunity to consult in advance of every disclosure of privately generated information. This position was sustained in *PMA* v. *Weinberger*, 401 F. Supp. at 447–448. The Commissioner has also concluded in the preamble to the December 24, 1974 final regulation and elsewhere in this preamble that the FOIA does not require that notice be given to submitting persons or persons who might be affected by disclosure, and that such notice in all instances would be impracticable. The money that is generated by any fee under these regulations must be paid to the United States Treasury, and cannot be used by the agency to finance its public information services.

41. One comment contended that Congress, in enacting section 6(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2055(b)(1)), reflected its intent that, at least with respect to the Consumer Product Safety Commission, "not less than 30 days prior to its public disclosure of any information obtained under this Act, or to be disclosed * * * in connection therewith * * * the Commission shall, to the extent practicable, notify, and provide a summary of the information to, each manufacturer or private labeler of any consumer product to which such information pertains * * *." The comment argued that this section represents a recent congressional statement on the advisability of advance notice to submitters and persons who might be affected by disclosure and that this procedure should be followed by FDA.

The Commissioner does not agree with this comment. Neither the FOIA nor the Federal Food, Drug, and Cosmetic Act contains provisions similar to section 6(b)(1) of the Consumer Product Safety Act. To the extent that section 6(b)(1) can be said to require notice to submitting persons and persons who might be affected by disclosure, its provisions are not applicable to FDA.

42. One comment pointed to the notice provisions of the public information regulations of the Environmental Protection Agency (40 CFR 2.105(b) and 2.107(a)) as a model for FDA to follow.

The Commissioner concludes that the notice provisions of the public information regulations of the Environmental Protection Agency are not required by the FOIA, and, given the number of requests received by FDA, adoption of a similar notice provision would be an unmanageable administrative burden that would impair the ability of the agency to adhere to the 10-day requirement for ruling on requests as mandated by the 1974 amendments to the FOIA and to carry out its important regulatory functions.

43. One comment requested that whenever FDA discloses records to special government employees under 21 CFR 4.84, other Federal departments or agencies under 21 CFR 4.85, State and local government officials under 21 CFR 4.88, and officials of foreign governments under 21 CFR 4.89, the person who submitted the information to FDA be given notice consisting of the date, actual content, and person to whom the disclosure was made.

The Commissioner advises that all the classes of persons referred to in the comment have a special status entitling them to the information, and they are prohibited from releasing data and information that is exempt from disclosure, such as trade secrets, in the same fashion and to the same extent as all employees of FDA. No purpose would be served by providing notice of the sort requested when disclosures are made in accordance with the regulations to persons in those categories.

44. Another comment asserted that under no circumstances should notice to affected persons be given because such notice permits the submitter to attempt to persuade FDA that the request should be denied, and the requestor has no similar opportunity to persuade the agency that the request should be granted.

The Commissioner does not agree with the position expressed in this comment. On the limited occasions when the confidentiality of a requested record is uncertain, consultation with the submitting person and other persons to obtain additional information related to the status of the record is essential if a proper determination is to be made by FDA. Consultation under § 4.45 (21 CFR 4.45) is not an opportunity for affected persons to persuade the agency, by argument alone, not to release the requested material. It is, rather, an opportunity for the agency to examine and consider additional data and information not otherwise available to it, which will be of assistance in making a correct determination respecting the confidentiality of the requested record.

JUDICIAL REVIEW OF PROPOSED DISCLOSURE

45. A number of comments stated that the 5 days provided in § 4.46 (21 CFR 4.46) within which to institute suit to enjoin the release of records is an inadequate period of time for affected persons to make the decision to seek an injunction and to prepare and file the appropriate pleadings. It was variously suggested that 10, 15, or 20 days, or 10 working days, be provided within which to institute suit. One comment suggested that 5 days be provided to notify FDA of the intent to sue and an additional 90 days within which to institute suit. If no court suit was initiated after 90 days, the comment suggested, FDA could then release the material.

The Commissioner concludes that the 5-day period is adequate time for the appropriate pleadings to be filed. The Commissioner notes that the complaint for injunction and supporting documents necessary to institute suit are simple and can easily be prepared in advance as standard legal pleadings and held ready should the occasion for their use arise. Legal counsel for several companies regulated by FDA have in fact publicly made the suggestion that the appropriate pleadings be prepared in advance. The Commissioner also notes that in the 4 years since the proposed rule making was published and documents released in accordance with its provisions, only one suit to enjoin disclosure of specific records has been instituted.

46. One comment objected to any time period for the institution of suit to enjoin the release of records and argued that once FDA determines to disclose records, those records should be made available immediately to the requesting party.

The Commissioner regards the provision of a limited time period for the institution of suit to enjoin the release of records when confidentiality is uncertain and FDA has determined to release the records as reasonable and consistent with the provisions of the FOIA and its mandate.

DENIAL OF REQUEST FOR RECORDS

47. Questions have arisen about the circumstances in which FDA will, under § 4.47(d) (21 CFR 4.47(d)), delete certain information from requested records without treating the deletions as a denial of the request. Concern has been expressed that persons making a request for records who subsequently receive records with certain information deleted may not always realize that deletions have been made or that they may appeal those deletions to the Assistant Secretary for Health, Department of Health, Education, and Welfare.

The Commisioner advises that it has been the consistent policy of FDA to treat substantial deletions of material from a record that is nevertheless disclosed as a denial and FDA has accordingly informed the person who made the request of his appeal rights. In order that there be no question about this policy, § 4.47(d) is revised to apply explicitly only to minor deletions of nondisclosable data and information from otherwise disclosable records.

The Commissioner further advises that the agency's policy with respect to minor deletions of nondisclosable data and information from disclosable records is to identify clearly such deletions on the record that is disclosed, but not to view such minor deletions as a withholding of the requested record. This policy is premised on three considerations. The majority of records in the files of FDA are disclosable to the public under the regulations. However, a large number of these clearly disposable records do contain small items of data and information that under the FOIA exemptions and the regulations, are exempt from disclosure. Deletions are, therefore, common.

For example, FDA receives many requests for adverse drug reaction reports that are submitted to the agency by physicians, hospitals, and drug manufacturers. In many cases, these reports contain the name and address of the patient who incurred the adverse reaction as well as the name and address of the physician or institution submitting the report. In order to protect the personal privacy of such persons, it is standard practice to delete the name and address as well as any other identifying details from adverse reaction reports. This policy is clearly stated in §§ 4.63 and 4.111 (21 CFR 4.63 and 4.111) and is unquestionably consistent with the sixth exemption of the FOIA (5 U.S.C. 552(b)(6)).

Deletions of this sort, minor in nature, ubiquitous, and clearly authorized by the FOIA, the regulations of HEW that implement the act (45 CFR 5.71(a)) and these regulations (§§ 4.63 and 4.111), have not been treated by the agency as denials. Furthermore, in the Commissioner's view, persons making requests to FDA for records ordinarily fully expect that minor deletions will, of necessity, be made and that their requests do not encompass the types of data and information that are regularly deleted before disclosure. This is particularly so because a large number of the FOI requests received by the agency are from persons who frequently make such requests and who are, no doubt, familiar with the agency's public information regulations and practices. Finally, under the 1974 amendments to the FOIA, agencies are required to disclose "[a]ny reasonably segregable portion of a record" after deleting exempt portions (5 U.S.C. 552(b)). It would be anomalous if Congress intended this amendment to result in denials of requests. It was obviously the intent of Congress that more disclosures would result, not more denials.

In view of these considerations, the Commissioner believes that the agency's policy regarding minor deletions is consistent with the FOIA. Nevertheless, to assure that all persons who request records from FDA fully understand the policy of the agency regarding minor deletions, the Commissioner has recently instituted a policy of including in every

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letter of determination issued by the agency granting a request for records that, when disclosed, will contain minor deletions, a paragraph that (a) calls attention to the deletions; (b) states that the agency assumes that the deleted material was not intended to be covered by the request; (c) indicates that if the agency's assumption is erroneous, the person making the request should advise the agency that he or she does indeed desire to receive the deleted material; and (d) states that if the agency should then deny the requested additional information, a letter would issue that fully explains the appeal rights and procedure available to the person making the request. The Commissioner is confident that this policy will preclude any misunderstanding by persons requesting records from the agency when the records that are disclosed contain minor deletions.

USE OF PRIVATE CONTRACTOR FOR COPYING

48. A few comments requested that § 4.51 (21 CFR 4.51) be revised to provide that a private contractor will not be used for copying when a record contains disclosable and nondisclosable material unless the contractor agrees in writing not to disclose the material to anyone and adequate precautions are taken by FDA to guard against the loss of or failure to return records loaned for copying purposes.

The Commissioner concludes that the recommendation is unnecessary. Ordinarily records containing nondisclosable material will not be provided to a private contractor for copying. In the rare circumstance that this might occur, the safeguards suggested in the comment would be established as a matter of course.

INDEXING TRADE SECRET AND CONFIDENTIAL COMMERCIAL OR FINANCIAL DATA AND INFORMATION

49. A number of comments contended that, when suit is instituted challenging the denial of records or portions thereof on the basis of the exemption for trade secrets and confidential commercial or financial information, FDA may neither waive its obligation to itemize and index the disputed material nor require the intervention of the affected person. It was argued that requiring the intervention of the affected person would unfairly put smaller manufacturers at a disadvantage in that they might not be financially or physically able to itemize, index, and defend every suit involving the trade secret status of their material. It was suggested that the smaller manufacturer would have no choice but to defend only those suits involving large amounts of assertedly valuable trade secret material.

The Commissioner concludes, for the reasons stated in paragraph 73 of the preamble to the December 24, 1974 final regulation, that the requirement that the person who submitted the disputed documents index and itemize those documents and intervene to defend their trade secret status is an appropriate requirement. The Commissioner again emphasizes that, regardless of size, the affected person is in the best position to present a trade secret defense to the court.

Section 4.53 (21 CFR 4.53) is revised to state more clearly that the failure of the affected person to intervene to defend the exempt status of the records or, if the court requires, to itemize and index such disputed documents, will constitute a waiver of any trade secret defense, and FDA will promptly make the quested records available for public disclosure.

50. One comment contended that § 4.53 of the final regulations reflects a misconception on the part of FDA about the interests Congress was protecting in exempting trade secret and confidential commercial or financial information from disclosure. It was argued that the exemption is based on the recognition by Congress that there are both private and public interests to be served by protecting the confidentiality of trade secret and confidential commercial or financial information. It was asserted that, by proposing to waive its obligation to defend the trade secret status of disputed material, FDA does not appear to be aware of the public interest in protecting trade secret material from disclosure.

The Commissioner advises that FDA is cognizant of the congressional recognition that both public and private interests are served by protecting the confidentiality of trade secret and confidential commercial or financial information. The Commissioner, notes, however, that the private interests and benefits are greater than the public interest involved, and the burden of defending the status is appropriately borne by private interests who are in the best position to explain why data are valuable commercial secrets.

51. One comment suggested that the requirement in § 4.53 that the affected person itemize and index disputed trade secret material be retained but that a requirement that the affected person assist FDA in defending the trade secret status of the disputed material be substituted for the requirement of intervention by the affected person. It was also noted that, if a court declined to permit an affected person to intervene for some unknown reason, § 4.53 would allow the release of the disputed material.

The Commissioner concludes that there is no significant difference between requiring the person affected by disclosure to intervene in a suit to defend the trade secret status of the disputed information and requiring that an affected person assist FDA in defending such a suit. In either formulation of the requirement, FDA will insist upon formal intervention by the affected person and that, upon intervention, that person bear the burden of defense. The Commissioner advises that, in the extremely unlikely event that a court declines to permit intervention of an affected person, FDA will consider a request for an exception to the requirements of § 4.53 to the extent that the affected person could not, under the circumstances, formally intervene. All other obligations imposed upon the affected person by § 4.53 would remain in effect.

CLEARLY UNWARRANTED INVASIONS OF PERSONAL PRIVACY

52. Comments have asked whether the names of clinical investigators will generally be disclosed. A seeming inconsistency was noted between § 4.63(d) and §§ 314.14(e)(2)(i)(*a*) and 314.14(e)(4) (21 CFR 314.14(e)(2)(i)(*a*) and (e)(4)) in that § 4.63(d) appears to provide that the names of investigators will be disclosed, absent extraordinary circumstances, while §§ 314.14(e)(2)(i)(*a*) and 314.14(e)(4) appear to state that the names of investigators will not be disclosed. Paragraphs 117 and 241 of the preamble to the December 24, 1974 regulation, it was stated, also reflect this inconsistency.

The Commissioner advises that § 4.63(d) states that, as a general rule and in the absence of extraordinary circumstances, the names of individuals, including clinical investigators, will not be deleted from records before disclosure. Section 314.14(e)(2)(i)(*a*) applies to safety and effectiveness summaries for new drug applications (NDA's) approved prior to July 1, 1975. Those summaries consist of internal agency records that describe safety and efficacy data and information. The names of investigators and any information that identifies them will be deleted because, when those internal memoranda were prepared, there was no thought that they might ever be made public and comments were often included that would otherwise have been omitted if intended for public dissemination.

The names of, and any other information that would identify, third parties such as physicians, hospitals, investigators involved with adverse reaction reports, product experience reports, consumer complaints, and similar data and information voluntarily submitted to FDA will not be disclosed under § 314.14(e)(4). The names of investigators and any information that would identify them that is contained in an NDA file after an approval letter is sent will be disclosed as a part of safety and effectiveness summaries for new drugs approved after July 1, 1975, in accordance with § 4.63(d). Neither the names of investigators nor identifying information contained in an investigational new drug notice (IND) or NDA file will be disclosed before an approval letter is sent.

53. One comment noted a seeming inconsistency in that, although § 4.63(a) provides for the deletion of the names and information that would identify patients in medical and similar files and makes no mention of disclosure upon a showing of extraordinary circumstances, paragraph 103 of the preamble to the December 24, 1974 final regulation states that disclosure of the names and information is unwarranted except in extraordinary circumstances.

The Commissioner advises that the right of privacy of individuals is paramount and that FDA will not release the names and other information that would identify patients in medical and similar files, where such release would constitute a clearly unwarranted invasion of personal privacy. Section 4.82 (21 CFR 4.82) so provides. Upon further consideration, the Commissioner concludes that paragraph 103 of the preamble was in error, and should be revoked, to the extent that it stated that there would lie an "extraordinary circumstances" exception to this rule. The Commissioner anticipates no such exceptions.

54. Questions have arisen about the status of records relating to FDA investigations of clinical investigators. In particular, requests have been received for records concerning the disqualification of individual investigators, lists of all investigators who have ever been disqualified by FDA, and records relating to investigators who have been investigated by FDA but who were not disqualified.

The Commissioner advises that upon the completion of an investigation of a clinical investigator and any regulatory action that may ensue, e.g., a hearing under Subpart F of Part 2, published in the FEDERAL REGISTER of November 2, 1976 (41 FR 48258), records relating to the investigation, including most intra-agency memoranda, will be available to the public. Disclosure of records before the completion of the investigation would ordinarily interfere with the investigation; the records are therefore exempt under the seventh exemption of the FOIA (5 U.S.C. 552(b)(7)) and § 4.64 (21 CFR 4.64). The public, however, has a substantial interest in FDA investigations of clinical investigators; upon completion of an investigation, disclosure of the records is not a clearly unwarranted invasion of personal privacy. Records of the investigation that contain patient names and identifying details will be disclosed only after such information is deleted.

55. Questions have arisen about whether medical records or reports of adverse drug reactions are available to the subject of the records.

The Commissioner advises that medical records and adverse drug reaction reports are available to the individual who is the subject of the reports. Such records would not, under § 4.111(c)(3)(vi), be available to a third person without the written consent of the subject. However, an individual's privacy is obviously not invaded when he obtains his own medical records or adverse drug reaction report. The Commissioner notes, however, that FDA seldom obtains medical records, and has received only a few requests from persons for their own medical records. Section 4.111(c)(3)(vi) is revised to clarify this policy.

DATA AND INFORMATION PREVIOUSLY DISCLOSED TO THE PUBLIC

56. Comments asserted that the disclosure of trade secret information on a limited basis to physicians, veterinarians, or other health professionals for their use in caring for patients should not result in the loss of the confidentiality of the information. The comments argued that such limited disclosures would not prevent the company that disclosed the information from maintaining a suit against a competitor who had unlawfully obtained the same information and should therefore not be deemed by FDA to be disclosure to any member of the public.

The Commissioner advises that the substance of this comment was raised and fully discussed in several paragraphs of the preamble to the December 24, 1974 regulation. The Freedom of Information Act does not contemplate selective availability of records to the public. Trade secrets must either be protected as such by the owner or they will be disclosed by the agency. This position was upheld in the opinion of Judge Smith in *PMA* v. *Weinberger*, supra.

57. Comments suggested that data and information otherwise exempt from disclosure should not lose their confidential status by virtue of disclosure to "any" member of the public. As an alternative test, one comment suggested that the confidentiality of previously disclosed information be recognized by FDA unless the information had been disseminated to members of the public on a general basis so that the information is available generally to competitors. Another comment suggested that the appropriate test is whether good faith efforts to prevent widespread disclosure had been taken.

The Commissioner advises that use of either of the tests suggested in the comment would make decisions under the FOIA highly inconsistent and would require FDA to make an extensive ad hoc inquiry into the extent to which the information has been disseminated to the public, the extent of its availability to competitors, and the nature of the efforts taken to prevent widespread disclosure as well as a determination that those efforts were made in good faith. Such an approach is neither practicable nor contemplated by the law. The test provided for in § 4.81 (21 CFR 4.81) for determining whether the information has been disclosed to any member of the public is more practicable, can be applied consistently by the agency, and is fully consistent with the congressional mandate that records be disclosed unless they fall within the narrow exemptions specified.

58. One comment suggested that if previous disclosure to the public is asserted as the basis for disclosure of otherwise exempt material, the submitting person be given an opportunity to demonstrate that the disclosure, if in fact it occurred, was made with appropriate safeguards, was inadvertent or extremely limited in scope, or that in spite of the disclosure the information is not generally known outside of his business and is of appreciable value.

The Commissioner rejects this suggestion. If previous disclosure to the public is asserted as the basis for disclosure of otherwise exempt material, the only issue to be decided before a determination is made on the request is whether the initial disclosure was lawful. If it was, the records will be released. If the initial disclosure was unlawful and the material is exempt from disclosure, the request will be denied. In short, the circumstances surrounding the initial disclosure are relevent only insofar as they relate to the determination of whether the initial disclosure was lawful.

59. Questions have arisen about whether the disclosure of trade secret material to a foreign government as a condition for obtaining marketing approval constitutes disclosure to any member of the public within the meaning of § 4.81.

The Commissioner advises that disclosure to any Federal, foreign, State or local government or government official, on an official basis, does not constitute disclosure to any member of the public within the meaning of § 4.81.

60. A question has arisen about whether the disclosure of trade secret information regarding an investigational new animal drug notice or new animal drug application to inspectors of the Animal Plant Health Inspection Service, U.S. Department of Agriculture, or to a slaughter house in order to secure permission to slaughter animals for clinical research purposes, would result in the loss of the confidentiality of the information disclosed.

The Commissioner advises that the Animal and Plant Health Inspection Service is a governmental entity and that the disclosure of confidential information to it would not constitute disclosure to the public. Disclosure to a slaughter house in the situation described would be a necessary disclosure in the course of a routine business relationship within the meaning of § 4.81(a) and, if done with appropriate safeguards to minimize the extent of the disclosure, also would not constitute disclosure to the public.

61. In the FEDERAL REGISTER of March 4, 1976 (41 FR 9317), the Commissioner amended § 4.81 by adding a new paragraph (a)(3). The amendment, which was made effective immediately, codified existing FDA practice and clarified § 4.81 to state explicitly that disclosures to clinical investigators and institutional review committees do not result in a loss of confidentiality for the information disclosed.

DISCRETIONARY DISCLOSURE BY THE COMMISSIONER

62. A few comments asserted that there is no statutory basis for the discretionary disclosure of information by the Commissioner as provided for in § 4.82. (21 CFR 4.82). It was suggested that, if this provision is retained, provision be made for judicial review of the FDA decision to disclose the information before any disclosure is made.

The Commissioner concludes that there is no support in the FOIA for accepting this comment. With the exceptions of trade secret material protected from disclosure by section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)) and 18 U.S.C. 1905 and records the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, the statutory exemptions are permissive. Agencies and departments subject to the FOIA may decide not to disclose exempt material; they are not required to withhold it. The statute expressly commits to the discretion of

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the Commissioner, as the head of the agency, the decision whether exempted material should be disclosed.

63. One comment noted the apparent absence of any standards or guidelines for the exercise of discretionary disclosure by the Commisisoner and asserted that, without such standards or guidelines, any discretionary disclosures by the Commissioner would constitute unreasonable and arbitrary administrative action.

The Commissioner advises that the FOIA clearly embodies the concept of discretionary disclosure and contains no standards for the exercise of that discretion. This is a matter that is committed by law to the discretion of the Commissioner. It would be consistent with the FOIA for the Commissioner to decide that all material covered by one of the exemptions in that act should be disclosed under all circumstances, except when the material is prohibited from disclosure by section 301(j) and 18 U.S.C. 1905. Having decided not to adopt that alternative, it is clearly within the Commissioner's prerogative to make discretionary disclosures of material otherwise exempt from mandatory disclosure when he determines that disclosure would be in the public interest and release is not otherwise prohibited by law.

64. Questions have arisen about whether there are any circumstances in which a consultant, i.e., a special government employee, may submit written comments to FDA with respect to a pending matter published in the FEDERAL REGISTER, e.g., a proposal or petition, without having those comments placed on display in the office of the Hearing Clerk with all other written comments.

The Commissioner advises that, as a general rule, the written comments of special government employees on any pending matter published in the FEDERAL REGISTER will be placed on display in the office of the Hearing Clerk along with all other comments. This policy was stated in paragraph 128 of the preamble to the December 24, 1974 regulations.

In one particular circumstance, however, the Commissioner has decided that the written comments of a special government employee will not be placed on public display in the office of the Hearing Clerk. Whenever a matter that has appeared in the FEDERAL REGISTER is specifically referred to a consultant for consideration as part of his official duties as a consultant, the consultant may submit his comments to the agency without the necessity that they be placed on public display in the office of the Hearing Clerk. This is true whether the consultant is a member of an advisory committee or is an ad hoc consultant. Nondisclosure of such comments is justified by the exemption for inter- and intra-agency memoranda under 5 U.S.C. 552 (b)(5).

Comments received from consultants who have not been specifically and officially requested to comment will remain subject to the provisions in paragraph 128, i.e., the comments will be placed on display with all other comments.

DISCLOSURE IN ADMINISTRATIVE OR COURT PROCEEDINGS

65. Minor clarifying amendments are made in § 4.88 (21 CFR 4.88).

COMMUNICATIONS WITH STATE AND LOCAL GOVERNMENT OFFICIALS

66. One comment contended that all communications between FDA and State or local government officials not under Commission or contract to FDA that pertain to the development of uniform Federal-State enforcement policies should be exempt from disclosure for the duration of the deliberations on uniform policies, or longer, if so requested by a participating State or local government official. Other comments supported the provisions in § 4.88 (21 CFR 4.88) for the exchange of certain information between Federal, State, and local officials on a confidential basis.

The Commissioner concludes that § 4.88 ordinarily provides adequate protection to maintain the confidentiality of communications between Federal, State and local officials and need not now be changed. The Commissioner is confident that § 4.88 will permit, as some comments have noted, government officials on all levels to communicate in confidence on law enforcement matters as necessary to fulfill their respective responsibilities to the public.

ADMINISTRATIVE ENFORCEMENT RECORDS

67. One comment objected to the availability for disclosure to any member of the public of records relating to administrative enforcement action at the time disclosure is first made. Fundamental fairness, it was said, dictates that the person who is the subject of the administrative enforcement action be given an opportunity to receive the records before they are made available to the public generally. It was suggested that the records be sent by registered mail, return receipt requested, to the person who is the subject of the action and that no subsequent disclosures be made until FDA receives the return receipt.

The Commissioner concludes that the recommendation is too cumbersome to administer and would significantly add to the already complex recordkeeping duties necessary for ensuring compliance by the agency with the FOIA. Moreover, it is not permissible under the FOIA to distinguish between persons in determining whether records are available for disclosure.

68. One comment objected to the availability for public disclosure of Forms FD–483 and FD–2275 (lists of observations made during food and drug plant inspections) before the availability of the establishment inspection report (EIR). The comment stated that the factual information generally contained in Forms FD–483 or FD–2275 is the same as that in the EIR and that availability of such information may deprive persons of a fair trial or impartial adjudication.

The Commissioner concludes that any possible effect on a person's right to a fair trial or impartial adjudication caused by the release of Forms FD–483 or FD–2275 before the availability of the EIR is too remote and speculative to warrant a revision of the regulations. Those forms are given to the company that has been inspected and accordingly must be made available to the public contemporaneously with the initial disclosure.

FOOD AND DRUG ADMINISTRATION MANUALS

69. Paragraph 193 of the preamble to the December 24, 1974 final regulation contained a partial list of FDA manuals available to the public and a statement that "copies of these manuals may also be purchased at cost." Paragraph 193 also contained a statement that FDA does not maintain a mailing list for amendments to these manuals because of the prohibitive expense involved.

A substantial portion of the FOI requests received by FDA during fiscal years 1975 and 1976 were for FDA manuals. Additionally, because many of those manuals are frequently amended, many requests for the amendments have been received and, in a few instances, mailing lists maintained. The Commissioner is reconsidering the present agency policy of not generally maintaining mailing lists for amendments to FDA manuals and will soon explore various alternative mechanisms for maintaining mailing lists.

Additionally, the Commissioner believes that it would be useful, efficient, and in the public interest to develop a more expeditious system for making manuals available and maintaining mailing lists for them. The Commissioner has therefore initiated discussions with the National Technical Information Service (NTIS) in Springfield, Virginia, to determine whether NTIS could provide FDA manuals to the public promptly and at a reasonable cost and also maintain mailing lists for those manuals. The preliminary discussions between NTIS and FDA have been encouraging, and the Commissioner is confident that a satisfactory arrangement will be worked out in the very near future. The details of such an arrangement will be announced in the FEDERAL REGISTER. In the meantime, FDA manuals will continue to be available to the public from the FDA Public Records and Documents Center.

DATA AND INFORMATION OBTAINED BY CONTRACT

70. Questions have arisen as to whether cost and technical proposals submitted to the agency in response to a request for proposals will be disclosed.

The Commissioner concludes that all cost proposals and technical proposals that are not accepted by FDA are exempt from disclosure as confidential commercial or financial information. When a contract is awarded, however, there is generally no competitive advantage associated with any portion of the technical proposal of the successful contractor, and it will be available for public disclosure except to the extent that specific portions of the technical proposal are exempt from disclosure as trade secrets or confidential commercial information under § 4.61. Section 4.109 (21 CFR 4.109) has been revised by the addition of a new paragraph to state this policy.

71. Paragraph 196 of the preamble to the December 24, 1974 final regulation stated that "all information obtained by the Food and Drug Administration through a contract is available for public disclosure * * *." Questions have arisen about the validity of contractual agreements entered into between FDA and outside organizations before the effective date of these regulations (January 23, 1975) that provide that no data and information obtained pursuant to the contract be disclosed to persons outside the agency.

The Commissioner advises that all such contractual agreements containing nondisclosure clauses will be honored by FDA except to the extent that a court orders otherwise.

72. Questions have arisen about whether there are any circumstances in which information may be purchased by FDA from an outside organization under a contract that precludes further dissemination. Reference was made to § 4.109 (21 CFR 4.109), which provides, without distinction, that "all data and information obtained by the Food and Drug Administration by contract * * * are available for public disclosure * * *" unless independently exempt, and to paragraph 196 of the preamble to the December 24, 1974 final regulations, which provides that "the Commissioner concludes that the Freedom of Information Act does not permit the Food and Drug Administration to purchase information under a contract that prohibits its further public distribution, unless the information is otherwise exempt from disclosure."

The Commissioner has reexamined this policy and concludes that a distinction should be made between the situation in which the agency is the sole purchaser of information and the one in which the agency is but one of a number of purchasers or subscribers, each of whom must agree not to distribute the information further as a condition for buying it. Reports obtained by contract from private organizations that are in the business of preparing and selling the reports with clauses restricting further dissemination to protect the value of the product can properly be considered the "stock-in-trade" of such firms. The fourth exemption under the Freedom of Information Act (5 U.S.C. 522(b)(4)) may be invoked to protect the reports from disclosure to the public. Disclosure would obviously destroy the value of the reports to the outside organization and a policy requiring disclosure seriously impairs the agency's ability to obtain the information, because outside organizations have refused and will continue to refuse to accept FDA as a purchaser. Both *Benson* v. *GSA*, 289 F. Supp. 590 (W.D. Wash.), aff'd, 415 F.2d 878 (9th Cir. 1968) and *National Parks and Conservation Assn.* v. *Morton*, 498 F.2d 765 (D.C. Cir. 1974) support this distinction.

73. Questions have arisen about whether the disclosability of results of testing and research conducted with agency funds by an outside organization pursuant to a contract is governed by § 4.105 (21 CFR 4.105) or § 4.109 (21 CFR 4.109).

The Commissioner advises that to the extent that a contract calls for data and information covered by § 4.105 as well as by § 4.109, disclosability of the data and information will be determined in accordance with § 4.105(c).

74. One comment requested that acceptance of a report for purposes of § 4.109 be defined as the point at which FDA begins to use the report for policy, enforcement, or other purposes.

The Commissioner advises that in some instances a report may be officially accepted before FDA begins to use it for policy, enforcement, or other purposes. Because of that possibility, no change is warranted in § 4.109.

SAFETY, EFFECTIVENESS, AND FUNCTIONALITY DATA AND INFORMATION CONTAINED IN COLOR ADDITIVE, FOOD ADDITIVE AND ANTIBIOTIC DRUG PETITIONS AND FORMS

75. Comments contended that the availability to the public of safety and functionality data contained in color and food additive petitions when the notice of filing of the petition is published in the FEDERAL REGISTER will deprive the petitioner of the competitive advantage from "lead" time that he might have over other manufacturers. It was argued that this lead time could be very significant because the final order approving a color or food additive petition is generally not issued until several years after the petition is filed.

The Commissioner concludes that the notice of filing of the color or food additive petition itself destroys any competitive advantage from lead time that the petitioner might have over other manufacturers. The Commissioner rejects the suggestion in this comment for the additional reasons stated in paragraph 235 of the preamble to the December 24, 1974 final regulation.

76. Comments contended that safety and functionality data and information contained in color and food additive petitions that are not promptly filed due to deficiencies should not be made available for public disclosure after the review of the submission by FDA is complete and the petitioner informed of the deficiencies as provided in §§ 8.9(a) and 121.51 (h)(1) (21 CFR 8.9(a) and 121.51(h)(1)). It was argued that the public interest is not served by disclosure at that time. The result, it was asserted, is solely disclosure to competitors of the interest of the petitioner in the color or food additive at a time when the status of the substance is not formally before FDA for consideration. It was suggested that safety and functionality data and information in a deficient petition that is not filed should not be made available for public disclosure if the petitioner indicates that he intends, within a reasonable period of time, to endeavor to correct the deficiencies.

The Commissioner concludes, as stated in paragraph 235 of the preamble to the December 24, 1974 regulation, that such records are properly disclosed after initial agency review. Such records provide no competitive advantage at that time and thus are not exempt from disclosure.

77. A few comments asserted that it was improper to make safety and functionality data contained in color and food additive petitions available to the public at the time the notice of the filing of a petition appears in the FEDERAL REGISTER. The preamble to the December 24, 1974 final regulation had noted that such data and information are frequently published in scientific journals and are not customarily regarded as privileged. The proper test, the comment argued, is whether the data and information in a particular petition have in fact been published in scientific journals and whether the petitioner regards and treats the data and information as privileged.

The Commissioner advises that a similar comment was fully discussed in paragraph 89 of the preamble to the December 24, 1974 final regulation. The Commissioner noted there that, if the test proposed in this comment were adopted, "decisions under the Freedom of Information Act would be highly inconsistent and would require the Food and Drug Administration to conduct an ad hoc inquiry into the way that each manufacturer handles documents submitted to the agency. Such an approach is neither practicable nor contemplated by the law."

78. Comments objected to the availability to the public of safety and effectiveness data contained in an antibiotic drug file when an approval letter is sent to the sponsoring manufacturer by FDA. The comments contended that such full disclosure permits the "latecomer" to benefit from the skills and diligence of an innovator who may have expended considerable research and development funds in obtaining the data and information. Disclosure of the safety and effectiveness data, it was said, would discourage research by denying to the innovator the full benefits to his skills and diligence and would enable competitors to obtain marketing approval in foreign markets in direct competition with the innovator at an earlier point than would be possible were the data and information not revealed until a monograph was published.

The Commissioner does not agree with these comments. In the past, monographs have sometimes not been published in the FEDERAL REGISTER for 2 or 3 years after an approval letter was sent. The holder of the approval letter has been permitted to market the antibiotic during that period on a "release" status, pending publication of the monograph, at which time other manufacturers would have access to the data necessary to manufacture the antibiotic. The Commissioner notes that permitting marketing during this release period has had the effect of providing a competitive advantage through an exclusive license to the holder of the approval letter when no such licensure is contemplated by the statutory scheme.

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The creation of this advantage, by permitting marketing during release status, is attributable solely to delays in promulgating monographs and the desire of FDA to make the antibiotics involved available to the public as soon as possible. Steps will be taken by FDA to develop procedures that will resolve this problem by assuring the publication of the monograph on a date substantially contemporaneous with the sending of the approval letter. Accordingly, the Commissioner concludes that the FOIA requires that the safety and effectiveness data and information be available upon the sending of an approval letter.

SAFETY AND EFFECTIVENESS DATA FOR NEW DRUGS OR NEW ANIMAL DRUGS

79. One comment asserted that FDA has not previousy treated safety and effectiveness data for new drugs derived from studies performed on animal and human subjects under an investigational new drug notice (IND) or NDA as trade secret material and should not now, for FOIA purposes, begin to do so.

The Commissioner advises that this comment is not an accurate statement of the policies followed in the past by FDA. On the contrary, FDA has since 1938 interpreted section 301(j) of the act (21 U.S.C. 331(j)) as encompassing those data. This longstanding agency policy was fully discussed in paragraph 255 of the preamble to the December 24, 1974 final regulation.

80. Questions have arisen regarding the status of confidential data or information submitted to FDA before the filing of an IND by the potential sponsor in connection with an informal conference between representatives of the sponsor and FDA. It was suggested that such pre-IND submissions be incorporated into the IND, if later filed, and treated accordingly or, alternatively, that they be treated as voluntary submissions covered by § 4.111 and subject to presubmission review in accordance with § 4.44.

The Commissioner advises that data and information submitted to FDA before the filing of an IND by the sponsor are considered a part of the IND file if the IND is subsequently submitted, and they will be treated in the same manner as other data contained in the IND file.

81. Questions have arisen about whether data and information on investigational indications or dosage forms for an approved new drug are available for disclosure if such indications and dosage forms are being actively investigated under an IND.

The Commissioner advises that data and information about dosage forms and indications investigated under an IND or NDA will not be disclosed unless the ongoing testing is already publicly known, notwithstanding the fact that an approved NDA exists for different dosage forms and/or indications involving the same drug product.

82. Questions have arisen about whether data and information in an NDA file relating to an abandoned product or ingredient respecting manufacturing methods or processes, production, sales, distribution and similar data or information, and quantitative or semiquantitative formulas are exempt from disclosure under § 314.14(g) (21 CFR 314.14(g)) unless it is determined that such data and information no longer represent trade secret or confidential commercial or financial information, or whether such data and information are available to the public upon the abandonment of the product or ingredient. It was suggested that such data and information not be made available to the public unless a determination is made that they no longer represent trade secret or confidential commercial information as defined in § 4.61 (21 CFR 4.61).

The Commissioner advises that the data and information are available if the product or ingredient is finally abandoned unless the abandoned product or ingredient directly affects another product or ingredient. Data and information of the sort referred to by the comment are not by definition trade secret or confidential commercial or financial information if contained in an abandoned NDA file, except when the information directly affects another product or ingredient.

83. One comment supported the release, as a part of the summary of safety and effectiveness data and information, of the medical officer's reports and requested that the regulations state that such reports will continue to be released after July 1, 1975. The comment also requested that the summaries now prepared by Bureau of Drugs personnel for internal review be included in the summaries of safety and effectiveness data and information made available to the public.

The Commissioner advises that the medical officer's report and any summaries prepared by Bureau of Drugs personnel are available as part of the summaries of safety and effectiveness data and information only for drugs approved before July 1, 1975. For drugs approved after that date summaries of safety and effectiveness data and information are specially prepared in accordance with § 314.14. Thereafter, disclosure of the medical officer's report or other internal agency records will be denied based upon the FOIA exemption for intra-agency memoranda.

84. One comment contended that withdrawal of an NDA or abandonment of a product ingredient as a result of adverse findings by an over-the-counter (OTC) drug review panel should constitute per se an "extraordinary circumstance" that warrants exemption from disclosure of material concerning the NDA or ingredient.

The Commissioner advises that the regulations do not include a definition of "extraordinary circumstance," and that the term embraces those rare and essentially unforeseeable situations that justify the nondisclosure of material that would otherwise be available to the public. The determination of an extraordinary circumstance must, of necessity, be made on a case-by-case basis.

The Commissioner is not aware of any justification for treating data and information in an NDA file or data and information related to a product ingredient that has been withdrawn or abandoned because of adverse findings by an OTC drug review panel differently from data and information in withdrawn NDA files or data and information related to product ingredients withdrawn or abandoned for other reasons.

85. Questions have arisen concerning the status of the contents of a master file which, pursuant to permission given by the basic manufacturer, is referenced by an investigator working under an independent IND, when the investigator subsequently abandons the IND.

The Commissioner advises that the referenced master file would not be disclosable to the public upon the termination of the independent IND. The data and information in the abandoned or terminated IND file, however, would be available for public disclosure in accordance with § 314.14(f), unless that IND directly affects another IND or NDA.

86. One comment asked which portions of § 314.14 of the final regulations apply to IND files and which portions apply to NDA files.

The Commissioner advises that the provisions of § 314.14 apply in their entirety to IND files, subject to the following limitations: (1) If the existence of an IND has not been publicly disclosed or acknowledged, no data or information in the file will be disclosed by FDA. (2) If an IND file's existence has been publicly disclosed or acknowledged, FDA will, upon request, confirm the existence of the IND. The Commissioner, in this circumstance, may, in his discretion, release a summary of selected portions of the safety and effectiveness data contained in the IND file, e.g., for discussion by an advisory committee. (3) Upon the filing or approval of an NDA, although the IND is technically terminated or discontinued, the material in the IND has the same status as the material in the NDA and is subject to disclosure in accordance with the provisions of § 314.14. (4) If an IND is finally terminated or abandoned, however, as a result, for example, of adverse animal findings, all safety and effectiveness data and information are available for public disclosure in accordance with § 314.14(f). (5) If the termination is temporary and the sponsor of the IND is working to reactivate the file, the safety and effectiveness data retain their confidential status.

87. A number of comments asked what information regarding an IND or pending NDA will be released by FDA when the existence of the IND or pending NDA has been publicly disclosed or acknowledged, whether by disclosure to a member of the public, discussion with outsiders, marketing of the drug abroad, or appearance of published literature on the drug.

The Commissioner reemphasizes that FDA will, upon request, disclose information concerning the IND or pending NDA only to the extent that such information has been previously disclosed. In other words, once the existence of an IND or pending NDA has been disclosed or acknowledged, FDA will no longer pretend that the IND or NDA does not exist. In confirming the existence of the IND or NDA the agency will not release any data or information in the files if the data or information itself has not been previously disclosed or acknowledged, unless the Commissioner, in his discretion, decides to release a summary of such selected portions of the safety and effectiveness data as are appropriate for public consideration of a specific pending issue, e.g., at an open session of an advisory committee or pursuant to an exchange of important regulatory information with a foreign government. Prior disclosure of otherwise exempt data and information triggers the release by FDA of only that information already released.

88. A question was raised about whether the existence of a supplemental NDA is considered confidential if the existence of the file has not been publicly disclosed or acknowledged.

The Commissioner advises that a supplemental NDA for a new use will be treated in the same manner as an IND or NDA, that is, its existence will not be disclosed by FDA unless the existence of the application has previously been publicly disclosed or acknowledged. A supplemental NDA that is technical, e.g., one filed to reflect a reformulation to remove an ingredient such as FD&C Red No. 2, is not confidential.

89. One comment noted that the list of available computer printouts in § 4.117 (21 CFR 4.117) does not include printouts of investigational new animal drug (INAD) and new animal drug application (NADA) data and information. It was suggested that the availability of such information be specifically noted in § 4.117.

The Commissioner advises that the data and information respecting NADA's have been and will continue to be published in the FEDERAL REGISTER. Thus, there is no reason to make computer printouts available. There is no computer program currently in existence that would permit the retrieval of the INAD data and information.

90. Comments contended that studies and tests on drugs for identity, stability, purity, potency and bioavailability are an integral part of quality control procedures and are not a part of safety and effectiveness data. It was suggested that § 314.14(l) be revised to exempt such studies and tests from public disclosure.

The Commissioner concludes that although the studies and tests referred to may be considered by a pharmaceutical company conducting them as part of its quality control procedures, the results of those tests have a direct bearing on the safety and effectiveness of the drug product involved, e.g., a subpotent, impure, or unstable drug may be unsafe or less effective than anticipated relative to an identical drug product that is potent, pure, and stable. Such tests are accordingly properly classified, for purposes of these public information regulations, as safety and effectiveness data and information. Summaries are therefore available to the public.

91. A large number of comments duplicated previous objections to the disclosure of safety and effectiveness data and information contained in IND or NDA files. These comments were fully discussed and disposed of in the premable to the December 24, 1974 final regulations. These include comments about the situation in which the termination of one IND or NDA and disclosure of data and information relating to it may affect another IND or NDA that has not been terminated—discussed in paragraph 260 of that premable; the adverse effect of the release of safety and effectiveness data on competition in foreign markets—discussed in paragraphs 245 and 269 of that preamble; the Commissioner's conclusion that safety and effectiveness data in abandoned, unapprovable, or withdrawn NDA's, or those for which a determination has been made that the drug product is not a new drug or that the drug may be marketed without submission of safety and/or effectiveness data and information, will be available for public disclosure—discussed in paragraphs 267 through 272 of that preamble; the determination that the existence of an IND notice will not be regarded as confidential if the drug is marketed abroad or if published literature exists on the drug—discussed in paragraph 240 of that preamble; and the contention that the manufacturer should have the final say on the contents of all summaries of safety and effectiveness data—discussed in paragraph 260 of that preamble.

92. In the FEDERAL REGISTER of March 4, 1976 (41 FR 9317), the Commissioner amended § 314.14(f) to correct an inadvertent omission. Before the amendment, paragraph 269 of the preamble to the December 24, 1974 final regulation contemplated, but § 314.14(f) did not expressly provide for, nondisclosure of safety and effectiveness data and information in abandoned, terminated, or withdrawn IND's or NDA's if extraordinary circumstances were shown. The "extraordinary circumstances" language was also inadvertently omitted from § 514.11(f) (21 CFR 514.11(f)), the new animal drug counterpart to § 314.14(f), and was not added by the March 4, 1976 amendment. Accordingly, § 514.11(f) is amended to correct the inadvertent omission.

A PROTOCOL FOR A TEST OR STUDY

93. Several comments asserted that protocols for tests or studies reflect years of experience in a particular field, offer a competitive advantage, are customarily held in confidence by members of the industry, and should therefore be treated as trade secrets.

The Commissioner concludes that, as a general rule, protocols for tests or studies are not properly regarded as trade secrets. However, protocols for tests or studies may be regarded as trade secrets if the facts in a specific case warrant such a conclusion. Without attempting to list all the relevant factors, the Commissioner notes that those factors include the cost involved in developing the protocol, the extent to which the protocol is unique, as well as other criteria contained in the "Restatement Comment" definition of trade secret and discussed in paragraph 81 of the preamble to the December 24, 1974 final regulation.

ADVERSE REACTION REPORTS

94. One comment agreed that reports of adverse reactions in an IND file should be provided on request to individuals participating in a study involving an IND, as provided in § 312.5(c) (21 CFR 312.5(c)). It was contended, however, that adverse reaction reports on IND's should also be available to clinical investigators, physicians, and other health professionals. It was argued that these individuals need such reports to evaluate properly research projects involving particular drug products and in caring for patients. It was also asserted that release of adverse reaction reports on IND's would encourage manufacturers to be honest in informing investigators when investigations are terminated because of adverse results instead of the alleged current practice of attributing such termination to "commercial" reasons.

The Commissioner notes that, pursuant to § 312.1(a)(6) (21 CFR 312.1(a)(6)), the regulations governing investigational new drugs, the sponsor of the drug is required to report promptly to all investigators "any findings associated with use of the drug that may suggest significant hazards, contraindications, side-effects and precautions pertinent to the safety of the drug." Accordingly, the Commissioner concludes that it is not necessary, and would be superfluous to make such reports available to investigators under the FOIA. Any information that the agency receives is required also to be in the possession of all investigators.

PRODUCT INGREDIENTS

95. Questions have arisen about the status under these regulations of certain product formulation information for packaging materials for use with various products, including drugs. Two specific questions have been raised: (1) Will quantitative or semiquantitative formulas for drug-packaging materials submitted to FDA as part of a master file for use with one or more NDA's be available to the public; and (2) will qualitative formulas, i.e., the names of the chemical components of drug-packaging materials, submitted to FDA as part of a master file for use with one or more NDA's be available to the public.

The Commissioner concludes that quantitative and semiquantitative formulas for drug-packaging materials qualify as trade secrets under § 4.61 and thus are exempt from disclosure. Likewise, qualitative formulas for drug-packaging materials are exempt from disclosure under § 4.61.

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ASSAY METHOD OR OTHER ANALYTICAL METHOD

96. One comment stated that the regulations are not clear about when an assay or analytical method serves no regulatory or compliance purpose. It was suggested that § 314.14(e)(6) be revised to provide that assay or analytical methods would be available after an approval letter is sent unless the method constitutes a trade secret as defined in § 4.61.

The Commissioner advises that assay or analytical methods, by their nature, are ordinarily devised and disseminated specifically for regulatory or compliance purposes. As was stated in paragraph 288 of the preamble to the December 24, 1974 final regulation, assay and analytical methods are available to and used by a large number of persons, including regulatory officials on the Federal, State, and local level to ensure compliance with the law. They do not provide a competitive advantage for one manufacturer over another. Accordingly, they will be disclosed as a matter of course, with the narrow and rare exception that an assay or analytical method that is not used for any regulatory function whatsoever, that is, one that is not used by anyone to ensure compliance with the law, will be exempt from disclosure unless the method has been previously made available to any member of the public within the meaning of § 4.81.

MANUFACTURING METHODS OR PROCESSES INCLUDING QUALITY CONTROL PROCEDURES

97. Clarification has been requested of the Commissioner's statement in paragraph 290 of the preamble to the December 24, 1974, final regulation that "a company's manufacturing methods and processes, quality control procedures, and quantitative formulas are per se exempt from disclosure unless previously disclosed or later abandoned * * *."

The Commissioner advises that the phrase "per se exempt" was used to indicate that manufacturers need not, as had been proposed, routinely submit a statement to FDA concerning prior disclosure or abandonment of manufacturing methods and processes, quality control procedures, and quantitative formulas. However, information is not automatically exempt from disclosure merely because it is denominated by the manufacturer as, for example, a quality control procedure. Furthermore, manufacturing methods and processes and quality control procedures in particular are available to the public where, for example, the method, process or procedure is described in the literature. It is not unusual to find a detailed description of a manufacturing method in a standard reference book. In such a situation, a claim of confidentiality for the information is unsupported.

BIOLOGICAL DRUGS

98. A few comments contended that safety and effectiveness data and information for biologics should be accorded the same status as similar data and information for new drugs under § 314.14.

The Commissioner concludes that this comment has been fully discussed and disposed of in paragraph 302 of the preamble to the December 24, 1974 final regulation. The comments presented no new information and raised no new issues warranting further discussion.

RADIATION CONTROL FOR SAFETY AND HEALTH ACT OF 1968

99. The Food and Drug Administration, through its Bureau of Radiological Health, enforces the Radiation Control for Safety and Health Act of 1968. Under that act, and implementing regulations, manufacturers are required to submit several different types of reports to FDA, e.g., initial and annual reports under §§ 1002.10 and 1002.11 (21 CFR 1002.10 and 1002.11).

The Commissioner advises that the reports and records maintained by the Bureau of Radiological Health are under review to determine their status generally under the FOIA. Upon completion of that review, a notice of proposed rule making will be published in the FEDERAL REGISTER setting forth proposed amendments to these regulations to state, as has already been done for most other agency records, the status of the records under the FOIA.

MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS

100. The Medical Device Amendments of 1976 (Pub. L. 94-295) amending the Federal Food, Drug, and Cosmetic Act provide substantial new authority to FDA to regulate medical devices and diagnostic products. The Food and Drug Administration will be receiving many new types of reports and information about those products as a result of the amendments. These reports and records will be reviewed to determine their status under the FOIA. Upon completion of that review, a notice of proposed rule making will be published in the FEDERAL REGISTER setting forth proposed amendments to these regulations to state the status of the records under the FOIA.

This final order was proposed prior to Executive Order 11821, requiring agencies in the executive branch to review regulatory and legislative proposals they initiate for inflation impact, and so does not require inflation impact review.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040 et seq. as amended; (21 U.S.C. 321 et seq.)), the Public Health Service Act, (sec. 1 et seq., 58 Stat. 682 et seq., as amended (42 U.S.C. 201 et seq.)), and the Freedom of Information Act (Pub. L. 90-23, 81 Stat. 54-56 as amended by 88 Stat. 1561-1565 (5 U.S.C. 552)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 4—PUBLIC INFORMATION

1. In § 4.40 by revising paragraphs (a) and (c) to read as follows:

§ 4.40 Filing a request for records.

(a) All requests for Food and Drug Administration records shall be filed in writing by mailing the request or delivering it to the Public Records and Documents Center (HFC-18), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, Maryland 20857. Requests should state in a prominent place on the envelope containing the request, if any, and on the request itself, "FOI request."

* * * * *

(c) Upon receipt of a request for records, the Public Records and Documents Center shall enter it in a public log. The log shall state the date received, the name of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to § 4.41(b) and the date(s) any records are subsequently furnished.

* * * * *

2. In § 4.42 by revising paragraphs (a) (4) and (5) to read as follows:

§ 4.42 Fees.

(a) * * *

(4) *Clerical searches.* $3.00 for each hour spent by clerical personnel searching for and producing a requested record, including time spent copying any record.

(5) *Nonclerical searches.* $3.00 for each hour spent by professional or managerial personnel searching for and producing a requested record, including time spent copying any record.

* * * * *

3. In § 4.47 by revising paragraph (d) to read as follows:

§ 4.47 Denial of request for records.

* * * * *

(d) Minor deletions of nondisclosable data and information from disclosable records shall not be deemed to be a denial of a request for records.

4. By revising § 4.53 to read as follows:

§ 4.53 Indexing trade secrets and confidential commercial or financial information.

Whenever the Food and Drug Administration denies a request for a record or portion thereof on the grounds that the record or portion thereof is exempt from public disclosure as trade secret or confidential commercial or financial data and information under § 4.61, and the person requesting the record subsequently contests the denial in the courts, the Food and Drug Administration will so inform the person affected, i.e., the person who submitted the record, and will require that such person intervene to defend the exempt status of the record. If a court requires the Food and Drug Administration to itemize and index such records, the Food and Drug Administration will so inform the person affected and will require that such person undertake the itemization and indexing of the records. The failure of the affected person to intervene to defend the exempt status of the records and to itemize and index the disputed records will constitute a waiver by such person of such exemption, and the Food and Drug Administration will promptly make them available for public disclosure.

5. By revising § 4.86 to read as follows:

§ 4.86 Disclosure in administrative or court proceedings.

Data and information otherwise exempt from public disclosure may be revealed in Food and Drug Administration administrative proceedings pursuant to Part 2 of this chapter or court proceedings, where the data or information are relevant. The Food and Drug Administration will take appropriate measures, or request that appropriate measures be taken, to reduce disclosure to the minimum necessary under the circumstances.

6. In § 4.100 by revising paragraph (c) (6), to correct the cross-reference to read as follows:

§ 4.100 Applicability; cross-reference to other regulations.

* * * * *

(c) * * *

(6) Information on thermal processing of low-acid foods packaged in hermetically sealed containers, in § 90.20(1) of this chapter.

7. In § 4.109 by redesignating the existing text as § 4.109(a) and adding a new paragraph (b); as revised, § 4.109 reads as follows:

§ 4.109 Data and information obtained by contract.

(a) All data and information obtained by the Food and Drug Administration by contract, including all progress reports pursuant to a contract, are available for public disclosure when accepted by the responsible agency official except to the extent that they remain subject to an exemption established in Subpart D of this part, e.g., they relate to law enforcement matters as provided in § 4.88(b).

(b) Upon the awarding of a contract by the Food and Drug Administration, the technical proposal submitted by the successful offeror will be available for public disclosure. All cost proposals and the technical proposals of unsuccessful offerors submitted in response to a request for proposals are exempt from disclosure as confidential commercial or financial information pursuant to § 4.61.

8. In § 4.111 by revising paragraph (c) (3)(vi) to read as follows:

§ 4.111 Data and information submitted voluntarily to the Food and Drug Administration.

* * * * *

(c) * * *

(3) * * *

(vi) If a person requests a copy of any such record relating to a specific individual or a specific incident, such request will be denied unless accompanied by the written consent to such disclosure of the person who submitted the report to the Food and Drug Administration and the individual who is the subject of the report. The record will be disclosed to the individual who is the subject of the report upon request.

* * * * *

PART 314—NEW DRUG APPLICATIONS

9. In § 314.14 by revising paragraph (a), to correct the reference, to read as follows:

§ 314.14 Confidentiality of data and information in a new drug application (NDA) file.

(a) For purposes of this section the "NDA file" includes all data and information submitted with or incorporated by reference in the NDA, IND's incorporated into the NDA, supplemental NDA's; reports under §§ 310.300 and 310.301 of this chapter, master files, and other related submissions. The availability for public disclosure of any record in the NDA file shall be handled in accordance with the provisions of this section.

* * * * *

PART 514—NEW ANIMAL DRUG APPLICATIONS

10. In § 514.11 by revising the introductory text of paragraph (f) to read as follows:

§ 514.11 Confidentiality of data and information in a new animal drug application file.

* * * * *

(f) All safety and effectiveness data and information not previously disclosed to the public are available for public disclosure at the time any one of the following events occurs unless extraordinary circumstances are known:

* * * * *

Effective date: This regulation shall be effective February 14, 1977.

(Sec. 201 et seq., Pub. L. 717, 52 Stat. 1040 et seq., as amended (21 U.S.C. 321 et seq.); sec. 1 et seq., Pub. L. 410, 58 Stat. 682 et seq., as amended (42 U.S.C. 201 et seq.); Pub. L. 90-23, 81 Stat. 54-56, as amended by 88 Stat. 1561-1565 (5 U.S.C. 552).)

Dated: January 7, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-1180 Filed 1-13-77;8:45 am]

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federal register

FRIDAY, JANUARY 14, 1977

PART IV



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

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LOANS FOR COLLEGE HOUSING

Program for Fiscal Year 1977

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 279]

[Docket No. R-77-423]

LOANS FOR COLLEGE HOUSING

Program For Fiscal Year 1977

The Department is considering amending Title 24, Part 279—College Housing by adding a new Subpart B. This amendment is proposed in connection with the reactivation of the College Housing Program for Fiscal Year 1977.

The amendment would set forth the substantive provisions and procedural requirements for direct Federal loans for the rehabilitation, alteration, construction or acquisition of dormitories by eligible applicants under Title IV of the Housing Act of 1950, as amended, 12 U.S.C. 1749 et seq., and would apply only to application submitted during Fiscal Year 1977.

In previous years, loans and debt service grants were made for the acquisition, improvement and construction of central dining facilities, student centers and infirmaries. The proposed amendment would exclude such facilities from the definition of eligible projects with respect to applications submitted during Fiscal Year 1977. In addition, no new applications for debt service grants will be accepted, since all unused grant contract authority was rescinded by Public Law 93-529, enacted December 21, 1974.

The current regulations contained in Part 279 Sections 279.1 through 279.8 will be redesignated at Part 279, Subpart A and will continue to apply to all applications submitted prior to October 1, 1976.

Interested persons may participate in this proposed rulemaking by submitting such written data, suggestions, or arguments as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. All comments received on or before February 14, 1977, will be considered before adoption of a final rule in this matter. Copies of all comments received will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

The Department has determined that this proposed rule will not have a significant impact upon the quality of the environment. A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the Finding of Inapplicability is available for public inspection, during regular business hours, in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, it is proposed to amend Title 24, Part 279—College Housing by inserting a centered heading "Subpart A—College Housing Program—Pre-October 1976" immediately after the centered heading Part 279—College Housing and by adding a new Subpart B reading:

Subpart B—College Housing Program for Fiscal Year 1977

Sec.

279.10 General policy.
279.11 Definitions.
279.12 Eligible projects.
279.13 Applications for reservations of funds.
279.14 Limitations on loan amounts.
279.15 Priority criteria.
279.16 Approval of applications for reservations of funds.
279.17 Applications for loan approval.
279.18 Loan terms.
279.19 Loan agreements.
279.20 Fee for Government field expense.
279.21 Construction financing.
279.22 Loan disbursement procedures.
279.23 Determination of final approved development cost.
279.24 Other requirements.

AUTHORITY: Sec. 402, Housing Act of 1950, 12 U.S.C. 1749a; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Subpart B—College Housing Program for Fiscal Year 1977

§ 279.10 General policy.

The purpose of this program is to assist educational institutions in providing housing for students and faculty members at the lowest possible charge by means of direct loans for the rehabilitation, alteration, erection or purchase of dormitories. Loans under the College Housing Program may be made in accordance with these regulations only to the extent that applicants are unable to obtain the necessary financing elsewhere on equally favorable terms and conditions.

§ 279.11 Definitions.

As used in this Part:

(a) "Act" means Title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.).

(b) "Construction" means erection of new dormitories or the rehabilitation or alteration of existing dormitories.

(c) "Current severe housing shortage" means an existing shortage in the supply of decent, safe and sanitary housing available for currently enrolled students at reasonable rents within the commuting area of the educational institution, which shortage must at least equal accommodations for the greater of 50 students or 2 percent of the institution's full-time enrollment.

(d) "Development cost" means the cost of land and site improvements, architectural and engineering services, construction, legal and administrative services, interest during construction, and the cost of acquiring existing dormitory facilities, all as determined by the Secretary. The cost of all furnishings such as beds, dressers, chests, desks, tables and chairs is not included in the definition of development cost, regardless of whether such furnishings are built in or movable.

(e) "Dormitory" means a structure or a portion of a structure which consists of living accommodations for students and faculty members but does not contain either central kitchen or dining facilities.

(f) "Educational institution" means: (1) Any public or nonprofit private college, university, or other institution which offers, or will offer within a reasonable time after completion of the dormitory project, at least a 2-year program acceptable for full credit toward a bachelor's degree; (2) any public or nonprofit private hospital operating a school of nursing beyond the level of high school approved by State authority, or operating an internship program approved by recognized authority; (3) any public educational institution which is administered by an accredited college or university and offers technical or vocational instruction; and (4) any nonprofit corporation, or public body, eligible under Section 404(b) of the Act, and established for the purpose of providing or financing dormitories for students and faculty members at educational institutions defined in (f) (1), (2) and (3) of this section; provided that in the case of a nonprofit corporation other than the educational institution, either the corporation must have been established by the educational institution, or the payment of principal and interest on any loan to such a separate nonprofit corporation must be guaranteed by the educational institution which the project is intended to serve.

(g) "Field Office" means any HUD Area or Regional Office which is delegated authority to process and approve applications under the College Housing Program.

(h) "Secretary" means the Secretary of Housing and Urban Development or other official authorized to perform the functions of the Secretary.

(i) "State" means the several States, the District of Columbia, and the Territories and possessions of the United States, including the Commonwealth of Puerto Rico.

§ 279.12 Eligible projects.

Loans may be provided for the rehabilitation or alteration of existing dormitories which will result in greater economy in the use of fuel or will otherwise result in a reduction in operating costs, and for the construction or acquisition of dormitories by educational institutions which have a current severe housing shortage, under the following conditions:

(a) Construction must not be of elaborate or extravagant design or materials and must be undertaken in an economical manner.

(b) Construction must not have been completed at the time the application for assistance is made.

(c) A loan cannot be made solely for the purpose of refunding a long-term loan obtained prior to the filing of an application.

(d) Site acquisition is limited to the amount of land reasonably necessary for the proposed dormitory.

(e) Parking facilities are not eligible.

(f) Projects to provide facilities for religious purposes or for theological seminaries or other schools providing training primarily for religious vocations are not eligible for assistance.

§ 279.13 Applications for reservations of funds.

(a) Information and application forms may be obtained from and applications submitted to the Field Office of the Department of Housing and Urban Development which serves the area in which the educational institution is located. Applications will be accepted until August 15, 1977.

(b) Applications for assistance will consist of two parts:

(1) Part one must be submitted to receive consideration for a fund reservation and must include the following information:

(i) Name, type and accreditation of educational institution;

(ii) Description and estimated cost of proposed project;

(iii) With respect to applications proposing the rehabilitation or alteration of existing facilities, an estimate of the annual savings in operating costs which will result from the proposed rehabilitation or alterations;

(iv) Evidence of need for proposed project;

(v) Engineering data and/or appraisals on which estimated project costs and operating cost savings, if any, are based;

(vi) Preliminary plans and specifications; and

(vii) Proposed method of financing.

(2) Part two must be submitted to receive consideration for loan approval and must include the information specified in § 279.17.

(c) Each Field Office will review the applications submitted to it and will request HUD Headquarters to reserve funds for those applications which it selects in accordance with the criteria specified in these regulations.

(d) Applications for reservations of funds shall be submitted to and reviewed by HUD Field Offices. Applications will not be reviewed by HUD Headquarters.

(e) Due to the limited amount of funds available and the uncertainty as to which areas will generate the greatest demand for funds, no predetermined allocations of funds to the Field Offices will be made. Funds will only be reserved for specific projects by HUD Headquarters on the basis of Field Office recommendations, subject to the availability of funds.

(f) Subject to the availability of funds, fund reservations will be made promptly for eligible applications which meet the priority criteria specified in § 279.15(a) (1), when HUD Headquarters receives the Field Office recommendations.

(g) The priority criteria specified in § 279.15(a) (2) and (3), will be used for establishing priorities by all Field Offices. Therefore, the ranking numbers assigned to individual applications in accordance with § 279.15(a) (2) and (3) will permit a comparison by HUD Headquarters between applications in those categories which are recommended for funding by different Field Offices.

(h) In the event that HUD Headquarters receives more recommendations for fund reservations than can be funded, HUD Headquarters will prepare a nationwide priority list for each of the categories specified in § 279.15(a) (2) and (3) by using the priority numbers assigned by the Field Offices on the basis of the ranking criteria specified in said section. Fund reservations will then be made by HUD Headquarters on the basis of the nationwide lists.

(i) Field Office recommendations and rankings for the priority category specified in § 279.15(a) (2) will be due in HUD Headquarters on June 1 and September 1, 1977. HUD Headquarters will reserve funds, subject to availability, no later than June 30 and September 30, 1977.

(j) Recommendations and rankings for the priority category specified in § 279.15(a) (3) will be due in HUD Headquarters on September 1, 1977. HUD Headquarters will reserve funds, subject to availability, no later than September 30, 1977.

(k) HUD Headquarters will promptly advise all Field Offices when funds are no longer available. Field Offices will then notify all educational institutions which submitted applications but did not receive reservations of funds.

§ 2279.14 Limitations on loan amount.

(a) The maximum loan which any educational institution may request is the lesser of $7,500,000, or $2,500 per full-time student, or $12,200 per student and/or faculty member to be housed in the proposed dormitory. The number of full-time students stated in the application must be the same as reported to the U.S. Office of Education for the Fall Semester 1976.

(b) The minimum loan which may be requested is $25,000.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, applications proposing a Development Cost (exclusive of land or extraordinary project costs as determined by the Secretary) in excess of $14,000 per student and/or faculty member to be housed in the proposed dormitory are not eligible.

(d) The limitations specified in (a), (b) and (c) of this section will be adjusted to reflect local construction costs on the basis of a nationwide cost index of local construction costs to be furnished by HUD Headquarters.

§ 279.15 Priority criteria.

(a) In recommending and making reservations of funds, the following order of priorities will be observed by HUD Field Offices and HUD Headquarters.

(1) Dormitory projects for which the construction contract was executed on or before August 9, 1976 (the date of enactment of Pub. L. 94-378), and which have not been permanently financed in whole or in part. Fund reservations may be made by HUD Headquarters for applications in this priority category as soon as the Field Office has completed its review and made its recommendation, subject to the availability of funds.

(2) Rehabilitation or alteration of existing dormitories to improve fuel economy or otherwise reduce operating costs. Applications proposing major structural alterations are not eligible in this category. Applications in this priority category will be retained in the Field Office and recommended for reservations of funds on June 1 and September 1, 1977, subject to the availability of funds. In the event that the amount of assistance requested in this category exceeds the amount available, applications will be recommended for funding in the following order:

(i) Applications proposing the rehabilitation or alteration of dormitories originally financed with assistance under the College Housing Program, which will result in greater economy in the use of fuel or will otherwise result in a reduction in operating costs. Within this subcategory, applications which demonstrate the greatest savings in fuel consumption or other operating costs in relation to the cost of the proposed rehabilitation or alteration will be given priority. This will be determined on the basis of a ranking number equal to the estimated number of months before the savings will equal the cost of the rehabilitation or alterations.

(ii) Applications proposing the rehabilitation or alteration of dormitories not originally financed with assistance under the College Housing Program, which will result in greater economy in the use of fuel or will otherwise result in a reduction in operating costs. Within this subcategory, applications which demonstrate the greatest savings in fuel consumption or other operating costs in relation to the cost of the proposed rehabilitation or alteration will be given priority. This will be determined on the basis of a ranking number equal to the estimated number of months before the savings will equal the cost of the rehabilitation or alterations.

(3) New construction or acquisition of dormitories for institutions which have a current severe housing shortage. No funds will be reserved for applications in this category until funds have been reserved for all eligible applications in the priority categories specified in § 279.15(a) (1) and (2). In the event that the amount of assistance requested exceeds the amount available, priority will be given to applications from institutions having the most severe current shortage of housing for students. The relative severity of the shortage will be determined on the basis of a ranking number equal to the number of accommodations needed to eliminate the shortage multiplied by the percentage of the institution's full-time enrollment not adequately housed.

(b) Applications that do not receive fund reservations by the close of business on September 30, 1977, will be returned to the applicant.

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(c) A reservation of funds will not constitute or imply approval of an application.

§ 279.16 Approval of applications for fund reservations.

(a) To be eligible for selection, a request must be received by HUD within the period specified herein and must be complete and responsive to the requirements specified herein. Requests for fund reservations will be approved by the Secretary based on an evaluation procedure that takes into account the information provided pursuant to § 279.13.

(b) Educational institutions whose requests for fund reservations are approved shall be notified by letter, which letter shall:

(1) Specify the amount of the fund reservation;

(2) Inform the educational institution that use of the fund reservation is conditioned on approval by the Field Office of a loan application;

(3) Instruct the educational institution to submit an application for loan approval to the Field Office; and

(4) State that the amount of loan funds reserved or any portion thereof unused by the educational institution may not be transferred by the educational institution.

(c) Educational institutions whose requests for fund reservations are not approved shall be so notified in writing by the Field Office.

(d) Educational institutions whose requests for fund reservations are approved shall, as soon as possible after receiving such approval, communicate with the Field Office in order to provide the Field Office with sufficient information to enable the Field Office to process an application for loan approval.

(e) The Secretary shall cancel any reservations of loan funds for projects for which the construction or rehabilitation is not commenced or the acquisition completed within the eighteen-month period following issuance of the written notification to the educational institution that funds have been reserved, unless an extension of time, not to exceed six additional months, is requested of and granted by the Secretary.

§ 279.17 Applications for loan approval.

(a) Following approval of a reservation of funds, the educational institution shall submit to the Field Office a request for loan approval on forms prescribed by HUD.

(b) Requests for loan approval shall be accompanied by or include evidence satisfactory to the Field Office Director that:

(1) The educational institution:

(i) Has the necessary legal authority to finance, acquire, construct or rehabilitate the project, to maintain the project, and to apply for and receive the proposed loan;

(ii) Meets any requirements as to corporate organization and has authority to enter into such contract obligation and execute such security instruments as may be required by HUD;

(iii) Has met the HUD requirements (set forth in HUD 1390.1) implementing the National Environmental Policy Act of 1969 (83 Stat. 852);

(iv) Has the ability to comply with the terms and conditions governing receipt of assistance and operation of the project;

(v) Has or will have such interest in or title to the project site, including access thereto, as will assure undisturbed use, possession and operation of the facilities during the period of assistance; and

(vi) Will retain title to and all of its right, title, and interest in and to the project during the period of assistance, except as otherwise expressly approved by the Secretary.

(2) The financial condition of the applicant and the proposed security for the loan are adequate to provide a reasonable assurance of repayment of the loan.

(c) The HUD Field Office shall review the loan application and shall notify the educational institution of its approval or disapproval, indicating any deficiencies. The educational institution will be given a reasonable time, as determined by the Field Office, to correct any deficiences. The approval shall set forth fully the terms and conditions upon which the loan will be disbursed.

§ 279.18 Loan terms.

(a) The loan amount shall not exceed the total eligible Development Cost of a project, as determined by the Secretary.

(b) Loans shall be for such periods not to exceed 40 years, bear interest at such rate not to exceed 3 percent per annum, be so secured, and be subject to such terms and conditions, as shall be determined by the Secretary.

(c) Loans will be evidenced by either notes or bonds issued by the educational institution.

(d) The interest rate shall be determined by the Secretary on the basis of the formula prescribed in the Act, as follows:

(1) Section 401(c)(1) of the Act provides that the loans shall bear an interest rate of not more than the lower of:

(i) Three (3) per centum per annum, or

(ii) The total of one-quarter of one (1) per centum per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury as provided in section 401(e) of the Act.

(2) Section 401(e) of the Act provides that notes or other obligations issued by the Secretary to obtain funds for these loans shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the lower of:

(i) Two and three fourths (2¾) per centum per annum, or

(ii) The average annual interest rate on all interest bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Secretary and adjusted to the nearest one-eighth of one per centum.

(e) In the case of loans to private educational institutions, the security normally will be a general obligation secured by a first mortgage on the project and a pledge of project revenues.

(f) In the case of loans to public educational institutions, the security normally will be, in order of preference:

(1) A general obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available;

(2) A special obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available; or

(3) A special obligation secured by a pledge of project revenues.

(g) If the Field Office Director determines that additional security is needed to reasonably assure loan repayment, a pledge of income from endowment funds, securities or other revenue sources, and/or a mortgage on other facilities, may be required as deemed necessary to reasonably assure repayment.

(h) Loans will be amortized by approximately equal periodic payments of combined principal and interest over the life of the loan. Said payments shall be made not less often than annually and not more often than semiannually; provided, however, that the payment of interest only may be required for a reasonable period of time not to exceed one (1) year following the completion of construction.

§ 279.19 Loan agreements.

Upon approval of a direct loan together with reservation of funds, the Field Office will prepare and forward a loan agreement for execution by the educational institution. The agreement will set forth the terms and conditions of the loan and will also specify conditions which must be fulfilled precedent to making of the loan. The fully executed agreement will constitute a contract between the educational institution and the Secretary during the life of the loan.

§ 279.20 Fee for Government field expense.

For each approved loan, the educational institution is required to pay a fixed fee, which in the aggregate will be sufficient to cover the cost of the Government's field expense. The fixed fee shall be an amount equal to one-eighth of one percent (.00125) of the loan amount with a minimum charge of $500 and a maximum charge of $1,500.

(a) The fixed fee shall be computed on the loan amount at the time of the original loan agreement. After execution of the loan agreement no adjustment shall be made in the specified fixed fee, except when the loan amount is changed by 20 percent or more. In such cases, the fixed fee shall be redetermined by the formula above and specified in the related amendment to the loan agreement.

(b) The fixed fee must be paid to the Government out of the first funds deposited into the Construction Account, regardless of source.

§ 279.21 Construction financing.

The Secretary may advance loan funds to the educational institution during the construction of the project, provided that all prerequisites to loan disbursement as specified in the loan agreement, have been met.

(a) Total HUD advances to the educational institution will normally not exceed 75 percent of the approved loan, and shall be made only in amounts necessary to meet the actual current disbursement needs of the educational institution. Where circumstances warrant, the Field Office may approve additional advances so long as the total does not exceed 90 percent of the approved loan.

(b) Interest on advances will be charged by HUD at the same rate as on the bonds or notes.

(c) If the applicant is participating in the project financing, it must deposit to the Construction Account and substantially expend its own funds prior to obtaining any advances from HUD.

§ 279.22 Loan disbursement procedures.

(a) Advances of loan proceeds shall be made directly by HUD to the depository designated by the educational institution for deposit into the Construction Account.

(b) Advances shall be made on a periodic basis in an amount not to exceed the HUD-approved cost of portions of construction or rehabilitation work completed and in place, minus the appropriate holdback or retainage, as determined by the Field Office.

(c) Loan disbursements, including advances, may only be made upon the receipt by the Field Office of a duly executed note and a mortgage on the project and its site (or other real property satisfactory to the Field Office) whenever a note and mortgage is legally available as evidence of the debt of the educational institution to be created by the loan disbursement; provided, however, that in the event a note and mortgage is not legally available, loan disbursements may only be made upon the receipt by the Field Office of bond anticipation notes or such other evidence of the debt to be created by the loan disbursement as shall be satisfactory to the Field Office. Advances will not be made in the absence of a debt instrument satisfactory to the Field Office.

(d) Requisitions for loan disbursements shall be submitted by the educational institution on forms to be prescribed by the Secretary and shall be accompanied by such additional information as the Field Office may require in order to approve loan disbursements under this part, including, but not limited to, evidence of compliance with the Davis-Bacon Act, Department of Labor regulations, all applicable zoning, building and other governmental requirements, and, where applicable, such evidence of continued priority of the mortgage, if any, as the Secretary may prescribe.

§ 279.23 Determination of final approved development cost.

(a) A certificate of project development cost prepared on forms prescribed by the Secretary and executed by the educational institution may be used at the discretion of the Secretary, in lieu of an audit by the Government, for the purpose of determining the final approved Development Cost.

(b) The educational institution shall submit to the Field Office such documentation as may be prescribed by the Secretary. The documentation hereunder shall include such information and forms as the Secretary may require in order to approve the educational institution's certificate of project development cost, and to determine the final approved development cost, including, but not limited to, a certificate of actual cost, in a form prescribed by the Secretary, showing the actual cost to the educational institution for construction, architectural, legal, organizational, offsite costs and other items of expense approved by the Field Office. The Certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the educational institution. Any such payments shall be deducted from the costs determined to be eligible for inclusion in the total loan amount approved by the Field Office.

§ 279.24 Other requirements.

(a) Construction plans and specifications are subject to review and approval by the Field Office.

(b) Unless otherwise agreed to in writing by the Secretary, all construction work must be undertaken pursuant to contracts approved by the Secretary.

(c) All prime construction contracts must be awarded to the responsible bidder submitting the lowest bid on the basis of open competitive bidding.

(d) All laborers and mechanics employed by contractors and subcontractors in the construction of dormitories assisted under the Act shall be paid wages at rates not less than those prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327–332).

(e) All contracts for construction work paid for in whole from loan funds provided under the Act shall provide that the contractor shall comply with the Copeland ("Anti-Kickback") Act (40 U.S.C. 276c) and the regulations of the Secretary of Labor thereunder (29 CFR Part 3).

(f) The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination are applicable to educational institutions receiving assistance under the Act.

(g) All contracts for construction work paid for in whole or in part from loan funds provided under the Act are subject to Executive Order 11246 (30 FR 12319, Sept. 28, 1965), as amended by Executive Order 11375 (32 FR 14303, Oct. 17, 1967), providing for equal opportunity in employment, and the rules and regulations of the Department of Labor with respect thereto.

(h) The provisions of Title VIII (Fair Housing) of the Civil Rights Act of 1968 (Pub. L. 90–284, 42 U.S.C. 3601–3619), prohibiting refusal to rent to or discrimination against any person in terms or conditions of rental or provision of services on account of race, color, religion, or national origin, are applicable to projects assisted under the Act.

(i) All projects for which loans are made pursuant to this Subpart B are subject to the following requirements:

(1) Equal Opportunity requirements, which include Executive Order 11063 and section 3 of the Housing and Urban Development Act of 1968 and regulations and guidelines pursuant thereto.

(2) HUD requirements implementing the National Environmental Policy Act of 1969 (83 Stat. 852).

(3) Governmental requirements implementing the Clean Air Act (77 Stat. 392, as amended) and the Federal Water Pollution Control Act (66 Stat. 755, as amended).

(4) HUD requirements implementing the Flood Disaster Protection Act of 1973 (87 Stat 975).

(j) Projects for which loans are made to public educational institutions or eligible public bodies pursuant to this Subpart B are also subject to the following requirements:

(1) HUD relocation requirements established pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

(2) Any special requirements for the handicapped pursuant to the standards established by HUD under the Architectural Barriers Act of 1968 (82 Stat. 718).

Issued at Washington, D.C., January 10, 1977.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-1256 Filed 1-13-77;8:45 am]

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FRIDAY, JANUARY 14, 1977

PART V

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

■

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Conflict of Interest

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Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 16; Amdt. 99-10]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Conflict of Interest; Revision

The purpose of this amendment is to revise the Department of Transportation's regulations governing employee conflict of interest.

The term "conflict of interest" is often misunderstood by Government employees and the general public. Yet, a careful understanding of the term and its full implications is necessary if the public is to have full confidence that their Government is truly working for them at all times.

Conflict of interest is not synonymous with dishonesty. Employees with unquestionable loyalty to the United States and the highest standards of public service may find themselves in situations where the Employees' Responsibility and Conduct Regulations (Part 99) may have a direct bearing on actions they propose to take either in their capacity as a Government employee, or as a private citizen. Thus, each employee is urged to become familiar with the regulations contained in Part 99 so that they may avoid potential conflict of interest and, just as importantly, avoid the appearance of a conflict of interest.

The regulations provide that a copy of Part 99 be given to each employee so that it can be referred to from time-to-time. In this way the general public can be assured that all officers and employees of their Government understand the dangers presented by conflict of interest situations: both the Government and the individual employee can know that they are doing all they can to insure that such conflicts—and the appearance of such conflicts—do not occur.

Every potential or actual conflict of interest is "dangerous" in two respects. First, there is the risk that public confidence in Government decision making and in Government actions will be undermined. Without public support the task of maintaining an orderly and efficient set of public programs is made vastly more difficult, if not at times impossible.

Second, there is the significant risk of disciplinary action or even criminal prosecution of the employee who violates either the spirit or the letter of conflict of interest statutes and regulations. And, as in other situations, ignorance of the law is no excuse.

It is not necessary to detail the potential impact on an employee who is found in violation in order to emphasize the significant stake each employee has in understanding and adhering to the highest standards set forth in the regulations.

It is important to note that Part 99 contains a revised standard and sets forth more clearly the duties and obligations of each employee as well as potential effects of violation.

For example, considerable thought was given to the entire question of so-called "business luncheons" before adopting a standard which reduces the circumstances under which employees may accept such luncheons and, in such instances where permitted, limits the cost to a nominal amount on infrequent occasions. Other areas of concern which have been carefully addressed involve the solicitation of donations, the giving or accepting of gifts, the solicitation of employment with someone outside of Government service, and the relationship of activities of an employee's spouse, if such activities create either an actual or implied conflict of interest.

Of necessity, no set of guidelines or regulations can specify every action to be taken or refrained from, in every possible set of circumstances. The permutations and combinations of factors which can lead to a potential conflict of interest are infinite in number. Yet, the use of simple judgment, common sense, and care can aid an employee and avoid the overwhelming majority of potential problems. The guidance contained in both the spirit and letter of Part 99, together with Departmental directives governing specific substantive matters, should help the employee understand the obligation involved in serving the general public.

Because Part 99 places a duty on the employee to abide by both the spirit and the letter of the regulations, it is the affirmative responsibility of the Department's Ethics Counselor and the Deputy Counselors to be readily available to discuss individual problems and give interpretation and advice to the employees. Counselors may find that there is a violation or potential violation of the regulations even where the conduct in question does not fall squarely within a section of the rules. Clearly, it is the duty of the Counselors to treat each instance individually without making a blanket presumption that all matters of a certain type are improper. This is especially true in areas where the husband-wife, or other family relationship may lead to a presumption that the employment or financial interest of either may influence the proper discharge of duties by the other. Each employee must exercise great care in close family relationships—especially where a husband-wife situation is involved—to avoid either an actual or the appearance of a conflict of interest, the improper disclosure of information not available to the public, or the receipt of ex parte communications which have not been documented for the record.

Because we start with a strong presumption that each spouse has an independent right to career development and fulfillment as an individual and that each may act in his or her professional responsibilities independently and objectively, it is especially important that there be full and frank disclosure of any potential conflicts and that there be agreement between the spouses concerning appropriate issues for discussion.

In all circumstances—whether involving the financial holdings of the employee's spouse, the receipt (from any person) of ex parte communications during the pendency of a rulemaking procedure, or any other potentially troublesome matter—full and frank disclosure of the circumstances surrounding the potential conflict is essential to the prompt and satisfactory resolution of that issue. Therefore, full and open channels of communication between all employees and the Department's Ethics Counselors are of the utmost importance in protecting both the interest of the employee and of the Government.

Conflict of interest situations which do not involve intentional dishonesty or willful misconduct are by their nature matters on which reasonable people may differ. As previously stated, no set of regulations or guidelines can take the place of good, sound judgment. Nor can they be all-inclusive. Therefore, to the extent that Departmental policy can be stated simply and directly, it is this: make full and complete disclosure of all relevant factors on a timely basis.

Finally, responsible, responsive and effective Government depends upon the trust and confidence that the people have in their Government officials. Trust in Government is delicate and fragile. It is easily shattered when violated, and its reconstruction is a painstaking and persistent process. However well-intended and pure the motives of Federal employees may be, it is a fact that a skeptical public often does not accord the traditional presumption of innocence; indeed, the appearance of impropriety, in certain circumstances, can be more damaging to the effectiveness of Government than any wrongdoing. Accordingly, each Government employee has a twofold responsibility: first, to ensure that his or her activities are motivated solely by the public interest; and, secondly, to consider both the appearance of any potential conflict and the effect any action may have ultimately on the confidence that the American people have in their Government. There will be occasions when an employee's decision will involve balancing public interest considerations. Consider, for example, the decision that must be made by the employee who has an opportunity to participate in an activity or event that will increase his or her knowledge, facilitate communication with certain segments of the public and broaden the information base upon which decisions are made. The employee must evaluate carefully whether participation in such an activity possibly may lead the public to conclude—probably erroneously—that favored treatment has been given to a particular person, organization or special interest. In weighing these considerations, the employee must consider the risk to the entire process of decision making and the credibility of the Government as well as the risk to public confidence in the way the particular issue or activity is resolved.

This, then, is the spirit of Part 99, and recognizing that many questions will need to be answered on a case-by-case basis, the regulations contained in part 99 are issued and commended to each

employee of the Department for their counsel.

Since this amendment relates to departmental management, procedures, and practices, notice and public comment thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 99 of Title 49, Code of Federal Regulations, is revised to read as set forth below.

Effective date: This amendment is effective January 14, 1977.

Issued in Washington, D.C., on January 11, 1977.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

Sec.

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AUTHORITY: Sec. 9, 80 Stat. 944 (49 U.S.C. 1657), and E.O. 11222, 3 CFR, 1965 Comp., unless otherwise noted.

Subpart A—General

§ 99.735–1 Purpose and policy.

(a) This part sets forth standards of ethical and other conduct, and reporting requirements, for employees and special Government employees of the Department of Transportation. It implements Executive Order 11222 (30 FR 6469) and Part 735 of Chapter I of Title 5 of the Code of Federal Regulations (30 FR 12529), as amended (33 FR 12487). The standards and requirements are appropriate to the particular functions and activities of the Department.

(b) Since the efficient operation of the Department requires continued public confidence in its employees, acts which may result in the appearance of a conflict of interest also are governed by this part. The absence of a specific published standard of conduct covering an act which would tend to discredit the Department, and/or an employee or special Government employee of the Department does not mean that such an act is condoned, is permissible, or would not call for and result in corrective or disciplinary action.

(c) The President has stated the basic philosophy of conduct for those who carry out the public business:

> Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

Personnel of the Department are expected to adhere to the President's message and to standards of conduct that will reflect credit on the Government.

§ 99.735–3 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

"Department" means the Department of Transportation, including the Office of the Secretary, nonappropriated fund activities, and the following operating administrations:

(a) The U.S. Coast Guard.
(b) The Federal Aviation Administration.
(c) The Federal Highway Administration.
(d) The Federal Railroad Administration.
(e) The St. Lawrence Seaway Development Corporation.
(f) The Urban Mass Transportation Administration.
(g) The National Highway Traffic Safety Administration.
(h) The Materials Transportation Bureau.

"Employee" means an officer or employee of the Department and an active duty officer or enlisted member of the Coast Guard, but does not include any special Government employee.

"Includes" means "includes but is not limited to."

"May" is used in a permissive sense to state authority or permission to do the act prescribed.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

"Shall" is used in an imperative sense.

"Special Government employee" is "a Special Government Employee" of the Department as defined in section 202 of Title 18, United States Code, which includes, but is not limited to "• • • an officer or employee of the executive branch of the United States Government, of any independent agency of the United States • • • who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, • • •" "• • • a Reserve officer of the Armed Forces • • • unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training," and "a Reserve officer of the Armed Forces • • • who is serving involuntarily. • • •"

§ 99.735–5 Applicability.

(a) This part applies to the following:
(1) Each Employee of the Department.
(2) Each special Government employee of the Department.
(3) Each civilian employee or member of an armed force who is detailed to the Department.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 99.735–7 General.

(a) Each employee shall avoid any action, whether or not specifically prohibited by this part, which might result in or create the appearance of:
(1) Using public office for private gain;
(2) Giving preferential treatment to any person;
(3) Impeding Government efficiency or economy;
(4) Losing complete independence or impartiality;
(5) Making a Government decision outside of official channels [or not in accordance with applicable published procedures or statutory requirements; or

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(6) Affecting adversely the confidence of the public in the integrity of the Government.

(b) Employees shall not engage in criminal, dishonest, infamous, immoral, or notoriously disgraceful conduct, or any conduct prejudicial to the Government.

§ 99.735–9 Gifts, entertainment, favors, employment and reimbursement of expenses.

(a) Except as provided in paragraphs (b) through (e) of this section an employee shall not solicit, or accept, directly or indirectly, any gift, gratuity, favor, entertainment, food, lodging, loan, or other thing of monetary value, from a person or employer of a person who:

(1) Has, or is seeking to obtain contractual or other business or financial relationships with the Department;

(2) Conducts operations or activities that are regulated by the Department, or

(3) Has interests which may be substantially affected by the performance or nonperformance of that employee's official duties.

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, loan, or other thing of value when the circumstances make it clear that an obvious family relationship rather than the business of the persons concerned is the motivating factor;

(2) Accept food or refreshment of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting, or on an inspection tour if the employee is properly in attendance and there is not a reasonable opportunity to pay;

(3) Accept a loan from a bank or other financial institution on customary terms to finance proper and usual activities of the employee such as a home mortgage loan; or

(4) Accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(c) In seeking employment with an organization described in paragraph (a) (1), (2) and (3) of this section, an employee must be aware of the great potential for the appearance of a conflict of interest, and Federal law which prohibits certain kinds of employment. Accordingly, in soliciting employment an employee shall not:

(1) Solicit such employment if acceptance thereof would cause a violation of section 207 or 208 of title 18 of the U.S. Code;

(2) Permit the prospect of employment otherwise permitted by these regulations to influence the performance or nonperformance of his or her duties;

(3) Communicate or use information of particular interest to the prospective employer even if such information is available to the public generally; or

(4) Indicate, directly or indirectly, that he or she would be able to offer information or special relationships with officials of the Department.

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. An employee who violates this paragraph shall be removed from Government service in accordance with 5 U.S.C. 7351. However, this paragraph does not prohibit a voluntary gift of nominal value or the solicitation or making of a voluntary donation in a nominal amount to a gift made on a special occasion such as marriage, illness, resignation, retirement, or transfer.

(e) An employee shall not accept a gift, present, decoration, medal, badge or other emblem from a foreign government or from an agent acting on behalf of a foreign government; however, this section does not prohibit an employee from either (1) accepting and retaining a gift of nominal value given as a souvenir or mark of courtesy, or (2) accepting of a gift of more than nominal value when it appears that to refuse such gift would cause embarrassment, or offense, or adversely affect the foreign relations of the United States, provided that such gift is accepted on behalf of the United States and shall be reported to the Department Counselor in writing and used or disposed of as the property of the United States. This subsection is adopted pursuant to Article I, Section 9 of the United States Constitution and section 7342 of Title 5 of the U.S. Code.

(f) Except as provided in 5 U.S.C. 4111, an employee shall not accept reimbursement from a non-Federal source for expenses incurred in connection with travel or official business.

(g) The Department may accept reimbursement for an employee's expenses incurred in connection with travel on official business except where the acceptance of reimbursement by the employee would constitute a conflict or apparent conflict of interest.

(h) An employee shall not accept reimbursement from any private source for expenses incurred in connection with voluntary travel by the employees on their own time to the extent that such reimbursement exceeds ordinary and reasonable transportation and subsistence costs or otherwise constitutes a conflict or apparent conflict of interest.

§ 99.735–11 Outside employment and other activities.

(a) An employee shall not engage in any outside employment or other outside activity which is not compatible with the full and proper discharge of the duties and responsibilities of the employee's Government employment. Incompatible activities include:

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; and

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Although employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, Executive Order 11222, Civil Service Commission regulations or this part, an employees shall not engage in such activities under circumstances:

(1) Which might result in a conflict or apparent conflict of interest;

(2) Which depend on information or official data obtained as a result of government employment, except when the information has been made available to the general public, or when an appropriately designated official gives written authorization for use of nonpublic information following a determination that the basis for the use is in the public interest; or

(3) Which tend to impair the employee's mental or physical capacity to perform government duties and responsibilities in an acceptable manner.

(d) Honoraria. (1) A Presidential appointee covered by Section 401(a) of Executive Order 11222 shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department, or which draws substantially on official data or ideas which have not become public information.

(2) Any employee, other than those described in paragraph (d)(1) of this section, may receive compensation or other thing of monetary value for any lecture, discussion, writing or appearance the subject matter of which is devoted to the responsibilities, programs or operations of the Department, or which draws on official data or ideas of the Department, provided that any such employee shall disclose to the General Counsel of the Department within five business days following the event, the source, amount or value and data of receipt of all compensation or other thing of monetary value. All disclosures under this section shall be subject to public inspection and availability.

(e) If an activity permissible under paragraph (c) or (d) of this section is to be undertaken as official duty, expenses will be borne by the Department, and the employee shall not accept compensation or allow his or her expenses to be paid by the person or group under whose auspices the activity is being performed. If it is determined that an activity under paragraph (c) or (d)(2) is to be undertaken in a private capacity, the employee may not use duty hours or Government property including equipment and supplies, for that purpose, but may accept compensation, and may subject to § 99.735–17(b), use his or her official title only if it is made clear that he or she does not represent the Department.

(f) [Reserved]

(g) This section does not preclude an employee from:

(1) Participation in the activities of National or State political parties not proscribed by law (5 U.S.C. 7321–7327).

(2) Participation in the affairs of, or acceptance of an award given or to be given on a regular basis for, a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civil organization; or

(3) Outside employment that is not otherwise prohibited.

§ 99.735–13 Financial interests.

(a) An employee shall not have a direct or indirect financial interest that conflicts or appears to conflict with his Government duties and responsibilities. In any case in which such a question of financial interest arises the procedures set forth in § 99.735–15 shall be followed.

(b) An employee shall not engage in, directly or indirectly, a financial transaction as a result of, or relying primarily on, information obtained through his Government employment if that information has not been made available to the general public.

(c) This section does not preclude an employee from having a financial interests or engaging in financial transactions to the same extent as a private citizen not employed by the Government as long as it is not prohibited by law, Executive Order 11222, or this part.

(d) All employees, whether or not subject to the disclosure requirements of Appendix C, shall promptly report within ten days of such events, all transactions involving real or personal property in which the employee has an interest and in which the Department is a buyer, seller, lessee, lessor or otherwise acquires or divests itself of an interest in such property.

§ 99.735–15 Disqualification arising from private financial interests.

(a) Section 208 of title 18, United States Code, provides criminal penalties for any employee who participates personally and substantially, as a Government employee in certain matters in which, to the employee's knowledge, the employee, the employee's spouse, minor children, or certain other persons, have a financial interest. In administering this section and implementing section 208 of title 18, policies set forth in § 99.735–13 are controlling. For exemptions from section 208, see paragraphs (i) and (j) of this section.

(b) The kinds of participation covered by section 208 include but are not limited to, any decision, approval, disapproval, recommendation, investigation or furnishing of advice, in any proceeding, application, request for ruling or other determination, contract, claim controversy, charge, accusation, or other particular matter. Section 208 of title 18 United States Code applies to these matters when a financial interest therein is possessed by the participating employee, his spouse, minor child, or partner, or by an organization in which the employee is serving as an officer, director, trustee, partner or employee, or by any person or organization with which the employee is negotiating or has arrangements concerning prospective employment.

(c) The words "other particular matter" in the first sentence of paragraph (b) of this section refer to matters in which the employee concerned reasonably may anticipate that participation or advice may have or may appear to have a direct or predictable effect on the financial interest referred to in the second sentence of paragraph (b) of this section. While not restricted to matters involving a specific party or parties, the words "other particular matter" do not, normally include rulemaking, the formulation of general policy or standards, or similar matters of broad scope and general applicability.

(d) Before an employee may participate in a matter to which he or she knows, or should reasonably know, section 208 applies, he or she must either cause the financial interest involved to be divested or request a determination of the propriety of participation in such matter by informing in writing the official for his or her appointment of the nature and circumstances of the matter and the financial interest involved.

(e) After examining the information submitted, the said appointing official shall:

(1) Cause the employee to be relieved from participation in the matter and reassign it to another employee who is not subordinate to the relieved employee; or

(2) Approve the employee's participation upon determining in writing (a copy of which shall be placed in the employee's personnel file) that the interest [or the participation] involved is not so substantial as to be likely to affect the integrity of the services the Government may expect from the employee thereby making section 208 inapplicable to the matter; or

(3) Recommend the reassignment of the employee; or

(4) If none of these alternatives is feasible, direct the employee to cause the financial interest to be divested so that it no longer comes within the scope of this section.

(f) In any case in which a responsible official has reason to believe that an employee may have an interest that would be disqualifying under this section, said responsible official shall discuss the matter with the employee. If it is found that the interest exists, he may take any of the actions stated in paragraph (e) of this section.

(g) A holding in a trust whose terms direct the trustee to manage solely in accord with his own judgment and not to disclose to the beneficiary, in any manner, the specific dealings and holdings (a so-called "blind trust") may be exempted from the prohibitions of this section, when an employee or a member of the employee's household is the beneficiary, upon a finding by the General Counsel of the Department that the employee is in fact unaware or is unable to determine what interests are held in the trust. Thus, a "blind trust" consisting of an interest in only one company or industry will not be exempted if the employee could reasonably be expected to assume that the trustee has not divested the trust of that interest.

(h) Exemptions. Information concerning categories of financial interests which are exempted from the prohibitions of section 208(a) of title 18, United States Code, as being too remote or too inconsequential to affect the integrity of an employee's interest in a matter, are set forth in Appendix A.

§ 99.735–17 Use of Government property or official title.

(a) An employee shall not, directly or indirectly, use or allow the use of Government property of any kind, including property leased to the Government, for other than an officially approved activity. Each employee has a positive duty to protect and conserve Government property, including all equipment, supplies, and other property.

(b) An employee shall not directly or indirectly, use or allow the use of his or her title or position in connection with any commercial enterprise or in endorsing any commercial product or service.

§ 99.735–19 Misuse of information.

Except as provided in § 99.735–11(d) an employee shall not for the purpose of furthering a private interest, directly or indirectly, use or allow the use of official information obtained through or in connection with Government employment, if that information has not been made available to the general public.

§ 99.735–21 Indebtedness.

Each employee shall pay all just financial obligations in a proper and timely manner. For the purposes of this section "just financial obligations" means those imposed by law such as Federal, State, or local taxes or those that are recognized as such by the employee or reduced to a judgment by a court. "In a proper and timely manner" means in a manner which, considering all circumstances, will not reflect adversely on the Government as employer. The Department will not determine the validity or amount of a disputed debt and will not act to collect such debts, except as provided in the Federal Wage Garnishment Law 42 U.S.C. 659.

§ 99.735–23 Gambling, betting, or lotteries.

An employee shall not, while on Government owned or leased property, or while on duty for the Government, participate in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in buying or selling a numbers slip or ticket. However,

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this section does not prevent an employee from engaging in activities:

(a) Necessitated by his law enforcement duties; or

(b) Under section 3 of Executive Order 10927, related to fund raising activities for national voluntary agencies, or similar activities approved by the Department. Employees are reminded that illegal gambling is prohibited by the provisions of § 99.735–7(b), supra.

§ 99.735–25 Miscellaneous statutory provisions.

It shall be the duty of each employee to become acquainted with the laws which relate to ethical and other conduct as an employee of the Department and of the Government. The attention of employees is specifically directed to the statutory provisions relating to employee conduct set forth in Appendix B.

Subpart C—Statements of Employment and Financial Interest

§ 99.735–31 Employees required to submit statement.

(a) Unless required to report to the Chairman of the Civil Service Commission under section 401(a) of Executive Order 11222, each of the following employees shall submit a statement of employment and financial interest on a form provided by the Department:

(1) Each employee paid at a level based on the Executive schedule in subchapter II of Chapter 53 of title 5, United States Code;

(2) Each employee classified at GS–13 or above, under section 5332 of Title 5, United States Code or a comparable pay level under another authority, or in military pay grade 0–5 or above, who is in a position identified in Appendix C as a position the incumbent of which is responsible for making a Government decision or taking a Government action in regard to:

(i) Contracting or procurement;

(ii) Administering or monitoring grants or subsidies;

(iii) Regulating or auditing private or other non-Federal enterprise; or

(iv) Other activities where the decision or action has an economic impact on the interests of a non-Federal enterprise;

(3) Each employee classified at GS–13 or above under section 5332 of Title 5, United States Code or a comparable pay level under another authority, or in military pay grade 0–5 or above, who is in a position identified in Appendix C as having duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflict-of-interest situation and carry out the purpose of Title 18, Executive Order 11222, and this part; and

(4) Each employee classified below GS–13 under section 5332 of Title 5, United States Code or at a comparable pay level under another authority, or in a military pay grade below 0–5, who is in a position which otherwise meets the criteria in paragraphs (a)(2) or (3) of this section, on the basis that the inclusion has been specifically justified in writing to the Civil Service Commission that such inclusion is essential to protect the integrity of the Government and avoid employee involvement in a possible conflict-of-interest situation.

(b) The Assistant Secretary for Administration and the head of each operating administration shall ensure that the portion of Appendix C enumerating positions within their respective jurisdictions is current, accurate and that the incumbents of those positions enumerated file their financial interest statements with the appropriate official. To discharge their responsibilities under this paragraph, the Assistant Secretary for Administration and the head of each operating administration shall, as necessary, amend the portion of Appendix C concerning positions within their jurisdiction, obtain necessary clearance from the Civil Service Commission for positions at GS–12 and below and publish such amendments in the FEDERAL REGISTER. At the time of such publication in the FEDERAL REGISTER, a copy of all such amendments shall be transmitted to the General Counsel.

(c) Any employee in a position which meets the criteria in paragraph (a)(2) of this section may be excluded from the reporting requirements of this section whenever the Secretary, his designee, or the head of an operating administration or his designee, as appropriate, determines in writing that the duties of the position are at such a level of responsibility that the submission of a statement is not necessary because of the degree of supervision and review or the remote or inconsequential effect on the integrity of the Government.

(d) Information concerning financial interests which have been exempted under Appendix A from the prohibitions of section 208(a) of Title 18, United States Code, shall nevertheless be included in the statement required by this section.

§ 99.735–33 Time and place for submission of employee statements.

(a) Each employee who is subject to the reporting requirements of § 99.735–31 shall submit an employment and financial interest statement not later than:

(1) Forty-five days after the effective date of this part, if employed by the Department on or before that date; or

(2) Thirty days after entering on duty, but not earlier than thirty days after the effective date of this part, if appointed after that effective date.

(3) Thirty days after the occurrence of any event, transaction or any other thing which obligates an employee not otherwise required to submit a statement, to file such statement, but not earlier than thirty days after the effective date of this part.

(b) Each employee who is subject to the reporting requirements of § 99.735–31 shall submit employment and financial interest statements, including supplements thereto, as follows:

(1) Heads of operating administrations and employees of the Office of the Secretary shall submit their statements to the Department Counselor for review.

(2) Other employees shall submit their statement to an official designated by the head of their administration for review. The official designated must be at a level of administration to which a Deputy Counselor has been assigned and higher in the chain of authority than the employee whose statement is to be reviewed.

§ 99.735–35 Supplementary statements.

(a) Each employee required to file a statement shall, not later than July 31 of each year, file a supplementary statement, showing, as of June 30 of that year, any change in, or addition to, the information contained in his statement of employment and financial interest, and call attention to any information previously unreported that may present a conflict because of different job functions. If no change or addition occurs, a negative report is to be filed stating that there have been no changes or additions. In addition all supplementary statements filed under this section shall contain a record of any changes which occurred at any time during the year for which the report is filed. Notwithstanding the filing of the annual statement required by this section, each employee shall at all times avoid acquiring any financial interest that could result, or taking any action that would result, in a violation of the conflict-of-interest provisions of section 208 of Title 18, United States Code, or subpart B of this part.

(b) The head of each operating administration and the Assistant Secretary for Administration shall notify employees within their respective jurisdictions of the requirement to file a supplementary statement by July 31 of each year. However, no employee shall be relieved of the responsibility to file a timely supplementary statement on the ground of his failure to receive individual notification.

§ 99.735–37 Interest of employee's relatives.

Any interest of a spouse, minor child, or other relative who is a resident of the employee's household is considered to be an interest of the employee.

§ 99.735–39 Information not known by employee.

If any information required to be included on a statement of employment and financial interest or a supplementary statement, including any holding placed in trust, is not known to the employee but is known to another person (such as a trustee), the employee shall request that person to submit the information on his or her behalf.

§ 99.735–41 Information not required.

This subpart does not require an employee to submit on a statement of employment and financial interest or supplementary statement any information relating to said employee's connection with, or interest in, a professional society, or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. For the purposes of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are considered to be "business enterprises" and are required to be included in the employee's statement of employment and financial interest.

§ 99.735–43 Confidentiality of employee's statement.

(a) Information provided in each statement of employment and financial interest and each supplementary statement shall be held in confidence. The reviewing officials, counselor, deputy counselors, and others who receive statements shall be responsible for maintaining them in confidence and shall not allow access to, or allow information to be disclosed from a statement except to carry out the purposes of this part. Information may not be disclosed to any person outside the Department, except as the Civil Service Commission or the Secretary may determine for good cause shown.

(b) Each statement of employment and financial interest and each supplementary statement shall be maintained in a separate file by the office or operating administration concerned, in accordance with the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a(e)(11)) and guidelines issued thereunder.

§ 99.735–45 Effect of employee statements on other requirements.

Statements of employment and financial interest and supplementary statements required of employees and special Government employees are in addition to, and are not a substitute for or in derogation of, any similar requirements imposed by law, order, or regulation. The submission of a statement of supplementary statement by an employee or special Government employee does not permit said employee or any other person to participate in a matter in which that employee's or the other person's participation is prohibited by law, order, or regulation.

Subpart D—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 99.735–51 Use of Government Employment.

A special Government employee may not use Government employment for a purpose which is, or gives the appearance of being, motivated by the desire for private gain for said employee or another person, particularly one with whom there is a marital, family, business, or financial tie.

§ 99.735–53 Use of inside information.

A special Government employee shall not use inside information obtained as a result of Government employment for private gain for self or another person, whether by direct personal action or by counsel, recommendation, or suggestion to another person, particularly one with whom there is a marital, family, business, or financial tie. However, this section does not prevent a special Government employee from using inside information for the purpose of teaching, lecturing, or writing if an appropriately designated official authorizes in writing, the use of such information upon a determination that any such use is in the public interest. For the purposes of this section, "inside information" means information obtained under Government authority which has not become a part of the body of public information.

§ 99.735–55 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom there is a marital, family, business, or financial tie.

§ 99.735–57 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee shall not while employed by the Department receive or solicit from any person having business with the Department anything of value as a gift, gratuity, loan, entertainment, or favor for self or another person, particularly one with whom there is a marital, family, business, or financial tie.

(b) The exceptions authorized for employees under § 99.735–9 shall also apply to special Government employees.

§ 99.735–59 Miscellaneous statutory provisions.

(a) Each special Government employee shall become acquainted with the statutes referred to in § 99.735–25 that relate to conduct as a special Government employee of the Department. Appendix D of this part explains the effect of the conflict of interest statutes on special Government employees. The Department follows the guidelines set forth in Appendix D of this part for obtaining and using the services of special Government employees.

§ 99.735–61 Specific regulations for special Government employees.

(a) Each special Government employee, employed as an expert or consultant, shall submit a statement of employment and financial interest, on a form provided by the Department, in the manner prescribed in § 99.735–33(b) and 99.735–35 no later than at the time of employment.

(b) Each special Government employee not employed as an expert or consultant shall submit a statement of employment and financial interest on a form provided by the Department, as provided in paragraph (a) of this section, unless an appropriate waiver is issued in writing by the office or operating administration in which he or she is employed based upon a finding that the duties of such position are of such a nature and at such a level of responsibility that the submission of a statement by the special Government employee is not necessary to protect the integrity of the Government.

(c) For the purposes of this section, the words "consultant" and "expert" have the meaning given to them by chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(d) Each special Government employee shall keep his statement current throughout his employment by the Department by submitting supplementary statements within five days after a change required to be reported occurs.

(e) Each statement of employment and financial interest and each supplementary statement of a special Government employee shall be held in confidence and maintained in the same manner as prescribed for statements submitted by employees.

Subpart E—Counseling; Interpretation; Review of Statements; Remedial Actions

§ 99.735–71 Interpretation and advisory service.

(a) The General Counsel of the Department shall act as the Department ethics Counselor and serve as the Department's designee to the Civil Service Commission on matters covered by this part and part 735 of Chapter I of Title 5 of the Code of Federal Regulations. The Department Counselor shall be responsible for coordinating the Department's counseling services provided under paragraph (b) of this section, for assuring that counseling and interpretations on questions of conflicts of interest and other matters covered by this part and part 735 of Chapter I of Title 5, Code of Federal Regulations are available to the deputy counselors designated in paragraph (b) of this section and may exercise the authority of the Secretary in any matter covered by this part.

(b) The following are designated as deputy counselors for the purpose of providing authoritative counseling and interpretations to employees and special Government employees who require advice and guidance on questions of conflicts of interest or any other matters of legal import covered by this part:

(1) The Assistant General Counsel for Operations and Legal Counsel, Office of the General Counsel.

(2) The chief legal officer of each operating administration of the Department, and his designees.

(c) Counseling on other ethical matters covered by this part will be provided by personnel specifically designated by the Assistant Secretary for Administration for employees in the Office of the Secretary, and by the head of the operating administration concerned for employees of that administration.

(d) The Assistant Secretary for Administration shall ensure that each employee and special Government employee is furnished a copy, and a clear and comprehensive summary, of these regulations within thirty days after approval of this part and within thirty days after approval of any amendments thereto. He shall also ensure that sufficient quantities are available to furnish each new employee and special Government em-

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ployee a copy at the time of his or her entrance on duty.

§ 99.735–73 Review of statements.

(a) Each statement of employment and financial interest submitted under this part shall be promptly reviewed by the official authorized to receive that statement.

(b) Procedures governing the review of statements of employment and financial interest established by the office or operating administration concerned shall provide that:

(1) Whenever the review discloses an actual, apparent or alleged conflict of interests, the employee concerned shall be provided an opportunity to explain.

(2) If the actual, apparent or alleged conflict is not resolved on review by the explanation made by the employee concerned, the information pertaining to the matter shall be submitted to the head of the operating administration concerned or to the Secretary, in the case of any employee of the Office of the Secretary.

(3) The resolution of a conflict or apparent conflict of interest either on review or after submittal under paragraph (b)(2) of this section shall be effected promptly so that the conflict of or appearance of conflict is ended. The resolution of the conflict or appearance of conflict may be accomplished by one or more means, including any means listed in paragraph (b) of § 99.735–75. The resolution, whether by disciplinary action or otherwise, will be effected in accordance with applicable laws, Executive Orders, and regulations.

(c) After review of a statement of employment and financial interest has been completed, the reviewing official shall ensure that it is filed and protected from disclosure as required by § 99.735–43.

§ 99.735–75 Remedial actions.

(a) A violation of this part by an employee or special Government employee, in addition to any other penalty prescribed by law, may be cause for appropriate disciplinary action by the Department.

(b) If, after consideration of the explanation provided by the employee or special Government employee concerned under § 99.735–73, it is determined that remedial action is required, immediate action shall be taken to end the conflict or appearance of conflict of interest. Remedial action may include:

(1) Divestment by the employee or special Government employee of the conflicting interest;

(2) Disqualification for a particular assignment;

(3) Changes in assigned duties; or

(4) Disciplinary action.

Remedial action, including disciplinary action where appropriate, shall be taken in accordance with applicable laws, Executive Orders, and regulations after consultation with the Department Counselor. When remedial action is completed, the person taking that action shall inform the Department Counselor, or deputy counselor, as appropriate.

§ 99.735–77 Appeals.

(a) Any employee who believes that his or her position has been improperly included as one requiring the submission of a statement of employment and financial interest is entitled to have that inclusion reviewed under the employee grievance procedures applicable to the part of the Department in which employed.

(b) An employee has the right to appeal a determination requiring remedial or disciplinary action under this part. Such appeal shall be initiated in writing within ten days. Original determinations of the deputy counselors, or their designees, and the Assistant Secretary for Administration shall be appealed to the Departmental Ethics Counselor whose decision shall be final. Original determinations of the Departmental Ethics Counselor shall be appealed to the Secretary whose decision shall be final.

Subpart F—Responsibilities of the Government Employee and Special Government Employee Following Departure From Government Service

§ 99.735–81 Post-employment duties and responsibilities.

The duties and obligations of a Government employee (or a special Government employee) do not end when government service terminates by retirement, resignation, or for any other reason. In fact the U.S. Code sets forth specific criminal penalties for certain activities by former Government employees. To summarize broadly, section 207 of Title 18, U.S. Code, prohibits a former Government employee from acting as agent or attorney in various types of proceedings and matters on behalf of a non-Government party when the employee was involved in the subject matter while working for the Government. The duration and nature of the prohibitions depend in part on the depth of the employee's involvement in the matter while in Government service. Section 208 of the same title relates to activities performed while a Government employee that benefit an employee's prospective private employer. All Government employees and special Government employees should become familiar with the provisions of the two statutory sections cited, which have been made a part of this regulation as Appendix E, so that they will be aware of the restrictions which might affect them upon their termination from the Government service.

APPENDIX A—CATEGORIES OF FINANCIAL INTERESTS EXEMPTED FROM THE PROHIBITIONS OF SECTION 208(a) OF TITLE 18, UNITED STATES CODE

I. Pursuant to the authority of section 208(b) of Title 18, United States Code, the following are exempted from the prohibition of section 208(a) of Title 18, United States Code, because they are too remote or too inconsequential to affect the integrity of an employee's services in any matter in which he may act in his governmental capacity:

(1) Any holding in a widely held mutual fund, or regulated investment company, which does not specialize in an industry in which the possibility of conflicts arise.

(2) Continued participation in a bona fide pension, retirement, group life, health, or accident insurance plan or other employee welfare or benefit plan that is maintained by a business or nonprofit organization by which the employee was formerly employed, to the extent that the employee's rights in the plan are vested and require no additional services by him or further payments to the plan by the organization with respect to the services of the employee. To the extent that the welfare or benefit plan is a profit sharing or stock bonus plan, however, this exemption shall not apply and the procedures prescribed in § 99.735–15c (c) through (e) will apply to the interest of that employee in the plan.

APPENDIX B—MISCELLANEOUS STATUTORY PROVISIONS RELATING TO EMPLOYEE CONDUCT

The following is a list of statutory provisions to which the attention of each employee is specifically directed by § 99.735–25. The list does not include specific laws relating to ethical or other conduct in individual situations not applicable generally to the employees of the Department.

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(f) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638(c)).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(m) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibitions against political activities in subchapter III of Chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(p) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(q) The prohibition against soliciting funds for, or giving of gifts to an official superior (5 U.S.C. 7351).

(r) The statutory provisions setting forth the prohibitions on an employee or special government employee after termination of Government service (18 U.S.C. 207, 208).

(s) The statutory provisions in the Federal Election Act (2 U.S.C. 441i) limiting the amount of honoraria which can be accepted by a Federal employee.

APPENDIX C—LIST OF EMPLOYEES REQUIRED TO SUBMIT STATEMENT OF EMPLOYMENT AND FINANCIAL INTEREST

I. OFFICE OF THE SECRETARY OF TRANSPORTATION

Special Assistant to the Secretary
Regional Representatives of the Secretary of Transportation
Special Assistant to the Deputy Secretary
*Executive Assistant to the Deputy Secretary
Special Assistant to the Deputy Under Secretary
*Assistant to the Deputy Under Secretary for Budget and Program Review
*Executive Secretary.
*Deputy Executive Secretary
*Special Assistant to Executive Secretary
Chairman, Contract Appeals Board
Members, Contract Appeals Board
Director, Office of Civil Rights
Deputy Director, Office of Civil Rights
Equal Opportunity Specialist, GS–13/15 engaged in Contract Compliance Review
Director, Office of Planning and Program Review
Director, Office of Budget
Director, Office of Public Affairs
Deputy Director, Office of Budget
*Assistant Director for Communications Planning and Programming
*Assistant Director for Communication Coordination
*Assistant Director for Public Information
*Director, Office of Deepwater Ports
*Deputy Director, Office of Deepwater Ports
Deputy Director, Office of Planning and Program Review

OFFICE OF THE GENERAL COUNSEL

Deputy General Counsel
Assistant General Counsel
Special Assistant to the General Counsel
Special Assistant for Environmental Affairs
Patent Counsel
*Chairman, Board of Correction of Military Records
*Executive Secretary, Board of Correction of Military Records

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY, PLANS AND INTERNATIONAL AFFAIRS

Deputy Assistant Secretary
*Deputy Assistant Secretary for Policy and Program Development
*Director Management Staff
*Special Assistant to the Assistant Secretary
*Director, Office of Transportation Systems Analysis and Information
Deputy Director, Office of Transportation Systems Analysis and Information
Deputy Director, Office of Transportation Systems Analysis and Information
Director, Office of Transportation Planning
Director, Office of Transportation Economic Analysis
Deputy Director, Office of Transpotration Economic Analysis
*Chief, Industry and Financial Analysis
Director, Office of International Transportation Programs
Deputy Director, Office of International Transportation Programs
Chief, International Cooperation Division
Chief, Technical Assistance Division
*Director, Transportation Energy Policy Staff
*Director, Air Transportation Policy Staff
*Deputy Director, Air Transportation Policy Staff
*Director, Office of Transportation Regulatory Policy
*Chief, Regulatory Coordination Division
*Chief, Regulatory Rates Division
*Chief, Regulatory Analysis Division

OFFICE OF THE ASSISTANT SECRETARY, ENVIRONMENT, SAFETY AND CONSUMER AFFAIRS

Deputy Assistant Secretary
*Executive Officer
Director, Office of Safety Affairs
Deputy Director, Office of Safety Affairs
*Assistant Director for Pipeline Safety Policy
*Assistant Director of Hazardous Materials Safety Policy
Director, Office of Consumer Affairs
Director, Office of Transportation Security
Director, Office of Facilitation
*Director, Office of Environmental Affairs

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

Deputy Assistant Secretary
*Director, Office of Personnel and Training
*Deputy Director, Office of Personnel and Training
*Director, Office of Management Systems
*Deputy Director, Office of Management Systems
Director, Office of Administrative Operations
Chief, Procurement Operations Division
Contract Specialist, GS–13/15
Chief, Publishing and Graphic Division
Printing Officer
Director, Office of Installations and Logistics
Deputy Director, Office of Installations and Logistics
*Procurement Officer
*Procurement Analyst, GS–13/15
*Program Analyst
*Supply Systems Analyst
*Chief, Facilities Management Division
*Policy and Programs Officer
Deputy Director, Office of Administrative Operations
Director, Office of Audits
Deputy Director, Office of Audits
Supervisory Auditor
Auditor, GS–13/15
Director, Office of Emergency Transportation
Deputy Director, Office of Emergency Transportation

OFFICE OF THE ASSISTANT SECRETARY FOR SYSTEMS DEVELOPMENT AND TECHNOLOGY

Deputy Assistant Secretary
Deputy Assistant Secretary for Systems Engineering
*Executive Officer
Chief Scientist
Director, Office of R & D Plans and Resources
Director, Office of R & D Policy
Director, Office of Systems Engineering
*Assistant Director for Project Management
Assistant Director for Systems Development
Assistant Director for Telecommunications
Director, Office of University Research
Director, Office of Noise Abatement

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS

*Deputy Assistant Secretary
*Special Assistant to the Assistant Secretary
Director, Office of Congressional Relations
Congressional Relations Officers, GS–13/15
Director, Office of Intergovernmental Affairs
Intergovernmental Liaison Officer
*Community Assistance Coordinator

MATERIALS TRANSPORTATION BUREAU

*Director
Director, Office of Hazardous Materials Operations
Deputy Director, Office of Hazardous Materials Operations
Director, Office of Pipeline Safety Operations
Deputy Director, Office of Pipeline Safety Operations
Administrative Officer

II. FEDERAL AVIATION ADMINISTRATION

OFFICE OF GENERAL AVIATION

Assistant Administrator
Deputy Assistant Administrator

OFFICE OF AVIATION MEDICINE

Federal Air Surgeon
Deputy Federal Air Surgeon
Chief, Aeromedical Applications Division
Chief, Research Planning Branch

OFFICE OF INTERNATIONAL AVIATION AFFAIRS

Assistant Administrator
Deputy Assistant Administrator

OFFICE OF AVIATION POLICY

*Director
*Deputy Director
*Chief, Policy Development Division
*Chief, Policy Analysis Division
*Financial Economist

OFFICE OF INVESTIGATIONS AND SECURITY

Director
Deputy Director
Chief, Investigations Division

OFFICE OF AVIATION SYSTEM PLANS

*Director
*Deputy Director
*Chief, System Requirements Division
*Chief, Plans Development Division
*Chief, Planning Support Staff

OFFICE OF ENVIRONMENTAL QUALITY

Director
Deputy Director
*Chief, Environmental Technical and Regulatory Division
*Chief Environmental Scientist

OFFICE OF MANAGEMENT SYSTEMS

Director
Deputy Director
Chief, Data Systems Division
*Chief, Information and Statistics Division

OFFICE OF BUDGET

Director
Deputy Director

OFFICE OF SYSTEMS ENGINEERING MANAGEMENT

Director
*Deputy Director
*Chief, Advanced Concepts Staff
*Chief, Systems Engineering Division
*Chief, Technical Programs Division

AIR TRAFFIC SERVICE

Director
Deputy Director
Chief, ATC System Programs Division
Chief, Flight Services Division
Chief, Airspace and Air Traffic Rules Division
Chief, Automation Division
*Chief, Airspace Obstruction and Airports Branch

AIRPORTS SERVICE

Director
Deputy Director
Chief and Assistant Chief, Development Programs Division
*Chief and Assistant Chief, Airports Planning Division
*Chief, Environmental Planning Branch
*Chief, Planning Grant Branch
*Airport Planning Specialists, GS–13/14
*Civil Engineers, GS–13/14
*Community Planners, GS–13/14
*Chief, National System Planning Branch
*Chief, Program Establishment Branch
*Chief, Program Requirements Branch
Chief, Compliance and Property Conveyance Branch
*Airport Programs Specialists, GS–13/14

*New listing.

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AIRWAY FACILITIES SERVICE

Director
Deputy Director
Executive Officer
*Technical Assistant to the Director
Division/Staff Chiefs and Assistant Division Chiefs
Supervisory Engineer
*Program Analysis Officer
*Technical Officer
*Technical Officer Representative

CIVIL AVIATION SECURITY SERVICE

Director
Deputy Director
*Executive Officer
*Chief, Technical Security Division
*Chief, Ground Operations Security Division
*Chief, Air Operations Security Division
*Chief, Operations Liaison Staff
*Chief, Foreign Air Carrier Security Division

FLIGHT STANDARDS SERVICE

Director
Deputy Director
Chief, Engineering and Manufacturing Division
*Chief, Air Carrier Division
*Chief, General Aviation Division

LOGISTICS SERVICE

Director
Deputy Director
Chief and Assistant Chief, Contracts Division
Procurement Officer, GS–13 and above
Contract Price Analyst, GS–13 and above
Contract Specialist, GS–13 and above
Supervisory Contract Specialist
Supervisory Property Administration Specialist
Property Administration Specialist, GS–13 and above
Transportation Specialist, GS–13 and above
*Industry Liaison Officer
*Chief and Assistant Chief, Policy and Plans Division
*General Supply Officer, GS–13 and above (Plans Branch)
*Chairman, Contract Review Board
*Chairman, Sole Source Board
*Minority Small Business Coordinator
*Chief and Assistant Chief, Material Management Division
*Chief, Personal Property Management Branch
*Program Analyst (Communications), GS–14
*Communications Management Specialist, GS–13
*Space, Property and Communications Officer, GS–13
*Chief, Real Property and Space Management Branch
*General Supply Specialist (Furniture Standards)
*Chief and Assistant Chief, Industrial Division
*Industrial Engineer, GS–14 and above
*Industrial Specialist, GS–13 and above
*Chief, Plans Branch
*Procurement Analyst (Plans Branch)

SYSTEMS RESEARCH AND DEVELOPMENT SERVICE

Director
Deputy Director
Division Chiefs and Assistant Division Chiefs
*Technical Advisor, ATC Systems Division
*Chief, Program Management Staff
*Assistant Chief, Program Management Staff
*Chief, Special Program Staff, Aircraft Safety & Noise Abatement Division
*Chief, Spectrum Analysis Branch, Analysis Division

METROPOLITAN WASHINGTON AIRPORTS

*Director
*Deputy Director
Airport Managers
Headquarters Staff Chiefs
*Special Assistants

*New listing.

*General Attorney
*Chief, Contract/Property Management Branch (GS–12)
Chiefs, Operations and Safety Divisions
Chiefs and Assistant Chiefs, Engineering and Maintenance Divisions
Chiefs, Engineering Branches
*Chief, Revenue Contract Branch (GS–12)
Chiefs and Assistant Chiefs, Financial Management Divisions
*Chiefs, Property Management Branches (GS–12)
Contract Specialists and Negotiators, GS–13 and above
*Operations and Safety Officers
*Engineers and Architects, GS–13 and above
*Chiefs, Budget and Administrative Branches
*Chiefs, Fiscal Administration Branches

OFFICE OF PERSONNEL AND TRAINING

*Director
*Deputy Director

OFFICE OF LABOR RELATIONS

*Director
*Deputy Director

OFFICE OF ACCOUNTING AND AUDIT

*Director
*Deputy Director
*Technical Assistant to the Director
*Division Chiefs and Assistant Division Chiefs
*Supervisory Auditors

NATIONAL AVIATION FACILITIES EXPERIMENTAL CENTER

Director
Deputy Director
Executive Officer
*Chief, Engineering Management Staff Center Counsel
*Chief, Logistics Division
*Chief, Contracts and Purchase Branch
*Chief, Materiel Branch
*Chief, Audit Division
*Chief, Air Traffic Systems Division
*Chief, Systems Test Branch
*Chief, Surveillance Systems Branch
*Chief, Laboratory Management Branch
*Chief, Systems and Engineering Equipment Branch
*Chief, Simulation and Analysis Division
*Chief, Analysis Branch
*Chief, Systems Development Branch Electronics Engineer, GS–14
*Chief, System Engineering Section
*ATC Specialist R&D, GS–14
Chief, Communications and Guidance Division
*Chief, Landing Branch
Chief, Communications and Navigation Branch
Chief, Aircraft and Airports Safety Division
*Chief, Structures Branch
*Chief, Propulsion and Fire Protection Branch
*Chief, Instruments and Flight Test Branch
*Chief, Airports Branch
*Chief, Supporting Services Division
*Chief, Aviation Facilities Division
*Chief, Flight Operations Branch
*Chief, Investigations and Security Division

AERONAUTICAL CENTER

Director
Deputy Director
Executive Officer
*Aeronautical Center Counsel
*Chief, Operations Staff
*Chief, Civil Rights Staff
*Chief, Personnel Management Division
*Chief, Accounting Division
*Chief, Budget Division
*Chief, Administrative Services Division
*Chief, Plant Engineering Division
*Chief, Procurement Division
*Chief, Contracting Branch
*Chief, Contract Management Branch
*Chief, Procurement and Systems Branch
*Chief, Electrical, Electronics and Realty Contracting Section
*Chief, Aviation, Medical and Training Contracting Section
*Chief, Electrical and Electronics Management Section
*Chief, Aviation, Medical and Training Management Section
*Chief, Audit Division
*Chief, Investigations and Security Division
*Chief, Civil Aeromedical Institute
*Chief, Flight Standards Technical Division
*Chief, Data Services Division
Chief, FAA Depot
*Superintendent, FAA Management Training School
Chief, Aircraft Services Base
Superintendent, FAA Academy
*Chief, Airways Engineering Support Division

REGIONS

Regional Director (Includes Assistant Administrators and Deputy Assistant Administrators for Europe, Africa and Middle East Regions)
Deputy Regional Director
Executive Officer
*Area Managers, San Juan and Balboa
Resident Directors, Guam and Samoa
Supervisory Auditor
Procurement Officer/Specialist, GS–13 and above
Supply Management Officer/Specialist, GS–13 and above
*Chief, Civil Rights Staff
Realty Supply Officer/Specialist, GS–13 and above
Realty Officer
Regional Counsel
Medical Officer
Chief, Accounting Division
Chief and Assistant Chief of an Air Traffic, Flight Standards, Airports, Airway Facilities Division
*Chief, Air Transportation Security Division
*Chief, Air Security Branch
*Chief, Air Transportation Security Field Office
*Principal Security Inspector (some GS–12's)
*Chief and Assistant Chief, Logistics Division
*Supervisory Contract Specialist
*Chief and Assistant Chief of a General Aviation District Office, Air Carrier District Office, Flight Standards District Office, and Airports District Office
Principal Inspector, except at a Flight Inspection National Field Office, with a title such as Air Carrier Inspector, General Aviation Inspector, Air Carrier Operations Inspector, Aviation Operations Inspector, Aviation Safety Officer/Inspector, Airborne Instrument Specialist, Aviation Maintenance Specialist, Aviation Electronic Specialist
Aviation Safety Inspector/Specialist (Manufacturing), GS–13 and above
Aerospace Engineer, GS–13 and above
Flight Test Pilot/Specialist, GS–13 and above

JUSTIFICATION FOR INCLUSION OF POSITIONS IN APPENDIX C OCCUPIED BY INCUMBENTS BELOW GS–13

CHIEF, CONTRACT/PROPERTY MANAGEMENT BRANCH

(Supervisory Contract Administrator, WA–3456, GS–1102–12)

The incumbent of this position supervises the Contract Management Branch and is responsible for the administration of air carrier, tenant, and concessionaire contracts at Washington National Airport. He also oversees collection, disbursement, safeguarding, and preliminary accountability of various funds collected or disbursed through Government operations at Washington National Airport.

CHIEF, REVENUE CONTRACT BRANCH

(Supervisory Contract Specialist, WA–3319, GS–1102–12)

The incumbent of this position supervises the Revenue Contract Branch and is responsible for the administration of air carrier, tenant, and concessionaire contracts at Dulles International Airport. He also oversees collection, disbursement, safeguarding, and preliminary accountability of various funds collected or disbursed through Government operations at Dulles.

CHIEFS, PROPERTY MANAGEMENT BRANCHES

(General Supply Officer, WA–1291, GS–2001–12, Washington National Airport)
(General Supply Officer, WA–1290, GS–2001–12, Dulles International Airport)

The incumbents of these positions supervise the Property Management Branches of National and Dulles Airports. They are responsible for the procurement of equipment, supplies, materials, and services for the Airports. They are also responsible for the physical accountability of real as well as personal property at the Airports.

PRINCIPAL SECURITY INSPECTOR

(Security Specialist, NW–5250, GS–080–12)

The incumbent of this position serves as Principal Security Agent assigned to select air carriers and represent FAA on all aviation security matters involving these carriers. In this capacity, he plays a major role in approving the security programs of the carriers.

III. SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Assistant Administrator/Resident Manager
Assistant Administrator for Development
General Counsel
Comptroller
*Director, Office of Procurement & Supply (GS–13)
*Director, Office of Comprehensive Planning (GS–14)

IV. URBAN MASS TRANSPORTATION ADMINISTRATION

Special Assistant to the Administrator
*Special Assistant to Deputy Administrator, Associate Administrator for Administration
*Contract Price Analyst
Procurement Analyst
Financial Manager
Supervisory Auditor
Contract Specialist GS–13 and above
Auditor, GS–13/14
*Management Analyst GS–13 and above
*Accountants GS–13 and above
*Budget/Analyst GS–13 and above
*Director, Office of Administrative Services
*Director, Office of Procurement and Third Party Contract Review
Chief Counsel
Assistant Chief Counsel
Attorney Advisor GS–13 and above
Director of Civil Rights
Equal Opportunity Specialist GS–13 and above
Associate Administrator for Policy and Program Development
*Director, Office of Program Development
*Director, Office of Program Evaluation
*Director, Office of Policy Research
*Associate Administrator for Transit Assistance
*Director, Office of Grants Assistance
*Director, Office of Program Support
*Director, Office of Program Analysis

*New listing.

Urban Mass Transportation Representative GS–13 and above
*General Engineers GS–13 and above
*Mechanical Engineers GS–13 and above
*Relocation Specialist GS–13 and above
*Transit Operations Specialist GS–13
*Program Analyst GS–13 and above
Associate Administrator for Research and Development
*Director Office of Bus and Paratransit Technology
*Director, Office of Rail Technology
*Director, Office of Safety and Product Qualification
*Director, Office of New Systems and Automation
*Electrical Engineer GS–13 and above
*Electronic Engineer GS–13 and above
*Safety Engineer GS–14 and above
*Operations Research Analyst GS–13 and above
*Director A.G.T. Applications Division
Director UMTA Programs—High Speed Ground Test Center—Pueblo, Colorado
*Associate Administrator for Transportation Management and Demonstrations
*Transit Industry Liaison GS–15
*Director, Office of Transit Management
*Director, Office of Services Methods Demonstrations
*Transportation Project Manager GS–13 and above
*Community Planners GS–13 and above
Regional Directors and Chiefs

V. FEDERAL HIGHWAY ADMINISTRATION

Executive Director

OFFICE OF THE CHIEF COUNCIL

Chief Counsel
Deputy Chief Counsel
Assistant Chief Counsel

OFFICE OF PROGRAM REVIEW AND INVESTIGATIONS

Director

OFFICE OF CIVIL RIGHTS

Director
Chief, Contract Compliance Division
Civil Rights Specialist, GS–13/14, engaged in Contract Compliance Review

NATIONAL HIGHWAY INSTITUTE

Director
State Programs Officer
Assistant State Programs Officer
Federal Programs Officer
Assistant Federal Programs Officer
University and Industry Programs Officer
Assistant University and Industry Programs Officer

ASSOCIATE ADMINISTRATION FOR PLANNING

Associate Administrator
Director, Office of Program and Policy Planning
Chief, Transportation Economics Division
Chief, Policy Planning Division
Chief, Program Coordination Division
Director, Office of Highway Planning
Chief, Program Management Division
Chief, Urban Planning Division

ASSOCIATE ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

Associate Administrator
*Program Coordinator
Director, Office of Research
Director, Office of Development
Chief, Program Analysis Staff
Chief, Structures & Applied Mechanics Division
Deputy Chief, Structures & Applied Mechanics Division
Chief, Bridge Structures Group
Chief, Protective Systems Group
Chief, Pavement Systems Group
Chief, Materials Division
Deputy Chief, Materials Division
Chief, Soils & Exploratory Techniques Group
Chief, Paving & Structure Materials Group
Chief, Chemistry & Coatings Group
Chief, Traffic Systems Division
Deputy Chief, Traffic Systems Division
Chief, Analysis and Experimentation Group
Chief, Systems Development & Technology Group
Chief, Systems Requirements & Evaluation Group
Chief, Environmental Design & Control Division
Deputy Chief, Environmental Design & Control Division
Chief, Socio-Economic & Environment Group
Chief, Environmental Control Group
Chief, Engineering Services Division
Chief, Electronic Instrumentation Group
Chief, Computer Technology Group
Chief, Mechanical Design & Experimentation Fabrication Group
Chief, Implementation Division
Deputy Chief, Implementation Division
Chief, Engineering Location & Design Group
Chief, Construction, Materials and Methods Group

ASSOCIATE ADMINISTRATOR FOR RIGHT-OF-WAY AND ENVIRONMENT

Associate Administrator
Director, Office of Environmental Policy
Chief, Environmental Programs Division
Chief, Environmental Quality Division
Director, Office of Right-of-Way
Chief, Real Property Acquisition Division
Chief, Relocation Assistance Division

ASSOCIATE ADMINISTRATOR FOR ENGINEERING AND TRAFFIC OPERATIONS

Associate Administrator
Director, Office of Highway Operations
Chief, Federal Highway Projects Division
Chief, Foreign Projects Division
Chief, Construction and Maintenance Division
Highway Engineer, GS–15, Construction and Maintenance Division
Chief, Defense Plans and Operations Division
Director, Office of Traffic Operations
Chief, Traffic Performance and Analysis Division
Director, Office of Engineering
Chief, Federal-Aid Division
Chief, Highway Design Division
Chief, Bridge Division
Highway Engineer, GS–15, Divisions in Office of Engineering

ASSOCIATE ADMINISTRATOR FOR MOTOR CARRIERS AND HIGHWAY SAFETY

Associate Administrator
Director, Office of Highway Safety
Chief, Program Management Division
Chief, Technical Development and Standards Division
Director, Bureau of Motor Carrier Safety
Deputy Director, Bureau of Motor Carrier Safety
Chief, Regulations Division
Chief, Compliance Division
Deputy Chief, Compliance Division
*Chief, Accident Analysis Division

ASSOCIATE ADMINISTRATOR FOR ADMINISTRATION

Associate Administrator
Deputy Associate Administrator
*Chief, Operations and Services Division
*Director, Office of Contracts and Procurement
*Chief, Procurement Management Support Division
*Chief, Services Procurement Division
*Chief, Contract Administration Division
*Senior Procurement Analyst
Supervisory Contract and Procurement Specialist, GS–13/14

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FIELD INSTALLATIONS

Regional Federal Highway Administrator or Regional Engineer
Deputy Regional Federal Highway Administrator
Director, Office of Federal Highway Projects
Deputy Director, Office of Federal Highway Projects
Chief, Construction Division or Director, Office of Construction and Maintenance
Regional Civil Rights Officer, GS–14
Civil Rights Specialist, GS–13
Regional Audit Manager
*Auditor-in-Charge or Assistant Regional Audit Manager for (State)
*Division Administrator
Director, Motor Carrier Safety Office
Regional Hazardous Materials Officer
Regional Accident Investigator
Motor Carrier Safety Investigator

VI. FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Deputy Administrator
Special Assistant to the Administrator
Executive Director, Minority Resource Center
Civil Rights Officer
Director, Office of Public Affairs

OFFICE OF PLANNING AND BUDGET DEVELOPMENT

Director
Chief, Budget Development Division
Chief, Planning Division
Chief, Program Review Division

OFFICE OF ADMINISTRATION

Associate Administrator
Director, Office of Procurement
Director, Office of Administrative Operations
Contract Officers, GS–13/14

OFFICE OF THE CHIEF COUNSEL

Chief Counsel
Assistant Chief Counsels
Contract Counsel

OFFICE OF FEDERAL ASSISTANCE

Associate Administrator
Director, Office of Rail Assistance Programs
Director, Rail Freight Division
Chief, Rail Passenger Programs Division
Director, Office of State Rail Programs
Manager, State Safety Program
Chief, Planning Assistance Division
Chief, Programs Division

NORTHEAST CORRIDOR PROJECT

Director
Deputy Director
Chief, Engineering Division
Chief, Operations Division
Chief, Project Control Division
Chief, Planning and Analysis Division

OFFICE OF RESEARCH AND DEVELOPMENT

Associate Administrator
Director, Office of Freight Systems
Director, Officer of Passenger Syatems
Director, Office of Rail Safety Research

OFFICE OF POLICY AND PROGRAM DEVELOPMENT

Associate Administrator
Deputy Associate Administrator
Director, Office of Rail Economics and Policy Development
Director, Office of Rail Systems Analysis and Programs Division
Director, National Rail Systems Project Office

OFFICE OF SAFETY

Associate Administrator
Deputy Associate Administrator
Director, Office of Safety Programs
Director, Office of Standards and Procedures

*New listing.

REGIONAL OFFICES

Regional Administrators
Directors of Safety
Directors of Federal Assistance

TRANSPORTATION TEST CENTER

Director

ALASKA RAILROAD

General Manager
Assistant General Manager
Chief, Administration Division
Real Estate Officer
Contracts and Procurement Officer
Chief Counsel
Operations Officer
Traffic Officer

VII. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Director, Office of Civil Rights
Equal Opportunity Specialist, GS–13 and above, engaged in Contract Administration
Chief Counsel
Attorney-Advisor, all grade levels

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR MOTOR VEHICLE PROGRAMS

Associate Administrator
Director, Engineering Test Facility
Chief, Project Engineering Division
Chief, Testing Operations Division
Director, Engineering Systems Staff
Cost and Lead-Time Engineer and Cost and Lead-Time Analyst
Director, Office of Standards Enforcement
Chief, Validation Division
Chief, Verification Division
All other Office of Standards Enforcement professional personnel, regardless of grade level.
Director, Office of Crash Avoidance
Chief, Driver Environment Division
Chief, Handling and Stability Division
Chief, Tire Division
All other Office of Crash Avoidance professional personnel, GS–13 and above.
Director, Office of Crashworthiness
Chief, Standards Engineering Division
Chief, Standards Preparation Division
Chief, Automobile Ratings Division
All other Office of Crashworthiness professional personnel, GS–13 and above.
Director, Office of Defects Investigation
All other Office of Defects Investigation professional personnel.
Any other employees, regardless of grade, designated in MVP to serve as Contract Technical Managers and supervisors of such employees.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR TRAFFIC SAFETY PROGRAMS

Associate Administrator
Director, Office of Driver and Pedestrian Programs
Chief, Program and Demonstration Management Division
Chief, Demonstrations Branch
Chief, Program Definition Branch
Chief, Demonstration Evaluation Division
Chief, Enforcement and Emergency Services Division
Chief, Emergency Medical Services Branch,
Chief, Police Traffic Services Branch
Chief, Driver and Pedestrian Education Division
Chief, Driver Programs Branch
Chief, Pedestrian and Cyclist Branch
Chief, Safety Belt Usage Branch
Chief, Driver Licensing and Adjudication Division
Chief, Licensing and Regulations Branch
Chief, Adjudication Branch
Chief, Driver Register Branch
Director, Office of State Program Assistance
Chief, Program Management Division
Chief, Manpower Development Division
Chief, Program Review and Analysis Division
Chief, Information and Records Systems Division
Director, Office of State Vehicle Programs
Chief, Engineering and Demonstrations Division
Chief, Vehicles-in-Use Standards Branch
Chief, State Program Division
All other Office of State Vehicle Programs professional personnel, GS–13 and above.
Any other employees, regardless of grade, designated in TSP to serve as Contract Technical Managers and supervisors of such employees.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

Associate Administrator
Director, Office of Vehicle Safety Research
Chief, Crash Avoidance Research Division
Chief, Structures Research Division
Director, Safety Research Laboratory
Chief, Braking Systems Division
Chief, Occupant Restraint Systems Division
Chief, Tire Systems Division
Director, Office of Statistics and Analysis,
Chief, Mathematical Analysis Division,
Chief, Accident Investigation Division,
Chief, Statistical Programs Division
Director, Office of Driver and Pedestrian Research
Any other employees, regardless of grade, designated in R&D to serve as Contract Technical Managers, and supervisors of such employees.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR PLANNING AND EVALUATION

Associate Administrator
Director, Office of Program Planning
Director, Office of Program Evaluation
Any other employees, regardless of grade, designated in P&E to serve as Contract Technical Managers, and supervisors of such employees.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR ADMINISTRATION

Associate Administrator
Director, Office of Contracts and Procurement
Contract Specialist, GS–13, 14
Director, Office of Financial Management
Director, Office of Management Services,
Chief, Technical Services Division, Chief, General Services Division
Any other employees, regardless of grade, designated in ADMIN to serve as Contract Technical Managers, and supervisors of such employees.
Any other employees regardless of grade that designates the contractor to perform graphics or other art work.

REGIONAL OFFICES

Regional Administrators
Any other NHTSA employees, regardless of grade, designated to serve as a Contract Technical Manager, and supervisors of such employees.

VIII. UNITED STATES COAST GUARD

Commandant
Vice Commandant
Chief of Staff
*Deputy Chief of Staff
Comptroller
Deputy Comptroller
Chief, Procurement Division
Chief, Administrative and Review Branch
Chief, Quality Assurance Division
Supervisory Contract Specialist, GS–13 and above

Contract Specialist, GS–13 and above
Chief, Office of Operations
Deputy Chief, Office of Operations
Chief, Office of Engineering
Deputy Chief, Office of Engineering
Chief Counsel
Deputy Chief Counsel
*Chief, Claims and Litigation Division, Office of Chief Counsel
*Chief, Procurment Law Division, Office of Chief Counsel
Chief, Office of Merchant Marine Safety
Deputy Chief, Office of Merchant Marine Safety
Chief, Merchant Vessel Documentation Division
*Chief, Merchant Marine Technical Division
*Chief, Merchant Vessel Inspection Division
*Assistant Chief, Merchant Vessel Inspection Division
*Chief, Marchant Vessel Personnel Division
*Traveling Inspector, Office of Merchant Marine Safety
*Chief, Cargo & Hazardous Materials Division
*Assistant Chief, Cargo & Hazardous Materials Division
Chief, Office of Research and Development
Deputy Chief, Office of Research and Development
Chief Scientist
Chief, Office of Boating Safety
Deputy Chief, Office of Boating Safety
*Chief, Boating Technical Division
*Chief, State Liaison and Compliance Division, Office of Boating Safety
Commander, U.S. Coast Guard Districts
Officer in Charge, Marine Inspection Office
Captain of the Port
Director, Great Lakes Pilotage Staff
Chief, Office of Civil Rights
*Deputy Chief, Office of Civil Rights
*Equal Opportunity Specialist (Employment), GS–13, Office of Civil Rights
Civil Rights Specialist, GS–13 and above, engaged in Contract Compliance Review
Chief, Office of Marine Environment and Systems
Deputy Chief, Office of Marine Environment and Systems
Chief, Bridge Division
*Assistant Chief, Bridge Division
Project Manager, Deepwater Ports Project
*Assistant Project Manager, Deepwater Ports Project
*Chief, Marine Environmental Protection Division
*Assistant Chief, Marine Environmental Protection Division
*Chief, Port Safety & Law Enforcement Division
*Assistant Chief, Port Safety & Law Enforcement Division
*District Chiefs of Staff
*District Chiefs, Boating Safety Division
*District Chiefs, Engineering Division
*District Chiefs, Naval Engineering Branch
*District Comptrollers
*District Chiefs, Marine Safety Branch
*Commanding Officer, Marine Safety Office

APPENDIX D—EXTRACT FROM APPENDIX C OF CIVIL SERVICE FEDERAL PERSONNEL MANUAL SYSTEM ON SPECIAL GOVERNMENT EMPLOYEES (INCLUDING GUIDELINES FOR OBTAINING AND UTILIZING THE SERVICES OF SPECIAL GOVERNMENT EMPLOYEES)

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APPENDIX E—STATUTES REGULATING POST-EMPLOYMENT RESPONSIBILITIES OF GOVERNMENT AND SPECIAL GOVERNMENT EMPLOYEES

§ 207 *Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.*

(a) Whoever, having been an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility—

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both: *Provided*, That nothing in subsection (a) or (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by the former officer or employee.

(c) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest and in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility—

Shall be fined not more than $5,000, or imprisoned not more than one year, or both.

A partner of a present or former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia or of a present or former special Government employee shall as such be subject to the provisions of sections 203, 205, and 207 of this title only as expressly provided in subsection (c) of this section. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1123.)

*New listing.

§ 208 *Acts affecting a personal financial interest.*

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

Shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2) if, by general rule or regulation published in the Federal Register, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1124.)

New 18 U.S.C. 208. This section forbids certain actions by an officer or employee of the Government in his role as a servant or representative of the Government. Its thrust is therefore to be distinguished from that of sections 203 and 205 which forbid certain actions in his capacity as a representative of persons outside the Government.

Subsection (a) in substance requires an officer or employee of the executive branch, an independent agency or the District of Columbia, including a special Government employee, to refrain from participating as such in any matter in which, to his knowledge, he, his spouse, minor child or partner has a financial interest. He must also remove himself from a matter in which a business or nonprofit organization with which he is connected or is seeking employment has a financial interest.

Subsection (b) permits the agency of an officer or employee to grant him an *ad hoc* exemption from subsection (a) if the outside financial interest in a matter is deemed not substantial enough to have an effect on the integrity of his services. Financial interests of this kind may also be made nondisqualifying by a general regulation published in the FEDERAL REGISTER.

Section 208 is similar in purpose to the former 18 U.S.C. 434 but prohibits a greater variety of conduct than the "transaction of business with • • • [a] business entity" to which the prohibition of section 434 was limited. In addition, the provision in section 208 including the interests of a spouse and others is new, as is the provision authorizing exemptions for insignificant interest.

[FR Doc.77–1284 Filed 1–13–77;8:45 am]

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federal register

FRIDAY, JANUARY 14, 1977

PART VI



DEPARTMENT OF LABOR

Employment Standards Administration

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MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AR76-4130	July 23, 1976.
Florida:	
FL76-1133; FL76-1135	Nov. 26, 1976.
Georgia:	
GA75-1025	Feb. 28, 1975.
GA77-5005	Jan. 4, 1977.
Idaho:	
ID76-5112	Nov. 26, 1976.
Illinois:	
IL76-2126; IL76-2129	Oct. 8, 1976.
IL76-2131	Oct. 22, 1976.
IL76-2149	Dec. 10, 1976.
Kansas:	
KS76-4134	July 30, 1976
Massachusetts:	
MA76-2106	Sept. 3, 1976.
Mississippi:	
MS76-1020	Jan. 30, 1976.
MS76-1137	Dec. 17, 1976.
Montana:	
MT76-5099; MT76-5100	Oct. 29, 1976.
MT76-5103	Nov. 19, 1976.
Nevada:	
NV76-5004	Jan. 4, 1977.
NV76-5080	Aug. 20, 1976.
NV76-5114	Dec. 10, 1976.
North Carolina:	
GA77-5005	Jan. 4, 1977.
Oklahoma:	
OK76-4137; OK76-4139	July 30, 1976.
OK76-4186	Nov. 19, 1976.
OK76-4189	Nov. 26, 1976.
South Carolina:	
GA77-5005	Jan. 4, 1977.
Vermont:	
VT76-2170	Dec. 10, 1976.
Virginia:	
GA77-5005	Jan. 4, 1977.
Washington, D.C.:	
GA77-5005	Jan. 4, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL76-1018 (FL77-1004)	Jan. 23, 1976.
Maryland:	
MD76-3272 (MD77-3017); MD76-3273 (MD77-3018); MD76-3274 (MD77-3019); MD76-3275 (MD77-3020); MD76-3276 (MD77-3021).	Nov. 12, 1976.
Oklahoma:	
OK76-4136 (OK77-4002)	July 30, 1976

Signed at Washington, D.C., this 7th day of January 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Apprenticeship
DECISION # FL76-1133 - Mod. #2 (41 FR-52233 - November 26, 1976) Escambia, Okaloosa, Santa Rosa & Walton Counties, Florida.					
Changes:					
Asbestos workers	9.90	.495	1.00	a	.02
Painters (all classifications)	4.50				
Plumbers & Steamfitters (excluding Walton County east of route 331).	10.82	.55	95	b	.05
Add: FOOTNOTES					
a. Two paid holidays: Labor Day & Thanksgiving Day					
b. Eight paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day Friday following Thanksgiving Day, Christmas Eve Day, Christmas Day.					
Decision # FL76-1135 - Mod. # 2 (41 FR 52234 November 26, 1976) Leon County, Florida.					
Changes:					
Electricians	9.25		7%		0.5%
DECISION # GA75-1025 - Mod. # 4 (40 FR-8691 - February 28, 1975) Hall County, Georgia					
Changes:					
Carpenters & Resilient Tile	5.53				
Electricians, Commercial	8.00	88	88 + 18		.25%
Electricians, Industrial	9.35	88	88 + 18		.25%
Plumbers & Fitters	5.45				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Apprenticeship
DECISION NO. AR76-4130 - Mod. #3 (41 FR 30509 - July 23, 1976) Conway, Faulkner, Perry, Van Buren & Cleburne Counties, Arkansas					
CHANGE:					
CARPENTERS (Cleburne and Van Buren Counties)					
Carpenters	$7.93	.45	.35		.04
Millwrights-Piledrivermen	8.73	.45	.35		.04

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MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #ID76-5112 - Mod. #3 (41 FR 52236 - November 26, 1976) Statewide Idaho					
Change:					
Electricians:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Electricians	$12.13	.57	1% + .40		.02
Cable Splicers	12.53	.57	1% + .40		.02
Line Construction Workers: (Area 1):					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Cable Splicers; Leadman Pole Sprayer	12.23	.35	1%	.10	1/2%
Linemen; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	11.04	.35	1%	.10	1/2%
Tree Trimmer	9.97	.35	1%	.10	1/2%
Line Equipment Man	9.52	.35	1%	.10	1/2%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammerman	8.31	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.83	.35	1%	.10	1/2%
Painters:					
Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (western third of County including City of Bliss), Idaho County (south of the 46th Parallel), Owyhee, Payette, Valley, Washington Counties:					
Painters and Tapers	8.75	.45	.30		.07

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #ID76-5112 (Cont'd):					
Change (Cont'd):					
Painters (Cont'd):					
Elmore (Mt. Home AFB): Painters and Tapers	$9.75	.45	.30		.07
Plasterers:					
Remaining Counties:	9.07	.50	.45	.35	
Plumbers:					
Remaining Counties and Idaho County (south of the 46th Parallel):					
Plumbers	10.42	.59	.70		.10
Helpers	7.29	.59	.70		.10
Sheet Metal Workers:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	12.10	.57	1.225		.10
Soft Floor Layers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	9.05	.40	.60		

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2126 - Mod. #1 (41 FR 44630 - October 8, 1976) Logan, Menard & Mason Counties, Illinois					
CHANGE:					
Electricians:					
Logan & Menard Counties; the Twps. of Bath, Crane Creek, Kilburne, Lynchburg, Mason City & Salt Creek in Mason County	$10.87	.40	1%+.40		.1 of 1%
Roofers:					
Composition	11.78				
Slate-Tile & Precast Slab	12.03				
Sheet Metal Workers	10.62	3%+.40	.50		.05
DECISION #IL76-2129 - Mod. #1 (41 FR 44625 - October 8, 1976) Cass, Morgan & Scott Counties, Illinois					
CHANGE:					
Carpenters:					
Piledrivermen	9.45	.45	.25		.02
Millwrights	9.20	.45	.25		.02
Electricians	10.87	.40	1%+.40		.1 of 1%
Roofers:					
Composition	11.78				
Slate-Tile & Precast Slab	12.03				
Sheet Metal Workers	10.62	3%+.40	.50		.05
DECISION #IL76-2131 - Mod. #1 (41 FR 46828 - October 22, 1976) Sangamon County, Illinois					
CHANGE:					
Carpenters:					
Residential					
1 & 2 Family Dwellings	7.50	.45	.45		.06
Electricians	10.87	.40	1%+.40		.1 of 1%
Roofers:					
Composition	11.78				
Slate-Tile & Precast Slab	12.03				
Sheet Metal Workers	10.62	3%+.40	.50		.05

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2149 - Mod. #1 (41 54128 - December 10, 1976) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois					
CHANGE:					
Electricians:					
Sangamon, Logan, Menard, Cass, Morgan & Scott Counties; Twps. of Lynchburg, Bath, Kilburne, Crane Creek, Salt Creek & Mason in Mason County	$10.87	.40	1%+.40		.1 of 1%
Laborers:					
Logan & Menard County (North of Petersburgh)					
Skilled	8.71	.45	.35		.035
DECISION #[illegible]76-4134 - Mod. #1 (41 FR 52117 - July 30, 1976) Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas					
Change:					
Laborers Zone 1					
Group A	$5.60	.40	.35		.05
Group B	5.75	.40	.35		.05
Group C	5.85	.40	.35		.05
Group D	6.00	.40	.35		.05
Group E	6.10	.40	.35		.05
Power Equipment Operators Zone 3					
Group 1	8.10	.50	1.00	.50	.10
Group 2	7.85	.50	1.00	.50	.10
Group 3	7.60	.50	1.00	.50	.10
Group 4	7.35	.50	1.00	.50	.10
Group 5	7.00	.50	1.00	.50	.10
Group 6	7.10	.50	1.00	.50	.10

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA76-2106- Mod #3 (41 FR 37409- September 3, 1976) Worcester County, Massachusetts					
Change:					
Electricians: Warren	$9.60	.50	1%+.30	.43	.02+a
Piledrivermen	10.15	.60	1.00		
Plumbers:					
Ashburnham, Athol, Bolton, Fitchburg, Garden, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, Winchendon	10.02	.60	.45	.60	.05
Decision # MS76-1020 - Mod. # 4 (41 FR-4780 - January 30, 1976) Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi.					
Change:					
Modification published December 17, 1976 should be mod. # 3.					
Painters (Hancock and Pearl River Counties):					
Brush and roller	5.55				.03
Spray	6.55				.03
Painters (Harrison and Jackson Counties):					
Commercial:					
Brush	6.85		.20		.12
Roller	6.95		.20		.12
Spray and sandblast	7.70		.20		.12
Industrial:					
Brush	7.60		.20		.12
Spray and sand blast	8.90		.20		.12
Palete:					
Glaziers	5.00				.03
Decision No. MS76-1137 - Mod. 1 (41 FR 55271 - December 17, 1976) Statewide, Mississippi.					
Change:					
This decision supersedes decision #MS75-111h.					

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MT76-5099 - Mod. #2 (41 FR 47789 - October 29, 1976) Statewide, Montana					
Change:					
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north half of the City of Boulder), Lewis and Clark and Meagher Counties	$9.81	.77	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.73	.82	.25		.10
DECISION NO. MT76-5100 - Mod. #2 (41 FR 47798 - October 29, 1976) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana					
Change:					
Sheet Metal Workers:					
Missoula County	$9.73	.82	.23		.10

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MT76-5103 - Mod. #2 (41 FR 51326 - November 19, 1976) Statewide, Montana					
Change:					
Carpenters:					
Granite (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) Lake (southern area, south of and including the Town of Ravalli), Mineral (area southeast of Southeast City limits of the Town of Superior), Missoula, Powell (area lying north of the N.E. corner of Granite County), Ravalli and Sander (Southeastern portion) Counties					
Carpenters	$8.01	.45	.75		.02
Millwrights; Piledrivermen	8.26	.45	.75		.02
Broadwater, Lewis and Clark and Jefferson Counties					
Carpenters	8.27	.45	.75		.02
Millwright	8.52	.45	.75		.02
Piledrivermen	8.42	.45	.75		.02
Sheet Metal Workers:					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.73	.82	.25		.10
Broadwater, Jefferson (including North half of the City of Boulder), Lewis and Clark and Meagher Counties	9.81	.77	.25		.10

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV77-5004 - Mod. #1 (42 FR - January 4, 1977) Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada					
Change:					
Bricklayers; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	$11.37	.70	.60		.06
Ironworkers:					
Remaining Counties:					
Fence Erector	10.41	1.14	1.86	1.20	.04
Ornamental; Reinforcing; Structural	11.30	1.14	1.86	1.20	.04
Line Construction Workers:					
Clark, Lincoln, Nye County (south half):					
Line Equipment Operator	13.73	.73	1%		.35
Cable Splicers	5%overJR	.73	1%		.35
Plumbers; Steamfitters:					
Remaining Counties and Nye County (north half)	10.84	.73	.80	1.95	.08
Power Equipment Operators: (Except Piledriving and Steel Erection)					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	9.95	.95	2.00	.50	.04
Group 2	10.23	.95	2.00	.50	.04
Group 3	10.52	.95	2.00	.50	.04
Group 4	10.66	.95	2.00	.50	.04
Group 5	10.88	.95	2.00	.50	.04
Group 6	10.99	.95	2.00	.50	.04
Group 7	11.11	.95	2.00	.50	.04
Group 8	11.28	.95	2.00	.50	.04
Group 9	11.41	.95	2.00	.50	.04

DECISION #NV77-5004 (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Soft Floor Layers: Clark, Esmeralda, Lincoln, Nye Counties	$12.32	.40			.15
Terrazzo Workers; Tile Setters: Clark, Esmeralda, Lincoln, Nye County (south half)	11.37	.70	.60		
DECISION #NV76-5080 - Mod. #3 (41 FR 35384 - August 20, 1976) Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Bricklayers	$11.37	.70	.60		.06
Ironworkers: Reinforcing; Ornamental; Structural	11.30	1.14	1.86	1.20	.04
DECISION #NV76-5114 - Mod. #2 (41 FR 54133 - December 10, 1976) Clark County (excluding the Nevada Test Site), Nevada					
Change:					
Bricklayers; Stonemasons	$11.37	.70	.60		.06
Ironworkers: Fence Erectors	10.41	1.14	1.86	1.20	.04
Ornamental; Reinforcing; Structural	11.30	1.14	1.86	1.20	.04
Marble Masons; Terrazzo Workers; Tile Setters	11.37	.70	.60		.06
Power Equipment Operators: (Except Piledriving and Steel Erection)					
Group 1	9.95	.95	2.00	.50	.04
Group 2	10.23	.95	2.00	.50	.04
Group 3	10.52	.95	2.00	.50	.04
Group 4	10.66	.95	2.00	.50	.04
Group 5	10.88	.95	2.00	.50	.04
Group 6	10.99	.95	2.00	.50	.04
Group 7	11.11	.95	2.00	.50	.04
Group 8	11.28	.95	2.00	.50	.04
Group 9	11.41	.95	2.00	.50	.04
Soft Floor Layers	12.52	.40			.15

DECISION NO. OK76-4137 - Mod. #3 (41 FR 32180 - July 30, 1976) McIntosh County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	$10.00	.50	1.00		.02
BRICKLAYERS	9.25	.45	.40		.05
ELECTRICIANS:					
ZONE I					
Electricians	9.93	.40	1%		1/2%
Cable splicers	10.33	.40	1%		1/2%
ZONE II					
Electricians	10.23	.40	1%		1/2%
Cable splicers	10.63	.40	1%	1/2%	
ELEVATOR CONSTRUCTORS	9.66	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.545	.35	4%+a+b	.02
IRONWORKERS	9.60	.45	.65		.12
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKER HELPER	7.70				
TERRAZZO WORKER FLOOR MACHINE OP.	7.80				
TERRAZZO WORKERS BASE MACHINE OP.	8.00				
TILE LAYERS	9.29		.30		
TRUCK DRIVERS:					
Group 1	8.03				
Group 2	8.13				
Group 3	8.23				
Group 4	8.18				
Group 5	8.33				

DECISION NO. OK76-4139 - Mod. #3 (41 FR 32184 - July 30, 1976) Muskogee, Adair and Cherokee Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	$ 10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	9.36	.45	.40		.04
ELECTRICIANS:					
Zone I					
Electricians	9.93	.40	1%		1/2%
Cable splicers	10.33	.40	1%		1/2%
ZONE II					
Electricians	10.23	.40	1%		1/2%
Cable splicers	10.63	.40	1%		1/2%
IRONWORKERS	9.60	.45	.65		.12
POWER EQUIPMENT OPERATORS:					
Group 1	10.10	.45	.50		.12
Group 2	9.85	.45	.50		.12
Group 3	9.60	.45	.50		.12
Group 4	9.35	.45	.50		.12
Group 5	9.10	.45	.50		.12
Group 6	8.85	.45	.50		.12
Group 7	8.45	.45	.50		.12
Group 8	8.35	.45	.50		.12
Group 9	8.15	.45	.50		.12
Group 10	7.85	.45	.50		.12
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS HELPERS	7.70				
TERRAZZO WORKERS' HELPER FLOOR OP.	7.80				
TERRAZZO WORKERS' helper base machine operator	8.00				
TILE LAYERS	9.29		.30		
TRUCK DRIVERS:					
Group 1	8.03				
Group 2	8.13				
Group 3	8.23				
Group 4	8.18				
Group 5	8.33				

DECISION NO. OK76-4186 - Mod. #1 (41 FR 51359 - November 19, 1976) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	$ 10.00	.35	.60		.015
BRICKLAYERS-Stonemasons:					
Tulsa, Delaware, Ottawa, Craig and Rogers Counties	9.74	.30	.40	.33	.06
CARPENTERS - Area I	8.78	.35	.65		.05
MILLWRIGHTS-Piledrivermen-Zone I	9.08	.35	.65		.05
CEMENT MASONS:					
Cement masons	9.28		.40		.06
Power tool operator	9.53		.40		.06
ELECTRICIANS:					
Electricians	9.65	.46	1%+.40	.30	.07
Cable splicers	9.90	.46	1%+.40	.30	.07
IRONWORKERS	9.60	.45	.65		.12
PAINTERS (TULSA, Creek, Rogers and Mayes Counties):					
Brush	8.55		.40	.85	.02
Highwork and stage	8.95		.40	.85	.02
Spray and sandblasting	8.95		.40	.85	.02
Hot or bituminous	9.85		.40	.85	.02
Sheetrock handtools	8.55		.40	.85	.02
Sheetrock power tools	8.90		.40	.85	.02
Hazardous work	10.75		.40	.85	.02
PLASTERERS	9.15				.01
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS! & tile layers helper	7.70				
TERRAZZO WORKERS' helpers floor machine operator	7.80				
TERRAZZO WORKERS' Helpers base machine operator	8.00				
TILE LAYERS	9.29				
BRICKLAYERS (MAYES COUNTY)	9.36	.45	.30 .40		.04

DECISION NO. OK76-4189 - Mod. #1
(41 FR 52278 - November 26, 1976)
Wagoner County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	$10.00	.50	1.00		.02
BRICKLAYERS	9.36	.45	.40		.04
IRONWORKERS	9.60	.45	.65		.12
ELECTRICIANS:					
ZONE I					
Electricians	9.93	.40	1%		1/2%
Cable splicers	10.33	.40	1%		1/2%
ZONE II					
Electricians	10.23	.40	1%		1/2%
Cable splicers	10.63	.40	1%		1/2%
ZONE III					
Electricians	9.65	.46	1%+.40	.30	.07
Cable splicers	9.90	.46	1%+.40	.30	.07
CEMENT MASONS - Zone I	9.28		.40		
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12
TRUCK DRIVERS:					
Group 1	8.03				
Group 2	8.13				
Group 3	8.23				
Group 4	8.18				
Group 5	8.33				

DECISION NO. VT76-2170- Mod #1
(41 FR 54146- December 10, 1976)
Statewide Vermont, except Rutland County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Piledrivermen:					
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	$6.71	.40	.50		

DECISION #GA77-5005 - Mod. #1
(42 FR -January 4, 1977)
Georgia, North Carolina, South Carolina, Virginia and Washington, D. C.

Omit:
The State of Maryland in the "States"

SUPERSEDEAS-DECISION

STATE: Florida COUNTIES: *See below
DECISION NUMBER: FL77-1004 DATE: Date of Publication
Supersedeas Decision No. : FL76-1018 dated January 23, 1976 in 41 FR-3590
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Gadsden, Jefferson, & Leon.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanics	4.63				
Bricklayers	6.55				
Carpenters	4.69				
Cement masons	3.25				
Drywall hangers	6.00				
Electricians	5.00				
Insulators	3.37				
Ironworkers	8.15				
Laborers:					
Plasterers tenders	3.00				
Unskilled	2.95				
Lathers	6.95				
Painters	4.30				
Plasterers	6.25				
Plumbers and pipefitters	6.00				
Roofers	4.00				
Sheet metal workers	4.00				
Soft floor layers	4.50				
Tile setters	6.00				
Truck drivers	2.95				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.75				

SUPERSEDEAS DECISION

STATE: Maryland

COUNTIES: Baltimore, Harford, Howard and Baltimore City

DATE: Date of Publication

DECISION NO.: MD77-3017

Supersedes Decision No. MD76-3272 dated November 12, 1976 in 41 FR 50147

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories), Heavy Construction (excluding sewer and water lines and Baltimore Region Rapid Transit System)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.95	.70	.85		.02
BOILERMAKERS	9.40	.60	.90		.02
BRICKLAYERS	9.95	.70	.50		.07
CARPENTERS	9.80	.75	.69		.05
CEMENT MASONS	10.02	.60	.55		
ELECTRICIANS:					
Zone 1 - From Baltimore City Hall to 25 Miles	10.20	.60	1%+.80		½
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	10.45	.60	1%+.80		½
Zone 3 - Over 45 Miles from Baltimore City Hall	10.70	.60	1%+.80		½
ELEVATOR CONSTRUCTORS	10.415	.545	.35	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.29	.545	.35	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	5.21				
GLAZIERS:					
Glaziers	7.90	.25	.40		
Swinging Scaffold or Bosun's Chair	8.15	.25	.40		
IRONWORKERS:					
Ironworkers, finishers, rodmen, pre-cast & pre-stress erectors	9.77	.80	1.53		.06
Sheeters	10.02	.80	1.53		.06
Fence erectors	9.42	.80	1.53		.06
LABORERS, BUILDING					
Laborers	7.00	.30	.50		.075
Hod Carriers	7.40	.30	.50		.075
Plasterers' Laborers	7.15	.30	.50		.075
Power Tool Operators	7.10	.30	.50		.075
Pipelayers (concrete & clay)	7.20	.30	.50		.075
Wagon Drill Operators	7.25	.30	.50		.075
Mason Tenders	7.30	.30	.50		.075
Scaffold Builders	7.50	.30	.50		.075
LABORERS, HEAVY					
Laborers	6.10	.30	.50		.075
Power Tool Operators	6.20	.30	.50		.075
Pipelayers, wagon drill operators, air track drillers, burners (demolition	6.60	.30	.50		.075

DECISION NO. MD77-3017

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.59		.35	b	.01
LEAD BURNERS	10.75	.40	.25	c	.01
LINEMEN & CABLE SPLICERS:					
Zone 1 - From Baltimore City Hall to 25 Miles	11.15	.45	1%		½
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	11.40	.45	1%		½
Zone 3 - Over 45 Miles from Baltimore City Hall	11.65	.45	1%		½
MARBLE SETTERS	10.15	.40	.50		.07
MARBLE, TILE & TERRAZZO WORKERS' FINISHERS	6.625	.35	.20		
MILLWRIGHTS	9.90	.75	.69		.05
PAINTERS:					
Brush	9.20	.85	.50		.06
Structural Steel, Spray (Steel), Steamcleaning & Sandblasting	9.70	.85	.50		.06
Spackling, Taping & Wall Coverings	9.35	.85	.50		.06
PILEDRIVERMEN	9.80	.75	.69		.05
PLASTERERS	8.95	.60	.40	h	
PLUMBERS	10.93	.50	.45		.10
ROOFERS:					
Roofers, Damp & Waterproof Workers	7.90	.35	.40		.05
Slate, Tile, Asbestos & Asphalt Shingle	8.35	.35	.40		.05
Precast Slab & Woodblock Layer	8.90	.35	.40		.05
SHEET METAL WORKERS	10.12	.75	.70		.05
SOFT FLOOR LAYERS - Resilient Floor Layers	9.80	.75	.69		.05
SPRINKLER FITTERS:					
Baltimore City including a 10-mile radius beyond the City Limits	10.80	.60	.90		.10
Harford & Howard Counties and the remainder of Baltimore County	11.06	.60	.90		.08

DECISION NO. MD77-3017

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMFITTERS	$10.93	.45	.60		.12
STONE MASONS	9.80	.40	.75		.07
TILE & TERRAZZO WORKERS	8.11	.70	.50		.04
TRUCK DRIVERS:					
Goose-necks, drop frame trailers All "A" Frames, winch trucks, fork lifts & trailers	9.20	.80	.60	d+e	
Flat beds & pick-ups	9.00	.80	.60	d+e	
Euclid wagons & dumpsters	8.00	.80	.60	d+e	
Dump trucks	8.05	.80	.60	d+e	
TRUCK DRIVERS (Excavation):	7.74	.80	.60	d+e	
Dump truck	7.74	.80	.60	f+g	
Euclid Wagons & Dumpsters	8.05	.80	.60	f+g	
Drop-Frame, Goose-Neck & Trailers	7.94	.80	.60	f+g	
Pick-Ups	7.56	.80	.60	f+g	
Welders - receive rates prescribed for craft performing operation to which welding is incidental.					

DECISION NO. MD77-3017

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service as vacation pay credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday).
d. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
e. Holidays: A through F plus the employee's birthday; the day after Thanksgiving Day and Christmas Eve (provided the employee has worked one day and has been available for work during holiday week).
f. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided employee has worked 100 days in the contract year.
g. Holidays A through F plus the employee' birthday, Good Friday and Christmas Eve (providing the employee has worked one day and has been available for work during the holiday week).
h. Employee working Christmas Eve shall work 4 hours and receive 8 hours pay.

DECISION NO. MD77-3017

POWER EQUIPMENT OPERATORS
Building and Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.35	.75	.75	a	.10
Group 2:	9.85	.75	.75	a	.10
Group 3	9.30	.75	.75	a	.10
Group 4	8.85	.75	.75	a	.10
Group 5	7.85	.75	.75	a	.10
Group 6:					
a	10.25	.75	.75	a	.10
b	10.45	.75	.75	a	.10
c	10.65	.75	.75	a	.10
d	10.85	.75	.75	a	.10
e	11.10	.75	.75	a	.10

FOOTNOTE:
a. Paid Holidays - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Group 1: Operators handling or setting steel, stone, prestressed concrete or machinery. Tower Cranes.

Group 2: Backfiller, backhoe, batching plants, boat captain, cableway, Case type hoe (with a front end bucket over 1¼ yds.), concrete mixing plants, concrete paver, derrick boat, double concrete pump, dragline, Eimco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whirley rig.

Group 3: Asphalt spreader, bulldozer, bull float, crane type backhoe (with a front end bucket 1¼ yds. and under), concrete mixer (with skip), Concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), hi-lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone spreader, sub-grader, tractor with attachments (2 or more provided both attachments are being used.

DECISION NO. MD77-3017

POWER EQUIPMENT OPERATORS
(Building and Heavy Construction)

Group 4: Caterpillar type tractor, compressors, elevator operator, Firemen, fuel truck, grease truck, grout pump, light plant, mighty midget with compressor, single conveyor, space heaters, welding machines, well-drill, well point system.

Group 5: Deck hands, oilers (all types)

Group 6: Long boom cranes, including jibs and on piledriver machines with leads: when working with piledrivermen or ironworker

Group 6a: 130' to 169'

Group 6b: 170' to 209'

Group 6c: 210' to 249'

Group 6d: 250' to 299'

Group 6e: 300' and over

SUPERSEDEAS DECISION

STATE: Maryland LOCATION: Baltimore City
DECISION NO.: MD77-3018 DATE: Date of Publication
Supersedes Decision No.: MD76-3273 dated November 12, 1976 in 41 FR 50150
DESCRIPTION OF WORK: Highway Construction (excluding bridge construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 9.80	.75	.69		.05
Cement Masons	10.02	.60	.55		
Electricians	10.20	.60	1⅝+.80		1/5
Ironworkers:					
Structural & reinforcing	9.77	.80	1.53		.06
Fence erectors	9.42	.80	1.53		.06
Laborers	6.10	.30	.50		.075
Truck Drivers:					
Pickups	6.85	.80	.60	a+b	
Dumps	7.03	.80	.60	a+b	
Drop-frame, gooseneck, trailer driver	7.23	.80	.60	a+b	
Euclids & dumpsters	7.34	.80	.60	a+b	

FOOTNOTES:

a. 9-paid holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and Employee's Birthday, providing employee has worked one day and was available for work during the holiday week.

b. Employees who has worked 100 days in the previous contract year and have 1 year of service, 1 week's paid vacation: 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

DECISION NO. MD77-3018

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.07	.75	.75	a	.10
GROUP II	8.57	.75	.75	a	.10
GROUP III	8.07	.75	.75	a	.10
GROUP IV	7.07	.75	.75	a	.10
GROUP V					
a	9.47	.75	.75	a	.10
b	9.67	.75	.75	a	.10
c	9.87	.75	.75	a	.10
d	10.07	.75	.75	a	.10
e	10.32	.75	.75	a	.10

FOOTNOTE:
a. Paid Holidays, New Year's Day; Memorial; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee works three days in the work week in which the holiday occurs.

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION

Group I - Backfiller, backhoe, batching plants, cableway, Case type hoe (with a front end bucket over 1-¼ yds.), concrete mixing plants, concrete paver, derrick, derrick boat, double concrete pump, dragline, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds and over), grader, gradall, hoist (2 active drums or more), pile driving machine, power crane, power shovel, repair mechanic, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scoop, welder, whirley rig.

Group II - Asphalt spreader, bulldozer, bull float, Case type hoe (with a front end bucket 1-¼ yds. and under), concrete mixer (with a slip), concrete pump, concrete spreader, ditch-witch type trencher, excavating scoop (under 25 yds.), finishing machine, front end loader (under 1-3/4 yds.), grout pump, hi-lift, longitudinal float, narrow-guage locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone spreader, tractor with attachments (2 or more provided both attachments are being used), subgrader, well-drill.

Group III - Compressors, conveyors, firemen, fueltruck, grease truck, light plants, mighty midget with compressor, space heaters, welding machines wellpoint system

DECISION NO. MD77-3018

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION (Cont'd)

Group IV - Oilers (all types)

Group V - Long boom cranes, including jibs, and on piledriver machines with leads:
a. 130 Ft. to 169 Ft.
b. 170 Ft. to 209 Ft.
c. 210 Ft. to 249 Ft.
d. 250 Ft. to 299 Ft.
e. 300 Ft. and over

SUPERSEDEAS DECISION

STATE: MARYLAND
COUNTY: ANNE ARUNDEL
DECISION NO.: MD77-3019
DATE: DATE OF PUBLICATION
Supersedee Decision No. MD76-3274 dated November 12, 1976 in 41 FR 50152
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (excluding single family houses and garden type apartments up to and including 4-stories) and Heavy Construction (exluding sewer and water lines).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.95	.70	.85		.02
BOILERMAKERS	9.40	.60	.90		.02
BRICKLAYERS:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.95	.70	.50		.07
Reminder of County	10.90	.75	.65	f	.10
CARPENTERS:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	9.80	.75	.69		.05
Reminder of County	10.00	.65	.53		.07
CEMENT MASONS:					
North of and including Benfield, Arminger and Pasadena but exoluding the D. C. Training School	10.02	.60	.55		
The D. C. Training School	10.04	.685	.50		.11
Remainder of County	8.95	.25		f	
ELECTRICIANS	10.20	.60	1%+.80		4%
ELEVATOR CONSTRUCTORS	10.415	.545	.35	3%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.29	.545	.35	3%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	5.21				
GLAZIERS:					
Glaziers	7.90	.25	.40		
Swing scaffold or bosun chair	8.15	.25	.40		
IRONWORKERS:					
Structural, ornamental, rodmen, finishers , pre-cast & prestress erectors	9.77	.80	1.53		.06
Sheeters	10.02	.80	1.53		.06
LABORERS, BUILDING:					
Unskilled	7.00	.30	.50		.075
Mod carriers, gunnite nozzle	7.40	.30	.50		.075
Plasterers' laborers	7.15	.30	.50		.075
Power tool operator	7.10	.30	.50		.075
Pipelayers (concrete & clay)	7.20	.30	.50		.075
Wagon Drill Operator	7.15	.30	.50		.075
Mason TEnders	7.25	.30	.50		.075
Scaffold builders and burners (demolition)	7.50	.30	.50		.075

DECISION NO. MD77-3019

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY:					
Laborers	6.10	.30	.50		.075
Power tool operator	6.20	.30	.50		.075
Pipelayers, Wagon Drill Operator Air Track Drillar, Burners (Demolition)	6.60	.30	.50		.075
LATHERS	9.59	.40	.35	1	.01
LEAD BURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen, Cable Splicers	11.15	.45	1%		3%
Groundmen (experienced)	7.02	.45	1%		3%
MARBLE SETTERS:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	10.15	.40	.50		.07
Remainder of County	8.95	.25		f	
MILLWRIGHTS:					
All areas north of a line strating at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger & Ft. Smallwood	9.90	.75	.69		.05
Remainder of County	10.46	.65	.53		.07
PAINTERS:					
Brush	9.20	.85	.50		.06
Structural steel, spray (steel) steamcleaning & sandblasting	9.70	.85	.50		.06
Spacking, taping & wall coverings	9.35	.85	.50		.06
Spray (except steel)	9.65	.85	.50		.06
PILEDRIVERMEN:					
All areas north of a line starting At Priest Bridge and continuing northeast to Benfield Pasadena, Arminger and Fort Smallwood	9.80	.75	.69		.05
Reminder of County	10.21	.65	.53		.07

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DECISION NO. MDTT-3019	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
The D. C. Training School	$10.15	.55	.65		.06
Remainder of County	8.95	.60	.40	f	
PLUMBERS	10.93	.50	.45		.10
ROOFERS:					
Roofers, damp & waterproofers	7.90	.35	.40		.05
Slate, tile, asbestos & asphalt	8.35	.35	.40		.05
Precast & wood block	8.90	.35	.40		.05
SHEET METAL WORKERS	10.12	.75	.70		.05
SOFT FLOOR LAYERS:					
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	9.80	.75	.69		.05
Remainder of County	9.55	.50	.49		.07
SPRINKLER FITTERS	11.06	.60	.90		.08
STEAMFITTERS	10.93	.45	.60		.12
STONE MASONS:					
From Bodkin Point including Fort Meade but excluding the					
D. C. Training School	9.80	.40	.75		.07
Remainder of County	8.95	.25		f	
TERRAZZO WORKERS:					
Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the					
D. C. Training School	8.11	.70	.50		.04
The D. C. Training School	10.78	.50	.40		
Remainder of County	8.95	.25		f	
TERRAZZO WORKERS FINISHERS:					
The D. C. Training School	8.05	.40	.40		
Remainder of County	6.625	.35	.20		
TILE SETTERS:					
Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the					
D. C. Training School	8.11	.70	.50		.04
The D. C. Training School	10.78	.50	.40		
Remainder of County	8.95	.25		f	

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DECISION NO. MDTT-3019	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS FINISHERS:					
The D. C. Training School	$ 8.05	.40	.40		
Remainder of County	6.625	.35	.20		
TRUCK DRIVERS:					
Goose-necks, drop frame trailers	9.20	.80	.60	d+e	
All A-Frame, winch trucks, fork lifts and trailers	9.00	.80	.60	d+e	
Flat beds and pick-ups	8.00	.80	.60	d+e	
Helpers	7.65	.80	.60	d+e	
Mixers with agitator of 12 yds., capacity	7.65	.80	.60	d+e	

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DECISION NO. MDTT-3019	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (cont'd):					
Mixers with agitator over 12 yds., capacity	8.08	.80	.60	d+e	
Euclid wagons and dumpsters	8.05	.80	.60	d+e	
Dump trucks	7.74	.80	.60	d+e	
Truck Drivers (Excavation):					
Dump trucks	7.74	.80	.60	d+h	
Euclids wagon and dumpster	8.05	.80	.60	d+h	
Drop frame, goose neck & trailer	7.94	.80	.60	d+h	
Pick-up	7.56	.80	.60	d+h	
Helpers	7.41	.80	.60	d+h	
Welders - receive rates prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas DAy.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided employee has worked at least 30 full days during the 90 caalendar days prior to the holiday and the regular scheduled work-days immediately preceding and following the holiday.
d. Employee with one yer of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
e. Holidays: A through F plus the employee's birthday, the day after Thanksgiving and Christmas Eve, provided the employee has worked one day and has been available for work during the holiday week.
f. Employees working X-Mas Eve shall work 4 hours and receive 8 hours pay.
g. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 100 days in the contract year.
h. Holidays: A through F plus Good Friday. Employee's birthday and Christmas Eve, provided the employee has worked one day and was available for work during the holiday week.
i. Employee working Christmas Eve shall worked 4 hours and receive 8 hour pay.

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DECISION NO. MDTT-3019

POWER EQUIPMENT OPERATORS Building and Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.35	.75	.75	a	.10
Group 2:	9.85	.75	.75	a	.10
Group 3	9.30	.75	.75	a	.10
Group 4	8.85	.75	.75	a	.10
Group 5	7.85	.75	.75	a	.10
Group 6:					
a	10.25	.75	.75	a	.10
b	10.45	.75	.75	a	.10
c	10.65	.75	.75	a	.10
d	10.85	.75	.75	a	.10
e	11.10	.75	.75	a	.10

FOOTNOTE:
a. Paid Holidays - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Group 1: Operators handling or setting steel, stone, prestressed concrete or machinery. Tower Cranes.

Group 2: Backfiller, backhoe, batching plants, boat captain, cableway, Case type hoe (with a front end bucket over 1½ yds.), concrete mixing plants, concrete paver, derrick boat, double concrete pump, draglioe, Eimco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. end over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair machanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whirley rig.

Group 3: Asphalt spreadar, bulldozer, bull float, crane type backhoe (with a front end bucket 1½ yds. and under), concrete mixer (with skip), Concrete pump, concrete spreadar, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), Hi-lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone sprader, sub-grader, tractor with attachments (2 or more provided both attachments are being used.

DECISION NO. MDTT-3019

POWER EQUIPMENT OPERATORS
(Building and Heavy Construction)

Group 4: Caterpillar type tractor, compressors, elevator operator, Firemen, fuel truck, grease truck, grout pump, light plant, mighty midget with compressor, single conveyor, space heaters, welding machines, well-drill, well point system.

Group 5: Deck hands, oilers (all types)

Group 6: Long boom cranes, including jibs and on piledriver machines with leads: when working with piledrivermen or ironworker

Group 6a: 130" to 169"

Group 6b: 170' to 209'

Group 6c: 210' to 249'

Group 6d: 250' to 299'

Group 6e: 300' and over

SUPERSEDEAS DECISION

STATE: Maryland COUNTIES: Allegany And Garrett

DECISION NO.: MDTT-3020 DATE: Date of Publication
Supersedeas Decision No. MD76-3275 dated November 12, 1976 in 41 FR 50156
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$ 11.10	.60	.70		
Boilermakers	9.40	.60	.90		.02
Bricklayers	9.79		.40		
Carpenters	9.90	.45	.25		.02
Cement Masons	10.04	.45			
Electricians:					
Allegany County	10.15	.50	1%+.25		1%
Garrett County	10.55	.50	1%+.25		1%
Elevator Constructors	11.185	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers	7.83	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers (probationary)	5.59				
Ironworkers:					
Structural, Ornamental and Reinforcing	9.84	.60	.90		
Laborers:					
Unskilled, landscape worker	7.11	.40	.60		
Power tool oper., mason & plasterer tender, mortar mixer (by hand), scaffold builder, hod carrier, concrete puddler, rammer & pipelayer	7.25	.40	.60		
Mortar mixer (machine)	7.31	.40	.60		
Blaster-dynamite, wagon drill (air track)	7.45	.40	.60		
Lathers	9.25		.35		.01
Linemen - Allegany County:					
Linemen	10.15	.50	1%+.25		1%
Equipment Operator	9.64	.50	1%+.25		1%
Truck driver, groundmen (experienced)	6.60	.50	1%+.25		1%
Groundmen (1st year)	4.06	.50	1%+.25		1%
Linemen - Garrett County:					
Linemen	10.55	.50	1%+.25		1%
Equipment Operator	10.04	.50	1%+.25		1%
Truck driver, groundmen (experienced)	7.00	.50	1%+.25		1%
Groundmen (1st year)	4.46	.50	1%+.25		1%
Marble Masons			.40		
Millwrights	10.26	.45	.25		.02

DECISION NO. MDTT-3020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush, rollers, wall covering hangers	$ 7.70		.25		
Spray & Sandblasting	8.20		.25		
Piledrivermen	10.20	.45	.25		.02
Plasterers	10.04	.45			
Plumbers & Steamfitters	8.70	.50	.50	1.00	.05
Roofers:					
Composition	8.50	.45	.40		
Mopmen - composition	8.75	.45	.40		
Helpers - composition (1st year)	3.50	.45	.40		
Helpers - composition (2 year)	5.60	.45	.40		
Slaters	8.65	.45	.40		
Sheet Metal Workers	10.20		.25	1.25	.02
Sprinkler Fitters	11.06	.60	.90		.08
Stone Masons	9.79		.40		
Terrazzo Workers	9.79		.40		
Tile Setters	9.79		.40		

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
b. Employer contributes 4% of basic hourly rate for 5 years of service or more and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

DECISION NO. MD77-3020

BUILDING CONSTRUCTION

1-MD-FED-1-I

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.38	.75	.75		.10
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus $ .40					
170' to 209' " .60					
210' to 249' " .80					
250' to 299' " 1.00					
300' and over 1.25					
GROUP 2	8.95	.75	.75		.10
GROUP 3	8.61	.75	.75		.10
GROUP 4	8.37	.75	.75		.10
GROUP 5	8.25	.75	.75		.10
GROUP 6	7.90	.75	.75		.10
GROUP 7	9.78	.75	.75		.10

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), Zimco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more), Bulldozer

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 C.F.M.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 C.F.M.)

GROUP 7 - Operators handling or setting steel, stone, prestressed concrete or machinery, Tower Cranes

DECISION NO. MD77-3020 1-MD-TD-1-A 1 of 1

BUILDING CONSTRUCTION:

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 7.56	.60	.70		
GROUP 2	7.71	.60	.70		
GROUP 3	7.91	.60	.70		
GROUP 4	8.10	.60	.70		
GROUP 5	8.34	.60	.70		

CLASSIFICATIONS

GROUP 1 - Dumpmen and Flagmen

GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks

GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity), Transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), gressers, firemen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks

GROUP 4 - Dump trucks (10 to 15 yd., capacity)

GROUP 5 - Dump trucks (over 15 yd., capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, rosa carriers, athey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumperates or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

SUPERSEDEAS DECISION

STATE: Maryland COUNTIES: Allegany and Garrett
DECISION NO: MD77-3021 DATE: Date of Publication
Supersedes Decision No. MD76-3276 dated November 12, 1976 in 41 FR 50158
DESCRIPTION OF WORK: Heavy and Highway Construction.

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Bricklayers	$ 9.79		.40		
Carpenters	9.79	.45	.25		.02
Cement masons	9.80	.45			
Electricians - Allegany Co.	10.13	.50	12+.25		1%
Electricians - Garrett Co.	10.55	.50	12+.25		1%
Ironworkers:					
Structural & reinforcing	9.84	.60	.90		
Laborers:					
Laborers unskilled & dumpmen	6.99	.40	.60		
Power tool operator, mason & plasterer's tender, mortar mixers by hand, scaffold bldrs. hod carriers, concrete puddler, pipe layers, rammers	7.11	.40	.60		
Mortar mixers by machine	7.18	.40	.60		
Blaster (dynamite), wagon drill	7.29	.40	.60		
Barco-tamper	7.25	.40	.60		
Tunnel Workers:					
Caisson, driller, mucker	7.81	.40	.60		
Unskilled laborer	7.45	.40	.60		
Gunnite Workers:					
Nozzleman, gun operator	7.29	.40	.60		
Laborers on scaffold	7.11	.40	.60		
Laborers on ground	6.99	.40	.60		
Piledriverman	10.08	.45	.25		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. MD77-3021

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.25	.75	.75	a	.10
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus $ .40					
170' to 209' " .60					
210' to 249' " .80					
250' to 299' " 1.00					
300' and over 1.25					
GROUP 2	8.83	.75	.75	a	.10
GROUP 3	8.49	.75	.75	a	.10
GROUP 4	8.25	.75	.75	a	.10
GROUP 5	8.17	.75	.75	a	.10
GROUP 6	7.78	.75	.75	a	.10
GROUP 7	9.65	.75	.75	a	.10

FOOTNOTE: a. 7 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more) space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), zimco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more), Bulldozer

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

GROUP 7 - Operators handling or setting steel, prestressed concrete or machinery, Tower Crane

DECISION NO. MDTT-3021

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.07	.75	.75		.10
Hourly additional pay for long boom cranes (including jibe), pile driver machines with leads:					
130' to 169' plus $ .40					
170' to 209' " .60					
210' to 249' " .80					
250' to 299' 1.00					
300' and over 1.25					
GROUP 2	8.61	.75	.75		.10
GROUP 3	8.31	.75	.75		.10
GROUP 4	8.08	.75	.75		.10
GROUP 5	7.86	.75	.75		.10
GROUP 6	7.61	.75	.75		.10
GROUP 7	9.47	.75	.75		.10

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), spacer heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6 another man), simco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more), Bulldozer

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine drive: welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Firemen, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

GROUP 7 - Operators handling or setting steel, stone, prestressed concrete or machinery, Tower Crane

DECISION NO. MDTT-3021

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 7.44	.60	.70		
GROUP 2	7.59	.60	.70		
GROUP 3	7.79	.60	.70		
GROUP 4	7.99	.60	.70		
GROUP 5	8.22	.60	.70		

CLASSIFICATIONS

GROUP 1 - Dumpmen and Flagmen

GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks

GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity), Transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), greasers, firemen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks

GROUP 4 - Dump trucks (10 to 15 yd., capicity)

GROUP 5 - Dump trucks (over 15 yd., capacity), bottom and end dump euclids, all other euclid type trucks, turnerockers, ross carriers, athey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumcretes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole & Pottawatomie

DECISION NO: OK77-4002

DATE: Date of Publication

SUPERSEDES DECISION NO. OK76-4136 dated July 30, 1976 in 41 FR 32177

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.70	.40	.60		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	9.67	.45	.50		.05
Lincoln, Pottawatomie and Seminole Counties	9.00	.45	.30		.05
Kingfisher County	8.05				
Logan County	8.35	.45	.50		.05
Caddo and Grady Counties	8.70	.50	.30		.10
CARPENTERS - ZONE I					
Carpenters	7.80				
Power saw operator	8.10				
Millwrights-Piledrivermen	9.35	.30	.25		.04
CARPENTERS - ZONE II					
Carpenters	9.10	.40	.25		.04
Millwrights-Piledrivermen	9.35	.40	.25		.04
Power saw operator	9.35	.40	.25		.04
CARPENTERS - ZONE III					
Carpenters	8.56	.30	.25		.04
Power saw operator	8.81	.30	.25		.04
Millwrights-Piledrivermen	8.81	.30	.25		.04
CARPENTERS - ZONE IV					
Carpenters	7.75	.25			.02
Millwrights-Piledrivermen	8.575	.25			.02
CARPENTERS - ZONE V					
Carpenters	7.25				
Millwrights-Piledrivermen	9.35	.40	.25		.04

CARPENTERS AREA DEFINITION

ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma, Canadian, Kingfisher and Logan Counties.

ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)

ZONE IV - Seminole County

ZONE V - Caddo and Grady Counties

DECISION NO. OK77-4002

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Lincoln, Oklahoma, McClain, Caddo, Grady, Cleveland, Canadian, Logan, and Kingfisher Counties	$ 8.48	.35			
ELECTRICIANS:					
Zone I	9.30	.50	1%+.50		1/2%
Zone II	9.55	.50	1%+.50		1/2%
Zone III	9.80	.50	1%+.50		1/2%
CABLE SPLICERS:					
Zone I	9.55	.50	1%+.50		1/2%
Zone II	9.80	.50	1%+.50		1/2%
Zone III	10.05	.50	1%+.50		1/2%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

ZONE I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City.

ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 post office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zones 1 and 2 and within the local union area.

ELEVATOR CONSTRUCTORS	8.855	.495	.32	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.495	.32	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER(PROB.)	50%JR				
GLAZIERS	7.20				
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
ZONE I					
Group I	6.50	.25	.30		
Group II	6.70	.25	.30		
ZONE II					
Group I	5.35	.25	.30		
Group II	5.80	.25	.30		
ZONE III					
Group I	5.55	.25	.30		
Group II	5.85	.25	.30		
ZONE IV					
Group I	5.20	.25	.30		
Group II	5.40	.25	.30		

LABORERS CLASSIFICATION DEFINITION

GROUP I - Unskilled laborers
GROUP II - Air tool operator (jackhammer-vibrator), mason tenders, mortar mixers, pipelayers (concrete and clay), plasterers tenders

AREA COVERED BY LABORERS ZONES

ZONE I - Oklahoma, Canadian, Logan, Pottawatomie, Lincoln and Cleveland Counties.
ZONE II - McClain, Caddo and Grady Counties
ZONE III - Seminole County
ZONE IV - Kingfisher County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$8.60				.01
LINE CONSTRUCTION:					
Linemen	9.35		1%		1/2%
Cable splicers	9.91		1%		1/2%
Hole digger operator	8.49		1%		1/2%
Heavy Equipment operators (or pole cat equivalent)	8.49		1%		1/2%
Line truck driver (winch op.)	7.68		1%		1/2%
Jack hammerman	7.00		1%		1/2%
Powderman	8.49		1%		1/2%
Groundman (1st year)	4.86		1%		1/2%
Groundman	6.24		1%		1/2%
Truck driver (flat bed, ton and half and under)	6.66		1%		1/2%
MARBLE MASONS	9.10		.20		
PAINTERS:					
Brush	7.45	.45	.35	.30	.03
Spray under 30 feet	7.95	.45	.35	.30	.03
Spray over 30 feet	8.45	.45	.35	.30	.03
Sandblasting under 30 feet	7.95	.45	.35	.30	.03
Sandblasting over 30 feet	8.45	.45	.35	.30	.03
Hazardous work	7.95	.45	.35	.30	.03
Paperhanging	8.45	.45	.35	.30	.03
Tapere using machine tools	7.95	.45	.35	.30	.03
PLASTERERS	9.30				.01
PLUMBERS-PIPEFITTERS	10.27	.60	.75		.10
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboon (booms 30' and over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook and overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboon (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast trenching machine, concrete pump-boom type
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of op., engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, comtinous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.

GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 8.40	.45	.25		.04
SHEET METAL WORKERS	9.91	.45	.40		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	8.85	.50			
SPRINKLER FITTERS	10.90	.50	.90		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	$ 9.10		.20		
TERRAZZO WORKERS' HELPERS	6.98				
TERRAZZO FLOOR MACHINE MAN	7.08				
TERRAZZO BASE MACHINE MAN	7.28				
TILE SETTERS	9.10		.20		
TILE & MARBLE HELPERS:					
Experienced helpers	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats
GROUP II - Heavy earth moving equipment such as dump trucks and Euclids.
GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4, and 1/2 ton pick-up trucks.

WELDERS - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
A. 1st 6 mos. - none; 6 mos. to 5 yrs. 2%; over 5 yrs. - 4% of basic hourly rate.
B. Paid Holidays A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

[FR Doc.77-1035 Filed 1-13-77;8:45 am]

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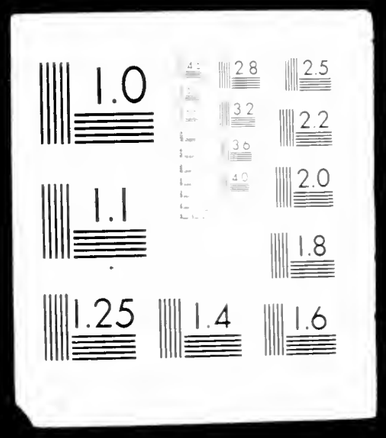


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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.